

10/13/2004

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

RIGHT NUMBER: 25-14124

NAME AND ADDRESS: HAMILTON LAND & LIVESTOCK LTD
C/O CLARK HAMILTON
17122 E OLD RIRIE HWY
RIRIE ID 83443

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.310 CFS
79.000 AFY

PRIORITY DATE: 03/22/1973

POINT OF DIVERSION:

T03N R40E S11 SESWNE Within BONNEVILLE County

T03N R40E S12 SWNWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.310 CFS 79.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R40E S12	NWNE	11.0	T03N R40E S12	NENW	15.0
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26 ACRES TOTAL

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 POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

This right is a split from former right 25-7032A.

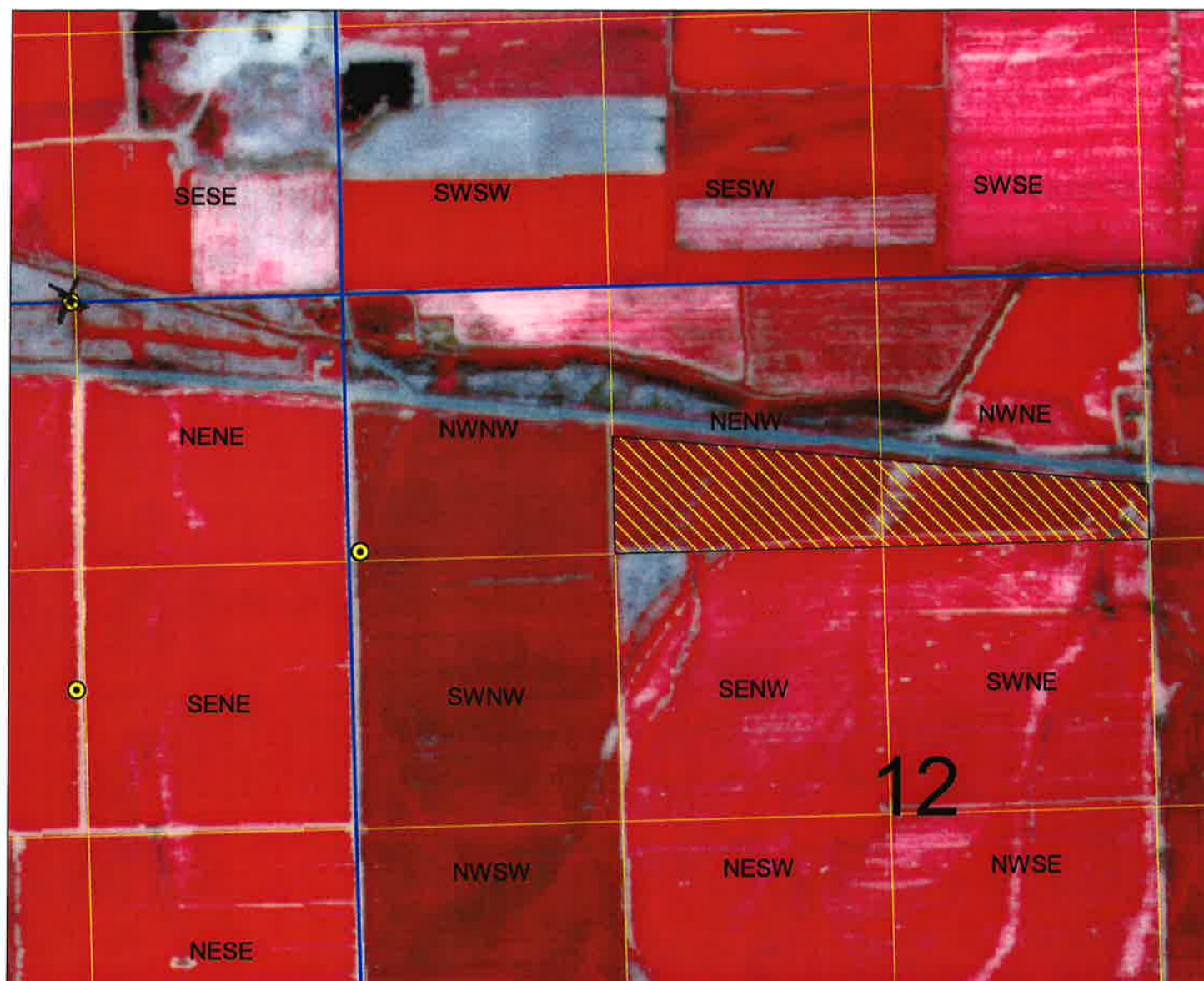


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-14124



1320 0 1320 2640 Feet

- ⊙ Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

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GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: August 2004

$$\frac{78.74}{\text{af}} =$$

1248048 gph season

5832 gph

243 gph

11.5 = n

$$\frac{20}{20} = \frac{20}{108}$$

$$\frac{102}{20} = \frac{1007}{n}$$

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4/11 - 10/31 - 214 days
600' off

14124

25 - 14123

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SEP 22 2004
SEP 17 2004

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
25-7032A		X			

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)

4. New Owner/Claimant(s)

Hamilton Land + Livestock
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

17122 E. Ririe, Hwy

City, State and ZIP Code

Ririe, ID 83443

New Telephone Number

(208) 538-7725

5. Date you acquired the property

12-31-02

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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 <u>25-7032A</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.31 cfs / 122.5 ac</u>	<u>35 ac. NENE & NWNE sec 12</u>
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 _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Clark A. Hamilton

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

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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GRANT DEED

HAMILTON LAND & LIVESTOCK LTD., 4850 West 13400 South, Riverton, Utah 84065, as **GRANTOR**, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto IDAHO HAMILTON LAND & LIVESTOCK, LP, P.O. Box 50, 375 State Highway 31, Swan Valley, Idaho 83449, as **GRANTEE**, and Grantee's successors and assigns, all of the following described real estate situated in the State of Idaho, to wit:

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

Section 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of U.S. Highway 26.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues and profits thereof.

IN WITNESS WHEREOF, the Grantor hereunto has set its hand and seal hereto on December 23, 2002.

HAMILTON LAND & LIVESTOCK LTD.

INSTRUMENT NO.	1099213
DATE	12-31-02
INST. CODE	200
IMAGED PGS	2
FEE	6.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
For the Recorder, County Recorder	
By	VR Smith Deputy
Request of	BLT


CLETUS R. HAMILTON


SHARON LEE HAMILTON

Its: General Partners

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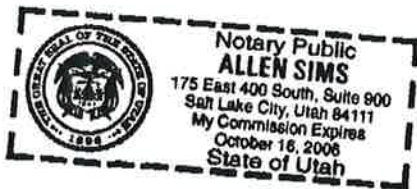
SCANNED

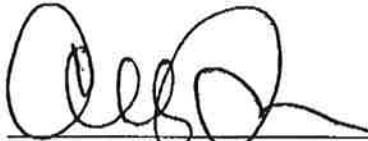
SEP 22 2004

STATE OF UTAH)
:
COUNTY OF SALT LAKE)

On this 23rd day of December, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared CLETUS R. HAMILTON and SHARON LEE HAMILTON, known or identified to me to be the general partners of HAMILTON LAND & LIVESTOCK LTD., who executed the within instrument as general partners of said partnership by authority duly given, and acknowledged to me that said partnership executed the same.

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





Notary Public for the State of Utah

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SEP 22 2004

PARTNERSHIP WARRANTY DEED

FOSTER COMPANY, a partnership, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

HAMILTON LAND & LIVESTOCK, a Utah limited partnership, as GRANTEE,

whose address is 4850 West 13400 South, Riverton, Ut 84065, and Grantee's successors and assigns, all of the following described real property, to-wit:

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

Section 12: NE1/4 NW1/4 and NW1/4 NE1/4 lying South of U.S. Highway 26.

SUBJECT TO the 1999 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: October 12, 1999

Foster Company

Partnership Name

by: [Signature]
A Partner

by: [Signature]
A Partner

INSTRUMENT NO.	<u>1010344</u>
DATE	<u>11-3-99</u>
INST. CODE	<u>205</u>
IMAGED PGS	<u>1</u>
FEE	<u>3-</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) 96	
I hereby certify that the within	
instrument was recorded.	
Recorded Longmire, County Recorder	
By <u>[Signature]</u>	Deputy
Request of	

STATE OF IDAHO)
COUNTY OF Bonneville) ss

On October 12, 1999, before me, the undersigned, personally appeared

known or identified to me to be (one of) the partners in the partnership and the (or one of) partner(s) who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he/they executed the same in said partnership name.

[Signature]
Notary Public for the State of Idaho
Commission Expiration Date: 8-7-2001

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SEP 22 2004



Bonneville Land & Title Co.

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 25-14124
Date Received: 9/16/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

HAMILTON LAND & LIVESTOCK LTD Phone: (208)538-7725

C/O CLARK HAMILTON
17122 E OLD RIRIE HWY
RIRIE ID USA 83443

2. Date of Priority: 03/22/1973

3. Source: GROUND WATER , GROUND WATER , GROUND WATER Trib. to: , ,

4. Point of Diversion:

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

5. Description of diverting works:

WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.31	79

7. Total Quantity Appropriated is:
0.31 C.F.S. and/or 79 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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PRO

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	40E	12	NE	NW	IRRIGATION	20
			NW	NE	IRRIGATION	15
					Section Acres	35
					Total Acres	35

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:

14. Remarks:

Split from 25-7032A

15. Basis of Claim: License

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16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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SEP 22 2004
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