

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: A45-00586
Date Received: 6/12/1989
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	Lot	County
14S	23E	4				1	CASSIA
		10	SE	NE			CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
STOCKWATER	01/01	12/31	0.120		6.70
STOCKWATER STORAGE	01/01	12/31	0.120		11.00

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 6.70 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
13S	23E	20	NE	SW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	23E	20	SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
		28	NE		NW		STOC S	
			SW		NW		IRR	4.0
			SW		NW		STOCK	
			NE		SW		IRR	30.0
			NE		SW		STOCK	
			NW		SW		IRR	37.0
			NW		SW		STOCK	
			SW		SW		IRR	30.0
			SW		SW		STOCK	
							Section Acres	101.0
		29	NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		IRR	20.0
			SE		NE		STOCK	20.0
			NE		NW		STOCK	
			NE		SW		STOCK	
			NE		SE		IRR	39.0
			NE		SE		STOCK	39.0
			NW		SE		IRR	15.0
			NW		SE		STOCK	15.0
							Section Acres	148.0
							Total Acres	249.0

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:

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

8/25/98 TF; OWNERSHIP CHANGED H & E INC TO ANDERSON FARMS PER
1409(6) AND TITLE INS POLICY.

CLAIM AMENDED TO REMOVE PORTION IN T13S, R23E, S29, NWSW NOT
OWNED BY CLAIMANT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN
Decree Plaintiff

KYLE ADAMS
vs Decree Defendant

Water Right Number - 45-00586

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

H. & E. INC.

1 -

2 -

3 -

City- OAKLEY

State- ID Zip- 83346

Phone - 208-000-0000

+ - - Priority Date - - +

12/31/1879

+ - - - Region - - - +

17 SOUTHERN

+ - - - Stage - - - +

D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +

SPRING CREEK
MILL CREEK

+ - - - - Tributary - - - - - +

MILL CREEK

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
-----	-----	-----	-------	-----	------	--------	----------------	----------------	---------------

14S	23E	4		1	(31)	CASSIA			
		10	SE NE		(31)	CASSIA			

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	----------------	------------------

01 - IRRIGATION		03/15	11/15	1.600	
04 - STOCKWATER		01/01	12/31	0.120	6.70
05 - STOCKWATER STORAGE		01/01	12/31	0.120	11.00

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

1.600 6.70 0.0

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	23E	28	SW NW		4.0	01	IRRIGATION	(31) CASSIA
13S	23E	28	NE SW		30.0	01	IRRIGATION	(31) CASSIA
13S	23E	28	NW SW		37.0	01	IRRIGATION	(31) CASSIA
13S	23E	28	SW SW		30.0	01	IRRIGATION	(31) CASSIA
13S	23E	29	SE NE		20.0	01	IRRIGATION	(31) CASSIA
13S	23E	29	NE SE		39.0	01	IRRIGATION	(31) CASSIA
13S	23E	29	NW SE		15.0	01	IRRIGATION	(31) CASSIA
13S	23E	20	NE SW			04	STOCKWATER	(31) CASSIA
13S	23E	20	SE SW			04	STOCKWATER	(31) CASSIA
13S	23E	20	NW SE			04	STOCKWATER	(31) CASSIA
13S	23E	20	SW SE			04	STOCKWATER	(31) CASSIA
13S	23E	28	SW NW			04	STOCKWATER	(31) CASSIA
13S	23E	28	NE SW			04	STOCKWATER	(31) CASSIA
13S	23E	28	NW SW			04	STOCKWATER	(31) CASSIA
13S	23E	28	SW SW			04	STOCKWATER	(31) CASSIA
13S	23E	29	NW NE			04	STOCKWATER	(31) CASSIA
13S	23E	29	SW NE			04	STOCKWATER	(31) CASSIA

Water right number - 45-00586

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
13S	23E	29	SE NE		20.0	04	STOCKWATER	(31)	CASSIA
13S	23E	29	NE NW			04	STOCKWATER	(31)	CASSIA
13S	23E	29	NE SW			04	STOCKWATER	(31)	CASSIA
13S	23E	29	NW SW			04	STOCKWATER	(31)	CASSIA
13S	23E	29	NE SE		39.0	04	STOCKWATER	(31)	CASSIA
13S	23E	29	NW SE		15.0	04	STOCKWATER	(31)	CASSIA
13S	23E	28	NE NW			05	STOCKWATER STORAGE	(31)	CASSIA

Total Acres: 249.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

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

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

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

A. KENNETH DUNN

KYLE ADAMS

03/27/1987

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - 03/28/88 05/28/88 CONVERT 07/11/89 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/10/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 45A
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

RECEIVED

AUG 27 1998

Department of Water Resources
Southern Region

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AMENDED

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ACQUIRED UNDER STATE LAW

AMENDED

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Address: 961 S 50 W
BURLEY ID 83318

2. Date of Priority: DEC 31, 1879

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MILL CREEK

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		10	SE	NE			CASSIA

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			NW		SE		STOCK	
			SW		SE		STOCK	
		28	NE		NW		STOC S	
			SW		NW		IRR	4.0
			SW		NW		STOCK	
			NE		SW		IRR	30.0
			NE		SW		STOCK	
			NW		SW		IRR	37.0
			NW		SW		STOCK	
			SW		SW		IRR	30.0
			SW		SW		STOCK	
							Section Acres	101.0
		29	NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		IRR	20.0
			SE		NE		STOCK	20.0
			NE		NW		STOCK	
			NE		SW		STOCK	
			NE		SE		IRR	39.0
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			NW		SE		STOCK	15.0
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OWNED BY CLAIMANT.

15. Basis of Claim: DECREED

RECEIVED

AUG 27 1998

Department of Water Resources
Southern Region

Case Number:

Court :

Decree date: 3/27/1987

A. KENNETH DUNN

Decree Plaintiff

KYLE ADAMS

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: N/A

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of
Title

ANDERSON FARMS, INC., that I have signed the foregoing
Organization

document in the space below as PRESIDENT of
Title

ANDERSON FARMS, INC. and that the statements contained in the
Organization

foregoing document are true and correct.

R. H. Adams
Signature of Authorized Agent

PRES. ANDERSON FARMS, INC.
Title and Organization

AUGUST 26, 1998
Date

State of Idaho)
County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of August 19 98

[Signature]
Notary Public

Seal

Residing at Burley
My Commission Expires 4/11/00



ALPHA REALTY & EXCHANGE

218 W. 13th, Burley, Idaho 83318
Phone (208) 677-3030 • Fax (208) 678-5694

August 26, 1998

Trish Fawcett
Technical Records Specialist
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

AUG 27 1998

*Department of Water Resources
Southern Region*

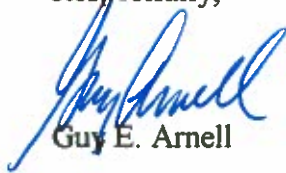
RE: SRBA Claim A45-00586 / Anderson Farms, Inc.

Dear Trish:

As per your letter of August 25th, enclosed please find the original of the above referenced claim, as amended, that has been signed by Mr. Anderson and his signature notarized.

I trust this will conclude the record of current ownership for Anderson Farms, Inc. If you have any further question, please advise.

Respectfully,



Guy E. Arnell

encl.



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 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: SRBA Claim(s) A45-00586 / Anderson Farms Inc.

Dear Guy:

Pursuant to your investigation and our subsequent telephone conversation, I have changed the record of current ownership on the above claim to Anderson Farms Inc. Enclosed you will find the original of the amended claim with the portion in township 13S, range 23E, section 29, NW $\frac{1}{4}$ SW $\frac{1}{4}$ not owned by Anderson Farms Inc. removed.

Please have Mr. Anderson review this record, sign, have his signature notarized and return to me. As soon as I receive the signed version, I will update the department's master computer file and confirm via letter to Mr. Anderson that the changes have been completed.

As always, should you or Mr. Anderson have any further questions or concerns, please feel free to contact this office. Thank you for your assistance in this matter.

Sincerely,

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

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED

AUG 20 1998

Department of Water Resources
Southern RegionSTATE 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.

1. **Water Right No(s):** A45-00577A, A45-00577B, A45-00578A, A45-00578B } G-
Adjudication Claim No(s): A45-00579A, A45-00579B, A45-00580A, A45-00580B } H-
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 RT2 BOX 2174 BURLEY, ID 83318
H&E, INC. 187250 50 EAST OAKLEY, ID. 83346
4. **New Owner/Claimant(s)** ANDERSON FARMS, INC
New Mailing Address RT 2 BOX 2431 761 So. 50 WEST
City, State and ZIP Code BURLEY, ID 83318 678-4314
New Telephone Number (208) 678-4314 431-4433
5. **Date you acquired the property** April 1992 for H&E, Inc AND 5/96 for GRANT WYATT PART.
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. Anderson
 (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.	~~\$1,000,000.00~~	~~\$27,200.00~~

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 ~~\$1,000,000.00~~, 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 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the SE $\frac{1}{4}$ NE $\frac{1}{4}$
- Section 20: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$
- Section 28: W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT the following described parcel:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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 1/2 inch rebar which shall be the Point of Beginning;

Thence South 88°40'47" East for 490.61 feet to a 1/2 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 1/2 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 1/2" rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; Thence South 88°40'07" East for 313.96 feet to a 1/2" rebar which shall be the Point of Beginning;

Thence North 00°37'13" East for a distance of 1348.96 feet to a 1/2" rebar; Thence South 89°27'28" East for a distance of 183.99 feet to a 1/2" 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 1/2" rebar;

Thence South 11°13'53" East along the approximate centerline of said county road for a distance of 217.58 feet to a 1/2" rebar;

Thence South 01°32'50" East along the approximate centerline of said county road for a distance of 123.16 feet to a 1/2" 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.

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



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 7, 1998

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

Dear Ms. Pos:

I have enclosed information from our records regarding the land located in parts of Sections 19, 20, 21, 27, 28, and 29 (Township 13 South, Range 23 East) that you inquired about. Please find enclosed the following information:

Proof Reports of Water Right Records

45-00534

45-00587

45-02406

45-00586

45-00588

45-02661

Proof Reports of Snake River Basin Adjudication Claims

A45-00534

A45-00587

A45-02406

A45-00586

A45-00588

A45-02661

You also requested well log information for the property you inquired about. A thorough search through our records revealed only one well log (copy enclosed) for a well located in the SWSE $\frac{1}{4}$ of Section 20 (T13S, R23E). It should be noted, that an examination of our records indicate that there are no water rights or claims listing a point of diversion at this particular location.

If you have any questions, or need further assistance, 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: A45-00586
Date Received: 6/12/1989
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: H. & E. INC. 208-862-3475
Address: C/O ROBERT BEDKE
RT. 1
OAKLEY, ID 83346

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	Lot	County
14S	23E	4				1	CASSIA
		10	SE	NE			CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
STOCKWATER	01/01	12/31	0.120		6.70
STOCKWATER STORAGE	01/01	12/31	0.120		11.00

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 6.70 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A45-00586

Page 1

Date: 07/11/89

MICROFILMED

MAR 08 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
13S	23E	20	NE	SW		STOCK			
			SE	SW		STOCK			
			NW	SE		STOCK			
			SW	SE		STOCK			
		28	NE	NW		STOCK			
			SW	NW		IRR	4.0		
			SW	NW		STOCK			
			NE	SW		IRR	30.0		
			NE	SW		STOCK			
			NW	SW		IRR	37.0		
			NW	SW		STOCK			
			SW	SW		IRR	30.0		
			SW	SW		STOCK			
			Section Acres						101.0
			29	NW	NE		STOCK		
				SW	NE		STOCK		
		SE		NE		IRR	20.0		
		SE		NE		STOCK	20.0		
		NE		NW		STOCK			
		NE		SW		STOCK			
		NW		SW		STOCK			
		NE		SE		IRR	39.0		
		NE		SE		STOCK	39.0		
		NW		SE		IRR	15.0		
		NW		SE		STOCK	15.0		
		Section Acres						148.0	
		Total Acres						249.0	

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:

14. Remarks:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/27/1987

A45-00586

Page

2

Date: 07/11/89

MICROFILMED

MAR 08 1993

A. KENNETH DUNN

Decree Plaintiff

vs

KYLE ADAMS

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Organization Title and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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. No. 45-00586

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

Please type or print clearly:

Name of Claimant(s) H + E. INC.
% Robert Bedke

Mailing Address Rt. 1
(include Zip Code) Oakley, ID 83346

Phone Number (208) 862 - 3475

MICROFILMED
MAR 08 1993

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: 45-00586

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 12 1989

POST MARKED 6/8 B
Department of Water Resources

1. NAME: H. & E., INC.
ADDRESS: OAKLEY, ID

83346

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	4				1	CASSIA
		10	SE	NE			CASSIA

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
STOCKWATER	01/01	12/31	0.120		6.70
STOCKWATER STORAGE	01/01	12/31	0.120		11.00

7. TOTAL QUANTITY APPROPRIATED IS:
1.600 C.F.S. (AND/OR)

6.70 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
13S	23E	20	NE		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	
		28	NE		NW		STOC S	
			SW		NW		IRR	4.0
			SW		NW		STOCK	
			NE		SW		IRR	30.0
			NE		SW		STOCK	
			NW		SW		IRR	37.0
			NW		SW		STOCK	
			SW		SW		IRR	30.0
			SW		SW		STOCK	
			SECTION ACRES					101.0
		29	NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		IRR	20.0
			SE		NE		STOCK	20.0
			NE		NW		STOCK	
			NE		SW		STOCK	
			NW		SW		STOCK	
			NE		SE		IRR	39.0
			NE		SE		STOCK	39.0
			NW		SE		IRR	15.0
			NW		SE		STOCK	15.0
			SECTION ACRES					148.0
			TOTAL ACRES					249.0

11. PLACE OF USE IN COUNTIES: CASSIA, CASSIA

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

SOURCES FOR THIS RIGHT ARE MILL CREEK & SPRING CREEK.

15. BASIS OF CLAIM: DECREED

CASE NUMBER:

COURT :

DECREE DATE: 3/27/1987

45-00586

PAGE

2

DATE: 04/20/89

191

CROFILMED
TOP FILMED
MAR 11 8 1993

A. KENNETH DUNN
DECREE PLAINTIFF

KYLE ADAMS
VS DECREE DEFENDANT

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): _____ DATE: _____
_____ DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM President OF

H & E. INC. ORGANIZATION
_____, THAT I HAVE SIGNED THE FOREGOING
DOCUMENT IN THE SPACE BELOW AS President OF

H & E. INC. ORGANIZATION
_____, AND THAT THE STATEMENTS CONTAINED IN THE
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

Robert Bedke
SIGNATURE OF AUTHORIZED AGENT

Pres. H+E. INC.
TITLE AND ORGANIZATION

June 7, 1989
DATE

STATE OF IDAHO)
COUNTY OF Cassia) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 7th DAY

OF June 19 89

Barbara Bedke
NOTARY PUBLIC

SEAL

RESIDING AT Burley Id

MY COMMISSION EXPIRES 10/3/94

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, 45-577B,
	)	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):

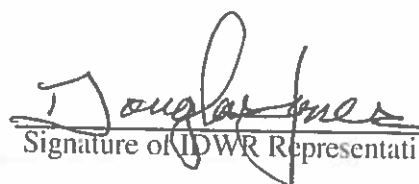
☒ Change in Ownership	☐ Split of Water Right
☒ Point of Diversion	☒ Place of Use
☐ Period of Use	☐ Nature of Use

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: 45-586

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: 1.600 CFS
6.70 AFY

Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed a total diversion rate of 3.83 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>
STOCKWATER STORAGE	01/01 12/31	0.120 CFS
IRRIGATION	03/15 11/15	11.00 AFY
STOCKWATER	01/01 12/31	1.600 CFS
		0.120 CFS
		6.70 AFY

PLACE OF USE:

STOCKWATER in CASSIA County

T13S R23E S28	NWSE	T13S R23E S28	SWSE
---------------	------	---------------	------

STOCKWATER STORAGE in CASSIA County

T13S R23E S28	NWSE	T13S R23E S28	SWSE
---------------	------	---------------	------

Rights 45-14216, 45-586, 45-587, 45-588, and 45-12929 when combined shall not exceed the irrigation of 289.2 acres.

Rights 45-586, 45-587, and 45-588 when combined shall not exceed the irrigation of 166.2 acres.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right 45-12929 is an enlargement of Rights 45-14216, 45-586, 45-587, & 45-588 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:

PURPOSE OF USE		PERIOD OF USE	QUANTITY
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	SESW	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:

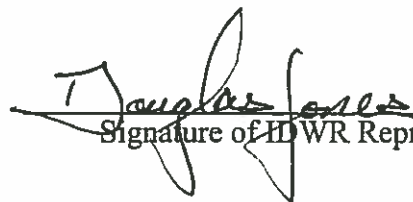
- ☐ Substitution of Party (waiting for documentation)
☐ Substitution of Party/Split Water Right
☒ I.C. § 42-222 transfer 66133

☒ 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



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

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

RECEIVED BY *[Signature]* 1/16/03

01/16/2003

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

RIGHT NUMBER: 45-586

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

SOURCE: MILL CREEK
SPRING CREEK

TRIBUTARY:
TRIBUTARY: MILL CREEK

QUANTITY: 1.600 CFS
6.700 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 4 CFS. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, &
45-12929.

PRIORITY DATE: 12/31/1879

POINT OF DIVERSION:

T14S R23E S4 NENE Lot 1 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 STORAGE	01/01 12/31	0.120 CFS 11.00 AFY
IRRIGATION	03/15 11/15	1.600 CFS
STOCKWATER	01/01 12/31	0.120 CFS 6.70 AFY

PLACE OF USE:

STOCKWATER STORAGE Within CASSIA County

T13S R23E S28 NENW

IRRIGATION Within CASSIA County

T13S R23E S28	SWNW	4.0	T13S R23E S28	NESW	30.0
T13S R23E S28	NWSW	40.0	T13S R23E S28	SWSW	30.0
T13S R23E S29	SWNE	40.0	T13S R23E S29	SENE	40.0
T13S R23E S29	SENW	39.0	T13S R23E S29	NESW	37.0
T13S R23E S29	NESE	40.0	T13S R23E S29	NWSE	39.0

STOCKWATER Within CASSIA County

T13S R23E S20	NESW	T13S R23E S20	SESW
T13S R23E S20	NWSE	T13S R23E S20	SWSE
T13S R23E S28	SWNW	T13S R23E S28	NESW
T13S R23E S28	NWSW	T13S R23E S28	SWSW
T13S R23E S29	NWNE	T13S R23E S29	SWNE
T13S R23E S29	SENE	T13S R23E S29	NENW
T13S R23E S29	NESW	T13S R23E S29	NWSW
T13S R23E S29	NESE	T13S R23E S29	NWSE

339 ACRES TOTAL

01/16/2003

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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 175 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-586, 45-587, & 45-588.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 298 ACRES WITHIN THE PLACE OF USE DESCRIBED
ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-534,
45-586, 45-587, 45-588, 45-2406, 45-2661, 45-12929, & 45-12930.

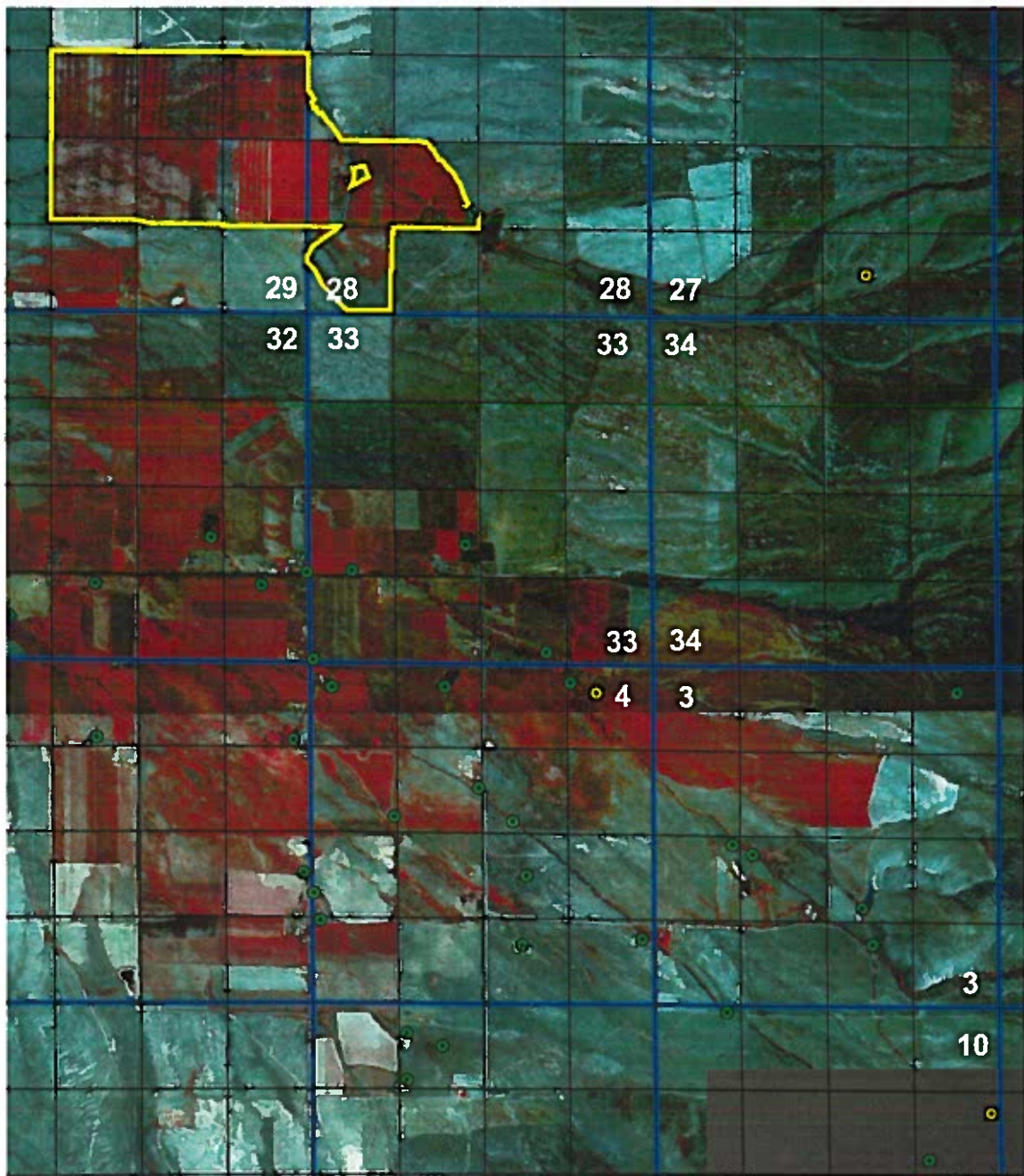
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: Decreed

RIGHT NO. 45-12929 IS AN ENLARGEMENT OF THE FOLLOWING RIGHTS
PURSUANT TO SECTION 42-1426, IDAHO CODE.: 45-534, 45-586, 45-587, &
45-588.

45-534, 45-586, 45-587, 45-588, & 45-12929



RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN. 17, 2003
TWP 13S, RNG 23E, SEC. 28 & 29

- 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 45-586 V1

WATER RIGHT NUMBER: 45-586 V1

<u>Owner Type</u>	<u>Name and Address</u>
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
Original Owner	H & E INC C/O ROBERT BEDKE RT 1 OAKLEY, ID 83346 (208)862-3475

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 STORAGE	01/01 to 12/31	0.120 CFS	11.00 AF
IRRIGATION	03/15 to 11/15	1.600 CFS	
STOCKWATER	01/01 to 12/31	0.120 CFS	6.70 AF
	<u>Total Diversion:</u>	1.600 CFS	6.70 AF

Location of Point(s) of Diversion

MILL CREEK	SE1/4NE1/4	Sec. 10, Twp 14S, Rge 23E, B.M.
CASSIA County		
SPRING CREEK	L1 (NE1/4NE1/4)	Sec. 4, Twp 14S, Rge 23E, B.M.
CASSIA County		

Place of Use

STOCKWATER STORAGE

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	28					X												

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-586 V1

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	23E	28							4.0		30.0	40.0	30.0						104.0
13S	23E	29			40.0	40.0				39.0	37.0				40.0	39.0			235.0

Total Acres: 339

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	23E	20									X			X		X	X		
13S	23E	28						X			X	X	X						
13S	23E	29		X	X	X	X				X	X			X	X			

Conditions of Approval:

1. 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 175 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-586, 45-587, & 45-588.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4 CFS. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, & 45-12929.
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 298 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-534, 45-586, 45-587, 45-588, 45-2406, 45-2661, 45-12929, & 45-12930.
4. Explanatory RIGHT NO. 45-12929 IS AN ENLARGEMENT OF THE FOLLOWING RIGHTS PURSUANT TO SECTION 42-1426, IDAHO CODE.: 45-534, 45-586, 45-587, & 45-588.

Comments:

1. jroberts 1/16/2003 Basis of Recommendation

Comment: Recommendation is per Transfer #4384, approved 9/2/94, but the 180 acres approved in the transfer are now recommended in a ppu of 339 acres, along with overlapping surface water rights and enlargement and expansion claims, which were filed later. These expansion and enlargement claims are for a total ppu of 298 acres so all rights will be limited to 298 ac within the 339 ac ppu. There are now two other pending transfers which recognize this 298 ac ppu for the groundwater, surface water, enlargement and expansion claims which will reduce the total ppu when approved.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-586 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	1/16/2003 3:05:44 PM	jroberts			Active
POD	1/16/2003 3:06:03 PM	jroberts			Active
Source	1/16/2003 3:43:12 PM	jroberts			Active
POU	1/16/2003 3:46:05 PM	jroberts			Active
Use	1/16/2003 4:06:25 PM	jroberts			Active
Season	1/16/2003 4:07:47 PM	jroberts			Active
Quantity	1/16/2003 4:09:11 PM	jroberts			Active
Summary			01/16/2003	jroberts	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	1/16/2003 3:05:43 PM	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	1/16/2003 3:06:02 PM	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	1/16/2003 3:42:32 PM	jroberts	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-586 V1

Source	1/16/2003 3:43:12 PM	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?
POD	1/16/2003 3:39:39 PM	jroberts	Edited point location
POD	1/16/2003 3:39:48 PM	jroberts	Edited PLS
POD	1/16/2003 3:42:43 PM	jroberts	Edited PLS
POU	1/16/2003 3:46:05 PM	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? (No) 8. Can the claim be verified as an accomplished transfer? (Yes) 9. Does the claim include an enlargement in the POU? (Yes) 10. Was an enlargement claim filed? (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 9 - Description for Question 13 - True
POU	1/16/2003 3:46:45 PM	jroberts	Edited shape boundary
POU	1/16/2003 3:49:02 PM	jroberts	Edited PLS
POU	1/16/2003 3:51:18 PM	jroberts	Edited shape boundary
POU	1/16/2003 3:56:16 PM	jroberts	Edited shape boundary
POU	1/16/2003 4:05:17 PM	jroberts	Created polygon from PLS
Use	1/16/2003 4:06:24 PM	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 45-586 V1

Season	1/16/2003 4:07:46 PM	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	1/16/2003 4:09:10 PM	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 by decree for stockwater and stockwater storage use only
Summary	1/16/2003 4:31:27 PM	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? (No) 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 45-586

WATER RIGHT NUMBER: 45-586

Owner Type Name and Address
 Current Owner H & E INC
 C/O ROBERT BEDKE
 RT 1
 OAKLEY, ID 83346
 (208)862-3475

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>
STOCKWATER	1/01 to 12/31	0.120 CFS	6.70 AF
STOCKWATER STORAGE	1/01 to 12/31	0.120 CFS	11.00 AF
IRRIGATION	3/15 to 11/15	1.600 CFS	
<u>Total Diversion:</u>		1.600 CFS	6.70 AF

Location of Point(s) of Diversion

SPRING CREEK	L1 ()	Sec. 4, Twp 14S, Rge 23E, B.M.
CASSIA County		
MILL CREEK	SE1/4NE1/4	Sec. 10, 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	20									X				X				
13S	23E	28						X			X	X	X						
13S	23E	29		X	X	20.0	X				X	X			39.0	15.0			74.0
			✓	✓	✓	✓	✓				✓	✓			✓	✓			

STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28																			

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-586

13S 23E 28		X			
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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 28							4.0		30.0	37.0	30.0						101.0
13S 23E 29				20.0									39.0	15.0			74.0

Total Acres: 249

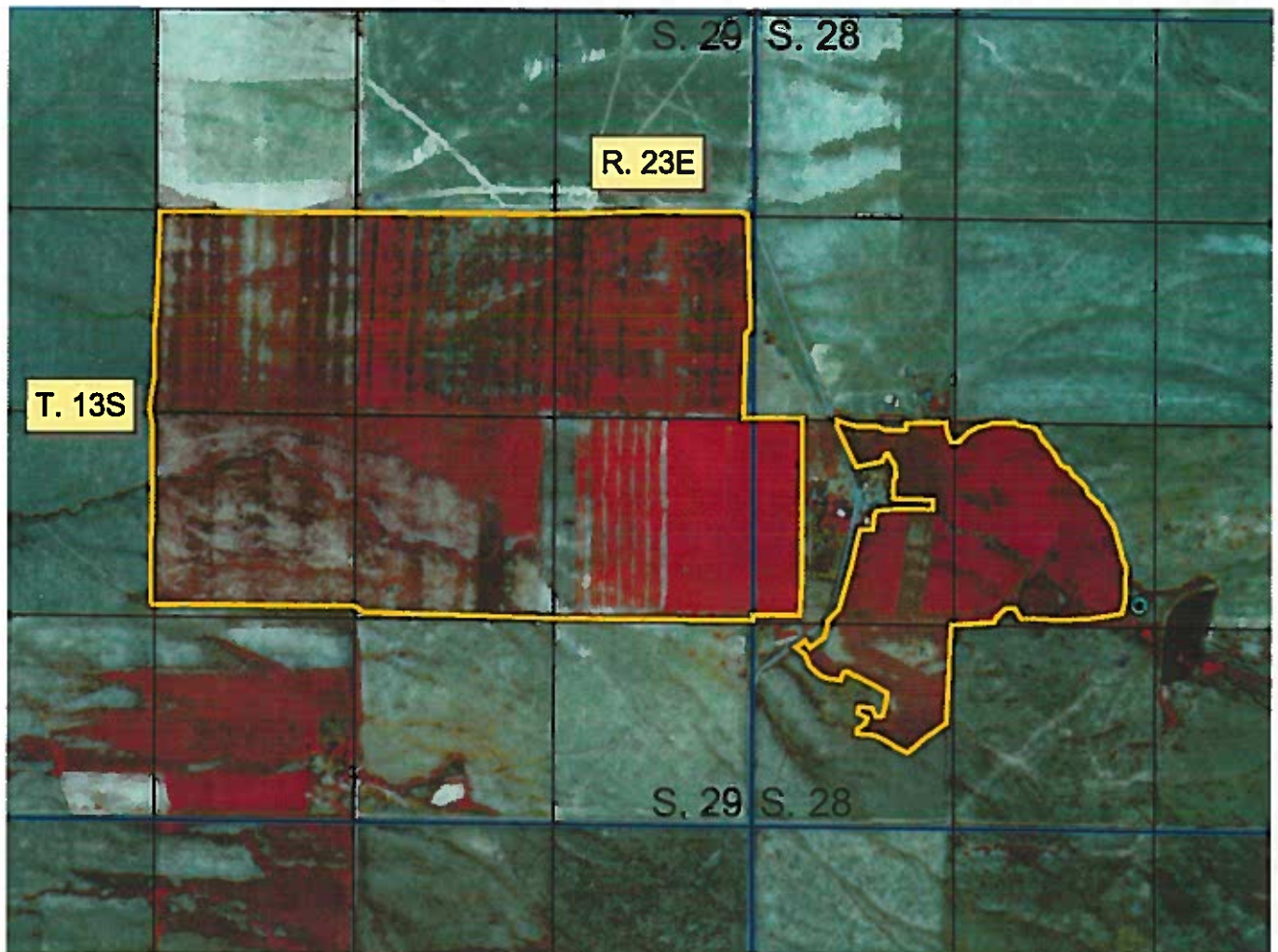
Conditions of Approval:Remarks:

- 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

ANDERSON FARMS P/U IN 1987



Irrigated Land



Prepared By J E Stanton
6-22-00