

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: A41-00013A
Date Received: 3/13/1990
Receipt No: S011514
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: MAY 01, 1881

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	NW			POWER
		33	NE	NW			POWER

5. Description of diverting works:
VIA JACKSON DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

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

9. Non-irrigation uses:

A41-00013A

Page 1

Date: 03/13/90

MICROFILME

MAR 04 1993

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:
A41-00008D

14. Remarks:

THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.

THIS CLAIM IS A PORTION OF WR 41-00013. CHANGE IN P/U 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): RS Scott Weston Date: 3-13-90

Date: _____

State of Idaho)
County of Twin Falls) SS.

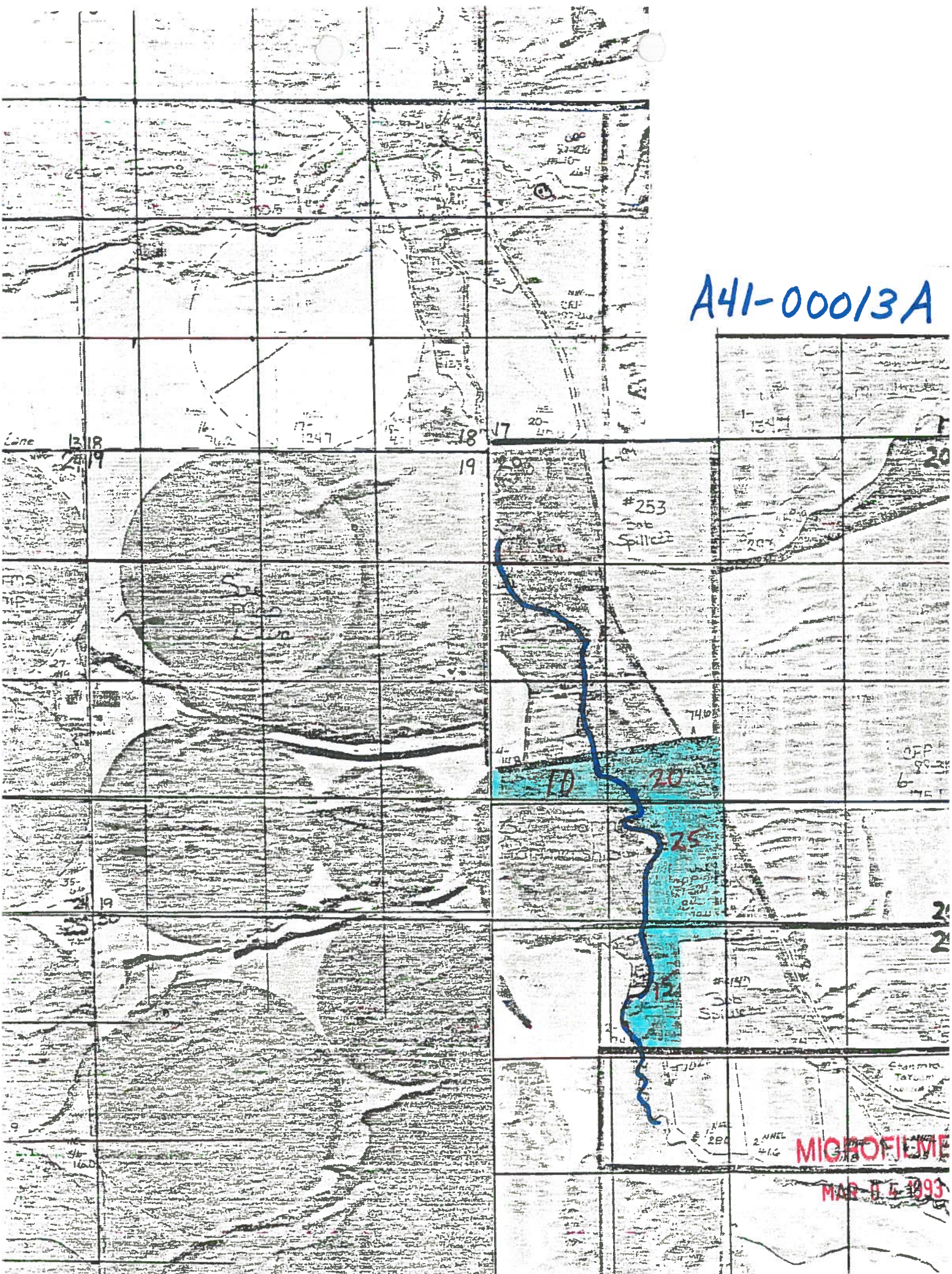
Subscribed and sworn (or affirmed) before me this 13th day
of March 19 90 Steve Collins
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

A41-00013A



MICROFILM

MAR 04 1993

DRAFT

PAGE NO.	
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PREPARED BY	
DATE	

- 41005 ✓ Brown Meadow Ditch ✓ 4-10-80 30" except line Aug. 0.60
 (OK) A41-0005
 E $\frac{1}{2}$, SE, SENE Sec 19; SWSW, Sec 17 TP 105 R3
- 41-00050 ~~4005~~ ✓ Brown Parker Ditch ✓ 5-6-83 47" 0.94
 A41-00050
 E $\frac{1}{2}$, SE, SENE Sec 19, SWSW, Sec 17 TP 105 R31E
- 41013 ✓ Jackson Ditch ✓ 5-1-81 10" 0.20 ct
 A41-00013A - Weston 10"
 -00013B - J. Spillet 10"
 -00013C - G. Spillet 10"
- 41008 Adshead Ditch 10-1-79 26.67" 0.533' cfs
 A41-00008D
- 41006 ✓ Brown Springs Decree says All, regardless of other claims, no priority date given
 A41-00006

1936

BUDGET ADOPTED AT THE ANNUAL MEETING
OF THE WATER USERS

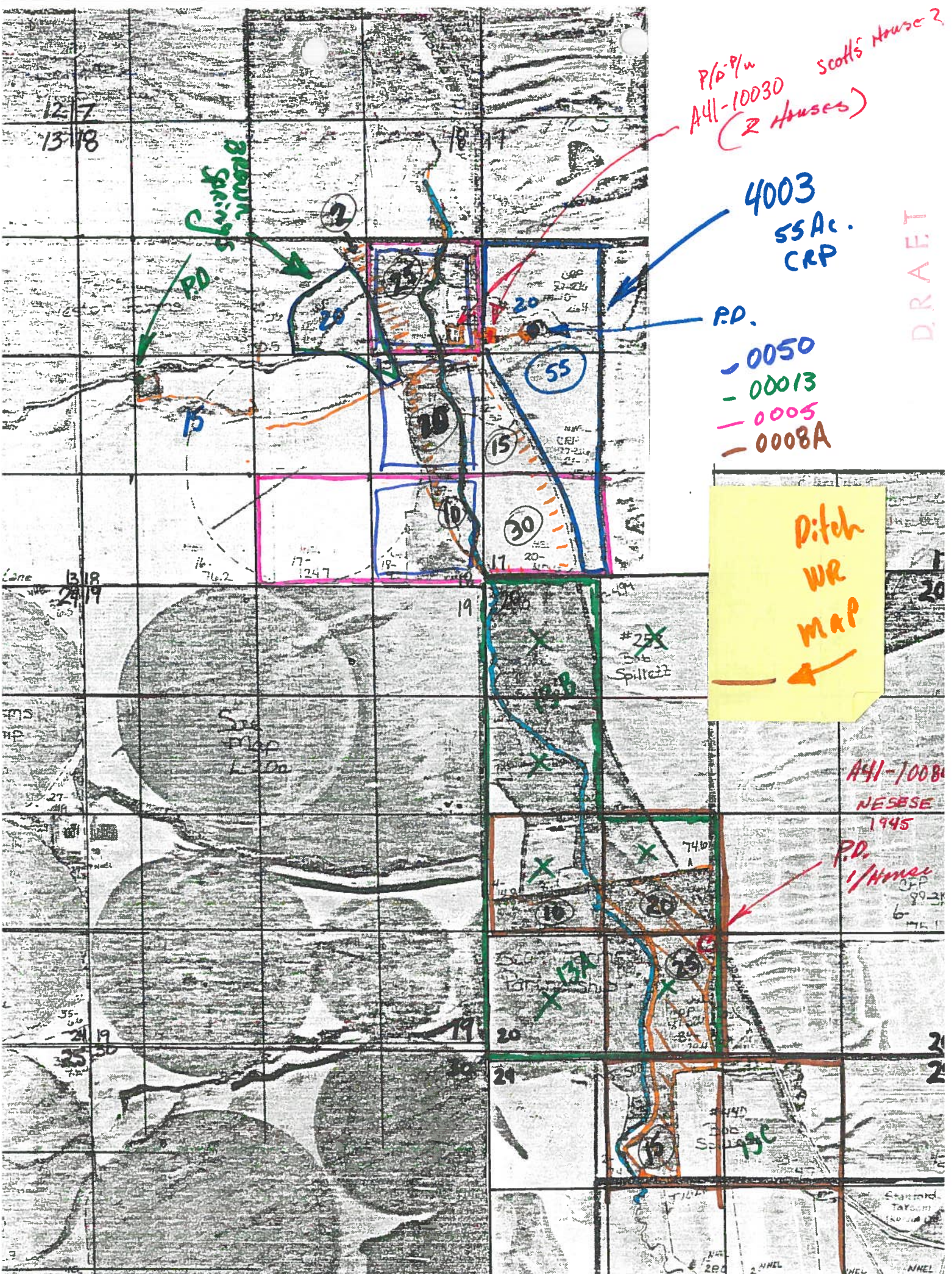
WATER DISTRICT No. 41

Estimated Amount for Watermaster's Salary - - - - - \$ 4000.00
Estimated Amount for Assistant Watermaster - - - - - \$
Estimated Amount for Other Expenses - - - - - \$ 157.57
TOTAL ESTIMATED EXPENSES FOR 1936 - - - - - \$ 4157.57

DISTRIBUTION OF THE BUDGET AMONG USERS

Individual, Ditch or Canal Company, assessed	Water Right Ident. No.	Address	Amount of Budget
Wood Ditch			\$
Alvin Ralphs	45.00	Rockland, Idaho	169.75
Ralphs Bros.	1.00	" "	1.55
Wayne Cox	1.00	" "	1.55
Larry Hall	1.00	" "	1.55
Howard Nelson	1.00	" "	1.55
Bobbette Turnbaugh	1.00	" "	1.55
Houts Perry Ditch			
Don Benson	20.00	" "	31.00
Ivan Charles	40.00	" "	62.00
Clifford Nelson	35.00	" "	54.25
Adshedd Ditch			
Farold Nelson	70.00	" "	108.50
Orrin Tayson	25.00	" "	31.00
Roscoe Weston	30.00	" "	46.50
Orrin Spillet	30.00	" "	46.50
Ray Spillet	20.00	" "	31.00
West Ditch			
Ralphs Bros.	34.36	" "	53.25
Russell Halling	57.31	" "	88.23
Lynn Hunter	60.21	" "	92.32
Helvin McLean	63.01	" "	97.66
P.W. Cox	11.46	" "	17.76
Harold Permann	11.46	" "	17.76
Jay Ralphs	17.19	" "	26.64
Hillhouse Jay Ditch			
Helvin Nelson	23.46	" "	36.36
Ray Holdaway	12.87	" "	19.74
Farold Nelson	10.61	" "	16.44
Joe Nelson	3.06	" "	4.74
Frodsham Kelly Ditch			
Allen Roper	77.00	" "	119.36
John Kildew	23.00	" "	35.65
Jackson Ditch			
Orrin Spillet	10.00	BC " 41-00013	15.00
Roscoe Weston	10.00	A "	15.00
Ray Spillet	10.00	B "	15.00
Woods Tyler Ditch			
Everal McNeal	4.00	" "	6.20
Harold Tyler	34.24	" "	53.07
Harold Permann	40.00	" "	62.00
P.W. Cox	6.60	" "	10.23
Helvin Munk	10.00	" "	15.00
Harold Permann	20.00	" "	31.00
Janielson Ditch			
Clifford Nelson	10.00	" "	15.00
Helvin Nelson	45.00	" "	69.75
Stanger Ditch			
Clifford Nelson	42.00	" "	65.10
Helvin Munk	40.00	" "	62.00
Arvin Ralphs	45.27		62.41

James Woodworth	32.53	72	51.15
Richard Nell	35.89	"	55.62
Fred Wagner	28.70	"	44.48
Jack Robinson	15.70	"	24.33
Melvin Nelson	23.83	41.59	36.43
Alvin Ralphs	19.86	"	30.78
Fred Wagner	8.07	11.08	12.50
Clifford Nelson	29.50	31.49	45.72
Melvin Munk	17.00	27.67	26.35
Robert Spillett	24.71	"	38.30
Merrill Walker	23.00	"	35.65
Lavell McLean	26.30	"	40.30
David Morris	23.00	"	35.65
Ona Walker	21.51	"	33.34
Payne Ditch			
Harold Permann	86.00	"	133.50
Tim Bronson	3.00	"	4.65
Brown Parker Ditch			
Koscoe Weston	47.00	"	72.65
Robert Spillett (O. Spears)	35.00	"	54.25
Rockland Village Ditch			
Ruth Taysom	5.00	"	3.98
Alvin Ralphs	5.00	"	7.75
Charles Lasley	9.00	"	13.95
Rockland Village	45.00	"	69.75
L.D.S. Church	1.00	"	1.55
Irvin Moss	1.00	"	1.55
Raymond Morris	2.00	"	3.10
Clifford Nelson	17.00	"	26.35
Ivan Charles	5.00	"	7.75
Budge Ditch			
Burton Anderson	16.00	"	24.80
Melvin Nelson	48.00	"	74.40
Lish Bros	1.00	"	1.55
Barnard Valdez Ditch			
Milton Poulson	2.00	"	3.10
V.C. Ralphs	12.00	"	18.60
Lee May	50.50	"	78.27
Burton Anderson	10.00	"	15.50
Charles Barnard	18.75	"	29.06
Orval Nelson	18.75	"	29.06
V.C. Ralphs	5.50	"	8.52
James Woodworth	37.50	"	58.12
Ruth Morris	1.50	"	2.32
U.S. Ditch	156.5		
Farren Poreth	34.00	"	52.70
Farold Nelson	87.06	"	134.94
Allen Roper	29.02	"	44.98
Melvin Nelson	63.01	"	105.41
Farold Nelson	9.07	"	14.05
Melvin McLean	14.06	"	21.79
P.W. Cox	14.36	"	21.79
Lynn Hunter	29.02	"	44.98
Grover Nelson	23.01	"	35.66
Ray Holcaway	40.01	"	62.01
Landing Ditch			
Arthur Taysom	15.00	"	23.25
Blaine Mitchell	60.00	"	93.00
W.S. Muir	15.00	"	23.25
Udy Ditch			
Udy Bros.	48.00	"	74.40
Hartley Ditch			
John Hayes	23.00	"	35.65
Hadley Ditch			
John Hayes	17.50	"	27.22
Hatch Ditch			
Blaine Mitchell	50.00	"	77.50
Moss Taysom Ditch			
Arthur Taysom	85.00	"	131.75
W.S. Muir	25.00	"	38.75
Moss Spring Ditch			
John Hayes	44.00	"	68.20



P/D/P/w
A41-10030
(2 Houses)
Scott's House 2

4003
55 Ac.
CRP

P.D.

- 0050
- 0013
- 0005
- 0008A

Ditch
WR
map

A41-10081
NESESE
1945
P.D.
1/1/1945

DRAFT

COPY

RECEIVED

FEB 12 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
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

Case No. 39576

Subcase No. 41-8D, 41-13A

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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

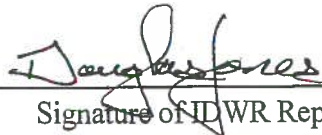
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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
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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

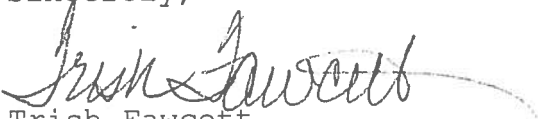
RE: SRBA Claim(s) 41-8D, 41-13A

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
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. Roane
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 _____
 Receipted by _____
 Processed by _____ AJ

Date _____
 Date _____
 Date _____

Fee _____
 Receipt No. _____
 Date _____

FA-142166

Instrument # 188462

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

Manna L. Curry

WARRANTY DEED

*R. SCOTT WESTON FARMS, AN IDAHO PARTNERSHIP

FOR VALUE RECEIVED, ~~R. SCOTT WESTON AND CAROLYN WESTON~~ *R. Scott Weston and Carolyn Weston*, husband and wife, of 4448 State Highway 37, Rockland, Idaho 83211 (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. Koopman, 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 1/2

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 **IR. 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 Fee

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; NW1/4NE1/4; 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: ~~N1/2NW1/4NW1/4~~
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.

4/6

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 Oneida SAP 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. 37 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 85°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 $\frac{1}{4}$; SE $\frac{1}{4}$ 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 $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 1, 2, 3 & 4)
 Section 20: S $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ 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 $\frac{1}{2}$ NE $\frac{1}{4}$ 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 $\frac{1}{2}$ SW $\frac{1}{4}$; the West 78 Rods of the North 18 Rods of the W $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 30: All (E $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; 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 $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 32: SW $\frac{1}{4}$ 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 $\frac{1}{2}$ SE $\frac{1}{4}$

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

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 $\frac{1}{2}$ SE $\frac{1}{4}$

scott's house

Ex. A-2

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

Scotts Rental Ex. A-4

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;

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 S 78°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 graimer

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. GOODELL*
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 SHOUP 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

09/26/2002

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

RIGHT NUMBER: 41-13A

NAME AND ADDRESS: R SCOTT WESTON
4448 STATE HWY 37
ROCKLAND ID 83271

SOURCE: SOUTH FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/31

0.200 CFS

PLACE OF USE:

T10S R31E S20

NESW

9.3

T10S R31E S20

SESW

26.7

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.

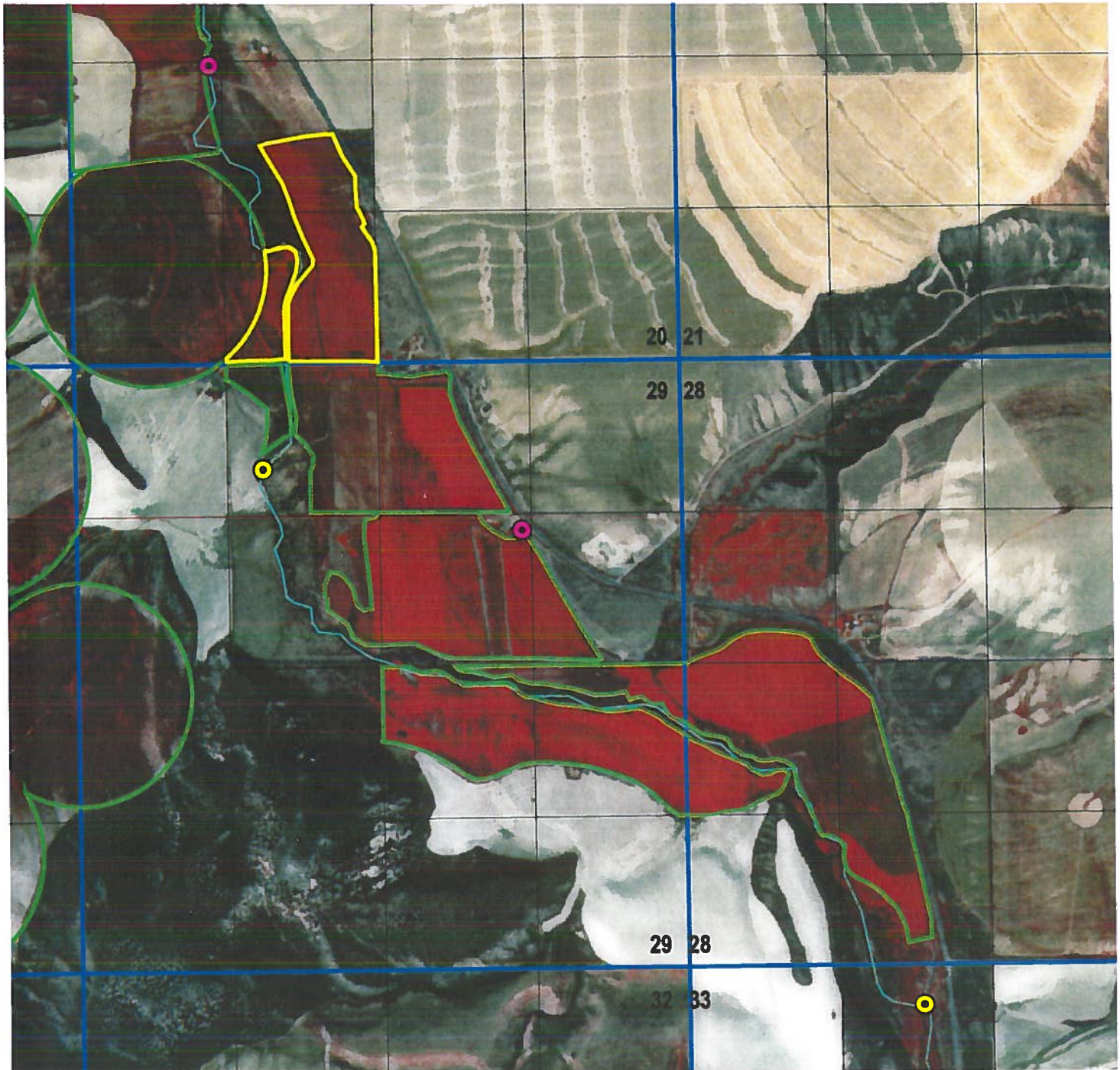
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: Decreed

IDAHO DEPT OF WATER RESOURCES

41-13A



660 0 660 1320 Feet

T10S, R31E
SEC 20



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

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY: STEVE CLELLAND
DATE: SEPTEMBER 27, 2002

*** REVISED ***

J. JUAN SPILLETT
ETUX.

RAY SPILLETT

RALPH M.

ROSCOE WESTON

T.N.
208

T.N.
209

K-18
COPY FROM
ASSESSOR'S
MAPS
9/26/02
SCL

HIGHWAY

H. ROSCOE WESTON

Shows POU
Along Rock C. AS
cultivated for
POU in 41-13A

STATE

41-8D

T.N.
212

C/O RALPH

41-13A

20 412 - POU

30 29

ROSCOE WESTON

H. ROSCOE
WESTON

RAY

RAY SPILLETT

TAYSON

JACKSON

- 13A WESTON
- 13B JUAN S.
- 13C James S.

10"

10"

10"

30"

9/26/02
SCC

SPLIT
REVIEW

ADSHED

- 8B JUAN S.
- 8C TAYSON
- 8D WESTON
- 8E JAMES S.
- 8F TUD NELSON

Rec'd

26.67"

18.33"

26.67"

17.77"

70.56"

160"

ALTERNATE
FLOW

30"

20

30

10

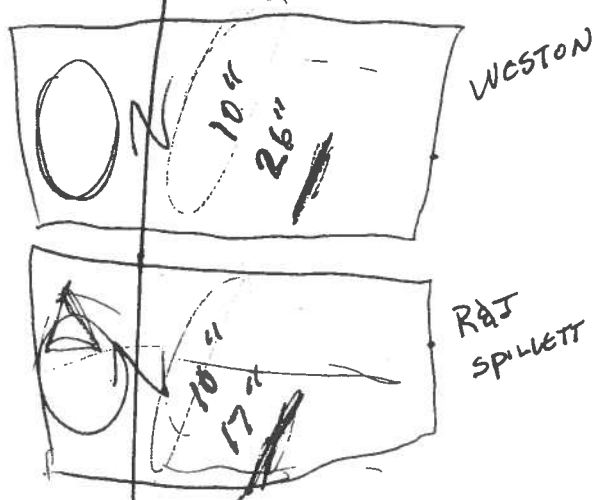
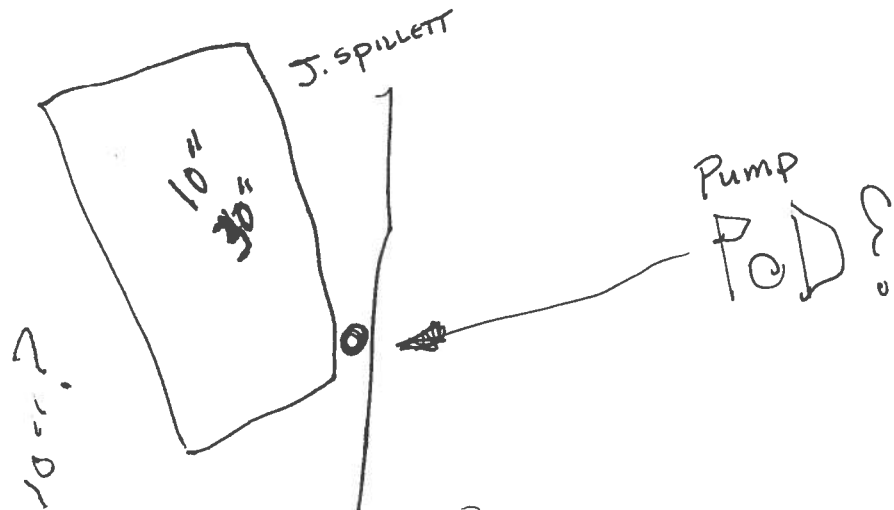
70

160 *

(* CLAIMS DO NOT
MATCH THESE
NUMBERS

190" both ditches till '92

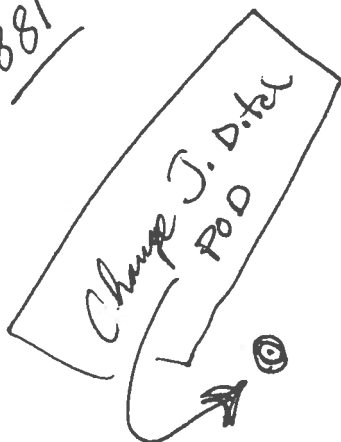
9/17/02 SCC
Rockland
SETTLEMENT



1879
PRIORITY
Date
08

41-0013
808

1881



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 41-00013A

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

IDWR Employee/Agent: Steve Clelland

5/16/2001 8:30 AM

NAME:

RE:

SCOTT & HR WESTON

APPT

41-00013A DISALLOW

They came in to discuss their options on this right. It has been partially decreed by the court so I told them they would have to file the motion to Alter or Amend, which consists of sending the court a letter. I told them I cannot provide legal advice but this is the procedure the court has outlined to me for these partially decreed errors. I explained to them why I made the recommendation I did and what would be needed if the file is re-opened for further review. I found no diversion or place of use for this right. It seems they have attempted to rent the right to Robert Spillett but the details are not written or identified anywhere.

I gave them a Transfer form and a copy of their GIS map for 41-0008D. they are considering renting off the water from the wells on the hill. I told them a transfer would be necessary to make this happen within the rules of Idaho law.

Not planning
to A/A
this claim
when they
left. see
5/16/01

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

AJ0743NP
(00-124)

Prefix Translation: RESEARCH
Old (D) Number -

First Name	Last Name	Address
John	Doe	123 Main St
Jane	Smith	456 Elm St
Bob	Johnson	789 Oak St
Alice	Williams	101 Pine St
Charlie	Brown	202 Cedar St
Diana	Green	303 Birch St
Frank	Miller	404 Spruce St
Grace	Wilson	505 Willow St
Henry	Moore	606 Ash St
Ivy	Taylor	707 Hickory St
Jack	Anderson	808 Sycamore St
Karen	Kim	909 Magnolia St
Leo	Clark	1010 Dogwood St
Mia	Evans	1111 Redwood St
Noah	Scott	1212 Cypress St
Olivia	Walker	1313 Juniper St
Peter	Young	1414 Fir St
Quinn	Allen	1515 Hemlock St
Rachel	King	1616 Larch St
Samuel	Wright	1717 Locust St
Tina	Gray	1818 Alder St
Victor	Lee	1919 Basswood St
Wendy	Chen	2020 Cottonwood St
Xavier	Ng	2121 Elm St
Yara	Patel	2222 Maple St
Zoe	Roberts	2323 Oak St

*** C - CURRENT OWNER ***
WESTON

HERBERT R

1 - 4448 STATE HWY 37
2 -
3 -

State- ID Zip- 83271

WESTON

R SCOTT

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

State- ID Zip- 83271

City- ROCKLAND
Phone - 208-548-2279

+ - - Priority Date	- - +
05/01/1981	
+ - - Region	- - +
17 SOUTHERN	
+ - - Stage	- - +
I - DISALLOWED	
+ - - Status	- - +

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

Twp	Rng	Sec	Tract	Lot	RF/ig	County	Point of Diversion
+	-	-	-	-	-	-	-

Twn	Rng	Sec	Tract	Lot	Rflg	County
-----	-----	-----	-------	-----	------	--------

10S	31E	20	SW SE NW	(77)	POWER	JACKSON DITCH
-----	-----	----	----------	------	-------	---------------

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
1	Water Use					

Code

Description

Period From

Period To

Diversion Rate

Diversion Volume

01 - IRRIGATION	04/01	10/31	0.200
-----------------	-------	-------	-------

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.200		0.0	

Tract	Sec	Tract	Lot	Acres	Place of Use	County
1	1	1	1	1	1	1

Tract	Sec	Tract	Lot	Acres	Code	Description	County
-------	-----	-------	-----	-------	------	-------------	--------

	74F	20	WU SU	10 0	01 IRRIGATION	(77) POWER
988						
989						
990						
991						
992						
993						
994						
995						
996						
997						
998						
999						

Total Acres: 10.0

+ - - Diversion Means - VIA JACKSON DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

[illegible]

GEN FORFEITED/ABANDONED
DUE TO NON-USE FROM 1979 TO 1998.



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

AJ0743NP
(00-124)

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

10/19/99 10:40:52
Page 2

SOUTHERN REGION

Prefix Translation: RESEARCH

Water right number - R41-00013A

+ - - - - Old Water Right Numbers - - - - -
+ - - - - Old Water Right Numbers - - - - -
A4100013

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

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

+ - - - - Comments - - - - -
Date: 06/11/1999 User Id: SCLELLAN Subject: COPIED FROM REMARKS
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
LISTED IN PLEADINGS IS H. P. HOUTZ. ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
THIS CLAIM IS A PORTION OF WR 41-00013. CHANGE IN P/U TO UPDATE UNRECORDED TRANSFERS.
Date: 06/11/1999 User Id: SCLELLAN Subject: DISALLOWAL
LAND CLAIMED UNDER JACKSON DITCH SERVICE IS COVERED BY A PIVOT SYSTEM FROM GROUNDWATER RIGHTS 41-07018 & 41-07032; COVERS 12 AC
FORFEITURE PERIOD IS BASED ON THE APPROVAL OF THE PERMIT TO DATE OF LICENSE.

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

+ - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 10/19/1999 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 -

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Water right has been ~~sold~~ ^{rented}
to Robert Spillett.

He has been using the
water during the 1979-1983
time frame.

there are 13 acres on
POU w/ 41-0007 which
can support use of -0013A

This May be traded to Juan Spillett.



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

July 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

R SCOTT WESTON
HERBERT R WESTON
4448 STATE HWY 37
ROCKLAND ID 83271

RE: SRBA CLAIM NOS. 41-04003 & 41-10030 & 41-10084 & 41-00013A
PRELIMINARY RECOMMENDATIONS

Dear Mr. Weston,

As we discussed at our meeting of July 9, 1999, I have corrected the two domestic claims as agreed. I am still holding 41-00013A (Jackson Ditch - 10 ac.) for review with the Spillett information.

You submitted the pump information from Funk's and after reviewing that document I find it describes the domestic system that replaced the previous irrigation system. In order to recommend the right as a valid irrigation right, I will need evidence of the system as it existed while used for irrigation. At this time, I cannot confirm the claim for irrigation.

Please feel free to contact me if you have further questions.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

Water Right Number - R41-00013A

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

WESTON

HERBERT R

1 - 4448 STATE HWY 37
2 -
3 -

State- ID Zip- 83271

WESTON

R SCOTT

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

State- ID Zip- 83271

Priority Date - 05/01/1981 Region - 17 SOUTHERN Stage - 1 - DISALLOWED

Source - ROCK CREEK, SOUTH FORK Tributary - ROCK CREEK

Point of Diversion - JACKSON DITCH

10S 31E 29 SW SE NW (77) POWER

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

01 - IRRIGATION 04/01 10/31 0.600

Total Div. Rate - 0.200 Total Div. Volume - Total Consumptive Use - KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	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 JACKSON DITCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - NONE

GEN FORFEITED/ABANDONED

Remarks

Water right number - R41-00013A

Prefix Translation: RESEARCH

Remarks - - - - -
DUE TO NON-USE FROM 1979 TO 1998.

Old Water Right Numbers - - - - -
A4100013

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

Decree Plaintiff - - - - -
HOUTZ

Decree Defendant - - - - -
ET AL

Decree Date - - - - -
06/06/1903

Comments - - - - -
Date: 06/11/1999 User Id: SCLELLAN Subject: COPIED FROM REMARKS
THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
LISTED IN PLEADINGS IS H. P. HOUTZ.
Date: 06/11/1999 User Id: SCLELLAN Subject: DISALLOWAL
THIS CLAIM IS A PORTION OF WR 41-00013. CHANGE IN P/U TO UPDATE
LAND CLAIMED UNDER JACKSON DITCH SERVICE IS COVERED BY A PIVOT
FORFEITURE PERIOD IS BASED ON THE APPROVAL OF THE PERMIT TO DATE
UNRECORDED TRANSFERS.
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
SYSTEM FROM GROUNDWATER RIGHTS 41-07018 & 41-07032; COVERS 12 AC.

Audit Fields - - - - -
06/11/99 SCLELLAN

Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 03/13/1990
Field Inspection Made - 00/00/0000
Field Inspection Flag - 06/11/1999
Verified Date - 00/00/0000
Last Amended Date - 00/00/0000
Receipt Number - S011514
POU Ownership Flag - Y
Name Connector - AND/OR
Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District - 41
Federal/State Indicator - S
Presumption Flag - D
Notice of Error Flag -

	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				53
ECOM												9			17				29.1
																			26
CLAIM			29					15											15
GIS								Ø											Ø
ECOM								*											
CLAIM																			
GIS																			
ECOM																			

41-POU.SHP

HAPE NOS.

41-POD.SHP

4-0808D

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)

DS. DESCRIPTION

T10s R31E:

46

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

54

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

Non-Use of 13A:

IF TABLES UPDATED

1-DBPOU.DBF



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

~~REGULATORY~~ ANDRWS

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

A41-00013A

WR 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								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
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 - A41-00013A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - first Name - - + + - - - - - Address - - - - - +
 *** C - CURRENT OWNER ***
 WESTON HERBERT R.
 1 - 4448 STATE HWY. 37
 2 -
 3 -
 City- ROCKLAND State- ID Zip- 83271
 Phone - 208-548-2279
 1 - 4448 STATE HWY. 37
 2 -
 3 -
 City- ROCKLAND State- ID Zip- 83271
 Phone - 208-548-2279

WESTON

R. SCOTT

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
 05/01/1881 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			(777) POWER		
10S	31E	33	NE NW			(777) POWER		

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01		11/01	0.600	

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
 0.200 175.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10S	31E	20	NE SW		20.0	01	IRRIGATION		(777) POWER
10S	31E	20	NW SW		10.0	01	IRRIGATION		(777) POWER
10S	31E	20	SE SW		25.0	01	IRRIGATION		(777) POWER
10S	31E	29	NE NW		15.0	01	IRRIGATION		(777) POWER

Total Acres: 70.0

+ - - Diversion Means - VIA JACKSON DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-000080

+ - - - - Remarks - - - - - + + - - - -
 THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
 ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY

Prefix Translation: ADJUDICATION CLAIM

LISTED IN PLEADINGS IS H. P. HOUZ.
THIS CLAIM IS A PORTION OF WR 41-00013. CHANGE IN P/J TO UPDATE
UNRECORDED TRANSFERS.

----- Old Water Right Numbers
A4100013

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

Decree Defendant - - +
ET AL

AND

- - -Comments- -
No Comments Found

- Adjudication Rights Dates and Flags Area

Count Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	395160
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
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			

LAST: WESTON
ADDRESS: 4448 STATE HWY. 37
CITY: ROCKLAND
PHONE NUMBER: 208-548-2279

FIRST: HERBERT R.
STATE: ID ZIP: 83271

OWNER CODE: C

LAST: WESTON
ADDRESS: 4448 STATE HWY. 37
CITY: ROCKLAND
PHONE NUMBER: 208-548-2279

FIRST: R. SCOTT
STATE: ID ZIP: 83271

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THE SUPPORTING DOCUMENT IS NOT A DECREE BUT IS MERELY AN
ARBITRATOR'S FINDINGS AND CONCLUSIONS. THE ONLY PARTY
LISTED IN PLEADINGS IS H. P. HOUTZ.
THIS CLAIM IS A PORTION OF WR 41-00013. CHANGE IN P/U 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. AU CLAIM: # A41-00013A PRIORITY DATE: 05-01-1881 STAGE: D

B. WR RECORD: # 41-00013 PRIORITY DATE: 05-01-1881 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
N N _____

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

REMARKS: _____

RECOMMENDED PRIORITY DATE:
05-01-1881

REVIEWED BY _____ DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A41-00013A	10S	31E	29		NE	NW		POWER
A41-00013A	10S	31E	33		NE	NW		POWER

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX
NONEA41-00013 41-00008A
A41-00013C 41-00008B
A41-00008D 41-00008C
A41-00008C
A41-00008A
A41-00008E
A41-00008F

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
41-00013	10S	31E	29		NE	NW		POWER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: ROCK CREEK, SOUTH FORK

TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

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

SOURCE: ROCK CREEK, SOUTH FORK TRIB: ROCK CREEK

REVIEWED BY: _____ DATE: _____

A. ROOT WATER RIGHT NUMBERS:

A41-00013B
A41-00013C

A41-00013A

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, HERBERT R.	A41-00013A /20.0	-	/		13.0
			NE	SW		SPILETT, JAMES JUAN	A41-00008B /10.0	-	/		
			NE	SW		SPILETT, JAMES JUAN	A41-00013B /10.0	-	/		
			NE	SW		WESTON, R. SCOTT	A41-00008D /20.0	-	/		
			NE	SW		WESTON, H. R.	41-00008A /	41-00013	/		
			NE	SW		JACKSON, BRADLEY	41-07032 /40.0	41-07053	/10.0		
			NE	SW		WESTON, H. ROSCOE					
			NE	SW		SPILETT, JAMES JUAN					
10S	31E	20	NW	SW		WESTON, HERBERT R.	A41-00013A /10.0	-	/		30.0
			NW	SW		SPILETT, JAMES JUAN	A41-00008B /30.0	-	/		
			NW	SW		SPILETT, JAMES JUAN	A41-00013B /30.0	-	/		
			NW	SW		WESTON, R. SCOTT	A41-00008D /10.0	-	/		
			NW	SW		WESTON, H. R.	41-00008A /	41-00013	/		
			NW	SW		JACKSON, BRADLEY	41-07032 /40.0	41-07053	/2.0		
			NW	SW		WESTON, H. ROSCOE					
			NW	SW		SPILETT, JAMES JUAN					
10S	31E	20	SE	SW		WESTON, HERBERT R.	A41-00013A /25.0	-	/		39.0
			SE	SW		WESTON, R. SCOTT	A41-00008D /25.0	-	/		
			SE	SW		WESTON, H. R.	41-00008A /	41-00013	/		
			SE	SW		JACKSON, BRADLEY	41-07032 /40.0				
			SE	SW		WESTON, H. ROSCOE					
10S	31E	29	NW	NW		WESTON, HERBERT R.	A41-00013A /15.0	-	/		41.0
			NE	NW		SPILETT, GRACE	A41-00008E /30.0	-	/		
			NE	NW		SPILETT, GRACE	A41-00013C /30.0	-	/		
			NE	NW		WESTON, R. SCOTT	A41-00008D /15.0	-	/		
			NE	NW		WESTON, H. R.	41-00008A /				
TOTAL ACRES						A41-00013A	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 FIELD
Y EXAMINER

PRESUMPTION FLAG: D

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES
A41-00013A IRRIGATIONMONTH/DAY
FROM 04-01 TO 11-01DIVERSION QUANTITY
.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.200 CFS

B. WR RECORDED USES:

PURPOSES
41-00013 IRRIGATIONMONTH/DAY
FROM TODIVERSION QUANTITY
.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.600 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

	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?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.600 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?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A41-00008D

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A41-00013A	ROCK CREEK, SOUTH FORK	WESTON, HERBERT R.	0.200	0.002		
A41-00008B	ROCK CREEK, SOUTH FORK	SPILLETT, JAMES JUAN	0.800	0.006		
A41-00013B	ROCK CREEK, SOUTH FORK	SPILLETT, JAMES JUAN	0.200	0.001		
A41-00008D	ROCK CREEK, SOUTH FORK	WESTON, R. SCOTT	0.533	0.007		
A41-00008E	ROCK CREEK, SOUTH FORK	SPILLETT, GRACE	0.720	0.012		
A41-00013C	ROCK CREEK, SOUTH FORK	SPILLETT, 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	DATABASE EXAMINER 0.600	DATABASE EXAMINER	DATABASE EXAMINER 175.0
TOTAL FOR THIS RIGHT		0.200		175.0

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 41-00013

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.600

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A41-00013B	0.200	-	-	-	-
A41-00013	A41-00013C	0.200	-	-	41-00013	0.600
A41-00013	A41-00013A	0.200	-	-	41-00013	0.600

TOTAL CFS 0.600

0.600

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: _____

