

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: A63-07427F
Date Received: 1/14/1992
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES SLEGGERS 208-884-2544
Address: PO BOX 118
KUNA ID 83642
OR
Name: MARIA SLEGGERS 208-884-2544
Address: PO BOX 118
KUNA ID 83642
OR
Name: LENWOOD SLEGGERS 208-884-2544
Address: PO BOX 118
KUNA ID 83642
OR
Name: TESS SLEGGERS 208-884-2544
Address: PO BOX 118
KUNA ID 83642

2. Date of Priority: JAN 24, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	16		NW	SW	3	ADA
				SW	SW	4	ADA

5. Description of diverting works:
WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.310		41.00

7. Total Quantity Appropriated is:
0.310 C.F.S. (and/or) 41.00 A.F.A.

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 _____ 20 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5548
WATER RIGHT NO. 63-07427F

Western
RECEIVED

MAY 08 2000

WATER RESOURCES
WESTERN REGION

This is to certify that: JAMES SLEGRS
MARIA ANDRIANA SLEGRS
LENWOOD M SLEGRS
TESS J SLEGRS
PO BOX 118
KUNA ID 83642

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>
STOCKWATER	01/01 to 12/31	* 0.31 CFS	* 41.0 AF

SOURCE

GROUNDWATER

Priority: 01/24/1983

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NWSW), Sec. 16, Township 01N, Range 01W
Lot 4(SWSW), Sec. 16, Township 01N, Range 01W
ADA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

01N 01W 16 Lot 5 (SESW)

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 5548
WATER RIGHT NO. 63-07427F

CONDITIONS OF APPROVAL AND REMARKS

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 6. The total instantaneous diversion of water from all points of diversion under Transfer 5548 shall not exceed 0.31 cfs, nor a total combined annual volume of 41.0 af.
7. 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.
8. The place of stockwater use authorized by this approval, and commercial and stockwater uses under Right 63-07427D, include land in the S1/2, S16, T01N, T01W upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval, and the commercial and stockwater uses under Right 63-07427D, shall not be used for irrigation unless the water is first used for stockwater and commercial uses in the dairy.
- * 9. Right 63-07427D is also diverted through the point(s) of diversion described above.
- * 10. This right is appurtenant to land designated as DLE I-3377.

Dated this 4th day of May, 2000.


Chief, Water Allocation Bureau

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: A63-07427C
Date Received: 1/14/1992
Receipt No: W014008
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MUTUAL LIFE INSURANCE COMPANY 314-278-5555
Address: MONY AGRICULTURAL INVESTMENTS
C/O DAVID L BROWN ASST DIR
ONE MID RIVERS DRIVE
ST PETERS MO 63376

2. Date of Priority: JAN 24, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	15		SW	NW		ADA
		16		SE	NE		ADA
				NW	SE		ADA

5. Description of diverting works:
WELLS, PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.300		517.50

7. Total Quantity Appropriated is:
2.300 C.F.S. (and/or) 517.50 A.F.A.

8. Total consumptive use is 402.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	16	NE	SW		IRR	39.0

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 _____

RECEIVED

DEC 26 1995

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-07427C

RECEIVED

OCT 23 1995

Department of Water Resources

Date of Priority: January 24, 1983

Maximum Diversion Rate: 2.30 CFS

Maximum Diversion Volume: 517.5 AF

Comes now

MOMY PENSION INSURANCE CORP

PO BOX 1368

BOISE ID 83701-1368

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-07427C, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.30 CFS	517.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01N, Range 01W
SENE , Sec. 16, Township 01N, Range 01W
NWSE , Sec. 16, Township 01N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

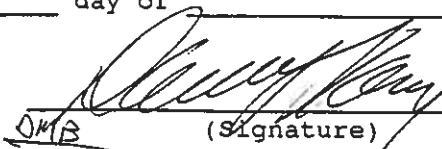
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	01W	16	NESW 39	Lot 3(NWSW) 38	Lot 5(SESW) 38	115

Total number of acres irrigated: 115

NOV 14 1995

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of _____, 19____.


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-07427C

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by JW # C033765 Date 10-23-95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-07427C with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. Right 63-03311 is also diverted through one of the points of diversion described above.
7. This right is appurtenant to land designated as DLE No. I-3377.

Witness my hand this 27TH day of OCTOBER, 1995.

Acting for Karl J. Dreher
KARL J. DREHER, Director

NOV 14 1995

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5548

RECEIVED

JUN 29 1999

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

WATER RESOURCES
WESTERN REGION

Name of applicant James Slegers or Nominee Phone 884-2544

Post Office address P.O. Box 118 Kuna ID 83642

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☒ Add diversion point(s)
 ☐ Change place of use
☒ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe the reason for the proposed changes The dairy has and will continue to expand. Irrigated Land has been retired and Stockwater rights must be increased.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount | Nature of Use | Period of Use |
|------------------|----------------|---------------------------------------|-------------------|--------------------------------|
| <u>63-07427C</u> | <u>1/24/83</u> | <u>1.99 cfs (cfs/ac-ft) 446.9 AFD</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> * |
| <u>"</u> | <u>"</u> | <u>2.06/462.5</u> | <u>Stockwater</u> | <u>01/01</u> to <u>12/31</u> * |
| <u>"</u> | <u>"</u> | <u>24/41</u> | | |
| <u>"</u> | <u>"</u> | | | |
| <u>"</u> | <u>"</u> | | | |
- Total amount of water being transferred 24 ~~2.30~~ cubic feet per second and/or 487.90 acre-feet per annum. *
- Source of water Ground water tributary to NA
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	15	1N	1W	Ada	Oord's Well
		SE	NE	16	1N	1W	Ada	Devries Well
		NW	SE	16	1N	1W	Ada	Jim's Irrigation Well
		NW	SW	16	1N	1W	Ada	Dairy Well.

- Lands irrigated or place of use: SW-SW-16-1N-1W-ADA-SECOND DAIRY WELL FROM WATER RIGHT 63-07427D *

Twp.	Rge.	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	
1N	1W	16									39	38		23.3					103 99.3
														5					

* See Attachment A For all changes on Transfer.
DAN 8-12-95

PART 1**6. General Information:**

- a. Description of diversion system Engineered water system for livestock and dairy. Well, 25 hp submersible pump, Pressure Tank and lines.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
land will be used for Corral.
- d. Remarks:
The expansion will not result in greater commercial use per 63-07427D as milking frequency will be reduced from 3x to 2x at proposed cattle numbers.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

WR0749NP

No. 63-07427C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/24/99

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MONY PENSION INSURANCE CORP PO BOX 1368 BOISE ID 83701-1368 (208) 344-8906	01/24/1983	IRRIGATION	03/15 11/15	2.300 CFS	517.50 AFA
TOTAL DIVERSION:					2.300 CFS	517.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 12.410 CFS

Point(s) of Diversion: T01N R01W S15 S16 SENE NWSE ADA County
ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
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	Lt Ac	Lt Ac	:
---	---	---	: -----	-----	-----	-----	-----	: -----	-----	-----	-----	: -----	-----	-----	-----	----
01N	01W	16	:					:	39	03-38	05-38	:				: 115.0
TOTAL ACRES																115.0

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-03196B 63-03311 63-07427D 63-07753A 63-07753B

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks: GEN Right 63-03311 is also diverted through one of the points of diversion described above.
This right is appurtenant to land designated as DLE No. I-3377.

Dates: App. Received: 04/28/1971 Priority Date: 01/24/1983
Proof Due Date: 06/01/1977 Proof Made Date: 05/27/1977
Exam Made Date: 12/28/1994 Exam Sent to S.O.: 05/08/1995
Licensed Date: 10/27/1995

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 08/16/95 CZIMMERM 08/16/95 CZIMMERM 09/07/95 CZIMMERM

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .31 24/41 for Stockwater purposes from 01/01 to 12/31 *
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

NOT APPLICABLE NO SPLIT

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	16	1N	1W	Ada	Dairy Well
		SW	SW	16	1N	1W	Ada	other ~~DAIRY~~ DAIRY Well FROM water right 63-07427.D

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	01W	16																	

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

Total acres _____

1. amount 1.99 446.9 for irrigation purposes from 03/15 to 11/15 *
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	15	1N	1W	Ada	Oord's Well
		SE	NE	16	1N	1W	"	Davies Well
		NW	SE	16	1N	1W	"	Jim's Irrigation Well

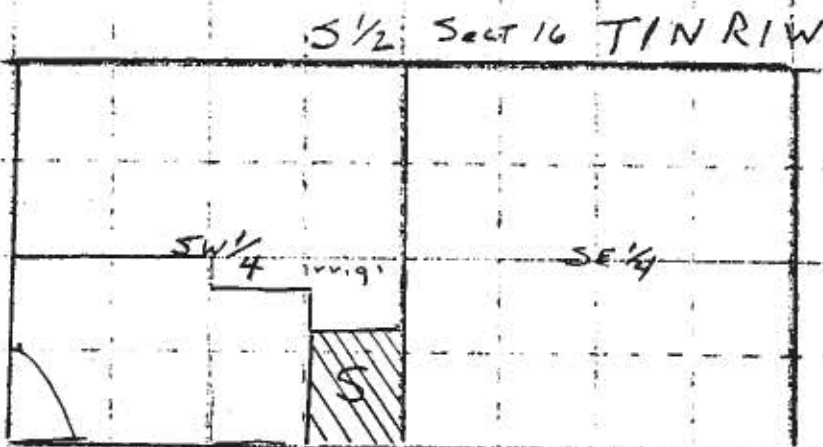
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	01W	16																	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Transfer 12 ac in SE 1/4 of SW 1/4
To Stock Water Use.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Stockwater	~~21/41~~ 31/41	365	01/01 to 12/31 *
				to _____

2. Quantity and quality of return flows and location of discharge:No return flows. Land disposal of manure.**3. Describe effects on other water uses resulting from the proposed change:**Total Allowable diversion Volume is reduced from 517.5 cfs to 544.5 487.9

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this June day of 1999.

James L. [Signature]
(Signature of Applicant)

Susan L. [Signature]
(Notary Public)

My commission expires 4/26/2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 8 attachments

Received by 6 Date 6/29/99

Prelim. check by DAN Fee 100 W029392

Receipted by 6 Date 6/29/99

Published in Idaho Statesman

Pub. dates 9-24-99

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

7/29/1999

DARWIN VANDERSTELT
16931 STAR ROAD
NAMPA, ID 83687

RE: APPLICATION FOR PERMIT <INSERT # IF ISSUED>

Dear Mr. Vanderstelt.

On 7/28/1999 you came to my office and discussed the consumptive use calculations made for Jim Slegers dairy. I informed you that Mr. Slegers would need to dry up 15.7 acres instead of the 12 acres that you listed on the transfer. You also stated in an earlier conversation that you wanted to include all of the wells for the dairy on this transfer.

After discussing the transfer changes with my supervisor, Steve Lester, we decided that you & Mr. Slegers could review the following changes and if you are in a agreement, sign and return the changes to me at this office.

PART 1

A.1.) Marked "Add diversion point(s)

B.1.) Changed this section as stated below:

Right Number	Priority	Amount (cfs/ac-ft)	Nature	Period of use
63-07427C	1/24/1983	1.99/446.9	irrigation	03/15 to 11/15
63-07427C	1/24/1983	0.31/ 41.9	stockwater	01/01 to 12/31

B.2.) changed totals as follows> Total amount of water being transferred .243 cubic feet per second and/or 41 acre feet per annum.

B.4.) Changed points of diversion chart as follows:

Lot	1/4	1/4	1/4	Sec	Twp	RGE	County	Local name for diversion
		SW	NW	15	1N	1W	ADA	OORD'S WELL
		SE	NE	16	1N	1W	ADA	DEVRIES WELL
		NW	SE	16	1N	1W	ADA	JIM'S IRRIGATION WELL
		NW	SW	16	1N	1W	ADA	DAIRY WELL
		SW	SW	16	1N	1W	ADA	OTHER DAIRY WELL FROM WATER RIGHT 63-07427D

PLEASE INSERT ANY OTHER WELLS ASSOCIATED WITH DAIRY IN BLANK SPACE.

Attachment A

Please insert where you would like the 15.7 acres dried up after the historic consumptive use calculations revealed that 15.7 acres need dried up instead of 12. I have inserted the original licensed acres chart, original acres dried up on transfer application and a blank chart for you to fill out.

ORIGINAL LICENSED ACRES

TWP.	RGE.	SEC.	SW ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	
01N	01W	16	39	38 LT-03		38 LT-05	115 ACRES

ACRES MARKED ON TRANSFER APPLICATION

TWP.	RGE.	SEC.	SW ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	
01N	01W	16	39	38 LT-03		26 LT-05	103 ACRES
						S LT-05	

PLEASE INSERT ACRES THAT YOU WANT DRIED UP AFTER HISTORICAL CONSUMPTIVE USE CALCULATIONS INCREASED ACRES.

TWP.	RGE.	SEC.	SW ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	
01N	01W	16	39	38 LT-03		22.3 LT-05	99.3 ACRES
						S LT-05	

PART 2

B.1.) DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED.

Amount .31/41 for stockwater purposes from 01/01 to 12/31

B.2.) POINTS OF DIVERSION:

Lot	¼	¼	¼	Sec	Twp	RGE	County	Local name for diversion
	NW	SW	16	1N	1W	ADA		DAIRY WELL
	SW	SW	16	1N	1W	ADA		OTHER DAIRY WELL FROM WATER RIGHT 63-07427D

PLEASE INSERT ANY WELLS NOT LISTED.

B.3.) LANDS IRRIGATED OR PLACE OF USE:

TWP.	RGE.	SEC.	SW ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	
01N	01W	16	39	38 LT-03		22.3 LT-05	99.3
						S LT-05	

C.1.) DESCRIPTION OF UNCHANGED PORTION OF RIGHT

Amount 1.99/446.9 for irrigation purposes from 03/15 to 11/15

B.2.) POINTS OF DIVERSION:

Lot	¼	¼	¼	Sec	Twp	RGE	County	Local name for diversion
	SW	NW	15	1N	1W	ADA		OORD'S WELL
	SE	NE	16	1N	1W	ADA		DE VRIES WELL
	NW	SE	16	1N	1W	ADA		JIM'S IRRIGATION WELL

PLEASE INSERT ANY WELLS NOT LISTED.

B.3.) LANDS IRRIGATED OR PLACE OF USE:

TWP.	RGE.	SEC.	SW ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	
01N	01W	16	39	38 LT-03		22.3 LT-05	99.3 ACRES
						S LT-05	

PLEASE WRITE IN THE ACRES YOU WISH TO DRY UP

PART 3

B.1.) CHANGES IN NATURE OF USE:

NEW NATURE OF USE	AMOUNT (CFS/AC-FT)	HOURS/DAYS/YEAR	PERIOD OF USE
STOCKWATER	.31/41	365 DAYS/YEAR	01/01 TO 12/31

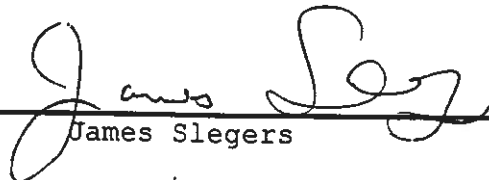
B.3.) DESCRIBE EFFECTS ON OTHER WATER USES RESULTING FOR THE PROPOSED CHANGE:

TOTAL ALLOWABLE DIVERSION VOLUME IS REDUCED FROM 517.5 AFA TO 487.9 AFA

These are the proposed changes that we have discussed in previous conversations. Please fill in the blank areas and make sure that all of the changes are correct and are acceptable to all concerned. After you have checked the all the information please have Mr. Slegers sign in the space provided below.

I have reviewed the above changes and by signature agree to have them applied to my transfer submitted on water right 63-07427D.

NAME


James Slegers

DATE

5/2/99

WORKSHEET TO CONVERT FROM IRRIGATION TO DAIRY USE

GOAL

Based on daily water needs identified in the application, determine the total diversion volume and consumptive volume needed for the dairy. Then determine the total number of irrigated acres that must be retired to meet this need. The total number of acres to be retired will almost always be based on the consumptive use per acre factor. Document any variations from that presumed standard at the bottom of this page.

ASSUMPTIONS

- * All water used for commercial uses (washing/processing etc.) at dairy is fully consumptive due to land application of waste water.
- * All water used for stockwater (drinking water) is also fully consumptive for the same reasons.
- * Volume attributed to milk production and to lagoons is covered by the above assumptions and does not need to be addressed separately (the fully consumptive assumptions therefore supersede portions of SRBA Admin. Memo #36).
- * Dairy use is 365 days/year.
- * Rate of flow for stockwater and commercial uses is normally based on the rate of flow provided by the retired acres of irrigation. Limit the rate of flow for stockwater to IDWR standards for milking plus dry cows if the rate supplied from the retired acres exceeds IDWR stockwater standards.

METHOD

Complete the calculations shown on the next page. Use those calculations to complete the summary table that follows the worksheet.

UNUSUAL RATE &/OR VOLUME FACTORS

Calculation sheet supplied by user. I have gone over these calculations and agree with these calculations and agree with the numbers. Water right number 63-07427D is used in the same dairy. This water right allows .70 cfs and 53.4 afa for stockwater and .70 cfs and 105.1 afa for commercial use. These amounts will be subtracted on the following sheet, which represent the entire dairy use.

The consumptive use for the irrigation use was calculated using the historic crop consumptive use from the attached Agrimet and Brockway/Allen study. The historic consumptive use is 2.6 afa per acre.

DAIRY WORKSHEET

1. Calculate the total amount of water per year for **stockwater** use where diversion and consumptive volume are equal:

- (a) 2100 milkers x 35 g/d/milker x 365 d/yr = 26,827,500 g/yr
- (b) 400 dry x 12 g/d/dry x 365 d/yr = 1,752,000 g/yr
- (c) 500 heifers x 10 heifers x 365 d/yr = 1,825,000 g/yr
- (d) $\frac{26,827,500}{a} + \frac{1,752,000}{b} + \frac{1,825,000}{c} / 325850 \text{ g/af} = \underline{95.77} \text{ afa}$

2. Calculate the total amount of water per year for **commercial** use (washing, processing etc.) where diversion and consumptive volume are equal:

$$(\underline{85,500} \text{ g/d} \times 365 \text{ d/yr}) / 325850 \text{ g/af} = \underline{95.77} \text{ afa afa}$$

SEE OWNERS WORK SHEET ATTACHEMENT A

3. **Lagoons** - this information is not needed to analyze the water use but must be documented for other issues that might occur (local ordinances etc.):

NO LAGOON INFORMATION SUBMITTED OR REQUIRED.

DAIRY SUMMARY TABLE

	CFS RATE	ACRE - FEET DIV VOLUME	ANNUAL CON VOLUME
STOCKWATER	<u>1.01</u>	<u>93.31</u>	<u>93.31</u>
COMMERCIAL	<u>.70</u>	<u>95.77</u>	<u>95.77</u>
MINUS WATER RIGHT 63-07427D			
STOCKWATER	<u>-.70</u>	<u>-52.40</u>	<u>-52.40</u>
COMMERCIAL	<u>-.70</u>	<u>-105.10</u>	<u>-105.10</u>
<u>REMAINING VOLUMES</u>			
STOCKWATER	<u>.31</u>	<u>40.91</u>	<u>40.91</u>
COMMERCIAL	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>

ACRES TO RETIRE:

$$\text{total div volume} / \text{standard div volume per acre} = \underline{9.09} \text{ acres required}$$

$$40.91 \text{ afa} / 4.5 \text{ afa} = \underline{9.09} \text{ acres}$$

$$\text{total con volume} / \text{standard con volume per acre} = \underline{\quad\quad\quad} \text{ acres required}$$

$$40.91 \text{ afa} / 2.6 \text{ afa} = \underline{15.7} \text{ acres}$$

$$\text{greater of the two values must be selected} = \underline{15.7} \text{ acres retired}$$

NOTE: CFS is usually based on # of retired acres.

ATTACHMENT B,

CONSUMPTIVE USE ESTIMATION USING AGRIMET
FROM AGRICULTURE CROP WATER USE SUMMARY 1988-1994
US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION FEBRUARY 1995

EVALUATION FOR TRANSFER : James Sleger Transfer
BY: Daniel A. Nelson
DATE: 7/27/99
AGRIMET REPORTING SITE Parma, Idaho

1980 IRRIGATION YEAR

Crop	Acres	Method	Application EFF. %	IR for Crop in/season	Crop Div. Vol AF/Ann	Crop CU AF/Ann
ALF	288.30	SPRINKLER	75	38.80	1,242.89	932.17
WHEAT	180.60	SPRINKLER	75	22.40	449.49	337.12
BARLEY	60.60	SPRINKLER	75	24.30	163.62	122.72
BEANS	38.50	SPRINKLER	75	19.20	82.13	61.60
BEETS	221.00	SPRINKLER	75	31.80	780.87	585.65
TOTALS	789.00				2,719.01	2,039.26

SUMMARY OF CONSUMPTIVE USE PER AGRIMET STATION

NUMBER OF ACRES IRRIGATED	789.00
ACRE FEET VOLUME DIVERTED PER ANNUM	2,719.01
ACRE FEET VOLUME CONSUMED PER ANNUM	2,039.26

AVERAGE ACRE FEET VOL DIVERTED PER ACRE:	3.45
AVERAGE ACRE FEET VOL CONSUMED PER ACRE:	2.58

ATTACHMENT 2

CROP HISTORY EVALUATION FOR ESTIMATION OF DIVERSION VOLUME AND CONSUMPTIVE USE

EVALUATION FOR TRANSFER NO: James Sleger Transfer
 BY: Daniel A. Nelson
 DATE: 7/27/99
 ALLEN & BROCKWAY REPORT SITE: Kuna 2NNE Station

Year	Crop	Acres	Method	Application Eff. %	IR for Crop (mm/season)	Crop Div Vol (AF/Ann)	Crop CU (AF/Ann)
1980	Alf	288.3	Sprinkler	75	946	1193.052	894.7894
	Wheat	180.6	Sprinkler	75	710	560.9186	420.689
	Barley	60.6	Sprinkler	75	626	165.9475	124.4606
	Beans	38.5	Sprinkler	75	497	83.70297	62.77723
	Beets	221	Sprinkler	75	816	788.8714	591.6535
Total Year 1		789				2792.493	2094.37

SUMMARY FOR FIVE YEAR PERIOD:

AVERAGE NUMBER OF ACRES IRRIGATED: 789
 AVERAGE ACRE FEET VOL DIVERTED PER ANNUM: 2792.493
 AVERAGE ACRE FEET VOL CONSUMED PER ANNUM: 2094.37
 AVERAGE ACRE FEET VOL DIVERTED PER ACRE: 3.539281
 AVERAGE ACRE FEET VOL CONSUMED PER ACRE: 2.654461

JUL 23 1999

WATER RESOURCES
WESTERN REGION

Agcom

16931 Star Road
Nampa, ID 83687
Office (208) 465-9496
Fax (208) 465-9497

July 23, 1999

RE: Historic consumptive water use on the SE 1/4 of the SW 1/4 of Sec. 16, T1N, R1W.

Attached please find a copy of ASCS Form 576 "Report of Acreage" along with an attached map of the subject property from the ASCS file for the 1980 crop year. The subject property is labeled, field "V" in 1/4 sec. 963d, on both the map and the form (second page of form). The entry for field "V" is "alf", meaning Alfalfa. Earlier data is not available from the ASCS office, and more recent data is either fragmentary or non-existent. The property went into the CRP in 1986 and a dairy was constructed in 1995.

The previous owner says that his practice was to keep a field in Alfalfa for 4 or 5 years, depending on the stand, market conditions, and requirements of the crop rotation schedule. Other crops grown on the same farm included beets, beans, barley and wheat. The subject parcel was included in the normal crop rotation scheme.

The normal crop rotation schedule was disrupted somewhat during the drought years of the 1980's, and less water-consumptive crops like grain or beans were emphasized during those years. Nevertheless, it seems beyond doubt that high consumptive use crops like Alfalfa and Beets were definitely grown for several five-consecutive -year periods prior to 1981. It is therefore my opinion that the transfer to commercial or stock -water use of 3.5 acre feet for each acre of this parcel taken out of irrigated crop production is appropriate.

Sincerely,



Darwin Vander Stelt

ATTACHMENT E

REPORT OF ACREAGE

USDA-ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE

1 OF 1

FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OPERATOR	KEY	OTHER INTERESTED PRODUCERS		ASSIGNMENT	
						NAME AND ADDRESS	OTHER FARMS	CROP	JOB
519	MARK PARKER	964	272	Operator	3				
D	2123 S ELDER	B-27	871	Owner	4				
OP	NAMPA ID 83651			Other	5				
				Program Year	6				
				Other	7				

SECTION I - FARM FIELD REPORT (NOTE: Gray Shaded Area to be Filled in by Reporter ONLY.)

ACT. FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL & DATE
		W	D	C	O						IDENT./MEAS.	ACRES		
Y	Wht/gm	77.5							D				77.5	W
Z	Wht/gm	76.8							O				76.8	
A	Wht/gm	26.0							D				26.0	
E	Bey/gm		18.6						D				21.0	
F	Bey/gm		19.8						D				19.8	
G	Bey/gm		22.5						O				19.8	W
	no other program crops													
B	beans	83.0												
G	beans	38.5												
ABD	beets	221.0												
TOTAL OPERATOR REPORT		180.3	60.9											
TOTAL REPORTER'S REPORT		180.6	60.6											

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses reported herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE

HERBERT MONTIERTH

OPERATOR'S SIGNATURE

DATE

Attachment E1

[illegible]

1981

Slide: Roll 5 - ⁴ 22.23
6 - ⁵ 5

$$5Ml - 100\% = 137.3$$

Loc. no. = 82.4

just across the river

ATTACHMENT E₂

9 9
1 6

2 12
10 15

85.0
57.9d

ad

ad

ay

41.2

963d

0
37.8

80

B
40.6

Z

A
38.6

Z

79.7 u.

77.2 y.

E
36.3

E
77.7

X

13.4

F-27

ATTACHMENT E3

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MUTUAL LIFE INSURANCE COMPANY MONEY AGRICULTURAL INVESTMENTS C/O DAVID L BROWN ASST DIR ONE MID RIVERS DRIVE ST PETERS MO 63376 (314) 278-5555	01/24/1983	IRRIGATION	03-15 11-15	2.30 CFS	517.50 AFA
TOTAL DIVERSION:					2.30 CFS	517.50 AFA
CONSUMPTIVE USE:						402.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T01N R01W S15	SWNW		ADA County
	S16	SENE	NWSE	ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																							
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENE		NESW		NWSW		SWSW		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	Lt	Ac	Lt	Ac	Lt	Ac	SUM				
-----																																-----			
01N 01W 16 :																																39 03-38	05-38 :	115.0	
																																TOTAL ACRES	115.0		

POU County: ADA

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 016 - See remarks for additional conditions of approval.
- R32 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
- F05 - USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER DIVERTED IN THE STATE OF WYOMING.

Remarks: GEN DLE 1-3377.

THAT PORTION OF PERMIT 63-7427 WHICH IS AMENDED TO 160 ACRES IN THE SW1/4, S16, T1N, R1W SHALL PROVIDE NO MORE THAN 3.2 CFS FOR IRRIGATION & SHALL HAVE THE PRIORITY DATE ADVANCED TO 1/24/83. P/D AND P/U MAP WILL BE PREPARED FROM LICENSE FIELD EXAM. THIS RIGHT IS A RESULT OF A SPLIT OF A63-07427B PER LICENSING AMENDMENT DATED 8/15/95
THE MAXIMUM DIVERSION VOLUME IS DEFINED AS THE MAXIMUM ALLOWABLE VOLUME OF WATER THAT MAY BE DIVERTED ANNUALLY FROM THE SOURCE UNDER THIS RIGHT. THE USE OF WATER CONFIRMED BY THIS RIGHT IS LIMITED TO THE AMOUNT THAT CAN ACTUALLY BE BENEFICIALLY USED. THE MAXIMUM DIVERSION VOLUME MAY BE ADJUSTED TO MORE ACCURATELY DESCRIBE THE BENEFICIAL USE OR TO IMPLEMENT ACCEPTED STANDARDS OF DIVERSION AND USE EFFICIENCY.

ATTACHMENT
F

AJ5809NP
No. A63-07427C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/06/99
PAGE: 2

=====

Remarks: THIS RIGHT IS APPURTENANT TO THE DESCRIBED PLACE OF USE.
INSUFFICIENT FEES.
FORFEITED BY FIVE YEARS OF NON-USE.
MODIFICATION OR VARIANCE FROM THIS LICENSE MUST BE MADE WITHIN
THE LIMITS OF SECTION 42-222, IDAHO CODE, OR APPLICABLE IDAHO LAW

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

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

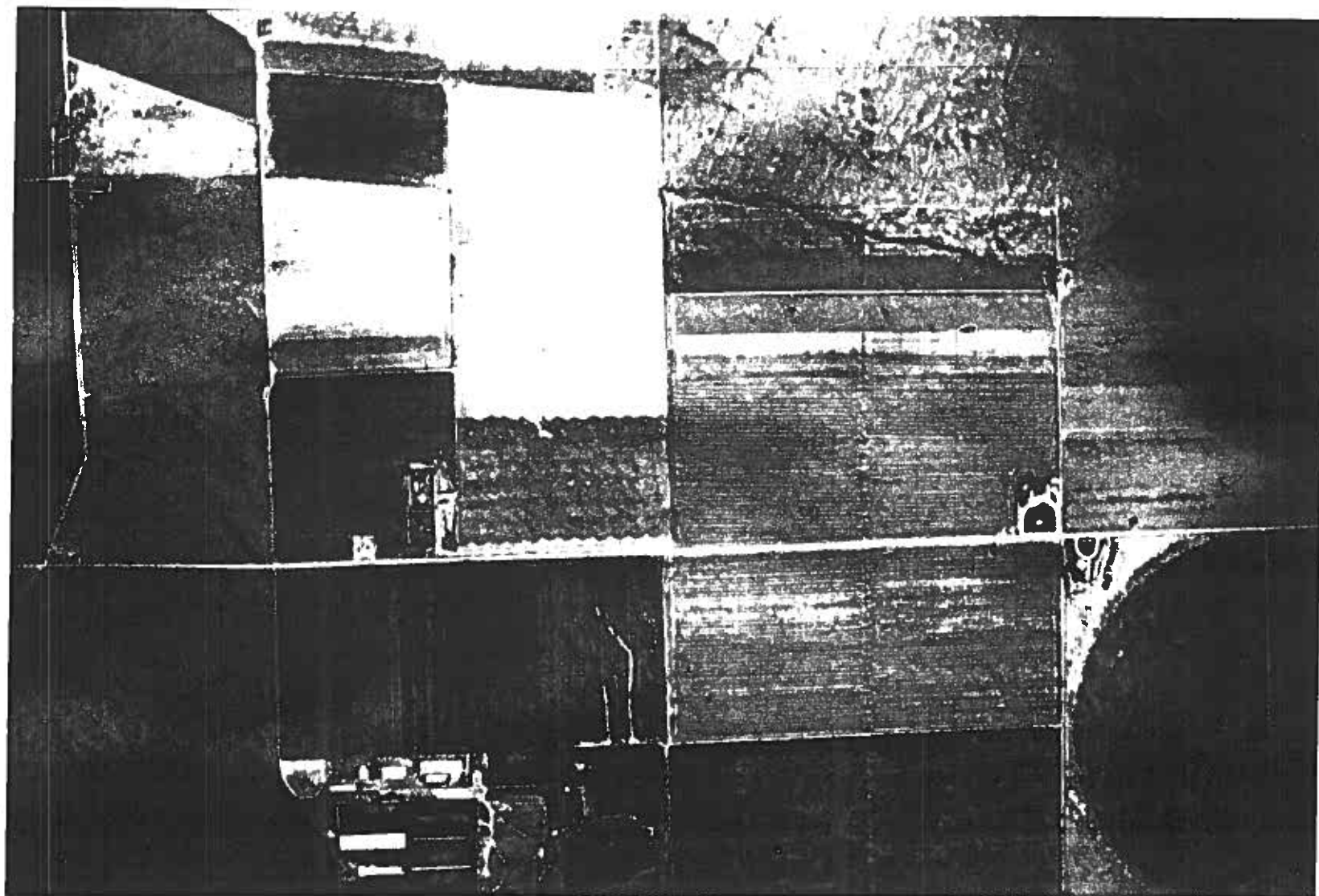
Audit: 12/06/95 MSCHULTE 07/03/96 SSHERMAN 07/22/96 SSHERMAN

Attachment
F-1



PHOTOGRAPHER AND DATE OF PHOTOS 1998 CFSA Aerial PHOTO

FILE NO. AND LEGAL DESCR. T-1N R-1W S-16-



1998 PHOTO SHOWS DAIRY AND IRRIGATED LAND AROUND DAIRY.

ATTACHMENT 6.



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 358-6700

95034570
PIONEER TITLE

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

95 MAY 22 PM 3 59

FEE 300
RECORDED AT THE REQUEST OF *[Signature]*

R 137657 UB

WARRANTY DEED
(INDIVIDUAL)

1871001737

FOR VALUE RECEIVED RODNEY KENT MONTIERTH and DOLLIE L. MONTIERTH, husband and wife

Grantors, do hereby grant, bargain, sell and convey unto JAMES SLEGERS and MARIA ADRIANA SLEGERS, husband and wife and LENWOOD M. SLEGERS and TESS J. SLEGERS, husband and wife
the Grantee, whose current address is: 14322 Chandler, Corona, CA 91720
the following described real property in Ada County, State of Idaho, more particularly described as follows, to-wit:
Government Lot 4 in Section 16, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, the Grantors are the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 1995

[Signature of Rodney Kent Montierth]
Rodney Kent Montierth

[Signature of Dollie L. Montierth]
Dollie L. Montierth

STATE OF Idaho, County of Ada, ss.

On this 22nd day of May, in the year of 1995, before me Lynn P. Basura, a notary public, personally appeared Rodney Kent Montierth and Dollie L. Montierth, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: *[Signature of Lynn P. Basura]*
Residing at: Meridian
My Commission Expires: 5/30/2000

ATTACHMENT
H



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

95078490

PIONEER TITLE

ADA CO RECORDER

J. DAVID NAVARRO

BOISE ID

'95 OCT 26 AM 10 52

FEE _____
RECORDED _____ GUEST OF _____

3.00

P-138683 LB

WARRANTY DEED
(INDIVIDUAL)

1935000521

FOR VALUE RECEIVED RODNEY KENT MONTIERTH and DOLLIE L. MONTIERTH, husband and wife

Grantors, do hereby grant, bargain, sell and convey unto JAMES SLEGERS and MARIA ADRIANA SLEGERS, husband and wife and LENWOOD M. SLEGERS and TESS J. SLEGERS, husband and wife

the Grantee s, whose current address is: 4601 W. Kuna Cave Road, Kuna, Idaho 83634
the following described real property in Ada County, State of Idaho, more particularly described as follows, to-wit:

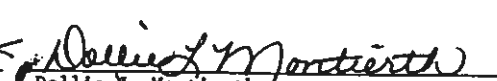
Government Lots 3 and 5, Northeast Quarter of the Southwest Quarter of Section 16, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho.

and the West 50 feet of Government Lot 3 of Section 16, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, and Grantee s heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, the Grantors are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: October 24, 1995

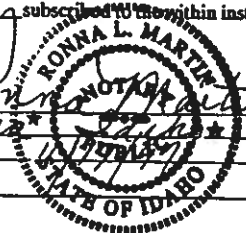

Rodney Kent Montierth


Dollie L. Montierth

STATE OF Idaho, County of Ada, ss.

On this 25 day of October, in the year of 1995, before me the undersigned, a notary public, personally appeared Rodney Kent Montierth and Dollie L. Montierth, known or identified to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public: _____
Residing at: _____
My Commission Expires: _____



ATTACHMENT
A1



A Pioneer Company
PIONEER TITLE COMPANY
 OF ADA COUNTY

821 West State Street / Boise, Idaho 83702-5836 / Telephone (208) 336-6700

CERTIFIED COPY BEING RERECORDED TO CORRECT
 LEGAL DESCRIPTION

P-160541 KC/JB

WARRANTY DEED
 (INDIVIDUAL)

FOR VALUE RECEIVED **RODNEY KENT MONTIERTH AND DOLLIE L. MONTIERTH, HUSBAND AND WIFE**

Grantor s, do hereby grant, bargain, sell and convey unto **JAMES SLEGERS AND MARIA ANDRIANA SLEGERS, HUSBAND AND WIFE, LENWOOD M. SLEGERS AND TESS K. SLEGERS, HUSBAND AND WIFE**

the Grantee s, whose current address is: R.R., KUNA, ID 83634

the following described real property in ADA

County, State of Idaho, more particularly described as

follows, to-wit:

SEE LEGAL ATTACHED HERETO AND MADE A PART HEREOF - --

97063889

THIS WARRANTY DEED IS BEING RE-RECORDED
 TO CORRECT THE LEGAL DESCRIPTION HEREIN.

98000496

ADA CO. RECORDER
 J. DAVID NAVARRO
 BOISE ID

PIONEER TITLE

97 OCT 9 2 57

FEE
 REC'D

LIST

PIONEER TITLE CO

98 JAN 5

98 JAN 5 PM 4 08

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, the Grantor s are the owner s in fee simple of said premises, that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s will warrant and defend the same from all lawful claims whatsoever.

Dated: September 27, 1997

[Signature]
 RODNEY KENT MONTIERTH

[Signature]
 DOLLIE L. MONTIERTH

STATE OF IDAHO, County of ADA, ss.

On this 9 day of Oct, in the year of 1997, before me THE UNDERSIGNED

, a notary public, personally appeared RODNEY KENT MONTIERTH AND DOLLIE L. MONTIERTH known or identified to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

KATHY COONTZ
 * NOTARY PUBLIC *
 STATE OF IDAHO

MY COMMISSION EXPIRES 12-31-2002
 RECORDED AT BOISE, IDAHO

Notary Public:

Residing at: BOISE

My Commission Expires: AUG. 15, 2002

98010425

RE-RE-RECORD

ADA CO. RECORDER

J. DAVID NAVARRO

BOISE ID

PIONEER TITLE CO

98 FEB 6 PM 3 40

FEE *[Signature]* DEP *[Signature]*
 RECORDED AT THE REQUEST OF

Attachment

H2

SCHEDULE C

The land referred to in this Commitment is described as follows:

THAT PORTION OF THE EAST HALF OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 1 WEST OF BOISE MERIDIAN IN ADA COUNTY, IDAHO, LYING NORTHERLY OF THE NORTHERLY LINE OF KUNA CAVE ROAD RIGHT OF WAY.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/4 CORNER OF SECTION 16, TOWNSHIP 1 NORTH RANGE 1 WEST OF THE BOISE MERIDIAN AND RUNNING THENCE NORTH 0 DEGREES 02' WEST 660.00 FEET; THENCE SOUTH 89 DEGREES 58' WEST 330.00 FEET; THENCE SOUTH 0 DEGREES 02' EAST 660.00 FEET; THENCE NORTH 89 DEGREES 58' EAST 330.00 FEET TO THE POINT OF BEGINNING.

~~EXCEPT THEREFROM ANY PORTION OF SAID PROPERTY LYING SOUTH OF THE KUNA ROAD AND FURTHER EXCEPTING THE ROAD RIGHTS- OF- WAY AS THEY MAY APPLY,~~

~~EXCEPTING THEREFROM ANY PORTION OF SAID PROPERTY LYING SOUTH OF THE KUNA ROAD AND FURTHER EXCEPTING THE ROAD RIGHTS- OF- WAY AS THEY MAY APPLY,~~

~~*CAVE~~

THAT PORTION OF THE EAST HALF IN SECTION 16, TOWNSHIP 1 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO LYING SOUTHERLY OF THE KUNA CAVE ROAD.

ATTACHMENT

H3

STATE OF IDAHO, COUNTY OF ADA

I, J. David Navarro, Recorder for Ada County, do hereby certify that the annexed is a full
true and correct copy of Inst. No. 98000490
as it appears on record in Book 5 of 1

at Payson Records of Ada County, State of Idaho.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this
5 day of February, 19 98.

J. DAVID NAVARRO, Recorder
By C. McLaughlin, Deputy

ATTACHMENT H 5



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 23, 2007

MARIA ADRIANA SLEGGERS
TESS J SLEGGERS
JAMES SLEGGERS
LENWOOD SLEGGERS
4601 W KUNA CAVE RD
KUNA ID 83634

Re: Snake River Basin Adjudication (SRBA)
Water Right No(s). 63-7427D, 63-7427F
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your claim(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right(s) referenced above, please call this office to obtain a form to make this required change to the water right(s) records.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region

The address is correct as shown above or as otherwise changed.

Signature of water right claimant

Telephone number

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A
0004389395
MAILED FROM ZIP CODE 6

RECEIVED
FEB 12 2007
WATER RESOURCES
WESTERN REGION

4601 W Kuna Cane Rd
Kuna 83634

63-7427D
7427F

**AMENDED NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water Right Number: 63-7427F

JAMES and MARIA SLEGGERS
4601 W. Kuna Cave Road
Boise, ID 83634
Telephone Number: (208)922-5864

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Point of Diversion

Other Provisions Necessary for Definition

2. Describe the changes you wish to make in the proposed recommendation:

Should specify that there are two PODs in SWSW, Section 16

Remove remark regarding use of the water right with water diverted in Wyoming.

3. Give a brief explanation as to why you disagree with these portions:
The remark is inaccurate and erroneous. Two operating wells exist in SWSW, Section 16.

_____ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 10/31/06

SIGNATURE: Charles L. Honsinger

Please print your name: Charles L. Honsinger
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208)342-4591

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringen, of Counsel
Allyn L. Sweeney, of Counsel
Samuel Kaufman (1921-1986)

October 31, 2006

Idaho Dept. of Water Resources
Western Regional Offices
2735 Airport Way
Boise, ID 83705-5082

Re: SRBA Notices of Error

Dear Sir or Madam:

Enclosed please find Amended SRBA Notices of Error for Water Right nos. 63-7427D and 63-7427F that I hereby submit on behalf of my clients James and Maria Slegers. I look forward to resolving the issues raised in these Amended Notices of Error.

Please contact me with any questions or concerns. Thank you.

Sincerely,



Charles L. Honsinger

enclosures

cc: Jim Slegers

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
FIRST CLASS
\$ 01.11
0004310839 OCT 06 2006
MAILED FROM ZIP CODE 83702

WATER RESOURCES
WESTERN REGION

[illegible]

Resent 10-12-06

4601 W Kuna Cave Rd
Kuna 83634

10/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7427F

NAME AND ADDRESS: LENWOOD SLEGGERS
PO BOX 118
KUNA ID 83642

TESS J SLEGGERS
PO BOX 118
KUNA ID 83634

JAMES SLEGGERS
PO BOX 118
KUNA ID 83634

MARIA ADRIANA SLEGGERS
PO BOX 118
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.310 CFS
41.000 AFY

PRIORITY DATE: 01/24/1983

POINT OF DIVERSION:

T01N R01W S16 NWSW Lot 3 Within ADA County

T01N R01W S16 SWSW Lot 4 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.310 CFS 41.00 AFY

PLACE OF USE: STOCKWATER Within ADA County

T01N R01W S16 Lot 5 SESW

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

10/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

The right holder shall accomplish the change authorized by Transfer No. 5548 within one (1) year of the date of this approval.

The place of stockwater use authorized by this approval, and commercial and stockwater uses under Right 63-7427D, include land in the S1/2, S16, T1N, R1W upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval, and the commercial and stockwater uses under Right 63-7427D shall not be used for irrigation unless the water is first used for stockwater and commercial uses in the dairy.

Right 63-7427D is also diverted through the point(s) of diversion described above.

Failure of the right holder to comply with the conditions of Transfer No. 5548 is cause for the Director to rescind approval of the transfer.

The total instantaneous diversion of water from all points of diversion under Transfer 5548 shall not exceed 0.31 cfs, nor a total combined annual volume of 41.0 af.

The place of stockwater use authorized by this approval, and commercial and stockwater uses under Right 63-07427D, include land in the S1/2, S16, T01N, T01W upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval, and the commercial and stockwater uses under Right 63-07427D shall not be used for irrigation unless the water is first used for stockwater and commercial uses in the dairy.

Right 63-07427D is also diverted through the point(s) of diversion described above.

This right is appurtenant to land designated as DLE I-3377.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

This right is appurtenant to land designated as DLE I-3377.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

October 31, 2006

Idaho Dept. of Water Resources
Western Regional Offices
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

OCT 26 2006

**WATER RESOURCES
WESTERN REGION**

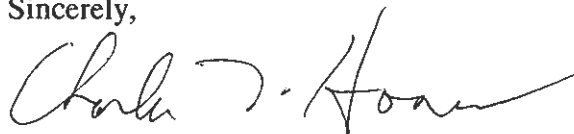
Re: SRBA Notices of Error

Dear Sir or Madam:

Enclosed please find SRBA Notices of Error for Water Right nos. 63-7427D and 63-7427F that I hereby submit on behalf of my clients James and Maria Slegers. I look forward to resolving the issues raised in those Notices of Error.

Please contact me with any questions or concerns. Thank you.

Sincerely,



Charles L. Honsinger

enclosures

cc: Jim Slegers

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water Right Number: 63-7427F

JAMES and MARIA SLEGGERS
4601 W. Kuna Cave Road
Boise, ID 83634
Telephone Number: (208)922-5864

RECEIVED

OCT 26 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Other Provisions Necessary for Definition

2. Describe the changes you wish to make in the proposed recommendation:

Remove remark regarding use of the water right with water diverted in Wyoming.

Removed

3. Give a brief explanation as to why you disagree with these portions:
The remark is inaccurate and erroneous.

_____ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 10/24/06

SIGNATURE: Charles L. Honsinger

Please print your name: Charles L. Honsinger
Ringert Clark, Chartered
P.O. Box 2773
Boise, ID 83701
(208)342-4591

09/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-7427F

NAME AND ADDRESS: LENWOOD SLEGGERS
PO BOX 118
KUNA ID 83642

TESS J SLEGGERS
PO BOX 118
KUNA ID 83634

JAMES SLEGGERS
PO BOX 118
KUNA ID 83634

MARIA ADRIANA SLEGGERS
PO BOX 118
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.310 CFS
41.000 AFY

PRIORITY DATE: 01/24/1983

POINT OF DIVERSION:

T01N R01W S16 NWSW Lot 3 Within ADA County

T01N R01W S16 SWSW Lot 4 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.310 CFS 41.00 AFY

PLACE OF USE: STOCKWATER Within ADA County

T01N R01W S16 Lot 5 SESW

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

09/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

- ✓ X 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.

~~USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER DIVERTED IN THE STATE OF WYOMING.~~

- ✓ X The right holder shall accomplish the change authorized by Transfer No. 5548 within one (1) year of the date of this approval.
- ✓ X Failure of the right holder to comply with the conditions of Transfer No. 5548 is cause for the Director to rescind approval of the transfer.
- ✓ X The total instantaneous diversion of water from all points of diversion under Transfer 5548 shall not exceed 0.31 cfs, nor a total combined annual volume of 41.0 af.
- ✓ X The place of stockwater use authorized by this approval, and commercial and stockwater uses under Right 63-07427D, include land in the S1/2, S16, T01N, T01W upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval, and the commercial and stockwater uses under Right 63-07427D shall not be used for irrigation unless the water is first used for stockwater and commercial uses in the dairy.
- ✓ X Right 63-07427D is also diverted through the point(s) of diversion described above.
- ✓ X This right is appurtenant to land designated as DLE I-3377.
- ✓ X Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- ✓ X Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

~~This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.~~



Idaho Department of Water Resources

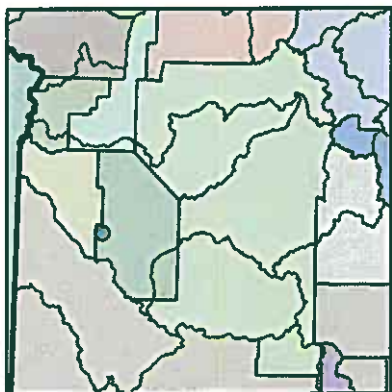
SRBA Recommendation:

63-7427F

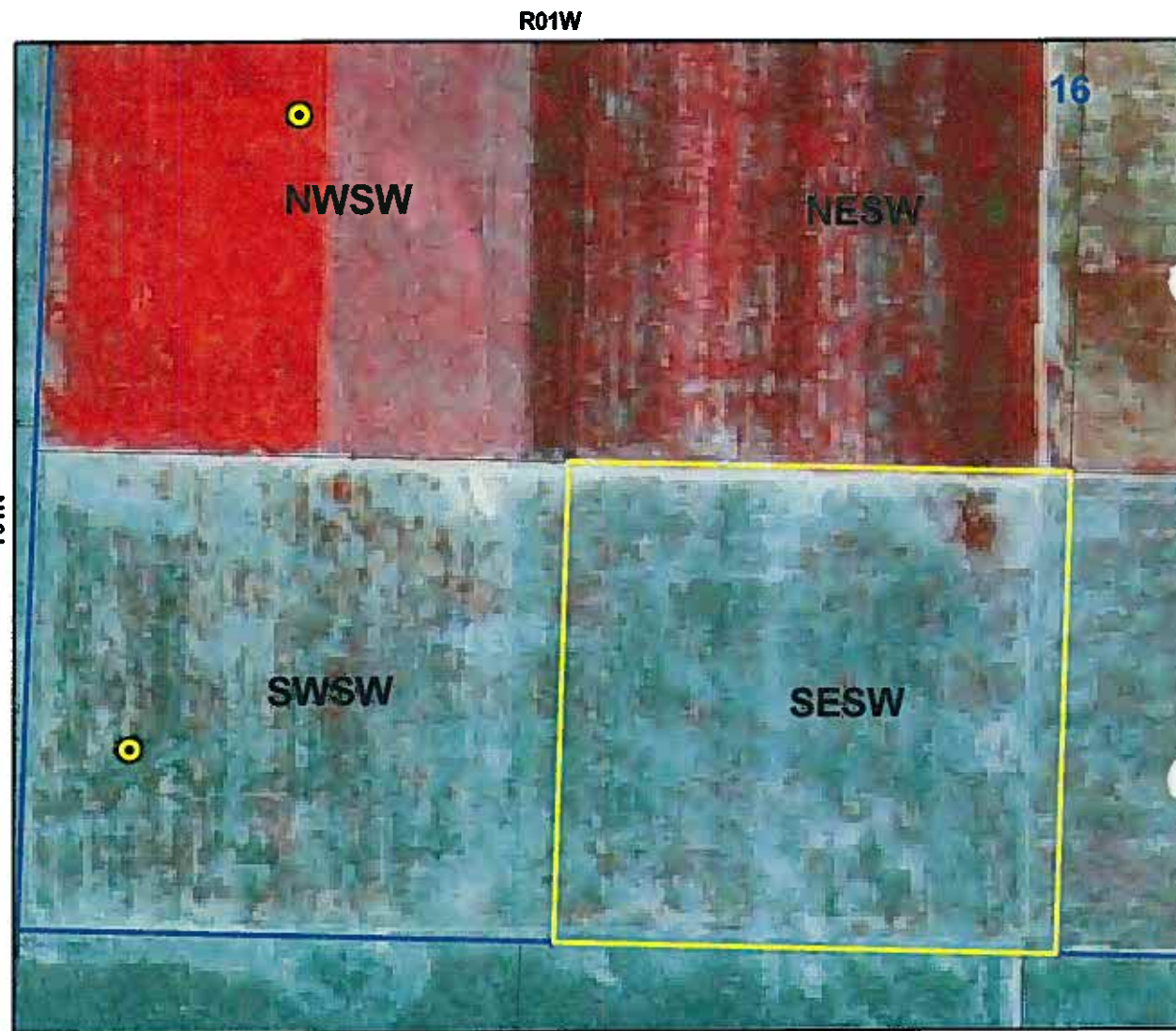
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



0 0.2 0.4 Miles

* Split Tree A63-07427C

A63-07427C (N/O MONY)

DR: 2.30 cfs AV: 577.5 CU: 402.5

PODs: TOIN, ROIW, S15, SWNW
, S16, SENE & NWSE

POU: OIN, OIW, S16, NESW - 39ac NWSW (L3) 38ac
SESW (L5) - 38ac

A63-07427E (N/O MONY)

DR: 1.99 cfs AV: 476.5 CU 402.5

PODs: OIN, OIW, S15, SWNW
S16, SENE & NWSE

POU: OIN, OIW, S16, NESW - 39ac NWSW (L3) 38ac
SESW (L5) 22.3 ac

A63-07427F N/O Slegers

DR: Stockwater - .31 cfs AV: 41 of

PODs: DIN, OIW, S16, NWSW, (L3)
, SWSW, (L4)

POU: OIN, OIW, S16, SESW, (L5) - Stockwater

* Per approved transfer 5548

SD-0607-2 Prefix: A Basin: 63 Starting Water Right: 07427

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A63-07427A	MONTIERTH, HERB MONTIERTH, DARLENE R	C C	04/28/1971	P/	GROUNDWATER	01 IRR 04 STOCK 43 DOMEST
A63-07427B	SPLIT CLAIM,	C	01/24/1983	/Z	GROUNDWATER SPLIT CLAIM	01 IRR
A63-07427C	MUTUAL LIFE INSURANCE	C	01/24/1983	L/	GROUNDWATER	01 IRR
A63-07427D	SLEGGERS, LENWOOD SLEGGERS, JAMES SLEGGERS, MARIA ADRIANA SLEGGERS, TESS J	C C C C	01/24/1983	L/	GROUNDWATER	01 IRR 04 STOCK 10 COMMER
A63-07429	MAROSTICA, VICTOR J	C	05/07/1971	L/	SCOTT DRAIN	01 IRR
A63-07430A	BEUS, STEVE	C	05/10/1971	L/	GROUNDWATER	01 IRR
A63-07430B	SPLIT CLAIM,	C	05/10/1971	/Z	GROUNDWATER SPLIT CLAIM	01 IRR 43 DOMEST
A63-07430C	CRAIG, WAYNE W CRAIG, ESTHER	C C	05/10/1971	L/	GROUNDWATER	01 IRR 43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07427C

Priority: January 24, 1983

Maximum Diversion Rate: 2.30 CFS
Maximum Diversion Volume: 517.5 AF

This is to certify, that MONY PENSION INSURANCE CORP
PO BOX 1368
BOISE ID 83701-1368

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 28, 1971; and has submitted Proof of Beneficial Use on May 27, 1977. An examination indicates that the works have a diversion capacity of 12.410 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 11/15

RATE OF DIVERSION

2.30 CFS

ANNUAL VOLUME

517.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 15, Township 01N, Range 01W
SENE , Sec. 16, Township 01N, Range 01W
NWSE , Sec. 16, Township 01N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

TWN RGE SEC
01N 01W 16

ACRES
NESW 39

ACRES
Lot 3(NWSW) 38

ACRES
Lot 5(SESW) 38

TOTAL
115

Total number of acres irrigated:

115

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. Right 63-03311 is also diverted through one of the points of diversion described above.
7. This right is appurtenant to land designated as DLE No. I-3377.

R32

F05

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-07427C

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 27th
day of OCTOBER, 1995.


Acting for KARL J. DREHER, Director

MONEY

RECEIVED

AUG 16 1995

Department of Water Resources

August 15, 1995

MR. SHELLEY W. KEEN
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
STATEHOUSE MAIL
BOISE, IDAHO 83720-9000

RE: WATER RIGHT NO. 63-07427B

Dear Mr. Keen:

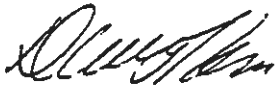
Mutual Life Insurance Company, successors to MONY Pension Insurance Corp., hereby agrees to amend the above referenced water permit to transfer or change to James Slegers and Maria Adriana Slegers, husband and wife, and Lenwood Slegers and Tess J. Slegers, husband and wife, that portion of the permit which is described as:

Part D: Government Lot 4, Section 16, Township 1 North, Range 1 West,
Boise Meridian A.D.A. County, Idaho, containing 40 acres +/-.

I have enclosed a copy of MONY's Partial Release dated May 15, 1995 and a copy of a Special Warranty Deed dated November 16, 1989. In addition, I am enclosing a check for \$25.00 for the filing fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,



David L. Brown,
Assistant Director of Agricultural Investments

DLB/jie

Enclosure

cc: Jim Melton
Neal Goplen
Jack McCall

Loan No. 30047

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a New York Corporation, having its Home Office at 1740 Broadway, New York, New York, 10019, the holder of an Idaho Mortgage and Security Agreement made, dated and recorded as follows:

<u>Made by</u>	<u>Dated</u>	<u>Recorded</u>	<u>Instrument #</u>
Herbert Montierth and Golda Darlene Montierth, husband and wife	12/29/89	1/23/90	9004211

in the Office of the County Recorder of Ada County, Idaho for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby release the following described property:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF AND EMBOSSED WITH THE SEAL OF THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK

Provided, however, that the release shall not be construed or interpreted to affect, diminish or release the balance of the security held under said Mortgage nor shall it be interpreted or construed to release, affect or diminish the personal liability of any party liable for the payment of the Note which said Mortgage secures.

IN WITNESS WHEREOF, THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK has caused this instrument to be signed and sealed on its behalf of its duly authorized officers, this 16th day of May, 1995.

ATTEST:

THE MUTUAL LIFE INSURANCE
COMPANY OF NEW YORK

By: David M. Brown
David M. Brown
Assistant Secretary

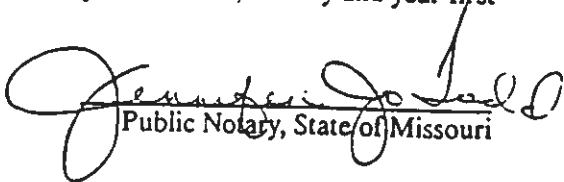
By: James O. Melton
James O. Melton
Vice President

STATE OF MISSOURI

COUNTY OF ST. CHARLES

On this 16th day of May, 1995, before me personally appeared James O. Melton to me known to be one of the Vice Presidents of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.


Public Notary, State of Missouri

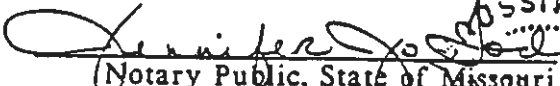
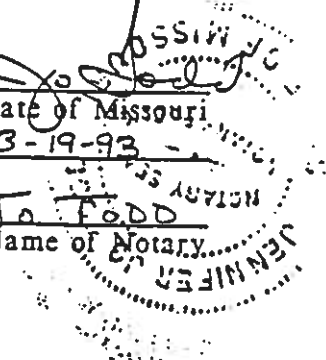
JENNIFER JO TODD
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires: March 19, 1997

STATE OF MISSOURI

COUNTY OF ST. LOUIS

On this 16th day of November, in the year 1989, before me, a Notary Public, personally appeared Neal R. Goplen, known or identified to me to be the Director of Agricultural Investments of the corporation that executed the above instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

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


Notary Public, State of Missouri
My Commission Expires: 3-19-93
Jennifer J. Fadd
Printed Name of Notary


MONT-ID.DED

Ada County, Idaho, ss
Request of
FIRST AMERICAN TITLE CO.
TIME 2:53 PM
DATE 1-23-90
JOHN BASTIDA
RECORDER
By Ch. Bates
Deputy 6.00