

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

RIGHT NUMBER: 22-7314
NAME AND ADDRESS: M & B ENTERPRISES LTD PARTNERSHIP
PO BOX 326
ST ANTONY ID 83445
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 9.000 CFS
3,284.700 AFY
Use of this right with Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.7 AF.
The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

PRIORITY DATE: 01/15/1980
POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNESE Injection Within FREMONT County
T07N R42E S23 SENWSE Rediversion Within FREMONT County
Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.
Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	9.000 CFS 3,284.70 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:		IRRIGATION Within FREMONT County					
T07N R42E S02	SWSW	4.00	T07N R42E S03	SESE	24.00		
T07N R42E S10	NENE	20.00	T07N R42E S10	NWNE	31.00		
T07N R42E S10	SWNE	30.00	T07N R42E S10	SENE	37.00		
T07N R42E S10	NENW	20.00	T07N R42E S10	SENW	36.00		
T07N R42E S10	NESW	33.00	T07N R42E S10	NWSW	30.00		
T07N R42E S10	NESE	38.00	T07N R42E S10	NWSE	38.00		
T07N R42E S10	SWSE	25.00	T07N R42E S10	SESE	37.00		
T07N R42E S11	NENW	0.30	T07N R42E S11	NWNW	34.00		
T07N R42E S11	SWNW	38.00	T07N R42E S11	SENW	0.20		
T07N R42E S11	NESW	1.60	T07N R42E S11	NWSW	30.00		

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

T07N R42E S11	SWSW	40.00	T07N R42E S11	SESW	40.00
T07N R42E S11	SWSE	40.00	T07N R42E S11	SESE	30.00
T07N R42E S12	SWSW	5.50	T07N R42E S12	SESW	0.60
T07N R42E S12	SWSE	2.40	T07N R42E S12	SESE	1.60
T07N R42E S13	NENE	37.00	T07N R42E S13	NWNE	39.00
T07N R42E S13	SWNE	33.00	T07N R42E S13	SENE	36.00
T07N R42E S13	NENW	34.00	T07N R42E S13	NWNW	38.00
T07N R42E S13	SWNW	34.00	T07N R42E S13	SENW	29.00
T07N R42E S13	NESW	40.00	T07N R42E S13	NWSW	39.00
T07N R42E S13	SWSW	38.00	T07N R42E S13	SESW	39.00
T07N R42E S13	NESE	35.00	T07N R42E S13	NWSE	40.00
T07N R42E S13	SWSE	39.00	T07N R42E S13	SESE	39.00
T07N R42E S14	NENE	35.00	T07N R42E S14	NWNE	40.00
T07N R42E S14	SWNE	30.00	T07N R42E S14	SENE	28.00
T07N R42E S14	NENW	34.00	T07N R42E S14	NWNW	35.00
T07N R42E S14	SWNW	40.00	T07N R42E S14	SENW	37.00
T07N R42E S14	NESW	40.00	T07N R42E S14	NWSW	37.00
T07N R42E S14	SWSW	2.70	T07N R42E S14	SESW	29.00
T07N R42E S14	NESE	26.00	T07N R42E S14	NWSE	39.00
T07N R42E S14	SWSE	40.00	T07N R42E S14	SESE	40.00
T07N R42E S15	NENE	23.00	T07N R42E S15	SWNE	19.00
T07N R42E S15	SENE	39.00	T07N R42E S15	NESE	19.00
T07N R42E S15	NWSE	18.00	T07N R42E S23	NENE	40.00
T07N R42E S23	NWNE	26.00	T07N R42E S23	SWNE	1.10
T07N R42E S23	SENE	25.00	T07N R42E S23	NENW	3.40
T07N R42E S24	NENE	40.00	T07N R42E S24	NWNE	40.00
T07N R42E S24	SWNE	39.00	T07N R42E S24	SENE	40.00
T07N R42E S24	NENW	40.00	T07N R42E S24	NWNW	39.00
T07N R42E S24	SWNW	36.00	T07N R42E S24	SENW	37.00
T07N R42E S24	NESE	20.00	T07N R42E S24	NWSE	8.20
T07N R43E S18 Lot 4	SWSW	0.70	T07N R43E S18	SESW	0.40
T07N R43E S19	NENE	40.00	T07N R43E S19	NWNE	40.00
T07N R43E S19	SWNE	40.00	T07N R43E S19	SENE	40.00
T07N R43E S19	NENW	40.00	T07N R43E S19 Lot 1	NWNW	41.00
T07N R43E S19 Lot 2	SWNW	41.00	T07N R43E S19	SENW	35.00
T07N R43E S19	NESW	2.20	T07N R43E S19 Lot 3	NWSW	21.00
T07N R43E S19	NESE	27.00	T07N R43E S19	NWSE	27.00
T07N R43E S19	SWSE	3.30			

2740.2 ACRES TOTAL

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

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.

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

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

This right is subject to regulation by the watermaster of Water District No 01.

Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.

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 exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

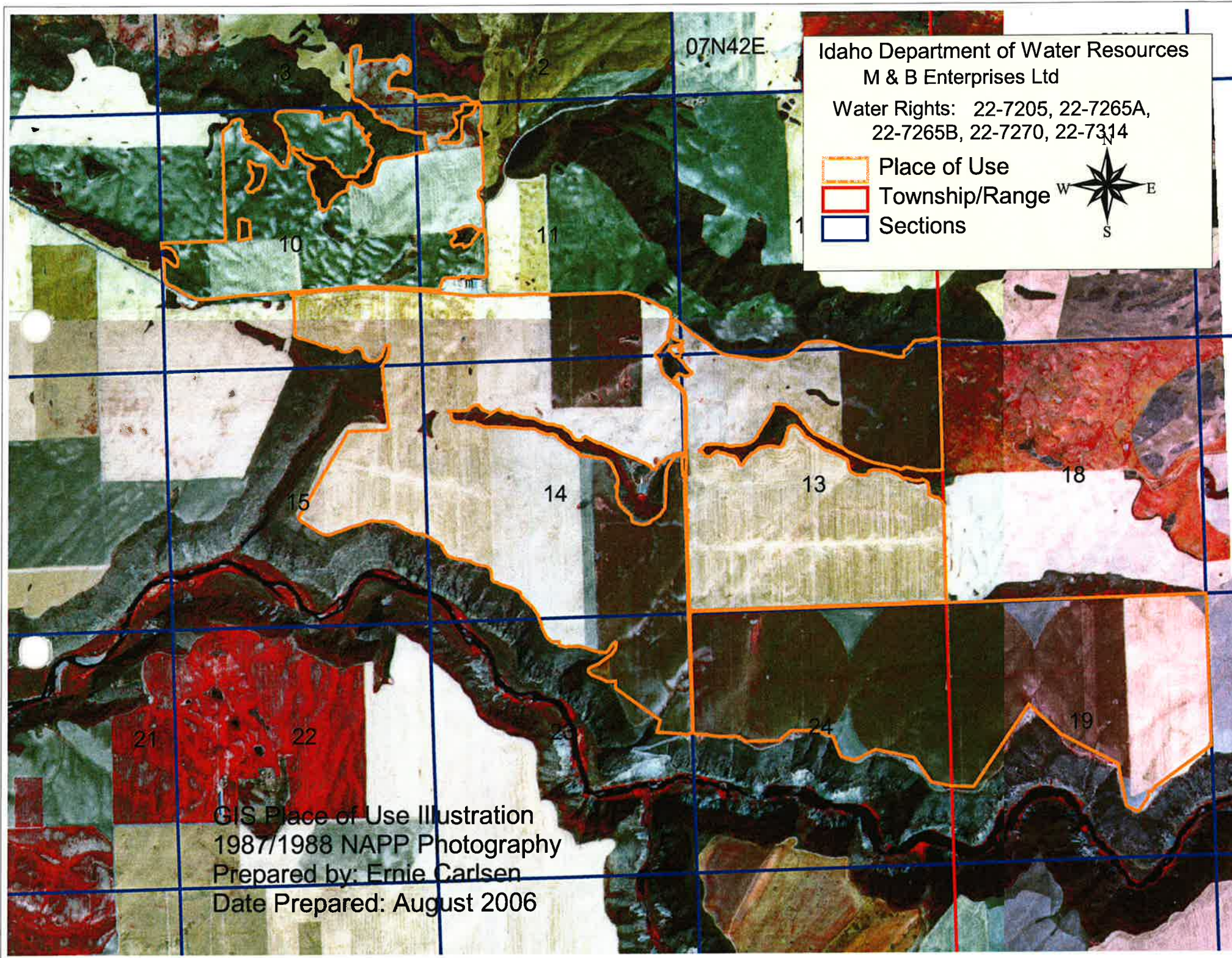
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

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

Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are also diverted through point of rediversion described above.



Idaho Department of Water Resources
M & B Enterprises Ltd
Water Rights: 22-7205, 22-7265A,
22-7265B, 22-7270, 22-7314

Place of Use
Township/Range
Sections

W E
S

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Ernie Carlsen
Date Prepared: August 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

)

Water Rights: 22-7205, 22-7265A,
22-7265B & 22-7314

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 74650

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

☒ other-update conditions

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: 3/3/2009

Nathan J. Brown
Signature of IDWR Representative

3/3/2009

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING
22-7205, 22-7265A, 22-7265B & 22-7314

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SCANNED
MAR 06 2009

CERTIFICATE OF MAILING

I certify that on March 6, 2009, 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:
M & B Enterprises LTD Partnership
PO Box 326
St Anthony ID 83445

3. One copy to:

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

4. One copy to:

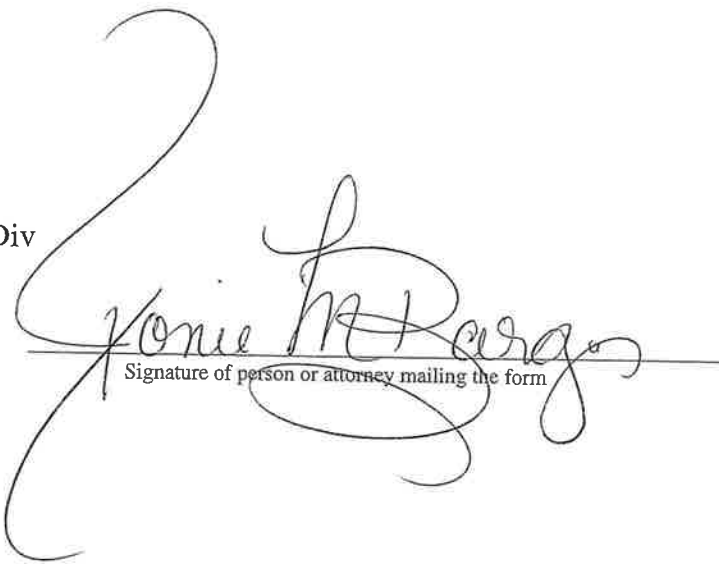
Each party in the subcase, or attorney of record

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

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

RIGHT NUMBER: 22-7205

NAME AND ADDRESS: M & B ENTERPRISES LTD PARTNERSHIP
PO BOX 326
ST ANTHONY ID 83445

SOURCE: GROUND WATER

QUANTITY: 11.000 CFS
4,014.600 AFY

TRIBUTARY:

Use of this right with Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.9 AF.

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

PRIORITY DATE: 01/18/1977

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNSE Within FREMONT County
T07N R42E S23 SENWSE Within FREMONT County

Three exchange wells are located at or near the point of diversion described above.

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of redirection described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	11.000 CFS 4,014.60 AFY
The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE:

IRRIGATION in FREMONT County

T07N R42E S02	SWSW	4.00	T07N R42E S03	SESE	24.00
T07N R42E S10	NENE	20.00	T07N R42E S10	NWNE	31.00
T07N R42E S10	SWNE	30.00	T07N R42E S10	SENE	37.00
T07N R42E S10	NENW	20.00	T07N R42E S10	SENW	36.00
T07N R42E S10	NESW	33.00	T07N R42E S10	NWSW	30.00
T07N R42E S10	NESE	38.00	T07N R42E S10	NWSE	38.00
T07N R42E S10	SWSE	25.00	T07N R42E S10	SESE	37.00
T07N R42E S11	NENW	0.30	T07N R42E S11	NWNW	34.00
T07N R42E S11	SWNW	38.00	T07N R42E S11	SENW	0.20
T07N R42E S11	NESW	1.60	T07N R42E S11	NWSW	30.00

T07N R42E S11	SWSW	40.00	T07N R42E S11	SESW	40.00
T07N R42E S11	SWSE	40.00	T07N R42E S11	SESE	30.00
T07N R42E S12	SWSW	5.50	T07N R42E S12	SESW	0.60
T07N R42E S12	SWSE	2.40	T07N R42E S12	SESE	1.60
T07N R42E S13	NENE	37.00	T07N R42E S13	NWNE	39.00
T07N R42E S13	SWNE	33.00	T07N R42E S13	SENE	36.00
T07N R42E S13	NENW	34.00	T07N R42E S13	NWNW	38.00
T07N R42E S13	SWNW	34.00	T07N R42E S13	SENW	29.00
T07N R42E S13	NESW	40.00	T07N R42E S13	NWSW	39.00
T07N R42E S13	SWSW	38.00	T07N R42E S13	SESW	39.00
T07N R42E S13	NESE	35.00	T07N R42E S13	NWSE	40.00
T07N R42E S13	SWSE	39.00	T07N R42E S13	SESE	39.00
T07N R42E S14	NENE	35.00	T07N R42E S14	NWNE	40.00
T07N R42E S14	SWNE	30.00	T07N R42E S14	SENE	28.00
T07N R42E S14	NENW	34.00	T07N R42E S14	NWNW	35.00
T07N R42E S14	SWNW	40.00	T07N R42E S14	SENW	37.00
T07N R42E S14	NESW	40.00	T07N R42E S14	NWSW	37.00
T07N R42E S14	SWSW	2.70	T07N R42E S14	SESW	29.00
T07N R42E S14	NESE	26.00	T07N R42E S14	NWSE	39.00
T07N R42E S14	SWSE	40.00	T07N R42E S14	SESE	40.00
T07N R42E S15	NENE	23.00	T07N R42E S15	SWNE	19.00
T07N R42E S15	SENE	39.00	T07N R42E S15	NESE	19.00
T07N R42E S15	NWSE	18.00	T07N R42E S23	NENE	40.00
T07N R42E S23	NWNE	26.00	T07N R42E S23	SWNE	1.10
T07N R42E S23	SENE	25.00	T07N R42E S23	NENW	3.40
T07N R42E S24	NENE	40.00	T07N R42E S24	NWNE	40.00
T07N R42E S24	SWNE	39.00	T07N R42E S24	SENE	40.00
T07N R42E S24	NENW	40.00	T07N R42E S24	NWNW	39.00
T07N R42E S24	SWNW	36.00	T07N R42E S24	SENW	37.00
T07N R42E S24	NESE	20.00	T07N R42E S24	NWSE	8.20
T07N R43E S18 Lot 4	SWSW	0.70	T07N R43E S18	SESW	0.40
T07N R43E S19	NENE	40.00	T07N R43E S19	NWNE	40.00
T07N R43E S19	SWNE	40.00	T07N R43E S19	SENE	40.00
T07N R43E S19	NENW	40.00	T07N R43E S19 Lot 1	NWNW	41.00
T07N R43E S19 Lot 2	SWNW	41.00	T07N R43E S19	SENW	35.00
T07N R43E S19	NESW	2.20	T07N R43E S19 Lot 3	NWSW	21.00
T07N R43E S19	NESE	27.00	T07N R43E S19	NWSE	27.00
T07N R43E S19	SWSE	3.30			

2740.2 ACRES TOTAL

This right is limited to the irrigation of 2200 acres within the place of use described above in a single irrigation season.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2741.4 acres in a single irrigation season.

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

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

The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

This right is subject to regulation by the watermaster of Water District No 01.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are also diverted through point of redirection described above.

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

RIGHT NUMBER: 22-7265A
NAME AND ADDRESS: M & B ENTERPRISES LTD PARTNERSHIP
PO BOX 326
ST ANTHONY ID 83445

SOURCE: GROUND WATER
QUANTITY: 3.410 CFS
1,447.440 AFY

TRIBUTARY:

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.
Use of this right with Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.7 AF.

PRIORITY DATE: 11/16/1977

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County
T07N R41E S29 NWNESE Injection Within FREMONT County
T07N R42E S23 SENWSE Rediversion Within FREMONT County
Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.
Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	3.410 CFS 1,447.44 AFY
The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE:

IRRIGATION in FREMONT County

T07N R42E S02	SWSW	4.00	T07N R42E S03	SESE	24.00
T07N R42E S10	NENE	20.00	T07N R42E S10	NWNE	31.00
T07N R42E S10	SWNE	30.00	T07N R42E S10	SENE	37.00
T07N R42E S10	NENW	20.00	T07N R42E S10	SENW	36.00
T07N R42E S10	NESW	33.00	T07N R42E S10	NWSW	30.00
T07N R42E S10	NESE	38.00	T07N R42E S10	NWSE	38.00
T07N R42E S10	SWSE	25.00	T07N R42E S10	SESE	37.00
T07N R42E S11	NENW	0.30	T07N R42E S11	NWNW	34.00
T07N R42E S11	SWNW	38.00	T07N R42E S11	SENW	0.20
T07N R42E S11	NESW	1.60	T07N R42E S11	NWSW	30.00
T07N R42E S11	SWSW	40.00	T07N R42E S11	SESW	40.00

T07N R42E S11	SWSE	40.00	T07N R42E S11	SESE	30.00
T07N R42E S12	SWSW	5.50	T07N R42E S12	SESW	0.60
T07N R42E S12	SWSE	2.40	T07N R42E S12	SESE	1.60
T07N R42E S13	NENE	37.00	T07N R42E S13	NWNE	39.00
T07N R42E S13	SWNE	33.00	T07N R42E S13	SENE	36.00
T07N R42E S13	NENW	34.00	T07N R42E S13	NWNW	38.00
T07N R42E S13	SWNW	34.00	T07N R42E S13	SENW	29.00
T07N R42E S13	NESW	40.00	T07N R42E S13	NWSW	39.00
T07N R42E S13	SWSW	38.00	T07N R42E S13	SESW	39.00
T07N R42E S13	NESE	35.00	T07N R42E S13	NWSE	40.00
T07N R42E S13	SWSE	39.00	T07N R42E S13	SESE	39.00
T07N R42E S14	NENE	35.00	T07N R42E S14	NWNE	40.00
T07N R42E S14	SWNE	30.00	T07N R42E S14	SENE	28.00
T07N R42E S14	NENW	34.00	T07N R42E S14	NWNW	35.00
T07N R42E S14	SWNW	40.00	T07N R42E S14	SENW	37.00
T07N R42E S14	NESW	40.00	T07N R42E S14	NWSW	37.00
T07N R42E S14	SWSW	2.70	T07N R42E S14	SESW	29.00
T07N R42E S14	NESE	26.00	T07N R42E S14	NWSE	39.00
T07N R42E S14	SWSE	40.00	T07N R42E S14	SESE	40.00
T07N R42E S15	NENE	23.00	T07N R42E S15	SWNE	19.00
T07N R42E S15	SENE	39.00	T07N R42E S15	NESE	19.00
T07N R42E S15	NWSE	18.00	T07N R42E S23	NENE	40.00
T07N R42E S23	NWNE	26.00	T07N R42E S23	SWNE	1.10
T07N R42E S23	SENE	25.00	T07N R42E S23	NENW	3.40
T07N R42E S24	NENE	40.00	T07N R42E S24	NWNE	40.00
T07N R42E S24	SWNE	39.00	T07N R42E S24	SENE	40.00
T07N R42E S24	NENW	40.00	T07N R42E S24	NWNW	39.00
T07N R42E S24	SWNW	36.00	T07N R42E S24	SENW	37.00
T07N R42E S24	NESE	20.00	T07N R42E S24	NWSE	8.20
T07N R43E S18 Lot 4	SWSW	0.70	T07N R43E S18	SESW	0.40
T07N R43E S19	NENE	40.00	T07N R43E S19	NWNE	40.00
T07N R43E S19	SWNE	40.00	T07N R43E S19	SENE	40.00
T07N R43E S19	NENW	40.00	T07N R43E S19 Lot 1	NWNW	41.00
T07N R43E S19 Lot 2	SWNW	41.00	T07N R43E S19	SENW	35.00
T07N R43E S19	NESW	2.20	T07N R43E S19 Lot 3	NWSW	21.00
T07N R43E S19	NESE	27.00	T07N R43E S19	NWSE	27.00
T07N R43E S19	SWSE	3.30			

2740.2 ACRES TOTAL

This right is limited to the irrigation of 620 acres within the place of use described above in a single irrigation season.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

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

Totalizing measuring devices shall be maintained at the exchange wells and rediversion pumps from the Teton River.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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 is subject to regulation by the watermaster of Water District No 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are also diverted through point of rediversion described above.

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

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

RIGHT NUMBER: 22-7265B

NAME AND ADDRESS: M & B ENTERPRISES LTD PARTNERSHIP
PO BOX 326
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.090 CFS
194.860 AFY

Use of this right with Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9,590.7 AF.

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

PRIORITY DATE: 11/16/1977

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNENE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

Three exchange wells are located at or near the point of diversion described above.

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

1.090 CFS
194.86 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in FREMONT County

T07N R42E S02	SWSW	4.00	T07N R42E S03	SESE	24.00
T07N R42E S10	NENE	20.00	T07N R42E S10	NWNE	31.00
T07N R42E S10	SWNE	30.00	T07N R42E S10	SENE	37.00
T07N R42E S10	NENW	20.00	T07N R42E S10	SENW	36.00
T07N R42E S10	NESW	33.00	T07N R42E S10	NWSW	30.00
T07N R42E S10	NESE	38.00	T07N R42E S10	NWSE	38.00
T07N R42E S10	SWSE	25.00	T07N R42E S10	SESE	37.00
T07N R42E S11	NENW	0.30	T07N R42E S11	NWNW	34.00
T07N R42E S11	SWNW	38.00	T07N R42E S11	SENW	0.20
T07N R42E S11	NESW	1.60	T07N R42E S11	NWSW	30.00

Amended Director's Report

22-7265B

SCANNED

MAR 06 2009

T07N R42E S11	SWSW	40.00	T07N R42E S11	SESW	40.00
T07N R42E S11	SWSE	40.00	T07N R42E S11	SESE	30.00
T07N R42E S12	SWSW	5.50	T07N R42E S12	SESW	0.60
T07N R42E S12	SWSE	2.40	T07N R42E S12	SESE	1.60
T07N R42E S13	NENE	37.00	T07N R42E S13	NWNE	39.00
T07N R42E S13	SWNE	33.00	T07N R42E S13	SENE	36.00
T07N R42E S13	NENW	34.00	T07N R42E S13	NWNW	38.00
T07N R42E S13	SWNW	34.00	T07N R42E S13	SENW	29.00
T07N R42E S13	NESW	40.00	T07N R42E S13	NWSW	39.00
T07N R42E S13	SWSW	38.00	T07N R42E S13	SESW	39.00
T07N R42E S13	NESE	35.00	T07N R42E S13	NWSE	40.00
T07N R42E S13	SWSE	39.00	T07N R42E S13	SESE	39.00
T07N R42E S14	NENE	35.00	T07N R42E S14	NWNE	40.00
T07N R42E S14	SWNE	30.00	T07N R42E S14	SENE	28.00
T07N R42E S14	NENW	34.00	T07N R42E S14	NWNW	35.00
T07N R42E S14	SWNW	40.00	T07N R42E S14	SENW	37.00
T07N R42E S14	NESW	40.00	T07N R42E S14	NWSW	37.00
T07N R42E S14	SWSW	2.70	T07N R42E S14	SESW	29.00
T07N R42E S14	NESE	26.00	T07N R42E S14	NWSE	39.00
T07N R42E S14	SWSE	40.00	T07N R42E S14	SESE	40.00
T07N R42E S15	NENE	23.00	T07N R42E S15	SWNE	19.00
T07N R42E S15	SENE	39.00	T07N R42E S15	NESE	19.00
T07N R42E S15	NWSE	18.00	T07N R42E S23	NENE	40.00
T07N R42E S23	NWNE	26.00	T07N R42E S23	SWNE	1.10
T07N R42E S23	SENE	25.00	T07N R42E S23	NENW	3.40
T07N R42E S24	NENE	40.00	T07N R42E S24	NWNE	40.00
T07N R42E S24	SWNE	39.00	T07N R42E S24	SENE	40.00
T07N R42E S24	NENW	40.00	T07N R42E S24	NWNW	39.00
T07N R42E S24	SWNW	36.00	T07N R42E S24	SENW	37.00
T07N R42E S24	NESE	20.00	T07N R42E S24	NWSE	8.20
T07N R43E S18 Lot 4	SWSW	0.70	T07N R43E S18	SESW	0.40
T07N R43E S19	NENE	40.00	T07N R43E S19	NWNE	40.00
T07N R43E S19	SWNE	40.00	T07N R43E S19	SENE	40.00
T07N R43E S19	NENW	40.00	T07N R43E S19 Lot 1	NWNW	41.00
T07N R43E S19 Lot 2	SWNW	41.00	T07N R43E S19	SENW	35.00
T07N R43E S19	NESW	2.20	T07N R43E S19 Lot 3	NWSW	21.00
T07N R43E S19	NESE	27.00	T07N R43E S19	NWSE	27.00
T07N R43E S19	SWSE	3.30			

2740.2 ACRES TOTAL

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

This right is limited to the irrigation of 2200 acres within the place of use described above in a single irrigation season.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2740.2 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.

Totalizing measuring devices shall be maintained at the exchange wells and redirection pumps from the Teton River.

The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

This right is subject to regulation by the watermaster of Water District No 01.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are also diverted through point of redirection described above.

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

RIGHT NUMBER: 22-7314

NAME AND ADDRESS: M & B ENTERPRISES LTD PARTNERSHIP
PO BOX 326
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 9.000 CFS
3,284.700 AFY

The rights listed below are limited to a total combined diversion rate of 56.36 cfs. Combined Right Nos.: 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314.

Use of this right with Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to a total combined (re)diversion capacity of 24.5 cfs and to a total combined annual diversion volume of 9590.7 AF.

PRIORITY DATE: 01/15/1980

POINT OF DIVERSION:

T07N R41E S29 SESWNE Within FREMONT County

T07N R41E S29 NWNENE Injection Within FREMONT County

T07N R42E S23 SENWSE Rediversion Within FREMONT County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

Three exchange wells are located at or near the point of diversion described above.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

9.000 CFS
3,284.70 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in FREMONT County

T07N R42E S02	SWSW	4.00	T07N R42E S03	SESE	24.00
T07N R42E S10	NENE	20.00	T07N R42E S10	NWNE	31.00
T07N R42E S10	SWNE	30.00	T07N R42E S10	SENE	37.00
T07N R42E S10	NENW	20.00	T07N R42E S10	SENW	36.00
T07N R42E S10	NESW	33.00	T07N R42E S10	NWSW	30.00
T07N R42E S10	NESE	38.00	T07N R42E S10	NWSE	38.00
T07N R42E S10	SWSE	25.00	T07N R42E S10	SESE	37.00
T07N R42E S11	NENW	0.30	T07N R42E S11	NWNW	34.00
T07N R42E S11	SWNW	38.00	T07N R42E S11	SENW	0.20
T07N R42E S11	NESW	1.60	T07N R42E S11	NWSW	30.00

T07N R42E S11	SWSW	40.00	T07N R42E S11	SESW	40.00
T07N R42E S11	SWSE	40.00	T07N R42E S11	SESE	30.00
T07N R42E S12	SWSW	5.50	T07N R42E S12	SESW	0.60
T07N R42E S12	SWSE	2.40	T07N R42E S12	SESE	1.60
T07N R42E S13	NENE	37.00	T07N R42E S13	NWNE	39.00
T07N R42E S13	SWNE	33.00	T07N R42E S13	SENE	36.00
T07N R42E S13	NENW	34.00	T07N R42E S13	NWNW	38.00
T07N R42E S13	SWNW	34.00	T07N R42E S13	SENW	29.00
T07N R42E S13	NESW	40.00	T07N R42E S13	NWSW	39.00
T07N R42E S13	SWSW	38.00	T07N R42E S13	SESW	39.00
T07N R42E S13	NESE	35.00	T07N R42E S13	NWSE	40.00
T07N R42E S13	SWSE	39.00	T07N R42E S13	SESE	39.00
T07N R42E S14	NENE	35.00	T07N R42E S14	NWNE	40.00
T07N R42E S14	SWNE	30.00	T07N R42E S14	SENE	28.00
T07N R42E S14	NENW	34.00	T07N R42E S14	NWNW	35.00
T07N R42E S14	SWNW	40.00	T07N R42E S14	SENW	37.00
T07N R42E S14	NESW	40.00	T07N R42E S14	NWSW	37.00
T07N R42E S14	SWSW	2.70	T07N R42E S14	SESW	29.00
T07N R42E S14	NESE	26.00	T07N R42E S14	NWSE	39.00
T07N R42E S14	SWSE	40.00	T07N R42E S14	SESE	40.00
T07N R42E S15	NENE	23.00	T07N R42E S15	SWNE	19.00
T07N R42E S15	SENE	39.00	T07N R42E S15	NESE	19.00
T07N R42E S15	NWSE	18.00	T07N R42E S23	NENE	40.00
T07N R42E S23	NWNE	26.00	T07N R42E S23	SWNE	1.10
T07N R42E S23	SENE	25.00	T07N R42E S23	NENW	3.40
T07N R42E S24	NENE	40.00	T07N R42E S24	NWNE	40.00
T07N R42E S24	SWNE	39.00	T07N R42E S24	SENE	40.00
T07N R42E S24	NENW	40.00	T07N R42E S24	NWNW	39.00
T07N R42E S24	SWNW	36.00	T07N R42E S24	SENW	37.00
T07N R42E S24	NESE	20.00	T07N R42E S24	NWSE	8.20
T07N R43E S18 Lot 4	SWSW	0.70	T07N R43E S18	SESW	0.40
T07N R43E S19	NENE	40.00	T07N R43E S19	NWNE	40.00
T07N R43E S19	SWNE	40.00	T07N R43E S19	SENE	40.00
T07N R43E S19	NENW	40.00	T07N R43E S19 Lot 1	NWNW	41.00
T07N R43E S19 Lot 2	SWNW	41.00	T07N R43E S19	SENW	35.00
T07N R43E S19	NESW	2.20	T07N R43E S19 Lot 3	NWSW	21.00
T07N R43E S19	NESE	27.00	T07N R43E S19	NWSE	27.00
T07N R43E S19	SWSE	3.30			

2740.2 ACRES TOTAL

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are limited to the irrigation of a combined total of 2740.2 acres in a single irrigation season.

Place of use does not include federal public lands unless authorized in writing by the managing federal agency.

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

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the diversion pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.

This right is subject to regulation by the watermaster of Water District No 01.

The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange wells.

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 exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

Totalizing measuring devices shall be maintained at the exchange wells and diversion pumps from the Teton River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Exchange well diversion capacity is owned half by Schwendiman Farms and half by M & B Enterprises for a total capacity of 56.36 cfs.

Right Nos. 22-7205, 22-7210, 22-7265A, 22-7265B, 22-7313A, 22-7313B, and 22-7314 are also diverted through points of diversion and injection described above.

Right Nos. 22-7205, 22-7265A, 22-7265B, 22-7270, and 22-7314 are also diverted through point of diversion described above.

06/02/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-7314

M & B ENTERPRISES LTD PARTNERSHIP
PO BOX 326
ST ANTONY ID 83445
Telephone Number: (208)652-7340

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-6-05

SIGNATURE: MB Enterprises by Dirk Parkinson General Partner

Please print your name: Dirk Parkinson

IDWR Regional Office,

SCANNED

JUN 15 2005

PROFILED

RECEIVED

JUN 13 2005

Department of Water Resources
Eastern Region

MB
6/13

RECEIVED

JUL 06 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region**Notice of Security Interest in a Water Right
And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**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): 22-7270, 22-12366, 22-7205, 22-7265, 22-7314
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
- A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
Idaho AgCredit, FLCA
PO Box 386
Rexburg ID 83440
4. Name of Water Right Owner/Claimant(s) M & B Enterprises Limited Partnership
5. Expiration Date of Notification Period 7-1-2022
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) *Mark James*
Asst. V. P.

For Office Use Only

Received by <u>JGC</u>	Date <u>7-12-04</u>	Fee <u>\$125-</u>
Receipted by <u>JGC</u>	Date <u>7-12-04</u>	Receipt No. <u>E030044</u>
Processed by _____	Date _____	WR _____ Date _____

PROFILE

SCANNED
JUN 15 2005

7N42E

WHEN RECORDED MAIL TO:

Instrument # 296345

REXBURG, MADISON, IDAHO

2002-06-11

12:56:00 No. of Pages: 8

Recorded for : FIRST AMERICAN TITLE

MARILYN R. RASMUSSEN

Fee: 24.00

Ex-Officio Recorder Deputy

RL29513

REAL ESTATE MORTGAGE

THIS MORTGAGE is made this June 3, 2002 between M & B ENTERPRISES LIMITED PARTNERSHIP, An Idaho Limited Partnership, By: DIRK PARKINSON, General Partner; and Individually By: DIRK PARKINSON and ROBYN PARKINSON, husband and wife, whose address is P.O. Box 326 St. Anthony, Idaho 83445 hereinafter called "Mortgagor", and IDAHO AGRICULTURAL CREDIT ASSOCIATION hereinafter called "Mortgagee", a corporation, existing and operating under the Farm Credit Act of 1971, as amended, having its principal place of business at 188 W. Judicial P.O. Box 985, Blackfoot, Idaho 83221.

WITNESSETH: That Mortgagor IRREVOCABLY GRANTS, BARGAINS, SELLS, CONVEYS AND ASSIGNS unto Mortgagee together with right of entry and possession the following described real property situated in the County(ies) of Fremont and Madison, State of Idaho:

SEE ATTACHED SCHEDULE A FOR REAL ESTATE DESCRIPTION, TOGETHER WITH FIXTURES AND APPURTENANT SPRINKLER EQUIPMENT IF ANY.

TOGETHER WITH: All fixtures, including but not limited to the following: All pumps, motors, columns, tubes, shafts, bowls, panels and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, as well as all additions and replacements thereof, hereby declared appurtenant thereto and which are more particularly described on the attached Schedule A.

All potato storage fixtures and equipment now owned or hereafter acquired, including but not limited to the following: electrical control and auxiliary panels, motors, fans, humidification systems, exhaust louvers and hoods, ventilation systems, vent pipe and all ancillary items.

TOGETHER WITH: Idaho Department of Water Resources License Number 22-7270.

TOGETHER WITH: Idaho Department of Water Resources License Number 22-7205.

TOGETHER WITH: Idaho Department of Water Resources License Number 22-7265.

TOGETHER WITH: Idaho Department of Water Resources License Number 22-7314.

TOGETHER WITH: Idaho Department of Water Resources Beneficial Use Claim Number 22-12366.

TOGETHER WITH: Idaho Department of Water Resources Water Application Number 22-7702.

TOGETHER WITH: 57 acre feet of water in the Fremont-Madison Irrigation District.

TOGETHER WITH: Idaho Department of Water Resources Decree Number A22-00490, Priority Date April 1, 1898.

TOGETHER WITH: Idaho Department of Water Resources Decree Number A22-00424A, Priority Date April 1, 1898.

TOGETHER WITH: Idaho Department of Water Resources Decree Number A22-04029, Priority Date June 1, 1879.

TOGETHER WITH: Idaho Department of Water Resources Decree Number A22-00491A, Priority Date June 1, 1879.

TOGETHER WITH: Idaho Department of Water Resources Decree Number A22-00425A, Priority Date May 1, 1885.

TOGETHER WITH: 105 acre feet of water in the Fremont-Madison Irrigation District.

TOGETHER WITH: All Debtor's right, title, and interest in and to the McCormick-Rowe Ditch Company.

This real estate is also offered to secure all present and future loans or advances in the name(s) of ROCKY GULCH FARMS GENERAL PARTNERSHIP, An Idaho General Partnership, By: DIRK PARKINSON, Chief Financial Partner; and Individually By: DIRK PARKINSON and ROBYN PARKINSON, husband and wife, as well as any renewals or extensions thereof.

This Mortgage is also given for the purpose of securing the payment of M & B ENTERPRISES LIMITED PARTNERSHIP, An Idaho Limited Partnership's obligations under a Continuing Guaranty - Recourse between M & B ENTERPRISES LIMITED PARTNERSHIP, An Idaho Limited Partnership and mortgagee.

This real estate mortgage is also intended to be a fixture filing and to be indexed not only as a mortgage but also as a fixture filing.

Microfilm No. 474925
 At 11 Day June 20 02
15:15 clock P #
 ABIE MACE
 Fee \$ 24 FREMONT CO. RECORDER
 Recorded at Request of
First American Title Company

TOGETHER WITH: all buildings, structures, equipment, fixtures (including trees, vines and shrubs) and improvements of every kind and description now or hereafter constructed or placed thereon; all standing timber and timber to be cut located thereon; all existing and future water rights, however evidenced, to the use of water for irrigation, livestock and domestic purposes, including irrigation and watering equipment and systems, ditches, laterals, conduits, and rights-of-way used to convey such water or to drain the above-described property, all of which rights are hereby made appurtenant to the property, and all pumping plants, electrical generators, wind machines, and fencing and storage tanks, now or hereafter used in connection with the property, all of which are hereby declared to be fixtures; all grazing rights, leases, permits and licenses; all oil, gas, and mineral leases, permits and rights used with the property; and all tenements, hereditaments, easements, rights-of-way and appurtenances to the property (hereafter collectively referred to as the "Property").

MORTGAGOR ABSOLUTELY AND UNCONDITIONALLY ASSIGNS, transfers, conveys and sets over to Mortgagee all the rents, royalties, issues, profits, revenue, income and other benefits of the property arising from the use or enjoyment of all or any portion thereof or from any lease, mineral lease, or agreement pertaining thereto (collectively the "Rents"); SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Mortgagor by Paragraph B.3 hereof.

FOR THE PURPOSE OF SECURING: (1) payment of the indebtedness or obligations evidenced by the following promissory note(s) and/or guaranties executed by Mortgagor and/or others to the Mortgagee at the times, in the manner and with interest as therein set forth (notes may contain variable or adjustable rate provisions):

DATE OF NOTE

June 3, 2002

June 3, 2002

MATURITY DATE

July 1, 2022

July 1, 2022

AMOUNT OF NOTE

\$2,412,580.00

\$1,395,465.00

(ii) No Contaminants are located on, in or under any property located adjacent to the Property in such quantities or concentrations as would constitute a violation of any Environmental Law or as would require the owner of the adjacent property to report such condition to any governmental authority or to undertake removal or remedial action to clean up such Contaminants;

(iii) Neither the Property, nor any portion thereof, nor any adjacent property or portion thereof, has been or is proposed to be listed under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Section 9601, et seq.), or any analogous state law. Mortgagor shall immediately notify Mortgagee if Mortgagor acquires any information concerning the listing or proposed listing of the Property or any adjacent property and shall provide Mortgagee with any documents in Mortgagor's possession relative thereto;

(iv) No hazardous wastes, as defined under the Federal Resource Conservation and Recovery Act (42 U.S.C. Section 6901, et seq.), or any analogous state law ("Hazardous Wastes"), have been, are being or will be stored or treated in surface impoundments or other structures or facilities located on the property that are partially or entirely below the ground surface;

(v) No litigation, investigation, administrative order, consent order, agreements, or other action, proceeding or settlement (hereinafter "Action") has previously been brought, is now pending, or to the best knowledge of Mortgagor threatened against or anticipated by Mortgagor, with respect to Mortgagor's use or management of Hazardous Materials or Hazardous Wastes or the environmental condition of the Property, including any underlying groundwater. Upon learning thereof, Mortgagor shall immediately notify Mortgagee of any such Action or threatened Action and provide Mortgagee with copies of all documentation relative thereto; and

(vi) Except as disclosed in writing to Mortgagee, no underground tanks, wells (except domestic water wells), septic tanks, ponds, pits or any other storage tanks ("Tanks") (whether currently in use or abandoned) are or were located on or under the Property and no Tanks are or were serving the Property described herein. With respect to any Tanks disclosed in writing to Mortgagee, Mortgagor shall comply with all federal, state and local laws, regulations and ordinances and any requirements of city or county fire departments, applicable to the maintenance and use of such Tanks, including, without limitation, Title 40 of the Code of Federal Regulations Part 112.

(b) Nothing herein shall be deemed to prohibit Mortgagor from (i) using, handling or storing hazardous materials or substances, as defined under any federal, state or local law, regulation or ordinance ("Hazardous Materials") or (ii) storing or treating non-hazardous wastes, so long as such activities are carried out (a) in a good and husbandlike manner in the ordinary course of business, and (b) in compliance with all applicable environmental laws, regulations, permits, orders or other requirements.

(c) In the event that Mortgagor is in breach of any of its representations, warranties or covenants as set forth above, Mortgagor, at its sole expense, shall take all action required, including environmental cleanup of the Property, to comply with the representations, warranties and covenants herein or applicable legal requirements and, in any event, shall take all action deemed necessary by appropriate governmental authorities. Mortgagee shall have the right, but not the obligation, to advise appropriate governmental authorities of any environmental condition on or affecting the Property that constitutes or may constitute a breach of Mortgagor's obligations hereunder.

(d) Mortgagor and its successors and assigns shall indemnify, defend, protect, and hold harmless Mortgagee, its directors, officers, employees, agents, shareholders, successors and assigns and their officers, employees or agents, from and against any and all claims, suits, damages, liens, losses, liabilities, interest, judgments, response and cleanup costs, demands, actions, causes of action, injuries, administrative proceedings and orders, consent agreements and orders, penalties, costs and expenses (including any fees and expenses incurred in enforcing this indemnity, any out-of-pocket litigation costs and the reasonable fees and expenses of counsel) of any kind whatsoever ("Claims") paid, incurred or suffered by, or asserted against Mortgagee, including but not limited to Claims arising out of loss of life, injury to persons, trespass or damage to or contamination of property or natural resources, or injury to business, in connection with or arising out of the activities of Mortgagor on the Property, Mortgagor's predecessors in interest, third parties who have been invited, permitted or trespassed on the Property, or parties in a contractual relationship with Mortgagor, or any of them, or which directly or indirectly arise out of or result from or in any way connected with the Property, whether or not caused by Mortgagor or within the control of Mortgagor, including without limitation: (i) the presence, use, generation, treatment, storage, disposal, release, threatened release, or discharge of any Hazardous Material or Contaminant at or from the Property and/or the cleanup of Hazardous Materials or Contaminants within, on or under the Property; (ii) Mortgagor's breach of any of the representations, warranties and covenants contained herein; and (iii) Mortgagor's violation or alleged violation of any applicable Environmental Law, regulation or ordinance.

(e) Mortgagor's representations, warranties, covenants and indemnities contained herein shall survive the occurrence of any event whatsoever, including without limitation the payoff of any promissory note(s) secured hereby, the release or foreclosure of this Mortgage, the acceptance by Mortgagee of a deed in lieu of foreclosure, or any transfer or abandonment of the Property.

(f) The term "Environmental Law" shall mean any federal, state or local law, statute, ordinance, or regulation, now in effect or hereinafter enacted, pertaining to health, industrial hygiene, or the environmental conditions on, under or about the Property, including but not limited to enactments requiring the removal or containment of asbestos-containing materials in private buildings.

(g) Mortgagor shall permit, or cause any tenant of Mortgagor to permit, Mortgagee or its agents, or independent contractors to enter and inspect the Property at any reasonable time for purposes of determining, as Mortgagee deems necessary or desirable: (i) the existence, location and nature of any Hazardous Materials or Hazardous Wastes on, under or about the Property, (ii) the existence, location, nature, magnitude and spread of any Hazardous Materials or Hazardous Waste that has been spilled, disposed of, discharged or released on, under or about the Property, or (iii) whether or not Mortgagor and any tenant of Mortgagor is in compliance with applicable Environmental Law. If Mortgagor or its tenants fail to comply fully with the terms of this subdivision (g), Mortgagee may obtain affirmative injunctive relief to compel such compliance.

10. Grazing Rights. If any portion of the Property described in this Mortgage is used by Mortgagor as the basis for obtaining grazing permits or other grazing rights issued by any governmental agency, including without limitations the Forest Service, U.S. Department of Agriculture or the Bureau of Land Management, U.S. Department of Interior, Mortgagor covenants and agrees as follows:

(a) Said grazing permits or other rights are in good standing and have not been modified, reduced or limited in any other respect, except as fully disclosed in writing to Mortgagee;

(b) Mortgagor will perform all obligations imposed as a requirement of exercise of said grazing permits or other rights and will comply with all laws, rules and regulations applicable thereto;

(b) A water transfer is any transfer, assignment, sale, exchange, gift, encumbrance, pledge, hypothecation, alienation, grant of option to purchase, or other disposition of, directly, indirectly or in trust, voluntarily or involuntarily, by operation of law or otherwise, or the entry into a binding agreement to do any of the foregoing with respect to all or any part of (i) the groundwater on, under, pumped from or otherwise available to the Property, (ii) Mortgagor's right to remove and extract any such groundwater including any permits, rights or licenses granted by any governmental authority or agency and any rights granted or created by any easement, covenant, agreement or contract with any person or entity, (iii) any rights to which the Property is entitled with respect to surface water, whether such right is appropriative, riparian, prescriptive or otherwise and whether or not pursuant to permit or other governmental authorization, or the right to store any such water, (iv) any water, water right, water allocation, distribution right, delivery right, water storage right, water allocation, or other water-related entitlement appurtenant or otherwise applicable to the Property by virtue of the Property's being situated within the boundaries of any district, agency, or other governmental entity or within the boundaries of any private water company, mutual water company, or other non-governmental entity, or (v) any shares (or any rights under such shares) of any private water company, mutual water company, or other non-governmental entity pursuant to which Mortgagor or the Property may receive any rights.

9. In the event any one or more of the provisions contained in this Mortgage or in any promissory note(s) hereby secured shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Mortgage or said promissory note(s), but this Mortgage and said promissory note(s) shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein or therein.

M & B ENTERPRISES LIMITED PARTNERSHIP, An Idaho
Limited Partnership, and DIRK PARKINSON, individually

INDIVIDUALLY BY:

By: [Signature]
DIRK PARKINSON, individually and as General Partner

[Signature]
ROBYN PARKINSON

ACKNOWLEDGMENT.

STATE OF IDAHO)
County of Madison)ss.

On this 10th day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Dirk Parkinson, known to me to be the General Partner in the Partnership of M & B Enterprises Limited Partnership, An Idaho Limited Partnership, and the partner who subscribed said partnership name to the foregoing instrument and acknowledged to me that he executed the same in said partnership name.

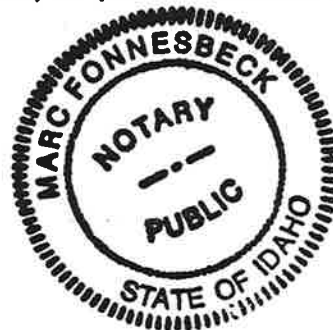
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]

Notary Public for the State of Idaho

Residing at Rigby

My Commission Expires: 4-27-07



STATE OF IDAHO)
County of Madison)ss.

On this 10th day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Dirk Parkinson and Robyn Parkinson, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

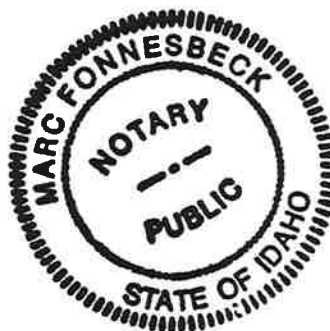
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]

Notary Public for the State of Idaho

Residing at Rigby

My Commission Expires: 4-27-07



SCHEDULE A

REAL ESTATE DESCRIPTION TOGETHER WITH FIXTURES AND APPURTENANT SPRINKLER EQUIPMENT IF ANY FOR MORTGAGE DATED June 3, 2002

M & B Enterprises Limited Partnership, An Idaho Limited Partnership
Loan No. 231-004-0006496229-3016250-101

REAL ESTATE DESCRIPTION:PARCEL 1:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 2:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 10: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, EXCEPT: That portion of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the S $\frac{1}{2}$ (N $\frac{1}{2}$ S $\frac{1}{2}$) of Section 10, Township 7 North, Range 42 E.B.M., described by metes and bounds as follows: Commencing at the S $\frac{1}{4}$ corner of said Section 10; thence N. 0°21'25" W., 1313.70 feet along the North-South Center quarter line to the center South 1/16 (C-S1/16) corner; thence S. 89°13'33" W., 35.00 feet along the S 1/16th line; thence N. 0°21'25" W., 179.51 feet to a point monumented with a bronze marker inscribed 10C742; thence N. 89°13'33" E., 70.00 feet to a point monumented with a bronze marker inscribed 10D742; thence S. 0°21'25" E., 890.12 feet to a point monumented with a bronze marker inscribed 10E742; thence S. 71°43'25" E., 1848.34 feet to a point on the South boundary line of said Section 10; thence S. 89°14'00" W., 1786.51 feet along the South boundary line of said Section 10 to the point of beginning. (Said Exception also known as Tract 2 of Parcel U.S.A. TD-17)

PARCEL 3:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 10: E $\frac{1}{2}$ NE $\frac{1}{4}$

PARCEL 4:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 10: E $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 5:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL 6:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 11: W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$; EXCEPT: Beginning at the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence South along the East boundary line of said section, a distance of 600 feet to a point, which point is the intersection of the said section line and the Hog Hollow Road; thence in a northwesterly direction along said road to its intersection with the North boundary line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, which point is approximately 1032 feet West of the NW corner of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence East along the North boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the place of beginning.

PARCEL 7:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 12: The S. 60 rods of the SE $\frac{1}{4}$

PARCEL 8:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 12: Beginning at the SW corner of section; thence N. 700 feet to the Hog Hollow Road as now constituted; thence in a southeasterly direction along the road to the point where the road intersects the south line of section; thence W. 1480 feet to the point of beginning. ALSO Starting at the SE corner of the SW $\frac{1}{4}$ of section; thence N. 360 feet to the Hog Hollow Road as now constituted; thence in a southwesterly direction along the road to the point where the road intersects the south line of section; thence E. 860 feet to the point of beginning.

PARCEL 9:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 13: N $\frac{1}{2}$

PARCEL 10:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 13: E $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$

PARCEL 11:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 14: NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; NE $\frac{1}{4}$; NW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT: That portion of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ (S $\frac{1}{2}$ SW $\frac{1}{4}$) and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 14, Township 7 North, Range 42 E.B.M., described by metes and bounds as follows: Commencing at the SW corner of said Section 14; thence N. 0°36'05" W., 1626.08 feet along the west boundary line of said Section 14, thence S. 65°07'20" E., 1317.98 feet to a point monumented with a bronze marker inscribed 14A742; thence S. 51°00'36" E., 830.59 feet to a point monumented with a bronze marker inscribed 14B742; thence S. 33°09'43" E., 635.88 feet to a point on the south boundary line of said Section 14; thence S. 89°33'41" W., 2172.09 feet along the south boundary line of said Section 14 to the SW corner, the point of beginning.

PARCEL 12:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 15: N $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT: Beginning at the NW corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence S. 66 rods; thence E. 25 rods; thence N. 66 rods; thence W. 25 rods to place of beginning, ALSO EXCEPT: Commencing at the NE corner of said Section 15; thence S. 89°14'00" W., 837.09 feet along the north boundary line of said Section 15 to the true point of beginning; thence S. 5°12'38" E., 1275.81 feet to a point monumented with a bronze marker inscribed 15B742; thence S. 88°54'06" W., 809.67 feet to a point monumented with a bronze marker inscribed 15C742; thence S. 31°04'03" W., 43.83 feet to a point on the N1/16th line of said Section 15; thence S. 89°14'29" W., 1056.45 feet along the N1/16th line to the center-north sixteenth (C-N1/16) corner of said Section 15; thence N. 0°35'53" W., 224.76 feet along the North-South center quarter line of said Section 15; thence N. 89°14'04" E., 412.50 feet; thence N. 0°35'53" W., 1089.00 feet to a point on the north boundary line of said Section 15; thence N. 89°14'00" E., 1374.01 feet along the north boundary line of said Section 15 to the point of beginning.

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 15: S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$; EXCEPT: Beginning at a point 160 rods south of the NW corner; thence S. 25 rods; thence E. 66 rods; thence N. 25 rods; thence W. 66 rods to point of beginning. ALSO EXCEPT: Commencing at the S 1/16 corner on the west boundary line of said Section 15; thence N. 0°35'41" W., 900.89 feet along the west boundary line of said Section 15; thence N. 89°14'58" E., 1089.00 feet; thence N. 0°35'41" W., 412.50 feet to a point on the East-West center quarter line of said Section 15; thence N. 89°14'58" E., 1534.74 feet along the East-West center quarter line to the center quarter (C $\frac{1}{4}$) corner of said Section 15; thence N. 0°35'53" W., 1313.76 feet along the North-South center quarter line to the Center-North sixteenth (C-N1/16) corner; thence N. 89°14'29" E., 1056.45 feet; thence S. 31°04'03" W., 2051.99 feet to a point monumented with a bronze marker inscribed 15D742; thence S. 57°26'36" E., 699.93 feet to a point monumented with a bronze marker inscribed 15E742; thence N. 81°38'23" E., 1319.75 feet to a point monumented with a bronze marker inscribed 15F742; thence S. 64°56'08" E., 833.09 feet to a point on the east boundary of said Section 15; thence S. 0°36'05" E., 311.97 feet along the east boundary line of said Section 15 to the South sixteenth (S1/16) corner; thence S. 89°15'26" W., 5247.64 feet along the South sixteenth line to the South sixteenth (S1/16) corner on the

Section 29, Township 7 North, Range 41 E.B.M., Fremont County, Idaho, and running thence South to the centerline of the Teton River; thence West along the centerline of the Teton River 15 feet; thence North to a point 15 feet West of the Point of Beginning; thence East 15 feet to the Point of Beginning.
EXCEPT: Good Luck Canal.

PARCEL 20:

An easement for a road right-of-way across the following described property in Fremont County, Idaho: Commencing at a point 430 feet North of the point where the centerline of the Good Luck Canal intersects the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 7 North, Range 41 E.B.M., and running thence North to the North line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, Township 7 North, Range 41 E.B.M.; thence running West 15 feet; thence South to a point 15 feet West of the Point of Beginning; thence East 15 feet to the Point of Beginning.

FIXTURE AND/OR SPRINKLER EQUIPMENT DESCRIPTION:

- 1 - 1987 Lockwood Model 2265 9 tower + corner Center Pivot Serial #749377AA
- 1 - 1987 Lockwood Model 2285 11 tower + corner Center Pivot Serial #874938AA
- 1 - 1987 Lockwood Model 2285 11 tower + corner Center Pivot Serial #874939AA
- 1 - 1987 Lockwood Model 2265 8 tower + corner Center Pivot Serial #875075AA
- 1 - 1987 Lockwood Model 2265 8 tower + corner Center Pivot Serial #875076AA
- 1 - 1992 Lockwood Model 2006 7 tower Center Pivot Serial #399-CP
- 1 - 1990 Lockwood Model 2285 13 tower Center Pivot Serial #896424AA
- 1 - 2000 Valley 9 tower Center Pivot
- 1 - 1990 Lockwood Model 2265 7 tower Center Pivot Serial #896426AA
- 1 - 1990 Lockwood Model 2265 9 tower Center Pivot Serial #896427AA
- 1 - 1990 Lockwood Model 2265 7 tower Center Pivot Serial #896428AA
- 1 - 1991 Lockwood Model 2265 10 tower Center Pivot Serial #906986AA
- 1 - 1991 Lockwood Model 2265 10 tower Center Pivot Serial #906985AA
- 67 one-quarter mile Handlines McDowell 4" (33 pipe per one-quarter mile line)
- 15,640' 6" Mainline
- 8,640' 8" Mainline
- 9,160' 10" Mainline
- 8,880' 12" Mainline
- 16,454' 14" Mainline
- 2,900' 15" Mainline
- 22,900' 16" Mainline
- 2,490' 18" Mainline
- 3,700' 20" Mainline
- 1 - US High Trust 800hp Motor Serial #C5078-975
- 1 - Johnston Pump
- 1 - Westinghouse 500hp Motor Serial #1S-77
- 1 - Johnston Pump
- 1 - Westinghouse 600hp Motor
- 1 - Johnston Pump
- 1 - General Electric 600hp Motor Serial #BNJ223024
- 1 - Johnston Pump
- 1 - US Electric 600hp Motor Serial #Y067/T12T138R103R-2
- 1 - Johnston Pump
- 1 - Century 40hp Motor Serial #PN/A-15095V-55
- 1 - Cornell Pump Serial #55272
- 1 - US Electric 150hp Motor Serial #A1022299R680H
- 1 - Peerless Pump
- 1 - Century 100hp Motor Serial #PN/A-15099N-55
- 1 - Cornell Pump Serial #62778
- 1 - 50hp Motor
- 1 - General Electric 100hp Motor Serial #SK404JL204E
- 1 - Paco Pump Serial #XE90803879
- 1 - Marathon 60hp Motor Serial #1A-364TTDS4050AN
- 1 - Cornell Pump Serial #86307
- 1 - Baldor 75hp Motor Serial #A15098W-55
- 1 - Cornell Pump Serial #105579
- 1 - 75hp Yaskawa Pump Serial #1200107
- 1 - 75hp US Electric Pump Serial #R-6327-02-076 R2107545S
- 1 - Valley Center Pivot with corner arm 8 tower 3 years old Serial #10010591
- 4 - Handlines (3" and 4")

TOGETHER WITH BORROWERS 1/2 INTEREST IN THE FOLLOWING IRRIGATION EQUIPMENT

- 1 - US Electric 250hp Motor Serial #IDHC-9544-366
- 1 - Johnston Pump
- 1 - US Electric 400hp Motor
- 1 - Johnston Pump
- 1 - Westinghouse 500hp Motor
- 1 - Pump (unknown make)

M & B ENTERPRISES LIMITED PARTNERSHIP, An Idaho Limited Partnership, and DIRK PARKINSON, individually

By: Dirk Parkinson
DIRK PARKINSON, individually and as General Partner

INDIVIDUALLY BY:

Robyn Parkinson
ROBYN PARKINSON



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

July 22, 2003

M & B ENTERPRISES
A LIMITED PARTNERSHIP
PO BOX 326
ST ANTHONY ID 83445

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-7205, 22-7270,
22-7314, 22-12366

Dear M & B Enterprises:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren
Office Specialist 1

Enclosure

PROFILED

SEARCHED

JUN 15 2005

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.

OK
JGC
7/22/02
RECEIVED
AUG 26 2002
Department of Water Resources
Eastern Region

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	Water Right No(s).	Adjudication Claim No(s).	Split
22-7270				22-7702	
22-7205				22-12366	
22-7265					
22-7314					

- water right
\$25

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) Dirk Parkinson
Bob Parkinson & Marilyn Parkinson
4. New Owner/Claimant(s) M & B Enterprises, A Limited Partnership
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 326
- City, State and ZIP Code St. Anthony ID 83445
- New Telephone Number (208) 652-7340
5. Date you acquired the property 1985

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AUG 16 2002
Department of Water Resources
Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Use		
Irrigation		
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Use		
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) M & B Enterprises, A Limited Partnership
(include title if applicable) By: Dirk Parkinson, General Partner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only	Date <u>8-26-02</u>	Fee <u>\$25-</u>
Received by <u>gc</u>	Date <u>8-26-02</u>	Receipt No. <u>E028090</u>
Received by <u>gc</u>	Date	WR
Processed by	AJ	Date

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LENDER'S POLICY

SCHEDULE A

Order No.: **RX29513**

Policy No.: **CW5233034**

Reference No.:

Amount of Insurance: **\$ 2,012,580.00**

Premium: **\$ 4,806.00**

Endorsements:

\$

Date of Policy: **June 11, 2002** at **12:56 PM**

1. Name of Insured:

Idaho Agricultural Credit Association, its successors and/or assigns as their respective interests may appear.

2. The estate or interest in the land which is encumbered by the insured mortgage is:

A fee simple interest

3. Title to the estate or interest in the land is vested in:

Parcels 1 through 17: M & B Enterprises, an Idaho Limited Partnership

Parcel 19 & 20: M & B Enterprises, an Idaho Limited Partnership as to an undivided 50% interest

4. The insured mortgage, and assignments thereof, if any, are described as follows:

Real Estate Mortgage to secure an original indebtedness of \$3,808,045.00, and any other amounts and/or obligations secured thereby.

Recorded: June 11, 2002, as Instrument No. 474925

**Morgagor: M & B Enterprises Limited Partnership, An Idaho Limited Partnership,
By: Dirk Parkinson, General Partner; and Individually By: Dirk Parkinson and
Robyn Parkinson, husband and wife**

Mortgagee: Idaho Agricultural Credit Association.

The amount of this Policy is less than the face amount of the insured Real Estate Mortgage. The insured represents that the difference between the amount of this Policy and the amount of the Real Estate Mortgage is secured by other real property and/or personal property. The insurer's liability under this Policy is

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**LENDER'S POLICY
SCHEDULE A
(Continued)**

Order No.: **RX29513**

reduced by the ratio of the amount of insurance over the full principal debt of the loan insured at the date of policy.

5. The land referred to in this policy is described as follows:

PARCEL 1:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 2:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 10: W $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$, EXCEPT: That portion of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the S $\frac{1}{2}$ (N $\frac{1}{2}$ S $\frac{1}{2}$) of Section 10, Township 7 North, Range 42 E.B.M., described by metes and bounds as follows: Commencing at the S $\frac{1}{4}$ corner of said Section 10; thence N. 0° 21'25" W., 1313.70 feet along the North-South Center quarter line to the center South 1/16 (C-S1/16) corner; thence S. 89° 13'33" W., 35.00 feet along the S 1/16th line; thence N. 0° 21'25" W., 179.51 feet to a point monumented with a bronze marker inscribed 10C742; thence N. 89° 13'33" E., 70.00 feet to a point monumented with a bronze marker inscribed 10D742; thence S. 0° 21'25" E., 890.12 feet to a point monumented with a bronze marker inscribed 10E742; thence S. 71° 43'25" E., 1848.34 feet to a point on the South boundary line of said Section 10; thence S. 89° 14'00" W., 1786.51 feet along the South boundary line of said Section 10 to the point of beginning. (Said Exception also known as Tract 2 of Parcel U.S.A. TD-17)

PARCEL 3:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 10: E $\frac{1}{2}$ NE $\frac{1}{4}$

PARCEL 4:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 10: E $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 5:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$

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LENDER'S POLICY
· SCHEDULE A
(Continued)

Order No.: **RX29513**

PARCEL 6:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 11: $W\frac{1}{2}SW\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}SE\frac{1}{4}$; EXCEPT: Beginning at the NE corner of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$; thence South along the East boundary line of said section, a distance of 600 feet to a point, which point is the intersection of the said section line and the Hog Hollow Road; thence in a northwesterly direction along said road to it's intersection with the North boundary line of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of said section, which point is approximately 1032 feet West of the NW corner of said $SE\frac{1}{4}$ of the $SE\frac{1}{4}$; thence East along the North boundary line of said $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ to the place of beginning.

PARCEL 7:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 12: The S. 60 rods of the $SE\frac{1}{4}$

PARCEL 8:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 12: Beginning at the SW corner of section; thence N. 700 feet to the Hog Hollow Road as now constituted; thence in a southeasterly direction along the road to the point where the road intersects the south line of section; thence W. 1480 feet to the point of beginning. ALSO Starting at the SE corner of the $SW\frac{1}{4}$ of section; thence N. 360 feet to the Hog Hollow Road as now constituted; thence in a southwesterly direction along the road to the point where the road intersects the south line of section; thence E. 860 feet to the point of beginning.

PARCEL 9:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 13: $N\frac{1}{2}$

PARCEL 10:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 13: $E\frac{1}{2}SE\frac{1}{4}$; $SW\frac{1}{4}$; $W\frac{1}{2}SE\frac{1}{4}$

PARCEL 11:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 14: $NE\frac{1}{4}SW\frac{1}{4}$; $SE\frac{1}{4}$; $NE\frac{1}{4}$; $NW\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}$; $W\frac{1}{2}SW\frac{1}{4}$, EXCEPT: That portion of the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ ($S\frac{1}{2}SW\frac{1}{4}$) and the $NW\frac{1}{4}$ of the $SW\frac{1}{4}$ ($NW\frac{1}{4}SW\frac{1}{4}$) of

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Section 14, Township 7 North, Range 42 E.B.M., described by metes and bounds as follows: Commencing at the SW corner of said Section 14; thence N. 0°36'05" W., 1626.08 feet along the west boundary line of said Section 14, thence S. 65°07'20" E., 1317.98 feet to a point monumented with a bronze marker inscribed 14A742; thence S. 51°00'36" E., 830.59 feet to a point monumented with a bronze marker inscribed 14B742; thence S. 33°09'43" E., 635.88 feet to a point on the south boundary line of said Section 14; thence S. 89°33'41" W., 2172.09 feet along the south boundary line of said Section 14 to the SW corner, the point of beginning.

PARCEL 12:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 15: N½NE¼, EXCEPT: Beginning at the NW corner of the NW¼NE¼; thence S. 66 rods; thence E. 25 rods; thence N. 66 rods; thence W. 25 rods to place of beginning, ALSO EXCEPT: Commencing at the NE corner of said Section 15; thence S. 89°14'00" W., 837.09 feet along the north boundary line of said Section 15 to the true point of beginning; thence S. 5°12'38" E., 1275.81 feet to a point monumented with a bronze marker inscribed 15B742; thence S. 88°54'06" W., 809.67 feet to a point monumented with a bronze marker inscribed 15C742; thence S. 31°04'03" W., 43.83 feet to a point on the N.1/16th line of said Section 15; thence S. 89°14'29" W., 1056.45 feet along the N1/16th line to the center-north sixteenth (C-N1/16) corner of said Section 15; thence N. 0°35'53" W., 224.76 feet along the North-South center quarter line of said Section 15; thence N. 89°14'04" E., 412.50 feet; thence N. 0°35'53" W., 1089.00 feet to a point on the north boundary line of said Section 15; thence N. 89°14'00" E., 1374.01 feet along the north boundary line of said Section 15 to the point of beginning.

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 15: S½NE¼; N½S½; EXCEPT: Beginning at point 160 rods south of the NW corner; thence S. 25 rods; thence E. 66 rods; thence N. 25 rods; thence W. 66 rods to point of beginning. ALSO EXCEPT: Commencing at the S1/16 corner on the west boundary line of said Section 15; thence N. 0°35'41" W., 900.89 feet along the west boundary line of said Section 15; thence N. 89°14'58" E., 1089.00 feet; thence N. 0°35'41" W., 412.50 feet to a point on the East-West center quarter line of said Section 15; thence N. 89°14'58" E., 1534.74 feet along the East-West center quarter line to the center quarter (C¼) corner of said Section 15; thence N. 0°35'53" W., 1313.76 feet along the North-South center quarter line to the Center-North

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sixteenth (C-N1/16) corner; thence N. 89°14'29" E., 1056.45 feet; thence S. 31°04'03" W., 2051.99 feet to a point monumented with a bronze marker inscribed 15D742; thence S. 57°26'36" E., 699.93 feet to a point monumented with a bronze marker inscribed 15E742; thence N. 81°38'23" E., 1319.75 feet to a point monumented with a bronze marker inscribed 15F742; thence S. 64°56'08" E., 833.09 feet to a point on the east boundary of said Section 15; thence S. 0°36'05" E., 311.97 feet along the east boundary line of said Section 15 to the South sixteenth (S1/16) corner; thence S. 89°15'26" W., 5247.64 feet along the South sixteenth line to the South sixteenth (S1/16) corner on the west boundary line of said Section 15; the point of beginning.

PARCEL 13:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 23: NE¼NE¼

PARCEL 14:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 23: SE¼NE¼; EXCEPT: Commencing at the E¼ corner of said Section 23; thence S. 89°34'30" W., 1316.13 feet along the East-West center quarter line of said Section 23 to the Center-East sixteenth (C-E1/16) corner; thence N. 0°27'02" W., 996.94 feet along the east sixteenth line of said Section 23; thence S. 52°56'47" E., 828.06 feet to a point monumented with a bronze marker inscribed 23D742; thence S. 15°03'39" W., 250.08 feet to a point monumented with a bronze marker inscribed 23E742; thence S. 83°57'50" E., 729.81 feet to a point on the east boundary line, N. 0°30'26" W., 169.34 feet from the E¼ corner of said Section 23; thence S. 0°30'26" E., 169.34 feet to the E¼ corner of said Section 23, the point of beginning.

PARCEL 15:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho
Section 23: NW¼NE¼; NE¼NW¼; EXCEPT: Commencing at the W1/16 corner on the north boundary line of said Section 23; thence N. 89°33'41" E., 858.58 feet along the north boundary line of said Section 23; thence S. 25°00'12" E., 520.07 feet to a point monumented with a bronze marker inscribed 23A742; thence S. 88°24'09" E., 1364.61 feet to a point monumented with a bronze marker inscribed 23B742; thence S. 01°38'08" W., 793.52 feet to a point on the north sixteenth line, N. 89°34'06" E., 2412.16 feet from the northwest sixteenth (NW1/16) corner of said Section 23; thence S. 89°34'06" W., 2412.16 feet along the north sixteenth line to

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the northwest sixteenth (NW1/16) corner of said Section 23; thence N. 0°20'11" W., 1314.22 feet along the west sixteenth line to the west sixteenth (W1/16) corner on the north boundary line of said Section 23, the point of beginning.

PARCEL 16:

Township 7 North, Range 42 E.B.M., Fremont County, Idaho

Section 24: S½NE¼; N½S½; NW¼; N½NE¼; EXCEPT: Commencing at the W¼ corner of said Section 24; thence N. 0°30'26" W., 169.34 feet along the west boundary of said Section 24; thence S. 85°06'54" E., 900.41 feet to a point monumented with a bronze marker inscribed 24A742; thence S. 59°08'46" E., 168.61 feet to a point on the East-West Center quarter line of said Section 24; monumented with a bronze marker inscribed 24B742; thence S. 89°39'46" W., 1040.40 feet along the East-West Center quarter line to the W¼ corner of said Section 24, the point of beginning. **ALSO EXCEPT:** Commencing at the W¼ corner of said Section 24; thence N. 89°39'46" E., 1773.99 feet along East-West quarter line of said Section 24 to a point monumented with a bronze marker inscribed 24C742, the true point of beginning; thence N. 52°06'59" E., 309.95 feet to a point monumented with a bronze marker inscribed 24D742; thence S. 89°30'44" E., 459.94 feet to a point monumented with a bronze marker inscribed 24E742; thence S. 71°16'33" E., 152.03 feet to a point on the North-South Center quarter line of said Section 24; thence S. 0°29'28" E., 132.68 feet along the North-South Center quarter line to the C¼ corner of said Section 24; thence S. 89°39'46" W., 849.69 feet to the point of beginning. **ALSO EXCEPT:** Commencing at the W¼ corner of said Section 24; thence N. 89°39'46" E., 2623.68 feet along the East-West Center quarter line to the C¼ corner of said Section 24; thence N. 0°29'28" W., 132.68 feet along the North-South Center quarter line of said Section 24; thence S. 71°16'33" E., 237.94 feet to a point monumented with a bronze marker inscribed 24F742; thence S. 21°07'07" E., 450.03 feet to a point monumented with a bronze marker inscribed 24G742; thence S. 73°16'31" E., 289.97 feet to a point monumented with a bronze marker inscribed 24H742; thence N. 63°38'35" E., 469.92 feet to a point monumented with a bronze marker inscribed 24J742; thence S. 76°45'50" E., 804.92 feet to a point monumented with a bronze marker inscribed 24K742; thence S. 34°18'10" E., 615.01 feet to a point monumented with a bronze marker inscribed 24L742; thence S. 77°30'39" E., 427.08 feet to a point on the east boundary line of said Section 24; thence S. 0°28'29" E., 285.38 feet along the east boundary line of said Section 24 to the S1/16 corner; thence S. 89°45'49" W., 5246.66 feet along the South sixteenth line to the S1/16 corner on the west boundary line of said Section

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24; thence N. 0°30'26" W., 1314.67 feet along the west boundary line of said Section 24 to the W¼ corner, the point of beginning.

PARCEL 17:

Township 7 North, Range 43 E.B.M., Fremont County, Idaho

Section 19: Government Lot 3; N½; N½SE¼ and SW¼SE¼ North of the Teton River. EXCEPT: That portion of the W½ SE¼ of Section 19, Township 7 North, Range 43 E.B.M., Fremont County, Idaho, described by metes and bounds as follows: Commencing at the S¼ corner of said Section 19; thence N. 0°35'23" W., 2322.38 feet along the North-South Center quarter line; thence S. 61°14'18" E., 841.30 feet to a point monumented with a bronze marker inscribed 19D743; thence S. 09°57'23" E., 872.71 feet to a point monumented with a bronze marker inscribed 19E743; thence S. 65°19'12" E., 267.70 feet to a point monumented with a bronze marker inscribed 19F743; thence N. 35°44'24" E., 348.62 feet to a point on the East sixteenth line, monumented with a bronze marker inscribed 19G743, said point being S. 0°36'15" E., 115.33 feet from the SE1/16 corner of said Section 19; thence S. 0°36'15" E., 1205.59 feet along the East sixteenth line to the E1/16 corner of the south boundary line of said Section 19; thence S. 88°58'52" W., 1324.30 feet along the south boundary line to the S¼ corner of said Section 19, the point of beginning.

ALSO EXCEPT: Commencing at the S1/16 corner on the east boundary line of said Section 19; thence S. 89°01'26" W., 1238.69 feet along the South sixteenth line to a point monumented with a bronze marker inscribed 19H743, being S. 89°01'26" W., 85.27 feet from the SE1/16 corner of said Section 19; thence N. 35°44'24" E., 108.03 feet to a point monumented with a bronze marker inscribed 19J743; thence N. 55°22'31" E., 1416.95 feet to a point on the east boundary line, N. 0°37'07" W., 871.73 feet from the S1/16 corner of said Section 19; thence S. 0°37'07" E., 871.73 feet along the east boundary line to the S1/16 corner on the east boundary line of said Section 19, the point of beginning. ALSO EXCEPT: Commencing at the S1/16 corner on the west boundary line of said Section 19; thence N. 0°28'29" W., 285.38 feet along the west boundary line of said Section 19 to a point S. 0°28'29" E., 1038.52 feet from the W¼ corner; thence S. 86°46'16" E., 458.04 feet to a point monumented with a bronze marker inscribed 19A743; thence N. 35°22'57" E., 2006.09 feet to a point monumented with a bronze marker inscribed 19B743; thence S. 45°30'58" E., 885.25 feet to a point monumented with a bronze marker inscribed 19C743; thence S. 61°14'18" E., 475.60 feet to a point on the North-South Center quarter line of said Section 19, N. 0°35'23" W., 1000.48 feet from the C-S1/16 corner; thence S. 0°35'23" E., 1000.48 feet along the North-South Center quarter

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line to the C-S1/16 corner of said Section 19; thence S. 89°01'26" W., 2675.72 feet along the south sixteenth line to the S1/16 corner on the west boundary line of said Section 19, the point of beginning.

PARCEL 19:

Commencing at the point where the centerline of the Good Luck Canal intersects the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 7 North, Range 41 E.B.M., Fremont County, Idaho, and running thence North 430 feet; thence West 100 feet; thence South 430 feet; thence East 100 feet to the Point of Beginning.

EXCEPT: Good Luck Canal.

Also: Commencing at the point where the centerline of the Good Luck Canal intersects the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 7 North, Range 41 E.B.M., Fremont County, Idaho, and running thence South to the centerline of the Teton River; thence West along the centerline of the Teton River 15 feet; thence North to a point 15 feet West of the Point of Beginning; thence East 15 feet to the Point of Beginning.

EXCEPT: Good Luck Canal.

PARCEL 20:

An easement for a road right-of-way across the following described property in Fremont County, Idaho: Commencing at a point 430 feet North of the point where the centerline of the Good Luck Canal intersects the East line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 7 North, Range 41 E.B.M., and running thence North to the North line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, Township 7 North, Range 41 E.B.M.; thence running West 15 feet; thence South to a point 15 feet West of the Point of Beginning; thence East 15 feet to the Point of Beginning.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07314

Priority: January 15, 1980
Maximum Diversion Rate: 9.00 CFS
Maximum Diversion Volume: 3284.7 AF

This is to certify, that BOB PARKINSON
RT 1

ST ANTHONY ID 83445 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 15, 1980; and has submitted Proof of Beneficial Use on October 14, 1985. An examination indicates that the works have a diversion capacity of 56.360 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	9.00 CFS	3284.7 AF

LOCATION OF POINT(S) OF DIVERSION:
Rediversion
SWNE , Sec. 29, Township 07N, Range 41E
NESE , Sec. 23, Township 07N, Range 42E
FREMONT County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	42E	3	SESE 31			31
		10	NENE 19	NWNE 33	SWNE 31	
			SENE 36	NENW 23	SENE 37	
			NESW 34	NWSW 36	NESE 39	
			NWSE 39	SWSE 26	SESE 36	389
		11	NWNW 34	SWNW 39	NWSW 36	
			SWSW 40	SESW 39	SWSE 39	
			SESE 31			258
		12	SWSW 8	SESW 4	SWSE 9	
			SESE 4			25
		13	NENE 39	NWNE 37	SWNE 31	
			SENE 36	NENW 33	NWNW 39	
			SWNW 34	SENE 29	NESW 40	
			NWSW 40	SWSW 39	SESW 40	
			NESE 35	NWSE 40	SWSE 40	
			SESE 40			592
		14	NENE 36	NWNE 40	SWNE 29	
			SENE 26	NENW 35	NWNW 34	
			SWNW 38	SENE 35	NESW 40	
			NWSW 38	SWSW 5	SESW 29	
			NESE 25	NWSE 39	SWSE 40	
			SESE 40			529
		15	NENE 26	NWNE 1	SWNE 25	
			SENE 39	NESW 1	NESE 23	
			NWSE 20			135
		23	NENE 40	NWNE 26	SWNE 3	
			SENE 29	NENW 5		103

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07314

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	42E	24	NENE 40	NWNE 40	SWNE 39	
			SENE 40	NENW 40	NWNW 40	
			SWNW 36	SENE 35	NESW 2	
			NWSW 1	NESE 25	NWSE 9	347
43E	19		NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	Lot 1(NWNW) 41	
		Lot 2(SWNW)	40	SENE 34	NESW 5	
		Lot 3(NWSW)	23	NESE 29	NWSE 32	
		SWSE 6		SESE 1		411
Total number of acres irrigated:						2820

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
8. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pump and the exchange wells will be allowed even if the exchange wells are pumping water into the Teton River.
9. Totalizing measuring devices shall be maintained at the exchange wells and redirection pump from the Teton River.

RECEIVED

AUG 09 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

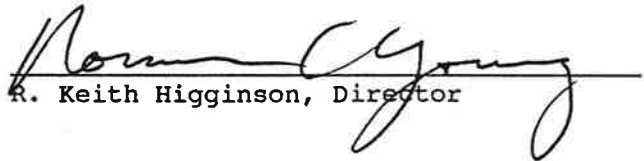
WATER RIGHT NO. 22-07314

CONDITIONS/REMARKS:

10. The exchange wells must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
11. The power supply to the exchange wells cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated.
12. The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well.
13. The director retains jurisdiction of this right to adjust the terms of the exchange if necessary to prevent injury to prior rights.
14. Three points of diversion located in SWNE, S29, T7N, R41E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22nd
day of July, 1994.

Acting for


R. Keith Higginson, Director

JUL 29 1994

State of Idaho
Department of Water Resources

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AUG 20 1990

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07314

Department of Water Resources

Date of Priority: January 15, 1980
Maximum Diversion Rate: 9.00 CFS
Maximum Diversion Volume:¹ 3820.2 AF

Comes now BOB PARKINSON
RT. 1
ST. ANTHONY, ID 83445
and represents to the Director of the
Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 22-07314, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	9.00 CFS	3820.2 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 29, Township 07N, Range 41E
FREMONT County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	42E	3	SESE 31			31
		10	NENE 19	NWNE 33	SWNE 31	
			SENE 36	NENW 23	SENE 37	
			NESW 34	NWSW 36	NESE 39	
			NWSE 39	SWSE 26	SESE 36	389
		11	NWNW 34	SWNW 39	NWSW 36	
			SWSW 40	SESW 39	SWSE 39	
			SESE 31			258
		12	SWSW 8	SESW 4	SWSE 9	
			SESE 4			25
		13	NENE 39	NWNE 37	SWNE 31	
			SENE 36	NENW 33	NWNW 39	
			SWNW 34	SENE 29	NESW 40	
			NWSW 40	SWSW 39	SESW 40	

RECEIVED
AUG 09 1994

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>		<u>TOTAL</u>
07N	42E	13	NESE	35	NWSE	40	SWSE	40	592
			SESE	40					
		14	NENE	36	NWNE	40	SWNE	29	529
			SENE	26	NENW	35	NWNW	34	
			SWNW	38	SENE	35	NESW	40	135
			NWSW	38	SWSW	5	SESW	29	
			NESE	25	NWSE	39	SWSE	40	103
			SESE	40					
		15	NENE	26	NWNE	1	SWNE	25	103
			SENE	39	NESW	1	NESE	23	
			NWSE	20					347
		23	NENE	40	NWNE	26	SWNE	3	
			SENE	29	NENW	5			411
		24	NENE	40	NWNE	40	SWNE	39	
			SENE	40	NENW	40	NWNW	40	411
			SWNW	36	SENE	35	NESW	2	
			NWSW	1	NESE	25	NWSE	9	411
			NENE	40	NWNE	40	SWNE	40	
43E	19		(SENE)	40	NENW	40	LOT 1 NWNW	41	411
		LOT 2	(SWNW)	40	SENE	34	NESW	5	
		LOT 3	NWSW	23	NESE	29	NWSE	32	411
			SWSE	6	SESE	1			

Total number of acres irrigated: 2820

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at St. Anthony, this 17 day of August, 1980.

Bob Robinson
(Signature)

AUG 09 1980

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07314

FOR DEPARTMENT USE ONLY

#C018071

Preliminary check by SL Fee = \$20.00

Received by UGH Date Aug 20, 1990

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07314 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 01
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. The combined annual volume of water under this right & Rights 22-7205, 22-7265 & 22-7270 shall not exceed 10,399.5 afa.
8. The maximum combined rate of diversion under this right & Rights 22-7205, 22-7265 & 22-7270 shall not exceed 24.5 cfs.

Witness my hand this 22ND day of July, 1994.

R. Keith Higginson
Acting for R. Keith Higginson, Director

22-09-1994

7/92

Ident. No. 3972

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION
(To change point of diversion, place of use or purpose of use)

Name of applicant Bob Parkinson + Earl G. Steed Phone 745-8901
Post Office address P.O. Box 326 St. Anthony, ID 83441

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) therefor Yellowstone canal water is not sufficient. I want to use Mr. Parkinson's recharge wells on the Teton River. Two of these wells are off at this time because 60% of Parkinson's acreage is shut off. Diversion will be on Falls river thru Yellowstone canal to my place of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount	Nature	Period of Use
(X) A22-07314	1-15-1980	9.00	Irrig	4-01 to 10-31
(X) A22-072683	11-16-1977	1.09	"	" to "
(X) A22-07265A	11-14-1977	3.41	"	" to "
(X) A22-07205	1-18-1977	11.00	"	" to "

2. Total amount of water being transferred 24.50 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	NE	29	7N	41E	Front	Parkinson re-charge wells
			NW	NW	35	9N	41E	Front	Rediversion from Yellowstone canal

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	44E	27														25	25	25	75
		29								25	25	25				25	25		181

Total acres 256

6. General Information:

- a. Who owns the water right to be changed? Bob Parkinson
- b. Describe the arrangement allowing use of the right Verbal agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land that would be normally irrigated are finished with normal irrigation for this year.
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? After the grain crop is cut, applicant Parkinson would water the stubble fields.
- f. Describe other water rights used for the same purpose.
Applicant Sted has shares in the Yellowstone Canal system
- g. Remarks: See attachment + * Approx 5.12 cfs (150 acre feet) of this right is needed for irrigation of 256 acres by Mr. Sted. GDO Records show Parkinson has a credit this year for pumped exchange water.

I hereby assume all risk in accordance with House Bill No. 4 and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Bob Parkinson
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 8-5-92 Fee \$50
 Receipted 8-5-92 # E017685 Recommend: ☒ approve ☐ deny
 Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. 3972
 And said application is hereby Approved, subject to the following limitations and conditions:

1. This approval expires November 1, 1992 and thereafter the right reverts to the use existing prior to the temporary change.

2. See Attachment

Witness my hand this 5th day of August, 1992.

Kenneth J. Carbo
AUG 09 1992

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: A22-07314
Date Received: 12/21/1988
Receipt No: E005304
Received By: Kce

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BOB PARKINSON 208-652-7340
Address: P.O. BOX 326
ST. ANTHONY, ID 83445
OR
Name: MARILYN PARKINSON 208-652-7340
Address: P.O. BOX 326
ST. ANTHONY, ID 83445
OR
Name: DIRK W. PARKINSON 208-652-7340
Address: P.O. BOX 312
ST. ANTHONY, ID 83445

A2207314



2. Date of Priority: JAN 15, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	41E	29	SE	SW	NE		FREMONT
	42E	23	SE	NW	SE	R	FREMONT

5. Description of diverting works:
3 WELLS INTO TETON R. REDIV. FROM RIVER TO LATERALS W/SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	9.000		

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

8. Total consumptive use is 5640.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE
A22-07314

Page 1

Date: 12/21/88

SCANNED

JUN 15 2005

MICROFILMED

OCT 29 1992

PROF.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	42E	3	SE	SE		IRR	31.0
			Section Acres				31.0
		10	NE	NE		IRR	19.0
			NW	NE		IRR	33.0
			SW	NE		IRR	31.0
			SE	NE		IRR	36.0
			NE	NW		IRR	23.0
			SE	NW		IRR	37.0
			NE	SW		IRR	34.0
			NW	SW		IRR	36.0
			NE	SE		IRR	39.0
			NW	SE		IRR	39.0
			SW	SE		IRR	26.0
			SE	SE		IRR	36.0
			Section Acres				389.0
		11	NW	NW		IRR	34.0
			SW	NW		IRR	39.0
			NW	SW		IRR	36.0
			SW	SW		IRR	40.0
			SE	SW		IRR	39.0
			SW	SE		IRR	39.0
			SE	SE		IRR	31.0
			Section Acres				258.0
		12	SW	SW		IRR	8.0
			SE	SW		IRR	4.0
			SW	SE		IRR	9.0
			SE	SE		IRR	4.0
			Section Acres				25.0
		13	NE	NE		IRR	39.0
			NW	NE		IRR	37.0
			SW	NE		IRR	31.0
			SE	NE		IRR	36.0
			NE	NW		IRR	33.0
			NW	NW		IRR	39.0
			SW	NW		IRR	34.0
			SE	NW		IRR	29.0
			NE	SW		IRR	40.0

PROFILING

SCANNED
JUN 15 2005

MICROFILMED
OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	42E	13	NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	35.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								592.0
		14	NE		NE		IRR	36.0
			NW		NE		IRR	40.0
			SW		NE		IRR	29.0
			SE		NE		IRR	26.0
			NE		NW		IRR	35.0
			NW		NW		IRR	34.0
			SW		NW		IRR	38.0
			SE		NW		IRR	35.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	5.0
			SE		SW		IRR	29.0
			NE		SE		IRR	25.0
			NW		SE		IRR	39.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								529.0
		15	NE		NE		IRR	26.0
			NW		NE		IRR	1.0
			SW		NE		IRR	25.0
			SE		NE		IRR	39.0
			NE		SW		IRR	1.0
			NE		SE		IRR	23.0
			NW		SE		IRR	20.0
Section Acres								135.0
		23	NE		NE		IRR	40.0
			NW		NE		IRR	26.0
			SW		NE		IRR	3.0
			SE		NE		IRR	29.0
			NE		NW		IRR	5.0
Section Acres								103.0

A22-07314

Page 3

Date: 12/21/88

PROFILED

SCANNED
JUN 15 2005

MICROFILMED
OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	42E	24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	39.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	36.0
			SE		NW		IRR	35.0
			NE		SW		IRR	2.0
			NW		SW		IRR	1.0
			NE		SE		IRR	25.0
			NW		SE		IRR	9.0
								Section Acres
								347.0
	43E	19	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	41.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	34.0
			NE		SW		IRR	5.0
			NW		SW	3	IRR	23.0
			NE		SE		IRR	29.0
			NW		SE		IRR	32.0
			SW		SE		IRR	6.0
			SE		SE		IRR	1.0
								Section Acres
								411.0
								Total Acres
								2820.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

A22-07205/07265A/07265B & A22-07270/12366 (TETON RIVER)

14. Remarks:

WELL SHALL BE CASED & SEALED FROM LAND SURFACE TO 140 FT. BELOW LAND SURFACE.

THREE P/D LOCATED W/IN SESWNE SEC 29, T07N, R41E DIVERT GROUND-WATER INTO THE TETON RIVER REDIVERSION FROM THE TETON RIVER IS UP-STREAM W/IN SENWSE SEC 23, T07N, R42E

P/D AKA WILFORD #1, #2, & #3.

SCANNEL

MICROFILMED

PROTECTED

JUN 15 2005

OCT 29 1992

15. Basis of Claim: PERMIT
Water Right Number: 227314

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s): Bob Pukinsin Date: 12-27-88
Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of Dec 19 88

Betty J. Thompson
Notary Public

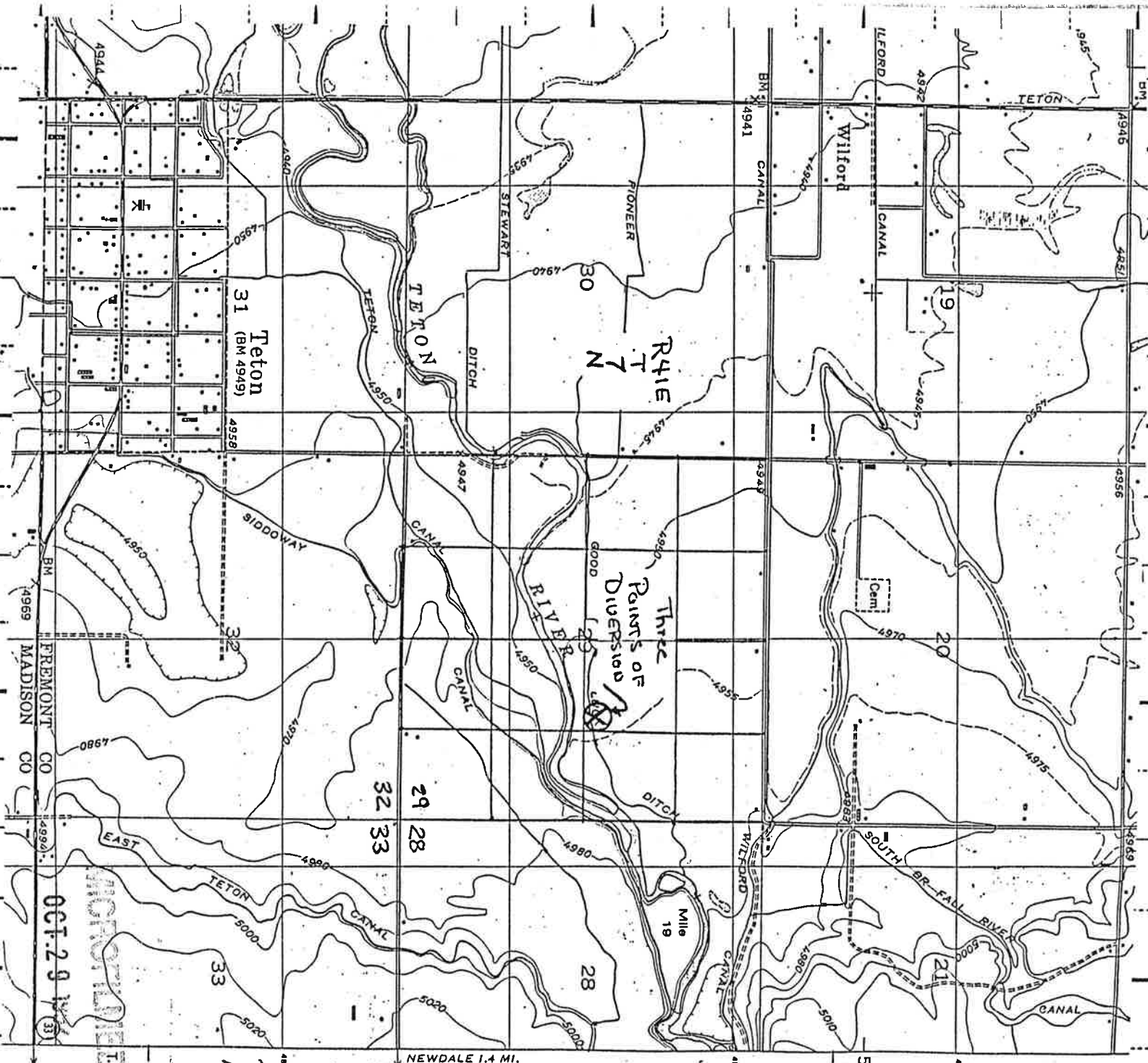
Seal

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

PROF

SCANNED
JUN 15 2005

MICROFILMED
OCT 29 1992



NDAL 0.9 MI.
GGS 34 MI.

W F R

UNCLASSIFIED

SCANNED

JUN 15 2005

A22-07314

22-7314

RECORDED
OCT 29 1944

A22-07314

22-7314

