

06/22/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-7380C

GLANBIA FOODS INC
C/O RICK WARREN
1728 S 2300 E
GOODING ID 83330
Telephone Number: (208)934-8195

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

? Total irrigated acres

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

7/18/02

SIGNATURE:

Rickie Del Warren

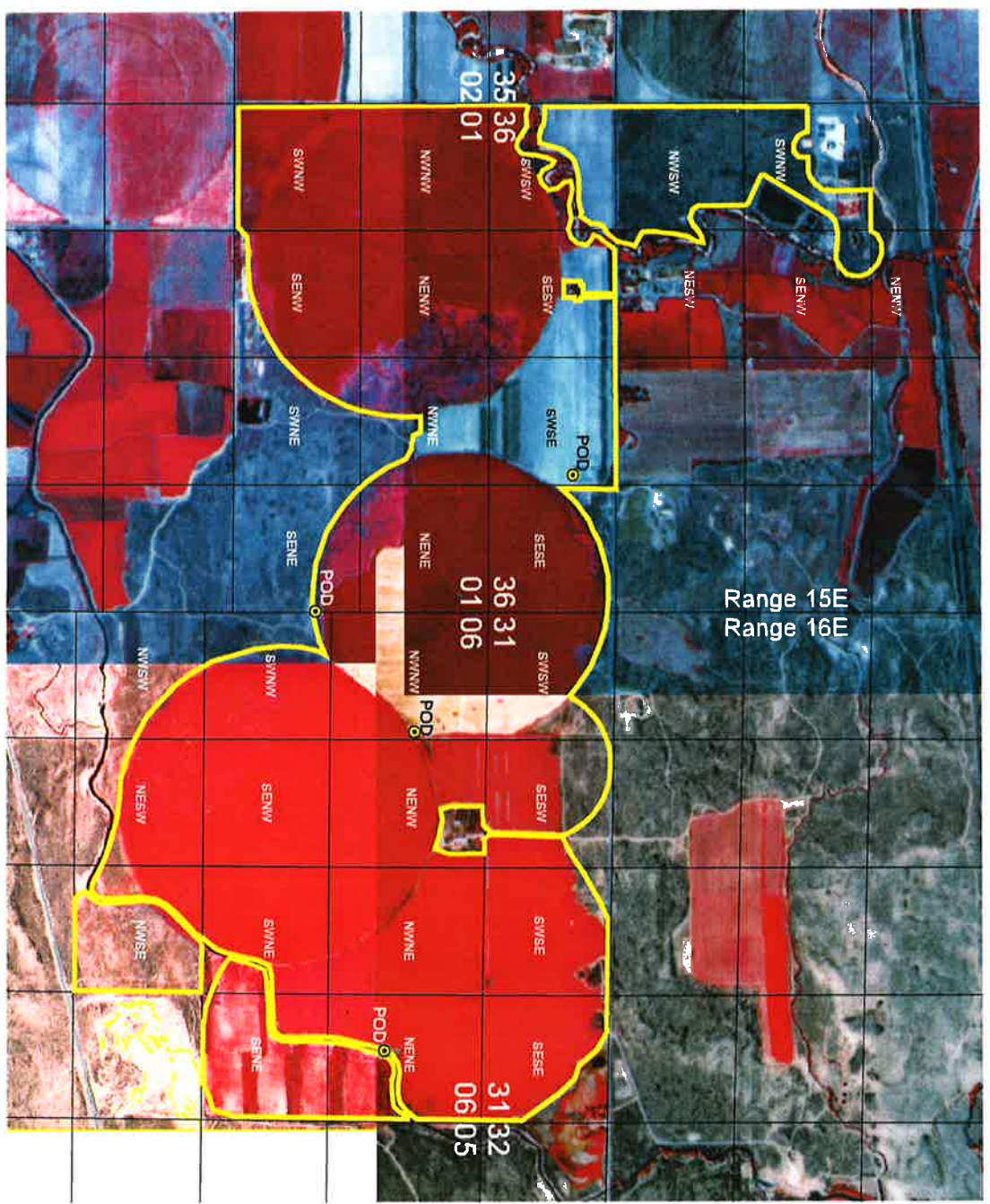
Please print your name:

Rickie Del Warren

IDWR State Office, PO Box 83720, Boise ID 83707-9815

37-7260, 37-7380A, 37-7380C & 37-7576

T05S R15E S36
T05S R16E S31
T06S R15E S01
T06S R16E S06



Map prepared by: Carter Fritschle
Date prepared: 11/16/01
1987-1988 NAPP photography
Idaho Department of Water Resources

04/10/2002

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

RIGHT NUMBER: 37-7380C

NAME AND ADDRESS: GLANBIA FOODS INC
1728 S 2300 E
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.38 CFS
874.8 AFY

PRIORITY DATE: 09/05/1974

POINT OF DIVERSION:

T05S R15E S36 NESWSE Within GOODING County
T06S R15E S1 NESENE Within GOODING County
T06S R16E S6 SWNENE Lot 1 Within GOODING County
T06S R16E S6 NENWNW Lot 4 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.380 CFS 874.80 AFY

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S36	NENW	0.2	T05S R15E S36	SWNW	22.5
T05S R15E S36	SENE	3.7	T05S R15E S36	NESW	5.0
T05S R15E S36	NWSW	38.5	T05S R15E S36	SWSW	31.0
T05S R15E S36	SESE	36.0	T05S R15E S36	SWSE	40.0
T05S R15E S36	SESE	35.5	T05S R16E S31 Lot 4	SWSW	33.7
T05S R16E S31	SESE	37.0	T05S R16E S31	SWSE	35.5
T05S R16E S31	SESE	32.0	T06S R15E S01 Lot 1	NENE	40.0
T06S R15E S01 Lot 2	NWNE	32.0	T06S R15E S01	SWNE	5.5
T06S R15E S01	SENE	10.0	T06S R15E S01 Lot 3	NENW	40.2
T06S R15E S01 Lot 4	NWNW	40.3	T06S R15E S01	SWNW	40.0
T06S R15E S01	SENE	30.0	T06S R16E S06 Lot 1	NENE	48.0
T06S R16E S06 Lot 2	NWNE	49.0	T06S R16E S06	SWNE	37.0
T06S R16E S06	SENE	39.0	T06S R16E S06 Lot 3	NENW	45.0
T06S R16E S06 Lot 4	NWNW	49.3	T06S R16E S06 Lot 5	SWNW	26.3
T06S R16E S06	SENE	40.0	T06S R16E S06	NESW	25.0
T06S R16E S06 Lot 6	NWSW	4.5	T06S R16E S06	NWSE	32.0

983.7 ACRES TOTAL

RIGHT NOS. 37-7260, 37-7380A, 37-7380C AND 37-7576 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 780.3 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 218.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

04/10/2002

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

EXPLANATORY MATERIAL: License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5622
WATER RIGHT NO(S) . 37-07260/37-07380A/37-07380C/37-07576

This is to certify that: GLANBIA FOODS INC
1728 S 2300 E
GOODING ID 83330

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-07260 :			
IRRIGATION	03/15 to 11/15	5.70 CFS	1140.0 AF
Priority: 08/08/1973			
Right No. 37-07380A :			
IRRIGATION	03/15 to 11/15	3.03 CFS	606.4 AF
Priority: 09/05/1974			
Right No. 37-07380C :			
IRRIGATION	04/01 to 10/31	4.38 CFS	874.8 AF
Priority: 09/05/1974			
Right No. 37-07576 :			
IRRIGATION	04/01 to 11/01	2.50 CFS	500.0 AF
Priority: 03/29/1977			
	TOTAL:	15.61 CFS	3121.2 AF

SOURCE

GROUND WATER

LOCATION OF POINT(S) OF DIVERSION:

NESWSE , Sec. 36, Township 05S, Range 15E
NESENE , Sec. 1, Township 06S, Range 15E
Lot 1(NENE), Sec. 6, Township 06S, Range 16E
Lot 4(NWNW), Sec. 6, Township 06S, Range 16E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	15E	36	NENW 0.2	SWNW 22.5	SENW 3.7	
			NESW 5	NWSW 38.5	SWSW 31	
			SESW 36	SWSE 40	SESE 35.5	212.4
16E	31	Lot 4(SWSW)	33.7	SESW 37	SWSE 35.5	

MICROFILMED

JUL 17 2000

TRANSFER NO. 5622
WATER RIGHT NO(S). 37-07260/37-07380A/37-07380C/37-07576

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
			SESE	32					138.2
06S	15E	1	Lot 1(NENE)	40	Lot 2(NWNE)	32	SWNE	5.5	
			SENE	10	Lot 3(NENW)	40.2	Lot 4(NWNW)	40.3	
			SWNW	40	SENE	30			238
16E	6		Lot 1(NENE)	48	Lot 2(NWNE)	49	SWNE	37	
			SENE	39	Lot 3(NENW)	45	Lot 4(NWNW)	49.3	
			Lot 5(SWNW)	26.3	SENE	40	NESW	25	
			Lot 6(NWSW)	4.5	NWSE	32			395.1
					Total number of acres irrigated:				983.7 */**

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
 2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
 3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under these rights.
 4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
 5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
 6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- */** 9. The total instantaneous diversion of water from all points of diversion under Transfer 5622 shall not exceed 15.61 cfs, nor total combined annual volume of 3121.2 af for the irrigation of a total of 780.3 acres in a single irrigation season.

MICROFILMED

JUL 17 2000

TRANSFER NO. 5622
WATER RIGHT NO(S). 37-07260/37-07380A/37-07380C/37-07576

CONDITIONS OF APPROVAL AND REMARKS

- ** 10. Right 37-07260 is limited to the irrigation of 285 acres within the place of use described above in a single irrigation season.
- ** 11. Right 37-07380A is limited to the irrigation of 151.6 acres within the place of use described above in a single irrigation season.
- ** 12. Right 37-07380C is limited to the irrigation of 218.7 acres within the place of use described above in a single irrigation season.
- ** 13. Right 37-07576 is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.

Dated this 29th day of

June

, 2000

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

11/17/2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7380 Priority September 5, 1974 Amount 7.46 cfs

THIS IS TO CERTIFY, that Harvey D. Bothoff
of Gooding, ID, has complied with the terms and conditions of Permit
No. 37-7380 issued pursuant to Application for Permit dated September 5, 1974,
and has submitted proof to the Department of Water Resources on September 5, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 20.74 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>7.46</u> cfs and	<u>1492.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 7.46 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1492.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Twp 5S,
Rge 15E, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, Twp 6S, Rge 15E in the County of Gooding
Government Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 6, Twp 6S, Rge 16E
Description and location of place of use::

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	15E	36											30	33			39	34	136
5S	16E	31											GL4 23						23
6S	15E	1	GL1 40	GL2 32		10	GL3 20	GL4 39	38										179
6S	16E	6						GL4 30	GL5 5										35

Total number of acres irrigated 373

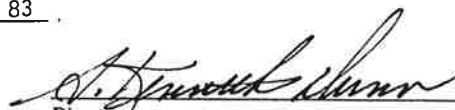
This right when combined with all other rights shall provide no more than
.02 cfs per acre nor more than 4.0 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22nd day of

June, 19 83.



Director

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: **A37-07380B**
Date Received: 9/ 2/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: AVONMORE WEST INC
Address: 1572 E HWY 26
RICHFIELD ID 83349
208-487-2545
2. Date of Priority: SEP 5, 1974
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	36	SW	SW	SE		GOODING
5. Description of diverting works:
WELL, PUMP, MAINLINE TO SPRINKLERS.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	4.430		885.60
7. Total Quantity Appropriated is:
4.430 C.F.S. (and/or) 885.60 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	36	SW	NW		IRR	17.3
			SE	NW		IRR	5.0
			NE	SW		IRR	2.4
			NW	SW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	36	SW	SW		IRR	28.8
			SE	SW		IRR	34.5
			SW	SE		IRR	36.4
			SE	SE		IRR	1.0
						Section Acres	160.4
06S	15E	1	NW	NE	2	IRR	24.0
			SW	NE		IRR	5.7
			NE	NW	3	IRR	40.0
			NW	NW	4	IRR	39.0
			SW	NW		IRR	38.0
			SE	NW		IRR	31.4
						Section Acres	178.1
						Total Acres	338.5

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

PURSUANT TO APPROVED TRANSFER NO. 4317:

1. 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 THE LANDS ABOVE.
2. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
6. RIGHT NO. 37-07380B IS LIMITED TO THE IRRIGATION OF 221.4 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

15. Basis of Claim: LICENSE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4317
WATER RIGHT NO. 37-07380B

✓ Carter
Southern AJ

This is to certify that: AVONMORE WEST INC
1572 E HWY 26
RICHFIELD ID 83349

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.43 CFS	885.6 AF

SOURCE

GROUNDWATER

Priority: 09/05/1974

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 36, Township 05S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	15E	36	SWNW 17.3	SENE 5.0	NESW 2.4	
			NWSW 35.0	SWSW 28.8	SESW 34.5	
			SWSE 36.4	SESE 1.0		160.4
06S	15E	1	Lot 2(NWNE) 24.0	SWNE 5.7	Lot 3(NENW) 40.0	
			Lot 4(NWNW) 39.0	SWNW 38.0	SENE 31.4	178.1
Total number of acres irrigated:						* 338.5

CONDITIONS/REMARKS:

1. 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 the lands above.
2. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

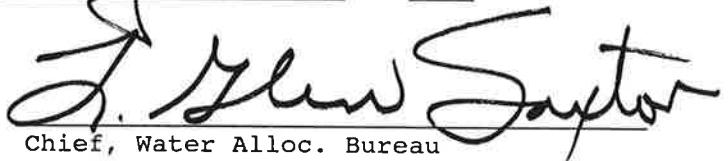
RECORDED
NOV 27 1988

TRANSFER NO. 4317
WATER RIGHT NO. 37-07380B

CONDITIONS/REMARKS:

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. Right No. 37-07380B is limited to the irrigation of 221.4 acres in the place of use described above in a single irrigation season.

Dated this 27th day of July, 1994.


Chief, Water Alloc. Bureau

ORIGINAL
NOV 27 1994

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4317APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Avonmore West, Inc. Phone 487-2545
Post Office address 1572 E, Hwy. 26, Richfield, ID 83349

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split right in connection with land purchase.

2. Describe the reason for the proposed changes When farm was split, we got the pumping capacity of Well #1, which is on land we bought. Well capacity is less than the licensed rate of 0.02 cfs/acre. Well is supplemental - we also need to create a permissible place of use with surface rights.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-073808</u>	<u>9-5-1974</u>	<u>4.15 cfs</u>	<u>Irrig.</u>	<u>4-15</u> to <u>10-31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.15 cubic feet per second and/or 885.6 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion: Same as Part 2.B.2

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use: Permissible place of use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5S</u>	<u>15E</u>	<u>36</u>							<u>17.3</u>	<u>5</u>	<u>2.4</u>	<u>35</u>	<u>28.8</u>	<u>34.5</u>			<u>36.4</u>	<u>1</u>	<u>160.4</u>
<u>6S</u>	<u>15E</u>	<u>1</u>		<u>24</u>	<u>5.7</u>		<u>40</u>	<u>39</u>	<u>38</u>	<u>20</u>									<u>178.1</u>
				<u>142</u>			<u>143</u>	<u>144</u>		<u>31.4</u>									

Total acres 273388.5

37-67380B, T # 4317

PART 1**6. General Information:**

a. Description of diversion system Well # pump, mainline to sprinklers. Surface rights are delivered thru same mainline so all rights can be used anywhere on the farm as needed.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

All the land described in Part 1.B.5. is presently irrigated.

d. Remarks:

Well #1 is also licensed under 37-7260, but will no longer be used on those lands, we do not own those lands.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

RECORDED
NOV 27 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 37-07380 issued by the Idaho Department of Water Resources.
- c. Claim No. A37-07380 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 9-5-1974

5. Water is used for the following purpose:

amount 7.46 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 7.46 cubic feet per second and/or 1492 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	36	5S	15E	Gooding	Well #1
		SE	NE	1	6S	15E	"	Well #2
4		NW	NW	36	"	16E	"	Well #3

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	15E	36											30	33			39	34	136
	16E	31											14	23					23
6S	15E	1	14	12			10	13	14	38									179
	16E	6							14	15									25

Total acres 373

9. Describe any other water rights used for the same purpose as described above A37-00177M, 00374A,

AF #2 & BWCC shares 27 1996

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED * Measured capacity of Well #1
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount * 4.15 cfs for Irrig. purposes from 3-15 to 11-15
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	36	55	15E	Gooding	Well #1

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
55	15E	36											30	33			36.4	1	100.4
65	15E	1		24			20	39	38										121.0

Total acres 221.4

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount ~~3.03~~ 3.03 cfs for Irrig. purposes from 3-15 to 11-15
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	1	65	15E	Gooding	Well #2
4		NW	NW	6	65	16E	"	Well #3

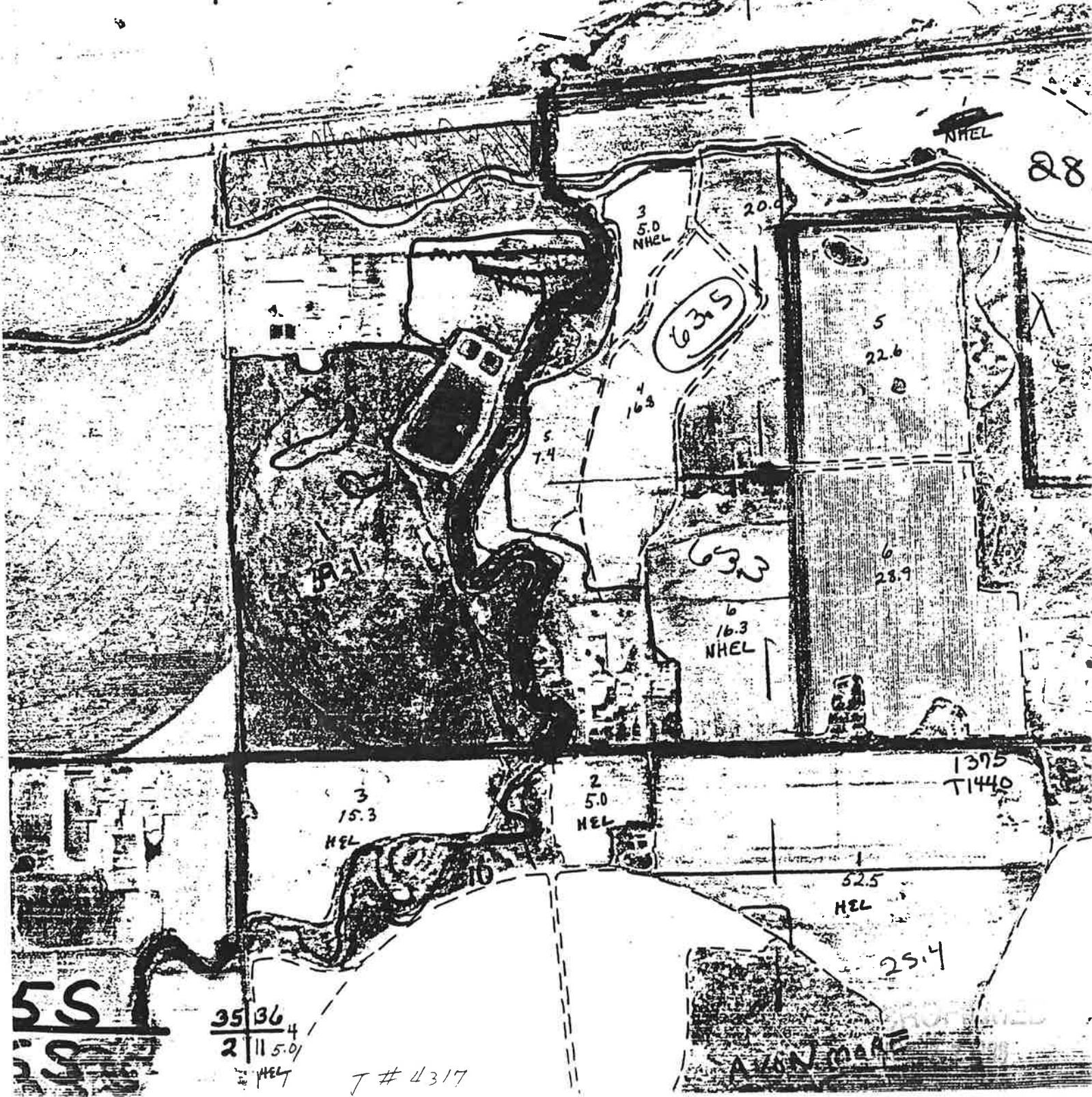
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
55	15E	36															2.6	33	~~35.6~~
	16E	31											LT4 23						23
65	15E	1	40	8		10													58
			LT1	LT2															
	16E	6							30	5									35

LT4 LT5

Total acres 7 151.6

24	25
35	36



5S
3S

35	36
2	4

11 5.0
NHFL

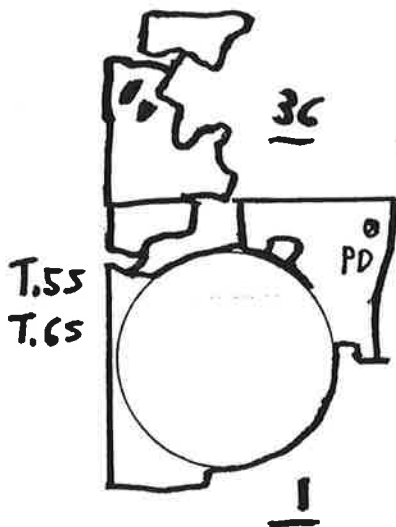
T # 4317

AVON MOORE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

R. 15E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

RECORDED
101 27 1996

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

x D. O. Shaw, Pres.
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of January, 19 94.

Brenda Farmwell
(Notary Public)

My commission expires 10/24/97

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by J. F. Stanton Date 2-15-94 Protest filed by _____

Prelim. check by MTS Fee \$50.00 50/6558

Receipted by [Signature] Date 2-15-94

Published in Goodling Co. Leader Copies of protest forwarded by _____

Pub. dates 03/30 + 04/06/94 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. 4/28/94 by [Signature]

Copy of transfer sent to lien holder _____

RECEIVED**FEB 15 1994**

Department of Water Resources
Southern Region Office

CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRES
	T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
7380	65	15E	1	40	32		10	20	39	38										
- 00177M			1		32	10		40	39	38	32									
- 00374A			1		32	10		40	39	38	32									
- 02043C			1		32	10		40	39	38	32									
CANAL				38	34	5	22	42	41											

ANFA43
B. Wood

39
38 34 5 22 42 41

CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRES
	T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
Canal 5/10/00	15E	15E	36									39	37	37	38					
7380														30	33			39	34	
177M														30	33					
374A														30	33					
2043C														30	33					
11245															D					
7380 Section 31															23					

CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRES
	T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
7380	65	16E	6						30	5										

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: Avonmore West Transfers

FROM: Jim Stanton

DATE: 1-20-94

Today I visited the subject property east & south of the Avonmore cheese plant near Coaling.
Most of the land involved in these two transfers is presently irrigated. About 30 acres
under the big pivot is a rocky spine that has never been put to beneficial use but has been
irrigated. Avonmore now wants to fence this area off for pasture; forage crops would be
planted. Some of this land is licensed & some is not, although Exam 37-7380 found it all
to be under the pivot.

Based on aerial photos & my site visit, I prepared these two exams for Avonmore.

☒ For your information

☐ Response required


signature

T# 4317

RECORDED
JAN 27 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

FEB 10 1994

Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 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)
Assigned by IDWR: A37-07380
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
Greenhorn Farms
PO Box 93
Gooding, ID 83330
- ☐ New Owner/Claimant (Purchaser):
Avonmore West Inc.
- ☐ New Mailing Address:
1572 E. Hwy. 26
Richfield, ID
487-2545 83349
- ☐ New Telephone Number: () 487-2545
- ☐ 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:
4.15 cfs from well in SW/SE S. 36 T. 5S R. 15E.

- ☐ Attach proof of ownership, describe proof attached: _____

(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): Avonmore West, Inc. Date 1/31/94
- ☐ Signature of Former Owner/Claimant(s): _____ 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: Pone

Claim Numbers of Split, if any:

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

MICROFILMED
NOV 27 1996

AVONMORE WEST, INC
TRANSFER APPLICATION--37-07380
SPLIT TREE

37-07380

DIV. RATE: 7.46 CFS

P/D: 5S, 15E, S36, SWSE
6S, 15E, S1, SENE
6S, 16E, S6, NWNW (LT4)

P/U: 5S, 15E, S36, SWSW--30 ACRES	SWSE--39 ACRES
SESW--33 "	SESE--34 "
16E, S31, LT4 SWSW--23 ACRES	
6S, 15E, S1, LT1 NENE--40 "	LT3 NENW--20 ACRES
LT2 NWNE--32 "	LT4 NWNW--39 "
SENE--10 "	SWNW--38 "
6S, 16E, S6, LT4 NWNW--30 "	
LT5 SWNW--5 "	

37-07380A

DIV. RATE: 3.03 CFS

P/D: 6S, 15E, S1, SENE
6S, 16E, S6, LT4 NWNW

P/U: 5S, 15E, 36, SWSE-- 3 ACRES
 SESE--33 "
 16E, 31, LT4 SWSW--23 "
6S, 15E, S1, LT1 NENE--40 "
 LT2 NWNE-- 8 "
 SENE--10 "
 16E, S6, LT4 NWNW--30 "
 LT5 SWNW-- 5 "

37-07380B

DIV. RATE: 4.15 CFS

P/D: 5S, 15E, S36, SWSE

P/U: 221.4 ACRES IN THE FOLLOWING DESCRIBED PPU

5S, 15E, S36, SWNW--17.3 ACRES
SENE-- 5.0 "
NESW-- 2.4 "
NWSW--35.0 "
SWSW--28.8 "
SESW--34.5 "
SWSE--36.4 "
SESE-- 1.0 "
6S, 15E, S1, LT2 NWNE--24.0 ACRES
SWNE-- 5.7 "
LT3 NENW--40.0 "
LT4 NWNW--39.0 "
SWNW--38.0 "
SENE--31.4 "

RECORDED
NOV 27 1998
T#4317



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

January 9, 1995

AVONMORE WEST INC
1572 E HWY 26
RICHFIELD ID 83349

Re: Amended Adjudication Claim #A37-07380B

Ownership Change for Adjudication Claim #A37-00177M,
A37-00374A, A37-02043C
GREENHORN FARMS/AVONMORE WEST

Dear Claimant(s):

Pursuant to the approval of Transfer Nos. 4313 and 4317 and notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, the Department has changed the records of the current owner and amended the claims as per the transfers. Please find enclosed a copy of the computer record of the claims noting these changes.

Please review the records and if you have any corrections or questions, please feel free to call this office.

Sincerely,


Jeanie Robertson
Water Right Agent

/jr
Enclosures

RECEIVED
JAN 27 1995

Water Right Number - 37-073808 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
AVONMORE WEST INC

1 - 1572 E HWY 26
2 -
3 -
City- RICHFIELD
Phone - 208-487-2545
State- ID Zip- 83349

*** O - ORIGINAL OWNER ***
BOTHOFF

HARVEY D
1 - RT 2
2 -
3 -
City- GOODING
Phone - 208-000-0000
State- ID Zip- 83330

+ - - Priority Date - - - + - - - Region - - - + - - - Stage - - - + - - - Status - - - +
09/05/1974 17 SOUTHERN L - LICENSE

+ - - Source - - - - - + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - Diversion Name - - - - - Diversion Rate - - - - - Diversion No.
TwN Rng Sec Tract Lot RFlg County

05S 15E 36 SW SE (47) GOODING

+ - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION 04/01 10/31 4.430 885.60

+ - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - +
4.430 885.60

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	Place of Use	County
05S	15E	36	SW NW	17.3	01	01	IRRIGATION	(47)	GOODING
05S	15E	36	SE NW	5.0	01	01	IRRIGATION	(47)	GOODING
05S	15E	36	NE SW	2.4	01	01	IRRIGATION	(47)	GOODING
05S	15E	36	NW SW	35.0	01	01	IRRIGATION	(47)	GOODING
05S	15E	36	SW SW	28.8	01	01	IRRIGATION	(47)	GOODING
05S	15E	36	SE SW	34.5	01	01	IRRIGATION	(47)	GOODING
05S	15E	36	SW SE	36.4	01	01	IRRIGATION	(47)	GOODING
05S	15E	36	SE SE	1.0	01	01	IRRIGATION	(47)	GOODING
06S	15E	1	NW NE	24.0	01	01	IRRIGATION	(47)	GOODING
06S	15E	1	SW NE	5.7	01	01	IRRIGATION	(47)	GOODING
06S	15E	1	NE NW	40.0	01	01	IRRIGATION	(47)	GOODING
06S	15E	1	NW NW	39.0	01	01	IRRIGATION	(47)	GOODING
06S	15E	1	SW NW	38.0	01	01	IRRIGATION	(47)	GOODING
06S	15E	1	SE NW	31.4	01	01	IRRIGATION	(47)	GOODING

Total Acres: 338.5

NOV 27 1994

WATER RIGHT

+ - - Diversion Means - WELLS, PUMPS & SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

	Remarks
	Right No. 37-07380B is limited to the irrigation of 221.4 acres in the place of use described above in a single irrigation season.

+-----+
- Old Water Right Numbers -
No Old Water Right Numbers found.

Conditions of Approval

R31 - 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 the
- lands above.

803 - The right holder shall use the full allotment of his surface

- water right, to the extent it is available, in conjunction with
- groundwater diverted pursuant to this right.

T07 - The change authorized by this transfer shall be accomplished
- within one (1) year of the date of this approval.

- for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

- Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

+ - - -	- Decree Plaintiff	- - - +	+ - - -	- Decree Defendant	- - - +	+ - Decree Date
						00/00/0000

Date	User	Id	Subject	Transfer No.	Comments
03/16/1994	BALDWIN	4317	Subject: TRANSFER NO. 4317		
			T# 4317 filed on 2/15/94 proposes to change place of use and		create a permissible place of use for surface rights.
			Water right will be split into parts A & B as a result of land		purchase. The pumping capacity of supplemental well #1 is less
			than the licensed rate of 0.02 cfs per acre.		

+ - - Audit Fields - 07/26/94 PSKAGGS

Water Rights Dates and Flags Area	
Proof Due Date	10/01/1979
Approved/Denied	Field Exam Made
Proof Made Date	10/07/1974
Exam to S.O. Date	09/05/1978
Order Show Cause	00/00/0000
Licensed Date	00/00/0000
Decree Date	08/01/1983
Presumption Flag	00/00/0000
	Field Exam Fee
	Protested Date
	Hearing Date
	Verified Date
	Receipt Number
	Appl Received
	Name Connector
	Field Exam Fee
	Swan Falls
	Temporary Right
	DLE/Carey Act
	Water District
	Transfer/Amended
	POU Ownership Flag

Water Right Number - R37-07380B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - - - First Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
AVONMORE WEST INC1 - 1572 E HWY 26
2 -
3 -
City- RICHFIELD State- ID Zip- 83349
Phone - 208-487-2545+ - - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/05/1974 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +

+ - - - - - - - - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

05S 15E 36 SW SE (47) GOODING

+ - - - - - - - - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 4.430 885.60

+ - - - Total Div. Rate - - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - - +
4.430 885.60 0.0

+ - - - - - - - - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|-------|------|----|------------|------|---------|
| 05S | 15E | 36 | SW NW | 17.3 | 01 | IRRIGATION | (47) | GOODING |
| 05S | 15E | 36 | SE NW | 5.0 | 01 | IRRIGATION | (47) | GOODING |
| 05S | 15E | 36 | NE SW | 2.4 | 01 | IRRIGATION | (47) | GOODING |
| 05S | 15E | 36 | NW SW | 35.0 | 01 | IRRIGATION | (47) | GOODING |
| 05S | 15E | 36 | SW SW | 28.8 | 01 | IRRIGATION | (47) | GOODING |
| 05S | 15E | 36 | SE SW | 34.5 | 01 | IRRIGATION | (47) | GOODING |
| 05S | 15E | 36 | SW SE | 36.4 | 01 | IRRIGATION | (47) | GOODING |
| 05S | 15E | 36 | SE SE | 1.0 | 01 | IRRIGATION | (47) | GOODING |
| 06S | 15E | 1 | NW NE | 24.0 | 01 | IRRIGATION | (47) | GOODING |
| 06S | 15E | 1 | SW NE | 5.7 | 01 | IRRIGATION | (47) | GOODING |
| 06S | 15E | 1 | NE NW | 40.0 | 01 | IRRIGATION | (47) | GOODING |
| 06S | 15E | 1 | NW NW | 39.0 | 01 | IRRIGATION | (47) | GOODING |
| 06S | 15E | 1 | SW NW | 38.0 | 01 | IRRIGATION | (47) | GOODING |
| 06S | 15E | 1 | SE NW | 31.4 | 01 | IRRIGATION | (47) | GOODING |

Total Acres: 338.5

+ - - - Diversion Means - WELL, PUMP, MAINLINE TO SPRINKLERS.

+ - - - Non-Irrigation Use - NONE

NOV 27 1995

Prefix Translation: RESEARCH

PURSUANT TO APPROVED TRANSFER NO. 4317:

1. 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 THE LANDS ABOVE.
2. THE RIGHT HOLDER SHALL USE THE FULL ALLOTMENT OF HIS SURFACE WATER RIGHT, TO THE EXTENT IT IS AVAILABLE, IN CONJUNCTION WITH GROUNDWATER DIVERTED PURSUANT TO THIS RIGHT.
3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
4. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
6. RIGHT NO. 37-073808 IS LIMITED TO THE IRRIGATION OF 221.4 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

- - Conditions of Approval - -
 No Conditions of Approval found.

+ - - - Decree Defendant - - - +

+ - Decree Date +
00/00/0000

+ - - - - Date: 01/09/1995 User Id: JROBERTS Subject: AMENDED/SPLIT/TRANSFER - Comments-

This claim is a portion of A37-07380 which was split and amended pursuant to approved Transfer No. 4317. jr

01/09/95 JROBERTS

+ + + + + - - - - - Adjudication Rights Dates and Flags Area

| | | | | | | | | |
|----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - | |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - | 09/02/1988 | Last Amended Date | - | 01/06/1995 | Temporary Right | - | P |
| | | | Receipt Number | - | X77777 | Water District | - | |
| | | | PQJ Ownership Flag | - | Y | Federal/State Indicator | - | S |
| | | | Name Connector | - | | Presumption Flag | - | |
| | | | | | | Notice of Error Flag | - | |

NOV 27 1958



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 28, 1994

David M Brown
The Mutual Life Insurance Co of New York
One Mid Rivers Mall Dr
Suite 120
St Peters, MO 63376

RE: Lienholder addition to SRBA Records A37-07393, A37-07408 &
A37-07463

Dear Mr. Brown:

In response to your October 10, 1994 letter our office has changed the electronic record for the above listed Snake River Basin Adjudication (SRBA) claims. Please find enclosed copies of proof reports for these changed records.

Your letter also referenced stock certificates from the Big Wood Canal Co. Since our department does not deal with these records I recommend that you contact the Big Wood Canal Co. directly.

In checking our database I found A37-11206 in the name of L. M. Davenport. Please find a proof report for this claim for your review. Please note that since this claim was not specifically listed in your "Exhibit B" this record was not changed.

If you have questions please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt
Acting Southern Region Manager

CC: Lewis M Davenport, 1737 E 1800 S, Gooding, ID 83330

27 1996

David M. Brown
Senior Counsel
MONY Agricultural Investment

RECEIVED

OCT 27 1994

Department of Water Resources
Southern Region Office

Alfred Merritt
Mutual Of New York
One Mid Rivers Drive, Suite 120
St. Peters, MO 63376
314 278-5555
Telecopier 314 278-6763

MONY

October 10, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

RECEIVED

OCT 25 1994

Department of Water Resources

Re: **MONY Loan No. 40221**
Davenport, Lewis
Water Rights - Lienholder's Interest

Gentlemen:

The Mutual Life Insurance Company of New York (MONY) has closed a loan transaction with Lewis M. Davenport and Nita Davenport, husband and wife. In connection with said loan transaction, MONY has mortgaged certain real estate owned by Lewis M. Davenport and Nita Davenport, husband and wife, and taken a security interest in the water rights appurtenant to and used in connection with said real property.

It is my understanding that State of Idaho Department of Water Resources now has all water rights on a computer system and that a notice of MONY's security interest will be entered into that system. For your use, I now enclose duplicate copies of the legal descriptions for the real property encumbered by MONY's mortgage and the water rights appurtenant thereto. It is my understanding that one copy will be dated the day that you receive it and returned to me to acknowledge receipt, and that the second copy will be retained by your department for your file.

The lienholder's name and address to be registered in you system and used for all required notifications and correspondence is as follows:

mailed 10-25-94 ps
The Mutual Life Insurance Company of New York
One Mid Rivers Mall Drive
Suite 120
St. Peters, MO 63376

Copy to:
The Mutual Life Insurance Company of New York
1740 Broadway
New York, NY 10019

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Idaho Department of Water Resources

October 10, 1994

Page 2 of 2 Pages

Upon receipt of this letter I request that you return one copy of the legal description and appurtenant water rights with your date stamp attached in the enclosed self-addressed, stamped envelope, for our records. If there is anything further you require to register MONY's lienholder's interest in these water rights please contact me at your earliest convenience.

Thank you for your cooperation and assistance in this regard.

Yours very truly,



David M. Brown
Senior Counsel
MONY Agricultural Investment

Enclosures

RECEIVED
OCT 27 1994

EXHIBIT A

PARCEL I:

Township 6 South, Range 14 East of the Boise Meridian, Gooding County, Idaho.

Section 1: West 29 acres of Lot 3, EXCEPT tract described as follows:

BEGINNING at the Southeast corner of said West 29 acres of Lot 3;

Thence North 990 feet;

Thence West 22 feet;

Thence South 990 feet;

Thence East 22 feet to the POINT OF BEGINNING.

PARCEL II:

Township 6 South, Range 15 East of the Boise Meridian, Gooding County, Idaho.

Section 1: W1/2SW1/4, EXCEPT that portion Deeded to the State of Idaho by Warranty Deed, dated January 8, 1965, recorded May 25, 1965 as Instrument No. 14844, records of Gooding County, Idaho.

Section 2: E1/2SE1/4

EXCEPTING THEREFROM that part of the SE1/4SE1/4, Section 2, lying and situate South and West of the Big Wood Canal Company Canal.

AND EXCEPTING THEREFROM the following described parcel of land:

BEGINNING at the East Quarter corner of Section 2;

Thence South 89° 40' 55" West, 812.46 feet along the Northerly boundary of the Northeast Quarter of the Southeast Quarter to THE TRUE POINT OF BEGINNING;

Thence South 89° 40' 55" West along the North boundary of the Northeast Quarter of the Southeast Quarter, 513.00 feet to the Northwest corner of the Northeast Quarter of the Southeast Quarter;

Thence South 0° 21' 04" East, 235.00 feet along the Westerly boundary of the Northeast Quarter of the Southeast Quarter;

Thence North 88° 20' 31" East, 513.13 feet;

Thence North 0° 21' 04" West, 223.00 feet to THE TRUE POINT OF BEGINNING.

EXHIBIT A CONTINUED

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NOV 27 1990

PARCEL III:

Township 6 South, Range 15 East of the Boise Meridian, Gooding County, Idaho.

Section 5: NE1/4SW1/4, SE1/4NW1/4 and Part of Lot 3, described as follows:

BEGINNING at the Northeast corner of said Lot 3;
 Thence South 0° 02' 55" West, 777.61 feet along the Easterly boundary of said Lot 3 to the center of Cemetery Road as shown on the Plat of Little Wood Villa on file in the office of the County Recorder of Gooding County, Idaho and THE TRUE POINT OF BEGINNING;
 Thence South 0° 02' 55" West, 553.53 feet to the Southeast corner of said Lot 3;
 Thence South 89° 47' 49" West, 1326.25 feet to the Southwest corner of said Lot 3;
 Thence North 0° 02' 15" East, 200.04 feet along the Westerly boundary of said Lot 3 to the centerline of 10th Avenue as shown on the Plat of Woodworth Addition to the Town of Gooding, filed in the office of the County Recorder of Gooding County, Idaho on May 17, 1909, projected Eastwardly;
 Thence North 89° 55' 17" East, 40.00 feet along said projected centerline;
 Thence North 0° 02' 15" East, 77.96 feet parallel with and 40.00 feet Easterly from the Westerly boundary of said Lot 3 to a point 122.00 feet Southerly at right angles to the Southerly boundary of said Cemetery Road;
 Thence North 84° 02' 17" East, 202.39 feet parallel with the Southerly boundary of said Cemetery Road to the intersection with the Southerly boundary of a tract of land conveyed to Wesley Harold Meils by Deed recorded in Book 45 of Deeds, page 422 of the records of Gooding County, Idaho;
 Thence North 89° 55' 17" East, 55.00 feet parallel with the centerline of said 10th Avenue;
 Thence North 77° 41' 04" East, 51.16 feet to the Southwest corner of a tract of land conveyed to Bobby D. Rice by Deed recorded in Book 45 of Deeds, Page 240 of the records of Gooding County, Idaho;
 Thence North 89° 55' 17" East, 75.00 feet parallel with the centerline of said 10th Avenue to the Southeast corner of said Rice Tract;
 Thence North 0° 04' 43" West, 7.70 feet parallel with the centerline of Oregon Street as shown on the Plat of said Woodworth Addition to the Southwest corner of a tract of land conveyed to Athol Ray Clements by Deed recorded in Book 48 of Deeds, Page 258 of the records of Gooding County, Idaho;

EXHIBIT A CONTINUED

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 NOV 27 1998

Thence North 89° 55' 17" East, 100.00 feet parallel with the centerline of said 10th Avenue;
Thence South 0° 04' 43" East, 91.10 feet parallel with the centerline of said Oregon Street to the Northerly boundary of a Right of Way Easement and Agreement, recorded April 4, 1960 in Book 8 of Miscellaneous, Page 159 of the records of Gooding County, Idaho, (which point is 25.00 feet North of the centerline of 10th Avenue extended);
Thence North 89° 47' 49" East, 125.00 feet along said Northerly boundary to an angle point;
Thence North 0° 04' 43" West, 267.37 feet along the Westerly boundary of said Easement to the center of said Cemetery Road;
Thence North 84° 40' 05" East, 50.21 feet along the center of said Cemetery Road;
Thence South 0° 04' 43" East, 290.27 feet;
Thence North 84° 40' 05" East, 602.47 feet;
Thence North 0° 02' 55" East, 290.33 feet to the center of county (Cemetery) road;
Thence North 84° 40' 05" East, 30.13 feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO the right of said Cemetery Road which affects the Northerly 31.71 feet thereof, AND

SUBJECT TO a Right of Way Easement, recorded April 4, 1960 in Book 8 of Miscellaneous, page 159 of the records of Gooding County, Idaho.

PARCEL IV:

Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho.

Section 18: Lot 1; E1/2NW1/4;
Lot 2, EXCEPT a tract described as follows:

BEGINNING at the West Quarter corner of said Section 18, THE TRUE POINT OF BEGINNING;
Thence East along the South boundary of said Lot 2 for 417.42 feet;
Thence North parallel to the West boundary of said Section 18 for 208.72 feet;
Thence West parallel to the South boundary of said Lot 2 for 417.42 feet to a point on the West boundary of said Section 18;
Thence South along the West boundary of said Section 18 for 208.72 feet to THE TRUE POINT OF BEGINNING.

NOV 27 1990

Tract No. 1:

Township 1 South, Range 14 East, Boise Meridian, Camas County, Idaho.

Section 13: NW¼ EXCEPT a portion of land described as follows:

Starting at a point on the south right-of-way boundary line of the State Highway running east and west along the North side of the above said NW¼, Section 13, Township 1 South, Range 14 E.B.M., said point being 600 feet East of the intersection of the West boundary line of said State highway; thence South 371 feet, thence East 265 feet; thence North 364 feet and to the said South right-of-way boundary line of the State Highway; and thence west along said south right-of-way boundary line 103 feet, thence North 7 feet; thence west 162 feet to the place of beginning. AND EXCEPT the North 40' of the NW¼ for Highway right-of-way.

Township 1 South, Range 14 East, Boise Meridian, Camas County, Idaho

Section 14: NE¼ EXCEPT the North 40' of the NE¼ for Highway right-of-way.

Tract No. 2:

Township 1 South, Range 14,, East Boise Meridian, Camas County, Idaho.

Section 13: SW¼ .

Township 1 South, Range 14 East, Boise Meridian, Camas County, Idaho.

Section 14: SE¼

Tract No. 3:

Township 1 South, Range 14 East, Boise Meridian, Camas County, Idaho.

Section 13: SE¼.

Township 1 South, Range 14 East, Boise Meridian, Camas County, Idaho.

Section 13: A parcel of land described as follows:

Starting at a point on the South right-of-way boundary line of the State Highway running east and west along the north side of the above said NW¼ Section 13, Township 1 South, Range 14 E.B.M., said point being 600 feet east of the intersection of the West boundary line of said Section 13 and the South boundary line of said State Highway; thence south 371 feet; thence east 265 feet; thence North 364 feet to the said south right-of-way boundary line 103 feet; thence North 7 feet; thence West 162 feet to the place of beginning.

Tract No. 4:

Township 1 South, Range 14 East, Boise Meridian, Camas County, Idaho.

Section 15: NE¼ EXCEPT a parcel of land being the North 662.3 feet of the West 420.0 feet of the NW¼NE¼ of said Section 15.

RECORDED
NOV 27 1998

WATER RIGHTS LIST - EXHIBIT "B"

LEWIS M. DAVENPORT

| LICENSE NUMBER | C.F.S. | PRIORITY DATE | ACRES IRRIGATED |
|----------------|--------|---------------|-----------------|
| #37-7463 | 1.93 | | 154 ACRES |
| #37-7408 | 9.46 | | 473 ACRES |
| #37-7393 | 3.20 | | 316 ACRES |

BIG WOOD CANAL CO.

| CERTIFICATE # | # OF SHARES |
|---------------|---------------|
| #10789 | 154.00 SHARES |
| #9863 | 104.73 SHARES |
| #10770 | 28.50 SHARES |
| #8991 | 160.00 SHARES |

RECORDED
NOV 27 1996

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: A37-07393
Date Received: 10/26/1989
Receipt No: MO65002
Received By: JAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEWIS M. DAVENPORT 208-934-5604
Address: 1737 E. 1800 S.
GOODING, ID 83330

2. Date of Priority: OCT 18, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 01S | 14E | 14 | NE | NE | NE | | CAMAS |
| | | | NE | NE | SE | | CAMAS |

5. Description of diverting works:
TWO WELLS, 16" CASINGS 431' AND 535' DEEP WITH 150 HP. MOTORS

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.200 | | |

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

8. Total consumptive use is 790.0 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 |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 01S | 14E | 14 | NE | NE | | IRR | 39.0 |
| | | | NW | NE | | IRP | 39.0 |

A37-07393

Page

10/26/89

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FEB 24 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 01S | 14E | 14 | SW | NE | | IRR | 40.0 |
| | | | SE | NE | | IRR | 40.0 |
| | | | NE | SE | | IRR | 40.0 |
| | | | NW | SE | | IRR | 40.0 |
| | | | SW | SE | | IRR | 39.0 |
| | | | SE | SE | | IRR | 39.0 |

Section Acres 316.0

Total Acres 316.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-07408 PART OF SAME PD.

14. Remarks:
THIS RT. WHEN COMBINED WITH RT. 37-7408 SHALL NOT PROVIDE MORE
THAN 12.13 CFS.

15. Basis of Claim: LICENSE

MICROFILMED
FEB 24 1993

16. Signature(s)

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

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: 10-26-89
Date:

State of Idaho)
County of Cama) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of Oct 19 89

John Dal. Carver
Notary Public

Seal

Residing at Bon Id

My Commission Expires 6/2/94

