

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 45-13643
Date Received: 1/7/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

SADIE M BREEDING Phone: (208) 432-5268

392 S 1300 W
MURTAUGH ID USA 83344

GLEN A BREEDING Phone: (208) 432-5268

392 S 1300 W
MURTAUGH ID USA 83344

2. Date of Priority: 01/15/1958

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	20E	10	NW SE	TWIN FALLS	
11S	20E	14	NE SE	TWIN FALLS	
11S	20E	14	SE NE	TWIN FALLS	

5. Description of diverting works:

WELL, PUMP, CANAL, POND, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.22	

7. Total Quantity Appropriated is:
0.22 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
11S	20E	13	SE	NE	IRRIGATION	10
			SW	NE	IRRIGATION	15
					Section Acres	25
					Total Acres	25

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

1/7/2004: 45-13643 IS A PORTION OF 45-2565 SPLIT BY OWNERSHIP THIS DATE PER NOTICE AND DEED SUBMITTED BY GLEN BREEDING. REMAINDER OF 45-2565 IS 45-13642. - VH

15. Basis of Claim: License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-2565

WATER RIGHT NUMBER: 45-2565

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLEN DALE FARMS INC ATTN: RON GRAVES PO BOX 27 BOISE, ID 83707 (208)336-2110
Attorney	J R SIMPLOT CO ENV AND REGULATORY AFFAIRS ATTN: GRAY YOUNG OR TERRY UHLING PO BOX 27 BOISE, ID 83707-0027 (208)389-7318

$$7.0/802 \times 25 = 0.218 \text{ cfs}$$

$$7.0/802 \times 777 = 6.781$$

Priority Date: 01/15/1958

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	7.000 CFS	
	<u>Total Diversion:</u>	7.000 CFS	

Handwritten notes: 70.22, 6.78, 3208, 100, 3108

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 10, Twp 11S, Rge 20E, B.M.
TWIN FALLS County		
GROUND WATER	NE1/4SE1/4	Sec. 14, Twp 11S, Rge 20E, B.M.
TWIN FALLS County		
GROUND WATER	SE1/4NE1/4	Sec. 14, Twp 11S, Rge 20E, B.M.
TWIN FALLS County		

Place of Use

IRRIGATION

Breeding property

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11S	20E	13	15.0	10.0	40.0	40.0	37.0
11S	20E	14	10.0	30.0			40.0
11S	20E	23			33.0		33.0
11S	20E	24	33.0	33.0	33.0	33.0	19.0
			33.0	33.0	33.0	33.0	33.0
							448.0

Handwritten notes: 25, 223, 40, 66, 448, 777

Total Acres: 802

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
45-2565	Split into		45-13642 & 45-13643		
45-4129					
	Split into:		45-13644 & 45-13645		

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

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)

Glendale Farms

4. New Owner/Claimant(s)

Glen A or Sadie M. Breeding

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

392 S 1300 W

City, State and ZIP Code

Murtaugh, ID 83344

New Telephone Number

208) 432-5268

5. Date you acquired the property

6-27-2000

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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>45-2565</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.22</u>	<u>25 ac</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.22</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>45-4129</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.08</u>	<u>25 AC</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.08</u>	

7. Signature of New Owner(s) or Claimant(s) Shirley A. Brudwig 1-06-04
(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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

14635
269972

BARGAIN AND SALE DEED

GRANTOR, **GLEN DALE FARMS, INC.**, an Idaho Corporation, who erroneously acquired title as **GLEN-DALE FARMS, INC.**, an Idaho Corporation, whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey unto **GLEN A. BREEDING and SADIE M. BREEDING, husband and wife**, whose principal address is 392 South, 1300 West, Murtaugh, Idaho 83344, as GRANTEE, and to Grantee's heirs, successors and assigns forever, all of the following described real estate located in Cassia County, State of Idaho:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, and subject to current taxes and assessments, and such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed in its corporate name to this instrument this 27th day of June, 2000.

GLEN DALE FARMS, INC.

By: Stephen A. Beebe
Stephen A. Beebe, President

ATTEST:

By: Ronald N. Graves
Ronald N. Graves, Secretary

STATE OF IDAHO)
) ss.
County of ADA)

On this 27th day of June, 2000, before me, a Notary Public in and for said State, personally appeared Stephen A. Beebe and Ronald N. Graves, known to me to be the President and Secretary, respectively, of Glen Dale Farms, Inc., the corporation that executed the within instrument, and acknowledged to me that said corporation 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.



Janene A. Kattman
Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: 5/31/02

EXHIBIT "A"

**Township 11 South, Range 20 East, of the Boise Meridian, Cassia County,
Idaho,**

Section 13: NE1/4, EXCEPT a portion of land described as follows:

Beginning at the Northeast corner of said Section 13; thence South along the East line thereof, 2244 feet; thence West along a line parallel to the North line of said Section 13, 693 feet; thence Northwesterly 1980 feet, more or less, to a point on the West line of said Northeast quarter, said point lying 1584 feet South along said West line from the Northwest corner of said Northeast quarter; thence North along said West line 1584 feet to the Northwest corner of said Northeast quarter; thence East along the North line of said Section 13 to the Point of Beginning.

269972

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE 600 DEPUTY DPN

'00 JUN 30 AM 11 05

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

PAGE 1
May-13-2005

01/07/2004

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

RIGHT NUMBER: 45-13643

NAME AND ADDRESS: SADIE M BREEDING
392 S 1300 W
MURTAUGH ID 83344

GLEN A BREEDING
392 S 1300 W
MURTAUGH ID 83344

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.220 CFS
100.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-13645 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 100 AF.

PRIORITY DATE: 01/15/1958

POINT OF DIVERSION:

T11S R20E S10 SWNWSE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.220 CFS
100.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R20E S13 SWNE 13.0 T11S R20E S13 SENE 12.0

25 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-13645 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION
SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

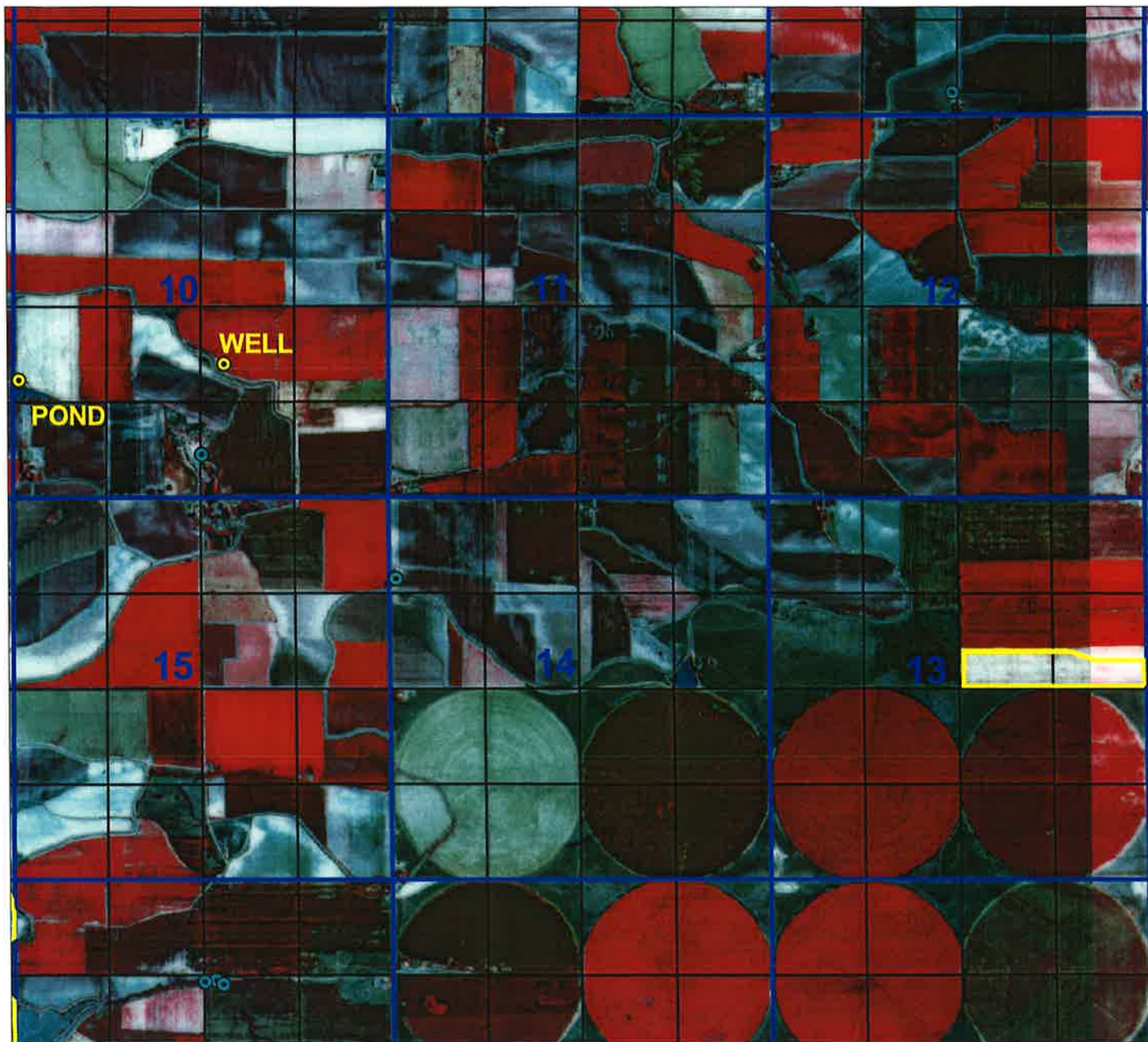
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

Idaho Department of Water Resources

RIGHT: 45-13643, 45-13645

**RECOMMENDED PLACE OF USE
TWP 11S, RNG 20E**



0 2640 5280 Feet

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER SECTION LINES**



**GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY**

**PREPARED BY VIKIE HANCOCK
JANUARY 07, 2004**

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

January 7, 2004

Regarding:

Customer:

45-2565 (part] 45-4129 [part]

GLEN BREEDING

Mr. Breeding came in to the office in response to my letter to him dated December 19, 2003. He wished to change the portion of these two claims that were appurtenant to his land in the S½ NE ¼ Section 13 into his name.

We discussed the fact that licensed right 45-2565 had originally been appurtenant to the entire NE ¼ Section 13, but that when the SRBA claim was filed by Glendale Farms in 1989 they had only claimed 25 acres in the NE ¼ Section 13 under that right. The balance of 45-2565 was claimed on lands south of the original POU in sections 14, 23 & 24.

According to Mr. Breeding, in approximately 1974 he traded 80 acres of his land to Glendale Farms for all of the NE ¼ S13 except the recently purchased property in the S½ NE. At the time of the trade/purchase, both Breeding and Glendale were using water rented from the Water Bank to irrigate their respective properties. The deeds were silent regarding water rights, however both parties continued to use their own rental water on their newly acquired land, effectively swapping land and moving the water, with no transfer contemplated for the licensed right, perhaps because Glendale Farms was no longer involved in the exchange of water with Milner described in the original license.

When the 1989 SRBA claims were filed, Mr. Breeding agreed that none of the water represented by 45-2565 was being used on his part of the NE ¼ Section 13, but was being used by Glendale on the portion Breeding purchased in 2000. And since that had been the pattern of use since 1974 he believes that a 25-acre portion of the right is his fair share.

Statutory claim 45-4129 was not appurtenant to the NE ¼ S13 when filed in 1981 but was included on the same 25 acres as 45-2565 in the SRBA, therefore Mr. Breeding can claim his share of that right, also.

I told Mr. Breeding that I would split the two rights giving him a proportionate share of the water as it had been claimed in the SRBA in 1989 and referred to the amounts mentioned in my December 19 letter.

R-20E.

RD. 10 11 12

#1 Lateral C. TO TWIN FALLS

#2 Lateral C. TO BURLEY

#3 Lateral C. TO BURLEY

#4 Lateral C. TO BURLEY

#5 Lateral C. TO BURLEY

#6 Lateral C. TO BURLEY

#7 Lateral C. TO BURLEY

#8 Lateral C. TO BURLEY

#9 Lateral C. TO BURLEY

#10 Lateral C. TO BURLEY

#11 Lateral C. TO BURLEY

#12 Lateral C. TO BURLEY

U.S. HWY. NO. 30

TO TWIN FALLS

TO BURLEY

180

200

160

140

85

40

805

↑

802

782

↑

Subdivisions

AREA

25

802

782 ACRES

45-2565

SEE PERMIT #21357 - 1.7"

35.2"

46.7"

46.7" = .20 1/4 AC

802.4" = 7.33" to lands shown above Total in on RT = 4.66"

805.1" = 7.34" to " " " " per cent on RT = 2.34"

27.215



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 19, 2003

Mr. Glen Breeding
392 S 1300 W
Murtaugh, Idaho 83344

RE: Snake River Basin Adjudication (SRBA)
Claim Nos.: 45-2565 (part) ground water
45-4129 (part) waste water

Dear Mr. Breeding:

I am in the process of reviewing claims to water rights that are appurtenant to property that was owned by J. R. Simplot Company [aka Glendale Farms]. I believe that recently this farm was split between you and Darrell Funk.

According to Vic Conrad of the Simplot Company, a portion of the above water rights were conveyed along with the land you purchased from them in the S½NE¼ Section 13. According to claims filed in the SRBA, your proportionate share of those two rights are as follows: 0.22 cfs (11 inches) of ground water right 45-2565 and .08 (4 inches) of waste water right 45-4129.

The Department is aware that due to diminished ground water supplies and the unavailability of waste water, these rights as originally developed have not been used for many years, and that Simplot substituted water rented from the water bank to irrigate their land. Never-the-less, at this time the Department still considers the above as valid claims.

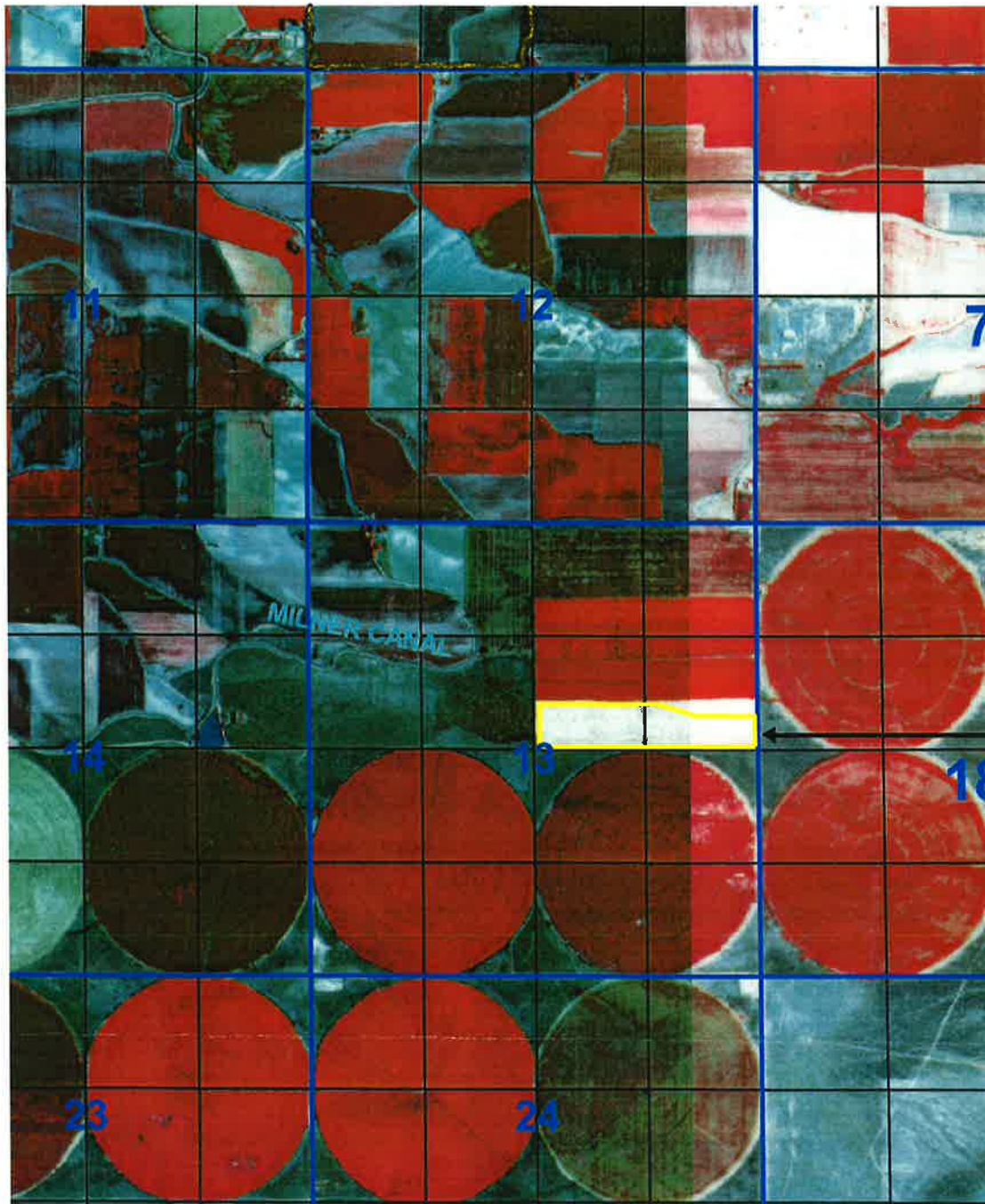
I am enclosing a map and a print-out of the SRBA claims as they were filed covering the entire farm. In addition, I have sent a form that you can complete and return, along with a deed of conveyance from Simplot to you, in order to have your part of the water rights changed into your name. Although I learned of your ownership of these acres from County Taxlot information, the Department still has to have a copy of the deed for our files. There is no fee for this change of ownership.

If you have any questions, please call or email me at this office.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us

45-2565 & 45-4129



Location
of 25 acres
included in
SRBA claims

TWP 11S, RNG 20E

1987 AERIAL PHOTO



V. HANCOCK
IDWR