

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 43-13110
Date Received: 8/9/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

J MAX JONES
2060 E 1000S
DECLO ID USA 83323

Phone: (208) 645-3275

DIANE D JONES
2060 E 1000 S
DECLO ID USA 83323

Phone: (208) 645-3275

2. Date of Priority: 01/14/1954

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	26E	11	SW SW SE	CASSIA	
12S	26E	11	SE SE NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.23	

7. Total Quantity Appropriated is:
2.23 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

12S	26E	11	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	20
			NW	SE	IRRIGATION	5
Section Acres						145
Total Acres						145

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:

14. Remarks:

THIS CLAIM IS A SPLIT OF 43-2402 AS THE RESULT OF AN OWNERSHIP CHANGE OF PART OF THE PROPERTY TO GARY HARPER. THE DESCRIPTION OF THE PLACE OF USE IS FICTICIOUS AND MERELY REPRESENTS THE PROPORTIONATE SHARE OF THE ACRES THAT WILL BE WITHIN THE RECOMMENDED PPU OF 368 ACRES. 8/9/01 jr

Ownership Change to Max & Diane Jones per Warranty Deed. Transfer needed to change place of use.

15. Basis of Claim: License



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

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☐ Water Right Number(s): 43-2353, 43-2545, 43-13108, 43-13110, 43-13112

43-13114, 43-13354, & 43-13356

☐ Old Mailing Address:

☐ New Mailing Address:

J Max & Diane Jones

2060 E 1000 South

Declo, ID 83323

☐ New Telephone Number: (208) 645 - 3275

☐ Signature of Claimant(s):

J Max Jones

Diane Jones

Date:

2/23/2004

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: 2/25/04 By: [Signature]

Further Action Needed:

Further Action Taken

Date: 2/25/04 By: [Signature]

Final Review and Data Entry

Date: 2/25/04 By: [Signature]

RECEIVED
FEB 25 2004
Department of Water Resources
Southern Region



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

February 18, 2004

J MAX & DIANE JONES
2060 E 1000 S
DECLO ID 83323

RE: Cooper-Jones Ownership Change/Address Correction for SRBA Recommendations
43-2353, 43-2545, 43-13108, 43-13110, 43-13112, 43-13114, 43-13354, & 43-13356

Dear Mr. Jones,

I have been working on the ownership changes for the property you purchased from Larry Cooper. Be aware that some of the original rights needed to be split between you and Cooper which resulted in different water right numbers than those on the document you submitted. You still have a total of 8.17 cfs after the 1.65 cfs you sold to Harper and should be receiving copies of everything soon. The address on the original ownership change is outdated so please complete the enclosed Change of Address form and return it to our office so we can update the Department's records with the correct address.

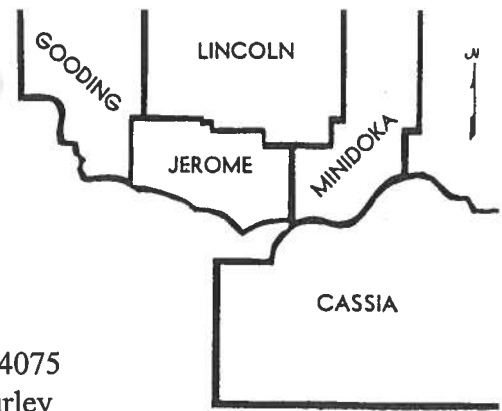
Feel free to call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #34075
OFFICE: Burley

September 14, 2001

Jeanie Roberts
ID Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

SEP 17 2001

Department of Water Resources
Southern Region

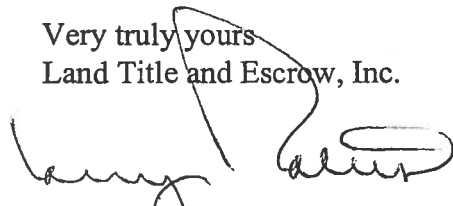
Dear Ms. Roberts:

Enclosed with this letter please find the original executed Notice of Change In Water Right Ownership with supporting documents from Larry Cooper and Barbara Jean Cooper to J. Max Jones and Diane D. Jones.

Also enclosed in this envelope is the Notice of Change In Water Right Ownership between J. Max Jones and Diane D. Jones to Gary B. Harper and Susan Harper.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours
Land Title and Escrow, Inc.



Larry Roberts
President and General Manager

LR/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0808 - FAX 438-1199

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

SEP 17 2001

Department of Water Resources
Southern Region

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

- I. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-2332			43-12953		X
43-2402			43-2353		
43-2478			43-2545		
43-10150A					
43-10150B		X			

43-13354

43-13356

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Name and Address of Former Owner/Claimant(s)

Larry Cooper and Barbara Jean Cooper

New Owner/Claimant(s)

J. Max Jones and Diane D. Jones

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

19246 Kodiak Road

City, State and ZIP Code

Jameson, MO 64647

New Telephone Number

(660) 828-4042

Date you acquired the property

July 10, 2001

SEP 17 2001

Department of Water Resources
Southern RegionWARRANTY DEED
("Exchange Property")

For Value Received, Larry Cooper and Barbara Jean Cooper, husband and wife, ("Grantors"), do hereby grant, bargain, sell and convey unto J. Max Jones and Diane D. Jones, ("Grantees"), whose address is:

J. Max Jones and Diane D. Jones
c/o Joseph Jones
2060 E. 1000 S.
Declo, ID 83323

the following described premises in Cassia County, Idaho, to-wit:

See legal description attached as Exhibit A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances save and except that encumbrance more particularly identified below:

That certain mortgage dated May 18, 2000 and recorded in the records of Cassia County on May 23, 2000 as instrument no. 269403. Larry Cooper and Barbara Jean Cooper are the named mortgagors and D.L. Evans Bank is the named mortgagee. D.L. Evans Bank assigned its interest in the mortgage to U.S. Bank Trust National Association pursuant to that certain assignment, dated May 18, 2000 and recorded May 23, 2000 in the records of Cassia County as instrument no. 269404.

Furthermore, this conveyance shall be subject to all building and zoning laws and regulations, all easements, rights of way, covenants and restrictions, and any reservations of record, including but not limited to the following:

1. Any and all rights to sand and gravel, pursuant to the Royalty Agreement by and between Loughmiller Reclamation, LLC and Larry K. Cooper and Barbara Jean Cooper, dated February 16, 2000, as amended by an Amendment to the Royalty Agreement, dated July 12, 2001.
2. That certain mineral rights reservation that is more particularly described in Exhibit B.

Subject to the foregoing exceptions and limitations, Grantors covenant that they will forever warrant the title to said premises.

GRANTORS:

7-14-01
Dated

7-14-01
Dated

Larry Cooper
Larry Cooper

Barbara Jean Cooper
Barbara Jean Cooper

STATE OF IDAHO)
County of Cassia) :ss

On this 14th day of July, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **LARRY COOPER** and **BARBARA JEAN COOPER**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Larry Roberts
NOTARY PUBLIC FOR IDAHO

Residing at Burley, ID

My Commission Expires: 8-30-03

[SEAL]

Larry Roberts
Notary Public
State of Idaho

Legal Description of property being exchanged

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3:

Parcel Number 1:

E $\frac{1}{2}$ SE $\frac{1}{4}$, LESS the following described parcel:

Parcel Number 2:

That portion deeded to the State of Idaho for a public highway.

Commencing at the Southeast corner of said Section 3; thence along the East line of said Section, North a distance of 1414.2 feet, more or less, to the True Point of Beginning, said point beginning 50.0 feet distance northeasterly, measured at right angles, from the centerline of the abandoned main track of the Raft River Branch of the Oregon Short Line Railroad Company, as formerly constructed and operated;

Thence along a straight line parallel with said centerline of abandoned main track, North 27°15' West a distance 750.0 feet, more or less, to the most easterly corner of the second described parcel of land conveyed by the Union Pacific Railroad Company to Martin F. Sanders by Quitclaim Deed dated May 5, 1949, UPRR Co. L.S.D.A. 1788;

Thence along the Southeast line of said parcel South 62°45' West a distance of 100.0 feet, to a point that is 50.0 feet distant Southwesterly, measured at right angles, from said centerline of abandoned main track;

Thence along a straight line parallel with said centerline of abandoned main track and the Southeasterly extension thereof, South 27°15' East a distance of 944.16 feet, more or less, to a point on the East line of said Section 3;

Thence along said East line of Section 3, North a distance of 218.4 feet to the True Point of Beginning.

Section 10:

E $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$

EXHIBIT

tabbles

A

Mineral Reservation contained in Deed recorded May 2, 1961 as Instrument No. 1447, which reads as follows: "Reserving, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered, including without limiting the generality of the foregoing, coal, oil, gas and sandstone or valuable rock deposits and rights thereto, together with the sole and exclusive and perpetual right, to explore for and remove and dispose of said minerals by any means or methods suitable, to Martin F. Sanders, his heirs and assigns, including the right of access to, and use of, such parts of said described lands upon and below the surface thereof as may be necessary and convenient for any purpose in connection with the exploration for, removal, storage, disposition and transportation of said minerals and the deposition of tailings and together also with the perpetual right to remove and subjacent support from the surface of sand lands, except such as is necessary for the support of permanent structures erected thereon, prior to the time such right is exercised, without thereby incurring any liability whatsoever for damages so caused." (Affects Parcel Nos. 1, 3 and additional property not included herein)

276117

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FILED *for* DEPUTY *W*

01 JUL 16 PM 2 20

RECORDED AT THE REQUEST OF

LAND TITLE & ESCROW

EXHIBIT

WARRANTY DEED
("Sale Property")

For Value Received, **Larry Cooper** and **Barbara Jean Cooper**, husband and wife, ("Grantors"), do hereby grant, bargain, sell and convey unto **J. Max Jones** and **Diane D. Jones**, ("Grantees"), whose address is:

J. Max Jones and Diane D. Jones
c/o Joseph Jones
2060 E. 1000 S.
Declo, ID 83323

the following described premises in Cassia County, Idaho, to-wit:

See legal description attached as Exhibit A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances save and except that encumbrance more particularly identified below:

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Furthermore, this conveyance shall be subject to all building and zoning laws and regulations, all easements, rights of way, covenants and restrictions, and any reservations of record, including but not limited to the following:

1. Any and all rights to sand and gravel, pursuant to the Royalty Agreement by and between Loughmiller Reclamation, LLC and Larry K. Cooper and Barbara Jean Cooper, dated February 16, 2000, as amended by an Amendment to the Royalty Agreement, dated July 12, 2001.
2. That certain mineral rights reservation that is more particularly described in Exhibit B.

Subject to the foregoing exceptions and limitations, Grantors covenant that they will forever warrant the title to said premises.

7.14.01
Dated
7-14-01.
Dated

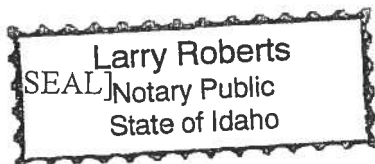
GRANTORS:

[Signature]
Larry Cooper
[Signature]
Barbara Jean Cooper

STATE OF IDAHO)
 :SS
County of Cassia)

On this 14th day of July, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **LARRY COOPER** and **BARBARA JEAN COOPER**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at Burley, ID
My Commission Expires: 6-30-03

Legal Description of property being sold

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$

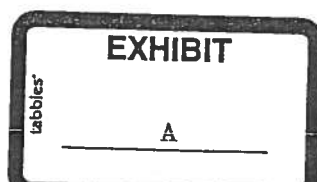
EXCEPTING THEREFROM, all that portion deeded to the State of Idaho
for highway purposes.

Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: S $\frac{1}{2}$ N $\frac{1}{2}$, EXCEPT highway right-of-way.



Mineral Reservation contained in Deed recorded May 2, 1961 as Instrument No. 1447, which reads as follows: "Reserving, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered, including without limiting the generality of the foregoing, coal, oil, gas and sandstone or valuable rock deposits and rights thereto, together with the sole and exclusive and perpetual right, to explore for and remove and dispose of said minerals by any means or methods suitable, to Martin F. Sanders, his heirs and assigns, including the right of access to, and use of, such parts of said described lands upon and below the surface thereof as may be necessary and convenient for any purpose in connection with the exploration for, removal, storage, disposition and transportation of said minerals and the deposition of tailings and together also with the perpetual right to remove and subjacent support from the surface of sand lands, except such as is necessary for the support of permanent structures erected thereon, prior to the time such right is exercised, without thereby incurring any liability whatsoever for damages so caused." (Affects Parcel Nos. 1, 3 and additional property not included herein)

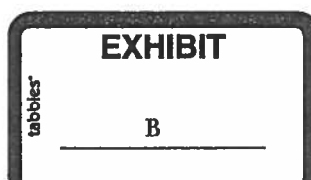
276120

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE *2200* DEPUTY *W*

'01 JUL 16 PM 2 24

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW



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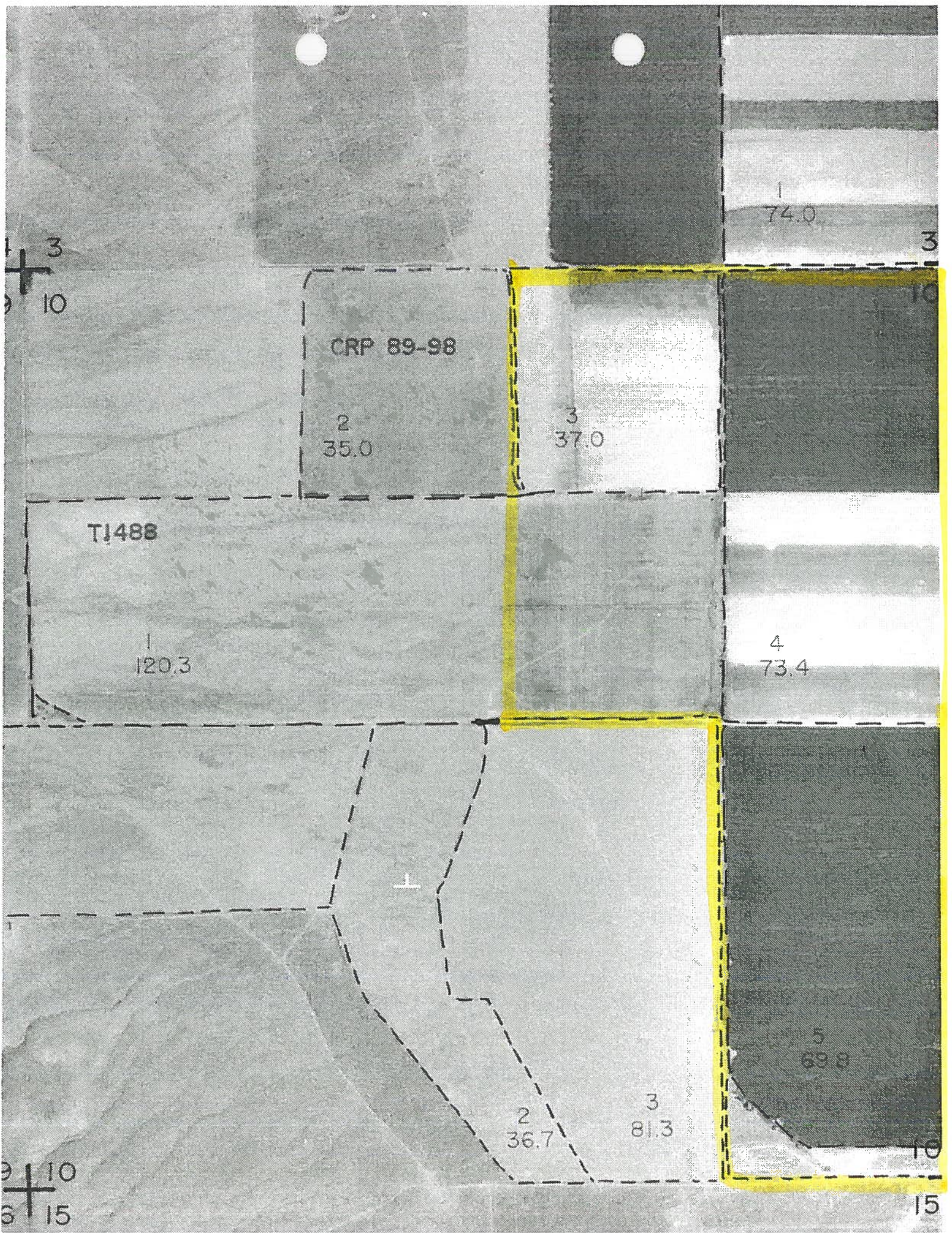
CRP 89-98

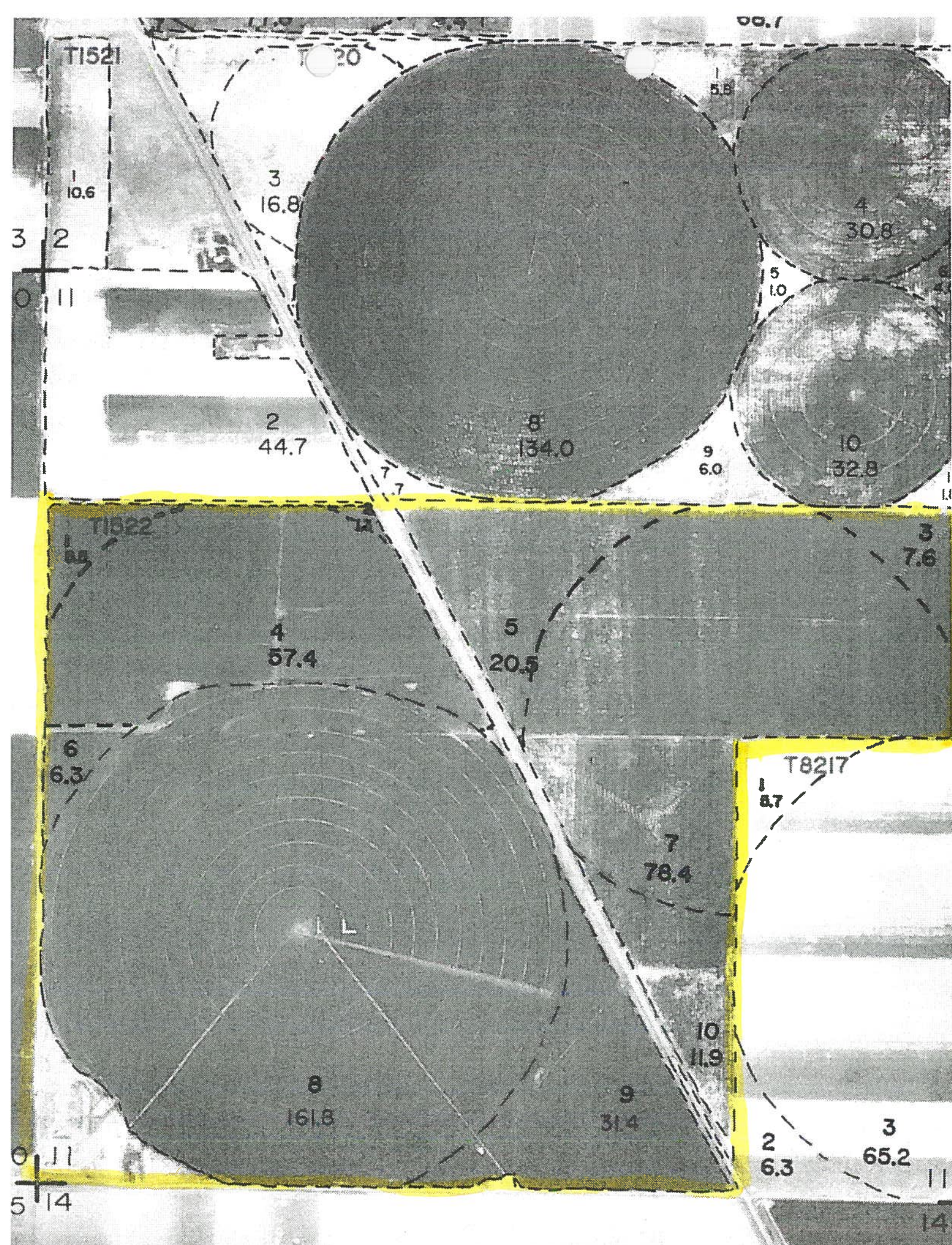
2

35.0

3

37.0





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 43-13110
Date Received: 8/9/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

LARRY COOPER
227 W 20 S KNOX DR
BURLEY ID USA 83318

Phone: (208) 678-8015

BARBARA JEAN COOPER
227 W 20 S KNOX DR
BURLEY ID USA 83318

Phone: (208) 678-8015

2. Date of Priority: 01/14/1954

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	26E	11	SW SW SE	CASSIA	
12S	26E	11	SE SE NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.23	

7. Total Quantity Appropriated is:
2.23 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

12S	26E	11	NW	SE	IRRIGATION	5
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	20
Section Acres						145
Total Acres						145

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:

14. Remarks:

THIS CLAIM IS A SPLIT OF 43-2402 AS THE RESULT OF AN OWNERSHIP CHANGE OF PART OF THE PROPERTY TO GARY HARPER. THE DESCRIPTION OF THE PLACE OF USE IS FICTICIOUS AND MERELY REPRESENTS THE PROPORTIONATE SHARE OF THE ACRES THAT WILL BE WITHIN THE RECOMMENDED PPU OF 368 ACRES. 8/9/01 jr

15. Basis of Claim: License

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43 2478		✓			
43 2332		✓			
10150 B					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) J. MAX JONES
4. New Owner/Claimant(s) GARY B HARPER
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 2040 E. 850 S.
- City, State and ZIP Code DEELO, ID 83323
- New Telephone Number (208) 645-2227
5. Date you acquired the property 13 July 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>43 2478</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.825 CFS</u>	
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>43 2332</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.825 CFS</u>	
Stock		
Domestic		
Other		
Total		

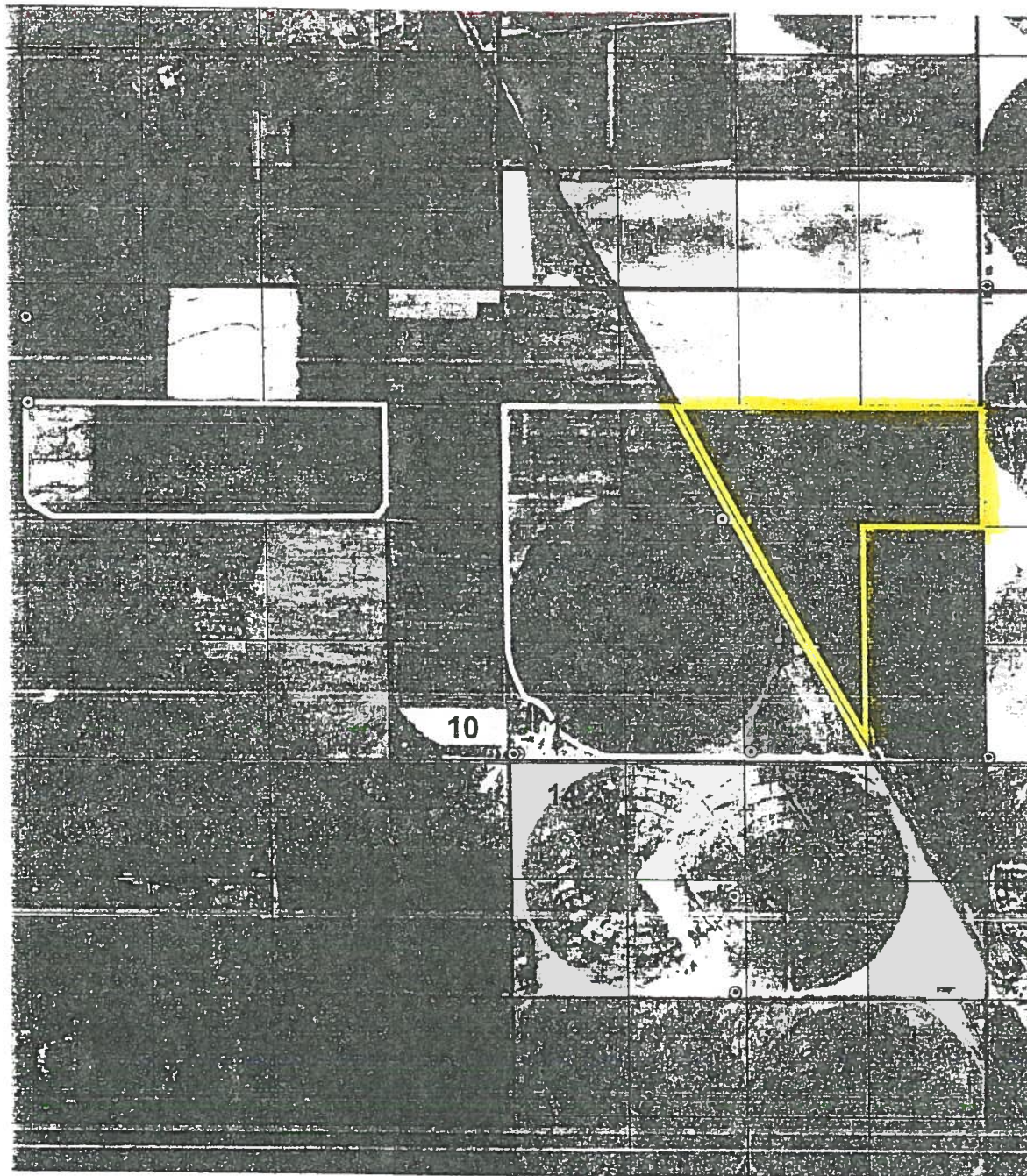
7. Signature of New Owner(s) or Claimant(s) Gary B. Harper
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

43-00423A, 43-02332, 43-02402,
43-02478, 43-10150A, & 43-10150B



125.54 Ac.

0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 7, 2001
TWP 12S, RNG 26E, SEC. 10 & 11



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

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

WARRANTY DEED
("Sale Property")

For Value Received, **Larry Cooper and Barbara Jean Cooper**, husband and wife, ("Grantors"), do hereby grant, bargain, sell and convey unto **J. Max Jones and Diane D. Jones**, ("Grantees"), whose address is:

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See legal description attached as Exhibit A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances save and except that encumbrance more particularly identified below:

That certain mortgage dated May 18, 2000 and recorded in the records of Cassia County on May 23, 2000 as instrument no. 269403. Larry Cooper and Barbara Jean Cooper are the named mortgagors and D.L. Evans Bank is the named mortgagee. D.L. Evans Bank assigned its interest in the mortgage to U.S. Bank Trust National Association pursuant to that certain assignment, dated May 18, 2000 and recorded May 23, 2000 in the records of Cassia County as instrument no. 269404.

Furthermore, this conveyance shall be subject to all building and zoning laws and regulations, all easements, rights of way, covenants and restrictions, and any reservations of record, including but not limited to the following:

1. Any and all rights to sand and gravel, pursuant to the Royalty Agreement by and between Loughmiller Reclamation, LLC and Larry K. Cooper and Barbara Jean Cooper, dated February 16, 2000, as amended by an Amendment to the Royalty Agreement, dated July 12, 2001.
2. That certain mineral rights reservation that is more particularly described in Exhibit B.

Subject to the foregoing exceptions and limitations, Grantors covenant that they will forever warrant the title to said premises.

GRANTORS:

7.14.01
Dated

7-14-01.
Dated

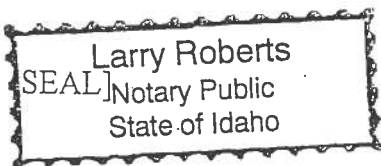
[Signature]
Larry Cooper

[Signature]
Barbara Jean Cooper

STATE OF IDAHO)
 :SS
County of Cassia)

On this 14th day of July, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **LARRY COOPER** and **BARBARA JEAN COOPER**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at Burley, ID
My Commission Expires: 6-30-03

Legal Description of property being sold

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$

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

Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: S $\frac{1}{2}$ N $\frac{1}{2}$, EXCEPT highway right-of-way.

EXHIBIT

tabbles

A

276120

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE/200 DEPUTY *W*

'01 JUL 16 PM 2 24

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

Mineral Reservation contained in Deed recorded May 2, 1961 as Instrument No. 1447, which reads as follows: "Reserving, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered, including without limiting the generality of the foregoing, coal, oil, gas and sandstone or valuable rock deposits and rights thereto, together with the sole and exclusive and perpetual right, to explore for and remove and dispose of said minerals by any means or methods suitable, to Martin F. Sanders, his heirs and assigns, including the right of access to, and use of, such parts of said described lands upon and below the surface thereof as may be necessary and convenient for any purpose in connection with the exploration for, removal, storage, disposition and transportation of said minerals and the deposition of tailings and together also with the perpetual right to remove and subjacent support from the surface of sand lands, except such as is necessary for the support of permanent structures erected thereon, prior to the time such right is exercised, without thereby incurring any liability whatsoever for damages so caused." (Affects Parcel Nos. 1, 3 and additional property not included herein)

EXHIBIT

B

tabbles

- a. Any and all rights to sand and gravel, pursuant to the Royalty Agreement by and between Loughmiller Reclamation, LLC and Larry K. Cooper and Barbara Jean Cooper, dated February 16, 2000, as amended by an Addendum to Royalty Agreement, dated July 12th, 2001 (copies of said Agreement and addendum are attached to the Exchange Agreement as Exhibits K and L.
- b. That certain mineral rights reservation that is more particularly described in Exhibit E to this Sales Agreement.

2. **Water Rights.** Coopers agree that 9.82 C.F.S. of ground water, as may be reflected generally in Exhibits C-1 through C-8 shall be transferred to Jones' for irrigation of the Cooper A and Cooper B Properties. The attached licenses (Exhibits C-1 through C-8) indicate that some of the ground water has heretofore irrigated land ("Retained Land") that is not included within either the Cooper A Property or the Cooper B Property parcels. Jones' shall be responsible to file the appropriate forms with the Department of Water Resources to change the place of use from the Retained Land to land within either the Cooper A Property or the Cooper B Property. Also attached to this Agreement as Exhibits C-9 and C-10 are the water licenses for Coe Creek. Those licenses provide that some of the Coe Creek water has irrigated some of the Cooper A Property and/or Cooper B Property. Jones' acknowledge that none of the Coe Creek Water shall hereafter be used to irrigate Cooper A Property or Cooper B Property. Coopers shall be responsible to file the appropriate forms with the Department of Water Resources to change the place of use of Coe Creek water from Cooper A Property and Cooper B Property lands to the Retained Land. Coopers and Jones' agree to cooperate with each other in good faith to the extent necessary to complete the water right transfers by filing the appropriate forms with the Department of Water Resources within eighteen (18) months of closing. Any additional ground water rights as pertaining to the Cooper A and B Properties above the referenced 9.82 C.F.S. shall remain with Coopers and are not transferred to Jones. Jones shall grant to Coopers a point of diversion at the well located near the house on the Cooper Property, for purposes of facilitating Coopers' application for the referenced ground water rights above the referenced 9.82 C.F.S. only. In the event that Coopers receive confirmation from the Department of Water Resources for additional water above the 9.82, then Coopers shall be required to change the point of diversion for that additional water to a site away from the Cooper A and Cooper B Properties.

3. **Improvements.** A house, barn, buried irrigation main line, together with the pumps and wells, are located on and are part of the Real Property.

4. **Cooper Mortgage.** Both the Cooper A Property and the Cooper B Property are

Legal Description of property being sold

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$

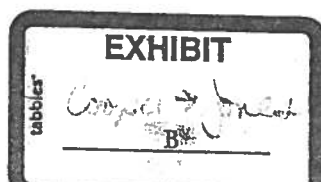
EXCEPTING THEREFROM, all that portion deeded to the State of Idaho
for highway purposes.

Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: S $\frac{1}{2}$ N $\frac{1}{2}$, EXCEPT highway right-of-way.



Legal Description of property being exchanged

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: E $\frac{1}{2}$ SE $\frac{1}{4}$, LESS the following described parcel:

Commencing at the Southeast corner of said Section 3; thence along the East line of said Section, North a distance of 1414.2 feet, more or less, to the True Point of Beginning, said point beginning 50.0 feet distance northeasterly, measured at right angles, from the centerline of the abandoned main track of the Raft River Branch of the Oregon Short Line Railroad Company, as formerly constructed and operated;

Thence along a straight line parallel with said centerline of abandoned main track, North 27°15' West a distance 750.0 feet, more or less, to the most easterly corner of the second described parcel of land conveyed by the Union Pacific Railroad Company to Martin F. Sanders by Quitclaim Deed dated May 5, 1949, UPRR Co. L.S.D.A. 1788;

Thence along the Southeast line of said parcel South 62°45' West a distance of 100.0 feet, to a point that is 50.0 feet distant Southwesterly, measured at right angles, from said centerline of abandoned main track;

Thence along a straight line parallel with said centerline of abandoned main track and the Southeasterly extension thereof, South 27°15' East a distance of 944.16 feet, more or less, to a point on the East line of said Section 3;

Thence along said East line of Section 3, North a distance of 218.4 feet to the True Point of Beginning.

Section 10: E $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$



WARRANTY DEED

For Value Received, **J. MAX JONES** and **DIANE D. JONES**, husband and wife, as Grantors, do hereby grant, bargain, sell and convey unto **GARY B. HARPER** and **SUSAN HARPER**, husband and wife, as Grantees, whose address is:

2040 East 850 South
Malta, Idaho 83342

the following described premises in Cassia County, Idaho, to-wit:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

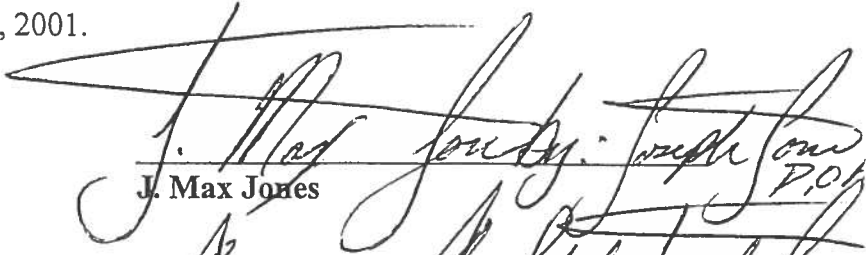
Section 11: That part of the SE 1/4 NW 1/4, the S 1/2 NE 1/4 and
the W 1/2 SE 1/4 lying East of the East boundary of
Highway 81.

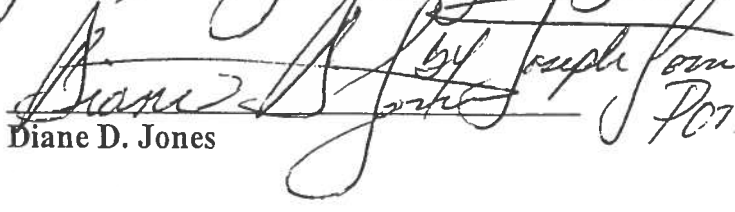
TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances and that they will forever warrant the title to said premises. This conveyance, however, is subject to federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way and easements claimed, established or of record; accruing taxes and assessments for 2001 and subsequent years; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; and unpatented mining claims.

In addition to the foregoing, said conveyance shall be subject to the following:

1. Any and all rights to sand and gravel, pursuant to the Royalty Agreement by and between Loughmiller Reclamation, LLC and Larry K. Cooper and Barbara Jean Cooper, dated February 16, 2000, as amended by an Amendment to the Royalty Agreement, dated July 12, 2001.
2. That certain mineral rights reservation that is more particularly described in Exhibit B.

DATED as of this 13th day of July, 2001.

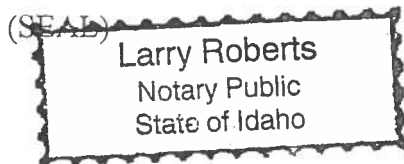

J. Max Jones

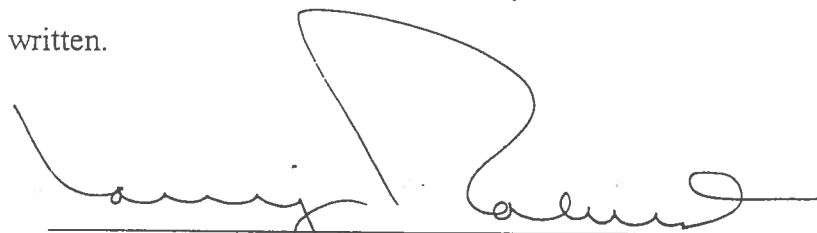

Diane D. Jones

STATE OF IDAHO)
 :SS.
COUNTY OF CASSIA)

On this 13th day of July, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **JOSEPH JONES**, known or identified to be the person whose name is subscribed to the within instrument as attorney in fact of **J. MAX JONES** and **DIANE D. JONES**, and acknowledged to me that he subscribed the names of **J. MAX JONES** and **DIANE D. JONES** thereto as principals, and his own name as attorney in fact.

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




NOTARY PUBLIC STATE OF IDAHO
Residing at: Burley, Idaho
Commission expires: 6-30-03

Mineral Reservation contained in Deed recorded May 2, 1961 as Instrument No. 1447, which reads as follows: "Reserving, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered, including without limiting the generality of the foregoing, coal, oil, gas and sandstone or valuable rock deposits and rights thereto, together with the sole and exclusive and perpetual right, to explore for and remove and dispose of said minerals by any means or methods suitable, to Martin F. Sanders, his heirs and assigns, including the right of access to, and use of, such parts of said described lands upon and below the surface thereof as may be necessary and convenient for any purpose in connection with the exploration for, removal, storage, disposition and transportation of said minerals and the deposition of tailings and together also with the perpetual right to remove and subjacent support from the surface of sand lands, except such as is necessary for the support of permanent structures erected thereon, prior to the time such right is exercised, without thereby incurring any liability whatsoever for damages so caused." (Affects Parcel Nos. 1, 3 and additional property not included herein)

276125

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE *9.00* DEPUTY *W*

01 JUL 16 PM 2 32

RECORDED AT THE REQUEST OF

LAND TITLE & ESCROW



REAL ESTATE PURCHASE AND SALE AGREEMENT
("Jones/Harper")

THIS AGREEMENT is made and entered into effective as of March 1, 2001 by and between **J. Max Jones and Diane D. Jones, husband and wife**, herein collectively referred to as, ("**Jones**") and **Gary B. Harper and Susan Harper, husband and wife**, or their assignees, herein collectively referred to as ("**Harpers**").

RECITALS

A. Jones' own the following real and personal property:

1. The real property is located in Cassia County, Idaho, is legally described in the attached Exhibit A and shall be referred to in this Agreement as the "Real Property". Currently, irrigation water for the Real Property is provided by two wells on other property ("Other Jones' Property") owned by Jones' and described in Exhibit B. The licenses for the irrigation water from the two wells are 43-2478, 43-2332 and 10150B. 1.65 CFS, of the water, in total, from those wells irrigates the Real Property. That portion (1.65 CFS) of the water from the licenses listed above shall be referred to as the "Real Property Water Share".
2. The personal property is comprised entirely of one used, six tower Valley pivot and is hereafter identified in this Agreement as the "Irrigation Equipment".

B. Harpers desire to purchase and Jones' desire to sell all of the Real Property and Irrigation Equipment subject to terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants entered into herein, the parties hereby agree as follows:

1. **Sale of Real Property and Irrigation Equipment.** Jones' shall sell and Harpers shall purchase, upon the terms and conditions herein provided, the Real Property and the Irrigation Equipment. All appurtenances thereto that are now on or used in connection with the Real Property shall be included in this sale subject to the following:

- a. Any and all rights to sand and gravel, pursuant to the Royalty Agreement by and between Loughmiller Reclamation, LLC and Larry K. Cooper and Barbara Jean Cooper, dated February 16, 2000, as amended by an Addendum to Royalty Agreement, dated July 12, 2001 (copies of said Agreement and addendum are attached hereto as Exhibits C and D).

- b. That certain mineral rights reservation that is more particularly described in Exhibit E to this Agreement.

The parties agree that the water right is limited to 1.65 CFS of the water allowed by the licenses identified in the Recitals section of this Agreement.

2. **Improvements.** Except for a buried irrigation main line and fences there are no other improvements to the Real Property.

3. **Proration.** The parties shall prorate the 2001 real property taxes and Irrigation Equipment taxes, if any, as of January 1, 2001 based on the 2000 tax assessment. No proration of utility billings shall be required; however, Harpers shall make arrangements with Raft River Electric to have all utility services to the premises for 2001 and subsequent years billed to Harpers. Jones' shall be responsible for all of the taxes assessed against the Real Property and Irrigation Equipment for 2000 and prior years.

Inasmuch as the effective date of this Agreement is March 1, 2001, interest shall be charged on the purchase price at the rate of 9.35% per annum from that date to the date of closing. Harpers shall be required to pay Jones' the accrued interest at closing.

4. **Cooper Mortgage.** The Real Property is now encumbered by a mortgage ("Cooper Mortgage") executed by Larry Cooper and Jean Cooper in favor of U.S. Bank. As a condition for closing, Sellers shall be required to obtain a release of the Real Property from the Cooper Mortgage.

5. **Price.** The total price to be paid Jones' by Harpers for the Real and Irrigation Equipment described in this agreement shall be the sum of \$140,000.00, which sum shall be paid in cash at closing.

6. **Change in Point of Diversion.** The Real Property Water Share is appurtenant to the Real Property and, therefore, shall be transferred to Harpers with the transfer and conveyance of the Real Property; however, Harpers shall be required to change the "point of diversion" from the well located on the Jones' Other Property to the Real Property or any other location selected by Harpers. Harpers agree to complete "point of diversion" within 24 months of closing. In no event, however, shall Harpers be entitled to water from the well located on the Other Jones Property.

7. **Warranty Deed and Bill of Sale.** At the closing of this agreement, Jones' shall execute and deliver to the Harpers a warranty deed conveying to Harpers fee title to the Real Property, free and clear of all liens and encumbrances, but subject to real property taxes and

assessments for 2001 and subsequent years, rights reserved in federal patents, state or railroad deeds, building and use restrictions, building and zoning regulations and ordinances; all rights of way and easements claimed, established or of record; encumbrances which are not shown by public records and which were created prior to Seller's ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; unpatented mining claims and claims or title to water or water rights. At closing, Jones' shall also deliver to Harpers a bill of sale to the Irrigation Equipment. Title to the Irrigation Equipment shall be transferred free and clear of all encumbrances created by Sellers but without any other warranty. Except as otherwise provided in this Agreement, Harpers shall take both the Real Property and Irrigation Equipment AS IS.

8. **Title Policy Commitment.** At least 10 days in advance of closing, Jones' shall deliver to Harpers a title insurance policy commitment. Harpers shall have five days from receipt of the commitment or until 24 hours prior to closing, whichever period of time is less, within which to object in writing to the condition of the title as set forth in the title report. If the Harpers do not so object, Harpers shall be deemed to have accepted the condition of the title. It is agreed that if the title to said premises is not marketable, or cannot be made so at or prior to closing, this agreement shall be null and void at Harpers' option.

9. **Title Policy.** At closing, Jones' shall purchase for Harpers, from the sales proceeds paid at closing, a standard owner's title insurance policy in the sum of \$140,000, subject to the usual printed exceptions, easements and reservations of record and accruing taxes. The face amount of the policy is deemed to equal the purchase price of the Real Property.

10. **Professional Representation.** The parties understand that Merrill & Merrill, Chartered represents Jones' in this transaction and that Harpers have been advised to consult with their own counsel.

11. **Environmental Representation.** To Jones' best information and belief, Jones' represent, with respect to the Real Property and the water sources located on or under the Real Property, that there has been no spill, discharge, release, cleanup or contamination of or by any hazardous or toxic waste or substance.

12. **Pre-closing Default and Remedies.** If, after all conditions of this Agreement are satisfied and Jones' are ready and able to perform, Harpers refuse to consummate the sale, Jones' shall be entitled to any and all remedies allowed by Idaho law, including specific performance. If Harpers are ready and able to perform and Jones' refuse to close the transaction and deliver possession, Harpers shall be entitled to specific performance and all other remedies allowed by law. Moreover, if any condition preliminary to closing this Agreement is not timely satisfied, this Agreement shall be voidable at the option of the party in whose favor the unsatisfied condition runs.

13. **Attorney's Fees.** Should Jones', at their option, elect to employ the services of attorneys at law to represent them in the enforcement of any obligation undertaken by Harpers in connection herewith, or to participate in legal proceedings in any way connected herewith, as plaintiff or intervener, Harpers do hereby agree to pay Jones' a reasonable attorney's fee. In the event of litigation and in the event Harpers are the prevailing party, then Jones' shall pay Harpers a reasonable attorneys' fee.

14. **Notices.** Any communications between the parties hereto or notices provided hereunder may be given by mailing the same, postage prepaid, to Jones' and to Harpers at the addresses provided below:

To Jones':

J. Max Jones and Diane D. Jones
c/o Joseph Jones
2060 E. 1000 S.
Declo, ID 83323

To Harpers:

Gary B. and Susan Harper
2040 E. 850 S.
Malta, ID 83342

15. **Binding on Heirs.** This agreement is binding upon the heirs, successors and assigns of the respective parties.

16. **No Waiver.** Jones'' waiver of any of the provisions of this contract shall not constitute a waiver with respect to any of the other terms provided by this contract.

17. **Closing.** Closing of this transaction shall occur at Title Land and Escrow Co's office on or before July 13, 2001. The parties shall bear their own legal expenses and the parties shall equally split the closing agent fee, and recording fees. The parties agree that Jones' shall pay the cost of title insurance. At closing Jones' shall sign the warranty deed and bill of sale required by this Agreement.

18. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto and may not be changed, amended, altered or modified except by an instrument in writing signed by the parties or parties sought to be charged with such change, amendment, alteration or modification.

19. **Captions to Paragraphs.** The captions to the paragraphs of this Agreement are for convenience only and shall not be deemed to enlarge, diminish, explain or in any manner affect the meaning of such paragraphs.

IN WITNESS WHEREOF the parties have executed this agreement on the dates recited below, with the understanding that this Agreement is effective as of July 13, 2001:

Sellers:

Date: July 13, 2001

J. Max Jones

Date: July 13, 2001

Diane D. Jones

Buyers:

Date: July 13, 2001

Gary B. Harper

Date: July 13, 2001

Susan Harper

EXHIBIT A
(Jones/Harper)

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 11: That part of the SE 1/4 NW 1/4, the S 1/2 NE 1/4 and
the W 1/2 SE 1/4 lying East of the East boundary of
Highway 81.

Exhibit "B"

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM, all that portion deeded to the State of Idaho
for highway purposes, and

ALSO EXCEPTING,

Beginning at the Southwest corner of said Section 11;
Thence North 318.99 feet;
Thence South 89°08' East 299.07 feet;
Thence South 0°52' West 318.95 feet;
Thence North 89°08' West 294.25 feet to the Point of Beginning.

Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: S $\frac{1}{2}$ N $\frac{1}{2}$, EXCEPT highway right-of-way.

**EXCEPTING THEREFROM the following described tract from
Parcels No. 1 and No. 2;**

**That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ lying East
of the East boundary of Highway 81.**

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: E $\frac{1}{2}$ SE $\frac{1}{4}$, LESS the following described parcel:

Commencing at the Southeast corner of said Section 3; thence along the East line of said Section, North a distance of 1414.2 feet, more or less, to the True Point of Beginning, said point beginning 50.0 feet distance northeasterly, measured at right angles, from the centerline of the abandoned main track of the Raft River Branch of the Oregon Short Line Railroad Company, as formerly constructed and operated;

Thence along a straight line parallel with said centerline of abandoned main track, North 27°15' West a distance 750.0 feet, more or less, to the most easterly corner of the second described parcel of land conveyed by the Union Pacific Railroad Company to Martin F. Sanders by Quitclaim Deed dated May 5, 1949, UPRR Co. L.S.D.A. 1788;

Thence along the Southeast line of said parcel South 62°45' West a distance of 100.0 feet, to a point that is 50.0 feet distant Southwesterly, measured at right angles, from said centerline of abandoned main track;

Thence along a straight line parallel with said centerline of abandoned main track and the Southeasterly extension thereof, South 27°15' East a distance of 944.16 feet, more or less, to a point on the East line of said Section 3;

Thence along said East line of Section 3, North a distance of 218.4 feet to the True Point of Beginning.

Section 10: E $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 11: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said Section 11;

Thence North 318.99 feet;

Thence South 89°08' East 299.07 feet;

Thence South 0°52' West 318.95 feet to a point;

Thence North 89°08' West for a distance of 294.25 feet to the Point of Beginning.



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

August 10, 2001

LARRY COOPER
227 W 20 S KNOX DR
BURLEY ID 83318

RE: OWNERSHIP CHANGE/SPLITS COOPER-HARPER

Dear Larry,

Enclosed are your new preliminary recommendations and layout for the rights involved with the property you sold to Gary Harper via Max Jones. (Even though I realize that you have sold to Jones, we have not received an ownership change request, so I am sending this to you.) Since all the groundwater rights were recommended to the entire place of use, they all needed to be involved in the split. I have split all the rights proportionately, except for Coe Creek (43-423A), where I reduced the 360 recommended acre place of use to the 368 retained acres. Transfers will need to be filed in order to separate the ground which is to have surface water from that which is to have groundwater.

The new right numbers are different from the original numbers because our new computer system no longer allows for us to add suffixes like A or B, but assigns a new number. At the bottom of the new recommendations, you can determine from which right they were split.

If you have any questions, feel free to give me a call at the office.

Sincerely,

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

Jeanie Robertson
Sr. Water Resource Agent

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 43-2402
Date Received: 5/30/89
Receipt No: S007366
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LARRY COOPER Phone: (208) 678-8015
227 W 20 S KNOX DR
BURLEY ID 83318

BARBARA JEAN COOPER Phone: (208) 678-8015
227 W 20 S KNOX DR
BURLEY ID 83318

2. Date of Priority: 01/14/1954

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	26E	11	SW SE	CASSIA	

5. Description of diverting works:

WELL, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	3	

7. Total Quantity Appropriated is:
3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	26E	11	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NW	SE	IRRIGATION	5
			SW	SE	IRRIGATION	30
Section Acres						195
Total Acres						195

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:

14. Remarks:

2 WELLS, 2 PUMPS USED ON 355 LICENSED ACRES WITH 9.2 CFS
ADDITIONAL ACRES ADDED IN 1970, EXPANSION CLAIM #43-10150
COE CREEK WATER ALSO USED ON PROPERTY

2/8/01 tf; ownership changed Allen Enterprises to Cooper per 1409(6) and warranty deed received 2/7/01.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
FEB 07 2001
 Department of Water Resources
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	<u>A43-02332</u>	___	_____	<u>A43-00423A</u>	___
_____	<u>A43-02402</u>	___	_____	_____	___
_____	<u>A43-02478</u>	___	_____	_____	___
_____	<u>A43-10150A</u>	___	_____	_____	___
_____	<u>A43-10150B</u>	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate ~~FILING FEE~~. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Allen Enterprises
3405 North 575 East
Ogden, Utah 84414
4. New Owner/Claimant(s) Larry and Barbara Jean Cooper
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 227 West 20 South, Knox Drive
- City, State and ZIP Code Burley, Idaho 83318
- New Telephone Number (208) 678-8015
5. Date you acquired the property Have been purchasing under an unrecorded Contract of Sale since August 27, 1996. Deed recorded on May 24, 2000.

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Larry Cooper
Larry Cooper
Barbara Jean Cooper
Barbara Jean Cooper

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

THIS DEED, made this 27th day of August, 1996, between A. LeROY ALLEN, GLENNA P. ALLEN, VAUGHN L. ALLEN and SCOTT D. ALLEN, d/b/a Allen Enterprises, herein referred to as Grantors, and LARRY COOPER, individually, whose address is Route #1 Box 1738, Burley, Idaho 83318, herein referred to as Grantee.

W I T N E S S E T H:

That Grantors, for good and valuable consideration, the receipt and sufficiently of which are hereby acknowledged, does hereby grant, bargain, sell and convey to Grantee, his heirs and assigns, all of Grantor's right, title and interest in and to that certain parcel of land situated in the County of Cassia, State of Idaho, and particularly described in Exhibit A, attached hereto and by reference made a part hereof.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity to have and to hold all and singular the above described premises together with the appurtenances unto Grantee and his heirs and assigns forever.

And Grantors and their successors and assigns shall and will warranty these presents forever in the quiet and peaceful possession of Grantee and against all and every person and persons whomsoever claiming the same.

IN WITNESS WHEREOF, Grantors have caused these presents to be
subscribed on the day and year first above written.

GRANTOR

Vaughn L. Allen
Vaughn L. Allen, dba Allen Enterprises

A. LeRoy Allen
A. LeRoy Allen, dba Allen Enterprises

Glenna P. Allen
Glenna P. Allen, dba Allen Enterprises

Scott D. Allen
Scott D. Allen, dba Allen Enterprises

STATE OF UTAH

)
) ss.
)

COUNTY OF

On this 25th day of September, 1996, before me, the undersigned,
a Notary Public in and for said State, personally appeared VAUGHN
L. ALLEN, A. LeROY ALLEN, GLENNA P. ALLEN and SCOTT D. ALLEN dba
Allen Enterprises, known or identified to me to be the persons
whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Robert M. Saunders
Notary Public
Residing at:
My Commission expires:

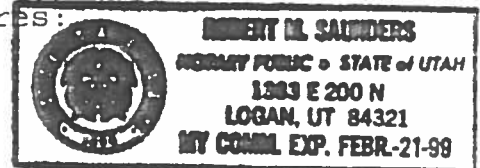


Exhibit A

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM, all that portion deeded to the State of Idaho for
highway purposes, and ALSO EXCEPTING:

Beginning at the Southwest corner of said Section 11:

Thence North 318.99 feet;

Thence South 89°08' East 299.07 feet;

Thence South 0°52' West 318.95 feet;

Thence North 89°08' West 294.25 feet to the Point of Beginning.

Section 10: S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: S $\frac{1}{2}$ N $\frac{1}{2}$, EXCEPT highway right-of-way

269427

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE

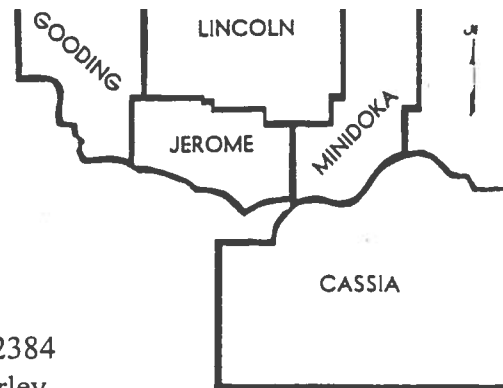
9.00 DEPUTY *me*

00 MAY 24 PM 4 15

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #32384
OFFICE: Burley

February 5, 2001

Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
FEB 07 2001
Department of Water Resources
Southern Region

Dear Clerk:

Enclosed with this letter please find an original executed Notice of Change in Water Right Ownership on property located in Cassia County, Idaho with a copy of the Warranty Deed and aerial photos attached.

Would you please make the necessary changes in the records to indicate the new owners as Larry and Barbara Jean Cooper for future water assessments. Please send a receipted copy to this office.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours
Land Title and Escrow, Inc.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.
cc: Larry Cooper

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0608 - FAX 436-1199

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.

RECEIVED

MAY 26 1989

CIVIL CASE NUMBER: 39576

Ident. Number: A43-02402
Date Received: 4/18/1989
Receipt No: 5007366
Received By: W

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLEN ENTERPRISES
Address: ~~3405N-575E~~ 2191 S 3500 W
OGDEN, UT

731-0692
801-782-2015

84414

2. Date of Priority: JAN 14, 1954

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	26E	11	SW	SE			CASSIA

5. Description of diverting works:
WELL, PUMP, SPRINKLERS

6. Water is used for the following purposes:

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

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	26E	11	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

A43-02402

Page 1

Date: 05/09/89

COPY

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MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	26E	11	NW	SE		IRR	5.0
			SW	SE		IRR	30.0
Section Acres							195.0
Total Acres							195.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-02478, 02332, 00423A, 10150

14. Remarks:
2 WELLS, 2 PUMPS USED ON 355 LICENSED ACRES WITH 9.2 CFS.
ADDITIONAL ACRES ADDED IN 1970, EXPANSION CLAIM #43-10150.
COE CREEK WATER ALSO USED ON PROPERTY.

15. Basis of Claim: LICENSE
Water Right Number: 24670

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 PARTNER of _____
Title

ALLEN ENTERPRISES, that I have signed the foregoing
Organization

document in the space below as PARTNER of _____
Title

ALLEN ENTERPRISES and that the statements contained in the
Organization

foregoing document are true and correct.

X Glenna P. Allen
Signature of Authorized Agent

PARTNER, ALLEN ENTERPRISES
Title and Organization

X May 17 - 89
Date

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

Subscribed and sworn (or affirmed) before me this 17th day
of May 19 89.

Margaret Brundor
Notary Public

Seal

Residing at 201 Ashe Dr. Brigham City UT
My Commission Expires 2-1991

Water Right Number - 43-02402

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 24670

Last Name -

First Name -

Address -

Status -

*** C - CURRENT OWNER ***
SANDERS

MARTIN F.

1 - C/O FRANCIS F. SANDERS, ADMN.

2 -
3 -
City- BURLEY
Phone -

State- ID Zip-

MICROFILMED
MAR 03 1993

Priority Date -
01/14/1954

Region -

Stage -
L - LICENSE

Source -
GROUNDWATER

Tributary -

Twn Rng Sec Tract Lot RFlg County Point of Diversion
12S 26E 11 SW SE (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION
43 - DOMESTIC
3.000

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

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
12S	26E	11	NE SW		40.0	01	IRRIGATION	(31) CASSIA	
12S	26E	11	NW SW		40.0	01	IRRIGATION	(31) CASSIA	
12S	26E	11	SW SW		40.0	01	IRRIGATION	(31) CASSIA	
12S	26E	11	SE SW		40.0	01	IRRIGATION	(31) CASSIA	
12S	26E	11	NW SE		5.0	01	IRRIGATION	(31) CASSIA	
12S	26E	11	SW SE		30.0	01	IRRIGATION	(31) CASSIA	

Total Acres: 195.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks -
No Remarks found.

MAR 03 1993
MICROFILMED

Adj. flag translation: Standard Water Right Number

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

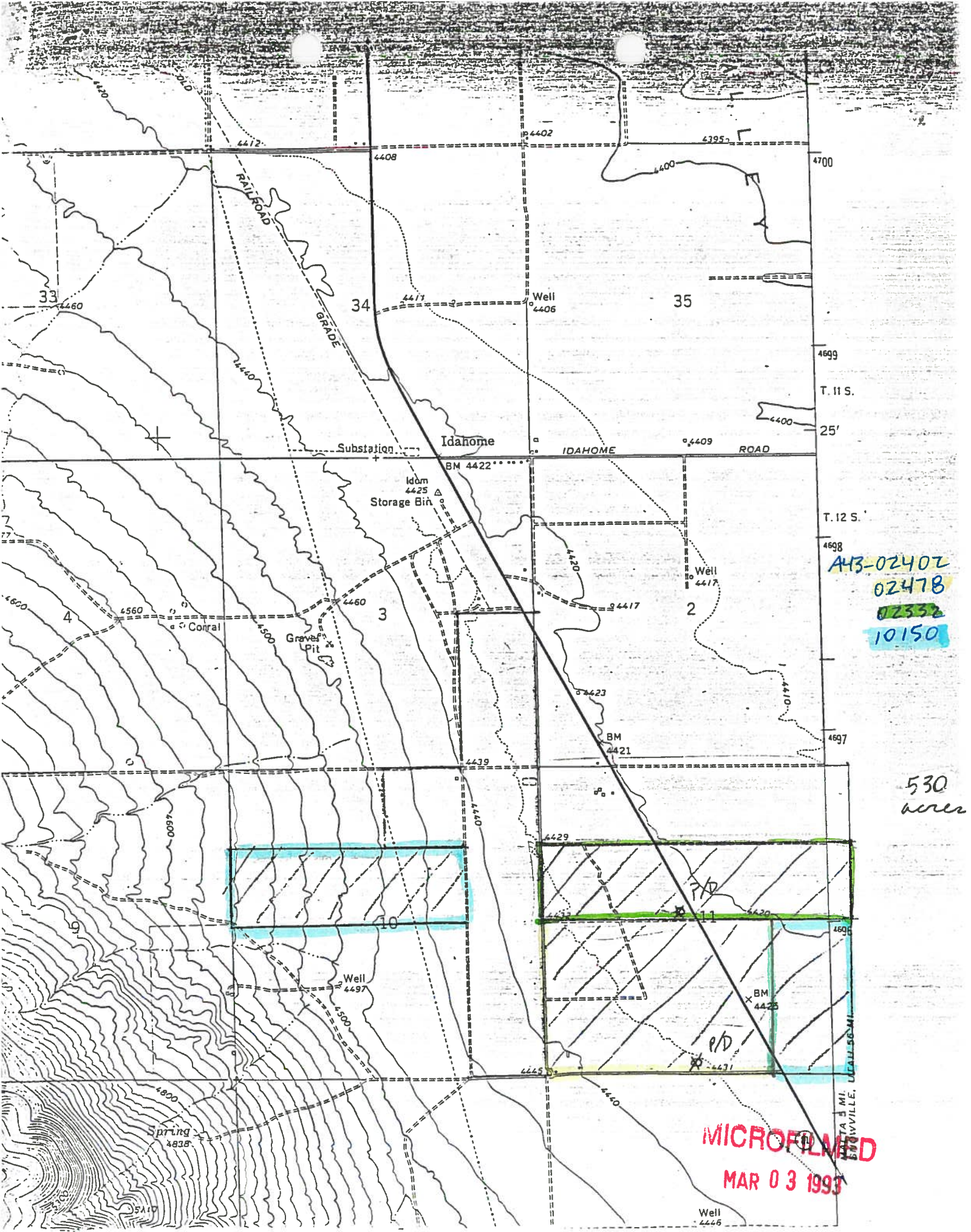
+ - - - Decree Defendant - - +

+ - Decree Date
00/00/0000

Water Rights Dates and Flags Are

Decree Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Order Show Cause	00/00/0000	Receipt Number	-	Swan Falls	-
Licensed Date	06/28/1979	Appl Received	00/00/0000	Temporary Right	-
Start Work Date	00/00/0000	Verified Date	02/26/1985	DLE/Carrey Act	-
Proof Made Date	00/00/0000	Hearing Date	-	Water District	-
Approved/Denied	00/00/0000	Protested Date	-	Transfer/Amended	-
Proof Due Date	00/00/0000	Field Exam Made	00/00/0000		

MICROFILMED
MAR 03 1993



A43-02402
02478
02352
10150

530
acres

MICROFILMED
MAR 03 1993

IDAHO
3 MI.
BOZEMAN, MONT.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

5/9/1989 *~*

ALLEN ENTERPRISES
3405N 575E
OGDEN, UT 84414

DEAR MR. ALLEN:

ENCLOSED, PLEASE FIND 2 SETS OF YOUR ADJUDICATION CLAIMS, ONE SET OF COPIES FOR YOUR RECORDS AND A 2ND SET FOR YOU TO RETURN SIGNED AND NOTARIZED.

I HAVE ENCLOSED A COPY OF THE NEW LEGISLATION MEMO CONCERNING CRITICAL GROUNDWATER AREA EXPANSIONS. A43-10149 REPRESENTS THE EXPANDED ACRES ON THE "ALLEN BROTHERS FARM" AND A43-10150 REPRESENTS THE EXPANDED ACRES ON THE "ALLEN ENTERPRISES FARM". THE PRIORITY DATE FOR BOTH HAS TO BE 06/30/1985 ACCORDING TO THE STATUTE. I CHANGED THE OTHER CLAIMS TO THE ACRES THAT THEY WERE ORIGINALLY LICENSED FOR.

THE FEE BREAKDOWN IS:

ALLEN ENTERPRISES	FEE	ACRES	TOTAL
A43-00423A	\$50	530	\$ 580
A43-02402	50	"	50
A43-02478	50	"	50
A43-02332	50	"	50
A43-10150	50	"	50
ALLEN BROTHERS			
A43-02570	50	355	405
A43-10149	50	80	130

SINCE YOU HAVE CHOSEN THE PAYMENT PLAN OPTION, 1/5 OF THE TOTAL FEE IS DUE. A BILLING SCHEDULE WILL BE SET UP, AND THERE WILL BE 4 ANNUAL PAYMENTS. EACH PAYMENT WILL EQUAL 1/5 OF THE TOTAL FEE, PLUS INTEREST ON THE UNPAID BALANCE CALCULATED AT 10% PER ANNUM. EACH PAYMENT WILL BE DUE AND PAYABLE ON THE FIRST DAY OF THE SAME MONTH EACH OF THE FOLLOWING 4 YEARS.

MICROFILMED
MAR 03 1993

PAYMENT PLAN:

PAYMENT DUE WITH RETURNED CLAIMS	\$263.00
ANNUAL PAYMENT	263.00
INTEREST DUE	102.96
TOTAL INTEREST	260.76

I HAVE ENCLOSED CHECK #3816 SINCE THE EXPANSION CLAIMS HAS CHANGED THE TOTAL AMOUNT DUE.

IF YOU HAVE ANY QUESTIONS MR. ALLEN, PLEASE CONTACT ME AT (208) 734-3578.

SINCERELY,

LORI WHITE
WATER AGENT

MICROFILMED
MAR 03 1993

ADJUDICATIONS MEMO #21

TO: Adjudications Bureau Staff
FROM: Lynne Krogh-Hampe
DATE: April 25, 1989
RE: New Legislation

Two new sections have been added to Chapter 14, Title 42 of Idaho Code, which will impact the SRBA. Copies of the legislation are attached.

I. Changes in Use

The first new section is Section 42-1416A. This section permits a person who made a change in use of a water right prior to entry of the commencement order (November 19, 1987 in the SRBA) to claim the water right as changed in a general adjudication without filing an application for change with IDWR. IDWR can recommend the right as changed and the district court can decree it as changed if the change meets the substantive requirements of §42-222 (no injury, no expansion, and in the local public interest). Also, IDWR can recommend and the district court can decree the right as changed but subject to conditions where necessary to meet the substantive requirements of §42-222.

Note that this statute does not change the manner in which the presumption statute applies, nor does it change the requirement that a second notice of claim must be filed for an expansion (unless the expansion is limited to an expansion of irrigated acreage of a decreed right that occurred prior to entry of the commencement order).

II. Expansions in Critical Ground Water Areas

The second new section is §42-1416B. This section permits a person who has expanded the use of a ground water right in a critical ground water area after designation of the critical ground water area but before entry of the commencement order to claim the expansion in a general adjudication. The statute provides that the priority date for all such rights decreed shall be June 30, 1985.

Note that the original right could be a decreed right, a licensed right, a beneficial use right established prior to the mandatory permit system, and permits approved as of the date of entry of the commencement order. The original right claimed to have been expanded cannot be a beneficial use right in violation of the mandatory permit statute, or an application for permit approved after the date of entry of the commencement order.

Expansion includes any enlargement in use of the amount of water originally appropriated, such as expansions in irrigated acreage or additional purposes of use. It does not include an enlargement in the amount or rate of water diverted.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

4/18/1989 *2*

ALLEN ENTERPRISES
3405N 575E
OGDEN, UT 84414

DEAR MR. ALLEN:

ENCLOSED, PLEASE FIND 2 SETS OF YOUR ADJUDICATION CLAIMS, ONE SET OF COPIES FOR YOUR RECORDS AND A 2ND SET FOR YOU TO RETURN SIGNED AND NOTARIZED.

THE FEE BREAKDOWN IS:

ALLEN ENTERPRISES	FEE	ACRES	TOTAL
A43-02402	\$50	518	\$ 568
A43-02478	50	"	50
A43-02332	50	"	50
DECREE A43-00423	50	"	50

ALLEN BROTHERS			
A43-02570	50	430	480

SINCE YOU HAVE CHOSEN THE PAYMENT PLAN OPTION, 1/5 OF THE TOTAL FEE IS DUE. A BILLING SCHEDULE WILL BE SET UP, AND THERE WILL BE 4 ANNUAL PAYMENTS. EACH PAYMENT WILL EQUAL 1/5 OF THE TOTAL FEE, PLUS INTEREST ON THE UNPAID BALANCE CALCULATED AT 10% PER ANNUM. EACH PAYMENT WILL BE DUE AND PAYABLE ON THE FIRST DAY OF THE SAME MONTH EACH OF THE FOLLOWING 4 YEARS.

PAYMENT PLAN:

PAYMENT DUE WITH RETURNED CLAIMS	\$239.60
ANNUAL PAYMENT	239.60
INTEREST DUE	91.43
TOTAL INTEREST	235.19

IF YOU HAVE ANY QUESTIONS MR. ALLEN, PLEASE CONTACT ME AT (208)734-3578.

SINCERELY,

Lori White
LORI WHITE
WATER AGENT

MICROFILMED

MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 19, 1989

ALLEN ENTERPRISES
3405 N 579E
OGDEN UT 84414

A43-00423A
A43-02570
Re: A43-02402
A43-10149
A43-02478
A43-02332
A43-10150

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 03 1993

VERIFIED BY

08/08/2001

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

RIGHT NUMBER: 43-13110
NAME AND ADDRESS: BARBARA JEAN COOPER
LARRY COOPER
227 W 20 S KNOX DR
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 2.23 CFS
580 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108, 43-13110, 43-13112, 43-13114, & 43-13116.

USE OF THIS RIGHT WITH RIGHT NO. 43-13112 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 580 AF.

PRIORITY DATE: 01/14/1954

POINT OF DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	2.23 CFS 580.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R26E S10	SWNE	38	T12S R26E S10	SWNW	38
T12S R26E S10	SENEW	39	T12S R26E S11	SWNW	40
T12S R26E S11	SENEW	28	T12S R26E S11	NESW	40
T12S R26E S11	NWSW	40	T12S R26E S11	SWSW	29
T12S R26E S11	SESW	38	T12S R26E S11	NWSE	9
T12S R26E S11	SWSE	29			

368 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 368 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112, 43-13114, & 43-13116.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

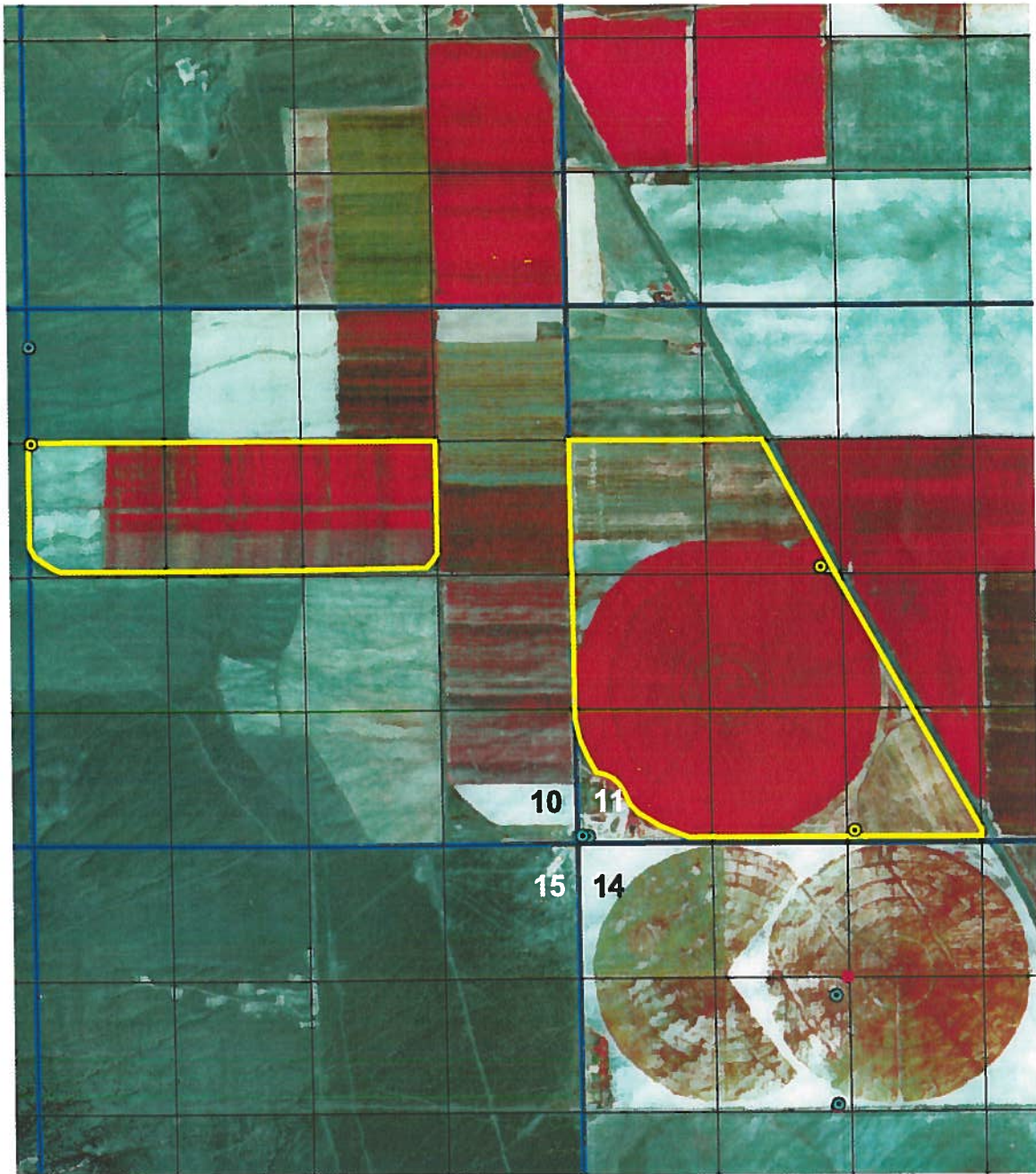
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER

THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2402.
RIGHT NO. 43-13116 IS AN EXPANSION OF THE FOLLOWING RIGHT
NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-
13110, 43-13112, & 43-13114.

43-00423A, 43-13108, 43-13110, 43-13112, 43-13114 & 43-13116



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON AUG. 10, 2001
TWP 12S, RNG 26E, SEC. 10 & 11



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

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

Memorandum

To: 43-423A, 43-13108, 43-13109, 43-13110, 43-13111, 43-13112, 43-13113, 43-13114, 43-13115, 43-13116, & 43-13117

CC: Files

From: Jeanie Robertson 

Date: 8/13/2001

Re: Ownership Changes/Splits

An ownership change was received from Gary Harper for part of the Larry Cooper property (claims originally filed by Allen Bros.). He had a deed and sales agreement from Max Jones. I told him we needed a copy of the deed where Cooper sold to Jones, which he later provided. There were also problems with the way the sales agreement split the water rights. The property was recommended as a ppu of 494 acres, of which Harper bought about 126 acres. There were 3 licenses, two of which were recommended with the same 3 cfs when combined, a beneficial use right, an expansion claim, and one surface water right. The sales agreement specified that a total of 1.65 cfs of groundwater was to be conveyed, .55 cfs each from 43-2478, 43-2332, and 43-10150B. (43-2402 was recommended as limited to the same 3 cfs as 43-2478 but it was not mentioned in the agreement.) 43-10150B is an expansion claim and as such has no real diversion rate. I told him we could not honor that agreement as far as splitting the rights and ended up splitting all of the groundwater rights proportionately. The total diversion rate did end up to be 1.65 cfs and because of the expansion claim, Harper ended up with 29 expansion acres. Rights 43-13108 through 43-13117 now represent the splits of the old rights. I just reduced the place of use for the surface water right (43-423A) to the 368 acres which Cooper retained, since it was limited to 360 acres. Jones has not filed an ownership change for the rest of the property yet, so I left his part under Cooper for now...A Transfer will need to be filed by Harper to correct the points of diversion and by Cooper and Jones to separate the surface water (Cooper) from the groundwater (Jones).

CONFIDENTIAL

VERIFIED BY sl 8/1/01

08/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRE

RIGHT NUMBER: 43-2402
NAME AND ADDRESS: BARBARA JEAN COOPER
LARRY COOPER
227 W 20 S KNOX DR
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY:

200- 3 CFS
780 AFY
200- 2.77 cfs
580 2.83 cfs
1.65
4.8

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.45 CFS AND TO A TOTAL COMBINE
ANNUAL DIVERSION VOLUME OF 1516 AF. COMBINED RIGHT NOS.: 4
02332, 43-02402, 43-02478, 43-10150A, & 43-10150B.

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.25 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 780 AF.

PRIORITY DATE: 01/14/1954

POINT OF DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.00 CFS 780.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38	T12S R26E S10	SWNW	38
T12S R26E S10	SENE	39	T12S R26E S11	SWNE	40
T12S R26E S11	SENE	40	T12S R26E S11	SWNW	40
T12S R26E S11	SENE	38	T12S R26E S11	NESW	40
T12S R26E S11	NWSW	40	T12S R26E S11	SWSW	29
T12S R26E S11	SESW	38	T12S R26E S11	NWSE	38
T12S R26E S11	SWSE	36			

494 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 195 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 494 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-02332, 43-02402, 43-02478, 43-
10150A, & 43-10150B.

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 43-10150B IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-02332, 43-02402, 43-02478, & 43-10150A.

VERIFIED BY *3/07/01*

03/07/2001

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

RIGHT NUMBER: 43-2402
NAME AND ADDRESS: BARBARA JEAN COOPER
LARRY COOPER
227 W 20 S KNOX DR
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 3 CFS
780 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1516 AF. COMBINED RIGHT NOS.: 43-02332, 43-02402, 43-02478, 43-10150A, & 43-10150B.

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 780 AF.

3.25 cfs

PRIORITY DATE: 01/14/1954

POINT OF DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.00 CFS 780.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County					
T12S R26E S10	SWNE	38	T12S R26E S10	SWNW	38
T12S R26E S10	SENE	39	T12S R26E S11	SWNE	40
T12S R26E S11	SENE	40	T12S R26E S11	SWNW	40
T12S R26E S11	SENE	38	T12S R26E S11	NESW	40
T12S R26E S11	NWSW	40	T12S R26E S11	SWSW	29
T12S R26E S11	SESE	38	T12S R26E S11	NWSE	38
T12S R26E S11	SWSE	36			

494 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 494 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02332, 43-02402, 43-02478, 43-10150A, & 43-10150B.

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

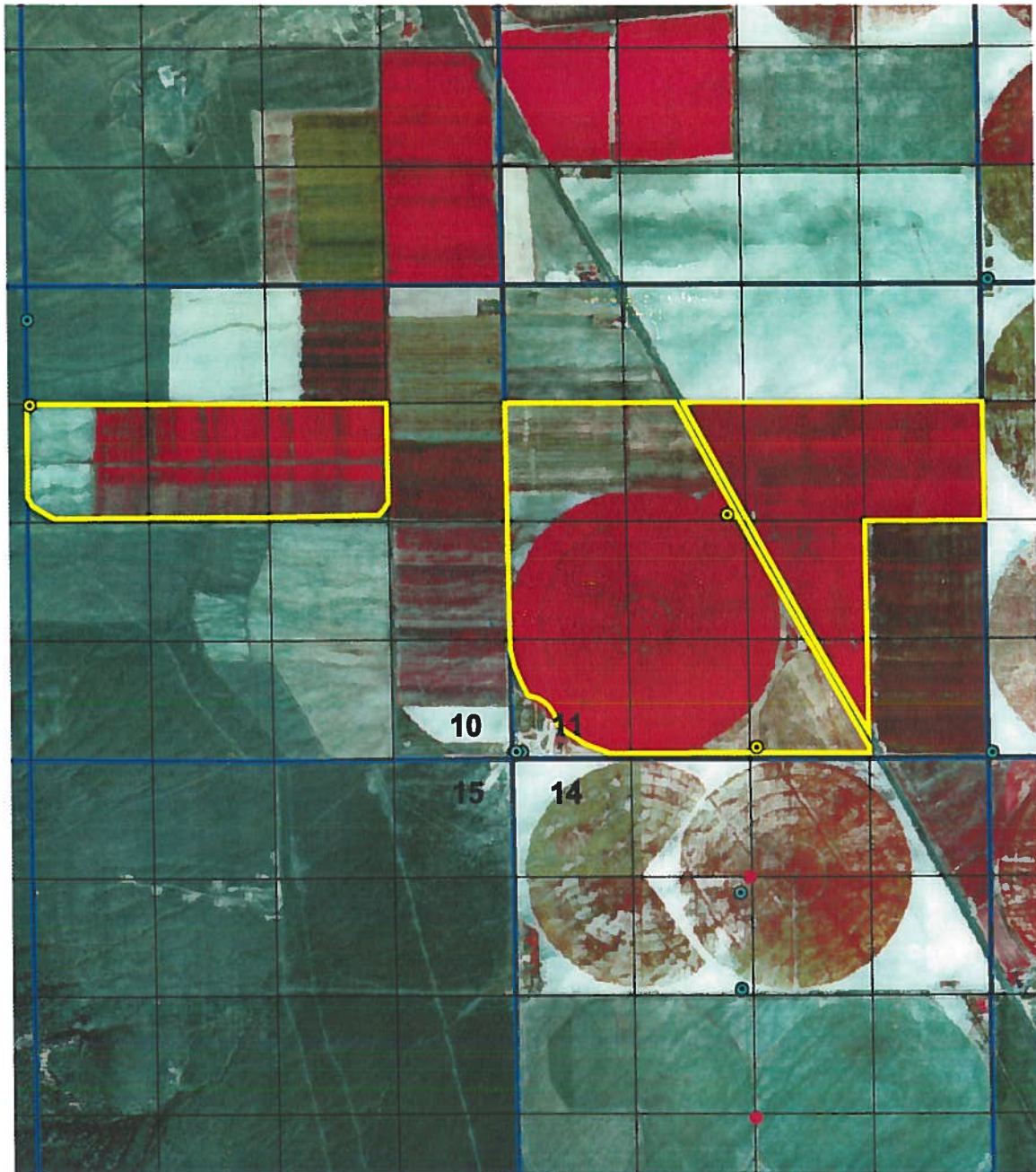
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT NO. 43-10150B IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-02332, 43-02402, 43-02478, & 43-10150A.

Idaho Department of Water Resources

43-00423A, 43-02332, 43-02402,
43-02478, 43-10150A, & 43-10150B



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 7, 2001
TWP 12S, RNG 26E, SEC. 10 & 11



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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 23, 2000

LARRY COOPER
227 W 20 S KNOX DR
BURLEY ID 83318

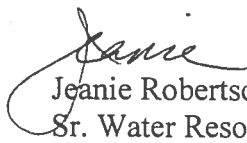
RE: Ownership Change on Adjudication Claims A43-00423A, A43-02332, A43-02402,
A43-02478, and A43-10150A & B

Dear Mr. Cooper,

Enclosed is an ownership change form and profile reports of the claims our records still show in the name of Allen Enterprises. Please complete the form and return it along with the required information as soon as possible.

I have also enclosed some maps and a copy of the 1987 aerial photo of the area. Please indicate on the large copy of the ASCS map, the irrigation system layout for the Bartschi Bros. Property. (I already talked to Scott Allen about his irrigation system when I was out there several years ago.) Now that you own both properties, I may have to reanalyze my initial recommendations for the claims, but I'm mainly interested in how and what was being irrigated in 1987, the commencement of the adjudication. Changes that have been made after that will need to be dealt with through our transfer process. Please call when you receive this information so we can go over it together.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent

VERIFIED BY *[Signature]* 10/18/2000

10/18/2000

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

RIGHT NUMBER: 43-2402

NAME AND ADDRESS: ALLEN ENTERPRISES
2191 S 3500 W
OGDEN, UT 84414

SOURCE: GROUND WATER

QUANTITY: 3 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 780 AF. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1516 AF. COMBINED RIGHT NOS.: 43-02332, 43-02402, 43-02478, & 43-10150A.

PRIORITY DATE: 01/14/1954

POINT OF DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.00 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T12S R26E S11	SWNE	40	T12S R26E S11	SENE	38
T12S R26E S11	SWNW	40	T12S R26E S11	NWSE	38
T12S R26E S11	NESW	40	T12S R26E S11	NWSW	40
T12S R26E S11	SWSE	36	T12S R26E S11	SESW	38
T12S R26E S11	SWSW	29	T12S R26E S11	SENE	40

379 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 379 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02332, 43-02402, 43-02478, & 43-10150A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 195 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

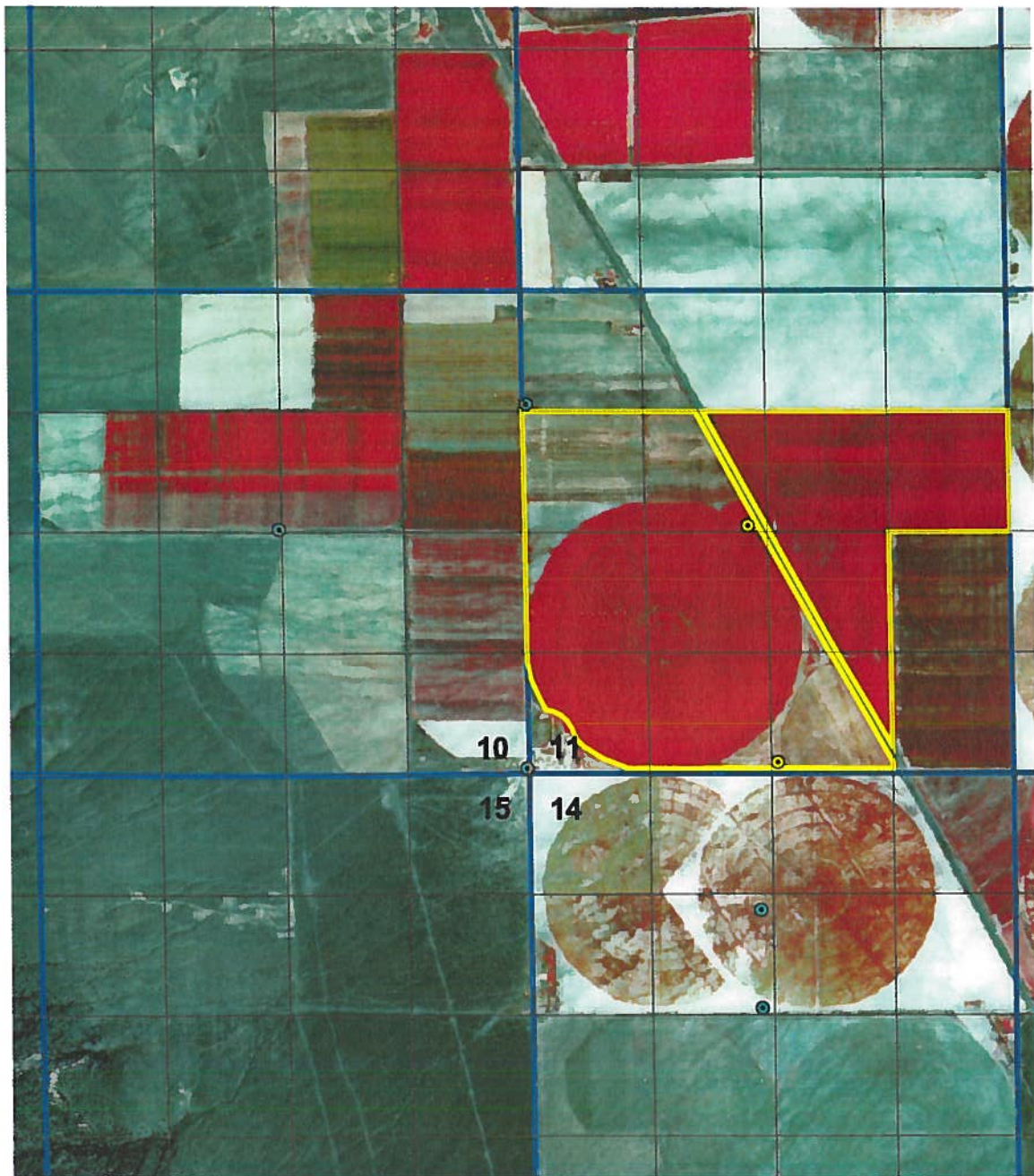
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: BASIS OF CLAIM - License

Water Right 43-2402

43-02332, 43-02402, 43-02478, & 43-10150A



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 12, 2000
TWP 12S, RNG 26E, SEC. 11

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

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



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

October 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT ALLEN
ALLEN ENTERPRIZES
2191 S 3500 W
OGDEN UT 84414

RE: Adjudication Claims A43-00423A, A43-02332, A43-02402, A43-02478, and A43-10150A & B

Dear Mr. Allen,

I have completed an initial review of your claims and have prepared preliminary recommendations for the Director's Report, which will be mailed out in the next few months. Since some of my recommendations differ from the original claims, I thought I would inform you of my conclusions, in case you have any questions or would like to discuss them before they are filed.

During the field exam of your property in 1994, you indicated that your two parcels in sections 10 and 11 could be tied together, but **weren't at the time**. There is also a 40-acre strip of land between the two parcels, which is owned by someone else. For these reasons I have recommended only your Coe Creek decreed right (A43-000423A) to the acres in section 10. You claimed 120 acres, of which I determined 115 were irrigated. Allowing 1 inch per acre for the 115 acres, I recommended 2.3 cfs, instead of the 3 cfs claimed.

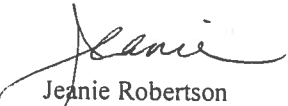
I recommended your other claims for the wells on your land in section 11. A43-02332 is recommended for the 3.2 cfs and 160 acres as claimed. A43-02402 and A43-02478 were based on licenses for 3 cfs each, one on 195 acres and the other on 184 acres. These two rights totally overlap in acreage and were for the same well. Since the original licensing field exam notes did not show the well as capable of producing 6 cfs (only 3.25 cfs were measured), I recommended both rights combined would be limited to 3 cfs.

You amended A43-10150 and split it into parts A and B, part A for the land in section 11 and part B for the land in section 10, claiming different priority dates. I disallowed the B portion because the wells did not irrigate the lands in section 10. I recommended the A portion for 24 acres, instead of the 45 claimed because out of the total of 379 irrigated acres in section 11, 355 were already covered by the licenses and you only needed 24. I also recommended the extra .25 cfs from the measurement mentioned above and changed the priority date to the beginning of the 1962 irrigation season.

All told, you will have 115 acres and 2.3 cfs (inch per acre) in section 10, and 379 acres in section 11 with a total of 6.45 cfs (0.017 cfs per acre, just under an inch per acre).

Please feel free to give me a call at the office if you would like to discuss these recommendations or should you have any questions.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent

A43-02332 1/3/1949 3.2 cfs 160 Ac.

- well in SENW of Section 11
- field exam done 12/30/1954

A43-02402 1/13/1954 3.0 cfs 195 Ac.

- well in SWSE of Section 11
- field exam done 7/20/1957

A43-02478 10/5/1959 3.0 cfs 184 Ac.

- same well as above in SWSE of Section 11
- field exam done 6/12/1962 (3.25 cfs measured)
- these 184 acres completely overlap the 195 acres from 43-02402 and the measurement of 3 cfs was from the same well. At no time in the notes does it show this well can produce more than the 3 cfs, so this license appears to be a duplicate of the other. I will recommend them both but with a combined limit of 195 acres and 3 cfs.

A43-10150 was originally filed as an expansion claim. It was later amended and split into parts A & B; A for the lands in Section 11, with a priority date of 4/1/1956, and B for the lands in Section 10, with a priority date of 6/30/1985.

A43-10150A 4/1/56 0.9 cfs 45 Ac.

The 45 acres are in the NWSE and the SWSE of Section 11. About 30 acres in this area appear to be irrigated in the '62 & '68 aerial photos and could be recognized as a beneficial use right. GIS of the parcel shows a total of 379 irrigated acres. Of these 379 acres, 355 are covered by licenses, so this right will be reduced to 24 acres. There was an extra .25 cfs measured during the licensing exam for 43-02478 and can be recommended under this claim. The priority date will be changed to the beginning of the 1962 irrigation system, for lack of any better evidence at this time. An additional volume of 96 AF (24 ac. x 4) can also be recognized.

A43-10150B 6/30/85 2.4 cfs 120 Ac.

These 120 acres are over in Section 10 and claim to be an expansion of the licensed rights over in Section 11. Since my field notes indicate that the two systems (groundwater & surface water) were supposedly never tied together (even though they could have been and there's a 40 ac strip between the two parcels which is owned by someone else), I have recommended this right for disallowal and recommended the 115 irrigated acres, out of the 120 claimed, under 43-00423 A.

GIS = 379 Ac. Total div = 6.45 cfs ; 1516 AF
Lis = 355 Ac. $6.45 \div 379 = 0.017 \text{ cfs/Ac.}$
B.U. = 24 Ac.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 22, 1999

ALLEN ENTERPRISES
2430 S 3850 W
OGDEN UT 84401-9769

2-14-00
response.

RE: Snake River Basin Adjudication (SRBA)
Water Rights #43-00423A, 43-02332, 43-02402, 43-02478,
43-10150A and 43-10150B

Dear Water Right Holder:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by January 10, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

RECEIVED

MAR 09 2000

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

✓ 43-62332
✓ 02402
✓ 02478
✓ 00423A
✓ ~~02402~~
✓ 10156A
✓ 10150B

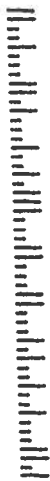
RECEIVED
DEC 20 1999

Department of Water Resources

ALLEN ENTERPRISES
3405N 575E
OGDEN UT 84414

ALLEN TO SENDER
RETURN
ALLEN 3050 W
OGDEN UT 84401-9769

83720/003A
AUTO 8441



100-99
11

RECEIVED

MAR 20 2000

Department of Water Resources
Boise, Idaho

10:51:07
10/12/00
9

CLAIM NUMBER: A43-02402

Cond. Code C18

Remarks:

POU1 - E14 (494)
E11 (195) w/-02478

~~K06 (195)~~

QNT - E27 (6.45 fs, 1516 AF)
E25 (3 AS, 780 AF)
w/-02478

~~EXP - K03 { 02332
- 02402
- 02478
- 10150A~~

$$379 \times 4 = 1516 \text{ AF (E27)}$$

$$195 \times 4 = 780 \text{ AF (E25)}$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:50:53
10/12/00

PAGE: 2
QUICKLOOK INFORMATION

8
CLAIM NUMBER: A43-02402

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	-							
POINT OF DIV	-							
SOURCE	-							
PLACE OF USE	-							
DIV. AMOUNT CFS/VOLUME	-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	-							

BARCODE UPDATED
WHOM/DATE

43-2402

- permit (24670) applied for 6.4 cfs from 3 wells (SESW & SWSW of Sec. 11, and SESE of Sec. 10) for 320 Ac. in Sec. 10 & 11
- permit later amended & changed to 1 well (SWSE, S. 11)
- proof of completion of works were submitted, mentioning 6 cfs and 320 Ac. in Sec. 10 & 11 from the 1 well
- permit was advertised
- field exam scheduled for 6/6/1957 AM

- check acres irrip. in old photos

- check meas. cap. of all wells

- see if anything available

State of Idaho License and Certificate of Water Right

Water License No. G-24670

Amount 1 c.f.s.

Water District No. _____

Priority January 14, 1954

THIS IS TO CERTIFY that MARTIN F. SANDERS - FRANCIS F. SANDERS, Administrator
of Burley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 14, 1954; that Permit No. G-24670
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3 second feet, was issued thereunder on November 17, 1958, showing that said works
were completed on the 13th day of October, 1956; and that on the 13th
day of October, 1956, MARTIN F. SANDERS

of Burley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean, for the purpose of Irrigation and domestic
use, under Use Permit No. G-24670 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6576, on the 17th day of November, 1958;
The right hereby confirmed dates from January 14, 1954;

The Point of Diversion is located
in the SW 1/4 SE 1/4 Sec. 11, Tp. 12 S., R. 26 E., B. M. County Cassia

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3 cubic feet per second.

Description and location of use:

Typ.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	26 E.	11	N ~~W~~ SE ~~1~~	40	5
			SW ~~1~~ SE ~~1~~	40	30
			NE ~~1~~ SW ~~1~~	40	40
			N ~~W~~ SW ~~1~~	40	40
			SW ~~1~~ SW ~~1~~	40	40
			SE ~~1~~ SW ~~1~~	40	40
Total number of acres irrigated - - -					195

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
17th day of November, 1958.

(SEAL)

/s/ Geo. H. Carter

State Reclamation Engineer.

Examiner

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

10/18/2000

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

RIGHT NUMBER: 43-2402

NAME AND ADDRESS: ALLEN ENTERPRISES
2191 S 3500 W
OGDEN, UT 84414

SOURCE: GROUND WATER

QUANTITY: 3 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 780 AF.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1516 AF. COMBINED RIGHT NOS.: 43-02332, 43-02402, 43-02478, & 43-10150A.

PRIORITY DATE: 01/14/1954

POINT OF DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.00 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T12S R26E S11	SWNE	40	T12S R26E S11	SENE	38
T12S R26E S11	SWNW	40	T12S R26E S11	NWSE	38
T12S R26E S11	NESW	40	T12S R26E S11	NWSW	40
T12S R26E S11	SWSE	36	T12S R26E S11	SESW	38
T12S R26E S11	SWSW	29	T12S R26E S11	SENE	40

379 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-02478 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 379 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02332, 43-02402, 43-02478, & 43-10150A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 195 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: BASIS OF CLAIM - License

Water Right 43-2402

42

Township 12 South Range 26 E.B.M.

State
16

WARR

stream recorded here with meter to check
of Acoustic measurement.

① ~~stream~~ ~~embanked~~ ~~here~~ ~~with~~ ~~brush~~
~~to~~ ~~get~~ ~~flow~~ ~~of~~ ~~lower~~ ~~well~~ (#2)

well no. 1

Drilled 1955

Paper work completed
 Done

100

Thomp

SAM

Stephens

Tannhill

Power

Simplot

Wxel No. 2

brilliant spring of
1956 - now ready
for final papers

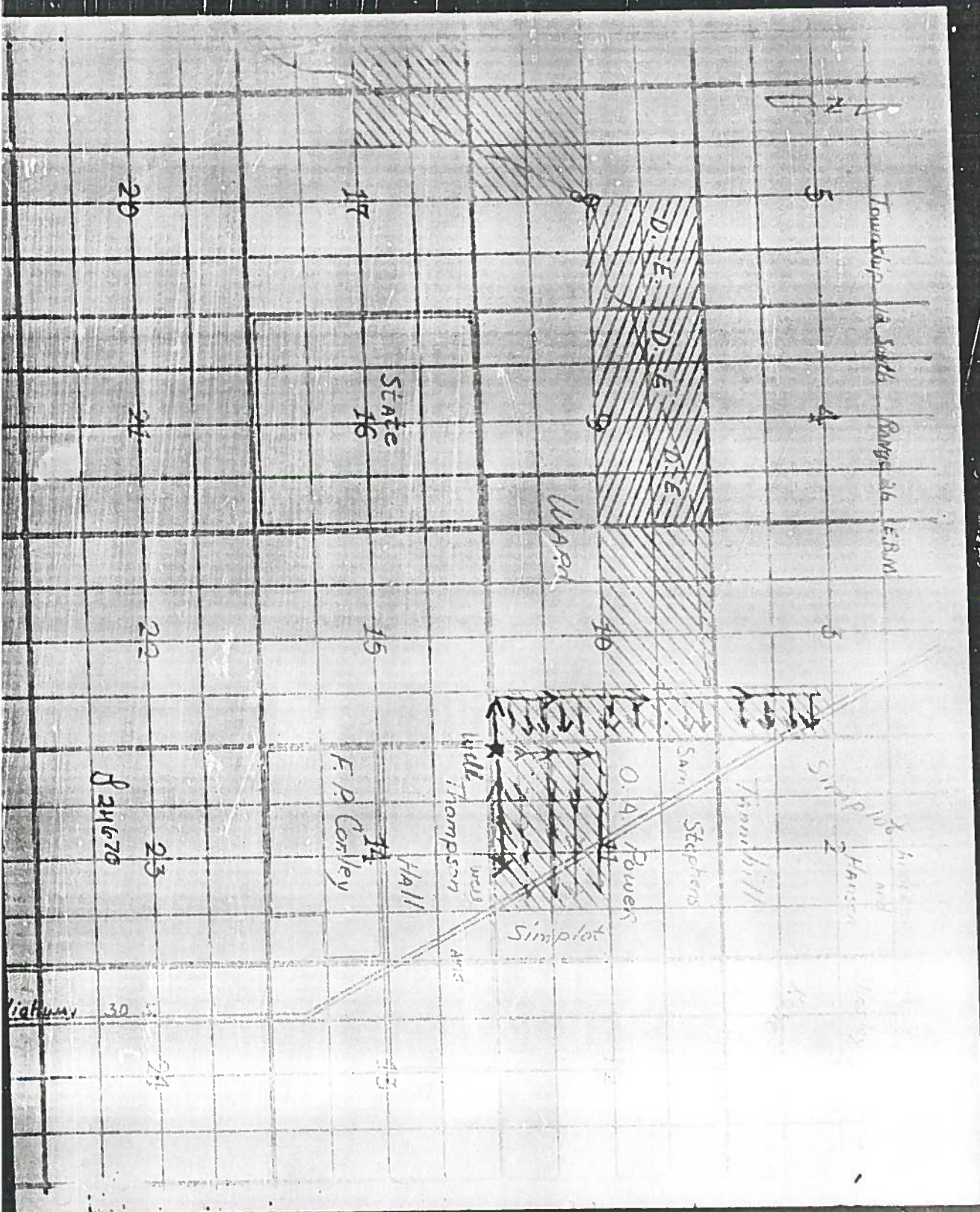
Highway 30

202

MAISEN

Anderson

Cherry



Mr. Martin F. Sanders

1997

September 10, 1957

The required inspection for Permit No. E-14170 and the following report is made regarding both walls and the whole system:

Top soil at the lower wall located on the right section II was measured as 11 1/2 inches. The upper wall located on the right of section II was measured at 15 inches. The lands being irrigated by both walls is listed as follows:

Traverse 32 North, Range 76 East, Section 34

REF ID: A66000

Section 10	NE 1/4	16	acres
	SE 1/4	16	acres
	SW 1/4	16	acres
	SW 1/4	16	acres
Section 11	NE 1/4	16	acres
	SE 1/4	16	acres
	SW 1/4	16	acres
	SW 1/4	16	acres
	NE 1/4	16	acres
	SE 1/4	16	acres
	SW 1/4	16	acres
	SW 1/4	16	acres
Section 12	NE 1/4	16	acres
	SE 1/4	16	acres
	SW 1/4	16	acres
	SW 1/4	16	acres

Completion of work and license can be issued on Permit No. 2-2470 for the amount of 1 1/2 inches for use upon the land specified in the permit as listed in the beginning by payment of the customary fee of five dollars for completion of work certificate and two dollars for each 40-acre sub-division, or twenty dollars.

The place of use for each of the walls, or both, should be checked very carefully and be sure that the water is made appurtenant to the land you desire it used upon.

824670

September 10, 1957

Re: Permit No. 21642
Permit No. 0-21670

Mr. Martin F. Sanders
La Borne Hotel
Buckley, Idaho

Dear Sir:

In writing regarding the above mentioned permits because they are a part of our irrigation system. The status of each permit is as follows:

No. 21642 - Martin F. Sanders

Priority - August 7, 1950

Amount - 8 cubic feet per second

Source - Subterranean

Point of Diversion - Township 12 South, Range 25 East, Section 11, 34 1/2 34 1/2.

Completion of Works was made for amount of 8 cubic feet per second and Certificate was issued September 9, 1955.

Beneficial Use Proof is due August 11, 1961.

Place of Use - Township 12 South, Range 25 East, Section 3, 34 1/2 34 1/2, and Section 10, 34 1/2. - 100 acres.

No. 0-21670 - Martin F. Sanders

Priority - January 14, 1954

Amount - 6.4 cubic feet per second

Source - Subterranean

Point of Diversion - Townships, Section 11, 34 1/2 34 1/2, 34 1/2 34 1/2, Section 10, 34 1/2 34 1/2.

Completion of Works and Beneficial Use Proof due January 23, 1959.

Place of Use - Township 12 S., Range 25 East, Section 10, 34 1/2 34 1/2, Section 11, 34 1/2. - 100 acres.

Permit No. 21642 has an earlier priority than 0-21670. Completion of Works has been made and completion of Works certificate for 800 inches issued on Permit No. 21642. Beneficial Use Proof has not been made and is not yet due. Neither was due on Permit No. 0-21670.

However, in as much as all of the water for both wells have been put to beneficial use and the water from the lower well with a later priority are being co-mingled and used with that of the higher well, it would seem that you probably overlooked the fact that proofs could also be submitted on the earlier permit and have it brought to license too, thus taking care of both wells.

0-21670

Mr. H. A. Foust

September 3, 1957

If you will identify your interest in this matter and call at this office some time when you are in Boise or perhaps meet us at the farm when I am working in that area, I feel that we can arrive at an equitable amount to be paid.

It will be best if you will get in touch with Mr. Humphrey regarding this. You should find out in advance of my trip to Boise whether it will be in the office on the day of your visit, as he works out of the office much of the time.

Very truly yours,

HARRIS, WILF
State Reclamation Engineer

H. M. Humphrey
Deputy
State Reclamation Engineer

HML:lw

24676

September 3, 1957

Re: Permit No. G-24670 & 24672

Mr. O. A. Power
P. O. Box 250
Pocatello, Idaho

Dear Mr. Power:

Your inquiry regarding testing of wells for Gee Creek Ranches is acknowledged.

I presume you refer to two wells filed on by Martin F. Sanders and covered in Permits No. G-24670 and 24672. Since Mr. Sanders is deceased, anything regarding these wells will have to be discussed with the administrator of his estate or with the party that now has title to the land. Changes must appear on the records in this office before we can legally take any action.

Apparently the first permit covers one well and the second one both wells and the second one required final proofs first because it is controlled by a law passed after the first permit was taken out.

Now regarding the wells, we realize the value of water to a farm and have no desire to do an injustice regarding licensing of water. The well in the SW corner of the NW 1/4 of Section 11 is not up for license yet. It need not be considered at this time.

Regarding the well in Permit No. G-24670, it is possible to make an adjustment so as to license the amount of water that could have been pumped at the lower point of delivery on the date tested. This can be done by calculation if the difference in height of lift is known.

24670

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation is the only purpose.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Approximate inch to the acre as required for the water.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Martin F. Sanders, the original applicant.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. During the year 1956, all of the 300 inches of water produced from the well was used on the above described premises to grow crops. The entire land was in crops.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. There is not any other water available for the above described premises except the water received from the well.

(Sign)

Martin F. Sanders

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia

State of Idaho, on this 13th day of October, A. D. 1956

D. H. Melvin

My commission expires February 20, 1958.

24670

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 5 1954
Department of Reclamation

Permit No. _____

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. MARTIN F. SANDERS, LeMoynes Hotel, Burley, Cassia County, Idaho. Farmer.
Post office address is LeMoynes Hotel, Burley, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Acting on behalf of self only.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. G-24670, January 28th, 1954. Date of priority January 28th, 1954.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. On a certain well located 46 ft. E of the Southwest corner of the Southwest Quarter of the Southeast Quarter of Section 11, Township 12 South, Range 26, E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. The diversion work consists of the well and pump. This pump has been delivering 300 inches of water for half a mile of pipe line is used. The well is 238 feet deep. This well is 16 inch and cased all the way down. There is 43 to 44 ft. to the water and the pumping level is 90 ft. The pump has been discharging 300 inches. It has not actually been measured but has been approximated by people who knew how to measure water. No scraping system is used.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water has been used for irrigation and has been used to irrigate the Southwest Quarter and the West half of the Southeast Quarter of Section 11 and the East half of the Southeast Quarter of Section 10, all in Township 12 South, Range 26, E. B. M. During the year 1956, water from the well was used to irrigate crops grown on the above described premises. Before the water from the well was used, the land was arid and there were no natural meadows. All of the entire land above described is being cultivated and irrigated from said well. Improvements consist of an underground pipe $\frac{1}{2}$ mile, a house worth approximately \$4,000.00, fences worth a \$1,000.00. It costs \$3,500.00 to level it the way land has been leveled.

24670

February 2, 1954

Re: Permit Nos. 2-24554, 2-24570, & 2-24571

Mr. J. H. P. [unclear]
[unclear]
[unclear]

Dear Mr. [unclear]:

Re above permits Nos. 2-24554, 2-24570, & 2-24571 and direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 2-401 for the \$21.00 filing fees.

Very truly yours,

WILLIAM E. KULB
State Reclamation Engineer

Chief Clerk

152462

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32477
Permit No. G- 24670
District No.

1. Name of Applicant: MARTIN F. SANDERS (Single)

Postoffice address: Burley

County: Cassia

State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second. 6.4
Miners' inches 320 or Idaho
or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean flow from three wells

4. Location of point of diversion or well is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10
Twp. 12 S., Rge. 26 E., B. M., County of Cassia

5. Water is to be used for: Irrigation and domestic purposes

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B. M.

(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B. M.

7. Kind of works: Three wells, pumps and ditches.

8. Estimated cost of works: \$ 2,000.00

9. (a) Is reservoir to be used?

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is five (5) years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

(a) cubic feet per second (inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights

(b) cubic feet per second (inches or gallons per minute) is for new lands

OF APPLICANT

MARTIN J. SANDERS

Form No.

R-26 E.

T.
12
3.

16



Points of Distinction - WELLS

Permit Map No. 1-21670

As Approved
JAN 28 1954

MARK R. KULP

San Francisco Engineer

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

1-21670

D. A. POWER

BOISE, IDAHO

RECEIVED
OCT 2 1958
Department of Reclamation

September 30, 1958

Mr. George N. Carter
Department of Reclamation
State House
Boise, Idaho

Dear Mr. Carter:

Re: Permit No. G-24670
Martin F. Sanders

Please refer to your letter dated August 7, 1958 and addressed to Mr. A. H. Nielson of Burley, Idaho. This letter has been forwarded by Mr. Nielson and to avoid confusion I am taking the liberty of answering.

We are attaching herewith the Application for Amendment, our check in the amount of \$17.00, and a map showing the location of the well in question and the land which this particular well irrigates.

We have signed the Application for Amendment, as the point of diversion as shown is correct.

The map we attach shows in "red" the well in question, and indicates that even though the well is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, that the water travels by underground pipeline to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and from there to a main lateral ditch in a northerly direction where it goes out of the lateral in an easterly direction covering all of the SW $\frac{1}{4}$ of Section 11 and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 11. This totals 240 acres and is a correction of your letter of August 7, indicating that this well irrigates 275 acres in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 11, and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 10, T. 12 S., R. 26 E.

A second well, which we indicate in "green" is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, but irrigates the E $\frac{1}{2}$ of Section 10, and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 3 in T. 12 S.,

G-24670

O. A. POWER

578 MYLAND
BURLEY, IDAHO

Mr. George N. Carter

- 2 -

September 30, 1958

If my arithmetic is correct we then owe the Department of Reclamation \$17.00 instead of the \$21.00 indicated in your letter. The only change or correction in your letter of August 7, and the Application for Amendment, is the land irrigated by the well covered by Permit No. G-24670.

I would appreciate your checking my legal descriptions on the attached map, as I am only positive of the location of the well and the land that it does irrigate.

Very truly yours,

O. A. Power
O. A. Power

OAP:RL
Attachment (3)

Carbon Copy: Mr. A. H. Nielson
Nielson & Nielson
P.O. Box 367
Burley, Idaho

Mr. Francis F. Sanders
Hotel La Moyne
Burley, Idaho

RECEIVED
OCT 2 1958
Department of Reclamation

24670

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

RECEIVED

FEB 11 2002

Department of Water Resources

**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 No. 43-13110

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Larry Cooper

Address: 227 West 20 South Knox Drive
Burley, Idaho 83318

Daytime Phone (208) 678-8015

Name & Address of Attorney, if any:
ROGER D. LING
LING & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

Name: Larry Cooper
Barbara Jean Cooper

Address: 227 West 20 South Knox Drive
Burley, Idaho 83318

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: (a) Remark that combined diversion rate is limited to 4.8 cfs should read 7.03 cfs.; (b) Remark that use of right with No. 43-13112 is limited to diversion of 2.42 cfs should be removed.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
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):** Diversions for Right Nos. 43-13110 and 43-13112 have always had a separate diversion capacity of 3 cfs each.

INSTRUCTION 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.

CERTIFICATE OF MAILING

I certify that on February 8, 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707

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

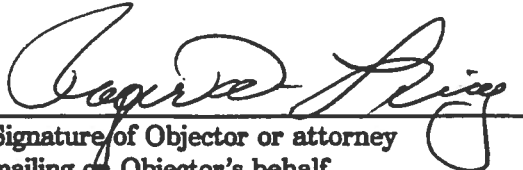
Name: Larry Cooper
Barbara Jean Cooper
Address: 227 W 20 S Knox Dr.
Burley, Idaho 83318

3. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734


Signature of Objector or attorney
mailing on Objector's behalf

VERIFICATION (Must be Completed)

State of Idaho)

County of Minidoka)

Roger D. Ling, 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.

Signature of person filing objection

Roger D. Ling
Attorney/signing in representative capacity

Subscribed and sworn to before me on: February 8, 2002

JUDY BARNES
NOTARY PUBLIC
STATE OF IDAHO

Judy Barnes
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2005

COPY

2004 AUG -3 PM 2:38

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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. 43-13108, 43-13110,
	)	43-13112, 43-13114, 43-13356
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

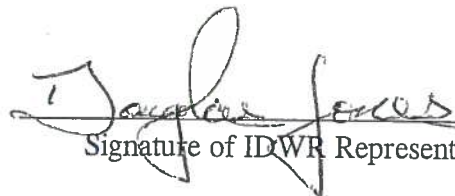
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 8/2/04


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/3, 2004, I mailed the original and c opies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
J Max Jones
Diane Jones
2060 E 1000 S
Declo ID 83323
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Gary Harper
Susan Harper
2040 E 850 S
Malta ID 83342
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

07/28/2004

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

RIGHT NUMBER: 43-13108

NAME AND ADDRESS: GARY B HARPER
2040 E 850 S
DECLO ID 83323

SUSAN C HARPER
2040 E 850 S
DECLO ID 83323

DIANE D JONES
2060 E 1000 S
DECLO ID 83323

J MAX JONES
2060 E 1000 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.380 CFS
476.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 01/03/1949

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.380 CFS 476.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SENEW	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESW	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

07/28/2004

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112, 43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 119 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: BASIS OF CLAIM - License

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110, 43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2332.

07/28/2004

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

RIGHT NUMBER: 43-13110

NAME AND ADDRESS: DIANE D JONES
2060 E 1000 S
DECLO ID 83323

J MAX JONES
2060 E 1000 S
DECLO ID 83323

GARY B HARPER
2040 E 850 S
DECLO ID 83323

SUSAN C HARPER
2040 E 850 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.230 CFS
580.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13112 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 580 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 01/14/1954

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.230 CFS 580.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SENE	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESE	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

07/28/2004

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112,
43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 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: BASIS OF CLAIM - License

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS.
PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110,
43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2402.

07/28/2004

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

RIGHT NUMBER: 43-13112

NAME AND ADDRESS: J MAX JONES
2060 E 1000 S
DECLO ID 83323

DIANE D JONES
2060 E 1000 S
DECLO ID 83323

GARY B HARPER
2040 E 850 S
DECLO ID 83323

SUSAN C HARPER
2040 E 850 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.230 CFS
548.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13110 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 580 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112; 43-13114, & 43-13356.

PRIORITY DATE: 10/05/1959

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.230 CFS 548.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SESW	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESW	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

07/28/2004

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

USE OF THIS RIGHT WITH RIGHT NO. 43-13110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112, 43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 137 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: BASIS OF CLAIM - License

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS.
PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110, 43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2478.

07/28/2004

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

RIGHT NUMBER: 43-13114

NAME AND ADDRESS: J MAX JONES
2060 E 1000 S
DECLO ID 83323

DIANE D JONES
2060 E 1000 S
DECLO ID 83323

GARY B HARPER
2040 E 850 S
DECLO ID 83323

SUSAN C HARPER
2040 E 850 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS
72.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 03/15/1962

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.230 CFS 72.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SENEW	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESW	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

07/28/2004

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112,
43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18 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: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS.
PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110,
43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10150A.

07/28/2004

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

RIGHT NUMBER: 43-13356

NAME AND ADDRESS: J MAX JONES
2060 E 1000 S
DECLO ID 83323

DIANE D JONES
2060 E 1000 S
DECLO ID 83323

GARY B HARPER
2040 E 850 S
DECLO ID 83323

SUSAN C HARPER
2040 E 850 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.120 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 06/30/1985

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.120 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SENW	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESW	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

07/28/2004

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112, 43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68 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.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13108, 43-13110, 43-13112, & 43-13114 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-13116.

COPY

2004 MAY -4 PM 2: 13
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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. 43-13108, 43-13110,
	)	43-13112, 43-13114
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

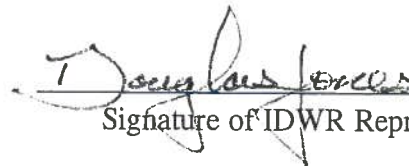
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

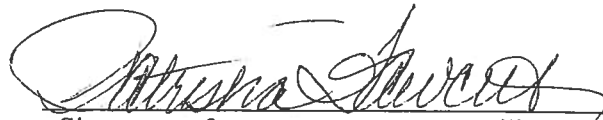
Dated: 5/4/04


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/04, 2004, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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:
Claimant/Seller for Substitution of Party or attorney of record:
Roger Ling
Ling Robinson & Walker
PO Box 396
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
J Max Jones
Diane Jones
2060 E 1000S
Declo ID 83323
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

05/04/2004

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

RIGHT NUMBER: 43-13108
NAME AND ADDRESS: DIANE D JONES
2060 E 1000 S
DECLO ID 83323

J MAX JONES
2060 E 1000 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.380 CFS
476.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 01/03/1949

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.380 CFS 476.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SESW	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESW	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112,
43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 119 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

05/04/2004

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

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

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110, 43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2332.

05/04/2004

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

RIGHT NUMBER: 43-13110
NAME AND ADDRESS: DIANE D JONES
2060 E 1000 S
DECLO ID 83323

J MAX JONES
2060 E 1000 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.230 CFS
580.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13112 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 580 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 01/14/1954

POINT OF
DIVERSION: T12S R26E S11 SESENE Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.230 CFS 580.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SENE	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESE	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112,
43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

05/04/2004

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

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

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110, 43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2402.

05/04/2004

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

RIGHT NUMBER: 43-13112

NAME AND ADDRESS: J MAX JONES
2060 E 1000 S
DECLO ID 83323

DIANE D JONES
2060 E 1000 S
DECLO ID 83323

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.230 CFS
548.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-13110 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 580 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 10/05/1959

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.230 CFS 548.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SENE	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESW	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-13110 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE
IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112,
43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 137 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

05/04/2004

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

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

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS.
PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110,
43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2478.

05/04/2004

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

RIGHT NUMBER: 43-13114
NAME AND ADDRESS: J MAX JONES
2060 E 1000 S
DECLO ID 83323

DIANE D JONES
2060 E 1000 S
DECLO ID 83323

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.230 CFS
72.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 4.8 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1128 AF. COMBINED RIGHT NOS.: 43-13108,
43-13110, 43-13112, 43-13114, & 43-13356.

PRIORITY DATE: 03/15/1962

POINT OF
DIVERSION: T12S R26E S11 SESENW Within CASSIA County
T12S R26E S11 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.230 CFS 72.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	SWNE	38.0	T12S R26E S11	SWNW	40.0
T12S R26E S11	SESW	28.0	T12S R26E S11	NESW	40.0
T12S R26E S11	NWSW	40.0	T12S R26E S11	SWSW	29.0
T12S R26E S11	SESW	38.0	T12S R26E S11	NWSE	9.0
T12S R26E S11	SWSE	29.0			

291 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112,
43-13114, & 43-13356.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

05/04/2004

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 43-13356 IS AN EXPANSION OF THE FOLLOWING RIGHT NOS. PURSUANT TO SECTION 42-1416B, IDAHO CODE.: 43-13108, 43-13110, 43-13112, & 43-13114.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10150A.



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 4, 2004

J MAX JONES
DIANE JONES
2060 E 100 S
DECLO ID 83323

RE: SRBA Claim(s) 43-13108, 43-13110, 43-13112, 43-13114
43-13116 (Part)

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

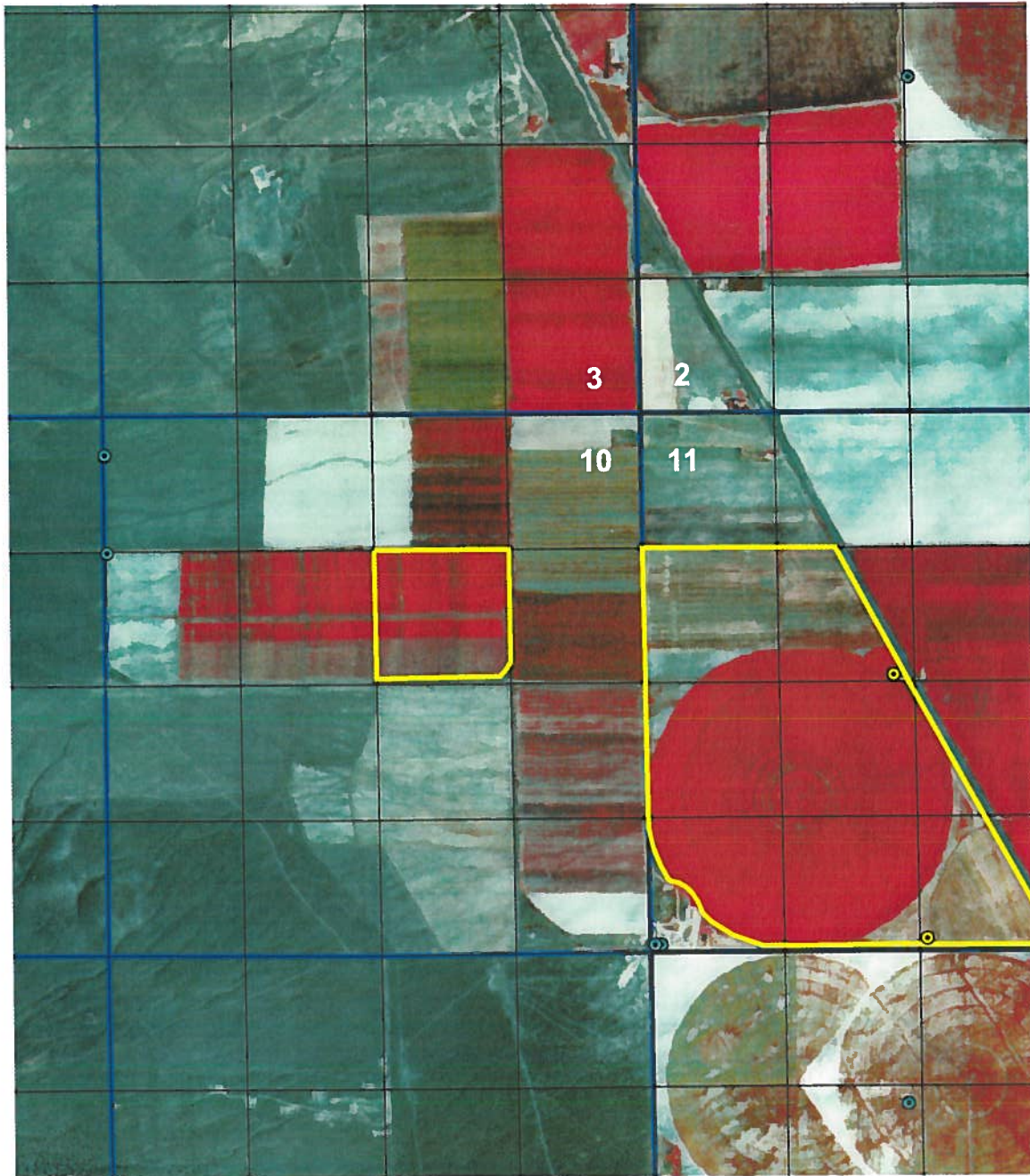
Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Roger Ling

1

43-13108, 43-13110, 43-13112, 43-13114, & 43-13356



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 18, 2004
TWP 12S, RNG 26E, SEC. 10 & 11



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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13110 V2

WATER RIGHT NUMBER: 43-13110 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BARBARA JEAN COOPER 227 W 20 S KNOX DR BURLEY, ID 83318 (208)678-8015
Current Owner	DIANE D JONES 2060 E 1000 S DECLO, ID 83323 (208) 645-3275
Original Owner	ALLEN ENTERPRISES 2191 S 3500 W OGDEN, UT 84414 (801)731-0692
Current Owner	J MAX JONES 2060 E 1000 S DECLO, ID 83323 (208) 645-3275
Original Owner	LARRY COOPER 227 W 20 S KNOX DR BURLEY, ID 83318

Priority Date: 01/14/1954

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.230 CFS	580.00 AF
	<u>Total Diversion:</u>	2.230 CFS	580.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SE1/4	Sec. 11, Twp 12S, Rge 26E, B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4NW1/4	Sec. 11, Twp 12S, Rge 26E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
12S	26E	10	38.0				38.0
12S	26E	11		40.0	28.0	40.0	253.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-13110 V2

Total Acres: 291

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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 291 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-423A, 43-13108, 43-13110, 43-13112, 43-13114, & 43-13356.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 43-13112 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.42 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 580 AF.

Comments:

1. jroberts 2/18/2004 V2 Rec

Comment: New recommendation was created after Cooper objected to all of the rights he sold to Jones, until he could file a new claim for additional water (43-13321).