

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: **A43-04060E**

Date Received: 1/17/1989

Receipt No: X777777

Received By: _____

address change *jc*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEFT OF THE ROCK FARMS 208-349-5716
Address: 735 CALDER AVE
AMERICAN FALLS ID 83211

2. Date of Priority: APR 1, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	27E	36	NE	SE	NW		CASSIA
			SE	NW	SE		CASSIA
11S	27E	1	SE	SE	SE		CASSIA
		12	SE	SE	NE		CASSIA
			SE	SE	SE		CASSIA
	28E	6	SE	NW	NW		CASSIA

5. Description of diverting works:
WELLS AND PUMPS TO PIVOTS AND HANDLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.083		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

As soon as you know your new address, mail this card to all of the people, businesses, and publications who send you mail.

For publications, tape an old address label over name and old address sections and complete new address.

JUN 29 1993

Your Name (Print or type. Last name, first name, middle initial.)					
CLEFT OF THE ROCK FARMS c/o DELMAR L. WOODWORTH					
Old Address	No. & Street	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	P.O. BOX 429				
New Address	City	State	ZIP + 4		
	AMERICAN FALLS		Id.	83211-	
New Address	No. & Street	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	735 CALDER AVE.				
New Address	City	State	ZIP + 4		
	AMERICAN FALLS		Id.	83211-	
Sign Here		Date new address in effect		Keyline No. (if any)	
[Signature]		30 June 93			

PS Form 3576, November 1990

RECEIVER: Be sure to record the above new address.

SD-0601-2 Last Name: CLEFT OF THE ROCK FARMS

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Des
L		N					
-	-	-	-	-	-	-	-
-	CLEFT OF THE ROCK FARMS						
-		C A43-04060E		04/01/1954	GROUNDWATER	0.083	01 IRR
-		C A43-04060G		04/01/1954	GROUNDWATER	0.249	01 IRR
-		O A43-04063B		05/01/1955	GROUNDWATER	0.636	01 IRR
-					RENUMBERED		
-					SPLIT RIGHT		
-		C A43-04063G		05/01/1955	GROUNDWATER	0.636	01 IRR
-		C A43-02417E		01/31/1955	GROUNDWATER	0.243	01 IRR
-		C A43-02418E		01/31/1955	GROUNDWATER	0.243	01 IRR
-		C A43-04061E		05/01/1957	GROUNDWATER	0.155	01 IRR
-		C A43-04062E		05/01/1957	GROUNDWATER	0.142	01 IRR
-		O A43-04064D		05/01/1957	GROUNDWATER	5.820	01 IRR
-					RENUMBERED		
-		C A43-04064E		05/01/1957	GROUNDWATER	0.348	01 IRR
-		C A43-10642		01/31/1955	GROUNDWATER	1.460	01 IRR
-		C A43-10643		05/01/1957	GROUNDWATER	3.506	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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: A43-04060E
Date Received: 1/17/1989
Receipt No: Z777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEFT OF THE ROCK FARMS 208-349-5716
Address: PO BOX 429
AMERICAN FALLS ID 83211

2. Date of Priority: APR 1, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	27E	36	NE	SE	NW		CASSIA
			SE	NW	SE		CASSIA
11S	27E	1	SE	SE	SE		CASSIA
		12	SE	SE	NE		CASSIA
			SE	SE	SE		CASSIA
	28E	6	SE	NW	NW		CASSIA

5. Description of diverting works:
WELLS AND PUMPS TO PIVOTS AND HANDLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.083		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	28E	18	NE		NW		IRR	31.0
			NW		NW		IRR	31.0
			SW		NW		IRR	31.0
			SE		NW		IRR	31.0

Section Acres 124.0

Total Acres 124.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

OTHER WR'S: A43-02417C, -02418C, -04061C, -04062C, -04063C, -04064C. THIS IS A PORTION OF THE WR# 43-04060B FOR 1.55 CFS. BASED ON AN ACREAGE PROPORTION OF IRRIGATED LANDS THIS CLAIM SHOWS .967 CFS, WHILE THE REMAINING PORTION IS .583 CFS. FULL AMOUNT FOR STOCK IS CLAIMED SINCE FEEDLOT AND RANGE LAND ARE INCLUDED IN THIS P/U. SEE ALSO TRANS. #3315.

right split from part C into parts E and F. The ratio of acres used is 124 acres for part E and 1317 for part F. The base acres from part C is 1441 acres. Part E is for all remaining acres in sec 18, T-11S, R-28E.
full amount for stock stays with part F.

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: _____

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 _____

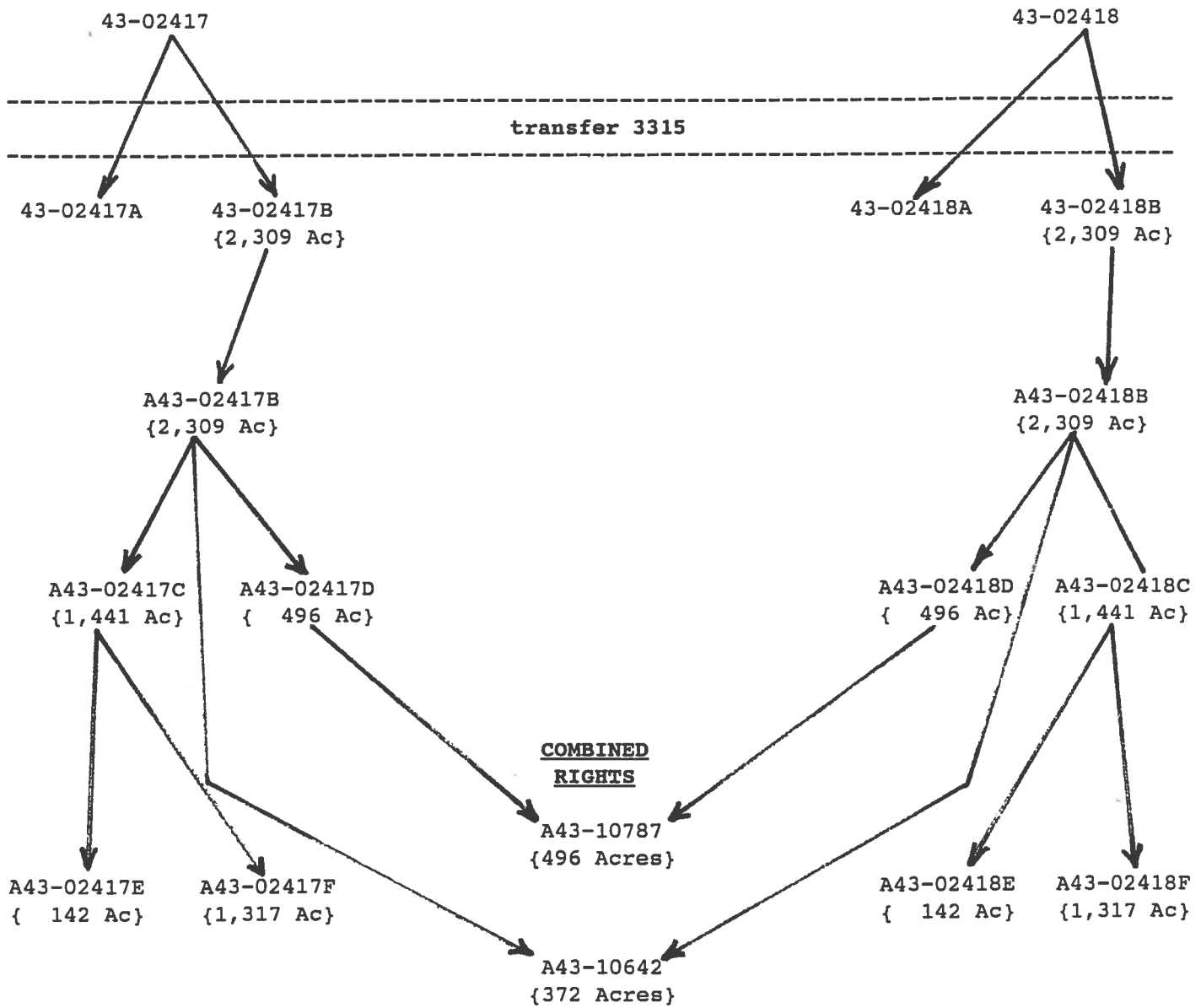
Notary Public

Seal

Residing at _____

My Commission Expires _____

WATER LICENSES SPLIT FLOW CHART
for
LICENSES 43-02417 AND 43-02418



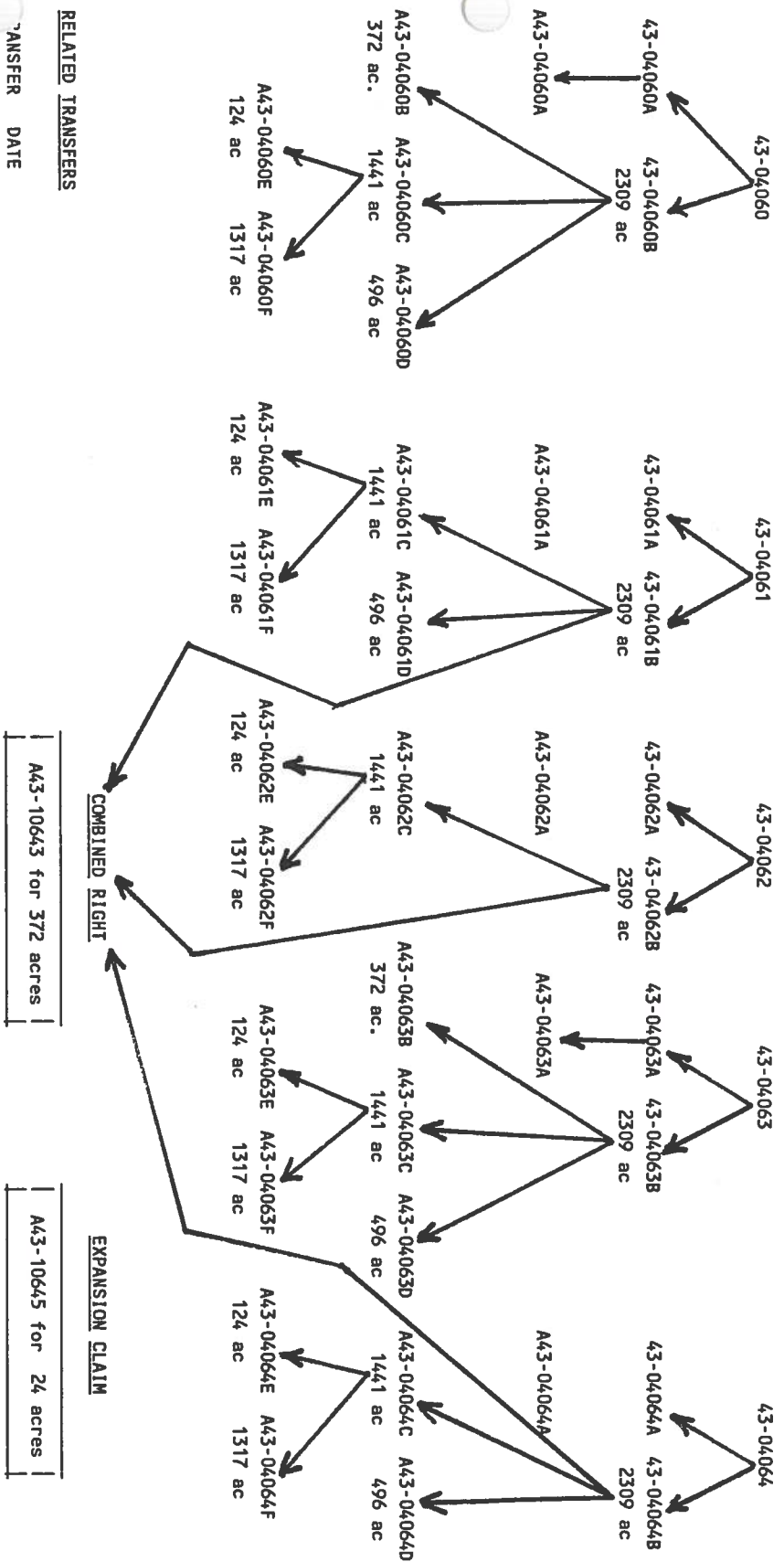
RELATED TRANSFERS

<u>TRANSFER</u> <u>NUMBER</u>	<u>DATE</u> <u>APPROVED</u>
2030	1976
2267	1978
3315	1987

*Prepared by KKC
9-9-91*

MICROFILM
MAR 05 1993

STATUTORY CLAIM SPLIT FLOW CHART



<u>TRANSFER</u> <u>NUMBER</u>	<u>DATE</u> <u>APPROVED</u>
2030	1976
2267	1978
3315	1987

Prepared by KRC
9-9-91

MICROFILME
MAR 05 1993

SPLIT RIGHT CALCULATIONS

All claims are based upon the identical 1441 irrigated acres included in each of the "C" extension claims.

All splits are for the same 124 acres from each claim. Only the diversion rates vary from one claim to another, therefore one base proportional calculation will apply to all claims.

All original claims have the same "C" extension and as another owner of a different system (originally split from the water right "B" extension rights) has claimed his portion under some of the "D" extension.

This split will separate all "C" extension claims into two parts, one with an "E" extension to be owned by Cleft of Rock Farms and the other with a "F" extension to be owned by Neibaur.

(note: there will be some of the claim numbers with no "D" extension claims filed)

PROPORTIONATE SHARE CALCULATIONS

Acres to be split = 124
Base acres = 1,441

for "E" extension claims $\frac{124}{1,441} = 0.08605$

for "F" extension claims $\frac{1,317}{1,441} = 0.9139$

A43-02417E -- OWNER -- CLEFT OF ROCK FARMS

"C" extension
diversion rate = 2.82 cfs * 0.08605 = 0.243 CFS

A43-02417F -- OWNER -- NEIBAUR

"C" extension
diversion rate = 2.82 cfs * 0.9139 = 2.577 CFS

A43-02418E -- OWNER -- CLEFT OF ROCK FARMS

"C" extension
diversion rate = 2.82 cfs * 0.08605 = 0.243 CFS

A43-02418F -- OWNER -- NEIBAUR

"C" extension
diversion rate = 2.82 cfs * 0.9139 = 2.577 CFS

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MAR 05 1993

A43-04060E -- OWNER -- CLEFT OF ROCK FARMS

"C" extension
diversion rate = 0.967 cfs * 0.08605 = 0.0832 CFS

A43-04060F -- OWNER --NEIBAUR

"C" extension
diversion rate = 0.967 cfs * 0.9139 = 0.8837 CFS

A43-04061E -- OWNER -- CLEFT OF ROCK FARMS

"C" extension
diversion rate = 1.797 cfs * 0.08605 = 0.1546 CFS

A43-04061F -- OWNER --NEIBAUR

"C" extension
diversion rate = 1.797 cfs * 0.9139 = 1.6422 CFS

A43-04062E -- OWNER -- CLEFT OF ROCK FARMS

"C" extension
diversion rate = 1.65 cfs * 0.08605 = 0.1420 CFS

A43-04062F -- OWNER --NEIBAUR

"C" extension
diversion rate = 1.65 cfs * 0.9139 = 1.508 CFS

A43-04063E -- OWNER -- CLEFT OF ROCK FARMS

"C" extension
diversion rate = 2.465 cfs * 0.08605 = 0.2121 CFS

A43-04063F -- OWNER --NEIBAUR

"C" extension
diversion rate = 2.465 cfs * 0.9139 = 2.2528 CFS

A43-04064E -- OWNER -- CLEFT OF ROCK FARMS

"C" extension
diversion rate = 4.05 cfs * 0.08605 = 0.3485 CFS

A43-04064F -- OWNER --NEIBAUR

"C" extension
diversion rate = 4.05 cfs * 0.9139 = 3.701 CFS

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MAR 05 1993

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 6-7-1991

LEGAL DESCRIPTION OF PROPERTY: Township 11S Range 28E
Section 18, 1/4 of 1/4 of NW 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

43
A43-02417E, A43-02418E, A43-04060E, A43-04061E
A43-04062E, A43-04063E, AND A43-04064E

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

BRAD NEIBAUER

RT 5 Box 16

☐ New Owner/Claimant
(Purchaser):

RUPERT ID 83350

CLEFT OF THE ROCK FARMS

☐ New Mailing Address:

PO Box 429

AMERICAN FALLS ID

83211

☐ New Telephone Number:

(208) 349-5716

☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

SEE ABOVE

☐ Attach proof of
ownership, describe
proof attached:

POLICY OF TITLE INSURANCE

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

☐ Signature of New
Owner/Claimant(s)

Keith A. Woodworth
Cleft of the Rock Farms PTR

Date 9/11/91

Date

☐ Signature of Former
Owner/Claimant(s):

Date

Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

KKC

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any: SEE ATTACHED

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

MICROFILM

MAR 05 1993

POLICY OF TITLE INSURANCE

13 0028 61 000078

SECURITY UNION TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, SECURITY UNION TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
 - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
 - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

Issued by:
LAND TITLE AND ESCROW, INC.
211 West 13th Street
P. O. Box 177
Burley, Idaho 83318
(208) 678-3524

SECURITY UNION TITLE INSURANCE COMPANY

By:

Richard L. Polla
President



By:

Richard M. Clavin
Secretary

Joni Harris
Authorized Signature

ALTA LOAN POLICY (4-6-90)

Reorder Form No. 12605

MICROFILME
MAR 05 1993

LOAN

SCHEDULE A

Issued by:
LAND TITLE AND ESCROW INC.
211 West 13th Street
P.O. Box 177
Burley, Idaho 83318
(208)678-3524

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
2084	13-0028-61-000078	June 7, 1991 at 1:17 P.M.	\$247,000.00	\$944.25

. NAME OF INSURED: NORTHWEST FARM CREDIT SERVICES, ACA

. The estate or interest in the land which is encumbered by the insured mortgage is:

FEE SIMPLE

. Title to the estate or interest in the land is vested in:

CLEFT OF THE ROCK FARMS, a partnership

. The insured mortgage and assignments thereof, if any, are described as follows:

Mortgage from Cleft of the Rock Farms, a partnership composed of Delmar L. Woodworth, Kenneth D. Woodworth; Delmar L. Woodworth and Marlene L. Woodworth, husband and wife; Kenneth D. Woodworth and Cinda S. Woodworth, husband and wife, as Mortgagors, to Northwest Farm Credit Services, ACA, as Mortgagee, dated April 22, 1991 and recorded June 5, 1991 as Instrument No. 213755 on Film No. 226, records of Cassia County, Idaho.
TO SECURE: \$247,000.00

. The land referred to in this Policy is described as follows:

PARCEL NO. 1:

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

Section 18: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$

PARCEL NO. 2:

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

Section 18: Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ (NW $\frac{1}{4}$)

This policy is valid only if Schedule B is attached.

MICROFILM

MAR 05 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

A43-04060E
CLEFT OF THE ROCK FARMS
PO BOX 429

AMERICAN FALLS ID 83211

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

MICROFILM

MAR 05 1992

Memo

To Files for Cleft of Rocks
A43-04060 thru A43-04064

Ken Woodworth phoned and indicated that the proof of priority for these rights was submitted with the original statutory claim. I reviewed the files and found numerous affidavits on the micro-film supporting the priorities. I told him the information on file was sufficient.

He indicated he also filed A43-10645 and would put the information together for this expansion claim.

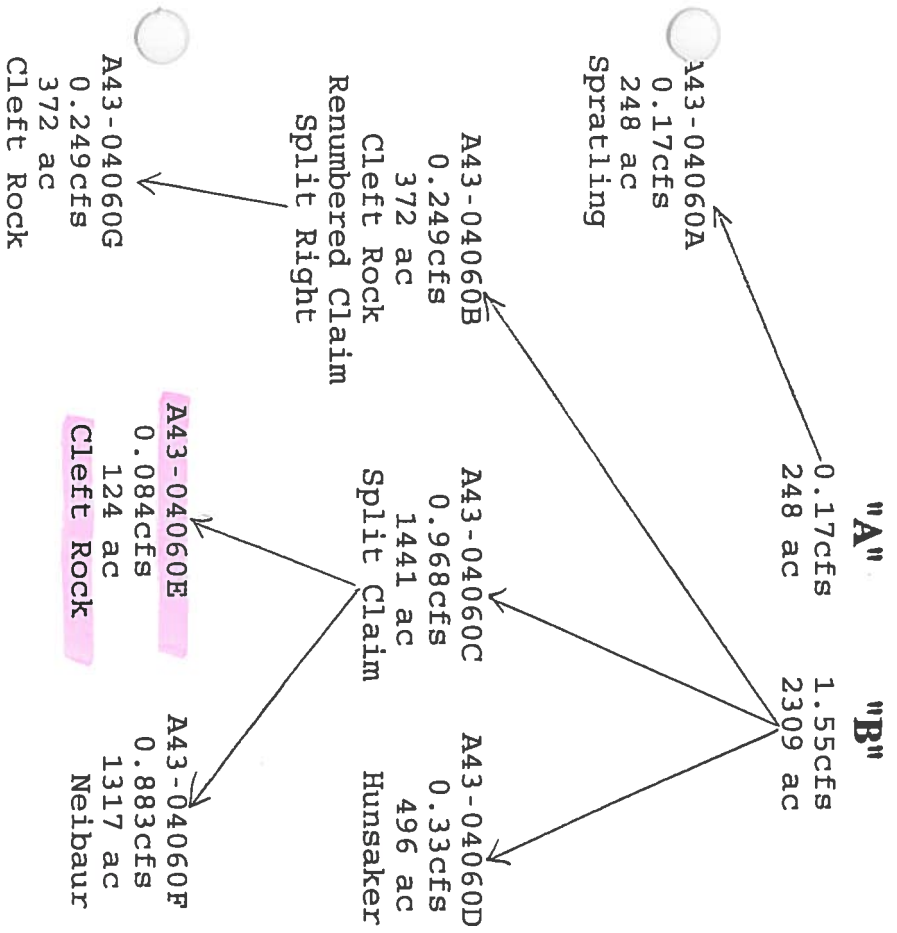
Adm

MICROFILME

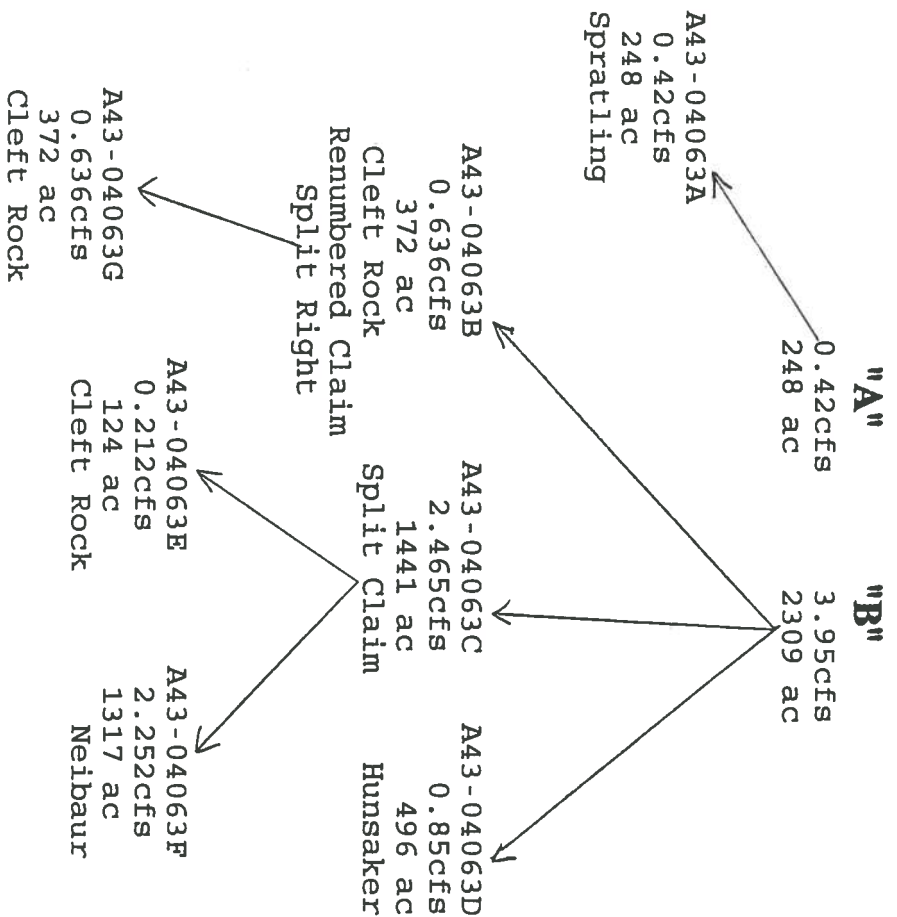
MAR 05 1993

CLAIM SPLIT FLOW CHART

43-04060



43-04063



MICROFILM

MAR 05 1993

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-4060E

CLEFT OF THE ROCK FARMS

735 CALDER AVE

AMERICAN FALLS ID 83211

Telephone Number: (208)349-5716

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

See Attachment A1 for corrections.

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5-21-01 SIGNATURE: *Ken Woodward*
Please print your name: Ken Woodward

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

*No changes
6/12/01 Jf*

Attachment: A1

5-21-01

Water right numbers

43-02417E
43-02418E
43-04060E
43-04061E
43-04062E
43-04063E
43-04064E
43-04060G
43-04063G
43-10642

1: Place of use

2: Acres under Place of use should be 528 rather than 512
Need to add one acre to each of the 16 tracts listed
To correct this.

3: It is my understanding that these rights when combined with 43-10645
Allowed for 528 acres under transfers # 3839 # 3892 and #4050
See copy enclosed.

If you need to contact me please call 349-5542 or 431-1210

Ken Woodworth

Ken Woodworth
Cleft of the Rock Farms

See 43-2417E for attachments

01/04/2001

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

RIGHT NUMBER: 43-4060E

NAME AND ADDRESS: CLEFT OF THE ROCK FARMS
735 CALDER AVE
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 0.083 CFS
35.2 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 496 AF. COMBINED RIGHT
NOS.: 43-2417E, 43-2418E, 43-4060E, 43-4061E, 43-4062E, 43-
4063E, 43-4064E.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1984 AF. COMBINED
RIGHT NOS.: 43-10642, 43-10643, 43-4060G, 43-4063G, 43-2417E,
43-2418E, 43-4060E, 43-4061E, 43-4062E, 43-4063E, 43-4064E.

PRIORITY DATE: 04/01/1954

POINT OF DIVERSION:	T11S R28E S18	SESWNE	Within CASSIA County
	T11S R28E S18	SESESE	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	0.08 CFS 35.20 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 S18		NENE	31	T11S R28E S18	NWNE 33
T11S R28E S18		SWNE	33	T11S R28E S18	SENE 28
T11S R28E S18		NENW	31	T11S R28E S18	LOT 1 NWNW 34
T11S R28E S18	LOT 2	SWNW	34	T11S R28E S18	SENE 30
T11S R28E S18		NESW	32	T11S R28E S18	LOT 3 NWSW 35
T11S R28E S18	LOT 4	SWSW	33	T11S R28E S18	SESW 29
T11S R28E S18		NESE	32	T11S R28E S18	NWSE 36

T11S R28E S18

SWSE

33

T11S R28E S18

SESE

28

512 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 124 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2417E, 43-2418E, 43-4060E, 43-4061E, 43-4062E, 43-4063E, 43-4064E.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 496 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2417E, 43-2418E, 43-4060E, 43-4061E, 43-4062E, 43-4063E, 43-4064E, 43-4060G, 43-4063G, 43-10642, AND 43-10643.

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 - Beneficial Use

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 43-2417E, 43-2418E, 43-4060E, 43-4061E, 43-4062E, 43-4063E, 43-4064E, 43-4060G, 43-4063G, 43-10642, 43-10643 AND 43-10645.

RIGHT NO. 43-10645 IS AN EXPANSION OF THIS RIGHT, AND OTHER RIGHTS DIVERTED FROM THE WELLS DESCRIBED IN THIS RIGHT, PURSUANT TO SECTION 42-1416B, IDAHO CODE.

MAY 06 1993

Form 222
1-87

Page 1 of 32

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4050

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Cleft of the Rock Farms Phone 349-5716
Post Office address P.O. Box 429, American Falls, ID 83211

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 _____
2. Describe the reason for the proposed changes We have no access to the wells that previously supplied this ground, but do have 2 existing wells that will now be used.

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

DESCRIPTION OF RIGHT(S) OR EASEMENT					
1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	43-02417 D	1-31-1955	0.243	Irrig.	4-1 to 10-31
	43-02418 D	1-31-1955	0.243		
	43-04060 D	4-1-1954	0.083	"	" to "
	43-04061 D	5-1-1957	0.155	"	" to "
	43-04062 D		0.142	"	" to "
	43-04063 D	5-1-1955	0.212	"	" to "
	43-04064 D	5-1-1957	0.348	"	" to "

2. Total amount of water being transferred 1,426 cubic feet per second and/or 496 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use: ~~No Change~~

[illegible]

R PROOF

CVR

MAPS

PHOTOS

MISC

OFILMI

MAR 05 1993

Total acres MAR 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-04060B on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date or priority 4-1-1954

5. Water is used for the following purpose:

amount 0.249 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.249 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	18	11S	28E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
11S	28E	18	31	31	31	31					31	31	31	31	31	31	31	31	372

Total acres 372

9. Describe any other water rights used for the same purpose as described above

A43-10642, 10643, 24178, 24188, 40638

MICROFILM

MAY 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-040638 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 5-1-1955

5. Water is used for the following purpose:

amount 0.636 ~~0.75~~ cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount 0.94 cfs for Stockwater purposes from 10-31 to 4-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.636 cubic feet per second and/or 1488 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	18	11S	28E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	28E	18	31	31	31	31					31	31	31	31	31	31	31	31	372

Total acres 372**9. Describe any other water rights used for the same purpose as described above**

A 43-040608, 10643, 10642, 24178, 24188

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MAR 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-10643 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☐ Tax Notice☒ Warranty Deed☐ Other _____**3. Source of water** Groundwater tributary to _____**4. Date or priority** 5-1-1957**5. Water is used for the following purpose:**

amount 3.506 for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount 0.19 for Stockwater purposes from 10-31 to 4-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3,506 cubic feet per second and/or 1492.5 acre-feet per annum.**7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	18	11S	28E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
11S	28E	18	3/4	3/4	3/4	3/4					3/4	3/4	3/4	3/4	3/4	3/4	3/4	3/4	372

Total acres 372**9. Describe any other water rights used for the same purpose as described above**A43-04060B, 4063C, 2477B, 2478B, 10642

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MAR 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-10645 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☐ Tax Notice☒ Warranty Deed☐ Other _____**3. Source of water** Groundwater tributary to _____**4. Date or priority** 5-1-1957**5. Water is used for the following purpose:**

amount 0.48 cfs for Irrig. purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.48 cubic feet per second and/or _____ acre-feet per annum.**7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	18	11S	28E	Cassia	

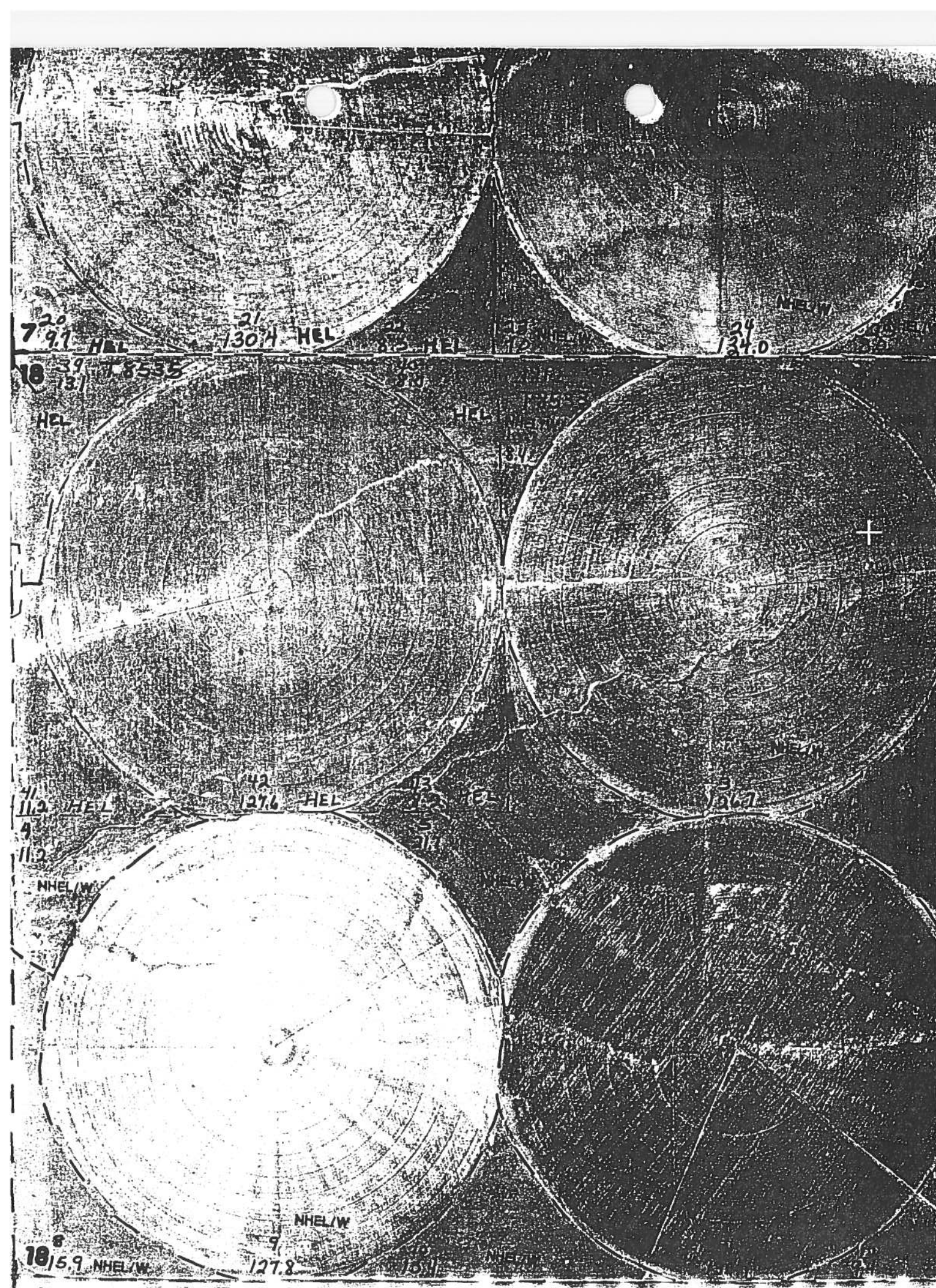
8. Lands irrigated or place of use:

Twp.	Rge.	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	
11S	28E	18	2	2	2	2					2	2	2	2	2	2	2	2	24

Total acres 24**9. Describe any other water rights used for the same purpose as described above** _____

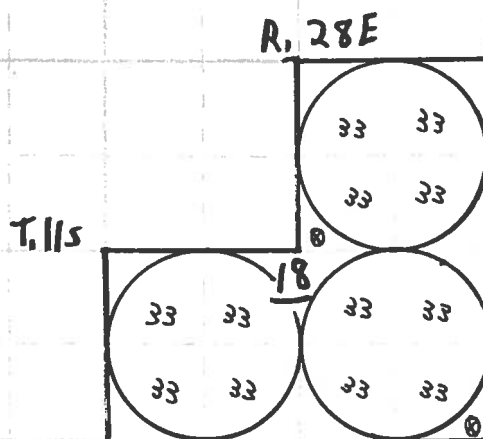
MICROFILM

MAR 05 1993



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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MAR 05 1993

1/2

5/8/91

D. Jones

Transfer Analysis Attachment For
Cleft of the Rocks [A43-4060B, -4063
-10643, -10645]

- Previous transfer (#3315) combined multiple P/D's + P/U's into one system. Sum of water rights 43-2417B, -241-4060B thru -4064B is 26.56 cfs on 23085
- Jim Johnson analysis points out probable expansion through tin Jim concludes SRBA will resolve issues.
- This transfer includes beneficial use groundwater diversions data before CGWA designation
- Theoretical pump equation on well in SESE 518-115-28E res. in diversion of 5.29 cfs, assume 25 psi pressure between well and booster, 350 ft. dynamic head, 350 hp motor, .7 ency. (per SRBA claims)
- Field exam found pump pulled, 30 SWL, 150 hp booster, power pole pole (meter # 78 829 339). All acres filled, no corner equipment.

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MAR 05 1993

2/2

5/8/91

DJ cont Conclusions

- Transfer is only asking to add point of diversion to system.
- There are no known wells within $\frac{1}{2}$ mile.
- No measurements have been possible.
- Evaluation of all parts of each right for all data is needed.
- Recommend disclaimer deferring evaluation of validity to SRBA process.

MICROFILMED

MAR 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 2315APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1
PROPOSED CHANGEName of applicant Farm Credit System Capital Corporation Phone (316) 721-4255Post Office address 520 S. Holland, Suite 401, Wichita, KS 67209

1. Explain Fully purpose of transfer

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change in nature of use from _____ to _____ ☒ Other Split Water Rights

Describe the reason for the proposed changes. Describe split of water right under earlier land sale and change place of use of remaining portion.

DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

2.	Right Number	Priority	Amount	Nature of Use	Period of Use
a.	*See attached sheet				to _____
b.					to _____
c.					to _____
d.					to _____
e.					to _____

3. Total amount of water under right: a. 26.56 Irrig.
17.49 stock cubic feet per second and/or _____ acre feet per annum4. Source of water Groundwater tributary to _____

5. Point(s) of Diversion

Twp.	Rge.	Sec.	1/4	1/4	1/4	County	Twp.	Rge.	Sec.	1/4	1/4	1/4	County
10S	27E	36		SE	NW		11S	27E	12		SE	SE	
		36		NW	SE				13		NW	SE	
11S	27E	1		SE	SE		11S	28E	18		SE	SE	
		12		SE	NE		11S	28E	6		NW	NW	

6. Lands irrigated or place of use:

Twp.	Rge.	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		
10S	27E	36			31		31	31	31	39	26				4	16	39	35	39	322
10S	28E	31											25							25
11S	27E	1	17	15			31	31	31	30	31	31	31	31	31	31	31	31	31	403
		12	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496
		13	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496
11S	28E	6					12	32		26.5										70.5
		18	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496

Total Acres 2308.5

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MAD 05 1991

PART 1

7. General Information

- a. Description of diverting works Wells & pumps delivering via pipelines & sprinklers.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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
The land previously irrigated in Sec. 6 & Sec. 31 will not be irrigated from the water system or using this set of water rights.

- d. Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-24178/24188/40608/40618/40628/40638/40648
And said application is hereby APPROVED, subject to the following limitations and conditions:
Approval of this transfer does not confirm the rights claimed under Right Nos.

43-4060/4061/4062/4063/4064.

Witness my hand this

31st

day of

August

, 19 87

J. Glen Saxton
Chief, Operations Bureau

MICROFILME

Name Farm Credit System Capital Corp.Page 3 of 7

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

WATER RIGHT AS PRESENTLY RECORDED

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs _____
dated in _____ in _____ county of _____
- b. License No. *See Attached Sheet issued by the Idaho Department of Water Resources
- c. Claim No. *See Attached Sheet on file with the Idaho Department of Water Resources
- d. Transfer No. 2267 which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority *See attached sheet

5. Water is used for the following purpose:

amount 29.41 cfs for Irrig. purposes from 4/1 to 10/31
amount 19.41 cfs for Stockwater purposes from 10/31 to 4/1
amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right: a. 29.41 Irrig.
19.41 Stockwater cubic feet per second
and/or
b. _____ acre feet per annum

7. Point(s) of Diversion

Twp.	Rge.	Sec.	1/4	1/4	1/4	County	Twp.	Rge.	Sec.	1/4	1/4	1/4	County
10S	27E	36		NW	SE		11S	27E	13		NW	SE	
10S	28E	31		SE	SW		11S	28E	6		NW	NW	
11S	27E	1		SE	SE				13		SE	SE	
		12		SE	NE				17		SW	NW	
		12		SE	SE								

8. Place(s) of Use:

Twp.	Rge.	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	
10S	27E	36			31				20	26			4	16	39	35	39		210
10S	28E	31							13	13	34	33	19	36		3	39	7	197
11S	27E	1	17	15							31	31	31	31	31	31	31	31	280
		12	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	405
11S	28E	6	5	33			37	32	26.5										133.5
		17					31	31	31	31	31	31	31						248
		18	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496
11S	27E	13	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496

Total Acres 2556.5

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MAR 05 199

PART 2

Transfer No. _____

9. Describe any other water rights used for the same purpose as described above None
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (Farm Credit Portion)

(if the entire right is to be changed by the applicant, omit part B.)

26.56 Irrig.

1. Amount of water: a. 17.49 Stockwater cubic feet per second and/or b. _____ acre feet per annum

2. Point(s) of Diversion:

Twp.	Rge.	Sec.	1/4	1/4	1/4	County	Twp.	Rge.	Sec.	1/4	1/4	1/4	County
10S	27E	36		NW	SE		11S	27E	13		NW	SE	
10S	27E	31		SE	SW		11S	28E	6		NW	NW	
11S	27E	1		SE	SE				13		SE	SE	
		12		SE	NE								
		12		SE	SE								

3. Lands irrigated or place of use:

Twp.	Rge.	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	
10S	27E	36			31					20	26			4	16	39	35	39	210
10S	28E	31							13	13	34	33	19	36		3	39	7	197
11S	27E	1	17	15							31	31	31		31	31	31	31	280
		12	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496
		13	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496
11S	28E	6	5	33			37	32		26.5									133.5
		18	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	496

(Spratling Portion)

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is none) # _____ Total Acres 2308.5

2.35 Irrig.

1. Amount of water: a. 1.92 stockwater cubic feet per second and/or b. _____ acre feet per annum

2. Point(s) of Diversion:

Twp.	Rge.	Sec.	1/4	1/4	1/4	County	Twp.	Rge.	Sec.	1/4	1/4	1/4	County
11S	28E	17		SW	NW	Cassia							

3. Place(s) of Use: (Attach additional list if required)

Twp.	Rge.	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	
11S	28E	17					31	31	31	31	31	31	31						248

Total Acres 248

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MAR 05 1966

Name Farm Credit System Capital Corp.

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STATE OF IDAHO

Transfer No. _____

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

ADDITIONAL INFORMATION & SIGNATURE

1. If transfer changes nature of use, answer FULLY the following items.

a. New Nature of Use Amount Hours/day Period of Use
_____ to _____

b. Quantity and quality of return flows and location of discharge.

c. Describe affects 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.

Paul M Sylla Capital Corp Inc.
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of April, 19 87

Samuel Blum
(Notary Public)

My commission expires 5/6/88

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages ^{including} 1 attachments

Received by M Baldwin Date 4/12/87 Protest filed by None

Prelim. check by ADN Fee 50.00 \$40671

Received by M Baldwin Date 2/4/87

Published in South Idaho Press Copies of protest forwarded by _____

Pub. dates 5/14 + 5/21/87 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. by ADN

Copy of transfer sent to lien holder N/A

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FARM CREDIT SYSTEM CAPITAL CORP. TRANSFER ATTACHED SHEET

Water Right #	Priority	Amount	Use	Period	Farm Credit Portion	Sprattling Portion
43-2417		5.00	Irrig.	Not Listed	4.52	0.48
1/31/1955				Assume 4/01-10/31		
43-2418		5.00	Irrig.	Not Listed	4.52	0.48
1/31/1955				Assume 4/01-10/31		
43-4060		1.72	Irrig	4/01-10/31	1.55	0.17
4/01/1954		1.72	Stock	10/31-04/01	1.55	0.17
43-4061		3.19	Irrig.	4/01-10/31	2.88	0.31
5/01/1957		3.19	Stock	10/31-04/01	2.87	0.32
43-4062		2.93	Irrig.	4/01-10/31	2.65	0.28
5/01/1957		2.93	Stock	10/31-04/01	2.65	0.28
43-4063		4.37	Irrig.	4/01-10/31	3.95	0.42
5/01/1955		4.37	Stock	10/31-04/01	3.94	0.43
43-4064		7.20	Irrig.	4/01-10/31	6.49	0.71
5/01/1957		7.20	Stock	10/31-04/01	6.48	0.72
		29.41	Irrig.	4/01-10/31	26.56	2.85
		19.41	Stock	10/31-04/01	17.49	1.92

* Note that split of water adjusted to conform with Quit Claim Deed.

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MEMORANDUM

TO: Files 43-2418/2417/4060/4061/4062/4063/4064

FROM: Jim Johnson

DATE: July 29, 1987

RE: Transfer Review

During the review of Transfer Application No. 3315, it became apparent that the water rights contained in the transfer had been expanded by a previously approved transfer.

For example, Right 43-2417 was originally appurtenant to only 997 acres, however, upon approval of Transfer No. 2030, this water right became appurtenant to 2556.5 acres. Six other water rights were treated similarly.

The rationale for allowing this to occur was due to the presentation that several rights were used jointly in one delivery system containing several wells that were all inter-connected.

The means for irrigation have, however, changed over the years and presently circular systems have been utilized. With the irrigation system changes, other changes have also occurred, such as ownership of the land within the original system, drilling of additional wells, and relocation of acres irrigated. There is not sufficient evidence provided to determine if increases in the volume of water or increases in rate of diversion have occurred from these changes. The present transfer applicant states there have not been.

The purposes of the present transfer application is to show which lands, originally covered by the seven water rights, are no longer owned by the applicant. Since Transfer No. 2030 made each of the seven rights appurtenant to the entire 2556.5 acres, the present transfer requires the splitting of each of the seven rights into parts A & B. Unfortunately, this approach continues to misrepresent the water rights and continues to allow the expansion of the rights.

To take corrective action would require complete restructuring of the transfer application. The merits for restructuring the transfer application and correcting the water right descriptions in light of the fact that five (5) of the seven water rights are claims, is probably not justified. Future adjudication would be required within the Raft River Critical Groundwater Area before the water use on this ground would be regulated. Therefore, it is reasonable to conclude that no further corrective action is required at this time.

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AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

THIS AGREEMENT is made and entered into this 19
day of January, 1988, by and between CLEFT OF THE ROCK
FARMS, a limited partnership, with its principal place of
business at American Falls, Idaho, herein called "Buyer",
FARM CREDIT SYSTEM ASSISTANCE BOARD, successor of the dissolved
and FARM CREDIT SYSTEM CAPITAL CORPORATION, herein called
"Seller".

W I T N E S S E T H:

1. That for and in consideration of the mutual
promises and covenants herein contained and the conveyance
of real property and the sums of money herein agreed to be
paid by the Buyer and of the covenants and agreement of the
Buyer herein contained, well and truly by it to be
performed, the Seller hereby agrees to sell and convey by a
good and sufficient Warranty Deed and Buyer hereby agrees to
purchase of and from the Seller, according to the terms and
conditions hereinafter set forth, the real property situated
in Cassia County, State of Idaho, described as follows:

Section 18, Township 11 South, Range 28 East,
Boise Meridian, Lots 3 and 4, the E 1/2 SW 1/4 and
the E 1/2, comprising 374 irrigated acres and 122
dry acres.

TOGETHER WITH all water rights appurtenant to the
374 irrigated acres conveyed hereunder, including
but not necessarily limited to the applicable
portion or portions of the water rights
represented by License Nos. 43-2417 and 43-2418;
Claim Nos. 43-4060, 43-4061, 43-4062, 43-4063,
and 43-4064.

2. Buyer, in consideration of the promises,
covenants and agreements herein contained, agrees to pay to

the Seller and the Seller agrees to accept as a purchase price of the real property hereinabove described and water rights appurtenant thereto, the sum of ONE HUNDRED NINETY-EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$198,400.00), payable in lawful money of the United States of America as follows:

a. \$5,000.00 earnest money receipt of which is hereby acknowledged. (This offer is contingent upon the Buyer obtaining a financing commitment on or before March 10, 1988. If after March 10, 1988, Buyer is unable to make the payment described in subparagraph (b) below the earnest money will be forfeited.)

b. \$193,400.00 cash upon the date of closing or March 25, 1988, whichever occurs first.

3. The parties agree that the closing agent will be Land Title and Escrow, Burley, Idaho, and the closing date shall be March 25, 1988. Buyer and Seller agree to each pay one-half of all closing costs, including closing, recording, and other fees and charges.

4. Seller will pay all real property taxes and assessments in 1987, and all years prior to 1987, and Buyer will pay all real property taxes and assessments assessed in 1988 and all years thereafter before delinquency.

5. Seller warrants it has good title to the real property described in Paragraph 1 hereof, subject only to taxes, assessments, reservations and easements of record and the Mortgage described in Paragraph 3 above.

6. Upon execution of this agreement by the Buyer, Seller will execute a good and sufficient Warranty Deed conveying the real property described in Paragraph 1 hereof to Buyer in accordance with this Agreement. Said Warranty Deed form is attached hereto as Exhibit A and by this reference made a part hereof, and shall be delivered to Buyer on the date of execution of this Agreement with the original of this Agreement.

7. Seller agrees to furnish to Buyer at Seller's expense a standard form of purchasers title insurance policy issued by Lawyers Title Insurance Company insuring Buyers in the amount of the purchase price stated in Paragraph 2 above, subject to the terms and conditions of this contract, taxes, assessments, reservations, easements of record, and apparent.

8. It is understood that the irrigation system, presently located on the premises, i.e., three (3) irrigation pivots (3 Gifford-Hills complete). The irrigation is accepted as an "as is" basis except that all of the pivot equipment must be accounted for and on the premises, and any irrigation equipment damaged by forces other than ordinary wear and tear (for example, run over, collision, or other accident) shall be repaired at Seller's expense prior to closing. The irrigation well repairs to the shaft will be completed as planned at Seller's expense.

9. Seller agrees it will provide Buyer an easement for access to the property upon the existing roads

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE, Page -3-

MICROFILMED
MAR 05 1993

IN WITNESS WHEREOF, the parties hereunto set their
hands the day and year first above written.

FARM CREDIT SYSTEM ASSISTANCE BOARD, FARM CREDIT SYSTEM CAPITAL
succesor of the dissolved FARM CORPORATION
CREDIT SYSTEM CAPITAL CORPORATION
by the FEDERAL INTERMEDIATE CREDIT
BANK OF SPOKANE

By *Ray Fiscus*
Ray Fiscus
Its Vice President and Liquidating
Agent and Attorney-in-Fact

"Seller"

By _____
Its _____
"Seller"

CLEFT OF THE ROCK FARM,
a limited partnership,

By *Kenneth D. Woodworth*
Its *Daniel T. Woodworth*

"Buyer"

STATE OF WASHINGTON)
County of Spokane): ss.

On this 28th day of April, 1988, before me, the undersigned, a Notary Public in and for said State personally appeared RAY FISCUS known or identified to me to be the Vice-President of the Federal Intermediate Credit Bank of Spokane that executed the instrument as the attorney in fact of the Farm Credit System Assistance Board and acknowledged to me that he subscribed the name of the Farm Credit System Assistance Board thereto as principal and acknowledged to me that such corporation executed the same as attorney in fact.

Annette S. Codd
Notary Public for Washington
Residing at: Spokane, Wash.

WARRANTY DEED

GRANTOR, FARM CREDIT SYSTEM CAPITAL CORPORATION, a corporation, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto CLEFT OF THE ROCK FARMS, a limited partnership, American Falls, Idaho as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Cassia County, Idaho.

Section 18, Township 11 South, Range 28 East, Boise Meridian, Lots 3 and 4, the E 1/2 SW 1/4 and the E 1/2, comprising 374 irrigated acres and 122 dry acres.

TOGETHER WITH all water rights appurtenant to the 374 irrigated acres conveyed hereunder, including but not necessarily limited to the applicable portion or portions of the water rights represented by License Nos. 43-2417 and 43-2418; Claim Nos. 43-4060, 43-4061, 43-4062, 43-4063, and 43-4064.

Grantor, for itself, its successors and assigns do hereby covenants, warrants and shall defend the quiet peaceable possession of said premises by the Grantee, its successors and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument this 28th day of April, 1988.

FARM CREDIT SYSTEM ASSISTANCE BOARD,
succesor of the dissolved FARM CREDIT
SYSTEM CAPITAL CORPORATION by the
FEDERAL INTERMEDIATE CREDIT BANK OF
SPOKANE

By

Ray Fiscus

Ray Fiscus

Its Vice President and Liquidating
Agent and Attorney-in-Fact

STATE OF WASHINGTON

)

:ss.

County of Spokane

)

On this 28th day of April, 1988, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ray Fiscus, known or identified to me to be the Vice President and Liquidating Agent and Attorney-in-Fact of the Farm Credit System Assistance Board, the corporation that executed the 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 same day and year in this certificate first above written.

Annette L. Codd

NOTARY PUBLIC FOR WASHINGTON

Residing at Spokane, Wash.

My commission expires 12-19-91