

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: A41-00008D
Date Received: 3/13/1990
Receipt No: S011514
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. SCOTT WESTON 208-548-2279
Address: 4448 STATE HWY. 37
ROCKLAND, ID 83271

AND/OR

Name: HERBERT R. WESTON 208-548-2279
Address: 4448 STATE HWY. 37
ROCKLAND, ID 83271

2. Date of Priority: OCT 01, 1879

3. Source: ROCK CREEK, SOUTH FORK Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	31E	29	NE	NE	NW		POWER
		33	NE	NE	NW		POWER

5. Description of diverting works:
VIA ADSHEAD DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.533		

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

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	31E	20	NE	SW		IRR	20.0
			NW	SW		IRR	10.0
			SE	SW		IRR	25.0
						Section Acres	55.0
		29	NE	NW		IRR	15.0
						Section Acres	15.0
						Total Acres	70.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A41-00013A

14. Remarks:
THIS WR CLAIM IS A PORTION OF WR 41-00008A. CHANGE IN P/U IS
TO UPDATE UNRECORDED TRANSFERS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 6/06/1903

HOUTZ

Decree Plaintiff

vs

ET AL

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) *[Signature]* Date: 3-13-90

Date: _____

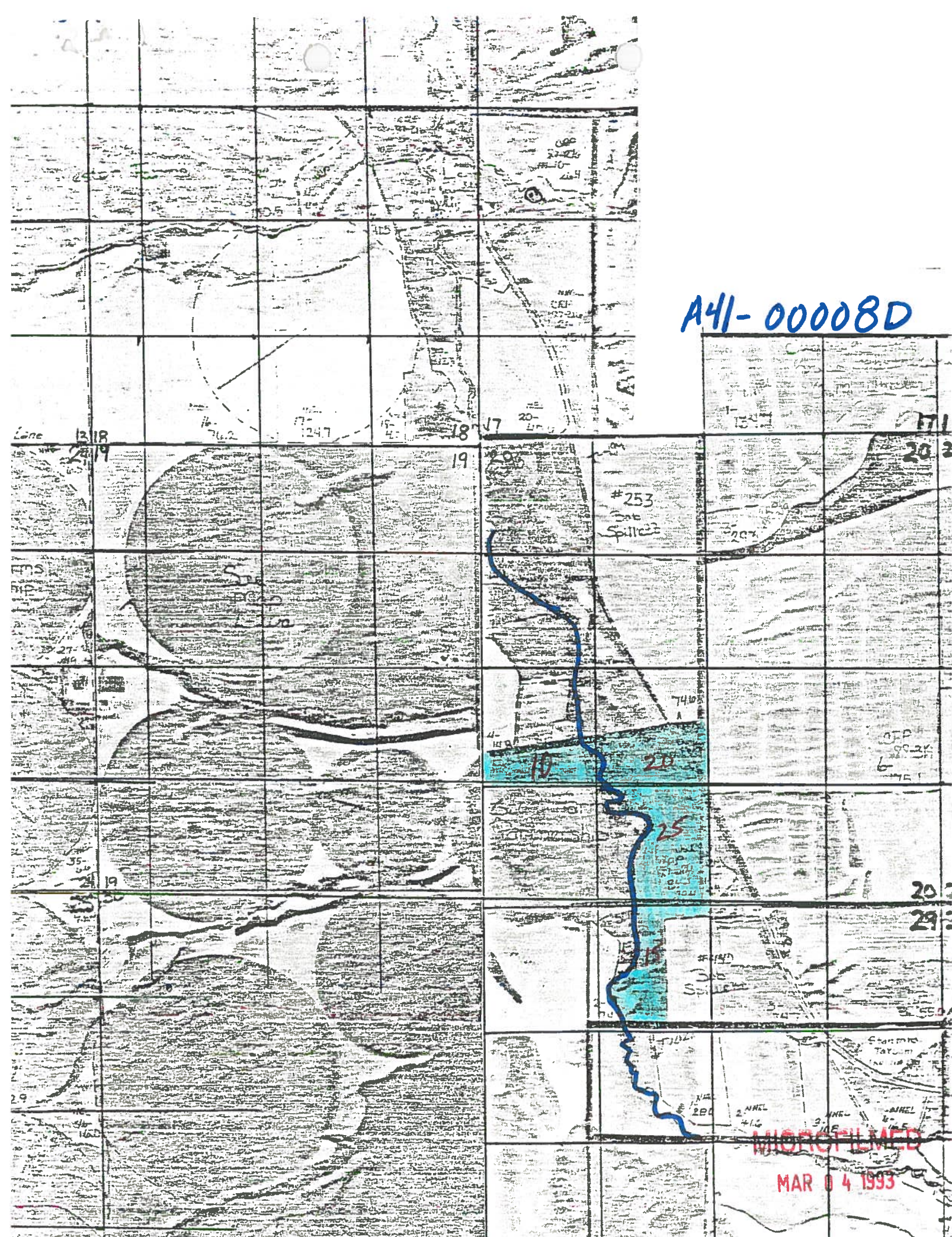
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of March 19 90 *[Signature]*
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires December 7, 1994

A41-00008D



COPY

RECEIVED

FEB 12 2007

DEPARTMENT OF
WATER RESOURCES
TWIN FALLS CO., IDAHO
FILED _____

2007 FEB 7 PM 2 19

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. 41-8D, 41-13A

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: 2/7/2007


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/7, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required 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. Copies to:

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

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Scott Smith
Racine Olson
PO Box 1391
Pocatello ID 83204-1391

KBC Farms LLC
3062 S Frontage Rd
American Falls ID 83211

R Scott Weston
Carolyn Weston
4448 Hwy 37
Rockland ID 83271

Jason Walker
Ling Robertson & Walker
PO Box 396
Rupert ID 83350-0396



Signature of person or attorney mailing the form

01/10/2007

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

RIGHT NUMBER: 41-13A

NAME AND ADDRESS: KBC FARMS LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.200 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF
DIVERSION:

T10S R31E S29 SWNENW Within POWER County
T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in POWER County

T10S R31E S20	NESW	9.30	T10S R31E S20	SESW	26.70
---------------	------	------	---------------	------	-------

36 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/10/2007

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

RIGHT NUMBER: 41-8D

NAME AND ADDRESS: KBC FARMS LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.533 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 10/01/1879

POINT OF
DIVERSION:

T10S R31E S33 NENENW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.533 CFS

PLACE OF USE: IRRIGATION in POWER County

T10S R31E S20	NESW	9.00	T10S R31E S20	SESW	17.00
---------------	------	------	---------------	------	-------

26 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 41-10251 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 7, 2007

KBC FARMS LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

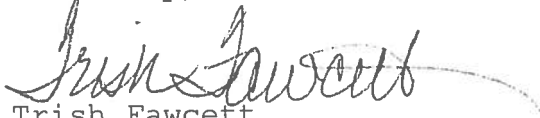
RE: SRBA Claim(s) 41-8D, 41-13A

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: Scott Smith
Racine Olson
PO Box 1391
Pocatello ID 83204-1391

R Scott and Carolyn Weston
4448 Hwy 37
Rockland ID 83271

Jason Walker
Ling Robertson & Walker
PO Box 392
Rupert ID 83350-03965



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 4, 2007

KBC FARMS LLC
3062 S FRONTAGE RD
AMERICAN FALLS ID 83211

RE: SRBA Claims 41-8D and 41-13A

Gentlemen:

I am in receipt of the Notice of Change of Water Right Ownership you recently submitted on the above listed water rights. Because the Snake River Basin Adjudication Court has not yet decreed these claims, no fee is due to process the owner change. I am herein returning your check no. 870 in the amount of \$50.00.

Thank you and should you have any questions please feel free to give me a call.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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 numbers (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
41-13a		
41-8d		

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) R. Scott and Carolyn Weston
4448 State Hwy 37, Rockland, ID 83271
4. New Owner/Claimant(s) KBC Farms, LLC
Name Connector (check one) ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3062 S. Frontage Road
City, State, Zip code American Falls, ID 83211
New Telephone Number 208-226-2773
5. Date you acquired the property 12/31/2005

RECEIVED
NOV 30 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
NOV 29 2006
Department of Water Resources
Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number list 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) KBC FARMS, L.L.C.

(include title if applicable)

KBC Farms LLC by Kenneth H. Hoang
Manager

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 _____
Received by _____
Processed by _____ AJ

Date _____
Date _____
Date _____

Fee _____
Receipt No. _____
Date _____

FD-142166

Instrument # 1884

POWER COUNTY, IDAHO

2005-12-30

03:34:48 No. of Pages: 11

Recorded for: FIRST AMERICAN TITLE

CHRISTINE STEINLICHT

Fee: 33.00

Ex-Officio Recorder Deputy

Deanna L Curry

WARRANTY DEED

*R. SCOTT WESTON FARMS, AN IDAHO PARTNERSHIP

FOR VALUE RECEIVED, ~~R. SCOTT WESTON AND CAROLYN WESTON~~, husband and wife, of 4448 State Highway 37, Rockland, Idaho 83271 (hereinafter "Grantors"), do hereby grant, bargain, sell and convey unto KBC FARMS, L.L.C., an Idaho limited liability company, in care of Klaren P. Koompin, Manager, whose current address is 3062 S. Frontage Road, American Falls, Idaho 83211 (hereinafter "Grantee"), its successors and assigns forever, the following described premises in Power County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE.

TOGETHER WITH all center pivots, main lines, pumps, motors and other sprinkler equipment located upon the real property.

TOGETHER WITH any and all appurtenant water rights, including but not limited to Idaho Department of Water Resources Water Right Nos. 41-10086, 41-10085, 41-10084, 41-6, 41-10251, 41-7018, 41-7032.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including all water, gas, oil and mineral rights.

Grantors do hereby covenant that they are the owners in fee simple of said premises, that they are free from all encumbrances excepting discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, easements or deed restrictions of record, claims of easement not shown by the public records, use restrictions and building and zoning regulations and ordinances of any governmental unit, and that they will warrant and defend the same from all lawful claims.

DATED this 27 day of December, 2005.

R. Scott Weston
R. SCOTT WESTON, PARTNER

Carolyn Weston
CAROLYN WESTON, PARTNER

WARRANTY DEED - 1

RECEIVED

NOV 30 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1 9.11

STATE OF Idaho)
SS.

COUNTY OF Bannock)

On this **29th day of December, 2005**, before me, a Notary Public in and for said State, personally appeared **R. Scott Weston**, known or identified to me to be one of the partners in the partnership of **R. Scott Weston Farms, an Idaho Partnership**, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

KATRINA J CUTLER
NOTARY PUBLIC
STATE OF IDAHO

Notary Public of Idaho
Residing at: Inkom, ID
Commission Expires: 7-19-2011

Total Farm

Ex. A-1

Exhibit "A" 1

RECEIVED

NOV 30 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

The land referred to in this Commitment is described as follows:

PARCEL 1:

Township 10 South, Range 30 East of the Boise Meridian, POWER COUNTY, IDAHO

Section 13: ~~SE1/4NW1/4; W1/4NE1/4; SE1/4NE1/4; E1/4SW1/4; SE1/4~~

Section 14: ~~SE1/4~~

Section 24: ~~SW1/4, NE1/4, NW1/4, SE1/4~~

EXCEPT: Beginning at the Northwest Corner of NE1/4NW1/4 of said Section 24; thence in a Southerly direction 704.90 feet, more or less, along West boundary of said NE1/4NW1/4, across a natural wash or draw which extends across said Northwest Corner to a point which lies on the South side of said natural wash or draw; thence on a meander line on the Easterly side of said natural wash or draw, 23°57' East 275.1 feet, more or less, along a fence line; thence North 14°18' East 328 feet, more or less, continuing along the fence line; thence North 65°06' East 105 feet, more or less, to a point on the North boundary line of said NE1/4NW1/4 of said Section 24; thence running in a Westerly direction along the said North boundary line of said NE1/4NW1/4 of Section 24 across said natural wash or draw to POINT OF BEGINNING.

ALSO EXCEPT: ~~NN1/4NW1/4~~

Section 25: ~~NE1/4, NW1/4~~

Township 10 South, Range 31 East of the Boise Meridian, POWER COUNTY, IDAHO

Section 17: ~~SW1/4NW1/4~~

~~W1/4SW1/4~~

EXCEPT: A strip of land 100 feet wide, being 50 feet on each side of the center line of main tract of the New Oregon Short Line Railroad from American Falls to landing, as the same is now located over and across the Northwest quarter of the SW1/4 of Section 17, Township 10 South, Range 31 E.B.M., the location of said center line of main tract being more particularly described as follows: Beginning at a point in the West line of said Section 17, and 1035 feet, more or less, North of the Southwest corner of said NW1/4 of the SW1/4 thence South 14°28' East for a distance of 1067 feet, more or less, to a point in the South line of said NW1/4 of the SW1/4 and 269 feet, more or less, East of the Southwest corner thereof.

ALSO EXCEPT: a strip of land 100 feet wide, being 50 feet on each side of the said center line of main tract, as the same is now located over and across the SW1/4 of the SW1/4 of Section 17, Township 10 South, Range 31 E.B.M., the location of said center line of main tract being more particularly described as follows: Beginning at a point in the South line of said Section 17, and 614 feet East of the Southwest corner thereof, thence North 14°28' West for a distance of 1366 feet, more or less, to a point in the North line of said SW1/4 of the SW1/4 and 269 feet, more or less, East of the Northwest corner thereof.

416

ALSO EXCEPT: Beginning at a point 182 feet West of the Southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 10 South, Range 31 E.B.M., running thence in a Northwesterly direction to a point 500 feet West of the Northeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence East 50 feet; thence Southeasterly to a point 50 feet East of THE POINT OF BEGINNING; thence West TO POINT OF BEGINNING, given for a Public Highway.

ALSO EXCEPT: A strip of land variable width being 33 feet wide on the West and 40 feet wide on the East side between stations 735-60 and 752-17.0, continuing 40 feet wide on the East side and widening to 40 feet on the West side of station 759-13.4, thence being 40 feet wide to station 777-07 of the following described center line of highway as surveyed and shown on the official plat of the Cneida S&P 50 2 Highway Survey on file in the Department of Public Works of the State of Idaho, lying over and across the West half of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17 and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 10 South, Range 31 E.B.M.

Beginning at Station 735-60 of the said highway survey, which Station is a point on tangent approximately 1150 feet East from the Southwest corner of Section 17, Township 10 South, Range 31 E.B.M., thence running North 14°49' West 752.8 feet to Station 743-12.8 of said survey, which Station is a point of curvature, thence 904.2 feet with a 2°00' curve left, said curve having a central angle of 18°05' to Station 752-17.0, which Station is a point on tangent, thence North 32°54' West on tangent 696.4 feet to Station 759-13.4, which Station is a point of curvature, thence 742.5 feet with a 4°00' curve right, said curve having a central angle of 29°42' to Station 755-55.9 which Station is a point on tangent, thence North 3°12' West on tangent 1051.1 feet to Station 777-07.0, which Station is a point on tangent approximately 1310 feet South and 30 feet West from the Northeast corner of Section 18, Township 10 South, Range 31 E.B.M.

ALSO EXCEPT: Beginning at a point in the Easterly boundary of State Highway No. 17 that bears South 28°11' East 250.8 feet from the West quarter corner of Section 17, Township 10 South, Range 31 E.B.M., thence North 74°08' East 210.2 feet; thence North 49°52' East 475.5 feet; thence North 32°32' East 171.8 feet; thence North 17°32' West 51.9 feet; thence South 95°50' West 104.8 feet; thence South 15°50' East 124.1 feet; thence South 48°07' West 543.5 feet; thence North 78°18' West 212.1 feet to a point in the Easterly boundary of said Highway thence along said Easterly boundary on a curve to the left having a radius of 1392.5 feet through a central angle of 4°53' a distance of 118.7 feet to THE POINT OF BEGINNING.

Section 18:

LOTS 2, 3, 4; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; EXCEPTING THEREFROM:

A strip of land 100 feet wide, being 50 feet on each side of the center line of main tract of the new line of the O.S.L. R.R. from American Falls to landing, as the same is now located over and across the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 10 South, Range 31 E.B.M., except between the North line of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and a line perpendicular to said center line of main tract at a point 375 feet Southeasterly measured along said center line of main tract from its intersection with the North line of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, where said strip of land is 150 feet wide, being 100 feet on the Westerly side and 50 feet on the Easterly side of said center line of main tract, the location of said center line of main tract being more particularly described as follows:

Beginning at a point in the east line of said Section 18, and 1035 feet, more or less, North of the Southeast corner of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence North 14°28' West for a distance of 1665 feet, more or less, to a point in the North line of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and 408 feet, more or less, West of the Northeast corner thereof.

Section 19: All (E $\frac{1}{4}$; E $\frac{1}{4}$ N $\frac{1}{2}$; Lots 1, 2, 3 & 4)
 Section 20: S $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ EXCEPT: a strip of land 80 feet wide, being 40 feet on each side of the following described centerline of highway as surveyed and shown on the official plat of the Oneida SAP 50 (2) Highway Survey on file in the office of the Department of Public Works of the State of Idaho, and lying over and across a portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{4}$ NE $\frac{1}{2}$ SW $\frac{1}{4}$. Beginning at Station 693+00 of the said highway survey, which station is a point on curve approximately 1320 feet North from the South quarter corner of Section 20, Township 10 South, Range 31 East, Boise Meridian; thence 730 feet with 0°20' curve left, said curve having a central angle of 7°34' to Station 700+30, which Station is a point on curve approximately 1955 feet North and 340 feet West from the South quarter corner of Section 20.

Section 29: NW $\frac{1}{4}$ SW $\frac{1}{4}$; the South 142 Rods of the W $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{4}$; the West 78 Rods of the North 18 Rods of the W $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{4}$
 Section 30: All (E $\frac{1}{4}$; E $\frac{1}{4}$ N $\frac{1}{2}$; Lots 1, 2, 3 & 4)
 Section 31: Lots 1, 2, 3 & 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ N $\frac{1}{2}$ W $\frac{1}{4}$; S $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 32: S $\frac{1}{4}$ SW $\frac{1}{4}$

Township 11 South, Range 30 East, Boise Meridian
 Section 1: Lot 1; SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ SE $\frac{1}{4}$

Township 11 South, Range 31 East, Boise Meridian
 Section 5: Lot 4; SW $\frac{1}{4}$ N $\frac{1}{2}$ W $\frac{1}{4}$
 Section 6: Lots 1, 2, 3, 4 & 5; SE $\frac{1}{4}$ N $\frac{1}{2}$ W $\frac{1}{4}$; S $\frac{1}{4}$ NE $\frac{1}{2}$

PARCEL 2:

Township 10 South, Range 30 East of the Boise Meridian, POWER COUNTY, IDAHO
 Section 13: W $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 36: NE $\frac{1}{4}$

PARCEL 3:

Township 10 South, Range 30 East of the Boise Meridian, POWER COUNTY, IDAHO
 Section 25: SE $\frac{1}{4}$
 Section 36: E $\frac{1}{4}$ SE $\frac{1}{4}$

Scott's house

SNAKE RIVER SURVEYING, INC.

460 Lincoln Street, Suite C
 American Falls, Idaho 83211
 Phone (208) 226-5764, Fax (208) 226-5767



RECEIVED
 NOV 30 2006
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

25069-1
 KBC Farms LLC
 118.54 Acres
 October 27, 2005

A parcel of land in the East half of Section 18 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 10 South, Range 31 East of the Boise Meridian, Power County, Idaho, described as follows:

Beginning at the Southeast Corner of said Section 18, monumented with a 5/8" rebar with Aluminum Cap stamped PLS 843;

Thence, N 89°44'40" W, along the south line of said Section 18, a distance of 139.52 feet;

Thence, N 00°15'20" E, leaving said south line, 39.01 feet, to a point on the N'y right-of-way of King Lane, said point being monumented with a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 24°20'27" W, 417.52 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 49°09'11" W, 632.13 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 11°23'24" E, 450.01 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 19°38'32" W, 245.22 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 15°36'16" W, 351.47 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 02°29'37" W, 457.17 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 26°04'42" W, 122.85 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Page 2, KBC Farms LLC

Thence, N 03°32'03" W, 98.43 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, N 20°15'49" W, 922.95 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, N 35°57'28" W, 694.88 feet, to a point on the south line of the NW¼NE¼, said point monumented with a ½" rebar with plastic cap stamped PLS 843;

Thence, S 89°17'49" E, along said south line, and along the south line of the NE¼NE¼, a distance of 1640.45 feet, to a point on the W'ly right-of-way of State Highway 37, said point monumented with a ½" rebar with plastic cap stamped PLS 843;

Thence, S 02°17'03" E, along said W'ly right-of-way, 1051.32 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, continuing along said right-of-way, along a curve to the left, having a radius of 1472.50 feet, through a central angle of 29°42'00", for an arc length of 763.29 feet, having a chord bearing and distance of S17°08'03"E, 754.77 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, continuing along said right-of-way, S 31°59'03" E, 696.40 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, continuing along said right-of-way, along a curve to the right, having a radius of 2575.63 feet, through a central angle of 19°52'36", for an arc length of 893.51 feet, having a chord bearing and distance of S23°23'17"E, 889.04 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, continuing along said right-of-way, S 13°54'03" E, 766.61 feet, to a point of intersection with the south line of said Section 17;

Thence, N 89°44'40" W, along said south line, 1125.21 feet to the TRUE POINT OF BEGINNING, and containing 118.54 acres, more or less.

Subject to an easement for King Lane 30.00 feet wide on each side of the following described line:

Beginning at a point that bears N 86°03'01" W, 139.81 feet, from the Southeast corner of said Section 18;

Thence, S 89°59'54" E, 1261.05 feet, sides of said easement to be shortened or lengthened to conform to the property lines of the above described parcel.

South end
Farm

Ex. A-3

SNAKE RIVER SURVEYING, INC.

460 Lincoln Street, Suite C
American Falls, Idaho 83211
Phone (208) 226-5764, Fax (208) 226-5767



RECEIVED
NOV 30 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

25069-4
KBC Farms LLC
CRP lands
October 27, 2005

Parcels of land in Sections 31 & 32, Township 10 South, Range, 31 East of the Boise Meridian, and Section 1, Township 11 South, Range 30 East of the Boise Meridian, and Sections 5 and 6, Township 11 South, Range 31 East of the Boise Meridian, described as follows:

E $\frac{1}{2}$ SW $\frac{1}{4}$ and Lots 3 and 4 of Section 31, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31, of Township 10 South, Range 31 East of the Boise Meridian.

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 10 South, Range 31 East of the Boise Meridian.

Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 1 Township 11 South, Range, 30 East of the Boise Meridian.

Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 11 South, Range 31 East of the Boise Meridian.

Lots, 1, 2, 3, 4 and 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, Township 11 South, Range 31 East of the Boise Meridian.

PARCELS ON
THE SOUTH END
TO BE EXCEPTED
OUT

SNAKE RIVER SURVEYING, INC.

460 Lincoln Street, Suite C
American Falls, Idaho 83211
Phone (208) 226-5764, Fax (208) 226-5767



RECEIVED
NOV 30 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

25069-2
KBC Farms LLC
7.61 Acres
October 27, 2005

A parcel of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 10-South, Range 31 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at a point that bears S 00°23'33" W, 1920.61 feet from the Northwest Corner of said Section 17;

Thence, S 70°32'35" E, 39.79 feet to the TRUE POINT OF BEGINNING; hence, S 70°32'35" E, 1977 feet

Thence, S 70°14'28" E, 172.93 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, S 41°38'23" E, 268.97 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, N 83°11'18" E, 289.51 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, S 07°32'33" E, 172.90 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, S 47°51'02" E, 70.08 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, S 50°31'37" W, 490.65 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, along a curve to the right, having a radius of 190.00 feet, through a central angle of 53°47'25", for an arc length of 178.38 feet, with a chord bearing and distance of S78°52'03"W, 171.90 feet, to a ½" rebar with plastic cap stamped PLS 843;

Page 2, KBC Farms LLC

Thence, N 74°14'15" W, 84.13 feet, to a point on the E'ly right-of-way of State Highway, 37, to a ½" rebar with plastic cap stamped PLS 843;

Thence, along said E'ly right-of-way, from a tangent bearing N 16°49'46" W, along a curve to the right, having a radius of 1392.50 feet, through a central angle of 14°32'41", for an arc length of 353.50 feet, having a chord bearing and distance of N09°33'25"W, 352.55 feet, to a ½" rebar with plastic cap stamped PLS 843;

Thence, N 02°17'03" W, 418.49 feet, to the TRUE POINT OF BEGINNING, and containing 7.61 acres more or less.

Brad Ex. A-5
Ralphs gravimeter
SNAKE RIVER SURVEYING, INC.

460 Lincoln Street, Suite C
American Falls, Idaho 83211
Phone (208) 226-5764, Fax (208) 226-5767



RECEIVED
NOV 30 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

25069-3
KBC Farms LLC
Replace WD 154998
October 27, 2005

A parcel of land in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 10 South, Range 31 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the NW Corner of said Section 17, said point monumented with a 5/8" rebar and Aluminum Cap;

Thence, S 0°23'33" W, along the west line of said Section 17, a distance of 2611.20 feet, to the NW $\frac{1}{4}$ of said Section 17;

Thence, S 53°00'02" E, 147.07 feet, to a 1/2" rebar with plastic cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 74°14'15" E, 84.13 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, along a curve to the left, having a radius of 190.00 feet, through a central angle of 53°47'25", for an arc length of 178.38 feet, having a chord bearing and distance of S78°52'03"W, 171.90 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 50°31'37" E, 490.65 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 47°51'02" W, 70.08 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 07°32'33" W, 72.89 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, N 85°49'59" E, 113.71 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, S 11°35'43" E, 132.67 feet, to a 1/2" rebar with plastic cap stamped PLS 843;

Thence, S 53°50'04" W, 551.18 feet;

Page 2, KBC Farms LLC

Thence, along a curve to the right, having a radius of 210.00 feet, through a central angle of $53^{\circ}47'25''$, for an arc length of 197.15 feet, having a chord bearing and distance of $S78^{\circ}52'03''W$, 189.99 feet;

Thence, $N 74^{\circ}14'15'' W$, 71.10 feet, to a point on the E'ly right-of-way of State Highway 37;

Thence, along said E'ly right-of-way, from a tangent bearing $N 17^{\circ}48'41'' W$, along a curve to the right, having a radius of 1392.50 feet, through a central angle of $0^{\circ}58'56''$, for an arc length of 23.87 feet, having a chord bearing and distance of $N17^{\circ}19'14''W$, 23.87 feet; to the TRUE POINT OF BEGINNING.

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL*
JOHN B. INGELSTROM
DANIEL C. GREEN**
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN***
RICHARD A. HEARN, M.D.†
DAVID E. ALEXANDER††
LANE V. ERICKSON**
PATRICK N. GEORGE**
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
LISA R. TANNER†††
JUSTIN R. ELLIS
JOSHUA D. JOHNSON‡
JONATHAN S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN‡‡
THOMAS J. BUDGE

BOISE OFFICE

101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUPE AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

*ALSO MEMBER WY & IL BARS
**ALSO MEMBER UT BAR
***ALSO MEMBER CO BAR
†ALSO MEMBER D. C. BAR
††ALSO MEMBER MO BAR
†††ALSO MEMBER CA BAR
‡ALSO MEMBER IL BAR
‡‡ALSO MEMBER WA BAR

October 31, 2006

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: *Change in Water Right Ownership - Water Right Nos. 41-13a, 41-8d*

To Whom it May Concern:

Enclosed please find the following for filing:

1. Original and two copies of Notice of Change in Water Right Ownership with attached Warranty Deed which we are submitting on behalf of KBC Farms, LLC.
2. KBC Farms check in the amount of \$50 for filing fees.
3. Stamped and addressed return envelopes to me and KBC Farms, LLC.

Please file the original Application and conform stamp the extra copies, returning one to me and one to KBC Farms, LLC. If you have any questions, please give me a call. Thanks for your assistance.

Sincerely,

Randy Budge
RANDALL C. BUDGE
RK

RCB:rr

Enclosures

cc: KBC Farms, LLC

RECEIVED
NOV 29 2006

Department of Water Resources
Eastern Region

RECEIVED
NOV 30 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AJ0743NP
(00-124)

Water Right Number - R41-000080

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WESTON R SCOTT

1 - 4448 STATE HWY 37

2 -

3 -

City- ROCKLAND

Phone - 208-548-2279

1 - 4448 STATE HWY 37

2 -

3 -

City- ROCKLAND

Phone - 208-548-2279

State- ID Zip- 83271

State- ID Zip- 83271

+ - - Priority Date - - + - - - - Region - - - - + - - - - Stage - - - - + - - - - Status - - - - +
10/01/1879 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + - - - - Point of Diversion - - - - - +
ROCK CREEK, SOUTH FORK - - - - - Tributary - - - - - ROCK CREEK

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

10S 31E 33 NE NE NW (77) POWER ADSHEAD DITCH

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31

0.533

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Consumptive Use - + - - KW Usage - +
0.533 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

10S 31E 20 NE SW 9.0 01 IRRIGATION (77) POWER
10S 31E 20 SE SW 17.0 01 IRRIGATION (77) POWER

Total Acres: 26.0

+ - - - - Diversion Means - VIA ADSHEAD DITCH

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use - NONE

+ - - - - - - - - - - - - - - - Remarks - - - - - +

POU1 USE OF THIS RIGHT WITH RIGHT NO. 41-10251 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION
SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

AJ0743NP
(00-124)

Prefix Translation: RESEARCH

Water right number - R41-00008D

+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - Old Water Right Numbers - - - - - +
A4100008A

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

+ - - - - - Decree Plaintiff - - - +
HOUTZ ET AL + - - - - - Decree Defendant - - - +
+ - - - - - Decree Date - - - +
06/06/1903

+ - - - - - -Comments- - - - - +
Date: 06/11/1999 User Id: SCLELLAN Subject: COPIED FROM REMARKS
THIS WR CLAIM IS A PORTION OF WR 41-00008A. CHANGE IN P/U IS TO UPDATE UNRECORDED TRANSFERS.

+ - - - - - Audit Fields - - - +
10/19/99 DJONES

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 07/20/1994 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 03/13/1990 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S011514 Water District - 41
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag - D
Notice of Error Flag -

3

7/9/99 sec
met w/ Watson,
this mt okay.

CLAIM NUMBER

A41-00008D

DATE

6/9/99

TRANSFER NUMBER

A41-00013A

AGENT

su

CLAIMED ACRE TOTAL 70

GIS ACRE TOTAL 29.3

| | TWP | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | |
|-------|-----|-----|-----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|----|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| CLAIM | 10s | 31E | 20 | | | | | | | | | 20 | 10 | | 25 | | | | |
| GIS | | | | | | | | | | | | 9.3 | Ø | | 20 | | | | |
| RECOM | | | | | | | | | | | | 9 | | | 17 | | | | |
| | | | | | | | | | | | | | | | | | | | |
| CLAIM | | | 29 | | | | | 15 | | | | | | | | | | | |
| GIS | | | | | | | | Ø | | | | | | | | | | | |
| RECOM | | | | | | | | * | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |

B41-POU.SHP

SHAPE NOS.

88

B41-POD.SHP

NOS. DESCRIPTION

T10s R31E:

46

ADSHED DITCH: S. 33, NENENW (8D)

54

JACKSON DITCH: S. 29, SWSE NW (13A) (DISALLOWED)

Non-Use of 13A:

DBF TABLES UPDATED

B41-DBPOU.DBF

B41-DBPOD.DBF

JPEG LAYOUT

41-00008D.jpg

A-0008D

0.533 cfs claimed = 26.65"

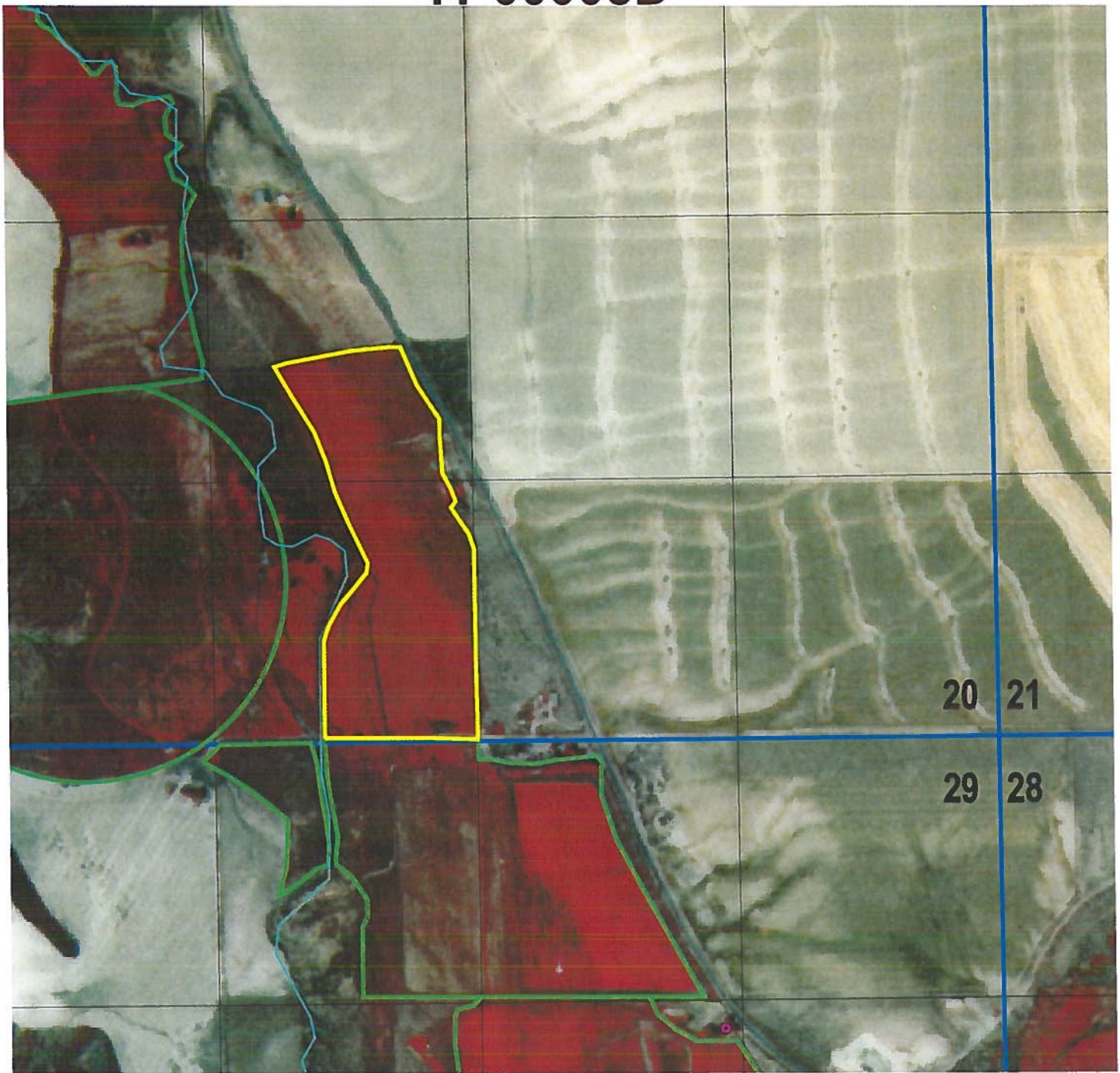
→ based on Decreed duty of 1" per acre, valid on 26 Ac.

No Pou found under use of Jackson Ditch 0013A. ^{DISALLOWED}

(* Maps appear to show Grace Spillet as owner of lands in S. 29)

IDAHO DEPT OF WATER RESOURCES

41-00008D



660 0 660 1320 Feet



T10S R31E SEC. 20

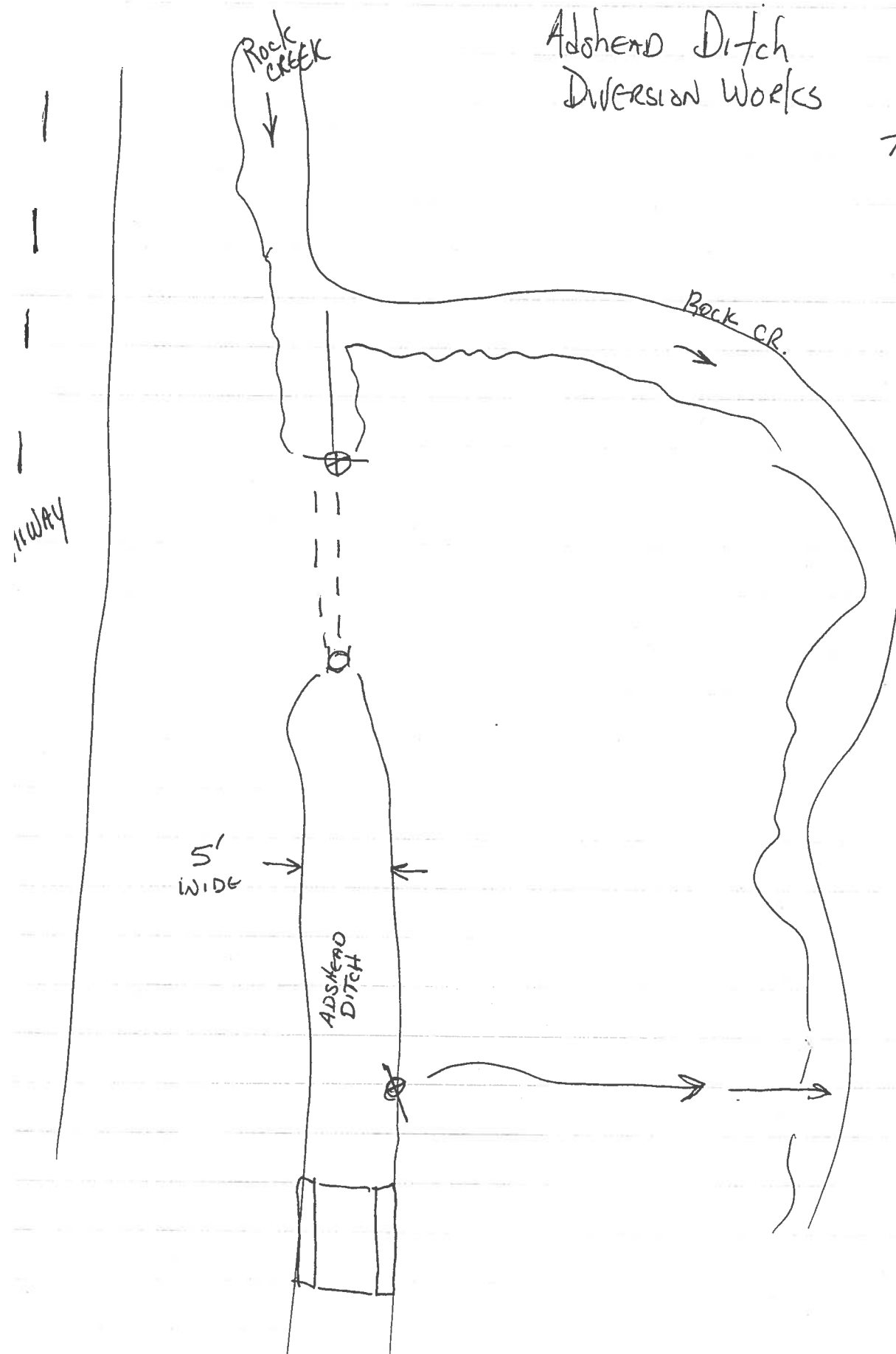
GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: June 11, 1999

- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

Adshend Ditch Diversion Works

7-20-94 sen





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~SCHEIDT ANDREWS~~

Governor PHILIP E. BATT

R. KEITH HIGGINSON

Director

February 10, 1995

Dear Wateruser:

In response to the Bench Ditch Irrigation Company's letter to IDWR dated January 25, 1995, this letter is being sent to all waterusers of record in the Basin 41 Water District.

As you may know, the arbitration for delivery of water that has operated in the Rockland valley for over 100 years has been very effective in allowing the delivery of water rights by the local watermaster. The box method described in the arbitration has worked to divide the waters fairly, but recent studies of the boxes have determined the actual flow rates that have been delivered for years are different than the rates listed in the arbitration. This is largely due to the fact that the box method, as applied in the valley, is not a standard measuring device.

It is IDWR's position that:

Rights recommended in the ongoing Snake River Basin Adjudication, will be based on the historical beneficial use and historical diversion rate represented by use of the box method.

Conversion to an approved, standard measuring device is encouraged but should not result in a increase in the amount of water diverted. IDWR requests, before any old diversion structure is removed or destroyed, to view and measure the historical diversion rate as delivered by the box described in the arbitration.

Any change in measuring devices or structures that results in an increase of diversion rates above the historical beneficial use will result in injury to junior right holders within the Rock Creek system.

We look forward to working with all waterusers in the district. SRBA examinations will resume in the spring of 1995 and IDWR will measure and evaluate all of the structures diverting from Rock Creek and the East Fork of Rock Creek. If you have questions please contact me at my office in Twin Falls.

Sincerely,

STEVE CLELLAND
Water Resource Agent

A91-00008D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A41-000080

14:12:32
04/19/91

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

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Water Right Number - A41-00008D

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WESTON

R. SCOTT

1 - 4448 STATE HWY. 37
2 -
3 -

State- ID Zip- 83271

WESTON

HERBERT R.

City- ROCKLAND
Phone - 208-548-2279
1 - 4448 STATE HWY. 37
2 -
3 -

State- ID Zip- 83271

+ - - Priority Date - - + + - - - Region - - - - + + - - - Stage - - - - + + - - - Status - - - - +
10/01/1879 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + - - - - Tributary - - - - - +
ROCK CREEK, SOUTH FORK ROCK CREEK

+ - - - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +

10S 31E 29 NE NW (77) POWER
10S 31E 33 NE NW (77) POWER

+ - - - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume - - - - - +

01 - IRRIGATION

04/01

11/01

0.533

+ - - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Div. Capacity - - + + - Total Consumptive Use - - + + - KW Usage - - +
0.533 175.0

+ - - - - Twn Rng Sec Tract Lot Acres Place of Use - - - - - Code Description - - - - - County - - - - - +

10S 31E 20 NE SW 20.0 01 IRRIGATION (77) POWER
10S 31E 20 NW SW 10.0 01 IRRIGATION (77) POWER
10S 31E 20 SE SW 25.0 01 IRRIGATION (77) POWER
10S 31E 29 NE NW 15.0 01 IRRIGATION (77) POWER

Total Acres: 70.0

+ - - - - Diversion Means - VIA ADSHEAD DITCH

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use - A41-00013A

+ - - - - Remarks - - - - - +
THIS WR CLAIM IS A PORTION OF WR 41-00008A. CHANGE IN P/U IS
TO UPDATE UNRECORDED TRANSFERS.

Prefix Translation: ADJUDICATION CLAIM

----- Old Water Right Numbers -----

A4100008A

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

| HOULTZ | Decree Plaintiff | Decree Defendant | Decree Date |
|--------|------------------|------------------|-------------|
| ET AL | | | 06/06/1903 |

+ - - Audit Fields - 03/13/90 CLELLAND

```
+ - - - - - + - - - - -
```

No Comments Found

+-----Adjudication Rights Dates and Flags Area-----+

| | | | | | | | | |
|------------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39516 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - | |
| Response Filing Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - | 03/13/1990 | Last Amended Date | - | 00/00/0000 | Temporary Right | - | P |
| Proof Due Date | - | 00/00/0000 | Proof Made Date | - | 00/00/0000 | Water District | - | 41 |
| Licensed Date | - | 00/00/0000 | Receipt Number | - | S011514 | Federal/State Indicator | - | S |
| Claims Tape Error Flag | - | | POU Ownership Flag | - | Y | Presumption Flag | - | D |
| Fee Exempt Flag | - | | Name Connector | - | AND/OR | | | |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:12:32
04/19/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A41-000080

| | |
|-----------------------------|----------------------|
| LAST: WESTON | FIRST: R. SCOTT |
| ADDRESS: 4448 STATE HWY. 37 | |
| CITY: ROCKLAND | STATE: ID ZIP: 83271 |
| PHONE NUMBER: 208-548-2279 | |
| OWNER CODE: C | |

| | |
|-----------------------------|----------------------|
| LAST: WESTON | FIRST: HERBERT R. |
| ADDRESS: 4448 STATE HWY. 37 | |
| CITY: ROCKLAND | STATE: ID ZIP: 83271 |
| PHONE NUMBER: 208-548-2279 | |

OWNER CODE: C

| | | |
|---------------------------------------|----------|----------------|
| FIELD EXAM REQUIRED? | DATABASE | FIELD EXAMINER |
| VERIFICATION REQUIRED DUE TO REMARKS? | Y | |

CLAIM REMARKS: THIS WR CLAIM IS A PORTION OF WR 41-00008A. CHANGE IN P/U IS TO UPDATE UNRECORDED TRANSFERS.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A41-00008D PRIORITY DATE: 10-01-1879 STAGE: D
B. MR RECORD: # 41-00008A PRIORITY DATE: 10-01-1879 STAGE: D
41-00008B PRIORITY DATE: 10-01-1879 STAGE: D
41-00008C PRIORITY DATE: 10-01-1879 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:
10-01-1879

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|-------|
| A41-000080 | 10S | 31E | 33 | | NE | NW | | POMER |
| A41-000080 | 10S | 31E | 29 | | NE | NW | | POMER |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A41-00008C NONE
A41-00008A 41-00008A
A41-00008E 41-000088
A41-00013A 41-00008C
A41-00008F 41-00013
A41-00013
A41-00013C

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: ROCK CREEK, SOUTH FORK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|-------|
| 41-00008A | 10S | 31E | 33 | | NE | NW | | POMER |
| 41-00008B | 10S | 31E | 33 | | NE | NW | | POMER |
| 41-00008C | 10S | 31E | 33 | | NE | NW | | POMER |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

41-00008B
41-00008C
41-00008A

A41-00008C NONE

SOURCE: ROCK CREEK, SOUTH FORK
ROCK CREEK, SOUTH FORK
ROCK CREEK, SOUTH FORK

TRIB: ROCK CREEK
ROCK CREEK
ROCK CREEK

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY? | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|----------------|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | Y | |
| | Y | | |

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

TRIB:

SOURCE:
REVIEWED BY: _____

DATE: _____

A. ROOT WATER RIGHT NUMBERS:

A41-000088
A41-00008C

A41-00008E

A41-00008D

A41-00008F

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|---------------------|------------------|----------------|-----------------|----------------|------------------|
| 10S | 31E | 20 | NE | SW | | WESTON, R. SCOTT | A41-00008D /20.0 | - / | | | 13.0 |
| | | | NE | SW | | SPILETT, JAMES JUAN | A41-000088 /10.0 | - / | | | |
| | | | NE | SW | | SPILETT, JAMES JUAN | A41-00013B /10.0 | - / | | | |
| | | | NE | SW | | WESTON, HERBERT R. | A41-00013A /20.0 | - / | | | |
| | | | NE | SW | | WESTON, H. R. | 41-00008A / | 41-00008A / | | | |
| | | | NE | SW | | JACKSON, BRADLEY | 41-00013 / | 41-00013 / | | | |
| | | | NE | SW | | WESTON, H. ROSCOE | 41-07032 /40.0 | 41-07032 /40.0 | | | |
| | | | NE | SW | | SPILETT, JAMES JUAN | 41-07053 /10.0 | 41-07053 /10.0 | | | |
| 10S | 31E | 20 | NW | SW | | WESTON, R. SCOTT | A41-00008D /10.0 | - / | | | 30.0 |
| | | | NW | SW | | SPILETT, JAMES JUAN | A41-000088 /30.0 | - / | | | |
| | | | NW | SW | | SPILETT, JAMES JUAN | A41-00013B /30.0 | - / | | | |
| | | | NW | SW | | WESTON, HERBERT R. | A41-00013A /10.0 | - / | | | |
| | | | NW | SW | | WESTON, H. R. | 41-00008A / | 41-00008A / | | | |
| | | | NW | SW | | JACKSON, BRADLEY | 41-00013 / | 41-00013 / | | | |
| | | | NW | SW | | WESTON, H. ROSCOE | 41-07032 /40.0 | 41-07032 /40.0 | | | |
| | | | NW | SW | | SPILETT, JAMES JUAN | 41-07053 /2.0 | 41-07053 /2.0 | | | |
| 10S | 31E | 20 | SE | SW | | WESTON, R. SCOTT | A41-00008D /25.0 | - / | | | 39.0 |
| | | | SE | SW | | WESTON, HERBERT R. | A41-00013A /25.0 | - / | | | |
| | | | SE | SW | | WESTON, H. R. | 41-00008A / | 41-00008A / | | | |
| | | | SE | SW | | JACKSON, BRADLEY | 41-00013 / | 41-00013 / | | | |
| | | | SE | SW | | WESTON, H. ROSCOE | 41-07032 /40.0 | 41-07032 /40.0 | | | |
| 10S | 31E | 29 | NE | NW | | WESTON, R. SCOTT | A41-00008D /15.0 | - / | | | 41.0 |
| | | | NE | NW | | SPILETT, GRACE | A41-00008E /30.0 | - / | | | |
| | | | NE | NW | | SPILETT, GRACE | A41-00013C /30.0 | - / | | | |
| | | | NE | NW | | WESTON, HERBERT R. | A41-00013A /15.0 | - / | | | |
| | | | NE | NW | | WESTON, H. R. | 41-00008A / | 41-00008A / | | | |
| TOTAL ACRES | | | | | | A41-00008D | 70.00 | | | | 123.00 |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE EXAMINER
Y

Handwritten notes:
Land being pumped by
12 Ac. (L)
Covered under
Pivot
started in 1979
proved in 1990
(L) in 1998

REMARKS:

[illegible]

TOTAL ACRES:

REVIEWED BY:

DATE:

[illegible]

A. AJ CLAIMED USES:

PURPOSES
A41-000080 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
.533 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.533 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

| | FIELD EXAMINER |
|------------------------------------|----------------|
| DUE TO WATER-USE DISCREPANCY? | (Y/N) |
| DUE TO DIVERSION RATE DISCREPANCY? | (Y/N) |
| DUE TO PERIOD FROM/TO DISCREPANCY? | (Y/N) |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Y() N()

Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.533 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y FIELD DATABASE EXAMINER

B. MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A41-00013A

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------------------|---------------------|-----------|----------------|-----------|----------------|
| A41-000080 | ROCK CREEK, SOUTH FORK | WESTON, R. SCOTT | 0.533 | 0.007 | | |
| A41-000088 | ROCK CREEK, SOUTH FORK | SPILETT, JAMES JUAN | 0.800 | 0.006 | | |
| A41-000138 | ROCK CREEK, SOUTH FORK | SPILETT, JAMES JUAN | 0.200 | 0.001 | | |
| A41-00013A | ROCK CREEK, SOUTH FORK | WESTON, HERBERT R. | 0.200 | 0.002 | | |
| A41-00008E | ROCK CREEK, SOUTH FORK | SPILETT, GRACE | 0.720 | 0.012 | | |
| A41-00013C | ROCK CREEK, SOUTH FORK | SPILETT, GRACE | 0.200 | 0.003 | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from P/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 175.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
| IRRIGATION | 04-01 11-01 | 0.533 | | 175.0 |
| TOTAL FOR THIS RIGHT | | 0.533 | | 175.0 |

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
()
()
()
NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00008
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 4.800

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| - | A41-00008B | 0.800 | - | - | 41-00008B | 0.800 |
| - | A41-00008C | 0.400 | - | - | 41-00008C | 0.800 |
| - | A41-00008E | 0.720 | - | - | - | - |
| A41-00008A | A41-00008D | 0.533 | - | - | 41-00008A | 1.600 |
| A41-00008B | A41-00008F | 1.410 | - | - | 41-00008B | 0.800 |
| A41-00008C | A41-00008F | 1.410 | - | - | 41-00008C | 0.800 |

TOTAL CFS

5.273

4.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE N

FIELD EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____