

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-2413

WATER RIGHT NUMBER: 43-2413

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WYNN DEWSNUP FAMILY REVOCABLE TRUST 2248 CLEAR LAKE DR SANTA MARIA, CA 93455
Directors Report Owner	WALKHILL RANCH 2 2194 HAWKINS RD MALTA, ID 83342 (208)645-2433
Original Owner	IVAN DARRINGTON PO BOX 136 ALMO, ID 83312 (208)824-5511

Priority Date: 09/21/1954
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>		
GROUND WATER			
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.800 CFS
	<u>Total Diversion:</u>		1.800 CFS
			360.00 AF

<u>Location of Point(s) of Diversion</u>			
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 23,	Twp 15S, Rge 26E, B.M.
CASSIA County			
GROUND WATER	SE1/4NW1/4NE1/4	Sec. 23,	Twp 15S, Rge 26E, B.M.
CASSIA County			

Place of Use
IRRIGATION Within CASSIA County

T15S R26E S23	NENE	26.0	T15S R26E S23	NWNE	5.0
T15S R26E S23	SWNE	19.0	T15S R26E S23	SENE	40.0
Total Acres: 90					

- Conditions of Approval:
1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
 2. C18 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.

- Remarks:
1. General THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43B.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-2413

Dates and Other Information:

Decreed Date: 06/28/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 11, 2002

WYNN DEWSNUP FAMILY REVOCABLE TRUST
2248 CLEAR LAKE DR
SANTA MARIA CA 93455

RE: Decreed Water Rights 43-2292, 43-2293, 43-2413,
43-4151, 43-13038

Dear Mr. Dewsnap:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED
AUG 21 2002
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-02293</u>	_____	___	_____	_____	___
<u>43-13038</u>	_____	___	_____	_____	___
<u>43-04151</u>	_____	___	_____	_____	___
<u>43-02292</u>	_____	___	_____	_____	___
<u>43-02413</u>	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) WALKHILL RANCH
2194 Hawkins Rd, Box 2298, Malta, Idaho 83342
4. New Owner/Claimant(s) WYNN DEWSNUP FAMILY REVOCABLE TRUST
Name Connector (Check one): and, or, and/or
- New Mailing Address 2248 Clear Lake Drive
- City, State and ZIP Code Santa Maria, CA 93455
- New Telephone Number () _____
5. Date you acquired the property August 12, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) Wyn R Dewar

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 12/11/02 WR _____ Date _____

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283158

WARRANTY DEED

THIS INDENTURE, made this 12th day of August, 2002, between WALKHILL RANCH, a partnership, of 2194 Hawkins Road, Box 2298 Malta, ID 83342, ("Grantor"), and THE WYNN DEWSNUP FAMILY REVOCABLE TRUST whose address is 2248 Clear Lake Drive, Santa Maria, CA 93455, ("Grantee").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, attached hereto on Exhibit A.

SUBJECT TO:

1. Accruing taxes, levies and assessments.
2. Highway Right-Of-Way Deed, Instrument No. 19185, Cassia County, Idaho.
3. Agreement to Purchase Power, Instrument No. 120739, Cassia County, Idaho.
4. Agreement for Purchase of Power, Instrument No. 249568, Cassia County, Idaho.

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

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RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

02 AUG 13 PM 4 57

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
DEPUTY
DMM

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- 5. Agreement for Purchase of Power, Instrument No. 267886, Cassia County, Idaho.
- 6. Agreement for Purchase of Power, Instrument No. 267887 and 267888, Cassia County, Idaho.
- 7. And those exceptions listed on the Warranty Deed from Edsil Ivan Darrington, et al. to Walkhill Ranch.

TOGETHER with all and singular the tenements, hereditaments and appurtenances and Water Right numbers, including but not limited to, 43-02293, 43-13038, 43-04151, 43-02292, 43-02413, thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

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IN WITNESS WHEREOF, the Grantor has executed this Deed the day and
year first above written.

WALKHILL RANCH

BY *Don C. Walker*
Don C. Walker,
General Partner

STATE OF IDAHO)
) ss
County of Cassia)

On this 12 day of August, in the year 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **DON C. WALKER**, known or identified to me to be the partner or partners of the partnership of **WALKHILL RANCH** and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

BARBARA EHLE
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public for Idaho
Residing at *Burley Idaho*
My Commission Expires: *6-12-2003*

(Dewsnup\WarrantyDeed2.wpd)

PARCEL NO. 1:

TOWNSHIP 15 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 18: Lot 3

PARCEL NO. 2:

TOWNSHIP 15 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: NE $\frac{1}{4}$ of Section 23, EXCEPTING THEREFROM the following described tract:

Beginning at a point which is 558 feet North of the Southwest corner of said NE $\frac{1}{4}$;
Thence East 849 feet;
Thence North 2082 feet;
Thence West 849 feet;
Thence South 2082 feet to the Point of Beginning.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED
AUG 21 2002
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-02413</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Ivan Darrington
2829 S. 750 E., Almo, Id 83312
4. New Owner/Claimant(s) WALKHILL RANCH
Name Connector (Check one): and, or, and/or
- New Mailing Address 2194 Hawkins Road, Box 2298, Malta, Idaho 83342
- City, State and ZIP Code Malta, Idaho 83342
- New Telephone Number () _____
5. Date you acquired the property 8/10/02

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Wyn P Dewang

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

283157

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WARRANTY DEED

1
2 THIS INDENTURE, made this 10 day of AUGUST, 2002, between
3
4 **EDSIL IVAN DARRINGTON** aka Ivan Darrington, and **EDSIL IVAN DARRINGTON** as
5 **Personal Representative of the Estate of Barbara Darrington**, aka Barbara T.
6 Darrington and Barbara Taylor Darrington, of 2829 S. 750 E. Almo, ID 83312
7 ("**Grantor**"), and **WALKHILL RANCH**, a partnership, whose address is 2194 Hawkins
8 Road, Box 2298 Malta, ID 83342, ("**Grantee**").

WITNESSETH:

9
10 The Grantor for and in consideration of the sum of Ten Dollars (\$10.00),
11
12 lawful money of the United States of America, and other good and valuable
13 consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby
14 acknowledged, has granted, bargained, and sold and by these presents does grant,
15 bargain and sell, convey and confirm unto the Grantee, and to the successors and
16 assigns of Grantee forever, all of the following described real estate situated in the
17 County of Cassia, State of Idaho, described on Exhibit "A" attached hereto.

SUBJECT TO:

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1. Accruing taxes, levies and assessments;
 2. Agreements to purchase power;
 3. Reservations in Warranty Deed Instrument No. 83974 records of Cassia County, Idaho;
 4. Geothermal Lease Instrument No. 2299350 and 157081, records of Cassia County, Idaho;
 5. Easement Number 157082, records of Cassia County, Idaho;
 6. Lease 158243, records of Cassia County,

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- Idaho;
7. Lease 158242 and 229351, records of Cassia County, Idaho; and
 8. Agreement for electric service with Raft River Electric.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, all water rights, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the successors and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the successors and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

Letters of Administration appointing Edsil Ivan Darrington are recorded as Instrument No. 283047, records of Cassia County, Idaho, on August 7, 2002. The Letters of Administration designate Edsil Ivan Darrington in his capacity as personal representative for Barbara Taylor Darrington, sometimes known as Barbara Darrington and sometimes known as Barbara T. Darrington.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and

PARSONS, SMITH & STONE, LLP
LAWYERS
BURLEY, IDAHO

1 year first above written.

Edsil Ivan Darrington
EDSIL IVAN DARRINGTON, aka Ivan
Darrington

ESTATE OF BARBARA TAYLOR
DARRINGTON

by *Edsil Ivan Darrington*
EDSIL IVAN DARRINGTON,
Personal Representative

8 STATE OF IDAHO)
9 County of Cassia) ss

10 On this 10 day of August, in the year 2002, before me, the
11 undersigned, a Notary Public in and for said State, personally appeared EDSIL IVAN
12 DARRINGTON, aka Ivan Darrington, known or identified to me to be the person whose name
13 is subscribed to the within instrument, and acknowledged to me that he executed the same.

14 WILLIAM A. PARSONS
15 NOTARY PUBLIC
16 STATE OF IDAHO

William A. Parsons
Notary Public for Idaho
Residing at Burley
My Commission Expires: 7/22/04

17 STATE OF IDAHO)
18 County of Cassia) ss

19 On this 10 day of August, in the year 2002, before me, the
20 undersigned, a Notary Public in and for said State, personally appeared EDSIL IVAN
21 DARRINGTON, aka Ivan Darrington, known or identified to me to be the person whose name
22 is subscribed to the within instrument as the Personal Representative of the Estate of Barbara
23 Taylor Darrington, sometimes known as Barbara Darrington and Barbara T. Darrington, and
24 acknowledged to me that he subscribed his name as said Personal Representative.

24 WILLIAM A. PARSONS
25 NOTARY PUBLIC
26 STATE OF IDAHO
(Dewshup Warranty Deed)

William A. Parsons
Notary Public for Idaho
Residing at Burley
My Commission Expires: 7/22/04

TOWNSHIP 15 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: NE¼ of Section 23, EXCEPTING THEREFROM the following described tract:

Beginning at a point which is 558 feet North of the Southwest corner of said NE¼;

Thence East 849 feet;

Thence North 2082 feet;

Thence West 849 feet;

Thence South 2082 feet to the Point of Beginning.

Idaho Water Right No. 43-02413

283157

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE 12.58 DEPUTY

DM

'02 AUG 13 PM 4 58

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

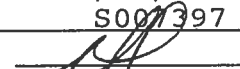
EXHIBIT A

(To Warranty Deed. - Darrington/Walkhill Ranch)

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: A43-02413
Date Received: 5/31/1989
Receipt No: S00397
Received By: 

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WALKHILL RANCH 2 208-645-2433
Address: 2194 HAWKINS ROAD
MALTA ID 83342

2. Date of Priority: SEP 21, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	26E	23	NW	NE			CASSIA

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.100		

7. Total Quantity Appropriated is:
2.100 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
15S	26E	23	NE	NE		IRR	20.0
			NW	NE		IRR	25.0
			SW	NE		IRR	20.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Section Acres 105.0

Total Acres 105.0

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:
A43-02283

14. Remarks:
6-22-00: OWNERSHIP CHANGE DARRINGTON TO WALKHILL RANCH 2 PER
NOTICE SUBMITTED THIS DATE WITH PURCHASE AGREEMENT. - VH

15. Basis of Claim: LICENSE

Water Right Number: 25180

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right Number(s) A 43 02413
Adjudication Claim Number(s) Same

2. The following **REQUIRED** information must be submitted with this form.

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
- AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) IUAN DARRINGTON
Box 136 ALMO ID. 83312

4. New Owner/Claimant(s) WALK HILL RANCH 2
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address 2194 HAWKINS RD
City, State and ZIP Code MALTA IDAHO 83342
New Telephone Number (208) 645-2433

5. Date you acquired the property 2-15-00

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 90 Number and type of stock _____

Diversion rate in CFS 2.1 Number of homes 1 Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) WALK HILL RANCH By [Signature] Date 6-21-00
Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

FARM PURCHASE AGREEMENT

Ivan Darrington agrees to sell and WalkHill Ranch agrees to buy the E1/2ne
s 23T 15R26 T 4972 S 23T 15 R26

~~Together with all water and other rights appurtenant thereto, including~~
improvements, home, out buildings, 2 hand lines, and all other properties
left. For the sum total of eighty-five Thousand dollars (\$85,000.00) to be
paid as follows, \$10,000.00 down paid on Dec 21, 1999 and the remaining
\$75,000.00 will be paid in annual installments of \$5,000.00, (including
interest at the rate of 8% per annum) with the first installment to be paid Dec
20, 2000 and each Dec thereafter until the entire price has been paid in full.
Interest at the rate of 8% per annum will accrue from Feb 15, 2000.

The seller agrees to service the FHA debt on this property from the proceeds
paid to him by the buyer until the principal sum has been paid to FHA At
which time the FHA will release this property from their Mortgage.
The seller also agrees that there is no other money owed on this property
other than FHA.

WalkHill Ranch will take possession of this property the day this agreement
is signed. The seller agrees that this property other than FHA is free and
clear from any and all other debts.

IVAN DARRINGTON (SELLER)

Ivan Darrington

BARBARA DARRINGTON (SELLER)

Barbara Darrington

DATE 3-8-00

WALKHILL RANCH

Plouat Walker Don E Walker

(BUYERS)

Walter & Wendy Hill

DATE 3-8-00

NOTARY

State of Idaho

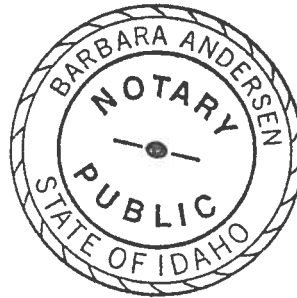
County of Cassia

On this 9th day of March 2000 before me a Notary Public in and for said State, personally appeared Ivan Darrington, Barbara Darrington, LeAnna T. Walker, Don C. Walker, Wendy Hill, Nathan D. Hill before me whose identity I proved on the basis of satisfactory evidence to be the signer of the attached instrument, and he acknowledged the he executed it.

Barbara Andersen
Notary Public

Residing at Ashton, Id

My Commission expires 7-23-05



"EXHIBIT A"

Attached to and forming a part of MORTGAGE to The United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, dated October 26, 1983, executed by Edsil Ivan Darrington, aka Ivan Darrington, and Barbara Darrington, husband and wife.

PARCEL #1:

TOWNSHIP 15 SOUTH, RANGE 24 EAST, BOISE MERIDIAN
Section 8: W $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 15 SOUTH, RANGE 26 EAST, BOISE MERIDIAN

Section 23: E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 24: W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ LESS the East 2 rods and the the North 3 rods of the said SE $\frac{1}{4}$ SW $\frac{1}{4}$.

PARCEL #2:

TOWNSHIP 15 SOUTH, RANGE 24 EAST, BOISE MERIDIAN

Section 15: SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 17: SW $\frac{1}{4}$

PARCEL #3:

TOWNSHIP 15 SOUTH, RANGE 24 EAST, BOISE MERIDIAN

Section 18: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL #4:

TOWNSHIP 15 SOUTH, RANGE 24 EAST, BOISE MERIDIAN

Section 17: SW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL #5:

TOWNSHIP 15 SOUTH, RANGE 26 EAST, BOISE MERIDIAN

Section 23: NE $\frac{1}{4}$, LESS the following described parcel:

Beginning at a point which is 558 feet North of the Southwest corner of the said NE $\frac{1}{4}$; thence East 849 feet; thence North 2082 feet; thence West 849 feet; thence South 2082 feet to the Point of Beginning.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including, but not limited to 2 3/8 shares in the Almo Water Company, and ground water produced from wells, as more fully described in Idaho State Water License Nos. 16282, G-25180 and 19094.

TOGETHER WITH all irrigation equipment of every kind and character and additions thereto and replacements now or hereafter owned by the borrowers and used in the irrigation of the above premises.

SUBJECT TO:

General taxes for the year 1983, and subsequent years. ALL PARCELS.

AGREEMENT OF PURCHASE OF POWER, dated July 27, 1966, between Raft River Rural Electric Cooperative, Inc., and Ivan Darrington, recorded August 29, 1967 as Instrument No. 36573 on Film No. 51, records of Cassia County, Idaho. PARCEL #1.

AGREEMENT OF PURCHASE OF POWER, dated August 8, 1973, between Raft River Rural Electric Cooperative, Inc., and Ivan Darrington, recorded April 4, 1974 as Instrument No. 75808 on Film No. 88, records of Cassia County, Idaho. PARCEL #5.

Not part of
PURCHASE
AGREEMENT
FOR REFERENCE
ONLY.

Done

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: A43-02413
Date Received: 5/31/1989
Receipt No: S007397
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IVAN DARRINGTON 208-824-5511
Address: BOX 136
ALMO, ID 83312

2. Date of Priority: SEP 21, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	26E	23	NW	NE			CASSIA

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.100		

7. Total Quantity Appropriated is:
2.100 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
15S	26E	23	NE	NE		IRR	20.0
			NW	NE		IRR	25.0
			SW	NE		IRR	20.0
			SE	NE		IRR	40.0

Section Acres 105.0

A43-02413

Page 1

Date: 05/31/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Total Acres 105.0

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:
A43-02283

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 25180

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Juan Parington Date: 5/31/89
_____ Date: _____

State of Idaho)
County of OF) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of May 19 89 Lon White
Notary Public

Seal

Residing at OF
My Commission Expires 5/94

MICROFILMED
MAR 03 1993

Hancock, Vikie

Subject: 43-02413
Entry Type: Phone call
Start: Thu 2/17/00 10:32 AM
End: Thu 2/17/00 10:32 AM
Duration: 0 hours

Mr. Hill has purchased land from Ivan Darrington in Bridge. He called to inquire of the water rights that were appurtenant. He had discussed the claims with Jim Stanton and with Scott King. Jim had given him a list of claims from both the WR and AJ databases: 43-02413, -02283,-02583 and -04098. Scott had clued him in that Darrington's claim to the Farley hot well had been disallowed, that the old license to Cottonwood creek had not been claimed in the Adjudication, that the stat claim was in Farley' name and that my probable recommendation for 02413 was for less acres than originally licensed.

I explained the process involved in claiming water in the adjudication and that probably the Cottonwood license ws not claimed because it had not been used for years. I said that there was even a comment in the licensing file for 2413 about that. I told him that the Judge had already ruled on the hot well and determined that it was not appurtenant to the property he was buying from Darrington. The stat claim 43-04098 A and B is in the name of Farley.

He wanted to know how he could get the entire farm covered because he didn't want to lose his water rights. I told him that from what I saw on the NAPP photo and what Steve and Frank found during their field exam, there had not been 105 acres irrigated for years, or maybe never. I said that despite what had been represented to him by Ivan, he couldn't lose what had not been there. But I explained the Notice of Error and Objection processes to him and told him that he would have plenty of opportunity to disagree with my recommendation. I asked him if he had any information on the flow rates of the wells. He said that Jerry Udy was going to provide him with that information. I told him that it would be very good to have that, as Darrington had been contradictory in his information to Steve and Frank. I told him that the actual capacity of the wells may limit his CFS. He told me that George Darrington said the south well had been re-wound but that they hadn't turned it on as the north well had been hooked up to the booster pump. Hill said that it may take some work but that he was willing to get the south well operating. I told him that the south well had not been working in 1996.

He made an appointment to come in to fill out change of ownership and discuss the pou further. I told him to read his agreement with Darrington very, very, carefully.

Hancock, Vikie

Subject: Basin 43 Wells, A43-02413, Danny Hill
Entry Type: Phone call
Contact: Danny Hill

Start: Wed 2/16/00 5:00 PM
End: Wed 2/16/00 5:30 PM
Duration: 30 minutes

Returned Mr. Hill's call. He actually spoke with Cindy Bird earlier today, and she answered his questions regarding my request for A43-04151. However, he had more questions.

First, he purchased Ivan Darrington's place and needs to submit ownership changes. He mentioned several rights, including: A43-02283, "R" record indicates disallowal based on one of Judge Hurlbutt's decisions. A43-02413, "R" record indicates possible recommendation for reduced acreage and flow. 43-02583, a surface water license that doesn't appear to be claimed in the adjudication. I explained that it may be possible to submit a late claim for this, and that he needs to discuss this with an agent in Twin Falls. A43-04098, part A claimed by another party and probably not part of the Darrington place, although the number was on one of his claim profile reports.

I explained the status of these rights and claims, and told him Vickie Hancock may be working one of the claim files. He plans to call Vickie for an appointment to discuss these claims and to submit ownership changes.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-02283

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

October 21, 1996 1:15pm

NAME:
IVAN DARRINGTON

CALLIN

RE:
REVISED FLOW FIGURES

HE WANTED TO TELL ME OF SOME CHANGES IN THE FLOW RATE FIGURES WE HAD DISCUSSED DURING THE FIELD EXAM ON 10/8/96. HE SAYS THOSE NUMBERS WERE BASED ON THE FLOWS IN 1941.

SOMETIME BEFORE 1990, JERRY UDY, WITH RREA, ASSESSED THE FLOW RATES OF THE TWO PUMPS AND WELLS. HE DETERMINED THE "SOUTH" WELL FLOWED 210 GPM (0.47 CFS) AND THE "NORTH" WELL AT 380 GPM (0.85 CFS). MR. DARRINGTON DID NOT KNOW IF THIS WAS A MEASUREMENT OR CALCULATION OF THE FLOW. CLAIM: A43-02283

COPY

A43-02413

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. DARRINGTON

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IDWR Employee/Agent Frank Hitchcock

◇◇◇◇◇◇

October 17, 1996 11:41am

NAME:
FRANK HITCHCOCK

RE:
DARRINGTON V FARLEY CLAIMS

THE FOLLOWING CLAIM NUMBERS WERE UPDATED TO LOCATION-LEGAL WHEN THEY WERE TAKEN BY LEGAL FOR REVIEW. STEVE CLELLAND WAS CALLED AS A WITNESS IN THE TRIAL 09-26, 27-1996. FILES WERE RETURNED AS THE COURT ISSUED AN ORDER DIRECTING A FIELD EXAM BY STEVE.

THE CLAIM NUMBERS WERE UPDATED THIS AM (SEE ATTACHED) TO CLELLAND AND ARE HERE IN SOUTHERN OFFICE:

A43-02283	DARRINGTON
A43-02413	DARRINGTON ✓
A43-04098A	FARLEY
A43-10382	FARLEY
A43-10655	FARLEY

MEMO BY FH WHO ACCOMPANIED STEVE ON FIELD EXAM 10-08-1996. FH HAS CLAIM REVIEW RESPONSIBILITY FOR USAGES IN BASIN 43 WHERE THE USAGES ARE LOCATED SOUTH OF MALTA.

MEMORANDUM

TO: STEVE
FROM: FH
DATE: 10-18-1996
RE: DARRINGTON V FARLEY

Here are all the claim jackets that were involved in the trial and the specific claims that were reviewed in the field.

The A43-02283 Darrington claim jacket is full of all the related notes from the field exam, photo logs, court order, Moeller's subpoena, all our JCOMS and any explanatory journal entries to document the paper trail from the time of the contact from Moeller back in September. The originals of the court's Order and the subpoena are in this file.

The other two Farley claims have copies of the subpoena and the journal entries as needed but not the whole package as in the two main claims for each party in the case.

The litigation folder has copies of everything that I filed in the claim file for the license 43-02283 that was the subject of the court's order. There are also copies of the Cottonwood Creek research from the VAX system and miscellaneous map displays in the very back for future use.

I made separate copies of the my field notes before and after you made your additions as well as copies of the sketches you made.

The photos that I took are all marked (both sets) and the logs are tucked into each processing packet which is marked inside and out as I do my claim photos for file retrieval. Each packet has a log sheet outside for quick reference although the descriptions by print number are abbreviated.

The only thing that isn't done as of today is your set of pictures. I have included them with the rest of the claim files and exhibits but you'll have to ID them yourself. Also, I didn't tape together any of the prints that were panoramic shots unless you want me to do so.

COPY

A43-02413

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-02283

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IDWR Employee/Agent Frank Hitchcock

October 16, 1996 1:30pm

NAME:
IVAN DARRINGTON-CLAIMANT

RE:
A43-02283 LICENSED USAGE

AFTER STEVE CLELLAND AND I FINISHED OUR MEETING WITH IVAN DARRINGTON WE MOVED OUT FURTHER ON THE PROPERTY TO THE NORTH TO REVIEW THE WELLS THAT WERE PART OF THE DISCUSSION. AFTER WE HAD DONE THE GPS DATA-COLLECTION AND THE PLACING OF ID TAGS AT EACH SITE WE BEGAN TO RETURN ACROSS THE FIELDS ALONG THE ACCESS LANE THAT WE CAME IN ON.

WE MET A RAFT RIVER RURAL ELECTRIC SERVICE TRUCK COMING THE OTHER WAY AND STOPPED AS IT CAME ALONG SIDE. THE DRIVER WAS KNOWN TO ME AS I HAD MET HIM ABOUT A YEAR AGO ON THE ADJOINING PROPERTY OF REID STEWART. IT WAS IVAN DARRINGTON'S SON GEORGE. WE DISCUSSED IN VERY GENERAL TERMS WHAT OUR BUSINESS WAS THERE AND HOW IT HAD GONE WITH HIS FATHER.

HE WAS CORDIAL AND I TOLD HIM THAT I WOULD PROBABLY BE IN TOUCH THIS WINTER TO GET A MAP OF THE SERVICE AREA FOR HELP IN DOING THE CLEAR CREEK REVIEWS AND WE SHARED SOME LOCAL NEWS ABOUT THE IDAHO UTAH ISSUES. WE LEFT TO EXIT THE ACREAGE AND WENT ON UP TO THE TOP OF THE HIGH GROUND BELONGING TO FARLEY AND TOOK A FINAL MEASUREMENT WITH THE PORTABLE WEIR ON THE HOT WATER WELL DISCHARGE DITCH ABOVE THE DARRINGTON GROUND.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-02283 ET AL

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IDWR Employee/Agent Frank Hitchcock

October 10, 1996 1:16pm

NAME:
FARLEY, RANDALL/LINDA

RE:
SRBA Case No. 39576
Darrington v Farley
Case No. 94-00008
Cassia County Case No.
92-00778D
ORDER TO IDWR FOR
FURTHER INVESTIGATION
10-02-1996

FIELD WORK DONE JOINTLY BY STEVE CLELLAND (A WITNESS IN THE CASE) AND FRANK HITCHCOCK (REVIEWING AGENT FOR CLAIMS IN THE UPPER RAFT RIVER VALLEY-BASIN 43) AS A RESULT OF JUDGE DANIEL C. HURLBUTT, JR.'S ORDER AS A RESULT OF TESTIMONY/PROCEEDINGS IN THE NOTED CASE.

A COPY OF FIELD NOTES BY FRANK HITCHCOCK HAS BEEN PLACED INTO THE FILES OF FARLEY AND DARRINGTON AS THE INVESTIGATION WAS ORDERED FOR LICENSE 43-02283 TO BE REPORTED TO THE COURT ON OR BEFORE 10-25-96.

THE CLAIM NUMBERS OF FARLEY ARE AS FOLLOWS:

A43-04098A, A43-10382, AND A43-10655.

THE CLAIM NUMBERS OF DARRINGTON ARE AS FOLLOWS:

A43-02283, A43-02327, A43-02413 BUT NOT A43-10280 (SOURCING STINE CREEK WELL AWAY FROM POD/POU OF THE SUBJECT PROPERTIES IN THE SUIT.

From: DWR60::SCLELLAN "STEVE @ SOUTHERN" 2-06 1996 08:38:54.76
To: DWR03::CHONSING, DWR03::DTUTHILL, DJONES, FRAUCHCO
CC: SCLELLAN
Subj: darrington vs. farley (2)

Dear Gentlemen,

>As you can see below I will be receiving an order to examine and report on the
>two rights listed below. I will contact their respective attorneys today to
>schedule the exam times; I am trying to set up something next week.

**** ADDED STATEMENT ****

I forgot to mention, I have asked Frank to accompany me on this exam. I feel this is important since he will have future dealings with Mr. Darrington in the future for other water right claims. Plus this will provide an additional witness in the field and avoid conflicts of "my word against Mr. Darrington".

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

IDWR Employee/Agent Steve Clelland

October 1, 1996 5:00 PM

NAME: JUDGE DAN HURLBUTT CALLIN RE: DARRINGTON V. FARLEY

HE ASKED ABOUT THE POSSIBLE TIMING FOR A FIELD EXAM AND REPORT. HE HAS VISITED WITH DAVE TUTHILL AND THEY AGREE A SIMPLE REPORT IS SUFFICIENT VERSUS A FULLY PREPARED DIRECTOR'S REPORT. WE AGREED TO SET THE DEADLINE FOR OCTOBER 25, 1996 AND HE WILL ISSUE AN ORDER AS SUCH.
CLAIMS: A43-04098A & A43-02283.

From: DWR60::SCLELLAN "STEVE @ SOUTHERN" 2-0 1996 08:32:41.21
To: DWR03::CHONSING, DWR03::DTUTHILL, DJONES, FLETCHCO
CC: SCLELLAN
Subj: DARRINGTON VS. FARLEY CASE

Dear Gentlemen,

As you can see below I will be receiving an order to examine and report on the two rights listed below. I will contact their respective attorneys today to schedule the exam times; I am trying to set up something next week.

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

IDWR Employee/Agent Steve Clelland

October 1, 1996 5:00 PM

NAME: JUDGE DAN HURLBUTT CALLIN RE: DARRINGTON V. FARLEY

HE ASKED ABOUT THE POSSIBLE TIMING FOR A FIELD EXAM AND REPORT. HE HAS VISITED WITH DAVE TUTHILL AND THEY AGREE A SIMPLE REPORT IS SUFFICIENT VERSUS A FULLY PREPARED DIRECTOR'S REPORT.

WE AGREED TO SET THE DEADLINE FOR OCTOBER 25, 1996 AND HE WILL ISSUE AN ORDER AS SUCH.

CLAIMS: A43-04098A & A43-02283. ✓

RECEIVED

SEP 24 1996

Department of Water Resources
Southern Region

Ray W. Rigby
Gregory W. Moeller
of RIGBY, THATCHER, ANDRUS,
RIGBY, KAM & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208 356-3633

Attorneys for Defendants/Counterclaimants

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

EDSIL IVAN DARRINGTON and)
BARBARA DARRINGTON, husband and)
wife,)

Plaintiffs/Counterdefendants,)

vs.)

RANDALL J. FARLEY and LINDA DIANE)
FARLEY, husband and wife,)

Defendants/Counterclaimants.)

Case No. CV 92-00778D

SUBPOENA DUCES TECUM

The State of Idaho to:

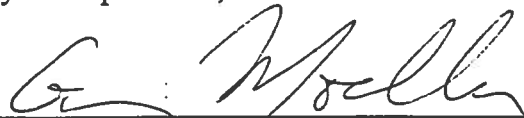
**STEVE CLELLAND, WATER AGENT
ADJUDICATION BUREAU
IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE ST. EAST
TWIN FALLS ID 83301**

You are hereby commanded to appear before Judge Daniel C. Hurlbutt, of the above-entitled court at the courtroom at Twin Falls, Twin Falls County Idaho, on the 26th and 27th days of September 1996, as a witness in the above entitled action, and bring with you:

All records pertaining to the water rights of Plaintiffs/Counterdefendants or Defendants/Counterclaimants in possession of the Department of Water Resources

You are further notified that if you fail to appear at the place and time specified above, that you may be held in contempt of court and that the aggrieved party may recover from you the sum of \$100 and all damages which he may sustain by your failure to attend as a witness.

DATED This 23rd day of September, 1996.



Gregory W. Moeller
Attorney for Defendants/Counterclaimants

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

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IDWR Employee/Agent Steve Clelland

September 23, 1996 4:19pm

NAME:
BILL PARSONS
PHONE: 678-8382

CALLIN

RE:
SKAGGS OWNERSHIP ERROR

SECOND ISSUE:

HE ASKED ABOUT ME BEING THE WITNESS AT THE FARLEY TRIAL...
ASKED IF I WOULD SAY MORE THAN MY MEMO. I DIDN'T THINK SO. HE
SAID THAT DARRINGTON AND I WOULD BE AT ODDS OVER THAT IRRIGATION
USE THEN... I KNEW THAT WAS SO.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-04098A

8 (handwritten mark)

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

September 20, 1996 2:36pm

NAME:
GREGORY W. MOELLER-RIGBY THATCHER

RE:
DARRINGTON V FARLEY 09-26-
96 IN DIST. CT-JUDGE
HURLBUTT.

GREG REPRESENTS THE FARLEYS AND ARRANGED TO COME IN AT 1 PM AFTER TALKING TO SCC ON THE PHONE YESTERDAY. SCC CAME IN ALTHOUGH HE WAS SCHEDULED OFF TODAY.

SCC WENT THROUGH A43-04098A CLAIM FILE WITH GREG WHILE I OBSERVED SINCE I'VE NEVER BEEN TO THE PROPERTY EVEN THOUGH I HAVE BEEN GIVEN THE FILE TO REVIEW AS PART OF UPPER RAFT RIVER VALLEY CLAIMS IN 43.

GREG TOOK A LETTER-SIZE COPY I HAD MADE OF THE ASCS MAP CC 38 1987 FLIGHT COPIED BY FH IN 1994 FIELD SEASON FOR CLAIM REVIEWS. THE PAGE WAS OF THE NE QUADRANT OF SECTION 23 15S 26E ESPECIALLY THE SWNE SUBJECT PROPERTY CLAIMED POU BY FARLEY IN THEIR SRBA CLAIMS.

SCC WILL BE SUBPOENAED AS A WITNESS FOR THE 09-26 AND 27-1996 TRIAL TO TESTIFY TO HIS FINDINGS WHEN HE DID A FIELD REVIEW OF THE CLAIMED USAGE IN BENEFICIAL USE CLAIM A43-04098A.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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IDWR Employee/Agent Frank Hitchcock

September 16, 1996 8:53am

NAME:
FARLEY, DARRINGTON & STEWART, REID

RE:
PARSONS ESQ. REQUEST TAKEN
BY COREY SKINNER & CCS SENT

WHEN I CAME IN MONDAY, 09-16-1996, AFTER TAKING SICK LEAVE ON 09-13-96, I FOUND A CC OF LETTER TO MR PARSONS FROM COREY LISTING PROFILE REPORTS SENT TO PARSONS PER HIS REQUEST. I RAN CCS OF THE AJ/WR PROOFS AND PROFILES RESPECTIVELY FOR FILES AND WILL ATTACH THIS JCOM ENTRY AS WELL. CHECKED WITH SRBA COURT-TIFFANY SAYS THERE IS A COURT DATE SET FOR DARRINGTON V FARLEY, 09-26 & 27. I WILL ASK SCC WHO HAS BEEN CALLED IN THE PAST BY FARLEY FOR ANY RECENT CONTACTS OR INFORMATION HE MAY HAVE RECIEVED.



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

September 13, 1996

William A. Parsons
Parsons, Smith, Stone & Fletcher
137 West 13th Street
Box 910
Burley, ID 83318

Dear Mr. Parsons:

Pursuant to your request, I have researched the department records concerning the water rights that you inquired about today. Please find the following profile reports enclosed for your convenience:

WATER RIGHT RECORDS

43-02283
43-02327
43-02413
43-02461
43-04098

SNAKE RIVER BASIN ADJUDICATION RECORDS

A43-04098A
A43-10655
A43-02413
A43-02283
A43-02327
A43-02461
A43-10280

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

Enclosures

ROUTING SLIP

TO: Allen Merritt

FROM: Phil Rassier

DATE: 9-30-94 TIME: _____

PER:	
Our Conversation	
Your Request	
The Attached	

FOR YOUR:		REVIEW AND:	
Information	<input checked="" type="checkbox"/>	Take Proper Action	
Approval	<input type="checkbox"/>	Comment	
Signature	<input type="checkbox"/>	Draft A Reply	

ATTACHED TO BE:			
Posted	<input type="checkbox"/>	Returned To Me	
Circulated	<input type="checkbox"/>	Filed	
Distributed	<input type="checkbox"/>	Copied (_____ copies)	

MAY WANT TO PUT COPIES IN THE DARRINGTON and FARLEY CLAIM FILES.

COPY

AA3 02413

RECEIVED
SEP 30 1994
Department of Water Resources
Department of Water Resources
Southern Region Office

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

In the Matter of the Application for Permit)
No. 43-07318 in the Name of Randall Jay)
Farley and Linda Diane Farley.)
_____)
IVAN DARRINGTON,)
)
Protestant - Appellant,)
)
vs.)
)
RANDALL JAY FARLEY and LINDA)
DIANE FARLEY,)
)
Applicants - Respondents,)
)
and)
)
IDAHO DEPARTMENT OF WATER)
RESOURCES,)
)
Respondents.)
_____)

Case No. SP 93-00103
ORDER OF DISMISSAL

William A. Parsons, Parsons, Smith Stone & Fletcher, for Ivan Darrington

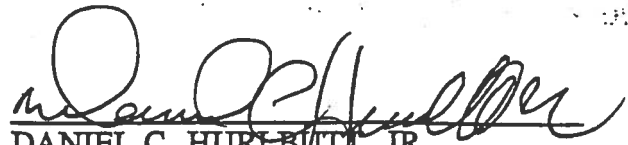
Phillip J. Rassier, Deputy Attorney General, for Idaho Department of Water Resources

Randall and Linda Farley, Pro Se

On September 29, 1994, this court entered an *Order Accepting Stipulation to Dismiss Appeal*.

IT IS ORDERED for the reasons stated in the *Order Accepting Stipulation to Dismiss Appeal*, Cassia County Case No. SP 93-103 is DISMISSED with prejudice.

DATED September 29, 1994.


DANIEL C. HURLBUTT, JR.
District Judge

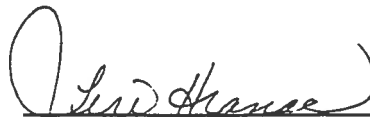
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER OF DISMISSAL** was mailed on September 29, 1994, with sufficient first-class postage to:

William A. Parsons
Parsons, Smith, Stone & Fletcher
P.O. Box 910
Burley, ID 83318

Phillip J. Rassier
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, ID 83720-9000

Randall & Linda Farley
HC 72
Malta, ID 83342


Deputy Clerk

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

In the Matter of the Application for Permit
No. 43-07318 in the Name of Randall Jay
Farley and Linda Diane Farley.

IVAN DARRINGTON,

Protestant - Appellant,

vs.

RANDALL JAY FARLEY and LINDA
DIANE FARLEY,

Applicants - Respondents,

and

IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondents.

) Case No. SP 93-00103

)
) ORDER ACCEPTING
) STIPULATION TO DISMISS
) APPEAL

William A. Parsons, Parsons, Smith Stone & Fletcher, for Ivan Darrington

Phillip J. Rassier, Deputy Attorney General, for Idaho Department of Water
Resources

Randall and Linda Farley, Pro Se

This is an appeal from a decision of the Idaho Department of Water Resources (IDWR)
to issue a water right permit to Randall and Linda Farley (Farleys). (Record on Appeal at 85.)

IDWR issued Farleys water right permit 43-07318 pursuant to I.C. § 42-203A. (R. at 82.)

Ivan Darrington (Darrington) protested Farleys' application for permit 43-07318. (R. at 85.)

A final decision and order issuing the permit and denying Farley's protest was issued by IDWR on February 26, 1993. (R. at 80.) Darrington filed a petition for judicial review of the final decision pursuant to I.C. § 42-1701(4) and chapter 52, title 67, Idaho Code. (R. at 85.)

Judicial review of an administrative proceeding before IDWR is limited to the agency record (I.C. § 42-67-5277), and the standard for appellate review is defined by I.C. § 67-5279.

Oral argument was heard on August 2, 1994. All parties stipulated to having the matter heard by telephone conference.

At hearing on August 2, 1994, William Parsons, counsel for Darrington, advised the court that the parties had reached an oral stipulation that the "court could affirm the administrative decision as to the issuance of the water permit to the Farleys, and at the same time make an express finding that the decision is not *res judicata*, nor is it collateral estoppel as to Darrington in any further proceeding in the adjudication (SRBA) should one occur; and it is not *res judicata* in the current case pending in Cassia County involving the construction of the memorandum agreement which is the topic--or which appears in the administrative decision." (Reporter's Transcript, August 2, 1994, p. 4 ll. 1-11.)

By this statement, Parsons was stipulating that the instant appeal would be dismissed if certain findings and conclusions regarding the Memorandum Agreement executed by Harriet Crank (predecessor-in-interest to Farleys) and Darrington on May 23, 1975 (Memorandum Agreement), which was mentioned in the body of the administrative decision, could not be operative as *res judicata* or collateral estoppel.

Phil Rassier, counsel for IDWR, agreed to the oral stipulation as recited at hearing. Rassier stated "[t]hat if the court is inclined to affirm the department's decision, that is certainly what we request; but also if it assists the parties and Mr. Darrington if the court clarifies that the department's administrative decision shall not have the effect of prohibiting the parties in any way from meaning ^{proceeding} [sic] with a full determination of their other water rights, of the legal

meaning, that is clearly appropriate and clearly what the department thought and intended and wished in its decision." (Tr. p. 7 ll. 8-21.) (Emphasis added.)

By this statement, Rassier stipulates that IDWR is estopped from affirmatively defending, in any lawsuit, that the doctrines of *res judicata* or collateral estoppel apply as to the interpretation, implementation or construction of the Memorandum Agreement.

Farleys did not object to the court's acceptance of the oral stipulation to dismiss the immediate appeal. (Tr. p. 8 ll. 21-24.)

The court has found no legal authority for the proposition that parties can stipulate and bind a court as to what is or is not *res judicata* or collateral estoppel, nor have the parties provided legal authority for such a proposition.

What is operative as *res judicata* (claim preclusion) or collateral estoppel (issue preclusion) is a matter of application of law by a court.

This court agrees with the parties that legal argument relative to the construction or implementation of the terms of the Memorandum Agreement will not be barred by the doctrines of *res judicata* or collateral estoppel in subsequent lawsuits, if any, among parties to this administrative appeal. The following reasoning is illustrative of this court's conclusion.

Recently, the Court has reaffirmed the basic statement of the doctrine of *res judicata* (claim preclusion) that has guided our courts for seventy years:

We think the correct rule to be that in an action between the same parties upon the same claim or demand, the former adjudication concludes parties and privies not only as to every matter offered and received to sustain or defeat the claim but also as to every matter which might and should have been litigated in the first suit.

Joyce v. Murphy Land & Irrigation Co., 35 Idaho 549, 553, 208 P. 241, 242-43 (1922) (quoted with approval in *Kawai Farms, Inc. v. Longstreet*, 121 Idaho 610, 614, 826 P.2d 1322, 1326 (1992) and *Diamond v. Farmers Ins.*, 119 Idaho 146, 148, 804 P.2d 319, 321 (1990)).

In affirming a summary judgment in *Diamond*, the Court traced the evolution of *res judicata* (claim preclusion) in this state since *Joyce*, and concluded:

We approve the Court of Appeals holding in *Aldape v. Akins*, 105 Idaho 254, 668 P.2d 130 (Ct. App. 1983) that a valid and final judgment rendered in an action extinguishes all claims arising out

IT IS ORDERED that with the above-stated conditions, the oral stipulation to dismiss Cassia County Case No. Sp-93-00103 is accepted.

An order of Dismissal of Cassia County Case No. SP-93-00103 shall issue separately.

DATED September 29, 1994.


DANIEL C. HURLBUTT, JR.
District Judge

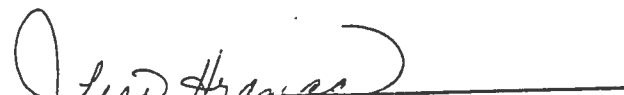
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ACCEPTING STIPULATION TO DISMISS APPEAL was mailed on September 29, 1994, with sufficient first-class postage to:

William A. Parsons
Parsons, Smith, Stone & Fletcher
P.O. Box 910
Burley, ID 83318

Phillip J. Rassier
Deputy Attorney General
Department of Water Resources
Statehouse
Boise, ID 83720-9000

Randall & Linda Farley
HC 72
Malta, ID 83342


Deputy Clerk

SD-0602-1

Office: CLELLAND

WR-Number	Location	Reg	Type-Description	Date
A36-00121	LEGAL	S	Reviewed, Conditions Pending	04/24/96
A36-04052	LEGAL	S	Legal	08/30/96
A36-07034	LEGAL	S	Legal	09/30/96
A36-07347	LEGAL	S	Legal	09/30/96
A36-10283A	LEGAL	S	Legal	08/30/96
① A43-02283	LEGAL	S	Legal	09/27/96
① A43-02413 ✓	LEGAL	S	Legal	09/27/96
① -04098A	"	"	" (WAR CIN 50)	
② -10382	"	"	" (WAR CIN 50)	
② -10655	"	"	"	

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
 (Enter=Cont) (GOLD7=This Query)

(Menu _____)

① CIX 09 F.E. Review
 ② CWC 55 REV- Cond Pending (re previously ID)

RECEIVED

OCT 16 1996

Department of Water Resources
 Southern Region

11/27/2000

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

RIGHT NUMBER: 43-2413

NAME AND ADDRESS: WALKHILL RANCH 2
2194 HAWKINS ROAD
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 1.8 CFS
360 AFY

PRIORITY DATE: 09/21/1954

POINT OF DIVERSION: T15S R26E S23 NENWNE Within CASSIA County
T15S R26E S23 SENWNE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.80 CFS 360.0 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R26E S23	NENE	26	T15S R26E S23	NWNE	5
T15S R26E S23	SWNE	19	T15S R26E S23	SENE	40

90 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43B

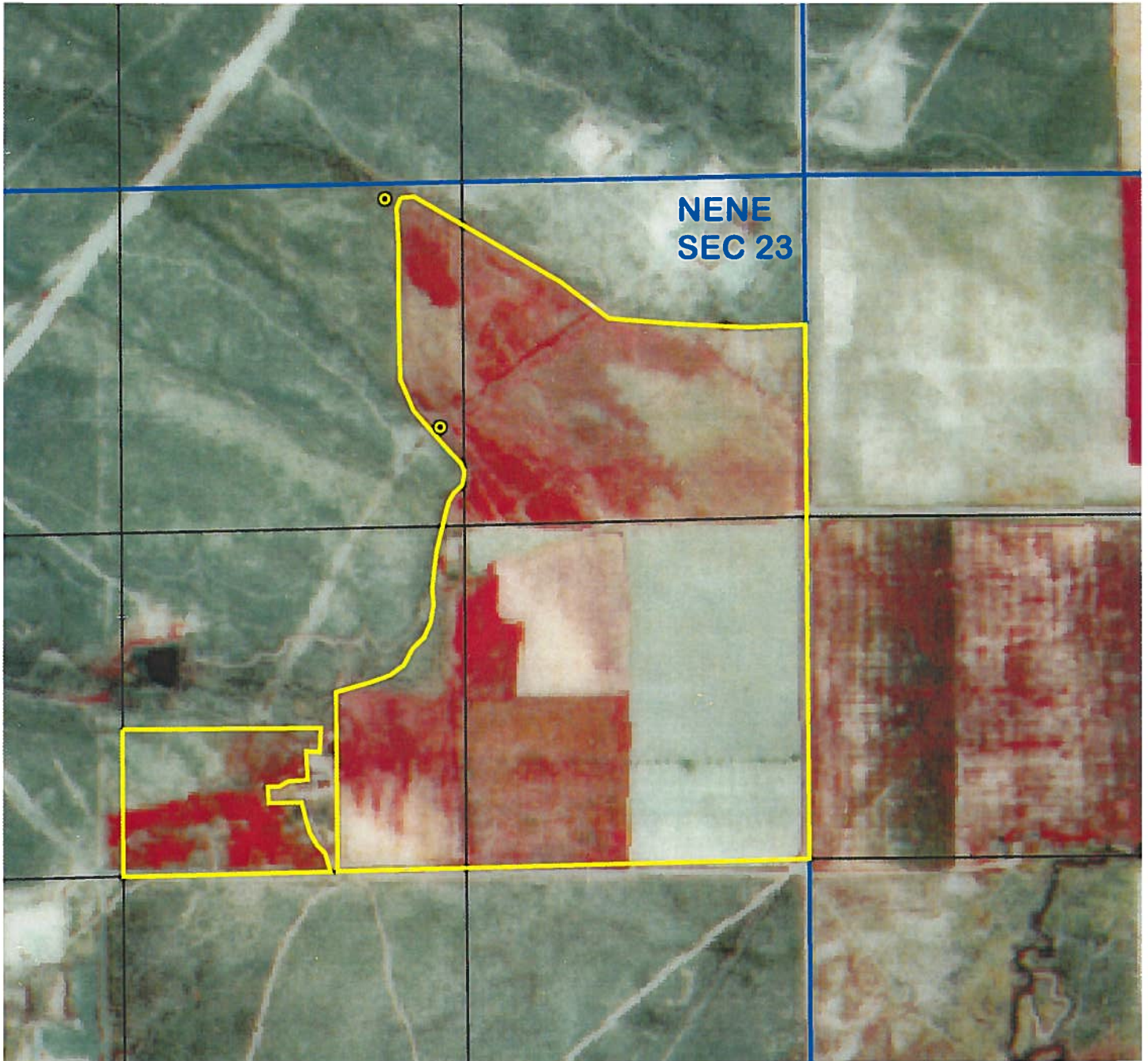
EXPLANATORY MATERIAL: BASIS OF CLAIM - License





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

Idaho Department of Water Resources

RIGHTS: 43-2413

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 26E, SEC 23
Data entry on September 15, 2000**



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

Water Right Number - R43-02413

Prefix Translation: RESEARCH

Old (D) Number - 25180

*** C - CURRENT OWNER ***
WALKHILL RANCH 2
Last Name - + - - - - + First Name - - - + Address - - - - - +
1 - 2194 HAWKINS ROAD
2 -
3 -
City- MALTA
Phone - 208-645-2433
State- ID Zip- 83342

*** O - ORIGINAL OWNER ***
DARRINGTON
IVAN
1 - BOX 136
2 -
3 -
City- ALMO
Phone - 208-824-5511
State- ID Zip- 83312

Priority Date - + - - - - + Region - - - + L - LICENSE Stage - - - + Status - - - - +
09/21/1954 ✓ 17 SOUTHERN

Source - - - - - + Tributary - - - - - +
GROUNDWATER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
15S	26E	23	NE NW NE SE NW NE			(31) CASSIA (31) CASSIA	

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION ✓	03/15		11/15 ✓	1.800 ✓	360.00 ✓

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
1.800 ✓ 360.00 ✓ 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	26E	23	NE NE		26.0	01	IRRIGATION	(31) CASSIA
15S	26E	23	NW NE		5.0	01	IRRIGATION	(31) CASSIA
15S	26E	23	SW NE		19.0	01	IRRIGATION	(31) CASSIA
15S	26E	23	SE NE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 90.0

- + - - Diversion Means - WELL, PUMP, SPRINKLERS
- + - - Non-Irrigation Use -
- + - - Other Rights for Same Use -

Water right number - R43-02413

Prefix Translation: RESEARCH

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 438.

+ ----- Old Water Right Numbers ----- +
No Old Water Right Numbers Found

+ ----- Conditions of Approval ----- +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION ✓
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
C18 - 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.

+ ----- Decree Plaintiff ----- + ----- Decree Defendant ----- +
00/00/0000

+ ----- Date: 10/28/1996 User Id: SCELLEMAN Subject: recommendation ----- +
EXAM FOUND ADDITIONAL POD ADDED IN 1971 - NO INCREASE IN DIVERSION RATE. LESS ACREAGE FOUND IRRIGATED AND SEEMS TO BE ALL ✓
THAT HAS EVER IN PRODUCTION. ALLOWED DIVERSION RATE OF 0.02 CFS PER ACRE AS LICENSED. NO MEASUREMENTS TAKEN OR POSSIBLE.
Date: 06/22/2000 User Id: VHANCOCK Subject: OWNERSHIP CHANGE PURCHASE AGREEMENT.
DARRINGTON TO WALKHILL RANCH 2 PER NOTICE REC'D THIS DATE WITH
Date: 06/22/2000 User Id: VHANCOCK Subject: RECOMMENDATION RATE TO REFLECT CURRENT ACRES IRRIGATED. NEW OWNER CONCURS WITH ✓
ADJUSTED ACRES PER GIS AND MEETING WITH NEW OWNER. ADJUSTED DIV PROBABLY OVER-ESTIMATED.
SCC RECOMMENDATION THAT ORIGINAL NUMBER OF ACRES LICENSED WAS

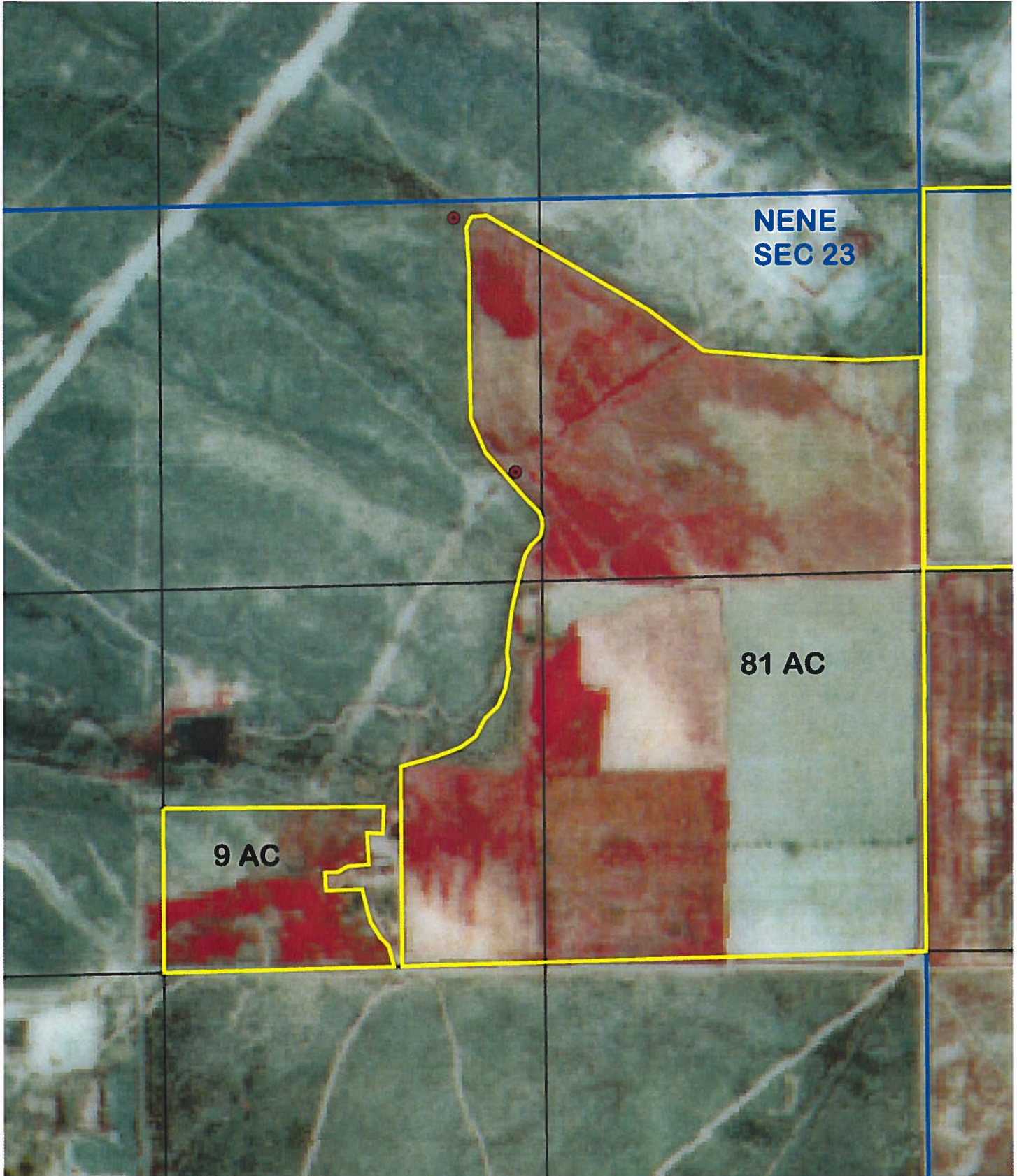
+ ----- Audit Fields ----- +
06/22/00 VHANCOCK

----- Adjudication Rights Dates and Flags Area -----					
Court Report Filing	00/00/0000	Field Inspection Made	10/08/1996	Civil Case Number	39576
Objection Filed Date	00/00/0000	Field Inspection Flag		Old Case Number	
Response Filed Date	00/00/0000	Verified Date	00/00/0000	Old Judicial District	
Claim Received Date	05/31/1989	Last Amended Date	00/00/0000	Temporary Right	P
		Receipt Number	S007397	Water District	
		POU Ownership Flag	Y	Federal/State Indicator	S
		Name Connector		Presumption Flag	C
				Notice of Error Flag	

FILE NOTES

CLAIM NO(S): 43-02413

TWP 15S, RNG 26E/27E



V. HANCOCK

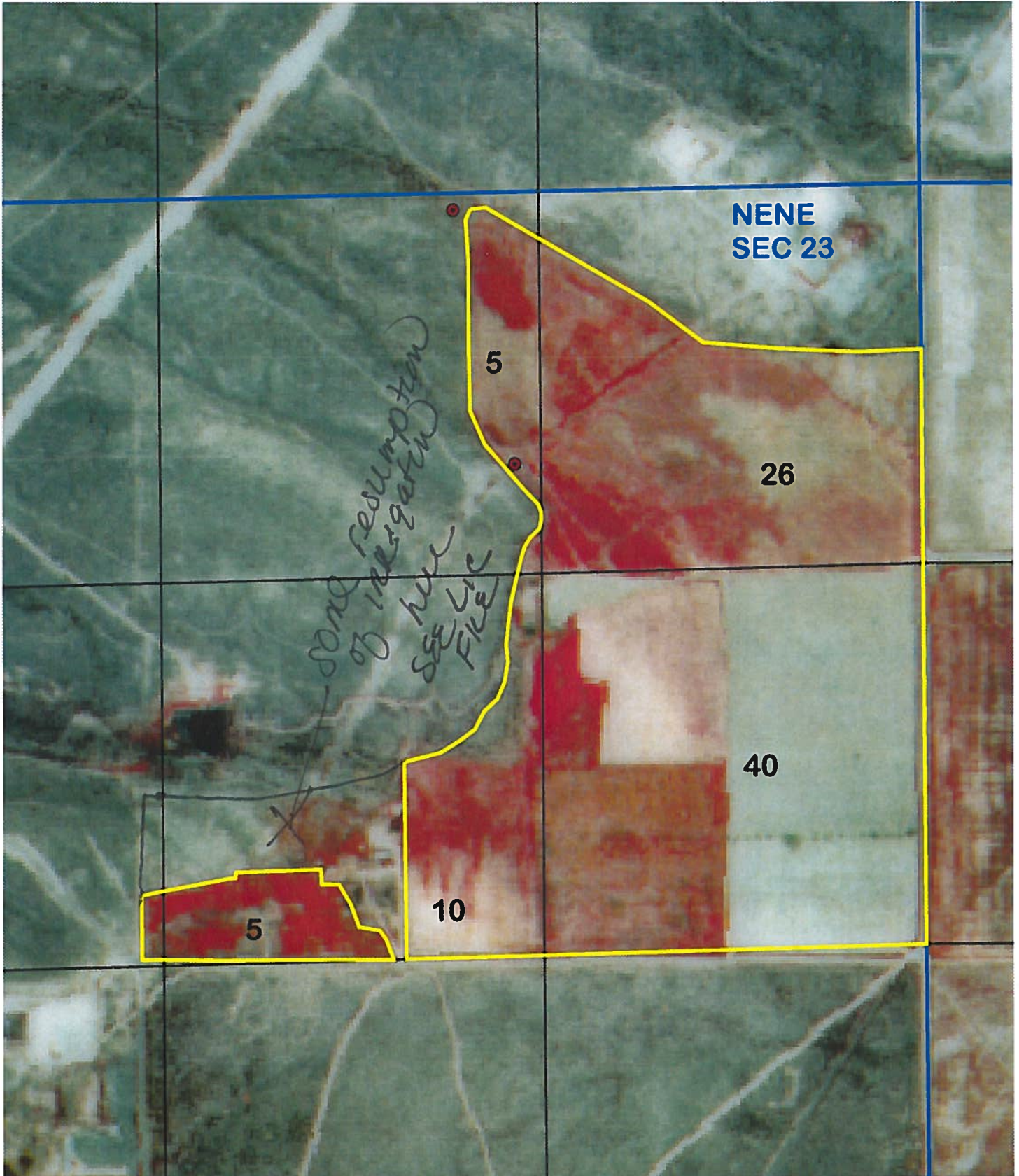
1987 NAPP AERIAL PHOTOGRAPHY

FILE NOTES

Notes per claimant 6-20-0

CLAIM NO(S): 43-02413

TWP 15S, RNG 26E



V. HANCOCK

86 ACRES

1987 NAPP AERIAL PHOTOGRAPHY

A * GAC-Workon
SCC
PUC CW
LVAN
out
1974
file #
R10082

10-08-96

NORTH WELL

POD: NE NW NE

file # GPS
R100821A

SOUTH WELL

43-02413

POD: SE NW NE

Farley's HIRE

NEW WELL DITCH

OLD DITCH

A (SCC
* above)

ACREAGE DEVELOPED
1974

DERRINGTON
HOME

TOTAL
=
=

ATTAC
AS

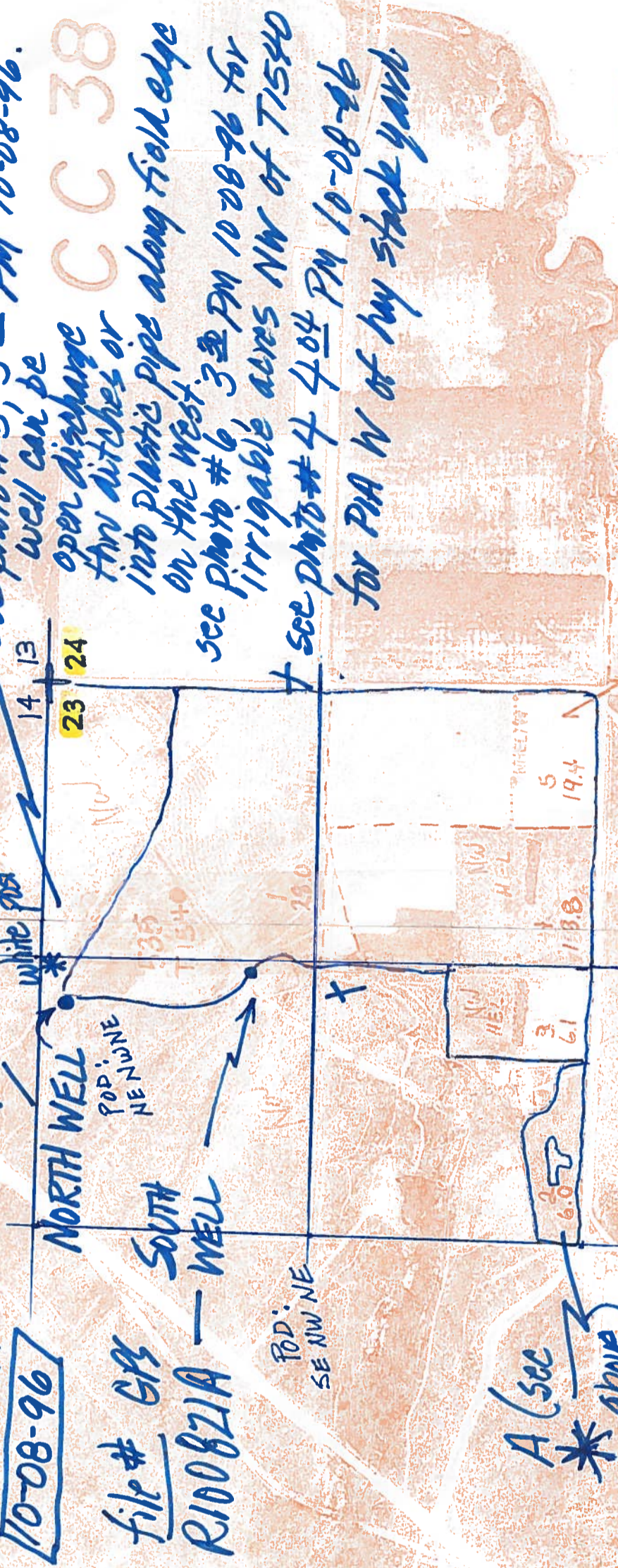
CASE No. 94-00008
SABA OF ORDER
10-02-96
43-02-03

DARRINGTON V FARLEY
FIELD MAP

A * GAD - baron
SEC
PUR CN
LYAND.
10-08-96

file # GPS
R100821B

see photo #5, 3:30 PM 10-08-96.
well can be
open discharge
thru ditches or
into plastic pipe along field edge
on the west. 3:30 PM 10-08-96 for
irrigable acres NW of T1540
see photo #6, 4:04 PM 10-08-96
for PIA W of hay stack yard



A (sec
* above)

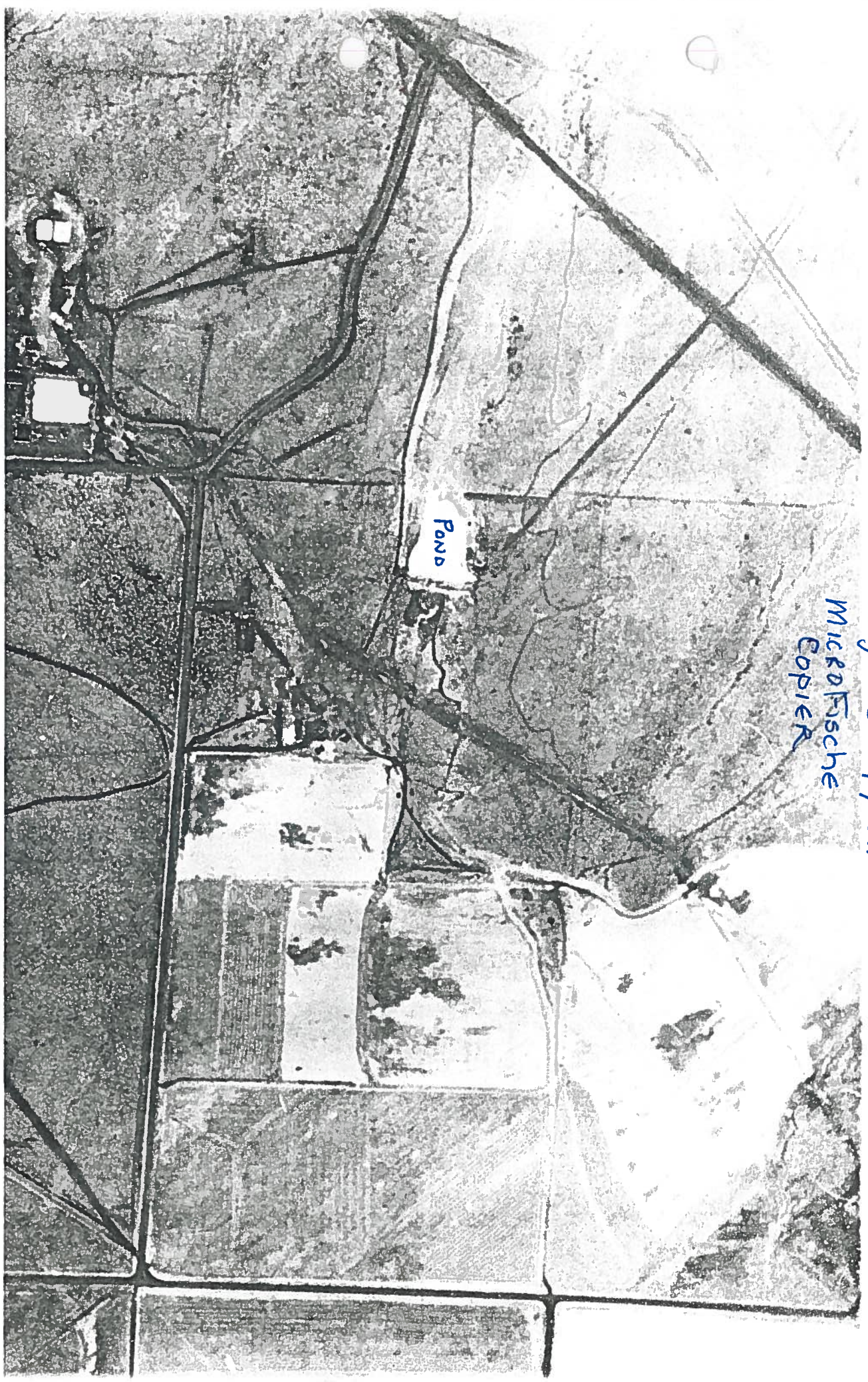
notations by
FRANK
HITCHCOCK
10-08-96
ON SITE W/ STEVE
CLELLAND.

MAPS USED:
ASCS CA 38 CAMP 1987
ORTHO FARLEY DEFIAP
NAIP 16031-589
DEM LOW ELEVATION
CASSIA COUNTY A.S.S.

CLAIM AP3-02283 INIT SCC
T. R. S. Q/O 1924/96
P/D 155 26E 23 SW/40/15
PHOTO ASCS SLIDE HQD K42
DT. FID. JULY 21, 1979

NEGATIVE COPY ON
MICROFICHE
COPIER

4
IN



HOKECHERRY CANYON ORTOPHOTOQUAD
IDAHO

302

308

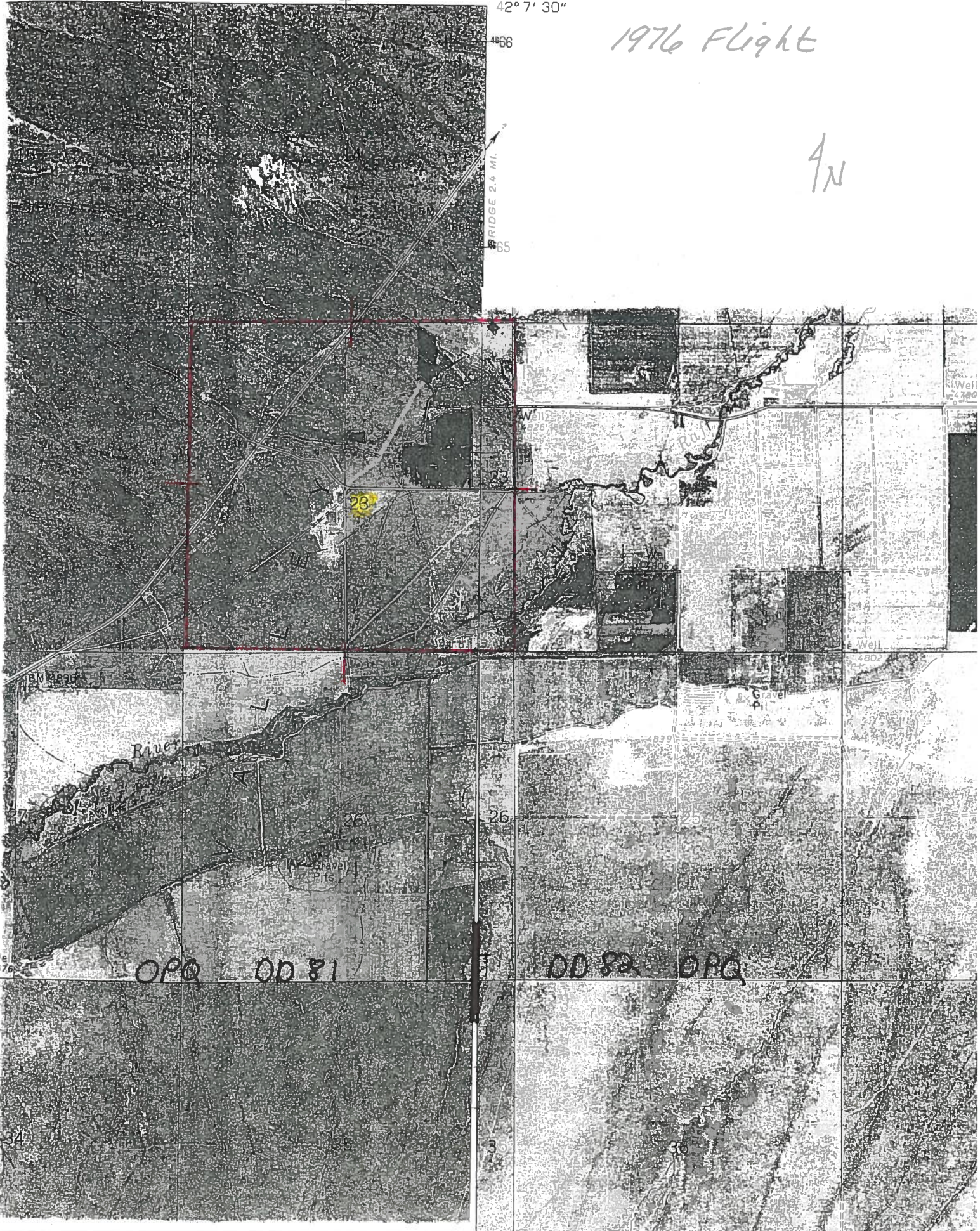
113° 22' 30"

42° 7' 30"

1976 Flight

4N

BRIDGE 2.4 MI.



OPO DD 81

DD 82 DRQ

TIME LINE EVENTS DARRINGTON & FARLEY

1923 Artesian Hot Well drilled by John Schmidt.

7/30/1930 43-02583 Rept of Engineer. Cottonwood Cr.
States this is flood water and was not used
since 1926; indicates rare use. No SRBA Claim.

1/01/1935 A43-10655 Claim for Recreation/Wildlife/Aest.

2/11/1941 43-02283 Permit for Hot Well (3.0 cfs).

2/17/1943 43-02283 Proof filed by Ben Schmidt.

5/26/1943 43-02283 Rept of Engineer (0.92 cfs).

9/21/1954 43-02413 Approved Permit
(Note: only overlapping water right
mentioned in this application is
for the right 43-02583, Cottonwood
Creek water that is very rarely used.)

7/18/1958 43-02413 Rept of Engineer (2.44 cfs).
(Revised: 105 acres & 2.10 cfs)

1971 Water Right unknown: Darrington drills North
well in NENWNE, S23, T15S, R26E.

1971 A43-02283 Six acres east of house last irrigated,
no explanation given.

1974 A43-02283 Never irrigated before this date.
Six acres west of house cleared of brush.

1974-1975 400 inches of water delivered to the NENE of Section
23 from test wells by EG&G (Geothermal study).

1/14/1975 Memorandum of Sales Agreement of Land.
Contract between H. Crank & I. Darrington.

8/20/1976 OPQ DD81: Aerial photo with topo features.

5/10/1978 A43-10382 Domestic well drilled north of pond.

7/21/1979 ASCS Color Slide: K-40 K-42. View of pond & acres.

09/16/1980 43-04098 Statutory Claim filed by H. Crank

ATTACHMENT #3

TIME LINE

COPY

"Remarks: This same well also provides irrigation water on property owned by another. Output of well is open discharge all year; recently-installed valve is rusted open. Water not used evaporates or sinks away in pond. 120 acres irrigated is owned by Ivan Darrington; well output, except 1" used by applicants for domestic use, was sold to Mr. Darrington in 1978. Claimants kept all but 2" of heat right."

1987	ASCS Map CC38:NAPP 16031-389: listed 78.3 acres within the identified irrigation boundaries.
7/14/1987	NAPP Infra-red Photo: 373-175, DD82 NW.
8/08/1987	NAPP Infra-red Photo: 389-55, DD81 NE.
12/ /1990	Mr. Darrington claims to open pond and release water for irrigation. Water delivered via original ditch system.
3/12/1991	Warranty Deed: sale from Janice Crank to Farley's.
4/28/1992	IDWR Complaint investigation and SRBA Exam.
5/05/1992	43-07318 Permit Application by Farley's for additional flows and uses of the hot well.
1994	Measurement of North and South wells; per Mr. Darrington.
9/ /1995	43-02413 Well failure, no longer producing water.
1996	43-02413 Well un-repaired; unused this season.
10/02/1996	SRBA Court Order to re-examine rights affected by hot well system.
10/08/1996	IDWR Exam in response to SRBA Court Order.
10/25/1996	IDWR Report to SRBA Court due this day.

=====

Dates of the SRBA claim filings and amendments were not included in this listing.

ATTACHMENT #3

Time Line P.2

COPY

RESPONSE TO SRBA ORDER

SRBA CASE NO. 39576
SRBA Case No. 94-00008
Cassia County Case No. CV 92-00778D

PURPOSE:

SRBA Presiding Judge, Daniel C. Hurlbutt, Jr. signed an ORDER dated October 2, 1996, requesting me to further investigate the water right license 43-02283. Said report is due October 25, 1996. Due to the overlapping and competing nature of the above right with other rights in the area, the examination and review for this right is accompanied by the full review for the claims filed by both the Darrington's and the Farley's.

SRBA CLAIM NUMBERS AND WATER RIGHT NUMBERS:

A43-02283	43-02283	DARRINGTON
A43-02413	43-02413	DARRINGTON
A43-04098A	43-04098	FARLEY
A43-10382	N/A	FARLEY
A43-10655	N/A	FARLEY

ATTACHMENTS:

All originals on file with IDWR.

1. Orthophoto Quad (OPQ) map copy showing place of use.
2. ASCS map copy with field notes and post-field review.
3. Time Line of events related to these water rights.
4. Profile reports of the five claims described above.

EXAMINATION PROCESS:

Upon receiving the Order, I called the attorneys for both parties to schedule appointments. Both attorneys indicated I should contact the claimants directly which I proceeded to do; appointments were set for October 8, 1996. I requested IDWR employee Frank Hitchcock to accompany me on this investigation since he has been dealing with SRBA reviews of claims in the area and has future reviews to do for Mr. Darrington's other rights in the area. I agreed Frank should take any photographs needed with documentation and he would also take notes of my conversations with the claimants.

On the morning of October 8, 1996 we met with Mr. and Mrs. Farley at their home; time was 10:20 am. First we discussed the domestic well filing, A43-10382, and located its general site. Since the well is buried it is not visible above ground for confirmation and we accepted Mr. Farley's statement of its location point.

From there we walked southeast to the north end of the dam on

COPY

the pond. This is a good place to view the lower areas and the old ditch that used to deliver water from the dam, as claimed by A43-02283. I inspected the face and toe of the dam for possible culverts, pipes or wet spots. At the head of the old ditch there was an indentation in the toe of the dam which is most likely the location of the old culvert. This culvert was in unusable condition based upon my observations, same as my exam on 4/27/1992.

I began to walk the old ditch to see the condition of the ditch and possible deliveries it could make. I traced the full length of the ditch until no ditch could be identified; the ditch appears to have not carried water in several years. There were several large breaches of the ditch along the entire length of the ditch and no observable repairs were noted anywhere on the ditch.

Returning to the dam we observed and discussed the condition of the old control structure used to deliver water from the dam. The structure appears unstable and unusable; it continues to deteriorate from my last examination.

On the southside of the pond I located the incoming ditch that supplies the pond with water and the site where I had previously observed the 6 inch PVC pipeline diverting water away from the ditch and pond to Mr. Darrington during my exam on 4/27/1992.

Next we drove to the hot well location and noted the wellhead was now a sealed system; this included the domestic diversion to Farley's under right A43-04098A. We measured the water flow in the ditch using a broad-crested weir and observed a flow of 0.14 cfs or 7 miner's inches. This flow represents everything in the well's production because Mr. Farley had turned off all diversions to his house from the wellhead. This was confirmed again after the return to the house.

As a part of IDWR's efforts to more accurately locate and monitor wells, the wellhead was banded and tagged with a GPS number A0002742. The Global Positioning System (GPS) was used to collect satellite data for future use in IDWR activities.

After a lunch break we met with Mr. Darrington at 1:40 pm near the homes in the southeast corner of SWNE of section 23. Mr. Darrington led us off to view the fields and wells he uses; he remained in his vehicle and we followed in ours. We drove easterly to a farm road that parallels the north-south mainline and turned north. We stopped at a point near the north end of the 6 acre field, a midpoint in the south half of the NE 1/4. Here Mr. Darrington explained how the fields were being dried up due to lack of water he claims is caused by his inability to deliver the water from the hot well. The 6 acre field east of his houses has not been recently irrigated; Mr. Darrington states this field has not been irrigated since 1971. I observed the 6 acre field west of his houses is not irrigated as we drove in to meet. (Note: the 1987 NAPP photos show both these fields having been irrigated and the remaining acreage of the total 81 acres has been irrigated in these photos.)

Next stop is at the south well. This well was permitted and licensed under water right 43-02413 for 2.10 cfs or 105". Mr. Darrington describes how the old ditch from the pond used to flow across the fields, almost on the same line as the quarter-quarter line between NENE and SENE, in an easterly direction. The lands in

COPY

the SENE appear irrigated as we viewed this area.

Continuing straight north we drove to the north well site. I had no record for this well or water right. Mr. Darrington mentioned something about being told by IDWR he didn't need to file before he drilled this well in 1971. Based on my observations in the field it appears he has added a point of diversion and should have filed a transfer.

From this vantage point he explained how the geothermal water from EG&G (a geothermal research group) was delivered to his farm during 1974-1975. He estimated he received about 400 inches of water from this source. It was used on the northern end of the irrigated portion of his farm. Although the northern end of the farm was not currently irrigated and did not appear to have been irrigated in 1996, the land is not in question as being irrigated pursuant to water right 43-02413 and did appear irrigated on the 1987 NAPP aerial photo.

Mr. Darrington explained the north well was being diverted around the west edge of the field to a booster pump located at the south well. I asked if he had ever had the two wells measured and he thought about two years ago then he states the wells were flowing 50" (1.00 cfs) at the north well and 45" (0.90 cfs) at the south well. He tells me the south well was burned up last year in September of 1995 and they haven't had the money to fix it.

[Mr. Darrington called me on October 21, 1996 and told me he had more current flow data for the wells. He said the numbers he gave in the field were from 1941. Sometime before 1990, Jerry Udy with Raft River Electric had determined a flow at the south well of 210 gpm (0.47 cfs) and at the north well a flow of 380 gpm (0.85).]

We return down the access road back to the 6 acre field east of the house. Here I ask Mr. Darrington to show me the stock water uses he made of the hot well water. He points out several joints of PVC laying around the fence lines and says Farley's kept throwing the pipes over the fence. My observations at this site found no evidence of stock troughs or watering sites. The field did not appear to be irrigated from the westerly direction, but rather, the ditch at the top (north end) of the field appears to slope from east to west.

I showed the ASCS map CC38 to Mr. Darrington and explained that the areas shown on this map appear to be exactly the same as what he has just shown and described to us. I point out the calculated acreage for the map is 78.3 acres and with the amount of water he says the wells produce, 95 inches, he should have adequate water supply for the irrigation of the entire farm as observed. He reminds me the south well is broken and that is why he needs the water from the hot well so badly; to make up the difference.

I asked him how many acres could he irrigate with the water from the hot well; his response was 25 acres. I asked again to confirm the question and answer given. He went on to say he could raise 4-ton per acre alfalfa with that hot water on the 25 acres. I challenged him and told him there could be no way to raise that quality of a crop on 25 acres. I told him we had measured the flow from the well and at best you could only irrigate about 7 acres with that source. Mr Darrington conceded he had to add other water with the hot water to fully irrigate the 25 acres he had claimed.

COPY

I state I am here to collect the information and the SRBA Court will make the final ruling on these issues, I will simply report the facts and observations I make here in the field.

I explain the GPS program and ask if we can place tags on /or near his wells. He agrees and we part company. GPS tag number for the south well is A0002743 and the north well is A0002744.

SUMMARY OF REVIEW AND SRBA CLAIMS:

<< See attached Profile Reports of each right for details >>

FARLEY CLAIMS - No change was found to have occurred in the proposed recommendation of these three rights.

A43-04098A is valid for Domestic use at 0.02 cfs and/or for Heating use at 0.02 cfs; total combined use of the right 0.02 cfs.

A43-10382 is found to be a valid Domestic well use. Allow diversion rate as measured of 0.03 cfs for one home.

A43-10655 uses were confirmed as claimed for Recreation, Wildlife & Aesthetic. Flow rate was as measured did not confirm the diversion actually used. Measurement was for 0.14 cfs instead of the claimed amount 0.21 cfs. Also, the claimed priority date pre-dates the license on which Mr. Darrington's claim A43-02283 is based upon. The claim by Farley's states 1935 but to date no supporting evidence has been given to verify that date. A more reasonable scenario would place the actual date for these uses at the time Ben Schmidt filed for the cold water well license 43-02413 in 1954. His application states the only other water use on these lands, which includes the 46 acres claimed by Mr. Darrinton for hot well use, was water from Cottonwood Creek and it was stated to be rare and unreliable. No mention of the hot well water right.

DARRINGTON CLAIMS - After a more thorough exam of the two rights claimed here there appears to be some legal issues I am not qualified to resolve and there is an emotional element to the claims as they were described to me by Mr. Darrington. Fortunately I am not authorized or qualified to address that element of a water right.

A43-02283 is based on a license which indicated more acres than have ever been irrigated and possibly with more water than ever flowed. Assuming the license was accurate, the flow of this well has continued to decline since 1941, from 0.92 cfs to the most current measurement of 0.14 cfs. After observing the lands and diversions claimed it appears this right has not been used in many years.

The diversion structure on the pond has deteriorated beyond use and the delivery ditch shows evidence of not carrying water for several years. The ditch is in severe disrepair and will not hold water at several points along the way. The PVC pipe laying about the area and seen diverting water in 1992 has the appearance of new pipe and no mention was made of this being a replacement for previous pipelines.

The claim for stock use did not appear valid based on the descriptions given by the claimant. He did give a detailed account of the stockwater use as supplied by the nearby domestic well.

COPY

To summarize this proposed recommendation I would say the right was abandoned in 1954 when Ben Schmidt drilled the cold water well, referred to above as the south well under right 43-02413. The whole process listed on the development of this right of filling the reservoir, cooling overnight and then irrigating all day indicates to me to be a very inefficient system. Drilling the well eliminated all the hassles with the hot water. At this point in time I believe it is possible to establish the claim A43-10655 filed by Farleys.

The Agreement between Harriet Crank and Mr. Darrington in 1975 is puzzling and is left to the court to resolve. Mr. Darrington's use of the pond water or hot well water is conflicting by several of his own statements, some of which are described above. The amount of water available from the hot well cannot replace the 45" lost from the burn out of the south well so the loss of the hot water well is not the sole cause of the non-irrigated acres found at our exam - 41 acres dry. It appears Mr. Darrington may be demonstrating some resumption of use of this right but it does clearly cause injury to the Farleys if the water is not used as described in Mr. Darrington's claim or the base license; i.e. taking the water from the pond and not the ditch above.

Mr. Darrington claims he has photographs of the past times he used this water and he told me Ben Schmidt is still living in Nevada. It appears he has several resources to support his position and yet has not pursued them.

The recommendation for this right based on the evidence available to IDWR is for DISALLOWAL.

A43-02413 is a simple system based on past license with the only changes being a correction in acres and to implement the accomplished transfer statutes to add a second point of diversion (the north well). The 6 acre field west of the homesite was first irrigated in 1974 and could be assumed under the license.

In listening to Mr. Darrington describe this area during the 1974-1975 period, I believe the wells were producing marginal flows to begin with and certainly not the full licensed amounts. The offer by EG&G to supply 400" allowed the farm to be fully and adequately irrigated in some time. At this point there was even enough water to break out the 6 acre field to the west. However, after the geothermal projects were completed and the water sources capped off the farm returned to its previous drier status. In an attempt to obtain more water perhaps this is when the 1975 agreement was proposed.

REQUEST FOR EXTENSION:

I called the court at 4:30 pm on Friday, October 25 to request some additional time to complete this report. I was told to submit a letter requesting the extension and forward it to the court. That letter accompanies this report.

Submitted by

Steve C. [Signature]

Date

10/28/1996

COPY

State of Idaho

License and Certificate of Water Right

Water License No. G-25180 Priority September 21, 1954 Amount 2.1 c.f.s.

THIS IS TO CERTIFY that BEN V. SCHMIDT

of Bridge, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 21, 1954; that Permit No. G-25180 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.1 second feet, was issued thereunder on October 26, 1957, showing that said works were completed on the 18th day of September, 1957; and that on the 18th day of September, 1957, BEN V. SCHMIDT

of Bridge, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well,

a tributary of subterranean flow, for the purpose of irrigation and domestic use, under Use Permit No. G-25180 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses, at Page 8894, on the 26th day of October, 1967. The right hereby confirmed dates from September 21, 1954.

The Point of Diversion is located in the NW 1/4 NE 1/4, Sec. 23, Twp. 15 S, R. 26 E, B.M., Cassia County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.1 cubic feet per second.

Description and location of use:

Tract	Range	Section	Four-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	26 E	23	NEX NEX	40	20
			NW ¹ / ₄ NEX	40	25
			SW ¹ / ₄ NEX	40	20
			SE ¹ / ₄ NEX	40	40
			Total number of acres to be irrigated:		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 26th day of October, 1967.

R. Keith Higgins
State Reclamation Engineer.

25180

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-25180

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Ben V. Schmidt

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SW corner of NE 1/4 NE 1/4 of Section 23
T. 15 S. R. 26 E., B. M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Well 16" x 280'
Hammerless Morse Pumping # PV 1298 powered by International
Deere Diesel tractor TD #6 6" x 60' column 3 hole 6" diameter
H: 42' dump into 3' x 3' concrete lead pipe and is delivered
to fields by gravity D: 122' measured by leveling meter
no shelter available

5. Water is used for: Irrigation and domestic

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
140 acres in the NE 1/4 of Sec. 23., Twp. 15 S., Rgn. 26 E., B. M. RJ

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:
Crops are Hay grain & row crops

This examination was made on the 18 day of July 1958
(Signed) David B. Atkinson G-25180
Examiner

R-26E.

T.
15
S.



Subdivisions = 4
Area = 111 acres
Q = 122"

Measured by spooling meter

2,450
124

100
105
2,100

P.L. ...

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

A43-2413

SEP 30 1957

Department of Reclamation

RECEIVED
DEC 23 1957

Department of Reclamation

Permit No. G-25180

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Bon V. Schmidt, Bridge, Idaho, farming.
Bridge, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. -----

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G-25180, -Sep-21-1954 and date of priority Sept 21, 1954.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean well in SW cor. NE 1/4 Sec 23 Twp 15 S
Range 26 ERM.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. private ditches, --200 inches-- private ditches.

Driven well 16 inch steel casing, 310 feet deep.

water level is at 17 feet.

8 inch discharge pipe

measured over a weir.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation and domestic use - SW 1/4 Sec 23 - 30 acres.

SE 1/4 3rd 23, NW 1/4 2d 23, SW 1/4 2d 23 - 40 acres.

NW 1/4 2d 23 " " " " - 30 acres.

NE 1/4 3rd 23 " " " " - 40 acres.

total 140 acres.

cultivated, hence, broke the land into 140 acres and put in ditches.

G-25180

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. -----

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. one inch to the acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. -----

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. I irrigated 140 acres of hay and grain and woods for the last two years-1956 and 1957

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. -----

I have a 1925 decreed right for 160 inches of south Cottonwood creek water than available.

(Sign) Burt Smith

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in -----

State of Idaho, on this 18 day of September A. D. 1957 County of Cassia

My commission expires January-25-1961.

Henry Thompson
Notary Public Resident at MALTA, IDAHO

OLD BEN SMITH PLACE

R.M. Ground

Hot Well or Spring

TO RIVER TO SEAR

ROAD



and 74 miles

← NE 1/4 Sec. 23 Twp 15 South Range 26 E. 8m.
Bridge Idaho

has been used for irrigation for several years back

Cold water well
© 25/80



Ritch



also

we need the debris rights on the hot water spring
The filling rights on the cold water well

Planimeter
of Darlington

$$1'' = 660'$$

10/29/00 Sun

ASCS CC38

$$\text{med arm} = .173241$$

S. 23 ENE

38.7 inside line

41.0 slip

41.5 in Roads

41 in Roads

$$= \textcircled{40} \text{ on line}$$

East H.	<u>NENE</u>
6.4	26.0
	25.0

West H.	27.3
<u>5.0</u>	25.0

flat 25.1

$$\bar{x} = 25.5$$
$$RU = 26.0$$

<u>NWNE</u>
1.9
4.3

<u>5.7</u>
6.7

4.1	flattened
3.8	flat
3.6	"
<u>3.8</u>	

$$\bar{x} = 3.8$$
$$RU = 4.0$$

-02413

Darlington

irrig - 1 PDD

105" (2.10 cfs) @ 105 acres

- cannot observe 105 acres ever being irrig as li
- areas in NWNE were stated as never being irrigated by ID.

1-26-93

Testimony by ID.

@ hearing for protest on 43-7318

- said he use hot water on 53 Acres
& well flows = 5"

16" X 310' well

water level 47'

8" discharge

permit 9/21/54

proof 9/30/57

(only other right listed on same 140 Ac. in Cottonwood water 43-2583,)

Map in 43-2413 file (MF copy)

→ indicates same POU as found currently.

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED IN FILE? Y N

ORTHOPHOTOQUAD DATE OF PHOTO 1976 IDNR ID NO. DD81 Y N

TOPOGRAPHIC DATE FIELD CHECKED _____ IDNR ID NO. _____ Y N

MAPP 389-55 8-8-87 DATE OF PHOTO _____ IDNR ID NO. DD81 NE Y N

ASCS AERIAL PHOTO # 16031-389 7-4-87 DATE OF PHOTO _____ IDNR ID NO. DD82 NW Y N

ASCS COLOR SLIDE DATE OF PHOTO 1987 Flight CC38 Y N

BLM OR USFS AERIAL PHOTO DATE OF PHOTO _____ Y N

TOWNSHIP SURVEY (GOVERNMENT PLAT) DATE OF SURVEY _____ Y N

SCS SOIL SURVEY MAP DATE ISSUED _____ Y N

SUBDIVISION PLAT MAP DATE OF MAP _____ Y N

OTHER DATE _____ Y N

OTHER DATE _____ Y N

OTHER DATE _____ Y N

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION NO. OF PAGES NOTES

LICENSING FIELD EXAM DATE OF FIELD EXAM _____

WATER RIGHT LICENSE DATE LICENSE SIGNED _____

IDNR APPROVED TRANSFER DATE TRANSFER APPROVED _____

SYSTEM DESCRIPTION DATE DRAWN _____

PHOTOGRAPHS IDNR DATE(S) PHOTOS TAKEN _____

SPLIT RIGHT REVIEW DATE REVIEW COMPLETED _____

HUBBLE ANALYSIS DATE ANALYSIS COMPLETED _____

CONVEYANCE LOSS ANALYSIS DATE ANALYSIS COMPLETED _____

FLOW MEASUREMENT CALCULATIONS DATE SYSTEM MEASURED _____

OTHER DATE _____

OTHER DATE _____

ORIGINAL CLAIM

Darlington Exam Notes

(GPS
A0002743)

Tag
Southside

10/8/96
50 pole

RRRE 28022

"SOUTH WELL"

Holladay Pump

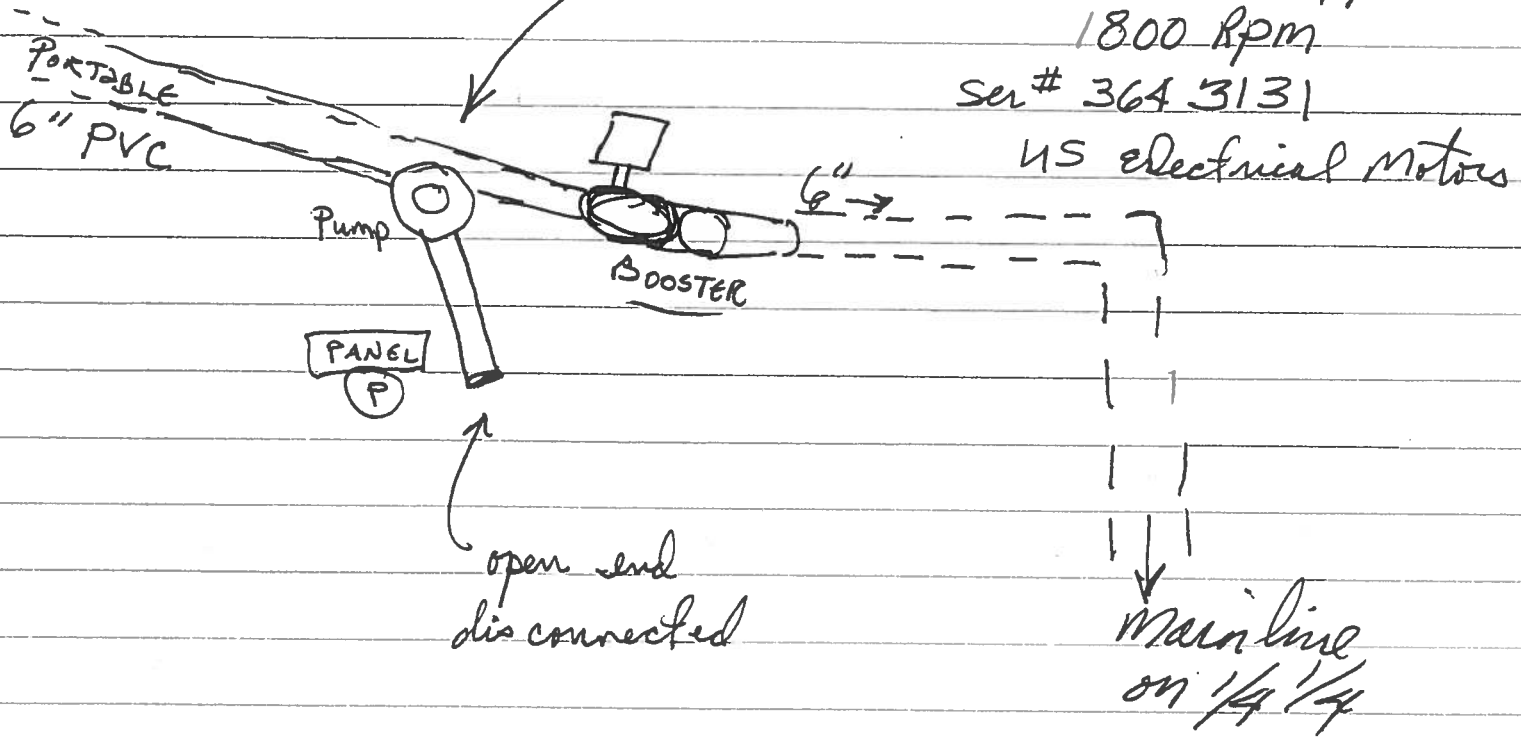
HP 30

Frame A326U4Y

1800 RPM

ser # 364 3131

US electrical Motors



Reliance Duty Master A-C motor

frame 284T

ID # P286001C-936-1Y

25 HP

1765 RPM

ARRINGTON V FARLEY 43-02283

10-08-1996

Darrington Exam

10/8/96 - sec

Pole # 28023 (RRRE)
"Northwell"

A002744
Tag on Southside
R100821B

GE motor

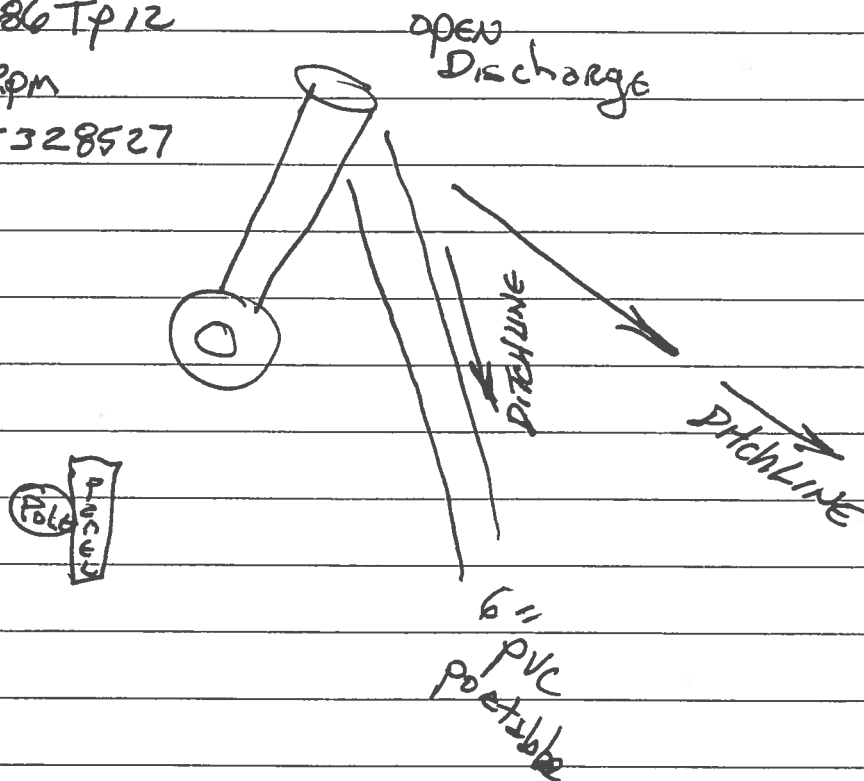
Model: SK6238XHB

30 Hp

frame B286TP12

1760 RPM

Serial # CJS328527



DARRINGTON V FARLEY 43-02283

10-08-1996

COPY

02283

PARRINGTON (old lic)

% AC irrig .92
stock .04

TO FILE

A43-02413

Jerry Wdy REA:

S well = 210 gpm (0.47 cfs)

N well = 380 gpm (0.85 cfs)

10-8-96: Exam

S. well = 50" (1.0 cfs) 448.8 gpm

N well = 45" (0.90 cfs) 403.9 gpm

" 25 acres watered from Hot well "

1971 - I.D. drilled N well

1974/75 EGS pumped 400" to I.D.
for irrig use.

1987 ASCS flight T1540 on CC38

- shows 78 acres in the NE 1/4 S23

- he did not explain additional acres

-- mentioned ^{OK full 40 in SENE} some areas planned

for future development. (Never irrig.)

- Your system = 80 acres

? last meas of wells = 2 yrs ago (1994?)
I told him 80 acres and 95" of water is typical for adequate irrig. why is the Hot water so crucial?
5 well broke in 9/95

P. 2

Hot well meas. @ 7", might irrigate 4-5 acres
- will not replace S well
I.D. agrees 5 acres

Pix? J.D. says yes he has pics of irig.
- should be able to produce them
to the SRBA Court

6 acres west of houses never irrigated till 1974

6 acres east of houses -

- last irrigated = 1971

(same as
400" EGG)

> discussion: why not fix S well?

Farleys took hot water, prevented
irrigation of hay, had to buy hay for
cows, had to sell cows to buy hay.

* well broken in 9/95 hay crop should have
been grown. summer of 1996 is first season
w/o hot well water if it was crucial to
hay production.

1990 - I.D. says he opened pond culvert
in Dec. 1990, said he used
it to irrigate ... like snowfall.

I pointed to large holes in delivery ditch,
says he pipes across (?)

Explain GPS + Tag

Not filing on G# 16 282
43-02583 0.60

p. 3

-2413

Exam
licensed: 122" (2.44 cfs)

7/18/58
(Exam)

16" x 280' well

Fair banks Morse # PV1298

International Diesel

Revised

2.10 cfs

105 acres

when

105 Acres irrigated by Darrington
on total farmland.

Notes
per Hearing
in Burley
w/43-07318

He says he uses the hot
water on 53 acres and he
estimates the water flow @ 5 inches.

1-26-93
sec

He said he gets the heat use from the
water for "heating the ground".

- Testimony by
Ivan Darrington
@ Burley during a
protest hearing
conducted by
Glen Saxton, IDWR.

* information relevant to
review of A43-02413

MICROFILMED

MAR 03 1993

#3



Photo by FH
 43-38 #3#4
 10-8-96

View WNW to Farley Site.

#4



IDWR Agent Clelland discussing with Darrington.

ID by SCW
 1/9/97

A43-2283

Photo by FH #A-#6
A3-37 #3

#3

#4

#5

#6

POU



View East

↑ PVC along East Line
Fence Leads to
the site of stock watering
as claimed by
Darlington.

Shows overview of the 6 Acre POU
No Delivery system or Ditches found
to this POU.



A43-2283

10 Aug 81/8/81

Photos by FH
#1 #2
13-38-
10-8-96

#1



#2

View N + NE

field claimed as pou for Hot Well.

10 Aug
1/9/97

A43-2283
DARRINGTON

Photos of FH
A3-39 #9-13
10-8-96

#12



#11



#9



View South

#10



Shows Pou claimed under
A43-2283.
Irrigation system appears to be
sprinklers due to lack of corrugates.

A43-2283
DARRINGTON

10
4/5/20
11/10/19

Pharos Hwy & FH
#1 #2
A43-339
10-8-96

#2



#1



View SE overlooking 6 acre parcel.
No evidence of delivery ditches to this parcel.

A43-2283
DARRINGTON

Photos by FH
43-39-#7#6

10-8-96

#7

Pole MARKS
SITE
of
North WELL



IO by SEC
1/9/97

View N - shows the South well of
43-2283 with POU in Back ground.

#6



Pole marks
North well
SITE

POU that lies North of the South well.

A43-2283
DORRINGTON

10 My SEC
1/9/97

Photo by FH
43-39-#4
10-8-96

#4



Land not yet IRRIGATED under 43-2283
but DARRINGTON has future plans to IRRIGATE here.
Clearly shows NO IRRIGATION, CULTIVATION OR SYSTEM.

A43-2283
DARRINGTON

1024 SCC
1/9/97

Photo by FH
A3-39-#5
10-8-96

SITE OF
South Well

#5



View South - shows North well
being diverted into PVC main line that
runs to the South well site.

Pou shown in back ground.
PVC pipeline skirts the west edge of the Pou.

A43-2283
Darrington

↑
N



Water Right Number - 43-02413

Prefix Translation: WATER RIGHT

Old (D) Number - 25180

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - +
 *** C - CURRENT OWNER ***
 SCHMIDT BEN V. 1 -
 2 -
 3 -
 City- BRIDGE State- ID Zip-
 Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
 09/21/1954 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
 GROUNDWATER

Twm	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
15S	26E	23	NW NE		(31)	CASSIA		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION						
43 - DOMESTIC					2.100	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - - +
 2.100

Twm	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	26E	23	NE NE		20.0	01 IRRIGATION			(31) CASSIA
15S	26E	23	NW NE		25.0	01 IRRIGATION			(31) CASSIA
15S	26E	23	SW NE		20.0	01 IRRIGATION			(31) CASSIA
15S	26E	23	SE NE		40.0	01 IRRIGATION			(31) CASSIA
					Total Acres:	105.0			

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
 No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
 No Old Water Right Numbers found.

Water right number - 43-02413

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - +
00/00/0000

+ - - - - -Comments- - - - - +
No Comments Found

+ - - - - Audit Fields - 02/26/85 05/28/88 CONVERT

+ - - - - - - - - - Water Rights Dates and Flags Area - - - - - +

| | | | | | |
|-------------------|--------------|------------------|--------------|------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 02/26/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - |
| Licensed Date | - 06/28/1979 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 00/00/0000 | Presumption Flag | - | | - |