

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-4006

WATER RIGHT NUMBER: 43-4006

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONFORT FINANCE CO INC 1770 PROMONTORY CIRCLE GREELEY, CO 80634 (970)506-8000
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO 140 N GARDEN ST HARTFORD, CT 06115
Directors Report Owner	INTERSTATE FEEDERS INC 1710 S 2450 E MALTA, ID 83342 (208)645-2221

Priority Date: 04/29/1952

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.470 CFS	176.00 AF
INDUSTRIAL	03/15 to 11/15	0.420 CFS	141.00 AF
DOMESTIC	01/01 to 12/31	0.030 CFS	1.70 AF
COMMERCIAL	01/01 to 12/31	0.030 CFS	10.90 AF
IRRIGATION	03/15 to 11/15	2.050 CFS	828.00 AF
	<u>Total Diversion:</u>	3.000 CFS	1,157.60 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 17, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	SE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.
CASSIA County		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-4006

Place of UseSTOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

INDUSTRIAL Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

DOMESTIC Within CASSIA County

T13S R27E S16	NESW
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COMMERCIAL Within CASSIA County

T13S R27E S20	NENE
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IRRIGATION Within CASSIA County

T13S R27E S16	NENE	40.0	T13S R27E S16	NWNE	40.0
T13S R27E S16	SWNE	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NENW	40.0	T13S R27E S16	NWNW	38.0
T13S R27E S16	SWNW	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NESW	35.0	T13S R27E S16	NWSW	37.0
T13S R27E S16	SWSW	36.0	T13S R27E S16	SESW	39.0
T13S R27E S16	NESE	40.0	T13S R27E S16	NWSE	38.0
T13S R27E S16	SWSE	38.0	T13S R27E S16	SESE	39.0
T13S R27E S17	NENE	40.0	T13S R27E S17	NWNE	40.0
T13S R27E S17	SWNE	38.0	T13S R27E S17	SENE	39.0
T13S R27E S20	NESE	40.0	T13S R27E S20	NWSE	36.0
T13S R27E S20	SWSE	36.0	T13S R27E S20	SESE	40.0
T13S R27E S21	SWSW	40.0	T13S R27E S21	SESW	40.0
T13S R27E S29	NENE	40.0	T13S R27E S29	SENE	20.0

Total Acres: 1063

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-4006

Remarks:

1. Explanatory STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
2. Explanatory INDUSTRIAL USE IS FOR DUST CONTROL.
3. Explanatory COMMERCIAL USE IS FOR A FEED MILL OPERATION.
4. Place of Use THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
- Irrigation OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2442, 43-4006 and 43-2437.
5. Explanatory RIGHT NUMBERS 43-2442, 43-2437 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
6. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 244 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 6/28/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
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

October 28, 2002

MONFORT FINANCE CO INC
1770 PROMONTORY CIRCLE
GREELEY CO 80634

RE: Decreed Water Rights 43-2436A, 43-2437, 43-2438A,
43-2442, 43-4006

Dear Water Right Holder:

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

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

RECEIVED
SEP 10 2002
 Department of Water Resources
 Southern Region

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 not 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>43-2437</u>	<u>A43-2437</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>43-2442</u>	<u>A43-2442</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>43-4006</u>	<u>A43-4006</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u>A43-2436A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u>A43-2438A</u>	<u> </u>	<u> </u>	<u> </u>	<u> </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 diversion 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 claims(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 Swift Beef Company (f/k/a ConAgra Beef Company)
 Owner/Claimant(s) 1770 Promontory Circle, Greeley, CO 80634
4. New Owner/Claimant(s) Monfort Finance Company, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
 New Mailing Address 1770 Promontory Circle
 City, State and ZIP Code Greeley, CO 80634
 New Telephone Number (970) 506-8000
5. Date you acquired the property April 5, 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) amount 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 the 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) Debra L. Keith
(include title if applicable) Debra L. Keith, Vice President—Tax

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 [Signature] Date _____ Fee 125.00
Receipted by _____ Date _____ Receipt No. 5025226
Processed by [Signature] AJ Date 10/10/02 WR _____ Date _____

Delaware

PAGE 1

281102

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"E.A. MILLER, INC.", A UTAH CORPORATION,

"INTERSTATE FEEDERS, INC.", A UTAH CORPORATION,

WITH AND INTO "MONTFORT, INC." UNDER THE NAME OF "MONTFORT, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-SIXTH DAY OF JULY, A.D. 1993, AT 9 O'CLOCK A.M.

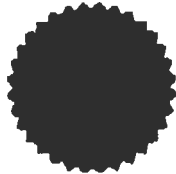
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

02 APR 23 PM 3 08

FEE 6.00 DEPUTY *[Signature]*

CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER

281102



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

0705607 0100M

AUTHENTICATION: 1731974

020251314

DATE: 04-19-02

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 07/25/1993
522075204 - 706607

CERTIFICATE OF OWNERSHIP AND MERGER**OF**

E.A. MILLER, INC.
(A Utah Corporation)

and

INTERSTATE FEEDERS, INC.
(A Utah Corporation)

INTO

MONFORT, INC.
(A Delaware Corporation)

I.

The names of the merging corporations are **E.A. MILLER, INC.**, a Utah corporation, and **INTERSTATE FEEDERS, INC.**, a Utah corporation. The name of the surviving corporation is **MONFORT, INC.**, a Delaware corporation.

II.

MONFORT, INC., a Delaware corporation, in accordance with Section 253 of the Delaware Corporation Law, sets forth the following copy of the resolution of its Board of Directors to so merge, such resolution adopted on the 1st day of June, 1993:

WHEREAS, MONFORT, INC. owns 100% of the outstanding shares of **E.A. MILLER, INC.** and **INTERSTATE FEEDERS, INC.**, hereinafter referred to as the "subsidiaries"; and

WHEREAS, it is in the best interest of MONFORT, INC. to merge the subsidiaries into itself; and

WHEREAS, it has been determined that the laws of each jurisdiction involved permit such merger.

BE IT RESOLVED, that the subsidiaries be merged into MONFORT, INC. immediately in accordance with Section 253 of the Delaware Corporation Law and other applicable state law and that the officers of the corporation be, and hereby are, authorized and directed to execute, acknowledge and file a Certificate of Ownership and Merger and such other

documents as may be necessary and proper to effect such merger in the appropriate jurisdictions.
For accounting purposes, such merger will be effective June 1, 1993."

DATED this 1st day of June, 1993.

MONFORT, INC.

ATTEST:

L.R. THOMAS, Secretary

By:

JOHN J. DILL, Vice President

GIVENS PURSLEY LLP

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

RECEIVED

SEP 16 2002

Department of Water Resources Southern Region

Gary G. Allen
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Jeffrey A. De Voe
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Elguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen

Anne C. Kunkel
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kevin T. Maloney
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller

Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Brad V. Sneed
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

September 13, 2002

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Notice of Change in Water Right Ownership
Our File No. 6538-1

To Whom It May Concern:

I am enclosing an original and one copy of Monfort Finance Company, Inc.'s completed Notice of Change in Water Right Ownership for Water Right Nos. 43-2437/A43-2437, 43-2442/A43-2442, 43-4006/A43-4006, A43-2436A, and A43-2438A, with the following supporting documents: Certificate of Amendment changing the name of Conagra Beef Company to Swift Beef Company, Special Warranty Deed, and Farm Service Agency aerial photos showing irrigated acres. Please conform the copy and return it to my office in the enclosed self-addressed, stamped envelope. Also enclosed is a check in the amount of \$125.00 to cover the filing fee associated with the Notice.

Please contact me if you have any questions about the Notice or if you need further documentation.

Sincerely,



Deborah E. Nelson

Enclosures

cc: Patrick R. McGill (w/o enclosures)

DEN:kdt S:\CLIENTS\6538\1\2002-09-13 DEN Ltr to IDWR re Notice.DOC

5000

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: A43-04006

Date Received: 5/24/1989

Receipt No: M003772

Received By: AS

RECEIVED
MAY 31 1989

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: INTERSTATE FEEDERS, INC. 208-645-2221
Address: HC 72 BOX 2086
MALTA, ID 83342

2. Date of Priority: APR 29, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	16	SE	SE	NE		CASSIA
			SE	NE	SW		CASSIA
		17	NE	NE	SE		CASSIA
		20	NE	NE	SE		CASSIA

5. Description of diverting works:
4 WELLS, 6 PIVOTS, MAILINES, WHEELINES & HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

7. Total Quantity Appropriated is:
3.000 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 of	Lot	Use	Acres
13S	27E	16	NE	NE		IRR	40.0

A43-04006

Page 1

Date: 05/24/89

MICROFILMED

MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	16	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			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	640.0
		17	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		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	320.0
		20	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	160.0
		21	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	80.0
		29	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
						Section Acres	80.0

10. Place of Use: Continued

Total Acres 1280.0

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:

A43-02442, A43-02437, A43-04079

14. Remarks:

THIS RIGHT WAS COMBINED UNDER TRANSFER 1681.

|
THE IRRIG. ACRES IN THE SE 1/4 OF SECTION 17 ARE NOW A FEEDLOT,
THE WATER IS CURRENTLY BEING APPLIED TO THOSE ACRES FOR DUST
CONTROL.

15. Basis of Claim: BENEFICIAL USE

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: 2

For Organizations:

I do solemnly swear or affirm that I am President of

Title
Interstate Feeders, that I have signed the foregoing
Organization
document in the space below as President of

Title
Interstate Feeders and that the statements contained in the
Organization
foregoing document are true and correct.

Lee Quinn
Signature of Authorized Agent

President--Interstate Feeders
Title and Organization

May 30, 1989
Date

State of ~~Idaho~~ Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 89

Kenneth H. Hyman
Notary Public

Seal

Residing at Logan, Utah
My Commission Expires April 1, 1990

443-04004



MICROFILMED

APR 4 1993

Water Right Number - 43-04006 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - -
*** C - CURRENT OWNER ***
CONNECTICUT MUTUAL LIFE INSURANCE CO.

*** O - ORIGINAL OWNER ***
PEWITT-THOMPSON INC.

1 - 140 GARDEN ST.
2 -
3 -
City- HARTFORD State- CT Zip-
Phone -
1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/29/1952 17 S - STATUTORY CLAIM

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rfig County
13S 27E 17 NE SE (31) CASSIA

+ - - - - Description Period From Water Use Diversion Rate Diversion Volume
Code Description Period From Period To
01 - IRRIGATION 03/20 11/15 3.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
3.000

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	17	NE NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	NW NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SW NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SE NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	NW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	17	SE SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	20	NW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	20	SW SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	20	SE SE		40.0	01	IRRIGATION	(31) CASSIA	

Total Acres: 480.0

MICROFILMED
APR 4 1993

(REGIONAL)

Adj. flag translation: Standard Water Right Number

TRANS. 1570 & 1681.

-- Conditions of Approval --
No Conditions of Approval found

Decree Dat
00/00/0000

Water Rights Dates and Flags Area

- Field Exam Fee
- Swan Falls
- Temporary Right
- DLE/Carey Act
- Water District
- Transfer/Amended

MICROFILMED
MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04006
INTERSTATE FEEDERS, INC.
HC 72 BOX 2086

MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993



RAFT RIVER ELECTRIC COOPERATIVE, INC.

Owned By Those We Serve

Phone 645-2405

★ MALTA

July 23, 1968

TO WHOM IT MAY CONCERN:

Electric power, furnished by Raft River Rural Electric Cooperative, Inc., was connected on April 29, 1952 and used on Mr. Lester Thompson's pump in question. This pump is located on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; Township 14 South Range 27 East.

Very truly yours,

Lois Whitaker
Lois Whitaker
Cashier, Secretary

*1952 evidence
9/9 off?*

MICROFILMED

MAR 04 1993

1952 & 1955
AFFIDAVIT *evidence*

AFFIDAVIT

William H. Hargrave being first duly sworn,
deposes and says: In March 1945 I moved on said well located in SW² of SW² of
Section 9 Township 14 Range 27. Well was open to 84 feet, bailed and
and deepened to 475 feet installed 145 feet of 20 inch $\frac{1}{2}$ inch wall
depth 305 feet 16 inch from 268 feet to 478 feet. Well was previously
developed in 1952. I also understand some work has been done on this well
since this repair.

(signature)

Subscribed and sworn to before me this 4 day of June, 1942

(Notary Public)

Residing at Burlington, N.C.
My commission expires 1968

MICROFILMED

1. F. H. 1. U 4 1003

IN THE MATTER OF:

AFFIDAVIT

State of Idaho
County of _____

1952
1956 evidence

GLEN W. JENSEN

being first duly sworn,

deposes and says: TO WHOM IT MAY CONCERN:

At the request of Mr. Lester Thompson of Malta, Idaho in regards to the status of the land located in the west one-half of Section 9 -Twp 14 South Range 27 E.S.W. County of Cassia, State of Idaho. According to the records accumulated and maintained by the Cassia County Agricultural Conservation and Stabilization Committee from photographs taken 17 September 1956, the above described land was in the production of agricultural crops except for the following lands: a strip of land located along the east side of the southwest 1/4 approximately 260 feet in width and another strip of land located along the east side of the northwest 1/4 approximately 520 feet wide. Measurements taken from photographs taken from the air on 17 September 1956. Enclosed with this affidavit are copies of the photographs of the above described lands which show the land use on our current photographs. These are copies taken from the 1952 Flight of photos and show the same field boundaries as those on the photographs taken in 1956.

The fact that the land is in the production of agricultural crops and from personal knowledge denotes that irrigation water has been applied to the land.

(signature)

Subscribed and sworn to before me this 25 day of July 1961

(Notary Public)

Residing at Burley, Idaho
My commission expires 1-27-72

MICROFILMED

MAR 04 1993
43 1006

IDAHO DEPARTMENT OF WATER RESOURCES 09/07/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: INTERSTATE FEEDERS INC
HC 72 BOX 2086
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.00 CFS
1,157.6 AFY

PRIORITY DATE: 04/29/1952

POINT OF DIVERSION:

T13S R27E S16 SESENE Within CASSIA County
T13S R27E S16 NENESW Within CASSIA County
T13S R27E S16 SENESW Within CASSIA County
T13S R27E S17 NENESE Within CASSIA County
T13S R27E S20 NENENE Within CASSIA County
T13S R27E S20 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.470 CFS 176.00 AFY
INDUSTRIAL	03/15 11/15	0.420 CFS 141.00 AFY
DOMESTIC	01/01 12/31	0.030 CFS 1.70 AFY
COMMERCIAL	01/01 12/31	0.030 CFS 10.90 AFY
IRRIGATION	03/15 11/15	2.050 CFS 828.00 AFY

PLACE OF USE:

STOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

INDUSTRIAL Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

DOMESTIC Within CASSIA County

T13S R27E S16 NESW

COMMERCIAL Within CASSIA County

T13S R27E S20 NENE

IRRIGATION Within CASSIA County

IDAHO DEPARTMENT OF WATER RESOURCES 09/07/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T13S R27E S16	NENE	40.0	T13S R27E S16	NWNE	40.0
T13S R27E S16	SWNE	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NENW	40.0	T13S R27E S16	NWNW	38.0
T13S R27E S16	SWNW	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NESW	35.0	T13S R27E S16	NWSW	37.0
T13S R27E S16	SWSW	36.0	T13S R27E S16	SESW	39.0
T13S R27E S16	NESE	40.0	T13S R27E S16	NWSE	38.0
T13S R27E S16	SWSE	38.0	T13S R27E S16	SESE	39.0
T13S R27E S17	NENE	40.0	T13S R27E S17	NWNE	40.0
T13S R27E S17	SWNE	38.0	T13S R27E S17	SENE	39.0
T13S R27E S20	NESE	40.0	T13S R27E S20	NWSE	36.0
T13S R27E S20	SWSE	36.0	T13S R27E S20	SESE	40.0
T13S R27E S21	SWSW	40.0	T13S R27E S21	SESW	40.0
T13S R27E S29	NENE	40.0	T13S R27E S29	SENE	20.0

1063 ACRES TOTAL

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2442, 43-4006 and 43-2437.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 244 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
RIGHT NUMBERS 43-2442, 43-2437 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
INDUSTRIAL USE IS FOR DUST CONTROL.
COMMERCIAL USE IS FOR A FEED MILL OPERATION.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 43-4006 V1

WATER RIGHT NUMBER: 43-4006 V1

Owner Type Name and Address
 Current Owner INTERSTATE FEEDERS INC
 HC 72 BOX 2086
 MALTA, ID 83342
 (208)645-2221

DRAFT

Priority Date: 03/05/1956

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.470 CFS	176.00 AF
IRRIGATION	03/15 to 11/15	2.050 CFS	828.00 AF
DOMESTIC	01/01 to 12/31	0.030 CFS	1.70 AF
COMMERCIAL	01/01 to 12/31	0.030 CFS	10.90 AF
INDUSTRIAL	01/01 to 12/31	0.42 CFS	141.00 AF
	<u>Total Diversion:</u>	3.000 CFS	1157.60 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4NE1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4NE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 17, Twp 13S, Rge 27E, B.M.
CASSIA County		
GROUND WATER	SE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
CASSIA County		

Place of Use
 STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-4006 V1

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16													X				

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	20	X																

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16	40.0	40.0	38.0	39.0	40.0	38.0	38.0	39.0	35.0	37.0	36.0	39.0	40.0	38.0	38.0	39.0	614.0
13S	27E	17	40.0	39.0	38.0	39.0													156.0
13S	27E	20													40.0	36.0	36.0	40.0	152.0
13S	27E	21									40.0	40.0							80.0
13S	27E	29	40.0			20.0													60.0

Total Acres: 1062

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-4006 V1

Remarks:

1. Explanatory RIGHT NUMBERS 43-2437, 43-2346A, 43-2438A AND 43-4006 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 432 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2437 and 43-2442
4. Explanatory STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
5. Explanatory INDUSTRIAL USE IS FOR DUST CONTROL.
6. Explanatory COMMERCIAL USE IS FOR A FEED MILL OPERATION.
7. Quantity THE TOTAL COMBINED USE OF ALL RIGHTS FOR STOCKWATER AND COMMERCIAL USE FOR THE WELL IN T13S R27E S20 NENENE IS LIMITED TO 2.45 CFS.
8. Quantity THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED FLOW RATE OF 10.72 CFS AND 3308 AFA FOR IRRIGATION USES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS; 43-2437, 43-2442 and 43-4006
- 9.

System Analysis For:

Interstate Feeder, Inc.

November 8, 2000

The water rights listed in this claim review are located in the Raft River Critical Ground water area. This area was closed to any new appropriation July 23, 1968. Water Rights analyzed for Interstate Feeder, Inc. are listed below with a brief description of the basis of the right.

43-2437, 2442, 2436A and 2438A
43-4079, 43-4006

Licensed Rights
Statutory Claim

Diversion Volume analysis:

Water right licenses 43-2436 & 2438 identifies irrigation, stock water and feed mill water uses for each license. The 4.27-cfs irrigation portion of the rights was transferred off under T1838 in December 1974. HARRIS AG claimed the irrigation use from well #14. A 1970 field examination measured the flow in well #14 (T13S, R27E, Sec 9) at 4.27 cfs and well #19 (T13S, R27E sec 20) at 4.04 cfs, the system capacity of 8.31 cfs. The initial application for permit was filed for irrigation of 320 acres. They developed 256 acres and convert the rest to stock water and a feed mill. Because of that the licenses 43-2436 and 2438 specifically limits the volume for both licenses to 78.3 ac-ft/yr for stock water and .56 ac-ft/yr for the feed mill.

Interstate Feeder operates with 52,000 head of cows in the feedlot. The diversion rate for the licenses is adequate for the number of cows in the feedlot. The diversion volume needed for the livestock is 699 ac-ft/yr ($52,000 \text{ head} * 12 \text{ gpd/head} / 325,850 \text{ gal/ac-ft} * 365 \text{ day/yr} = 699 \text{ ac-ft/yr}$). Therefore, the volume needed is $699 - 78.3 = 620 \text{ ac-ft/yr}$. To get the volume needed we dried up 206 acres of irrigated land. ($620/3 = 206 \text{ acres}$) using the consumptive use volume calculation. The original licenses and claims had 1280 irrigated acres. So when we took 206 out of production, leaving 1074 irrigated acres in production. The interstate feeder water rights don't have an inch per acre diversion rate for the irrigation portions of the rights. The diversion rate and volume for claims 43-2437, 2442 and 4006 was proportionally divided between the right since the system is connected.

43-4006: Field examination was done Aug. 13, 1970. The discharge was measured at 1.86 cfs using the co-ordinate method. Therefore my recommended flow is 1.86 cfs. A letter is contained in the file for Raft River Electric for the 4-29-52-priority date.

JUN 10 1965

WELL LOG AND REPORT TO THE Department of Reclamation STATE RECLAMATION ENGINEER OF IDAHO

SUBMIT WITHIN 30 DAYS AFTER COMPLETION OF WELL: SEE IDAHO STATUTES 42-238

Permit No. _____ Well No. _____ County Cassia

Owner Leuter Thompson

Address Malta, Idaho

Driller Edward V. Hollman

Address Malta, Idaho

Well location S $\frac{1}{2}$ 1/4 SW 1/4 Sec. 9, T. 14 N/S, R. 27 EXW

Size of drilled hole 24" 0' to 24" 60' to 30" 16' 288' to 476'
10" 316' to 536' Total depth of well 536'

Locate well in section

NW 1/4		NE 1/4	
SW 1/4		SE 1/4	

Sec. _____

Give depth to standing water from the ground 32' Water temp. _____ °Fahr.

Test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet. Pump? _____ Bail? _____

Size of pump and motor used to make test _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____ N/A

If flowing well, described control works _____

Water will be used for irrigation

(TYPE AND SIZE OF VALVE, ETC.)

Weight of casing per lineal foot _____

Thickness of casing 1 inch Casing material Steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 24" 0' to 24" 60' to 30" 16' 288' to 476' / 316'
10" 316' to 536'

(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
24"	0'	24'	24'	
20"	24'	305'	281'	
16"	305'	476'	171'	
10"	476'	536'	60'	

Number and size of perforations 5 in 6" located 0 feet to 536 feet from ground

Date of commencement of well Jan. 6, 1965 Date of completion of well May 12, 1965

SNSW 5.9145 27E

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ana. Yes or No	Casing Perforated Ana. Yes or No
0	4	top soil		
4	8	brown clay		Yes
8	12	cement rock		"
12	28	black gravel		"
28	30	hard pan		"
30	70	sand & gravel		"
70	85	red clay	Yes	"
85	95	sandy		"
95	120	brown clay	Yes	"
120	135	yellow clay		"
135	140	sand		"
140	155	red clay	Yes	"
155	174	coarse gravel		"
174	210	sand	Yes	"
210	223	yellow clay	Yes	"
223	250	gray clay		"
250	260	gravel and boulders		"
260	270	clay	Yes	"
If more space is required use Sheet No. 2				"

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is complete, true and correct to the best of my knowledge and belief.

Signed Edward K. Holtman

By _____

Dated June 8, 1965

License No. 264

Well Driller's Helper Lester Boyd

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLANDFILE A43-4006RE: PRIORITY DATE LETTERDATE 1-9-92

NAME OF PARTY

MIKE TELFORD

He brought in a power service hookup for a well drilled in 1974. I looked at the microfiche and found that this right was originally developed in Sec. 9 T14S R27E 18WSW in 1952. It was transferred to Sec 17 T13S R27E ^(well #12) in 1968 - (this was also the time the statutory claim was filed for this right.) Another transfer was made in about 1974 or 1977 which added another well to the system (well #20.)

At one of these transfers, the claim was verified and measured by the IDWR prior to transfer approval. See the Microfiche records for field Report.

I suggested Mr. Telford find some evidence of the original development of this right in 1952. If not at least try to pre-date the mandatory permit statute in 1963. He was prepared to locate the correct evidence for the 1952 date and he left with some affidavits and a copy of the original claim.

MICROFILMED

MAR 04 1993

1973

Identification No. _____

Transfer No. 43-2442, 43-4006, 43-2437

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Should questions arise during
the processing of this
application please contact:

JACK A. BARNETT
520 Idaho Bldg.
Boise Idaho 83702
344-1541

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

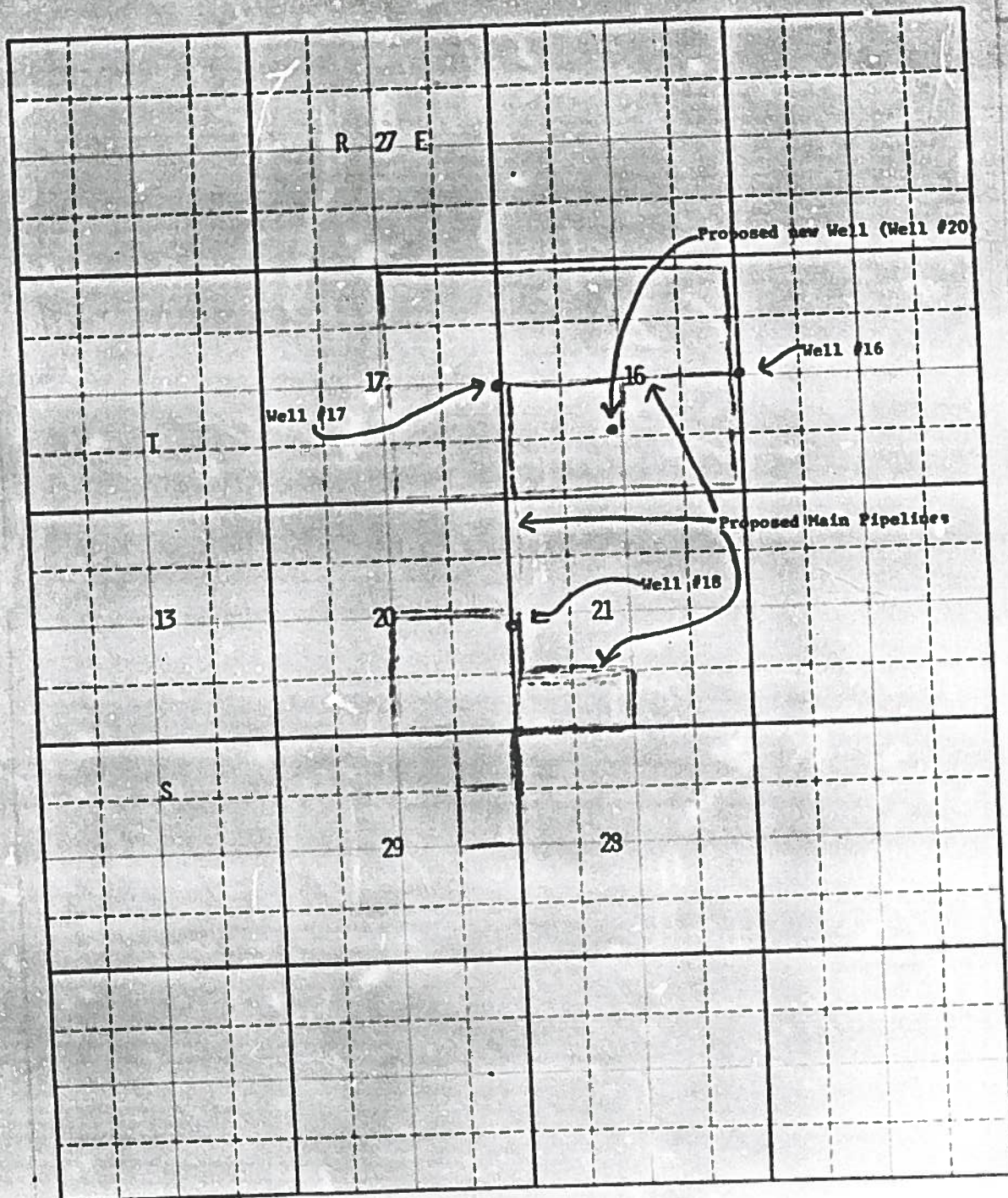
APPROVED

1. Name of Right Holder Viet Land Company
Post office address Malta, Idaho
2. Right obtained by: Two licensed and one constitutional use right.
 - a. Decree to N/A in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____
 - b. License No. Well #16-43-2442; Well #17-43-4006 (T-1570); and Well #18-43-2437
issued by the State of Idaho, Department of Reclamation.
3. Source of water Underground water tributary to _____
(Name of stream or source)
4. Date of Priority Well #16-3-5-56; Well #17-4-29-52; and Well #18-3-5-56
5. Amount of water a. 15.77 c.f.s. and/or Well #16-7.21 cfs; Well #17- _____ s;
b. _____ acre feet/annum
and Well #18-5.56 cfs
6. Water is used for _____ from _____ to _____
(Month, Day) (Month, Day)
7. Original location of point of diversion is (Well #16) SE 1/4 NE 1/4 of Section 16
Township 13S, Range 27E, B.M. in Cassia County.
Additional points of diversion, if any Well #17, NE 1/4 SE 1/4 Section 17, T13S, R 27E;
Well #18, NE 1/4 SE 1/4 Section 20, T 13S, R 27E.
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
Well #16																			
13S	27E	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
Well #17																			
13S	27E	20	40	40														80	
13S	27E	17	40	40		40	40								40	40	40	320	
Well #18																			
13S	27E	20																	
13S	27E	21													40	40	40	160	
13S	27E	29	39										40	39				79	
																		19	

Total number of acres presently irrigated 1318

MICROFILMED
MAR 04 1993



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

43 4006

43-4006 - Lands to be irrigated as right is presently on file. (Well #17)

43-2442 - Lands to be irrigated as right is presently on file. (Well #16)

43-2437 - Lands to be irrigated as right is presently on file. (Well #18)

Location of lands to be irrigated in the future by all three rights.

MICROFILMED
MAR 14 1993

9. If applicant was not the original holder of this right explain how it was acquired. All lands and rights have been acquired by purchase.

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 15.77 c.f.s. and/or acre feet

b. New point of diversion: NE 1/4 SW 1/4, Section 16, Township 13S, Range 27E, B.M. and the three existing wells described in Paragraph 7.

c. Description of method of diversion and conveyance from new points of diversion: Deep well, vertical turbine pump and pipelines.

d. Is water to be conveyed to the lands previously irrigated? Yes x No
(For the most part)
If not, the place of use should be changed below.

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

This land was first developed by PEWITT-THOMPSON, INC. as a part of a much larger farm. There were many wells on the larger farm that could be diverted to most of the land that are the subject of this transfer. Several years ago, VISTA LAND CO. bought most of the PEWITT-THOMPSON holdings in the immediate area, but not all of the holdings. Some ability to move (Con't on Appendix A)

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

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

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

11. CHANGE IN PLACE OF USE

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

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	27E	16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40									40	40	40	40	320
		20													40	40	40	40	160
		21											40	40					80
		29	40		40														80

Total number of acres to be irrigated 1280

1006

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No. Only the NE 1/4, NW 1/4, Section 17, which has been traded for the SW 1/4, NE 1/4, Section 17 with the BLM and the NE 1/4, NE 1/4, Section 20, which has been converted to a feed lot.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

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

[Signature]
(signature of applicant)

Subscribed and sworn to before me this 8th day of November, 19 73.

[Signature]
(notary public)

My commission expires July 1, 1974
Residing at Hyrum, Cache County, Utah.

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2442, 43-4006 & 43-2437
and said application is hereby APPROVED

- Approval of said application is subject to the following limitations and conditions:
Subject to the condition that this approval does not validate the water right as claimed under 43-4006. Measuring devices of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- Denial of said application is for the following reasons: _____

Witness my hand this 3 day of January, 19 74

[Signature]
Director
Idaho Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 11-21-73

Protest filed by: _____ Date _____

Prelim. check by [Signature] Date 11-21-73

Fee received by [Signature] Date 11-21-73 Fee \$ 31.00

Approved for publication by [Signature]

Published in South Idaho Press Dates 12-11 & 12-18-73

Hearing held _____

Watermaster Recommendation sent _____

MICROFILMED

MAR 04 1993

BEIT & HUMPHREY SAFETY

RECEIVED

MAR 5 1952

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

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

1. Name of Right Holder FEWITT-THOMPSON, INC.
Post office address Malta, Idaho
2. Right obtained by: claim to a water right filed with the Dept. of Reclamation
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____
b. License No. 43-4006 issued by the State of Idaho, Department of Reclamation.
3. Source of water subterranean tributary to _____
(Name of stream or source)
4. Date of Priority April 27, 1952
5. Amount of water a. 3 cfs. and/or
b. 150 miner's inches
6. Water is used for irrigation from March 20 to November 15th
Domestic use the year around (Month, Day) (Month, Day)
7. Original location of point of diversion is SW 1/4 of Section 9
Township 14 S., Range 27 E., B.M., in Cassia Co. County;
Additional points of diversion, if any _____
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13 S.	27 E.	32											40			40	40		120
"	"	33											40	40					80
14 S.	27 E.	5	40	40	40	40	40	40							40	40	40	40	400
"	"	8	40	40	35	30													145
"	"	4					40	40	40	40	40	40	40	30					310
"	"	9					20	40	40	20	20	40	40	20					240

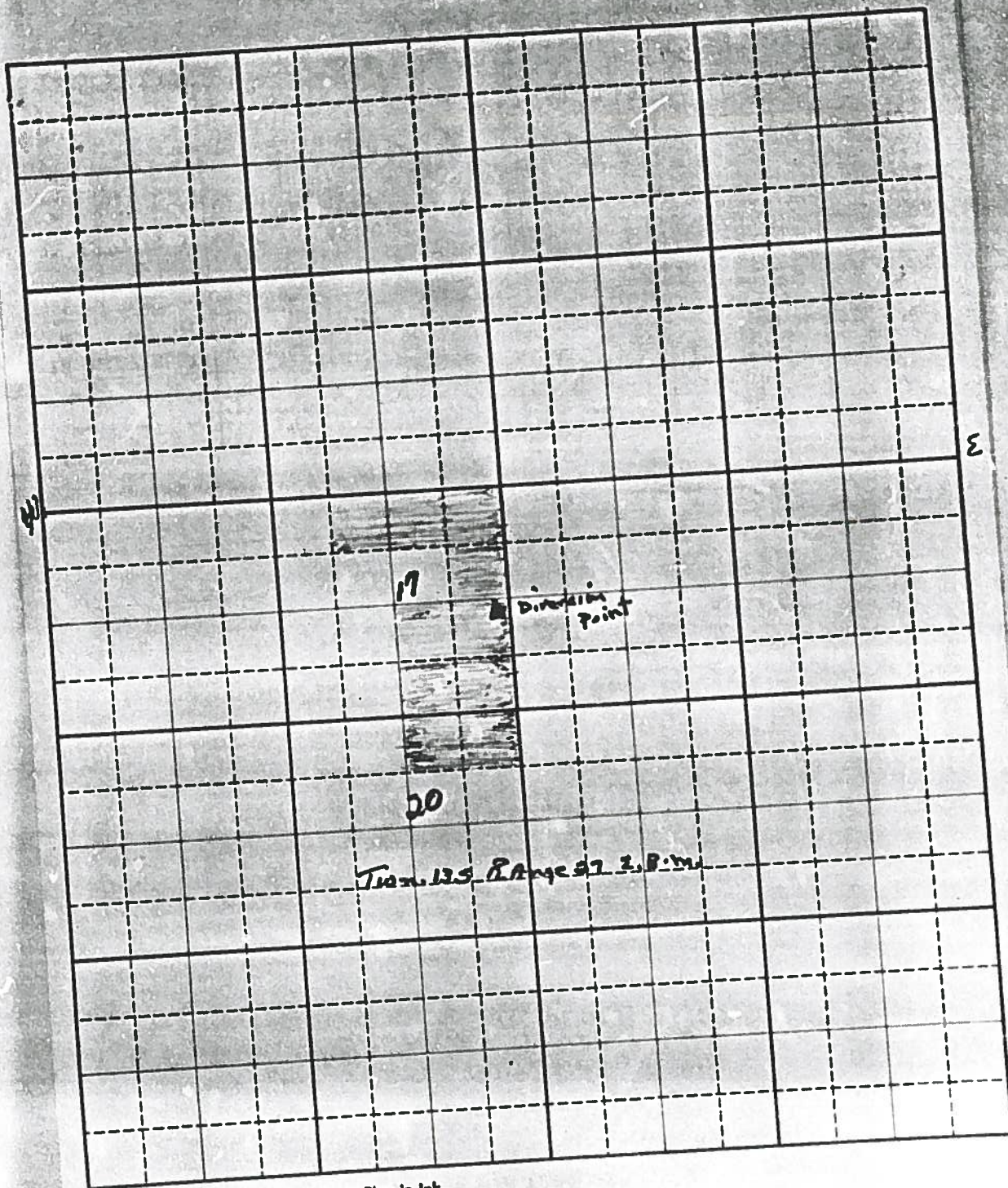
Total number of acres presently irrigated 1295

43 4006

MICROFILMED

MAR 14 1993

43 4006



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

5

MICROFILMED
MAR 04 1993

9. If applicant was not the original holder of this right explain how it was acquired.

Applicant is original owner

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 3 c.f.s. and/or 150 ^{miner's inches} ~~gallons per second~~

b. New point of diversion: NE 1/4 SE 1/4, Section 17, Township 13 S., Range 27 E., B.M.

c. Description of method of diversion and conveyance from new points of diversion:

Deep well, pump, and bank ditches

d. Is water to be conveyed to the lands previously irrigated? Yes _____ No x

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

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

To provide lands described below with sufficient water supply.

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

g. Do you intend to abandon completely the old point of diversion? Yes

h. Indicate on the above plat the new point of diversion and lands to be irrigated.
Red coloring indicates areas to be irrigated.

11. CHANGE IN PLACE OF USE

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

See form

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13 S	27 E	20	40	40															80
"	"	17	40	40		40	40								40	40	40	40	320

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Total number of acres to be irrigated MAR 206 1993

13 4000

43 4006

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No. The lands previously irrigated have an adequate supply of water from another source.d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: none

e. Indicate on the above plat the new land to be irrigated and the point of diversion. See, also, 10 b.

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

FEWITT-THOMPSON, INC.

By Lester Thompson
Manager (signature of applicant)Subscribed and sworn to before me this 29th day of July, 19 68[Signature]
(notary public) for Idaho
Residing at Burley, IdahoMy commission expires June 15, 1969ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 43-4006
and said application is hereby APPROVED

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

Subject to the condition that this approval does not validate the water right as claimed.

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

Witness my hand this 26 day of January, 19 72[Signature]
Director
Dept. of Water Administration

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MAR 04 1993

Form 22
22-4-25

SPECIAL

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF EXAMINER

Claim
KGBR No. 43-4006

This proof is for validity of claim

In Water District No.

1. Name of applicant: Sawitt-Thompson, Inc., Malin, Idaho

2. Source of water supply: ground-water

3. Location of point of diversion: Is in the SW 1/4 SW 1/4 of Section 9
T. 14 S. R. 27 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:
well and pump - well is approximately 536 feet; diameter of well is 24" telescoped to 10";
type of pump is turbine pump and capacity of pump is 1350 g.p.m.

Electric - three phase motor 75 H.P.
Pump 50 H.P. 75 H.P. 75 H.P.

See map 22162 88

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):

Twp. 13 S., Rge. 27 E., B.M.	32	SE 1/4 SW 1/4, S 1/4 SE 1/4	120 acres
	33	S 1/4 SW 1/4	80
Twp. 14 S., Rge. 27 E., B.M.	5	E 1/4 NW 1/4	400
	6	E 1/4	145
	4	W 1/4	310
	9	W 1/4	240
		Total	1295

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

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

Remarks: Check validity of this claim. Check to see that they are actually irrigating 1295 with only 3.0 c.f.s. or 150 miners inches of water.

The water is used for this land & the
ditches are along so that water goes all the
week can be used on any or all of the land.
No domestic use.

7" head 12" or 18" 7500 cc. orificate method
longer than 1000 ft. from dam.
See note?

This examination was made on the

12 day of Aug, 1930
(Signed) William L. White

Examiner.

MICROFILMED
MAR 04 1993

JACK A. BARNETT
CONSULTANT
520 IDAHO BUILDING - BOISE, IDAHO
Phone 344-1541

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

May 20, 1971

RECEIVED

MAY 31 1971

Department of Water Administration

Mr. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, ID 83707

BDF

Dear Mr. Higginson:

Following our discussion of April 18, concerning the transfer of certain water rights in the Raft River Valley, I am writing this letter to you as a formal request for response from your office as to whether or not water rights can be transferred in the case in point without the necessity of a transfer application. Let me briefly state the facts as I understand them.

A well was equipped and used as early as April 1952, and the water right was established by diversion and use. This well was located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 9, T. 14S., R. 27E. The evidence of that water right is set forth in a claim #43-4006 filed by Pewitt-Thompson, Inc. In the months of January through March of 1964, a well was drilled approximately six miles to the north in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 17, T. 13S., R. 27E. On August 5, 1968, transfer #1570 was filed by Pewitt-Thompson, Inc. to move the previous mentioned claimed right to the well site located in section 17. This application has been on file in your office since that date without action. On May 26, 1969, there were some changes to the Idaho water law that may require that from that date forward transfer applications are necessary for water rights to be transferred. On May 26, 1969, the well in section 17 was tested and the water was put to beneficial use July 2, 1969.

We feel that the water right, which was established by constitutional means of diversion and use, can also be moved or transferred by the same procedure. We feel that we have accomplished this transfer successfully in this case, and even if it is held that the May 26, 1969 change in statutes is restrictive as far as transfers, that this transfer had in effect been initiated prior to that with the drilling of a well in 1964 and the formal declaration of our intentions by the filing of a transfer application in 1968. We followed with diligence the application of water to a beneficial use, and the water has been used consistently every year since 1969. Therefore, it is our belief that the claimed water right has been successfully moved and is in force and effect at the new point of diversion and that the transfer application is not now needed.

43 4006

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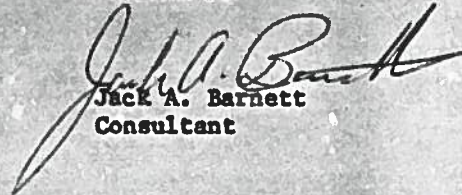
MAY 4 1971

Mr. Keith Higginson
Page 2
May 20, 1971

If you, your staff, or the attorney general's office could reply indicating policies or interpretations of statutes concerning the ability of transfers to be accomplished, we would be in a position to know whether our assumptions are right; and we could proceed with the withdrawal of the transfer application.

As I indicated to you, there are several matters that need to be clarified concerning the wells of Vista Land Company. We appreciate your patience concerning these matters and would only indicate that most of the additional action is dependent upon the interpretation of the transfer statutes and the establishment of the water right for the well located in section 17.

Sincerely,


Jack A. Barnett
Consultant

JAB:cww

cc Lamond Keller
Jay Bingham
Dallin Jensen

43 457
MICROFILMED
MAR 14 1993

Identification No. 43-4006Claim No. 42738

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225e, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant PEWITT-THOMPSON, INC.
post office address Malta, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 9 Township 14 S
Range 27 E. B.M. located on subterranean
(name of source)

tributary to _____ in Cassia County.

3. Date of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based on the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April 29, 1952 amount 3 c.f.s. or 150 miner's inches
acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed 3 c.f.s. or 150 miner's inches
acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from March 20 to Nov. 15 (both dates inclusive)use domestic period of use from year around (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate material is composed of _____

length is _____ feet height is _____ feet

width at bottom is 3 feet; width at top is 6 feet; explain any increase in diversion capacitysince structure was first built, giving dates and estimated capacities if known ditches weredesigned to convey water from other wells

b. Underground water diverting works is well flowing or pumped _____ pumped _____ depth of well is _____

apprx 536 feet, diameter of well is 24" telescoped to 10" _____ turbine pumpcapacity of pump is 1350 g.p.m. name and address of well driller is Waymon Yarborough,Burley, Idaho, Overlook Trailer Park

MICROFILMED

13 1000

MAR 04 1993

since we know it is a fact there have been any change in the size of water since water was first appropriated
 no If so, give dates and explain

Conveying works: length of ditch to place of use is _____ feet width of ditch at top is _____ feet
 width of bottom of ditch is _____ feet depth of water _____ feet grade of ditch per 1000
 feet is _____ feet material through which ditch passes is _____
 maximum length of pipe line to first place of use is _____ feet diameter of pipe line is _____ inches
 type of pipe _____ grade of pipe per 1000 feet is _____

Please explain any changes or increase in size of conveying system since water was first appropriated, giving
 date and dimensions, if possible

For answer to above, see 4a.

c. If water is stored name of reservoir none
 total capacity of reservoir is _____ acre feet active capacity of reservoir is _____ acre feet
 year construction commenced _____ year completed _____ date first used _____
 period of storage is from _____ to _____ reservoir drained each year _____
 reservoir on or off stream _____ explain _____

If feeder canal is used give maximum carrying capacity _____ cfs. If reservoir is off stream, describe
 location of reservoir by 40-acre subdivisions

has there been any enlargement of the reservoir since it was first built _____ If so, give dates and
 describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13	S. 27 E.	32											40			40	40		120
"	"	33											40	40					80
14	S. 27 E.	5	40	40	40	40	40	40							40	40	40	40	400
"	"	8	40	40	35	30													145
"	"	4					40	40	40	40	40	40	40	30					310
"	"	9					20	40	40	20	20	40	40	20					240

Total number of acres to be irrigated 1295

Explain any significant increase in area irrigated since first use, give dates and acreage

None

MAR 04 1993

The other users are $u_2, \dots, u_n$ respectively.

Several thousand sheep and a few hundred cattle.

1947-1948

CODE

4. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible.

none

done

Remarks: please explain any details of your claim which you feel need clarification or additional explanation.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with all attached information, and certifies that all statements are true and accurate to the best of his knowledge.

PEWITT THOMPSON, INC.

July 29, 1968

Date _____

By State
(Signature of Claimant)

Manager

State of Idaho

County of Cassia

Lester Thompson

On this 29th day of July, 1968, personally appeared before me the signers of this instrument, he is the manager of PRUITT-THOMPSON, INC., and being authorized to do
above instrument, who duly acknowledged to me that he (X) executed the same.

Notary Public residing at Burley, Idaho
Residing at Notary Public for Idaho

June 15, 1969

Received by J. C. 100 1861

Except on field to

Forwarded to	Date
by	

Free! Check Us Out Today!

For material see in Central L. G. 2. 709. 3

Not Evaluated (no ^{14}C present in the DNA)

THE UNIVERSITY OF CHICAGO

MAR 04 1972

13 4002

R PROOF

CVR

MAPS

PHOTOS

MISC

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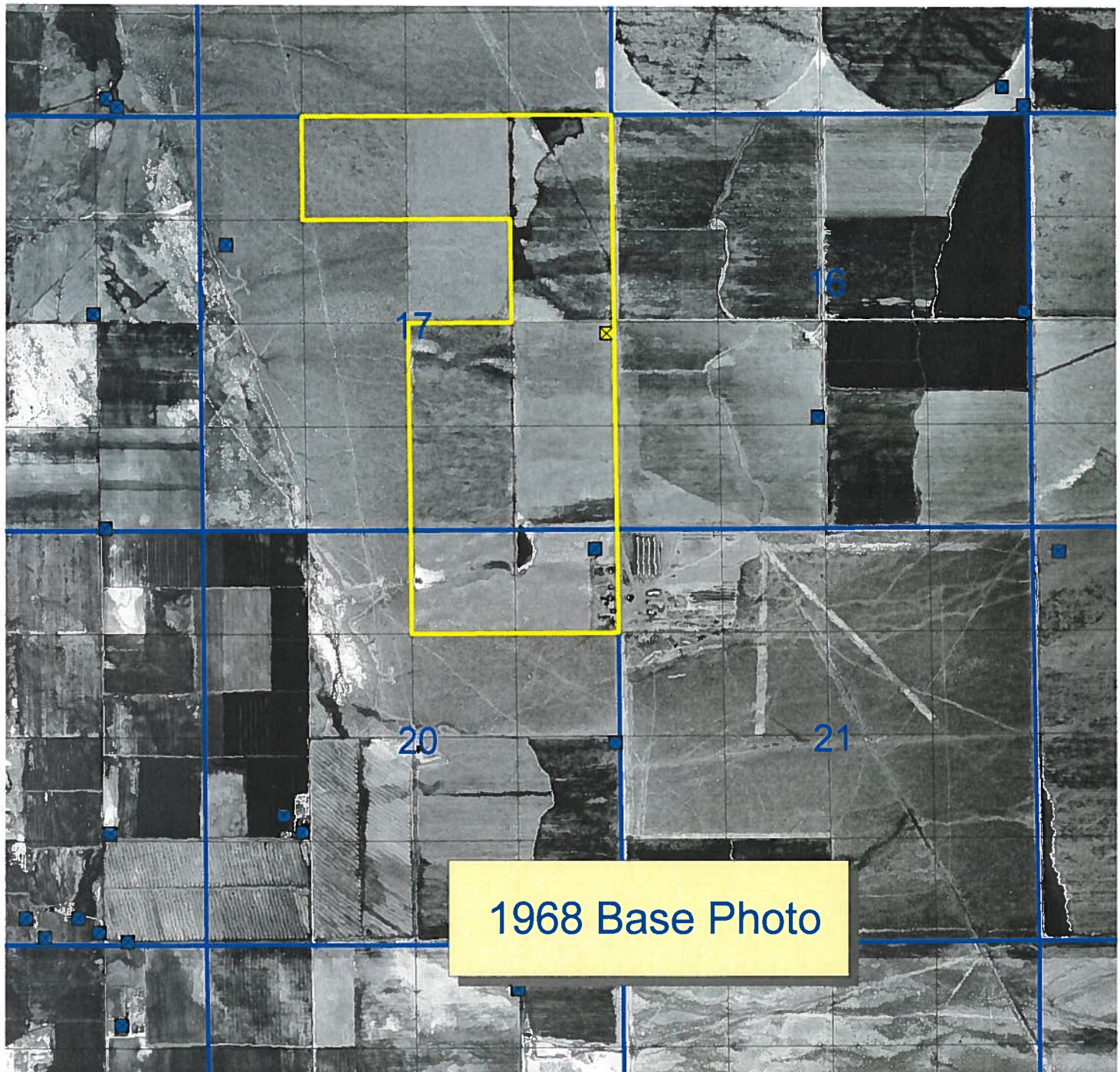
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IDAHO DEPARTMENT OF WATER RESOURCES

T#1570 (43-4006)



1320 0 1320 2640 Feet

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



GIS WATER RIGHT PRESENTATION
PHOTOGRAPHY: 1987 &/OR 1988 NAPP
DATA ENTRY: Mar., 2001
DOUGLAS JONES