

RECEIVED

06/22/2002

AUG - 2 2002

Department of Water Resources

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: 37-20590

MARY JANE VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332
Telephone Number: (208) 536-5906

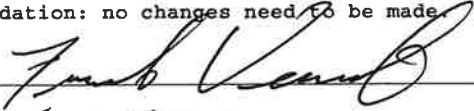
FRANK W VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332
Telephone Number: (208) 837-6201

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

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

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

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

DATE: July 23, 2002 SIGNATURE: 
Please print your name: Frank Veenstra

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

06/22/2002

NOTICE OF ERROR
REPLY

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

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☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: July 23, 2002

SIGNATURE:



Please print your name:

Frank Veenstra

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

06/22/2002

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

RIGHT NUMBER: 37-20590
NAME AND ADDRESS: MARY JANE VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332

FRANK W VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.740 CFS
452.00 AFY

PRIORITY DATE: 07/22/1971

POINT OF DIVERSION:
T06S R14E S28 SESEW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.740 CFS 452.00 AFY

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

PLACE OF USE: IRRIGATION Within GOODING County

T06S R14E S28	NESW	38.0	T06S R14E S28	NWSW	14.0
T06S R14E S28	SESW	20.0	T06S R14E S28	SESW	41.0

113 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

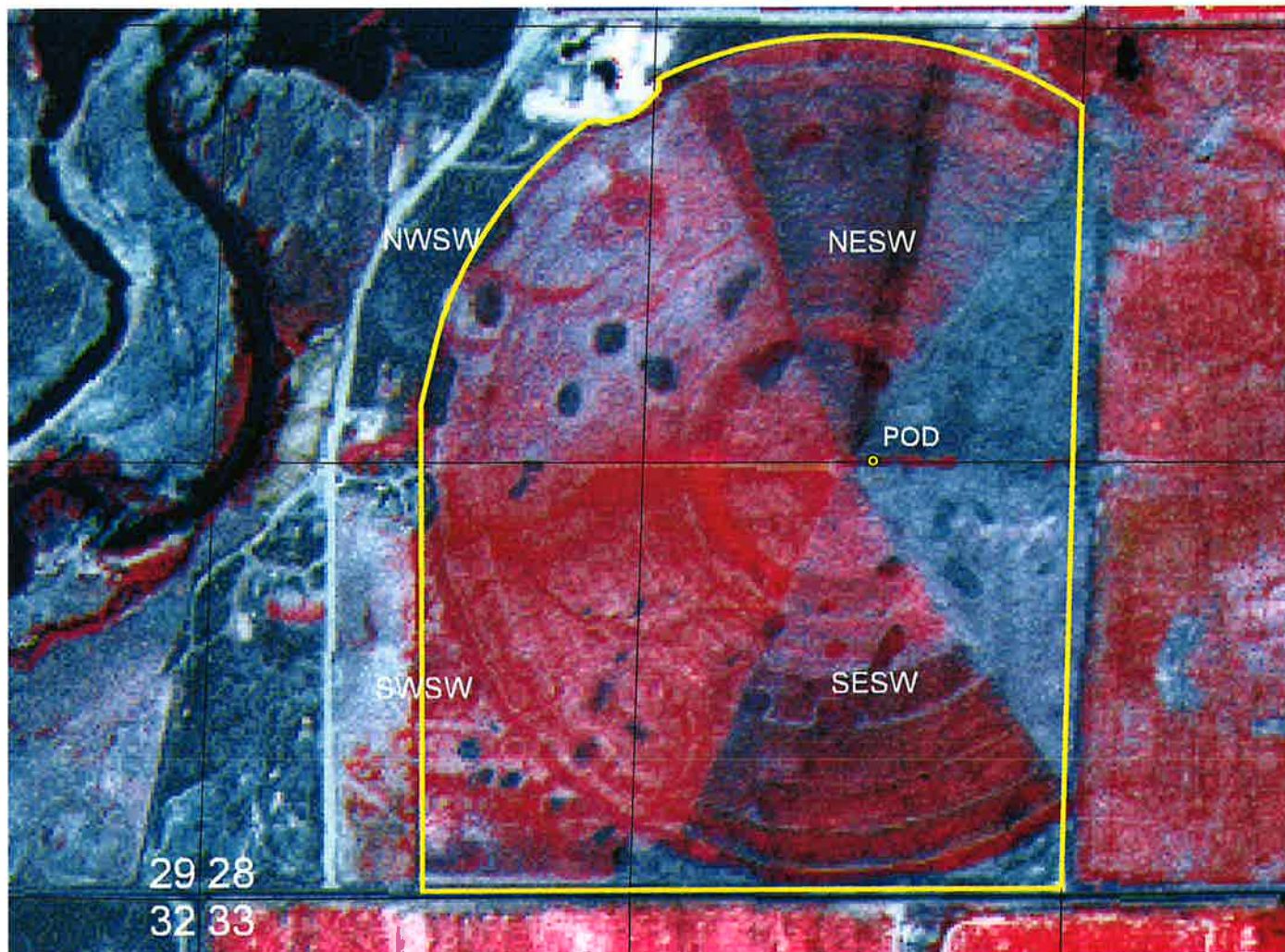
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-07063 AND
37-7107.

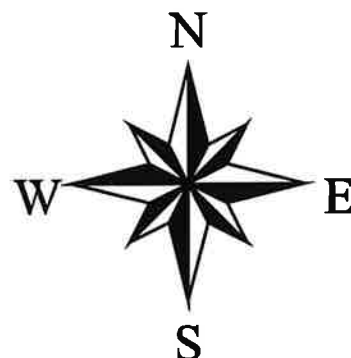
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

37-20590



T06S R14E S28

Map prepared by: Carter Fritschle
Date prepared: 10/31/01
1987-1988 NAPP photography
Idaho Department of Water Resources



04/01/2002

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

RIGHT NUMBER: 37-20590
NAME AND ADDRESS: MARY JANE VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332

FRANK W VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.74 CFS
452.0 AFY
PRIORITY DATE: 07/22/1971
POINT OF DIVERSION:

T06S R14E S28 SENESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.740 CFS 452.00 AFY

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

PLACE OF USE: IRRIGATION Within GOODING County

T06S R14E S28	NESW	38.0	T06S R14E S28	NWSW	14.0
T06S R14E S28	SWSW	20.0	T06S R14E S28	SESW	41.0

113 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-07063 AND 37-7107.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

CJ 11-1-01

37-7107 1.88 cfs on 102 acres

Claimed 1.88 cfs on 122 acres

Claim states 37-7107 combined with 37-7065.

However, 37-7065 is a lapsed permit.

Overlapping right is actually 37-7063.

Extent of overlap between 37-7063 and 37-7107 is impossible to ascertain; therefore assume there was a total of 122 irrigated acres between the two rights as claimed.

The description of the land sold to Veenstra gives them 113 acres of the 122 irrigated acres. Therefore, the diversion rate should be split as follows

$$1.88 \text{ cfs} \times \frac{113 \text{ acres}}{122 \text{ acres}} = 1.74 \text{ cfs (Veenstra)}$$

$$1.88 \text{ cfs} - 1.74 \text{ cfs} = 0.14 \text{ cfs (Shaffer)}$$

37-7107A renumbered to 37-20589 (Shaffer)

37-7107B renumbered to 37-20590 (Veenstra)

Renumbering occurred because claim 37-7107 should have been renumbered when it was combined with 37-7063. Capacity of the system limits the combined rights to 1.88 cfs.

see file 37-20589 for copies of licensing exams

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

37 - 20590
Ident. Number: ~~A37-07107B~~
Date Received: 6/30/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MARY JANE VEENSTRA
Address: 2675 S 1300 E
HAGERMAN ID 83332

AND

Name: FRANK VEENSTRA
Address: 2675 S 1300 E
HAGERMAN ID 83332

2. Date of Priority: JUL 22, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	14E	28	NE	SE	SW		GOODING

5. Description of diverting works:
12" WELL WITH A 40 HP TURBINE AND A 60 HP BOOSTER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.710		371.00

7. Total Quantity Appropriated is:
1.710 C.F.S. (and/or) 371.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	14E	28	NE	SW		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	28	NW	SW		IRR	15.0
			SW	SW		IRR	20.0
			SE	SW		IRR	38.0
Section Acres							111.0
Total Acres							111.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

THIS FILING COMBINES WATER RT. 37-7107 AND 37-7065 AS BOTH ARE FROM THE SAME WELL AND ONLY HAVE APPROX. 1 YEAR DIFFERENCE IN PRIORITY.

WHEN LICENSED THIS SYSTEM CONSISTED OF A 30 HP PUMP AND A 50 HP BOOSTER.

08/09/99, CHANGED OWNERSHIP: SHAFFER TO VEENSTRA AS PER FORM 1409(6) AND WARRANTY DEED REC'D 04/21/99. C.T.

12-3-99: SPLIT RIGHT PER ADDITIONAL INFORMATION OBTAINED.
A37-07107A RETAINED BY SHAFFER WITH 11 ACRES AND 0.17 CFS PER WARRANTY DEED SUBMITTED AND GOODING COUNTY PLAT MAP OBTAINED - VH

15. Basis of Claim: LICENSE



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

December 3, 1999

Mr. and Mrs. Frank Veenstra
2675 South 1300 East
Hagerman, Idaho 83332

RE: Snake River Basin Adjudication (SRBA)
Claim Number: A37-07107B
Change of Ownership Notification

Dear Claimants:

We were notified of an error in our earlier change of ownership record for the SRBA claim partially conveyed to you with the purchase of property from Joe Shaffer. Mr. Shaffer informed us that he retained a portion of the property to which claim A37-07107 was appurtenant, and thus retained a portion of the water right claim.

The above mentioned claim has been split accordingly, with Mr. Shaffer retaining 0.17 cfs appurtenant to 11 acres of the claim, under A37-07107A. The balance of the original claim has been included in A37-07107B, copy attached. Please review the enclosed document, and contact me at this office if you have any questions, or perceive any errors. I apologize for any inconvenience our previous correspondence may have caused.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vikie Hancock'.

Vikie Hancock
Water Resource Agent

AJ5809NP
No. A37-07107

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/03/99
PAGE: 1

A = Shaffer

B = Veenstra

OWNER
CODE NAME & ADDRESS
C MARY JANE VEENSTRA
C FRANK VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332

PRIORITY
DATE 07/22/1971
WATER USE IRRIGATION

USE PERIOD
FROM 04-15 TO 10-15

DIVERSION
RATE 1.880 CFS

DIVERSION
VOLUME 408.00 AFA

A 37
B 371

Points(s) of Diversion:

T06S R14E S28

NESESU

GOODING County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				SUM
	T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06S 14E 28 :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	122.0
TOTAL ACRES																	122.0

POU County: GOODING

A-11 B-20

A 11 ac
B 111 ac

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
- R05 - The rate of diversion of water for irrigation under this
- license and all other water rights on the same land shall not
- exceed 0.02 cubic feet per second for each acre of land.

Remarks: GEN

THIS FILING COMBINES WATER RT. 37-7107 AND 37-7065 AS BOTH ARE FROM THE SAME WELL AND ONLY HAVE APPROX. 1 YEAR DIFFERENCE IN PRIORITY.
WHEN LICENSED THIS SYSTEM CONSISTED OF A 30 HP PUMP AND A 50 HP BOOSTER.

08/09/99, CHANGED OWNERSHIP: SHAFER TO VEENSTRA AS PER FORM 1409(6) AND WARRANTY DEED REC'D 04/21/99. C.T.

111 124 ac = .909
122 122 ac

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Split Analysis
V HANCOCK
12-3-99

1.88 gfs = 0.0154 gfs/ac
122 ac

NOTE TO FILE

From: Vikie Hancock

12/3/99

Regarding: Claim number A37-07107

The ownership of this right was changed in full 8-9-99. The right should have been split at that time between Joe Shaffer, the original claimant and seller, and Frank Veenstra, the purchaser of the larger portion of this right.

Mr. Shaffer came into the office on 12-2-99 because of the error. The error actually came to his attention because two domestic claims were also changed to Veenstra per the form 1049 submitted. The two domestic rights, 37-10367 and 37-10368, were not located on the property purchased by Veenstra, and so have been returned to Mr. Shaffer's name. He believes the Title Company included them in error.

As there was no map submitted with the ownership change notice, and the legal description was in meets and bounds. Mr. Shaffer noted on a copy of the original claim map the property that he conveyed to Veenstras and the part of the claimed irrigated POU that he retained. He then went on to say that he also sold off a portion of the POU he retained from the Veenstra sale, and I asked him to notify the new owners that they needed to come in and file a Chng of Ownership on that.

I obtained a plat map from Gooding County to verify the parcel purchased by Veenstra, and the land retained by Shaffer. It also verified the subsequent sale, by Shaffer, of an additional 5+ acres in the SWSW to Andringa.

Note the following:

- Veenstra purchased 116 acres total, which included 111 acres of the original 122 claimed as the irrigated POU
- $111/122 = 91\%$. Form 1409 states 82.2% of water right goes to Veenstra. It is unknown where they obtained that figure, but it is not in the Warranty Deed submitted. I am splitting the claim per the percentage of POU acres conveyed.
- Claim was split in the SWSW section 28. 20 acres go to Veenstra, the balance of 11 acres goes to Shaffer. The subsequent split of this 11 acres is not being addressed at this time.

In the course of investigating this ownership change, I noticed an error in the remarks that state that this is a combination of license 37-7107 and 37-7065. This should be -7063, and a copy of both licenses is attached. Based upon a quick review of these licenses, it is possible that there are some inconsistencies in this claim, as it was originally filed, that may need to be addressed later.

AJ5809NP
No. A37-07107

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/03/99
PAGE: 1

A = Shaffer B = Veestra

OWNER
CODE

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C MARY JANE VEENSTRA
C FRANK VEENSTRA
2675 S 1300 E
HAGERMAN ID 83332

07/22/1971 IRRIGATION

04-15 10-15

1.880 CFS

408.00 AFA

Water Source: GROUNDWATER

Tributary to:

A77

Stage: LICENSE

Points(s) of Diversion:

T06S R14E S28

NESESW

GOODING County

Place of use Legal Description for: IRRIGATION

NE

NW

SW

SE

T R S : Lt Ac Lt Ac Lt Ac Lt Ac

NE NE NE NE NE NE NE NE

SE SE SE SE SE SE SE SE

SW SW SW SW SW SW SW SW

SE SE SE SE SE SE SE SE

SW SW SW SW SW SW SW SW

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06S 14E 28 :

38 15 31 38 :

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POU County: GOODING

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Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R05 - The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Remarks: GEN

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WHEN LICENSED THIS SYSTEM CONSISTED OF A 30 HP PUMP AND A 50 HP BOOSTER.

08/09/99, CHANGED OWNERSHIP: SHAFFER TO VEENSTRA AS PER FORM 1409(6) AND WARRANTY DEED REC'D 04/21/99. C.T.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:

Split Analysis
V HANCOCK
12-3-99

$$\frac{1.88 \text{ cfs}}{122 \text{ ac}} = 0.0154 \text{ gals/ac}$$

$$\frac{111 \text{ 124 ac}}{122 \text{ 122 ac}} = .909$$

A-11 B-20

A 11 ac
B 11 ac

A 37
B 371

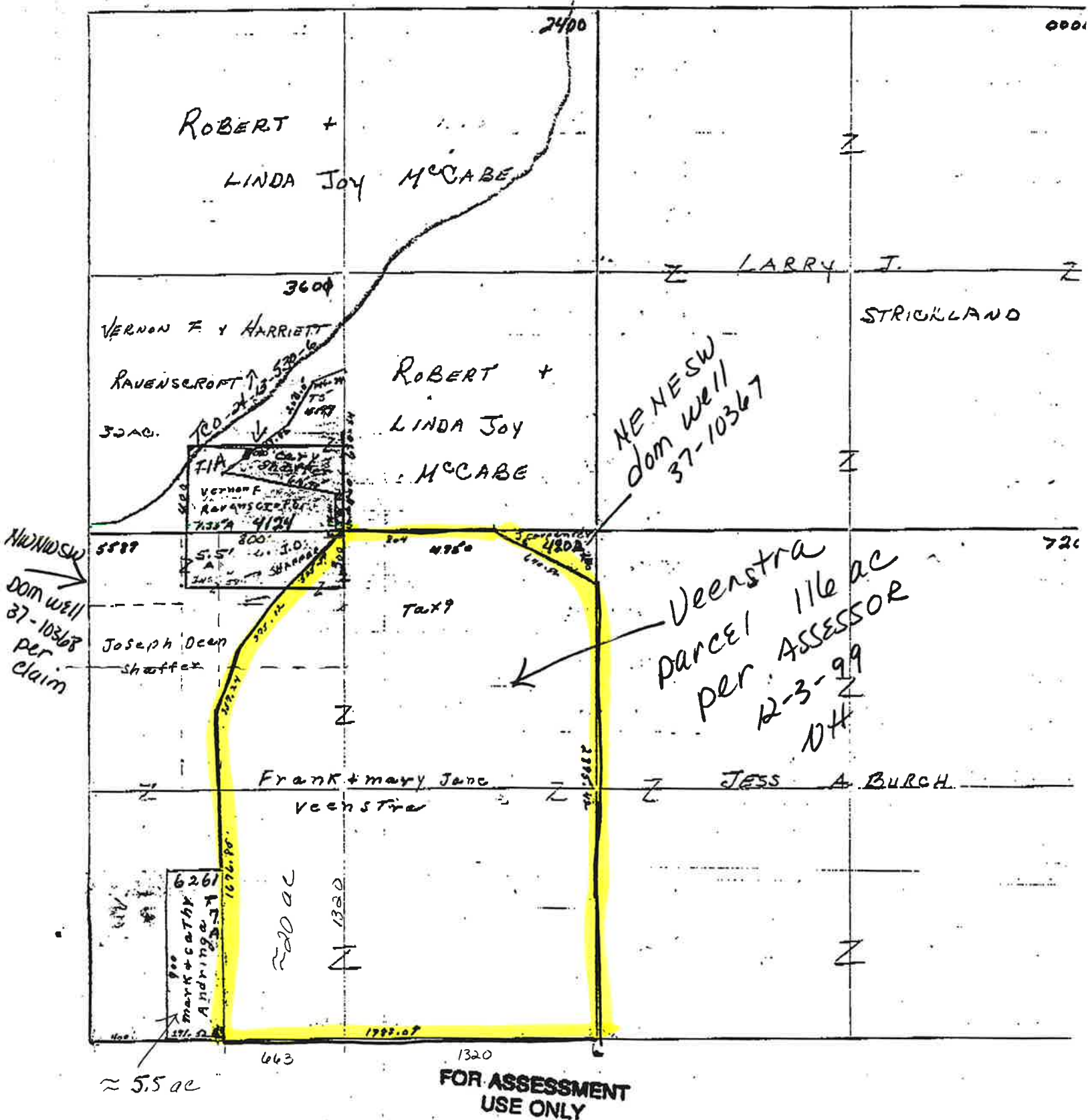
GOODING COUNTY

Hwy. Dist. 1 City _____
Sch. Dist. 231 Cem. Dist. **GOODING**
Fire Dist. Gooding

Sec. 28 Twp. 6 Rng. 14

\$26

065 14E 28



RECEIVED
DEC 14 1999
Department of Water Resources
Southern Region

TWSP-11650
Rge-14E

(Cathary wren)
Q.W

Shaffer retained
this portion of C
this portion of C
this portion of C
this portion of C

SPD
TD
NEASTER

A492
A (4562)
947-321

8.63

410

341

58

Notations by /a

2-2-99

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
APR 21 1999
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 No(s).: 37-10368, 37-10367
Adjudication Claim No(s).: A37-07107, #A37-10368,
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 Joseph Dean Shaffer & Elsie N. Shaffer
2270 S. 1400 E., Gooding, ID 83330
4. New Owner/Claimant(s) Frank Veenstra & Mary Jane Veenstra
New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
~~2729 HAXXXX600XX~~ Frank & Mary Jane Veenstra
City, State and ZIP Code ~~Wendahl, XXXX 83355~~ 2675 S. 1300 E.
Hagerman, ID 83332
New Telephone Number () _____
5. Date you acquired the property 4-15-99
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.
82.2% - ownership to Veenstra
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)
Frank Veenstra Mary Jane Veenstra
(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..

ok 8/9/99 ct
1-2



GOODING
TITLE & ESCROW
COMPANY

April 20, 1999

RECEIVED

APR 21 1999

Department of Water Resources
Southern Region

Idaho Dept. of Water
Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: #37-10368, #37-10367
#A37-07107, A37-10368

Dear Sir or Madame:

Enclosed please find a Notice of Change of Water Right Ownership in connection with the above-referred claims. Also enclosed is a copy of the recorded Warranty Deed for your reference.

If you have any questions in connection with this transfer, please do not hesitate to contact our office.

Sincerely,

GOODING TITLE & ESCROW CO.

DeNene M. Dixon
Escrow Assistant

/dmd
Encl.

WARRANTY DEED

For Value Received

**Joseph Dean Shaffer And Elsie N. Shaffer,
Husband And Wife.**

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

**Frank Veenstra And Mary Jane Veenstra,
Husband And Wife.**

the grantee(s), whose current address is

2675 S. 1300 E., Hagerman, ID 83332
~~2729-A S. 1600 E., Wendell, ID 83355~~

the following described premises, to-wit:

See Attached Exhibit "A"

180110

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of GOODING TITLE & ESCROW

57 min. past 3 o'clock P.m. this 16th
of April, 19 99 6.00
By Benny Archibald Deputy

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

Dated: April 12, 1999

Joseph D. Shaffer
Joseph Dean Shaffer
Elsie N. Shaffer
Elsie N. Shaffer

STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 15th day of APRIL, in the year 1999, before me, a Notary Public in and for said State, personally appeared **Joseph Dean Shaffer And Elsie N. Shaffer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public of Idaho
Residing at Wendell, Idaho Twin Falls, ID
Commission Expires: 01/22/02 7-25-2002



TITLE & ESCROW
COMPANIES

EXHIBIT A
G990156

RP06S14E284801

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

Section 28: A parcel of land located in the Southwest Quarter, and more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 from which the South One Quarter corner of said Section 28 bears North 88°37'22" East 2674.61 feet;
Thence North 88°37'22" East along the South boundary of the Southwest Quarter of Section 28 for a distance of 691.52 feet to the TRUE POINT OF BEGINNING;
Thence North 01°36'56" West for a distance of 1676.80 feet;
Thence North 17°10'23" East for a distance of 357.24 feet;
Thence North 38°03'39" East for a distance of 375.12 feet;
Thence North 38°27'37" East for a distance of 525.54 feet to a point on the North boundary of the Southwest Quarter of said Section 28;
Thence North 89°13'07" East along the North boundary of the Southwest Quarter of said Section 28 for a distance of 804.00 feet;
Thence South 62°51'26" East for a distance of 640.52 feet to a point on the East boundary of the Southwest Quarter of said Section 28;
Thence South 00°11'05" West along the East boundary of the Southwest Quarter of said Section 28 for a distance of 2395.42 feet to the South One Quarter corner of said Section 28;
Thence South 88°37'22" West along the South boundary of the Southwest Quarter of said Section 28 for a distance of 1983.09 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO:

1. - A 25.0 foot wide county road easement along the South boundary of the before described parcel.

RECEIVED

MAR 7 1978

WATER RIGHT LICENSE

Department of Water Resources
Southern District OfficeLicense of Water Right No. 37-7107 Priority July 22, 1971 Amount 1.88 cfsTHIS IS TO CERTIFY, that Joseph D. Shaffer

of Gooding, Idaho, has complied with the terms and conditions of Permit No. 37-7107 issued pursuant to Application for Permit dated July 22, 1971, and has submitted proof to the Department of Water Resources on August 30, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.88 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>October 15</u>	at <u>1.88</u> cfs and	<u>408 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.88 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 408 acre feet per year, said waters to be diverted within the SE 1/4, Sec. 28, Twp. 6S, Rge. 14E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	14E	28									30	32	20	20					102

Total number of acres irrigated 102

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

- (2) The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of

March, 19 78


Director

37-7107

37-7107

RECEIVED

State of Idaho

APR 8 1974

Department of Water Administration

Department of Water Administration
Southern District Office

WATER RIGHT LICENSE

License of Water Right No. 37-7063 Priority May 28, 1970 Amount 1.20 cfs

THIS IS TO CERTIFY, that JOSEPH D. SHAFFER
of Tuttle, Idaho, has complied with the terms and conditions of Permit
No. 37-7063 issued pursuant to Application for Permit dated April 8, 1970,
and has submitted proof to the Department of Water Administration on July 21, 1971
(late proof) that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.33 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
<u>Irrigation</u>	from <u>April 15</u>	to <u>Oct. 15</u>	at <u>1.20</u>	cfs and	<u>240 acre feet or</u> <u>4.0 af per acre</u>
	from _____	to _____	at _____	cfs and	
	from _____	to _____	at _____	cfs and	
(both dates inclusive)					

Subject, however, to the condition that no more than 1.20 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
240 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4 of Sec. 28,
Twp. 6 S, Rge. 14 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 S	14 E	28									15	5	5	35					60

Total number of acres irrigated 60

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

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of
April, 19 74.


Director

37-7063

37-7063

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: A37-07107
Date Received: 6/30/1988
Receipt No: 5000651
Received By: TR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH D. SHAFFER
Address: 2270 S. 1400 E.
GOODING, ID

208-934-8262

83330

2. Date of Priority: JUL 22, 1971

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	14E	28	NE	SE	SW		GOODING

5. Description of diverting works:
12" WELL WITH A 40 HP TURBINE AND A 60 HP BOOSTER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.880		408.00

7. Total Quantity Appropriated is:
1.880 C.F.S. (and/or) 408.00 A.F.A.

8. Total consumptive use is 366.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	14E	28	NE	SW		IRR	38.0
			NW	SW		IRR	15.0
			SW	SW		IRR	31.0
			SE	SW		IRR	38.0

Section Acres 122.0

A37-07107

Page 1

Date: 06/30/88

RECORDED
FEB 24 1993

10. Place of Use: Continued

Total Acres 122.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

THIS FILING COMBINES WATER RT. 37-7107 AND 37-7065 AS BOTH ARE FROM THE SAME WELL AND ONLY HAVE APPROX. 1 YEAR DIFFERENCE IN PRIORITY.

WHEN LICENSED THIS SYSTEM CONSISTED OF A 30 HP PUMP AND A 50 HP BOOSTER.

15. Basis of Claim: LICENSE
Water Right Number:

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): *Joseph D. Shaffer* Date: 6/30/88
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

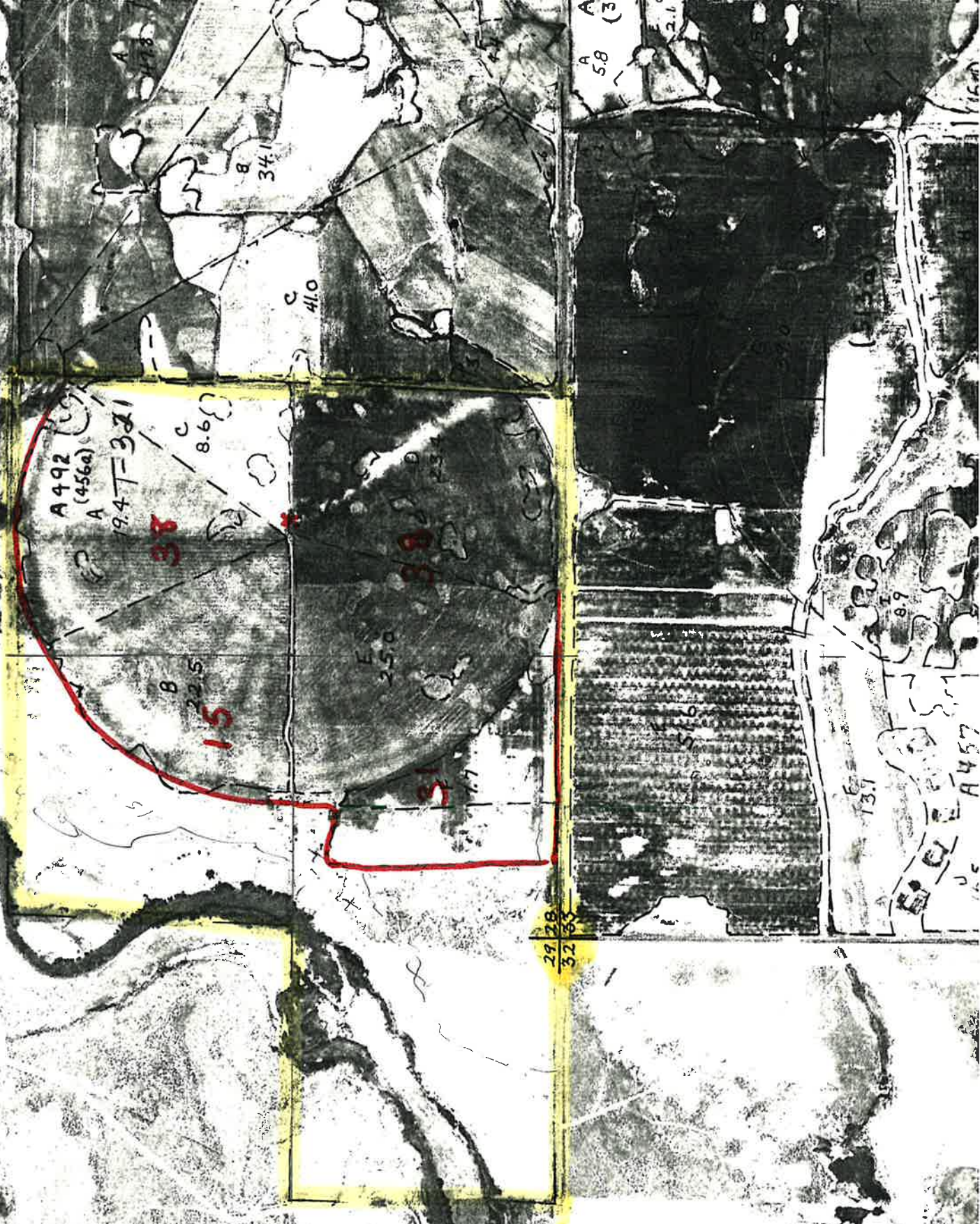
Subscribed and sworn (or affirmed) before me this 30th day
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at *Gooding Id*
My Commission Expires 10/16/1992

TWSP - 6 So.
Rge - 14 E



MICROFILMED
FEB 24 1993

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 37-7063 Priority May 28, 1970 Amount 1.20 cfs

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			<u>4.0 af per acre</u>
from _____ to _____ at _____ cfs and			
from _____ to _____ at _____ cfs and			

(both dates inclusive)

Subject, however, to the condition that no more than 1.20 cfs of water be diverted at any one time, and
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aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
240 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28,
Twp. 6 S, Rge. 14 E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 S	14 E	28									15	5	5	35					60

Total number of acres irrigated 60

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

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of
April, 19 74.

Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7107 Priority July 22, 1971 Amount 1.88 cfs

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<u>Irrigation</u>	from <u>April 15</u> to <u>October 15</u>	at <u>1.88</u> cfs and	<u>408 acre feet</u>
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.88 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
408 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Twp. 6S,
Rge. 14E, B.M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	14E	28									30	32	20	20					102

Total number of acres irrigated 102

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

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Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of

March, 19 78


Director