

09/02/2008

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

RIGHT NUMBER: 1-23A

NAME AND ADDRESS: SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 77.900 CFS
6,725.00 AFY

The annual volume diverted under this right is limited to 6725 acre feet except that any water diverted during flood control operations that result in a release of water past Milner Dam shall not be charged against the seasonal volume limitation.

PRIORITY DATE: 02/06/1895

Use of this right shall be subordinate to all water rights having a priority date earlier than March 21, 1997 diverting from Snake River in the Neeley to Milner reach except to the extent that water available under this right at the Aberdeen Springfield Canal diversion is specifically identified and shown to be delivered in the Neeley-Milner reach.

POINT OF
DIVERSION:

T09S R25E S1 SWSESW Within CASSIA County
T10S R21E S29 SWNESE Lot 8 Within TWIN FALLS County
T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	77.900 CFS 6,725.00 AFY

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the boundary of Southwest Irrigation District pursuant to Section 43-323, Idaho Code.

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

This water right is not entitled to call on ground water rights.

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.

This right was originally diverted above Blackfoot before it was acquired by Southwest Irrigation District and transferred downstream to the current points of diversion at Milner Dam and Minidoka Dam. Accordingly, the source of supply for this water right is water arising above Blackfoot.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The Director of the Department of Water Resources retains jurisdiction to determine and assess a delivery loss to prevent injury to existing water rights in Water District 01.

This right does not grant any easement or right-of-way to use diversion and delivery facilities owned by persons other than the right owner.

Water is delivered through Minidoka South Side Canal, Twin Falls Canal, and Milner Irrigation Pumps.

Diversion and use of water under this right shall be regulated by the watermaster of State Water District 01 (Upper Snake River).

08/16/2005

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

RIGHT NUMBER: 1-23A
NAME AND ADDRESS: SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY ID 83318

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 77.900 CFS
6,725.00 AFY

The annual volume diverted under this right is limited to 6725 acre feet except that any water diverted during flood control operations that result in a release of water past Milner Dam shall not be charged against the seasonal volume limitation.

PRIORITY DATE: 02/06/1895

Use of this right shall be subordinate to all water rights having a priority date earlier than March 21, 1997 diverting from Snake River in the American Falls to Milner reach except to the extent that water available under this right at the Aberdeen Springfield Canal diversion is specifically identified and shown to be delivered in the American Falls-Milner reach.

POINT OF DIVERSION:
T09S R25E S1 SWSESW Within CASSIA County
T10S R21E S29 SWNESE Lot 8 Within TWIN FALLS County
T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	77.900 CFS 6,725.00 AFY

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the boundary of Southwest Irrigation District pursuant to Section 43-323, Idaho Code.

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 - Decreed

The Director of the Department of Water Resources retains jurisdiction to determine and assess a delivery loss to prevent injury to existing water rights in Water District 01.

This right does not grant any easement or right-of-way to use diversion and delivery facilities owned by persons other than the right owner.

Water is delivered through Minidoka South Side Canal, Twin Falls Canal, and Milner Irrigation Pumps.

Diversion and use of water under this right shall be regulated by the watermaster of State Water District 01 (Upper Snake River).

William A. Parsons
PARSONS, SMITH & STONE, LLP
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318
Telephone: (208) 878-8382
Fax: (208) 878-0146
Idaho State Bar #849
Attorneys for Southwest Irrigation District
(SOUTHWSRBANOA.wpd)

OCT 12 2006

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) A. Subcase: 01-00023 A
Case No. 39576) **NOTICE OF APPEARANCE**

NOTICE IS HEREBY given that William A. Parsons of Parsons, Smith and Stone, LLP, P. O. Box 910, Burley, Idaho 83318 appears for Southwest Irrigation District. The fax number is (208) 878-0146 and the phone number is (208) 878-8382. E-mail: wparsons@pmt.org.

DATED this 10 day of October 2006.

PARSONS, SMITH & STONE, LLP



William A. Parsons
Attorneys for Southwest Irrigation
137 West 13th Street
P. O. Box 910
Burley, Idaho 83318

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
LANCE A. LOVELAND
DAVID F. SHIRLEY

PARSONS, SMITH & STONE, LLP
ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

RECEIVED

SEP 16 2005

Department of Water Resources
TELEPHONE
(208) 878-8382
FAX NO.
(208) 878-0146
pss@pmt.org

September 13, 2005

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

RE: Southwest Irrigation District
Our File No. 151

Gentlemen:

Enclosed, for your information, are copies of the following documents which have been recorded in Cassia County:

1. Petition to Exclude Lands From Irrigation District; and
2. Resolution Excluding Lands From Irrigation District.

Should you have any questions, please contact me.

Very truly yours,

PARSONS, SMITH & STONE, LLP

MAILED WITHOUT SIGNATURE
TO AVOID DELAY

William A. Parsons

WAP:sw
Enc.

RECEIVED
SEP 14 2005
Department of Water Resources
Southern Region

SCANNED

304032

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

RECORDER
FEE 9.00 DEPUTY Bm

2005 SEP 9 PM 4 23

RECORDED AT THE REQUEST OF
Parsons, Smith

RECEIVED

SEP 14 2005

Department of Water Resources
Southern Region

1 William A. Parsons
2 **PARSONS, SMITH & STONE, LLP**
3 137 West 13th Street
4 P. O. Box 910
5 Burley, ID 83318
6 Telephone: (208) 878-8382
7 Fax: (208) 878-0146
8 Idaho State Bar #849
9 (SOUTHW2005PetitionExclude.wpd)

10 IN THE MATTER OF:

11 SOUTHWEST IRRIGATION DISTRICT.

)
)
) PETITION TO EXCLUDE LANDS
) FROM IRRIGATION DISTRICT
)
)

12
13
14 TO: Southwest Irrigation District
15 137 West 13th Street
16 Burley, Idaho 83318

17 Goose Creek Irrigation District, on behalf of the landowners within the duly
18 organized Irrigation District, petitions Southwest Irrigation District for exclusion of the
19 lands described on attached Exhibit A from Southwest Irrigation District on the grounds
20 and for the reasons:

21 a. The lands are currently in the Southwest Irrigation District and
22 Goose Creek Irrigation District and the exclusion would eliminate the lands from being
23 in two irrigation Districts.

24 b. The owners of the lands have installed a good and sufficient water
25 system independent of the water system of such Irrigation District for the irrigation of
26

PETITION TO EXCLUDE LANDS FROM IRRIGATION DISTRICT - 1

lands because Southwest Irrigation District does not own sufficient water right to furnish an adequate water supply for these lands.

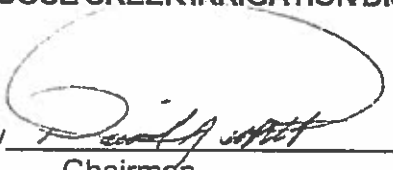
c. The lands sought to be excluded are not benefitted by the water rights of Southwest Irrigation District and the exclusion will be for the best interest of the owner of the land proposed to be excluded and of other lands in the District.

d. The exclusion of the lands will likewise be in the best interest of the landowners in the administration and management of water.

e. No mortgage or other person holding liens of record in the County where the land where the exclusion is requested requires consent.

DATED this 9 day of August, 2005.

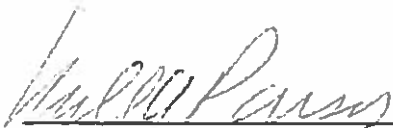
GOOSE CREEK IRRIGATION DISTRICT

By 
Chairman

STATE OF IDAHO)
) ss
County of Cassia)

On this 9th day of August, in the year 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAVID PICKETT**, known or identified to me to be the Chairman of Goose Creek Irrigation District whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of Goose Creek Irrigation District.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for Idaho
Residing at Burley
My Commission Expires: 7/24/2007

LANDS TO BE EXCLUDED FROM THE SOUTHWEST IRRIGATION DISTRICT:

Township 12 South, Range 22 East Boise Meridian, Cassia
County, Idaho:

Section 17: All
Section 19: All
Section 20: All
Section 22: S½
Section 23: S½ and NE¼
Section 24: SW¼
Section 25: W½SW¼, W½E½ SW¼, NW¼
Section 26: All
Section 27: N½ and SE¼
Section 29: E½NW¼, NE¼, SE¼
Section 34: NE¼NE¼, S½NE¼, S½
Section 35: All

Township 13 South, Range 22 East Boise Meridian, Cassia
County, Idaho:

Section 2: All
Section 3: E½NW¼, SW¼, SE¼, NE¼
Section 10: All
Section 11: All
Section 14: NW¼
Section 15: N½; SE¼
Section 22: E½
Section 27: E½

Township 12 South, Range 21 East Boise Meridian, Cassia
County, Idaho:

Section 23: All
Section 24: All
Section 25: E½
Section 36: S½

Township 13 South, Range 21 East Boise Meridian, Cassia
County, Idaho:

Section 1: N½
(SOUTHWA2005Boundaries.wpd)

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William A. Parsons
PARSONS, SMITH & STONE, LLP
137 West 13th Street
P. O. Box 910
Burley, ID 83318
Telephone: (208) 878-8382
Fax: (208) 878-0146
Idaho State Bar #849
(SOUTHW2005ResolutionExclude.wpd)

304033

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

RECORDER
FEE 9.00 DEPUTY bm

2005 SEP 9 PM 4 24

RECORDED AT THE REQUEST OF
Parsons, Smith

IN THE MATTER OF:

SOUTHWEST IRRIGATION DISTRICT.

)
)
) RESOLUTION EXCLUDING LANDS
) FROM IRRIGATION DISTRICT
)
)

WHEREAS a Petition was presented to the Directors of Southwest Irrigation District seeking to have certain lands in Cassia County, Idaho, excluded from the District by Goose Creek Irrigation District on behalf of landowners within Goose Creek Irrigation District, and

WHEREAS the Board of Directors of Southwest Irrigation District accepts the facts as alleged in the Petition for exclusion, and

WHEREAS the Board of Directors of Southwest Irrigation District believes it is in the best interest of the landowners in Goose Creek Irrigation District and Southwest Irrigation District that the Petition should be granted and that the lands sought to be excluded be thereby excluded.

NOW, THEREFORE, pursuant to Idaho Code § 43-1104 the lands described on

Exhibit A are excluded from the boundaries of Southwest Irrigation District.

DATED this 9 day of August, 2005.

SOUTHWEST IRRIGATION DISTRICT

By Grant Wyatt
Chairman

STATE OF IDAHO)
County of Cassia) ss

On this 9th day of August, in the year 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **GRANT WYATT**, known or identified to me to be the Chairman of Southwest Irrigation District whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of Southwest Irrigation District.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO

William A. Parsons
Notary Public for Idaho
Residing at Burley
My Commission Expires: 7/20/2010

LANDS TO BE EXCLUDED FROM THE SOUTHWEST IRRIGATION DISTRICT:

Township 12 South, Range 22 East Boise Meridian, Cassia
County, Idaho:

Section 17: All
Section 19: All
Section 20: All
Section 22: S $\frac{1}{2}$
Section 23: S $\frac{1}{2}$ and NE $\frac{1}{4}$
Section 24: SW $\frac{1}{4}$
Section 25: W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$
Section 26: All
Section 27: N $\frac{1}{2}$ and SE $\frac{1}{4}$
Section 29: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$
Section 34: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
Section 35: All

Township 13 South, Range 22 East Boise Meridian, Cassia
County, Idaho:

Section 2: All
Section 3: E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$
Section 10: All
Section 11: All
Section 14: NW $\frac{1}{4}$
Section 15: N $\frac{1}{2}$; SE $\frac{1}{4}$
Section 22: E $\frac{1}{2}$
Section 27: E $\frac{1}{2}$

Township 12 South, Range 21 East Boise Meridian, Cassia
County, Idaho:

Section 23: All
Section 24: All
Section 25: E $\frac{1}{2}$
Section 36: S $\frac{1}{2}$

Township 13 South, Range 21 East Boise Meridian, Cassia
County, Idaho:

Section 1: N $\frac{1}{2}$
(SOUTH2005Boundaries.wpd)

EXHIBIT A
to Resolution Excluding Lands - SWID - Goose Creek

01-00023A

Southwest Irrigation Dist.

Draft Resolution Digital Boundary

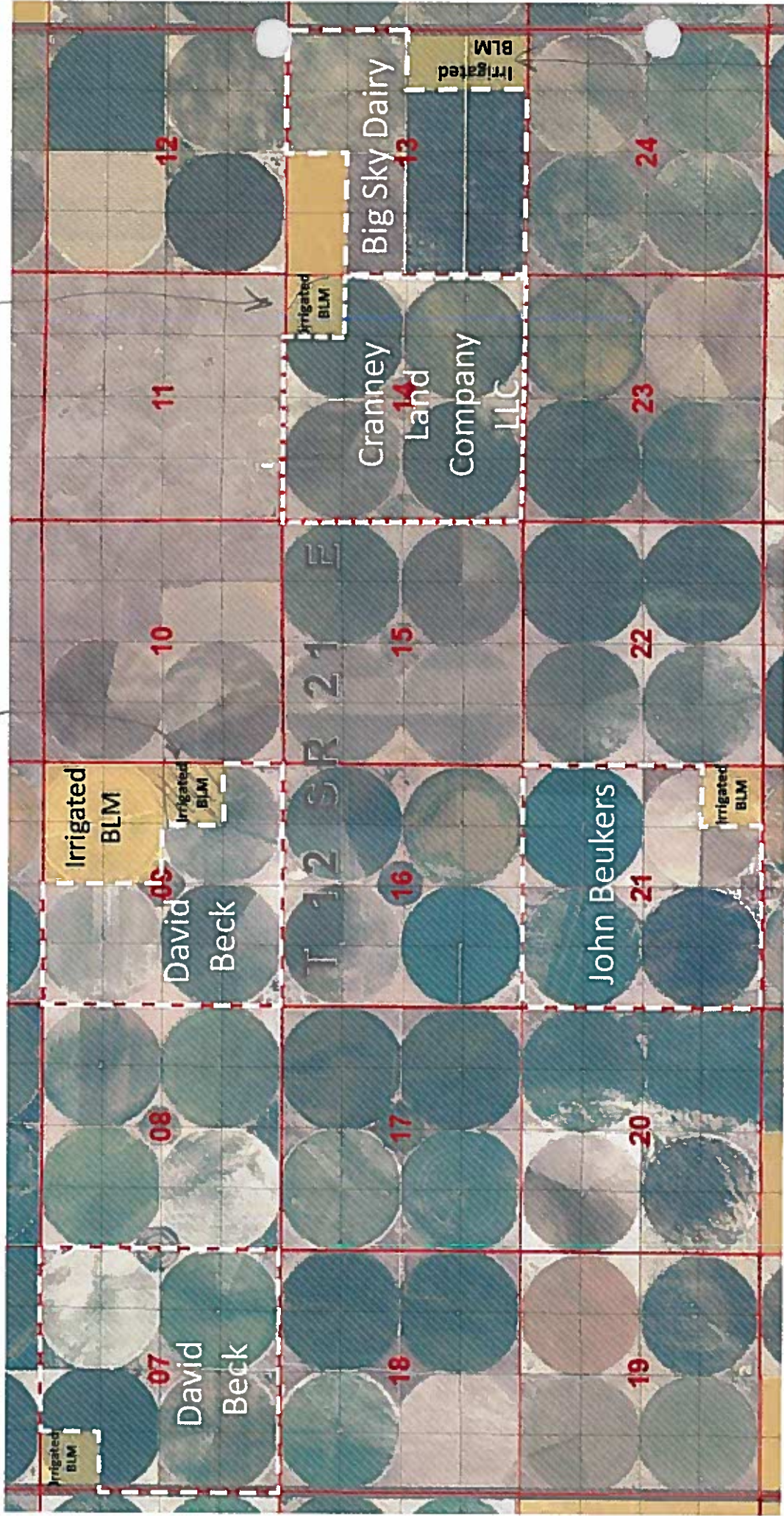
Version 3



1:55,409



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



45-13446
USA

45-13786
USA

45-13586
USA

45-13544
USA

45-73408
USA

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: August 2005

SOUTHWEST IRRIGATION DIST

Service Area Boundary

Water Right No. 01-23A



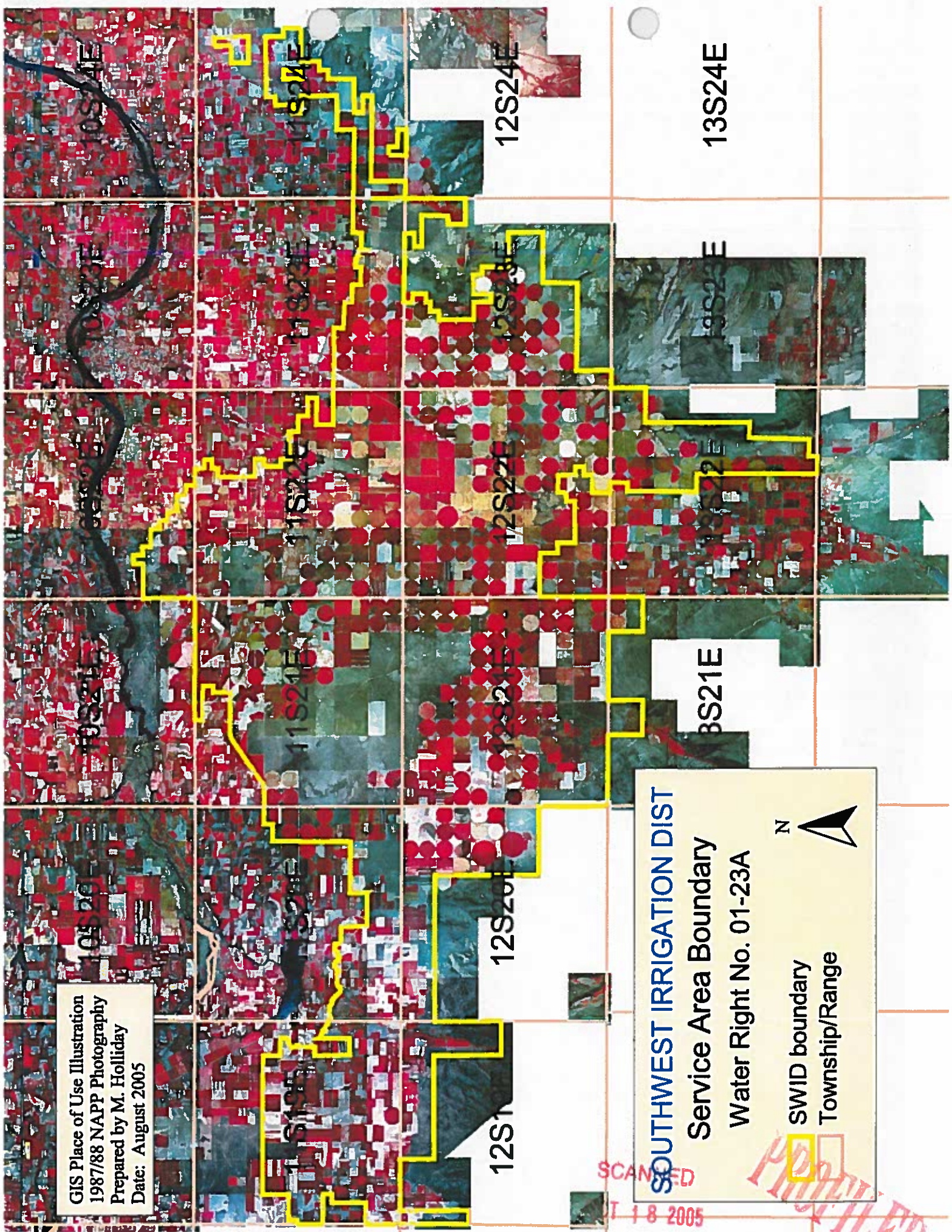
SWID boundary
Township/Range



SCANNED

AUG 18 2005

PROTECTED



TRANSMITTAL COVER SHEET

TO: Jennifer
IDWR - Eastern

TOTAL PAGES SENT: 3
(including cover sheet)

DOCUMENT DESCRIPTION: 01-23 A DOCS

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

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

Please consider this document as a billing statement.

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

SENDER: Vikie at Southern

COMMENTS: _____

PROFILED
SCANNED

OCT 07 2004

Twin Falls County, Idaho

Requested for:

PARSONS, SMITH & STONE

09:25am

Aug. 23, 2004

2004-018227

No. of Pages: 2 Fee: \$6.00

KRISTINA GLASCOCK

County Clerk

Deputy: CM

RESOLUTION

WHEREAS, Gerald J. Sievers and Wanda L. Sievers, individually, and as Trustees, own lands in Twin Falls County, Idaho, petitioned the Southwest Irrigation District to have their lands excluded from the Southwest Irrigation District, and

WHEREAS, Gregory Sievers and Stephanie Sievers, husband and wife, own lands in Twin Falls County, Idaho, petitioned the Southwest Irrigation District to have their lands excluded from the Southwest Irrigation District, and

WHEREAS, the Board of Directors of Southwest Irrigation District determined that the lands should be excluded from the Southwest Irrigation District, and

WHEREAS, the Board of Directors of Southwest Irrigation District determines that no hearing was necessary pursuant to Idaho Code § 43-1104, and

WHEREAS, the facts of the petition and requests are true and therefore,

BE IT RESOLVED by the Board of Directors of Southwest Irrigation District that the following lands are excluded from the Southwest Irrigation District pursuant to Idaho Code § 43-1104, effective January 1, 2004.

TWIN FALLS COUNTY:

Township 11 South, Range 20 East, EBM
Section 30, Southeast Quarter Northeast Quarter (SE1/4 NE 1/4) and Northeast Quarter Southeast Quarter (NE 1/4 SE 1/4)

Section 29, North one half Northwest Quarter (N1/2 NW 1/4).

also identified on the Twin Falls County Tax Rolls as RP11S20E301800A and RP11S20E292400A.

SCANNED

OCT 07 2004

RESOLUTION - 1

PROFILED

DATED this 8 day of August, 2004.

SOUTHWEST IRRIGATION DISTRICT

[Signature]
Director

[Signature]
Director

[Signature]
Director

SCANNED

OCT 07 2004

PROFILED

CERTIFICATE OF TRUE COPY

I, **RANDY BROWN**, Secretary of Southwest Irrigation District, do hereby certify that the foregoing Resolution is a true and correct copy of the Resolution duly adopted by the Southwest Irrigation District.

DATED this 18th day of August, 2004.

[Signature]
Secretary

STATE OF IDAHO)

) ss.

County of Cassia)

On this 18th day of August, in the year 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **RANDY BROWN**, known or identified to me to be the Secretary of **SOUTHWEST IRRIGATION DISTRICT**, 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.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO

(SOUTHWSieversResolution.wpd)

[Signature]
Notary Public for Idaho

Residing at [Signature]My commission expires on 7/20/2010**RESOLUTION - 2 RECEIVER****AUG 25 2004**Department of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 31, 2002

SCANNED
OCT 07 2004

SOUTHWEST IRRIGATION DISTRICT
C/O WILLIAM A PARSONS
PO BOX 668
BURLEY ID 83318

PROFILED

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 01-23

Dear Mr. Parsons:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

01-23A, 77.9 CFS, SOUTHWEST IRRIGATION DISTRICT
01-23B, 1172.1 CFS, ABERDEEN SPRINGFIELD CANAL CO.

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

cc: Aberdeen Springfield Canal Co.

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

SCANNED
OCT 07 2004

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Transfer Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
01-00023	4859	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

FILED

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Name and Address of Former
Owner/Claimant(s)

Canyon View Irrigation Company, Inc.

New Owner/Claimant(s)

Southwest Irrigation District

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P. O. Box 668

City, State and ZIP Code

Burley, ID 83318

New Telephone Number

(208) 878-8382

Date you acquired the property

January 18, 2002

279347 WATER RIGHT QUITCLAIM DEED

For value received, and pursuant to the obligation arising from the Water Right Purchase Agreement dated April 19, 1996, Canyon View Irrigation Company, Inc., an Idaho corporation ("Grantor"), hereby conveys, grants, and quitclaims to Grantee Southwest Irrigation District, its successors and assigns, without any covenant or warranty whatsoever, any and all of Grantor's right, title and interest in and to water right No. 01-0023 in the waters of the Snake River, as decreed with a priority of February 6, 1895 to the American Falls Canal and Power Company in the case of *Rexburg Irrigation Co. v. Teton Irrigation Canal Co.*, Judge J.M. Stevens (December 16, 1910), and as further evidenced by the records of the Idaho Department of Water Resources.

Dated this 18th day of January, 2002.

CANYON VIEW IRRIGATION
COMPANY, INC.

By: Elbert G. Davis
Elbert G. Davis, President

ACKNOWLEDGEMENT

SCANNED

OCT 07 2004

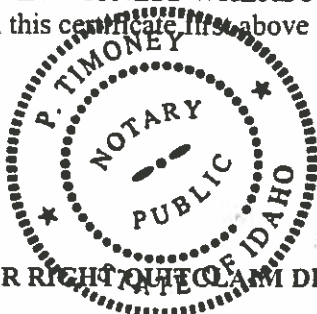
PROFILED

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 18th day of January, 2002, before me, a Notary Public, in and for said County and State, personally appeared Elbert G. Davis, known or identified to me to be the President of the Canyon View Irrigation Company, Inc., the corporation that executed the foregoing quitclaim deed, and acknowledged to me that such corporation executed the same.

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



P. Timoney
Notary Public for Idaho
Residing at Twin Falls
My commission expires: 3-16-04

WATER RIGHT QUITCLAIM DEED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 30, 2002

SCANNED

OCT 07 2004

WILLIAM A PARSONS
PARSONS SMITH & STONE LLP
PO BOX 910
BURLEY ID 83318

PROFILED

RE: WATER RIGHT OWNERSHIP CHANGE FOR CLAIM 01-23 AND CHECK
NO. 818 FOR \$25.00

Dear Mr. Parsons:

On January 28, 2002, our office received the above referenced request. I am returning the check because a fee is not required to change this adjudication claim.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS
wparsons@pmt.org

RICHARD K. SMITH
smithrk@pmt.org

RANDOLPH C. STONE
rcstone@pmt.org

LANCE A. LOVELAND
love9593@pmt.org

DAVID F. SHIRLEY
dshirley@pmt.org

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

January 25, 2002

RECEIVED

JAN 28 2002

Department of Water Resources
Eastern Region

SCANNED

OCT 07 2004

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RE: **Water Right No. - 01-00023**
Southwest Irrigation District

PROFILED

Gentlemen:

I'm enclosing a Notice of Change in Water Right Ownership, a check for \$25.00 and a copy of a recorded Water Right Quitclaim Deed that has been recorded in the office of the County Recorder for Cassia County Idaho.

I've not included a map or aerial photo as the previous transfer has evidenced on it where the water will be diverted from the river, that is at Burley Irrigation District, Milner Irrigation District and Twin Falls Irrigation District.

I had a discussion about this with Doug Jones at the southern office of the IDWR and he suggested that I send this to you.

If there is anything additional I need to do please let me know.

While I am an attorney for Southwest Irrigation District we also are the office people involved in their business as they don't maintain a separate business office.

Very truly yours,

PARSONS, SMITH & STONE, LLP

William A. Parsons

William A. Parsons

WAP:sw
Enc.

*Correct
Contact
id. #
64224*

878-8382

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4859
WATER RIGHT NO. 01-00023

This is to certify that: **SOUTHWEST IRRIGATION DISTRICT**
PO BOX 668
BURLEY ID 83318

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	77.90 CFS	6725.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SNAKE RIVER	COLUMBIA RIVER

Priority: 02/06/1895

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SESW), Sec. 1, Township 09S, Range 25E
CASSIA County
-Lot 5(SWNW), Sec. 28, Township 10S, Range 21E
SESE, Sec. 29, Township 10S, Range 21E
TWIN FALLS County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Use of Water Right No. 01-00023 pursuant to approved Transfer No. 4859 shall be subordinate to all existing water rights diverting from Snake River in the American Falls to Milner reach except to the extent that water available under this right at the Aberdeen Springfield Canal diversion is specifically identified and shown to be delivered in the American Falls-Milner reach. ✓
3. The annual volume diverted under this right is limited to 6725 acre feet ~~at the points of diversion approved under Transfer No. 4859~~ except that any water diverted during flood control operations that result in a release of water past Milner Dam shall not be charged against the seasonal volume limitation. ✓

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TRANSFER NO. 4859
WATER RIGHT NO. 01-00023

CONDITIONS OF APPROVAL AND REMARKS

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4. Diversion and use of water under Right No. 01-00023 shall be regulated by the watermaster of State Water District 01 (Upper Snake River).
5. Approval of Transfer No. 4859 does not grant any easement or right-of-way to use diversion and delivery facilities owned by persons other than the right owner.
6. Water diverted under this right shall be used within the boundaries of and applied to the lands of the Southwest Irrigation District.
7. The Director of the Department of Water Resources retains jurisdiction to determine and assess a delivery loss to prevent injury to existing water rights in Water District 01.
8. Failure to comply with the conditions of this transfer is cause for the Director to issue an order to show cause why the approval of the transfer should not be rescinded and to take such other action as authorized by law to prevent unauthorized use of water.
9. Water used under this transfer when combined with all other right shall provide no more than 0.02 cubic feet per second per acre no more than 4.0 acre feet per acre per year for the lands herein authorized to be irrigated.

Dated this 21st day of MARCH, 1997.

Norman C. Young
Acting Chief, Water Alloc. Bureau

BRIAN HIGGS
H: 522-0399
C: 604-1280

126,111.3 acres assessed.
in 112-115 thousand acres
in any given year.

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#4859

Part 2, B, 3. Lands of Rockford Canal Co.

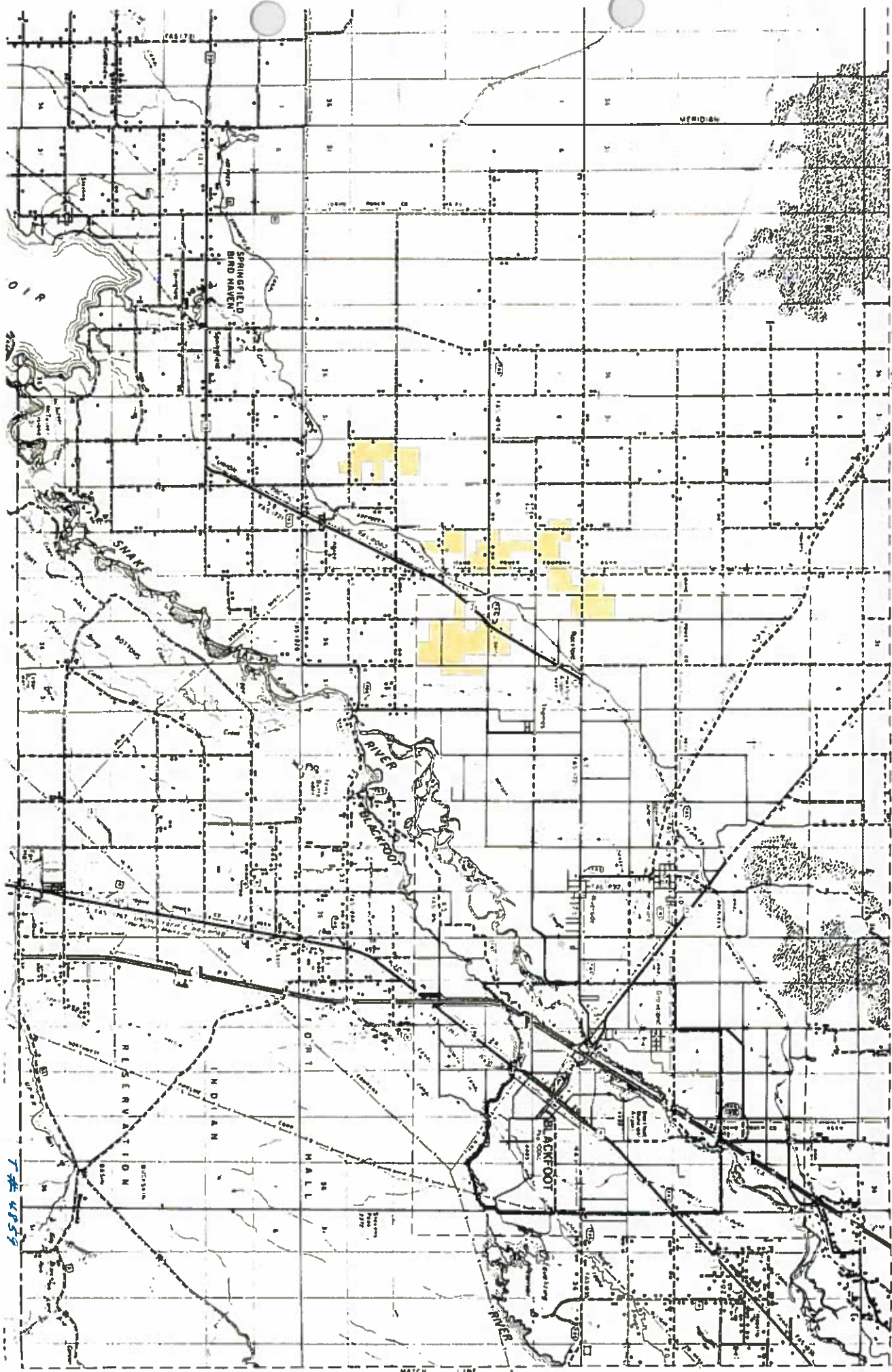
b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼	
3S	33E	2	X	X			X		X	X	X	X							
		3				X			X		X	X	X	X	X	X	X		
		4				X									X				
		10					X			X	X		X	X		X	X	X	
		12									X	X	X	X		X	X		
		13		X	X		X	X		X	X	X	X	X	X	X	X	X	
		14													X	X			
		15	X	X	X	X	X				X	X	X	X					
		20									X			X		X	X		
		22					X			X									
		24	X	X	X	X	X	X											
		29			X	X	X	X	X	X	X	X	X	X			X	X	
		32		X															
2S	33E	35			X	X			X	X	X	X	X	X	X	X	X	X	
3S	34E	18						11	12			13	14						
								X	X			X	X						

Total number of acres to be irrigated

~~3700~~
3720

APR 9 8 1977



T# 4859

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 1-23A
Date Received: 1/31/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTHWEST IRRIGATION DISTRICT Phone: (208) 878-8382
PO BOX 668
BURLEY ID USA 83318

2. Date of Priority: 02/06/1895

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	25E	1	SE SW 7	CASSIA	
10S	21E	28	SW NW 5	TWIN FALLS	
10S	21E	29	SE SE	TWIN FALLS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	77.9	177,540

7. Total Quantity Appropriated is:
77.9 C.F.S. and/or 177,540 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

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13. Other Water Rights Used:

14. Remarks:

USE OF WATER RIGHT NO. 01-00023 PURSUANT TO APPROVED TRANSFER NO. 4859 SHALL BE SUBORDINATE TO ALL EXISTING WATER RIGHTS DIVERTING FROM SNAKE RIVER IN THE AMERICAN FALLS TO MILNER REACH EXCEPT TO THE EXTENT THAT WATER AVAILABLE UNDER THIS RIGHT AT THE ABERDEEN SPRINGFIELD CANAL DIVERSION IS SPECIFICALLY IDENTIFIED AND SHOWN TO BE DELIVERED IN THE AMERICAN FALLS-MILNER REACH.

THE ANNUAL VOLUME DIVERTED UNDER THIS RIGHT IS LIMITED TO 6725 ACRE FEET AT THE POINTS OF DIVERSION APPROVED UNDER TRANSFER NO. 4859 EXCEPT THAT ANY WATER DIVERTED DURING FLOOD CONTROL OPERATIONS THAT RESULT IN A RELEASE OF WATER PAST MILNER DAM SHALL NOT BE CHARGED AGAINST THE SEASONAL VOLUME LIMITATION.

DIVERSION AND USE OF WATER UNDER RIGHT NO. 01-00023 SHALL BE REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT 01 (UPPER SNAKE RIVER).

APPROVAL OF TRANSFER NO. 4859 DOES NOT GRANT ANY EASEMENT OR RIGHT-OF-WAY TO USE DIVERSION AND DELIVERY FACILITIES OWNED BY PERSONS OTHER THAN THE RIGHT OWNER.

WATER DIVERTED UNDER THIS RIGHT SHALL BE USED WITHIN THE BOUNDARIES OF AND APPLIED TO THE LANDS OF THE SOUTHWEST IRRIGATION DISTRICT.

THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES RETAINS JURISDICTION TO DETERMINE AND ASSESS A DELIVERY LOSS TO PREVENT INJURY TO EXISTING WATER RIGHTS IN WATER DISTRICT 01.

FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED AND TO TAKE SUCH OTHER ACTION AS AUTHORIZED BY LAW TO PREVENT UNAUTHORIZED USE OF WATER.

WATER USED UNDER THIS TRANSFER WHEN COMBINED WITH ALL OTHER RIGHT SHALL PROVIDE NO MORE THAN 0.02 CUBIC FEET PER SECOND PER ACRE

NO MORE THAN 4.0 ACRE FEET PER ACRE PER YEAR FOR THE LANDS HEREIN AUTHORIZED TO BE IRRIGATED.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 01.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 1-23.

15. Basis of Claim: Decreed

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