

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-208A
Date Received: 1/25/1989
Receipt No: S006147
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DIAMOND A LIVESTOCK INC Phone: (208)934-5391
1989 S 1875 E
GOODING ID USA 83330
FAULKNER LAND & LIVESTOCK CO INC Phone: (208) 934-4956
1989 S 1875 E
GOODING ID USA 83330

2. Date of Priority: 06/01/1880

3. Source: CROY CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	17E	34	SW SE NE	BLAINE	

5. Description of diverting works:

DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.6	

7. Total Quantity Appropriated is:

1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	17E	34	SE NE	IRRIGATION	35
			SW NE	IRRIGATION	2
02N	17E	35	SW NW	Section Acres	37
				IRRIGATION	35

COPY

NW NW

IRRIGATION 8
Section Acres 43
Total Acres 80

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Point of diversion amended to the location identified by John Freitag through
GPS. 12-17-2002
TRANS. 3231. P/D AND SOURCE CAN VARY FROM YEAR TO YEAR DUE TO THE CHANGE IN
THE FLOOD PLAIN.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand
the form entitled "How you will receive notice in the Snake River Basin Adjudication."

(b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly
copies of the docket sheet. Number of attachments: _____

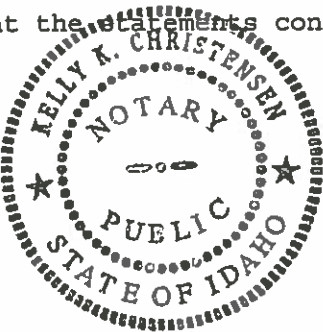
For Organizations:

I do solemnly swear or affirm that I am

John L Faulkner of Pres.
Faulkner Land & Livestock Co Title

Organization
space below as Pres- of Faulkner Land & Livestock Co
Title Organization

and that the statements contained in the foregoing document are true and correct.



John L Faulkner
Signature of Authorized Agent

Pres. Faulkner Land & Livestock Co
Title and Organization

17 Dec. 02

Date

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day of Dec 2002

Kelly K. Christensen
Notary Public

Residing at Twin Falls, ID
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. Number: A37-00208A
Date Received: 1/25/1989
Receipt No: S006147
Received By: _____

CHANGE OWNERSHIP

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DIAMOND A LIVESTOCK INC 208-934-5391
Address: 1997 S 1875 E
GOODING ID 83330

AND

Name: FAULKNER LAND & LIVESTOCK CO 208-934-4956
Address: 1989 S 1875 E
GOODING ID 83330

2. Date of Priority: JUN 1, 1880

3. Source: CROY CREEK Trib. to: BIG WOOD RIVER
ELK CREEK CROY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	17E	34	NW	NE	SE		BLAINE
			NE	NW	SE		BLAINE

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	17E	34	SW	NE		IRR	2.0
			SE	NE		IRR	35.0
						Section Acres	37.0
		35	NW	NW		IRR	8.0
			SW	NW		IRR	35.0
						Section Acres	43.0
						Total Acres	80.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:

TRANS. 3231. P/D AND SOURCE CAN VARY FROM YEAR TO YEAR DUE TO
THE CHANGE IN THE FLOOD PLAIN.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, ET. AL
vs Decree Defendant

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

SEP 10 1992

DATE OF CLOSING: 5-5-1992

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: A37-00228, 00229, 02147, 00208A, 10608, 10606
- [] Name and Address of Former Owner/Claimant(s)(Seller):
Faulkner Land & Livestock Co.
1989 S. 1875 E.
Gooding, ID 83330
- [] New Owner/Claimant (Purchaser):
Same and Diamond A Livestock Inc.
- [] New Mailing Address:
1997 S. 1875 E.
Gooding, ID 83330
- [] New Telephone Number: Same () 934 - 5391
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Note: The water rights remain whole rights but the ownership splits into undivided one-half interests.

- [] Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s) Diamond A Livestock, Inc. Date _____
Bruce R. Faulkner, Director Date 9-10-92
- [] Signature of Former Owner/Claimant(s) Faulkner Land & Livestock Date 9/4/92
John P. Faulkner Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

93 Date: 02-12 By: 7H
Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

EXHIBIT B

State of Idaho Department of Water - Water Right License No. 37-07242
State of Idaho Department of Water - Water Right License No. 37-10597
State of Idaho Department of Water - Water Right License No. 37-10600
State of Idaho Department of Water - Water Right License No. 37-10602
State of Idaho Department of Water - Water Right License No. 37-08005
State of Idaho Department of Water - Water Right License No. 37-10610
State of Idaho Department of Water - Water Right License No. 37-00208A (Decreed)
State of Idaho Department of Water - Water Right Permit No. 37-08487

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RECEIVED

FEB 02 1993

Loan No. 11886-MS

Department of Water Resources
Southern Region Office

ASSIGNMENT AND PLEDGE OF WATER
LICENSES AND PERMITS

THIS AGREEMENT, made this 9th day of November, 1992, between John Faulkner and Laura Jo Faulkner, husband and wife, and Faulkner Land & Livestock, Co., Inc., hereinafter called Mortgagor, and THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a New York corporation, hereinafter called Mortgagee,

W I T N E S S E T H:

as additional security for the payment of that certain Promissory Note in the amount of Three Million and 00/100 Dollars (\$3,000,000.00) of date herewith, made by Mortgagor to the order of The Mutual Life Insurance Company of New York, a New York corporation, which said Note is secured by a Mortgage of even date therewith by Mortgagor to Mortgagee covering the premises and appurtenances set forth in Exhibit "A" attached hereto and made a part hereof for all purposes, the said Mortgagor does hereby assign and transfer to Mortgagee, all right, title and interest pertaining to the water rights, licenses and permits, used in connection with said premises, together with all renewals and substitutions, including but not limited to, those listed below:

SEE EXHIBIT "B" ATTACHED HERETO
AND INCORPORATED HEREIN BY THIS REFERENCE

It is also agreed between Mortgagee that said water rights, licenses and permits shall be appurtenant to the mortgaged property and used in connection with said property during the life of said loan or any extension thereof.

Mortgagor covenants that Mortgagor will observe and perform all of the obligations imposed upon the Mortgagor under said instruments, and they will not permit to be done anything to impair the validity thereof and to use said water rights so that same will at all times be appurtenant to the mortgaged premises described in said Mortgage; it will not convey any further rights thereunder to any party other than the owner of the premises described in said Mortgage, and to permit no act that will cause a cancellation or termination of said water rights, licenses and permits.

In the event of a failure of the Mortgagor to keep in full force and effect said water rights, licenses and permits and to perform all acts required thereunder, then such cancellation of said water rights, licenses and permits shall constitute an event of default under the Mortgage above described and, at the election of the Mortgagee, shall entitle Mortgagee to all remedies included in said Mortgage.

It is agreed that the Mortgagee shall not be liable for the performance of any of the terms and conditions of said water rights, licenses or permits, but Mortgagee, at its option, and not at its obligation, is hereby granted the right to cure any default under said water rights, licenses or permits, at the cost of the Mortgagor, whereas said cost, including any attorney fees incurred, is thereupon to be immediately due and payable to the Mortgagee under the terms of the Mortgage.

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EXHIBIT A

LEGAL DESCRIPTION: ADA COUNTY

PARCEL I:

That portion of the Southeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, lying Westerly of the following described line:

COMMENCING at a point which is 1650 feet West of the Southeast corner of said Section 8;
Thence North 1320 feet, more or less;
Thence Northeasterly in a straight line to a point 660 feet South of the Northwest corner of the Northeast Quarter of the Southeast Quarter;
Thence Northeast to a point which is 660 feet East of the said Northwest corner of the Northeast Quarter of the Southeast Quarter.

EXCEPTING THEREFROM the Westerly 50 feet adjacent to the Orchard Access Road centerline, as Deeded to the STATE OF IDAHO, as Instrument No. 467765, Official Records.

ALSO EXCEPT the South 30 feet of the Southeast Quarter of said Section 8.

ALSO EXCEPTING ditch and road rights-of-way.

PARCEL II:

A portion of the Southeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, lying East of a line described as follows:

COMMENCING at a point which is 1650 feet West of the Southeast corner of said Section 8;
Thence North 1320 feet, more or less;
Thence Northeasterly in a straight line to a point 660 feet South of the Northwest corner of the Northeast Quarter of the Southeast Quarter;
Thence Northeast to a point which is 660 feet East of the said Northwest corner of the Northeast Quarter of the Southeast Quarter.

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EXHIBIT A - Page 2

EXCEPTING THEREFROM all that portion of the Southeast Quarter of the Southeast Quarter of said Section 8, lying Easterly of the following line:

BEGINNING at a point lying on the East line of said Section 8, which point lies Northerly a distance of 226.64 feet from the Southeast corner thereof;
Thence North 21° 27' 26" West, a distance of 633.94 feet;
Thence North 26° 55' 04" East, a distance of 515.89 feet to a point lying on the said East line of Section 8;
Thence Southerly along said East line a distance of 1050.0 feet to the POINT OF BEGINNING.

ALSO EXCEPT the South 30 feet of the Southeast Quarter of said Section 8.

AND FURTHER EXCEPT the North 30 feet of the South 60 feet of the East 150 feet of the Southeast Quarter.

ALSO EXCEPTING ditch and road rights-of-way.

PARCEL III:

The South Half of the Northeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, Ada County, Idaho, EXCEPTING THEREFROM a tract of land described as follows:

All that portion of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 8, Township 1 South, Range 4 East of the Boise Meridian, lying Southeasterly of a line running diagonally from the Southwest corner of said Southeast Quarter of the Southeast Quarter of the Northeast Quarter to the East line of said Section 8, and which point lies 330 feet North from the East Quarter corner of said Section.

ALSO EXCEPTING the South 50 feet of the Northeast Quarter.

ALSO EXCEPTING the Westerly 50 feet adjacent to the Orchard Access Road centerline, as Deeded to the STATE OF IDAHO, as instrument No. 467763, Official Records.

AND FURTHER EXCEPTING ditch and road rights-of-way.

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EXHIBIT A

LEGAL DESCRIPTION: CAMAS COUNTY

Lots 1, 2, 3, 4, South One-half of the North One-half and the North One-half of the South One-half and the Southeast Quarter of the Southwest Quarter and the South One-half of the Southeast Quarter of Section 4, Township 2 South, Range 12 East of the Boise Meridian, Camas County, Idaho.

AND

The West One-half and the West One-half of the East One-half of Section 16, Township 2 South, Range 12 East of the Boise Meridian, Camas County, Idaho.

AND

The East One-half of the East One-half of the East One-half of Section 20, Township 2 South, Range 12 East of the Boise Meridian, Camas County, Idaho.

AND

The West One-half of Section 21, Township 2 South, Range 12 East of the Boise Meridian, Camas County, Idaho.

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EXHIBIT A

LEGAL DESCRIPTION: ELMORE COUNTY

PARCEL I:

All of the portion of the Southeast Quarter of the Southwest Quarter of Section 21, Township 5 South, Range 11 East of the Boise Meridian, Elmore County, Idaho, lying West of U.S. Highway No. 30 as now located.

AND

All of the Northeast Quarter of the Northwest Quarter of Section 28, Township 5 South, Range 11 East of the Boise Meridian, Elmore County, Idaho.

SAVE AND EXCEPT that portion deeded to the STATE OF IDAHO for highway purposes by Deed recorded January 17, 1968, as Instrument No. 135227, records of Elmore County, Idaho.

AND

SAVE AND EXCEPT a parcel of land in the South One-half of the Northeast Quarter of the Northwest Quarter, described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of the Northwest Quarter which is the TRUE POINT OF BEGINNING;

Thence North along the East boundary line of said Northeast Quarter of the Northwest Quarter, a distance of 595 feet;

Thence West on a line parallel with the South boundary of said Northeast Quarter of the Northwest Quarter, a distance of 600 feet;

Thence South on a line parallel to the East boundary line of said Northeast Quarter of the Northwest Quarter to a point on the South boundary line of said Northeast Quarter of the Northwest Quarter, being a distance of 595 feet;

Thence East along the South boundary line of said Northeast Quarter of the Northwest Quarter, a distance of 600 feet to the TRUE POINT OF BEGINNING.

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EXHIBIT A - Page 2

PARCEL II:

All of the portion of the North One-half of the Southwest Quarter of Section 13, Township 1 South, Range 10 East of the Boise Meridian, Elmore County, Idaho, is located South of the existing County Road.

AND

All of the portion of the North One-half of the South One-half of Section 14, Township 1 South, Range 10 East of the Boise Meridian, Elmore County, Idaho, is located South of the existing County Road.

AND

All of the portion of the North One-half of the Southeast Quarter of Section 15, Township 1 South, Range 10 East of the Boise Meridian, Elmore County, Idaho, is located South of the existing County Road.

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EXHIBIT A

BLAINE COUNTY
PARCEL I:

TOWNSHIP 1 NORTH, RANGE 16 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 35: SW1/4 NW1/4.

EXCEPT that portion described as follows:

BEGINNING at a point on the West Line of said SW1/4 NW1/4, 120 feet South of the Northwest corner thereof; thence
South 85° 36' East, 261.00 feet; thence
South 89° 05' East, 459.00 feet; thence
South 824 feet, more or less, to the South Line of said SW1/4 NW1/4; thence
West 549 feet to the Southwest corner of said SW1/4 NW1/4; thence
North 1200.00 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING therefrom the Highway Right-of-Way.

PARCEL II:

TOWNSHIP 1 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 5: SW1/4.

Section 6: Lots 2, 5, 6, SE1/4 NW1/4, NE1/4 SW1/4, S1/2 NE1/4, N1/2 SE1/4,
SE1/4 SE1/4.

Section 7: E1/2 NE1/4 - EXCEPTING therefrom the Highway Right-of-Way.

Section 17: Lots 1, 2, 4, 5, 6, W1/2 NE1/4, NW1/4.

Section 18: Lots 6, 7, 8, E1/2 NE1/4, NE1/4 SE1/4.

Section 19: Lot 5, E1/2 SE1/4.

Section 20: Lots 3, 4, 5, 6, 7, SE1/4 NW1/4, SW1/4 NE1/4, W1/2 SE1/4,
E1/2 SW1/4, SW1/4 SW1/4.

Section 29: N1/2 NW1/4.

Section 30: NE1/4 NE1/4.

PARCEL III:

TOWNSHIP 2 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

Section 33: E1/2 SE1/4.

Section 34: W1/2 SW1/4, NW1/4 SE1/4, SE1/4 NE1/4, NE1/4 SW1/4.

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EXCEPT that certain Parcel of Land conveyed to Katzmeyer, recorded as Instrument No. 16902, records of Blaine County, Idaho, as follows:

All of the Northeast quarter of the Southwest quarter (NE1/4 SW1/4) of Section thirty-four (34), Township 2 NORTH, RANGE 17 EAST, BOISE MERIDIAN, lying North and Westerly of the Main road between Hailey and Soldier, and West of the road running to the Red Elephant Mine, the tract hereby conveyed containing twenty-five (25) acres, more or less.

EXCEPT

That fractional part of the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 34, Township 2 North, Range 17 East, Boise Meridian, Idaho, known as Tax Lot No. 744, and more particularly described as follows:

STARTING at a point from which the SW corner of Section 34, bears S. 39° 03' W., 2100.00 feet (which point is also South 1009.00 feet from the NW corner of the NE1/4 SW1/4 aforesaid), as TRUE POINT OF BEGINNING; thence
N. 83° 32' E., 711.00 feet; thence
N. 51° 59' E., 475.00 feet; thence
N. 63° 55' E., 455.00 feet; thence
N. 30° 45' W., 50.00 feet; thence
N. 72° 41' W., 162.00 feet; thence
N. 59° 35' W., 400.00 feet; thence
N. 55° 23' W., 280.00 feet; thence
West 738.00 feet to the Northwest corner of the NE1/4 SW1/4 aforesaid; thence
South 1009.00 feet to POINT OF BEGINNING.

AND EXCEPT

A parcel of land located in the NW1/4 SW1/4, Section 34, Township 2 North, Range 17 East, Boise Meridian, Blaine County, Idaho, more particularly described as follows:

COMMENCING at the northwest corner of said NW1/4 SW1/4; thence
along the northerly boundary of said NW1/4 SW1/4 S. 89° 28' 49" E., 370.66 feet
to the REAL POINT OF BEGINNING; thence
S. 89° 28' 49" E., 260.88 feet to the Northeast corner of said NW1/4 SW1/4;
thence
along the easterly boundary of said NW1/4 SW1/4 S. 0° 02' 12" W., 1000.78 feet;
thence
S. 83° 32' 00" W., 10.86 feet; thence
along an old fence N. 18° 43' 04" W., 482.09 feet; thence
along an old fence N. 5° 50' 48" W., 353.99 feet; thence
along an old fence N. 16° 41' 38" W., 204.22 feet to the REAL POINT OF BEGINNING.

EXCEPTING therefrom the Highway Right-of-Way.

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EXHIBIT A

GOODING COUNTY

TRACT 1:

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

Section 27: NE1/4NW1/4;

AND

NW1/4NW1/4, LESS AND EXCEPTING the following described parcel:

COMMENCING at the Northwest corner of said NW1/4 NW1/4, which is THE TRUE POINT OF BEGINNING;
Thence South along the West boundary line a distance of 200 feet;
Thence East on a line parallel to the North boundary line of said NW1/4 NW1/4 a distance of 756 feet;
Thence North on a line parallel to the West boundary line a distance of 200 feet to a point on
the North boundary of said NW1/4 NW1/4;
Thence West along the North boundary line a distance of 756 feet to the TRUE POINT OF BEGINNING.

AND

The West 250.95 feet of the NW1/4NE1/4

AND

That part of the SW1/4 SW1/4 and SW1/4 SE1/4 lying 60 feet South and East of the following described line:

BEGINNING at a point that is West 2065.47 feet along the Section line from the Southeast corner of Section 27,
Township 5 South, Range 12, East Boise Meridian;
Thence North 515.44 feet;
Thence North 45°38'48" West, 236.27 feet;
Thence North 77°11'38" West, 424.53 feet;
Thence South 88°59'08" West, 883.81 feet;
Thence North 86°50'44" West, 664.34 feet;
Thence South 18°58'30" West, 536.12 feet;
Thence South 32°37'36" West, 249.37 feet to the Northeasterly side of the Powerhouse Site Parcel, at
a point that is South 30°24'22" East, 3.37 feet from the most Northerly corner of the Powerhouse Site
Parcel;
Thence in a Southwesterly direction to the South line of said Section 27.

EXCEPTING THEREFROM:

That part of the SW1/4 SW1/4 of Section 27 and that part of the NW1/4 NW1/4 of Section 34, described as follows:
BEGINNING at a point that is West 4505.83 feet along the Section line, and North 8151 feet from the
Northeast corner of Section 34;
Thence South 30°24'22" East, 150.00 feet;
Thence South 59°35'38" West, 400.00 feet;
Thence North 30°24'22" West, 150.00 feet;
Thence North 59°35'38" East, 400.00 feet to THE POINT OF BEGINNING

AND

That part of the N1/2 of Section 27 described as follows:

BEGINNING at the Northeast corner of said Section 27, said corner marked by a U.S. Government pipe with brass
cap which shall be the POINT OF BEGINNING;
Thence South 0°16'06" East along said Section line for 475.52 feet to a 1/2" rebar;
Thence South 87°10'27" West for 2139.12 feet to a 1/2" rebar;
Thence South 5°29'33" East for 766.86 feet to a 1/2" rebar;
Thence South 8°13'11" West 219.83 feet to a 1/2" rebar;

CONTINUED

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EXHIBIT A - Page 2

Thence South 7°27'02" East for 208.89 feet to a 1/2" rebar;
Thence South 30°58'31" East for 16.87 feet to a point;
Thence South 89°49'46" West (West recorded) for 193.00 feet to a 1/2" rebar;
Thence South 0°15'43" East (South recorded) for 300.10 feet (300.00) recorded) to a 1/2" rebar;
Thence North 89°48'38" East (East recorded) for 192.55 feet to a P.K. nail in the center of a county road;
Thence South 26°09'01" East along the center of said county road for 134.70 feet to a P.K. nail;
Thence North 89°26'24" West for 984.88 feet to a 1/2" rebar;
Thence North 89°26'24" West for 13.09 feet to a point in a canal;
Thence on the following courses and distances in the water way of a canal;
North 50°15'42" East for 166.21 feet;
North 39°25'56" East for 270.55 feet;
North 65°33'20" West for 154.58 feet;
North 35°35'27" West for 183.91 feet;
North 1°50'43" West for 296.20 feet to a P.K. nail in the center of a county road;
Thence South 89°20'02" East for 548.99 feet to a 1/2" rebar;
Thence North 0°34'33" East for 1375.27 feet to a 1/2" rebar on the North line of Section 27;
Thence North 89°58'30" East along the section line for 2389.05 feet to the POINT OF BEGINNING.

EXCEPT tracts described as follows:

a. As set forth in Decree dated December 14, 1915, and recorded December 15, 1915 in Book 1 Judgments Page 226.

b. Right of Way Deed dated May 14, 1937 to State of Idaho, recorded May 15, 1937 in Book 28 Deeds Page 375 over the SW¼ NW¼.

Section 28: S½SE¼

Section 33: NE¼NE¼

Section 34: SW¼NW¼; AND

N½NW¼, LESS AND EXCEPTING:

That part of the SW¼ NW¼ of Section 27 and that part of the NW¼ NW¼ of Section 34, described as follows:
BEGINNING at a point that is West 4505.83 feet along the Section line, and North 8151 feet from the
Northeast corner of Section 34;
Thence South 30°24'22" East, 150.00 feet;
Thence South 59°35'38" West, 400.00 feet;
Thence North 30°24'22" West, 150.00 feet;
Thence North 59°35'38" East, 400.00 feet to THE POINT OF BEGINNING

Township 6 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Section 3: S½ SW½ LESS Railroad and Highway right of way.

Section 4: SE½ SE½ EXCEPT the following:

a. Railroad right of way.

b. Deed dated June 25, 1956 to State of Idaho for U.S. Highway 20 and 26 Project No. F-2351(1) Highway Survey recorded August 1, 1956 in Book 46 Deeds Page 489, records of Gooding County, Idaho. (SE½SW½, Sec. 3, SE½ SE½, Sec. 4.)

c. Right of Highway purposes granted to State of Idaho, department of Highways, by Right-of-way No. I-07146 pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317) as to the SW½SW½, Sec. 3.

CONTINUED

MICROFILMED
OCT 24 1994

EXHIBIT A - Page 3

Township 6 South, Range 14 East of the Boise Meridian, Gooding County, Idaho.

Section 8: S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, LESS AND EXCEPT road

Township 6 South, Range 15 East of the Boise Meridian, Gooding County, Idaho.

Section 7: Lots 1, 2, 3, 4, and E $\frac{1}{2}$ W $\frac{1}{2}$ except the Main South Gooding Canal

Lots 29, 33, 34, 35, 36, and 39, South Gooding Acreage according to the plat thereof, filed in the Office of the County Recorder of Gooding County.

AND:

South Half of Lot 30, the South 1636 feet of Lot A, Southwest Quarter of the Southeast Quarter, and Lot 70 Except the following described tract:

BEGINNING at the Southeast corner of said Lot 70;
Thence West 150 feet;
Thence North 280 feet;
Thence East 150 feet;
Thence South 280 feet to THE POINT OF BEGINNING.

AND

Lots 40, 43, 44, 45, 51, 60, 69 and the N $\frac{1}{2}$ of Lot 79 of South Gooding Acreage as the same is platted on the official plat of South Gooding Acreage now on file in the office of the County Recorder of said County and State; also a strip of land on the East and West half Section line of Section 7, Township 6 South, Range 15 East of the Boise Meridian, and more particularly described as follows:

BEGINNING at the Southeast corner of Lot 44 of South Gooding Acreage;
Thence South 50 feet to the North line of Lot 51;
Thence West along the North line of Lot 51 to the Northwest corner of Lot 51;
Thence North to the Southwest corner of Lot 44;
Thence East along the South line of Lot 44 to POINT OF BEGINNING.

AND ALSO a strip of land described as follows:

BEGINNING South 0° 04' East 162 feet from the Northwest corner of Lot 30 of the South Gooding Acreage;

CONTINUED

MICROFILMED
OCT 24 1994

EXHIBIT A - Page 4

Thence South 0° 04' East 2125.5 feet to the North line of the Canal right of way;
Thence North 77°28' East 91.2 feet;
Thence North 0° 04' West 2105.7 feet;
Thence East 90 feet to the place of beginning.

AND ALSO Lot 28, South Gooding Acreage except the following described tract:

That part of Lot 28, South Goodin Acreage, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho, described as follows:
COMMENCING at the point where the West line of said Lot 28 intersects the South line of the State Highway;
Thence East 300 feet along the South line of the Highway;
Thence South 300 feet;
Thence West 300 feet;
Thence North 300 feet along the West line of Lot 28 to the POINT OF BEGINNING.

Section 8: SE¼ SW¼ lying West of the North Side Canal Company lateral and that part of the NE¼/4SW¼/4 lying South and West of the canal.

Lot 49 and Lot 53 South and West of Canal and the East Half of Lots 58, 62 and 67, all Lots 72, 77 and 82 of South Gooding Acreage according to the plat thereof, filed in the Office of the County Recorder of Gooding County.

EXCEPTING THEREFROM tract described as follows:

Deed dated march 19, 1957 to the State of Idaho for State Highway 46 Project No. St-2371(501) Highway Survey across Lots 49 and 53 South Gooding Acreage, recorded April 10, 1957 in Book 46 Deeds Page 639, records of Gooding County, Idaho.

ALSO EXCEPTING THEREFROM the Highway across Lots 72, 77 and 82 South Gooding Acreage.

ALSO EXCEPTING THEREFROM: Part of Lots 49 and 53 South Gooding Acreage described as follows:

BEGINNING at the Southwest corner of Section 8, Township 6 South, Range 15 East of the Boise Meridian;
Thence North 0°25'04" East, 1982.76 feet to the Southwest corner of Lot 53;
Thence along the South boundary of said Lot 53 South 89°37'56" East, 56.96 feet to the Easterly boundary
of State Highway 46 and the REAL POINT OF BEGINNING;

CONTINUED

MICROFILMED
OCT 24 1994

EXHIBIT A - Page 5

Thence from this Real Point of Beginning and along the Easterly boundary of State Highway 46 North

0°25'28" East, 406.22 feet to the Southerly boundary of the North Side Canal Company right-of-way known as Lateral B-5;

Thence along the Southerly boundary of said canal right-of-way South 77°11'24" East, 170.35 feet;

Thence along a curve to the right having a central angle of 5°50'55", a radius of 1357.69 feet, a tangent of 69.36 feet, an arc length of 138.59 feet, a long chord of 138.53 feet on a bearing of South 74°15'57" East;

Thence departing said canal right-of-way South 0°25'28" West, 332.81 feet to the South boundary of Lot 53;

Thence along the south boundary of Lot 53 North 89°37'56" West, 300.00 feet to the REAL POINT OF BEGINNING.

TRACT II

Township 6 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Section 9: NE¼ together with a Grant of Easement dated May 18, 1988, recorded May 20, 1988 as Instrument No. 132249, records of Gooding County, Idaho.

EXCEPTING THEREFROM that portion deeded to the State of Idaho, described as follows:

BEGINNING at the North Quarter corner of said Section 9, Township 6 South, Range 13, East Boise Meridian; Thence East along the North boundary of said Section 9, 2641.70 feet, more or less, to the Northeast corner of said Section 9;

Thence South along the East boundary of said Section 9, 204.70 feet;

Thence Northwesterly to a point on the West boundary of NE¼ NE¼, 202.00 feet South of the Northwest corner of said NE¼ NE¼;

Thence North along the West boundary of said NE¼ NE¼, 140.00 feet;

Thence Northwesterly to a point on the West boundary of the NW¼ NE¼, 60.00 feet South of the Northwest corner of said NW¼ NE¼ (North Quarter corner);

Thence North along the West boundary of said NW¼ NE¼, 60.00 feet to THE POINT OF BEGINNING

ALSO EXCEPTING THEREFROM a parcel of land located in the NE¼, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 9;

Thence South 0°17'00" West along the East boundary of Section 9 for a distance of 4.7 feet to a point on the centerline of State Highway #26;

Thence South 89°56' West along the centerline of State Highway #26 for a distance of 2644.3 feet to centerline station 188+58.30;

Thence South 0°04' East for a distance of 60.0 feet to a right of way monument being a point on the Southerly right of way line of State Highway #26 and being a point on the West boundary of the NW¼ of Section 9 and being THE TRUE POINT OF BEGINNING;

Thence South 0°30'00" West along the West boundary of the NW¼ of Section 9 for distance of 535.10 feet;

Thence South 82°28'49" East for distance of 362.10 feet;

Thence North 73°27'46" East for a distance of 79.17 feet;

Thence North 0°30'00" East parallel with the West boundary of the NW¼ of Section 9 for a distance of 560.46 feet to a point on the Southerly right of way line of State Highway #26;

Thence South 89°56'00" West along the Southerly right of way line of State Highway #26 for a distance of 435.10 feet to THE TRUE POINT OF BEGINNING.

CONTINUED

MICROFILMED
OCT 24 1994

EXHIBIT A - Page 6

Township 6 South, Range 15 East of the Boise Meridian, Gooding County, Idaho.

A tract of land in part of the SW1/4 of Section 7 and part of the N1/2NW1/4 of Section 18, described as follows:

BEGINNING at the Southwest corner of said Section 7;

Thence North 174.21 feet along the Westerly boundary of said SW1/4, Section 7;

Thence North 89°53'37" East, 1938.68 feet;

Thence North 8°17'17" East, 208.41 feet to the center of the South Gooding Main Canal;

Thence Southeasterly along the center of said Main Canal the following courses and distances,

South 58°41'07" East, 439.08 feet;

Thence South 45°56'32" East, 180.56 feet;

Thence South 30°57'07" East, 29.92 feet to the Northerly boundary of said North Half of Section 18;

Thence South 30°57'07" East, 104.71 feet;

Thence South 47°05'06" East, 82.09 feet;

Thence South 70°06'39" East, 22.21 feet to the Easterly boundary of the NW1/4 of Section 18;

Thence South 0°12'35" West, along the Easterly boundary of the NW1/4, 442.09 feet to the center of the Big Wood Canal Company L S Ditch;

Thence along the center of said L S Ditch the following courses and distances:

South 80°58'36" West, 51.01 feet;

Thence South 89°37'37" West, 103.67 feet;

Thence North 79°38'54" West, 61.52 feet;

Thence North 64°10'06" West, 15.44 feet;

Thence North 64°10'06" West, 47.19 feet;

Thence North 65°58'35" West, 43.78 feet;

Thence North 63°25'20" West, 189.64 feet;

Thence North 74°15'30" West, 71.27 feet;

Thence North 86°37'47" West, 154.83 feet;

Thence South 82°58'09" West, 92.65 feet;

Thence South 77°02'37" West, 261.18 feet;

Thence South 70°50'33" West, 166.50 feet;

Thence South 63°46'38" West, 213.93 feet;

Thence South 86°36'48" West, 176.66 feet;

Thence North 72°01'32" West, 230.99 feet;

Thence North 82°09'10" West, 42.82 feet;

Thence South 72°33'35" West, 34.31 feet;

Thence South 41°15'43" West, 40.01 feet;

Thence South 12°16'50" West, 95.50 feet;

Thence South 3°35'33" West, 161.15 feet;

Thence South 10°52'18" West, 68.71 feet;

CONTINUED

MICROFILMED
OCT 24 1994

EXHIBIT A - Page 7

Thence South 33°14'04" West, 69.99 feet;
Thence South 49°38'13" West, 69.26 feet;
Thence South 66°09'32" West, 264.76 feet;
Thence South 73°21'55" West, 74.32 feet;
Thence South 84°48'34" West, 278.52 feet to the Westerly boundary
of said NW¼ Section 18;
Thence North 1,201.18 feet along the Westerly boundary of said NW¼
to THE POINT OF BEGINNING.

EXCEPTING THEREFROM a part of the NE¼ NW¼, described as follows:

BEGINNING at the North quarter corner of said Section 18;
Thence South along the Est boundary of the NE¼ NW¼ (North & South
half Section line) 265 feet to THE TRUE POINT OF BEGINNING;
Thence West parallel with the North boundary of said NE¼ NW¼,
228.50 feet;
Thence South parallel with East boundary of said NE¼ NW¼, 330.00
feet, more or less, to the center line of the "L S Canal of
the Big Wood Canal Company system";
Thence East along the center line of the L S Canal to the East
boundary of the NE¼ NW¼;
Thence North along said East boundary of said NE¼ NW¼, 332 feet,
more or less, to THE TRUE POINT OF BEGINNING.

MICROFILMED
OCT 24 1994

EXHIBIT B

State of Idaho Department of Water - Water Right License No. 37-07242
State of Idaho Department of Water - Water Right License No. 37-10597
State of Idaho Department of Water - Water Right License No. 37-10600
State of Idaho Department of Water - Water Right License No. 37-10602
State of Idaho Department of Water - Water Right License No. 37-08005
State of Idaho Department of Water - Water Right License No. 37-10610
State of Idaho Department of Water - Water Right License No. 37-00208A (Decreed)
State of Idaho Department of Water - Water Right Permit No. 37-08487

MICROFILMED
OCT 24 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00208A

Date Received: 1/25/1989

Receipt No: S006147

Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAULKNER LAND & LIVESTOCK CO. 208-934-4956
Address: RT. 2
GOODING, ID 83330

2. Date of Priority: JUN 01, 1880

3. Source: CROY CREEK Trib. to: BIG WOOD RIVER
ELK CREEK CROY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	17E	34	NW	NE	SE		BLAINE
			NE	NW	SE		BLAINE

5. Description of diverting works:
DAMS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	17E	34	SW	NE		IRR	2.0
			SE	NE		IRR	35.0

Section Acres 37.0

A37-00208A

Page 1

Date: 01/25/89

MICROFILMED
FEB 23 1993

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OCT 24 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	17E	35	NW	NW		IRR	8.0
			SW	NW		IRR	35.0
Section Acres							43.0
Total Acres							80.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
NONE

14. Remarks:
TRANS. 3231.
P/D AND SOURCE CAN VARY FROM YEAR TO YEAR DUE TO THE CHANGE IN
THE FLOOD PLAIN.

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

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Pres. of _____ Title

Faulkner Hand Livestock that I have signed the foregoing Organization document in the space below as Pres. of _____ Title

Faulkner Hand Livestock and that the statements contained in the Organization foregoing document are true and correct.

John P. Faulkner
Signature of Authorized Agent

Pres. Faulkner Hand Livestock
Title and Organization

1/25/89
Date

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day

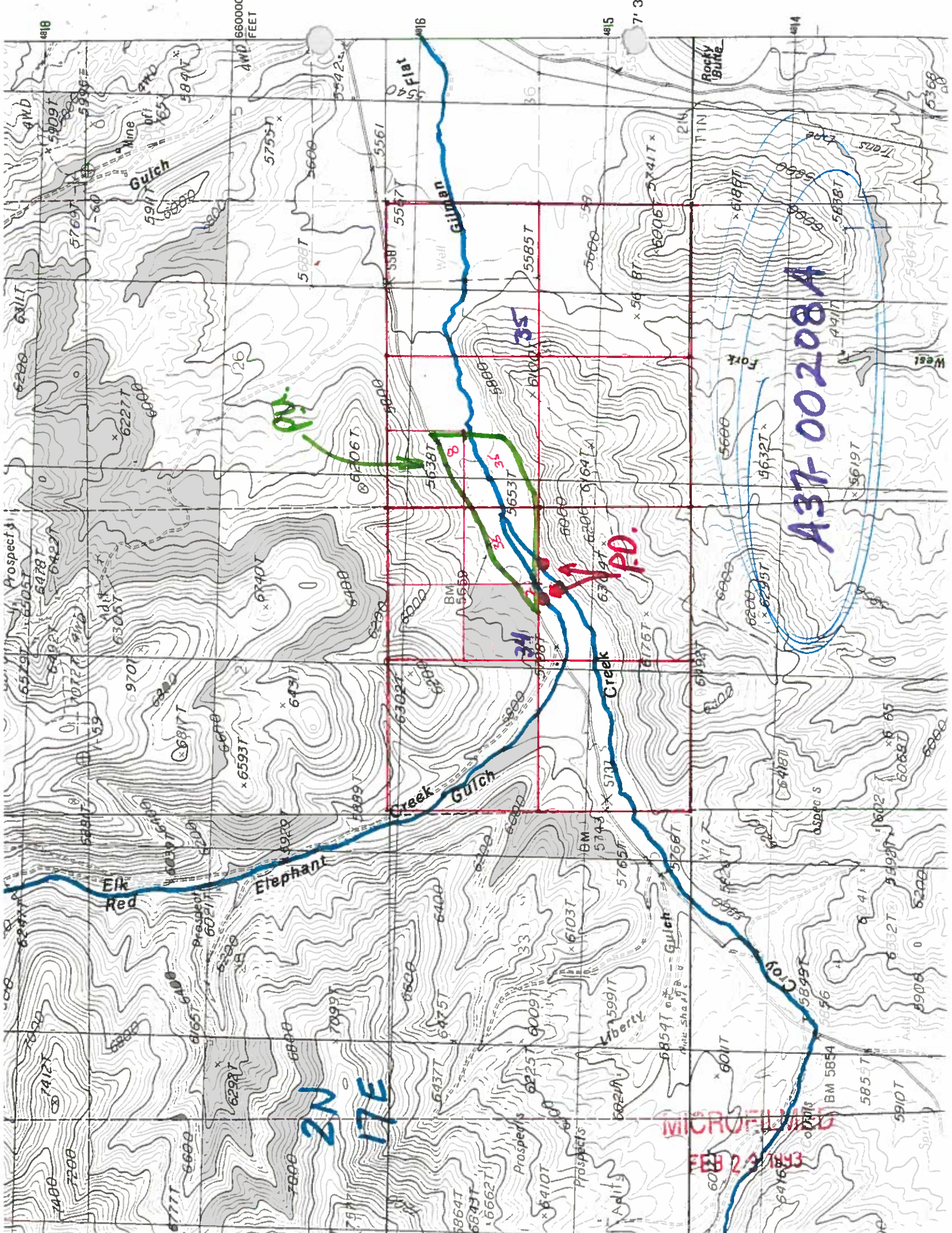
of January 19 89

Steve Call
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994



2N
17E

A37-00208A

P.D.

94

MICROFILMED
FEB 23 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75408

This is to certify that: DIAMOND A LIVESTOCK INC

1997 S 1875 E
GOODING ID 83330
(208)934-5391

And

FAULKNER LAND & LIVESTOCK CO INC
1989 E 1875 S
GOODING ID 83330
(208)934-4956

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-208A	AJC/Decreed	06/01/1880	1.6 cfs	N/A		60.9	CROY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
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Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-208A	37-208A	1.6 cfs	N/A	N/A	60.9		N/A	N/A		N/A
COMBINED TOTALS		1.6 cfs			60.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

WATER RIGHT NO. 37-208A
As Modified by Transfer No. 75408

In accordance with the approval of Transfer No. 75408, Water Right No. 37-208A is now described as follows.

Right Holder: FAULKNER LAND & LIVESTOCK CO INC
 1989 E 1875 S
 GOODING ID 83330

DIAMOND A LIVESTOCK INC
 1997 S 1875 E
 GOODING ID 83330

*CROY CREEK NOT IN QA
 SOURCE?*

Priority Date: June 01, 1880

Source: CROY CREEK

Tributary: BIG WOOD RIVER

BENEFICIAL USE
 IRRIGATION

From **To**
 04/15 to 10/31

Diversion Rate
 1.60 CFS
 1.60 CFS

Volume

LOCATION OF POINT(S) OF DIVERSION:
 CROY CREEK SWSENE

Sec. 34 Twp 02N Rge 17E BLAINE County

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	
02N 17E 34				22.0											15.9		37.9
02N 17E 35							23.0										23.0

Total Acres: 60.9

CONDITIONS OF APPROVAL

1. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20____

 Chief, Water Allocation Bureau



Idaho Department of Water Resources

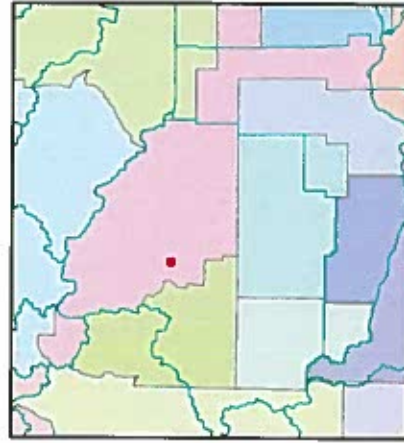
Judication Recommendation

37-208A

(IRRIGATION)

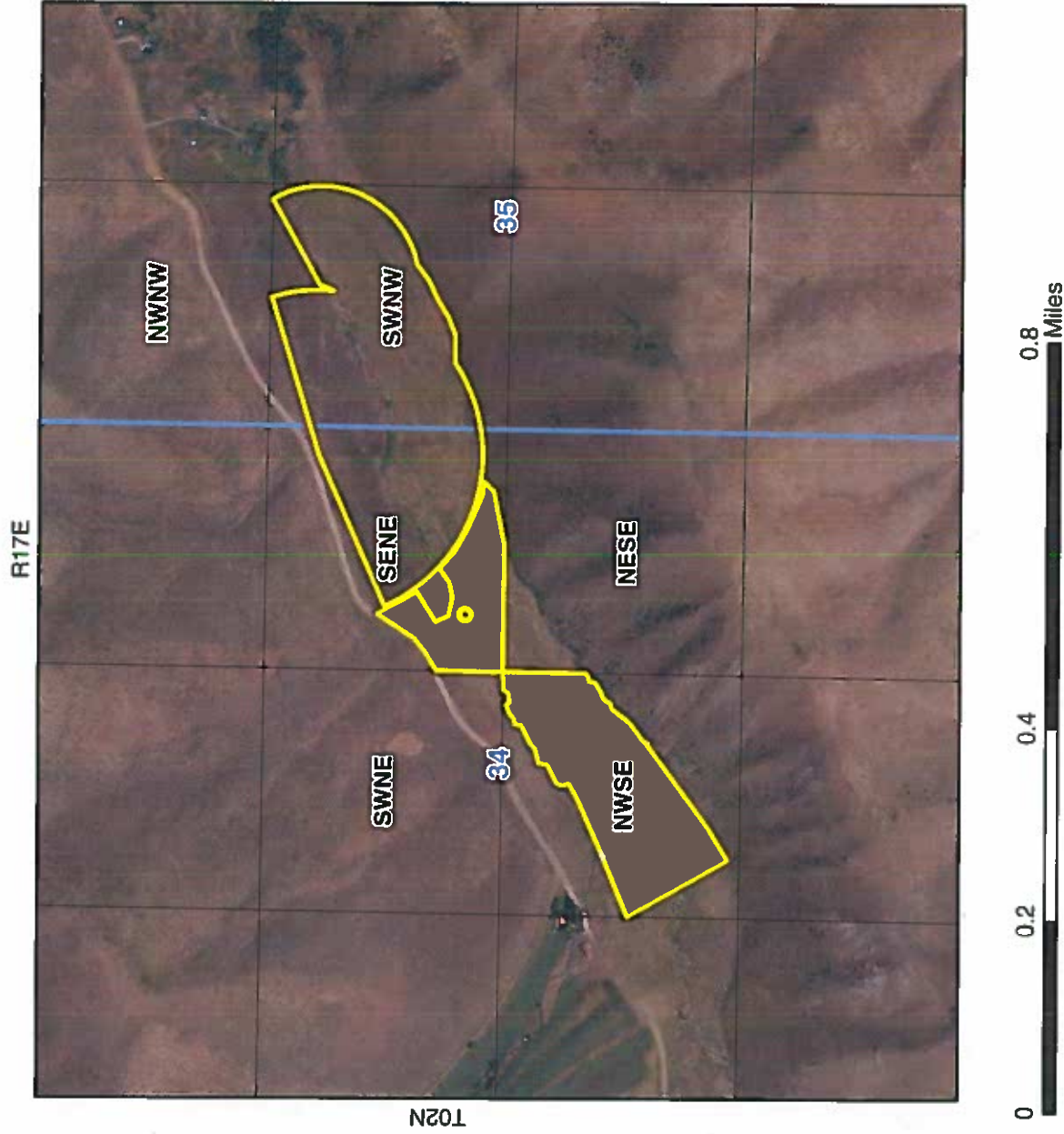
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



**Blaine County
IDWR Basin 37**

Prepared by Michael Ciscell
On March 12, 2009
2004 Aerial Photography



12/02/2006

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

RIGHT NUMBER: 37-208A
NAME AND ADDRESS: FAULKNER LAND & LIVESTOCK CO INC
1989 E 1875 S
GOODING ID 83330
DIAMOND A LIVESTOCK INC
1997 S 1875 E
GOODING ID 83330

SOURCE: CROY CREEK TRIBUTARY: BIG WOOD RIVER
QUANTITY: 1.600 CFS
PRIORITY DATE: 06/01/1880
POINT OF DIVERSION:

T02N R17E S34 SWSENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.600 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R17E S34	SWNE	1.30	T02N R17E S34	SENE	23.00
T02N R17E S35	NWNW	7.60	T02N R17E S35	SWNW	29.00

60.9 ACRES TOTAL

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: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

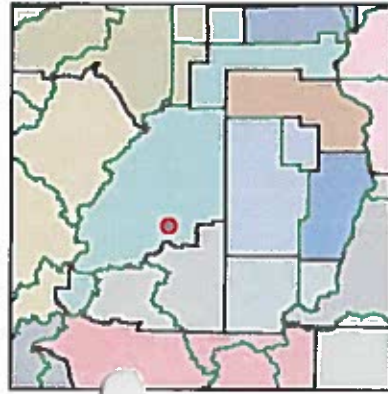
SRBA Recommendation:

37-208A

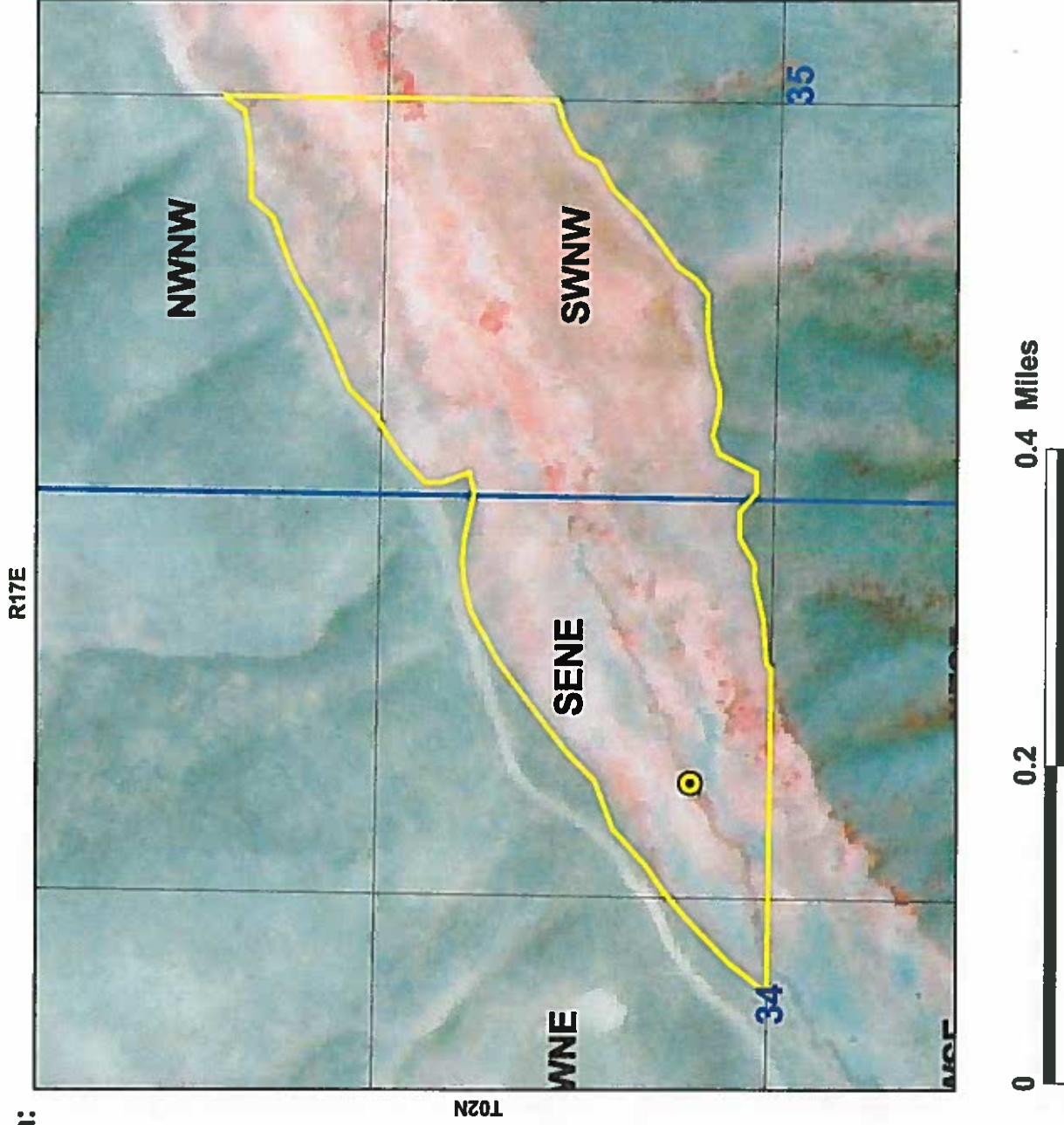
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by S. Clelland
On Saturday, December 2, 2006
1987/88 Aerial Photography

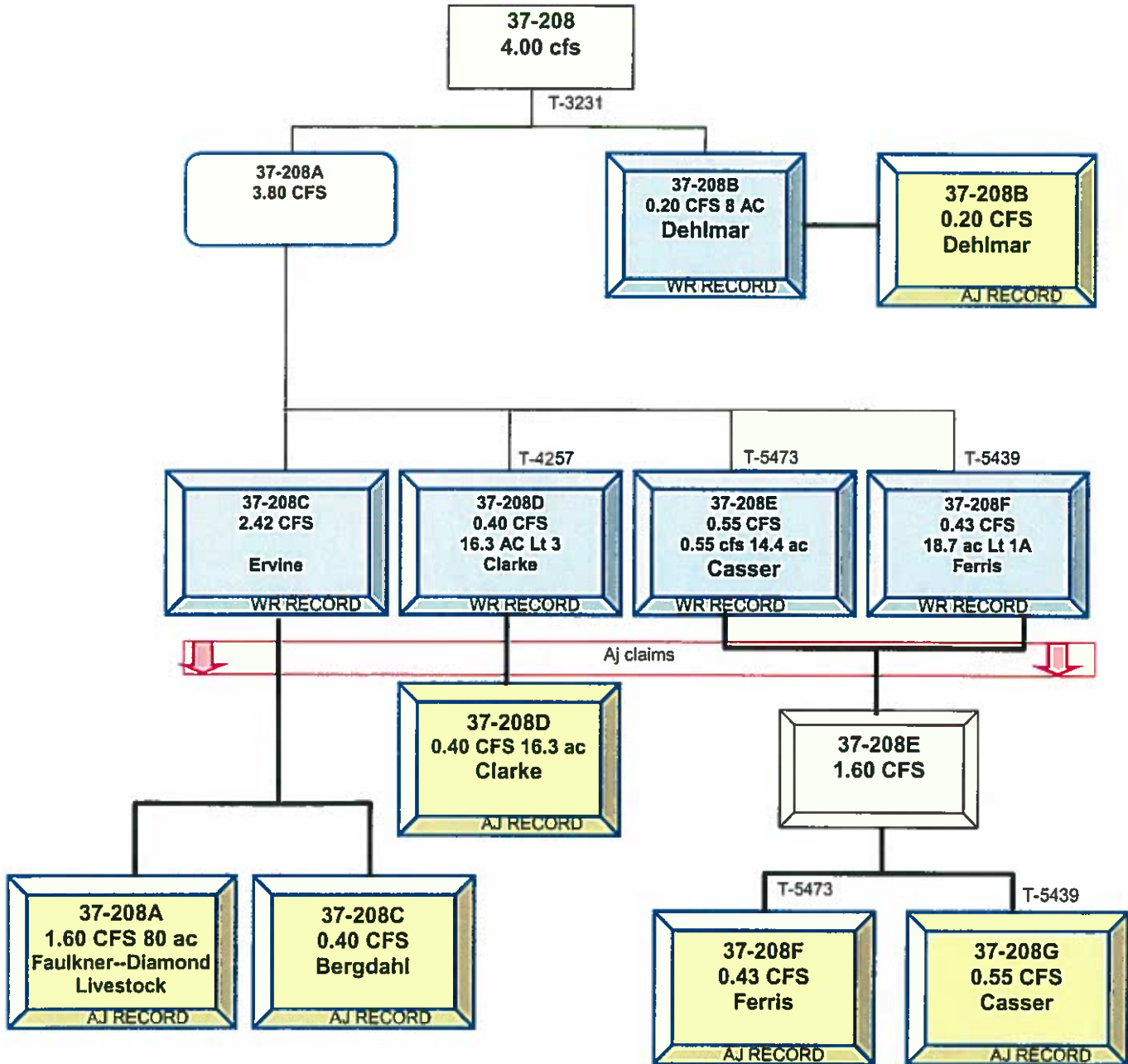
Bas	Seque	Suf	Basis	Status	Priority Date	Rate(cfs)	Owner(s)	Source Table	Comments
37	208	A	Decreed	Active	1880-06-01	1.6	DIAMOND A LIVESTOCK INC ; FAULKNER LAND & LIVESTOCK CO INC	AJ Claim	
37	208	B	Decreed	Active	1880-06-01	0.2	DEHLMAR, GEORGE A ; DEHLMAR, RUTH M ; ROWLAND, DENZEL R ; ROWLAND, MARY S	AJ Claim	T-3231
37	208	C	Decreed	Active	1880-06-01	0.4	BERGDAHL, ROBERT	AJ Claim	
37	208	D	Decreed	Active	1880-06-01	0.4	CLARKE, LESLIE	AJ Claim	T-4257
37	208	F	Decreed	Active	1880-06-01	0.43	FERRIS, GREG ; FERRIS, LEE ANN	AJ Claim	T-5473
37	208	G	Decreed	Active	1880-06-01	0.55	CASSER, CONRAD V ; CASSER, MINNA H	AJ Claim	T-5439
					Subtotal 208	3.58			
37	208	E		See Remarks	1880-06-01	1.6		AJ Claim	See 208F and 208G
37	548		Decreed	Active	1880-06-01	3.8	BENJAMIN & HELEN CROCKER TRUST	AJ Claim	
37	4405		Statutory Claim	Closed	1880-06-01	0.04	COUNTY OF BLAINE RECREATION DIST	AJ Claim	
37	208	A	Decreed	Active	1880-06-01	1.6	DIAMOND A LIVESTOCK INC ; FAULKNER LAND & LIVESTOCK CO INC	AJ Rec	
37	548		Decreed	Active	1880-06-01	3.8	BENJAMIN & HELEN CROCKER TRUST	AJ Rec	
37	4405		Beneficial Use	Closed	1880-06-01	0.04	COUNTY OF BLAINE RECREATION DIST ; UNITED STATES OF AMERICA ACTING THROUGH	AJ Rec	
37	208	B	Decreed	Active	1880-06-01	0.2	DEHLMAR, GEORGE A ; DEHLMAR, RUTH M ; ROWLAND, DENZEL R ; ROWLAND, MARY E	wrWaterRight	
37	208	C	Decreed	Active	1880-06-01	2.42	ERVIN, MARY E	wrWaterRight	
37	208	D	Decreed	Active	1880-06-01	0.4	CLARKE, LESLIE	wrWaterRight	
37	208	E	Decreed	Active	1880-06-01	0.55	CASSER, CONRAD V ; CASSER, MINNA H	wrWaterRight	
37	208	F	Decreed	Active	1880-06-01	0.43	FERRIS, GREG ; FERRIS, LEE ANN	wrWaterRight	
					Subtotal 208	4			
37	548		Decreed	Active	1880-06-01	entire flow	PLUMMER, JOSEPH J	wrWaterRight	source = hot springs cr
37	4405		Decreed	Active	1880-06-01	0.04	COUNTY OF BLAINE RECREATION DIST ; UNITED STATES OF AMERICA ACTING THROUGH	wrWaterRight	

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 9-7-2005

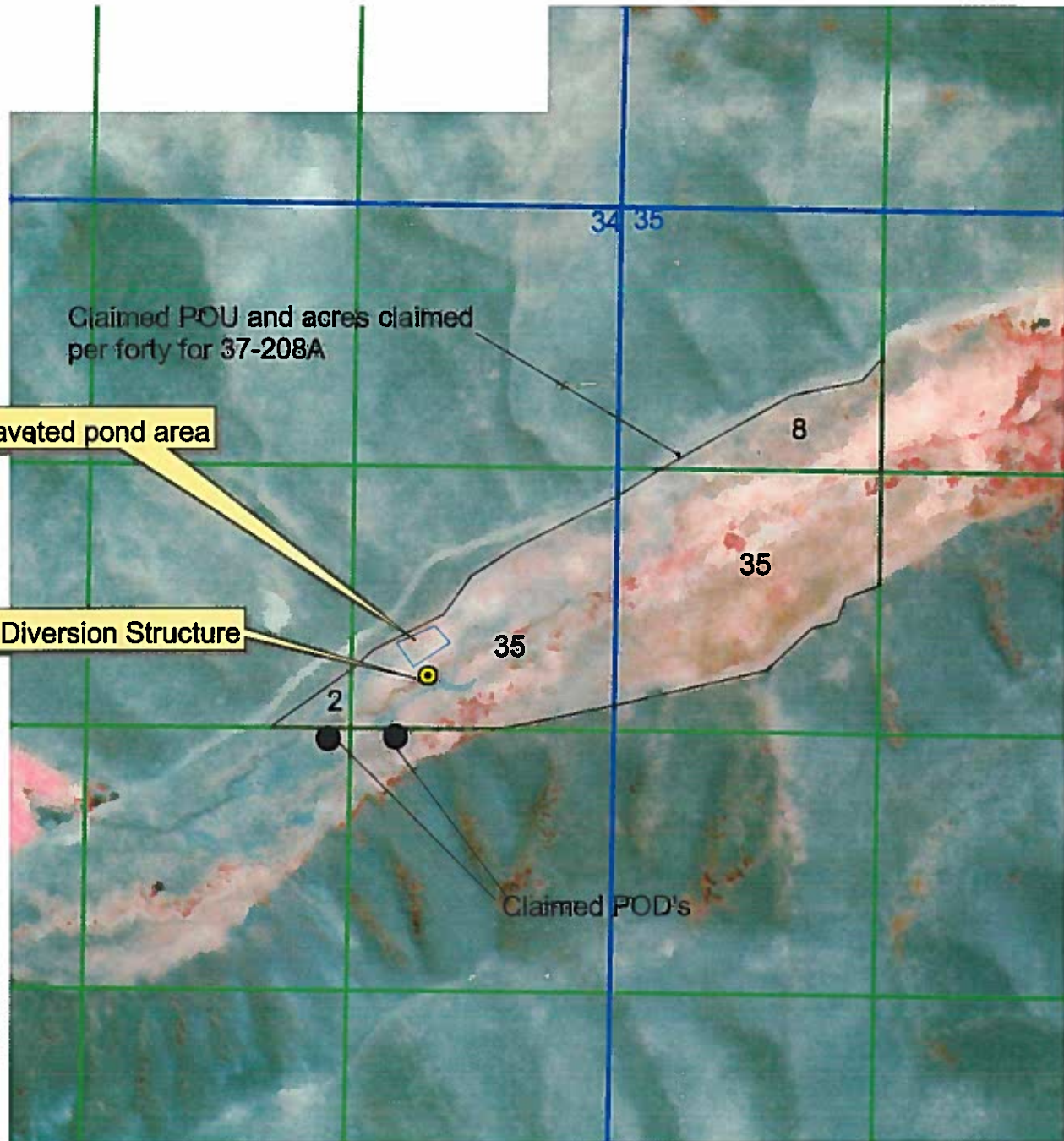
File: 37-208 split tree analysis

Prepared by Kelly K Christensen



Croy Creek Complaint

T02N, R17E



— Quarter quarter lines

— Section lines



JFREITAG
11-25-02



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 9, 1993

Susan Bolton
First American Title
P.O. Box 446
Gooding, Idaho 83330

Re: John Faulkner/MONY Assignment of Water Right Permit, Licenses & Adjudication Claims

Dear Ms. Bolton:

You inquired about assignments from John Faulkner to Mutual Life Insurance Co. of New York for permit no. 37-08487; licenses nos. 37-07242, 37-08005; decreed right no. 37-00208A; and adjudication claims nos. 37-10597, 37-10600, 37-10602, and 37-10610. I reviewed our files and spoke to Frank Hitchcock of our Twin Falls office about whether the adjudication files contained copies of the assignments.

Enclosed is a copy of a letter sent to the Mutual Life Insurance Co. of New York acknowledging receipt of the assignments for the permit, decreed right and the licenses. Frank Hitchcock confirmed that copies of the assignments are filed in the adjudication claims files, and MONY has been recorded as the lienholder in both the water right and adjudication databases. If you need more information, please contact me or Frank Hitchcock.

Sincerely,

Gary Spackman
Gary Spackman

Enclosure
cc: Frank Hitchcock

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APR 21 1993
OCT 24 1994
Department of Water Resources
Southern Region Office

 CECIL D. ANDRUS
Governor

DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

R. KEITH HIGGINSON
Director

12-Feb-1993 10:47

Ms. Susan L. Faulkner, Director
Diamond A Livestock
1997 S 1875 E
Gooding, ID 83330

RE: Ownership Change for Adjudication Claims Nos A37-00208A, -00228,
-00229, -02147, -10606, and -10608.

Dear Ms. Faulkner:

Pursuant to the notification that you
which the above-referenced Adjudicati
Department has changed the record
requested. Please find enclosed a co.
claims noting the change in claimant.

Please review the records and if you
tions, please feel free to call this of.

roperty in
nant, the
s as you re-
cord of the

Corrections or ques-

Sincerely,

Frank

Francis G. Hitchcock
Water Resource Agent, Sr.

FH/abh

Enclosures

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OCT 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

12-Feb-1993 10:47

Ms. Susan L. Faulkner, Director
Diamond A Livestock
1997 S 1875 E
Gooding, ID 83330

RE: Ownership Change for Adjudication Claims Nos A37-00208A, -00228,
-00229, -02147, -10606, and -10608.

Dear Ms. Faulkner:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claims are appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claims noting the change in claimant.

Please review the records and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frank'.

Francis G. Hitchcock
Water Resource Agent, Sr.

FH/abh

Enclosures

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OCT 24 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-Feb-1993 14:46

Mr. John L. Faulkner
Faulkner Land & Livestock Co., Inc.
Rt. 2 1989 South 1875 East
Gooding, ID 83330

RE: **A37-00208A**, -07242, -08005, -10597, -10600, -10602, & -10610.

Dear Mr. Faulkner:

I enclose copies of your updated adjudication claims for your records in a slightly different form than the others that I have processed for you.

The reason for this is that the standard claim form copy will not show the complete ownership record. Since the assignments add the insurance company as the lienholder this form allows you to see at a glance your requested change.

Please review the forms and if you have any corrections or questions, feel free to call this office.

Sincerely yours,

Francis G. Hitchcock
Senior Water Resource Agent

enclosures

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Total Acres: 80.0

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OCT 24 1994

- R37-00208A

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OCT 24 1994

02-09-93

FAULKNER-ASSIGNMENTS

<u>file? 37</u>		<u>AJ2</u>	<u>AJ3</u>	<u>Rproof</u>	<u>Claims</u>	<u>PROOF SENT</u>
L	~~-07242~~	X	X	X	X	X ✓
Q L	~~-10597~~	X	X	X	X	X ✓
Q L	~~-10600~~	X	X	X	X	X ✓
Q L	~~-10602~~	X	X	X	X	X ✓
Q L	~~-08005~~	X	X	X	X	X ✓
J Q	~~-10610~~	X	X	~~cancel~~	X	X ✓
✓ D	~~-00208A~~	X	X	X	X	X ✓
Q P	~~-08487~~	already changed by SD.				

as sent:

RE: A37-00208A

-07242

-08005

~~-08487~~ Permit

-10597

-10600

-10602

-10610

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OCT 24 1994

- + - Other Rights for Same Use - NONE

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OCT 24 1994

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	01/25/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S006147	Water District	-	37
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	AND	Presumption Flag	-	C
						Notice of Error Flag	-	

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OCT 24 1994

1:15pm N/A
To _____
Date 1:40 TT/TCW Gary A.M.
Time _____ P.M.

WHILE YOU WERE OUT

of _____

Phone _____ 327-5432
AREA CODE NUMBER EXTENSION

Telephoned		Please call	
Called to see you		Will call again	
Wants to see you		Returned your call	

Message Bolton Sue
Gooding -

'money'

Decreased - Acknowledgment

Feb 9 - money

-if do -

A 37-10597, 10600,

A 37-10602, 10610

Signed _____

A37-00228 ✓
-00229 ✓
-02147 ✓
-00208A ✓
-10608 ✓
-10606 ✓

Ownership
Change Form

Split ownership:

Faulkner L+L
Diamond A Livestock

A37-~~00208A~~ ✓
-07242 ✓
-08005 ✓
-10597 ✓
-10600 ✓
-10602 ✓
-10610 ✓

Assignments per notes

Loan No. 11886-MS

POOR ORIGINAL

FEB 02 1993

Department of Water Resources
Southern Region Office

ASSIGNMENT AND PLEDGE OF WATER
LICENSES AND PERMITS

THIS AGREEMENT, made this 9th day of November, 1992, between John Faulkner and Laura Jo Faulkner, husband and wife, and Faulkner Land & Livestock, Co., Inc., hereinafter called Mortgagor, and THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a New York corporation, hereinafter called Mortgagee,

WITNESSETH:

as additional security for

ASSIGNMENT OF RIGHTS

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MISS JEANIE:

Please file this packet
of Assignments and the
legal description in FILE
A37-00208A.

Thank you, #

permits

h said

the mortgagor under said instruments, and they will not permit to be done anything to impair the validity thereof and to use said water rights so that same will at all times be appurtenant to the mortgaged premises described in said Mortgage; it will not convey any further rights thereunder to any party other than the owner of the premises described in said Mortgage, and to permit no act that will cause a cancellation or termination of said water rights, licenses and permits.

In the event of a failure of the Mortgagor to keep in full force and effect said water rights, licenses and permits and to perform all acts required thereunder, then such cancellation of said water rights, licenses and permits shall constitute an event of default under the Mortgage above described and, at the election of the Mortgagee, remedies included in said Mortgage.

Mortgagee shall not be liable for the performance of any said water rights, licenses or permits, but Mortgagee, at election, is hereby granted the right to cure any default in or permits, at the cost of the Mortgagor, whereas said expenses incurred, is thereupon to be immediately due and the terms of the Mortgage.

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RECEIVED

FEB 02 1993

Department of Water Resources
Southern Region Office

Loan No. 11886-MS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMITS

I, John Faulkner and Laura Jo Faulkner, husband and wife, and Faulkner Land & Livestock, Co., Inc., hereby assign, for security purposes only, to The Mutual Life Insurance Company of New York, a New York corporation, having its Home Office at 1740 Broadway, New York, New York, 10019, and whose mailing address is One Mid Rivers Drive, Suite 120, St. Peters, MO 63376., all our right, title and interest in and to Permit No. 37-08487 to appropriate the public waters of the State of Idaho.

or (for partial assignments)

The following described portion of my right, title and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the assigned listing the number of acres in each 40 acre subdivision, point of diversion on, and the amount of water in cubic feet per second.

02-10-1993

current change
made by S.O. - Miller

Made this 9th day of November, 1992.

John Faulkner
John Faulkner

Laura Jo Faulkner
Laura Jo Faulkner

Faulkner Land and Livestock, Co., Inc.

BY: John Faulkner
John Faulkner, President

02-12-1993

MISS JERRY:
Please file in 11886
37-08487. As this
is a cc the original
174011 should be there.
THANK YOU

MICROFILMED
OCT 24 1994

INTER-DEPARTMENT MEMO

TO: file
FROM: H

SUBJECT: FAULKNER L+L
DATE: 02-02-1993

TT ADM - Status of ownership change turned in 09-92.

H TT Susan Faulkner, 11⁵⁰_{am}, :
review status of changes
by end of month

Will receive case of changed ownership for review.

cc: Correspondence file 1993-

() For your information

() Response required

H

signature

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OCT 24 1994

09-10-92 FALKNER L+L Co. to DIAMOND A LIVESTOCK, INC.

DATE: 02-10

owned: 2
selling: ?
proof: signature only (splitting $(\frac{1}{2} + \frac{1}{2})$ ownership)

NOTE:
by owner...

"water rts. remain whole rights but the ownership splits into undivided one-half interests."

new ownership should read:

FALKNER L+L Co and DIAMOND A LIVESTOCK, INC.

$\frac{1}{2}$ & $\frac{1}{2}$

		add	and...	Own #	R	2pm	Comments
A37-00208A	✓	add	✓	✓	✓	✓	✓
-00228	✓	add	X	X	X		X
-00229	✓	add	X	X	X		X
-02147	✓	add	X	X	X		X
-10606	✓	add	X	X	X		X
-10608	✓	add	X	X	X		X

✓ AJQ1 - prints ea set of rights
AJQ4 - & name change only

print	R proofs		proof	claims
	-00208A	✓	✓	✓
	-00228	✓	✓	✓
	-00229 again	✓	✓	✓
	-02147	✓	✓	✓
	-10606	✓	✓	✓
	-10608 again	✓	✓	✓

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OCT 24 1994

A37-02514✓
-10604✓

09-10-92 FAULKNER LAND & LIVESTOCK CO INC TO
DIAMOND A. LIVESTOCK, INC.

owned:

sold:

proof: signature only

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OCT 24 1994