

Adjudication Recommendation Report 36-2667 V1

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	CAROL MC FARLAND PO BOX 5178 TWIN FALLS, ID 83301 (208)734-0004
Current Owner	JACK C MCCALL PO BOX 1598 TWIN FALLS, ID 83303 (208)734-8824
Directors Report Owner	DON MC FARLAND PO BOX 5178 TWIN FALLS, ID 83303 (208)734-0004
Current Owner	TERRI C MCCALL PO BOX 1598 TWIN FALLS, ID 83303 (208)734-8824

Status: Active

Tributary

SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/10 to 11/10	3.960 CFS	792.00 AF
	Total Diversion:	3.960 CFS	792.00 AF

GOOSE LAKE JEROME County	SW1/4SE1/4SW1/4	Sec. 21, Twp 09S, Rge 19E, B.M.
GOOSE LAKE JEROME County	NE1/4NW1/4NW1/4	Sec. 27, Twp 09S, Rge 19E, B.M.

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-2667 V1

Total Acres: 198

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NO RTH SIDE CANAL CO. LTD.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER NOVEMBER 10 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. WORSTELL 12/24/1991 COPIED FROM REMARKS
Comment: UNRECORDED TRANSFER: TRANSFERRED 2 ACRES FROM NWSE, SEC 21 TO SWSE, SEC 21. TRANSFERRED 5 ACRES FROM SWSW, SEC 22 TO SESE, SEC 21.
2. SCHULTZ 9/28/1992 NOTICE OF ERROR (NOE)
Comment: NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 12/24/91. DID NOT REVERIFY ANY PART OF CLAIM.
3. MERRITT 10/13/1992 RESPONDED TO NOE
Comment: LETTER SENT 10/13. NO CHANGE.
4. DSMITH 1/30/1996 NAME AND/OR ADDRESS CHANGE
Comment: THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. *NAME/ADDRESS STANDARDIZED TO AVOID DUPLICATE MAILING LABELS
5. SSHERMAN 8/30/1999 ADDRESS CHANGE
Comment: ADDRESS CHANGE BY CLAIMANT LETTER.
6. AJU10-DS 12/21/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: RECEIVED - NO CHANGE TO RECOMMENDATION
State or Federal: S
Owner Name Connector: AND
Water District Number:

Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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NOV 08 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s).: 36-02667
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant McFarland Agricultural Company
P.O. Box 268 Eden, ID 83325
4. New Owner/Claimant(s) Jack McCall and Terri C. McCall
New Mailing Address Name Connector (Check one): [] and, [] or, [] and/or
2709 E. 3800 N.
City, State and ZIP Code Twin Falls, ID 83301
New Telephone Number (208) 734-8824
5. Date you acquired the property 6-18-99 *deeded - 6-1-95 acquired for*
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) *Jack McCall* Date 11-4-99
Terri C. McCall Date 11-4-99
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s).: 36-02667
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Gerald Theener and Sharon Theener
1316 Poplar Ave. Twin Falls, ID 83301
4. New Owner/Claimant(s) Jack McCall and Terri C. McCall
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 2709 E. 3800 N. Twin Falls, ID 83301
City, State and ZIP Code _____
New Telephone Number (208) 734-8824
5. Date you acquired the property 12-31-97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Jack McCall Date 11-4-99
Terri C. McCall Date 11-4-99
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s).: 41.00 inches of 36-02667
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Jack McCall and Terri C. McCall
2709 W. 3800 N. Twin Falls, ID 83301
4. New Owner/Claimant(s) Edwin R. Smith and Valerie A. Smith
Name Connector (Check one): ☐ and. ☐ or. ☐ and/or
New Mailing Address 044 Dry Gulch
City, State and ZIP Code Hansen, ID 83334
New Telephone Number () _____
5. Date you acquired the property didn't acquire property - only partial right to license.
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Edwin R. Smith Date 11-4-99
Valerie A. Smith Date 11-4-99
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

Form 02-0100-01 (09/96) February 1, 1997

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Department of Water Resources
Southern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 41-00 inches of 25-02567
Adjudication Claim No(s): _____

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a **USDA Farm Service Agency AERIAL PHOTO** with irrigated areas outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: Jack McCall and Terri C. McCall
2709 W. 3500 N. Twin Falls, ID 83301

4. New Owner/Claimant(s): Edwin R. Smith and Valerie A. Smith
New Mailing Address: Name Correction (Check one: ☐ and ☐ or ☐ address)
224 N. 6th St.

City, State and ZIP Code: Hammond, ID 83334

New Telephone Number: () _____

5. Date you acquired the property: date of acquiring property - only partial right to license.

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate: _____ Number and type of stock: _____

Diversion rate in CFS: _____ Number of horses: _____ Other uses: _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): Edwin R. Smith Date: 11-4-99

(Corporations or other organized entities must submit a resolution of directors and/or officers demonstrating authority to sign form.)
Valerie A. Smith Date: 11-4-99

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

RECEIVED

NOV 08 1999

Department of Water Resources
Bozeman, MontanaWARRANTY DEED

FOR VALUE RECEIVED, GERALD THEENER AND SHARON THEENER,
Husband and wife, hereinafter called "Grantor" hereby grants, bargains, sells and conveys
unto JACK C. McCALL AND TERRI CORTHELL-McCALE*, Husband and Wife,
hereinafter referred to as "Grantee" the following described premises in the County of
Jerome, Idaho, to wit:

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

9 9 5 6 3 8 SECTION 21: SE1/4SE1/4; SW1/4SE1/4; SE1/4SW1/4; EXCEPTING
THEREFROM railroad right-of-way and that portion lying North of the railroad
right-of-way.

RECORDED AT THE REQUEST OF Jack McCall SECTION 28: N1/2NE1/4; NE1/4NW1/4; EXCEPTING THEREFROM railroad
right-of-way and that portion lying North of the railroad right-of-way.

Nov 4 4 10 PM '99
JEROME COUNTY, IDAHO SECTION 27: NW1/4NW1/4; EXCEPTING THEREFROM railroad right-of-
way and that portion lying North of the railroad right-of-way.

FEES 900 DM SECTION 27: S1/2NW1/4 EXCEPTING THEREFROM a parcel of land located
in the SW1/4NW1/4 of Section 27, Township 9 South, Range 19 East, more
particularly described as follows:

Beginning at the Southwest corner of said SWNW;
Thence East 319.44 feet;
Thence North 150 feet;
Thence West 319.44 feet;
Thence South 150 feet to the Point of Beginning.

Subject to: The Mutual Life Insurance Company of New York Mortgage, Loan No.

1211, recorded as Instrument No. 944751.

RESERVING unto the Grantor and its successors and assigns, a permanent
easement and right-of-way for ingress and egress to and for the installation of an irrigation
pump and pipe line extending from the existing pump located in Township 9 South, Range
* whose address is 2709 E. 3800 N., Twin Falls, Idaho 83301

EXHIBIT "A" - WARRANTY DEED - 1

19 East, Section 21, SE1/4SW1/4, pertaining to that certain real property legally described as Township 9 South, Range 19 East, Section 21, N1/2SE1/4. This is an easement and right-of-way for installation of an irrigation pump and pipe line in favor of the Grantor and/or the Grantor's successors and assigns, which shall run with and be appurtenant to the property described herein. In addition thereto, Grantor hereby reserves unto Grantor or Grantor's successors and assigns, a 20 foot permanent access easement extending from the existing pump location (Township 9 South, Range 19 East, Boise Meridian, Section 21, SW1/4SW1/4 through Section 21, SW1/4SE1/4 to that certain real property described as Section 21, N1/2SE1/4 for the sole purpose of maintaining, repairing or replacing a pump and pipe line which may in the future be installed for the purpose of transporting and carrying water from and to the lands described herein.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantors does hereby covenant to and with said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances excepting existing easements and rights of way of record and mortgage referenced above, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 31 day of Dec, 1997

A handwritten signature in cursive script, appearing to read "Gerald Theener", is written over a solid horizontal line.

GERALD THEENER



SHARON THEENER

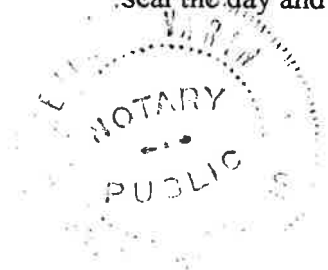
STATE OF IDAHO)

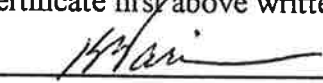
County of Twin Falls)

ss.

On this 31 day of Dec, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Gerald Theener and Sharon Theener, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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

Residing at:

Gooding, Idaho

My Commission Expires:

8/30/03

NOV 08 1999

Department of Water Resources
Southern RegionQUITCLAIM DEED

FOR VALUE RECEIVED, Gerald Theener and Sharon Theener, Husband and Wife, hereby convey, release, remise and forever quitclaim unto Jack McCall and Terri Cortrell-McCall, Husband and Wife, the following described water rights appurtenant to the real property and situated in Jerome County, Idaho:

1. 66.5 shares of the Northside Canal Company represented by Water Stock Certificate No. 18191 to be used on:

Section 27, Township 9 South, Range 19 East
SE1/4NW1/4
SW1/4NW1/4

2. 159.5 inches of water represented by Water License No. R36-02667 to be used on:

Section 28, Township 9 South, Range 19 East
NE1/4NE1/4 - 37 acres
NW1/4NE1/4 - 40 acres
NE1/4NW1/4 - 40 acres

Section 27, Township 9 South, Range 19 East
NW1/4NW1/4 - 28 acres

Section 21, Township 9 South, Range 19 East
SE1/4SW1/4 - 8 acres
SW1/4SE1/4 - 5.5 acres
SE1/4SE1/4 - 1.0 acre

995639

RECORDED AT THE REQUEST
Jack McCall
Nov 4 4 10 PM '99
JEROME COUNTY, IDAHO
FEES 600 DEP Im

DATED this 31st day of December, 1997.


GERALD THEENER


SHARON THEENER

*Whose address is 2709 E. 3800 N., Twin Falls, Idaho 83301

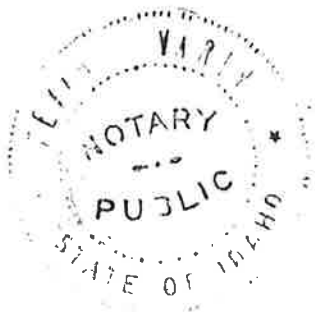
STATE OF IDAHO)

County of Twin Falls)

ss.

On this 31 day of Dec, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Gerald Theener and Sharon Theener, Husband and Wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they 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.



[Signature]
Notary Public

Residing at:

My Commission Expires:

Arading, Idaho

8/30/03

QUITCLAIM DEED

For Value Received

RECEIVED

NOV 08 1999

#CL-746

Department of Water Resources
Southern Region

Jack C. McCall (also shown of record as Jack McCall)
and Terri Corthell-McCall (also shown of record as Terri C. McCall) husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Edwin R. Smith and Valerie A. Smith, husband and wife
Whose address is: 044 Dry Gulch, Hansen, ID 83334

Hereinafter called the grantee, the following described water rights appurtenant to the real property and situated in Jerome County, Idaho to-wit:

1. 41.00 inches of water represented by *Idaho Department of Water Resources* Water License No. 36-02667 to be used on:

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

Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW1/4SE1/4

SE1/4SE1/4, EXCEPTING THEREFROM the following described parcel of land:

Commencing at the Southeast corner of said SE1/4;

Thence along the Easterly boundary of said SE1/4 North 0°20'00" West,
495.63 feet to the REAL POINT OF BEGINNING;

Thence North 81°11'55" West, 198.70 feet;

Thence North 64°52'20" West, 207.35 feet;

Thence North 50°05'30" West, 106.84 feet;

Thence North 34°36'45" West, 121.67 feet;

Thence North 12°49'31" East, 155.70 feet;

Thence North 0°40'57" West, 324.03 feet;

Thence along a line which lies perpendicular to the Easterly boundary of said SE1/4, North 89°40'00" East,
500.00 feet to a point on the Easterly boundary of said SE1/4;

Thence South 0°20'00" East, 765.88 feet to THE REAL POINT OF BEGINNING.

EXCEPTING THEREFROM that part located South of the railroad right of way. Further excepting therefrom railroad right of way.

Section 28: That portion of the NE1/4NE1/4 lying North of the Railroad right of way.

-and-

Section 21: SE1/4SE1/4; SW1/4SE1/4; SE1/4SW1/4; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 28: N1/2NE1/4; NE1/4NW1/4; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

Section 27: NW1/4NW1/4; EXCEPTING THEREFROM railroad right-of-way and that portion lying North of the railroad right-of-way.

995640

RECORDED AT THE REQUEST
Land Title & Escrow, Inc.

Nov 4 4 11 PM '99

JEROME COUNTY, IDAHO

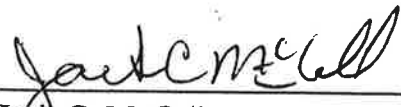
FEES 10.00 DEP *Am*

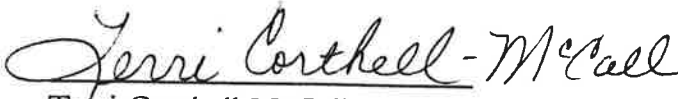
Section 27: S1/2NW1/4 EXCEPT THEREFROM a parcel of land located in the W1/4NW1/4 of Section 27, Township 9 South, Range 19 East, more particularly described as follows:

Beginning at the Southwest corner of said SWNW;
Thence East 319.44 feet;
Thence North 150.00 feet;
Thence West 319.44 feet;
Thence South 150.00 feet to the Point of Beginning.

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

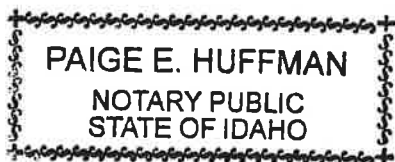
Dated: November 4, 1999

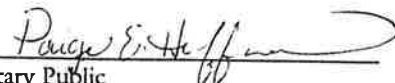

Jack C. McCall


Terri Corthell-McCall

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

On this 4th day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack C. McCall and Terri Corthell-McCall, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




Notary Public
Residing at: Jerome, Idaho
My Commission expires: 8/15/05

CORPORATE WARRANTY DEED

NOV 08 1999

Department of Water Resources
Southern Region

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

Jack McCall and Terri C. McCall, husband and wife
Address: 2709 E. 3800 N. Twin Falls, ID 83301

GRANTEE, the following described real estate, to-wit:

SEE EXHIBIT "A" attached hereto:

****TOGETHER WITH** all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

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

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

IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 18th day of June, 1997.

BY: Maurice D. McFarland
President

ATTEST: Carol McFarland
Secretary

MEMORANDUM FOR THE DIRECTOR
JUL 8 11 51 AM '99
JESOME CEMETERY, IDAHO
FEES ^{1.00} 1.00 DEP 1.15
+

7135

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

On this 18th day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Maurice D. McFarland and Carol L. McFarland**, known or identified to me to be the President and Secretary of the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public

Residing at Jerome

My Commission Expires: 7/1/2000

PARCEL 1:

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

Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING THEREFROM the following described parcel of
land:

Commencing at the Southeast corner of said SE $\frac{1}{4}$;
Thence along the Easterly boundary of said SE $\frac{1}{4}$ North 0°20'00" West,
495.63 feet to the REAL POINT OF BEGINNING;
Thence North 81°11'55" West, 198.70 feet;
Thence North 64°52'20" West, 207.35 feet;
Thence North 50°05'30" West, 106.84 feet;
Thence North 34°36'45" West, 121.67 feet;
Thence North 12°49'31" East, 155.70 feet;
Thence North 0°40'57" West, 324.03 feet;
Thence along a line which lies perpendicular to the Easterly boundary
of said SE $\frac{1}{4}$, North 89°40'00" East, 500.00 feet to a point on the
Easterly boundary of said SE $\frac{1}{4}$;
Thence South 0°20'00" East, 765.88 feet to THE REAL POINT OF
BEGINNING.

EXCEPTING THEREFROM that part located South of the railroad
right of way. Further excepting therefrom railroad right of way.

PARCEL 2:

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

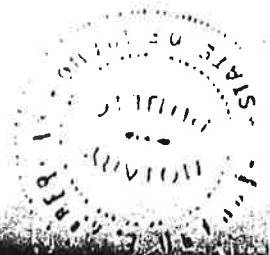
Section 28: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of the Railroad right of way.

corporation executed the same,

Richard E. Helmer
Notary Public

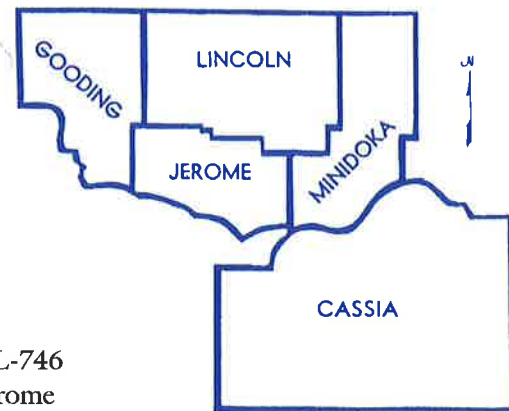
Residing at: Jerome

My Commission Expires: 7/1/2000



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: CL-746
OFFICE: Jerome

November 8, 1999

Idaho Department of Water Resources
ATTN: Trish
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED

NOV 08 1999

Department of Water Resources
Southern Region

RE: **McCALL/SMITH**
Water Right No. 36-02667

Dear Trish:

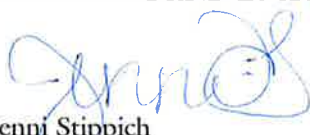
In connection with the above referenced file, enclosed herewith you will find the following:

1. *Original Notice of Change of Water Right Ownership* dated November 4, 1999, transferring from McFarland to McCall.
2. *Original Notice of Change of Water Right Ownership* dated November 4, 1999, transferring Theener to McCall.
3. *Original Notice of Change of Water Right Ownership* dated November 4, 1999, transferring McCall to Smith.
4. *Copy of Warranty Deed* recorded November 4, 1999 as Instrument No. 995638 under Jerome County Records.
5. *Copy of Quitclaim Deed* recorded November 4, 1999 as Instrument No. 995640 under Jerome County Records.
6. *Copy of Warranty Deed* recorded July 8, 199 as Instrument No. 993517 under Jerome County Records.

Please transfer this water right as indicated.

Should you have any questions regarding this matter, or feel that you need more information, please do not hesitate to contact me at 208-324-3357.

Very truly yours,
LAND TITLE AND ESCROW, INC.


Jenni Stippich
Escrow Department

Enclosures

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

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

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

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0806 - FAX 436-1188

The undersigned hereby acknowledges receipt of the above listed items this ____ day of November, 1999.

BY: _____

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: A36-02667
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

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

2. Date of Priority: NOV 01, 1966

3. Source: GOOSE LAKE Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	19E	21	SE	SW			JEROME
		27	NW	NW			JEROME

5. Description of diverting works:
PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/10	11/10	3.960		792.00

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

8. Total consumptive use is 594.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/2000 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	19E	21	SE	SW		IRR	10.0
			SW	SE		IRR	20.0
			SE	SE		IRR	23.0
					Section Acres	53.0	
		27	NW	NW		IRR	28.0
						Section Acres	28.0
		28	NE	NE		IRR	37.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0
					Section Acres	117.0	
			Total Acres	198.0			

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:
NORTHSIDE CANAL 6.

14. Remarks:

UNRECORDED TRANSFER:

TRANSFERRED 2 ACRES FROM NWSE, SEC 21 TO SWSE, SEC 21.

TRANSFERRED 5 ACRES FROM SWSW, SEC 22 TO SESE, SEC 21.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Don McDaniel 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 Christine L. Hinton
Notary Public

Seal

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

Water Right Number - 36-02667 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

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

*** C - CURRENT OWNER ***
LARSEN

FLORA C.

1 - RT. 2
2 -
3 -
City- HANSEN
Phone -

State- ID Zip- 83334

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/01/1966 17 L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GOOSE LAKE SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
09S	19E	21	SE SW		(53)	JEROME	272.0 423.6	6.5
09S	19E	27	NW NW		(53)	JEROME		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/10	11/10		3.960	792.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.960 792.00

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	19E	21	SE SW		10.0	01	IRRIGATION	(53) JEROME
09S	19E	21	NW SE		2.0	01	IRRIGATION	(53) JEROME
09S	19E	21	SW SE		18.0	01	IRRIGATION	(53) JEROME
09S	19E	21	SE SE		18.0	01	IRRIGATION	(53) JEROME
09S	19E	22	SW SW		5.0	01	IRRIGATION	(53) JEROME
09S	19E	27	NW NW		28.0	01	IRRIGATION	(53) JEROME
09S	19E	28	NE NE		37.0	01	IRRIGATION	(53) JEROME
09S	19E	28	NW NE		40.0	01	IRRIGATION	(53) JEROME
09S	19E	28	NE NW		40.0	01	IRRIGATION	(53) JEROME

Total Acres: 198.0

+ - - Diversion Means - PUMP & PIPELINE.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NORTHSIDE CANAL 6.

+ - - - - Remarks - - - - - +
No Remarks found.

MICROFILMED
FEB 0 1 1993

198 acres

Water right number - 36-02667

Adj. flag translation: Standard Water Right Number

+ - - - - Old Water Right Number - - - - - +

+ - - - - Old Water Right Number - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - Audit Fields - 06/03/85

05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

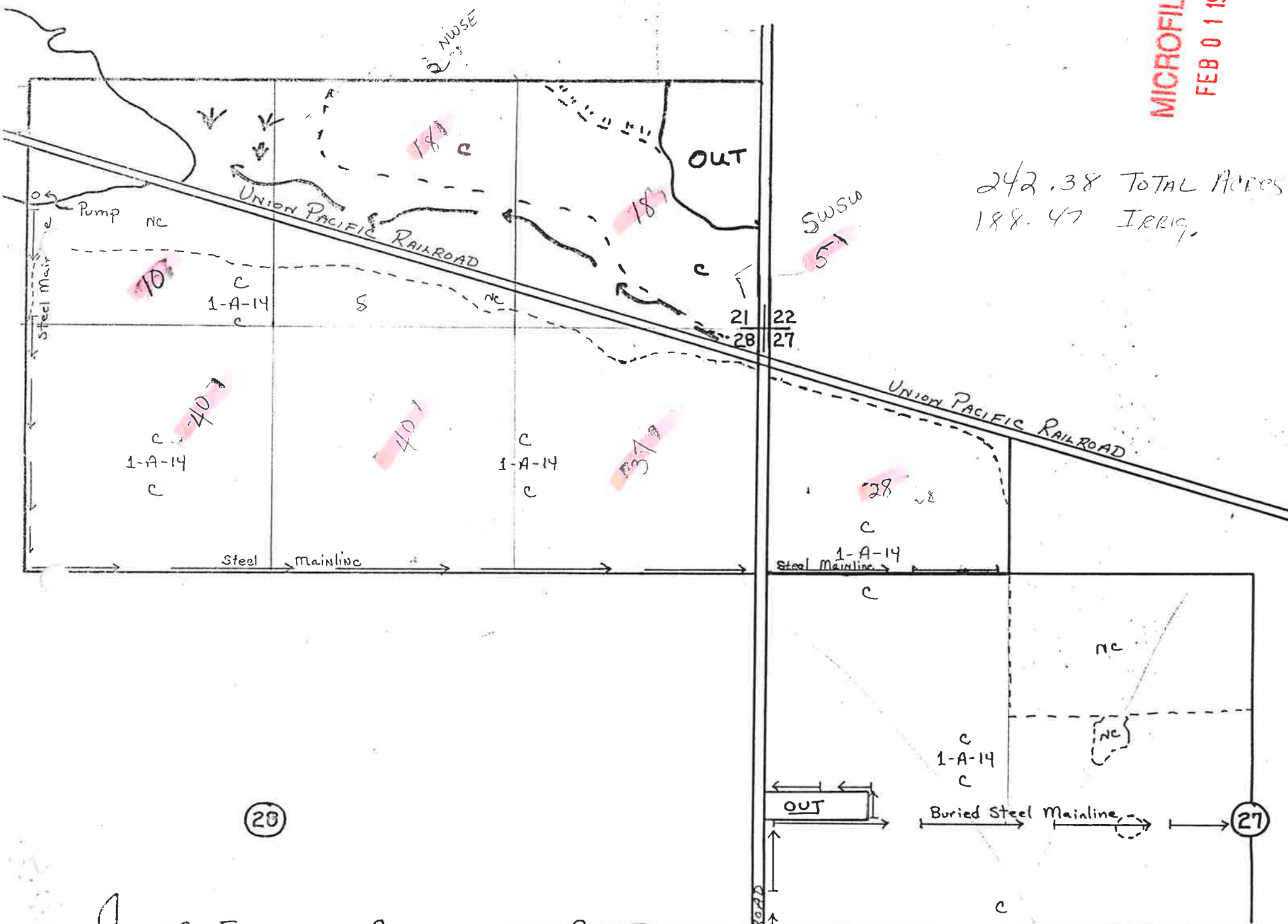
Proof Due Date	- 11/15/1977	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 11/15/1966	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 01/01/1900	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 04/12/1982	Appl Received	- 00/00/0000	Transfer/Amended	- A
Decree Date	- 00/00/0000	Presumption Flag	-	Microfilm Roll Number	-

MICROFILMED
FEB 0 1 1993

2 NWSE

FEB 01 1993

5WSW
5-1



RECEIVED

DEC 06 1991

November 19, 1991

Department of Water Resources
Southern Region Office

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

A36-02667

MICROFILMED
FEB 01 1993

RECEIVED

STATE OF IDAHO

DEC 06 1991

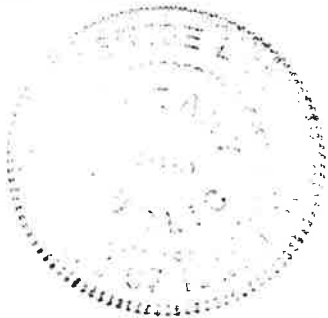
County of Twin Falls

)
) 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: 11-4-94

MICROFILMED
FEB 01 1993

Water Right Number - R36-02667

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

MC FARLAND

DON

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

MC FARLAND

CAROL

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

LARSEN

FLORA C.

1 - RT. 2

2 -

3 -

City- HANSEN

State- ID Zip- 83334

Phone - 208-000-0000

*** A - ATTORNEY ***

SINCLAIR

J WALTER

1 - PO BOX 366

2 -

3 -

City- TWINN FALLS

State- ID Zip- 833030366

Phone - 208-000-0000

+ - - Priority Date - - +
11/01/1966+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

+ - - Source - - - - - +
GOOSE LAKE+ - - Tributary - - - - - +
SNAKE RIVER

+ - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

09S 19E 21 SW SE SW (53) JEROME
27 NE NW NW (53) JEROME+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/10

11/10

3.960

792.00

+ - Total Div. Rate - + + - Total Div. Volume - +
3.960 792+ - Total Consumptive Use - + + - KW Usage - +
594.0

+ - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

09S 19E 21 SE SW 10.0 01 IRRIGATION (53) JEROME
09S 19E 21 SW SE 20.0 01 IRRIGATION (53) JEROME
09S 19E 21 SE SE 23.0 01 IRRIGATION (53) JEROME

Water right number - R36-02667

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	19E	27	NW NW		28.0	01	IRRIGATION	(53) JEROME
09S	19E	28	NE NE		37.0	01	IRRIGATION	(53) JEROME
09S	19E	28	NW NE		40.0	01	IRRIGATION	(53) JEROME
09S	19E	28	NE NW		40.0	01	IRRIGATION	(53) JEROME

Total Acres: 198.0

+ - - Diversion Means - PUMP & PIPELINE.

+ - - Non-Irrigation Use - STOCKWATER, 2000 RANGE CATTLE

+ - - Other Rights for Same Use - NORTHSIDE CANAL 6.

Remarks
UNRECORDED TRANSFER: TRANSFERRED 2 ACRES FROM NWSE, SEC 21 TO SWSE, SEC 21. TRANSFERRED 5 ACRES FROM SWSW, SEC 22 TO SESE, SEC 21.

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
00/00/00 WORSTELL

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	- 00/00/0000
Claim Received Date	- 05/08/1990	Last Amended Date	- 00/00/0000
		Receipt Number	- S012271
		POU Ownership Flag	- Y
		Name Connector	-
		Civil Case Number	- 39576
		Old Case Number	-
		Old Judicial District	-
		Temporary Right	- P
		Water District	-
		Federal/State Indicator	- S
		Presumption Flag	- C
		Notice of Error Flag	-

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder FLORA C. LARSEN
Post office address RT. 2, NARSEN, ID Phone _____
Person to contact _____
2. Source of water supply: Groundwater ☐ Surface water ☒ WATER DRAINAGE & LAKE
(name spring, stream, etc.)
Tributary to SNAKE

3. Water will be used for the following purposes:

Amount 6.4 c.f.s. for Irrig.
AF/Annum (nature of use)

Period of Use: from 3/10 to 11/10
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 36-2467
Examination for D/I

4. Total amount to be appropriated:

Max Rate of Diversion 6.4 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 9S N/S, Range 10E E/W, B.M., Section 21 Subdivision #18 SW SE SW Jerome County
Township " N/S, Range " E/W, B.M., Section 21 Subdivision #2 SE SE " County
Township " N/S, Range " E/W, B.M., Section 27 Subdivision #3 NE NW NW " County

Other Points of Diversions: _____

Description of diverting works: #1 - short coupled turbine pump - 150 hp pumping
WATER FROM LAKE CREATED BY WEST WY. #24-23 DIVERTED BY
CEMENT STRUCTURE IN WASH. WITH DITCH. THAT LEADS TO LAKE.
DIVERTED WATER ARRIVES AT FIELD IN DIRT DITCHES
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>9S</u>	<u>19E</u>	<u>21</u>												<u>40</u>			<u>40</u>	<u>40</u>	<u>120</u>
		<u>22</u>											<u>40</u>						<u>40</u>
		<u>27</u>						<u>40</u>											<u>40</u>
		<u>28</u>	<u>40</u>				<u>40</u>												<u>160</u>

TOTAL ACREAGE 320

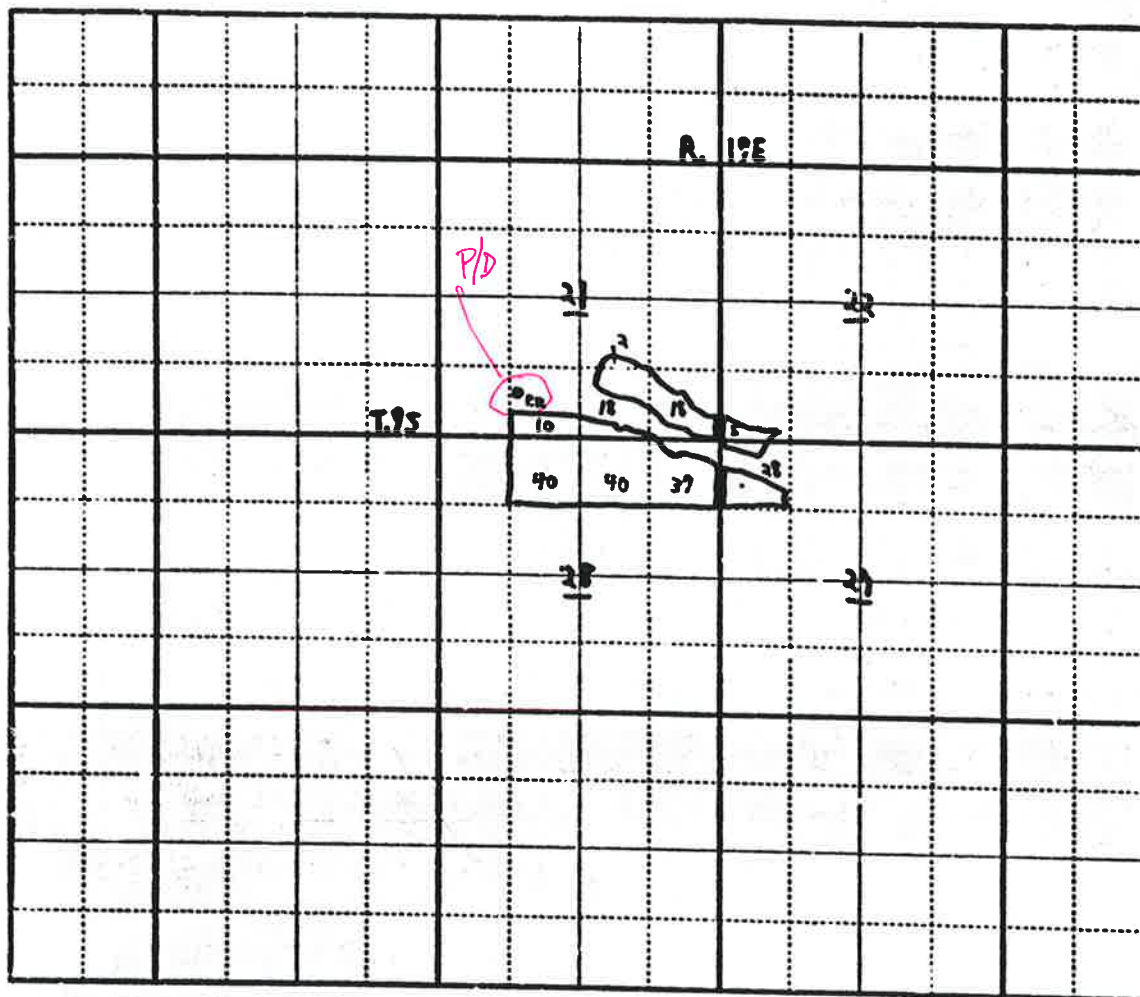
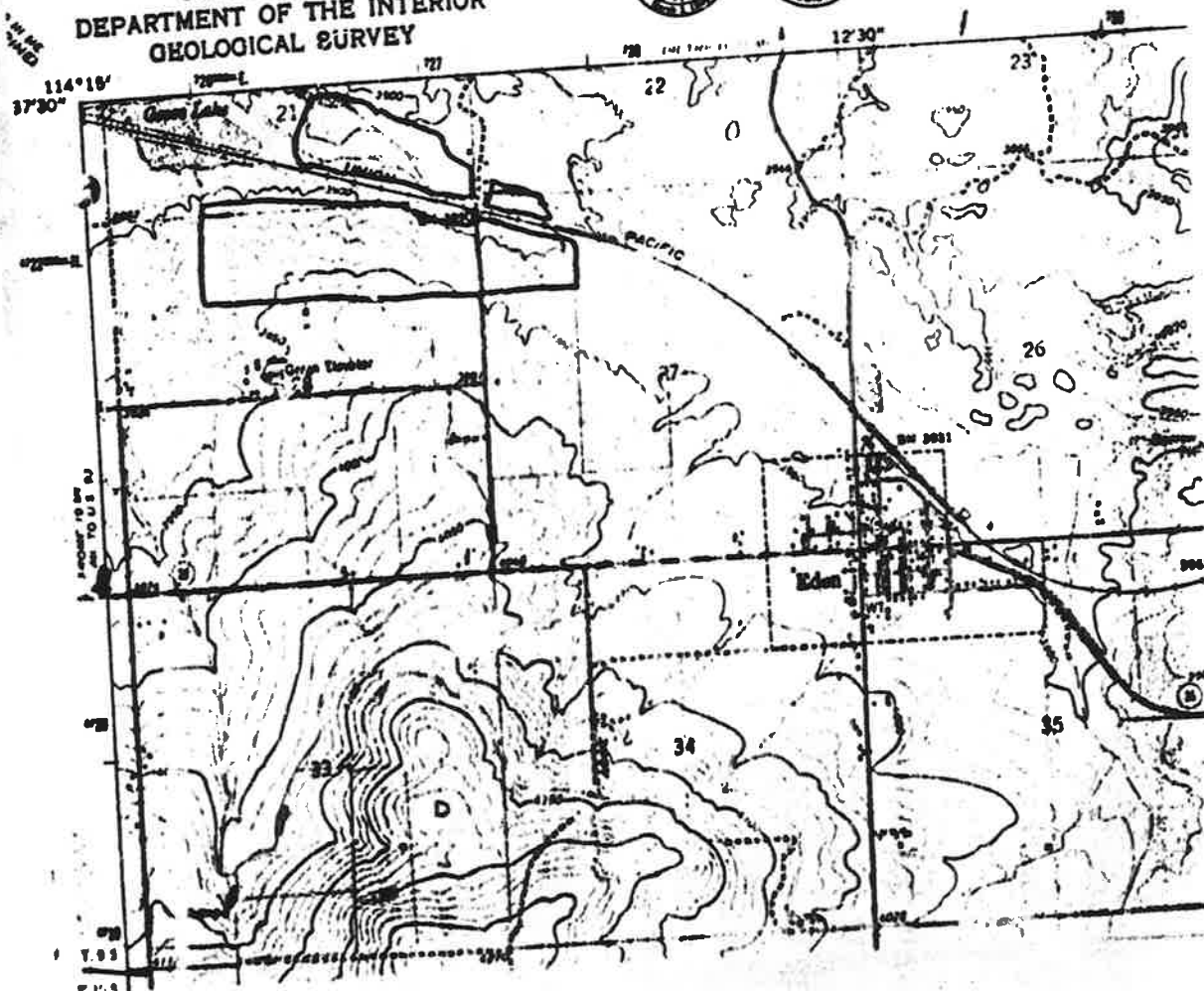
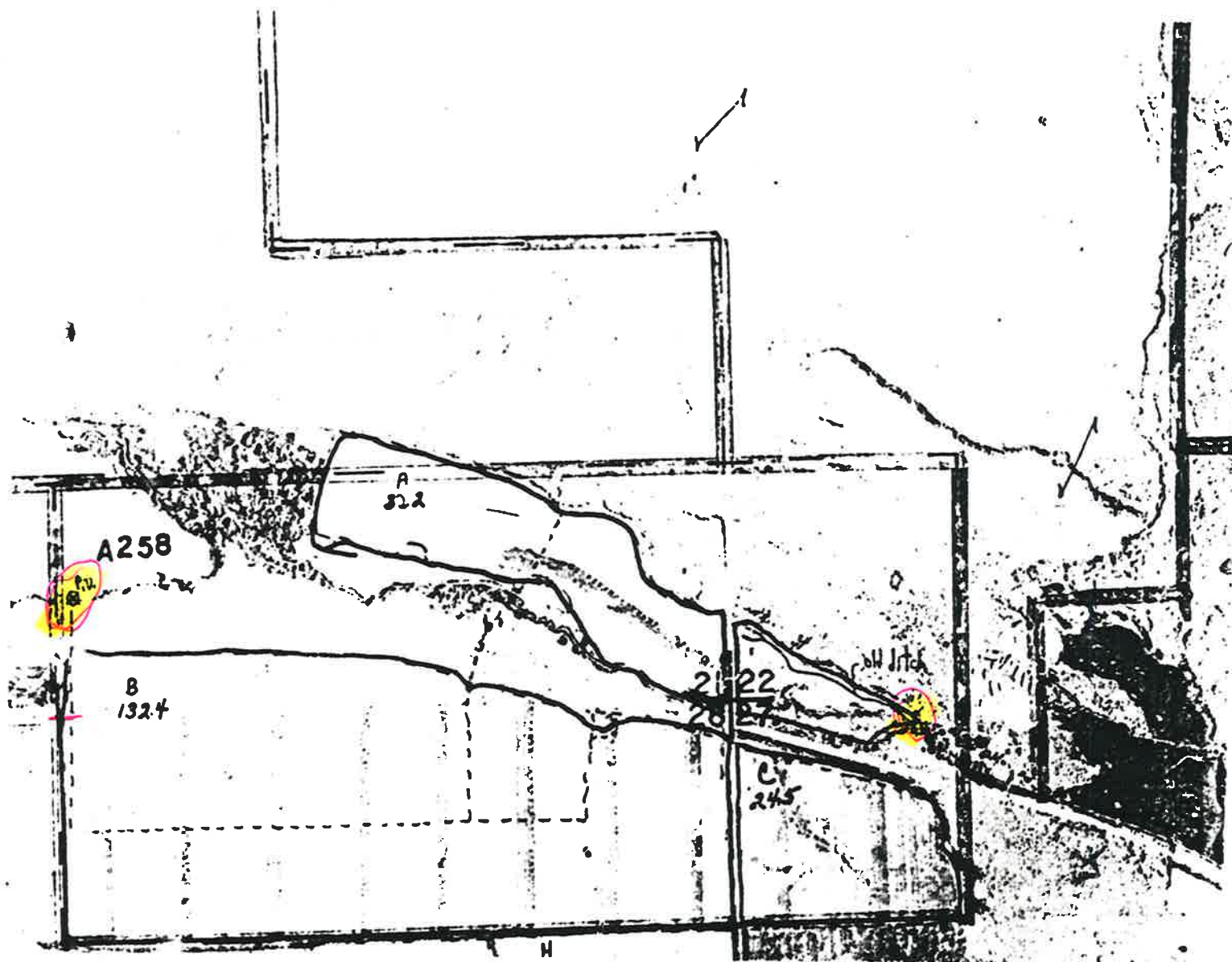


Diagram of System

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





DATE OF EXAM October 5, 1979

ACREAGE

Found 198
Recommended 198

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = 3.96 c.f.s. V = 792.0 AF/Ann. from Mar 10 to Nov 10
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

Name source:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
Twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 4.78 cfs Method of measurement Annubar Meter

Total Q recommended 3.96 cfs Meter No. see below Type -- Condition Good

Total V recommended 792.0 AF/Annum

Recommended Amendments:

P.D. SE1SW1/4 Sec. 21 T. 9S R. 19E only
Place of Use Add 2 acres NW1/4 Sec. 21 T. 9S R. 19E
Other Source is actually Goose Lake, whose primary source is waste water
None

MEASUREMENT CALCULATION:

Measured 15" pressure w/12" Annubar = 2147 gpm or 4.78 cfs. Allow 3.96 cfs
(198 ac X 0.02 cfs/ac)
Volume: 198 ac X 4.0 AF/Ac/Ann irrig req = 792.0 AF/Annum

SYSTEM DESCRIPTION:

G. E. 150 hp motor Model 5K6277XH1A Ser. No. ANJ126144 on Wel-Line pump #45977.
12" mainline to handline sprinkler system.
Annubar Ser. No. 191159, Eagle Eye Meter Model 67C Ser. No. 65810.

REMARKS:

Neal Larsen was present during field exam. All ground but the 8.5 acre piece north of the railroad in Sec. 22 & 27 is now irrigated by sprinkler. The 8.5 acres was irrigated by a ditch from the wastewater stream (P. D. NW1/4 Sec. 27), but will be put under sprinkler for next year according to Mr. Larsen. I gave 1"/acre for this ground; it is watered (although not this year), & sprinkler system has the capacity for more land. Ditch not measured, since this part of system will be abandoned.
Examiner's Signature J. E. Thorton Date 10-7-79

Checked by Gary Jundberg Date 11-5-79

Approved by Robyn Date 7-27-80

Water Right Number - A36-02667

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

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

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

DON

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

MC FARLAND

CAROL

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
LARSEN

FLORA C.

1 - RT. 2

2 -

3 -

City- HANSEN

State- ID Zip- 83334

Phone - 208-300-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/01/1966 17 L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GOOSE LAKE SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

09S 19E 21 SE SW (53) JEROME
09S 19E 27 NW NW (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/10 11/10 3.960 792.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.960 594.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S 19E 21 SE SW 10.0 01 IRRIGATION (53) JEROME
09S 19E 21 SW SE 20.0 01 IRRIGATION (53) JEROME
09S 19E 21 SE SE 23.0 01 IRRIGATION (53) JEROME
09S 19E 27 NW NW 28.0 01 IRRIGATION (53) JEROME
09S 19E 28 NE NE 37.0 01 IRRIGATION (53) JEROME
09S 19E 28 NW NE 40.0 01 IRRIGATION (53) JEROME
09S 19E 28 NE NW 40.0 01 IRRIGATION (53) JEROME

Total Acres: 198.0

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	-	06/03/1985	Old Judicial District	-	
Claim Received Date	-	05/08/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Claims Tape Error Flg	-		Receipt Number	-	S012271	Water District	-	
Fee Exempt Flag	-		POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	C

RECEIVED

JUL 17 1997

Department of Water Resources
Adjudication Bureau

JUL 15 AM 11:37

DISTRICT COURT - TWIN FALLS
TWIN FALLS, IDAHO

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

) ORDER OF PARTIAL DECREE

) For Water Right 36-02667

On May 22, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-02667 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 15, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Water Right 36-02667
JUL 15 1997 AM 11:37
DISTRICT COURT - TWIN FALLS

NAME & ADDRESS: CAROL MC FARLAND
DON MC FARLAND
PO BOX 268
EDEN ID 83325

SOURCE: GOOSE LAKE TRIBUTARY: SNAKE RIVER

QUANTITY: 3.96 CFS
792.0 AFY

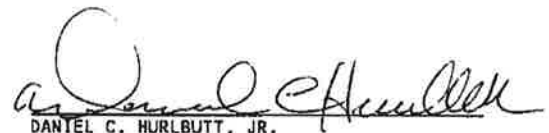
PRIORITY DATE: 11/01/1966

POINT OF DIVERSION: T09S R19E S21 S27 SWSEW Within JEROME County
NENWN

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.96 CFS 792.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County		
	T09S R19E S21	SESW 10.0	SWSE 20.0	SESE 23.0
	S27	NWNW 28.0		
	S28	NENE 37.0	NWNE 40.0	NENW 40.0
	198.0 ACRES TOTAL			

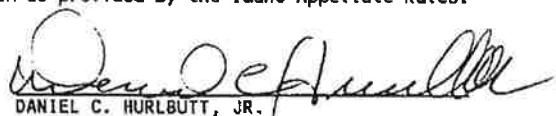
DATED: JUL 15 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

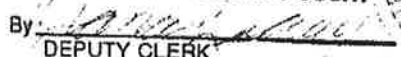
RULE 54(b) CERTIFICATE

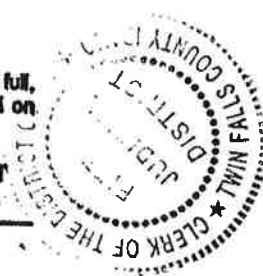
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: JUL 15 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02667

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

DON MC FARLAND
CAROL MC FARLAND
PO BOX 5178
TWIN FALLS, ID 83303-5178

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02667. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on July 15, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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)

Water Right 36-02667

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on July 15, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-10 11-10

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER NOVEMBER 10 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.ccc

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated August 27, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Log for claim 36-02667

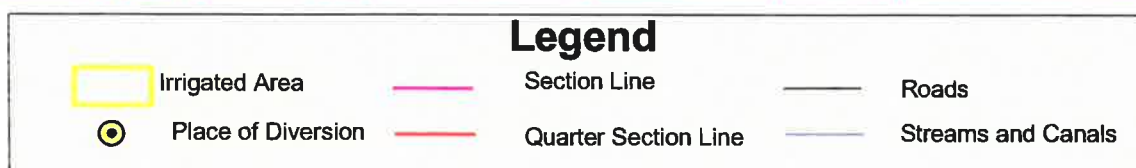
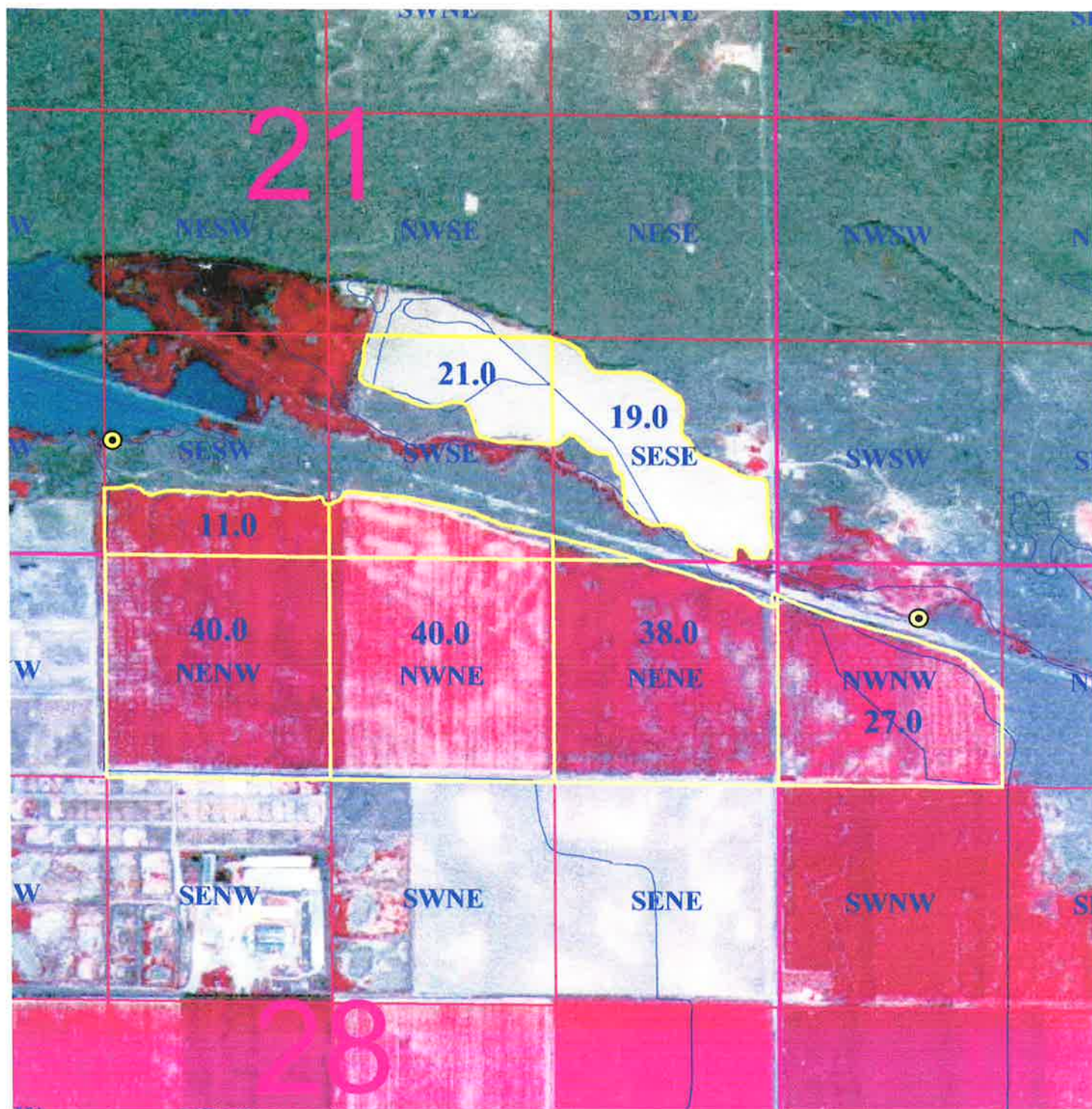
Spatial Dynamics LTD

8/29/01

TR	SEC	QQ	Acres Recommended	Acres Found	COMMENT
09s19e	21	SESW	10	11	
09s19e	21	SWSE	20	21	
09s19e	21	SESE	23	19	
09s19e	27	NWNW	28	27	
09s19e	28	NENE	37	38	
09s19e	28	NWNE	40	40	
09s19e	28	NENW	40	40	
Totals:			198	196	

Water Right Claim Number 36-02667
Township , 9S19E

08/29/2001



700 0 700 1400 Feet



 N

 SPATIAL
DYNAMICS

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

In Re SRBA

Case No. 39576

NOTICE OF
COMPLETED
ADMINISTRATIVE
PROCEEDINGS

DEC 02 1999

Department of Water Resources
Southern Region

36-02524, 36-02667, 36-02671D,
36-07157B, 36-07367D, 36-07381D,
36-07445D, 36-07480E, 37-12903,
37-12904 and 37-12905

IDWR has completed the following Administrative Proceeding:

CHANGE OF ADDRESS

Name of Claimants:

Carol McFarland

Don McFarland

Claimant's Water Rights:

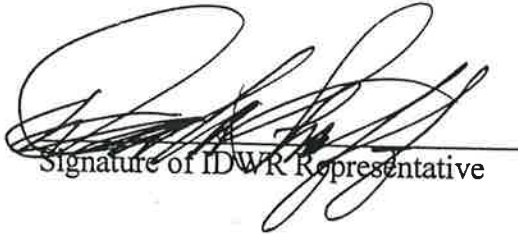
See Above

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

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

DATED:

10/15/99


Signature of IDWR Representative

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING 36-02524, 36-02667, 36-02671D, 36-07157B, 36-07367D,

10/14/1999

36-07381D, 36-07445D, 36-07480E, 36-12903, 36-12904 & 36-12905

CERTIFICATE OF MAILING

I certify that on 11-5-99, 1999, I mailed the original and copies of this form, to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449
3. One copy to:
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724
4. One copy to:
Don and Carol McFarland
P.O. Box 5178
Twin Falls, ID 83303-5178

Sandy Egbert
Signature of Person or Attorney Mailing the Form

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING 36-02524, 36-02667, 36-02671D, 36-07157B, 36-07367D,
10/14/1999 36-07381D, 36-07445D, 36-07480E, 36-12903, 36-12904 & 36-12905

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: TERRI
Clear Creek Land & Mortgage

TOTAL PAGES SENT: 1

DOCUMENT DESCRIPTION: Page 1 of 36-02667 PROFILE
REPORT

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE AVE E
TWIN FALLS ID 83301

PHONE: 736-3033

FAX: 736-3037

SENDER: Corey Skinner

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: 0
Please remit to the above address.

COMMENTS: DON AND CAROL McFARLAND, THROUGH AN ATTORNEY,
HAVE OBJECTED TO THESE RECOMMENDATIONS. CONTACT
THIS OFFICE IF YOU HAVE FURTHER QUESTIONS.

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.

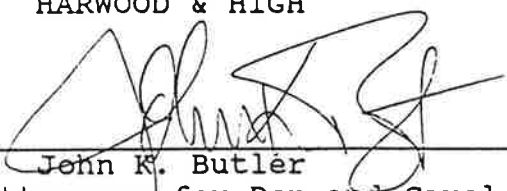
BENOIT, ALEXANDER, SINCLAIR,
HARWOOD & HIGH

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

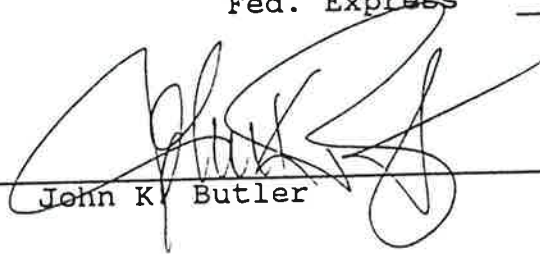
Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

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

)
)

ss.

County of Twin Falls)

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-17uAffidav.2\jkb\ka)

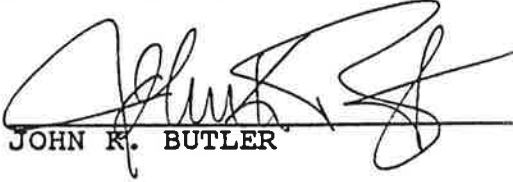
MICROFILMED
DEC 04 1996

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

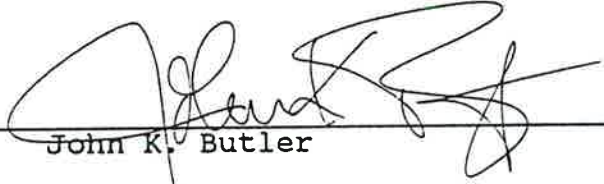
Hand Delivered _____
U.S. Mail X
Fax _____
Fed. Express _____

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

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

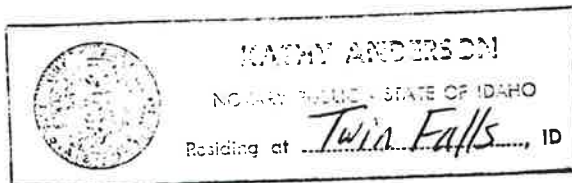
John K. Butler, being first duly sworn, upon oath, deposes and says:
(Name of party/claimant filing objection)

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

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DEC 04 1996

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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DEC 04 1996

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF



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FEB 01 1993

Water Right Number - R36-02667

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
SINCLAIR

J WALTER

1 - PO BOX 366
2 -
3 -
City- TWINN 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

State- ID Zip- 83325

MC FARLAND

CAROL

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

State- ID Zip- 83325

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/01/1966 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GOOSE LAKE SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 19E 21 SW SE SW (53) JEROME
27 NE NW NW (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.960 792.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.960 792.00 594.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 19E 21 SE SW 10.0 01 IRRIGATION (53) JEROME
09S 19E 21 SW SE 20.0 01 IRRIGATION (53) JEROME
09S 19E 21 SE SE 23.0 01 IRRIGATION (53) JEROME
09S 19E 27 NW NW 28.0 01 IRRIGATION (53) JEROME
09S 19E 28 NE NE 37.0 01 IRRIGATION (53) JEROME
09S 19E 28 NW NE 40.0 01 IRRIGATION (53) JEROME
09S 19E 28 NE NW 40.0 01 IRRIGATION (53) JEROME

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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	- 10/13/1992	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	-	Presumption Flag	- C
				Notice of Error Flag	- B



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

13-Oct-1992

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

RE: Proposed Recommendation for Don McFarland (36-02667)

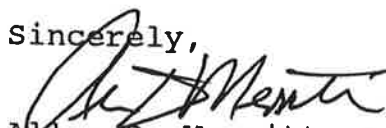
Dear Mr. Sinclair:

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 states below, the season of use that will be recommended in the Director's Report will remain as proposed.

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

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. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,


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

CC: Don McFarland
PO Box 268
Eden, ID 83325

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RECEIVED

SEP 25 1992

NOTICE OF ERROR FORM

August 24, 1992

Department of Water Resources

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: 36-02667

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:

I disagree with the period of use (see attached).

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

A period of use from 3/15 to 11/15 per water right.

5. Describe why you disagree with the proposed recommendation:

This is a taking without compensation.
See attached.

6. Date:

SIGNATURE

Don McFarland

RECEIVED

OCT 01 1992

Department of Water Resources
Southern Region Office

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FEB 01 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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Idaho Department of Water Resources
Page Five
September 22, 1992

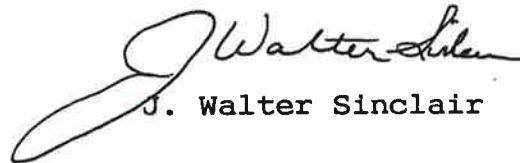
decide to plant potatoes, thus leaving the rock out-croppings unused for that season, without worry that the water won't be available for subsequent plans for pasture or grains. These decisions should be made by the holders of the water rights in the manner traditionally applied. They are not issues 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.1tr)

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R PROOF

X

CVR

X

MAPS

X

PHOTOS

MISC

X

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FEB 0 1 1993

Water Right Number - R36-02667

Prefix Translation: RESEARCH

Old (D) Number -

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

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

DON

1 - P.O. BOX 268

2 -

3 -

City- EDEN

State- ID Zip- 83325

Phone - 208-000-0000

MC FARLAND

CAROL

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- TWINN FALLS

State- ID Zip- 833030366

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
11/01/1966 17 SOUTHERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GOOSE LAKE SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 19E 21 SW SE SW (53) JEROME
27 NE NW NW (53) JEROME+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 3.960 792.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.960 792.00 594.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 19E 21 SE SW 10.0 01 IRRIGATION (53) JEROME
09S 19E 21 SW SE 20.0 01 IRRIGATION (53) JEROME
09S 19E 21 SE SE 23.0 01 IRRIGATION (53) JEROME
09S 19E 27 NW NW 28.0 01 IRRIGATION (53) JEROME
09S 19E 28 NE NE 37.0 01 IRRIGATION (53) JEROME
09S 19E 28 NW NE 40.0 01 IRRIGATION (53) JEROME
09S 19E 28 NE NW 40.0 01 IRRIGATION (53) JEROME

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FEB 0 1 1993

Water right number - R36-02667

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres: 198.0

+ - - Diversion Means - PUMP & PIPELINE.

+ - - Non-Irrigation Use - STOCKWATER, 2000 RANGE CATTLE

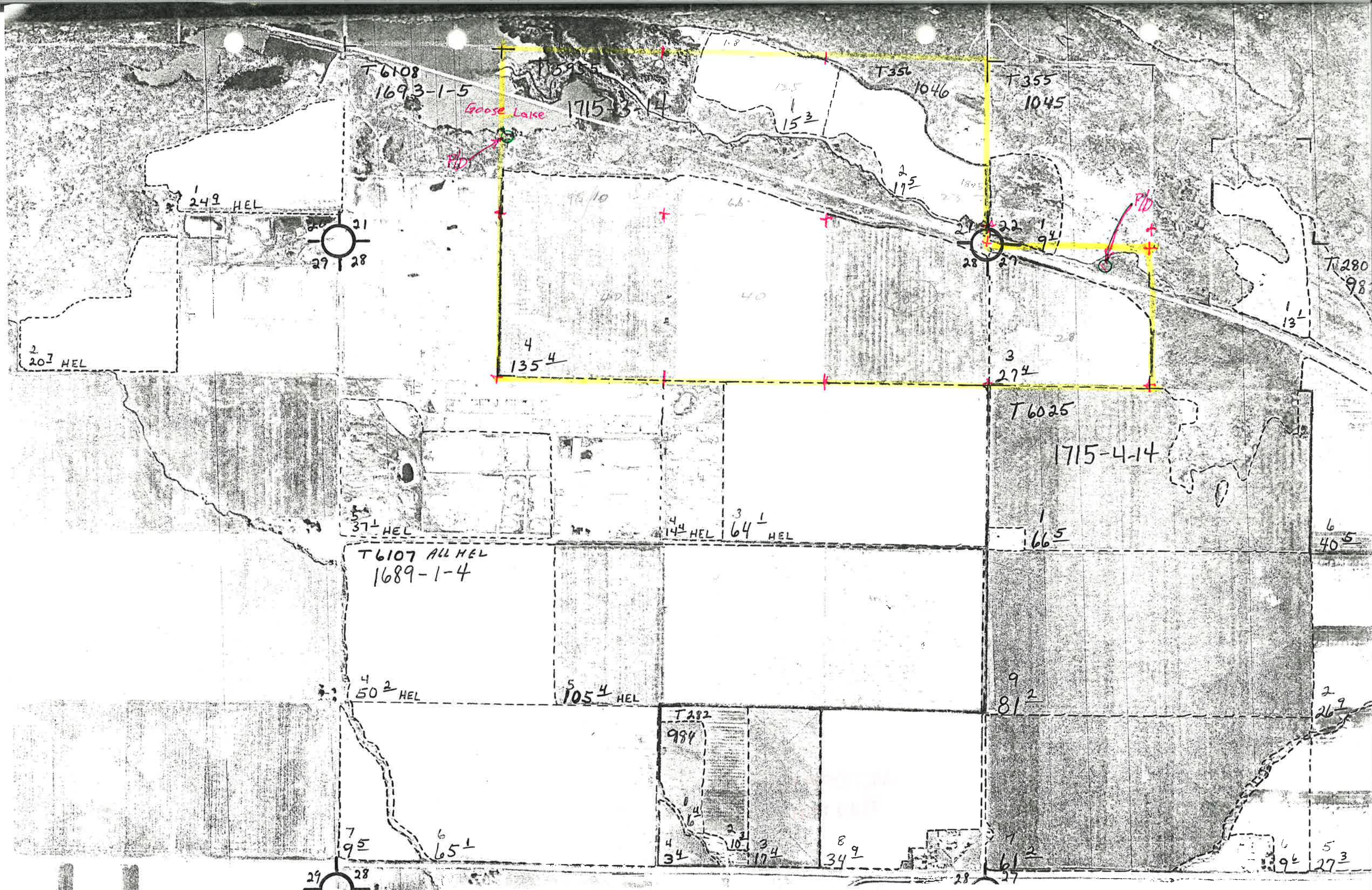
+ - - Other Rights for Same Use - NORTHSIDE CANAL

+ - - - - - Remarks - - - - -
No Remarks found.+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found+ - - - - - Conditions of Approval - - - - -
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.
S17 - USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
- NORTH SIDE CANAL CO. LTD.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000+ - - - - - Comments - - - - -
Date: 12/24/1991 User Id: WORSTELL Subject: COPIED FROM REMARKS
UNRECORDED TRANSFER: TRANSFERRED 2 ACRES FROM NWSE, SEC 21 TO SWSE, SEC 21.
TRANSFERRED 5 ACRES FROM SWSW, SEC 22 TO SESE, SEC 21.+ - - Audit Fields - - +
12/24/91 WORSTELL

+ - - - - - 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	- 12/24/1991	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	-	Presumption Flag	- C
				Notice of Error Flag	-

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NUSE

FEB 01 1993

5WSW
15-1



⇒ 27

30

NAPP 418-201 6/24/87
 or 418-203 " "



A rectangular label with a black background. The word "MICROFILMED" is printed in large, bold, red capital letters at the top. Below it, the date "FEB 01 1993" is printed in smaller, red capital letters. To the left of the date, there is a small, square, white icon that appears to be a film strip or a similar graphic.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:46:11
09/15/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02667

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: LARSEN
ADDRESS: RT. 2
CITY: HANSEN
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: FLOA C.
STATE: ID ZIP: 83334

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?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: UNRECORDED TRANSFER:

TRANSFERRED 2 ACRES FROM NWSE, SEC 21 TO SWSE, SEC 21.
TRANSFERRED 5 ACRES FROM SWSW, SEC 22 TO SESE, SEC 21.

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FEB 0 1 1993

CONTACT PERSON: _____

PHONE NUMBER: () _____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y() N()

TIME: ____ : ____ A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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FEB 01 1993

A. AJ CLAIM: # A36-02667 PRIORITY DATE: 11-01-1966 STAGE: L
B. WR RECORD: # 36-02667 PRIORITY DATE: 11-01-1966 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:
11-01-1966

REVIEWED BY *R.V. 2K*

DATE *12/24/91*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02667	09S	19E	21	SW NE	SE	SW		JEROME
A36-02667	09S	19E	27		NW	NW		JEROME

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

WR RECORDS IN SAME 40 ACRE TRACT
36-02008
36-02009

SOURCE: GOOSE LAKE

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02667	09S	19E	21		SE	SW		JEROME
36-02667	09S	19E	27		NW	NW		JEROME

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
36-02008 A36-02008 NONE
36-02009 A36-02009

SOURCE: GOOSE LAKE

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

	DATA BASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	N
DUE TO SOURCE DISCREPANCY? (Y/N)	N	N

REMARKS:

10 acre tracts description taken from maps with License exam

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FEB 0 1 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

AS on Pg 4

SOURCE: GOOSE LAKE

TRIB: SNAKE RIVER

REVIEWED BY:

DATE:

12/24/91

A. ROOT WATER RIGHT NUMBERS: A36-02667

B. POU LISTING

TWP RNG SEC 1/4 1/4 LOT NAME						AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	REC'D ACRES	
09S	19E	21	SE	SE	MC FARLAND, DON HURD, JOE	A36-02667 723.0 A36-14276 /	36-02667 718.0 -	34.0	18	18 23*	
09S	19E	27	NW	NW	MC FARLAND, DON FOOTHILL RANCHES	A36-02667 728.0 A36-02009 712.0	36-02667 728.0 36-02009 712.0	38.0	28	28	
09S	19E	28	NW	NE	MC FARLAND, DON LARGE CLAIM NORTH SIDE CANAL COMPANY LTD.	A36-02667 740.0 A01-0021224/40.0 A01-0021020/40.0	36-02667 740.0 - -	39.0	40	40 39 40	
09S	19E	21	SE	SW	MC FARLAND, DON	A36-02667 710.0	36-02667 710.0	31.0	10	10	
09S	19E	21	SW	SE	MC FARLAND, DON	A36-02667 720.0	36-02667 718.0	38.0	20	20 22*	
09S	19E	28	NE	NE	MC FARLAND, DON NORTH SIDE CANAL COMPANY LTD. LARGE CLAIM	A36-02667 737.0 A01-0021020/40.0 A01-0021224/40.0	36-02667 737.0 - -	37.0	39	37.0 39	
09S	19E	28	NE	NW	MC FARLAND, DON	A36-02667 740.0	36-02667 740.0	40.0	40	40.0	
TOTAL ACRES						A36-02667	198.00	191.00	257.00	197	198

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

Flag C
517

MICROFILMED
FEB 11 1993

PRESUMPTION FLAG: C

REMARKS:

Field Sizes taken from ASCS photo

RECOMMENDATIONS:

TOTAL ACRES:

198

REVIEWED BY:

R.V. 21

DATE:

12/24/91

A. AJ CLAIMED USES:

A36-02667 PURPOSES
IRRIGATION

MONTH/DAY
FROM ~~03-10~~ TO ~~11-10~~

3/15 11/15
TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.960 CFS 792.00 AF/A

3.960 CFS

B. WR RECORDED USES:

36-02667 PURPOSES
IRRIGATION

MONTH/DAY
FROM 03-10 TO 11-10

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.960 CFS 792.00 AF/A

3.960 CFS 792.00 AF/A

ASSUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

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

FIELD
DATABASE EXAMINER
N N
N N
N N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(✓)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

Period of use shifted 5 days to conform to Adj. Standards

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FEB 0 1 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.960 CFS
WR 0001 RIGHT TOTAL DIVERSION RATE: 3.960 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
N ☒

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NORTHSIDE CANAL 6.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02667	GOOSE LAKE	MC FARLAND, DON	3.960	0.020		
A36-02009	UNNAMED STREAM	FOOTHILL RANCHES	0.300	0.020		
A01-0021020	SNAKE RIVER	NORTH SIDE CANAL COMPANY LTD. ✓	400.000	0.027		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-14276	DOMESTIC	HURD, JOE	FROM 01-01 TO 12-31	.040 CFS	
A36-02009	STOCKWATER	FOOTHILL RANCHES	FROM 01-01 TO 12-31	.030 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 198 x 0.02 CFS/ACRE = 3.96 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 = 594.0 AE/A

ACRES 198 x CONSUMPTIVE VOL. AE/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 594 AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES 198 x DIVERSION VOL. AE/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 792 AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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FEB 01 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~09-10~~ 11-10	DATABASE EXAMINER 3.960 <u>3.96</u>	DATABASE EXAMINER 792.00 <u>792</u>	DATABASE EXAMINER 594.0 <u>594</u>
TOTAL FOR THIS RIGHT	<u>3/15</u> <u>11/15</u>	3.960 <u>3.96</u>	<u>792</u>	594.0 <u>594</u>

REVIEWED BY:

R.V. 2K

DATE:

12/24/91

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: 36-02667

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.960

EXAMINER

N/A
CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-02667

3.960

-

36-02667

3.960

TOTAL CFS

3.960

3.960

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:

Robert V. Herstell

DATE:

12/24/91

NAME OF FIELD EXAMINER:

TITLE:

Sr. W.R. Agent (Adj.)

B.V.W. 12/24/91

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FEB 0 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:16:11
09/15/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02667

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				N		R.V. ✓ 12/24/91	R.V. ✓ 12/24/91	R.V. ✓ 12/24/91
POINT OF DIV	Y			Y	1, 3, 4			
SOURCE				N				
PLACE OF USE				Y	2, 1, 4			
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAEP 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.