

01/12/2007

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

RIGHT NUMBER: 35-47

NAME AND ADDRESS: MICHAEL J BORAN
2211 FOREST LN
NAPLES FL 33942

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 09/01/1895

POINT OF DIVERSION:

T04S R32E S25 NENENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.500 CFS

PLACE OF USE:

IRRIGATION in BINGHAM County

T04S R32E S25	NENE	14.00	T04S R32E S25	NWNE	0.20
T04S R32E S25	SWNE	5.00	T04S R32E S25	SENE	28.00

47.2 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 74 acres in a single irrigation season. Combined Right Nos.: 35-2016, 35-7142B and 35-47

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

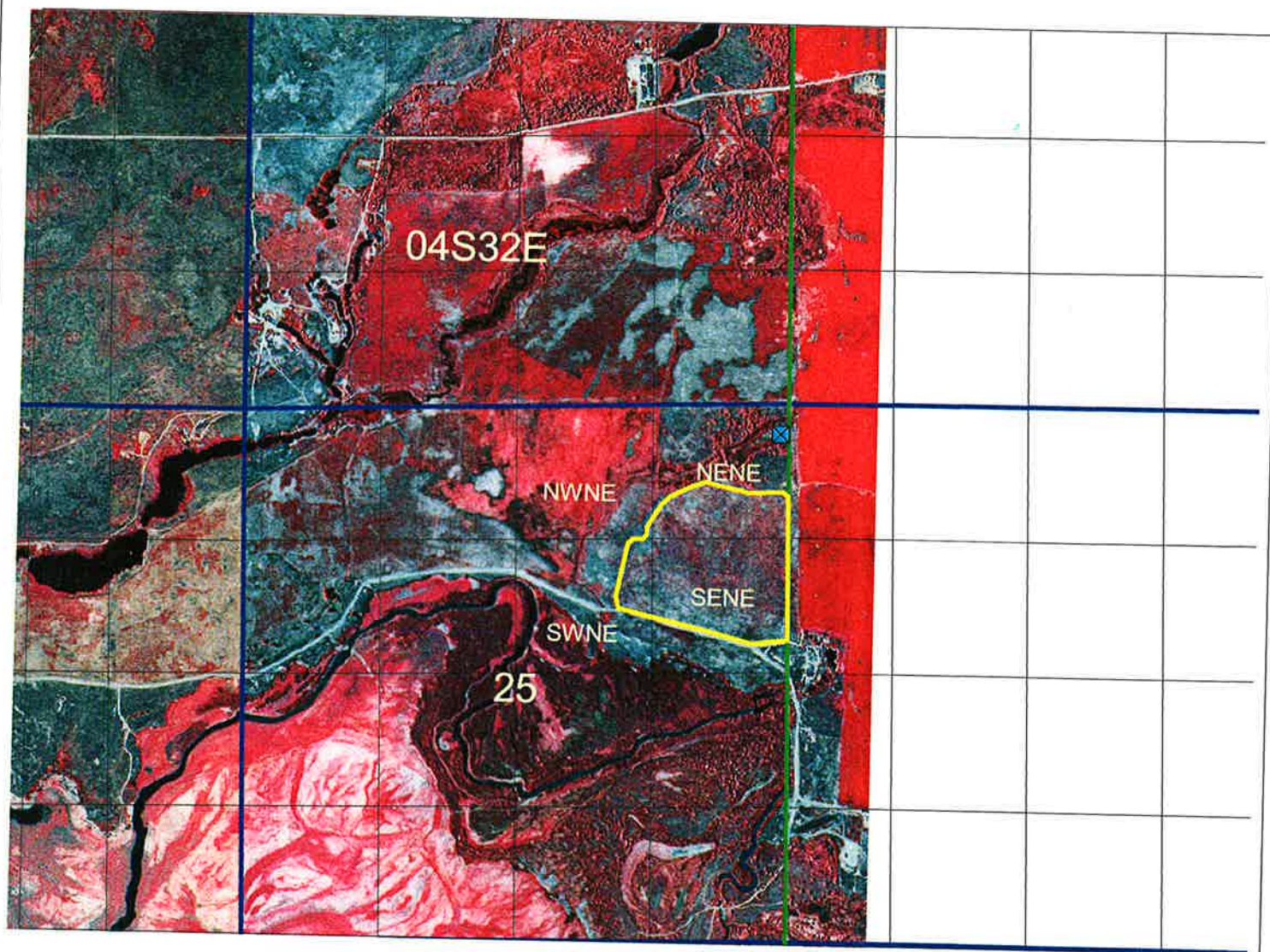
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

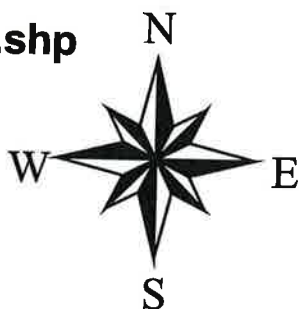
Idaho Department of Water Resources

Claim No.: 35-47



0 1320 2640 3960 5280 Feet

-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



1987-88 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: February 2005

SRBA

SUBCASE SUMMARY REPORT 35-00047

[Return to SRBA Home Page](#)

SRBA
01-17-2007

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 35-00047 FILE#: 02158
CLAIMANT: BORAN, MICHAEL J
2211 FOREST LNNAPLES FL 33942
STATUS: OBJECTION DUE SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE: SPRING TRIBUTARY: SNAKE RIVER****** PARTIES INVOLVED ******

MICHAEL J BORAN C PRO SE

****** ROA ENTRIES ******

04-17-2000	MOTION TO FILE LATE NOTICE OF CLAIM	MG	09-19-2000
04-17-2000	HEARING SET - MTN FOR LATE CLAIM	HS	07-27-2000 0130
04-24-2000	ORDER ADMITTING COUNSEL PRO HAC VICE		
04-25-2000	ORDER RESETTNG HG ON MTN FOR LATE NTC OF CLM	HS	07-27-2000 0130
06-19-2000	MOTION TO RESET HEARING DATE ON MOTIONS TO FILE LATE NOTICES OF CLAIMS (WITH PROPOSED ORDER RESETTNG TO 9-19-00)	MG	06-19-2000
06-19-2000	ORDER RESETTNG HEARING ON MOTIONS TO FILE LATE NOTICES OF CLAIMS	HS	09-19-2000 0130
09-19-2000	ORDER GRANTING LATE CLAIM		
09-19-2000	MINUTES		
09-19-2000	LATE CLAIM FORWARDED TO IDWR; CASE DISPOSED		09-19-2000
05-04-2006	DIRECTOR'S REPORT FOR LATE CLAIMS		
05-04-2006	NOTICE OF FILING DIRECTOR'S REPORT FOR LATE CLAIMS		
	OBJECTIONS DUE:	7/21/2006 8B	07-21-2006 0500
	RESPONSES TO OBJECTION DUE:	9/22/2006 RB	09-22-2006 0500
05-04-2006	HEARING ON UNCONTESTED RIGHTS	1/16/2007 HS	01-16-2007 0130

[Return to SRBA Home Page](#)

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

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1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

RECEIVED
MAR 06 2006
DEPARTMENT OF
WATER RESOURCES

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

March 2, 2006

Kara A. Alder
Idaho Department of Water Resources
322 E. Front St.
PO Box 83720
Boise, ID 83720-0098

RE: Change in Water Right Ownership for Water Rights of Michael J. Boran

Dear Ms. Alder:

You were recently kind enough to change the name of the owner of a number of water rights to that of Michael J. Boran in Naples, Florida, pursuant to a Notice of Change of Water Rights Ownership form we had submitted. In your letter of January 31, 2006, you indicate that Water Right No. 35-47 has not yet been decreed and is still pending in the Adjudication. You indicated you had requested a refund and we will try to be patient until that arrives.

In the meantime, even though the right has not been decreed, we assume that the ownership record should have been changed to reflect Mr. Boran's name on the water right in the ongoing Adjudication proceeding. From our review of the Internet records, it does not appear that this has been accomplished and we wonder if there is something else we need to do in order to complete that item.

We will look forward to hearing from you as soon as it is convenient.

Yours very truly,



Kent W. Foster

RECEIVED

JAN 17 2006

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JAN 05 2006

Department of Water Resources
Eastern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
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
			35-11392		
See Water Rights List Attached			35-11393		
<u>35-47</u>			35-13323		
35-2014			35-13324		
35-7138			35-13350		
35-71423					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$225 -
- 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 rights(s) or claims(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 your water rights(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 Walter E. & Sally J. Hartman / Capital Lending
970 Corte La Cirmaga, Camarillo, CA 93010
4. New Owner/Claimant(s) Michael J. Boran
 Name connector (check one): ☐ and ☐ or, ☐ and/or
 New Mailing Address 2211 Forest Lane
 City, State and ZIP Code Maples, FL 33942
 New Telephone Number 239-261-2765
5. Date you acquired the property June 10, 2005

SUPPORT DATA

IN FILE # 35-2014

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

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

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

7. Signature of New Owner(s) Or Claimant(s) Richard P. Benson
(include title if applicable)

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

For Office Use Only

Received by _____ Date _____ Fee \$245-
 Received by JC Date 1-9-06 Receipt No. E031550
 Processed by _____ Date _____ WR _____ Date _____

FEE

2005 MAY 23 AM 11:34

553815

RECORDED AT THE REQUEST OF

Alliance Title & Escrow Corp.

CORPORATION DEED

Order No. 3020506607-Z

For Value Received

Capital Lending, Inc.

a corporation duly organized and existing under the laws of the State of NEVADA

Grantor, does hereby Grant, Bargain, Sell and convey unto

Glenn Hartman and Collette Hartman, Husband and Wife and Walter E. Hartman

and Sally J. Hartman, Husband and Wife

whose current address is:

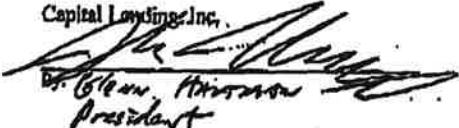
the following described real estate, to-wit:

See Exhibit "A" Attached

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee(s), that it is the owner of said premises; that they are free from all encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this February 7, 2005.

Capital Lending, Inc.


Glenn Hartman
PresidentState of NevadaCounty of Douglas

On this 29th day of April, 2005, before me, a Notary Public in and for said state, personally appeared Glenn Hartman known to me to be the President of the Corporation, and acknowledged to me that he executed the foregoing in said Corporation name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A. KALAMARAS
Notary Public - State of Nevada
Appointment Recorded in Douglas Co.
No: 00-80842-5 Exp. March 1, 2008


Notary Public for the State of
Residing at: Douglas County
Commission Expires: 3/1/08

Exhibit "A"

PARTCEL I:

Part of Sections 24 and 25, Township 4 South, Range 32 East, Boise Meridian, Blighman County, Idaho, described as follows:

Beginning at a point in the Southeastly right of way fence of a County Road, said point being North 00°32'53" East 261.34 feet along the Section line and North 89°59'48" East 1927.55 feet from the Southwest corner of said Section 24, and running thence along said right of way fence the following five (5) courses:

- (1) North 89°59'48" East 148.00 feet; thence
 - (2) North 89°24'11" East 198.67 feet; thence
 - (3) North 79°15'11" East 402.83 feet; thence
 - (4) North 78°49'32" East 1308.54 feet; thence
 - (5) North 81°35'40" East 477.42 feet; thence
- South 02°48'34" West 834.23 feet; thence South 30°55'57" West 426.05 feet; thence South 44°54'21" West 153.28 feet to an existing fence line; thence South 84°42'19" East 980.61 feet along said fence; thence South 89°34'22" East 144.22 feet to an existing North-South fence line; thence South 01°42'30" East 1679.45 feet along said fence; thence South 01°26'14" East 2304.88 feet along said fence line; thence South 01°30'06" East 110.13 feet along said fence to the Northerly right of way fence of a County Road; thence along said right of way fence the following seven (7) courses:

- (1) North 75°50'39" West 441.74 feet; thence
 - (2) North 74°29'47" West 1219.71 feet; thence
 - (3) North 84°26'23" West 323.64 feet; thence
 - (4) North 69°30'02" West 233.65 feet; thence
 - (5) North 64°24'30" West 620.55 feet; thence
 - (6) North 88°36'24" West 702.19 feet; thence
 - (7) South 81°43'25" West 42.39 feet; thence
- North 00°27'58" East 4171.35 feet to the Point of Beginning.

AND Part of the Northwest Quarter of Section 25 and part of the Southwest Quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian, Blighman County, Idaho, described as follows:

Beginning at the Southwest corner of said Section 24, and running thence North 00°32'53" East 210.00 feet along the Section line; thence North 89°53'17" East 1931.02 feet; thence South 00°27'58" West 210.00 feet to the North line of said Section 25; thence continuing South 00°27'58" West 210.00 feet to the North line of said Section 25; thence continuing South 00°27'58" West 941.42 feet; thence North 89°28'36" West 1922.54 feet to the West line of said Section 25; thence North 00°32'53" East 920.01 feet along said West line to the Point of Beginning.

AND

Part of the NW 1/4 of Section 25, Township 4 North, Range 32 East, Boise Meridian, Blighman County, Idaho, described as follows:

Beginning at a point that is North 00°32'53" West 930.16 feet along the Section line to the Northwest corner of Section 25 and South 00°32'53" West 920.01 feet to the Point of Beginning from the Northwest corner of Section 24 and running thence South 89°28'36" East 1932.54 feet; thence South 00°27'58" West 615.27 feet to the Northerly right-of-way fence of a County Road; thence following said fence the following five (5) courses: (1) South 81°43'25" West 744.83 feet; thence (2) South 31°17'37" West 502.46 feet; thence (3) South 69°59'04" West 56.48 feet to the monumented Bureau of Reclamation right-of-way line; thence North 41°00'50" East 162.37 feet along said right-of-way line; thence South 67°19'32" West 349.70 feet along said right-of-way line; thence South 76°17'38" West 13.97 feet along said right-of-way line; thence North 0°32'53" East 1624.44 feet to the Point of Beginning.

PARTCEL II:

Part of the SW 1/4 of Section 24, Township 4 South, Range 32 East, Boise Meridian, Blighman County, Idaho, described as follows:

Beginning at a point that is North 00°32'53" East 210.00 feet along the Section line from the Southwest corner of said Section 24 and running thence North 00°32'53" East 2404.34 feet along said fence line in an existing East-West fence line; thence North 89°59'48" East 1927.55 feet along said east-west fence line; thence North 00°27'58" West 2404.65 feet; thence South 89°53'17" West 1931.02 feet to the Point of Beginning.

Accommodation

A.P. No. 0000-01-100-010
Escrow No. 2001-5:1094-KK
R.P.T.T. S-0

ORIGINAL RECORD
BLACK/COLOIDAHO
621136079
FEE 6.00 SEP 2

WHEN RECORDED MAIL TO:

Hartman, Walter
1694 Eastman Ave.
Ventura, CA 93003

504960

2001 OCT -9 PM 4:05

RECORDED AT THE REQUEST OF

Alliance Title & Escrow Corp.

MAIL TAX STATEMENT TO:

Hartman, Walter
1694 Eastman Ave.
Ventura, CA 93003

THIS INSTRUMENT IS BEING RECORDED AS AN ACCOMMODATION ONLY. NO LIABILITY, EXPRESS OR IMPLIED, IS ASSUMED AS TO ITS REGULARITY OR SUFFICIENCY NOR AS TO ITS AFFECT, IF ANY, UPON TITLE TO ANY REAL PROPERTY DESCRIBED THEREIN. FIRST AMERICAN TITLE COMPANY OF NEVADA

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Capital Lending, Inc.

do(es) hereby ~~GRANT BARGAIN and SELL~~ to

Walter B. Hartman and Sally J. Hartman, husband and wife as Joint Tenants with rights of survivorship and not tenants in common as to an undivided 50% interest and Capital Lending, Inc., as to an undivided 50% interest, the real property situated in

See Exhibit's "A" for legal description

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date 10/5/01

Capital Lending, Inc.

By: Glenn Hartman



State of Nevada
County of Douglas

This instrument was acknowledged before me on 10/5/01, by

Glenn Hartman
Notarial Officer

THIS INSTRUMENT IS BEING RECORDED AS AN ACCOMMODATION ONLY. NO LIABILITY, EXPRESS OR IMPLIED, IS ASSUMED AS TO ITS REGULARITY OR SUFFICIENCY NOR AS TO ITS AFFECT, IF ANY, UPON TITLE TO ANY REAL PROPERTY DESCRIBED THEREIN. FIRST AMERICAN TITLE COMPANY OF NEVADA

EXHIBIT "A"

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point in the Southerly right of way fence of a County Road, said point being North $00^{\circ}32'53''$ East 2618.34 feet along the Section line and North $89^{\circ}59'48''$ East 1927.55 feet from the Southwest corner of said Section 24, and running thence along said right of way fence the following five (5) courses:

(1) North $119^{\circ}59'48''$ East 148.00 feet; thence
 (2) North $139^{\circ}34'11''$ East 198.67 feet; thence
 (3) North $79^{\circ}18'13''$ East 402.03 feet; thence
 (4) North $78^{\circ}48'32''$ East 1368.54 feet; thence
 (5) North $81^{\circ}36'40''$ East 477.42 feet; thence
 South $02^{\circ}18'34''$ West 234.23 feet; thence South $30^{\circ}55'57''$ West 426.05 feet; thence South
 $44^{\circ}54'21''$ West 153.38 feet to an existing fence line; thence South $84^{\circ}22'19''$ East 980.61 feet along
 said fence; thence South $89^{\circ}34'22''$ East 144.22 feet to an existing North-South fence line; thence
 South $01^{\circ}12'30''$ East 1679.45 feet along said fence; thence South $01^{\circ}26'14''$ East 2304.88 feet along
 said fence line; thence South $01^{\circ}30'06''$ East 110.13 feet along said fence to the Northerly right of
 way fence of a County Road; thence along said right of way fence line the following seven (7)
 courses:

(1) North $75^{\circ}50'39''$ West 443.76 feet; thence
 (2) North $74^{\circ}29'47''$ West 1219.71 feet; thence
 (3) North $84^{\circ}26'23''$ West 323.64 feet; thence
 (4) North $69^{\circ}30'02''$ West 233.65 feet; thence
 (5) North $64^{\circ}24'30''$ West 620.55 feet; thence
 (6) North $89^{\circ}36'24''$ West 702.19 feet; thence
 (7) South $81^{\circ}43'25''$ West 42.49 feet; thence
 North $00^{\circ}27'58''$ East 4171.35 feet to the Point of Beginning.

ALSO part of the SW $\frac{1}{4}$ of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at a point that is North $00^{\circ}32'53''$ East 210.00 feet along the Section line from the Southwest corner of said Section 24 and running thence North $00^{\circ}32'53''$ East 2408.34 feet along said Section line to an existing East-West fence line; thence South $00^{\circ}27'58''$ West 2404.65 feet; thence South $89^{\circ}53'17''$ West 1931.02 feet to the Point of Beginning.

504960

WARRANTY DEED

Order No.:3020506607-Z

FOR VALUE RECEIVED

554608

2005 JUN 15 PM 4:07

RECORDED AT THE REQUEST OF

Glenn Hartman and Colette Hartman, Husband and Wife, Walter E. Hartman and Sally J. Hartman, Husband and Wife

Alliance Title & Escrow Co.,

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Michael J. Boran, a married person as sole and separate property as to income, principal and appreciation

whose current address is

2211 Forest Lane Naples, FL 33942

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

PARCEL 1:

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point in the Southerly right of way fence of a County Road, said point being North 00°32'53" East 2618.34 feet along the Section line and North 89°59'48" East 1927.55 feet from the Southwest corner of said Section 24, and running thence along said right of way fence the following five (5) courses:

- (1) North 89°59'48" East 148.00 feet; thence
- (2) North 89°24'11" East 198.67 feet; thence
- (3) North 79°15'11" East 402.03 feet; thence
- (4) North 78°49'32" East 1368.54 feet; thence
- (5) North 81°36'40" East 477.42 feet; thence

South 02°48'34" West 834.23 feet; thence South 30°55'57" West 426.05 feet; thence South 44°54'21" West 153.28 feet to an existing fence line; thence South 84°22'19" East 980.61 feet along said fence; thence South 89°34'22" East 144.22 feet to an existing North-South fence line; thence South 01°42'30" East 1579.45 feet along said fence; thence South 01°26'14" East 2304.88 feet along said fence line; thence South 01°30'06" East 110.13 feet along said fence to the Northerly right of way fence of a County Road; thence along said right of way fence line the following seven (7) courses:

- (1) North 75°50'39" West 443.76 feet; thence
- (2) North 74°29'47" West 1219.71 feet; thence
- (3) North 84°26'23" West 323.64 feet; thence
- (4) North 69°30'02" West 233.65 feet; thence
- (5) North 64°24'30" West 620.55 feet; thence
- (6) North 89°36'24" West 702.19 feet; thence
- (7) South 81°43'25" West 42.49 feet; thence

North 00°27'58" East 4171.35 feet to the Point of Beginning.

AND Part of the Northwest Quarter of Section 25 and part of the Southwest Quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at the Southwest corner of said Section 24, and running thence North 00°32'53" East 210.00 feet along the Section line; thence North 89°53'17" East 1931.02 feet; thence South 00°27'58" West 210.00 feet to the North line of said Section 25; thence continuing South 00°27'58" West 941.42 feet; thence North 89°28'36" West 1932.54 feet to the West line of said Section 25; thence North 00°32'53" East 920.01 feet along said West line to the Point of Beginning.

AND

Part of the NW¼ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is South 0°32'53" West 5302.36 feet along the Section line to the Northwest corner of Section 25 and South 0°32'53" West 920.01 feet to the Point of Beginning from the Northwest corner of Section 24 and running thence South 89°28'36" East 1932.54 feet; thence South 0°27'58" West 615.27 feet to the Northerly right-of-way fence of a County Road; thence following said fence the following five (5) courses (1) South 81°43'25" West 744.82 feet; thence (2)

South 31°17'57" West 502.46 feet; thence (3) South 53°39'50" West 263.65 feet; thence (4) South 59°36'35" West 521.39 feet; thence (5) South 69°59'04" West 56.48 feet to the monumented Bureau of Reclamation right-of-way line; thence North 41°00'50" East 162.37 feet along said right-of-way line; thence South 67°19'32" West 349.70 feet along said right-of-way; thence South 76°17'38" West 13.97 feet along said right-of-way; thence North 0°32'53" East 1624.44 feet to the Point of Beginning.

PARCEL II:

Tract 1:

Part of the NE¼NE¼ of Section 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as: Commencing at the NE corner of said Section 26 and running thence South 00°32'53" West 328.45 feet along section line; thence North 89°28'36" West 664.88 feet; thence North 01°03'58" East 328.46 feet; thence South 89°28'36" East 661.91 feet along the North line of said Section 26 to the Point of Beginning.

Tract 2:

Part of the NE¼NE¼ of Section 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as: Beginning at a point that is North 89°28'36" West 661.91 feet along the Section line to the True Point of Beginning from the NE corner of said Section 26 and running thence South 01°03'58" West 328.46 feet; thence North 89°28'36" West 663.31 feet; thence North 01°03'58" East 328.47 feet; thence South 89°28'36" East 663.31 feet along the North line of said Section 26 to the Point of Beginning.

Tract 3:

Part of Section 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as: Beginning at a point that is South 00°32'53" West 328.45 feet along the Section line to the Point of Beginning from the NE corner of Section 26 and running thence South 00°32'53" West 2216.00 feet to the monumented Bureau of Reclamation right-of-way line; thence South 76°17'38" West 221.61 feet along said right-of-way line to the Northerly right-of-way fence of a County Road; thence North 89°24'55" West 174.18 feet along said fence; thence South 80°18'38" West 264.58 feet along said fence to the monumented Bureau of Reclamation right-of-way line; thence South 89°37'03" West 1145.42 feet along said right-of-way line to the Northerly right-of-way fence of a County Road; thence along said right-of-way fence the following six (6) courses (1) North 87°40'11" West 143.39 feet; thence (2) North 88°50'14" West 561.72 feet; thence (3) North 53°20'44" West 115.52 feet; thence (4) North 00°11'21" East 546.83 feet; thence (5) North 56°11'16" East 256.70 feet; thence (6) North 16°10'45" East 169.69 feet to the monumented Bureau of Reclamation right-of-way line; thence North 49°20'46" East 424.73 feet along said right-of-way; thence North 41°37'41" West 168.0 feet along said right-of-way line; thence South 48°14'18" West 293.73 feet along said right-of-way line to the Easterly right-of-way fence of a County Road; thence following said right-of-way fence the following four (4) courses (1) North 05°14'03" West 199.67 feet; thence (2) South 89°46'17" East 958.92 feet; thence (3) North 55°28'37" East 90.03 feet; thence (4) North 01°04'04" East 939.57 feet; thence South 89°28'36" East 1328.20 feet to the Point of Beginning.

PARCEL III:

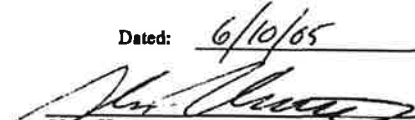
Part of the SW¼ of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at a point that is North 00°32'53" East 210.00 feet along the Section line from the Southwest corner of said Section 24 and running thence North 00°32'53" East 2408.34 feet along said Section line to an existing East-West fence line; thence North 89°59'48" East 1927.55 feet along said east-west fence line; thence South 00°27'58" West 2404.65 feet; thence South 89°53'17" West 1931.02 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6/10/05


Glenn Hartman


Colette Hartman

Walter E. Hartman

Sally J. Hartman

CA
STATE OF ~~IDAHO~~, COUNTY OF Santa Barbara
On this 10th day of June, 2005
before me, a notary public in and for said State, personally
appeared Glenn Hartman & Colette Hartman



known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that Shannon M. Rosati executed the same.

Residing at 1501 State St, CA Notary Public
Comm. Expires 1/13/06 , Idaho CA

554503

Claim no. A35-00047

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

2-17-2005

HLW

On Feb 15, 2005 I did an on-site exam of the property
+ point of diversion listed on claim A35-00047.

This property is obviously farmed + irrigated in part by a
well + pivots + handlines. This well in the SESE Sec 24
T4S R32E is the source of decrees 35-13349 + 35-13350.

I found the declared source for A35-00047 to be a
spring / pond area at GPS site #3. No diversion works
were noted but a portable pump could be used.
Also it is possible that handlines + portable mainline
could be utilized to reach the places of use claimed.

GPS data for the pond + photo sites is listed below.

#1 - 2608484 photos looking North
1317159

#2 - 2609256 photos looking South
1318585

#3 - P.O.D - 2609719 photos looking West
1317626

#4 - 2608520 photos looking East
1318230

Site #5 - No GPS - photo of well + pivot

Also Bingham County Assessor has address of claimant as 1216 State St, Suite 200
Santa Barbara, CA ~~93104~~ 93105

" 2 "

Claim no. A35-00047

Claimant Contact Log

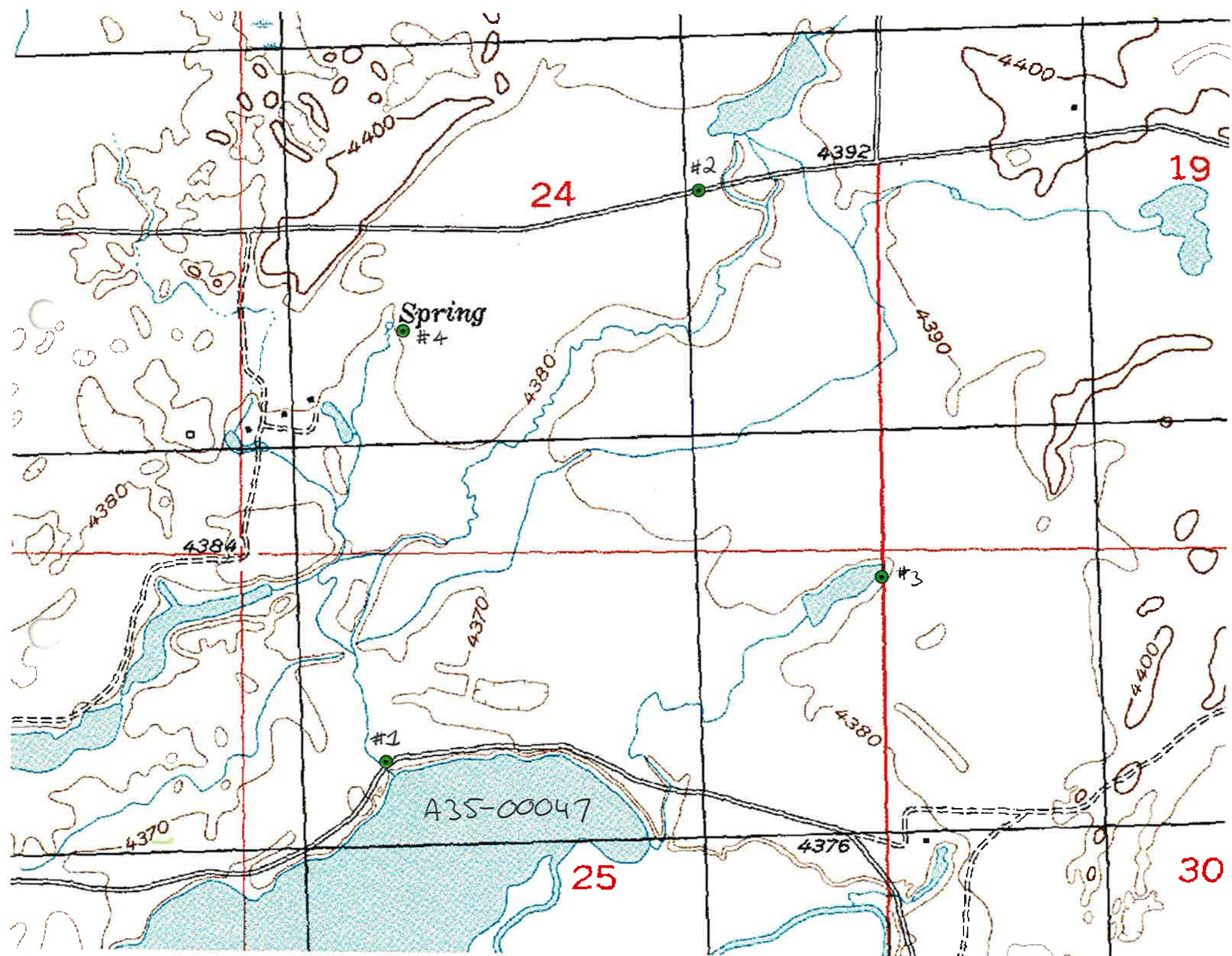
Date 2-21-05 Remarks Agent initials

HLW

Contact Glen Hartmann has a fax # of 805-899-1205.
His phone # is 805-899-1204

At this time the individual farming this property is Troy Caldwell
a) 208-243-1186 (cell)

- Overlapping rights. 35-2016 (74 ac - } E.S.G.
35-7142B 40 ac. }





Fields looking North at site # 1

A35-00047











No Farming

CPS 411

5 Tower pivot
with end Sym

Carn
Planted

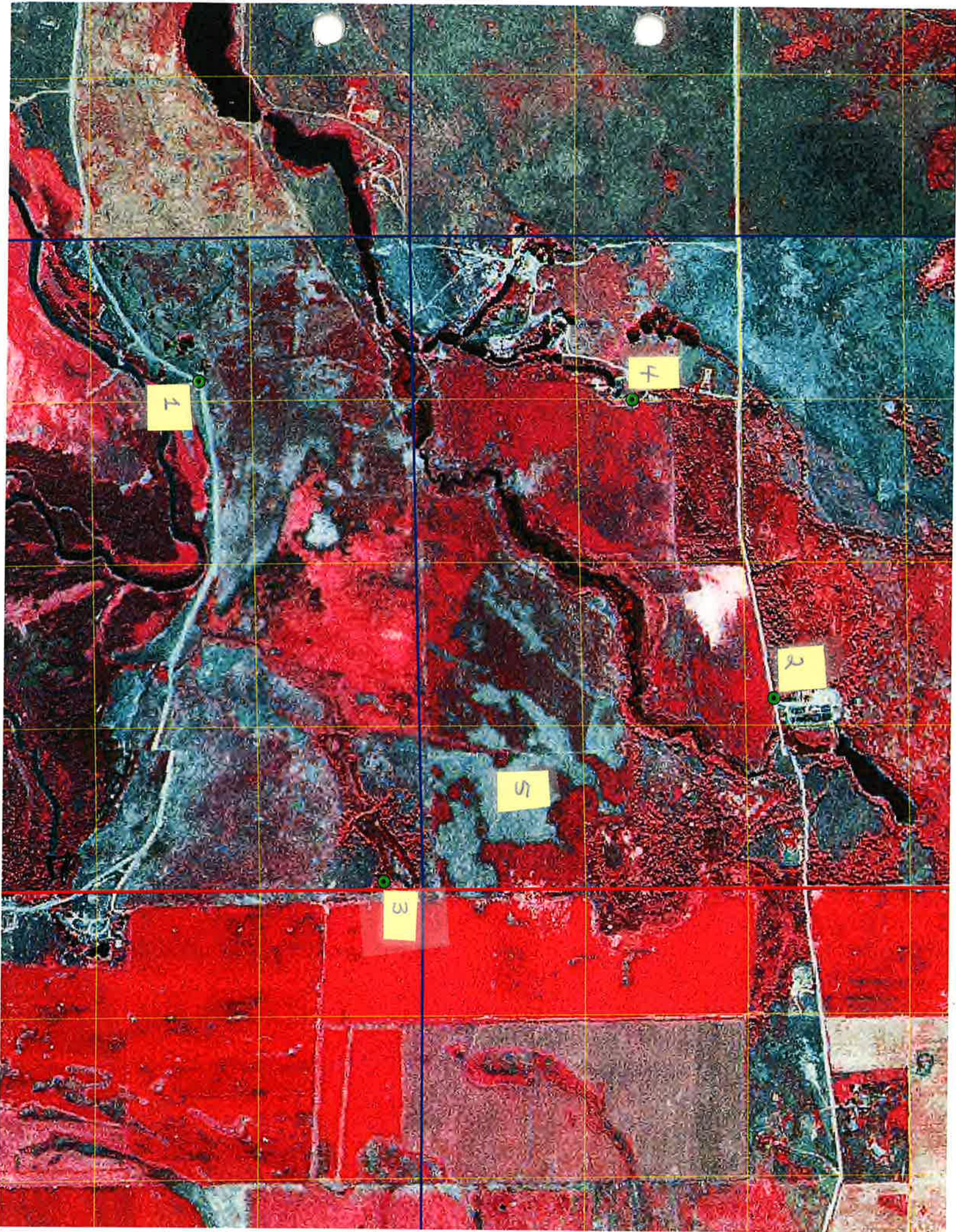
Rises

This Field

Well Site
with Pivot

Farmed
but is it
irrigated

Farmed





NO Farming and past

Found it but is it irrigated

S. Tower Plot with end San Farming area

Corn Planted

well site with pivot

Farmed

Risers



Spring/Pond at implied point of diversion. #3





Well system on property with pivots
P.O.D for 35-13350 + 35-13349, #5



Farm field at site 4, looking East







Farm field at site 2, looking South





[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

02/17/2005

WATER RIGHT NO. 35-13349

Owner Type Name and Address

Current Owner JOHN L MILLER
 PO BOX 2260
 NAPA, CA 94558
 (208)224-6444

Priority Date: 04/08/1970

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/01	0.67 CFS	133.6 AFA
Total Diversion			0.67 CFS	

Location of Point(s) of Diversion:

GROUND WATER | SWSESE Sec. 24 | Township 04S | Range 32E BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	32E	25		NENW 16			NWNW 10			SWNW 3.4			SENEW 4	

Total Acres: 33.4

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-7141.
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN
AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER
31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.
2. Purpose of Use THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 1 UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 02/14/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

02/17/2005

WATER RIGHT NO. 35-13350

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAPITAL LENDING INC 3905 STATE ST #7148 SANTA BARBARA, CA 93105 (805)683-0303

Priority Date: 04/08/1970
Basis: Decreed
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>Volume</u>
IRRIGATION	04/15	10/01	4.13 CFS	826.4 AFA
Total Diversion			4.13 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSESE Sec. 24|Township 04S|Range 32E BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	32E	24		SESW	11									
				NESE	25		NWSE	7.9		SWSE	39		SESE	40
		25		NENE	16		NWNE	33		SWNE	6.4			

NENW 23

SENE 5.3

Total Acres: 206.6

Conditions of Approval:

- 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.
1. C18
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-7141.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 02/14/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

RECEIVED
SEP 16 2002
Department of Water Resources
Eastern Region

September 13, 2002

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: SRBA claim 35-47

Dear Mr. Carlsen:

Pursuant to our telephone conversation, we have prepared and are enclosing with this letter an Amended Notice of Claim to a Water Right on behalf of Capital Lending, Inc., our client. We have also enclosed the map I indicated had been prepared by Harper - Leavitt and from which I took the number guesses.

Please let us know what else might be needed. Thank you for your kind assistance.

Very truly yours,



Kent W. Foster

Enclosure

Shawn E. Draney
Scott H. Martin
Snow, Christensen & Martineau
Counsel for John Miller
10 Exchange Place, 11th Floor
P.O. Box 45000
Salt Lake City, Utah 84145-5000
Telephone: (801) 521-9000
Facsimile: (801) 363-0400

Richard D. Heaton
General Counsel for North Fork
Energy, Inc.
P. O. Box 5405
4414 South Gekeler Lane
Boise, Idaho 83716
Telephone: (208) 342-8901
Facsimile: (208) 338-2215

RECEIVED

JUL 03 2000

Department of Water Resources
Eastern Region

RECEIVED

JUN 19 2000

OFFICE OF THE
ATTORNEY GENERAL

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

In Re: SNAKE RIVER BASIN
ADJUDICATION

**MOTION TO RESET HEARING
DATE ON MOTIONS TO FILE LATE
NOTICES OF CLAIMS**

CASE NO. 39576

Subcases: 35-07142; 35-00047; and 35-
02014

John Miller, by and through counsel of record, hereby moves this Court to reset the hearing date of the Motions to File Late Notices of Claims in the above-referenced subcases to September 19, 2000, at 1:30 p.m.

MAIL



36952

The hearing was originally scheduled for July 18, 2000. This Court reset this hearing for July 27, 2000, at 1:30 p.m. The July 27, 2000 date presents a scheduling conflict with counsel. Based on conversations with the SRBA Court Clerk, September 19, 2000, is the next mutually convenient date.

Based on the above, John Miller respectfully requests this Court reset the hearing on the motions to file late notices of claim in the above-referenced subcases for September 19, 2000, at 1:30 p.m.

RESPECTFULLY SUBMITTED this 14TH day of June, 2000.

SNOW, CHRISTENSEN & MARTINEAU


Shawn E. Draney
Scott H. Martin
Attorneys for John Miller

CERTIFICATE OF DELIVERY

I certify that a true and correct copy of the MOTION TO RESET HEARING DATE ON MOTIONS TO FILE LATE NOTICES OF CLAIMS was mailed on the 14th day of June, 2000, with sufficient first-class postage as follows:

Director of IDWR
Box 83720
Boise, Idaho 83720-0098

Office of the Attorney General
Peter J. Ampe
Box 83720
Boise, Idaho 83720-0010

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Richard D. Heaton
General Counsel for North Fork Energy, Inc.
Box 5404
4414 South Gekeler Lane
Boise, Idaho 83716

Fifth Judicial District Court
Snake River Basin Adjudication
P.O. Box 2707
253 3rd Avenue North
Twin Falls, Idaho 83303



N:\20079\1\MOTLATE.WPD

RECEIVED

APR 17 2000

Department of Water Resources

RECEIVED

APR 27 2000

Department of Water Resources
Eastern Region

COPY

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

Subcase 35-00047

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 266.50.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on July 18, 2000 at 1:30 p.m.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be completed)

State of Utah

County of Salt Lake

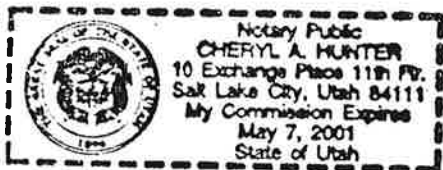
Shawn E. Draney, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Shawn E. Draney
Attorney signing in representative capacity

Subscribed and sworn to before me on 4-12-00.
(Insert Date)



Cheryl A. Hunter
Notary Public for State of Utah
Residing at: 4
My Commission expires: May 7, 2001

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

file 205-a

Maxburg Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-VS-

Don Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 11th day of February, 1911, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered in and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to Findings of Fact, Conclusions of Law, which have heretofore been adopted, and thereupon the said plaintiffs and defendants and cross-complainants appearing by their respective counsel, and the Court being fully informed of the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, of the law and the Report and Findings of Fact, Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively the right to use, for irrigation and other purposes, the following amount of inches of water, each fifty inches thereof to be equivalent to a flow of one cubic foot per second, as prescribed by the law,

of Idaho, from the waters of the Snake River and its tributaries
situated in the Counties of Fremont and Bingham, State of Idaho,
their proprieties to date from the time hereinafter named, to-wit:

MAY 13 1996

~~01-0756~~ 22-0538

Stewart, Samuel
deceased, Estate
of, by Mary H.
Birch, Adm., and
Mary H. Birch

TRANS. #2063

#51

~~01-0757~~ 22-0539

Stewart, Thompson
Stone, Henry J.

250 inches. June 1, 1884. ✓ Teton River.

50 inches. June 1, 1899. ✓ Badger Creek.

160 inches. June 1, 1896. ✓ Fox Creek.

Storer, Sarah

The Farmers' Friend
Canal Company.

Streesper, C. A.

The Farmers' Friend
Canal Company.~~01-0759~~ 1-177

Streesper, Howard

300 inches. June 2, 1889. ✓ South Fork of the
Trans #523 Snake River.

Trans #306

Sugar City
Townsite
Company.(See Hill Ditch Com-
pany and Willard
Ricks.)~~01-0760~~ 1-178

Sullivan, Thomas
F. and Mary A.

640 inches. Nov. 25, 1902. ✓ North Fork of the
Snake River.~~01-0761~~ 1-179

Summers, Stephen J.,
and William and
Soren Nelson

670 inches. June 10, 1885. ✓ South Fork of the
Snake River.~~01-0762~~ 21-0114

Sundberg, Z.

275 inches. June 1, 1890. ✓ Fall River. #911-933

~~01-0762~~ 21-0115

Sundberg, Z.

60 inches. June 1, 1894. ✓ Black Spring Creek.

Sunny Dell

~~01-0764~~ 1-180

Irrigation Canal
Company, The

1,000 inches. June 1, 1889. ✓ South Fork of the
Snake River.~~01-0765~~ 22-0541

Swanner, Samuel

40 inches. June 1, 1889. ✓ South Leigh Creek.

~~01-0766~~ 22-0542

Swanner, Samuel

120 inches. June 1, 1891. ✓ South Leigh Creek.

~~01-0767~~ 21-0116

Swanstrom, Albert

180 inches. Aug. 9, 1902. ✓ Sheridan Creek.

~~01-0768~~ 23-0050

Svan Valley
Irrigation Com-
pany, Limited.

1,800 inches. June 1, 1900. ✓ Palisade Creek. ✓

Swenson, L. P.

Trego Ditch Company.

Sylvester, James.

(No right established)

T.

Tanner, A. B.

(I. M. Fisher
substituted for.)~~01-0785~~ 23-0051

Tanner, James W.

130 inches. May 1, 1902. ✓ Palisade Creek.

~~01-0786~~ 34-0962

Tanner, H., Jr.

25 inches. Sept. 1, 1895. ✓ Springs on land.

Also waste water
from S. W.

Gibbs, ranch.

MAY 13 1900

WHEN RECORDED, MAIL TO:

John L. Miller
P.O. Box 2260
Napa, California 94558

**SPECIAL WARRANTY WATER RIGHTS DEED,
WELL DEVELOPMENT AND MAINTENANCE AGREEMENT
AND
WELL DEVELOPMENT AND MAINTENANCE EASEMENT**

North Fork Energy, Inc., a corporation organized and existing under the laws of the State of Idaho, with its principal place of business in Bingham County, Idaho, GRANTOR, hereby CONVEYS and WARRANTS to John L. Miller, or nominee, GRANTEE, of Napa County, California, for the sum of TEN DOLLARS and other good and valuable consideration, all right, title and interest in and to the following-described water rights:

Water Right Number ("WRN") 35-07141 for 4.8 cfs for the irrigation of 240 acres, as described in the Water Right License and the Snake River Basin Adjudication Claim Number ("SRBA Claim Number") A35-7141. Grantor believes this right may be reduced through the Snake River Basin General Adjudication to 4.68 cfs for the irrigation of 234 acres. Grantor makes no warranty beyond 4.68 cfs for the irrigation of 234 acres.

Water Right Number ("WRN") 35-07138 for 1.08 cfs for the irrigation of 54 acres, as described in the Water Right License. Grantor believes that SRBA Claim Number A35-07138 may be incorrect. Grantor makes no warranty except as to 1.08 cfs for the irrigation of 54 acres as described in the Water Right License.

WRN 35-00007 for the irrigation of 103 acres, as described in SRBA Claim Number A35-00007. However, Grantor believes the right may be limited to 2.1 cfs in the Snake River Basin General Adjudication. Grantor makes no warranty beyond 2.1 cfs for the irrigation of 103 acres.

WRN 35-00028 for 1.2 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00028.

WRN 35-00029 for .4 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00029.

WRN 35-02016, as described in SRBA Claim Number A35-02016. Grantor believes that the right may be reduced in the Snake River Basin Adjudication to 1.28 cfs for the irrigation of 64 acres. Grantor makes no warranty beyond 1.28 cfs and 64 acres.

WRN 35-02014, as described in the Water Right License for 1.3 cfs for irrigation as described in the Water Right License.

WRN 35-11390 for 20 cfs for fish propagation as described in SRBA Claim Number A35-11390 and as modified by Transfer Number 5055.

WRN 35-11392 for .04 cfs for the domestic use of one home.

WRN 35-11393 for .04 cfs for the domestic use of one home.

WRN 35-00047. Grantor makes no warranty whatsoever regarding WRN 35-0047.

A portion of WRN 35-007142 for the irrigation of 40 acres. Grantor makes no warranty whatsoever regarding WRN 35-007142.

TOGETHER WITH an undivided interest in the following water rights, and subject to the limitations described below:

WRN 35-04271 for 50 cfs for fish propagation as described in SRBA Claim Number A35-04271 and as modified by Transfer Number 5030.

WRN 35-08635 for .72 cfs for fish propagation as described by the Water Right License and as modified by Transfer Number 5030. Grantor believes that SRBA Claim Number A35-08635 may be incorrect. Grantor makes no warranty beyond .72 cfs.

WRN 35-08782 for 4.64 cfs as described in the Water Right License and as modified by pending, unapproved Transfer Number 5345.

WRN 35-09068 for 4.79 cfs for fish propagation or 3.79 cfs for fish propagation and 1. cfs for commercial use under WRN 35-08679.

WRN 35-08679 for 1.0 cfs for commercial use, as modified by Transfer Number 5030.

As to Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068, Grantor retains the right to use the described flow for fish propagation purposes only on property retained by the Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East

of the Boise Meridian, Bingham County, Idaho. Grantor's use of the water under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 will be virtually non-consumptive.

As to WRN 35-08679, Grantor retains the right to consumptively use up to 1.0 cfs for commercial purposes, or file a transfer to use the water for irrigation or other consumptive purposes, on property retained by the Grantor located in the Northeast Quarter of Section 24 and the Northeast Quarter of the Southeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho.

All flows available for use by Grantor or Grantee under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068, and all flows not consumed by Grantor under WRN 35-08679, shall be discharged to Boom Creek by Grantor at the point where Boom Creek intersects the existing Bingham County road in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. All water discharged by Grantor to Boom Creek shall meet all applicable state, federal and local laws, statutes, rules, regulations and ordinances, shall be free from any significant pathogens or disease which might adversely affect fish or wildlife, and shall be fit for the purposes of fish propagation, wildlife, recreation, the natural stream environment and aesthetics.

Grantor hereby conveys to Grantee a partial undivided right in and to Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 and 35-08679 consisting of the right to use the flow discharged by Grantor below the point described for all authorized purposes subject to any required Transfer from the Idaho Department of Water Resources and further subject to the limitations described above.

Neither Grantor nor the Grantee shall file any application for Transfer involving Water Right Numbers 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 which might in any manner diminish the quantity or quality of water available to the other.

Except as expressly stated otherwise above, Grantor warrants that it is conveying good, marketable, unencumbered title to all of the water rights described above. The same acreage may be an approved place of use for more than one water right. As part of the Snake River Basin General Adjudication, approved flows may be reduced because of this stacking of water rights. Reductions in flow as the result of stacking shall not be considered a breach of Grantor's warranties. As part of the Snake River Basin General Adjudication, small adjustments in approved acreage may be made as the result of the capacity for more precise measurements. Small reductions in acreage as the result of better measurement shall not be considered a breach of Grantor's warranties.

Water Right Number 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 and Transfer Numbers 5030, 5055 and pending Transfer Number T5345, approved a total of 10 wells to be drilled

on property retained by Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. Three of the wells have been completed. Grantor shall continue to develop two (2) additional wells until the total authorized artesian flow from the wells under the described water right numbers and transfer numbers is obtained, or hydro geological data reasonably acceptable to Grantee indicates that additional wells would not result in a net yield from all of the wells of more than 3 cfs. Grantor shall complete the two (2) additional wells on or before August 1, 1999. While Grantor is not obligated to Grantee to develop the full ten (10) wells authorized under the described water rights and transfers, any water developed by Grantor on property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho shall first be used to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above before being used for any other purpose. Grantor shall submit any proof required under the described water rights and transfers and shall timely take all other steps which may be reasonable and necessary to keep the described water rights and transfers in good standing. Grantor shall reasonably operate and maintain the wells in a condition which will maximize the flow to which the Grantor and Grantee have a right under the described water rights and transfers.

If for any reason Grantor fails to diligently and timely complete development of the two additional wells as described above, or alternatively, Grantor fails to maintain any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above, Grantee shall have an easement and a right of ingress and egress across the property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho for the purpose of developing the two additional wells described above, or maintaining any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above.

All of Grantor's obligations under this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement shall run with the land and shall bind Grantors successors and assigns.

The officers of North Fork Energy, Inc. who sign this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement hereby certify that this instrument and the agreements and transfers represented thereby was duly authorized under a resolution duly adopted by the board of directors of North Fork Energy, Inc. at a lawful meeting properly noticed and held, and attended by a quorum.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23 day of December, 1998.

NORTH FORK ENERGY, INC., Grantor

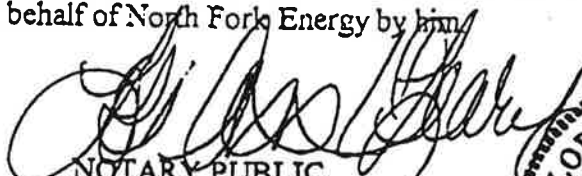

Ronald C. Yanke, President

ATTEST:


Richard D. Heaton, Secretary

STATE OF IDAHO)
: ss.
COUNTY OF ADA)

On the 23rd day of December, 1998, personally appeared before me Ronald C. Yanke, who having first been duly sworn by me, did say that he is the President of North Fork Energy, Inc., that he has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that the foregoing instrument was signed on behalf of North Fork Energy by him.


NOTARY PUBLIC
Residing in the State of Idaho

SEAL:

My commission exp. 7/29/2001



STATE OF IDAHO)
: ss.
COUNTY OF ADA)

On the 23rd day of December, 1998, personally appeared before me Richard D. Heaton, who having first been duly sworn by me, did say that he is the Secretary of North Fork Energy, Inc., that the President of North Fork Energy, Inc., Ronald C. Yanke, has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted

resolution of the board of directors of North Fork Energy, Inc., and that he, Richard D. Heaton, as Secretary of North Fork Energy, Inc., has properly, and pursuant to authority duly granted to him by North Fork Energy, Inc., signed the foregoing instrument attesting that the foregoing instrument was properly signed with authority on behalf of North Fork Energy, Inc.


NOTARY PUBLIC

Residing in the State of Idaho

SEAL:

my commission exp. 1/1/2011





NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: December 23, 1993

LEGAL DESCRIPTION OF PROPERTY: Township 45 Range 32E
Section 24, 25, 26 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) 35-07138, 35-00007, 35-00028, 35-00029, 25-02016, 35-02014,
Assigned by IDWR: 35-11392, 35-11393, 35-11394, 35-00047, 35-007142, 35-04271,
35-08635, 35-11390, 35-08782, 35-09068, and 35-08679

☐ Name and Address of Former Owner/Claimant(s)(Seller): North Fork Energy, Inc., Attn: Greg Lansberry

4414 S. Gekeler Lane

Boise, Idaho 83705

☐ New Owner/Claimant (Purchaser):

John L. Miller

☐ New Mailing Address:

P. O. Box 2260

Napa, California 94558

☐ New Telephone Number: (707) 224-6444

☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

WRN's 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 are

split pursuant to the attached Special Warranty Deed.

☒ Attach proof of ownership, describe

proof attached: See attached Warranty Deed and Special Warranty Water Rights,

Well Development and Maintenance Agreement and Well Development and Maintenance Easement
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s)

John L. Miller

Date Dec 28, '98

☒ Signature of Former Owner/Claimant(s):

NORTH FORK ENERGY, INC.

Date

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY

Initial Review and Data-Entry

Date

By:

Further Action Needed

Further Action Taken

Date

By:

Final Review and Data-Entry

Date

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

RECEIVED
SEP 16 2002
Department of Water Resources
Eastern Region

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 35-47

Date Received 9/28/2000

Receipt Number C050579

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

1. Name of Claimant(s) Capital Lending Inc. Phone (805) 683-0303
Mailing Address 1475 Terminal Way, Ste. E., Reno NV Zip 89502
2. Date of Priority (Only (1) per claim) 09/01/1895
3. Source of water supply (a) Spring
which is tributary to (b) Snake River
- 4.a. Location of existing point of diversion is:
Township 04S Range 32E Section 25, NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot __, County of Bingham
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township ____ Range ____ Section __, __ 1/4 of __ 1/4 of __ 1/4, Govt. Lot __ B.M., County of _____
ending point is: Township ____ Range ____ Section __, __ 1/4 of __ 1/4 of __ 1/4 Govt. Lot __ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Spring water flows into unnamed stream. Spring water is pumped out of unnamed stream in above described location.
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 04/01 to 11/01 amount 0.5 cfs or _____
7. Total quantity claimed (a) 0.5 (cfs) and/or (b) ____ (acre feet)
8. Total consumptive use claimed is ____ acre feet per annum.

9. Non-irrigation uses; describe full (eg. Domestic: Give number of household served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	32E	24															39.5	39	78.5
		25	35		15	29				9									88

Total number of acres irrigated 166.5

11. In which county(ies) are lands listed above as place of use located? Bingham
12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

Other Water rights: 35-7141, 35-2016, 35-2014 and 35-7142.
This is a decreed water right from the 1910 Rexburg Irrigation Company Decree. It has been in continuous use for irrigation of acreage described above.

15. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____ Permit _____ Decree X License _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Attorney for
(Title)

Capital Lending, Inc., that I have signed the foregoing document in the space below as
(Organization)
Attorney for Capital Lending, Inc. and that the statements contained in the
(Title) (Organization)
foregoing document are true and correct.

Last Name Capital Lending, Inc. Ident. Number 35-47

Signature of Authorized Agent

Kent W. Foster

Title and Organization Attorney for Capital Lending, Inc.

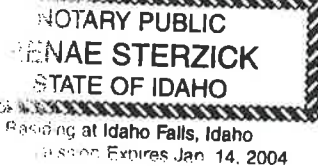
Date 9/13/02

State of Idaho)

) SS.

County of Bonneville)

Subscribed and sworn (or affirmed) before me this 13th day of September, 2002.



Notary Public

Residing at

My Commission Expires

Renae Sterzick
Idaho Falls, ID
1-14-2004

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Kent W. Foster

Address P.O. Box 50130, Idaho Falls, ID 83405

Date September 13, 2002

FOUND 1/2" IRON ROD INST. # 388153

SECTION 23, 24, 25, 26, T. 4 S., R. 32 E.B.M. BINGHAM COUNTY, IDAHO

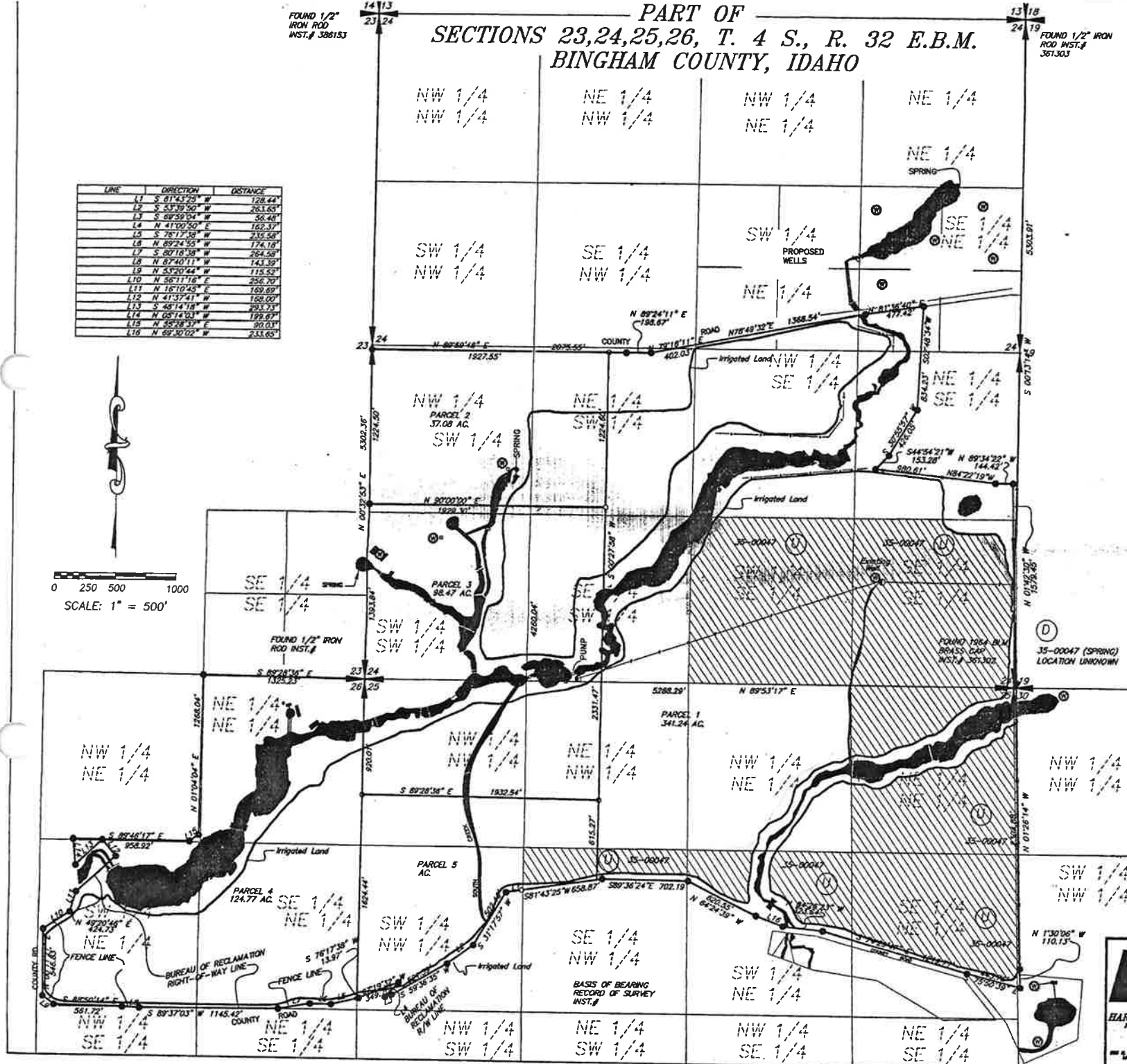
FOUND 1/2" IRON ROD INST. # 361303

LINE	DIRECTION	DISTANCE
L1	S 81°43'52" W	178.44'
L2	S 53°59'50" W	263.65'
L3	S 69°59'04" W	56.48'
L4	N 41°00'50" E	162.37'
L5	S 78°17'38" W	235.58'
L6	N 89°24'55" W	174.10'
L7	S 80°18'38" W	264.50'
L8	N 87°40'11" W	143.59'
L9	N 55°20'44" W	115.52'
L10	N 56°11'16" E	256.70'
L11	N 16°10'45" E	169.69'
L12	N 41°37'41" W	168.02'
L13	S 48°14'18" W	293.73'
L14	N 05°14'03" W	199.67'
L15	N 55°28'37" E	90.03'
L16	N 69°30'02" W	233.65'

LEGEND

- Section corner control
- Placed 1/2" X 24" iron rod with cap marked P.L.S. 5360
- Fence line.
- Found 1/2" X 24" iron rod
- Power Pole
- Existing wells, approximate location
- Building
- Overhead Power
- Point of Diversion of Water right
- Place of Use of Water right
- Irrigated Land as digitized from 1987 Aerial Photo.

0 250 500 1000
SCALE: 1" = 500'



NOTE:

INFORMATION DEPICTED ON THIS MAP COMES FROM THE IDAHO DEPARTMENT OF WATER RESOURCE WATER RIGHT PROFILE REPORT.

25 INCHES
I.R.R.
?

	WATER RIGHTS MAP 35-00047 IRRIGATION	
	JOHNNY MILLER	
	SEC. 23, 24, 25, 26, T. 4 S., R. 32 E.B.M.	
	HARPER-LEAVITT ENGINEERING, INC. PROFESSIONAL ENGINEERS AND LAND SURVEYORS 100 N. 2nd St., Ste. 200 BOISE, IDAHO 83721 PH (208) 333-1000	
DATE: BY: CHECKED BY: APPROVED BY:	DATE: BY: CHECKED BY: APPROVED BY:	SHEET 17 OF 17

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

WR# 35-00047

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) John Miller Phone (707) 224-6444

Mailing Address P. O. Box 2260, Napa, CA Zip 94558

2. Date of Priority (Only one (1) per claim) 9/1/1895

3. Source of water supply (a) spring
which is tributary to (b) ~~Snake River~~ SNAKE RIVER

4. a. Location of existing point of diversion is: Township 4S Range 32 Section 25,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Bingham

Additional points of diversion if any: N/A

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Springwater flows into unnamed stream.
Springwater is pumped out of unnamed stream in above described location. (see
attached map).

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from seasonal to _____ amount .5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is unknown acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
04S	32E	25	X		X	X				X									
04S	32E	19												X					
04S	32E	24															X	X	

Total number of acres irrigated 166.5 acres

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
35-07141; 35-02016; 35-02014; 35-07142 or None ()

14. Remarks:

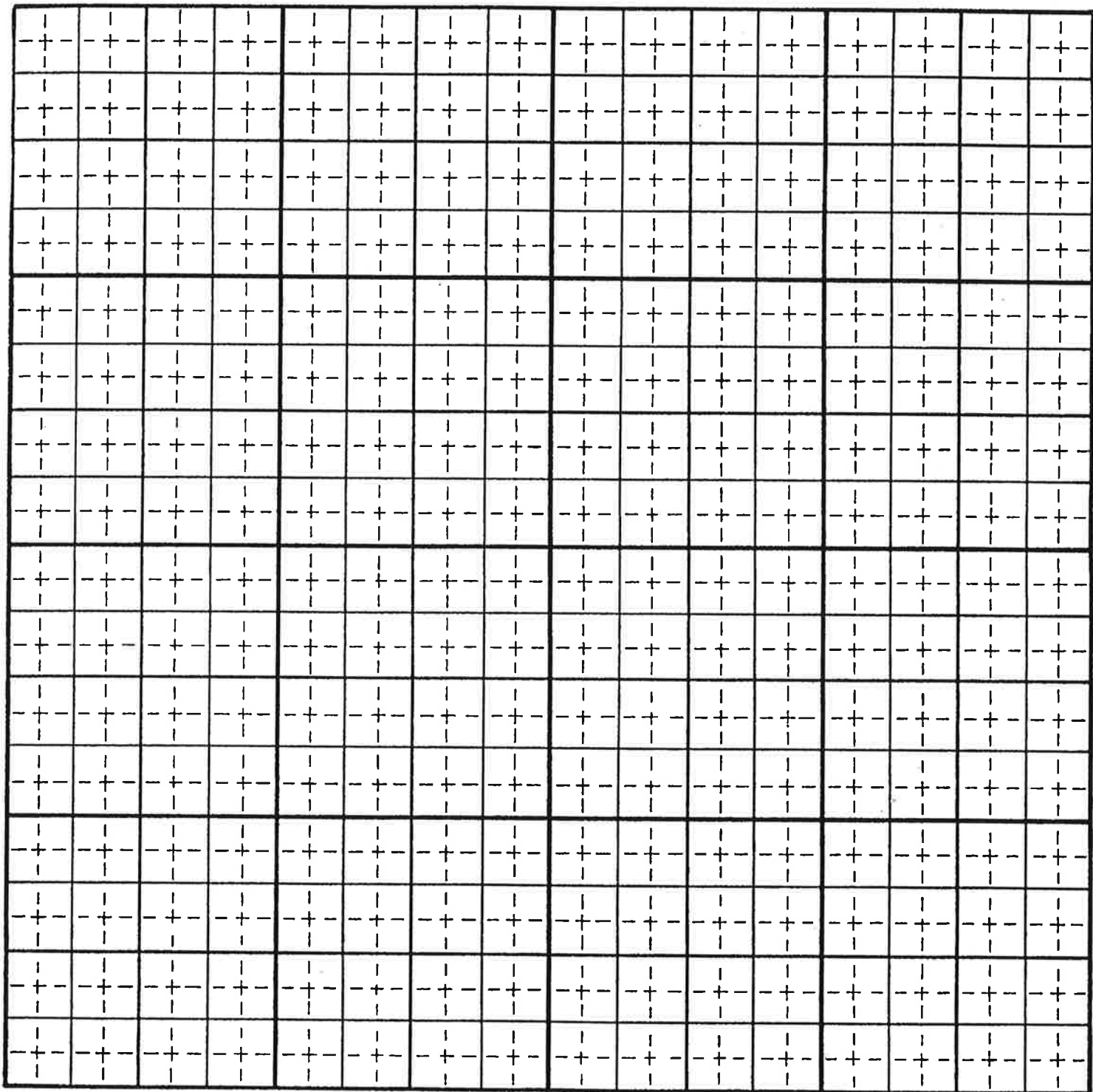
This is a decreed water right from the 1910 Rexburg Irrigation Company Decree.
It has been in continuous use for irrigation of acreage described above.

Last Name Miller Ident No. 35-00047

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See attached map.



Last Name Miller Ident No. 35-00047

FOUND 1/2" IRON ROD
INST. # 388153

PART OF
SECTIONS 23, 24, 25, 26, T. 4 S., R. 32 E.B.M.
BINGHAM COUNTY, IDAHO

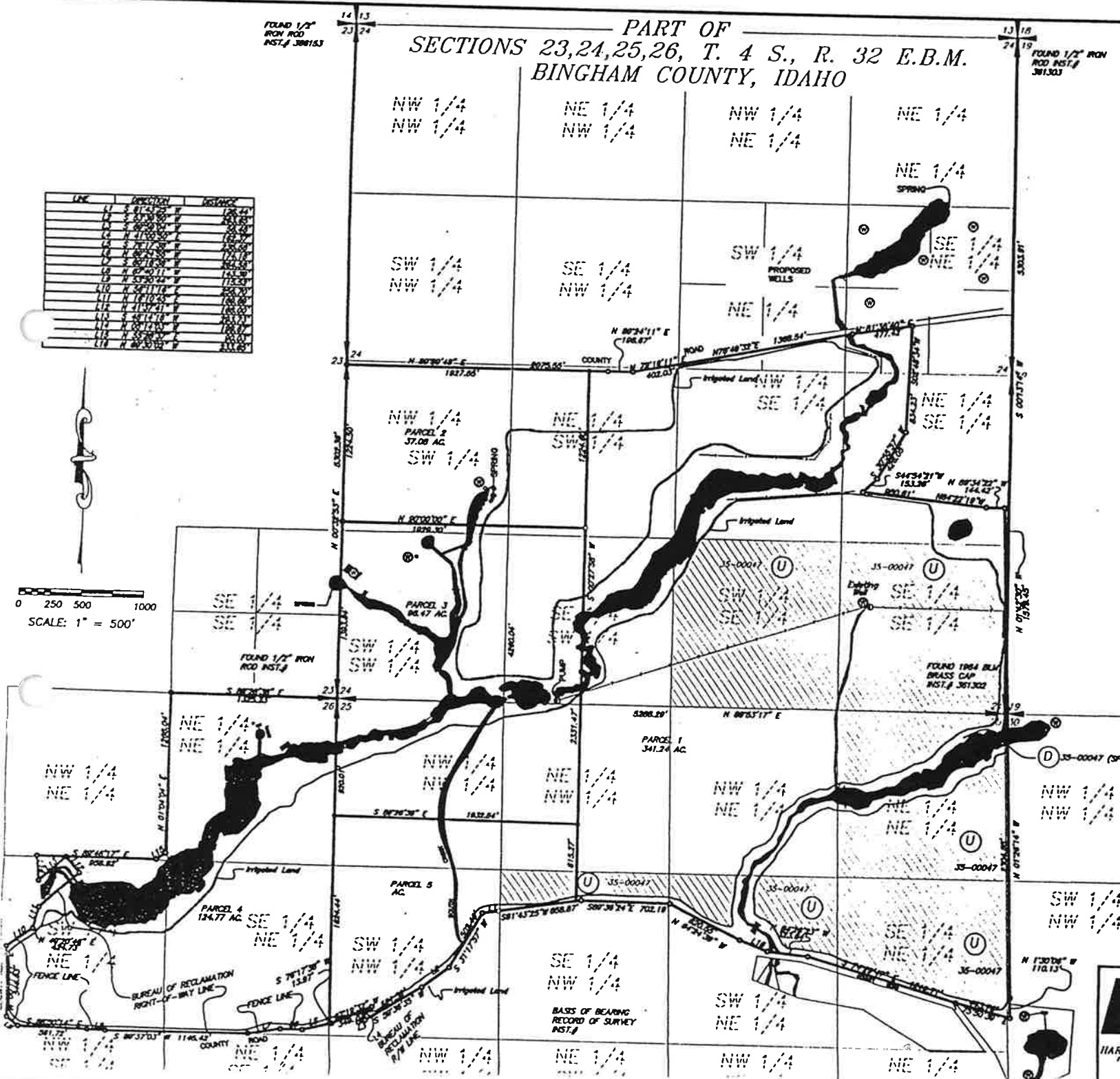
FOUND 1/2" IRON
ROD INST. #
381303

LINE	DESCRIPTION	DISTANCE
1	N 87°45'11" E	200.00
2	N 87°45'11" E	200.00
3	N 87°45'11" E	200.00
4	N 87°45'11" E	200.00
5	N 87°45'11" E	200.00
6	N 87°45'11" E	200.00
7	N 87°45'11" E	200.00
8	N 87°45'11" E	200.00
9	N 87°45'11" E	200.00
10	N 87°45'11" E	200.00
11	N 87°45'11" E	200.00
12	N 87°45'11" E	200.00
13	N 87°45'11" E	200.00
14	N 87°45'11" E	200.00
15	N 87°45'11" E	200.00
16	N 87°45'11" E	200.00
17	N 87°45'11" E	200.00
18	N 87°45'11" E	200.00
19	N 87°45'11" E	200.00
20	N 87°45'11" E	200.00
21	N 87°45'11" E	200.00
22	N 87°45'11" E	200.00
23	N 87°45'11" E	200.00
24	N 87°45'11" E	200.00
25	N 87°45'11" E	200.00
26	N 87°45'11" E	200.00
27	N 87°45'11" E	200.00
28	N 87°45'11" E	200.00
29	N 87°45'11" E	200.00
30	N 87°45'11" E	200.00
31	N 87°45'11" E	200.00
32	N 87°45'11" E	200.00
33	N 87°45'11" E	200.00
34	N 87°45'11" E	200.00
35	N 87°45'11" E	200.00
36	N 87°45'11" E	200.00
37	N 87°45'11" E	200.00
38	N 87°45'11" E	200.00
39	N 87°45'11" E	200.00
40	N 87°45'11" E	200.00
41	N 87°45'11" E	200.00
42	N 87°45'11" E	200.00
43	N 87°45'11" E	200.00
44	N 87°45'11" E	200.00
45	N 87°45'11" E	200.00
46	N 87°45'11" E	200.00
47	N 87°45'11" E	200.00
48	N 87°45'11" E	200.00
49	N 87°45'11" E	200.00
50	N 87°45'11" E	200.00
51	N 87°45'11" E	200.00
52	N 87°45'11" E	200.00
53	N 87°45'11" E	200.00
54	N 87°45'11" E	200.00
55	N 87°45'11" E	200.00
56	N 87°45'11" E	200.00
57	N 87°45'11" E	200.00
58	N 87°45'11" E	200.00
59	N 87°45'11" E	200.00
60	N 87°45'11" E	200.00
61	N 87°45'11" E	200.00
62	N 87°45'11" E	200.00
63	N 87°45'11" E	200.00
64	N 87°45'11" E	200.00
65	N 87°45'11" E	200.00
66	N 87°45'11" E	200.00
67	N 87°45'11" E	200.00
68	N 87°45'11" E	200.00
69	N 87°45'11" E	200.00
70	N 87°45'11" E	200.00
71	N 87°45'11" E	200.00
72	N 87°45'11" E	200.00
73	N 87°45'11" E	200.00
74	N 87°45'11" E	200.00
75	N 87°45'11" E	200.00
76	N 87°45'11" E	200.00
77	N 87°45'11" E	200.00
78	N 87°45'11" E	200.00
79	N 87°45'11" E	200.00
80	N 87°45'11" E	200.00
81	N 87°45'11" E	200.00
82	N 87°45'11" E	200.00
83	N 87°45'11" E	200.00
84	N 87°45'11" E	200.00
85	N 87°45'11" E	200.00
86	N 87°45'11" E	200.00
87	N 87°45'11" E	200.00
88	N 87°45'11" E	200.00
89	N 87°45'11" E	200.00
90	N 87°45'11" E	200.00
91	N 87°45'11" E	200.00
92	N 87°45'11" E	200.00
93	N 87°45'11" E	200.00
94	N 87°45'11" E	200.00
95	N 87°45'11" E	200.00
96	N 87°45'11" E	200.00
97	N 87°45'11" E	200.00
98	N 87°45'11" E	200.00
99	N 87°45'11" E	200.00
100	N 87°45'11" E	200.00

LEGEND

- Section corner control
- Placed 1/2" X 24" iron rod with cap marked P.L.S. 5360
- Fence line
- Found 1/2" X 24" iron rod
- Power Pole
- Existing walls, approximate location
- Building
- Overhead Power
- Point of Diversion of Water right
- Place of Use of Water right
- Irrigated Land as digitized from 1987 Aerial Photo

0 250 500 1000
SCALE: 1" = 500'



NOTE:
INFORMATION DEPICTED ON THIS MAP COMES FROM THE IDAHO DEPARTMENT OF WATER RESOURCE WATER RIGHT PROFILE REPORT

Rev. 4-11-00

HE

WATER RIGHTS MAP
35-00047 IRRIGATION

JOHNNY MILLER
SEC. 23, 24, 25, 26, T. 4 S., R. 32 E.B.M.

HARDER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

DATE: 12-2-99
BY: JLM
CHECKED BY: JLM

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 35-00047

Court 6th District Case Number None Decree Date 1910

Plaintiff vs Defendant Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company,
et al.

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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) James L. Miller Date 4-10-00
Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

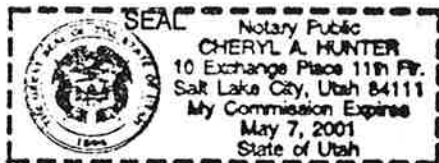
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 12th day of April 19 2000



Notary Public Cheryl A. Hunter

Residing at State of Utah

My Commission Expires May 7, 2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Shawn E. Draney will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Shawn E. Draney
Address SNOW, CHRISTENSEN & MARTINEAU
10 Exchange Place, 11th Floor, SLC, UT 84111

Date _____

Last Name Miller Ident. Number 35-00047