

02/14/2007

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

RIGHT NUMBER: 35-13553

NAME AND ADDRESS: ROBERT F UNDERWOOD ESTATE
C/O JEFF UNDERWOOD PR
360 KURTWOOD PL
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.640 CFS
400.000 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/15/1948

POINT OF DIVERSION:

T05S R31E S4 NESWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.010 CFS
IRRIGATION	04/01 10/31	2.640 CFS 400.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T05S R31E S04	NWSW	37.00	T05S R31E S04	SWSW	31.00
T05S R31E S04	SESW	32.00			

STOCKWATER same as IRRIGATION

100 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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 50 head.



Idaho Department of Water Resources

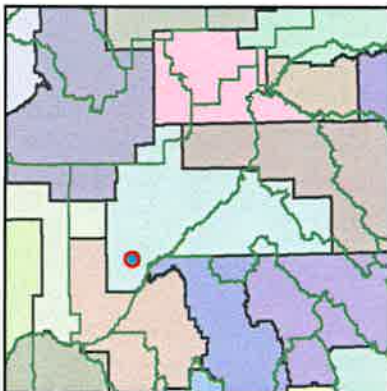
SRBA Recommendation:

35-13553

(Irrigation)

Legend

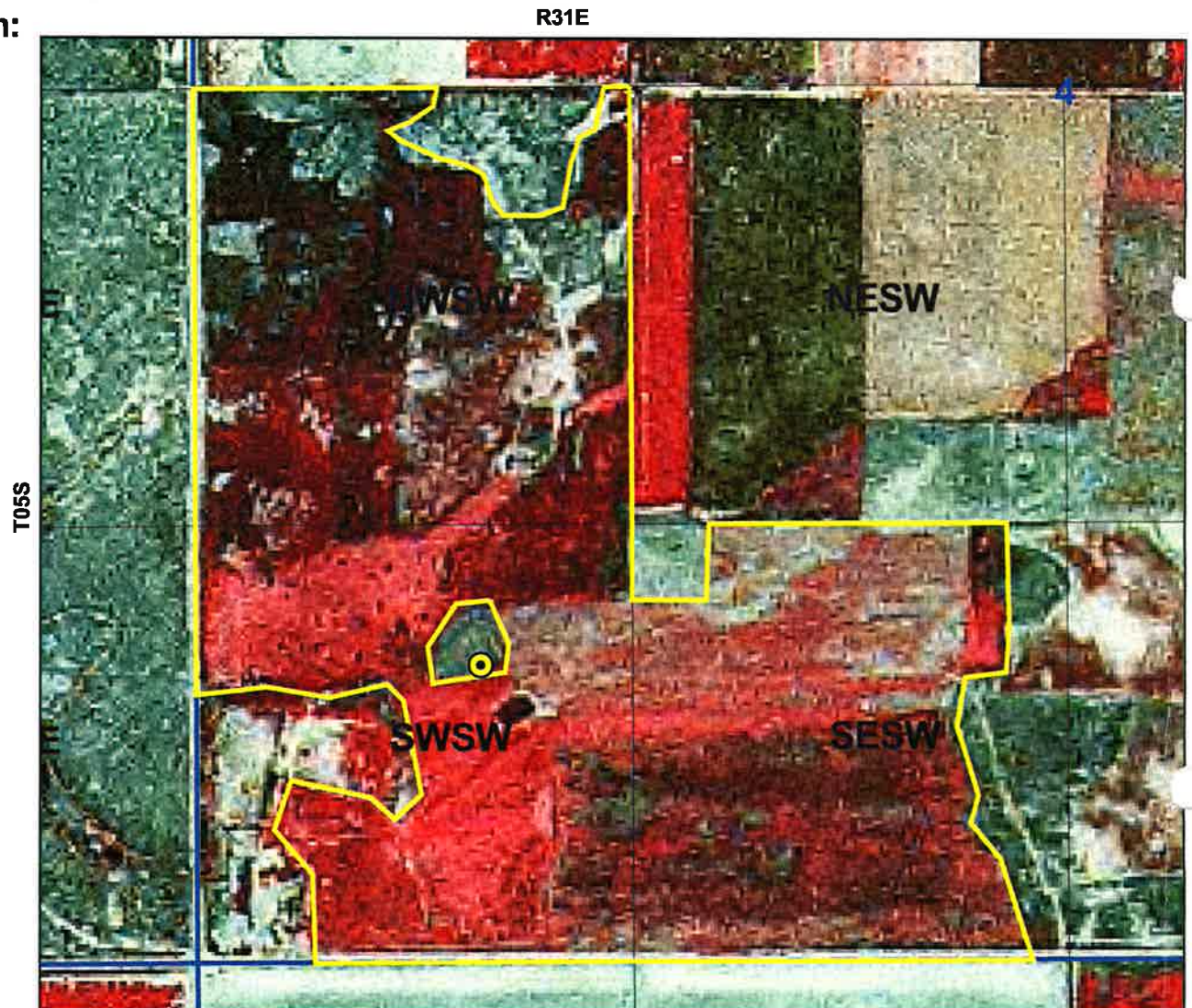
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Bingham County
IDWR Basin 35



413 0 2 2006



0 0.2 0.4 Miles

Prepared by A. Golart
On Wednesday, February 14, 2007
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 18, 2007

TERRELL & SANDRA YANCEY
1226 S 2700 W
ABERDEEN ID 83210

RE: Notice of Change of Water Right Ownership (NCO) for 35-13553 & 35-13554 and Notice of Completed Administrative Proceeding (NCAP)

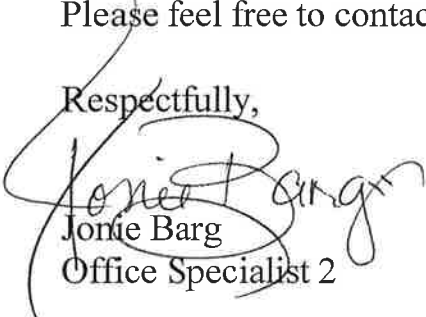
Dear Sir/Madam:

On March 21, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist 2

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 18, 2007

ROBERT F UNDERWOOD
C/O JEFF UNDERWOOD PR
360 KURTWOOD PL
POCATELLO ID 83201

RE: Notice of Change of Water Right Ownership (NCO) for 35-13553 & 35-13554 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On March 21, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist 2

Enclosure

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

In Re SRBA

)

Water Rights: 35-13553 & 35-13554

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

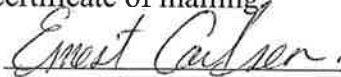
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party UNDERWOOD ESTATE-UNDERWOOD ESTATE & YANCEY
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 21 June 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 25, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
ROBERT F. UNDERWOOD ESTATE
C/O JEFF UNDERWOOD P.R.
360 KURTWOOD PL.
POCATELLO, ID 83201

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
ROBERT F. UNDERWOOD ESTATE
C/O JEFF UNDERWOOD P.R.
360 KURTWOOD PL.
POCATELLO, ID 83201

TERRELL AND SANDRA YANCEY
1226 S 2700 W
ABERDEEN, ID 83210

4. One copy to:

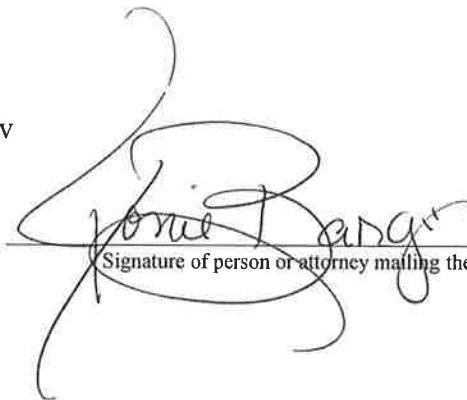
Each party in the subcase, or attorney of record
RANDALL C BUDGE
PO BOX 1392
POCATELLO, ID 83205

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

06/18/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13553
NAME AND ADDRESS: SANDRA YANCEY
1226 S 2700 W
ABERDEEN ID 83210

TERRELL YANCEY
1226 S 2700 W
ABERDEEN ID 83210

ROBERT F UNDERWOOD ESTATE
C/O JEFF UNDERWOOD PR
360 KURTWOOD PL
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.640 CFS
400.00 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/15/1948

POINT OF
DIVERSION: T05S R31E S4 NESWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.010 CFS
IRRIGATION	04/01 10/31	2.640 CFS 400.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T05S R31E S04	NWSW	37.00	T05S R31E S04	SWSW	31.00
---------------	------	-------	---------------	------	-------

T05S R31E S04	SESW	32.00
---------------	------	-------

STOCKWATER same as IRRIGATION

100 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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 head.

Idaho Department of Water Resources Receipt

Receipt ID C083564

Payment Amount \$100.00 Date Received 3/16/2007 10:34:57 AM Region State Status
Payment Type Check Check Number 1997

Payer BAKER AND HARRIS

Comment Change in Water Right Ownership 35-13553 and 35-13554

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155



Signature Line (Dept. Representative)

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 20 2006	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

) For water right: 35-13553, 35-13554

Case No. 39576

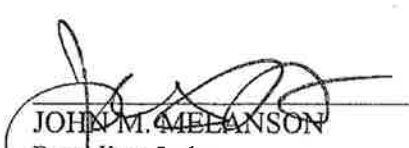
) ORDER GRANTING MOTION TO FILE
) LATE NOTICES OF CLAIMS
)

On April 11, 2006, Claimant The Robert F. Underwood Estate, c/o Jeff Underwood, personal representative, filed *Motions to File Late Notices of Claims to Water Rights* in the above two subcases. The *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on July 24, 2006 by the Presiding Judge of the SRBA. Special Master Terrence Dolan issued a *Recommendation Regarding Prejudice on Motion to File Late Claim*, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Recommendation* and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notices of Claims* for water rights 35-13553 and 35-13554 be **granted**.

The original *Notices of Claims*, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

Dated December 14, 2006


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

G:\MEREDITH\order granting motion to file late notices of claims.underwood..doc

Page 1

Last printed 12/20/2006 9:14:00 AM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTION TO FILE LATE NOTICES OF CLAIMS was mailed on December
20, 2006, with sufficient first-class postage to the following:

ROBERT F UNDERWOOD ESTATE

Represented by:

RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 12/20/06

FILE COPY FOR 02221

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

RECEIVED

DEC 22 2006

Form No. 42-1409 (2) a 1/88

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

Department of Water Resources

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

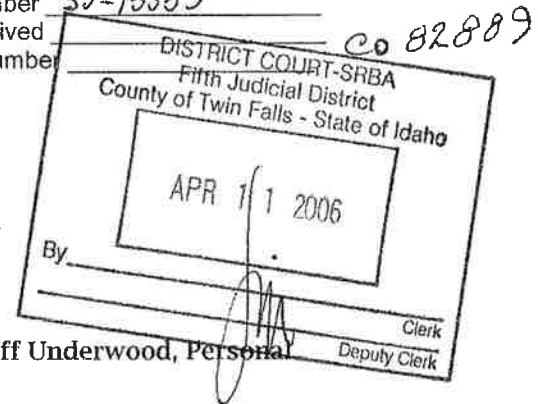
CIVIL CASE NUMBER: 39576

Ident. Number 35-13553

Date Received

Receipt Number

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



Please type or print clearly

1. Name of Claimant (s) **Robert F. Underwood Estate c/o Jeff Underwood, Personal Representative**
Phone **208-232-2837**
Mailing Address **360 Kurtwood Place, Pocatello, Idaho Zip 83204**
2. Date of Priority (only one (1) per claim) **5-15-1948**
3. Source of water supply (a) **Ground water**
Which is tributary to (b)
4. a. Location of existing point of diversion is: Township **5S** Range **31E** Section **4**
1/4 of SW 1/4 of SW 1/4, gov't lot B.M., County of Bingham
Additional points of diversion if any:
b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , 1/4 of 1/4 of 1/4
Gov't lot B.M., county of
Ending point is:
Township Range Section , 1/4 of 1/4 of 1/4
Gov't lot B.M., county of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
30 hp electric motor and centrifugal pump into open ditches, flood irrigated with canvas portable dams.

6. Water is claimed for the following purposes:

For **irrigation** purposes from **4/1** to **11/1** amount **2.67** cfs or **4** acre-feet per acre

7. Total quantity claimed (a) **2.67** cfs and/or (b) **4** acre-feet per acre

8. Total consumptive use claimed is ^{407.2}~~271.8~~ acre-feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)

Stockwater - 50 head of beef cows and calves

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 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	31E	4											40.9 S				30 S	30.9 S	101.8

Total number of acres irrigated **101.8**

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks:

See supporting Affidavit of Jeff Underwood, son and personal representative of Robert F. Underwood, deceased.

Last Name Underwood Ident No. 35-13553

15. Basis of claim (check one) Beneficial use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number
Court Case Number Decree Date

v.

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

Signature of Claimant (s) Jeff Underwood Date 4/7/06

Date _____

For Organizations:

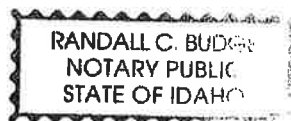
I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Bannock)
ss

Subscribed and sworn (or affirmed) before me this 7th day of April 2006



Notary Public Randall C. Budgett

Residing at Pocatello, ID.

My Commission Expires 10/11/2006

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

Signature Randall C. Budgett

Address P.O. Box 1391 Pocatello, ID 83201

Date 4/7/06

Last Name Underwood Ident No. 35-13553

Powerline Rd

2800 West

1300 South Rd

Crater Sub Rd

Wood Loop Rd

2700 West Rd

P/D = SWSW
Sec. 4, T.5S. R.31E.

P/D = 40.90 AC NW NW
60.90 AC S 1/2 S 1/2
Sec. 4 T.5S. R.31E

78.30

6.30

3.70

12.60

40.90

3.90

5.50

19.79

0

20

0

0

0

4.5

0

0

7.8

0

0

0

Law Offices of
BAKER & HARRIS

Dwight E. Baker
Jared M. Harris *
Jonathan W. Harris
* Also Admitted in Utah

RECEIVED
MAR 16 2007
DEPARTMENT OF WATER RESOURCES

266 West Bridge
Blackfoot, ID 83221
Telephone (208) 785-2310
Facsimile (208) 785-6749
E-Mail — jharris@BakerHarrisLaw.com

March 12, 2007

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0003

Re: Underwood/Terrell & Sandra Yancey
B & H Matter No. 5223

Dear Sir or Madam:

Enclosed please find the following:

1. Department of Water Resources Notice of Change in Water Right Ownership
2. Copy of Contract for Deed
3. USDA Aerial Photo
4. Notice of Security Interest in a Water Right
5. Our check totaling \$100 for your transfer and request for notification fee.

If you should require anything further, please advise.

Very truly yours,

BAKER & HARRIS



LaVaun Sykes
Secretary to Dwight E. Baker
Enclosures

RECEIVED
MAR 21 2007
Department of Water Resources
Eastern Region

SCANNED
MAR 19 2007

WA

RECEIVED
MAR 16 2007
DEPARTMENT OF WATER RESOURCES

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

OK jc

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

*late
adj
claim,

NAP
needed*

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>35-13553</u>	_____	_____	_____	_____	_____
<u>35-13554</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RECEIVED
MAR 21 2007
Department of Water Resources
Eastern Region

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)
Robert F. Underwood Estate
C/O Jeff Underwood, P.R.
360 Kurtwood Pl.
Pocatello, ID 83201
4. New Owner/Claimant(s) Terrell and Sandra Yancey
Name Connector (Check one): [] and, [] or, [x] and/or
122632700W
New Mailing Address 122632700 W
City, State and ZIP Code Aberdeen, ID 83210
New Telephone Number (208)397-5374
5. Date you acquired the property March 1, 2007

*Contract of Sale
Add new owners
to current owners,

Will be paid
by 11-1-2009
jc*

SCANNED

MAR 19 2007

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

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

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

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Terrill Yancey

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

For Office Use Only

Received by KAW Date 3/16/07 Fee 100.00
 Receipted by KAW Date 3/16/07 Receipt No. C0835464
 Processed by _____ AJ Date _____ WR _____ Date _____

*requested
refunded
JC
6-18-07*

SCANNED

MAR 19 2007

CONTRACT FOR DEED

1. PARTIES:

THIS AGREEMENT, made and entered into this 8 day of March, 2007, by and between Jeff Underwood, Personal Representative of the Estates of Audrey Anna Underwood and Robert F. Underwood, of 360 Kurtwood Place, Pocatello, Idaho 83204, hereinafter referred to as Vendor, and Terrell Yancey and Sandra Yancey, of 1226 S 2700 W, Aberdeen, Idaho 83210, hereinafter referred to as Purchasers.

WITNESSETH:

That the said Vendor, in consideration of the covenants and agreements on the part of the said Purchasers, hereinafter contained, agrees to sell and convey unto the said Purchasers, and the Purchasers agree to buy, all the certain real property particularly described as follows, to-wit:

2. PROPERTY DESCRIPTION:

Township 5 South, Range 31 E.B.M., Bingham County, Idaho

Section 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ S $\frac{1}{2}$

Excepting therefrom: Beginning at the SW corner of said Section 4, thence E 660 feet; thence N 45°W 933.38 feet; thence S 660 to the point of beginning. Containing 5.00 acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including water rights No. 35-13553 and 35-13554 appurtenant to said property.

3. FIXTURES OR PERSONAL PROPERTY:

1- 15 horse pump

1- 30 horse pump

4. PURCHASE PRICE:

Purchasers agree to purchase said property for the sum of \$800 per irrigable acre, which the parties agree to be 167 acres at the time of execution of this agreement (\$133,600), and \$300 per acre for the non irrigable land, which the parties agree to be 28 acres (\$8400) for a total of 195 acres, and for a total purchase price of One Hundred Forty-Two Thousand (\$142,000) Dollars in lawful money of the United States; and the Purchasers, in consideration of the premises, agree to pay to the Vendor said sum of \$142,000 as follows:

- a. DOWN PAYMENT: \$2,000 in cash at the time of execution of this agreement.

b. DEFERRED PRICE - LEVEL PAYMENT:

\$140,000, in semi annual installments with interest at the rate of six percent (6%) per annum from the date of this agreement as follows:

\$6093.75 on the 1st day of November, 2007 and the first day of May 2008, and a like sum on the first day of each November and May thereafter, until November 1, 2009, when the entire unpaid principal and accrued interest shall be due and owing, unless an extension of time for payment is granted in writing by the Vendor.

The parties affirm and agree that no person has guaranteed the accuracy of the irrigable acreage. The parties acknowledge the IDWR has entered an Adjudication Recommended Right Report for 167 acres for the subject property. The parties agree that in the event the irrigable acreage is reduced to an amount less 160 acres based on the final determination of the IDWR, said purchase price of \$142,000 shall be adjusted based on the pricing set forth in paragraph 4 above.

5. APPLICATION OF PAYMENTS:

It is mutually agreed that all payments shall first be applied to accrued interest and thereafter to reduction of the principal balance of the purchase price.

6. RIGHT OF PREPAYMENT:

The Purchasers may not make any additional payment with out the prior written consent of the Vendor, which shall not be unreasonably withheld.

7. PRORATION OF TAXES:

The Vendor agrees to pay all taxes and assessments of whatever nature levied upon said premises up to and including taxes and assessments for the year 2006, and the Purchasers assume and agree to pay all such taxes and assessments thereafter during the period of time this agreement shall be in effect.

8. TITLE INSURANCE AND CONVEYANCE:

Upon receiving the payments provided for in this agreement at the times and in the manner above-mentioned, the Vendor hereby agrees that he will provide to the Purchasers an owner's policy of title insurance, assuring and insuring good and merchantable title to said premises, and to execute and deliver to the Purchasers a good and sufficient warranty deed vesting title to said property in the Purchasers.

9. NO WARRANTY:

The Purchasers understand that they are buying the irrigation equipment and property "as is" and on their own examination and judgment and not through any other representation made to them

by the Vendor, or any agent for the Vendor, as to its location, value, future value, income therefrom or its production. This paragraph shall not apply to warranty of title.

10. NO ENCUMBRANCE:

The Purchasers further agree neither to sell, mortgage, encumber or permit liens of any nature to be asserted against said real estate during the period of this agreement without the prior written consent of the Vendors, which shall not be unreasonably withheld.

11. ATTORNEY'S FEES FOR PREPARATION OF DOCUMENTS:

The parties acknowledge that this contract, deed and other documents were prepared by the attorney for the Vendor, and the Purchasers acknowledge that they have the right to the documents reviewed by an attorney of their choosing should they elect to do so.

12. DEFAULT AND ACCELERATION:

It is agreed that time is of the essence of this agreement, and in event of a failure to comply with the terms hereof or to make the payments when due as herein specified by the Purchasers, and after demand in writing that the terms hereof be complied with or payments which are in default made within thirty (30) days from the date of said demand on the Purchasers, and continued default, the said Vendor shall be released from all obligations either in law or in equity to convey the said property as herein provided, and any amount or amounts which shall have been paid hereon by the Purchasers shall and may be retained by the Vendor and accepted by Vendor as rental for said property during such occupancy by the Purchasers and as liquidated damages for the breach of this contract; and the Vendor shall have the right to accelerate all unpaid principal balances owing under said contract or to declare the entire balance due and payable, and the said Purchasers shall forfeit all right thereto and all payments made on said property. It is further agreed, however, that the aforesaid right of forfeiture shall not be an exclusive remedy of the Vendor for a default in the performance of this contract and that Purchaser shall be entitled to pursue any other remedies available as vendor under the laws of the State of Idaho in the event of a default by the Purchasers.

13. ATTORNEYS FEES IN EVENT OF BREACH OR DEFAULT:

It is further agreed that in the event of suit between the parties for breach of this agreement or enforcement thereof the successful party to any such action shall be entitled to recover reasonable attorney's fees with other costs of court from the other party.

14. BINDING EFFECT:

It is further agreed that the provisions of this agreement shall apply to and bind the heirs, executors, administrators and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

VENDOR:

THE ESTATES OF AUDREY ANNA UNDERWOOD AND ROBERT F. UNDERWOOD

By: Jeff Underwood
Jeff Underwood
Personal Representative

PURCHASERS:

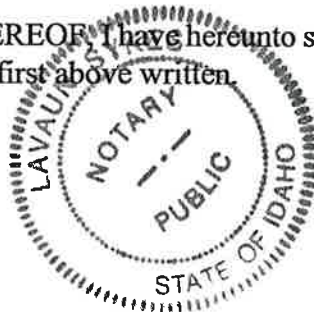
Terrell Yancey
Terrell Yancey

Sandra Yancey
Sandra Yancey

STATE OF IDAHO)
: ss.
County of Bingham)

On this 8th day of March, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeff Underwood, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same individually and in his capacity as Personal Representative of the Estates of Audrey Anna Underwood and Robert F. Underwood, husband and wife, deceased.

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



Lavonne Sykes
Notary Public for Idaho
Residing at Blackfoot
My Commission Expires: 5-17-08

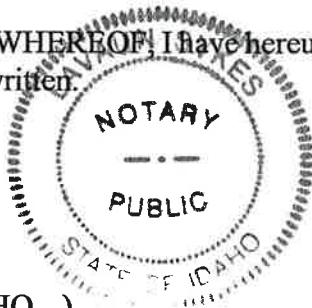
STATE OF IDAHO)

: ss.

County of Bingham)

On this _____ day of March, 2007, before me, the undersigned, a Notary Public in and for the State of Idaho, personally Terrell Yancey, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Lakaun Sykes
Notary Public for Idaho
Residing at: Blackfoot
My Commission Expires: 5-17-08

STATE OF IDAHO)

: ss.

County of Bingham)

On this _____ day of March, 2007, before me, the undersigned, a Notary Public in and for the State of Idaho, personally Sandra Yancey, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Jodi Oster
Notary Public for Idaho
Residing at: Idaho
My Commission Expires: 11-16-12

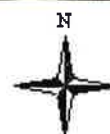


Farm 1039
T2263
E21

SCANNED

MAR 19 2007

0.07 0 0.07 0.14 0.21 0.28 Miles



Map Printed: Jan 12, 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
MAR 16 2007
DEPARTMENT OF WATER RESOURCES**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**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): 35-13553 and 35-13554
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - B) A FEE of **\$25.00 per water right** or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
Robert F. Underwood Estate
C/O Jeff Underwood, P.R.
360 Kurtwood Pl.
Pocatello, ID 83201
4. Name of Water Right Owner/Claimant(s)
Terrell and Sandra Yancey
1226 2700 W
Aberdeen, ID 83210
5. Expiration Date of Notification Period April 1, 2007
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) Jeff Underwood
Jeff Underwood, Personal Representative

For Office Use Only

Received by	_____	Date	_____	Fee	100 -
Receipted by	KAW	Date	3-16-07	Receipt No.	C0835964
Processed by	_____	AJ Date	_____	WR	_____
				Date	_____

SCANNED

MAR 19 2007

requested
refused
6-18-07
JC

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN**
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.†
DAVID E. ALEXANDER††
LANE V. ERICKSON**
LISA M. CHRISTON†††
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN
BRENT L. WHITING
LISA R. TANNER‡
JUSTIN R. ELLIS
JOSHUA D. JOHNSON†††
JONATHAN S. BYINGTON

BOISE OFFICE

101 SOUTH CAPITOL
BOULEVARD, SUITE 208
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

RECEIVED

APR 12 2006

DEPARTMENT OF
WATER RESOURCES

IDAHO FALLS OFFICE

477 SHoup AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

*ALSO MEMBER WY & IL BARS
**ALSO MEMBER UT BAR
†ALSO MEMBER D. C. BAR
††ALSO MEMBER MO BAR
†††ALSO MEMBER IL BAR
‡ALSO MEMBER CA BAR

April 10, 2006

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Subcase 35-13553 and 35-13554/Underwood

Dear Clerk:

Enclosed please find the following for filing in the above-referenced matter:

1. Original and copy of Motion to File Late Notice of Claim with attached Notice of Claim to a Water Right pertaining to No. 35-13553.
2. Original and copy of Motion to File Late Notice of Claim with attached Notice of Claim to a Water Right pertaining to No. 35-13554.
3. Duplicate originals and extra copy of Supporting Affidavit of Jeff Underwood (one original to be filed in each subcase).
4. Checks for filing fees as follows: 35-13553: \$202
35-13554: \$169
5. Stamped and addressed return envelope.

Please file the originals and conform stamp and return the extra copies in the enclosed stamped and addressed return envelope.

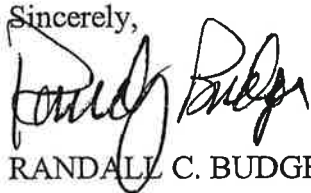
SCANNED

APR 13 2006

April 3, 2006
Page 2

Please note the hearing dates set forth in the Motions on the Court's calendar.

If you have any questions please contact me or paralegal Pam Mottishaw.

Sincerely,

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Service List (w/encls.)
Jeff Underwood (w/encls.)

SCANNED

APR 13 2006

RECEIVED

APR 12 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Subcase 35-13553

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

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

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

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

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

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Jeff Underwood, Personal Representative for the Robert F. Underwood Estate

My address is 360 Kurtwood Place, Pocatello, ID 83204

My phone number is: Work _____ Home 208-232-2837

I am an attorney representing Jeff Underwood

My name is Randall C. Budge

My address is P.O. Box 1361, Pocatello, ID 83204-1362

My phone number is 208-232-6101

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

~~Inadvertent~~ oversight of decedent, Robert F. Underwood, due to advanced age and failing health. See supplemental affidavit of Jeff Underwood.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 202.00.

Follow these instructions regarding the hearing on this motion.

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

This motion will be heard on July 18, 2006 at 1:30 p.m.
(Insert Date and Time)

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

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

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

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bannock

Jeff Underwood, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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

Jeff Underwood
Signature of person filing motion

Russell C. Budge
Attorney signing in representative capacity

Subscribed and sworn to before me on April 7th, 2006
(Insert Date)



Rolun Ruckelshaus
Notary Public for Idaho
Residing at: Pocatello
My Commission expires: 8/18/2006

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on April 10, ²⁰⁰⁶~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Randall C. Budger

Signature of person or attorney mailing the form

IN THE DISTRICT 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 35-13503

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) **Robert F. Underwood Estate c/o Jeff Underwood, Personal Representative**
Phone **208-232-2837**
Mailing Address **360 Kurtwood Place, Pocatello, Idaho Zip 83204**
2. Date of Priority (only one (1) per claim) **5-15-1948**
3. Source of water supply (a) **Ground water**
Which is tributary to (b)
4. a. Location of existing point of diversion is: Township **5S** Range **31E** Section **4**
¼ of SW ¼ of SW ¼, gov't lot B.M., County of Bingham
Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , ¼ of ¼ of ¼
Gov't lot B.M., county of
Ending point is:
Township Range Section , ¼ of ¼ of ¼
Gov't lot B.M., county of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
30 hp electric motor and centrifugal pump into open ditches, flood irrigated with canvas portable dams.

SCANNED

APR 13 2006

6. Water is claimed for the following purposes:

For **irrigation** purposes from 4/1 to 11/1 amount 2.67 cfs or 4 acre-feet per acre

7. Total quantity claimed (a) 2.67 cfs and/or (b) 4 acre-feet per acre

8. Total consumptive use claimed is ^{407.2}~~271.8~~ acre-feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)

Stockwater - 50 head of beef cows and calves

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 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	NE ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	31E	4											40.9 S				30 S	30.9 S	101.8

Total number of acres irrigated 101.8

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks:

See supporting Affidavit of Jeff Underwood, son and personal representative of Robert F. Underwood, deceased.

Last Name

Underwood

Ident No.

35- ~~ASSIGNED~~

APR 13 2008

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

Scale: 2 inches equals 1 mile

Last Name Underwood Ident No. 35-13554

SCANNED

APR 13 2008

Powerline Rd

2800 West

2700 West Rd

Crater Sub Rd

P/D = SWSW
Sec. 4, T.5S. R.31E.

P/U = 40.90 AC NW NW
60.90 AC S 1/2 S 1/2
Sec. 4 T.5S. R.31E

15. Basis of claim (check one) Beneficial use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
v. _____

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

Signature of Claimant (s) Jeff Underwood Date 4/7/06

Date _____

For Organizations:

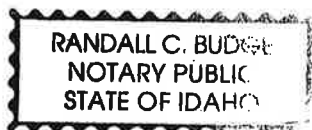
I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Bannock)
ss

Subscribed and sworn (or affirmed) before me this 7th day of April 2006



Notary Public Randall C. Budgett
Residing at Pocatello, ID.
My Commission Expires 10/11/2006

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

Signature Randall C. Budgett

Address P.O. Box 1391 Pocatello, ID 83201

Date 4/7/06

Last Name Underwood Ident No. 355-13563

APR 13 2006

RECEIVED
APR 12 2006
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

) Subcase 35-13554
) (Insert water right number)
)

Case 39576

) STANDARD FORM 4
)
)

) MOTION TO FILE:
)

) ☒ LATE NOTICE OF CLAIM
)

) ☒ AMENDED NOTICE OF CLAIM
_____)

INSTRUCTIONS

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

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

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

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

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Jeff Underwood, Personal Representative of the
estate of Robert F. Underwood

My address is 360 Kurtwood Place, Pocatello, ID 83201

My phone number is: Work _____ Home 208-232-2837

I am an attorney representing Jeff Underwood

My name is Randall C. Budge

My address is P.O. Box 1361, Pocatello, ID 83204-1361

My phone number is 208-232-6101

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Inadvertent oversight by decendent, Robert F. Underwood,
due to advanced age and failing health. See supplemental
affidavit of Jeff Underwood.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 169.00.

Follow these instructions regarding the hearing on this motion.

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

This motion will be heard on July 18, 2006 at 1:30 p.m.
(Insert Date and Time)

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

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

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

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bannock

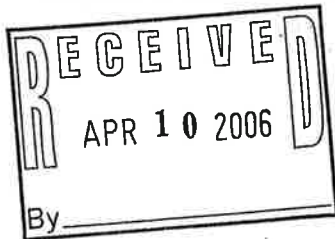
Jeff Underwood, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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

Jeff Underwood
Signature of person filing motion

Fardall C. Budge
Attorney signing in representative capacity

Subscribed and sworn to before me on April 7th, 2006
(Insert Date)



Robin Rayner
Notary Public for Idaho
Residing at: Forstells
My Commission expires: 8/18/2006

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

IN THE DISTRICT 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 35-13554

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) **Robert F. Underwood Estate c/o Jeff Underwood, Personal Representative**
Phone **208-232-2837**
Mailing Address **360 Kurtwood Place, Pocatello, Idaho Zip 83201**
2. Date of Priority (only one (1) per claim) **4-1-1956**
3. Source of water supply (a) **Ground water**
Which is tributary to (b)
4. a. Location of existing point of diversion is: Township **5S** Range **31E** Section **4**
SW ¼ of SE ¼ of SW ¼, gov't lot B.M., County of Bingham
Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , ¼ of ¼ of ¼
Gov't lot B.M., county of
Ending point is:
Township Range Section , ¼ of ¼ of ¼
Gov't lot B.M., county of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
15 hp electric motor and centrifugal pump into open ditches, flood irrigated with canvas portable dams.

SCANNED

APR 13 2006

6. Water is claimed for the following purposes:

For **irrigation** purposes from **4/1** to **11/1** amount **1.22** cfs or **4** acre-feet per acre

7. Total quantity claimed (a) **1.22** cfs and/or (b) **4** acre-feet per acres

8. Total consumptive use claimed is ^{273.96}~~850~~ acre-feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 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	NE ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	31E	4										2.49		2.0			30	34	68.49

Total number of acres irrigated **68.49**

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks:

See supporting Affidavit of Jeff Underwood, son and personal representative of Robert F. Underwood, deceased.

Last Name Underwood Ident No. 35-13554

APR 13 2006

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

Scale: 2 inches equals 1 mile

Last Name

Underwood

Ident No.

3 ~~SCANNED~~

APR 13 2008



Powerline Rd

2800 West Rd

1300 South Rd

Crater Sub Rd

Unimproved Loop Rd

2700 West Rd

P/D=
SW S4 S4

SCANNED
APR 13 2008

15. Basis of claim (check one) Beneficial use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number
Court Case Number Decree Date
v.

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

Signature of Claimant (s) Jeff Underwood Date 7 Apr. 2006

Date _____

For Organizations:

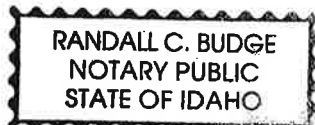
I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Bannock)
ss

Subscribed and sworn (or affirmed) before me this 7 day of April 2006



Notary Public Randall C. Budge
Residing at Pocatello, ID.
My Commission Expires 10/11/2006

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

Signature Randall C. Budge

Address P.O. Box 1391 Pocatello, ID. 83201

Date 4/7/06

Last Name Underwood Ident No. 3573554

SCANNED
APR 13 2006

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Phone: 208-232-6101
Fax: 208-232-6109
<rcb@racinelaw.net>

RECEIVED

APR 12 2006

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase 35-13553. 35-13554
	)	
	)	SUPPORTING AFFIDAVIT OF
Case 39576	)	JEFF UNDERWOOD
	)	
_____	)	

STATE OF IDAHO	)	
	:	SS
COUNTY OF BANNOCK	)	

JEFF UNDERWOOD, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. My name is Jeff Underwood and I reside at 360 Kirkwood Place, Pocatello, Idaho 83204. I am 49 years old and a lifelong resident of the state of Idaho.

2. My father Robert F. Underwood was born on January 27, 1925, and died on January 3, 2006 at 80 years of age. A copy of his Death Certificate is attached as Exhibit A. I am the duly-appointed and acting personal representative of his estate as evidenced by the Letters of Personal Representative issued by the Bingham County Magistrate Court, Exhibit B attached.

3. This Affidavit is submitted for the purpose of supporting the Motions to File Late Notice of Claim and two Notices of Claim to a Water Right, designated Water Right Nos. 35-

SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 1

SCANNED

APR 13 2006

13553 and 35-13554. These claims pertain to two wells located on my father's real property in Bingham County, Idaho.

4. After I was appointed Personal Representative of the Estate of Robert F. Underwood and in conjunction with my efforts to identify and administer the assets of the Estate, it came to my attention that my father did not file a Notice of Claim to a Water Right in this case, the SRBA, with respect to two wells used to irrigate his farm land. I have reason to believe that he failed to timely file these claims due to inadvertence, neglect and oversight due to his advanced age and deteriorated health.

5. I am familiar with the property and the historic use of the wells for irrigation purposes as I worked on the farm and assisted my father for as long as I can remember as a small boy, which would be since approximately 1956. My father taught me how to flood-irrigate the land from the two wells which were then in existence, and the same irrigation practices continued up until now. I have also reviewed the files and records of my father in order to confirm when my father acquired the real property and when the wells were constructed, as will be further discussed below. Based upon my own personal knowledge, review of my father's files and records and discussions with him, the information contained in each of the Notice of Claim is complete and accurate to the best of my knowledge and belief.

6. The subject real property to which the water rights are appurtenant was acquired by my father September 29, 1941, pursuant to the Deed attached as Exhibit C. My father remained the continuous owner of the property as evidenced by the current tax notices attached as Exhibit D.

7. The first well drilled (Well No. 1) relating to Claim No. 35-13553 was drilled by Paul Vollmer on or about November 1, 1947, at a cost of \$750 as evidenced by the cancelled check attached as Exhibit E. The turbine pump, 30 hp. motor and related equipment were acquired and installed on or about May 15, 1948, as evidenced by the receipt from Niel F. Boyle Hardware Company, Exhibit F attached. This Well No. 1 was continuously used to flood-irrigate 101.8 acres and provide stock water to 50 head of beef cows and calves as described in the

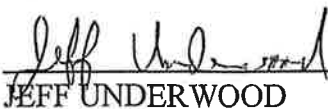
101.8 acres and provide stock water to 50 head of beef cows and calves as described in the Notice of Claim.

8. Well No. 2 pertaining Claim No. 35-13554 contained a 15 hp. electric motor and centrifugal pump and was used to flood-irrigate the property in the manner described in the Notice of Claim. This well became operational on or about April 1, 1956, and has been continuously used in the same manner to date to flood-irrigate the described property. The well was drilled in the fall of 1955 or spring of 1956. The drilling of the well and installation of pump, motor and equipment are evidenced by my father's (3) checks to driller Paul Vollmer in 1955 and 1956 and checks in 1956 and 1957 for equipment, copies of which are attached as Exhibit G.

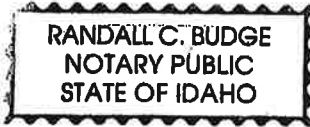
9. The information contained in both Notices of Claim is true and correct to the best of my knowledge. Both wells have been continuously pumped from the priority date stated for each and used to flood-irrigate the described property raising hay and grain on a rotation basis. My father owned, operated and irrigated the property in the manner described himself until approximately 2000, when he was no longer able to do so due to his age and health problems. From that time until his death he leased the property out on a year-to-year basis and the water was used in the same manner by the lessee to irrigate the property and raise crops in the same manner described above. I assisted my father in irrigating the property from the time I was a small boy of about five years of age off and on for many years. I have also personally observed the irrigation practices by my father and by his lessees my entire life and therefore know that the information set forth in the Notices of Claim is accurate.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 10th day of April, 2006.


JEFF UNDERWOOD

SUBSCRIBED AND SWORN TO before me this 10thday of April, 2006.



Randall C. Budge

NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 10/11/2006.

SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 4

SCANNED
APR 13 2006

EXHIBIT "A"
DEATH CERTIFICATE

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH POLICY AND VITAL STATISTICS

CERTIFICATE OF DEATH

Date Filed JANUARY 19, 2006

State File No. 2006-00174

DECEDENT - LEGAL NAME ROBERT FLOYD UNDERWOOD			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 80 YEARS	DATE OF BIRTH JANUARY 27, 1925
BIRTHPLACE ABERDEEN, IDAHO		PLACE OF RESIDENCE ABERDEEN, IDAHO	
MARITAL STATUS AT TIME OF DEATH WIDOWED		NAME OF SURVIVING SPOUSE (if wife, maiden name)	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME FRANK UNDERWOOD			BIRTHPLACE UTAH
MOTHER - MAIDEN NAME EMMA JANE STANDLEY			BIRTHPLACE UTAH
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE LANCE R. PECK	
NAME AND ADDRESS OF FUNERAL FACILITY DOWNARD-HANSEN FUNERAL HOME, POCA TELLO, IDAHO			
DATE OF DEATH JAN. 03, 2006	TIME OF DEATH 2:15 P.M.	CITY, TOWN OR LOCATION OF DEATH POCA TELLO, IDAHO	COUNTY OF DEATH BANNOCK
CAUSE OF DEATH (underlying cause last) a. CARDIO PULMONARY FAILURE			Approximate Interval Between Onset and Death IMMEDIATE
b. DUE TO (or as a consequence of): ASHD - CHF			YEARS
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL		NAME OF CERTIFIER JAMES W. ALLEN	TITLE CORONER
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: JANUARY 20, 2006

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

SCANNED
[Signature]
APR 11 2008
JANE SMITH
STATE REGISTRAR



EXHIBIT "B"

LETTERS OF PERSONAL REPRESENTATIVE

Dwight E. Baker
BAKER & HARRIS
PO Box 577
199 W Bridge
Blackfoot, ID 83221
Telephone: (208)785-2310
Facsimile: (208)785-6749
Idaho State Bar No. 1350

STATE OF IDAHO
COUNTY OF BINGHAM } ss
I hereby certify that the foregoing instrument is a full,
true and correct copy of the original on file in the
office of the undersigned Clerk of the Magistrate's
Division, District Court of the Seventh Judicial District
of Idaho, for Bingham County. 570 2006
Date
By SAHA J. STAUB Blackburn
Clerk, District Magistrate Division
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

IN THE MATTER OF THE JOINT
ADMINISTRATION OF THE ESTATES OF

AUDREY ANNA UNDERWOOD and
ROBERT F. UNDERWOOD,

Deceased.

Case No. CV-

06-559
LETTERS TESTAMENTARY

(I.C. 15-3-602 and 15-3-702)

JEFF UNDERWOOD is hereby appointed personal representative of the Estates of AUDREY ANNA UNDERWOOD and ROBERT F. UNDERWOOD, deceased, with all authority pertaining thereto. Administration of the estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of the personal representative.

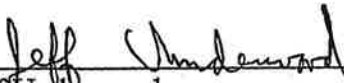
WITNESS: RYAN W. BOYER, Magistrate of the District Court, County of Bingham, State of Idaho, with the seal of the Court affixed this 10 day of ~~February~~ March, 2006.

RYAN W. BOYER

Magistrate

STATE OF IDAHO)
) ss.
County of Bingham)

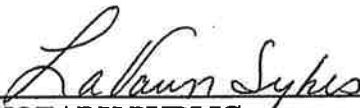
The undersigned, hereby accepts the appointment to the office of personal representative of the Estates of AUDREY ANNA UNDERWOOD and ROBERT F. UNDERWOOD, deceased, and do solemnly swear that I will perform, according to law, the duties of personal representative of said estates.



Jeff Underwood
360 Kurtwood Place
Pocatello, ID 83204
208-232-2837

SUBSCRIBED AND SWORN to before me this 27th day February, 2006.





NOTARY PUBLIC
Residing at Blackfoot
My Commission Expires: 5-17-08

EXHIBIT "C"

DEED

DEED OF COUNTY PROPERTY

Oct 13 / 1943

143

INSTRUMENT No. 32099

PRINCE & SON, PORTLAND, IDAHO - 1911

THIS INDENTURE, Made and entered into this 29th day of September, A. D. 19 41, by and between the County of Bingham, State of Idaho, party of the first part, and

American Falls Canal Securities Corp. Aberdeen, Idaho, party of the second part,

WITNESSETH: That Whereas, by an order duly given, made and entered by the Board of County Commissioners of said County, in meeting assembled on the 12th day of August, 19 41, it was found and determined that the certain tract or parcel of land belonging to said County and hereinafter particularly described, was not necessary for the use of said County, and that the same should therefore, pursuant to the provisions of Section 30-708, Idaho Codes Annotated, as amended, be sold at public auction on the 29th day of September, 19 41; and

WHEREAS, Pursuant to said order and the statute in such case made and provided, the sale was advertised on the 23rd day of August, 19 41, being thirty days prior thereto, in The Daily Bulletin, a daily newspaper published in said County (or posted in five public places of the said county), affidavit of the giving of which notice has been duly filed with the Clerk of the Board of County Commissioners of said county; and

WHEREAS, At the time advertised for said sale the said land was, by the Clerk of said Board, sold at public auction to the party of the second part herein, who was the highest bidder therefor, for the sum of \$ 60.00, cash, lawful money of the United States of America, which said sum the said party of the second part has paid to the Treasurer of the said Bingham County;

NOW, THEREFORE, For and in consideration of the said sum hereinbefore mentioned thus paid, and pursuant to the law in such cases made and provided, the party of the first part herein does hereby grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all that certain tract or parcel of land situated in the County of Bingham, State of Idaho, and more particularly described as follows:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), and the Southhalf of the Southhalf (S $\frac{1}{2}$ S $\frac{1}{2}$) Section 4, Township 5 South of Range 31, East of the Boise Meridian, Bingham County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; to have and to hold the same unto the party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, The Board of County Commissioners of said County has caused the name of said County to be hereunto subscribed by the chairman of said Board, and the seal of said Board of County Commissioners to be hereunto affixed.

Done at Blackfoot, Idaho, the day and year first above written.

ATTEST:

SEAL

BINGHAM COUNTY.

Jno. H. Falk
County Auditor and Ex-Officio Clerk of the
Board of County Commissioners.

By Louis Felt
Chairman, Board of County Commissioners.

STATE OF IDAHO,

COUNTY OF BINGHAM

ss.

On this 9th day of October, 19 41, before me Jno. H. Falk, Clerk of the District Court, State of Idaho, in and for said County, personally appeared Louis Felt, known to me to be the Chairman of the Board of County Commissioners of said Bingham County, who executed the foregoing instrument, and acknowledged to me that he executed the same as such officer.

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

SEAL

Jno. H. Falk,
Clerk of the District Court, State of Idaho
in and for Bingham County.

I hereby certify that this instrument was filed for record at the request of D. H. Blosson, at 30 minutes past 10 o'clock A. M. this 10th day of October, A. D. 19 41, in my office and duly recorded in Book of at page.

SCANNED

APR 13 2006

EXHIBIT "D"

TAX NOTICES

ASSESSMENT NOTICE

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
BLACKFOOT ID 83221
PERMIT NO 186

ASSESSOR

1-1700

2000

REQUESTED

Tax Code 19-00

REVISION

LOTS/ACRES

MARKET VALUE

AC 40 165.000 AC
AZING SI 26.000 AC
HOMESITE 1.000 AC
8.000 AC

67,870
390
8,500
5,000
4,279

RES BLDG
IMP ON AG

Taxes are based on the
valuation listed on this statement
FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE

JUNE 26, 2000

200.000

86,039
2,500

OWNERS:

PARCEL #
RP 0035700

SEC 04

S 2796

W 1300

S

PRIOR YEAR

CURRENT YEAR

Mail To:

83,539

83,539

UNDERWOOD ROBERT F

PRIOR YEAR
077.10

ESTIMATED
1,077.10

2796 W 1300 S
ABERDEEN

ID 83210

DO NOT PAY ESTIMATE

SCANNED

APR 13 2008



Property Master			
Year 2006	Parcel # RP0035700	Status Active	Property Type Real
Location Code 31	Property Code Area 019000	Parcel Type	Appraiser Initials KDR

Physical Location	
Address	2796 W 1300 S ID
Group Type	SECT
Group #	044073
Description	T5S R31E SEC 04
Zoning	A
Township/Range/Section	5S 31E 04

Owner/Contact Information	
Name	UNDERWOOD ROBERT F
Mailing Address	2796 W 1300 S ABERDEEN ID 83210-9766

Description

T5S R31E SEC 04
S2S2* NWSW

Additional Owners/Contacts

Solid Waste	
Unit	Type
1	A

Photo
PHOTO NUMBER 102

Map

Status	State Cat. Code	Acres	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
Active	1	165.000	67,870	Primary	Non-Occupancy	LAND BASE
Active	5	26.000	390	Primary	Non-Occupancy	LAND BASE
Active	10	1.000	10,300	Primary	Non-Occupancy	LAND BASE
Active	19	8.000	0	Primary	Non-Occupancy	LAND BASE
Active	31		5,000	Primary	Non-Occupancy	MARKET
Active	32		3,033	Primary	Non-Occupancy	MARKET
Total Acres:		200.000	86,593	Total Values		
			(2,500)	Less Homeowners Exemption		
			84,093	Taxable Value		

SCANNED

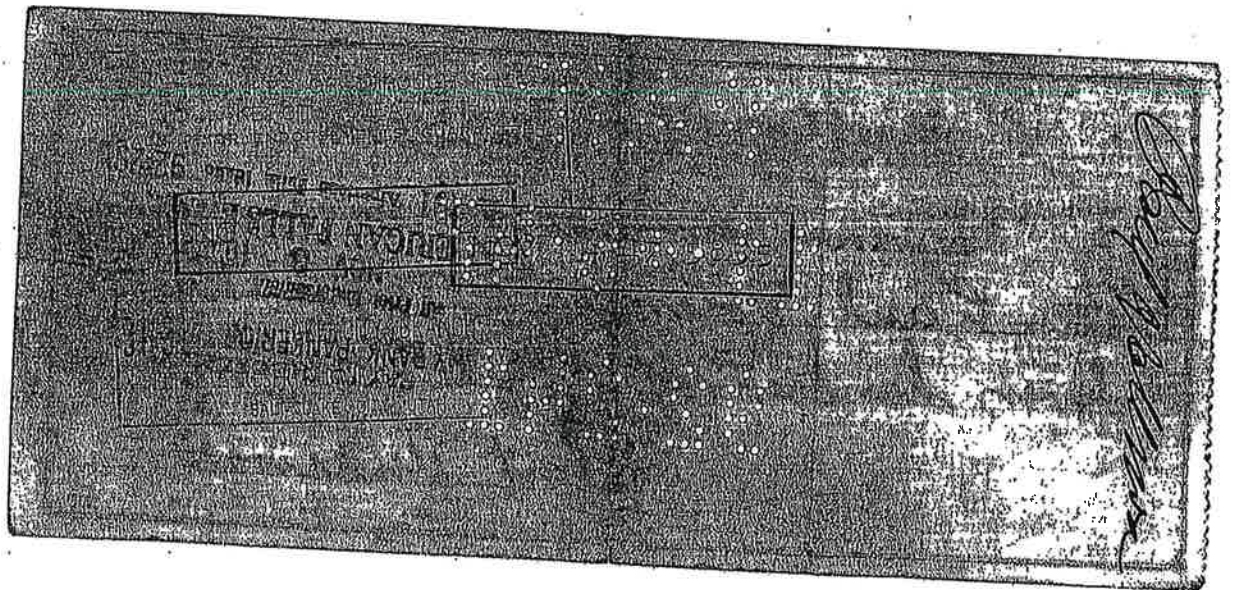
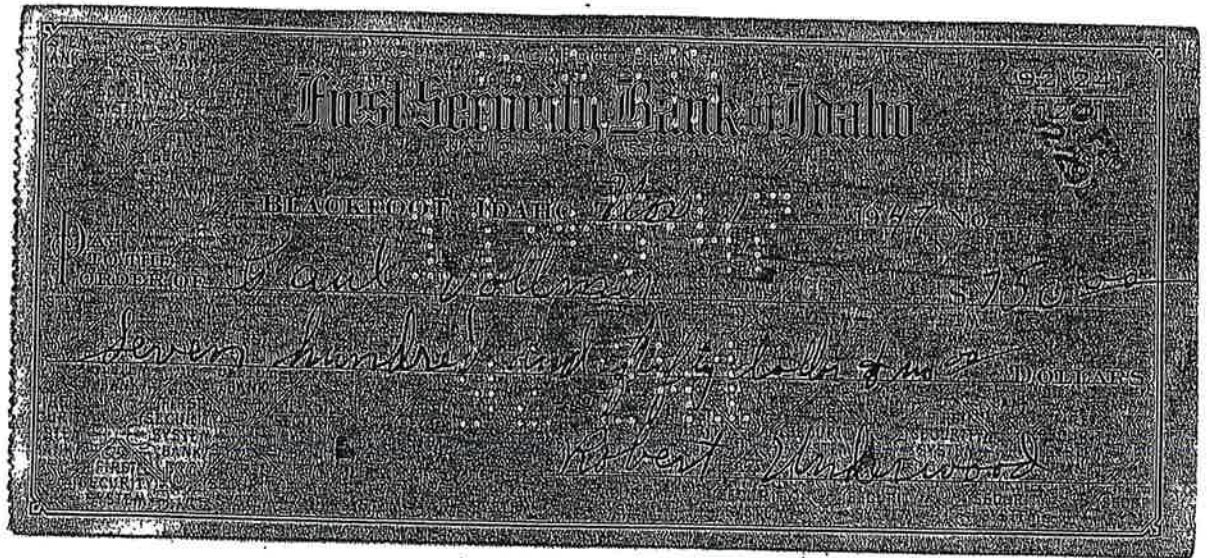
APR 13 2008

EXHIBIT "E"

PAUL VOLLMER CHECK
(Well No. 1)

SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 9

SCANNED
APR 13 2006



SCANNED

APR 13 2006

EXHIBIT "F"

NIEL F. BOYLE HARDWARE RECEIPT
(Well No. 1)

SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 10

SCANNED

APR 13 2006

\$ 1,234.00

Blackfoot, Idaho,

May 15, 1948

On or before 5th day of December, 1948, for value received in

One 10" 3 Stage Figure 6930 Turbin W/Full Dia. Imp. #10058

90 Ft. 3" x 2" x 1 1/4" column

10 Ft. 3" ID Suction Pipe

One 12" ID Galv. Strainer

One A208-16-1/2 Unit Head to receive 30 HP 3PH 60 Cy 220 V Motor type FR 365 (16-1/2 X 1-1/8) RPM 1760 (Motor #6790250)

One 1 Qt. Solenoid Oilier 220 V

One 24" ID Discharge Flange W/Bolts & gaskets.

Sale price of above merchandise

\$2,054.00

Plus installation, less electrical hook up

80.00

\$2,134.00

less: down payments of \$100.00 1/8/48; \$800.00 2/13/48

900.00

Balance owing

\$1,234.00

hereinafter described as merchandise, bought of Neil F. Boyle Hardware and Furniture Company, I promise to pay to the order of Neil F. Boyle Hardware and Furniture Company

One Thousand Two Hundred Thirty Four and no/100 DOLLARS

at Blackfoot, Idaho, with interest at the rate of 6 per cent. per annum, from May 15, 1948

interest payable when due until paid, and in case this note is collected by an attorney I

agree to pay all cost of collection, including a reasonable attorney's fee.

The express condition of this transaction is such that the title or ownership of said merchandise does not pass from the said Neil F. Boyle Hardware and Furniture Company until this note and interest shall have been paid in full, and if this note, together with all interest thereon, be not paid at maturity, said Neil F. Boyle Hardware and Furniture Company may take possession of said merchandise and may sell the same at public or private sale, without notice, and apply the proceeds on this note, or they may without sale, endorse the true value of said merchandise on this note, and I agree to pay on this note any balance due thereon after such endorsements, as damages and rental for said merchandise. Said Neil F. Boyle Hardware and Furniture Company, or their Agent have full power to declare this note due and take possession of said merchandise when they deem themselves insecure, even before the maturity of this note in case said merchandise shall be taken back, this shall be a warrant for entering upon the premises of the maker to obtain possession of said merchandise.

Due December 5, 1948

Address Sterling, Idaho

No. 27

Robert F. Underwood

SCANNED

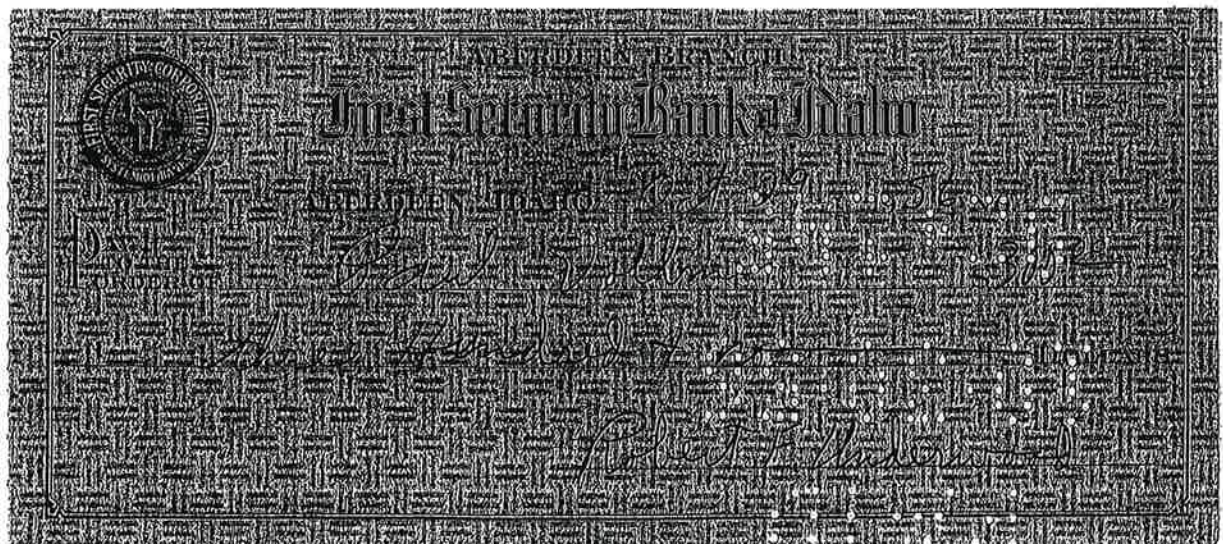
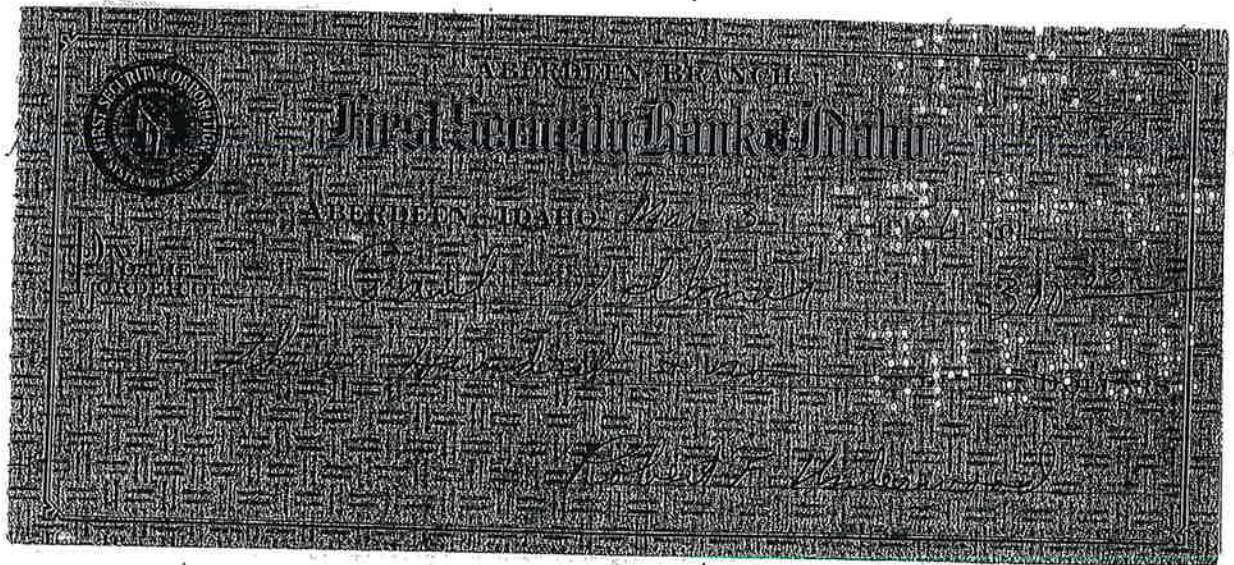
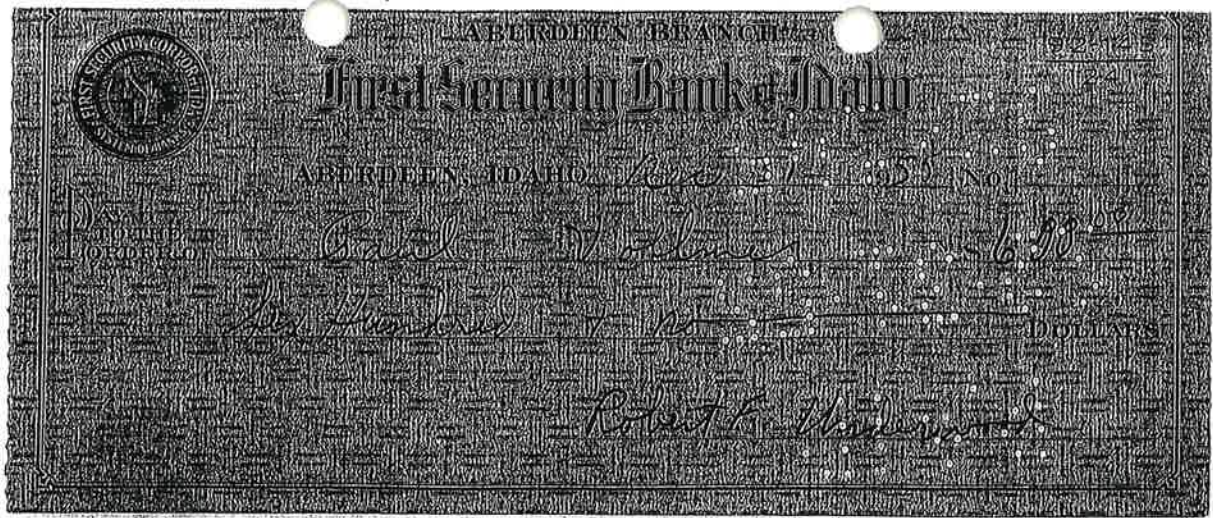
APR 13 2006

EXHIBIT "G"

**CHECKS
(Well No. 2)**

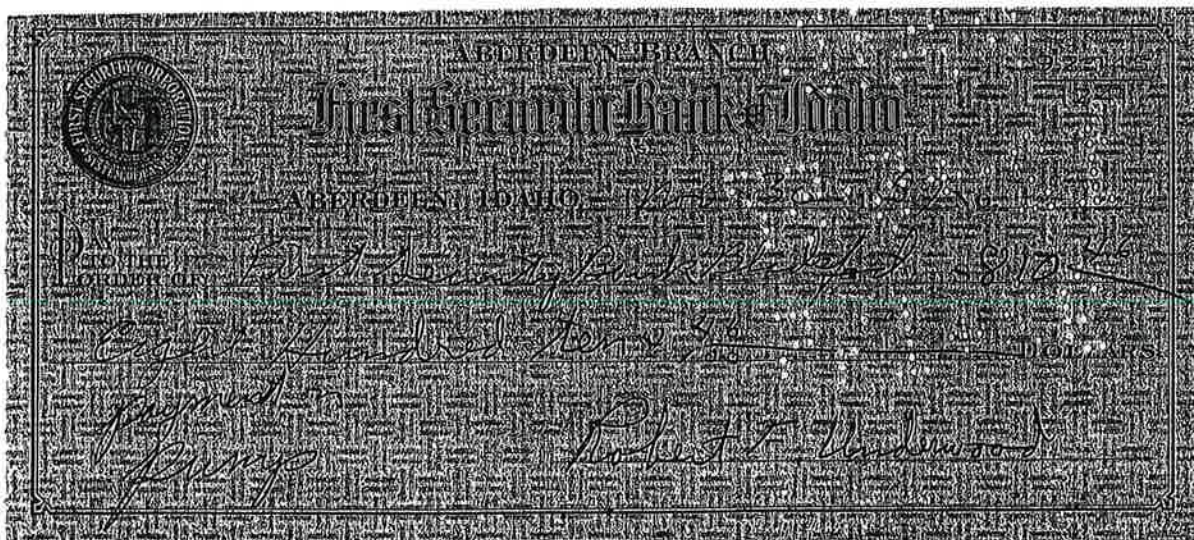
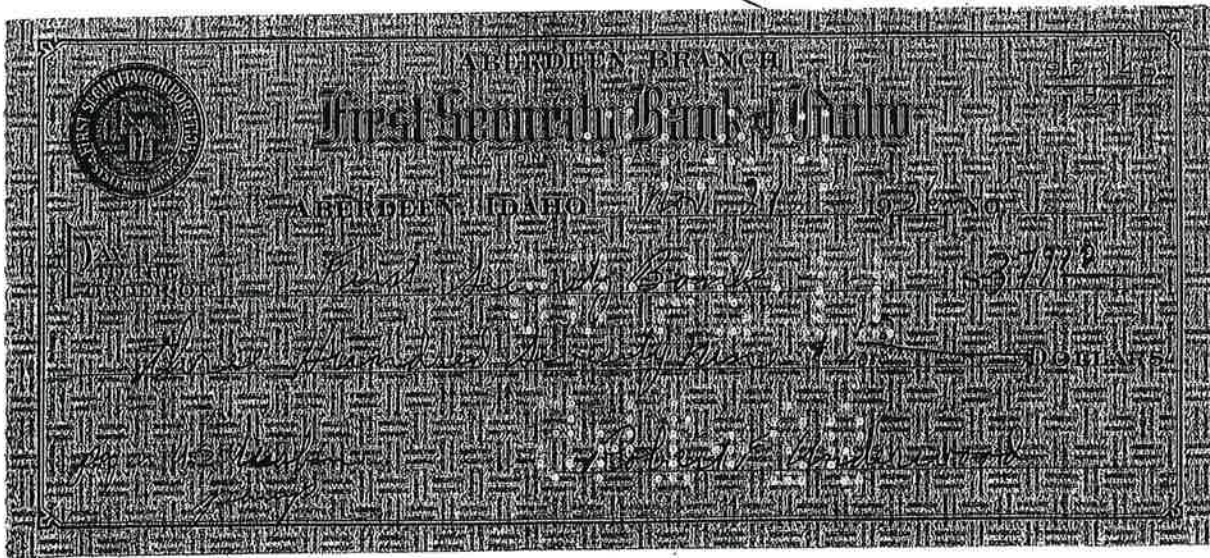
SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 11

SCANNED
APR 13 2006



SCANNED

APR 13 2006



SCANNED

APR 13 2006

Randall C. Budge, ISB No. 1949
RACINE OLSON NYE BUDGE & BAILEY CHTD
P.O. Box 1391
201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109
Email: rcb@racinelaw.net

RECEIVED
FEB 06 2007
Department of Water Resources
Eastern Region

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

In Re: SRBA	)	
	)	Subcase Nos. 35-13553, 35-13554
	)	
Case No. 39576	)	AFFIDAVIT OF
_____	)	JAMES PRESTIDGE

STATE OF IDAHO	)
	:ss.
County of Bannock	)

The undersigned, JAMES PRESTIDGE, having been first duly sworn on oath,
deposes and states the following:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. I reside in Aberdeen, Idaho. Before my retirement in 1984, I farmed at 2660 West 1300 South, Aberdeen, Bingham County, Idaho, and I continuously resided and farmed at that location from 1946 through 1984. Our property is located about one-quarter of a mile from one of the Underwood wells.

SCANNED
AUG 02 2006

4. From 1946 through 1984, I was neighbors with the Robert F. Underwood family, who farm in Bingham County on property located in the SW¼ of SE¼ of SW¼, Section 4, Range 31E, Township 5 South.
5. I understand that Jeff Underwood has filed Notices of Claim to Water Rights and claims beneficial use of the rights he claims. Jeff claims beneficial use was established on or about May 15, 1948 and April 1, 1956 respectively, for agricultural irrigation.
6. When the Underwood wells were drilled, I was present and saw the wells being drilled. Through conversations with Robert Underwood at the time the wells were drilled, I understood that the water from the wells would be used for crop irrigation. I have observed since 1948 that crops have been continuously grown on the Underwood property and those crops have been irrigated from the wells that were drilled as I have described.
7. Since the time I have been acquainted and neighbors with the Underwood family, I have observed them continuously using irrigation water on crops. I have also observed that the ground Jeff farms has been continuously productive every year.

DATED: This 27th day of January, 2007.


JAMES PRESTIDGE, Affiant

[Notarization follows]

CC-000000
AUG 02 2006

SUBSCRIBED AND SWORN to before me, a Notary Public in and for
said state, this ____ day of January, 2007.



Sally A. Britia
Notary Public for Idaho
Residing at American Falls
Commission expires: 10-07-10

SCANNED
AUG 02 2006

Randall C. Budge, ISB No. 1949
RACINE OLSON NYE BUDGE & BAILEY CHTD
P.O. Box 1391
201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109
Email: rcb@racinelaw.net

RECEIVED
FEB 06 2007
Department of Water Resources
Eastern Region

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

In Re: SRBA)
)
) Subcase Nos. 35-13553, 35-13554
)
Case No. 39576)
) AFFIDAVIT OF
) JAMES RODNEY PRESTIDGE

STATE OF IDAHO)
) :ss.
County of Bannock)

— The undersigned, JAMES RODNEY PRESTIDGE, having been first duly sworn
on oath, deposes and states the following:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. I reside and farm at 2660 West 1300 South, Aberdeen, Bingham County, Idaho, and I have continuously resided and farmed at that location since 1949. Our property is located about one-quarter of a mile from one of the Underwood wells.
4. Since 1949, I have been neighbors with the Robert F. Underwood family, who farm in Bingham County on property located in the SW¼ of SE¼ of

AUG 02 2006

SW¼, Section 4, Range 31E, Township 5 South. I started working on the farm with my Dad, George James Prestidge, when I was a small boy in about 1957. I started farming the ground on my own in 1984, and my Dad retired. My Dad started farming the ground before me in 1946.

5. I understand that Jeff Underwood has filed Notices of Claim to Water Rights and claims beneficial use of the rights he claims. Jeff claims beneficial use was established on or about May 15, 1948 and April 1, 1956 respectively, for agricultural irrigation.
6. Since the time I have been acquainted and neighbors with the Underwood family, I have observed them continuously using irrigation water on crops. I have also observed that the ground Jeff farms has been continuously productive every year.
7. Through conversations with Jeff Underwood and observation of activities on his farm, I know that wells were drilled for irrigation water on the Underwood farm property, as described in paragraph 4. The wells have been on the property as long as I can remember and have been used to irrigate the crops produced on the Underwood farm.

DATED: This 29 day of January, 2007.


JAMES R. PRESTIDGE, Affiant

[Notarization follows]

SCANNED
AUG 02 2006

SUBSCRIBED AND SWORN to before me, a Notary Public in and for
said state, this 29th day of January, 2007.



Sally A. Beitia
Notary Public for Idaho
Residing at: American Falls
Commission expires: 10-07-10

SCANNED

AUG 02 2006

Randall C. Budge, ISB No. 1949
RACINE OLSON NYE BUDGE & BAILEY CHTD
P.O. Box 1391
201 E. Center Street
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Facsimile: (208) 232-6109
Email: rcb@racinelaw.net

RECEIVED

FEB 06 2007

Department of Water Resources
Eastern Region

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

In Re: SRBA	)	
	)	Subcase Nos. 35-13553, 35-13554
	)	
Case No. 39576	)	AFFIDAVIT OF WAYNE KENDELL
_____	)	

STATE OF IDAHO	)
	:ss.
County of Bannock	)

The undersigned, WAYNE KENDELL, having been first duly sworn on oath,
deposes and states the following:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. I was born on November 29, 1925. I reside and farm at 2652 West 1200 South, Aberdeen, Bingham County, Idaho, and I have continuously resided at that location since I was born. I have farmed at that location on my own since about 1950.
4. Since 1925, my family has been neighbors with the Robert F. Underwood family, who farm in Bingham County on property located in the SW1/4 of

SCANNED
AUG 02 2006

SE ¼ of SW 1/4, Section 4, Range 31E, Township 5 South. The Underwood place is within one mile of my farm. I was raised and went to school with Robert Underwood, and have known his son Jeff since he was born.

5. I understand that Jeff Underwood has filed Notices of Claims to Water Rights and claims beneficial use of the rights he claims. Jeff claims beneficial use was established on or about May 15, 1948 and April 1, 1956 respectively, for agricultural irrigation.
6. I did not personally witness the drilling of Jeff Underwood's well. However, I have been aware through conversations and observations of the property that a well was drilled by Robert Underwood in approximately 1948, and another well was drilled in 1956.
7. Since the time I have been neighbors with the Underwood family, I have observed them continuously using irrigation water on crops. The source for the irrigation water is the wells I refer to above. I have observed the Underwood ground and crops nearly daily my entire life, and I have seen that crops have been continuously grown on the property. The growth of the crops requires irrigation water. The Underwoods have mainly grown hay and pasture, but occasionally they have raised grain. The ground has been productive every year.
8. Through conversations with Robert Underwood and observation of activities on his farm, I know that wells were drilled for irrigation water on

SCANNED
AUG 02 2006

the Underwood farm property, described in paragraph 4, in 1948 and 1956
respectively.

DATED: This 21st day of January, 2007.

Wayne E. Kendell
WAYNE KENDELL, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for
said state, this 24th day of January, 2007.



Sally A. Beitia
Notary Public for Idaho
Residing at: American Falls
Commission expires: 10-01-10

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{dfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = 30

Eff = Efficiency = _____ (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 60 ft.

Assumed Draw down = + - ft.

Lift = 60

OR

Measured Dynamic Water Level = 60 ft.

psi = Operating Pressure = 0 psi *open discharge.*

$$Q_{cfs} = [\frac{30}{Hp} \times 8.814 \times \frac{.70}{Eff}] \div [\frac{60}{Lift} + (\frac{0}{psi} \times 2.308)$$

$$Q_{cfs} = [\frac{185}{}] \div [\frac{60}{}]$$

$$Q_{cfs} = \frac{3.08}{} \text{ cfs}$$

(2.64) - at 60% efficiency.

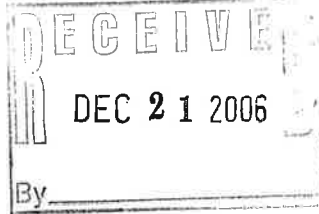
PERMIT NO. _____ SCANNED

AUG 02 2006

RECEIVED

FEB 06 2007

Department of Water Resources
Eastern Region



Rendy

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 20 2006	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

For water right: 35-13553, 35-13554

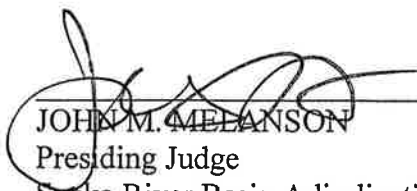
**ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS**

On April 11, 2006, Claimant The Robert F. Underwood Estate, c/o Jeff Underwood, personal representative, filed *Motions to File Late Notices of Claims to Water Rights* in the above two subcases. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on July 24, 2006 by the Presiding Judge of the SRBA. Special Master Terrence Dolan issued a **Recommendation Regarding Prejudice on Motion to File Late Claim**, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and **SRBA Administrative Order 1**, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the **Special Master's Recommendation** and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notices of Claims* for water rights 35-13553 and 35-13554 be **granted**.

The original *Notices of Claims*, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

Dated December 14, 2006


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

G:\MEREDITH\order granting motion to file late notices of claims.underwood..doc

Page 1

Last printed 12/20/2006 9:14:00 AM

SCANNED

DEC 01 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICES OF CLAIMS was mailed on December 20, 2006, with sufficient first-class postage to the following:

ROBERT F UNDERWOOD ESTATE

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SCANNED

DEC 01 2006

ORDER

Page 1 12/20/06

FILE COPY FOR 02221

Deputy Clerk

Julie Murphy



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 28, 2006

RANDALL C BUDGE
RACINE OLSON NYE BUDGE & BAILEY CHTD
PO BOX 1391
POCATELLO ID 83204-1391

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #35-13553 and 35-13554
Your Client: Robert F. Underwood Estate

Dear Mr. Budge:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipt #C082889 for the filing fees your firm paid.

Your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosure: Receipt #C082889

C: Jeff Underwood w/o Enclosure

SCANNED

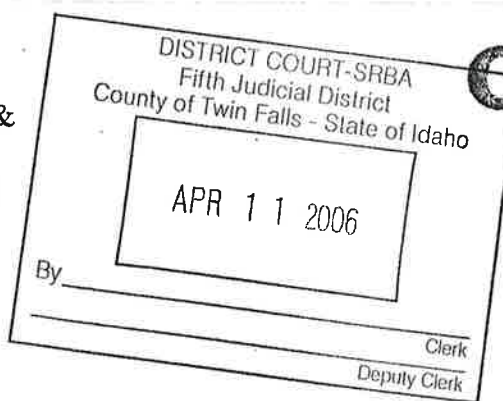
DEC 27 2006

IMS
Claim No(s). 35-13553

35-13553

[illegible]

Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center Street
Pocatello, Idaho 83204-1391
Phone: 208-232-6101
Fax: 208-232-6109
<rcb@racinelaw.net>



COPY

RECEIVED
FEB 06 2007
Department of Water Resources
Eastern Region

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

In Re SRBA

Case 39576

Subcase 35-13553. 35-13554

**SUPPORTING AFFIDAVIT OF
JEFF UNDERWOOD**

STATE OF IDAHO)
: SS
COUNTY OF BANNOCK)

JEFF UNDERWOOD, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. My name is Jeff Underwood and I reside at 360 Kirkwood Place, Pocatello, Idaho 83204. I am 49 years old and a lifelong resident of the state of Idaho.
2. My father Robert F. Underwood was born on January 27, 1925, and died on January 3, 2006 at 80 years of age. A copy of his Death Certificate is attached as Exhibit A. I am the duly-appointed and acting personal representative of his estate as evidenced by the Letters of Personal Representative issued by the Bingham County Magistrate Court, Exhibit B attached.
3. This Affidavit is submitted for the purpose of supporting the Motions to File Late Notice of Claim and two Notices of Claim to a Water Right, designated Water Right Nos. 35-

SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 1

SCANNED
APR 01 2006

13553 and 35-13554. These claims pertain to two wells located on my father's real property in Bingham County, Idaho.

4. After I was appointed Personal Representative of the Estate of Robert F. Underwood and in conjunction with my efforts to identify and administer the assets of the Estate, it came to my attention that my father did not file a Notice of Claim to a Water Right in this case, the SRBA, with respect to two wells used to irrigate his farm land. I have reason to believe that he failed to timely file these claims due to inadvertence, neglect and oversight due to his advanced age and deteriorated health.

5. I am familiar with the property and the historic use of the wells for irrigation purposes as I worked on the farm and assisted my father for as long as I can remember as a small boy, which would be since approximately 1956. My father taught me how to flood-irrigate the land from the two wells which were then in existence, and the same irrigation practices continued up until now. I have also reviewed the files and records of my father in order to confirm when my father acquired the real property and when the wells were constructed, as will be further discussed below. Based upon my own personal knowledge, review of my father's files and records and discussions with him, the information contained in each of the Notice of Claim is complete and accurate to the best of my knowledge and belief.

6. The subject real property to which the water rights are appurtenant was acquired by my father September 29, 1941, pursuant to the Deed attached as Exhibit C. My father remained the continuous owner of the property as evidenced by the current tax notices attached as Exhibit D.

7. The first well drilled (Well No. 1) relating to Claim No. 35-13553 was drilled by Paul Vollmer on or about November 1, 1947, at a cost of \$750 as evidenced by the cancelled check attached as Exhibit E. The turbine pump, 30 hp. motor and related equipment were acquired and installed on or about May 15, 1948, as evidenced by the receipt from Niel F. Boyle Hardware Company, Exhibit F attached. This Well No. 1 was continuously used to flood-irrigate 101.8 acres and provide stock water to 50 head of beef cows and calves as described in the

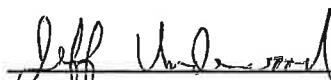
101.8 acres and provide stock water to 50 head of beef cows and calves as described in the Notice of Claim.

8. Well No. 2 pertaining Claim No. 35-13554 contained a 15 hp. electric motor and centrifugal pump and was used to flood-irrigate the property in the manner described in the Notice of Claim. This well became operational on or about April 1, 1956, and has been continuously used in the same manner to date to flood-irrigate the described property. The well was drilled in the fall of 1955 or spring of 1956. The drilling of the well and installation of pump, motor and equipment are evidenced by my father's (3) checks to driller Paul Vollmer in 1955 and 1956 and checks in 1956 and 1957 for equipment, copies of which are attached as Exhibit G.

9. The information contained in both Notices of Claim is true and correct to the best of my knowledge. Both wells have been continuously pumped from the priority date stated for each and used to flood-irrigate the described property raising hay and grain on a rotation basis. My father owned, operated and irrigated the property in the manner described himself until approximately 2000, when he was no longer able to do so due to his age and health problems. From that time until his death he leased the property out on a year-to-year basis and the water was used in the same manner by the lessee to irrigate the property and raise crops in the same manner described above. I assisted my father in irrigating the property from the time I was a small boy of about five years of age off and on for many years. I have also personally observed the irrigation practices by my father and by his lessees my entire life and therefore know that the information set forth in the Notices of Claim is accurate.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

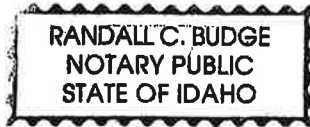
DATED this 10th day of April, 2006.


JEFF UNDERWOOD

SUBSCRIBED AND SWORN TO before me this 10th day of April, 2006.

Randall C. Budge

NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 10/11/2006.



SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 4

SCANNED
APR 01 2006

EXHIBIT "A"

DEATH CERTIFICATE

**STATE OF IDAHO
CERTIFICATION OF VITAL RECORD**

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH POLICY AND VITAL STATISTICS

CERTIFICATE OF DEATH

Date Filed JANUARY 19, 2006

State File No. 2006-00174

DECEASED - LEGAL NAME ROBERT FLOYD UNDERWOOD			
SEX MALE	SOCIAL SECURITY NUMBER 518-36-3148	AGE 80 YEARS	DATE OF BIRTH JANUARY 27, 1925
BIRTHPLACE ABERDEEN, IDAHO		PLACE OF RESIDENCE ABERDEEN, IDAHO	
MARITAL STATUS AT TIME OF DEATH WIDOWED		NAME OF SURVIVING SPOUSE (if wife, maiden name)	WAS DECEASED EVER IN U.S. ARMED FORCES? YES
FATHER - NAME FRANK UNDERWOOD			BIRTHPLACE UTAH
MOTHER - MAIDEN NAME EMMA JANE STANDLEY			BIRTHPLACE UTAH
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE LANCE R. PECK	
NAME AND ADDRESS OF FUNERAL FACILITY DOWNARD-HANSEN FUNERAL HOME, POCA TELLO, IDAHO			
DATE OF DEATH JAN. 03, 2006	TIME OF DEATH 2:15 P.M.	CITY, TOWN OR LOCATION OF DEATH POCA TELLO, IDAHO	COUNTY OF DEATH BANNOCK
CAUSE OF DEATH (underlying cause last) a. CARDIO PULMONARY FAILURE			Approximate Interval Between Onset and Death IMMEDIATE
DUE TO (or as a consequence of): b. ASHD - CHF			YEARS
DUE TO (or as a consequence of): c.			
DUE TO (or as a consequence of): d.			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL		NAME OF CERTIFIER JAMES W. ALLEN	TITLE CORONER
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: JANUARY 20, 2006

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.


JANE S. SMITH
STATE REGISTRAR



EXHIBIT "B"

LETTERS OF PERSONAL REPRESENTATIVE

Dwight E. Baker
BAKER & HARRIS
PO Box 577
199 W Bridge
Blackfoot, ID 83221
Telephone: (208)785-2310
Facsimile: (208)785-6749
Idaho State Bar No. 1350

STATE OF IDAHO
COUNTY OF BINGHAM } 85
I hereby certify that the foregoing instrument is a full,
true and correct copy of the original on file in the
office of the undersigned Clerk of the Magistrate's
Division, District Court of the Seventh Judicial District
of Idaho, for Bingham County.
Date 3/10/06
By SARA J. STAUB
Clerk, District Magistrate Division
Deputy Clerk

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

IN THE MATTER OF THE JOINT
ADMINISTRATION OF THE ESTATES OF

AUDREY ANNA UNDERWOOD and
ROBERT F. UNDERWOOD,

Deceased.

Case No. CV-

06-559
LETTERS TESTAMENTARY

(I.C. 15-3-602 and 15-3-702)

JEFF UNDERWOOD is hereby appointed personal representative of the Estates of
AUDREY ANNA UNDERWOOD and ROBERT F. UNDERWOOD, deceased, with all authority
pertaining thereto. Administration of the estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of the
personal representative.

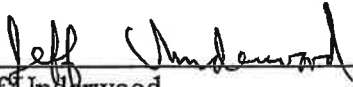
WITNESS: RYAN W. BOYER, Magistrate of the District Court, County of
Bingham, State of Idaho, with the seal of the Court affixed this 10 day of February, 2006.
march

RYAN W. BOYER

Magistrate

STATE OF IDAHO)
) ss.
County of Bingham)

The undersigned, hereby accepts the appointment to the office of personal representative of the Estates of AUDREY ANNA UNDERWOOD and ROBERT F. UNDERWOOD, deceased, and do solemnly swear that I will perform, according to law, the duties of personal representative of said estates.



Jeff Underwood
360 Kurtwood Place
Pocatello, ID 83204
208-232-2837

SUBSCRIBED AND SWORN to before me this 27th day February, 2006.





NOTARY PUBLIC
Residing at Blackfoot
My Commission Expires: 5-17-08

EXHIBIT "C"

DEED

DEED OF COUNTY PROPERTY

463 / 143 141

INSTRUMENT No. 32099

PRIMER & SONS, POCAHELLO, IDAHO 2019

THIS INDENTURE, Made and entered into this 29th day of September, A. D. 19 41, by and between the County of Bingham, State of Idaho, party of the first part, and

American Falls Canal Securities Corp. Aberdeen, Idaho, party of the second part.

WITNESSETH: That Whereas, by an order duly given, made and entered by the Board of County Commissioners of said County, in meeting assembled on the 12th day of August, 19 41, it was found and determined that the certain tract or parcel of land belonging to said County and hereinafter particularly described, was not necessary for the use of said County, and that the same should therefore, pursuant to the provisions of Section 30-708, Idaho Codes Annotated, as amended, be sold at public auction on the 29th day of September, 19 41; and

WHEREAS, Pursuant to said order and the statute in such case made and provided, the sale was advertised on the 23rd day of August, 19 41, being thirty days prior thereto, in The Daily Bulletin, a daily newspaper published in said County (or posted in five public places of the said county), affidavit of the giving of which notice has been duly filed with the Clerk of the Board of County Commissioners of said county; and

WHEREAS, At the time advertised for said sale the said land was, by the Clerk of said Board, sold at public auction to the party of the second part herein, who was the highest bidder therefor, for the sum of \$ 60.00, cash, lawful money of the United States of America, which said sum the said party of the second part has paid to the Treasurer of the said Bingham County;

NOW, THEREFORE, For and in consideration of the said sum hereinbefore mentioned thus paid, and pursuant to the law in such cases made and provided, the party of the first part herein does hereby grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, all that certain tract or parcel of land situated in the County of Bingham, State of Idaho, and more particularly described as follows:

The Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4), and the Southhalf of the Southhalf (S 1/2 S 1/2) Section 4, Township 5 South of Range 31, East of the Boise Meridian, Bingham County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; to have and to hold the same unto the party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, The Board of County Commissioners of said County has caused the name of said County to be hereunto subscribed by the chairman of said Board, and the seal of said Board of County Commissioners to be hereunto affixed.

Done at Blackfoot, Idaho, the day and year first above written.

ATTEST:

SEAL

BINGHAM COUNTY

Jno. H. Falk
County Auditor and Ex-Officio Clerk of the
Board of County Commissioners.

By Louis Felt
Chairman, Board of County Commissioners.

STATE OF IDAHO,

COUNTY OF BINGHAM

ss.

On this 9th day of October, 19 41, before me Jno. H. Falk, Clerk of the District Court, State of Idaho in and for said County; personally appeared Louis Felt known to me to be the Chairman of the Board of County Commissioners of said Bingham County, who executed the foregoing instrument, and acknowledged to me that he executed the same as such officer.

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

SEAL

Jno. H. Falk,
Clerk of the District Court, State of Idaho
in and for Bingham County.

I hereby certify that this instrument was filed for record at the request of D. H. Blossom Sec. at 30 minutes past 10 o'clock A. M. this 10th day of October, A. D. 19 41, in my office and duly recorded in Book of at page.

SCANNED
APR 8 1 2006

EXHIBIT "D"

TAX NOTICES

ASSESSMENT NOTICE

ASSESSOR

1-1700

REQUESTED

AIRPORT

AC 40
AZING SI
HOMESITE

RES BLDG
TMP ON AG

OWNERS:

SEC 04

2796

PRIOR YEAR

83,539

PRIOR YEAR
077.10

Tax Code 19-00

LOTS/ACRES

165.000 AC
26.000 AC
1.000 AC
8.000 AC

200.000

2000

MARKET VALUE

67,870
390
8,500
5,000
4,279

86,039
2,500

2796 W 1300 S
ABERDEEN

Mail To:

UNDERWOOD ROBERT F

2796 W 1300 S
ABERDEEN

PRESORTED
FIRST-CLASS MAIL
U S POSTAGE PAID
BLACKFOOT ID 83221
PERMIT NO 188

Taxes are based on the
valuation listed on this statement
FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE

JUNE 26, 2000

PARCEL #
RP 0035700

DO NOT PAY ESTIMATE

SCANNED

APR 01 2006



Property Master				10/31/2005
Year 2006	Parcel # RP0035700	Status Active	Property Type Real	
Location Code 31	Property Code Area 019000	Parcel Type	Appraiser Initials KDR	

Physical Location	
Address	2796 W 1300 S ID
Group Type	SECT
Group #	044073
Description	T5S R31E SEC 04
Zoning	A
Township/Range/Section	5S 31E 04

Owner/Contact Information	
Name	UNDERWOOD ROBERT F
Mailing Address	2796 W 1300 S ABERDEEN ID 83210-9766

Description

T5S R31E SEC 04
S2S2* NWSW

Additional Owners/Contacts

Solid Waste	
Unit	Type
1	A

Photo
PHOTO NUMBER 102

Map

Status	State Cat. Code	Acres	Assessed Value	Assessment Roll	Property Occupancy	Valuation Method
Active	1	165.000	67,870	Primary	Non-Occupancy	LAND BASE
Active	5	26.000	390	Primary	Non-Occupancy	LAND BASE
Active	10	1.000	10,300	Primary	Non-Occupancy	LAND BASE
Active	19	8.000	0	Primary	Non-Occupancy	LAND BASE
Active	31		5,000	Primary	Non-Occupancy	MARKET
Active	32		3,033	Primary	Non-Occupancy	MARKET
Total Acres:		200.000	86,593	Total Values		
			(2,500)	Less Homeowners Exemption		
			84,093	Taxable Value		

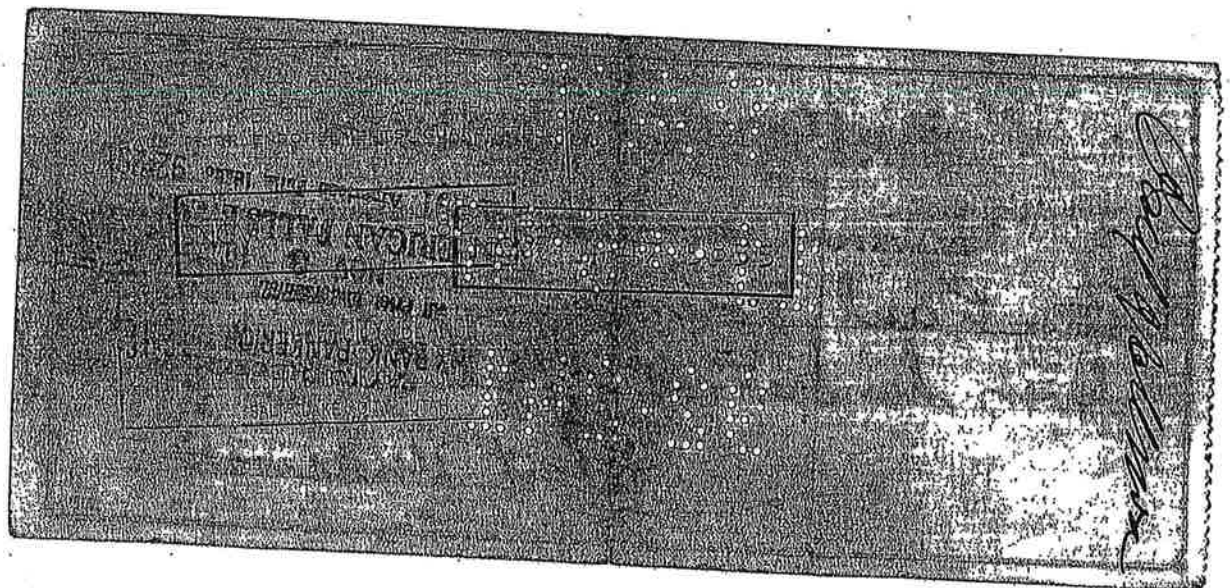
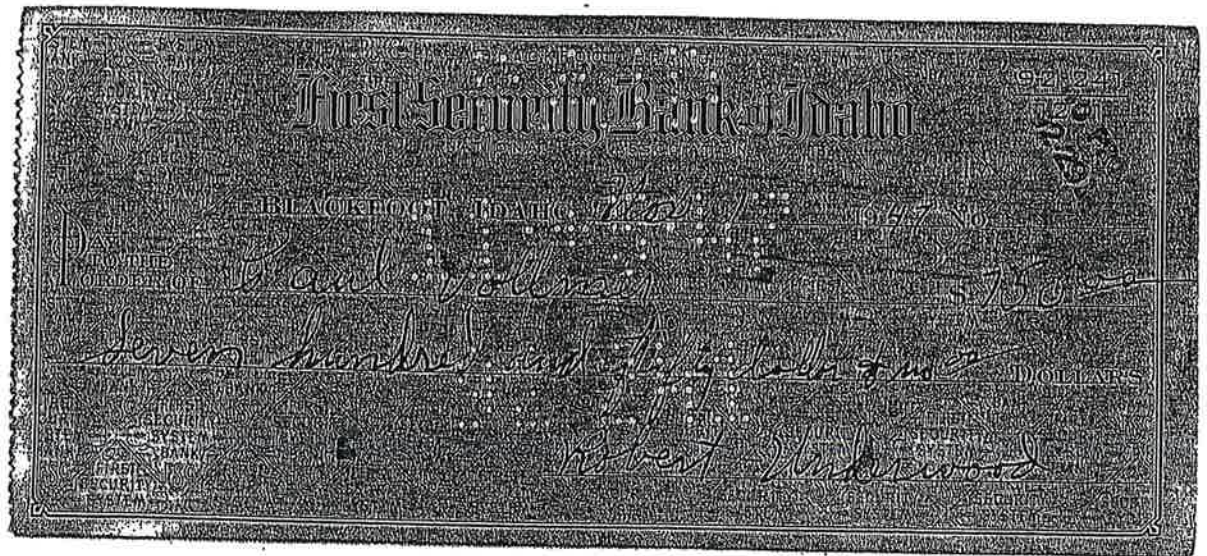
SCANNED
APR 01 2006

EXHIBIT "E"

PAUL VOLLMER CHECK
(Well No. 1)

SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 9

SCANNED
APR 01 2006



SCANNED
APR 01 2006

EXHIBIT "F"

NIEL F. BOYLE HARDWARE RECEIPT
(Well No. 1)

SCANNED
APR 01 2006

\$ 1,234.00

Blackfoot, Idaho,

May 15, 1948

On or before 5th day of December, 1948, for value received in

One 10" 3 Stage Figure 6930 Turbin W/Full Dia. Imp. #10058

90 Ft. 8" x 2" x 1 1/4" column

10 Ft. 8" ID Suction Pipe

One 8" ID Galv. Strainer

One 1208 16-1/2 Unit Head to receive 30 HP 3PH 60 Cy 220 V Motor type FR 365 (16-1/2 X 1-1/8). RPM 1760 (Motor #6790250)

One 1 Qt. Solenoid Oiler 220 V

One 8" ID Discharge Flange W/Bolts & gaskets.

Sale price of above merchandise

\$2,054.00

P lus installation, less electrical hook up

80.00

\$2,134.00

less: down payments of \$100.00 1/8/48; \$800.00 2/13/48

900.00

Balance owing

\$1,234.00

hereinafter described as merchandise, bought of Neil F. Boyle Hardware and Furniture Company, I

promise to pay to the order of Neil F. Boyle Hardware and Furniture Company

One Thousand Two Hundred Thirty Four and no/100----- DOLLARS

at Blackfoot, Idaho, with interest at the rate of 6 per cent. per annum, from May 15, 1948

interest payable when due until paid, and in case this note is collected by an attorney I

agree to pay all cost of collection, including a reasonable attorney's fee.

The express condition of this transaction is such that the title or ownership of said merchandise does not pass from the said Neil F. Boyle Hardware and Furniture Company until this note and interest shall have been paid in full, and if this note, together with all interest thereon, be not paid at maturity, said Neil F. Boyle Hardware and Furniture Company may take possession of said merchandise and may sell the same at public or private sale, without notice, and apply the proceeds on this note, or they may without sale, endorse the true value of said merchandise on this note, and I agree to pay on this note any balance due thereon after such endorsements, as damages and rental for said merchandise. Said Neil F. Boyle Hardware and Furniture Company, or their Agent have full power to declare this note due and take possession of said merchandise when they deem themselves insecure, even before the maturity of this note in case said merchandise shall be taken back, this shall be a warrant for entering upon the premises of the maker to obtain possession of said merchandise.

Due December 5 1948

Address Sterling, Idaho

No. 27

Robert F. Underwood

SCANNED

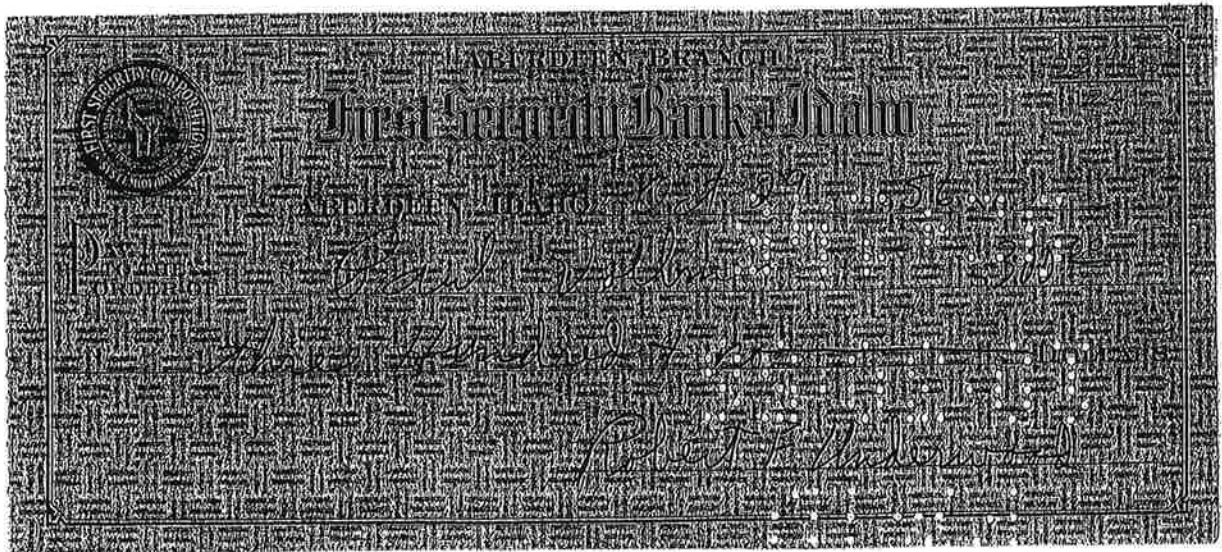
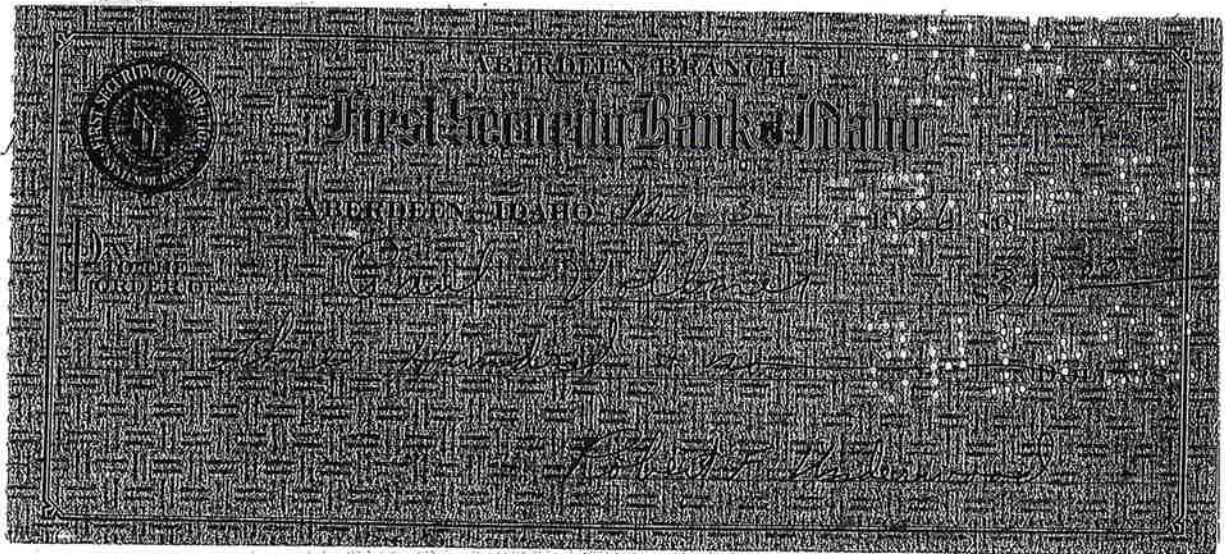
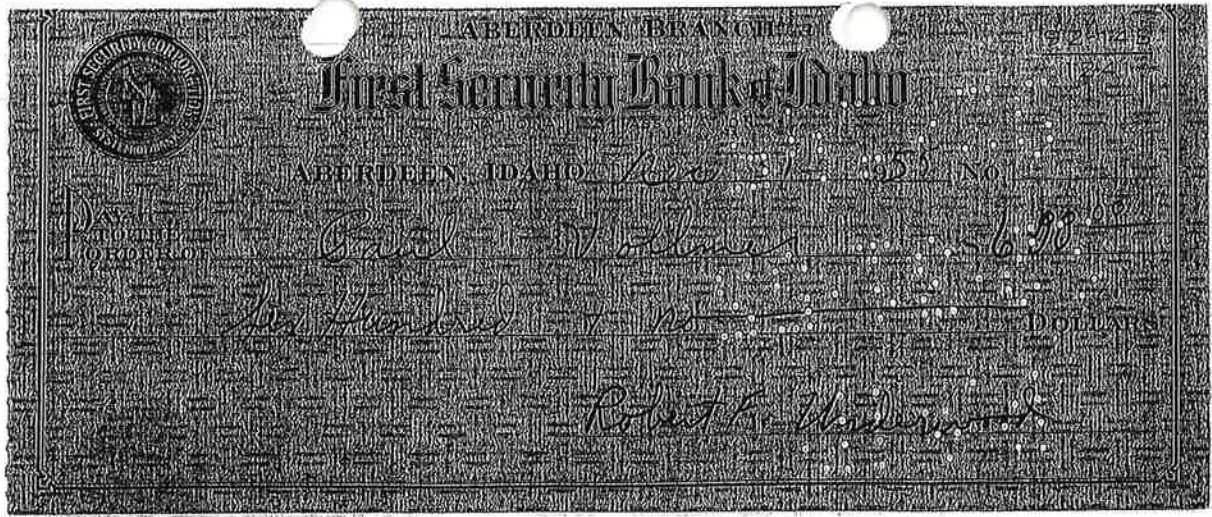
APR 01 2006

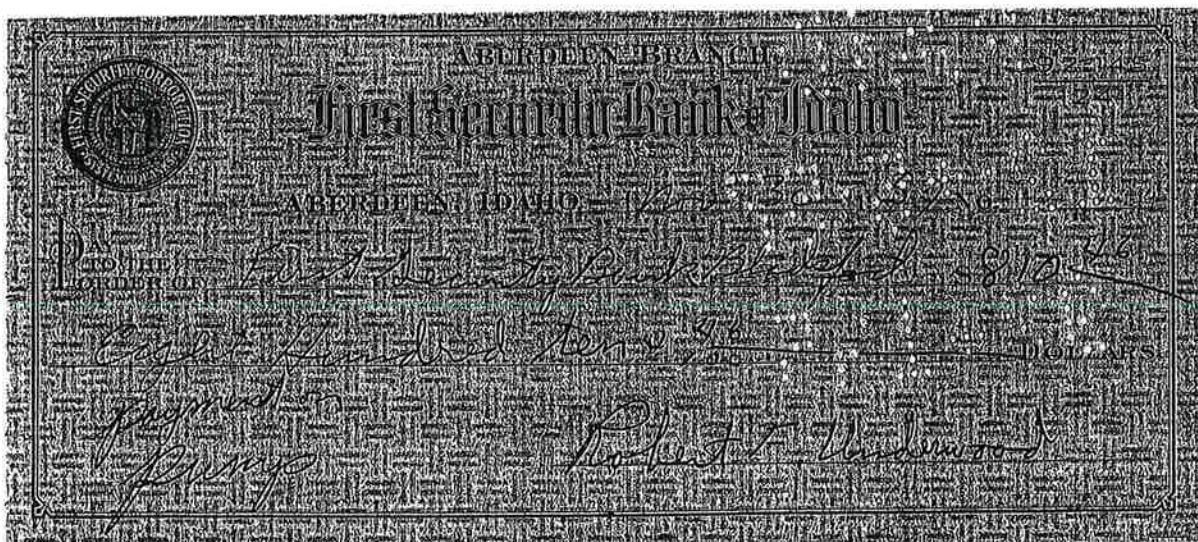
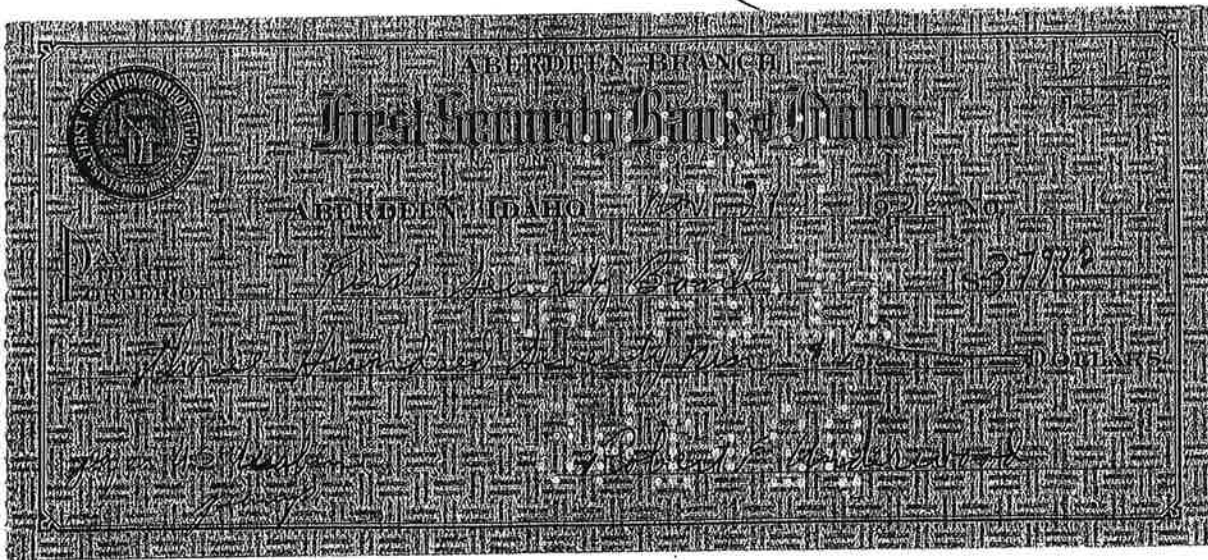
EXHIBIT "G"

**CHECKS
(Well No. 2)**

SUPPORTING AFFIDAVIT OF JEFF UNDERWOOD - 11

SCANNED
APR 01 2006





SCANNED
APR 01 2006

RECEIVED

DEC 22 2006

Form No. 42-1409 (2) a 1/88

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

Department of Water Resources

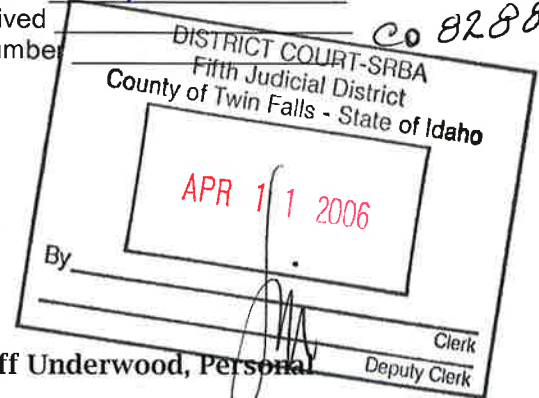
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 35-13553

Date Received

Receipt Number



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

Please type or print clearly

1. Name of Claimant (s) **Robert F. Underwood Estate c/o Jeff Underwood, Personal Representative**
Phone **208-232-2837**
Mailing Address **360 Kurtwood Place, Pocatello, Idaho Zip 83204**
2. Date of Priority (only one (1) per claim) **5-15-1948**
3. Source of water supply (a) **Ground water**
Which is tributary to (b)
4. a. Location of existing point of diversion is: Township **5S** Range **31E** Section **4**
¼ of SW ¼ of SW ¼, gov't lot B.M., County of Bingham
Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , ¼ of ¼ of ¼ of
Gov't lot B.M., county of
Ending point is:
Township Range Section , ¼ of ¼ of ¼ of
Gov't lot B.M., county of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
30 hp electric motor and centrifugal pump into open ditches, flood irrigated with canvas portable dams.

SCANNED

DEC 26 2006

6. Water is claimed for the following purposes:

For **irrigation** purposes from 4/1 to 11/1 amount **2.67** cfs or **4** acre-feet per acre

7. Total quantity claimed (a) **2.67** cfs and/or (b) **4** acre-feet per acre

8. Total consumptive use claimed is ^{407.2}~~271.8~~ acre-feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)

Stockwater - 50 head of beef cows and calves

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	NE 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	31E	4											40.9 S				30 S	30.9 S	101.8

Total number of acres irrigated **101.8**

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

13. Describe any other water rights used at the same place and for the same purposes as described above.

None

14. Remarks:

See supporting Affidavit of Jeff Underwood, son and personal representative of Robert F. Underwood, deceased.

Last Name Underwood Ident No. 35-13553

SCANNED
DEC 26 2006

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

Scale: 2 inches equals 1 mile

Last Name Underwood Ident No. 35-13584

SCANNED
DEC 26 2006

Powerline Rd

2800 West

40.90

19.79

3.90

5.69

13.80

3.20

7.5

Underwood Loop Rd

2700 West Rd

12.60

1300 South Rd

Crater Sub Rd

P/D = SWSW
Sec. 4, T.5S. R.31E.

P/D = 40.90 AC NWNW
60.90 AC S $\frac{1}{2}$ S $\frac{1}{2}$
Sec. 4 T.5S R.31E

78.30

3.70

6.30

SCANNED

DEC 26 2006

15. Basis of claim (check one) Beneficial use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number
Court _____ Case Number _____ Decree Date _____
v. _____

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

Signature of Claimant (s) Jeff Underwood Date 4/7/06

Date _____

For Organizations:

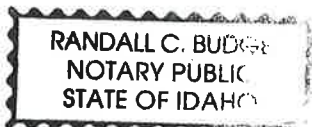
I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Bannock)
ss

Subscribed and sworn (or affirmed) before me this 7th day of April 2006



Notary Public Randall C. Budgett
Residing at Pocatello, ID
My Commission Expires 10/11/2006

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

Signature Randall C. Budgett

Address P.O. Box 1391 Pocatello, ID 83201

Date 4/7/06

Last Name Underwood Ident No. 35-13553

SCANNED
DEC 26 2006

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

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

DEC 20 2006

By

Clerk

Deputy Clerk

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

In Re SRBA

)

For water right: 35-13553, 35-13554

)

Case No. 39576

)

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

)

On April 11, 2006, Claimant The Robert F. Underwood Estate, c/o Jeff Underwood, personal representative, filed *Motions to File Late Notices of Claims to Water Rights* in the above two subcases. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on July 24, 2006 by the Presiding Judge of the SRBA. Special Master Terrence Dolan issued a **Recommendation Regarding Prejudice on Motion to File Late Claim**, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and **SRBA Administrative Order 1**, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the **Special Master's Recommendation** and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notices of Claims* for water rights 35-13553 and 35-13554 be **granted**.

The original *Notices of Claims*, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

Dated December 14, 2006

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

G:\MEREDITH\order granting motion to file late notices of claims.underwood..doc

Page 1

Last printed 12/20/2006 9:14:00 AM

SCANNED

DEC 26 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICES OF CLAIMS was mailed on December 20, 2006, with sufficient first-class postage to the following:

ROBERT F UNDERWOOD ESTATE

Represented by:

RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 12/20/06

FILE COPY FOR 02221

Deputy Clerk



SCANNED

DEC 26 2006