

STATE 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.

RECEIVED
JAN 27 1999

Department of Water Resources
Southern Region

1. Water Right Number(s) 36-10821A

Adjudication Claim Number(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 on file with the county.) **OR**

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

3. Name and Address of Former Owner/Claimant(s) F.F. GUNNING AND IRENE GUNNING

P.O. BOX 716, WENDELL, ID 83355

4. New Owner/Claimant(s) LUIS M. BETTENCOURT

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address P.O. BOX 587

City, State and ZIP Code JEROME, ID 83338

New Telephone Number () -

5. Date you acquired the property _____

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

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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

7. Signature of New Owner/Claimant(s)

LUIS M. BETTENCOURT

Date 1/15/99

Date _____

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

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

August 6, 1999

KARL J. DREHER
DIRECTOR

IRENE GUNNING
F F GUNNING
PO BOX 716
WENDELL ID 83355

*10-14-99
response
-10*

cc: W.A.

Re: Snake River Basin Adjudication (SRBA) ^S
Water Rights #36-02457, 36-07054, 36-07116B, 36-07760,
36-08081, 36-10112 ^D 36-10113 ^D 36-10114, 36-10815,
^D 36-15275, 36-10821A & 36-15511 ^D ^S
Change of Address ^{(H) (D)} ^{8A, 10S}

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by August 24, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

P.O. Box 716

36-10821A
IRENE GUNNING
F F GUNNING
2027 E 2975 S
WENDELL ID 83355

FOE
LH

AUTO ASSSES



AJ5811NP
SELECTION FILE: SS-GUNNING

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 08/05/99
TIME: 13:36:22
PAGE: 1

36-02457	36-07054	36-071168	36-07760	36-08081	36-10112	36-10113	36-10114	36-10815	36-15275
~~A36-02457~~	~~A36-07054~~	~~A36-071168~~	~~A36-07760~~	~~A36-08081~~	~~A36-10112~~	~~A36-10113~~	~~A36-10114~~	~~A36-15275~~	~~R36-02457~~
~~R36-07054~~	~~R36-071168~~	~~R36-07760~~	~~R36-08081~~	R36-10821A	R36-15511				

CLAIM NUMBERS 36-10821A

DATE

9/25/97

AGENT

JK

TRANSFER NUMBER

4714

OBJECTION FILED

TOTAL ACRES FROM RECOMMENDATION

138

GEOGRAPHIC INFO SYSTEM

144.92

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>07S</u>	<u>16E</u>	<u>19</u>															<u>20.25</u>	<u>45</u>
GIS																		<u>24.86</u>	<u>44.5</u>
																		<u>+5</u>	<u>-5</u>
RECOM	<u>07S</u>	<u>16E</u>	<u>30</u>	<u>35</u>	<u>35</u>	<u>12</u>	<u>5</u>	<u>6</u>											<u>93</u>
GIS				<u>34.26</u>	<u>39.93</u>	<u>13.83</u>	<u>6.05</u>	<u>6.93</u>											<u>100.4</u>
				<u>-1</u>	<u>+5</u>	<u>+1</u>	<u>+1</u>	<u>+1</u>											
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF

469✓

POLYGON CREATED ON 604

()

ATTRIBUTES OF B36-POU.SHP

469

B36-DBPOD.DBF

435✓

ATTRIBUTES OF B36-POD.SHP

435 NWSWNE-3D5% over

P/U CONFLICT yes () no (✓)

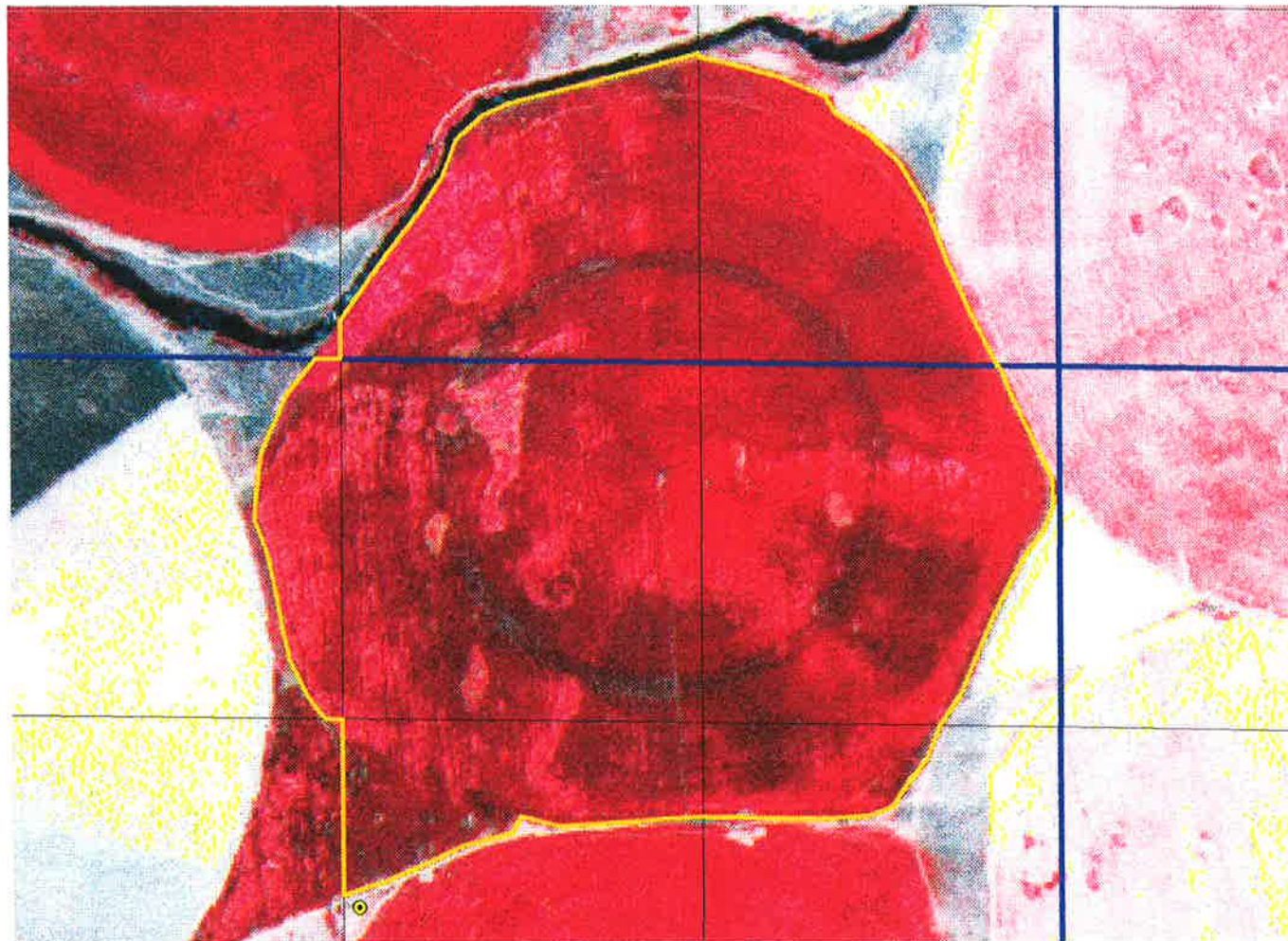
P/D CONFLICT yes () no (✓)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

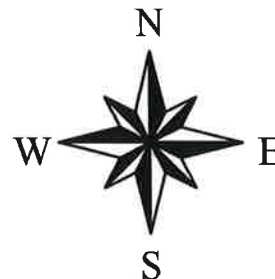
IDAHO DEPARTMENT OF WATER RESOURCES

36-10821A
FF & IRENE GUNNING



660 0 660 1320 Feet

TNS 7S, RNG 16E, SEC 19 & 30



⊙ RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES

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

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

RECEIVED
OCT 28 1996
Department of Water Resources

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

October 25, 1996

F.F. and Irene Gunning
2027 East, 2975 South
Wendell, ID 83355

Re: Subcases 36-10821
(36-10821A and 36-10821B)

NOV 01 1996

Department of Water Resource
Snake River Basin

Dear Mr. and Mrs. Gunning:

On September 3, 1996, I wrote to David R. Tuthill, Jr., Adjudication Bureau Chief at IDWR, concerning your pending *Motion to Amend Preliminary Report and Recommendation*. Mr. Tuthill was kind enough to respond right away with his letter dated September 13, 1996, with attachments. He indicated that he sent copies to you and to Luis Bettencourt.

Please let me know if Mr. Tuthill's letter answers your concerns satisfactorily. If so, I will prepare and mail out a ***Second Amended Preliminary Special Master's Report*** for 36-10821A and 36-10821B. You will then have the opportunity to respond to the second amendment. On the other hand, if you do not agree with Mr. Tuthill's answers and you want your *Motion* set for a hearing, you must let me know in writing soon.

If I do not hear from you within the next two weeks, I will assume that you do **not** want a hearing on your *Motion*.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terrence A. Dolan".
Terrence A. Dolan

Copies to:

Luis Bettencourt
David R. Tuthill, Jr.

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

07/08/96 15:25:58
Page 1

Water Right Number - R36-10821A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
GUNNING

F F

1 - 2027 E 2975 S

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-536-6390

*** O - ORIGINAL OWNER ***
GREENHORN FARMS

1 - PO BOX 93

2 - DIRECTOR' REPORT OWNER

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-934-8464

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1979 ERROR IN REGION L - LICENSE

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

+ - - - - Point of Diversion - - - - - +							
TwN	Rng	Sec	Tract	Lot	Rflg	County	Diversion Name
07S	16E	30	NW SW NE		(47)	GOODING	

+ - - - - Code		Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION			04/01	10/31	2.450	552.00

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
2.450	552.00		414.0	

+ - - - - Place of Use - - - - - +								
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	16E	19	SW SE		20.0	01	IRRIGATION	(47) GOODING
07S	16E	19	SE SE		25.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NE NE		35.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NW NE		35.0	01	IRRIGATION	(47) GOODING
07S	16E	30	SW NE		12.0	01	IRRIGATION	(47) GOODING
07S	16E	30	SE NE		5.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NE NW		6.0	01	IRRIGATION	(47) GOODING

Total Acres: 138.0

+ - - Diversion Means - WELL AND PUMP DELIVERING TO PRESSURE SYSTEM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

DEC 05 1996
MICROFILMED

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

07/08/96 15:26:21
Page 2

Water right number - R36-10821A

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

EXP THIS RIGHT IS OLD RIGHT NO. 36-07809.

+ - - - - - Old Water Right Numbers - - - - - +

3607809

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 06/17/96 CM3-JSEI

+ - - - - - Comments - - - - - +

Date: 08/10/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS

THIS CLAIM IS BASED ON PENDING LICENSING OF PERMITS 36-7809 THRU 36-7813 INCLUSIVE. THE LANDS IN THE NESE SEC.20 AND SENW, NESW, SWNE, NWSE OF SEC.29 ARE OWNED BY BLM AND WATERED ON CONTRACT WITH THE BLM AND F&G FOR WILDLIFE HABITAT MAINTENANCE.

Date: 04/25/1996 User Id: TFAWCETT Subject: OWNERSHIP CHANGE

OWNERSHIP CHANGED PERR SF3 REC'D 3/20/96.

Date: 05/24/1996 User Id: CFRITSCH Subject: SPLITTING OF RIGHT

THIS RIGHT WAS SPLIT BY TRANSFER NO. 4714 FILED ON LICENSES 36-07810, 36-07811, 36-07812 AND 36-07813.

+ - - - - - 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	- 04/30/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 08/16/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/02/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S002053	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

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DEC 05 1996

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JUN 10 1996

Department of Water Resources
Southern Region

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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	
_____	)	

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address
- ☒ Substitution of Party
- ☒ I.C. § 42-222 transfer

CHANGE OF ADDRESS

Name of Claimant: Claimant's Water Rights:

New Address:

Phone:

The Claimant has filed Objections or Responses to the following water rights:

SUBSTITUTION OF PARTY

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

If yes, does the split involve an I.C. § 42-222 transfer? ☒Yes ☐No.

Water Right(s): 36-10821

From (Claimant/Seller):

Name of Claimant: F F Gunning
Address: 2027 E 2975 S
Wendell ID 83355

Phone:

To (Claimant/Purchaser):

Name of Claimant: F F Gunning
Address: 2027 E 2975 S
Wendell ID 83355

Phone: 208/536-6390

Name of Claimant: Luis Bettencourt
Address: 181 W 400 N
Jerome ID 83338

Phone: 208/324-1129

I.C. § 42-222 TRANSFERS

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed for water right 36-10821 and all appeal times have run. The following changes have been made to the water right:

☒ Point of Diversion

☒ Place of Use

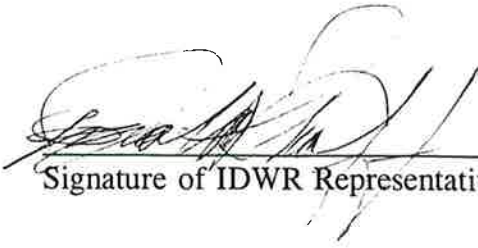
☐ Period of Use

☐ Nature of Use

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

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

DATED: June 5, 1996


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 5, 1996, 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, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
F F Gunning
2027 E 2975 S
Wendell ID 83355
3. One Copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Luis Bettencourt
181 W 400 N
Jerome ID 83338
4. One copy to:
Each party in the subcase, or attorney of record:
5. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449
6. One copy to:
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: MAY-31-1996
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-10821A

NAME & ADDRESS: F F GUNNING
2027 E 2975 S
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 2.4500 CFS
552.0 AFY

PRIORITY DATE: 06/01/1979

POINT OF DIVERSION: T07S R16E S30 NWSWNE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PERIOD OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season		2.45 CFS
			552.0 AFY

PLACE OF USE: IRRIGATION

T07S R16E S19	SWSE 20.0	SESE 25.0		
S30	NENE 35.0	NWNE 35.0	SWNE 12.0	SENE 5.0
	NENW 6.0			
138.0 ACRES TOTAL				

CONSUMPTIVE USE: 414.0 AFY

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
THIS RIGHT IS OLD RIGHT NO. 36-07809.

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DEC 05 1996

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-10821B

NAME & ADDRESS: LUIS BETTENCOURT
181 W 400 N
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 10.200 CFS
2506.0 AFY

PRIORITY DATE: 06/09/1979

POINT OF DIVERSION: T07S R16E S29 S30 S30
S30
LOT 3 (NWSW)
NESE
Within GOODING County

PURPOSE AND

PERIOD OF USE:	PERIOD OF USE	PERIOD OF USE	QUANTITY	
IRRIGATION		Irrigation Season	10.2	CFS
			2506.0	AFY

PLACE OF USE:

IRRIGATION

T07S R16E S19	NESE 4.0	SESE 12.0		
S20	NESW 10.5	NWSW 25.0	SWSW 40.0	SESW 40.0
S29	NENW 25.0	NWNW 40.0	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0		
S30	NENE 5.0	SWNE 23.0	SENE 35.0	SENW 18.0
	NESW 39.0	Lot 3 (NWSW) 20.0	Lot 4 (SWSW) 17.0	SESW 37.0
	NESE 33.0	NWSE 33.0	SWSE 10.0	
626.5 ACRES TOTAL				

CONSUMPTIVE USE: 1876.5 AFY

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-07810,
36-07811, 36-07812 & 36-07813.MICROFILMED
DEC 05 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: 11/8/1992

JAN 08 1996

LEGAL DESCRIPTION OF PROPERTY: Township See attached Range See attached
 Section 1/4 of 1/4 of 1/4 of 1/4, Govt. Lot Department of Water Resources
 Lot Block, Subdivision/Townsite Southern Region
 If you have additional legal descriptions, please attach separate sheet.

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

☐ Water Right Number(s)
 Assigned by IDWR: 36-10821, 36-07809

☐ Name and Address of Former Owner/Claimant(s)(Seller): Arkoosh & Zidan, Inc.
P.O. Box 93, Gooding ID 83330

☐ New Owner/Claimant (Purchaser): F.F. Gunning, Inc.

☐ New Mailing Address: 2027 E 2975 S
Wendell ID 83355

☐ New Telephone Number: (208) 536 - 6390

☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
36-10821 includes land sold to Luis Bettencourt. Deeded back to Gunning
on November 8, 1992.

☐ Attach proof of ownership, describe proof attached: Warranty Deed Attached

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

☐ Signature of New Owner/Claimant(s): F.F. Gunning, Inc. Date 12/12/95

☐ Signature of Former Owner/Claimant(s): [Signature] Date 12/12/95

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

FOR IDWR USE ONLY:
 Initial Review and Data-Entry
 Date: By:
 Further Action Needed:
 Further Action Taken
 Date: By:
 Final Review and Data-Entry
 Date: By:
 Claim Numbers of Split, if any:

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

MICROFILMED
 DEC 05 1996

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, ARKOOSH & ZIDAN, INC., an Idaho corporation, whose address is Post Office Box 93, Gooding, Idaho 83330, and ARKOOSH PRODUCE, INC., an Idaho corporation, whose address is Post Office Box 93, Gooding, Idaho 83330, Grantors, do hereby grant, bargain, sell and convey unto F. F. GUNNING, INC., an Idaho corporation, whose address is Post Office Box 716, Wendell, Idaho 83353, Grantee, and to its successors, heirs and assigns, forever, the following-described real property located in Jerome and Gooding Counties, Idaho, to wit:

That real property described as Circle #1 in Exhibit "A" attached hereto and incorporated herein in full by this reference, together with all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights-of-way appurtenant to or used for the benefit of, or dedicated to, said described premises.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, possession, claim and demand whatsoever as well in law as in equity, of the Grantors of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the Grantee and its successors, heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises, that said premises are free from all encumbrances, except as may be otherwise stated herein; and that the Grantors will warrant and defend the same from all lawful claims whatsoever. Grantors agree to execute such other and further documents as may be necessary to effectuate the transfer intended hereby.

This Deed is absolute in effect and conveys fee simple title of the property above-described to the Grantee and does not operate as a mortgage, trust conveyance, or security of any kind. This Deed does not affect a merger of the fee ownership and the lien under any mortgage or exchange agreement between Grantors and Grantee. The fee and lien shall hereafter remain separate and distinct. The true and actual consideration paid for this transfer is the compromise of claims between the parties. Grantors do hereby waive, surrender, convey and relinquish any equity of redemption.

POOR ORIGINAL

and statutory rights of redemption concerning the herein described property and the mortgage record April 6, 1981, as Instrument No. 256761, records of Jerome County, Idaho, and recorded April 7, 1981, as Instrument No. 88738, records of Gooding County, Idaho, only insofar as said mortgage covers the real property described in this Deed and transferred herewith. The parties retain their respective rights under said mortgage regarding, and said mortgage remains in force and effect as security covering, the real property not transferred by this Deed, pursuant to the terms of that certain Modification of Exchange Agreement and Mortgage executed contemporaneously herewith.

Possession of the real property transferred herewith is hereby unconditionally surrendered and delivered to Grantee. Grantors declare that this conveyance is freely and fairly made, and Grantors are not acting under misapprehension as to the legal effect of this Deed, nor under any duress, undue influence, or misrepresentation of Grantee, its agent, or attorney, or any other person.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands the 6 day of November, 1992.

ARKOOSH PRODUCE, INC.
an Idaho corporation

By [Signature]
President
[Signature]
Secretary

ARKOOSH & LUDAN, INC.
an Idaho corporation

By [Signature]
President
[Signature]
Secretary

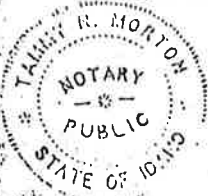
MICROFILMED

POOR ORIGINAL

STATE OF IDAHO)
County of ADA) ss

On this 5th day of November, 1992, before me, a Notary Public in and for said State, personally appeared Gari Ruby and Jim Arkoosh, the President and Secretary, respectively, of ARKOOSH & ZIDAN, INC., an Idaho corporation, known to me or identified to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same in said corporation's name.

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

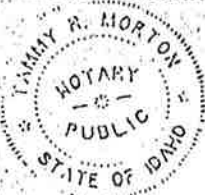


Tammy R. Morton
Notary Public for Idaho
Residing at Boise Idaho
My Commission expires: 12/11/93

STATE OF IDAHO)
County of ADA) ss

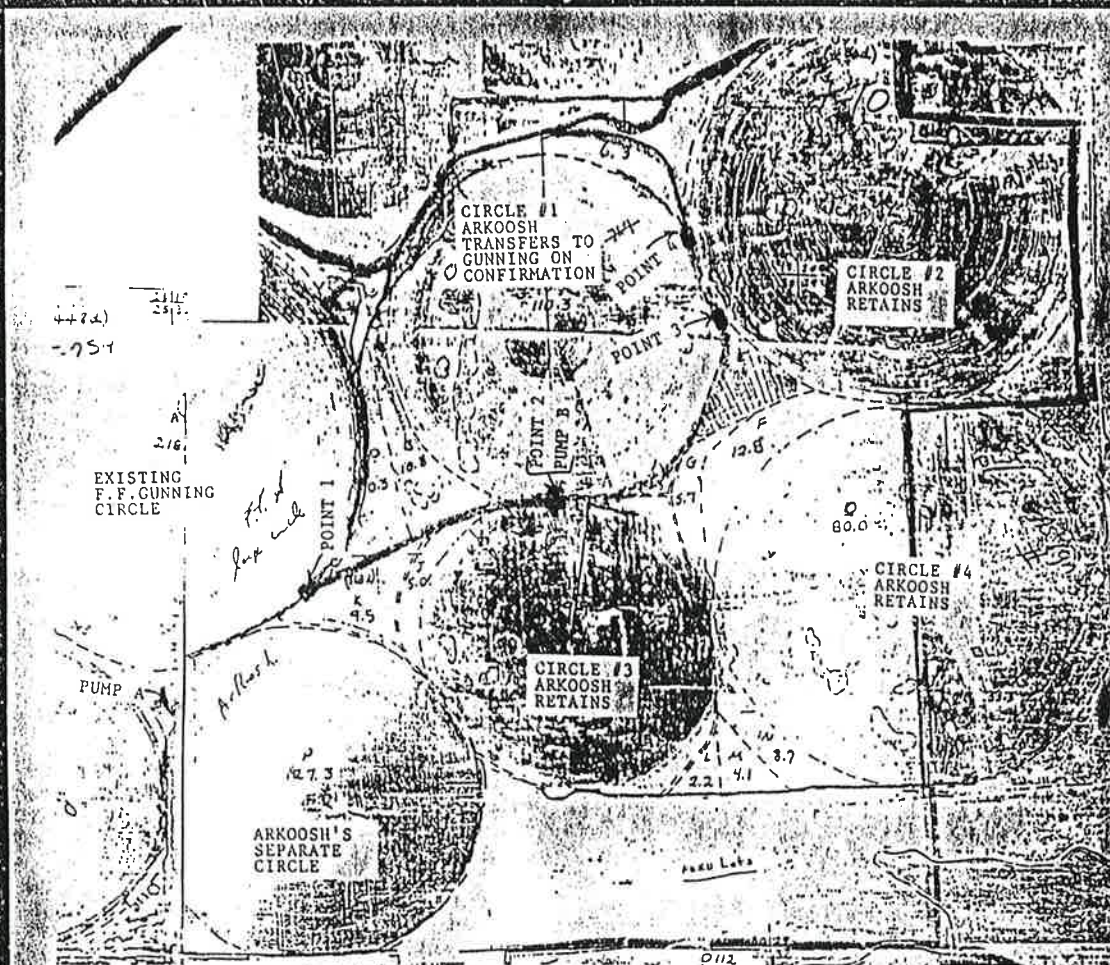
On this 5th day of November, 1992, before me, a Notary Public in and for said State, personally appeared Jim Arkoosh and Jim Arkoosh, the President and Secretary, respectively, of ARKOOSH PRODUCE, INC., an Idaho corporation, known to me or identified to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same in said corporation's name.

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



Tammy R. Morton
Notary Public for Idaho
Residing at Boise Idaho
My Commission expires: 12/11/93

MICROFILMED
DEC 8 5 1992



THE ORANGE LINE IS THE NEW BOUNDARY. BOUNDARY FOLLOWS EXISTING POWER LINE FROM POINT 1 TO POINT 4; THEREAFTER, BOUNDARY FOLLOWS THE SPRAY LINE OF THE QUARTER CIRCLE TO THE CANAL

- POINT 1: SOUTHWESTERN BOUNDARY OF CIRCLE NO. 1
- POINT 2: APPROXIMATE LOCATION OF PUMP B, SOLD TO GUNNING AND APPURTENANT TO AND SERVICING CIRCLE NO. 1, SUBJECT TO EASEMENT IDENTIFIED IN PARAGRAPH 8 OF MODIFICATION AGREEMENT
- POINT 3: POINT AT WHICH EXISTING POWER LINE TURNS NORTH
- POINT 4: POINT AT WHICH PROPERTY LINE DIVERGES FROM POWER LINE AND FOLLOWS QUARTER CIRCLE SPRAY LINE
- PUMP A: APPROXIMATE LOCATION, OWNED BY ARKOOSH AND LOCATED ON LAND OWNED BY GUNNING, SUBJECT TO EASEMENT IDENTIFIED IN PARAGRAPH 8 OF MODIFICATION AGREEMENT

POOR ORIGINAL

EXHIBIT A TO NONMERGER WARRANTY DEED - PAGE 1

MICROFILMED
DEC 03 1985

(208) 324-8611

10546 Summerwind Drive, Boise, Idaho 83704 - Ph: (208)322-6145

LAND DESCRIPTION
FOR
CLUNING - ARKOOSH

TOWNSHIP 7 SOUTH, RANGE 16 EAST, BOISE MERIDIAN
SECTION 19, PART S½
SECTION 30, PART N½

COODING COUNTY, IDAHO

POOR ORIGINAL

Beginning at the Southwest corner of Section 30;
thence North 0° 00' 24" West 2250.90 feet along the Westerly
Boundary of Section 30;
thence North 71° 35' 54" East 1040.48 feet along an existing
powerline;
thence North 53° 17' 45" East 150.54 feet along said power-
line to the TRUE POINT OF BEGINNING;
thence North 53° 17' 50" East 589.71 feet along said powerline;
thence North 66° 39' 27" East 1377.20 feet along said powerline;
thence North 87° 54' 18" East 1416.21 feet along said powerline;
thence North 24° 32' 26" East 1321.72 feet along said powerline;
thence North 24° 17' 04" West 1394.67 feet along said powerline
to the beginning of a curve left;
thence 754.25 feet along a curve left having a radius of 608.86
feet and a chord of North 59° 46' 23" West 706.93 feet to the Southerly
bank of the Northside Canal Company "W" Canal;
thence South 84° 44' 17" West 128.24 feet to the center of said
"W" Canal;
thence along the center of the "W" Canal the following courses;
South 74° 31' 08" West 800.26 feet;
South 46° 53' 21" West 139.06 feet;
South 19° 07' 45" East 166.90 feet;
South 45° 28' 38" West 580.39 feet;
South 39° 38' 16" West 237.06 feet;
South 71° 56' 55" West 158.48 feet;
South 70° 11' 10" West 471.28 feet;
thence departing said canal South 45° 23' 17" West 224.36 feet to
the beginning of a curve Southwesterly;
thence 3018.66 feet along the curve having a radius of 1708.00
feet and a chord of South 6° 01' 14" West 2640.84 feet;
thence South 33° 21' 07" East 45.51 feet to the TRUE POINT OF
BEGINNING;
Said parcel containing 167.33 Acres more or less.

4-14-13

EXHIBIT A TO NON-MERGER WARRANTY DEED - PAGE 2

REF ID: A63987

(208) 324-882

ING COUNTY, IDAHO

the Westerly

an existing

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said powerline;  
said powerline;  
said powerline;  
said powerline;  
said powerline;
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dius of 608.85
to the Southerly

center of said

Following courses:

t 224.36 feet to

us of 1708.00

TRUE POINT OF

4-14-13

Page two:

LAND DESCRIPTION FOR CLUNNING - ARKOOSH
TOWNSHIP 7 SOUTH, RANGE 16 EAST, BOISE MERIDIAN
SECTION 19, PART 5;
SECTION 30, PART N1

POOR ORIGINAL

TOGETHER with the following non-exclusive Easement, 20.00 feet in width, for access and utilities;
Beginning at the aforesaid TRUE POINT OF BEGINNING;
thence along the Northerly side of said 20.00 feet in width Easement the following courses:

North 53° 17' 50" East 589.71 feet;

North 66° 39' 27" East 1377.20 feet

thence along the Southerly side of said, 20.00 feet in width,
Easement the following courses:

North 87° 54' 18" East 1416.21 feet

North $24^{\circ} 32' 26''$ East 1321.72 feet to the end of

said 20.00 feet in width access and utility Easement.

TOGETHER with the following Easement for well and camp access:

Beginning at the aforesaid TRUE POINT OF BEGINNING

thence North $53^{\circ} 17' 50''$ East 589.71 feet;

thence North $66^{\circ} 39' 27''$ East 1377.20 feet to north-

Beginning of said well Easement;

thence North $87^{\circ} 54' 18''$ East 50.00 feet

thence South $2^{\circ} 05' 42''$ East 50.00 feet;

thence South $77^{\circ} 16' 52''$ West 79.85 feet

thence North 23° 20' 33" West 50.00 feet

thence North 66° 39' 27" East 50.00 feet to the corner of

sold well Easement.

152499
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Eberle, Hal
25 min. past 10 o'clock A m. this 30
of April, 1993 18.00
JOHN A. MYERS Recorder
By Robert S. Sides Deputy

EXHIBIT A TO NON-MERGER WARRANTY DEED - PAGE 3

MICROFILMED
 DEC 05 1956

RECEIVED
MAR 20 1996

RECEIVED
FEB 06 1996

Department of Water Resources
Southern Region
Adjudication Bureau

RECEIVED

FEB 02 1996

UN20 21 9:37

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

36-10821

In Re SRBA

Case No. 39576

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)
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)
)
)
)

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
PARTY 36-10821

*this document accepted by SRBA court 1/30/96
CM system updated*

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

MICROFILMED

DEC 05 1996

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is _____

I am the claimant of _____

(insert each water right number)

I have filed an objection/response to the following water right(s) _____

(insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

MICROFILMED **Page 3**
DEC 05 1991

5. One copy to:

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

6. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

Harry L. Moynere

Signature of person or attorney mailing the form