

CLAIM NUMBERS 36-10821BDATE 10/28/97TRANSFER NUMBER 4714

OBJECTION FILED _____

AGENT JKTOTAL ACRES FROM RECOMMENDATION 626.5GEOGRAPHIC INFO SYSTEM 635.84

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	07S	16E	19																
GIS																4			12
																1.42			11.39
																-3			-1
RECOM	07S	16E	20									10.5	25	40	40				
GIS												116.63	20.05	39.85	39.83				
												+5	-5	-	-				
RECOM	07S	16E	29					25	40	40	40	40	40						
GIS								33.92	39.98	39.96	39.96	35.68	39.98						
								+9	-	-	-	-4	-						
RECOM	07S	16E	30	5		23	35				18	39	20	17	37	33	33	10	
GIS				5.70		25.16	33.88				16.9	39.84	20.28	19.91	37.43	36.63	32.65	23.33	33.7
				+1		+2	-1				-1	+1	-	+2	-	+4	-	-1	

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF 470, <-3>, <-4>

POLYGON CREATED ON 604 ()

ATTRIBUTES OF B36-POU.SHP 470, <-3>, <-4>B36-DBPOD.DBF 644, 645, 646, 647ATTRIBUTES OF B36-POD.SHP 644) SWNW NW-29645) NWSW NE-30- no map for POD's (just placed arbitrarily)646) NWSW-30647) NESE-30* 3.37 Ac. in SESE of Section 30 not claimed = polygon <-3>* 7.21 Ac. in NWSE not recommended but obviously irrigated = polygon <-4>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

36-10821B
F F GINNING



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

- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

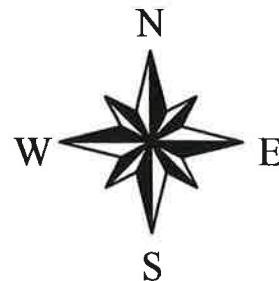
GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 1997
BY JEANIE ROBERTSON

IDAHO DEPARTMENT OF WATER RESOURCES

36-10821B
F F GINNING



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 OCTOBER 1997
BY JEANIE ROBERTSON

"DO NOT FILM"

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 Resources

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 15:26:37
Page 1

Water Right Number - R36-10821B

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BETTENCOURT

LUIS

1 - 181 W 400 N

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-1129

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

1 - PO BOX 93

2 - DIRECTOR'S REPORT OWNER

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-934-8464

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/09/1979 ERROR IN REGION L - LICENSE

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name

07S	16E	29	SW NW NW		(47)	GOODING
		30	NW SW NE		(47)	GOODING
			NW SW	3	(47)	GOODING
			NE SE		(47)	GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	10.200	2506.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
10.200 2506.00 1876.5

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	16E	19	NE SE		4.0	01	IRRIGATION	(47) GOODING
07S	16E	19	SE SE		12.0	01	IRRIGATION	(47) GOODING
07S	16E	20	NE SW		10.5	01	IRRIGATION	(47) GOODING
07S	16E	20	NW SW		25.0	01	IRRIGATION	(47) GOODING
07S	16E	20	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	16E	20	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	16E	29	NE NW		25.0	01	IRRIGATION	(47) GOODING
07S	16E	29	NW NW		40.0	01	IRRIGATION	(47) GOODING
07S	16E	29	SW NW		40.0	01	IRRIGATION	(47) GOODING
07S	16E	29	SE NW		40.0	01	IRRIGATION	(47) GOODING
07S	16E	29	NE SW		40.0	01	IRRIGATION	(47) GOODING
07S	16E	29	NW SW		40.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NE NE		5.0	01	IRRIGATION	(47) GOODING
07S	16E	30	SW NE		23.0	01	IRRIGATION	(47) GOODING
07S	16E	30	SE NE		35.0	01	IRRIGATION	(47) GOODING

DEC 0 5 1996
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Water right number - R36-10821B

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	16E	30	SE NW		18.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NE SW		39.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NW SW	3	20.0	01	IRRIGATION	(47) GOODING
07S	16E	30	SW SW	4	17.0	01	IRRIGATION	(47) GOODING
07S	16E	30	SE SW		37.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NE SE		33.0	01	IRRIGATION	(47) GOODING
07S	16E	30	NW SE		33.0	01	IRRIGATION	(47) GOODING
07S	16E	30	SW SE		10.0	01	IRRIGATION	(47) GOODING

Total Acres: 626.5

+ - - Diversion Means - FOUR WELLS WITH PUMPS DELIVERING TO COMMON PRESSURE SYSTEM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

EXP THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-07810,
36-07811, 36-07812 & 36-07813.

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

3607810
3607811
3607812
3607813+ - - - - - 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 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

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(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

07/08/96 15:27:10
Page 3

Water right number - R36-10821B

Prefix Translation: RESEARCH

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

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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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

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

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

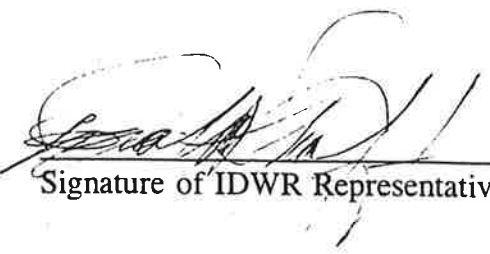
☐ Period of Use

☐ 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

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 IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 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.MICROFILMED
DEC 05 1996

AJ5856NP

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

DATE: MAY-31-1996

PAGE: A-2

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 SWNNW Within GOODING County
S30 NWSWNE
LOT 3 (NWSW)
NESE

PURPOSE AND PERIOD OF USE:	PERIOD OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 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
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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JAN 08 1996

DATE OF CLOSING: 11/8/1992

LEGAL DESCRIPTION OF PROPERTY: Township See attached Range See attached
 Section 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 Date 12/12/95
[Signature] Date 12/12/95
 [] Signature of Former Owner/Claimant(s): [Signature] Date 12/12/95
[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:

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

DEC 05 1996

NON-MERGER WARRANTY DEED

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.

MICROFILMED

DEC 8 5 1954

and statutory rights of redemption concerning the herein described property and the mortgage recorded 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 LIZDAN, INC.,
an Idaho corporation

By [Signature]
President
[Signature]
Secretary

POOR ORIGINAL

MICROFILMED
DEC 15 1996

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 4 5 1996

ORIGINAL

254

EXISTING
F.F. GUNNING
CIRCLE

PUMP A

ARKOOSH'S
SEPARATE
CIRCLE

CIRCLE #1
ARKOOSH
TRANSFERS TO
GUNNING ON
CONFIRMATION

CIRCLE #2
ARKOOSH
RETAINS

CIRCLE #3
ARKOOSH
RETAINS

CIRCLE #4
ARKOOSH
RETAINS

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

MICHAEL J. BAKER
DEC 15 1988

Critser
Critser
Critser

POOR ORIGINAL

BOOK 214
PAGE 000-000
(208) 324-48

K X R X R X R X A X R

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

LAND DESCRIPTION
FOR
CUNNING - ARKOOSH

TOWNSHIP 7 SOUTH, RANGE 16 EAST, BOISE MERIDIAN
SECTION 19, PART S;
SECTION 30, PART N;

CODDING COUNTY, IDAHO

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.

[Signature]

4-14-13

EXHIBIT A TO NON-MERGER WARRANTY DEED - PAGE 2

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POOR ORIGINAL

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Department of Water Resources
Southern RegionRECEIVED
FEB 06 1996Department of Water Resources
Adjudication Bureau

RECEIVED

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FEB 02 1996

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

POOR ORIGINAL

Case No. 39576

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
PARTY 36-10821this 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

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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

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of 36-10821 ~~36-07509~~
(Insert each water right number)

My name is F. F. Gunning

My address is 2027 E 2975 S., Wendell, Idaho 83355

My phone number is: Work — Home 208 536-6390

The name and address of the prior claimant/seller who I wish to be substituted for are:
Arkoosh & Lidun, Inc., P.O. Box 93, Coalinga, Id. 93330
Greenhorn Farms - same Address.

Signature of prior claimant/seller

X F.F. Puring
Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

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

fy st

Harry L. Moore
Signature of person or attorney mailing the form