

→

**TOTAL DIVERSION: 2.87 CFS**

**Stage: LICENSE**

**POWER County**

NE

**TOTAL ACRES**

**Conditions of Approval:**

**- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER**

- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY

USE OF THIS RIGHT WITH RIGHT NO. 35-07618 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.74 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1584 AF.

**USE OF THIS RIGHT WITH RIGHT NO. 35-07161B IS LIMITED TO THE**

IRRIGATION OF A COMBINED TOTAL OF 396 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 199 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 35-07161B IS ALSO DIVERTED THROUGH POINT OF

AJ0749NP  
No. R35-07162B

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 12/22/98  
PAGE: 2

Remarks: DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:



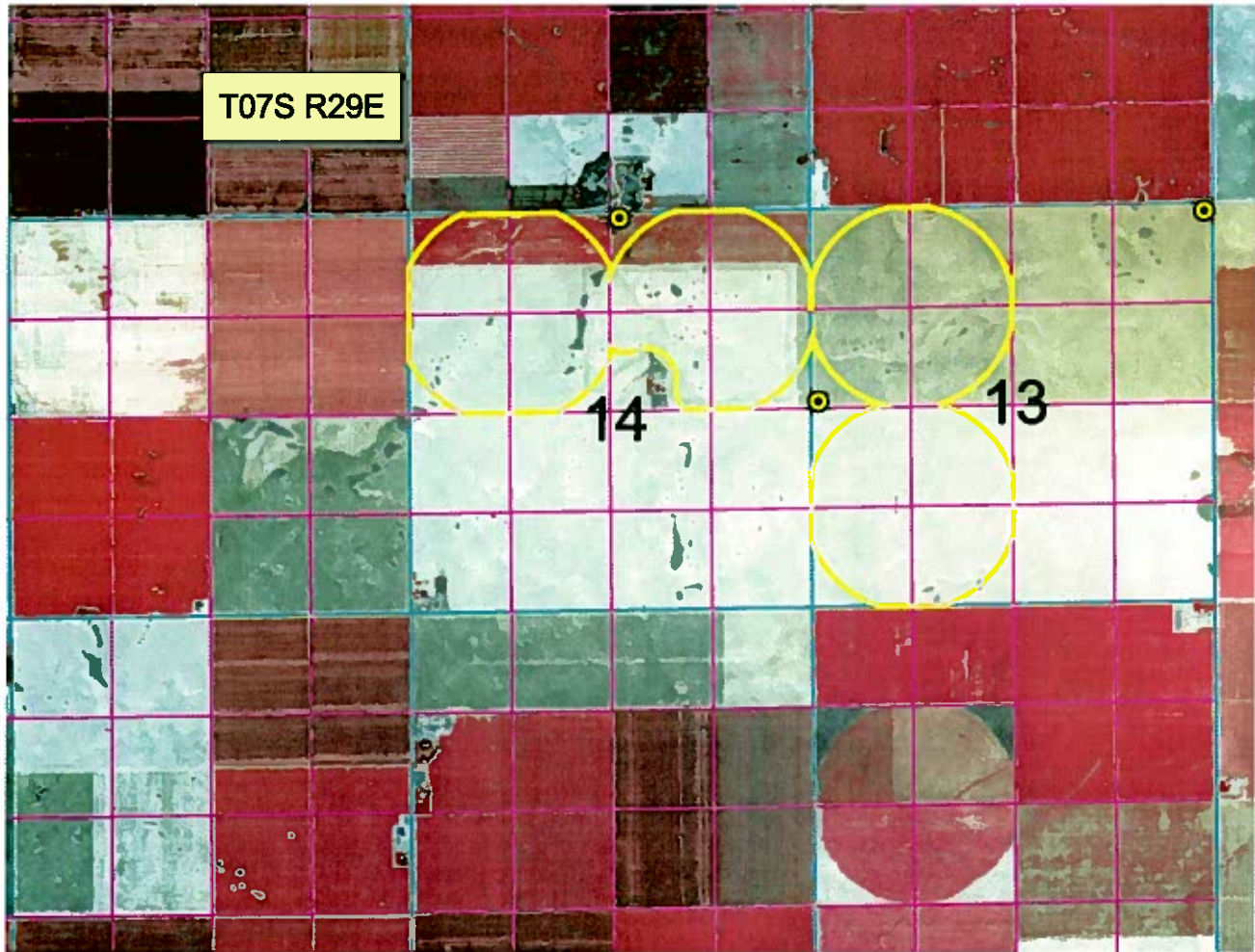
# STATE OF IDAHO

## Department of Water Resources

### Eastern Region

*Uddi*

Water Right(s): 35-07161A,  
35-07162A, □35-07977B



0 2640 5280 7920 10560 Feet

#### LEGEND



Point of Diversion



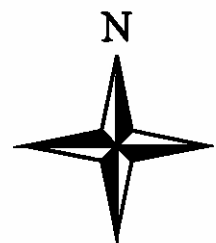
Place of Use



Section Line



Quarter-section line



GIS Place of Use Illustration  
1987/1988 NAPP photography  
Prepared by: E. Carlsen  
Date: February 2000



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

February 17, 2000

LARRY BETHKE  
2745 S BREDDING RD  
AMERICAN FALLS ID 83211

RE: ' Transfer #5369 (water right 35-07161A, 35-07162A, 35-07977, 35-07977A, 35-07977B) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Bethke:

On August 6, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #5369, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree  
Technical Records Specialist

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

)

Water Rights: 35-07161A,  
35-07162A, 35-07977, 35-07977A, 35-07977B

)

Case No. 39576

)

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 5369

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☒ split of water right ☐ change in ownership

☒ OTHER: CORRECT LEGAL DESCRIPTION ERROR ON TRX 4885

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 18 Feb 2000

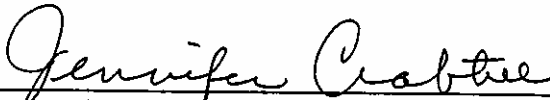


Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 2/22, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
LARRY BETHKE  
2745 S BREDDING RD  
AMERICAN FALLS ID 83211
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
N/A
4. One copy to:  
Each party in the subcase, or attorney of record  
JOHN ROSHOLT  
ROSHOLT ROBERTSON & TUCKER  
PO BOX 1906  
TWIN FALLS ID 83303-1906
5. One copy each to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

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

DATE: FEB-17-2000  
PAGE: A-3

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 35-07162A

NAME & ADDRESS: LARRY BETHKE  
MONICA BETHKE  
2745 BREDDING RD  
AMERICAN FALLS ID 83211

SOURCE: GROUNDWATER

QUANTITY: 2.64 CFS  
732.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 8.32 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 2136.8 AF. COMBINED RIGHT  
NOS.: 35-07161A, 35-07162A, 35-07977B, 35-08046 AND 35-08050.

PRIORITY DATE: 01/13/1971

POINT OF DIVERSION: T07S R29E S13 NENE Within POWER County  
S14 SWNW  
NWNE

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|-------------------------------|----------------|---------------|-----------|
| IRRIGATION                    |                | 04-01 10-31   | 2.64 CFS  |
|                               |                |               | 732.0 AFY |

| PLACE OF USE:     | IRRIGATION | Within POWER County |         |         |  |
|-------------------|------------|---------------------|---------|---------|--|
| T07S R29E S13     | NENW 33    | NWNW 33             | SWNW 33 | SENW 33 |  |
|                   | NESW 33    | NWSW 33             | SWSW 33 | SESW 33 |  |
| S14               | NENE 33.4  | NWNE 33.4           | SWNE 20 | SENE 33 |  |
|                   | NENW 37.2  | NWNW 37.2           | SWNW 38 | SENW 38 |  |
| 534.2 ACRES TOTAL |            |                     |         |         |  |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 183 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.

AJ5856WP

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

DATE: FEB-17-2000  
PAGE: A-4

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 35-07162A (CONT)  
-----

OTHER PROVISIONS: (CONT)

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY  
TRANSFER NO. 5369 BY AUGUST 6, 2000.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 35-07161A, 35-07162A, 35-07977B,  
35-08046 AND 35-08050.

RIGHTS 35-07161B AND 35-07162B ARE ALSO DIVERTED THROUGH THE  
POINT OF DIVERSION IN TWP 07S RNG 29E SECT 13 NE1/4NE1/4.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

AUG 12 1999

TRANSFER NO. 5369  
WATER RIGHT NO(S) . 35-07161A/35-07162A/35-07977B  
35-08046/35-08050

Department of Water Resources  
Eastern Region

This is to certify that: LARRY BETHKE  
2745 S BREDDING RD  
AMERICAN FALLS ID 83211

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u>                                       | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-------------------------------------------------------------|----------------------|-----------------------|----------------------|
| Right No. 35-07161A :<br>IRRIGATION<br>Priority: 01/13/1971 | 04/01 to 10/31       | 2.64 CFS              | 728.0 AF             |
| Right No. 35-07162A :<br>IRRIGATION<br>Priority: 01/13/1971 | 04/01 to 10/31       | 2.64 CFS              | 732.0 AF             |
| Right No. 35-07977B :<br>IRRIGATION<br>Priority: 04/21/1981 | 04/01 to 11/01       | 1.23 CFS              | 312.0 AF             |
| Right No. 35-08046 :<br>IRRIGATION<br>Priority: 06/11/1982  | 04/01 to 10/31       | 1.00 CFS              | 203.2 AF             |
| Right No. 35-08050 :<br>IRRIGATION<br>Priority: 08/03/1982  | 04/01 to 10/31       | 0.81 CFS              | 161.6 AF             |
| TOTAL:                                                      |                      | * 8.32 CFS            | * 2136.8 AF          |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 13, Township 07S, Range 29E  
SWNW , Sec. 13, Township 07S, Range 29E  
NWNE , Sec. 14, Township 07S, Range 29E  
POWER County

TRANSFER NO. 5369  
WATER RIGHT NO(S). 35-07161A/35-07162A/35-07977B  
35-08046/35-08050

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> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|--------------|
| 07S                              | 29E        | 13         | NENW 33      | NWNW 33      | SWNW 33      |              |              |
|                                  |            |            | SEnw 33      | NESW 33      | NWSW 33      |              |              |
|                                  |            |            | SWSW 33      | SESW 33      |              |              | 264          |
|                                  | 14         |            | NENE 33.4    | NWNE 33.4    | SWNE 20      |              |              |
|                                  |            |            | SENE 33      | NENW 37.2    | NWNW 37.2    |              |              |
|                                  |            |            | SWNW 38      | SEnw 38      |              |              | 270.2        |
| Total number of acres irrigated: |            |            |              |              |              |              | ** 534.2     |

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- \* 7. The total instantaneous diversion of water from all points of diversion under Transfer 5369 shall not exceed 8.32 cfs, nor a total combined annual volume of 2136.8 af.
8. Rights 35-08046 and 35-08050 are for the use of trust water and are subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
9. Diversion and use of water under Rights 35-08046 and 35-08050 is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- \*\* 10. Right 35-07161A is limited to the irrigation of 182.0 acres in the place of use described above in a single irrigation season.
- \*\* 11. Right 35-07162A is limited to the irrigation of 183.0 acres in the place of use described above in a single irrigation season.
- \*\* 12. Right 35-07977B is limited to the irrigation of 78.0 acres in the place of use described above in a single irrigation season.

GEN.  
8/16/2000

NOT E27

POU K46

EXP  
F46

TRANSFER NO. 5369  
WATER RIGHT NO(S). 35-07161A/35-07162A/35-07977B  
35-08046/35-08050

CONDITIONS OF APPROVAL AND REMARKS

- \*\* 13. Right 35-08046 is limited to the irrigation of 50.8 acres in the place of use described above in a single irrigation season.
- \*\* 14. Right 35-08050 is limited to the irrigation of 40.4 acres in the place of use described above in a single irrigation season.

Dated this 6<sup>th</sup> day of August, 19 99.

*J. Glenn Saxton*  
Chief, Water Allocation Bureau

## MEMORANDUM

TO: Files 35-07161A, 35-07162A, 35-07977, 35-08046 & 35-08050

FROM: Pam Skaggs/<sup>PS</sup>State Office

SUBJECT: Transfer 5369

DATE: August 4, 1999

---

Transfer 5369 changes the place of use and adds points of diversion under all of Rights 35-007161A, 35-07162A, 35-08046 & 35-08050, and a under a portion of Right 35-07977, splitting the right into Parts A and B.

The applicant is combining these rights into a single integrated system to cover all 534.2 acres under the identified pivot system. This transfer also corrects an error in legal description of the place of use under previously approved Transfer 4885, changing 32.0 acres in the NWNW, S14 that should have been located in the SWNW, S14 as shown on the application map.

Recommended conditions include permissible place of use limits, Basin 35 conjunctive management, multiple points of diversion limits, measuring & annual reporting, trust water conditions for Rights 35-08046 & 35-08050, drilling permit requirements, irrigation overlap and standard transfer conditions.

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: A35-07162B  
Date Received: 5/22/1989  
Receipt No: X777777  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES B TIEDE 208-226-5969  
Address: 2702 RUSSETT RD  
AMERICAN FALLS ID 83211  
AND/OR  
Name: DEBBIE TIEDE 208-226-5969  
Address: 2702 RUSSETT RD  
AMERICAN FALLS ID 83211

2. Date of Priority: JAN 13, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 07S      | 29E   | 13      | NE     | NE     | NE     |     | POWER  |

5. Description of diverting works:  
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 2.870 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 07S      | 29E   | 13      | NE     | NE     |     | IRR | 33.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 07S      | 29E   | 13      | NW  |    | NE  |     | IRR           | 33.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 33.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 33.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 33.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 33.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 33.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 33.0  |
|          |       |         |     |    |     |     |               |       |
|          |       |         |     |    |     |     | Section Acres | 264.0 |
|          | 30E   | 7       | NE  |    | SW  |     | IRR           | 33.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 33.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 33.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 33.0  |
|          |       |         |     |    |     |     | Section Acres | 132.0 |
|          |       |         |     |    |     |     | Total Acres   | 396.0 |

11. Place of use in counties: POWER

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

13. Other Water Rights Used:  
35-07161B

14. Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer No. 4885 shall not exceed 11.02 cfs, nor total combined annual volume of 3044.0 af.  
The wells previously used under Right Nos. 35-07161 and 35-07162 shall be abandoned in a manner which complies with Department well abandonment rules.  
Right No. 35-07162 is limited to the irrigation of 382.0 acres in the place of use described above in a single irrigation season.  
JERRY BROWER FILED THIS TRANSFER  
1235 W HWY 26  
BLACKFOOT, ID 83221  
\*CHANGED ADDRESS PER REQUEST/JH/11-4-98\*  
\*\*CHANGED OWNERSHIP 12-21-98 GT

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE   | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------|------------------|------------|-----------------------|---------------------|---------------------|
| C                | EASTERN IDAHO PRODUCTION CREDIT ASSN<br><i>James B &amp; Debbie Tiede.</i> | 01/13/1971       | IRRIGATION | 04-01 10-31           | <del>5.51</del> CFS | <i>2.87</i>         |
| TOTAL DIVERSION: |                                                                            |                  |            |                       | <del>5.51</del> CFS | <i>2.87</i>         |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R29E S13 NENE ~~SWNW~~  
*S14* ~~NWNE~~

POWER County  
POWER County

Place of use Legal Description for: IRRIGATION

| NE          |     |      |    | NW   |    |      |    | SW   |    |      |    | SE   |    |      |    |      |    |      |    |      |    |      |       |            |                  |
|-------------|-----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|-------|------------|------------------|
| NENE        |     | NWNE |    | SWNE |    | SENE |    | NENW |    | NWNW |    | SWNW |    | SESW |    | NESE |    | NWSE |    | SWSE |    | SESE |       |            |                  |
| T           | R   | S    | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt    | Ac         | SUM              |
| 07S         | 29E | 13   | 33 | 33   | 33 | 33   | 33 | 33   | 33 | 33   | 33 | 33   | 33 | 33   | 33 | 33   | 33 | 33   | 33 | 33   | 33 | 33   | 33    | 33         | 528.0 <i>264</i> |
| 07S         | 29E | 14   |    |      | 28 | 33   |    |      |    | 32   |    |      |    |      |    |      |    |      |    |      |    |      |       |            | 101.0            |
| 07S         | 3DE | 7    |    |      |    |      |    |      |    |      |    |      |    |      | 33 | 33   | 33 | 33   |    |      |    |      |       |            | 132.0            |
| TOTAL ACRES |     |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      | 761.0 | <i>396</i> |                  |

POU County: POWER

Other Rights: 35-07161

Conditions of Approval:

- C12 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
  - RIGHTS IN BASIN 35:
  - WATER RIGHT NO. SOURCE
  - NONE NONE
  - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
  - IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
  - RIGHTS IN THE SNAKE RIVER BASIN:
  - WATER RIGHT NO. SOURCE
  - NONE NONE
  - ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
  - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
  - CONJUNCTIVELY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 35-07161 *B* IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~11.82~~ *5.74* CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~3044~~ *1584* AF.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 35-07161 *B* IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~761~~ *396* ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~382~~ *199* ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 35-07161 *B* IS ALSO DIVERTED THROUGH POINTS OF

AJ5809NP  
No. R35-07162

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/03/98  
PAGE: 4

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Remarks: DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date: 02/24/1992 Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

DUUU  
GT  
12-15-98

RECEIVED  
DEC 15 1998  
Department of Water Resources  
Eastern Region

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

## NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s).: \_\_\_\_\_  
 Adjudication Claim No(s).: 35-07161 35-07162 A+R
  
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
  - AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
  - OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
  
3. Name and Address of Former Owner/Claimant: Eastern Idaho Production Credit Assn.
  
4. New Owner/Claimant(s) James B Tiede & Debbie Tiede  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address 2702 Russet Rd  
 City, State and ZIP Code American Falls ID 83211  
 New Telephone Number (208) 226-5969
  
5. Date you acquired the property July 1996
  
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
  
7. Signature of New Owner or Claimant(s) James Tiede Date Dec 11 1998  
Debbie E. Tiede Date 12/11/98  
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
  
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

## CONTRACT FOR SALE OF WATER LICENSE

FOR AND IN CONSIDERATION of the sums to be paid and performance of the other terms and conditions hereof, JERRY BROWER and CONNIE BROWER, husband and wife, of 1235 W. HWAY 26, Blackfoot, Bingham County, Idaho, hereinafter referred to as the Sellers and JAMES TIEDE and DEBRA E. TIEDE, husband and wife, and LARRY BETHKE and MONICA BETHKE, husband and wife, of American Falls, Power County, Idaho, hereinafter referred to as Purchasers, do hereby covenant and agree as follows:

1. Sellers shall convey unto the Purchasers all of their right, title and interest in and to that certain portion of Idaho water license nos. A35-07161 and A35-07162 with licensed diversion rates of 379.0 acres, 5.5 cfs and 382.0 acres, 5.5 cfs respectively, which licenses are currently utilized on a 800-acre parcel of ground in Bingham County, Idaho, owned by Sellers and more particularly described as follows:

SEE ATTACHED LEGAL DESCRIPTION  
KNOWN AS EXHIBIT "A"

The point of diversion being as follows:

License No. A35-07161 - Township 1 South, Range 33 East of Boise Meridian  
Section 21: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$

License No. A35-07162 - Township 1 South, Range 33 East of Boise Meridian  
Section 21: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$

2. The purchase price for the water license is the sum of \$200,000.00, of which \$2,000.00 was paid on June 28, 1996, as a non-refundable down payment thereon.

3. It is the intention of the Purchasers to transfer said water right and license to a parcel of property consisting of approximately 800 acres which lies within the following

description:

**SEE ATTACHED EXHIBIT "B"**

4. In the event of approval by the Idaho Department of Water Resources of such transfer, the Seller's will also convey all the right, title, and interest in a pump, motor and the electrical panel, as is, where is, without warranty utilized in association with the above described water rights more particularly described as follows:

**SEE ATTACHED EXHIBIT "C"**

5. The balance of the purchase price, in the sum of \$198,000.00 shall be paid in full within 14 days of approval by the IDWR of the transfer of the water right. In the event the IDWR shall not approve the transfer of the water right by October 29, 1996 the parties will negotiate in good faith for any extension of time, additional compensation or other terms which the parties may address. In the event the parties fail to come to an agreement within a reasonable length of time, the parties are mutually released from any further obligation under this agreement. Purchasers shall pay all transfer fees, with the exception of fees, if any, charged by Eastern Idaho Production Credit Association to the Sellers. The parties will pay their own attorneys fees.

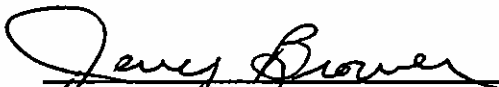
6. The parties furthermore understand and agree that the water licenses are currently in the name of Eastern Idaho Production Credit Association, also known as Eastern Idaho Agricultural Credit Association and the Sellers agree to pay, at or before the closing hereof, such sums that are necessary to obtain transfer of Eastern Idaho Production Credit Association's Lender's interest in the licenses.

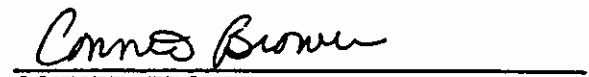
As further security for the Sellers, Purchasers agree to deposit, in escrow, with Eastern Idaho Agricultural Credit Association the original of this agreement, and a non-revocable letter of credit from EIACA to the Purchasers for \$198,000.00. Purchasers shall assign the said letter of

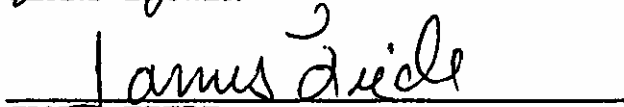
credit to the Sellers as security for the performance of this agreement. Such documents shall be executed and delivered to the EIACA within 10 working days of the execution of this agreement.

7. This agreement shall inure to the benefit of and shall bind the respective heirs, successors and assigns of the parties hereto.

DATED: This 12th day of July, 1996.

  
JERRY BROWER

  
CONNIE BROWER

  
JAMES TIEDE

  
DEBRA E. TIEDE

  
LARRY BETHKE

  
MONICA BETHKE

STATE OF IDAHO

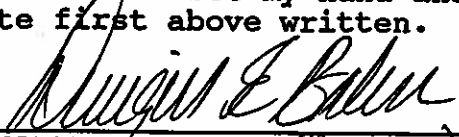
County of Bingham

)  
) ss.  
)

On this 12th day of July, 1996, before me, a Notary Public in and for said State, personally appeared JERRY BROWER and CONNIE BROWER, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year in this certificate first above written.

(SEAL)

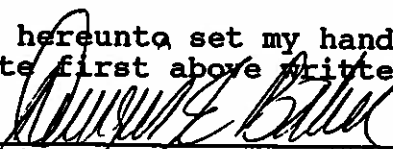
  
\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at: *B1771D*  
Commission expires: *12-10-99*

STATE OF IDAHO )  
 ) ss.  
County of Bingham )

On this 12th day of July, 1996, before me, a Notary Public in and for said State, personally appeared JAMES TIEDE and DEBRA E. TIEDE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year in this certificate first above written.

(SEAL)

  
NOTARY PUBLIC FOR IDAHO

Residing at: ~~American Falls~~ BH 1D

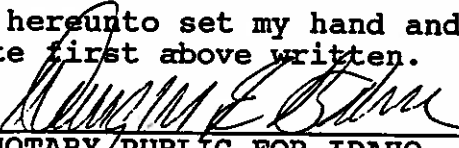
Commission expires: 12-10-99

STATE OF IDAHO )  
 ) ss.  
County of Bingham )

On this 12th day of July, 1996, before me, a Notary Public in and for said State, personally appeared LARRY BETHKE and MONICA BETHKE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year in this certificate first above written.

(SEAL)

  
NOTARY PUBLIC FOR IDAHO

Residing at: ~~American Falls~~ BH 1D

Commission expires: 12-10-99

*Exhibit H p1*

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

07/02/96 09:15:22

Page 1

Water Right Number - 35-07162

Prefix Translation: WATER RIGHT

Old (0) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

EASTERN IDAHO PRODUCTION CREDIT ASSN

1 - PO BOX 1667

2 -

3 -

City- POCATELLO

State- ID Zip- 832010000

Phone - 208-000-0000

\*\*\* O - ORIGINAL OWNER \*\*\*

HOUTMAN

JOHN

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - +  
01/13/1971+ - - Region - - - +  
15 EASTERN

+ - - Stage - - - +

+ - - Status - - - +

L - LICENSE

+ - - Source - - - - - +  
GROUNDWATER

+ - - Tributary - - - - - +

| Tw | Rng | Sec | Tract | Lot | RFlg | County | Point of Diversion | Diversion Name | Diversion Rate | Diversion No. |
|----|-----|-----|-------|-----|------|--------|--------------------|----------------|----------------|---------------|
|----|-----|-----|-------|-----|------|--------|--------------------|----------------|----------------|---------------|

|     |     |    |       |  |  |              |  |  |  |  |
|-----|-----|----|-------|--|--|--------------|--|--|--|--|
| 01S | 33E | 21 | SE NE |  |  | (11) BINGHAM |  |  |  |  |
|-----|-----|----|-------|--|--|--------------|--|--|--|--|

| Code            | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION |             | 04/01       | 10/31     | 5.510          | 1528.00          |

|                         |                           |                             |
|-------------------------|---------------------------|-----------------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Div. Capacity - + |
| 5.510                   | 1528.00                   | 5.510                       |

| Tw  | Rng | Sec | Tract | Lot | Acres | Code | Description | County       |
|-----|-----|-----|-------|-----|-------|------|-------------|--------------|
| 01S | 33E | 21  | NE NE |     | 33.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 21  | NW NE |     | 33.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 21  | SW NE |     | 40.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 21  | SE NE |     | 39.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 21  | NE SE |     | 39.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 21  | NW SE |     | 40.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 21  | SW SE |     | 40.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 21  | SE SE |     | 39.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 28  | NE NE |     | 39.0  | 01   | IRRIGATION  | (11) BINGHAM |
| 01S | 33E | 28  | NW NE |     | 40.0  | 01   | IRRIGATION  | (11) BINGHAM |

Total Acres: 382.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

07/02/96 09:15:07

Page 1

Water Right Number - 35-07161

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

EASTERN IDAHO PRODUCTION CREDIT ASSN

1 - PO BOX 1667

2 -

3 -

City- POCATELLO

State- ID Zip- 83201

Phone - 208-000-0000

\*\*\* O - ORIGINAL OWNER \*\*\*

HOUTMAN

JOHN

1 -

2 -

3 -

City-

State- ID Zip-

Phone - 208-000-0000

+ - - Priority Date - - +

01/13/1971

+ - - Region - - - +

15 EASTERN

+ - - Stage - - - +

L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +

GROUNDWATER

+ - - Tributary - - - - - +

| Tw | Rng | Sec | Tract | Lot | RFlg | County | Point of Diversion | Diversion Name | Diversion Rate | Diversion No. |
|----|-----|-----|-------|-----|------|--------|--------------------|----------------|----------------|---------------|
|----|-----|-----|-------|-----|------|--------|--------------------|----------------|----------------|---------------|

|     |     |    |       |  |  |              |  |  |  |  |
|-----|-----|----|-------|--|--|--------------|--|--|--|--|
| 01S | 33E | 21 | SW NW |  |  | (11) BINGHAM |  |  |  |  |
|-----|-----|----|-------|--|--|--------------|--|--|--|--|

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
|------|-------------|-------------|-----------|-----------|----------------|------------------|

|                 |  |       |       |  |       |         |
|-----------------|--|-------|-------|--|-------|---------|
| 01 - IRRIGATION |  | 04/01 | 10/31 |  | 5.510 | 1516.00 |
|-----------------|--|-------|-------|--|-------|---------|

|                         |                           |                             |
|-------------------------|---------------------------|-----------------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Div. Capacity - + |
| 5.510                   | 1516.00                   | 5.510                       |

| Tw | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|----|-----|-----|-------|-----|-------|------|-------------|--------|
|----|-----|-----|-------|-----|-------|------|-------------|--------|

|     |     |    |       |  |      |    |            |              |
|-----|-----|----|-------|--|------|----|------------|--------------|
| 01S | 33E | 21 | NE NW |  | 33.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 21 | NW NW |  | 40.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 21 | SW NW |  | 40.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 21 | SE NW |  | 33.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 21 | NE SW |  | 33.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 21 | NW SW |  | 40.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 21 | SW SW |  | 40.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 21 | SE SW |  | 40.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 28 | NE NW |  | 40.0 | 01 | IRRIGATION | (11) BINGHAM |
| 01S | 33E | 28 | NW NW |  | 40.0 | 01 | IRRIGATION | (11) BINGHAM |

Total Acres: 379.0

- - - Diversion Means -

- - - Non-Irrigation Use -

**EXHIBIT 'B'**

**PARCEL 1:**

TOWNSHIP 7 SOUTH, RANGE 29 E.B.M.

Section 13: NW1/4; S1/2NE1/4

Section 14: NE1/4

Section 21: S1/2NE1/4; N1/2SE1/4

TOWNSHIP 7 SOUTH, RANGE 30 E.B.M.

Section 6: Lot 4; SW1/4NW1/4; W1/2SW1/4

**PARCEL 2:**

TOWNSHIP 7 SOUTH, RANGE 29 E.B.M.

Section 13: NW1/4NE1/4

**PARCEL 3:**

TOWNSHIP 7 SOUTH, RANGE 29 E.B.M.

Section 13: S1/2

**PARCEL 4:**

TOWNSHIP 7 SOUTH, RANGE 29 E.B.M.

Section 13: NE1/4NE1/4

Section 14: NW1/4

TOWNSHIP 7 SOUTH, RANGE 30 E.B.M.

Section 7: SW1/4

EXHIBIT 'C'

1 Layne & Bowler Verti-line Pump 2,500 GPM,  
1,170 RPM, Serial #D 24552

1 Tri-clad Induction Motor, Model #5K6317XC209A  
350 HP Type K, Serial #EEJ521018

1 350-HP Electric Panel



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

**EASTERN REGION**

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

December 23, 1998

JAMES & DEBBIE TIEDE  
2702 RUSSETT RD  
AMERICAN FALLS ID 83211

RE: CHANGE IN OWNERSHIP FOR 35-07161, 35-07162

Dear Mr. and Mrs. Tiede:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

35-07161A, 2.64 cfs on 365 acres, Bethke  
35-07161B, 2.87 cfs on 396 acres, Tiede  
35-07162A, 2.64 cfs on 365 acres, Bethke  
35-07162B, 2.87 cfs on 396 acres, Tiede

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland  
Technical Records Specialist

Enclosure