

02/25/2003

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

RIGHT NUMBER: 29-13267
NAME AND ADDRESS: GERALD L NEWTON
PO BOX 489
INKOM ID 83245
MARY R NEWTON
PO BOX 489
INKOM ID 83245

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.110 CFS
PRIORITY DATE: 10/31/1954
POINT OF DIVERSION:

T07S R35E S24 NWSWSE Within BANNOCK County Source: PORTNEUF RIVER
T07S R35E S24 NWSWSE Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.110 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S24 SWSE 5.6

5.6 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: Beneficial Use

02/07/2002

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

RIGHT NUMBER: 29-13267

NAME AND ADDRESS: GERALD L NEWTON
PO BOX 489
INKOM ID 83245

MARY R NEWTON
PO BOX 489
INKOM ID 83245

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.11 CFS

PRIORITY DATE: 10/31/1954

POINT OF DIVERSION:

T07S R35E S24 NWSWE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.110 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S24 SWSE 5.6

5.6 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.

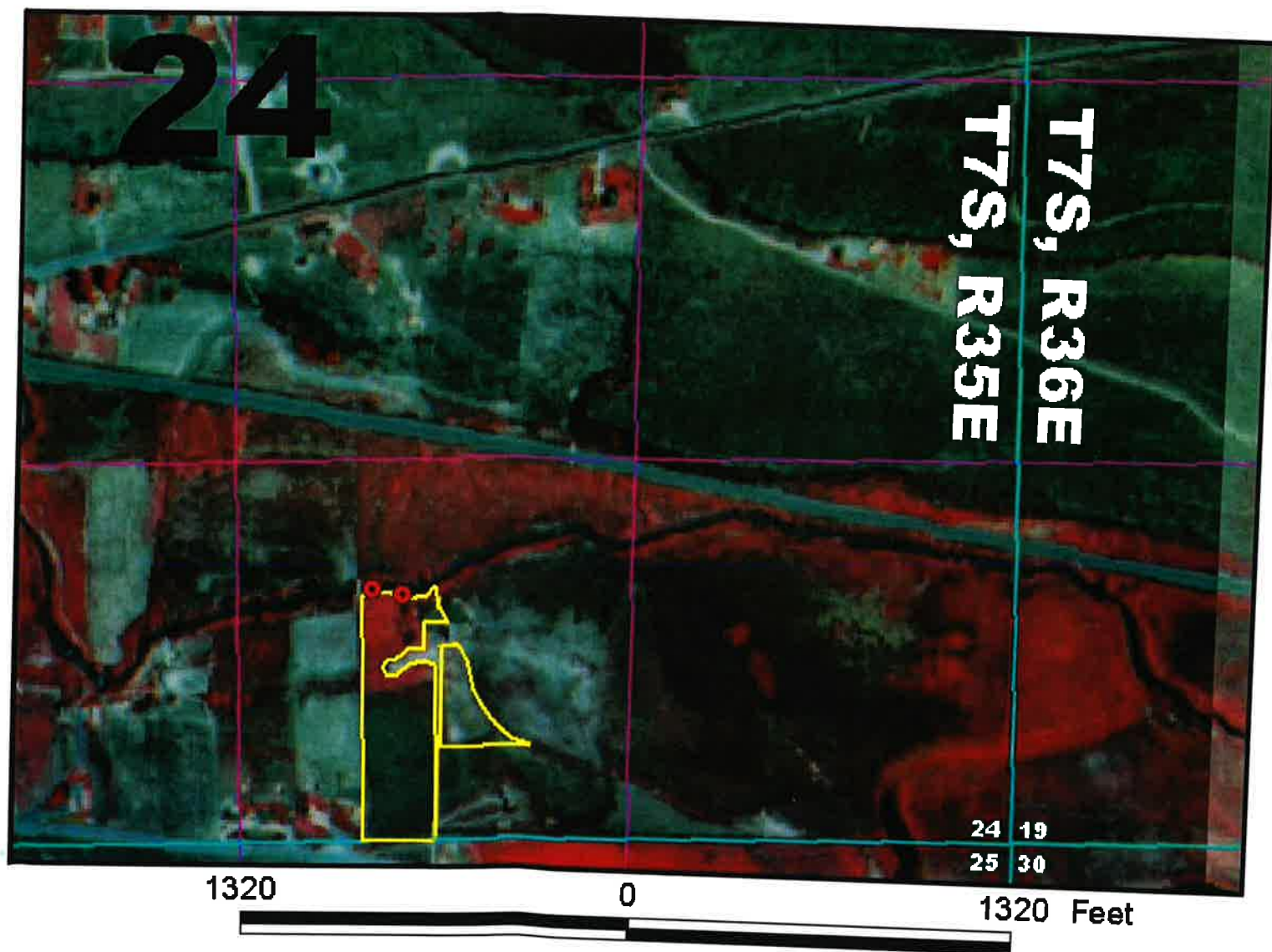
EXPLANATORY MATERIAL: Beneficial Use



STATE OF IDAHO

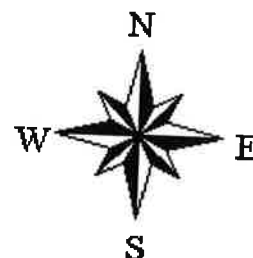
Department of Water Resources
Eastern Region

Water Right(s): 29-13267



Total Irrigated Acres: 5.6

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



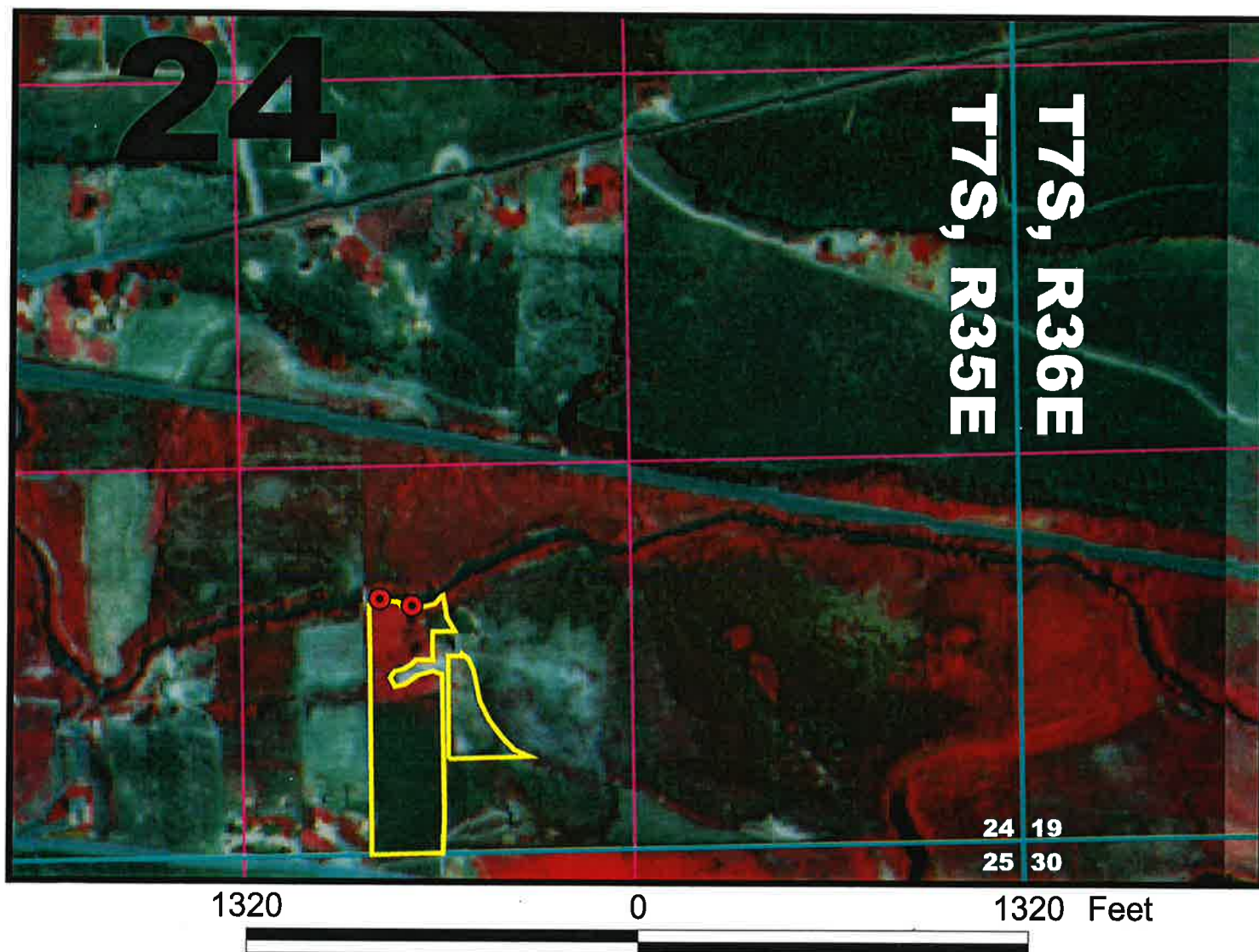
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: February 2003



STATE OF IDAHO

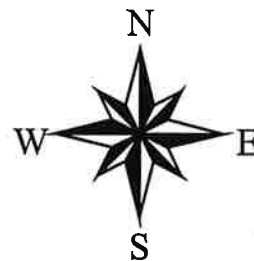
Department of Water Resources
Eastern Region

Water Right(s): 29-13267



Total Irrigated Acres: 5.6

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: February 2003



STATE OF IDAHO

Department of Water Resources
Eastern Region

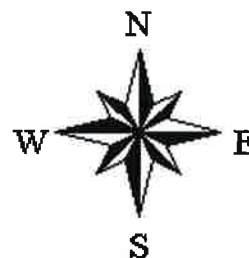
Water Right(s): 29-13267



Add Point of Diversion

Total Irrigated Acres: 5.6

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: February 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13267 V1

WATER RIGHT NUMBER: 29-13267 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GERALD L NEWTON PO BOX 489 INKOM, ID 83245 (208)775-3163
Current Owner	MARY R NEWTON PO BOX 489 INKOM, ID 83245 (208)775-3163

Priority Date: 10/31/1954

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF 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	0.110 CFS	
	<u>Total Diversion:</u>		0.110 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	NW1/4SW1/4SE1/4	Sec. 24, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S24 SWSE 5.6

Total Acres: 5.6

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13267 V1

Comments:

1. csaxton 2/7/2002 POU

Comment: 29-13267, 29-13268, and 29-13269 amended for a PPU. However, systems are separate so recommended as individual rights with separate POU.

2. csaxton 2/7/2002 Priority Date

Comment: Original claim for this property claimed a priority date of 9/8/1906. I created an amended claim for claimant with priority date of 12/31/1954 based on priority evidence that supported only the year. Per claims investigation hand book, on beneficial use claims guidance is not to recommend a priority date outside of the season of use. Recommending priority date of 10/31/1954 without amended claim since this was an error on my part.

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:
Owner Name Connector: OR
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>
Priority Date	2/7/2002 1:38:34 PM	csaxton			Active
POD	2/7/2002 1:39:45 PM	csaxton			Active
Source	2/7/2002 1:41:26 PM	csaxton			Active
POU	2/7/2002 1:42:14 PM	csaxton			Active
Use	2/7/2002 1:44:20 PM	csaxton			Active
Season	2/7/2002 1:44:59 PM	csaxton			Active
Quantity	2/7/2002 1:47:56 PM	csaxton			Active
Summary	2/7/2002 1:53:18 PM	csaxton	2/7/2002 1:53:18 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/7/2002 1:37:59 PM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Field Exam 9/13/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13267 V1

POD	2/7/2002 1:39:46 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	2/7/2002 1:40:36 PM	csaxton	Edited point location
POU	2/7/2002 1:42:54 PM	csaxton	Edited shape boundary
POU	2/7/2002 1:43:08 PM	csaxton	Edited PLS
Priority Date	2/7/2002 1:38:36 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from neighbor
Source	2/7/2002 1:41:27 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field exam 9/13/01
POU	2/7/2002 1:42:15 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam 9/13/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13267 V1

Use	2/7/2002 1:44:22 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam 9/13/01
Season	2/7/2002 1:45:01 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (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? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	2/7/2002 1:47:58 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for less than 0.20 cfs do not require measurement.
Summary	2/7/2002 1:53:20 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 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?

2-7-01 : Measurement Calculations based on conversation with claimant
In December 2001

29-13267

System = 2 Hp pump, 6 sprinkler heads, lift 6-8 Ft
L 0.20 cfs claimed - Recommend as claimed

29-13269

System = 10 hp Single Phase 200 GPM
40 sprinkler heads
6-8 Ft lift
60 PSI
Rainbird

$$@ \frac{(5 \text{ gpm})(40 \text{ heads})}{(448)} = 0.45 \text{ cfs. } > \text{ claimed}$$

29-13268

System = 40 hp 90 sprinkler heads
55-60 PSI
8-10' lift
Rainbird

$$@ \frac{(5 \text{ gpm})(90 \text{ heads})}{(448)} = 1.0 \text{ cfs } > \text{ claimed}$$

2-25-03: PDD added. See Feb 25, 2003 letter





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2003

GERALD L NEWTON
MARY R NEWTON
PO BOX 489
INKOM ID 83245

RE: Modification of Snake River Basin Adjudication (SRBA) recommendation 29-13267.

Dear Gerald and Mary,

Per my conversation with Gerald, I reviewed the file for 29-13267 and felt I could make the requested change and add a second point of diversion on the claim. Enclosed is a modified version of the recommendation along with a map showing the old place of use and the new point of diversion.

Take a look at it and let me know if you have any questions or concerns about the recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

PUMP & PIPELINE

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)
/

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Serviv, Inc.



Marc J. Barron
3440 W. Portneuf Road
Inkom Idaho 83245
208-775-3562

To whom it may concern:

I have witnessed the use of water for irrigation on the ground now owned by Gerold Newton at 4386 W. Portneuf Road, Inkom Idaho out of the Portneuf River since 1954.

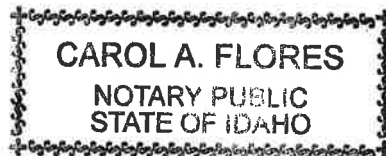
The ground east of his house was flood irrigated for many years until the sprinklers were used. The ground south of the house on the hill has been sprinkled as long as I can remember.

I am enclosing a letter from Risdon W. Barron that I received from him in 1995 as to the water rights we applied for. In talking to him he stated the water we use was diverted from the Portneuf River on ground now owned by Elmer Stanger and the ditch ran through our farm when we used water and continued to the ground now owned by Mr. Newton. The ground east of Mr. Newton's house was irrigated out of that ditch since at least 1912.

Marc J. Barron

Marc J. Barron

Carol A. Flores
Notary Public



Residing *Pocatello, Id.*

My Commission Expires 7-17-2004

March 27, 1995

To whom it may concern:

Regarding the water right (A29-04099) on property, (township 07S. range 36E. section 19 and township 07S. range 36E. section 30), Maren Haze Barron and Marc Barron 3438 W. Portneuf Rd., Inkom, Idaho).

I Rizdon Barron a life long resident of Inkom, 95 years, and former owner of the property witnessed use of water from the Portneuf on this property with my own eyes in the year 1912. The water was used by Joshua Munn. The water may have been used prior but I have no clear knowledge of it



Rizdon Barron
3231 W. Portneuf Rd.
Inkom ID 83245

RIZDON BARRON CAME
before this 27 DAY OF
MARCH 1995.


NOTARY PUBLIC

at: 216 W. WHITMAN
POCAHELLO, ID 8320

MY COMMISSION EXPIRES:
JUNE 18, 1999

November 26, 2001

To whom it may concern

I have witnessed the use of water on the land north of the Portneuf River on Gerold Newton's property at 4386 W. Portneuf Rd. Inkom since about 1954. The water was taken out of the river west of the present Newton property. The ground was owned by Arthur Barron at the time I first witnessed the use of water on that property. The dam was at that time on this property.

Marc J. Barron
3440 W. Portneuf Rd.
Inkom ID 83245

Marc J. Barron

STATE OF IDAHO, COUNTY OF *Bannock*
On this *29th* day of *Nov.*, 19*2001*
before me, a notary public in and for said State, personally
appeared

Marc J. Barron

known to me to be the person whose name *is*
subscribed to the within instrument, and acknowledged to
me that *he* executed the same.

Gary E. Brown
Notary Public

Residing at *Pocatello*, Idaho
Comm. Expires *7-15-05*

GARY E. BROWN
Notary Public
State of Idaho

INSTRUMENT No.

POU as for different times of Development.

Gerald Newton



Point of Diversion

Total Irrigated Acreage: 61



Irrigated Place of Use - 1954



Irrigated Place of Use - 1970 54 45



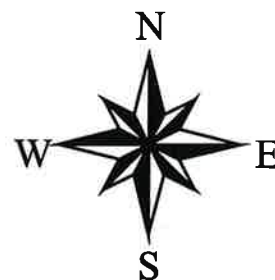
Irrigated Place of Use - 1912



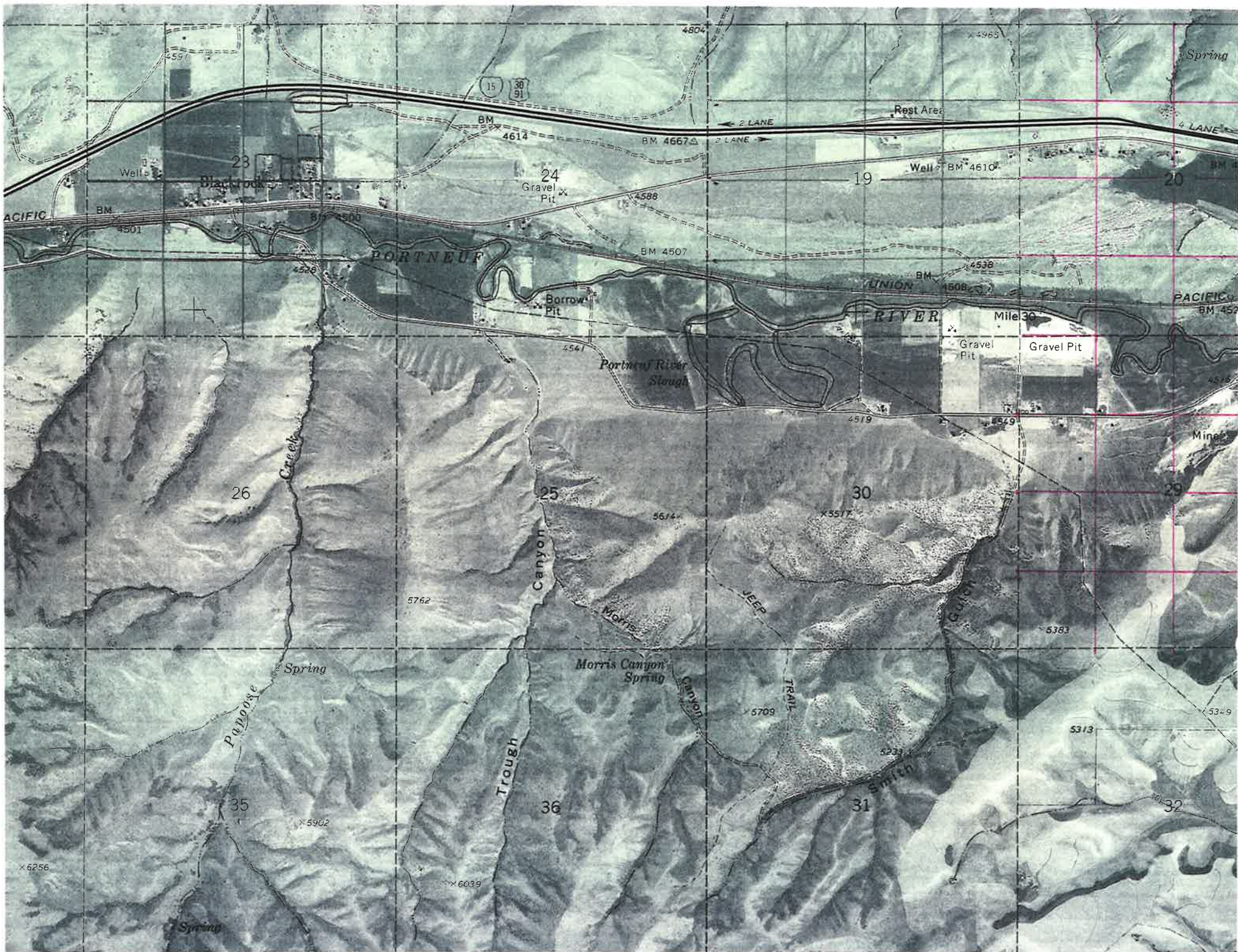
Section Lines



Quarter Quarter Lines



Prepared By: Craig Saxton
November 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 19, 2001

GERALD NEWTON
MARY NEWTON
PO BOX 489
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) claims review

Dear Mr. and Mrs. Newton,

Enclosed are three claims. Each of them represent a claim for a different development period. As we spoke about on the phone, your original claim was for 45.5 acres. I found about 61 acres that I understand to be under irrigation. Please look over the claims and the enclosed map and initial any changes you wish to make. When your satisfied please sign the three claims in front of a notary and return it to this office with the filing fee of \$65.50. The fee break down consists of a \$50 claim fee, \$1 per acre for the additional 15.5 acres.

In addition, please include a copy of the warranty deed showing that you originally purchased the property in or around 1971 to confirm the priority date on the water right applicable to the property north of the Portneuf river.

I apologize for the inconvenience but feel we are taking the necessary steps to secure your water rights. Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

3-1

47660160

FEDERAL LAND BANK MORTGAGE

KNOW ALL MEN BY THESE PRESENTS, That on this 18th day of January, 1971,

FLB
LOAN 142756
Recorded _____
at _____ o'clock _____
Page _____
Auditor, Clerk or Recorder _____

Gerald L. Newton and Mary R. Newton, husband and wife, and
Lynn Booth, also known as Lynn F. Booth, and Janell Booth,
also known as Janell D. Booth, husband and wife.

RECEIVED

NOV 23 2001

Department of Water Resources
Eastern Region

hereinafter called the Mortgagors, hereby grant, bargain, sell, convey and mortgage to THE FEDERAL LAND BANK OF SPOKANE, a corporation in Spokane, Washington, hereinafter called the Mortgagee, the following described real estate in the County of Bannock, State of Idaho:

The description of the real property covered by this mortgage consists of one page marked Exhibit "A" which is attached hereto and is by reference made a part hereof.

Page 1 of 1.

EXHIBIT "A"

PARCEL 1:

The $S\frac{1}{2}SE\frac{1}{4}$ Section 24 Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho.

EXCEPT therefrom the West 455 feet thereof.
Also except that portion lying within the Oregon Short Line Railroad right-of-way.

ALSO EXCEPT that portion described as follows:

Beginning at the Southwest corner of said $SE\frac{1}{4}$; thence along the south line thereof, East 704 feet to the True Point of Beginning; thence continuing along said south line, East 295 feet; thence North 295 feet; thence West 295 feet; thence South 295 feet to the True Point of Beginning.

PARCEL 2:

That portion of the $NE\frac{1}{4}SW\frac{1}{4}$ Section 24 Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at the Southeast corner of said $NE\frac{1}{4}SW\frac{1}{4}$; thence along the East line of said $NE\frac{1}{4}SW\frac{1}{4}$, North 160 feet to the South right-of-way line of the Oregon Short Line Railroad; thence along said South right-of-way line, Westerly 770 feet, more or less, to the intersection with the Portneuf River; thence along the East Bank of said Portneuf River, Southerly 300 feet, more or less, to the South line of said $NE\frac{1}{4}SW\frac{1}{4}$; thence East 780 feet to the Point of Beginning.

Initials: LB Mr Mr JD

including all leases, permits, licenses or privileges, written or otherwise, appurtenant or nonappurtenant to said mortgaged premises, now held by mortgagors or hereafter issued, extended or renewed to them by the United States or the State or any department, bureau, or agency thereof, which have been or will be assigned or waived to mortgagee.

Together with the tenements, hereditaments, rights, privileges and appurtenances, including private roads, now or hereafter belonging to or used in connection with the above described premises; and all plumbing, lighting, heating, cooling, ventilating, elevating, watering and irrigating apparatus, stationary scales and other fixtures, now or hereafter belonging to or used in connection with the above described premises, all of which are hereby declared to be appurtenant to said land; and together with all waters and water rights of every kind and description and however evidenced, and all ditches or other conduits, rights therein and rights of way therefor, which now are or hereafter may be appurtenant to said premises or any part thereof, or used in connection therewith.

This conveyance is intended as a mortgage securing the performance of the covenants and agreements hereinafter contained, and the payment of the debt represented by one promissory note made by the mortgagors to the order of the mortgagee, of even date herewith, for the principal sum of \$ 11,000.00 with interest as provided for in said note, being payable in instalments, the last of which being due and payable on the first day of December, 2005. All payments not made when due shall bear interest thereafter until paid at 10 per cent per annum.

MORTGAGORS COVENANT AND AGREE:

That they are lawfully seized of said premises in fee simple, have good right and lawful authority to convey and mortgage the same, and that said premises are free from encumbrance; and each of the mortgagors will warrant and defend the same forever against the lawful claims and demands of all persons whomsoever, and this covenant shall not be extinguished by any foreclosure hereof, but shall run with the land;

To pay all debts and moneys secured hereby when due;

To keep the buildings and other improvements now or hereafter existing on said premises in good repair and not to remove or demolish or permit the removal or demolition of any thereof; not to cut or permit the cutting of timber from said premises except for domestic use; to maintain and cultivate the premises in a good and husbandlike manner, using approved methods of preserving the fertility thereof; to keep the orchards on said land properly irrigated, cultivated, sprayed, pruned and cared for; not to commit or suffer waste of any kind upon said premises; not to use or permit the use of said premises for any unlawful or objectionable purpose; and to do all acts and things necessary to preserve all water rights now or hereafter appurtenant to or used in connection with said premises;

To pay when due all taxes, assessments and other charges upon said premises and to deliver to the mortgagee proper receipts therefor; and to suffer no other lien or encumbrance prior to the lien of this mortgage to exist at any time against said premises;

To keep all buildings insured against loss or damage by fire and such other risks in manner and form and in such company or companies and in such amount as shall be satisfactory to the mortgagee; to pay all premiums and charges on all such insurance when due; to deposit with the mortgagee upon request all insurance policies affecting the mortgaged premises, with receipts showing payment of all premiums and charges affecting said policies; and that all insurance whatsoever affecting the mortgaged premises shall be made payable, in case of loss, to the mortgagee, with a mortgagee clause in favor of and satisfactory to the mortgagee. The mortgagee shall be entitled to receive the proceeds of any loss under any such policy, which, if not used in accordance with the regulations of the Farm Credit Administration for reconstruction of the buildings damaged or destroyed, may be applied by the mortgagee upon the indebtedness hereby secured in such manner as it shall elect.

If any of the mortgaged property shall be taken under right of eminent domain, the mortgagee shall be entitled at its option to receive all compensation for the portion taken and damages to the remaining portion, to be applied by the mortgagee upon the indebtedness hereby secured in such manner as it shall elect.

Should the mortgagors be or become in default in any of the covenants or agreements herein contained, then the mortgagee (whether electing to declare the whole indebtedness hereby secured due and payable or not) may, at its option, perform the same in whole or in part, and all expenditures made by the mortgagee in so doing shall draw interest at the rate of 10 per cent per annum, and shall be immediately repayable by the mortgagors without demand, and, together with interest and costs accruing thereon, shall be secured by this mortgage.

Time is material and of the essence hereof; and in case of breach of any of the covenants or agreements hereof, or if default be made in the payment of any of the sums hereby secured, or if the whole or any portion of said loan shall be expended for purposes other than those specified in the original application therefor except, by the written permission of said mortgagee, or if said land or any portion thereof shall be hereafter included in any special assessment district, then, in any such case, all indebtedness hereby secured, shall, at the election of the mortgagee, become immediately due without notice, and this mortgage may be foreclosed; but the failure of the mortgagee to exercise such option in any one or more instances shall not be considered as a waiver or relinquishment of the right to exercise such option upon or during the continuance of the same or any other default.

In case of any suit to foreclose this mortgage or to collect any charge growing out of the debt hereby secured, or any suit which the mortgagee may deem it necessary to prosecute or defend to effect or protect the lien hereof, the mortgagors agree to pay a reasonable sum as attorney's fees and all costs and legal expenses in connection with said suit, and further agree to pay the reasonable costs of searching records and abstracting or insuring the title, and such sums shall be secured hereby and included in the decree of foreclosure.

Upon or during the continuance of any default hereunder, the mortgagee shall have the right forthwith to enter into and upon the mortgaged premises and take possession thereof, and collect the rents, issues and profits thereof, and apply the same, less reasonable costs of collection, upon the indebtedness hereby secured, and the mortgagee shall have the right to the appointment of a receiver to collect the rents, issues and profits of the mortgaged premises. The rents, issues and profits of said premises after default are hereby assigned and mortgaged to the mortgagee as additional security for the indebtedness herein described.

5-3

476504

This mortgage and the note secured hereby are executed and delivered under and in accordance with the said Federal Farm Loan Act and acts amendatory thereof or supplementary thereto, and are subject to all the terms, conditions and provisions thereof, which acts are made a part hereof the same as if set out in full herein.

The covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, The mortgagors have hereunto set their hands the day and year first above written.

Lynn Booth
Gerald L. Newton
Mary R. Newton
John Booth

STATE OF Idaho }
County of Franklin } ss.

On Jan. 22, 1971, before me personally appeared

Gerald L. Newton and Mary R. Newton,

to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that (he) (she) (they) executed the same as (his) (her) (their) free act and deed.

NOTARY SEAL

Stephen A. Mink
NOTARY PUBLIC
My Commission Expires 9-18-71

STATE OF Idaho }
County of Franklin } ss.

On Jan. 22, 1971, before me personally appeared

Lynn Booth, also known as Lynn F. Booth, and Janell Booth,
also known as Janell D. Booth,

to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that (he) (she) (they) executed the same as (his) (her) (their) free act and deed.

Stephen A. Mink
NOTARY PUBLIC
My Commission Expires 9-18-71

476504
NO. RECORDED AT REQUEST OF
B. T. Co.
JAN 26 3 11 PM '71
OFFICIAL NOTARY PUBLIC, NO. 238
FRANKLIN COUNTY, IDAHO
KENNETH SPRINGER, RECORDER
FEE 3.00 DEPUTY ln

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 29-13267
Date Received: 11/27/2000
Receipt No: E027296
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GERALD L NEWTON Phone: (208)775-3163

PO BOX 489
INKOM ID USA 83245

MARY R NEWTON Phone: (208)775-3163

PO BOX 489
INKOM ID USA 83245

RECEIVED

NOV 23 2001

Department of Water Resources
Eastern Region

A2913267



2. Date of Priority: 12/31/1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07S	35E	24	NW	SW	SE	BANNOCK	

5. Description of diverting works:

PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.11	

7. Total Quantity Appropriated is:

0.11 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
07S	35E	24	SW	SE	IRRIGATION	25
			SE	SE	IRRIGATION	30
			NW	SE	IRRIGATION	2
			SE	SW	IRRIGATION	4
					Section Acres	61.0
					Total Acres	61.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS LIMITED TO 5.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

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.

Gerald L. Newton

Number of attachments: _____

For Individuals:

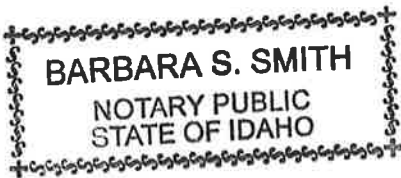
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Herald L Newton* Date: *11-21-01*
Ray Newton Date: _____

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

Subscribed and sworn (or affirmed) before me this *Barbara S Smith*
of *Nov 21* 20*02*

Notary Public



Residing at *Idaho*

My commission Expires *5/22/03*