

COPY

1998 MAY 22 PM 3:47
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
Case No. 39576)
_____))
SUB CASE NO. 45-10156

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

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

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

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

GBK Farms Partnership
4298 E 300 N
Murtaugh ID 83344

Phone: 432-5433

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Cummins Farms Inc
4418 E 3300 N
Murtaugh ID 83344

Phone: 432-6678

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

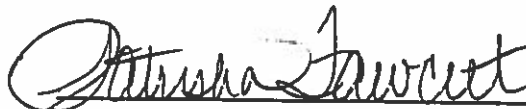
DATED: 5/21/98

T. Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5-22, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
GBK Farms
4294 E 3000 N
Murtaugh Id 83344
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Cummins Farms Inc
4418 E 3300 N
Murtaugh ID 83344
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: MAY-18-1998

PAGE: A-4

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 45-10156

NAME & ADDRESS: CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344

SOURCE: GROUNDWATER

QUANTITY: 0.1 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1954

POINT OF DIVERSION: T11S R19E S27 SESE Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.1 CFS

PLACE OF USE: DOMESTIC Within TWIN FALLS County
T11S R19E S27 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S19E270600



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

May 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344

RE: SRBA Claim(s) 45-10156

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: GBK Farms Partnership

AJ0749NP
No. 45-10156

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/11/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CUMMINS FARMS INC 4418 E 3300 N MURTAUGH ID 83344 (208) 432-6678	12/31/1954	DOMESTIC	01-01 12-31	0.10 CFS	
				TOTAL DIVERSION:	0.10 CFS	
D	GBK FARMS PARTNERSHIP RT 1 4298 EAST 3000 NORTH MURTAUGH ID 83344 (208) 432-5433					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T11S R19E S27 SESESE

TWIN FALLS County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	:
11S	19E	27	:													:

POU County: TWIN FALLS

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 11S19E270600

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

FEB 23 1998

Department of Water Resources
Boise, Idaho

1. Water Right No(s).: SEE Attached letter.
Adjudication Claim No(s).: SEE Attached letter.
2. 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.
3. Name and Address of Former Owner/Claimant GBK Farms
4294 E 3000 N Murtaugh, Idaho 83344
4. New Owner/Claimant(s) Cummins Farms, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 4418 E 3300 N
City, State and ZIP Code Murtaugh, Idaho 83344
New Telephone Number (208) 432-6675
Cummins Farms, Inc.
4418 East 3300 North
Murtaugh, ID 83344
5. Date you acquired the property JAN 9, 1998
6. 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 _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ 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.
7. Signature of New Owner or Claimant(s) Mark Cummins Daniel Cummins
CUMMINS FARMS, INC.
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. 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..

February 18, 1998

I, William B. Nebeker, would like to make clear to any and all Persons or Facilities on this the 18th day of February 1998 that any and all Water rights that went with the land (See Attachment), that was sold to Cummins Farms, Inc. and Deeded over to them on January 9th, 1998 be Legally put into their name for the purpose of Irrigation and the Domestic Well that lies on the property be put in their name also. These rights I hereby passover to them as acting director of GBK Farms.

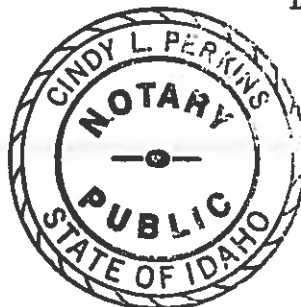
I had failed to list these things individually on the Bill of Sale. It is The purpose of this letter to make clear to The Idaho Department of Water Resources that these Water right #'s are the correct #'s that need to be changed over into Cummins Farms, Inc. name, as they are part of the property listed on the Warranty Deed. I have listed the Water right #'s

- (1) A45-02184 Irrigation
- (2) A45-10085 Irrigation
- (3) A45-0264B Irrigation
- (4) A45-10156 Domestic

If you need any other information please feel free to call me at home At 432-5371 or on my cellular phone # 324-1753.

William B. Nebeker William B. Nebeker
Date 2-20-98

Notary Cindy L. Perkins
Exp. Date 2/20/2004
2/20/98



FEB 23 1998

40362sm
TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

FEB 23 1998

Department of
COUNTY, IDAHO

TITLEFACT, Inc.

RECEIVED P 1:33

19980004121

***** SPACE ABOVE FOR RECORDER *****

WARRANTY DEED

FOR VALUE RECEIVED GBK FARMS, a partnership, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto CUMMINS FARMS, INC., an Idaho corporation, hereinafter called grantee, whose address is: 4418 EAST 3300 NORTH, MURTAUGH, IDAHO 83344, the following described premises, in Twin Falls County, Idaho, to-wit:

Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 27: W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$

EXCEPT

Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 27: A part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 27;

THENCE North 480 feet to the TRUE POINT OF BEGINNING;

THENCE West 200 feet;

THENCE North 240 feet;

THENCE East 200 feet;

THENCE South 240 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho
Section 35: NW $\frac{1}{4}$

SUBJECT TO: Twin Falls County Highway Right of Way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 8, 1998

GBK FARMS


BY: WILLIAM B. NEBEKER, Partner


BY: ALVA G. NEBEKER, Partner


BY: KERRY E. DYE, Partner

* * * * *

STATE OF IDAHO
County of Twin Falls



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

May 7, 1998

CUMMINS FARMS, INC.
4418 East 3300 North
Murtaugh, Idaho 83344

RE: Snake River Basin Adjudication (SRBA)
Notice of Change of Water Right Ownership

Dear Claimant(s):

We have received two Notices of Change of Water Right Ownership from you. One, to you from GBK Farms, has the correct documentation (the Warranty Deed) to change the current ownership for Adjudication Claims A45-02184, A45-02648 and A45-10156. An attachment, signed by William Nebeker, also lists right number A45-10085, but according to our records, that right is currently under the name of Hillview Ranch, and the legal description of GBK's Warranty Deed does not include land to which A45-10085 is appurtenant.

A45-10085 should, and can be, included with the Notice of Change from Hillview Ranch to you; however, the documentation sent with that Notice of Change is not acceptable. We must have a recorded deed from Hillview Ranch (current owners of record) to you for property holding water right claims A45-10085, A45-02632A, A45-02456, A45-02284A, A45-02410, and A45-02557, and a recorded deed from Ralph or Patricia Breeding (current owners of record) to you or Hillview Ranch for property holding water right claims A45-02632B, A45-02222B, and A45-02284B, or a copy of your Title Insurance Policy for the property purchased December 23, 1997.

I will proceed with the Change of Ownership for the rights conveyed to you by GBK Farms, and await further documentation on the rights owned by Hillview and Breeding. I am enclosing profile reports of all the claims mentioned to help you sort this out. If you have any questions, please call me at this office.

Sincerely,

Vikie Hancock
SRBA Records Clerk

AJ5856NP

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

DATE: SEP-9-1997
PAGE: A-123

RIGHT NUMBER: 45-10156

NAME & ADDRESS: GBK FARMS PARTNERSHIP
RT 1
4298 EAST 3000 NORTH
MURTAUGH ID 83344

SOURCE: GROUNDWATER

QUANTITY: 0.1 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1954

POINT OF DIVERSION: T11S R19E S27 SESESE Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.1 CFS

PLACE OF USE: DOMESTIC Within TWIN FALLS County
T11S R19E S27 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 11S19E270600

KKC
Claim proofread by: *CN*

Date: *9-25*

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

IDWR Employee/Agent Steve Clelland

February 19, 1998 11:30am

NAME:
CINDY @ CUMMINS FARMS 432-6675

RE:
REQUEST PROFILES

SHE GAVE ME THE LEGALS OF T11S, R19E, S27, W1/2NE & E1/2SE; NAME OF GBK FARMS. FOUND THREE RIGHTS FOR THE NAME: A45-02184, A45-02648 & A45-10156. FOUND ANOTHER IN SWNE FOR 40 ACRES BUT IT DID NOT APPEAR TO BE A CORRECT FILING AND WAS IN THE NAME OF HILLVIEW RANCH; A45-10085.

TRANSMITTAL COVER SHEET
OMNIFAX G66

TO: CINDY
Cummins Farms
432-5421

TOTAL PAGES SENT: 4

DOCUMENT DESCRIPTION: PROFILE REPORTS
A45-02184, A45-02648, A45-10156
A45-10085

FROM: **IDAHO DEPARTMENT OF WATER RESOURCES**
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: STEVE

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____
Please remit to the above address.

COMMENTS: _____

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

02/19 13:16
94325421
00:02:17
00:02:17
OK

TIME : 02/19/1998 13:19
NAME : IDMR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

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: A45-10156
Date Received: 1/04/1989
Receipt No: 5005619
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GBK FARMS, PARTNERSHIP 208-432-5433
Address: RT. 1
4298 EAST 3000 NORTH
MURTAUGH, ID 83344
2. Date of Priority: DEC 31, 1954
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 11S | 19E | 27 | SE | SE | SE | | TWIN FALLS |
5. Description of diverting works:
TWO WELLS & PUMPS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|----------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.100 | | |
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/ 2 HOUSEHOLDS WITH 1/2 LAWN & GARDEN.
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 11S | 19E | 27 | SE | SE | | DOMEST | |
11. Place of use in counties: TWIN FALLS
- A45-10156 Page 1 Date: 01/04/89

MICROFILMED

MAR 09 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

ONE OF THE WELLS IS AN OLD ABANDONED IRRIG. WELL AND IS NORMALLY
USED FOR IRRIG. OF LAWN & GARDEN.

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

Number of attachments: See Map A45-02184

For Organizations:

I do solemnly swear or affirm that I am General Partner of
GBK Farms, that I have signed the foregoing
document in the space below as General Partner of
GBK Farms and that the statements contained in the
foregoing document are true and correct.

William B. Mahan
Signature of Authorized Agent

General Partner GBK Farms
Title and Organization

4 Jan 1989
Date

State of Idaho

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this 4th day

of

Jan.

19

89

[Signature]
Notary Public

Seal

Residing at

Kimberly, ID

My Commission Expires

6/30/94

WATER RIGHT NUMBER - A45-10156

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - COMMENTS - - - - - +
NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 01/04/1999	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- S005614	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

11519E270600

DATA ENTRY

ENTERED 10/19/92 SW
CHECKED 2/7/93

- "Verified By"
- Topo Map/Ortho-PQ
 - ASCE Map
 - Watermaster Records
 - NAPP Photos
 - Field Exam
 - Other (See Remarks)
 - County Records
 - Witness Statement
 - Project Records
 - IDWR Records

VERIFIED
OCT 29 1991

CERTIFIED
AS
OCT 29 1991
WATER EXAMINER