

420

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: A36-02373
Date Received: 4/26/1990
Receipt No: 5012271
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON MC FARLAND
Address: P.O. BOX 268
EDEN, ID 83325

AND/OR

Name: CAROL MC FARLAND
Address: P.O. BOX 268
EDEN, ID 83325

COPY
original claim taken
to SRA court 8-28-94

2. Date of Priority: JAN 16, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	18E	36	NE	SE			JEROME

5. Description of diverting works:
WELL, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.220		

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

8. Total consumptive use is 1110.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	19E	31	SW	NW		IRR	15.0

A36-02373

Page 1

Date: 05/02/90

MICROFILMED

JAN 28 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	19E	31	SE	NW		IRR	20.0
			NE	SW		IRR	20.0
			NW	SW		IRR	15.0
					Section Acres		70.0
		36	NE	NE		IRR	25.0
			NW	NE		IRR	35.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres		300.0		
			Total Acres		370.0		

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 27746

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Don McD () Date: 5/7/90

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of May 19 90

Kristine L. Hinton
Notary Public

Seal

Residing at Twin Falls
My Commission Expires 1-3-95

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water Right Number - 36-02373 Adj. Flag Translation: Standard Water Right Number Old (D) Number - 27746

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CONWAY PAUL 1 -
2 -
3 -
City- JEROME State- ID Zip-
Phone -

CONWAY ROBERT C. 1 -
2 -
3 -
City- JEROME State- ID Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/16/1959 17 L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
+ - - - - Stream Index (Blank if no Index Code)

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index
08S	18E	36	NE SE			(53) JEROME	

+ - - - - Water Use - - - - - +
+ - - - - Diversion Rate Diversion Volume

01 - IRRIGATION 3.220

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.220

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	19E	31	SW NW		15.0	01	IRRIGATION	(53) JEROME
08S	19E	31	SE NW		20.0	01	IRRIGATION	(53) JEROME
08S	19E	31	NE SW		20.0	01	IRRIGATION	(53) JEROME
08S	19E	31	NW SW		15.0	01	IRRIGATION	(53) JEROME
08S	19E	36	NE NE		25.0	01	IRRIGATION	(53) JEROME
08S	19E	36	NW NE		35.0	01	IRRIGATION	(53) JEROME
08S	19E	36	SW NE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	36	SE NE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	36	NE SE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	36	NW SE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	36	SW SE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	36	SE SE		40.0	01	IRRIGATION	(53) JEROME
Total Acres:					370.0			

+ - - - - Place of Use - - - - - +
+ - - - - Description County

JAN 28 1993
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04/13/90 15:05:08
161 inches

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 04/24/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-	Microfilm Roll Number	-

MICROFILMED
JAN 28 1993

Range 19 EBM

9
5.
MICROFILMED

JAN 28 1993

$$\begin{array}{r} 50 \\ 100 \\ \hline 150 \end{array}$$

50
9
3

This is a detailed cadastral map of a portion of Idaho, showing land parcels, owners, and infrastructure. The map includes sections 26, 27, 30, 29, 34, 35, 36, 31, and 32. Key features include:

- Ranges:** Range 18 EBM and Range 19 EBM at the top.
- Township:** Twp 8 S on the right side.
- Land Owners:** Various owners are listed, including U.S., J.F. Reynolds, Idaho Farms Co., West. Loan & Inv. Co., Hans Mohr, T.J. Barnes, East Fork Sheep Co., Idaho Farms Co., Chas. J. Marshall, A.J. Henry, Max Purdum, J.T. Martin, Jerome County, B. & G. Land Co., Federal Land Bank, Perrine, Frank Sirucek, and Mary Henry.
- Infrastructure:** State Highway No. 25 runs horizontally across the middle. The Union Pacific Railway runs diagonally from the bottom left towards the center. The Main Canal runs from the top right towards the center.
- Other Features:** A yellow highlight is present on section 36. There are also several small numbers (e.g., 39.93, 39.77, 39.61, 39.45) and checkmarks scattered throughout the map.

RECEIVED

DEC 06 1991

Department of Water Resources
Southern Region Office

November 19, 1991

Attention: Judy Givens
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Amendment of Notice of Appearance

Dear Mrs. Givens:

This will serve as notice to remove the law firm of Nelson, Rosholt, Robertson, Tolman & Tucker as acting attorneys on behalf of the undersigned claimant, and that all notices required by law hereafter to be mailed by the director to the undersigned should be mailed to the address of J. Walter Sinclair, P.O. Box 366, Twin Falls, Idaho 83303-0366.

DATED this 25th day of November, 1991.

Don McFarland
Don McFarland, Claimant

John A. Rosholt
John A. Rosholt
NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906

done 12-12-91
jk
A36-02373

MICROFILMED

JAN 28 1993

RECEIVED

STATE OF IDAHO

DEC 06 1991

County of Twin Falls

) ss.

Department of Water Resources
Southern Region Office

On this 25th day of November, 1991, before me, a Notary Public, in and for said County and State, personally appeared Don McFarland, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Denise Lee
NOTARY PUBLIC
Residing at: Twin Falls
My commission expires: 1-4-94

MICROFILMED

JAN 28 1993



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

November 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM HOLLIFIELD
249 THIRD AVE E
PO BOX 66
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 35-02206 AND 36-07491

Dear Mr Hollifield

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

If this is acceptable or you have any questions please contact me or Nick Spencer (327-7930) so that we can complete the balance of the paperwork for the SRBA court.

Please note that additional work will have to be done before permit 36-07492A can be split. However, this does not have any affect on the adjudication process. The adjudication process must be resolved before the recommendation for that permit can be completed. I expect to work on the permit split with Dan Nelson (the agent that did the field exam for the permit) during the last week of November or the first part of December.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc John Butler



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

November 10, 1997

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

JOHN BUTLER
PO BOX 366
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 35-02206 AND 36-07491

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Please note that additional work will have to be done before permit 36-07492A can be split. However, this does not have any affect on the adjudication process. The adjudication process must be resolved before the recommendation for that permit can be completed. I expect to work on the permit split with Dan Nelson (the agent that did the field exam for the permit) during the last week of November or the first part of December.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc William Hollifield

NARRATIVE FOR ALL FOUR RIGHTS

36-02725

This right was reduced by 3 acres through a settlement with BLM. The acres were not transferred. The right was then split through the change of ownership process with 167 acres going to Walker and 143 acres being retained by Sundance Inc. (The BLM acres were within the P/U going to Walker.)

The diversion rate split was based upon an agreement between the parties rather than a proportional split. The original right was licensed at ≈ 0.012 cfs/acre and the non-proportional division does not exceed an inch to the acre for either party.

36-02373

This right was transferred in its entirety to Walker. It was originally recommended for 346 acres @ 3.22 cfs. During the settlement conference held on 10-24-1997, the department agreed to stipulate to additional acres that lay between the northeast border of the recommended place of use and the canal. They were tentatively identified as 9 acres, however upon further review, these acres were calculated to be 10 acres. The recommendation now reflects 356 acres @ 3.22 cfs.

As this right was licensed for less than an inch to the acre and the increase in recommended acres from 346 acres to 356 acres still generates a diversion rate below an inch to the acre, the recommended diversion rate was not changed.

36-02206

This right was retained in its entirety by Sundance Inc. The licensed place of use by quarter/quarter (q/q) was not readily identifiable with the available documentation. I identified specific acre boundaries via GIS on a 'best fit' basis (see GIS layout). The effect on the other rights is primarily on the permit 36-07492A which is not included in the adjudication recommendation review.

37-07491

This right also has a place of use location within q/qs problem. The greatest concern was the physical location of the 9 acres within sec 35 SW $\frac{1}{4}$ NE $\frac{1}{4}$. Initial review placed it in the N $\frac{1}{2}$ of the quarter. If this were so, then this right would be required to be split. Upon further review, it appeared logical that those 9 acres would be congruent with the 4 acres licensed in sec 35 NW $\frac{1}{4}$ SW $\frac{1}{4}$ (again, see the GIS layout). This location is consistent with Walker & Sundance's original assessment.

There is an overlap issue with 36-02725 in sec 35, 33 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$. All overlapping acres are on ground retained by Sundance Inc.

The entire right is retained by Sundance Inc.

**SPLIT RIGHT AND OWNERSHIP CHANGE ANALYSIS FOR
SPLIT OF 36-02725 AND
OWNERSHIP IDENTIFICATION FOR 36-02206, 36-07491, 36-02373**

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOMMENDED PLACE OF USE																				
36-02725	08S	18E	25										1	10						11
			26													17	2	15	40	74
			35	40	31		40									40		37	40	228
WALKER'S SHARE OF 36-02725																TOTAL				313
36-02725B	08S	18E	25										BLM	10						10
			26													17	BLM	15	40	72
			35	40	31		14													85
SUNDANCE'S SHARE OF 36-02725																TOTAL				167
36-02725A	08S	18E	35				26									40		37	40	143
TOTAL																				143

SUNDANCE INC TO WALKER FARMS

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36-02373	08S	19E	31							12	10	27	21							70
	08S	18E	36	16	34	40	36									40	40	40	40	286
																TOTAL				356

RETAINED BY SUNDANCE INC

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36-02206	08S	18E	34																5	5
			35											6						6
	09S	18E	3	36																36
																TOTAL				47
36-07491	08S	18E	34													40			11	51
			35			9						8					4	33	15	69
TOTAL																				120

Adjudication claim 36-07492B is appurtenant to a portion of the property shown but is not listed as it was sold to another entity and is expected to be withdrawn. It is not considered to be appurtenant to that ground and has not been included in the system analysis and recommendations for the two systems. 36-07492A is a permit outside of the adjudication and is also being split but by the IDWR allocations section. That split is not being addressed in this analysis.

SPLIT ANALYSIS FOR 36-02725

36-02725 was recommended for 3.60 cfs on 313 acres.

A stipulation was signed with the BLM to 'dry' up the three acres on BLM property.

Therefore, the proportional rate per acre based upon the stipulation is;

Recommendation 3.60 cfs	313 acres		
Less stipulation	<u>3 acres</u>	<u>3.60 cfs</u>	= a proportional rate of
Current recom. 3.60 cfs	310 acres	310 acres	<u>0.0116 cfs/acre</u>

Proportional share for:

Walker 0.0116 cfs/acre * 167 acres = 1.94 cfs

Sundance 0.0116 cfs/acre * 143 acres = 1.66 cfs
total 3.60 cfs

HOWEVER, the recommended diversion rate split, shown below, is the rate specified on the change of ownership form.

RECOMMENDATION

Walker 2.27 cfs
Sundance 1.33 cfs
total 3.60 cfs

RATE PER ACRE COMPARISON

2.27 cfs/167 acres = 0.0136 cfs/acre
1.33 cfs/143 acres = 0.0093 cfs/acre

WALKER SHARE SUMMARY

	ACRES
TNS 8S, RNG 18E, SEC 25	10
SEC 26	72
SEC 35	85
SEC 36	286
TNS 8S, RNG 19E, SEC 31	<u>70</u>
TOTAL	523 ACRES

	ACRES
36-02725B	167
36-02373	<u>356</u>
TOTAL	523 ACRES

36-02725B 167 acres @ 2.27 cfs
36-02373 356 acres @ 3.22 cfs

SUNDANCE SHARE SUMMARY

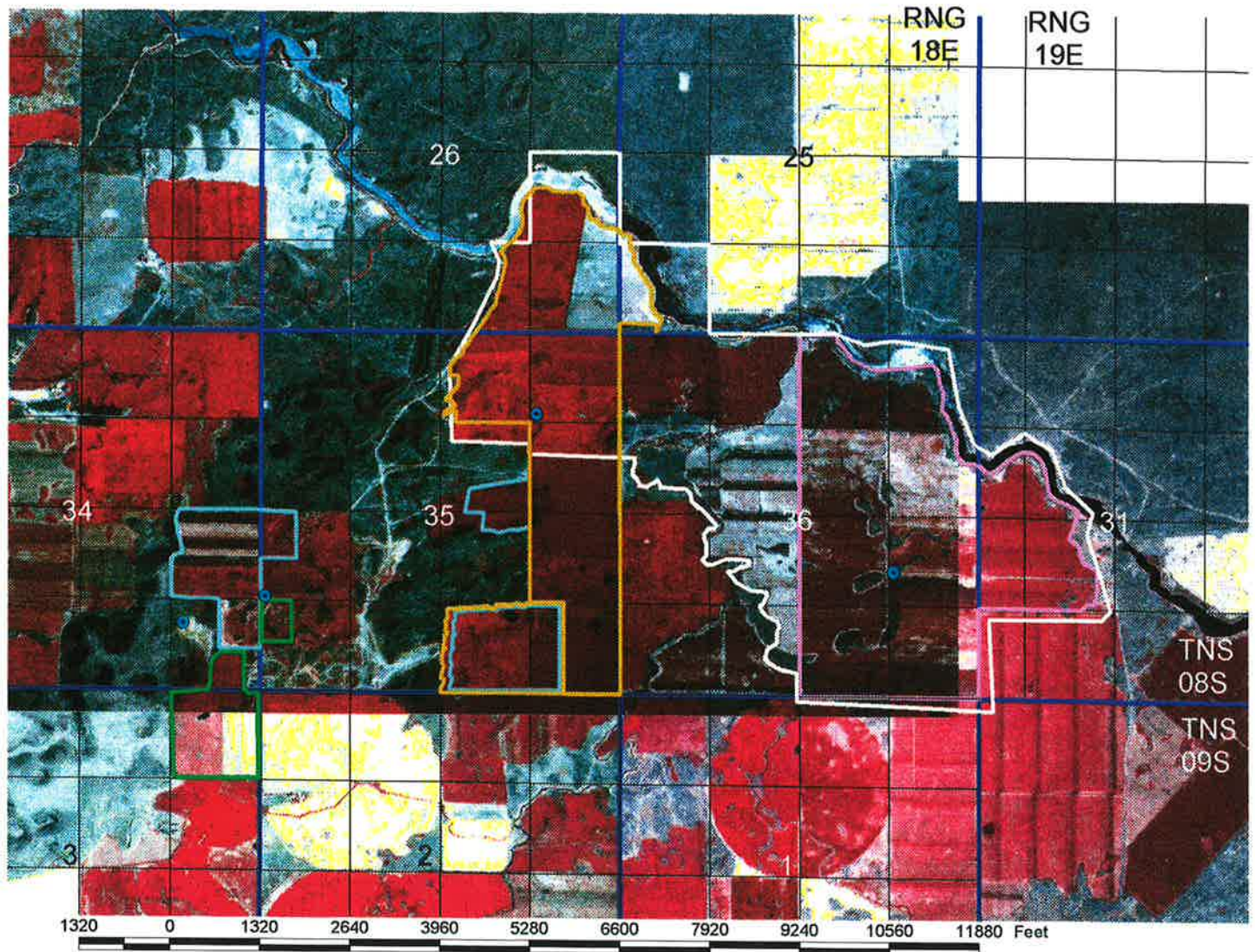
	ACRES
TNS 8S, RNG 18E, SEC 34	56
SEC 35	218
TNS 9S, RNG 18E, SEC 3	<u>36</u>
TOTAL	310 ACRES

	ACRES
36-02725A	143
36-02206	47
<u>36-07491</u>	<u>120</u>
TOTAL	310 ACRES

36-02725A 143 acres @ 1.33 cfs
36-02206 47 acres @ 0.88 cfs
36-07491 120 acres @ 1.64 cfs

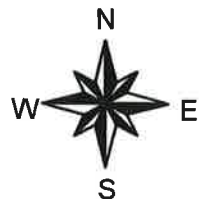
IDAHO DEPARTMENT OF WATER RESOURCES

SUNDANCE - WALKER SPLIT ANALYSIS 36-02725, 36-02373, 36-02206, & 36-07491



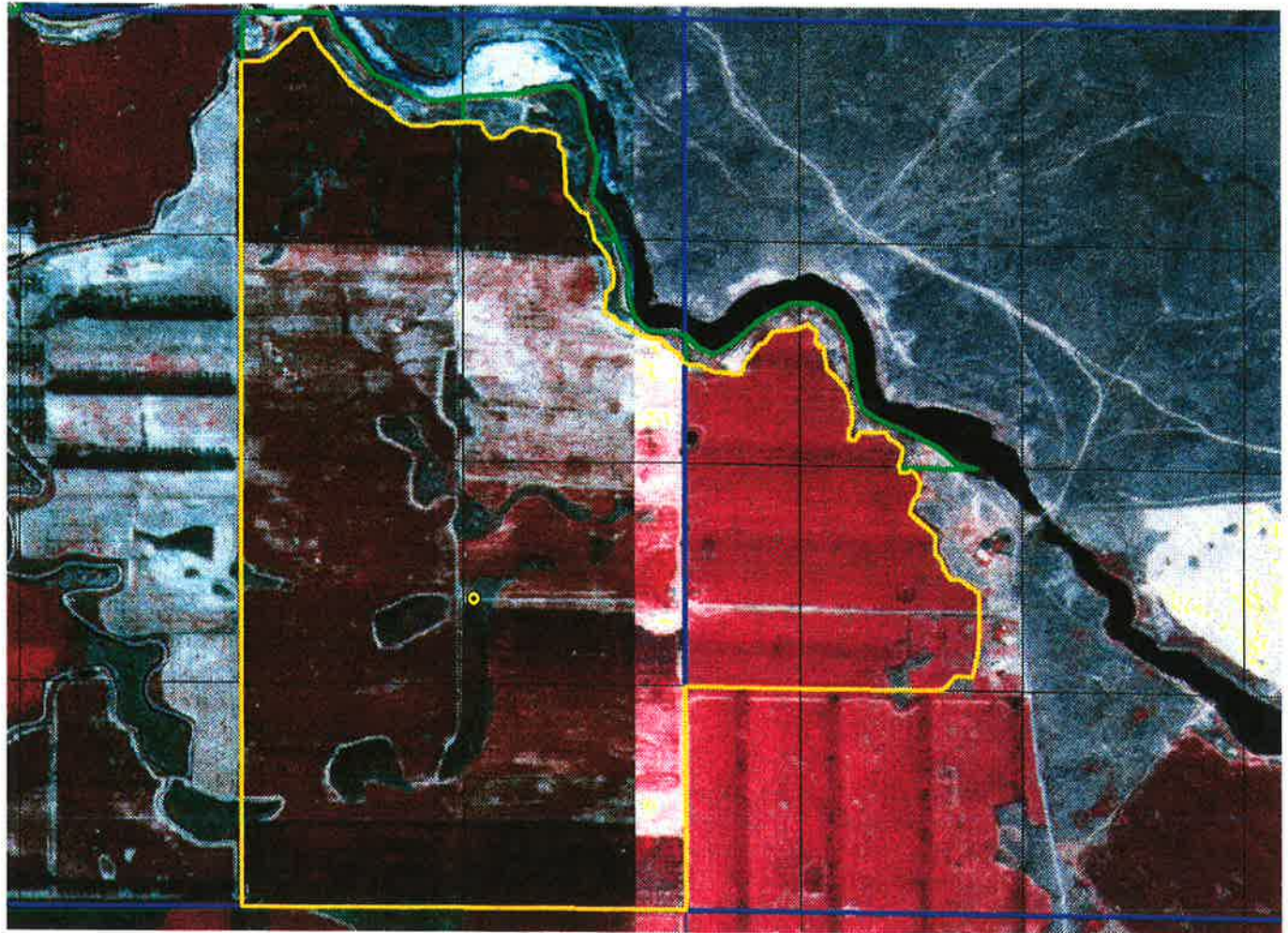
TNS 08S, RNG 18E, SEC 25, 26, 34, 35, & 36
TNS 09S, RNG 19E, SEC 3
TNS 08S, RNG 19E, SEC 31

- IN
WHITE Walker place of use outline
- 36-2206
 - 36-7491
 - 36-2725
 - 36-2373
 - Point of diversions
 - Section Lines
 - Quarter/Quarter lines



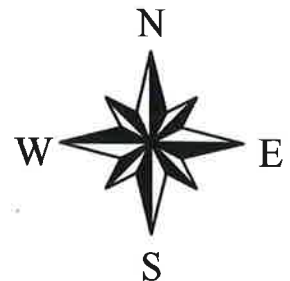
GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 27, 1997
BY KELLY K CHRISTENSEN

IDAHO DEPARTMENT OF WATER RESOURCES
36-02373
DON & CAROL MC FARLAND/
WALKER FARMS



660 0 660 1320 1980 2640 Feet

TNS 8S, RNG 18E, SEC 36
TNS 8S, RNG 19E, SEC 31



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 1997
BY JEANIE ROBERTSON

**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.: 36-02373

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

William Hollifield, Atty for Walker Farms Partnership

Kelly K. Christensen
IDWR Concurrence

Approved as to form:
Attorney for IDWR

Nick Spencer

COPY

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 _____, 199__, 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

William Hollifield
Hollifield & Bevan, PA
PO Box 66
Twin Falls, ID 83303-0066

COPY

Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02373

NAME AND ADDRESS: WALKER FARMS PARTNERSHIP
3794 E 3600 N
HANSEN ID 83334

~~BAROK ME FARLAND~~
~~BOH ME FARLAND~~
~~PO BOX 268~~
~~EDEN ID 83329~~

SOURCE: GROUNDWATER

QUANTITY: 3.22 CFS
1424.0 AFY
1384.0 AFY

PRIORITY DATE: 01/16/1959

POINT OF DIVERSION: T08S R18E S36 SWNESE Within JEROME County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	3.22 CFS
		04/01 10/31	1384.0 AFY

PLACE OF USE: IRRIGATION Within JEROME County

T08S R19E S31	<u>Lot 2 (SWNW)12</u>	SENE 10	<u>NESW 27</u>	<u>Lot 3 (NWSW)21</u>
	<u>Lot 12 (SWNW)11</u>		<u>NESE 23</u>	<u>Lot 13 (NWSW)20</u>
S36	<u>NENE 16</u>	<u>NWNE 34</u>	SWNE 40	<u>SENE 36</u>
	<u>NENE 14</u>	<u>NWNE 31</u>		<u>SENE 37</u>
	NESE 40	NWSE 40	SWSE 40	SESE 40

356 ACRES TOTAL
~~346 ACRES TOTAL~~

CONSUMPTIVE USE: 1384.0 AFY

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

COPY

AKC



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

36-15056-decreed
36-15057-decreed

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

RECEIVED

DATE OF CLOSING: _____

JUL 23 1997

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. (See attached Warranty Deeds)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: 36-02725; 36-07492A; 36-02373; 36-15056; 36-15057; 36-7491

☒ Name and Address of Former Owner/Claimant(s)(Seller): Don & Carol McFarland Sundance, Inc.

P.O. Box 825 P.O. Box 825

☒ New Owner/Claimant (Purchaser): Eden, ID 83325 Eden, ID 83325

Walker Farms (Gene C. Walker)

☒ New Mailing Address: _____

☒ New Telephone Number: () _____

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

36-02725 - 2.270 CFS; 36-07492A - .421 CFS; 36-15056 - .060 CFS; 36-15057 - .040 CFS
10/24/97: 0.11 cfs under 36-07491

☒ Attach proof of ownership, describe proof attached: Warranty Deeds & Quitclaim Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Gene C. Walker, Son of Don Date 7/23/97

☒ Signature of Former Owner/Claimant(s): Don McFarland Date 7/9/97
Carol McFarland Date 7/9/97

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

Original and
Warranty deed
in 36-2725

Original to be mailed to Idaho
Copies to Former Owner and Ne

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
JOHN BUTLER

DATE: November 3, 1997 11:14 am

SUBJECT: STATUS OF SPLIT OF WALKER-SUNDANCE 36-02725 ET.AL
phone (X) walk-in()

I explained the conflict in the warranty deed description and the acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$ of sec 35. He indicated that he will check it out and then get back to me.

it appears that 1 or more segments
are missing from the reach & could
description in this reach

Scale
1 mm = 16.09 ft

Plat of a Portion of
warranty deed
942037

Pg 3

that portion leaving the
irrigation lateral center line
and ending with the first
segment on Pg 4 (sw corner
of the NE 1/4 SE 1/4 of Sec 26)

KKC
11-3-97

147

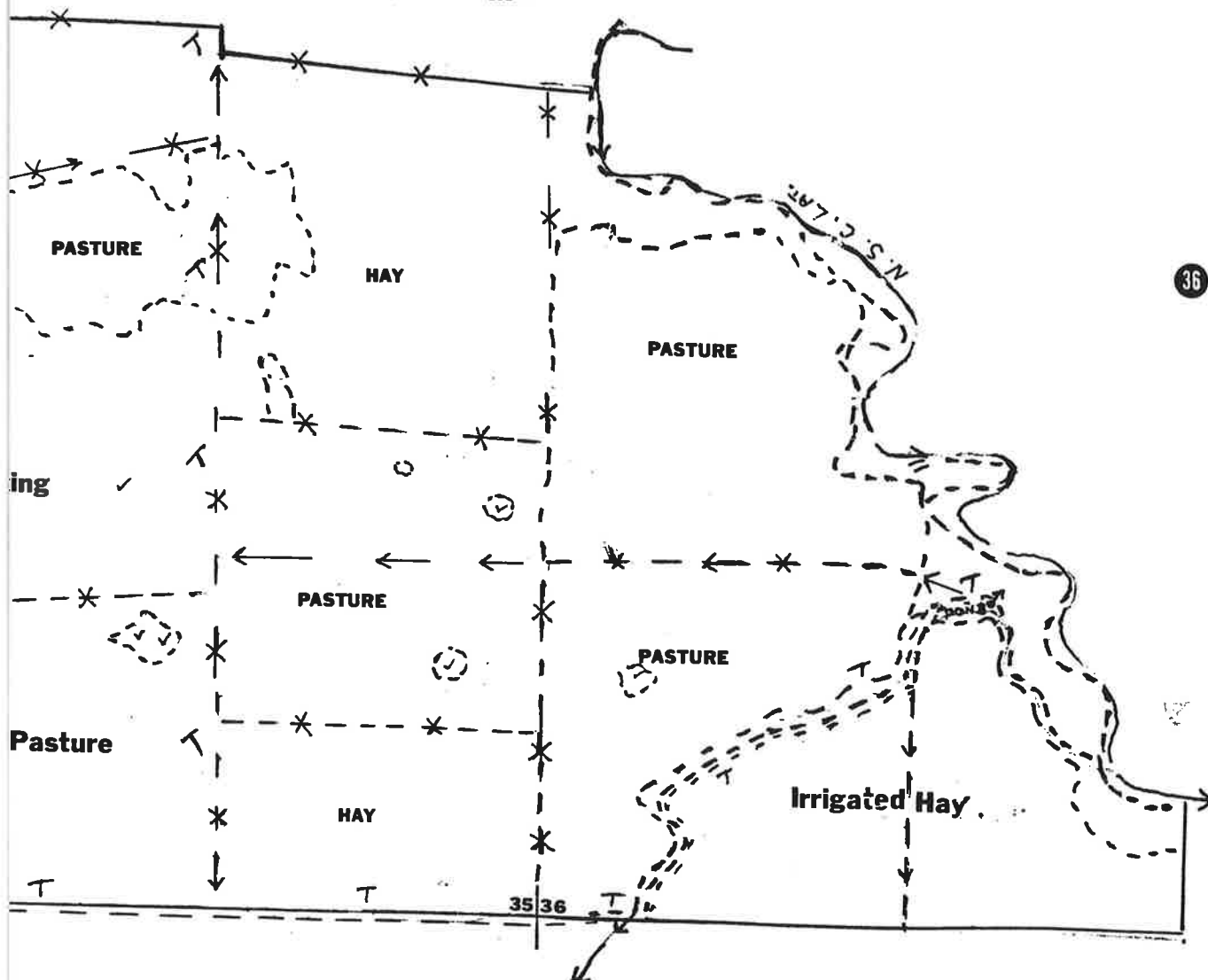
Scale: 1" = 660'

26
35 36

Subject Property

784.32 ACRES

JEROME CO.



Partial copy
of Original in
File 36-02725

KHC

Delivered to IDWR

11-10-97

Copy made of Original and
original retained by
Runner for Jack McCall.

LAW OFFICES
**BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH, L.L.P.**

HARRY BENOIT 1893 - 1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER
J. WALTER SINCLAIR
ROBERT M. HARWOOD
THOMAS B. HIGH
FRITZ A. WONDERLICH
JACQUELINE WAKEFIELD
RICHARD J. WORST
JOHN K. BUTLER
STEPHANIE A. FASSETT

125 SECOND AVENUE NORTH
POST OFFICE BOX 366
TWIN FALLS, IDAHO 83303-0366
TELEPHONE (208) 733-5463
FACSIMILE No. (208) 734-4438

KETCHUM OFFICE

160 SECOND ST. E. SUITE 218
POST OFFICE BOX 2246
KETCHUM, ID 83340-2246
TELEPHONE (208) 726-4900

November 5, 1997

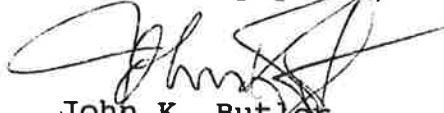
Mr. Kelly Christensen
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Walker/Sundance

Dear Mr. Christensen:

Enclosed please find a copy of the survey map regarding the
above.

Very truly yours,


John K. Butler

JKB/ka
(Mc-17hh\Christen.ltr)

Enclosure

pc: William R. Hollifield w/enc.

Plat map placed
into file 36-02725
KHC
11-20-97

RECEIVED

NOV 06 1997

Department of Water Resources
36-02725

CLAIM NUMBERS 36-02373DATE 10/21/97

TRANSFER NUMBER _____

OBJECTION FILED ☒AGENT JKTOTAL ACRES FROM RECOMMENDATION 376GEOGRAPHIC INFO SYSTEM 35488

RIGHT NO				NE				NW				SW				SE				(356) [361]
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	<u>08S</u>	<u>18E</u>	<u>36</u>	<u>25</u>	<u>35</u>	<u>40</u>	<u>40</u>									<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>300</u>
RECOM	<u>*</u>		<u>36</u>	<u>14</u>	<u>31</u>	<u>40</u>	<u>37</u>									<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>282</u>
GIS				9.60	27.5	40.14	34.15									39.99	39.98	39.95	39.95	285.15
GIS				6.15	5.87		1.87									(40) [40]	(40) [40]	(40) [40]	(40) [40]	(286) [287]
CLAIM	<u>08S</u>	<u>19E</u>	<u>31</u>	(16)	(34)	(40)	(36)			<u>15</u>	<u>20</u>	<u>20</u>	<u>15</u>							<u>70</u>
RECOM			<u>31</u>	[16]	[34]	[40]	[36]			<u>11</u>	<u>10</u>	<u>23</u>	<u>20</u>							<u>64</u>
GIS										10.15	5.73	26.94	20.73							69.73
GIS										2.28	3.90									(70) [72]
CLAIM										(12)	(10)	(27)	(21)							[72]
RECOM										[14]	[10]	[27]	[21]							
GIS																				

UPDATED 2 3

POLYGON #

UPDATED

370B36-DBPOU.DBF 616

POLYGON CREATED ON 604 ()

ATTRIBUTES OF B36-POU.SHP (616)B36-DBPOD.DBF 591ATTRIBUTES OF B36-POD.SHP (591) SWNESE-36

* POU in Section 36 was licensed, claimed, recommended in the wrong Range
- should be R18E, not R19E

polygon (-6) for extra 6.15 Ac. in NENE Sect. 36

polygon (-7) for extra 5.87 Ac. in NWNE Sect. 36

polygon (-8) for extra 1.87 Ac. in SENE Sect. 36

polygon (-9) for extra 2.28 Ac. in SWNW Sect. 31

polygon (-10) for extra 3.90 Ac. in SENW Sect. 31

- the above extends to edge of river

P/U CONFLICT yes (☒) no ()P/D CONFLICT yes () no (☒)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

AJ5856NP

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

DATE: NOV-25-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02373

NAME AND ADDRESS: WALKER FARMS PARTNERSHIP
3794 E 3600 N
HANSEN ID 83334

KAROK NE FARKAND
PO BOX 268
ROEM ID 83329

SOURCE: GROUNDWATER

QUANTITY: 3.22 CFS
1424.0 AFY NO STRIKEOVER
~~1384.0~~ ~~AFY~~

PRIORITY DATE: 01/16/1959

POINT OF DIVERSION: T08S R18E S36 SWNESE Within JEROME County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season
04/01 10/31

QUANTITY
3.22 CFS
1384.0 AFY

PLACE OF USE: IRRIGATION Within JEROME County

T08S R19E S31

Lot 2 (SWNW) 12

SENE 10

NESW 27

Lot 3 (NWSW) 21

Lot 1/2 (SWNW) 11

NESW 23

Lot 1/3 (NWSW) 20

S36

NENE 16

NWNE 34

SWNE 40

SENE 36

NENE 14

NWNE 31

SENE 37

NESE 40

NWSE 40

SWSE 40

SESE 40

356 ACRES TOTAL

346 ACRES TOTAL

CONSUMPTIVE USE: 1018.0 AFY

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

*Typed from Nick:
changes to be made
for SFS: to be mailed
to Hall: filed
KKC
11-26-97*

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/04/97 08:22:50
Page 1

Water Right Number - 36-02373

Prefix Translation: WATER RIGHT

Old (D) Number - 27746

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***

SINCLAIR

J WALTER

1 - PO BOX 366

2 -

3 -

City- TWIN FALLS

State- ID Zip- 833030366

Phone - 208-000-0000

*** C - CURRENT OWNER ***

MC FARLAND

CAROL

1 - PO BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

MC FARLAND

DON

1 - PO BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/16/1959 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
08S 18E 36 SW NE SE (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.220 1384.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.220 1384.00 1038.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 19E 31 SW NW 2 11.0 01 IRRIGATION (53) JEROME
08S 19E 31 SE NW 10.0 01 IRRIGATION (53) JEROME
08S 19E 31 NE SW 23.0 01 IRRIGATION (53) JEROME
08S 19E 31 NW SW 3 20.0 01 IRRIGATION (53) JEROME
08S 19E 36 NE NE 14.0 01 IRRIGATION (53) JEROME
08S 19E 36 NW NE 31.0 01 IRRIGATION (53) JEROME
08S 19E 36 SW NE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 SE NE 37.0 01 IRRIGATION (53) JEROME
08S 19E 36 NE SE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 NW SE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 SW SE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 SE SE 40.0 01 IRRIGATION (53) JEROME

18E

9/4/97
P/O range error
made in licensing
& perpetuated
in SRBA reclamation
is not objected
to, but must be
corrected in stip.
1-5F-5.21

Total Acres: 346.0

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 12/01/1995	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/14/1992	Old Judicial District	-
Claim Received Date	- 05/08/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S012271	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND/OR	Notice of Error Flag	- C



can -
S. Sherman Basin 3/6
State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

March 12, 1997

KARL J. DREHER
DIRECTOR

KEY CORP LEASING LLC
C/O ALBERT LOCKWOOD
1721 E 1200 S
EDEN ID 83325

RECEIVED

APR 24 1997

RE: Snake River Basin Adjudication (SRBA)
Water Rights #36-15057 and 36-02373

Department of Water Resources
Southern Region

Dear Water Right Holder:

We have been advised you may be the new owner of the property and water rights referenced above.

Before we can modify our records to reflect your new ownership of the property and water rights referenced above, we need Form 42-248/42-1409(6) completed and returned. We have enclosed this form for your use.

Please contact this office at 208/327-7862 or call us toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

S. Sherman

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:region
Enclosures:

Form 42-248/42-1409(6)
"How You Will Receive Notice..."
Docket Sheet Order Form

MP1 4-1-96

McFarland reported that these rights have been sold but didn't tell us the new owner.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 15 1997
Department of Water Resources

THIS IS YOUR 1996 WATER MEASUREMENT ANNUAL REPORT

For the Water Measurement Program - MEASURING DEVICE METHOD

IRRIGATION WELLS

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources 1301 N. Orchard Boise Idaho 83706, on or before January 15, 1997.

NOTE: A separate reporting form must be submitted for each well.

Waited for new 0.24 metered!

Name:	1
Water Right No:	<i>MC Farland DEN</i> <i>*36-19057</i>
Legal Description:	<i>000 100 36 SESESE</i>
Site Tag No:	<i>Parcel No RL08518E36 0001</i>
Diversion Name:	

Property sold to ?

SECTION I Appropriator information

Name and Address of Water Right Holder
Current Owner

Name _____
Last, First, MI
Address _____
City _____

Original Owner (if sold within last year)

Name _____
Last, First, MI
Address _____
City _____

Operator (if leased or operated by someone else)

Name _____
Last, First, MI
Address _____
City _____

*Former owner
assessor
new owner*

Said
Key Corp Leasing LLC
c/o Albert Lockwood
1721 E 1200 S
Eden ID 83325

Phone _____
Fax _____
State & Zip _____

Phone _____
Fax _____
State & Zip _____



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED

MAR 14 1997

Department of Water Resources
Southern Region

March 12, 1997

Mr. John K. Butler
Benoit, Alexander, Sinclair, Harwood & High
P.O. Box 366
Twin Falls, ID 83303-0366

RE: SRBA Subcase Nos. 36-02373, 36-07157B

Dear John:

In your letter of March 10, you asked that I provide or make available to you the information IDWR relied upon in making its recommendations of the two above referenced rights. That information is available in two places: first, IDWR's Southern Region offices have custody of the original claim files; second, IDWR's state offices in Boise maintains copies of the claim files on microfiche.

You are welcome to make an appointment at either office to examine the documents. If you wish to view the documents on fiche at the state office, please contact me as I would enjoy the opportunity to explain the information. However, I suggest that you examine the original claim files at Southern Region, as you will likely wish to view the original aerial photographs on which IDWR relied. IDWR does not place the original aerial photographs in the claim files; instead, it substitutes black and white copies and makes notations in the claim file of the original photos on which it relied. Those original photographs are available on request at Southern Region. By copy of this letter, I am advising Mr. Doug Jones, Southern Region's Adjudication Supervisor that you may be calling to schedule an appointment to view the claim files and related aerial photographs.

I would ask that you first contact me should you wish to discuss the information with IDWR personnel, as such discussions often develop into informal settlement conferences. IDWR would welcome such an opportunity. Otherwise, please feel free to contact me at any time should you wish to further discuss these subcases.

Sincerely,

Charles L. Honsinger
Charles L. Honsinger
Deputy Attorney General

cc: Doug Jones

RECEIVED

DEC 14 1995

Department of Water Resources
Southern Region

RECEIVED

DEC 8 8 1995

Department of Water Resources
Adjudication Bureau

1995 DEC -1 PM 1:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

Sm

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 Nos. 36-02373, 36-02667,
) 36-07157B and 36-07366

)
) **ORDER GRANTING MOTION TO**
) **FILE LATE OBJECTIONS**
)

On August 18, 1995, claimants Don and Carol McFarland filed their *Motion to File Late Objections* in the above subcases. In the affidavit attached to the *Motion*, John K. Butler, attorney for the claimants, alleged that deletion of General Provision 12(b) adversely affected his clients' period of use. Objections lodged with the *Motion* cited period of year, place of use and consumptive use as the three recommendations in the Director's Report to which the objections are sought.

A hearing was held on November 22, 1995, in the SRBA Courthouse in Twin Falls, Idaho. Mr. Butler appeared in person on behalf of the claimants. Brent R. King appeared in person on behalf of IDWR.

After considering the pleadings and hearing arguments of counsel, it is clear that the claimants have shown good cause to file late objections and have alleged facts constituting a meritorious position.

ORDER GRANTING MOTION TO FILE LATE OBJECTIONS
December 1, 1995

MICROFILMED

DEC 04 1996

Therefore, IT IS ORDERED that the *Motion* is granted. Objections lodged with the *Motion* are deemed filed the date of this Order. Responses to the objections shall be filed no later than January 31, 1996.

DATED: December 1, 1995.



Terrence A. Dolan
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE OBJECTIONS** was mailed on December 1, 1995, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

John K. Butler
126 2nd Avenue North
Twin Falls, ID 83301
Rep: Carol & Don McFarland



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

Case No. 39576,

)
) MOTION TO FILE LATE OBJECTIONS
) AS TO WATER RIGHT NUMBERS:
) 36-02373; 36-02671A;
) 36-07157B; 36-07480B; 36-07366;
) 36-07367A; 36-02667; 36-07381A;
) 36-07445A

* * * * *

Don and Carol McFarland, Husband and Wife, by and through their counsel of record, Benoit, Alexander, Sinclair, Harwood & High, hereby move the Court for leave to file late objections to the Basin 36 Director's Report pursuant to the Court's Order of July 28, 1995 and/or I.R.C.P. Rule 55(c) on the grounds that there is good cause for the late objection and the moving parties named herein have a meritorious position to be asserted in the SRBA, as to Water Right Nos. 36-02373; 36-02671A; 36-07157B; 36-07480B; 36-07366; 36-07367A; 36-02667; 36-07381A and 36-07445A.

DATED this 18 day of August, 1995.

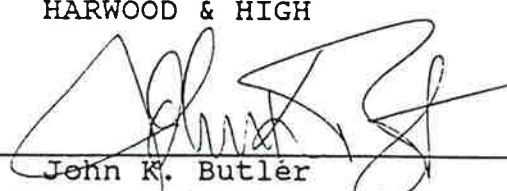
BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH

RECEIVED

AUG 22 1995

Department of Water Resources
Adjudication Bureau

By


John K. Butler

Attorneys for Don and Carol McFarland

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 126 Second Avenue North, Twin Falls, Idaho, certifies that on the 18th day of August, 1995, he caused a true and correct copy of the MOTION TO FILE LATE OBJECTIONS to be forwarded with all required charges prepared, by the method(s) indicated below, to the following:

Don and Carol McFarland
P.O. Box 268
Eden, ID 83325-02268

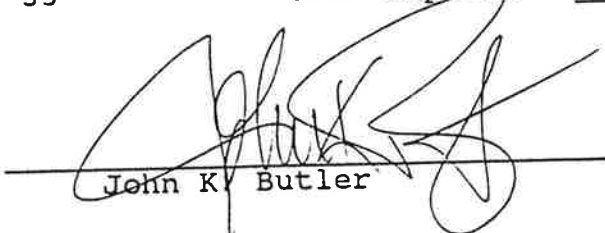
Hand Delivered _____
U.S. Mail X _____
Fax _____
Fed. Express _____

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 38711-4449

Hand Delivered _____
U.S. Mail X _____
Fax _____
Fed. Express _____

United States Department of Justice
Environment and Natural
Resource Division
550 West Fort Street, Box 33
Boise, ID 83734

Hand Delivered _____
U.S. Mail X _____
Fax _____
Fed. Express _____



John K. Butler

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,

)
)
) AFFIDAVIT OF JOHN K. BUTLER
)
)
)

* * * * *

STATE OF IDAHO)
County of Twin Falls) ss.

John K. Butler, being first duly sworn on oath, deposes and
says:

1. I am the attorney for Don and Carol McFarland.
2. Don and Carol McFarland seek to have this Court allow the filing of late objections as to the Basin 36 Director's Report on the grounds that since the Director's Report was first issued, there have been or may have been changes made to the Director's Recommendations, that were a factor on which Don and Carol McFarland relied in not objecting to said Report.
3. The primary and overriding concern of Don and Carol McFarland were that the Director was recommending that the period of use from March 15th to November 15th of their water rights described herein, be changed to April 1st to October 31st. Prior to the issuance of said Report, Don and Carol McFarland had attempted to have the Department of Water Resource change their recommended period of use.

AFFIDAVIT OF JOHN K. BUTLER - 1
(Mc-17u\Affidav.2\jkb\ka)

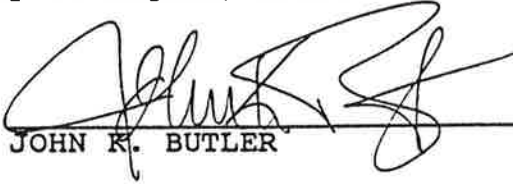
MICROFILMED
DEC 04 1996

4. Historically, Don and Carol McFarland have had a period of use with respect to the water rights described herein from March 15th to November 15th. When the Director's Report was initially issued, it provided in General Provision 12(b), a mechanism by which the Department could or would permit an extended period of use by allowing early or late diversion of irrigation water. Since the issuance of that Report, this Court, in or about May, 1995, deleted such provision which adversely affects the interests and rights of Don and Carol McFarland's water rights described herein, and Don and Carol McFarland, now wish the opportunity to participate in the SRBA proceedings and assert their rights which would have otherwise been protected by General Provision 12(b).

5. If the Director's Report had not provided a recommendation by which the mechanism would be put in place, as described above, so as to allow for an extended period of use, Don and Carol McFarland would have timely objected to said report, without the necessity of filing a late objection.

6. It is respectfully submitted, that Don and Carol McFarland have good cause for filing the late objection, and have a meritorious position to be asserted in the SRBA proceedings, and it is therefore respectfully requested, that this court grant leave to Don and Carol McFarland, so as to allow and permit the filing of their late objections, which have been filed concurrently herewith.

DATED this 18 day of August, 1995.


JOHN K. BUTLER

SUBSCRIBED AND SWORN to before me this 18th day of August,
1995.


NOTARY PUBLIC
Residing at: Twin Falls, Idaho
My Commission Expires: 4-3-2000

Twin Falls

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 126 Second Avenue North, Twin Falls, Idaho, certifies that on the 18th day of August, 1995, he caused a true and correct copy of the AFFIDAVIT OF JOHN K. BUTLER to be forwarded with all required charges prepared, by the method(s) indicated below, to the following:

Don and Carol McFarland
P.O. Box 268
Eden, ID 83325-02268

Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 38711-4449

Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

United States Department of Justice
Environment and Natural
Resource Division
550 West Fort Street, Box 33
Boise, ID 83734

Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____



John K. Butler

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)

The State of Idaho, ex rel. R. Keith)
Higginson in his official capacity as)
Director of the Idaho Department of)
Water Resources,)

Petitioner,)

vs.)

The United States; the State of Idaho; and)
all Claimants to the Use of Water from the)
Snake River Basin Water System,)

Respondents.)

Water Right No. 36-02373

(The water right number you are objecting to must be inserted here)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to a water right recommended in the director's report. *Only one party/claimant may object to one water right per objection form.* To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The objection must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this objection (Page 6) or the court will not accept it for filing. This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more objections must make an appointment with the Clerk of the SRBA Court.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Don and Carol McFarland

Address: P.O. Box 268
Eden, ID 83325-0268

Phone: Work: 825-5258 Home:

Briefly describe your interest in this water right: This party is the
owner of the subject water right in question.

If this objection is *filed by an attorney*:

Attorney Name: John K. Butler
Attorney Address: Benoit, Alexander, Sinclair, Harwood & High
P.O. Box 366
Twin Falls, ID 83303-0366

Attorney Phone No.: 733-5463

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:*

Name: Don and Carol McFarland

Address: P.O. Box 268
Eden, ID 83325-0268

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DEC 04 1996

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ *Name and Address*: I object to the name and/or address of the owner of the water right.
2. ☐ *Source*: I object to the source of water.
3. ☐ *Quantity*: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date*: I object to the priority date.
5. ☐ *Points of Diversion*: I object to the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I object to the purpose(s) of use.
8. ☒ *Period of Year*: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ *Place of Use*: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ *Consumptive Use*: I object to the annual volume of consumptive use.
11. ☐ *Remarks*: I object to the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation*: I object to:
 - a. ☐ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.

13. ☐ *Description of Reservation*: I object to the legal description of the reservation.

14. ☐ *Other*. I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See attached Exhibit "A"

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See attached Exhibit "A"

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

VERIFICATION (Must be Completed)

State of IDAHO

County of Twin Falls

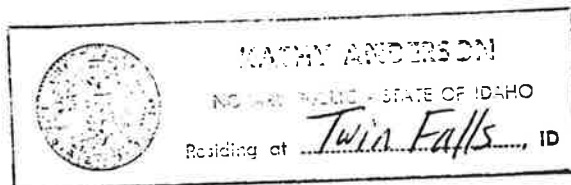
John K. Butler, being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant Objecting"), as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of party/claimant filing objection

By: [Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 18, 1995
(Insert Date)



Kathy Anderson
Notary Public for Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 4/3/2000

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on August 18, 1995, I mailed the original and copies of this objection, 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. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Don and Carol McFarland
Owner's address: P.O. Box 268
Eden, ID 83325-0268

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of party/claimant or attorney

EXHIBIT "A"

REASONS SUPPORTING EACH BOX CHECKED

- (8) Historically, this water right has had a period of use of March 15th to November 15th.
- (9b) Historically, this water right has irrigated 370 acres.
- (10) Historically, the annual volume of consumptive use has been 1110.0 AFY.

CHANGES TO THE DIRECTOR'S REPORT

The party hereto requests that the Director's Report be changed so as to allow a period of use of March 15th to November 15th or, alternatively, a mechanism be in place so as to allow the owner to divert early or late season irrigation water. Further, that the Director's Report be changed so as to allow an annual volume of consumptive use of 1110.0 AFY and that the water right be permitted to irrigate 370 acres.

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NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

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JAN 28 1993

Water Right Number - R36-02373

Prefix Translation: RESEARCH

Old (D) Number - 27746

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SINCLAIR

J WALTER

1 - PO BOX 366
2 -
3 -
City- TWIN FALLS
Phone - 208-000-0000

State- ID Zip- 833030366

*** C - CURRENT OWNER ***
MC FARLAND

DON

1 - PO BOX 268
2 -
3 -
City- EDEN
Phone - 208-000-0000
1 - PO BOX 268
2 -
3 -
City- EDEN
Phone - 208-000-0000

State- ID Zip- 83325

MC FARLAND

CAROL

State- ID Zip- 83325

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
01/16/1959 17 SOUTHERN L - LICENSE+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
08S 18E 36 SW NE SE (53) JEROME+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.220 1384.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.220 1384.00 1038.0+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08S 19E 31 SW NW 2 11.0 01 IRRIGATION (53) JEROME
08S 19E 31 SE NW 10.0 01 IRRIGATION (53) JEROME
08S 19E 31 NE SW 23.0 01 IRRIGATION (53) JEROME
08S 19E 31 NW SW 3 20.0 01 IRRIGATION (53) JEROME
08S 19E 36 NE NE 14.0 01 IRRIGATION (53) JEROME
08S 19E 36 NW NE 31.0 01 IRRIGATION (53) JEROME
08S 19E 36 SW NE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 SE NE 37.0 01 IRRIGATION (53) JEROME
08S 19E 36 NE SE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 NW SE 40.0 01 IRRIGATION (53) JEROME

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JAN 28 1993

Water right number - R36-02373

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	19E	36	SW SE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	36	SE SE		40.0	01	IRRIGATION	(53) JEROME

Total Acres: 346.0

+ - - Diversion Means - WELL, PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Remarks
No Remarks found.

Old Water Right Numbers
No Old Water Right Numbers Found

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
		00/00/0000

Comments
Date: 01/02/1991 User Id: BEDKE Subject: ADM-STAFF REVIEW
Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.
Date: 10/14/1992 User Id: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/14. CHANGED DESCRIPTION OF ACRES IN SECTION
RECOMMENDATION BECAUSE THE FIELD EXAM & MAP SUPPORT THE NOE.
CLAIM VERIFIED 3/11/92. DID NOT REVERIFY ANY PART OF CLAIM.
31. APPEARS THAT THERE WAS AN ERROR MADE IN CREATION OF THE

+ - - Audit Fields - - +
10/14/92 MERRITT

Adjudication Rights Dates and Flags Area			
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/14/1992
Claim Received Date	- 05/08/1990	Last Amended Date	- 00/00/0000
		Receipt Number	- S012271
		POU Ownership Flag	- Y
		Name Connector	- AND/OR
		Civil Case Number	- 39576
		Old Case Number	-
		Old Judicial District	-
		Temporary Right	- P
		Water District	-
		Federal/State Indicator	- S
		Presumption Flag	-
		Notice of Error Flag	- C

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JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

14-Oct-1992

R. KEITH HIGGINSON
Director

J. Walter Sinclair
PO Box 366
Twin Falls, ID 83303-0366

RE: Proposed Recommendation for Don McFarland (36-02373 & 36-07366)

Dear Mr. Sinclair:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim(s) listed above.

Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons stated in my letter to you regarding 36-02667, the season of use that will be recommended in the Director's Report will remain as proposed.

Additionally your NOE indicates that you would like the recommendations to be changed back to the number of acres claimed with the associated CFS and AFY amounts. Our recommendations are based on field review, landsat data, NAPP photography and ASCS aerial photography.

Your NOE for 36-02373 also indicates that there is a mixup in the legal description of the lands in S31. I have re-evaluated the acres, ect. and concur that the legal descriptions for the acres irrigated in S31 are in error. I have corrected this error (Please find enclosed a profile report of the corrected recommendation for 36-02373) but as for increase in the number of acres and associated CFS & AFY amounts, all evidence reviewed clearly shows that where acres have been reduced there has not been any irrigation. Based on our understanding of the law the water rights recorded for these areas have been forfeited due to non-use. The total acres and associated CFS and AFY amounts recommended for 36-02373 will remain as proposed.

I have also re-evaluated the basis for the acres recommended for 36-07366. NAPP photography and ASCS photography clearly support our original recommendation however Landsat information tends to support cultivation of the corner areas so for this reason I have changed our recommendation to increase the acres, CFS & AFY. (Please find enclosed a profile report of the corrected recommendation for 36-07366) Additionally the filing of NOE by Mr. Bullar seems to indicate that this land may have changed ownership. Please find enclosed a "Notice of Change of Water Right Ownership" which should

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JAN 28 1993

PAGE 2
Oct. 14, 1992

be completed so that the right can be reported in the proper name. Please note that it may be already too late to get the name changed in time for the Director's Report but this document should be filed so that we are corresponding with the proper people.

If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

CC: Don McFarland, PO Box 268, Eden, ID, 83325
Tim Bullar, 1623 E 2400 S, Gooding, ID, 83330

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RECEIVED

SEP 25 1992

Department of Water Resources

NOTICE OF ERROR FORM

August 24, 1992

Please type or print clearly, fill out completely, and return to:
Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the deadline date printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

September 24, 1992

1. Water right number: 36-02373

2. Name: Don McFarland
Carol McFarland

Address: P.O. Box 268
Eden, ID 83325

Weekday Telephone Number: 825-5258

3. Describe the portion of proposed recommendation with which you disagree:

Period of use

Use is shown as SWNW 11.0 - should be Lot 2 11.0.

Place of use shown as SENW 23.0 - should be SENW 10.0

Place of use shown as NESW 10.0 - should be NESW 23.0

Loss of acreage

AFY - Loss

4. Describe the changes you wish to have made in the proposed recommendation:

Period of use back as originally filed per water right.

See #3 above.

AFY back as originally filed.

5. Describe why you disagree with the proposed recommendation:

Incorrectly stated.

See attached.

6. Date:

SIGNATURE

Don McFarland

RECEIVED

OCT 01 1992

Department of Water Resources
Southern Region Office

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JAN 28 1993

LAW OFFICES

**BENOIT, ALEXANDER, SINCLAIR,
DOERR, HARWOOD & HIGH**

HARRY BENOIT 1893-1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER
J. WALTER SINCLAIR
JOHN A. DOERR
ROBERT M. HARWOOD
THOMAS B. HIGH
FRITZ A. WONDERLICH
JACQUELINE WAKEFIELD
ROGER B. HARRIS

126 SECOND AVENUE NORTH
POST OFFICE BOX 366
TWIN FALLS, IDAHO 83303-0366
TELEPHONE (208) 733-5463
FACSIMILE NO. (208) 734-1438

KETCHUM OFFICE
160 SECOND ST. E., SUITE 209
POST OFFICE BOX 2246
KETCHUM, ID 83340-2246
TELEPHONE (208) 726-4900
FACSIMILE (208) 726-3101

September 22, 1992

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

RE: LETTER TO IDWR ACCOMPANYING NOTICE OF ERROR

Dear Sirs:

We have agreed to represent Mr. Don McFarland and Sundance, Inc. in the current adjudication of water rights for Basin 36. Pursuant to the recent IDWR recommendations to the District Court, and in accordance with the Notice of Error, regarding the same and attached hereto, it is our conclusion that whereas, the recommendations are lacking any underlying basis or rationale, their effect would be only to inflict undue interference on the existing appropriations of our clients. The water rights of both McFarland and Sundance should therefore be left unchanged per licensed permit right. Additionally, we believe the recommended actions of the IDWR should be classified as a taking by the State for which compensation must be provided.

CLASSIFICATION OF OBJECTIONS

There are essentially three aspects of the IDWR proposals which are offensive to Don McFarland and Sundance, Inc. The reduced period of use is of primary concern. According to the IDWR recommendations, the pumps may not be utilized until the 1st day of April each year and must be turned off by the 31st day of October of the same year. This proposed period of use is approximately two months shorter than the established period of use in prior years and by licensed permit right. Such a reduction in utilization of water translates directly into significant consequential damages to crop yield, livestock, and general income producing activities of our clients, in addition to depreciation in property value due to the water rights being appurtenant to the land.

Secondly, the IDWR has recommended a reduction of acreage

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allegedly because, in certain areas the water was not diverted to a beneficial use. This inappropriate reduction in acreage allegedly justified the IDWR to then reduce the existing water right in terms of CFS and AFY. Under the IDWR recommendations, the existing CFS would be retained, however must be reduced due to loss of acreage. Thus, on this particular plot the recommended changes would, as above, directly result in consequential damages to crop yields, profits, and ultimately to decreased value of the relevant properties held by McFarland and Sundance, Inc.

Thirdly, the Board has reclassified certain stockwater rights as domestic rights; specifically right 36-15056. This proposed reclassification of the right would serve no practical purpose other than to detrimentally effect an existing water right which, when classified as stockwater, best serves the critical interest of maintaining water quantities for livestock watering purposes. This proposal was clearly made in an arbitrary manner. The water rights should remain as originally classified.

THE PROPOSALS WERE MADE ARBITRARILY

It is clear from the IDWR proposals generally that they were formulated in an arbitrary fashion. In consideration of the detrimental nature of the IDWR's proposed actions to the interests of Don McFarland and Sundance, Inc., it is imperative that some explanation of the underlying rationale be provided. As in this case, where such explanation is lacking, the proposals should fail by reason of that they are an arbitrary and unwarranted infringement on both McFarland's and Sundance's prior appropriations which have not been and are not now unreasonable or unduly burdensome on the water supply generally or to any aspect thereof.

The arbitrary nature of the IDWR recommendations is further exemplified by the reclassification of certain water rights of McFarland from Stockwater to Domestic. Although the practical effect of classifying the right as Domestic versus Stockwater may be insignificant, we believe the existing water rights should be left unchanged.

Additionally, we are advised that the proposed reduction of acreage was based on aerial photographs taken during a year in which the land in question may have been used to grow potatoes. The IDWR proposes to reduce the acreage accordingly because the rock out-croppings (blow-outs), and certain pivot-covered areas

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were not considered a "beneficial uses" of the water. In regards to the blow-out areas, when potatoes are grown, this observation may be correct. However, the IDWR failed to consider this particular land has been and will continue to be used additionally for grains and pasture in future growing seasons. In the event that either grain or pasture is planned, the blow-outs will in fact, be planted and irrigated, thus serving as a beneficial use of the water.

Additionally, in certain growing seasons the areas covered by the pivots have been and will continue to be watered by either handline or solid set, then planted and harvested, thus putting those areas to beneficial use as well. Therefore, the acreage should not be reduced by any amount because the water will in fact, be applied to beneficial uses. Furthermore, the decision was arbitrarily based on aerial photographs taken during a season in which potatoes may have happened to be the preferred crop or pivots may have been covering certain areas.

WATER RIGHTS CAN BE CONDEMNED, BUT MUST BE COMPENSATED FOR

The proposed actions of the IDWR are a "taking" of property rights by the State of Idaho, for which, under Art. I, Section 14 of the Idaho Constitution, compensation must be provided. In relevant part, the Idaho Constitution states that "private property may be taken for public use but not before compensation is paid therefore." Water rights are property rights which, if taken or infringed upon by the State, can be the subject of a condemnation proceeding. This contention is supported by 26 Am.Jur.2d Eminent Domain Section 194 where it is stated that:

In states in which the doctrine of prior appropriation has been adopted, the right of a prior appropriator to the use of the waters of a stream cannot be taken without compensation. (citations omitted).

It is further stated in 26 Am.Jur.2d Eminent Domain Section 85 that:

condemnation may be made of water rights, apart from the land to which they are appurtenant, for purposes of water supply, or of irrigation, or for the improvement of rivers. (citations omitted).

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Idaho is a state in which the doctrine of prior appropriation has been adopted. See *Idaho Code Sections 42-101 to 42-114*. Admittedly, this case involves ground water in addition to stream or flowing water. The issue however, remains the same. If the IDWR, an executive department of the State of Idaho, interferes with McFarland's and Sundance's water rights by reducing the period in which the rights may be exercised, causing loss of CFS and AFY, and by reducing the acreage which may be irrigated; the action should be classified as a "taking" by the State for which compensation must be provided.

In cases like this one, where a taking has occurred but a formal condemnation proceeding has not yet been commenced by the State, an inverse condemnation proceeding may appropriately be initiated by the land owner. See *Reisenauer v. State, Dept. of Highways*, 120 Idaho 36, ___, 813 P.2d 375, 378 (Idaho App. 1991) and *Rueth v. State*, 100 Idaho 203, ___, 596 P.2d 75, ___, appeal after remand 103 Idaho 74, 644 P.2d 1333 (1982). Inverse condemnation is essentially the same as an eminent domain proceeding, only, in this case it would be initiated by Don McFarland and Sundance, Inc. The State is clearly attempting to take or damage, for public use, the prior established rights of our clients. Therefore, inverse condemnation may serve as an appropriate means by which they could force the State to provide compensation for the consequential damages resulting from its actions.

WE BELIEVE THE GOALS OF THE IDWR HAVE NOT BEEN MET

Specifically, recommendations to shorten the period of use, reduce the CFS and AFY, and to reduce the acreage to be irrigated are issues to be considered by the owner of the water right, not the IDWR. It is our understanding that recommendations to reduce period of use are typically based on whether the existing period poses a risk greater than 75% of temperatures dropping below freezing during that time. In instances where the risk of freezing is in fact, 75% or greater, the pump turn-on dates are moved back in the spring, and turn-off dates moved forward in the fall. If this standard was indeed utilized in the IDWR's determination of the rights of McFarland and Sundance, the recommendation should be struck down. Freezing temperatures are a risk to be born solely by the holder of the right, and should not be considered by the IDWR in determining whether to infringe upon pre-existing water rights.

Additionally, our client's decisions regarding what crop to plant in a given year should not be governed by whether they will risk losing valuable water rights. They should be able to

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JAN 28 1993

Idaho Department of Water Resources
Page Five
September 22, 1992

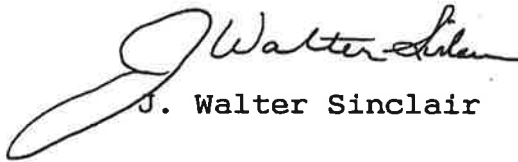
decide to plant potatoes, thus leaving the rock out-croppings unused for that season, without worry that the water won't be available for subsequent plans for pasture or grains. These decisions should be made by the holders of the water rights in the manner traditionally applied. They are not issues to be considered by the IDWR for purposes of altering pre-existing water rights.

CONCLUSION

It is our conclusion that due to the inherent arbitrary nature of the IDWR proposed actions to reduce period of use, reduce acreage, and reclassify stockwater as domestic, the recommendations should be struck down, leaving all existing water rights of Don McFarland and Sundance, Inc. as they were originally filed and licensed.

Further, it is our firm belief that in the event the recommendations are made effective, they should be considered as "takings" by the State, for which compensation must be provided to Don McFarland and Sundance, Inc.

Very truly yours,



J. Walter Sinclair

JWS:RJW:pab
(mc-17u\water.ltr)

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JAN 28 1993

R PROOF



CVR



MAPS



PHOTOS



MISC

MICROFILMED

JAN 28 1993

Water Right Number - R36-02373

Prefix Translation: RESEARCH

Old (D) Number - 27746

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MC FARLAND

CAROL

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

MC FARLAND

DON

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

*** A - ATTORNEY ***
SINCLAIR

J WALTER

1 - PO BOX 366

2 -

3 -

City- TWIN FALLS

State- ID Zip- 833030366

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/16/1959 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
08S 18E 36 SW NE SE (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 3.220 1384.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.220 1384.00 1038.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
08S 19E 31 SW NW ② 11.0 01 IRRIGATION (53) JEROME
08S 19E 31 SE NW 23.0 10 01 IRRIGATION (53) JEROME
08S 19E 31 NE SW 10.0 23 01 IRRIGATION (53) JEROME
08S 19E 31 NW SW 3 20.0 01 IRRIGATION (53) JEROME
08S 19E 36 NE NE 14.0 01 IRRIGATION (53) JEROME
08S 19E 36 NW NE 31.0 01 IRRIGATION (53) JEROME
08S 19E 36 SW NE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 SE NE 37.0 01 IRRIGATION (53) JEROME
08S 19E 36 NE SE 40.0 01 IRRIGATION (53) JEROME
08S 19E 36 NW SE 40.0 01 IRRIGATION (53) JEROMEMICROFILMED
JAN 28 1993

Water right number - R36-02373

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
08S	19E	36	SW SE		40.0	01	IRRIGATION	(53) JEROME
08S	19E	36	SE SE		40.0	01	IRRIGATION	(53) JEROME

Total Acres: 346.0

+ - - Diversion Means - WELL, PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -
No Remarks found.+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - Decree Date - +
00/00/0000+ - - - - - Comments - - - - -
No Comments Found+ - - Audit Fields - - +
03/11/92 ROBERTSO

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/11/1992	Old Judicial District	-
Claim Received Date	- 05/08/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S012271	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:39:21
09/15/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02373

LAST: CONWAY
ADDRESS:
CITY: JEROME
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: PAUL
STATE: ID ZIP: 00000

LAST: CONWAY
ADDRESS:
CITY: JEROME
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: ROBERT C.
STATE: ID ZIP: 00000

LAST: MC FARLAND
ADDRESS: P.O. BOX 268
CITY: EDEN
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: DON
STATE: ID ZIP: 83325

LAST: MC FARLAND
ADDRESS: P.O. BOX 268
CITY: EDEN
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: CAROL
STATE: ID ZIP: 83325

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED
JAN 28 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 12/17/90

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: None

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 28 1993

A. AJ CLAIM: # A36-02373 PRIORITY DATE: 01-16-1959 STAGE: L

B. WR RECORD: # 36-02373 PRIORITY DATE: 01-16-1959 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

N

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: _____

RECOMMENDED PRIORITY DATE:
01-16-1959

REVIEWED BY

AD~

DATE

12/17/90

MICROFILMED
JAN 28 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02373	08S	18E	36	SW	NE	SE		JEROME

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02373	08S	18E	36		NE	SE		JEROME

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

change 2, marked

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

AD

DATE:

12/17/90

A. ROOT WATER RIGHT NUMBERS: A36-02373

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM ACRES
08S	19E	36	NE	NE		MC FARLAND, DON	A36-02373 725.0	36-02373 725.0	38.0	14	14
08S	19E	36	NW	NE		MC FARLAND, DON	A36-02373 735.0	36-02373 735.0	39.0	31	31
08S	19E	36	SW	NE		MC FARLAND, DON	A36-02373 740.0	36-02373 740.0	37.0	40	40
08S	19E	36	SE	NE		MC FARLAND, DON	A36-02373 740.0	36-02373 740.0	37.0	37	37
08S	19E	36	NE	SE		MC FARLAND, DON	A36-02373 740.0	36-02373 740.0	14.0	40	40
	19E	36	NW	SE		MC FARLAND, DON	A36-02373 740.0	36-02373 740.0	32.0	40	40
08S	19E	36	SW	SE		MC FARLAND, DON	A36-02373 740.0	36-02373 740.0	37.0	38	40
08S	19E	36	SE	SE		MC FARLAND, DON	A36-02373 740.0	36-02373 740.0	38.0	40	40
08S	19E	31	NE	SW		MC FARLAND, DON	A36-02373 720.0	36-02373 720.0	40.0	10	10
						CONWAY, ROBERT C.	A36-08087 /	36-08087 /			
						AYERS, LONNIE H.	A36-14392 /	- /			
08S	19E	31	NW	SW	3	MC FARLAND, DON	A36-02373 715.0	36-02373 715.0		20	20
08S	19E	31	SW	NW	2	MC FARLAND, DON	A36-02373 715.0	36-02373 715.0		11	11
08S	19E	31	SE	NW		MC FARLAND, DON	A36-02373 720.0	36-02373 720.0	16.0	23	23
TOTAL ACRES							A36-02373 370.00	370.00	318.00		346

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

JAN 28 1993

MICROFILMED

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 346

REVIEWED BY: ADN

DATE: 12/17/97

A. AJ CLAIMED USES:

PURPOSES	FROM	MONTH/DAY TO	DIVERSION QUANTITY
A36-02373 IRRIGATION	03-15	11-15	3.220 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			3.220 CFS

B. WR RECORDED USES:

PURPOSES	FROM	MONTH/DAY TO	DIVERSION QUANTITY
36-02373 IRRIGATION			3.220 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			3.220 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐) Explain in remarks, below.

REMARKS:

MICROFILMED

JAN 28 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.220 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.220 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y ☒

MEASUREMENT METHOD N/A FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-08087	DOMESTIC	CONWAY , ROBERT C.	FROM 01-01 TO 12-31	.080 CFS	
A36-14392	DOMESTIC	AYERS , LONNIE H.	FROM 01-01 TO 12-31	.040 CFS	
A36-14392	STOCKWATER	AYERS , LONNIE H.	FROM 01-01 TO 12-31	.020 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 346 x 0.02 CFS/ACRE = 6.92 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1110.0 AF/A
ACRES 346 x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE 1038 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES 346 x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME 1384 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

No canal shown claimed on these acres but system
appears commingled with North Side canal with 2nd system
supplies other lands.

MICROFILMED

JAN 28 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 3.220 ✓	DATABASE EXAMINER ~~1110.0~~ 1384	DATABASE EXAMINER ~~1110.0~~ 1038
TOTAL FOR THIS RIGHT		3.220		
REVIEWED BY: <i>AD</i>		DATE:		

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02373

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.220

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-02373

3.220

-

36-02373

3.220

TOTAL CFS

3.220

3.220

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

MICROFILMED

JAN 28 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:39:21
09/15/90

PAGE: 13
QUICKLOOK INFORMATION

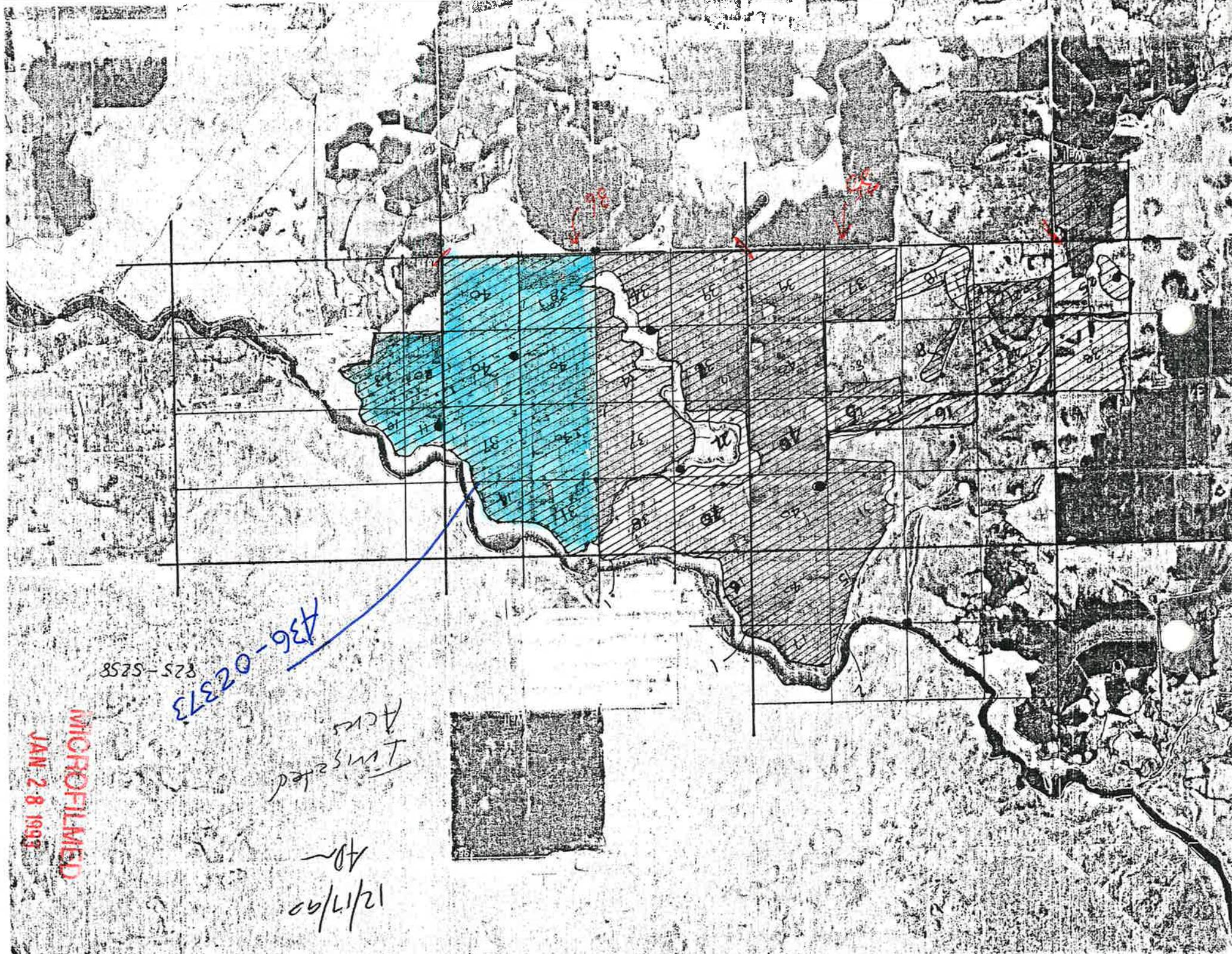
CLAIM NUMBER: A36-02373

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			AD~	N		2nd review KLC by 8-28-91	OB	
POINT OF DIV	Y			Y	1,2,5			
SOURCE				N				
USE OF USE	Y			Y	1,2,4,5	no changes necessary		
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE	-			Y				
PURPOSES				N				
PERIOD OF USE	Y			N	6			
BASIS OF CLAIM				N				
REMARKS				N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.



825-5258

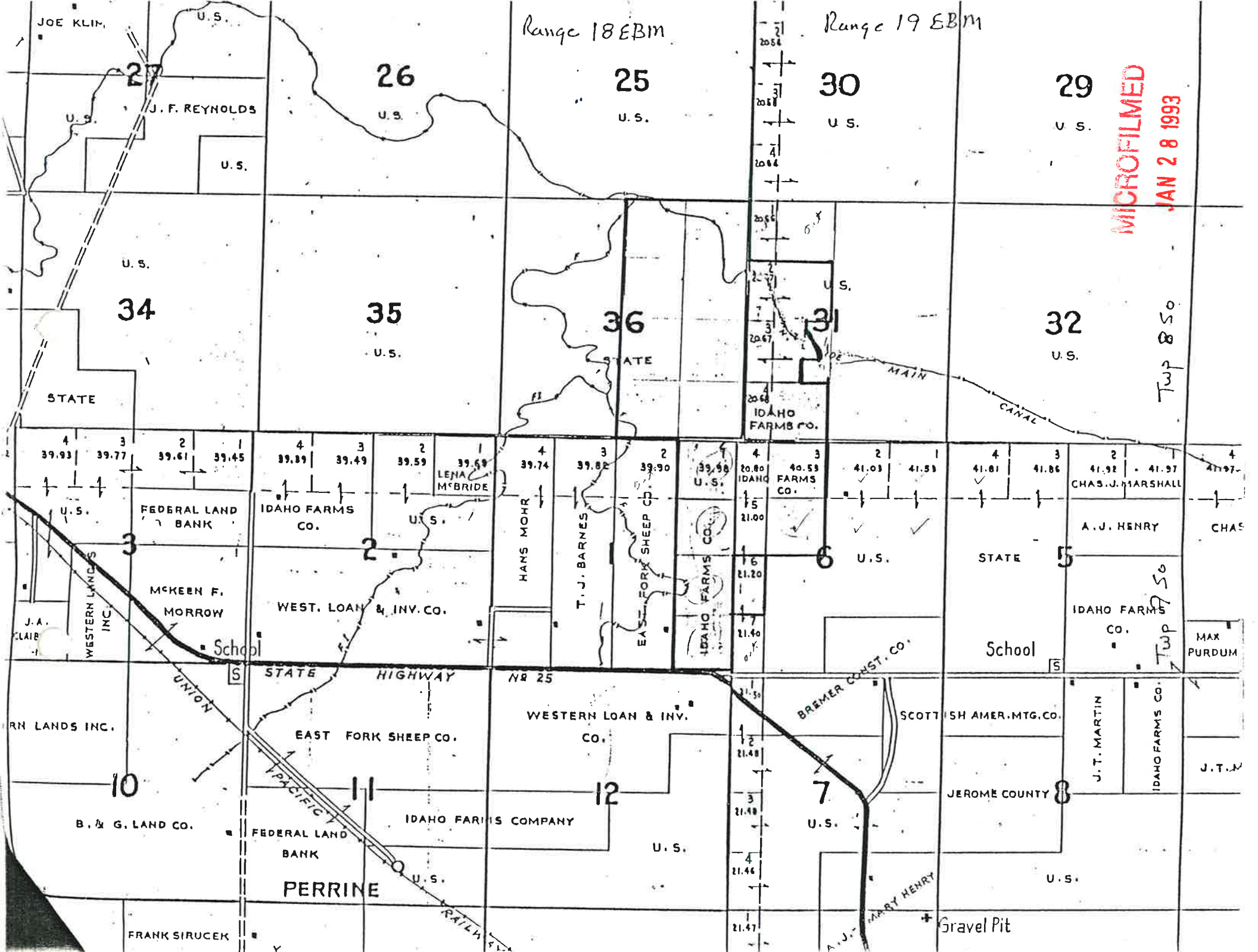
A36-02373

Transferred
Acres

12/17/90
AD

MICROFILMED

JAN 28 1993



MICROFILMED
JAN 28 1993

Twp 8 So.

Twp 7 So.

Range 18 E B M

Range 19 E B M

26

25

30

29

27

36

32

34

35

31

STATE

STATE

MAIN CANAL

J. F. REYNOLDS

U. S.

U. S.

U. S.

U. S.

U. S.

U. S.

FEDERAL LAND BANK

IDAHO FARMS CO.

LENA M'BRIDE

HANS MOHR

T. J. BARNES

EAST FORK SHEEP CO.

IDAHO FARMS CO.

IDAHO FARMS CO.

IDAHO FARMS CO.

BREMER CONST. CO.

STATE

CHAS. J. MARSHALL

A. J. HENRY

IDAHO FARMS CO.

MAX PURDUM

McKEEN F. MORROW

WEST. LOAN & INV. CO.

WESTERN LOAN & INV. CO.

EAST FORK SHEEP CO.

IDAHO FARMS COMPANY

B. & G. LAND CO.

FEDERAL LAND BANK

PERRINE

FRANK SIRUCEK

SCOTTISH AMER. MTG. CO.

JEROME COUNTY

J. T. MARTIN

IDAHO FARMS CO.

J. T. N.

Gravel Pit

RAILROAD

UNION

PACIFIC

NR 25

21.50
21.48
21.48
21.46
21.47

7

U. S.

U. S.

U. S.

U. S.

Y



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

36-15056-decreed
36-15057-decreed

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

RECEIVED

JUL 23 1997

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. (See attached Warranty Deeds)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: 36-02725; 36-07492A; 36-02373; 36-15056; 36-15057; 36-7491

☒ Name and Address of Former Owner/Claimant(s)(Seller):
Don & Carol McFarland Sundance, Inc.
P.O. Box 825 P.O. Box 825

☒ New Owner/Claimant (Purchaser):
Eden, ID 83325 Eden, ID 83325
Walker Farms (Gene C. Walker)

☒ New Mailing Address:

☒ New Telephone Number: () _____ - _____

☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
36-02725 - 2.270 CFS; 36-07492A - .421 CFS; 36-15056 - .060 CFS; 36-15057 - .040 CFS
10/24/97 1/2: 0.11 cfs under 36-07491

☒ Attach proof of ownership, describe proof attached: Warranty Deeds & Quitclaim Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Gene C. Walker Date 7/23/97

☒ Signature of Former Owner/Claimant(s):
Don McFarland Date 7/9/97
Carol McFarland Date 7/9/97

(Signature of former claimant(s) is not required if proof of ownership is attached.)

Original and
Warranty deed
in 36-2725

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho 1
Copies to Former Owner and Ne

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
JOHN BUTLER

DATE: November 3, 1997 11:14 am

SUBJECT: STATUS OF SPLIT OF WALKER-SUNDANCE 36-02725 ET.AL
phone (X) walk-in()

I explained the conflict in the warranty deed description and the acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$ of sec 35. He indicated that he will check it out and then get back to me.

IDAHO DEPARTMENT OF WATER RESOURCES

it appears that 1 or more segments
are missing from the metes & bounds
description in this reach

Scale
1 mm = 16.0964

Plat of a Portion of
warranty deed
942037

Pg 3

that portion leaving the
irrigation lateral center line
and ending with the first
segment on Pg 4 (sw corner
of the NE 1/4 SE 1/4 of Sec 26)

KKC
11-3-97

8.2

14.7

LAW OFFICES
**BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH, L.L.P.**

HARRY BENOIT 1893 - 1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER
J. WALTER SINCLAIR
ROBERT M. HARWOOD
THOMAS B. HIGH
FRITZ A. WONDERLICH
JACQUELINE WAKEFIELD
RICHARD J. WORST
JOHN K. BUTLER
STEPHANIE A. FASSETT

126 SECOND AVENUE NORTH
POST OFFICE BOX 366
TWIN FALLS, IDAHO 83303-0366
TELEPHONE (208) 733-5453
FACSIMILE No. (208) 734-1436

KETCHUM OFFICE

160 SECOND ST. E. SUITE 218
POST OFFICE BOX 2246
KETCHUM, ID 83340-2246
TELEPHONE (208) 726-4900

November 5, 1997

Mr. Kelly Christensen
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

NOV 06 1997

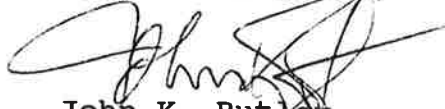
Department of Water Resources
Twin Falls, Idaho

RE: Walker/Sundance

Dear Mr. Christensen:

Enclosed please find a copy of the survey map regarding the above.

Very truly yours,



John K. Butler

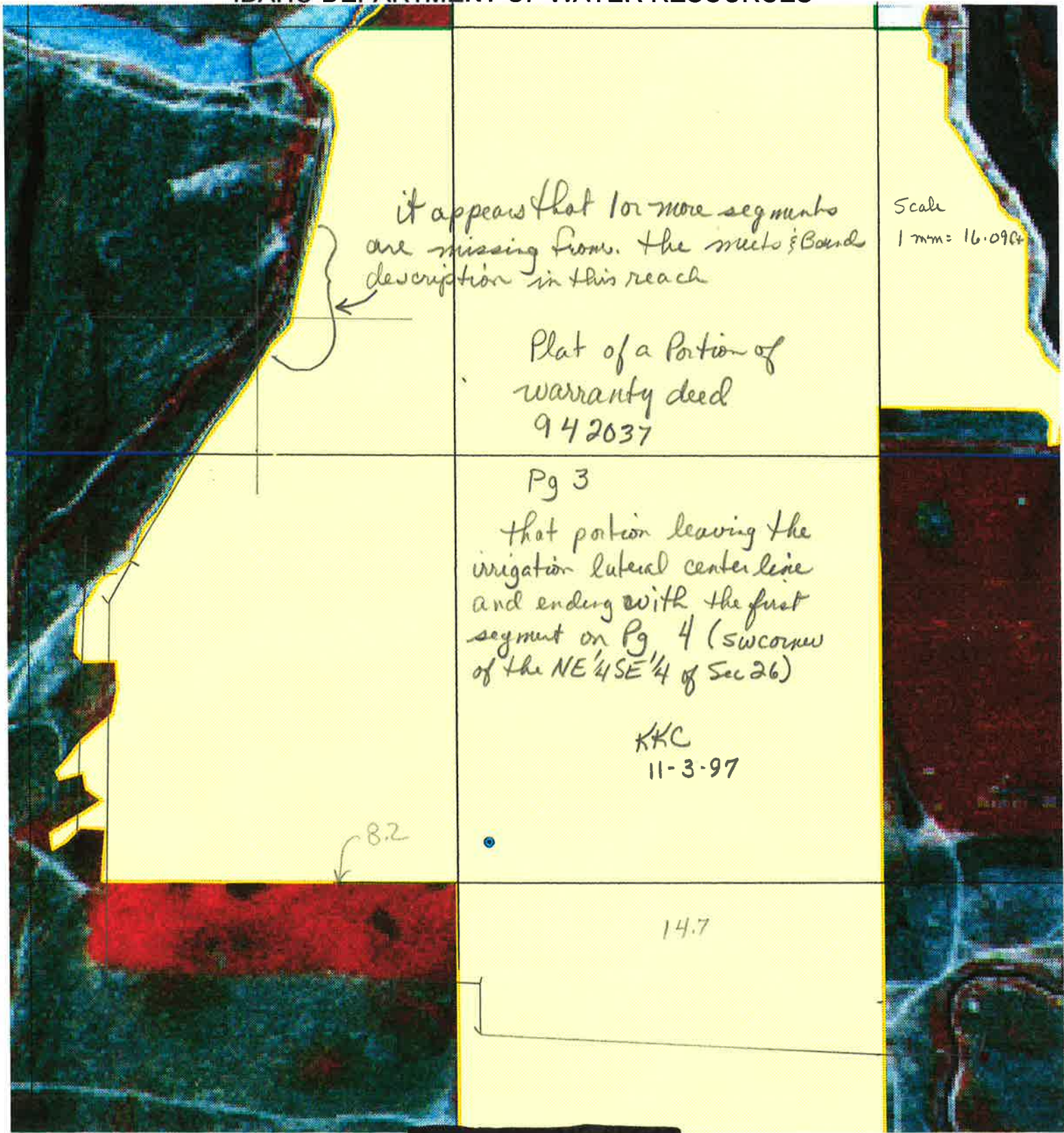
JKB/ka
(Mc-17hh\Christen.ltr)

Enclosure

pc: William R. Hollifield w/enc.

Plat map placed
into file 36-02725
K/KC
11-20-97

IDAHO DEPARTMENT OF WATER RESOURCES



© Recommended Point of Diversion

DATE OF USE PRESENTATION
1907 and/or 1938 NAPP PHOTOGRAPH
DATA ENTRY OCTOBER 1997
BY FRANCIS G. HITCHCOCK

6/9/94

COMMUNICATION DOCUMENTATION

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JOHN BUTLER

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phone (X) walk-in()

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LAW OFFICES
**BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH, L.L.P.**

HARRY BENOIT 1893 - 1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER
J. WALTER SINCLAIR
ROBERT M. HARWOOD
THOMAS B. HIGH
FRITZ A. WONDERLICH
JACQUELINE WAKEFIELD
RICHARD J. WORST
JOHN K. BUTLER
STEPHANIE A. FASSETT

126 SECOND AVENUE NORTH
POST OFFICE BOX 366
TWIN FALLS, IDAHO 83303-0366
TELEPHONE (208) 733-5463
FACSIMILE No. (208) 734-1436

KETCHUM OFFICE

160 SECOND ST. E. SUITE 218
POST OFFICE BOX 2246
KETCHUM, ID 83340-2246
TELEPHONE (208) 726-4900

November 5, 1997

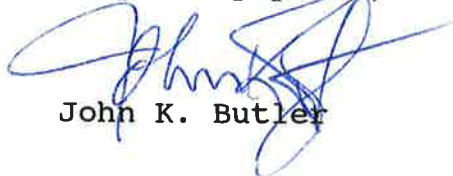
Mr. Kelly Christensen
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Walker/Sundance

Dear Mr. Christensen:

Enclosed please find a copy of the survey map regarding the
above.

Very truly yours,


John K. Butler

JKB/ka
(Mc-17hh\Christen.ltr)

Enclosure

pc: William R. Hollifield w/enc.

RECEIVED

NOV 06 1997

Department of Water Resources
Bureau of Reclamation

Plat map placed
into file 36-02725
KHC
11-20-97

LAW OFFICES
**BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH, L.L.P.**

HARRY BENOIT 1893 - 1966

EDWARD L. BENOIT
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FRITZ A. WONDERLICH
JACQUELINE WAKEFIELD
RICHARD J. WORST
JOHN K. BUTLER
STEPHANIE A. FASSETT

125 SECOND AVENUE NORTH
POST OFFICE BOX 388
TWIN FALLS, IDAHO 83303-0388
TELEPHONE (208) 733-5483
FACSIMILE No. (208) 734-4438

KETCHUM OFFICE

160 SECOND ST. E. SUITE 218
POST OFFICE BOX 2246
KETCHUM, ID 83340-2246
TELEPHONE (208) 726-4900

November 5, 1997

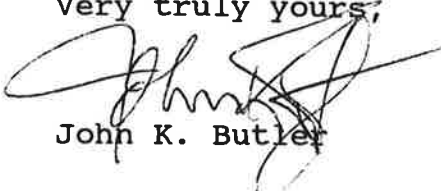
Mr. Kelly Christensen
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Walker/Sundance

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above.

Very truly yours,


John K. Butler

JKB/ka
(Mc-17hh\Christen.ltr)

Enclosure

pc: William R. Hollifield w/enc.

Plat map placed
into file 36-02725
KHC
11-20-97

RECEIVED

NOV 06 1997

Department of Water Resources
Twin Falls, Idaho

From: DWR60::KCHRISTE 6-JAN-1998 16:26:59.13
To: MNICK
CC: KCHRISTE
Subj: McFarland - Walker split of 36-02725 and SF5 status

I finally got near the fake wood of my desk and found the split project setting there. I did some checking and ended up calling Butler and Hollifield.

Butler indicated that he and his client feel that it is acceptable and that they had forwarded the info to Bill.

I then called Bill, but he was not in. I left a message with his receptionist to have him call me back.

I talked briefly with Charlie earlier today and he suggested that I complete the NCAP for the change of ownership on the rights that go in their entirety to Walker after notifying both lawyers. Unless you indicate otherwise, as soon as I can discuss this with Bill I will start on the NCAPs.

kkc

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
JOHN BUTLER AND
BILL HOLLIFIELD

DATE: January 6, 1998 4:15 pm

SUBJECT: STATUS OF 36-02725 RELATING TO SF5
phone (X) walk-in()

I phoned John first and discussed the split analysis that I had mailed to them along with the standard form 5. He indicated that he and his client felt that it was acceptable.

I then called Bill, but he was not in. I left a message with the receptionist to have Bill call me back.



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

November 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM HOLLIFIELD
249 THIRD AVE E
PO BOX 66
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-027²⁷²⁵5 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 35-02206 AND 36-07491

Dear Mr Hollifield

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

If this is acceptable or you have any questions please contact me or Nick Spencer (327-7930) so that we can complete the balance of the paperwork for the SRBA court.

Please note that additional work will have to be done before permit 36-07492A can be split. However, this does not have any affect on the adjudication process. The adjudication process must be resolved before the recommendation for that permit can be completed. I expect to work on the permit split with Dan Nelson (the agent that did the field exam for the permit) during the last week of November or the first part of December.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc John Butler



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1997

JOHN BUTLER
PO BOX 366
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 35-02206 AND 36-07491

Dear Mr Butler

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

If this is acceptable or you have any questions please contact me or Nick Spencer (327-7930) so that we can complete the balance of the paperwork for the SRBA court.

Please note that additional work will have to be done before permit 36-07492A can be split. However, this does not have any affect on the adjudication process. The adjudication process must be resolved before the recommendation for that permit can be completed. I expect to work on the permit split with Dan Nelson (the agent that did the field exam for the permit) during the last week of November or the first part of December.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc William Hollifield

NARRATIVE FOR ALL FOUR RIGHTS

36-02725

This right was reduced by 3 acres through a settlement with BLM. The acres were not transferred. The right was then split through the change of ownership process with 167 acres going to Walker and 143 acres being retained by Sundance Inc. (The BLM acres were within the P/U going to Walker.)

The diversion rate split was based upon an agreement between the parties rather than a proportional split. The original right was licensed at ≈ 0.012 cfs/acre and the non-proportional division does not exceed an inch to the acre for either party.

36-02373

This right was transferred in its entirety to Walker. It was originally recommended for 346 acres @ 3.22 cfs. During the settlement conference held on 10-24-1997, the department agreed to stipulate to additional acres that lay between the northeast border of the recommended place of use and the canal. They were tentatively identified as 9 acres, however upon further review, these acres were calculated to be 10 acres. The recommendation now reflects 356 acres @ 3.22 cfs.

As this right was licensed for less than an inch to the acre and the increase in recommended acres from 346 acres to 356 acres still generates a diversion rate below an inch to the acre, the recommended diversion rate was not changed.

36-02206

This right was retained in its entirety by Sundance Inc. The licensed place of use by quarter/quarter (q/q) was not readily identifiable with the available documentation. I identified specific acre boundaries via GIS on a 'best fit' basis (see GIS layout). The effect on the other rights is primarily on the permit 36-07492A which is not included in the adjudication recommendation review.

37-07491

This right also has a place of use location within q/qs problem. The greatest concern was the physical location of the 9 acres within sec 35 SW $\frac{1}{4}$ NE $\frac{1}{4}$. Initial review placed it in the N $\frac{1}{2}$ of the quarter. If this were so, then this right would be required to be split. Upon further review, it appeared logical that those 9 acres would be congruent with the 4 acres licensed in sec 35 NW $\frac{1}{4}$ SW $\frac{1}{4}$ (again, see the GIS layout). This location is consistent with Walker & Sundance's original assessment.

There is an overlap issue with 36-02725 in sec 35, 33 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 15 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$. All overlapping acres are on ground retained by Sundance Inc.

The entire right is retained by Sundance Inc.

**SPLIT RIGHT AND OWNERSHIP CHANGE ANALYSIS FOR
SPLIT OF 36-02725 AND
OWNERSHIP IDENTIFICATION FOR 36-02206, 36-07491, 36-02373**

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOMMENDED PLACE OF USE																				
36-02725	08S	18E	25										1	10						11
			26													17	2	15	40	74
			35	40	31		40									40		37	40	228
WALKER'S SHARE OF 36-02725																TOTAL				313
36-02725B	08S	18E	25										BLM	10						10
			26													17	BLM	15	40	72
			35	40	31		14													85
SUNDANCE'S SHARE OF 36-02725																TOTAL				167
36-02725A	08S	18E	35				26									40		37	40	143
TOTAL																				143

SUNDANCE INC TO WALKER FARMS

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36-02373	08S	19E	31							12	10	27	21							70
	08S	18E	36	16	34	40	36									40	40	40	40	286
																TOTAL				356

RETAINED BY SUNDANCE INC

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36-02206	08S	18E	34																5	5
			35											6						6
	09S	18E	3	36																36
																TOTAL				47
36-07491	08S	18E	34													40			11	51
			35			9							8				4	33	15	69
TOTAL																				120

Adjudication claim 36-07492B is appurtenant to a portion of the property shown but is not listed as it was sold to another entity and is expected to be withdrawn. It is not considered to be appurtenant to that ground and has not been included in the system analysis and recommendations for the two systems. 36-07492A is a permit outside of the adjudication and is also being split but by the IDWR allocations section. That split is not being addressed in this analysis.

SPLIT ANALYSIS FOR 36-02725

36-02725 was recommended for 3.60 cfs on 313 acres.

A stipulation was signed with the BLM to 'dry' up the three acres on BLM property.

Therefore, the proportional rate per acre based upon the stipulation is;

Recommendation 3.60 cfs	313 acres		
Less stipulation	<u>3 acres</u>	<u>3.60 cfs</u>	= a proportional rate of
Current recom. 3.60 cfs	310 acres	310 acres	<u>0.0116 cfs/acre</u>

Proportional share for:

Walker 0.0116 cfs/acre * 167 acres = 1.94 cfs

Sundance 0.0116 cfs/acre * 143 acres = 1.66 cfs

total 3.60 cfs

HOWEVER, the recommended diversion rate split, shown below, is the rate specified on the change of ownership form.

RECOMMENDATION

Walker 2.27 cfs

Sundance 1.33 cfs

total 3.60 cfs

RATE PER ACRE COMPARISON

2.27 cfs/167 acres = 0.0136 cfs/acre

1.33 cfs/143 acres = 0.0093 cfs/acre

WALKER SHARE SUMMARY

	ACRES
TNS 8S, RNG 18E, SEC 25	10
SEC 26	72
SEC 35	85
SEC 36	286
TNS 8S, RNG 19E, SEC 31	<u>70</u>
TOTAL	523 ACRES

	ACRES
36-02725B	167
36-02373	<u>356</u>
	523 ACRES

36-02725B 167 acres @ 2.27 cfs
36-02373 ~~356~~ acres @ 3.22 cfs

SUNDANCE SHARE SUMMARY

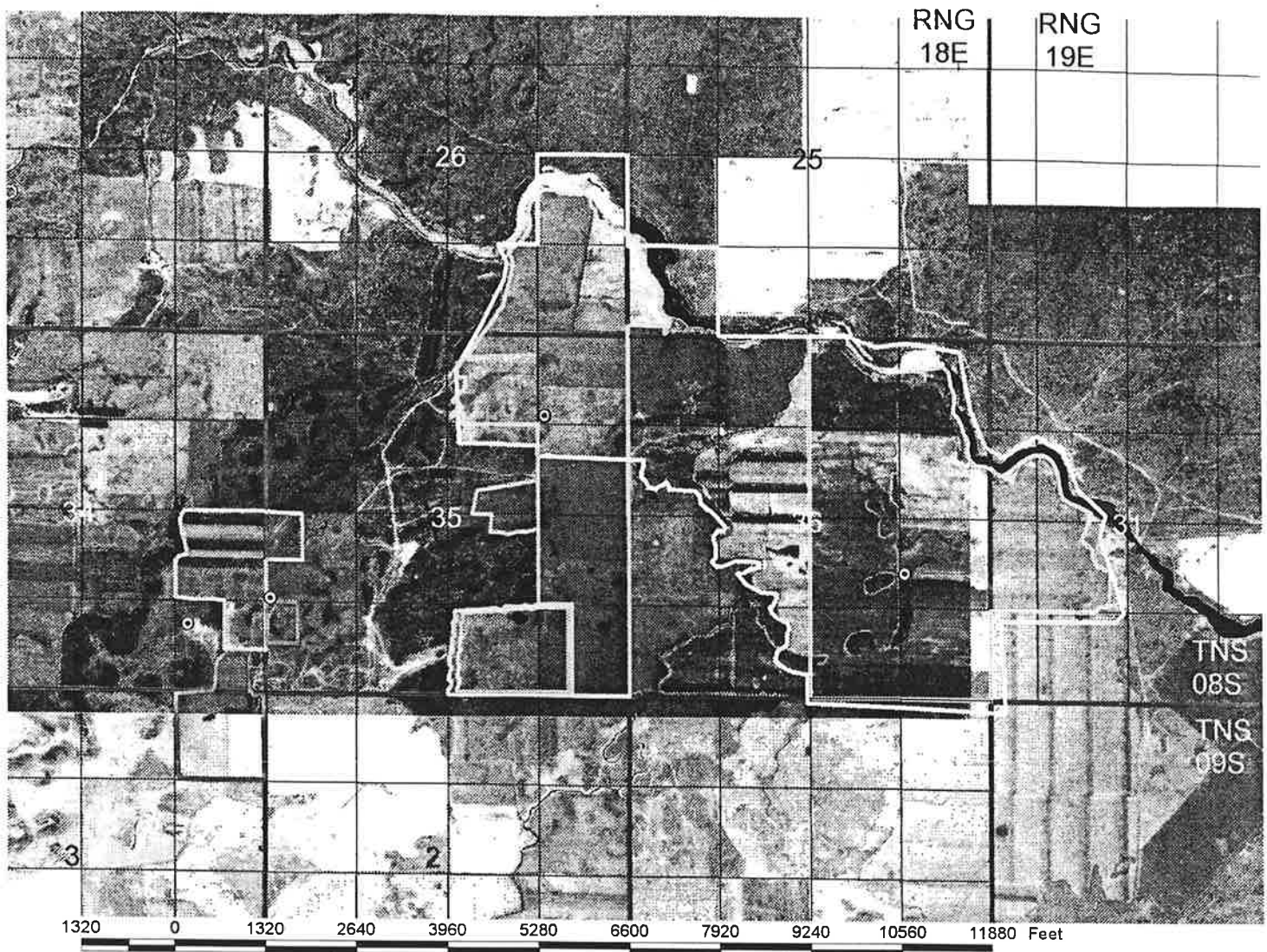
	ACRES
TNS 8S, RNG 18E, SEC 34	56
SEC 35	218
TNS 9S, RNG 18E, SEC 3	<u>36</u>
TOTAL	310 ACRES

	ACRES
36-02725A	143
36-02206	47
<u>36-07491</u>	<u>120</u>
	310 ACRES

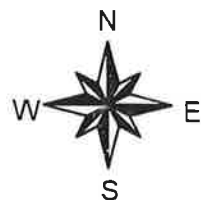
36-02725A 143 acres @ 1.33 cfs
36-02206 47 acres @ 0.88 cfs
36-07491 120 acres @ 1.64 cfs

IDAHO DEPARTMENT OF WATER RESOURCES

SUNDANCE - WALKER SPLIT ANALYSIS 36-02725, 36-02373, 36-02206, & 36-07491



TNS 08S, RNG 18E, SEC 25, 26, 34, 35, & 36
TNS 09S, RNG 19E, SEC 3
TNS 08S, RNG 19E, SEC 31



- IN
WHITE Walker place of use outline
- 36-2206
 - 36-7491
 - 36-2725
 - 36-2373
 - ⊙ Point of diversions
 - Section Lines
 - Quarter/Quarter lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 27, 1997
BY KELLY K CHRISTENSEN

LAW OFFICES
**BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH, L.L.P.**

HARRY BENOIT 1893 - 1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER
J. WALTER SINCLAIR
ROBERT M. HARWOOD
THOMAS B. HIGH
FRITZ A. WONDERLICH
JACQUELINE WAKEFIELD
RICHARD J. WORST
JOHN K. BUTLER
STEPHANIE A. FASSETT

126 SECOND AVENUE NORTH
POST OFFICE BOX 388
TWIN FALLS, IDAHO 83303-0388
TELEPHONE (208) 733-5453
FACSIMILE No. (208) 734-1438

KETCHUM OFFICE

160 SECOND ST. E. SUITE 218
POST OFFICE BOX 2248
KETCHUM, ID 83340-2248
TELEPHONE (208) 726-4900

November 5, 1997

Mr. Kelly Christensen
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

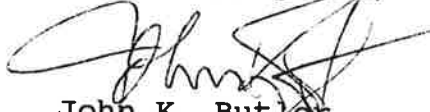
RECEIVED
NOV 06 1997
DEPARTMENT OF WATER RESOURCES
TWIN FALLS, IDAHO

RE: Walker/Sundance

Dear Mr. Christensen:

Enclosed please find a copy of the survey map regarding the
above.

Very truly yours,


John K. Butler

JKB/ka
(Mc-17hh\Christen.ltr)

Enclosure

pc: William R. Hollifield w/enc.

Plat map placed
into file 36-02725
K/KC
11-20-97

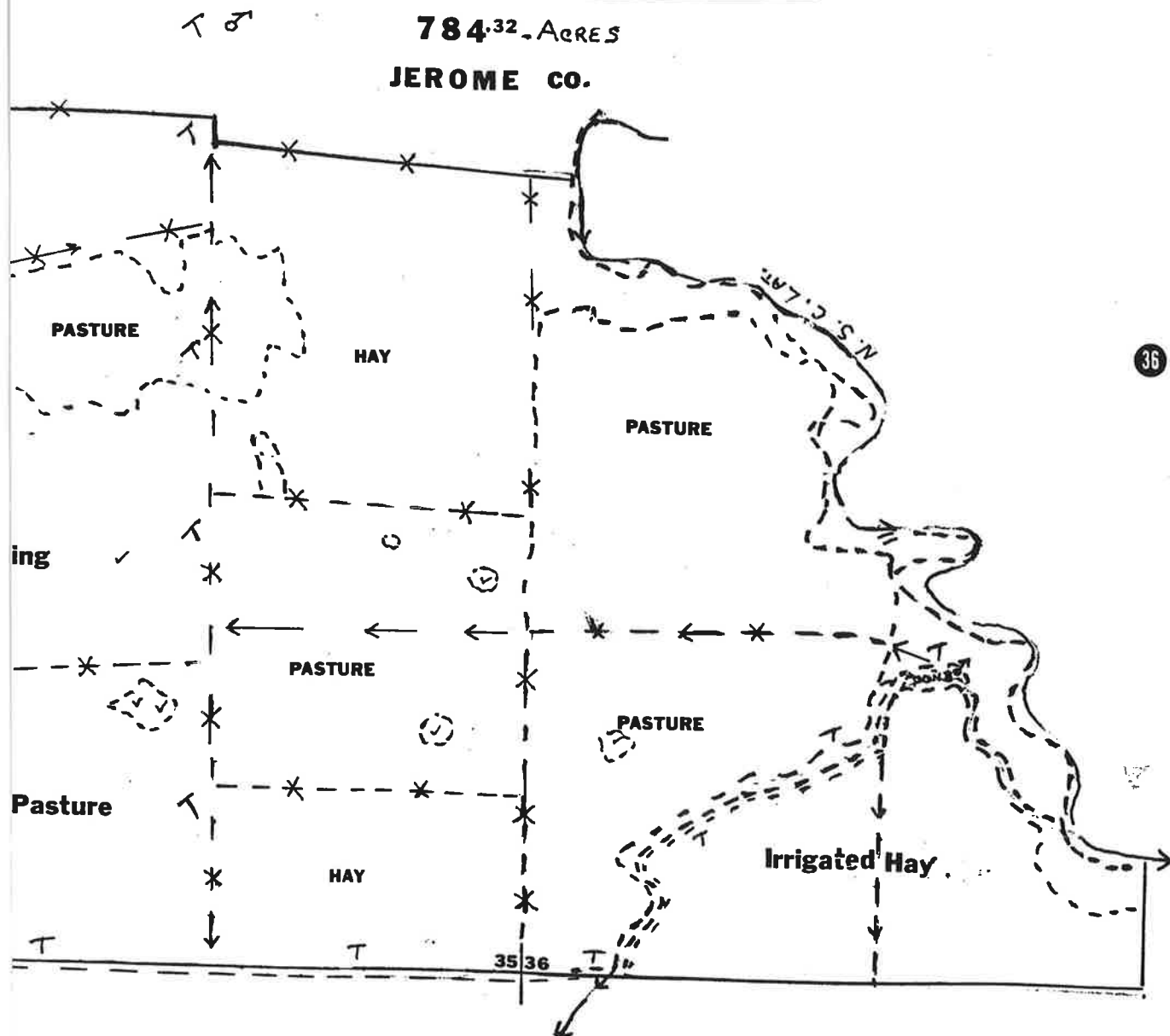
Scale: 1" = 660'

26
35 36

Subject Property

784.32 ACRES

JEROME CO.



Partial copy
of Original in
File 36-02725

KKC

Delivered to IDWR

11-10-97

copy made of Original and
original retained by
Runner for Jack McCall.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
JOHN BUTLER

DATE: November 3, 1997 11:14 am

SUBJECT: STATUS OF SPLIT OF WALKER-SUNDANCE 36-02725 ET.AL
phone (X) walk-in()

I explained the conflict in the warranty deed description and the acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$ of sec 35. He indicated that he will check it out and then get back to me.

it appears that 1 or more segments
are missing from the sketch & board
description in this reach

Scale
1 mm = 16.09 ft

Plat of a Portion of
warranty deed
942037

Pg 3

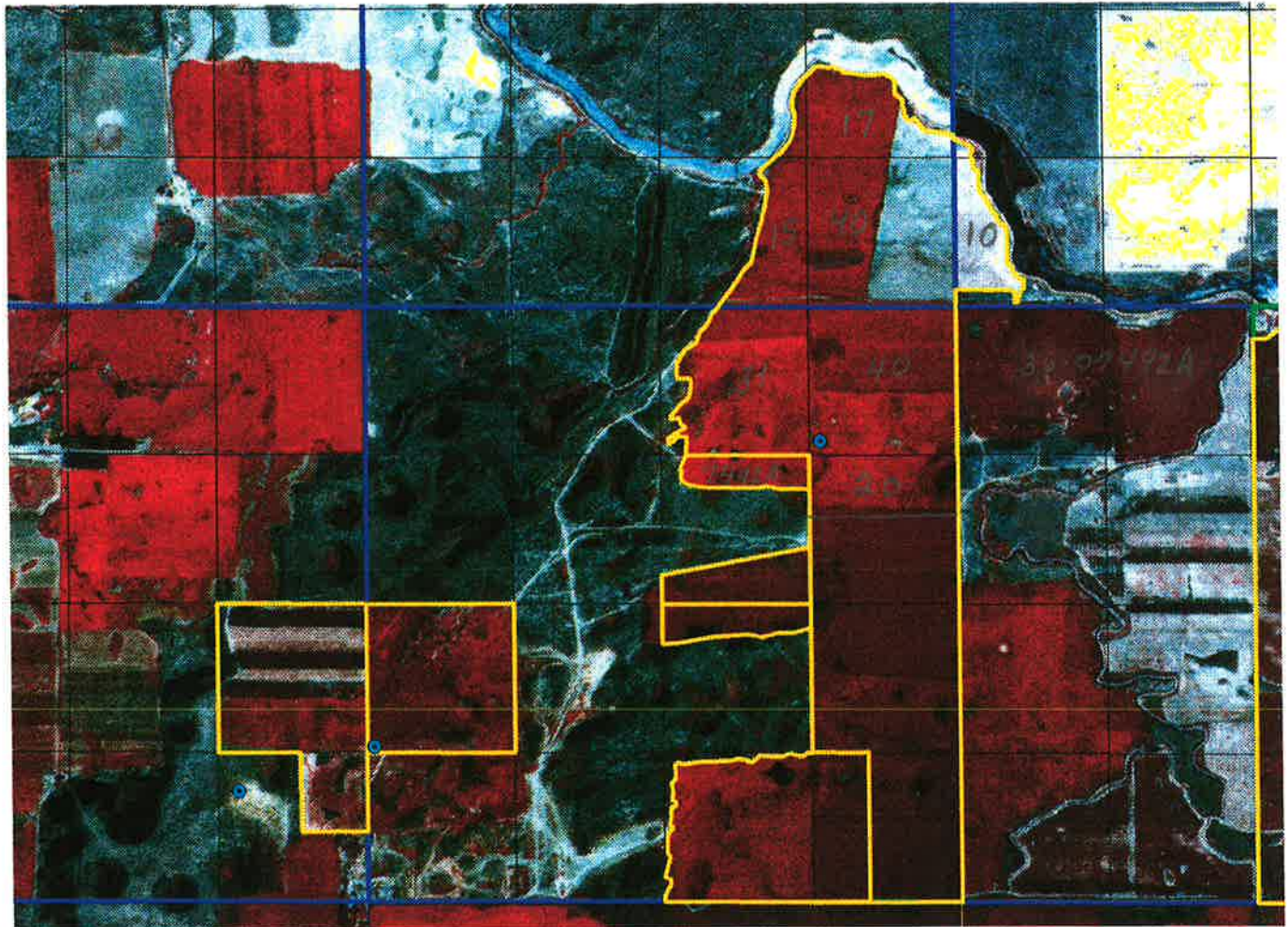
that portion leaving the
irrigation lateral center line
and ending with the first
segment on Pg 4 (SW corner
of the NE 1/4 SE 1/4 of Sec 26)

KKC
11-3-97

8.2

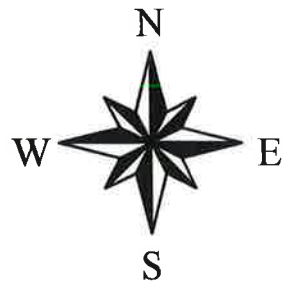
14.7

IDAHO DEPARTMENT OF WATER RESOURCES



660 0 660 1320 1980 2640 Feet

TNS 8S, RNG 18E,
SEC 25, & 26
SEC 34, & 35



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 23, 1997
BY KELLY K CHRISTENSEN

CLAIM NUMBERS 36-02206

DATE _____

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT _____

TOTAL ACRES FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM _____

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	8S	18E	34																5
GIS																			6
RECOM	8S	18E	35											6					
GIS														6					
RECOM	9S	18E	3	36															
GIS				36.7															
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

POLYGON CREATED ON 604 () _____

ATTRIBUTES OF B36-POU.SHP () _____

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POD.SHP () _____

P/U CONFLICT yes () no ()

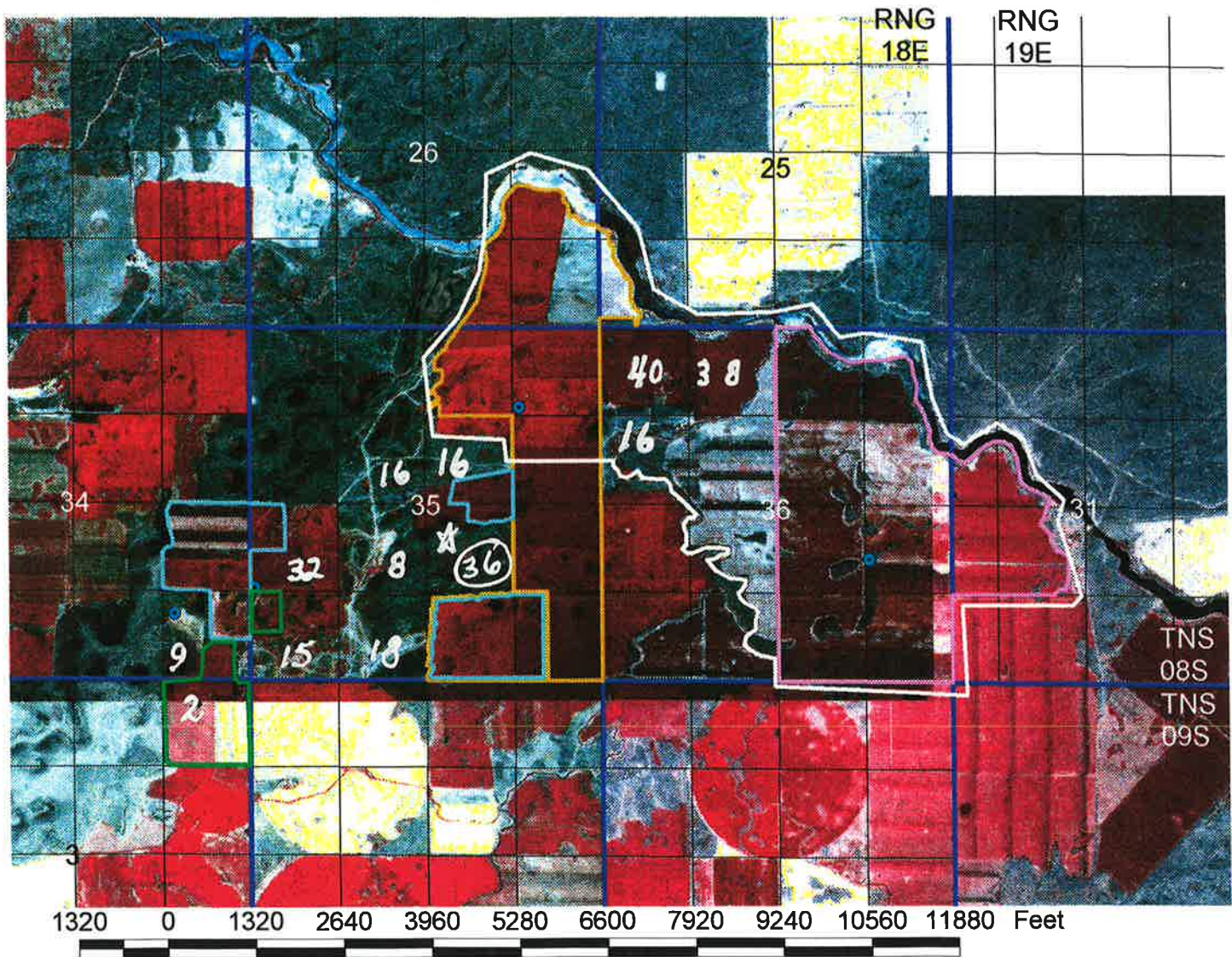
P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

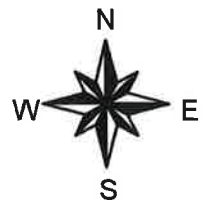
IDAHO DEPARTMENT OF WATER RESOURCES

SUNDANCE - WALKER SPLIT ANALYSIS 36-02725, 36-02373, 36-02206, & 36-07491



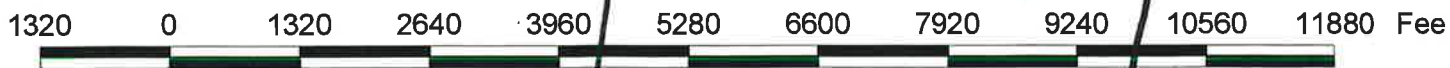
*acre notation is for recommendation for
36-07492A prior to review by allocations.*

TNS 08S, RNG 18E, SEC 25, 26, 34, 35, & 36
TNS 09S, RNG 19E, SEC 3
TNS 08S, RNG 19E, SEC 31



IN
WHITE - Walker place of use outline
36-2206
36-7491
36-2725
36-2373
Point of diversions
Section Line
Quarter/Quarter lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 27, 1997
BY KELLY K CHRISTENSEN



36-0 2373

② = 36-7491

Analysis of 36-02725 & 36-07491 GIS project.

GIS for 36-02725 was found to be relatively close to the Recommended P/u. It was however split into 2 separate polygons because there was a partial overlap with 36-07491. The overlap is on acres found in Sec 35 S $\frac{1}{2}$ SE $\frac{1}{4}$ (polygon # 617)

GIS For 36-7491 was complicated as the physical features identifiable in the NAPP photo do not match the recommended P/u. Also there is a physical break between recommended parcels. To allow identification of acres by Q/Q this right was created in GIS as 6 separate polygons.

NOTES Per Polygon & General Location.

- 617 - the common P/u overlap with 36-2725 Sec 35 S $\frac{1}{2}$ SE $\frac{1}{4}$
- 618 & 619 Both in Sec 35 SWNE - Recom = 9 acres; the Polygons are for 7.4 acres & 11.5 acres respectively or 19.4 total which is 10 acres more than recom.
- 620 in Sec 35 NWSE Claimed & Rec. @ 4 acres found 8.7 acres.
- 621 in Sec 35 NWSW - entire Q/Q appears to be irrigated however only 8 acres were claimed & Rec.
- 622 ~~For~~ in Sec 34 E $\frac{1}{2}$ SE $\frac{1}{4}$. found in GIS, Roughly the same as Recom. However additional acres are irrigated in ^{the SESE} ~~that~~ Quarter also.

10-21-97
analysis by Kelly K. Christensen

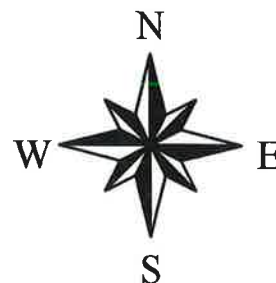
IDAHO DEPARTMENT OF WATER RESOURCES
36-02725
DON & CAROL MC FARLAND/
WALKER FARMS



660 0 660 1320 1980 2640 Feet



TNS 8S, RNG 18E,
SEC 25, 26, & 35



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 1997
BY JEANIE ROBERTSON

CLAIM NUMBERS 36-02725DATE 10/2/97

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT [Signature]TOTAL ACRES FROM RECOMMENDATION 313GEOGRAPHIC INFO SYSTEM 315

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	08S	18E	25											10						10
RECOM			25										1	10						11
GIS			25										.47	10.4						10.87
													[1]	[10]						[12]
CLAIM	08S	18E	26													25		20	40	85
RECOM			26													17	2	15	40	74
GIS			26													17.43	2.09	14.59	39.85	73.96
																[18]	[3]	[15]	[40]	[76]
CLAIM	08S	18E	35	40	30		40									40		40	40	230
RECOM			35	40	31		40									40		37	40	228
GIS			35	40.06	32.44		40.08									40.13		36.84	40.15	229.8
				[41]	[33]		[41]									[41]		[37]	[41]	[234]

UPDATED

POLYGON # claimed 325 UPDATEDB36-DBPOU.DBF 602, 617

POLYGON CREATED ON 604 ()

ATTRIBUTES OF B36-POU.SHP (602, 617)B36-DBPOD.DBF 588, 589, 590ATTRIBUTES OF B36-POD.SHP (588) NWSESE-34589 SWNESE-35590 SWNWSE-35- see attached analysis (overlaps with 36-07491)P/U CONFLICT yes () no (☒)P/D CONFLICT yes () no (☒)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

AJ5809NP
No. 36-02725

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/23/97
PAGE: 1

*split
no transfer*

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
---------------	----------------	------------------	-----------	-----------------------	-------------------	---------------------

C	SUNDANCE INC PO BOX 268 EDEN ID 83325	03/13/1953	IRRIGATION	04-01 10-31	3.60 CFS	
---	---	------------	------------	-------------	----------	--

TOTAL DIVERSION: 3.60 CFS

Water Source: GROUNDWATER

Tributary to:

-2.27 to Walker
Stage: LICENSE

Point(s) of Diversion: T08S R18E S34 NWSESE
S35 SWNE SWNWSW

JEROME County
JEROME County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
08S	18E	25	:																01		10										11.0	
08S	18E	26	:																						17	02	15	40			74.0	
08S	18E	35	:			40		31																40		37	40			228.0		
TOTAL ACRES																												313.0				

*40
20*

POU County: JEROME

Other Rights: 36-07491

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

36-02206 36-07491 36-07492B A36-02206 A36-02725 A36-07491 A36-07492B R36-07491

Other Water Rights Listing Overlapping Place(s) of Use:

36-07491 A36-02725 A36-07491 R36-07491

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: GEN USE OF THIS RIGHT WITH RIGHT NO. 36-07491 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1540 AF, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1155 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 385 ACRES IN A SINGLE
IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02206 AND 36-07491.

Dates: Exam Made Date: Verified Date: Objection Filed Date: 04/30/1993

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

overlap 7491

AJ5809NP
No. 36-02725

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/23/97
PAGE: 2

=====
Comments: Date: 01/02/1991 User-ID: BEDKE Subject: ADM-STAFF REVIEW

Date: 09/28/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 3/12/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/13/1992 User-ID: MERRITT Subject: RESPONDED TO NOE
LETTER SENT 10/13. ADDED ATTORNEY SINCLAIR.

Audit: 01/03/91 BEDKE 08/02/91 WELLS 08/07/91 MERRITT 03/12/92 ROBERTSO
07/10/92 CWJ-PROD 07/18/92 POST-STD 08/28/92 PR-PRODM 09/28/92 SCHULTZ
10/13/92 MERRITT 11/02/92 CPSHAW 12/05/92 ADT-SHAW 06/16/93 CMDATFIX
08/25/93 UPD-SCHU 03/29/95 POST-STD 07/11/97 SSHERMAN

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.: 36-02725

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.

Water right no. 36-02725 is being recommended as water right nos. 36-02725A and 36-02725B. Therefore, IDWR and the parties agree and stipulate that water right no. 36-02725 should be disallowed.

Date: 11-26-97

William Hollifield, Atty for Walker Farms

Kelly K. Christensen
IDWR/Concurrence

John Butler, Atty for Sundance Inc.

Approved as to form:
Attorney for IDWR

Wick Spencer

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 _____, 199__, 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

William Hollifield
Hollifield & Bevan, PA
PO Box 66
Twin Falls, ID 83303-0066

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

Signature of person or attorney mailing the form

**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.: 36-02725A

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 Sundance, Inc.

Kelly K. Christensen
IDWR Concurrence

Approved as to form:
Attorney for IDWR

Nick Spencer

COPY

INSTRUCTIONS FOR MAILING

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State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

COPY

Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02725A

NAME AND ADDRESS: SUNDANCE INC
PO BOX 268
EDEN ID 83325

SOURCE: GROUNDWATER

QUANTITY: 1.33 CFS
316 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-07491 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 860 AF.

PRIORITY DATE: 03/13/1953

POINT OF DIVERSION: T08S R18E S34 NWSESE Within JEROME County
S35 SWNSW
~~T08S R18E S33~~ ~~SWNENE~~

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	<u>1.33 CFS</u>
		<u>04/01 10/31</u>	<u>316 CFS</u>

PLACE OF USE:	IRRIGATION	Within JEROME County		
	T08S R18E S35	SENE 26	NESE 40	SWSE 37
		SENE 40		SESE 40
	S23	NW3W 1	SW3W 10	
	S26	NESE 17	NWSE 2	SWSE 13
	S33	NENE 40	NWNE 31	SESE 40
	<u>143 ACRES TOTAL</u>			
	<u>313 ACRES TOTAL</u>			

USE OF THIS RIGHT WITH RIGHT NO. 36-07491 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE
IRRIGATION SEASON.

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

USE OF THIS RIGHT WITH RIGHT NO. 36-07491 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1340 AF, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1193 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 383 ACRES IN A SINGLE
IRRIGATION SEASON.

COPY

K/12

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

DATE: NOV-26-1997

PAGE: A-2

36-02725A (CONT.)

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-02206 AND 36-07491.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSIONS
DESCRIBED ABOVE: 36-02725A, 36-02206, AND 36-07491.

COPY

KAC

**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.: 36-02725B

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

William Hollifield, Atty for Walker Farms Partnership

Kelly K. Christensen
IDWR Concurrence

Approved as to form:
Attorney for IDWR

Wick Spencer

COPY

INSTRUCTIONS FOR MAILING

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2. Copies to:

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

William Hollifield
Hollifield & Bevan, PA
PO Box 66
Twin Falls, ID 83303-0066

COPY

Signature of person or attorney mailing the form

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

DATE: NOV-26-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02725B

NAME AND ADDRESS: WALKER FARMS PARTNERSHIP
3794 E 3600 N
HANSEN ID 83334SUNDANCE INC
PO BOX 268
EDEN ID 83329

SOURCE: GROUNDWATER

QUANTITY: 2.27 CFS
316 CFS
668.0 AFY

PRIORITY DATE: 03/13/1953

POINT OF DIVERSION: T08S R18E S35 SWNE Within JEROME County
T08S R18E S34 NWSE
T08S R18E S33 SWNW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u>	<u>2.27</u> CFS
		<u>04/01 10/31</u>	<u>316</u> CFS

PLACE OF USE:	IRRIGATION	Within JEROME County		
	T08S R18E S25	SWSW 10		
	S26	NESE 17	SWSE 15	SESE 40
	S35	NENE 40	NWNE 31	SENE 14
				SENE 40
	S23	NWSE 1		
	S26	NWSE 2		
	S33	NESE 40	SWSE 37	SESE 40
	<u>167 ACRES TOTAL</u>			
	<u>313 ACRES TOTAL</u>			

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

USE OF THIS RIGHT WITH RIGHT NO. 36/07491 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1340 AF, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1193 AF, AND TO THE

COPY

KKE

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

DATE: NOV-26-1997

PAGE: A-2

36-02725B (CONT.)

IRRIGATION OF A COMBINED TOTAL OF 383 ACRES IN A SINGLE
IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36/02206 AND 36/07491.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

COPY

KHC

AJ5856NP

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

DATE: NOV-25-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-027258

NAME AND ADDRESS:

~~WILLIAM HOLLIFFIELD~~
~~267 THIRD AVE E~~
~~PO BOX 66~~
~~TWIN FALLS ID 83303~~

WALKER FARMS PARTNERSHIP
3794 E 3600 N
HANSEN ID 83334

SUNDANCE INC
PO BOX 268
EDEN ID 83329

SOURCE: GROUNDWATER

QUANTITY: 2.27 CFS
316 EFS
668.0 AFY

PRIORITY DATE: 03/13/1953

POINT OF DIVERSION: T08S R18E S35 SWNE Within JEROME County
T08S R18E S34 NWSE
T08S R18E S33 SWNW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season
04/01 10/31

QUANTITY
2.27 CFS
316 EFS

PLACE OF USE:

IRRIGATION

Within JEROME County

T08S R18E S25	SWSW 10		
S26	NESE 17	SWSE 15	SESE 40
S35	NENE 40	NWNE 31	<u>SENE 14</u>
			<u>SENE 60</u>
S23	NWSW 1		
S26	NWSE 2		
S23	NESE 40	SWSE 37	SESE 40
<u>167 ACRES TOTAL</u>			
<u>313 ACRES TOTAL</u>			

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

USE OF THIS RIGHT WITH RIGHT NO. 36107491 IS LIMITED TO A

Post-It* Fax Note	7671	Date	# of pages 3
To	KELLY	From	Nick
Co./Dept.	SOUTHERN	Co.	
Phone #		Phone #	
Fax #		Fax #	

Changes to be made for
SFS. to be mailed to
Hollifield.
KRC 11-26-97



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

August 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WALKER FARMS
3794 E 3600 N
HANSEN ID 83334

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS 36-02725, 36-15056, and
36-15057

Dear Mr. Walker:

Thank you for returning the NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Since the legal description of the property is so lengthy, it is difficult to determine how many acres of claim 36-02725 you purchased from Mr. McFarland. If you will supply an aerial photo of the property with the irrigated acres outlined and points of diversion marked, along with a description of how the claim was split, I will then be able to complete the change.

I am also enclosing a profile report of the claim for your reference. You may find it easier to mark which acres you purchased on the profile report. Should you do so, please return a copy of the profile report along with all other required materials, to me in the enclosed self-addressed envelope.

It appears from the ownership change form submitted that you purchased only the domestic portions of water rights 36-15056 and 36-15057 from the McFarlands. Will you be sharing the well listed as the point of diversion with the McFarland's, or will one of you be drilling a new well. If you will be drilling a new well, you will need to contact one of the agents here at the department in order to file a transfer.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.



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

November 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN BUTLER
PO BOX 366
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 36-02206 AND 36-07491

Dear Mr Butler

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

If this is acceptable or you have any questions please contact me or Nick Spencer (327-7930) so that we can complete the balance of the paperwork for the SRBA court.

Please note that additional work will have to be done before permit 36-07492A can be split. However, this does not have any affect on the adjudication process. The adjudication process must be resolved before the recommendation for that permit can be completed. I expect to work on the permit split with Dan Nelson (the agent that did the field exam for the permit) during the last week of November or the first part of December.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc William Hollifield



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

November 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM HOLLIFIELD
249 THIRD AVE E
PO BOX 66
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 35-02206 AND 36-07491

Dear Mr Hollifield

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

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Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc John Butler

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02725B

NAME AND ADDRESS: WALKER FARMS PARTNERSHIP
3794 E 3600 N
HANSEN ID 83334SUMDANCE INC
PO BOX 268
EDEN ID 83323

SOURCE: GROUNDWATER

QUANTITY: 2.27 CFS
316 CFS
668.0 AFY

PRIORITY DATE: 03/13/1953

POINT OF DIVERSION: T08S R18E S35 SWNE Within JEROME County
T08S R18E S34 NWSE
T08S R18E S33 SWNW34

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 2.27 CFS
04/01 10/31 316 CFSPLACE OF USE: IRRIGATION Within JEROME County
T08S R18E S25 SWSW 10
S26 NESE 17 SWSE 15 SESE 40
S35 NENE 40 NWNE 31 SENE 14
SENE 40
S23 NW34 1
S26 NWSE 2
S33 NWSE 40 SWSE 37 SESE 40
167 ACRES TOTAL
313 ACRES TOTAL

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

USE OF THIS RIGHT WITH RIGHT NO. 36/07491 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1340 AF, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1133 AF, AND TO THE

COPY

KKE

5856NP

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

DATE: NOV-26-1997

PAGE: A-2

36-02725B (CONT.)

IRRIGATION OF A COMBINED TOTAL OF 383 ACRES IN A SINGLE
IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36/02206 AND 36/07491.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

COPY

HC

AJ5856NP

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

DATE: NOV-25-1997

PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02725B

NAME AND ADDRESS:

~~WILLIAM HOLLIFIELD~~
~~249 THIRD AVE E~~
~~PO BOX 66~~
~~TWIN FALLS ID 83303~~

WALKER FARMS PARTNERSHIP
3794 E 3600 N
HANSEN ID 83334

SUNDANCE INC
PO BOX 268
EPEN ID 83329

SOURCE: GROUNDWATER

QUANTITY: 2.27 CFS
3/6 EPS
668.0 AFY

PRIORITY DATE: 03/13/1953

POINT OF DIVERSION: T08S R18E S35 SWNE Within JEROME County
T08S R18E S34 NWSE
T08S R18E S33 SWNW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	<u>2.27</u> CFS
		<u>08/01 10/31</u>	<u>3/6</u> EPS

PLACE OF USE:	IRRIGATION	Within JEROME County
	T08S R18E S25	SWSW 10
	S26	NESE 17
	S35	NENE 40
	S23	NWSE 1
	S26	NWSE 2
	S33	NESE 40
	<u>167 ACRES TOTAL</u>	<u>SWSE 15</u>
	<u>313 ACRES TOTAL</u>	<u>NWNE 31</u>
		<u>SESE 40</u>
		<u>SENE 14</u>
		<u>SENE 40</u>
		<u>SESE 40</u>

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

USE OF THIS RIGHT WITH RIGHT NO. 36/07491 IS LIMITED TO A

Post-It® Fax Note	7671	Date	# of pages 3
To	KELLY	From	NICK
Co./Dept.	SOUTHERN	Co.	
Phone #		Phone #	
Fax #		Fax #	

*Changes to be made for
SFS. to be mailed to
Hollifield.
KRC 11-26-97*



State of Idaho

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August 11, 1997

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GOVERNOR

KARL J. DREHER
DIRECTOR

WALKER FARMS
3794 E 3600 N
HANSEN ID 83334

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS 36-02725, 36-15056, and 36-15057

Dear Mr. Walker:

Thank you for returning the NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Since the legal description of the property is so lengthy, it is difficult to determine how many acres of claim 36-02725 you purchased from Mr. McFarland. If you will supply an aerial photo of the property with the irrigated acres outlined and points of diversion marked, along with a description of how the claim was split, I will then be able to complete the change.

I am also enclosing a profile report of the claim for your reference. You may find it easier to mark which acres you purchased on the profile report. Should you do so, please return a copy of the profile report along with all other required materials, to me in the enclosed self-addressed envelope.

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enc.



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November 10, 1997

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KARL J. DREHER
DIRECTOR

JOHN BUTLER
PO BOX 366
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 36-02206 AND 36-07491

Dear Mr Butler

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

If this is acceptable or you have any questions please contact me or Nick Spencer (327-7930) so that we can complete the balance of the paperwork for the SRBA court.

Please note that additional work will have to be done before permit 36-07492A can be split. However, this does not have any affect on the adjudication process. The adjudication process must be resolved before the recommendation for that permit can be completed. I expect to work on the permit split with Dan Nelson (the agent that did the field exam for the permit) during the last week of November or the first part of December.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc William Hollifield



State of Idaho
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Phone: (208) 736-3033 FAX: (208) 736-3037

November 10, 1997

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GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM HOLLIFIELD
249 THIRD AVE E
PO BOX 66
TWIN FALLS ID 83303

RE: SPLIT ANALYSIS FOR 36-02735 AND CHANGE OF OWNERSHIP FOR
36-02373. SYSTEM ANALYSIS FOR 35-02206 AND 36-07491

Dear Mr Hollifield

Attached is a 3 page summary of the system split and how I arrived at my decision. Also attached is a GIS system map with the individual claimed place of use for each right identified which is based upon my analysis.

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Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc John Butler



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: _____

JUL 23 1997

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, ~~apartment~~ BM _____ Water Resource
Lot _____, Block _____, Subdivision/Townsite _____, Southern Basin
If you have additional legal descriptions, please attach separate sheet. (See attached Warranty Deeds)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: 36-02725; 36-07492A; 36-02373; 36-15056; 36-15057; 36-7491

☒ Name and Address of Former Owner/Claimant(s)(Seller): Don & Carol McFarland Sundance, Inc.

P.O. Box 825

P.O. Box 825

Eden, ID 83325

Eden, ID 83325

☒ New Owner/Claimant (Purchaser): Walker Farms (Gene C. Walker)

☒ New Mailing Address: _____

☒ New Telephone Number: () _____ - _____

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

36-02725 - 2.270 CFS; 36-07492A - .421 CFS; 36-15056 - .060 CFS; 36-15057 - .040 CFS

10/24/97 Dy: 0.11 cfs under 36-07491

☒ Attach proof of ownership, describe proof attached: Warranty Deeds & Quitclaim Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Gene C. Walker, Sun Butte Date 7/12/97

Date

☒ Signature of Former Owner/Claimant(s) Don McFarland Date 7/9/97

Date 7/9/97

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

942036

REC'D
Land Title & Escrow, Inc.
JEROME
JAN 11 11 21 AM '91
FEE'S 9.00
IDAHO

Recorded at the request of
Benoit, Alexander, Sinclair, Doerr,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Doerr, Harwood & High

Mail tax notices to:

Walker Farms Partnership
3794 East 3600 North
Hansen, Idaho 83334

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CORPORATE WARRANTY DEED

FOR VALUE RECEIVE, MCFARLAND AGRICULTURAL COMPANY, an Idaho corporation (hereinafter "Grantor"), hereby grants, bargains, sells and conveys unto Walker Farms Partnership (hereinafter "Grantees"), the following described premises, in Jerome County, Idaho, to-wit:

TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 36: E $\frac{1}{2}$

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 31: Lot 2; Lot 3; Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$;
W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

And that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; more particularly described as follows:

Commencing at a G. L. O. Brass Cap Monument at the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North along the East boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 500.00 feet;
Thence North 89°32' West, 199.17 feet to the centerline of a North Side Canal Co. lateral, said point being THE TRUE POINT OF BEGINNING;
Thence North 89°32' West, 460.83 feet, more or less, to a point on the West boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point lies North 500.00 feet from the Southwest corner of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North along the West boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, 820.00 feet, more or less, to the Northwest corner of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence East along the North boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, 70.92 feet, more or less, to the centerline of a North Side Canal Co. lateral;
Thence South 27°23'46" East, 94.64 feet along the centerline of said lateral;

CORPORATE WARRANTY DEED\1

Thence South 38°37'46" West, 133.13 feet along the centerline of said lateral;
Thence South 48°10'08" East, 236.39 feet along the centerline of said lateral;
Thence South 28°02'00" West, 80.79 feet along the centerline of said lateral;
Thence South 29°35'48" East, 193.65 feet along the centerline of said lateral;
Thence South 58°04'07" East, 118.21 feet along the centerline of said lateral;
Thence South 47°16'00" East, 102.26 feet along the centerline of said lateral;
Thence South 10°21'33" East, 110.39 feet along the centerline of said lateral to THE TRUE POINT OF BEGINNING.

TOWNSHIP 9 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 1: Lot 1; SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$;

TOWNSHIP 9 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 6: Lot 3; Lot 4; Lot 5; Lot 6; SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Subject to liens, rights-of-way and encumbrances of record or which are apparent.

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

DATED this 18th day of ^{March} ~~February~~, ¹⁹⁹³ 1994.

McFARLAND AGRICULTURAL COMPANY

By Don McFarland, President
Don McFarland, President

STATE OF IDAHO)
) ss.
County of Jerome)

On this 18th day of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the President of McFARLAND AGRICULTURAL COMPANY, the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the corporation.

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


NOTARY PUBLIC

Residence: Jerome

My Commission Expires: 7-30-97

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT JEROME, IDAHO
MY COMMISSION EXPIRES JULY 30, 1997

CORPORATE WARRANTY DEED\3

942037

Recorded at the request of
Benoit, Alexander, Sinclair, Doerr,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Doerr, Harwood & High

Mail tax notices to:

Walker Farms Partnership
3794 East 3600 North
Hansen, Idaho 83334

RECORDED
Land Title & Escrow, Inc.
JAN 6 11 23 AM '94
JEROME COUNTY, IDAHO
FEES \$600.00
234

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CORPORATE WARRANTY DEED

FOR VALUE RECEIVE, SUNDANCE RANCH, INC., an Idaho corporation (hereinafter "Grantor"), hereby grants, bargains, sells and conveys unto Walker Farms Partnership (hereinafter "Grantees"), the following described premises, in Jerome County, Idaho, to-wit:

A PARCEL OF LAND LOCATED IN SECTION 25-26-35 AND 36 OF TOWNSHIP 8 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, JEROME COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 36, THENCE NO°04'18"E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SECTION 36 FOR A DISTANCE OF 361.24 FEET TO THE CENTER OF LATERAL "F" OF THE NORTHSIDE CANAL COMPANY AND BEING THE TRUE POINT OF BEGINNING:

THENCE ALONG THE CENTER OF LATERAL "F" ON THE FOLLOWING COURSES:

N87°18'40"W--56.25 FEET;
S83°34'56"W--124.39 FEET;
N82°03'17"W--41.45 FEET;
N62°52'07"W--49.27 FEET;
N54°33'45"W--136.42 FEET;
N47°56'00"W--39.06 FEET;
N37°08'39"W--55.03 FEET;
N22°06'56"W--32.73 FEET;
N03°56'45"E--27.47 FEET;
N25°13'19"E--29.38 FEET;
N36°06'34"E--40.25 FEET;
N34°18'31"E--73.73 FEET;
N11°15'59"E--26.71 FEET TO THE INTERSECTION

WITH THE MAIN LATERAL;

THENCE ALONG THE CENTER OF THE MAIN LATERAL ON THE FOLLOWING COURSES:

S88°25'19"E--33.02 FEET
N38°13'04"E--24.03 FEET;
N03°14'47"E--156.05 FEET;

CORPORATE WARRANTY DEED\1

N12° 03' 08" E--84.82 FEET;
N03° 13' 17" W--44.52 FEET;
N47° 01' 11" W--34.88 FEET;
N67° 07' 50" W--189.58 FEET;
N57° 53' 34" W--34.75 FEET;
N36° 33' 36" W--45.21 FEET;
N20° 01' 16" W--39.23 FEET;
N01° 37' 44" E--51.37 FEET;
N17° 18' 22" E--50.72 FEET;
N36° 53' 44" E--127.44 FEET;
N18° 37' 59" E--50.57 FEET;
N16° 19' 07" W--26.83 FEET;
N59° 55' 41" W--30.63 FEET;
N86° 06' 21" W--41.05 FEET;
S72° 04' 44" W--59.77 FEET;
N87° 56' 55" W--48.56 FEET;
N68° 16' 44" W--49.27 FEET;
N65° 51' 34" W--190.49 FEET;
N56° 40' 00" W--115.32 FEET;
N42° 16' 44" W--144.93 FEET;
N06° 57' 05" W--27.18 FEET;
N31° 20' 29" E--25.31 FEET;
N52° 49' 49" E--29.09 FEET;
N67° 38' 38" E--39.10 FEET;
N80° 55' 07" E--56.00 FEET;
N89° 15' 19" E--124.94 FEET;
N75° 47' 07" E--35.61 FEET;
N56° 37' 14" E--51.20 FEET;
N28° 00' 39" E--31.89 FEET;
N02° 28' 20" E--28.48 FEET;
N49° 07' 05" W--25.23 FEET;
S86° 13' 58" W--60.82 FEET;
N85° 02' 32" W--166.67 FEET;
S85° 35' 56" W--60.89 FEET;
S59° 20' 36" W--69.00 FEET;
S67° 57' 16" W--99.32 FEET;
S82° 23' 41" W--41.03 FEET;
N85° 14' 15" W--98.53 FEET;
N70° 59' 06" W--109.28 FEET;
N26° 59' 19" W--26.56 FEET;
N33° 33' 39" E--119.50 FEET;
N16° 47' 25" E--29.38 FEET;
N04° 22' 37" W--123.94 FEET;
N20° 50' 24" W--111.68 FEET;
N07° 01' 20" W--46.24 FEET;
N18° 35' 15" E--32.76 FEET;
N58° 26' 56" E--33.91 FEET;
N73° 50' 57" E--33.68 FEET;
S88° 47' 44" E--36.93 FEET;
S81° 18' 31" E--77.97 FEET;
N68° 40' 13" E--28.42 FEET;
N29° 47' 42" E--31.02 FEET;

N01°12'31"W--31.10 FEET;
 N37°00'43"W--28.46 FEET;
 N51°13'48"W--103.84 FEET;
 N40°16'39"W--61.15 FEET;
 N50°42'05"W--64.10 FEET;
 N43°54'14"W--38.96 FEET;
 N58°18'52"W--98.99 FEET;
 N45°50'22"W--123.02 FEET;
 N29°06'13"W--50.86 FEET;
 N12°05'06"W--26.87 FEET;
 N00°58'48"W--58.15 FEET;
 N35°04'22"W--33.04 FEET;
 N55°49'41"W--33.33 FEET;
 N70°46'04"W--34.37 FEET;
 N82°13'50"W--131.17 FEET;
 S80°52'49"W--102.96 FEET;
 N86°57'06"W--42.31 FEET;
 N69°31'30"W--38.84 FEET;
 N33°32'22"W--87.28 FEET;
 N50°43'03"W--41.00 FEET;
 S83°14'04"W--38.71 FEET;
 S42°28'53"W--87.23 FEET;
 S62°02'47"W--29.75 FEET;
 N85°03'41"W--31.96 FEET;
 N68°53'13"W--41.67 FEET;
 N63°28'20"W--68.16 FEET;
 N55°13'59"W--47.21 FEET;
 N38°18'45"W--58.93 FEET;
 N30°30'44"W--51.38 FEET;
 N19°00'50"W--31.59 FEET;
 N07°29'19"W--31.70 FEET;
 N03°44'01"E--33.01 FEET;
 N13°52'02"E--112.84 FEET;
 N03°43'42"E--39.06 FEET;
 N10°46'54"W--23.96 FEET TO THE INTERSECTION
 WITH A FENCE LINE RUNNING WESTERLY;

THENCE LEAVING THE CENTER OF THE IRRIGATION LATERAL AND
 FOLLOWING AN EXISTING FENCE LINE ON THE FOLLOWING COURSES:

N86°58'39"W--224.80 FEET;
 N87°10'19"W--559.84 FEET;
 N87°06'31"W--773.22 FEET;
 N00°11'49"E--145.90 FEET;
 N88°18'30"W--610.45 FEET;
 N88°43'32"W--554.13 FEET;
 N01°14'03"E--1134.67 FEET;
 N30°32'26"E--148.33 FEET;
 N36°06'36"E--886.71 FEET;
 N18°47'46"E--190.75 FEET;
 N09°08'15"E--458.74 FEET;
 N28°55'38"W--315.38 FEET TO THE INTERSECTION
 WITH THE NORTH BOUNDARY OF THE SW1/4SE1/4 OF SECTION 26;

CORPORATE WARRANTY DEED\3

THENCE S89°52'36"E ALONG THE NORTH BOUNDARY OF THE SW1/4SE1/4 OF SECTION 26 FOR A DISTANCE OF 551.33 FEET TO THE SOUTHWEST CORNER OF THE NE1/4SE1/4 OF SECTION 26;

THENCE NO°10'07W ALONG THE WEST BOUNDARY OF THE NE1/4SE1/4 FOR A DISTANCE OF 1320.69 FEET TO THE NORTHWEST CORNER OF THE NE1/4SE1/4;

THENCE S89°51'55"E ALONG THE NORTH BOUNDARY OF THE NE1/4SE1/4 FOR A DISTANCE OF 1320.22 FEET TO THE EAST 1/4 CORNER OF SECTION 26;

THENCE S0°23'30"E ALONG THE EAST BOUNDARY OF THE SE1/4 OF SECTION 26 FOR A DISTANCE OF 1320.45 FEET TO THE NORTHWEST CORNER OF THE SW1/4SW1/4 OF SECTION 25.

THENCE N 89°57'17"E ALONG THE NORTH BOUNDARY OF THE SW1/4SW1/4 OF SECTION 25 FOR A DISTANCE OF 1321.48 FEET TO THE NORTHEAST CORNER OF THE SW1/4SW1/4;

THENCE SO°16'58"E ALONG THE EAST BOUNDARY OF THE SW1/4SW1/4 FOR A DISTANCE OF 1317.51 FEET TO THE SOUTHEAST CORNER OF THE SW1/4SW1/4 OF SECTION 25;

THENCE N89°49'38"E ALONG THE SOUTH BOUNDARY OF SECTION 25 FOR A DISTANCE OF 1318.96 FEET TO THE NORTH 1/4 CORNER OF SECTION 36;

THENCE SO°04'18"W ALONG THE NORTH-SOUTH CENTER SECTION LINE OF SECTION 36 FOR A DISTANCE OF 4934.20 FEET TO THE INTERSECTION WITH THE CENTER OF LATERAL "F" AND BEING THE TRUE POINT OF BEGINNING.

CONTAINING 419.76 ACRE, MORE OR LESS

SUBJECT TO:

1 - EASEMENTS FOR NORTH SIDE CANAL COMPANY LATERALS AND CANAL.

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

DATED this 15th day of February, 1994.

SUNDANCE RANCH, INC.

By Don McFarland, President
Don McFarland, President

CORPORATE WARRANTY DEED\4

STATE OF IDAHO

County of Jerome

)
) ss.
)

On this 18th day of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the President of SUNDANCE RANCH, INC., the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the corporation.

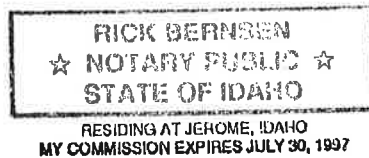
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC

Residence: Jerome

My Commission Expires: 7-30-97



951184

Recorded at the request of
Benoit, Alexander, Sinclair, Doerr,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Doerr, Harwood & High

Mail tax notices to:

Walker Farms Partnership
3794 East 3600 North
Hansen, Idaho 83334

COPY

REC
Land Title & Escrow, Inc.
Mar 23 11 14 AM '95
JEROME, IDAHO
FEES \$ 60.00 DEP. 2/23/95

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CORPORATE QUITCLAIM DEED

FOR VALUE RECEIVED, DON McFARLAND and CAROL McFARLAND and/or McFARLAND AGRICULTURAL COMPANY, an Idaho corporation, hereby convey, release, remise and forever quit claim unto Walker Farms Partnership, whose address is 3794 East 3600 North, Hansen, Idaho, 83334, the following described water rights appurtenant to the real property described on Attachment "1" hereto and situated in Jerome County, Idaho:

<u>LICENSE NO.</u>	<u>C.F.S.</u>	<u>POINT OF DIVERSION</u>
36-02373	3.220	T8S,R18E, SEC. 36: NE SE
36-15056	.060	T9S,R18E, SEC. 1: SE SE
NOTE: This is for domestic water.		
36-15057	.040	T8S,R18E, SEC. 36: SE SE
NOTE: This is for domestic water.		

DATED this 15th day of February, 1994.

Don McFarland
Don McFarland

Carol McFarland
Carol McFarland

McFARLAND AGRICULTURAL COMPANY

By Don McFarland, President
Don McFarland, President

CORPORATE QUITCLAIM DEED\1

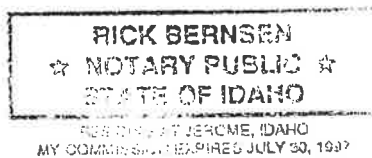
STATE OF IDAHO

County of Jerome

)
) ss.
)

On this 18th day of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Rick Bernsen
NOTARY PUBLIC

Residence: Jerome ID

My Commission Expires: 7-30-97

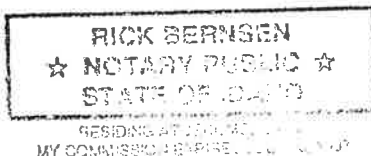
STATE OF IDAHO

County of Jerome

)
) ss.
)

On this 18th day of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared CAROL McFARLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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



Rick Bernsen
NOTARY PUBLIC

Residence: Jerome ID

My Commission Expires: 7-30-97

CORPORATE QUITCLAIM DEED\2

STATE OF IDAHO

County of Jerome

)
) ss.
)

On this 18th day of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the President of McFARLAND AGRICULTURAL COMPANY, the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the corporation.

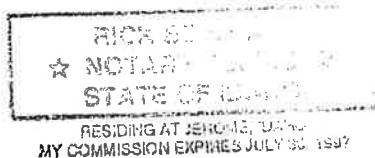
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC

Residence: _____

My Commission Expires: _____



ATTACHMENT "1"

TOWNSHIP 8 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 36: E $\frac{1}{2}$

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 31: Lot 2; Lot 3; Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$;
W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

And that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; more particularly described as follows:

Commencing at a G. L. O. Brass Cap Monument at the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North along the East boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 500.00 feet;
Thence North 89°32' West, 199.17 feet to the centerline of a North Side Canal Co. lateral, said point being THE TRUE POINT OF BEGINNING;
Thence North 89°32' West, 460.83 feet, more or less, to a point on the West boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, said point lies North 500.00 feet from the Southwest corner of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North along the West boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, 820.00 feet, more or less, to the Northwest corner of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence East along the North boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, 70.92 feet, more or less, to the centerline of a North Side Canal Co. lateral;
Thence South 27°23'46" East, 94.64 feet along the centerline of said lateral;
Thence South 38°37'46" West, 133.13 feet along the centerline of said lateral;
Thence South 48°10'08" East, 236.39 feet along the centerline of said lateral;
Thence South 28°02'00" West, 80.79 feet along the centerline of said lateral;
Thence South 29°35'48" East, 193.65 feet along the centerline of said lateral;
Thence South 58°04'07" East, 118.21 feet along the centerline of said lateral;
Thence South 47°16'00" East, 102.26 feet along the centerline of said lateral;
Thence South 10°21'33" East, 110.39 feet along the centerline of said lateral to THE TRUE POINT OF BEGINNING.

TOWNSHIP 9 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Attachment "1" continued ...

Section 1: Lot 1; SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$;

TOWNSHIP 9 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 6: Lot 3; Lot 4; Lot 5; Lot 6; SE $\frac{1}{4}$ NW $\frac{1}{4}$;

951185

Recorded at the request of
Benoit, Alexander, Sinclair, Doerr,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Doerr, Harwood & High

Mail tax notices to:

Walker Farms Partnership
3794 East 3600 North
Hansen, Idaho 83334

COPY

Idaho Title & Escrow, Inc.
MAR 23 11 14 AM '95
JEROME, IDAHO
FEE \$27.00 DEER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CORPORATE QUITCLAIM DEED

FOR VALUE RECEIVED, DON McFARLAND and CAROL McFARLAND and/or SUNDANCE RANCH, INC., an Idaho corporation, hereby conveys, releases, remises and forever quit claims unto Walker Farms Partnership, whose address is 3794 East 3600 North, Hansen, Idaho, 83334, the following described water rights appurtenant to the real property described on Attachment "1" hereto and situated in Jerome County, Idaho:

<u>LICENSE NO.</u>	<u>C.F.S.</u>	<u>POINT OF DIVERSION</u>
36-02725	2.270	T8S,R18E, SEC 35: SE NE
NOTE:		Place of use in sec. 35: SE NE containing 40 acres would appear to be an equal split between the Walker sale and Sundance 2.
36-07492A	.421	T8S,R18E, SEC. 35: NE NE
NOTE:		This is a permit.

REMOVE POINT OF DIVERSION IN SECTION 35: NE NE.

DATED this 15th day of February, 1994.

Don McFarland
Don McFarland

Carol McFarland
Carol McFarland

SUNDANCE RANCH, INC.

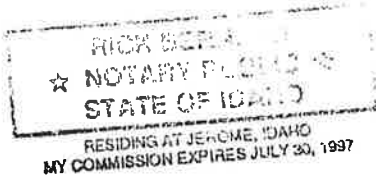
By Don McFarland, President
Don McFarland, President

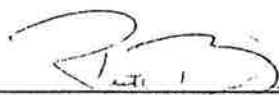
CORPORATE QUITCLAIM DEED\1

STATE OF IDAHO)
) ss.
County of Jerome)

On this 15th day of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared DON McFARLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



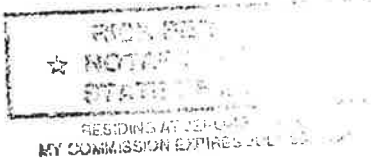


NOTARY PUBLIC
Residence: Jerome ID
My Commission Expires: 7-30-97

STATE OF IDAHO)
) ss.
County of Jerome)

On this 15th day of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared CAROL McFARLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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





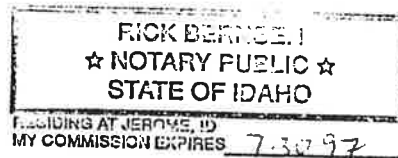
NOTARY PUBLIC
Residence: Jerome ID
My Commission Expires: 7-30-97

)
) SS.
)

) SS .
)

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

Residence: Jerome IDAHO
My Commission Expires: 7-30-97



ATTACHMENT "1"

A PARCEL OF LAND LOCATED IN SECTION 25-26-35 AND 36 OF TOWNSHIP 8 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, JEROME COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 36, THENCE NO 04'18"E ALONG THE NORTH-SOUTH CENTER OF SECTION LINE OF SECTION 36 FOR A DISTANCE OF 361.24 FEET TO THE CENTER OF LATERAL "F" OF THE NORTHSIDE CANAL COMPANY AND BEING THE TRUE POINT OF BEGINNING:

THENCE ALONG THE CENTER OF LATERAL "F" ON THE FOLLOWING COURSES:

N87 18'40"W--46.25 FEET;
S83 34'56"W--124.39 FEET;
N82 03'17"W--41.45 FEET;
N62 52'07"W--49.27 FEET;
N54 33'45"W--136.42 FEET;
N47 56'00"W--39.06 FEET;
N37 08'39"W--55.03 FEET
N22 06'56"W--32.73 FEET;
N03 56'45"E--27.47 FEET;
N25 13'19"E--29.38 FEET;
N36 06'34"E--40.25 FEET;
N34 18'31"E--73.73 FEET;
N11 15'59"E--26.71 FEET TO THE INTERSECTION
WITH THE MAIN LATERAL;

THENCE ALONG THE CENTER OF THE MAIN LATERAL ON THE FOLLOWING COURSES:

S88 25'19"E--33.02 FEET
N38 13'04"E--24.03 FEET;
N03 14'47"E--156.05 FEET;
N12 03'08"E--84.82 FEET;
N03 13'17"W--44.52 FEET;
N47 01'11"W--34.88 FEET;
N67 07'50"W--189.58 FEET;
N57 53'34"W--34.75 FEET;
N36 33'36"W--45.21 FEET;
N20 01'16"W--39.23 FEET;
N01 37'44"E--51.37 FEET;
N17 18'22"E--50.72 FEET;
N36 53'44"E--127.44 FEET;
N18 37'59"E--50.57 FEET;
N16 19'07"W--26.83 FEET;
N59 55'41"W--30.63 FEET;
N86 06'21"W--41.05 FEET;
S72 04'44"W--59.77 FEET;
N87 56'55"W--48.56 FEET;
N68 16'44"W--49.27 FEET;
N65 51'34"W--190.49 FEET;
N56 40'00"W--115.32 FEET;

Attachment "1" continued ...

N42 16'44"W--144.93 FEET;
N06 57'05"W--27.18 FEET;
N31 20'29"E--25.31 FEET;
N52 49'49"E--29.09 FEET;
N67 38'38"E--39.10 FEET;
N80 55'07"E--56.00 FEET;
N89 15'19"E--124.94 FEET;
N75 47'07"E--35.61 FEET;
N56 37'14"E--51.20 FEET;
N28 00'39"E--31.89 FEET;
N02 28'20"E--28.48 FEET;
N49 07'05"W--25.23 FEET;
S86 13'58"W--60.82 FEET;
N85 02'32"W--166.67 FEET;
S85 35'56"W--60.89 FEET;
S59 20'36"W--69.00 FEET;
S67 57'16"W--99.32 FEET;
S82 23'41"W--41.03 FEET;
N85 14'15"W--98.53 FEET;
N70 59'06"W--109.28 FEET;
N26 59'19"W--26.56 FEET;
N33 33'39"E--119.50 FEET;
N16 47'25"E--29.38 FEET;
N04 22'37"W--123.94 FEET;
N20 50'24"W--111.68 FEET;
N07 01'20"W--46.24 FEET;
N18 35'15"E--32.76 FEET;
N58 26'56"E--33.91 FEET;
N73 50'57"E--33.68 FEET;
S88 47'44"E--36.93 FEET;
S81 18'31"E--77.97 FEET;
N68 40'13"E--28.42 FEET;
N29 47'42"E--31.02 FEET;
N01 12'31"W--31.10 FEET;
N37 00'43"W--28.46 FEET;
N51 13'48"W--103.84 FEET;
N40 16'39"W--61.15 FEET;
N50 42'05"W--64.10 FEET;
N43 54'14"W--38.96 FEET;
N58 18'52"W--98.99 FEET;
N45 50'22"W--123.02 FEET;
N29 06'13"W--50.86 FEET;
N12 05'06"W--26.87 FEET;
N00 58'48"W--58.15 FEET;
N35 04'22"W--33.04 FEET;
N55 49'41"W--33.33 FEET;
N70 46'04"W--34.37 FEET;
N82 13'50"W--131.17 FEET;
S80 52'49"W--102.96 FEET;
N86 57'06"W--42.31 FEET;
N69 31'30"W--38.84 FEET;
N33 32'22"W--87.28 FEET;

Attachment "1" continued ...

N50 43'03"W--41.00 FEET;
S83 14'04"W--38.71 FEET;
S42 28'53"W--87.23 FEET;
S62 02'47"W--29.75 FEET;
N85 03'41"W--31.96 FEET;
N68 53'13"W--41.67 FEET;
N63 28'20"W--68.16 FEET;
N55 13'59"W--47.21 FEET;
N38 18'45"W--58.93 FEET;
N30 30'44"W--51.38 FEET;
N19 00'50"W--31.59 FEET;
N07 29'19"W--31.70 FEET;
N03 44'01"E--33.01 FEET;
N13 52'02"E--112.84 FEET;
N03 43'42"E--39.06 FEET;
N10 46'54"W--23.96 FEET TO THE INTERSECTION

WITH A FENCE LINE RUNNING WESTERLY;

THENCE LEAVING THE CENTER OF THE IRRIGATION LATERAL AND FOLLOWING AN EXISTING FENCE LINE ON THE FOLLOWING COURSES:

N86 58'39"W--224.80 FEET;
N87 10'19"W--559.84 FEET;
N87 06'31"W--773.22 FEET;
N00 11'49"E--145.90 FEET;
N88 18'30"W--610.45 FEET;
N88 43'32"W--554.13 FEET;
N01 14'03"E--1134.67 FEET;
N30 32'26"E--148.33 FEET;
N36 06'36"E--886.71 FEET;
N18 47'46"E--190.75 FEET;
N09 08'15"E--458.74 FEET;
N28 55'38"W--315.38 FEET TO THE INTERSECTION

WITH THE NORTH BOUNDARY OF THE SW1/4SE1/4 OF SECTION 26;

THENCE S89 52'36"E ALONG THE NORTH BOUNDARY OF THE SW1/4SE1/4 OF SECTION 26 FOR A DISTANCE OF 551.33 FEET TO THE SOUTHWEST CORNER OF THE NE1/4SE1/4 OF SECTION 26;

THENCE NO 10'07W ALONG THE WEST BOUNDARY OF THE NE1/4SE1/4 FOR A DISTANCE OF 1320.69 FEET TO THE NORTHWEST CORNER OF THE NE1/4SE1/4;

THENCE S89 51'55"E ALONG THE NORTH BOUNDARY OF THE NE1/4SE1/4 FOR A DISTANCE OF 1320.22 FEET TO THE EAST 1/4 CORNER OF SECTION 26;

THENCE SO23'30"E ALONG THE EAST BOUNDARY OF THE SE1/4 OF SECTION 26 FOR A DISTANCE OF 1320.45 FEET TO THE NORTHWEST CORNER OF THE SW1/4SW1/4 OF SECTION 25.

Attachment "1" continued ...

THENCE N 89 57'17"E ALONG THE NORTH BOUNDARY OF THE SW1/4SW1/4 OF SECTION 25 FOR A DISTANCE OF 1321.48 FEET TO THE NORTHEAST CORNER OF THE SW1/4SW1/4;

THENCE SO 16'58"E ALONG THE EAST BOUNDARY OF THE SW1/4SW1/4 FOR A DISTANCE OF 1317.51 FEET TO THE SOUTHEAST CORNER OF THE SW1/4SW1/4 OF SECTION 25;

THENCE N89 49'38"E ALONG THE SOUTH BOUNDARY OF SECTION 25 FOR A DISTANCE OF 1318.96 FEET TO THE NORTH 1/4 CORNER OF SECTION 36;

THENCE SO 04'18"W ALONG THE NORTH-SOUTH CENTER SECTION LINE OF SECTION 36 FOR A DISTANCE OF 4934.20 FEET TO THE INTERSECTION WITH THE CENTER OF LATERAL "F" AND BEING THE TRUE POINT OF BEGINNING.

CONTAINING 419.76 ACRE, MORE OR LESS

SUBJECT TO:

1 - EASEMENTS FOR NORTH SIDE CANAL COMPANY LATERALS AND CANAL.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

 36-15056 - decreed
36-15057 - decreed

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

RECEIVED

DATE OF CLOSING: _____

JUL 23 1997

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet. (See attached Warranty Deeds)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
 Assigned by IDWR: 36-02725; 36-07492A; 36-02373; 36-15056; 36-15057; 36-7491

☒ Name and Address of Former Owner/Claimant(s)(Seller): Don & Carol McFarland Sundance, Inc.

P.O. Box 825 P.O. Box 825

☒ New Owner/Claimant (Purchaser): Eden, ID 83325 Eden, ID 83325

Walker Farms (Gene C. Walker)

☒ New Mailing Address: _____

☒ New Telephone Number: () _____

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

36-02725 - 2.270 CFS; 36-07492A - .421 CFS; 36-15056 - .060 CFS; 36-15057 - .040 CFS

10/24/97: 0.11 CFS under 36-07491

☒ Attach proof of ownership, describe proof attached: Warranty Deeds & Quitclaim Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Gene C. Walker, Sun Butte Date 7/23/97

☒ Signature of Former Owner/Claimant(s): Don McFarland Date 7/9/97
Carol McFarland Date 7/9/97

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
 Date: _____ By: _____

Further Action Needed:

Further Action Taken
 Date: _____ By: _____

Final Review and Data-Entry
 Date: _____ By: _____

Claim Numbers of Split, if any:

Original and
Warranty deed
in 36-2725

Original to be mailed to Idaho 1
 Copies to Former Owner and Ne



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

August 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WALKER FARMS
3794 E 3600 N
HANSEN ID 83334

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS 36-02725, 36-15056, and 36-15057

Dear Mr. Walker:

Thank you for returning the NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form. Since the legal description of the property is so lengthy, it is difficult to determine how many acres of claim 36-02725 you purchased from Mr. McFarland. If you will supply an aerial photo of the property with the irrigated acres outlined and points of diversion marked, along with a description of how the claim was split, I will then be able to complete the change.

I am also enclosing a profile report of the claim for your reference. You may find it easier to mark which acres you purchased on the profile report. Should you do so, please return a copy of the profile report along with all other required materials, to me in the enclosed self-addressed envelope.

It appears from the ownership change form submitted that you purchased only the domestic portions of water rights 36-15056 and 36-15057 from the McFarlands. Will you be sharing the well listed as the point of diversion with the McFarland's, or will one of you be drilling a new well. If you will be drilling a new well, you will need to contact one of the agents here at the department in order to file a transfer.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

36-15056 - decreed
36-15057 - decreed

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

RECEIVED

DATE OF CLOSING: _____

JUL 23 1997

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. (See attached Warranty Deeds)

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: 36-02725; 36-07492A; 36-02373; 36-15056; 36-15057; 36-7491

☒ Name and Address of Former Owner/Claimant(s)(Seller): Don & Carol McFarland Sundance, Inc.

P.O. Box 825 P.O. Box 825

Eden, ID 83325 Eden, ID 83325

☒ New Owner/Claimant (Purchaser):

Walker Farms (Gene C. Walker)

☒ New Mailing Address:

☒ New Telephone Number: () _____ - _____

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

36-02725 - 2.270 CFS; 36-07492A - .421 CFS; 36-15056 - .060 CFS; 36-15057 - .040 CFS

10/24/97 DJ: 0.11 CFS under 36-07491

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(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Gene C. Walker, Son of Don Date 7/21/97

☒ Signature of Former Owner/Claimant(s): Don McFarland Date 7/9/97
Carol McFarland Date 7/9/97

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

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Claim Numbers of Split, if any:

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Original to be mailed to Idaho 1
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KARL J. DREHER
DIRECTOR

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3794 E 3600 N
HANSEN ID 83334

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36-15057

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Trish Fawcett
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enc.

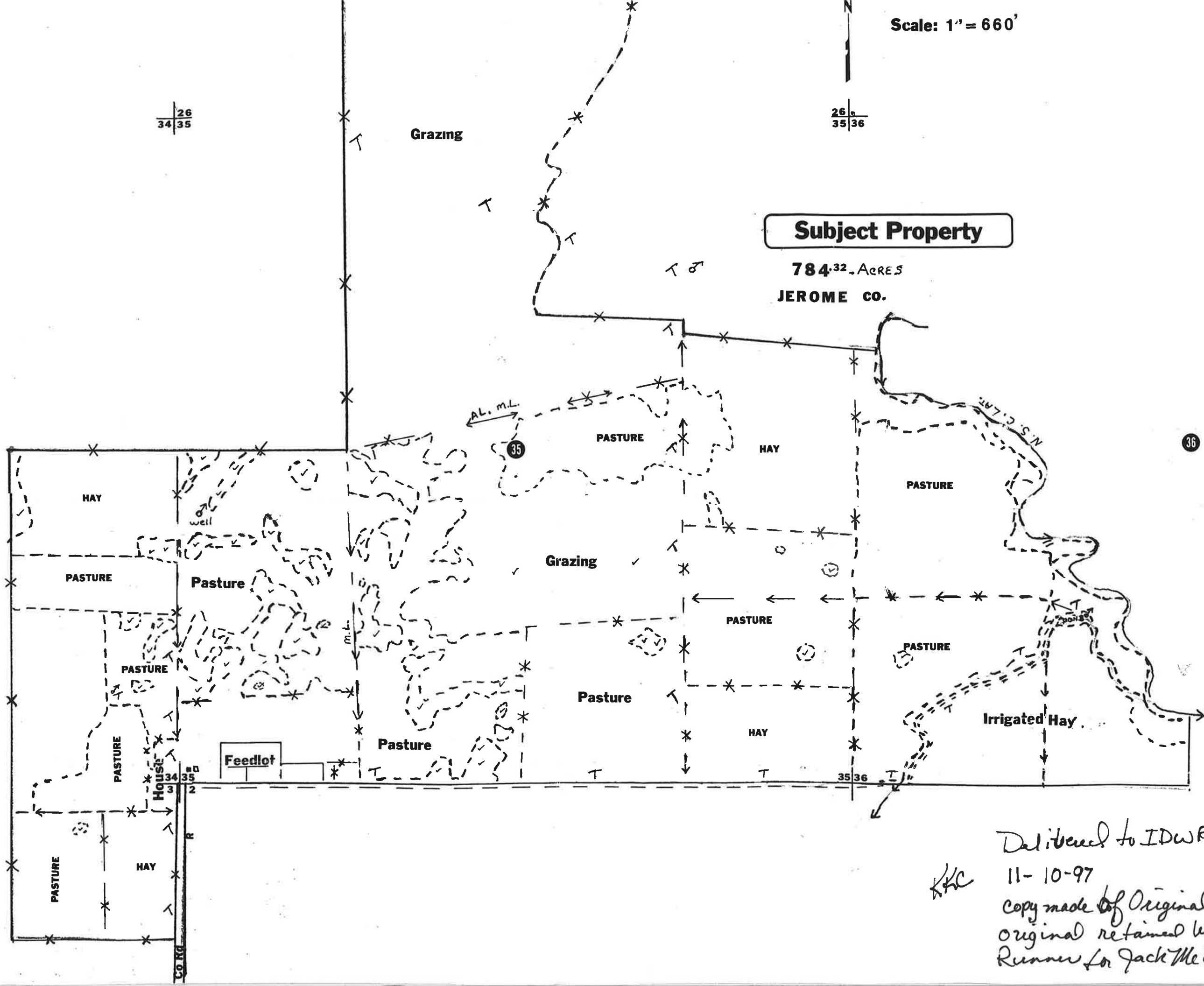
Scale: 1" = 660'

26
34 35

26
35 36

Subject Property

784.32 ACRES
JEROME CO.



Delivered to IDWR

11-10-97

copy made of original and
original retained by
Runner for Jack McCall.

T 8 s

T 9 s

R 18 E B M

Plat Map

Scale: 1" = 660'

Subject Property

784.32 ACRES
JEROME CO.

Grazing

PASTURE

HAY

PASTURE

Grazing

PASTURE

PASTURE

Pasture

Irrigated Hay

N. S. Canal

AL. m.L.

HAY

PASTURE

Pasture

PASTURE

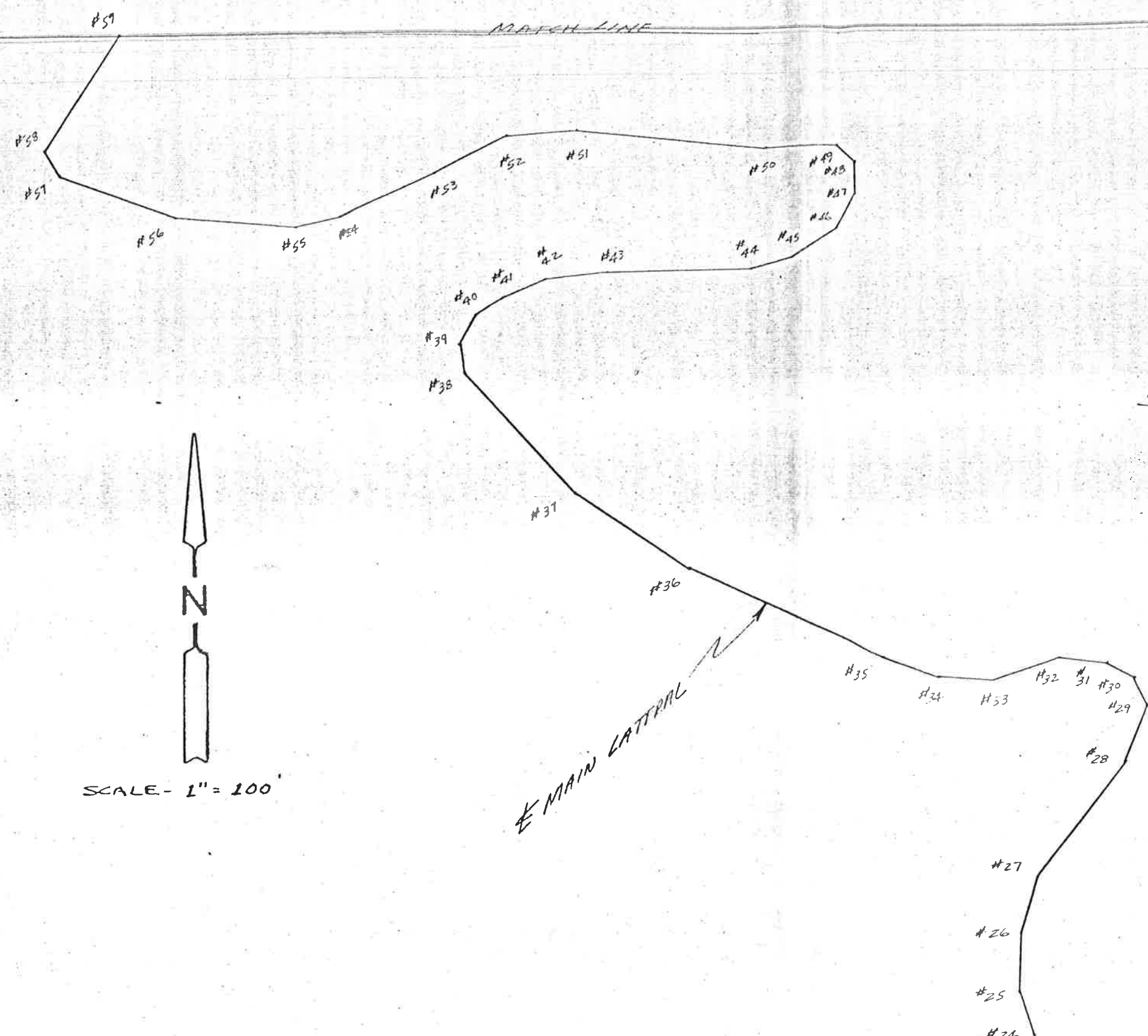
26
34 35

26
35 36

T 8 S

34

36



NORTH 1/4 COR.
SEC. 36
BRASS CAP

SUNDANCE RANCH SURVEY
SEC. 36- T.8 S, R.18 E, B.M.
JEROME COUNTY, IDAHO

EAST BOUNDARY
W 1/2 SEC 36

4934.20'
N 0° 04' 18" E - 5295.44'

PT.# TO PT.#

BEARING

DISTANCE

#2--#3	N87 18'40"W	56.25'
#3--#4	S83 34'58"W	124.39'
#4--#5	N82 03'17"W	41.45'
#5--#6	N82 52'07"W	49.27'
#6--#7	N54 33'45"W	136.42'
#7--#8	N47 56'00"W	39.06'
#8--#9	N37 08'39"W	55.03'
#9--#10	N22 06'56"W	32.73'
#10--#11	N03 56'45"E	27.47'
#11--#12	N25 13'19"E	29.38'
#12--#13	N36 06'34"E	40.25'
#13--#14	N34 18'31"E	73.73'
#14--#15	N11 15'59"E	26.71'
#15--#16	S88 25'19"E	33.02'
#16--#17	N36 13'04"E	24.03'
#17--#18	N03 14'47"E	156.05'
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#22--#23	N57 53'34"W	34.75'
#23--#24	N36 33'36"W	45.21'
#24--#25	N20 01'16"W	39.23'
#25--#26	N01 37'44"E	51.37'
#26--#27	N17 18'22"E	50.72'
#27--#28	N36 53'44"E	127.44'
#28--#29	N18 37'59"E	50.57'
#29--#30	N16 19'07"W	26.83'
#30--#31	N59 55'41"W	30.63'
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#44--#45	N75 47'07"E	35.61'
#45--#46	N56 37'14"E	51.20'
#46--#47	N28 00'39"E	31.89'
#47--#48	N02 28'20"E	28.48'
#48--#49	N49 07'05"W	25.23'
#49--#50	S86 13'58"W	60.82'
#50--#51	N85 02'32"W	166.67'
#51--#52	S85 35'56"W	60.89'
#52--#53	S59 20'36"W	69.00'
#53--#54	S67 57'16"W	99.32'
#54--#55	S82 23'41"W	41.03'
#55--#56	N85 14'15"W	98.53'
#56--#57	N70 59'06"W	109.28'
#57--#58	N26 59'19"W	26.56'
#58--#59	N33 33'39"E	119.50'

I hereby certify that this plat and the survey upon which it is based are of reasonable accuracy and represent the true location of the topography shown.

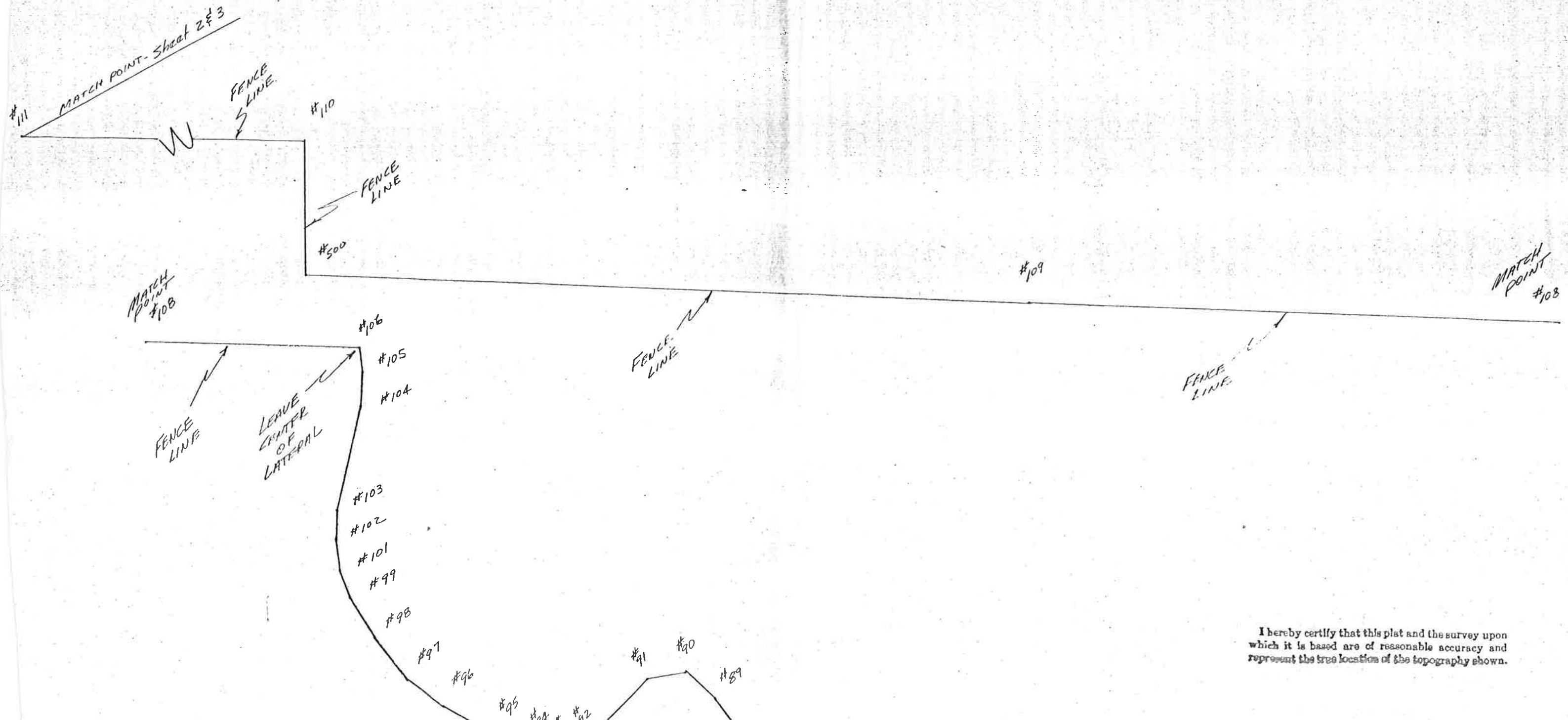


SOUTH 1/4 COR. SEC. 36

SUNDANCE RANCH SURVEY

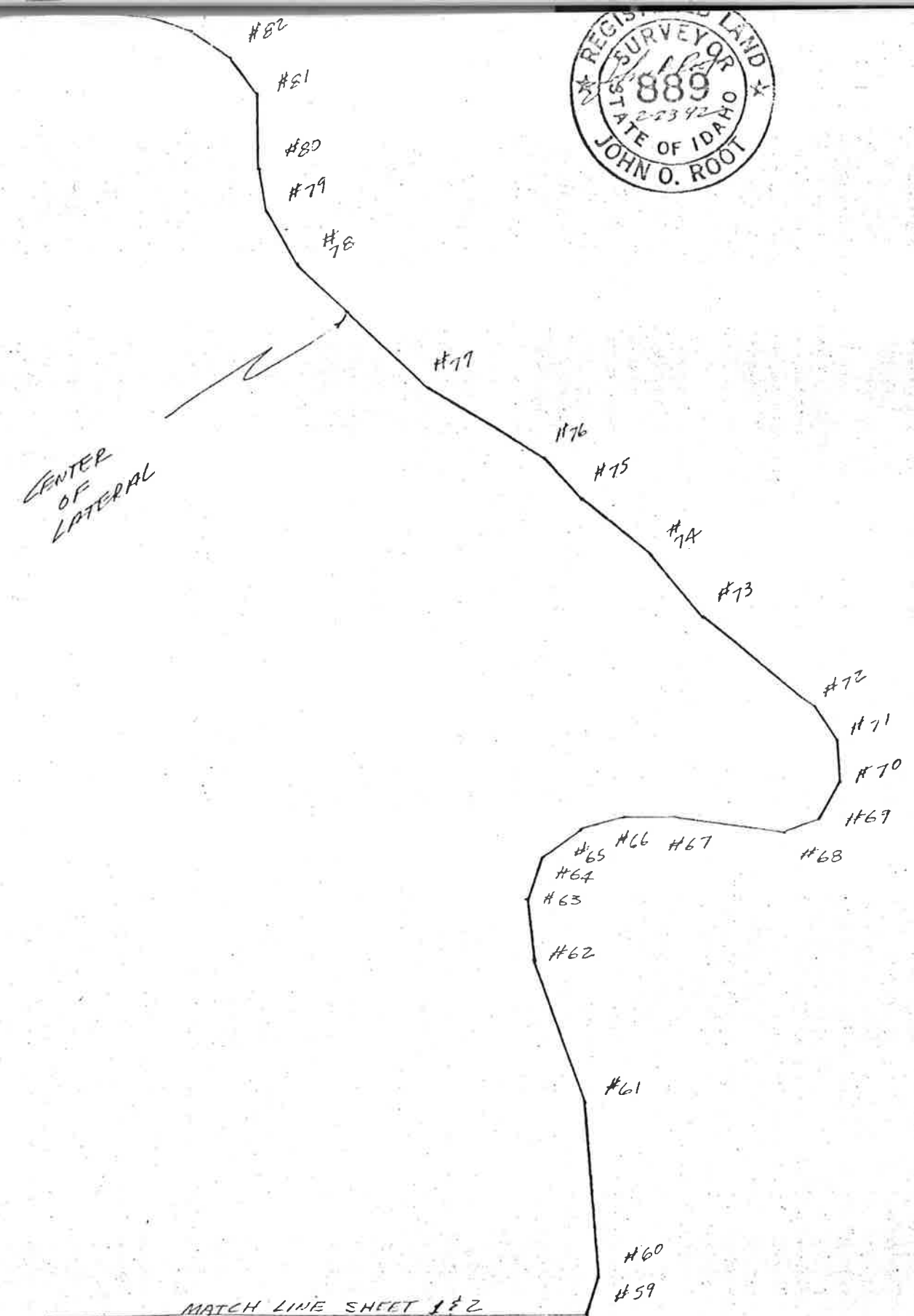
SEC'S-25-26-35 & 36-T.8S, R.18E, B.M.

JEROME COUNTY, IDAHO



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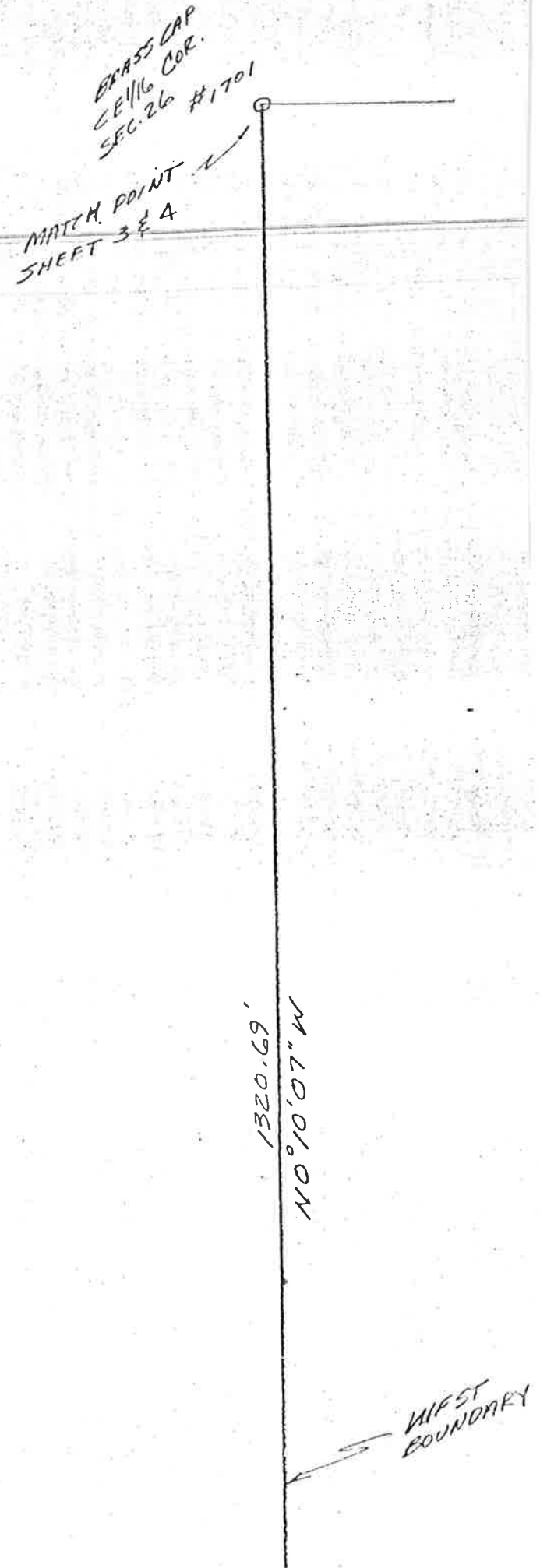
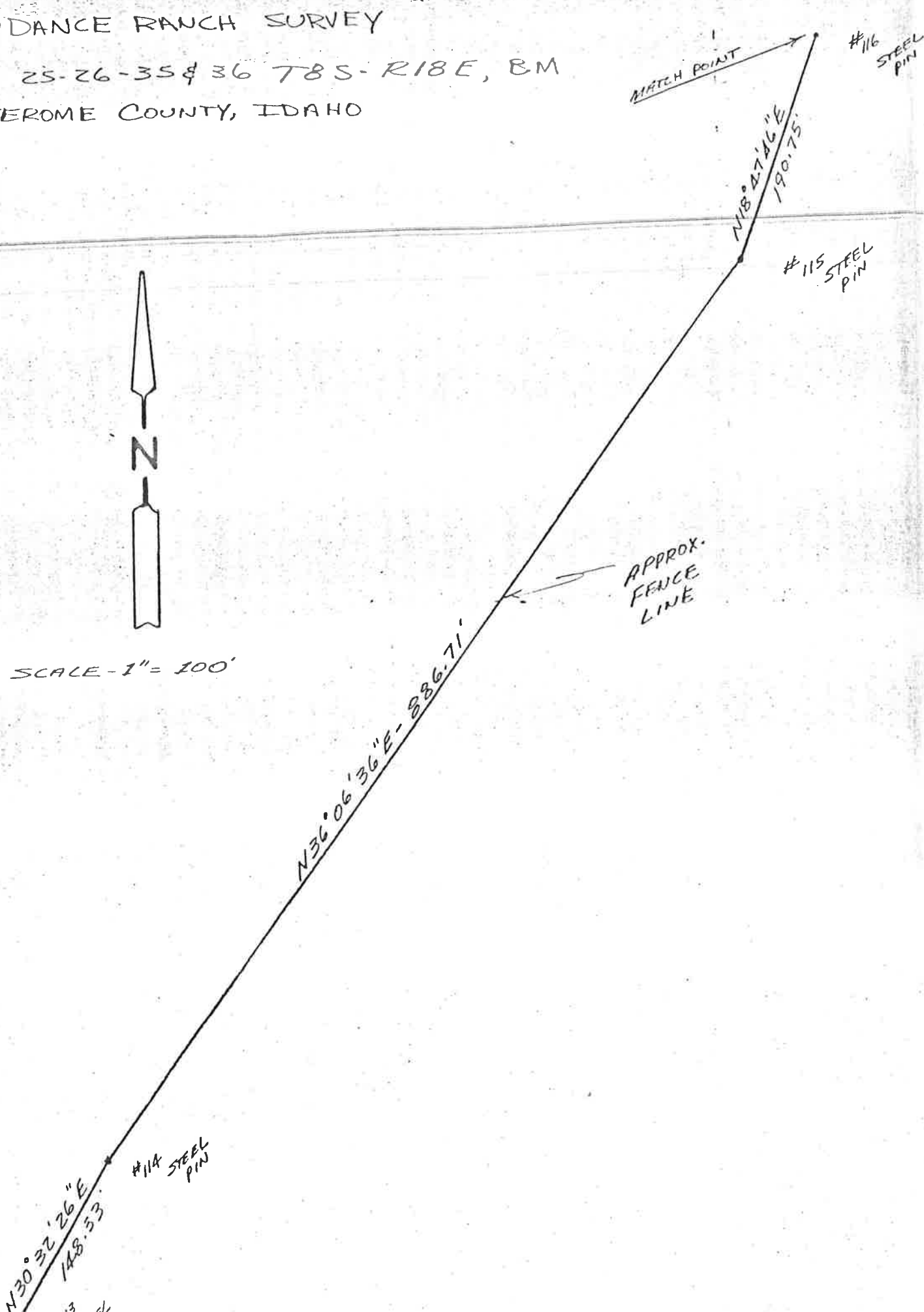
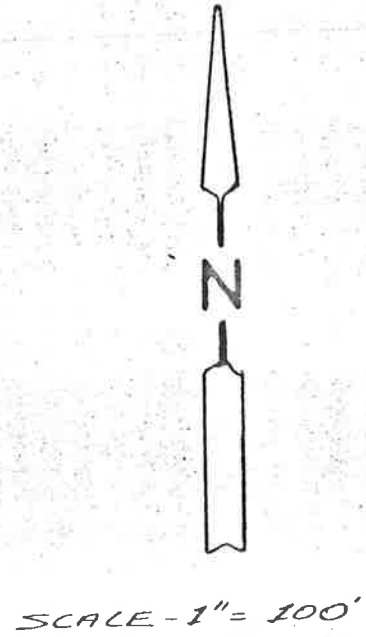
PT.# TO FT.#	BEARING	DISTANCE
#59--#60	N16 47' 25"E	29.38'
#60--#61	N04 22' 37"W	123.94'
#61--#62	N20 50' 24"W	111.68'
#62--#63	N07 01' 20"W	46.24'
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#70--#71	N01 12' 31"W	31.10'
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#73--#74	N40 18' 39"W	61.15'
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#77--#78	N45 50' 22"W	123.02'
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#79--#80	N12 05' 06"W	26.87'
#80--#81	N00 58' 48"W	56.15'
#81--#82	N35 04' 22"W	33.04'
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#83--#84	N70 46' 04"W	34.37'
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#88--#89	N33 32' 22"W	87.28'
#89--#90	N50 42' 03"W	41.00'
#90--#91	S83 14' 04"W	38.71'
#91--#92	S42 28' 53"W	87.23'
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#95--#96	N53 28' 20"W	68.16'
#96--#97	N55 13' 59"W	47.21'
#97--#98	N38 18' 45"W	56.93'
#98--#99	N30 30' 44"W	51.38'
#99--#101	N19 00' 50"W	31.59'
#101--#102	N07 29' 19"W	31.70'
#102--#103	N03 44' 01"E	33.01'
#103--#104	N13 52' 02"E	112.84'
#104--#105	N03 43' 42"E	39.06'
#105--#106	N10 46' 54"W	23.96'
#106--#108	N86 58' 39"W	224.80'
#108--#109	N87 10' 19"W	559.84'
#109--#500	N87 06' 31"W	773.22'
#500--#110	N00 11' 49"E	145.90'
#110--#111	N86 18' 30"W	610.45'

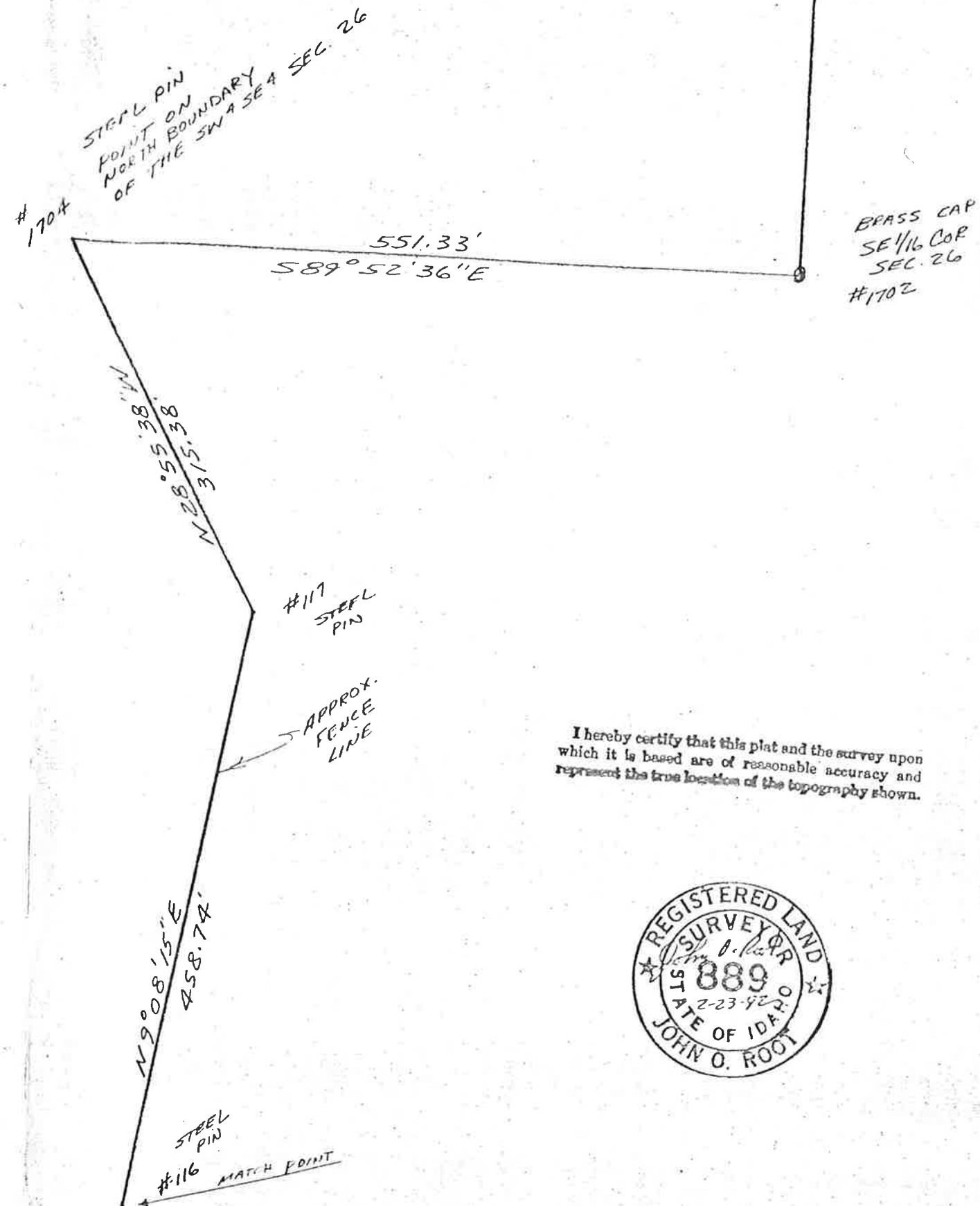
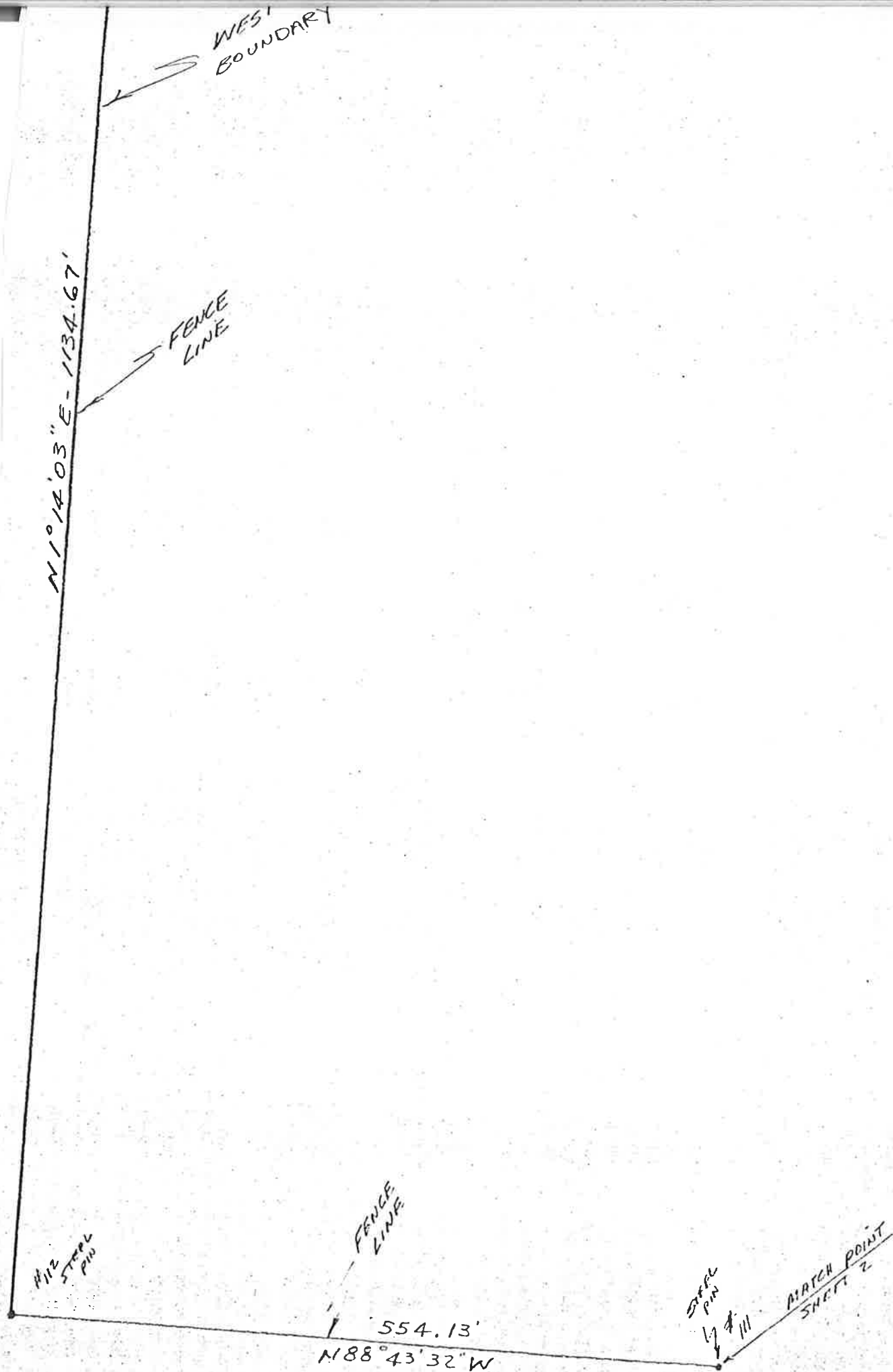


SHEET 3 OF 4
SUNDANCE RANCH SURVEY

SEC'S 25-26-35 & 36 T8S-R18E, 8M
JEROME COUNTY, IDAHO

SHEET 3 OF 4



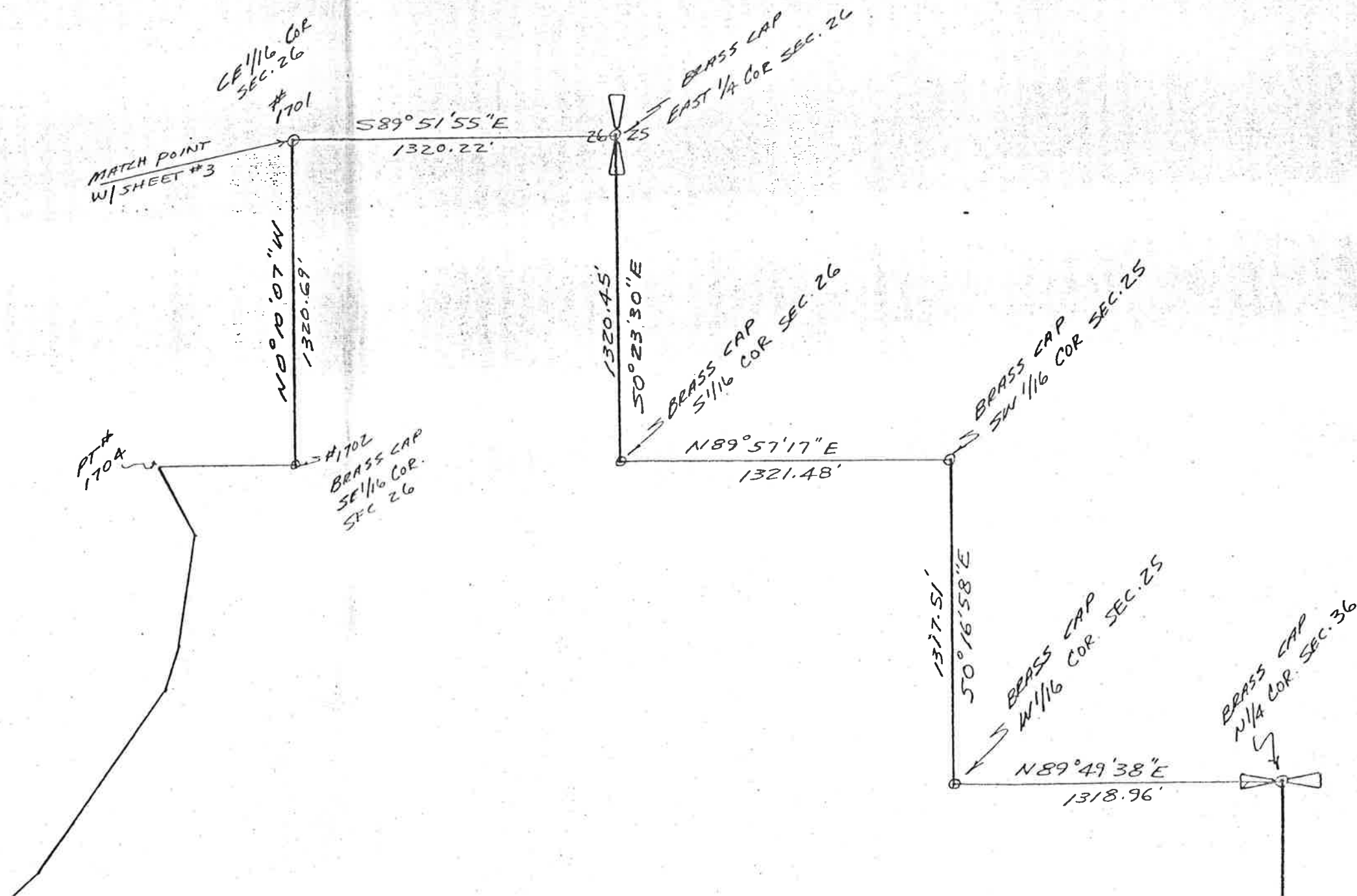
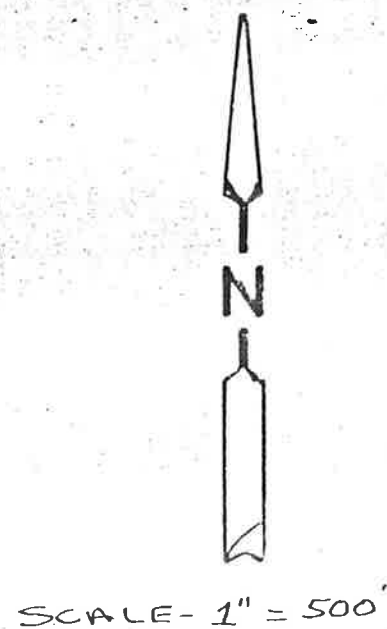


I hereby certify that this plat and the survey upon which it is based are of reasonable accuracy and represent the true location of the topography shown.



SUNDANCE RANCH SURVEY
 SEC'S 25-26-35 & 36, T. 8 S., R. 18 E., B.M.
 JEROME COUNTY, IDAHO

SHEET 4 OF 4

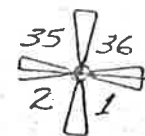


219.76 ACRES

I hereby certify that this plat and the survey upon which it is based are of reasonable accuracy and represent the true location of the topography shown.



NOTE:
SEE SHEET 1 THRU 3
FOR WEST BOUNDARY
COURSES



BRASS CAP
SE. COR.
SEC. 36

MAIN
LATERAL

LATERAL
"Y"

SOUTH 1/4 COR.
SEC. 36
STEEL PIN

4934.20'
50°04'18"W
5295.44'