

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: **A43-07088A**
Date Received: 4/ 8/1993
Receipt No: S015590
Received By: D/C

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

1. Name: WEBB BASIN REAL ESTATE LLC 208-349-5757
Address: HC 76 BOX 1050
AMERICAN FALLS ID 83211

2. Date of Priority: JUN 15, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	28E	29	SE	SW	SW		CASSIA
			SE	NW	SE		CASSIA
		30	NW	SE	SE		CASSIA
		31	NE	SW	NW	2	CASSIA

5. Description of diverting works:
FIVE WELLS DELIVERING TO A COMMON PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.320		

7. Total Quantity Appropriated is:
1.320 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 of	Lot	Use	Acres
09S	27E	25	SE	SE		IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	21.0
		36	NE	NE		IRR	12.0
			SE	NE		IRR	1.0
						Section Acres	13.0
	28E	19	SE	SW		IRR	39.0
						Section Acres	39.0
		28	SW	NW		IRR	40.0
			SE	NW		IRR	36.0
			NE	SW		IRR	36.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0
						Section Acres	346.0
		29	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	37.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	628.0
		30	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	28E	30	NE		NW		IRR	37.0
			NW		NW	1	IRR	46.0
			SW		NW	2	IRR	46.0
			SE		NW		IRR	34.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	43.0
			SW		SW	4	IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	38.0
			NW		SE		IRR	39.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0
							Section Acres	638.0
		31	NE		NE		IRR	30.0
			NW		NE		IRR	33.0
			NE		NW		IRR	39.0
			NW		NW	1	IRR	42.0
			SW		NW	2	IRR	16.0
							Section Acres	160.0
		32	NE		NE		IRR	7.0
			NW		NE		IRR	11.0
			NE		NW		IRR	13.0
			NW		NW		IRR	24.0
							Section Acres	55.0
		33	NW		NE		IRR	2.0
			NE		NW		IRR	5.0
			NW		NW		IRR	6.0
							Section Acres	13.0
							Total Acres	1913.0

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 A43-07052

14. Remarks:

2 P/D IN NWSESE, S30, T9S, R28E.

OTHER RIGHTS: THE FOLLOWING LICENSES HAVE BEEN COMBINED INTO A PERMISSIBLE PLACE OF USE.

43-07046	190 ACRES
43-07052	1543 ACRES
43-02597	40 ACRES (SPRING)
43-07047	160 ACRES
43-02481	218 ACRES
A43-10841	130 ACRES (EXPANSION)

2281 ACRES IRRIGATED UNDER SYSTEM.

43-02567 COVERED BY 43-07052
43-02568 COVERED BY 43-07052
43-02579 COVERED BY 43-07052
43-07088A COVERED BY 43-07052 & 43-07046

OWNERSHIP CHANGE MADE 7/21/97 BY TLB.

SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO WEBB
BASIN REAL ESTATE LLC OF 1913 ACRES AND 5 CFS OF A43-02567 (B) &
A43-02568, A43-02579, A43-07046, A43-07047, A43-07052, A43-07088A
AND A43-10841. 5/4/99 jr

15. Basis of Claim: LICENSE

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

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 5, 1999

WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS ID 83211

RE: Ownership Change A43-02567 (part B), A43-02568, A43-02579, A43-07046,
A43-07047, A43-07052, A43-07088A, and A43-10841
POE INVESTMENTS/ WEBB BASIN REAL ESTATE LLC

Dear Claimants,

I have completed the ownership change on the above mentioned claims and enclosed copies for your records.

I noticed that the NWNW ¼ of Section 28, Township 09S, Range 28E, has never been claimed. Several original licenses for 35 acres were appurtenant to that area, yet apparently were missed when the original claims were filed. If you are irrigating this area, you may wish to claim these acres and amend the Place of Use for all of your claims. There would be a charge of \$1.00 per irrigated acre claimed, payable once and then applicable to all of your claims.

If you do wish to amend your claims or have any questions, feel free to contact me at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Georgia Satterlee

DATE

April 29, 1999 12:13pm

CUSTOMERS

Webb Basin & POE (1997)
1998 POE sold their portion to:
Evans Grain & Elevator Co.

SUBJECT: Change of Ownership and WR Splits
phone call (.) walk-in (.)

In 1997, POE retained A43-02481,-02597, and 1 cfs from A43-02567. Tara (I guess it was her) shows POE under A43-02481,-02567,-02567A,-02567B,-02597, all claims have the same acreage 2281 acres. Webb Basin Real Estate LLC are current owners of A43-02568,-02579,-07047,-07046,-07052.-07088A,-10841; with the same 2281 acres.

Dan GPS'd all the wells and his map shows the approximate boundary line splitting POE/Webb, I'm not sure about all wells being measured, however, documentation is in Arnie's files.

Looks like the ducks are almost in a row, we just have to push them in the water...

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

MAY 21 1997

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

1. Water Right Number(s) A43-02568, A43-02579, A43-07046,
Adjudication Claim Number(s) A43-07047, A43-07052, A43-10841, A43-02567, A43-7088A

2. The following **REQUIRED** information must be submitted with this form. ** See P. 7 of Exhibit A for split of this right 1.0 cfs*

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.) OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) P.O.E. Investments
Box 3765
Ogden, Utah 84409

4. New Owner/Claimant(s) WEBB BASIN REAL ESTATE, LLC
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address HC76 Box 1050,
American Falls, Idaho 83211
City, State and ZIP Code
New Telephone Number (208) 349 - 5757

5. Date you acquired the property March, 26, 1997

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

Number of acres actually irrigated 1921 Number and type of stock N/A

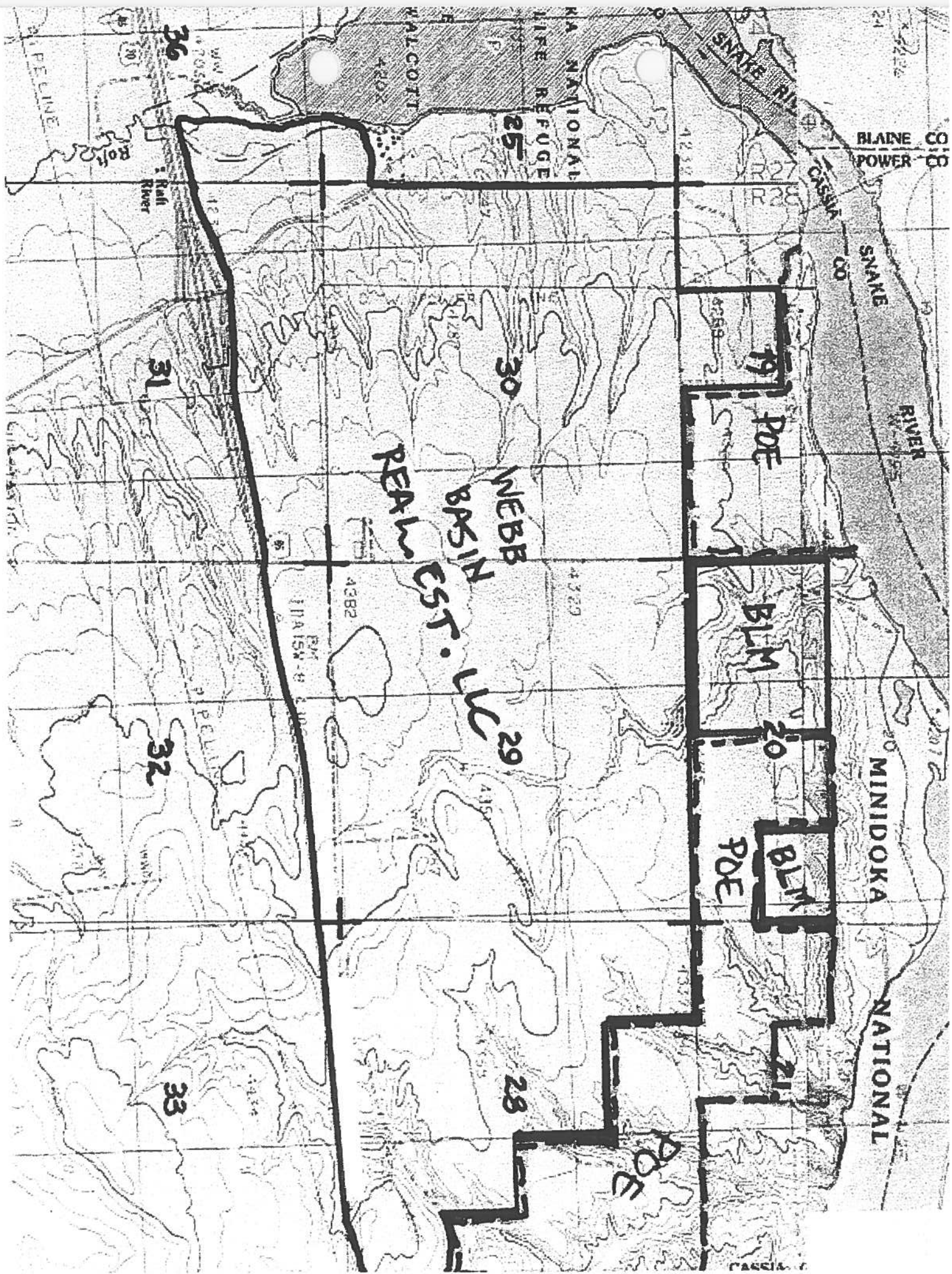
Diversion rate in CFS 24.53 Number of homes 3 Other uses Shops
cubic feet per second

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

7. Signature of New Owner/Claimant(s) By: Douglas C. Webb Date 3-19-97
Douglas C. Webb, Member
P.O.E. INVESTMENTS Date 3-21-97
By: Robert P. Evans Robert P. Evans, Partner

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

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



BLAINE CO
POWER CO

SNAKE
RIVER

MINIDOKA

NATIONAL

POE

BLM

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BLM

POE

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POE

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WEBB

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BASIN

EST. W

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PEAW

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36

Snake River

PIPELINE

08143

248098

WARRANTY DEED

THIS INDENTURE, made this 19th day of March, 1997,
between P.O.E. INVESTMENTS, a partnership, consisting of WARREN
P. POWERS, DUANE L. OTTENSTROER and ROBERT P. EVANS, of Box
3765, Ogden, Utah 84409, ("Grantor"), and WEBB BASIN REAL
ESTATE, LLC, whose address is an Idaho Limited Liability
Company, HC76-Box 1050, American Falls, Idaho 83211,
("Grantee").

W I T N E S S E T H:

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

That real estate described on Exhibit A attached
hereto and made a part hereof by reference,
which Exhibit A also includes reserved easements
and such Exhibit A includes water rights
conveyed with said real property.

SUBJECT TO: To those exceptions listed on
Exhibit B attached hereto and made a part
hereof by reference.

TOGETHER with all and singular the tenements,
hereditaments, and water rights as described on Exhibit A, and

PARSONS, SMITH, STONE & FLETCHER, LLP
LAWYERS
BURLEY, IDAHO

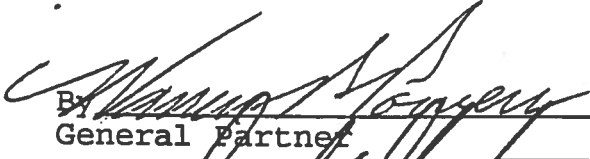
1 appurtenances thereunto belonging or in anywise appertaining,
2 the reversion and reversions, remainder and remainders, rents,
3 issues and profits thereof, and all estate, right, title and
4 interest in and to said property as well in law as in equity of
5 the Grantor.

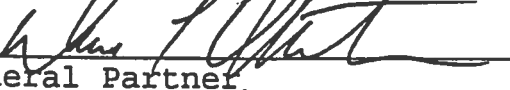
6 TO HAVE AND TO HOLD, all and singular the above-
7 mentioned and described premises, together with appurtenances
8 unto the Grantee and to the successors and assigns of Grantee
9 forever.

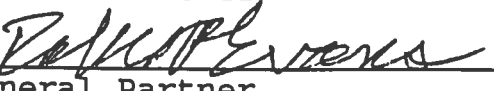
10 The Grantor shall and will warrant and by these
11 presents will forever defend the said premises in the quiet and
12 peaceable possession of the Grantee, and the successors and
13 assigns of Grantee against all and every person and persons
14 whomsoever lawfully claiming the same, except as aforesaid.

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

17 P.O.E. INVESTMENTS

18 By 
19 General Partner

20 By 
21 General Partner

22 By 
23 General Partner
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1 STATE OF FLORIDA)
2 County of Duval) ss

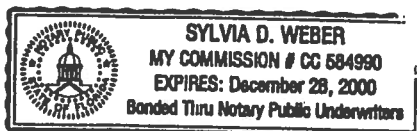
3 On this 25 day of March, in the year 1997,
4 before me, the undersigned, a Notary Public in and for said
5 State, personally appeared WARREN P. POWERS, known or
6 identified to me to be the partner or partners of the
7 partnership of P.O.E. INVESTMENTS and the partner or one of the
8 partners who subscribed said partnership name to the foregoing
9 instrument, and acknowledged to me that he executed the same in
10 said partnership name.

11 CINDY L. PARSLEY
12 Notary Public, State of Florida
13 My Comm. expires Oct. 2, 1999
14 Comm. No. CC 499033

Cindy L. Parsley
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 10/2/99

11 STATE OF FLORIDA)
12 County of Duval) ss

13 On this 25 day of March, in the year 1997,
14 before me, the undersigned, a Notary Public in and for said
15 State, personally appeared DUANE L. OTTENSTROER, known or
16 identified to me to be the partner or partners of the
17 partnership of P.O.E. INVESTMENTS and the partner or one of the
18 partners who subscribed said partnership name to the foregoing
19 instrument, and acknowledged to me that he executed the same in
20 said partnership name.



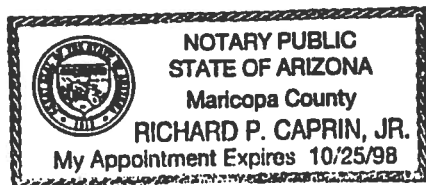
Sylvia D. Weber
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 12/28/00

21 STATE OF ARIZONA)
22 County of Maricopa) ss

23 On this 21 day of March, in the year 1997,
24 before me, the undersigned, a Notary Public in and for said
25 State, personally appeared ROBERT P. EVANS, known or identified
26 to me to be the partner or partners of the partnership of
P.O.E. INVESTMENTS and the partner or one of the partners who
subscribed said partnership name to the foregoing instrument,

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and acknowledged to me that he executed the same in said partnership name.



Richard P. Caprin, Jr.
Notary Public for Arizona
Residing at Campe, AZ 85377
My Commission Expires: 10/25/98

EXHIBIT A

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25;

Thence West 791.4 feet;

Thence North 9°35' West 360 feet;

Thence North 10°26' East 561.3 feet;

Thence North 7°25' East 276.7 feet;

Thence North 36°49' West 184 feet to a point in the North line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25; Thence East 824.23 feet to the East line of said Section 25;

Thence South 1320 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

Section 36:

That part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 36, more particularly described as follows:

Beginning at a point 1,200 feet North of the East quarter corner of said Section 36;

Thence North 32° West 1,000 feet;

Thence North 22°06' West 170 feet;

Thence North 25°15' West 450 feet to the North line of said Section 36;

Thence East along the said North line 791.4 feet to the Northeast corner of said Section 36;

Thence South along said East line 1,440 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

ALSO EXCEPTING the following described parcel:

Beginning at the E $\frac{1}{4}$ section corner of said Section 28, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the Point of Beginning;

Thence South 00°32'23" West along the East line of Section 28 for a distance of 2091.98 feet;

Thence along a non-tangent curve to the right for a distance of 2803.04 feet to the East line of Section 28, said curve having a radius of 1124.51 feet with a central angle of 142°49'10" with a long chord bearing of North 00°32'25" East for a distance of 2131.68 feet;

Thence South 00°33'53" West along the East line of Section 28 for a distance of 39.70 feet to the Point of Beginning.

Section 29: W $\frac{1}{2}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

Section 30: All

Section 31: All that part of said Section lying North of Interstate 15-W and U.S. Highway 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

Section 32: All that portion of said Section lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho for highway purposes.

Section 33: All that portion of said Section lying North of U.S. Highway No. 30 N.
EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 29: E $\frac{1}{2}$ SE $\frac{1}{4}$

EXCEPTING FROM the above described parcel all right-of-ways for
Public roads.

PARCEL NO. 3:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: Beginning at the South 1/16 corner between Section 25, Township 9
South, Range 27 East of the Boise Meridian, and Section 30, Township
9 South, Range 28 East of the Boise Meridian;
Thence North 89°41' West, along the South 1/16th line of Section 25,
a distance of 786.7 feet;
Thence North 20°24' West, 170.7 feet;
Thence North 09°45' West, 236.3 feet;
Thence North 00°18' East, 102.7 feet;
Thence South 89°41' East, 393.2 feet;
Thence South 00°18' West, 165.0 feet;
Thence South 89°41' East, 495.0 feet to the East line of Section 25;
Thence South 330.0 feet to the Place of Beginning.

PARCEL NO. 4:

An Easement to construct, operate, and maintain one irrigation pump and one 8-inch irrigation water pipeline as created by Quitclaim Deed dated May 29, 1980 and recorded June 10, 1980 as Instrument No. 126669 on Film No. 135, records of Cassia County, Idaho, over and across a portion of the NE¼ of Section 36, Township 9 South, Range 27 East of the Boise Meridian, Cassia County, Idaho, and described as follows:

Beginning at the intersection of the North right-of-way line of Interstate Highway 15W and meander line on the East side of Raft River, from which point of beginning the Northeast corner of Section 36 bears North 15°02' East, a distance of 2159.4 feet;
Thence South 79°51' West along North right-of-way line of Interstate Highway 15W, 258.5 feet;
Thence North 10°09' West 50.0 feet;
Thence North 79°51' East, 263.5 feet to the meander line of Raft River;
Thence along said meander line South 02°25' East, 50.2 feet to the Place of Beginning.

EXCEPTING AND RESERVING UNTO THE GRANTOR AND THE SUCCESSORS AND ASSIGNS OF THE GRANTOR THE FOLLOWING EASEMENTS:

(Easements appear on Pages 6 and 7 of Exhibit A)

EASEMENT NO. 1:

A perpetual non-exclusive twenty (20) foot wide easement for the installation, replacement, and repair of an underground irrigation pipeline for the delivery of water from a well located in the Southwest Quarter Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 9 South, Range 28 E., B.M. to the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South, Range 28 E., B.M., which easement is particularly described as:

Beginning at the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian, thence East 100 feet along the section line of said Section 29 to the True Point of Beginning; Thence South 20 feet; thence West 100 feet to the East boundary of the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian; thence continuing West 2,640 feet, more or less to the West boundary of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 29; thence continuing West 100 feet in the Northeast Quarter (NE $\frac{1}{4}$) of Section 30, Township 9 South, Range 28 East, Boise Meridian; thence North 20 feet to the North section line of said Section 30; thence East along the North boundaries of the section lines of said Sections 29 and 30, 2,840 feet, more or less to the Point of Beginning.

EASEMENT NO. 2:

A perpetual non-exclusive easement for roadway purposes from the County road to a roadway in the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South, Range 28 East, Boise Meridian, Cassia County, Idaho, and such easement particularly described as follows:

A thirty foot (30') wide strip of ground having a center line described as beginning at the Southeast corner of Section 19, Township 9 South, Range 28 East, Boise Meridian, said corner marked by a 5/8 inch rebar with cap dated 1996; thence South 00°05'48" West for a distance of 133.03 feet to the Point of Beginning; thence North 25°51'15" West for a distance of 79.93 feet; thence North 51°40'38" West for a distance of 75.40 feet; thence North 69°53'51" West to the South section line of said Section 19, Township 9 South, Range 28 East Boise Meridian, begin the terminus point of the center line of the easement.

WATER RIGHTS

The following water rights evidenced by the designated numbers:

A43-02568, A43-02579, A43-07046, A43-07047,
A43-07052, A43-10841, A43-02567, A43-07088A.

Except one (1) cfs from the well located in the Northwest Quarter Southeast Quarter Southeast Quarter (NW¼SE¼SE¼) in Section 30, Township 9 South, Range 28 East, Boise Meridian, for use on the Southeast Quarter (SE¼) of Section 19, Township 9 South, Range 28 East, Boise Meridian.

The following water rights evidenced by the following numbers are expressly excluded from this conveyance:

A43-02481 and A43-02597 and the foregoing one (1) cfs from A43-02567.

EXHIBIT B

1. Taxes for 1997 and subsequent years.
2. Building restrictions and access limitations contained in Right of Way Deed to the State of Idaho, dated June 26, 1952 and recorded July 19, 1952 as Instrument No. 176302 in Book 54 of Deed on Page 625, records of Cassia County, Idaho, granting said State, a right of way over and across a strip of land approximately 300 feet wide lying over a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 27 East of the Boise Meridian; and Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
3. Building restrictions and access limitations contained in Right of Way Deed to the State of Idaho, dated June 26, 1952 and recorded July 19, 1952 as Instrument No. 176303 in Book 54 of Deeds on Page 626, records of Cassia County, Idaho, granting said State, a right of way over a strip of land approximately 300 feet in width, lying over and across the NW $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 32, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 33, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, all in Township 9 South, Range 28 East of the Boise Meridian, and over a strip of land approximately 60 feet wide lying over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
4. Building restrictions and access limitations contained in Quitclaim Deed to the State of Idaho, dated April 29, 1952 and recorded July 19, 1952 as Instrument No. 176304 in Book 54 of Deeds, Page 627, records of Cassia County, Idaho, quitclaiming unto the said State of Idaho, a strip of land approximately 300 feet wide, lying over and across a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 9 South, Range 27 East of the Boise Meridian, and Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
5. Building restrictions and access limitations contained in Quitclaim Deed to the State of Idaho, dated April 29, 1952 and recorded July 19, 1952 as Instrument No. 176305 in Book 54 of Deeds, Page 629, records of Cassia County, Idaho, quitclaiming to the said State of Idaho, a strip of land approximately 300 feet in width lying over and across the NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 31, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 32, the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 33 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, all in Township 9 South, Range 28 East of the Boise Meridian, and a strip of land approximately 60 feet wide lying over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, in Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)

6. Right of Way Contract to Pacific Northwest Pipeline Corporation, a Delaware corporation, dated July 19, 1955 and recorded October 12, 1955 as Instrument No. 187664 in Book 9 of Bills of Sale and Agreements, Page 237, records of Cassia County, Idaho, granting said corporation, the right to construct, operate and maintain a pipeline over and across Sections 31, 32 and 33 in Township 9 South, Range 28 East of the Boise Meridian, and the E½SE¼ of Section 36, Township 9 South, Range 27 East of the Boise Meridian. (Part of Parcel No. 1)
7. Building restrictions and access limitations contained in Warranty Deed to the State of Idaho, dated March 24, 1958 and recorded May 14, 1958 as Instrument No. 197226 in Book 59 of Deeds, records of Cassia County, Idaho, granting said State of Idaho, a strip of land approximately 400 feet wide lying over and across the SE¼NW¼, SW¼NE¼ of Section 31, Township 9 South, Range 28 East of the Boise Meridian, and a strip of land approximately 60 feet in width lying over and across the SE¼NW¼ of Section 31, Township 9 South, Range 28 East of the Boise Meridian, for highway purposes. (Part of Parcel No. 1)
8. Building restrictions and access limitations contained in Warranty Deed to the State of Idaho, dated March 24, 1958 and recorded May 23, 1958 as Instrument No. 197386 in Book 59 of Deeds, records of Cassia County, Idaho, granting said State of Idaho, a strip of land and varying from approximately 330 feet to 70 feet in width lying over and across Lot 2 (SW¼NW¼) of Section 31, Township 9 South, Range 28 East of the Boise Meridian, and a strip of land lying over and across the NE¼SW¼ of Section 31, Township 9 South, Range 28 East of the Boise Meridian for highway purposes. (Part of Parcel No. 1)
9. Reservations in Warranty Deed from John B. Nash and Doree L. Nash, husband and wife, to Aaron V. Barson and Rudger J. Barson, which was dated July 6, 1959 and recorded December 22, 1959 as Instrument No. 204361 in Book 62 of Deeds, records of Cassia County, Idaho, which recites as follows: "There is reserved and excepted from this conveyance all the interest in and to the oil, gas, and other minerals, except sand and gravel, on, in, and under the above described premises, together with the right of ingress and egress for the purposes of mining for and producing them." (Covers the W½E½ of Section 29, Township 9 South, Range 28 East of the Boise Meridian.) (Part of Parcel No. 1)
10. Right of Way Easement executed by Riviera Farms, Inc., to Raft River Rural Electric Cooperative, Inc., a corporation, dated April 3, 1974 and recorded May 23, 1974 as Instrument No. 76912 on Film No. 89, records of Cassia County, Idaho, over and across a portion of Parcel No. 1.

11. Easement for ingress and egress in favor of Raft River Rural Electric Cooperative, Inc., an Idaho Corporation, covering a portion of the SW¼SE¼ of Section 31, Township 9 South, Range 28 East of Boise Meridian, as granted in Warranty Deed from Riviera Farms, Inc., a corporation, dated March 4, 1975 and recorded September 16, 1975 as Instrument No. 85729 on Film No. 97, records of Cassia County, Idaho. (Part of Parcel No. 1)
12. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Riviera Farms, as Consumer, dated November 7 1973 and recorded May 7, 1976 as Instrument No. 90430 on Film No. 101, records of Cassia County, Idaho, covering the SE¼ of Section 29, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1 and part of Parcel No. 2)
13. A perpetual right-of-way and easement to construct, operate, and maintain a public thoroughfare over and across a portion of Section 31, Township 9 South, Range 28 East of the Boise Meridian, as contained in Warranty Deed from Riviera Farms, Inc, to the United States of America, and its assigns, dated July 11, 1977 and recorded July 14, 1977 as Instrument No. 100203 on Film No. 110, records of Cassia County, Idaho. (Part of Parcel No. 1)
14. Reservations contained in Quitclaim Deeds from the United States of America to Riviera Farms, Inc., dated September 15, 1977 and recorded September 29, 1977 as Instrument No. 101870 on Film No. 112, records of Cassia County, Idaho, and from the United States of America to Riviera Farms, Inc., an Idaho corporation, dated May 29, 1980 and recorded June 10, 1980 as Instrument No. 126669 on Film No. 135, records of Cassia County, Idaho, which read as follows:
 - (a) The reservation of presently used right-of-way for canals, ditches, flumes, pipelines, railroads, highways, roads, telephone, telegraph, and power transmission lines created in favor of the public or public utilities.
 - (b) The reservation of a right-of-way for ditches or canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 371, 391), as it has been or may hereafter be amended. (Parcels No. 3 and 4)
15. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 1, 1971 and recorded March 17, 1980 as Instrument No. 124423 on Film No. 133, records of Cassia County, Idaho, covering Section 29, Township 9 South, Range 28 East of the Boise Meridian.

16. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 1, 1971 and recorded March 17, 1980 as Instrument No. 124424 on Film No. 133, records of Cassia County, Idaho, covering the W½ of Section 29, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1)
17. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 1, 1971 and recorded March 17, 1980 as Instrument No. 124425 on Film No. 133, records of Cassia County, Idaho, covering Section 30, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1)
18. Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Riviera Farms, Paul Spanbauer, Pres./Janice Spanbauer, Sec., as Consumer, dated April 5, 1976 and recorded March 17, 1980 as Instrument No. 124426 on Film No. 133, records of Cassia County, Idaho, covering the NW¼ of Section 31, Township 9 South, Range 28 East of the Boise Meridian. (Part of Parcel No. 1)

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 285
1997 MAR 26 P 1:47
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 450.00 DEPUTY lu
LAND TITLE & ESCROW

248098

WATER USE AND WATER RIGHTS AGREEMENT

1 AGREEMENT, made this 19th day of March, 1997, by and
2 between P.O.E. INVESTMENTS, a partnership consisting of Warren
3 P. Powers, Duane L. Ottenstroer and Robert P. Evans, Box 3765,
4 Ogden, Utah 84409, ("POE") and WEBB BASIN REAL ESTATE, LLC, an
5 Idaho Limited Liability Company, HC 76, Box 1050, American
6 Falls, Idaho 83211 ("Webb").

7 1. RECITALS: The parties recite:

8 1.1. POE sold to Webb certain real estate in Cassia
9 County, Idaho, more particularly described on Exhibit A
10 attached hereto and made a part hereof by reference (the
11 "Property").

12 1.2. POE has simultaneously with the sale to Webb
13 leased certain adjacent and contiguous real estate to the
14 Property and which adjacent and contiguous property is
15 described on Exhibit B attached hereto and made a part hereof
16 by reference. The lease from POE was to a related company
17 known as Webb Basin Dairy, a general partnership.

18 1.3. The parties desire to make this agreement
19 relative to certain water rights in connection with the sale
20 and with the lease.

21 1.4. The water rights on the Property and the
22 adjacent real estate to the Property have been combined in the
23 water rights adjudication known as the SNRBA. The parties
24 desire to now separate the water rights because of the change
25
26

1 in ownership of some of the appurtenant lands to which the
2 water rights are allocated.

3 1.5. The parties recognize that the administration
4 of water rights is within the jurisdiction of the Idaho
5 Department of Water Resources and the court in the SNRBA and
6 accordingly different procedures may need to be followed and
7 different documents executed by the parties with said agency
8 and court in order to accomplish the intent of the parties.

9 NOW, THEREFORE, in consideration of the recitals, the
10 consideration of the purchase by Webb from POE, the lease by
11 Webb Basin Dairy and other good and valuable consideration
12 herein receipted for but not recited the parties agree:

13 2. EASEMENT: POE shall reserve an easement across a
14 portion of the Property for the purpose of a pipeline should
15 the same become necessary. The easement is described on
16 Exhibit C attached hereto and made a part hereof by reference.
17 The parties agree that appropriate reservation language shall
18 be inserted in the conveyance by POE to Webb.

19 3. WATER RIGHTS RESERVATION: POE shall reserve the
20 following identified water rights, to-wit: A43-02597, A43-
21 02481, and 1 cfs from A43-02567 as to the Point of Diversion in
22 the Northwest Quarter Southeast Quarter Southeast Quarter
23 (NW¼SE¼SE¼), Section 30, Township 9 South, Range 28 East, Boise
24 Meridian. The reserved water rights shall be for the benefit
25 and use of the real estate in Cassia County described on
26

1 Exhibit B attached hereto and made a part hereof by reference.
2 The parties agree to execute such documents as may be required
3 by the Idaho Department of Water Resources and the SNRBA court
4 to accomplish the water right division.

5 P.O.E. and Webb shall execute such documents as may
6 be required by I.D.W.R. and the Court in SNRBA to have the
7 water rights conveyed to Webb made appurtenant to the total
8 lands conveyed by Deed, dated March 19, 1997, to have
9 appurtenant water equal on said lands to 24.53 cfs.

10 4. CONDITION PRECEDENT: Webb is financing the
11 purchase of the Property from POE with the Farm Credit of
12 Burley, Idaho. This contract shall not be effective unless the
13 water right division is approved by Farm Credit. Farm Credit
14 may evidence its approval by a separate instrument in writing
15 as Farm Credit is not a party signatory to this agreement. The
16 recording of this agreement shall be conclusive evidence that
17 Farm Credit has given its approval of the division.

18 5. CONTINUATION: If Webb Basin Dairy or a related
19 entity to Webb Basin Dairy or Webb cease to be a tenant of the
20 real estate described on Exhibit B, Webb shall nevertheless
21 furnish one cubic foot per second of water from the well
22 located in the Northwest Quarter Southeast Quarter Southeast
23 Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 9 South, Range 28
24 East, Boise Meridian to the Southeast Quarter of Section 19,
25 Township 9 South, Range 28 East, Boise Meridian. The
26

1 furnishing of such water shall be for a period of time not to
2 exceed five (5) years from the time Webb or the related company
3 do not lease the Property described on Exhibit B attached
4 hereto. The furnishing of such water shall be upon the express
5 condition that during such five (5) year period of time POE,
6 its successors or assigns, shall provide a flow meter or other
7 suitable measuring device for such well and shall compensate
8 Webb for the costs of delivery of the water including
9 electricity, a pro-rata share of repairs and maintenance on the
10 well in proportion to the amount of water from the well as the
11 same relates to the amount of water delivered to POE. POE may,
12 at its option, advise Webb that it has made other arrangements
13 for the delivery of the one (1) cfs to its Property in the form
14 of another well, a change in place of use and/or a different
15 point of diversion. Upon such notice the obligation of Webb to
16 furnish such one (1) cfs of water shall cease. This transfer
17 of the water shall in all events be subject to appropriate
18 agency and court approval.

19 6. BINDING EFFECT: This agreement shall be binding
20 upon the parties, their successors and assigns of the
21 respective real estate described on the exhibits attached
22 hereto and made a part hereof by reference.

23 7. ATTORNEY FEES: The prevailing party in any
24 action arising under this agreement shall be entitled to
25 reasonable attorney fees in addition to all other relief
26

afforded by the court.

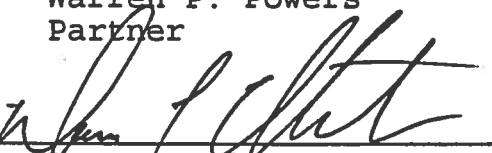
8. COOPERATION: The parties agree to cooperate each with the other in carrying out the terms and conditions of this agreement in the division of the water as heretofore provided. The parties recognize that the transaction is complicated in view of fact that the number of water rights have been combined for the place of use and that the division requires various procedural steps and involves person or entities not party signatory to this agreement. As such the parties may be required to execute such other documents as shall be necessary to fully implement this agreement.

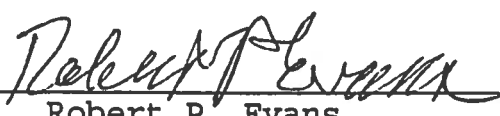
9. ENTIRE AGREEMENT: This agreement constitutes the entire understanding of the parties as to the division of the water from the lands designated as the place of use.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

P.O.E. INVESTMENTS

BY 
Warren P. Powers
Partner

BY 
Duane L. Ottenstroer
Partner

BY 
Robert P. Evans
Partner

WEBB BASIN REAL ESTATE, LLC

BY

Member

STATE OF Florida

County of Duval

SS

On this 25 day of March, in the year 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared WARREN P. POWERS, known or identified to me to be the partner or partners of the partnership of P.O.E. INVESTMENTS and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

CINDY L. PARSLEY
Notary Public, State of Florida
My Comm. expires Oct. 2, 1999
Comm. No. CC 499033

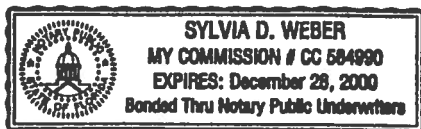
Cindy L. Parsley
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 10/2/99

STATE OF Florida

County of Duval

SS

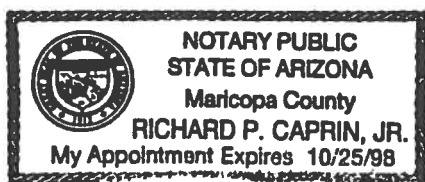
On this 25 day of March, in the year 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared DUANE L. OTTENSTROER, known or identified to me to be the partner or partners of the partnership of P.O.E. INVESTMENTS and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.



Sylvia D. Weber
Notary Public for Florida
Residing at Jacksonville
My Commission Expires: 12/28/00

1 STATE OF ARIZONA)
2 County of Maricopa) ss

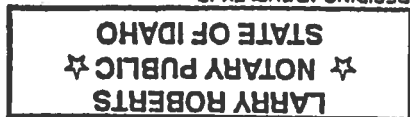
3 On this 21 day of March, in the year 1997,
4 before me, the undersigned, a Notary Public in and for said
5 State, personally appeared ROBERT P. EVANS, known or identified
6 to me to be the partner or partners of the partnership of
7 P.O.E. INVESTMENTS and the partner or one of the partners who
8 subscribed said partnership name to the foregoing instrument,
9 and acknowledged to me that he executed the same in said
10 partnership name.



Richard P. Caprin, Jr.
Notary Public for Arizona
Residing at Cavepet, AZ 85377
My Commission Expires: 10/25/98

11 STATE OF IDAHO)
12 County of Cassia) ss

13 On this 19th day of March, in the year
14 1997, before me, the undersigned, a Notary Public in and for
15 said State, personally appeared Douglas C. Webb,
16 known or identified to me to be the Member or Members of the
17 Limited Liability Company of WEBB BASIN REAL ESTATE, L.L.C. and
18 the Member or one of the Members who subscribed said Limited
19 Liability Company's name to the foregoing instrument, and
20 acknowledged to me that he executed the same in said Limited
21 Liability Company name.



Larry Roberts
Notary Public for Idaho
Residing at Burley, Idaho
My Commission Expires: 6.30.97

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25;

Thence West 791.4 feet;

Thence North 9°35' West 360 feet;

Thence North 10°26' East 561.3 feet;

Thence North 7°25' East 276.7 feet;

Thence North 36°49' West 184 feet to a point in the North line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25; Thence East 824.23 feet to the East line of said Section 25;

Thence South 1320 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

Section 36:

That part of the E½NE¼ of said Section 36, more particularly described as follows:

Beginning at a point 1,200 feet North of the East quarter corner of said Section 36;

Thence North 32° West 1,000 feet;

Thence North 22°06' West 170 feet;

Thence North 25°15' West 450 feet to the North line of said Section 36;

Thence East along the said North line 791.4 feet to the Northeast corner of said Section 36;

Thence South along said East line 1,440 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at a point on the South 1/16th line of Section 25, which bears North 89°41' West, a distance of 819.7 feet from the Northeast corner of the SE¼SE¼ of Section 25. Said point also being on the meander line of the east bank of Raft River;

Thence South 89°41' East 110.0 feet;

Thence South 08°15' East, 400.1 feet;

Thence South 05°34' West 920.2 feet;

Thence South 28°14' East, 1583.3 feet;

Thence South 00°31' West, 612.7 feet to a concrete monument on the North right-of-way line of Interstate Highway 15W;

Thence South 79°51' West, along the North right-of-way line of Interstate 15W, 590.0 feet to the intersection of the meander line on the East bank of Raft River;

Thence North 02°25' West, along the meander line on the East bank of Raft River, 73.7 feet;

Thence North 46°52' East, 348.7 feet;

Thence North 09°13' East, 403.5 feet;

Thence North 09°35' West, 315.0 feet;

Thence North 22°12' West, 405.0 feet;

Thence North 22°06' West, 330.0 feet;

Thence North 25°15' West, 450.0 feet to a meander corner between Sections 25 and 36;

Thence North 09°35' West, 360.0 feet;

Thence North 10°26' East, 561.3 feet;

Thence North 07°25' East, 276.7 feet;

Thence North 36°49' West, 184.0 feet to the Place of Beginning.

TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓

Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$ ✓, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓, E $\frac{1}{2}$ SW $\frac{1}{4}$ ✓, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓ and that portion of the
✓S $\frac{1}{2}$ SE $\frac{1}{4}$ lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

ALSO EXCEPTING the following described parcel:

Beginning at the E $\frac{1}{4}$ section corner of said Section 28, said corner marked
by a U.S. GLO iron pipe with brass cap which shall be the Point of
Beginning;

Thence South 00°32'23" West along the East line of Section 28 for a
distance of 2091.98 feet;

Thence along a non-tangent curve to the right for a distance of 2803.04
feet to the East line of Section 28, said curve having a radius of 1124.51
feet with a central angle of 142°49'10" with a long chord bearing of
North 00°32'25" East for a distance of 2131.68 feet;

Thence South 00°33'53" West along the East line of Section 28 for a
distance of 39.70 feet to the Point of Beginning.

Section 29: W $\frac{1}{2}$ ✓, NE $\frac{1}{4}$ ✓, W $\frac{1}{2}$ SE $\frac{1}{4}$ ✓

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

Section 30: All ✓

Section 31: ✓ All that part of said Section lying North ✓ of Interstate 15-W and U.S.
Highway 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

Section 32: ✓ All that portion of said Section lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

Section 33: ✓ All that portion of said Section lying North of U.S. Highway No. 30 N.

EXCEPTING THEREFROM that portion deeded to the State of Idaho
for highway purposes.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: W½SW¼ ✓

Section 29: E½SE¼ ✓

✓ EXCEPTING FROM the above described parcel all right-of-ways for
Public roads.

PARCEL NO. 3:

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: Beginning at the South 1/16 corner between Section 25, Township 9
South, Range 27 East of the Boise Meridian, and Section 30, Township
9 South, Range 28 East of the Boise Meridian;
Thence North 89°41' West, along the South 1/16th line of Section 25,
a distance of 786.7 feet;
Thence North 20°24' West, 170.7 feet;
Thence North 09°45' West, 236.3 feet;
Thence North 00°18' East, 102.7 feet;
Thence South 89°41' East, 393.2 feet;
Thence South 00°18' West, 165.0 feet;
Thence South 89°41' East, 495.0 feet to the East line of Section 25;
Thence South 330.0 feet to the Place of Beginning.

PARCEL NO. 4:

An Easement to construct, operate, and maintain one irrigation pump and one 8-inch
irrigation water pipeline as created by Quitclaim Deed dated May 29, 1980 and recorded June
10, 1980 as Instrument No. 126669 on Film No. 135, records of Cassia County, Idaho, over
and across a portion of the NE¼ of Section 36, Township 9 South, Range 27 East of the Boise
Meridian, Cassia County, Idaho, and described as follows:

Beginning at the intersection of the North right-of-way line of Interstate
Highway 15W and meander line on the East side of Raft River, from
which point of beginning the Northeast corner of Section 36 bears
North 15°02' East, a distance of 2159.4 feet;
Thence South 79°51' West along North right-of-way line of Interstate
Highway 15W, 258.5 feet;
Thence North 10°09' West 50.0 feet;
Thence North 79°51' East, 263.5 feet to the meander line of Raft River;
Thence along said meander line South 02°25' East, 50.2 feet to the Place
of Beginning.

EXHIBIT B

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: Lots 2, 3 and the SE $\frac{1}{4}$ ✓
Section 20: W $\frac{1}{2}$ SE $\frac{1}{4}$ ✓ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓
Section 21: W $\frac{1}{2}$ SW $\frac{1}{4}$ ✓ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
Section 28: NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓, NE $\frac{1}{4}$ ✓ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓, EXCEPTING
THEREFROM the N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the
NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, AND ALSO EXCEPTING:

Part of the east $\frac{1}{4}$ of Section 28 of Township 9 South,
Range 28 East of the Boise Meridian, Cassia County,
State of Idaho.

Beginning at the East $\frac{1}{4}$ section corner of Section 28 of
T.9 S., R.28 E., B.M. said corner marked by a U.S. GLO
iron pipe with brass cap which shall be the Point of
Beginning;

THENCE South 00 degrees 32 minutes 23 seconds
West along the east line of Section 28 for a
distance of 2091.98 feet;

THENCE along a non-tangent curve to the right
for a distance of 2803.04 feet to the east
line of Section 28, said curve having a
radius of 1124.51 feet with a central angle
of 142°49'10" with a long chord bearing of
North 00 degrees 32 minutes 25 seconds East
for a distance of 2131.68 feet;

THENCE South 00 degrees 33 minutes 53 seconds
West along the east line of Section 28 for a
distance of 39.70 feet to the Point of
Beginning.

EASEMENT LANGUAGE

EXCEPTING AND RESERVING UNTO the Grantor and the successors and assigns of the Grantor a perpetual non-exclusive twenty (20) foot wide easement for the installation, replacement, and repair of an underground irrigation pipeline for the delivery of water from a well located in the Southwest Quarter Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 9 South, Range 28 E., B.M. to the Southeast Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South, Range 28 E., B.M., which easement is particularly described as:

Beginning at the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian, thence East 100 feet along the section line of said Section 29 to the True Point of Beginning; Thence South 20 feet; thence West 100 feet to the East boundary of the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 9 South, Range 28 East, Boise Meridian; thence continuing West 2,640 feet, more or less to the West boundary of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 29; thence continuing West 100 feet in the Northeast Quarter (NE $\frac{1}{4}$) of Section 30, Township 9 South, Range 28 East, Boise Meridian; thence North 20 feet to the North section line of said Section 30; thence East along the North boundaries of the section lines of said Sections 29 and 30, 2,840 feet, more or less to the Point of Beginning.

LAND TITLE & ESCROW

1997 MAR 26 P 1:49
CASSIA COUNTY, IDAHO
GARRELL M. ROSKELLEY
RECORDER
FEE \$39.00 DEPUTY *[Signature]*

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 285

248099

Print Key Output

5769SS1 V4R3M0 980729

S103LDFM

Page 1
04/05/99 15:44:30

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S27E360000 A YEAR 1998		BILL#	7373
TXPKEY: RP09S27E360000A		BILLED TO: WEBB BASIN REAL ESTATE LLC	
NAME	WEBB BASIN REAL ESTATE LLC	CODE AREA	4600
		BANK	FLB
		ACCOUNT TYPE	OWNER PUP
ADDRESS HC 76 BOX 1050		MARKET VALUE	4,097
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS	ID 83211	NET MARKET	4,097
		TAX AMOUNT	46.80
LEGAL T 6392 (NE)		LESS: CIRCUIT	
S 36 T 9 R 27		PLUS: SPECIALS	
		NET TAX BILLED	46.80
		TAX PAYMENTS	23.40
		TAX CANCELLED	
		SPEC CANCELLED	
		REMAINING TAX DUE	23.40

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Tax 6392

The following is compiled for assessment purposes only.
Bearings & distances may not be actual. A complete
survey has not been recorded as of 03/25/94.

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO, Section 36: Part of the NE $\frac{1}{4}$ of
said Section 36, described as follows: Beginning at the
Northeast corner of said Section 36, which shall be the
Point of Beginning;

Thence South 00°08'39" West (South rec.) along
section line for 1394.94 feet (1,440 feet, more or
less, rec.) to a point;

Thence North 28°14' West for 1583.3 feet to a
point on the North line of said Section 36;

Thence East along the North line of Section 36 for
752.51 feet to the Point of Beginning.

Reference WD198101. tdm 03/25/94.

12.05 A

5769SS1 V4R3M0 980729

S103LDFM

04/05/99 15:43:51

Display Device WO
 User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S27E259001 A	YEAR 1998	BILL#	7367
TXPKY: RP09S27E259001A		BILLED TO:	WEBB BASIN REAL ESTATE LLC
NAME	WEBB BASIN REAL ESTATE LLC	CODE AREA	4600
		BANK	FLB
		ACCOUNT TYPE	OWNER PUP
ADDRESS HC 72 BOX 1050		MARKET VALUE	200,272
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS	ID 83211	NET MARKET	200,272
		TAX AMOUNT	2,289.04
LEGAL $\searrow$ T 4141A, T 6394 (SE)		LESS: CIRCUIT	
S 25 T 9 R 27		PLUS: SPECIALS	240.00
		NET TAX BILLED	2,529.04
		TAX PAYMENTS	1,264.52
		TAX CANCELLED	
		SPEC CANCELLED	
		REMAINING TAX DUE	1,264.52

Tax 6394

The following is compiled for assessment purposes only.
 Bearings and distances may not be actual. A complete
 survey has not been recorded as of 03/25/94.

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO, Section 25: Part of the SE $\frac{1}{4}$ of
 said Section 25, described as follows: Beginning at the
 Southeast corner of said Section 25, which shall be the
Point of Beginning;

Thence West along section line for 752.51 feet;
 Thence North 05°34' East for 920.2 feet;
 Thence North 08°15' West for 400.1 feet;
 Thence South 89°41' East (East rec.) for 709.7
 feet to the East line of said Section 25;
 Thence South 00°28'50" East (South rec.) along the
 East section line for 1307.94 feet (1320 feet rec.) to
 the Point of Beginning.

Reference WD198101 and QC126616. tdm 03/25/94.

20.98 A

Tax 4141A
 Corrects
 Tax 4141.

TOWNSHIP 9 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
 CASSIA COUNTY, IDAHO, Section 25: Beginning at the South
 1/16th corner between Section 25, Township 9 South,
 Range 27 East of the Boise Meridian and Section 30,
 Township 9 South, Range 28 East of the Boise Meridian;
 Thence North 89°41' West, along the South 1/16th
 line of Section 25, a distance 786.7 feet;
 Thence North 20°24' West, 170.7 feet;
 Thence North 09°45' West, 236.3 feet;
 Thence North 00°18' East, 102.7 feet;
 Thence South 89°41' East, 393.2 feet;
 Thence South 00°18' West, 165.0 feet;
 Thence South 89°41' East, 495.0 feet to the East
 line of Section 25;
 Thence South 330.0 feet to the Place of Beginning.

Reference 243090 WD. tdm 07/31/97.

7.85 A

Print Key Output
5769SS1 V4R3M0 980729

S103LDFM

Page 1
04/05/99 15:44:33

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E196600 A YEAR 1998 BILL# 7379
TXPKY: RP09S28E196600A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050 MARKET VALUE 10,520
HARDSHIP
HOMEOWNER
AMERICAN FALLS ID 83211 NET MARKET 10,520
TAX AMOUNT 120.24
LEGAL SESW LESS: CIRCUIT
S 19 T 9 R 28 ✓ PLUS: SPECIALS
NET TAX BILLED 120.24
TAX PAYMENTS 60.12
TAX CANCELLED
SPEC CANCELLED
REMAINING TAX DUE 60.12

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Print Key Output
5769SS1 V4R3M0 980729

S103LDFM

Page 1
04/05/99 15:44:53

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E300000 A	YEAR 1998	BILL#	7390
TXPKEY: RP09S28E300000A	BILLED TO: WEBB BASIN REAL ESTATE LLC		
NAME	WEBB BASIN REAL ESTATE LLC	CODE AREA	4600
		BANK	FLB
		ACCOUNT TYPE	OWNER PUP
ADDRESS HC 76 BOX 1050		MARKET VALUE	396,706
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS ID 83211		NET MARKET	396,706
		TAX AMOUNT	4,534.26
LEGAL ALL		LESS: CIRCUIT	
S 30 T 9 R 28		PLUS: SPECIALS	
		NET TAX BILLED	4,534.26
		TAX PAYMENTS	2,267.13
		TAX CANCELLED	
		SPEC CANCELLED	
		REMAINING TAX DUE	2,267.13

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Print Key Output

Page 1

5769SS1 V4R3M0 980729

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04/05/99 15:44:56

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E310000 A	YEAR 1998	BILL#	7391
TXPKEY: RP09S28E310000A	BILLED TO: WEBB BASIN REAL ESTATE LLC		
NAME WEBB BASIN REAL ESTATE LLC	CODE AREA 4600	ACCOUNT TYPE	
	BANK FLB	OWNER	PUP
ADDRESS HC 76 BOX 1050		MARKET VALUE	35,687
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS ID 83211	NET MARKET		35,687
	TAX AMOUNT		407.86
LEGAL T 7545	LESS: CIRCUIT		
S 31 T 9 R 28	PLUS: SPECIALS		
	NET TAX BILLED		407.86
	TAX PAYMENTS		203.93
	TAX CANCELLED		
	SPEC CANCELLED		
	REMAINING TAX DUE		203.93

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Tax 7545

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO, Section 31: All that part of said
Section lying North of Interstate 15-W.

EXCEPTING THEREFROM that portion of the following which
lays North of said Interstate 15-W and inside of said
Section 31:

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO,

A strip of land 60 feet wide, being 30 feet on each side
of the following described center line of an approach
road as surveyed and shown on said official plat of the
Old Oregon Trail FI 2023(6) Highway Survey and lying in
a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 32, described as follows:

Commencing at a point being the intersection of the
section line between said Sections 31 and 32 and the Old
Oregon Trail FI 2023(6) Highway Survey line
approximately 1065 feet South from the Northeast corner
of said Section 31 and which point is approximately
coincident with Station 72+71 of said Highway Survey and
being equal to Station 0+00 of the Approach Road Survey
and which station is a point on tangent; thence North
0°26' East on tangent coincident with the Section line
between said Sections 31 and 32 a distance of 101.8 feet
to Station 1+01.8 of said Approach Road Survey, which
station is a point on tangent on the Northwesterly
right-of-way of said Old Oregon Trail FI 2023(6) Highway
Survey and which station is the REAL POINT OF BEGINNING;
thence continuing North 0°26' East on tangent coincident
with the Section line between Sections 31 and 32 a
distance of 913.2 feet to Station 10+15 which station is
a point on tangent on the Southwesterly right-of-way
line of the present Old Oregon Trail Highway and which
point is approximately 50.0 feet South from the
Northeast corner of said Section 31. Reference Quitclaim
Deed #176305 recorded July 19, 1952 in Book 54 of Deeds
on page 629.

Reference WD248098. tdm 08/14/97.

174.96± A

Print Key Output

5769SS1 V4R3M0 980729

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Page 1
04/05/99 15:44:59

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E320000 A YEAR 1998		BILL#	7400
TXPKEY: RP09S28E320000A		BILLED TO: WEBB BASIN REAL ESTATE LLC	
NAME	WEBB BASIN REAL ESTATE LLC	CODE AREA	4600 ACCOUNT TYPE
		BANK	FLB OWNER PUP
ADDRESS HC 76 BOX 1050		MARKET VALUE	21,760
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS	ID 83211	NET MARKET	21,760
		TAX AMOUNT	248.70
LEGAL	T 7546	LESS: CIRCUIT	
	S 32 T 9 R 28	PLUS: SPECIALS	
		NET TAX BILLED	248.70
		TAX PAYMENTS	124.35
		TAX CANCELLED	
		SPEC CANCELLED	
		REMAINING TAX DUE	124.35

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Tax 7546

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO, Section 32: All that part of said
Section lying North of Interstate 15-W.

EXCEPTING THEREFROM that portion of the following which
lays North of said Interstate 15-W and inside of said
Section 32:

TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO,

A strip of land 60 feet wide, being 30 feet on each side
of the following described center line of an approach
road as surveyed and shown on said official plat of the
Old Oregon Trail FI 2023(6) Highway Survey and lying in
a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 32, described as follows:

Commencing at a point being the intersection of the
section line between said Sections 31 and 32 and the Old
Oregon Trail FI 2023(6) Highway Survey line
approximately 1065 feet South from the Northeast corner
of said Section 31 and which point is approximately
coincident with Station 72+71 of said Highway Survey and
being equal to Station 0+00 of the Approach Road Survey
and which station is a point on tangent; thence North
0°26' East on tangent coincident with the Section line
between said Sections 31 and 32 a distance of 101.8 feet
to Station 1+01.8 of said Approach Road Survey, which
station is a point on tangent on the Northwesterly
right-of-way of said Old Oregon Trail FI 2023(6) Highway
Survey and which station is the REAL POINT OF BEGINNING;
thence continuing North 0°26' East on tangent coincident
with the Section line between Sections 31 and 32 a
distance of 913.2 feet to Station 10+15 which station is
a point on tangent on the Southwesterly right-of-way
line of the present Old Oregon Trail Highway and which
point is approximately 50.0 feet South from the
Northeast corner of said Section 31. Reference Quitclaim
Deed #176305 recorded July 19, 1952 in Book 54 of Deeds
on page 629.

Reference WD248098. tdm 08/15/97.

64.00± A

Print Key Output
5769SS1 V4R3M0 980729

S103LDFM

Page 1
04/05/99 15:44:43

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E290000 A YEAR 1998	BILL# 7387
TXPKEY: RP09S28E290000A	BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC	CODE AREA 4600 ACCOUNT TYPE
	BANK FLB OWNER PUP
ADDRESS HC 76 BOX 1050	MARKET VALUE 27,200
	HARDSHIP
	HOMEOWNER
AMERICAN FALLS ID 83211	NET MARKET 27,200
	TAX AMOUNT 310.88
LEGAL E1/2NE	LESS: CIRCUIT
S 29 T 9 R 28	PLUS: SPECIALS
	NET TAX BILLED 310.88
	TAX PAYMENTS 155.44
	TAX CANCELLED
	SPEC CANCELLED
	REMAINING TAX DUE 155.44

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Print Key Output

5769351 V4R3M0 980729

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Page 1
04/05/99 15:44:47

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E290600 A	YEAR 1998	BILL#	7388
TXPKEY: RP09S28E290600A	BILLED TO: WEBB BASIN REAL ESTATE LLC		
NAME WEBB BASIN REAL ESTATE LLC	CODE AREA 4600	ACCOUNT TYPE	
	BANK FLB	OWNER	PUP
ADDRESS HC 76 BOX 1050		MARKET VALUE	156,020
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS	ID 83211	NET MARKET	156,020
		TAX AMOUNT	1,783.28
LEGAL W1/2E1/2, W1/2		LESS: CIRCUIT	
S 29 T 9 R 28		PLUS: SPECIALS	
		NET TAX BILLED	1,783.28
		TAX PAYMENTS	891.64
		TAX CANCELLED	
		SPEC CANCELLED	
		REMAINING TAX DUE	891.64

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Print Key Output

Page 1

5769SS1 V4R3M0 980729

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04/05/99 15:44:50

Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E297200 A	YEAR 1998	BILL#	7389
TXPKEY: RP09S28E297200A	BILLED TO: WEBB BASIN REAL ESTATE LLC		
NAME WEBB BASIN REAL ESTATE LLC	CODE AREA 4600	ACCOUNT TYPE	
	BANK FLB	OWNER	PUP
ADDRESS HC 76 BOX 1050		MARKET VALUE	25,660
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS ID 83211	NET MARKET		25,660
	TAX AMOUNT		293.28
LEGAL E1/2SE	LESS: CIRCUIT		
S 29 T 9 R 28	PLUS: SPECIALS		
	NET TAX BILLED		293.28
	TAX PAYMENTS		146.64
	TAX CANCELLED		
	SPEC CANCELLED		
	REMAINING TAX DUE		146.64

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Display Device WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E283001 A YEAR 1998 BILL# 7384
TXPKEY: RP09S28E283001A BILLED TO: WEBB BASIN REAL ESTATE LLC
NAME WEBB BASIN REAL ESTATE LLC CODE AREA 4600 ACCOUNT TYPE
BANK FLB OWNER PUP

ADDRESS HC 76 BOX 1050 MARKET VALUE 80,601
HARDSHIP
HOMEOWNER
AMERICAN FALLS ID 83211 NET MARKET 80,601
TAX AMOUNT 921.24
LEGAL S1/2NW, NWNW, E1/2SW, NWSE, LESS: CIRCUIT
S1/2SE N/INTERSTATE HWY PROJ PLUS: SPECIALS
LESS T 7544 S 28 T 9 R 28 NET TAX BILLED 921.24
TAX PAYMENTS 460.62
TAX CANCELLED
SPEC CANCELLED
REMAINING TAX DUE 460.62

Tax 7544 TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO, Section 28: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$
described as follows:

Beginning at the E $\frac{1}{4}$ section corner of said Section 28,
said corner marked by a U.S. GLO iron pipe with brass
cap; Thence South 00°32'23" West along the East line of
Section 28 for a distance of 1335.08 feet to the NE
corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28 which shall be
the POINT OF BEGINNING;

Thence South 00°32'23" West along the East line of
Section 28 for a distance of 756.90 feet;

Thence along a non-tangent curve to the right for
a distance of 1079.81 feet to a point on the North line
of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, said curve having a radius of 1124.51
feet with a central angle of 55°01'05" with a long chord
bearing of North 43°21'37" West for a distance of
1036.80 feet;

Thence North 89°52'19" East along said North line
for a distance of 720.35 feet to the POINT OF BEGINNING.

Compiled for assessment purposes only. Reference the
EXCEPTION on Page 3 of Exhibit A to Warranty Deed
recorded as Instrument Number 248098 and R03246122.
tdm 08/13/97.

T7544
only

Print Key Output

Page 1

5769SS1 V4R3M0 980729

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Display Device : WO
User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E285400 A	YEAR 1998	BILL#	7385
TXPKEY: RP09S28E285400A	BILLED TO: WEBB BASIN REAL ESTATE LLC		
NAME WEBB BASIN REAL ESTATE LLC	CODE AREA 4600	ACCOUNT TYPE	
	BANK FLB	OWNER	PUP
ADDRESS HC 72 BOX 1050		MARKET VALUE	22,580
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS ID 83211	NET MARKET		22,580
	TAX AMOUNT		258.08
LEGAL W1/2SW	LESS: CIRCUIT		
S 28 T 9 R 28	PLUS: SPECIALS		
	NET TAX BILLED		258.08
	TAX PAYMENTS		129.04
	TAX CANCELLED		
	SPEC CANCELLED		
	REMAINING TAX DUE		129.04

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

Print Key Output

Page 1

5769SS1 V4R3M0 980729

S103LDFM

04/05/99 15:45:02

Display Device : WO

User : GAYLE

TAX MASTER INQUIRY

PMPKEY: RP 09S28E333150 A	YEAR 1998	BILL#	7404
TXPKEY: RP09S28E333150A	BILLED TO: WEBB BASIN REAL ESTATE LLC		
NAME	WEBB BASIN REAL ESTATE LLC	CODE AREA	4600
		BANK	FLB
		ACCOUNT TYPE	PUP
ADDRESS HC 76 BOX 1050		MARKET VALUE	1,768
		HARDSHIP	
		HOMEOWNER	
AMERICAN FALLS ID 83211		NET MARKET	1,768
		TAX AMOUNT	20.20
LEGAL N1/2 N/INTST		LESS: CIRCUIT	
S 33 T 9 R 28		PLUS: SPECIALS	
		NET TAX BILLED	20.20
		TAX PAYMENTS	10.10
		TAX CANCELLED	
		SPEC CANCELLED	
		REMAINING TAX DUE	10.10

NEXT PARCEL# RP A OR NEXT BILL# RP 1998
 F3=EXIT F14=OTHER TAXES F5=PAYMNT ACTIVITY F6=TRANS ACTIVITY F24=MORE

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	P O E INVESTMENTS 2300 OVERLAND BURLEY ID 83318 (208) 678-1116	06/15/1977	IRRIGATION	04-01 10-31	1.32 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.32 CFS	6843.00 AFR

Stage: LICENSE

CASSIA County

CASSIA County

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: SEE REMARKS A43-07052

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A43-02481 A43-02567 A43-02568 A43-02579 A43-07046 A43-07047 A43-07052 A43-10841

Other Water Rights Listing Overlapping Place(s) of Use:

A43-00429	A43-02481	A43-02567	A43-02568	A43-02578	A43-02579	A43-02597	A43-07044B	A43-07044C	A43-07046
A43-07047	A43-07052	A43-07131	A43-10227	A43-10228	A43-10229	A43-10230	A43-10802	A43-10841	A43-02578
A43-07044C	R43-10802								

Remarks: GEN 2 P/D IN NWSESE, S30, T9S, R28E.

OTHER RIGHTS: THE FOLLOWING LICENSES HAVE BEEN COMBINED INTO A PERMISSIBLE PLACE OF USE.

43-07046 190 ACRES

Remarks:

43-07052 1543 ACRES
43-02597 40 ACRES (SPRING)
43-07047 160 ACRES
43-02481 218 ACRES
A43-10841 130 ACRES (EXPANSION)

2281 ACRES IRRIGATED UNDER SYSTEM.

43-02567 COVERED BY 43-07052
43-02568 COVERED BY 43-07052
43-02579 COVERED BY 43-07052
43-07088A COVERED BY 43-07052 & 43-07046

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag: C
Presumption Flag:

Audit:

04/09/93 MERRITT 03/30/95 POST-STD

AS OF THE TIME OF THIS ENTRY, 9:40 AM, THERE HAS BEEN NO FURTHER
WORD FROM THE PARTIES OR BILL PARSONS.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-02481 ET AL

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

IDWR Employee/Agent Frank Hitchcock

March 13, 1997 3:44pm

NAME:

POE INVESTMENTS TO WEBB

RE:

MEETING AT 1 PM WITH WEBB
AND GLEN JENSEN, RE/MAX.

REVIEW THE CLAIMS OF POE TO DECIDE HOW TO DO A CHANGE OF OWNERSHIP THAT WOULD ALLOW RETENTION OF THE "OLD" KUWANA PLACE AND MOVEMENT OF 1 CFS TO THAT GROUND FROM THE WATER RIGHTS APURTENANT TO THE SRBA CLAIMS PERMITTED PLACE OF USE.

ASKED FOR AND GOT A COPY OF THE GROUND AS DESCRIBED IN THE TITLE INSURANCE POLICY. MADE A COPY EACH FOR MYSELF AND GEORGIA. IN THE INTERIM GEORGIA AND MR JENSEN BEGAN TO OUTLINE THE POU BEING PURCHASED BY WEBB AND I JOINED THEM AFTER ABOUT 15 MINUTES DUE TO NO SECRETARIAL SUPPORT FOR COPYING AND COPIER JAMMING.

MR WEBB ARRIVED AND WE DISCUSSED THE WATER RIGHT, THEIR DIVERSION AMOUNTS AND THE SITUATION THEY WANTED TO CREATE AS A RESULT OF THE SALE. WE COULDN'T ARRIVE AT THE SAME FIGURE FOR THE TOTAL AMOUNT OF THE DIVERIONS AND WHAT THE DIFFERENCES MEANT SO GEORGIA GOT ALLEN MERRITT TO COME IN.

HE STATED THAT THE WELLS DIVERSION RATES AS A TOTAL OF CLAIMED DIVERSION RATES WAS NOT RELIABLE SINCE NO ANALYSIS OF THE CAPACITY OF THE WELL TO DELIVER MULTIPLE RIGHTS WAS ON THE RECORD. AFTER SOME DISCUSSION WE MOVED TO HOW BEST TO DO THE CHANGE OF OWNERSHIP AND THE CHANGING OF THE CLAIMS TO MOVE 1 CFS TO THE KUWANA PLACE.

ALLEN SAID THAT THE PARTIES WOULD HAVE TO TELL US WHAT THEY WANTED TO DO. JENSEN SAID THAT HE WANTED THE DEPARTMENT TO TELL THEM HOW TO DO THE CHANGE SO THAT THEY COULD GET THE WATER ON THE PROPERTY. WEBB WAS CONCERNED THAT THE WATER WASN'T GOING TO BE THERE IN THE FUTURE MUCH LESS NOW FOR THE CONDITIONS OF THE APPRAISAL.

WE DECIDED TO CALL BILL PARSONS ON A CONFERENCE CALL WHICH I DID. HE ASKED IF THEY COULD AVOID A TRANSFER. I SUGGESTED MOVING ALL THE SRBA CLAIMS OVER INTO THE WEBB NAME AND RESERVE THE KUWANA LAND. PARSONS SAID WHY NOT DO THAT AND ALSO RESERVE A CFS FROM ANOTHER WELL. I SAID SINCE ITS AN INTERTIED SYSTEM RESERVE THE WATER THAT YOU NEED FROM THE SYSTEM FOR THE KUWANA LAND AND DO A SIDEBAR OR INSERT LAGUAGE THAT ADDRESSES THE DESIRED SETUP IF THE LENDER WOULD GO WITH IT. PARSONS SAID THAT FCS HAD ALREADY SAID THAT THEY WOULD.

JENSEN WILL GET WITH PARSONS TO FINALIZE AN OWNERSHIP CHANGE IN SOME, FORM ALONG THE LINES OF WHAT WE ALL DISCUSSED. I ENCOURAGED BOTH JENSEN AND WEBB TO CALL ME IF THEY HAD ADDITIONAL QUESTIONS OR THOUGHT OF DETAILS ON THE RIDE BACK HOME. WE DISCUSSED BRIEFLY THE FUTURE FIELD EXAMS AND WHEN THEY MIGHT HAPPEN AS WELL AS HOW THE WELL MEASUREMENTS WOULD BE DONE AND THE BASIS FOR RECCOMENDATIONS.

COPY

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

RECEIVED

APR 08 1993

Ident. Number: A43-07088A
Date Received: 1/16/1992
Receipt No: 5015590
Received By: AQ

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: P. O. E. INVESTMENTS
Address: 2300 OVERLAND
BURLEY ID 83318
208-678-1116

2. Date of Priority: JUN 15, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	28E	21	SW	SW	SW		CASSIA
		29	SE	SW	SW		CASSIA
			SE	NW	SE		CASSIA
		30	NW	SE	SE		CASSIA
		31	NE	SW	NW	2	CASSIA

5. Description of diverting works:
SIX WELLS DELIVERING TO A COMMON PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.320		

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

8. Total consumptive use is 6843.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

COPY

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	27E	25	SE		SE		IRR	21.0
			Section Acres					21.0
		36	NE		NE		IRR	12.0
			SE		NE		IRR	1.0
			Section Acres					13.0
	28E	19	NE		SW	3	IRR	3.0
			SE		SW		IRR	39.0
			NE		SE		IRR	30.0
			NW		SE		IRR	20.0
			SW		SE		IRR	40.0
			SE		SE		IRR	35.0
			Section Acres					167.0
		20	NE		SW		IRR	12.0
			SE		SW		IRR	4.0
			NE		SE		IRR	15.0
			NW		SE		IRR	28.0
			SW		SE		IRR	40.0
			SE		SE		IRR	38.0
			Section Acres					137.0
		21	NW		SW		IRR	30.0
			SW		SW		IRR	22.0
			SE		SW		IRR	14.0
			Section Acres					66.0
		28	NW		NE		IRR	9.0
			NE		NW		IRR	20.0
			SW		NW		IRR	40.0
			SE		NW		IRR	36.0
			NE		SW		IRR	36.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	8.0
			NW		SE		IRR	39.0
			SW		SE		IRR	40.0
			SE		SE		IRR	35.0

COPY

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	383.0
		29	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	37.0
			NW	NW		IRR	39.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	628.0
		30	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	37.0
			NW	NW	1	IRR	46.0
			SW	NW	2	IRR	46.0
			SE	NW		IRR	34.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	43.0
			SW	SW	4	IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	38.0
			NW	SE		IRR	39.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0
						Section Acres	638.0
		31	NE	NE		IRR	30.0
			NW	NE		IRR	33.0
			NE	NW		IRR	39.0
			NW	NW	1	IRR	42.0
			SW	NW	2	IRR	16.0

COPY

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						160.0
		32	NE	NE	IRR	7.0
			NW	NE	IRR	11.0
			NE	NW	IRR	13.0
			NW	NW	IRR	24.0
Section Acres						55.0
		33	NW	NE	IRR	2.0
			NE	NW	IRR	5.0
			NW	NW	IRR	6.0
Section Acres						13.0
Total Acres						2281.0

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 A43-07052

14. Remarks:

2 P/D IN NWSESE, S30, T9S, R28E.

OTHER RIGHTS: THE FOLLOWING LICENSES HAVE BEEN COMBINED INTO A PERMISSIBLE PLACE OF USE.

43-07046	190 ACRES
43-07052	1543 ACRES
43-02597	40 ACRES (SPRING)
43-07047	160 ACRES
43-02481	218 ACRES
A43-10841	130 ACRES (EXPANSION)

2281 ACRES IRRIGATED UNDER SYSTEM.

43-02567 COVERED BY 43-07052

43-02568 COVERED BY 43-07052

43-02579 COVERED BY 43-07052

43-07088A covered by 43-07052 & 43-07046

15. Basis of Claim: LICENSE

COPY

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am A Partner of P.O.E. INVESTMENTS Title Organization, that I have signed the foregoing document in the space below as Managing Partner of P.O.E. INVESTMENTS Title Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Managing Partner
Title and Organization

April 1, 1993
Date

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of April 19 93

[Signature]
Notary Public

Seal

Residing at Burley
My Commission Expires 4-1-94

WRS809NP
No. 43-07088

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/22/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RIVIERA FARMS INC. P.O. BOX 838 BURLEY ID 83318	06/15/1977	IRRIGATION	04/01 10/31	1.320 CFS	264.00 AFA
TOTAL DIVERSION:					1.320 CFS	264.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R28E S31 Lot 02(SUMW)

CASSIA County

Place of use Legal Description for: IRRIGATION

T	R	S	NE	NE	NE	SE	SE	SE	SE	SUM
09S	27E	25	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09S	27E	36	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09S	28E	30	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09S	28E	31	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
TOTAL ACRES										66.0

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
43-02567 43-02568 43-02579 43-07046 43-07047
Other Water Rights Listing Overlapping Place(s) of use:
43-00162 43-00163 43-00223 43-00224 43-00225 43-00226 43-00420 43-07046 43-07131

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Remarks: THE RATE OF FLOW FROM THE P/D IN THIS RT. AND IN RT. 43-7052
SMALL NOT EXCEED 1.91 CFS.

Dates: App. Received: 06/15/1977
Proof Due Date: 06/15/1977
Exam Made Date: 02/28/1983
Exam Sent to S.O.:
Misc: Water District Number: Field Exam Fee:
Audit: 03/12/85 05/28/88 CONVERT

77 12 11 10
77 12 11 10

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

ORDER OF PARTIAL DECREE

For Water Rights 43-2567B, 43-2568, 43-2579,
43-7046, 43-7047, 43-7052 and 43-7088A

On July 31, 2002, a *Special Master's Report and Recommendation* was filed for the above water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water rights 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052 and 43-7088A are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED 9/12/02

Roger S. Burdick

ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 43-07088A

SEP 12 AM 11:10

RECEIVED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS
264.00 AFY

OK

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B,
43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

PRIORITY DATE: 06/15/1977

POINT OF DIVERSION: T09S R28E S29 NESWSW Within Cassia County
SENWSE
S30 SWSESE
SWSESE
S31 LOT 2 (NESWNW)

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.32 CFS 264.00 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 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
	T09S R27E S25	SESE 15.0	
	S36	NENE 15.0	SENE 1.6
	R28E S19	SESW 32.0	
	S28	NWNW 37.0	SWNW 40.0
		SESW 34.0	NESW 34.0
		NWSW 33.0	SWSW 35.0
		SESW 33.0	NWSE 40.0
		SWSE 11.0	SESE 30.0
	S29	NENE 40.0	NWNE 21.0
		SWNE 40.0	SENE 40.0
		NENW 37.0	NWNW 31.0
		SWNW 41.0	SESW 40.0
		NESW 41.0	NWSW 41.0
		SWSW 41.0	SESW 41.0
		NESE 40.0	NWSE 41.0
		SWSE 41.0	SESE 38.0
	S30	NENE 34.0	NWNE 40.0
		SWNE 41.0	SENE 41.0
		NENW 41.0	(NWNW) 45.0
	LOT 2	(SWNW) 45.0	SESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESW 40.0	LOT 3	(NWSW) 46.0
LOT 4	(SWSW) 36.0		SESW 39.0
	NESE 41.0		NWSE 41.0
	SWSE 41.0		SESE 41.0
S31	NENE 29.0		NWNE 19.0
	NENW 12.0	LOT 1	(NWNW) 24.0
LOT 2	(SWNW) 12.0		
S32	NENE 4.3		NWNE 11.0
	NENW 17.0		NWNW 24.0
S33	NWNW 3.9		
1832.8 Acres Total			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR WATER RIGHTS IN BASIN 43 was mailed on September 12, 2002, with sufficient first-class postage to the following:

DOUGLAS C. WEBB
WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5757

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER OF PARTIAL DECREE

Page 1 9/12/02

FILE COPY FOR 00244

Robbin Galt
Deputy Clerk

Adjudication Recommendation Report 43-7088A V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	P O E INVESTMENTS 2300 OVERLAND BURLEY, ID 83318 (208)678-1116
Original Owner	RIVIERA FARMS INC PO BOX 838 BURLEY, ID 83318
Current Owner	WEBB BASIN REAL ESTATE LLC HC 76 BOX 1050 AMERICAN FALLS, ID 83211 (208)349-5757

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.320 CFS	264.00 AF
	Total Diversion:	1.320 CFS	264.00 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	L2 NE1/4SW1/4NW1/4	Sec. 31,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	SE1/4NW1/4SE1/4	Sec. 29,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	SW1/4SE1/4SE1/4	Sec. 30,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	SW1/4SE1/4SE1/4	Sec. 30,	Twp 09S,	Rge 28E, B.M.
GROUND WATER CASSIA County	NE1/4SW1/4SW1/4	Sec. 29,	Twp 09S,	Rge 28E, B.M.

IRRIGATION

[illegible]

Adjudication Recommendation Report 43-7088A V2

[illegible]

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

1.	Place of Use - Irrigation	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.
2.	Quantity	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.
3.	Point of Diversion	TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.
4.	Place of Use - Irrigation	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5.	Purpose of Use	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.

1. joberts 5/23/2002 Version 2
Comment: Created another Version to correct the PoD (extra well was identified for this right in the SESWSW of Section 29, there is only a well in the NESWSW of Section 29) per the Late Objection filed by Doug Webb.

RECEIVED

1992 JUL 31

Department of Water Resources
Twin Falls Bureau

1992 JUL 31 AM 10:19

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

In Re SRBA	)	Subcases 43-02567B, 43-02568, 43-02579,
	)	43-07046, 43-07047, 43-07052 and 43-07088A
Case No. 39576	)	(Webb Basin Real Estate, LLC)
	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

P.O.E. Investments filed a *Notice of Claim to a Water Right* under 43-07088A on January 16, 1992, claiming 1.32 cfs from groundwater to irrigate 2,281 acres in Cassia County from April 1 to October 31 with a priority date of June 15, 1977, based on a license. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended claim 43-07088A as filed, but to Webb Basin Real Estate, LLC, HC 76, Box 1050, American Falls, Idaho 83211, for irrigation of 66 acres within a 1,832.8 acre place of use. The Director also recommended claim 43-07088A be limited to a total combined diversion rate of 20.06 cfs in combination with overlapping claims 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047 and 43-07052.

Douglas C. Webb (Webb Basin Real Estate) filed an *Objection* to claim 43-07088A on March 21, 2002, objecting to points of diversion. On July 15, 2002, Mr. Webb and IDWR filed a *Standard Form 5* deleting a point of diversion.

Conclusions of Law

Webb Basin Real Estate, LLC, is entitled to partial decrees adjudicating water rights under claims 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052 and 43-07088A as described in the *Standard Form 5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052 and 43-07088A*.

DATED July 31, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-07088A

2008 JUL 31 AM 10:19
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS
264.00 APY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 7331 AP. COMBINED RIGHT NOS.: 43-02567B,
43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

PRIORITY DATE: 06/15/1977

POINT OF DIVERSION: T09S R28E S29 NESWSW Within Cassia County
SENWSE
S30 SWSSESE
SWSSESE
S31 LOT 2 (NESWNW)

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSSESE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-01 TO 10-31	1.32 CFS 264.00 APY

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
	T09S R27E S25	SESE 15.0
	S36	NENE 15.0
	R28E S19	SESW 32.0
	S28	NWNW 37.0
		SESW 34.0
		NWSW 33.0
		SESW 33.0
		SWSE 31.0
	S29	NENE 40.0
		SWNE 40.0
		NENW 37.0
		SWNW 41.0
		NESW 41.0
		SWSW 41.0
		NESE 40.0
		SWSE 41.0
	S30	NENE 34.0
		SWNE 41.0
		NENW 41.0
	LOT 2	(SWNW) 45.0
		SESW 40.0
		SENE 1.6
		SWNW 40.0
		NESW 34.0
		SWSW 35.0
		NWSB 40.0
		SESE 30.0
		NWNE 21.0
		SENE 40.0
		NWNW 31.0
		SESW 40.0
		NWSW 41.0
		SESW 41.0
		NWSE 41.0
		SESE 38.0
		NWNE 40.0
		SENE 41.0
		(NWNW) 45.0
		SESW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NBSW 40.0	LOT 3	(NWSW) 46.0
LOT 4	(SWSW) 36.0		SESW 39.0
	NESE 41.0		NWSE 41.0
	SWSE 41.0		SESE 41.0
S31	NENE 29.0		NWNE 19.0
	NENW 12.0	LOT 1	(NWNW) 24.0
LOT 2	(SWNW) 12.0		
S32	NENE 4.3		NWNE 11.0
	NENW 17.0		NWNW 24.0
S33	NWNW 3.9		
1832.8 Acres Total			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

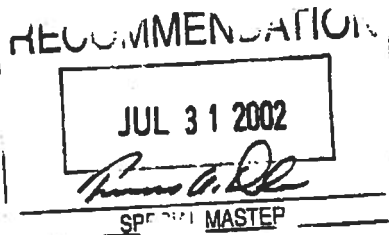
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



JUL 31 2002

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

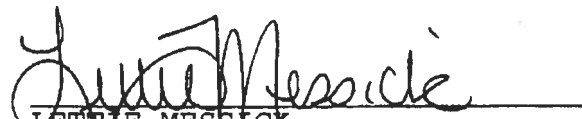
Water Right(s): 43-02567B
43-02568 43-02579 43-07046
43-07047 43-07052 43-07088A

On July 31, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 31, 2002.


LETTIE MESSICK
Deputy Clerk

2002 JUL 31 AM 10:19

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *DM*

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-02567B

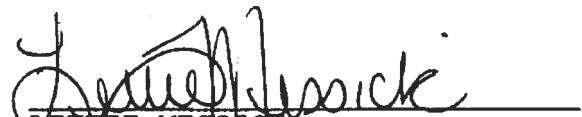
43-02568 43-02579 43-07046
43-07047 43-07052 43-07088A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 31, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DOUGLAS C. WEBB
WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211
Phone: 208-349-5757


LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/31/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 4, 2002

Douglas C. Webb
Webb Basin Real Estate
HC 76 Box 1050
American Falls, ID 83211

RE: Standard Form 5 in subcase 43-7088A

Dear Mr. Webb:

Enclosed you will find an original Standard Form 5 (SF5) for your water right, number 43-7088A. This document is the standard settlement agreement form used in the SRBA Court to resolve objections. Attached to the SF5 is the description of your water right showing the changes made based upon concerns addressed in your objection.

Please review the water right description carefully. If these changes meet with your approval, please initial the description page, sign the first page of the SF5 and fill out the Certificate of Service (the last page). As noted in the Certificate, the original, signed SF5 should be sent to the SRBA court. A copy of the signed document needs to be sent back to IDWR and please retain a copy for your records.

Should you have any questions or require any further assistance, please don't hesitate to contact me at 208-736-3033 or Paralegal Vicki Kelly at 208-327-5458. Thank you.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Enclosure

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

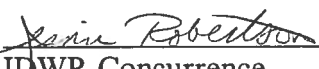
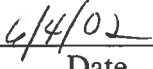
In Re SRBA	)	Subcase No.: 43-7088A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

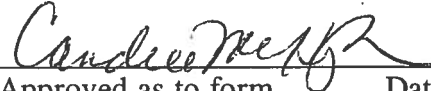
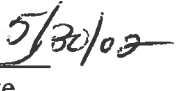
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

_____ Douglas C. Webb	_____ Date
Webb Basin Real Estate	

 _____ IDWR Concurrence Sr. Water Resource Agent	 _____ Date
--	--

 _____ Approved as to form Attorney for IDWR	 _____ Date
---	--

05/23/2002

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

RIGHT NUMBER: 43-7088A

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS
264.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

PRIORITY DATE: 06/15/1977

POINT OF DIVERSION:

T09S R28E S29 NESWSW Within CASSIA County
~~T09S R28E S29 SESWSW Within CASSIA County~~
T09S R28E S29 SENWSE Within CASSIA County
T09S R28E S30 SWSESE Within CASSIA County
T09S R28E S30 SWSESE Within CASSIA County
T09S R28E S31 NESWNW Lot 2 Within CASSIA County
TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

SM
8

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.320 CFS 264.00 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 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

T09S R27E S25	SESE	15.0	T09S R27E S36	NENE	15.0
T09S R27E S36	SENE	1.6	T09S R28E S19	SESW	32.0
T09S R28E S28	NWNW	37.0	T09S R28E S28	SWNW	40.0
T09S R28E S28	SENE	34.0	T09S R28E S28	NESW	34.0
T09S R28E S28	NWSW	33.0	T09S R28E S28	SWSW	35.0
T09S R28E S28	SESW	33.0	T09S R28E S28	NWSE	40.0
T09S R28E S28	SWSE	31.0	T09S R28E S28	SESE	30.0
T09S R28E S29	NENE	40.0	T09S R28E S29	NWNE	21.0
T09S R28E S29	SWNE	40.0	T09S R28E S29	SENE	40.0
T09S R28E S29	NENW	37.0	T09S R28E S29	NWNW	31.0
T09S R28E S29	SWNW	41.0	T09S R28E S29	SENE	40.0
T09S R28E S29	NESW	41.0	T09S R28E S29	NWSW	41.0
T09S R28E S29	SWSW	41.0	T09S R28E S29	SESW	41.0
T09S R28E S29	NESE	40.0	T09S R28E S29	NWSE	41.0
T09S R28E S29	SWSE	41.0	T09S R28E S29	SESE	38.0
T09S R28E S30	NENE	34.0	T09S R28E S30	NWNE	40.0
T09S R28E S30	SWNE	41.0	T09S R28E S30	SENE	41.0
T09S R28E S30	NENW	41.0	T09S R28E S30 Lot 1	NWNW	45.0
T09S R28E S30 Lot 2	SWNW	45.0	T09S R28E S30	SENE	40.0
T09S R28E S30	NESW	40.0	T09S R28E S30 Lot 3	NWSW	46.0
T09S R28E S30 Lot 4	SWSW	36.0	T09S R28E S30	SESW	39.0
T09S R28E S30	NESE	41.0	T09S R28E S30	NWSE	41.0
T09S R28E S30	SWSE	41.0	T09S R28E S30	SESE	41.0
T09S R28E S31	NENE	29.0	T09S R28E S31	NWNE	19.0
T09S R28E S31	NENW	12.0	T09S R28E S31 Lot 1	NWNW	24.0
T09S R28E S31 Lot 2	SWNW	12.0	T09S R28E S32	NENE	4.3
T09S R28E S32	NWNE	11.0	T09S R28E S32	NENW	17.0
T09S R28E S32	NWNW	24.0	T09S R28E S33	NWNW	3.9

1832.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: License

Robertson, Jean

From: Kelly, Vicki
Sent: Tuesday, July 30, 2002 5:23 PM
To: Robertson, Jean
Subject: FW: 43-7088A et al

Follow Up Flag: Follow up
Due By: Tuesday, July 30, 2002 4:00 PM
Flag Status: Flagged

Hi Jeanie--

I suspect this is not a problem, but you are the expert, so I'm checking with you. Evidently, the SF5 filed in 43-7088A brought this up. SM Dolan is concerned about the 2 combined diversion remarks under the quantity element. For example, 43-2567B states:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS & TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-2567B, 43-2568, 43-02579, 43-7046, 43-7047, 43-7052, & 43-7088A.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.74 CFS. COMBINED RIGHT NOS.: 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, & 43-07052.

I take it there are 2 PODs involved in this group of rights and the remarks both need to be on the recs, but only one POD for 7088A, so we only needed the one remark. Anxiously waiting your reply.... THANKS -- V

-----Original Message-----

From: lmessick@srba.state.id.us [mailto:lmessick@srba.state.id.us]
Sent: Tuesday, July 30, 2002 3:10 PM
To: vKELLY@idwr.state.id.us
Subject: 43-7088A et al

Good Afternoon Vicki,

Special Master Dolan wanted me to double check the recommendations for the following unobjected to overlaps.

43-2567B
43-2568
43-2579
43-7046
43-7047
43-7052

His question: There are 2 different diversion restrictions listed under the quantity element. Dolan just wants to make sure they are both supposed to be there. They are listed in the DR with both restrictions.

Robertson, Jean

From: McHugh, Candice
Sent: Thursday, May 23, 2002 10:48 AM
To: Robertson, Jean
Subject: RE: 43-7088A (Webb)

Yes please.

Thanks

-----Original Message-----

From: Robertson, Jean
Sent: Thursday, May 23, 2002 10:48 AM
To: McHugh, Candice
Subject: RE: 43-7088A (Webb)

Okay, I'll prepare an SF5...do you want the underline/strike out form?

-----Original Message-----

From: McHugh, Candice
Sent: Thursday, May 23, 2002 10:41 AM
To: Robertson, Jean
Cc: Kelly, Vicki
Subject: RE: 43-7088A (Webb)

Motion was granted.

-----Original Message-----

From: McHugh, Candice
Sent: Thursday, May 23, 2002 10:14 AM
To: Robertson, Jean
Cc: Kelly, Vicki
Subject: 43-7088A (Webb)

Jean,

I expect this late objection to be granted so the next step is preparing an SF5 to route that will remove the erroneous POD. Can you prepare the SF5 attachment (a recommendation) and email it to me and Vik? Viki will then prepare a coversheet and route the document for signatures.

Thanks

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

05/23/2002

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

RIGHT NUMBER: 43-7088A

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.32 CFS
264.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

PRIORITY DATE: 06/15/1977

POINT OF DIVERSION:

T09S R28E S29 NESWSW Within CASSIA County

T09S R28E S29 SENWSE Within CASSIA County

T09S R28E S30 SWSESE Within CASSIA County

T09S R28E S30 SWSESE Within CASSIA County

T09S R28E S31 NESWNW Lot 2 Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.320 CFS 264.00 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 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

05/23/2002

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

T09S R27E S25	SESE	15.0	T09S R27E S36	NENE	15.0
T09S R27E S36	SENE	1.6	T09S R28E S19	SESW	32.0
T09S R28E S28	NWNW	37.0	T09S R28E S28	SWNW	40.0
T09S R28E S28	SESW	34.0	T09S R28E S28	NESW	34.0
T09S R28E S28	NWSW	33.0	T09S R28E S28	SWSW	35.0
T09S R28E S28	SESE	33.0	T09S R28E S28	NWSE	40.0
T09S R28E S28	SWSE	31.0	T09S R28E S28	SESE	30.0
T09S R28E S29	NENE	40.0	T09S R28E S29	NWNE	21.0
T09S R28E S29	SWNE	40.0	T09S R28E S29	SENE	40.0
T09S R28E S29	NENW	37.0	T09S R28E S29	NWNW	31.0
T09S R28E S29	SWNW	41.0	T09S R28E S29	SESW	40.0
T09S R28E S29	NESW	41.0	T09S R28E S29	NWSW	41.0
T09S R28E S29	SWSW	41.0	T09S R28E S29	SESW	41.0
T09S R28E S29	NESE	40.0	T09S R28E S29	NWSE	41.0
T09S R28E S29	SWSE	41.0	T09S R28E S29	SESE	38.0
T09S R28E S30	NENE	34.0	T09S R28E S30	NWNE	40.0
T09S R28E S30	SWNE	41.0	T09S R28E S30	SENE	41.0
T09S R28E S30	NENW	41.0	T09S R28E S30 Lot 1	NWNW	45.0
T09S R28E S30 Lot 2	SWNW	45.0	T09S R28E S30	SESW	40.0
T09S R28E S30	NESW	40.0	T09S R28E S30 Lot 3	NWSW	46.0
T09S R28E S30 Lot 4	SWSW	36.0	T09S R28E S30	SESW	39.0
T09S R28E S30	NESE	41.0	T09S R28E S30	NWSE	41.0
T09S R28E S30	SWSE	41.0	T09S R28E S30	SESE	41.0
T09S R28E S31	NENE	29.0	T09S R28E S31	NWNE	19.0
T09S R28E S31	NENW	12.0	T09S R28E S31 Lot 1	NWNW	24.0
T09S R28E S31 Lot 2	SWNW	12.0	T09S R28E S32	NENE	4.3
T09S R28E S32	NWNE	11.0	T09S R28E S32	NENW	17.0
T09S R28E S32	NWNW	24.0	T09S R28E S33	NWNW	3.9

1832.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: License

05/23/2002

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

RIGHT NUMBER: 43-7088A

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS ID 83211

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS
264.0 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

PRIORITY DATE: 06/15/1977

POINT OF DIVERSION:

T09S R28E S29 NESWSW Within CASSIA County
~~T09S R28E S29 SESWCW Within CASSIA County~~
T09S R28E S29 SENWSE Within CASSIA County
T09S R28E S30 SWSESE Within CASSIA County
T09S R28E S30 SWSESE Within CASSIA County
T09S R28E S31 NESWNW Lot 2 Within CASSIA County
TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.320 CFS 264.00 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 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

T09S R27E S25	SESE	15.0	T09S R27E S36	NENE	15.0
T09S R27E S36	SENE	1.6	T09S R28E S19	SESW	32.0
T09S R28E S28	NWNW	37.0	T09S R28E S28	SWNW	40.0
T09S R28E S28	SENW	34.0	T09S R28E S28	NESW	34.0
T09S R28E S28	NWSW	33.0	T09S R28E S28	SWSW	35.0
T09S R28E S28	SESE	33.0	T09S R28E S28	NWSE	40.0
T09S R28E S28	SWSE	31.0	T09S R28E S28	SESE	30.0
T09S R28E S29	NENE	40.0	T09S R28E S29	NWNE	21.0
T09S R28E S29	SWNE	40.0	T09S R28E S29	SENE	40.0
T09S R28E S29	NENW	37.0	T09S R28E S29	NWNW	31.0
T09S R28E S29	SWNW	41.0	T09S R28E S29	SESW	41.0
T09S R28E S29	NESW	41.0	T09S R28E S29	NWSE	41.0
T09S R28E S29	SESW	41.0	T09S R28E S29	SESE	38.0
T09S R28E S29	NESE	40.0	T09S R28E S29	NWNE	40.0
T09S R28E S29	SWSE	41.0	T09S R28E S30	SENE	41.0
T09S R28E S30	NENE	34.0	T09S R28E S30	NWNW	45.0
T09S R28E S30	SWNE	41.0	T09S R28E S30 Lot 1	SESW	40.0
T09S R28E S30	NENW	41.0	T09S R28E S30 Lot 3	NWSW	46.0
T09S R28E S30 Lot 2	SWNW	45.0	T09S R28E S30	SESW	39.0
T09S R28E S30	NESW	40.0	T09S R28E S30	NWSE	41.0
T09S R28E S30 Lot 4	SWSW	36.0	T09S R28E S30	SESE	41.0
T09S R28E S30	NESE	41.0	T09S R28E S31	NWNE	19.0
T09S R28E S30	SWSE	41.0	T09S R28E S31 Lot 1	NWNW	24.0
T09S R28E S31	NENE	29.0	T09S R28E S32	NENE	4.3
T09S R28E S31	NENW	12.0	T09S R28E S32	NENW	17.0
T09S R28E S31 Lot 2	SWNW	12.0	T09S R28E S33	NWNW	3.9
T09S R28E S32	NWNE	11.0			
T09S R28E S32	NWNW	24.0			

1832.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: License

RECEIVED

MAR 25 2002

3-20-02

To Whom This may Concern:

Department of Water Resources
Southern Region

I apologize for being late on this objection. I found the mistake after talking to Janie Robertson. There are not 2 pts of diversion at this site.

Thanks

Stephen (L)

RECEIVED

MAR 21 2002

Department of Water Resources

3/20/02

- found & had accidentally typed an "extra" well in the SESWSW of Sec. 29 (only should be one in the NESWSW, like all of the other rights in the ppu) while meeting w/ Doug
- told him he would need to file objection (late) to correct

RECEIVED
MAR 25 2002
Department of Water Resources
Southern Region

RECEIVED

MAR 21 2002

Department of Water Resources

COPY

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

In Re SRBA

Case No. 39576

A. Subcase 43-7088A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: DOUGLAS C. WEBB

Address: H.S. 76 BOX 1056

AMERICAN FALLS ID. 83211

Daytime Phone: 208-349-5757

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: WEBB BASIN REAL ESTATE LLC

Address: H.S. 76 BOX 1050

AMERICAN FALLS ID. 83211

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point(s) of Diversion**

Should be: T09S R28E Sec 29 NESWSW only

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** There are not 2 pts
of Diversion in T09S R28E Sec 29 SWSW

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

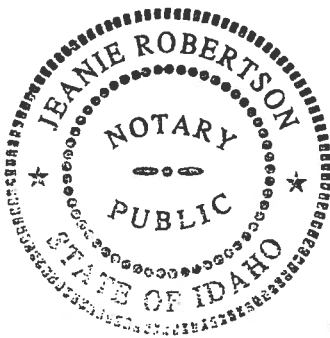
Douglas C. Webb, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Douglas C. Webb
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Mar. 20, 2002



Jeanie Robertson
Notary Public for IDWR
Residing at: Twin Falls, Id.
My Commission Expires: 4-23-06

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 3-20- 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

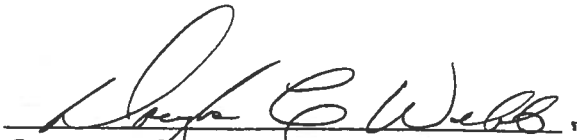
Name: WEBB BASIN ^{DW.} ~~DATTA~~ REAL ESTATE LLC
Address: HC. 76 BOX 1050
AMERICAN FALLS ID. 83211

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney
mailing on Objector's behalf

11/06/2000

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

RIGHT NUMBER: 43-7088A

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS
264 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-
02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-
07088A.

PRIORITY DATE: 06/15/1977

POINT OF DIVERSION: T09S R28E S29 NESWSW Within CASSIA County
T09S R28E S29 SESWSW Within CASSIA County
T09S R28E S29 SENWSE Within CASSIA County
T09S R28E S30 SWSESE Within CASSIA County
T09S R28E S30 SWSESE Within CASSIA County
T09S R28E S31 LOT 2 NESWNW Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30,
SWSESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.32 CFS 264.0 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 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

T09S R27E S25	SESE	15	T09S R27E S36	NENE	15
T09S R27E S36	SENE	1.6	T09S R28E S19	SESW	32
T09S R28E S28	NWNW	37	T09S R28E S28	SWNW	40
T09S R28E S28	SENE	34	T09S R28E S28	NESW	34
T09S R28E S28	NWSW	33	T09S R28E S28	SWSW	35
T09S R28E S28	SESW	33	T09S R28E S28	NWSE	40
T09S R28E S28	SWSE	31	T09S R28E S28	SESE	30
T09S R28E S29	NENE	40	T09S R28E S29	NWNE	21
T09S R28E S29	SWNE	40	T09S R28E S29	SENE	40
T09S R28E S29	NENW	37	T09S R28E S29	NWNW	31
T09S R28E S29	SWNW	41	T09S R28E S29	SENE	40
T09S R28E S29	NESW	41	T09S R28E S29	NWSW	41
T09S R28E S29	SWSW	41	T09S R28E S29	SESW	41
T09S R28E S29	NESE	40	T09S R28E S29	NWSE	41
T09S R28E S29	SWSE	41	T09S R28E S29	SESE	38
T09S R28E S30	NENE	34	T09S R28E S30	NWNE	40
T09S R28E S30	SWNE	41	T09S R28E S30	SENE	41
T09S R28E S30	NENW	41	T09S R28E S30	NWNW	45
T09S R28E S30	SWNW	45	T09S R28E S30	SENE	40
T09S R28E S30	NESW	40	T09S R28E S30	NWSW	46
T09S R28E S30	SWSW	36	T09S R28E S30	SESW	39
T09S R28E S30	NESE	41	T09S R28E S30	NWSE	41
T09S R28E S30	SWSE	41	T09S R28E S30	SESE	41
T09S R28E S31	NENE	29	T09S R28E S31	NWNE	19
T09S R28E S31	NENW	12	T09S R28E S31	NWNW	24
T09S R28E S31	SWNW	12	T09S R28E S32	NENE	4.3
T09S R28E S32	NWNE	11	T09S R28E S32	NENW	17
T09S R28E S32	NWNW	24	T09S R28E S33	NWNW	3.9

1832.8 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

VERIFIED BY

11/06/2000

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

RIGHT NUMBER: 43-7088A

NAME AND ADDRESS: WEBB BASIN REAL ESTATE LLC
HC 76 BOX 1050
AMERICAN FALLS, ID 83211

SOURCE: GROUND WATER

QUANTITY: 1.32 CFS
264 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.06 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7331 AF. COMBINED RIGHT NOS.: 43-02567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

PRIORITY DATE: 06/15/1977

POINT OF DIVERSION:	T09S R28E S29	NESWSW	Within CASSIA County
	T09S R28E S29	SESWSW	Within CASSIA County
	T09S R28E S29	SENWSE	Within CASSIA County
	T09S R28E S30	SWSESE	Within CASSIA County
	T09S R28E S30	SWSESE	Within CASSIA County
	T09S R28E S31 LOT 2	NESWNW	Within CASSIA County

TWO POINTS OF DIVERSION LOCATED IN T09S, R28E, S30, SWSESE.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.32 CFS 264.0 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 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

T09S R27E S25	SESE	15	T09S R27E S36	NENE	15
T09S R27E S36	SENE	1.6	T09S R28E S19	SESW	32
T09S R28E S28	NWNW	37	T09S R28E S28	SWNW	40
T09S R28E S28	SENE	34	T09S R28E S28	NESW	34
T09S R28E S28	NWSW	33	T09S R28E S28	SWSW	35
T09S R28E S28	SESW	33	T09S R28E S28	NWSE	40
T09S R28E S28	SWSE	31	T09S R28E S28	SESE	30
T09S R28E S29	NENE	40	T09S R28E S29	NWNE	21
T09S R28E S29	SWNE	40	T09S R28E S29	SENE	40
T09S R28E S29	NENW	37	T09S R28E S29	NWNW	31
T09S R28E S29	SWNW	41	T09S R28E S29	SENE	40
T09S R28E S29	NESW	41	T09S R28E S29	NWSW	41
T09S R28E S29	SWSW	41	T09S R28E S29	SESW	41
T09S R28E S29	NESE	40	T09S R28E S29	NWSE	41
T09S R28E S29	SWSE	41	T09S R28E S29	SESE	38
T09S R28E S30	NENE	34	T09S R28E S30	NWNE	40
T09S R28E S30	SWNE	41	T09S R28E S30	SENE	41
T09S R28E S30	NENW	41	T09S R28E S30	LOT 1	NWNW
T09S R28E S30	LOT 2	SWNW	T09S R28E S30	SENE	40
T09S R28E S30	NESW	40	T09S R28E S30	LOT 3	NWSW
T09S R28E S30	LOT 4	SWSW	T09S R28E S30	SESW	39
T09S R28E S30	NESE	41	T09S R28E S30	NWSE	41
T09S R28E S30	SWSE	41	T09S R28E S30	SESE	41
T09S R28E S31	NENE	29	T09S R28E S31	NWNE	19
T09S R28E S31	NENW	12	T09S R28E S31	LOT 1	NWNW
T09S R28E S31	LOT 2	SWNW	T09S R28E S32	NENE	4.3
T09S R28E S32	NWNE	11	T09S R28E S32	NENW	17
T09S R28E S32	NWNW	24	T09S R28E S33	NWNW	3.9

1832.8 ACRES TOTAL

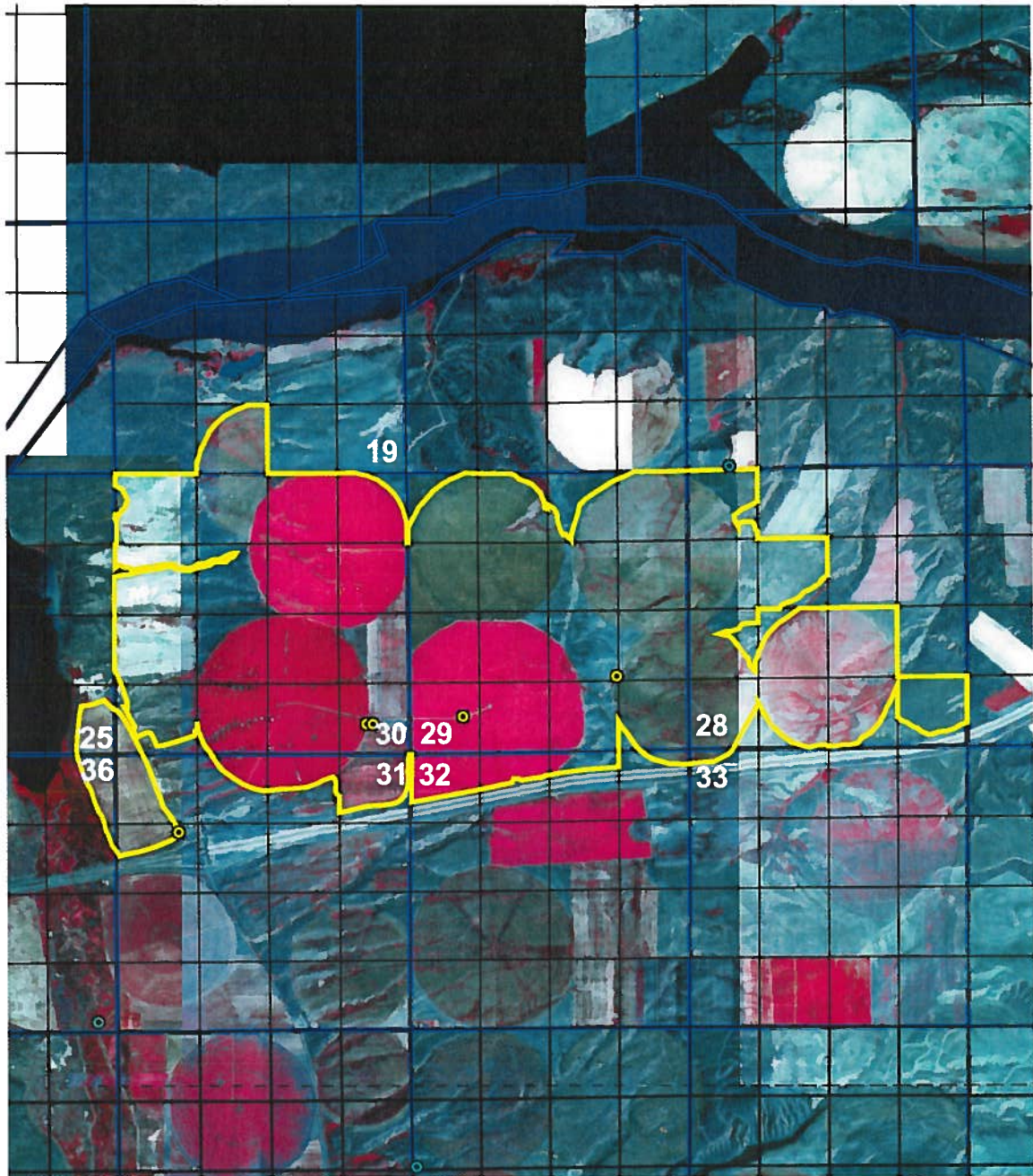
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1832.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2567B, 43-02568, 43-02579, 43-07046, 43-07047, 43-07052, & 43-07088A.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources
43-02567B, 43-02568, 43-02579, 43-07046,
43-07047, 43-07052 & 43-07088A



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 6, 2000
TWP 09S, RNG 27E, SEC. 25 & 36
TWP 09S, RNG 28E, SEC. 19,28,29,30,31,32,33

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

①

The land under these claims is covered by 7 licenses and one expansion claim. There were a series of transfers in the 70's (2142 - 2147) which tied the wells together. A total of 2165 acres were claimed originally but part of the land was sold and the claims were amended to 1913 acres. GIS showed 1832.8 acres

43-02567 8/26/63 6 cfs 1583 Ac.

transfer #5558 was approved in July 2000 and it split this right into A & B, giving 1 cfs and 368 Ac. to the A portion and leaving 5 cfs and 1215 Ac. for the

43-07052 7/2/73 5.37 cfs 1583 Ac.

(same acres as 43-02567)

43-02568 8/26/63 6 cfs 1544 Ac.

43-02579 10/1/64 2.37 cfs 1544 Ac.

(these acres overlapped the 1583 acres of 43-02567 & 43-07052, and added an additional 39 acres in the SE SW of Section 19)

43-07046 9/17/73 3.8 cfs 190 Ac.

(some new acres + some overlapping above Poll's)

43-07047 9/17/73 3.2 cfs 160 Ac.

(all new acres)

* - the above 2 licenses had the condition that when they were combined with -2567, -2568, -2579, and -7052, the diversion rate shall not exceed 19.74 cfs

(2)

Since the previous 6 licenses were limited to 19.74 cfs when combined, and Transfer #5558 removed 1 cfs, they are now limited to 18.74 cfs when combined.

43-07088 6/15/77 1.32 cfs 66 Ac.

- these were new, not overlapping acres
- Steadman Bros. made a claim for a portion of the license under 43-10230 for 8 acres and 0.16 cfs, so this claim was filed with an A suffix
- I believe by the maps in the licensing exam that all of the acres under the license were on the North side of the freeway and should all go to the A portion and none to Steadman Bros.

43-10841 4/1/75 2.6 cfs 130 Ac.

- this was an expansion claim for the above license
- since the licensed acres are enough to cover the entire Poll shown by GIS, this right is not needed and will be disallowed

Total diversion rate for all = 20.06 cfs (18.74 + 1.32)

$20.06 \text{ cfs} \div 1832.8 \text{ (GIS acres)} = 0.01 \text{ cfs / Ac.}$

$1832.8 \times 4 = 7331 \text{ AF}$

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 11/02/00
Time: 11:30:14

Water Right Number: A43-10230

FIRST PAGE

GEN

THIS CLAIM IS PARTLY BASED ON THE CHANGE OF A PORTION OF LIC.
43-07088 BEING 8 ACRES IN THE SWNW LT.2 SEC. 31 T09S, R28E
WHEREBY THE THESE ACRES ARE NOW SUPPLIED WATER FROM THE THREE
INDICATED WELLS INSTEAD OF THOSE OF RIVERIA FARM. THE REMAINING
13 ACRES ARE THE EXPANDED ACRES WHICH HAVE BEEN EXPANDED FROM
THE ABOVE DESCRIBED LIC. AS WELL AS 43-02319, 07043 & CLAIM
43-04066.
THE PORTION OF LIC. 43-07088 BEING CLAIMED IS 8/66 OF 1.32 CFS
OR 0.16 CFS. THE EXPANSION OF THESE ACRES WAS AROUND THE TIME
OF THE PRIORITY OF 43-07088 SO EVERYTHING IS LUMPED TOGETHER
UNDER THAT COMMON PRIORITY.

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

FEB 17 1983
Department of Water Resources
Southern District Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 43-7088 Priority June 15, 1977 Amount 1.32 cfs

THIS IS TO CERTIFY, that Riviera Farms, Inc.
of Burley, Idaho, has complied with the terms and conditions of Permit
No. 43-7088 issued pursuant to Application for Permit dated June 15, 1977,
and has submitted proof to the Department of Water Resources on October 2, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.91 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>October 31</u>	at <u>1.32</u> cfs and	<u>264.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.32 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
264.0 acre feet per year, said waters to be diverted within the Government Lot 2(SW $\frac{1}{4}$ NW $\frac{1}{4}$),
Section 31, Twp. 9S, Rge. 28E in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	27E	25																21	21
		36	19			3													22
9S	28E	30											GL4 2						2
		31					GL1 13	GL2 8											21

Total number of acres irrigated 66

The rate of flow from the point of diversion identified in this right and in
Right 43-7052 shall not exceed 1.91 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
January, 19 83.

Director

43-7088

Identification No

Permit No. 43-2088

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder RIUIERA Farms Inc.
b) Post Office Address Box 289 Burley, IDA
2. Permit Number 43-2088
3. Date of Priority that you are prepared to establish June 15, 1977
4. a) Source from which water was appropriated GROUNDWATER
b) Location of the point of diversion: SW NW SE NE 1/4 Section 31
Township 9S Range 28E Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
Amount 1.32 for IRR purposes from 9-1 to 10-31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount for purposes from to incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount for purposes from to incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 1.32 cfs cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: GARY Funderburg of the Dept. of WATER RES.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use

b) Describe the agreement or understanding by which you take water from the works

7. a) Briefly describe the works for diverting and conveying the water to the place of use. (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) well, motor gravity flow
IRRIGATION

b) Describe the type and size of measuring device which you have installed at your point of diversion

RATE-A-FLOW

c) Give well driller's name and address and the date the well was completed:

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Total number of acres irrigated 66

The above information is a true statement of the extent to which the above numbered permit has been developed.

Reimer Farms Inc.
(Paul Reimer) Inc.
(Signature)

On this 29th day of September, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

My commission expires 1-2-77

R. 27 E.

R 28 E.

T
9
S

25

30

15	5
20	Point of Diversion
10	16

36

31

N

James J. Lawrence
(Applicant)

James J. Lawrence 12-1

November 2, 1978

Re: Permit No. 43-7043

Steadman Brothers Dairy
Heglar Route
American Falls, Idaho 83211

Gentlemen:

It has been brought to our attention that we inadvertently took an assignment for Permit No. 43-7043, and applied it to Permit No. 43-7088.

We will now change our records to show Permit No. 43-7043 in your name, and Permit No. 43-7088 will revert to the original permit holder, Riviera Farms, Inc.

We hope this error has not caused you any inconvenience.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Overlap Review for 43-7088

License 43-7052
T2147

gw

gwalk

T/D SWSW Sec 29 T9S R28E
NWSE Sec 29 " "
2pts SESE Sec 30 " "
SWNW Sec 31 " "

$$\frac{5.37}{1583 \text{ ac}} = .003 \text{ cfs/ac}$$

(Well in Sec 31 same as 43-7088) ✓

T/D see attached
Transfer copy

(Tracks which are the same are in red)

Can assume as per field exam remarks that the acres found for 43-7088 are supplemental to License 43-7052 T2147.

1/0 Overlap RC 11/16/82

Note: Sec 31 NWNW has 70 acres per attached microfiche copy

	29	40	29	40	40	35	34	34	40	40	34	34	40	40	40	37	40	37	40	37	50
	30	39	39	40	39	37		30	34	40	39	(35)	40	38	39	40	37				56
	31	30	33			39	(33)														14
	32	7	11			13	24														5
	33		2			5	6														1

Total number of acres to be irrigated 158

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and or the Place of Use

Name of applicant Riviera Farms, Inc. Phone _____
Post office address Box 287, Burley, Ida 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 43-7052 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Thru purchase of property

3. Source of water groundwater tributary to _____

4. Date of priority 7-2-1973

5. Water is used for the following purposes:

amount 5.37 cfs for Irrigation purposes from April 1 to Oct. 31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

(month/day - both dates inclusive)

6. Total amount of water under right: a. 5.37 cubic feet per second

b. _____ &/or
acre feet per annum

7. Location of original point of diversion is SW % of SW % of Section 29

Township 9S Range 28E, B.M., in Cassia County

Additional points of diversion, if any NWSE, Sec 29; SESE, (2 points) Sec 30
T9S - R28E

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>9S</u>	<u>28E</u>	<u>19</u>												<u>39</u>					<u>39</u>
		<u>28</u>							<u>40</u>	<u>36</u>	<u>36</u>			<u>40</u>		<u>39</u>	<u>6</u>	<u>35</u>	<u>232</u>
		<u>29</u>	<u>40</u>	<u>24</u>	<u>40</u>	<u>40</u>	<u>33</u>	<u>39</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>39</u>	<u>39</u>	<u>40</u>		<u>40</u>	<u>40</u>		<u>538</u>
		<u>30</u>	<u>37</u>	<u>39</u>	<u>40</u>	<u>39</u>	<u>37</u>		<u>30</u>	<u>34</u>	<u>40</u>	<u>39</u>	<u>(35)</u>	<u>40</u>	<u>38</u>	<u>37</u>	<u>40</u>	<u>51</u>	<u>566</u>
		<u>31</u>	<u>30</u>	<u>33</u>			<u>39</u>	<u>(33)</u>											<u>140</u>
		<u>32</u>	<u>7</u>	<u>11</u>			<u>13</u>	<u>24</u>											<u>55</u>
		<u>33</u>		<u>2</u>			<u>5</u>	<u>6</u>											<u>13</u>

Total number of acres to be irrigated 1583

1. Amount of water: a. cubic feet per second
b. acre feet per annum

2. Point of diversion _____
Range _____, B.M., _____ Township
County _____

Additional points _____

[illegible]

1. Change in point of diversion

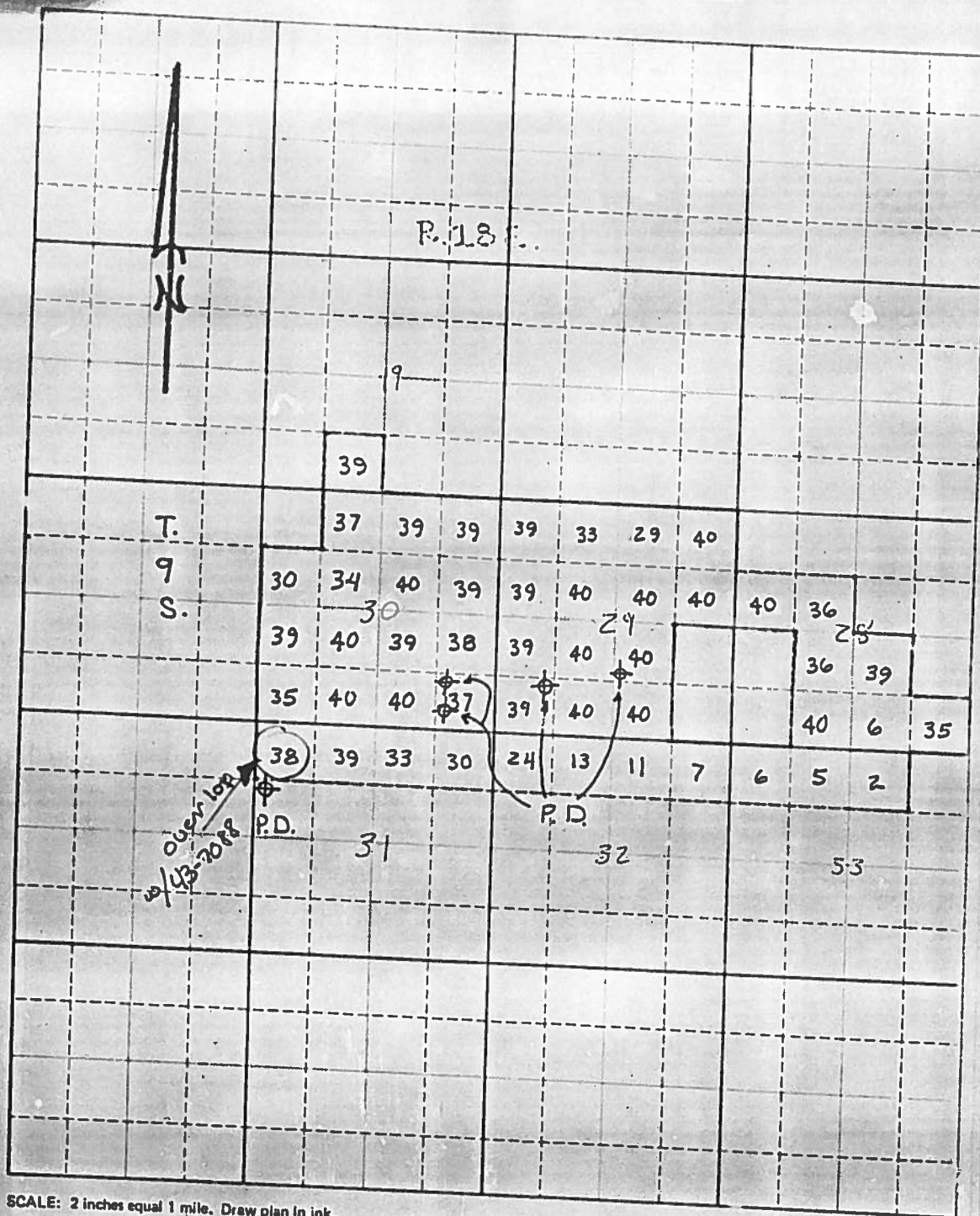
- a. Amount of water to be diverted 5.37 cfs
- b. Point(s) of diversion SW 1/4 SW 2, Section 29 Township 9S Range 28E, B.M., Cassia County
- Additional points: NW 1/4 Sec. 29; (2 pts) SE 1/4 Sec. 30; SW 1/4 NW 1/4 Sec. 31 T9S - R28E
- c. Description of diverting works well motor & sprinklers system
- d. Describe the reasons for applying for a change in the point(s) of diversion

a. Describe the lands or place of use to which the right will be transferred:

[illegible]

Total number of acres to be irrigated

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

Remarks

I hereby assert that no one will be injured by such change and 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.

Glenn Fagerline
Glenn Fagerline
(Signature of applicant)

Subscribed and sworn to before me this 5th day of July, 19 77

David W. Nichols
(Notary public)

My commission expires 7-15-77

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-7052 and said application is hereby APPROVED.

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

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

Witness my hand this 11 day of October, 19 77

David W. Nichols
Deputy Director

FOR DEPARTMENT USE ONLY

Received by D.S. Date 7-12-77

Prelim. check by JD Fee \$30.00

Receipted by JD Date 7/11/77

Published in South Idaho Press

Pub. dates 8/9 & 8/16/77

Watermaster recommendation requested on

rec'd.

Protest filed by

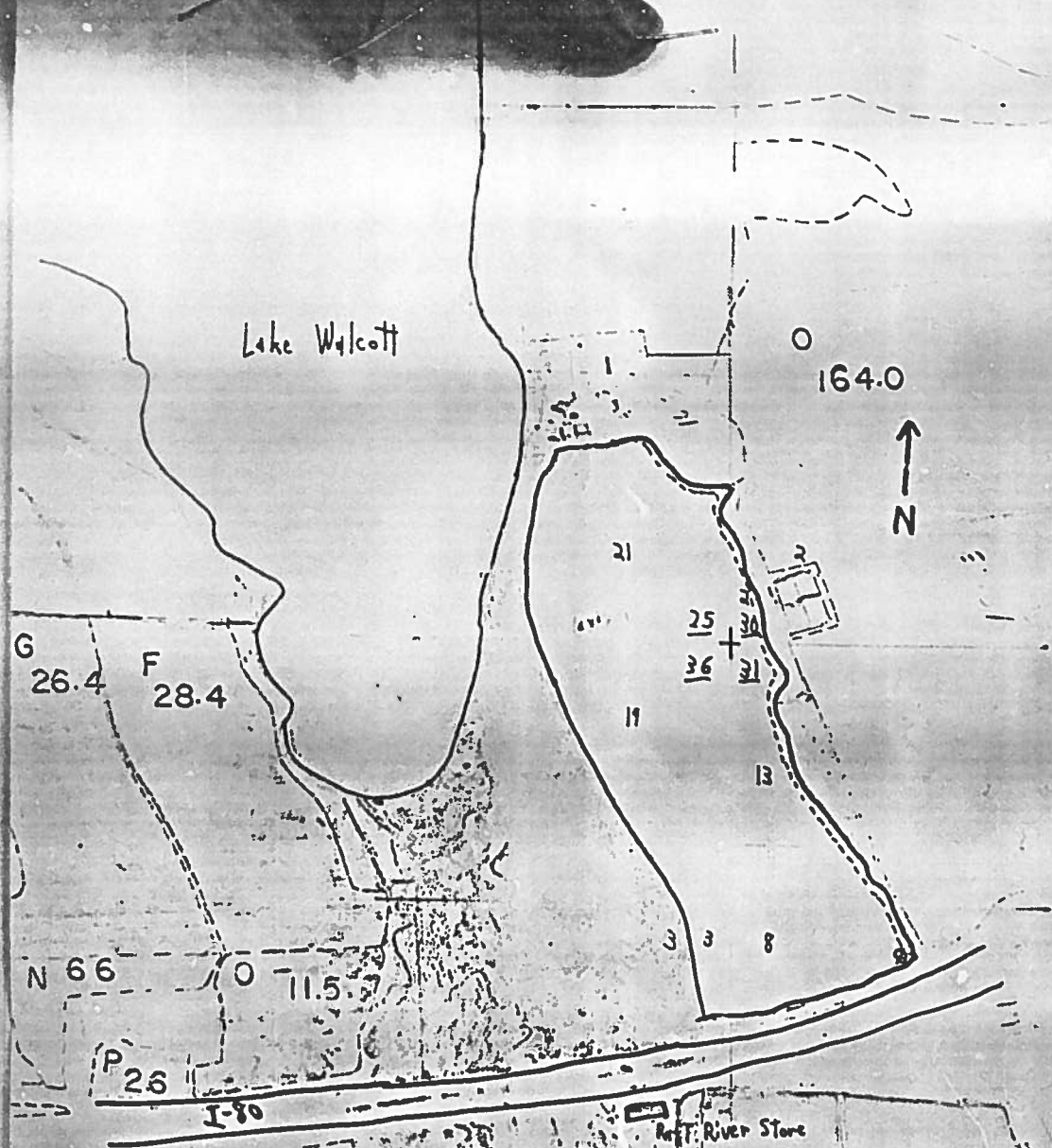
Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by Michael L. Stubbins

Overlap Review attached



WR5809NP
No. 43-07088

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/02/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RIVIERA FARMS INC. P.O. BOX 838 BURLEY ID 83318	06/15/1977	IRRIGATION	04/01 10/31	1.320 CFS	264.00 AFA
TOTAL DIVERSION:					1.320 CFS	264.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R28E S31 Lot 02(SHNW)

CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NE	SE	SW	SE	SE	SE	SUM
T	R	S	Ac	Ac	Ac	Ac	Ac	Ac
09S 27E 25 :								21
09S 27E 36 :	19							22.0
09S 28E 30 :			03					2.0
09S 28E 31 :				01-13	02-08			21.0
TOTAL ACRES								66.0

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
43-025678 43-02568 43-02579 43-07046 43-07047

Other Water Rights Listing Overlapping Place(s) of use:
43-00162 43-00163 43-00223 43-00224 43-00225 43-00226 43-00420 43-07046 43-07131

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Remarks: GEN THE RATE OF FLOW FROM THE P/D IN THIS RT. AND IN RT. 43-7052
SHALL NOT EXCEED 1.91 CFS.

Dates: App. Received: 06/15/1977
Proof Due Date: 06/15/1977
Exam Made Date: 02/28/1983
Exam Sent to S.O.: 02/28/1983

Misc: Water District Number: Field Exam Fee:
Audit: 03/12/85 05/28/88 CONVERT

S	Water	Name	O	Priority	STG/	Use	S	
L	Right No.	Last, First	N	Date	STS	Source	Desc	S
X	43-07088	RIVIERA FARMS INC.		C 06/15/1977	L/	GROUNDWATER	IRR	WR
-	A43-07088	SPLIT RIGHT		C 06/15/1977	/Z	GROUNDWATER	IRR	AJ
-		COMBINED RIGHT		C		SPLIT RIGHT		
-						COMBINED RIGHT		
X	A43-07088A	WEBB BASIN REAL ESTA		C 06/15/1977	L/	GROUNDWATER	IRR	AJ

* Decreed copied to Water Right Database (G6=Print Profile Rpt) (G8=Cancel)
(Enter=Continue) (G1=Print Screen Query) (G7=This Query) (Menu _____)

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 11/02/00
Time: 10:54:21

Water Right Number: A43-07088

FIRST PAGE

GEN

THE RATE OF FLOW FROM THE P/D IN THIS RT. AND IN RT. 43-7052
SHALL NOT EXCEED 1.91 CFS.

|

A PORTION OF THIS RIGHT HAS BEEN CLAIMED BY THE STEADMAN BROS.
UNDER CLAIM A43-10230. THEY HAVE FILED THEIR CLAIM AS AN
EXPANSION CLAIM FOR ACRES DEVELOPED AT THE SAME TIME AS PERMIT
43-07088 WAS DEVELOPED. THEY HAVE CLAIMED THE 8 ACRES DESCRIBED
IN LICENSE 43-07088 IN LOT 2 (SWNW), S31, T9S, R28E.

|

THIS RIGHT IS UNDER CLAIMED. ALB 1-16-92

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

DATE: 11/02/00
PAGE: 1

DIVERSION
VOLUME

TOTAL DIVERSION: 1.320 CFS

Stage: LICENSE

CASSIA County

CASSIA County

2

[illegible]

AJ5809NP
No. A43-07088A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/02/00
PAGE: 2

Remarks:

OWNERSHIP CHANGE MADE 7/21/97 BY TLB.

SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO WEBB
BASIN REAL ESTATE LLC OF 1913 ACRES AND 5 CFS OF A43-02567 (B) &
A43-02568, A43-02579, A43-07046, A43-07047, A43-07052, A43-07088A
AND A43-10841. 5/4/99 jr

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	04/09/93 MERRITT	03/30/95 POST-STD	07/21/97 TBACLUN
			05/04/99 JROBERTS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:34:02
11/02/00
27

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-07088A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WEBB BASIN REAL ESTATE LLC	06/15/1977	IRRIGATION	04-01 10-31	1.320 CFS	264 AF
TOTAL DIVERSION:					1.320 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T09S R28E S29
S30
S31 Lot02(NESWNW)

NE
SESW
SENSE

SW
NWSESE (2 pod's)

CASSIA County
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
09S	27E	25	:		:								21	: 21.0		
09S	27E	36	:	12	:	01	:							: 13.0		
09S	28E	19	:		:		:			39	:			: 39.0		
09S	28E	28	:		:		:	40	36	36	40	40	39	40	35	: 346.0
09S	28E	29	:	40	35	40	40	37	39	39	40	40	39	39	40	: 628.0
09S	28E	30	:	39	40	40	39	37	01-46	02-46	34	40	03-43	04-40	40	: 638.0
09S	28E	31	:	30	33			39	01-42	02-16						: 160.0
09S	28E	32	:	07	11			13	24							: 55.0
09S	28E	33	:		02			05	06							: 13.0
													TOTAL ACRES	1913.0		

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: SEE REMARKS A43-07052

Remarks: GEN 2 P/D IN NWSESE, S30, T9S, R28E.

OTHER RIGHTS: THE FOLLOWING LICENSES HAVE BEEN COMBINED INTO A PERMISSIBLE PLACE OF USE.

43-07046	190 ACRES
43-07052	1543 ACRES
43-02597	40 ACRES (SPRING)
43-07047	160 ACRES
43-02481	218 ACRES
A43-10841	130 ACRES (EXPANSION)

2281 ACRES IRRIGATED UNDER SYSTEM.

43-02567	COVERED BY 43-07052
43-02568	COVERED BY 43-07052
43-02579	COVERED BY 43-07052

66/1832.8

Cond. Code C18
Remarks: PDD FØ2 (2 in NWSESE)
PDD1-EH4 (1832.8 ac)
KØ6 (66 Ac.)
QNT E27 (20.06 ac)
7331A

USE - SPØ3
4/11

1832.8x4 = 7331 AF (E27)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:34:02
11/02/00
28

PAGE: 4
PROFILE REPORT CONTINUED

CLAIM NUMBER: A43-07088A

Remarks: 43-07088A COVERED BY 43-07052 & 43-07046

OWNERSHIP CHANGE MADE 7/21/97 BY TLB.

SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO WEBB
BASIN REAL ESTATE LLC OF 1913 ACRES AND 5 CFS OF A43-02567 (B) &
A43-02568, A43-02579, A43-07046, A43-07047, A43-07052, A43-07088A
AND A43-10841. 5/4/99 jr

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:32:52
11/02/00

PAGE: 2
QUICKLOOK INFORMATION

26
CLAIM NUMBER: A43-07088A

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	- N							
POINT OF DIV	Y -							
SOURCE	- N							
PLACE OF USE	Y -							
DIV. AMOUNT CFS/VOLUME	Y -							
CONSUMPTIVE USE	-							
PURPOSES OF USE	- N							
PERIOD OF USE	- N							
BASIS OF CLAIM	- N							
REMARKS	Y -							

BARCODE UPDATED
WHOM/DATE