

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 45-13645
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)

GLEN A BREEDING Phone: (208) 432-5268

392 S 1300 W
MURTAUGH ID USA 83344

SADIE M BREEDING Phone: (208) 432-5268

392 S 1300 W
MURTAUGH ID USA 83344

2. Date of Priority: 04/15/1950

3. Source: WASTE WATER Trib. to: MURTAUGH LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	20E	10	SW SW	TWIN FALLS	

5. Description of diverting works:

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	0.08	

7. Total Quantity Appropriated is:
0.08 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	SW	NE	IRRIGATION	15
			SE	NE	IRRIGATION	10
					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: 45-13645 IS A PORTION OF 45-4129 SPLIT BY OWNERSHIP PER NOTICE AND DEEDS SUBMITTED BY GLEN BREEDING THIS DATE. REMAINING PORTION IS 45-13644. - VH

15. Basis of Claim: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-4129

WATER RIGHT NUMBER: 45-4129

<u>Owner Type</u>	<u>Name and Address</u>
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
Current Owner	GLEN DALE FARMS INC ATTN: RON GRAVES PO BOX 27 BOISE, ID 83707 (208)336-2110

Priority Date: 04/15/1950
Basis: Statutory Claim
Status: Active

$$5.0 / 1560 \text{ AC} \times 25 \text{ AC} = .08$$

$$5.0 / 1560 \times 1535 = 4.92$$

<u>Source</u>	<u>Tributary</u>
WASTE WATER	MURTAUGH LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	<i>Waste Water</i>

Location of Point(s) of Diversion

WASTE WATER	SW1/4SW1/4	Sec. 10, Twp 11S, Rge 20E, B.M.
TWIN FALLS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	Totals
11S	20E	13	15.0	10.0	35.0	30.0	40.0	40.0	33.0	33.0	33.0	40.0	33.0	33.0	33.0	40.0	33.0	33.0	375.0
11S	20E	14	10.0	30.0			33.0	33.0	33.0	33.0	40.0	33.0	33.0	33.0					311.0
11S	20E	23	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0
11S	20E	24	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0

Total Acres: 1742

1981 stat claim = 1560

Conditions of Approval:

13644 = Glendale / Funk
13645 = Breeding

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		
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	.22	25 ac
Stock		
Domestic		
Other		
Total	.22	

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		
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	.08	25 AC
Stock		
Domestic		
Other		
Total	.08	

7. Signature of New Owner(s) or Claimant(s) Glenn A. Brundage 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 _____
 Received 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. Kattner
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
BARRELL M. ROSKELLEY

RECORDER

FEE

DEPUTY

[Signature]

00 JUN 30 AM 11 05

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-13645

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

SOURCE: WASTE WATER TRIBUTARY: MURTAUGH LAKE

QUANTITY: 0.08 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-13643 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 100 AF.

PRIORITY DATE: 03/15/1958

POINT OF DIVERSION: T11S R20E S10 SWNWSW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.08 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T11S R20E S13	SWNE 13.0
	25.0 Acres Total	SENE 12.0

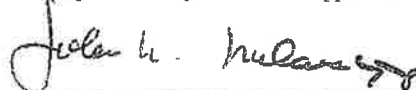
USE OF THIS RIGHT WITH RIGHT NO. 45-13643 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE
IRRIGATION SEASON.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-4129

WATER RIGHT NUMBER: 45-4129

<u>Owner Type</u>	<u>Name and Address</u>
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
Current Owner	GLEN DALE FARMS INC ATTN: RON GRAVES PO BOX 27 BOISE, ID 83707 (208)336-2110

Priority Date: 04/15/1950

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	MURTAUGH LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	5.000 CFS	
	<u>Total Diversion:</u>	5.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4SW1/4	Sec. 10, Twp 11S, Rge 20E, B.M.
TWIN FALLS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	20E	13	15.0	10.0	35.0	30.0	40.0	40.0	33.0	33.0	33.0	40.0	33.0	33.0	33.0	33.0	33.0	375.0	
11S	20E	14	10.0	30.0			33.0	33.0	33.0	33.0	40.0	33.0	33.0	33.0	33.0	33.0	33.0	311.0	
11S	20E	23	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0	
11S	20E	24	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	528.0	

Total Acres: 1742

Comments:

THIS WATER IS PUMPED INTO MILNER LOW LIFT CANAL, IN EXCHANGE FOR DIVERSION OF WATER FROM MILNER IN SWNE SECTION 14.

01/07/2004

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

RIGHT NUMBER: 45-13645

NAME AND ADDRESS: GLEN A BREEDING
392 S 1300 W
MURTAUGH ID 83344

SADIE M BREEDING
392 S 1300 W
MURTAUGH ID 83344

SOURCE: WASTE WATER

TRIBUTARY: MURTAUGH LAKE

QUANTITY: 0.080 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-13643 IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 100 AF.

PRIORITY DATE: 03/15/1958

POINT OF DIVERSION:

T11S R20E S10 SWNWSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.080 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R20E S13	SWNE	13.0	T11S R20E S13	SENE	12.0
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25 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-13643 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.

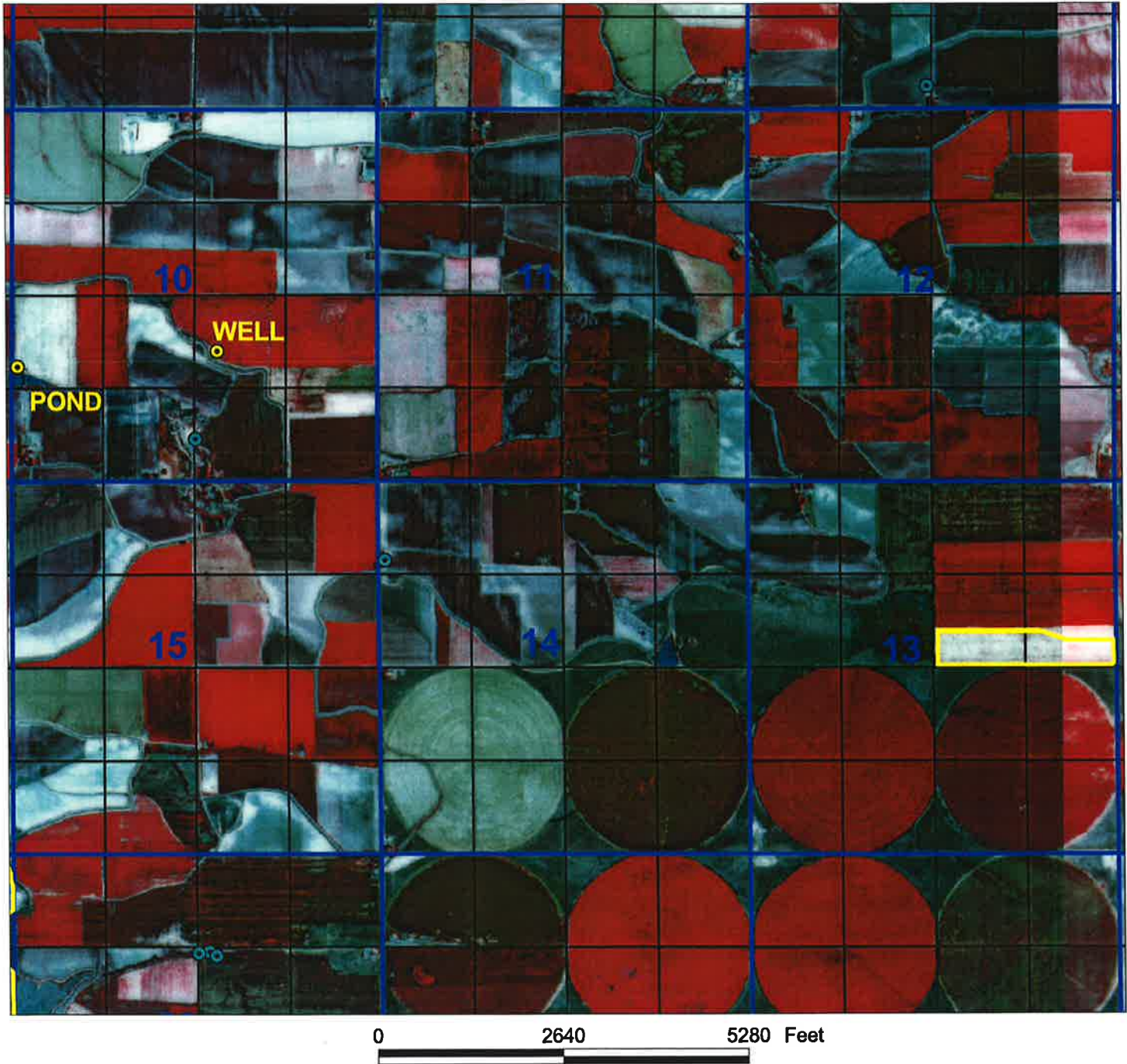
EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS,
TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF
WASTING IT, OR TO RECAPTURE IT.

Idaho Department of Water Resources

RIGHT: 45-13643, 45-13645

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



- ⊙ 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.

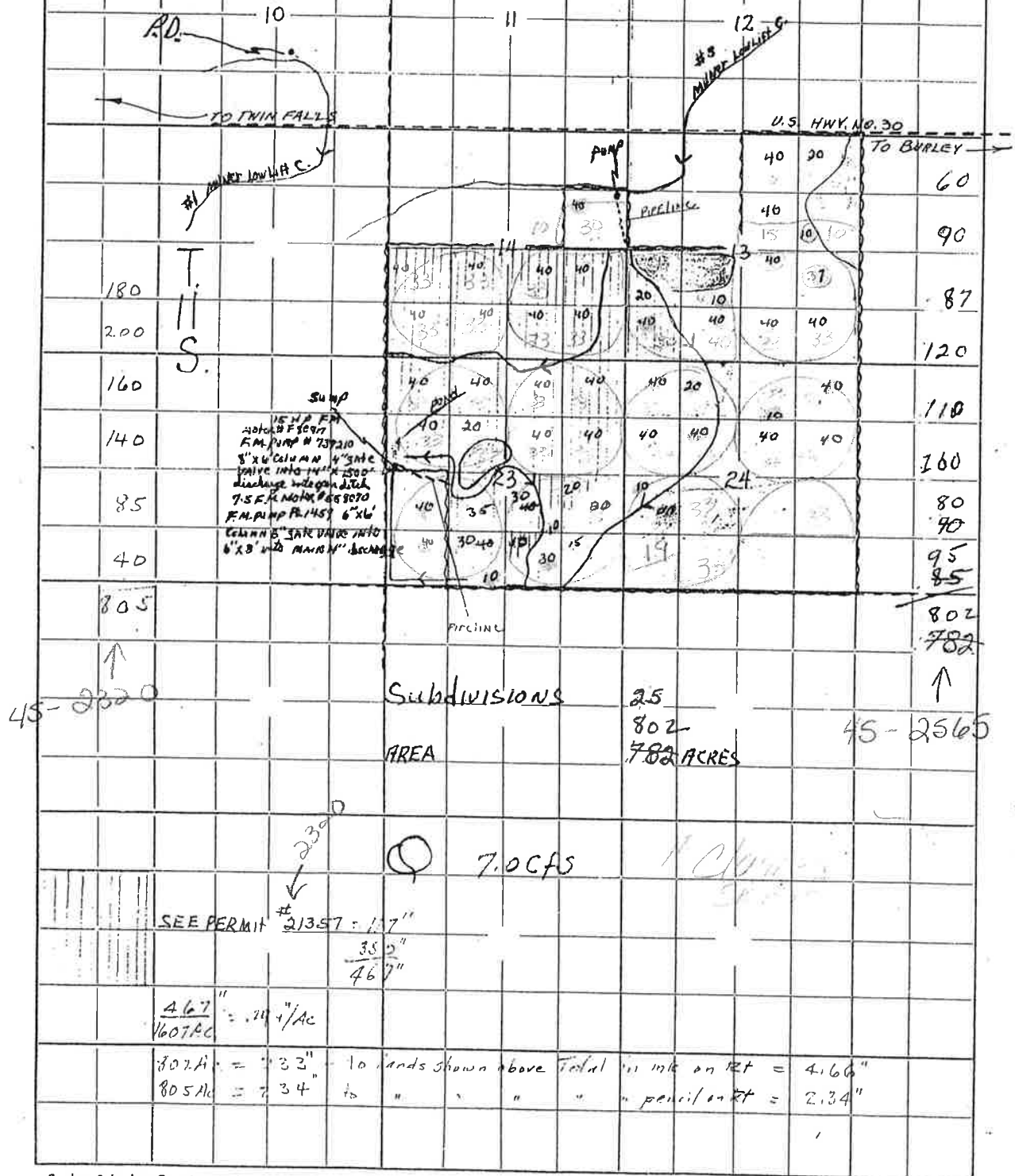
According to Mr. Breeding, in approximately 1974 he traded 80 acres of his land to Glendale Farms for all of the NE ¼ S13 except the recently purchased property in the S½ NE. At the time of the trade/purchase, both Breeding and Glendale were using water rented from the Water Bank to irrigate their respective 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.



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

27215

2.34
7.0
9.34 cfs
46.7"



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 S $\frac{1}{2}$ NE $\frac{1}{4}$ 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

Form No. 1243
7/78
RECEIVED
JUN 18 1981
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Claim No. 45-4129
RECEIVED
JUN 10 1981
Department of Water Resources
Southern District Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that GLEN DALE FARMS, INC.
(Name of Claimant)
Box 27, Boise, Idaho 83707 Telephone No. 208-336-2110
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 15 April 1950

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
waste water tributary to Murtaugh Lake

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates Inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>5.0 cfs</u>	Use	<u>irrigation</u>	Period of Use From	<u>15 Apr. To 31 Oct.</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 5.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 10 Twp. 11 S. Rge. 20 E. B.M., County of Twin Falls
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. pond, pump and pipeline

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	20E	14									33	32	33	32	33	32	33	32	260
11S	20E	13									33	32	33	32	33	32	33	32	260
11S	20E	23	33	32	33	32	33	32	33	32	33	32	33	32	33	32	33	32	520
11S	20E	24	33	32	33	32	33	32	33	32	33	32	33	32	33	32	33	32	520

No. of acres 1,560

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 208/336-2110

CORPORATE HEADQUARTERS
LEGAL DEPARTMENT

FAX COVER SHEET

TO:	KENT W. FLETCHER, ESQ., (208)878-2548 MR. DAVID PRICE, KEYSTONE REALTY GROUP, (208)878-0476	DATE: August 21, 2002	
		# PGS. INC. COVER: 4	
FROM: Gray Young, Assoc. General Counsel		DIRECT DIAL NUMBER: (208) 389-7318	FAX NO: (208) 389-7464
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RE: GLEN DALE FARMS, INC. - - Water Rights COMMENTS: Attached is a copy of a fully signed and notarized Affidavit of Ron Robertson dated August 20, 2002. Should you have any questions, please do not hesitate to contact me. Gray Young Associate General Counsel (208) 389-7318 c: Vic Conrad (w/copy of encl)			
If you do not receive all of the pages, please call _____ as possible.			

Post-it® Fax Note 7671

To: **GARRICK BAXTER**
Co./Dept: **AJ LEGAL**

Date: **2/10/03** # of pages: **3**

From: **VIKIE**

Co.: **AJ South**

Phone #

Fax #

AFFIDAVIT OF RON ROBERTSON

STATE OF IDAHO)
) S.S.
Elmore County)

The undersigned being duly sworn upon his oath, hereby states and avers as follows:

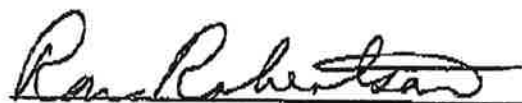
1. My name is Ron Robertson, and I reside at 175 Kings Court, Mountain Home, ID 83647.
2. I am presently retired. My employer at the time of my retirement in June of 2002 was J.R. Simplot Company. For approximately 30 years, all or part of my duties involved operation and management of Glen Dale Farms, located in Twin Falls County and Cassia County, Idaho. The main farm consists of approximately 2,100 acres of real property that includes about 1,784 irrigated acres. My involvement with Glen Dale Farms was as follows:
 - a. I was first involved with Glen Dale as an employee of Mr. Briggs, a predecessor owner of Glen Dale Farm, from 1972 until 1974.
 - b. Briggs sold to Blick in 1974. I continued to have a direct role in the operation of the Glen Dale Farm as an employee of Blick until 1975.
 - c. J.R. Simplot Company ("Simplot") acquired Blick's interest in the Glen Dale Farm in 1975. I became Simplot's Manager for the farming operation in February, 1975.
 - d. In 1982 Simplot promoted me to the position of Area Manager, which expanded my responsibility to include the management of a number of farming operations primarily located in eastern Idaho. The Glen Dale farm was among these farming operations I was responsible for managing. I held the position of Area Manager until spring, 2001. As noted above, I retired from Simplot in June, 2002.
3. Glen Dale Farms used several wells to divert and beneficially use water under IDWR license nos. 45-2320 and 45-2565. The history of these diversions, to the best of my recollection, is as follows:
 - a. In 1972, when I became first involved with the farming operation, one of three wells located in Section 10 T.11S R.10E was capable of producing approximately 400 miners inches. The other two wells located westerly of the well equipped with the pump had been previously used to provide water for the farm. However, by the time I became involved with the farming operation, the most easterly well was the only well equipped with diverting works. It was my understanding the other two wells were no longer capable of yielding a reliable flow rates.

- b. I believe that approximately 25 unsuccessful exploratory wells were constructed on the Glen Dale Farm prior to my involvement with the farming operation. The wells produced enough water for domestic and stock water. However, they did not provide enough water for irrigation purposes. The wells located in Section 10, which are located on a parcel of land isolated from the Farm, were the best wells discovered during the exploration for groundwater. I accomplished the abandonment of 6 of those exploratory wells located on the Farm during 1973 to 1974 at about the same time center pivots were installed to upgrade the irrigation system.
- c. Historically, water pumped from the three wells in Section 10 was discharged into a Milner Irrigation District canal. Glen Dale was credited by the District for the volume discharged, then allowed to divert water from a separate Milner Irrigation District Canal at a point located on the farm. This procedure of exchanging water with the District was structured in a written exchange agreement with the District prior to my becoming involved with the farming operation in 1972.
- d. During the summer of 1975 or 1976 production from the well diminished to approximately 200 miner's inches. The well continued to be pumped without modification for approximately 2 years. Yield from the well continued to decline.
- e. In the late 1970's (1977 or 1978) the westerly well was deepened from approximately 350 ft. to approximately 700 to 750 ft. in an attempt to recover the lost yield from the three wells. After moving the pump from the easterly well to the reconstructed westerly well, the maximum flow rate pumped never exceeded more than 200 inches intermittently.
- f. Through the early 1980's the production from the well continued to decline. In 1987 or 1988 the yield declined to 100 to 125 miners inches. The well was often operated intermittently to allow the well time to recover. The well was pumped three to four days then shut down for the next one to two days to recover. Eventually, the well became too unreliable to justify an exchange with the Milner Irrigation District. The westerly well is the well that is currently equipped with a pump.
- g. The last time the well was pumped was approximately during the 1992 irrigation season. The production from that well was no more than 100 inches on an intermittent basis.
- h. Because of the low yield from these three wells, and with the understanding that approximately 25 wells had previously been constructed in an attempt to locate a reliable source on the Farm, we did not think it would be worthwhile to attempt to construct a new well in the area.

4. In addition to the other water sources for Glen Dale Farm, a wastewater pond was used as a source of water under IDWR water right no. 45-4129. The details of such use are as follows:
- a. In 1972 production from a pond used to collect wastewater was approximately 200 - 250 inches. At that time most of the surrounding farm land in the area was flood irrigated. Water diverted from this pond was included in the same Milner exchange program as the wells pumped under IDWR License nos. 45-2320 and 45-2565. During the mid 1980's production from this pond diminished. The diminished yield from the pond correlated with the conversion from flood to sprinkler irrigation practices on farm land in the area.
 - b. The last attempt to pump water from this source was in approximately 1992. Production at that time was reduced to approximately 20 miner's inches intermittently. I recall pumping from the pond for 24 hours, shutting off the diversion for 4 or 5 days to allow the source to recover, then pumping the source again.
5. Because of the diminished yield from the groundwater and wastewater sources, the farming operation became more heavily reliant on utilizing supplemental sources, such as water rented from the Water District 1 Rental Pool.

Further the affiant sayeth not.

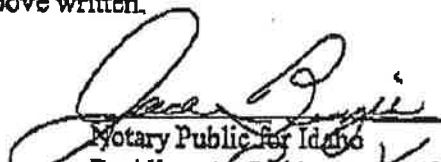
AFFIANT:


Ron Robertson

STATE OF IDAHO)
) S.S.
COUNTY OF ELMORE)

On this 20 day of August, 2002, before me, a Notary Public in and for said State, personally appeared Ron Robertson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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 Idaho
Residing at: Glen View, Idaho
My Commission Expires: 5-12-2003

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 4 1958
Department of Reclamation

Permit No. 21357

RECEIVED
MAY 7 1958
Department of Reclamation

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Glen Dale Farms Inc. Murtaugh, Idaho. Farming.
Murtaugh, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Same as above.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. #21357 - 2-2-50. Date of priority- 1-16-1950

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean from well SW¹/₄ SE¹/₄ Sec. 10 T11, R20 EBM.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Open ditches, 16" pipeline into Milner Low Lift Irrigation District
canal, 16" pipeline with pumps from canal to point of use 700ft. north,
8 ft. west of the NE corner of NE¹/₄ NE¹/₄ Sec. 14-T 11-R 20 EBM.
Well depth- 170 ft. Depth to water- 140ft. Discharge into open ditch,
measured by Cippolletti weir.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. Used on South ¹/₄ of Sec. 14-T11-R20 EBM.
NE¹/₄, S¹/₂ of Section 13, SE¹/₄ NE¹/₄, S¹/₂ of Section 14; N¹/₂ and the E¹/₂ S¹/₂
and the SE¹/₄ of Section 23 and all of Section 24, Township 11 south
Range 20 East.

21357

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 240 miners inches

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. By assignment from Glen Briggs

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. 1-16-1950 to present time, 2.96 Sec. Ft. has been used for about 5 months each year.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Along with the above waters there has been used some waste water on the same land.

GLEN DALE FARMS, INC.

(Sign) By Paul M. Moseley

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Murphy, County of Twin Falls

State of Idaho, on this 25th day of February, A. D. 1958

Herbert Thorne

My commission expires Sept 8, 1961

21357