

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED



RECEIVED

NOV 24 2000

Department of Water Resources
Southern Region

JOSE G ANDRE
MARIA ANDRE
1455 S 1750 E
GOODING ID

ANDR455 833303005 1899 08 11/21/00
FORWARD TIME EXP RTN TO SEND
ANDRE
3520-A S 1600 E
WENDELL ID 83355-3427

RETURN TO SENDER

83301/3380
83330-303





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

November 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

NOV 24 2000

Department of Water Resources
Southern Region

NORMAN E BEARD
KATHLEEN A BEARD
1666 E 1500 S
GOODING ID 83330

RE: SRBA Claim(s) 37-11061

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Jose and Maria Andre

37-11061

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

) SUBCASE NO. 37-11061
)
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

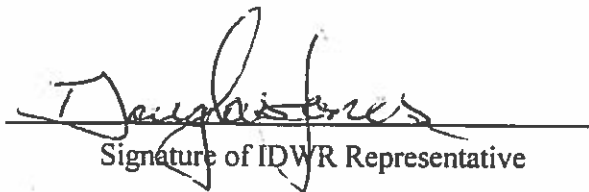
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 11/3/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/17, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Jose G Andre
Maria Andre
1455 S 1750 E
Gooding ID 83330
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Norman E Beard
Kathleen A Beard
1666 E 1500 S
Gooding ID 83330
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

11/03/2000

RIGHT NUMBER: 37-11061

NAME AND ADDRESS: KATHLEEN A BEARD
NORMAN E BEARD
1666 E 1500 S
GOODING, ID 83330

SOURCE: GROUND WATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T05S R14E S14 SESWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1-01 12-31	0.04 CFS
STOCKWATER	1-01 12-31	0.07 CFS

PLACE OF USE:

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

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. RP05S14E148400A STOCKWATER, 100 COW DAIRY

COPY

200 NOV 17 PM 1:15

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
FILED

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

SUBCASE NO. 37-11061

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

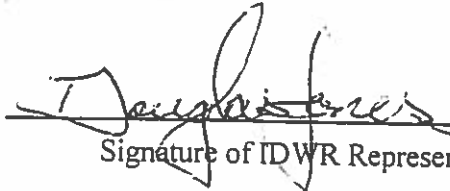
IDWR has completed the following Administrative proceeding: SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

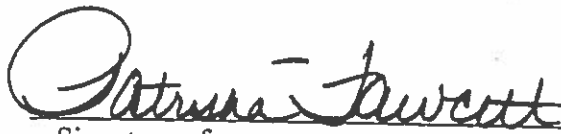
Dated: 11/3/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/17, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Jose G Andre
Maria Andre
1455 S 1750 E
Gooding ID 83330
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Norman E Beard
Kathleen A Beard
1666 E 1500 S
Gooding ID 83330
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

11/03/2000

RIGHT NUMBER: 37-11061

NAME AND ADDRESS: KATHLEEN A BEARD
NORMAN E BEARD
1666 E 1500 S
GOODING, ID 83330

SOURCE: GROUND WATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T05S R14E S14 SESWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	1-01 12-31	0.04 CFS
STOCKWATER	1-01 12-31	0.07 CFS

PLACE OF USE:

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

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. RP05S14E148400A STOCKWATER, 100 COW DAIRY



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

November 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NORMAN E BEARD
KATHLEEN A BEARD
1666 E 1500 S
GOODING ID 83330

RE: SRBA Claim(s) 37-11061

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Jose and Maria Andre

10/24/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 37-11061

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORMAN E BEARD
Current Owner	KATHLEEN A BEARD
	1666 E 1500 S
	GOODING, ID 83330
Original Owner	MARIA ANDRE
Original Owner	JOSE G ANDRE
	1455 S 1750 E
	GOODING, ID 83330
	(208)934-5430

Priority Date: 01/01/1920
 Basis: Beneficial Use
 Status: Valid

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.07 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		

Total Diversion 0.07 CFS

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05S	14E	14	SE SW SE	0	GOODING

Place(s) of use:

Place of Use Legal Description: STOCKWATER GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	14E	14		SWSE										

Place of Use Legal Description: DOMESTIC GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	14E	14		SWSE										

Conditions of Approval:

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

Remarks:

1. Explanatory PARCEL NO. RP05S14E148400A STOCKWATER, 100 COW DAIRY

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
fmunzcnr	10/24/00	OWNER CHANGE	12-24-00, FM. OWNER CHANGE PER REQUEST DATED 7-27-00.

Dates:

Licensed Date:
Claim Received Date: 08/22/1988
Decreed Date:
Date Filed with Court:
Objection Filed Date:
Response Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	10/24/00 11:35:04 PM	fmunzcnr			In Process

Other Information:

Receipt Number(s):
State or Federal: S
Water District:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Summary	10/24/00 11:34:03 PM	fmunzcnr	7. (YES) Additional condition was required.

NOAP

RECEIVED
JUL 27 2000
Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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 No(s): 37-11061
Adjudication Claim No(s): AJ5809NP
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 attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Andre, Maria & Andre, Jose G.
1455 S 1750 E, Gooding, ID 83330
4. New Owner/Claimant(s) Norman E. Beard and Kathleen A. Beard
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1666 East 1500 South
City, State and ZIP Code Gooding, ID 83330
New Telephone Number ()
5. Date you acquired the property _____
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 you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
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 Norman E. Beard
or Claimant(s) Kathleen A. Beard
Kathleen A. Beard by Kristie L. Benko Kristie L. Benko
Attorney in Fact
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

AJ5809NP

No. 37-11061

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/21/00

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARIA ANDRE	01/01/1920	STOCKWATER	01-01 12-31	0.070 CFS	
C	JOSE G ANDRE		DOMESTIC	01-01 12-31	0.040 CFS	
	1455 S 1750 E					
	GOODING ID 83330					
	(208) 934-5430					
				TOTAL DIVERSION:	0.070 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05S R14E S14

SESWSE

GOODING County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	T	R	S	Ac
05S	14E	14													

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	T	R	S	Ac
05S	14E	14													

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

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

Remarks: EXP PARCEL NO. RP05S14E148400A
STOCKWATER, 100 COW DAIRY

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Post-It® Fax Note	7671	Date 6/21	# of pages 1
To Becky		From Doug Jones	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Recording Requested By:
Western Farm Credit Bank

WHEN RECORDED MAIL TO:
Legal Department
Western Farm Credit Bank
P. O. Box 13106
Sacramento, CA 95813-4106

Instrument # 186381

GOODING GOODING, IDAHO

2000-06-26 01:52:04 No. of Pages: 1

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy Fee: 3.00

Index to: DEED, QUIT-CLAIM

Space Above This Line For Recorder's Use

QUITCLAIM DEED

FOR VALUE RECEIVED,

WESTERN FARM CREDIT BANK, a federally chartered instrumentality of the Farm Credit System, (GRANTOR), does hereby remise, release and quitclaim, without warranty of any kind, unto

NORMAN E. BEARD and KATHLEEN A. BEARD, husband and wife, together GRANTEE, 1666 East 1500 South, Gooding, ID 83330

all of Grantor's right, title and interest in the following described real estate, to-wit:

TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 14: SW1/4SE1/4

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to 40 shares of capital stock of the Big Wood Canal Company, and also including any licensed domestic or irrigation water rights, and licenses with the State of Idaho, if any.

SUBJECT TO: All reservations in patents or deeds in the chain of title and any exceptions reflected in Schedule B of the Standard Coverage Title Owner's Policy to be issued to Grantee as of the date hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, this Quitclaim is executed as of June 21, 2000 by GRANTOR.

WESTERN FARM CREDIT BANK

By:

Michael P. Morris
Michael P. Morris
Assistant Vice President

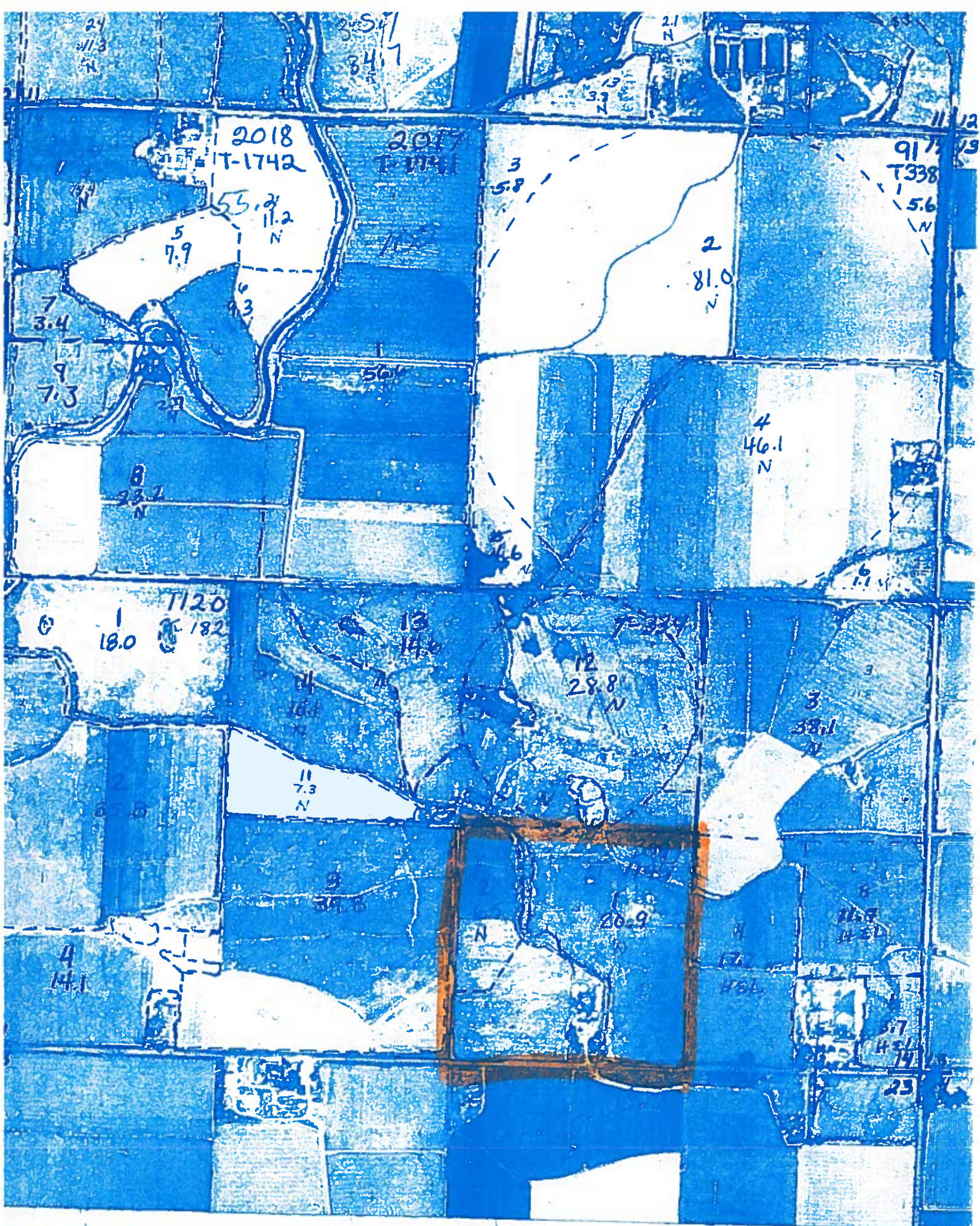
STATE OF CALIFORNIA)
County of Sacramento)

On 6/21/00 before me, SHARON L. VESTAL, Notary Public and for the said County and State, personally appeared Michael P. Morris, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

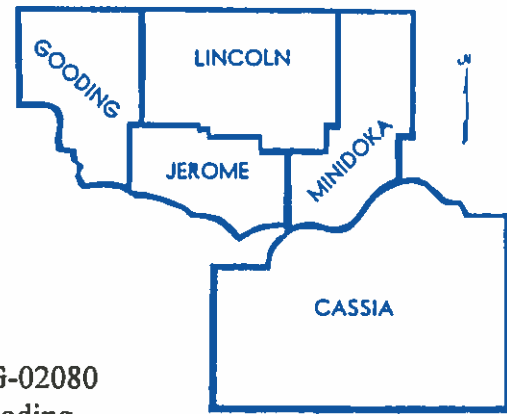
Sharon L. Vestal





Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



July 26, 2000

REFER TO: GG-02080
OFFICE: Gooding

State of Idaho
Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
JUL 27 2000
Department of Water Resource
Southern Region

RE: Notice of Change of Water Right Ownership
Andre to Beard
Cert. Mail #70993220000268255408

Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 186381
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.

Keri Craig

Keri Craig
Escrow Assistant
(208) 934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1199

RECEIVED

OCT 23 2000

Department of Water Resources
Southern Region

Land Title and Escrow, Inc.

P.O. Box 473

Gooding, ID 83330

PH: 934-8477

FAX: 934-5890

Date: 10/23TO: Florence @ Dept. of Water ResourcesFAX NO: 730-13037FROM: Keri CraigREFERENCE: Jose Andre to Norman Beard transferCOMMENTS: Deed in Lieu from Andre's to
Western Farm Credit

THANKS -

KTOTAL # OF PAGES: 4 (INCLUDING COVER SHEET)

DEED IN LIEU OF FORECLOSURE**NON-MERGER**

FOR VALUE RECEIVED, JOSE G. ANDRE and MARIA N. ANDRE, husband and wife, do hereby convey, release, remise and forever quit claim unto Western Farm Credit Bank, a federally chartered Farm Credit Bank, whose address is 3636 American River Drive, Sacramento, California, P. O. Box 1558, Sacramento, California 95852, the following described premises:

See attached Exhibit "A."

together with their appurtenances. These appurtenances specifically include, but are not limited to, 146 1 shares in the Big Wood Canal Company; Gooding County Grandfather CAFO Citing Permit Number G98-180 and Gooding County Grandfather CAFO Citing Permit Number G99-189.

This Deed is an absolute conveyance of title, in effect as well as in form and is not intended as mortgage, trust conveyance, or security of any kind. This Deed in Lieu of Foreclosure is given together with a Bill of Sale in Lieu of Foreclosure as to certain personal property. This Deed and the Bill of Sale are part and parcel of the same transaction and shall be construed together as though a single instrument given in satisfaction of the obligations set forth below. The consideration therefor is the full release of all debts and obligations heretofore existing on account of the Mortgage on said premises, recorded on August 13, 1996 as Instrument No. 166560, records of Gooding County, Idaho and the liens on personal property perfected by that certain Financing Statement filed on August 15, 1996 as Document Number B 718690, Records of the Secretary of State, State of Idaho. This deed and the bill of sale completely satisfies the indebtedness, and

DEED IN LIEU OF FORECLOSURE - 1

Name: 00183703.000
Dimensions: 2528 x 3280 pixels

LEGAL DESCRIPTION

Gooding County, State of Idaho
Township 5 South, Range 14 E., B.M.
Section 13: NE1/4 SW1/4, S1/2 NE1/4

EXCEPTING THEREFROM that part of the SE1/4 NE1/4, described as follows:

Commencing at the East quarter corner of said Section 13 and being THE TRUE POINT OF BEGINNING;

Thence South 89° 37' 02" West along the South boundary of the NE1/4 of Section 13 for a distance of 765.00 feet;

Thence North parallel with the East boundary of the NE1/4 for a distance of 355.00 feet;

Thence North 89° 37' 02" East parallel with the South boundary of the NE1/4 for a distance of 765.00 feet to a point on the East boundary of the NE1/4;

Thence South along the East boundary of the NE1/4 for a distance of 355.00 feet to the East quarter corner of Section 13 and the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described parcel of land:

Commencing at the Northeast corner of said Section 13:

Thence South 00° 00' 00" West along the East boundary of Section 13 for a distance of 1,322.02 feet to the Northeast corner of the Southeast quarter of the Northeast quarter of Section 13 and THE TRUE POINT OF BEGINNING;

Thence continuing south 00° 00' 00" West along the East boundary of the Southeast quarter of the Northeast quarter for a distance of 272.34 feet;

Thence South 86° 50' 36" West for a distance of 1,588.36 feet;

Thence North 00° 32' 02" West for a distance of 350.06 feet to a point on the North boundary of the South one-half of the Northeast quarter;

Thence North 89° 38' 54" East along the North boundary of the South one-half of the Northeast quarter for a distance of 1,589.24 feet to THE TRUE POINT OF BEGINNING.

Section 14: SW1/4 SE1/4.

Grantee shall have no further recourse against Grantors under the Note. Provided, however, Grantee's Mortgage and the lien thereby created shall not be deemed merged with the Deed, but shall survive and be in all respects enforceable against any and all parties claiming by or through Grantors.

DATED this 2nd day of November, 1999.

183703

STATE OF IDAHO COUNTY OF GOODING
LAND TITLE & ESCROW
Filed for record at the request of
Jose G. Andre on 2 day of November at 10:44 P.m. this 10th day of 1999
Maria N. Andre

Jose G. Andre
JOSE G. ANDRE

Maria N. Andre
MARIA N. ANDRE

STATE OF IDAHO,)
 :ss.
County of Gooding)

On this 2nd day of November, 1999, before me, the undersigned, a Notary Public in and for said County, personally appeared JOSE G. ANDRE and MARIA N. ANDRE, husband and wife, known to me to be the persons 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.

Becky Shubert
Notary Public
State of Idaho

Becky Shubert
Notary Public for Idaho
Residing at Jerome, ID
Commission Expires: 03-23-05

DEED IN LIEU OF FORECLOSURE - 2

Name: 00183703.001
Dimensions: 2528 x 3280 pixels

AJ5856NP

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

DATE: OCT-24-1997
PAGE: A-618

RIGHT NUMBER: 37-11061

NAME & ADDRESS: MARIA ANDRE
JOSE G ANDRE
1455S 1750E
GOODING ID 83330

Handwritten signature

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

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

PRIORITY DATE: 01/01/1920

POINT OF DIVERSION: T05S R14E S14 SESWSE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.07 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within GOODING County
T05S R14E S14 SWSE

DOMESTIC Within GOODING County
T05S R14E S14 SWSE

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. RP05S14E148400A
STOCKWATER, 100 COW DAIRY

Handwritten: 7-29-98

Claim prepared by: KT

Date: 11-03

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: A37-11061
Date Received: 8/22/1988
Receipt No: S001609
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSE G. ANDRE 208-934-5430
Address: 1455S 1750E
GOODING, ID 83330

AND/OR

Name: MARIA ANDRE 208-934-5430
Address: 1455S 1750E
GOODING, ID 83330

2. Date of Priority: JAN 01, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	14E	14	SE	SW	SE		GOODING

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	0.040		
STOCKWATER	01/01	12/31	0.070		

7. Total Quantity Appropriated is:
0.070 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/100 COW DAIRY

10. Place of Use:

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

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 / 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): Jose R. Boudrie Date: 8/22/88
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of August 19 88 Roxanne
Notary Pu

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-74

MICROFILMED
FEB 25 1993

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

11/28/91 18:06:23
PAGE 1

WATER RIGHT NUMBER - A37-11061

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

+ - FIRST NAME - - +

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

*** C - CURRENT OWNER ***
ANDRE

MARIA

1 - 1455S 1750E

2 -
3 -

CITY- GOODING

STATE- ID ZIP- 83330

PHONE - 208-934-5430

1 - 1455S 1750E

2 -
3 -

CITY- GOODING

STATE- ID ZIP- 83330

PHONE - 208-934-5430

ANDRE

JOSE G.

+ - - PRIORITY DATE - - +
01/01/1920

+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - +

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

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

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LDT RFLG COUNTY

STREAM INDEX (BLANK IF NO INDEX CODE)

05S 14E 14 SE SW SE

(47) GOODING

+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO

DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC
04 - STOCKWATER

01/01 12/31
01/01 12/31

0.040
0.070

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.070 0.0

+ - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LDT ACRES CODE

DESCRIPTION

COUNTY

05S 14E 14
05S 14E 14 SW SE

04 STOCKWATER
43 DOMESTIC

(47) GOODING
(47) GOODING

+ - - DIVERSION MEANS - WELL & PUMP

+ - - NON-IRRIGATION USE - D/1 HOUSE, S/100 COW DAIRY

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.

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

MICROFILMED
JUL 16 1994

WATER RIGHT NUMBER - A37-11061

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

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

+ - - AUDIT FIELDS - 08/22/88 WHITE 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	- 08/22/1988	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	- S001609	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP05514E148400A

DATA ENTRY

ENTERED 10-27-93

CHECKED 12/5/93

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

VERIFIED

FEB 15 1992

CERTIFIED

MAR 24 1992

WATER EXAMINER