

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 45-13644
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: 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	4.92	

7. Total Quantity Appropriated is:
4.92 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	NW		IRRIGATION	35
			SE	NW		IRRIGATION	30
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	33
			SE	SW		IRRIGATION	33
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	33
			SE	SE		IRRIGATION	33
						Section Acres	350
11S	20E	14	SW	NE		IRRIGATION	10
			SE	NE		IRRIGATION	30
			NE	SW		IRRIGATION	33
			NW	SW		IRRIGATION	33
			SW	SW		IRRIGATION	33
			SE	SW		IRRIGATION	33
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	33
			SW	SE		IRRIGATION	33
			SE	SE		IRRIGATION	33
						Section Acres	311
11S	20E	23	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	33
			SE	SW		IRRIGATION	33
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	33
			SW	SE		IRRIGATION	33
			SE	SE		IRRIGATION	33
						Section Acres	528
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	33
			SE	SW		IRRIGATION	33
			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	33
			SW	SE		IRRIGATION	33
			SE	SE		IRRIGATION	33

Section Acres 528
Total Acres 1717

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:

45-13644 IS A PORTION OF 45-4129 SPLIT BY OWNERSHIP PER NOTICE AND DEED
SUBMITTED THIS DATE BY GLEN BREEDING. BREEDING PORTION NUMBER 45-13645. - VH

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

15. Basis of Claim: Beneficial Use

11:58am Aug. 28, 2002
2002-017458No. of Pages: 6 Fee: \$18.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN**BARGAIN AND SALE DEED**

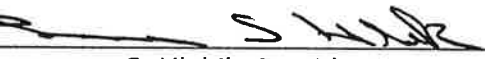
GRANTOR, **GLEN DALE FARMS, INC.**, an Idaho corporation, and **J.R. SIMPLOT COMPANY**, a Nevada corporation, successor by merger with **NORTH FORK RANCH CO.**, a Nevada corporation whose principal address is 999 Main Street, Suite 1300, Boise ID 83702, for good and valuable consideration, the receipt 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.

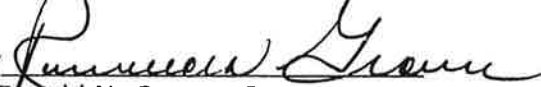
TOGETHER with all improvements, easements, hereditaments and non-water right related appurtenances thereto, and together with all water and water rights appurtenant to the property described on Exhibit "A", expressly without warranty and on an "AS-IS" basis, which water rights are described on Exhibit "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)

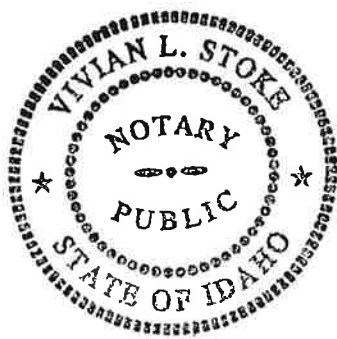
On this 23rd day of August, 2002, before me, a Notary Public in and for said State, personally appeared Lawrence S. Hlobik and Ronald N. Graves, known to me to be the President and Secretary of Glen Dale Farms, Inc., the corporation that executed the within instrument, and acknowledged to me that said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

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,

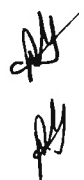
SECTION 14: A tract of land located in the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section 14, described as follows: Beginning at the Northwest corner of the $W\frac{1}{2}SW\frac{1}{4}$ of said Section; thence South on the West line of said subdivision a distance of 150 feet; thence 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



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.

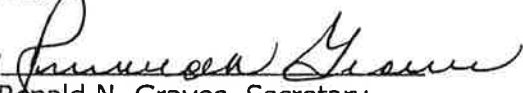
In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

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

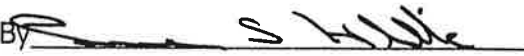
GLEN DALE FARMS, INC.

By 
Lawrence S. Hlobik, President

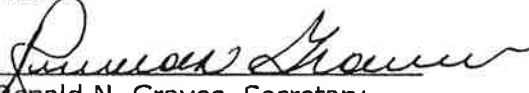
ATTEST:

By 
Ronald N. Graves, Secretary

J.R. SIMPLOT COMPANY

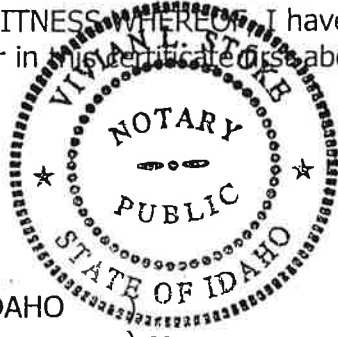
By 
Lawrence S. Hlobik, President & CEO

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

STATE OF IDAHO)
) ss.
County of ADA)

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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 45-13644
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: 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	4.92	

7. Total Quantity Appropriated is:
4.92 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 NW	IRRIGATION	35
			SE NW	IRRIGATION	30

			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	33
			SE	SW	IRRIGATION	33
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	33
					Section Acres	350
11S	20E	14	SW	NE	IRRIGATION	10
			SE	NE	IRRIGATION	30
			NE	SW	IRRIGATION	33
			NW	SW	IRRIGATION	33
			SW	SW	IRRIGATION	33
			SE	SW	IRRIGATION	33
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	33
			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	33
					Section Acres	311
11S	20E	23	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	33
			SE	SW	IRRIGATION	33
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	33
			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	33
					Section Acres	528
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	33
			SE	SW	IRRIGATION	33
			NE	SE	IRRIGATION	33
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			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	33
					Section Acres	528
					Total Acres	1717

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:

45-13644 IS A PORTION OF 45-4129 SPLIT BY OWNERSHIP PER NOTICE AND DEED
SUBMITTED THIS DATE BY GLEN BREEDING. BREEDING PORTION NUMBER 45-13645. - VH

15. Basis of Claim: Beneficial Use

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

Martaugh, 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) Glen 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.

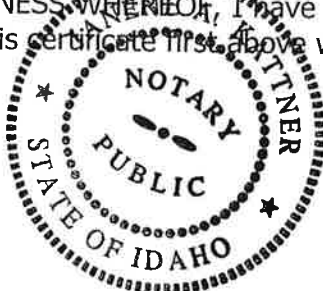
By Stephen A. Beebe
Stephen A. Beebe, President

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.



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

EXHIBIT "A"

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

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

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

269972

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE

600
DEPUTY

[Signature]

'00 JUN 30 AM 11 05

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

01/07/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-4129

WATER RIGHT NUMBER: 45-4129

Owner Type

Attorney

Name and Address

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

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

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

Source

WASTE WATER

Tributary

MURTAUGH LAKE

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

5.000 CFS

Annual VolumeTotal Diversion:

5.000 CFS

*Waste
Water*

Location of Point(s) of Diversion

WASTE WATER

TWIN FALLS County

SW1/4SW1/4

Sec. 10, Twp 11S, Rge 20E, B.M.

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
11S 20E 13	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	375.0
			15.0	10.0			35.0	30.0	40.0	40.0	33.0	33.0	33.0	40.0	33.0	33.0	
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 / Furr
 13645 = Breeding

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: A45-04129

Date Received: 7/17/89

Receipt No: 008307

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN DALE FARMS, INC.
Address: BOX 27
BOISE, ID

83707

2. Date of Priority: APR 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 of	Lot	County
11S	20E	10	SW	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	5.000		

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

8. Total consumptive use is 5226.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	20E	13	SW	NE		IRR	15.0
			SE	NE		IRR	10.0
			SW	NW		IRR	35.0

A45-04129

Page 1

Date: 07/14/89

MICROFILMED

MAR 10 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	20E	13	SE		NW		IRR	30.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	33.0
			SE		SW		IRR	33.0
			NE		SE		IRR	33.0
			NW		SE		IRR	40.0
			SW		SE		IRR	33.0
			SE		SE		IRR	33.0
			Section Acres					375.0
		14	SW		NE		IRR	10.0
			SE		NE		IRR	30.0
			NE		SW		IRR	33.0
			NW		SW		IRR	33.0
			SW		SW		IRR	33.0
			SE		SW		IRR	33.0
			NE		SE		IRR	40.0
			NW		SE		IRR	33.0
			SW		SE		IRR	33.0
			SE		SE		IRR	33.0
			Section Acres					311.0
		23	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	33.0
			SE		SW		IRR	33.0
			NE		SE		IRR	33.0
			NW		SE		IRR	33.0
			SW		SE		IRR	33.0
			SE		SE		IRR	33.0
			Section Acres					528.0
		24	NE		NE		IRR	33.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	20E	24	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	33.0
			SE		SW		IRR	33.0
			NE		SE		IRR	33.0
			NW		SE		IRR	33.0
			SW		SE		IRR	33.0
			SE		SE		IRR	33.0

Section Acres 528.0

Total Acres 1742.0

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:
A01-07072, A45-02320, A45-02565, A45-04068

14. Remarks:
TOTAL CONSUMPTIVE USE PURSUANT TO ALL RIGHTS LISTED IN ITEM 13 IS
5226 ACRE FT PER ANNUM. THIS WATER IS PUMPED INTO MILNER LOW
LIFT CANAL, IN EXCHANGE FOR DIVERSION OF WATER FROM MILNER IN
SWNE SECTION 14.

15. Basis of Claim: STATUTORY CLAIM

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 X 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
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.

Frederick L. Lower
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. Lower
Notary Public

Seal

Residing at Meridian

My Commission Expires 11-06-91

WL# 445-04129

STOCKER IDAHO

30 MINUTE SERIES

T. 11 S.

R. 20 E.

480,000 FEET CENTRAL

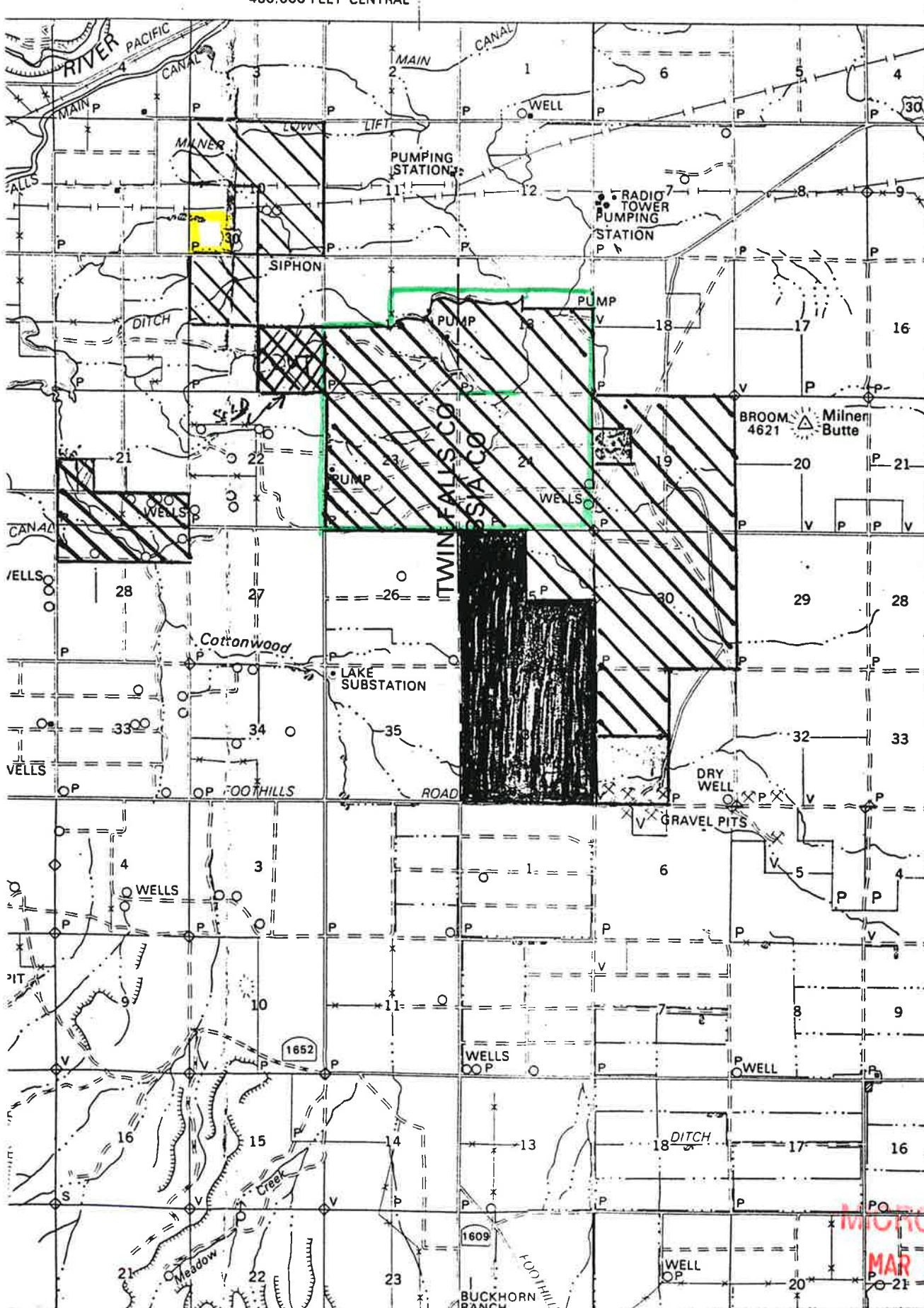
R. 21 E.

114°00'

42°30'

300,000 FEET CENTRAL

T. 11 S.



MICROFILMED
MAR 10 1993

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 45-13644

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

SOURCE: WASTE WATER TRIBUTARY: MURTAUGH LAKE

QUANTITY: 4.92 CFS

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: 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	4.92 CFS

PLACE OF USE:	Irrigation		
	T11S R20E S13	NESW 40.0	Within Cassia County
		SWSW 32.0	NWSW 40.0
		NESE 39.0	SESW 39.0
		SWSE 32.0	NWSE 40.0
			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 1582 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2320, 45-13642, 45-13644.
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.

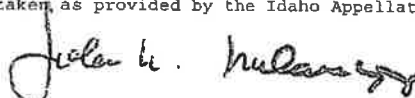
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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

01/23/2004

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

RIGHT NUMBER: 45-13644

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

SOURCE: WASTE WATER

TRIBUTARY: MURTAUGH LAKE

QUANTITY: 4.920 CFS

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: 03/15/1958

POINT OF DIVERSION:

T11S R20E S10 SWNSW 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	4.920 CFS

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
T11S R20E S24	NESE	33.0	T11S R20E S24	NWSE	34.0

1582 ACRES TOTAL

Water Right 45-13644

1

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

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.

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.

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

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.

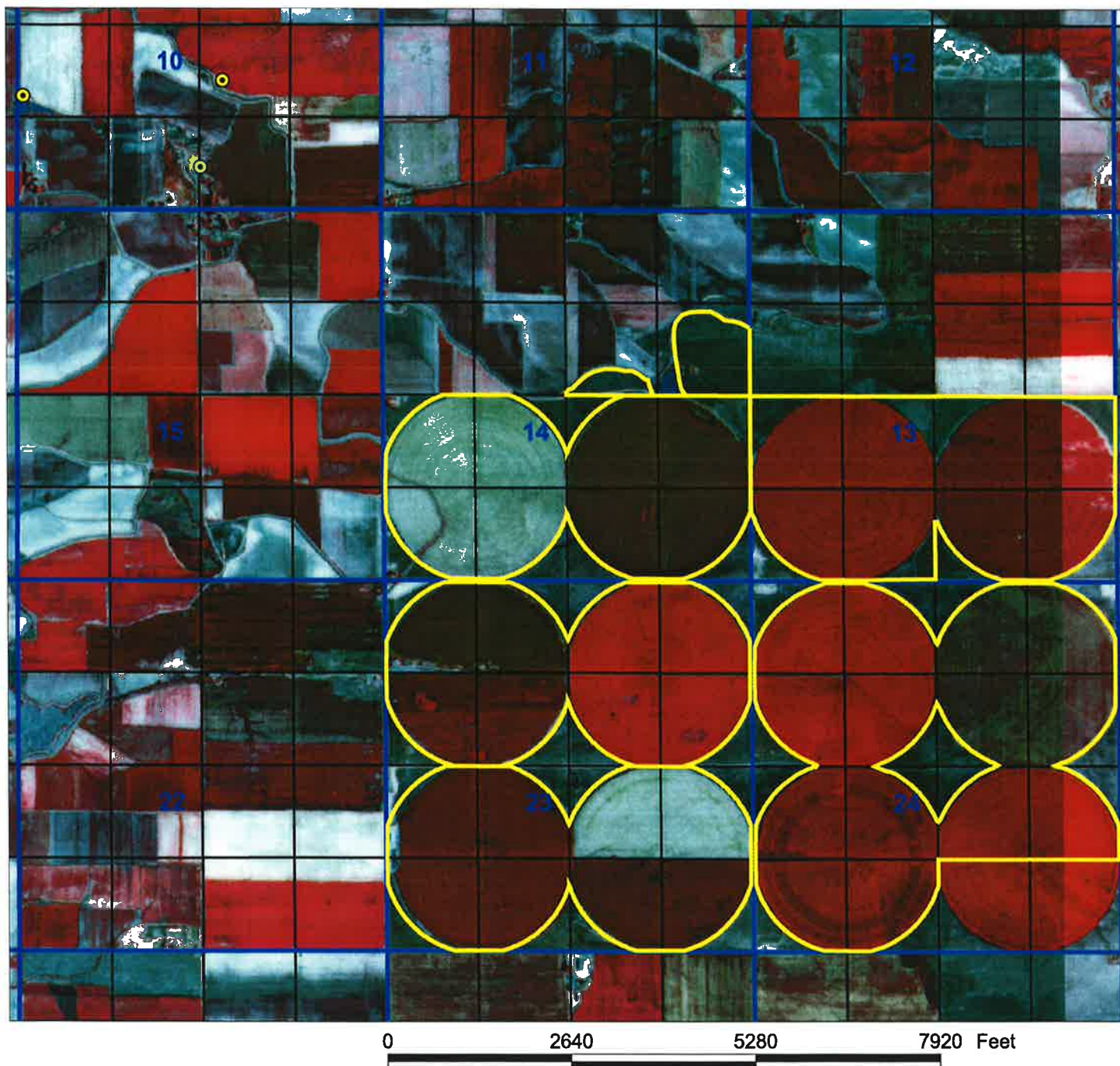
45-13644 (part of 45-4129) is limited to the same 1582 acres, because evidence indicates the waste water right was developed concurrently with ground water using the same delivery ditches. A proportionate share of the original right 45-4129 also went to Glen Breeding under 45-13645.

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.

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**

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.

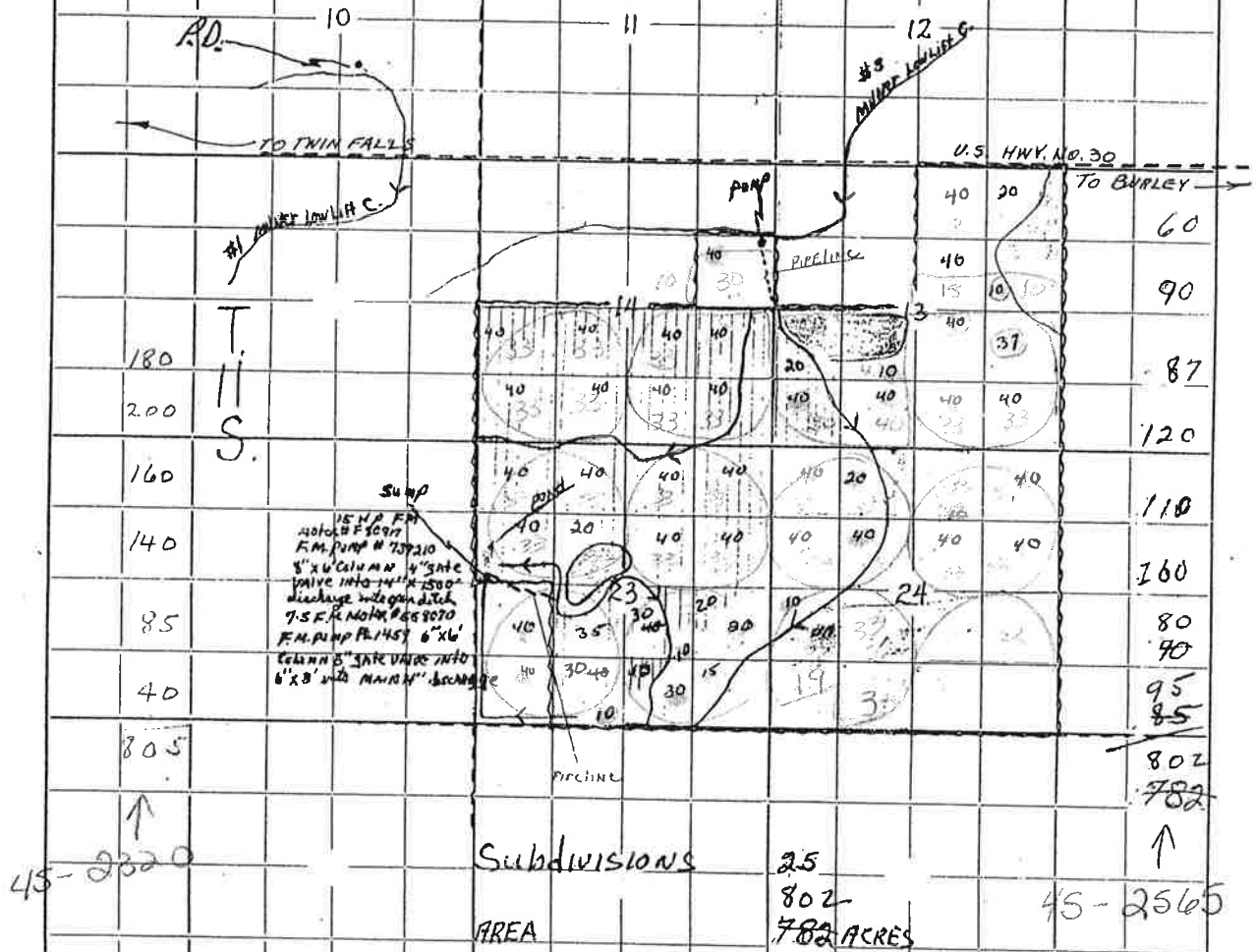
According to Mr. Breeding, in approximately 1974 he traded 80 acres of his land to Glendale Farms for all of the NE ¼ S13 except the recently purchased property in the S½ NE. At the time of the trade/purchase, both Breeding and Glendale were using water rented from the Water Bank to irrigate their respective 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
467"



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-4129

WATER RIGHT NUMBER: 45-4129

Owner Type Name and Address
 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

Source Tributary
 WASTE WATER MURTAUGH LAKE

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 3/15 to 11/15 5.000 CFS

Total Diversion: 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

Stat claim acres 260

5/1500 x 25 = 107

107

no GW claimed here

Eleven Acres Additional acres claimed on 2565

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			15.0	10.0			35.0	30.0	40.0	40.0	33.0	33.0	33.0	40.0	33.0	33.0	375.0
											33	32	33	32	33	32	33	32	
260	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
											33	32	33	32	33	32	33	32	
520	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
				33	32	33	32	33	32	33	32	33	32	33	32	33	32	33	
520	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
				33	32	33	32	33	32	33	32	33	32	33	32	33	32	33	
1560	Total Acres: 1742																		

19

no GW claimed 1742

1753

Conditions of Approval:

Total 4/29, 2565 & 2320 = 1753

Major difference between 1981 stat claim & SRBA claim is 107

1989 Sec 13 & 14

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 with
45-2320
dated 10/31/03*

14

13

23

24

26

25

1992

14
33.0

4
9.0

2
9.7

6
7.9

GLENDALE
FARMS
INC.

3
6.6

4
130.6

5
1.6

6
10.1

7
131.3

8
5.8

13

18

8
7.3

10
14.3

11
6.4

24

19

16

13
124.8

14
26.6 HEL

15
128.8

16
14.0

19 HEL
112.0

20

13.2

21
128.5

22

6.9

24

25

19

30

1978

14

13

23

24

1964

26

25



3

10

Pond

1964



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04129
GLEN DALE FARMS, INC.
BOX 27
BOISE

ID 83707

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 10 1993

RECEIVED
JUN 18 1981Department of Water Resources
Southern District OfficeSTATE 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

(Mailing Address)

Telephone No. 208-336-2110

(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:

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

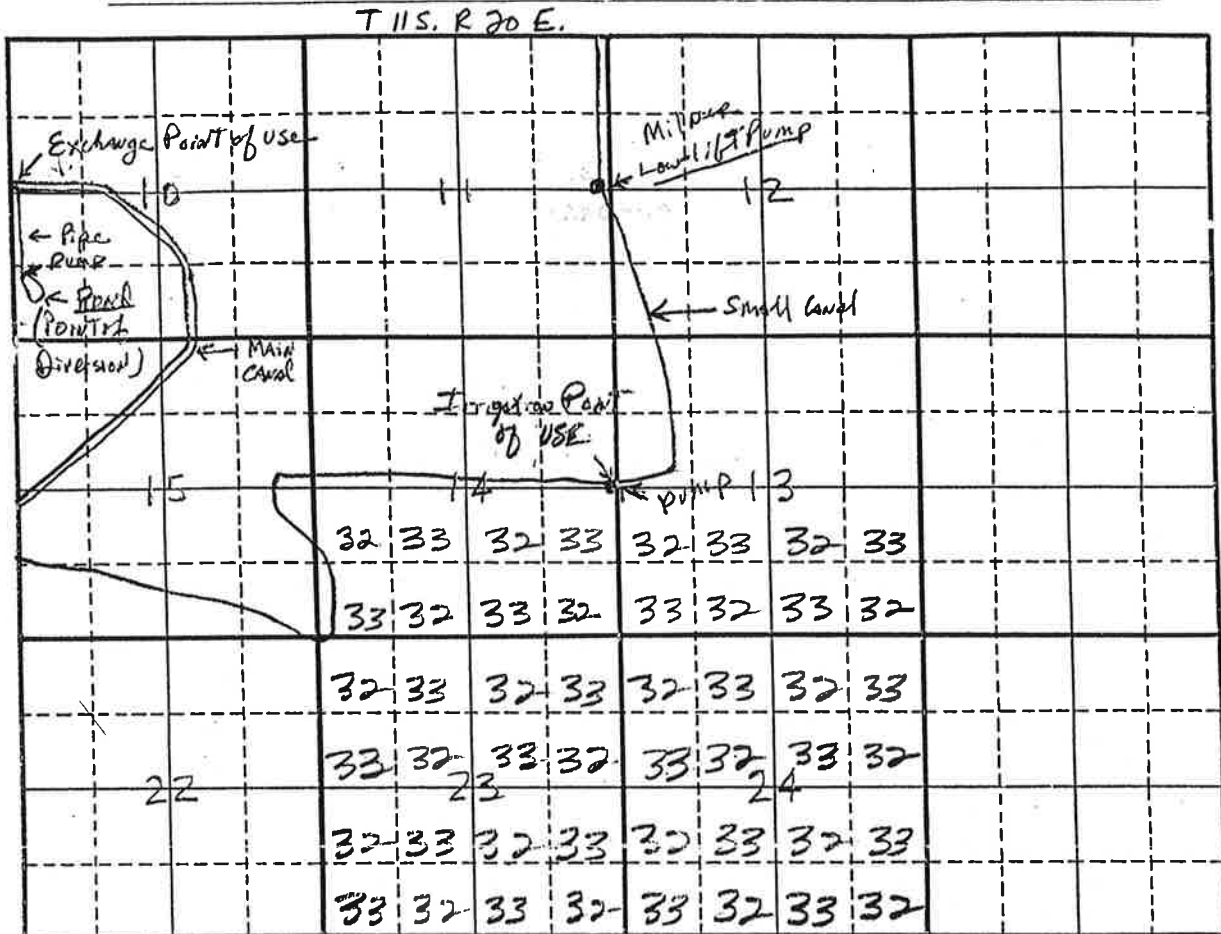
No. of acres 1,560

- 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: _____

(8) Remarks Exchanged with Milner Low-lift Irrigation District
for irrigation water.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

By: [Signature]

(Claimant) Vice President

Sworn to before me this 9th day of June, 1981.

Laurel J. Walker
Notary Public
Residing at Boise, Idaho

My commission expires 4/27/83

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 6/10/81 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 6/10/81 \$18655
\$20.00 fee received by [Signature] Date 6/10/81
Published in Times News
Dates 6/25 + 7/2/81



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
CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.		
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	Date	2/10/02	# of pages	3
To	GARRICK BAXTER		From	VIKIE		
Co./Dept.	AJ LEGAL		Co.	AJ SOUTH		
Phone #			Phone #			
Fax #			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:
- 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.
 - 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: Elgin, Idaho
My Commission Expires: 4-12-2003

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 4 1958
Department of Reclamation

RECEIVED
MAY 7 1958
Department of Reclamation

Permit No. 21357

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, SE¹ 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, NE¹ 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 ¹/₂ of Sec. 14-T11-R 20 EBM.
✓ NE¹, S¹/₂ of Section 13, SE¹, NE¹, S¹/₂ of Section 14; N¹/₂ and the E¹/₂ S¹/₂
and the SE¹/₂ of Section 23 and all of Section 24, Township 11 south
Range 20 East.

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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 Herbert Thorne

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 Murderburg, County of Twin Falls, State of Idaho, on this 25th day of February, A. D. 1958.

Herbert Thorne

My commission expires

Sept 8, 1961

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AJ5809NP
No. A45-04129

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 286

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GLEN DALE FARMS INC BOX 27 BOISE ID 83707	04/15/1950	IRRIGATION	03-15 11-15	5.000 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	5.000 CFS 5226.00 AFA

Water Source: WASTE WATER

Tributary to: MURTAUGH LAKE

Stage: STATUTORY CLAIM

Point(s) of Diversion: T11S R20E S10 SWSW

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
11S	20E	13	:				15				35		40		40		33		33	:
11S	20E	14	:				10				30		33		33		33		33	:
11S	20E	23	:	33		33		33		33		33		33		33		33		:
11S	20E	24	:	33		33		33		33		33		33		33		33		:
																			TOTAL ACRES	1742.0

POU County: CASSIA, TWIN FALLS

Non-Irrigation Uses: NONE

Other Rights: A01-07072, A45-02320, A45-02565, A45-04068

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
45-10046 A45-10046

Other Water Rights Listing Overlapping Place(s) of Use:
A01-00017 A01-07072 A45-02320 A45-02565 A45-04068 R01-07072

Remarks: GEN TOTAL CONSUMPTIVE USE PURSUANT TO ALL RIGHTS LISTED IN ITEM 13 IS
5226 ACRE FT PER ANNUM. THIS WATER IS PUMPED INTO MILNER LOW
LIFT CANAL, IN EXCHANGE FOR DIVERSION OF WATER FROM MILNER IN
SWNE SECTION 14.

Dates: Exam Made Date: Verified Date: 01/28/1986 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

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