

06/17/2003

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

RIGHT NUMBER: 29-13603

NAME AND ADDRESS: LARRY NAEF  
5513 E OLD OREGON TRAIL ROAD  
LAVA HOT SPRINGS ID 83246

LANA NAEF  
5513 E OLD OREGON TRAIL ROAD  
LAVA HOT SPRINGS ID 83246

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.015 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.079 CFS. COMBINED RIGHT NOS.:  
29-13584, 29-13591, 29-13597, 29-13603, 29-13609, 29-13615, 29-13621.

PRIORITY DATE: 05/01/1903

POINT OF DIVERSION:

T09S R37E S15 SENENW Within BANNOCK County

T09S R37E S15 SESENW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 09/15          | 0.015 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |     |               |      |     |
|---------------|------|-----|---------------|------|-----|
| T09S R37E S22 | NENE | 3.2 | T09S R37E S22 | NWNE | 3.0 |
|---------------|------|-----|---------------|------|-----|

6.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 6.2 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13584, 29-13591,  
29-13597, 29-13603, 29-13609, 29-13615, 29-13621.

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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 29-13584, 29-13591, 29-13597, 29-13603,  
29-13609, 29-13615, 29-13621.

THIS RIGHT IS A SPLIT FROM ORIGINAL RIGHT 29-13543.

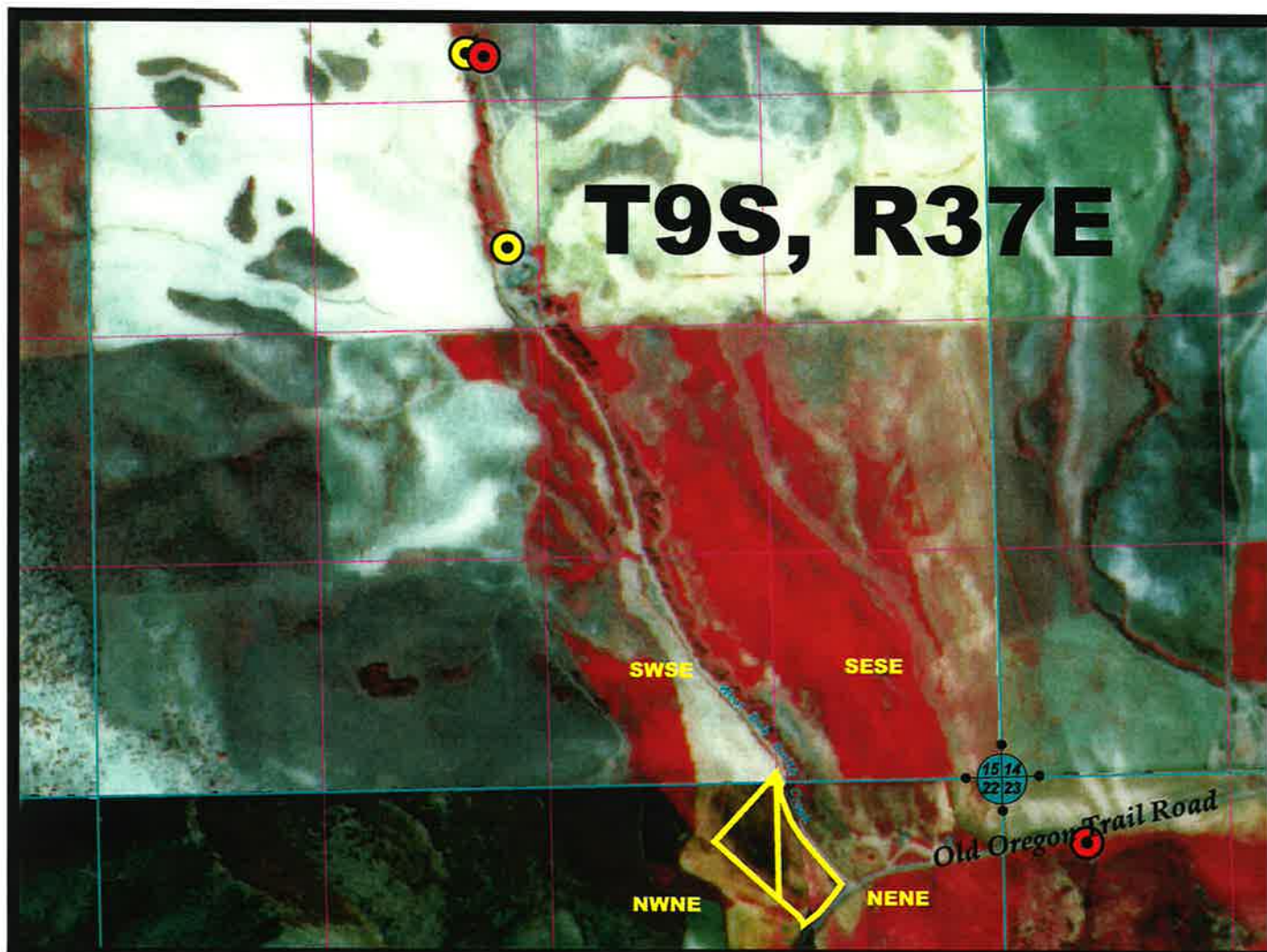




# State of Idaho

Department of Water Resources

Eastern Region



## Water Right(s):

29-13584, 29-13591,  
29-13597, 29-13603,  
29-13609, 29-13615,  
29-13621.

Place of Use: T9S, R37E  
(parts of) Secs.15 S2SE,  
Sec. 22 N2NE

Point(s) of Diversion: T9S, R37E  
Sec. 15 SESE, SESE, SESE



## LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13603 V1

WATER RIGHT NUMBER: 29-13603 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                  |
|-------------------|--------------------------------------------------------------------------|
| Original Owner    | MAX W HALL<br>PO BOX 784<br>LAVA HOT SPRINGS, ID 83246<br>(208)776-5663  |
| Current Owner     | LARRY NAEF<br>5812 E OLD OREGON TRAIL ROAD<br>LAVA HOT SPRINGS, ID 83246 |
| Original Owner    | SPENCER GODFREY<br><br>, ZZ                                              |
| Current Owner     | LANA NAEF<br>5812 E OLD OREGON TRAIL ROAD<br>LAVA HOT SPRINGS, ID 83246  |

Priority Date: 05/01/1903

Basis: Decreed

Status: Active

| <u>Source</u>        | <u>Tributary</u> |
|----------------------|------------------|
| WEST BOB SMITH CREEK | PORTNEUF RIVER   |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/15 to 09/15          | 0.015 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.015 CFS             |                      |

Location of Point(s) of Diversion

|                                        |                 |                                 |
|----------------------------------------|-----------------|---------------------------------|
| WEST BOB SMITH CREEK<br>BANNOCK County | SE1/4NE1/4NW1/4 | Sec. 15, Twp 09S, Rge 37E, B.M. |
| WEST BOB SMITH CREEK<br>BANNOCK County | SE1/4SE1/4NW1/4 | Sec. 15, Twp 09S, Rge 37E, B.M. |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE  |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE  | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 09S | 37E | 22  | 3.2 | 3.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 6.2    |

Total Acres: 6.2

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 29-13603 V1

2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.079 CFS. COMBINED RIGHT NOS.: 29-13584, 29-13591, 29-13597, 29-13603, 29-13609, 29-13615, 29-13621.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 6.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13584, 29-13591, 29-13597, 29-13603, 29-13609, 29-13615, 29-13621.
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13584, 29-13591, 29-13597, 29-13603, 29-13609, 29-13615, 29-13621.
4. Explanatory THIS RIGHT IS A SPLIT FROM ORIGINAL RIGHT 29-13543.

Comments: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: OR  
Water District Number: 29  
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

E. Vaselet

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK  
JC  
6/17/05

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | 29-13584                     |       |                       | 29-13615                     |       |
|                       | 29-13591                     |       |                       | 29-13621                     |       |
|                       | 29-13597                     |       |                       |                              |       |
|                       | 29-13603                     |       |                       |                              |       |
|                       | 29-13609                     |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form: 2
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).  
**OR**  
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Larry Neef
4. New Owner/Claimant(s) Mark J. Madsen  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 5812 E. Old Oregon Trail Rd.
- City, State and ZIP Code Lava Hot Springs, Id. 83246
- New Telephone Number 208 776-5189
5. Date you acquired the property April 21, 2005

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JUN 21 2005

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RECEIVED

JUN 16 2005

Department of Water Resources  
Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) Mark J. Mason  
(include title if applicable) \_\_\_\_\_

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

**PROFILED**

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JUN 21 2005



A Pioneer Company

**PIONEER TITLE COMPANY**

OF BANNOCK COUNTY

135 N. Arthur / Pocatello, Idaho 83201 / (208) 233-9595

Order No. 20050429 SW MH

**WARRANTY DEED**

For Value Received  
Larry Naef and Lana Naef, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto  
Mark J. Madsen, an unmarried person

hereinafter referred to as Grantee, whose current address is 5812 E Old Oregon Trail Rd., Lava Hot Springs, ID  
83246 the following described premises, to-wit:

*fn*  
*gn*  
*mm* SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.  
Together with all water rights appurtenant to the subject property, including but not  
limited to Idaho Department of Water Resources Water Right No.'s 29-13584, 29-13594,  
29-13597, 29-13603, 29-13609, 29-13615, 29-13621.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and  
assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner  
in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies,  
and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon  
the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 20, 2005

*Larry Naef*  
\_\_\_\_\_  
Larry Naef

*Lana Naef*  
\_\_\_\_\_  
Lana Naef

STATE OF IDAHO

COUNTY OF BANNOCK

On this 21 day of April, in the year of 2005, before me Stephanie Wright, notary public personally appeared  
Larry Naef and Lana Naef, known or identified to me to be the person/persons whose name is/are  
subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

*Stephanie Wright*  
\_\_\_\_\_  
Stephanie Wright

Notary Public of Idaho  
Residing at McCammon ID  
Commission expires: April 25, 2006

SCANNED

JUN 21 2005

FILED

IPM101 | PARCEL MASTER INQUIRY | [2005] | [INQUIRY ] | [06/10/05]

|                   |                             |                    |                             |         |
|-------------------|-----------------------------|--------------------|-----------------------------|---------|
| Parcel No         | [R4225009802 ]              | Status [ ]         | Legal Description           |         |
| Owner Name        | [MADSEN, MARK J             |                    | ] [S22-T9S-R37E             | ]       |
| Address 1         | [5812 E OLD OREGON TRAIL RD |                    | ] [TR NW4NE4 TAX 26 2.72 AC | ]       |
| Address 2         | [                           |                    | ] [TR NE4NE4 TAX 29 2.28 AC | ]       |
| Address 3         | [                           |                    | ] [                         | ]       |
| Address 4         | [                           |                    | ] [                         | ]       |
| City              | [LAVA HOT SPRINGS           | ] St [ID]          | [                           | ]       |
|                   | Zip [832461502]             |                    | Comment                     |         |
| Property House    | Dr                          | Street             | [STMT OF INTENT             | ]       |
| Address [005812]  | [E ]                        | [OLD OREGON TRAIL] | [                           | ]       |
| Property Type     | [RR]                        | Deed Number        | [20507471                   | ]       |
| Code Area         | [006000]                    | Old Deed No        | [20310803                   | ]       |
| Bank Code         | [ ]                         | Previous No        | [R4225009800 ]              |         |
| LL [00]           | SM [00]                     | Next Parcel        | [                           | ]       |
|                   |                             | Last Signed        | [NAEF, LARRY - 1998         | ]       |
| CB Code           | [ ]                         | Hardship Flag      | [ ]                         |         |
| CB Amount         | [                           | .00]               | Hardship Pct                | [ .00]  |
| --- Urban Renewal | -----                       |                    |                             |         |
| Code [ ]          | Base [ ]                    |                    | Appr 06 Coml                | Geo [ ] |

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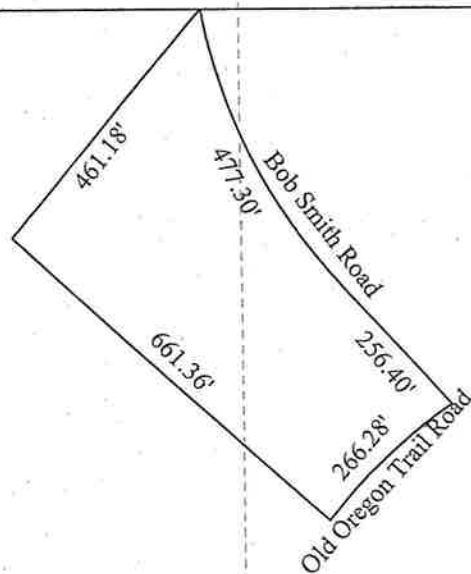
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JUN 21 2005

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JUN 21 2005

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N1/2, NE1/4, Section 22, Township 9 South, Range 37 E.B.M.



Title:

Date: 04-18-2005

Scale: 1 inch = 300 feet

File: nne-22937.des

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

**Water Rights:** 29-13584, 29-13591,  
29-13597, 29-13603, 29-13609, 29-  
13615, 29-13621

Case No. 39576 )

**NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 17, 2005

Ernest C. Jensen

Signature of IDWR Representative

PROCEEDING

SCANNED

JUN 21 2005

### CERTIFICATE OF MAILING

I certify that on JUNE 17, 2005, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
LARRY NAEF  
5812 E OLD OREGON TRAIL RD  
LAVA HOT SPRINGS, ID 83246

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:  
MARK J MADSEN  
5812 E OLD OREGON TRAIL RD  
LAVA HOT SPRINGS, ID 83246

4. One copy to:

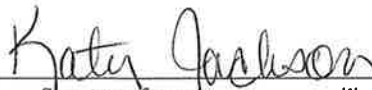
Each party in the subcase, or attorney of record  
RANDY BUDGE  
RACINE OLSEN NYE BUDGE & BAILEY  
PO BOX 1391  
POCATELLO, ID 83204

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form

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JUN 21 2005

06/17/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13603

NAME AND ADDRESS: MARK J MADSEN  
5812 E OLD OREGON TRAIL RD  
LAVA HOT SPRINGS ID 83246

LANA NAEF  
5812 E OLD OREGON TL ROAD  
LAVA HOT SPRINGS ID 83246

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.015 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 0.079 CFS. COMBINED RIGHT NOS.:  
29-13584, 29-13591, 29-13597, 29-13603, 29-13609, 29-13615,  
29-13621.

The combined diversion rate of water right nos. 29-215B, 29-13515,  
29-13544, 29-13545, 29-13599, 29-13600, 29-13601, 29-13602,  
29-13603, 29-13604 each sharing priority date 5/1/1903, cannot exceed  
0.68 cfs.

The combined diversion rate of water right nos. 29-10774B, 29-13517,  
29-13541, 29-13542, 29-13593, 29-13594, 29-13595, 29-13596,  
29-13597, and 29-13598 each sharing priority date 7/1/1909, cannot  
exceed 0.942 cfs.

The combined diversion rate of water right nos. 29-10776B, 29-13519,  
29-13538, 29-13539, 29-13587, 29-13588, 29-13589, 29-13590,  
29-13591, 29-13592 each sharing priority date 7/1/1917, cannot exceed  
0.76 cfs.

The combined diversion rate of water right nos. 29-207B, 29-214B,  
29-215B,  
29-10774B, 29-10776B, 29-13511, 29-13513, 29-13515, 29-13517,  
29-13519,  
29-13538, 29-13539, 29-13541, 29-13542, 29-13544, 29-13545,  
29-13547,  
29-13548, 29-13550, 29-13551, 29-13553, 29-13554, 29-13587,  
29-13588,  
29-13589, 29-13590, 29-13591, 29-13592, 29-13593, 29-13594,  
29-13595,  
29-13596, 29-13597, 29-13598, 29-13599, 29-13600, 29-13601,  
29-13602,  
29-13603, 29-13604, 29-13605, 29-13606, 29-13607, 29-13608,  
29-13609,  
29-13610, 29-13611, 29-13612, 29-13613, 29-13614, 29-13615,  
29-13616,  
29-13617, 29-13618, 29-13619, 29-13620, 29-13621, 29-13622 shall not  
exceed 3.542 cfs.

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JUN 21 2005

06/17/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

exceed 3.542 cfs.

PRIORITY DATE: 05/01/1903

POINT OF  
DIVERSION: T09S R37E S15 SENENW Within BANNOCK County  
T09S R37E S15 SESENW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 09/15          | 0.015 CFS       |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |     |               |      |     |
|---------------|------|-----|---------------|------|-----|
| T09S R37E S22 | NENE | 3.2 | T09S R37E S22 | NWNE | 3.0 |
|---------------|------|-----|---------------|------|-----|

6.2 ACRES TOTAL

PROFILED

SCANNED  
JUN 21 2005

06/17/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 6.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-13584, 29-13591, 29-13597, 29-13603, 29-13609, 29-13615, 29-13621.

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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: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13584, 29-13591, 29-13597, 29-13603, 29-13609, 29-13615, 29-13621.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS A SPLIT FROM ORIGINAL RIGHT 29-13543.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

PROFILED

SCANNED  
JUN 21 2005

MAX  
29-13579

222<sup>+</sup> AC @ 0.0547 cfs  
0.544

JEFF HARRIS  
29-13600 PARCEL A

8.63 AC @ 0.021 cfs

JEFF HARRIS  
29-13601 PARCEL B

8.65 AC @ 0.021 cfs

MAX HALL  
29-13543

0.642 cfs

PERMISSIBLE PDU  
WITH THE FOLLOWING  
RIGHTS:

JEFF HARRIS  
29-13602 PARCEL C

8.75 AC @ 0.021 cfs

29-13534

29-13537

29-13540

29-13543

29-13546

29-13549

29-13552

LARRY NAEF  
29-13603

6.27 AC @ 0.015 cfs

TOTAL 263<sup>±</sup> AC.

PRIORITY DATE  
5/01/1903

DECREED

ROLAND HULL  
29- NOT 1/500

INCLUDED WITH RIGHT BELOW

ROBEN HULL  
29-13604

8.30 AC @ 0.020 cfs

Split History of Max Hall's water rights off West Bob Smith Creek 3/21/03

|                                                                                                                                                                         |           |                                                    |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------------------------------------------|-----------------------|
| 29-00207                                                                                                                                                                | 29-00207A | 29-13510 (0.530 cfs/ 279.2ac) M. Hall              | 29-13549 M. Hall      |
|                                                                                                                                                                         |           | (.545 cfs/ 287 ac)                                 | 29-13550 J. Hall      |
|                                                                                                                                                                         | 29-00207B | 29-13511 (0.015 cfs/ 7.8 ac) E. Rush               | R. GUNTER<br>29-13551 |
| 29-00214                                                                                                                                                                | 29-00214A | 29-13512 (0.568 cfs/ 279.2 ac) M. Hall             | 29-13546 M. Hall      |
|                                                                                                                                                                         |           | (0.584 cfs/ 287 ac)                                | 29-13547 J. Hall      |
|                                                                                                                                                                         | 29-00214B | 29-13513 (0.016 cfs/ 7.8 ac) E. Rush               | R. GUNTER<br>29-13548 |
| 29-00215                                                                                                                                                                | 29-00215A | 29-13514 (0.642 cfs/ 279.2 ac) M. Hall             | 29-13543 M. Hall      |
|                                                                                                                                                                         |           | (0.660 cfs/ 287 ac)                                | 29-13544 J. Hall      |
|                                                                                                                                                                         | 29-00215B | 29-13515 (0.017 cfs/ 7.8 ac) E. Rush               | R. GUNTER<br>29-13545 |
| 29-10774<br>(P15)                                                                                                                                                       | 29-10774A | 29-13516 (0.893 cfs/ 279.2 ac) M. Hall             | 29-13540 M. Hall      |
|                                                                                                                                                                         |           | (0.917 cfs/ 287 ac)                                | 29-13541 J. Hall      |
|                                                                                                                                                                         | 29-10774B | 29-13517 (0.024 cfs/ 7.8 ac) E. Rush               | R. GUNTER<br>29-13542 |
| 29-10776<br>(P15)                                                                                                                                                       | 29-10776A | 29-13518 (0.720 cfs/ 279.2 ac) M. Hall             | 29-13537 M. Hall      |
|                                                                                                                                                                         |           | (0.740 cfs/ 287 ac)                                | 29-13538 J. Hall      |
|                                                                                                                                                                         | 29-10776B | 29-13519 (0.198 cfs/ 7.8 ac) E. Rush               | R. GUNTER<br>29-13539 |
| 29-13300                                                                                                                                                                | 29-13520  | (3.44 cfs/ 279.2 ac) M. Hall $\neq 3.35\checkmark$ | 29-13534 M. Hall      |
|                                                                                                                                                                         |           | (3.54 cfs/ 287 ac) EXT 504                         | 29-13535 J. Hall      |
|                                                                                                                                                                         | 29-13521  | (0.096 cfs/ 7.8 ac) E. Rush $\neq 0.267\checkmark$ | R. GUNTER<br>29-13536 |
| <p>29-13309 (1.84 cfs/ 116.0 ac w/i 287 ac) reduced to 279.2 ac. - enlargement claim<br/>                     [Rush did not get any portion of the enlarged acres.]</p> |           |                                                    |                       |
| <p>29-13552 M. Hall</p>                                                                                                                                                 |           |                                                    |                       |
| <p>29-13553 J. Hall</p>                                                                                                                                                 |           |                                                    |                       |
| <p>29-13554 R. Gunter</p>                                                                                                                                               |           |                                                    |                       |

Note: All Stewart split portions were split off circa March 2002.

263<sup>2</sup>) - MAX HALL RETAINS REMAINDER OF ALL PARENT RTs @ 263<sup>2</sup> AC  
 50) - JASON HALL GETS 4.95 AC AS IRRIG. W/ APPROPRIATE Q, INCLUDES ENLARG<sup>2</sup>  
 114) - D. GUNTER GETS 11.70 AC AS IRRIG. " " " " " "