

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: **A43-02512**

Date Received: 6/ 9/1989

Receipt No: C007379

Received By: *amended / transfer
ownership change*

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

AMENDED

1. Name: SPRATLING FARMS 208-654-2016
Address: RT 1 BOX 180
BURLEY ID 83318

2. Date of Priority: APR 1, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	28E	7	SE	NE	NE		CASSIA
			NE	NW	SE		CASSIA
			NW	NW	SE		CASSIA
		17	NW	NW	SW		CASSIA

5. Description of diverting works:
4 WELLS AND PUMPS TO MAINLINE, TO 7 AND 1/2 PIVOTS, HANDLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	10.880		

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

8. Total consumptive use is 2541.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	28E	6	SW	SW	7	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	28E	6	SE		SW		IRR	38.0
			NE		SE		IRR	31.0
			NW		SE		IRR	33.0
			SW		SE		IRR	40.0
			SE		SE		IRR	33.0
							Section Acres	215.0
		7	NE		NE		IRR	33.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	39.0
			SW		NW	2	IRR	39.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	39.0
			SW		SW	4	IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	629.0
		17	NE		NW		IRR	31.0
			NW		NW		IRR	31.0
			SW		NW		IRR	31.0
			SE		NW		IRR	31.0
			NE		SW		IRR	31.0
			NW		SW		IRR	31.0
			SW		SW		IRR	31.0
			SE		SW		IRR	31.0
							Section Acres	248.0
							Total Acres	1092.0

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:
NONE

14. Remarks:

THIS CLAIM RECOMBINES 43-02512A AND 43-02512B, WITH 14 ACRES
TRANSFERRED FROM NWSW, SEC 06, TO NESE & NWSE, SEC 06.
OWNERSHIP CHANGE 6/8/90 BY JG

PURSUANT TO APPROVED TRANSFER NO. 4521:

1. APPROVAL OF THIS TRANSFER IN NO WAY CONFIRMS THE RIGHT(S) CLAIMED.
2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE FOR THE LANDS ABOVE.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
6. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL ANNUALLY REPORT THE AMOUNT OF WATER DIVERTED TO THE DEPARTMENT.
7. PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.
8. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4521 SHALL NOT EXCEED 18.05 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 4,368.0 AF.
9. COMBINED RIGHTS NOS. 43-02417A, 43-02418A (A43-10282); 43-02512A, 43-02512B (A43-02512); 43-02512C; 43-04060A; 43-04061A, 43-04062A, 43-04064A (A43-10283); AND 43-04063A ARE LIMITED TO THE TOTAL COMBINED IRRIGATION OF 1,092 ACRES AS DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
10. COMBINED RIGHT NOS. 43-02417A, 43-02418A (A43-10282); 43-04060A; 43-04061A, 43-04062A, 43-04064A (A43-10283); 43-04063A ARE LIMITED TO THE TOTAL COMBINED IRRIGATION OF 248 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
11. COMBINED RIGHT NOS. 43-02512A AND 43-02512C ARE LIMITED TO THE IRRIGATION OF 497 ACRES UNDER PART A AND 320 ACRES UNDER PART C, AND THE TOTAL COMBINED IRRIGATION OF 497 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
12. RIGHT NO 43-02512B IS LIMITED TO THE IRRIGATION OF 350 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. TWO POINTS OF DIVERSION ARE LOCATED WITHIN NWSE, S07, T11S, R28E.

15. Basis of Claim: LICENSE

Water Right Number: 29461

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

SD-0601-2 Last Name: S. ATLING

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					

SPRATLING FARMS

C	43-02418A	01/31/1955	GROUNDWATER	0.480	01	IRR
C	43-02512A	04/01/1961	GROUNDWATER	4.600	01	IRR
C	43-04061A	05/01/1957	GROUNDWATER	0.310	01	IRR
C	43-04062A	05/01/1957	GROUNDWATER	0.280	01	IRR
C	43-04064A	05/01/1957	GROUNDWATER	0.710	01	IRR
C	43-02417A	01/31/1955	GROUNDWATER	0.480	01	IRR
C	43-02512B	04/01/1961	GROUNDWATER	6.280	01	IRR
C	43-02512C	02/14/1961	GROUNDWATER	4.320	01	IRR
C	43-04060A	04/01/1954	GROUNDWATER	0.170	01	IRR
C	43-04063A	05/01/1955	GROUNDWATER	0.420	01	IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu)

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 21 1995

TRANSFER OF WATER RIGHT

Department of Water Resources
Southern Region
TRANSFER NO. 4521
WATER RIGHT NO(S). 43-02417A/43-02418A/43-02512A/43-02512B
43-02512C/43-04060A/43-04061A/43-04062A/43-04063A/43-04064A

This is to certify that: **SPRATLING FARMS**
RT 1 BOX 180
BURLEY ID 83318

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 43-02417A : IRRIGATION	04/01 to 10/31	0.48 CFS	202.8 AF
Right No. 43-02418A : IRRIGATION	04/01 to 10/31	0.48 CFS	202.8 AF
Right No. 43-02512A : IRRIGATION	04/01 to 10/31	4.60 CFS	1943.4 AF
Right No. 43-02512B : IRRIGATION	04/01 to 10/31	6.28 CFS	1400.0 AF
Right No. 43-02512C : IRRIGATION	04/01 to 10/31	4.32 CFS	1280.0 AF
Right No. 43-04060A : IRRIGATION	04/01 to 10/31	0.17 CFS	71.8 AF
Right No. 43-04061A : IRRIGATION	04/01 to 10/31	0.31 CFS	131.0 AF
Right No. 43-04062A : IRRIGATION	04/01 to 10/31	0.28 CFS	118.3 AF
Right No. 43-04063A : IRRIGATION	04/01 to 10/31	0.42 CFS	117.4 AF
Right No. 43-04064A : IRRIGATION	04/01 to 10/31	0.71 CFS	300.0 AF
TOTAL:		* 18.05 CFS	* 4368.0 AF

S-ADJ

TRANSFER NO. 4521

WATER RIGHT NO(S). 43-02417A/43-02418A/43-02512A/43-02512B
43-02512C/43-04060A/43-04061A/43-04062A/43-04063A/43-04064A

DATE OF PRIORITY:

Right No. 43-02417A : 01/31/1955
Right No. 43-02418A : 01/31/1955
Right No. 43-02512A/B : 04/01/1961
Right No. 43-02512C : 02/14/1961
Right No. 43-04060A : 04/01/1954
Right No. 43-04061A : 05/01/1957
Right No. 43-04062A : 05/01/1957
Right No. 43-04063A : 05/01/1955
Right No. 43-04064A : 05/01/1957

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 7, Township 11S, Range 28E
NWSE , Sec. 7, Township 11S, Range 28E
NWSW , Sec. 17, Township 11S, Range 28E
CASSIA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
11S	28E	6	Lot 7(SWSW) 40	SESW 38	NESE 31	
			NWSE 33	SWSE 40	SESE 33	215
		7	NENE 33	NWNE 40	SWNE 40	
			SENE 40	NENW 40	Lot 1(NWNW) 39	
			Lot 2(SWNW) 39	SENE 40	NESW 40	
			Lot 3(NWSW) 39	Lot 4(SWSW) 39	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			629
		17	NENW 31	NWNW 31	SWNW 31	
			SENE 31	NESW 31	NWSW 31	
			SWSW 31	SESW 31		248
Total number of acres irrigated:						** 1092

CONDITIONS/REMARKS:

1. Approval of this transfer in no way confirms the right(s) claimed.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4521

WATER RIGHT NO(S). 43-02417A/43-02418A/43-02512A/43-02512B
43-02512C/43-04060A/43-04061A/43-04062A/43-04063A/43-04064A

CONDITIONS/REMARKS:

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4521 shall not exceed 18.05 cfs, nor total combined annual volume of 4,368.0 af.
- **9. Combined Right Nos. 43-02417A, 43-02418A, 43-02512A, 43-02512B, 43-02512C, 43-04060A, 43-04061A, 43-04062A, 43-04063A and 43-04064A are limited to the total combined irrigation of 1,092 acres as described above in a single irrigation season.
- **10. Combined Right Nos. 43-02417A, 43-02418A, 43-04060A, 43-04061A, 43-04062A, 43-04063A and 43-04064A are limited to the total combined irrigation of 248 acres in the place of use described above in a single irrigation season.
- **11. Combined Right Nos. 43-02512A and 43-02512C are limited to the irrigation of 497 acres under Part A and 320 acres under Part C, and the total combined irrigation of 497 acres within the place of use described above in a single irrigation season.
- **12. Right No. 43-02512B is limited to the irrigation of 350 acres in the place of use described above in a single irrigation season.
Two points of diversion are located within NWSE, S07, T11S, R28E.

Dated this 16th day of August, 1995


Chief, Water Alloc. Bureau

MEMO TO FILE

January 27 1995

Transfer No. 4521 - Spratling Farms

Employee: Jeanie Robertson
Water Right Agent, Adjudication

I have visited this property several times and confirmed the areas irrigated with ASCS maps and verified the location of the wells. There are two wells located in the NWSE Section 7, one is not in use at this time. The pump has been pulled from this well but they did indicate that they may put it back into use. I support the acres found to be irrigated on the maps and intend to recommend them that way.

43-2417A, 43-2418A, 43-2512A, 43-2512B, 43-2512C, 43-4060A, 43-4061A, 43-4062A, 43-4063A, 43-4064A, T # 4521

3

TO: File

SUBJECT: Spratling Farms Transfer App.

FROM: Jim Stanton

DATE: 12-14-94

I am reviewing this transfer prior to advertising. As filed, the transfer showed a well in the NE/SW S. 7, but there is no log or other records of this well. Mr. Spratling was in today with proof of ownership, so I asked him about this. He indicated that the well location was incorrect, and that it is actually east of the well now in use near the center of the section. The mis-located well is not in use now, but will probably be rehabilitated so that it can be put back into service.

The SRBA staff is presently doing verification work on this property. So far, they have looked at the wells and marked the existing P/U on aerial photos. The well locations have been verified. No flow determinations have been made. Pivot corners are in CRP protection now, so would probably be recommended by SRBA. If this transfer is approved, most of the corners would no longer be irrigated. With SRBA work in progress, probably to be completed next summer, I do not plan to visit the property. As long as future irrigation on this farm does not exceed the 1092 acres as proposed, the transfer should not result in expansion of water usage. Water rights are ultimately subject to SRBA findings, of course.

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

1 2 3 4 5

Transfer No

NOV 22 1994

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Spralling Farms Phone 208-657-2014
Post Office address Rt 1, Box 180; Burley, ID 83318

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU
2. Describe the reason for the proposed changes We want to tie all of our wells into a common mainline system so we can use water from any well on all of our acres.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--------------------|----------|-----------------------|------------------|----------------|
| See Attachment "A" | | | | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |

2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per an

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SW	17	11S	28E	Cassia	Existing well
	SE	NE	NE	7	"	"	"	" "
	NW	NW	SE	7	"	"	"	" "
	~~SE~~	~~NE~~	~~SW~~	7	"	"	"	" " NE/NW/S

90 12-14-94

5. Lands irrigated or place of use:

[illegible]

Total acres 1092

PART 1

6. General Information:

- a. Description of diversion system Four wells with pumps that discharge to a mainline system that sewes seven full pivots, a half circle pivot and some hand lines.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgage contracts? Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
- _____
- _____
- _____

d. Remarks:

Partnership consisting of two general partners:
John B. Spratling and John D. Spratling
Changes of ownership have been filed for SRBA claims

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this day of , 19

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02512A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.60 CFS

SOURCE

GROUNDWATER

Priority: 04/01/1961

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 7, Township 11S, Range 28E
SENE , Sec. 7, Township 11S, Range 28E
NWSE , Sec. 7, Township 11S, Range 28E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	6	Lot 3 (NWSW) 14	Lot 4 (SWSW) 47	SESW 40	177
			SWSE 40	SESE 36		
		7	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
				Total number of acres irrigated:		497

CONDITIONS/REMARKS:

1. P/U IN E1/2, S7, T11S, R28E COMBINED WITH 43-2512C.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02512B

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.28 CFS

SOURCE

GROUNDWATER

Priority: 04/01/1961

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 7, Township 11S, Range 28E
SENE , Sec. 7, Township 11S, Range 28E
NWSE , Sec. 7, Township 11S, Range 28E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>		<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	7	NENW 40	Lot 1(NWNW)	48	Lot 2(SWNW)	48
			SENE 40		NESW 40	Lot 3(NWSW)	48
			Lot 4(SWSW) 48		SESW 40		352
				Total number of acres irrigated:			352

CONDITIONS/REMARKS:

1. AC. IRR.=350.

PART 2

TRANS NO. 4521

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02512C

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	4.32 CFS

SOURCE

GROUNDWATER

Priority: 02/14/1961

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 7, Township 11S, Range 28E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	7	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		320
Total number of acres irrigated:						320

CONDITIONS/REMARKS:

1. P/U IN E1/2, S7, T11S, R28E COMBINED WITH 43-2512A.

PART 2

TRANS NO. 4521

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02417A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.48 CFS

SOURCE

GROUNDWATER

Priority: 01/31/1955

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 17, Township 11S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	17	NENW 31	NWNW 31	SWNW 31	
			SEnw 31	NESW 31	NWSW 31	
			SWSW 31	SESW 31		248
				Total number of acres irrigated:		248

CONDITIONS/REMARKS:

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02418A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.48 CFS

SOURCE

GROUNDWATER

Priority: 01/31/1955

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 17, Township 11S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	17	NENW 31	NWNW 31	SWNW 31	
			SESW 31	NESW 31	NWSW 31	
			SWSW 31	SESW 31		248
				Total number of acres irrigated:		248

CONDITIONS/REMARKS:

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-04060A

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.17 CFS
STOCKWATER	10/31 to 04/01	0.17 CFS
	Totals	0.17 CFS

SOURCE

GROUNDWATER

Priority: 04/01/1954

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 17, Township 11S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	17	NENW 31	NWNW 31	SWNW 31	
			SEnw 31	NESW 31	NWSW 31	
			SWSW 31	SESW 31		248
				Total number of acres irrigated:		248

PLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-04061A

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.31 CFS
STOCKWATER	10/31 to 04/01	0.32 CFS
	Totals	0.32 CFS

SOURCE

GROUNDWATER

Priority: 05/01/1957

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 17, Township 11S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	17	NENW 31	NWNW 31	SWNW 31	
			SESW 31	NESW 31	NWSW 31	
			SWSW 31	SESW 31		248
				Total number of acres irrigated:		248

PLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-04062A

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.28 CFS
STOCKWATER	10/31 to 04/01	0.28 CFS
	Totals	0.28 CFS

SOURCE

GROUNDWATER

Priority: 05/01/1957

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 17, Township 11S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	17	NENW 31	NWNW 31	SWNW 31	
			SEnw 31	NESW 31	NWSW 31	
			SWSW 31	SESW 31		248
				Total number of acres irrigated:		248

PLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-04063A

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.42 CFS
STOCKWATER	10/31 to 04/01	0.43 CFS
	Totals	0.43 CFS

SOURCE

GROUNDWATER

Priority: 05/01/1955

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 17, Township 11S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	28E	17	NENW 31	NWNW 31	SWNW 31	
			SEnw 31	NESW 31	NWSW 31	
			SWSW 31	SESW 31		248
				Total number of acres irrigated:		248

PLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-04064A

STAGE: STATUTORY CLAIM

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.71 CFS
STOCKWATER	10/31 to 04/01	0.72 CFS
	Totals	0.71 CFS

SOURCE

GROUNDWATER

Priority: 05/01/1957

LOCATION OF POINT(S) OF DIVERSION:SWNW , Sec. 17, Township 11S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S 28E 17	NENW 31	NWNW 31	SWNW 31	
	SEnw 31	NESW 31	NWSW 31	
	SWSW 31	SESW 31		248
		Total number of acres irrigated:		248

PLACE OF USE: STOCKWATER, same as IRRIGATION useCONDITIONS/REMARKS:

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

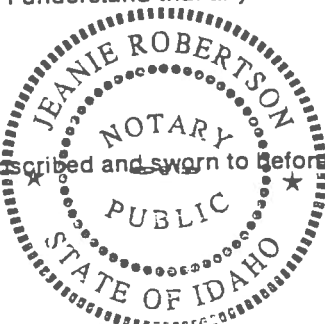
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

Subscribed and sworn to before me this _____ day of _____, 19 94.



Sprattling Farms
by John D. Sprattling
(Signature of Applicant)
22nd day of November, 19 94.

Jeanie Robertson
(Notary Public)

My commission expires 9-23-2000

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and 2 attachments

Received by M+S Date 11-22-94

Protest filed by None

Prelim. check by J.F. Stanton Fee \$100

Receipted by M+S (5017563) Date 11-22-94

Published in South Id. Press

Copies of protest forwarded by _____

Pub. dates 1/2 & 1/9/95

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☒ approval ☐ denial

_____ rec'd.

by ADm

Copy of transfer sent to lien holder _____

J E G E U V

NOV 22 1994

Department of Water Resources
Southern Region Office

ATTACHMENT "A"

APPLICATION FOR TRANSFER
SPRATLING FARMS

PART 1, B.1

43-02512A	04-01-1961	4.60 CFS	IRRIGATION	04-01 TO 10-31
43-02512B	04-01-1961	6.28 CFS	IRRIGATION	04-01 TO 10-31
43-02512C	02-14-1961	4.32 CFS	IRRIGATION	04-01 TO 10-31
43-02417A	01-31-1955	.48 CFS	IRRIGATION	04-01 TO 10-31
43-02418A	01-31-1955	.48 CFS	IRRIGATION	04-01 TO 10-31
43-04060A	04-01-1954	.17 CFS	IRRIGATION	04-01 TO 10-31
43-04061A	05-01-1957	.32 CFS	IRRIGATION	04-01 TO 10-31
43-04062A	05-01-1957	.28 CFS	IRRIGATION	04-01 TO 10-31
43-04063A	05-01-1955	.42 CFS	IRRIGATION	04-01 TO 10-31
43-04064A	05-01-1957	.71 CFS	IRRIGATION	04-01 TO 10-31

TOTAL = 18.06 CFS



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

October 20, 1995

SPRATLING FARMS
RT 1 BOX 180
BURLEY ID 83318

RE: Amendment of SRBA Claim #A43-02512, A43-02512C, A43-04060A,
A43-04063A, A43-10282, A43-10283

Dear Mr. Spratling:

Pursuant to the approval of Transfer No. 4521, the above referenced Notices of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please look the modified records over carefully to be sure they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', is written over the typed name.

Jeanie Robertson
Water Rights Agent

Encl:

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: **A43-02512**
Date Received: 6/ 9/1989
Receipt No: C007379
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: BRAD W. NEIBAUR 208-436-0373
Address: P. O. BOX 53
RUPERT ID 83350
AND/OR
Name: DIANNE NEIBAUR 208-436-0373
Address: P. O. BOX 53
RUPERT ID 83350

2. Date of Priority: APR 1, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	28E	7		NE	NE		CASSIA
				SE	NW		CASSIA
				NW	SE		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.880		

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

8. Total consumptive use is 2547.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	28E	6	SW		SW	7	IRR	47.0
			SE		SW		IRR	40.0
			NE		SE		IRR	7.0
			NW		SE		IRR	7.0
			SW		SE		IRR	40.0
			SE		SE		IRR	36.0
							Section Acres	177.0
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	48.0
			SW		NW	2	IRR	48.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	48.0
			SW		SW	4	IRR	48.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	672.0
							Total Acres	849.0

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:
NONE

14. Remarks:
THIS CLAIM RECOMBINES 43-02512A AND 43-02512B, WITH 14 ACRES
TRANSFERRED FROM NWSW, SEC 06, TO NESE & NWSE, SEC 06.
OWNERSHIP CHANGE 6/8/90 BY JG

15. Basis of Claim: LICENSE

Water Right Number: 29461

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MAR 03 1993
Date: 02/07/92

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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MAR 03 1993

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

CORRECTED

Ident. Number: A43-02512A

Date Received: 6/09/1989

Receipt No: C007379

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRAD NEIBAUR 208-436-0373
Address: P. O. BOX 53
RUPERT, ID 83350

AND/OR

Name: DIANNE NEIBAUR 208-436-0373
Address: P. O. BOX 53
RUPERT, ID 83350

2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	28E	7	NE	NE			CASSIA
			SE	NW			CASSIA
			NW	SE			CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.880		

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

8. Total consumptive use is 2547.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02512A

Page 1

Date: 06/11/90

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MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	28E	6	SW		SW	7	IRR	47.0
			SE		SW		IRR	40.0
			NE		SE		IRR	7.0
			NW		SE		IRR	7.0
			SW		SE		IRR	40.0
			SE		SE		IRR	36.0
			Section Acres					177.0
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	48.0
			SW		NW	2	IRR	48.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	48.0
			SW		SW	4	IRR	48.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					672.0
			Total Acres					849.0

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:
NONE

14. Remarks:
THIS CLAIM RECOMBINES 43-02512A AND 43-02512B, WITH 14 ACRES
TRANSFERRED FROM NWSW, SEC 06, TO NESE & NWSE, SEC 06.
OWNERSHIP CHANGE 6/8/90 BY JG

15. Basis of Claim: LICENSE

Water Right Number: 29461

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

CHANGE IN OWNERSHIP

[] Water Right Number(s): 29461 (Dept. of Water Resources No. 43-02512A)

[] Name and Address of

Former Claimant: The Travelers Insurance Company

One Tower Square

Hartford, CT 06115

[] New Claimant(s): Brad and Dianne Neibaur

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[] New Mailing Address: P. O. Box 53

Department of Water Resources
Southern Region Office

Rupert, ID 83350

New Telephone Number: (208) 436-0373

[] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[✓] Attach proof of ownership

Describe proof attached: Copy of Recorded Warranty Deed

[] Signature of New Claimant(s):

Brad Neibaur

Dianne Neibaur

Date: June 1, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6-7-90 By: SG

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 6-7-90 By: SG

Claim Numbers of Split, if any:

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207847

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JUN 7 1990

Department of Water Resources
Southern Region Office

SPECIAL WARRANTY DEED AND BILL OF SALE

THIS INDENTURE, made this 22nd day of May, 1990, between THE TRAVELERS INSURANCE COMPANY, a Connecticut corporation, the Grantor, and BRAD NEIBAUR and DIANNE NEIBAUR, husband and wife, the Grantees, whose address is P. O. Box 53, Rupert, Idaho 83350,

W I T N E S S E T H:

That the said Grantor, for and in consideration of the payment to it of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, by the said Grantees, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said Grantees, and to their heirs, successors and assigns forever, the real estate situate in the County of Cassia, State of Idaho, the following described property:

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 7: All

Section 8: W $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 11 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: Commencing at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8;
Thence east 330 feet;
Thence south 132 feet;
Thence west 330 feet;
Thence north 132 feet to the point of beginning.

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PARCEL NO. 3:

TOWNSHIP 11 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: SE $\frac{1}{4}$

PARCEL NO. 4:

TOWNSHIP 11 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lot 7 and SE $\frac{1}{4}$ SW $\frac{1}{4}$.

PERSONAL PROPERTY

WELL #1 (BY THE ROAD)

- 1 - 200 H.P. G.E. Motor, Serial #OVJ210005
- 1 - 200 H.P. Layne and Bowler, Deep Well, VTP, No Serial No.
- 1 - 75 H.P. G.E. Booster Motor, Serial #BKJ220432
- 1 - 75 H.P. Layne and Bowler Verti-line VTP, Serial #V7408646

WELL #2

- 1 - 250 H.P. G.E. motor, Serial #NTJ115008
- 1 - 250 H.P. Layne and Bowler, Deep Well, VTP
- 1 - 100 H.P. Newman Electric booster motor, Serial #1320504
- 1 - 100 H.P. Aurora Centrifugal Booster Pump, Serial No. 76-3302

WELL #3

- 1 - 150 H.P. G.E. Motor, Serial #CFJ325139
- 1 - 150 H.P. Layne and Bowler Deep Well, VTP, Serial No. D9509
- 1 - 125 H.P. General Electric Booster Motor, Serial #CKJ320102

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MAR 03 1993

- 1 - 125 H.P. Layne and Bowler Verti-Line, VTP, Serial No. 78 -0864
- 5 - 14-tower RainCircle Center Pivot Systems, Complete Pivot #2: Serial #587
- 1 - 12-tower RainCircle Center Pivot System, Complete Serial #586

31,420 ft. of 8"-12" buried mainline w/risers

ALL IRRIGATION EQUIPMENT AND APPURTENANCES THERETO TRANSFERRED BY THIS INSTRUMENT ARE SOLD BY THE GRANTOR AND ACCEPTED BY THE GRANTEEES IN THEIR PRESENT CONDITION, AND THE GRANTOR HAS NO OBLIGATION TO REPAIR, MODIFY OR REPLACE ANY OF THE IRRIGATION EQUIPMENT.

Said described property is conveyed subject to (1) all taxes and assessments for the year 1990 and subsequent years, (2) all reservations in patents or deeds in the chain of title, (3) all easements and rights of way visible on the property or appearing of record in the offices of the County Recorder of Cassia County, Idaho, (4) all leasehold interests, and (5) all covenants and restrictions appearing of record in the office of said Recorder, and (6) all items listed as exceptions in the Commitment for Title Insurance issued by Lawyers Title Insurance Corporation, Order No. 20519, issued June 1, 1989, as shown in the copy of Schedule B-Section 2 of the Commitment, and in the Binder Endorsement issued May 17, 1990, each attached hereto and made a part hereof.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate,

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MAR 03 1993

right, title and interest in and to the said property, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances unto the Grantees, and to thier heirs, successors and assigns forever.

Grantor warrants to the Grantees, and their successors in title, that Grantor has not created or permitted to be created any lien, charge or encumbrance against said real estate which is not shown or referred to herein nor placed any liens on the personal property, and Grantor covenants that it will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantor has hereunto caused its corporate name to be subscribed by its officers first thereunto duly authorized by its Board of Directors, all as of the day and year herein first above written.

THE TRAVELERS INSURANCE COMPANY,
a Connecticut corporation

By Anna A. Pestritto
Anna A. Pestritto, Second Vice President

ATTEST:

Nancy F. Ongley
Nancy F. Ongley, Assistant Secretary

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MAR 03 1993

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JUN 7 - 1990

Department of Water Resources
Southern Region Office

STATE OF CONNECTICUT)
) ss. FARMINGTON
COUNTY OF HARTFORD)

On this 22nd day of May, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared Anna A. Pestritto and Nancy F. Ongley, known to me to be the Second Vice President and Assistant Secretary, respectively, of THE TRAVELERS INSURANCE COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

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

Patricia H. Csasz Patricia H. Csasz
Notary Public for the State of Connecticut
Residing at Hartford, Connecticut
My commission expires: 3/31/94

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MAR 03 1993

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

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JUN 7 1990
Department of Water Resources
Southern Region Office

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims; reservations or exceptions in patents or state grants or in Acts authorizing the issuance thereof, water rights, claims or title to water.
7. Taxes for 1989 and subsequent years, a lien, but not yet due or payable.
8. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and John H. Peterson, as Consumer, dated May 8, 1961, and recorded January 3, 1962, as Instrument No. 4706, on Film No. 10, records of Cassia County, Idaho, covering the NE $\frac{1}{4}$ of Section 7, Township 11 South, Range 28 East of the Boise Meridian.
9. Easement and Right of way Contract from Taylor Land Company, to Intermountain Gas Company, dated March 29, 1962, and recorded April 27, 1962, as Instrument No. 6620 on Film No. 13, records of Cassia County, Idaho, over and across Section 6, Township 11 South, Range 28, East of the Boise Meridian. (Parcel No. 4 and 5)

-Continued-

Exceptions numbered NONE are hereby omitted.

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

Schedule B—Section 2—Page 1—No. BE-457253

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-II cont'd.

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JUN 7 - 1990

Department of Water Resources
Southern Region Office

10. Easement and Right-of-Way Contract from John H. Peterson and Bernadine B. Peterson, husband and wife, to Intermountain Gas Instrument No. 6732 on Film No. 13, records of Cassia County, Idaho, granting said Company an easement and right-of-way to construct, maintain, inspect, operate, repair, enlarge, replace or remove a gas pipeline and appurtenances through, upon and across Section 7, Township 11 South, Range 28 East of the Boise Meridian.
11. Right of Way Easement from Darrell Cook and Afton Cook, husband and wife, to Intermountain Gas Company, a corporation, dated March 7, 1963, and recorded March 7, 1963, as Instrument No. 12783 on Film No. 20, records of Cassia County, Idaho, granting to said corporation the right to construct, operate and maintain a pipeline over and across a portion of Section 8, Township 11 South, Range 28 East of the Boise Meridian.
12. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Darrell L. Cook & Sons, as Consumer, dated March 16, 1970, and recorded June 19, 1970, as Instrument No. 51652 on Film No. 65, records of Cassia County, Idaho, covering Section 7, Township 11 South, Range 28 East of the Boise Meridian.
13. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Darrell L. Cook & Sons, as Consumer, dated March 16, 1970, and recorded June 19, 1970, as Instrument No. 51653 on Film No. 65, records of Cassia County, Idaho, covering Section 7, Township 11 South, Range 28 East of the Boise Meridian.
14. Unrecorded Real Estate Contract dated April 15, 1976, between Gladys I. Pennington, as Seller, and Darrell L. Cook & Sons, as Buyers. (Parcel No. 4)
ASSIGNED TO: Vaughn Cook and Lorna T. Cook, husband and wife, by an Assignment from Darrell L. Cook & Sons, an Idaho general partnership, dated May 12, 1982 and recorded June 4, 1982, as Instrument No. 143801 on Film No. 150, records of Cassia County, Idaho.
NOTE: Warranty Deed from Darrell L. Cook & Sons, an Idaho general partnership, to Vaughn Cook and Lorna T. Cook, husband and wife, dated May 31, 1982, and recorded June 4, 1982.

-Continued-

MAR 03 1993

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B-1 Cont'd.

RECEIVED

JUN 7 - 1990

Department of Water Resources
Southern Region Office

1982, as Instrument No. 143800 on Film No. 150, records of Cassia County, Idaho.

NOTE: Warranty Deed from Gladys Pennington, a widow, to Margaret M. Lambing, as Trustee of the Gladys Pennington Revocable Trust dated August 24, 1974, and recorded March 29, 1984 as Instrument No. 159402 on Film No. 163, records of Cassia County, Idaho.

NOTE: Interest of Vaughn Cook and Lorna T. Cook, husband and wife, conveyed to the Travelers Insurance Company, by Sheriff's Deed, dated February 16, 1988 and recorded March 9, 1988, as Instrument No. 194059, records of Cassia County, Idaho. (This exception will be removed upon completion of Requirement No. 1)

15. Electric line - Right-of-Way Easement from Heglar Ranch, Inc., to Raft River Rural Electric Cooperative, Inc., a cooperative corporation, dated April 7, 1982, and recorded May 12, 1982, as Instrument No. 143296 on Film No. 149, records of Cassia County, Idaho, over and across a portion of Parcel No. 4.
16. Electric Line - Right-of-Way Easement from Heglar Ranch, Inc., to Raft River Rural Electric Cooperative, Inc., a cooperative corporation, dated August 4, 1982, and recorded August 12, 1982, as Instrument No. 145508, records of Cassia County, Idaho, over and across a portion of Parcel No. 4.
17. Electric Line Right of Way Easement from Vaughn Cook to Raft River Rural Electric Cooperative, Inc., a cooperative corporation, dated August 4, 1982, and recorded August 12, 1982, as Instrument No. 145509 on Film No. 151, records of Cassia County, Idaho, over and across a portion of Section 7, Township 11 South, Range 28 East of the Boise Meridian.

MICROFILMED
MAR 03 1993

(2 0 7 8 4 7)

LAND TITLE & ESCROW

FILM 216

JUN 4 9 05 AM '90

CASSIA COUNTY, IDAHO
FRANK D. KEARNS
RECORDER

FEE 24.00 DEPUTY LD

MICROFILMED
MAR 03 1993

P/D

43-02512A

4/1/1961

4.6 cfj

NENE
SE NW } S7
NWSE }

S6

S7

43-02512B

4/1/1961

6.28

Same

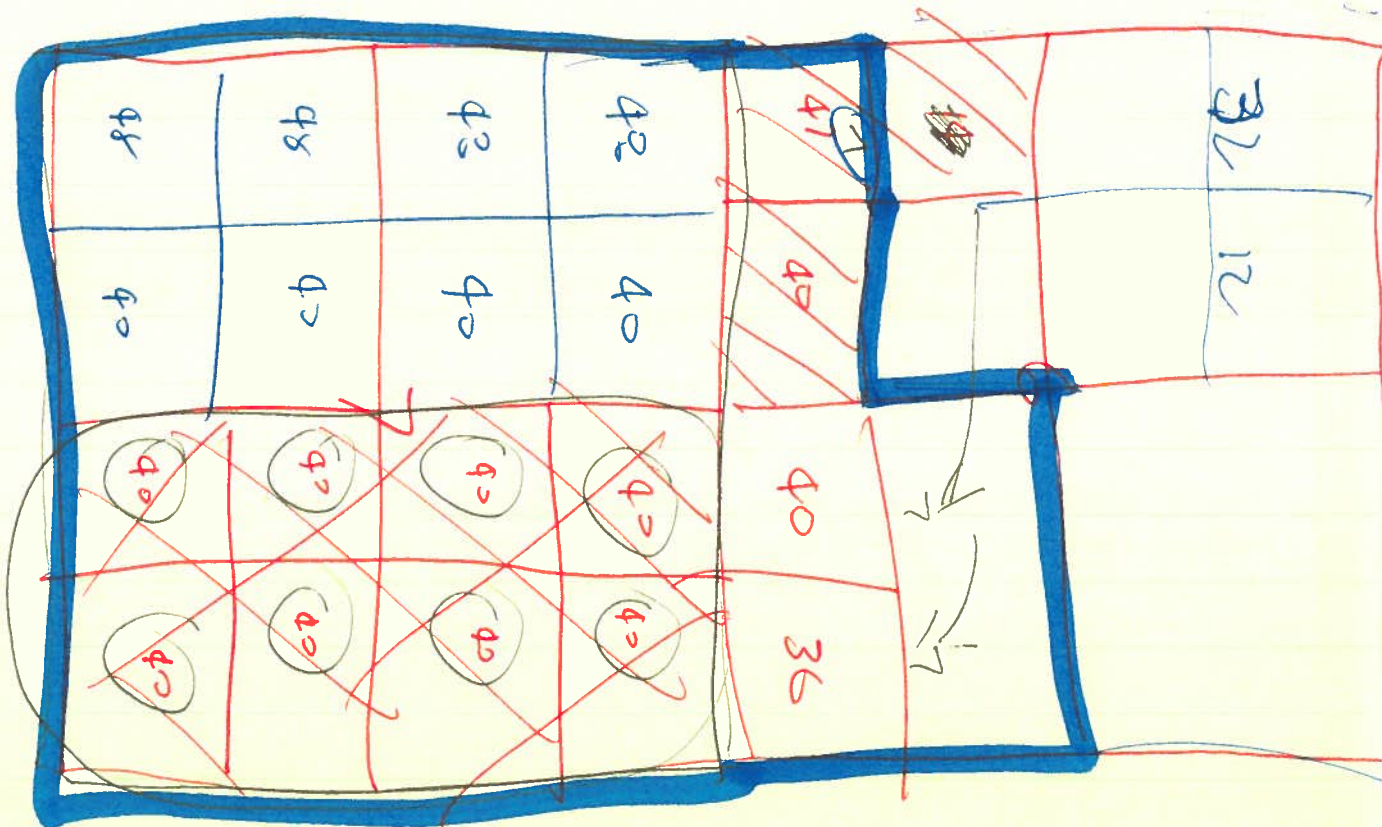
S.7

43-02512C

2/14/1961

4.32

NENE S.7



MICROFILMED

MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Jun-1990

Brad and Dianne Neibaur
P. O. Box 53
Rupert, ID 83350

Re: Claim No. A43-02512A & A43-02512C

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above referenced adjudication claim(s) is appurtenant, the Department has changed the record(s) of the current owner as you requested. Please find enclosed copy(s) of the computer record of the claim(s) noting the change in claimant. Please review the record(s) and if you have any corrections, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

Encls:

MICROFILMED
MAR 03 1993

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: A43-02512A
Date Received: 6/09/1989
Receipt No: C0073794 C007371
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: THE TRAVELERS INSURANCE COMPANY
Address: C/O MR. JOE DANIELS
960 BROADWAY
BOISE, ID 83706

208-336-5900

2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	28E	7	NE	NE			CASSIA
			SE	NW			CASSIA
			NW	SE			CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.880		

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

8. Total consumptive use is 2547.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02512A

Page 1

Date: 06/13/89

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	28E	6	SW		SW	4	IRR	47.0
			SE		SW		IRR	40.0
			NE		SE		IRR	7.0
			NW		SE		IRR	7.0
			SW		SE		IRR	40.0
			SE		SE		IRR	36.0
							Section Acres	177.0
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	48.0
			SW		NW	2	IRR	48.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	48.0
			SW		SW	4	IRR	48.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	672.0
							Total Acres	849.0

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:
NONE

14. Remarks:

THIS CLAIM RECOMBINES 43-02512A AND 43-02512B, WITH 14 ACRES
TRANSFERRED FROM NWSW, SEC 06, TO NESE & NWSE, SEC 06.

15. Basis of Claim: LICENSE
Water Right Number: 29461

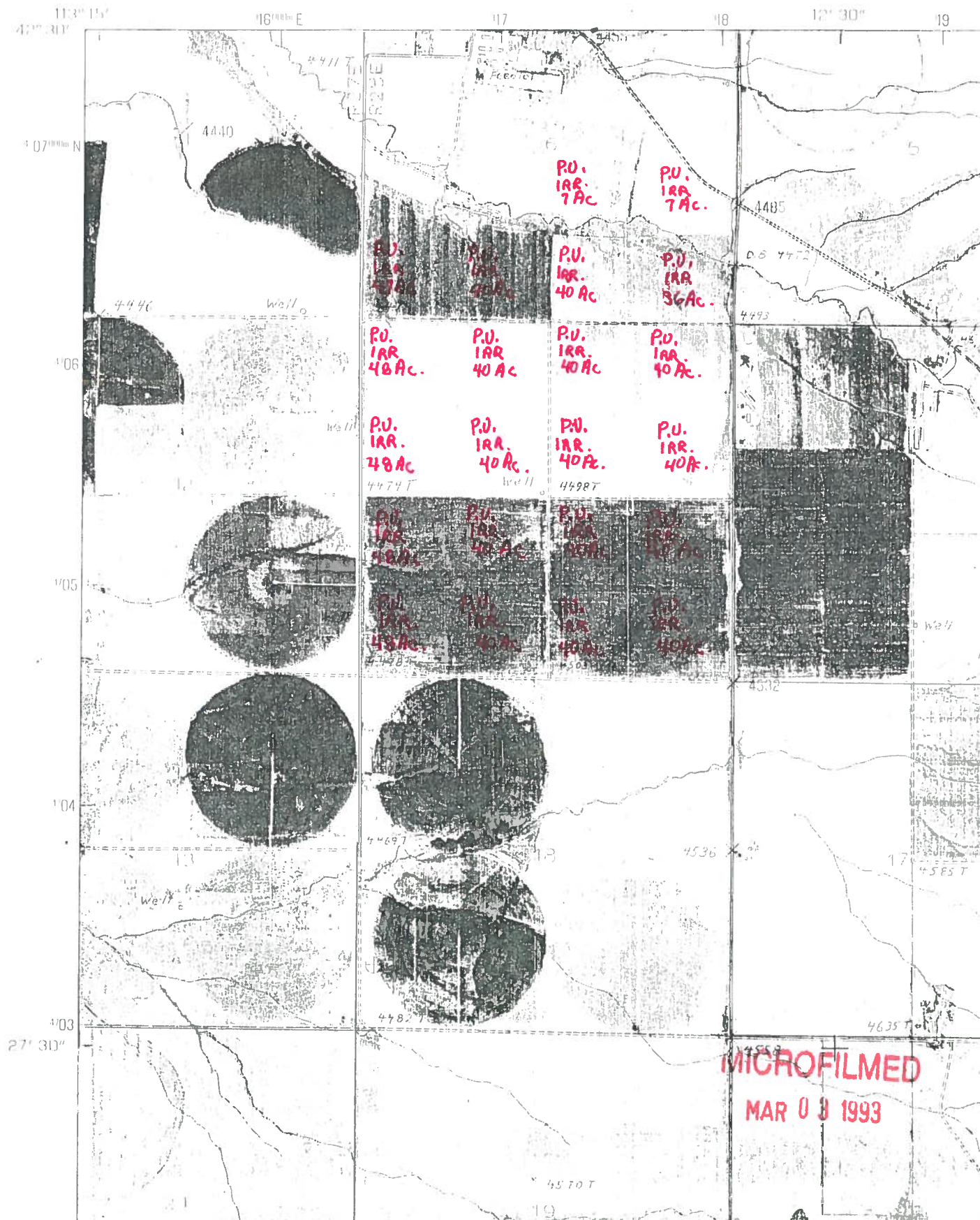


State of Idaho

DEPARTMENT OF WATER RESOURCES

R27E R28E T11S

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ General Manager _____ of _____ Title _____ of The Travelers Insurance Company _____, that I have signed the foregoing _____ Organization _____ document in the space below as _____ General Manager _____ of _____ Title _____ of The Travelers Insurance Company _____ and that the statements contained in the _____ Organization _____ foregoing document are true and correct.

Donald S. Reed
Signature of Authorized Agent

The Travelers Insurance Company

Title and Organization

June 15, 1989

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of June 19 89

Lina Ann LeBore
Notary Public

Seal

Residing at 960 Broadway
My Commission Expires 8/94

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: A43-02512A

Date Received:

Receipt No: C007378 & C007379

Received By: SC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE TRAVELERS INSURANCE COMPANY 208-336-5900
Address: C/O MR. JOE DANIELS
960 BROADWAY
BOISE, ID 83706

2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Loc	Department of Water Resources	County
11S	28E	7		NE	NE			CASSIA
				SE	NW			CASSIA
				NW	SE			CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.750		

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

8. Total consumptive use is 2505.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02512A

Page 1

Date: 06/08/89

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	28E	6	SW		SW	4	IRR	47.0
			SE		SW		IRR	40.0
			NE		SE		IRR	7.0
			NW		SE		IRR	7.0
			SW		SE		IRR	40.0
			SE		SE		IRR	36.0
			Section Acres					177.0
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	48.0
			SW		NW	2	IRR	48.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	48.0
			SW		SW	4	IRR	48.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					672.0
			Total Acres					849.0

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:
NONE

14. Remarks:
THIS CLAIM RECOMBINES 43-02512A AND 43-02512B, WITH 14 ACRES
TRANSFERRED FROM NWSW, SEC 06, TO NESE & NWSE, SEC 06.

15. Basis of Claim: LICENSE
Water Right Number: 29461

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am GENERAL MANAGER of
Title
THE TRAVELERS INSURANCE COMPANY, that I have signed the foregoing
Organization
document in the space below as GENERAL MANAGER of
Title
THE TRAVELERS INSURANCE COMPANY and that the statements contained in the
Organization
foregoing document are true and correct.

Donald S. Reed
Signature of Authorized Agent
GENERAL MANAGER
THE TRAVELERS INSURANCE COMPANY
Title and Organization
06/08/1989
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of JUNE 1989

G. Lowell Sully
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

fee \$885

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: A43-02512A
Date Received:
Receipt No: _____
Received By: _____
lab

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THE TRAVELERS INSURANCE COMPANY
Address: C/O MR. JOE DANIELS
960 BROADWAY
BOISE, ID 83706

208-336-5900

RECEIVED
JUN 06 1989

2. Date of Priority: APR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Department of Water Resources

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	28E	7	NE	NE	NE		CASSIA
			SE	NW	NW		CASSIA
			NW	SE	SE		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.750		

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

8. Total consumptive use is 2505.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02512A

Page 1

Date: 06/02/89

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	28E	6	SW		SW	4	IRR	47.0
			SE		SW		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	36.0
							Section Acres	163.0
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	48.0
			SW		NW	2	IRR	48.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	48.0
			SW		SW	4	IRR	48.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	672.0
							Total Acres	835.0

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:
NONE

14. Remarks:
THIS CLAIM RECOMBINES 43-02512A AND 43-02512B, MINUS 14 ACRES
IN NENW, SEC. 7, T11S, R28E.

15. Basis of Claim: LICENSE
Water Right Number: 29461

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am General Manager of
The Travelers Insurance Company, that I have signed the foregoing
Organization document in the space below as General Manager of
The Travelers Insurance Company and that the statements contained in the
Organization foregoing document are true and correct.

Donald E. Reed
Signature of Authorized Agent
General Manager
The Travelers Insurance Company
Title and Organization

June 6, 1989

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of June 19 89

Livia Ann Lebow
Notary Public

Seal

Residing at 960 Broadway
My Commission Expires 8/92

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: C007378

Date: 06/09/89
Time: 16:11:50

Received

From: PROSPECT MANAGEMENT SERVI

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE, TRAVELERS INS. CO.	0410162 9337 6490	\$1,280.00
Total		\$1,280.00

CHECK 4372

WR/ND: A43-02512C A43-10353 A43-02512A

Idaho Department of Water Resources

Region: STATE

Signature: 

MICROFILMED
MAR 03 1993

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: C007379

Date: 06/09/89
Time: 16:12:59

Received

From: DANIELS, JOSEPH O.

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE, TRAVELERS INS. CO.	0410162 9337 6490	\$14.00
Total		\$14.00

CHECK 2098

WR/NO: A43-02512A

Idaho Department of Water Resources

Region: STATE

Signature: 

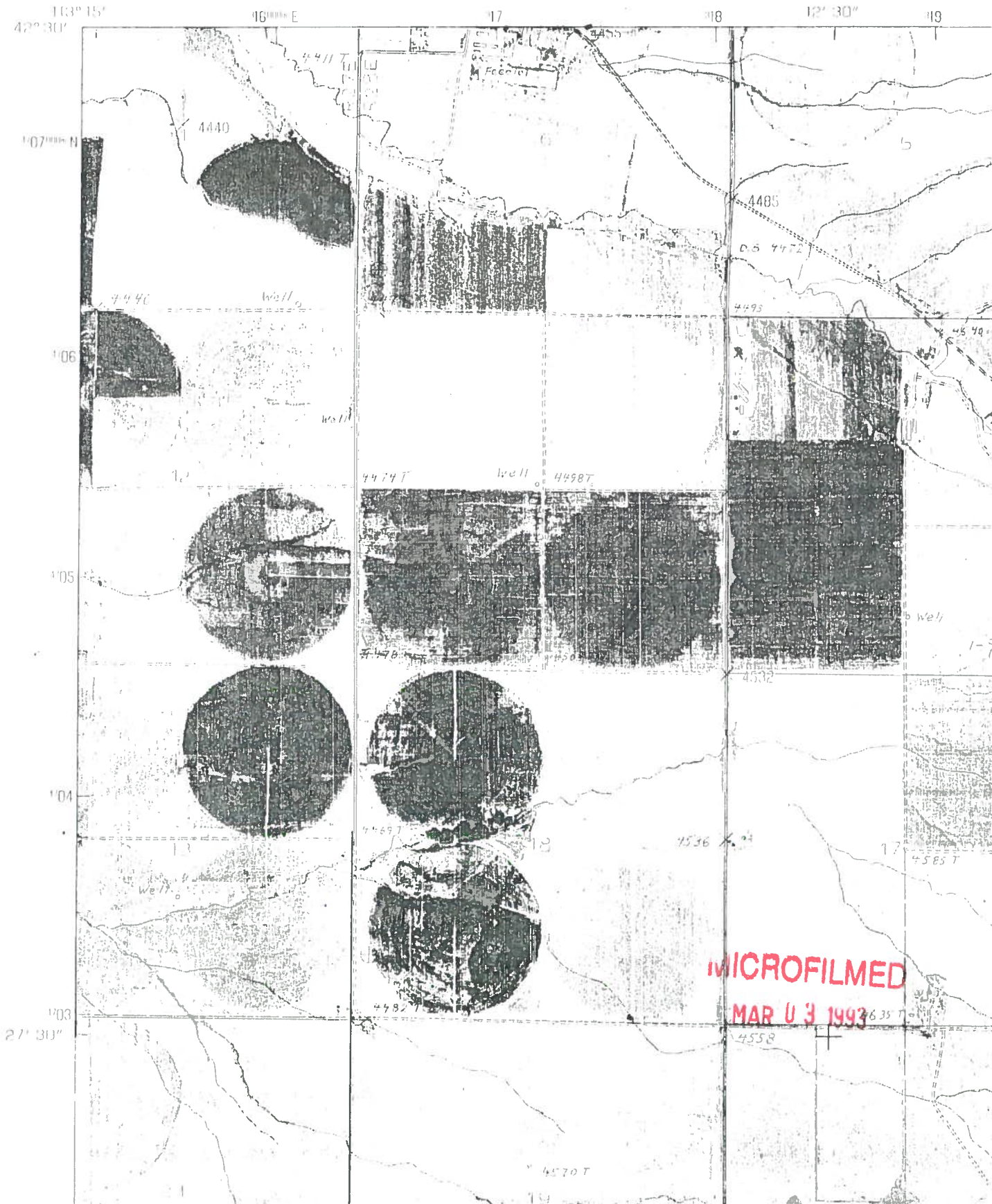
MICROFILMED
MAR 03 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

R27E R28E T11S

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

07-Feb-1992

BRAD NEIBAUR
DIANNE NEIBAUR
PO BOX 53
RUPERT ID 83350

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-02512A
Identification Number Change

Dear Mr. and Mrs. Neibaur:

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-02512A to A43-02512. The suffix has been dropped because we have recombined the two splits of the water right, 43-02512A and 43-02512B. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,

Jeanie Robertson
Records Clerk

/jr
Enclosures:
Claim A43-02512

MICROFILMED
MAR 03 1993

01/16/2001

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

RIGHT NUMBER: 43-2512

NAME AND ADDRESS: SPRATLING FARMS
550 TERRACE DRIVE
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 10.88 CFS
3343.4 AFY

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4368 AF. COMBINED RIGHT
NOS.: 43-2512, 43-2512C, 43-10283, 43-4060A, 43-4063A.

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 3376 AF. COMBINED RIGHT
NOS.: 43-2512, 43-2512C.

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:	T11S R28E S7	SENE	Within CASSIA County
	T11S R28E S7	SWSWNE	Within CASSIA County
	T11S R28E S7	NENWSE	Within CASSIA County
	T11S R28E S17	NWNWSW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	10.88 CFS 3,343.40 AFY

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

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T11S R28E S17	NENW	31	T11S R28E S17	NWNW	31
T11S R28E S17	SWNW	31	T11S R28E S17	SENW	31
T11S R28E S17	NESW	31	T11S R28E S17	NWSW	31
T11S R28E S17	SWSW	31	T11S R28E S17	SESW	31
T11S R28E S19	NENE	30	T11S R28E S19	NWNE	29
T11S R28E S19	SWNE	30	T11S R28E S19	SENE	29
T11S R28E S6	NESW	4	T11S R28E S6	NWSW	2
T11S R28E S6	LOT 7 SWSW	37	T11S R28E S6	SESW	38

T11S R28E S6		NESE	26	T11S R28E S6		NWSE	34
T11S R28E S6		SWSE	35	T11S R28E S6		SESE	24
T11S R28E S7		NENE	31	T11S R28E S7		NWNE	33
T11S R28E S7		SWNE	38	T11S R28E S7		SENE	29
T11S R28E S7		NENW	29	T11S R28E S7	LOT 1	NWNW	35
T11S R28E S7	LOT 2	SWNW	34	T11S R28E S7		SENW	34
T11S R28E S7		NESW	36	T11S R28E S7	LOT 3	NWSW	34
T11S R28E S7	LOT 4	SWSW	34	T11S R28E S7		SESW	28
T11S R28E S7		NESE	31	T11S R28E S7		NWSE	38
T11S R28E S7		SWSE	33	T11S R28E S7		SESE	29

1092 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1092 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2512, 43-2512C, 43-10282, 43-10283, 43-4060A, 43-4063A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 844 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 844 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2512, 43-2512C.

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

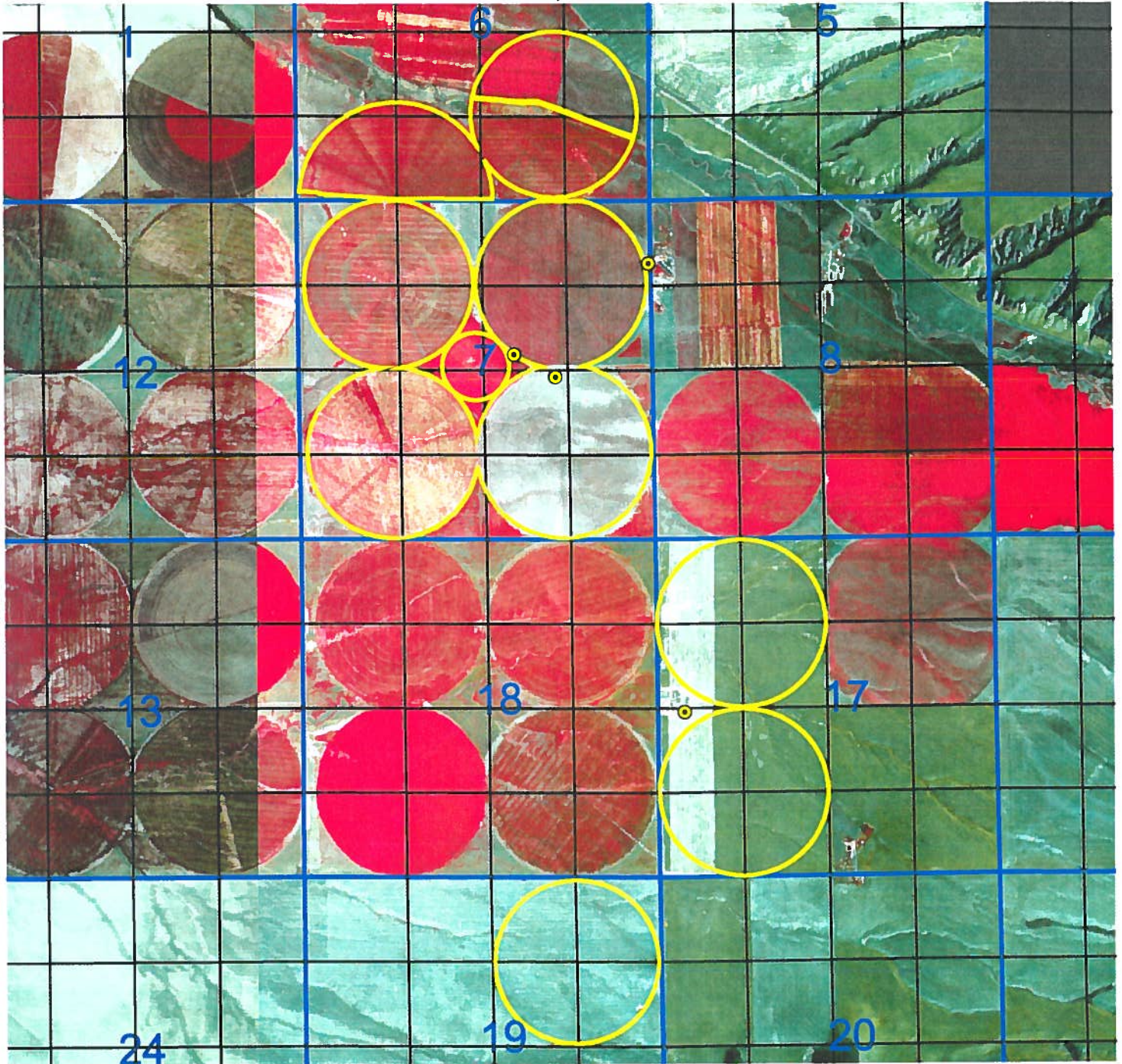
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS CLAIM RECOMBINES 43-02512A AND 43-02512B
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 43-10282, 43-10283, 43-4060A, 43-4063A, 43-2512, 43-2512C.

IDAHO DEPARTMENT OF WATER RESOURCES

43-2512, 43-2512C, 43-10282, 43-10283,
43-4060A, 43-4063A



T11S R28E

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



1320 0 1320 2640 3960 Feet

GIS WATER RIGHT PRESENTATION
PHOTOGRAPHY: 1987 &/OR 1988 NAPP
DATA ENTRY: 11/2000
DOUGLAS JONES

CLAIM NUMBERS 43-10282 43-10283 =
43-4060A 43-4063A 43-2512
43-2512C

DATE 12/00
AGENT DJ

TRANSFER NUMBER 4954
HOMESTEAD ENTRY NO.
CLAIMED ACRE TOTAL
GEOGRAPHIC INFO ACRES

	TNS	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM			6									2	2	39	39	27	33	38	25	205
GIS												4	2.6	37	38	26	34	35	24	200.
RECOM												4	(2.0)	37	38	26	34	35	24	200..
CLAIM			7	31	31	36	32	32	31	31	36	36	31	31	32	31	36	31	32	520
GIS				31	34	38	29	29	36	36	34	36	36	35	28	32	39	34	29	531
RECOM				31	(23)	38	29	29	(36)	(34)	24	36	(34)	(34)	28	(31)	(38)	(23)	29	526
CLAIM			17					31	31	31	32	31	31	21	31					249
GIS								31	31	31	31	31	31	31	31					245
RECOM								31	31	31	31	31	31	31	31					248
				295	295	295	295													118
CLAIM			19	30	29	30	29													118
GIS																				
RECOM																				

43-POU.SHP
HAPE NOS. 43-10282 : Combines 43-2417, 44B 1102
43-10283 : Combines 43-4061A, -4062A, -4064A 1092
43-2512 : Combines 43-2512 A 4B

43-POD.SHP
OS. DESCRIPTION
F TABLES UPDATED
3-DBPOU.DBF
3-DBPOD.DBF
EG LAYOUT
~~PRELIMINARY DATA~~



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

MEMORANDUM

TO: R. Keith Higginson
Thru: Wayne Haas and Hal Anderson
FROM: John Homan
DATE: September 23, 1994
RE: Fraudulent Application for Drought Relief
Application No. 5283I09 Brad Neibaur

On September 15, 1993, Brad Neibaur submitted an application together with cost estimates for drilling and equipment to the Idaho Department of Water Resources (IDWR) in order to receive financial assistance under the Idaho Drought Relief Well Construction Program. Neibaur's application sought funds to originally drill a replacement well in the NWSE of Sec. 12, T11S, R27E under several water rights to irrigate 480 acres. According to the application, well construction was to begin on January 15, 1994 and be completed by March 1, 1994. On June 13, 1994, IDWR notified Neibaur by letter that based upon his earlier estimates his application for financial assistance had been approved for an amount not to exceed \$36,520.00. IDWR's approval letter required that Neibaur submit itemized invoices for all services/supplies and a certification that Davis-Bacon rules had been complied with by the well driller.

On July 27, 1994, Neibaur submitted to IDWR a copy of an itemized invoice from High Plains Drilling showing among other entries an amount for two years of interest on the account. The invoice was accompanied by a certification from the well driller (with an inked over 1992 date) that the well drilled for Neibaur in March of 1994 was "(and is)" in compliance with the Davis-Bacon Act. Colleen Van Winkle, IDWR's grants contract officer, checked the drilling permit and well log and discovered dates, locations and water rights not consistent with the information provided under Neibaur's application. Van Winkle phoned Neibaur for clarification on dates, water rights and the two years of interest entry on the driller's invoice. On August 25, 1994, Neibaur submitted to IDWR a letter attempting to explain the inconsistencies by listing 43-02512A as the water right and claiming the well was drilled in NWSE of Sec. 7, T11S, R28E. Neibaur also submitted a "corrected" copy of the High Plains Drilling invoice (deleting the entry for two years of interest) and another copy of the Davis-Bacon certification; however this copy was not "inked over" and indicated that the well was drilled in March of 1992. Additionally, Neibaur submitted another document purported to be an invoice from the G.J. Verti-Line Pump Co. for pump and booster equipment.

The purported G.J. Verti-Line Pump Co. invoice form had been altered to ink over the word "estimate", but was otherwise identical in all respects to the G.J. Verti-Line Pump Co. estimate form submitted previously by Neibaur at the time of the application. Van Winkle contacted the G.J. Verti-Line Pump Co. in Twin Falls to determine whether the company in fact had sold Neibaur the equipment itemized on the purported invoice. G.J. Verti-Line indicated it had not sold Neibaur any equipment and its invoice forms are significantly different in appearance from its estimate forms.

Because of the discrepancies in the information submitted by Neibaur, Jeanie Robertson, water right agent in IDWR's Twin Falls office, was asked to perform a site visit to the different locations identified in Neibaur's application. Robertson's site visit revealed an inscribed concrete well marker at the well site in the NWSE of Sec. 7 indicating the well had been drilled in 1992. Neibaur's farm manager, Mr. Newt McNeil, also indicated to Robertson that the 1992 well was the same well that Neibaur had shown on the application for assistance. Robertson also talked with Mr. John Spradling who indicated that he, not Neibaur, was now the legal owner of the property and the well and that the well was indeed drilled in 1992.

IDWR contracted with the Land Title and Escrow Co. in Burley, Idaho to research the chain of ownership of the lands and the well listed in Neibaur's application. Land Title and Escrow's research indicated that the Neibaur had conveyed all his interest in Sec. 7, T11S, R28E, as well as water right No. 43-02512A, identified in the application, to the Travelers Insurance Co. on January 25, 1994. Further research of the records of the United States Bankruptcy Court for the District of Idaho indicates that an Order Confirming Second Amended Chapter 11 Plan dated October __, 1992 in the case IN RE: BRAD W. NEIBAUR Case No. 91-01075-11 ordered that Neibaur shall have no equity or legal rights in the Sec. 7, T11S, R28E after January 1, 1993. It is not clear how Neibaur continued to hold legal title to the property in light of the Bankruptcy Court order after January 1, 1993. However, under any circumstance it appears Neibaur never owned an interest in the lands where the well was located after January 25, 1994.

Without directly questioning Neibaur or the well driller, it appears at this stage that Neibaur and the well driller contracted to drill a well back in 1992 when Neibaur still owned the lands identified under the application. The well was actually drilled in 1992 but no drilling permit or well log was filed with IDWR. Perhaps Neibaur saw the drought relief program as an opportunity to scam \$36,520.00 if he could convince IDWR that no well was actually drilled on the property until 1994. The well driller appears to have conspired with Neibaur in perpetrating the fraud by submitting a well log claiming to have drilled the well in 1994. IDWR suspects that the same well driller drilled the well for Neibaur in 1992 but never received full payment for his services at that time.

Unquestionably, IDWR has a pending matter that needs to be investigated regarding High Plains Drilling's actions of intentionally submitting inaccurate or false information on a well driller's report. However, in regards to Neibaur's actions, the preferable alternative may be to make available this memorandum and supporting

documentation to the Bureau of Reclamation to commence appropriate action from the federal level. Because federal funds are involved, the U.S. Attorney's Office may well be the most effective agency to address this problem.

From: DWR03::DSHAFF 20-SEP-1994 10:13:57.08
To: DWR60::JROBERTS
CC: DSHAFF
Subj: A43-02512

Hi Jeannie, I have been talking with John Homan about the claimants SRBA filings and other court troubles. The latter bears heavily on the ownership and/or validity of the water rights. I will ask John to send you a copy of a report he is preparing for the U.S. Attorney's office. Perhaps if this MAIL is in the file when you get to the claim review and the report is missing, you can follow up with me or John.

Water Right Number - R43-02512

Prefix Translation: RESEARCH

Old (D) Number - 29461

*** C - CURRENT OWNER ***
SPRATLING FARMS
+ - - - - Last Name - - - - + + - First Name - - - - + Address - - - - - +
1 - RT 1 BOX 180
2 -
3 -
City- BURLEY
Phone - 208-654-2016
State- ID Zip- 83318

*** O - ORIGINAL OWNER ***
NEIBAUR
BRAD W
1 - P O BOX 53
2 -
3 -
City- RUPERT
Phone - 208-436-0373
1 - ONE TOWER SQUARE
2 -
3 -
City- HARTFORD
Phone - 208-000-0000
1 - P O BOX 53
2 -
3 -
City- RUPERT
Phone - 208-436-0373
State- CT Zip- 06115

TRAVELERS INSURANCE CO

THE

NEIBAUR

DIANNE

State- ID Zip- 83350
City- RUPERT
Phone - 208-436-0373

+ - - Priority Date - - - + + - - Region - - - - + + - - Stage - - - - + + - - Status - - - - +
04/01/1961 17 SOUTHERN L - LICENSE

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

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
11S	28E	7	SE NE NE NE NW SE NW NW SE	(31) (31) (31)	CASSIA CASSIA CASSIA		
		17	NW NW SW	(31)	CASSIA		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		10.880	

+ - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Consumptive Use - - + + - KW Usage - - +
10.880 2541.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11S	28E	6	SW SW	7	40.0	01	IRRIGATION	(31) CASSIA
11S	28E	6	SE SW		38.0	01	IRRIGATION	(31) CASSIA
11S	28E	6	NE SE		31.0	01	IRRIGATION	(31) CASSIA
11S	28E	6	NW SE		33.0	01	IRRIGATION	(31) CASSIA

Water right number - R43-02512

Prefix Translation: RESEARCH

Place of Use					Description	County			
Twn	Rng	Sec	Tract	Lot			Acres	Code	
11S	28E	6	SW SE	1	40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	6	SE SE		33.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NE NE		33.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NW NE		40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	SW NE	2	40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	SE NE		40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NE NW		39.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NW NW		39.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	SE NW	3	40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NE SW		40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NW SW		39.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	SW SW		39.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	SE SW	4	40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NE SE		40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	NW SE		40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	SW SE		40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	7	SE SE		40.0	01	IRRIGATION	(31)	CASSIA
11S	28E	17	NE NW		31.0	01	IRRIGATION	(31)	CASSIA
11S	28E	17	NW NW		31.0	01	IRRIGATION	(31)	CASSIA
11S	28E	17	SW NW		31.0	01	IRRIGATION	(31)	CASSIA
11S	28E	17	SE NW		31.0	01	IRRIGATION	(31)	CASSIA
11S	28E	17	NE SW		31.0	01	IRRIGATION	(31)	CASSIA
11S	28E	17	NW SW		31.0	01	IRRIGATION	(31)	CASSIA
11S	28E	17	SW SW		31.0	01	IRRIGATION	(31)	CASSIA

+ - - - - Diversion Means - 4 WELLS AND PUMPS TO MAINLINE, TO 7 AND 1/2 PIVOTS, HANDLINES.

+ - - - - Non-Irrigation Use - NONE

+ - - - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - -

THIS CLAIM RECOMBINES 43-02512A AND 43-02512B, WITH 14 ACRES
TRANSFERRED FROM NWSM, SEC 06, TO NESE & NWSE, SEC 06.
OWNERSHIP CHANGE 6/8/90 BY JG

PURSUANT TO APPROVED TRANSFER NO. 4521:
1. APPROVAL OF THIS TRANSFER IN NO WAY CONFIRMS THE RIGHT(S)
CLAIMED.
2. THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE
NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE
FOR THE LANDS ABOVE.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS
CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY

Water right number - R43-02512

Prefix Translation: RESEARCH

- REMARKS
- THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
6. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL ANNUALLY REPORT THE AMOUNT OF WATER DIVERTED TO THE DEPARTMENT.
7. PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPARTMENT FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION.
8. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4521 SHALL NOT EXCEED 18.05 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 4,368.0 AF.
9. COMBINED RIGHTS NOS. 43-02417A, 43-02418A (A43-10282); 43-02512A, 43-02512B (A43-02512); 43-02512C; 43-04060A; 43-04061A, 43-04062A, 43-04064A (A43-10283); AND 43-04063A ARE LIMITED TO THE TOTAL COMBINED IRRIGATION OF 1,092 ACRES AS DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
10. COMBINED RIGHT NOS. 43-02417A, 43-02418A (A43-10282); 43-04060A; 43-04061A, 43-04062A, 43-04064A (A43-10283); 43-04063A ARE LIMITED TO THE TOTAL COMBINED IRRIGATION OF 248 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
11. COMBINED RIGHT NOS. 43-02512A AND 43-02512C ARE LIMITED TO THE IRRIGATION OF 497 ACRES UNDER PART A AND 320 ACRES UNDER PART C, AND THE TOTAL COMBINED IRRIGATION OF 497 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
12. RIGHT NO 43-02512B IS LIMITED TO THE IRRIGATION OF 350 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. TWO POINTS OF DIVERSION ARE LOCATED WITHIN NMSE, S07, T11S, R28E.

4302512A
4302512B

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

Decree Date
00/00/0000

Comments
Date: 10/20/1995 User Id: JROBERTS Subject: AMENDED/TRANSFER/OWNERSHIP CHANGE
This claim was amended and the ownership changed pursuant to approved Transfer No. 4521. jr

Audit Fields
10/20/95 JROBERTS

Water right number - R43-02512

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576	
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-	00/00/0000	Old Case Number	-		
Response Filed Date	-	00/00/0000	Verified Date	-	10/20/1995	Old Judicial District	-		
Claim Received Date	-	06/09/1989	Last Amended Date	-	X777777	Temporary Right	-	P	
			Receipt Number	-		Water District	-		
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S	
			Name Connector	-	AND/OR	Presumption Flag	-		
						Notice of Error Flag	-		

R PROOF

CVR

MAPS

PHOTOS

MISC

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