

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: A45-00577B
Date Received: 5/26/1989
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ANDERSON FARMS INC
Address: 961 S 50 W
BURLEY ID

208-678-4314

83318

2. Date of Priority: DEC 31, 1879

3. Source: SPRING CREEK
MILL CREEK

Trib. to: MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	23E	3		NW	SW		CASSIA
				SW	SE		CASSIA
		10		SE	NE		CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.750		
STOCKWATER	01/01	12/31	0.090		5.40

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

5.40 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	3	NW	NE	2	IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	3	SW	NE		IRR	22.0
			NE	NW	3	IRR	8.0
			NW	NW	4	IRR	18.0
			SW	NW		IRR	40.0
			SE	NW		IRR	33.0
			NW	SE		IRR	15.0
						Section Acres	138.0
		4	NE	NE	1	IRR	12.0
						Section Acres	12.0
						Total Acres	150.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-00577A, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

8/24/98 TF; OWNERSHIP CHANGED WYATT TO ANDERSON FARMS PER 1409(6)
AND TITLE INS POLICY REC'D 8/20/98/.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

KYLE ADAMS

vs Decree Defendant

Form 42-248/42-1409(6) February 3, 1997

RECEIVED

AUG 20 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

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.

1. ~~Water Right No(s):~~ A45-00577A, A45-00577B, A45-00578A, A45-00578B
A45-00579A, A45-00579B, A45-00580A, A45-00580B
A45-00600, A45-02405
A45-00586, A45-00587, A45-00588, A45-00534 } H&E, Inc.
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
GRANT WYATT Rt 2 Box 2174 BURLY, ID 833.
H&E, INC. 187250 SO EAST OAKLEY, ID. 83346
4. New Owner/Claimant(s)
ANDERSON FARMS, INC
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
Rt 2 Box 2431 961 So. 50 WEST
 City, State and ZIP Code BURLY, ID 83318 678-4314
 New Telephone Number (208) 678-4314 481-4433
5. Date you acquired the property
April 1942 for H&E, Inc AND 5/96 for GRANT WYATT P&C
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 N/A Number and type of stock N/A
 Diversion rate in CFS N/A Number of homes NONE Other uses NONE
 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)
ANDERSON FARMS, INC
J. R. L. A. J.
 (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..

Anderson Farms, Inc

R. Trent Anderson – President

Dee Anderson – Secretary

The two persons listed above constitute the entire list of officers and directors of Anderson Farms, Inc.

R. Trent Anderson has the authority to sign for any corporation business.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

ALTA LOAN POLICY

SCHEDULE A

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
27028	554-956698	May 30, 1996 at 11:28 A.M.	Superior	12,220.00

1. Name of Insured:

FIRST TRUST NATIONAL ASSOCIATION, AS CUSTODIAN/TRUSTEE

2. The estate or interest in the land which is encumbered by the insured MORTGAGE is:

FEE SIMPLE: PARCELS 1, 2, 3, 8 & 9
EASEMENT PARCEL: PARCELS 4, 5, 6 & 7

3. Title to the estate or interest in the land is vested in:

ANDERSON FARMS, INC., an Idaho Corporation

4. The insured MORTGAGE and assignments thereof, if any, are described as follows:

A Mortgage to secure payment of a note for ~~100,000.00~~, and any other amounts as therein provided, together with interest and any other obligations secured thereby:

Recorded: May 29, 1996 as Instrument No. 243050 on Film No. 277, records of Cassia County, Idaho.

Dated: May 2, 1996

Mortgagor: Anderson Farms, Inc., an Idaho corporation

Mortgagee: North Cascades National Bank, a national banking association, and its successors and assigns

ASSIGNED TO: First Trust National Association, as Custodian Trustee by an Assignment of Mortgage from North Cascades National Bank, dated May 9, 1996 and recorded May 29, 1996 as Instrument No. 243051 on Film No. 277, records of Cassia County, Idaho.

5. The land referred to in this Policy is described as set forth in the insured MORTGAGE, is situated in the County of CASSIA, State of Idaho, and is identified as follows:

SEE SCHEDULE A, PAGES 2, 3, 4 & 5

LAND TITLE AND ESCROW, INC.

Countersigned: _____
Authorized Officer or Agent

This Policy is valid only if Schedule B is attached.

CONTINUATION

SCHEDULE A

Policy Number: 554-956698

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 19: Lot 1 (NW¼NE¼) and the SE¼NE¼
- Section 20: SE¼NE¼; SE¼, N½SW¼ and the SE¼SW¼
- Section 21: SW¼NW¼; W½SW¼
- Section 28: W½NW¼; W½SW¼; NE¼SW¼ and the NW¼SE¼ EXCEPT the following described parcel:

Beginning at the Northwest corner of the SW¼SW¼ of said Section 28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 88°40'47" East for 490.61 feet to a ½ inch rebar on centerline of a county road;

Thence South 54°52'09" West along said county road centerline for 599.47 feet to a ½ inch rebar on section line;

Thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8" rebar; Thence North 0°02'00" West along section line for 1316.56 feet to a ½" rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW¼SW¼; Thence South 88°40'07" East for 313.96 feet to a ½" rebar which shall be the Point of Beginning;

Thence North 00°37'13" East for a distance of 1348.96 feet to a ½" rebar;

Thence South 89°27'28" East for a distance of 183.99 feet to a ½" rebar on the approximate centerline of a county road;

Thence South 21°47'38" East along the approximate centerline of said county road for a distance of 324.41 feet to a ½" rebar;

Thence South 11°13'53" East along the approximate centerline of said county road for a distance of 217.58 feet to a ½" rebar;

Thence South 01°32'50" East along the approximate centerline of said county road for a distance of 123.16 feet to a ½" rebar;

-Continued-

CONTINUATION

SCHEDULE A

Policy Number: 554-956698

Thence South 13°07'24" West along the approximate centerline of said county road for a distance of 614.48 feet to a ½" rebar;
Thence South 22°54'21" West along the approximate centerline of said county road for a distance of 124.91 feet to a ½" rebar;
Thence North 88°40'07" West for a distance of 176.65 feet to the Point of Beginning.

Section 29: NE¼, N½SE¼, E½NW¼ and the NE¼SW¼

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: SE¼SW¼

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: W½NW¼

Section 28: E½NE¼

PARCEL NO. 4:

Easement for the benefit of Parcel No. 1 for Well, Ditch, and/or Pipeline as created by Instrument between Howard McIntosh and Alta McIntosh, husband and wife, and H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153543 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: A parcel of land formed with a radius of 20 feet with the center thereof being the well owned by H & E and together with a strip of land 30 feet in width from said well North to the North boundary line of the SW¼SE¼ of said Section 28, and extending South to the South boundary line of said Section 28.

-Continued-

CONTINUATION

SCHEDULE A

Policy Number: 554-956698

PARCEL NO. 5:

An Easement for the benefit of Parcel No. 1 for the purpose of conveying water from a well located in Section 3, Township 14 South, Range 23 East of the Boise Meridian, as created by Instrument entitled Joint Use, Operation and Maintenance Agreement, between Tommy C. Gorringer, Carl Gorringer & Sons, a partnership and H & E, Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

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

PARCEL NO. 6:

An easement and right of way for the benefit of Parcel No. 1 to construct, reconstruct, operate, remove, repair and maintain an underground irrigation pipeline, as created by Instrument entitled Easement from Oakley Highway District, to H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho, in, over, across and through the following described property:

(a) A thirty (30) foot strip of ground extending East and West across the public road that exists or that may exist between the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 13 South, Range 23 East, Boise Meridian, and the Northwest Quarter Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 28, Township 13 South, Range 23 East, Boise Meridian.

(b) A Thirty (30) foot strip of ground extending North and South across the public road that exists or may exist in the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 13 South, Range 23 East, Boise Meridian.

-Continued-

CONTINUATION
SCHEDULE A

Policy Number: 554-956698

PARCEL NO. 7:

Easement for the benefit of Parcel No. 1 for the purpose of installing, maintaining, repairing and/or replacing a pipeline for the purpose of conveying water, as created by Instrument entitled Easement for Pipeline, between LeRoy Fairchild, a single man, Ruth Fairchild, a widow, and H & E Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 8:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 4: Lot 1

PARCEL NO. 9:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$

ALTA LOAN POLICY

SCHEDULE B

EXCEPTIONS FROM COVERAGE

Policy Number: 554-956698

This Policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL (STANDARD) EXCEPTIONS:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
5. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
6. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

SPECIAL EXCEPTIONS

8. Taxes for 1996 and subsequent years, a lien, but not yet due or payable.

-Continued-

CONTINUATION

SCHEDULE B

Policy Number: 554-956698

9. Power Line Easement from Edward V. Gorringer and Marian Gorringer, husband and wife, to Idaho Power Company, an Idaho corporation, dated June 25, 1952 and recorded February 5, 1954 as Instrument No. 181259 in Book 15 of Miscellaneous, Page 85, records of Cassia County, Idaho, over and across the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 14 South, Range 23 East of the Boise Meridian.
10. Power Line Easement from Herschel Bedke and Ethel Bedke, his wife, to Idaho Power Company, a corporation, dated May 24, 1961, recorded July 5, 1961, as Instrument No. 2378 on Film No. 7, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.
11. Water Pipeline Easement from Carl Gorringer and Mildred Gorringer, husband and wife, and Ralph Gorringer and Lorraine Gorringer, husband and wife, to H & E Inc., an Idaho Corporation, dated July 27, 1968 and recorded July 31, 1968 as Instrument No. 42136 on Film No. 57, records of Cassia County, Idaho, over and across the S $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 14 South Range 23 East of the Boise Meridian, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 14 South, Range 23 East of the Boise Meridian.
12. Power Line Easement from Mac Martin, Ray Anderson and Margene Anderson, his wife, to Idaho Power Company, a corporation, dated February 7, 1974 recorded April 25, 1974 as Instrument No. 76319 on Film No. 88, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the North 50 feet of the SW $\frac{1}{4}$ of Section 8, Township 12 South, Range 23, East Boise Meridian.
13. Power Line Easement from H & E. Inc., to Idaho Power Company, a corporation, dated October 19, 1977, recorded January 20, 1978, as Instrument No. 104348 on Film No. 114, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.
14. Effect, if any, of State of Idaho Lease No. OG-0357, notice of which given by Assignment of Mineral, Oil and Gas, and/or Geothermal Resource Lease(s) from Steven W. Davis and Karen M. Davis, spouse, to Bridger Energy Associates, dated November 24, 1981 and recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho. (Affects the NE $\frac{1}{4}$ & E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 28, Township 13 South, Range 23 E.B.M.)

-Continued-

CONTINUATION

SCHEDULE B

Policy Number: 554-956698

15. Terms and Conditions contained in Easement for Well, Ditch and/or Pipeline between Howard McIntosh, contracting as and with his sole and separate property, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153543, on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1)
16. Terms and Conditions contained in Joint Use, Operation and Maintenance Agreement between Tommy C. Gorringer, a married man, contracting with his sole and separate property, and Carl Gorringer & Sons, a partnership, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1 & SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 Township 13, Range 23 E.B.M.)
17. Terms and Conditions contained in Easement between Oakley Highway District, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1)
18. Terms and Conditions contained in Easement for Pipeline between LeRoy Fairchild, a single man, and Ruth Fairchild, a widow, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho. (Parcels No. 1 & 2)
19. Power Line Easement from Robert L. Bedke, dba H & E Inc. to Idaho Power Company, a corporation, its licensees, successors and assigns, recorded October 20, 1994, as Instrument No. 233514 on Film No. 260, records of Cassia County, Idaho, over and across NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.
20. Underground Power Line Easement from R. Trent Anderson - Anderson Farms, Inc. to Idaho Power Company, a corporation, recorded March 27, 1995, as Instrument No. 235819 on Film No. 264, records of Cassia County, Idaho, over and across NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 13 South, Range 23, East Boise Meridian.

END OF SCHEDULE B

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: A45-00577B
Date Received: 5/26/1989
Receipt No: X999999
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ANDERSON FARMS INC 208-678-4314
Address: 961 S 50 W
BURLEY ID 83318

2. Date of Priority: DEC 31, 1879

3. Source: SPRING CREEK Trib. to: MILL CREEK
MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	23E	3		NW	SW		CASSIA
				SW	SE		CASSIA
		10		SE	NE		CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.750		
STOCKWATER	01/01	12/31	0.090		5.40

7. Total Quantity Appropriated is:
0.750 C.F.S. (and/or) 5.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14S	23E	3	NW	NE	2	IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	3	SW	NE		IRR	22.0
			NE	NW	3	IRR	8.0
			NW	NW	4	IRR	18.0
			SW	NW		IRR	40.0
			SE	NW		IRR	33.0
			NW	SE		IRR	15.0
						Section Acres	138.0
		4	NE	NE	1	IRR	12.0
						Section Acres	12.0
						Total Acres	150.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-00577A, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

8/24/98 TF; OWNERSHIP CHANGED WYATT TO ANDERSON FARMS PER 1409(6)
AND TITLE INS POLICY REC'D 8/20/98/.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

KYLE ADAMS

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

August 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GUY E ARNELL
ALPHA REALTY & EXCHANGE
218 W 13TH
BURLEY ID 83318

RE: SRBA Claim(s) A45-00577A, A45-00577B, A45-00578A,
A45-00578B, A45-00579A, A45-00579B, A45-00580A,
A45-00580B, A45-00600, A45-02405, A45-00586,
A45-00587, A45-00588, A45-00534

Dear Mr Arnell:

Pursuant to the change in ownership request you submitted to the Department, we have changed the record of current ownership to Anderson Farms Inc. on all the above listed claims except A45-00586. I will hold this one until the ownership of the parcel in Township 13S, Range 23E, Section 29, NWSW is resolved.

Enclosed you will find copies of the computer record of the remainder of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.



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 12, 1998

Tina Pos
J.W. Dunford & Associates
745 Fairway Drive
Pocatello, ID 83201

Dear Ms. Pos:

I have researched the department's records relating to the land located in parts of Sections 33 and 34 (T13S, R23E) and parts of Sections 2, 3, and 4 (T14S, R23E) that you recently inquired about. I was able to find some water right records and some Snake River Basin Adjudication Claim records that appear to be appurtenant to parts of the property that you inquired about. Please find enclosed the following proof reports for your reference:

Water Right Records

45-00577A	45-00577B
45-00578A	45-00578B
45-00579A	45-00579B
45-00580A	45-00580B
45-00600	45-02405

SNAKE RIVER BASIN ADJUDICATION CLAIM RECORDS

A45-00577A	A45-00577B
A45-00578A	A45-00578B
A45-00579A	A45-00579B
A45-00580A	A45-00580B
A45-00600	A45-02405

A search through our records revealed that we have no well log records for the lands that you inquired about. If you have any questions, feel free to contact our office at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

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: A45-00577B
Date Received: 5/26/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT WYATT
Address: RT 2 BOX 2174
BURLEY, ID 83318 208-678-2856

2. Date of Priority: DEC 31, 1879

3. Source: SPRING CREEK
MILL CREEK Trib. to: MILL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	23E	3		NW	SW		CASSIA
				SW	SE		CASSIA
		10		SE	NE		CASSIA

5. Description of diverting works:
HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.750		
STOCKWATER	01/01	12/31	0.090		5.40

7. Total Quantity Appropriated is:
0.750 C.F.S. (and/or) 5.40 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A45-00577B

Page 1

Date: 05/26/89

MICROFILMED

MAR 07 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	23E	3	NW	NE	2	IRR	2.0✓
			SW	NE		IRR	22.0✓
			NE	NW	3	IRR	8.0✓
			NW	NW	4	IRR	18.0✓
			SW	NW		IRR	40.0✓
			SE	NW		IRR	33.0✓
			NW	SE		IRR	15.0✓
						Section Acres	138.0
		4	NE	NE	1	IRR	12.0✓
						Section Acres	12.0
						Total Acres	150.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A45-00577A, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

vs

KYLE ADAMS

Decree Defendant

MICROFILMED

MAR 07 1993

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): Grant Hyatt Date: 5-26-89

Date: _____

State of Idaho)
County of FF) SS.

Subscribed and sworn (or affirmed) before me this 26 day th

of May 19 89

Law White
Notary Public

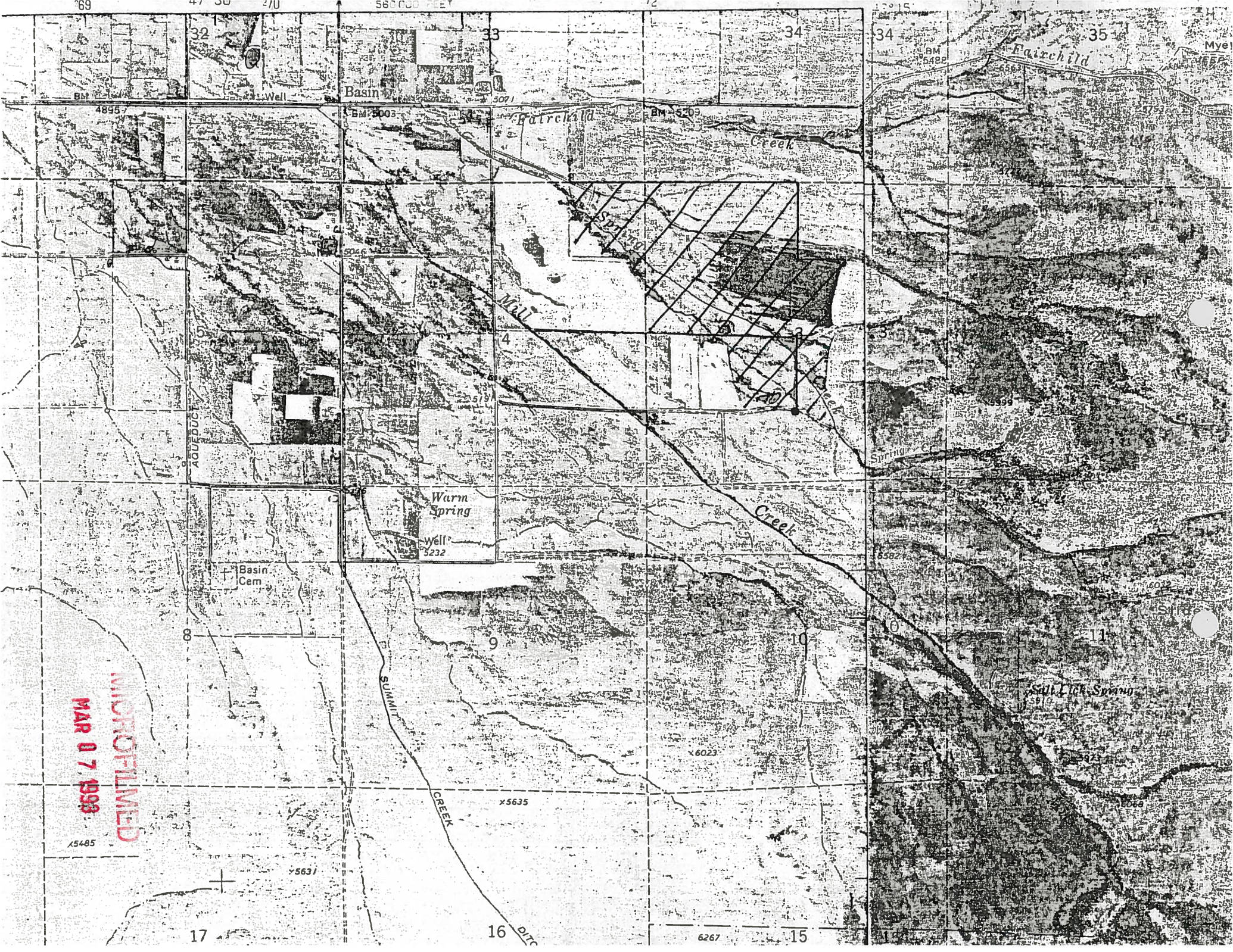
Seal

Residing at FF

My Commission Expires 5/94

MAR 07 1999

MICROFILMED



COPY

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 16 2010	
By _____	Clerk _____ Deputy Clerk _____

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

In Re SRBA	)	Subcase No: 45-577A, <u>45-577B</u> ,
	)	45-578A, 45-578B, 45-579A, 45-579B,
Case No. 39576	)	45-580A, 45-580B, 45-586, 45-587,
	)	45-588, 45-600, 45-12927, 45-12929
	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

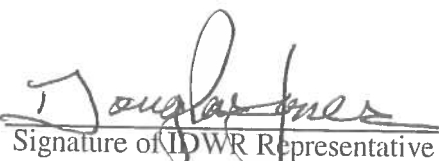
☒ Change in Ownership	☐ Split of Water Right
☒ Point of Diversion	☒ Place of Use
☐ Period of Use	☐ Nature of Use

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: _____

9/14/10


Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
5/21/96

CERTIFICATE OF MAILING

I certify that on 9-16, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

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

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

E. Eugene Matthews
Heidi Matthews
1249 S Hwy 27
Oakley ID 83346

Anderson Farms
271 W Hwy 30
Burley ID 83318



Signature of person or attorney mailing the form

09/08/2010

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

RIGHT NUMBER: 45-577B

NAME AND ADDRESS: E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY:
TRIBUTARY: MILL CREEK

QUANTITY: 0.750 CFS

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs.

Rights 45-577B, 45-578B, 45-579B and 45-580B when combined shall not exceed a diversion rate of 2.72 cfs.

PRIORITY DATE: 12/31/1879

POINT OF
DIVERSION:

T14S R23E S3 NESWSE Within CASSIA County
T14S R23E S4 NWNENE Lot 1 Within CASSIA County
T14S R23E S10 SWSENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.750 CFS

PLACE OF USE:

Rights 45-577B, 45-578B, 45-579B and 45-580B when combined shall not exceed the irrigation of 150 acres.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed the irrigation of 238 acres.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed the irrigation of 160 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.

09/15/2010

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

The following are the same for all water rights included in this notice and are in addition to the water right elements and conditions shown on the previous page.

RIGHT NUMBER:

NAME AND ADDRESS: E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE:

TRIBUTARY:

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY:

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.

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.

Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs.

PRIORITY DATE:

POINT OF
DIVERSION:

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
PLACE OF USE:	<u>IRRIGATION in CASSIA County</u>				
	T13S R23E S20	SENE	32.00	T13S R23E S20	SESW 35.00
	T13S R23E S20	NESE	32.00	T13S R23E S20	NWSE 35.00
	T13S R23E S20	SWSE	32.00	T13S R23E S21	SWNW 40.00
	T13S R23E S21	NWSW	40.00	T13S R23E S21	SWSW 40.00
	T13S R23E S28	NWNE	34.00	T13S R23E S28	SWNE 33.00
	T13S R23E S28	NENW	33.00	T13S R23E S28	NWNW 11.00
	T13S R23E S28	SWNW	5.50	T13S R23E S28	SESW 34.00
	T13S R23E S28	NESW	38.00	T13S R23E S28	NWSW 29.00
	T13S R23E S28	SWSW	35.00	T13S R23E S28	SESW 35.00
	T13S R23E S28	NWSE	36.00	T13S R23E S29	NENE 4.40

T13S R23E S29	NWNE	35.00	T13S R23E S29	SWNE	39.00
T13S R23E S29	SENE	38.00	T13S R23E S29	NENW	34.00
T13S R23E S29	SENE	35.00	T13S R23E S29	NESW	35.00
T13S R23E S29	NESE	40.00	T13S R23E S29	NWSE	36.00

905.9 ACRES TOTAL

Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.

Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed the irrigation of 527.2 acres.

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

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

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. 45A.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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 use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows:

1. The use of water is subject to the attached IRRIGATION PLAN.
 - 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting.
 - 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15).
 - 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file.

- 1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season.
- 1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not provide water to irrigate crops for harvest in the same fall. Application of water to B acres in the fall shall not exceed two applications or sets of water.
- 1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season.
- 1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133.
- 1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season. shall be amended to the form of: This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan.
2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: BASIS OF CLAIM -



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 16, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

E EUGENE MATTHEWS
HEIDI MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

RE: SRBA Claim(s) 45-534, 45-577A, 45-577B, 45-578A, 45-578B,
45-579A, 45-579B, 45-580A, 45-580B, 45-586,
45-587, 45-588, 45-600, 45-12927, 45-12929,
45-2405, 45-2406, 45-2661, 45-12928,
45-12930

Dear Claimant:

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

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

Sincerely,


Trish Fawcett
Technical Records Specialist

cc: Anderson Farms, 271 W Hwy 27, Burley ID 83318
Robert & Carol Bedke, 1872 S 50 E, Oakley ID 83346

COPY

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 16 2010	
By _____	Clerk Deputy Clerk

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

In Re SRBA

Case No. 39576

Subcase No: 45-577A, 45-577B,
45-578A, 45-578B, 45-579A, 45-579B,
45-580A, 45-580B, 45-586, 45-587,
45-588, 45-600, 45-12927, 45-12929

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership

☒ Point of Diversion

☐ Period of Use

☐ Split of Water Right

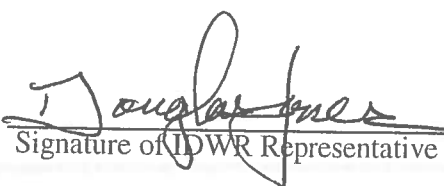
☒ Place of Use

☐ Nature of Use

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: 9/14/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-16, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

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

United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724

E. Eugene Matthews
Heidi Matthews
1249 S Hwy 27
Oakley ID 83346

Anderson Farms
271 W Hwy 30
Burley ID 83318



Signature of person or attorney mailing the form

09/08/2010

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

RIGHT NUMBER: 45-578A

NAME AND ADDRESS: E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY: SINKS
TRIBUTARY: MILL CREEK

QUANTITY: 0.080 CFS

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed a total diversion rate of 3.1 cfs.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed a total diversion rate of 3.1 cfs.

PRIORITY DATE: 03/01/1881

POINT OF
DIVERSION:

T14S R23E S3 NESWSE Within CASSIA County
T14S R23E S4 NWNENE Lot 1 Within CASSIA County
T14S R23E S10 SWSENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

PLACE OF USE: IRRIGATION 03/15 11/15 0.080 CFS

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600 and 45-12927 when combined shall not exceed the irrigation of 238 acres.

Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed the irrigation of 527.2 acres.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, and 45-12928 when combined shall not exceed the irrigation of 238.0 acres.

Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 when combined shall not exceed the irrigation of 160 acres.

Rights 45-577A, 45-578A, 45-579A, 45-580A and 45-600 when combined shall not exceed the irrigation of 10 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right 45-12927 is an enlargement of Rights 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, and 45-600 pursuant to Section 42-1426, Idaho Code.

09/15/2010

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

The following are the same for all water rights included in this notice and are in addition to the water right elements and conditions shown on the previous page.

RIGHT NUMBER:

NAME AND ADDRESS: E EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

HEIDI F MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

SOURCE:

TRIBUTARY:

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY:

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.

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.

Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed a total diversion rate of 6.93 cfs.

PRIORITY DATE:

POINT OF
DIVERSION:

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
PLACE OF USE:	<u>IRRIGATION in CASSIA County</u>		
	T13S R23E S20 SENE	32.00 T13S R23E S20	SESW 35.00
	T13S R23E S20 NESE	32.00 T13S R23E S20	NWSE 35.00
	T13S R23E S20 SWSE	32.00 T13S R23E S21	SWNW 40.00
	T13S R23E S21 NWSW	40.00 T13S R23E S21	SWSW 40.00
	T13S R23E S28 NWNE	34.00 T13S R23E S28	SWNE 33.00
	T13S R23E S28 NENW	33.00 T13S R23E S28	NWNW 11.00
	T13S R23E S28 SWNW	5.50 T13S R23E S28	SENW 34.00
	T13S R23E S28 NESW	38.00 T13S R23E S28	NWSW 29.00
	T13S R23E S28 SWSW	35.00 T13S R23E S28	SESW 35.00
	T13S R23E S28 NWSE	36.00 T13S R23E S29	NENE 4.40

T13S R23E S29	NWNE	35.00	T13S R23E S29	SWNE	39.00
T13S R23E S29	SENE	38.00	T13S R23E S29	NENW	34.00
T13S R23E S29	SENE	35.00	T13S R23E S29	NESW	35.00
T13S R23E S29	NESE	40.00	T13S R23E S29	NWSE	36.00

905.9 ACRES TOTAL

Rights 45-14216, 45-586, 45-587, 45-588, 45-12929, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-12927, 45-2405, 45-2406, 45-2661, 45-12928 and 45-12930 when combined shall not exceed the irrigation of 527.2 acres within the place of use in a single irrigation season. The specific 527.2 acres to be irrigated by the right holder shall be identified prior to each irrigation season by submitting to IDWR a land list and a representative electronic shape file or a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights.

Rights 45-14216, 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586, 45-587, 45-588, 45-600, 45-12927 and 45-12929 when combined shall not exceed the irrigation of 527.2 acres.

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

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

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. 45A.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

During times of low flow when the quantity of water is not sufficient to fill all the December 31, 1879 priority rights from the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, the practice of delivery by rotation among individual appropriators within groups of water users may occur by agreement of the parties, or according to common practice and usage, provided that no water right user shall be denied the right to receive water on a continuous flow basis by reason of this decree.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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 use of this right is subject to the Amended Order Amending Transfer Approval dated July 20, 2010 with additional conditions as follows:

1. The use of water is subject to the attached IRRIGATION PLAN.
 - 1.1 Prior to August 31, 2010 the applicant shall report directly to the Department and the watermaster of Water District 140 the location of the 527.2 acres initially irrigated from March 15, 2010 to August 31, 2010. The applicant shall also report that portion of the 527.2 acres intended to be dried up (defined as A acres under the plan) in exchange for irrigation of other lands between September 1 and November 15 of 2010 (defined as B acres under the plan) necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting.
 - 1.2 Beginning in 2011 and for each successive year, the applicant shall report directly to the Department and the watermaster of Water District 140 prior to May 1, the location of the 527.2 acres of crops that will be irrigated between March 15 and August 31. The applicant shall also report prior to August 31, the location and number of the A acres (that portion of the 527.2 acres to be dried up on or before August 31), and the number and location of the B acres (the acres to be irrigated in the fall between September 1 and November 15).
 - 1.3 Identification or reporting to the Department and the Water District 140 watermaster of the 527.2 cropped acres, the A acres, and the B acres shall be in the form of a land list and a map sufficiently detailed to allow creation of an electronic shape file.

- 1.4 The total number of B acres shall not exceed the number of A acres in any irrigation season.
- 1.5 Application of water to B acres in the fall is limited to water necessary to prepare soil for tilling, for application of chemicals, or for establishing fall planting. Application of water to B acres shall not provide water to irrigate crops for harvest in the same fall. Application of water to B acres in the fall shall not exceed two applications or sets of water.
- 1.6 The B acres identified for fall irrigation in any year shall be included in the 527.2 cropped acres for the subsequent season.
- 1.7 The watermaster of Water District 140 shall monitor the place of use and regulate the use of water under the approved transfers pursuant to these conditions of approval. The watermaster of Water District 140 shall coordinate delivery and regulation with the watermaster of Water District 45-A of the surface water rights covered by transfer No. 66133.
- 1.8 Original conditions of approval associated with transfer No. 66132 and transfer No. 66133 that are in the standard form of: This right is limited to the irrigation of ### acres within the place of use described above in a single irrigation season. shall be amended to the form of: This right is limited to the irrigation of ### acres within the place of use described above in accordance with the attached Irrigation Plan.
2. Failure to adhere to the conditions of use and timelines set forth on the IRRIGATION PLAN shall be cause for this amended approval to be revoked with prejudice and the transfers to revert back to the approval established in the orders dated December 2, 2009.

Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

EXPLANATORY MATERIAL: BASIS OF CLAIM -



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 16, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

E EUGENE MATTHEWS
HEIDI MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

RE: SRBA Claim(s) 45-534, 45-577A, 45-577B, 45-578A, 45-578B,
45-579A, 45-579B, 45-580A, 45-580B, 45-586,
45-587, 45-588, 45-600, 45-12927, 45-12929,
45-2405, 45-2406, 45-2661, 45-12928,
45-12930

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Anderson Farms, 271 W Hwy 27, Burley ID 83318
Robert & Carol Bedke, 1872 S 50 E, Oakley ID 83346

COPY

2005 APR 20 AM 11
DISTRICT COURT-S
TWIN FALLS CO., ID
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

)
)
)
)
)
)
)
**Water Rights: 45-534, 45-577A,
45-577B, 45-578A, 45-578B, 45-579A,
45-579B, 45-580A, 45-580B, 45-586,
45-587, 45-588, 45-600, 45-12927,
45-12929
NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

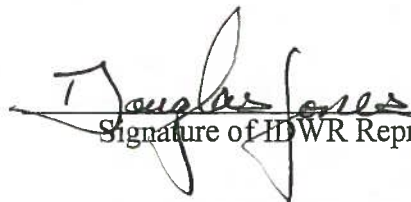
- ☐ Substitution of Party (waiting for documentation)
☐ Substitution of Party/Split Water Right
☒ I.C. § 42-222 transfer 66133

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: April 7, 2006.

Dated 4/19/05


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/20, 2005, 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
P.O. Box 2707
Twin Falls ID 83303-2707

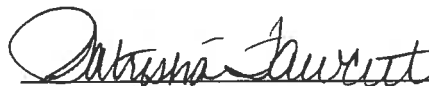
2. Copies to:

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

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

Eugene Matthews
Heidi Matthews
1249 S Hwy 27
Oakley ID 83346

Anderson Farms Inc
271 W Hwy 30
Burley ID 83318



Signature of person or attorney mailing the form

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 10-27-2000

File: 45-577a 586 et al anderson farms

Prepared by Kelly K Christensen

SOUTH FARM SYSTEM

SURFACE WATER RIGHTS

SYSTEM 1	<u>45-577A, 45-578A, 45-579A, 45-580A AND 45-600</u>	<u>p/u = 10 ACRES</u>
SYSTEM 2	<u>45-577B, 45-578B, 45-579B, AND 45-580B</u>	<u>p/u = 150 ACRES</u>

The surface water rights are part of the Basin Creek Decree that was issued on 3-27-1987. Listed as Civil case No 11125.

The 10 acres in system 1 do not overlap with the 150 acres within system 2. There is a difference in sources for the two systems. The enlargement right 45-12927 is for 78.2 acres within the PP/U.

GROUND WATER RIGHTS

SYSTEM 3	<u>45-2405</u>	<u>p/u = 123 ACRES</u>
-----------------	----------------	------------------------

The 123 acres under system 3 overlap with the acres under system 1. The expansion claim 45-12928 is for 115.2 acres within the PP/U. When the two rights are combined, they are limited to 1.87 cfs and 492 afa.

This area is within the Oakley-Kenyon critical groundwater area that was closed on January 19, 1962 and modified in 1967. Any new acres irrigated from the ground water source are subject to review under Idaho Code § 42-1426B.

The total recommended place of use regardless of source is 160 acres based upon the decree information and licensing information. The 1987 aerial photography shows an irrigated place of use of ~ 237 acres. Although the acres may have been developed prior to 1987 they cannot be recommended as a beneficial use right or with a priority date earlier than 3-28-1987. *date of decree*
The 78.2 'new' acres are considered an enlargement of the surface water rights with that priority date based upon Idaho Code § 42-1426.

NORTH FARM SYSTEM

SURFACE WATER RIGHTS

SYSTEM 1	<u>45-586, 45-587, AND 45-588</u>	<u>p/u = 175 ACRES</u>
SYSTEM 2	<u>45-534</u>	<u>p/u = 40 ACRES</u>

The surface water rights are part of the Basin Creek Decree that was issued on 3-27-1987. Listed as Civil case No 11125.

The two systems are overlapping and I recognize a total of 175 decreed irrigated acres. The expansion claim 45-12929 is recognized for 123.4 acres within the PP/U.

GROUND WATER RIGHTS

SYSTEM 3	<u>45-2406</u>	<u>p/u = 120 ACRES</u>
SYSTEM 4	<u>45-2661</u>	<u>p/u = 69 ACRES</u>

This area is within the Oakley-Kenyon critical groundwater area that was closed on January 19, 1962 and modified in 1967.

Licensing remarks limit the two rights to 180 acres and a total diversion volume of 720 afa. These same limits become the combined limits for the three rights based upon 42-1416B. The enlargement claim 45-12930 is recognized for 118.4 acres within the PP/U.

The surface water rights in system 1 share the same point of diversions and same place of use. System 2 is from a different source but is for ground also covered under system 1. The combined place of use for system 1 and system 2 is 175 acres.

The overlap between the surface and ground water rights appears to be complete. Thus when the two systems are combined they are also limited to a total of 175 acres.

Using ArcView, Jim Stanton found $\approx$ 298 acres. As with the north farm system, the decree establishes 3-28-1987 as the earliest acceptable priority date for an enlargement of surface water rights under § 42-1426. Therefore the additional 123 acres would be an enlargement right.

The ground water rights irrigate a combined total of 180 acres. If the entire place of use is irrigated with ground water then 118 acres would be considered under Idaho Code § 42-1416B as a late claim.

FEES DUE FOR THE EXPANSION AND ENLARGEMENT CLAIMS

SOUTH FARM

	Fees due
45-12927 enlargement of surface water rights	\$50.00
45-12928 expansion of ground water rights	\$50.00
variable fees due	\$79.00

NORTH FARM

45-12929 enlargement of surface water rights	\$50.00
45-12930 expansion of ground water rights	\$50.00
<u>variable fees due</u>	<u>\$119.00</u>
TOTAL FEES DUE	\$398.00



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

April 20, 2005

EUGENE MATTHEWS
HEIDI MATTHEWS
1249 S HWY 27
OAKLEY ID 83346

RE: SRBA Claim(s) 45-534, 45-577A, 45-577B, 45-578A,
45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-586,
45-587, 45-588, 45-600, 45-12927, 45-12929
45-2405, 45-2406, 45-2661, 45-12928, 45-12930

Dear Claimant:

Please find the enclosed copy of the Notice of 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.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

cc: Anderson Farms Inc

VERIFIED BY *[Signature]* 01/14/2003

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

RIGHT NUMBER: 45-577B

NAME AND ADDRESS: ANDERSON FARMS INC
961 S 50 W
BURLEY ID 83318

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY:
TRIBUTARY: MILL CREEK

QUANTITY: 0.750 CFS
5.400 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.1 CFS. COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, & 45-12927.

PRIORITY DATE: 12/31/1879

POINT OF DIVERSION:

T14S R23E S3 NWSW Within CASSIA County
T14S R23E S3 SWSE Within CASSIA County
T14S R23E S10 SENE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.090 CFS 5.40 AFY
IRRIGATION	03/15 11/15	0.750 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T13S R23E S33	SESE	T13S R23E S34	SWSW
T13S R23E S34	SESW	T14S R23E S03 Lot 2	NWNE
T14S R23E S03	SWNE	T14S R23E S03 Lot 3	NENW
T14S R23E S03 Lot 4	NWNW	T14S R23E S03	SWNW
T14S R23E S03	SENW	T14S R23E S04 Lot 1	NENE
T14S R23E S04	SENE		

IRRIGATION Within CASSIA County

T13S R23E S33	SESE	33.0	T13S R23E S34	SWSW	32.0
T13S R23E S34	SESW	19.0	T14S R23E S03 Lot 2	NWNE	2.0
T14S R23E S03	SWNE	18.0	T14S R23E S03 Lot 3	NENW	33.0
T14S R23E S03 Lot 4	NWNW	39.0	T14S R23E S03	SWNW	16.0
T14S R23E S03	SENW	29.0	T14S R23E S04 Lot 1	NENE	16.0
T14S R23E S04	SENE	1.0			

238 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-577B, 45-578B, 45-579B, & 45-580B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 238 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, & 45-12928.

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

Water Right 45-577B

01/14/2003

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

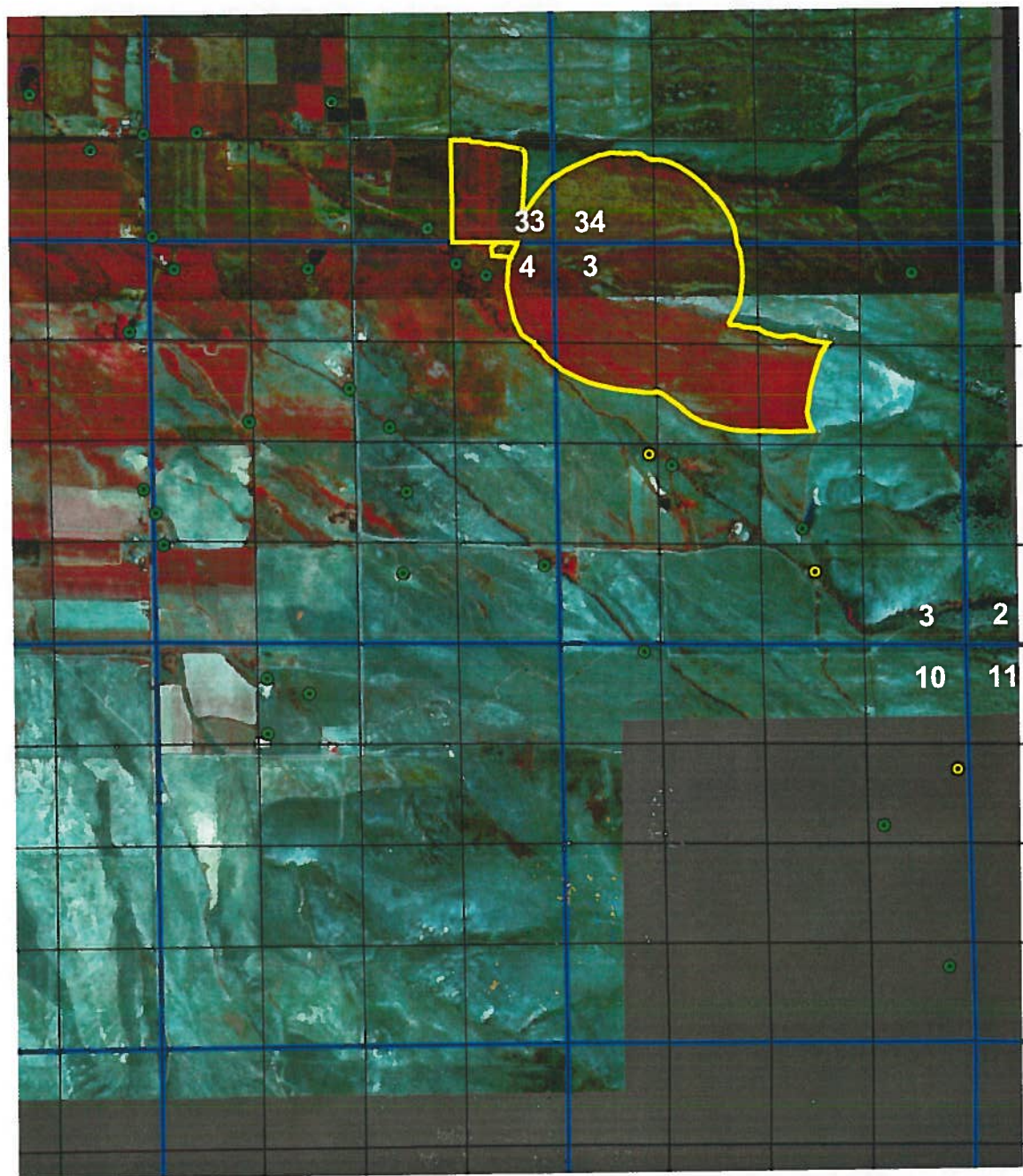
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 45-12927 IS AN ENLARGEMENT OF THE FOLLOWING RIGHTS PURSUANT TO SECTION 42-1426, IDAHO CODE: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, & 45-600.

45-577B, 45-578B, & 45-579B



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 15, 2003
TWP 13S, RNG 23E, SEC. 33 & 34
TWP 14S, RNG 23E, SEC. 3 & 4



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577B V1

WATER RIGHT NUMBER: 45-577B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GRANT M WYATT 327 S 400 W BURLEY, ID 83318 (208)678-2856
Security Interest	KEYBANK NATIONAL 702 W IDAHO ST BOISE, ID 83702 (208)334-7943
Current Owner	ANDERSON FARMS INC 961 S 50 W BURLEY, ID 83318 (208)678-4314

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MILL CREEK	
SPRING CREEK	MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.090 CFS	5.40 AF
IRRIGATION	03/15 to 11/15	0.750 CFS	
	<u>Total Diversion:</u>	0.750 CFS	5.40 AF

Location of Point(s) of Diversion

MILL CREEK	SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.
CASSIA County		
SPRING CREEK	NW1/4SW1/4	Sec. 3, Twp 14S, Rge 23E, B.M.
CASSIA County		
SPRING CREEK	SW1/4SE1/4	Sec. 3, Twp 14S, Rge 23E, B.M.
CASSIA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	23E	33																	X
13S	23E	34											X	X					
14S	23E	3	X	X			X	X	X	X									
			L 2				L 3	L 4											

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577B V1

14S 23E 4	X L 1	X				
-----------	----------	---	--	--	--	--

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	23E	33																33.0	33.0
13S	23E	34											32.0	19.0					51.0
14S	23E	3		2.0 L 2	18.0		33.0 L 3	39.0 L 4	16.0	29.0									137.0
14S	23E	4	16.0 L 1			1.0													17.0

Total Acres: 238

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-577B, 45-578B, 45-579B, & 45-580B.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.1 CFS. COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, & 45-12927.
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 238 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, 45-600, 45-2405, 45-12927, & 45-12928.
4. Explanatory RIGHT NO. 45-12927 IS AN ENLARGEMENT OF THE FOLLOWING RIGHTS PURSUANT TO SECTION 42-1426, IDAHO CODE: 45-577A, 45-577B, 45-578A, 45-578B, 45-579A, 45-579B, 45-580A, 45-580B, & 45-600.

Comments:

1. jroberts 1/14/2003 Basis of Recommendation
Comment: Recommendation is for a 238 ac ppu (within which this right is limited to 150 ac when combined with several others), because there was an enlargement claim filed for a total of 238 ac and a pending transfer using this pou.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-577B V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 45A
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/14/2003 11:15:28 AM	jroberts			Active
POD	1/14/2003 11:15:43 AM	jroberts			Active
Source	1/14/2003 11:17:47 AM	jroberts			Active
POU	1/14/2003 11:20:52 AM	jroberts			Active
Use	1/14/2003 11:21:48 AM	jroberts			Active
Season	1/14/2003 11:25:00 AM	jroberts			Active
Quantity	1/14/2003 11:25:59 AM	jroberts			Active
Summary			01/14/2003	jroberts	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/14/2003 11:15:44 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POD	1/14/2003 11:16:02 AM	jroberts	Edited point location
POD	1/14/2003 11:16:10 AM	jroberts	Edited PLS
POD	1/14/2003 11:16:40 AM	jroberts	Edited point location
POD	1/14/2003 11:16:50 AM	jroberts	Edited PLS
POD	1/14/2003 11:17:12 AM	jroberts	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577B V1

Source	1/14/2003 11:17:47 AM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Priority Date	1/14/2003 11:15:28 AM	jroberts	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/14/2003 11:17:22 AM	jroberts	Edited PLS
POU	1/14/2003 11:24:33 AM	jroberts	Edited shape boundary
POU	1/14/2003 11:20:52 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Claim has an enlargement claim filed for a total pou of 238 acres, so this right will be limited to 150 ac in combination with other decrees which were for the same 150 ac. Description for Question 13 - per Gis of 1987 aerial photo.
POU	1/14/2003 11:21:05 AM	jroberts	Edited shape boundary
POU	1/14/2003 11:21:24 AM	jroberts	Edited PLS
Use	1/14/2003 11:21:48 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-577B V1

Season	1/14/2003 11:25:00 AM	jroberts	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/14/2003 11:26:00 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - Volume determined in decree for stockwater use only.
Summary	1/14/2003 11:29:41 AM	jroberts	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-577B

WATER RIGHT NUMBER: 45-577B

Owner Type Name and Address
 Current Owner MILDRED S GORRINGE

 OAKLEY, ID 83346
 Current Owner CARL GORRINGE

 OAKLEY, ID 83346

Priority Date: 12/31/1879

Basis: Decreed

Status: Active

Source Tributary
 MILL CREEK
 SPRING CREEK MILL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.750 CFS	
STOCKWATER	1/01 to 12/31	0.090 CFS	5.40 AF
	<u>Total Diversion:</u>	0.750 CFS	5.40 AF

Location of Point(s) of Diversion

SPRING CREEK CASSIA County	NW1/4SW1/4	Sec. 3, Twp 14S, Rge 23E, B.M.
SPRING CREEK CASSIA County	SW1/4SE1/4	Sec. 3, Twp 14S, Rge 23E, B.M.
MILL CREEK CASSIA County	SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	23E	3		2.0	22.0		8.0	18.0	40.0	33.0						15.0			138.0
				L 2				L 3	L 4										
14S	23E	4	12.0																12.0
				L 1															

Total Acres: 150

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-577B

Remarks:

1. General SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 3/27/1987
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: 45A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Log for claim A45-00577B

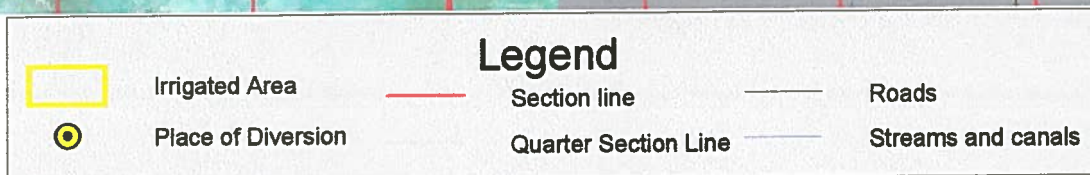
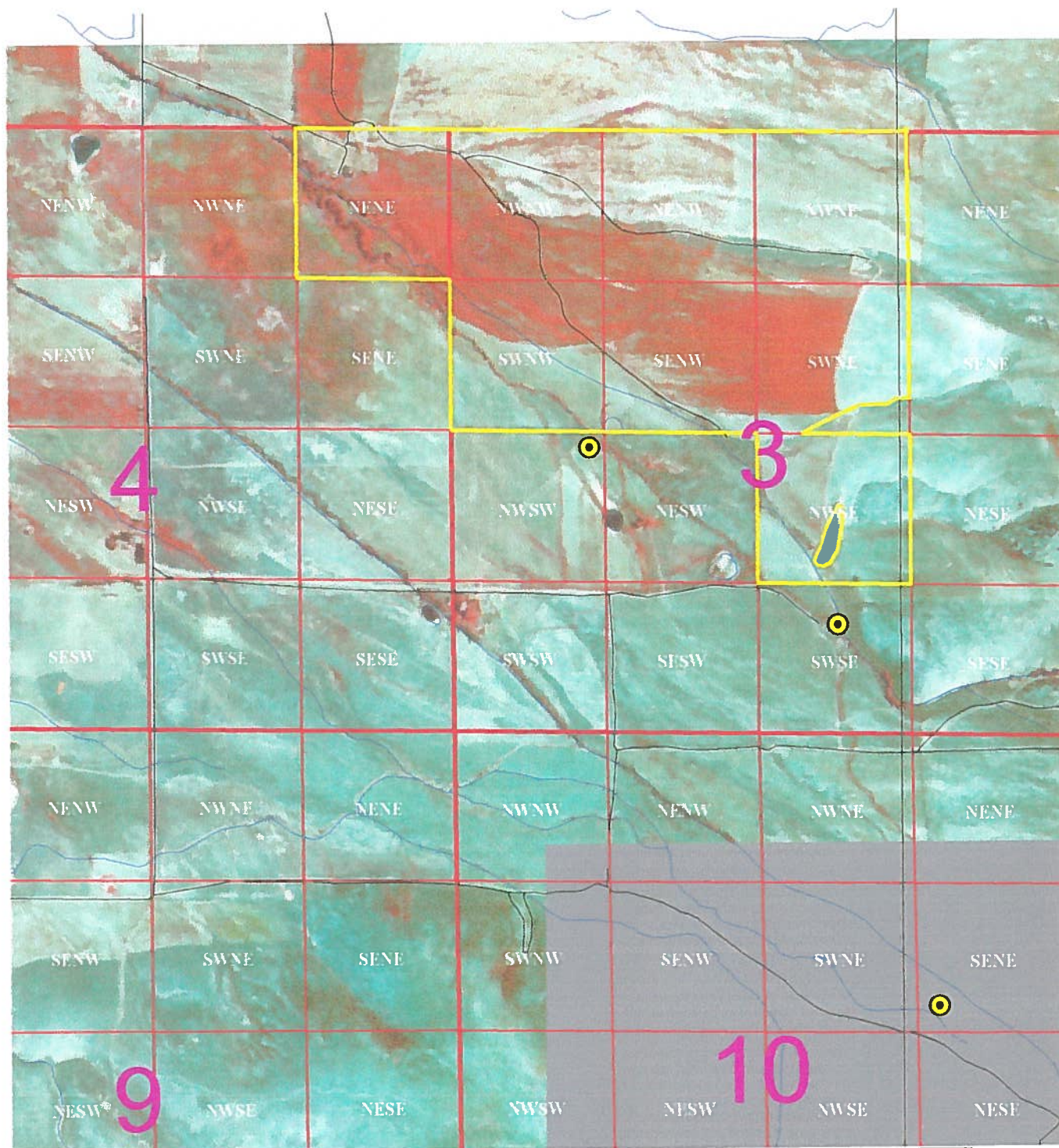
Spatial Dynamics LRR

2/15/00

T	R	SEC	QQ	Aeros Claimed	Aeros Found	COMMENT
14	23	3	NWNE	2	39	Indiscernible
14	23	3	SWNE	22	35	Indiscernible
14	23	3	NENW	8	39	Indiscernible
14	23	3	NWNW	18	39	Indiscernible
14	23	3	SWNW	40	39	
14	23	3	SEW	33	39	
14	23	3	NWSE	15	37	Indiscernible
14	23	4	NENE	12	39	Indiscernible
Totals:				150	306	

Water Right Claim Number A45-00577B

Townships , 14S23E

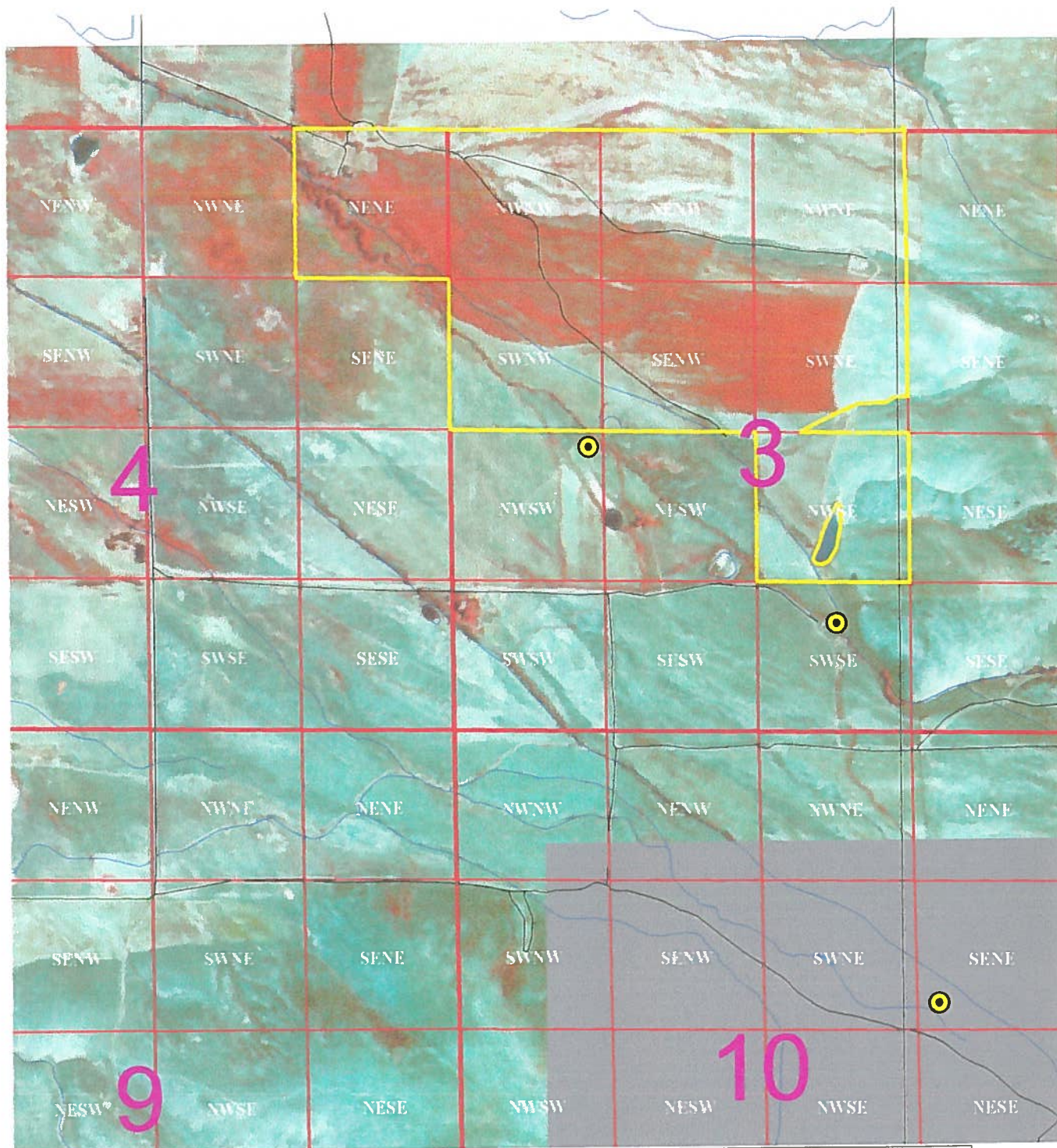


600 0 600 1200 Feet



Water Right Claim Number A45-00577B

Townships , 14S23E



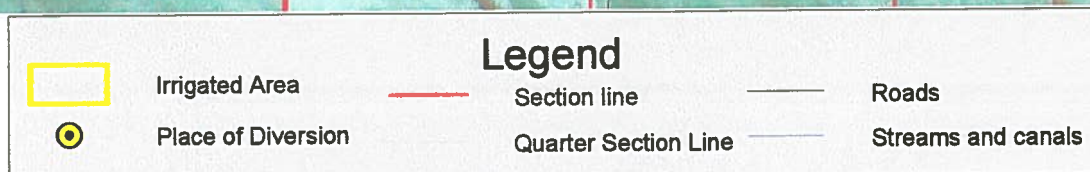
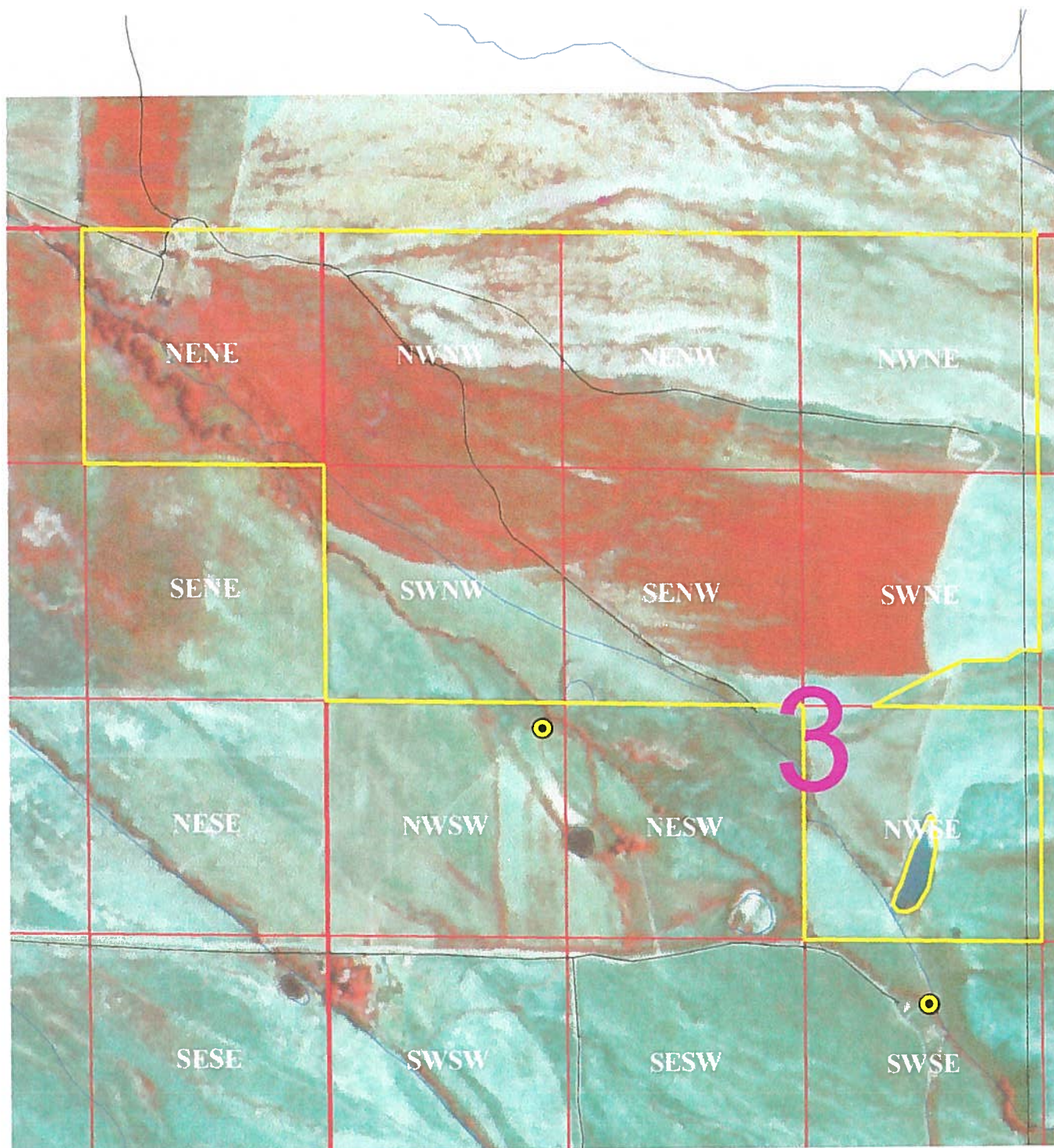
Legend					
	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals

600 0 600 1200 Feet




Water Right Claim Number A45-00577B

Townships , 14S23E



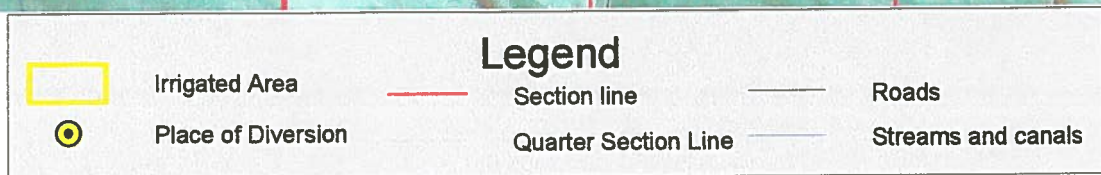
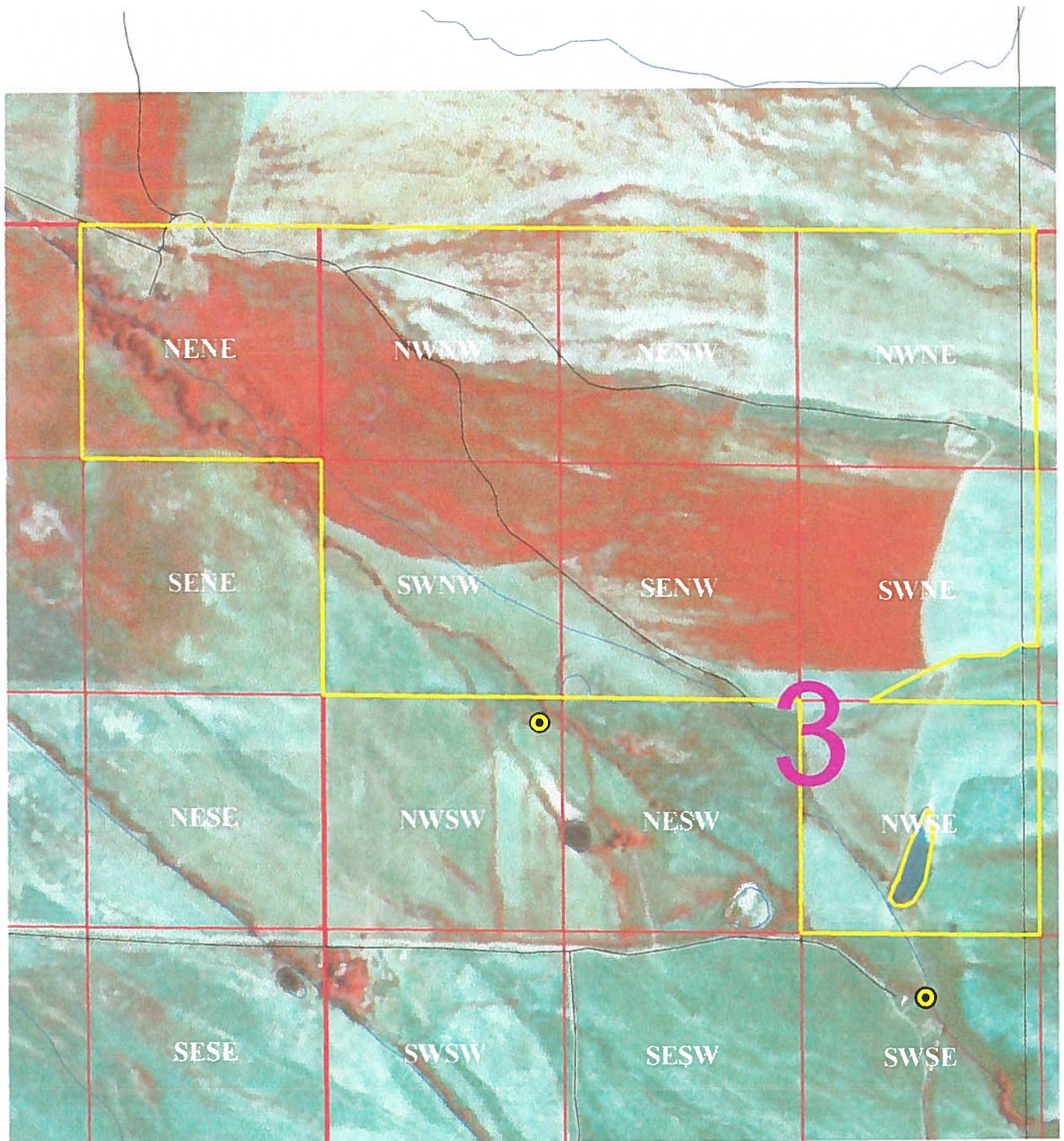
600 0 600 1200 Feet



Water Right Claim Number A45-00577B

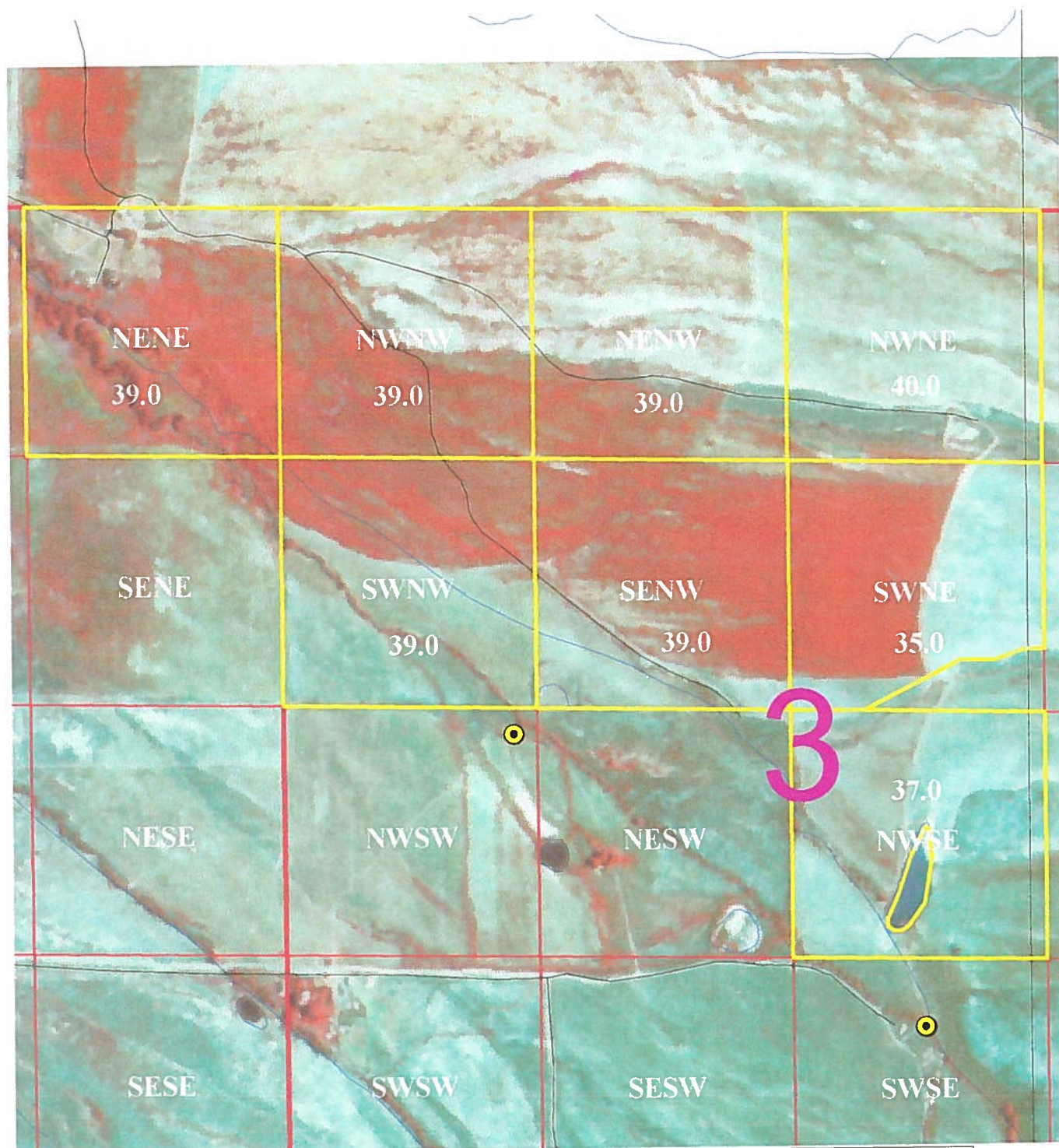
02/15/2000

Townships , 14S23E



Water Right Claim Number A45-00577B

Townships ,14S23E



Irrigated Area



Place of Diversion

Legend



Section line

Quarter Section Line



Roads



Streams and canals

600 0 600 1200 Feet



AJ5809NP
No. A45-00577B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/19/00
PAGE: 37

OWNER		PRIORITY	USE PERIOD		DIVERSION	DIVERSION	
CODE	NAME & ADDRESS	DATE	WATER USE	FROM	TO	RATE	VOLUME
-----		-----	-----	-----		-----	-----
C	ANDERSON FARMS INC	12/31/1879	IRRIGATION	03-15	11-15	0.750 CFS	
	961 S 50 W		STOCKWATER	01-01	12-31	0.090 CFS	5.40 AFA
	BURLEY ID 83318					-----	-----
	(208) 678-4314			TOTAL DIVERSION:		0.750 CFS	5.40 AFA
Water Source: SPRING CREEK		Tributary to: MILL CREEK				Stage: DECREED	
MILL CREEK							

AJ5809NP
No. A45-00577B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/19/00
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Point(s) of Diversion: T14S R23E S03 NWSW SWSE CASSIA County

AJ5809NP
No. A45-00577B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/19/00
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Point(s) of Diversion: T14S R23E S10 SENE CASSIA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
14S	23E	3	:		02-02		22	:	03-08	04-18		40	33	:						15					:	138.0
14S	23E	4	:	01-12				:						:											:	12.0
																							TOTAL ACRES		150.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CASSIA

Other Rights: A45-00577A, 00578A&B, 00579A&B, 00580A&B, 00600, 02405

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A45-00540	A45-00541	A45-00542	A45-00564A	A45-00564B	A45-00565	A45-00566A	A45-00566B	A45-00567A	A45-00567B
A45-00568	A45-00569	A45-00574	A45-00576	A45-00577A	A45-00578A	A45-00578B	A45-00579A	A45-00579B	A45-00580A
A45-00580B	A45-00581B	A45-00581C	A45-00582B	A45-00582C	A45-00584	A45-00585	A45-00586	A45-00587	A45-00588
R45-00581B	R45-00581C	R45-00582B	R45-00582C						

Other Water Rights Listing Overlapping Place(s) of Use:

A45-00578A A45-00578B A45-00579A A45-00579B A45-00580A A45-00580B A45-00600 A45-02405

Remarks: GEN SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

8/24/98 TF; OWNERSHIP CHANGED WYATT TO ANDERSON FARMS PER 1409(6)
AND TITLE INS POLICY REC'D 8/20/98/.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 45A Field Inspection Flag:
Presumption Flag:

Audit: 05/26/89 WHITE 03/30/95 POST-STD 08/24/98 TFAWCETT

WR5809NP
No. 45-00577B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/19/00
PAGE: 25

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL GORRINGE	12/31/1879	IRRIGATION	03/15 11/15	0.750 CFS	
C	MILDRED S. GORRINGE OAKLEY ID 83346		STOCKWATER	01/01 12/31	0.090 CFS	5.40 AFA
TOTAL DIVERSION:					0.750 CFS	5.40 AFA

Water Source: SPRING CREEK
MILL CREEK

Tributary to: MILL CREEK

Stage: DECREEED

Point(s) of Diversion: T14S R23E S03 NWSW SWSE CASSIA County
S10 SENE CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
14S	23E	3	:		02-02		22	:	03-08	04-18		40		33	:																	
14S	23E	4	:		01-12			:							:																	
TOTAL ACRES																												150.0				

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: CASSIA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

45-00540	45-00541	45-00542	45-00564	45-00565	45-00566	45-00567	45-00568	45-00569	45-00574
45-00576	45-00577A	45-00578A	45-00578B	45-00579A	45-00579B	45-00580A	45-00580B	45-00581	45-00582
45-00584	45-00585	45-00586	45-00587	45-00588	45-00685	T45-00581A	T45-00582A	T45-00685A	

Other Water Rights Listing Overlapping Place(s) of use:

45-00578A	45-00578B	45-00579A	45-00579B	45-00580A	45-00580B	45-00600	45-02405
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Remarks: GEN SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

Dates:	App. Received:	Priority Date:	12/31/1879
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 45A Field Exam Fee:

Audit: 03/28/88 05/28/88 CONVERT