

08/31/2007

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

RIGHT NUMBER: 22-2182

NAME AND ADDRESS: TRS FARMS
PO BOX 671
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 9.600 CFS
1,680.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Right Nos. 22-2182 and 22-7040 are limited to a total combined diversion rate of 16.66 cfs.

Right Nos. 22-2182 and 22-7040 are limited to a total combined annual diversion volume of 4508.7 AF.

PRIORITY DATE: 11/29/1960

POINT OF

DIVERSION: T05N R40E S23 SESWSE Within MADISON County
T05N R40E S26 NWNESW Within MADISON County
T05N R40E S35 SESENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	9.600 CFS 1,680.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T04N R40E S02 Lot 3 NENW	39.00	T04N R40E S02 Lot 4 NWNW	40.00
T04N R40E S02 SWNW	38.00	T04N R40E S02 SENW	40.00
T05N R40E S23 NENE	19.00	T05N R40E S23 NWNE	2.10
T05N R40E S23 SWNE	6.40	T05N R40E S23 SENE	39.00
T05N R40E S23 NESE	39.00	T05N R40E S23 NWSE	7.20
T05N R40E S23 SWSE	11.00	T05N R40E S23 SESE	40.00
T05N R40E S24 NWNW	1.20	T05N R40E S24 SWNW	7.50
T05N R40E S24 NWSW	30.00	T05N R40E S24 SWSW	29.00
T05N R40E S26 NENE	28.00	T05N R40E S26 SENE	29.00
T05N R40E S26 NENW	15.00	T05N R40E S26 NWNW	39.00
T05N R40E S26 SWNW	39.00	T05N R40E S26 SENW	18.00
T05N R40E S26 NESW	18.00	T05N R40E S26 NWSW	39.00
T05N R40E S26 SWSW	39.00	T05N R40E S26 SESW	19.00
T05N R40E S26 NESE	29.00	T05N R40E S26 SESE	29.00
T05N R40E S35 NENE	28.00	T05N R40E S35 NWNE	0.80
T05N R40E S35 SWNE	40.00	T05N R40E S35 SENE	40.00
T05N R40E S35 NENW	19.00	T05N R40E S35 NWNW	38.00
T05N R40E S35 SWNW	39.00	T05N R40E S35 SENW	40.00
T05N R40E S35 NESW	40.00	T05N R40E S35 NWSW	39.00
T05N R40E S35 SWSW	38.00	T05N R40E S35 SESW	39.00
T05N R40E S35 NESE	40.00	T05N R40E S35 NWSE	40.00

T05N R40E S35

SWSE 39.00

T05N R40E S35

SESE 39.00

1288.2 ACRES TOTAL

This right is limited to the irrigation of 480 acres within the place of use described above in a single irrigation season.

Right Nos. 22-2182 and 22-7040 are limited to the irrigation of a combined total of 1288.2 acres in a single irrigation season.

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

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

The right holder shall accomplish the change authorized by transfer # 73370 within one year of the date of June 7th 2008.

Failure of the right holder to comply with the conditions of transfer # 73370 is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

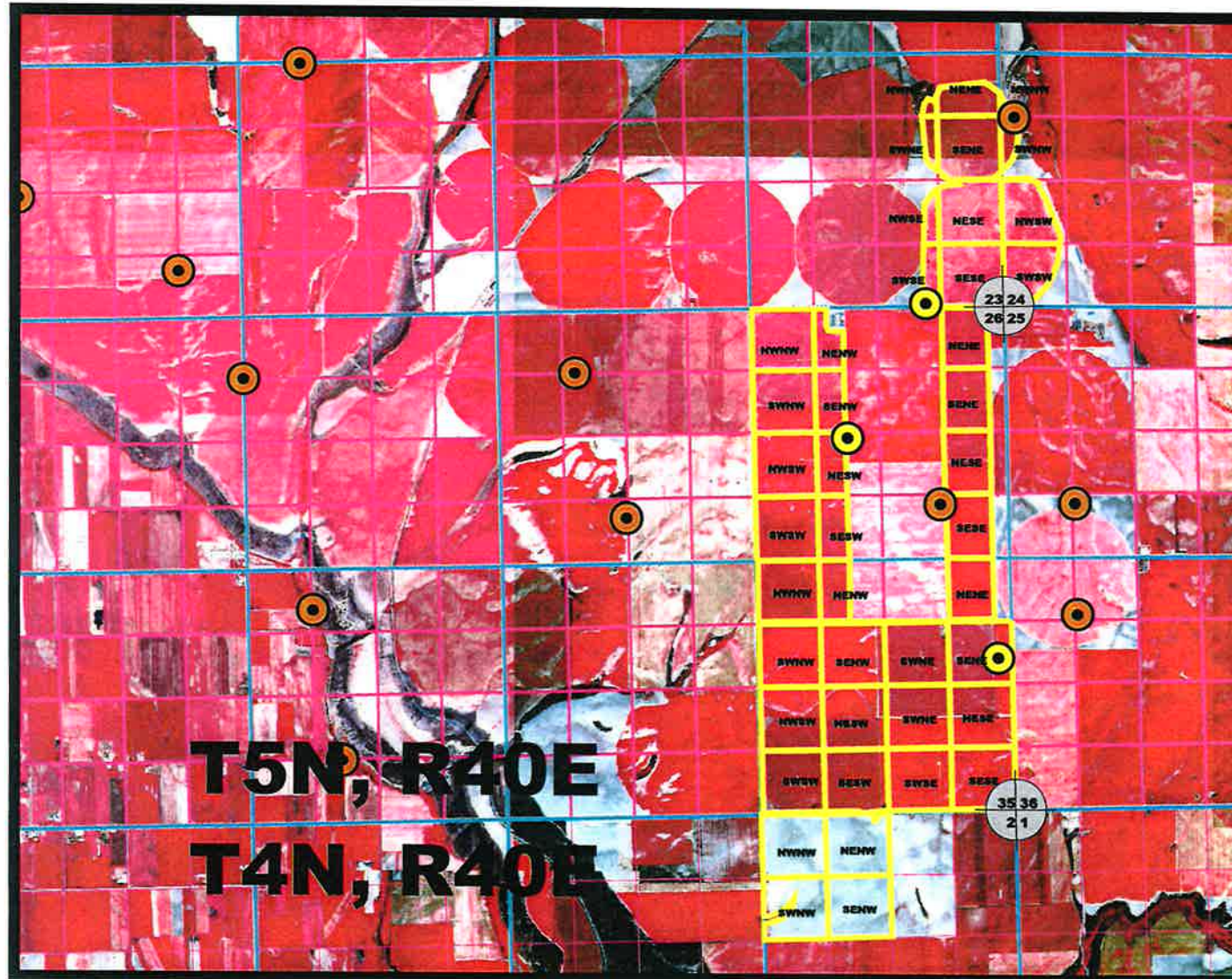
Right No. 22-7040 is also diverted through point of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-2182,
22-7040

Point(s) of Diversion:
T5N, R40E
Sec. 23 SESWSE
Sec. 26 NWNESW
Sec. 35 SESENE

Place of Use: (parts of)
T5N, R40E
Sec. 23 E2, Sec. 24 W2,
Sec. 26 E2E2,W2,
Sec. 35 N2NW, NENE, S2N2, S2
T4N, R40E
Sec. 2 NW

LEGEND

-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: October 2005

1500 0 1500 3000 4500 6000 7500 9000 10500 12000 13500 15000 16500 18000 19500 Feet



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 27, 2007

TRS FARMS
PO BOX 671
REXBURG ID 83440

RE: Transfer #73370 for water right(s) 22-2182, 22-7040 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On June 7, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #73370, modifying the above referenced water right.

Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

SCANNED

SEP 11 2007

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)

Water Rights: 22-2182, 22-7040

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **73370**

☐ point of diversion ☒ place of use

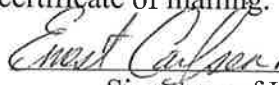
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

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: 30 Aug 2007



Signature of IDWR Representative

SCANNED
SEP 11 2007

CERTIFICATE OF MAILING

I certify that on Sept 7, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
TRS FARMS
PO BOX 671
REXBURG ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

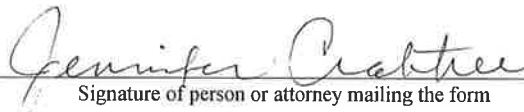
Each party in the subcase, or attorney of record
N/A

5. One copy each 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

SCANNED
SEP 11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73370

This is to certify that: TRS FARMS
 PO BOX 671
 REXBURG ID 83440
 (208) 709-3508

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
22-2182	AJC/License	11/29/1960	9.60 cfs	1680.0 af	480.0	1,288.2	GROUND WATER
22-7040	AJC/License	10/21/1970	16.66 cfs	2950.5 af	843.0	1,288.2	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
22-2182	NO	NO	YES	NO	NO	NO
22-7040	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
22-2182	22-2182	9.60 cfs	1680.0 af	480.0	1,288.2		N/A	N/A	N/A	N/A
22-7040	22-7040	16.66 cfs	2950.5 af	843.0	1,288.2		N/A	N/A	N/A	N/A
COMBINED TOTALS		16.66 cfs	4508.7 af	1288.2	1288.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of June, 20 07


 Administrator, Water Management Division

SUPPORT DATA
 IN FILE # 22-2182 **RECORDED**

SEP 11 2007

WATER RIGHT NO. 22-7040
As Modified by Transfer No. 73370

In accordance with the approval of Transfer No. 73370, Water Right No. 22-7040 is now described as follows.

Right Holder: TRS FARMS
 PO BOX 671
 REXBURG ID 83440

Priority Date: October 21, 1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 11/01	16.66 CFS	2,950.5 AF
			16.66 CFS	2,950.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 23 Twp 05N	Rge 40E	MADISON County
GROUND WATER	NWNESW	Sec. 26 Twp 05N	Rge 40E	MADISON County
GROUND WATER	SESENE	Sec. 35 Twp 05N	Rge 40E	MADISON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 40E 2					39.4	37.0	36.1	39.8									152.3
					L 3	L 4											
05N 40E 23	19.0	2.1	6.4	39.2									39.2	7.2	10.8	40.0	163.9
05N 40E 24						1.2	7.5		30.8	39.5	7.8						86.6
05N 40E 26	28.0			28.8	14.6	37.8	37.7	18.3	18.5	39.3	36.0	19.1	29.1			28.7	335.9
05N 40E 35	27.9	.8	40.0	40.0	19.0	36.6	37.4	40.0	40.0	35.0	35.8	39.3	40.0	40.0	39.0	38.7	549.5

Total Acres: 1288.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 843 acres within the place of use described above in a single irrigation season.
2. Rights 22-2182 and 22-7040 when combined shall not exceed a total diversion rate of 16.66 cfs, a total annual maximum diversion volume of 4508.7 af at the field headgate, and the irrigation of 1288.2 acres.
3. Prior to the diversion and use of water under Transfer approval 73370, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

WATER RIGHT NO. 22-7040
As Modified by Transfer No. 73370

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. Right 22-2182 is also diverted through the point of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of June, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 22-2182
As Modified by Transfer No. 73370

In accordance with the approval of Transfer No. 73370, Water Right No. 22-2182 is now described as follows.

Right Holder: TRS FARMS
 PO BOX 671
 REXBURG ID 83440

Priority Date: November 29, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	9.60 CFS	1,680.0 AF
			9.60 CFS	1,680.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 23 Twp 05N	Rge 40E	MADISON County
GROUND WATER	NWNESW	Sec. 26 Twp 05N	Rge 40E	MADISON County
GROUND WATER	SESENE	Sec. 35 Twp 05N	Rge 40E	MADISON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	2					39.4	37.0	36.1	39.8									152.3
							L 3	L 4											
05N	40E	23	19.0	2.1	6.4	39.2									39.2	7.2	10.8	40.0	163.9
05N	40E	24						1.2	7.5			30.6	39.5	7.8					86.6
05N	40E	26	28.0			28.8	14.6	37.8	37.7	18.3	18.5	39.3	36.0	19.1	29.1			28.7	335.9
05N	40E	35	27.9	.8	40.0	40.0	19.0	36.6	37.4	40.0	40.0	35.0	35.8	39.3	40.0	40.0	39.0	38.7	549.5

Total Acres: 1288.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 480 acres within the place of use described above in a single irrigation season.
2. Rights 22-2182 and 22-7040 when combined shall not exceed a total diversion rate of 16.66 cfs, a total annual maximum diversion volume of 4508.7 af at the field headgate, and the irrigation of 1288.2 acres.
3. Prior to the diversion and use of water under Transfer approval 73370, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

WATER RIGHT NO. 22-2182
As Modified by Transfer No. 73370

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Right 22-7040 is also diverted through the point(s) of diversion described above.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of June, 20 07



Administrator, Water Management Division

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
22-7040					
22-2182					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

TR Webster + Sons Inc
309 Yale Ave Rexburg ID 83440

4. New Owner/Claimant(s)

TRS Farms

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

New Mailing Address

BOX 671

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 359-1717, 709-3508

5. Date you acquired the property

FILED EFFECTIVE

2003 JUN 30 PM 2:22

STATE OF IDAHO

ARTICLES OF AMENDMENT
TO THE
ARTICLES OF INCORPORATION
OF

T. R. WEBSTER & SON, INC.

IDAHO SECRETARY OF STATE
07/01/2003 05:00
CK: 1161 CT: 66817 BH: 688827
1 @ 38.00 = 38.00 AMEND PROF # 2

Pursuant to the provisions of Section 30-1-1001 et seq. of the Idaho Business Corporation Act, the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation:

FIRST: The name of the corporation is T. R. Webster & Son, Inc.

SECOND: The following amendments of the Articles of Incorporation were adopted by the shareholders of the corporation on June 3, 2003, in the manner prescribed by the Idaho Business Corporation Act:

A. Article First is amended to read as follows:

The name of this corporation is TRS Farms, Inc.

B. Article Fifth of the Articles of Incorporation is amended to read as follows:

The total authorized stock of this corporation shall be 100,000 shares of voting common stock at no par value and 100,000 shares of nonvoting common stock at no par value. The only differences in the voting common stock and the nonvoting common stock shall be in their voting rights.

THIRD: The amendment shall be implemented in the following manner:

- A. Each stockholder holding shares of A preferred stock shall be issued 1.9 shares of voting common stock of the corporation for each share of A preferred stock.
- B. Each stockholder holding B preferred stock shall receive 2.9 shares of nonvoting common stock for each share of B preferred stock.
- C. Each stockholder holding common stock shall receive 2.9 shares of voting common stock for each share of common stock.

FOURTH: The Articles of Amendment were unanimously adopted by the shareholders and directors on June 3, 2003. Thirty Thousand (30,000) shares were entitled to vote on the amendment and all thirty thousand shares voted in the affirmative.

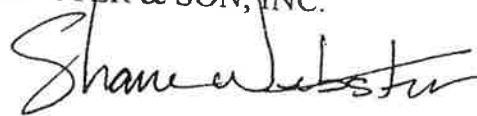
C 40676

FIFTH: The original Articles of Incorporation are confirmed in all other respects.

Dated this 27 day of June, 2003.

T. R. WEBSTER & SON, INC.

By:



Roy Shane Webster, Secretary

C:\Documents and Settings\Sutton\Local Settings\Temporary Internet Files\OLK100\amendment.wpd:as

Claim no.

A22-08182
A22-7040Claimant Contact Log

Date 12-14-04

Remarks

Agent initials

JWJ

1/ Contact person is Rob Webster of R&S Webster LLC.
His dad is the main contact of T.R Webster & Sons Inc
but Rob & his brother run the farm.

2/ Rob Webster confirmed place of use map & name, address
& phone number on claim.

3/ Three wells listed are a common pod for A22-7040
also.

4/ Licensed P.O.U. for 22-7040 differs from claimed
acreage even though total is the same

GRS shows 12883 ac overlap
22-2182, 9.6 cfs on 480 ac
22-7040, 16.66 cfs on 843 ac - Limit to 16.66 cfs
16.66 1323 ac

Ac limits @ Limit to 16.66 cfs

C&S - P&D's

C&S - Ac overlap

Some 3 P&D's Both P's

Water Right No(s). A22-02182 + A22-07040



GPS DATA:

Tag # A0000245 Location: 2683850
13 94956 USR Tag on wooden Post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR + Booster

Make: GE / GE Model: _____ Hp: 600 / 250
SN: DKJ403623 / HNJ817105

PUMP

Make: Johnston / Johnston Model: _____ Disch: _____
SN: _____

NOTES:

Photo Facing North, 12" mainline running East.
GPS File # 5 on Basin 22 GPS project on Ryan
Mikessell's computer. Name on claim, phone # + map
all verified correct by Rob Webster who runs this farm.
Rob's phone # is 709-3507 (cell)

Field Exam Date: 12-14-2004 Agent: Harold Jones

Water Right No(s). A22-02182 & A22-07040



GPS DATA:

Tag # A0000246 Location: 2684806 1393568 USR Tag on wooden Post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR + BOOSTER

Make: Westinghouse / US Motors Model: _____ Hp: 600 / 150
SN: 676A 65 0615 / 1408462

PUMP

Make: Johnston Model: _____ Disch: _____
SN: _____

NOTES:

Photo looking South, system has 12" mainline. GPS
tag on wooden support post. Claim name, phone # & map
verified by Rob Webster who runs this farm.
GPS file # 6 on Ryan Mikzill's computer under Basin 22 GPS.

Field Exam Date: 12-14-2004 Agent: Harold W. Jones

Water Right No(s). A22-02182 + A22-07040



GPS DATA:

Tag # A0000247 Location: 2684344
1395833 USR - Tag on metal Post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR + BOOSTER

Make: us motor / us motors Model: _____ Hp: 400 / 100
SN: 1366657 / C521367

PUMP

Make: Johnston Model: _____ Disch: _____
SN: _____

NOTES:

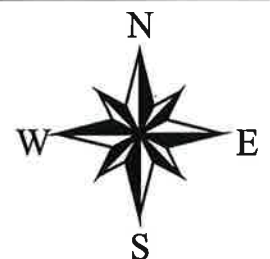
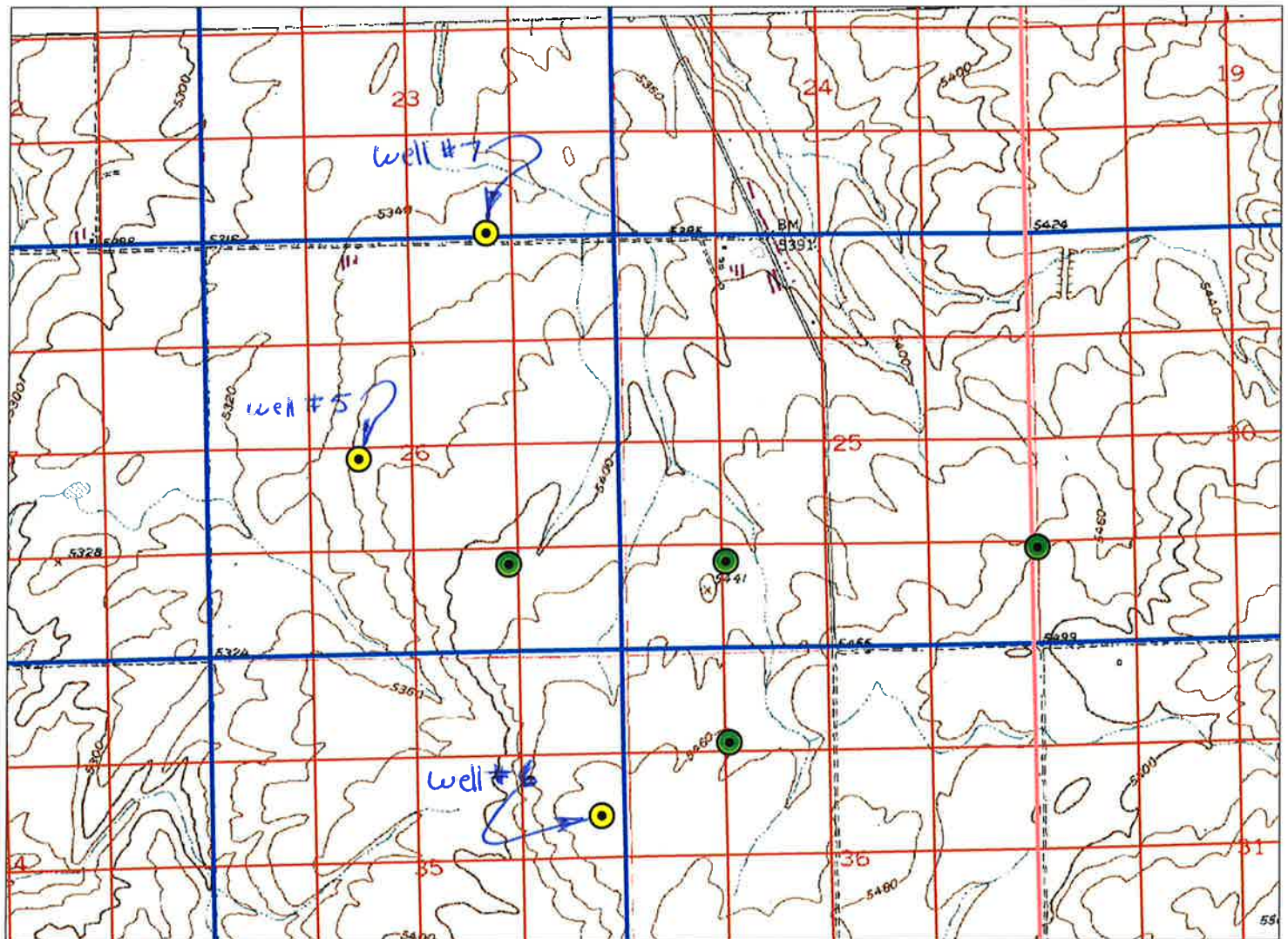
All three of wells tied together to pivots & wheel lines. Has
12" mainline. Claim name, phone # & map verified by Rob
Webster who runs this farm. GPS on file on Ryan Mikardl
computer under Basin 22 GPS. GPS Tag on metal post.
Well #7.

Field Exam Date: 12-14-04 Agent: Harold Jones



Department of Water Resources

Claim No.: 22-2182 and 22-7040

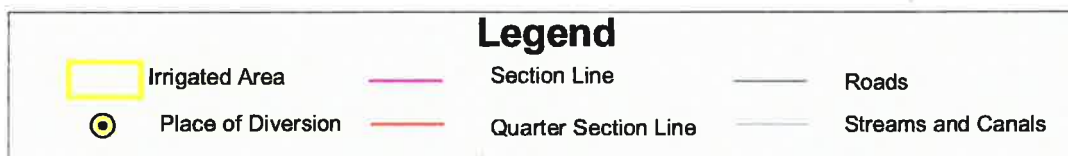


- Basin 22 gps.shp
- Township & Range
- Sections
- QQ

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: December 2004

Water Right Claim Number 22-02182
Township , 5N40E

06/26/2001



SPATIAL
DYNAMICS

Claim No. 22-2182

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

X Re check acreage total - seems to be more than 466.
Hed

Contact person is Rob Webster of R+S Webster
LLC, Phone # is 709-3507 (cell)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 28939/22-2182 Priority Nov. 29, 1960 Amount 9.60 cfs

THIS IS TO CERTIFY, that T. R. WEBSTER

of Rexburg, Idaho, has complied with the terms and conditions of Permit No. 28939/22-2182 issued pursuant to Application for Permit dated July 25, 1960, and has submitted proof to the Department of Water Resources on December 28, 1965 (late proof), that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 15.80 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>April 1</u> to <u>Nov. 1</u>	at <u>9.60</u> cfs and	<u>1,680 acre feet or</u>	
_____ from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>	
_____ from _____ to _____	at _____ cfs and	_____	

(both dates inclusive)

Subject, however, to the condition that no more than 9.60 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1,680 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26 -and- SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 35, Twp. 5 N, Rge. 40 E, B. M. in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	40 E	35			40	40			40	40	40	40	40	40	40	40	40	40	480

Total number of acres irrigated 480

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17 day of December, 19 74.

MICROFILMED

Director

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

22-2182

Application No. G- 36863
Permit No. G- 28939
District No.

1. Name of Applicant: T. R. Webster

Postoffice address: Rexburg

County: Madison

State: Idaho

2. Quantity of water claimed: 25.

(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches 1250 or gallons per minute

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean
1 - NW $\frac{1}{4}$ SE $\frac{1}{4}$ & 2 - NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35; 3 - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26; 4 - NE $\frac{1}{4}$ SE $\frac{1}{4}$

4. Location of point of diversion or well is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section 23, all in
Twp. 5 North, Rge. 40 E., B.M., County of MADISON

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.

7. Kind of works: 4 wells, pumps and sprinkler system

8. Estimated cost of works: \$ 150,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$ (c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock: (c) Bonds to be issued:

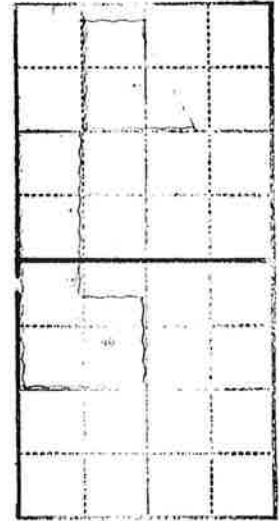
(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 25. (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ T.R. Webster Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. July 25, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G- 28939

Recorded in Book 102 Page 28939 Approved August 23, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 23, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before August 23, 1965

Witness my hand this 23rd day of August, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLYE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of August, 1960.

Countersigned:

STATE OF IDAHO

(SEAL) / By PAULA L. FLEENOR
Deputy Secretary of State.

By s/ ROBERT E. SMYLYE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N	40 E	35			X	X	X	X	X	X	X	X	X	X	X	X	X	X	560
		26					X	X	X	X	X	X	X	X					320
		23	S 1/2	S 1/2	X	X									X	X	X	X	280
		24							20			30	40						90
																			1250
Application for Amendment																			
POINT OF DIVERSION ✓ ✓																			
Permit No. G-28939																			
Comes now T. R. Webster and represents to the State Reclamation Engineer of the State of Idaho																			
That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-28939.																			
That the point of diversion is described in said Permit as being located: Well No. 1 - NW 1/4 SE 1/4, T 5 N., R 40 E., S. 1/4.																			
That he now requests that the point of diversion be changed to a point located: SE 1/4 SE 1/4, Section 35, T 5 N., R 40 E., S. 1/4.																			
That the reason for desiring to make such a change is as follows: In order to obtain water it is necessary to change the point of diversion. The new point of diversion for Well No. 1 is less than 1/4 of a mile from the point designated in the permit.																			
That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.																			

Signed at Rexburg, Idaho, this 18th day of November 1965.

s/ T. R. WEBSTER

Date of receipt at Department of Reclamation November 23, 1965.

LICENSE ISSUED FOR 20 SEC. F.I.
LICENSE PAGE

APPROVAL OF STATE RECLAMATION ENGINEER ✓

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-28939, This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded in Book 102 of Permits, at Page G-28939,
November 24, 1965.

APPLICATION FOR AMENDMENT

Comes now T. R. Webster and represents to the State Reclamation Engineer of the State of Idaho, That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-28939 and requests that the permit be changed as follows:

2. Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T 5 N., R 40 E., B.M.
Other points of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T 5 N., R 40 E., B.M.
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T 5 N., R 40 E., B.M., SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T 5 N., R 40 E., B.M.
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T 5 N., R 40 E., B.M.

That no one will be injured by such change and that such change ~~and~~ will be made at permit holders own risk.

Signed at Rexburg, Idaho this 30th day of March, 1968.

/s/ T. R. WEBSTER

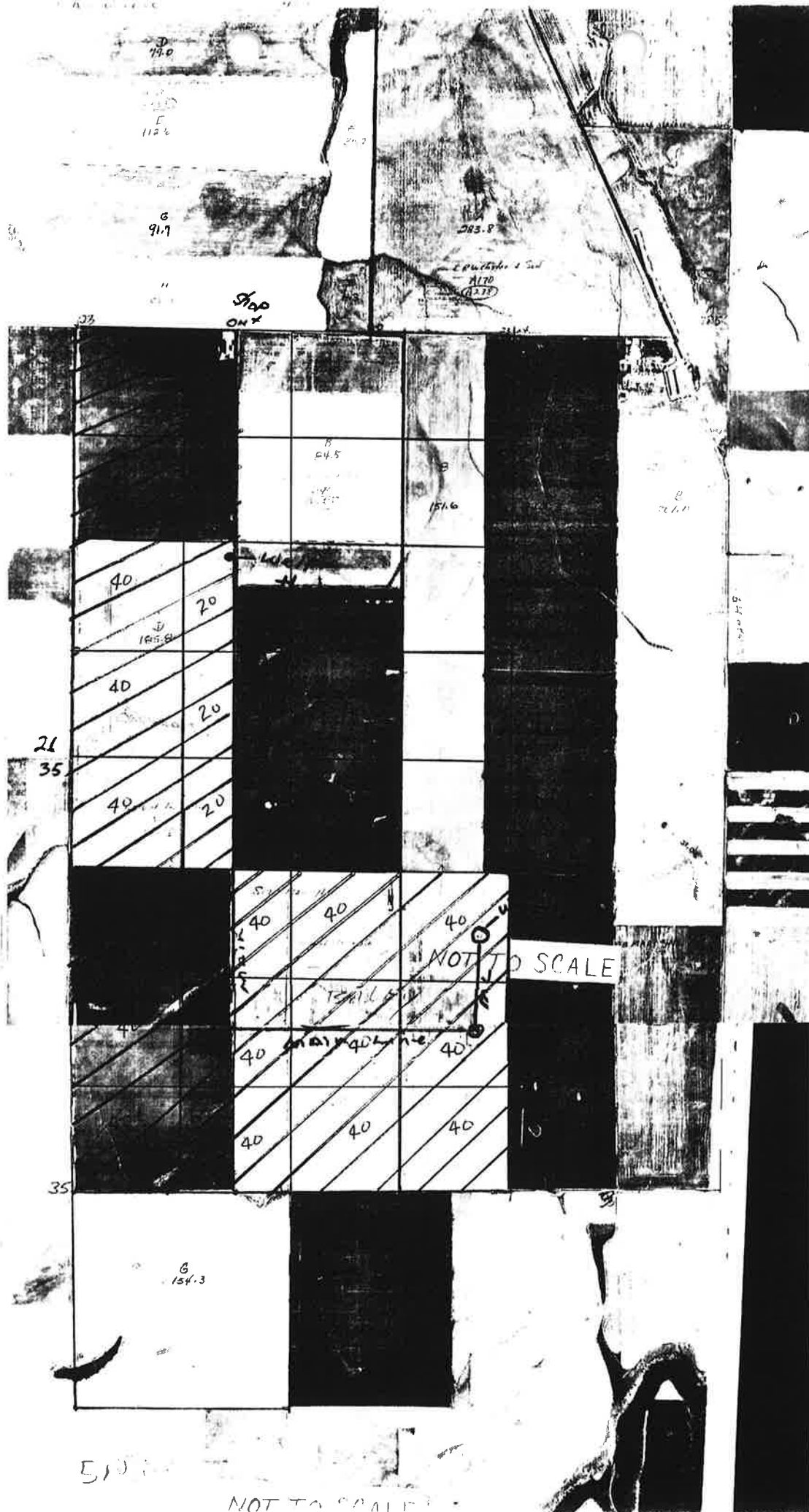
Date of receipt at office of Department of Reclamation: April 1, 1968.

ACTION OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, State Reclamation Engineer, of the State of Idaho, hereby approve the above application for amendment, No. G-28939.

Witness my hand this 25th day of April, 1968.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer



STATE OF IDAHO

Previous measurement 9.49 c.f.s.

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF EXAMINER

Check for points of diversion, system installed at the points of diversion, acres irrigated from the wells, and determine if the lands not covered by the advertisement are being irrigated and if so from what source.

Permit NoG-28939/22-2182

This proof is for c/w and b/u - 25 c.f.s.

In Water District No.

1. Name of applicant T. R. Webster, Rexburg, Idaho
2. Source of water supply: ground-water
3. Location of point of diversion: Is in the ~~SW 1/4, NE 1/4, & SE 1/4 NW 1/4~~ 26
SE 1/4 SE 1/4 of Section 23
SE 1/4 NE 1/4 35
T. 5 N R. 40 E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

PROOF-well, pump, and sprinkler system (no measuring device required)

Well #1 Westinghouse 600hp motor Ser #1565, Johnston Pump
#NA. Booster → U.S. Motors 150hp Ser #1408462 Johnston pump
#18173Y Well #2 U.S. Motors 600hp Ser #1589P Johnston
Pump #21343

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

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

5 N - 40 E Sec. 35 - S 1/2 NE 1/4, W 1/2, SE 1/4 560 acres

Sec. 26 - W 1/2 320 acres

Sec. 23 - E 1/2 280 acres

Sec. 24 - SW 1/4 NW 1/4, W 1/2 SW 1/4 90 acres

(1250 acres TOTAL

ACREAGE ADVERTISED - S 1/2 Sec. 35; S 1/2 NE 1/4 Sec. 35, Twp. 5 N., Rge. 40 EBM

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

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

Remarks:

Well #1 McCrometer #73 10 115 3,800 g/min
Well #2 " "73 12 114 3,300 g/min
7,100 g/m/ = 15.8 cts
/448.8

Only 480 acres in Sec. 35

Amendment during permit period! or
Amendment Required for P.D.

This examination was made on the ~~20~~ 20 day of July, 1974

(Signed) Bill Rhoads

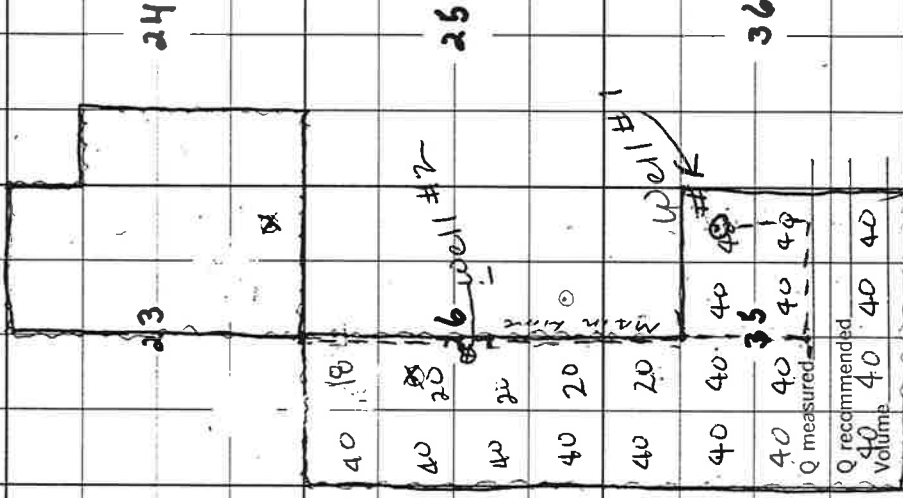
checked - LO Talma Sept 12, 1974

Examiner.

Range 40 East

* acreage listed on permit

township 5 north



Q measured

Q recommended

Volume

Acres

Found

recommended

Subdiv

Amendments

None

P.D.

Place of use

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

Permit No. G-28939

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant: T. R. Webster
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26
T. 5 N. R. 40 E. B.M. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same:

Report from H. G. Stone (County Executive Director)
states that there are (2) P.D.s in use
SE NE Sec 35, 5N-40E }
NE SW Sec 26, 5N-40E }

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion:

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

S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 35., W $\frac{1}{2}$ Sec. 26., NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 23., SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ OF
Sec. 24 all in Twp. 5 N., Rge. 40 E.B.M.
(1250 acres)

(County map filed 11/11/54, 5/2/55, 5/2/55)

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

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

Remarks:

$$Q = \frac{(825 \text{ No. 2}) (5.16 \text{ gpm})}{148.8 \text{ gpm}} = 9.49 \text{ c.f.s.}$$

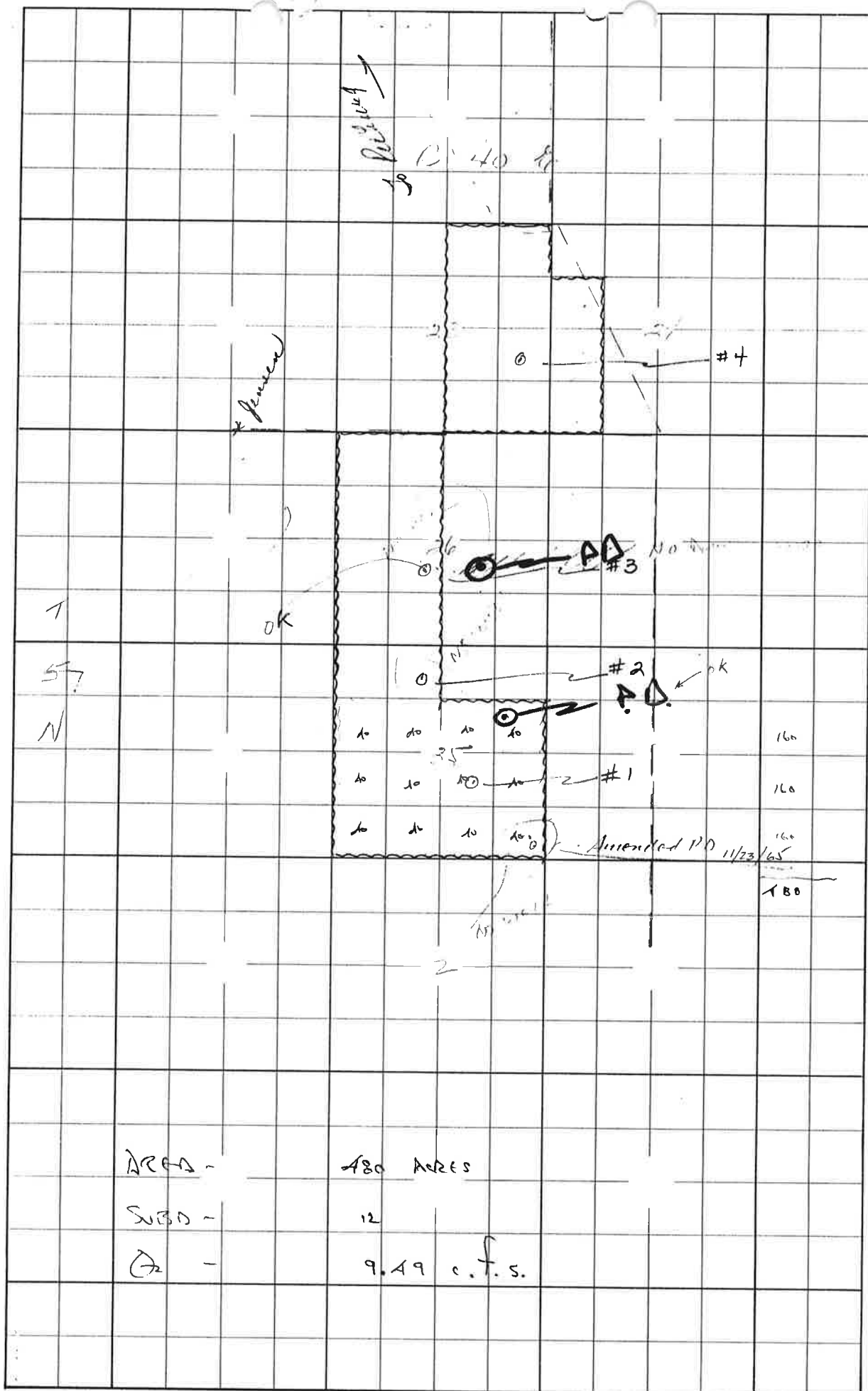
allow 9.60 c.f.s.

This examination was made on the day of Sept., 1951

(Signed) [Signature]

Examiner.

28939



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

289-39

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: A22-02182
Date Received: 7/21/1988
Receipt No: E002270
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: T. R. WEBSTER & SONS, INC.
Address: 309 YALE AVE.
REXBURG, ID

208-356-3244

83440

2. Date of Priority: NOV 29, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	23		SW	SE		MADISON
		26		NE	SW		MADISON
		35		SE	NE		MADISON

5. Description of diverting works:
3 DEEP WELLS CONNECTED BY COMMON MAINLINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	9.600		

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	35	SW	NE		IRR	40.0
			SE	NE		IRR	40.0

A22-02182

Page 1

Date: 07/21/88

RECEIVED

AUG 25 1988

Department of Water Resources
Eastern District Office

A2202182



MICROFILMED

OCT 29 1988

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	35	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	480.0
						Total Acres	480.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

POINTS OF DIVERSION ALSO LICENSED UNDER 22-07040

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28939

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 PRES. Title of

T.R. WEBSTER + SON, INC. that I have signed the foregoing
Organization
document in the space below as PRES. Title of

T.R. WEBSTER + SON, INC. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PRES. T.R. WEBSTER + SON, INC.
Title and Organization

July 21 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21 day

of July 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 14 June 1994