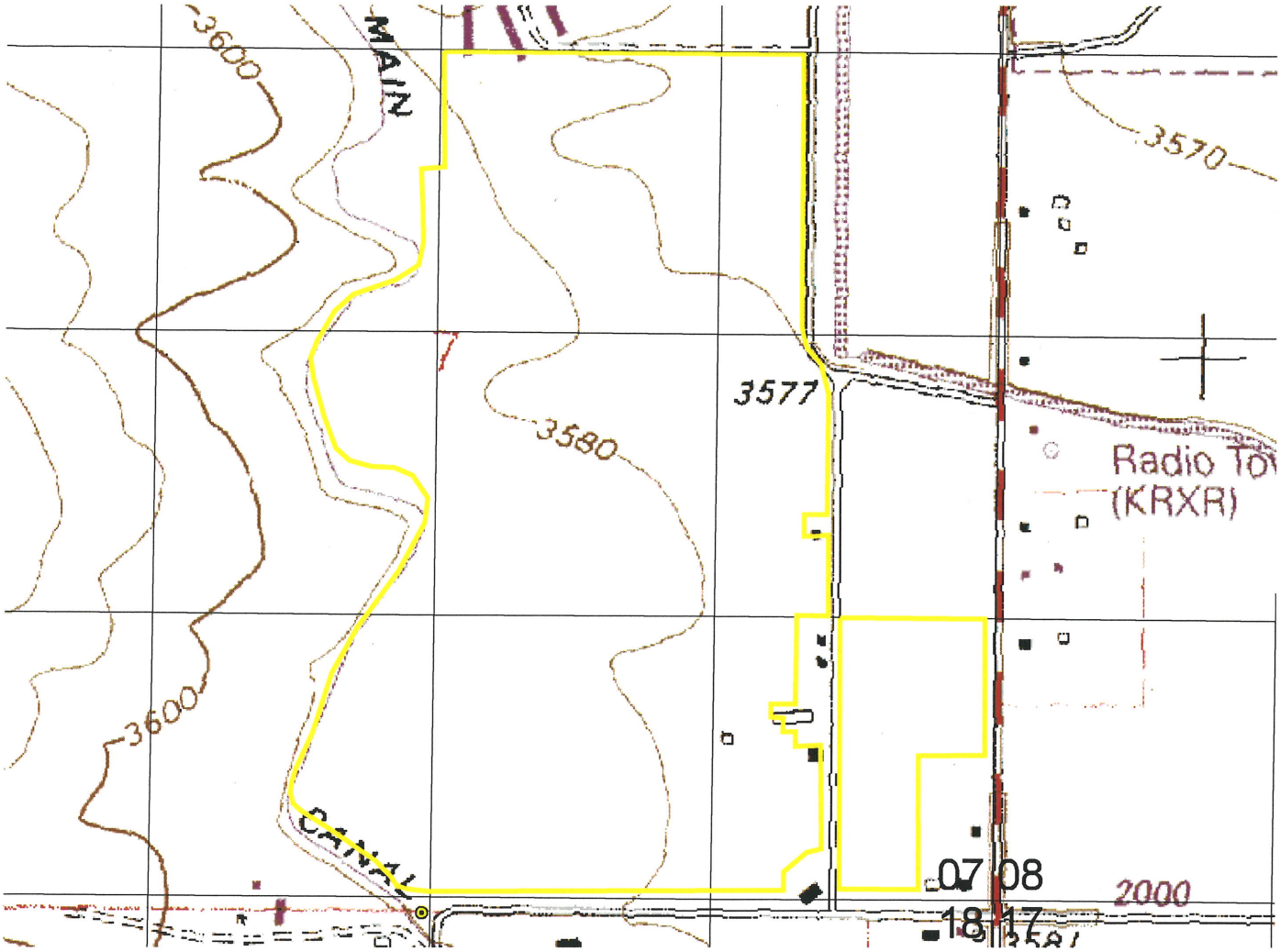
37-7242



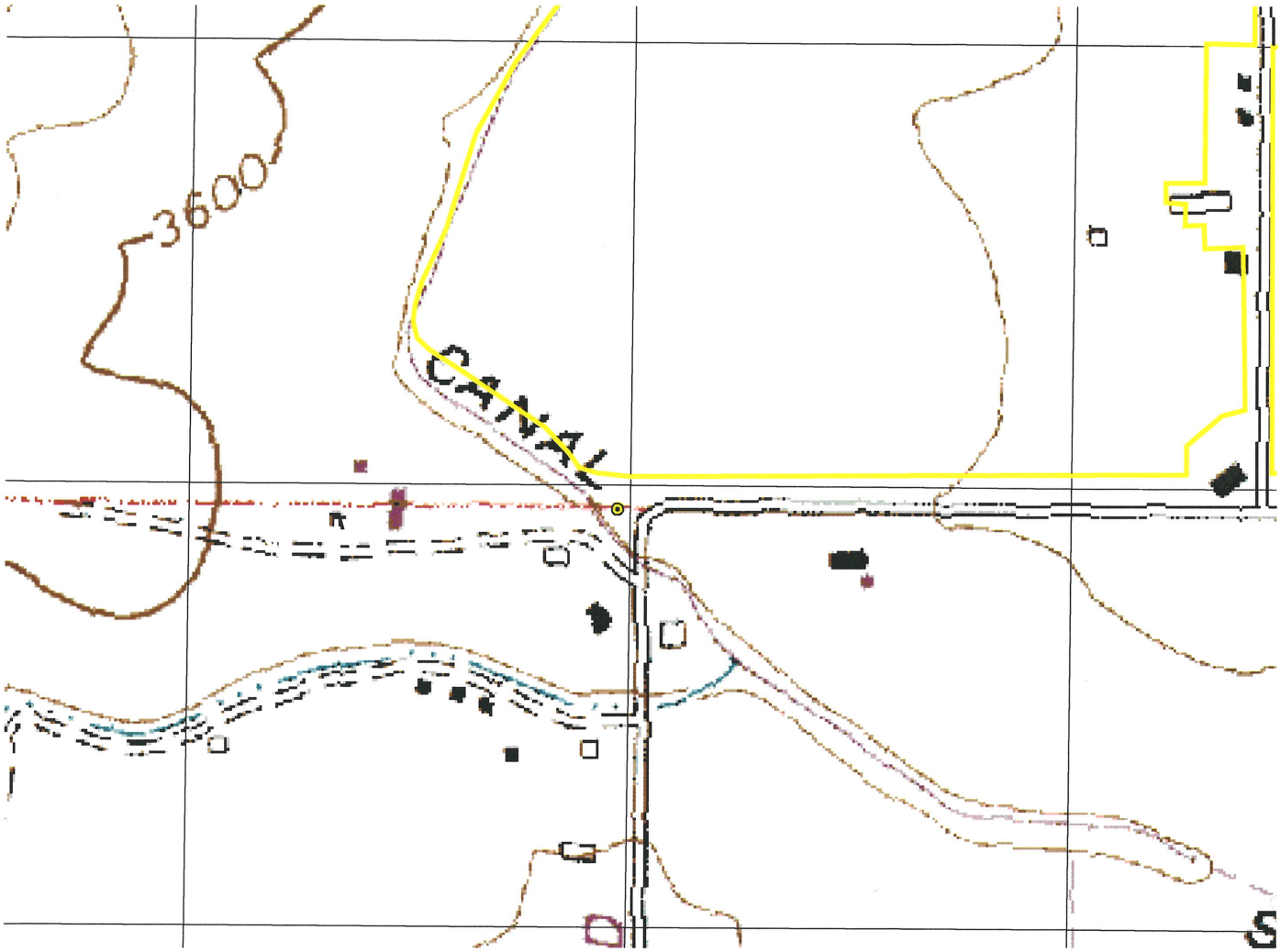
600 0 600 1200 1800 2400 3000 Feet

T06S R15E S07

N
W E
S

Map prepared by: Carter Fritschle
Date prepared: 06/10/02
1987-1988 NAPP photography
Idaho Department of Water Resources

37-7242



T06S R15E S07

N
W E
S

Map prepared by: Carter Fritschle
Date prepared: 06/10/02
1987-1988 NAPP photography
Idaho Department of Water Resources

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

TO: IDWR ATTN - Nick Spencer

Telephone:

FAX: 327-5400

FROM: **SNAKE RIVER BASIN ADJUDICATION**

Telephone: 208-736-3011
FAX: 208-736-2121

NO. OF PAGES INCLUDING COVER SHEET 4

Per Phone Conversation with S.M. BILYEU. I will set this for Hearing on 7/25/03 at 10:00a.m I believe this date was agreed on, but any Problems or Questions Please Call!

Janet

THIS FACSIMILE MAY CONTAIN CONFIDENTIAL INFORMATION THAT IS PROTECTED BY THE IDAHO COURT ADMINISTRATIVE RULES. IT IS INTENDED FOR THE USE OF THE INDIVIDUAL(S) NAMED ABOVE. IF YOU ARE NOT THE NAMED RECIPIENT OR AN EMPLOYEE RESPONSIBLE FOR DELIVERING THE FACSIMILE YOU ARE INSTRUCTED NOT TO DELIVER, DISTRIBUTE OR COPY THIS FACSIMILE, NOR SHOULD YOU DISCLOSE ITS CONTENTS OR TAKE ANY ACTION IN RELIANCE ON THE INFORMATION IT CONTAINS. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY THE COURT IMMEDIATELY BY TELEPHONE TO ARRANGE THE RETURN OF THE TRANSMITTED DOCUMENTS TO US. THANK YOU

730

Faulkner Land & Livestock Company
1989 South 1875 East
Gooding, Idaho 83330
Phone (208) 934-4956 Fax (208) 934-5570

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2003 JUN 30 AM 11 25

June 20, 2003

Diana Delaney
Snake River Basin Ajudication
District Court
P.O. Box 2707
Twin Falls, Idaho 83301

RE: Water Right No. 37-07242

Dear Ms. Delaney:

Per our conversation I would like to change the point of diversion of Water Right No. 37-07242 back to its original location of

T06S R15E S07 SE1/4SW1/4

When IDWR did a field inspection they wrongly changed the Point of Diversion (due to a faulty GPS measurement) to T06S R15E S18 NE1/4NE1/4NW1/4.

Please see the attached Memo from Gary Funderburg.

Sincerely,

Mike Faulkner

MEMO TO FILE

DATE: May 22, 2003

Sub: Water Right # 37-7242

From: Funderburg, Gary

Application for a drilling permit was received from Mike Faulkner to deepen a well under the Water Right Decree # 37-7242. The original well was constructed in the SE1/4SW1/4 of section 7, T.6S. R.15E. Gooding County.

The well was GPS by the water measurement section and determined the well was located in the NE1/4NE1/4NW1/4 of section 18, T.6S.R.15E. Gooding County. On May 22, 2003 I made a well inspection for the deepening of the well. I check the local Topographic Map and found the well was north of the paved road which located it (according to the Map) in section seven.

The center of the road is approximately 20 ft. from the well. The section line between section seven and eighteen is located so close to the well location the GPS located the well in the lower section which was section eighteen. Since the owner corrected the well according to the GPS readings and recorded the water right, it was decided by the Adjudication Staff to leave the recorded Decreed Right as section 18, being the proper well description. Therefore I issued the Well Construction Permit as the proper well location in section eighteen.

Ranch well

State of Idaho

Department of Water Resources

RECEIVED

MAY 14 1975

Department of Water Resources
Boise Office

37-7242

WATER RIGHT LICENSE

License of Water Right No. 37-7242 Priority June 14, 1973 Amount 4.0 cfs

THIS IS TO CERTIFY, that RALPH FAULKNER LAND, INC.,

of Gooding, Idaho, has complied with the terms and conditions of Permit No. 37-7242 issued pursuant to Application for Permit dated June 14, 1973 and has submitted proof to the Department of Water Resources on July 31, 1974 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4.90 cfs of water from a ground water source tributary to _____ and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
Irrigation	from March 15	to Nov. 15	at 4.0 cfs and	800 acre feet or 4.0 af per acre
_____	from _____	to _____	at _____ cfs and	_____
_____	from _____	to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 800 acre feet per year, said waters to be diverted within the SE¼SW¼ of Sec. 7, Twp. 6 S, Rge. 15 E, B.M. in the County of Gooding.

Description and location of place of use

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	15E	7			40	20									20	40	40	40	200

Total number of acres irrigated 200

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of May, 19 75.

Director

37-7242

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 28, 2003

VIA FACSIMILE

Hon. Brigette Bilyeu
Special Master
SRBA District Court
253 Third Avenue North
Twin Falls, Idaho
FAX NO. (208) 736-3078

RE: SRBA Partial Decree No. 37-7242

Dear Special Master Bilyeu:

In response to the Court's request at today's hearing on the claimant's motion to set aside the above-referenced partial decree, IDWR is hereby providing a brief written explanation of its understanding of the basis of the claimant's request that the partial decree be set aside in order that the legal description of the point of diversion may be corrected.

The point of diversion of this water right is located very close to the section line dividing section 7 from section 18 in Township 6 South, Range 15 East, Boise Meridian. At the time this water right was licensed in 1975, IDWR relied primarily on topographic maps to determine the legal description of points of diversion. It is my understanding that the topographic maps relied on by the department located the section line between sections 7 and 18 as running down a road located a few feet south of the well. Accordingly, the legal description of the point of diversion used on the license located the well north of the section line, in section 7. However, members of IDWR's water measurement staff, in a subsequent visit to the well, took a GPS measurement that located the well south of the section line, in section 18. (IDWR's geo-spatial data indicate that the section line in fact lies slightly north of the road). Because it is IDWR's policy to rely upon its GPS measurements as providing the more accurate description of geographic location, IDWR subsequently changed the legal description of the well's location to section 18.

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

However, it is my understanding that the well is located so close to the section line that it falls within the margin of error of IDWR's geo-spatial locating technology. In truth it could be located on either side of the line, or precisely on the line. Therefore, IDWR has no objection to describing the point of diversion as the claimant requests, and locating it in section 7. Should the court issue an amended partial decree it will change its records accordingly.

Very truly yours,

Nick Spencer

NICHOLAS B. SPENCER
Deputy Attorney General

Cc: Faulkner Land and Livestock Company

DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 3

Date: 7-28-03

To: SPECIAL MASTER BILYEU

Fax No.: (208) 736-7242

From: NICK SPENCER

Fax. No.: (208) 327-5400

Phone No.: (208) 327-7930

Subject: LETTER RE: 37-7242

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

http://www.idwr.state.id.us

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7906 for help.

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Jul-28-03 10:22AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
630	7/28 10:21AM	0'47"	12087363078	Send	3/ 3	EC144	Completed

Total 0'47" Pages Sent: 3 Pages Printed: 0

DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

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Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 3

Date: 7-28-03

To: FAULKNER LAND & LIVESTOCK COMPANY

Fax No.: (208) 934-5570

From: NICK SPENCER

Fax. No.: (208) 327-7930

Phone No.: _____

Subject: LETTER TO SRBA COURT RE: 37-7242

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HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
WATER RESOURCES
2083275400
Jul-28-03 10:25AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
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Total 0'50" Pages Sent: 3 Pages Printed: 0

DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-9098
Phone: (208) 327-7900 FAX: (208) 327-7866

FAX Transmittal Cover Sheet

Number of pages including this one: 3

Date: 7-28-03.
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Fax No.: (208) 934-5570
From: NICK SPENCER
Fax. No. (208) 327-7930
Phone No.:
Subject: LETTER TO SRBA COURT RE. 37-7242

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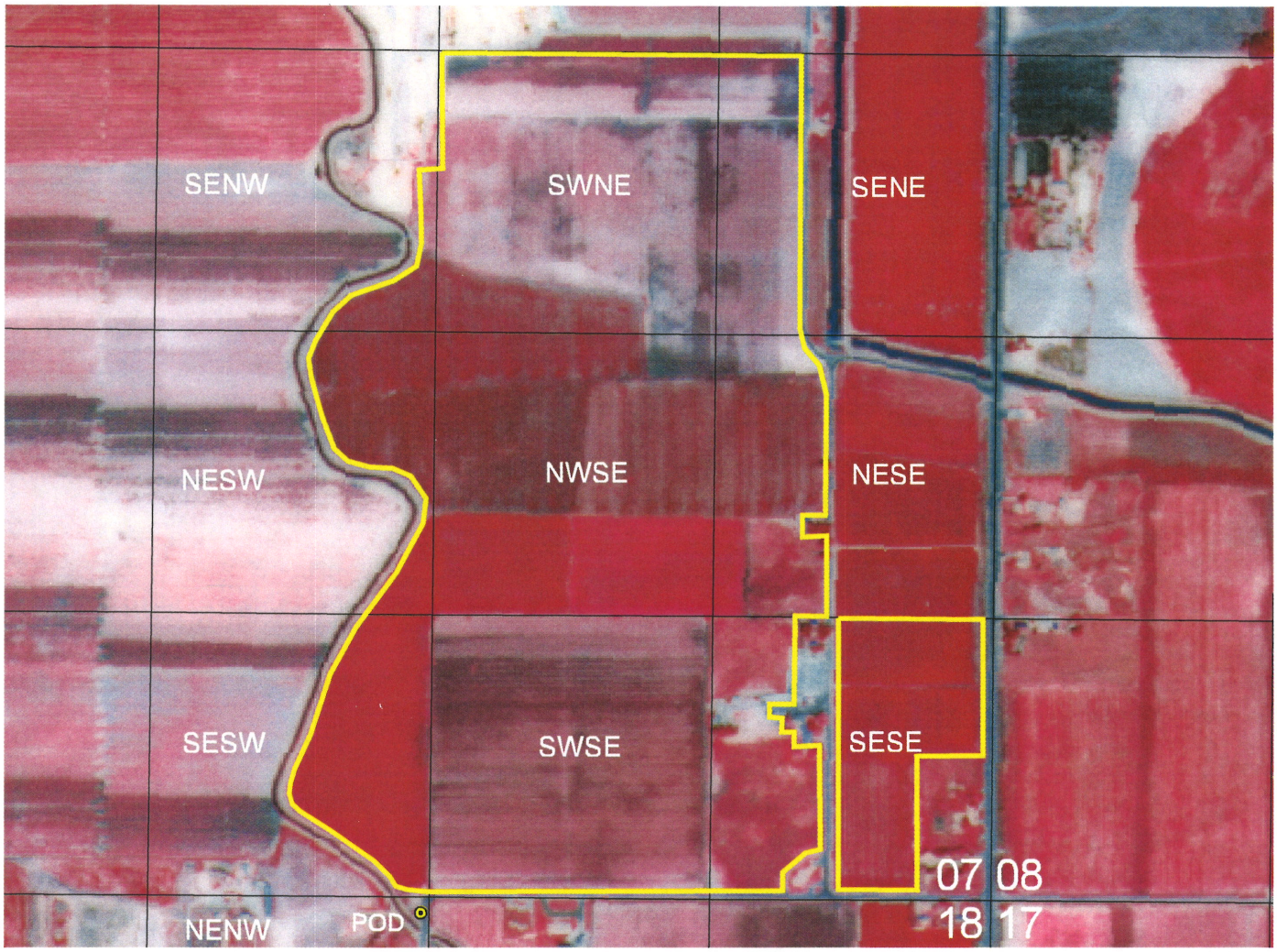
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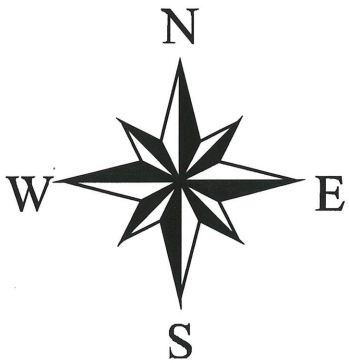
A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7906 for help.

37-7242



600 0 600 1200 1800 2400 3000 Feet

T06S R15E S07



Map prepared by: Carter Fritschle
Date prepared: 06/10/02
1987-1988 NAPP photography
Idaho Department of Water Resources

06/10/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7242

NAME AND ADDRESS: FAULKNER LAND & LIVESTOCK CO INC
1989 S 1875 E
GOODING ID 83330

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.00 CFS
800.0 AFY

PRIORITY DATE: 06/14/1973

POINT OF DIVERSION:

T06S R15E S18 NENENW Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	4.000 CFS 800.00 AFY

PLACE OF USE: IRRIGATION Within GOODING County

T06S R15E S07	SWNE	40.0	T06S R15E S07	SENE	12.0
T06S R15E S07	SENW	3.0	T06S R15E S07	NESW	9.0
T06S R15E S07	SESW	14.0	T06S R15E S07	NESE	15.0
T06S R15E S07	NWSE	40.0	T06S R15E S07	SWSE	39.0
T06S R15E S07	SESE	28.0			

200 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.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Lienholder	THE MUTUAL LIFE INSURANCE CO OF NEW YORK	ATTN DAVID M BROWN SR COUNSEL 5650 MEXICO RD #15	ST PETERS	MO	633761696	(636)447-5600
Current Owner	FAULKNER LAND & LIVESTOCK CO INC	1989 S 1875 E	GOODING	ID	83330	(208)934-4956

Date of Field Exam: 6-7-02 Time: 1:00 p.m.

Accompanied By: John Faulkner Phone Number: (208) 934-4956

Relationship to Claimant: Owner

Directions to Property (if different from above) and/or update owner information:

Reviewer: CA Date: 6-10-02

IDWR Field Exam Form 04/03/2002

Place Of Use Data Entry Form

Claim Number 37-7242

Claimed Place Of Use

IRRIGATION Within GOODING County

T06S R15E S07	SWNE	40.0	T06S R15E S07	SENE	20.0
T06S R15E S07	NESE	20.0	T06S R15E S07	NWSE	40.0
T06S R15E S07	SWSE	40.0	T06S R15E S07	SESE	40.0

Total Acres 200

__ **Use Claimed POU as Recommended POU**

Water Right Place Of Use

IRRIGATION Within GOODING County

T06S R15E S07	SWNE	40.0	T06S R15E S07	SENE	~~20.0~~ 12
T06S R15E S07	NESE	~~20.0~~ 15	T06S R15E S07	NWSE	40.0
T06S R15E S07	SWSE	~~40.0~~ 39	T06S R15E S07	SESE	~~40.0~~ 28

Total Acres ~~200~~

Additional

Recommended Place of Use ___X___ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6S	15E	7	SENW		Gooding		3	01
			NESW				9	01
			SESW				14	01

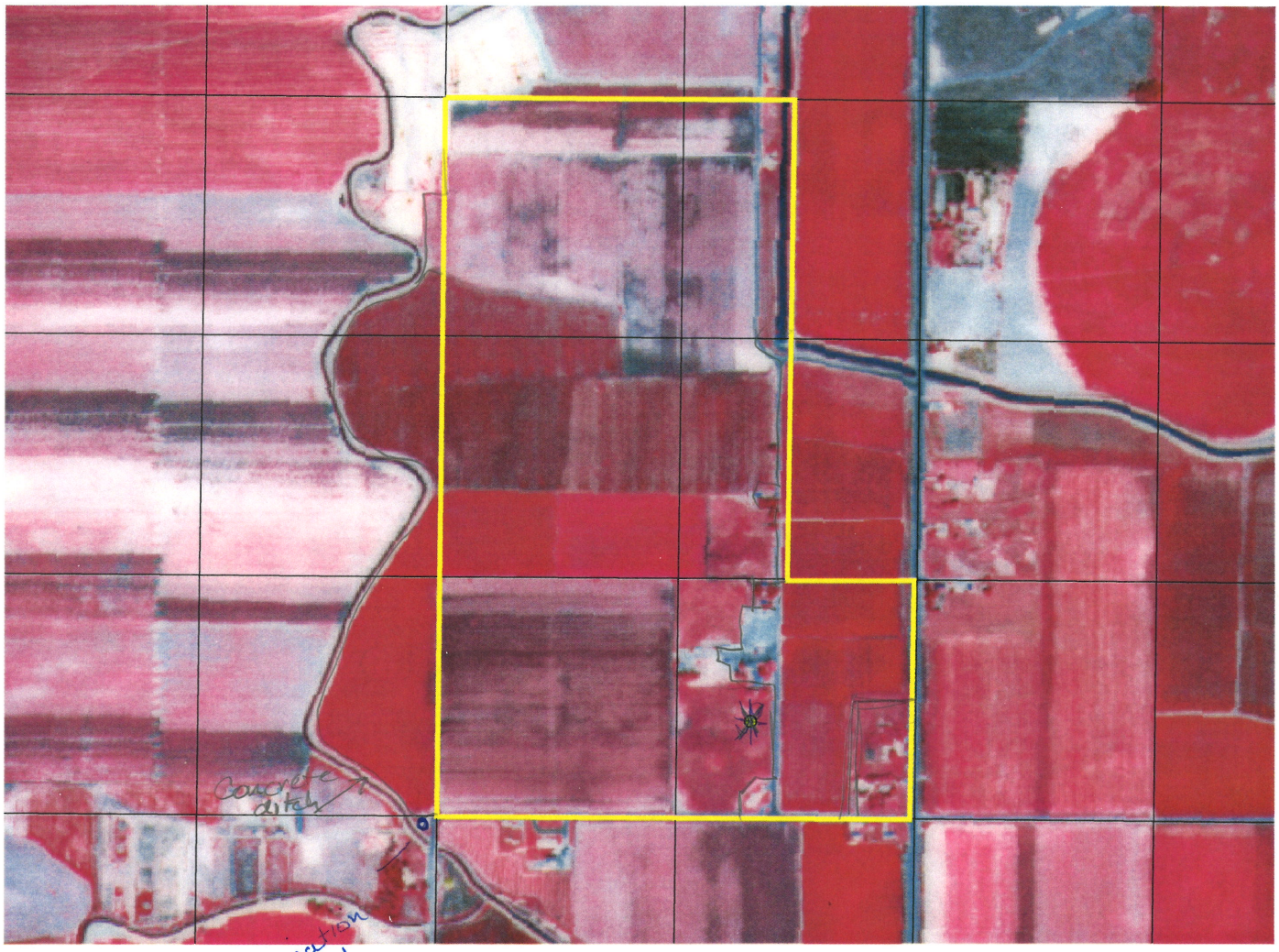
Total Acres 200

Document how the POU was verified:

See ArcView layout

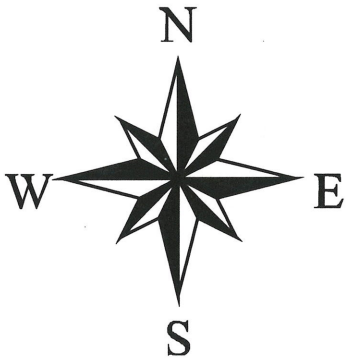
Reviewer: CJ Date: 6-10-02

37-7242



600 0 600 1200 1800 2400 3000 Feet

T06S R15E S07



Field exam map
6-7-02 CA

37 - 7242 5 - 16 - 1992



4 meter resolution

37-7242

NSG POD Data 06S 15E 07 SESESW

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
06S 15E 07 SESESW	A0005575	200 HP		700045
Latitude 000:00:	Longitude 000:00:	GPS File	PCC (2)	

See NSG supplemental point file for GPS point. Problem: Point plots 6S 15E 18 NENENW about 70 ft south of GCDB QQ line.

Site Visits

Site Visit Date	Site Examiner	Reason	Change Date:
1/1/1997	JMARTIN	Inventory	

Notes: Site visit date not provided

Instead of using gps point, I located POD just North of qq line, near the gps point.
-SK

Crop History

Year	Crop	Acres
1997	ALFALFA / HAY	100
1997	CORN	426
1997	SPRING WHEAT/GRAIN, BARLEY, OATS	215
	1997 Total	***741***

Org = Faulkner Land & Livestock

Field verified GPS point is correct.
CJ

A37-07242

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
February 2, 1999 2:29pm

CUSTOMER
FAULKNER LAND AND LVSTOCK

SUBJECT: A37-07242
phone call (.) walk-in (X)
These is the second visit from Mr. Faulkner in 4 weeks, he really wants to transfer a portion of the water right. I suggested power records per running the well appurtenant to the right. He said he better fire it up in 1999 so he doesn't lose the right...whatever...

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-07242**
Date Received: 7/06/1988
Receipt No: 5002032
Received By: SCL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FAULKNER LAND AND LIVESTOCK 208-934-4956
   Address: RT. 2
   GOODING, ID 83330

2. Date of Priority: JUN 14, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	15E	7	SE SW		GOODING

5. Description of diverting works:
   WELL AND 200 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.000		800.00

7. Total Quantity Appropriated is:
   4.000 C.F.S. (and/or) 800.00 A.F.A.

8. Total consumptive use is 750.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	15E	7	SW NE		IRR	40.0
			SE NE		IRR	20.0
			NE SE		IRR	20.0
			NW SE		IRR	40.0

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	15E	7	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	200.0
						Total Acres	200.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

MICROFILMED
FEB 24 1993

16. Signature(s)

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

Number of attachments: Ø

For Organizations:

I do solemnly swear or affirm that I am Pres of Faulkner Land & Livestock Co., that I have signed the foregoing document in the space below as Pres of F.L.&L. and that the statements contained in the foregoing document are true and correct.

Title

Organization

Title

Organization

John H. Faulkner
Signature of Authorized Agent

Mrs. Faulkner Land & Livestock
Title and Organization

9/1/88
Date

State of Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

MICROFILMED
FEB 24 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 9, 1993

Susan Bolton
First American Title
P.O. Box 446
Gooding, Idaho 83330

Re: John Faulkner/MONY Assignment of Water Right Permit, Licenses & Adjudication Claims

Dear Ms. Bolton:

You inquired about assignments from John Faulkner to Mutual Life Insurance Co. of New York for permit no. 37-08487; licenses nos. 37-07242, 37-08005; decreed right no. 37--00208A; and adjudication claims nos. 37-10597, 37-10600, 37-10602, and 37-10610. I reviewed our files and spoke to Frank Hitchcock of our Twin Falls office about whether the adjudication files contained copies of the assignments.

Enclosed is a copy of a letter sent to the Mutual Life Insurance Co. of New York acknowledging receipt of the assignments for the permit, decreed right and the licenses. Frank Hitchcock confirmed that copies of the assignments are filed in the adjudication claims files, and MONY has been recorded as the lienholder in both the water right and adjudication databases. If you need more information, please contact me or Frank Hitchcock.

Sincerely,

Gary Spackman

Gary Spackman

Enclosure
cc: Frank Hitchcock

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APR 21 1993
Department of Water Resources
Southern Region Office

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OCT 25 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R37-07242 Prefix Translation: RESEARCH Old (D) Number -

*** C - CURRENT OWNER ***
FAULKNER LAND AND LIVESTOCK

1 - RT. 2
2 -
3 -
City- GOODING State- ID Zip- 83330
Phone - 208-934-4956

*** L - LEINHOLDER ***
MUTUAL LIFE INSURANCE CO OF NEW YORK THE

1 - ONE MID RIVERS DRIVE #120
2 -
3 -
City- SAINT PETERS State- MO Zip- 63376
Phone - 208-000-0000

Priority Date: 06/14/1973
Region: 17 SOUTHERN
Stage: L - LICENSE
Status:

Source: GROUNDWATER
Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
06S	15E	7	SE SW		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	4.000	800.00

Total Div. Rate: 4.000
Total Div. Volume: 800.00
Total Consumptive Use: 750.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	15E	7	SW NE		40.0	01	IRRIGATION	(47) GOODING
06S	15E	7	SE NE		20.0	01	IRRIGATION	(47) GOODING
06S	15E	7	NE SE		20.0	01	IRRIGATION	(47) GOODING
06S	15E	7	NW SE		40.0	01	IRRIGATION	(47) GOODING
06S	15E	7	SW SE		40.0	01	IRRIGATION	(47) GOODING
06S	15E	7	SE SE		40.0	01	IRRIGATION	(47) GOODING

Total Acres: 200.0

Diversion Means - WELL AND 200 HP PUMP

Non-Irrigation Use -

Other Rights for Same Use - NONE

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OWNERSHIP CHANGE

Water right number - R37-07242 Prefix Translation: RESEARCH

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments

Date: 02/09/1993 User Id: HITCHCOC Subject: COPIED FROM REMARKS
ASSIGNMENT OF PERMIT RECIEVED 02-09-1993. SUPPORTING PAPERWORK AND LIST OF RIGHTS FILED IN A37-00208A.

Audit Fields

02/09/93 HITCHCOC

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/01/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002032	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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OCT 25

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-Feb-1993 14:46

Mr. John L. Faulkner
Faulkner Land & Livestock Co., Inc.
Rt. 2 1989 South 1875 East
Gooding, ID 83330

RE: A37-00208A, -07242, -08005, -10597, -10600, -10602, & -10610.

Dear Mr. Faulkner:

I enclose copies of your updated adjudication claims for your records in a slightly different form than the others that I have processed for you.

The reason for this is that the standard claim form copy will not show the complete ownership record. Since the assignments add the insurance company as the lienholder this form allows you to see at a glance your requested change.

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

Sincerely yours,

Francis G. Hitchcock
Senior Water Resource Agent

enclosures

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EXHIBIT B

State of Idaho Department of Water - Water Right License No. 37-07242
State of Idaho Department of Water - Water Right License No. 37-10597
State of Idaho Department of Water - Water Right License No. 37-10600
State of Idaho Department of Water - Water Right License No. 37-10602
State of Idaho Department of Water - Water Right License No. 37-08005
State of Idaho Department of Water - Water Right License No. 37-10610
State of Idaho Department of Water - Water Right License No. 37-00208A (Decreed)
State of Idaho Department of Water - Water Right Permit No. 37-08487

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Department of Water Resources
Southern Region Office

Loan No. 11886-MS

ASSIGNMENT AND PLEDGE OF WATER LICENSES AND PERMITS

THIS AGREEMENT, made this 9th day of November, 1992, between John Faulkner and Laura Jo Faulkner, husband and wife, and Faulkner Land & Livestock, Co., Inc., hereinafter called Mortgagor, and THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, a New York corporation, hereinafter called Mortgagee,

W I T N E S S E T H:

as additional security for the payment of that certain Promissory Note in the amount of Three Million and 00/100 Dollars ($3,000,000.00) of date herewith, made by Mortgagor to the order of The Mutual Life Insurance Company of New York, a New York corporation, which said Note is secured by a Mortgage of even date therewith by Mortgagor to Mortgagee covering the premises and appurtenances set forth in Exhibit "A" attached hereto and made a part hereof for all purposes, the said Mortgagor does hereby assign and transfer to Mortgagee, all right, title and interest pertaining to the water rights, licenses and permits, used in connection with said premises, together with all renewals and substitutions, including but not limited to, those listed below:

SEE EXHIBIT "B" ATTACHED HERETO
AND INCORPORATED HEREIN BY THIS REFERENCE

It is also agreed between Mortgagee that said water rights, licenses and permits shall be appurtenant to the mortgaged property and used in connection with said property during the life of said loan or any extension thereof.

Mortgagor covenants that Mortgagor will observe and perform all of the obligations imposed upon the Mortgagor under said instruments, and they will not permit to be done anything to impair the validity thereof and to use said water rights so that same will at all times be appurtenant to the mortgaged premises described in said Mortgage; it will not convey any further rights thereunder to any party other than the owner of the premises described in said Mortgage, and to permit no act that will cause a cancellation or termination of said water rights, licenses and permits.

In the event of a failure of the Mortgagor to keep in full force and effect said water rights, licenses and permits and to perform all acts required thereunder, then such cancellation of said water rights, licenses and permits shall constitute an event of default under the Mortgage above described and, at the election of the Mortgagee, shall entitle Mortgagee to all remedies included in said Mortgage.

It is agreed that the Mortgagee shall not be liable for the performance of any of the terms and conditions of said water rights, licenses or permits, but Mortgagee, at its option, and not at its obligation, is hereby granted the right to cure any default under said water rights, licenses or permits, at the cost of the Mortgagor, whereas said cost, including any attorney fees incurred, is thereupon to be immediately due and payable to the Mortgagee under the terms of the Mortgage.

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State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7242 Priority June 14, 1973 Amount 4.0 cfs

THIS IS TO CERTIFY, that RALPH FAULKNER LAND, INC.

of Gooding, Idaho, has complied with the terms and conditions of Permit No. 37-7242 issued pursuant to Application for Permit dated June 14, 1973, and has submitted proof to the Department of Water Resources on July 31, 1974, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4.90 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 15 to Nov. 15	at 4.0 cfs and	800 acre feet or 4.0 af per acre
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 800 acre feet per year, said waters to be diverted within the $SE\frac{1}{4}SW\frac{1}{4}$ of Sec. 7, Twp. 6 S, Rge. 15 E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 S	15 E	7			40	20									20	40	40	40	200

Total number of acres irrigated 200

A measuring device of a type approved by this Department shall be permanently maintained as part of the diverting works.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of May, 19 75.

Director

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DEPA...MENT OF WATER ADMINIST...TION

FIELD REPORT

RECEIVED AUG 14 1974 Southern District Office

1. Name of permit holder Ralph Faulkner Land Inc. 934-4956

Post office address Rt. 2, Gooding, ID Phone

Person to contact Phone

2. Source of water supply: Groundwater ☒ Surface water ☐

(name spring, stream, etc.)

Tributary to

3. Water will be used for the following purposes:

Amount 4.0 c.f.s. for irrigation
AF/Annum (nature of use)

Period of Use: from Mar. 15 to Nov. 15
(mo.-day) inclusive (mo.-day)

Amount c.f.s. for
AF/Annum (nature of use)

Period of Use: from to
(mo.-day) inclusive (mo.-day)

Amount c.f.s. for
AF/Annum (nature of use)

Period of Use: from to
(mo.-day) inclusive (mo.-day)

Other uses:

Permit No. 37-7242

Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 4.0 cubic feet per second and annual volume AF/Annum.

5. Location of Point(s) of Diversion:

Township 6S N/S, Range 15E E/W, B.M., Section 7, Subdivision SE ¼ SW ¼, Gooding County

Township N/S, Range E/W, B.M., Section, Subdivision ¼ ¼, County

Township N/S, Range E/W, B.M., Section, Subdivision ¼ ¼, County

Other Points of Diversions:

Description of diverting works: 10" column, 200 hp motor, 16" casing, 255' deep.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	15E	7			40	20									20	40	40	40	200

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TOTAL ACREAGE 200

450 | 5500
450
1000
900

DATE OF EXAM 8-29-74

ACREAGE
Found 200
Recommended 200

Irrigation Requirement 4.0 Ac Ft/Ac

245

USE
Irrigation Q= ~~4.0~~ c.f.s. V= 800 AF/Ann. from March 15 to Nov-15
Domestic Q= ____ c.f.s. V= ____ AF/Ann. from ____ to ____
Livestock Q= ____ c.f.s. V= ____ AF/Ann. from ____ to ____

Is water co-mingled? yes ✓ no ____

Name source: American Falls Water.
twp. 6 ~~S~~/S, Rge 15 E/W, B.M., Sec. 7, Sub. SE ¼ SW ¼ Gooding County

Exchange? yes ____ no ✓

Name source exchanged with: ____
twp. ____ N/S, Rge ____ E/W, B.M., Sec. ____, Sub. ____ ¼ ____ ¼ ____ County

Point of injection:
twp. ____ N/S, Rge ____ E/W, B.M., Sec. ____, Sub. ____ ¼ ____ ¼ ____ County

Point of exchange:
twp. ____ N/S, Rge ____ E/W, B.M., Sec. ____, Sub. ____ ¼ ____ ¼ ____ County

Total Q measured 2200 gal/min 4.9 c.f.s. Method of measurement Badger Meter

Total Q recommended 4.0 c.f.s. Meter No. ~~M0538276~~ M0588357 Type 10" Condition New

Total V recommended 800 Ac Ft/Ann.

Recommended Amendments:

P.D. ✓
Place of Use ✓
Other ✓
None ✓

MEASUREMENT CALCULATION:
Q = 4.0 c.f.s. Amount Applied for.
V = 800 Ac Ft/Ann. (1.98 Ac Ft) (245 days) (4.0 cfs)
(200 Acres) (Irr. Requirement 4.0)

SYSTEM DESCRIPTION:
G.E. Motor & Pump 200 Hp.
FJJ606108
Pipe diverts the water to Concrete ditch.

REMARKS:
This ground is also Irrigated with American Falls Canal Wate.

Examiner's Signature Gary Funderburg Date 11-15-74
Checked by Bob Haynes Date 11-27-74
Approved by ____ Date ____

Rge - 15E

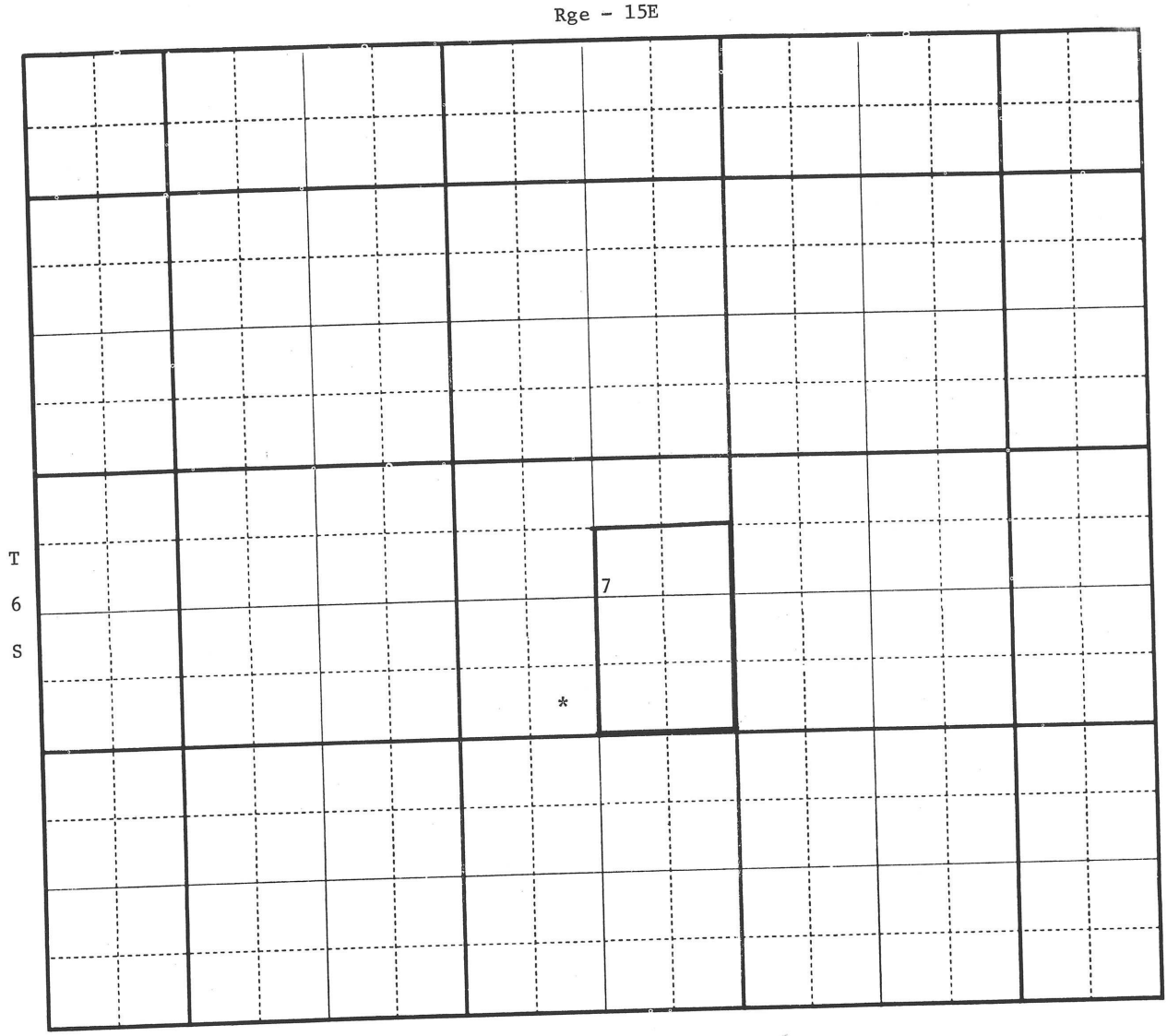


Diagram of System

AUG 08'02
PB METER 7817736
0.83
U.S. POSTAGE

37-7242
37-8005B
37-8005C
37-10597
37-20724
37-20725

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AUG 16 2002
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

To

THE MUTUAL LIFE INSURANCE CO OF NEW YORK
ATTN DAVID M BROWN SR COUNSEL
5650 MEXICO [redacted]
ST PETERS MO [redacted]

NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD
RETURN TO SENDER