

06/10/2002

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

RIGHT NUMBER: 37-10597

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.17 CFS
29.3 AFY

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION:

T06S R15E S7 NWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.060 CFS 2.40 AFY
STOCKWATER	01/01 12/31	0.170 CFS 26.90 AFY

PLACE OF USE: DOMESTIC Within GOODING County

T06S R15E S07 NWNE

STOCKWATER Within GOODING County

T06S R15E S07	NENE	T06S R15E S07	NWNE
T06S R15E S07	SWNE	T06S R15E S07	SENE
T06S R15E S07	NENW	T06S R15E S07	SENW

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: Beneficial Use

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 pmAccompanied By: John Faulkner Phone Number: 934-4956Relationship to Claimant: Owner

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

Meet at office 3/4 mile south and 1/8 mile
west of intersection of US 26 and State 46.

Reviewer: CADate: 6-10-02

Point of Diversion and Source Data Entry Form

Claim Number 37-10597

Claimed Point of Diversion and Source

T06S R15E S7 SWNWNE Within GOODING County Source: GROUND WATER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
6S	15E	7		NW NE	Gooding	Ground Water

Other rights from this POD? _____

Document how the POD and Source were verified:

Claimant identified location on Terra Server
image

Reviewer: CADate: 6-10-02

Place Of Use Data Entry Form

Claim Number 37-10597

Claimed Place Of Use

STOCKWATER Within GOODING County

see additional QQ

T06S R15E S07

DOMESTIC Within GOODING County

OK

T06S R15E S07

NWNE

Total Acres

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Additional
Recommended Place of Use☐ See corrections to claimed POU above

TwP	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6S	15E	7	NENE		Gooding			Stockwater
			SWNE		"			"
			SENE		"			"
			NENW		"			"
			SENE		"			"

Total Acres

Document how the POU was verified:

Claimant's description of where the water is used.

Reviewer:

CJ

Date:

6-10-02

Period of Use and Quantity Data Entry Form

Claim Number 37-10597

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
STOCKWATER	1/01	12/31	0.6	
DOMESTIC	1/01	12/31	0.06	

Overall Diversion Rate 0.6 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

see attached sheet

Reviewer: af Date: 6-10-02

37-10597

6-7-02

et

Est. 60 gpm

35 gpm

Currently 5 HP pump was 10 HP

12,000 lambs

lift is unknown

$$\frac{5 \text{ HP} \times 8.8 \times .7}{275' + (2.31 \times 40 \text{ psi})} = .08 \text{ cfs} = 35.9 \text{ gpm}$$

$$\frac{10 \text{ HP} \times 8.8 \times .7}{275' + (2.31 \times 40 \text{ psi})} = 0.17 \text{ cfs} = 75 \text{ gpm}$$

Historically has used a 10 HP pump. This has recently been changed out to a 5 HP.

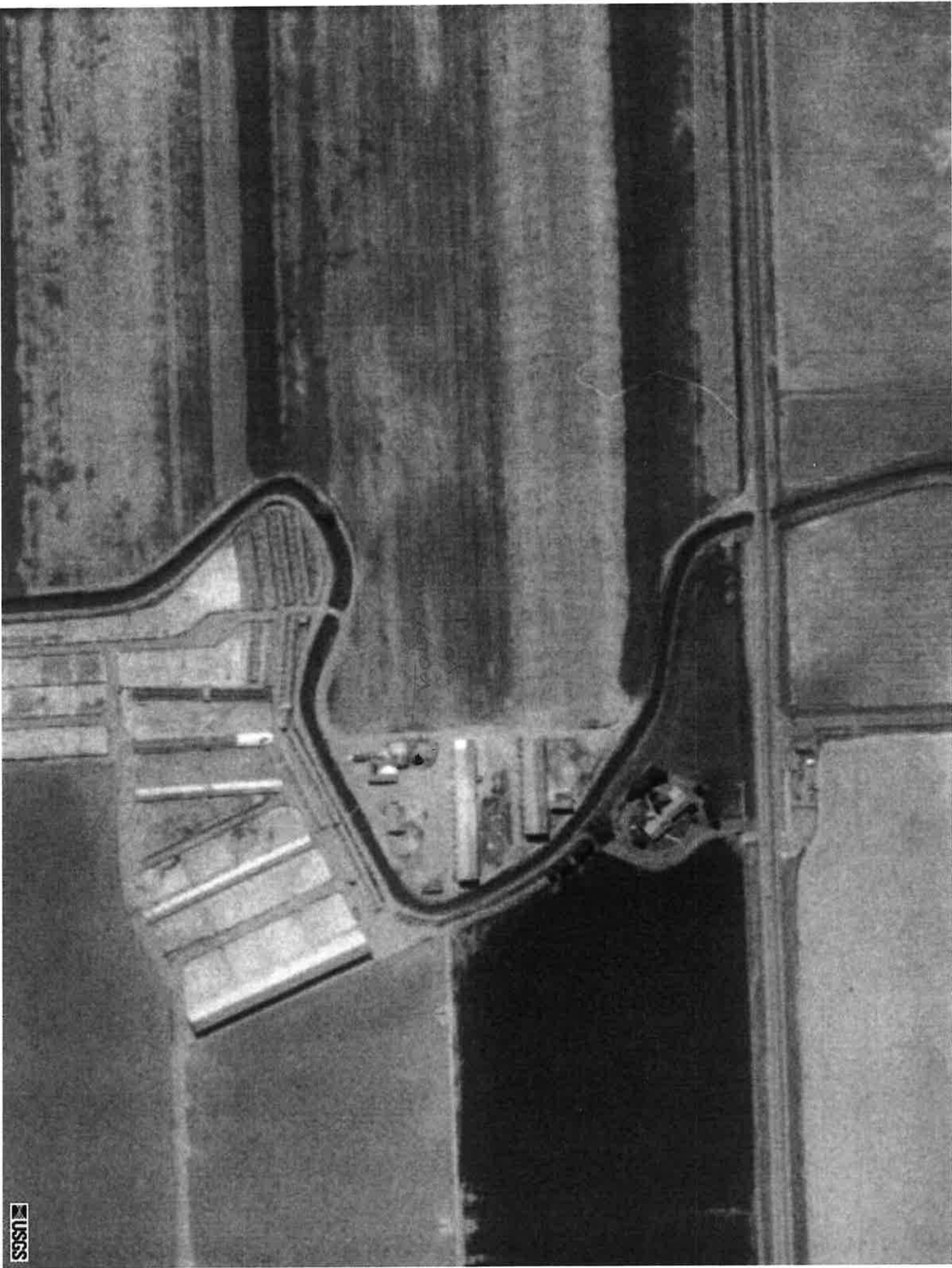
$$12,000 \text{ lambs} \times 2 \text{ gpd} \times 365 \text{ days/year} =$$

$$\frac{8,760,000 \text{ gallons/year}}{325,850 \text{ gallons/acre Foot}} = 26.9 \text{ AF Stockwater}$$

$$2 \text{ domestics allow } 1.2 \text{ AF each} = 2.4 \text{ AF}$$

$$\underline{29.3 \text{ AF}}$$

37-10597 5-16-1992



USGS

1 Meter Resolution

RECEIVED

MAR 25 2002

Department of Water Resources

Faulkner Land & Livestock Company

1989 South 1875 East

Gooding, Idaho 83330

Phone (208) 934-4956 Fax (208) 934-5570

March 21, 2002

Carter Fritschle
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Water Right No. 37-10597
Civil Case No. 39576
Evidence of Priority Date

Dear Sir:

I vividly remember the winter of 1948 – 1949. We had always watered our sheep in the Big Wood Canal Company canal that ran through our ranch. That winter the canal froze entirely over and we had to haul water for the sheep from town. This was a harrowing experience, with the old equipment of the time and the ice and snow conditions that prevailed that winter. That fall (1949), we drilled a well to water the sheep and put water into our bunkhouse for the shearers, so that we would never have to go through that experience again.

Sincerely,


John L. Faulkner
President

Subscribed and sworn to (or affirmed) before me
this 21 day of March, 2002


Notary Public

My Commission Expires 11/8/04

VICTORIA L. PAVKOV
NOTARY PUBLIC
STATE OF IDAHO

MAR 25 2002

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-10597
Date Received: 9/1/1988
Receipt No: S002032
Received By:

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FAULKNER LAND & LIVESTOCK CO INC Phone: (208)934-4956
1989 S 1875 E
GOODING ID USA 83330

2. Date of Priority: 12/31/1949

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	15E	7	SW NW NE	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
STOCKWATER	1/01	12/31	0.6	
DOMESTIC	1/01	12/31	0.06	

7. Total Quantity Appropriated is:
0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	15E	7	NW NE	STOCKWATER DOMESTIC	

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: Beneficial Use

Eaton Drilling & Pump Service, Inc.

P.O. Box 230
485 S. Idaho St.
Wendell, ID 83355-0230

Phone (208) 536-2223
Fax (208) 536-2024

RECEIVED

MAR 25 2002

Department of Water Resources

March 19, 2002

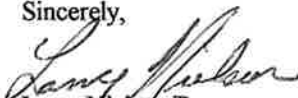
Faulkner Land & Livestock
1989 S. 1875 E.
Gooding, Id. 83330

Dear John,

Some of our records were destroyed in a fire the fall of 1961. However, Jim Eaton recalls drilling the well in November of 1949 between your house at 1900 S. 1850 E. in Gooding and the Cook house at the sheep sheds. I recall helping my Dad on the pump system there when I was in High school (1958 or 1959).

If I can be of further help, please let me know.

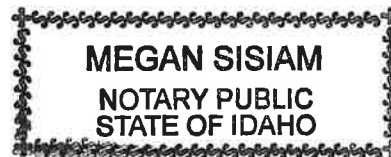
Sincerely,


Larry Nielson/Pres.

Subscribed and sworn to (or affirmed) before me this 19th day of
March, 2002.


Notary Public

My Commission Expires on 6/19/07





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2002

37-10597
FAULKNER LAND & LIVESTOCK CO
INC
1989 S 1875 E
GOODING ID 83330

RESPONSE DEADLINE
APRIL 12, 2002

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. I will be conducting field examinations for the SRBA claims with a Ground Water source in your area in late March and early April. Since the priority date of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129. If you have multiple claims that require evidence of priority date, the labels with the identification numbers of the additional claims are attached below. Please submit evidence of the priority date for each of your beneficial use rights. Also, if there are multiple claimants of the claim at the same address, the additional claimants are identified on the labels attached below.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

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: A37-10597
Date Received: 7/13/1988
Receipt No: 5002032
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: DEC 31, 1949

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	15E	7	SW	NW	NE		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.
DOMESTIC	01/01	12/31	0.060		
STOCKWATER	01/01	12/31	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSES S/ 10,000 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	15E	7	NW	NE		STOCK DOMEST	

A37-10597

Page 1

Date: 09/01/88

MICROFILMED
FEB 25 1993

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:

TOTAL DIVERSION IN EXCESS OF 13,000 GPD.

15. Basis of Claim: BENEFICIAL USE

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: 0

For Organizations:

I do solemnly swear or affirm that I am Pres of _____ Title

Faulkner Land Holdings that I have signed the foregoing Organization

document in the space below as Pres of _____ Title

F L & L and that the statements contained in the Organization
foregoing document are true and correct.

J. D. Faulkner
Signature of Authorized Agent

Pres Faulkner Land Holdings
Title and Organization

9/1/88
Date

State of Idaho)
County of Twin Falls) SS.

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



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

MICROFILMED
OCT 25 1994

Enclosure
cc: Frank Hitchcock

RECEIVED

APR 21 1993

Department of Water Resources
Southern Region Office

1 - Diversion Means - WELL AND PUMP
1 - Non-Irrigation Use - D/ 2 HOUSES S/ 10,000 SHEEP
1 - Other Rights for Same Use - NONE

MICROFILMED
OCT 25 1994

RENNER & RENNER

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	-	

MICROFILMED
OCT 25 1994



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

MICROFILMED
OCT 25 1994

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

MICROFILMED
OCT 25 1994

RECEIVED

FEB 02 1993

Loan No. 11886-MS

Department of Water Resources
Southern Region Office

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.

MICROFILMED
OCT 25 1994