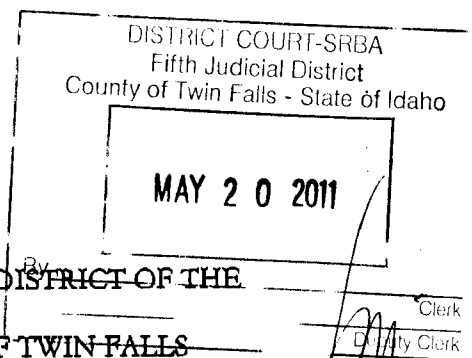




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No: 0-91013
) Basin-Wide Issue 13
)
) OBJECTION RE: STATE OF IDAHO'S
) SECOND AMENDED
) MOTION TO INCLUDE
) SUBORDINATION LANGUAGE ON
) WATER RIGHTS AFFECTED BY THE
) SWAN FALLS AGREEMENT

Please Print or Type the Following Information:

NAME AND ADDRESS OF PERSON PARTICIPATING:

Name: Farmland Reserve, Inc.
139 East South Temple Street, Suite 600
Salt Lake City, Utah 84111

Phone: (801) 715-9110

Name and Address of Attorney, if any:

Christopher F. Bramhall
Kirton & McConkie
60 East South Temple Street, #1800
Salt Lake City, Utah 84143-0120

Water Right for which I am objecting: 45-7497

Please Check Applicable Box:

- ☒ I have reviewed the State of Idaho's *Second Amended Motion*.
- ☒ I wish to object to my water right not being **included** on the list of water rights on **Attachment A**.

OBJECTION RE: STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE SUBORDINATION
LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS AGREEMENT

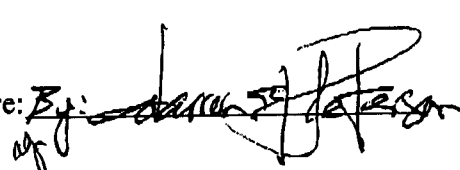
☒ The reason(s) I believe my water right should be included on Attachment A are as follows: See attached Explanatory.

☒ I wish to object to my water right being included on the list of water rights on Attachment B.

☒ The reason(s) I believe my water right should not be included on Attachment B are as follows:*

Water Right #45-7497 should instead be included on Attachment A, for the reasons explained in the attached Explanatory.

☒ I have included proof with this *Objection* supporting that substantial investment was made under the right prior to October 25, 1984,

Signature: By: 

Dated: 5/20/11

* Attach additional sheets of paper as necessary to provide complete explanation.

OBJECTION RE: STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE
SUBORDINATION LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS
AGREEMENT

EXPLANATORY

Under the Swan Falls Agreement, unqualified subordination is granted to all water rights that were actively in use by October 25, 1984. In addition, according to the *Joint Motion For Partial Summary Judgment on the "Rebound Call" Issue*, filed in Case No. 39576 on March 25, 2011, the Swan Falls Agreement also extends unqualified subordination to water rights "for which substantial investment had been made, even if beneficial use had not yet occurred . . ." by that date. *Id.* at page 5. The Idaho Department of Water Resources has indicated that "substantial investment" means an investment of either (i) at least \$1,500, or (ii) 25% of the total cost of the water delivery system.

The subject water right, Water Right #45-7497, has a priority date of April 3, 1982. However, because the Proof of Beneficial Use, filed on June 25, 1987, indicates June 25, 1987 as the date water was first diverted and beneficially used, Water Right # 45-7497 has been assigned to Attachment B, which is entitled only to qualified subordination.

We wish to object to this assignment, based on the fact that a "substantial investment" was made in developing this water right prior to October 25, 1984. Attached to this Explanatory please find the following documentation of such expenditures:

Layne Pumps, Inc. –	
Pump Installation	\$15,376.00
Boley & Henry Well Drilling	\$ 3,336.00
Layne Pumps, Inc. – Well Test	\$ 1,475.00
TOTAL	\$20,147.00

As the attached documentation demonstrates, the original water right holder invested at least \$20,137.00 in developing this water right prior to October 25, 1984. We believe Water Right #45-7497 therefore qualifies for unqualified subordination under terms of the Swan Falls Agreement.

LAYNE PUMPS, Inc.
TWIN FALLS, IDAHOINSTALLER'S WORK ORDER
FIELD REPORT and TIME SHEETBRANCH T-F
INSTALLER L. Carey
DATE 10-27 19 81CUSTOMER Uhlir Ranch Pump No. _____
Who to See _____ Phone _____ Job No. _____ Well No. _____
Job Location _____ Well Dia. _____ " Stated Depth _____ Ft.
Well Reduced to _____ " at _____ Ft.
and to _____ " at _____ Ft.
Power Co. Transformer Location No. _____

WORK TO BE DONE: (Always bring in old bowls unless instructed otherwise)

Install - Pull _____ Make Pump _____ Head w/ _____ HP _____ Motor _____ RPM _____ Volts _____ Ph. _____
Gear: Size _____ Ratio _____ Flex Shaft _____ Column _____ Feet _____
Pipe _____ Tube _____ Shaft _____ Enclosed - Open _____ Suction _____ Feet _____ Size w/Strainer _____
Stage _____ Bowls, Adjust Impellers _____ " Off Bottom _____ Discharge _____ Feet _____ Size _____
OTHER WORK: _____

Supervisor _____

WORK PERFORMED: (Fill in spaces and answer all questions)

Well: Sounded Well _____ Ft. Deep. Well I.D. 20 " Well Crooked? _____
Did Pump Bld? 40 Sand Pumped ☐ Clean to _____ Ft. Fish for Parts? _____
Install - Pull Pump Make 6-63 Serial No. T 81787 Type Drive _____
Install - Pull Motor Make _____ HP _____ RPM _____ Frame _____
Serial No. _____ R & S - VHS - VSS Volts _____ Phase _____
Install - Pull Gear Make 11.5 Size 110 Ratio 1:1 Serial _____
Install - Pull 2.20 Ft. Column 12 Pipe 2 1/2 Tube 1 1/4 Shaft _____
Section Lengths 20 With - Without Air Line. Exact Length New Air Line 215 Ft.
Air Line Hold? _____ Reading _____ Pump Have Column Valve? _____ Valve Bleed Hole? _____
Install - Pull 2 Stage 175 Bowls. Did Bowl Shaft Turn Freely? _____
Bowl Shaft Projection From Tubing Shoulder (Measure) _____
Install - Pull 1 Ft. Suction Size 12 Thd. 67d Strainer Type cone
Connect Motor Leads ☐ Gear to Driver ☐ Wire Switchboard ☐
Align Shaft in Head ☐ Check Rotation ☐ Adjust Impeller _____ " Off Bottom
Fill Oil Reservoirs ☐ Used _____ Quarts Layne - Customer Oil
Did Shaft Line Up OK? _____ Does Shaft Run True? _____ Does Shaft Seal Hold? _____
After Adjustment, Did Pump Turn Freely? _____ Is Pump Properly Adjusted? _____
Does Column Valve Hold? _____ Does Pump Discharge Sand? _____ Much? _____
Ran Pump _____ Hrs. Pump Runs - Smooth - Fair - Vibrates
Standing Water Level _____ Running Water Level _____ Discharge Pressure _____
Customer's Comments: _____What Extra Material Was Used? curb + fittings - gullyOther Work: Head 12 discharge bolts + nuts3/4" long x 3/4"M-D shaft?27 1/2" top of shaft - top of head
Went to D 2 1/2"THIS BLOCK FOR
OFFICE USE ONLYJob Complete: Yes ☐ No ☐
Charge: Regular ☐
Contract ☐
Service ☐
Guar. Repair ☐TIME OTHER THAN
ON PUMP CREW
HRS.Special Rigging _____
Move House _____
Install Foundation _____
Load & Unload Pump _____
Move Pump _____
Wire Switchboard _____
Sand Pump Well _____
Fish for Parts _____
Install Tank & Fittings _____
Travel _____
Lost Time: _____
Wait for Operator _____
Wait for Mat'l _____
Fix Defect. Mat'l _____
Truck Breakdown _____
Equip. Breakdown _____
Clear Site _____
Bad Road _____

Total Col. Lgth. _____

Truck No. _____

Start Time _____

Return Time _____

Total Miles _____

EMPLOYEE	HOURS	EXPENSE
Installer <u>Bph</u>	<u>7</u>	Hotel \$ _____
Helper <u>VRH</u>	<u>7</u>	Meals _____
Helper <u>Elmer</u>	<u>6</u>	Gas - C _____
Helper _____		Miscel. OUS _____

SALES ORDER
and
INVOICELAYNE PUMPS
P. O. BOX 640
TWIN FALLS, IDAHO 83301
733-3284

No. 2116

Sales Tax Exempt

Date 10-26-01

For UHLIG RANCHES

Date Desired

Address Route 1

Invoice 05810550

Route Hansen, Idaho 83334

Customer Order No.

NO.	DESCRIPTION	UNIT PRICE	AMOUNT
	HP MOTOR Phase Volt Make RPM		
	{ With } Ratchet Frame Serial Clutch Bore		
	{ Without } Key P. O.		
	HP STARTER { Across Line } Make Type		
	Serial Auto Start P. O.		
	AMP SAFETY SWITCH Volt Phase Make		
	Type P. O.		
	GEAR DRIVE Ratio Clutch Key Make		
	Serial P. O.		
	WL SPICER SHAFT " Long		
	W DRIVE FLANGE Bore Key		
	W ENGINE FLANGE Bore Key		
1	12" HEAD 12" Outlet Stuffing Box Bolt Circle		
	Base Plate Bolts T-01307 Serial		
	Head Shaft Nut Key		
	Shaft Coupling P. O.		
1	5 Qt. OILER Volt Solenoid Grease Gun W. L.		
1	12 "X 1" DISCHARGE NIPPLE TOE TOE Actual Length Shipped		
1	220 SETTING OF 12 "X 1-11/16 "X 2-1/2 " in Length		
	Pcs. "X" Top column with Flange & Packing Ring		
	Pcs. of Top Special Tubing		
	Pcs. of Top Special Shaft		
	Pcs. "X" "X" "X" Std. Col./		
	Coupling Bushing Monel Sleeve Retainer Ring		
	Pcs. "X" "X" "X" Bot. Col./		
	Coupling Bushing Monel Sleeve Retainer Ring		
1	15 BOWLS GHC Type 2 Stage { Open } Ports { Bronze } Wear Rings		
	{ Cast Iron } Impellers { Oversize } Shaft { In Stock } T-01307 Serial		
	Fitted X X X		
1	12 "X 1" SUCTION TOE TOE Actual Length Couplings		
1	12 " STRAINER { Bronze } { Galvanized } { Screwed } { Welded } { Basket } { Cone }		
1	320' Air Line, Gauges & Fittings		122.00
	Pump Complete		14,594.00
	Installation		660.00
	TERMS: NET 30 DAYS. INTEREST WILL BE CHARGED MONTHLY AT THE RATE OF 12 PER CENT PER ANNUM ON ALL SUMS NOT PAID WHEN DUE. SHOULD THAT RATE EXCEED MAXIMUM PERMISSIBLE UNDER APPLICABLE STATE LAW, INTEREST AT HIGHEST LEGAL RATE SHALL BE PAYABLE.	NET	\$15,376.00

m 238-7

G

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.USE TYPEWRITER OR
BALLPOINT PEN

RECEIVED

WELL OWNER

Name

Ed. Uhlig

Address

1730 S.W. Idaho

Owner's Permit No.

457497

NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other (specify type)

METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other

WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
35.0 Inches	30.0 Inches	1.1 feet	54 feet
Inches	Inches	feet	feet
Inches	Inches	feet	feet
Inches	Inches	feet	feet

Was casing drive shoe used? ☐ Yes ☒ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 527 Material used in seal: ☐ Cement grout☒ Pudding clay ☐ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

WATER LEVEL

Static water level 102 feet below ground surface

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed in pressure _____

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ of Quality _____

WELL TEST DATA

☐ Pump ☐ Baller ☐ Air ☐ Other

Discharge G.P.M. _____ Pumping Level _____ Hours Pumped _____

ESTIMATE SHEET

PHONE

	SIZE	PER FOOT	TOTAL
HOLE SIZE 26" Fr	26"	6.00	1560.00
HOLE SIZE 17 1/2"	24	35.00	840.00
HOLE SIZE			
CASING SIZE 21" Fr	20	18.00	736.00
CASING SIZE			
CASING SIZE			
SEALING			
			3336.00



A MARLEY COMPANY

LAYNE PUMPS, Inc.

VERTICAL TURBINE PUMPS

PHONE 733-3284

P. O. BOX 640

TWIN FALLS, IDAHO 83301

WELL TESTING REPORT AND AGREEMENT

NAME UNLIS RANCHES LOCATION E. OF HANSEN

I. D. WELL 16" WELL DEPTH 350' WATER TEMP. 50th STATIC WATER LEVEL 108'

ORIFICE SIZE 10" DISCHARGE PIPE 12" COLUMN & LENGTH 300' x 10' AIRLINE 300'

[illegible]

APPROVED BY:

(LAYNE & BOWLER, INC.)

(OWNER OF WELL)

INSTALLED BY: GARY & TOMMY THOMPSON

DATE 9/2/81

No. 5077 P. 12

SALES ORDER

LAYNE PUMPS

S.O. 10149

SALES TAX EXEMPT

**AND
INVOICE**

 P.O. BOX 610 - PHONE 545-9548
PASCO, WASHINGTON 99301

☒ P.O. BOX 840 - PHONE 733-3284
TWIN FALLS, IDAHO 83301

Invoice 05810529

For UHLIG RANCHES
Route 1
Ship To Hansen, Idaho 83334

Date 9/14/81, 19__
Cust. Order No. _____
Our P.O. No. T-81386
Date Desired _____

[illegible]

LPTTF001

W-Customer
Y-File
P-Memphis
B-Office

TERMS: NET 30 — Maximum legal rate of interest to be assessed on any unpaid amount after (30) days from date of invoice. Standard Terms and Conditions on reverse side apply.