

COPY

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Subcase No. 37-20344

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

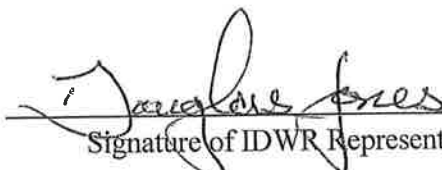
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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

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

Dated: 7/10/06


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/10, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Pitchfork Ranch LLC
c/o Chuck Hill
PO Box 1607
Bellevue WA 98009

Rocky Mtn Land & Cattle LLC
c/o Holden Kidwell Hahn Crapo
PO Box 50130
Idaho Falls ID 83405



Signature of person or attorney mailing the form

05/31/2006

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

RIGHT NUMBER: 37-20344

NAME AND ADDRESS: PITCHFORK RANCH LLC
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

SOURCE: CLOVER CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.880 CFS
176.00 AFY

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231 and 37-20344 when combined shall not exceed a total annual maximum field headgate volume of 2855 af.

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, and a portion of Right 37-4112, held by King Hill Irrigation District, shall not exceed a total annual maximum field headgate volume of 3,488 af.

PRIORITY DATE: 01/25/1904

POINT OF
DIVERSION: T05S R11E S8 NWSW Lot 1 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.880 CFS 176.00 AFY

PLACE OF USE: IRRIGATION Within ELMORE County

T05S R10E S01 Lot 1 NENE	36.00	T05S R10E S01 Lot 2 NWNE	35.00
T05S R10E S01 SWNE	28.00	T05S R10E S01 SENE	40.00
T05S R10E S01 NESE	37.00	T05S R10E S01 NWSE	4.00
T05S R10E S01 SESE	9.00	T05S R10E S12 NENE	4.00
T05S R11E S05 NESW	27.00	T05S R11E S05 NWSW	25.00
T05S R11E S05 SWSW	40.00	T05S R11E S05 SESW	28.00
T05S R11E S06 Lot 2 NWNE	34.00	T05S R11E S06 SWNE	22.00
T05S R11E S06 SENE	14.00	T05S R11E S06 Lot 3 NENW	38.00
T05S R11E S06 Lot 4 NWNW	29.00	T05S R11E S06 Lot 5 SWNW	31.00
T05S R11E S06 SENW	40.00	T05S R11E S06 NESW	40.00
T05S R11E S06 Lot 6 NWSW	31.00	T05S R11E S06 Lot 7 SWSW	20.00
T05S R11E S06 SESW	26.00	T05S R11E S06 NESE	34.00
T05S R11E S06 NWSE	38.00	T05S R11E S06 SWSE	23.00
T05S R11E S06 SESE	32.00	T05S R11E S07 NENE	6.00
T05S R11E S07 Lot 4 SWNE	8.00	T05S R11E S07 SENE	17.00
T05S R11E S07 NENW	14.00	T05S R11E S07 Lot 1 NWNW	17.00
T05S R11E S07 Lot 5 NESE	4.00	T05S R11E S08 NWNW	17.00
T05S R11E S08 SWNW	5.00	T05S R11E S08 Lot 1 NWSW	8.00

861 ACRES TOTAL

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, and a portion of Right 37-4112, held by King Hill Irrigation District, shall not exceed the irrigation of 825.2 acres within the place of use described above. The total annual field headgate volume and the total acreage limitations in this condition may be amended administratively upon a determination by the SRBA Court that the place of use for the portion of Right 37-4112 appurtenant to the place of use described above is different than the place of use for Right 37-4112 as described in the final decision approving Transfer 68533.

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231 and 37-20344 shall not exceed the irrigation of 667 acres within the place of use described above.

This right is limited to the irrigation of 44 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from King Hill Irrigation District.

Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



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

SOUTHERN REGION

July 10, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

PITCHFORK RANCH LLC
C/O CHUCK HILL
PO BOX 1607
BELLEVUE WA 98009

RE: SRBA Claim(s) 37-20344

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

cc: Rocky Mountain Land & Cattle LLC

WATER RIGHT NO. 37-20344
As Modified by Transfer No. 68533

In accordance with the approval of Transfer No. 68533, Water Right No. 37-20344 is now described as follows.

Right Holder: ROCKY MOUNTAIN LAND & CATTLE LLC
 C/O KENT FOSTER
 HOLDEN KIDWELL HAHN & CRAPO PLLC
 PO BOX 50130
 IDAHO FALLS ID 83405

Priority Date: January 25, 1904

Source: CLOVER CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.88 CFS	176.0 AF
			0.88 CFS	176.0 AF

LOCATION OF POINT(S) OF DIVERSION:

CLOVER CREEK L1 (NENWSW) Sec. 8 Twp 05S Rge 11E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 10E 1	36.0	35.0	28.0	40.0									37.0	4.0		9.0	189.0
	L 1	L 2															
05S 10E 12	4.0																4.0
05S 11E 5									27.0	25.0	40.0	28.0					120.0
05S 11E 6		34.0	22.0	14.0	38.0	29.0	31.0	40.0	40.0	31.0	20.0	26.0	34.0	38.0	23.0	32.0	452.0
		L 2			L 3	L 4	L 5			L 6	L 7						
05S 11E 7	8.0		8.0	17.0	14.0	17.0							4.0				66.0
			L 4			L 1							L 5				
05S 11E 8					17.0	5.0			8.0								30.0
									L 1								

Total Acres: 861

WATER RIGHT NO. 37-20344
As Modified by Transfer No. 68533

CONDITIONS OF APPROVAL

1. Right 37-20344 is limited to the irrigation of 44.0 acres within the place of use described above in a single irrigation season.
2. Right 37-20344 shall not exceed a total diversion rate of 0.88 cfs, a total annual maximum diversion volume of 176.0 af at the field headgate, and the irrigation of 44.0 acres.
3. Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231 and 37-20344 when combined shall not exceed a total annual maximum field headgate volume of 2,855.0 af, and the irrigation of 667.0 acres within the place of use described above.
4. Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, and a portion of Right 37-4112, held by King Hill Irrigation District, shall not exceed a total annual maximum field headgate volume of 3,488.0 af, and the irrigation of 825.2 acres within the place of use described above. The total annual field headgate volume and the total acreage limitations in this condition may be amended administratively upon a determination by the SRBA Court that the place of use for the portion of Right 37-4112 appurtenant to the place of use described above is different than the place of use for Right 37-4122 as described in the final decision approving Transfer 68533.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of June, 2005



Chief, Water Allocation Bureau

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

RIGHT NUMBER: 37-20344

NAME AND ADDRESS: ROCKY MOUNTAIN LAND & CATTLE LLC
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: CLOVER CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.880 CFS
176.000 AFY

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231 and 37-20344 when combined shall not exceed a total annual maximum field headgate volume of 2855 af.

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, and a portion of Right 37-4112, held by King Hill Irrigation District, shall not exceed a total annual maximum field headgate volume of 3,488 af.

PRIORITY DATE: 01/25/1904

POINT OF DIVERSION:

T05S R11E S8 NWSW Lot 1 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.880 CFS 176.00 AFY

PLACE OF USE: IRRIGATION Within ELMORE County

T05S R10E S01 Lot 1 NENE	36.0	T05S R10E S01 Lot 2 NWNE	35.0
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T05S R10E S01 SESE	9.0	T05S R10E S12 NENE	4.0
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T05S R11E S06 Lot 6 NWSW	31.0	T05S R11E S06 Lot 7 SWSW	20.0
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T05S R11E S06 NWSE	38.0	T05S R11E S06 SWSE	23.0
T05S R11E S06 SESE	32.0	T05S R11E S07 NENE	6.0
T05S R11E S07 Lot 4 SWNE	8.0	T05S R11E S07 SENE	17.0
T05S R11E S07 NENW	14.0	T05S R11E S07 Lot 1 NWNW	17.0
T05S R11E S07 Lot 5 NESE	4.0	T05S R11E S08 NWNW	17.0
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861 ACRES TOTAL

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

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231, 37-20344, and a portion of Right 37-4112, held by King Hill Irrigation District, shall not exceed the irrigation of 825.2 acres within the place of use described above. The total annual field headgate volume and the total acreage limitations in this condition may be amended administratively upon a determination by the SRBA Court that the place of use for the portion of Right 37-4112 appurtenant to the place of use described above is different than the place of use for Right 37-4112 as described in the final decision approving Transfer 68533.

Rights 61-349, 61-353, 61-356, 61-357, 61-2242, 61-2243, 61-7231 and 37-20344 shall not exceed the irrigation of 667 acres within the place of use described above.

This right is limited to the irrigation of 44 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from King Hill Irrigation District.

Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

9/7/2000

Kent Foster
Holden, Kidwell, Hahn & Crapo
PO BOX 50130
Idaho Falls ID 83405

RE: Rocky Mountain Land & Cattle Owner Change and pre-Transfer Review

Dear Mr. Foster,

At long last I have completed the above listed administrative activities and am forwarding my results. Enclosed are computer printouts for the portion of the original SRBA claim that appears to be appurtenant to the land RML&C purchased from Barber-Caven Ranches, as well as a map that approximates the division of the lands (see analysis below). Please review the materials for completeness and accuracy. If there is a problem or question please contact me.

Review of the right to assist in the transfer process was difficult. Older administrative transfers have resulted in database and paper record confusion. To summarize the trail somewhat:

- 1) Right was licensed for 3.88 cfs for use on 194 acres.
- 2) A transfer in about 1912 shifted acres eastward.
- 3) A transfer in 1959 split the right and established the pump in Clover Creek for 1.96 cfs, no acres given.
- 4) SRBA claim, A37-02006E, filed "recombining" parts specifying 3.88 cfs for use on 320 acres.

The SRBA claim included some ambiguities such as identifying each tract as 40 acres in size regardless of Gov't lot size, including area on the south side of the Snake River, the Snake River itself and in King Hill, and including railroad and highway rights of way and other exclusions. Taking the claim at face value the property description was superimposed as best as possible and the proportionate areas were assigned to each part along with the pro rata diversion flow rate.

A geographic information system analysis was completed that was based on aerial photography taken in 1987. The GIS analysis was then field checked on 8/17/00 and confirmed with conversations with RML&C manager Stan Phelps and Barber-Caven representative Jim Chambers. An examination of the USGS Orthophotographic Quadrangle map for the King Hill

Area, based on 1976 aerial photograph, confirms that the character of the area in question is similar to that depicted in the 1987 aerial photograph. It is my conclusion that right 37-02006 has been used on 44 acres of the claimed place of use. Other areas within the claimed place of use are either nonirrigated or have been irrigated with King Hill Irrigation District shares for decades. The 44 acres irrigated are wholly contained in the property purchased by RML&C.

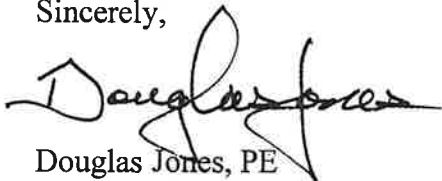
Based on the photographic and verbal information used to reach this determination I am developing preliminary recommendations for the claim parts. My recommendation for the part owned by RML&C, assigned identification A37-20344, will be limited to 44 acres and 0.88 cfs diversion from Clover Creek. The balance of the claimed area has either never been irrigated or has been partially forfeited through nonuse between the years 1976 and 2000.

The portion retained by Barber-Caven, assigned identification A37-20343, will be recommended as disallowed by partial forfeiture for nonuse between the years 1976 and 2000. Some questions as to ownership of the land to which this right is claimed further complicates the analysis of the validity of the right.

My field review documented a new pumping station has been constructed on Clover Creek by RML&C. This station consists of two 125 hp pumps feeding a 12" mainline. The mainline heads upslope to the upper bench and Clover Creek water was observed to be applied to land that does not have Clover Creek-source water right(s). Be advised that use of the rights for irrigation of land other than that to which it is recorded is a violation of Idaho statutes. Please take steps to prevent inappropriate diversion and use of water.

Again, if you have questions or need further assistance please contact me. Thank you for your patience and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Jones", written in a cursive style.

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
330 Shoup Avenue, Third Floor
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

RECEIVED

MAY 1 - 2000

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

Subcase No.: 37-02006E

NOTICE OF APPEARANCE

NOTICE IS HEREBY GIVEN that Kent W. Foster of the firm of Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby enters an appearance on behalf of ROCKY MOUNTAIN LAND & CATTLE, LLC in the above numbered subcase.

Dated this 27th day of April, 2000.



Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

COPY

CERTIFICATE OF SERVICE

I hereby certify that I am a duly licensed attorney in the State of Idaho, resident of and with my office in Idaho Falls, Idaho; that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, a true and correct copy thereof on this 27th day of April, 2000.

DOCUMENT SERVED:

NOTICE OF APPEARANCE

ATTORNEYS SERVED:

See attached Exhibit "A"



Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

EXHIBIT "A"

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Ketchum, ID 83340

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Vale, OR 97918

Larry C. Walker
P.O. Box 828
Weiser, ID 83672

Douglas R. Whipple
Byington Holloway
Whipple & James Chtd
P.O. Box 249
Burley, ID 83318

Jeanette Wolfley, Candy L.
Jackson
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, ID 83203

Gray Young, Terry T. Uhling,
Shawn Del Ysursa
J.R. Simplot Company
P.O. Box 27
Boise, ID 83707

Craig R. Zaiss
P.O. Box 628
Parma, ID 83660

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

United States Department of
Justice
Environment & Natural
Resources Div
550 W Fort St, MSC 032
Boise, ID 83724

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
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AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

April 26, 2000

Mr. Doug Jones
Idaho Department of Water Resource
1341 Filmore Street, Ste. 200
Twin Falls, Idaho 83301-3380

RECEIVED
APR 28 2000
Department of Water Resource
Twin Falls, Idaho

Re: Rocky Mountain Land & Cattle, LLC

Dear Mr. Jones:

Pursuant to our telephone discussion, we are enclosing the following with this letter:

1. Notice of Change of Ownership
2. Copy of Warranty Deed
3. Sketch maps from Guarantee Title Company in Mt. Home, Idaho
4. Aerial photo map

We realize the warranty deed and maps faxed to us by the Title Company were a little difficult to read (sometimes a 1 looks like a 2). The aerial photo comes from a good photograph, Clint Eshelman from Rain for Rent in Nampa acquired from the United States Department of Agriculture. It was a 1989 flight. We drew in the approximate location of the section lines in red, and the approximate location of the 16th section lines in green. We highlighted in yellow the apparently relevant portions of the land purchased by Rocky Mountain which contained the areas formerly irrigated from Clover Creek. We have shown section numbers and the approximate location of the pump station on Clover Creek.

We have been told the pump station has been there for many years. Even the United States Geological Survey quad map for this area shows the old ditch along the north side of Clover Creek as abandoned. Last year, Rain for Rent did some work on the pump station to upgrade it and hook up mainline to the new half pivots north of the Clover Creek land.

Mr. Doug Jones

April 27, 2000

Page 2

We obtained some maps showing field acreages from the Farm Service Agency office in Gooding, and had them certify its validity through about 1998, but we sent those maps to Lori Graves in the western region office. We kept a photocopy but cannot get a good enough copy to show you anything. It is of course essentially identical to the aerial photograph we have enclosed, except that it has field numbers and acreages. It shows 41.3 acres in Field No. 18 which contains the two obvious parcels in the area highlighted in yellow on the aerial photo. The area to the southwest of Field No. 18, also within the yellow highlighted area, has also been irrigated as pasture according to Stan Phelps (a former owner - now an employee of Rocky Mountain Land & Cattle, LLC). It appears that area has been marked as Field No. 31 and contains some 19.1 irrigated acres. It also appears that some of the land to the west of that shown in yellow was irrigated from Clover Creek. The FSA Map showed a Field No. 21 with 22 irrigated acres, and there may have been more land irrigated as pasture as well. However, it does not appear from the deed that Rocky Mountain purchased that land. If the land is still being operated, we have no idea how they get Clover Creek water to it.

The present Branch Manager for Rocky Mountain is Jack Farnsworth whose telephone numbers are (208) 366-7282 and (208) 590-1502. Jack and/or Stan may be able to shed some additional light if needed.

We will look forward to hearing from you as soon as it is convenient. Before we can proceed with the transfer, we will need to know what can be recommended in terms of the amount of water and the number of acres under 37-02006E.

Thank you for your kind assistance.

Yours very truly,



Kent W. Foster

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 37-20344
Date Received: 9/5/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

ROCKY MOUNTAIN LAND AND CATTLE LLC Phone:

AN IDAHO LIMITED LIABILITY CO
PO BOX 73
HAGERMAN ID 83332

2. Date of Priority: 01/25/1904

3. Source: CLOVER CREEK Trib. to: Snake River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
05S	11E	8	NW SW	ELMORE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.82	

7. Total Quantity Appropriated is:
1.82 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
05S	11E	7	SE	NE		IRRIGATION	40
			SW	NE	4	IRRIGATION	20
			NE	SE	5	IRRIGATION	10
Section Acres							70
05S	11E	8	SW	NW		IRRIGATION	40
			NW	SW	1	IRRIGATION	20
			Section Acres				
Total Acres							130

11. Place of use in counties: ELMORE

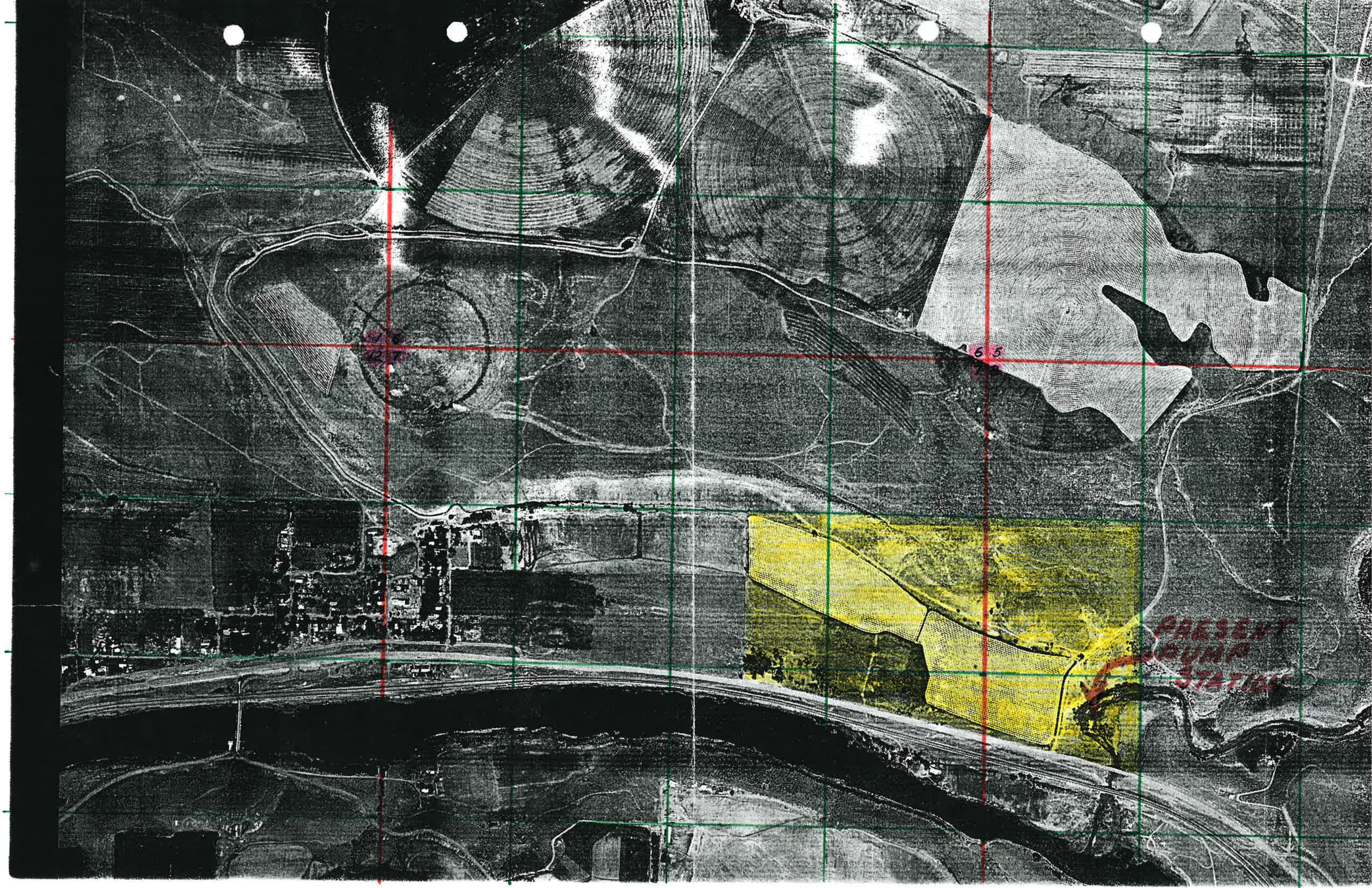
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CLAIM SPLIT FROM A37-02006E, CREATED A37-20343 & A372-344. DJ, 9/5/2000.

15. Basis of Claim: License



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

RECEIVED
APR 28 2000
Department of Water Resources
Boise, Idaho

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 Number(s) 37-02006E
Adjudication Claim Number(s) A37-02006E
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 on file with the county).
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Barber/Caven Ranches, 6874 Fairview Rd., Boise, Idaho 83704
Owner/Claimant(s)
4. New Owner/Claimant(s) Rocky Mountain Land & Cattle, LLC
Name connector (check one): ☐ AND ☐ OR, ☐ AND/OR

New Mailing Address: 2235 E. 25th St., Suite 220
City, State and ZIP Code: Idaho Falls, Idaho 83404
New Telephone Number: (208_) 524-5454
5. Date you acquired the property February 1, 1999
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 actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
Cubic Feet per second
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 Derek C. Ence, Manager Date 4-27-00
Owner/Claimant(s) Derek C. Ence, Manager Date _____
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attached a Notice of Appearance completed by your attorney.

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code, Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides the new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water right for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than ½ acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you.

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Ste. 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402-1718 (208) 525-7161

Lot 1 30.41

Royal Fork Restaurant Corp.
Barber⁺

lut2

King Hill Townsite

Lot 3

Lot 4

48.63

Phelps

c/d ✓
Royal Fork Rest
Corp. &
Barber ✓

T-2
Anderson

Lot 5 23.65

OSLKR
SNAKE RIVER

Aug 11, 9

Tax 3

Lot 9
43.96

Lot-8 19.50

Lot 7 16.56

Lot 6
43.48

Toy 4

Clare
33.96

Abb, e Herzth

Half moon Range

Apartment of Water Resource

APR 28 2000

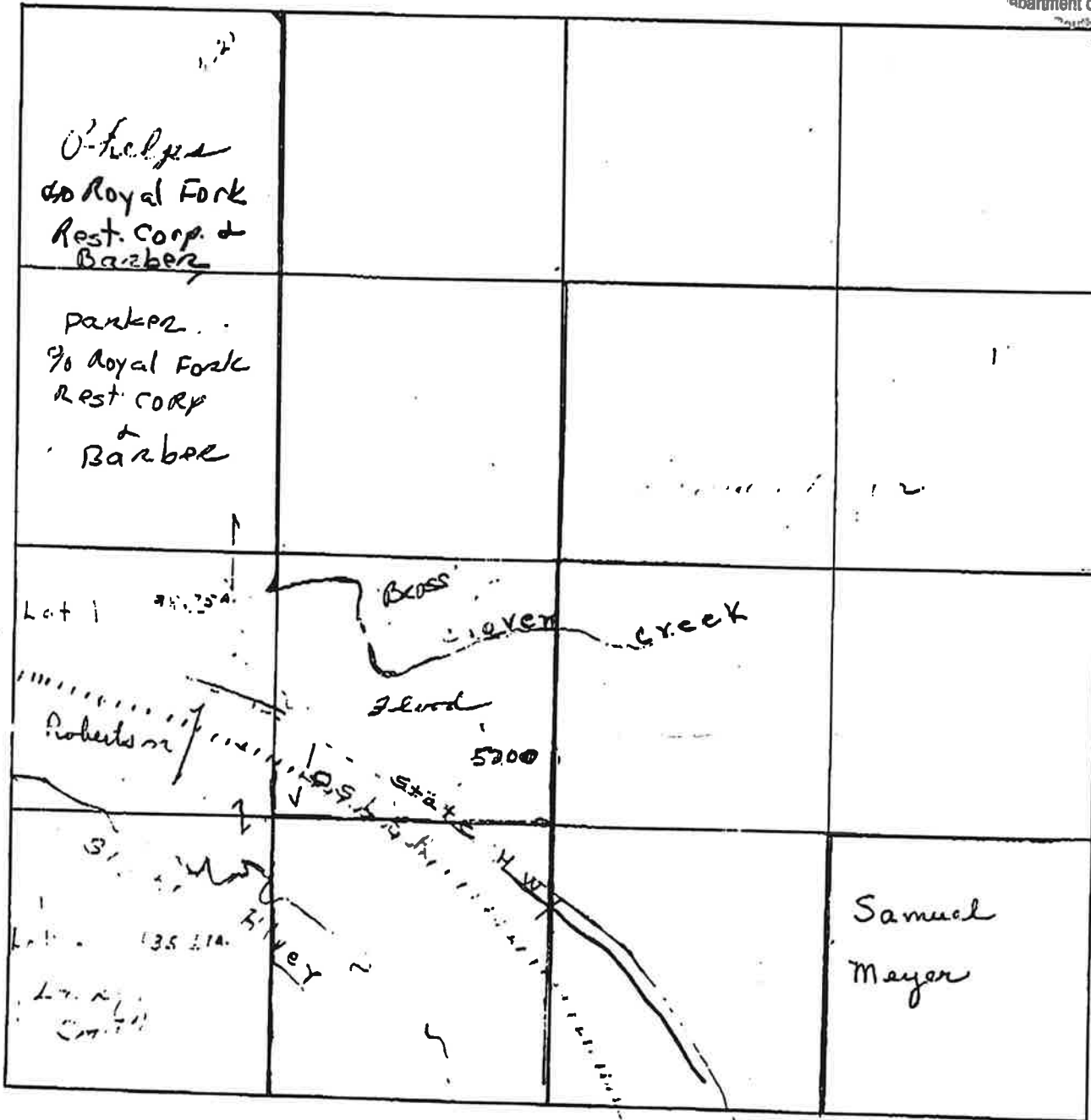
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RECEIVED

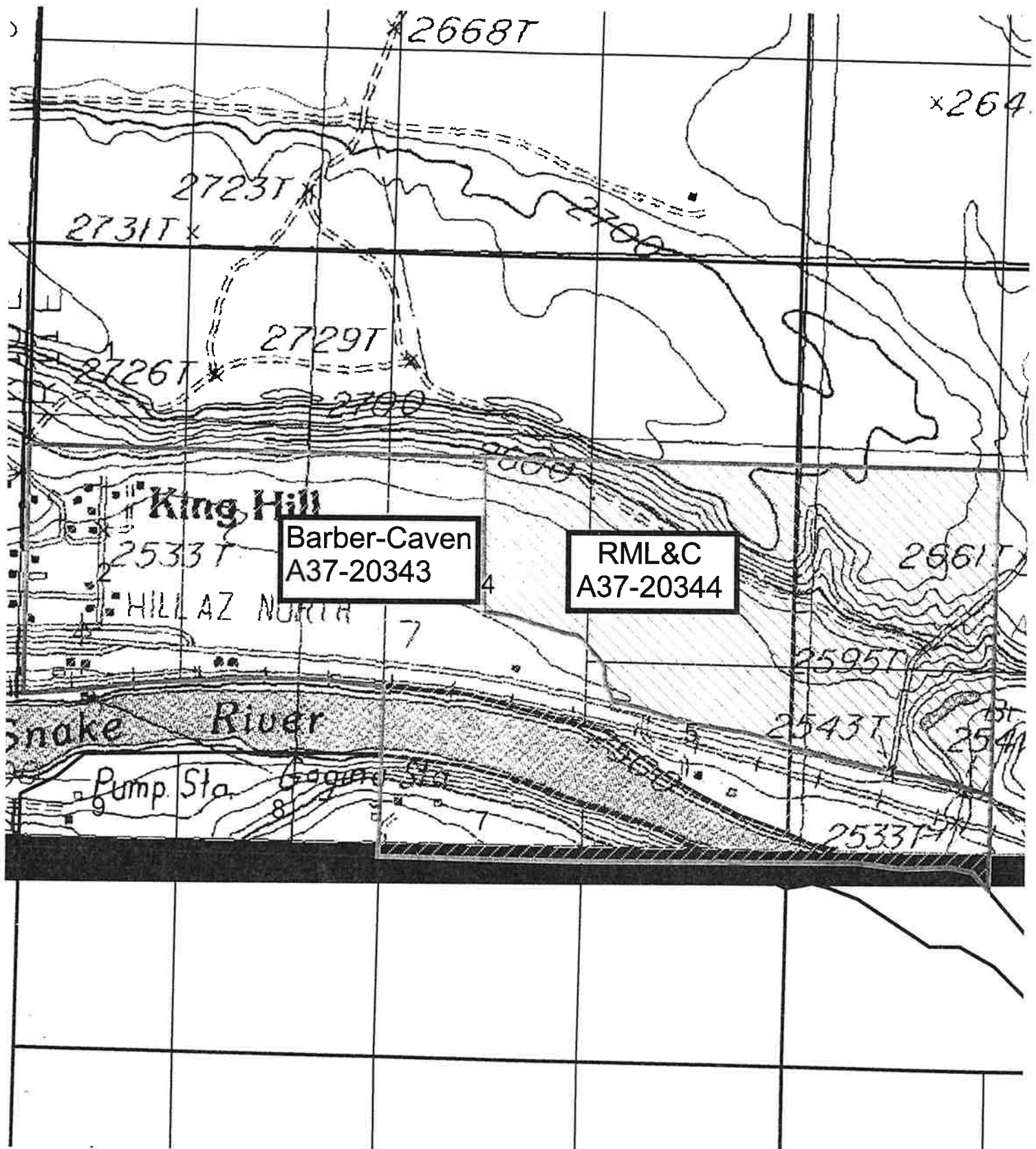
Section 8 Township 58 Range 11 E

APR 28 2000

Department of Water Resources
Northern Plains



This Sketch is for location
purposes only.
Guaranty Title
10/04/1994



660 0 660 1320 Feet

-  Subject Property
-  Point(s) of Diversion
-  Section Lines
-  Quarter/Quarter Lines

A37-02006E
Post-Owner Change



8/21/00, D Jones

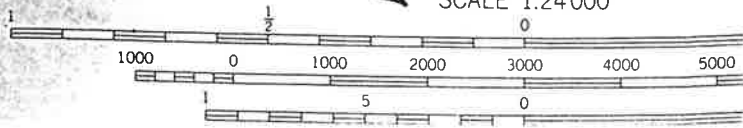


640 000 FEET

King Hill 7.5' OP Quadrangle

SCALE 1:24 000

IDWR Index
Z67



ical Survey

ed from 1:76,000-scale
en August 4, 1974

