

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 45-13642
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)

DARRELL M FUNK Phone: (208)432-5386

3173 N 4900 E
MURTAUGH ID USA 83344

PATRICIA M FUNK Phone: (208)432-5386

3173 E 4900 N
MURTAUGH ID USA 83344

2. Date of Priority: 01/15/1958

3. Source: GROUND WATER

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	6.78	

7. Total Quantity Appropriated is:
6.78 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	NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	37
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	33
Section Acres						223
11S	20E	14	SW	NE	IRRIGATION	10
			SE	NE	IRRIGATION	30
Section Acres						40
11S	20E	23	SW	SW	IRRIGATION	33
			SE	SE	IRRIGATION	33
Section Acres						66
11S	20E	24	NE	NE	IRRIGATION	33
			NW	NE	IRRIGATION	33
			SW	NE	IRRIGATION	33
			SE	NE	IRRIGATION	33
			NE	NW	IRRIGATION	33
			NW	NW	IRRIGATION	33
			SW	NW	IRRIGATION	33
			SE	NW	IRRIGATION	33
			NE	SW	IRRIGATION	33
			NW	SW	IRRIGATION	33
			SW	SW	IRRIGATION	19
			SE	SW	IRRIGATION	33
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	33
Section Acres						448
Total Acres						777

11. Place of use in counties: CASSIA, TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

1/7/2004: CLAIM 45-2565 SPLIT BY OWNERSHIP INTO 45-13642 & 45-13643 PER NOTICE AND DEED SUBMITTED BY GLEN BREEDING THIS DATE. - VH

1/23/2004: OWNERSHIP CHANGE SIMPLOT TO DARRELL AND PATRICIA FUNK PER DEED SUBMITTED THIS DATE.

15. Basis of Claim: License

11:58am Aug. 28, 2002

2002 - 017458

No. of Pages: 6 Fee: \$18.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN**BARGAIN AND SALE DEED**

GRANTOR, **GLEN DALE FARMS, INC.**, an Idaho corporation, and **J.R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger with **NORTH FORK RANCH CO.**, a Nevada 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 **DARRELL FUNK and PATRICIA FUNK, husband and wife**, whose principal address is 3173 North 4900 East, Murtaugh, Idaho 83344, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real property located in Twin Falls County, State of Idaho:

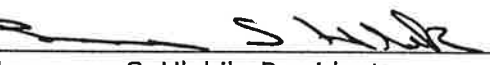
See Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all improvements, easements, hereditaments and non-water right related appurtenances thereto, and together with all water and water rights appurtenant to the property described on Exhibit "A", expressly without warranty and on an "AS-IS" basis, which water rights are described on Exhibit "B" attached hereto, and specifically excluding and reserving unto Grantor the water rights and pending water right application listed in Table 2 of Exhibit "B"; and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or as appear upon the premises.

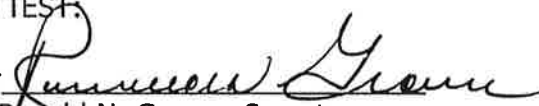
In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed in its corporate name this 23rd day of August, 2002.

GLEN DALE FARMS, INC.

By 
Lawrence S. Hlobik, President

ATTEST:

By 
Ronald N. Graves, Secretary

J.R. SIMPLOT COMPANY

By 
Lawrence S. Hlobik, President & CEO

ATTEST:

By 
Ronald N. Graves, Secretary

STATE OF IDAHO)
) ss.
County of ADA)

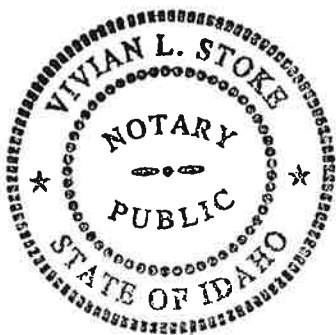
On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President and Secretary of Glen Dale Farms, Inc., the corporation that executed the within instrument, and acknowledged to me that said 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.



Vivian Stohr
Notary Public for Idaho
Residing at: Ada County, Idaho
My Commission Expires: 08/03/04

STATE OF IDAHO)
) ss.
County of ADA)

On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President & CEO and Secretary of J.R. Simplot Company, 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.



Vivian Stohr
Notary Public for Idaho
Residing at: Ada County, Idaho
My Commission Expires: 08/03/04

EXHIBIT "A"

PARCEL I: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$ South and above Milner Low Lift Canal.

PARCEL II: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ South and above Milner Low Lift Canal.

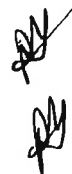
PARCEL III: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: A tract of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, described as follows: Beginning at the Southwest corner of Section 14; thence North 100 feet on the West line of said section; thence East 228 feet to toe of irrigation lateral; thence Southwesterly 120 feet, more or less, along toe of lateral to the South line of Section 14; thence West 164 feet along the section line to the section corner to the point of beginning.

PARCEL IV: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: Beginning at a point 1678.5 feet South of the Northwest corner of the SW $\frac{1}{4}$ of said Section, which point is the true point of beginning; thence South 562.5 feet; thence East 700 feet; thence in a Northeasterly direction along the West boundary of the lateral for irrigation of the Milner Low Lift Canal Company to a point, which is 708 $\frac{1}{3}$ feet East from the true point of beginning; thence West 708 $\frac{1}{3}$ feet to the point of beginning.

PARCEL V: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE



MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: A tract of land located in the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section 14, described as follows: Beginning at the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section; thence South on the West line of said subdivision a distance of 150 feet; thence East parallel to the North line of said 80-acre tract a distance of 250 feet; thence North 150 feet to a point on the North line of said 80-acre tract which is 250 feet East of the Northwest corner thereof; thence West 250 feet to the point of beginning.

PARCEL VI: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: Beginning at a point 1116 feet South of the Northwest corner of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section 14; thence $562\frac{1}{2}$ feet South; thence $708\frac{1}{3}$ feet East; thence in a Northerly direction to the point of beginning.

PARCEL VII: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 14: $SW\frac{1}{4}$, EXCEPT a tract of land in the $SW\frac{1}{4}SW\frac{1}{4}$ described as follows: Beginning at the Southwest corner of Section 14; thence North 100 feet on the West line of said section; thence East 228 feet to toe of Irrigation lateral; thence Southwesterly 120 feet, more or less, along toe of lateral to the South line of Section 14; thence West 164 feet along the section line to the section corner to the point of beginning. AND EXCEPT beginning at a point 1678.5 feet South of the Northwest corner of the $SW\frac{1}{4}$ of said Section, which point is the true point of beginning; thence South 562.5 feet; thence East 700 feet; thence in a Northeasterly direction along the West boundary of the

[Handwritten initials]

lateral for irrigation of the Milner Low Lift Canal Company to a point, which is 708 $\frac{1}{3}$ feet East from the true point of beginning; thence West 708 $\frac{1}{3}$ feet to the point of beginning. AND EXCEPT a tract of land located in the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section 14, described as follows: Beginning at the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section; thence South on the West line of said subdivision a distance of 150 feet; thence East parallel to the North line of said 80-acre tract a distance of 250 feet; thence North 150 feet to a point on the North line of said 80-acre tract which is 250 feet East of the Northwest corner thereof; thence West 250 feet to the point of beginning. AND EXCEPT beginning at a point 1116 feet South of the Northwest corner of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section 14; thence 562 $\frac{1}{2}$ feet South; thence 708 $\frac{1}{3}$ feet East; thence in a Northerly direction to the point of beginning.

PARCEL VIII: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 23: $NW\frac{1}{4}NW\frac{1}{4}$

PARCEL IX: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 23: $SW\frac{1}{4}NW\frac{1}{4}$

PARCEL X: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 23: $E\frac{1}{2}NW\frac{1}{4}$; $E\frac{1}{2}$; $SW\frac{1}{4}$.

PARCEL XI: TOWNSHIP 11 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO,

SECTION 10: $S\frac{1}{2}NW\frac{1}{4}$ lying South and West of the Main Canal of the Milner Low Lift Irrigation District



BARGAIN AND SALE DEED

GRANTOR, **GLEN DALE FARMS, INC.**, an Idaho corporation, and **J.R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger with **NORTH FORK RANCH CO.**, a Nevada 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 **DARRELL FUNK and PATRICIA FUNK, husband and wife**, whose principal address is 3173 North 4900 East, Murtaugh, Idaho 83344, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real property located in Cassia County, State of Idaho:

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

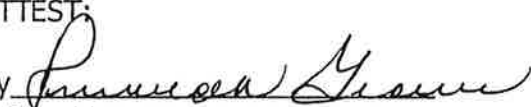
TOGETHER with all improvements, easements, hereditaments and non-water right related appurtenances thereto, and together with certain water and water rights appurtenant to the property described on Exhibit "A", expressly without warranty and on an "AS-IS" basis, which water rights are described on Exhibit "B" attached hereto, and specifically excluding and reserving unto Grantor the water rights and pending water right application listed in Table 2 of Exhibit "B"; and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or as appear 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 this 23rd day of August, 2002.

GLEN DALE FARMS, INC.

ATTEST:

By 
Ronald N. Graves, Secretary

By 
Lawrence S. Hlobik, President

J.R. SIMPLOT COMPANY

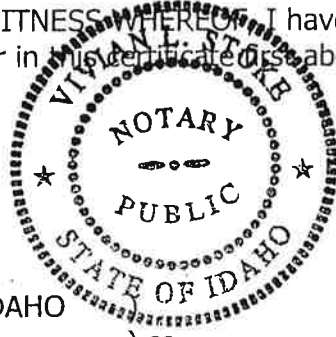
ATTEST:

By 
Ronald N. Graves, Secretary

By 
Lawrence S. Hlobik, President & CEO

STATE OF IDAHO)
) ss.
County of ADA)

On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President and Secretary 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.



Vivian Stoke
Notary Public for Idaho
Residing at: Ada County, Idaho
My Commission Expires: 08/03/04

STATE OF IDAHO)
) ss.
County of ADA)

On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President & CEO and Secretary of J.R. Simplot Company, 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.



Vivian Stoke
Notary Public for Idaho
Residing at: Ada County, Idaho
My Commission Expires: 08/03/04

EXHIBIT "A"

TOWNSHIP 11 SOUTH, RANGE 20 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO,

SECTION 13: $S\frac{1}{2}$
 $S\frac{1}{2}NW\frac{1}{4}$ lying South and above Milner Low Lift No.
3 Canal, EXCEPT a portion described as beginning
at the Northeast corner of said $S\frac{1}{2}NW\frac{1}{4}$; thence
South along the East line of said $S\frac{1}{2}NW\frac{1}{4}$, 198
feet; thence West along a line parallel to
the North line of said $S\frac{1}{2}NW\frac{1}{4}$ 676 feet more
or less to said Milner Low Lift No. 3 Canal;
thence Northerly along said canal to its
point of intersection with the North line of
said $S\frac{1}{2}NW\frac{1}{4}$; thence East along said North line
693 feet, more or less, to the Point of Beginning.

SECTION 24: All.

SECTION 25: $NE\frac{1}{4}$



EXHIBIT "B"

The following water rights and permit shall be included in this transaction and will be conveyed to Buyer upon closing:

Table 1

Water Right Number	Status	Source	Use(s)
01-7072	Permit	Snake River	Irrigation
45-2320	License	Ground Water	Irrigation
45-2565	License	Ground Water	Irrigation
45-4129	Statutory Claim	Waste Water	Irrigation
45-10200	Decreed	Ground Water	Domestic
45-10225	Decreed	Ground Water	Domestic and Stockwater
45-10228	Decreed	Ground Water	Stockwater

Together with an assignment of Seller's interest in 1,922 shares of stock of Artesian Irrigation, Inc. an Idaho corporation, issued under certificate no. 13 and the rights to irrigate the following described land with water apportioned by the Milner Irrigation District:

**3 acres within the NW¹/₄SW¹/₄ Section 14 T.11S R.20E
15 acres within the SW¹/₄SW¹/₄ Section 14 T.11S R.20E
in Twin Falls County, Idaho**

The following water rights and application shall not be included in this transaction and will be reserved in Glen Dale Farms, Inc. and J. R. Simplot Company, the owners of the following water rights:

Table 2

Water Right Number	Status	Source	Use(s)	Owner
45-2746	License	Ground Water	Irrigation	J. R. Simplot Company
45-4068	Statutory Claim	Waste Water	Irrigation	Glen Dale Farms, Inc.
45-4167	Statutory Claim	Ground Water	Irrigation	J. R. Simplot Company
45-7711	Application	Ground Water	Irrigation	J.R. Simplot Company

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 45-13642
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 DALE FARMS INC Phone: (208)336-2110

ATTN: RON GRAVES
PO BOX 27
BOISE ID USA 83707

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	6.78	

7. Total Quantity Appropriated is:
6.78 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	NE	SW	IRRIGATION	40			
			SE	SW	IRRIGATION	40			
			NE	SE	IRRIGATION	37			
			NW	SE	IRRIGATION	40			
			SW	SE	IRRIGATION	33			
			SE	SE	IRRIGATION	33			
Section Acres						223			
11S	20E	14	SW	NE	IRRIGATION	10			
			SE	NE	IRRIGATION	30			
Section Acres						40			
11S	20E	23	SW	SW	IRRIGATION	33			
			SE	SE	IRRIGATION	33			
Section Acres						66			
11S	20E	24	NE	NE	IRRIGATION	33			
			NW	NE	IRRIGATION	33			
			SW	NE	IRRIGATION	33			
			SE	NE	IRRIGATION	33			
			NE	NW	IRRIGATION	33			
			NW	NW	IRRIGATION	33			
			SW	NW	IRRIGATION	33			
			SE	NW	IRRIGATION	33			
			NE	SW	IRRIGATION	33			
			NW	SW	IRRIGATION	33			
			SW	SW	IRRIGATION	19			
			SE	SW	IRRIGATION	33			
			NE	SE	IRRIGATION	33			
			NW	SE	IRRIGATION	33			
			Section Acres						448
			Total Acres						777

11. Place of use in counties: CASSIA, TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

1/7/2004: CLAIM 45-2565 SPLIT BY OWNERSHIP INTO 45-13642 & 45-13643 PER NOTICE AND DEED SUBMITTED BY GLEN BREEDING THIS DATE. - VH

15. Basis of Claim: License

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) Alan A. Brubaker 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. 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
DARRELL H. ROSKELLEY

RECORDER

FEE *600* DEPUTY *DM*

00 JUN 30 AM 11 05

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

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</u> <u>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

Breading 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

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: A45-02565
Date Received: 7/17/89
Receipt No: C008307
Received By: 8

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN DALE FARMS INC.
Address: ATTN: RON GRAVES
P.O. BOX 27
BOISE, ID

83707-0000

2. Date of Priority: JAN 15, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	20E	10	NW	SE			TWIN FALLS
		14	SE	NE			TWIN FALLS
			NE	SE			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	7.000		

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

8. Total consumptive use is 2406.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
11S	20E	13	SW		NE		IRR	15.0 ✓	
			SE		NE		IRR	10.0 ✓	
			NE		SW		IRR	40.0	
			SE		SW		IRR	40.0	
			NE		SE		IRR	37.0	
			NW		SE		IRR	40.0	
			SW		SE		IRR	33.0	
			SE		SE		IRR	33.0	
			Section Acres						248.0
		14	SW		NE		IRR	10.0	
			SE		NE		IRR	30.0	
			Section Acres						40.0
		23	SW		SW		IRR	33.0	
			SE		SE		IRR	33.0	
			Section Acres						66.0
		24	NE		NE		IRR	33.0	
			NW		NE		IRR	33.0	
			SW		NE		IRR	33.0	
			SE		NE		IRR	33.0	
			NE		NW		IRR	33.0	
			NW		NW		IRR	33.0	
			SW		NW		IRR	33.0	
			SE		NW		IRR	33.0	
			NE		SW		IRR	33.0	
			NW		SW		IRR	33.0	
			SW		SW		IRR	19.0	
			SE		SW		IRR	33.0	
			NE		SE		IRR	33.0	
			NW		SE		IRR	33.0	
			Section Acres						448.0
			Total Acres						802.0

11. Place of use in counties: CASSIA, TWIN FALLS

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

13. Other Water Rights Used:
A45-04129, A45-04068, A01-07072

14. Remarks:

THE MAX. COMBINED RATE OF DIVERSION FROM ALL P/D'S SHALL NOT EXCEED 7.0 CFS.

15. Basis of Claim: LICENSE

Water Right Number: 27215

16. Signature(s)

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

Number of attachments: One Map

For Organizations:

I do solemnly swear or affirm that I am Secretary of Glen Dale Farms, Inc.

Title

Glen Dale Farms, Inc., that I have signed the foregoing
Organization
document in the space below as Secretary of

Title

Glen Dale Farms, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Russell D. Grover
Signature of Authorized Agent

Secretary, Glen Dale Farms, Inc.

Title and Organization

07-17-89

Date

State of Idaho)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 17th day

of July 19 89

Vicki A. Louer
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

A45-02565

Page 3

Date: 07/14/89

MICROFILMED

MAR 08 1993

30 MINUTE SERIES

= point of Diversion

= place of Use

R. 20 E.

480.000 FEET CENTRAL

R. 21 E.

114°00'

42°30'

300,000 FEET
CENTRAL

T. 11 S.

MICROFILMED

MAR 12 1995

MEMORANDUM

TO: West ESPA Measurement District File and Adjudication
Claim file (A45-02565)

FROM: Daniel A. Nelson

DATE: 12-29-97

SUBJECT: Non-drilling of wells for claim # A45-02565.

During my inventory inspection for Glen Dale Farms (owned by J. R. Simplot) I discovered that the wells in section 14 involved in the transfer for this water right were not drilled and do not exist. I have consulted with Allen Merritt of the Southern Office of Idaho Department of water Resources and the West Measurement District Hydrographer. Allen told me that he felt it would be ok to waive the assessment for the Glen Dale Farms if we receive a letter that states that the wells in section 14 have not been drilled and that the groundwater for all of these acres is diverted out of the well in section 10 and transported by canal to section 14. When I receive this letter I will waive the Glen Dale Farms assessment and will attach a copy of that letter with this memo in both the West Measurement District file and the Adjudication claim file.

Sincerely,



DATE: 12-29-97

Daniel A. Nelson
Water Right Agent
Southern Office
Idaho Department of Water Resources

From: DWR06::"vconrad@implot.com" 29-DEC-1997 15:16:09.72
To: "'Nelson, Dan'" <dwr06::dnelson>
CC:
Subj: FW: West ESPA Assessments.

Let me know if this satisfies the letter you left me a message about or if you want something more formal.

> -----

> From: Conrad, Vic (Corporate)
> Sent: Wednesday, December 24, 1997 2:25 PM
> To: 'Luke, Tim'
> Subject: West ESPA Assessments.

>
> Tim,
> I am in the final stages of obtaining approval for payment of the 1997
> West ESPA assessments as revised by Dan Nelson for our Heyburn Plant,
> Waste Recovery Plant in Burley, our Burley processing plant, and our
> Ethanol plant in Heyburn. Dan has been great to work with and we
> appreciate his good work. I do have a question on whether or not
> payment is necessary for the assessment to Glen Dale Farms Inc., water
> right no. 45-02565.

>
> This water right was issued authorizing a point a point of diversion
> in Section 10 T. 11S R.20E. which is outside the geographic scope of
> the Water Measurement District - according to Dan. This water right
> also identifies points of diversion in Section 14 T. 11S R.20E which
> is located inside the District.

>
> There aren't any wells located in Section 14, however, the water that
> is originally diverted from the ground water source in Section 10 is
> diverted into a canal, transported then diverted into a pond in
> Section 14. The water is then diverted from the pond in Section 14
> and is distributed to the place of used identified under the water
> right.

>
> I am reluctant to amend the SRBA claim filed on this water right to
> remove the points of diversion in Section 14 because water that is
> originally diverted from a groundwater source in Section 10 is
> diverted into an irrigation pond in Section 14 then diverted from the
> pond to irrigate the place of use. I left a voice mail message with
> Dan this morning and he will be back in the office on Monday, December
> 29. I will try to reach him on the 29th to find out if he can verify
> this through his field notes. If Dan confirms this water use, I don't
> think an assessment for wells in Section 14 should be due from Glen
> Dale since there aren't any wells in Section 14. Does this sound
> reasonable?

>
>
>

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)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-13642

NAME AND ADDRESS: DARRELL M FUNK
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH, ID 83344

SOURCE: GROUND WATER

QUANTITY: 6.78 CFS
3108.00 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE FOR
IRRIGATION OF THE LANDS LISTED BELOW.

PRIORITY DATE: 01/15/1958

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.78 CFS 3108.00 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T11S R20E S13	NESW 40.0	NWSW 40.0
		SWSW 32.0	SESW 39.0
		NESE 39.0	NWSE 40.0
		SWSE 32.0	SESE 32.0
			Within Twin Falls County
	S14	SWNE 8.0	SENE 27.0
		NESW 34.0	NWSW 33.0
		SWSW 32.0	SESW 32.0
		NESE 40.0	NWSE 34.0
		SWSE 32.0	SESE 32.0
	S23	NENE 33.0	NWNE 34.0
		SWNE 33.0	SENE 32.0
		NENW 33.0	NWNW 33.0
		SWNW 33.0	SENW 33.0
		NESW 34.0	NWSW 33.0
		SWSW 32.0	SESW 33.0
		NESE 33.0	NWSE 34.0
		SWSE 33.0	SESE 32.0
			Within Cassia County
	S24	NENE 32.0	NWNE 32.0
		SWNE 33.0	SENE 32.0
		NENW 32.0	NWNW 31.0
		SWNW 32.0	SENW 33.0
		NESW 34.0	NWSW 33.0
		SWSW 32.0	SESW 33.0
		NESE 33.0	NWSE 34.0
	1582.0 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1874 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2320, 45-2746, 45-13642, 45-13643,
45-13644, 45-13645, 01-7072.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1582 ACRES IN A SINGLE IRRIGATION SEASON.

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

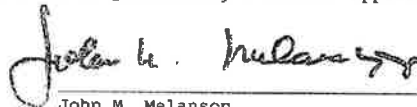
COMBINED RIGHT NOS.: 45-2320, 45-13642, 45-13644.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 777 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

RIGHT NUMBER: 45-13642

NAME AND ADDRESS: PATRICIA M FUNK
3173 E 4900 N
MURTAUGH ID 83344

DARRELL M FUNK
3173 N 4900 E
MURTAUGH ID 83344

TRIBUTARY:

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE NOR MORE THAN 4.0 AFA PER ACRE FOR IRRIGATION OF THE LANDS LISTED BELOW.

POINT OF DIVERSION:

T11S R20E S10 SWNWSE Within TWIN FALLS County

PURPOSE OF USE
IRRIGATION

<u>PERIOD OF USE</u>	
03/15	11/15

<u>QUANTITY</u>
6.780 CFS
3,108.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R20E S13	NESW	40.0	T11S R20E S13	NWSW	40.0
T11S R20E S13	SWSW	32.0	T11S R20E S13	SESW	39.0
T11S R20E S13	NESE	39.0	T11S R20E S13	NWSE	40.0
T11S R20E S13	SWSE	32.0	T11S R20E S13	SESE	32.0
T11S R20E S14	SWNE	8.0	T11S R20E S14	SENE	27.0
T11S R20E S14	NESW	34.0	T11S R20E S14	NWSW	33.0
T11S R20E S14	SWSW	32.0	T11S R20E S14	SESW	32.0
T11S R20E S14	NESE	40.0	T11S R20E S14	NWSE	34.0
T11S R20E S14	SWSE	32.0	T11S R20E S14	SESE	32.0
T11S R20E S23	NENE	33.0	T11S R20E S23	NWNE	34.0
T11S R20E S23	SWNE	33.0	T11S R20E S23	SENE	32.0
T11S R20E S23	NENW	33.0	T11S R20E S23	NWNW	33.0
T11S R20E S23	SWNW	33.0	T11S R20E S23	SENW	33.0
T11S R20E S23	NESW	34.0	T11S R20E S23	NWSW	33.0
T11S R20E S23	SWSW	32.0	T11S R20E S23	SESW	33.0
T11S R20E S23	NESE	33.0	T11S R20E S23	NWSE	34.0
T11S R20E S23	SWSE	33.0	T11S R20E S23	SESE	32.0
T11S R20E S24	NENE	32.0	T11S R20E S24	NWNE	32.0
T11S R20E S24	SWNE	33.0	T11S R20E S24	SENE	32.0
T11S R20E S24	NENW	32.0	T11S R20E S24	NWNW	31.0
T11S R20E S24	SWNW	32.0	T11S R20E S24	SENW	33.0
T11S R20E S24	NESW	34.0	T11S R20E S24	NWSW	33.0
T11S R20E S24	SWSW	32.0	T11S R20E S24	SESW	33.0

01/23/2004

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

T11S R20E S24 NESE 33.0 T11S R20E S24 NWSE 34.0

1582 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1874 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2320, 45-2746, 45-4068, 45-4167, 45-13642,
45-13643, 45-13644, 45-13645, 01-7072.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1582 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2320, 45-13642, 45-13644.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 777 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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.

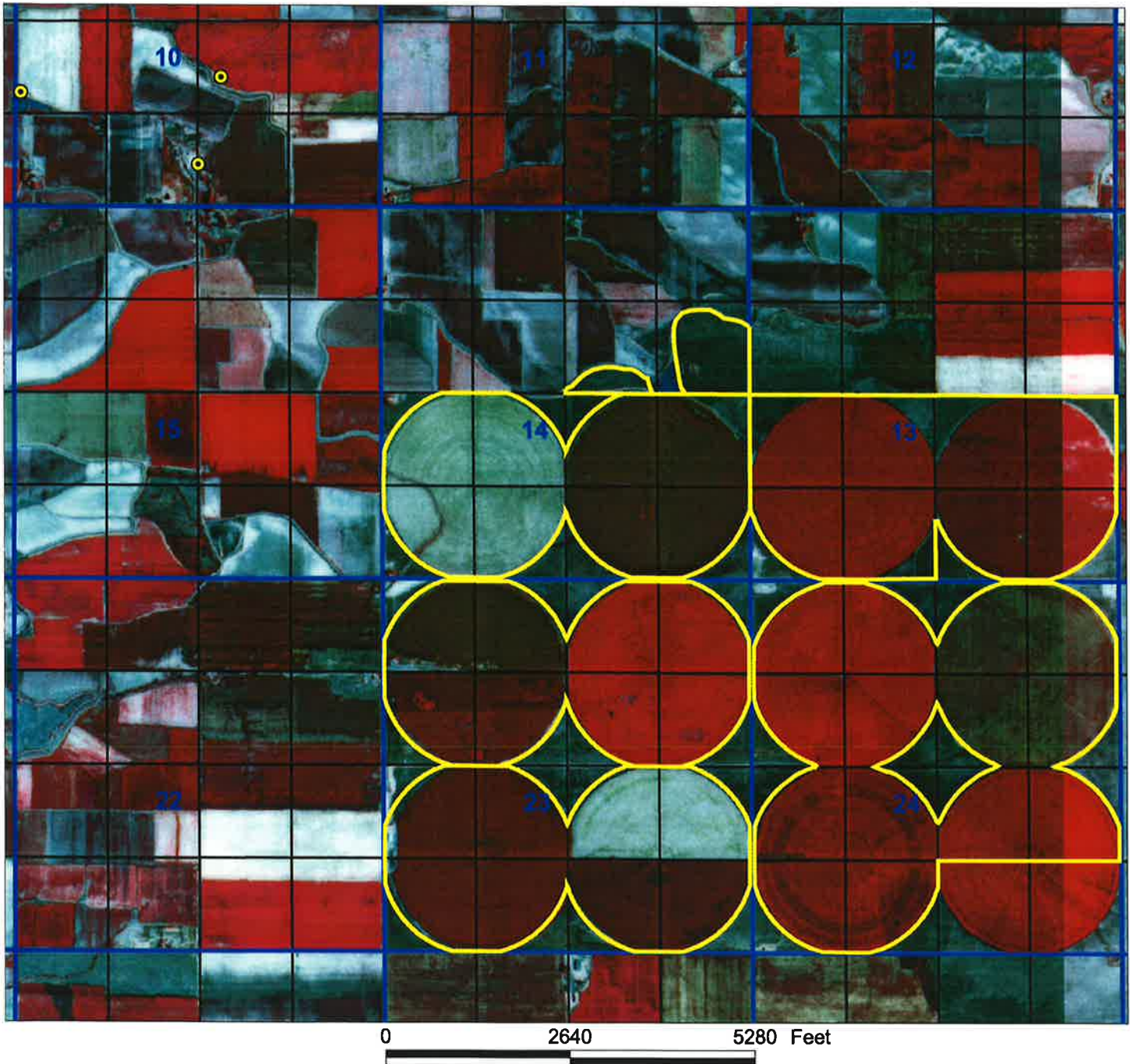
EXPLANATORY MATERIAL: License

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

Idaho Department of Water Resources

**RIGHTS: 45-2320, 45-13642,
45-13644**

**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 16, 2004**

MEMO TO FILE

From: Vikie Hancock

1/21/04

RE: Recommendation of Claim Nos:

45-2320 – based on license 45-2320 for Groundwater,

45-13642 - part of 45-2565 for Groundwater, and

45-13644 - part of 45-4129 for Waste water

History:

1950 Glen Briggs (Glen Dale Farms) files application for permit **45-2320** for 4.8 cfs for the irrigation of 240 acres in Section 10 T11S, R20E from a well in the SWSWSE of that section.

1958 Glen Briggs amends the POU of the above permit from 240 acres in Section 10 to 2040 acres in Sections 13, 14 and 23 describing an exchange of groundwater for Milner Irrigation District canal water conveyable to the 2040 acres. This right is licensed for the exchange as described. Field exam finds 805 irrigated acres and a capacity of 2.34 cfs from the well.

1958 The Disposition of Holder for 45-2320 documents the use of some waste water on the same land. See Statutory claim **45-4129** filed in 1981.

1958 Concurrent with the amending of permit 45-2320, application for permit **45-2565** is filed for an additional 20 cfs from another well in section 10 for use on the same 2040 acres utilizing the same exchange mechanism with Milner Irrigation District.

1963 Field exam for 45-2565 finds 802 irrigated acres and a capacity of 7.0 cfs from a well located in the NWSE Sec 10. The places of use for the two ground water licenses are intermeshed and use a system of surface ditches for conveyance. The total diversion from ground water is 9.34 cfs for the irrigation of a combined total of 1607 acres or .006 cfs per acre. If Statutory claim 45-4129 filed in 1981 is correct there is an additional 5.0 cfs of waste water available for the 1607 acres, or a total of .009 cfs per acre.

1964 Aerial photo from this year shows another 95 acres (approx) irrigated in the N½S½ Section 24 that was not included in the 1963 licensing field exam, which would make a total of 1702 acres being irrigated, spreading the existing water rights even thinner. Affidavit from Ron Robertson indicates that around this time more wells are being attempted but none are productive. It is possible that some additional water is being used to help irrigate the farm and delivered through Milner Irrigation District canals.

1972 Production from the licensed wells is diminished to approximately 400 inches. Waste water gathered at pond is approximately 250 inches.

* * * *

1974 Glen Dale farms trades the NE¼ Section 13 (excepting 38 acres in the S½) to Glen Breeding for the S½NW S13 - without conveying any water rights. Breeding tells me in 2004 that in 1974 both parties are using water from the rental pool to irrigate their farms, and they only swap land. [In 1989 SRBA original claims 45-2565 & 45-4129, only 25 acres are claimed in the NE ¼ S13

on land Glen Dale still owned at time the of filing, the balance is claimed on other lands assumed as an accomplished transfer].

1975 JR Simplot Company buys Glen Dale Farms.

1977 JR Simplot Co. files statutory claim **45-4068** for use of 6.0 cfs of water discharged from Heyburn potato processing plant and wheeled thru Milner Canal to irrigate 2030 acres at Glen Dale farm.

1978 JR Simplot files application for permit **01-7072** for use of 1.54 cfs of discharge from City of Burley waste water for use on 2030 acres at farm, also delivered thru Milner Canal. Aerial photos from 1978 now show the entire Section 24 irrigated. Right 01-7072 is still in the permit stage on 1/14/2004.

1989 Simplot files SRBA claims asserting that a combined total of 1742 acres are being irrigated in Sections 13, 14, 23 & 24 from various sources.

1992 JR Simplot files application for ground water permit **45-7711** for 4.5 cfs for irrigation at Glen Dale farms. Application is placed on moratorium hold.

1992 JR Simplot files transfer 3960 (approved 1996) changing the nature of use of 2.0 cfs under **45-2746** and 1.6 cfs under **45-4167** from industrial to irrigation and moving it to Glen Dale Farms. At this time the NE ¼ of Section 25 is also developed under these rights, making a total of 1874 acres.

2000 Simplot sells S½ NE Section 13 to Glen Breeding along with a 25 acre share of SRBA claims 45-2526 and 45-4129. Claims are split proportionately in SRBA.

2003 Simplot sells the balance of Glen Dale Farms to Darrell Funk reserving rights 45-2746, 45-4068, 45-4167 and 45-7711.

Recommendations based upon history and findings:

45-2320 & 45-13642 (part of 45-2565) are limited to a combined total of 9.12 cfs, a volume of 4450.5 afa and the irrigation of 1582 acres. This includes the licensed number of acres minus 25 acres that went with the sale of land in the S½NE S13 to Breeding under 45-13643. The recommended place of use for ground water represents an accomplished transfer of pou from the NE ¼ Section 13. Neither the recommended nor claimed place of use for ground water includes the S½ NW Section 13, S½ SE Section 24 nor the NE¼ section 25 and evidence suggests that these tracts were not developed as an expansion using ground water represented by these water rights, but by supplemental water rented from the district #1 rental pool or other sources.

45-13644 (part of 45-4129) is limited to the same 1582 acres, because evidence indicates the waste water right was developed concurrently with ground water using the same delivery ditches. A proportionate share of the original right 45-4129 also went to Glen Breeding under 45-13645.

The entire irrigated place of use subsequent to 1996 transfer #3960 dealing with 45-2746 & 45-4167 totals 1874 acres. Rights 45-2320, 45-13642, 45-13644 (Funk) and overlapping rights 45-2746, 45-4068, 45-4167, 45-7072, 45-7711 (retained by Simplot) are limited to the irrigation of 1874 acres. Per transfer #3960 the Simplot POU also includes Breeding's 25 acres. As noted above, no expansion of rights 45-2320, 45-13642 or 45-13644 is indicated because evidence shows that the additional lands were developed using alternative sources of water after supplies under these rights were diminished.

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 S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13 into his name.

We discussed the fact that licensed right 45-2565 had originally been appurtenant to the entire NE $\frac{1}{4}$ Section 13, but that when the SRBA claim was filed by Glendale Farms in 1989 they had only claimed 25 acres in the NE $\frac{1}{4}$ Section 13 under that right. The balance of 45-2565 was claimed on lands south of the original POU in sections 14, 23 & 24.

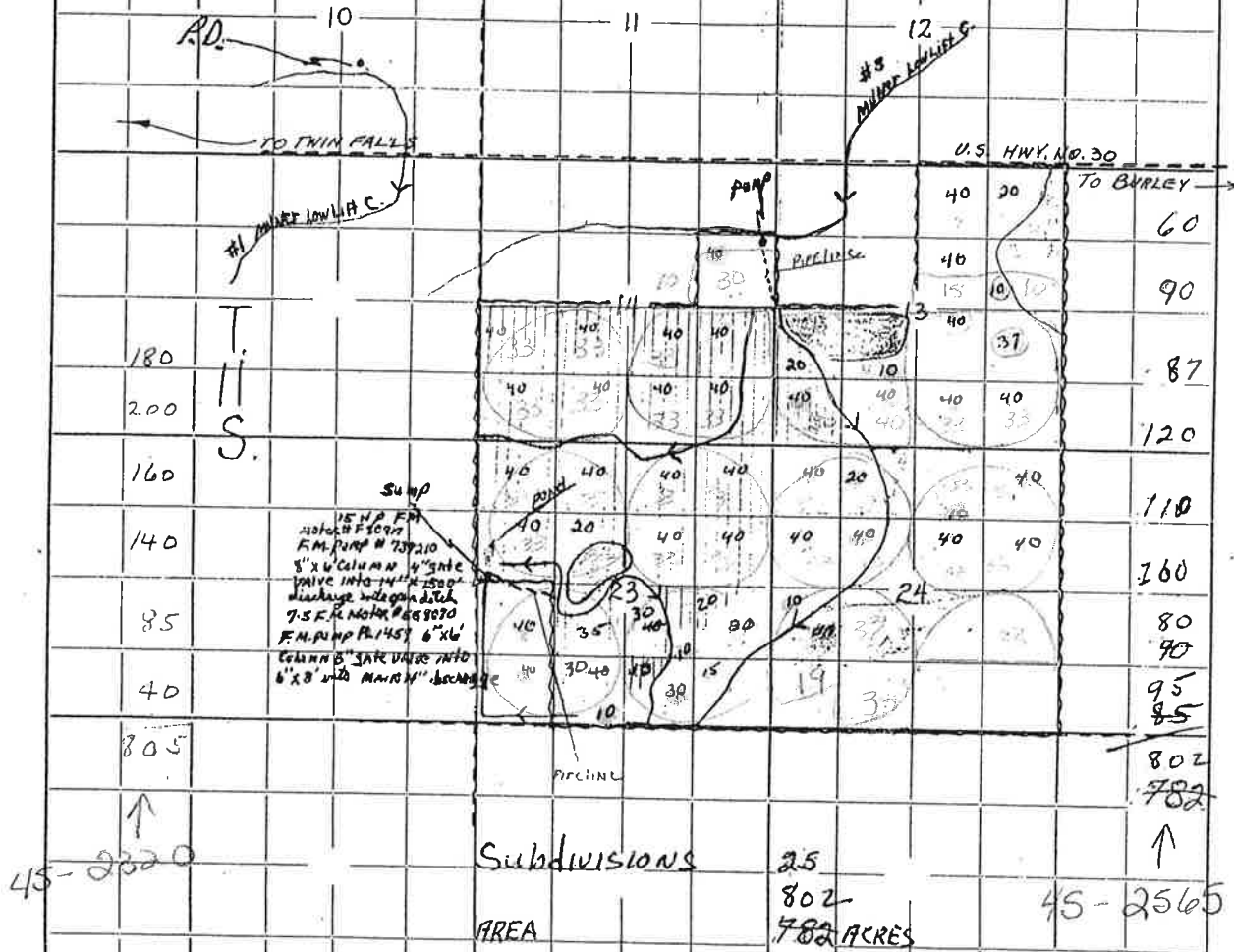
According to Mr. Breeding, in approximately 1974 he traded 80 acres of his land to Glendale Farms for all of the NE $\frac{1}{4}$ S13 except the recently purchased property in the S $\frac{1}{2}$ NE. At the time of the trade/purchase, both Breeding and Glendale were using water rented from the Water 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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.



2.34
7.0
9.34 cfs
46.7"

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

27215



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

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

February 19, 2003

Regarding:

Customer:

45-2320 etc

Darrell Funk

Mr. Funk came into the office on February 18th to discuss his SRBA claims and the draft recommendations that I had prepared.

He will provide deeds to process an ownership change on rights appurtenant to this property.

Of concern are the following issues, which he will attempt to find information in order to resolve:

- Simplot (dba Glen Dale Farms) sold their portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13 to Breeding prior to the sale to Funk. If Simplot did not expressly reserve the 25 acres of water right appurtenant to that property, that portion would go to Breeding. If it was not conveyed to Breeding, a transfer should be filed to officially move the water off the S $\frac{1}{2}$ NE.
- In Mr. Funk's deed from Simplot, they expressly reserved water rights 45-2746, 45-4167, 45-4068 and application for permit 45-7711. The first three water right claims are for ground water pumped for use at the Simplot processing plants in Burley and Heyburn and then conveyed to the farm thru the Snake River and Milner Canal. 45-2746 and 45-4167 were made appurtenant to Mr. Funk's farm in a 1994 approved transfer which changed the nature of use from industrial to irrigation when the water was no longer used at the Burley plant. Under these rights an additional 132 acre pivot was developed in the NE $\frac{1}{4}$ Section 25 (see 1992 photos) and it is also the only recorded water right for 80 acres in the S $\frac{1}{2}$ Section 24. If these rights do not stay with the farm, a transfer should be filed, and Mr. Funk is going to discuss with Simplot the fact that a transfer would leave him with approximately 212 acres with no water rights. Right 45-4068 was for wastewater from Simplot's Heyburn plant which is scheduled to be shut down in the near future. 45-7711 is an application for permit for ground water that is on hold due to the moratorium.

*See letter
10/31/03
WTH 45-2320*

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 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

Priority Date: 01/15/1958

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

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

Location of Point(s) of Diversion

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

ALLOWED BY GLEN DALE FARMS INC 2003

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
11S	20E	13	20.0	40.0	40.0	10.0					10.0				40.0	37.0	40.0	40.0	40.0	317.0
11S	20E	14				40.0														40.0
11S	20E	23									40.0	40.0	10.0	20.0	10.0	30.0	15.0			165.0
11S	20E	24	40.0	10.0	40.0	40.0	20.0	40.0	40.0	40.0	10.0									280.0

Total Acres: 802

Conditions of Approval:

AJ5809NP
No. A45-02565

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 205

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GLEN DALE FARMS INC PO BOX 27 BOISE ID 83707	01/15/1958	IRRIGATION	03-15 11-15	7.000 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					7.000 CFS	2406.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T11S R20E S10
S14

NWSE
SENE

NESE

TWIN FALLS County
TWIN FALLS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
11S	20E	13	:			15	10	:					:	40			40	:	37	40	33	33	:	248.0
11S	20E	14	:			10	30	:					:					:					:	40.0
11S	20E	23	:					:					:			33		:				33	:	66.0
11S	20E	24	:	33	33	33	33	:	33	33	33	33	:	33	33	19	33	:	33	33			:	448.0
TOTAL ACRES																							:	802.0

25 AC of claim owned by Breeding 2003

POU County: CASSIA, TWIN FALLS

Non-Irrigation Uses: NONE

Other Rights: A45-04129, A45-04068, A01-07072

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00017 A01-07072 A45-04068 A45-04129 R01-07072

Conditions of Approval:

Remarks: GEN THE MAX. COMBINED RATE OF DIVERSION FROM ALL P/D'S SHALL NOT EXCEED 7.0 CFS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: C

Audit: 05/18/90 MERRITT 02/11/91 PEPPERSA 05/19/94 CAN-SHAF 03/30/95 POST-STD

Volume: 7 x 214 x 1.9835 = 2971
ORIG NO SEASON RUCOM 3/15 to 11/15

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:

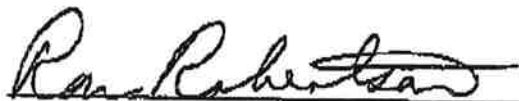
1. My name is Ron Robertson, and I reside at 175 Kings Court, Mountain Home, ID 83647.
2. I am presently retired. My employer at the time of my retirement in June of 2002 was J.R. Simplot Company. For approximately 30 years, all or part of my duties involved operation and management of Glen Dale Farms, 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:
- In 1972 production from a pond used to collect wastewater was approximately 200 - 230 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.
 - 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: 2001 West 1st St
My Commission Expires: 5-12-2003

Form No. 840
RECEIVED
NOV 21 1985
Department of Water Resources
Southeast District Office

Tra. No. 3238

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Glen Dale Farms, Inc. Phone 336-2110

Post Office address P.O. Box 27, Boise, Idaho 83707 Attention: Ronald N. Graves

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____ (Name of court)

b. License No. G-27215 (45-2565) issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Groundwater tributary to _____

4. Date of priority 1-15-58

5. Water is used for the following purposes:

amount 7 cfs for irrigation purposes from April to November

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 7 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10
Township 11 South Range 20 East, B.M., in Twin Falls County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11	20	13	20	40	40	10					10			40	37	40	40	40	317
		14	40*			40													40
		23									40	40	10	20	10	30	15		165
		24	40	10	40	40	20	40	40	40	10								280

* As per 11/21/85 phone conv. with Bruce Belzer. TB

Total number of acres to be irrigated 802

9. Describe any other water rights used for the same purpose as described above Same as Item C. 4

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

MICROFILMED

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 7 c.f.s. &/or _____ acre feet
- b. Description of diverting works Use existing well and transportation system. Add new wells which will tie into existing system, but will be in closer proximity to irrigated acreage.
- c. Describe the reasons for the proposed changes Reduce cost of transportation and evaporation loss.

2. Change in point of diversion

Point of diversion NW ¼ SE ¼, Section 10 Township 11S
Range 20 East, B.M., Twin Falls County
Additional points SE NE Section 10 T 11 S R 20 E
NE SE Section 10 T 11 S R 20 E

As per Tel. Conv. with Bruce Belzer 12-20-85

3. Change in place of use NO change

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

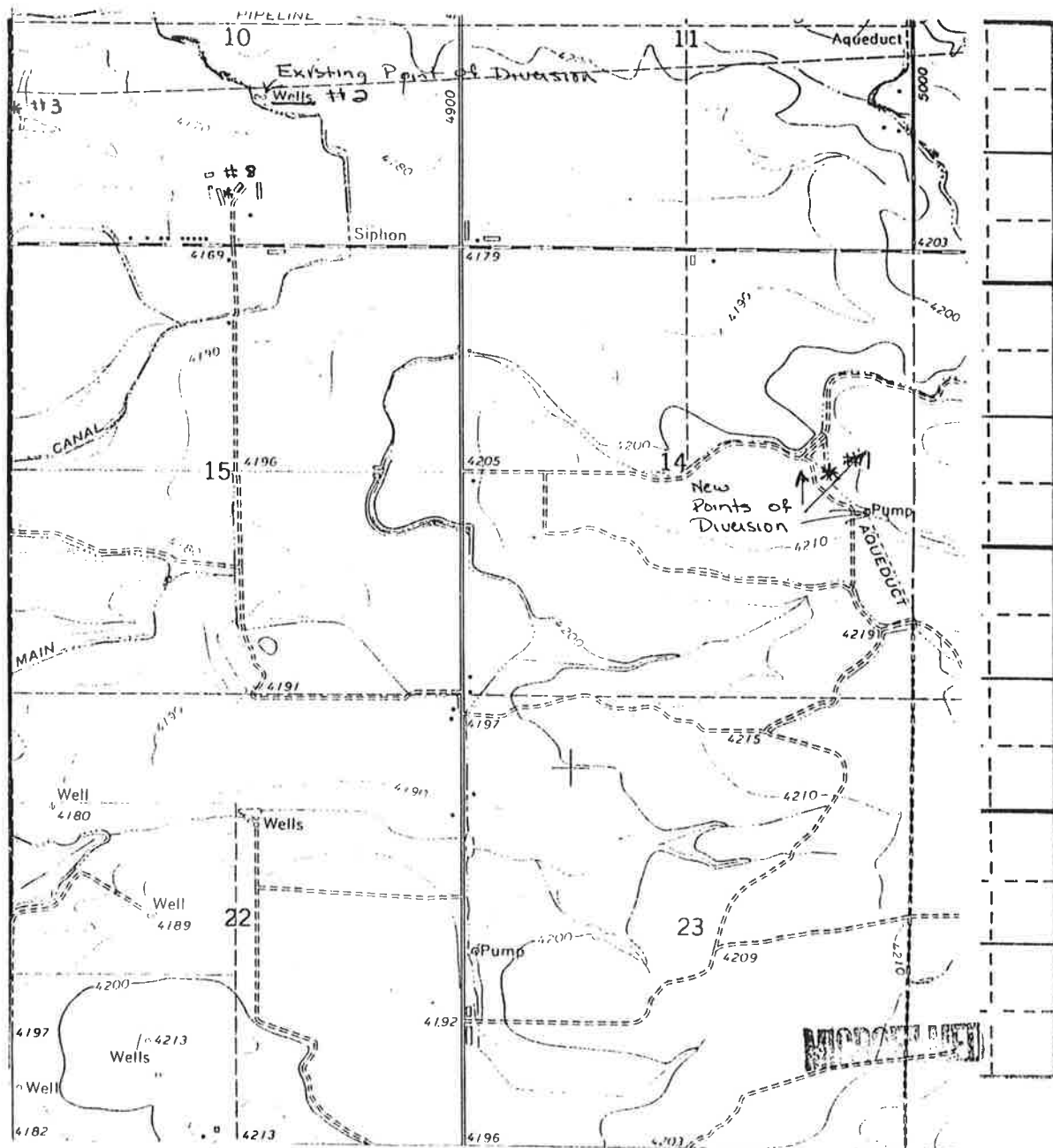
c. Describe the lands or place of use to which the right will be transferred:

N/A

[illegible]

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
01-7072, 45-4068, 45-4129
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.





D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

GLEN DALE FARMS, INC.

By *Russell L. Thomas* Secretary
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of November, 19 85

Diana Winkler
(Notary Public)

My commission expires 7-16-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2565
and said application is hereby APPROVED, subject to the following limitations and conditions:

The maximum combined rate of diversion from all points of diversion shall not exceed 7.0 cfs.

Witness my hand this 25th day of February, 19 86

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u><i>maria</i></u>	Date <u>11/21/85</u>	Protest filed by <u><i>Now</i></u>
Prelim. check by <u><i>if3</i></u>	Fee <u>50.00</u> # <u>36779</u>	
Received by <u><i>maria</i></u>	Date <u>11/21/85</u>	
Published in <u><i>timber news</i></u>		Copies of protest forwarded by _____
Pub. dates <u>11/5 + 11/12/85</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>N/A</u>		Recommended for <u>approval</u> denial
_____ rec'd.		by <u><i>APK Sim</i></u>

License and Certificate of Water Right

Water License No. G-27215

Amount 7.0 c.f.s.

Water District No.

Priority January 15, 1958

THIS IS TO CERTIFY that GLEN DALE FARMS, INC. of Murtaugh, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 15, 1958; that Permit No. G-27215 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 7.0 second feet, was issued thereunder on September 26, 1963, showing that said works were completed on the 14th day of February, 1963; and that on the 14th day of February, 1963, GLEN DALE FARMS, INC.

of Twin Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-27215 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7727, on the 26 day of September, 1963;

The right hereby confirmed dates from January 15, 1958;

The Point of Diversion is located

in the NW 1/4 SE 1/4, Sec. 10, Tp. 11 S, R. 20 E, B. M. County of Twin Falls

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 7.0 cubic feet per second.

Description and location of use:

		No. of acres	
		actually irrigated	entitled
11 S. 20 E. 13.	NE 1/4	40	20
	W 1/4 NE 1/4	80	80
	SE 1/4 NE 1/4	40	10
	NE 1/4 SW 1/4	40	10
	SE 1/4 SW 1/4	40	40
	NE 1/4 SE 1/4	40	37
	W 1/4 SE 1/4	80	80
	SE 1/4 SE 1/4	40	40
	SE 1/4 NE 1/4	40	40
	W 1/4 SW 1/4	80	80
14 23	SE 1/4 SW 1/4	40	10
	NE 1/4 SE 1/4	40	20
	NW 1/4 SE 1/4	40	10
	SW 1/4 SE 1/4	40	30
	SE 1/4 SE 1/4	40	15
	NE 1/4 NE 1/4	40	40
	NW 1/4 NE 1/4	40	10
	SE 1/4 NE 1/4	80	80
	NE 1/4 NW 1/4	40	20
	W 1/4 NW 1/4	80	80
24	SE 1/4 NW 1/4	40	40
	NW 1/4 SW 1/4	40	10

Total number of acres to be irrigated: 802

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

26th day of September, 1963.

45-2565

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35126
Permit No. G- 27215
District No.

Glen Dale Farms, Inc.,
% Harold Menser
Murtaugh, Idaho

1. Name of Applicant: GLEN DALE FARMS, INC.

Postoffice address: Murtaugh

County: Twin Falls

State: Idaho

2. Quantity of water claimed: 20 cubic feet per second

(a) Rate of withdrawal in cubic feet per second. 20.0 or Idaho
Miners' inches 1000 or gallons per minute.

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10 2 points
Twp. 11 S. , Rge. 20 E. , B.M., County of Twin Falls

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.

7. Kind of works: Wells, pumps, pipe line, and ditches

8. Estimated cost of works: \$ 100,000

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: June 1952, Murtaugh, Idaho

(b) Amount of capital stock: \$ 100,000 (c) Amount paid in: \$ 50,000

(d) Names and addresses of directors: Glen Briggs, Pres., Murtaugh, Idaho; Clarence Barkes, Vice-Pres., Murtaugh, Idaho; Harold Menser, Sec.-Treas., Murtaugh, Idaho

II. The financial resources of the applicant are (a) Cash onhand: \$ 1000

(b) Treasury stock: 75,000 (c) Bonds to be issued: None

(d) Other resources: Land, Equipment, and accounts receivable \$150,000

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Permit No. 21357, 2.96 cfs. or 148 inches of water, point of use is being changed to this land above. Permit G-24911 covered all of Sec. 23. Well produces only enough water for 80 acres.

(a) 20.0 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.

45-2320
Ltr. to 2.34
Cane

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Glen Dale Farms, Inc.
Applicant.

/s/Harold Menser, Sec.-Treas.
Agent.

By

Date of first receipt at Department of Reclamation: 3:00 P. M. January 15, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27215

Recorded in Book 96 Page 27215 Approved February 6, 1958

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 6, 1960

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 6, 1963

Witness my hand this 6th day of February, 1958

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLYE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 6th day of February, 1958.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG

Secretary of State.

By /s/ ROBERT E. SMYLYE

Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11 S.	20 E.	13	40	40	40	40					40	40	40	40	40	40	40	40	480
		14				40					40	40	40	40	40	40	40	40	360
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-27215

Comes now Glen Dale Farms, Inc. and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27215. That the point of diversion is described in said permit as being located 2 wells in NW 1/4 Sec. 10, Twp. 11 S., Rge. 20 E. BM That he now requests that the points of diversion be changed to points located 3 wells in SW 1/4 NE 1/4 Sec. 10, Twp. 11 S., Rge. 20 E. BM That the reason for desiring to make such change, is as follows: correct error in original application. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 12th day of January, 1959

Glen Dale Farms, Inc.

By: /s/ Harold Menser - Secretary

Date of receipt at Department of Reclamation
Jan. 12, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-27215. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter
State Reclamation Engineer

Recorded: Jan. 12, 1959.

POD
Amend

G-27215

Application for Amendment
POINT OF DIVERSION
Permit No. G-27215

Comes now Glen Dale Farms, Inc. and represents to the State Reclamation Engineer of the State of Idaho:

That it is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27215.

That the point of diversion is described in said Permit as being located: 3 wells in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 11 S., Rge. 20 E., B. M. (amendment permitted by your department Jan. 12, 1959)

That it now requests that the point of diversion be changed to a point located: 1 well located 850 feet south and 325 feet east from northwest corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp. 11 S., Rge. 20 E., B. M.

That the reason for desiring to make such change is as follows: Mistake made in Amendment permitted January 12, 1959.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Twin Falls, Idaho, this 26 day of February, 1963.

s/ GLEN DALE FARMS, INC.

By: Harold Menser
Its Secretary

Date of Receipt at Department of Reclamation March 5, 1963

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-27215. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: May 9, 1963

Application for Amendment
LAND LIST
Permit No. G-27215

Comes now GLEN DALE FARMS, Inc., and represents to the STATE RECLAMATION ENGINEER of the State of Idaho: That it is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27215, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 14; All Sec. 23, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T. 11 S., R. 20 E., B.M., making a total of _____ acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Twin Falls, Idaho this 23 day of Sept., 1963

Glen Dale Farms, Inc.
By
/s/ Harold Menser, Sec.

Date of receipt at office of Department of Reclamation: September 24, 1963

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralph W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-27215. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: September 25, 1963

Permit No. G-27215
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that GLEN DALE FARMS, INC. of Murtaugh, County of Twin Falls, and State of Idaho, the holder of Permit No. G-27215, issued upon Application No. G-35126 bearing date of priority of January 15, 1958, authorizing the diversion of 20.0 second feet of waters of 3 wells County of Twin Falls, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 7.0 second feet of the waters of a well tributary of subterranean flow; that the point of diversion of said waters NW¹/₄SE¹/₄, Sec. 10, T. 11 S., R. 20 E., B.M. and that lands proposed to be irrigated by the use of said water are described as follows, to-wit:

802 acres in the NE¹/₄, E¹/₂SW¹/₄, SE¹/₄, Sec. 13; SE¹/₄NE¹/₄, Sec. 14; W¹/₂SW¹/₄, SE¹/₄SW¹/₄, SE¹/₄, Sec. 23; N¹/₂, NW¹/₄SW¹/₄, Sec. 24, T. 11 S., R. 20 E., B.M.

Witness my hand this 26th day of September, A. D. 1963.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: February 14, 1963

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Page 7727

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-27215This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Glen Dale Farms
2. Source of water supply: Subterranean
Well is located 850 Ft. south and 325 Ft. East from NW corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10
3. Location of point of diversion: Is in the well in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10
T. 11 S. R. 20 E. B.M. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: 200 H.P. U.S.
Motor # 1180017 BYRON JACKSON pump # 359792 12" x 190' COLUMN
20" x 20' casing h= 167' D.D. 180' Well depth 200'
12" gate valve into 12" x 50' discharge pipe with a spurling meter into
canal

5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 13., SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 11., N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 23., Sec. 24., all in
Twp. 11 S., Rge. 20 E. B.M.

PUMP MILNER LOW LIFT CANAL # 3
20 H.P. INDUCTION MOTOR # 55586 F.M. pump # PL 1455 12" x 15' COLUMN into 12" check valve
into 16" x 1500' discharge pipe into open ditches 20 H.P. F.M. MOTOR # PM 10178
F.M. pump # PM 10178 12" x 15' COLUMN 12" check valve into 12" x 8' discharge into
main 16" discharge
AMEND land list to include the W $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 23

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Harold Menan (partner) participated in examination
measurement was made with spurling meter
Milner Canal Co. measures water at P.D. as 400 inches, then
they measure water at relief pump as 350 inches

This examination was made on the 16th day of August, 1963

(Signed)

Ron Debo

Examiner.

27215

Harold Menser, Secretary Glen Dale Farms
772 Greenwood Drive
Twin Falls, Idaho
Permit No. G-27215

732 2416

Examination for Completion of Works & Beneficial Use

County Twin Falls

Sec. 10 T. 11 S. R. 20 EBM

Quantity: 20.00 cfs.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Source: None

P. D.: Shane, Sec. 10, T. 11 S. R. 20 EBM

Use: Irrigation

Filed: Jan 2, 1957

Due: Jan 2, 1957

Extension: None

Protest: None

Completion of Works: None

Other Rights: L-21357, 2.34 cfs.

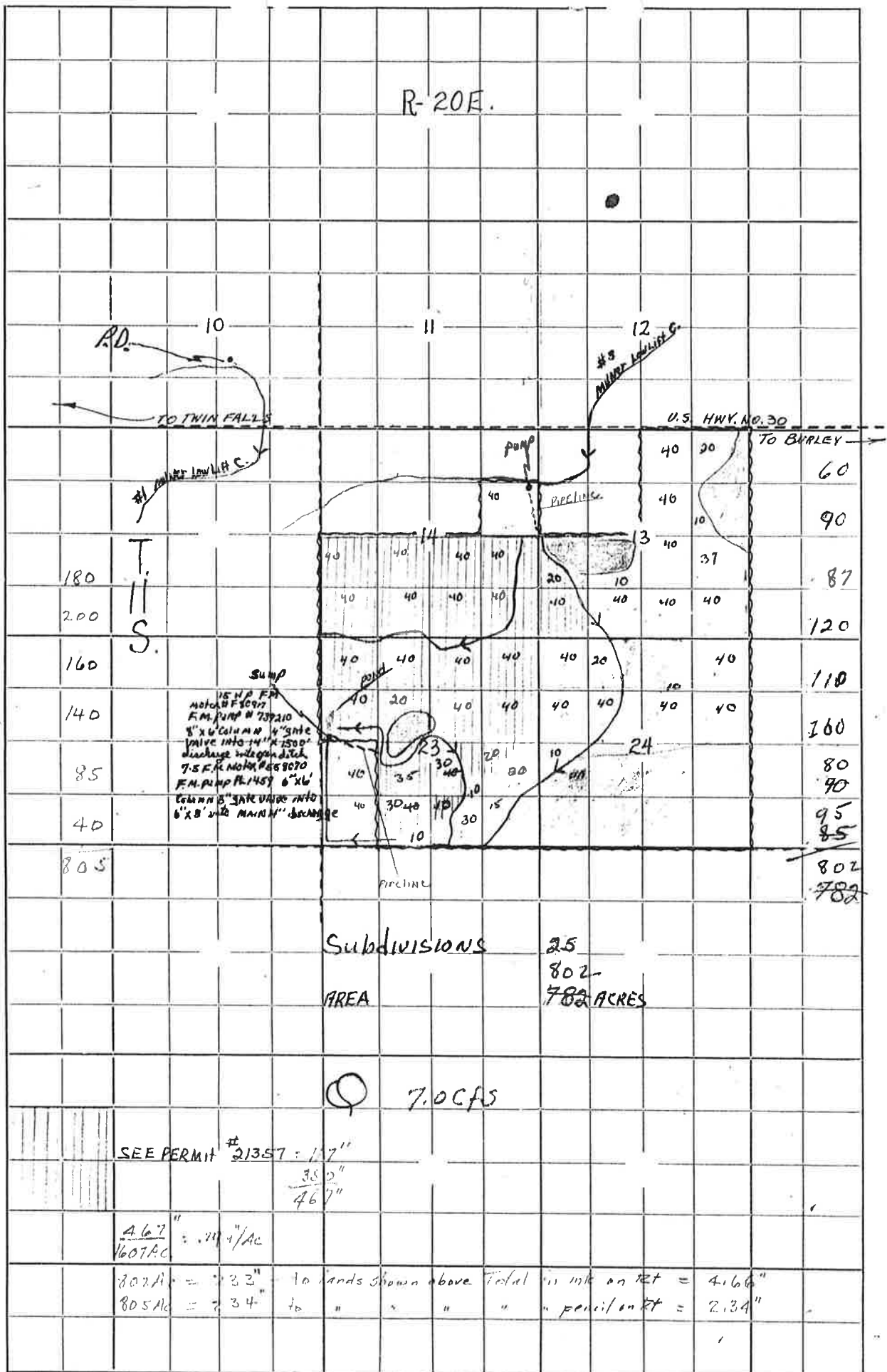
Ditto - Glen Dale Farms

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DEPARTMENT OF AGRICULTURE

271215

R-20E.



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

27215

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27215

REPORT ON PROOF OF Completion of Works & Beneficial Use

Harold Menser, Secretary
Glen Dale Farms
772 Greenwood Dr., Twin Falls, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. None

This proof is for None In Water District No.

1. Name of applicant Glendale Farms, Inc.
2. Source of water supply: Wells.
3. Location of point of diversion: Is in the of Section
T. R. County of
4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for:
6. State whether or not water has been turned into works of diversion:
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Measurement of these two wells were made to accomodate Mr. Glenn Briggs.

This examination was made on the 7 day of Aug., 1958

(Signed) E. H. Humphrey Examiner.

Well #1 - 206', 16" dia., 35' casing

Water level - 158'

Test Run

x 1000 cu. ft. in 2 min. 25 sec.
with slight drawdown

Well #2 - 180' deep, 20" dia., 35' cased
Water level 162'

x x Test Run

1000 cu. ft. in 2 min.
44 sec.
with slight drawdown

$$\#1 - \frac{1000}{145} = \frac{6.9}{.99} = 7.0 \text{ c.f.s.}$$

$$\#2 - \frac{1000}{164} = \frac{6.1}{.97} = 6.3 \text{ c.f.s.}$$

Water to be transported
several miles eastward in
30" transite pipe (irrigation
type) to cost \$10/foot installed

Accommodation Measurement
Pumps + engine for test
purposes only - Rate of pumping
probably greater than final.

Permit No.

Glendale Farms Inc (Glenn Briggs, Pres)

Examination for

County

Twin Falls Co

SW NW 1/4 SE 1/4 Sec 10-

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

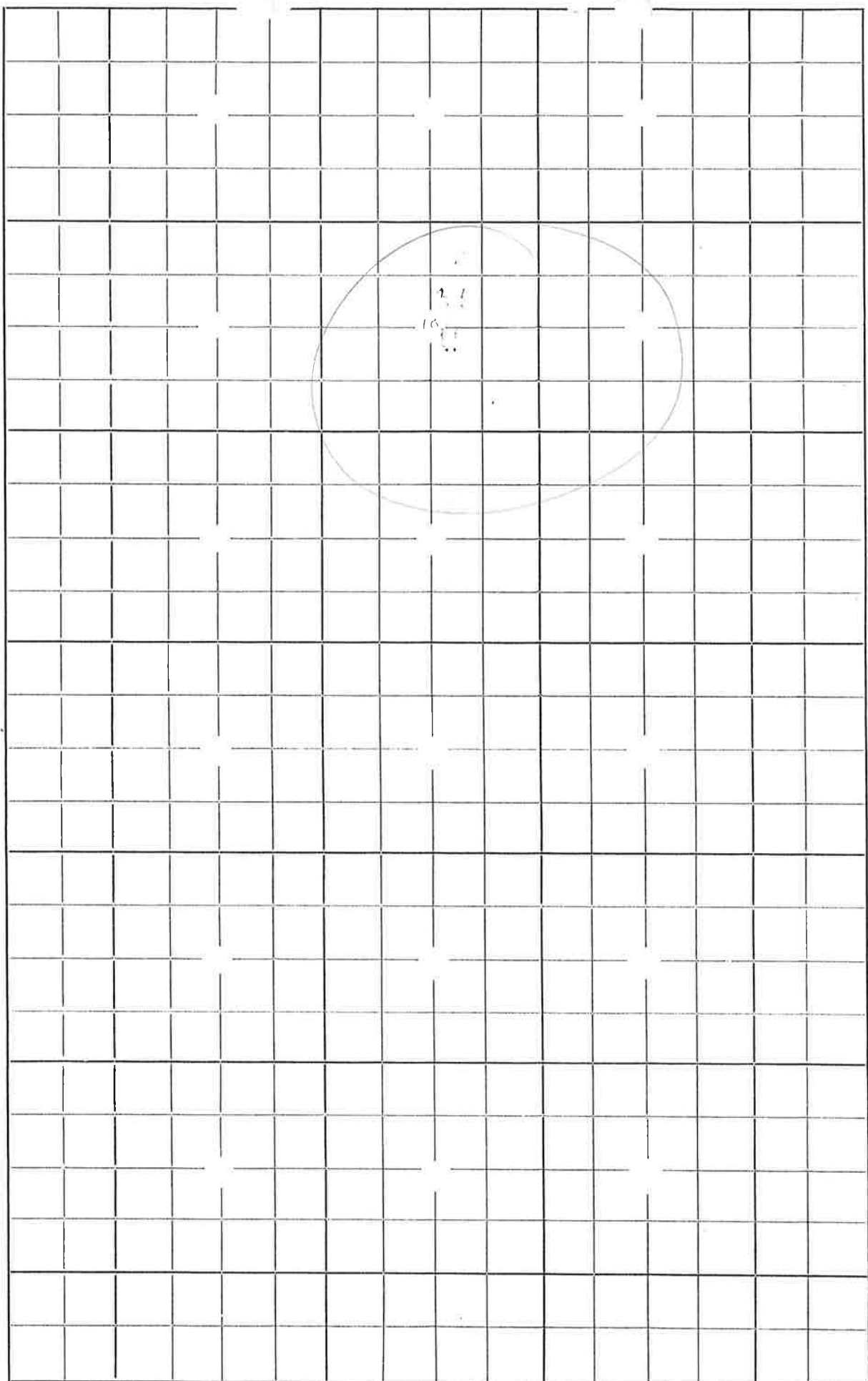
5 - Wells.

use - Irrigation

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DEPARTMENT OF AGRICULTURE



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

27215

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____