

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 17 2002

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-07142B

By

Clerk

Deputy Clerk

NAME AND ADDRESS: CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA, CA 93105

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 0.65 CFS
140.00 AFY

PRIORITY DATE: 04/08/1970

POINT OF DIVERSION: T04S R33E S30 NWSW Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.65 CFS 140.00 AFY

PLACE OF USE: Irrigation Within Bingham County
T04S R32E S25 SWNE 10.0 SENE 30.0
40.0 Acres Total

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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SCA

SEP 01 2005

JANUARY 16, 2002

DEAR SIR OR MADAM:

WATER RIGHT NUMBERS 35-47, 35-2014 AND 35-7142B HAVE BEEN
CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE
AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



CAPITAL LENDING INC
3905 STATE ST #7148
SANTA BARBARA CA 93105

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JAN 14 2002

CHANGE IN ADDRESS

Department of Water Resources
Eastern Region

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 35-417, 35-2014, 35-7142B

[] Old Mailing Address: Capital Landing
350 S Center St. Ste 500
Reno NV 89501-2114

[] New Mailing Address: Capital Landing
3905 State St. # 7148
Santa Barbara, CA 93105

[] Telephone Number: 805-683-0303

[] Signature of Claimant: [Signature]

[] Date: 1/8/01

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:

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

December 27, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CAPITAL LENDING INC
350 S CNETER ST STE 500
RENO NV 89501 - 2114

RE: CHANGE OF ADDRESS FOR 35-47, 35-2014 AND 35-7142B

Dear Sir or Madam:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Capital Lending Inc
1475 Terminal Way Ste E
Reno NV 89502

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

PROFILE

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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 14, 2001

CAPITAL LENDING INC
1475 TERMINAL WAY STE E
RENO NV 89502

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 35-47, 35-2014,
35-7142B

Dear Sir/Madam:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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JK JC + EC
12/7/01

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

RECEIVED**AUG 01 2001**Department of Water Resources
Eastern Region

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 No(s): 35-7, 35-47, 35-2014, 35-2016, 35-7138, 35-7141, 35-7142, 35-11390, 35-4271, 35-8635, 35-8782, 35-8679, 35-11392 and 35-11393

Adjudication Claim No(s): same as above

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** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water rights or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints

50 E. North Temple Street, Salt Lake City, UT 84150

4. New Owner/Claimant(s) Capital Lending, Inc.

Name connector (check one): ☐ and ☐ or, ☐ and/or

New Mailing Address 1475 Terminal Way, Suite E

City, State and ZIP Code Reno, NV 89502

New Telephone Number (805) 683-0303

Fees paid
5225 - E 027178
10-11-01 JC

5. Date you acquired the property June 28, 2001

6. Capital Lending, Inc., is the owner of the real property described in the attached Deed and depicted on map "A" as Parcels 1 and 2. Parcel 1 is shown in yellow and Parcel 2 in green. Map "A" and all of the other maps are copies of maps prepared by Harper Leavitt Engineering and "B" through "P" were prepared specifically for the purposes of understanding the points of diversion and places of use of each of the water rights. There is a separate map attached for each of the water rights listed herein and on each we have depicted Parcel 1 in yellow and Parcel 2 in green so that the relationship of the land acquired by Capital Lending to the points of diversion and places of use can be readily observed. In some cases all of the water right was acquired but in other cases only a portion of the water right. Following is a list of the water rights with a reference to the appropriate map and a brief statement regarding the portion of such right acquired by Capital Lending, Inc.

Water Right ID Number	Map Designation	Description of Portion of Water Right Acquired by Capital Lending
35-7	Map "B"	All
35-47	Map "C"	If there is .5 cfs for 311 acres Capital Lending has acquired all but about 3 or 4 acres (approximately 99%) and the proportionate amount of .5 cfs.
35-2014	Map "D"	All
35-2016	Map "E"	All

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35-7138	Map "F"	All
35-7141	Map "G"	Approximately 206 of the 240 acre place of use is on lands acquired by Capital Lending, Inc. If that number is accurate, then the proportionate amount of the water acquired by Capital Lending would be some 4.12 cfs.
35-7142	Map "H"	All
35-11390	Map "I"	Two of the three points of diversion and two of the five places of use are on Parcels 1 and 2.
35-4271	Map "J"	Most of the proposed well sites and several of the places of use are on Parcels 1 and 2.
35-8635	Map "K"	Most of the proposed well sites and several of the places of use are on Parcels 1 and 2.
35-8782	Map "L"	Both points of diversion and many of the places of use are on Parcels 1 and 2.
35-8679	Map "N"	It appears that some of the places of use are within Parcels 1 and 2.
35-11392	Map "O"	The point of diversion and place of use for this domestic right appears to be within Parcel 2.
35-11393	Map "P"	The point of diversion and place of use for this domestic right appears to be within Parcel 2.

7.

Signature of New Owner(s)
Or Claimant(s)


president - Capital Lending Inc.

Corporations or other organizations must submit list of directors and/or officers demonstrating authority to sign form.

8.

For Snake River Basin Adjudication Claims: Please attach 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.

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35-7142B

FOUND 1/2" IRON ROD INST. # 306153

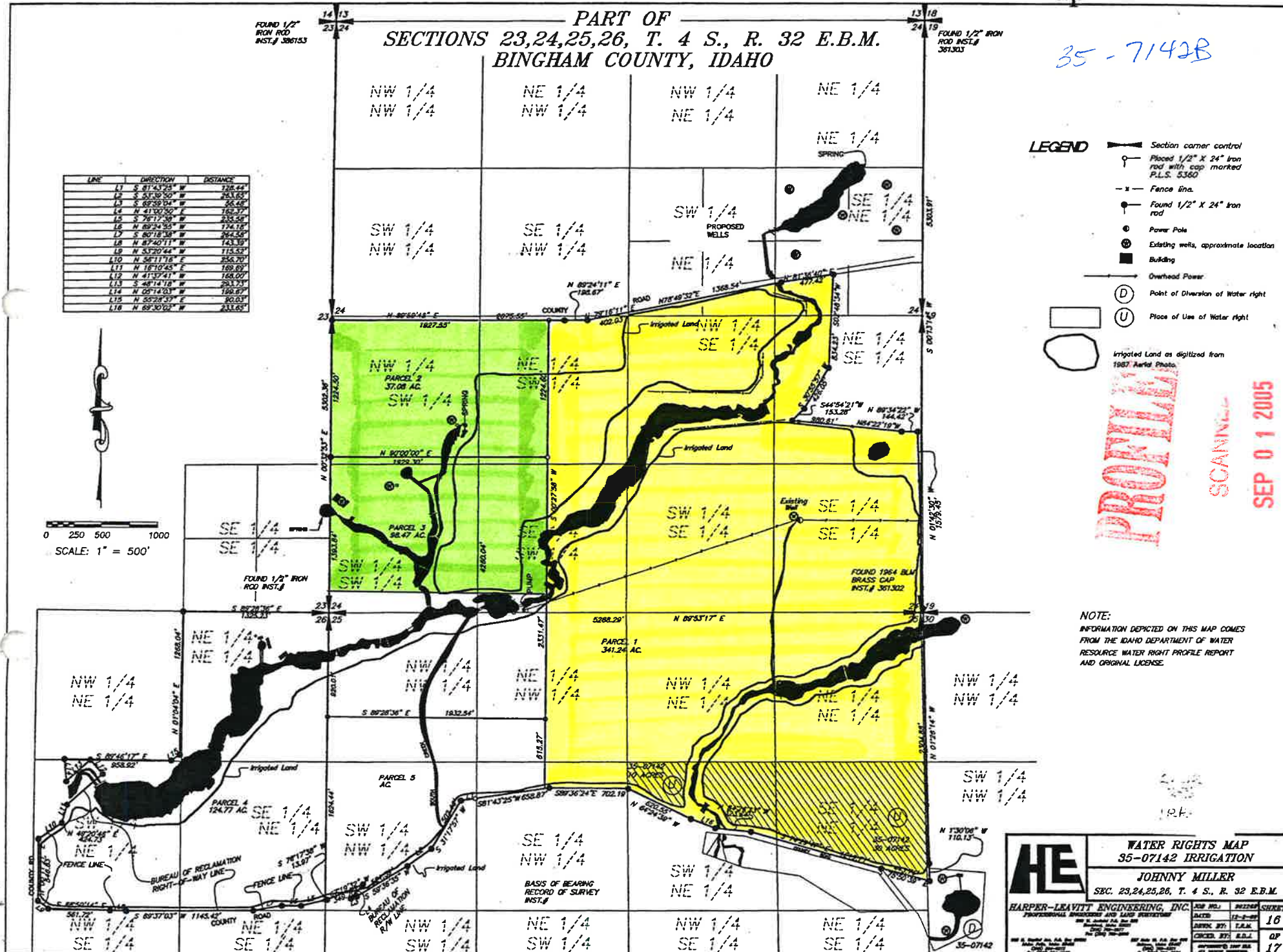
PART OF SECTIONS 23,24,25,26, T. 4 S., R. 32 E.B.M. BINGHAM COUNTY, IDAHO

FOUND 1/2" IRON ROD INST. # 301303

LINE	DIRECTION	DISTANCE
1	S 81°43'25" W	126.44'
2	S 51°49'50" W	243.65'
3	S 69°20'04" W	26.48'
4	N 41°00'50" E	162.37'
5	S 76°17'20" W	232.58'
6	N 89°14'55" W	174.18'
7	S 80°18'36" W	264.56'
8	N 87°40'11" W	143.39'
9	S 53°20'44" W	115.52'
10	N 56°17'18" E	256.70'
11	N 18°10'45" E	169.09'
12	N 41°57'41" W	168.02'
13	S 48°14'18" W	203.73'
14	N 05°14'03" W	180.87'
15	N 55°24'59" E	80.03'
16	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 AND ORIGINAL LICENSE.

HE HARPER-LEAVITT ENGINEERING, INC. PROFESSIONAL ENGINEERS AND LAND SURVEYORS 200 N. 2nd St., Suite 200 Boise, Idaho 83724 (208) 333-1111	WATER RIGHTS MAP 35-07142 IRRIGATION		
	JOHNNY MILLER		
	SEC. 23,24,25,26, T. 4 S., R. 32 E.B.M.		
	35-07142		
DATE: 12-8-05	DRAWN BY: J.A.M.	CHECKED BY: S.D.L.	16
APPROVED BY: J.A.M.			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 35-7142B
Date Received: 10/3/2000
Receipt No:
Received By:

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

1. Name of Claimant(s)

CAPITAL LENDING INC Phone: (805) 683-0303

1475 TERMINAL WAY STE E
RENO NV USA 89502

2. Date of Priority: 04/08/1970

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	33E	30	NW SW	BINGHAM	

5. Description of diverting works:

PUMPED DIRECTLY FROM THE UNNAMED STREAM AT ABOVE DESCRIBED LOCATION WITHOUT ANY
DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.65	140

7. Total Quantity Appropriated is:

0.65 C.F.S. and/or 140 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04S	32E	25	SW NE	IRRIGATION	10
			SE NE	IRRIGATION	30

35-7142B

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A3507142B



Section Acres 40

Total Acres 40

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

OTHER WATER RIGHTS: 35-47 AND 35-2016. (THE PLACE OF USE WHICH IS COMMON TO ALL THREE RIGHTS IS 30 ACRES IN SE1/4NE1/4 AND 10 ACRES IN SW1/4NE1/4, ALL IN S25, T4S, R32E. CLAIMANT ONLY CLAIMS 40 ACRES OF THE 162 TOTAL ACRES BASED ON DEED OF 40 ACRES FROM NORTH FORK ENERGY.

15. Basis of Claim: License

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