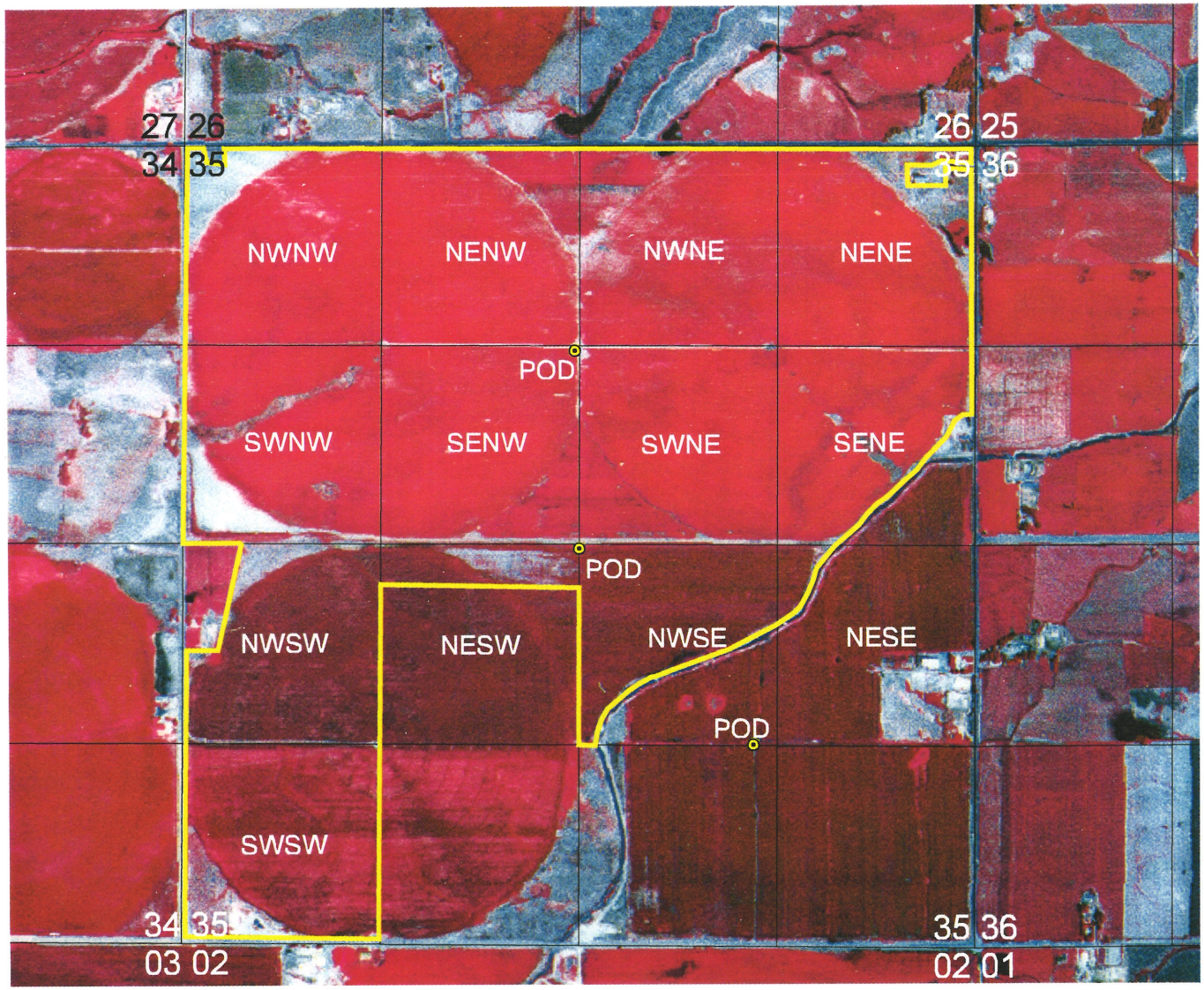
37-2687B, 37-7198C, 37-7315A, 37-7419D, 37-7420A, 37-7435B, 37-7440B, 37-7470 & 37-7639B



T06S R14E S35

N
W
E
S

Map prepared by: Carter Fritschle
Date prepared: 10/15/01
1987-1988 NAPP photography
Idaho Department of Water Resources

2000 0 2000 4000 6000 Feet

04/15/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7470

NAME AND ADDRESS: CAROLYN F COLEMAN
1651 SHOESTRING RD
GOODING ID 83330

GARY R COLEMAN
1651 SHOESTRING RD
GOODING ID 83330

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 3.12 CFS
624.0 AFY

PRIORITY DATE: 12/09/1975

POINT OF DIVERSION:

T06S R14E S35 NESENW Within GOODING County

T06S R14E S35 NWNWSE Within GOODING County

T06S R14E S35 SENWSE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 11/01	3.120 CFS 624.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within GOODING County

T06S R14E S35	NENE	38.3	T06S R14E S35	NWNE	40.1
T06S R14E S35	SWNE	40.7	T06S R14E S35	SENE	30.6
T06S R14E S35	NENW	40.1	T06S R14E S35	NWNW	39.5
T06S R14E S35	SWNW	40.5	T06S R14E S35	SENW	40.7
T06S R14E S35	NESW	8.6	T06S R14E S35	NWSW	35.2
T06S R14E S35	SWSW	38.8	T06S R14E S35	NESE	2.7
T06S R14E S35	NWSE	26.2			

422 ACRES TOTAL

RIGHT NOS. 37-2687B, 37-7198C, 37-7315A, 37-7419D, 37-7420A, 37-7435B, 37-7440B, 37-7470 AND 37-7639B ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 422 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 156 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5513
WATER RIGHT NO(S). 37-02687B/37-07198C/37-07315A/37-07419D
37-07420A/37-07435B/37-07440B/37-07470/37-07639B

This is to certify that: **GARY R COLEMAN**
CAROLYN F COLEMAN
2768 RITCHIE RD
HAGERMAN ID 83332

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

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 37-02687B :			
IRRIGATION	04/01 to 10/31	0.19 CFS	38.4 AF
Priority: 03/08/1963			
Right No. 37-07198C :			
IRRIGATION	03/15 to 11/15	0.10 CFS	20.0 AF
Priority: 01/29/1973			
Right No. 37-07315A :			
IRRIGATION	03/15 to 11/15	3.05 CFS	610.8 AF
Priority: 11/07/1973			
Right No. 37-07419D :			
IRRIGATION	04/01 to 10/31	0.18 CFS	35.2 AF
Priority: 01/29/1975			
Right No. 37-07420A :			
IRRIGATION	03/15 to 11/15	1.48 CFS	296.0 AF
Priority: 01/29/1975			
Right No. 37-07435B :			
IRRIGATION	04/01 to 10/31	0.06 CFS	12.8 AF
Priority: 04/22/1975			
Right No. 37-07440B :			
IRRIGATION	04/01 to 10/31	0.13 CFS	25.6 AF
Priority: 05/31/1974			
Right No. 37-07470 :			
IRRIGATION	04/01 to 10/31	3.12 CFS	624.0 AF
Priority: 12/09/1975			
Right No. 37-07639B :			
IRRIGATION	04/01 to 10/31	0.13 CFS	25.2 AF
Priority: 07/08/1977			
	TOTAL:	* 8.44 CFS	1688.0 AF

MICROFILMED
MAY 24 2000

TRANSFER NO. 5513
WATER RIGHT NO(S). 37-02687B/37-07198C/37-07315A/37-07419D
37-07420A/37-07435B/37-07440B/37-07470/37-07639B

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NESENW , Sec. 35, Township 06S, Range 14E
NWNWSE , Sec. 35, Township 06S, Range 14E
SENWSE , Sec. 35, Township 06S, Range 14E
GOODING County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06S	14E	35	NENE	38.3	NWNE	40.1	SWNE	40.7	
			SENE	30.6	NENW	40.1	NWNW	39.5	
			SWNW	40.5	SENW	40.7	NESW	8.6	
			NWSW	35.2	SWSW	38.8	NESE	2.7	
			NWSE	26.2					422.0
					Total number of acres irrigated:				422.0 **

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

** 6. Right 37-02687B is limited to the irrigation of 9.6 acres in the place of use described above in a single irrigation season.

** 7. Right 37-07198C is limited to the irrigation of 5.0 acres in the place of use described above in a single irrigation season.

** 8. Right 37-07315A is limited to the irrigation of 152.7 acres in the place of use described above in a single irrigation season.

** 9. Right 37-07419D is limited to the irrigation of 8.8 acres in the place of use described above in a single irrigation season.

** 10. Right 37-07420A is limited to the irrigation of 74.0 acres in the place of use described above in a single irrigation season.

** 11. Right 37-07435B is limited to the irrigation of 3.2 acres in the place of use described above in a single irrigation season.

** 12. Right 37-07440B is limited to the irrigation of 6.4 acres in the place of use described above in a single irrigation season.

MICROFILMED
MAY 24 2000

TRANSFER NO. 5513
WATER RIGHT NO(S). 37-02687B/37-07198C/37-07315A/37-07419D
37-07420A/37-07435B/37-07440B/37-07470/37-07639B

CONDITIONS OF APPROVAL AND REMARKS

** 13. Right 37-07470 is limited to the irrigation of 156.0 acres in the place of use described above in a single irrigation season.

** 14. Right 37-07639B is limited to the irrigation of 6.3 acres in the place of use described above in a single irrigation season.

15. The portion of Right 37-07639B no longer authorized is 0.11 cfs, 5.7 acres and 22.8 afa.

* 16. The total instantaneous diversion of water from all points of diversion under Transfer 5513 shall not exceed 8.44 cfs, nor a total combined annual volume of 1688.0 af for the irrigation of 422.0 total acres.

17. The period of use for the irrigation described under Rights 37-02687B, 37-07470 and 37-07639B may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Dated this 8th day of May, 2000.

J. Glen Sayton

Chief, Water Allocation Bureau

MICROFILMED
MAY 2 4 2000

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: **A37-07470**
Date Received: 3/21/1989
Receipt No: S006623
Received By: C/C HB

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: GARY R COLEMAN 208-837-4728
   Address: 2768 RITCHIE ROAD
   HAGERMAN ID 83332
   AND/OR
   Name: CAROLYN F COLEMAN 208-837-4728
   Address: 2768 RITCHIE ROAD
   HAGERMAN ID 83332

2. Date of Priority: DEC 9, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	14E	35	SE NW		GOODING

5. Description of diverting works:
   WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.120		624.00

7. Total Quantity Appropriated is:
   3.120 C.F.S. (and/or) 624.00 A.F.A.

8. Total consumptive use is 468.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	14E	35	NE NE		IRR	38.0

MICROFILMED
SEP 27 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	14E	35	NW	NE		IRR	38.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	156.0
						Total Acres	156.0

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:
SEE REFERENCE RIGHT A37-07480.
OWNERSHIP CHANGE MADE 1/8/96 BY TLB.

15. Basis of Claim: LICENSE

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NOV 2 7 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JANUARY 8, 1996

GARY & CAROLYN COLEMAN
2768 RITCHIE ROAD
HAGERMAN, ID 83332

RE: SRBA CLAIM(S) A37-12912, A37-12907, A37-07806, A37-07470, & A37-07315
BIG SKY PARTNERSHIP

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

Tara L Backlund

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

CC: ELOISE OLSEN, 2626 EASTGATE DR, TWIN FALLS, ID 83301

MICROFILMED
NOV 27 1996

Order No. G-003697

WARRANTY DEED

For Value Received

Big Sky Partnership, a general Partnership

163727

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

Gary R. Coleman And Carolyn F. Coleman, Husband And Wife.

the grantee(s), whose current address is

2768 Ritchie Road, Hagerman, ID 83332

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

30 min. past 4 o'clock P. m. this 19th

of December, 1995. 3.00

By Penny Watson Deputy

the following described premises, to-wit:

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

Section 35: N1/2

EXCEPT THEREFROM approximately 10 acres more or less thereof lying South and East of the Northside Canal Company, Ltd. lateral.

TOGETHER with Idaho Department of Water Resources Water Right Nos. A37-12912, A37-12907, A37-07806, A37-07470, A37-07315

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: December 11, 1995

Big Sky Partnership

Don McFarland

By: Don McFarland, general partner and managing partner

STATE OF IDAHO
: ss
COUNTY OF GOODING

On This 15th Day of December, in the year 1995, before me, a Notary Public in and for said State, personally appeared **Don McFarland**, known or identified to me to be the general partner and managing partner of Big Sky Partnership, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

WITNESS my hand and official seal.

Susan M. Bolton

Notary Public of Idaho
Residing at Gooding, Idaho
Commission Expires: 10/16/98

SUSAN M. BOLTON NOTARY PUBLIC STATE OF IDAHO

MICROFILMED NOV 27 1996

First American Title Company of Idaho

10:25 a.m. January 3, 1996

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 TRISH FAWCETT

Re: A37-12912, A37-12907, A37-07806, A37-07407, A37-07315

Jack Wright, Wright Realty Co., phoned in regards to a letter Tara had written on December 28, 1995 to Gary and Carolyn Coleman requesting more information on an ownership change received December 26, 1995 indicating a split was to be done. The 42-1409(7) stated "water right belonging to the 10 acres being kept will not be transferred," but did not indicate from which water right the 10 acres was to be split, nor the amount of water the the 10 acres was to retain. Mr. Wright, whose realty handled the sales transaction, stated the 10 acres in question had never been a part of any of the five claims listed on the change of ownership form, and that we should disregard the indications of a split and process the ownership change as though no split was taking place. He also asked that if we had any further questions or needed any other documentaion to give him a call at 837-4700.

INFORMATION
NOV 27 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

DECEMBER 28, 1995

GARY AND CAROLYN COLEMAN
2768 RITCHIE ROAD
HAGERMAN, ID 83332

RE: SRBA CLAIMS A37-12912, A37-12907, A37-07806, A37-07470, & A37-07315 (McFARLAND)

DEAR MR. & MS. COLEMAN:

I HAVE RECEIVED THE OWNERSHIP CHANGE REGARDING THESE CLAIMS. I HAVE A PROBLEM, THOUGH.

IN SPLITTING THE 10 ACRES AWAY FROM THE REST OF THE CLAIMS, I NEED ADDITIONAL INFORMATION. I NEED TO HOW MUCH CFS OF WATER YOU NEED SPLIT. I NEED TO KNOW WHICH QUARTER THE 10 ACRES THAT IS TO BE SPLIT FROM. I ALSO NEED TO KNOW WHICH CLAIM TO SPLIT.

I AM SENDING YOU PROFILE REPORTS OF THE CLAIMS ALONG WITH A COPY OF THE OWNERSHIP CHANGE. IF YOU HAVE ANY QUESTIONS, PLEASE GIVE ME A CALL AT THIS OFFICE.

I THANK YOU FOR YOUR TIME.

SINCERELY,

Tara L Backlund

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED
NOV 27 1996

Form 42-1409(7)

IDWR

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
DEC 26 1995
Department of Water Resources
Southern Region

DATE OF CLOSING: 12/14/95

LEGAL DESCRIPTION OF PROPERTY: Township 6 South Range 14 EBM
Section 35, N1/2 1/4 of ~~1/4 of~~ 1/4 of ~~1/4,~~ Govt. Lot ~~1/4,~~ ~~EBM.~~
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: A37-12912, A37-12907, A37-07806, A37-07470, A37-07315

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Big Sky Partnership, Don McFarland, partner

Eden, ID 83325

[ ] New Owner/Claimant (Purchaser): Gary R. Coleman and Carolyn F. Coleman

[ ] New Mailing Address: 2768 Ritchie Road

Hagerman, ID 83332

[ ] New Telephone Number: (208) 837-4728

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? X yes ~~X~~ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
water right belonging to the 10 acres being kept will not be transferred

[ ] Attach proof of ownership, describe proof attached: copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) Gary R. Coleman Date
Carolyn F Coleman Date

[ ] Signature of Former Owner/Claimant(s): Don McFarland Date
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 12/28/95 **By:** HB
Further Action Needed: Need further information
Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: 1/8/96 **By:** HB
Claim Numbers of Split, if any:

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

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NOV 27 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 37-07470, 7315, 07806

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 Judy Givens JG Date 11/10/94

Contact Person(s) Don McFarland - Phone call 9:52 am

Nature of Contact Amendment of Attorney

Substance of Communication I noticed that when adding the Lien Holder MONY to the above-referenced Adj. Claims, that the Attorney was still Rosholt's firm. A previous listing on Basin 36 indicated that an amendment had been filed (11/19/91), replacing Rosholt's firm with J. Walter Sinclair, Attorney.

Mr. McFarland verified that J. Walter Sinclair, Attorney, should be the acting attorney on all his water rights.

NOV 27 1996

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

November 17, 1994

DAVID M BROWN
THE MUTUAL LIFE INSURANCE CO OF NEW YORK
ONE MID RIVERS MALL DR
SUITE 120
ST PETERS MO 63376

RE: Lienholder Addition to SRBA Records (see attached sheet)

Dear Mr. Brown:

In response to your November 1, 1994 letter, our office has changed the electronic record for the above-listed Snake River Basin Adjudication (SRBA) claims as you requested. Please find enclosed copies of proof reports for these changed records.

Please note that the Director's report for Basin 36 has been filed with the court and the recommendations for the attached adjudication claims will remain as was listed, until that is settled. Should you have any questions, you can contact this office or the SRBA District Court at 736-3011.

Sincerely,

Judy Givens
Technical Records Specialist

/jg
Enclosures: Proof Reports
c.c. Don and/or Carol McFarland PO Box 268 Eden ID 83325
J Walter Sinclair, Attorney, PO Box 366 Twin Falls ID 833030366

MICROFILMED
NOV 2 7 1996

David M. Brown
Senior Counsel
MONY Agricultural Investment

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

RECEIVED
NOV 01 1994
Department of Water Resources
Southern Region Office

October 18, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: MONY Loan No. 12111
Big Sky, a General Partnership
Water Rights - Lienholder's Interest

Gentlemen:

The Mutual Life Insurance Company of New York (MONY) has closed a loan transaction with **MCFARLAND AGRICULTURAL COMPANY,** an Idaho corporation and **BIG SKY,** a General Partnership. In connection with said loan transaction, MONY has mortgaged certain real estate owned by **MCFARLAND AGRICULTURAL COMPANY,** an Idaho corporation and **BIG SKY,** a General Partnership, and taken a security interest in the water rights appurtenant to and used in connection with said real property.

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

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

The Mutual Life Insurance Company of New York
One Mid Rivers Mall Drive
Suite 120
St. Peters, MO 63376

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

done 10-28-94 ns

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

Thank you for your cooperation and assistance in this regard.

Yours very truly,

David M. Brown

David M. Brown
Senior Counsel
MONY Agricultural Investment

Enclosures

RECEIVED
JUL 27 1995

EXHIBIT A

PARCEL NO. 1:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 33: W½NE¼; NW¼SE¼; SE¼NW¼; NE¼SW¼; SW¼NW¼, NW¼SW¼, N½NW¼, S½S½

EXCEPTING THEREFROM the following described parcel of land:

Beginning at the West quarter section corner of said Section 33, said point marked by a 5/8 inch rebar and shall be the Point of Beginning;
Thence North 0°01'48" East along section line for 343.32 feet to a P.K. nail;
Thence South 75°29'15" East for 612.31 feet to a ½ inch rebar;
Thence South 67°21'00" East for 782.75 feet to a ½ inch rebar;
Thence South 1°19'23" West for 345.98 feet to a ½ inch rebar;
Thence South 71°59'00" West for 644.29 feet to a ½ inch rebar;
Thence South 83°18'04" West for 298.53 feet to a ½ inch rebar;
Thence North 83°44'14" West for 400.55 feet to a P.K. nail on section line;
Thence North 0°00'00" East (Basis of Bearing) along said section line for 647.85 feet to the Point of Beginning.

EXCEPTING THEREFROM a parcel of land located in the SW¼NW¼ and NW¼SW¼ of Section 33, Township 6 South, Range 14, East Boise Meridian, described as follows:

Commencing at the Northwest corner of said Section 33;
Thence South 0°01'48" West along the West boundary of Section 33 for a distance of 1348.60 feet to THE TRUE POINT OF BEGINNING;
Thence North 87°51'57" East for a distance of 565.08 feet;
Thence North 80°33'29" East for a distance of 722.06 feet;
Thence South 89°12'26" East for a distance of 65.96 feet;
Thence South 1°40'52" West for a distance of 667.03 feet;
Thence South 0°33'45" West for a distance of 886.16 feet;

MICROFILMED
NOV 27 1996

- Continued -

Thence North 67°21'00" West for a distance of 782.75 feet;
Thence North 75°29'15" West for a distance of 612.31 feet to a point on the West boundary of the NW¼ of Section 33;
Thence North 0°01'48" East along the West boundary of the NW¼ of Section 33 for a distance of 959.40 feet to THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 3: Lots 1, 2, 3 and 4, N½SE¼.

PARCEL NO. 3:

TOWNSHIP 6 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 35: N½;

EXCEPT THEREFROM approximately 10 acres more or less thereof lying South and East of the Northside Canal Company, Ltd. lateral.

EXCEPTING THEREFROM a parcel of land located in the NE¼ of Section 35, Township 6 South, Range 14, East Boise Meridian, described as follows:

Commencing at the Northeast corner of said Section 35;
Thence South 0°03'30" East along the East boundary of Section 35 for a distance of 27.12 feet to a point on the South Right of Way boundary of Tuttle Road and being THE TRUE POINT OF BEGINNING;
Thence continuing South 0°03'30" East along the East boundary of Section 35 for a distance of 702.88 feet;
Thence South 89°56'30" West for a distance of 25.0 feet;
Thence North 49°59'34" West for a distance of 541.34 feet;
Thence North 43°31'58" West for a distance of 124.38 feet;
Thence North 48°55'22" West for a distance of 126.62 feet;
Thence North 55°29'31" West for a distance of 303.38 feet to a point on the South Right of Way boundary of Tuttle Road;

- Continued -

ORIGINAL
JUL 27 1995

Thence South 89°55'15" East along the South Right of Way boundary of Tuttle Road for a distance of 460.00 feet to a point of curvature of a 0°59'41" curve to the left;
Thence continuing along the Southerly Right of Way boundary on the Arc of the Curve Left for a distance of 201.05 feet, said Arc having a Long Chord Bearing and Distance North 89°04'45" East, 201.04 feet to THE POINT OF TANGENCY of said Curve;
Thence continuing along the Southerly Right of Way boundary on a bearing of North 88°04'45" East for a distance of 209.14 feet to the intersections with the Easterly boundary of Section 35 and being THE TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide county road easement along the Easterly boundary of the described parcel.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 6: E½SW¼; W½SE¼; and Lot 6;

PARCEL NO. 5:

TOWNSHIP 9 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 21: SE¼SE¼; SW¼SE¼; SE¼SW¼; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 28: N½NE¼; NE¼NW¼; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 27: NW¼NW¼; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 27: S½NW¼; All of the SW¼

NOV 27 1996

EXHIBIT B

WATER RIGHT LIST - BIG SKY-A TENANCY IN COMMON

SAN TAN UNIT (Gooding County, Idaho):

Water Right #	Stage	Priority Date	Subject Acres	Total Acres	Total CFS	Subject Approx CFS
36-02671	Lic.	1/9/67	381	1155	2.670 =	0.8800 CFS
36-07367	Lic.	8/13/73	381	1155	9.650 =	3.1825 CFS
36-07381	Lic.	9/19/73	381	1155	1.60 =	0.5276 CFS
36-07445	Lic.	2/21/74	381	1155	2.830 =	0.9333 CFS
36-07480A	Lic.	5/31/74	381	1155	6.350 =	2.0940 CFS

			.3298% of total acres			7.6200 CFS

SHOESTRING 1 & 2 UNIT (Gooding County, Idaho):

Water Right #	Stage	Priority Date	Subject Acres	Total Acres	Total CFS	Subject Approx CFS
36-07157B	Lic.	2/16/71	282	282	4.130	4.130
37-07470	Lic.	12/9/75	156	156	3.120	3.120
37-07315	Lic.	11/7/73	160	160	3.200	3.200
37-07806	Per.	10/25/79	4	4	0.080	0.080
			------	------	-------	-------
			602	602	10.530	10.530

SHOESTRING 3 UNIT (Gooding County, Idaho):

Water Right #	Stage	Priority Date	Subject Acres	Total Acres	Total CFS	Subject Approx CFS
36-07402	Lic.	11/8/73	139	139	2.780	2.780
			------	------	------	------
			139	139	2.780	2.780

NOV 27 1996

EDEN-LAKE UNIT (Jerome County, Idaho):

NorthSide Canal Company

Water Stock Certificate No. 18191
Section 27, Township 9 South, Range 19 East
80 shares - N½ SW¼
80 shares - S½ SW¼
40 shares - SE¼ NW¼
40 shares - SW¼ NW¼

Water Stock Certificate No. 19524
Section 21, Township 9 South, Range 19 East
20 shares - SW¼ SE¼
Section 28
80 shares - N½ NE¼

Water License No R36-02667:

These water rights, with a priority date of November 1, 1966, supply 1 miner inch to the acre on the following lands:

Section 28, Township 9 South, Range 19 East
NE¼ NE¼ - 37 acres
NW¼ NE¼ - 40 acres
NE¼ NW¼ - 40 acres

Section 27
NW¼ NW¼ - 28 acres

Section 21
SE¼ SW¼ - 10 acres
SW¼ SE¼ - 20 acres
SE¼ SE¼ - 23 acres

NOV 2 7 1996

RECEIVED
DEC 06 1991
Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 25th day of November, 1991, before me, a Notary Public, in and for said County and State, personally appeared Don McFarland, known or identified to me to be the individual 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 my official seal the day and year in this certificate first above written.

Denise L...

NOTARY PUBLIC
Residing at: Twin Falls
My commission expires: 1-4-94

MICROFILMED
NOV 27 1995
MICROFILMED
FEB 01 1999

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

Water Right Number - A37-07470 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY *** SINCLAIR	J WALTER	1 - PO BOX 366 2 - 3 - City- TWIN FALLS State- ID Zip- 833030366 Phone - 208-734-0700
*** C - CURRENT OWNER *** MC FARLAND	DON	1 - P.O. BOX 268 2 - 3 - City- EDEN State- ID Zip- 83325 Phone - 208-000-0000
MC FARLAND	CAROL	1 - P.O. BOX 268 2 - 3 - City- EDEN State- ID Zip- 83325 Phone - 208-000-0000

Priority Date: 12/09/1975
Region: 17 SOUTHERN
Stage: L - LICENSE
Status:

Source: GROUNDWATER
Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
06S	14E	35	SE NW			(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	3.120	624.00

Total Div. Rate: 3.120
Total Div. Volume: 624.00
Total Consumptive Use: 468.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	14E	35	NE NE		38.0	01	IRRIGATION	(47) GOODING
06S	14E	35	NW NE		38.0	01	IRRIGATION	(47) GOODING
06S	14E	35	NE NW		40.0	01	IRRIGATION	(47) GOODING
06S	14E	35	NW NW		40.0	01	IRRIGATION	(47) GOODING

Total Acres: 156.0

Diversion Means - WELL AND PUMP

NOV 27 1994

Water right number - A37-07470   Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - Remarks - +
SEE REFERENCE RIGHT A37-07480.

+ - Old Water Right Numbers - +
No Old Water Right Numbers Found

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

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

+ -Comments- +
No Comments Found

+ - - Audit Fields - - +
11/10/94 JGIVENS

+ - 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	- 03/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006623	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
NOV 27 1998

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DON MC FARLAND	12/09/1975	IRRIGATION	04-01	11-01	3.12 CFS	624.00 AFA
C	CAROL MC FARLAND						
	P.O. BOX 268				TOTAL DIVERSION:	3.12 CFS	624.00 AFA
	EDEN ID 83325				CONSUMPTIVE USE:		468.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T06S R14E S35 SENW GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
06S	14E	35	38	38			40	40											156.0
																		TOTAL ACRES	156.0

POU County: GOODING

Other Rights: NONE

Remarks: SEE REFERENCE RIGHT A37-07480.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

NOV 7 1995

RECEIVED
DEC 06 1991
Department of Water Resources
Southern Region Office

November 19, 1991

Attention: Judy Givens
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Amendment of Notice of Appearance

Dear Mrs. Givens:

This will serve as notice to remove the law firm of Nelson, Rosholt, Robertson, Tolman & Tucker as acting attorneys on behalf of the undersigned claimant, and that all notices required by law hereafter to be mailed by the director to the undersigned should be mailed to the address of J. Walter Sinclair, P.O. Box 366, Twin Falls, Idaho 83303-0366.

DATED this 25th day of November, 1991.

Don McFarland, Claimant

John A. Rosholt
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906

done 12-12-91
A36-07157B

NOV 27 1996

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-07470
Date Received: 8/31/1988
Receipt No: S006623
Received By: pcc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON MC FARLAND
   Address: P.O. BOX 268
   EDEN, ID 83325
   AND/OR
   Name: CAROL MC FARLAND
   Address: P.O. BOX 268
   EDEN, ID 83325

2. Date of Priority: DEC 09, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	14E	35	SE NW		GOODING

5. Description of diverting works:
   WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.120		624.00

7. Total Quantity Appropriated is:
   3.120 C.F.S. (and/or) 624.00 A.F.A.

8. Total consumptive use is 468.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	14E	35	NE	NE		IRR	38.0
			NW	NE		IRR	38.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	156.0
						Total Acres	156.0

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:
SEE REFERENCE RIGHT A37-07480.

15. Basis of Claim: LICENSE

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FEB 2 4 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 2 4 1993

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: **A37-07470**
Date Received: 8/31/1988
Receipt No: S006623
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
SEP 1 1988
Department of Water Resources
Southern Region Office

1. Name: DON &/or CAROL MC FARLAND
   Address: P.O. BOX 268
   EDEN, ID 83325

2. Date of Priority: DEC 09, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	35		SE	NW		GOODING

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.120		624.00

7. Total Quantity Appropriated is:
   3.120 C.F.S. (and/or) 624.00 A.F.A.

8. Total consumptive use is 468 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	14E	35	NE	NE		IRR	38.0
			NW	NE		IRR	38.0

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FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	14E	35	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
					Section Acres		156.0
					Total Acres		156.0

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:

14. Remarks:

15. Basis of Claim: LICENSE

MICROFILMED
FEB 2 4 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Don McDaniel Date: 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

Chris B. Hernandez
Notary Public

Seal

Residing at Twin Falls

My Commission Expires 10-31-88

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FEB 24 1993

NOTICE OF APPEARANCE

Notice is hereby given that the law firm of Nelson, Rosholt, Robertson, Tolman & Tucker will be acting as attorneys 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 the addrsss listed below.

DATED this 1 day of September, 1988.

Terry T. Uhling
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906

MICROFILMED
FEB 24 1993

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7470 Priority December 9, 1975 Amount 3.12 cfs

THIS IS TO CERTIFY, that CONNECTICUT GENERAL LIFE INSURANCE CO.

of Dallas, Texas, has complied with the terms and conditions of Permit No. 37-7470 issued pursuant to Application for Permit dated December 9, 1975, and has submitted proof to the Department of Water Resources on October 1, 1976, 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 5.79 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 3.12 cfs	and 624 acre feet
	from _____ to _____	at _____ cfs	and _____
	from _____ to _____	at _____ cfs	and _____

(both dates inclusive)

Subject, however, to the condition that no more than 3.12 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 624 acre feet per year, said waters to be diverted within the SE¼NW¼, Sec. 35, Twp. 6S, Rge. 14E, 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	
6S	14E	35	38	38			40	40											156

Total number of acres irrigated 156

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 23 day of July, 19 79.

Director

DEPARTMENT OF WATER RESOURCES

MICROFILMED