

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

In Re SRBA)

Case No. 39576)

A. Subcase 21-02109A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Schreiner Farms - Idaho, L.L.C.
Address: 1038 E. Butte Road; Menan, Idaho 83434-5122

Name: c/o Gary Kelly
Address: ;

Name: ;
Address: ;

Name: ;
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

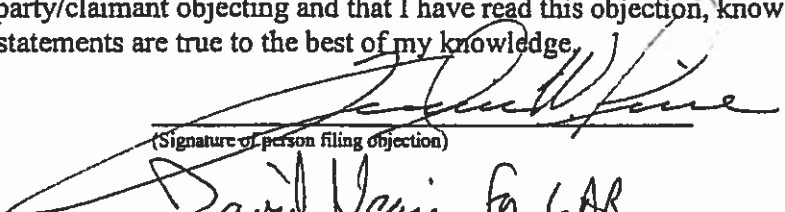
State of Idaho

)
) ss.
)

County of ADA

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

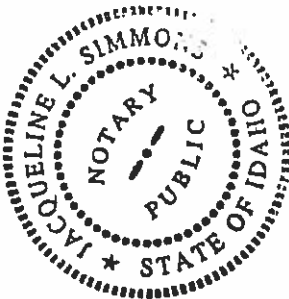
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

David Negri for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 23rd of May 2006

Jacqueline L. Simmons
Jacqueline L. Simmons



Notary Public for State of Idaho

Residing at: Boise, ID.

My Commission Expires: 04-07-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on May 23, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

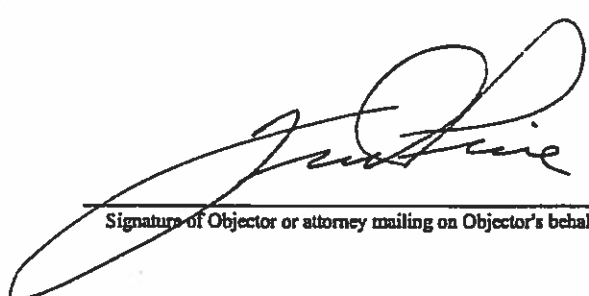
Name: Schreiner Farms - Idaho, L.L.C.
Address: 1038 E. Butte Road; Menan, Idaho 83434-5122
Name: c/o Gary Kelly
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

01/12/2006

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

RIGHT NUMBER: 21-2109A

NAME AND ADDRESS: SCHREINER FARMS IDAHO LLC
C/O GARY KELLY
1038 E BUTTE RD
MENAN ID 83434-5122

Mixed POUs:

-Place of Use identified below contains both public and private land.

-Clarify such that it is clear that only private land is intended.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.080 CFS
567.00 AFY

Right Nos. 21-2109A and 21-10023 are limited to a total combined diversion rate of 3.08 cfs.

PRIORITY DATE: 04/17/1956

POINT OF DIVERSION: T05N R38E S11 SWNW Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
3.080 CFS
567.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R38E S01	SESW	0.20	T05N R38E S10	SENE	0.30
T05N R38E S10	NESE	8.10	T05N R38E S10	SESE	0.70
Mixed T05N R38E S11	SWNE	6.00	T05N R38E S11 Lot 2 NENW		28.00
T05N R38E S11	NWNW	7.20	T05N R38E S11	SWNW	32.00
T05N R38E S11 Lot 3 SENW		18.00	T05N R38E S11	NESW	11.00
T05N R38E S11 Lot 6 NESW		27.00	T05N R38E S11	NWSW	40.00
T05N R38E S11	SWSW	22.00	T05N R38E S11	SESW	0.80
T05N R38E S11 Lot 7 SESW		27.00	T05N R38E S11 Lot 7 SWSE		2.00

230.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 230.3 acres in a single irrigation season. Combined Right Nos.: 21-2109A, 21-2109B, 21-10023

This right is limited to the irrigation of 162 acres within the place of use described above in a single irrigation season.

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

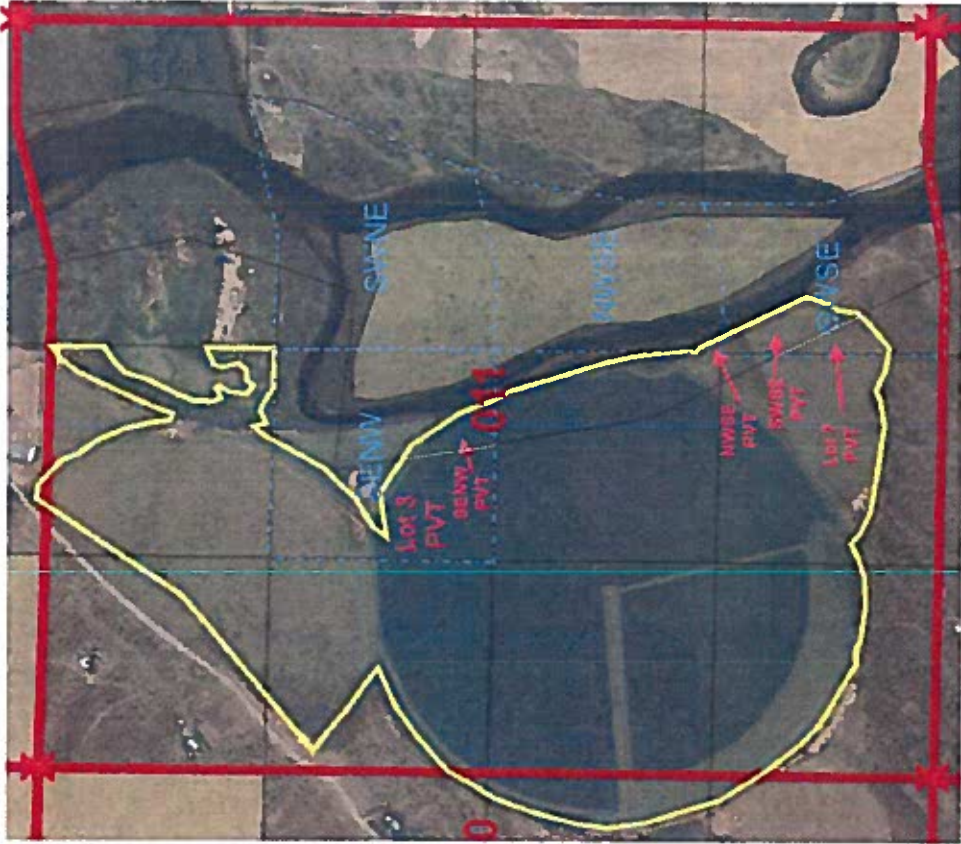
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 21-10023 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

21-02109A, 21-02109B, 21-10023
T05N R38E



Non-objection talking points:

Since the SWNE 6.0 acres appears to be a typographical error, perhaps the acres need to be described as:

1. SENW (the part that is not Lot 3 (SENE)) is about 2.2 acres and since it is inside the irrigation boundary but has no Place of Use listed?
2. NWSE is about 0.2 acres and since it is inside the irrigation boundary but has no Place of Use listed?
3. SWSE (the part that is not Lot 7 (SWSE)) is about 3.4 acres and since it is inside the irrigation boundary but has no Place of Use listed?

****the acres of these three POUs that are not listed in the recommendation add up to about 6.0 acres**

If the SENW, NWSE, and SWSE, S11 are included in the recommendation, then "The place of use does not include federal public lands" would need to be applied to those places of use since the 1/4 1/4 descriptions contain both private and public land.

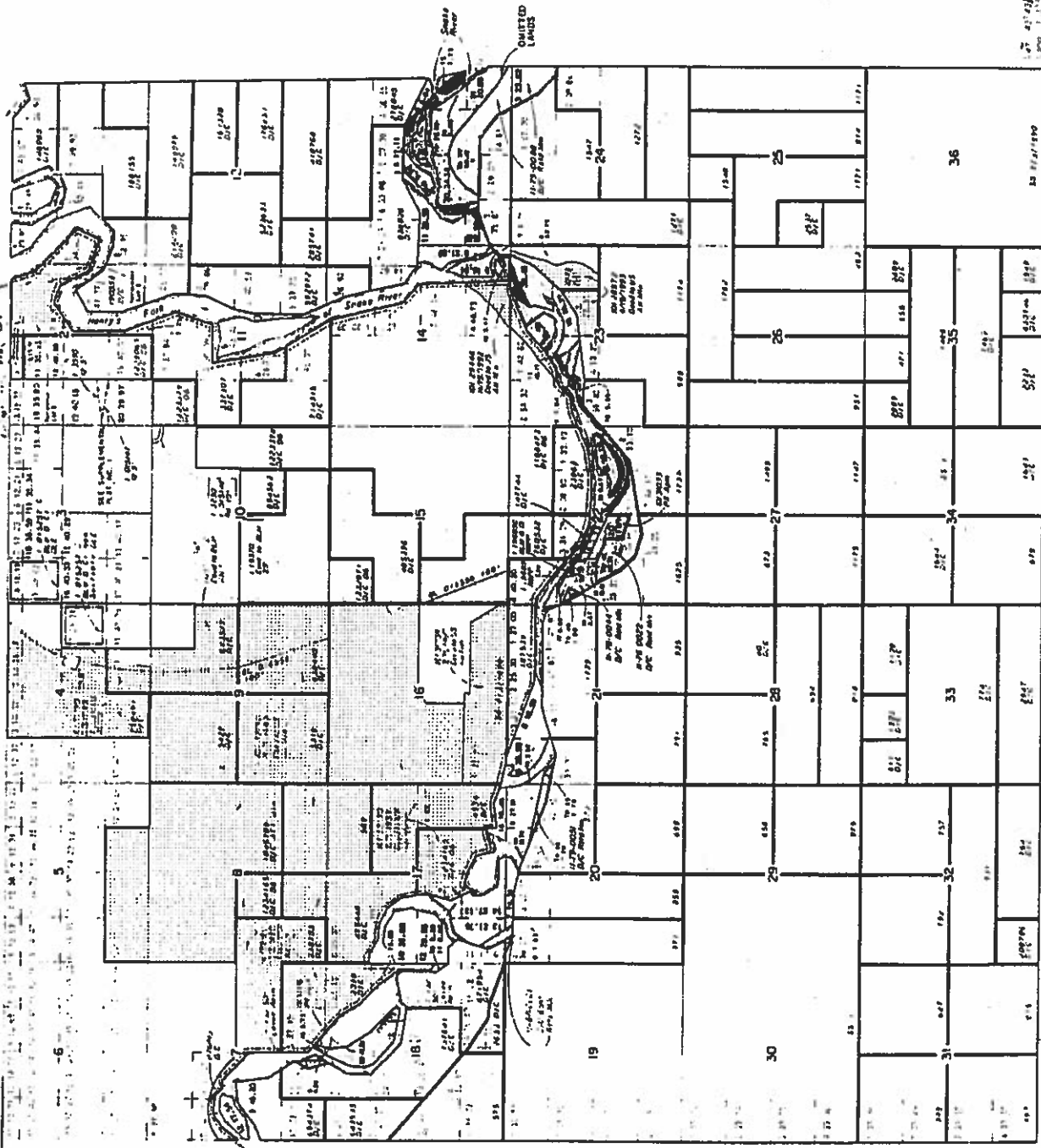
TOWNSHIP 5 NORTH RANGE 38 EAST OF THE BOISE MERIDIAN, IDAHO

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

JEFFERSON COUNTY MADISON COUNTY IDAHO FALLS DISTRICT SEC 12

INDEX TO SEGREGATED TRACTS	
TRACT NO.	GENERAL SURVEY
1	SEC 1
2	SEC 2
3	SEC 3
4	SEC 4
5	SEC 5
6	SEC 6
7	SEC 7
8	SEC 8
9	SEC 9
10	SEC 10
11	SEC 11
12	SEC 12
13	SEC 13
14	SEC 14
15	SEC 15
16	SEC 16
17	SEC 17
18	SEC 18
19	SEC 19
20	SEC 20
21	SEC 21
22	SEC 22
23	SEC 23
24	SEC 24
25	SEC 25
26	SEC 26
27	SEC 27
28	SEC 28
29	SEC 29
30	SEC 30
31	SEC 31
32	SEC 32
33	SEC 33
34	SEC 34
35	SEC 35
36	SEC 36



INDEX TO SEGREGATED TRACTS	
TRACT NO.	GENERAL SURVEY
1	SEC 1
2	SEC 2
3	SEC 3
4	SEC 4
5	SEC 5
6	SEC 6
7	SEC 7
8	SEC 8
9	SEC 9
10	SEC 10
11	SEC 11
12	SEC 12
13	SEC 13
14	SEC 14
15	SEC 15
16	SEC 16
17	SEC 17
18	SEC 18
19	SEC 19
20	SEC 20
21	SEC 21
22	SEC 22
23	SEC 23
24	SEC 24
25	SEC 25
26	SEC 26
27	SEC 27
28	SEC 28
29	SEC 29
30	SEC 30
31	SEC 31
32	SEC 32
33	SEC 33
34	SEC 34
35	SEC 35
36	SEC 36

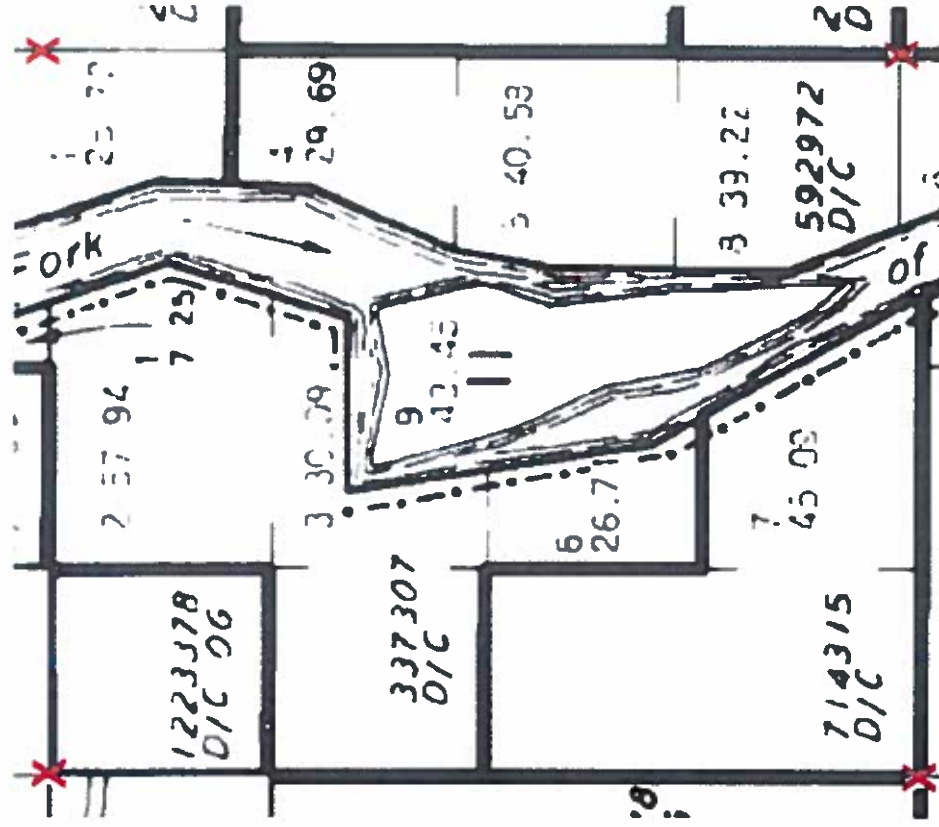
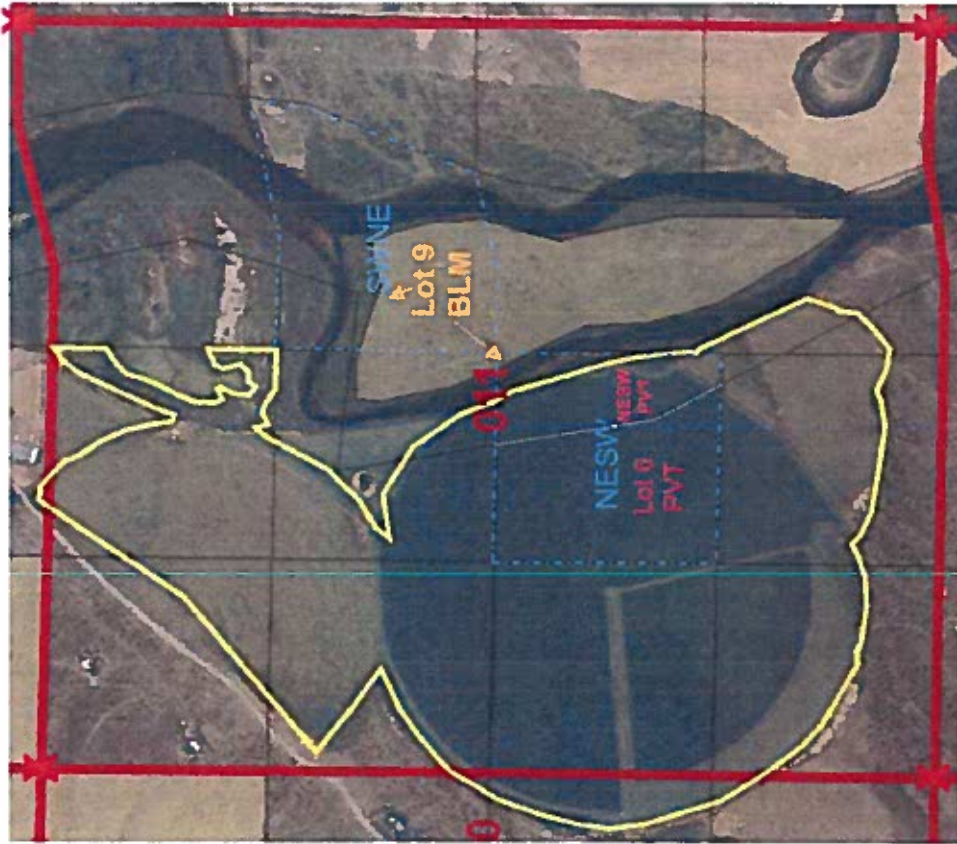
FOR OWNERS EFFECTING DISPOSAL OR USE OF
CONCEALED LANDS REFER TO PAGE 2 OF
MISCELLANEOUS DOCUMENTS

USE PLAT

SCALE IN CHAINS
0 10 20 30 40 50 60 70 80 90 100

WARNING: This plat is a reproduction of the original survey map. It is not a legal document. The original survey map is the only legal document for the purpose of this plat.

21-02109A, 21-02109B, 21-10023
T05N R38E



2. Since the SWNE & NESW, S11 contain both private and public lands, please insert the following language under place of use to clarify this POU such that only private land is intended. The SWNE lies outside the irrigation boundary, perhaps this is a typographical error?

"The place of use does not include federal public lands."

Water Right No(s). _____



GPS
Tag

GPS Data:

Tag # A6008221 (existing) Location: Power Panel Support

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: U.S. Motors Model: _____ Hp: 120
SN: 1063784

PUMP

Make: Lynx-Bowler Model: _____ Disch: _____
SN: N.A.

SCANNED

JUL 07 2006

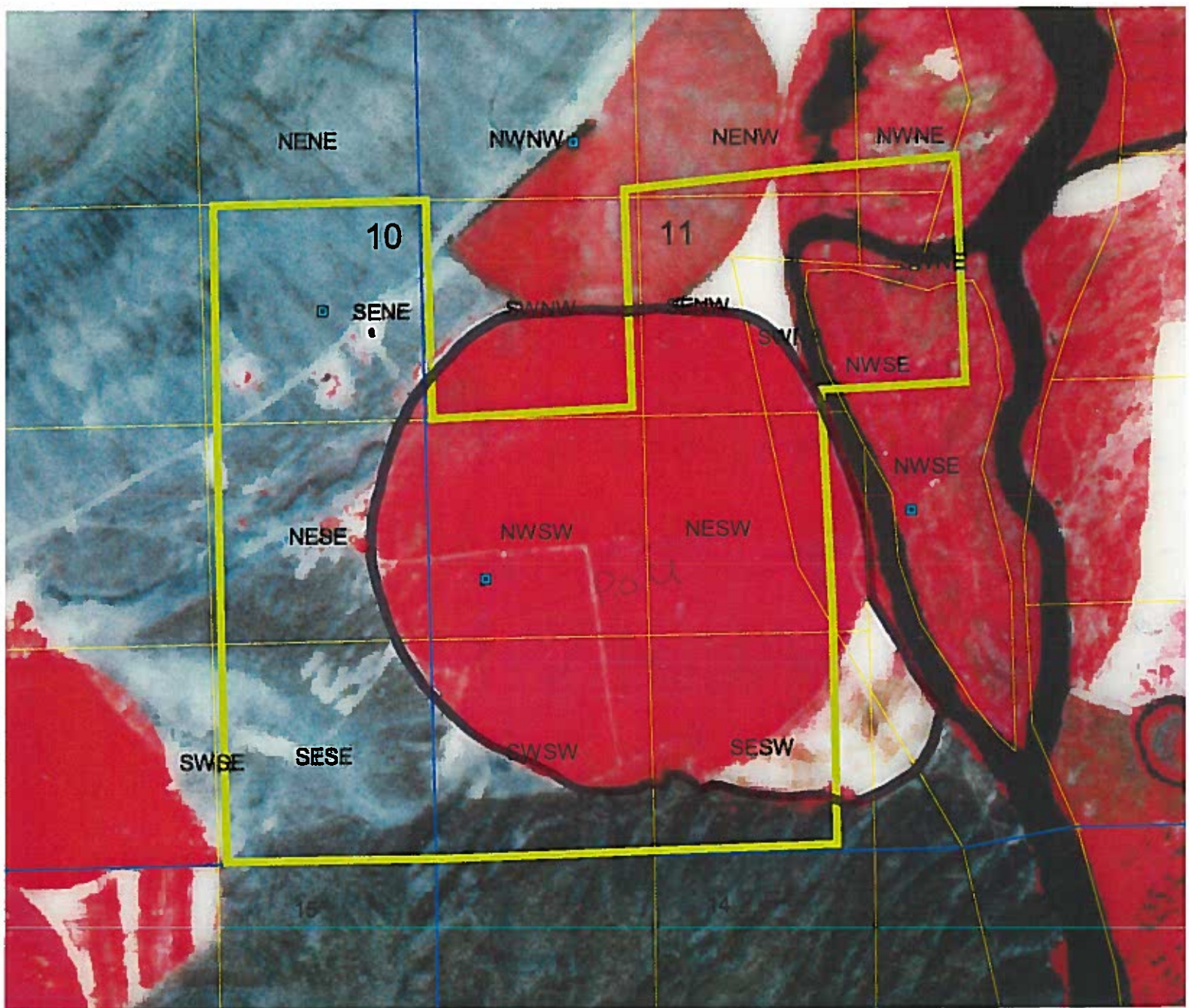
NOTES:

Right belongs to Schreiner Farms (754-9349) & Gary Kelly is
the manager. Change of ownership form will be given to Mr. Kelly
upon his return. System is well, pump & pivot & headliner. Map
outlined by previous owner, Don Mickelson. Gary Kelly cell
phone is 243-3557

Field Exam Date: 4-28-2005 Agent: J. L. Jones

PROFILE

21-2109A
5N 38E



PROFILE

SCANNED
DEC 14 2004



A11-2103A

212109

21219

State of Idaho

License and Certificate of Water Right

Water License No. G-26300Amount 4.2 c.f.s.

Water District No. _____

Priority April 17, 1956

THIS IS TO CERTIFY that **SAMUEL ALVIN & THELMA A. BATES** of **Lorenzo, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **April 17, 1956**; that Permit No. **G-26300** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **4.2** second feet, was issued thereunder on **November 13, 1958**, showing that said works were completed on the **19th** day of **April, 1958**; and that on the **19th** day of **April, 1958**, **SAMUEL ALVIN & THELMA A. BATES**

of **Lorenzo, State of Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of **subterranean**, for the purpose of **Irrigation**

, under Use Permit No. **G-26300** of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume **11** of Licenses at page **6510**, on the **13th** day of **November, 1958**;

The right hereby confirmed dates from **April 17, 1956**;

The Point of Diversion is located

in the **NW ¼ SW ¼, Sec. 11, T. 5 N., R. 38 E., B.M., Madison County.**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **4.2** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	38 E.	11	LOT 2	--	30
			LOT 3	--	25
			LOT 6	--	35
			LOT 7	--	31
			SW 1/4 NW 1/4	--	25
			NW 1/4 SW 1/4	--	40
			SW 1/4 SW 1/4	--	35
			Total number of acres irrigated - - -		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this **13th** day of **November, 1958**.

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

21-2109

Identification No. 21 2109

Transfer No. 1701

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVE

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Steve E. Buckland

Post office address Route #1 Box 120 Menan, Idaho Phone 754-4358

2. Right obtained by:

a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
e of Court)
Court, County of _____.

b. License No. 21-2109 issued by the State of Idaho, Department of _____.

3. Source of water Groundwater tributary to _____
(Name of stream or source)

4. Date of Priority April 17, 1956

5. Amount of water a. 4.2 c.f.s. and/or

b. _____ acre feet/annum

6. Water is used for Irrigation from April 1 to November 1
(Month, Day) (Month, Day)

7. Original location of point of diversion is NW $\frac{1}{4}$ Sw $\frac{1}{4}$ of Section 11,

Township 5N, Range 38E, B.M., in Madison County;

Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	38E	11					30		25	25	35	40	35	31					221

Total number of acres presently irrigated 221

MICROFILMED

Property was purchased from Samuel Alvin Bates

a. Quantity to be diverted at new point: 1.6 c.f.s. and/or acre feet

b. New point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 5N

_____, Range **38E** _____, B.M.

c. Description of method of diversion and conveyance from new points of diversion: 75 Hp pump
motor with a center pivot system.

d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

~~Applicant is putting in a center pivot system to cover a portion of the NW 1/4 of Sec 11 and it is more convenient to drill a new well in this quarter than to run mainline from the existing well. The new well will provide water to 80 acres of the land licensed under 21-2109.~~

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? No- the remaining 2.6 cfs
will be diverted for a centerpivot installed to cover the remaining land that
is licensed under 2I-2109.

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE-²IN PLACE OF USE

NO CHANGE

a. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated.

b. Do you intend to make the transfer permanent? _____

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.



Steve E. Buehler
(signature of applicant)

Subscribed and sworn to before me this 29th day of MARCH, 1975

Ronald D. Carlson
(notary public)

My commission expires 2/14/78

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 21-2109,
and said application is hereby APPROVED

Micro Dev.
ok
JDF

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be
permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 4 day of _____, 1975.

R. Keith Hyatt
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by MB Date 3-24-75

Protest filed by: _____ Date _____

Prelim. check by LH Date 4-3-75

Fee received by MB Date 3-24-75 Fee \$30.00

Approved for publication by MB 4-22-75 #4154

Published in Rebuck Journal Dates April 10 & 17, 1975

Hearing held _____

Watermaster Recommendation see N.A.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-26300

This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Samuel Alvin & Thelma A. Bates2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the NW 1/4 of Section 11T. 5 N. R. 38 E. B.M. County of Madison4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 80' x 16"Original depth to H₂O = 39'; Pump = Layne & Bowler #22560 - "Verti-Lift" 10" cap.5 Stages, Rated at 240' Lift, 15' f. 10" discharge pipe, Then gate Valve, then enters10" main - Motor: US #106784 - 125 HP - 3 ph - 60 cyc - 440 V - 15 Amp. 1800 RPM.Motor: GE #33252419 Utah Power Service No. 25P23284 - 50 HP Int. Comp. 5 contact device2 pitch Worm 1 Red. of W. & 2 Red. of Cams. k. n. o. b. - Controls GE Housing NoteMotor equipped with warchest which reads 50 to 50 - 15 min. min.5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Same

(SW 1/4, NW 1/4, SW 1/4 and Lots 2, 3, 6 and 7; all in Section 11, Township

5 North, Range 38 East, B.M.

Filed 4/17/56

Due 4/19/58

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

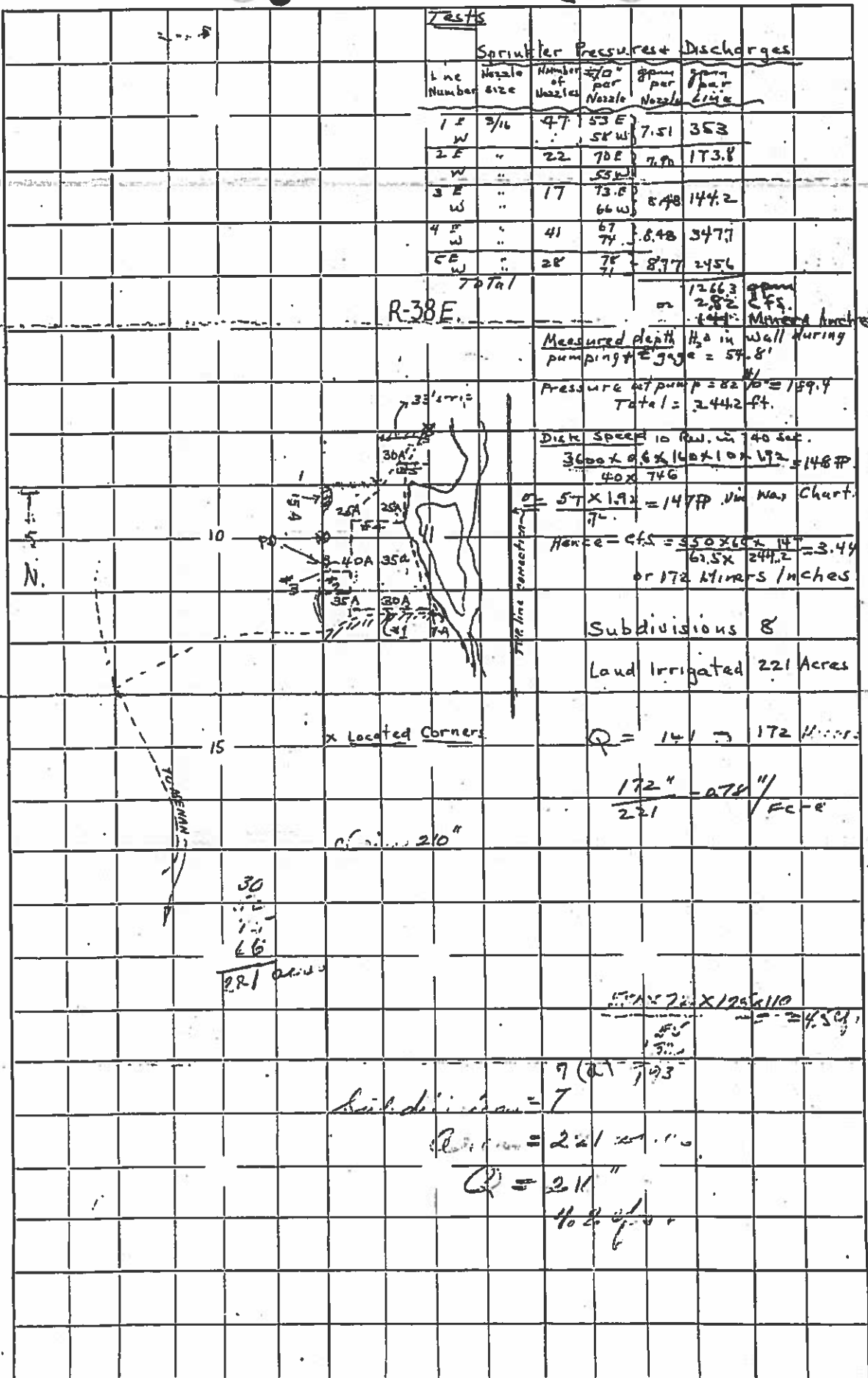
Remarks: The 8-12-58 inspection was made with Mr. S. Alvin Batesduring a heavy rain storm.89.7 regular at 5.6 ft., size 1 1/4" = 210"System should be able to do it.This examination was made on the 12 day of Sept., 1958

(Signed)

James E. Mann

Examiner.

26300



SCANNED

AUG 16 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1997

SCHREINER FARMS-IDAHO LLC
C/O GARY KELLY
1038 N 3700 E
MENAN ID 83434

RE: CHANGE IN OWNERSHIP FOR A21-02109A, A21-02109B, A21-10023

Dear Mr. Kelly:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer Hoagland".

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice of Claim

DELOG 8/4/97 DC

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

8/5/97 AUG 4 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern 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) 59AC A21-02109B 162 A21-02109A 19AC A21-10023
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) DON MICHELSEN
738 N 3700 E MENAID, ID 83434

4. New Owner/Claimant(s) SCHREINER FARMS- IDAHO LLC
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address C/O GARY KELLY 1038 N 3700 E

City, State and ZIP Code MENAID, IDAHO 83434
New Telephone Number (208) 754-9349

5. Date you acquired the property 31 MAR 95

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) [Signature] Date 7/31/97
Date _____

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

APRIL 4, 1995

DON MICKELSEN
1260 N 3600 E
MENAN ID 83434

RE: CHANGE IN OWNERSHIP FOR A21-02109B, -10023, -02109A

Dear Mr. Mickelsen:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Jo Thompson'.

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 05 1990



APR - 3 1995

Department of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township 5 North Range 38
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 ATTACHED EXHIBIT "A")

- ☐ 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) OK G+
- ☐ Water Right Number(s)
Assigned by IDWR: A21-02109B, A21-10023, A21-02109A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): STEVE E. BUCKLAND
RT. 2 Box 120
Menan, Idaho 83434
- ☐ New Owner/Claimant (Purchaser): DON MICKELSEN & CATHERINE MICKELSEN
- ☐ New Mailing Address: 1260 N 3600 E
MENAN IDAHO 83434
- ☐ New Telephone Number: (208) 754 - 0009
- ☐ 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:
- ☐ Attach proof of ownership, describe proof attached: WARRANTY DEED
(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) [Signature] Date Mar 2
- ☐ Signature of Former Owner/Claimant(s) [Signature] Date Mar 2

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

NOV 09 1958

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Beginning at a point that is North 78°47'07" East 250.99 feet from the brass cap meander corner between Sections 11 and 14 of Township 5 North, Range 38 East of the Boise Baseline and Meridian in Madison County, Idaho, said point being near the high water line of the Snake River and running thence along a boundary fence line North 68°46'32" West 140.00 feet; thence North 31°15'13" West 104.38 feet; thence North 65°21'18" West 342.61 feet; thence North 08°46'03" East 58.56 feet; thence North 38°08'35" West 80.03 feet; thence North 25°24'37" East 12.15 feet; thence South 53°53'24" West 341.31 feet; thence North 82°17'31" West 568.67 feet; thence North 83°50'31" West 575.72 feet; thence South 87°16'20" West 730.85 feet; thence South 87°32'50" West 711.43 feet; thence South 79°34'57" West 31.61 feet to a point on the Section line between Sections 10 and 11 which point is North 00°07'08" West 330.74 feet from the Southwest corner of Section 11 as monumented by a BLM brass cap; thence continuing along the fence line from the point on the Section line South 79°34'57" West 1,183.03 feet; thence South 55°21'44" West 179.88 feet to the calculated East 1/16 corner between Sections 10 and 15; thence along the 1/16 line North 00°18'39" West 2,125.61 feet, thence North 73°00'56" East 280.05 feet; thence North 58°02'03" East 360.99 feet; thence North 66°59'32" East 420.44 feet; thence North 37°36'01" East 475.48 feet; thence North 54°48'24" East 643.34 feet; thence North 56°23'34" West 512.39 feet to the county road; thence along the county road North 35°52'52" East 190.74 feet; thence North 50°58'09" East 478.09 feet; thence North 38°24'03" East 680.59 feet; thence North 44°14'34" East 928.74 feet to the North line of Section 11; thence along the section line Easterly approximately 1,800 feet to the high water line of the Snake River; thence following the meanderings of the North Fork of the Snake River southerly and westerly to the point of beginning.

AND:

Commencing at the Southeast corner of Section 10, Township 5 North, Range 38 East of the Boise Baseline and Meridian in Madison County, Idaho, and running North 89°21'49" West 1,312.29 feet and North 00°18'39" West 2,125.61 feet and North 73°00'56" East 1.04 feet to the point of beginning and running thence North 00°19'17" West 404.21 feet to a county road; thence along a county road North 58°56'07" East 336.81 feet; thence South 14°47'56" East 434.02 feet; thence South 59°27'09" West 151.25 feet; thence South 73°00'56" West 279.01 feet to the point of beginning.

MICROFILMED

NOV 05 1996

FROM

Eric Kerner

DATE

7/8/88

TO

A21-10024 / 02109A / 02109B

SUBJECT

Expansion —

It appears 11701 was wrought w/ many errors. @ time new well was drilled under 1701, the land irrigated was expanded and land description under each well varied quite a bit from that in transfer.

I assisted M. Buckland in completing exam, showing how system operates now. This changes description under 1701 plus incorporate new filing for extra 19 acres. Suggest field exam to verify all of development. ES

SIGNATURE

MICROFILMED

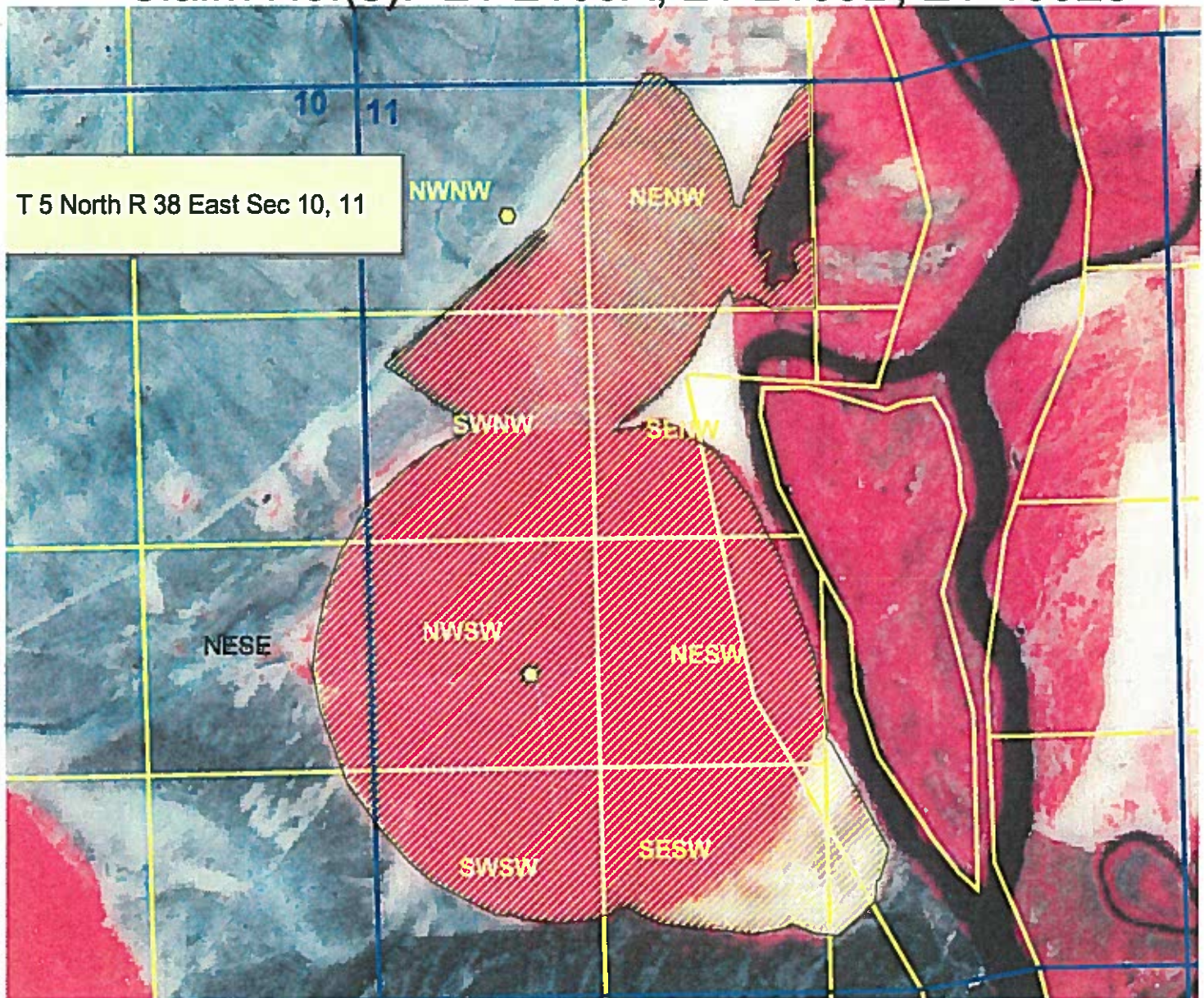
OCT 20 1992



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-2109A, 21-2109B, 21-10023



2000 0 2000 4000 Feet

- Place of Use
- Sections
- Quarter Quarter
- Points Of Diversion

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Dec. 2005

SCANNED
JUL 07 2006



12/08/2005

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

RIGHT NUMBER: 21-2109A

NAME AND ADDRESS: SCHREINER FARMS IDAHO LLC
C/O GARY KELLY
1038 E BUTTE RD
MENAN ID 83434-5122

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.080 CFS
567.00 AFY

Right Nos. 21-2109A and 21-10023 are limited to a total combined diversion rate of 3.08 cfs.

PRIORITY DATE: 04/17/1956

POINT OF DIVERSION:
T05N R38E S11 SWNWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.080 CFS 567.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R38E S02	SESW	0.2 ✓	T05N R38E S10	SENE	0.3 ✓
T05N R38E S10	NESE	8.1 ✓	T05N R38E S10	SESE	0.7 ✓
T05N R38E S11	SWNE	6.0	T05N R38E S11 Lot 2	NENW	28.0 ✓
T05N R38E S11	NWNW	7.2 ✓	T05N R38E S11	SWNW	32.0 ✓
T05N R38E S11 Lot 3	SENW	18.0 ✓	T05N R38E S11	NESW	11.0 ✓
T05N R38E S11 Lot 6	NESW	27.0 ✓	T05N R38E S11	NWSW	40.0 ✓
T05N R38E S11	SWSW	22.0 ✓	T05N R38E S11	SESW	0.8 ✓
T05N R38E S11 Lot 7	SESW	27.0	T05N R38E S11 Lot 7	SWSE	2.0

230.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 230.3 acres in a single irrigation season. Combined Right Nos.: 21-2109A, 21-2109B, 21-10023

This right is limited to the irrigation of 162 acres within the place of use described above in a single irrigation season.

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 - License

Right No. 21-10023 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

DATE: 08/19/97
PAGE: 1

DIVERSION
VOLUME

405.00 AFA

Stage: LICENSE

MADISON County

MM

162.0

Other Rights: EXPANSION OF THIS RIGHT CLAIMED A21-10000

CHANGED OWNERSHIP PER REQUEST/JH/8-19-97

Objection Filed Date:

Presumption Flag:

SCANNED

AUG 10 2001

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: A21-02109A
Date Received: 7/ 8/1988
Receipt No: E000664
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DON MICKELSEN
Address: 1260 N 3600 E
MENAN ID

208-754-0009

83434

AND/OR

Name: CATHERINE MICKELSEN
Address: 1260 N 3600 E
MENAN ID

208-754-0009

83434

2. Date of Priority: APR 17, 1956

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	38E	11	SW	NW	SW		MADISON

5. Description of diverting works:

80' WELL W/ PUMP TO CENTER PIVOT/HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.080		

7. Total Quantity Appropriated is:

3.080 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

405.0 Acre Feet Per Annum

9. Non-irrigation uses:

NONE

MICROFILMED
NOV 05 1990

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	38E	10	SE		NE		IRR	2.0
			NE		SE		IRR	9.0
			SE		SE		IRR	2.0
			Section Acres					13.0
		11	SW		NE		IRR	18.0
			SE		NW	3	IRR	13.0
			NE		SW	6	IRR	35.0
			NW		SW		IRR	40.0
			SW		SW		IRR	25.0
			SE		SW		IRR	18.0
			Section Acres					149.0
			Total Acres					162.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

EXPANSION OF THIS RIGHT CLAIMED A21-10000

14. Remarks:

TRANS. 1701. TRANSFER INCORRECTLY LISTED ACRES IRRIGATED UNDER SYSTEM. THIS CLAIM REFLECTS USE OF WATER SINCE TRANSFER WAS FILED.

CHANGED OWNERSHIP 4/6/95/JT/GT

15. Basis of Claim: LICENSE

Water Right Number: 26300

MICROFILMED
NOV 03 1990

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.

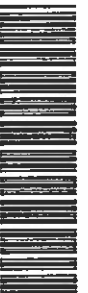
CIVIL CASE NUMBER: 39576

Ident. Number: A21-02109A
Date Received: 7/08/1988
Receipt No: 6000664
Received By: 221

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVE BUCKLAND 208-754-4358
Address: RT2 BOX 120
MENAN, ID 83434
AND/OR
Name: GLADYS BUCKLAND 208-754-4358
Address: RT. 1 BOX 120
MENAN, ID 83434

A2102109A



2. Date of Priority: APR 17, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	38E	11	SW	NW	SW		MADISON

5. Description of diverting works:
80' WELL W/ PUMP TO CENTER PIVOT/HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.080		

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

8. Total consumptive use is 405.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	38E	10	SE	NE		IRR	2.0
			NE	SE		IRR	9.0
			SE	SE		IRR	2.0
						Section Acres	13.0
		11	SW	NE		IRR	18.0
			SE	NW	3	IRR	13.0
			NE	SW	6	IRR	35.0
			NW	SW		IRR	40.0
			SW	SW		IRR	25.0
			SE	SW		IRR	18.0
						Section Acres	149.0
						Total Acres	162.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

EXPANSION OF THIS RIGHT CLAIMED A21-10000

14. Remarks:

TRANS. 1701. TRANSFER INCORRECTLY LISTED ACRES IRRIGATED UNDER SYSTEM. THIS CLAIM REFLECTS USE OF WATER SINCE TRANSFER WAS FILED.

15. Basis of Claim: LICENSE

Water Right Number: 26300

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 y wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Steve Buckland Date: 7-8-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of July 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 6-94

T4N
T5N

POINTS
OF
DIVERSION

R
38E

K62 AC.

3.08

A21-02109A

DWIT
SAC

EDISON
REPERK

MICROFILMED

AMERICAN LAND TITLE CO.
P.O. BOX 732
REXBURG, IDAHO 83440

WARRANTY DEED

255849

DON MICKELSEN and CATHERINE MICKELSEN, husband and wife

_____, as GRANTOR,
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
JOSEPH H. SCHREINER and MARIANNA SCHREINER, husband and wife and JOHN C.
SCHREINER, JR. and JANE EVANS SCHREINER, husband and wife and JACK SCHREINER and
JANE SCHREINER, husband and wife
105 E. 8th Olympia, Wa 98501 _____, as GRANTEE,
and to his successors and assigns forever, all of the following described real estate situated in the State of Idaho, to-wit:

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

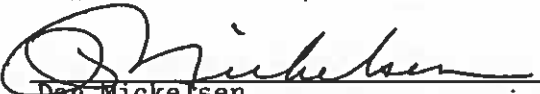
SUBJECT TO the 1995 and subsequent years general taxes and assessments, all
existing patent reservations, easements, right of ways, protective and restrictive
covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances there-
unto belonging or in anywise appertaining.

Grantor, for itself, its successors and assigns, does hereby warrant and agree to forever defend the Grantee, his successors and assigns, in
the quiet and peaceful possession of said premises forever against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

IN WITNESS WHEREOF, the Grantor hereunto has set its hand and seal the 31st day of March, 1995


Don Mickelsen


Catherine Mickelsen

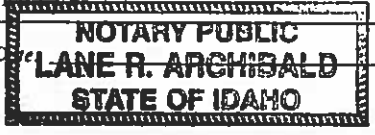
STATE OF IDAHO
County of Bonneville } ss.
On this 31st day of March, 1995

before me, the undersigned, a Notary Public in and for said State,
personally appeared DON MICKELSEN and
CATHERINE MICKELSEN

known to me to be the person(s) whose name are subscribed to the
within instrument, and acknowledged to me that they executed the same.

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

Notary Public for the State of Idaho
Residing at Idaho Falls

Commission Expiration Date

LANE R. ARCHIBALD
STATE OF IDAHO

Bonneville Land & Title Co.

497 N. Capitol Ave., Suite 100 • P.O. Box 51690 • Idaho Falls, ID 83405-1690 • (208) 524-6600

RECORDING DATA

MICROFILMED

State of Idaho) 255849
County of Madison) SS
I hereby certify that the within instrument was
filed MAR 31 1995
19 at 12 30 M and
recorded on Film 255849
by BETH B. REESE, Recorder
Deputy
At the request of
AMERICAN LAND TITLE CO.

EXHIBIT "A"

(Relinquished Property Description)

Tract 1:

Beginning at a point that is North 78°47'07" East 250.99 feet from the brass cap meander corner between Sections 11 and 14 of Township 5 North, Range 38 East of the Boise Baseline and Meridian in Madison County, Idaho, said point being near the high water line of the Snake River and running thence along a boundary fence line North 68°46'32" West 140.00 feet; thence North 31°15'13" West 104.38 feet; thence North 65°21'18" West 342.61 feet; thence North 08°46'03" East 58.56 feet; thence North 38°08'35" West 80.03 feet thence North 25°24'37" East 12.15 feet, thence South 53°53'24" West 341.31 feet; thence North 82°17'31" West 568.67 feet; thence North 83°50'31" West 575.72 feet; thence South 87°16'20" West 730.85 feet; thence South 87°32'50" West 711.43 feet; thence South 79°34'57" West 31.61 feet to a point on the Section line between Sections 10 and 11 which point is North 00°07'08" West 330.74 feet from the Southwest corner of Section 11 as monumented by a BLM brass cap; thence continuing along the fence line from the point on the Section line South 79°34'57" West 1,183.03 feet; thence South 55°21'44" West 179.88 feet to the calculated East 1/16 corner between Sections 10 and 15; thence along the 1/16 line North 00°18'39" West 2,125.61 feet, thence North 73°00'56" East 280.05 feet; thence North 58°02'03" East 360.99 feet; thence North 66°59'32" East 420.44 feet; thence North 37°36'01" East 475.48 feet; thence North 54°48'24" East 643.34 feet; thence North 56°23'34" West 512.39 feet to the county road; thence along the county road North 35°52'52" East 190.74 feet; thence North 50°58'09" East 478.09 feet; thence North 38°24'03" East 680.59 feet; thence 44°14'34" East 928.74 feet to the North line of Section 11; thence along the section line Easterly approximately 1,800 feet to the high water line of the Snake River; thence following the meanderings of the North Fork of the Snake River southerly and westerly to the point of beginning.

Tract 2:

Commencing at the Southeast corner of Section 10, Township 5 North, Range 38 East of the Boise Baseline and Meridian in Madison County, Idaho, and running North 89°21'49" West 1,312.29 feet and North 00°18'39" West 2,125.61 feet and North 73°00'56" East 1.04 feet to the point of beginning and running thence North 00°19'17" West 404.21 feet to a county road; thence along a county road North 58°56'07" East 336.81 feet; thence South 14°47'56" East 434.02 feet; thence South 59°27'09" West 151.25 feet; thence South 73°00'56" West 279.01 feet to the point of beginning.

No Mobile Homes, Trailers or Temporary housing shall be allowable on Tract 2.

Cellar - 38,000 BU. Approx.

2 - Small Graineries

4 - 4-5,000 BU. Graineries

1 - 11 Tower Mel Brown Circle (all new gear boxes and center drive)

1 - 4 Mel Brown Circle

1 - T-1, 155 AC Circle New 1994, 8 Tower

1 - 125 H.P. Pump Serial #1063784

1 - 150 H.P. Pump I.D. #M116856619

Enough 6 in. portable main line and 4 in. hand line to adequately irrigate corners. Estimated hand pipe to be approximately 70 pipe.

WARRANTY DEED

209877

STEVE BUCKLAND and GLADYS BUCKLAND, husband and wife

as GRANTOR,

of 962 N. 3100 E., Meridian, State of Idaho

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto DON MICKELSEN and CATHERINE MICKELSEN, husband and wife

1934 Melody St. Idaho Falls

State of Idaho

as GRANTEE,

and to his successors and assigns forever, all of the following described real estate situated in the State of Idaho, to-wit:

As described in Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO the 1994 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Grantor, for himself, his successors and assigns, does hereby warrant and agree to forever defend the Grantee, his successors and assigns, in the quiet and peaceable possession of said premises forever against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

IN WITNESS WHEREOF, the Grantor hereunto has set his hand and seal the 30th day of December, 1993

Steve Buckland

Steve Buckland

Gladys Buckland

Gladys Buckland

STATE OF IDAHO

County of Madison ss.

On this 30th day of December, 1993

19, before me, the undersigned, a Notary Public in and for said State, personally appeared: Steve Buckland and Gladys Buckland.

known to me to be the person(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Michelle B. Bales

Notary Public for the State of Idaho

Residing at Sugar City

Commission Expiration Date: 7-12-97

Bonneville Land & Title Co.

197 N. Capital Ave., Suite 100 • PO Box 31690 • Idaho Falls, ID 83405-1690 • (208) 524-6600

RECORDING DATA

State of Idaho
County of Madison

ss

209877

I hereby certify that the within instrument was filed DEC. 30 1993

19 at 16:59 M. and recorded on Film 209877 Fee 6.00

by BETH B. REESE, Recorder
B. B. Reese Deputy

At the request of AMERICAN LAND TITLE CO.

MICROFILMED

NOV 05 1990