

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7446 V1

WATER RIGHT NUMBER: 29-7446 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DIAMOND G FARMS INC PO BOX 186 BANCROFT, ID 83277
Current Owner	PHIL J YOST 1780 RICH RD GRACE, ID 83241 (208)425-3875

Priority Date: 04/03/1978

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	1.890 CFS	477.00 AF
	<u>Total Diversion:</u>	1.890 CFS	477.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 22, Twp 08S, Rge 39E, B.M.
CARIBOU 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		
08S	39E	27					33.0			33.0	33.0				39.0	21.0				159.0

Total Acres: 159

Conditions of Approval:

1. 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:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7446 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/19/2002 11:35:22 AM	rwarner			Active
Priority Date	12/19/2002 11:48:52 AM	rwarner			Active
POD	12/19/2002 12:10:17 PM	rwarner			Active
POU	12/19/2002 12:11:05 PM	rwarner			Active
Source	12/19/2002 12:11:10 PM	rwarner			Active
Use	12/19/2002 2:30:07 PM	rwarner			Active
Season	12/19/2002 2:34:37 PM	rwarner			Active
Quantity	12/19/2002 2:36:05 PM	rwarner			Active
Summary			12/19/2002	rwarner	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/19/2002 11:35:23 AM	rwarner	(No) 1. Do you want to schedule an appointment?
			Comment for 1: desktop review
POD	12/19/2002 12:10:17 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7446 V1

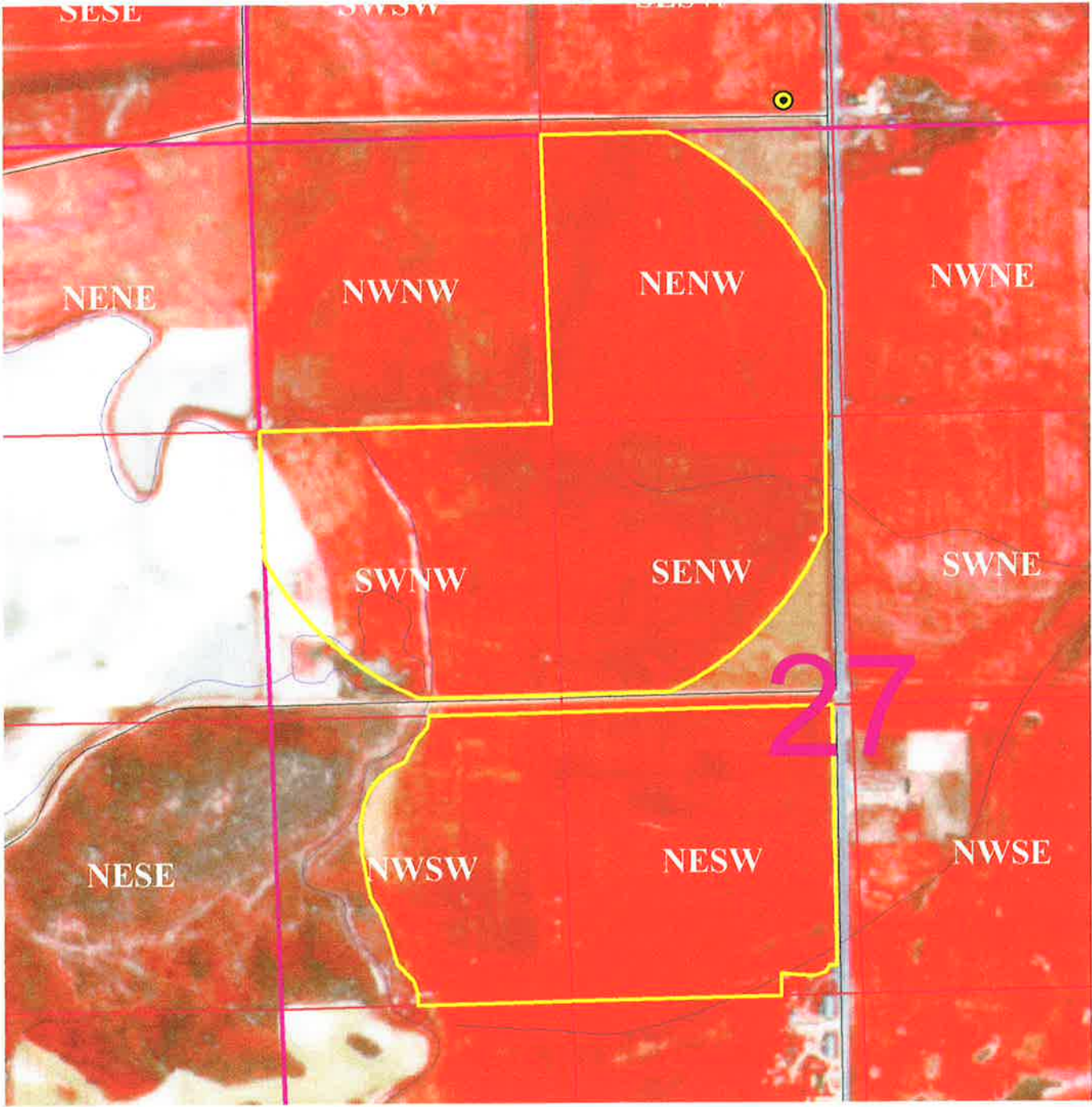
Priority Date	12/19/2002 11:48:52 AM	rwarnar	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	12/19/2002 12:11:05 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License?
Source	12/19/2002 12:11:07 PM	rwarnar	(Yes) 1. Is the basis of claim Decree or License?
POU	12/19/2002 2:28:56 PM	rwarnar	Edited shape boundary
POD	12/19/2002 2:29:18 PM	rwarnar	Edited point location
Use	12/19/2002 2:30:08 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/19/2002 2:34:37 PM	rwarnar	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (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? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/19/2002 2:36:05 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - v = 159 acres x 3.0 af/acre = 477 AFA

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7446 V1

Summary	12/19/2002 2:37:15 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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Township , 8S39E



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

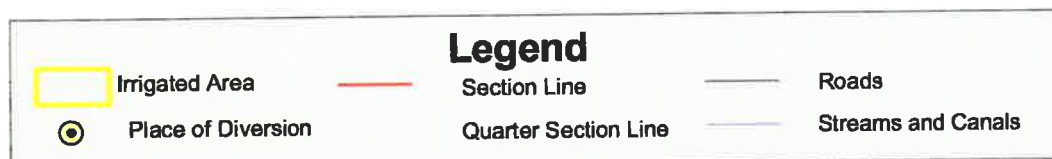
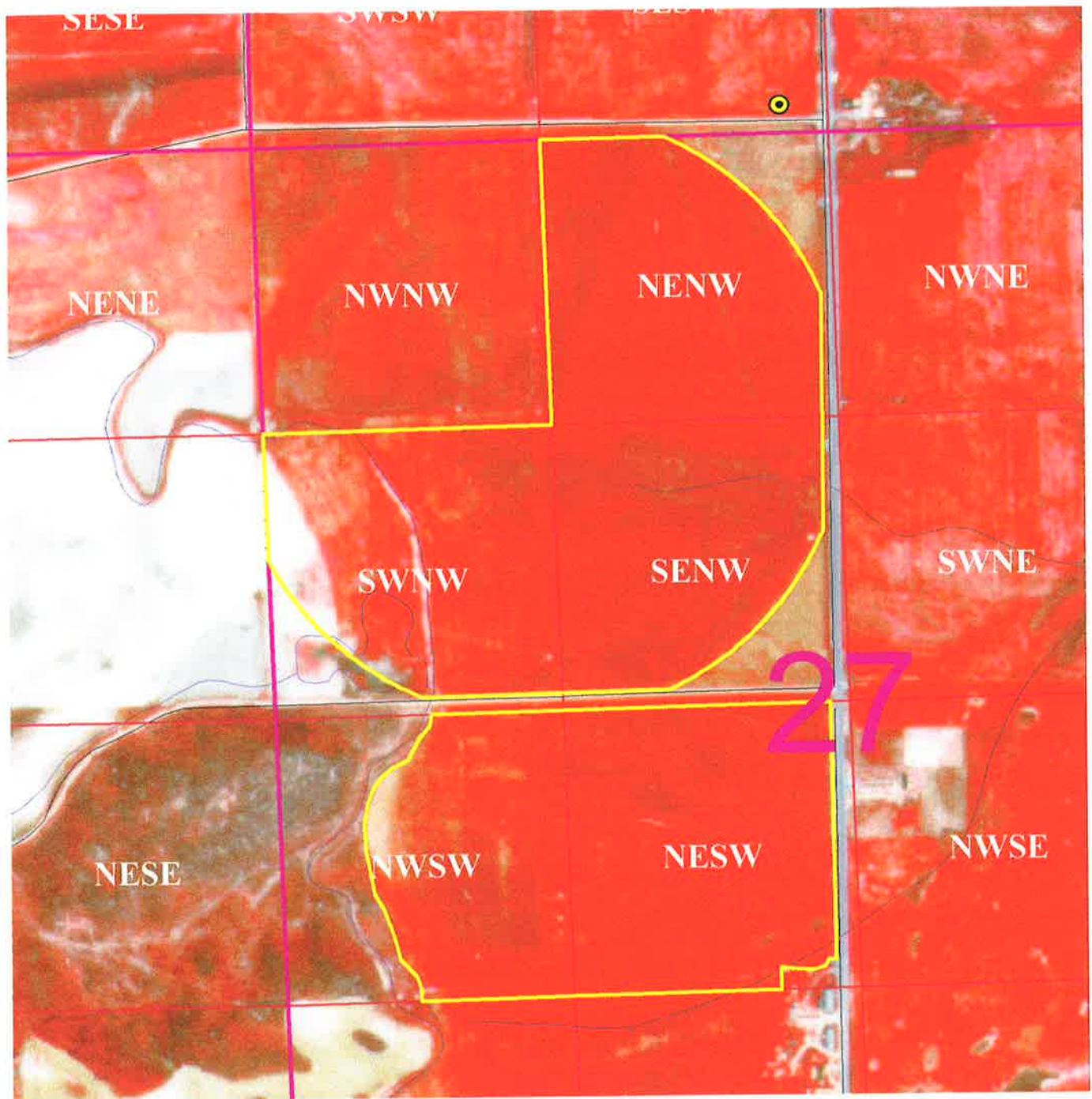
 Roads

 Streams and Canals

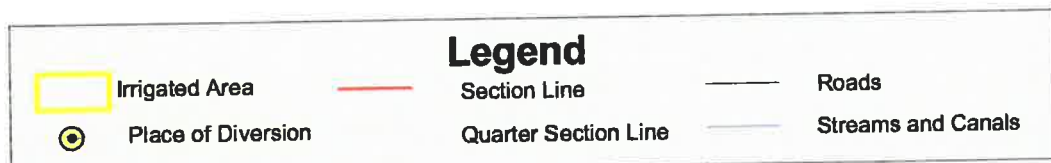
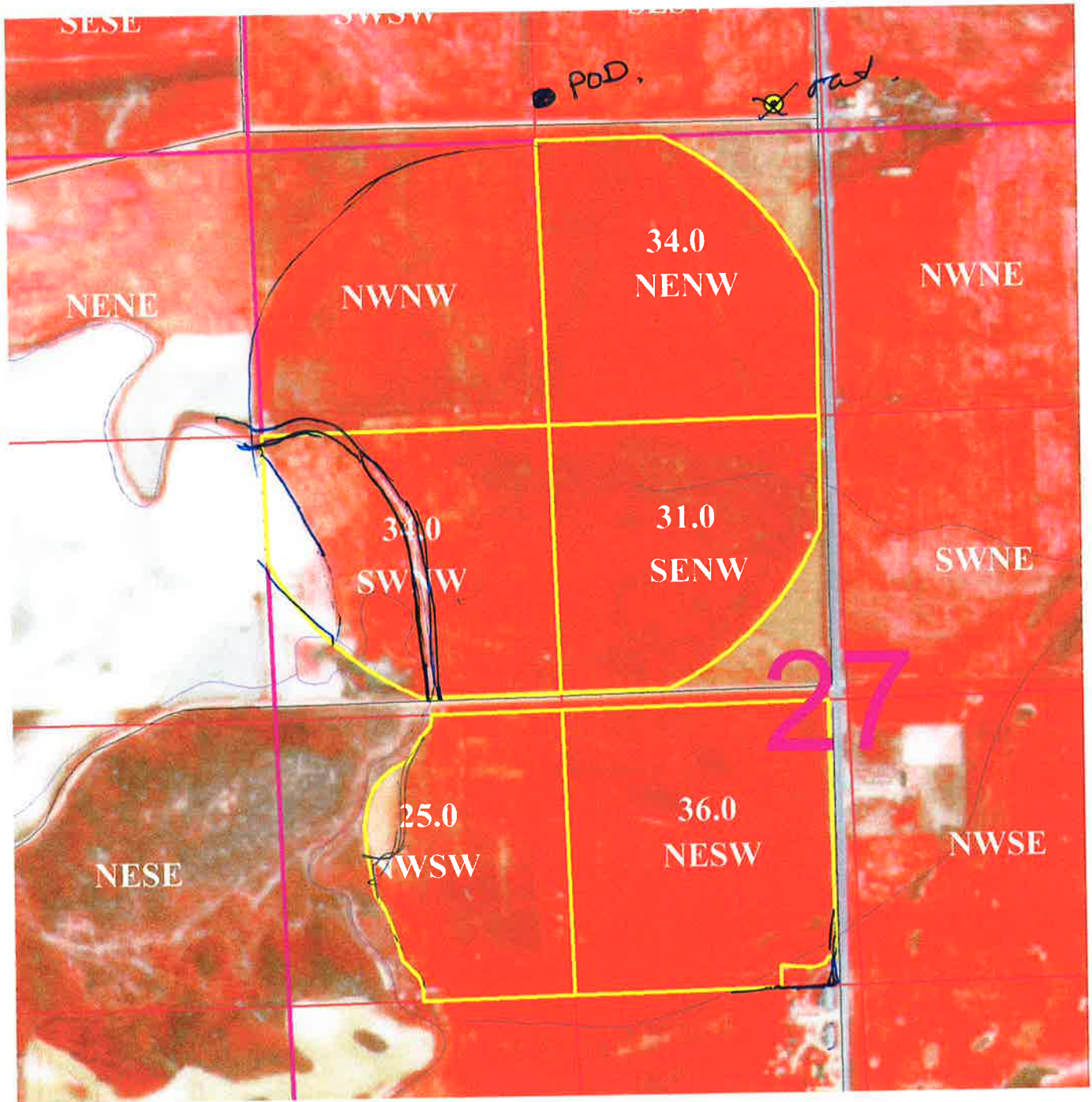
Legend



Township , 8S39E

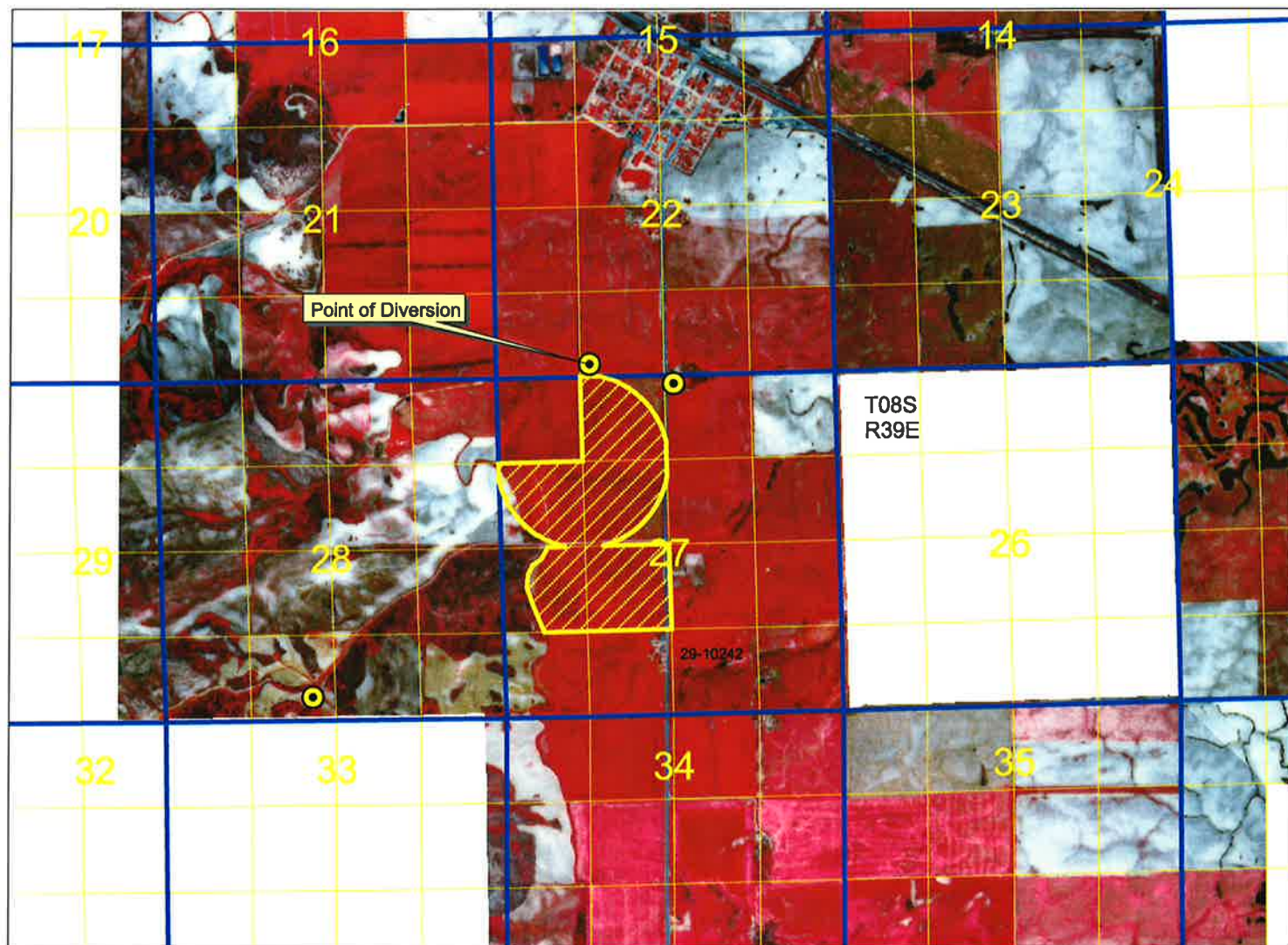


Township , 8S39E





State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-7446



0.5 0 0.5 1 Miles

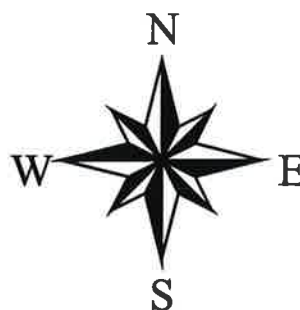
Irrigated Acres = 159

-  Well.shp
-  29-7446.shp
-  Sections
-  QQ

PROFILED

SCHUBERT

MAY 04 2009



2/8/02

29-7253

Pld yost owner property in 85 39E
Sec 22 NW 1/4 NW 1/4 of sec 22

Pld in adjoining sec 22 (SW) 40 42 10.
NW 1/4 sec 27,

- in CRP since 1987.

29-7446 Pld yost doesn't own this property.
it's owned by the Successor.

- w/r sold to Terry Lindhaker

SCANNED
MAY 10 2003

PROTECTED

From: McHugh, Candice
Sent: Wednesday, February 27, 2002 9:44 AM
To: Carlsen, Ernie; Bird, Cindy
Cc: Music, Vicky
Subject: FW: chronology for 29-7446
Ernie and Cindy,

I'm forwarding the chronology that Vicky did on two right 29-7446. Neither right 29-7446 or 7253 has had a transfer filed.

First, 29-7446

There is only one claim for this right at this point -- Phil Yost. If Rindlisbaker wants this right he needs to claim it. Then, Ernie, I think we recommend Yost's claim and disallow Rindlisbaker's and then let the two of them prove to the court who owns it. At this point, Rindlisbaker has to show how the water was legally moved from the Sweeney property to his property and without that, we cannot recommend it to him. Does this sound like a reasonable solution?

Second, 29-7253

I have a few questions on this one, Cindy. Is the claim for this right the same as what was decreed in the Bancroft-Lund decree? I thought we discussed that the license for this one differed than what was decreed but I cannot recall what was claimed.

Thanks,

Candice



Chron of
29-7446.doc

-----Or

ginal Message-----

From: McHugh, Candice
Sent: Wednesday, February 27, 2002 9:26 AM
To: Music, Vicky
Subject: chronology for 29-7446 and 7253

Can you email me these and I will forward with an email to Cindy and Ernie?

Thanks

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure

RECEIVED
MAY 01 2003

Date: February 22, 2002
 To: Candice McHugh
 From: Vicky Music
 Re: Chronology of 29-7446 per review of license file.

Date	Description
4/3/78	Application for permit in name of Diamond Farms, Inc. Application states property owner is Keith Sweeney. Applicant [Diamond G] has 10-year lease option to purchase property. Approved by IDWR 5/22/78.
2/28/83	Letter from IDWR to Diamond G Farms re proof of beneficial use due 5/1/83.
3/7/84	IDWR field exam report. Exam by Skip Jones.
7/7/86	Ben use proof approved.
7/15/86	Letter from IDWR to Diamond G Farms re enclosed is draft license proposed to be issued. If you don't concur, notify IDWR in 10 days or license will be issued per draft.
7/27/87	Application for Extension of Time to Avoid Forfeiture. Requests 10-year extension because property is in the CRP program. Approved by IDWR 11/27/87.
11/27/87	Letter from IDWR to Diamond G Farms re approved Application for Extension of Time to Avoid Forfeiture. Beneficial use of the water must resume on or before 11/1/97.
4/1/88	Approved Water Right License.
8/20/97	Letter entitled "Notice to Resume Water Use" from IDWR to Diamond G Farms re the condition of IDWR's approval of the extension of time was that the b/u of the water was to be resumed on or before 11/1/97. Requests that claimant submit enclosed form within 60 days notifying IDWR that water use has resumed. Mail returned on 8/29 as address unknown.
9/5/97	Letter entitled "Notice to Resume Water Use" from IDWR to Audrey R Sweeney Living Trust. Note from Audrey Sweeney re Diamond G used to run some of her land on a share basis but hasn't done so for 10 years. Contact Phil Yost.
1/7/98	Letter entitled "Notice to Resume Water Use" from IDWR to Phil Yost.
	Prior entry is most recent in file.

E-100
 MAY 04 2002

Bird, Cindy

From: Bird, Cindy
Sent: Monday, February 11, 2002 11:50 AM
To: McHugh, Candice; Carlsen, Ernie
Subject: Another Bancroft-Lund problem.

Hi Ernie and Candice,

Adjudication Claim: **A29-7446** is in the Bancroft-Lund Area, I don't find that it was claimed in the Bancroft-Lund Adjudication? It looks like the application for permit was made in April of 1978. The application was made by the party leasing the property (Diamond G Farms). The 10 year lease had an option to purchase the property and it appears that they didn't exercise that right. The license was approved in April of 1988 in the name of Diamond G Farms. The owner on the license was a party to the decree. Is there any reason why the owners was not required to claim this in the Bancroft-Lund? Is the SRBA claim valid if it wasn't claimed in the previous adjudication?

It gets more complicated, I had a claimant (Rindlisbaker) come in to my office last week with a warranty deed for this water right. The person that signed the warranty deed (Gordon and Monte Yost) did not own the property and is not the current claimant (Phil Yost) or owner (Mrs. Sweeney). The person that claimed the water right in the adjudication doesn't own the land and the owner of the land hasn't filed on the water right. If this hasn't totally confused you then would we consider the claim in SRBA valid?

Cindy

2/19/02 teleconference.

app.

XXII - didn't need to be claimed in B-L because
it was a permit.

- Claimant - Phil Yost.

-

- send Candice a warranty deed.

- ask ~~Ernie~~

- query transfer workflow.

- water rights -

SCANNED

MAR 26 2003

Bird, Cindy

From: Bird, Cindy
Sent: Monday, February 11, 2002 11:50 AM
To: McHugh, Candice; Carlsen, Ernie
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Cindy

RECEIVED
MAY 08 2002

Q

7

RE: property ownership

NAME OF PARTY

Phone

The property listed on this water right according the Preston at the Caribou County Assessors office is Audrey Sweeney, 3716 West 5180 South, Salt Lake City, Utah 84418-3588

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.

WR5809NP
No. 29-07446

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIAMOND G FARMS INC. BANCROFT ID 83217	04/03/1978	IRRIGATION	04/01 11/01	1.890 CFS	477.00 AFA
TOTAL DIVERSION:					1.890 CFS	477.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.890 CFS

Point(s) of Diversion: T08S R39E S22

SESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	39E	27	:					33		33		33		39		21				:	159.0
																				TOTAL ACRES	159.0

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07253

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for
- irrigation of the lands above.
016 - See remarks for additional conditions of approval.

Remarks: GEN The maximum combined rate of diversion under this right &
Right 29-7253 shall not exceed 1.89 cfs from the well
licensed herein.

Dates: App. Received: 04/03/1978 Priority Date: 04/03/1978
Proof Due Date: 05/01/1983 Proof Made Date: 03/03/1983
Exam Made Date: 08/03/1983 Exam Sent to S.O.:
Licensed Date: 04/13/1988

Misc: Water District Number: Field Exam Fee:

Audit: 04/28/88 05/22/88 CONVERT

SCANNED
MAY 0 2003

15 W. Center St.
Soda Springs, ID 83276
(208) 547-3993
Fax: (208) 547-3939

**Idaho Department of
Water Resources**

Fax

To: Candice McHugh From: Cindy Bird
Fax: 1-208-327-5400 Pages: 9
Phone: 1-208-327-5404 Date: 2-19-02
Re: 29-7446, 7253, 10242 CC:
☐ Urgent ☒ For Review ☒ Please Comment ☐ Please Reply ☐ FYI

Candice,

Pauline was able to get some additional
warranty deed's on the property in T8S, R39E
Sec. 22 & 27.

Does the warranty deed from Monte & Gordon Yost
imply conveyance of w/r's with the pump and
mainline?

Cindy

PROFILED

SCANNED
MAR 04 2002

STATE OF IDAHO }
County of Caribou }

ss. 153467

I hereby certify that this instrument was filed at the request
of Carlisa Little
at 2:20 o'clock P.m this 6th day of
Jan 19 97 in my office and duly

recorded in Microfilm Records

By: Edie Izatt

Ex-Officio Recorder

G. H. C. T.
Deputy

THIS INSTRUMENT FILED FOR RECORD BY
CARLISA LITTLE, CLERK OF THE
COUNTY OF CARIBOU, IDAHO, AS AN
OFFICIAL ACT, AND HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECT UPON THE TITLE.

WARRANTY DEED

THIS INDENTURE, made this 9th day of December, 1996, between
TERRY RINDLISBAKER AND MarJEAN RINDLISBAKER, husband and wife, of
Grace, Caribou County, Idaho, hereinafter called First Party, and
MONTY YOST and SHERRY YOST, husband and wife, and MONTE K. YOST
and SAUNA YOST, husband and wife, 1681 Lund Road, Bancroft,
Caribou County, Idaho 83217, hereinafter called Second Party:

WITNESSETH: that the said First Party, for and in
consideration of the sum of TEN DOLLARS, lawful money of the United
States of America, to said First Party in hand paid by the said
Second Party, the receipt of which is hereby acknowledged, does by
this presents, Grant, Bargain, Sell and Convey and Confirm unto
said Second Party, and to said Second Party's heirs and assigns
forever: All that certain lot, piece or parcel of land situate,
lying and being in the County of Caribou, State of Idaho, more
particularly described as follows:

Township 8 South, Range 39 East of the Boise Meridian:

Section 22: SW $\frac{1}{4}$, EXCEPT THEREFROM, Beginning at the Northeast
corner of the SW $\frac{1}{4}$ of Section 22, and running
thence North 89°59' West 1221 feet;
thence South 0°25' West 330 feet;
thence South 89°59' East 731.21 feet;
thence South 49°50' East 45.39 feet;
thence South 89°59' East 162.16 feet;
thence South 37°40' East 430.87 feet;
thence East 26.96 feet, more or less, to the
meridional section line;
thence North 0°25' East along said Meridional section
line 800.26 feet,
to the point of beginning.

Section 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

TOGETHER with all water and water rights used upon or
appertaining to said lands, and however evidence, and particularly
556.5 shares of stock in the West Branch Canal Company, Ltd., 371
shares of stock in the North Extension Canal Company, Ltd., 371
shares of stock in Last Chance Canal Company.

TOGETHER with all and singular, the tenements, hereditaments
and appurtenances thereunto belonging or in anywise appertaining,
rights, issues and profits thereof.

SCANNED

MAY 04 2006

153467

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident and unto the said First Party, and to their heirs and assigns forever and the said First Party shall and will warrant and by the said present forever defend.

IN WITNESS WHEREOF, the said First Party has hereunto set their hands and seals, the day and year first above written.

Terry Rindlishaker
TERRY RINDLISBAKER

Mar Jean Rindlisbaker
MARJEAN RINDLISBAKER

STATE OF IDAHO)
County of Caribou) ss.

On 4th day of February, 1997, before me the undersigned, a Notary Public in and for said County and State, personally appeared **TERRY RINDLISBAKER AND MarJEAN RINDLISBAKER, husband and wife**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Melvin B. B.
NOTARY PUBLIC FOR STATE OF IDAHO
Residing at Soda Springs, Idaho.
My commission expires: *4-1-99*

Mail Tax Notice to:
Philip J. Yost
1760 Rich Road
Grace, ID 83241

STATE OF IDAHO } ss. 153880
County of Caribou

I hereby certify that this instrument was recorded at the request
of Caribou Title

at 12:25 o'clock P m this 18th day of
March, 1997 in my office and duly

recorded in Microfilm Records
Recorder: Edie Izatt

Denise Husley
Ex-Officio Recorder Deputy 600

WARRANTY DEED

THIS INDENTURE, made this 13th day of December, 1996, between GORDON F. YOST AND SHERRY YOST, husband and wife, and MONTE K. YOST AND SHAUNA YOST, husband and wife, of Bancroft, Caribou County, Idaho, hereinafter called First Party, and PHILIP J. YOST AND LISA F. YOST, husband and wife, of Grace, Caribou County, Idaho, hereinafter called Second Party:

WITNESSETH: that the said First Party, for and in consideration of the sum of ONE HUNDRED TWENTY-THREE THOUSAND FIVE HUNDRED DOLLARS, lawful money of the United States of America to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows:

Township 8 South, Range 39 East of the Boise Meridian:
Section 22: SW $\frac{1}{4}$, EXCEPT THEREFROM, the following described tract:

Beginning at the Northeast corner of the SW $\frac{1}{4}$ of Section 22, and running
thence North 89°59' West 1221 feet;
thence South 00°25' West 330 feet;
thence South 89°59' East 731.21 feet;
thence South 49°50' East 45.39 feet;
thence South 89°59' East 162.16 feet;
thence South 37°40' East 430.87 feet;
thence East 26.96 feet, more or less, to the
meridional section line;
thence North 00°25' East along said meridional section
line 800.26 feet,
to the point of beginning.

Section 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$.

Second Party acknowledges that there are no water rights being conveyed with these premises.

Second Party hereby assumes and agrees to pay the lease on a
Pivot to U. S. Bank of Idaho.

TOGETHER with a pump, motor and buried mainline located on
said premises.

TOGETHER with all and singular, the tenements, hereditaments
and appurtenances thereunto belonging or in anywise appertaining,

SCANNED

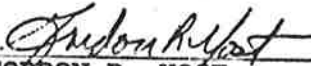
MAY 14 2000

153880

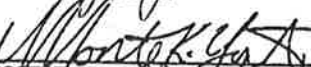
and the rents, issues and profits thereof.

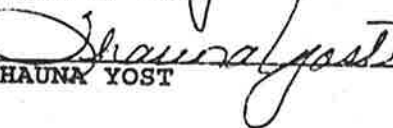
TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident and unto the said First Party, and to their heirs and assigns forever, and the said First Party shall and will warrant and by these present forever defend.

IN WITNESS WHEREOF, the said First Party has hereunto set their hands and seals, the day and year first above written.


GORDON R. YOST


SHERRY YOST


MONTE K. YOST


SHAUNA YOST

STATE OF IDAHO)
: ss.
County of Caribou)

On this 13th day of March, 1997, before me the undersigned, a Notary Public in and for said County and State, personally appeared GORDON R. YOST AND SHERRY YOST, husband and wife, and MONTE K. YOST AND SHAUNA YOST, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


NOTARY PUBLIC FOR STATE OF IDAHO
Residing at Soda Springs, Idaho.
My commission expires 8/15/98



SCANNED

MAY 04 2006

I hereby certify that this instrument was filed at the request
of Caribou Title
at 2:20 o'clock P m this 6th day of
Jan, 19 97 in my office and duly

recorded in Microfilm Records

Recorder: Edie Izatt

Ex-Officio Recorder

6.00 @T
Deputy

THIS INSTRUMENT FILED FOR RECORD BY
CARIBOU LAND TITLE INC. AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECT UPON THE TITLE.

WARRANTY DEED

THIS INDENTURE, made this 9th day of December, 1996, between GORDON R. YOST AND SHERRY YOST, husband and wife, and MONTE K. YOST AND SHAUNA YOST, husband and wife, of Bancroft, Caribou County, Idaho, hereinafter called First Party, and TERRY RINDLISBAKER AND MARJEAN RINDLISBAKER, husband and wife, of 1770 Jorgensen Road, Bancroft, ID 83217 hereinafter called Second Party:

WITNESSETH: that the said First Party, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows:

Township 8 South, Range 39 East of the Boise Meridian:

Section 27: ~~WNEX~~, ~~NSEX~~, the North 643.5 feet of the ~~SWSEX~~.
EXCEPT THEREFROM the following described two tracts:

1. Beginning at the Northwest corner of the ~~NWEX~~ corner of said Section 27, and running thence East 300 feet; thence South 300 feet; thence West 300 feet; thence North 300 feet, to the point of beginning.
2. Beginning at a point 200 feet South and 64 feet East, more or less from the Northwest corner of the ~~SEX~~ of said Section 27, and running thence East 500 feet; thence South 500 feet; thence West 500 feet; thence North 500 feet, to the point of beginning.

SUBJECT to an easement for ingress and egress reserved in Warranty Deed dated November 26, 1996, recorded December 6, 1996, under recorder's instrument No. 153313, in the microfilm records of Caribou County, Idaho, as follows:

Township 8 South, Range 39 East of the Boise Meridian:

Section 27: Beginning at a point 300 feet South of the Northwest corner of the ~~NWEX~~ of said Section 27, and running thence South 30 feet; thence East 300 feet; thence North 30 feet; thence West 300 feet, to the point of beginning.

SCANNED

MAY 04 2006

TOGETHER with all underground water and water rights, includingbut not limited to the following:

License No. A29-10242, priority date No. 4/1/78;
License No. A29-07253, priority date No. 3/11/75;
License No. 29-07446, priority date No. 4/3/78.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident and unto the said First Party, and to their heirs and assigns forever, and the said First Party shall and will warrant and by these present forever defend.

IN WITNESS WHEREOF, the said First Party has hereunto set their hands and seals, the day and year first above written.

Gordon R. Yost
GORDON R. YOST

Sherry Yost
SHERRY YOST

Monte K. Yost
MONTE K. YOST

Shauna Yost
SHAUNA YOST

STATE OF IDAHO)
: SS.
County of Caribou)

On this 6th day of January, 1997, before me the undersigned, a Notary Public in and for said County and State, personally appeared **GORDON R. YOST AND SHERRY YOST, husband and wife, and MONTE K. YOST AND SHAUNA YOST, husband and wife**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

James B. Smith
NOTARY PUBLIC FOR STATE OF IDAHO
Residing at Boise Springs, Idaho.
My commission expires: 9/1999

SCANNED

MAY 04 2006

SCANNED

MAY - 7 2001

Log for claim A29-07446

Spatial Dynamics LTD

6/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s39e	27	SWNW	33	34	
08s39e	27	NENW	33	34	
08s39e	27	SESW	33	31	
08s39e	27	NESW	39	36	
08s39e	27	NWSW	21	25	
Totals:			159	160	

AJ5809NP
No. A29-07446

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 111

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHIL YOST 1760 RICH RD GRACE ID 83241 (208) 425-3875	04/03/1978	IRRIGATION	04-01 11-01	1.890 CFS	477.00 AFA
TOTAL DIVERSION:					1.890 CFS	477.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T08S R39E S22 SESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	39E	27	:							33		33		33		39	21			:	159.0
TOTAL ACRES																				:	159.0

POU County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07253 A29-07253

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for
- irrigation of the lands above.
016 - See remarks for additional conditions of approval.

Remarks: GEN The maximum combined rate of diversion under this right &
Right 29-7253 shall not exceed 1.89 cfs from the well
licensed herein.
THE OWNER OF THE PROPERTY IS MRS. SWEENEY. MR. YOST IS RENTING
THE PROPERTY, BUT WISHES TO FILE ON THIS RIGHT IN ORDER TO
PROTECT THE LICENSE. MRS. SWEENEY TRAVELS THROUGH OUT THE YEAR
AND IS UNABLE TO CONTACT.

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

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

Audit: 12/19/96 GTAYLOR

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7446

Priority: April 3, 1978 Amount: 1.89 CFS 477.0 AFA

This is to certify, that DIAMOND G FARMS INC.

BANCROFT, ID 83217 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 3, 1978, and has submitted proof to the Department of Water Resources on March 3, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.89 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	1.89 cfs	477.0 afa

LOCATION OF POINT OF DIVERSION(S): SESW , Sec. 22, Township 8S, Range 39E
Caribou County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
8S	39E	27	NENW 33	SWNW 33	SENW 33	NESW 39	159
			NWSW 21				

Total number of acres irrigated: 159

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
5. The maximum combined rate of diversion under this right & Right 29-7253 shall not exceed 1.89 cfs from the well licensed herein.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 1st day of April, 1988.

MICROFILMED

JUN 16 1988

Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

29-7446

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 8-03-83 Accompanied by Kurt Larsen Total Q measured 1.89 cfs ✓
 Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? _____
 If source is surface water, estimate total flow of source _____
 Methods of measurement McCrumb Meter #77-10-2160 Meets permit requirements? _____

Measurement calculations: ~~$150 \times 80 \times 8.8$~~

$850 \text{ gpm by meter or } 1.89 \text{ cfs}$ ✓
 $0.001 \text{ af} / 21 \text{ sec} = 2.07 \text{ cfs}$

$V = 159 \text{ gpm} \times 3.0 \text{ af} / 2$
 $= 477 \text{ af}$ ✓
 $V = 1.89 \text{ cfs} \times 1.9835 \times 214 \text{ d}$
 $= 802.2$ ✓

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	150	GE	CNJ330130	Aurora	V77-72087	Meter		

System Description well/pump thru mainline to pivot (Pringle) south of pump and wheel lines.

*Code with map on reverse side. Disregard code if only one.

12-11

SEP 23 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern District Office

Application for Extension of Time to Avoid Forfeiture
of a Water Right

SEP 23 1987

Department of Water Resources
Eastern District Office

Section 42-222 of the Idaho Code provides that a water right shall be lost and forfeited and the water revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

Complete fully the following application and submit it to the Department of Water Resources, Statehouse, Boise, Idaho, 83720, with the statutory fee of \$30.00 if the application involves 0.2 cfs or 20 acre feet or \$50.00 if in excess of these amounts.

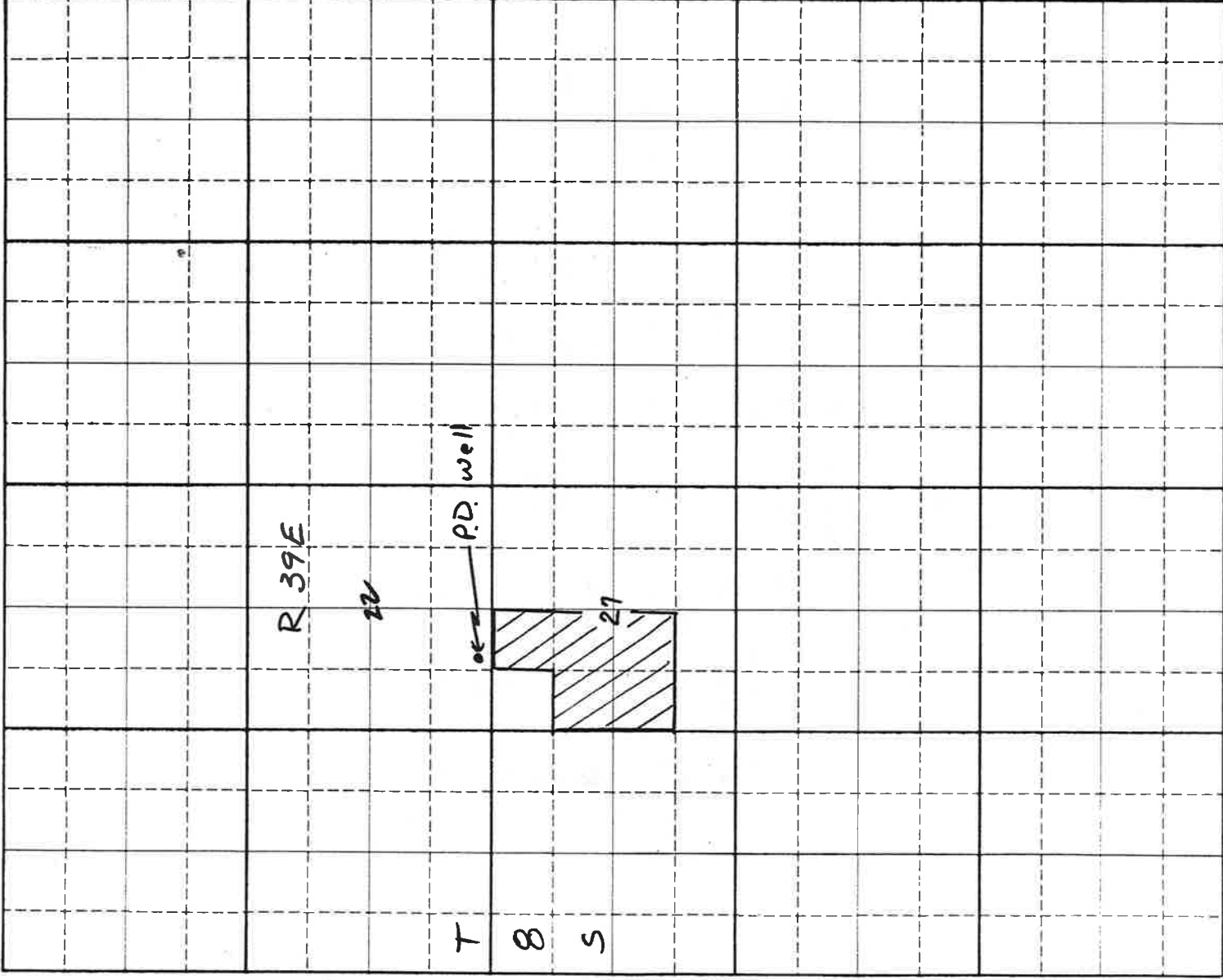
1. Name of water right holder Diamond G. Farms
Post office address Bancroft, Idaho 83217
2. The right was obtained or is evidenced by:
 - a. Decree to NA in Case of NA
(Name)
 - vs. _____, Dated _____ in _____
(Name of Court)
 - Court, County of _____. Fully describe decree _____
- b. License No. 29-7446 issued by the Department of Water Resources.
- c. Claim No. _____ on file with the Department of Water Resources.
3. Source of water groundwater tributary to _____
(Name of stream or source)
4. Date of priority of right April 3, 1978
5. Amount of water a. 1.89 c.f.s. and/or
b. 477 acre feet/annum
6. Water is used for irrigation from April 1 to November 1

(Purpose) (Month-Day) (Month-Day)
7. Location of point of diversion is SE 1/4 SW 1/4 of Section 22
Township 8 South, Range 39 East, B.M., in Caribou County;
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

Twp.	Rge.	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	
8S	39E	27					33		33	33	39	21							159

Total number of acres irrigated 159

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.

Diamond G Farm's Inc

(Applicant)
(Sec)

Identification No. _____
Application No. 29 7446

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

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

1. Name of applicant Diamond G. Farms, Inc. Phone: 648-7615
post office address P.O. Box 186, Bancroft, ID 83217
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 8S
Range 39E B.M. Caribou 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 3.54 for irrigation 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. 3.54 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. existing well and sprinkler system

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 20 inches; proposed depth of well is 400 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 \$ 88,000.00
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: _____

860

125.6

1.68

29-7446

125.6

1.1

36.6

39.2

22 23
27 26
76.8

35.3

D509

430 D
M. 6 A

6.7

PD

39.85

22

27

82

licensed under
29-7253
Place of user
(pivot)

B 17.7

217.7

D510

134.2

1.2

D 20.9

E 10.1

wheel lines

3 MICROFILMED

JUN 16 1988

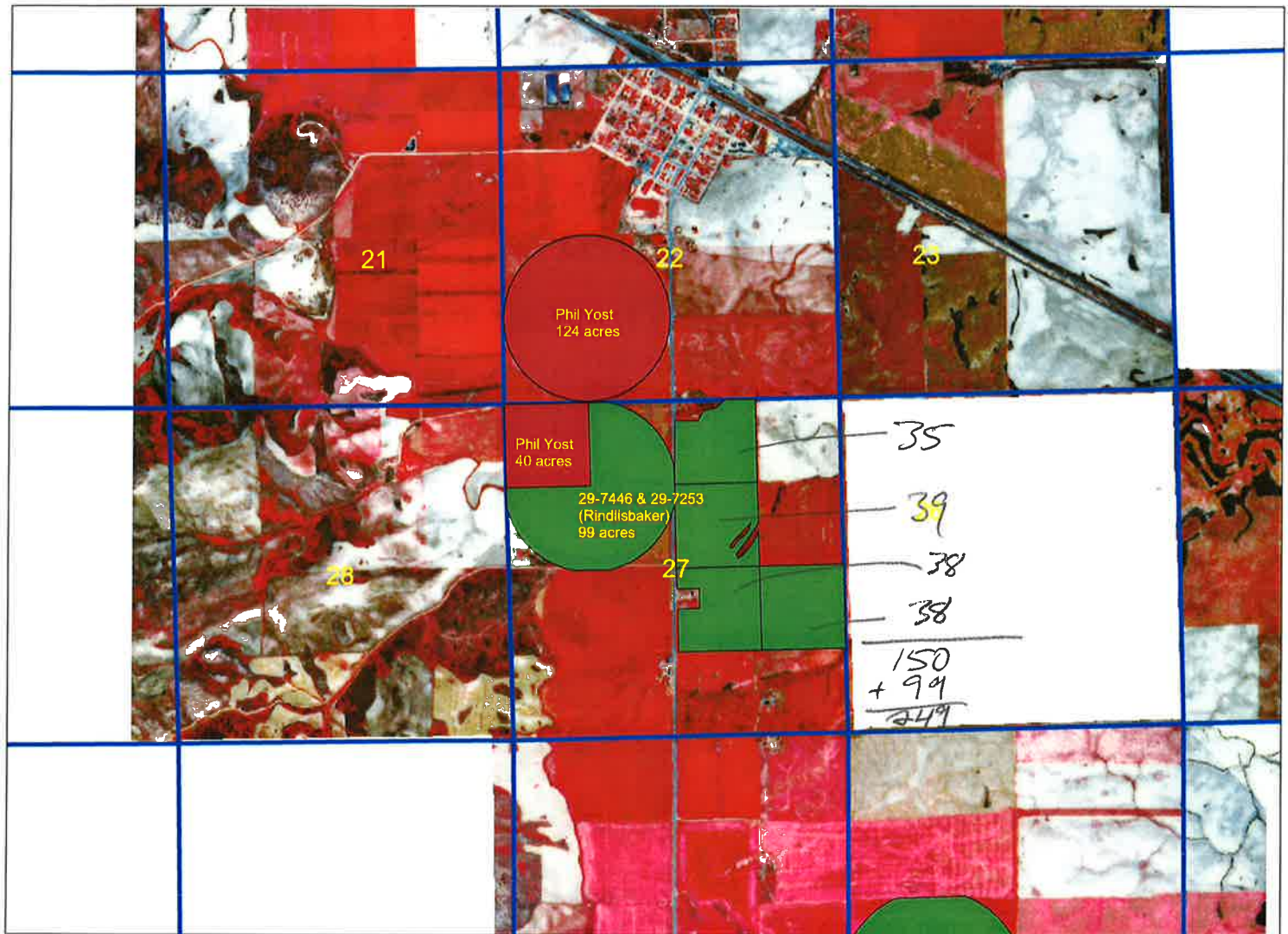
F10

NOT TO SCALE



State of Idaho Department of Water Resources Eastern Region

Claim No.: 29-7253 & 29-7446



0.6 0 0.6 1.2 Miles

Irrigated Acres =

- Working place of use.shp
- Place of use.shp
- Sections



SCANNED

MAY 7 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: A29-07446
Date Received: 12/13/1996
Receipt No: E022824
Received By: HT

1780
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHIL YOST 208-425-3875
Address: 1760 RICH RD
GRACE ID 83241

2. Date of Priority: APR 3, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	39E	22		SE	SW		CARIBOU

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.890		477.00

7. Total Quantity Appropriated is:
1.890 C.F.S. (and/or) 477.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	39E	27	NE	NW		IRR	33.0
			SW	NW		IRR	33.0
			SE	NW		IRR	33.0
			NE	SW		IRR	39.0
			NW	SW		IRR	21.0

} all

A2907446



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

					Section Acres	159.0
--	--	--	--	--	---------------	-------

					Total Acres	159.0
--	--	--	--	--	-------------	-------

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

The maximum combined rate of diversion under this right & Right 29-7253 shall not exceed 1.89 cfs from the well licensed herein.

THE OWNER OF THE PROPERTY IS MRS. SWEENEY. MR. YOST IS RENTING THE PROPERTY, BUT WISHES TO FILE ON THIS RIGHT IN ORDER TO PROTECT THE LICENSE. MRS. SWEENEY TRAVELS THROUGH OUT THE YEAR AND IS UNABLE TO CONTACT.

15. Basis of Claim: LICENSE

16. Signature(s)

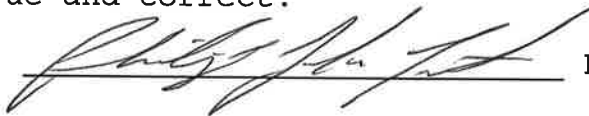
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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: 12/12/96

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of December 19 96

Gregory J. Taylor
Notary Public

Seal



Residing at Idaho Falls Id

My Commission Expires 3/3/98