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Attorneys for Bill Molyneux

RECEIVED

SEP 02 2009

DEPARTMENT OF
WATER RESOURCES

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)
) **Subcase Nos. 37-2629, 37-2658,**
) **37-7584 & 37-7651**
)

) **AFFIDAVIT OF PAUL L.**
) **ARRINGTON (Bill Molyneux)**
)
)
)
)

STATE OF IDAHO)
) ss.
County of Twin Falls)

I, PAUL L. ARRINGTON, being first duly sworn upon oath, deposes and hereby states
as follows:

1. I am an attorney representing Bill Molyneux. I am over the age of 18 and state
the following based upon my own personal knowledge.
2. Bill Molyneux has water right claims in the SRBA that were subject to prior
licensing and transfer proceedings before the Idaho Department of Water Resources
("Department").
3. Water Right No. 37-2629 is based on a license, a true and correct copy of which is
attached hereto as Exhibit A. The license was subsequently subject to Transfer No. 73310, a

copy of which is attached hereto as Exhibit B. Water Right No. 37-2629 was recommended with the same quantity and place of use as Transfer No. 73310. A true and correct copy of the recommendation is attached hereto as Exhibit C.

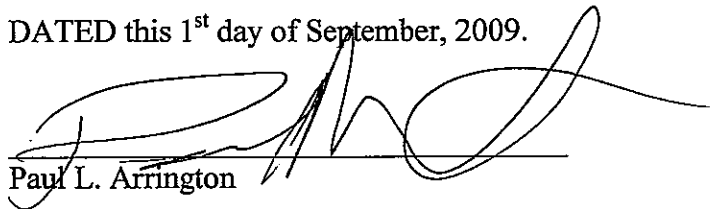
4. Water Right No. 37-2658 is based on License No. G-29686, a true and correct copy of which is attached hereto as Exhibit D. Water Right No. 37-2658 was recommended with the same period of use as the license. A true and correct copy of the recommendation is attached hereto as Exhibit E.

5. Water Right No. 37-7584 is based on a license, a true and correct copy of which is attached hereto as Exhibit F. The license was confirmed in Transfer No. 73310. Exhibit B. Water Right No. 37-7584 was recommended with the same quantity and period of use. A true and correct copy of the recommendation is attached hereto as Exhibit G.

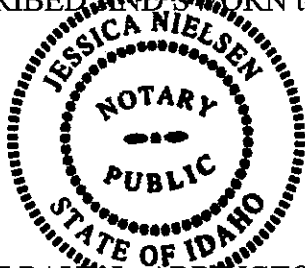
6. Water Right No. 37-7651 is based on a license, a true and correct copy of which is attached hereto as Exhibit H. Water Right No. 37-7651 was recommended with the same period of use as the license as the license. A true and correct copy of the recommendation is attached hereto as Exhibit I.

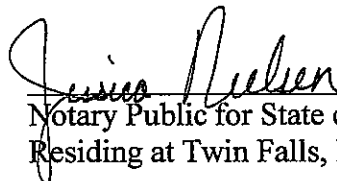
Further you affiant sayeth naught.

DATED this 1st day of September, 2009.


Paul L. Arrington

SUBSCRIBED AND SWORN to before me this 1st day of September, 2009.




Notary Public for State of Idaho
Residing at Twin Falls, Idaho.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of September, 2009, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to each of the following:

Scott L. Campbell
Tara Martens
Dylan B. Lawrence
Andrew J. Snook
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
101 So. Capital Blvd., 10th Floor
P. O. Box 829
Boise, ID 83701

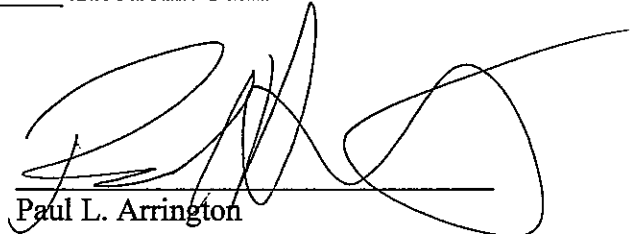
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P. O. Box 83720
Boise, ID 83720-00098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail

Chief, Natural Resources Division
Office of the Attorney General
STATE OF IDAHO
P. O. Box 44449
Boise, ID 83711-2530

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail



Paul L. Arrington

Exhibit A

State of Idaho

License and Certificate of Water Right

Water License No. G-28388

Amount 2.7 c.f.s.

Water District No.

Priority January 14, 1960

THIS IS TO CERTIFY that A. W. HOLMSTROM of Garnett, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 14, 1960; that Permit No. G-28388 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.7 second feet, was issued thereunder on October 16, 1962, showing that said works were completed on the 11th day of October, 1960; and that on the 11th day of October, 1960,

A. W. HOLMSTROM

of Garnett, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-28388 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7493, on the 16 day of October, 1962;

The right hereby confirmed dates from January 14, 1960;

The Point of Diversion is located

in the SE 1/4 NW 1/4, Sec. 19, Tp. 13, R. 20 E., B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13.	20 E.	19	SE 1/4 NW 1/4	34	30
			SW 1/4 NW 1/4	30.1	27
			NE 1/4 SW 1/4	29	34
			NW 1/4 SW 1/4	31.8	36
			Total number of acres to be irrigated:		135

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of October, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

37 2529

Exhibit B

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73310**

This is to certify that: A W MOLYNEUX
MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313
(208)788-2552

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-706C	AJC/Decreed	03/15/1883	0.7 cfs	N/A	N/A	284.0	BUTTE CREEK, LOVING CREEK
37-1082C	AJC/Decreed	07/08/1884	2 cfs	N/A	N/A	284.0	BUTTE CREEK, LOVING CREEK
37-2629	AJC/License	01/14/1960	2.5 cfs	437.5 af	N/A	124.9	GROUND WATER
37-7584	AJC/License	06/28/1977	0.86 cfs	351 af	N/A	117.0	GROUND WATER
37-11754	AJC/Beneficial Use	05/01/1952	3 cfs	N/A	N/A	284.0	WASTE WATER
37-21996	AJC/Decreed	05/29/1893	0.64 cfs	N/A	N/A	284.0	BUTTE CREEK, LOVING CREEK
37-21998	AJC/Decreed	06/15/1887	0.66 cfs	N/A	N/A	284.0	BUTTE CREEK, LOVING CREEK
37-22000	AJC/Decreed	04/01/1887	0.62 cfs	N/A	N/A	284.0	BUTTE CREEK, LOVING CREEK
37-22002	AJC/Decreed	06/03/1897	0.74 cfs	N/A	N/A	284.0	BUTTE CREEK, LOVING CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Sell</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-706C	NO	NO	YES	NO	NO	NO
37-1082C	NO	NO	YES	NO	NO	NO
37-2629	NO	NO	YES	NO	NO	NO
37-7584	NO	NO	YES	NO	NO	NO
37-11754	NO	NO	YES	NO	NO	NO
37-21996	NO	NO	YES	NO	NO	NO
37-21998	NO	NO	YES	NO	NO	NO
37-22000	NO	NO	YES	NO	NO	NO
37-22002	NO	NO	YES	NO	NO	NO

IN FILE # 37-706C
SUPPORT DATA

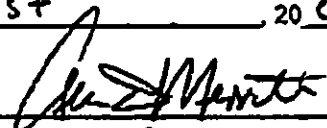
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73310**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acres Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acres Limit	Remaining Total Acres
37-706C	37-706C	0.7 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A
37-1082C	37-1082C	2.0 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A
37-2629	37-2629	2.5 cfs	437.5 af	124.9	138.9	N/A	N/A	N/A	N/A	N/A
37-7584	37-7584	0.86 cfs	351.0 af	117.0	134.0	N/A	N/A	N/A	N/A	N/A
37-11754	37-11754	3.0 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A
37-21996	37-21996	0.64 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A
37-21998	37-21998	0.66 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A
37-22000	37-22000	0.62 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A
37-22002	37-22002	0.74 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A
COMBINED										
TOTALS		11.72 cfs	N/A	284.0	298.0	N/A	N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of August, 2008



FOR Chief, Water Allocation Bureau

WATER RIGHT NO. 37-2629
As Modified by Transfer No. 73310

In accordance with the approval of Transfer No. 73310, Water Right No. 37-2629 is now described as follows.

Right Holder: MAXINE MOLYNEUX
 A W MOLYNEUX
 1174 GANNETT-PICABO RD
 BELLEVUE ID 83313

Priority Date: January 14, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	2.50 CFS	437.5 AF
			2.50 CFS	437.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENW Sec. 19 Twp 01S Rge 20E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	20E	19	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			1.6	1.3	30.0	34.0	36.0	36.0											138.9
					L1	L2		L3											

Total Acres: 138.9

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 124.9 acres within the place of use described above in a single irrigation season.
2. Rights 37-2629 and 37-7584 when combined shall not exceed the irrigation of 177.9 acres.
3. Rights 37- 706C, 37-1082C, 37-2629, 37-7584, 37-11754, 37-21996, 37-21998, 37-22000, and 37-22002 when combined shall not exceed the irrigation of 284 acres.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 37-2629
As Modified by Transfer No. 73310

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of August, 20 08

FOR



Chief, Water Allocation Bureau

**WATER RIGHT NO. 37-7584
As Modified by Transfer No. 73310**

In accordance with the approval of Transfer No. 73310, Water Right No. 37-7584 is now described as follows.

Right Holder: MAXINE MOLYNEUX
A W MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

Priority Date: June 28, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.86 CFS	351.0 AF
			0.86 CFS	351.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENENE Sec. 24 Twp 01S Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 19E 13																16.0	16.0
01S 19E 24	13.0																13.0
01S 20E 19					24.0	12.0			33.0	36.0							105.0
					L1	L2				L3							

Total Acres: 134

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 117 acres within the place of use described above in a single irrigation season.
2. Rights 37-2629 and 37-7584 when combined shall not exceed the irrigation of 177.9 acres.
3. Rights 37- 706C, 37-1082C, 37-2629, 37-7584, 37-11754, 37-21996, 37-21998, 37-22000, and 37-22002 when combined shall not exceed the irrigation of 284 acres.
4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

WATER RIGHT NO. 37-7584
As Modified by Transfer No. 73310

CONDITIONS OF APPROVAL

5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of August, 20 08



FOR Chief, Water Allocation Bureau

Exhibit C

09/09/2008

IDaho DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2629

NAME AND ADDRESS: MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313A W MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 2.500 CFS
437.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/14/1960

POINT OF
DIVERSION:

T01S R20E S19 NESENE within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.500 CFS 437.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R20E S19	NENW	1.60	T01S R20E S19 Lot 1 NENW	1.30	
T01S R20E S19 Lot 2	SWNW	30.00	T01S R20E S19	SENE	34.00
T01S R20E S19	NESE	36.00	T01S R20E S19 Lot 3	NENW	36.00

138.9 ACRES TOTAL

This right is limited to the irrigation of 138.9 acres within the place of use described above in a single irrigation season.

Rights 37-2629 and 37-7584 when combined shall not exceed the irrigation of 177.9 acres.

Rights 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754, 37-21996, 37-21998, 37-22000, and 37-22002 when combined shall not exceed the irrigation of 284 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Pursuant to Section 42-1412(5), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Exhibit D

WATER LICENSE

Water License No. G-29686 Priority May 3, 1961 Amount 6.71 c.f.s.

THIS IS TO CERTIFY, that VERNILE J. BYINGTON

of Gannett, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 3, 1961; that Permit G-29686 was issued pursuant to said application; that the proposed works were completed on or about July 15, 1961 with a storage or carrying capacity of 6.71 c.f.s., said works consisting of well, pump, and motor; and that on April 8, 1968 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 105.3 acre feet per season, with a maximum rate of diversion of 6.71 cubic feet per second of the waters of a well, tributary of subterranean flow for the purpose of irrigation from April 1st to November 1st; and for from to and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in NE 1/4 NW 1/4, Sec. 36, T. 1 N., R. 18 E., B.M., and other additional points Blaine; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 1053 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 N	18 E	36					31				40	40	40	40					231
1 S	18 E	1															40		40
		12	40	40															80

Total number of acres irrigated 351

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

9th day of September, 1968.

Jack A. Bennett
Chiefly State Reclamation Engineer

179686

Exhibit E

02/17/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2658

NAME AND ADDRESS: A W MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313JOHN I MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313KRISTY MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.710 CFS
1,228.50 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The rights listed below are limited to a total combined diversion rate of ~~27.44~~ 27.59 cfs. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.

The rights listed below are limited to a total combined diversion rate of 9.24 cfs and to a total combined annual diversion volume of 2068.5 AF. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, and 37-11430.

PRIORITY DATE: 05/03/1961

POINT OF
DIVERSION:

T01N R18E S36 NWNENW Within BLAINE County
T01S R18E S12 NENWNE Within BLAINE County
T01S R18E S12 SWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	6.710 CFS 1,228.50 AFY
PLACE OF USE: IRRIGATION in BLAINE County		
T01N R18E S36 NESW 40.00	T01N R18E S36 NWSW 40.00	
T01N R18E S36 SWSW 38.00	T01N R18E S36 SESW 39.00	
T01S R18E S01 Lot 2 SWNE 19.00	T01S R18E S01 Lot 1 SENE 19.00	
T01S R18E S01 Lot 3 SENW 5.00	T01S R18E S01 NESW 20.00	
T01S R18E S01 SESW 35.00	T01S R18E S01 NESE 40.00	
T01S R18E S01 NWSE 40.00	T01S R18E S01 SWSE 40.00	
T01S R18E S01 SESE 39.00	T01S R18E S12 NENE 38.00	
T01S R18E S12 NWNE 40.00	T01S R18E S12 NENW 38.00	
T01S R18E S12 NWNW 8.00	T01S R18E S12 SWNW 13.00	
T01S R18E S12 SENW 40.00		

591 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 591 acres in a single irrigation season. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.

This right is limited to the irrigation of 351 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

~~This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.~~

If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right No. 37-11430 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Exhibit F

WATER RIGHT LICENSE

WATER RIGHT NO. 37-7584

Priority: June 28, 1977

Amount: .86 CFS 351.0 AFA

This is to certify, that A. W. MOLYNEUX
MAXINE MOLYNEUX

P.O. BOX 400
BELLEVUE, ID 83313

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 15, 1977, and has submitted proof to the Department of Water Resources on July 3, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .86 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	.86 cfs	351.0 afa

LOCATION OF POINT OF DIVERSION(S): NENE, Sec. 24, Township 1S, Range 19E
Blaine County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
1S	19E	13	SESE 16				16
		24	NENE 13				13
1S	20E	19	LOT 1(NW1/4)24	LOT 2(SW1/4) 1	NESW 30	LOT 3(NW1/4)33	88

Total number of acres irrigated: 117

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of November, 19 87.

NOT RECORDED

Director

MAR 10 1988

Exhibit G

09/09/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7584

NAME AND ADDRESS: MAXINE MOLYNEUX
1174 GANNETT-PICADO RD
BILLEVUE ID 83313A W MOLYNEUX
1174 GANNETT-PICADO RD
BILLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.860 CFS
351.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/28/1977

POINT OF
DIVERSION:

T01S R19E S24 MENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 11/01

0.860 CFS
351.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01S R19E S13	SESE	16.00	T01S R19E S24	NENE	13.00
T01S R20E S19 Lot 1	NW	24.00	T01S R20E S19 Lot 2	SW	12.00
T01S R20E S19	NE	33.00	T01S R20E S19 Lot 3	NW	36.00

124 ACRES TOTAL

Rights 37-2629 and 37-7584 when combined shall not exceed the irrigation of 177.9 acres.

Rights 37-706C, 37-1082C, 37-2629, 37-7584, 37-11754, 37-21996, 37-21998, 37-22000, and 37-22002 when combined shall not exceed the irrigation of 284 acres.

This right is limited to the irrigation of 117 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Exhibit H

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 37-07651

Priority: August 2, 1977 Maximum Diversion Rate: 2.05 CFS
Annual Consumptive Volume: 300.0 AF

This is to certify, that A. W. MOLYNEUX
MAXINE MOLYNEUX

P.O. BOX 400
BELLEVUE, ID 83313 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated August 2, 1977, and
has submitted proof to the Department of Water Resources on April 12, 1982, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of 2.050 cfs of water from a GROUNDWATER
source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.05 CFS	300.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE, Sec. 12, Township 01S, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	18E	1	SWSE 40			40
		12	NENE 40	NWNE 40		80
Total number of acres irrigated:						120

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 17th
day of MAY, 1984.

MICROFILMED

Attest for


R. Keith Higginson, Director

JUN 13 1989

Exhibit I

02/17/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7651

NAME AND ADDRESS: MAXINE MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

A W MOLYNEUX
1174 GANNETT-PICABO RD
BELLEVUE ID 83313

JOHN I MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

KRISTY MOLYNEUX
10407 HWY 75
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.050 CFS
420.00 AFY

The rights listed below are limited to a total combined diversion rate of ~~27.41~~ 27.59 cfs. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.

The rights listed below are limited to a total combined diversion rate of 9.24 cfs and to a total combined annual diversion volume of 2068.5 AF. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, and 37-11430.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 08/02/1977

POINT OF
DIVERSION:

T01N R18E S36 NWNENW Within BLAINE County
T01S R18E S12 NENWNE Within BLAINE County
T01S R18E S12 SWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	2.050 CFS 420.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County		
T01N R18E S36	NESW	40.00
T01N R18E S36	SWSW	38.00
T01S R18E S01 Lot 2	SWNE	19.00
T01S R18E S01 Lot 3	SENW	5.00
T01S R18E S01	SESW	35.00
T01S R18E S01	NWSE	40.00
T01S R18E S01	SESE	39.00
T01S R18E S12	NWNE	40.00
T01S R18E S12	NWNW	8.00
T01S R18E S12	SENW	40.00

591 ACRES TOTAL

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 591 acres in a single irrigation season. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Right No. 37-11430 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

~~This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.~~

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.