

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 17 2002	
By _____	Clerk
_____	Deputy Clerk

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. 37-20724, 37-20731

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

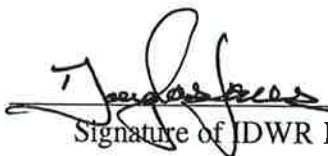
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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: 9/17/02


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9/17, 2002, I mailed the original and copies of this form to the following persons, postage prepaid 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. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Don McFarland
Carol McFarland
PO Box 5178
Twin Falls ID 83303-5178
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Robert Meyers
Kathi Meyers
3024 Woodridge Dr
Twin Falls ID 83301
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

09/16/2002

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

RIGHT NUMBER: 37-20724
NAME AND ADDRESS: ROBERT J MEYERS
3024 WOODRIDGE DR
TWIN FALLS ID 83301

KATHI L MEYERS
3024 WOODRIDGE DR
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.490 CFS
144.00 AFY

PRIORITY DATE: 02/16/1971

POINT OF
DIVERSION: T06S R14E S33 NENENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.490 CFS 144.00 AFY

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

PLACE OF USE: IRRIGATION Within GOODING County
T06S R14E S33 SNNW 36.0

36 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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20722 WHICH WAS RENUMBERED FROM 36-7157C.

09/16/2002

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

RIGHT NUMBER: 37-20731

NAME AND ADDRESS: ROBERT J MEYERS
3024 WOODRIDGE DR
TWIN FALLS ID 83301

KATHI L MEYERS
3024 WOODRIDGE DR
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS

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

PRIORITY DATE: 06/03/1975

POINT OF
DIVERSION: T06S R14E S33 SWSWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.100 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T06S R14E S33 SWNW

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: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-12906.



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

September 17, 2002

ROBERT MEYERS
KATHI MEYERS
3024 WOODRIDGE DR
TWIN FALLS ID 83301

RE: SRBA Claim(s) 37-20724, 37-20731

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

cc: Don & Carol McFarland

RECEIVED

SEP 13 2002

Department of Water Resources
Southern Region

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-20724	-			
	37-20731	-			
	37-20732	-			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Don & Cyrol McFarland

PO Box 5178, Twin Falls, ID 83303

4. New Owner/Claimant(s)

Robert J. & Kathi L. Meyers

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3024 Woodridge Drive

City, State and ZIP Code

Twin Falls, ID 83301

New Telephone Number

() 733-4952

5. Date you acquired the property

4-28-1999

37086

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Robert J Meyers
(include title if applicable) _____

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

For Office Use Only			
Received by <u>J. F. Stanton</u>	Date <u>9-11-02</u>	Fee <u>—</u>	
Received by _____	Date _____	Receipt No. _____	
Processed by <u>[Signature]</u> AJ	Date <u>9/16/02</u>	WR _____	Date _____

WARRANTY DEED

For Value Received

BIG SKY PARTNERSHIP, a general partnership

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

ROBERT J. MEYERS and KATHI L. MEYERS, husband and wife
whose address is: 3024 Woodridge Dr. Twin Falls, Idaho 83301

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

SEE EXHIBIT "A" ATTACHED HERETO:

180285

STATE OF IDAHO COUNTY OF GOODING

LAND TITLE & ESCROW
Filed for record at the request of

14 min. past 4 o'clock P.m. this 28th

of April, 1999 6.00

By Tenny Archibald Deputy

SUBJECT TO:

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

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT THERETO.

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: APRIL 23, 1999

BIG SKY PARTNERSHIP, a general partnership

Suzanne Vance Don McFarland
SUZANNE VANCE, a partner DON MCFARLAND, a partner

Carol McFarland
CAROL MCFARLAND, a partner

STATE OF IDAHO)

COUNTY OF JEROME)

On this 28th day of APRIL, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Suzanne Vance known or identified to me to be one of the partners of Big Sky Partnership and whose name is subscribed to the within instrument, and acknowledged to me that SHE executed the same, as partner of Big Sky, Partnership.

JENNIFER L. STIPPICH
NOTARY PUBLIC
STATE OF IDAHO

Jennifer L. Stippich
Notary Public
Residing at: Jerome
My Commission expires: 8-20-01

STATE OF IDAHO)

COUNTY OF Jerome)

On this 28th day of APRIL, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Don and Carol McFarland, known or identified to me to be one of the partners of Big Sky Partnership and whose name is subscribed to the within instrument, and acknowledged to me that SHE executed the same, as partner of Big Sky, Partnership.

Rick Bernsen
Notary Public
Residing at:
My Commission expires:

RICK BERNSSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO

Residing at Jerome, ID
Commission Expires: 7-20-02

EXHIBIT A

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

Section 33: A parcel of land located in the W $\frac{1}{2}$, more particularly described as follows:

Commencing at the Northwest corner of said Section 33, from which the West One Quarter corner of said Section 33 bears South 00°33'30" West, 2651.39 feet;
Thence South 00°33'30" West along the West boundary of the NW $\frac{1}{4}$ of said Section 33 for a distance of 1354.00 feet to the center of an irrigation drain ditch and being THE TRUE POINT OF BEGINNING;
Thence North 79°26'13" East for a distance of 199.57 feet;
Thence North 89°51'53" East for a distance of 265.47 feet;
Thence North 87°17'42" East for a distance of 128.57 feet;
Thence North 81°05'32" East for a distance of 144.65 feet;
Thence South 75°49'16" East for a distance of 621.72 feet;
Thence South 02°12'34" West for a distance of 448.66 feet;
Thence South 01°05'27" West for a distance of 886.16 feet;
Thence North 66°49'18" West for a distance of 782.75 feet;
Thence North 74°57'33" West for a distance of 612.31 feet to a point on the West boundary of the NW $\frac{1}{4}$ of said Section 33;
Thence North 00°33'30" East along the West boundary of the NW $\frac{1}{4}$ of said Section 33 for a distance of 954.00 feet to THE TRUE POINT OF BEGINNING.

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

SUBJECT TO to the Canal Company for the use and maintenance of the irrigation drain ditch along the North boundary of the before described parcel.

A. SETTLEMENT STATEMENT

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

OMB NO. 2

265



B. TYPE OF LOAN				6. FILE NUMBER G-26211		7. LOAN NUMBER		8. MORTGAGE INS CASE NUMBER	
C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "[POC]" were paid outside the closing; they are shown here for informational purposes and are not included in the totals. 5.0 10-96 (1/G-26211)									
D. NAME AND ADDRESS OF BUYER ROBERT J. MEYERS KATHI L. MEYERS				E. NAME AND ADDRESS OF SELLER BIG SKY PARTNERSHIP				F. NAME AND ADDRESS OF LENDER	
G. PROPERTY LOCATION PART OF THE W1/2 SECTION 33 T.6 SOUTH RANGE 14 EAST 35.82 ACRES GOODING COUNTY, IDAHO				H. SETTLEMENT AGENT 820229956 LAND TITLE AND ESCROW, INC. PLACE OF SETTLEMENT 237 NORTH LINCOLN JEROME, ID 83338				I. SETTLEMENT DATE April 28, 1999	
J. SUMMARY OF BUYER'S TRANSACTION					K. SUMMARY OF SELLER'S TRANSACTION				
100. GROSS AMOUNT DUE FROM BUYER					400. GROSS AMOUNT DUE TO SELLER				
101. Contract Sales Price 165,000.00					401. Contract Sales Price 165,000.00				
102. Personal Property					402. Personal Property				
103. Settlement Charges to BUYER line 1400 184.00					403.				
104.					404.				
105.					405.				
Adjustments for items paid by SELLER in advance					Adjustments for items paid by SELLER in advance				
106. City/town taxes to					406. City/town taxes to				
107. County taxes to					407. County taxes to				
108. Assessments to					408. Assessments to				
109.					409.				
110.					410.				
111.					411.				
112.					412.				
120. GROSS AMOUNT DUE FROM BUYER 165,184.00					420. GROSS AMOUNT DUE TO SELLER 165,000.00				
200. AMOUNTS PAID BY OR IN BEHALF OF BUYER					500. REDUCTIONS IN AMOUNT DUE TO SELLER				
201. Deposit or earnest money 1,000.00					501. Excess Deposit (see instructions)				
202. Principal Amount of New Loan(s)					502. Settlement Charges to SELLER line 1400 9,163.00				
203. Existing Loan(s) Taken Subject to					503. Existing Loans Taken Subject to				
204. DEPOSIT WITH LENDER					504. Payoff of first mortgage loan				
205.					505. Payoff of second mortgage loan				
206.					506.				
207.					507. (Deposit disbursed as proceeds)				
208.					508.				
209.					509.				
Adjustments for items unpaid by SELLER					Adjustments for items unpaid by SELLER				
210. City/town taxes to					510. City/town taxes to				
211. County taxes 01-01-99 to 04-29-99 667.75					511. County taxes 01-01-99 to 04-29-99 667.75				
212. Assessments to					512. Assessments to				
213.					513.				
214.					514.				
215.					515.				
216.					516.				
217.					517.				
218.					518.				
219.					519.				
220. TOTAL PAID BY/FOR BUYER 1,667.75					520. TOTAL REDUCTION AMOUNT DUE SELLER 9,830.75				
300. CASH AT SETTLEMENT FROM/TO BUYER					600. CASH AT SETTLEMENT TO/FROM SELLER				
301. Gross Amt Due from BUYER (line 120) 165,184.00					601. Gross Amount Due to SELLER (line 420) 165,000.00				
302. Less Amt Paid by/for BUYER (line 220) (1,667.75)					602. Less Reductions Due SELLER (line 520) (9,830.75)				
303. CASH [X] FROM [] TO BUYER 163,516.25					603. CASH [X] TO [] FROM SELLER 155,169.25				

The undersigned hereby acknowledge receipt of a completed copy of pages 1&2 of this statement & any attachments referred to herein.

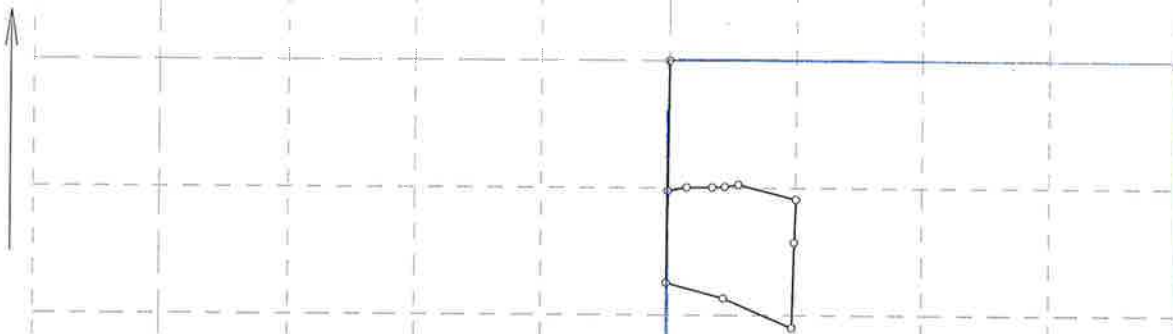
BUYER Robert J. Meyers
ROBERT J. MEYERSBUYER Kathi L. Meyers by
KATHI L. MEYERSRobert J. Meyers
ATT-IN-FACT.SELLER Don McFarland
BIG SKY PARTNERSHIPSELLER Carol McFarland

L. SETTLEMENT CHARGES				PAID FROM BUYER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700. Total Sales/Brokers Commissions Based on Price \$ 165,000.00 @ 5.0000 % = 8,250.00					
Division of Commission (line 700) as follows:					
701. \$ 8,250.00 to LANDMARK REALTY					
702. \$ to					
703. Commission Paid at Settlement					8,250.00
704.					
800. ITEMS PAYABLE IN CONNECTION WITH LOAN					
801. Loan Origination Fee 1.0000 % to					
802. Loan Discount % to					
803. Appraisal Fee to					
804. Credit Report to					
805. Lender's Inspection Fee to					
806. Mortgage Ins. App. Fee to					
807. Assumption Fee to					
808.					
809.					
810.					
811.					
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE					
901. Interest from to @ \$ /day(days %)					
902. Mortgage Insurance Premium for months to					
903. Hazard Insurance Premium for 1.0 years to					
904. to					
905.					
1000. RESERVES DEPOSITED WITH LENDER					
1001. Hazard Insurance months @ \$ per month					
1002. Mortgage Insurance months @ \$ per month					
1003. City/town taxes months @ \$ per month					
1004. County taxes months @ \$ per month					
1005. Assessments months @ \$ per month					
1006. months @ \$ per month					
1007. months @ \$ per month					
1008.					
1100. TITLE CHARGES					
1101. Settlement or Closing Fee to LAND TITLE AND ESCROW, INC.				160.00	160.00
1102. Abstract or Title Search to					
1103. Title Examination to					
1104. Title Insurance Binder to					
1105. Document Preparation to					
1106. Notary Fees to					
1107. Attorney's Fees to					
(includes above item numbers:)					
1108. Title Insurance to LAND TITLE AND ESCROW, INC. \$750.00 to LAND TITLE AND ESCROW, INC.					750.00
(includes above item numbers: Includes 1102, 1103, & 1104)					
1109. Lender's Coverage \$					
1110. Owner's Coverage \$ 165,000.00					
1111.					
1112.					
1113.					
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES					
1201. Recording Fees: Deed \$ 24.00 ;Mortgage \$;Releases \$ 3.00				24.00	3.00
1202. City/County Tax/Stamps: Deed \$;Mortgage \$					
1203. State Tax/Stamps: Deed \$;Mortgage \$					
1204.					
1205.					
1300. ADDITIONAL SETTLEMENT CHARGES					
1301. Survey to JOHN ROOT POC					
1302. Pest Inspection to					
1303. WELL AND SEPTIC INSPECTION					
1304.					
1305.					
1400. TOTAL SETTLEMENT CHARGES (Enter On Lines 103, Section J and 502, Section K)				184.00	9,163.00

By signing page 1 of this statement, the signatories acknowledge receipt of a completed copy of page 2 of this 2 page statement.

(1/G-26211)
Certified to be a true copy

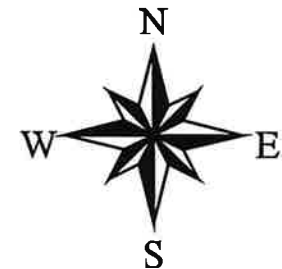
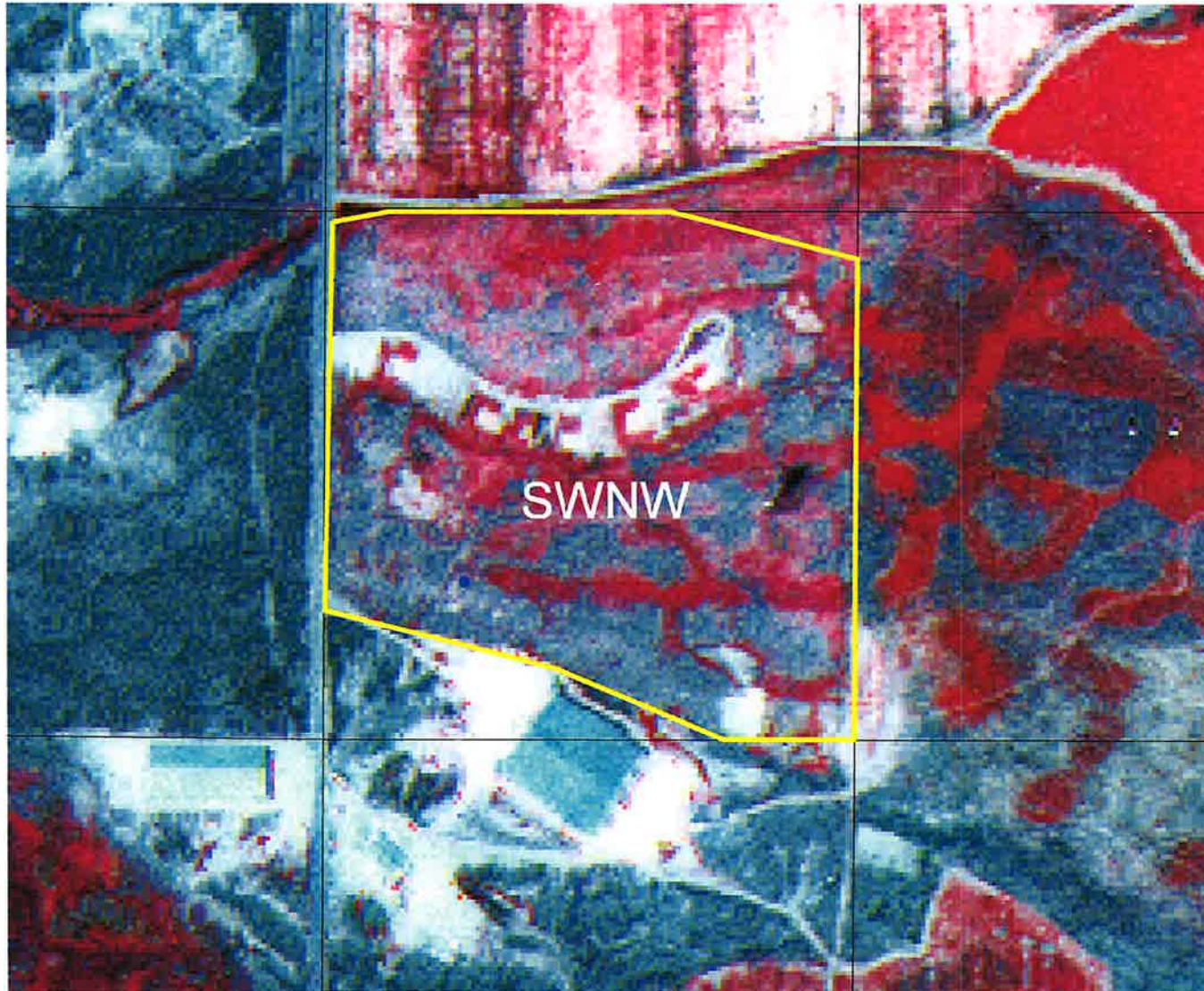

LAND-TITLE AND ESCROW, INC.
Settlement Agent



Title:		Date: 09-16-2002
Scale: 1 inch = 2000 feet	File:	
Tract 1: 35.817 Acres: 1560171 Sq Feet: Closure = s80.4049e 0.00 Feet: Precision >1/999999: Perimeter = 5044 Feet		
001=/nw,33,06s,14e	006=n81.0532e 144.65	011=n74.5733w 612.31
002=s00.3330w 1354.00	007=s75.4916e 621.72	012=n00.3330e 954.00
003=n79.2613e 199.57	008=s02.1234w 448.66	
004=n89.5153e 265.47	009=s01.0527w 886.16	
005=n87.1742e 128.57	010=n66.4918w 782.75	

37-20724

T06S R14E
S33



500 0 500 1000 1500 Feet

A scale bar with five segments. The first segment is labeled '500', the second '0', the third '500', the fourth '1000', and the fifth '1500 Feet'. The bar is black and white, with the numbers in black.

Map prepared by: Carter Fritschle
Date prepared: 06/13/02
1987-1988 NAPP photography
Idaho Department of Water Resources

06/19/2002

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

RIGHT NUMBER: 37-20724
NAME AND ADDRESS: CAROL MC FARLAND
PO BOX 5178
TWIN FALLS ID 83301

DON MC FARLAND
PO BOX 5178
TWIN FALLS ID 83303

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.49 CFS
144.0 AFY
PRIORITY DATE: 02/16/1971
POINT OF DIVERSION:
T06S R14E S33 NENENW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.490 CFS 144.00 AFY

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

PLACE OF USE: IRRIGATION Within GOODING County
T06S R14E S33 SWNW 36.0

36 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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20722 WHICH WAS RENUMBERED FROM 36-7157C.

37-20724
~~37-20725~~

04 6-13-02

40 NWNW	40 NENW	40 NUNE Parcel 1	
37 SWNW Parcel 2	40 SENW	40 SWNE	SENE
Parcel 3 NWSW	33 NESW Parcel 4	40 NWSE	NESE
SWSW	SESW	SWSE	SESE

T. 6 S R. 14 E S 33

- * Licensed for 560 acres in Basin 36 in 1975
- * 310 acres Transferred into Basin 37 in 1985
- * Claim filed in 1988
- * 53.1 acres converted to Dairy Use in 2000 by Transfer No. 5487

	Transferred	Rec.	Reduced by Transfer 5487	Remaining acres
NWNE	40	40	0	40
SWNE	40	40	1.7	38.3
NE NW	40	40	0	40
NW NW	40	40	0	40
SW NW	37	37	0	37
SE NW	40	40	29.5	10.5
NE SW	33	30	25.1	7.9
NW SE	40	15	8.9	31.1
	<u>310</u>	<u>282</u>	<u>65.2</u>	<u>244.8</u>
		+ 28 resumption		

244.8 acres - 36 acres (for 37-20724) = 208.8 acres

208.8 acres x 4 AF/acre = 835.2 AF

$\frac{3.30 \text{ cfs}}{244.8 \text{ acres}} = 0.0135 \text{ cfs/ac}$

208.8 acres x 0.0135 cfs/ac = 2.81
 36 acres x 0.0135 cfs/ac = 0.49
3.30

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE OF WATER RIGHT OWNERSHIP

pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

36-07157B

RECEIVED
MAR 08 2000
Department of Water Resources
Southern Region

in must be submitted with this form:

A. A copy of the most recent 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 Magic Acres, L.L.C.
P.O. Box 850 Wendell, ID 83355
4. New Owner/Claimant(s) Big Sky Dairy, a Partnership
Name Connector (Check one): ☐ and ☐ or ☐ and/or
New Mailing Address 1660 East 2400 South
City, State and ZIP Code Gooding, ID 83330
New Telephone Number () _____
5. Date you acquired the property 3-1-00

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) Mike Bosma, partner Date 3-2-00

Date _____

(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..

WARRANTY DEED

#G-29104

For Value Received

Magic Acres, L.L.C.

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

Big Sky Dairy, a Partnership

Address: 1660 East 2400 South, Gooding, ID 83330

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

SEE EXHIBIT "A" attached hereto:

****TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to Idaho Department of Water Resources water right No.**

36-07157B.

SUBJECT TO:

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

Taxes for 2000 and subsequent years, which are a lien, but not yet due and payable.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Mac Martin, a single person, to Idaho Power Company, a corporation, dated September 30, 1975, recorded May 26, 1976 as Instrument Number 59737, Gooding County records, affecting the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 14 East Boise Meridian.

Power Line Easement given by Mac Martin, sole owner, to Idaho Power Company, a corporation, dated November 6, 1975, recorded September 15, 1976 as Instrument Number 61190, Gooding County records, affecting the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 14, East Boise Meridian.

Well Use Agreement by and between San Tan Ranches, a partnership composed of Max Martin, a single man, and others, and A.N.S.T., a partnership composed of Mac Martin, a single man, and others, dated December 14, 1976, recorded January 26, 1977 as Instrument Number 62982, Gooding County records, wherein San Tan hereby grants to A.N.S.T. the right to use water from the well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 14 East Boise Meridian, and desires to receive water from San Tan for use on a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 6 South, Range 14, East Boise Meridian, and San Tan grants to A.N.S.T. right of ingress and egress to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 14, East Boise Meridian, for the purpose of making repairs to the pump and motor. Supplemental Well Use Agreement by and between San Tan Ranches, a general partnership, and First Security Bank of Idaho, N.A., dated May 17, 1983, recorded May 19, 1983 as Instrument Number 101156, Gooding County records.

Power Line Easement given by Mac Martin, a single person, to Idaho Power Company, a corporation, dated November 12, 1975, recorded October 11, 1977, as Instrument Number 66882, Gooding County records, affecting the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 South, Range 14 East Boise Meridian.

Easement for Encroachment and Overspray disclosed in Warranty Deed recorded June 8, 1998 as Instrument Number 175866, Gooding County records.

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: March 1, 2000

MAGIC ACRES, L.L.C.

Robert C. Rietveld

184638

STATE OF IDAHO COUNTY OF GOODING
LAND TITLE & ESCROW

Filed for record at the request of

EXHIBIT "A"

Order Number: G-29104

PARCEL NO. 1

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

Section 33: A parcel of land located in the N $\frac{1}{2}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Commencing at the Northwest corner of said Section 33, from which the North One Quarter (N $\frac{1}{4}$) corner of said Section 33 bears South 89°55'00" East, 2674.75 feet, said Northwest corner of Section 33 being the TRUE POINT OF BEGINNING;

Thence South 89°55'00" East along the North boundary of the NW $\frac{1}{4}$ of Section 33 for a distance of 2674.75 feet to the North One Quarter(N $\frac{1}{4}$) corner of Section 33;

Thence North 89°56'24" East along the North boundary of the NE $\frac{1}{4}$ of Section 33 for a distance of 1323.87 feet to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33;

Thence South 00°50'15" West along the East boundary of the W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 33 for a distance of 3108.12 feet;

Thence North 89°47'52" West for a distance of 847.98 feet;

Thence North 28°13'54" West for a distance of 1597.28 feet;

Thence North 75°49'16" West for a distance of 1681.06 feet to a point in the center of an irrigation waste drain;

Thence along the center of the irrigation waste drain on the following courses:

South 81°05'32" West for a distance of 144.65 feet;

South 87°17'42" West for a distance of 128.57 feet;

South 89°51'53" West for a distance of 265.47 feet;

South 79°26'13" West for a distance of 199.57 feet to a point on the west boundary of the NW $\frac{1}{4}$ of Section 33;

Thence leaving the center of the irrigation waste drain and along the West boundary of the NW $\frac{1}{4}$ of Section 33 on a bearing of North 00°33'30" East for a distance of 1354.00 feet to the TRUE POINT OF BEGINNING.

CONTINUATION

EXHIBIT "A"

Order Number: G-29104

PARCEL NO. 2

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

Section 33: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$; $NW\frac{1}{4}$; $S\frac{1}{2}$

EXCEPTING THEREFROM the following described parcel of land:

Albert Anderson & Sons

Beginning at the West quarter section corner of said Section 33, said point marked by a 5/8 inch rebar and shall be the POINT OF BEGINNING;
Thence North $0^{\circ}01'48''$ East along section line for 343.32 feet to a P.K. nail;
Thence South $75^{\circ}29'15''$ East for 612.31 feet to a $\frac{1}{2}$ inch rebar;
Thence South $67^{\circ}21'00''$ East for 782.75 feet to a $\frac{1}{2}$ inch rebar;
Thence South $1^{\circ}19'23''$ West for 345.98 feet to a $\frac{1}{2}$ inch rebar;
Thence South $71^{\circ}59'00''$ West for 644.29 feet to a $\frac{1}{2}$ inch rebar;
Thence South $83^{\circ}18'04''$ West for 298.53 feet to a $\frac{1}{2}$ inch rebar;
Thence North $83^{\circ}44'14''$ West for 400.55 feet to a P.K. nail on section line;
Thence North $0^{\circ}00'00''$ East (Basis of Bearing) along said section line for 647.85 feet to the POINT OF BEGINNING;

AND EXCEPTING THEREFROM A parcel of land located in the $W\frac{1}{2}$, more particularly described as follows:

Robert Meyers

Commencing at the Northwest corner of said Section 33, from which the West One Quarter corner of said Section 33 bears South $00^{\circ}33'30''$ West, 2651.39 feet;
Thence South $00^{\circ}33'30''$ West along the West boundary of the $NW\frac{1}{4}$ of said Section 33 for a distance of 1354.00 feet to the center of an irrigation drain ditch and being THE TRUE POINT OF BEGINNING;
Thence North $79^{\circ}26'13''$ East for a distance of 199.57 feet;
Thence North $89^{\circ}51'53''$ East for a distance of 265.47 feet;
Thence North $87^{\circ}17'42''$ East for a distance of 128.57 feet;
Thence North $81^{\circ}05'32''$ East for a distance of 144.65 feet;
Thence South $75^{\circ}49'16''$ East for a distance of 621.72 feet;
Thence South $02^{\circ}12'34''$ West for a distance of 448.66 feet;
Thence South $01^{\circ}05'27''$ West for a distance of 886.16 feet;
Thence North $66^{\circ}49'18''$ West for a distance of 782.75 feet;
Thence North $74^{\circ}57'33''$ West for a distance of 612.31 feet to a point on the West boundary of the $NW\frac{1}{4}$ of said Section 33;
Thence North $00^{\circ}33'30''$ East along the West boundary of the $NW\frac{1}{4}$ of said Section 33 for a distance of 954.00 feet to THE TRUE POINT OF BEGINNING.

-Continued-

CONTINUATION

EXHIBIT "A"

Order Number: G-29104

AND EXCEPTING THEREFROM A parcel of land located in the N $\frac{1}{2}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Commencing at the Northwest corner of said Section 33, from which the North One Quarter (N $\frac{1}{4}$) corner of said Section 33 bears South 89°55'00" East, 2674.75 feet, said Northwest corner of Section 33 being the TRUE POINT OF BEGINNING;

Thence South 89°55'00" East along the North boundary of the NW $\frac{1}{4}$ of Section 33 for a distance of 2674.75 feet to the North One Quarter(N $\frac{1}{4}$) corner of Section 33;

Thence North 89°56'24" East along the North boundary of the NE $\frac{1}{4}$ of Section 33 for a distance of 1323.87 feet to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33;

Thence South 00°50'15" West along the East boundary of the W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 33 for a distance of 3108.12 feet;

Thence North 89°47'52" West for a distance of 847.98 feet;

Thence North 28°13'54" West for a distance of 1597.28 feet;

Thence North 75°49'16" West for a distance of 1681.06 feet to a point in the center of an irrigation waste drain;

Thence along the center of the irrigation waste drain on the following courses:

South 81°05'32" West for a distance of 144.65 feet;

South 87°17'42" West for a distance of 128.57 feet;

South 89°51'53" West for a distance of 265.47 feet;

South 79°26'13" West for a distance of 199.57 feet to a point on the west boundary of the NW $\frac{1}{4}$ of Section 33;

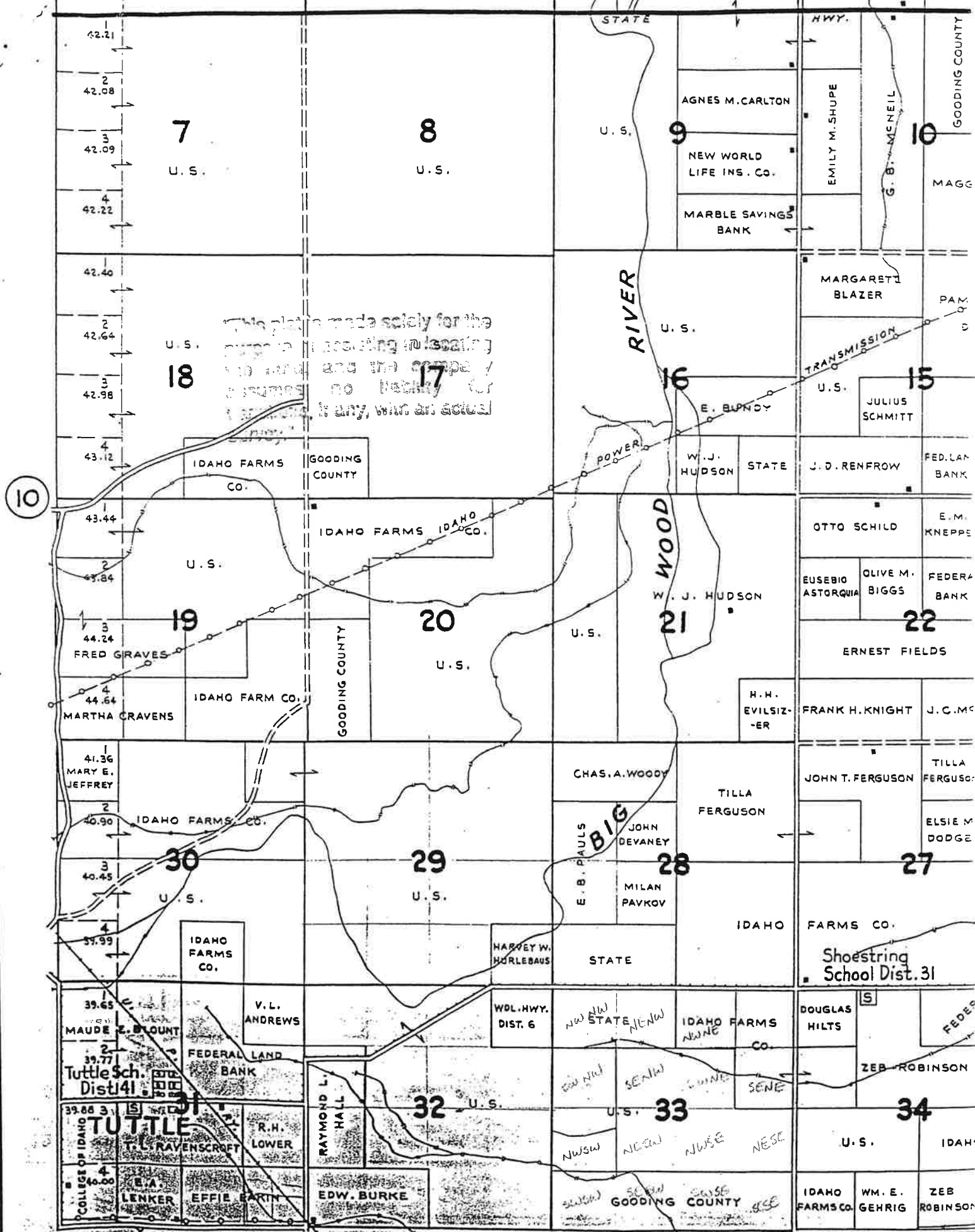
Thence leaving the center of the irrigation waste drain and along the West boundary of the NW $\frac{1}{4}$ of Section 33 on a bearing of North 00°33'30" East for a distance of 1354.00 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH the following described parcel:

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

Section 3: Lots 1, 2, 3 and 4, N $\frac{1}{2}$ SE $\frac{1}{4}$

*conveyed as
parcel 1*



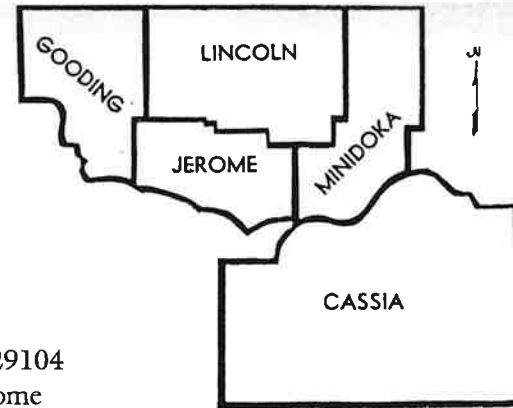
This plat is made solely for the purpose of locating the road and the owner assumes no liability for any, with an actual survey.

15



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: G-29104

OFFICE: Jerome

March 7, 2000

IDWR - *Southern Region*
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

MAR 08 2000

Department of Water Resources
Southern Region

RE: MAGIC ACRES/BIG SKY DAIRY

To Whom It May Concern:

In connection with the above referenced file, enclosed herewith you will find the following:

1. Notice of Change of Water Right Ownership.
2. Copy of Warranty Deed recorded March 1, 2000 as Instrument No. 184638 under Gooding County Records.
3. Plat Map.

Please process this transfer as indicated.

As always, thank you for your assistance! Should you have any questions regarding this matter, please do not hesitate to contact me at 208-324-3357.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in dark ink, appearing to read "Jenni Stippich".

Jenni Stippich
Escrow Department

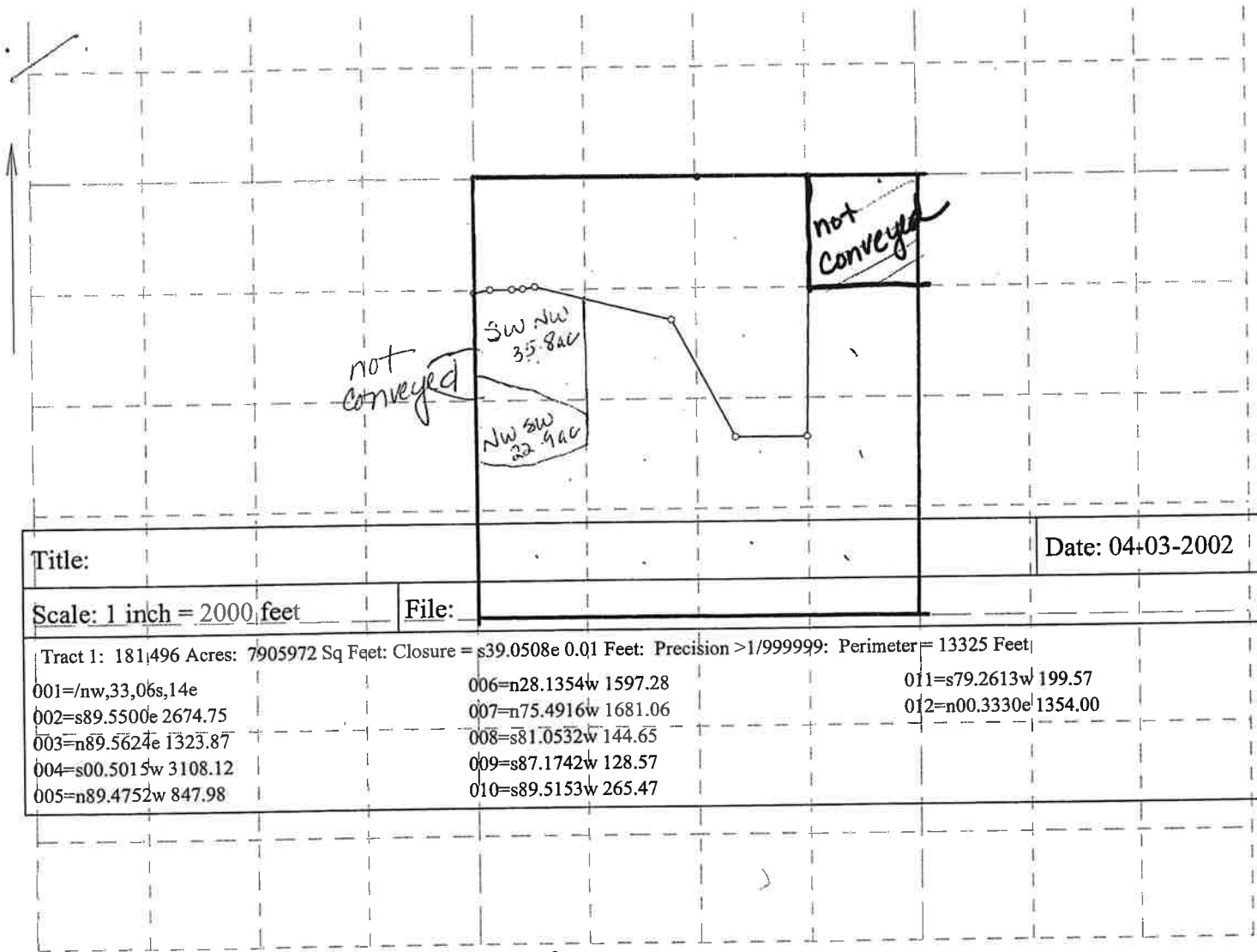
Enclosures

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

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5890

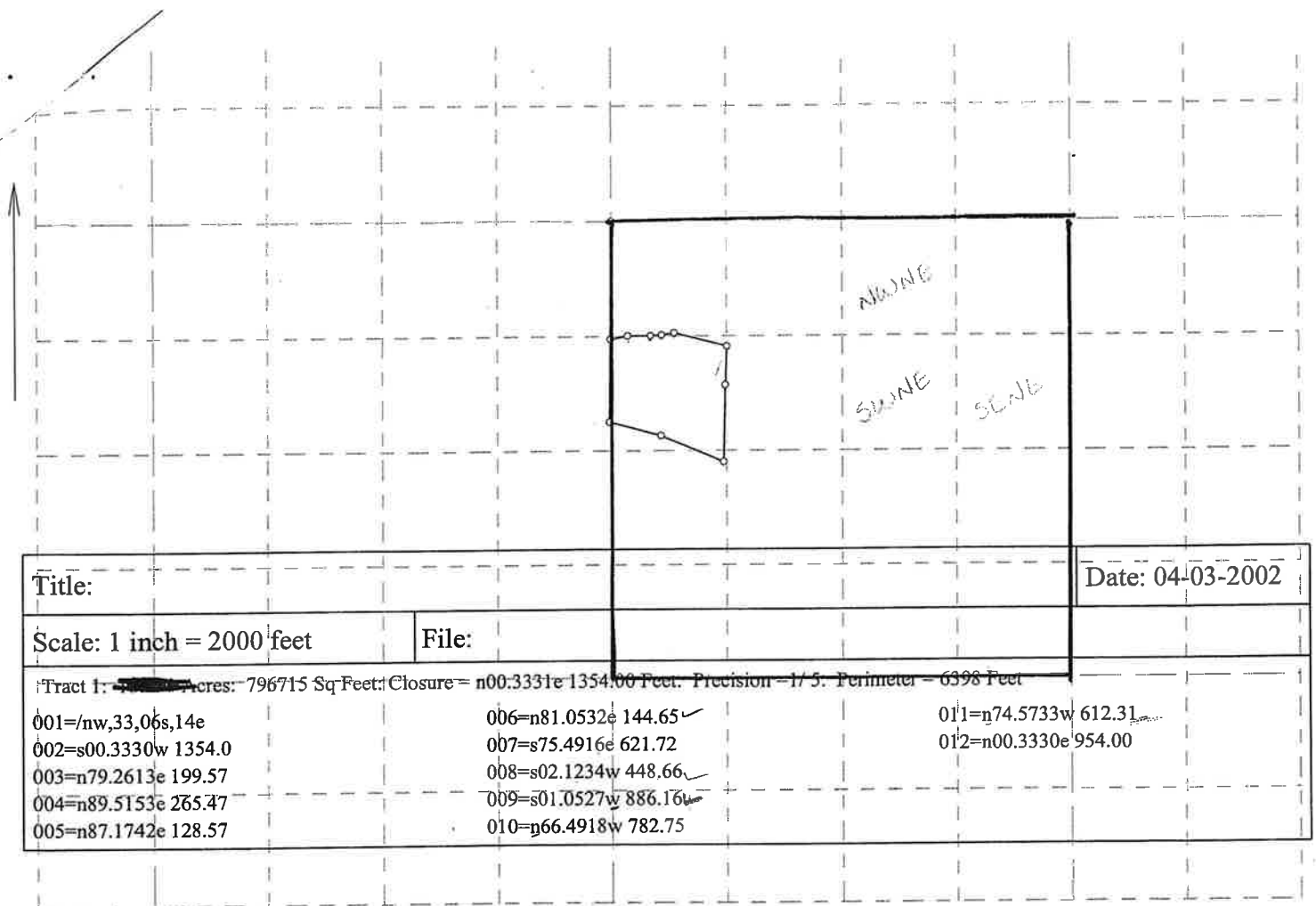
BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199



Parcel 11 Magic Acres to Big Sky Dairy

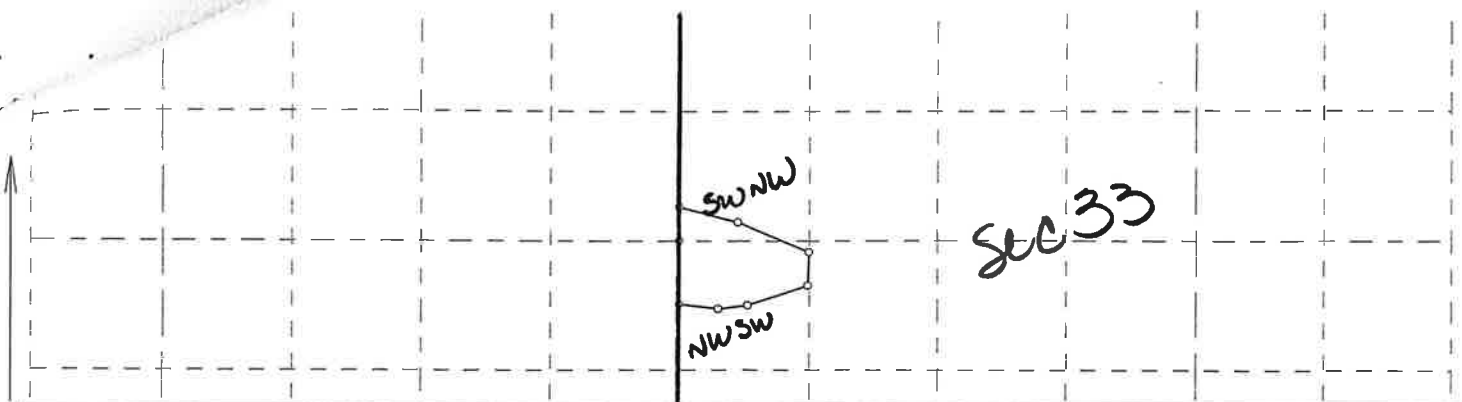
Bozoning City
Assessor
934-5666

T6S R 14E Sec 33
SW NW Robert Mufus
about
NW SW Anderson & Sons



exception 35.8 acres

owned by Robert Meyers
 for Gouding County Assessor
 4/4/02.



Title:		Date: 04-03-2002
Scale: 1 inch = 2000 feet	File:	
Tract : 22.876 Acres: 996470 Sq Feet: Closure = s72.5535e 0.01 Feet: Precision =1/714864: Perimeter = 4076 Feet		
001=nw,sw,33,06s,14e	005=s1.1923w 345.98	009=n0.00e 647.85
002=n0.0148e 343.32	006=s71.5900w 644.29	
003=s75.2915e 612.31	007=s83.1804w 298.53	
004=s67.2100e 782.75	008=n83.4414w 400.55	

per Gooding County Assessor
 4/4/02

owned by Albert Anderson & Sons
 Spud Cellar

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5487

WATER RIGHT NO(S) . 36-02671G/36-07367G/36-07381G/36-07445G
36-07480H/36-07157D

This is to certify that: TONY VISSER
C/O BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-02671G :			
STOCKWATER	01/01 to 12/31	0.19 CFS	40.5 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	40.5 AF
Priority: 01/09/1967		0.19 CFS	40.5 AF
Right No. 36-07367G :			
STOCKWATER	01/01 to 12/31	0.66 CFS	112.8 AF
COMMERCIAL	01/01 to 12/31	0.66 CFS	112.8 AF
Priority: 08/13/1973		0.66 CFS	112.8 AF
Right No. 36-07381G :			
STOCKWATER	01/01 to 12/31	0.11 CFS	16.2 AF
COMMERCIAL	01/01 to 12/31	0.11 CFS	16.2 AF
Priority: 09/19/1973		0.11 CFS	16.2 AF
Right No. 36-07445G :			
STOCKWATER	01/01 to 12/31	0.19 CFS	29.1 AF
COMMERCIAL	01/01 to 12/31	0.19 CFS	29.1 AF
Priority: 02/21/1974		0.19 CFS	29.1 AF
Right No. 36-07480H :			
STOCKWATER	01/01 to 12/31	0.43 CFS	77.7 AF
COMMERCIAL	01/01 to 12/31	0.43 CFS	77.7 AF
Priority: 05/31/1974		0.43 CFS	77.7 AF
SUBTOTAL:		1.50 CFS	235.8 AF
Right No. 36-07157D :			
STOCKWATER	01/01 to 12/31	0.83 CFS	159.3 AF
COMMERCIAL	01/01 to 12/31	0.83 CFS	159.3 AF
Priority: 02/16/1971		0.83 CFS	159.3 AF
TRANSFER TOTAL:		2.33 CFS	395.1 AF

RECEIVED
MAR 01 2000
Department of Water Resources
Bozeman, Montana

NOT
DE



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

DICK KEMPTOR
GOVERNOR

KARL J. DEUKER
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 4

Date: 4/whatever

To: Irish

Fax No.: _____

From: VIBK

Fax No.: _____

Phone No.: _____

Subject: File copy SF5 - (on joy)

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-7157B V1

WATER RIGHT NUMBER: 36-7157B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DON MC FARLAND PO BOX 5178 TWIN FALLS, ID 833035178 (208)734-0004
Lienholder	THE MUTUAL LIFE INSURANCE CO OF NE ATTN DAVID M BROWN SR COUNSEL 5650 MEXICO RD #15 ST PETERS, MO 633761696 (636)447-5600
Attorney	J WALTER SINCLAIR PO BOX 366 TWIN FALLS, ID 833030366
Present Owner	BIG SKY DAIRY 2395 S 1500 E GOODING, ID 83330 (208)934-9072
Current Owner	CAROL MC FARLAND PO BOX 5178 TWIN FALLS, ID 833035178 (208)734-0004

Priority Date: 02/16/1971

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.130 CFS	1,128.00 AF
	<u>Total Diversion:</u>	4.130 CFS	1,128.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NW1/4	Sec. 33, Twp 06S, Rge 14E, B.M.
GOODING 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	
06S	14E	33	40.0	40.0			40.0	40.0	37.0	40.0	30.0					15.0			282.0

Total Acres: 282

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-7157B V1

Conditions of Approval:

1. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.
2. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks:

Comments:

1. WORSTELL 7/10/1991 COPIED FROM REMARKS
Comment: TRANS. 3064. REDUCTION OF P/U THE PLACE OF USE IS REDUCED 28 ACRES DUE TO 5 YEARS OF NON-USE.
2. SCHULTZ 9/28/1992 NOTICE OF ERROR (NOE)
Comment: NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.
3. MERRITT 10/13/1992 RESPONDED TO NOE
Comment: LETTER SENT 10/13. NO CHANGE.
4. SSHERMAN 7/29/1999 ADDRESS CHANGE
Comment: ADDRESS CHANGE FOR MISSOURI OFFICE OF MONY BY CLAIMANT LETTER.
5. SSHERMAN 8/30/1999 ADDRESS CHANGE
Comment: ADDRESS CHANGE BY CLAIMANT LETTER.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: RECEIVED - NO CHANGE TO RECOMMENDATION
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

RECEIVED

APR 24 1998

Department of Water Resources

1998 APR 23 PM 11:10

DISTRICT COURT - SRBA

FIFTH JUDICIAL DISTRICT OF THE

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.: 36-07157B

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date:

11-26-97

John Butler, Atty for Carol and Don McFarland

IDWR Concurrence

Approved as to form:
Attorney for IDWR

Wick Spencer

5856NF

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

DATE: NOV-26-1997

PAGE: A-1

GHTS FROM: SOURCE: GROUNDWATER

GHT NUMBER: 36-071578

ME AND ADDRESS: CAROL MC FARLAND
DON MC FARLAND
PO BOX 268
EDEN ID 83325

URCE: GROUNDWATER

ANTITY: 4.13 CFS
1128.0 AFY

ORITY DATE: 02/16/1971

INT OF DIVERSION: T06S R14E S33 NENENW Within GOODING County

RPOSE AND RIOD OF USE:	PURPOSE OF USE	PERIOD OF USE		QUANTITY	
		06/01	10/31	4.13 CFS	1128.0 AFY
IRRIGATION					

ACE OF USE:	IRRIGATION	Within GOODING County				
		T06S R14E S33	NWNE 40	SWNE 40	NENW 40	
			SWNW 37	SENE 40	NESW 30	NWSE 15
282 ACRES TOTAL						

NSUMPTIVE USE: 846.0 AFY

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

THE APPROPRIATOR IS ENTITLED TO RESUME THE USE OF THIS WATER
RIGHT ON THAT PORTION OF THE 310 ACRE LICENSED PLACE OF USE NOT
PRESENTLY BEING IRRIGATED, SO LONG AS SUCH RESUMPTION DOES NOT
CAUSE INJURY TO INTERVENING JUNIOR APPROPRIATORS.

PLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on April 22, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

John Butler
Benoit Alexander
PO Box 366
Twin Falls, ID 83303-0366



Signature of person or attorney mailing the form

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7157 Priority Feb. 16, 1971 Amount 7.43 cfs

THIS IS TO CERTIFY, that TWO PLUS RANCH
of Kimberly, Idaho, has complied with the terms and conditions of Permit
No. 36-7157 issued pursuant to Application for Permit dated February 16, 1971,
and has submitted proof to the Department of Water Resources on July 31, 1974,
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 7.43 cfs of water from a ground water 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 1</u> to <u>Nov. 1</u>	at <u>7.43</u> cfs and	<u>2,240 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 7.43 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
2,240 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4,
Twp. 8 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 $\frac{1}{4}$	
8 S	14 E	4					40	40	40	40	40	40	40						320
		5	40	40	40	40													160
		9					40	40											80

Total number of acres irrigated 560

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 18 day of
December, 19 75.

Director