

RECEIVED

04/12/2005 MAY 13 2005

Department of Water Resources

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-21279

M & M FARMS

1819 E 1550 S

GOODING ID 83330

Telephone Number: (208)934-4360

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

PLEASE LOOK AT ENCLOSED MAP
(80 ACRES IN QUESTION)

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/5/05

SIGNATURE: M & M FARMS By Mike Sabala

Please print your name: MIKE SABALA

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

SCANNED

MAY 16 2005

04/28/2005

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

RIGHT NUMBER: 37-21279

NAME AND ADDRESS: M & M FARMS
1819 E 1550 S
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 6.400 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 11/01/1913

POINT OF DIVERSION:

T05S R15E S12 NESESW Within GOODING County

T05S R15E S31 NENENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	6.400 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S25	NENW	36.0	T05S R14E S25	SWNW	39.0
T05S R14E S25	SENW	33.0	T05S R14E S25	NESW	31.0
T05S R14E S25	NWSW	10.0	T05S R14E S25	SWSW	11.0
T05S R14E S25	SESW	28.0	T05S R14E S25	SWSE	16.0
T05S R14E S25	SESE	9.7	T05S R14E S26	SENE	30.0
T05S R14E S26	NESE	1.3			

STOCKWATER same as IRRIGATION

245 ACRES TOTAL

Use of this right with right no. 37-72B is limited to the irrigation of a combined total of 176 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: Decreed

04/28/2005

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

This right is a combination of old right nos. 37-873, 37-874 and 37-875.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

The right holder shall accomplish the change authorized by Transfer No. 71185 by April 13, 2006.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

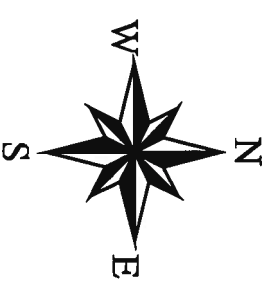
Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

The total instantaneous diversion of water from all points of diversion under Rights 37-72B and 37-21279 shall not exceed 8.60 cfs for irrigation of 176 acres.

Right 37-72B is also diverted through the points of diversion described above.

37-72B & 37-21279

**T05S R14E
S25 & S26**

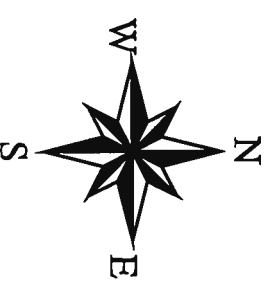


1000 0 1000 2000 3000 Feet

Map prepared by: Carter Fritschle
Date prepared: 03/22/04 - Revised 04/28/05
1987-1988 NAPP photography
Idaho Department of Water Resources

37-72B & 37-21279

**T05S R14E
S25 & S26**



1000 0 1000 2000 3000 Feet

Map prepared by: Carter Fritschle
Date prepared: 03/22/04
1987-1988 NAPP photography
Idaho Department of Water Resources

04/29/2004

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

RIGHT NUMBER: 37-21279

NAME AND ADDRESS: M & M FARMS
1819 E 1550 S
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 6.400 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water decreed for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 11/01/1913

POINT OF DIVERSION:

T05S R15E S31 NENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	6.400 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S25	SWNW	39.0	T05S R14E S25	NESW	31.0
T05S R14E S25	NWSW	10.0	T05S R14E S25	SWSW	11.0
T05S R14E S25	SESW	28.0	T05S R14E S25	SWSE	16.0
T05S R14E S25	SESE	9.7	T05S R14E S26	SENE	30.0
T05S R14E S26	NESE	1.3			

STOCKWATER same as IRRIGATION

176 ACRES TOTAL

Use of this right with right no. 37-72B is limited to the irrigation of a combined total of 176 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: Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a combination of old right nos. 37-873, 37-874 and 37-875.

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

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 37-21279
Date Received: 8/12/1988
Receipt No:
Received By:

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

RECEIVED
APR 20 2004
Department of Water Resources

1. Name of Claimant(s)

M & M FARMS Phone: (208) 934-4360
1819 E 1550 S
GOODING ID 83330

2. Date of Priority: 11/01/1913

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	15E	31	NE NE NW	GOODING	

5. Description of diverting works:

Walters # 33 Headgate

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	6.4	
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	14E	25	SW NW	IRRIGATION	39
			NE SW	IRRIGATION	31
			NW SW	IRRIGATION	10

			SW	SW	IRRIGATION	11
			SE	SW	IRRIGATION	28
			SW	SE	IRRIGATION	16
			SE	SE	IRRIGATION	9.7
					Section Acres	144.7
05S	14E	26	SE	NE	IRRIGATION	30
			NE	SE	IRRIGATION	1.3
					Section Acres	31.3
					Total Acres	176

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:
37-72B and American Falls Reservoir District #2

14. Remarks:

This claim combines right nos. 37-873, 37-874 and 37-875.
Place of use for stockwater is the same as irrigation. The 0.02 cfs claimed for stockwater is at the field headgate.

15. Basis of Claim: Decreed

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

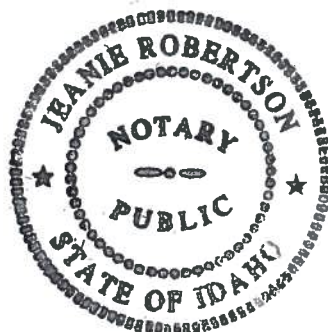
For Organizations:

I do solemnly swear or affirm that I am PARTNER of
Title
M & M FARMS, that I have signed the foregoing
Organization
document in the space below as PARTNER of
Title
M & M FARMS and that the statements contained in the
Organization
foregoing document are true and correct. Michael Sabala
Signature of Authorized Agent

PARTNER M & M FARMS
Title and Organization
4/16/04
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day of April 2004



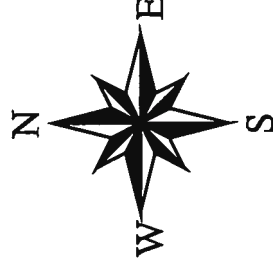
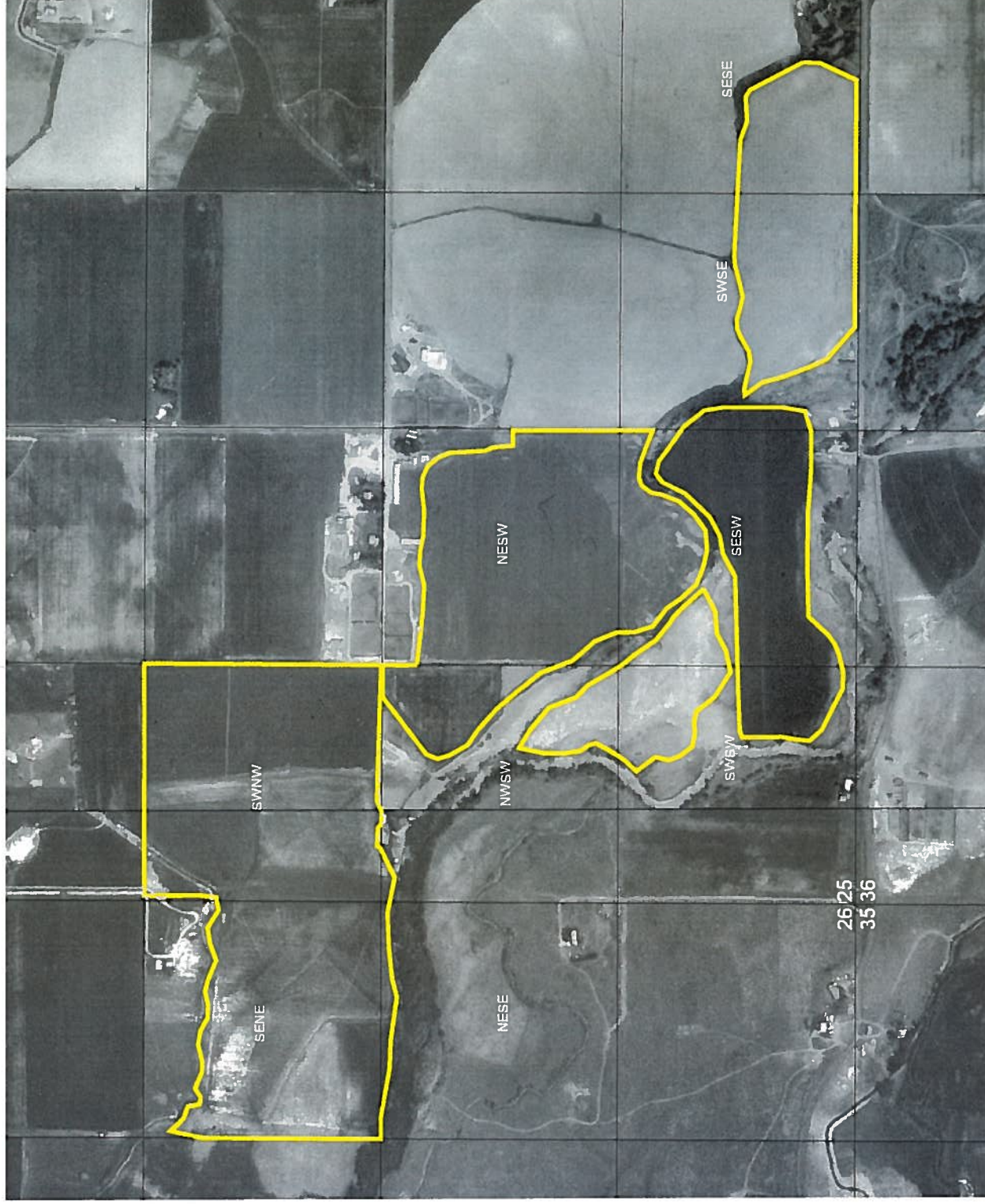
Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-06

37-72B & 37-21279

T05S R14E
S25 & S26



1000 0 1000 2000 3000 Feet

Map prepared by: Carter Fritschle
Date prepared: 03/22/04
1987-1988 NAPP photography
Idaho Department of Water Resources

Idaho
Department of Water Resources

1301 North Orchard Street, Boise, Idaho 83720

CARTER FRITSCHLE
WATER RIGHTS SUPERVISOR
ADJUDICATION BUREAU
(208) 327-7939
FAX (208) 327-7866

FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
 OR THE COUNTY OF TWIN FALLS

3-22-04

JMBER: 39576

i: 37-72B
 i: 8/12/1988

Mike,

The amended claims are

1. Name of Claimant based on our discussions
 M & M FARMS
 1819 E 1550
 GOODING ID on March 11, 2004. If you
 and your dad and brother
2. Date of Priority agree that the amended
3. Source: BIG WOOD claims reflect the way
4. Point of Diversion you want to claim these
- Township Range rights, please have them
- 05S 15E signed and notarized and
5. Description of returned to IDWR. I
- Walters # 331 will be out of the office
6. Water is used for until 3-29-04.

ype

Purpose
 IRRIGATION
 STOCKWATER

Carter

(or) A.F.A

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	25	SW	NW	IRRIGATION	39
			NE	SW	IRRIGATION	31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

P.O. Box T
Shoshone, Idaho 83352
(208) 886-2451

Watermaster

RECEIVED

MAR 18 2004

Department of Water Resources

(2 pages)

Mike Sabala,

Mike,

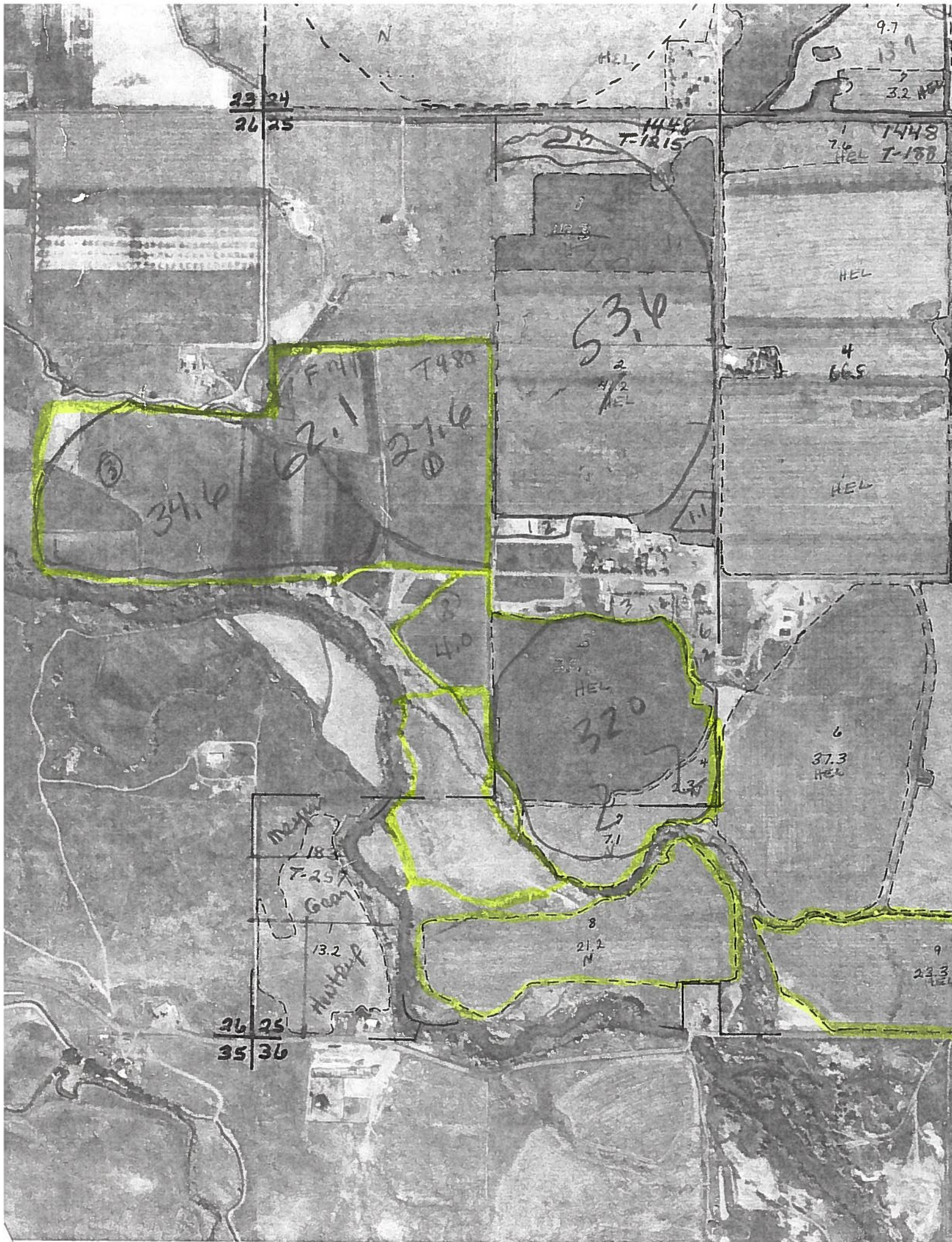
After more research I found the 11-1-1913 water back to 1918. I called Carter at the state Dept. of water resources and told him I had found the water. He said it sounds like what we were looking for. I'm sorry I didn't help back last winter. I didn't know my way around the office as well as I do now. Good Luck

A handwritten signature in cursive script, appearing to read "Kevin" or "Kev", followed by a stylized flourish.

1918

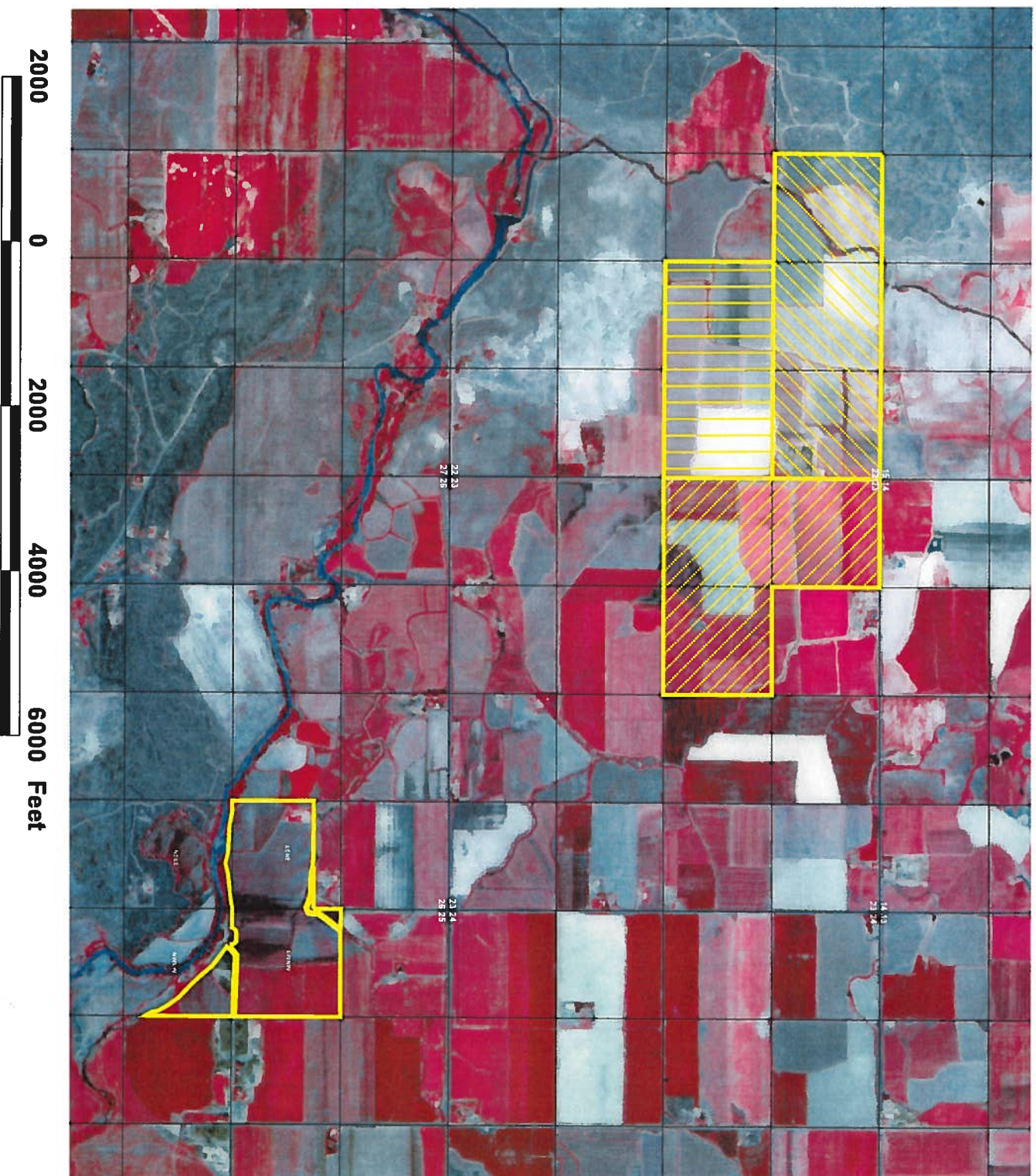
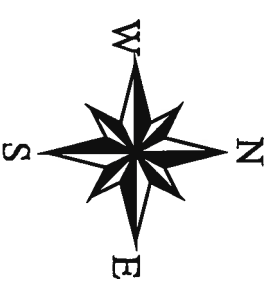
back in
1918
Here's your water
m/k.

No.	Canal Name	Present Owner	Date	Amount	Description	Sec.	E.	B.
28.	Savage Ditch	H. A.inters	4-27-96	210	NE 1/4	14	53	151
29.	Portman Canal	Martin Silk	4-15-87	40	NE 1/4	29	53	151
29.	"	John Doney	5-1-97	70	SE 1/4	28	53	151
29.	"	W. M. Bartoley	5-15-97	61.25	SW 1/4	21	53	151
29.	"	"	5-20-97	60	NE 1/4	21	53	151
29.	"	"	5-15-97	60	NE 1/4	21	53	151
29.	"	"	5-15-97	16.75	25 A. of SW 1/4	21	53	151
29.	"	"	5-15-97	54	NE 1/4	21	53	151
29.	"	"	5-20-97	80	NE 1/4	21	53	151
29.	"	"	5-20-97	80	SE 1/4	21	53	151
29.	"	"	5-15-97	22.93	NE 1/4 and Lots 16-17	15	Big Wood	14
29.	"	"	5-1-05	35	NE 1/4	20	53	151
29.	"	"	5-15-99	120	NE 1/4	21	53	151
29.	"	"	5-15-99	60	NE 1/4	21	53	151
29.	"	"	2-10-06	80	NE 1/4	15		
29.	"	"	2-4-06	80	NE 1/4	15		
29.	"	"	5-15-97	5	SE 1/4 Lot 10, Big Wood average	3		
29.	"	"	5-15-97	5	SE 1/4 Lot 10, "	3		
29.	"	"	5-15-97	5	SE 1/4 Lot 10, "	3		
30.	Old Gooding Canal	Will Deasy	11-25-07	40	NE 1/4 (Permit)	28	53	1
31.	Silk Ditch	Martin Silk	9-15-86	120	SE 1/4	29	53	1
32.	"	"	9-15-86	120	SE 1/4	29	53	1
32.	Silk & Gooding	Martin Silk	8-15-86	125.5	NE 1/4, Lot 1 and 2	29	53	1
32.	"	"	6-1-84	125.5	NE 1/4, Lot 1 and 2	31	53	1
33.	Jas. Walters	Jas. Walters	4-1-86	110	SE 1/4	26	53	1
33.	"	"	4-30-96	80	SE 1/4	23	53	1
33.	"	"	11-1-13	320	SE 1/4	22	53	1
34.	Jones Ditch	Harb Myers	8-2-09	118	NE 1/4	28	53	1
34.	"	"	"	87.5	NE 1/4	26	53	1
34.	"	"	6-1-94	150	NE 1/4	26	53	1
34.	"	"	4-1-85	22	NE 1/4	27	53	1
34.	"	"	5-10-09	65	NE 1/4	33	53	1
34.	"	"	8-2-09	140	NE 1/4	27	53	1
34.	"	"	5-1-05	76	NE 1/4	28	53	1
34.	"	"	8-2-09	80	NE 1/4	27	53	1
34.	"	"	4-20-07	120	NE 1/4	27	53	1
34.	"	"	10-1-14	40	NE 1/4 (Permit)	27	53	1



T05S R14E

-  Water Right 37-875
-  Water Right 37-874
-  Water Right 37-873
-  Claim 37-72B



CONCLUSIONS OF LAW.

- 1 -

The court having made its findings of fact in this cause, now makes these its conclusions of law; to-wit:

That a decree should be entered in this cause (2184) adjudging and decreeing that the respective parties to this action are the owners of the respective amounts of the waters of Big Wood and Malade Rivers and their tributaries as indicated below, with the priority dates given, which waters are appurtenant to the lands of said parties as set out in the findings of fact in this cause and as to be fixed in the decree to be entered herein.

<u>Name of Owner</u>	<u>Amount of water owned, expressed in cubic feet per second at time</u>	<u>Date of Priority</u>	
<u>37-865</u> Mabel L. Robertson	5.6	4-1-05	
<u>37-866</u> Jennie Robertson	3.2	4-1-05	
<u>37-879</u> Roy Vaughn	2.4	5-1-05	
<u>37-867</u> Big Wood Canal Company, a corp.	3000	11-16-05	
<u>37-868</u> B. A. McCoy	1.6	2-10-06	
<u>37-580 + 37-581</u> John C. Robertson	6.4	4-2-06	
<u>37-582</u> Jennie Robertson	3.2	4-2-06	
<u>37-583 + 37-584</u> Joseph W. Robertson	6.4	4-2-06	
<u>37-293</u> Fred F. Gwinn	2.4	4-23-06	
<u>37-36</u> A. A. Garlock	6.4	4-23-06	
<u>37-248</u> Gottfred Gehrig	2.6	7-2-06 *	5.0 cfs in Frost Decree
<u>37-588</u> Benoit H. Bernard	3.2	7-10-06	
<u>37-119</u> H. H. Evilsizer	1.6	7-17-06	
<u>37-119</u> Helen F. Smith	1.6	7-17-06	
<u>37-551</u> Clifford Nyemaster	1.6	7-28-06 **	** 6.4 cfs in Frost Decree
<u>37-551</u> A. C. Thompson	1.6	7-28-06 **	

<u>37-119</u>	Helen F. Smith	1.6	7-28-06 **
<u>37-58</u>	C. G. Bonichson	1.6	8-14-06
<u>37-58</u>	Helen F. Smith	1.6	8-14-06
<u>37-179</u>	W. J. Calkins	3.2	11-1-07
<u>37-87</u>	Otto Fleishman	1.6	2-4-08
<u>37-869</u>	Casper Aller	2.4	10-30-08
<u>37-46</u>	Herbert Meyer	2.2	8-2-09
<u>37-161</u>	John Devaney	1.3	5-10-09
<u>37-543</u>	L. L. Pettijohn	2.8	8-2-09
<u>37-44</u>	C. A. Jones	1.6	8-2-09
<u>37-872</u>	Big Wood Canal Company, a corp.	1.4	1-5-11
<u>37-873</u>	A. W. Daubner	2.4	11-1-13
<u>37-875</u>	George E. Daubner	2.4	11-1-13
<u>37-874</u>	Everett Daubner	1.6	11-1-13
<u>37-870</u>	Big Wood Canal Company, a Corp.	3000	6-1-20
<u>37-876</u>	The Mutual Wood River Water Users Association, a corporation,	3.492	9-1-20 *** Renumbered to 37-892

That each of the parties to this action shall bear his or its own costs of suit.

Dated June 27th 1925.

Robert M. Terrell
District Judge

Water Right Report 37-873

$$\begin{array}{r} 37-873 = 2.40 \text{ cfs} \\ 37-874 = 1.60 \text{ cfs} \\ 37-875 = 2.40 \text{ cfs} \\ \hline 6.40 \text{ cfs} \end{array}$$

37-1165?

Status: Active

Tributary
MALAD RIVER

Total Diversion: 2.400 CFS

BIG WOOD RIVER NE1/4NW1/4 Sec. 31, Twp 05S, Rge 15E, B.M.
GOODING County

Place of Use
IRRIGATION

[illegible]Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-873

Dates and Other Information:

Licensed Date:
Decreed Date: 6/27/1925
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: S H Chapman
Decree Plaintiff: Big Wood Canal Co
Civil Case Number: 2184
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Water Right Report 37-874

WATER RIGHT NUMBER: 37-874

Priority Date: 11/01/1913
Basis: Decreed
Status: Active

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	1.600 CFS	
		Total Diversion:	1.600 CFS	

BIG WOOD RIVER NE1/4NW1/4 Sec. 31, Twp 05S, Rge 15E, B.M.
GOODING County

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

Remarks:

1. General P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-874

Dates and Other Information:

Licensed Date:
Decreed Date: 6/27/1925
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: S H Chapman
Decree Plaintiff: Big Wood Canal Co
Civil Case Number: 2184
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Water Right Report 37-875

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE E DAUBNER
	, ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.400 CFS	
	<u>Total Diversion:</u>	2.400 CFS	

Place of Use
IRRIGATION

[illegible]

1. General P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-875

Dates and Other Information:

Licensed Date:
Decreed Date: 6/27/1925
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: S H Chapman
Decree Plaintiff: Big Wood Canal Co
Civil Case Number: 2184
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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: **A37-00875**
Date Received: 8/12/1988
Receipt No: S001850
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: M & M FARMS 208-934-4360
Address: 1819 E 1550 S
GOODING ID 83330

2. Date of Priority: NOV 1, 1913

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	31	NE	NE	NW		GOODING

5. Description of diverting works:
WALTERS #33 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

8. Total consumptive use is 258.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	14E	25	SW	NW		IRR	40.0
			NW	SW		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	46.0
		26	SE	NE	IRR	40.0
					Section Acres	40.0
					Total Acres	86.0

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:
37-0072 PART FOR 110"

14. Remarks:

37-0875 WAS DECREED 2.40 CFS BUT WATERMASTER RECORDS INDICATE
320" ARE DELIVERED UNDER 37-1165 OF THIS SAME PRIORITY AND IT
APPEARS IT IS THIS SAME RT.

3-17-98: CHANGE OF OWNERSHIP SMITH/SABALA TO M&M FARMS PER NOTICE
REC'D 3-9-98 - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BIG WOOD CANAL CO.
Decree Plaintiff

CHAPMAN ET AL
vs Decree Defendant



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 17, 1998

M & M FARMS

Mark Sabala and Mike Sabala

1819 East 1550 South

Gooding, Idaho 83330

RE: Snake River Basin Adjudication (SRBA)

Claim No.(s): **A37-00072B, 37-000875**

Change of Ownership Notification

Dear Claimants:

We have received notice that you have purchased property with the above referenced Snake River Basin Adjudication claim(s), and our records have been changed, accordingly. **The enclosed copies are for your records**, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script that reads "Vikie Hancock". The signature is written in dark ink and is positioned below the word "Sincerely,".

Vikie Hancock

S.R.B.A. Records Clerk

ENCLOSURES

RECEIVED

MAR 09 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

Department of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

OCT 15 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned. Department of Water Resources
Southern Region

Water Right No(s).:

Adjudication Claim No(s).:

A37-10485, A37-00072B, A37-00875

The following REQUIRED information must be submitted with this form:

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

Name and Address of Former
Owner/ClaimantHelen Boesiger Smith18052 River Road, Leavenworth, WA 98826

New Owner/Claimant(s)

M+M Farms

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or1819 East, 1550 South

City, State and ZIP Code

Gooding, ID 83330

New Telephone Number

(208) 934-4360

Date you acquired the property

November, 1994

If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 66 acresNumber and type of stock 350 Beef Cattle

Diversion rate in CFS _____

Number of homes 1

Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Signature of New Owner
or Claimant(s)M+M FarmsB. Mark Salala

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 12, 1998

Mark Sabala
M & M Farms
1819 East 1550 South
Gooding, Idaho 83330

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: A37-10985, A37-00072B, A37-00875

Dear Mr. Sabala:

We received your Notice of Change of Ownership for Adjudication Claim number A37-10985, and I have enclosed a copy of our updated records for your inspection.

In investigating this change, I noted that the Warranty Deed submitted with your Notice specifically mentioned two water rights, one with a priority date of 4/1/1885 for 2.20 cfs and one with a priority date of 11/1/1913 for 6.40 cfs. These water rights correspond to our Adjudication Claim numbers A37-00072B and A37-00875, respectively.

I am enclosing profile reports on these two claims, as well as your original Notice of Change of Ownership. If you wish to add these additional claims to your original Notice, please do so and return it to me in the enclosed envelope. I can then enter M & M farms as current owner of record for claim numbers A37-00072B and A37-00875. If you have any questions, please feel free to call me, or any Adjudication Agent, at this office.

Sincerely,

Vikie Hancock
SRBA Records Clerk

RECEIVED

MAR 09 1998

Department of Water Resources
Southern Region



WARRANTY DEED

For Value Received

Helen M. Smith, a married woman,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

M & M Farms, a partnership
consisting of Mark A. Sabala and Michael G. Sabala
hereinafter referred to as Grantee, whose current address is

1550 South 1819 East, Gooding, ID, 83330

the following described premises, to-wit:

Township 5 South, Range 14, East of the Boise Meridian, Gooding
County, Idaho

Section 25: SW1/4NW1/4; and that part of the NW1/4SW1/4 North
of the Big Wood River.

Section 26: S1/2SE1/4NE1/4; S1/2N1/2SE1/4NE1/4; and that part
of the NE1/4SE1/4 North of the Big Wood River.

TOGETHER with decreed water with a priority date of 4/1/1885 of 110
inches or 2.20 cfs; and decreed water right with priority date of
11/1/1913 of 320 inches or 6.40 cfs; and 67.31 inches or 1.35 cfs of
American Falls supplemental water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant
to and with the said Grantee, that Grantor is the owner in fee simple of said
premises; that said premises are free from all encumbrances except current years
taxes, levies, and assessments, and except U. S. Patent reservations, restrictions,
easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

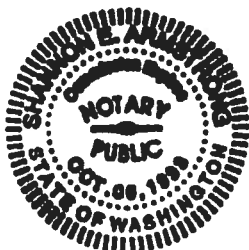
Dated: November 18, 1994.

Helen M. Smith
Helen M. Smith

STATE OF WASHINGTON

COUNTY OF Chelan

On This 18th day of November, in the year 1994, before me, a Notary Public
in and for said State, personally appeared Helen M. Smith, known or identified to
me to be the person whose name is subscribed to the within Instrument, and
acknowledged to me that she executed the same.



Shannon E. Armstrong
Notary Public for Washington
Residing at: 381 9th. Leavenworth Wa
Commission Expires: Oct. 6th, 1998
STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

18 min. past 11 o'clock a m. this 1
of December, 1994

JOHN A. MYERS Recorder

By Debbie M. Hill

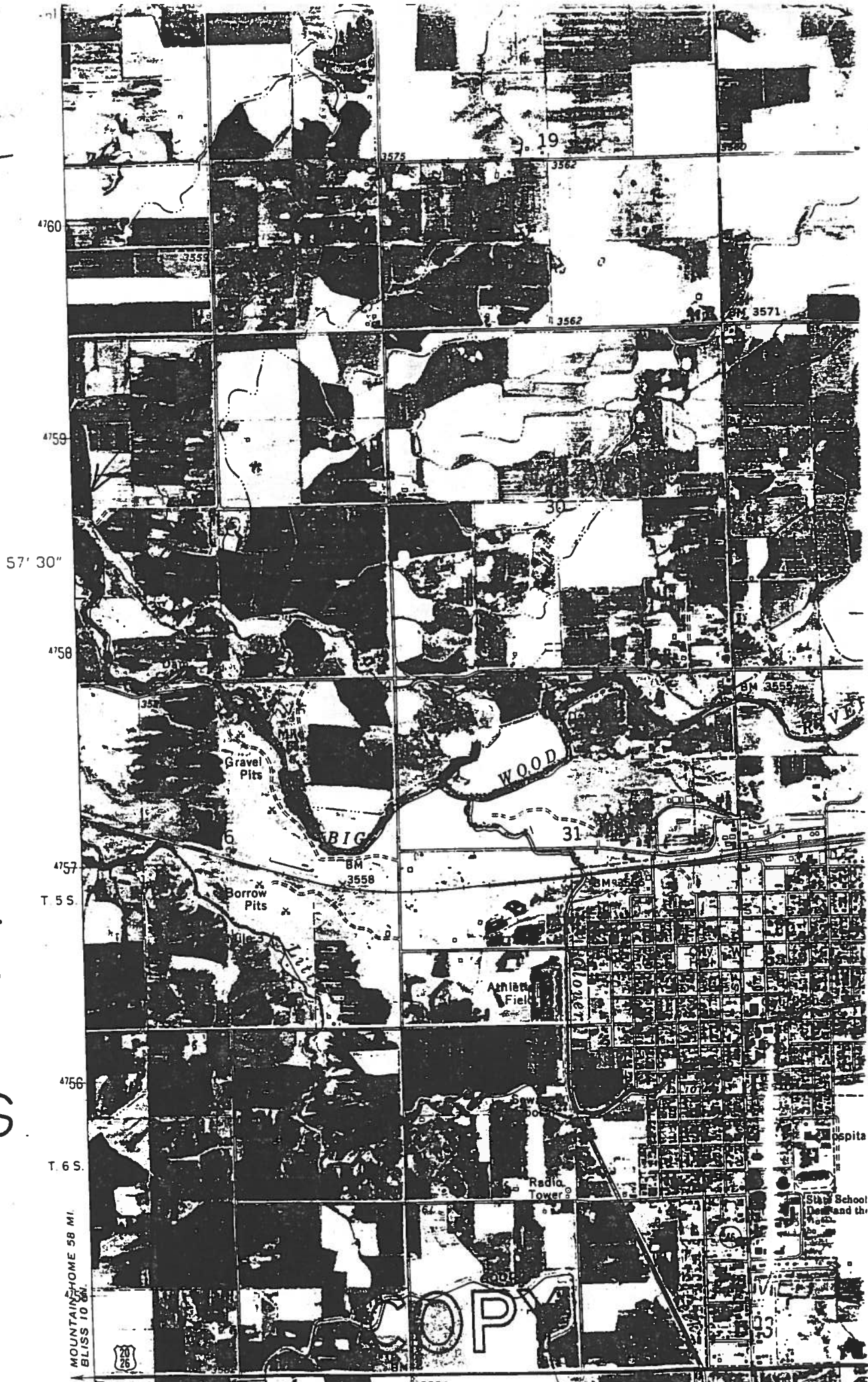
Deputy

First American Title Company of Idaho

Sec. 25

14E.
T5S

T6S



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: A37-00875
Date Received: 8/12/1988
Receipt No: 500/850
Received By: TW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HELEN (BOESIGER) SMITH
Address: 18052 RIVER ROAD
LEAVENWORTH, WA 98826

AND/OR

Name: MARTIN N. SABALA
Address: 1740 EAST 1650 SOUTH
GOODING, ID 83330

208-934-5108

2. Date of Priority: NOV 01, 1913

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	31	NE	NE	NW		GOODING

5. Description of diverting works:
WALTERS #33 HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

A.F.A.

8. Total consumptive use is 258.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00875

Page 1

Date: 08/12/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	25	SW	NW		IRR	40.0
			NW	SW		IRR	6.0
					Section Acres		46.0
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					Section Acres		40.0
					Total Acres		86.0

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:
37-0072 PART FOR 110"

14. Remarks:
37-0875 WAS DECREED 2.40 CFS BUT WATERMASTER RECORDS INDICATE
320" ARE DELIVERED UNDER 37-1165 OF THIS SAME PRIORITY AND IT
APPEARS IT IS THIS SAME RT.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

BIG WOOD CANAL CO.
Decree Plaintiff

CHAPMAN 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:

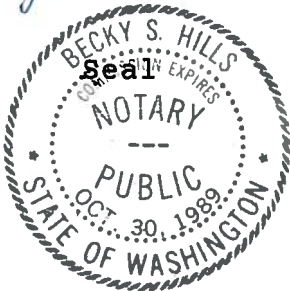
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Heleen Boesiger Smith Date: 8-24-88
_____ Date: _____

State of ~~Idaho~~ Washington)
County of Chelan) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of August 19 88

Becky S. Hills
Notary Public



Residing at Leavenworth
My Commission Expires 10-30-89