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RECEIVED
NOV 16 2009
DEPARTMENT OF
WATER RESOURCES

Attorneys for Objector, Twin Falls Canal Company

**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	)	
	)	Subcase Nos.: 47-2479A, 47-4311,
	)	47-17280, 47-17281
	)	
Case No. 39576	)	AFFIDAVIT OF PAUL L.
	)	ARRINGTON
	)	
	)	

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

1. I am an attorney representing Twin Falls Canal Company. I am over the age of 18 and state the following based on my personal knowledge.
2. Attached hereto, as Exhibit A, is a true and correct copy of the Director's Report for water right 47-2479A, dated January 27, 2007.
3. Attached hereto, as Exhibit B, is a true and correct copy of an *Application for Permit*, retrieved from the Idaho Department of Water Resources ("IDWR") backfile for water right 47-2479 on the Department's website at www.idwr.idaho.gov.

4. Attached hereto, as Exhibit C, is a true and correct of the *Amended Notice of Claim to a Water Right Acquired under State Law*, dated May 10, 1990, retrieved from the IDWR backfile for water right 47-2479A.

5. Attached hereto, as Exhibit D, is a true and correct copy of the *Amended Judgment*, dated June 24, 1992, issued by Daniel C. Hurlbutt, in the case of *Beard v. Funk*, Fifth Judicial District, County of Twin Falls (Case No. CV 90-1250).

6. Attached hereto, as Exhibit E, is a true and correct copy of the Pedigree Search for water right 47-2479B, retrieved from the IDWR website.

7. Attached hereto, as Exhibit F, is a true and correct copy of the Director's Report for water right 47-17280, dated January 27, 2007.

8. Attached hereto, as Exhibit G, is a true and correct copy of the Director's Report for water right 47-17281, dated January 27, 2007.

9. Attached hereto, as Exhibit H, is a true and correct copy of the *Amended Notice of Claim to a Water Right Acquired under State Law*, dated May 10, 1990, retrieved from the IDWR backfile for water right 47-2479B.

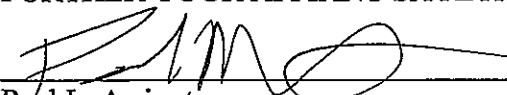
10. Attached hereto, as Exhibit I, is a true and correct copy of the *Amended Notice of Claim to a Water Right Acquired under State Law*, dated May 10, 1990, retrieved from the IDWR backfile for water right 47-4311.

11. Attached hereto, as Exhibit J, is a true and correct copy of the *Affidavit of Perry David Brown*, dated March 3, 1995, retrieved from the IDWR backfile for water right 47-4311.

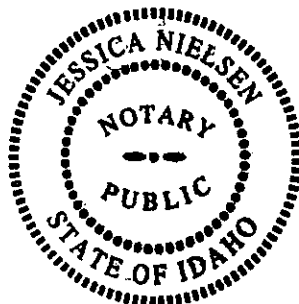
12. Attached hereto, as Exhibit K, is a true and correct copy of the Director's Report for water right 47-4311, dated January 27, 2007.

DATED this 13th day of November, 2009

FURTHER YOUR AFFIANT SAYETH NAUGHT


Paul L. Arrington

SUBSCRIBED & SWORN to before me this 13 day of November, 2009.




Notary Public in and for the State of Idaho
My Commission Expires: 4/3/12

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2009, I served true and correct copies of the foregoing **AFFIDAVIT OF PAUL L. ARRINGTON** via U.S. mail, postage prepaid, and addressed to the following:

IDWR
P.O. Box 83720
Boise, ID 83720

United States Department of Justice
Environment & Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711

David Coleman
P.O. Box 525
Twin Falls, ID 83303-0525

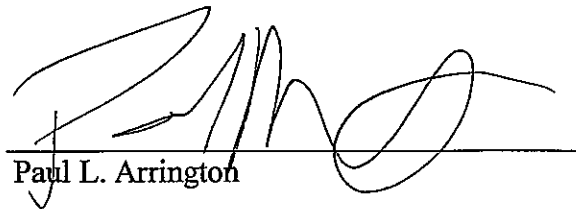

Paul L. Arrington

Exhibit A

01/29/2007

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

RIGHT NUMBER: 47-2479A
NAME AND ADDRESS: MONA NEILL
3550 E 3100 N
KIMBERLY ID 83341

SOURCE: UNNAMED STREAM

TRIBUTARY: ROCK CREEK

QUANTITY: 1.500 CFS
300.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre.

PRIORITY DATE: 08/04/1910

POINT OF

DIVERSION: T11S R18E S23 SWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.500 CFS
300.00 AFY

PLACE OF USE: IRRIGATION in TWIN FALLS County

T11S R18E S21

SWSW

34.00

T11S R18E S21

SESW

36.00

T11S R18E S21

SWSE

20.00

90 ACRES TOTAL

This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Twin Falls Canal Co.

This right is a split from former right 47-2479.

Exhibit B

No. 9342

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: William A. McBride

Postoffice address: Alden

County: Bladen State: Iowa

2. The quantity of water claimed is four and one-half (4 1/2) cubic feet per second.

3. Source of water supply: Spring located on NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. No. twenty-three (23) township eleven (11) S. Range 18 E.B.M. Twin Falls County, Idaho

4. Location of point of diversion: 810 ft. South, 23 degrees and 5" min E. of the east quarter corner of Sec. No. 22, Twp. 11 S. Range 18 E.B.M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: three hundred sixty acres

(b) In the following legal subdivisions: SW $\frac{1}{4}$ & S $\frac{1}{2}$ of NW $\frac{1}{4}$ of sec. 21, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of 22, & W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 27, all Twp. 11 S. Range 18 E.B.M.

6. Estimated cost of works: One thousand dollars (\$1,000.00)

7. Description of works for diversion:

I. Kind of works: Dam about three feet high, 200 feet long to divert water into ditch

II. Dimensions of works:

(a) Height of dam three feet, length of dam at top 200 feet, length of dam at bottom 200 feet. Material used in construction: Earth

(d) Conduit. Average grade per mile is 06" feet. Length of conduit is ..miles, and it crosses the following quarter sections: E $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 22, part of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, 23 and SE $\frac{1}{4}$ 21, all in Twp. 11 S.R. 18 E.B.M. to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is two months.

9. Time required for the complete application of the water to the proposed use is four additional years.

BE IT KNOWN, That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

William A. McBride,

Applicant

By J. Benj. Hall...Agent

Remarks: Send all communication to J.Benj.Hall, Twin Falls, Idaho

The dam referred to at (7-1) is for the purpose of gathering all the small springs and seepage into one pond and raise it a trifle to flow into ditch at point of diversion.

The SW $\frac{1}{4}$ & NW $\frac{1}{4}$ are under cultivation at this time, except a little on SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, Twp. 11 S. Range 18 E.B.M.

APPROVAL OF STATE ENGINEER

The number of this permit is 6440.

Date of first receipt of application: 9.00 A.M. August 4, 1910

Recorded in Book 19. Page 6440. Approved August 12, 1910.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before October 11, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 12 1910.

The whole of said work to be completed on or before February 12, 1911.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to February 12, 1911.

Witness my hand this twelfth day of August, 1910.

D.G.Martin
State Engineer

Exhibit C

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-02479A
Date Received: 9/16/1988
Receipt No: S002242
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHARLES E. PAWSON 208-678-1785
Address: RT. 2 BOX 2542
HEYBURN, ID 83336

OR

Name: LARRY L. PAWSON 208-326-4527
Address: BOX 436
FILER, ID 83328

2. Date of Priority: AUG 04, 1910

3. Source: SPRINGS Trib. to: ROCK CREEK
UNNAMED STREAM ROCK CREEK
WASTE WATER ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	18E	23	NE	SW	SW		TWIN FALLS
			NW	SW	SW	R	TWIN FALLS
			NW	SE	SE		TWIN FALLS
			SW	SE	SE		TWIN FALLS

5. Description of diverting works:
OPEN DITCH AS COLLECTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.500		

7. Total Quantity Appropriated is:
1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 285.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A47-02479A

Page 1

Date: 05/10/90

MICROFILMED

MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
11S	18E	21	SW	SW		IRR	35.0
			SE	SW		IRR	40.0
			SW	SE		IRR	20.0
						Section Acres	95.0
						Total Acres	95.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
TFCC

14. Remarks:

PROPERTY IS IN ESTATE AT FILING.
TRANS. 2758

ORIGINAL P/D CONSISTS OF SPRINGS THAT SEEP OUT OF GROUND IN MULTIPLE LOCATIONS. REDIVERT WATER IN NESWSW QTR THROUGH PIPE. SOURCE ALSO KNOWN LOCALLY AS SEEPS, DRAINAGE WATER, & TILE DRAINS AND IS NOT LIMITED TO THESE IDENTIFYING NAMES.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Garry L. Lawren Date: 5/10/90
Date:

MICROFILMED

MAR 11 1993

State of Idaho

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this

10th

day

of

May

19

90

Steve C. Allen
Notary Public

Seal

Residing at

Twin Falls

My Commission Expires

Dec 7, 1994

Exhibit D

AVIATION

DISTRICT COURT
Fifth Judicial District
County of Twin Falls, Idaho

JUN 24 1992

By _____
Clerk

Deputy Clerk

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

RICHARD A. BEARD and LARRY L.
PAWSON,

Plaintiffs,

vs.

DAVID FUNK and DARRELL FUNK,

Defendants.

Case No. CV 90-01250

AMENDED JUDGMENT

THIS CAUSE having come on regularly for trial before the court sitting without a jury on April 9, 1991, with Gary D. Slette of the firm of Rosholt, Robertson and Tucker appearing as attorney for the plaintiffs, and Roger D. Ling of the firm of Ling, Nielsen and Robinson appearing as attorney for the defendants, and the court having heard the testimony and having examined the proofs offered by the respective parties, and having filed herein its Decision and Order granting defendants' Motion to Amend Findings of Fact and Conclusions of Law and Judgment dated October 28, 1991, and having filed herein its Amended Memorandum Decision as Findings of Fact and Conclusions of Law,

AMENDED JUDGMENT - 1

and having directed that an Amended Judgment be entered in accordance therewith,

NOW, THEREFORE, by reason of said law and findings,

IT IS ORDERED, ADJUDGED AND DECREED, that plaintiffs have appropriated pursuant to License No. 47-2479 with a priority of August 4, 1910, ^{176 Minor Inc.} 3.4 cfs of water from springs and seepage collected in that certain drainage ditch located on defendants' property and plaintiff Richard A. Beard has appropriated .46 cfs of water under License 47-4311 with a priority of March 15, 1968 from the same source and collected in the same drainage ditches, which are more particularly described hereafter, which water enters a pipeline approximately 225 feet east of the southwest corner of the NW1SW1 of Section 23, Township 11 South, Range 18 East of the Boise Meridian, all of which are on defendants' real property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the water appropriated by the plaintiffs is from those springs, seeps and subsurface drainage collected and flowing in those certain drain ditches located on defendants' real property, commencing at a point where the water in said drain ditches enters a pipeline approximately 225 feet east of the southwest corner of the NW1SW1 of Section 23, Township 11 South, Range 18 East of the Boise Meridian; thence east approximately 1,485 feet more or less; thence southeasterly on a meandering line approximately 720 feet; and that certain branch of the said drain ditch which enters the

above drain approximately 990 feet east of the point at which the above drain enters a pipeline; and thence running south along the east boundary of the SW1/4 of said Section 23 for a distance of approximately 660 feet; thence east a distance of approximately 245 feet; thence south a distance of approximately 245 feet to a point where said drain connects with a drain south of and parallel to an existing road which flows from the east in an east to west direction for approximately 1,000 feet to its confluence with the south to north drain, as shown by Exhibit "A" attached hereto and made a part hereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the defendants and their successors and assigns are permanently enjoined from maintaining or operating that certain irrigation pump and upright tile in which said pump has been installed for the diversion of water flowing in that certain buried tile drain in which subsurface, seepage and spring water is collected and ultimately flows into the above drain ditch at a point approximately 900 feet east of the point where the above-described drain enters the pipeline, which is a part of the subsurface, springs and seepage water appropriated by plaintiffs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the defendants are not prohibited from recapturing subsurface and surface waste water from the irrigation of defendants' real property, to the extent the defendants, their successors or assigns can identify said waste water to be from the irrigation

of defendants' real property, or such other seepage, subsurface or surface waste water arising on defendants' real property in excess of the water collected by the above-described drain ditches and appropriated by plaintiffs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by stipulation of the parties, that the following subsurface, seepage, drain or waste water collected by defendants on their real property is not a part of the springs, seepage and subsurface water appropriated by plaintiffs under their respective licenses, to-wit:

(A) Surface waste, subsurface, seepage and drain water collected in that certain south to north drain located in the S½SE½SW¼ of said Section 23 and the NE½NW¼ of Section 26, Township 11 South, Range 18 East of the Boise Meridian, from a point south of the point where the east to west drain along the south side of an existing road intersects the south to north drain as hereinbefore described. Only those surface waste, seepage and drain waters in said south to north drain, south of its confluence with the east to west drain located along the south side of the existing road shall be the water referred to in this subparagraph.

(B) Surface waste, seepage and drain water collected by that certain drain tile located in the NE½NW¼ of said Section 26 above-described, which drains into the south to north drain described in subparagraph (A) above.

(C) Surface waste, seepage and drain water drained by

that certain drain tile located in the NW¼NW¼ of said Section 26.

(D) Surface waste, springs and seepage water in the NW¼SW¼ of said Section 23, Save and Except the south 300 feet of said NW¼SW¼. The seepage water included in this subparagraph (D) includes that water now collected by defendants in that certain drain tile located in the NW¼SW¼ and which drains water to the north boundary of the said NW¼SW¼ of said Section 23.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that defendants shall, within thirty (30) days of the date of the entry of this Amended Judgment, remove the irrigation pump and top section of the upright tile which the defendants have hereby been permanently enjoined from operating and maintaining.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that plaintiffs shall be entitled to recover from defendants their costs incurred herein in the sum of \$ _____ and attorney fees in the sum of \$ _____

DATED this 24 day of June, 1992.

Daniel C. Hurlbutt
Daniel C. Hurlbutt
District Judge

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Richard H. Beard Date: 5/10/90

Date: _____

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of May 19 90 Ethan Cole
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

Exhibit E

Pedigree Search (History of Water Right Number splits)

Adjudication Pedigree for 47-2479B

- Water Right Number / Status /Reason for split**
- 47-2479B /Parent /Ownership Change**
 - 47-17280 /Active /Ownership Change**
 - 47-17281 /Active /Ownership Change**

Water Right Pedigree for 47-2479B

- Water Right Number / Status /Reason for split**
- 47-2479B /Parent /Ownership Change**
 - 47-17280 /Active /Ownership Change**
 - 47-17281 /Active /Ownership Change**

Exhibit F

01/29/2007

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

RIGHT NUMBER: 47-17280

NAME AND ADDRESS: FRED A BEARD
3555 N 3400 E
KIMBERLY ID 83341-5286

RICHARD A BEARD
3555 N 3400 E
KIMBERLY ID 83341-5286

SOURCE: UNNAMED STREAM

TRIBUTARY: ROCK CREEK

QUANTITY: 0.400 CFS

This right when combined with all other rights shall provide no more than
0.02 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 08/04/1910

POINT OF
DIVERSION: T11S R18E S23 SWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.400 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T11S R18E S21 NWSE 20.00

20 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Twin Falls Canal Co.

This right is a split from former right 47-2479B.

Exhibit G

01/29/2007

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

RIGHT NUMBER: 47-17281

NAME AND ADDRESS: RANCH GATE SUBDIVISION HOMEOWNERS ASSN INC
PO BOX 309
KIMBERLY ID 83341

SOURCE: UNNAMED STREAM TRIBUTARY: ROCK CREEK

QUANTITY: 1.460 CFS

This right when combined with all other rights shall provide no more than
0.02 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 08/04/1910

POINT OF
DIVERSION: T11S R18E S23 SWNWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.460 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T11S R18E S21	SWNW	6.00	T11S R18E S21	SENE	16.00
T11S R18E S21	NESW	40.00	T11S R18E S21	NWSW	33.00

95 ACRES TOTAL

Right Nos. 47-17281 and 47-4311 are limited to the irrigation of a combined
total of 95 acres in a single irrigation season.

This right is limited to the irrigation of 73 acres within the place of use
described above in a single irrigation season.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Twin Falls Canal Co.

This right is a split from former right 47-2479B.

Exhibit H

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-02479B
Date Received: 12/05/1988
Receipt No: S004198
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RICHARD A. BEARD 208-423-5311
Address: RT. 2 BOX 306
GEM DRIVE
KIMBERLY, ID 83341

AND/OR

Name: FREDA K. BEARD 208-423-5311
Address: RT. 2 BOX 306
GEM DRIVE
KIMBERLY, ID 83341

2. Date of Priority: AUG 04, 1910

3. Source: SPRINGS Trib. to: ROCK CREEK
UNNAMED STREAM ROCK CREEK
WASTE WATER ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	18E	23	NE	SW	SW		TWIN FALLS
			NW	SW	SW	R	TWIN FALLS
			NW	SE	SE		TWIN FALLS
			SW	SE	SE		TWIN FALLS

5. Description of diverting works:
OPEN DITCH AS COLLECTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.900		

7. Total Quantity Appropriated is:
1.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 285.0 Acre Feet Per Annum.

A47-02479B

Page 1

Date: 05/10/90

MICROFILMED
MAR 11 1993

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	21	SW	NW		IRR	6.0
			SE	NW		IRR	15.0
			NE	SW		IRR	20.0
			NW	SW		IRR	34.0
			NW	SE		IRR	20.0
Section Acres							95.0
Total Acres							95.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
30 SHARES OF TFCC, A47-04311 & WASTE WATER CLAIM.

14. Remarks:
TRANS. 2758
ORIGINAL P/D CONSISTS OF SPRINGS THAT SEEP OUT OF GROUND IN
MULTIPLE LOCATIONS. REDIVERT THE WATER IN NESWSW QTR THROUGH
PIPE.
SOURCE ALSO KNOWN LOCALLY AS SEEPS, DRAINAGE WATER, & TILE DRAINS
AND IS NOT LIMITED TO THESE IDENTIFYING NAMES.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	21	SE	NW		IRR	3.0
			NE	SW		IRR	20.0
Section Acres							23.0
Total Acres							23.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A47-02479B ON ADJ. LAND, TFCC, & CLAIM FOR WASTE WATER

14. Remarks:

TRANS. 2865.

SOURCE ALSO KNOWN LOCALLY AS SEEPS, DRAINAGE WATER, & TILE DRAINS
AND IS NOT LIMITED TO THESE IDENTIFYING NAMES.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Richard H. Bend Date: 5/10/90

Date: _____

State of Idaho

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 10th day

of May 19 90

Stuart C. [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7 1994

Exhibit I

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-04311
Date Received: 12/05/1988
Receipt No: S004198
Received By: See

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RICHARD A. BEARD 208-423-5311
Address: RT. 2 BOX 306
KIMBERLY, ID 83341

AND/OR

Name: FRED A. BEARD 208-423-5311
Address: RT. 2 BOX 306
KIMBERLY, ID 83341

2. Date of Priority: MAR 15, 1968

3. Source: SPRINGS Trib. to: ROCK CREEK
UNNAMED STREAM ROCK CREEK
WASTE WATER ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	18E	23	SW	NW	SW		TWIN FALLS

5. Description of diverting works:
POND, PUMP, SPRINKLERS, GRAVITY SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		

7. Total Quantity Appropriated is:
0.460 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 69.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A47-04311

Page

1

Date: 05/10/90

ICROFILMED

MAR 11 1993

Exhibit J

RECEIVED

MAR 13 1995

AFFIDAVIT

Department of Water Resources
Southern Region

IN THE MATTER OF:

A47-04311

STATE OF IDAHO

COUNTY OF Twin Falls

Perry David Brown

BEING FIRST DULY SWORN,

DEPOSES AND SAYS:

The waste water was
being up by the spring ditch
that was the main water source.
I saw the water being used
in 1970. My Dad & I owned
the farms at this time. And
I was taking care of all water.

Perry David Brown
(SIGNATURE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF March,
19 95.

Mary A. Baldwin
(NOTARY PUBLIC)

RESIDING AT

Gooding Id

MY COMMISSION EXPIRES

10/16/1998

NOV 28 1996

Exhibit K

01/29/2007

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

RIGHT NUMBER: 47-4311

NAME AND ADDRESS: RANCH GATE SUBDIVISION HOMEOWNERS ASSN INC
PO BOX 309
KIMBERLY ID 83341

SOURCE: UNNAMED STREAM

TRIBUTARY: ROCK CREEK

QUANTITY: 0.440 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands below.

PRIORITY DATE: 12/31/1970

POINT OF
DIVERSION: T11S R18E S23 SWNWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.440 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T11S R18E S21	SWNW	6.00	T11S R18E S21	SENW	16.00
T11S R18E S21	NESW	40.00	T11S R18E S21	NWSW	33.00

95 ACRES TOTAL

Right Nos. 47-17281 and 47-4311 are limited to the irrigation of a combined total of 95 acres in a single irrigation season.

This right is limited to the irrigation of 22 acres within the place of use described above in a single irrigation season.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Twin Falls Canal Co.