

09/30/2003

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

RIGHT NUMBER: 27-7048

NAME AND ADDRESS: RYAN NEIBAUR
2320 ROSS AVE
IDAHO FALLS ID 83406

VOID

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.150 CFS
5.360 AFY

PRIORITY DATE: 11/12/1974

POINT OF DIVERSION:

T01N R37E S36 SENENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.150 CFS 5.36 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T01N R37E S36	NENE	37.0	T01N R37E S36	SENE	39.0
T01N R38E S31 Lot 1 NWNW		39.0	T01N R38E S31 Lot 2 SWNW		38.0

153 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



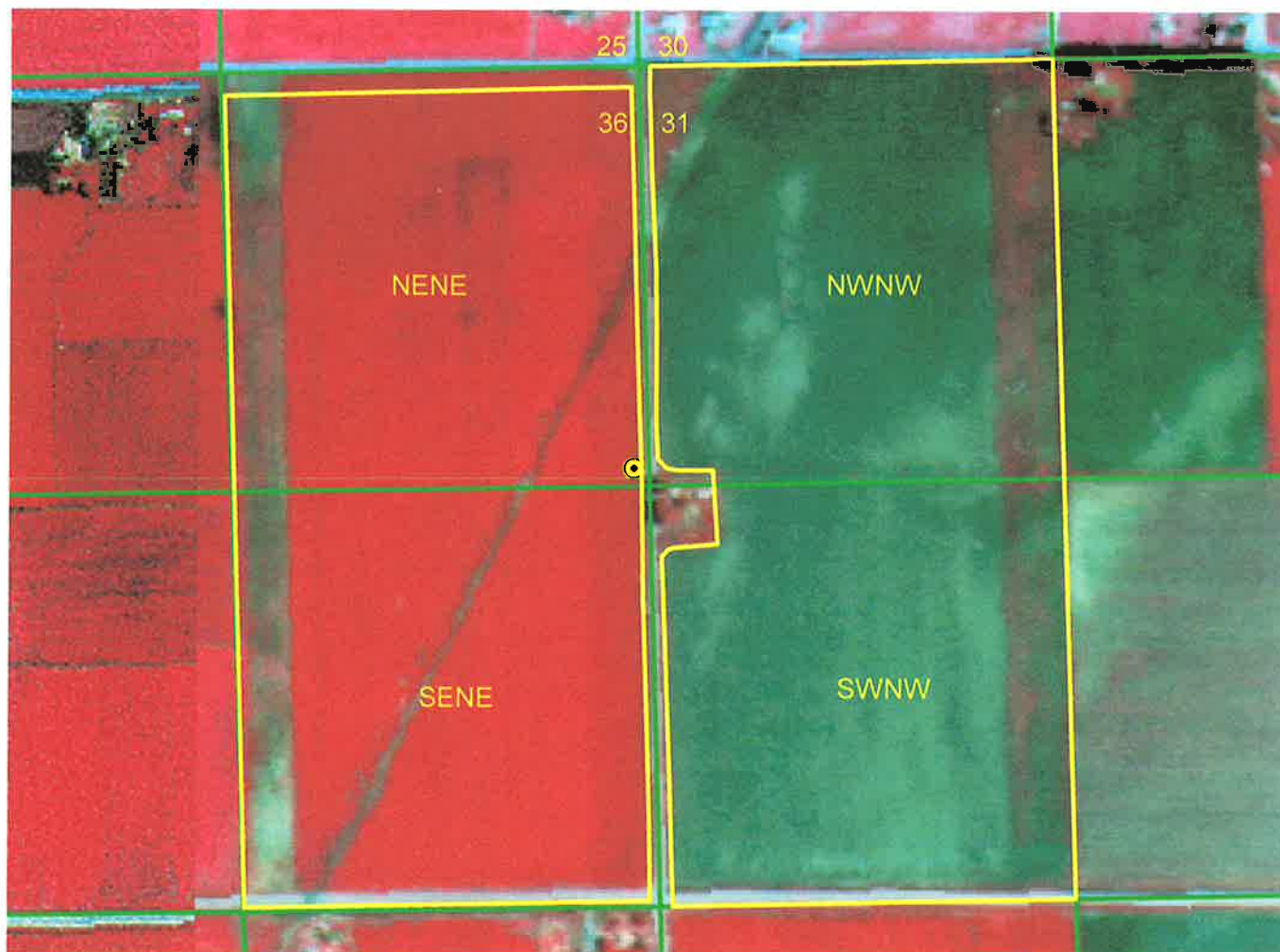
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-7048



0.04 0 0.04 0.08 Miles



LEGEND

- Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

PROFILED

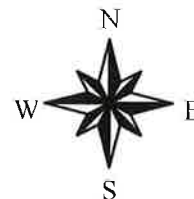
Place of Use: T1N, R37E:
(part of) Sec. 36, NENE

T1N, R38E:

(part of) Sec. 31, NWNW, SWNW

Point of Diversion: T1N, R37E:
Sec. 36, SENENE

IRRIGATED ACRES 153.0



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: September 2003

01/08/2004

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: 27-7048

RYAN NEIBAUR
2320 ROSS AVE
IDAHO FALLS ID 83406
Telephone Number: (208) 522-9646

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:

4-4-05

SIGNATURE:

Ryan Neibaur

Please print your name:

Ryan Neibaur

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

PROFILED

RECEIVED

JUN 17 2005

Department of Water Resources
Eastern Region

KMJ
6/20

COPY

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

Case No. 39576

Subcase No. 27- 7048

RECEIVED

AUG 02 2006

Department of Water Resources
Eastern Region

STANDARD FORM 5

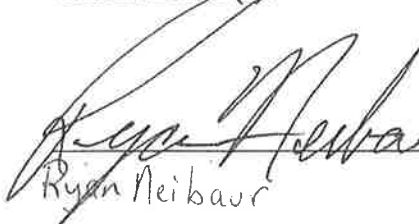
STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(S)?


Ryan Neibaur

Date

7-24-06

Date

OBJECTOR(s):

Ryan Neibor 7-24-06
Ryan Neibor Date

Date

RESPONDENT(s):

NONE
Date

Date

IDWR Concurrence:

Ernie Carlsen 7-24-06
Ernie Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 7/24/06
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on July 24, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court *hand deliverd*
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Ryan Neibaur *hand deliverd*
1650 Claremont Lane
Idaho Falls, ID 83604

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Ray Wells
Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

MAR 1 2006

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2006

RYAN NEIBAUR
1650 CLAREMONT LN
IDAHO FALLS ID 83404-7462

RE: Snake River Basin Adjudication (SRBA)
**Notices of Claim to a Water Right #27-7048, Water Rights 25-7561 and
31-7293 and Decree 31-10556**

Dear Claimant:

cc: W.A. ↑

records modified, NCAP prepared.
m-3-21-06

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by March 20, 2006. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claim(s) referenced above, please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

[Signature]
Water Right Holder's Signature

208-522-9696
Telephone No.

SCANNED

MAR 2 1 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

27-7848 rec
25-7561 w/R
31-7293 ✓
31-18556 P.D.

RYAN NEIBAUER
2320 ROSS AV
IDAHO FALLS

6446785 83406

PRESORTED
FIRST CLASS



FITNEY BOWES

02 1A

0004389390

\$ 00.29³

JAN 27 2006

MAILED FROM ZIP CODE 83702

RECEIVED

FEB 06 2006

DEPARTMENT OF
WATER RESOURCES

NEIB320* 834062013 1705 1702/02/06
RETURN TO SENDER
NEIBAUER
1650 CLAREMONT LN
IDAHO FALLS ID 83404-7462

RETURN TO SENDER



SCANNED
MAR 2 1 2006

Notes

8/5/03. add Volume limit 5360 AFA
ownership change to Ryan Neibaur

link POD: POH files-

fix Claimed shape to the licensed
shape. (areas need to match license)

9-17-03. Benham special tax lot not available.
Used 90db. BP

Contacts Data Entry Form

[illegible]

Current Owner See claim.

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

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: None Time: desk top review

Directions to Property (if different from above) and/or update owner information:

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 approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

Reviewer: UB

Date: 9/5/05

Priority Date Data Entry FormClaim Number: 27-7048

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

X

Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

license

Reviewer: CSBDate: 8/5/03

Priority Date

Claim No. _____

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☒ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☒ No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☒ No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☒ No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim. *Verify code as license*
16. Is a Priority Date remark and/or condition required? Yes () No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Point of Diversion and Source Data Entry Form

Claim Number: 27-7048

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____, SE, NE NE. County:_____

Source:_____ Tributary:_____



Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

license
add the legal description for the 10 acre
tract.

Transfers Changing POD _____

Reviewer: CB

Date: 8/5/03

Point of Diversion

Claim No. _____

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

Yes (☐) No (☐)

4. Does the parent right have a POD?

If Yes, go to 5

If No, go to 6

Yes (☒) No (☐)

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

add SENE NE

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7

If No, go to 9

Yes (☐) No (☐)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes (☐) No (☐)

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

Yes (☐) No (☐)

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (☐) No (☐)

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Yes (☐) No (☒)

SourceClaim No. -

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

If Yes, go to 5

If No, go to 7

Yes (☒) No (☐)

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11

If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7

If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8

If No, go to 10

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10

If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes (☐) No (☐)

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11

If No, go to 10

Yes (☐) No (☐)

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11

If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (☐) No (☐)

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.

If No, Source review is complete.

Yes (☐) No (☒)

Place Of Use Data Entry Form

Claim Number: 27-7048☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

License.Make sure the legal description in the
computer specifies the 10 acre tract.Corrected claimed shape to match license.

Transfers Changing POU _____

Reviewer: CPBDate: 4/5/03

Place of UseClaim No.

1. Is the basis of claim a Decree or License?

If Yes, go to 2a

If No, go to 2b

Yes (☒) No (☐)

2a. Is a POU required?

If Yes, go to 5

If No, go to 14

Yes (☒) No (☐)

2b. Is a POU required?

If Yes, go to 3

If No, go to 14

Yes (☐) No (☐)

3. Is the basis of claim a Permit or Application?

If Yes, go to 4

If No, go to 7

Yes (☐) No (☐)

4. Has the License been issued?

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

Yes (☐) No (☐)

5. Does the parent right have a POU?

If Yes, go to 6

If No, go to 7

Yes (☒) No (☐)

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

Yes (☒) No (☐)

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8

If No, go to 13

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13

If No, go to 9

Yes (☐) No (☐)

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes (☐) No (☐)

10. Was an enlargement claim filed?

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes (☐) No (☐)

11. Did the claimant file an enlargement claim?

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (☐) No (☐)

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.

If No, POU review is complete.

Yes (☐) No (☒)

Purpose of Use

Claim No. -

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes (☐) No (☐)

4. Does the parent right have a Purpose of Use?

If Yes, go to 5

If No, go to 6

Yes (☒) No (☐)

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13

If No, go to 6

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7

If No, go to 11

Yes (☐) No (☐)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11

If No, go to 8

Yes (☐) No (☐)

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9

If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes (☐) No (☐)

9. Was an enlargement claim filed?

If Yes, go to 11

If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes (☐) No (☐)

10. Did the claimant file an enlargement claim?

If Yes, go to 11

If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes (☐) No (☐)

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13

If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes (☐) No (☐)

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.

If No, purpose of Use review is complete.

Yes (☐) No (☒)

Period of Use and Quantity Data Entry FormClaim Number: 27-7048☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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
Irrigation	4/1	11/1	2.15	536

Overall Diversion Rate 2.15 Overall Diversion Volume 536

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

License

Reviewer: CBDate: 8/5/03

Period of Use

Claim No. _____

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes (☒) No (☐)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes (☐) No (☐)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
Yes (☐) No (☐)
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6
Yes (☒) No (☐)
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6
Yes (☒) No (☐)
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12
Yes (☐) No (☐)
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8
Yes (☐) No (☐)
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
Yes (☐) No (☐)
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
Yes (☐) No (☐)
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes (☐) No (☐)
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes (☐) No (☐)
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
Yes (☐) No (☐)
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15
Yes (☐) No (☐)
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
Yes (☒) No (☐)
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
Yes (☐) No (☐)
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
Yes (☐) No (☒)
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
Yes (☐) No (☒)
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
Yes (☐) No (☒)

Quantity

Claim No. _____

1. Is the basis of claim a Decree or License?

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5

If No, recommend the Quantity shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5

If No, go to 7

Yes (☒) No (☐)

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8

If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7

If No, go to 7

Yes (☐) No (☐)

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9

If No, describe why a flow measurement is not required. Go to 9

Yes (☐) No (☐)

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10

If No, go to 9

Yes (☒) No (☐)

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10

If No, go to 11

Yes (☐) No (☐)

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes (☒) No (☐)

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, go to 12

Yes (☐) No (☐)

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.

If No, quantity review is complete.

Yes (☐) No (☒)

Summary

Claim No. -

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2

If No, go to 3

Yes (☒) No (☐)

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4

If No, status will be set as Active. Go to 5

Yes (☐) No (☒)

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5

If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes (☐) No (☐)

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5

If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes (☐) No (☐)

5. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 6

If No, go to 6

C18

Yes (☒) No (☐)

6. Would you like to view the recommended right?

If Yes, go to 7

If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (☒) No (☐)

7. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8

If No, go to 8

Yes (☐) No (☒)

8. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 9

If No, go to 9

Yes (☐) No (☒)

9. Would you like to set the verification date?

If Yes, the review is complete.

If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (☒) No (☐)

Claim No.: _____

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

Split or Combined Right Analysis:

ND

Attached Field Notes or Other Documents:

None, desk top review only

Claim No.:

Reviewer

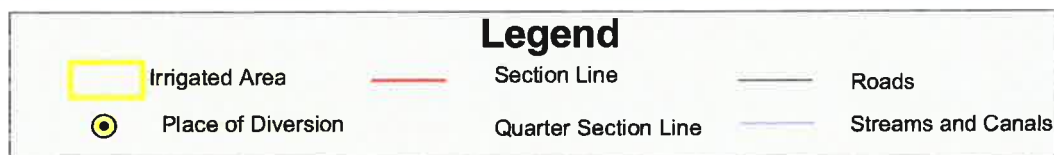
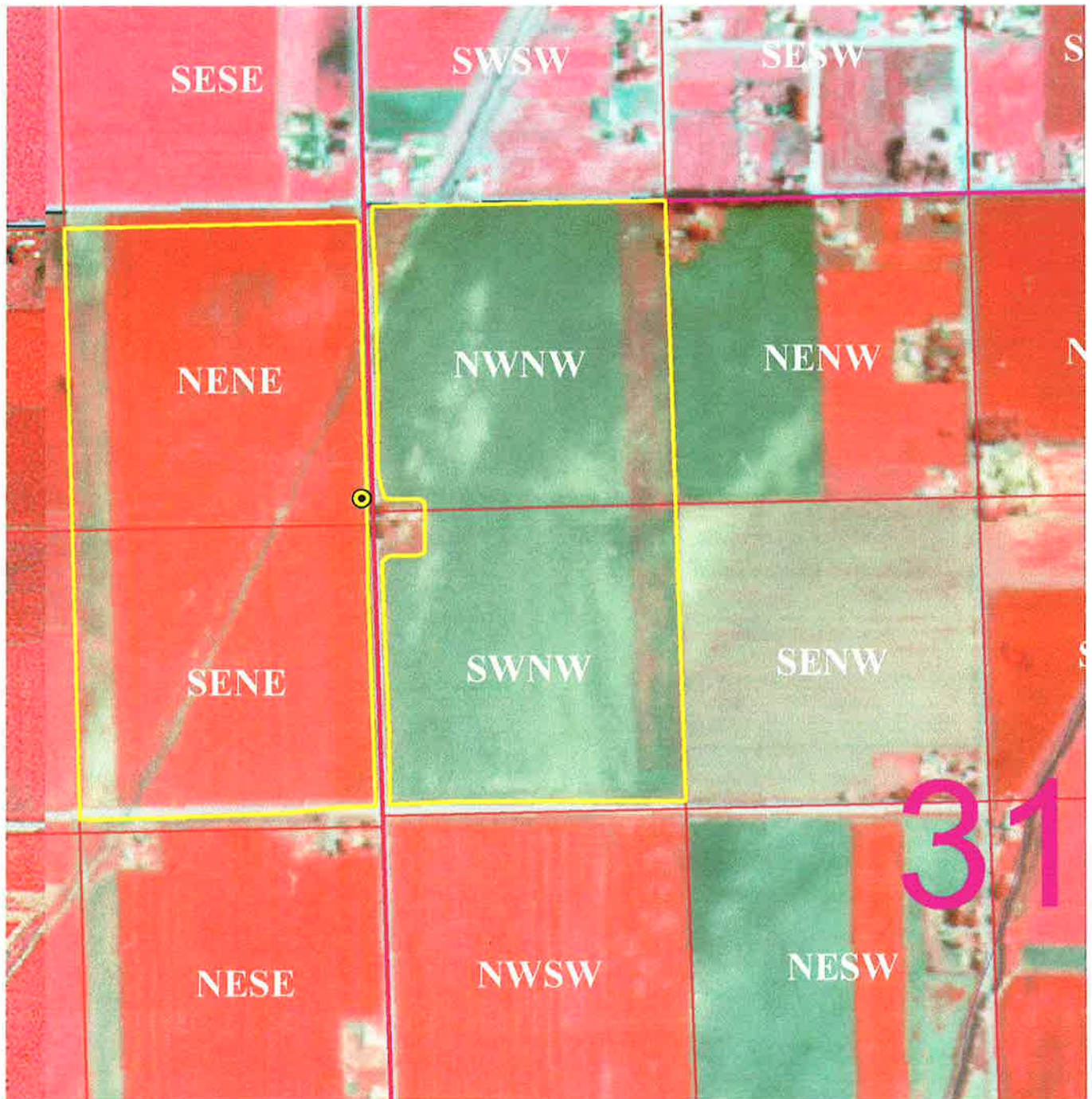
CB

Date

8/5/03

Water Right Claim Number 27-07048
Townships , 1N38E, 1N37E

11/10/2000

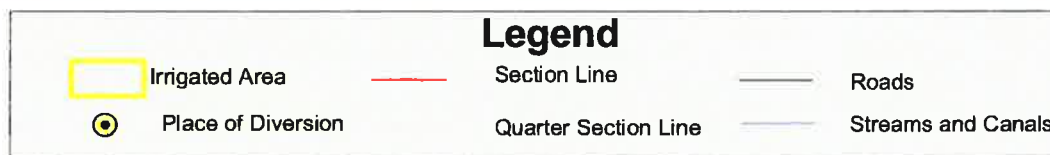


400 0 400 800 Feet



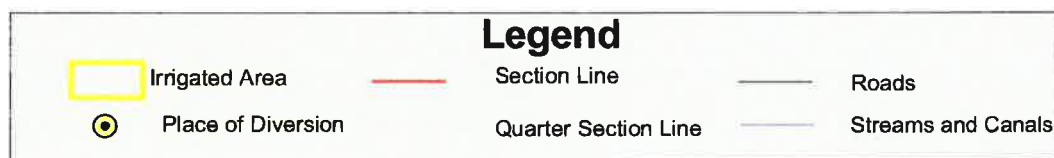
Water Right Claim Number 27-07048
Townships , 1N38E, 1N37E

11/10/2000



Water Right Claim Number 27-07048
Townships , 1N38E, 1N37E

11/10/2000



400 0 400 800 Feet



JUL 18 2001

Log for claim 27-07048

Spatial Dynamics LTD

11/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n37e	36	NENE	39	39	
01n37e	36	SENE	38	37	
01n38e	31	NWNW	38	39	
01n38e	31	SWNW	38	37	
Totals:			153	152	

AJ5809NP
No. A27-07048

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 44

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RYAN NEIBAUR 2320 ROSS IDAHO FALLS ID 83406 (208) 522-9646	11/12/1974	IRRIGATION	04-01 11-01	2.150 CFS	
TOTAL DIVERSION:					2.150 CFS	
CONSUMPTIVE USE:						382.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R37E S36 NENE BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
01N	37E	36	: 39	: 38	:	:	:	:	:	:	:	:	:	77.0		
01N	38E	31	:	:	: 38	: 38	:	:	:	:	:	:	:	76.0		
TOTAL ACRES													153.0			

POU County: BINGHAM

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

A01-0007520 A01-0007620 A01-0031220 A01-0036820 A01-0036920 A01-0037020 A25-0022420

Remarks: GEN CHANGED OWNERSHIP 4/11/95/JT/GT

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Audit: 06/06/88 MCC 10/04/94 JTHOMPSO 03/29/95 POST-STD 04/11/95 JTHOMPSO

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that LEONARD FOSTER, JR.

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 2.15 cfs and	536 acre feet
	from to	cfs and	
	from to	at cfs and	

Description and location of place of use:

[illegible]

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of January, 19 79

Director

RECEIVED

FEB 5 1976

Phone _____
Department _____ Sources
 Phone _____
Eastern _____ Office

Phone Eastern Time Office _____

[illegible]

RECEIVED

TOTAL ACREAGE 160

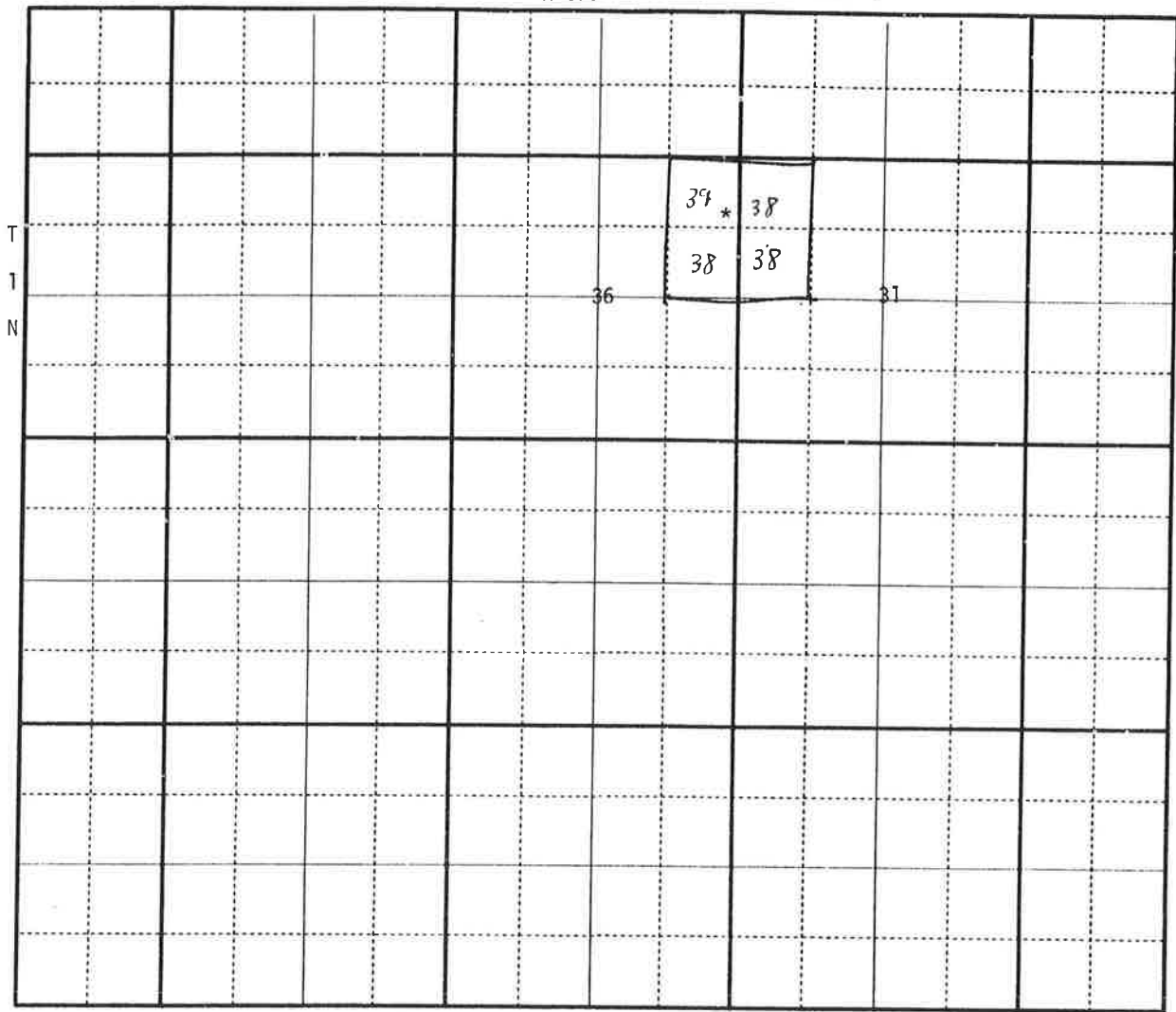
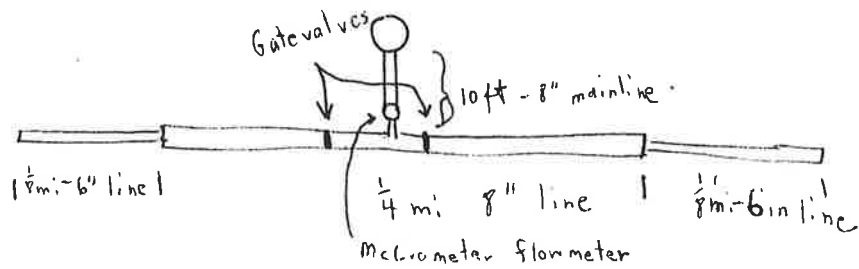
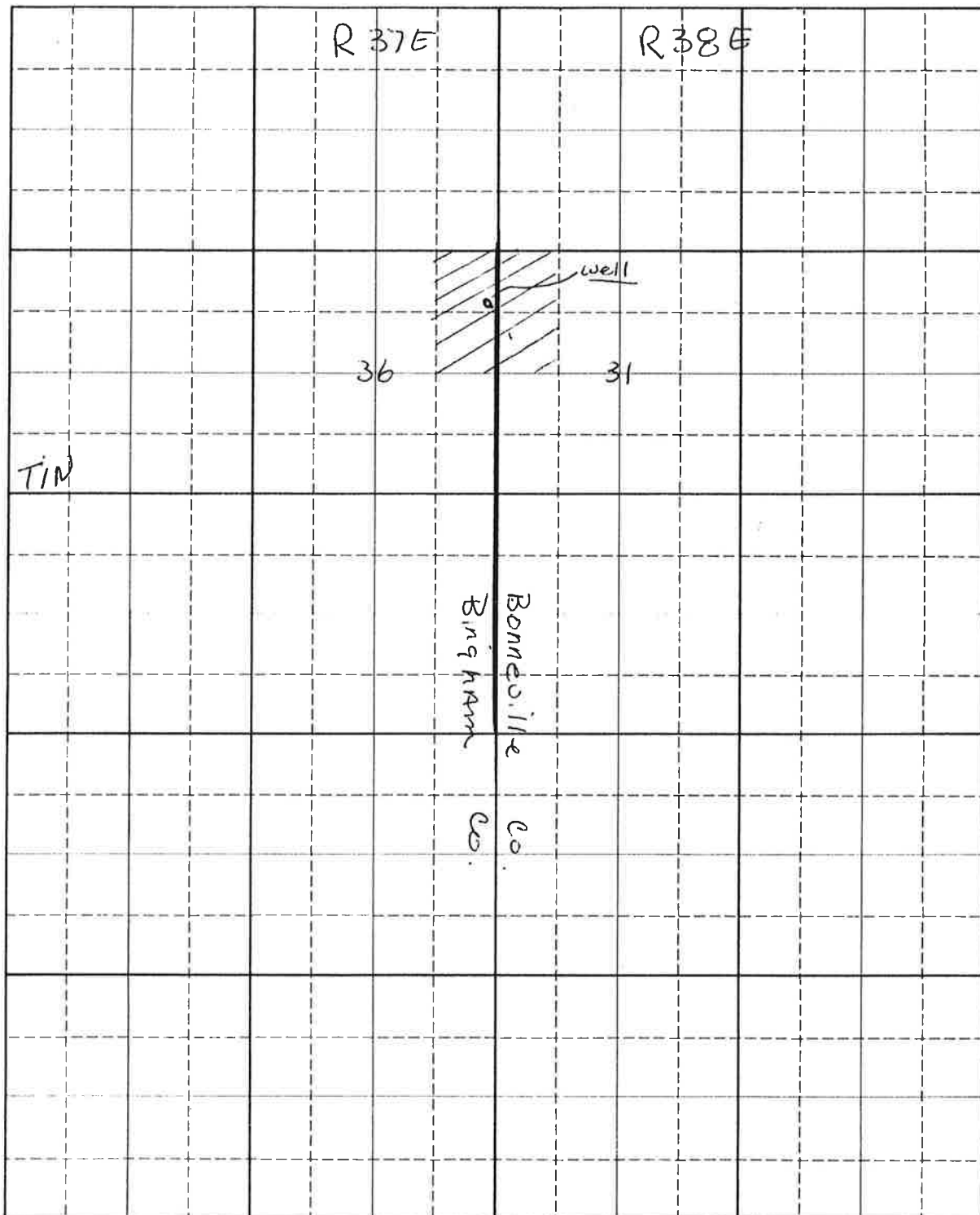


Diagram of System

N



11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

Leonard Foster Jr.
(Applicant)

Received by UR Date Nov 14 74 Time 12:05 pm
 Preliminary check by tg Fee \$ 45.00
 Received by UR Date Nov 14 1974 # 13142
 Publication prepared by CW Date 11-15-74
 Published in Blackfoot News
 Publication dates 11/21 + 11/28/74
 Publication approved CW Date 12-12-74
 Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by N 3DF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7048, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 79.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 24 day of December 19 74.


 Director

27 7018

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To Appropriates the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Leonard Foster Jr. Phone: 357-7081
 post office address Rt. 1 Box 43 Shelly, Idaho
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 1N
 Range 37E B.M. Bingham County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
 Amount 3.0 for Irr purpose from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 3.0 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Well, pump sprinklers

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo., Day) (Mo., Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 5 years.
 b. Estimated construction cost is \$ 25,000.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
 Range _____ B.M. _____
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered _____

 (4) Name of municipality to be served _____, or number of families to be
 supplied with domestic water _____.
 (5) If water is to be used for other purposes describe: _____

APPROVED

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	37E	36	40			40													80
1N	38E	31					40	40											80

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

43
180
223

DATE OF EXAM 7/16/76

ACREAGE
Found 153
Recommended 153

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 2.15 c.f.s. V = 535.5 AF/Ann. from April to Nov 1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 2.15 cfs Method of measurement In line flow meter

Total Q recommended 2.15 cfs Meter No. 16-8-2090 Type McLeod Condition Good

Total V recommended 535.5 cfs
Direct reading 800 gal/min
Timed flow = .01 AF/203 sec

Recommended Amendments: None

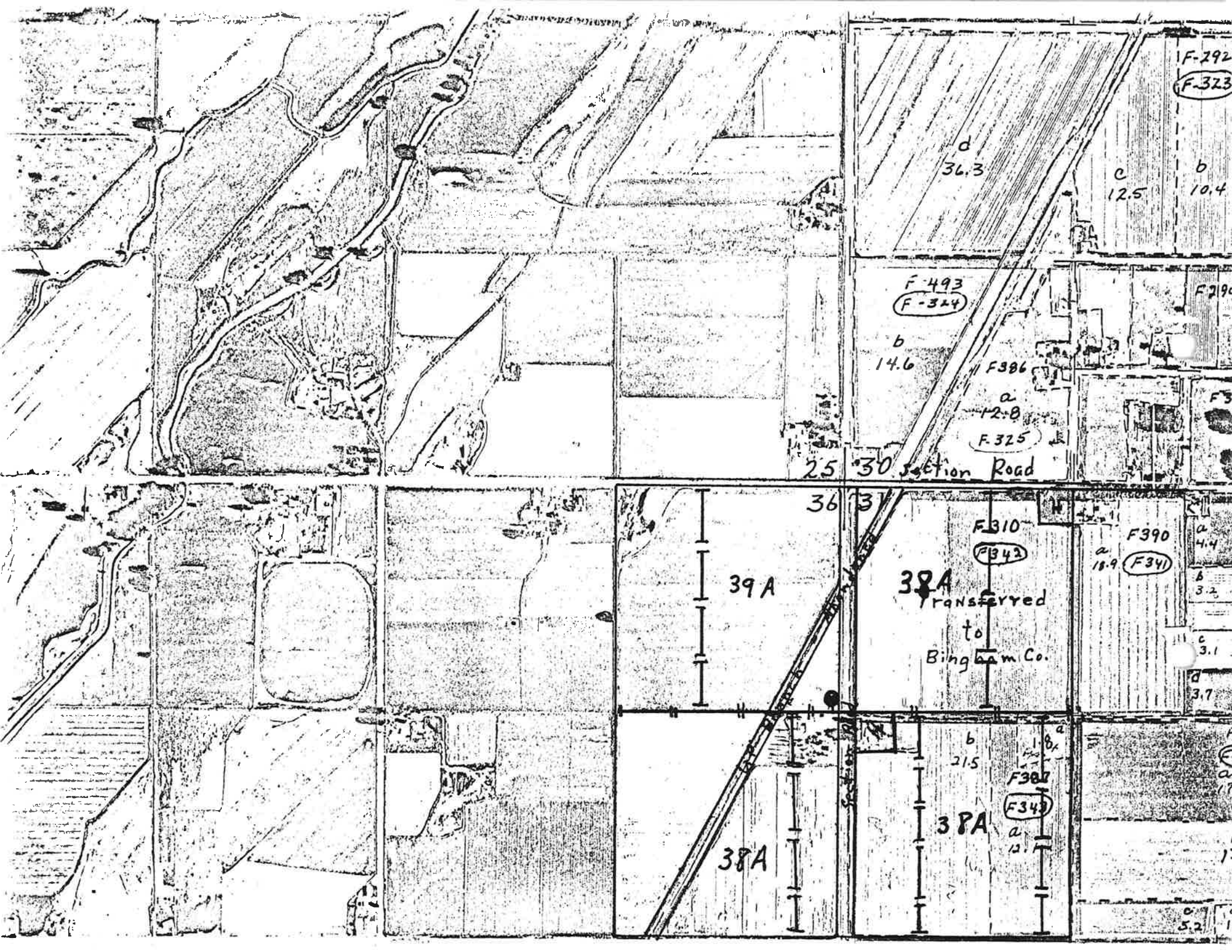
P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:
$$Q = \left(\frac{.01 \text{ AF}}{203 \text{ sec}} \right) \left(\frac{43,560 \text{ ft}^2}{1 \text{ A}} \right) = 2.15 \text{ cfs}$$
$$Q_{\text{theo}} = \frac{(100)(8.714)(.50)}{83 + 60(2.301)} = 3.18$$
$$V = (153)(3.5) = 535.5$$

SYSTEM DESCRIPTION:
Pump motor: US 100 HP; SN: C4983-00-357; Pump Johnston model 18940
8" mainline runs 10 ft South to E-W buried 8" lateral for
4 m; + 8 m; 6" line on each end. 5-32 nozzle hand lines + 32 nozzle

REMARKS:

Examiner's Signature William B. Graham Date 8/26/76
Checked by Ernest M. Colono Date 10/21/76
Approved by Date





State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

APRIL 11, 1995

RYAN NEIBAUR
2320 ROSS
IDAHO FALLS ID 83406

RE: CHANGE IN OWNERSHIP FOR A27-07048

Dear Mr. Neibaur:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,


Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED
NOV 13 1996

Anderson, Nelson & Hall
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

Eugene L. Bush
(1928-1986)
Arthur L. Smith
(1916-1988)

of counsel
John M. Sharp

490 MEMORIAL DRIVE
POST OFFICE BOX 51630
IDAHO FALLS, IDAHO 83405-1630
TELEPHONE (208) 522-3001
FAX (208) 523-7254

W. Joe Anderson
Douglas R. Nelson
Blake G. Hall
Scott R. Hall
Joel E. Tingey
Steven R. Parry
Todd R. Erikson

April 5, 1995

Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402

RECEIVED

APR - 6 1995

Department of Water Resources
Eastern District Office

RE: Notice of Change of Water Right Ownership

Dear Manager:

Enclosed for filing with the Department of Water Resources are the following three (3) Notice of Change of Water Right Ownership:

1. Water Right No. A27-07048 being transferred from Leonard Foster to Ryan Neibaur.
2. Water Right No. A31-07293C being transferred from Ryan Neibaur to Leonard Foster.
3. Water Right No. A31-07293C being transferred from Leonard Foster to Blaine Larsen.

Copies of the Warranty Deeds are attached to each of these notices. These documents are being filed pursuant to a multi-party like-kind exchange.

If you have any questions, please feel free to contact me or any of the parties directly.

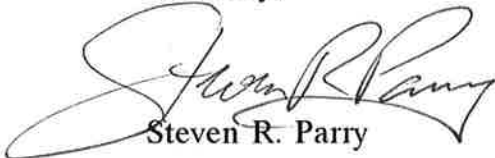
With a copy of this letter, I am providing to each of the parties the yellow and pink copies of the notices. However, I have not made any review of the status of the water rights except to review a copy of the original licenses. Consequently, I recommend to the Larsens and the Neibaur that they independently review the status of the water rights, including the status of any adjudication claims filed with your office. If additional filings are necessary with respect to the adjudication claims, please contact the respective parties.

MICROFILMED
NOV 13 1996

April 5, 1995
Page 2

We appreciate your assistance in this matter.

Sincerely,



Steven R. Parry

SRP/cp

Enclosures

cc: Leonard and Jean Foster
Blaine and Connie Larsen
Ryan and Vicki Neibaur

L:\SRP\2652.3\IDWR.003

MICROFILMED
NOV 13 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4/3/95

RECEIVED
APR - 6 1995

Department of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A 27 07048^{OK}
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): LEONARD FOSTER
1145 E 1400 N
- ☐ New Owner/Claimant (Purchaser): SHELLY ID 83274
RYAN NEIBAUER
- ☐ New Mailing Address: 2320 ROSS
IDAHO FALLS ID 83406
- ☐ New Telephone Number: (357-9646)
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Claimants are swapping property
NO POD'S or POU'S Being changed
NO transfers involved

- ☐ Attach proof of ownership, describe proof attached: Copy of W/D
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Ryan Neibauer Date 4-3-95
Dickie S. Neibauer Date _____
- ☐ Signature of Former Owner/Claimant(s): Leonard Foster Date 3/27/95
Amy Jean Foster Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
NOV 13 1996

WARRANTY DEED

(Like Kind Exchange)

GRANTORS, LEONARD FOSTER, JR. and AMY JEAN FOSTER, husband and wife, of 1145 East 1400 North, Shelley, Bingham County, Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto RYAN R. NEIBAUR and VICKI L. NEIBAUR, husband and wife, whose current address is 2320 Ross, Idaho Falls, Idaho 83406, as GRANTEEES,

(1) all of the following described real estate located in Bonneville County, Idaho:

SEE EXHIBIT "A" ATTACHED HERETO

and, (2) all of the following described real estate located in Bingham County, Idaho:

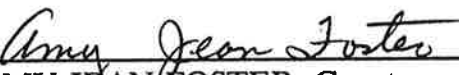
SEE EXHIBIT "B" ATTACHED HERETO

GRANTORS, for themselves, their heirs and assigns, do hereby covenant, warrant, and shall defend the quiet and peaceable possession of said premises by the GRANTEEES, their heirs and assigns forever against all lawful claims of all persons.

This Deed is executed pursuant to an exchange agreement between Grantors and Grantees.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 3 day of April, 1995.


LEONARD FOSTER, JR., Grantor


AMY JEAN FOSTER, Grantor

STATE OF IDAHO)
 :ss.
County of Bonneville)

On this 3 day of April, 1995, before me the undersigned, a Notary Public for Idaho, personally appeared LEONARD FOSTER, JR. and ANY JEAN FOSTER, 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 first above written.



Notary Public for the State of Idaho
Residing at Idaho Falls
My Commission Expires: 2/15/98

L:\SRP\2652.2\NEIBAUR.DED

MICROFILMED
NOV 13 1996

EXHIBIT "A"

Tract I

The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 31, Township 1 North, Range 38, E.B.M., Bonneville County, Idaho, Less and Excepting therefrom any Highway or County Road Rights of Way.

EXCEPTING THEREFROM:

Beginning at a point on the North line of the NW1/4 of Section 31, Township 1 North, Range 38, East of the Boise Meridian, said point being West 656.8 feet, from the Northeast corner of the said NW1/4, Thence running South 165 feet, thence East 132 feet, thence North 165 feet, thence West 132 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Beginning at a point on the North line of the NW1/4 of Section 31, T. 1 N. R. 38, E.B.M. said point being 524.8 feet, West from the NE corner of said NW1/4 running thence S. 165 feet; thence W. 132 feet; thence S. 0°7'E. 74.34 feet, thence E. 182 feet; thence North 0°7'W. 239.31 feet, to the North line of said Section 31, Thence West along the said North line 50 feet more or less to the point of beginning, all in Bonneville County, Idaho.

Tract II

The Southwest quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 31, Township 1 North, Range 38, E.B.M., in Bonneville County, Idaho, LESS AND EXCEPTING THEREFROM:

Commencing at the Northwest Corner of said property and running thence East 210 feet; thence South 213 feet; thence West 210 feet; thence North 213 feet; to the point of beginning.

LESS AND EXCEPTING THEREFROM any Highway or County Road Rights of Way.

SUBJECT TO existing rights of way, easements, covenants and restrictions of record, and any other right, title, and interest of the Public in and to those portions of the above described premises falling within the bounds of roads and highways, including the Easement to Oregon Short Line Railroad Company recorded in Book 21, Page 494 of Bonneville County, and the Easement to Intermountain Gas Company recorded in Book 17, at Page 161 in Bonneville County.

TOGETHER WITH all related water rights, whether appurtenant or not, and whether represented in the form of a water license, water permit, water shares or otherwise, including without limitation Water Right License No. 27-7048.

This transfer includes irrigation equipment, including two pumps and mainline, but does not include sprinkler pipe.

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EXHIBIT "B"

The East Half of the Northeast Quarter (E1/2NE1/4) of Section 36, Township 1 North, Range 37 East, Boise Meridian, Bingham County, Idaho, according to the recorded plat thereof. LESS railroad right-of-way as disclosed by Deed dated November 15, 1923, recorded December 7, 1923, as No. 5244, and by Deed dated August 27, 1923, recorded October 9, 1923, as No. 4429. ALSO EXCEPTING THEREFROM, Beginning at the intersection of the South right of way line of a County Blacktop road and the West right of way line of a County Gravel road near the Northeast corner of Section 36, Township 1 North, Range 37 East, Boise Meridian, Bingham County, Idaho, thence South 30 feet; thence N 45° W 42.43 feet; thence East 30 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM:

Beginning at a point that is West along the section line 1298.96 feet from the Northeast corner of Section 36, Township 1 North, Range 37 East of the Boise Meridian; running thence West 20.00 feet; thence South 71.00 feet; thence East 20.00 feet; thence North 71.00 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

The existing county road right-of-way along the North side.

SUBJECT TO existing rights of way, easements, covenants and restrictions of record, and any other right, title and interest of the Public in and to those portions of the above described premises falling within the bounds of roads and highways.

TOGETHER WITH all related water rights, whether appurtenant or not, and whether represented in the form of a water license, water permit, water shares or otherwise, including without limitation Water Right License No. 27-7048.

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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: **A27-07048** ✓
Date Received: 6/ 6/1988
Receipt No: E000341
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RYAN NEIBAUR ✓
Address: 2320 ROSS ✓
IDAHO FALLS ID 83406 208-522-9646 ✓

2. Date of Priority: NOV 12, 1974 ✓

3. Source: GROUNDWATER ✓ Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N ✓	37E ✓	36 ✓	SE	NE	NE		BINGHAM ✓

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION ✓	04/01 ✓	11/01 ✓	2.150 ✓		536.0

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

8. Total consumptive use is 382.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N ✓	37E ✓	36 ✓	NE	NE		IRR	39.0 ✓
			SE	NE		IRR	38.0 ✓

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NOV 13 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	77.0 ✓
1 N.	38E ✓	31 ✓	NW	NW	IRR	38.0 ✓
			SW	NW	IRR	38.0 ✓
					Section Acres	76.0 ✓
					Total Acres	153.0 ✓

11. Place of use in counties: BINGHAM ✓

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP 4/11/95/JT/GT

15. Basis of Claim: LICENSE ✓

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NOV 13 1996

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: A27-07048
Date Received: 6/06/1988
Receipt No: E000341
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEONARD FOSTER, JR.
Address: 1145 EAST 1400 NORTH
SHELLEY, ID 83274

208-357-7081

2. Date of Priority: NOV 12, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	37E	36	NE	NE			BINGHAM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.150		

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

A.F.A.

8. Total consumptive use is 382.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	37E	36	NE	NE		IRR	39.0
			SE	NE		IRR	38.0
						Section Acres	77.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	38E	31	NW	NW		IRR	38.0
			SW	NW		IRR	38.0
						Section Acres	76.0
						Total Acres	153.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number:

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): Leonard Foster Jr Date: 6-6-88

Leon Foster Date: 6-6-88

State of Idaho)

County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 6 day

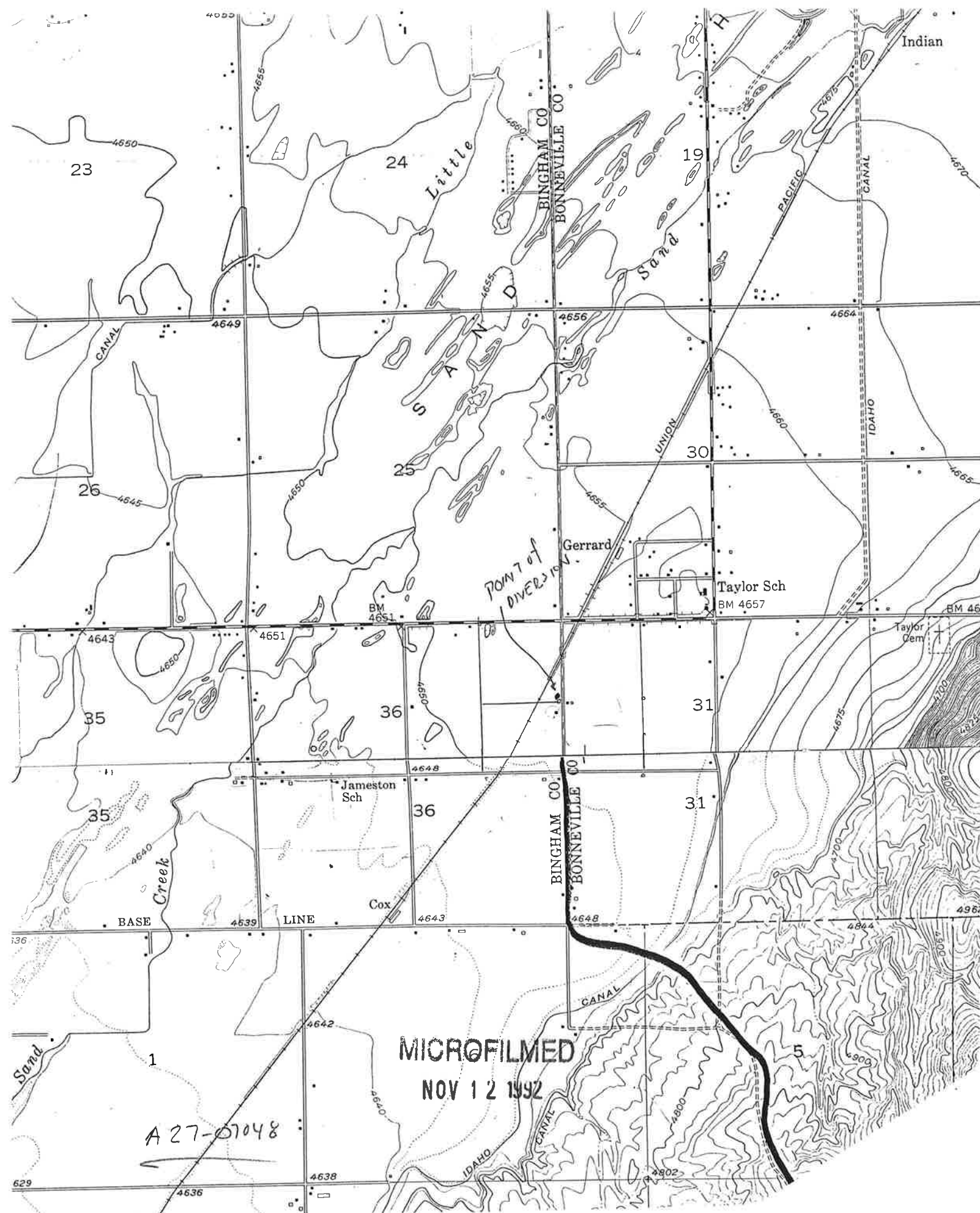
of June 19 88

Douglas V. Dredge
Notary Public

Seal

Residing at Shelley, Idaho

My Commission Expires 9-23-93



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NOV 12 1992

A 27-07048