

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: A43-02368
Date Received: 6/14/1989
Receipt No: S008227
Received By: O/C ALB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: HARRIS AG
Address: BOX 1024
2655 E 1400 S
MALTA ID 83342

2. Date of Priority: OCT 17, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	2	SE	SW	SE		CASSIA
		3	NE	SE	NW		CASSIA
		4	SW	NW	NE		CASSIA
			SE	NE	SE		CASSIA
		9	SE	SE	NW		CASSIA
			SE	SE	SE		CASSIA
		10	SE	SE	NE		CASSIA
		11	SE	SW	SE		CASSIA

5. Description of diverting works:
8 WELLS AND PUMPS, SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.530		

7. Total Quantity Appropriated is:
4.530 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	Lot	Use	Acres
13S	27E	2	SW		NE		IRR	33.0
			NE		NW		IRR	32.0
			NW		NW		IRR	32.0
			SW		NW		IRR	33.0
			SE		NW		IRR	33.0
			NE		SW		IRR	33.0
			NW		SW		IRR	33.0
			SW		SW		IRR	33.0
			SE		SW		IRR	33.0
			NW		SE		IRR	33.0
			SW		SE		IRR	33.0
Section Acres								361.0
		3	NE		NE		IRR	36.0
			NW		NE		IRR	36.0
			SW		NE		IRR	36.0
			SE		NE		IRR	36.0
			NE		NW		IRR	35.0
			NW		NW		IRR	36.0
			SW		NW		IRR	36.0
			SE		NW		IRR	36.0
			NE		SW		IRR	37.0
			NW		SW		IRR	18.0
			SW		SW		IRR	36.0
			SE		SW		IRR	37.0
			NE		SE		IRR	33.0
			NW		SE		IRR	37.0
			SW		SE		IRR	37.0
			SE		SE		IRR	33.0
Section Acres								555.0
		4	NE		NE		IRR	36.0
			NW		NE		IRR	35.0
			SW		NE		IRR	36.0
			SE		NE		IRR	36.0
			NE		SE		IRR	36.0
			NW		SE		IRR	36.0
			SW		SE		IRR	36.0
			SE		SE		IRR	36.0
Section Acres								287.0
		9	NE		NE		IRR	36.0
			NW		NE		IRR	36.0
			SW		NE		IRR	36.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	9	SE		NE		IRR	36.0
			NE		NW		IRR	36.0
			NW		NW		IRR	35.0
			SW		NW		IRR	35.0
			SE		NW		IRR	29.0
			NE		SW		IRR	36.0
			NW		SW		IRR	35.0
			SW		SW		IRR	34.0
			SE		SW		IRR	35.0
			NE		SE		IRR	36.0
			NW		SE		IRR	36.0
			SW		SE		IRR	35.0
			SE		SE		IRR	35.0
								Section Acres 561.0
		10	NE		NE		IRR	36.0
			NW		NE		IRR	37.0
			SW		NE		IRR	37.0
			SE		NE		IRR	36.0
			NE		NW		IRR	37.0
			NW		NW		IRR	36.0
			SW		NW		IRR	36.0
			SE		NW		IRR	37.0
			NE		SW		IRR	37.0
			NW		SW		IRR	36.0
			SW		SW		IRR	35.0
			SE		SW		IRR	36.0
			NE		SE		IRR	36.0
			NW		SE		IRR	37.0
			SW		SE		IRR	36.0
			SE		SE		IRR	35.0
								Section Acres 580.0
		11	NW		NE		IRR	35.0
			SW		NE		IRR	35.0
			NE		NW		IRR	37.0
			NW		NW		IRR	36.0
			SW		NW		IRR	36.0
			SE		NW		IRR	37.0
			NE		SW		IRR	37.0
			NW		SW		IRR	36.0
			SW		SW		IRR	35.0
			SE		SW		IRR	36.0
			NW		SE		IRR	35.0
			SW		SE		IRR	34.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	429.0
					Total Acres	2773.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

NAME CHANGE MADE 3/4/96 BY TLB.
TRANS. 1838.
OTHER WATER RIGHTS:
A43-04031 A43-04029 A43-02438B
A43-04028A A43-04032 A43-10490

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JAN 25 1996

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ SBM Southern Region
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: See Attached
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): C McGee Harris & Sons
- ☐ New Owner/Claimant (Purchaser): Harris Ag
- ☐ New Mailing Address: Box 1024 2655E 1400S
Malta Id 83342
- ☐ New Telephone Number: () _____ - _____
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Todd Harris Partner for Harris Ag Date 1-26-96
- ☐ Signature of Former Owner/Claimant(s) Todd Harris Partner for McGee Harris & Sons Date 1-26-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2/4/96 By: HLB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

SD-0601-2 Last Name: C GEE

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Des
-	C MC GEE HARRIS & SONS						
-		C A43-10496		01/01/1975	GROUNDWATER	0.120	04 STOC
-		C A43-10497		01/01/1963	GROUNDWATER	0.060	43 DOME
-		C A43-10498		01/01/1976	GROUNDWATER	0.040	43 DOME
-		C A43-02371		12/04/1951	GROUNDWATER	4.000	01 IRR
-		C A43-02438B		01/05/1957	GROUNDWATER	8.540	01 IRR
-		C A43-04028A		04/01/1960	GROUNDWATER	5.400	01 IRR
-		C A43-04032		04/01/1961	WASTE WATER	4.630	01 IRR
-		C A43-02368		10/17/1951	GROUNDWATER	4.530	01 IRR
-		C A43-02438C		01/05/1957	GROUNDWATER	4.040	04 STOC
-							10 COMM
-		C A43-02444		05/10/1956	GROUNDWATER	4.920	01 IRR
-		C A43-10499		05/20/1961	GROUNDWATER	0.040	43 DOME
-		C A43-10490		03/15/1974	GROUNDWATER	24.040	01 IRR
-		C R43-10497		01/01/1963	GROUNDWATER	0.060	43 DOME
-		C R43-10498		01/01/1976	GROUNDWATER	0.040	43 DOME

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MARCH 5, 1996

HARRIS AG
BOX 1024
2655 EAST 1400 SOUTH
MALTA, ID 83342

RE: SRBA CLAIM(S) FOR C MC GEE HARRIS

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

COPY

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: A43-02368
Date Received: 6/14/1989
Receipt No: S008227
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: C. MC GEE HARRIS & SONS 208-645-2382
Address: HC 70 BOX 1024
MALTA, ID 83342

2. Date of Priority: OCT 17, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	2	SE	SW	SE		CASSIA
		3	NE	SE	NW		CASSIA
		4	SW	NW	NE		CASSIA
			SE	NE	SE		CASSIA
		9	SE	SE	NW		CASSIA
			SE	SE	SE		CASSIA
		10	SE	SE	NE		CASSIA
		11	SE	SW	SE		CASSIA

5. Description of diverting works:
8 WELLS AND PUMPS, SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.530		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02368

Page 1

Date: 06/14/89

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	2	SW		NE		IRR	33.0
			NE		NW		IRR	32.0
			NW		NW		IRR	32.0
			SW		NW		IRR	33.0
			SE		NW		IRR	33.0
			NE		SW		IRR	33.0
			NW		SW		IRR	33.0
			SW		SW		IRR	33.0
			SE		SW		IRR	33.0
			NW		SE		IRR	33.0
			SW		SE		IRR	33.0
Section Acres								361.0
		3	NE		NE		IRR	36.0
			NW		NE		IRR	36.0
			SW		NE		IRR	36.0
			SE		NE		IRR	36.0
			NE		NW		IRR	35.0
			NW		NW		IRR	36.0
			SW		NW		IRR	36.0
			SE		NW		IRR	36.0
			NE		SW		IRR	37.0
			NW		SW		IRR	18.0
			SW		SW		IRR	36.0
			SE		SW		IRR	37.0
			NE		SE		IRR	33.0
			NW		SE		IRR	37.0
			SW		SE		IRR	37.0
			SE		SE		IRR	33.0
Section Acres								555.0
		4	NE		NE		IRR	36.0
			NW		NE		IRR	35.0
			SW		NE		IRR	36.0
			SE		NE		IRR	36.0
			NE		SE		IRR	36.0
			NW		SE		IRR	36.0
			SW		SE		IRR	36.0
			SE		SE		IRR	36.0
Section Acres								287.0
		9	NE		NE		IRR	36.0
			NW		NE		IRR	36.0

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	9	SW		NE		IRR	36.0
			SE		NE		IRR	36.0
			NE		NW		IRR	36.0
			NW		NW		IRR	35.0
			SW		NW		IRR	35.0
			SE		NW		IRR	29.0
			NE		SW		IRR	36.0
			NW		SW		IRR	35.0
			SW		SW		IRR	34.0
			SE		SW		IRR	35.0
			NE		SE		IRR	36.0
			NW		SE		IRR	36.0
			SW		SE		IRR	35.0
			SE		SE		IRR	35.0

Section Acres 561.0

10	NE	NE	IRR	36.0
	NW	NE	IRR	37.0
	SW	NE	IRR	37.0
	SE	NE	IRR	36.0
	NE	NW	IRR	37.0
	NW	NW	IRR	36.0
	SW	NW	IRR	36.0
	SE	NW	IRR	37.0
	NE	SW	IRR	37.0
	NW	SW	IRR	36.0
	SW	SW	IRR	35.0
	SE	SW	IRR	36.0
	NE	SE	IRR	36.0
	NW	SE	IRR	37.0
	SW	SE	IRR	36.0
	SE	SE	IRR	35.0

Section Acres 580.0

11	NW	NE	IRR	35.0
	SW	NE	IRR	35.0
	NE	NW	IRR	37.0
	NW	NW	IRR	36.0
	SW	NW	IRR	36.0
	SE	NW	IRR	37.0
	NE	SW	IRR	37.0
	NW	SW	IRR	36.0
	SW	SW	IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	11	SE	SW		IRR	36.0
			NW	SE		IRR	35.0
			SW	SE		IRR	34.0
						Section Acres	429.0
						Total Acres	2773.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:
TRANS. 1838.
OTHER WATER RIGHTS:
A43-04031 A43-04029 A43-02438B
A43-04028A A43-04032 A43-10490

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 Organizations:

I do solemnly swear or affirm that I am Partner of _____ Title

C. Mc Lee Harris & Son, that I have signed the foregoing Organization

document in the space below as Partner of _____ Title

C. Mc Lee Harris & Son, and that the statements contained in the Organization

foregoing document are true and correct.

C. Mc Lee Harris
Signature of Authorized Agent

C. Mc Lee Harris & Son
Title and Organization

6 14 89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day

of June 19 89

Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

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UNCLASSIFIED

MAR 03 1993

67-1089

43-02368

Land Title and Escrow, Inc.

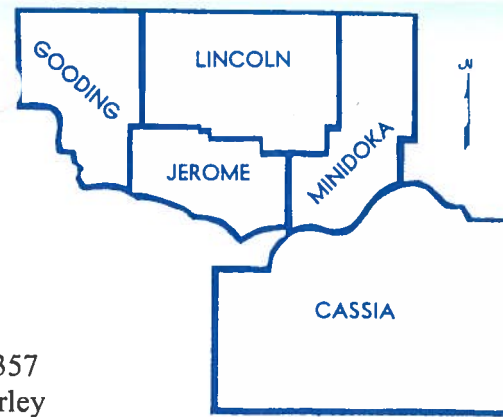
A FULL SERVICE TITLE COMPANY

RECEIVED

MAY 24 2000

Department of Water Resources

REFER TO: 32357
OFFICE: Burley



April 27, 2000

State of Idaho
Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720
Attention: Reclamation Engineer

RE: C. McGee Harris et al water rights in Cassia County, Idaho

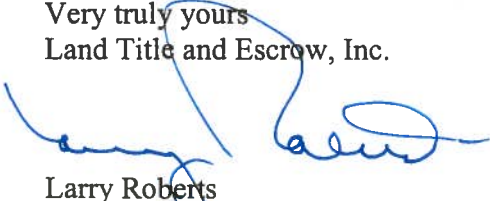
Gentlemen:

Please find enclosed the following documents:

1. The original and one executed copy of a Notice of Pledge signed by the Harris. Please execute one copy of this Notice of Pledge and forward it to Lannette C. Wilson in the enclosed self-addressed stamped envelope.
2. A copy of a letter to the Idaho Department of Water Resources, Southern Region where the Notice of Change of Water Right Ownership was submitted for Water Right Nos. A43-02436, 43-02438, 43-04028A, 43-04029, 43-04030, 43-04027A, 43-04031, 43-07223 and 43-02371 along with copies of the executed deeds.

Should you have any questions concerning this matter, please don't hesitate to contact me.

Very truly yours
Land Title and Escrow, Inc.


Larry Roberts
President and General Manager

LR/nrg
enc.

Certified Mail

cc: Lannette C. Wilson -
Scott J. Poulsen

Federal Land Bank
PO BOX 95850
SOUTH JORDAN UT 84095-0850

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

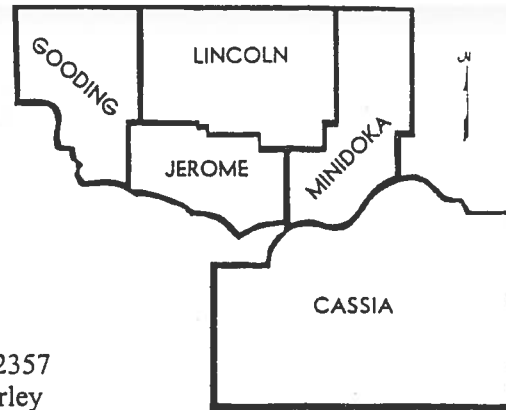
BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0806 - FAX 438-1188

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #32357
OFFICE: Burley

April 27, 2000

Idaho Dept. of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: C. McGee Harris, et al

Dear Sir/Madam:

Please find enclosed the following:

1. An executed Notice of Change of Water Right Ownership for Water Right No. 43-02371 along with a copy of the plat map and the recorded deeds in the chain of title from Eldon H. Chandler through to C. McGee Harris and Janet Harris, husband and wife, Wade G. Harris and Renee Harris, husband and wife, Todd D. Harris and Cindy Harris, husband and wife, and Kurt Harris and Jackie Harris, husband and wife.
2. An executed Notice of Change of Water Right Ownership for Water Right Nos. 43-07223 along with a plat map and a copy of the recorded deeds in the chain of title from Norman Brothers to C. McGee Harris, et al.
3. An executed Notice of Change of Water Right Ownership for Water Right Nos. A43-02436, 43-02438, 43-04028A, 43-04029, 43-04030, 43-04027A and 43-04031 executed by C. McGee Harris as new Owner/Claimant for the above water rights including copies of the deeds in the chain of title from Benchmark Ranches through C. McGee Harris et al.

Would you please make the necessary changes in your records to indicate the water rights listed in paragraphs 1, 2 and 3 in the name of C. McGee Harris, et al.

Should you have any questions concerning this matter, or need additional information, please do not hesitate to contact me.

Very truly yours
Land Title and Escrow, Inc.

Larry Roberts
President and General Manager

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

LR/nrg
enc.
Certified Mail

NOTICE OF PLEDGE

STATE OF IDAHO
Department of Water Resources
Statehouse
Boise, Idaho 83720

Loan No. 3064069101/3064069201

Attention: Reclamation Engineer

Please be notified that the undersigned have this date executed a Mortgage in favor of the Federal Land Bank Association of Utah, FLCA, covering certain land in Cassia, State of Idaho, together with all of the Mortgagor's right to use the following:

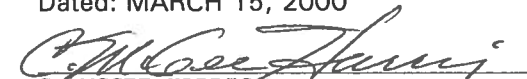
Claim No.	Source	Flow	Uses	Acres/head	Status
A43-02368	Groundwater	4.53 cfs	Irrigation	2773 Ac	License
A43-02436	Groundwater	4.27 cfs	Irrigation	2751 Ac	License
A43-02438	Groundwater	4.27 cfs	Irrigation	2716 Ac	License
A43-02438B	Groundwater	8.54 cfs	Irrigation	2745 Ac	License
43-04028A	Groundwater	5.40 cfs	Irrigation	1141 Ac	Stat. Claim
A43-04032	Waste water	4.63 cfs	Irrigation	1037 Ac	Stat. Claim
A43-10811	Groundwater	9.06 cfs	Irrigation	1735 Ac	Stat. Claim
43-04029	Groundwater	4.53 cfs	Irrigation	1631 Ac	Stat. Claim
43-04030	Groundwater	4.53 cfs	Irrigation	1143 Ac	Stat. Claim
43-04027A	Groundwater	3.96 cfs	Irrigation	1127 Ac	Stat. Claim
43-04031	Groundwater	4.42 cfs	Irrigation	1137 Ac	Stat. Claim
A43-10812	Groundwater	8.38 cfs	Irrigation	1500 Ac	Stat. Claim
A43-10490	Groundwater	24.04 cfs	Irrigation	404 Ac	Ben. Use
43-07223	Groundwater	5.00 cfs	Irrigation	339 Ac	Application
A43-02371	Groundwater	4.00 cfs	Irrigation	196 Ac	License
A43-02438C	Groundwater	4.04 cfs	Stockwater/Commercial		License
A43-10499	Groundwater	.04 cfs	Domestic	House	Ben. Use
A43-10498	Groundwater	.04 cfs	Domestic	House	Ben. Use
A43-10497	Groundwater	.06 cfs	Domestic	2 Houses	Ben. Use
A43-10496	Groundwater	.12 cfs	Stockwater	500 Beef	Ben. Use

The said Mortgage, given to secure a promissory note of even date, was recorded

March 31, 2000, in the office of the County Recorder of the above referenced County, as
Instrument No. 268428.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Federal Land Bank Association of Utah, FLCA, 406 West South Jordan Parkway (Suite 500), South Jordan, Utah 84095.

Dated: MARCH 15, 2000


C. MCGEE HARRIS

JANET G. HARRIS

WADE G. MCGEE HARRIS

TODD D. HARRIS


RENEE HARRIS

CINDY HARRIS

JACKIE HARRIS

KUNT M. HARRIS

ACKNOWLEDGEMENT FROM STATE DEPARTMENT OF WATER RESOURCES

Receipt of the Notice of Pledge, of which this is a duplicate original, is acknowledged. One original of this notice will be filed with the records of the subject water rights in this Office.

6/15/00
Date


Signature of authorized person representing
the Department of Water Resources

Water Right Permits Section Mgr.

01/17/2001

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

RIGHT NUMBER: 43-2368

NAME AND ADDRESS: HARRIS AG
BOX 1024
2655 E 1400 S
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 4.53 CFS
1440 AFY

USE OF THIS RIGHT WITH RIGHT NOS 43-11218, 43-10811, 43-10812, 43-4028A, 43-10490 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 10,964 AF.

PRIORITY DATE: 10/17/1951

POINT OF DIVERSION:	T13S R27E S2	SESWSE	Within CASSIA County
	T13S R27E S3	NESENW	Within CASSIA County
	T13S R27E S4	SWNWNE	Within CASSIA County
	T13S R27E S4	SENESE	Within CASSIA County
	T13S R27E S9	SESENW	Within CASSIA County
	T13S R27E S9	SESESE	Within CASSIA County
	T13S R27E S10	SESENE	Within CASSIA County
	T13S R27E S11	SESWSE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	4.53 CFS 1,440.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R27E S10	NENE	40	T13S R27E S10	NWNE	40
T13S R27E S10	NENW	40	T13S R27E S10	NWNW	40
T13S R27E S10	SENE	40	T13S R27E S10	SWNE	40
T13S R27E S10	SENW	40	T13S R27E S10	SWNW	40
T13S R27E S10	NESE	40	T13S R27E S10	NWSE	40
T13S R27E S10	NESW	40	T13S R27E S10	NWSW	40

T13S R27E S10		SESE	40	T13S R27E S10		SWSE	40
T13S R27E S10		SESW	40	T13S R27E S10		SWSW	40
T13S R27E S11		NWNE	40	T13S R27E S11		NENW	40
T13S R27E S11		NWNW	40	T13S R27E S11		SWNE	40
T13S R27E S11		SENW	40	T13S R27E S11		SWNW	40
T13S R27E S11		NWSE	40	T13S R27E S11		NESW	40
T13S R27E S11		NWSW	40	T13S R27E S11		SWSE	40
T13S R27E S11		SESW	40	T13S R27E S11		SWSW	40
T13S R27E S2		SWSE	40	T13S R27E S2		SESW	40
T13S R27E S2		SWSW	40	T13S R27E S2		SWNE	40
T13S R27E S2		SENW	40	T13S R27E S2		SWNW	40
T13S R27E S2		NWSE	40	T13S R27E S2		NESW	40
T13S R27E S2		NWSW	40	T13S R27E S2	LOT 3	NENW	40
T13S R27E S2	LOT 4	NWNW	40	T13S R27E S3		SENW	40
T13S R27E S3		SWNW	40	T13S R27E S3		NESW	40
T13S R27E S3		NWSW	40	T13S R27E S3		SESE	40
T13S R27E S3		SWSE	40	T13S R27E S3		SESW	40
T13S R27E S3		SWSW	40	T13S R27E S3		SENE	40
T13S R27E S3		SWNE	40	T13S R27E S3		NESE	40
T13S R27E S3		NWSE	40	T13S R27E S3	LOT 1	NENE	40
T13S R27E S3	LOT 2	NWNE	40	T13S R27E S3	LOT 3	NENW	40
T13S R27E S3	LOT 4	NWNW	40	T13S R27E S4		NESE	40
T13S R27E S4		NWSE	40	T13S R27E S4		SESE	40
T13S R27E S4		SWSE	40	T13S R27E S4		SENE	40
T13S R27E S4		SWNE	40	T13S R27E S4	LOT 1	NENE	40
T13S R27E S4	LOT 2	NWNE	40	T13S R27E S9		NENE	40
T13S R27E S9		NWNE	40	T13S R27E S9		NENW	40
T13S R27E S9		NWNW	40	T13S R27E S9		SENE	40
T13S R27E S9		SWNE	40	T13S R27E S9		SENW	40
T13S R27E S9		SWNW	40	T13S R27E S9		NESE	40
T13S R27E S9		NWSE	40	T13S R27E S9		NESW	40
T13S R27E S9		NWSW	40	T13S R27E S9		SESE	40
T13S R27E S9		SWSE	40	T13S R27E S9		SESW	40
T13S R27E S9		SWSW	40				

3160 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2741 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A

THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3160 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-11218, 43-10811, 43-10812, 43-2368, 43-4028A, 43-10490

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

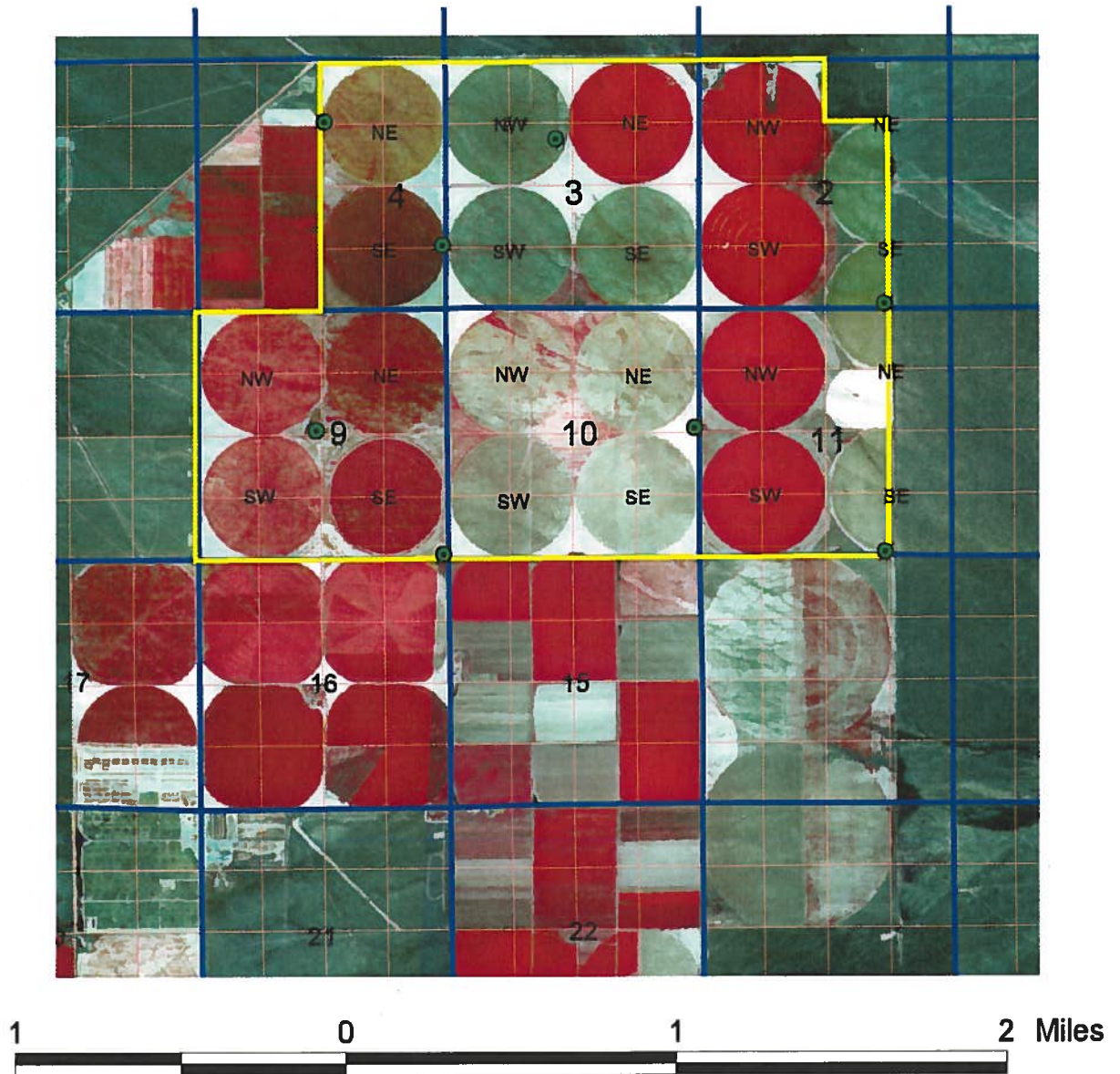
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NOS. 43-11218, 43-4028A, 43-10490, 43-10811, 43-10812
ARE ALSO DIVERTED THROUGH POINT OF DIVERSIONS DESCRIBED ABOVE.
RIGHT NO. 43-10490 IS AN EXPANSION OF THIS RIGHT PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY PLACE OF USE

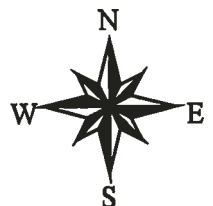
43-2368, 4028A, 10811, 10812,
11218 & 10490



T13S, R27E
Sect 2, 3, 4, 9, 10 & 11

Map prepared by: Cbird
November 9, 2000
1987-1988 NAPP Photography

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER/QUATER LINES



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 43-2368

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BENCHMARK RANCHES
Original Owner	MARK E HENERY

Priority Date: 10/17/1951
 Basis: License
 Status: Valid

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	4.53 CFS		
STOCKWATER	1/01	12/31			

Total Diversion 4.53 CFS

Location of Point(s) of Diversion:

GROUND WATER	SWSE	Sec. 02	Township 13S	Range 27E	CASSIA County
GROUND WATER	NENW	Sec. 03	Township 13S	Range 27E	CASSIA County
GROUND WATER	NWSW	Sec. 03	Township 13S	Range 27E	CASSIA County
GROUND WATER	SENE	Sec. 09	Township 13S	Range 27E	CASSIA County
GROUND WATER	SESE	Sec. 09	Township 13S	Range 27E	CASSIA County
GROUND WATER	SENE	Sec. 10	Township 13S	Range 27E	CASSIA County
GROUND WATER	SWSE	Sec. 11	Township 13S	Range 27E	CASSIA County

IRRIGATION Use:
 Acre Limit: 2743

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	27E	2		SWNE	36		SENE	36		SENE	36		SENE	36
				SWNW	36		SENE	36		SENE	36		SENE	36
				NESW	37		NWSW	36		SWSW	36		SESW	36
				NWSE	36		SWSE	35						
		3		NENE	36		NWNE	36		SWNE	36		SENE	36
				NENW	35		NWNW	36		SWNW	36		SENE	36
				NESW	37		NWSW	18		SWSW	36		SESW	37
				NESE	36		NWSE	37		SWSE	37		SESE	36
		4		NENE	36		NWNE	35		SWNE	36		SENE	36
				NESE	36		NWSE	36		SWSE	36		SESE	36
		9		NENE	36		NWNE	36		SWNE	36		SENE	36
				NENW	36		NWNW	35		SWNW	35		SENE	29
				NESW	36		NWSW	35		SWSW	34		SESW	35
				NESE	36		NWSE	36		SWSE	35		SESE	35
		10		NENE	36		NWNE	37		SWNE	37		SENE	36
				NENW	37		NWNW	36		SWNW	36		SENE	37
				NESW	37		NWSW	36		SWSW	35		SESW	36
				NESE	36		NWSE	37		SWSE	36		SESE	35
		11		NWNE	35		SWNE	35						
				NENW	37		NWNW	36		SWNW	36		SENE	37

NESW 37
NWSE 35

NWSW 36
SWSE 34

SWSW 35

SESW 36

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 2743

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.

Remarks:

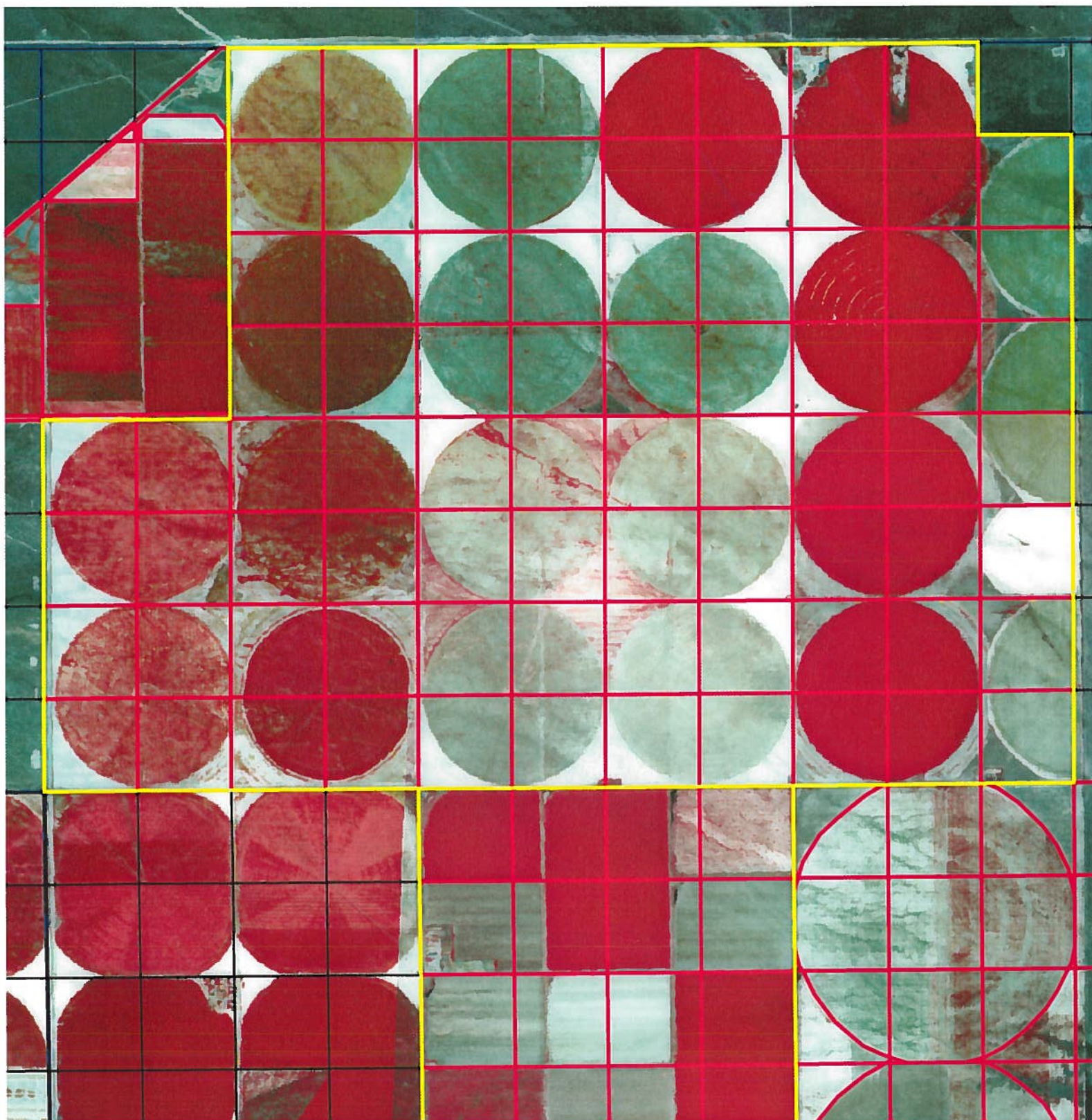
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AC. IRR. = 2741.

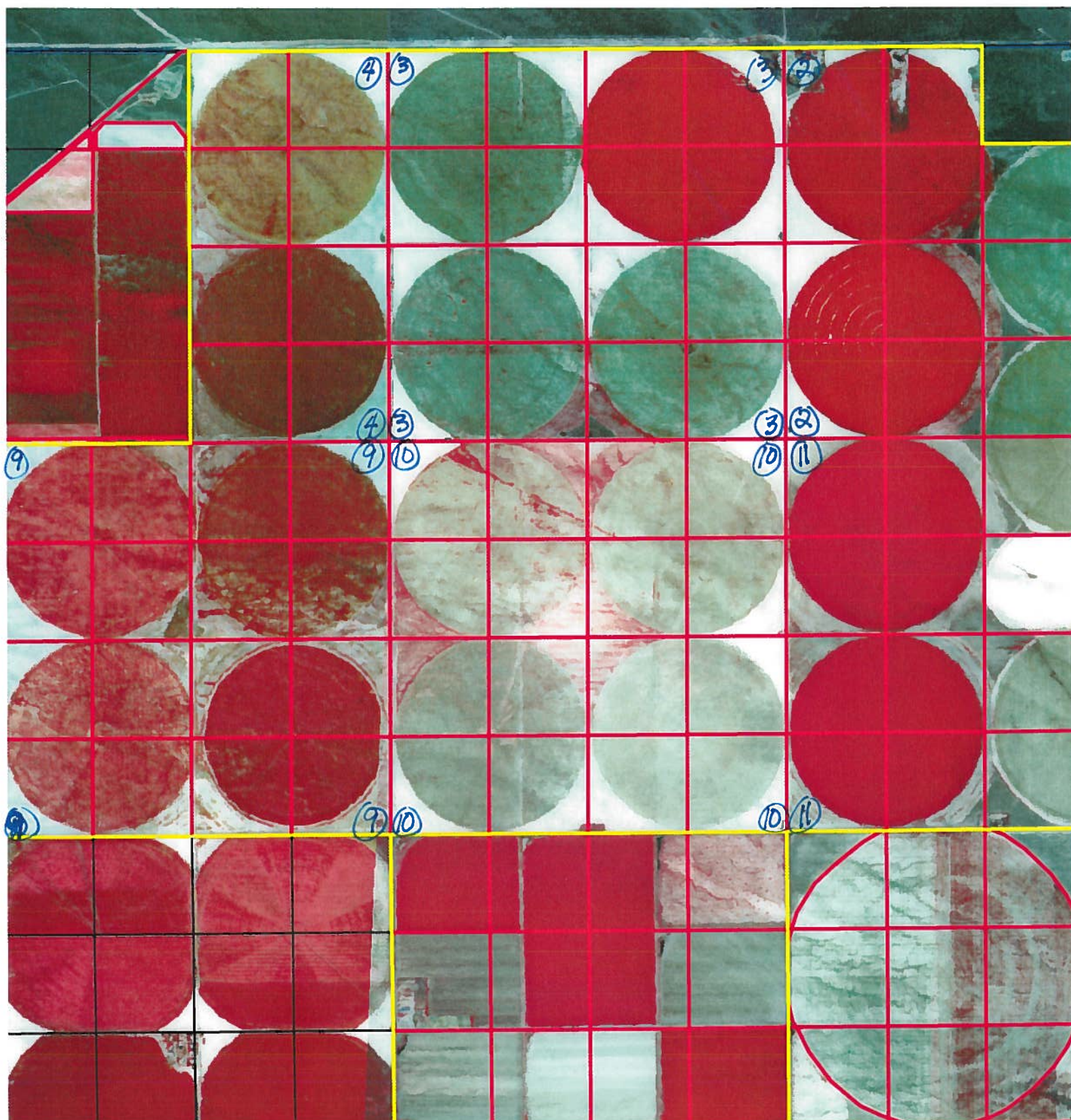
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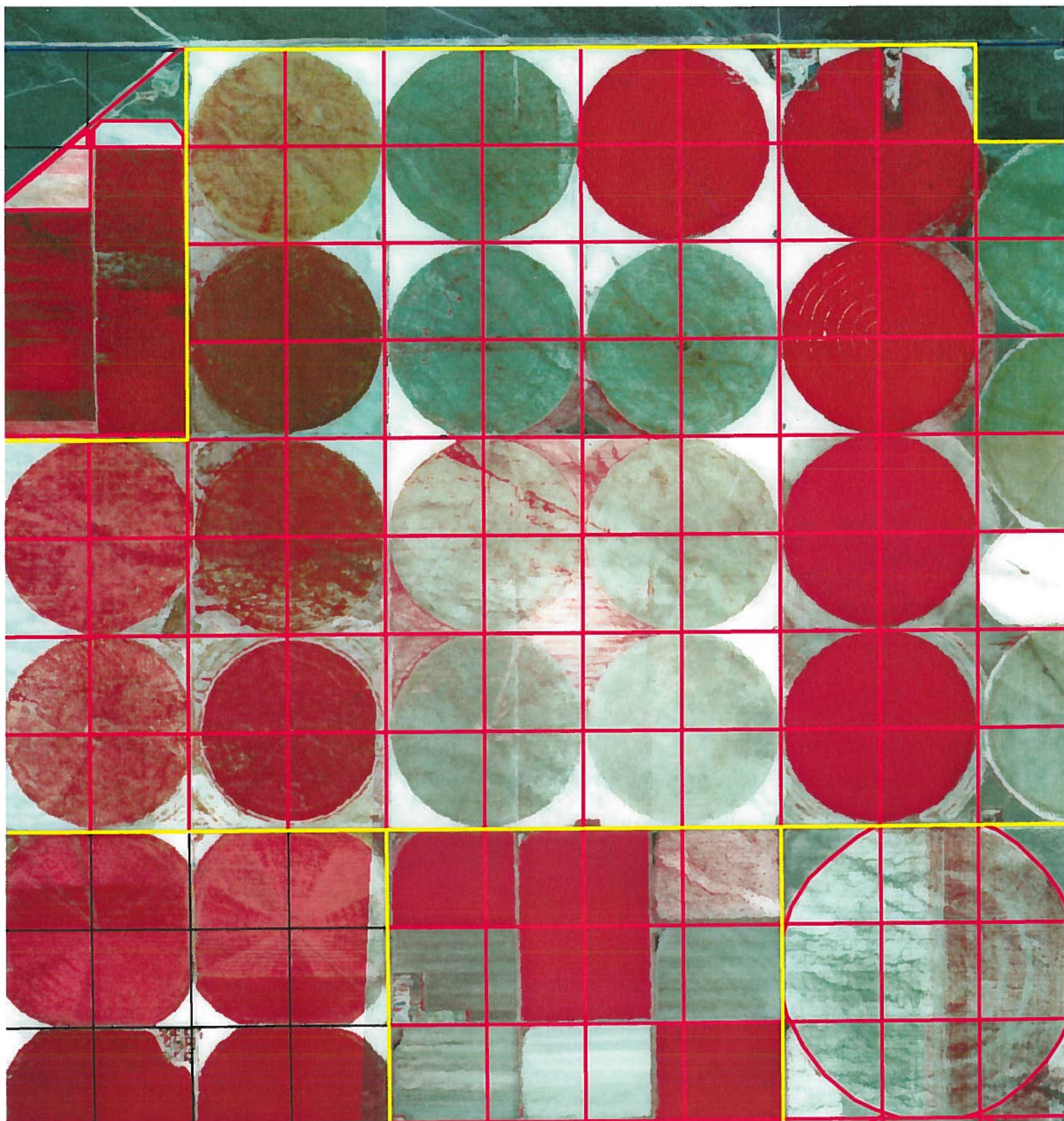
Licensed Date: 03/27/1980
Decreed Date:
Permit Proof Due Date:
Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False







Harris Ag

EAST

mainline

Wells

Valves

Buried wire

5.12

3.57

BLM

House

4.01

SHORTY

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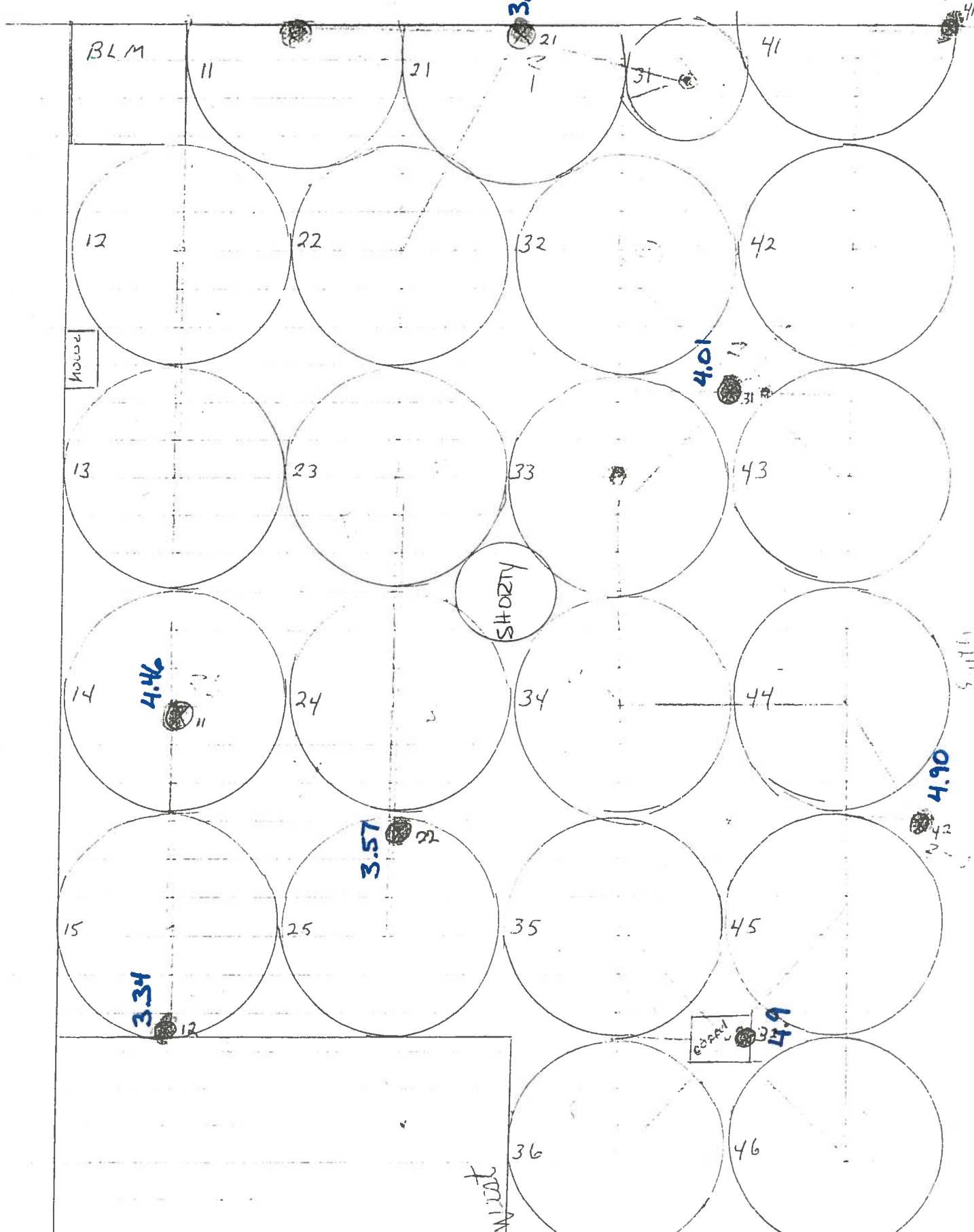
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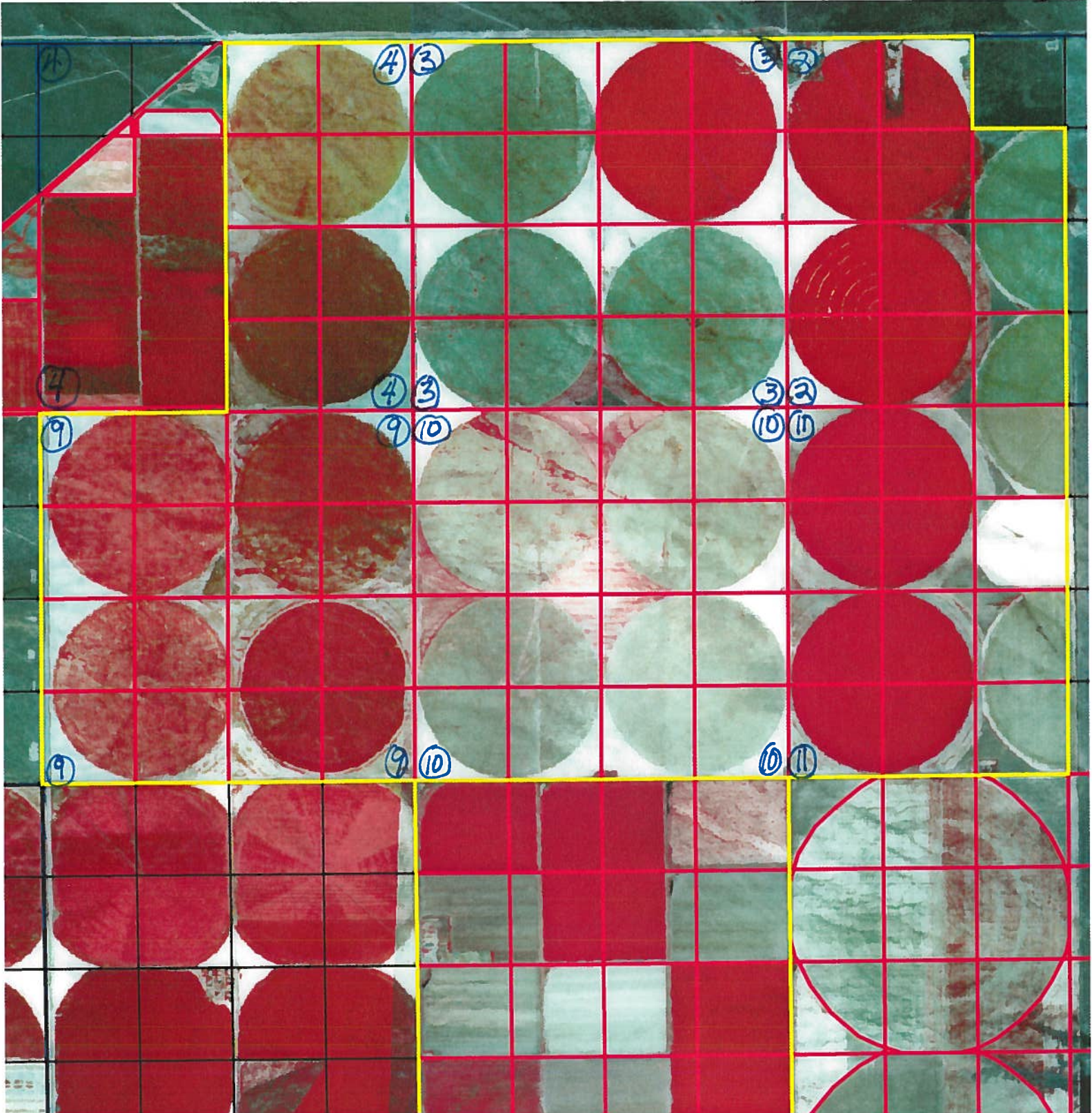
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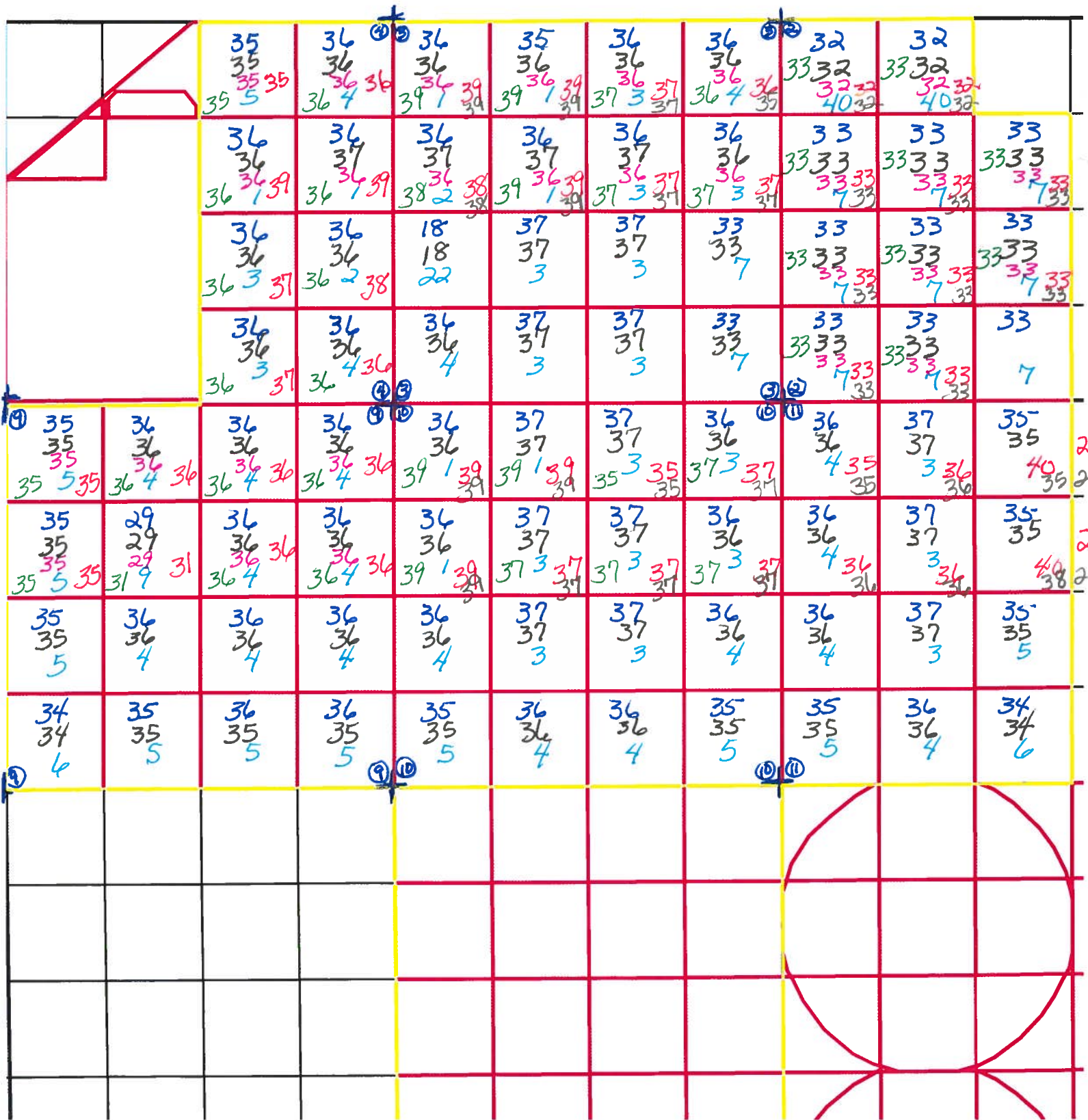
4.9

Wheat





A43-02368 2,773 Ac.
 A43-02438B 2,745 Ac.
 A43-04032 1,037 Ac.
 A43-10490 404 Ac.
 A43-10812 1,500 Ac.
 A43-10811 1,735 Ac.
 A43-04028A 1,149 Ac.



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CLAIM NUMBER A43-02368 DATE _____
AGENT _____

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 2773
GIS ACRE TOTAL _____

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	27E	2			33		32	32	33	33	33	33	33	33		33	33	36
GIS	13S	27E	2																
RECOM	13S	27E	2																
CLAIM	13S	27E	3	36	36	36	36	35	36	36	36	37	18	36	37	33	37	37	33
GIS	13S	27E	3																55
RECOM	13S	27E	3																
CLAIM	13S	27E	4	36	35	36	36									36	36	36	36
GIS	13S	27E	4																28
RECOM	13S	27E	4																

B43-POU.SHP _____
SHAPE NOS. _____

B43-POD.SHP _____
NOS. DESCRIPTION _____

DBF TABLES UPDATED _____
B43-DBPOU.DBF _____
B43-DBPOD.DBF _____
JPEG LAYOUT _____



CLAIM NUMBER

A43-02368

DATE

AGENT

TRANSFER NUMBER

CLAIMED ACRE TOTAL 2772

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	27E	9	36	36	36	36	36	35	35	29	36	35	34	35	36	36	35	35	56
GIS	13S	27E	9																	
RECOM	13S	27E	9																	
CLAIM	13S	27E	10	36	37	37	36	37	36	36	37	37	36	35	36	36	37	36	35	58
GIS	13S	27E	10																	
RECOM	13S	27E	10																	
CLAIM	13S	27E	11		35	35		37	36	36	37	37	36	35	36		35	34		46
GIS	13S	27E	11																	
RECOM	13S	27E	11																	

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

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10.3

-214
10.3

-215
10.3

-216
10.3

-217
10.3

-218
10.3

-219
10.3

-220
10.3

-221
10.3

-2

March 10, 1971

Transfer of Water Right No. 43-4020, 43-4030,
43-4031, 43-4032, 43-2363, 43-2403, 43-2433

Mr. Ranches
P.O. Box 100
Alamo, NM 87002

Dear Sir:

Enclosed is a copy of your approved application for transfer along with a copy of the Final Decision and Order. We direct your attention to the conditions of transfer set forth in the Order.

We do list a special condition regarding totalizing measuring devices at the property which has been placed upon this transfer. We have enclosed a list of the different types of measuring devices accepted by the Department.

Sincerely,

W. D. DENTON
Director

W. D. DENTON / Sheri Chapman

For: Southern District Office

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)

TRANSFER OF WATER RIGHT NO. 43-4029,)

43-4030, 43-4031, 43-4032, 43-2368, 43-2436,)

43-2438 in the name of BENCHMARK RANCHES)

MEMORANDUM DECISION

AND ORDER

On February 27, 1974, an Application for Transfer of Water Right was filed by Benchmark Ranches requesting a change in the points of diversion and the place of use under the following described rights:

Claim No. 43-4029 is based upon a water right established by the diversion and beneficial use of 5.25 cfs of water from a ground water source, located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, Twp. 13 S, Rge. 27 E, B. M., for stockwatering and the irrigation of 1999 acres of land. The priority claimed for this use is April, 1961.

Claim No. 43-4030 is based upon a water right established by the diversion and beneficial use of 4.53 cfs of water from a ground water source located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 13 S, Rge. 27 E, B. M., for stockwatering and the irrigation of 1054 acres of land. The priority claimed for this use is April, 1962.

Claim No. 43-4031 is based upon a water right established by the diversion and beneficial use of 4.42 cfs of water from a ground water source located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 13 S, Rge. 27 E, B. M., for stockwatering and the irrigation of 901 acres of land. The priority claimed is April, 1963.

Claim No. 43-4032 is based upon a water right established by the diversion and beneficial use of 4.62 cfs of water from irrigation waste water located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, Twp. 13 S, Rge. 27 E, B. M., for stockwatering and irrigation of 231 acres of land. The priorities claimed are April, 1961 - 0.68 cfs; April, 1962 - 0.85 cfs; and August, 1966 - 3.09 cfs.

License No. 43-2368 was issued for the use of 4.53 cfs of water from a ground water source located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 13 S, Rge. 27 E, B. M., for the irrigation of 360 acres of land.

License No. 43-2436 was issued for the use of 4.27 cfs of water from a ground water source located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, both in Twp. 13 S, Rge. 27 E, B. M., for the irrigation of 252 acres of land.

License No. 43-2438 was issued for the use of 4.27 cfs of water from a ground water source located within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, both in Twp. 13 S, Rge. 27 E, B. M., for the irrigation of 252 acres of land.

A notice of the proposed transfer was caused to be published in the South Idaho Press at Burley, Idaho, on April 2 and April 9, 1974. No protests were received against approval of the transfer application, however, several issues are raised by the proposed transfer.

The issues considered are:

(1) Under the existing Idaho Code, can the rate of diversion be increased from 27.13 cfs, that which is presently claimed or licensed, to 37.21 cfs.

(2) Does the increase from 2,741 acres to 3,021 acres of irrigated land constitute an enlargement of the existing water right.

(3) Can a water right established for the use of a surface water source be changed to allow the use of a ground water source.

Based upon the information contained in the application, the records of the Department and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

(1) The rate of diversion licensed or claimed and requested to be transferred is 27.13 cfs; tabulated as follows:

<u>Claim or License No.</u>	<u>Rate of Diversion</u>	<u>* Irrigated Acreage</u>
43-4029	5.25 cfs	1,999
43-4030 & 43-2368	4.53 cfs	7
43-4031	4.42 cfs	0
43-4032	4.62 cfs	231
43-2436 & 43-2438	**8.31 cfs	<u>504</u>
TOTAL	27.13 cfs	2,741

* Indicates acreage not included under other claims or licenses.

** Rate of diversion is restricted by the capacity of the diversion systems.

(2) The rate of diversion of 4.63 cfs under Claim No. 43-4032 is diverted from a surface water source which is caused by the surface irrigation runoff from land irrigated by wells that are the subject of this transfer. This waste water is equal to 22% of the ground water diverted.

(3) The priorities for the diversion of water under Claim No. 43-4032 are April, 1961 for 0.68 cfs; April, 1962 for 0.85 cfs; and August, 1966 for 3.09 cfs. The portion of the water claimed appropriated in August, 1966, was after the July 23, 1963, date when the area was closed to further ground water appropriations.

(4) The applicant is entitled to divert the volume of water necessary to irrigate 2,741 acres of land. The maximum volume found to be reasonable in this area of the state is 4 acre feet for each acre irrigated, or 10,964 acre feet per year.

(5) This area was declared on July 23, 1963, to be a critical ground water area under the provisions of Section 42-233a of the Idaho Code.

(6) There does not appear to be any wells in the area that would adversely affect by a local cone of depression.

CONCLUSIONS OF LAW

(1) There is no provision in the Idaho Code for increasing the rate of diversion

under existing water rights.

(2) It has long been a principle in Idaho that water not used by a prior appropriator upon the land to which it was appropriated must be used to fill the rights of the next appropriator. In this instance, if the volume of water per year is no longer required to irrigate the land to which it has been appropriated, it must remain in the source to be used by the next appropriator in time. Therefore, the number of acres irrigated cannot be increased above 2,741 acres without injuring other existing water rights from the same source.

(3) The water available to be diverted from the surface water source under Claim No. 43-4032 is directly related to the water pumped from the wells named in this transfer. In 1966, the water available for diversion from the pond increased substantially which would indicate that the diversion from the wells must have also increased, which is contrary to the critical ground water designation of that area. Therefore, the only portion of the rate of diversion that may be transferred to be pumped from the wells is the 0.68 cfs with an April, 1961 priority and the 0.85 cfs with an April, 1962 priority. The rate of diversion allowed must be decreased to the amount diverted prior to the July 23, 1963, designation as a critical ground water area as follows:

Amount licensed or claimed	27.13 cfs
(Less) Amount claimed with a priority later than 1963	- 3.09 cfs
Amount allowable under transfer	24.04 cfs

ORDER

IT IS, THEREFORE, ORDERED and Application for Transfer of Water Right No. 43-4029, 43-4030, 43-4031, 43-4032, 43-2368, 43-2436, 43-2438 is hereby APPROVED subject to the following conditions:

- (1) That the maximum rate of diversion shall not exceed 24.04 cubic feet per second.
- (2) That the volume of water used shall not exceed that required for the efficient irrigation of 2,741 acres of land as follows: All in Twp. 13 S, Rge. 27 E, B.M.

<u>Section 2</u>	(326.24 acres)	<u>Section 3</u>	(560.43 acres)
SW. NE. 1	35.60	NE. NE. 1	35.50
SW. NW. 1	36.59	NW. NE. 1	35.50
SE. NW. 1	37.12	SW. NE. 1	36.59
NE. SW. 1	37.12	SE. NE. 1	36.06
NW. SW. 1	36.59	NE. NW. 1	35.50
SW. SW. 1	36.06	NW. NW. 1	35.50
SE. SW. 1	36.59	SW. NW. 1	36.59
NW. SE. 1	35.50	SE. NW. 1	36.59
SW. SE. 1	35.07	NE. SW. 1	36.59
		NW. SW. 1	18.06
		SW. SW. 1	36.06
		SE. SW. 1	36.59
		NE. SE. 1	36.06
		NW. SE. 1	36.59
		SW. SE. 1	36.59
		SE. SE. 1	36.06

Section 4 (287.44 acres)

NE 1/4 NE 1/4	35.50
NW 1/4 NE 1/4	35.05
SW 1/4 NE 1/4	36.06
SE 1/4 NE 1/4	36.59
NE 1/4 SE 1/4	36.06
NW 1/4 SE 1/4	36.06
SW 1/4 SE 1/4	36.06
SE 1/4 SE 1/4	36.06

Section 9 (562.04 acres)

NE 1/4 NE 1/4	36.06
NW 1/4 NE 1/4	36.06
SW 1/4 NE 1/4	36.06
SE 1/4 NE 1/4	36.06
NE 1/4 NW 1/4	36.06
NW 1/4 NW 1/4	35.07
SW 1/4 NW 1/4	35.07
SE 1/4 NW 1/4	29.06
NE 1/4 SW 1/4	36.06
NW 1/4 SW 1/4	35.07
SW 1/4 SW 1/4	34.08
SE 1/4 SW 1/4	35.07
NE 1/4 SE 1/4	36.06
NW 1/4 SE 1/4	36.06
SW 1/4 SE 1/4	35.07
SE 1/4 SE 1/4	35.07

Section 10 (577.04 acres)

NE 1/4 NE 1/4	36.06
NW 1/4 NE 1/4	36.59
SW 1/4 NE 1/4	36.59
SE 1/4 NE 1/4	36.06
NE 1/4 NW 1/4	36.59
NW 1/4 NW 1/4	36.06
SW 1/4 NW 1/4	36.06
SE 1/4 NW 1/4	36.59
NE 1/4 SW 1/4	36.59
NW 1/4 SW 1/4	36.06
SW 1/4 SW 1/4	35.07
SE 1/4 SW 1/4	35.50
NE 1/4 SE 1/4	36.06
NW 1/4 SE 1/4	36.59
SW 1/4 SE 1/4	35.50
SE 1/4 SE 1/4	35.07

Section 11 (427.81 acres)

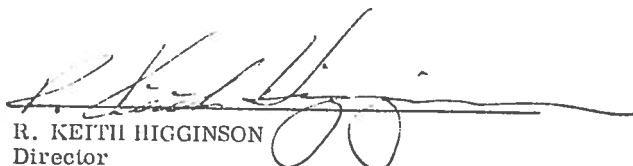
NW 1/4 NE 1/4	35.07
SW 1/4 NE 1/4	35.07
NE 1/4 NW 1/4	36.59
NW 1/4 NW 1/4	36.06
SW 1/4 NW 1/4	36.06
SE 1/4 NW 1/4	36.59
NE 1/4 SW 1/4	36.59
NW 1/4 SW 1/4	36.06
SW 1/4 SW 1/4	35.07
SE 1/4 SW 1/4	35.50
NW 1/4 SE 1/4	35.07
SW 1/4 SE 1/4	34.08

(3) That totalizing measuring devices of a type approved by the Department of Water Resources be installed at the points of diversion.

(4) That if water is continued to be diverted from the surface water source, the rate of diversion from the wells must be decreased by the amount at which water is diverted from the surface water source.

(5) That the approval of this transfer does not validate the water rights as claimed under Claim Nos. 43-4029, 43-4030, 43-4031 and 43-4032.

Dated this 16 day of December, 1974.


R. KEITH HIGGINSON
Director

Identification No. _____

Transfer No. 43-4029, 43-4030, 43-4031,
43-4032, 43-2368, 43-2436, 43-2438

STATE OF IDAHO
 DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT
 To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder BENCHMARK RANCHES
 Post office address Box 147 Malta, Idaho 83342
2. Right obtained by: Three licenses and four constitutional use rights
 - a. Decree to N/A in Case of _____
 (Name)
 vs. _____, Dated _____ in _____
 (Name of Court)
 Court, County of _____
43-4029 43-4030 43-2368 43-4031 43-2436 43-2438 43-4032
 - b. License No. / issued by the State of Idaho, Department of Reclamation.
3. Source of water Underground water tributary to _____
 (Name of stream or source)
4. Date of Priority 43-4029-4/61 43-4030-4/62 43-2368-10/51 43-4032-4/61-8/66 43-2438-1/57
43-4031-4/63 43-2436-1/57
5. Amount of water a. 27.36 c.f.s. and/or 43-4029=5.25 c.f.s. 43-4030=4.53 c.f.s.
43-2368= 4.53 c.f.s. 43-4031=4.42 c.f.s.
 b. 10,994 acre feet/annum 43-2436=4.27 c.f.s. 43-2438=4.27cfs
43-4032=4.62 c.f.s.
6. Water is used for Irrigation from April 1 to Oct. 31
Groundwater (Month, Day) (Month, Day)
7. Original location of point of diversion is See Below $\frac{1}{4}$ of Section _____
 Township 13 S., Range 27 E., B.M., in Cassia County;
 Additional points of diversion, if any 43-4029 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 11, T. 13S. R. 27E; 43-2368 &
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, T. 13S. R. 27E; 43-4031 - SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T. 13S. R. 27E; 43-2436 &
43-2438 - SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, T. 13S. R. 27E; 43-4032 - NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, T. 13S. R. 27E.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S.	27E.	2			40				40	40	40	40	40	40		40	40		360
		3	35	37	37	37	39	39	38	39	39	30	35	40	37	37	38	37	594
		4	3	10	30	39									38	37	37	28	231
		9	32	31	32	31	32	31	32	31	32	31	32	31	32	31	32	31	504
		10	37	35	37	37	39	39	39	37	37	39	38	37	38	36	36	39	600
		11	2	40	40	2	36	35	36	36	33	36	36	33	3	40	40	4	452
															TOTAL				2,741

Total number of acres presently irrigated 2,741

applicant was on the original holder right to how it was acquired: have been acquired by Purchase

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 37.21 c.f.s. and/or 10,994 acre feet
- b. New point of diversion: 1/4 NE 1/4, Section 3, Township 13S, Range 27E, B.M. The five existing points of diversion as described in para. 7, will be retained.
- c. Description of method of diversion and conveyance from new points of diversion:

Deep well, vertical turbine pump and pipelines

- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No ☐

If not, the place of use should be changed below.

- e. Describe the reasons for applying for a change in the point of diversion:

The reason for applying for a change in point of diversion and also, in part, a change in the place of use, is to more efficiently utilize the water resources, the water rights, and the land resources on the property. The property described in this change application is part of what was once a much larger irrigation ranch operated by the Pewitt-Thompson Corporation. (Continued on additional page)

- f. Do you intend to make the transfer permanent? Yes

- g. Do you intend to abandon completely the old point of diversion? No

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

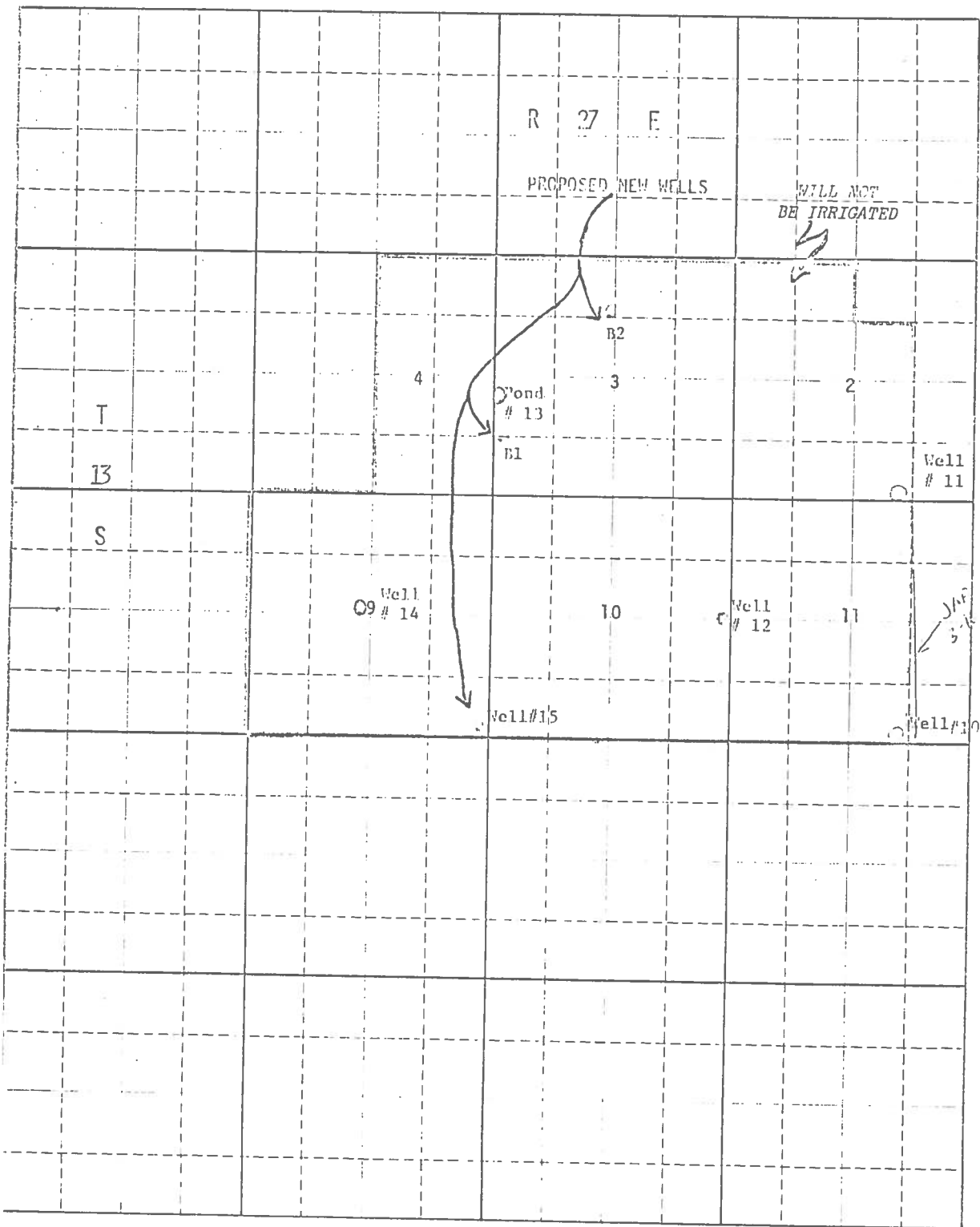
TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
33S.	27E.	2			39				39	39	39	39	39	39		39	39		351.0
		3	39	39	40	39	39	39	39	39	39	39	39	39	39	40	39	39	626.0
		4	39	39	40	39									39	40	39	39	314.0
		9	39	39	39	39	39	40	40	39	39	40	39	39	39	39	39	39	627.0
		10	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	624.0
		11	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	624.0

Total number of acres to be irrigated 3,166.0

Over the last ten years, there have been several sales that have occurred and the original large holdings property is now split among several owners. When the property was in one ownership, there was a flexibility of utilizing wells from locations outside of the property now owned by Benchmark Ranches, on the lands owned by Benchmark Ranches. This did mean that as a grain crop might be ripening and not needing irrigation, waters could be taken from wells not now owned by the applicant, transported some long distances and utilized at times when other crops had maximum irrigation demands. Frequently, the water was conveyed several miles in gravel bottom, earth ditches at a significant loss in water. The ditches were often lined with weeds and other wasteful vegetation. It often took many hours to convey the water through previously dry ditches to the new places of use. Estimates available to us from pump and power records indicate that diversions may well have exceeded the four acre feet per acre recommended by the Department of Water Administration as a prudent use of water in this area. Irrigation practices on the land, the applicant believes, were also historically inefficient. Flood irrigation was attempted with an inadequate flow of water over shallow soils underlain with gravel through irrigation runs that were too long. At a significant capital expense, it is proposed by this transfer application to greatly increase the efficiency and the beneficial uses made of ground water pumped. In order to accomplish these efficiencies, it is necessary to request some changes in management practices and water right regulations that may be, in part, novel to this transfer application. If questions arise as to these proposals within this critical ground-water area, the applicant would appreciate an opportunity to discuss, reconsider, and, if necessary, modify or delete various aspects of the application in order to insure its approval.

Ditches will be abandoned and an almost complete system of pipelines will be installed to efficiently accomplish the distribution. One, two, three, or four new wells must be drilled and integrated into the system. Those additional points of diversion are indicated on the map and are identified in paragraph 10. The previous irrigation system can, in part, be identified by the attached map which has been marked as Appendix No. 1. The intention is to install sprinkler irrigation equipment to prevent waste. The proposed sprinkler irrigation system is identified by Appendix No. 2. It is proposed herein to increase the rate of diversion from 27.36 c.f.s., to 37.21 c.f.s.. Since the ground-water resource is much like a reservoir, the rate of diversion does not seem to be a controlling factor in a critical ground-water area. Past practices have been to irrigate land late in the irrigation season and early in the spring to attempt to saturate the soil with moisture prior to the maximum demands of the irrigation season because of a fear that inadequate irrigation facilities would not be able to provide enough water at times when crops need water. It is believed that by this transfer application and the authorization of an increased flow rate less total water will need to be diverted from the reservoir. The application proposes to increase the area irrigated from 2741 acres to 3166 acres. The applicant does not believe that this increased acreage will result in an increased depletion of waters from the ground-water aquifer. As stated, previous practices, it is believed, result in the pumping of more than four acre feet per acre. The Department of Water Administration has tentatively identified the need for up to four acre feet per acre. With the improvements proposed herein, we believe that the lands will be adequately irrigated with less than four acre feet per acre and that the total diversion will be less than 10,994 acre feet per year.

Water Right No. 43-2436 and 43-2438 perhaps need an additional explanation. These two applications have both been licensed. A memorandum decision dated January 19, 1970, prior to the issuing of the license, indicated that combined the rights could not be licensed for more than 12.8 c.f.s.. Each of the applications were licensed for 6.29 c.f.s., or a total diversion of 12.58 c.f.s. from both rights, slightly less than the amount allowed under the memorandum. Each of the licenses, however, allow for 4.27 c.f.s. for irrigation or a total of 8.54 c.f.s. for irrigation. The additional licensed flow is to be used in a feed lot and on properties not purchased by Benchmark Ranches. Therefore, only the licensed amount relating to irrigation is included in this application for transfer.



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

Submitted by
Det. L. Chapman 12-11-74
Ed Berch & John Cress
App. for Transfer 43-4029 et al

2741.00

[illegible]

Scale: 2 inches equal 1 mile

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

See paragraph 10. e.

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: NONE

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge,

George W. Stanton
(signature of applicant)

Subscribed and sworn to before me this 9 day of Nov., 19 73

George W. Stanton
(notary public)

My commission expires 7-31-77

**ACTION OF DIRECTOR, DEPT. OF WATER RESOURCES
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 43-4029, 43-4030, 43-4031, 43-4032, 43-2368, 43-2436 & 43-2438 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

Pursuant to Memorandum Decision and Order of this date.

2. Denial of said application is for the following reasons:

Witness my hand this 14 day of December, 19 74

R. Keith Higginson
R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by W. W. H. Date 2-27-74

Protest filed by: _____ Date _____

Prelim. check by W. W. H. Date 2-27-74

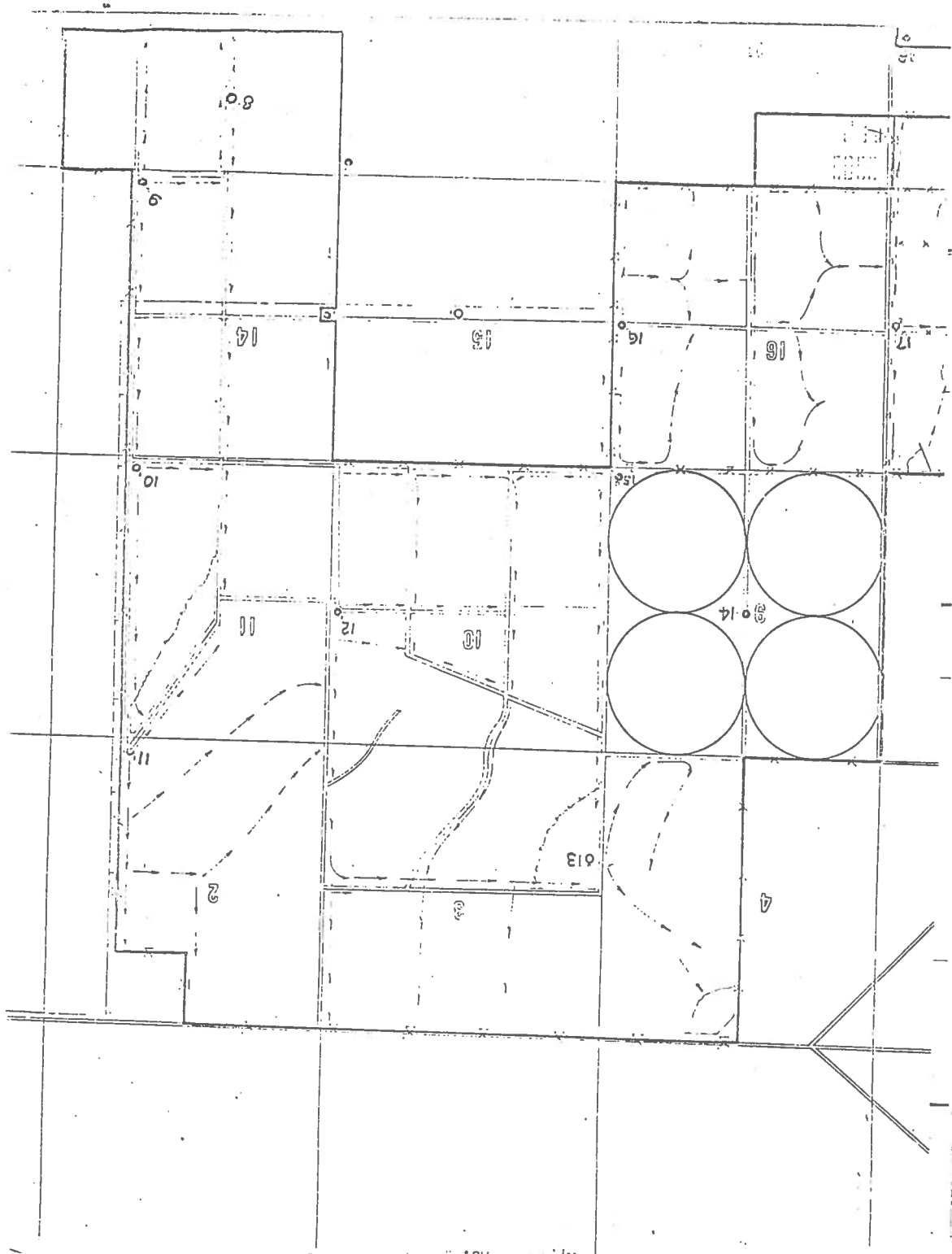
Fee received by _____ Date _____ Fee \$ _____

107 Approved for publication by _____

Published in S.I. Press Dates 4-2 & 4-9-74

Hearing held _____

Watermaster Recommendation sent _____

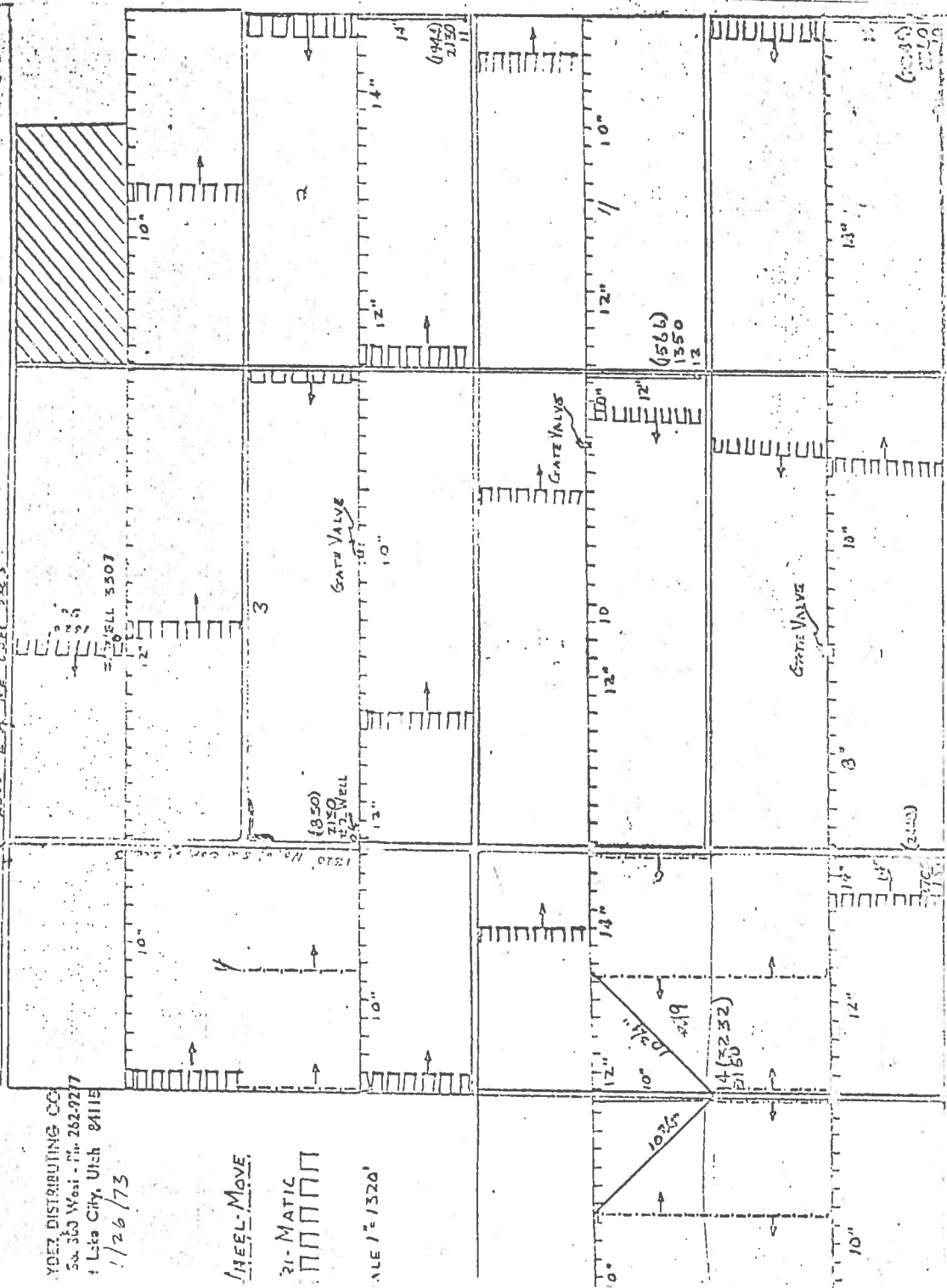


YDEZ DISTRIBUTING CO.
 500 W. 300 West - P.O. 252-9277
 + Lake City, Utah 84115
 1/26/73

WHEEL-MOVE

21-MATIC

SCALE 1" = 1320'



STAFF ANALYSIS

COMMENTS ON BENCHMARK RANCHES TRANSFER

4-19-74

In reviewing the transfer for the indicated licenses and claims to water rights, I find we have situations which do not correspond with records filed withour Department. I made a field visit on April 17, 1974 for an investigation of the proposed transfer. I found that the proposed new wells indicated on the map as B-1, B-2 and well #15 are wells which are either completed or in the process of being completed.

Well B-2 was started on 1-6-74 and is complete with the exception of test pumping.

Well B-1 is at the 600 foot level and expected to be drilled an additional 200 feet with the well rig on the hole being operated by C. D. Bishop, Driller #107.

→ I question whether this well is being drilled in the legal description as proposed by the transfer. I suspect that it may be in Section 4. I was unable to determine this specifically since I did not have aerial photos in my possession at the time of the visit.

Well #15 is installed in all respects and has been operated for a period of years. In reviewing the Department files on Well #15, I find that it was filed on original permit for License 43-2436 and 43-2438. However, on November 26, 1969, our files indicate this permit was amended which deleted Well #15 as a point of diversion. The well log indicates that this well was completed August 26, 1964 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, T 13S, R 27E. In all probability, since the time of the amendment of permit 43-2436 and filing of proof, this well has been illegally operated without a water right. I find no valid licenses or claims which cover this well referred to as #15.

Well B-2 was in violation of being drilled due to the fact that the application for transfer of a water right had not been received by the Department at that time. You will note we received the application 2-27-74.

Our files indicate a letter was written by Bob Fleenor to Lester and Lillian Thompson on Jan. 12, 1971 quoting the memorandum decision of January 19, 1970 which required the applicants to submit reports to begin effective 2-1-71 and continue until official notification from this Department was given to cease these reports of the amount of water pumped from the two wells under Licenses 43-2436 and 43-2438.

We have no record in our file of these reports having been submitted. Possibly there is record of this with the Water Rights Division in the State Office.

With the enclosed correspondence that Mr. Barnett submitted, he indicates that claim 43-4032 should also be considered as a groundwater right. I believe this is up for discussion. In all of our other filings, water of this nature appears to be a surface water right and this claim should not be included in this transfer. If the decision is made that this is to be considered a ground water right, I believe this to be invalid since the priority claimed is August 6, 1966, for an amount of 3.09 cfs. With this priority, groundwater was not entitled to be appropriated after March 25, 1963, by ruling of the Supreme Court, without a permit and those since that time are without right and are illegal.

In the event this claim is not considered to be valid, this reduces the total appropriation for which he is entitled prior to this transfer to an amount of 24.27 cfs.

In the remarks sections which were filed with the claims to be transferred, it was indicated that Well #15 existed at that time and was therefore, I feel, being used illegally.

A transfer must be made on 43-2436 and 43-2438 to transfer the feed operation and stockwater use off this point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, T 13S, R 27E.

In conclusion, this transfer proposes to expand the acreage by 425 acres and the diversion rate by 12.94 cfs. Therefore, I feel this transfer as proposed should be fully denied.

Should this transfer be approved, then I feel some conditions must be placed on it as follows: (1) Install totalizing meters on all points of diversion proposed. (2) Require monthly reports of total acre feet of water used. (3) Allow a diversion rate of no more than the total right of entitlement, which I feel is 24.27 cfs. (4) Approval of this transfer does not confirm any of the claims to a water right.

(5) Show ownership of E $\frac{1}{2}$ E $\frac{1}{2}$, Sec 11.

Ken Fleenor

October 10, 1974

MEMORANDUM

TO: BOB FLEMMER

FROM: KEN FLOWERBEN

SUBJECT: BENCHMARK RANCHES TRANSFER

On Monday, Oct. 8, 1974, I made an on-site inspection of the acreages and lots of the Benchmark Ranches indicated under claim numbers 43-0020, 43-0030, 43-0001 and 43-0001. Unfortunately, I did not have the transfer package in my possession or access to the records to substantiate the acreages claimed under the above mentioned claim numbers. However, I did note some substantial differences in the area during my visit of April 17, 1974, while we were processing this transfer.

1. Only the new wells proposed in the transfer as B-1 and B-2 had been completed with pumps and motors installed. A new well, not mentioned in the transfer, had been drilled with pump and motor in place in the NW 1/4 of Section 4. This will require an amendment to this transfer. At 7:50 a.m. on 10-10-74, Sherl Chapman contacted me by telephone regarding this amended transfer and proposes that we complete our decision on this present transfer first. He indicated that the owners would isolate this well from the system and would not use it during the winter months or until a new application for transfer has been submitted and approved by the Department.

My personal thoughts regarding the lands listed under the claims is that the acreage was under-estimated in the various legal descriptions filed on the listed claims. In all probability, more acreage than that claimed is actually being irrigated; however, they had taken out excessive amounts of acreage when filing for roads and ditches.

2. Lastly, their major increase in acreage that they are proposing will be in Section 9 and the E1/2 of Section 4. There have been circulars in the area which have been done away with and the corners of these quarter section subdivisions are now being covered with the exception of the SE 1/4 of Section 4 which contains haystacks and sheds in that area which the owners say they do not intend to irrigate. In the NW 1/4 of Section 4 is

1. drainage pond for the collection of wastewater. It is the intention of the owners in the future to do away with this and apply water to the whole east half of Section 4.

4. The surface water pond under claim 43-4032 of which the sump pump number 13 has been pumping in previous years still exists and will continue to exist; however, one of the owners, John Creer and Ed Bench, who accompanied me on this inspection, indicated it would not be pumped from in the future for part of their irrigation system. It may be used for the collection of wastewater discharges to the south of theirs, but will only be used for stock purposes. The pond is presently dry and since all of the lands listed in this transfer are under sprinkler system, there will be no wastewater runoff to be collected in this pond for future irrigation purposes. The sump pump does not tie in to their mainline system.

5. There are a total of 8 wells involved in their sprinkler system with 6 main lines, two pumps tied into each mainline. Apparently, all eight pumps were in operation this summer supplying the sprinkler systems which are set up at the present time. However, the tri-matic sprinklers are pulled to the ends of the fields and disconnected, grain harvest was in operation, all water has been shut off for the year according to the owners. All eight of the drilled pumps with the exception of No. 13 which is not in the system have measuring devices installed at the discharges. Three of the meters are old Badger meters which were installed previous to the change in the system. The other five meters installed are Rockwells. The following is a comparison of the manufacturer, meter sizes, serial numbers and present readings.

Pump No.	Manufacturer	Size	Serial Number	Present Reading
13	Rockwell	12"	10527	172.01 AF
11	Badger	10"	NO 336094	122,145,000 gal.
14	Rockwell	10"	11309	107.76 AF
15	Badger	10"	NO 336023	64,803,000 gal.
16	Rockwell	12"	11313	135.16 AF
B-1	Rockwell	12"	10350	211.00 AF
B-2	Badger	10"	NO 336039	101,055,000 gal.
B-3	Rockwell	10"	11311	110.44 AF

As you will note, the new meters on Pumps B-1 and B-3 have been pumped this summer to a total of 327.44 AF. I am also sure that B-2 was also pumped into this system this summer, which is, if you will note, in violation of Sec. 42-108 of the Idaho Code.

6. Even though Well No. 15 is listed on the transfer as a proposed new well, it is not. As indicated in my previous staff analysis, it was drilled and completed in 1964.

7. I will have not been able to determine the ownership of the lands claimed in the 1971, Sec. 11, a total of 11 acres. This is not indicated in the sale contract of Benchmark Ranches.

9. I do have the pump data from the 6 pumps on this land, however, I do not feel it would be of any significance to supply you with this data since the owners indicated to me that the motors had been changed recently in setting up their new system and therefore, would not be of any benefit even if those wells could be used at this time in supplying us with the pumping capacities which were allowed under this transfer.

10. I have reviewed your proposed Memorandum Decision and Order for my own personal use. I only have one comment and that is under the Order. In Item 3, you indicate that 2741 acres is the total that water can be applied to or I can say that the volume of water may be applied to a larger number of acres as long as it does not exceed the 10,000 AF each year for the requirement of the 2741 acres?

Item 4 in the Order states that should the surface water source be used as a diversion, then the diversion from the wells must be decreased by that amount. However, in Item 1, you have already placed this restriction on the groundwater sources and it appears to me whatever they pump from the surface pond would be over and above your restriction in Item 1.

11. My final comment on this is with regard to Sherl Chapman's proposal of reapplying the application as is and that they will submit a transfer at a later date for the well No. 5-3. This may be satisfactory; however, may I say that well No. 5-3 is no longer a part of this transfer due to the information submitted by the owners to me on my visit and even though the system has already been changed, this transfer still does not reflect the situation they presently have even though they would isolate 5-3 from the system.

12. I expanded all my sources of information in trying to get aerial photos from a flight around 1960-62. None are available. I did acquire some from a 1966 flight which are enclosed for your use.

RECEIVED

DEC 19 1974

Department of Water Resources
Southern District Office

APR 1 1974

Department of Water Resources
Southern District Office

CONTRACT OF SALE OF REAL ESTATE

AND SECURITY AGREEMENT

THIS AGREEMENT, made and entered into this 2nd
day of November, 1973, between VISTA LAND COMPANY, a Utah
Corporation, qualified to do business in Idaho, herein called
the "Seller", and BENCHMARK RANCHES, a partnership, composed of
RANCHO, INC., a Colorado Corporation, qualified to business in
Idaho, L. E. BENCH, MARION J. GILMORE and STEPHEN M. CREER, herein
called the "Buyer", whose address is Oakley, Idaho.

W I T N E S S E T H:

In consideration of the mutual covenants, conditions,
and agreements herein contained, the parties mutually agree
as follows:

1. SALE: The Seller agrees to sell and convey to
the Buyer and the Buyer agrees to buy the following described
real estate in the County of Cassia, State of Idaho, to-wit:

Township 13 South, Range 27 East of the
Boise Meridian, Cassia County, Idaho.

Section 2: W $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 3: ALL
Section 4: E $\frac{1}{2}$
Section 9: ALL
Section 10: ALL
Section 11: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$

together with all and singular the tenements, hereditaments,
and appurtenances thereunto belonging and all water rights appurt-
enant, and the following personal property:

1. G. E. pump 200 HP #EDJ 515140
2. Johnson pump - no number
3. 200 HP pump U.S. Motor #1243800
4. Wintroath pump #10041
5. 200 HP U.S. Motor #1125580
6. Layne & Bowler pump #25044
7. G. E. Motor - PUJ 303005-250HP-Wintroath pump10022
8. G. E. Motor - DJJ411132-250HP-Layne & Bowler D06651
9. Sump pump-Hercules G286012D-Fairbanks Morse 34859

2. PURCHASE PRICE: The Buyer agrees to pay to the
Seller for the real estate the sum of Six Hundred Thirty-Two
Thousand Dollars (\$632,000.00), in lawful money of the United

1 to the usual printed exceptions and 2 through 14 of said title
2 report plus accruing taxes, levies and assessments.

3
4 8. TIME IS OF THE ESSENCE: Time is of the essence
5 of this Agreement in all particulars.

6 9. ASSIGNMENT: The Buyer agrees not to assign,
7 transfer, convey or in any other manner dispose of the interest
8 in this contract and to the real estate without the prior written
9 consent of the Seller, PROVIDED, HOWEVER, that the consent shall
10 not be unreasonably withheld by the Seller.

11 10. WATER: The Seller shall transfer and assign to
12 the Buyer any and all water rights and permits. The Buyer agrees
13 to prove up on any permits that have not yet been licensed by the
14 Department of Water Administration of the State of Idaho. The
15 Seller agrees to cooperate with the Buyer in any assistance needed
16 in making this perfection.

17 11. FORFEITURE AND TERMINATION: In the event that
18 The Buyer shall fail, refuse, or neglect to pay when due any
19 of the payments of principal and interest required to be made
20 hereunder, or to perform any other covenants and conditions
21 of this agreement it shall be optional with the Seller upon sixty
22 (60) days written notice, to declare the contract as terminated.
23 At any time within the period of sixty (60) days the Buyer shall
24 have the right to pay any and all of the payments which may
25 be then in default and to cure any other defaults and the escrow
26 holder shall have the authority to receive all or part of the
27 payments which the Buyer may then be in default and the Buyer
28 shall have the further right to perform any other covenant,
29 condition or agreement then in default. Unless the total amount
30 for which the Buyer is in default at the time of the receipt
31 of the notice plus any amount which has become payable during
32 the sixty (60) day period and any attorney fees are paid within
such sixty (60) day period all right of the Buyer to complete

1 and Paul H. Pewitt will release the liens against the real
2 estate and personal property. This evidence is necessary
3 because the liens securing the obligations also involve other
4 land and personal property and are required to be performed
5 by the Seller. The evidence shall also include any other
6 requirements to obtain the releases.

7 IN WITNESS WHEREOF, the parties have executed
8 this Agreement.

9
10 VISTA LAND COMPANY

11 BY Ernest J. Miller
12 President

13 ATTEST:

14
15 John E. Smith
16 Secretary

17 BENCHMARK RANCHES,
18 A Partnership

19 Lee Bench
20 Partner

21 Marianne J. Gilmore
22 Partner

23 Stephen M. Green
24 Partner

25 RANCHCO, INC.

26 BY John W. Green Title Pres
27 Partner

28 STATE OF Utah)
29 County of Cache) ss

30 On this 2nd day of November, 19 73, before
31 me, the undersigned, a Notary Public in and for said State,
32 personally appeared ERNEST J. MILLER and JOHN E. CLAY, known
to me to be the President and Secretary of VISTA LAND COMPANY,
the Corporation that executed the foregoing instrument, 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.

Page 9 - Contract

Clarence A. Johnson
Notary Public for Utah
Residing at Hyrum, Utah
My commission expires July 1, 1974

1 STATE OF IDAHO)
2) ss
3 County of Cassia)

4 On this 19th day of February, 1974, before
5 me, the undersigned, a Notary Public in and for said State,
6 personally appeared L. E. BENCH, known to me to be one Partner
7 in the Partnership of BENCHMARK RANCHES, and the Partner who
8 subscribed said Partnership name to the foregoing instrument,
9 and acknowledged to me that they executed the same in said Partner-
10 ship name.

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

[Signature]
Notary Public for Idaho
Residing at Burley, Idaho

14 STATE OF Ohio)
15) ss
16 County of Hamilton)

17 On this 11 day of Feb, 1974, before
18 me, the undersigned, a Notary Public in and for said State,
19 personally appeared ERNESTINE E. BAUER, known to me to be one of
20 the Partners in the Partnership of BENCHMARK RANCHES, and one of
21 the Partners who subscribed said Partnership name to the foregoing
22 instrument, and acknowledged to me that they executed the same
23 in said Partnership name.

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

Ernestine E. Bauer
Notary Public for
Residing at 3610 General Ave
ERNESTINE E. BAUER
Notary Public, Hamilton County, Ohio
My Commission Expires Aug. 23, 1977

27 STATE OF Utah)
28) ss
29 County of Davis)

30 On this 14th day of Feb., 1974, before
31 me, the undersigned, a Notary Public in and for said State,
32 personally appeared STEPHEN M. GREEN, known to me to be one of
the Partners in the Partnership of BENCHMARK RANCHES, and one of
the Partners who subscribed said Partnership name to the foregoing
instrument, and acknowledged to me that they executed the same
in said Partnership name.

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

[Signature]
Notary Public for Utah
Residing at Bountiful
Expires Aug 4th 1977

1 STATE OF Colorado)
2 County of Jefferson ss

3 On this 8th day of February, 1974, before
4 me, the undersigned, a Notary Public in and for said State,
5 personally appeared John W. Greer known to me to be the
6 President of RANCHCO, INC., a corporation, one of the
partners in BENCHMARK RANCHES, and acknowledged to me that
the partners of said partnership.

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

Kathleen Smith
Notary Public for Colorado
Residing at Wheat Ridge

PARSONS & SMITH
LAWYERS
BUTLEY, IDAHO

R PROOF

CVR

MAPS

PHOTOS

MISC

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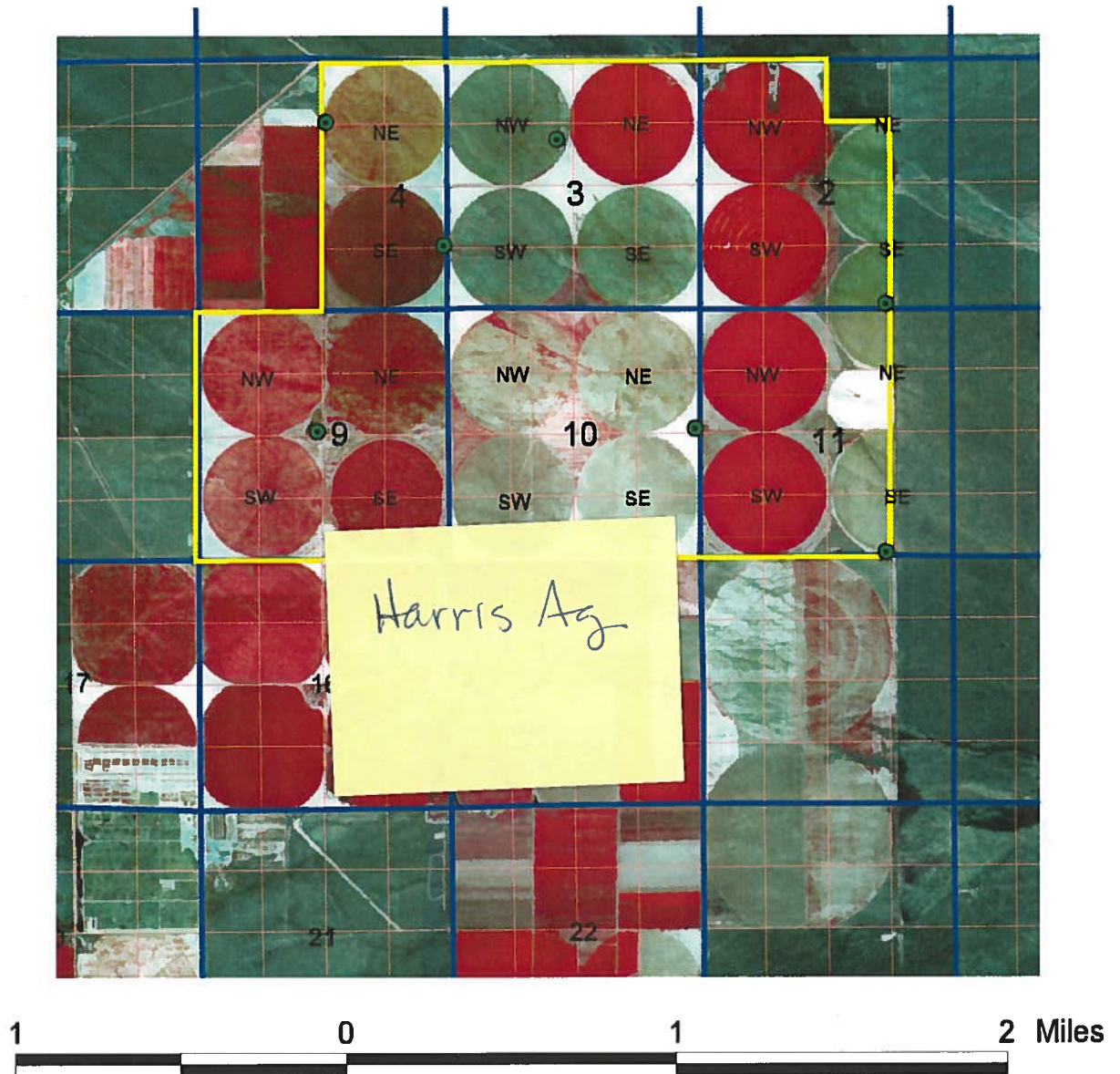
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IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY PLACE OF USE

43-2368, 4028A, 10811, 10812,
11218 & 10490



T13S, R27E
Sect 2, 3, 4, 9, 10 & 11

Map prepared by: Cbird
November 9, 2000
1987-1988 NAPP Photography

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER/QUATER LINES

