

AJ0749NP  
No. R35-08168

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 03/31/98  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                           | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE    | DIVERSION<br>VOLUME   |
|------------------|------------------------------------------------------------------------------------------|------------------|------------------------|----------------------------|----------------------|-----------------------|
| C                | DESERT DAIRY<br>C/O MERLIN MORGAN<br>237 S 900 W<br>BLACKFOOT ID 83221<br>(208) 684-3780 | 06/29/1983       | STOCKWATER<br>DOMESTIC | 01-01 12-31<br>01-01 12-31 | 0.46 CFS<br>0.11 CFS | 28.00 AFA<br>3.00 AFA |
| TOTAL DIVERSION: |                                                                                          |                  |                        |                            | 0.57 CFS             | 31.00 AFA             |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02S R33E S17

SWSW

BINGHAM County

Place of use Legal Description for: STOCKWATER

| NE  |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |      |   |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
|     |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |
| 02S | 33E | 17 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : |
|     |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   |

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

POU County: BINGHAM

Non-Irrigation Uses: 5 HOMES

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
- DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/JH/11-7-97

EXP STOCKWATER DAIRY

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

Comments: Date: 04/27/1994 User-ID: BALL Subject: COPIED FROM REMARKS  
Domestic use is for 5 homes.

Date: 03/26/1997 User-ID: DS-PRODM Subject: D&S STK-BLM UPDATE  
USE-NOT-IRRIGATION FIELD TEXT NOT CHANGED

SCANNED  
SEP 13 2005

PROFILED

E019637  
#50

AJ0749NP  
No. R35-08168

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 03/31/98  
PAGE: 2

=====  
Comments: Date: 03/26/1997 User-ID: DS-PRODM Subject: D&S STK-BLM UPDATE  
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.  
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 00/00/00

SCANNED  
SEP 13 2005

PROFILED

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IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 11/07/97  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                                           | PRIORITY<br>DATE | WATER USE              | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE    | DIVERSION<br>VOLUME   |
|------------------|------------------------------------------------------------------------------------------|------------------|------------------------|----------------------------|----------------------|-----------------------|
| C                | DESERT DAIRY<br>C/O MERLIN MORGAN<br>237 S 900 W<br>BLACKFOOT ID 83221<br>(208) 684-3780 | 06/29/1983       | STOCKWATER<br>DOMESTIC | 01-01 12-31<br>01-01 12-31 | 0.46 CFS<br>0.11 CFS | 28.00 AFA<br>3.00 AFA |
| TOTAL DIVERSION: |                                                                                          |                  |                        |                            | 0.57 CFS             | 31.00 AFA             |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R33E S17 SWSW

BINGHAM County

Place of use Legal Description for: STOCKWATER

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |   |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
|     |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   |
| 02S | 33E | 17 | : |      |      |      |      | :  |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : |
|     |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   |

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

POU County: BINGHAM

Non-Irrigation Uses: DOMESTIC 5 HOMES, STOCKWATER DAIRY

Other Rights: NONE

Remarks: GEN Domestic use is for 5 homes.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

SCANNED  
SEP 13 2005

PROFILED

A35-08168  
DESERT DAIRY  
C/O MERLIN MORGAN  
237 S 900 W  
BLACKFOOT ID 83221

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
WATER CLAIM VERIFICATION REPORT

08:25:39  
10/29/91

08166  
CLAIM NUMBER: A35-11582

PAGE: 1  
GENERAL INFORMATION

LAST: WESTERN AG SYSTEMS  
ADDRESS: 1574N 300N  
CITY: BLACKFOOT  
PHONE NUMBER: 208-684-3932  
OWNER CODE: 0

FIRST:  
STATE: ID ZIP: 83221

LAST: BROCKWAY CORPORATION  
ADDRESS: 370 CONVENTION WAY  
BOX 5438  
CITY: REDWOOD CITY  
PHONE NUMBER: 415-354-1758  
OWNER CODE: C

FIRST:  
STATE: ID ZIP: 94053

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER

CLAIM REMARKS: THIS WELL REPRESENTED IN LICENSE 35-08168, WHICH COVERS 2 WELLS.  
PROPERTY & WELLS SPLIT.

Will be recommended as Right 35-08168 -

Rebumber to R35-08168

Done E&I 11-15-91

SEE MEMO DATED 12-2-93  
FOR DISCUSSION OF 12-2-93  
DISALLOWAL RECOMMENDATION.  
ES/

(ED SARTON)

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

DATE OF FIELD EXAM: 11/15/91

APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

IN-OFFICE REVIEW

35-08168 - WHY NOT THIS LICENSE?

A. AJ CLAIM: # A35-11392 PRIORITY DATE: 01-01-1978 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(X) N( )  
IF YES EXPLAIN.

REMARKS: CLAIMANT HAS LICENSE 35-08168 FOR THIS DEVELOPMENT. THEY HAVE FILED THIS CLAIM AS A B/U RIGHT DATING TO THE TIME OF DEVELOPMENT (1978). HOWEVER, THE LICENSED USE, STOCKWATER, EXCEEDS THE DEFINITION OF "SMALL D<sup>1</sup>/S". LICENSED/CLAIMED DIVERSION RATE IS 0.26 CFS, LICENSED DIVERSION VOLUME IS 31 ACRE FEET WHICH EQUALS:  $31 \text{ AF} / 365 \text{ DAYS} = (0.0849 \text{ AF/DAY}) 325,850 \text{ GAL/AF} = 27,675 \text{ GALLONS/DAY}$  WHICH EXCEEDS THE 13,000 GAL/DAY FOR SMALL D<sup>1</sup>/S. SINCE HIS USE EXCEEDS THE STATUTORY DEFINITION OF "SMALL D<sup>1</sup>/S" HIS USE FALLS UNDER PERMITTING REQUIREMENTS FOR NEW WATER RIGHTS. HE DID THIS IN 1983, AS ATTESTED BY LICENSE 35-08168. RECOMMEND THIS CLAIM AS RIGHT 35-8168. PRIORITY DATE = 6/29/1983

RECOMMENDED PRIORITY DATE:

6-29-1983

REVIEWED BY

SS

DATE

11/15/91

SEE 12-2-93 MEMO: CLAIMED PRIORITY DATE AND BASIS VIOLATES MANDATORY PERMIT STATUTE.  
RECOMMEND DISALLOWAL, P01.

1. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY    |
|-----------|------|------|------|-----|-----|-----|-----|---------|
| A35-11382 | 025  | 035  | 17   |     | SE  | SW  |     | BINGHAM |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE

NR RECORDS IN SAME 40 ACRE TRACT  
NONE

SOURCE: GROUNDWATER

TRIB:

2. NR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

3. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)  
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE  
Y  
Y

FIELD  
EXAMINER  
-----  
-----

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|------|------|------|-----|-----|-----|-----|--------|
| ---  | ---  | ---  | --- | --- | --- | --- | ---    |

SOURCE:

REVIEWED BY:

TRIB:

DATE:



2. ROOT WATER RIGHT NUMBERS: A35-11392

3. POI LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                 | AJ<br>#/ACRES | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|----------------------|---------------|---------------|-----------------|----------------|------------------|
| 02S         | 03E | 17  | 35  | SW  |     | BROCKWAY CORPORATION | A35-11392 /   | - /           |                 |                | 38.0             |
|             |     |     | 35  | SW  |     | TEEPLES, THERN       |               | 35-02193A /   | 40.0            |                |                  |
|             |     |     | 35  | SW  |     | LARSEN, ALLAN F.     |               | 35-04023 /    | 40.0            |                |                  |
|             |     |     | 35  | SW  |     | BRUGGER CORP.        |               | 35-08163 /    |                 |                |                  |
| TOTAL ACRES |     |     |     |     |     |                      | A35-11392     |               |                 |                | 38.00            |

ARE IRRIGATED WATERS FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N( )  
IF YES SEE ATTACHED SHEET:

4. FIELD EXAM REQUIRED?

DUE TO POI DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER

PRESUMPTION FLAG:

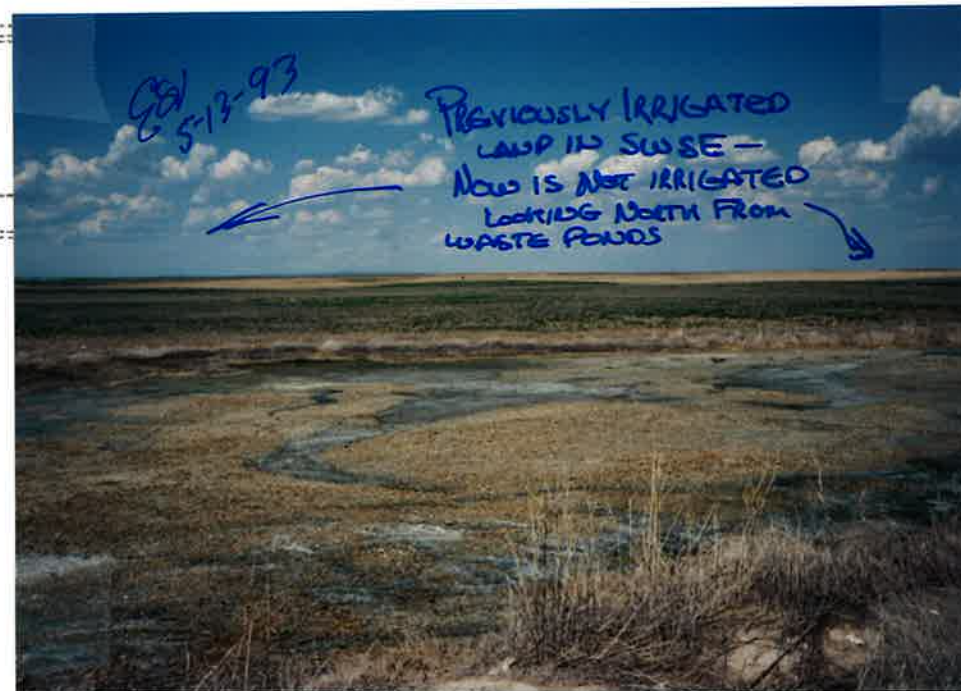
REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

DATE: \_\_\_\_\_



A. NJ CLAIMED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A35-11362 STOCKWATER                | FROM 01-31 TO 12-31 | .260 CFS           |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | .260 CFS           |

B. WR RECORDED USES:

| PURPOSES       | MONTH/DAY | DIVERSION QUANTITY |
|----------------|-----------|--------------------|
| 75-8168 STOCK. | 1-1 12-31 | 0.57 cfs.          |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                          | DATABASE | FIELD EXAMINER |
|------------------------------------------|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | Y        | _____          |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y        | _____          |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | Y        | _____          |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y( ) N( )

RECOMMEND TO WR STANDARDS OR OTHER? Y( ) N( ) EXPLAIN IN REMARKS, BELOW.

REMARKS:

1. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y( ) N( )

AJ TOTAL CLAIMED DIVERSION RATE: 0.260 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.57 CFS

\*\*\* IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. \*\*\*

\*\* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS \*\*

\*\* CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS. \*\*

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD  
DATABASE EXAMINER  
Y

2.

FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

3. ARE OTHER WATER RIGHTS USED? Y( ) N( ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POB AND IRRIGATION USAGE

NO RIGHTS WITH SAME POB BUT NOT USED FOR IRRIGATION

0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES \_\_\_\_\_ X 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(TAKEN FROM P/U REVIEW)

DUES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(\_\_\_\_) N(\_\_\_\_)

1B. CALCULATIONS

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(\_\_\_\_) N(\_\_\_\_) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ X CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ X DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(\_\_\_\_) N(\_\_\_\_)

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PERIOD FROM TO PURPOSES

REC. DIV RATE CFS DATABASE EXAMINER

REC. DIV VOL. A/F/A DATABASE EXAMINER

REC. CONS. USE DATABASE EXAMINER

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE:

5/13/93 Exam w/ owner

No. of MILKING CATTLE  
No. of Nonmilking CATTLE

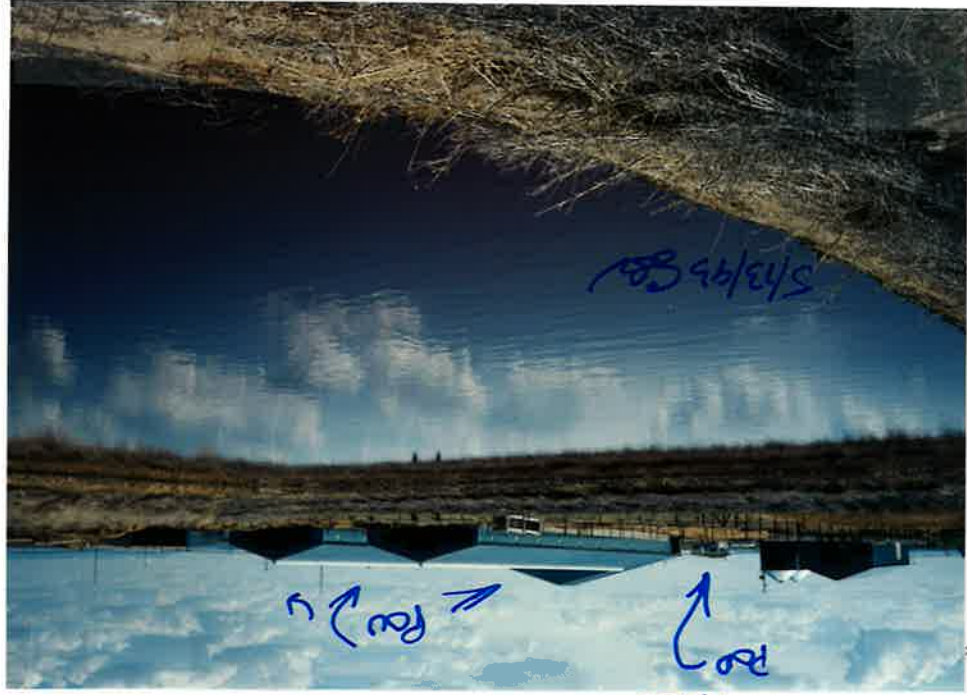
SURFACE AREA OF LAGOON 2.76 ACRES

EVAPO TRANSPIRATION FACTOR

Manual or Automatic Washings?  
(or sprayers)

No. of MILKINGS Per Day

5/13/93 Exam



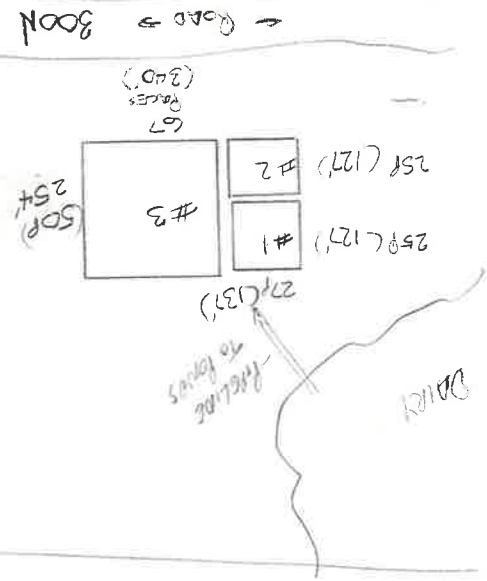
Typical Aeration Pond - Dairy

# ① DIRECTION OF Aeration Ponds (SURFACE AREA ft<sup>2</sup>)

Pond 1 - 137' x 125' = 17,125 ft<sup>2</sup>  
Pond 2 - 157' x 125' = 19,625 ft<sup>2</sup>  
Pond 3 - 340' x 254' = 86,360 ft<sup>2</sup>

Total = 2.76 ACRES

→ PACED BOUNDARY OF POND  
→ CHECKED w/ MAP SCALE (28000)



5-13-93 ESJ

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

| ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------|-----------------|
| ( )                    | ( )             |
| ( )                    | ( )             |
| ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-11382

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A35-11332                | 0.260             | -                         | -                | -                   | -                 |
| TOTAL CFS            |                          | 0.260             |                           |                  |                     |                   |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE  
N

FIELD  
EXAMINER  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS:

AUTHENTICATION:

SIGNATURE: Eric S. Swager

DATE: 12-2-93

NAME OF FIELD EXAMINER: ERIC SWAGER

TITLE: SWA

\*SEE MEMO DATED 12-2-93 FOR  
DISCUSSION ON RECOMMENDATION.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:25:39  
10/29/91

PAGE: 11  
QUICKLOOK INFORMATION

CLAIM NUMBER: A35-11382

| NR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | Y                 |                                                 | CS-13-92                   |                        |                     |                                  |                                      | ED/12-22-92                   |
| POINT OF DIV              | Y                 |                                                 | ↓                          |                        |                     |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| DIV. AMOUNT<br>CF5/VOLUME | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PURPOSES                  | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            |                        |                     |                                  |                                      |                               |
|                           |                   |                                                 |                            |                        |                     |                                  |                                      |                               |

DISALLOWAL:

"VERIFIED BY" CODES

TOPG MAP/ORTHO-PQ = 1  
USGS MAP = 2  
WATERMASTER RECORDS = 3  
NAAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

**EASTERN REGION**

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

November 10, 1997

DESERT DAIRY  
C/O MERLIN MORGAN  
237 S 900 W  
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR A35-08168

Dear Mr. Morgan:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

**If there are no questions or corrections, please keep this Notice for your records.**

Respectfully submitted,

Jennifer Hoagland  
Technical Records Specialist

Enclosure: Notice(s) of Claim

**FILED**

SCANNED

SEP 13 2005

Ten for your info  
DELOG 9/6/97 JH

OK

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right Number(s) STOCKWATER  
Adjudication Claim Number(s) A35-08168 ; A35-11382 STOCKWATER
2. The following **REQUIRED** information must be submitted with this form.
- A. 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 or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)  
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) BROCKWAY CORPORATION  
370 CONVENTION WY PO BOX 5408  
REDWOOD CITY CA 94063
4. New Owner/Claimant(s) DESERT DAIRY c/o MERLIN MORGAN  
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR  
New Mailing Address 237 S 900 W  
City, State and ZIP Code BLACKFOOT ID 83221  
New Telephone Number (208) 684-3780
5. Date you acquired the property 3/25/96
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_
- Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Merlin Morgan Pres Desert Dairy Inc Date 9/19/97  
SCANNED Date \_\_\_\_\_
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

EXHIBIT A

**A35-08168**

Part of the  $S\frac{1}{2}SW\frac{1}{4}$  of Section 17, Township 2 South, Range 33 E.B.M., Bingham County, Idaho, described as:

Beginning at a point that is S.  $90^{\circ}00'$  E. 996.22 feet along the section line from the SW corner of said Section 17 and running thence N.  $14^{\circ}49'39''$  E. 1348.85 feet; thence N.  $90^{\circ}00'$  E. 1316.89 feet to the North-South center section line; thence S.  $00^{\circ}04'07''$  E. 1303.94 feet along said center section line to the  $S\frac{1}{4}$  corner of said Section 17; thence N.  $90^{\circ}00'$  W. 1663.64 feet along the section line to the point of beginning. Together with all water rights.

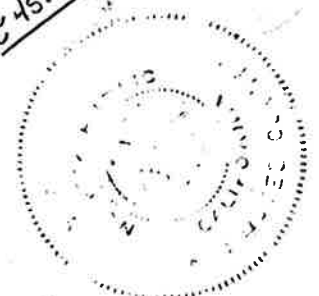
**387193**

BINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO  
FEE 60 SEP PI

1990 FEB -7 AM 10: 37

RECORDED AT THE REQUEST OF  
**FIRST AMERICAN TITLE COMPANY**

~45 ACRES



**PROFILED**

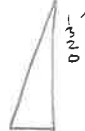
SCANNED

SEP 13 2005

# A35-08168

| POLAR COORDINATE<br>X-COR Y-COR<br>(CHAINS) |       | ANGLE   |         |         | BEARING<br>ANGLE<br>DIRECTION | DIST (FT) | CUMULATIVE<br>ACRES |
|---------------------------------------------|-------|---------|---------|---------|-------------------------------|-----------|---------------------|
|                                             |       | DEGREES | MINUTES | SECONDS |                               |           |                     |
| 0.00                                        | 0.00  |         |         |         |                               |           |                     |
| 15.09                                       | 0.00  | 90.00   | 0.00    | 0.00    | NE                            | 996.22    | 0.00                |
| 20.32                                       | 19.76 | 14.00   | 49.00   | 39.00   | NE                            | 1348.85   | 34.99               |
| 40.28                                       | 19.76 | 90.00   | 0.00    | 0.00    | NE                            | 1316.89   | 34.99               |
| 40.30                                       | -0.00 | 0.00    | 4.00    | 7.00    | SE                            | 1303.94   | 44.61               |
| 15.09                                       | -0.00 | 90.00   | 0.00    | 0.00    | NW                            | 1663.64   | 44.61               |
| -0.00                                       | -0.00 | 90.00   | 0.00    | 0.00    | NW                            | 996.22    | 44.61               |

## - PROPERTY SURVEY SUMMARY

Acres w/1 SWSW 17  =  $\frac{1}{2} \frac{(1320' \times 323.78')}{43560} = \underline{\underline{4.90 \text{ ACRES}}}$

w/1 SESW 17 = 40

- REMAINING ACRES IRRIGATED IN THE SWSW UNDER 35-02183 =

$40 - 4.9 - 1(\text{ROADS}) = \underline{\underline{34.1}}$

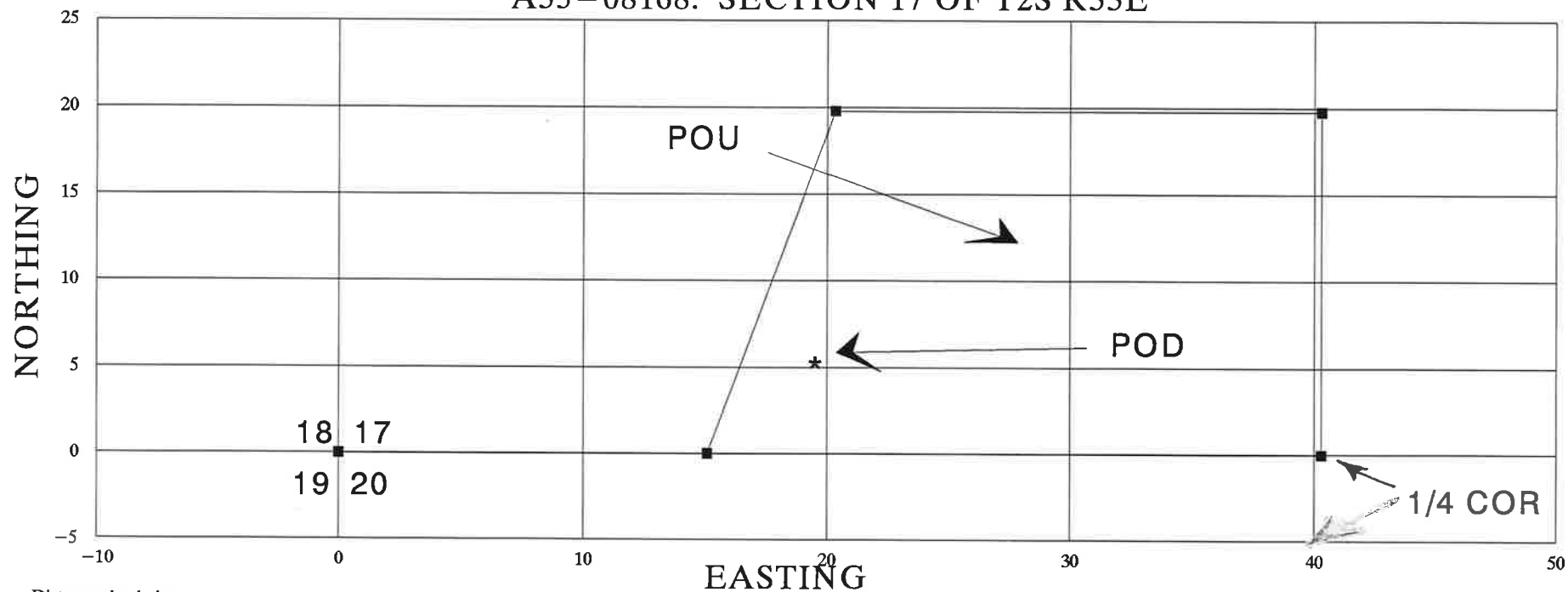
- NO IRRIGATION IN SESW.

SCANNED  
SEP 13 2005

PROFILED

# PROPERTY BOUNDARY FROM SURVEY

A35-08168: SECTION 17 OF T2S R33E

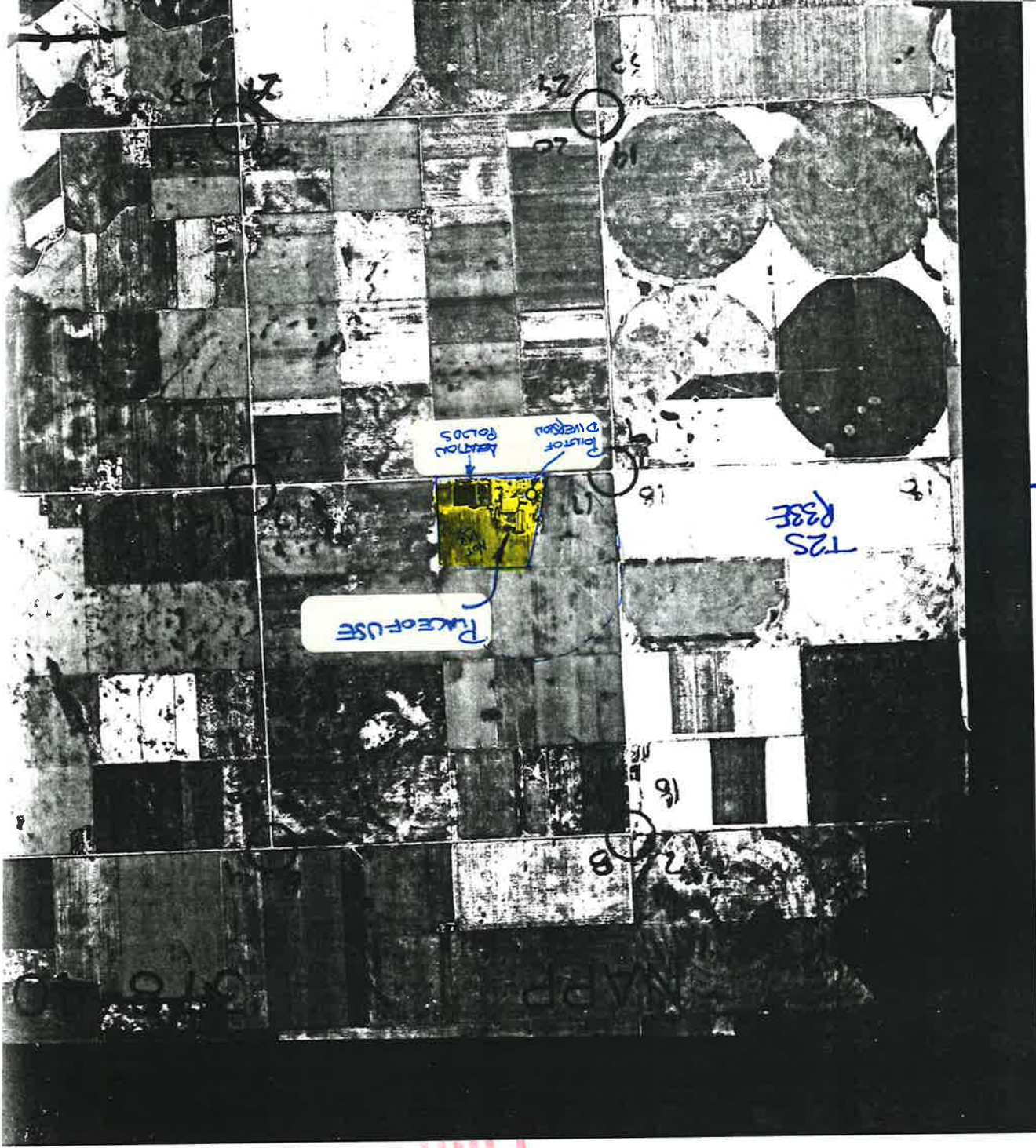


Distances in chains  
ESV, 5/17/93

SEP 13 2005

SCANNED

A35-



MAP 238410  
@ 125%

5-13-93 2:58 PM - Eric S. Brown  
Exam Map for A35-

RECEIVED  
APR 1 1994

Department of Water Resources  
Eastern District Office

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: A35-08168  
Date Received: 12/22/1989  
Receipt No: E019637  
Received By: SLB 4/1/94

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BROCKWAY CORP. 415-364-1758  
Address: 370 CONVENTION WAY  
P O BOX 5408  
REDWOOD CITY CA 94063

2. Date of Priority: JUN 29, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 02S      | 33E   | 17      | SW     | SW     | SW     |     | BINGHAM |

5. Description of diverting works:  
WELL & PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.460  |      | 28.00  |
| DOMESTIC   | 01/01 | 12/31 | 0.110  |      | 3.00   |

7. Total Quantity Appropriated is:  
0.570 C.F.S. (and/or) 31.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC  $\frac{5}{2}$  HOMES, STOCKWATER DAIRY- 400 HEAD

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 02S      | 33E   | 17      | SW     | SW     |     | STOCK |       |
|          |       |         | SE     | SW     |     | STOCK |       |

A35-08168

Page 1

SCANNED  
SEP 13 2003  
Date: 03/17/94  
NOV 15 1996

FD-1 (Revised 1/93)

State of Idaho )  
County of \_\_\_\_\_ ) ss.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

PROFILED

SCANNED  
SEP 13 2005

MICROFILMED  
NOV 15 1996

NAPP

378-40

A35-08168

TØ2S  
R33E  
517

18 17  
19 20

17 16  
20 21

DAIRY

NOV 15 1950

RECORDED