

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

1

02/15/2005

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

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Right nos. 37-819A, 37-820A, 37-821B, 37-823, 37-824 and 37-21291 are limited to the irrigation of a combined total of 253.3 acres in a single irrigation season.

Right nos. 37-819A, 37-820A, 37-823, 37-824, 37-826, 37-827, 37-828, 37-7081, 37-19825 and 37-21291 are limited to the irrigation of a combined total of 269.3 acres in a single irrigation season.

Right nos. 37-819A, 37-820A, 37-821B, 37-823, 37-824, 37-826, 37-827, 37-828, 37-7081, 37-19825 and 37-21291 are limited to the irrigation of a combined total of 401.2 acres in a single irrigation season.

Right nos. 37-819A, 37-820A, 37-823, 37-824 and 37-21291 are limited to the irrigation of a combined total of 121.4 acres in a single irrigation season.

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

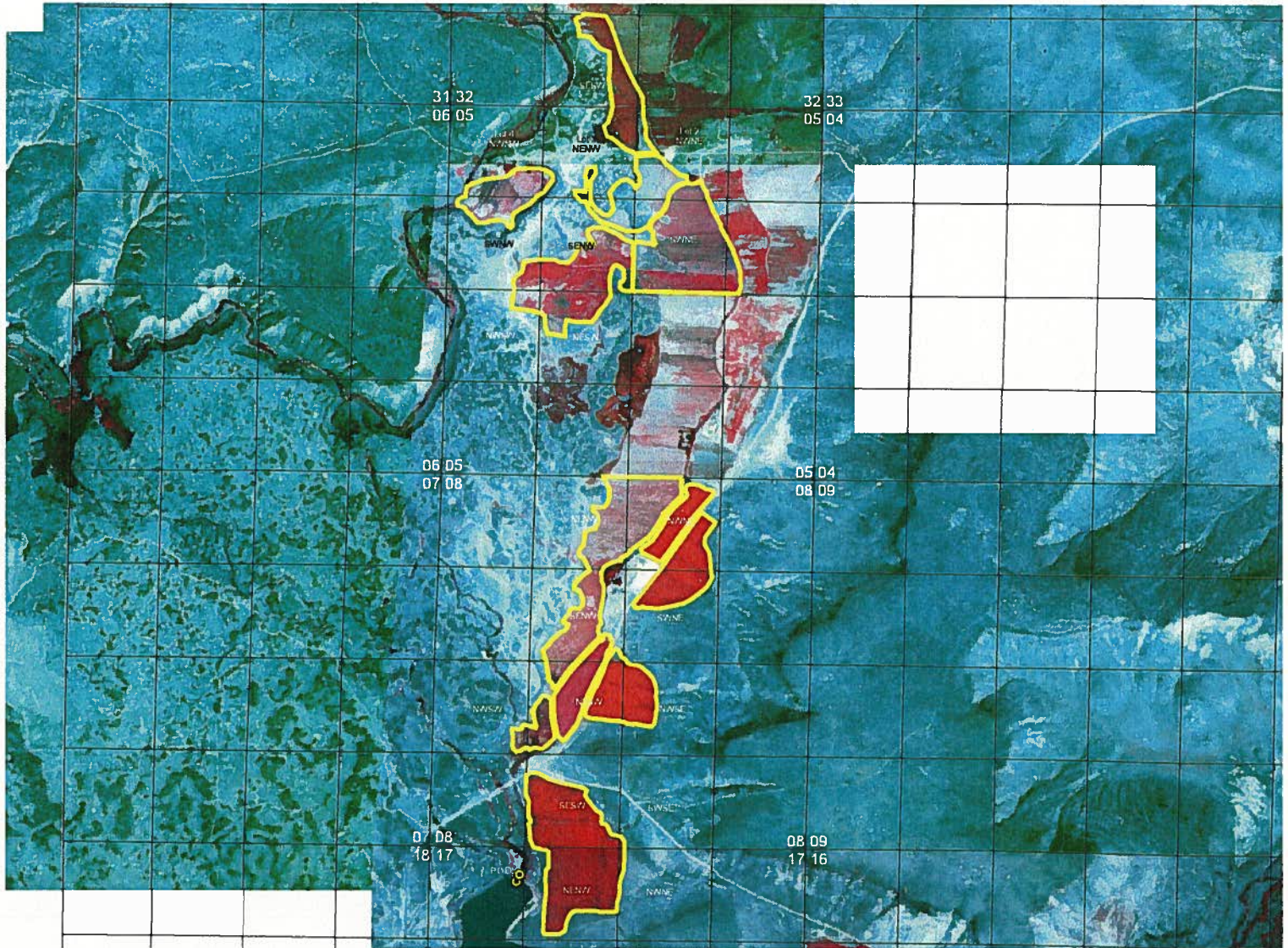
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Water is stored in Pioneer Reservoir.

# 37-19825



2000 0 2000 4000 6000 8000 10000 Feet

**T04S R12E S32**

**T05S R12E S05 S08 & S17**

Map prepared by: Carter Fritschle  
Date prepared: 02/14/05  
1987-1988 NAPP photography  
Idaho Department of Water Resources



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

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

CIVIL CASE NUMBER: 39576 DE 4-14-04

Ident. Number: 37-19825  
Date Received:  
Receipt No:  
Received By:

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

RECEIVED

APR 06 2004

Department of Water Resources  
Southern Region

1. Name of Claimant(s)

Casa Del Norte, LP

Phone: (208) 366-7931

Route 1  
Box 451

Glenns Ferry, ID 83623

18196 SE Wilson Rd

2. Date of Priority: April 1, 1918

3. Source: Wastewater

Trib. to: NA

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 5S       | 12E   | 8       | NE SE                 | Gooding |      |

5. Description of diverting works:

Diversion dam to canal then to gravity irrigation or pump station and sprinkler irrigation.

6. Water is used for the following purposes:

| Purpose                 | From    | To    | C.F.S. | (or) A.F.A |
|-------------------------|---------|-------|--------|------------|
| Diversion to storage    | 3/1 4/1 | 11/1  | 10.00  |            |
| Irrigation storage      | 1/1     | 12/31 |        | 800        |
| Irrigation from storage | 3/1 4/1 | 10/31 |        | 800        |
| Stockwater              | 1/1     | 12/31 | 0.20   |            |

7. Total Quantity Appropriated is:

10.00 cfs or 800 ac-ft

8. Total consumptive use:

9. Non-irrigation uses:

**Stockwater: 900 head of range cattle**

10. Place of use:

| TWP | RNG | SEC | NE ¼ |      |      |      | NW ¼ |      |     |      | SW ¼ |     |     |      | SE ¼ |     |     |     | totals |
|-----|-----|-----|------|------|------|------|------|------|-----|------|------|-----|-----|------|------|-----|-----|-----|--------|
|     |     |     | NE¼  | NW¼  | SW¼  | SE¼  | NE¼  | NW¼  | SW¼ | SE¼  | NE¼  | NW¼ | SW¼ | SE¼  | NE¼  | NW¼ | SW¼ | SE¼ |        |
| 5S  | 12E | 5   | 26.0 | 31.9 | 37.0 | 36.9 | 6.8  | 5.1  | 7.6 | 21.7 | 8.8  | 2.7 |     |      |      |     |     |     | 184.5  |
|     |     | 8   |      | 31.0 | 9.4  |      | 14.9 | 15.7 |     |      | 25.3 | 2.2 |     | 24.7 |      | 9.2 | 1.1 |     | 133.5  |
|     |     | 17  |      | 3.4  |      |      | 28.0 |      |     |      |      |     |     |      |      |     |     |     | 31.4   |
|     |     | 5   | S    | S    | S    | S    | S    | S    | S   | S    | S    | S   |     |      |      |     |     |     |        |
|     |     | 8   |      | S    | S    |      | S    | S    |     |      | S    | S   |     | S    |      | S   | S   |     |        |
|     |     | 17  |      | S    |      |      | S    |      |     |      |      |     |     |      |      |     |     |     |        |

Total number of acres irrigated 349.4

11. Place of use in counties: **Gooding**

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

13. Other Water Rights Used:

**Overlapping permissible place of use with water rights 37-7081, 37-820A, 37-826, 37-824, 37-823, 37-819A, and 37-827. Partial overlapping permissible place of use with water rights 37-821A, 37-821B, and 37-2169 (section 5 of T5S R12E).**

14. Remarks:

**Irrigated area is a 349.4-acre permissible place of use.**

15. Basis of Claim: **Beneficial Use**

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am John B. McAllan Managing Member  
Title  
CASA Del Norte LP, that I have signed the foregoing  
Organization  
document in the space below as MANAGING MEMBER of  
Title  
CASA Del Norte LP and that the statements contained in the  
Organization  
foregoing document are true and correct. John B. McAllan  
Signature of Authorized Agent  
MANAGING MEMBER, CASA Del Norte LP  
Title and Organization  
4/2/04  
Date

State of Idaho )  
County of Elmore ) SS.

Subscribed and sworn (or affirmed) before me this  
of 4/2 2004

Judith M. Allred  
Notary Public

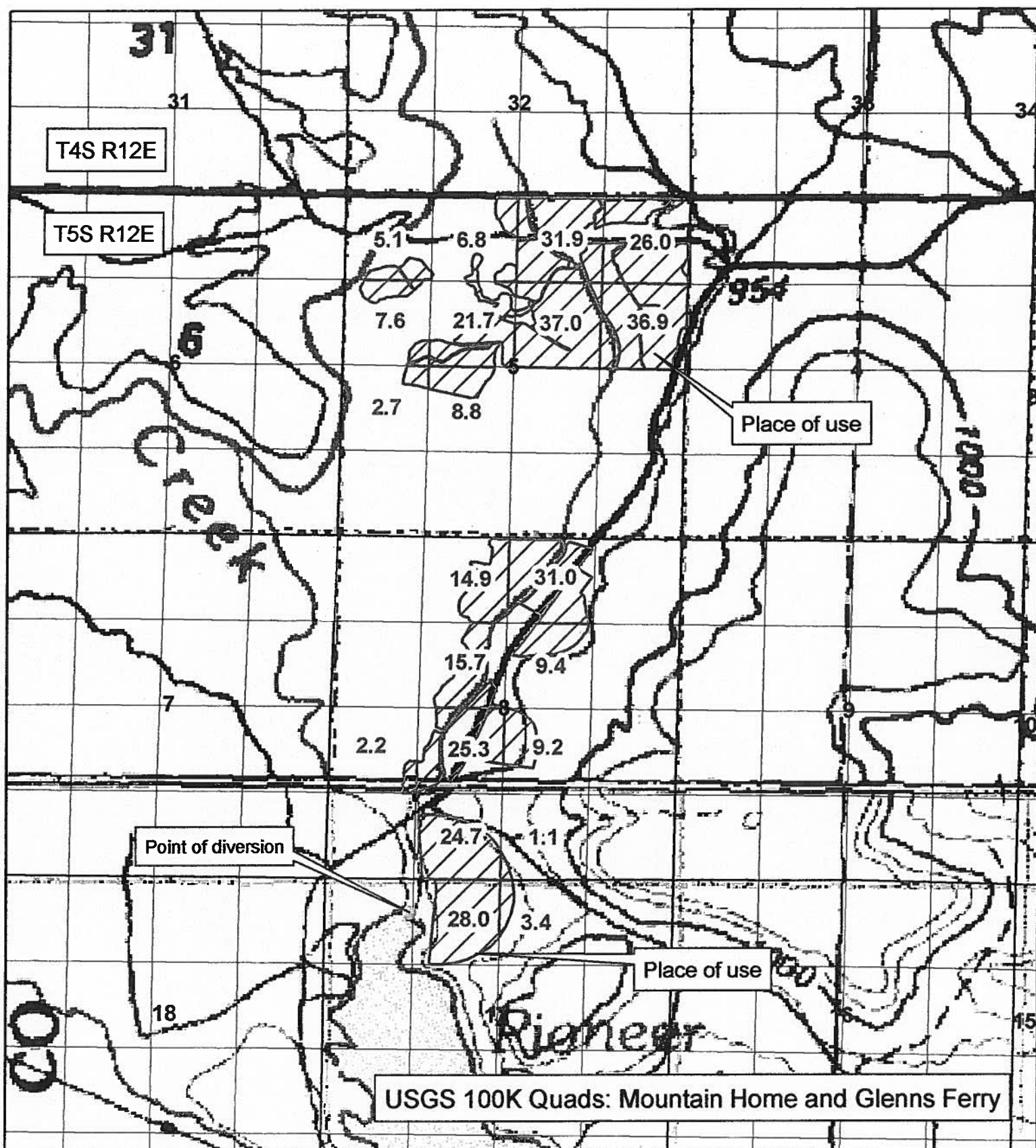


Residing at \_\_\_\_\_

My commission Expires Residing at Mountain Home, Idaho  
My Commission Expires 05-22-06

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 1 inch equals 2000 feet



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 37-19825  
Date Received: 10/6/1995  
Receipt No: S018556  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CASA DEL NORTE LP Phone: (208)366-7931  
18196 SE WILSON RD  
GLENN'S FERRY ID 83623

2. Date of Priority: 04/01/1918

3. Source: WASTE WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 05S      | 12E   | 15      | SW SW                 | GOODING | I    |
| 05S      | 12E   | 27      | NW SE SE              | GOODING |      |
| 05S      | 12E   | 17      | NE NW NW              | GOODING | R    |

5. Description of diverting works:

SPILL STRUCTURE FROM NORTHSIDE CANAL "Y" LATERAL INTO DITCH

6. Water is used for the following purposes:

| Purpose              | From | To    | C.F.S. | (or) A.F.A |
|----------------------|------|-------|--------|------------|
| IRRIGATION           | 4/01 | 10/31 | 5.55   |            |
| IRRIGATION STORAGE   | 1/01 | 12/31 |        | 800        |
| STOCKWATER           | 1/01 | 12/31 | 0.12   |            |
| DIVERSION TO STORAGE | 4/01 | 11/01 | 10     |            |

7. Total Quantity Appropriated is:  
10 C.F.S. and/or 800 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 04S      | 12E   | 32      | SE  | SW     |     | STOCKWATER    |       |
|          |       |         | SW  | SE     |     | STOCKWATER    |       |
|          |       |         | SE  | SW     |     | IRRIGATION    | 9     |
|          |       |         | SW  | SE     |     | IRRIGATION    | 26.7  |
|          |       |         |     |        |     | Section Acres | 35.7  |
| 05S      | 12E   | 5       | NE  | NE     |     | IRRIGATION    | 1     |
|          |       |         | NW  | NE     |     | IRRIGATION    | 10    |
|          |       |         | SW  | NE     |     | IRRIGATION    | 35    |
|          |       |         | SE  | NE     |     | IRRIGATION    | 3     |
|          |       |         | NE  | NW     |     | IRRIGATION    | 5.2   |
|          |       |         | NW  | NW     |     | IRRIGATION    | 8.2   |
|          |       |         | SW  | NW     |     | IRRIGATION    | 8     |
|          |       |         | SE  | NW     |     | IRRIGATION    | 15.6  |
|          |       |         | NE  | SW     |     | IRRIGATION    | 8     |
|          |       |         | NW  | NE     |     | STOCKWATER    |       |
|          |       |         | SW  | NE     |     | STOCKWATER    |       |
|          |       |         | SE  | NE     |     | STOCKWATER    |       |
|          |       |         |     |        |     | Section Acres | 94    |
| 05S      | 12E   | 8       | NW  | NE     |     | STOCKWATER    |       |
|          |       |         | NE  | NW     |     | STOCKWATER    |       |
|          |       |         | SE  | NW     |     | STOCKWATER    |       |
|          |       |         | NE  | SW     |     | STOCKWATER    |       |
|          |       |         | SW  | SW     |     | STOCKWATER    |       |
|          |       |         | SE  | SW     |     | STOCKWATER    |       |
|          |       |         | NW  | NE     |     | IRRIGATION    | 32.3  |
|          |       |         | SW  | NE     |     | IRRIGATION    | 8     |
|          |       |         | NE  | NW     |     | IRRIGATION    | 12.5  |
|          |       |         | SE  | NW     |     | IRRIGATION    | 19    |
|          |       |         | NE  | SW     |     | IRRIGATION    | 22.1  |
|          |       |         | NW  | SW     |     | IRRIGATION    | 3     |
|          |       |         | SE  | SW     |     | IRRIGATION    | 21    |
|          |       |         | NW  | SE     |     | IRRIGATION    | 8     |
|          |       |         |     |        |     | Section Acres | 125.9 |
| 05S      | 12E   | 17      | NE  | NW     |     | IRRIGATION    | 22    |
|          |       |         | NW  | SE     |     | STOCKWATER    |       |
|          |       |         | SW  | SE     |     | STOCKWATER    |       |

|    |    |            |
|----|----|------------|
| NE | NW | STOCKWATER |
| NW | NW | STOCKWATER |
| SE | NW | STOCKWATER |
| NE | SW | STOCKWATER |
| SE | SE | STOCKWATER |

Section Acres      22

Total Acres      277.6

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

OTHER RTS INCLUDE -00820A. WATER CLAIMED HAS HISTORICALLY BEEN USED TO AUGMENT FLOWS FROM CLOVER CREEK INTO PIONEER RES. WATER IS STORED AND USED AT THE END OF THE SEASON WHEN FLOWS FROM CLOVER CR CEASE AND RESERVOIR STORAGE IS CRITICAL.

15. Basis of Claim: Beneficial Use



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 2, 2004

CASA DEL NORTE LP  
18196 SE WILSON RD  
GLENN'S FERRY ID 83623

Re: SRBA Claim(s) 37-819A, 37-820A, 37-821A, 37-821B, 37-822A, 37-823,  
37-825, 37-826, 37-827, 37-828, 37-2169, 37-11135,  
37-19825

Dear Mr. McCallum:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership as requested. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Water Right 37-2099 has not been claimed in the SRBA. If you wish to file a claim, it would be best to do so as soon as possible since claims review in this area is currently underway. Claim forms are available from any IDWR office or from the Department's website.

Sincerely,

Trish Fawcett

Technical Records Specialist

Enc.

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

**RECEIVED**  
**FEB 24 2004**  
 Department of Water Resources  
 Southern Region

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split       | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split       |
|-----------------------|------------------------------|-------------|-----------------------|------------------------------|-------------|
| <u>37-08588</u>       | <u>                    </u>  | <u>    </u> | <u>37-02099</u>       | <u>                    </u>  | <u>    </u> |
| <u>37-07081</u>       | <u>                    </u>  | <u>    </u> | <u>37-00825</u>       | <u>                    </u>  | <u>    </u> |
| <u>37-00828</u>       | <u>                    </u>  | <u>    </u> | <u>37-00823</u>       | <u>                    </u>  | <u>    </u> |
| <u>37-00827</u>       | <u>                    </u>  | <u>    </u> | <u>37-00822</u>       | <u>                    </u>  | <u>    </u> |
| <u>37-02169</u>       | <u>                    </u>  | <u>    </u> | <u>37-00821</u>       | <u>                    </u>  | <u>    </u> |

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

- ☒ A. The appropriate <sup>n/a</sup> **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) Kast CK Cattle Co.  
Rt. 1 Box 143, King Hill, ID 83633
4. New Owner/Claimant(s) Casa Del Norte, LP  
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address 18196 SE Wilson Rd.
- City, State and ZIP Code Glenns Ferry, ID 83623
- New Telephone Number (208) 366-7931
5. Date you acquired the property April 1, 2002

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <u>37-00820</u>       | _____                        | ___   | <u>37-00826</u>       | _____                        | ___   |
| <u>37-00819</u>       | _____                        | ___   | <u>37-19825</u>       | _____                        | ___   |
| <u>37-11135</u>       | _____                        | ___   | <u>37-11003</u>       | _____                        | ___   |
| <u>37-11000</u>       | _____                        | ___   | <u>37-11001</u>       | _____                        | ___   |
| <u>37-10999</u>       | _____                        | ___   | _____                 | _____                        | ___   |

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

- ☒ *n/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**.

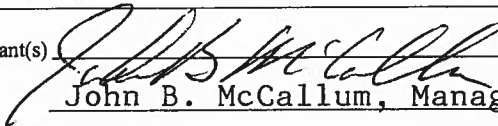
3. Name and Address of Former Owner/Claimant(s) Kast CK Cattle Co.  
Rt. 1 Box 143, King Hill, ID 83633
4. New Owner/Claimant(s) Casa Del Norte, LP  
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address 18196 SE Wilson Rd  
 City, State and ZIP Code Glenns Ferry, Idaho 83623  
 New Telephone Number 208) 366-7931
5. Date you acquired the property April 1, 2002

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

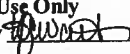
| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|---------------------------------------------------------------------------------------------------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

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

  
John B. McCallum, Manageing Member

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.

|                                                                                                 |                     |                   |            |
|-------------------------------------------------------------------------------------------------|---------------------|-------------------|------------|
| <b>For Office Use Only</b>                                                                      |                     |                   |            |
| Received by  | Date <u>2/24/04</u> | Fee _____         |            |
| Received by _____                                                                               | Date _____          | Receipt No. _____ |            |
| Processed by _____ AJ                                                                           | Date _____          | WR _____          | Date _____ |

# CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Kast C. K. Cattle Company, Inc., an Idaho Corporation

organized and existing under the laws of the State of Idaho, with its principal office at  
of County of Gooding

, a corporation

, State of Idaho

GRANTOR, hereby GRANT, BARGAIN, SELL and CONVEY unto  
Casa Del Norte, L. P., a Delaware limited partnership

Grantee(S), whose current address is: Rt. 1 Box 451  
the following described real property in Elmore  
more particularly described as follows, to wit:  
(See Attached)

Glenns Ferry, Idaho 83623  
County, State of Idaho,

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this  
1st day of April, in the year of 2002.

Kast C. K. Cattle Company, Inc  
Corporate Name

By K. Lynn Bennett  
PRESIDENT

Attest: Virginia Mari Muffley  
SECRETARY  
VP

## ACKNOWLEDGEMENT-Corporate

STATE OF Idaho, County of Elmore, ss.

On this 1st day of April  
in the year of 2002, before me, the undersigned, a Notary Public in

and for said State, personally appeared K. Lynn Bennett

Virginia Mari Muffley

known or identified to me to be the Pres / Vice President of the

corporation that executed the instrument or the person (s) who executed

the instrument on behalf of said corporation, and acknowledged to me that

such corporation executed the same.

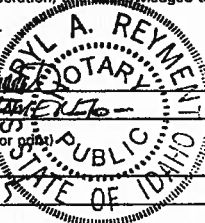
Signature: Shirley A. Reymer

Name: SHIRLEY A. REYMER

(type or print)

Residing at: Mountain Home

My commission expires: 12-31-05



LEGAL DESCRIPTION

TRACT I:

Township 5 South, Range 11 East, Boise Meridian, Elmore County, Idaho

A parcel of land located in a portion of the SE1/4, Section 1; the NE1/4SE1/4 and a portion of the N1/2, Section 12; a portion of the N1/2SW1/4, Section 11, all in Township 5 South, Range 11 East, Boise Meridian, Elmore County, Idaho, and being more specifically described as follows:

Commencing at the East Quarter Corner of Section 12, T5S, R11E, B.M., said point being the REAL POINT OF BEGINNING; thence South 0°04'01" East 1,317.65 feet along the Easterly boundary of the NE1/4SE1/4 of said Section 12 to the Southeast corner thereof; thence South 89°51'59" West 1,322.05 feet along the Southerly boundary of said NE1/4SE1/4 to the Southwest corner thereof; thence North 0°00'37" West 1,319.22 feet along the Westerly boundary of said NE1/4SE1/4 to the Northwest corner thereof; thence South 89°56'04" West 1,320.74 feet to the Northwest corner of the SE1/4 of said Section 12; thence South 89°19'30" West 2,668.65 feet to the Quarter Corner common to said Sections 11 and 12; thence North 88°59'48" West 2,622.14 feet to the Northeast corner of the N1/2SW1/4 of said Section 11; thence South 0°14'12" East 1,314.50 feet along the Easterly boundary of said N1/2SW1/4 to the Southeast corner thereof; thence North 89°40'28" West 2,629.66 feet along the Southerly boundary of the said N1/2SW1/4 to the Southwest corner thereof; thence North 1°23'07" East 589.51 feet; thence South 77°09'38" East 166.67 feet; thence South 85°48'29" East 292.55 feet; thence North 44°42'48" East 984.27 feet; thence North 25°35'41" East 101.02 feet; thence North 74°05'50" East 2,594.96 feet; thence North 15°44'19" West 230.42 feet; thence North 64°32'58" East 635.11 feet; thence North 88°49'30" East 975.39 feet; thence South 1°58'14" East 294.21 feet; thence North 86°57'45" East 428.24 feet; thence South 84°19'55" East 731.21 feet; thence North 80°46'26" East 536.31 feet; thence North 8°14'05" West 810.59 feet; thence North 79°58'23" East 443.77 feet; thence North 86°28'33" East 1,104.13 feet; thence North 89°31'01" East 529.37 feet; thence North 37°25'32" East 65.39 feet to a point on the rim of the Clover Creek Canyon; thence along the canyon rim the following courses and distances:

North 1°16'27" East 261.93 feet;  
North 32°00'23" East 84.50 feet;  
North 57°09'00" East 667.69 feet;  
South 76°22'13" East 113.32 feet;  
South 9°24'19" East 569.74 feet;  
North 82°04'42" East 228.31 feet;  
South 53°26'24" East 355.97 feet to the Southerly boundary of said Section 12; thence South 0°22'24" East 2,376.43 feet along the Easterly boundary of said Section 12 to the REAL POINT OF BEGINNING.

SAVE AND EXCEPT those portions deeded to the State of Idaho for Highway purposes.

SAVE AND EXCEPT any portion deeded to Glenns Ferry Highway District.

LEGAL DESCRIPTION

TRACT II:

Township 5 South, Range 11 East, Boise Meridian, Elmore County,  
Idaho

Section 12: SW1/4; NW1/4SE1/4  
Section 13: NW1/4  
Section 25: N1/2NW1/4  
Section 26: N1/2NW1/4; NE1/4NE1/4 and SW1/4NW1/4, SAVE AND  
EXCEPT that portion  
of said SW1/4NW1/4, lying South of the Highway.  
Section 27: S1/2SE1/4

Township 6 South, Range 11 East, Boise Meridian, Elmore County,  
Idaho

Section 1: S1/2SE1/4  
Section 3: U.S. Government Lot 4; SW1/4NE1/4 and SE1/4NW1/4  
Section 4: SW1/4SE1/4 and the Easterly 20 Acres of U.S.  
Government Lot 6 and  
U.S. Government Lots 5 and 2 SAVE AND EXCEPT the  
following  
described parcel:

Commencing at the Southeast corner of said U.S. Government Lot  
5, thence  
West along the South line of said U.S. Government Lot 5 660.0  
feet, more or less to the POINT OF BEGINNING; thence  
North 21°30' West 750.0 feet, more or less; thence  
North 12°30' West 2100.0 feet, more or less, to the North line  
of said U.S. Government Lot 2; thence  
West along the North line of said U.S. Government Lot 2 to the  
East bank of Snake River; thence  
Southerly along the East bank of Snake River to the South line  
of said U.S. Government Lot 5; thence  
East along the South line of said U.S. Government Lot 5 to the  
POINT OF BEGINNING.

Section 9: U.S. Government Lots 1, 4, 5, 8 and E1/2  
Section 12: NE1/4NE1/4  
Section 15: U.S. Government Lots 2, 5, 6, 7, W1/2NW1/4,  
SE1/4NW1/4 and SW1/4NE1/4  
Section 16: U.S. Government Lots 1, 4, 5, 6 and E1/2NE1/4

G010349

## CORPORATE WARRANTY DEED

FOR VALUE RECEIVED.

Kast C. K. Cattle Company, Inc., an Idaho Corporation

a corporation

organized and existing under the laws of the State of Idaho, with its principal office at  
PO Box 63 Bliss, Id 83314 of County of Gooding

State of Idaho

GRANTOR, hereby GRANT, BARGAIN, SELL and CONVEY unto  
Casa Del Norte, L.P., a Delaware limited partnership

Grantee(S), whose current address is: Rt. 1 Box 451

Glenns Ferry, Idaho 83623

the following described real property in Gooding County, State of Idaho.

more particularly described as follows, to wit:

"Subject to that certain Mortgage executed by Grantors; recorded September 11,  
1992, as Instrument No. 150011, records of Elmore County, Idaho; which Grantees  
herein assume and agree to pay according to the terms thereof.

*John B. McCallum*  
Casa Del Norte, L.P." by its general partner, ARD Trading, Inc.  
(See Attached) John B. McCallum, president

Instrument # 194606

GOODING, GOODING, IDAHO

2002-04-02 12:37:18 No. of Pages: 3

Recorded for: GOODING TITLE

HILEN EDWARDS

Fee: 9.00

Ex-Officio Recorder Deputy

*Emmy Watson*

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises: that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this

1st day of April, in the year of 2002.

Kast C. K. Cattle Company, Inc.

Corporate Name

By *K. Lynn Bennett* PRESIDENTAttest: *Virginia M. Muffley* SECRETARY

## ACKNOWLEDGEMENT-Corporate

STATE OF Idaho, County of Elmore ss.

On this 1st day of April

in the year of 2002,

before me, the undersigned, a Notary Public in

and for said State, personally appeared *K. Lynn Bennett**Virginia M. Muffley*

known or identified to me to be the Pres/Directors of the

corporation that executed the instrument or the person (s) who executed

the instrument on behalf of said corporation, and acknowledged to me that

such corporation executed the same.

Signature:

Name:

(type or print)

Residing at:

My commission expires:

10-31-03

STATE OF IDAHO

COUNTY OF Elmore

On this 1st day of April

In the year 2002, before me, a Notary Public, personally appeared

by *ARD Trading, Inc.'s partner**John B. McCallum, president*

Known or identified to me to be (one of the partners) in the partnership of:

*Casa Del Norte, L.P.*

And the partner(s) who subscribed said partnership name to the foregoing

instrument, and acknowledged to me that he/she/they executed the same in said

partnership.

*SHERYL A. REYNOLDS*

Notary Public

Residing at *Mountain Home*

Comm exp: 12-27-05

**PARCEL 1**

Township 4 South, Range 12 East, Boise Meridian, Gooding County, Idaho

Section 32: S $\frac{1}{2}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$

**PARCEL 2**

Township 4 South, Range 12 East, Boise Meridian, Gooding County, Idaho

Section 32: SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SW $\frac{1}{4}$

Township 5 South, Range 12 East, Boise Meridian, Gooding County, Idaho

Section 5: Lots 3 and 4; S $\frac{1}{2}$ NW $\frac{1}{4}$

Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$

**PARCEL 3**

Township 5 South, Range 12 East, Boise Meridian, Gooding County, Idaho

Section 5: SW $\frac{1}{4}$ , EXCEPTING THEREFROM the following described parcel of land:

COMMENCING at the Northeast corner of said Southwest Quarter of Section 5, Township 5 South, Range 12 East, Boise Meridian;  
THENCE South one-half mile to the Southeast corner of said Southwest Quarter;  
THENCE West 780 feet along the South boundary line of said Southwest Quarter;  
THENCE in a Northeasterly direction to the POINT OF BEGINNING.

**PARCEL 4**

Township 5 South, Range 12 East, Boise Meridian, Gooding County, Idaho

Section 5: Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$

Section 8: E $\frac{1}{4}$ ; NW $\frac{1}{4}$ ; NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; E $\frac{1}{4}$ SW $\frac{1}{4}$

Section 9: W $\frac{1}{2}$

Section 17: NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$

**PARCEL 5**

Township 5 South, Range 12 East, Boise Meridian, Gooding County, Idaho

Section 20: SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; N $\frac{1}{2}$ SE $\frac{1}{4}$ ; SW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 6 South, Range 12 East, Boise Meridian, Gooding County, Idaho

Section 6: Lot 7

Section 7: Lot 1

Section 8: Lots 1, 2, 3 and 4; SE $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM the following described parcel of land located in Government Lots 3 and 4 described as follows:

COMMENCING at the East Quarter corner of Section 8;  
THENCE South 89°43'31" West 5,255.67 feet to the West Quarter corner of Section 8, and being the REAL POINT OF BEGINNING;  
THENCE North 89°43'31" East, 722.00 feet along the North boundary of Government Lot 3, Section 8;

THENCE South 46°17'52" East 243.74 feet;

THENCE South 47°13'22" East 495.10 feet;

THENCE North 84°09'07" East 96.83 feet;

THENCE South 20°05'45" East 207.97 feet to a point on the Northerly bank of the Snake River;

THENCE along the mean high water line on the Northerly bank of the Snake River, along the following courses and distances:

THENCE South 57°09'39" West 79.88 feet;

THENCE South 19°12'00" West 8.19 feet;

THENCE South 69°39'48" West 15.05 feet;

THENCE North 78°00'05" West 9.40 feet;

THENCE South 71°12'02" West 38.16 feet;

THENCE South 73°48'44" West 22.00 feet;

THENCE South 24°20'58" West 84.89 feet;

THENCE South 49°52'48" West 58.95 feet;

THENCE South 77°55'48" West 33.74 feet;

THENCE South 63°02'23" West 60.97 feet;

THENCE South 55°05'46" West 49.00 feet;

THENCE South 64°26'31" West 64.82 feet;

THENCE South 64°14'49" West 37.56 feet;

THENCE South 75°27'12" West 25.61 feet;

THENCE South 69°44'05" West 27.80 feet;

THENCE South 69°54'18" West 37.11 feet;

THENCE South 36°31'27" West 34.30 feet;

THENCE South 67°20'06" West 28.44 feet;

THENCE South 64°09'11" West 22.17 feet;

THENCE North 71°06'07" West 40.50 feet;

THENCE North 75°39'43" West 78.83 feet;

THENCE North 64°38'42" West 51.32 feet;

THENCE North 64°39'01" West 142.41 feet;

THENCE North 75°27'30" West 69.40 feet;

THENCE North 75°31'06" West 152.48 feet;

THENCE North 76°44'38" West 108.61 feet;

THENCE North 77°35'35" West 132.30 feet;

THENCE South 78°03'45" West 29.40 feet;

THENCE North 84°38'40" West 86.32 feet;

THENCE North 44°02'51" West 8.33 feet to a point on the West boundary of Section 8;

THENCE North 00°02'41" West 178.87 feet along the West boundary of Section 8 to the witness corner to the right bank meander corner;

THENCE North 00°07'28" East 612.70 feet along the West boundary of Section 8 to the

REAL POINT OF BEGINNING

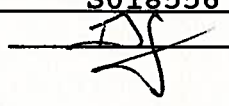
Section 9: Lots 1 and 2; SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; N $\frac{1}{4}$ N $\frac{1}{2}$

Section 10: Lots 2 and 3

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: A37-19825  
Date Received: 10/ 6/1995  
Receipt No: S018556  
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: KAST CK CATTLE CO 208-352-1157  
Address: PO BOX 63  
BLISS ID 83314

2. Date of Priority: APR 1, 1918

3. Source: WASTE WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 05S      | 12E   | 15      |        | SW     | SW     | I   | GOODING |
|          |       | 17      | NE     | NW     | NW     | R   | GOODING |
|          |       | 27      | NW     | SE     | SE     |     | GOODING |

5. Description of diverting works:  
SPILL STRUCTURE FROM NORTHSIDE CANAL "Y" LATERAL INTO DITCH

6. Water is used for the following purposes:

| Purpose              | From  | To    | C.F.S  | (or) | A.F.A. |
|----------------------|-------|-------|--------|------|--------|
| IRRIGATION           | 04/01 | 10/31 | 5.550  |      |        |
| IRRIGATION STORAGE   | 01/01 | 12/31 |        |      | 800.00 |
| STOCKWATER           | 01/01 | 12/31 | 0.120  |      |        |
| DIVERSION TO STORAGE | 04/01 | 11/01 | 10.000 |      |        |

7. Total Quantity Appropriated is:  
10.000 C.F.S. (and/or) 800.00 A.F.A.

8. Total consumptive use is 832.8 Acre Feet Per Annum.

9. Non-irrigation uses:  
500 BEEF CATTLE

MICROFILMED  
NOV 29 1996

10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|---------------|----|-----|-----|-------|-------|
| 04S      | 12E   | 32      | SE            |    | SW  |     | IRR   | 9.0   |
|          |       |         | SE            |    | SW  |     | STOCK |       |
|          |       |         | SW            |    | SE  |     | IRR   | 26.7  |
|          |       |         | SW            |    | SE  |     | STOCK |       |
|          |       |         | Section Acres |    |     |     |       | 35.7  |
| 05S      | 12E   | 5       | NE            |    | NE  |     | IRR   | 1.0   |
|          |       |         | NW            |    | NE  |     | IRR   | 10.0  |
|          |       |         | NW            |    | NE  |     | STOCK |       |
|          |       |         | SW            |    | NE  |     | IRR   | 35.0  |
|          |       |         | SW            |    | NE  |     | STOCK |       |
|          |       |         | SE            |    | NE  |     | IRR   | 3.0   |
|          |       |         | SE            |    | NE  |     | STOCK |       |
|          |       |         | NE            |    | NW  |     | IRR   | 5.2   |
|          |       |         | NW            |    | NW  |     | IRR   | 8.2   |
|          |       |         | SW            |    | NW  |     | IRR   | 8.0   |
|          |       |         | SE            |    | NW  |     | IRR   | 15.6  |
|          |       |         | NE            |    | SW  |     | IRR   | 8.0   |
|          |       |         | Section Acres |    |     |     |       | 94.0  |
|          |       | 8       | NW            |    | NE  |     | IRR   | 32.3  |
|          |       |         | NW            |    | NE  |     | STOCK |       |
|          |       |         | SW            |    | NE  |     | IRR   | 8.0   |
|          |       |         | NE            |    | NW  |     | IRR   | 12.5  |
|          |       |         | NE            |    | NW  |     | STOCK |       |
|          |       |         | SE            |    | NW  |     | IRR   | 19.0  |
|          |       |         | SE            |    | NW  |     | STOCK |       |
|          |       |         | NE            |    | SW  |     | IRR   | 22.1  |
|          |       |         | NE            |    | SW  |     | STOCK |       |
|          |       |         | NW            |    | SW  |     | IRR   | 3.0   |
|          |       |         | SW            |    | SW  |     | STOCK |       |
|          |       |         | SE            |    | SW  |     | IRR   | 21.0  |
|          |       |         | SE            |    | SW  |     | STOCK |       |
|          |       |         | NW            |    | SE  |     | IRR   | 8.0   |
|          |       |         | Section Acres |    |     |     |       | 125.9 |
|          |       | 17      | NE            |    | NW  |     | IRR   | 22.0  |
|          |       |         | NE            |    | NW  |     | STOCK |       |
|          |       |         | NW            |    | NW  |     | STOCK |       |
|          |       |         | SE            |    | NW  |     | STOCK |       |
|          |       |         | NE            |    | SW  |     | STOCK |       |
|          |       |         | NW            |    | SE  |     | STOCK |       |
|          |       |         | SW            |    | SE  |     | STOCK |       |
|          |       |         | SE            |    | SE  |     | STOCK |       |

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10. Place of Use: Continued

Section Acres      22.0

Total Acres      277.6

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A37-00825, -00826, -00827, -00828, -00823, -00824, -00822A, -00819A,

14. Remarks:

OTHER RTS INCLUDE -00820A. WATER CLAIMED HAS HISTORICALLY BEEN USED TO AUGMENT FLOWS FROM CLOVER CREEK INTO PIONEER RES. WATER IS STORED AND USED AT THE END OF THE SEASON WHEN FLOWS FROM CLOVER CR CEASE AND RESERVOIR STORAGE IS CRITICAL.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**MICROFILMED**

**NOV 29 1996**

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

Date Received

Receipt Number

A37-P825

10/6/95

5018556

# NOTICE OF CLAIM

## TO A

## WATER RIGHT

## ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) East CK Cattle Co. Phone (208) 352-1157Mailing Address PO Box 63 Bliss Id. Zip 83314X 2. Date of Priority (Only one (1) per claim) April 1, 19183. Source of water supply (a) Spill from Northside Canal - waste water  
which is tributary to (b) SNAKE RIVER - CLOVER CREEK4. a. Location of existing point of diversion is: Township 5 S Range 12 E Section 27NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of GoodingAdditional points of diversion if any: NE 1/4 NW 1/4 NW 1/4 Sec 17 5S R12E 8M.

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

Excess water has historically  
been spilled from Northside canal into the  
Pioneer Reservoir where it adds to storage  
and is used on our farms throughout the  
irrigation season. The water is spilled through a  
headgate regulated by the canal Co. under  
It is then diverted from Pioneer reservoir  
on to our fields according to our need.

MICROFILMED  
APR 29 1996

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 5.55 or 10  
 For Storage purposes from 1/1 to 12/31 amount 10 or 800  
 For Stock Water purposes from 1/1 to 12/31 amount 0.12 or 0.5  
 For Div to Storage purposes from 4/1 to 1/1 amount 10.0 or 10

7. Total quantity claimed (a) Ten (10) (cfs) and/or (b) 800 (acre feet)

8. Total consumptive use claimed is 832.8 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 500 cattle

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4S  | 12E | 32  |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 40.357 |
| 5S  | 12E | 5   | 40     | 40     | 40     | 40     |        |        | 14     | 30     |        |        |        |        |        |        |        |        | 204    |
|     |     | 8   |        | 35     |        |        | 25     |        |        | 30     | 30     | 10     | 20     |        |        |        |        |        | 140    |
| 5S  | 12E | 17  |        |        |        |        | 25     | 5      |        | 5      | 5      |        |        |        |        | 5      | 5      | 5      | 20.22  |
| 5S  | 12E | 5   | 1      | 10     | 35     | 3      | 5.2    | 8.2    | 8      | 15.6   | 8      |        |        |        |        |        |        |        | 94     |
| 5S  | 12E | 8   |        | 32.3   | 8      |        | 12.5   |        |        | 19     | 22.1   | 3      | 5      | 26     |        | 8      |        |        | 125.9  |

Total number of acres irrigated 404 277.6

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes ☒ No ☐  
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

A37-00825, -00826, -00827, -00828, -00819A, -00823, -00822A, -00824 or None ( )

14. Remarks:

The water claimed has historically been used to augment flows from Clover Creek into the Pioneer reservoir. The water is stored and used at the end of the season when flows from Clover Creek cease and the reservoir storage is critical.

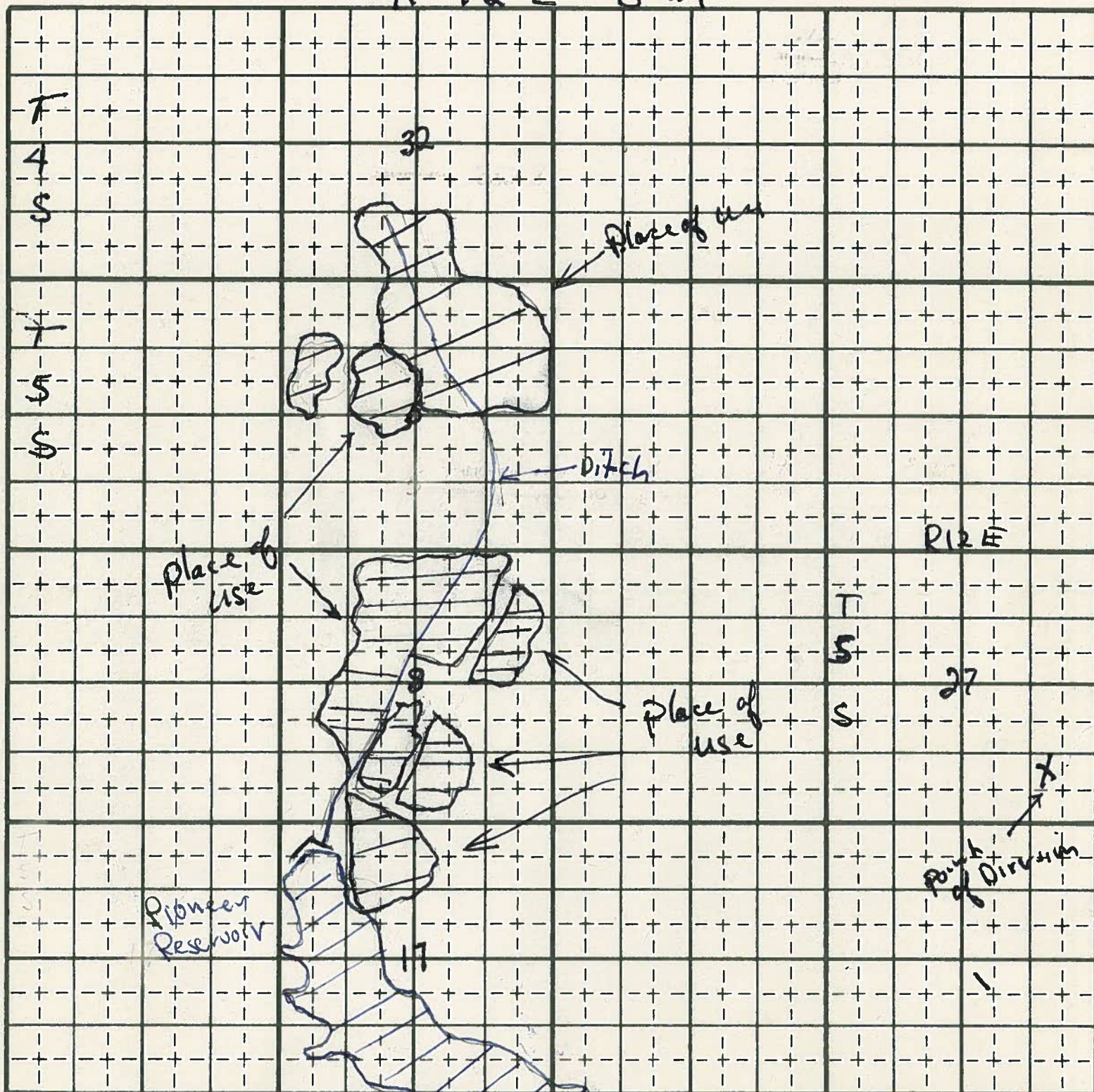
Last Name Kastak Cattle Co. Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R 12 E 3 M



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Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am President  
Title  
of Kash CK Cattle Co Inc. that I have signed the foregoing  
Organization  
document in the space below as President of Kash CK Cattle Co. Inc.  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]  
Title and Organization Kash CK Cattle Co. Date 9/15/95

State of Idaho/or \_\_\_\_\_ )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 15 day of Sept 19 95

Notary Public [Signature]

Residing at Buhl

My Commission Expires 3/8/00

Please Print Name

17. Notice of Appearance:  
Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.

Signature \_\_\_\_\_

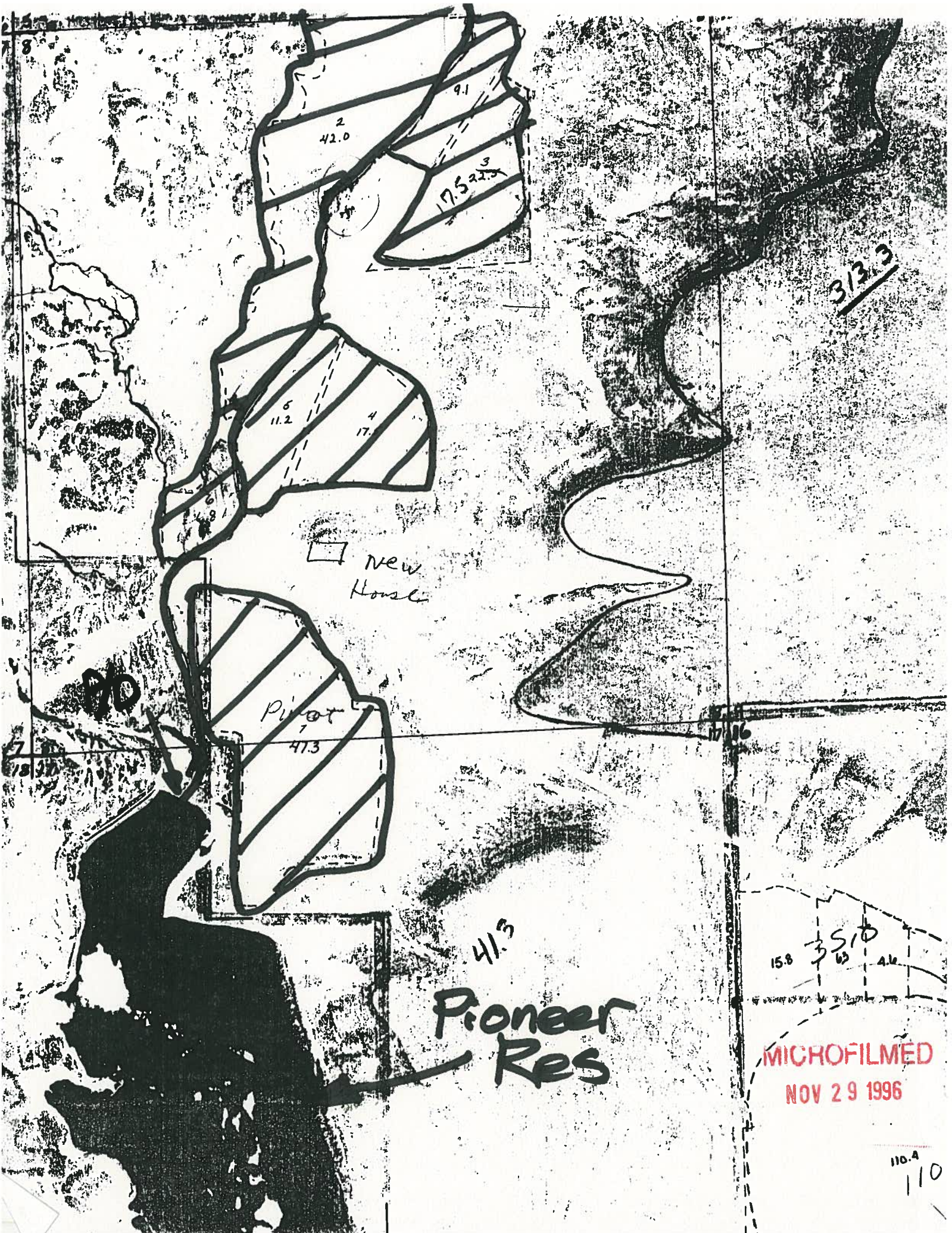
Address \_\_\_\_\_

Date \_\_\_\_\_

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Last Name Kash CK Cattle Co. Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant



□ New House

Pioneer  
41.3

41.3  
Pioneer  
Res

313.3

|      |      |      |
|------|------|------|
| 15.8 | 35.0 | 4.6  |
| 17.1 | 17.1 | 17.1 |

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110.4  
110

348  
T-557

Stop Ditch

T-4S  
T-5S

31/32  
6/5

32/3  
5

388  
T-518

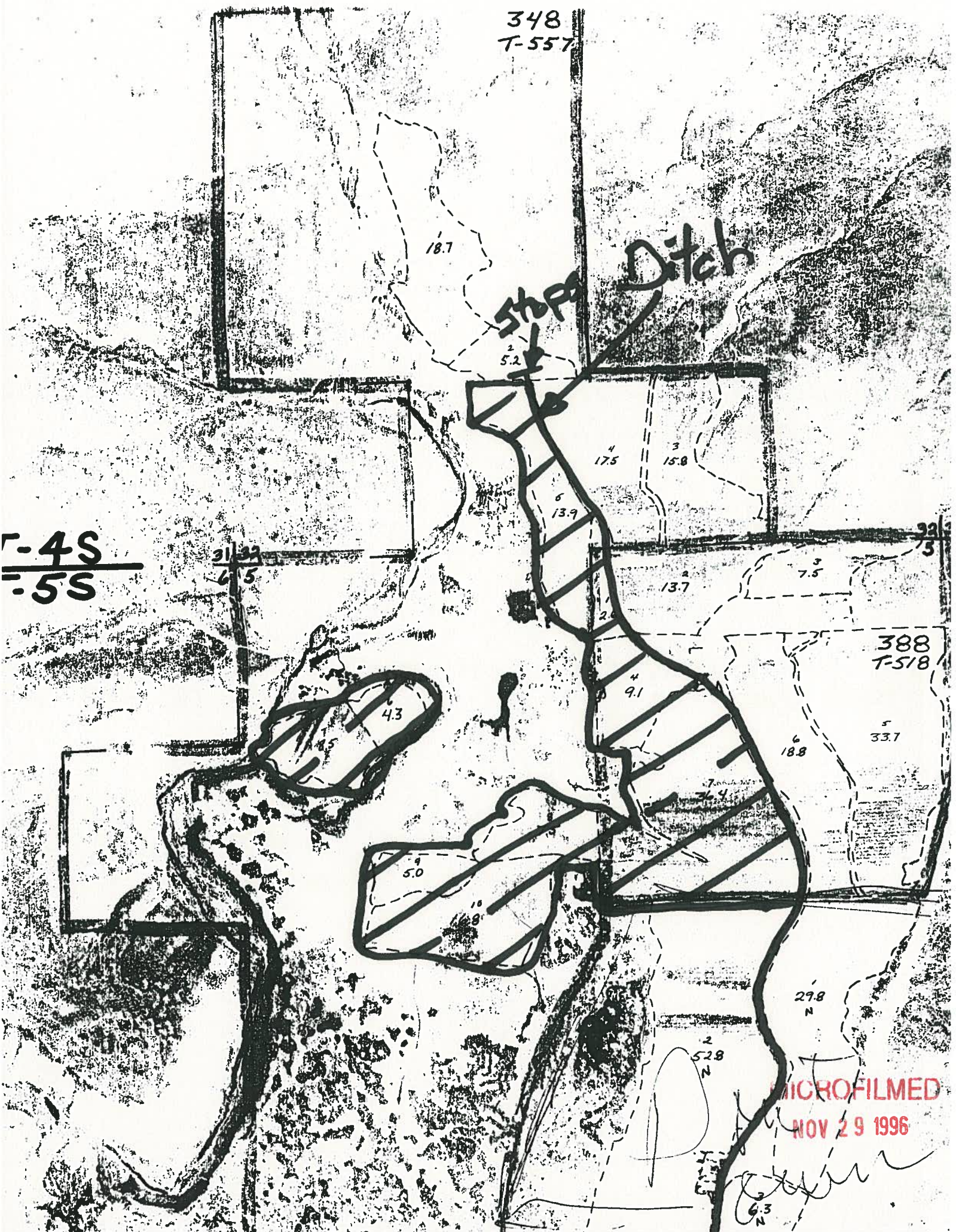
5  
33.7

29.8  
N

2  
52.8  
N

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6.3  
N



(WATER RIGHT NUMBERS THAT BEGIN WITH AN "A" ARE ADJUDICATION CLAIMS)

| WR-NUMBER | SOURCE                     | NE    |       |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | SUM |    |    |    |
|-----------|----------------------------|-------|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|----|
|           |                            | Lt    | Ac    | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt  | Ac | Lt | Ac |
| A3700820A | T05S R12E S 5 CLOVER CREEK |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |
|           |                            | 01-01 | 02-10 | 35 | 03 |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 49 |
| A3700819A | CLOVER CRE : 01-01 02-10   |       |       | 35 | 03 |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 49 |
| A3700819B | DRY CREEK :                |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 40 |
| A3700820B | DRY CREEK :                |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 40 |
| A3700821A | DRY CREEK :                |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 79 |
| A3700821C | DRY CREEK :                |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 40 |
| A3700822A | DRY CREEK :                |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 49 |
| A3700822B | CLOVER CRE :               |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 56 |
| A3700823  | CLOVER CRE :               |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 44 |
| A3700824  | CLOVER CRE :               |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 44 |
| A3700825  | CLOVER CRE :               |       |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 44 |

| WR-NUMBER | SOURCE                  | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | SUM |    |    |    |
|-----------|-------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|----|
|           |                         | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt  | Ac | Lt | Ac |
| A3702169  | T04S R12E S32 DRY CREEK |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |    |
|           |                         |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 22 |
| A3700821B | DRY CREEK :             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 33 |
| A3700823  | CLOVER CRE :            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 35 |
| A3700824  | CLOVER CRE :            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 35 |
| A3700825  | CLOVER CRE :            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 35 |

| WR-NUMBER | SOURCE                     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | SUM |    |    |     |
|-----------|----------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|-----|
|           |                            | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt  | Ac | Lt | Ac  |
| A3700827  | T05S R12E S 8 CLOVER CREEK |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |
|           |                            |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 93  |
| A3700826  | CLOVER CRE :               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 125 |
| A3700828  | CLOVER CRE :               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 93  |
| A3700827  | T05S R12E S17 CLOVER CREEK |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 22  |
| A3700826  | CLOVER CRE :               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 22  |
| A3700828  | CLOVER CRE :               |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    | 22  |

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[illegible]

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**REFUND REQUEST**

TO: S. Sherman to Log In  
FOR: D. Shaff/D. Allen  
FROM: D. Jones Date: 9/15/95  
SUBJ: Receipt No. \_\_\_\_\_ (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR \_\_\_\_\_  
Address \_\_\_\_\_

Claimant(s) if NOT Payor \_\_\_\_\_

Refund Amount \$ NA Claim Location (Region/Claimant)

Extension Filed? Y/N NA Copy Attached? Y/N NA

Late Fees Paid? Y/N NA Late Fee Receipt # \_\_\_\_\_

S.O. Verified Ext. by \_\_\_\_\_ on \_\_\_\_\_ D.B. Query by \_\_\_\_\_

Refund Generated By ( ) Agent ( ) Claimant

Refund Category:  
insufficient fees / claim incomplete / withdrawn / o-pmt

Date of Last Correspondence (copy attached) \_\_\_\_\_

| Claim No.   | Use*       | Fees<br>Paid | Correct<br>Fee | Rec't # |
|-------------|------------|--------------|----------------|---------|
| _____       | <u>IRR</u> | \$ _____     | _____          | _____   |
| _____       | _____      | \$ _____     | _____          | _____   |
| _____       | _____      | \$ _____     | _____          | _____   |
| _____       | _____      | \$ _____     | _____          | _____   |
| _____       | _____      | \$ _____     | _____          | _____   |
| Total ..... | _____      | \$ _____     | \$ _____       | _____   |

\*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N

Request late fee waiver. Claimant filed numerous claims for property on time but missed waste water tributary to source stream.

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval \_\_\_\_\_  
Don Shaff Approval \_\_\_\_\_ Hold \_\_\_\_\_ To Fiscal \_\_\_\_\_

Data Base Modified? Y/N NA A &/or R Records By \_\_\_\_\_ on \_\_\_\_\_

**MICROFILMED**

**NOV 29 1996**

05/19/94

Date Received 9-15-95

**State of Idaho**  
**Department of Water Resources**  
**REQUEST FOR EXTENSION OF TIME**  
**TO FILE ADJUDICATION CLAIM(S)**

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

East CK Cattle Co. Inc. (208) 352-1157  
Name of Claimant Phone Number  
PO Box 63 Bliss Id. 83314  
Mailing Address City State Zip  
Gooding 9/1/88  
County(s) where place of use is located Date claim originally due  
Beneficial use 1337  
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Numerous water rights were filed on time  
but we missed this claim at that time.  
It recently came to our attention that we  
failed to make this claim accordingly we are requesting  
an extension to file.

Claimant requests an extension to 10/01, 19 95  
Syner Bennett 9/15, 19 95  
Signature Date of request  
President - East CK Cattle Co.  
Title

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

Accept claims & waive late fee.

and if granted the filing deadline is extended to October 1, 19 95  
Signed this 19 day of September, 19 95

Director or his designated agent

David B. Shaw

Mail to: Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, ID 83706

**MICROFILMED**  
**NOV 29 1996**



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

October 10, 1995

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

K. LYNN BENNETT  
KAST CK CATTLE CO  
PO BOX 63  
BLISS ID 83314

RE: SRBA Claim #A37-19825, Waste water

Dear Mr Bennett:

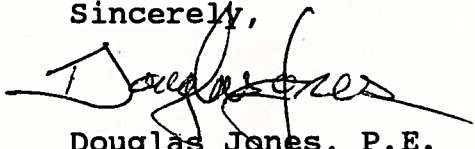
Enclosed is a copy of your original claim as we worked on it last Friday. I have also forwarded a copy of the computer print out to verify data entry. Please read these documents carefully and if there is an error or problem please let me know.

During our meeting I asked you to review your various claims relative to the actual distribution of irrigated acres. If you find that you are actually irrigating more or fewer acres, or the acres are distributed differently, please get in touch and we can amend your various claims. One area that comes to mind is the area which can be watered with either Clover Cr or Dry Cr, or both. Areas which CAN be irrigated by a water source should be indicated as such on the claims, provided any changes occurred before 11/19/1987. If you recall, I discussed that any changes after 1987 would need to be accounted for by filing a transfer of water right.

Because this claim is based on beneficial use (i.e. was diverted and used prior to the mandatory permit statutes) you need to provide the Department with clear evidence that the priority date you claim represents the date water was first diverted and used. I have enclosed a brochure which explains this process; I believe we spoke about this last week. Please work on this and forward the information at your earliest convenience. There is not, at this time, a deadline for providing the information but it may be more helpful to have the information available now than when we review any future applications for the water from the same source.

Thank you for your patience the other day while we compiled the information for the new claim. If you have any questions please contact me.

Sincerely,

  
Douglas Jones, P.E.  
Water Rights Supervisor

enc.

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MEMORANDUM

TO: File A37-19825 Kast CK Cattle Co.

FROM: Douglas Jones

DATE: 12/12/95

RE: Evidence of Priority

In response to discussions during claims taking K. Lynn Bennett pursued submittal of information substantiating priority date claimed. Mr Bennett visited the office today with a map obtained from the Northside Canal Co, Wendell office showing headgates of the 3rd Segregation & dated February, 1918. Attached are copies of the map titled block and area showing Y-8 headgate - the source of wastewater which enters Clover Co & contributes to natural flows and Pioneer Reservoir storage.

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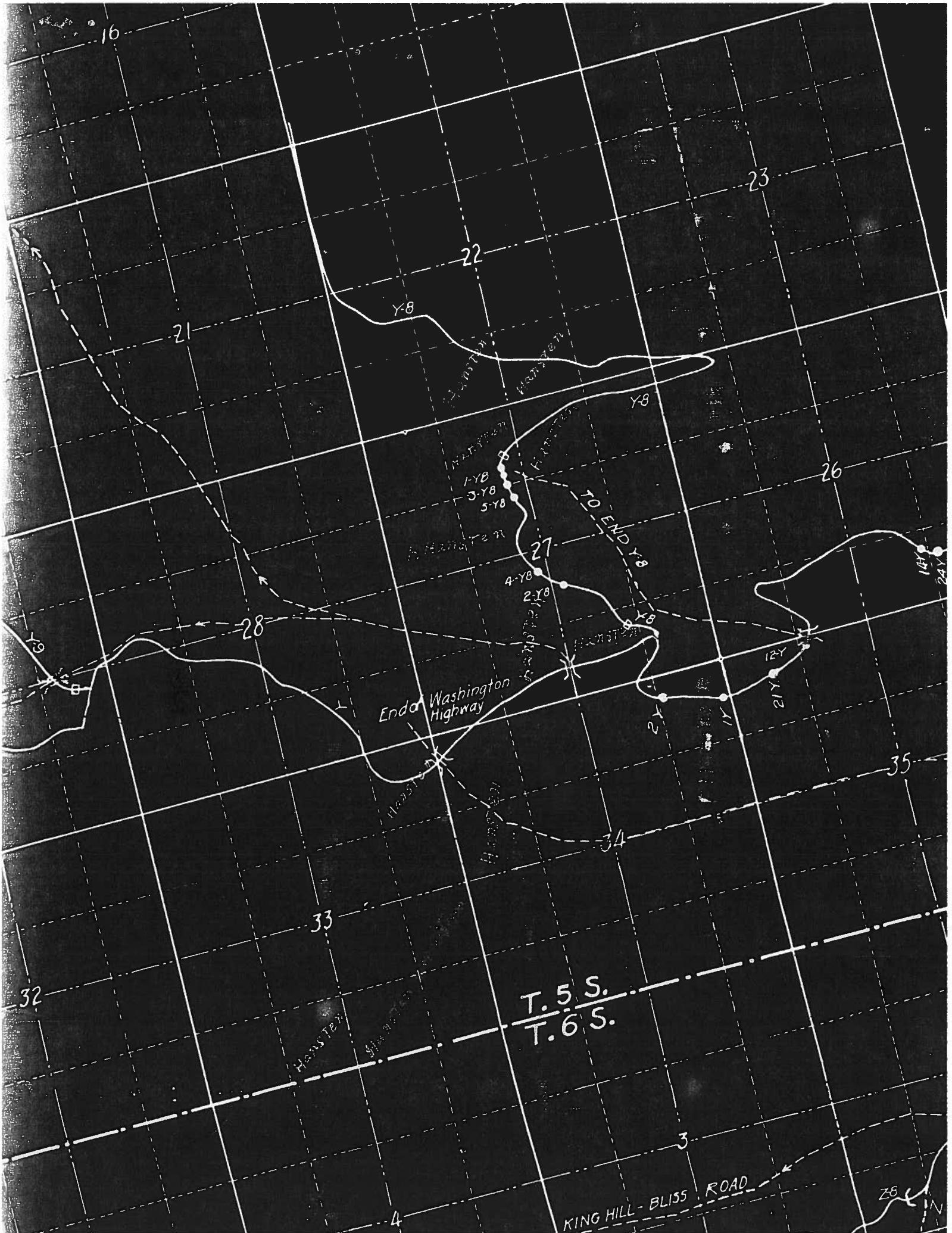


*T.F.N.S.L. & W.CO.*  
**HEADGATE MAP**  
 OF  
**THIRD SEGREGATION**

**LEGEND**

- Laterals.
- Coulees & Wastes.
- Roads.
- Settler's Headgates
- Gages
- Company Weirs

February 1918



# CONVERSATION MEMORANDUM

NAME OF PARTY GENE SHAW  
EMPLOYEE COREY SKINNER CS

DATE 08/29/96  
FILE SEE BELOW

RE: \_\_\_\_\_

THIS DAY, GENE SHAW CAME IN TO ~~B~~ RESEARCH SOME WATER RIGHTS FOR SOME PROPERTY HE PURCHASED FROM ARUEL AND JUNE FOWERS NEAR DIETRICH. WE DISCUSSED THE ALLOCATION AND ADJUDICATION PROCESS AND I GAVE HIM THE FOLLOWING PROFILE REPORTS:

## WATER RIGHTS

37-07314 (LICENSE)

37-07716 (LICENSE)

37-07726 (LICENSE)

37-08788 (APPLICATION)

## ADJUDICATION CLAIMS

A37-07314

A37-07716

A37-07726

A37-10499

THE S.R.B.A. CLAIMS WERE STILL IN FOWERS' NAME SO TARA BACKLUND TOLD HIM THE INFORMATION HE NEEDED TO BRING IN, TO CHANGE THE OWNERSHIP OF THE CLAIMS. (AJ AGENTS WERE ALL IN A MEETING).

MR. SHAW ALSO MENTIONED THAT HE HAS A LEASE/ OPTION AGREEMENT WITH W.F. WEBB FOR SOME PROPERTY NORTH WEST OF BLISS. ALONG WITH THIS PROPERTY, SOME WATER FROM PIONEER RESERVOIR WAS ALSO INCLUDED. APPARANTLY W.F. WEBB AND  $\therefore$  GENE SHAW ARE TIED INTO THE OWNERSHIP OF PIONEER DAM. HE MENTIONED THAT K. LYN BENNETT OF KAST C.K. CATTLE COMPANY HAD FILED ON SOME WASTE WATER FROM THE TAIL END OF THE North Side CANAL. THE WASTE WATER FLOWS

INTO PIONEER RESERVOIR AND HAS FOR SOME TIME. HE THOUGH HE SHOULD FILE ON THE WATER ~~FOR~~ ALSO, SINCE IT FLOWED INTO THE RESERVOIR. THE KAST C.K. <sup>CATTLE</sup> CO. CLAIM IS A37-19885.

I ADVISED HIM TO DISCUSS THIS MATTER WITH AN AJ AGENT WHEN HE TOOK CARE OF THE OWNERSHIP CHANGE ON THE FOWERS' CLAIMS. HE SAID HE WOULD BE IN NEXT WEEK.

ALSO WENT  
R DAM  
FETY ITEMS  
R PIONEER  
DAM.

NTD  
OVER  
CREEK AND  
THEN

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NOV 28 1995