

AJ5856NP

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

DATE: OCT-24-1997
PAGE: A-324

RIGHT NUMBER: 37-10600

NAME & ADDRESS: FAULKNER LAND & LIVESTOCK CO
RT 2
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 12/31/1962

POINT OF DIVERSION: T06S R15E S07 SWSESE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.06 CFS
	DOMESTIC 2 HOMES	01-01 12-31	0.06 CFS

PLACE OF USE:	STOCKWATER	Within GOODING County
	T06S R15E S07	SESE
	DOMESTIC	Within GOODING County
	T06S R15E S07	SESE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
PARCEL NOS. RP00108000029A A, RP00108000029B A, RP00108000040A
STOCKWATER, 25 HORSES

D 7-29-98

Claim proofread by: Uto

Date: 11/03



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

Enclosure
cc: Frank Hitchcock

RECEIVED

APR 21 1993
Department of Water Resources
Southern Region Office

Water Right Number - R37-10600

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

FAULKNER LAND & LIVESTOCK CO.

1 - RT. 2

2 -

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-934-4956

*** L - LEINHOLDER ***

MUTUAL LIFE INSURANCE CO OF NEW YORK

THE

1 - ONE MID RIVERS DR #120

2 -

3 -

City- SAINT PETERS

State- MO Zip- 63376

Phone -

+ - - Priority Date - - +

12/31/1962

+ - - Region - - - +

ERROR IN REGION

+ - - Stage - - - +

L - LICENSE

+ - - Status - - - - +

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

GROUNDWATER

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

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

Twn Rng Sec Tract Lot RFlg County

06S 15E 7 SW SE SE (47) GOODING

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

Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC

01/01

12/31

0.060

04 - STOCKWATER

01/01

12/31

0.060

+ - Total Div. Rate - +

0.060

+ - Total Div. Volume - +

+ - Total Consumptive Use - +

0.0

+ - KW Usage - +

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

Twn Rng Sec Tract Lot Acres Code Description County

06S 15E 7

04 STOCKWATER

(47) GOODING

06S 15E 7

SE SE

43 DOMESTIC

(47) GOODING

Total Acres:

+ - - Diversion Means - WELL AND PUMP

+ - - Non-Irrigation Use - D/ 2 HOUSES S/ 25 HORSES

+ - - Other Rights for Same Use - NONE

QUINTASHIP CHANGE

Water right number - R37-10600

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - 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

+ - - - - Comments- - - - - +
Date: 02/09/1993 User Id: HITCHCOC Subject: COPIED FROM REMARKS
LOADS WATER TRUCKS ALSO. ASSIGNMENT RECIEVED 02-09-1993. THE SUPPORTING PAPERWORK AND LIST OF RIGHTS FILED IN A37-00208A.

+ - - Audit Fields - - +
02/09/93 HITCHCOC

+ - - - - 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 | - 09/01/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S002032 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |



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

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

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.

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: A37-10600
Date Received: 7/13/1988
Receipt No: 500 2032
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: DEC 31, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S | 15E | 7 | SW | SE | SE | | GOODING |

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.060 | | |
| STOCKWATER | 01/01 | 12/31 | 0.060 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSES S/ 25 HORSES

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----------------|-------|
| 06S | 15E | 7 | SE | SE | | STOCK
DOMEST | |

A37-10600

Page 1

Date: 09/01/88

MICROFILMED

FEB 25 1993

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
LOADS WATER TRUCKS ALSO.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 0

For Organizations:

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

Faulkner Land & Livestock that I have signed the foregoing Organization

document in the space below as Pres of _____ Title

F. L. & L. and that the statements contained in the Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Pres Faulkner Land & Livestock
Title and Organization

9/1/88
Date

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

WATER RIGHT NUMBER - A37-10600

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

*** C - CURRENT OWNER ***
FAULKNER LAND & LIVESTOCK CO.

1 - RT. 2
2 -
3 -
CITY- GOODING STATE- ID ZIP- 83330
PHONE - 208-934-4956

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
12/31/1962 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 15E 7 SW SE SE (47) GOODING

+ - - - - - - - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
43 - DOMESTIC 01/01 12/31 0.060
04 - STOCKWATER 01/01 12/31 0.060

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.060 0.0

+ - - - - - - - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
06S 15E 7 SE SE 04 STOCKWATER (47) GOODING
06S 15E 7 SE SE 43 DOMESTIC (47) GOODING

+ - - DIVERSION MEANS - WELL AND PUMP
+ - - NON-IRRIGATION USE - D/ 2 HOUSES S/ 25 HORSES
+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - - - - - - - REMARKS - - - - - +
LOADS WATER TRUCKS ALSO.

+ - - - - - - - - - - - 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

MICROFILMED
OCT 25 1991

