

10/12/2004

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

RIGHT NUMBER: 25-2105B
NAME AND ADDRESS: CLYDE A COOK
PO BOX 566
RIRIE ID 83443

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.360 CFS
122.500 AFY

Use of the rights listed below is limited to a total combined annual diversion volume of 122.5 af. Combined Right Nos.: 25-2105B, and 25-2124B.

Use of the rights listed below is limited to a total combined annual diversion volume of 1085 af. Combined Right Nos.: 25-2105B, 25-2116A, 25-2124B and 25-14123.

PRIORITY DATE: 05/29/1950

POINT OF DIVERSION:

T03N R40E S11 NESWNE Within BONNEVILLE County

T03N R40E S12 NWSWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.360 CFS
122.50 AFY

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T03N R40E S11	NENE	27.0	T03N R40E S11	NWNE	31.0
T03N R40E S11	SWNE	40.0	T03N R40E S11	SENE	40.0
T03N R40E S11	NENW	33.0	T03N R40E S12	NWNW	22.0
T03N R40E S12	SWNW	40.0	T03N R40E S12	NWSW	40.0
T03N R40E S12	SWSW	31.0	T03N R40E S12	SESW	6.0

310 ACRES TOTAL

Use of this right with right no. 25-2124B is limited to the irrigation of a combined total of 35 acres in a single irrigation season.

Use of the rights listed below is limited to the irrigation of a combined total of 310 acres in a single irrigation season. Combined Right Nos.: 25-2105B, 25-2116A, 25-2124B and 25-14123.

This right is limited to the irrigation of 35 acres within the place of use described above 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.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

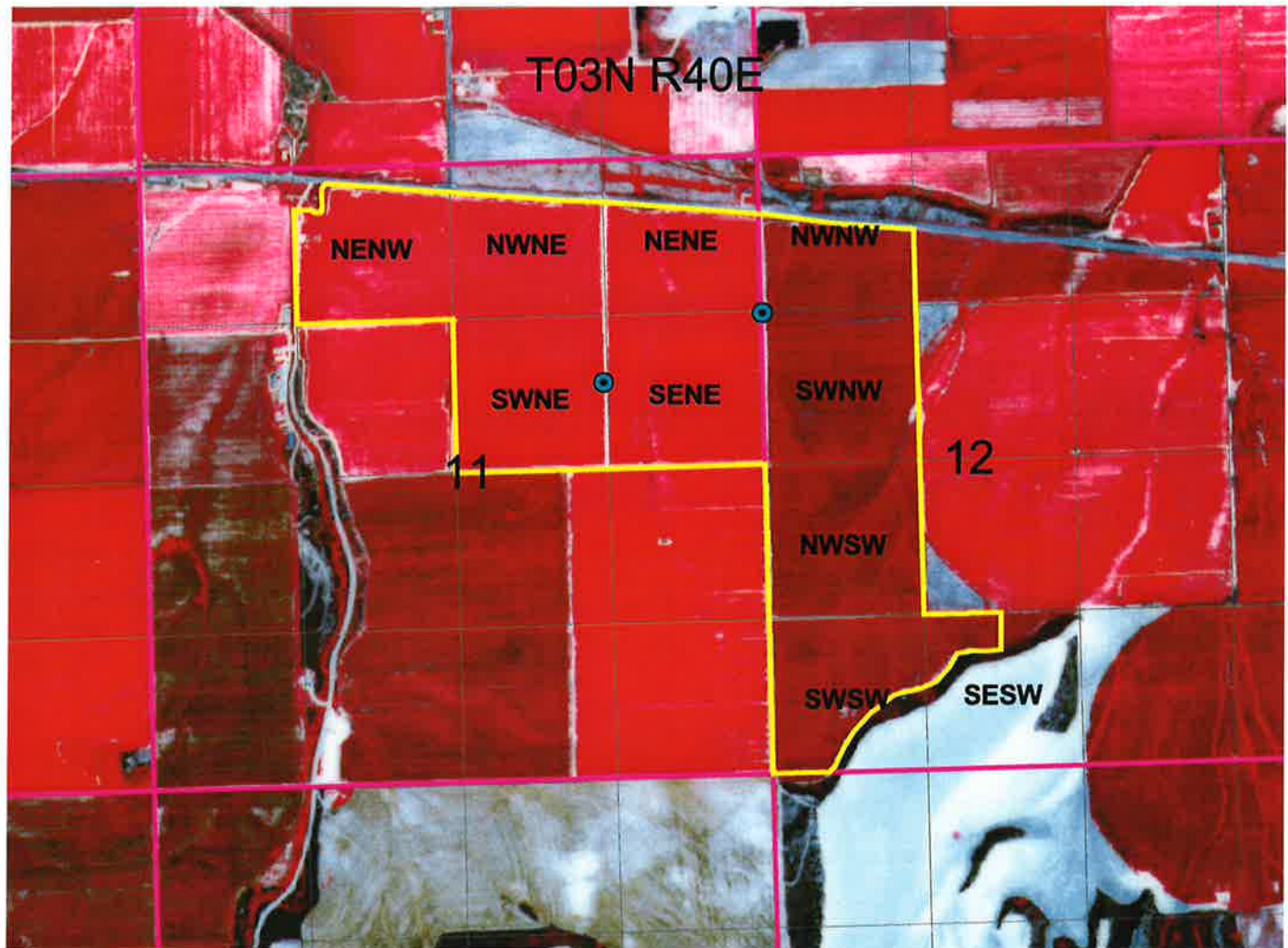
Water Right 25-2105B

1

SCANNED
OCT 20 2004
PROFILED

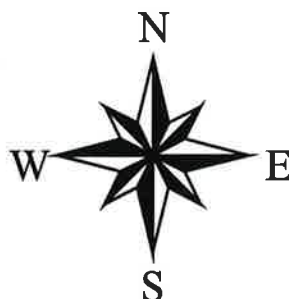
DEPARTMENT OF WATER RESOURCES

Claim No.: 25-2105B, 25-2116A
25-2124B, 25-14123



0 1320 2640 3960 5280 6600 Feet

- Well.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



SCANNED

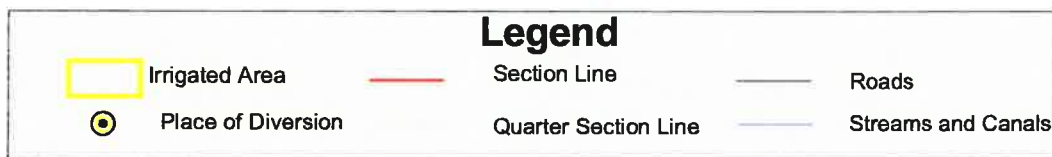
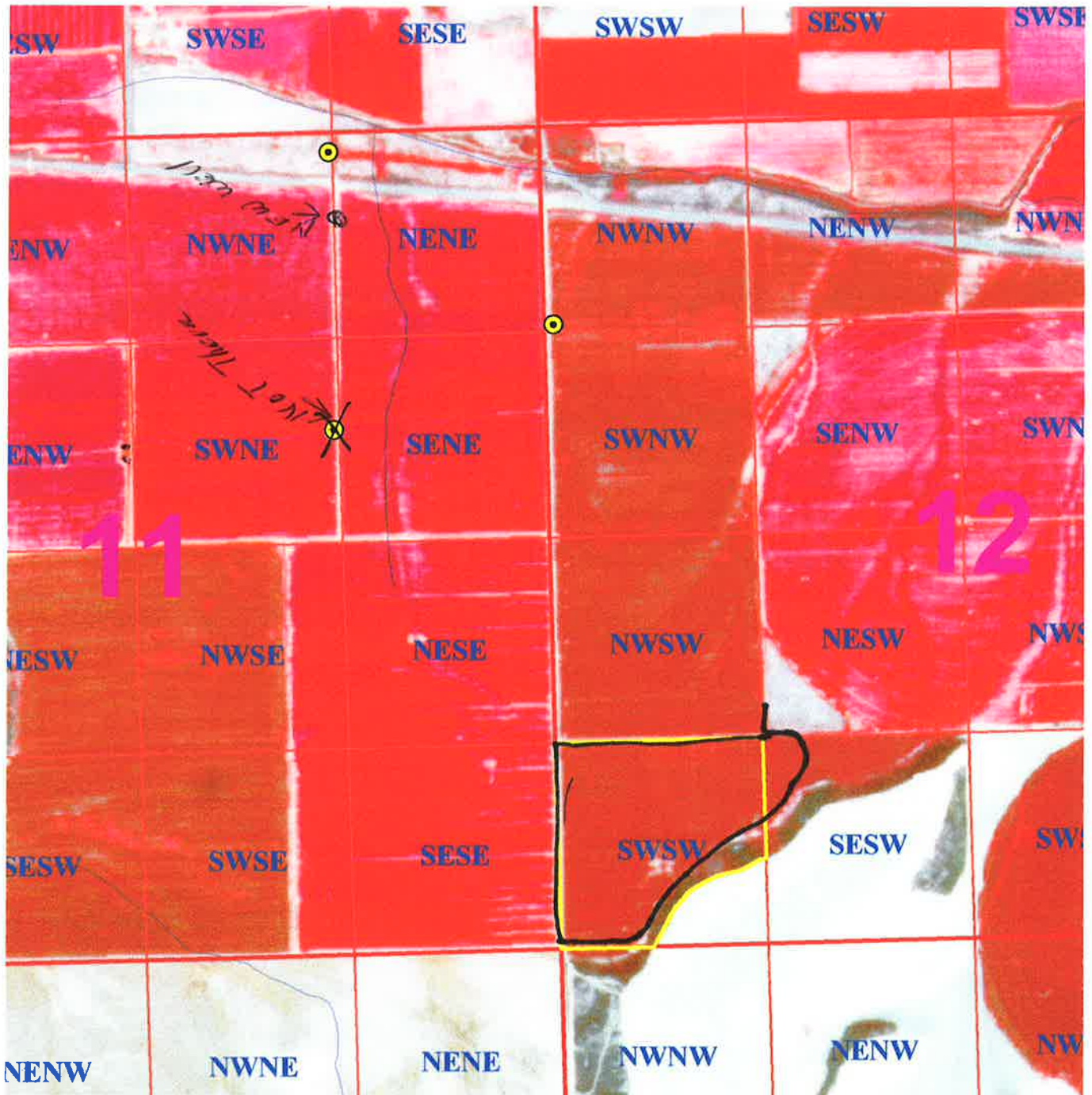
OCT 20 2004

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: October 2004

PROFILED

Water Right Claim Number 25-02105B
Township , 3N40E

11/29/2000

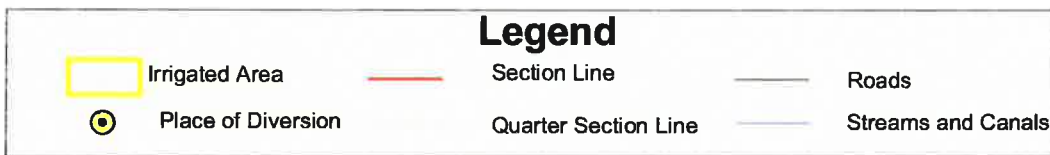
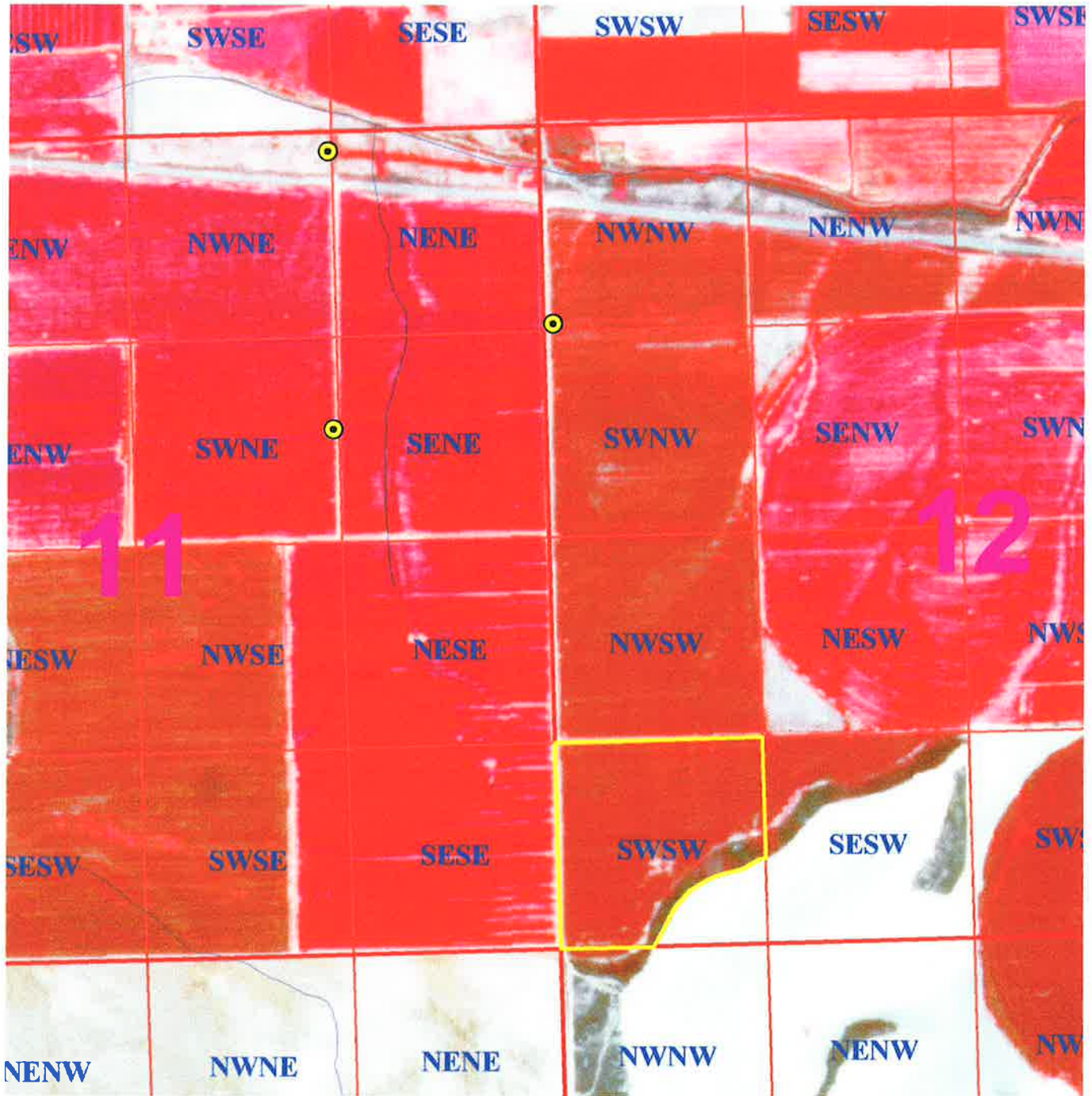


SPATIAL
DYNAMICS



Water Right Claim Number 25-02105B
Township , 3N40E

11/29/2000

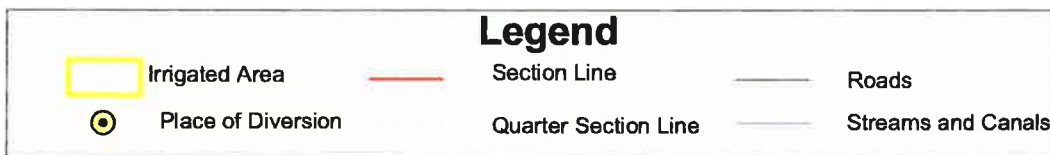
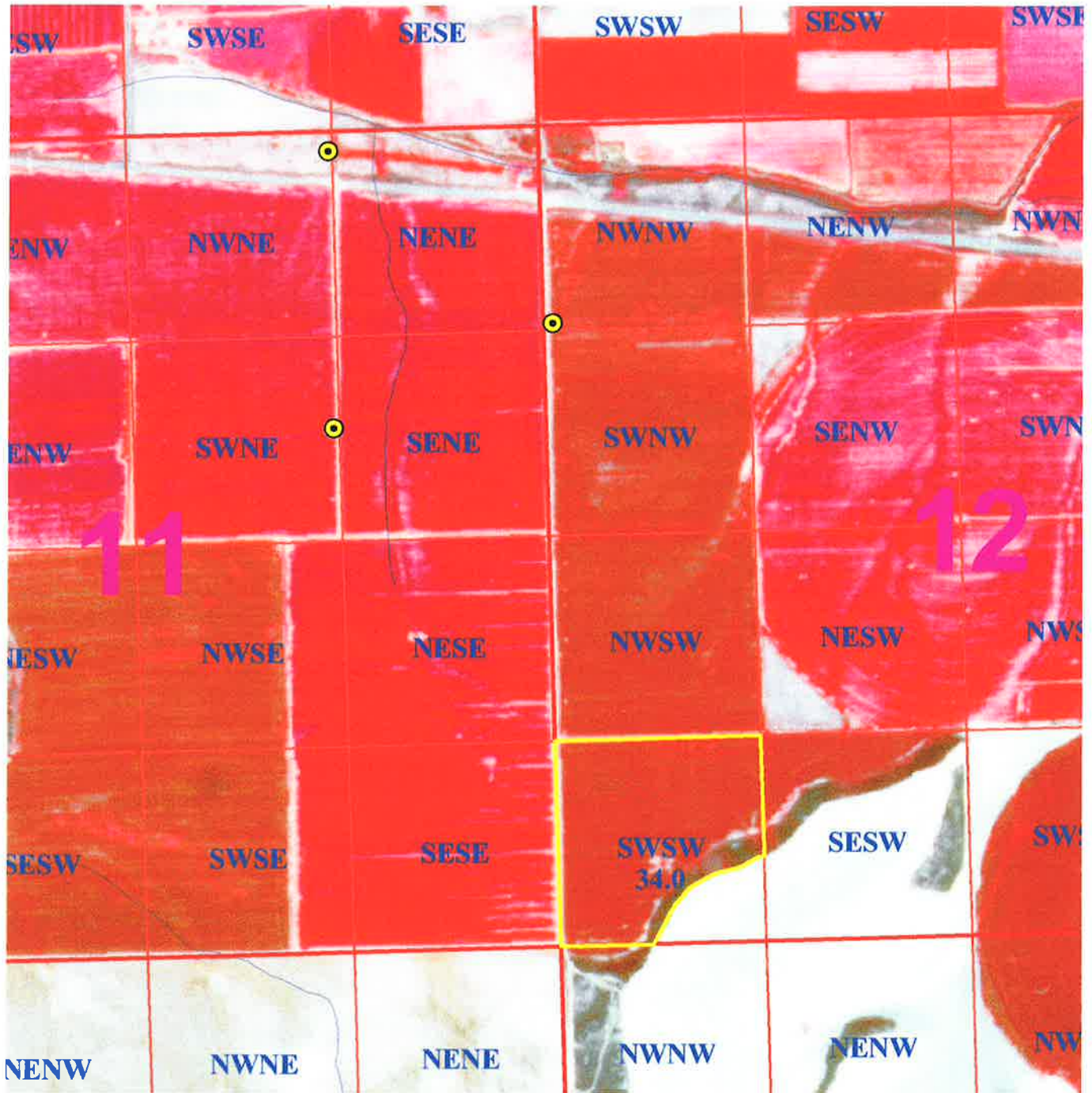


Spatial
DYNAMICS



Water Right Claim Number 25-02105B
Township , 3N40E

11/29/2000



SPATIAL
DYNAMICS

M4

10/13/2004

NOTICE OF ERROR
REPLY

RECEIVED
NOV 23 2004
DEPARTMENT OF
WATER RESOURCES

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: November 22, 2004

Water right number: 25-2105B
CLYDE A COOK
PO BOX 566
RIRIE ID 83443
Telephone Number: (208)538-7215

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:

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

DATE: _____ SIGNATURE: Bcd Foster
Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
DEC 08 2004

Department of Water Resources
Eastern Region

Cof Orec'd 12/8/04
Cook -> Foster Co.

PROFILED

SCANNED
DEC 22 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 25-2105B V1

WATER RIGHT NUMBER: 25-2105B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER CO PO BOX 308 RIGBY, ID 83442-0308 (208)538-5170

Priority Date: 05/29/1950

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.360 CFS	122.50 AF
	<u>Total Diversion:</u>	0.360 CFS	122.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4NW1/4	Sec. 12, Twp 03N, Rge 40E, B.M.
BONNEVILLE County		
GROUND WATER	NE1/4SW1/4NE1/4	Sec. 11, Twp 03N, Rge 40E, B.M.
BONNEVILLE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	40E	11	27.0	31.0	40.0	40.0	33.0												171.0
03N	40E	12					22.0	40.0			40.0	31.0	6.0						139.0

Total Acres: 310

Conditions of Approval:

- c05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED
JAN 07 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 25-2105B V1

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity Use of the rights listed below is limited to a total combined annual diversion volume of 122.5 af. Combined Right Nos.: 25-2105B, and 25-2124B.
2. Quantity Use of the rights listed below is limited to a total combined annual diversion volume of 1085 af. Combined Right Nos.: 25-2105B, 25-2116A, 25-2124B and 25-14123.
3. Place of Use - Irrigation Use of this right with right no. 25-2124B is limited to the irrigation of a combined total of 35 acres in a single irrigation season.
4. Place of Use - Irrigation Use of the rights listed below is limited to the irrigation of a combined total of 310 acres in a single irrigation season. Combined Right Nos.: 25-2105B, 25-2116A, 25-2124B and 25-14123.

Comments:

DELOG
RM
12-9-04
1-3-05

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	25-2105B				
	25-2116A				
	25-2124B				
	25-14123				

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)

Clyde Cook

4. New Owner/Claimant(s)

Foster

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

New Mailing Address

P.O. Box 308

City, State and ZIP Code

Rigby, Idaho 83442

New Telephone Number

(208) - 538-5170

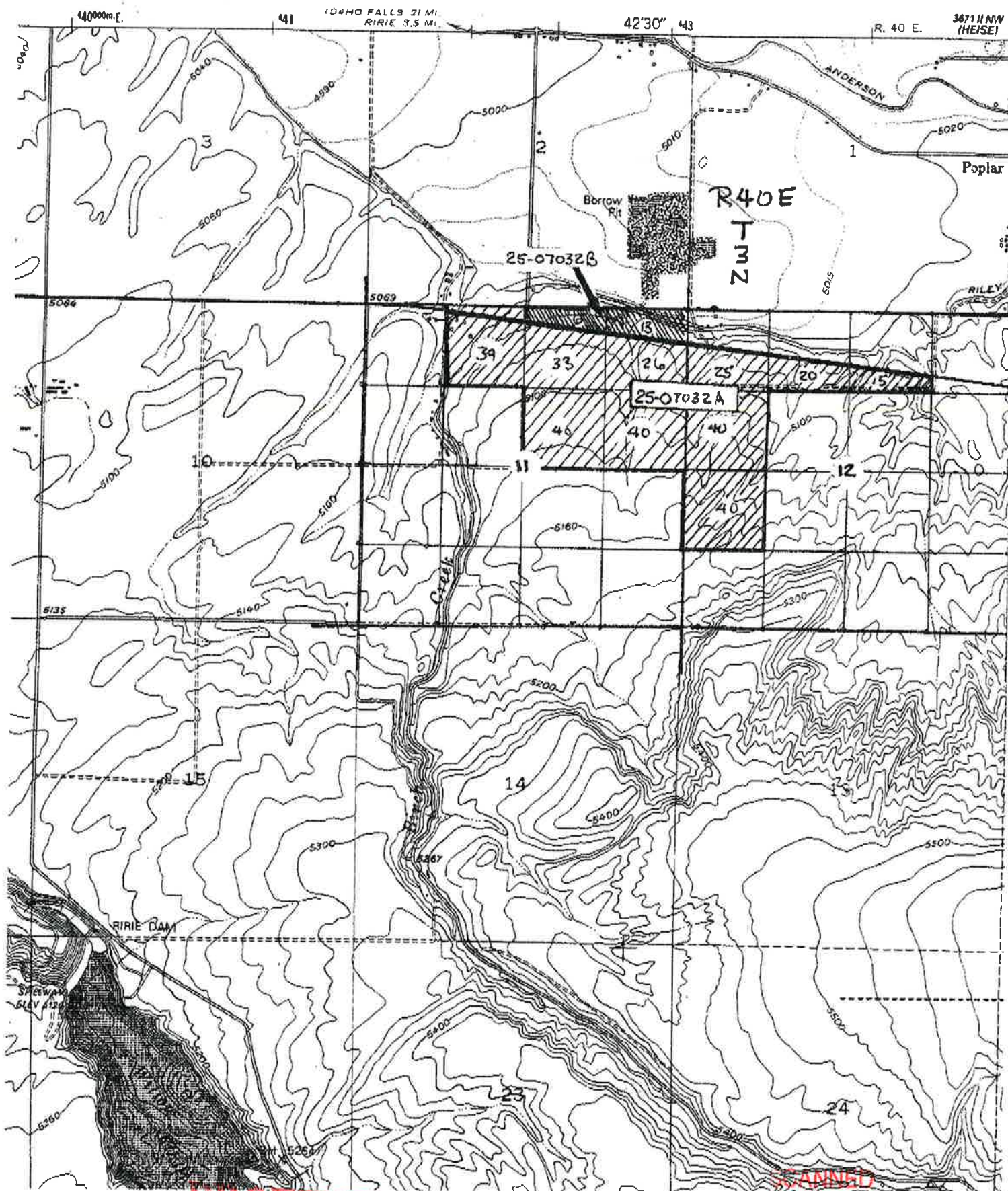
5. Date you acquired the property

PROFILED

SCANNED
JAN 07 2005

RECEIVED
DEC 08 2004
Department of Water Resources
Eastern Region

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



PROFILED

JAN 07 2005

WARRANTY DEED

BCT 7-13110

971047

THIS INDENTURE, made this 17th day of June, 1998, between CLYDE A. COOK and LARAE L. COOK, his wife, of 210 East Ririe Highway, Ririe, Jefferson County, Idaho, the Grantor, and FOSTER COMPANY a partnership consisting of BRAD FOSTER and BOYD FOSTER as General Partners, of P.O. Box 308, Rigby, Jefferson County, State of Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Bonneville, State of Idaho, to-wit:

SEE ATTACHED EXHIBIT A

Together with all the pumps, well, mainline, and irrigation equipment appurtenant to the property including but not limited to Pump # 4-231, Layne and Bowler, US Electric motor, hollow shaft, Identification No. 1381443 and 100 horsepower US Electrical Layne and Bowler pump, Identification No. 954629; water rights with identification nos. 25-07032A, 25-021163, and 25-021164.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

INSTRUMENT NO. <u>971047</u>	BONNEVILLE COUNTY RECORDS
DATE <u>6-19-98</u>	
INSTR. CODE <u>203</u>	
FILE NO. <u>9-00</u>	
CLYDE A. COOK	LARAE L. COOK
STATE OF IDAHO	COUNTY OF BONNEVILLE
I hereby certify that the within instrument was recorded.	
County of Jefferson	

On this 17th day of June, 1998 before me, the undersigned, a Notary Public in and for said State; personally appeared CLYDE A. COOK and LARAE L. COOK, 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 Idaho
Residing at:
Commission Expires:

(seal)

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO
Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

PROFILED

SCANNED

JAN 07 2005

PARCEL 1:

Township 3 North, Range 40 East, Boise Meridian, Bonneville County, Idaho.

Section 11 All that part of the NE1/4 and of the NE1/4 NW1/4, lying and being South of the U.S. Highway No. 26. Said real property including the irrigation well found thereon.

EXCEPTING THEREFROM:

A parcel of land located in the NE1/4NW1/4 of said Section 11 described as follows: Beginning at a point on the South right of way line of Highway No. 26 where the West boundary of the NE1/4NW1/4 of Section 11 intersects said right of way and running thence South 250 feet more or less, to a point which is located directly West of a domestic well, running thence East 250 feet through the center of said well to a point 53 feet East of said well, thence North 210 feet, more or less, to the South right of way line of Highway No. 26, thence in a Northwesterly direction along said Highway right of way 250 feet, more or less, to the point of beginning.

That certain property conveyed to Bonneville County for roadway purposes by that certain Clyde A. and LaRae L. Cook, husband and wife, recorded as Instrument No. 763734 on March 7, 1989 at 10:59 a.m., records of Bonneville County, Idaho.

PARCEL 2:

Township 3 North, Range 40, East of the Boise Meridian, Bonneville County, Idaho.

Section 12: Beginning at the SW corner of said Section, thence East along the Section line 750 feet, thence N 30°40' E 465 feet, thence N 70°50' E 682 feet, thence N 36° 20' E 250 feet, thence N 80°50' E 640 feet, thence N 40° E 520 feet, more or less to the NE corner of the S1/2 SW1/4 of said Section, thence West along the Sixteenth line 2640 feet, more or less, to the NW corner of the S1/2 SW1/4, thence South along the Section line 1320 feet to the point of beginning. Excepting therefrom any highway or county road right of ways.

PARCEL 3:

Township 3 North, Range 40, East of the Boise Meridian, Bonneville County, Idaho

Section 12: SW1/4 NW1/4.
NW1/4 SW1/4.
All those portions of the N1/2 NW1/4 and NW1/4 NE1/4 lying and being South of U.S. Highway 26. EXCEPTING THEREFROM ANY highway or county road rights-of-way, apparent or inherent.



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JAN 07 2005

SUBJECT TO THE FOLLOWING LIENS AND ENCUMBRANCES:

- (a) Pole Line Easements given by ARNOLD WHEELER and ETTA J. WHEELER, husband and wife, to UTAH POWER AND LIGHT CO., a corp., dated January 23, 1946 and recorded in Book 6 of Leases and Contracts at page 37, on March 20, 1946, records of Bonneville County, Idaho.
- (b) Easement given by JOHN A. WHEELER and VORIS M. WHEELER, husband and wife, to UTAH POWER AND LIGHT CO., a corp., dated January 31, 1974, and Microfilmed as Instrument No. 462180 on May 8, 1974 at 10:47 a.m., records of Bonneville County, Idaho.
- (c) Pole Line Easement given by JOHN A. WHEELER and VORIS M. WHEELER, husband and wife, party of the first part to UTAH POWER AND LIGHT COMPANY, party of the second part, and recorded as Instrument No. 400632 on September 26th, 1969, records of Bonneville County, Idaho. (Affects Tract 1)
- (d) Easement given by CLYDE A. COOK and LARAE L. COOK, his wife, party of the first part to PACIFICORP, an Oregon Corporation dba UTAH POWER & LIGHT COMPANY, part of the second part, dated January 23rd, 1990, and recorded as Instrument No. 780425 on January 25, 1990 at 11:37 a.m., records of Bonneville County, Idaho.
- (e) Liens and assessments which are or may become a lien against said premises by virtue of its inclusions within the boundaries of the Poplar Irrigation District.
- (f) Conditions and Restrictions as described in that certain Warranty Deed with JOHN A. WHEELER, VORIS M. WHEELER and ETTA TIRRELL WHEELER, husband and wife, as Grantors, and STATE OF IDAHO, as Grantees, dated March 18th 1968, and recorded as Instrument No. 385535 on May 9, 1968 at 2:26 p.m. records of Bonneville County, Idaho.
- (g) Conditions and Restrictions as described in that certain Warranty Deed with KENNETH C. WHEELER, as his sole and separate property and ETTA TIRRELL WHEELER, a widow, as Grantors, and STATE OF IDAHO, as Grantees, dated March 18th, 1968, and recorded as Instrument No. 385537 on May 9, 1968 at 2:23 p.m., records of Bonneville County, Idaho.

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JAN 07 2005

COMMITMENT FOR TITLE INSURANCE

ORIGINAL IN
SAFETY DEPOSIT BOX

SCHEDULE A

BLAIR GROVER
GROVER AND ARCHIBALD
215 FARNSWORTH WAY
RIGBY ID 83442

Order No. T-13110

td

Additional Copies to:

Lynn Powell - Foster Land
P.O. Box 308
Rigby ID 83442

1. Effective Date: July 10, 1997 at 5:00 p.m.

2. Policy or Policies to be issued:

Amount:

Premium:

A. ALTA Owners Standard Coverage Policy (10/17/92)

TBAC

Proposed Insured:

CLYDE A. COOK aka CLYDE COOK and LARAE L. COOK aka LARAE COOK, husband and wife

B.

3. The estate or interest in the land described or referred to in this Commitment and covered is: **Fee Simple.**

4. Title to the estate or interest in said land is at the effective date hereof vested in:

FOSTER COMPANY, a partnership

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

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 5: Government Lot 2;

Section 6: NE1/4 SW1/4;

N1/2 SE1/4;

S1/2 NE1/4;

AND ALSO: Beginning at the West Quarter corner of said Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; running thence East 525 feet to the TRUE POINT OF BEGINNING; thence South 270 feet, more or less, to the East bank of the Riley Canal; thence South along said East bank of the aforementioned Riley Canal to the South line of Lot 6; thence East to the Southeast Corner of said Lot 6; thence North to the Northeast Corner of said Lot 6; thence West to the true point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

a. All of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho, lying North of the Riley Canal.

b. Beginning at a point 525 feet East of the West Quarter Corner of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; thence South 285 feet; thence East 375 feet; thence North 285 feet; thence West 375 feet, more or less, to the point of beginning.

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JAN 07 2005

c.

That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded in Book 7 at Page 154 of Deed Records, records of Bonneville County, Idaho.

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JAN 07 2005

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

Page 1

Order No. T-13110

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

B. **General Exceptions:**

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices for such proceedings, whether or not shown by the records of such agency or by the public records.

C. **Special Exceptions**

1. Taxes for the year 1996 and all prior taxes have been paid.
(Tax No. RP03N411E055409 \$34.58 full year, 1996).
(Tax No. RP03N411E067201 \$195.44 full year, 1996).
(Tax No. RP03N411E065449 \$1,048.30 full year, 1996).
(Tax No. RP03N411E067489 \$189.66 full year, 1996).
(Tax No. RP03N411E061979 \$188.54 full year, 1996).
(Tax No. RP03N411E064823 \$8.06 full year, 1996).
(Tax No. RP03N411E065401 \$0.94 full year, 1996).
Taxes for the year 1997 are an accruing lien, not yet due or payable.
2. Any lack of a right of access to and from Section 5 except as may be obtained through contiguous property.
3. Pole Line Easement given by GLEN BYINGTON and JOE ANN BYINGTON, his wife, parties of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated July 31, 1955, and recorded in Book 15 at Page 109 of Leases and Contracts, records of Bonneville County, Idaho.
4. Pole Line Easement given by PARLEY BYINGTON, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated July 7, 1955, and recorded in Book 15 at Page 110 of Leases and Contracts, records of Bonneville County, Idaho.
5. Pole Line Easement given by LARRY DOUGLAS BYINGTON and SHIRLEY BYINGTON, his wife, parties of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated July 27, 1955, and recorded in Book 15 at Page 111 of Leases and Contracts, records of Bonneville County, Idaho.
6. Real Estate Mortgage given by ALLAN M. COOK to MURRY I. BYINGTON and AUDREY BYINGTON,

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JAN 07 2005

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

Page 2

Order No. T-13110

husband and wife, dated February 21, 1997, and recorded as Instrument No. 937356 on February 21, 1997, given to secure the payment of \$324,000.00 and interest (and future advances if provided for in the Mortgage), due February 21, 2012, records of Bonneville County, Idaho.

Financing Statement as evidenced by that certain Real Estate Mortgage described in Exception (7) below.

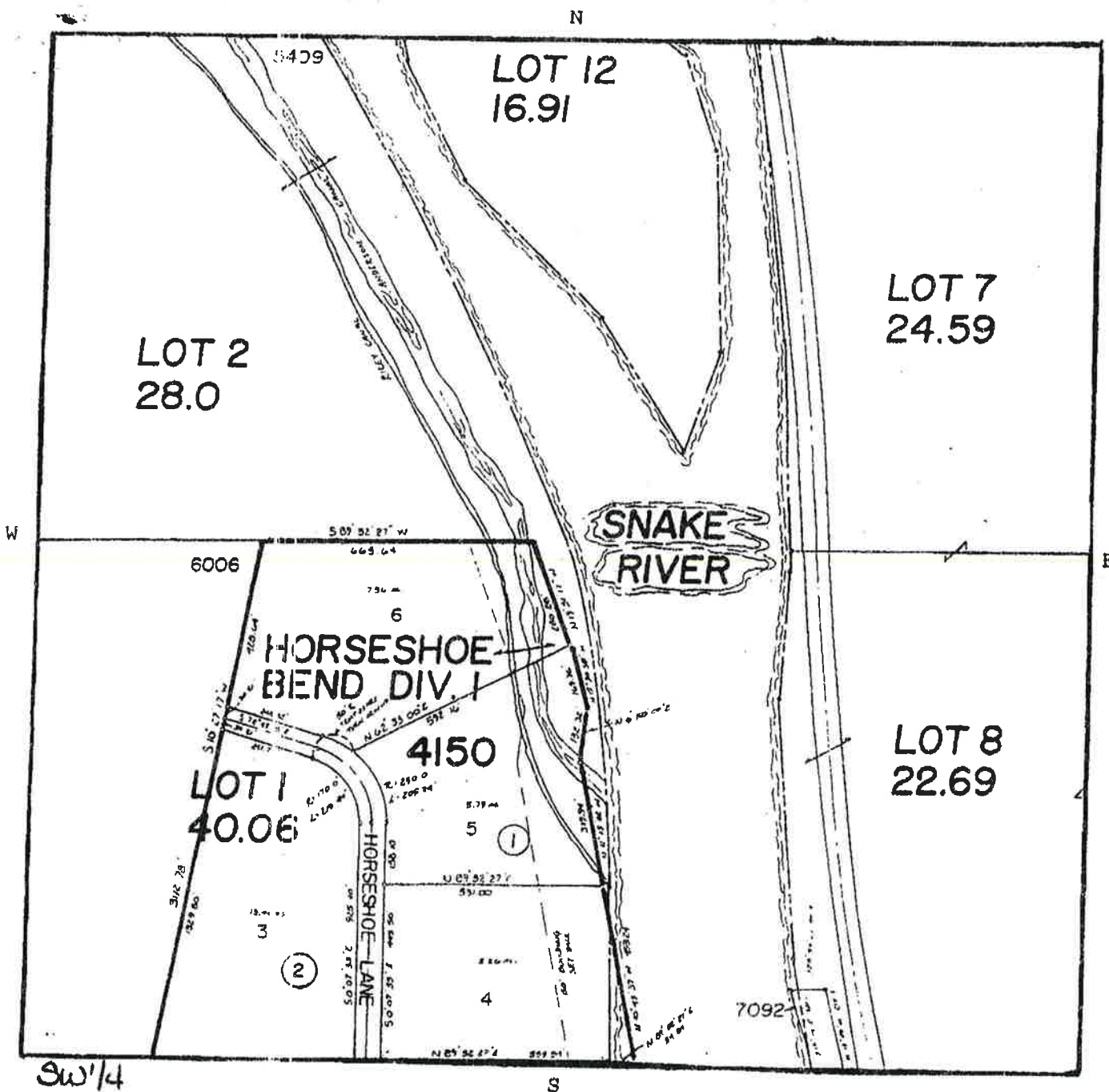
7. Financing Statement with ALLAN M. COOK as Debtor(s), and MURRY I. BYINGTON and AUDREY BYINGTON as Secured Party, recorded as Instrument No. 937357 on February 21, 1997 at 4:45 p.m., records of Bonneville County, Idaho.
8. Reciprocal Water Usage Agreement by and between MURRY IRVING BYINGTON a/k/a MURRY I. BYINGTON a/k/a MURRY BYINGTON aka MURRAY I. BYINGTON a/k/a MURRAY BYINGTON and AUDREY MARY BYINGTON a/k/a AUDREY W. BYINGTON a/k/a AUDREY BYINGTON, husband and wife, and ALLAN M. COOK, dated February 21, 1997 and recorded as Instrument No. 937358 on February 21, 1997 at 4:45 p.m., records of Bonneville County, Idaho.
9. ASSUMPTION by and between MURRAY I. BYINGTON AND AUDREY BYINGTON and ALLAN M. COOK and FOSTER COMPANY, a partnership (assuming party), and recorded as Instrument No. 939224 on March 26, 1997 at 2:38 p.m., records of Bonneville County, Idaho. (Affects Exceptions No. 6 and 7, above)
10. Rights of the State of Idaho and/or the United States of America, in and to that portion of said land, if any, lying in the bed or former bed of the Snake River.

----- END OF SCHEDULE B -----

NOTE: The Bonneville County Assessor's Office does not reflect an address for the subject property.

PROFILED

SCANNED
JAN 07 2005



Section: 5 Township: 3N Range: 41 East of the Boise Meridian, Clark County, Idaho.

Scale: X 800 feet = 1 inch, Section
 400 feet = 1 inch, Quarter Section
 200 feet = 1 inch, Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. The company assumes no liability for variations found, if any, with an actual survey

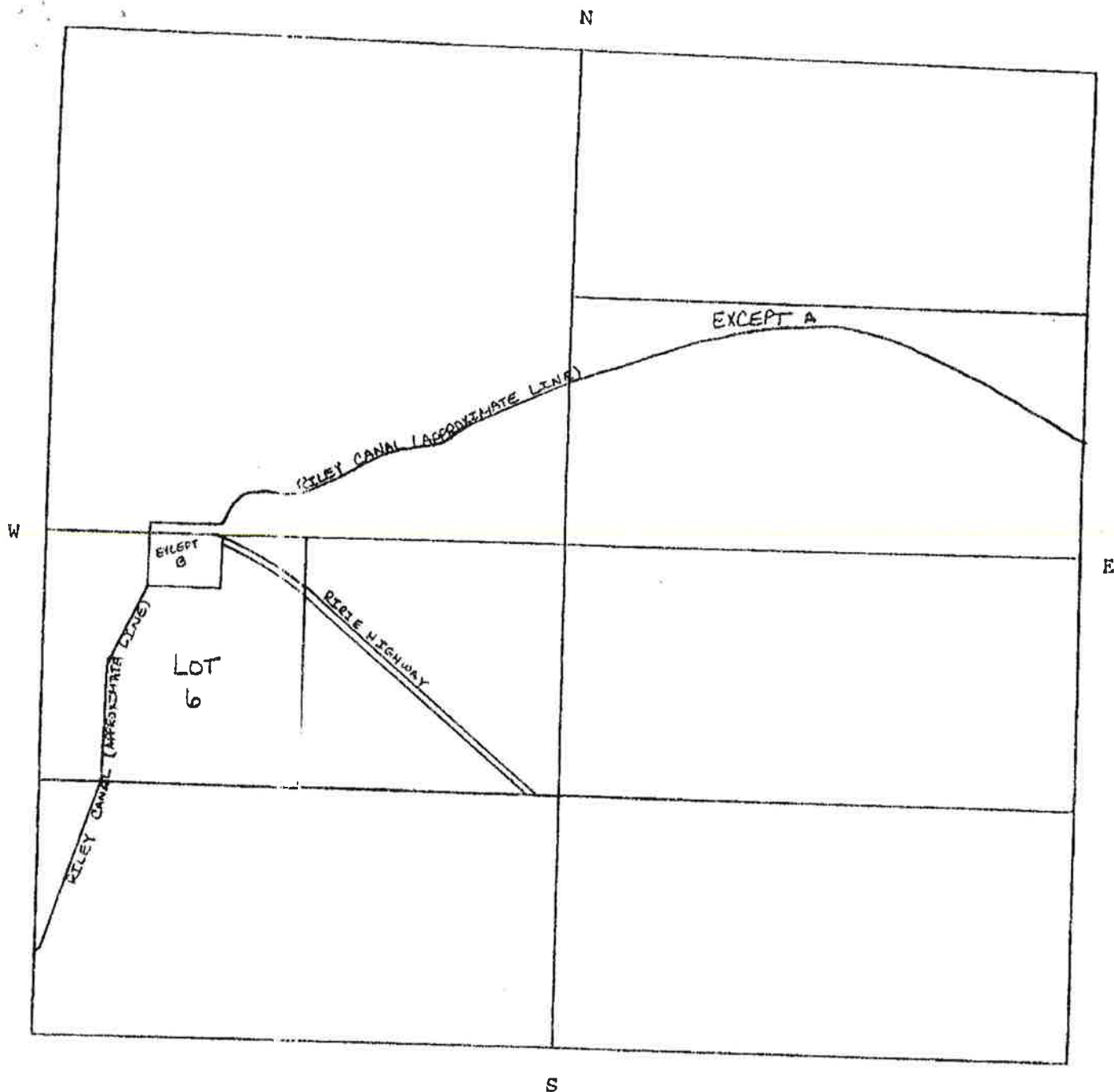
Bonneville Land & Title Co.

497 N. Capital Ave. • P.O. Box 51690 • Idaho Falls, ID 83405-1690 • (208)524-6600 • Fax (208)524-6072

PROFILED

SCANNED

JAN 07 2005



Section: 6 Township: 3N Range: 41, East of the Boise Meridian, Clark County, Idaho.

Scale: X 800 feet = 1 inch, Section
 _____ 400 feet = 1 inch, Quarter Section
 _____ 200 feet = 1 inch, Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. The company assumes no liability for variations found, if any, with an actual survey.

SCANNED

JAN 07 2005

Bonneville Land & Title Co.

497 N. Capital Ave. • P.O. Box 51690 • Idaho Falls, ID 83405-1690 • (208)524-6000 • Fax (208)524-6072

PROFILES

Claim no. A0502105B

Claimant Contact Log

Date _____

Remarks

Agent initials

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Claim Number: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ **Phone No.:** _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ **Phone No.:** _____

Accompanied By: _____ Phone No: _____

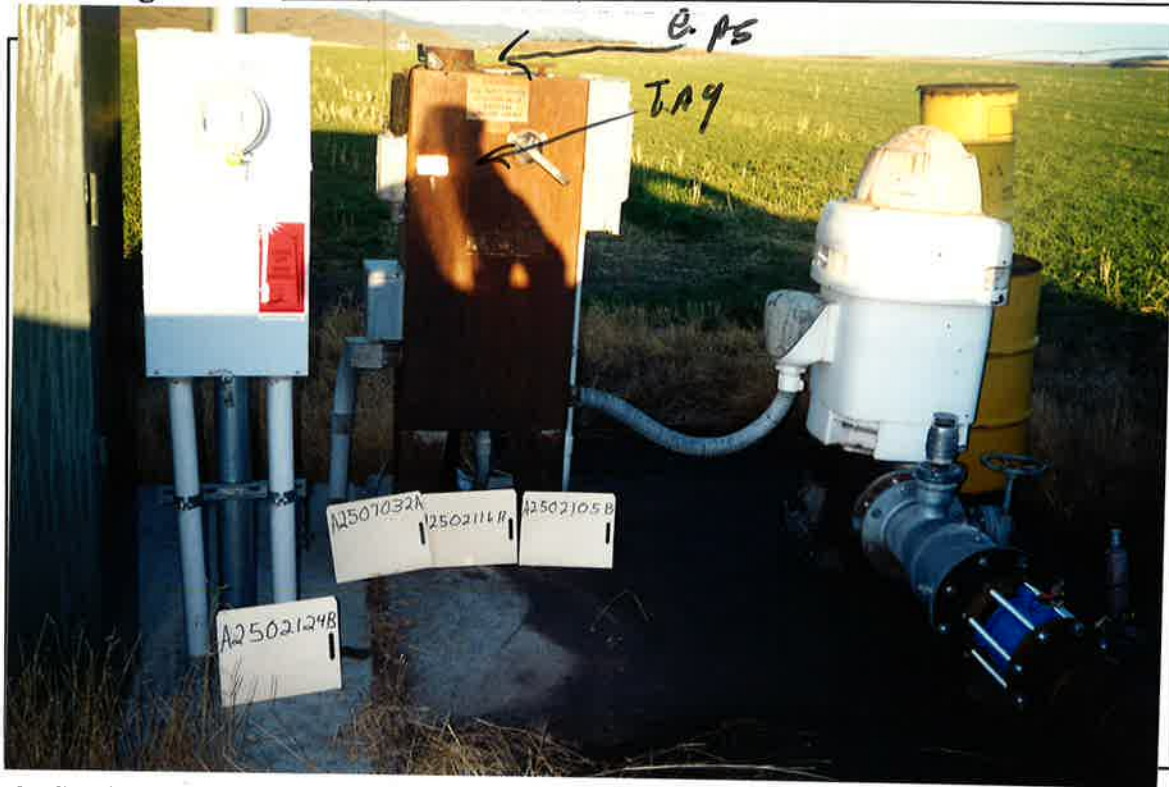
Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

[illegible]

Reviewer: _____ Date: _____

Water Right No(s). A25-02105B



GPS DATA:

Tag # A0013816 Location: ELECTRICAL PANEL

Diversion Data:

Source: GROUND WATER Trib to: _____

MOTOR

Make: U.S. Model: 1VA Hp: 125
SN: 1A531443

PUMP

Make: Submergeable Model: _____ Disch: _____
SN: _____

NOTES:

Photo # 21 EAST DIRECTION

Field Exam Date: 8-26-04 Agent: Wendy Olson

GPS 26 85151
13 81201

PROFILED

SCANNED
OCT 20 2004

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to : _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to : _____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? A2502124B, A2507032A, A2502116A
Transfers Pending or approved: _____

[illegible]

Reviewer: _____ Date: _____

Claim Number: _____

[illegible]

Total acres _____

[illegible]

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

SCANNED

JUL 27 2000

Log for claim 25-02105B

Spatial Dynamics CAT

11/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n40e	12	SWSW	35	34	POD Placement?
Totals:			35	34	

AJ5809NP
No. A25-02105B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 59

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLYDE COOK PO BOX 566 RIRIE ID 83443 (208) 538-7215	05/29/1950	IRRIGATION	04-01 11-01	0.360 CFS	
					TOTAL DIVERSION:	0.360 CFS
					CONSUMPTIVE USE:	87.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T03N R40E S11 S12	NENWNE SNNWNW	SESWNE	BONNEVILLE County BONNEVILLE County
------------------------	----------------------	------------------	--------	--

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
03N	40E	12	:					:						:			35	:							:	35.0
																							TOTAL ACRES	35.0		

POU County: BONNEVILLE

Non-Irrigation Uses: NA

Other Rights: 25-2116A, 25-2124B, 25-7032A

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A25-02116A A25-02116B A25-02124B A25-07032A A25-07032B

Other Water Rights Listing Overlapping Place(s) of Use:

A25-02124B

Remarks: GEN TRANS. 2729.

Dates: Exam Made Date: Verified Date: 07/01/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/21/89 SCHULD 03/29/95 POST-STD

JUL 27 2001

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: A25-02105B
Date Received: 8/21/1989
Receipt No: M003965
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE COOK
Address: P.O. BOX 566
RIRIE, ID

208-538-7215

83443

2. Date of Priority: MAY 29, 1950

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	40E	11	NE	NW	NE		BONNEVILLE
			SE	SW	NE		BONNEVILLE
		12	SW	NW	NW		BONNEVILLE

5. Description of diverting works:
THREE WELLS AND PUMPS TO MAINLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.360		

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

8. Total consumptive use is 87.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	40E	12	SW	SW		IRR	35.0

Section Acres 35.0

A25-02105B

Page 1

Date: 09/27/89

MICROFILMED
NOV 10 1992

A2502105B



10. Place of Use: Continued

Total Acres 35.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
25-2116A, 25-2124B, 25-7032A

14. Remarks:
TRANS. 2729.

15. Basis of Claim: LICENSE
Water Right Number: 21517

MICROFILMED
NOV 10 1992

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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: A25-02105B
Date Received: 8/21/1989
Receipt No: MA03965
Received By: BAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE COOK
Address: P.O. BOX 566
RIRIE, ID

208-538-7215

83443

2. Date of Priority: MAY 29, 1950

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	40E	11	NE	NW	NE		BONNEVILLE
		12	SE	SW	NE		BONNEVILLE
			SW	NW	NW		BONNEVILLE

5. Description of diverting works:
THREE WELLS AND PUMPS TO MAINLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.360		

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

A.F.A.

8. Total consumptive use is 87.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	40E	12	SW	SW		IRR	35.0

Section Acres 35.0

A25-02105B

Page 1

Date: 08/21/89

MICROFILMED

NOV 10 1992

10. Place of Use: Continued

Total Acres 35.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
25-2116A, 25-2124B, 25-7032A

14. Remarks:
TRANS. 2729.

15. Basis of Claim: LICENSE
Water Right Number: 21517

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Number of attachments: 0

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): *Clyde A Cook* Date: *21 Aug 1989*
Date: _____

State of Idaho)
County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *21* day
of *August* 19 *89*

Bruce A. Schul
Notary Public

Residing at *BRUCE A. SCHULD, NOTARY PUBLIC*
RESIDING AT BOISE, IDAHO
My Commission Expires *MY COMMISSION EXPIRES APRIL 11, 1995*

