

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 43-13355
Date Received: 2/17/2004
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: 06/30/1985

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	SE SE NW	CASSIA	
12S	26E	11	SW SW SE	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	1.12	

7. Total Quantity Appropriated is:
1.12 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
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12S	26E	10	SW	NE	IRRIGATION	38
			SE	NW	IRRIGATION	39
			SW	NW	IRRIGATION	38

Section Acres 115

12S	26E	11	SW	SW	IRRIGATION	29
			SE	NW	IRRIGATION	28
			SW	NW	IRRIGATION	40
			NW	SE	IRRIGATION	9
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SE	IRRIGATION	29
			SE	SW	IRRIGATION	38

Section Acres 253

Total Acres 368

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:

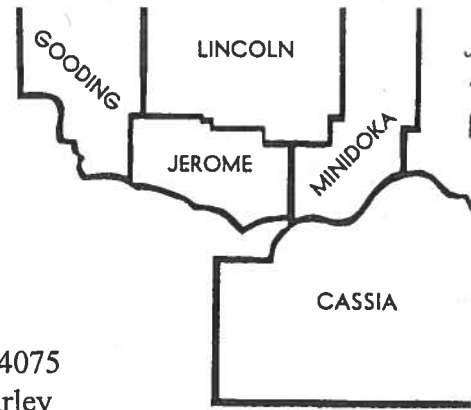
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-13321 PURSUANT TO SECTION 42-1416B, IDAHO CODE FOR 18 ACRES.

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

15. Basis of Claim:

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.

A handwritten signature in black ink, appearing to read "Larry Roberts", written over the typed name.

Larry Roberts
President and General Manager

LR/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

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 438-0606 - FAX 438-1199

075

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.

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
43-2332			43-12953		X
43-2402			43-2353		
43-2478			43-2545		
43-10150A					
43-10150B		X	43-13356		

43-1335

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**.

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

276117

RECEIVED

SEP 17 2001

Department of Water Resources
Southern Region

WARRANTY 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

[Signature]
Larry Cooper

7-14-01
Dated

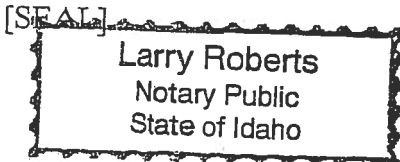
[Signature]
Barbara Jean Cooper

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: 8-30-03



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 $\frac{1}{4}$ SE $\frac{1}{4}$, LESS the following described parcel:
That portion deeded to the State of Idaho for a public highway.

Parcel Number 2: 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;

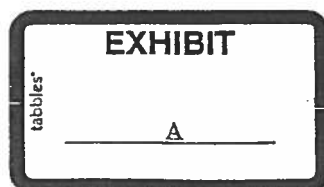
Thence along the Southeast line of said parcel South 62°45' West a distance of 100.0 feet, to a point that is 50.0 feet distant Southwesterly, measured at right angles, from said centerline of abandoned main track;

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 $\frac{1}{4}$



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 1700 DEPUTY *DM*

'01 JUL 16 PM 2 20

RECORDED AT THE REQUEST OF

LAND TITLE & ESCROW



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:

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

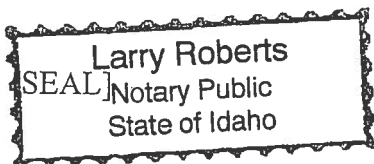
Larry Cooper

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 $\frac{1}{4}$

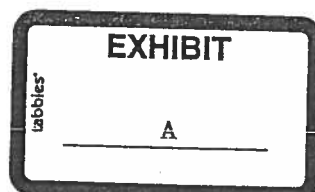
EXCEPTING THEREFROM, all that portion deeded to the State of Idaho
for highway purposes.

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.



276120

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEEL DEPUTY *[Signature]*

01 JUL 16 PM 2 24

RECORDED AT THE REQUEST OF

LAND TITLE & ESCRROW

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

tabbies

34

3

34

3

T1517

17.2

+

74.0

3

10

3

10

CRP 89-98

2
35.0

3
37.0

T1499

4 3
+
2 10

2
35.0

3
37.0

T1488

120.3

4
73.4

5
69 8

2
36.7

3
81.3

$$\begin{array}{r} 9 + 10 \\ 6 + 15 \end{array}$$



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 43-13116
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: 06/30/1985

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	SE SE NW	CASSIA	
12S	26E	11	SW SW SE	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	1.12	

7. Total Quantity Appropriated is:
1.12 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	10	SW	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	6
					Section Acres	86
					Total Acres	86

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 43-10150B 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. THIS IS AN EXPANSION CLAIM OF OTHER RIGHTS. 8/9/01 jr

15. Basis of Claim: Beneficial Use

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
<u>43 2478</u>	_____	☒	_____	_____	_____
<u>43 2332</u>	_____	☒	_____	_____	_____
<u>10150 B</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)

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

DECLO, 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



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.

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GRANTORS:

7.14.01
Dated

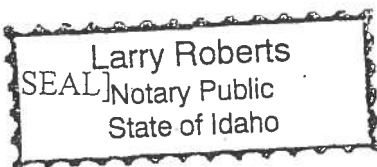
7-14-01.
Dated

[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 $\frac{1}{4}$

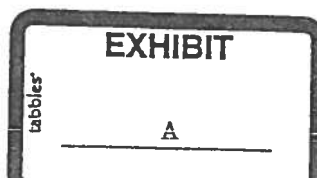
EXCEPTING THEREFROM, all that portion deeded to the State of Idaho
for highway purposes.

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.



276120

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE *1200* DEPUTY *ll*

'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 $\frac{1}{4}$

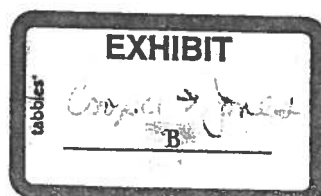
EXCEPTING THEREFROM, all that portion deeded to the State of Idaho
for highway purposes.

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;

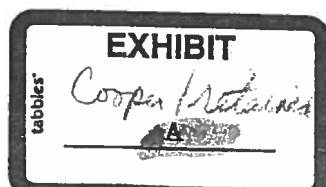
Thence along a straight line parallel with said centerline of abandoned main track, North 27°15' West a distance 750.0 feet, more or less, to the most easterly corner of the second described parcel of land conveyed by the Union Pacific Railroad Company to Martin F. Sanders by Quitclaim Deed dated May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

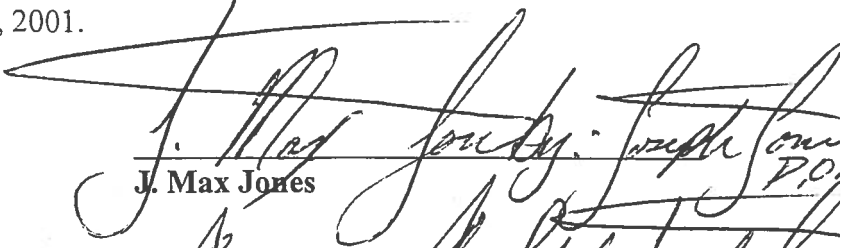
Section 11: That part of the SE 1/4 NW 1/4, the S 1/2 NE 1/4 and the W 1/2 SE 1/4 lying East of the East boundary of Highway 81.

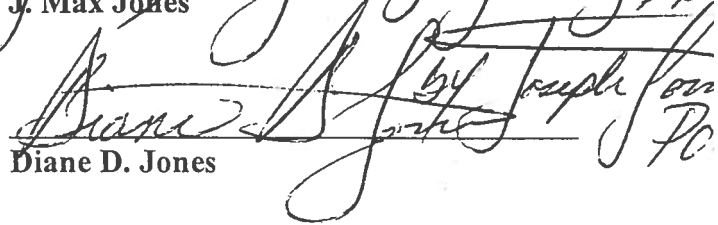
TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances and that they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

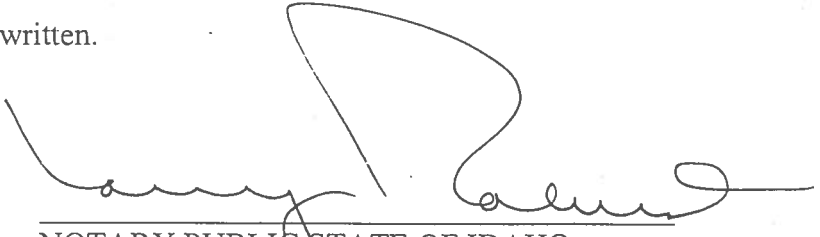
STATE OF IDAHO)
 :SS.
COUNTY OF CASSIA)

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.

(SEAL)

Larry Roberts
Notary Public
State of Idaho


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

Date:

July 13, 2001

J. Max Jones

Diane D. Jones

Buyers:

Date:

July 13, 2001

Date:

July 13, 2001

Gary B. Harper
Gary B. Harper

Susan Harper
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: E½SE¼, 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: E½SE¼ and N½NE¼, SE¼NE¼

Section 11: Part of the SW¼SW¼, 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 43-10150B
Date Received: 5/30/89
Receipt No: X777777
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: 06/30/1985

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	SE NW	CASSIA	
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	4/01	10/31	2.4	

7. Total Quantity Appropriated is:
2.4 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	10	SW	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
					Section Acres	120
					Total Acres	120 15

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 520 ACRES WITH 9.2 LICENCED CFS. 355 ACRES LICENSED, THE REMAINING ACRES NOT LICENSED COVERED ON THIS EXPANSION CLAIM. MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 9.2 CFS WHEN COMBINED WHITH LICENSES. COE CREEK WATER ALSO USED ON PROPERTY. ADDITIONAL ACRES ADDED AROUND 1977

***** THE ORIGINAL CLAIM A43-10150 IS BEING SPLIT BY AMENDMENT

THE A PORTION IS CLAIMED FOR DEVELOPMENT PRIOR TO DESIGNATION OF CRITICAL GROUNDWATER DESIGNATION. THE B PORTION IS FOR THE EXPANSION AFTER CRITICAL DESIGNATION

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

15. Basis of Claim: Beneficial Use

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

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

RECEIVED
FEB 07 2001
Department of Water Resources
Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is 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
_____ 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 _____
 Received 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:

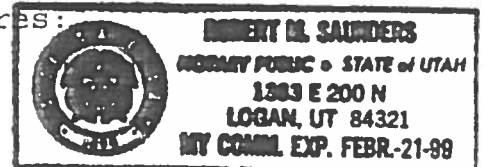


Exhibit A

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

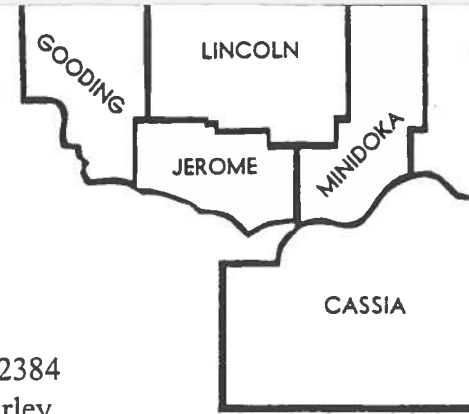
00 MAY 24 PM 4 15
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 9.00 DEPUTY *me*

269427

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 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 436-0806 - FAX 436-1199

COPY

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-10150B

Date Received: 5/30/1989

Receipt No: X777777

Received By: AD

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ALLEN ENTERPRISES

Address: ~~3405N-575E~~ 2191 S 3500 W

OGDEN UT

84414

731-0692
801-782-2015

2. Date of Priority: JUN 30, 1985

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		SE	NW		CASSIA
				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	04/01	10/31	2.400		

7. Total Quantity Appropriated is:

2.400 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 360.0 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	10	SW	NE		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

MICROFILMED

A43-10150B

Page 1

Date: MAR 04 1993
01/23/92

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	120.0
					Total Acres	120.0

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:
A43-00423A

14. Remarks:

2 WELLS, 2 PUMPS USED ON 520 ACRES WITH 9.2 LICENCED CFS. 355 ACRES LICENSED, THE REMAINING ACRES NOT LICENSED COVERED ON THIS EXPANSION CLAIM. MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 9.2 CFS WHEN COMBINDED WHITH LICENSES. COE CREEK WATER ALSO USED ON PROPERTY. ADDITIONAL ACRES ADDED AROUND 1977.

THE ORIGINAL CLAIM A43-10150 IS BEING SPLIT BY AMENDMENT. THE A PORTION IS CLAIMED FOR DEVELOPMENT PRIOR TO DESIGNATION OF CRITICAL GROUNDWATER DESIGNATION. THE B PORTION IS FOR THE EXPANSION AFTER CRITICAL DESIGNATION.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

MICROFILMED

MAR 04 1993

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.

Scott D. Allen
Signature of Authorized Agent

Partner
Title and Organization

Jan 23/1992
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of Jan 19 92

[Signature]
Notary Public

Seal

Residing at Kimberly ID

My Commission Expires 6/30/94

MICROFILMED

A43-10150 B

RECEIVED

JAN 27 1992

Department of Water Resources
Southern Region Office

23 January 1992

Allen Farms
Malta, ID

Dear Leroy;

This letter is in response to our conversation on Dec. 16, 1991. This is concerning what ground I farmed and watered on your ranch in Malta, ID. Commonly known as the "Coe Creek Ranch."

I didn't keep any dated records. What I can tell you is that Ott Power, the previous owner before me, put the underground pipe from the East well to the extreme West 240 acres in the early 1950's. So I know that some of the ground was being watered in the 50's by Mr. Power or his employees.

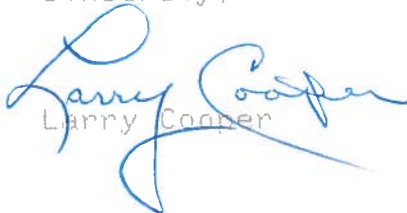
The South side of the above mentioned property, which would be 120 acres, my family broke out of pasture. There was pasture grass and some brush, we broke it out and put it in barley, and then alfalfa hay in the early 1970's. This is when we installed sprinklers. We irrigated it with both well and mountain water.

I don't know the exact dates that the lower ground, or the property on the East portion, of the farm was broke out and first put into production. As that was before my time. I can tell you that I farmed everything East of the highway in 1968. We had it in potatoes and it was all surfaced irrigated. I know this ground was being farmed by the previous owners years before I farmed it.

Everything below the 120 acres was being irrigated and farmed by the water in the three wells below the cement ditch.

I hope this will be of some help to you. Wishing you and your family the best in the new year ahead.

Sincerely;


Larry Cooper

STATE OF IDAHO }
County of Cassia } ss.

On this 24th day of January, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Larry Cooper

known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year first above written.

(SEAL)

MICROFILMED

MAR 04 1993

NOTARY PUBLIC FOR IDAHO
Residing at: Burley, Idaho
My Commission Expires: 10/15/96



Hillco Ag., Inc.

SPECIALISTS IN IRRIGATION SYSTEMS & SERVICE
P. O. BOX 128 - MALTA, IDAHO 83342 - (208) 645-2267

RECEIVED

JAN 27 1992

Department of Water Resources
Southern Region Office

MEMORANDUM OF IRRIGATION INSTALLATION

To: Allen Enterprises Inc. of Malta, Idaho

From: Hillco Ag., Inc. Corporate Office--Malta Idaho

Re: Irrigation Installation

In the spring of 1975 on the hillside southwest of Allen Enterprises farm headquarters, Hillco Ag., Inc. installed an 8" steel mainline with risers to irrigate 120 acres.

In 1977 Hillco Ag., Inc. installed a center pivot to irrigate the big field north of the lane going into the ranch headquarters. At this time additional 4" and 6" lines with risers were installed to accommodate the corner to the south and east of the pivot-- (approximately 20 acres).

In 1977 Hillco Ag., Inc. installed a portable mainline with risers consisting of 8" and 10" aluminum to irrigate 35 acres across the highway from the pivot to the east.


Jack H. Hill--Pres. Hillco Ag., Inc.

If there are additional questions you can contact Jack Hill in Burley, ID. Phone: 678-9300 or Fax 678-3364.

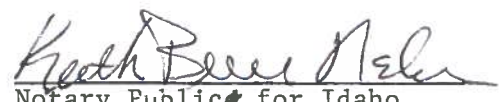
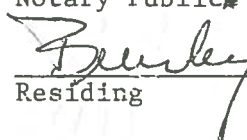
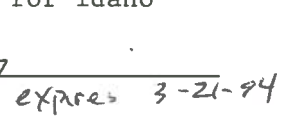
STATE OF IDAHO

COUNTY OF CASSIA

MICROFILMED

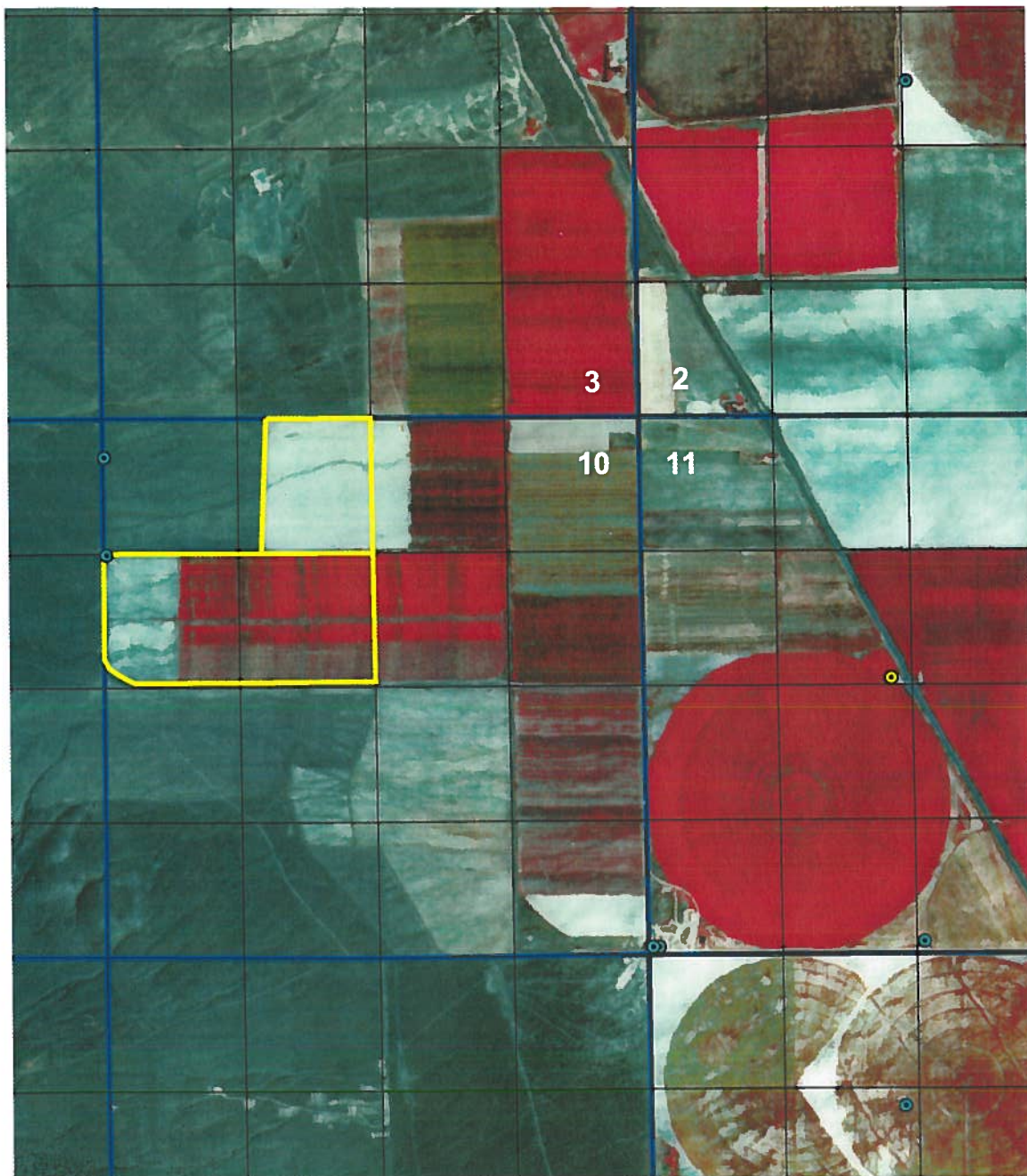
MAR 04 1993

On this 24th day of January, 1992, before me, a Notary Public in and for said State, personally appeared JACK H. HILL, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho

Residing  expires 3-21-94

Idaho Department of Water Resources

43-13321, 43-13353, & 43-13355



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 13, 2004
TWP 12S, RNG 26E, SEC. 10



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

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

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. 43-13116, 43-13355,
	)	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.

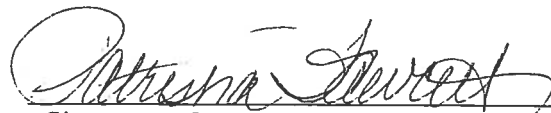
Dated: 5/4/04


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

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

5/4/04

RIGHT NUMBER: 43-13116

SPLIT RIGHT: SEE RIGHT NOS. 43-13355 and 43-13356.

05/04/2004

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

RIGHT NUMBER: 43-13355

NAME AND ADDRESS: BARBARA JEAN COOPER
227 W 20 S KNOX DR
BURLEY ID 83318

LARRY COOPER
227 W 20 S KNOX DR
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.180 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.13 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 236 AF. COMBINED RIGHT NOS.: 43-13321,
43-13353, & 43-13355.

PRIORITY DATE: 06/30/1985

POINT OF
DIVERSION: T12S R26E S11 SESENW 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	0.180 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	NENW	32.0	T12S R26E S10	SWNW	38.0
T12S R26E S10	SENW	39.0			

109 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-13321 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 109 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-423B, 43-13321, 43-13353, &
43-13355.

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-13321 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

05/04/2004

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

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	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 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.

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.

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.



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

02/18/2004

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

RIGHT NUMBER: 43-13355

NAME AND ADDRESS: BARBARA JEAN COOPER
227 W 20 S KNOX DR
BURLEY ID 83318

LARRY COOPER
227 W 20 S KNOX DR
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.180 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.13 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 236 AF. COMBINED RIGHT NOS.: 43-13321,
43-13353, & 43-13355.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION:

T12S R26E S11 SESENW 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	0.180 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R26E S10	NENW	32.0	T12S R26E S10	SWNW	38.0
T12S R26E S10	SESW	39.0			

109 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-13321 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 109 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-423A, 43-423B, 43-13321, 43-13353, &
43-13355.

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-13321 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

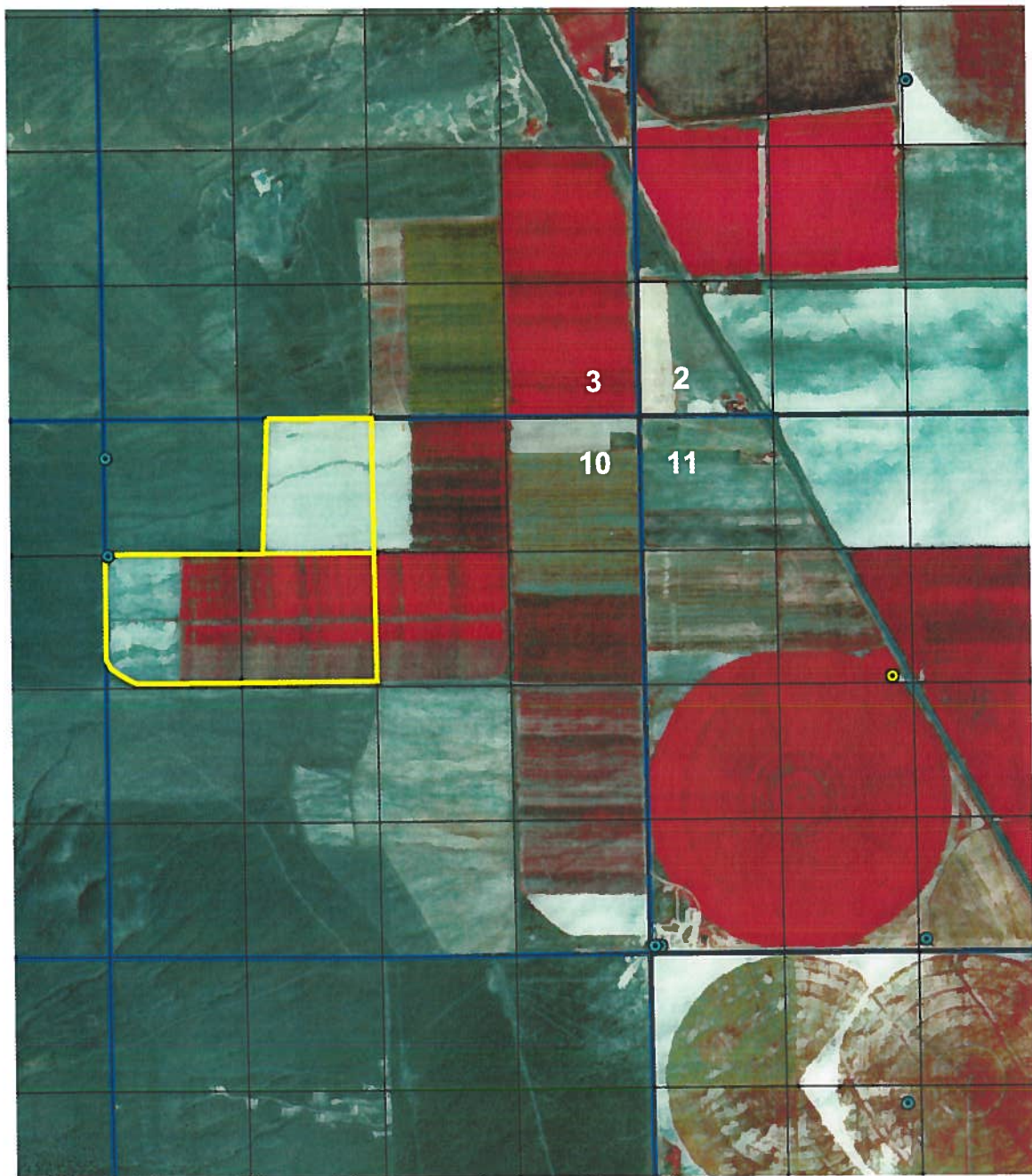
EXPLANATORY MATERIAL: Beneficial Use

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

Water Right 43-13355

1

43-13321, 43-13353, & 43-13355



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 13, 2004
TWP 12S, RNG 26E, SEC. 10

- 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 43-13355 V1

WATER RIGHT NUMBER: 43-13355 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA JEAN COOPER 227 W 20 S KNOX DR BURLEY, ID 83318 (208)678-8015
Original Owner	ALLEN ENTERPRISES 2191 S 3500 W OGDEN, UT 84414 (801)731-0692
Current Owner	LARRY COOPER 227 W 20 S KNOX DR BURLEY, ID 83318

Priority Date: 06/30/1985

Basis: Beneficial Use

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	0.180 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	26E	10					32.0		38.0	39.0									109.0

Total Acres: 109

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 THIS RIGHT WITH RIGHT NO. 43-13321 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13355 V1

2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 109 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-423A, 43-423B, 43-13321, 43-13353, & 43-13355.

Comments:

1. jroberts 2/18/2004 Basis of Recommendation

Comment: This right is for part of the property retained by Cooper in the sale to Jones. It is actually a portion of the original ppw of 368 acres recommended under 43-13116, which was an expansion of several groundwater licenses and one beneficial use right for an additional 86 acres. Of that 86 acres, Cooper retained 18, so this is now being recognized as an expansion of his new beneficial use claim 43-13321, which is claiming additional water that the wells were capable of producing pre 1962 that was never licensed. He sold all of the licensed acres and flow rate. (The remaining 68 acres are being recommended to Jones under 43-13356, still as expansion acres of the original licenses and b.u. right.)

VERIFIED BY

08/09/2001

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

RIGHT NUMBER: 43-13116

NAME AND ADDRESS: BARBARA JEAN COOPER
LARRY COOPER
227 W 20 S KNOX DR
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 1.12 CFS

$1.13 \div 109 \times 18 = 0.18$

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.

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	1.12 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

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 86 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

18C 68 J

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

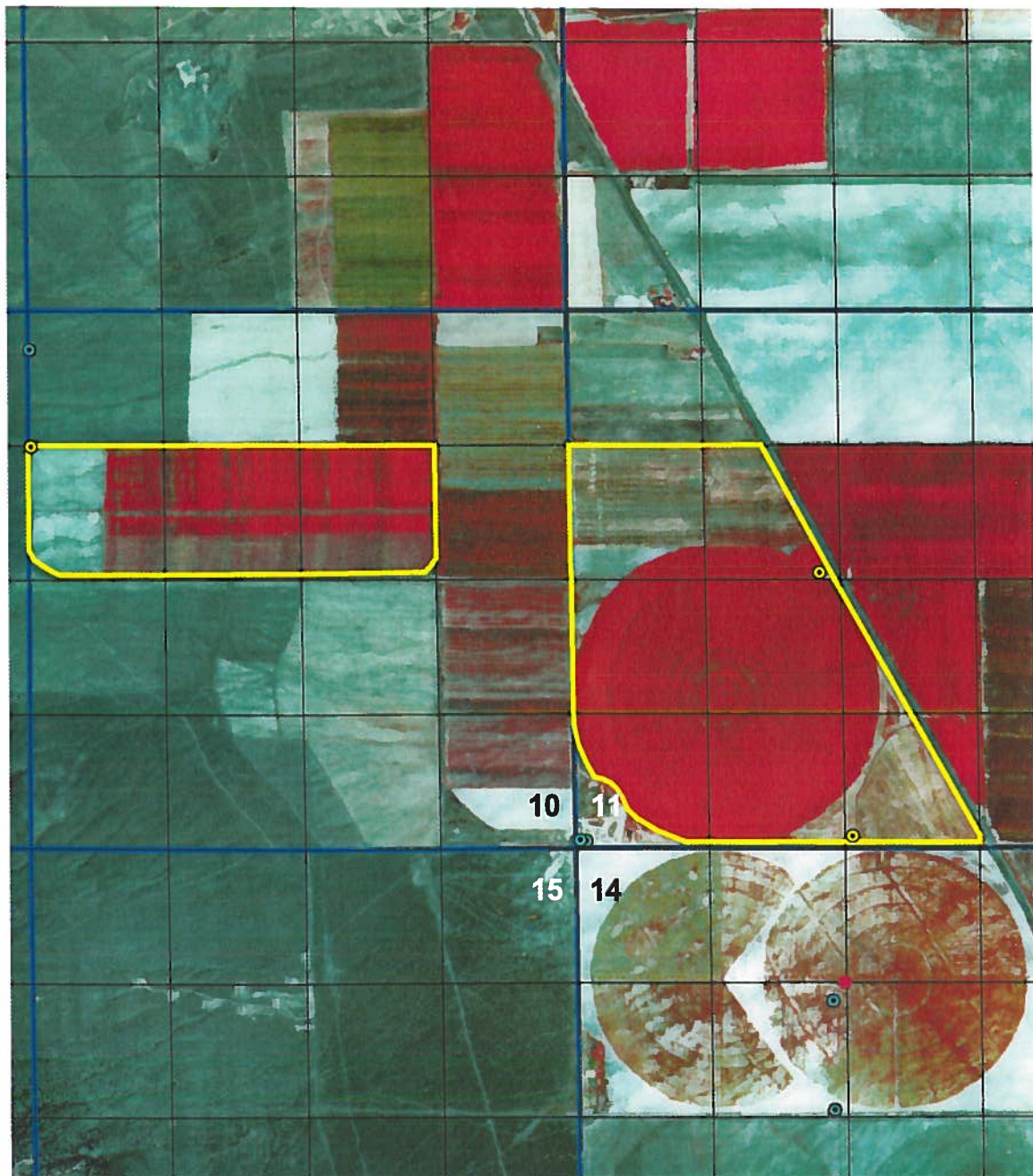
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

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 43-10150B.

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

3/7/01

03/07/2001

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

RIGHT NUMBER: 43-10150B

NAME AND ADDRESS: BARBARA JEAN COOPER
LARRY COOPER
227 W 20 S KNOX DR
BURLEY, ID 83318

SOURCE: GROUND WATER

QUANTITY: 1.5 CFS

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.

PRIORITY DATE: 06/30/1985

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

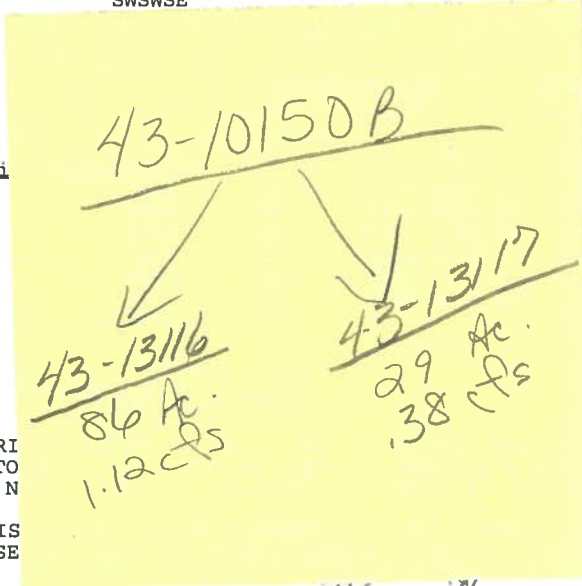
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PLACE OF USE:

IRRIGATION WITHIN
T12S R26E S10
T12S R26E S10
T12S R26E S11
T12S R26E S11
T12S R26E S11
T12S R26E S11
T12S R26E S11
T12S R26E S11

USE OF THE RI
OF A COMBINED TO
COMBINED RIGHT N
43-10150B.
THIS RIGHT IS
THE PLACE OF USE



NTITY
CFS

SWNW 38
SWNE 40
SWNW 40
NESW 40
SWSW 29
NWSE 38

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

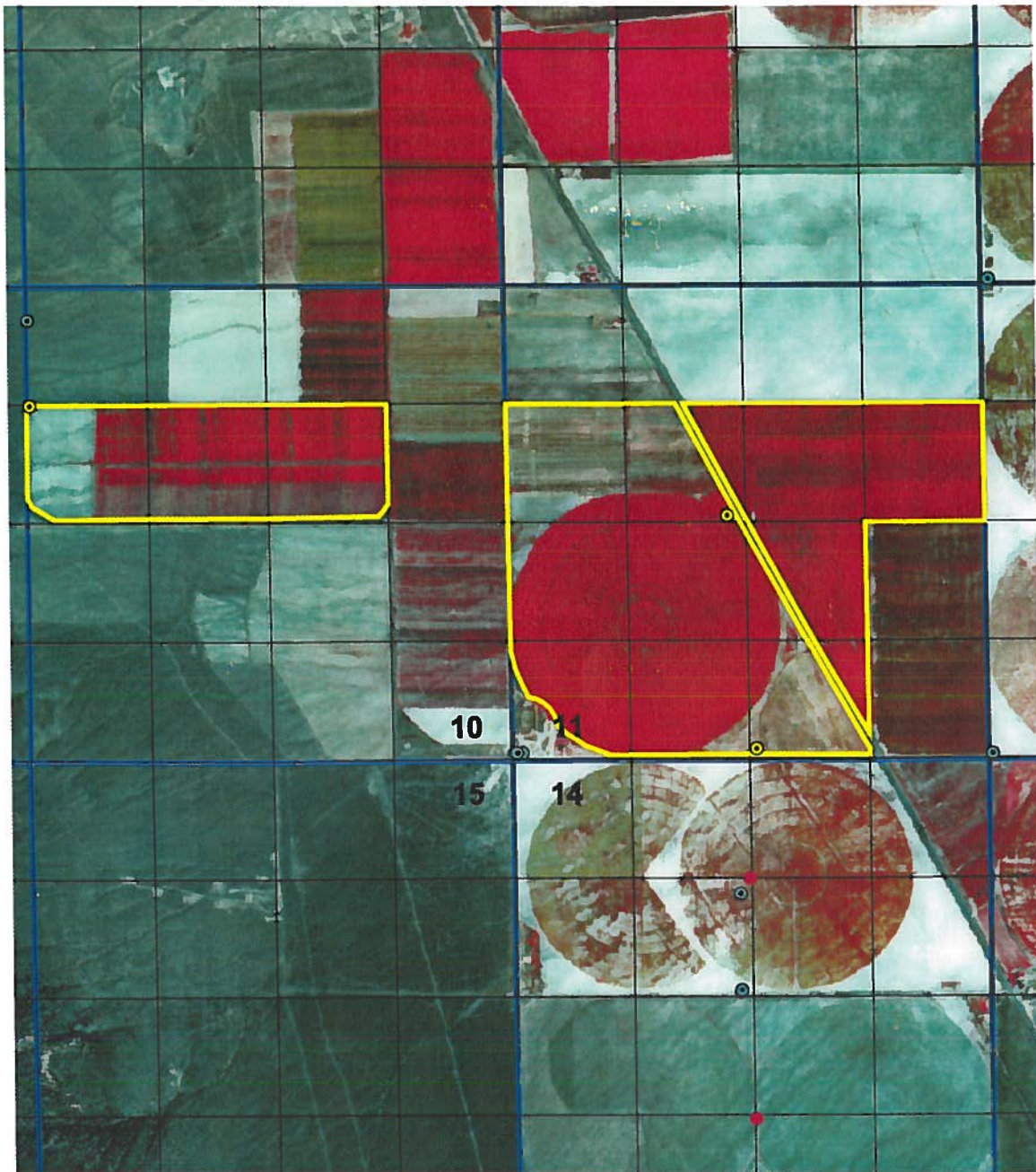
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-02332, 43-
02402, 43-02478, & 43-10150A PURSUANT TO SECTION 42-1416B,
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

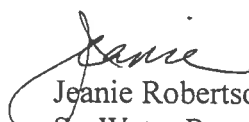
RE: Ownership Change on Adjudication Claims A43-00423A, A43-02332, A43-02402,
A43-02478, and A43-10150A & B

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

10/12/2000

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

RIGHT NUMBER: 43-10150B

DISALLOWED

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

SOURCE: GROUND WATER

QUANTITY: 2.4 CFS

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION:	T12S R26E S11	SENW	Within CASSIA County
	T12S R26E S11	SWSE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	2.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T12S R26E S10	SWNE	40	T12S R26E S10
T12S R26E S10	SENW	40	SWNW
120 ACRES TOTAL			40

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

NO BENEFICIAL USE FOUND.

EXPLANATORY MATERIAL: BASIS OF CLAIM -



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 ENTERPRISES
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

A43-10150A 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.

Lis = 355 Ac.

B.U. = 24 Ac.

Total div = 6.45 cfs ; 1516 AF

$6.45 \div 379 = 0.017 \text{ cfs/Ac.}$

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

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

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

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

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

- same well as above in SWSE of Section 11
- field exp 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:51:24
10/12/00
18

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A43-10150B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALLEN ENTERPRISES	06/30/1985	IRRIGATION	04-01-10-31 3/15-11/15	2.400 CFS	
					TOTAL DIVERSION:	2.400 CFS
					CONSUMPTIVE USE:	1.5 cfs
						360.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T12S R26E S11 SE SENW SW SWSE

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
12S	26E	10	:				40	:				40	40	:					:					:	120.0
																							TOTAL ACRES	120.0	

POU County: CASSIA

Other Rights: A43-00423A

Remarks: GEN 2 WELLS, 2 PUMPS USED ON 520 ACRES WITH 9.2 LICENCED CFS. 355 ACRES LICENSED, THE REMAINING ACRES NOT LICENSED COVERED ON THIS EXPANSION CLAIM. MAXIMUM RATE OF DIVERSION SHALL NOT EXCEED 9.2 CFS WHEN COMBINED WHITH LICENSES. COE CREEK WATER ALSO USED ON PROPERTY. ADDITIONAL ACRES ADDED AROUND 1977.

THE ORIGINAL CLAIM A43-10150 IS BEING SPLIT BY AMENDMENT. THE A PORTION IS CLAIMED FOR DEVELOPMENT PRIOR TO DESIGNATION OF CRITICAL GROUNDWATER DESIGNATION. THE B PORTION IS FOR THE EXPANSION AFTER CRITICAL DESIGNATION.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: G

diversion rate = $6.45 \div 494 \times 115 = 1.5 \text{ cfs}$

(379 Ac. X 4 = 1516 AF)

Cond. Code C18
Remarks: K06 115 A
POU1 494 Ac.
E14 n/a
QNT E27 6.45 cfs
1516 AF
GEN K04
exp. clau.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:50:53
10/12/00

PAGE: 2
QUICKLOOK INFORMATION

17
CLAIM NUMBER: A43-10150B

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

disallowed

BARCODE UPDATED
WHOM/DATE



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 Resource
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
✓ 0156A
✓ 0150B

RECEIVED
DEC 20 1999

Department of Water Resources

ALLEN ENTERPRISES

3405N 575E

OGDEN UT 84414

ALLEN 044142031 1399 11 12/14/99
RETURN TO SENDER
ALLEN 3050 W
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