

03/28/2005

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

RIGHT NUMBER: 27-12068

NAME AND ADDRESS: ROBERT E REID
911 REID RD
FIRTH ID 83236

CHRISTY J REID
911 REID RD
FIRTH ID 83236

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.32 CFS

Use of this right with Right No. 27-12068 is limited to a total combined diversion rate of 0.32 cfs

PRIORITY DATE: 07/27/1981

earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T02S R37E S11 NWNWSW Within BINGHAM County
T02S R37E S11 NWSW is unsurveyed, nonfederal land.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.32 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R37E S10	NENW	40.0	T02S R37E S10	NWNW	40.0
T02S R37E S10	SWNW	30.0	T02S R37E S10	SENW	28.0
T02S R37E S10	NWSW	14.0	T02S R37E S10 Lot 4	SWSW	15.0
T02S R37E S10	SESW	7.9	T02S R37E S15	NWNW	5.5
T02S R37E S16	NENE	17.0	T02S R37E S16 Lot 1	NWNE	32.0

229.4 ACRES TOTAL

T02S R37E S10 SESW, S15 NWNW and S16 NENE is unsurveyed, nonfederal land

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.

This right is based upon an enlargement of Right No. 27-21D pursuant to Section 42-1426, Idaho Code.

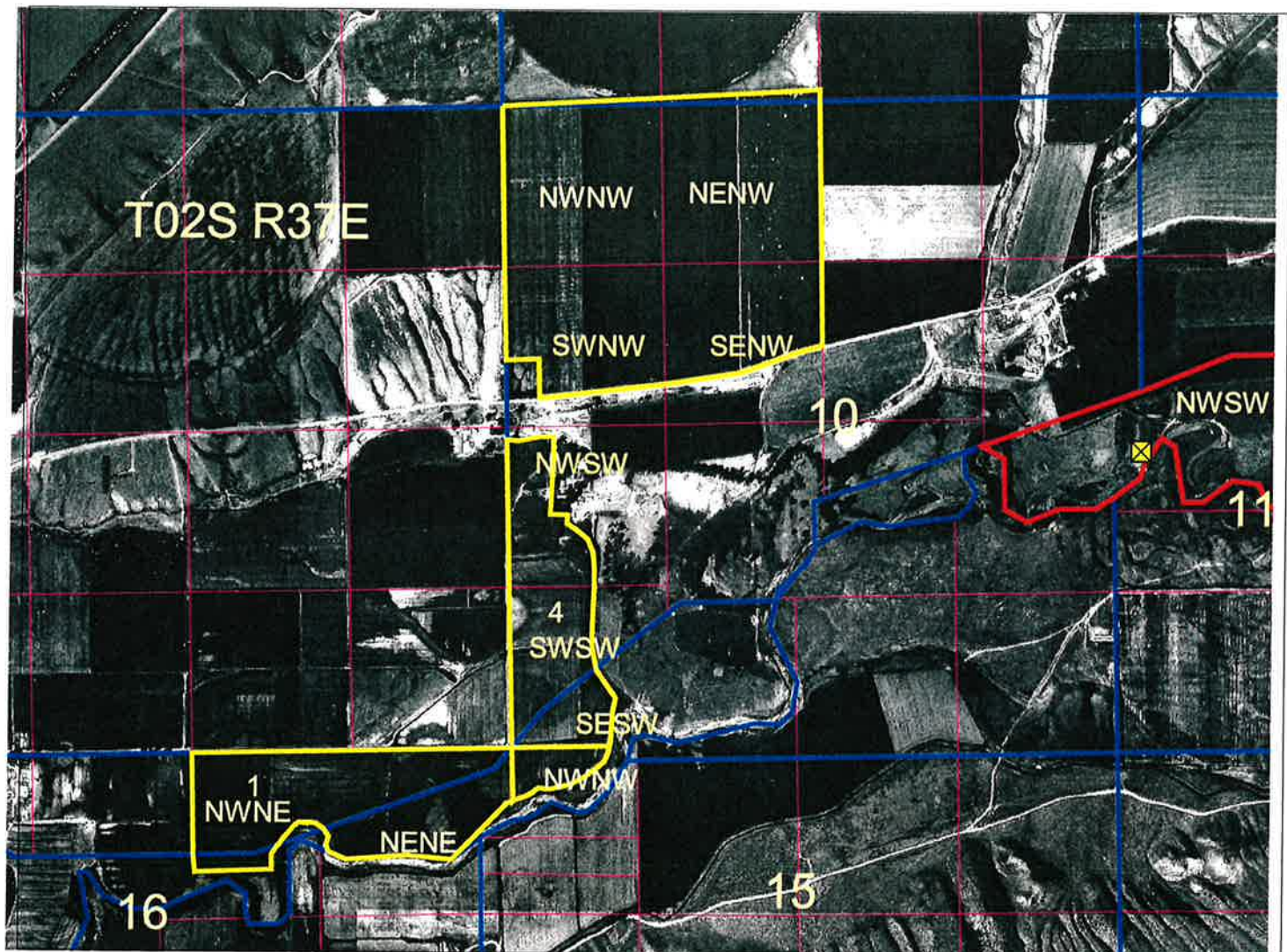
EXPLANATORY MATERIAL: Beneficial Use

Use of this right is combined with water from Eastern Idaho Water Company. Water is delivered through the Just Ditch.

This right is for an enlargement of 23 acres within the place of use described for this right.

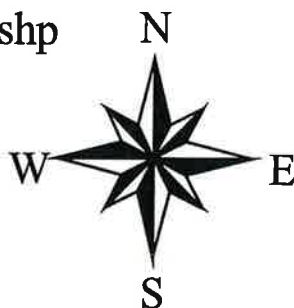
Idaho Department of Water Resources

Claim No.: 27-14D, 27-21D, 27-10667
27-10943, 27-12068



0 1320 2640 3960 5280 Feet

- ☒ Point of diversion.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



1992 DOQQ Photography
Prepared by: Ernest Carlsen
Date Prepared: March 2005

MAY 04 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-12068 V1

WATER RIGHT NUMBER: 27-12068 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT E REID 911 REID RD FIRTH, ID 83236 (208)785-2062
Current Owner	CHRISTY J REID 911 REID RD FIRTH, ID 83236 (208)785-2062
Security Interest	THE BANK OF COMMERCE 1730 W BROADWAY PO BOX 1887 IDAHO FALLS, ID 83403

Priority Date: 07/27/1981

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKFOOT RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.320 CFS	
	<u>Total Diversion:</u>	0.320 CFS	

Location of Point(s) of Diversion

BLACKFOOT RIVER	NW1/4NW1/4SW1/4	Sec. 11, Twp 02S, Rge 37E, B.M.
BINGHAM 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	
02S	37E	10					40.0	40.0	30.0	28.0			14.0	15.0	7.9				174.9
													L 4						
02S	37E	15						5.5											5.5
02S	37E	16	17.0	32.0															49.0
				L 1															

Total Acres: 229.4

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-12068 V1

1. E51 Use of this right with Right No. 27-21D is limited to a total combined diversion rate of 0.32 cfs.
2. K02 This right is based upon an enlargement of Right No. 27-21D pursuant to Section 42-1426, Idaho Code.
3. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
4. K09 This right is for an enlargement of 23 acres within the place of use described for this right.
5. 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.
6. F01 Water is delivered through the Just Ditch.
7. T02S R37E S10 SESW, S15 NWNW and S16 NENE is unsurveyed, nonfederal land
8. T02S R37E S11 NWSW is unsurveyed, nonfederal land.
9. Use of this right is combined with water from Eastern Idaho Water Company.

Remarks:

Comments:

1. ecarlsen 3/28/2005 enlargement priority

Comment: The priority for this enlargement is based on an agreement dated 7-27-1981. In the agreement .60 cfs of 27-21 appurtenant to the property now owned by Robert Reid was conveyed to Wallace Reid. However, there were no lands dried up as a result of this conveyance. The enlargement is for the irrigation of 23 acres that continued to be irrigated.

SubCase:

SubCase Number: 27-12068

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: ecarlsen

Basis of Claim: Beneficial Use

Date Filed: 4/27/2006 Objection Status: Active

Date Filed: 3/8/2006 Objection Status: Active

Date Filed: 3/8/2006 Objection Status: Active

Date Filed: 3/10/2006 Objection Status: Active

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 02 2007
Department of Water Resources
Eastern Region

Notice of Security Interest in a Water Right

**And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**

Please print or type. Attach pages with additional information. Instructions are on the back of this page
Incomplete forms will be returned

1. Water Right No(s): 27-14A, 27-28A, 27-29B, 27-14D, 27-12068, 27-10943, 27-21D and 27-10667

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

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

B) A **FEE** of \$25.00 per water right or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest:

The Bank of Commerce
c/o Western AgCredit, FLCA
406 W. South Jordan Parkway, Suite #500
P.O. Box 95850
South Jordan, UT 84095-0850.

4. Name of Water Right Owner/Claimant(s):

ROBERT E. REID and CHRISTY J. REID

5. Expiration Date of Notification Period: March 1, 2027

6. Is this a Renewal of Request for Notification () YES (X) NO

The Bank of Commerce
By: Western AgCredit, FLCA, Servicing Agent

7. Signature(s) (and title if applicable): By: [Signature]
David G. Brown
Vice President - Credit Services

DE DONE
CM 4-27-07

For Office Use Only

Received by _____
Receipted by gc
Processed by _____

Date _____
Date 4-3-07
Date _____

Fee \$ 200 -
Receipt No. EO 32743
WR _____ Date _____

FILED

SCANNED
MAY 11 2007

Legals
AFFIDAVIT OF PUBLICATION
County of Bingham)

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NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Bingham County are shown to the nearest section - more specific locations are available upon request.

Water Right: 27-10151
NAME & ADDRESS: RAY & ROSEMARY TOMINAGA
515 W 73 S
BLACKFOOT ID 83221

JOANN TOMINAGA
702 W 100 N
BLACKFOOT ID 83221
SOURCE: GROUND WATER
PRIORITY DATE: 04/01/1983
POINT OF DIVERSION: T02S R37E S06 SWNWSE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T02S R37E S06 SWNE SENW NESW SESW NWSE
This right is for an enlargement of 7 acres within the total 75 acres recommended.

Water Right: 27-10183
NAME & ADDRESS: CLAYSON FARMS
761 E 700 N
FIRTH ID 83236
SOURCE: GROUND WATER
PRIORITY DATE: 04/01/1987

POINT OF DIVERSION: T01S R37E S28 SWNWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T01S R37E S28 SWNW SENW NESW NWSW SWSW
This right is for an enlargement of 40.4 acres within the total 139.4 acres recommended.

Water Right: 27-11957
NAME & ADDRESS: RONALD ESPLIN AND SONS
747 E 1000 N
SHELLEY ID 83274
SOURCE: GROUND WATER
PRIORITY DATE: 04/01/1984

POINT OF DIVERSION: T01S R37E S19 NWSENE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T01S R37E S19 SENE
This right is for an enlargement of 8 acres within the total 35 acres recommended.

Water Right: 27-11968
NAME & ADDRESS: RICHARD & JOANN TOMINAGA
702 W 100 N
BLACKFOOT ID 83221

RAY TOMINAGA
515 W 73 S
BLACKFOOT ID 83221
SOURCE: GROUND WATER
PRIORITY DATE: 04/01/1978
POINT OF DIVERSION: T02S R37E S06 SENWSE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T02S R37E S06 LT 1(NENE) LT 2(NWNE) SWNE
SENE

This right is for an enlargement of 7.8 acres within the total 196.0 acres recommended.

Water Right: 27-11969
NAME & ADDRESS: COOK CHILDREN LLC
PO BOX 515
SHELLEY ID 83274
SOURCE: GROUND WATER
PRIORITY DATE: 04/01/1977

POINT OF DIVERSION: T02S R37E S06 LT 3(SWNENW)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T02S R36E S01 LT 1(NENE) SENE
R37E S06 LT 2(NWNE) SWNE LT 3(NENW)
LT 4(NWNW) LT 5(SWNW) SENW
NESW

This right is for an enlargement of 8 acres within the total 140 acres recommended.

Water Right: 27-12068
NAME & ADDRESS: ROBERT E & CHRISTY J REID
911 REID RD
FIRTH ID 83236

BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 07/27/1981
POINT OF DIVERSION: T02S R37E S11 NWNWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T02S R37E S10 NENW NWNW SWNW SENW
NWSW LT 4(SWSW) SESW
S15 NWNW
S16 NENE LT 1(NWNE)

This right is for an enlargement of 23 acres within the total 229 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr, Suite A, Idaho Falls ID 83402-1718 on or before April 17, 2006.

(#1993)
Pub: 3/10,17

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SCANNED

AUG 23 2006

FILED

NOTICE OF ENLARGEMENT OF WATER RIGHT

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PLACE OF USE: T02S R37E S06 SWNE SENW NESW
This right is for an enlargement of 7 acres within the total 75 acres recommend

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NAME & ADDRESS: CLAYSON FARMS
761 E 700 N
FIRTH ID 83236

SOURCE: GROUND WATER
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T01S R37E S28 SWNWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T01S R37E S28 SWNW SENW NESW NV
This right is for an enlargement of 40.4 acres within the total 139.4 acres recom

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NAME & ADDRESS: RONALD ESPLIN AND SONS
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PRIORITY DATE: 04/01/1978
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PURPOSE OF USE: IRRIGATION
PLACE OF USE: T02S R37E 06 LT 1(NENE) LT 2(NWNE)
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SOURCE: GROUND WATER
PRIORITY DATE: 04/01/1977
POINT OF DIVERSION: T02S R37E S06 LT 3(SWNENW)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T02S R36E S01 LT 1(NENE) SENE

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)

ss

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive weeks the first publication having been made on the 10th day of March 2006, and the last publication having been made on the 17th day of March 2006; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

Jacqueline Graham
On this 17th day of March in the year of 2006, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that the executed the same.

Margery Sitzmann
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
October 12, 2010

Affidavit Processing Fee.....\$5.00

FLB Loan No. 188377-8 & 188376-9

GRANT OF EASEMENT AND JOINT USE AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of July, 1981, between FRED B. REID and ALMA J. REID, husband and wife; and DOUGLASS J. REID, a single man, hereinafter referred to as "Grantors," and WALLACE R. REID and MARLENE REID, husband and wife, hereinafter referred to as "Grantees."

WHEREAS, Grantees have applied to The Federal Land Bank of Spokane for a loan to be secured by certain real property owned by Grantees and described in that certain mortgage dated July 17, 1981, and recorded July 27, 1981 in the records of Bingham County, State of Idaho, under Instrument Number 283005 said real property being hereinafter referred to as the Grantee's property, and said loan being conditioned on Grantees obtaining the grant of easement described below, and

WHEREAS, Grantors have applied to The Federal Land Bank of Spokane for a loan to be secured by certain real property owned by Grantors and described in that certain mortgage dated July 20, 1981, and recorded July 27, 1981 in the records of Bingham County, State of Idaho, under recording number 283001 said real property being hereinafter referred to as the Grantor's property, and said loan being conditioned on Grantors granting of the easement described below, and,

WHEREAS, Grantors own certain property adjacent to grantee's property, said property being described on the attached sheet as Exhibit A, and hereinafter referred to as the grantor's property, and

WHEREAS, the grantors desire to grant to grantees an easement across the grantors property for the following:

1. An irrigation pipeline and 150 H.P. pump situated on the grantors property supplying the grantee's property with irrigation water for farming purposes.
2. Joint use of a 150 H.P. Pump and Motor and accessories thereto located on the Grantors omitted property, together with a non-exclusive ingress and egress easement to repair, inspect or maintain said pump and related facilities thereto, and pipelines which carry water from the Blackfoot River to the grantees property and across the grantors deeded and omitted lands.

NOW THEREFORE, in consideration of \$10 in hand paid and for other good and valuable consideration, and the mutual covenants and promises herein contained, the parties agree as follows:

1. Grantors do hereby grant unto grantees a perpetual right and easement across the grantors property for the purposes set forth above. The location of said easement on the grantors property is described on the attached sheet as Exhibit "A". The property of the Grantees is described on the attached sheet as Exhibit "B".

The pump and motor are located on the Grantors omitted lands property and the mainline is located on omitted lands and fee owned lands. It is mutually agreed that the decreed water rights from the Blackfoot River is divided as follows:

Decree #	Date	Fred Reid & Douglas Reid	Wallace Reid
27-004	6-1-1885	Fox Whitten ~~222~~ 52.5 M.I. 1.1065	52.5 M.I. 1.05
*27-004	6-1-1885	" " 57 M.I. 1.114	57.0 M.I. 1.114
27-014	8-1-1871	N.A. Just 67.0 M.I. 1.24	66.5 M.I. 1.23
27-021	4-1-1899	F.M. Shoemaker 30.0 M.I. .6	30.0 M.I. .6
Total		209.0 M.I.	209.0 M.I.

*Purchased from Darrell Cook

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

SCANNED

MAY 04 2006

'81 AUG 17 PM 4 12

283801

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

#73⁰⁰

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 27-12068
Date Received: 3/28/2005
Receipt No: E030704
Received By: EMC

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

1. Name of Claimant(s)

ROBERT E REID Phone: (208) 785-2062
911 REID RD
FIRTH ID USA 83236

CHRISTY J REID Phone: (208) 785-2062
911 REID RD
FIRTH ID USA 83236

2. Date of Priority: 07/27/1981

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	37E	11	NW NW SW	BINGHAM	

T02S R37E S11 NWSW is unsurveyed, nonfederal land.

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	10/31	0.46	

7. Total Quantity Appropriated is:
0.46 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	37E	10	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	30
			SE	NW	IRRIGATION	28
			NW	SW	IRRIGATION	14
			SW	SW	IRRIGATION	15
			SE	SW	IRRIGATION	7.9

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MAY 04 2006

					Section Acres	174.9
02S	37E	15	NW	NW	IRRIGATION	5.5
					Section Acres	5.5
02S	37E	16	NE	NE	IRRIGATION	17
			NW	NE	IRRIGATION	32
				1		
					Section Acres	49
					Total Acres	229.4

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:

This claim represents a 23 acre enlargement of right 27-21D. The enlargement occurred as a result of an agreement dated July 27, 1981. A copy of the agreement is in 27-10667.

T02S R37E S10 SESW, S15 NWNW and S16 NENE is unsurveyed, nonfederal land.

15. Basis of Claim: Beneficial Use

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): Robert E Reid Date: 3-28-05
 _____ Date: _____

State of Idaho)
 County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28 of March 2005



Ernest M Carlsen

Notary Public

Residing at Idaho Falls

My commission Expires 8-21-2008

SCANNED

MAY 04 2006