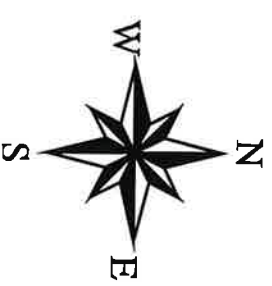


T05S R15E S31



RECEIVED

OCT 10 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 SRBA

Case No. 39576

A. Subcase 37-11199

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Alonzo Leavell

Address: P.O. Box 54

Gooding, ID 83330

Daytime Phone: (208) 934-8543

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Alonzo Leavell

Address: P.O. Box 54

Gooding, ID 83330

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See Attachment
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Add Commercial
8. ☒ **Period of Year**
Should be: 1/1 - 12/31 Stockwater, 1/1 - 12/31 Commercial
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Please see attachment and letter from Charles G. Brockway to Carter Fritschle dated August 2, 2002, attached to this form. See also supporting affidavits from Mike Sliman and Keith Clark.

F.

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding)ss.

Alonzo Leavell, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Alonzo Leavell
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 27, 2002

Notary Public for Idaho
Residing at: Gooding, Id
My Commission Expires: March 1, 2006

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on October 9 2002, 1992, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Alonzo Leavell

Address: P.O. Box 54

Gooding, ID 83330

3. Copies to:

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

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

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


Signature of Objector or attorney
mailing on Objector's behalf

SF-1 Objection
Alonzo Leavell
Subcase No. 37-11199

D.3. PROPOSED QUANTITY

Purpose	From To	CFS	AFA
Stockwater	1/1 – 12/31	0.13 cfs	26.9 ac-ft
Commercial	1/1 – 12/31	0.13 cfs	33.9 ac-ft*
Domestic	1/1 – 12/31	0.08 cfs	1.2 ac-ft
Total		0.13 cfs	33.9 ac-ft

* Note: commercial volume includes Well #2 running continuously year-round for freeze protection and dust control. Brockway letter dated August 2, 2002 was incorrect in stating a volume only for wintertime months.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

August 2, 2002

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

VIA FACSIMILE (hard copy to follow)

Re: Preliminary recommendation for 37-11199 / Leavell

Dear Mr. Fritschle:

I am writing on behalf of Lonnie Leavell to provide additional information for your review of the above-referenced water right. A Notice of Error is included with this letter.

This adjudication claim appears to have been treated as a claim under I.C. 42-111(a), and the volume would therefore be limited to 13,000 gpd. However, this right is appurtenant to a sizeable feedlot and sale yard, and I believe the historic and current water usage is significantly more than the domestic exemption would allow.

The water usage for stockwater, commercial, and domestic purposes commenced in approximately 1955, prior to the 1963 mandatory permit date for groundwater. Three wells were drilled approximately at this time. The wells pump at approximately the same rate today as they have historically. According to Bob's Pump Service, the well discharges are:

Well #1	1.5 HP	17 gpm
Well #2	2 HP	21 gpm
Well #3	2 HP	21 gpm
Total		59 gpm (0.13 cfs)

Water has been supplied from these wells to a total of 2,000 head of beef cattle. Using IDWR's standard rate for beef cattle of 12 gpd/head, the stockwater requirement is 24,000 gpd (26.9 ac-ft/year).

In addition to stockwater, a significant volume of water has historically been used to prevent freezing of the distribution pipelines. The pipelines have very little cover, due to the shallowness of the soil beneath the sale yard and

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

feedlot. Mr. Leavell indicated that the depth to rock ranges from zero to 12 inches. Therefore, it has been necessary to divert water in the winter in excess of that used by the cattle. Wells #1 and #3 are configured with pressure tanks and switch on or off based on the system pressure, which is a function of water demand. Well #2 runs continuously year-round, without a pressure tank, at a rate of 21 gpm. In the winter, one or more lines on the facility are kept open – all water in excess of the cattle drinking water requirement ponds and either sinks or evaporates.

I believe the diversion rate of 0.13 cfs in the preliminary order is reasonable since it represents the combined capacity of the three wells. However, given the system configuration and historic operation, the annual volume should be based on 1) the cattle drinking water requirement in the summertime, plus 2) the 21 gpm (30,240 gpd) continuous flow from Well #2 in the wintertime (which includes drinking water). Assuming freeze protection is required from November 1 through April 30 (181 days), the wintertime volume would be $30,240 \text{ gpd} \times 181 \text{ days} = 16.8 \text{ ac-ft}$. The summertime volume for May 1 through October 31 would be $12 \text{ gpd/hd} \times 2000 \text{ hd} \times 184 \text{ days} = 13.6 \text{ ac-ft}$. The annual volume would be $13.6 + 16.8 = 30.4 \text{ ac-ft}$.

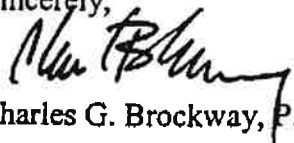
Domestic uses include 2 houses, 2 trailers, 1 office, and a shop. The in-house water use for these facilities is minor. I estimate the annual volume requirement to be 1.2 ac-ft.

I would recommend the following structure:

Purpose	From To	CFS	AFA
Stockwater	1/1 – 12/31	0.13 cfs	26.9 ac-ft
Commercial	11/1 – 4/30	0.13 cfs	16.8 ac-ft
Domestic	1/1 – 12/31	0.08 cfs	1.2 ac-ft
Total		0.13 cfs	31.6 ac-ft (30.4 + 1.2)

I hope this information is helpful in your review. Please contact me if you need further information.

Sincerely,


Charles G. Brockway, P.E.

cc: Lonnie Leavell

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHT 37-11199 FOR
STOCKWATER AND COMMERCIAL USE

) COMMENTS AND
) EVIDENCE OF
) MIKE SLIMAN

COMES NOW Mike Sliman, of Gooding, Idaho, and provides the following comments and evidence in this matter:

1. I am familiar with the livestock handling facilities currently owned by Lonnie LeaVell (the "Facility") located primarily in the NE1/4 SW1/4, NW1/4 SW1/4, and NW1/4 SE1/4, Section 31, T. 5 S., R. 5 E., B.M., as depicted on Exhibit A.
2. I performed work for the Facility regularly from the 1950s through the 1980s. I constructed the sale yard well house and most of the water lines and other related facilities at the livestock yard. I have first-hand knowledge of both the type of facilities and the water system during this time.
3. In the late 1950s, Orle LeaVell had an ownership interest in the Gooding Livestock Commission Co., which had a domestic well. This well is known as Well #3. This well served a residence, sales barn, and stock corrals. In approximately 1958, water lines were extended west under Clover Creek for approximately 1/4 mile to service a series of larger pens. Water was used for domestic, stockwater, and dust control purposes. Livestock numbers varied weekly from 500 head to 2,500 head. The average number of head was at least 1,000.
4. In 1959, Orle LeaVell sold his interest in Gooding Livestock Commission Co. and began construction of a livestock trading facility just west of the Gooding Livestock Commission Co. This trading yard was locally known as the LeaVell Cattle Yard or the LeaVell Feedlot. This facility was constructed so cattle could be easily moved to the livestock commission or the adjacent railroad yard.
5. In the late 1950s and early 1960s, two wells known as Wells #1 and #2 were drilled at the LeaVell Feedlot and supplied water for 1) a house, office, trailer, and shop; 2) dust control in the summer; and 3) livestock watering. The number of stock varied daily, with 2,000 being a conservatively high figure for the LeaVell Feedlot.
6. The LeaVell Feedlot was constructed on shallow soil with rock outcroppings, and it was impossible to attain adequate pipeline depth for frost protection. Because

of this, the system was designed to run water through the pipelines continuously to prevent freezing. Well #2 was equipped with a 2HP pump and piped directly into the system with no well house or pressure tank. This pump ran continuously year round. Well #1 was equipped with a large pressure tank that would turn on if the pressure decreased. With this setup, water was always running through the distribution system. This system has operated effectively from the late 1950s to the present.

7. Some time before 1980, the domestic facilities within the sale yard were connected to the municipal supply from the City of Gooding. From this point on, Well #3 only serviced the livestock and dust control.

DATED this 9th day of September, 2022

Mike Sliman
Mike Sliman

SUBSCRIBED and SWORN to before me this 9th day of September, 2022

Silva Cheny
NOTARY PUBLIC
Residing at : Gooding
My Commission Expires: 8/21/2023

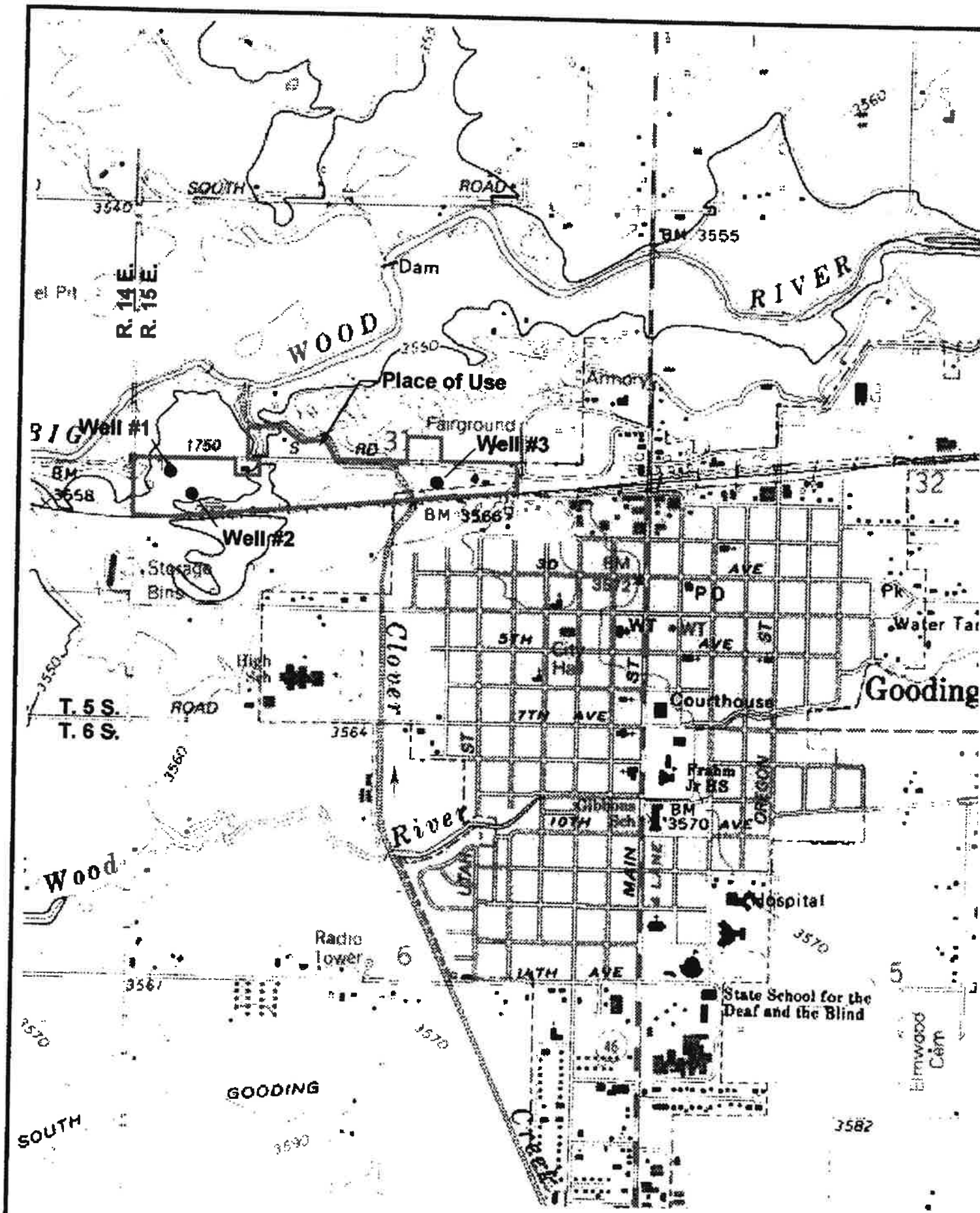


EXHIBIT A
Water Right 37-11199 / Alonzo LeaVell

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHT 37-11199 FOR
STOCKWATER AND COMMERCIAL USE

) COMMENTS AND
) EVIDENCE OF
) KEITH CLARK

COMES NOW Keith Clark, of Gooding, Idaho, and provides the following comments and evidence in this matter:

1. I am familiar with the livestock handling facilities currently owned by Lonnie LeaVell (the "Facility") located primarily in the NE1/4 SW1/4, NW1/4 SW1/4, and NW1/4 SE1/4, Section 31, T. 5 S., R. 5 E., B.M., as depicted on Exhibit A.
2. I performed work for the Facility regularly from the 1950s through the 1960s. I have first-hand knowledge of both the type of facilities and the water system during this time.
3. In the late 1950s, Orie LeaVell had an ownership interest in the Gooding Livestock Commission Co., which had a domestic well. This well is known as Well #3. This well served a residence, sales barn, and stock corrals. In approximately 1958, water lines were extended west under ~~Clover Creek~~ for approximately 1/4 mile to service a series of larger pens. Water was used for domestic, stockwater, and dust control purposes. Livestock numbers varied weekly from 500 head to 2,500 head. The average number of head was at least 1,000. 
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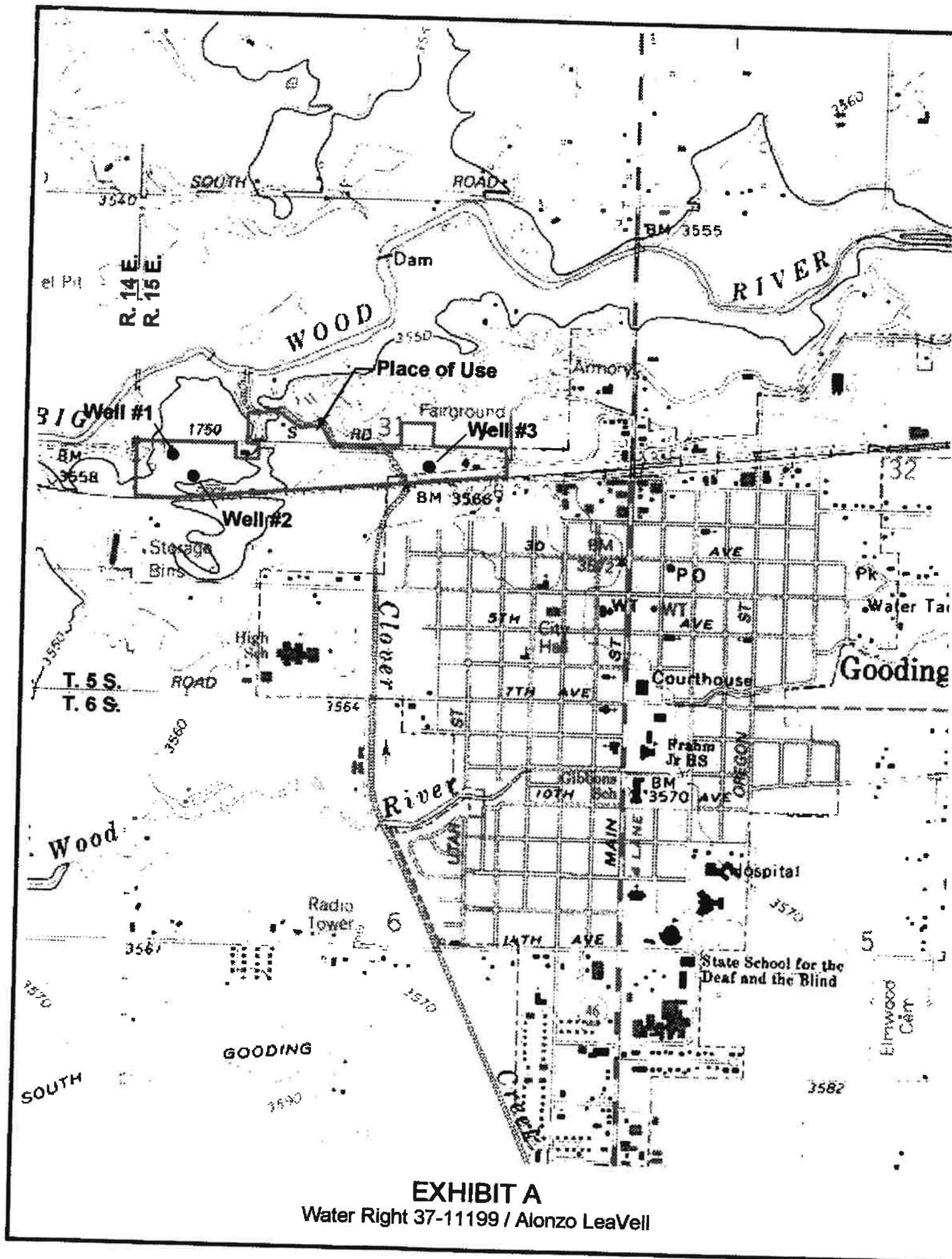
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DATED this 6 day of September, 2002

Keith Clark
Keith Clark

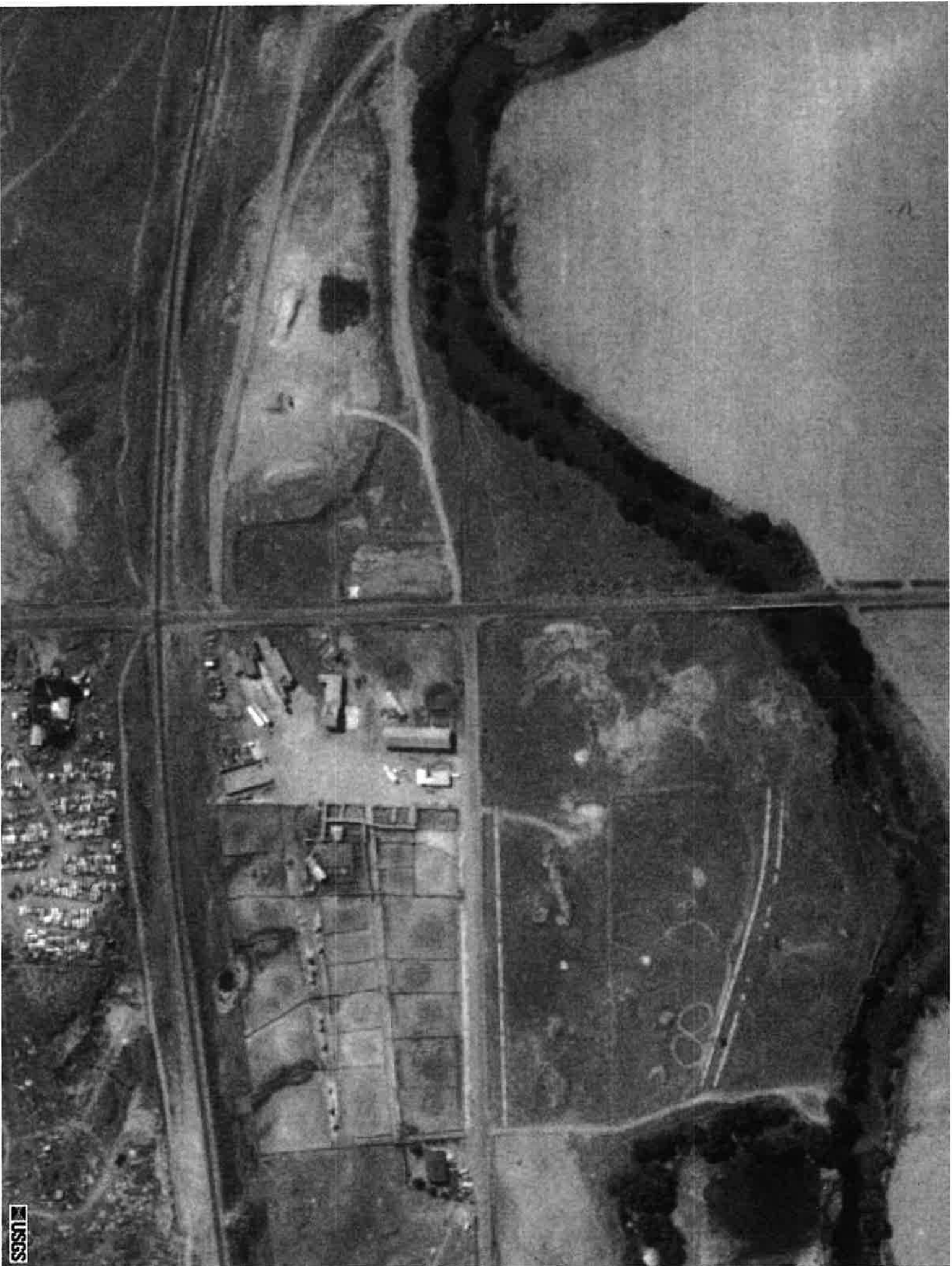
SUBSCRIBED and SWORN to before me this 6th day of September
2002

Norma H. Muline
NOTARY PUBLIC
Residing at Gooding Idaho
My Commission Expires: 8-22-2003



37-11199 West

5-16-1992



37-11199 East

5-16-1992



USGS

1 Meter Resolution

RECEIVED

AUG - 7 2002

Department of Water Resources



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

August 2, 2002

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

VIA FACSIMILE (hard copy to follow)

Re: Preliminary recommendation for 37-11199 / Leavell

Dear Mr. Fritschle:

I am writing on behalf of Lonnie Leavell to provide additional information for your review of the above-referenced water right. A Notice of Error is included with this letter.

This adjudication claim appears to have been treated as a claim under I.C. 42-111(a), and the volume would therefore be limited to 13,000 gpd. However, this right is appurtenant to a sizeable feedlot and sale yard, and I believe the historic and current water usage is significantly more than the domestic exemption would allow.

The water usage for stockwater, commercial, and domestic purposes commenced in approximately 1955, prior to the 1963 mandatory permit date for groundwater. Three wells were drilled approximately at this time. The wells pump at approximately the same rate today as they have historically. According to Bob's Pump Service, the well discharges are:

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Total		59 gpm (0.13 cfs)

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2016 NORTH
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TWIN FALLS,
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208•736•8543

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I believe the diversion rate of 0.13 cfs in the preliminary order is reasonable since it represents the combined capacity of the three wells. However, given the system configuration and historic operation, the annual volume should be based on 1) the cattle drinking water requirement in the summertime, plus 2) the 21 gpm (30,240 gpd) continuous flow from Well #2 in the wintertime (which includes drinking water). Assuming freeze protection is required from November 1 through April 30 (181 days), the wintertime volume would be $30,240 \text{ gpd} \times 181 \text{ days} = 16.8 \text{ ac-ft}$. The summertime volume for May 1 through October 31 would be $12 \text{ gpd/hd} \times 2000 \text{ hd} \times 184 \text{ days} = 13.6 \text{ ac-ft}$. The annual volume would be $13.6 + 16.8 = 30.4 \text{ ac-ft}$.

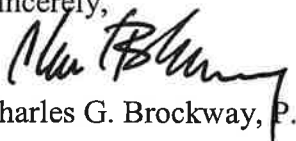
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I would recommend the following structure:

Purpose	From To	CFS	AFA
Stockwater	1/1 – 12/31	0.13 cfs	26.9 ac-ft
Commercial	11/1 – 4/30	0.13 cfs	16.8 ac-ft
Domestic	1/1 – 12/31	0.08 cfs	1.2 ac-ft
Total		0.13 cfs	31.6 ac-ft (30.4 + 1.2)

I hope this information is helpful in your review. Please contact me if you need further information.

Sincerely,


Charles G. Brockway, P.E.

cc: Lonnie Leavell

06/22/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-11199

ALONZO LEAVELL

PO BOX 54

GOODING ID 83330

Telephone Number: (208)934-8543

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source);

Please see attached letter

2. Describe the changes you wish to make in the proposed recommendation:

Please see attached letter

3. Give a brief explanation as to why you disagree with these portions:

Please see attached letter

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

7/24/02

SIGNATURE:

Alonzo B. Leavell

Please print your name:

Alonzo B. Leavell

IDWR State Office, PO Box 83720, Boise ID 83707-9815

05/23/2002

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

RIGHT NUMBER: 37-11199
NAME AND ADDRESS: ALONZO LEAVELL
PO BOX 54
GOODING ID 83330

SOURCE: GROUND WATER
QUANTITY: 0.13 CFS

TRIBUTARY:

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION:

T05S R15E S31 NWSW Lot 3 Within GOODING County
T05S R15E S31 NWNWSW Lot 3 Within GOODING County
T05S R15E S31 NWNWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.080 CFS
STOCKWATER	1/01 12/31	0.130 CFS

PLACE OF USE:

<u>DOMESTIC Within GOODING County</u>		
T05S R15E S31 Lot 3 NWSW	T05S R15E S31	NWSE
<u>STOCKWATER Within GOODING County</u>		
T05S R15E S31	NESW	T05S R15E S31 Lot 3 NWSW
T05S R15E S31	NWSE	

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

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: **A37-11199**
Date Received: 8/31/1988
Receipt No: C002412
Received By: _____

AMENDED

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

AMENDED

1. Name: ALONZO LEAVELL 208-934-8543
Address: PO BOX 54
GOODING ID 83330

2. Date of Priority: APR 1, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	31	NW	NW	SW		GOODING
			NW	NW	SE		GOODING

5. Description of diverting works:
3 WELLS, APPROX 200' DEEP, AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.130		
COMMERCIAL	07/01	08/31	0.130		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 2 HOUSES, 2 TRAILERS, 1 OFFICE, STOCK - 2000 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	15E	31	NW	SW		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	31	NW	SW		STOCK	
			NW	SW		COMMER	

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:

CHANGE OF OWNER: CHANGED FROM LEAVELL TO RHEA CATTLE CO ON
JULY 15, 1993. COPY OF WARRANTY DEED ON FILE. 8/2/1993 RVW

AMENDED CLAIM TO ADD ANOTHER WELL IN NWNWSE IN SEC 31; REDUCE
DIVERSION RATE TO .13 CFS; AND CHANGE OWNERSHIP TO ALONZO LEAVELL
12/1/97 jr
(1 APARTMENT AND 1 SHOP ALSO ON DOMESTIC USE)

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 ___ 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): Alonzo B. Leavell Date: 12/1/97

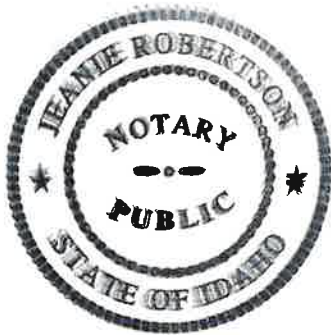
Date: _____

State of Idaho)
County of Twin Falls) SS.

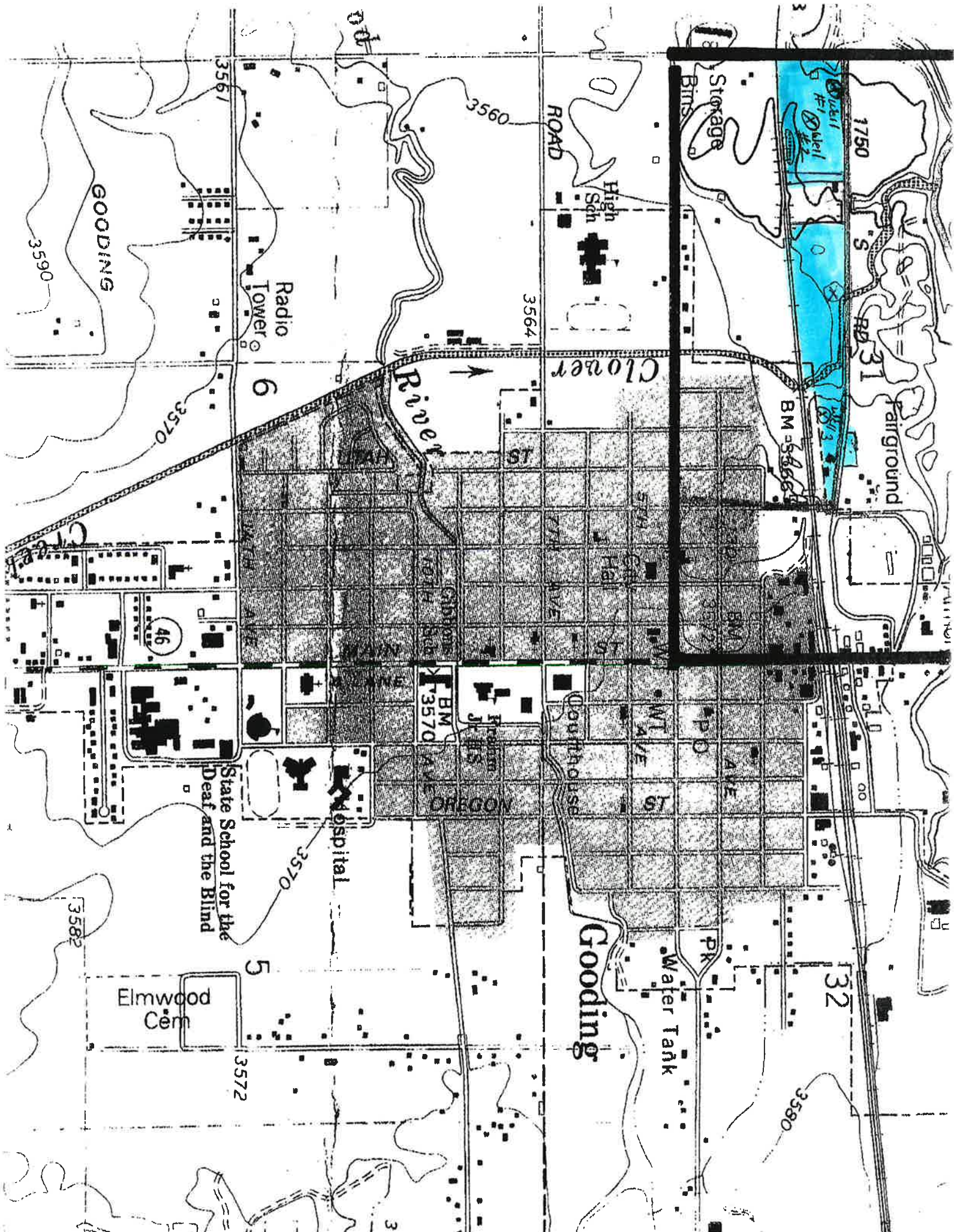
Subscribed and sworn (or affirmed) before me this 1st day
of December 19 97

Jeanie Robertson
Notary Public

Seal



Residing at Twin Falls, Id.
My Commission Expires 9-23-2000



BARGAIN AND SALE DEED

THIS INDENTURE, Made the 3rd day of September, 1997, between the ADMINISTRATOR of the SMALL BUSINESS ADMINISTRATION, an Agency of the U. S. Government, the party of the first part and ALONZO B. LEA VELL, whose address is P O Box 54, Gooding, ID 83330, the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND NO 100THS (\$10.00), and other valuable consideration, lawful money of the United States of American, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to his heirs and assigns, forever, all that certain piece or parcel of land situate, lying and being in the County of Gooding and State of Idaho, particularly described as follows, to-wit:

Complete legal attached as Exhibit "A"

Subject to all unpaid taxes and assessments whether now due or accruing, all easements, restrictions and reservations, whether or not recorded, including but not limited to fence and gate agreements, access agreements, party-wall agreements, and all encumbrances of record as of the date of this instrument.

TOGETHER WITH All and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written.

ADMINISTRATOR of the SMALL BUSINESS ADMINISTRATION
an Agency of the United States of America

By: Stella M. Hembree

Stella M. Hembree, Chief
Portfolio Management Division

RECEIVED

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

DEC 01 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____
 Adjudication Claim No(s).: A37-11199

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant _____

4. New Owner/Claimant(s) Alonzo Leavelle
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address PO Box 54
 City, State and ZIP Code Gooding, ID 83330
 New Telephone Number 208 934-8543

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Alonzo Leavelle
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

DEED

FOR VALUE RECEIVED, RHEA CATTLE COMPANY, a Nebraska Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto ALONZO B. LEAVELL, a married man dealing in his sole and separate property, whose address is: P. O. Box 51, Gooding, ID. 83330 grantee, the following described real estate, to-wit:

SEE ATTACHED - EXHIBIT "A"

RECEIVED (S) 1-27-1910,

DEC 01 1997

Department of Water Resources
Southern Region

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 12 day of Nov, 1993.

RHEA CATTLE COMPANY, a Nebraska Corporation

By

PRESIDENT

ATTEST:

SECRETARY

Nebraska
STATE OF ~~IDAHO~~
County of WASHINGTON ss.

On this 12th day of November, 1993
before me, a Notary public in and for said State, personally
appeared _____ and _____

be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Claudia P. Ramirez

Notary Public
Nebraska

Residing at Alhambra



154851

STATE OF IDAHO COUNTY OF GOODING
 Filed for record at the request of Land Title & Escrow Inc.

45 min. past 11 o'clock A m. this 19
of November, 1993 Fee #602

JOHN A. MYERS Recorder

By Helen K. Piatt Deputy

EXHIBIT "A"

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 31: Lot 3 North of the right of way of the Union Pacific Railroad Company, EXCEPT the following described tract of land:

Beginning at a point on the North boundary of said Lot 3, which point bears South 89°57' East for a distance of 1097.0 feet from the West quarter corner of said Section 31, said point being THE TRUE POINT OF BEGINNING;
Thence South 2°21' East along a fence as constructed for a distance of 448.0 feet to the North right of way boundary of the Union Pacific Railroad;
Thence North 84°15' East along the North right of way boundary of said Railroad to point of intersection with the East line of Lot 3;
Thence North along the East line of Lot 3 to the Northeast corner thereof;
Thence West along the North line of Lot 3 to THE TRUE POINT OF BEGINNING

This property is conveyed as dry land without water rights thereon or appurtenant thereto.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1993 and subsequent years, which are not yet due and payable.

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Easement given by H. E. Baysinger and Doris E. Baysinger to The Mountain States Telephone and Telegraph Co., dated November 26, 1941, recorded May 23, 1942 in Book 5 Page 136 as Instrument Number 84179, Gooding County records, affecting the N1/4SW1/4 of Section 31, Township 5 South, Range 15, East Boise Meridian.

Terms and conditions of an Agreement by and between E. C. Clemons, first party, O. S. Leavell, second party, and Gooding Livestock Commission Co., Inc., a corporation, third party, dated June 1, 1961, recorded January 30, 1962 as Instrument Number 3543, Gooding County records, wherein it is agreed that the second and third party shall obtain water from a well owned by first party, located on a portion of Lot 3 and the NE1/4SW1/4 of Section 31, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Orie S. Leavell to Idaho Power Company, a corporation, dated December 17, 1971, recorded January 24, 1972 as Instrument Number 38794, Gooding County records, affecting the West 300 feet, Lot 3 lying North of Union Pacific Rail Road Company right of way, in Section 31, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Interstate Cattle Co. to Idaho Power Company, a corporation, dated January 14, 1974, recorded August 7, 1975 as Instrument Number 55820, Gooding County records, affecting the NW1/4SW1/4 of Section 31, Township 5 South, Range 15, East Boise Meridian.

DATE: 06/06/97
PAGE: 1

DIVERSION
VOLUME

Stage: BENEFICIAL USE

GOODING County

...

• •

• • • • •

• •

LEAVELL CATTLE

Lonnie Leavell
RES (208) 934-8190

P.O. Box 54
GOODING, IDAHO 83330

(208) 934-8543
FAX (208) 934-8879

December 1, 1997

Bob's Pump Service

Well #1 (West of Office)	1 1/2 HP (5/15/96)	17 GPM
-----------------------------	-----------------------	--------

Well #2 (East of Processing Chute) (We plan to change this back to 2 HP =	1 HP	16 GPM
---	------	--------

21 GPM next year)

Well #3 (West of Sale Barn)	2 HP	21 GPM
--------------------------------	------	--------

Domestic and Stock Water

54 GPM

59 GPM

• 13 CFS

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 TARA BACKLUND

DATE	CUSTOMER
October 15, 1997 8:30am	LONNIE LEAVELL

SUBJECT: A37-11199 AND OTHER
phone call (X) walk-in (.)

MR. LEAVELL CAME IN TO DISCUSS WHAT WAS NEEDED OR TWO OWNERSHIP CHANGES AND THE WATER MEASUREMENT DISTRICT. ON THE FIRST OWNERSHIP CHANGE I TOLD HIM TO FILL OUT THE FORM AND HAVE A COPY OF A LEGAL DOCUMENT WITH THE FORMER OWNER'S SIGNATURE. HE ALSO WANTED TO CHANGE OWNERSHIP ON THE GOODING LIVESTOCK COMMISSION COMPANY HE HAD ACQUIRED. I CHECKED THE DATA BASE FOR THESE CLAIMS OR RIGHTS. I COULD NOT FIND ANYTHING UNDER THIS NAME OR OTHER FORMER OWNERS. BOTH FRANK AND I GUESS THAT THIS PARTICULAR WELL WAS MISSED IN THE ADJUDICATION. MR. LEAVELL WAS GOING TO INVESTIGATE MORE ON THE OWNERSHIP. HE MAY COME IN LATER AND FILE ON THIS CLAIM.

LEAVELL CATTLE

Lonnie LeaVell
RES (208) 934-8190

P.O. Box 54
GOODING, IDAHO 83330

(208) 934-8543
FAX (208) 934-8879

RECEIVED

JUN 04 1997

Department of Water Resources
Southern Region

June 2, 1997

State of Idaho
West ESPA Water Measurement District
c/o Idaho Department of Water Resources
1341 Fillmore St. Ste. 200
Twin Falls, ID 83301-3380

To whom it may concern,

Find enclosed a copy of title policy 13 0029 061 01040, showing subject property being vested in my name.

Please change your records to indicate same, and address to be P.O. Box 54
Gooding, ID 83330

Please note our two wells which supply stock water, are inter tied with the domestic and commercial usage.

Very Truly Yours,


Alonzo B. LeaVell

LEAVELL CATTLE
P.O. BOX 54
GOODING, ID 83330

RECEIVED

POLICY OF TITLE INSURANCE

JUN 04 1997

13 0029 061 01040

Department of Water Resources
Southern Region

SECURITY UNION TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, SECURITY UNION TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
 - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
 - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

Issued by:
LAND TITLE AND ESCROW, INC.
237 North Lincoln Street
P. O. Box 349
Jerome, Idaho 83338
(208) 324-3357

SECURITY UNION TITLE INSURANCE COMPANY

By:

Richard L. Polla
President

By:

Richard M. Kearn
Secretary



Joni Harris
Authorized Signature

ALTA LOAN POLICY (4-6-90)

SECURITY UNION TITLE INSURANCE COMPANY

LOAN

SCHEDULE A

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
G-20912 13 0029 61 01040		March 30, 1994 at 3:13 P. M.	\$60,000.00	\$340.47

1. NAME OF INSURED: THE MUTUAL LIFE INSURANCE COMPANY
OF NEW YORK, a New York Corporation

2. The estate or interest in the land which is encumbered by the insured mortgage is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

Alonzo B. Leavell, a married man
dealing in his sole and separate property

4. The insured mortgage and assignments thereof, if any, are described as follows:

Idaho Mortgage and Security Agreement given by Alonzo B. LeaVell, a married man dealing in his sole and separate property, to The Mutual Life Insurance Company of New York, a New York corporation, dated March 29, 1994, recorded March 30, 1994 as Instrument Number 156353, Gooding County records, TO SECURE: \$500,000.00. (covers property in Gooding, Camas, Owyhee and Blaine Counties)

(NOTE: Notwithstanding the fact that the Mortgage insured herein is in the amount of \$500,000.00. The total liability of the Company under this policy does not exceed \$60,000.00)

5. The land referred to in this Policy is described as follows:

SEE ATTACHED SCHEDULE A, PAGE 2

This Policy is valid only if Schedule B is attached.

CONTINUATION

SCHEDULE A

Order Number: 13 0029 061 01040

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 31: Lot 3 North of the right of way of the Union Pacific Railroad Company, EXCEPT the following described tract of land:

Beginning at a point on the North boundary of said Lot 3, which point bears South $89^{\circ}57'$ East for a distance of 1097.0 feet from the West quarter corner of said Section 31, said point being THE TRUE POINT OF BEGINNING;

Thence South $2^{\circ}21'$ East along a fence as constructed for a distance of 448.0 feet to the North right of way boundary of the Union Pacific Railroad;

Thence North $84^{\circ}15'$ East along the North right of way boundary of said Railroad to point of intersection with the East line of Lot 3;

Thence North along the East line of Lot 3 to the Northeast corner thereof;

Thence West along the North line of Lot 3 to THE TRUE POINT OF BEGINNING.

AND EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Northwest corner of said Lot 3, which point shall be known as THE TRUE POINT OF BEGINNING;

Thence East along the North boundary of Lot 3, 214.00 feet;

Thence South parallel to the West boundary of Lot 3, 200.00 feet;

Thence West parallel to the North boundary of Lot 3, 214.00 feet to a point on the West boundary of Lot 3;

Thence North along the West boundary of Lot 3, 200.00 feet to THE TRUE POINT OF BEGINNING.

LOAN

SCHEDULE B

POLICY NUMBER: 13 0029 061 01040

EXCEPTIONS FROM COVERAGE

This Policy does not insure against loss or damage (and the Company will not pay attorneys' fees or expenses) which arise by reason of:

GENERAL EXCEPTIONS:

- (1) Rights or claim of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claim of easements, not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims: (b) reservations or exceptions in patents, state grants, or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SPECIAL EXCEPTIONS:

-CONTINUED-

Schedule B (Standard Coverage)

CONTINUATION

SCHEDULE B

Policy Number: 13 0029 061 01040

1. Taxes for 1994 and subsequent years, a lien, but not yet due and payable.
2. Assessments levied or to be levied by the Gooding County Solid Waste Department. (Assessments Paid Current)
3. Right of way for canals, laterals and waste ditches of Big Wood Canal Company.
4. Easement given by H. E. Baysinger and Doris E. Baysinger to The Mountain States Telephone and Telegraph Co., dated November 26, 1941, recorded May 23, 1942 in Book 5 Page 136 as Instrument Number 84179, Gooding County records, affecting the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 5 South, Range 15, East Boise Meridian.
5. Terms and conditions of an Agreement by and between E. C. Clemons, first party, O. S. Leavell, second party, and Gooding Livestock Commission Co., Inc., a corporation, third party, dated June 1, 1961, recorded January 30, 1962 as Instrument Number 3543, Gooding County records, wherein it is agreed that the second and third party shall obtain water from a well owned by first party, located on a portion of Lot 3 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 5 South, Range 15, East Boise Meridian.
6. Power Line Easement given by Orie S. Lea Vell to Idaho Power Company, a corporation, dated December 17, 1971, recorded January 24, 1972 as Instrument Number 38794, Gooding County records, affecting the West 300 feet, Lot 3 lying North of Union Pacific Rail Road Company right of way, in Section 31, Township 5 South, Range 15, East Boise Meridian.
7. Power Line Easement given by Interstate Cattle Co. to Idaho Power Company, a corporation, dated January 14, 1974, recorded August 7, 1975 as Instrument Number 55820, Gooding County records, affecting the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 5 South, Range 15, East Boise Meridian.
8. Financing Statements, Seed and Farm Laborer's liens against crops which are filed in the office of the Secretary of State.
9. Financing Statement from Alonzo B. LeaVell, as Debtor, to The Mutual Life Insurance Company of New York, as Secured Party, filed March 30, 1994 as Instrument Number 156352, Gooding County records.

Schedule B (Standard Coverage)

LOAN

SCHEDULE B - SECTION II

POLICY NUMBER: 13 0029 061 01040

EXCEPTIONS FROM COVERAGE

In addition to the matters set forth in Part 1 of this Schedule, the title to the estate or interest in the land described or referred to in Schedule A is subject to the following matters, if any be shown, but the Company insures that these matters are subordinate to the lien or charge of the insured mortgage upon the estate or interest:

PART II

Special Exceptions:

NONE

Schedule B-Part II



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUL 30, 1997

ALONZO LEAVELL
LEAVELL CATTLE
PO BOX 54
GOODING ID 83330

ADJUDICATION CLAIM A37-11199

DEAR MR LEAVELL:

I AM ENCLOSING A CHANGE OF OWNERSHIP AND A SELF-ADDRESSED ENVELOPE FOR THE ADJUDICATION CLAIM THAT WAS UNDER THE NAME OF RHEA CATTLE COMPANY. THIS NEEDS TO BE COMPLETED AND SENT BACK ALONG WITH A DEED STATING THAT RHEA SOLD TO LEAVELL CATTLE. A MAP OF THE PROPERTY WILL ALSO BE NEEDED.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE. THANK YOU FOR YOUR TIME.

SINCERELY,

A handwritten signature in cursive script, reading "Tara L. Backlund".

TARA L BACKLUND
ADJUDICATION RECORDS CLERK

/tlb
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: **A37-11199**
Date Received: 8/31/1988
Receipt No: C002412
Received By: _____

Owner Change

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

1. Name: RHEA CATTLE COMPANY 402-478-4344
Address: P O BOX 272
ARLINGTON NE 68002

2. Date of Priority: APR 1, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	31	NW	NW	SW		GOODING

5. Description of diverting works:
2 WELLS, APPROX 200' DEEP, AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.460		
COMMERCIAL	07/01	08/31	0.150		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 2 HOUSES, 2 TRAILERS, 1 OFFICE, STOCK - 2000 HEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	31	NW	SW		DOMEST	
			NW	SW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	31	NW	SW		COMMER	

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:

CDHANGE OF OWNER: CHANGED FROM LEAVELL TO RHEA CATTLE CO ON
JULY 15,1993. COPY OF WARRANTY DEED ON FILE. 8/2/1993 RVW

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 ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED
OCT 25 1994

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
OCT 25 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: 7-15-1993

LEGAL DESCRIPTION OF PROPERTY: Township 5S Range 15 EBM

Section 31, 1/4 of 1/4 of 1/4 Govt. Lot SBM

Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

JUL 27 1993
Department of Water Resources
Southern Region Office

☐ 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: A37-11199

☐ Name and Address of Former Owner/Claimant(s)(Seller):

ORIE S. LEAVELL

246 Main Street, Gooding, ID 83330

☐ New Owner/Claimant (Purchaser):

Rhea Cattle Company

272 ← OK (Verified by Penney of Land Title R. V. V.)

☐ New Mailing Address:

Box 572, Arlington, Nebraska 68002 by phone

☐ New Telephone Number: ☒ (402) 478 - 4344

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

Copy of Recorded 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)

Rhea Cattle Company
by [Signature]

Date 7-14-93

Date _____

☐ Signature of Former Owner/Claimant(s):

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: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

OCT 25 1994

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

WARRANTY DEED

COPY

For Value Received

KATHLEEN J. COOPER, Successor Trustee, of
THE ORIE S. LEAVELL REVOCABLE TRUST, dated September 3, 1992

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

RHEA CATTLE COMPANY, a Nebraska Corporation

whose address is: Box 572, Arlington, Nebraska 68002

(272) — *Correct*
Box No.*Verified by Permit of Land Title & Escrow, Gooding*
8/2/92 B.J.H.

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"
(containing two pages)

153400

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of *Land Title & Escrow Inc.**42* min. past *4* o'clock *P* m. this *19*of *July*, 19*93* *9.00*

JOHN A. MYERS Recorder

By *Alberta Seta* Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 8, 1993

*Kathleen J. Cooper*Kathleen J. Cooper, Successor Trustee of
The Orie S. Leavell Revocable Trust

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19____,
before me, a notary public in and for said State, personally appeared _____known to me to be the person _____ whose name
subscribed to the within instrument, and acknowledged
to me that _____ executed the same.Residing at _____, Idaho.
Commission expires: _____

Notary Public

STATE OF IDAHO, COUNTY OF GOODING

On this *19th* day of July, 1993, before me, a Notary Public in and for said State, personally appeared Kathleen J. Cooper, Successor Trustee of The Orie S. Leavell Revocable Trust known to me to be the person whose name is subscribed to the within instrument, and that she executed the foregoing instrument, and acknowledged to me that she executed the same as Successor Trustee.

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

Janet A. Dorrell
Notary PublicResiding at: Gooding, Idaho
Commission Expires: 2-28-1999

EXHIBIT "A"

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 31: Lot 3 North of the right of way of the Union Pacific Railroad Company, EXCEPT the following described tract of land:

Beginning at a point on the North boundary of said Lot 3, which point bears South 89°57' East for a distance of 1097.0 feet from the West quarter corner of said Section 31, said point being THE TRUE POINT OF BEGINNING;
Thence South 2°21' East along a fence as constructed for a distance of 448.0 feet to the North right of way boundary of the Union Pacific Railroad;
Thence North 84°15' East along the North right of way boundary of said Railroad to point of intersection with the East line of Lot 3;
Thence North along the East line of Lot 3 to the Northeast corner thereof;
Thence West along the North line of Lot 3 to THE TRUE POINT OF BEGINNING.

THIS LAND IS CONVEYED WITHOUT BIG WOOD WATER STOCK SHARES APPURTENANT THERETO.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1993 and subsequent years, which are not yet due and payable.

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Easement given by H. E. Baysinger and Doris E. Baysinger to The Mountain States Telephone and Telegraph Co., dated November 26, 1941, recorded May 23, 1942 in Book 5 Page 136 as Instrument Number 84179, Gooding County records, affecting the N $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 5 South, Range 15, East Boise Meridian.

Terms and conditions of an Agreement by and between E. C. Clemons, first party, O. S. Leavell, second party, and Gooding Livestock Commission Co., Inc., a corporation, third party, dated June 1, 1961, recorded January 30, 1962 as Instrument Number 3543, Gooding County records, wherein it is agreed that the second and third party shall obtain water from a well owned by first party, located on a portion of Lot 3 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Orrie S. Lea Vell to Idaho Power Company, a corporation, dated December 17, 1971, recorded January 24, 1972 as Instrument Number 38794, Gooding County records, affecting the West 300 feet, Lot 3 lying North of Union Pacific Rail Road Company right of way, in Section 31, Township 5 South, Range 15, East Boise Meridian.

Power Line Easement given by Interstate Cattle Co. to Idaho Power Company, a corporation, dated January 14, 1974, recorded August 7, 1975 as Instrument Number 55820, Gooding County records, affecting the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 5 South, Range 15, East Boise Meridian.

Subject to the unpaid balance of one certain Mortgage given by Orie S. Leavell and Alonzo B. Leavell, aka Lonnie Leavell by individually and Orie S. Leavell, aka Lonnie Leavell the Idaho First National Bank, dba Leavell Cattle Co!, to November 20, 1989 as Instrument Number 138798, Gooding County records. ASSIGNED to Rhea Cattle Company, a Nebraska Corporation, by an Assignment of Promissory Note and Mortgage dated January 26, 1993, recorded January 28, 1993 as Instrument Number 151450, Gooding County records.

Subject to Financing Statement from the Estate of Orie S. Leavell, Leavell Cattle Co., Alonzo B. Leavell and Lonnie Leavell, as Debtors, to West One Bank, Idaho, as secured Party, filed January 28, 1993 as Instrument Number 151451, Gooding County records. Assignment filed January 28, 1993 as Instrument Number 151452, Gooding County records, changing Rhea Cattle Company as Assignee of Secured Party.

RECEIVED
JAN 28 1993
IDAHO COUNTY



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

02-Aug-1993

RHEA CATTLE COMPANY
P O BOX 272
ARLINGTON NE 68002

Re: Ownership change for Adjudication Claim No. A37-11199

Dear Sir;

Pursuant to the notification that you presently have bought the property in which the above-referenced Adjudication Claim is appurtenant, the Department has changed the record of the current owner as you requested. Enclosed is a copy of the computer record of the claim with the change in the claimant.

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

Sincerely,

A handwritten signature in cursive script, reading 'Robert Worstell'.

Robert Worstell
Sr Adjudication Agent

1 Enclosure

*Note: Copy of changed claim sent
thru Land Title & Escrow Office in
Gooding ID.*

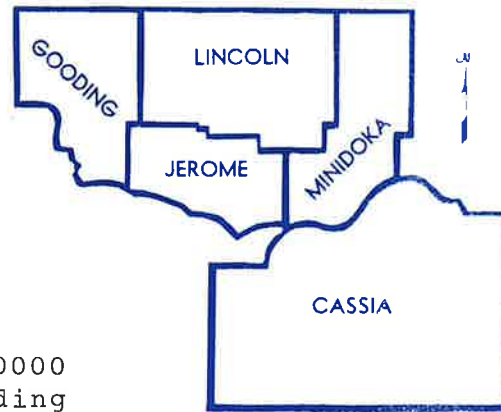
Handwritten initials 'R.V.W.' in cursive script.

MICROFILMED

001 63 1993

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



RECEIVED

JUL 27 1993

Department of Water Resources
Southern Region Office

REFER TO: G-20000
OFFICE: Gooding

TO: Bob Worstell
Department of Water Resources
222 Shoshone St. East, Twin Falls, ID 83301

Dear Bob:

WE ENCLOSE THE FOLLOWING:

1 DEED Copy Leavell TO Rhea Cattle
MORTGAGE TO
DEED OF TRUST TO
RELEASE OF MORTGAGE
SUBORDINATION OF
UCC-1 FINANCING STATEMENT
UCC-3 AMENDMENT, TERMINATION, RELEASE, ASSIGNMENT
DEED OF RECONVEYANCE
Notice of Change of Water Right Ownership

COMMENTS: PLEASE PROVIDE OUR OFFICE WITH COPY OF CHANGE.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

By J. Gorrell

LAND TITLE AND ESCROW, INC. MICROFILMED

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: A37-11199

Date Received: 8/31/1988

Receipt No: 6002412

Received By: JP 9p

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORIE LEAVELL 208-934-8598
Address: BOX 54
GOODING, ID 83330

OR

Name: LONNIE LEAVELL 208-934-8598
Address: BOX 54
GOODING, ID 83330

2. Date of Priority: APR 01, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	31	NW	NW	SW		GOODING

5. Description of diverting works:
2 WELLS, APPROX 200' DEEP, AND PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.460		
COMMERCIAL	07/01	08/31	0.150		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 2 HOUSES, 2 TRAILERS, 1 OFFICE, STOCK - 2000 HEAD

A37-11199

Page 1

Date: 08/31/88

MICROFILMED
FEB 25 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	15E	31	NW		SW		DOMEST	
			NW		SW		STOCK	
			NW		SW		COMMER	

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: BENEFICIAL USE

MICROFILMED
FEB 25 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: 1

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): Jonnie France Date: 8-31-88
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of August 19 88 Gene Bellis
Notary Public

Seal

Residing at Caldwell, ID
My Commission Expires 3/21/91

T5S R15E BM.

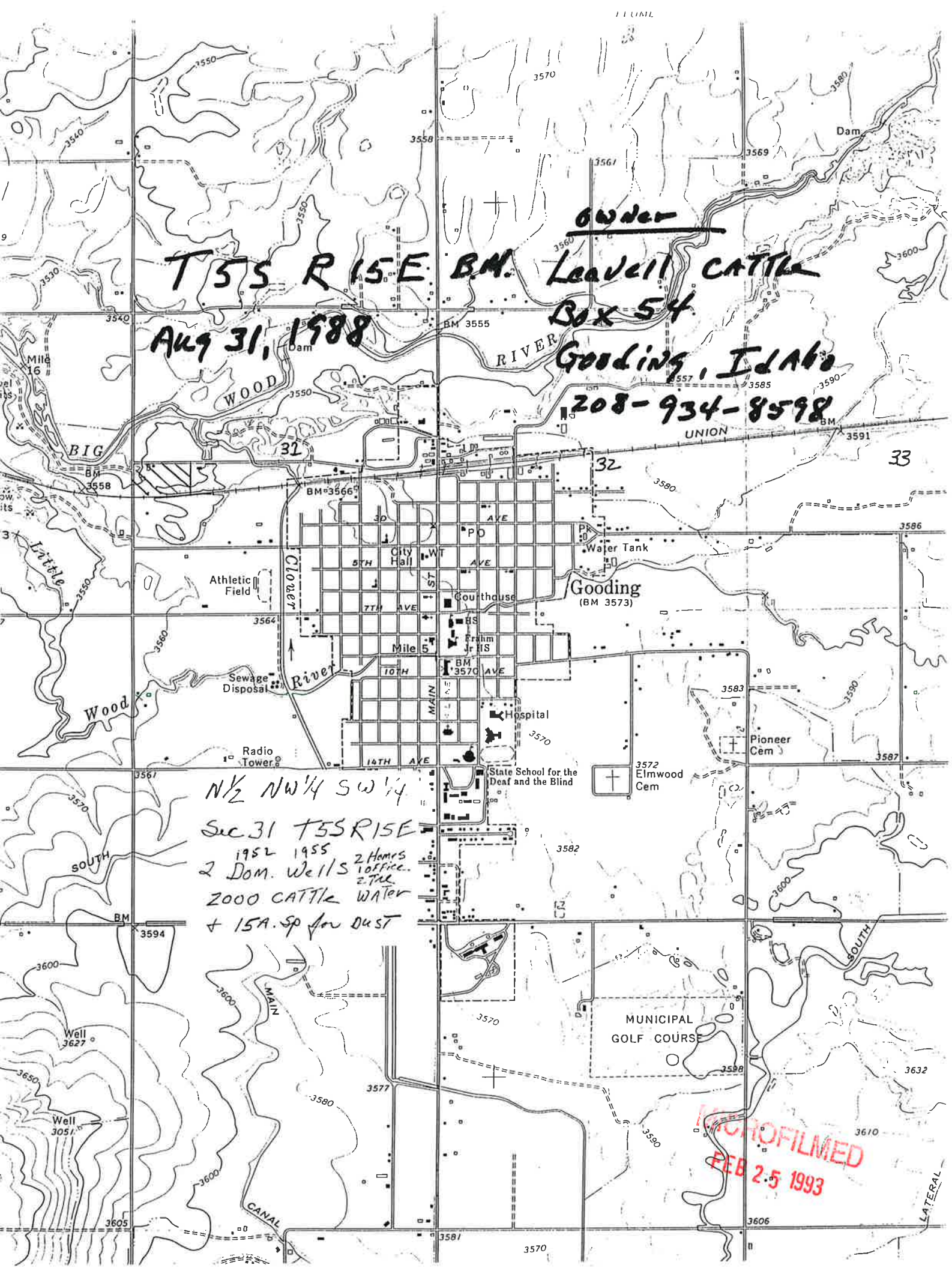
Owner
Leavelle CATTLE

AUG 31, 1988

Box 54

Gooding, Idaho

208-934-8598



N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec 31 T5S R15E

1952 1955 2 Homes
2 Dom. Wells 1 office.
2 TR. 2000 CATTLE WATER
+ 15A. sp for DUST

MUNICIPAL
GOLF COURSE

MICROFILMED
FEB 25 1993

MEMORANDUM

TO: SRBA Files A37-11199 and A37-07395

FROM: Corey Skinner *CS*

DATE: March 13, 1997

SUBJECT: Information Request

This day, Lonnie LeaVell came by the office inquiring about his water rights for a feedlot located near Gooding in Section 31 (T05S, R15E). After examining the department's records, I found that SRBA claim A37-11199 had been filed on Mr. LeaVell's feedlot. I gave Mr. LeaVell a copy of a proof report of claim A37-11199. Mr. LeaVell mentioned that since the feedlot was located so close to the city, they were considering eventually developing the property into a mobile home park. He inquired about the possibility of converting claim A37-11199 to domestic uses. I explained to Mr. LeaVell that such a proposed change would have to be through the transfer process, and that part of that process would include pinning down the exact historical use of water at the feedlot. We discussed various aspects of the claim, including volumes, and how these values could be obtained (power records, affidavits, etc.) by documenting past water use. I also explained to Mr. LeaVell that the department could probably process a new application for domestic use(s) for a mobile home park, which would be an easier and less complicated process.

Mr. LeaVell also inquired about water rights and development around the west edge of Magic Reservoir. Mr. LeaVell is considering developing a subdivision and golf course on land that he owns near Magic Reservoir. He is considering modifying an existing irrigation right, 37-07395, to provide water for the subdivision development. We discussed various water development scenarios and procedures for the proposed subdivision. I gave Mr. LeaVell 4 copies of the proof reports for license 37-07395 and SRBA claim A37-07395. He said that his engineers were preparing plans for agency review and comments and that our office should be receiving some in the next couple of weeks.



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 8, 2002

37-11199
ALONZO LEAVELL
PO BOX 54
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
Adjudication Bureau

Enclosures

37-11202
LONNIE LEAVELL
P.O. BOX 54
GOODING ID 83340

37-11202
ORIE LEAVELL
BOX 54
GOODING ID 83330