

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: **A43-04061F**
Date Received: 1/17/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: WEBB BROTHERS LAND & LIVESTOCK LLC 208-349-5520
Address: STAR ROUTE BOX 55
DECLO ID 83323

2. Date of Priority: MAY 1, 1957

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	1.642		
STOCKWATER	10/31	04/01	2.880		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/2500 FEEDLOT, 500 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	27E	36	SW		NE		IRR	31.0
			NE		NW		IRR	31.0
			NW		NW		IRR	31.0
			SW		NW		IRR	31.0
			SE		NW		IRR	39.0
			NE		SW		IRR	26.0
			SE		SW		IRR	4.0
			NE		SE		IRR	16.0
			NW		SE		IRR	39.0
			SW		SE		IRR	35.0
			SE		SE		IRR	39.0
							Section Acres	322.0
	28E	31	SW		SW		IRR	25.0
							Section Acres	25.0
11S	27E	1	NE		NE		IRR	17.0
			NW		NE		IRR	15.0
			NE		NW		IRR	31.0
			NW		NW		IRR	31.0
			SW		NW		IRR	31.0
			SE		NW		IRR	30.0
			NE		SW		IRR	31.0
			NW		SW		IRR	31.0
			SW		SW		IRR	31.0
			SE		SW		IRR	31.0
			NE		SE		IRR	31.0
			NW		SE		IRR	31.0
			SW		SE		IRR	31.0
			SE		SE		IRR	31.0
							Section Acres	403.0
		12	NE		NE		IRR	31.0
			NW		NE		IRR	31.0
			SW		NE		IRR	31.0
			SE		NE		IRR	31.0
			NE		NW		IRR	31.0
			NW		NW		IRR	31.0
			SW		NW		IRR	31.0
			SE		NW		IRR	31.0
			NE		SW		IRR	31.0
			NW		SW		IRR	31.0
			SW		SW		IRR	31.0
			SE		SW		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	27E	12	NE	SE		IRR	31.0
			NW	SE		IRR	31.0
			SW	SE		IRR	31.0
			SE	SE		IRR	31.0
						Section Acres	496.0
	28E	6	NE	NW		IRR	12.0
			NW	NW		IRR	32.0
			SE	NW		IRR	27.0
						Section Acres	71.0
						Total Acres	1317.0

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, -04060C, -04062C, -04063C, -04064C. THIS IS A PORTION OF THE WR# 43-04061B FOR 2.88 CFS. BASED ON AN ACREAGE PROPORTION OF IRRIGATED LANDS THIS CLAIM SHOWS 1.797 CFS WHILE THE REMAINING PORTION IS 1.083 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.

10/15/96 TF; OWNERSHIP CHANGED NEIBAUR TO WEBB BROS WARRANTY DEED INCLUDED.

15. Basis of Claim: BENEFICIAL USE



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

FEB 26 2001
Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): Refer to attached Form

☐ Old Mailing Address: Webb Bros or Webb Brothers

or Webb Brothers Land + Livestock LLC

Star Rt Box 55

Declo Id 83323

☐ New Mailing Address: ~~Webb Brothers Land + Livestock LLC~~

22 N Yale rd

Declo Id 83323

☐ New Telephone Number: (208) 349 - 5740

☐ Signature of Claimant(s): Mark Webb

Date: Feb 23 - 2001

FOR IDWR USE ONLY
Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: 2/24/01 By: JDW

<u>Basin/Run Sequence Split Basis</u>	<u>Priority Date</u>	<u>Diversion Source List</u>	<u>Water Use Li Owner List</u>	<u>Source Table</u>
43 2084 ✓	10/19/10	1.5 RAFT RIVER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 2180 ✓	12/17/14	1.6 RAFT RIVER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 2264 ✓	8/23/30	1.7 RAFT RIVER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 4016 B ✓	5/29/52	4 GROUND WATER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 4017 ✓	5/29/52	3.1 GROUND WATER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 4198 ✓	3/10/61	3.4 GROUND WATER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 4203 A ✓	4/1/61	1.86 GROUND WATER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 4203 B ✓	4/1/61	0.54 GROUND WATER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 10087 ✓	11/19/87	7.1 GROUND WATER	IRRIGATION WEBB BROS (wrAdjudicationClaim	
43 10088 ✓	12/31/83	0.23 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	
43 10089 ✓	12/31/83	0.23 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	
43 10090 ✓	3/31/87	0.13 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	
43 10091 ✓	12/31/79	0.13 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	
43 10092 ✓	4/30/81	0.13 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	
43 10093 ✓	5/31/79	0.13 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	
43 10094 ✓	5/1/79	0.13 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	
43 10095 ✓	5/31/80	0.13 GROUND WATER	DOMESTIC, :WEBB BROS (wrAdjudicationClaim	

A43-02417 F ✓

A43-04061 F ✓

A43-04064 F ✓

A43-02418 F ✓

A43-04062 F ✓

A43-04060 F ✓

A43-04063 F ✓

43-07307



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

October 28, 1996

WEBB BROTHERS LAND & LIVESTOCK LLC
STAR ROUTE BOX 55
DECLO ID 83323

RE: SRBA Claim(s) A43-02417F, A43-02418F, A43-04060F,
A43-04061F, A43-04062F, A43-04063F,
A43-04064F, A43-10353

Dear Mr. Webb:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership on the above listed claims **except A43-10353** to you. Upon comparison of the lands listed in the claims against the lands listed on the warranty deed, it was discovered the legal description of the place of use in claim A43-10353 was not included in the warranty deed as being conveyed to you.

If you could forward to me the proof this particular property has been sold to Webb Brothers, I will update the ownership of claim A43-10353. I am enclosing a copy of the claim for your reference.

Please find the enclosed copies of all the other computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED

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

**Department of Water Resources
Southern Region**

If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit "A" for legal description

[] Water Right Number(s)

A43-02417F. A43-02418F. A43-04060F. A43-04061F. A43-04062F.

A43-04063F, A43-04064F, A43-10353 (see third page of warranty deed)

Brad Neibaur and Dianne Neibaur

P. O. Box 53

Rupert, Idaho 83350

Webb Brothers Land & Livestock, L.L.C.

Star Route Box 55

Declo, Idaho 83323

(208) 349- 5520

recorded Warranty Deed

(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.)

WEBB BROTHERS LAND & LIVESTOCK, L.L.C.

By: Mark A Webb
Mark A. Webb, Manager

Date 6-19-96

Date _____

Date _____

Date _____

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

By

By

But

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

WARRANTY DEED

(2)
#27266

243485

For Value Received

BRAD NEIBAUR and DIANNE NEIBAUR, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

WEBB BROTHERS LAND & LIVESTOCK, L.L.C.

Address: Star Route Box 55
Declo, Idaho 83323

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

**TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 36: All

PARCEL NO. 2:

**TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 1: W½, SE¼ and W¼NE¼

Section 2: E½

Section 12: All

PARCEL NO. 3:

**TOWNSHIP 10 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 31: All

EXCEPT that portion deeded to the Burley Highway District by Quitclaim Deed dated November 15, 1918 and recorded November 18, 1918 as Instrument No. 37060 in Book 26 of Deeds, page 109, records of Cassia County Idaho, covering 25 feet along the North and East boundary lines of the NE¼ and 25 feet along the North and West boundary lines of the NW¼ of said Section 31

PARCEL NO. 4:

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

Section 6: NE¼, E½NW¼, Lot 4, NE¼SW¼.

PARCEL NO. 5:

**TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 35: E½E½ of said Section 35, EXCEPT the following described parcel:

Beginning at the Southeast corner of the SE¼NE¼ of said Section 35,
which point shall be known as the True Point of Beginning;
Thence South 0°13' West along section line for 1425.56 feet to an iron
pin;
Thence North 88°48' West for 1325.13 feet to an iron pin on the 1/16th

section line;
Thence North 0°13'02" East along said 1/16th section line for 1313.50 feet to an iron pin in an existing fence line;
Thence North 5°08'40" East along an existing fence line for 1350.75 feet to an iron pin;
Thence North 32°12'26" East along an existing fence line for 501.69 feet to an iron pin;
Thence South 12°46'25" East for 431.93 feet to an iron pin;
Thence South 53°54'54" East for 1043.98 feet to an iron pin on section line;
Thence South 0°13' West along said section line for 649.71 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM the following described parcel:

Beginning at the Northwest corner of the NE¼NE¼ of said Section 35, which point shall be the Point of Beginning;
Thence South 89°56' East along section line for 929.90 feet to an iron pin, said point lying North 89°56' West for 395.00 feet from the section corner common to Sections 25, 26, 35 and 36;
Thence South 31°48'24" West for 1113.67 feet to an iron pin;
Thence South 70°58'37" East for 37.70 feet to an iron pin in an existing fence line;
Thence South 32°12'26" West along an existing fence line for 501.69 feet to an iron pin;
Thence South 5°08'40" West along an existing fence line for 1350.75 feet to an iron pin on the 1/16th section line;
Thence North 0°13'02" East along said 1/16th section line for 2729.57 feet to the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Lot 1 and SE¼NE¼

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

Section 6: Lots 5 and 6

PARCEL NO. 7:

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Sections 25 and 26: Part of the SE¼ of Section 26 and the SW¼ of Section 25, described as follows:

Beginning at the Southeast corner of said Section 26, which shall be known as the True Point of Beginning;
Thence South 89°58' West along section line for 395.0 feet to a point on the centerline of an irrigation ditch easement;
Thence North 27°48' East along said centerline for 1028.4 feet to a point on the South boundary of a County Road right-of-way (known as Heglar Road);
Thence South 77°40' East along said South boundary for 465.9 feet to a point;
Thence South 52°57' East along said South boundary for 1342.5 feet to a point on the South section line of said Section 25;
Thence South 89°58' West along said section line for 1611.25 feet to the True Point of Beginning.

EXCEPTING THEREFROM the following described property:

**Part of Section 36 of Township 10 South, Range 27 East and
part of Section 31 of Township 10 South, Range 28 East and
Part of the N½ of Section 6 of Township 11 South, Range 28
East of the Boise Meridian, Cassia County, State of Idaho,
more particularly described as follows:**

**Beginning at the Northeast corner of Section 31, Township 10 South,
Range 28 East of the Boise Meridian, said corner marked by a 5/8 inch
rebar which shall be the Point of Beginning;
Thence South 0°12'09" East along the section line for 16.83 feet to a U.S.
General Land Office pipe with brass cap, said corner being a Witness
corner to the section corner;
Thence South 0°12'09" East along the section line for 2617.93 feet to
a U.S. General Land Office pipe at the East quarter section corner of
Section 31;
Thence South 0°06'27" East along section line for 2643.52 feet to a
U.S. General Land Office pipe at the Southeast corner of Section 31;
Thence South 0°15'50" West along section line for 2681.07 feet to a 5/8
inch rebar at the East quarter section corner of Section 6;
Thence North 89°11'00" West along the quarter section line for
912.02 feet to a 1/2 inch rebar in the approximate centerline of the
Heglar Canyon Road;
Thence North 37°43'26" West along said road centerline for 1998.25 feet
to a 1/2 inch rebar;
Thence North 56°46'58" West along said road centerline for 1791.49 feet
to a point;
Thence North 34°01'12" East for 27.86 feet to a 1/2 inch rebar;
Thence North 34°01'12" East for 232.98 feet to a 1/2 inch rebar;
Thence North 58°07'09" West for 496.96 feet to a 1/2 inch rebar;
Thence South 32°00'42" West for 223.81 feet to a 1/2 inch rebar;
Thence South 32°00'42" West for 25.47 feet to a point in the
approximate centerline of the Heglar Canyon Road;
Thence North 56°46'58" West along said road centerline for 16.00 feet
to a 1/2 inch rebar;
Thence North 49°51'17" West along said road centerline for 128.41 feet
to a 1/2 inch rebar;
Thence North 43°55'17" West along said road centerline for 6355.24 feet
to a 1/2 inch rebar;
Thence North 47°36'00" West along said road centerline for 316.76 feet
to a 1/2 inch rebar;
Thence North 51°58'34" West along said road centerline for 461.75 feet
to a 1/2 inch rebar on section line;
Thence North 89°58'00" East along section line for 994.66 feet to a
U.S. General Land Office pipe at the North quarter section corner of
Section 36;
Thence North 89°58'00" East along section line for 2645.14 feet to a 5/8
inch rebar at the Northeast corner of Section 36;
Thence South 89°27'26" East along section line for 5517.69 feet to the
Point of Beginning.**

**TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant
thereto including but not limited to Water Adjudication Nos. A43-02417F, A43-02418F, A43-04060F,
A43-04061F, A43-04062F, A43-04063F, A43-04064F and A43-10353.**

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years, a lien, but not yet due or payable.

**Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and
Yale Land Co., as Consumer, dated March 7, 1960 and recorded September 15, 1960 as Instrument No.
208033 in Book 10 of Bills of Sales and Agreements, records of Cassia County, Idaho.**

Easement and Right-of-Way Contract from Taylor Land Company, to Intermountain Gas Company, dated March 29, 1962 and recorded April 27, 1962 as Instrument No. 6618 on Film No. 13, records of Cassia County, Idaho.

Easement and Right-of-Way Contract from Taylor Land Company, to Intermountain Gas Company, dated March 29, 1962 and recorded April 27, 1962 as Instrument No. 6619 on Film No. 13, records of Cassia County, Idaho.

Easement and Right-of-Way Contract from Taylor Land Company, to Intermountain Gas Company, dated March 29, 1962 and recorded April 27, 1962 as Instrument No. 6620 on Film No. 13, records of Cassia County, Idaho.

Electric Line - Right-of-Way Easement from Heglar Ranch, Inc., to Raft River Rural Electric Cooperative, Inc., a cooperative corporation, dated August 4, 1982 and recorded August 12, 1982 as Instrument No. 145508, records of Cassia County, Idaho.

Reservation contained in Warranty Deed between Simplot Leasing Corporation, an Idaho corporation, and Idaho Livestock Production Credit Association, a federally chartered corporation, dated August 15, 1984 and recorded September 7, 1984 as Instrument No. 163496 on Film No. 167, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller, and Idaho Livestock P.C.A., as Consumer, dated April 11, 1985 and recorded May 6, 1985 as Instrument No. 169168 on Film No. 172, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller, and Idaho Livestock P.C.A., as Consumer, dated April 11, 1985 and recorded May 6, 1985 as Instrument No. 169169 on Film No. 172, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller, and Idaho Livestock P.C.A., as Consumer, dated April 11, 1985 and recorded May 6, 1985 as Instrument No. 169170 on Film No. 172, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller, and Idaho Livestock P.C.A., as Consumer, dated April 11, 1985 and recorded May 6, 1985 as Instrument No. 169171 on Film No. 172, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller, and Idaho Livestock P.C.A., as Consumer, dated April 11, 1985 and recorded May 6, 1985 as Instrument No. 169173 on Film No. 172, records of Cassia County, Idaho.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller, and Idaho Livestock P.C.A., as Consumer, dated April 11, 1985 and recorded May 6, 1985 as Instrument No. 169174 on Film No. 172, records of Cassia County, Idaho.

Agreement for Electric Service, between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta to Brad Neibaur, dated April 11, 1990 and recorded May 24, 1990 as Instrument No. 207704 on Film No. 216, records of Cassia County, Idaho.

Agreement for Electric Service, between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta to Brad Neibaur, dated April 11, 1990 and recorded May 24, 1990 as Instrument No. 207705 on Film No. 216, records of Cassia County, Idaho.

Agreement for Electric Service, between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta to Brad Neibaur, dated April 11, 1990 and recorded May 24, 1990 as Instrument No. 207706 on Film No. 216, records of Cassia County, Idaho.

Effects, if any of Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, to David O. Hinckley, dated March 9, 1994 and recorded March 15, 1994 as Instrument No. 229613 on Film No. 253, records of Cassia County, Idaho.

Effects, if any of Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, to David O. Hinckley, dated March 9, 1994 and recorded March 15, 1994 as Instrument No. 229615 on Film No. 253, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 19, 1996

Brad Neibaur
Brad Neibaur

Dianne Neibaur
Dianne Neibaur

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 19th day of June, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared BRAD NEIBAUR and DIANNE NEIBAUR, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-97

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97

LAND TITLE & ESCROW

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$15.00 DEPUTY

1996 JUN 19 P 3:53

243485

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 278

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: A43-04061F
Date Received: 1/17/1989
Receipt No: Z777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRAD W. NEIBAUR 208-436-0373
Address: RT. 5 BOX 16
RUPERT ID 83350
OR
Name: DIANNE NEIBAUR 208-436-0373
Address: RT. 5 BOX 16
RUPERT ID 83350

2. Date of Priority: MAY 1, 1957

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	1.642		
STOCKWATER	10/31	04/01	2.880		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/2500 FEEDLOT, 500 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
10S	27E	36	SW		NE		IRR	31.0			
			NE		NW		IRR	31.0			
			NW		NW		IRR	31.0			
			SW		NW		IRR	31.0			
			SE		NW		IRR	39.0			
			NE		SW		IRR	26.0			
			SE		SW		IRR	4.0			
			NE		SE		IRR	16.0			
			NW		SE		IRR	39.0			
			SW		SE		IRR	35.0			
			SE		SE		IRR	39.0			
			Section Acres							322.0	
				28E	31	SW		SW		IRR	25.0
Section Acres							25.0				
11S	27E	1	NE		NE		IRR	17.0			
			NW		NE		IRR	15.0			
			NE		NW		IRR	31.0			
			NW		NW		IRR	31.0			
			SW		NW		IRR	31.0			
			SE		NW		IRR	30.0			
			NE		SW		IRR	31.0			
			NW		SW		IRR	31.0			
			SW		SW		IRR	31.0			
			SE		SW		IRR	31.0			
			NE		SE		IRR	31.0			
			NW		SE		IRR	31.0			
			SW		SE		IRR	31.0			
			SE		SE		IRR	31.0			
			Section Acres							403.0	
					12	NE		NE		IRR	31.0
						NW		NE		IRR	31.0
						SW		NE		IRR	31.0
						SE		NE		IRR	31.0
			NE		NW		IRR	31.0			
			NW		NW		IRR	31.0			
			SW		NW		IRR	31.0			
			SE		NW		IRR	31.0			
			NE		SW		IRR	31.0			
			NW		SW		IRR	31.0			

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	27E	12	SW		SW		IRR	31.0
			SE		SW		IRR	31.0
			NE		SE		IRR	31.0
			NW		SE		IRR	31.0
			SW		SE		IRR	31.0
			SE		SE		IRR	31.0
			Section Acres 496.0					
	28E	6	NE		NW		IRR	12.0
			NW		NW		IRR	32.0
			SE		NW		IRR	27.0
			Section Acres 71.0					
			Total Acres 1317.0					

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, -04060C, -04062C, -04063C, -04064C. THIS IS A PORTION OF THE WR# 43-04061B FOR 2.88 CFS. BASED ON AN ACREAGE PROPORTION OF IRRIGATED LANDS THIS CLAIM SHOWS 1.797 CFS WHILE THE REMAINING PORTION IS 1.083 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.

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)
) SS.
County of _____)

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

of _____ 19 _____

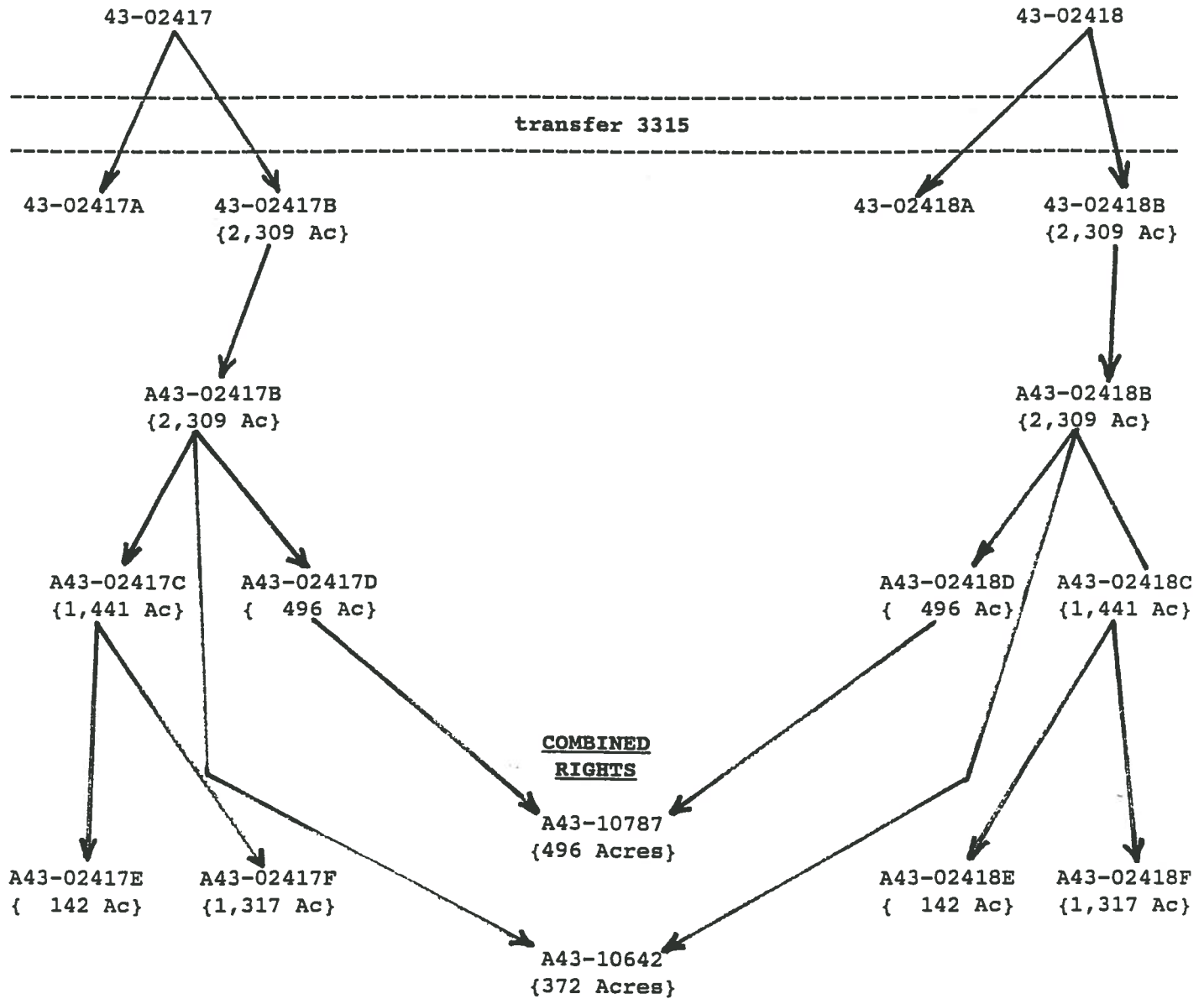
Notary Public

Seal

Residing at _____

My Commission Expires _____

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

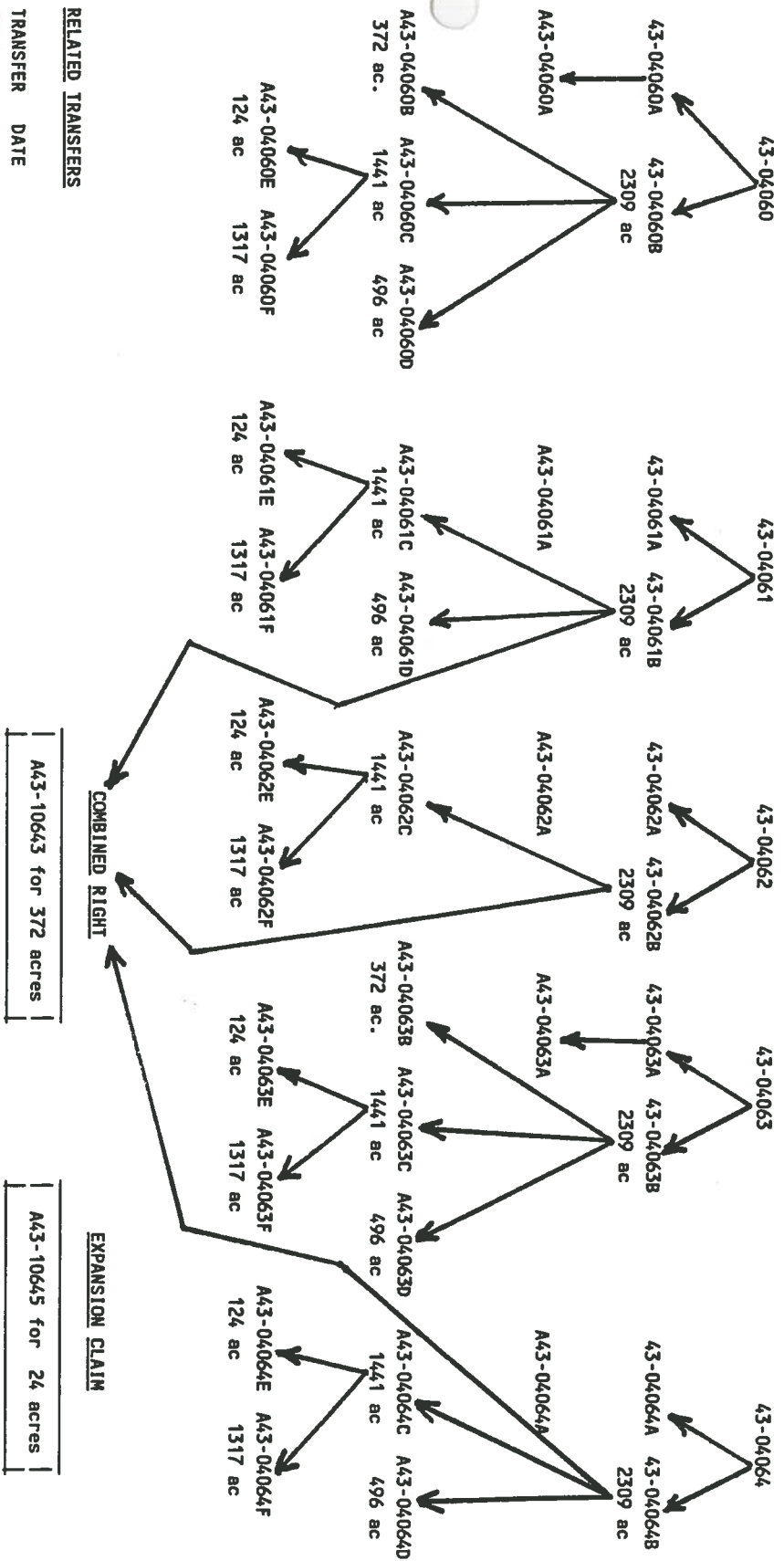


RELATED TRANSFERS

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

*Prepared by KKC
9-9-91*

STATUTORY CLAIM SPLIT FLOW CHART



RELATED TRANSFERS

TRANSFER NUMBER	DATE	APPROVED
2030	1976	
2267	1978	
3315	1987	

Prepared by KRC
9-9-91

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

MICROFILMED

MAR 05 1993

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

RECOMMENDED
DIVERSION RATE

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

A43-04060F -- OWNER --NEIBAUR

RECOMMENDED
DIVERSION RATE

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

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

RECOMMENDED
DIVERSION RATE

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

A43-04061F -- OWNER --NEIBAUR

RECOMMENDED
DIVERSION RATE

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

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

RECOMMENDED
DIVERSION RATE

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

A43-04062F -- OWNER --NEIBAUR

RECOMMENDED
DIVERSION RATE

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

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

RECOMMENDED
DIVERSION RATE

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

A43-04063F -- OWNER --NEIBAUR

RECOMMENDED
DIVERSION RATE

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

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

RECOMMENDED
DIVERSION RATE

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

A43-04064F -- OWNER --NEIBAUR

RECOMMENDED
DIVERSION RATE

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



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

A43-04061F
BRAD W. NEIBAUR
DIANNE NEIBAUR
RT. 5 BOX 16
RUPERT

ID 83350

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,

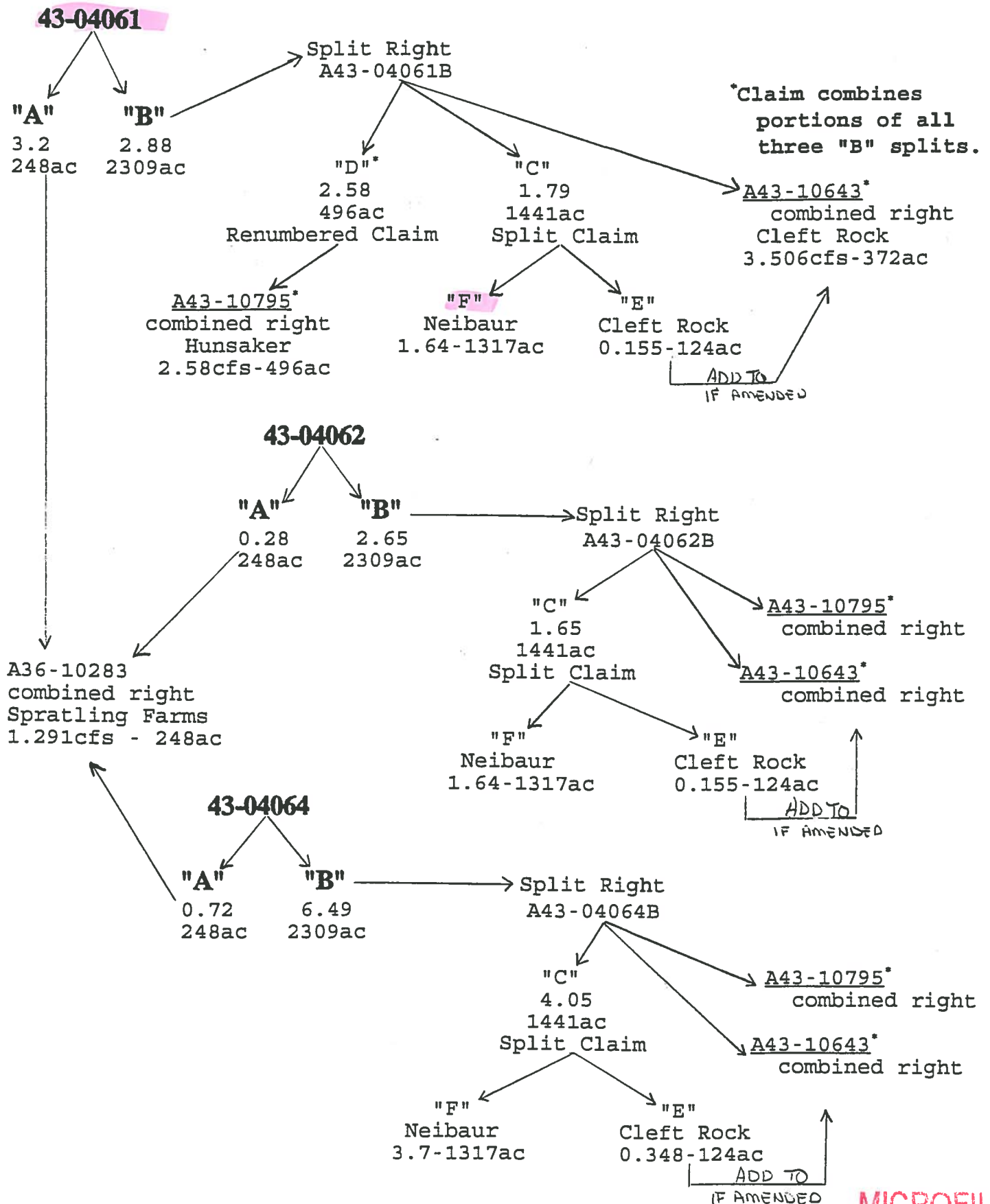
Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 05 1993

CLAIM SPLIT FLOW CHART



MICROFILMED

MAR 05 1993

VERIFIED BY

8/6/01
09/06/2001

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

RIGHT NUMBER: 43-4061F

NAME AND ADDRESS: WEBB BROTHERS LAND & LIVESTOCK LLC
22 N YALE RD
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 1.64 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.07 CFS FOR STOCKWATER USE.
COMBINED RIGHT NOS.: 43-4060F, 43-4061F, 43-4062F, 43-4063F, &
43-4064F.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 15.14 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 5268 AF. COMBINED RIGHT NOS.: 43-
2417F, 43-2418F, 43-4060F, 43-4061F, 43-4062F, 43-4063F, 43-
4064F, & 43-13064.

PRIORITY DATE: 05/01/1957

POINT OF DIVERSION:	T10S R27E S36	SWSSENW	Within CASSIA County
	T11S R27E S1	SWSESE	Within CASSIA County
	T11S R27E S12	NESENE	Within CASSIA County
	T11S R27E S12	NESESE	Within CASSIA County
	T11S R28E S6	LOT 4 SENWNW	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	1.64 CFS
STOCKWATER	10-31 04-01	0.07 CFS

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

PLACE OF USE:

IRRIGATION Within CASSIA County			
T10S R27E S36	SWNE	11	T10S R27E S36 NENW 20
T10S R27E S36	NWNW	28	T10S R27E S36 SWNW 29
T10S R27E S36	SENE	32	T10S R27E S36 NESW 30
T10S R27E S36	SWSW	5.7	T10S R27E S36 SESE 15
T10S R27E S36	NESE	5	T10S R27E S36 NWSE 40
T10S R27E S36	SWSE	29	T10S R27E S36 SESE 40
T10S R28E S31	LOT 4 SWSW	17	T11S R27E S1 LOT 1 NENE 36
T11S R27E S1	LOT 2 NWNE	6.1	T11S R27E S1 LOT 3 NENW 35
T11S R27E S1	LOT 4 NWNW	31	T11S R27E S1 SWNW 8.2
T11S R27E S1	SENE	10	T11S R27E S1 NESW 33
T11S R27E S1	NWSW	32	T11S R27E S1 SWSW 32
T11S R27E S1	SESE	33	T11S R27E S1 NESE 32

T11S R27E S1		NWSE	33	T11S R27E S1		SWSE	31
T11S R27E S12		NENE	33	T11S R27E S12		NWNE	33
T11S R27E S12		SWNE	33	T11S R27E S12		SENE	31
T11S R27E S12		NENW	33	T11S R27E S12		NWNW	32
T11S R27E S1		SESE	32	T11S R27E S12		SWNW	33
T11S R27E S12		SENW	32	T11S R27E S12		NESW	32
T11S R27E S12		NWSW	29	T11S R27E S12		SWSW	29
T11S R27E S12		SESW	31	T11S R27E S12		NESE	32
T11S R27E S12		NWSE	33	T11S R27E S12		SWSE	30
T11S R27E S12		SESE	29	T11S R28E S6	LOT 2	NWNE	5.3
T11S R28E S6		SWNE	31	T11S R28E S6	LOT 3	NENW	18.6
T11S R28E S6	LOT 4	NWNW	45	T11S R28E S6	LOT 5	SWNW	41
T11S R28E S6		SENW	27.5	T11S R28E S6		NESW	26
T11S R28E S6	LOT 6	NWSW	8.8				

STOCKWATER Use same as IRRIGATION

1394.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1317 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2417F, 43-2418F, 43-4060F, 43-4061F, 43-4062F, 43-4063F, 43-4064F.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1394.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2417F, 43-2418F, 43-4060F, 43-4061F, 43-4062F, 43-4063F, 43-4064F, & 43-13064.

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

RIGHT NO. 43-13064 IS AN EXPANSION OF RIGHT NOS. 43-2417F, 43-2418F, 43-4060F, 43-4061F, 43-4062F, 43-4063F, & 43-4064F PURSUANT TO SECTION 42-1416B, IDAHO CODE.

07/16/2001

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

RIGHT NUMBER: 43-4061F

NAME AND ADDRESS: WEBB BROTHERS LAND & LIVESTOCK LLC
22 N YALE RD
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY:

1.76 CFS

1.64

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 5268 AF. COMBINED RIGHT
NOS.: 43-2417F, 43-2418F, 43-4060F, 43-4061F, 43-4062F, 43-
4063F, 43-4064F.

QNT Limiting all Stats to total of 0.07 cfs (STK)

PRIORITY DATE: 05/01/1957

POINT OF DIVERSION:	T10S R27E S36	SWSNW	Within CASSIA County
	T11S R27E S1	SWSESE	Within CASSIA County
	T11S R27E S12	NESENE	Within CASSIA County
	T11S R27E S12	NESESE	Within CASSIA County
	T11S R28E S6 LOT 4	SENWNW	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	1.64 CFS
STOCKWATER	10-31 04-01	~~0.12 CFS~~

0.07

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

PLACE OF USE:

IRRIGATION Within CASSIA County			
T10S R27E S36	SWNE	11	T10S R27E S36 NENW 20
T10S R27E S36	NWNW	28	T10S R27E S36 SWNW 29
T10S R27E S36	SENE	32	T10S R27E S36 NESW 30
T10S R27E S36	SWSW	5.7	T10S R27E S36 SESW 15
T10S R27E S36	NESE	5	T10S R27E S36 NWSE 40
T10S R27E S36	SWSE	29	T10S R27E S36 SESE 40
T10S R28E S31 LOT 4	SWSW	17	T11S R27E S1 LOT 1 NENE 36
T11S R27E S1 LOT 2	NWNE	6.1	T11S R27E S1 LOT 3 NENW 35
T11S R27E S1 LOT 4	NWNW	31	T11S R27E S1 SWNW 8.2
T11S R27E S1	SENE	10	T11S R27E S1 NESW 33
T11S R27E S1	NWSW	32	T11S R27E S1 SWSW 32
T11S R27E S1	SESW	33	T11S R27E S1 NESE 32
T11S R27E S1	NWSE	33	T11S R27E S1 SWSE 31
T11S R27E S12	NENE	33	T11S R27E S12 NWNE 33
T11S R27E S12	SWNE	33	T11S R27E S12 SENE 31
T11S R27E S12	NENW	33	T11S R27E S12 NWNW 32
T11S R27E S1	SESE	32	T11S R27E S12 SWNW 33

T11S R27E S12	SE	32
T11S R27E S12	NW	29
T11S R27E S12	SE	31
T11S R27E S12	NW	33
T11S R27E S12	SE	29
T11S R28E S6	NW	45
T11S R28E S6	SE	27

T11S R27E S12	NE	32
T11S R27E S12	SW	29
T11S R27E S12	NE	32
T11S R27E S12	SW	30
T11S R28E S6	NE	13
T11S R28E S6	SW	41

STOCKWATER Use same as IRRIGATION

1317 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1317 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2417F, 43-2418F, 43-4060F, 43-4061F, 43-4062F, 43-4063F, 43-4064F.

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

05/23/2001

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

RIGHT NUMBER: 43-4061F

NAME AND ADDRESS: WEBB BROTHERS LAND & LIVESTOCK LLC
22 N YALE RD
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 1.76 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 5268 AF. COMBINED RIGHT NOS.: 43-2417F, 43-2418F, 43-4060F,
43-4061F, 43-4062F, 43-4063F, 43-4064F

PRIORITY DATE: 05/01/1957

POINT OF DIVERSION:	T10S R27E S36	SWSNW	Within CASSIA County
	T11S R27E S1	SWSESE	Within CASSIA County
	T11S R27E S1	NESENE	Within CASSIA County
	T11S R27E S1	NESESE	Within CASSIA County
	T11S R28E S6 LOT 4	SENWNW	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	1.64 CFS
STOCKWATER	10-31 04-01	0.12 CFS

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

PLACE OF USE:

IRRIGATION Within CASSIA County			
T10S R27E S36	SWNE	11	T10S R27E S36 NENW 20
T10S R27E S36	NWNW	28	T10S R27E S36 SWNW 29
T10S R27E S36	SESW	32	T10S R27E S36 NESW 30
T10S R27E S36	SWSW	5.7	T10S R27E S36 SESW 15
T10S R27E S36	NESE	5	T10S R27E S36 NWSE 40
T10S R27E S36	SWSE	29	T10S R27E S36 SESE 40
T10S R28E S31 LOT 4	SWSW	17	T11S R27E S1 LOT 1 NENE 36
T11S R27E S1 LOT 2	NWNE	6.1	T11S R27E S1 LOT 3 NENW 35
T11S R27E S1 LOT 4	NWNW	31	T11S R27E S1 SWNW 8.2
T11S R27E S1	SESW	10	T11S R27E S1 NESW 33
T11S R27E S1	NWSW	32	T11S R27E S1 SWSW 32
T11S R27E S1	SESW	33	T11S R27E S1 NESE 32
T11S R27E S1	NWSE	33	T11S R27E S1 SWSE 31
T11S R27E S12	NENE	33	T11S R27E S12 NWNE 33
T11S R27E S12	SWNE	33	T11S R27E S12 SENE 31
T11S R27E S12	NENW	33	T11S R27E S12 NWNW 32
T11S R27E S1	SESE	32	T11S R27E S12 SWNW 33

T11S R27E S12		SENW	32	T11S R27E S12		NESW	32
T11S R27E S12		NWSW	29	T11S R27E S12		SWSW	29
T11S R27E S12		SESW	31	T11S R27E S12		NESE	32
T11S R27E S12		NWSE	33	T11S R27E S12		SWSE	30
T11S R27E S12		SESE	29	T11S R28E S6	LOT 3	NENW	13
T11S R28E S6	LOT 4	NWNW	45	T11S R28E S6	LOT 5	SWNW	41
T11S R28E S6		SENW	27				

STOCKWATER Use same as IRRIGATION

1317 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1317 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2417F, 43-2418F, 43-4060F, 43-4061F, 43-4062F, 43-4063F, 43-4064F

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

See attachment

See map - Page 2, Exhibit A

Scale: 2 inches equal 1 mile

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss

County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 31st day of December 1975

Notary Public

Residing at

My commission expires

For Department Use Only

Received by

Date 12-5-75

Exception filed by

Forwarded to

Date

Prelim. check by

Date 12-5-75

claimant by

AD (0) fee received by

Date 12-5-75

Approved for publication by

Published in South Idaho Press

Dates 1-13 & 1-20-76

WELL #2 REMARKS

The below signed, representing the claimant corporation has been associated with the development of the lands that have benefitted from the drilling of the well described in Section 1 since development first began, and has been familiar with the use of the irrigation water from the well since its first use. To my knowledge, the material found within the claim and the associated exhibits describe as accurately as possible the development that has occurred.

The primary purpose for filing the claim is to describe fully the uses and therefore the associated rights that have been made and established with respect to the well located in the SE/4, SE/4, Section 1, T11S, R27E. There has already been established a licensed water right for the use of this well and is referred to as water right license #G-25401 and is made a part of this claim for informational purposes as Exhibit B. The well has been used to irrigate a maximum of 889.5 acres of land in connection with a second well located in Section 6, T11S, R28E. The well referred to in this claim located in Section 1 is referred to by the owner as well #2 and the well located in Section 6 is referred to by the owner as well #1.

The well in Section 6, that is well #1, has been incorrectly described in license G-25401 as being in the NE/4, NW/4 of Section 6 where in fact, the well is just a short distance to the west of the line dividing 40's and is located in the NW/4, NW/4 of Section 6.

The prime purpose for filing this claim is to describe the maximum flow of water that has been diverted from this well and placed to beneficial use prior to 1963 and the change of the ground water laws in the State of Idaho. Attached as Exhibit A are two pages of an engineering report prepared by an employee of the then Idaho Department of Reclamation, Mr. Loy Johnson. The field examinations referred to in the report were made on May 12, 1961, and the undersigned accompanying Mr. Johnson as he made the observations.

At the time that well #2 was measured, the well was not producing the maximum flow of water that has been capable of producing and has produced. Therefore, this claim is for 3.19 c.f.s. The well has produced as much as 6.10 c.f.s., and on May 12, 1961, when Mr. Johnson measured the well, it was only producing 2.91 c.f.s. The well pump and more particularly the associated bowles occasionally needed to be reworked to keep the well at maximum production and the well was not at maximum production at the time of the visit by Mr. Johnson. In fact, this well has presented some special problems with the pumping of sand and of caving and collapse. Financing had prevented the reworking of the well for some period prior to Mr. Johnson's visit. Affidavits are attached

Well #2 Remarks
Page 2

by others who are familiar with the maximum production from the well to document the right for this increased flow.

The second reason for filing the claim was also to describe an additional 26.5 acres of irrigated land that were not recorded under water right license G-25401. Exhibit A, paragraph 7 and the associated maps on the second page of Exhibit A demonstrate that Mr. Johnson at the time of his field examination in May of 1961 found that between well #1 and well #2 889.5 acres were being irrigated. The license and certificate of water right under G-25401 indicate a right for 863 acres, presumably because this was the amount of lands filed upon at the time that the original application for a water right was filed. However, the additional use of water established another right as allowed under the constitutional use method in the State of Idaho available to citizens for appropriation of ground water prior to 1963.

Max Gillette

Max Gillette

EXHIBIT A

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

Permit No. G-25401

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

1. Name of applicant Taylor Land Company

2. Source of water supply: Subterranean flow from wells

3. Location of point of diversion: Is in the

11 S. 20 E.B.M.

T. 11 S. R. 27 E.B.M. County of Cassia

of Section 6

2.

4. Describe work as they exist, giving dimensions and capacities of same: *US Motor 120 HP used in control pond with 10' x 6' discharge to west side of 5' x 8' x 2' concrete base. Backing pump 5715773. 10' x 6' discharge to west side of 5' x 8' x 2' concrete base. No shelter. No information on column of well.*

US Motor 150 HP used in 1103098, 10' control pond with 10' x 6' discharge to south back board. Flat motor foot shelter open side 5' x 6' concrete base. Backing pump 5715773. 10' x 6' discharge to west side of 5' x 8' x 2' concrete base. No information on column of well.

5. Water is used for: Irrigation

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

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):

E1/4, Sec. 35., 1/4, 1/4, 1/4, 1/4, Sec. 36., all in Twp. 10 S., Rgs. 27 E.B.M.

1/4, 1/4, Sec. 31., Twp. 10 S., Rgs. 26 E.B.M., 1/4, 1/4, Sec. 6., Twp. 11 S., Rgs. 26 E.B.M.

1/4, 1/4, 1/4, Sec. 1., Twp. 11 S., Rgs. 27 E.B.M. S1/4, Sec. 2., Twp. 11 S., Rgs. 27 E.B.M.

A total of 400.5 acres

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

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

Remarks: Mr. Max Gellotta along.

Measured by sparkling meter

This examination was made on the

12th

day of

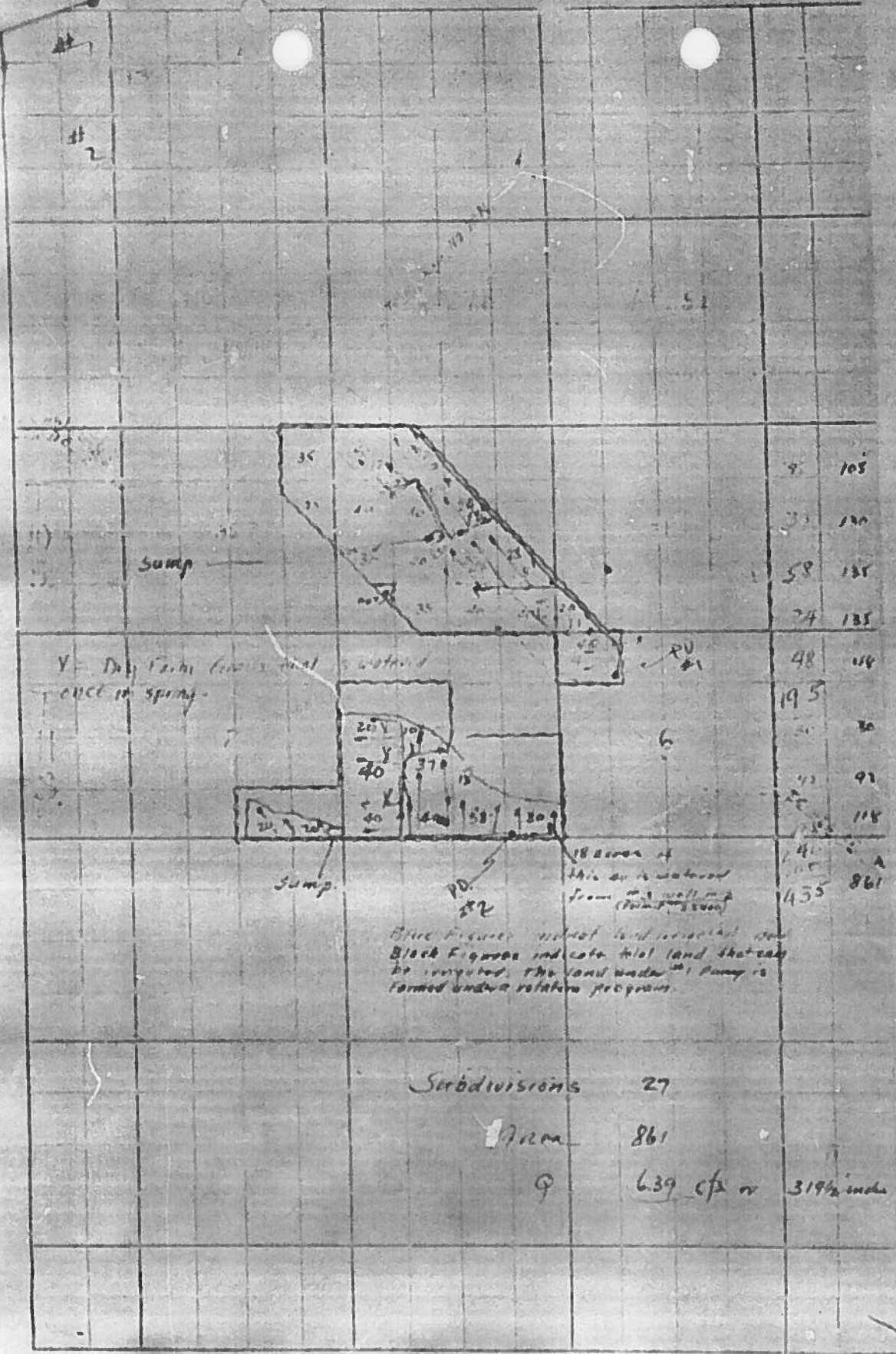
May

1916

(Signed)

[Signature]

Examiner



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

7/2/41

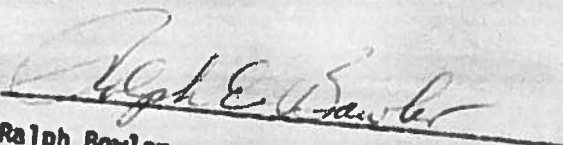
A F F I D A V I T

STATE OF IDAHO)
 :
COUNTY OF POWER)

RALPH BOWLER, being first duly sworn on his oath, deposes and says:

The affiant is a partner in the Power County Implement Company of American Falls, Idaho. The affiant states that he personally was aware of and supervised the installation of pumping equipment that was purchased by Heglar Ranches (formerly Taylor Land Company) on a well located in the SE/4, SE/4, Section 1, T11S, R27E.

The affiant attests to the fact that the equipment was installed in the spring of 1957 and that water was first placed to use in 1957 to irrigate lands in the general vicinity. The affiant further states that the pumping equipment installed was designed and was capable of producing 6.10 c.f.s. and the affiant has observed that amount of water in his best judgement produced and used when the equipment was at maximum efficiency.


Ralph Bowler

Subscribed and sworn to before me this 12 day of March, 1975.


Notary Public