

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

02/22/2001

RIGHT NUMBER: 37-10658

NAME AND ADDRESS: BRIANA HOLLAND
MICHAEL D HOLLAND
1619 E 1400 S
GOODING, ID 83330

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 03/03/1935

POINT OF DIVERSION: T05S R14E S14 NENWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	8-15 12-31	0.04 CFS
DOMESTIC	1-01 12-31	0.04 CFS

PLACE OF USE:

STOCKWATER Within GOODING County
T05S R14E S14 NWNW
DOMESTIC Within GOODING County
T05S R14E S14 NWNW

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.

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 - Beneficial Use

PARCEL NO. RP05S14E142400A STOCKWATER, 40 RANGE



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

September 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRIANA HOLLAND
MICHAEL D HOLLAND
1619 E 1400 S
GOODING ID 83330

RE: Decreed Water Right 37-10658

Dear Mr. and Mrs. Holland:

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,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett', is written over a horizontal line.

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED
FEB 21 2001
 Department of Water Resources
 Southern Region

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

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-10658					

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) or claim(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 OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Larry Capps
1619 E. 1400 S. Gooding ID 83330
4. New Owner/Claimant(s) Mike and/or Briana Holland
 Name Connector (Check one: [] and, [] or, ☒ and/or)
- New Mailing Address 1619 E. 1400 S. Gooding ID 83330
- City, State and ZIP Code Gooding ID 83330
- New Telephone Number 808 934-9614
5. Date you acquired the property 4-17-00

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 (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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 (cubic feet per second or acre-feet per annum)	Description (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)

Brian Atterland

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.

For Office Use Only			
Received by <i>[Signature]</i>	Date <u>2/22/01</u>	Fee <u>25.00</u>	
Received by <i>[Signature]</i>	Date <u>2/22/01</u>	Receipt No. <u>50231630</u>	
Processed by _____ AJ	Date _____	WR _____	Date _____

THIS DEED IS BEING GIVEN TO CORRECT THE WATER DESCRIPTIONS SHOWN ON THAT CERTAIN WARRANTY DEED RECORDED APRIL 17, 2000 AS INSTRUMENT #185399, AND RE-RECORDED MAY 10, 2000 AS INSTRUMENT #185766 AND RE-RECORDED JULY 18, 2000 AS INSTRUMENT #186684, RECORDS OF GOODING COUNTY, IDAHO.

WARRANTY DEED

For Value Received

LARRY M. CAPPS and LORI CAPPS, husband and wife

The grantor(s), does hereby Grant, Bargain, Sell, and Convey unto

MICHAEL D. HOLLAND and BRIANA HOLLAND, husband and wife

the grantee(s), whose current address is: 1619 East 1400 South, Gooding, Idaho, 83330

the following described real estate, situated in GOODING County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH:

36.50 shares of Robertson Ditch Company

17.85 shares of American Falls Supplement

20 inches of Idaho Department of Water Resources Claim #A37-00582 = .4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever

Larry M. Capps
LARRY M. CAPPS
Lori Capps
LORI CAPPS

ACCEPTED AND APPROVED

Michael D. Holland
MICHAEL D. HOLLAND
Briana Holland
BRIANA HOLLAND

Instrument # 187293

GOODING GOODING, IDAHO

2000-09-06

Recorded for: GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

01:28:42 No. of Pages: 3

Fee: 9.00

State of Idaho

County of Gooding

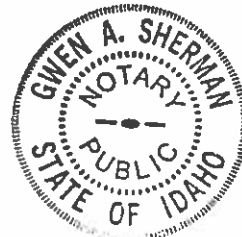
On this 1st day of September, 2000, in the year 2000, before me, the undersigned, a notary public in and for said state, personally appeared LARRY M. CAPPS and LORI CAPPS, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Gwen A. Sherman
Notary Public

Residing At: Shoshone, ID

Commission Expires: 3-27-06



TITLE & ESCROW
COMPANIES

THIS DEED IS BEING GIVEN TO CORRECT THE WATER DESCRIPTIONS SHOWN ON THAT CERTAIN WARRANTY DEED RECORDED APRIL 17, 2000 AS INSTRUMENT #185397, AND RE-RECORDED MAY 10, 2000 AS INSTRUMENT #185767 AND RE-RECORDED JULY 18, 2000 AS INSTRUMENT #186685, RECORDS OF GOODING COUNTY, IDAHO.

CORPORATION WARRANTY DEED

For Value Received

CAPPS FARMS, INC. an Idaho Corporation

Instrument # 187294

GOODING GOODING, IDAHO

2000-09-06

01:29:01 No. of Pages: 3

Recorded for : GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, CORPORATION WARRANTY

Fee: 9.00

a corporation duly organized and existing under the laws of the State of Idaho, does hereby Grant, Bargain, Sell, and Convey unto

MICHAEL D. HOLLAND and BRIANA HOLLAND, husband and wife

the grantee(s), whose current address is 1619 East 1400 South, Gooding, Idaho, 83330

the following described real estate, situated in GOODING County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH:

68.05 shares of Robertson Ditch Company

33.28 shares of American Falls Supplement

37.29 inches of Idaho Department of Water Resources Claim #A37-00582 .7458

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its board of directors has caused its corporate name to be hereunto subscribed by its President this 15th day of September, 2000.

CAPPS FARMS, INC.

Larry M. Capps
LARRY M. CAPPS, President

ACCEPTED AND APPROVED

Michael D. Holland
MICHAEL D. HOLLAND
Briana Holland
BRIANA HOLLAND

State of Idaho)
County of Gooding) ss.

On this 15th day of September, in the year 2000, before me, the undersigned, a notary public in and for said state, personally appeared LARRY M. CAPPS, known or identified to me to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Gwen A. Sherman
Notary Public
Residing At: Shoshone, Id
Commission Expires: 03 27 06

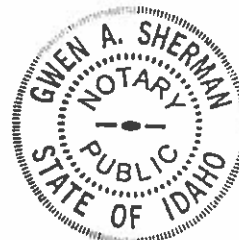


EXHIBIT A
G000123

(out of RP05S14E142400 and
RP05S14E142401)

Township 5 South, Range 14 East of the Boise Meridian, Gooding
County, Idaho

Section 14: A tract of land located in the Northwest
Quarter, more particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter;
Thence North 89°39'35" East a distance of 1636.30 feet along the
Northerly boundary of said Northwest Quarter to the projected
centerline of Dry Creek;
Thence generally Southerly and Easterly the following courses and
distances along the centerline of said Dry Creek:
South 26°01'16" East a distance of 380.72 feet;
Thence South 18°58'50" East a distance of 245.48 feet;
Thence South 15°12'42" West a distance of 419.52 feet;
Thence South 43°39'15" West a distance of 376.45 feet;
Thence South 24°42'41" West a distance of 132.53 feet;
Thence South 07°01'13" East a distance of 217.85 feet;
Thence South 10°11'16" West a distance of 175.86 feet;
Thence South 56°57'56" West a distance of 101.45 feet;
Thence North 78°19'41" West a distance of 99.36 feet;
Thence North 56°58'21" West a distance of 149.12 feet;
Thence North 37°02'06" West a distance of 214.95 feet;
Thence North 17°29'53" West a distance of 216.87 feet;
Thence leaving said centerline of Dry Creek North 88°44'49" West a distance of
209.53 feet to a point in the centerline of said Dry Creek;
Thence North 87°28'59" West a distance of 742.49 feet to a point on the
Westerly boundary of said Northwest Quarter;
Thence North 00°00'00" West a distance of 1289.74 feet along the
Westerly boundary of said Northwest Quarter of THE POINT OF BEGINNING.

SUBJECT TO the rights of public roads which affects the Northerly 25.00 feet
and the Westerly 25.00 feet thereof.

EXCEPTING THEREFROM the North Half of the Northwest Quarter
of the Northwest Quarter of said Section 14.

N89°39'35"E 2630.33

R.R. SPIKE FD.

10
11
15
14

N89°39'35"E 1636.30

Location
of Well

20 ACRES



Farmstead

57.29 ACRES

37.29 ACRES

S87°28'59"E 742.49

8.25 ACRES

Robertson Ditch 15.06
American Falls Supplement 7.36

S88°51'54"W 512.59

Robertson Ditch 172.84
American Falls Supplement 84.31

94.46 ACRES

Northwest Quarter of Section 14
Township 5 South
Range 14 East Boise Meridian, Gooding County

TRANSMITTAL COVER SHEET

TO: KEVIN VARRON @
736-2938

TOTAL PAGES SENT: 6

(including cover sheet)

DOCUMENT DESCRIPTION: PROFILE REPORTS OF WATER RIGHT
RECORDS 37-000582 AND 37-04104 AND SNAKE RIVER BASIN

ADJUDICATION CLAIMS A37-00582, A37-04104, AND A37-10658.
FROM:

IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Corey Skinner

COMMENTS: _____

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: A37-10658
Date Received: 7/20/1988
Receipt No: S001011
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY CAPPS 208-934-4760
Address: 1619 E. 1400 S.
GOODING, ID 83330

2. Date of Priority: MAR 03, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	14E	14	NE	NW	NW		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	0.040		
STOCKWATER	08/15	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE S/ 40 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	14	NW	NW		DOMEST	
			NW	NW		STOCK	

A37-10658

Page 1

Date: 07/20/88

MICROFILMED
FEB 25 1988

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:

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Larry M. Capps Date: 7 / 20 / 88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day

of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id

My Commission Expires 10/16/1992

WATER RIGHT NUMBER - A37-10658

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
CAPPS

LARRY

1 - 1619 E. 1400 S.
2 -
3 -
CITY- GOODING
PHONE - 208-934-4760

STATE- ID ZIP- 83330

+ - - PRIORITY DATE - - +
03/03/1935+ - - - REGION - - - +
ERROR IN REGION+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

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

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +						
TWN	RNG	SEC	TRACT	LOT	RFLG	COUNTY
05S	14E	14	NE NW NW			(47) GOODING

STREAM INDEX (BLANK IF NO INDEX CODE)

+ - - CODE - - - - - +		+ - - - - WATER USE - - - - - +		+ - - - - DIVERSION RATE - - - - - +		+ - - - - DIVERSION VOLUME - - - - - +	
	DESCRIPTION	PERIOD FROM	PERIOD TO				
43	DOMESTIC	01/01	12/31			0.040	
04	STOCKWATER	08/15	12/31			0.040	

+ - TOTAL DIV. RATE - +		+ - TOTAL DIV. VOLUME - +		+ - TOTAL DIV. CAPACITY - +		+ - TOTAL CONSUMPTIVE USE - +		+ - KW USAGE - +	
0.040						0.0			

+ - - - - PLACE OF USE - - - - - +							
TWN	RNG	SEC	TRACT	LOT	ACRES	CODE	COUNTY
05S	14E	14	NW NW			04	(47) GOODING
05S	14E	14	NW NW			43	(47) GOODING

+ - - DIVERSION MEANS - WELL AND PUMP

+ - - NON-IRRIGATION USE - D/ 1 HOUSE S/ 40 RANGE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - 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 - +
00/00/0000MICROFILME
OCT 25 1991

WATER RIGHT NUMBER - A37-10658

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - AUDIT FIELDS - 07/20/88 CLELLAND 10/03/89 REFUNDML

+ - - - - - 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	- 07/20/1988	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	- S001011	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

RP05514E142400A

DATA ENTRY

ENTERED 12-21-93 PS

CHECKED 4-5-94

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

VERIFIED
FEB 14 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER