

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-10456

WATER RIGHT NUMBER: 37-10456

| <u>Owner Type</u> | <u>Name and Address</u>                                           |
|-------------------|-------------------------------------------------------------------|
| Current Owner     | LAST RANCH LLC<br>PO BOX 486<br>JEROME, ID 83338<br>(208)644-1728 |

Priority Date: 01/01/1928

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u>   | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-------------|-----------|-----------------------|----------------------|
| STOCKWATER              | 1/01        | 12/31     | 0.050 CFS             |                      |
| DOMESTIC                | 1/01        | 12/31     | 0.080 CFS             |                      |
| <u>Total Diversion:</u> |             |           | 0.080 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | NW1/4NW1/4SW1/4 | Sec. 35, Twp 06S, Rge 18E, B.M. |
| LINCOLN County |                 |                                 |

Place of UseSTOCKWATER Within LINCOLN County

T06S R18E S35 NWSW

DOMESTIC Within LINCOLN County

T06S R18E S35 NWSW

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-10456

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

Remarks:

1. Explanatory PARCEL NO. RP06S18E353600A STOCKWATER, 150 RANGE CATTLE

Dates and Other Information:

Licensed Date:  
Decreed Date: 1/10/2000  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number: 39576  
Judicial District: FIFTH  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False



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

August 25, 2003

LAST RANCH LLC  
PO BOX 486  
JEROME ID 83338

RE: Decreed Water Rights 37-2517, 37-2558, 37-7231,  
37-7232, 37-10455, 37-10456, 37-10457

Dear Water Right Holder:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

enc.

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

**RECEIVED**  
**MAR 24 2003**  
Department of Water Resources  
Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No.(s) | Adjudication<br>Claim No.(s) | Split                    | Water<br>Right No.(s) | Adjudication<br>Claim No. (s) | Split                    |
|-----------------------|------------------------------|--------------------------|-----------------------|-------------------------------|--------------------------|
| <u>37-02517</u>       | _____                        | <input type="checkbox"/> | <u>37-10456</u>       | _____                         | <input type="checkbox"/> |
| <u>37-02558</u>       | _____                        | <input type="checkbox"/> | <u>37-10457</u>       | _____                         | <input type="checkbox"/> |
| <u>37-07231</u>       | _____                        | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |
| <u>37-07232</u>       | _____                        | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |
| <u>37-10455</u>       | _____                        | <input type="checkbox"/> | _____                 | _____                         | <input type="checkbox"/> |

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): NOTCH BUTTE FARMS LLC  
P.O. BOX 486, JEROME, ID 83338
4. New Owner/Claimant(s): LAST RANCH LLC  
New Mailing Address: P.O. BOX 486  
City, State, Zip Code: JEROME, ID 83338  
New Telephone Number: (208) 644-1728
5. Date you acquired the property: \_\_\_\_\_

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

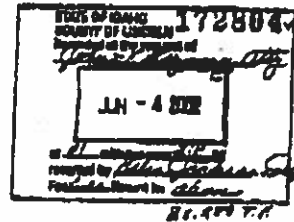
| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable) \_\_\_\_\_

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

|                            |                     |                            |            |
|----------------------------|---------------------|----------------------------|------------|
| <b>For Office Use Only</b> |                     |                            |            |
| Received by _____          | Date <u>3/25/03</u> | Fee <u>\$175.00</u>        |            |
| Received by _____          | Date <u>4-1-03</u>  | Receipt No. <u>5025644</u> |            |
| Processed by _____ AJ      | Date <u>3/25/03</u> | WR _____                   | Date _____ |



\*\*\* SPACE SAVING FOR RECORDS \*\*\*

### OUTCLAIM DEED

For Value Received Notch Butte Farms, L.L.C. an Idaho Limited Liability Company, does hereby convey, remove and forever quit claim unto Last Ranch, L.L.C. an Idaho Limited Liability Company, whose address is: 136 Bridon Way, Jerome, Idaho 83338, the following described premises, to-wit:

#### SEE ATTACHED LEXAL DESCRIPTION EXHIBIT "A"

together with their appurtenances.

Dated: May 13, 2002

Notch Butte Farms, L.L.C. an Idaho Limited Liability Company

By: [Signature]  
Robert Shillington, Member

By: [Signature]  
John Lemmick, Member

STATE OF IDAHO  
County of Lincoln

On this 31st day of May, 2002, before me, a Notary Public in and for said State, personally appeared Robert Shillington known or identified to me to be member of the limited liability company of Notch Butte Farms, L.L.C., and the member who subscribed said limited liability company same as the foregoing instrument and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

[Signature]  
Notary Public for Idaho  
Residing in Lincoln  
Commission expires 1-13-04



STATE OF IDAHO  
County of Lincoln

On this 31st day of May, 2002, before me, a Notary Public in and for said State, personally appeared John Lemmick, known or identified to me to be member of the limited liability company of Notch Butte Farms, L.L.C., and the member who subscribed said limited liability company same as the foregoing instrument and acknowledged to me that he executed the same in said limited liability company name.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

[Signature]  
Notary Public for Idaho  
Residing in Lincoln  
Commission expires 1-13-04



Name: 17280400.TIF  
Dimensions: 2544 x 4200 pixels

Section 34: W $\frac{1}{2}$ NE $\frac{1}{4}$ ; SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; SE $\frac{1}{4}$ ;

Section 35: N $\frac{1}{2}$ SW $\frac{1}{4}$ ; SE $\frac{1}{4}$ ; S $\frac{1}{2}$ NW $\frac{1}{4}$  EXCEPT a strip of land 50 feet wide, 25 feet on each side of the following described line, to be used as a public road:

Beginning at a point 1025 feet North of the quarter corner between Sections 34 and 35, Township 6 South, Range 18, East Boise Meridian;

Thence in a Northeasterly direction 600 feet to an intersection of the North line of the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 35, Township 6 South, Range 18, East Boise Meridian.

Section 36: W $\frac{1}{2}$ ; That part of the E $\frac{1}{2}$  West of the canal, described as follows:

Commencing at the North quarter corner of Section 36;

Thence East on the Section line 202 feet, more or less, to a point in the American Falls Canal;

Thence South 32° East 336 feet;

Thence South 55° East 410 feet;

Thence South 22° East 925 feet;

Thence South 27°30' West 841 feet;

Thence South 6° East 378 feet;

Thence South 6° East 967 feet;

Thence South 13° West 1051 feet;

Thence South 15° East approximately 521 feet to South boundary line;

Thence West 774 feet, more or less, to the South quarter corner of said Section;

Thence North on the North and South center line to the North quarter corner of said Section, which is THE PLACE OF BEGINNING;

TOWNSHIP 7 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN  
COUNTY, IDAHO

Section 1: Lots 1, 3, 4; S $\frac{1}{2}$ N $\frac{1}{2}$ ; S $\frac{1}{2}$ ;

Section 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; W $\frac{1}{2}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

TOWNSHIP 7 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, LINCOLN  
COUNTY, IDAHO

Section 6: Lots 8 through 11;

TOGETHER WITH 343.1 AND 40.0 SHARES OF BIG WOOD CANAL COMPANY AND 95.6 AND  
37.0 SHARES OF AMERICAN FALLS RESERVOIR DISTRICT NO.2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JAN 28 2002

Department of Water Resources  
Southwest Region

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

December 27, 2001

THOMAS O GARA FAMILY TRUST  
C/O BRIAN BARSOTTI  
PO BOX 370  
KETCHUM ID 83340-0370

Re: Snake River Basin Adjudication (SRBA)  
Water Right(s) #37-2517, 37-2558, 37-2581, 37-2599, 37-2604, 37-2616,  
37-7231, 37-7232, 37-7758, 37-10455, 37-10456, 37-10457, 37-11732  
Change of Address

*Records updated 1-25-02.*

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

*Sally Sherman*  
Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region

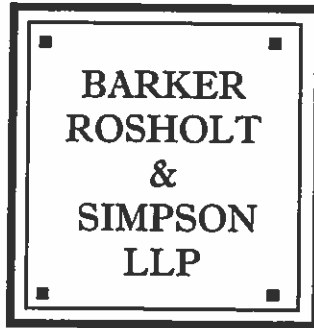
#####

The address is correct as shown above or as otherwise changed.

\_\_\_\_\_  
Claimant Signature

\_\_\_\_\_  
Telephone No.

John A. Rosholt  
Albert P. Barker  
John K. Simpson  
Amy D. Chestnut  
Travis L. Thompson



1221 West Idaho Street, Suite 600  
Post Office Box 2139  
Boise, ID 83701-2139  
(208) 336-0700 telephone  
(208) 344-6034 facsimile  
brs@idahowaters.com

233 Second Avenue North, Suite D  
Twin Falls, Idaho 83301  
(208) 733-0700 telephone  
(208) 735-2444 facsimile  
jar@idahowaters.com

John K. Simpson  
jks@idahowaters.com

January 18, 2002

Sally Sherman  
Technical Records Specialist  
Idaho Department of Water Resources  
1301 North Orchard  
Boise, Idaho 83720

Re: Snake River Basin Adjudication  
Water Rights 37-8517, 37-2558, 37-2599, et. al.

Dear Ms. Sherman:

Please send all future correspondence pertaining to the above referenced water rights in the name of Thomas O'Gara Family Trust to the following:

Thomas O'Gara Family Trust  
c/o John K. Simpson  
Norman M. Semanko  
Barker Rosholt & Simpson LLP  
P.O. Box 2139  
Boise, Idaho 83701-2139

Our office is still in the process of identifying whether there are additional water rights not listed. We will notify you if there are missing water rights.

Please contact Norm or me at 336-0700 if you have any questions. Thank you.

Sincerely,

John K. Simpson/bh

John K. Simpson

1-25-02 I called him - he has  
my 12-27-01 ltr to O'Gara / Barsotti.  
all the words modified - removed  
Barsotti, replaced him w/  
John Simpson.  
NO 1-25-02

last name  
first name

v. org/

File  
data  
entry

First Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

RETURN TO SENDER

fee due 60¢

US POSTAL SERVICE  
PS FORM 3547

SNAKE RIVER BASIN ADJUDICATION  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

First Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

RETURN TO SENDER

fee due 60¢

US POSTAL SERVICE  
PS FORM 3547

BARBOTTI 833402010 1801 10 11/29/01  
FORM 3547  
BARBOTTI  
PO BOX 370  
KETCHUM ID 83340-0370

O GARA FAMILY TRUST,  
THOMAS  
C/O BRIAN BARBOTTI ESQ  
PO BOX 10013  
KETCHUM ID 83340

See  
37-2511  
2558v  
7231v  
7232v  
10455v  
10456v  
10457v  
11 732v  
KCS

ORG NAME  
37-2581-  
2539v  
2604v  
2616v  
7158v  
clms

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-10456

WATER RIGHT NUMBER: 37-10456

| <u>Owner Type</u>      | <u>Name and Address</u>                                                                                                                 |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Current Owner          | NOTCH BUTTE FARMS LLC<br>136 BRIDON WAY<br>JEROME, ID 83338<br>(208)644-1728                                                            |
| Original Owner         | JAMES A WHITTAKER<br>550 E 535 S<br>DIETRICH, ID 83324<br>(208)544-7731                                                                 |
| Original Owner         | IDAHO LAND & LIVESTOCK INC<br>PO BOX 67<br>5401 KENDALL ST<br>BOISE, ID 83707<br>(208)377-3000                                          |
| Directors Report Owner | THOMAS M O GARA FAMILY TRUST<br>C/O JOHN SIMPSON<br>BARKER RSHOLT & SIMPSON LLP<br>PO BOX 2139<br>BOISE, ID 83701-2139<br>(208)336-0700 |

Priority Date: 01/01/1928

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From To</u>          | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 1/01 to 12/31           | 0.050 CFS             |                      |
| DOMESTIC              | 1/01 to 12/31           | 0.080 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.080 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | NW1/4NW1/4SW1/4 | Sec. 35, Twp 06S, Rge 18E, B.M. |
| LINCOLN County |                 |                                 |

Place of UseSTOCKWATER Within LINCOLN County

T06S R18E S35 NWSW

DOMESTIC Within LINCOLN County

T06S R18E S35 NWSW

Conditions of Approval:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 37-10456

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

Remarks:

1. Explanatory PARCEL NO. RP06S18E353600A STOCKWATER, 150 RANGE CATTLE

Dates and Other Information:

Licensed Date:  
Decreed Date: 1/10/2000  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number: 39576  
Judicial District: FIFTH  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False



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

August 20, 2002

NOTCH BUTTE FARMS LLC  
136 BRIDON WAY  
JEROME ID 83338

Re: SRBA Claims 37-2517, 37-2558, 37-7231, 37-7232  
Decreed Water Rights 37-10455, 37-10456, 37-10457

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) and water rights 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, appearing to read 'Trish Fawcett'.

Trish Fawcett  
Technical Records Specialist

Enc.

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED  
MAR 06 2002  
Department of Water Resources  
Southern Region

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 Number(s) A37-02517, A37-02558, A37-07231, A37-7232

Adjudication Claim Number(s) \_\_\_\_\_

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 on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant(s) LITA WEST

P.O. BOX 867 BELLEVUE IDAHO 83313

4. New Owner/Claimant(s) NOTCH BUTTE FARMS LLC AN IDAHO LIMITED LIABILITY CO

New Mailing Address

Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR  
136 BRIDON WAY JEROME, IDAHO 83338

City, State and ZIP Code

New Telephone Number (208) 644-1728

5. Date you acquired the property FEBRUARY 22, 2002

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 actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second

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/Claimant(s)

Date \_\_\_\_\_

Date \_\_\_\_\_

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

1. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Case No. 46570SM

*TitleFact, Inc.*

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

GL-03278

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

|                                                                                                            |               |
|------------------------------------------------------------------------------------------------------------|---------------|
| STATE OF IDAHO<br>COUNTY OF LINCOLN<br>Recorded <i>at the request of</i><br><b>LAND TITLE &amp; ESCROW</b> | <b>172227</b> |
| <b>FEB 22 2002</b>                                                                                         |               |
| at <u>48</u> minutes past <u>11</u> A. M.                                                                  |               |
| recorded by <u>Rachel Jackson, Dep.</u>                                                                    |               |
| Fee: <u>6.00</u> Return to: <u>above</u>                                                                   |               |

*By hand.*

## WARRANTY DEED

FOR VALUE RECEIVED LITA WEST, an unmarried woman, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto NOTCH BUTTE FARMS, LLC, an Idaho Limited Liability Company, hereinafter called Grantee, whose address is: 136 Bridon Way, Jerome, Idaho 83338, the following described premises in Lincoln County, Idaho; to-wit:

SEE ATTACHED EXHIBIT "A"

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

Dated: February <sup>21</sup>~~14~~ 2002  
*fw.*

*Lita West*  
LITA WEST

\* \* \* \* \*

STATE OF IDAHO  
County of Twin Falls

On this <sup>21<sup>st</sup></sup> day of February, 2002, before me, a Notary Public in and for said State, personally appeared LITA WEST, an unmarried woman, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

*Susie Moore*

Notary Public for Idaho

Residing at Twin Falls

Commission expires 11-28-2002



- TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN  
COUNTY, IDAHO

Section 34:  $W\frac{1}{2}NE\frac{1}{4}$ ;  $SE\frac{1}{4}NE\frac{1}{4}$ ;  $SE\frac{1}{4}$ ;

Section 35:  $N\frac{1}{2}SW\frac{1}{4}$ ;  $SE\frac{1}{4}$ ;  $S\frac{1}{2}NW\frac{1}{4}$  EXCEPT a strip of land 50 feet wide, 25 feet on each side of the following described line, to be used as a public road:

Beginning at a point 1025 feet North of the quarter corner between Sections 34 and 35, Township 6 South, Range 18, East Boise Meridian;

Thence in a Northeasterly direction 600 feet to an intersection of the North line of the  $S\frac{1}{2}NW\frac{1}{4}$  of Section 35, Township 6 South, Range 18, East Boise Meridian.

Section 36:  $W\frac{1}{2}$ ; That part of the  $E\frac{1}{2}$  West of the canal, described as follows:

Commencing at the North quarter corner of Section 36;

Thence East on the Section line 202 feet, more or less, to a point in the American Falls Canal;

Thence South  $32^{\circ}$  East 336 feet;

Thence South  $55^{\circ}$  East 410 feet;

Thence South  $22^{\circ}$  East 925 feet;

Thence South  $27^{\circ}30'$  West 841 feet;

Thence South  $6^{\circ}$  East 378 feet;

Thence South  $6^{\circ}$  East 967 feet;

Thence South  $13^{\circ}$  West 1051 feet;

Thence South  $15^{\circ}$  East approximately 521 feet to South boundary line;

Thence West 774 feet, more or less, to the South quarter corner of said Section;

Thence North on the North and South center line to the North quarter corner of said Section, which is THE PLACE OF BEGINNING;

TOWNSHIP 7 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN  
COUNTY, IDAHO

Section 1: Lots 1, 3, 4;  $S\frac{1}{2}N\frac{1}{2}$ ;  $S\frac{1}{2}$ ;

Section 12:  $NE\frac{1}{4}NE\frac{1}{4}$ ;  $W\frac{1}{2}NE\frac{1}{4}$ ;  $NW\frac{1}{4}SE\frac{1}{4}$ ;

TOWNSHIP 7 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, LINCOLN  
COUNTY, IDAHO

Section 6: Lots 8 through 11;

TOGETHER WITH 343.1 AND 40.0 SHARES OF BIG WOOD CANAL COMPANY AND 95.6 AND 37.0 SHARES OF AMERICAN FALLS RESERVOIR DISTRICT NO.2

AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-245

RIGHT NUMBER: 37-10456

NAME & ADDRESS: THOMAS M O'GARA FAMILY TRUST ✓  
C/O BRAIN BARSOTTI  
PO BOX 10013  
KETCHUM ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

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

PRIORITY DATE: 01/01/1928

POINT OF DIVERSION: T06S R18E S35 NWNWSW Within LINCOLN County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE | QUANTITY |
|----------------|------------------|---------------|----------|
|                | STOCKWATER       | 01-01 12-31   | 0.05 CFS |
|                | DOMESTIC 3 HOMES | 01-01 12-31   | 0.08 CFS |

PLACE OF USE: STOCKWATER Within LINCOLN County  
T06S R18E S35 NWSW

DOMESTIC Within LINCOLN County  
T06S R18E S35 NWSW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
PARCEL NO. RP06S18E353600A  
STOCKWATER, 150 RANGE CATTLE

D 7-27-98

Claim proofread by: Uto  
Date: 1103

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: A37-10456  
Date Received: 7/ 7/1988  
Receipt No: S000784  
Received By: O/C HLB

~~COPY FOR  
YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

~~COPY FOR  
YOUR FILES~~

1. Name: THOMAS M O'GARA FAMILY TRUST 208-726-3030  
Address: C/O BRIAN BARSOTTI ESQ  
PO BOX 10013  
KETCHUM ID 83340

2. Date of Priority: JAN 1, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S      | 18E   | 35      | NW     | NW     | SW     |     | LINCOLN |

5. Description of diverting works:  
WELL & PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.080 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/3 HOUSES, S/150 RANGE CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use    | Acres |
|----------|-------|---------|--------|--------|-----|--------|-------|
| 06S      | 18E   | 35      | NW     | SW     |     | STOCK  |       |
|          |       |         | NW     | SW     |     | DOMEST |       |

MICROFILMED  
NOV 27 1988

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:  
NONE

14. Remarks:

\*\*\*\*\*

OWNERSHIP CHANGE 4/25/90 ADM

OWNERSHIP CHANGE MADE 6/14/95 BY TLB.

15. Basis of Claim: BENEFICIAL USE



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

JAN 13 1995

DATE OF CLOSING: 1-06-95

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. SEE Exhibit "A" attached hereto and made a part hereof

- [ ] 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)  
License Nos. 37-07232; 37-07231; 37-02558; 37-02517
- [ ] Water Right Number(s) A37-10455; A37-10456; A37-10457  
Assigned by IDWR: \_\_\_\_\_

- [ ] Name and Address of Former Owner/Claimant(s)(Seller): Idaho Land and Livestock, Inc.  
5401 Kendell Street  
Boise, Idaho 83705
- [ ] New Owner/Claimant (Purchaser): Thomas M. O'Gara Family Trust
- [ ] New Mailing Address: c/o Brian Barsotti, Esq.  
P O Box 10013  
Ketchum, Idaho 83340
- [ ] New Telephone Number: (208) 726 - 3030

- [ ] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- [ ] 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) THOMAS M. O'GARA Trustee of THE THOMAS M. O'GARA Family Trust by [Signature] his attorney in fact Date 1-6-95
- [ ] Signature of Former Owner/Claimant(s): Idaho Land & Livestock Inc Date \_\_\_\_\_  
by [Signature] Date 1-6-95

(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

Date: 6/14/95 By: HHB

Claim Numbers of Split, if any:

MICROFILMED  
NOV 27 1996

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



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

JUNE 14, 1995

THOMAS M O'GARA FAMILY TRUST  
C/O BRAIN BARSOTTI  
PO BOX 10013  
KETCHUM, ID 83340

RE: SRBA CLAIMS A37-07232, A37-07231, A37-02558, A37-02517,  
A37-10455, A37-10456, & A37-10457  
IDAHO LAND & LIVESTOCK

DEAR CLAIMANTS:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH  
THE ABOVE-REFERENCED ADJUDICATION CLAIMS, WE HAVE CHANGED THE  
DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR  
YOUR RECORDS. PLEASE REVIEW THE RECORDS THE ACCURACY.**

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS  
OFFICE.

SINCERELY,

TARA L BACKLUND  
SNAKE RIVER BASIN ADJUDICATION  
RECORDS CLERK

/TLB  
ENCLOSURES

MICROFILMED  
NOV 27 1996

Water Right Number - R37-10456

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
O'GARA FAMILY TRUST

THOMAS M

1 - C/O BRAIN BARSOTTI  
2 -  
3 - PO BOX 10013  
City- KETCHUM  
Phone - 208-726-3030

State- ID Zip- 83340

\*\*\* O - ORIGINAL OWNER \*\*\*  
WHITTAKER

JAMES A

1 - 550E 535S  
2 -  
3 -  
City- DIETRICH  
Phone - 208-544-7731  
1 - PO BOX 67  
2 - 5401 KENDALL ST  
3 -  
City- BOISE  
Phone - 208-377-3000

State- ID Zip- 83324

IDAHO LAND &amp; LIVESTOCK INC

State- ID Zip- 83707

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
01/01/1928 ERROR IN REGION J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
GROUNDWATER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
06S 18E 35 NW NW SW (63) LINCOLN+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
43 - DOMESTIC 01/01 12/31 0.080  
04 - STOCKWATER 01/01 12/31 0.050+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.080 0.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
06S 18E 35 NW SW 04 STOCKWATER (63) LINCOLN  
06S 18E 35 NW SW 43 DOMESTIC (63) LINCOLN

Total Acres:

+ - - Diversion Means - WELL &amp; PUMP

+ - - Non-Irrigation Use - DOMESTIC, 3 HOMES; STOCKWATER, 150 RANGE CATTLE

MICROFILMED  
NOV 27 1996

**Prefix Translation: RESEARCH**

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| 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  | - 07/07/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S000784    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
NOV 27 1986

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: A37-10456  
Date Received: 7/07/1988  
Receipt No: S000784  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: IDAHO LAND & LIVESTOCK INC. 208-377-3000  
Address: P.O. BOX 67  
5401 KENDALL ST.  
BOISE, ID 83707

2. Date of Priority: JAN 01, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 18E   | 35      | NW     | NW     | SW  |     | LINCOLN |

5. Description of diverting works:  
WELL & PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.080  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/3 HOUSES, S/150 RANGE CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 06S      | 18E   | 35      | NW     | SW  |     | STOCK  |       |
|          |       |         | NW     | SW  |     | DOMEST |       |

A37-10456

Page 1

Date: 04/25/90

MICROFILMED  
FEB 25 1993

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
\*\*\*\*\*  
OWNERSHIP CHANGE 4/25/90 ADM

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ 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  
\_\_\_\_\_  
Title  
\_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_  
Title  
\_\_\_\_\_ and that the statements contained in the  
Organization  
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 \_\_\_\_\_

RECEIVED

CHANGE IN OWNERSHIP

APR 18 1990

[ ] Water Right Number(s): A37-7232, A37-7231, A37-2558 Department of Water Resources  
[ ] Name and Address of A37-10455, A37-10456, A37-10457 Southern Region Office  
Former Claimant: A37-02517

James A. Whittaker

550 East 535 South

Dietrich ID 83324

[ ] New Claimant(s): Idaho Land & Livestock, Inc.

5401 Kendall St., P.O. Box 67

[ ] New Mailing Address: Boise ID 83707

New Telephone Number: ( 208 ) 377 - 3000

[ ] Does the change in ownership result in a splitting of the  
water right claimed? yes x no

If yes, then describe the portion of the water right that is  
now claimed by the new owner:

[ ] Attach proof of ownership

Describe proof attached: Copy of deed

[ ] Signature of New Claimant(s): Larry Williams

Larry Williams, President

Date: 4/16/90

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

FEB 25 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

25-Apr-1990 13:55

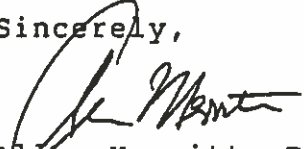
Idaho Land & Livestock Inc.  
P.O. Box 67  
5401 Kendall St.  
Boise, ID 83707

RE: SRBA Claims A37-07232, A37-07231, A37-02558, A37-02517, A37-10455  
A37-10456 & A37-10457

Dear Claimant:

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 owner as you requested. Please find enclosed copies of the computer records for the claims noting the change in claimant. Please review the record and if you have any corrections please contact this office.

Sincerely,

  
Allen Merritt, P.E.  
Water Rights Supervisor

Encl:

MICROFILMED

FEB 25 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: A37-10456  
Date Received: 7/07/1988  
Receipt No: S000784  
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES A. WHITTAKER 208-544-7731  
Address: 550E 535S  
DIETRICH, ID 83324

2. Date of Priority: JAN 01, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 18E   | 35      | NW     | NW     | SW  |     | LINCOLN |

5. Description of diverting works:  
WELL & PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.080  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.050  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/3 HOUSES, S/150 RANGE CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use             | Acres |
|----------|-------|---------|--------|-----|-----|-----------------|-------|
| 06S      | 18E   | 35      | NW     | SW  |     | STOCK<br>DOMEST |       |

A37-10456

Page 1

Date: 07/07/88

MICROFILMED

FEB 25 1993



WATER RIGHT NUMBER - A37-10456

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
IDAHO LAND & LIVESTOCK INC.

1 - P.O. BOX 67  
2 - 5401 KENDALL ST.  
3 -  
CITY- BOISE STATE- ID ZIP- 83707  
PHONE - 208-377-3000

\*\*\* O - ORIGINAL OWNER \*\*\*  
WHITTAKER

JAMES A.

1 - 550E 535S  
2 -  
3 -  
CITY- DIETRICH STATE- ID ZIP- 83324  
PHONE - 208-544-7731

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +  
01/01/1928 ERROR IN REGION J - BENEFICIAL USE

+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +  
GROUNDWATER

+ - - - - - POINT OF DIVERSION - - - - - +  
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)  
06S 18E 35 NW NW SW (63) LINCOLN

| CODE            | DESCRIPTION | PERIOD FROM | PERIOD TO | DIVERSION RATE | DIVERSION VOLUME |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 43 - DOMESTIC   |             | 01/01       | 12/31     | 0.080          |                  |
| 04 - STOCKWATER |             | 01/01       | 12/31     | 0.050          |                  |

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +  
0.080 0.0

| TWN | RNG | SEC | TRACT | LOT | ACRES | PLACE OF USE CODE | DESCRIPTION | COUNTY        |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|---------------|
| 06S | 18E | 35  | NW SW |     |       | 04                | STOCKWATER  | (63 ) LINCOLN |
| 06S | 18E | 35  | NW SW |     |       | 43                | DOMESTIC    | (63 ) LINCOLN |

+ - - DIVERSION MEANS - WELL & PUMP

+ - - NON-IRRIGATION USE - D/3 HOUSES, S/150 RANGE CATTLE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +

\*\*\*\*\*  
OWNERSHIP CHANGE 4/25/90 ADM

*S/2NW, 1/4 2SW  
RSE*

MICROFILMED  
OCT 25 1994

WATER RIGHT NUMBER - A37-10456

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +  
NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - +  
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - - DECREE DATE - +  
00/00/0000

+ - - AUDIT FIELDS - 07/07/88 WHITE 09/26/89 REFUNDML 04/25/90 HERRITT

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

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

|                       |   |            |                       |   |            |                         |   |       |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| COURT REPORT FILING   | - | 00/00/0000 | FIELD INSPECTION MADE | - | 00/00/0000 | CIVIL CASE NUMBER       | - | 39576 |
| OBJECTION FILED DATE  | - | 00/00/0000 | FIELD INSPECTION FLAG | - |            | OLD CASE NUMBER         | - |       |
| RESPONSE FILED DATE   | - | 00/00/0000 | VERIFIED DATE         | - | 00/00/0000 | OLD JUDICIAL DISTRICT   | - |       |
| CLAIM RECEIVED DATE   | - | 07/07/1988 | LAST AMENDED DATE     | - | 00/00/0000 | TEMPORARY RIGHT         | - | P     |
| PROOF DUE DATE        | - | 00/00/0000 | PROOF MADE DATE       | - | 00/00/0000 | WATER DISTRICT          | - |       |
| LICENSED DATE         | - | 00/00/0000 | RECEIPT NUMBER        | - | S000784    | FEDERAL/STATE INDICATOR | - | S     |
| CLAIMS TAPE ERROR FLG | - |            | POU OWNERSHIP FLAG    | - | Y          | PRESUMPTION FLAG        | - |       |
| FEE EXEMPT FLAG       | - |            | NAME CONNECTOR        | - |            | NOTICE OF ERROR FLAG    | - |       |

RP 06518E 353600 A

DATA ENTRY

ENTERED

CHECKED

12-20-93 RS  
4-5-947

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

VERIFIED

FEB 13 1992

CERTIFIED  
MAR 22 1992  
WATER EXAMINER