

COPY

200 NOV 17 PM 1:15

FILED
TWIN FALLS CO., IDAHO

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

) SUBCASE NO. 37-12834
)
)
)
)

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

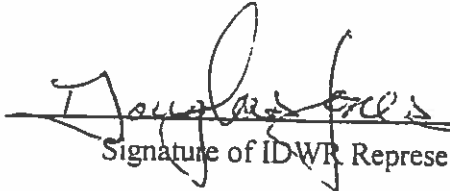
IDWR has completed the following Administrative proceeding: SUBSTITUTION OF PARTY

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:
M & M Farms Partnership
1819 E 1550 S
Gooding ID 83330
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Charles L Carpenter
Donna J Carpenter
PO Box 481
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
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

11/03/2000

RIGHT NUMBER: 37-12834

NAME AND ADDRESS: CHARLES L CARPENTER
DONNA J CARPENTER
PO BOX 481
GOODING, ID 83330

SOURCE: GROUND WATER

QUANTITY: 0.08 CFS

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

PRIORITY DATE: 09/30/1921

POINT OF DIVERSION: T05S R15E S17 SWSWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

DOMESTIC Within GOODING County
T05S R15E S17 SWSW
STOCKWATER Within GOODING County
T05S R15E S17 SWSW

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. 05S15E176000A STOCKWATER, 20 BEEF, 4 HORSES



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

CHARLES CARPENTER
DONNA CARPENTER
PO BOX 481
GOODING ID 83330

RE: SRBA Claim(s) 37-12834

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: M & M Farms Partnership

10/23/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 37-12834

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA J CARPENTER ✓ PO BOX 481 GOODING, ID 83330
Current Owner	CHARLES L CARPENTER ✓ PO BOX 481 GOODING, ID 83330
Directors Report Owner	M & M FARMS PARTNERSHIP 1819 E 1550 S GOODING, ID 83330 (208)934-4360
Original Owner	FRANCE INC 2050 E 1500 S GOODING, ID 83330 (208)934-5382

Priority Date: 09/30/1921
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	0.04 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.08 CFS		

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05S	15E	17	SW SW SW	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	15E	17		SWSW										

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	15E	17		SWSW										

Conditions of Approval:

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

I. Explanatory PARCEL NO. 05S15E176000A STOCKWATER, 20 BEEF, 4 HORSES

Comments:

Author	Date	Subject	Comment
DUNN1	11/7/93	COPIED FROM REMARKS	DWR NOTE*****TOTAL USE ALLOWED UNDER THIS CLAIM 13,000 GAL./DAY.
SOUTH2	2/11/99	COPIED FROM REMARKS	3-17-98: CHANGE OF OWNERSHIP FRANCE TO M & M FARMS (MARK AND MIKE SABALA, A PARTNERSHIP) PER NOTICE REC'D 10-15-98 - VH

Dates:

Licensed Date:
Claim Received Date: 02/07/1989
Decreed Date:
Date Filed with Court:
Objection Filed Date:
Response Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Summary	10/23/00 8:03:42 PM	fmunzenr			In Process

Other Information:

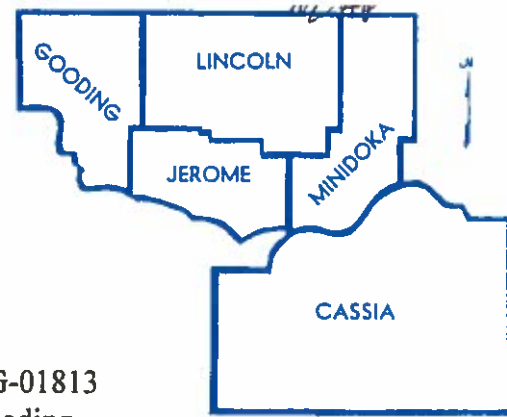
Receipt Number(s):
State or Federal: S
Water District:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Presumption Flag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Summary	10/23/00 8:01:32 PM	fmunzenr	7. (YES) Additional condition was required.

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



July 6, 2000

REFER TO: GG-01813
OFFICE: Gooding

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

RECEIVED

JUL 07 2000

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
M & M Farms to Carpenter
Cert. Mail #7099 3220 0002 6825 5224

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 # 186457
- 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 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

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

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0608 - FAX 436-1188

NCAP
RECEIVED

JUL 07 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): 37-12834 domestic right only
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 M & M Farms Partnership
1819 E 1550 S, Gooding, ID 83330
4. New Owner/Claimant(s) Charles L. Carpenter & Donna J. Carpenter
New Mailing Address P. O. box 481, Gooding, ID 83330
City, State and ZIP Code _____
New Telephone Number () _____
5. Date you acquired the property June 30, 2000
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 or Claimant(s) Charles L. Carpenter
Donna J. Carpenter
(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..

DM
10/24/00

WARRANTY DEED

#GG-01813

RECEIVED

JUL 07 2000

Department of Water Resources
Southern Region

For Value Received

M & M FARMS PARTNERSHIP

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CHARLES L. CARPENTER and DONNA J. CARPENTER, HUSBAND and WIFE
Address: P.O. BOX 481, GOODING, ID 83330

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 17: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ more particularly described as follows:

Beginning at the Southwest corner for Section 17 marked with a $\frac{1}{2}$ " (one-half inch) steel pin and survey cap;
Thence South 89°23'48" East, 33.00 feet along the Southerly boundary of Section 17 to the Easterly Right-of-Way boundary for State Highway 46 and THE TRUE POINT OF BEGINNING;
Thence South 89°23'48" East, 209.76 feet along the Southerly boundary for Section 17;
Thence North 0°01'28" West 159.24 feet to a point on the curve of a pivot sprinkler;
Thence 72.61 feet along the arc of a curve right having a radius of 670.00 feet and a chord of North 46°11'06" West 72.58 feet;
Thence departing said curve North 89°23'48" West 157.41 feet to the Easterly boundary of said State Highway 46 Right-of-Way;
Thence South 0°01'28" East 209.22 feet along said Right-of-Way to the TRUE POINT OF BEGINNING.

Parcel is subject to a 25.00 feet in width County Road Right-of-Way along the Southerly Boundary.

THIS PROPERTY IS CONVEYED DRY AND WITHOUT WATER SHARES.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

2000 and subsequent years, taxes are an accruing lien, not yet due or payable

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Right-of-way granted to Mountain States Telephone and Telegraph Company, recorded September 23, 1983 as Instrument No. 103739, records of Gooding County, Idaho.

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

Dated: June 30, 2000

M & M Farms Partnership

Mark A. Sabala
Mark A. Sabala
Shelly J. Sabala

Instrument # 186457

GOODING GOODING, IDAHO

2000-06-30

03:38:13 No. of Pages: 2

Recorded for: LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: 6.00

Diane Houser

Michael G. Sabala
Michael G. Sabala

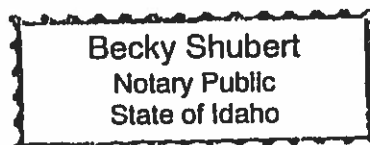
Holly J. Sabala
Holly J. Sabala

Korinne Sabala
Korinne Sabala

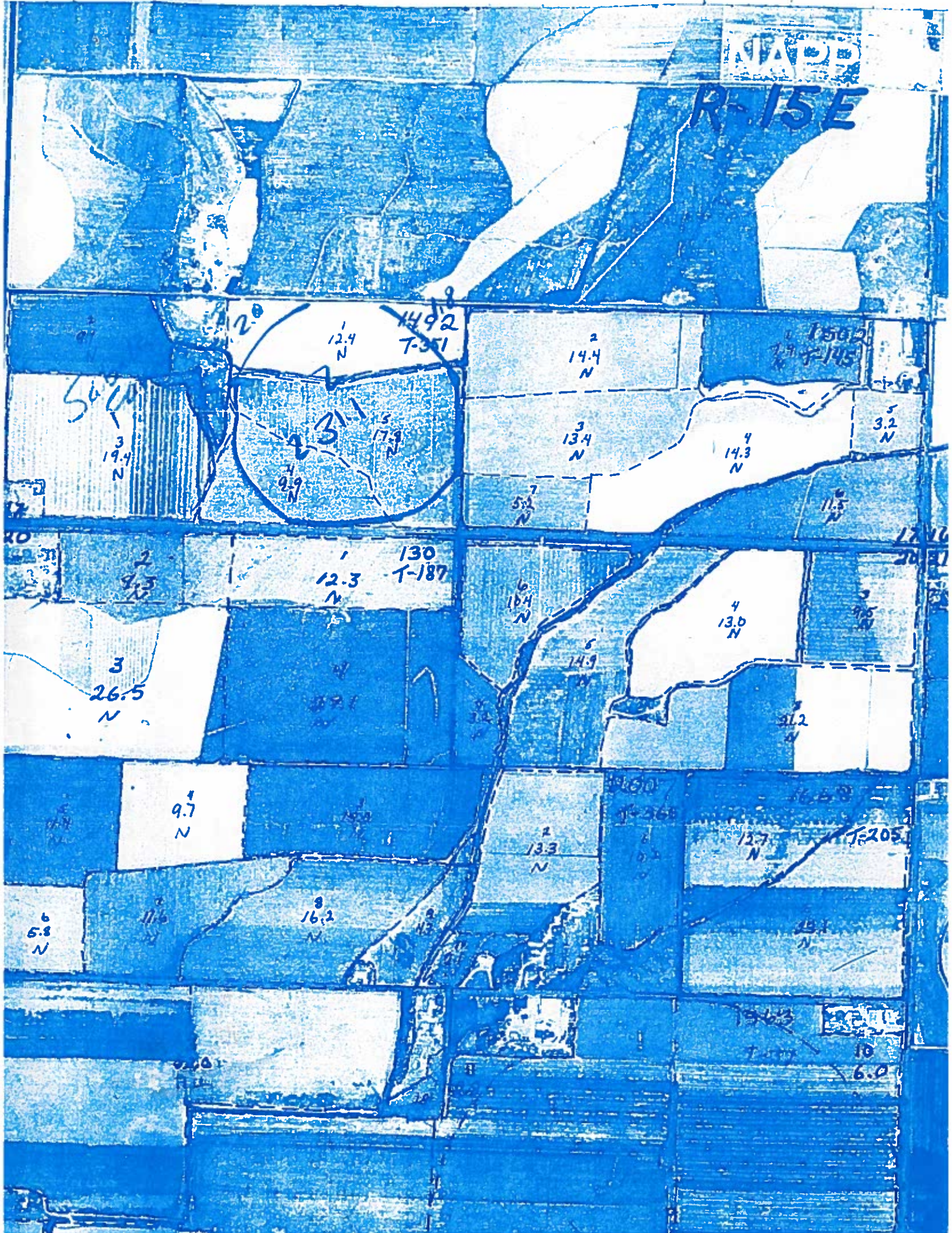
STATE OF IDAHO)
COUNTY OF Gooding) ss.

On this 30th day of June, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Mark A. Sabala, Michael G. Sabala, Holly J. Sabala and Korinne Sabala, known or identified to me to be the partner or one of the partners in the Partnership of M & M Farms Partnership, and the partner or one of the partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said Partnership name.

Becky Shubert
Notary Public
Residing at: Wendell ID
My Commission expires:
02-23-05



MAP
R-15E



AJ5809NP
 No. 37-12834

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/28/00
 PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	M & M FARMS PARTNERSHIP 1819 E 1550 S GOODING ID 83330 (208) 934-4360	09/30/1921	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.040 CFS 0.040 CFS	
TOTAL DIVERSION:					0.080 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05S R15E S17

SWSWSW

GOODING County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE									
T	R	S	:	NENE	NUNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
05S	15E	17	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	---	:	
								:					:	S				:							

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC
05S	15E	17	:																
												D							

POU County: GOODING

Non-Irrigation Uses: 1 NONE

Other Rights: NONE

Conditions of Approval:

- M11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- M13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 05S15E176000A
 STOCKWATER, 20 BEEF, 4 HORSES

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection flag:
 Presumption Flag:

Comments: Date: 11/07/1993 User-ID: DUWIN1 Subject: COPIED FROM REMARKS

RECEIVED
 JUL 07 2000
 Department of Water Resources
 Southern Region

AJ5809NP
No. 37-12834

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/28/00
PAGE: 5

Comments: Date: 11/07/1993 User-ID: DUNN1 Subject: COPIED FROM REMARKS
DWR NOTE*****TOTAL USE ALLOWED UNDER THIS CLAIM 13,000 GAL./DAY.

Date: 02/11/1999 User-ID: SOUTH2 Subject: COPIED FROM REMARKS
3-17-98: CHANGE OF OWNERSHIP FRANCE TO M & M FARMS (MARK AND MIKE
SABALA, A PARTNERSHIP) PER NOTICE REC'D 10-15-98 - VH

Audit: 11/02/93 DUNN1 11/07/93 DUNN1 03/30/95 POST-STD 08/20/97 AJU3-DSH
10/06/97 CORR2 03/17/98 VHANCOCK 03/23/98 VHANCOCK 02/11/99 SOUTH2
03/03/99 CPDSHAFF 04/05/99 ADT-DSHA

RECEIVED
JUL 07 2000
Department of Water Resources
Southern Region

Received: 6/28/00 2:48PM;
06/28/2000 14:31 2087363037

2087363037 -> LANDTITLE - GOODING -; Page 5
IDWR SOUTHERN REGION PAGE 05

Land Title and Escrow, Inc.
P. O. Box 473
Gooding, ID 83330

CERTIFIED MAIL



RECEIVED

JUL 07 2000

Department of Water Resources
Southern Region



NAME _____
1st Notice _____
2nd Notice _____
Return _____



AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-1487

RIGHT NUMBER: 37-12834

NAME & ADDRESS: *M+M FARMS o/c ✓ Oct 1/8/99*
FRANCE INC
2050 E 1500 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.08 CFS

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

PRIORITY DATE: 09/30/1921

POINT OF DIVERSION: T05S R15E S17 SWSW Within GOODING County

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

PLACE OF USE:	STOCKWATER	Within GOODING County
	T05S R15E S17	SWSW
	DOMESTIC	Within GOODING County
	T05S R15E S17	SWSW

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. 05S15E176000A
STOCKWATER, 20 BEEF, 4 HORSES

Reviewed by: LW
1103

D
7-29-98

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: A37-12834
Date Received: 2/ 7/1989
Receipt No: S006237
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: M & M FARMS PARTNERSHIP
Address: 1819 E 1550 S
GOODING ID 83330 208-934-4360

2. Date of Priority: SEP 30, 1921

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	17	SW	SW	SW		GOODING

5. Description of diverting works:
160' WELL, 3/4 HP 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	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE S/20 BEEF, 4 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	17	SW	SW		DOMEST	
			SW	SW		STOCK	

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:

DWR NOTE*****TOTAL USE ALLOWED UNDER THIS CLAIM 13,000 GAL./DAY.

3-17-98: CHANGE OF OWNERSHIP FRANCE TO M & M FARMS (MARK AND
MIKE SABALA, A PARTNERSHIP) PER NOTICE REC'D 10-15-97 - VH

15. Basis of Claim: BENEFICIAL USE



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 17, 1998

M & M FARMS
Mark Sabala and Mike Sabala
1819 East 1550 South
Gooding, Idaho 83330

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A37-12934
Change of Ownership Notification

Dear Claimants:

Thank you for your prompt reply to my request for additional information concerning the ownership change on the above referenced Adjudication claim; our records have been updated to reflect that you are the current owner. The enclosed copies are for your records, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
S.R.B.A. Records Clerk

ENCLOSURES

RECEIVED

OCT 15 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

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.

Water Right No(s).: AIR

Adjudication Claim No(s).: A37-12834

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.

Name and Address of Former
Owner/Claimant

France, Inc.
2050 East, 1500 South Gooding, ID 83330

New Owner/Claimant(s)

M+M Farms

New Mailing Address

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
1819 East, 1550 South

City, State and ZIP Code

Gooding, ID 83330

New Telephone Number

(208) 934-4360

Date you acquired the property

03/09/95

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 20 Beef / 4 Horses

Diversion rate in CFS _____

Number of homes 1

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.

Signature of New Owner
or Claimant(s)

M+M Farms By Mark Sabala

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

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..



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

February 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

MAR 09 1998

Department of Water Resources
Southern Region

M & M Farms
Mark Sabala
1819 East 1550 South
Gooding, Idaho 83330

RE: SRBA CLAIM(S): A37-12634

Dear Mr. Sabala:

Thank you for notifying us of the change of ownership for the above-referenced Snake River Basin Adjudication claim(s). In reviewing your request for change of ownership, however, I have found that there is a lack of documentation linking you to the original claimant for your water right. Please provide the following at your earliest convenience:

A copy of a recorded Deed, Contract of Sale, Title Policy or other legal document indicating you are the current owner of the property, which includes a legal description of the property. The Closing Escrow Instructions, which you submitted with the Notice of Change, does not meet our requirements. Also, a map of the property, preferably with Township, Range and Section indicated is desirable for us to properly locate the land in question.

Your prompt attention to this matter will be greatly appreciated, as your claim cannot be processed until all the information has been received. If you have any questions, please feel free to call me at this office.

Sincerely,

Vikie Hancock
S.R.B.A. Records Clerk



CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

France, Inc.,

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

M & M Farms Partnership

whose address is: 1550 South 1819 East, Gooding, ID 83330
grantee, the following described real estate, to-wit:

Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho

Section 17: S1/2SW1/4, EXCEPT a strip of land for highway purposes as set forth in Deed to State of Idaho dated November 10, 1933, recorded July 17, 1934 in Book 25 of Deeds, Page 390.

TOGETHER with 80 shares of Big Wood Canal Company water.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it 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 9th day of March, 1995.

160510

France, Inc.

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

51 min. past 3 o'clock p.m. this 9
of Mar 1995 3:00

Vern France, President

HELEN A. PAOLI, Recorder

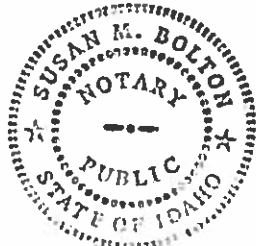
By Adriana Siles Deputy

STATE OF IDAHO)

: ss

COUNTY OF Gooding)

On This 9 day of March, in the year 1994, before me, a Notary Public in and for said State, personally appeared Vern France, known or identified to me to be the President of France, Inc., 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.



Susan M. Bolton
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10-16-98

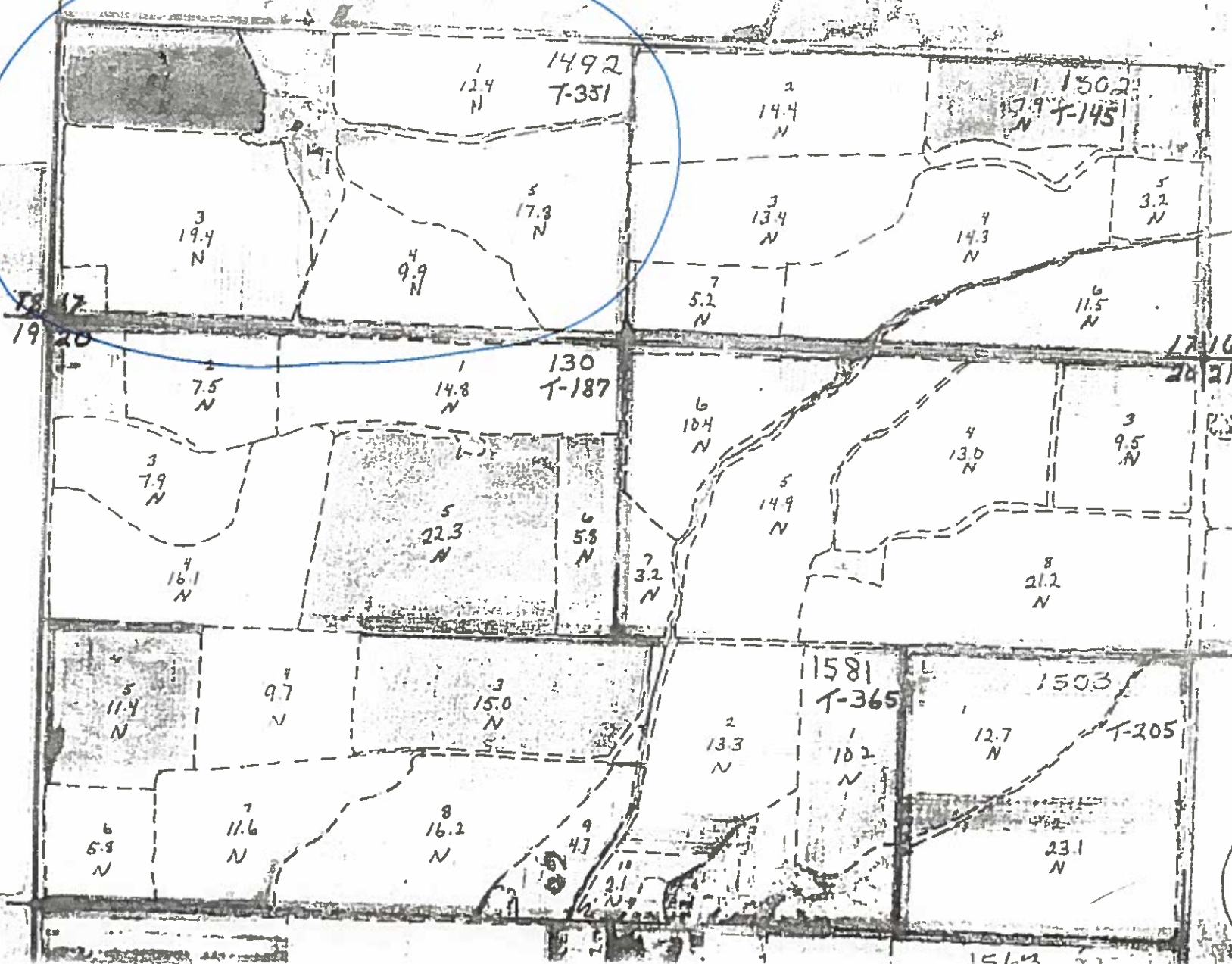
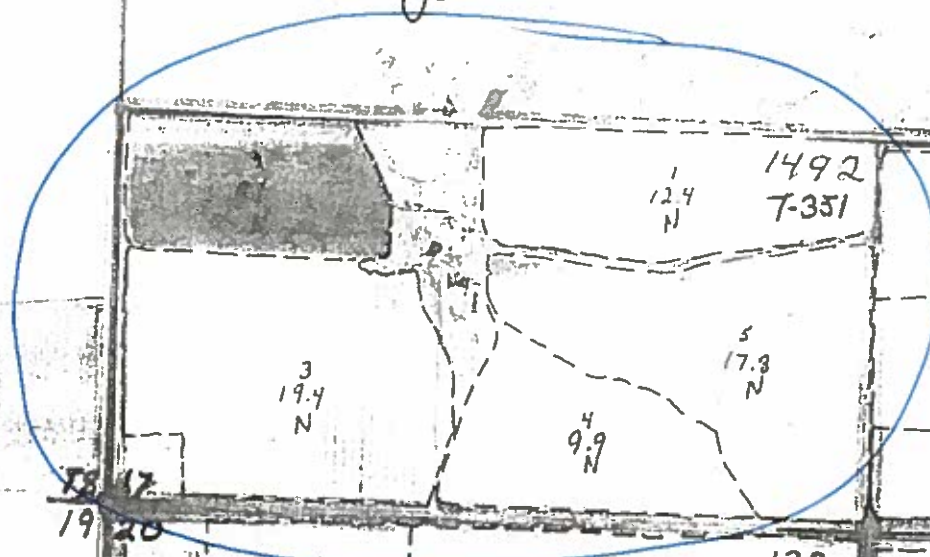
First American Title Company of Idaho

RECEIVED

MAR 09 1998

Department of Water Resources
Southern Region

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RECEIVED

MAR 09 1998

Department of Water Resources
Southern Division

FIRST AMERICAN TITLE COMPANY

342 Main Street
P.O. Box 446
Gooding, ID 83330
(208) 934-4427

CLOSING ESCROW INSTRUCTIONS

DATE OPENED 3/09/95

ESCROW NO. E-002473

ORDER NO. G-003313

BUYER Pioneer 1031 Company

TO: FIRST AMERICAN TITLE COMPANY, GOODING, IDAHO

I hereby agree to purchase the hereinafter described property for a total consideration of \$ ~~22,000.00~~, and will on or before 3/09/95 hand you said consideration, which is payable as follows:

~~\$22,000.00~~ purchase price plus Buyer's share of closing costs on date of closing

I will deliver to you any additional funds and execute any instruments which are necessary to comply with the terms hereof, all of which you may use when you hold for me

a Warranty Deed executed by Vern France as president of France, Inc.

and when you can issue your standard coverage form policy of title insurance with liability of \$ ~~22,000.00~~, on the property described on attached Order No. G-003313.

SHOWING TITLE VESTED IN M & M Farms, a General Partnership

FREE OF ENCUMBRANCES EXCEPT:

1. Paragraphs 1-6 & 2-7 of Schedule B of Commitment for Title Insurance, Order No. G-003313, a copy of which is attached hereto.

2. Deed of Trust (or Mortgage) of record securing a note with an unpaid balance of ~~\$22,000.00~~, in favor of Northwest Farm Credit Services, ACA.

3. Other:

OTHER INSTRUCTIONS:

Buyer and Seller will share the closing fee equally and Seller will pay the title insurance fee.

FIRST AMERICAN

CLOSING ESCROW INSTRUCTIONS, Page 2

ESCROW NO E-002473

ORDER NO G-003313

PRORATE AND/OR ADJUST THE FOLLOWING AS OF 3/09/95:

1. Taxes based on the amount of the last tax statement of the Tax Collector issued prior to the close of escrow. (If the amount of the new tax bill issued by the Tax Collector after close of escrow is more or less than the amount used for proration purposes, the difference, if any, will be adjusted by the parties herein outside of escrow.) Sellers are to forward to buyers any present or future tax bills on property herein.
2. Insurance (including FHA mortgage insurance, if any)
3. Interest on all existing trust deeds, improvements assessments and/or bonds taken over by buyers.
4. Rental per rent statement handed you.
5. Charge the buyer and credit the seller the amount of any funds held in an impound account, if any, in connection with an existing loan.

You are to hold for me 80 shares of water stock of the Big Wood Canal Company.

I hereby agree to hold you harmless from the failure of the transfer of water to myself regardless of the reason or cause. The transfer of water is being done as an accommodation for me. I understand that you have not made a search of the water rights to this land. I further understand that you are not making any representation and warranty concerning said water rights.

I hereby agree to pay any charges including usual Buyers escrow fee and any advances and expenses that are property chargeable to me regardless of the consummation of this escrow. At the close of escrow, you are to deliver all documents, etc., to the persons entitled thereof.

GENERAL PROVISION

All disbursements shall be made by your check. All funds received in this escrow shall be deposited in one or more of your general escrow accounts with any bank doing business in the State of Idaho and may be transferred to any other general escrow account or accounts. Upon specific instructions from all parties to this escrow, you may hold funds as otherwise instructed herein.

The expression "close of escrow" means the date on which instruments referred to herein are filed for record unless otherwise indicated herein.

Recordation of any instruments delivered through this escrow, if necessary or property in the issuance of a policy of title insurance called for, is hereby authorized.

You are to furnish a copy of these instructions, amendments thereto, closing statements and/or any other documents deposited in this escrow, to the lender or lenders, the real estate broker or brokers and/or the attorney or attorneys involved in this transaction upon request of such lenders, brokers or attorneys.

Should you, before or after close of escrow, receive or become aware of any conflicting demands or claims with respect to this escrow or the rights of any of the parties hereto, or any money or property deposited herein or affected hereby, you shall have the right to discontinue any or all further acts on your part until such conflict is resolved to your satisfaction, and you shall have the further right to commence or defend any action or proceedings for the determination of such conflict.

The parties hereto jointly and severally agree to pay all costs, damages, judgments and expenses, including reasonable attorney's fees suffered or incurred by you in connection with, or arising out of this escrow, including, but without limiting the generality of the foregoing, a suit in interpleader brought by you.

If any party to this escrow selects to cancel these instructions because of the failure of any party to comply with any of the terms hereof within the time limits provided herein, said party so electing to cancel shall deliver to escrow agent a written notice to the other party and escrow agent demanding that said other party comply with the terms hereof within ten days from the receipt of said notice by escrow agents that these instructions shall hereupon become cancelled. When the written notice is delivered to escrow agent by the party so electing to cancel, escrow agent shall within five days thereafter send a copy of said notice to the other party in the manner provided by law and the usual practices of the escrow agent.

In the event said other party shall fail within said ten day period to comply with all of the terms hereof, these instructions shall become cancelled and escrow agent is thereupon authorized: (a) first, to pay to the party electing to cancel any earnest money deposited hereunder by said other party, after deducting any charges; (b) second, to pay to said other party, any other money deposited hereunder by said other party, after deducting any charges remaining unpaid; (c) third, to pay to the party electing to cancel, any money deposited by said party, after deducting any charges remaining unpaid; and (d) fourth, to return all documents deposited hereunder to the party who delivered the same except documents executed by more than one party, which shall be marked "cancelled" and retained in the files of escrow agent.

Both Seller and Buyer acknowledge by their signatures hereon the following: I have been specifically informed that First American Title Company (hereinafter designated as "First American") is not licensed to practice law and no legal advice has been offered by First American or any of its employees. I have been further informed that First American is acting only as escrow holder and that it is forbidden by law from offering any advice to any party respecting the merits of this escrow transaction or the nature of the instruments utilized, and that it has not done so. I have not been referred by First American to any named attorney or attorneys or discouraged from seeking advice of any attorney, but have been requested to seek legal counsel of my own choosing at my own expense, if I have doubt concerning any aspect of this transaction.

I further declare all instruments to which I am a party, if prepared by First American, have been prepared under the direction of my attorney or myself, and particularly declare that copying legal descriptions from title reports onto forms of deeds, etc., or reforming of legal descriptions or agreements is, or will be solely at my direction or request.

I have been afforded adequate time and opportunity to read and understand these escrow instructions and all other documents referred to therein.

Any amendments of and/or supplement to any instructions must be in writing. If any "Earnest Money Agreements", "Receipt and Agreements to Purchase" or the like are attached to these instructions and one or more terms of said agreements conflict with or vary from these instructions, these instructions shall nevertheless, control.

The Seller agrees to sell and the Buyer agrees to buy the property herein described upon the terms hereof.

AMENDMENT TO GENERAL PROVISIONS Discloser of Taxpayer Identification Numbers

Internal Revenue Code 6109(h) imposes requirements for furnishing, disclosing and including taxpayer identification numbers in tax returns on the parties to a residential real estate transaction involving seller-provided financing. The parties understand that the disclosure reporting requirements are exclusive obligations between the parties to this transaction and that First American Title Company is not obligated to transmit the taxpayer identification numbers to the Internal Revenue Service or to the parties. First American Title Company is not rendering an opinion concerning the effect of this law on this transaction, and the parties are not acting on any statements made or omitted by the escrow or closing officer.

To facilitate with this law, the parties to this escrow hereby authorize First American Title Company to release any party's taxpayer identification number to any requesting party who is a party to this transaction. The requesting party shall deliver a written request to escrow. The parties hereto waive all rights of confidentiality regarding their respective taxpayer identification numbers and agree to hold First American Title Company harmless against any fees, costs, or judgments incurred and/or awarded in connection with the release of taxpayer identification numbers.

REVIEWED AND APPROVED:

Mark Sabala
Mark Sabala, Partner
Mike Sabala
Mike Sabala, Partner

Pioneer 1031 Company

FIRST AMERICAN

CLOSING ESCROW INSTRUCTIONS, Page 4

ESCROW NO. E-002473

ORDER NO. G-003313

SELLER: France, Inc., a Corporation

I/We approve of the foregoing instructions, agree to be bound thereof, and agree to sell and will deliver to you papers, instructions and/or funds required from me within the time limits specified herein, which you are authorized to deliver when you can issue your policy of title insurance as set forth above. You are instructed to use the money and record the instructions to comply with said escrow instructions and to pay all encumbrances of record necessary, without further approval including prepayment penalties to show title as herein provided. I agree to pay your usual sellers escrow fee, drawing of documents and such other charges which are advanced for my account regardless of the consummation of this escrow. I also agree to pay the policy of title insurance premium and recording fees which are properly chargeable to me.

At the close of this transaction, you are authorized to pay commissions as follows:

There are no real estate agents due a commission on this sale.

At the close of this escrow, you are to mail any documents and your check or checks payable to:

France, Inc.


Vern France, President of
France, Inc.

ADDRESS: 2050 E 1500 S.

Provo, Ut 83330

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: A37-12834
Date Received: 2/07/1989
Receipt No: S006237
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCE, INC. 208-934-5382
Address: 2050 E. 1500 S.
GOODING, ID 83330

2. Date of Priority: SEP 30, 1921

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	17	SW	SW	SW		GOODING

5. Description of diverting works:
160' WELL, 3/4 HP 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	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE S/20 BEEF, 4 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	17	SW	SW		DOMEST	
			SW	SW		STOCK	

A37-12834

Page 1

Date: 02/07/89

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MAR 01 1993

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

NONE

14. Remarks:

DWR NOTE*****TOTAL USE ALLOWED UNDER THIS CLAIM 13,000 GAL./DAY.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

*Alson
House*

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 A37-12834

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

SEP 2 1988

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) FRANCE, INC. Phone (208) 934-5382Mailing Address 2050 E, 1500 S, Gooding, Idaho Zip 833302. Date of Priority (Only one (1) per claim) September, 19213. Source of water supply (a) ground water
which is tributary to (b) _____4. Location of point of diversion is: Township 5 S Range 15 ESection 17, SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,County of Gooding

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 160' deep, 8/4 hp pump
de/240 V

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

(Both dates are inclusive)

For domestic purposes from Jan 1 to Dec. 31 amount .04 (cfs)For stockwater purposes from Jan 1 to Dec. 31 amount .047. Total quantity claimed .08 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) 1 household, 4 horses, 20 head beef cattle

MICROFILMED
Copies: White-Salt, Yellow-Lamman

MAR 01 1993

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
55	15E	17											D+S					

11. In which county (ies) are lands listed above as place of use located? Gooding

12. Do you own the property listed above as place of use? Yes x No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (x)

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use x Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President
of _____ Title
FRANCE, INC. , that I have signed the foregoing
Organization
document in the space below as _____ President of _____ FRANCE, INC.
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Chris France
Title and Organization _____ President, France, Inc. Date 9-1-88

State of Idaho/or _____)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public Henry Morrison

Residing at Gooding, Idaho 83330

My Commission Expires 5-1-88

Last Name FRANCE, INC Ident No. _____

MICROFILMED
Copies: White, Blue, Yellow, Claimant

MAR 01 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

MICROFILMED
NOV 27 1996

