

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

**RECEIVED**

**SEP 25 2000**

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Department of Water Resources  
Southern Region

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).: X36-07356C  
 Adjudication Claim No(s).: R36-07356B
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 Terry White  
P. O. Box 663  
Buhl, Idaho 83316
4. New Owner/Claimant(s) Stephen D. Todd and Robert Thomas Weber  
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or  
 New Mailing Address 10122 S. Hangman Valley Road  
 City, State and ZIP Code Spokane, Washington 99224  
 New Telephone Number (509) 448-4147
5. Date you acquired the property September 15, 2000
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) Stephen D. Todd Robert Thomas Weber  
 Stephen D. Todd Robert Thomas Weber  
 (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..

# SPECIAL WARRANTY DEED

#33356MC

449681

For Value Received

**Terry White, a single man**

**Instrument # 449681**

MINIDOKA COUNTY RUPERT, IDAHO  
2000-09-20 02:54:48 No. of Pages: 3  
Recorded for : BURLEY LAND TITLE  
DUANE SMITH Fee: 9.00  
Ex-Officio Recorder Deputy *Li*

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

**STEPHEN D. TODD, a married man contracting as his sole and separate property and  
ROBERT THOMAS WEBER, a married man contracting as his sole and separate property**  
**Address: 7902 South Juniper Street and 10122 S. Hangman Valley Road**  
**Tempe, Arizona 85284 Spokane, Washington 99224**

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

**TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO**

Section 36: Part of the E $\frac{1}{2}$ , more particularly described as follows:

Beginning at the E $\frac{1}{4}$  corner of said Section 36, said corner marked by a 5/8 inch rebar along side a 1 inch iron pipe which shall be the Point of Beginning;

Thence South 00°10'50" East (South 0°14'25" East, rec.) along the East line of Section 36 for a distance of 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;

Thence North 88°54'08" West (North 88°56'38" West, rec.) along the South line of Section 36 for a distance of 1982.66 feet;

Thence North 01°07'16" East (North 01°02'58" East, rec.) for a distance of 37.49 feet to a 1/2 inch rebar;

Thence North 01°07'16" East (North 01°02'58" East, rec.) for a distance of 1239.35 feet to a 1/2 inch rebar;

Thence North 89°07'46" East (North 89°03'28" East, rec.) for a distance of 78.68 feet to a 1/2 inch rebar;

Thence North 00°06'35" West (North 00°10'53" West, rec.) for a distance of 47.21 feet to a 1/2 inch rebar;

Thence North 78°43'22" West (North 78°47'40" West, rec.) for a distance of 272.35 feet to a 1/2 inch rebar;

Thence North 00°13'25" West (North 00°15'49" West, rec.) for a distance of 1122.27 feet to a 1/2 inch rebar;

Thence North 00°13'25" West for a distance of 198.23 feet to a 1/2 inch rebar;

Thence South 88°48'20" East for a distance of 2126.42 feet to a 1/2 inch rebar;

Thence South 88°48'20" East for a distance of 16.68 feet to the East line of Section 36;

Thence South 00°02'35" East (South 00°05'00" East, rec.) along the East line of Section 36 for a distance of 63.98 feet to the Point of Beginning.

**TOGETHER WITH all water and water rights, ditches and ditch rights and thereon or appurtenant thereto including but not limited to Water Right with the Idaho Department of Water Resources filed as Water Right No. X36-07356C and Adjudication Claim No. R36-07356B.**

**SUBJECT TO Real Estate Mortgage dated August 17, 1999 and recorded August 25, 1999 as Instrument No. 443527, records of Minidoka County, Idaho.**

**SUBJECT TO:**

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

**Taxes for 2000 and subsequent years.**

**Power Line Easement from W. W. Newcomb and Marjorie P. Newcomb, husband and wife, to Idaho Power Company, a corporation, dated June 30, 1963 and recorded September 30, 1963 as Instrument No. 166978, on Film No.25, records of Minidoka County, Idaho.**

**Power Line Easement from Warren W. Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, dated April 22, 1974 and recorded August 7, 1974 as Instrument No. 243931, records of Minidoka County, Idaho.**

**Power Line Easement from Warren W. Heins and Elise F. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 19, 1974 and recorded January 28, 1975 as Instrument No. 247379, records of Minidoka County, Idaho.**

**Power Line Easement from Warren W. Heins and Elise G. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 13, 1975 and recorded November 21, 1975 as Instrument No. 254792, records of Minidoka County, Idaho.**

**Power Line Easement from Warren Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, dated March 9, 1976 and recorded March 16, 1977 as Instrument No. 268509, records of Minidoka County, Idaho.**

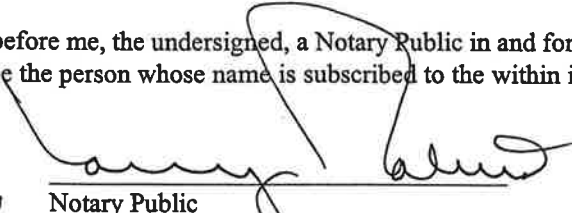
**TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from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

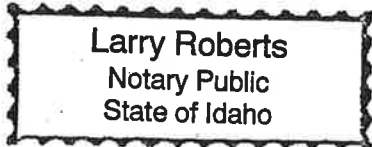
**Dated: September 15, 2000**

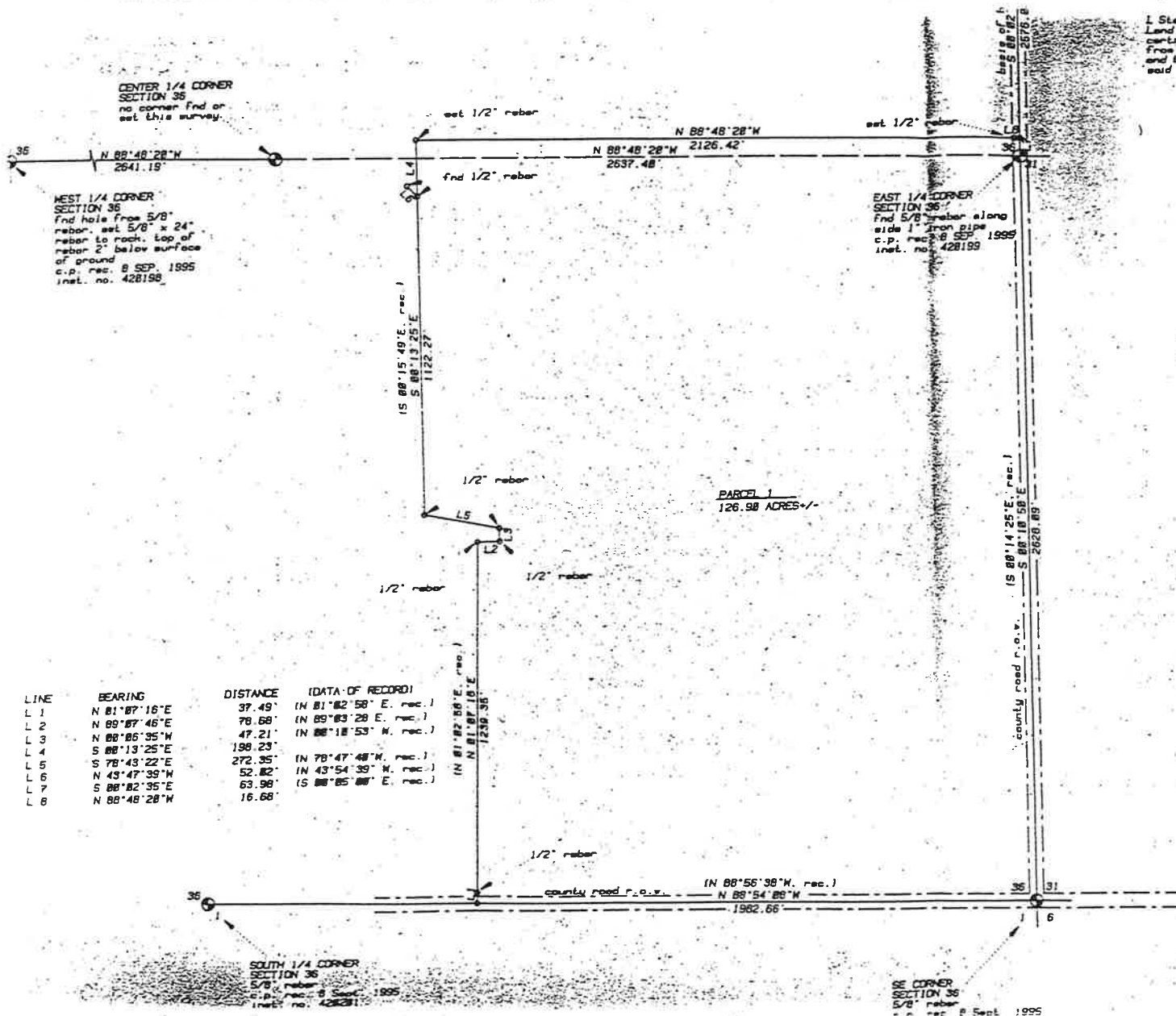
  
Terry White

STATE OF IDAHO                    )  
                                          ) ss.  
COUNTY OF Cassia                )

On this 19<sup>th</sup> day of September, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared **TERRY WHITE**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

  
\_\_\_\_\_  
Notary Public  
Residing at: Burley, ID  
My Commission expires: 6-30-03





I, Steven C. Pearson, a Registered Professional Land Surveyor, Idaho License No. 3623, do hereby certify that this Record of Survey has been prepared from a survey made on the ground under my supervision, and that this map is an accurate representation of said survey.

**NOTE**

- o - SET IRON PIN (1/2" x 24" rebar) w/ L.S. no. attached.
  - - NO CORNER SET.
- OTHER SURVEY CONTROL FOUND OR SET AS NOTED.

#442543

**PROPERTY S**  
**for**  
**PAUL DUNC**

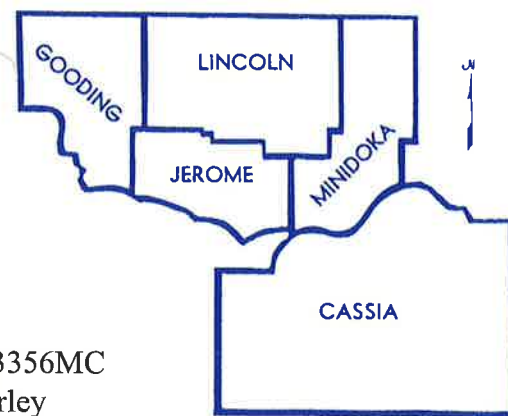
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**DESEI**

1751 OVERLAND

# Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #33356MC  
OFFICE: Burley

September 22, 2000

Idaho Dept. of Water Resources  
1341 Fillmore St., Suite 200  
Twin Falls, Idaho 83301-3380

**RECEIVED**

**SEP 25 2000**

Department of Water Resources  
Southern Region

Dear Clerk:

Enclosed with this letter please find an original executed Notice of Change of Water Right Ownership, a copy of the executed recorded Special Warranty Deed, a copy of the survey and Land Title's check no. 18075 in the amount of \$25.00 for the transfer fee.

Please make the necessary changes in the records to indicate the new owners as Stephen D. Todd and Robert Thomas Weber for future assessment notices. Please send a receipted copy to this office.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours  
Land Title and Escrow, Inc.

A handwritten signature in blue ink that reads "Nancy Garrett".

Nancy Garrett  
Reconveyance Department

/nrg  
enc.

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 438-0808 - FAX 438-1189



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

September 26, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

ATTN NANCY GARRETT  
LAND TITLE & ESCROW INC  
PO BOX 177  
BURLEY ID 83318

RE: SRBA Claim No. 36-07356B (Part)  
Owner Change Notification White to Todd / Weber  
Your File No. 33356MC

Dear Nancy:

Pursuant to our phone conversation of yesterday, I am herein returning Land Title's check no. 18075 in the amount of \$25.00. As we discussed, there is no fee due since the claim involved in this change is still an active subcase within the adjudication. If a partial decree had been issued, however, a fee would have been required. Also, if this was a water right not required to be within the jurisdiction of the SRBA, a fee would also be due. I know this can be very confusing, so please feel free to phone any agent or me to determine if a fee will be required on any future transactions. Thanks for your help; I appreciate the great job you do in submitting these change requests.

Sincerely,

Trish Fawcett  
Technical Records Specialist

/tf

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5638  
WATER RIGHT NO. 36-07356D

RECEIVED

APR 13 2000

Department of Water Resources  
Southern Region

This is to certify that: DUNCAN LIMITED PARTNERSHIP  
KATHY DUNCAN  
PAUL DUNCAN  
750 E 100 S  
RUPERT ID 83350

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/15       | 1.81 CFS              | 632.0 AF             |

SOURCE

GROUNDWATER

Priority: 07/24/1973

LOCATION OF POINT(S) OF DIVERSION:

NENENE , Sec. 36, Township 07S, Range 25E  
MINIDOKA County

PLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u>                     |
|--------------------|--------------|--------------|--------------|----------------------------------|
| 07S 25E 36         | NENE 40      | NWNE 39      | SWNE 39      | 158                              |
|                    | SENE 40      |              |              | 158                              |
|                    |              |              |              | Total number of acres irrigated: |

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5638  
WATER RIGHT NO. 36-07356D

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the SRBA partial decree date.

Dated this 10<sup>th</sup> day of April, 2000

  
Chief, Water Allocation Bureau

443526

#31930MC  
(Burley)

## CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

SPLIT BUTTE RANCH, INC.

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

TERRY WHITE, a single man

Address: P. O. Box 663  
Buhl, Idaho 83316

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

TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 36: Part of the E $\frac{1}{4}$ , more particularly described as follows:

Beginning at the E $\frac{1}{4}$  corner of said Section 36, said corner marked by a 5/8 inch rebar along side a 1 inch iron pipe which shall be the Point of Beginning;  
Thence South 00°10'50" East (South 0°14'25" East, rec.) along the East line of Section 36 for a distance of 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;  
Thence North 88°54'08" West (North 88°56'38" West, rec.) along the South line of Section 36 for a distance of 1982.66 feet;  
Thence North 01°07'16" East (North 01°02'58" East, rec.) for a distance of 37.49 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 01°07'16" East (North 01°02'58" East, rec.) for a distance of 1239.35 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 89°07'46" East (North 89°03'28" East, rec.) for a distance of 78.68 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 00°06'35" West (North 00°10'53" West, rec.) for a distance of 47.21 feet to a  $\frac{1}{2}$  inch rebar;  
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Thence North 00°13'25" West (North 00°15'49" West, rec.) for a distance of 1122.27 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 00°13'25" West for a distance of 198.23 feet to a  $\frac{1}{2}$  inch rebar;  
Thence South 88°48'20" East for a distance of 2126.42 feet to a  $\frac{1}{2}$  inch rebar;  
Thence South 88°48'20" East for a distance of 16.68 feet to the East line of Section 36;  
Thence South 00°02'35" East (South 00°05'00" East, rec.) along the East line of Section 36 for a distance of 63.98 feet to the Point of Beginning.

TOWNSHIP 7 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,  
BLAINE COUNTY, IDAHO

Section 31: S $\frac{1}{2}$ NE $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant to including but not limited to State of Idaho Water Adjudication R36-07356 for 1.13 cfs.

SUBJECT TO:

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

Taxes for 1999 and subsequent years.

Power Line Easement from W. W. Newcomb and Marjorie P. Newcomb, husband and wife, to Idaho Power Company, a corporation, dated June 30, 1963 and recorded September 30, 1963 as Instrument No. 166978, on Film No.25, records of Minidoka County, Idaho.

RECEIVED  
SEP 29 2000  
Department of Water Resources  
Southern Region

Power Line Easement from Warren W. Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, dated April 22, 1974 and recorded August 7, 1974 as Instrument No. 243931, records of Minidoka County, Idaho.

Power Line Easement from Warren W. Heins and Elise F. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 19, 1974 and recorded January 28, 1975 as Instrument No. 247379, records of Minidoka County, Idaho.

Power Line Easement from Warren W. Heins and Elise G. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 13, 1975 and recorded November 21, 1975 as Instrument No. 254792, records of Minidoka County, Idaho.

Power Line Easement from Warren Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, dated March 9, 1976 and recorded March 16, 1977 as Instrument No. 268509, records of Minidoka County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

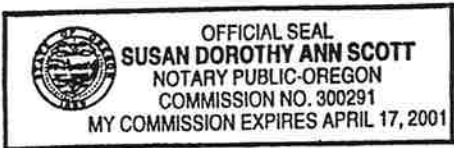
IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 17th day of August, 1999.

SPLIT BUTTE RANCH, INC.

BY: Warren W. Heins  
Warren W. Heins, President  
ATTEST: Vicki J. Heins  
Vicki J. Heins, Secretary

STATE OF OREGON       )  
                                  ) ss.  
COUNTY OF LANE       )

On this 17th day of August, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared WARREN W. HEINS and VICKI J. HEINS, known or identified to me to be the President and Secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Susan Dorothy Ann Scott  
Notary Public  
Residing at: EDGEN, OR  
My Commission expires: 4-17-01

443526

RECORDED AT REQUEST OF  
Land Title-Burley  
FILM NO. \_\_\_\_\_

'99 AUG 25 15 : 22  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE 60 DEPUTY 24

# 10154

425586

WARRANTY DEED

RECEIVED  
# 11046  
SEP 29 2000  
Department of Water Resources  
Southern Region

For Value Received Split Butte Ranch, Inc., the grantor, does hereby grant, bargain, sell, and convey unto David and Dixie Mickelsen, Husband and Wife, and Matthew and Ramie Mickelsen, Husband and Wife, the grantees, whose current addresses are Route 4, Box 214, Rupert, Idaho, 83350, and 725 N. Highway 24, Rupert, Idaho, 83350, respectively, the following described premises, to-wit:

Parcel A: A parcel of ground located in Section 36, Township 7 South, Range 25 E.B.M., Minidoka County, Idaho, described as:  
Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;  
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;  
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;  
Thence North 88°56'38" West along the South line of Section 36 for 1982.66 feet to a point;  
Thence North 01°02'58" East for 37.49 feet to a 1/2 inch rebar;  
Thence North 01°02'58" East for 1239.35 feet to a 1/2 inch rebar;  
Thence North 89°03'28" East for 78.68 feet to a 1/2 inch rebar;  
Thence North 00°10'53" West for 47.21 feet to a 1/2 inch rebar;  
Thence North 78°47'40" West for 272.35 feet to a 1/2 inch rebar;  
Thence North 00°15'49" West for 1122.27 feet to a 1/2 inch rebar;  
Thence North 43°54'39" West for 52.13 feet to a 1/2 inch rebar;  
Thence North 89°43'54" West for 561.95 feet to a 1/2 inch rebar;  
Thence North 64°50'51" West for 69.79 feet to a 1/2 inch rebar;  
Thence North 50°17'16" West for 200.49 feet to a 1/2 inch rebar;  
Thence North 89°43'41" West for 874.35 feet to a 1/2 inch rebar;  
Thence North 00°55'56" East for 1270.63 feet to a 1/2 inch rebar;  
Thence South 88°50'12" East for 973.71 feet to a 1/2 inch rebar;  
Thence North 01°11'23" East for 1333.41 feet to a 1/2 inch rebar on the North line of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet to a 5/8 inch rebar at the North quarter section corner of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.

Subject to the following encumbrances:

Those encumbrances which can be discovered by inspection or a survey of the Real Property and government regulations and restrictions, and those set out in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said

Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 20<sup>th</sup> day of August, 1996.

SPLIT BUTTE RANCH, INC.

By *Elise Heins*  
Elise Heins, President

STATE OF IDAHO )

County of Cassia ) SS

On the 20<sup>th</sup> day of August, 1996, before me the undersigned Notary Public, personally appeared ELISE HEINS, known or identified to me to be the President of Split Butte Ranch, Inc., and acknowledged to me that such corporation executed the same.

[SEAL] LARRY ROBERTS  
☆ NOTARY PUBLIC ☆  
STATE OF IDAHO  
RESIDING AT BURLEY, ID  
MY COMMISSION EXPIRES 6-30-97

*Larry Roberts*  
NOTARY PUBLIC FOR IDAHO  
Commission Expires: 6-30-97

425586

RECORDED AT REQUEST OF  
Land Title Report  
FILM NO. \_\_\_\_\_

'96 AUG 22 15 : 05  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE 12<sup>00</sup> DEPUTY Ba

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 436-07356

Date Received \_\_\_\_\_

Receipt Number 5010060 AD

**NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW**

RECEIVED

OCT 12 1989

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Split Butte Ranch, Inc Phone (208) 531-5348  
Mailing Address Rt. 3, Box 220 Rupert, Id. Zip 83350

2. Date of Priority (Only one (1) per claim) 7-24-73

3. Source of water supply (a) GROUND WATER  
which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 7 S Range 25 E Section 36,  
\_\_\_\_\_ 1/4 of SE 1/4 of NE 1/4, Govt. Lot, ✓ B.M., County of MINIDOKA

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

mainline and hand-lined 300 ft Pump, well - from depth 27.5 - 300 ft.

Well 20 in dia.

MICROFILMED

OCT 19 1989

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 10-15 amount 2.94 or 440  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 2.94 (cfs) and/or (b) 440 (acre feet)

8. Total consumptive use claimed is 960 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 7S  | 25E | 36  | 40     | 40    | 40    | 40    |        |       |       |       |        |       |       |       | 40     | 40    | 40    | 40    | 320    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 320

11. In which county (ies) are lands listed above as place of use located? MINIDOKA

12. Do you own the property listed above as place of use? Yes ☒ No ☐  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
LICENSE 36-2446 & LICENSE 36-2447 or None (☒)

14. Remarks: Under License 36-2446, 35 of the above acres are irrigated in the Southeast Quarter. Under License 36-2447, 78 of the above acres are irrigated in the Northeast Quarter.

Last Name Green/SBR Ident No. \_\_\_\_\_

MICROFILMED

OCT 19 1994

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 20x20 grid of graph paper. A vertical line is drawn between the 12th and 13th columns, labeled 'Mainline' in the 12th column. A horizontal line is drawn between the 10th and 11th rows, labeled 'Section 3C' in the 10th row. A point is marked on the vertical line at the intersection with the 10th row, labeled 'Pump & Well' with an arrow pointing to it.

Section 36, T7s R25E BM

**MICROFILMED**

FEB 13 1994

Copies: White-State, Yellow-Claimant

Last Name

Ident No.

15. Basis of Claim (check one) Special Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ Easement ☒ Permit \_\_\_\_\_

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 36-7356

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am Secretary Title

of Split Butte Ranch, Inc. Organization, that I have signed the foregoing

document in the space below as Secretary Title of Split Butte Ranch, Inc. Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Sheryl Heins

Title and Organization Split Butte Ranch, Inc. Date 9/29/89

State of Idaho/or \_\_\_\_\_ )  
County of Minidoka ) SS.

Subscribed and sworn (or affirmed) before me this 29th day of September 19 89

SEAL

Notary Public Debra Ring

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Debra Ring

Address P.O. BOX 396, Rupert, Idaho 83350

Date September 29, 1989

Last Name Heins Ident. Number \_\_\_\_\_

MICROFILMED

553 01 1992  
MICROFILMED

OCT 19 1989

Copies White-State, Yellow-Claimant

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: A36-07356  
Date Received: 10/12/1989  
Receipt No: S010060  
Received By:                     

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SPLIT BUTTE RANCH, INC. 208-531-5348  
Address: RT 3, BOX 220  
RUPERT, ID 83350

2. Date of Priority: JUL 24, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County   |
|----------|-------|---------|--------|--------|-----|-----|----------|
| 07S      | 25E   | 36      |        | SE     | NE  |     | MINIDOKA |

5. Description of diverting works:  
275-300'X20" WELL, 300HP PUMP, MAINLINE, HANDLINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A.  |
|------------|-------|-------|-------|------|---------|
| IRRIGATION | 04/01 | 10/15 | 2.940 |      | 1147.00 |

7. Total Quantity Appropriated is:  
2.940 C.F.S. (and/or) 1147.00 A.F.A.

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 07S      | 25E   | 36      | NE     | NE  |     | IRR | 40.0  |
|          |       |         | NW     | NE  |     | IRR | 40.0  |
|          |       |         | SW     | NE  |     | IRR | 40.0  |
|          |       |         | SE     | NE  |     | IRR | 40.0  |

A36-07356

Page 1

Date: 11/20/89

MICROFILMED  
FEB 03 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 07S      | 25E   | 36      | NE     | SE  |     | IRR           | 40.0  |
|          |       |         | NW     | SE  |     | IRR           | 40.0  |
|          |       |         | SW     | SE  |     | IRR           | 40.0  |
|          |       |         | SE     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     |               |       |
|          |       |         |        |     |     | Section Acres | 320.0 |
|          |       |         |        |     |     | Total Acres   | 320.0 |

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:  
A36-02446, 02447

14. Remarks:

SUBJECT TO THE CONDITION THAT THE MAXIMUM VOLUME PER YEAR SHALL  
NOT EXCEED 4.0 AFA WHEN COMBINED WITH LIC. NOS. 36-2446 & 36-2447  
UNDER A36-02446, 35 OF THE ABOVE ACRES ARE IRRIG IN THE SE QTR.  
UNDER A36-02447, 78 OF THE ABOVE ACRES ARE IRRIG IN THE NE QTR.

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 Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_, Title  
\_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_, Title  
\_\_\_\_\_ and that the statements contained in the  
Organization  
foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT  
(REGIONAL)

11/20/89 12:04:58

Page 1

Water Right Number - 36-07356

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - -

\*\*\* C - CURRENT OWNER \*\*\*  
HEINS

WARREN W.

1 - RT. 3

2 -

3 -

City- RUPERT

Phone -

State- ID Zip- 83350

+ - - Priority Date - - +  
07/24/1973+ - - Region - - - +  
17+ - - Stage - - - +  
L - LICENSE

+ - - Status - - - +

+ - - Source - - - - - +  
GROUNDWATER

+ - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County

07S 25E 36 SE NE (67) MINIDOKA

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

01 - IRRIGATION 04/01 10/15 2.940 1147.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
2.940 1147.00+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

|     |     |    |       |  |      |    |            |                |
|-----|-----|----|-------|--|------|----|------------|----------------|
| 07S | 25E | 36 | NE NE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |
| 07S | 25E | 36 | NW NE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |
| 07S | 25E | 36 | SW NE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |
| 07S | 25E | 36 | SE NE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |
| 07S | 25E | 36 | NE SE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |
| 07S | 25E | 36 | NW SE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |
| 07S | 25E | 36 | SW SE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |
| 07S | 25E | 36 | SE SE |  | 40.0 | 01 | IRRIGATION | (67 ) MINIDOKA |

Total Acres: 320.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - LIC. 36-2446 &amp; 36-2447.

+ - - - - Remarks - - - - - +  
SUBJECT TO THE CONDITION THAT THE MAXIMUM VOLUME PER YEAR SHALLMICROFILMED  
FEB 03 1993

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT CLAIMS PROOF READING REPORT  
(REGIONAL)

Water right number - 36-07356      Adj. flag translation: Standard Water Right Number

+ - - - - Remarks - - - - -  
NOT EXCEED 4.0 AFA WHEN COMBINED WITH LIC. NOS. 36-2446 & 36-2447

+ - - - - Conditions of Approval - - - - -  
R01 - A measuring device of a type approved by this Department shall be  
- maintained as a part of the diverting works.  
016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +  
00/00/0000

+ - - Audit Fields -

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

|                  |              |                 |              |                  |     |
|------------------|--------------|-----------------|--------------|------------------|-----|
| Proof Due Date   | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee   | -   |
| Approved/Denied  | - 00/00/0000 | Protested Date  | - 00/00/0000 | Swan Falls       | -   |
| Proof Made Date  | - 00/00/0000 | Hearing Date    | - 00/00/0000 | Temporary Right  | - P |
| Start Work Date  | - 00/00/0000 | Verified Date   | - 04/23/1985 | DLE/Carey Act    | -   |
| Order Show Cause | - 00/00/0000 | Receipt Number  | -            | Water District   | -   |
| Licensed Date    | - 05/01/1979 | Appl Received   | - 00/00/0000 | Transfer/Amended | -   |
| Decree Date      | - 00/00/0000 |                 |              |                  |     |

UNRECORDED  
FEB 03 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Nov. 22, 1989

SPLIT BUTTE RANCH INC  
RT 3 BOX 220  
RUPERT ID 83350

A36-13529  
A36-13530  
A36-07356  
Re: A36-02446  
A36-02447  
A36-02141  
A36-02143  
A36-02142B

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens  
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

FEB 03 1993

A36-14784  
ROGER D. LING  
P.O. BOX 396

PAGE 2

A36-04087  
ROGER D. LING  
P.O. B 396

RUPERT ID 83350

A36-07908  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-14785  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-02100  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-14787  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-07139  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-04089  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-02301  
ROGER D. LING  
P.O. BOX 396

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A36-02612  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-13530  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-14788  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

RUPERT ID 83350

A36-02141  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-02446  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-13529  
ROGER D. LING  
P.O. BOX 396

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A36-07356  
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A36-07906  
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A36-02221  
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A36-14661  
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A36-07920  
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A36-14648  
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A36-02062  
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FEB 03 1993

A36-07904  
ROGER D. LING  
P.O. BOX 396

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A36-14807  
ROGER D. LING  
P.O. BOX 3

RUPERT ID 83350

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A36-02186  
ROGER D. LING  
P.O. BOX 396

A36-14649  
ROGER D. LING  
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A36-02400  
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P.O. BOX 396

RUPERT ID 83350

A36-02187  
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A36-02099  
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A36-14783  
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P.O. BOX 396

RUPERT ID 83350

A36-13527  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-02143  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-02447  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

A36-02142B  
ROGER D. LING  
P.O. BOX 396

RUPERT ID 83350

MICROFILMED

FEB 03 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

18-Jul-1990 13:51

A36-02439 \*  
ROGER D. LING  
P.O. BOX 396

RUPERT

ID 83350

RE: Field examination of a water right claimed  
in the Snake River Basin Adjudication

Dear Counselor,

The field staff of this agency may need to conduct water right field examinations of your client's water right claim(s) during the coming season. The field examiner may be visiting your client's property to obtain information necessary to verify the water use.

If a field exam is necessary your client will be contacted directly about the examination unless you contact us otherwise. If you wish to accompany your client at the time of any field examination, or if you have any questions regarding the field examination, you may contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Allen Merritt".

Allen Merritt, P.E.  
Water Rights Supervisor

\*See attached pages for other Water Right Numbers

MICROFILMED  
FEB 03 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

## M E M O

TO: WARREN & ELISE HEINS

FROM: STEVE CLELLAND

DATE: 15-Jul-1991 10:53

RE: ADJUDICATION CLAIMS

THE FOLLOWING FOUR ITEMS ARE IN NEED OF FURTHER ACTION OR INFORMATION FROM YOU. MAY I SUGGEST, THAT AFTER YOU REVIEW THE FILES INVOLVED, WE ARRANGE AN APPOINTMENT HERE IN TWIN FALLS TO COMPLETE THE FINAL REPORT INFORMATION. THANK YOU FOR YOUR PROMPT ATTENTION AND RESPONSE.

1. A36-02447 & A36-07356

THESE TWO WATER RIGHTS ARE CLAIMED TO IRRIGATE LANDS AT LESS THAN 1/2 INCH PER ACRE. IT APPEARS THESE RIGHTS ARE USED IN COMBINATION WITH A36-02446. BECAUSE OF THE OVERLAP OF ACRES COVERED BY THESE RIGHTS, THEY MAY NEED TO BE REPORTED AS A COMBINED SYSTEM.

2. A36-02098 & A36-13531

I TOLD GREG THIS MIGHT NEED AN AMENDMENT FOR MORE ACRES. THIS SITUATION HAS BEEN RESOLVED AND RECOMMENDED AS A COMBINED SYSTEM UNDER A PERMISSABLE PLACE OF USE.

3. LICENSE 36-02109

THIS IS AN UNCLAIMED WATER RIGHT THAT APPEARS TO BE APPURTENANT TO LANDS OWNED BY YOU. T07S, R25E, S35, NE1/4 FOR 160 ACRES AND S36, NW1/4 FOR 120 ACRES.

4. A36-02469E & A36-02066A

30 ACRES IN THE SW1/4 OF S24, T07S, R25E HAVE OVERLAPPING WATER RIGHTS. THE COMBINED RATE EXCEEDS 1" PER ACRE, AN IDWR STANDARD, AND THE IRRIGATION SYSTEMS APPEAR TO BE SEPARATE. I AM NOT SURE HOW TO REPORT THIS OVERLAP IN THE FINAL REPORT. PERHAPS YOU CAN EXPLAIN HOW IT IS IRRIGATED AND THE SYSTEM AND WATER RIGHTS USED.

\*\*\*ALL THE OTHER CLAIMS YOU HAVE FILED, THAT ARE NOT MENTIONED HERE, ARE BEING REPORTED AS YOU HAVE CLAIMED; NO DISCREPANCIES FOUND.

MICROFILMED

FEB 03 1993

FAXED 7/22/91 SC

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7356C

WATER RIGHT NUMBER: 36-7356C

| <u>Owner Type</u>      | <u>Name and Address</u>                                                                |
|------------------------|----------------------------------------------------------------------------------------|
| Current Owner          | SCHARF PROPERTIES LTD<br>51590 WESTLAKE DR<br>SCAPPOOSE, OR 97056<br>(503)543-5205     |
| Original Owner         | STEPHEN D TODD<br>10122 S HANGMAN VALLEY RD<br>SPOKANE, WA 99224<br>(509)448-4147      |
| Original Owner         | ROBERT THOMAS WEBER<br>10122 S HANGMAN VALLEY RD<br>SPOKANE, WA 99224<br>(509)448-4147 |
| Directors Report Owner | SPLIT BUTTE RANCH INC<br>RT 3 BOX 220<br>RUPERT, ID 83350<br>(208)531-5348             |

Priority Date: 07/24/1973

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 10/15           | 0.780 CFS             | 396.00 AF            |
|                       | <u>Total Diversion:</u> | 0.780 CFS             | 396.00 AF            |

Location of Point(s) of Diversion

|                 |                 |                                 |
|-----------------|-----------------|---------------------------------|
| GROUND WATER    | SW1/4SE1/4NE1/4 | Sec. 36, Twp 07S, Rge 25E, B.M. |
| MINIDOKA County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE   |      |     |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|-----|------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW  | SE   |        |
| 07S | 25E | 36  |    |    |    |    |    |    |    |    |    |    |    |    | 40.0 | 23.0 | 6.0 | 30.0 | 99.0   |

Total Acres: 99

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 36-7356C

Dates and Other Information:

Licensed Date:  
Decreed Date: 12/12/2001  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number: 39576  
Judicial District: FIFTH  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 25, 2002

ATTN DAVE SHARF  
SCHARF PROPERTIES LTD  
51590 WESTLAKE DR  
SCAPPOOSE OR 97056

RE: Decreed Water Right 36-7356C

Dear Mr. Scharf:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership on water right 36-7356C to you.

The owner change request you submitted also requested we list Scharf Properties as owner of water rights 36-7356B and 36-7356D. These two changes were not made because 36-7356B was split into 36-7356C and 36-7356D by approved transfer 5636. 36-7356C was updated to reflect you as owner. Water right 36-7356D is not appurtenant to the property sold you by the Todds and Webers and was therefore not changed as requested.

Please find the enclosed copy of the computer record of the water right 36-7356C noting the change in owner. Review this record and if there is an error, or you have any questions, please contact this office. Because of the confusion, I am also returning your check 4921 in the amount of \$75.00.

Sincerely,

Trish Fawcett  
Technical Records Specialist

enc.

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

RECEIVED  
AUG 14 2002  
Department of Water Resources  
Southern Region

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 36-7356C              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

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

**OR**

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

3. Name and Address of Former Owner/Claimant(s) Stephen Todd - 10122 S. Hangman Valley rd.  
Robert T. Weber - " Spokane, WA.
4. New Owner/Claimant(s) Scharf Properties, Ltd. dba: Split Butte Cattle Co.  
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 51590 Westlake Drive
- City, State and ZIP Code Scappoose, OR 97056
- New Telephone Number (503) 543-5205
5. Date you acquired the property 2-22-02

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

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

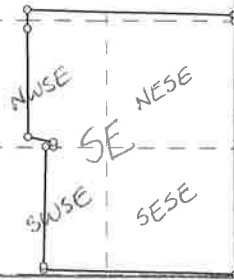
7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

*David Slap* *Gen Plur*

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

**For Office Use Only**

|                    |               |                     |
|--------------------|---------------|---------------------|
| Received by _____  | Date _____    | Fee _____           |
| Received by _____  | Date _____    | Receipt No. _____   |
| Processed by _____ | AJ Date _____ | WR _____ Date _____ |



|                                                                                                                     |                                |                                |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|
| Title: -----                                                                                                        |                                | Date: 08-16-2002               |
| Scale: 1 inch = 2000 feet                                                                                           | File: -----                    |                                |
| Tract 1: 126.899 Acres: 5527724 Sq Feet: Closure = s70.5724e 0.01 Feet: Precision = 1/660121: Perimeter = 9813 Feet |                                |                                |
| 001= <u>n</u> e,se,36,7s,25e                                                                                        | 006= <u>n</u> 89.0746e 78.68   | 011= <u>s</u> 88.4820e 2126.42 |
| 002= <u>s</u> 00.1050e 2628.09                                                                                      | 007= <u>n</u> 00.0635w 47.21   | 012= <u>s</u> 88.4820e 16.68   |
| 003= <u>n</u> 88.5408w 1982.66                                                                                      | 008= <u>n</u> 78.4322w 272.35  | 013= <u>s</u> 00.0235e 63.98   |
| 004= <u>n</u> 01.0716e 37.49                                                                                        | 009= <u>n</u> 00.1325w 1122.27 |                                |
| 005= <u>n</u> 01.0716e 1239.35                                                                                      | 010= <u>n</u> 00.1325w 198.23  |                                |

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

RECEIVED  
 AUG 14 2002  
 Department of Water Resources  
 Southern Region

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 36-7356D              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

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

**OR**

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

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

Duncan Limited Partnership  
 Paul Duncan, Kathy Duncan

4. New Owner/Claimant(s)

Scharf Properties, Ltd. dba Split Butte Cattle Co.  
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

51590 Westlake Drive

City, State and ZIP Code

Scappoose, OR 97056

New Telephone Number

503 543-5205

5. Date you acquired the property

2-22-02

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

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

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|                                                    |                                                                            |                                                              |
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| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) Dave Self Gen Ptnr.  
(include title if applicable)

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

**For Office Use Only**

|                    |               |                     |
|--------------------|---------------|---------------------|
| Received by _____  | Date _____    | Fee _____           |
| Received by _____  | Date _____    | Receipt No. _____   |
| Processed by _____ | AJ Date _____ | WR _____ Date _____ |

Property associated w/ 36-73500 not conveyed no changes made.  
Jish 9/25/02

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
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RECEIVED  
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 Department of Water Resources  
 Southern Region

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

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|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 36-7356B              |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

David, Ramie, Dixie, Matthew  
Mickelsen - 6013 N. Hwy. 24 Rupert, ID

4. New Owner/Claimant(s)

Scharf Properties, Ltd. dba: Split Butte Cattle  
CO.

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

New Mailing Address

51590 Westlake Drive

City, State and ZIP Code

Scappoose, OR 97056

New Telephone Number

(503) 543-5205

5. Date you acquired the property

2-22-02

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| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

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(If the right(s) will not be split, skip this area and proceed to item 7)

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| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| <b>Total</b>                                       | _____                                                                      | _____                                                        |

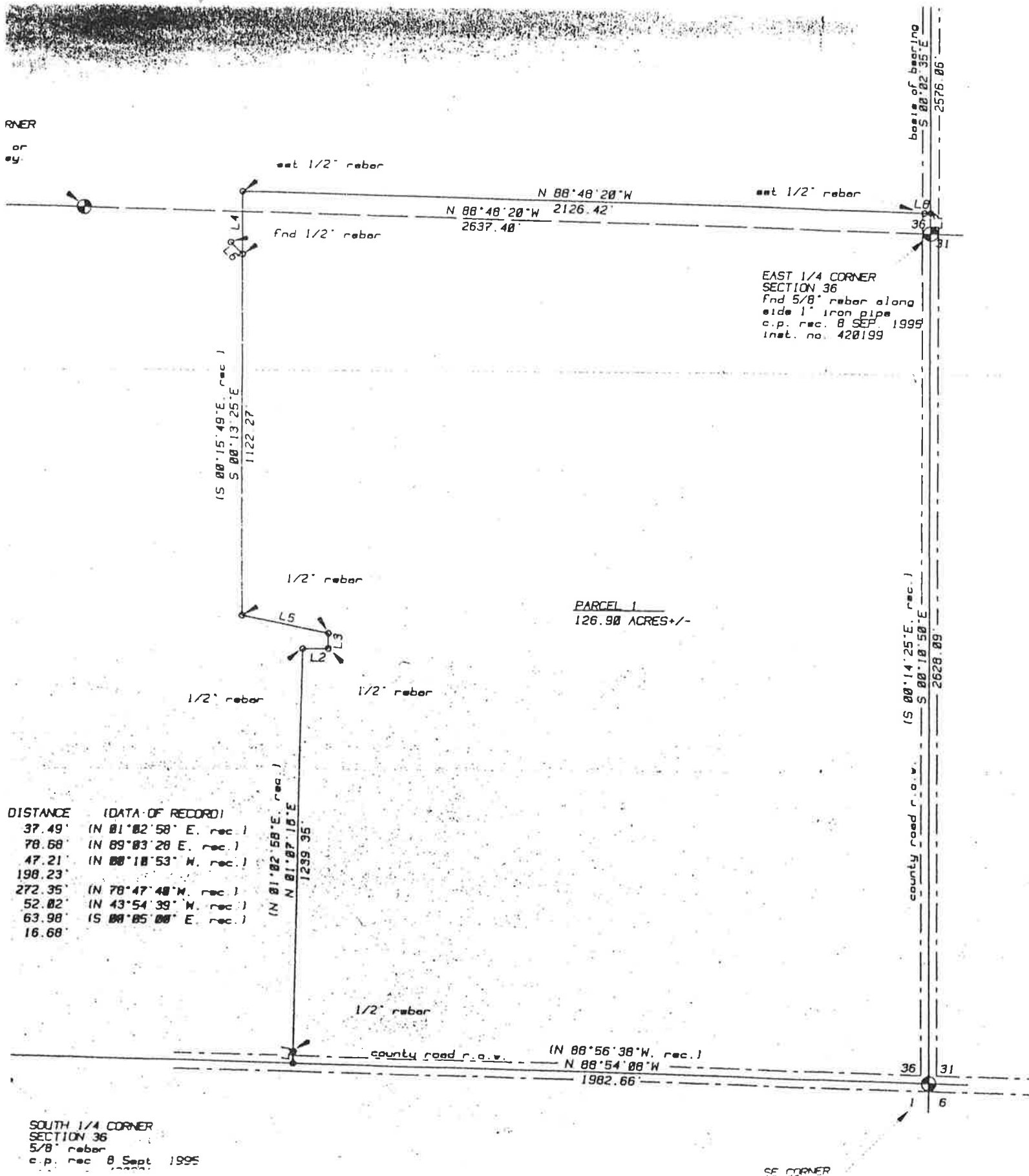
7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

*Dave S. S. Gen. P. Star*

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

**For Office Use Only**

|                                    |                     |                     |
|------------------------------------|---------------------|---------------------|
| Received by _____                  | Date _____          | Fee _____           |
| Received by _____                  | Date _____          | Receipt No. _____   |
| Processed by <i>[Signature]</i> AJ | Date <i>8/16/02</i> | WR _____ Date _____ |



K24805

36-8648

# WARRANTY DEED

#35110MC

For Value Received

**STEPHEN D. TODD and MELISSA TODD, husband and wife and ROBERT THOMAS WEBER and DEBORAH WEBER, husband and wife**

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

**SCHARF PROPERTIES, LTD., a limited partnership**  
**Address: 51590 Westlake Drive**  
**Scappoose, Oregon 97056**

**Instrument # 462051**

**HAILEY, BLAINE, IDAHO**

**2002-02-28**

**02:35:00 No. of Pages: 4**

**Recorded for : FIRST AMERICAN TITLE**

**MARSHA RIEMANN**

**Fee: 12.00**

**Ex-Officio Recorder Deputy**

**Index to: WTY/QC/CORP DEED**

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

**TOWNSHIP 7 SOUTH, RANGE 26 EAST, B. M.,**  
**BLAINE COUNTY, IDAHO**

**Section 31: S½NE¼**

**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.**

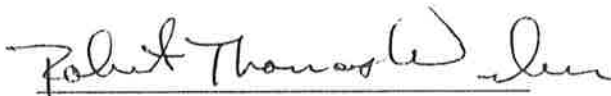
**Accruing taxes, levies and assessments; easements and rights of way of record if any.**

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

Dated: **February 6, 2002**

Signed in counterpart to expedite closing

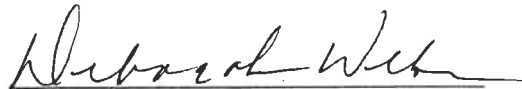
Stephen D. Todd



Robert Thomas Weber

Signed in counterpart to expedite closing

Melissa Todd



Deborah Weber

STATE OF WASHINGTON )  
COUNTY OF Spokane ) ss.

On this 18<sup>th</sup> day of February, 2002 before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert Thomas Weber and Deborah Weber**, 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.



Rebecca L. Wilson  
Notary Public  
Residing at: Spokane WA  
My Commission expires: 8-1-02

**WARRANTY DEED**

#35110MC

For Value Received

**STEPHEN D. TODD and MELISSA TODD, husband and wife and ROBERT THOMAS WEBER and DEBORAH WEBER, husband and wife**

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

**SCHARF PROPERTIES, LTD., a limited partnership**

**Address: 51590 Westlake Drive  
Scappoose, Oregon 97056**

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

**TOWNSHIP 7 SOUTH, RANGE 26 EAST, B. M.,  
BLAINE COUNTY, IDAHO**

**Section 31: S½NE¼**

**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.**

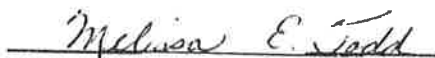
**Accruing taxes, levies and assessments; easements and rights of way of record if any.**

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

Dated: February 6, 2002

  
Stephen D. Todd

Signed in counterpart to expedite closing  
Robert Thomas Weber

  
Melissa Todd

Signed in counterpart to expedite closing  
Deborah Weber

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

On this 14 day of February, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **Stephen D. Todd and Melissa Todd**, 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.

Chris Selbe  
Notary Public  
Residing at: 1142 N REVERE, MESA, AZ 85201  
My Commission expires: 3/25/2005



~~STATE OF WASHINGTON )~~  
 ~~) ss.~~  
~~COUNTY OF \_\_\_\_\_ )~~

On this \_\_\_\_\_ day of February, 2002 before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert Thomas Weber and Deborah Weber**, 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:  
My Commission expires: \_\_\_\_\_

# WARRANTY DEED

#35110MC

457891

For Value Received

**STEPHEN D. TODD and MELISSA TODD, husband and wife and ROBERT THOMAS WEBER and DEBORAH WEBER, husband and wife**

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

**SCHARF PROPERTIES, LTD., a limited partnership**

**Address: 51590 Westlake Drive  
Scappoose, Oregon 97056**

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

**TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO**

Section 36: Part of the E $\frac{1}{2}$ , more particularly described as follows:

Beginning at the E $\frac{1}{4}$  corner of said Section 36, said corner marked by a 5/8 inch rebar along side a 1 inch iron pipe which shall be the Point of Beginning;

Thence South 00°10'50" East (South 0°14'25" East, rec.) along the East line of Section 36 for a distance of 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;

Thence North 88°54'08" West (North 88°56'38" West, rec.) along the South line of Section 36 for a distance of 1982.66 feet;

Thence North 01°07'16" East (North 01°02'58" East, rec.) for a distance of 37.49 feet to a  $\frac{1}{2}$  inch rebar;

Thence North 01°07'16" East (North 01°02'58" East, rec.) for a distance of 1239.35 feet to a  $\frac{1}{2}$  inch rebar;

Thence North 89°07'46" East (North 89°03'28" East, rec.) for a distance of 78.68 feet to a  $\frac{1}{2}$  inch rebar;

Thence North 00°06'35" West (North 00°10'53" West, rec.) for a distance of 47.21 feet to a  $\frac{1}{2}$  inch rebar;

Thence North 78°43'22" West (North 78°47'40" West, rec.) for a distance of 272.35 feet to a  $\frac{1}{2}$  inch rebar;

Thence North 00°13'25" West (North 00°15'49" West, rec.) for a distance of 1122.27 feet to a  $\frac{1}{2}$  inch rebar;

Thence North 00°13'25" West for a distance of 198.23 feet to a  $\frac{1}{2}$  inch rebar;

Thence South 88°48'20" East for a distance of 2126.42 feet to a  $\frac{1}{2}$  inch rebar;

Thence South 88°48'20" East for a distance of 16.68 feet to the East line of Section 36;

Thence South 00°02'35" East (South 00°05'00" East, rec.) along the East line of Section 36 for a distance of 63.98 feet to the Point of Beginning.

**TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho, Department of Water Resource No. X36-07356C and R36-07356B.**

**SUBJECT TO:**

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

**Taxes for 2002 and subsequent years.**

**Power Line Easement from W. W. Newcomb and Marjorie P. Newcomb, husband and wife, to Idaho Power Company, a corporation, dated June 30, 1963 and recorded September 30, 1963 as Instrument No. 166978, on Film No.25, records of Minidoka County, Idaho.**

**Power Line Easement from Warren W. Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, dated April 22, 1974 and recorded August 7, 1974 as Instrument No. 243931, records of Minidoka County, Idaho.**

**Power Line Easement from Warren W. Heins and Elise F. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 19, 1974 and recorded January 28, 1975 as Instrument No. 247379, records of Minidoka County, Idaho.**

**Power Line Easement from Warren W. Heins and Elise G. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 13, 1975 and recorded November 21, 1975 as Instrument No. 254792, records of Minidoka County, Idaho.**

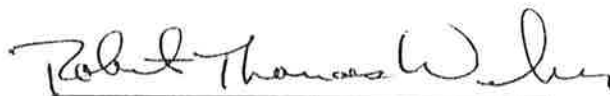
**Power Line Easement from Warren Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, dated March 9, 1976 and recorded March 16, 1977 as Instrument No. 268509, records of Minidoka County, Idaho.**

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

Dated: February 6, 2002

Signed in counterpart to expedite closing

Stephen D. Todd



Robert Thomas Weber

Signed in counterpart to expedite closing

Melissa Todd



Deborah Weber

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Spokane )

On this 18<sup>th</sup> day of February, 2002 before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert Thomas Weber and Deborah Weber**, 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.



Rebecca L. Wilson  
Notary Public  
Residing at: Spokane WA  
My Commission expires: 8-1-02

**Instrument # 457891**

MINIDOKA COUNTY, RUPERT, IDAHO  
2002-02-28 02:39:01 No. of Pages: 3

Recorded for : BURLEY LAND TITLE

DUANE SMITH

Fee: 9.00

Ex-Officio Recorder Deputy

Lil

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho, Department of Water Resource No. X36-07356C and R36-07356B.

**SUBJECT TO:**

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

Taxes for 2002 and subsequent years.

Power Line Easement from W. W. Newcomb and Marjorie P. Newcomb, husband and wife, to Idaho Power Company, a corporation, dated June 30, 1963 and recorded September 30, 1963 as Instrument No. 166978, on Film No.25, records of Minidoka County, Idaho.

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Power Line Easement from Warren W. Heins and Elise F. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 19, 1974 and recorded January 28, 1975 as Instrument No. 247379, records of Minidoka County, Idaho.

Power Line Easement from Warren W. Heins and Elise G. Heins, husband and wife, to Idaho Power Company, a corporation, dated August 13, 1975 and recorded November 21, 1975 as Instrument No. 254792, records of Minidoka County, Idaho.

Power Line Easement from Warren Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, dated March 9, 1976 and recorded March 16, 1977 as Instrument No. 268509, records of Minidoka County, Idaho.

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

Dated: February 6, 2002

  
Stephen D. Todd

Signed in counterpart to expedite closing  
Robert Thomas Weber

  
Melissa Todd

Signed in counterpart to expedite closing  
Deborah Weber

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

On this 14 day of February, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **Stephen D. Todd and Melissa Todd**, 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.

Chris Selbe

Notary Public

Residing at: 1142 N. REVERE, MESA AZ 85201

My Commission expires: 3/25/2005



~~STATE OF WASHINGTON )~~  
~~) ss.~~  
~~COUNTY OF \_\_\_\_\_ )~~

On this \_\_\_\_\_ day of February, 2002 before me, the undersigned, a Notary Public in and for said State, personally appeared **Robert Thomas Weber and Deborah Weber**, 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:

My Commission expires: \_\_\_\_\_

**Instrument # 457892**

MINIDOKA COUNTY, RUPERT, IDAHO

2002-02-28 02:41:07 No. of Pages: 3

Recorded for : BURLEY LAND TITLE

DUANE SMITH Fee: 9.00

Ex-Officio Recorder Deputy

# SCHARF PROPERTIES, LTD.

Scharf Properties, Ltd.  
51590 Westlake Drive  
Scappoose, OR 97056

Phone (503) 543-5205  
Fax (503) 543-5274

August 12, 2002

Idaho Dept. of Water Resources  
1341 Fillmore St., Suite 200  
Twin Falls, Idaho 83301-3380

RECEIVED  
AUG 14 2002  
Department of Water Resources  
Southern Region

Re: Split Butte Cattle Co. - #36-7356B  
#36-7356C  
#36-7356D

Enclosed please find the notice of change in water right ownership forms for above mentioned water rights, along with our check in the amount of \$75.00. We have also included a copy of the deed and survey map provided by the title company.

If you need any additional information or have any questions, please feel free to contact Dave at (503) 319-6564 or myself (503) 543-5205.

Sincerely,



Melissa Lessard, Bookkeeper  
Scharf Properties, Ltd.

/mal  
Encl.

PARCEL: RP 07S25E367500 A

F9=MS F10=SW F12=RC  
F17=DD F19=SP F23=AG

NAME/ADDRESS

WHITE, TERRY

LEGAL DESCRIPTION

TAX 1955 36-7-25

WHITE MH LOCATED HERE

SE 1/4  
26 delineated

PO BOX 663

CODE AREA 800 OWNER CODE

BUHL ID 83316

PARC TYPE LOC CODE 3

EFFDATE 8271999 EXPDATE

1100 N 1000 E

PREV PARCEL RP07S25E360010T

| CAT    | RY   | QUANTITY | UN | VALUE  | HO MRKT | HO EXMP | CB MRKT | OTHER |
|--------|------|----------|----|--------|---------|---------|---------|-------|
| 1      | 1999 | 123897   | AC | 65913  |         |         |         |       |
| 10     | 1999 | 3000     | AC | 19950  |         |         |         |       |
| 31     | 1999 |          |    | 93860  |         |         |         |       |
| 32     | 1999 |          |    | 52495  |         |         |         |       |
| TOTALS |      | 126897   |    | 232218 |         |         |         |       |

ENTER NEXT PARCEL NUMBER

RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG  
F8=CT F13=TM F18=HS F20=SrcH F22=EU

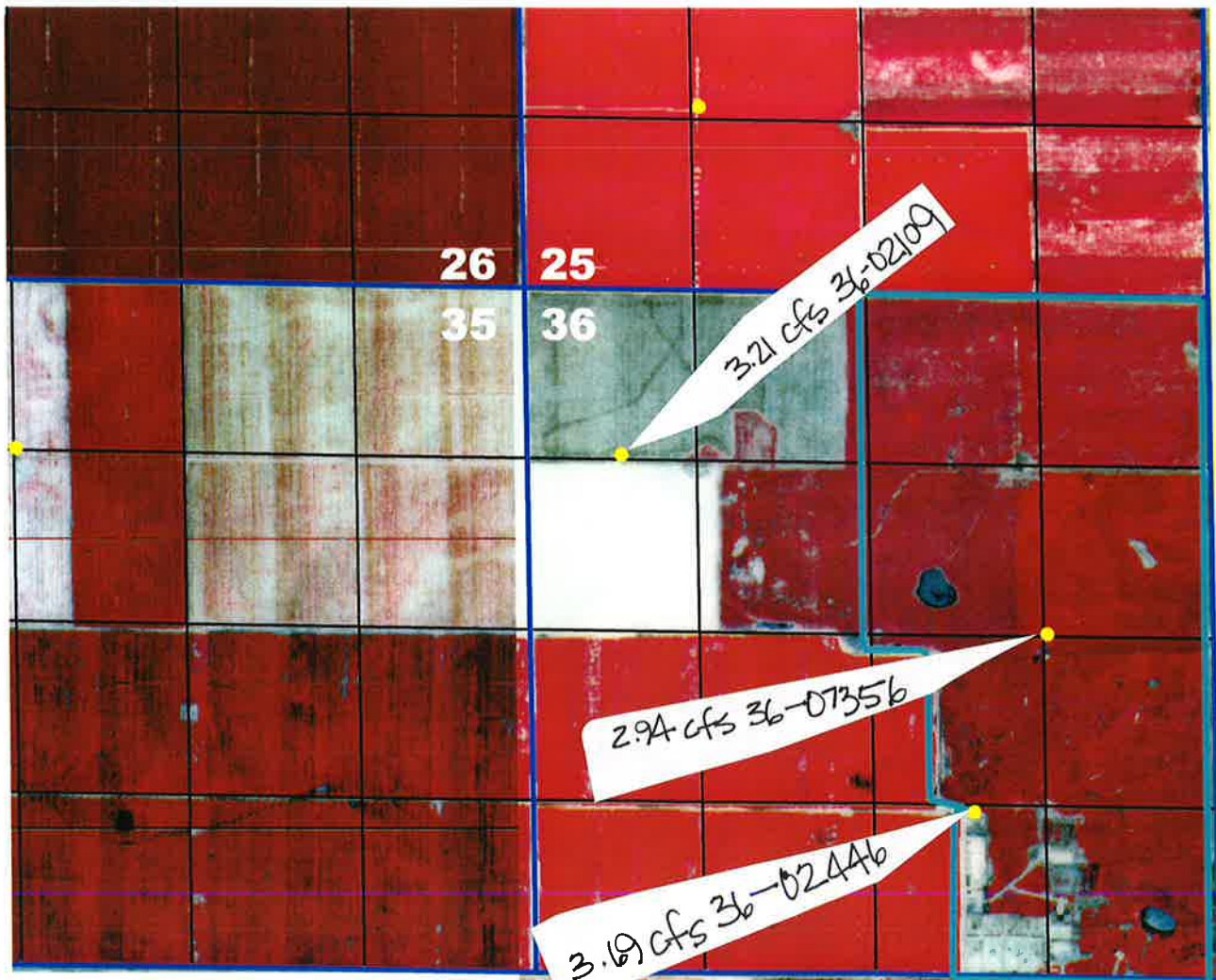
Attn: Georgia

736-3037

# IDAHO DEPARTMENT OF WATER RESOURCES

DUNCAN LTD PARTNERSHIP

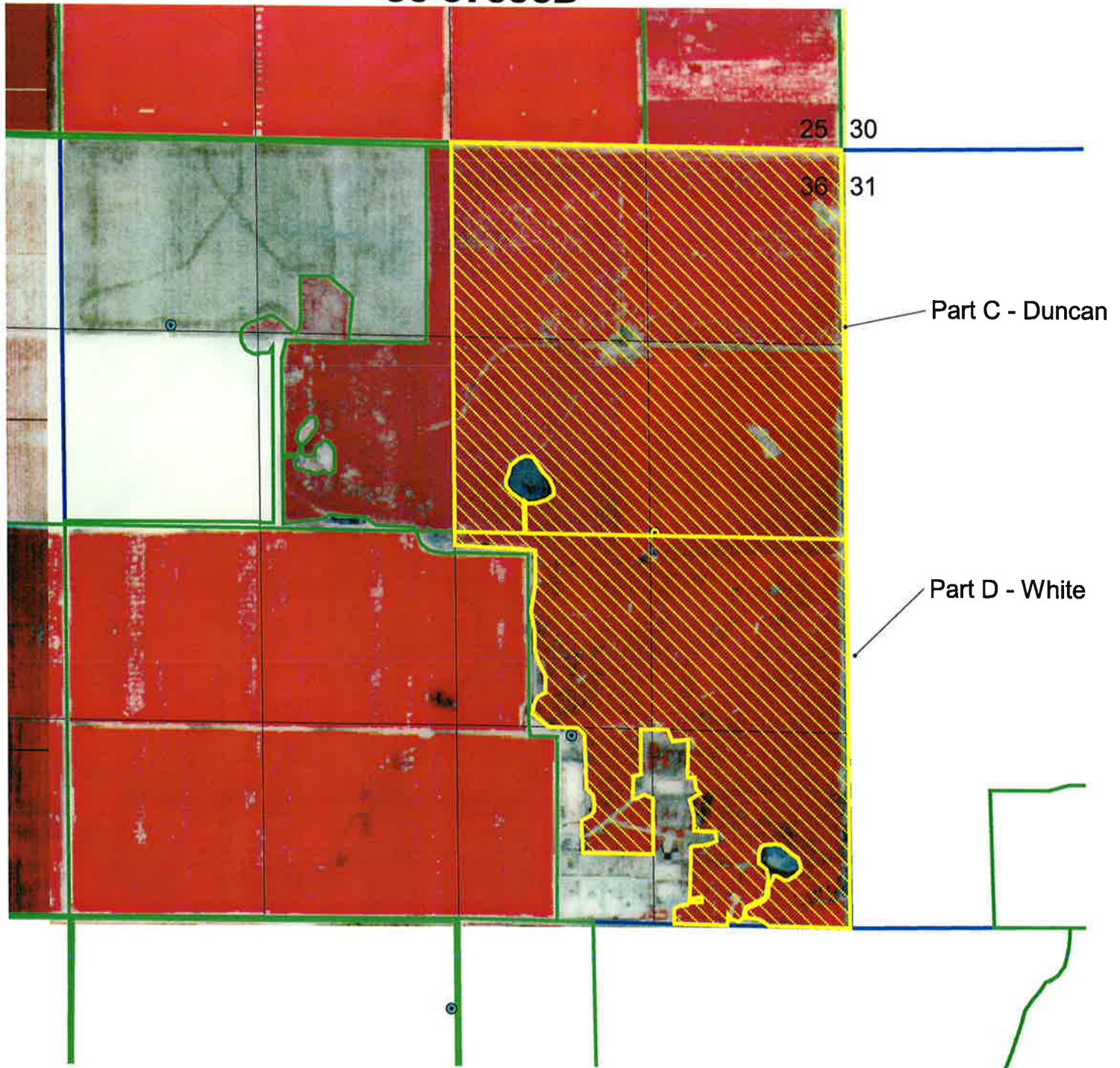
T# \_\_\_\_\_ 36-02446,-07356



**T07S, R25E**

# IDAHO DEPARTMENT OF WATER RESOURCES

**36-07356B**



1320 0 1320 Feet

- PLACE OF USE
- POINT OF DIVERSION
- ▬ SECTION LINES
- 1/4 - 1/4 LINES

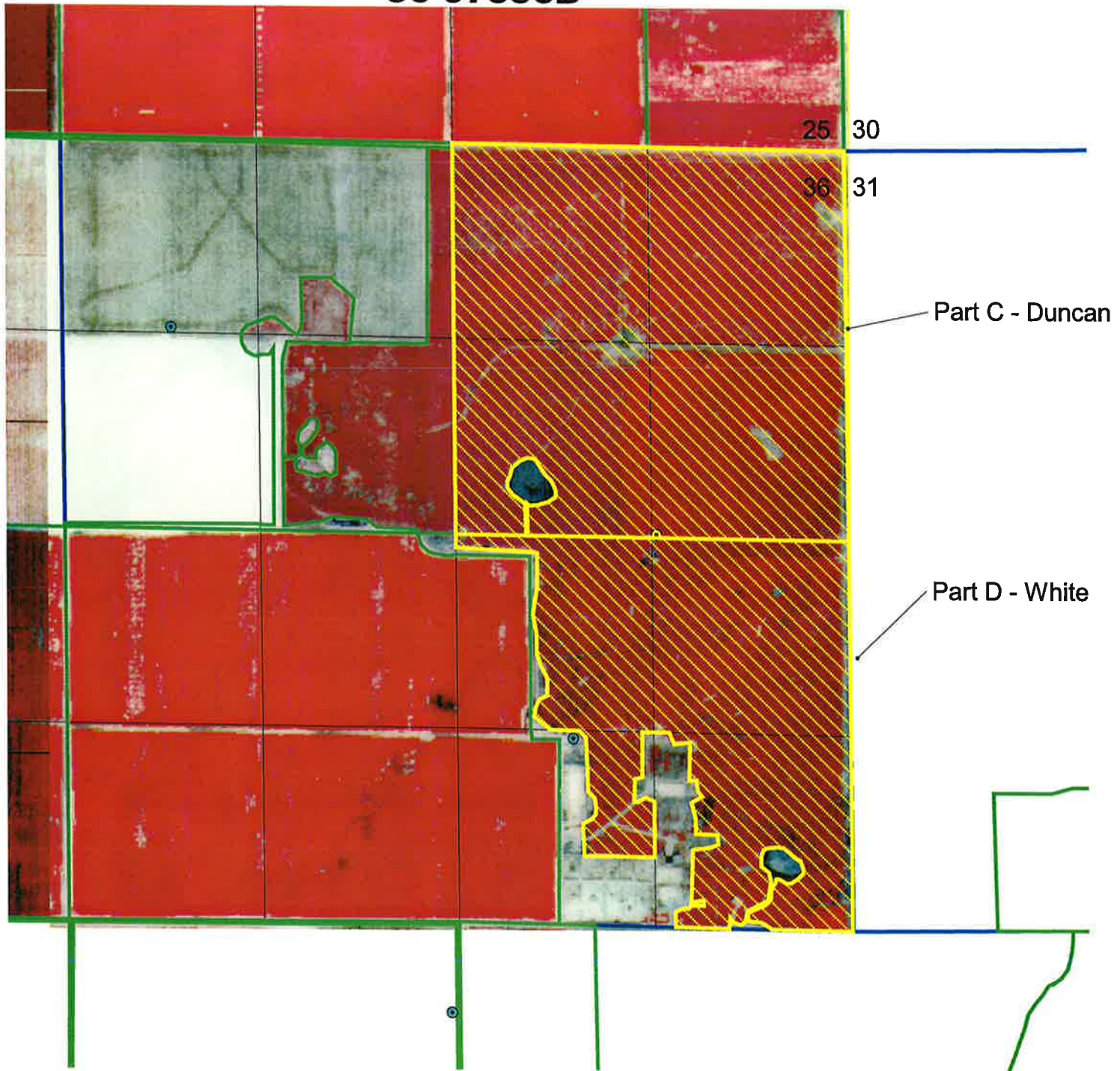
**T7S R25E Sec 36**



**GIS PLACE OF USE PRESENTATION**  
**PHOTOGRAPHY: 1987 and/or 1988 NAPP**  
**DATA ENTRY: September 9, 1999**  
**Steve Clelland**  
**\*\*\* Change of Ownership \*\*\***

# IDAHO DEPARTMENT OF WATER RESOURCES

**36-07356B**



1320 0 1320 Feet

- PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

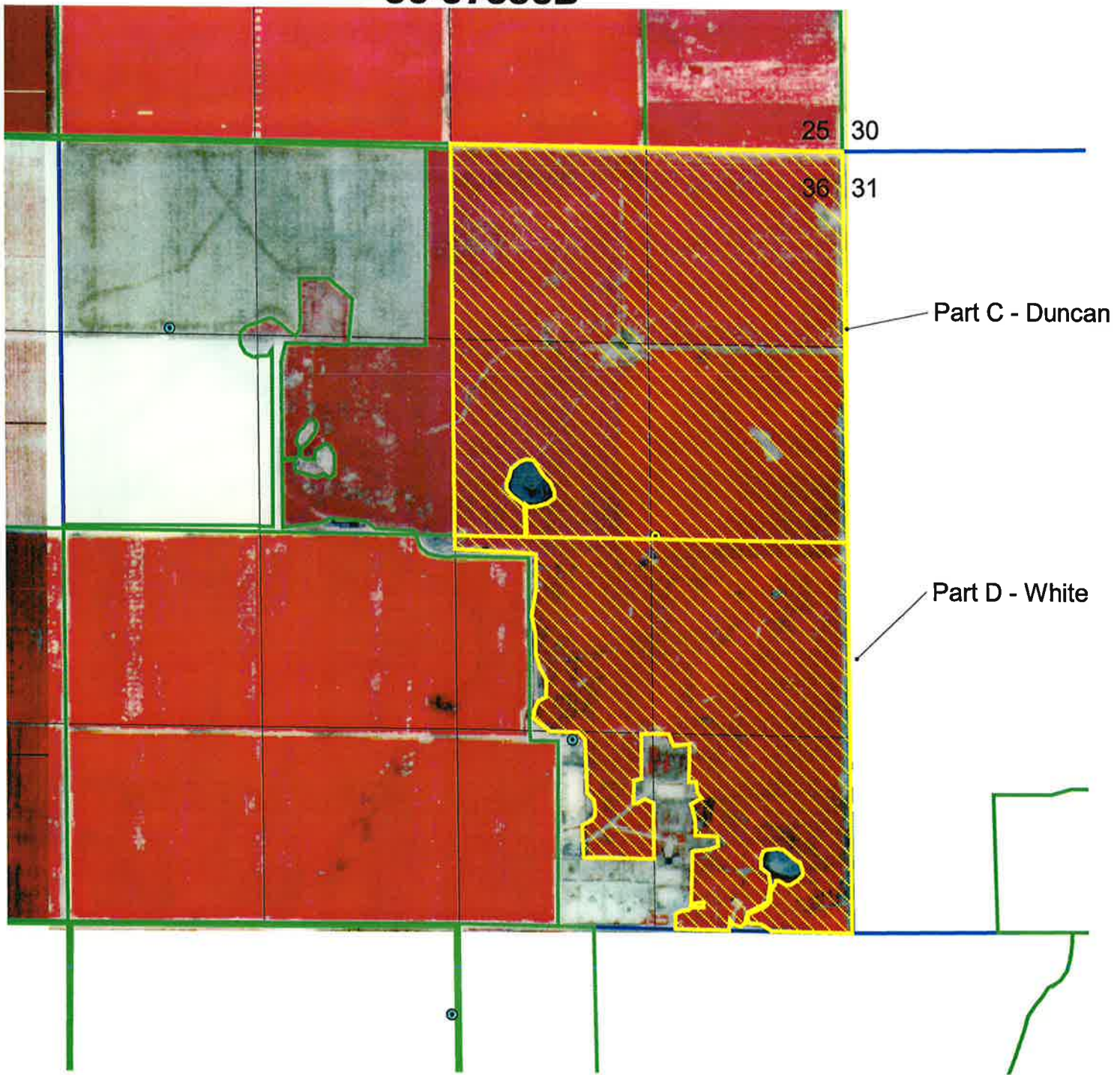
**T7S R25E Sec 36**



**GIS PLACE OF USE PRESENTATION**  
**PHOTOGRAPHY: 1987 and/or 1988 NAPP**  
**DATA ENTRY: September 9, 1999**  
**Steve Clelland**  
**\*\*\* Change of Ownership \*\*\***

# IDAHO DEPARTMENT OF WATER RESOURCES

**36-07356B**



1320 0 1320 Feet

- PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

**T7S R25E Sec 36**

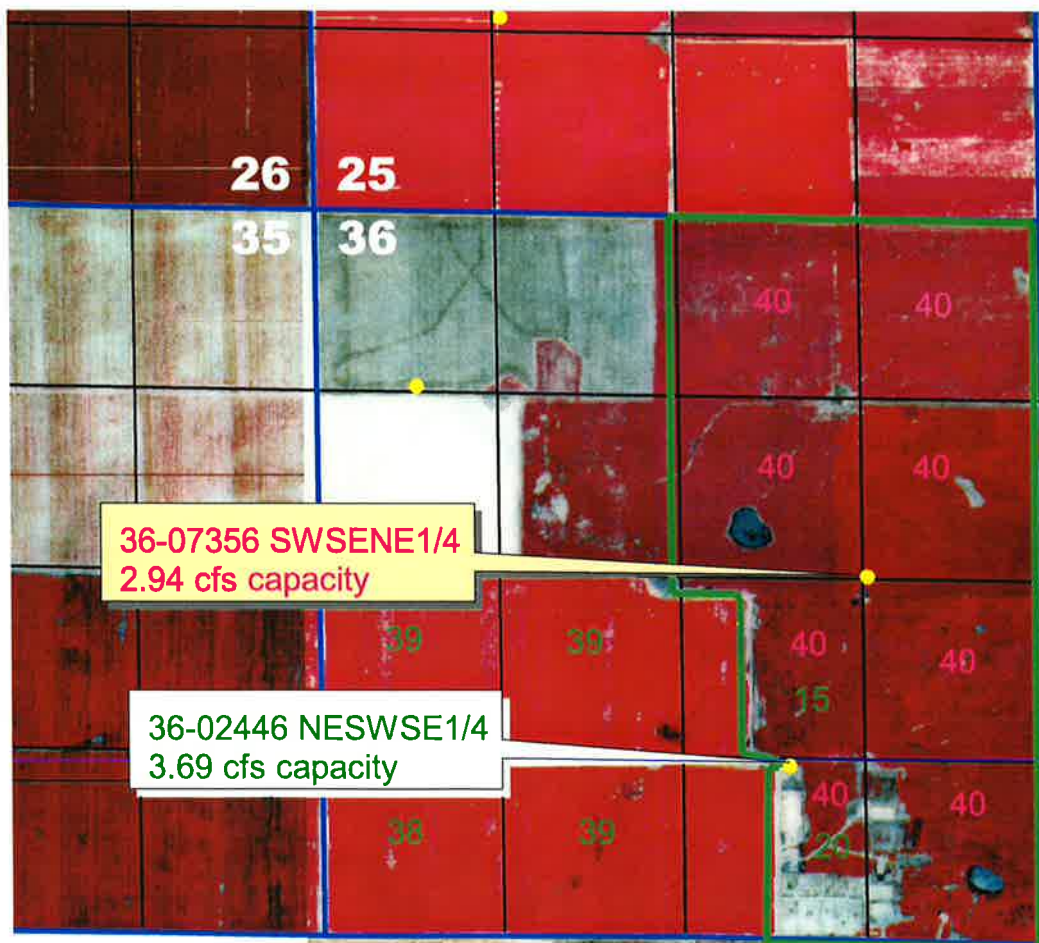


**GIS PLACE OF USE PRESENTATION**  
**PHOTOGRAPHY: 1987 and/or 1988 NAPP**  
**DATA ENTRY: September 9, 1999**  
**Steve Clelland**  
**\*\*\* Change of Ownership \*\*\***

# IDAHO DEPARTMENT OF WATER RESOURCES

## DUNCAN LTD PARTNERSHIP

T# \_\_\_\_\_ 36-02446,-07356



**T07S, R25E**

Duncan } need deed  
New Owners } to split  
Possibility of changing app. for  
transfer showing P/D's also call to  
36-02446

I need to converse out land  
prior to calling Duncan.  
Steve - Duncan property in 36 only  
delineated by green;  
The WP's show more acreage  
than land.

**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.

1. Water Right Number(s) \_\_\_\_\_  
 Adjudication Claim Number(s) R36-07356 1.81 cfs
  
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) Split Butte Ranch, Inc.  
4814 D River Road, Buhl, Idaho 83316
  
4. New Owner/Claimant(s) Duncan Limited Partnership and Paul and Kathy Duncan  
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR  
 New Mailing Address 750 East 100 South  
 City, State and ZIP Code Rupert, Idaho 83350  
 New Telephone Number (208) 436-0502
  
5. Date you acquired the property August 17, 1999
  
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 158 Number and type of stock NA  
 Diversion rate in CFS 1.81 cubic feet per second Number of homes NA Other uses NA  
 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)
 

|                                                                                                                  |                                            |
|------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| DUNCAN LIMITED PARTNERSHIP<br>By: <u>Paul H. Duncan</u><br><u>Paul H. Duncan</u><br>Paul Duncan, General Partner | Date <u>8-17-99</u><br>Date <u>8-17-99</u> |
|------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
  
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.

#22596

# CORPORATE WARRANTY DEED

443524

FOR VALUE RECEIVED,

SPLIT BUTTE RANCH, INC.

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

PAUL DUNCAN and KATHY DUNCAN, husband and wife, and  
THE DUNCAN LIMITED PARTNERSHIP  
Address: 750 East 100 South  
Rupert, Idaho 83350

BLAINE CO. REQUEST  
08/26/99  
99 AUG 26 PM 4 06  
MARSHA HEINS, CLERK  
FEES \$

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

See attached Exhibit "A" for legal description

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant including but not limited to 1.81 cfs in State of Idaho Water Adjudication Claim No. R36-07356.

SUBJECT TO:

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

Taxes for 1999 and subsequent years.

Power Line Easement from Warren Heins and Elise Heins, husband and wife, to Idaho Power Co. a corporation, dated March 9, 1976 and recorded March 16, 1977 as Instrument No. 268509, r Minidoka County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors b corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by this 17th day of August, 1999.

SPLIT BUTTE RANCH, INC.

BY: Warren W. Heins  
Warren W. Heins, President

ATTEST: Vicki J. Heins  
Vicki J. Heins, Secretary

FILE NO. \_\_\_\_\_  
99 AUG 25 15 : 20  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE \$ 9- DEPUTY

STATE OF OREGON )  
COUNTY OF LANE ) ss.

On this 20<sup>th</sup> day of August, 1999, before me, the undersigned, a Notary Public in and for said appeared WARREN W. HEINS and VICKI J. HEINS, known or identified to me to be t Secretary of the corporation that executed the instrument or the person who executed the ins of said corporation, and acknowledged to me that such corporation executed the same.



Susan Dorothy Ann Scott  
Notary Public  
Residing at: EUGENE, OREGON  
My Commission expires:  
4/17/01

EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 36:

Part of the E½, more particularly described as follows:

Beginning at the Northeast section corner of said Section 36, said corner marked by a U. S. General Land Office iron pipe with brass cap which shall be the Point of Beginning;

Thence South 00°02'35" East along the East section line for a distance of 2576.06 feet;

Thence North 88°48'20" West for a distance of 16.68 feet to a ½ inch rebar;

Thence North 88°48'20" West for a distance of 2126.42 feet to a ½ inch rebar;

Thence South 00°13'25" East for a distance of 198.23 feet to a ½ inch rebar;

Thence North 43°47'39" West for a distance of 52.02 feet to a ½ inch rebar;

Thence North 89°41'25" West for a distance of 458.72 feet to a ½ inch rebar on the West line of the SE¼;

Thence North 00°06'23" West along said line for a distance of 104.51 feet to the Center ¼ corner;

Thence North 00°06'23" West along the West line of the NE¼ for a distance of 2638.47 feet to the North ¼ corner marked by a 5/8 inch rebar;

Thence South 88°50'28" East along the North line of the NE¼ for a distance of 2640.29 feet to the Point of Beginning.

NE ¼

Township 7 South, Range 26 E.B.M., Blaine County, Idaho:

**Section 30:** Government Lots 3 and 4, EXC. LING a strip of land for roadway, running North and South on the West line of Section 30, said road more particularly described as:  
Commencing at the West Quarter Corner (monumented be a 5/8" rebar); thence  
South 00° 02' 16" East for 41.36 feet along the West section line to a point which shall be the TRUE POINT OF BEGINNING; thence  
North 89° 57' 44" East for 25.00 feet to the East line of the county road easement; thence  
South 10° 03' 06" East for 347.28 feet; thence  
South 03° 29' 54" East for 95.39 feet; thence  
South 03° 30' 56" East for 329.54 feet; thence  
South 07° 35' 39" East for 248.50 feet; thence  
South 00° 44' 41" East for 51.20 feet; thence  
South 05° 17' 00" West for 34.63 feet; thence  
South 20° 27' 07" West for 62.56 feet; thence  
South 32° 40' 44" West for 84.07 feet; thence  
South 26° 07' 42" West for 75.83 feet; thence  
South 09° 16' 57" West for 95.45 feet; thence  
South 89° 57' 44" West for 25.00 feet to a point on the West section line, said point being North 00° 02' 16" West for 1204.76 feet from the Southwest corner of Section 30 (section corner monumented be a brass cap); thence  
North 00° 02' 16" West for 147.90 feet along the West section line; thence  
North 26° 07' 42" East for 48.89 feet; thence  
North 32° 40' 44" East for 81.07 feet; thence  
North 20° 27' 07" East for 48.14 feet; thence  
North 05° 17' 00" East for 23.49 feet; thence  
North 00° 44' 41" West for 44.45 feet; thence  
North 07° 35' 39" West for 247.04 feet; thence  
North 03° 30' 56" West for 331.69 feet; thence  
North 03° 29' 54" West for 91.96 feet; thence  
North 10° 03' 06" West for 147.82 feet to a point on the West section line; thence  
North 00° 02' 16" West for 203.49 feet along the West section line to the TRUE POINT OF BEGINNING.

AND

**Section 30: SE1/4 SW1/4.**

AND

**Section 30:** A Parcel of land in the NE1/4 SW1/4, more particularly described as follows:

Beginning at the SE corner of the NE1/4 SW1/4 of Section 30, Township 7 South, Range 26 East, B.M., Blaine County, said corner marked by a 5/8" rebar which is the POINT OF BEGINNING; thence  
S. 89° 48' 51" W., 1,321.00 feet to the Southwest corner of the NE1/4 SW1/4; thence  
N. 00° 04' 53" E., 1,318.76 feet to the NW corner of the NE1/4 SW1/4; thence  
N. 89° 46' 59" E. along the North line of the NE1/4 SW1/4 for a distance of 34.52 feet to a 1/2" rebar; thence  
along a curve to the right for a distance of 1,674.95 feet to a 1/2" rebar on the East line of the NE1/4 SW1/4, said curve having a radius of 1,358.49 feet and a central angle of 70° 38' 34" with a long chord bearing of S. 54° 53' 44" E. for a distance of 1,570.85 feet; thence  
S. 00° 04' 23" W., along the East line of the NE1/4 SW1/4 for a distance of 411.26 feet to the POINT OF BEGINNING. (TL #7536)

AND

Township 7 South, Range 26 East, B.M., Blaine County, Idaho:

**Section 31:** NW1/4, EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

442432

QUITCLAIM DEED

RECEIVED #3647

SEP 03 1999

Department of Water Resources  
Southern Region

FOR VALUE RECEIVED, MATTHEW MICKELSEN and RAMIE MICKELSEN, husband and wife, and DAVID MICKELSEN AND DIXIE MICKELSEN, husband and wife, do hereby release, remise, grant, bargain, sell, convey and forever quit claim unto SPLIT BUTTE RANCH, INC., whose present address is 4814D River Rd., Buhl, ID, Idaho, the following described premises, located in Blaine and Minidoka Counties, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO.

together with their appurtenances

DATED this 29th day of March, 1999.

428765

Deed  
BLAINE CO. REQUEST  
OF Land Title &  
Escrow

'99 JUN 23 AM 11 59

MARSHA NIEMANN, CLERK

FEES \$15<sup>00</sup> mpp

Matthew Mickelsen  
Matthew Mickelsen

Ramie Mickelsen  
Ramie Mickelsen

David Mickelsen  
David Mickelsen

Dixie Mickelsen  
Dixie Mickelsen

QUITCLAIM DEED

## EXHIBIT "A"

A parcel of ground located in Section 36, Township 7 South, Range 25 E.B.M., Minidoka County, Idaho, described as:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;

Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;

Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;

Thence North 88°56'38" West along the South line of Sect. 36 for 1982.66 feet to a point;

Thence North 01°02'58" East for 37.49 feet to a 1/2 inch rebar;

Thence North 01°02'58" East for 1239.35 feet to a 1/2 inch rebar;

Thence North 89°03'28" East for 78.68 feet to a 1/2 inch rebar;

Thence North 00°10'53" West for 47.21 feet to a 1/2 inch rebar;

Thence North 78°47'40" West for 272.35 feet to a 1/2 inch rebar;

Thence North 00°15'49" West for 1122.27 feet to a 1/2 inch rebar;

Thence North 43°54'39" West for 52.13 feet to a 1/2 inch rebar;

Thence North 89°41'25" West for 458.72 feet to a 1/2 inch rebar;

Thence North 00°06'23" West for 2742.98 feet to a 5/8 inch rebar

at the North quarter section corner of Section 36;

Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.

Parcel #1: Township 7 South, Range 26 East, B.M., Blaine County, Idaho:  
 Section 30: SW¼, EXCEPT a strip of land for roadway, running North and South on the West line of Section 30, said road more particularly described as:  
 Commencing at the West Quarter Corner (monumented by a 5/8" rebar);  
 thence South 00°02'16" East for 41.36 feet along the West section line to a point which shall be the true point of beginning.  
 Thence North 89°57'44" East for 25.00 feet to the East line of the county road easement;  
 Thence South 10°03'06" East for 347.28 feet;  
 Thence South 03°29'54" East for 95.39 feet;  
 Thence South 03°30'56" East for 329.54 feet;  
 Thence South 07°35'39" East for 248.50 feet;  
 Thence South 00°44'41" East for 51.20 feet;  
 Thence South 05°17'00" West for 34.63 feet;  
 Thence South 20°27'07" West for 62.56 feet;  
 Thence South 32°40'44" West for 84.07 feet;  
 Thence South 26°07'42" West for 75.83 feet;  
 Thence South 09°16'57" West for 95.45 feet;  
 Thence South 89°57'44" West for 25.00 feet to a point on the West section line, said point being North 00°02'16" West for 1204.76 feet from the Southwest corner of Section 30 (section corner monumented by a brass cap);  
 Thence North 00°02'16" West for 147.90 feet along the West section line;  
 Thence North 26°07'42" East for 48.89 feet;  
 Thence North 32°40'44" East for 81.07 feet;  
 Thence North 20°27'07" East for 48.14 feet;  
 Thence North 05°17'00" East for 23.49 feet;  
 Thence North 00°44'41" West for 44.45 feet;  
 Thence North 07°35'39" West for 247.04 feet;  
 Thence North 03°30'56" West for 331.69 feet;  
 Thence North 03°29'54" West for 91.96 feet;  
 Thence North 10°03'06" West for 147.82 feet to a point on the West section line;  
 Thence North 00°02'16" West for 203.49 feet along the West section line to the true point of beginning.

This parcel contains 1.80 acres,  
 ALSO EXCEPTING Part of the SW¼ of Section 30 of Township 7 South, Range 26 East, Boise Meridian, Blaine County, Idaho.

Beginning at the Center ¼ corner of Section 30 of T. 7 S., R. 26 E., B.M., which shall be the Point of Beginning;

Thence South  $00^{\circ}04'23''$  West along the east line of the SW $\frac{1}{4}$  for a distance of 908.22 feet to a  $\frac{1}{2}$ " rebar;

Thence along a non-tangent curve to the left for a distance of 1,674.95 feet to a  $\frac{1}{2}$ " rebar on the north line of the SW $\frac{1}{4}$ , said curve having a radius of 1,358.49 feet and a central angle of  $70^{\circ}38'34''$  and a long chord bearing of North  $54^{\circ}53'44''$  West for a distance of 1,570.85 feet

Thence North  $89^{\circ}46'59''$  East along said line for a distance of 1,286.29 feet to the Point of Beginning.

Parcel #2: Township 7 South; Range 26 East, B.M., Blaine County, Idaho:  
Section 31: S $\frac{1}{2}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

442431

ESTOPPEL AFFIDAVIT

STATE OF IDAHO  
County of Minidoka

)  
) ss.  
)

MP FEES \$ 18.<sup>00</sup>  
MARCO J. HEINS, CLERK

'99 JUN 23 AM 11 58

#3647  
BLAINE CO. REQUEST  
OF *Hand Title*  
*Carson*

*price*

428764

Matthew Mickelsen and Ramie Mickelsen, husband and wife, and David Mickelsen and Dixie Mickelsen, husband and wife, being first duly sworn, depose and say:

That we are the parties who made, executed and delivered that certain Quitclaim Deed to Split Butte Ranch, Inc., dated March 29, 1999 conveying the following described real property, to-wit:

## SEE ATTACHED EXHIBIT "A"

That the aforesaid Quitclaim Deed was an absolute conveyance of the title to said land to the Grantee named therein in effect as well as in form, and was not and is not now intended as a Deed of Trust, Mortgage or security of any kind, and that possession of said land has been surrendered to the said Grantee; that the consideration is the full cancellation of all debts, obligations, costs and charges heretofore existing under and by virtue of the terms of a Promissory Note, Mortgages and Agreement heretofore existing on the property therein and dated the 20th day of August, 1996 and recorded as Instrument No. 425587 records of Minidoka County, Idaho, and as Instrument No. 393600 records of Blaine County, Idaho, and the cancellation of record by the said Grantee of said Promissory Note and the delivery to Matthew Mickelsen of the Note or other evidence of the debt secured by

said Mortgages duly cancelled, receipt of which said cancelled note or other document is hereby acknowledged.

The aforesaid Deed and conveyance was made by us at the result of request that the Grantee accept such Deed and was our free and voluntary act; that at the time of making said Deed we felt and still feel that the indebtedness above mentioned represented a fair value of the property so deeded; that said Deed was not given as a preference against any other of our creditors; that at the time it was given there was no other person or persons, firms or corporations, other than the Grantee herein named interested either directly or indirectly in said land; that we are solvent and have no other creditors whose rights would be prejudiced by such conveyance, and that we are not obligated upon any bond or other Mortgage or Deed of Trust whereby any lien has been created or exists against the premises described in said Deed; and that in offering to execute the aforesaid Deed to the Grantee therein, and in executing the same we are not acting under any misapprehension as to the effect thereof, nor under any duress, undue influence, or misrepresentation by the Grantee or any agent or attorney of the Grantee named in said Deed, and it is our intention as Grantors to convey and by said Deed do convey to the Grantee therein all our right, title and interest absolutely in and to the land described in said Deed and we do by said conveyance hereby waive and release any and all rights of redemption which we may have to said property.

This affidavit is made for the protection and benefit

of the aforesaid Grantee in said Deed, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property described therein, and shall bind the respective heirs, executors, administrators and assigns of the undersigned.

Matthew Mickelsen  
Matthew Mickelsen

Ramie Mickelsen  
Ramie Mickelsen

David Mickelsen  
David Mickelsen

Dixie Mickelsen  
Dixie Mickelsen

Subscribed and sworn to before me this 14<sup>th</sup> day of April, 1999.

Notary

Laurie French  
Notary Public  
Residing at Starbuck, Idaho  
Comm. Expires 5-2-2001



442431

RECORDED AT REQUEST OF  
Land Title Bureau  
FILE NO.

JUN 21 2 11 PM '99

MINIDOKA COUNTY, IDAHO

DUANE SMITH

RECORDER

FEE

18 DUTY 200

## EXHIBIT "A"

A parcel of ground located in Section 36, Township 7 South, Range 25 E.B.M., Minidoka County, Idaho, described as:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;

Thence South  $00^{\circ}05'00''$  East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;

Thence South  $00^{\circ}14'25''$  East along the East line of Section 36 for 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;

Thence North  $88^{\circ}56'38''$  West along the South line of Sect. 36 for 1982.66 feet to a point;

Thence North  $01^{\circ}02'58''$  East for 37.49 feet to a 1/2 inch rebar;

Thence North  $01^{\circ}02'58''$  East for 1239.35 feet to a 1/2 inch rebar;

Thence North  $89^{\circ}03'28''$  East for 78.68 feet to a 1/2 inch rebar;

Thence North  $00^{\circ}10'53''$  West for 47.21 feet to a 1/2 inch rebar;

Thence North  $78^{\circ}47'40''$  West for 272.35 feet to a 1/2 inch rebar;

Thence North  $00^{\circ}15'49''$  West for 1122.27 feet to a 1/2 inch rebar;

Thence North  $43^{\circ}54'39''$  West for 52.13 feet to a 1/2 inch rebar;

Thence North  $89^{\circ}41'25''$  West for 458.72 feet to a 1/2 inch rebar;

Thence North  $00^{\circ}06'23''$  West for 2742.98 feet to a 5/8 inch rebar at the North quarter section corner of Section 36;

Thence South  $88^{\circ}52'57''$  East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.

Parcel #1: Township 7 South, Range 26 East, B.M., Blaine County, Idaho:  
Section 30: SW¼, EXCEPT a strip of land for roadway, running North and South on the West line of Section 30, said road more particularly described as:  
Commencing at the West Quarter Corner (monumented be a 5/8" rebar);  
thence South 00°02'16" East for 41.36 feet along the West section line to a point which shall be the true point of beginning.  
Thence North 89°57'44" East for 25.00 feet to the East line of the county road easement;  
Thence South 10°03'06" East for 347.28 feet;  
Thence South 03°29'54" East for 95.39 feet;  
Thence South 03°30'56" East for 329.54 feet;  
Thence South 07°35'39" East for 248.50 feet;  
Thence South 00°44'41" East for 51.20 feet;  
Thence South 05°17'00" West for 34.63 feet;  
Thence South 20°27'07" West for 62.56 feet;  
Thence South 32°40'44" West for 84.07 feet;  
Thence South 26°07'42" West for 75.83 feet;  
Thence South 09°16'57" West for 95.45 feet;  
Thence South 89°57'44" West for 25.00 feet to a point on the West section line, said point being North 00°02'16" West for 1204.76 feet from the Southwest corner of Section 30 (section corner monumented be a brass cap);  
Thence North 00°02'16" West for 147.90 feet along the West section line;  
Thence North 26°07'42" East for 48.89 feet;  
Thence North 32°40'44" East for 81.07 feet;  
Thence North 20°27'07" East for 48.14 feet;  
Thence North 05°17'00" East for 23.49 feet;  
Thence North 00°44'41" West for 44.45 feet;  
Thence North 07°35'39" West for 247.04 feet;  
Thence North 03°30'56" West for 331.69 feet;  
Thence North 03°29'54" West for 91.96 feet;  
Thence North 10°03'06" West for 147.82 feet to a point on the West section line;  
Thence North 00°02'16" West for 203.49 feet along the West section line to the true point of beginning.

This parcel contains 1.80 acres,  
ALSO EXCEPTING Part of the SW¼ of Section 30 of Township 7 South, Range 26 East, Boise Meridian, Blaine County, Idaho.  
Beginning at the Center ¼ corner of Section 30 of T. 7 S., R. 26 E., B.M., which shall be the Point of Beginning;

Thence South  $00^{\circ}04'23''$  West along the east line of the SW $\frac{1}{4}$  for a distance of 908.22 feet to a  $\frac{1}{2}$ " rebar;

Thence along a non-tangent curve to the left for a distance of 1,674.95 feet to a  $\frac{1}{2}$ " rebar on the north line of the SW $\frac{1}{4}$ , said curve having a radius of 1,358.49 feet and a central angle of  $70^{\circ}38'34''$  and a long chord bearing of North  $54^{\circ}53'44''$  West for a distance of 1,570.85 feet

Thence North  $89^{\circ}46'59''$  East along said line for a distance of 1,286.29 feet to the Point of Beginning.

Parcel #2: Township 7 South; Range 26 East, B.M., Blaine County, Idaho:  
Section 31: S $\frac{1}{2}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

**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.

1. Water Right Number(s) \_\_\_\_\_  
 Adjudication Claim Number(s) R36-07356 B
  
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) Split Butte Ranch, Inc.  
4814 D River Road, Buhl, Idaho 83316
  
4. New Owner/Claimant(s) Duncan Limited Partnership and Paul and Kathy Duncan  
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR  
 New Mailing Address 750 East 100 South  
 City, State and ZIP Code Rupert, Idaho 83350  
 New Telephone Number (208) 436 - 0502
  
5. Date you acquired the property August 17, 1999
  
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 158 Number and type of stock NA  
 Diversion rate in CFS 1.81 Number of homes NA Other uses NA  
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) DUNCAN LIMITED PARTNERSHIP  
 By: Paul H. Duncan Date 8-17-99  
Paul H. Duncan General Partner  
Kathy J. Duncan Date 8-17-99
  
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)  
 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. This change to be completed via the Transfer on file.  
see 4/5/00

AUG-26-99 THU 04:46 PM 1ST A

PATTERSON

FAX NO. 208 3567

P. 02/02  
(Burley)

08/26/99 16:13 FAX 208 788

#22596

## CORPORATE WARRANTY DEED

443524

FOR VALUE RECEIVED,

SPLIT BUTTE RANCH, INC.

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant,  
bargain, sell and convey untoPAUL DUNCAN and KATHY DUNCAN, husband and wife, and  
THE DUNCAN LIMITED PARTNERSHIP  
Address: 750 East 100 South  
Rupert, Idaho 83350BLAINE CO. REQUEST  
OF:  
99 AUG 26 PM 4 06  
MARSHA HEINS, CLERK  
FEES \$

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

See attached Exhibit "A" for legal description

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant  
including but not limited to 1.81 cfs in State of Idaho Water Adjudication Claim No. R36-07356.

SUBJECT TO:

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

Taxes for 1999 and subsequent years.

Power Line Easement from Warren Heins and Elise Heins, husband and wife, to Idaho Power Co  
a corporation, dated March 9, 1976 and recorded March 16, 1977 as Instrument No. 268509, r  
Minidoka County, Idaho.TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE  
successors and assigns of the GRANTEE forever, except as aforesaid.IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors b  
corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by:  
this 17th day of August, 1999.

SPLIT BUTTE RANCH, INC.

BY: Warren W. Heins  
Warren W. Heins, PresidentATTEST: Vicki J. Heins  
Vicki J. Heins, Secretary99 AUG 25 15 : 20  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE 9- DEPUTYSTATE OF OREGON )  
COUNTY OF LANE ) ss.On this 20<sup>th</sup> day of August, 1999, before me, the undersigned, a Notary Public in and for said  
appeared WARREN W. HEINS and VICKI J. HEINS, known or identified to me to be t.  
Secretary of the corporation that executed the instrument or the person who executed the ins  
of said corporation, and acknowledged to me that such corporation executed the same.Susan Dorothy Ann Scott  
Notary Public  
Residing at: EUGENE, OREGON  
My Commission expires:  
4/17/01

EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 36: Part of the E½, more particularly described as follows:

Beginning at the Northeast section corner of said Section 36, said corner marked by a U. S. General Land Office iron pipe with brass cap which shall be the Point of Beginning;

Thence South 00°02'35" East along the East section line for a distance of 2576.06 feet;

Thence North 88°48'20" West for a distance of 16.68 feet to a ½ inch rebar;

Thence North 88°48'20" West for a distance of 2126.42 feet to a ½ inch rebar;

Thence South 00°13'25" East for a distance of 198.23 feet to a ½ inch rebar;

Thence North 43°47'39" West for a distance of 52.02 feet to a ½ inch rebar;

Thence North 89°41'25" West for a distance of 458.72 feet to a ½ inch rebar on the West line of the SE¼;

Thence North 00°06'23" West along said line for a distance of 104.51 feet to the Center ¼ corner;

Thence North 00°06'23" West along the West line of the NE¼ for a distance of 2638.47 feet to the North ¼ corner marked by a 5/8 inch rebar;

Thence South 88°50'28" East along the North line of the NE¼ for a distance of 2640.29 feet to the Point of Beginning.

Section 30: Government Lots 3 and 4, EXCEPT a strip of land for roadway, running North and South on the west line of Section 30, said road more particularly described as:

Commencing at the West Quarter Corner (monumented by a 5/8" rebar); thence

South 00° 02' 16" East for 41.36 feet along the West section line to a point which shall be the TRUE POINT OF BEGINNING; thence North 89° 57' 44" East for 25.00 feet to the East line of the county road easement; thence

South 10° 03' 06" East for 347.28 feet; thence

South 03° 29' 54" East for 95.39 feet; thence

South 03° 30' 56" East for 329.54 feet; thence

South 07° 35' 39" East for 248.50 feet; thence

South 00° 44' 41" East for 51.20 feet; thence

South 05° 17' 00" West for 34.63 feet; thence

South 20° 27' 07" West for 62.56 feet; thence

South 32° 40' 44" West for 84.07 feet; thence

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North 03° 29' 54" West for 91.96 feet; thence

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AND

Section 30: SE1/4 SW1/4.

AND

Section 30: A Parcel of land in the NE1/4 SW1/4, more particularly described as follows:

Beginning at the SE corner of the NE1/4 SW1/4 of Section 30, Township 7 South, Range 26 East, B.M., Blaine County, said corner marked by a 5/8" rebar which is the POINT OF BEGINNING; thence

S. 89° 48' 51" W., 1,321.00 feet to the Southwest corner of the NE1/4 SW1/4; thence

N. 00° 04' 53" E., 1,318.76 feet to the NW corner of the NE1/4 SW1/4; thence

N. 89° 46' 59" E. along the North line of the NE1/4 SW1/4 for a distance of 34.52 feet to a 1/2" rebar; thence

along a curve to the right for a distance of 1,674.95 feet to a 1/2" rebar on the East line of the NE1/4 SW1/4, said curve having a radius of 1,358.49 feet and a central angle of 70° 38' 34" with a long chord bearing of S. 54° 53' 44" E. for a distance of 1,570.85 feet; thence

S. 00° 04' 23" W., along the East line of the NE1/4 SW1/4 for a distance of 411.26 feet to the POINT OF BEGINNING. (TL #7536)

AND

Township 7 South, Range 26 East, B.M., Blaine County, Idaho:

Section 31: NW1/4, EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

AUG-26-99 THU 04:46 PM 1ST AM-M. PATTERSON

FAX NO. 2087263567

P. 02/02  
(Burley)

08/26/99 16:13 FAX 208 788

#22596

## CORPORATE WARRANTY DEED

443524

FOR VALUE RECEIVED,

SPLIT BUTTE RANCH, INC.

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

PAUL DUNCAN and KATHY DUNCAN, husband and wife, and  
THE DUNCAN LIMITED PARTNERSHIP  
Address: 750 East 100 South  
Rupert, Idaho 83350FEE \$  
MARCIA H. ELLIOTT, CLERK  
99 AUG 26 PM 4 06

BLAINE CO. REQUEST

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See attached Exhibit "A" for legal description

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant including but not limited to 1.81 cfs in State of Idaho Water Adjudication Claim No. R36-07356.

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Power Line Easement from Warren Heins and Elise Heins, husband and wife, to Idaho Power C a corporation, dated March 9, 1976 and recorded March 16, 1977 as Instrument No. 268509, r Minidoka County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTOR successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors h corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by this 17th day of August, 1999.

SPLIT BUTTE RANCH, INC.

BY:

Warren W. Heins, President

ATTEST:

Vicki J. Heins, Secretary

99 AUG 25 15 : 20  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE 9- DEPUTY

STATE OF OREGON )

COUNTY OF LANE ) ss.

On this 20<sup>th</sup> day of August, 1999, before me, the undersigned, a Notary Public in and for sai appeared WARREN W. HEINS and VICKI J. HEINS, known or identified to me to be Secretary of the corporation that executed the instrument or the person who executed the in of said corporation, and acknowledged to me that such corporation executed the same.Susan Dorothy Ann Scott  
Notary Public  
Residing at: EUGENE, OREGON  
My Commission expires: 4/17/01

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TOWNSHIP 7 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

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South 03° 29' 54" East for 95.39 feet; thence  
South 03° 30' 56" East for 329.54 feet; thence  
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South 00° 44' 41" East for 51.20 feet; thence  
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AND

Section 30: SE1/4 SW1/4.

AND

Section 30: A Parcel of land in the NE1/4 SW1/4, more particularly described as follows:

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S. 89° 48' 51" W., 1,321.00 feet to the Southwest corner of the NE1/4 SW1/4; thence  
N. 00° 04' 53" E., 1,318.76 feet to the NW corner of the NE1/4 SW1/4; thence  
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along a curve to the right for a distance of 1,674.95 feet to a 1/2" rebar on the East line of the NE1/4 SW1/4, said curve having a radius of 1,358.49 feet and a central angle of 70° 38' 34" with a long chord bearing of S. 54° 53' 44" E. for a distance of 1,570.85 feet; thence  
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AND

Township 7 South, Range 26 East, B.M., Blaine County, Idaho:

Section 31: NW1/4, EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

RECEIVED #3647

SEP 03 1999

Department of Water Resources  
Southern Region

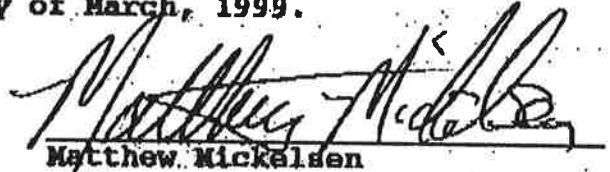
442432

QUITCLAIM DEED

FOR VALUE RECEIVED, MATTHEW MICKELSEN and RAMIE MICKELSEN, husband and wife, and DAVID MICKELSEN AND DIXIE MICKELSEN, husband and wife, do hereby release, remise, grant, bargain, sell, convey and forever quit claim unto SPLIT BUTTE RANCH, INC., whose present address is 4814D River Rd., Buhl, ID, Idaho, the following described premises, located in Blaine and Minidoka Counties, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO.

together with their appurtenances

DATED this 29<sup>th</sup> day of March, 1999.


Matthew Mickelsen



Ramie Mickelsen



David Mickelsen



Dixie Mickelsen

428765

Deed  
BLAINE CO. REQUEST  
OF Land Title & Escrow

'99 JUN 23 AM 11 59

MARSHA NIEMANN, CLERK  
FEES \$15<sup>00</sup> mpp

QUITCLAIM DEED

## EXHIBIT "A"

A parcel of ground located in Section 36, Township 7 South, Range 25 E.B.M., Minidoka County, Idaho, described as:  
Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;  
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;  
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Thence North 88°56'38" West along the South line of Sect. 36 for 1982.66 feet to a point;  
Thence North 01°02'58" East for 37.49 feet to a 1/2 inch rebar;  
Thence North 01°02'58" East for 1239.35 feet to a 1/2 inch rebar;  
Thence North 89°03'28" East for 78.68 feet to a 1/2 inch rebar;  
Thence North 00°10'53" West for 47.21 feet to a 1/2 inch rebar;  
Thence North 78°47'40" West for 272.35 feet to a 1/2 inch rebar;  
Thence North 00°15'49" West for 1122.27 feet to a 1/2 inch rebar;  
Thence North 43°54'39" West for 52.13 feet to a 1/2 inch rebar;  
Thence North 89°41'25" West for 458.72 feet to a 1/2 inch rebar;  
Thence North 00°06'23" West for 2742.98 feet to a 5/8 inch rebar at the North quarter section corner of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.

Parcel #1: Township 7 South, Range 26 East, B.M., Blaine County, Idaho:  
Section 30: SW¼, EXCEPT a strip of land for roadway, running North and South on the West line of Section 30, said road more particularly described as:  
Commencing at the West Quarter Corner (monumented be a 5/8" rebar);  
thence South 00°02'16" East for 41.36 feet along the West section line to a point which shall be the true point of beginning.  
Thence North 89°57'44" East for 25.00 feet to the East line of the county road easement;  
Thence South 10°03'06" East for 347.28 feet;  
Thence South 03°29'54" East for 95.39 feet;  
Thence South 03°30'56" East for 329.54 feet;  
Thence South 07°35'39" East for 248.50 feet;  
Thence South 00°44'41" East for 51.20 feet;  
Thence South 05°17'00" West for 34.63 feet;  
Thence South 20°27'07" West for 62.56 feet;  
Thence South 32°40'44" West for 84.07 feet;  
Thence South 26°07'42" West for 75.83 feet;  
Thence South 09°16'57" West for 95.45 feet;  
Thence South 89°57'44" West for 25.00 feet to a point on the West section line, said point being North 00°02'16" West for 1204.76 feet from the Southwest corner of Section 30 (section corner monumented be a brass cap);  
Thence North 00°02'16" West for 147.90 feet along the West section line;  
Thence North 26°07'42" East for 48.89 feet;  
Thence North 32°40'44" East for 81.07 feet;  
Thence North 20°27'07" East for 48.14 feet;  
Thence North 05°17'00" East for 23.49 feet;  
Thence North 00°44'41" West for 44.45 feet;  
Thence North 07°35'39" West for 247.04 feet;  
Thence North 03°30'56" West for 331.69 feet;  
Thence North 03°29'54" West for 91.96 feet;  
Thence North 10°03'06" West for 147.82 feet to a point on the West section line;  
Thence North 00°02'16" West for 203.49 feet along the West section line to the true point of beginning.

This parcel contains 1.80 acres,  
ALSO EXCEPTING Part of the SW¼ of Section 30 of Township 7 South, Range 26 East, Boise Meridian, Blaine County, Idaho.  
Beginning at the Center ¼ corner of Section 30 of T. 7 S., R. 26 E., B.M., which shall be the Point of Beginning;

Thence South  $00^{\circ}04'23''$  West along the east line of the SW $\frac{1}{4}$  for a distance of 908.22 feet to a  $\frac{1}{2}$ " rebar;

Thence along a non-tangent curve to the left for a distance of 1,674.95 feet to a  $\frac{1}{2}$ " rebar on the north line of the SW $\frac{1}{4}$ , said curve having a radius of 1,358.49 feet and a central angle of  $70^{\circ}38'34''$  and a long chord bearing of North  $54^{\circ}53'44''$  West for a distance of 1,570.85 feet

Thence North  $89^{\circ}46'59''$  East along said line for a distance of 1,286.29 feet to the Point of Beginning.

Parcel #2: Township 7 South; Range 26 East, B.M., Blaine County, Idaho;  
Section 31: S $\frac{1}{2}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

442431

ESTOPPEL AFFIDAVIT

STATE OF IDAHO

County of Minidoka

)  
) ss.  
)

#3647  
BLAINE CO. REQUEST  
OF *David Title*  
99 JUN 23 AM 11 58  
MARSHA J. DEAN, CLERK  
MP FEES \$ 18.<sup>00</sup>  
428764

Matthew Mickelsen and Ramie Mickelsen, husband and wife, and David Mickelsen and Dixie Mickelsen, husband and wife, being first duly sworn, depose and say:

That we are the parties who made, executed and delivered that certain Quitclaim Deed to Split Butte Ranch, Inc., dated March 29, 1999 conveying the following described real property, to-wit:

SEE ATTACHED EXHIBIT "A"

That the aforesaid Quitclaim Deed was an absolute conveyance of the title to said land to the Grantee named therein in effect as well as in form, and was not and is not now intended as a Deed of Trust, Mortgage or security of any kind, and that possession of said land has been surrendered to the said Grantee; that the consideration is the full cancellation of all debts, obligations, costs and charges heretofore existing under and by virtue of the terms of a Promissory Note, Mortgages and Agreement heretofore existing on the property therein and dated the 20th day of August, 1996 and recorded as Instrument No. 425587 records of Minidoka County, Idaho, and as Instrument No. 393600 records of Blaine County, Idaho, and the cancellation of record by the said Grantee of said Promissory Note and the delivery to Matthew Mickelsen of the Note or other evidence of the debt secured by

said Mortgages duly cancelled, receipt of which said cancelled note or other document is hereby acknowledged.

The aforesaid Deed and conveyance was made by us at the result of request the that Grantee accept such Deed and was our free and voluntary act; that at the time of making said Deed we felt and still feel that the indebtedness above mentioned represented a fair value of the property so deeded; that said Deed was not given as a preference against any other of our creditors; that at the time it was given there was no other person or persons, firms or corporations, other than the Grantee herein named interested either directly or indirectly in said land; that we are solvent and have no other creditors whose rights would be prejudiced by such conveyance, and that we are not obligated upon any bond or other Mortgage or Deed of Trust whereby any lien has been created or exists against the premises described in said Deed; and that in offering to execute the aforesaid Deed to the Grantee therein, and in executing the same we are not acting under any misapprehension as to the effect thereof, nor under any duress, undue influence, or misrepresentation by the Grantee or any agent or attorney of the Grantee named in said Deed, and it is our intention as Grantors to convey and by said Deed do convey to the Grantee therein all our right, title and interest absolutely in and to the land described in said Deed and we do by said conveyance hereby waive and release any and all rights of redemption which we may have to said property.

This affidavit is made for the protection and benefit

of the aforesaid Grantee in said Deed, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property described therein, and shall bind the respective heirs, executors, administrators and assigns of the undersigned.

Matthew Mickelsen  
Matthew Mickelsen

Ramie Mickelsen  
Ramie Mickelsen

David Mickelsen  
David Mickelsen

Dixie Mickelsen  
Dixie Mickelsen

Subscribed and sworn to before me this 11<sup>th</sup> day of April, 1999.

*Notary*



Laurie French  
Notary Public  
Residing at Shoshone, Idaho  
Comm. Expires 5-2-2001

442431

RECORDED AT REQUEST OF  
Land Title Bureau  
FILE NO.

JUN 21 2 11 PM '99

MINIDOKA COUNTY, IDAHO

DUANE SMITH

RECORDER

FEE 12 DEPUTY 200

## EXHIBIT "A"

A parcel of ground located in Section 36, Township 7 South, Range 25 E.B.M., Minidoka County, Idaho, described as:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;

Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;

Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;

Thence North 88°56'38" West along the South line of Sect. 36 for 1982.66 feet to a point;

Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;

Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;

Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;

Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;

Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;

Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;

Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;

Thence North 89°41'25" West for 458.72 feet to a ½ inch rebar;

Thence North 00°06'23" West for 2742.98 feet to a 5/8 inch rebar

at the North quarter section corner of Section 36;

Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.

Parcel #1: Township 7 South, Range 26 East, B.M., Blaine County, Idaho:  
Section 30: SW¼, EXCEPT a strip of land for roadway, running North and South on the West line of Section 30, said road more particularly described as:  
Commencing at the West Quarter Corner (monumented be a 5/8" rebar);  
thence South 00°02'16" East for 41.36 feet along the West section line to a point which shall be the true point of beginning.  
Thence North 89°57'44" East for 25.00 feet to the East line of the county road easement;  
Thence South 10°03'06" East for 347.28 feet;  
Thence South 03°29'54" East for 95.39 feet;  
Thence South 03°30'56" East for 329.54 feet;  
Thence South 07°35'39" East for 248.50 feet;  
Thence South 00°44'41" East for 51.20 feet;  
Thence South 05°17'00" West for 34.63 feet;  
Thence South 20°27'07" West for 62.56 feet;  
Thence South 32°40'44" West for 84.07 feet;  
Thence South 26°07'42" West for 75.83 feet;  
Thence South 09°16'57" West for 95.45 feet;  
Thence South 89°57'44" West for 25.00 feet to a point on the West section line, said point being North 00°02'16" West for 1204.76 feet from the Southwest corner of Section 30 (section corner monumented be a brass cap);  
Thence North 00°02'16" West for 147.90 feet along the West section line;  
Thence North 26°07'42" East for 48.89 feet;  
Thence North 32°40'44" East for 81.07 feet;  
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Thence North 00°44'41" West for 44.45 feet;  
Thence North 07°35'39" West for 247.04 feet;  
Thence North 03°30'56" West for 331.69 feet;  
Thence North 03°29'54" West for 91.96 feet;  
Thence North 10°03'06" West for 147.82 feet to a point on the West section line;  
Thence North 00°02'16" West for 203.49 feet along the West section line to the true point of beginning.

This parcel contains 1.80 acres,  
ALSO EXCEPTING Part of the SW¼ of Section 30 of Township 7 South, Range 26 East, Boise Meridian, Blaine County, Idaho.  
Beginning at the Center ¼ corner of Section 30 of T. 7 S., R. 26 E., B.M., which shall be the Point of Beginning;

Thence South  $00^{\circ}04'23''$  West along the east line of the SW $\frac{1}{4}$  for a distance of 908.22 feet to a  $\frac{1}{2}$ " rebar;

Thence along a non-tangent curve to the left for a distance of 1,674.95 feet to a  $\frac{1}{2}$ " rebar on the north line of the SW $\frac{1}{4}$ , said curve having a radius of 1,358.49 feet and a central angle of  $70^{\circ}38'34''$  and a long chord bearing of North  $54^{\circ}53'44''$  West for a distance of 1,570.85 feet

Thence North  $89^{\circ}46'59''$  East along said line for a distance of 1,286.29 feet to the Point of Beginning.

Parcel #2: Township 7 South; Range 26 East, B.M., Blaine County, Idaho:  
Section 31: S $\frac{1}{2}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

SEP 15 1997

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).: 36-13530 36-07356  
Adjudication Claim No(s).: ~~R36-02109A~~ R36-02447A
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: Split Butte Ranch
4. New Owner/Claimant(s): David & Dixie Mickelsen Matthew & Ramie Mickelsen  
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or  
New Mailing Address: 601 BN Hwy 24  
City, State and ZIP Code: Rupert, Id. 83350  
New Telephone Number: (208) 531-5557
5. Date you acquired the property: Aug 20 1996
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 325 Number and type of stock \_\_\_\_\_  
Diversion rate in CFS pro rata Number of homes 3 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): David R Mickelsen  
9-15-97  
(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..

Records modified by S. Clelland 9-97.  
NCAP prepared 02-02-98.  
-PS

RB 1-30-98

Claimant Acknowledgement of Change in Attorney  
in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

David & Dixie Mickelsen Matthew & Ramie Mickelsen  
I/we acknowledge (check one):

☒ The attorney formerly representing me has withdrawn and I/we will be  
representing myself/ourselves.

☐ I/we are now represented by the attorney at the address below.

RECEIVED

SEP 15 1997

Department of Water Resources  
Southern Region

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attorney's Phone \_\_\_\_\_

The SRBA water right claim notice(s) affected by this change are listed below or  
on the attached sheet(s).

36-13530 36-07356 \_\_\_\_\_  
\_\_\_\_\_

For Individuals:

Authorized signature(s) Date 9-15-97  
David R Mickelsen

For Organizations:

I am \_\_\_\_\_ of \_\_\_\_\_, and I

Title

Organization

have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_

Title

Organization

Signature of Authorized Agent \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Organization \_\_\_\_\_

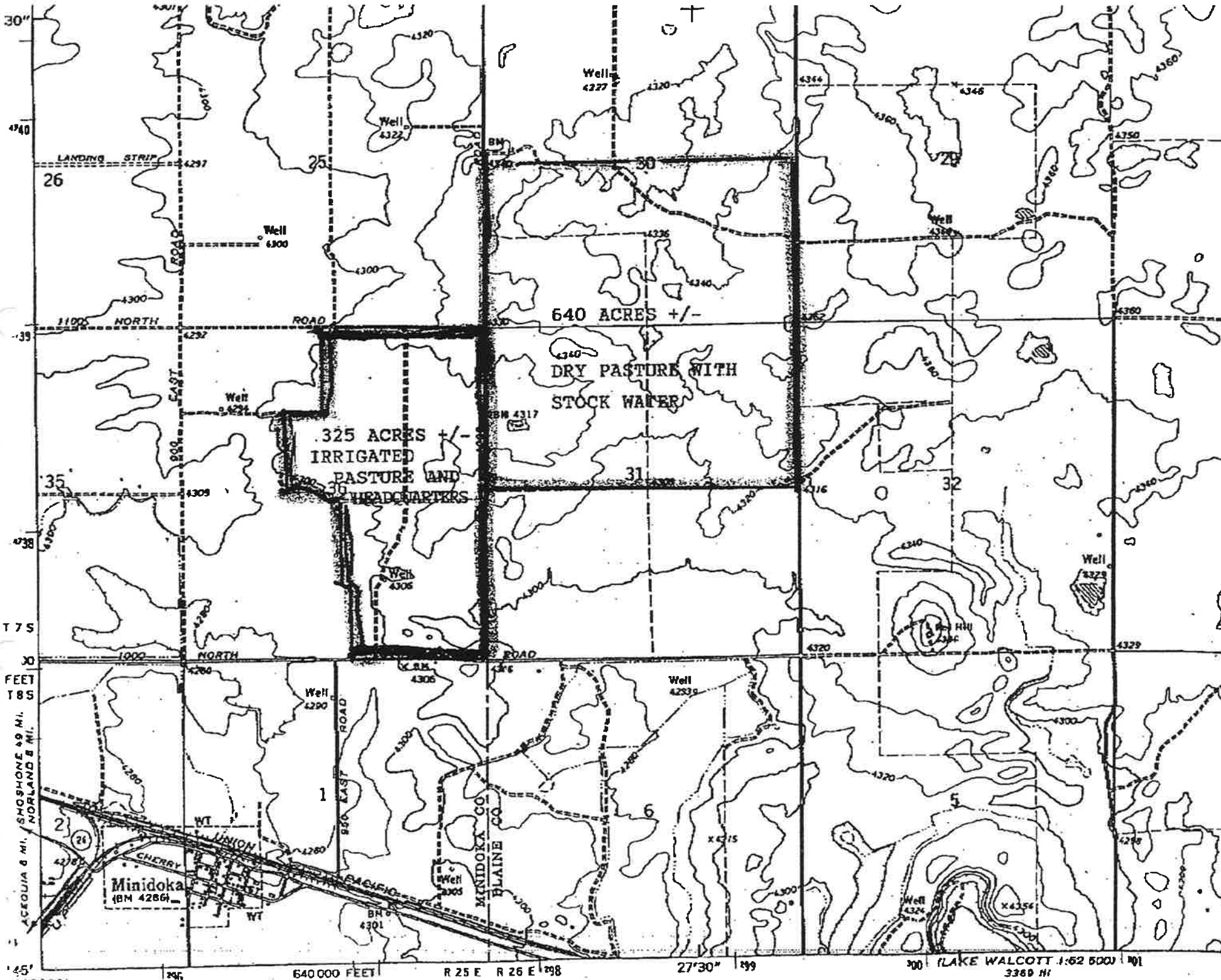
IDWR Use:

Date Received \_\_\_\_\_

Data Entry \_\_\_\_\_

Revised Date 4-03-92

36-13530  
✓ - 07356  
✓ - 02109A  
✓ - 02447A



36-13530 - 36-07356 - 36-02109A - 36-02447A

## WARRANTY DEED

For Value Received Split Butte Ranch, Inc., the grantor, does hereby grant, bargain, sell, and convey unto David and Dixie Mickelsen, Husband and Wife, and Matthew and Ramie Mickelsen, Husband and Wife, the grantees, whose current addresses are Route 4, Box 214, Rupert, Idaho, 83350, and 725 N. Highway 24, Rupert, Idaho, 83350, respectively, the following described premises, to-wit:

Parcel A: A parcel of ground located in Section 36, Township 7 South, Range 25 E.B.M., Minidoka County, Idaho, described as:  
Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;  
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;  
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;  
Thence North 88°56'38" West along the South line of Section 36 for 1982.66 feet to a point;  
Thence North 01°02'58" East for 37.49 feet to a 1/2 inch rebar;  
Thence North 01°02'58" East for 1239.35 feet to a 1/2 inch rebar;  
Thence North 89°03'28" East for 78.68 feet to a 1/2 inch rebar;  
Thence North 00°10'53" West for 47.21 feet to a 1/2 inch rebar;  
Thence North 78°47'40" West for 272.35 feet to a 1/2 inch rebar;  
Thence North 00°15'49" West for 1122.27 feet to a 1/2 inch rebar;  
Thence North 43°54'39" West for 52.13 feet to a 1/2 inch rebar;  
Thence North 89°43'54" West for 561.95 feet to a 1/2 inch rebar;  
Thence North 64°50'51" West for 69.79 feet to a 1/2 inch rebar;  
Thence North 50°17'16" West for 200.49 feet to a 1/2 inch rebar;  
Thence North 89°43'41" West for 874.35 feet to a 1/2 inch rebar;  
Thence North 00°55'56" East for 1270.63 feet to a 1/2 inch rebar;  
Thence South 88°50'12" East for 973.71 feet to a 1/2 inch rebar;  
Thence North 01°11'23" East for 1333.41 feet to a 1/2 inch rebar on the North line of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet to a 5/8 inch rebar at the North quarter section corner of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.

Subject to the following encumbrances:

Those encumbrances which can be discovered by inspection or a survey of the Real Property and government regulations and restrictions, and those set out in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said

36-13530  
- 07356  
- 02447A  
- 02109A

Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 20<sup>th</sup> day of August, 1996.

SPLIT BUTTE RANCH, INC.

By *Elise Heins*  
Elise Heins, President

STATE OF IDAHO )

: ss

County of Cassia)

On the 20<sup>th</sup> day of August, 1996, before me the undersigned Notary Public, personally appeared ELISE HEINS, known or identified to me to be the President of Split Butte Ranch, Inc., and acknowledged to me that such corporation executed the same.

[SEAL] LARRY ROBERTS  
☆ NOTARY PUBLIC ☆  
STATE OF IDAHO  
RESIDING AT BURLEY, ID  
MY COMMISSION EXPIRES 6-30-97

*Larry Roberts*  
NOTARY PUBLIC FOR IDAHO  
Commission Expires: 6.30.97

425586

RECORDED AT REQUEST OF  
Land Title Report  
FILM NO. \_\_\_\_\_

'96 AUG 22 15 : 05  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE 12.00 DEPUTY Ba

36-13530

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36-02447A

**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B - SECTION II  
EXCEPTIONS**

Order Number: 11046

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

**PART I:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Any lien or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
7. Taxes for 1996 and subsequent years, a lien, but not yet due or payable.
8. A Power Line Easement, dated December 10, 1953, executed by Lawrence H. Duffin and Doris E. Duffin, husband and wife, to Idaho Power Company, a corporation, recorded March 16, 1954 as Document No. 116958 in Book 29 of Deeds, Page 569, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.  
(Affects the herein described and other real property.)
9. A Power Line Easement, dated June 30, 1963, executed by W. W. Newcomb and Marjorie P. Newcomb, husband and wife, to Idaho Power Company, a corporation, recorded September 30, 1963 as Document No. 166978, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.  
(Affects part of the herein described and other real property.)

(CONTINUED)

36-13530  
36-07356  
36-02109A  
36-02447A

**SCHEDULE B - SECTION 2  
SPECIAL EXCEPTIONS  
(Continued)**

10. A Power Line Easement, dated January 5, 1970, executed by Warren W. Heins and Elise F. Heins, husband and wife, to Idaho Power Company, a corporation, recorded May 22, 1970 as Document No. 209792, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.
11. A Power Line Easement, dated April 22, 1974, executed by Warren W. Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, recorded August 7, 1974 as Document No. 243931, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.
12. A Power Line Easement, dated August 19, 1974, executed by Warren W. Heins and Elise F. Heins, husband and wife, to Idaho Power Company, a corporation, recorded January 28, 1975 as Document No. 247379, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.
13. A Power Line Easement, dated August 13, 1975, executed by Warren W. Heins and Elise F. Heins, husband and wife, to Idaho Power Company, a corporation, recorded November 21, 1975 as Document No. 254792, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.
14. A Power Line Easement, dated March 9, 1976, executed by Warren Heins and Elise Heins, husband and wife, to Idaho Power Company, a corporation, recorded March 16, 1977 as Document No. 268509, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.
15. The land described in this commitment shall not be deemed to include any house trailer or mobile home located on the premises.
16. Financing Statements, Seed and Farm Laborer's liens against crops which are filed in the office of the Secretary of State.

END OF SCHEDULE B

36-13530

36-07356

36-02109A

36-02447A

# 19154

11046  
EC-710

WARRANTY DEED

For Value Received Split Butte Ranch, Inc., the grantor, does hereby grant, bargain, sell, and convey unto David and Dixie Mickelsen, Husband and Wife, and Matthew and Ramie Mickelsen, Husband and Wife, the grantees, whose current addresses are Route 4, Box 214, Rupert, Idaho, 83350, and 725 N. Highway 24, Rupert, Idaho, 83350, respectively, the following described premises, to-wit:

Parcel 1: Township 7 South, Range 26 East, B.M., Blaine County, Idaho: Section 30: S1/2, EXCEPT a strip of land for roadway, running North and South on the West line of Section 30, said road more particularly described as:

Commencing at the West Quarter Corner (monumented by a 5/8" rebar); thence South 00°02'16" East for 41.36 feet along the West section line to a point which shall be the true point of beginning.

Thence North 89°57'44" East for 25.00 feet to the East line of the county road easement;

Thence South 10°03'06" East for 347.28 feet;

Thence South 03°29'54" East for 95.39 feet;

Thence South 03°30'56" East for 329.54 feet;

Thence South 07°35'39" East for 248.50 feet;

Thence South 00°44'41" East for 51.20 feet;

Thence South 05°17'00" West for 34.63 feet;

Thence South 20°27'07" West for 62.56 feet;

Thence South 32°40'44" West for 84.07 feet;

Thence South 26°07'42" West for 75.83 feet;

Thence South 09°16'57" West for 95.45 feet;

Thence South 89°57'44" West for 25.00 feet to a point on the West section line, said point being North 00°02'16" West for 1204.76 feet from the Southwest corner of Section 30 (section corner monumented by a brass cap);

Thence North 00°02'16" West for 147.90 feet along the West section line;

Thence North 26°07'42" East for 48.89 feet;

Thence North 32°40'44" East for 81.07 feet;

Thence North 20°27'07" East for 48.14 feet;

Thence North 05°17'00" East for 23.49 feet;

Thence North 00°44'41" West for 44.45 feet;

Thence North 07°35'39" West for 247.04 feet;

Thence North 03°30'56" West for 331.69 feet;

Thence North 03°29'54" West for 91.96 feet;

Thence North 10°03'06" West for 147.82 feet to a point on the West section line;

Thence North 00°02'16" West for 203.49 feet along the West section line to the true point of beginning.

Parcel 2: Township 7 South, Range 26 East, B.M., Blaine County, Idaho: Section 31: N1/2, EXCEPT a strip of land fifty feet (50') wide for road purposes along the South side of the North one-half of said Section 31.

BLAINE CO. REQUEST  
FIRST AMERICAN TITLE  
OF \_\_\_\_\_

1996 AUG 22 P 3: 45

393598

MARY GREEN, CLERK

Deed

FEES \$ 9.00

36-13530

36-07356

36-02109A

36-02447A

Subject to the following encumbrances:

Those which can be discovered by inspection or a survey of the Real Property and government regulations and restrictions, and those set out in Exhibit A attached hereto and incorporated herein by reference.

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

DATED this 20<sup>th</sup> day of August, 1996.

SPLIT BUTTE RANCH, INC.

By Elise Heins  
Elise Heins, President

STATE OF IDAHO )  
                                  : ss  
County of Cassia )

On the 20<sup>th</sup> day of August, 1996, before me the undersigned Notary Public, personally appeared ELISE HEINS, known or identified to me to be the President of Split Butte Ranch, Inc., and acknowledged to me that such corporation executed the same.

[SEAL]

LARRY ROBERTS  
☆ NOTARY PUBLIC ☆  
STATE OF IDAHO

RESIDING AT BURLEY, ID  
MY COMMISSION EXPIRES 6-30-97

Larry Roberts  
NOTARY PUBLIC FOR IDAHO

Commission Expires: 6-30-97

36-13530

36-07356

36-02109A

36-02447A

No. 19154

**SCHEDULE B - SECTION 2**

**Exceptions**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

**PART 1:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 1996, a lien not yet due and payable.
8. Power Line Easement in favor of Idaho Power Company, recorded as Instrument No. 157248, records of Blaine County, Idaho. (Affects Parcel I)
9. Terms and Conditions of that certain unrecorded Contract of Sale dated March 14, 1974 as disclosed in Assignment of Contract Purchasers' Interest, recorded June 4, 1984, as Instrument No. 252340, records of Blaine County, Idaho. (Affects Parcel I)

NOTE: The Legal description contained herein is not sufficient to pass title per the Assessor's Office and if the deed contains this description, the tax rolls will not reflect the new owners.

NOTE: Copies of the above Documents are available on request.

NOTE: The taxes for 1995 were in the amount of \$65.64, which are paid in full. (Parcel #07S260306720 - Affects Parcel I)

NOTE: The taxes for 1995 were in the amount of \$65.64, which are paid in full. (Parcel #07S260316730 - Affects Parcel II)

36-02109A

36-02447A

END OF SCHEDULE B II

36-13530

36-07356

# TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: CHARLIE HONSINGER

TOTAL PAGES SENT: 8

DOCUMENT DESCRIPTION: DUNCAN-HEINS Mix

FROM: IDAHO DEPARTMENT OF WATER RESOURCES  
1341 Fillmore Street, Suite 200  
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: Steve

## 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: \_\_\_\_\_

Please remit to the above address.

COMMENTS: \_\_\_\_\_

09/11 10:36

00:05:49

09

OK

STANDARD

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

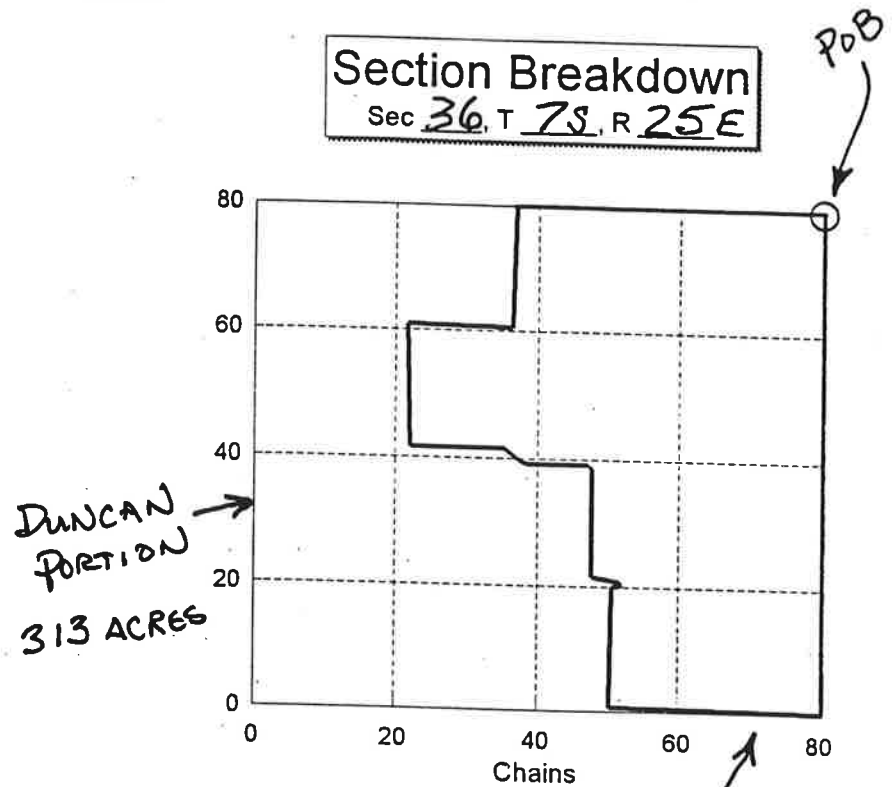
TIME : 09/11/1997 10:41  
NAME : IDWR SOUTHERN REGION  
FAX : 2087363037  
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT



|       |       |
|-------|-------|
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |

2



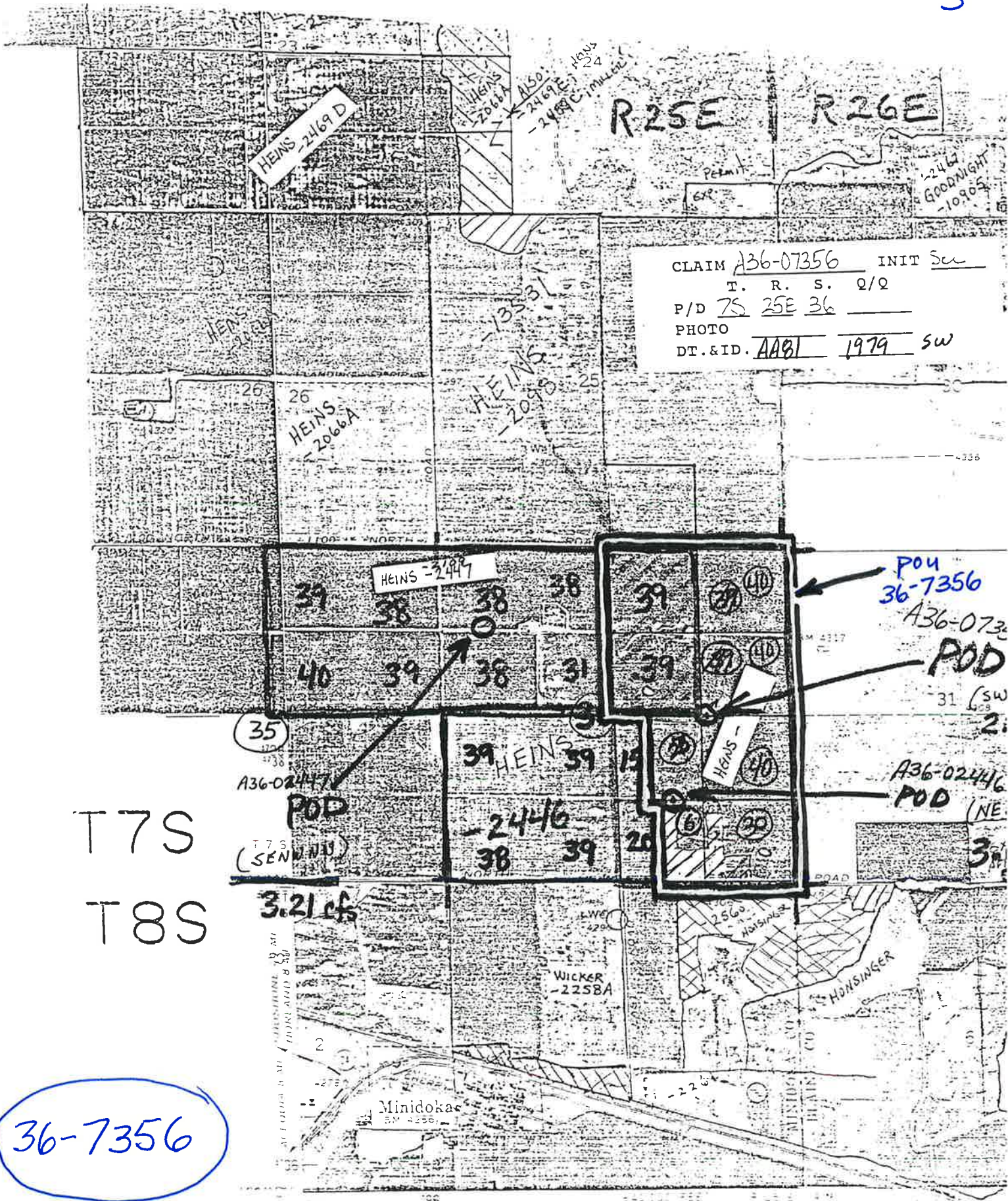
EXCEPTION AS  
DESCRIBED IN  
EXHIBIT "A"  
= 327. ACRES

06/27/97 11:37 AM

Acres = 327.17

HEINS - Duncan  
owner change

By: SCC





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

4

16-Oct-1992 15:02

Warren & Elise Heins  
Rt 3 Box 220  
Rupert, ID 83350

RE: Split Butte Ranch SRBA 36-02109, 36-02446, 36-02447 & 36-07356

Dear Mr. & Mrs. Heins:

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

Your NOE indicates that you would like the recommendations to show a longer season of use for irrigation. For the reasons stated in my earlier letter to you regarding 36-02098 & others, the season of use that will be recommended in the Director's Report will remain as proposed.

Additionally your NOE indicates these rights as recommended in a common system with three wells tied together are in fact three separate systems. IDWR's recommendations of a common system were based on the fact that the places of use of the original records overlapped and it must have been incorrectly deduced that to be this way the wells had to have been tied together. Based on the description given to me on the phone yesterday by Elise and by using NAPP photography and the original water right files I have modified our recommendations to describe the acres irrigated by three separate systems. (Please find enclosed profile reports of the corrected recommendations for 36-02109, 36-02446, 36-02447 & 36-07356)

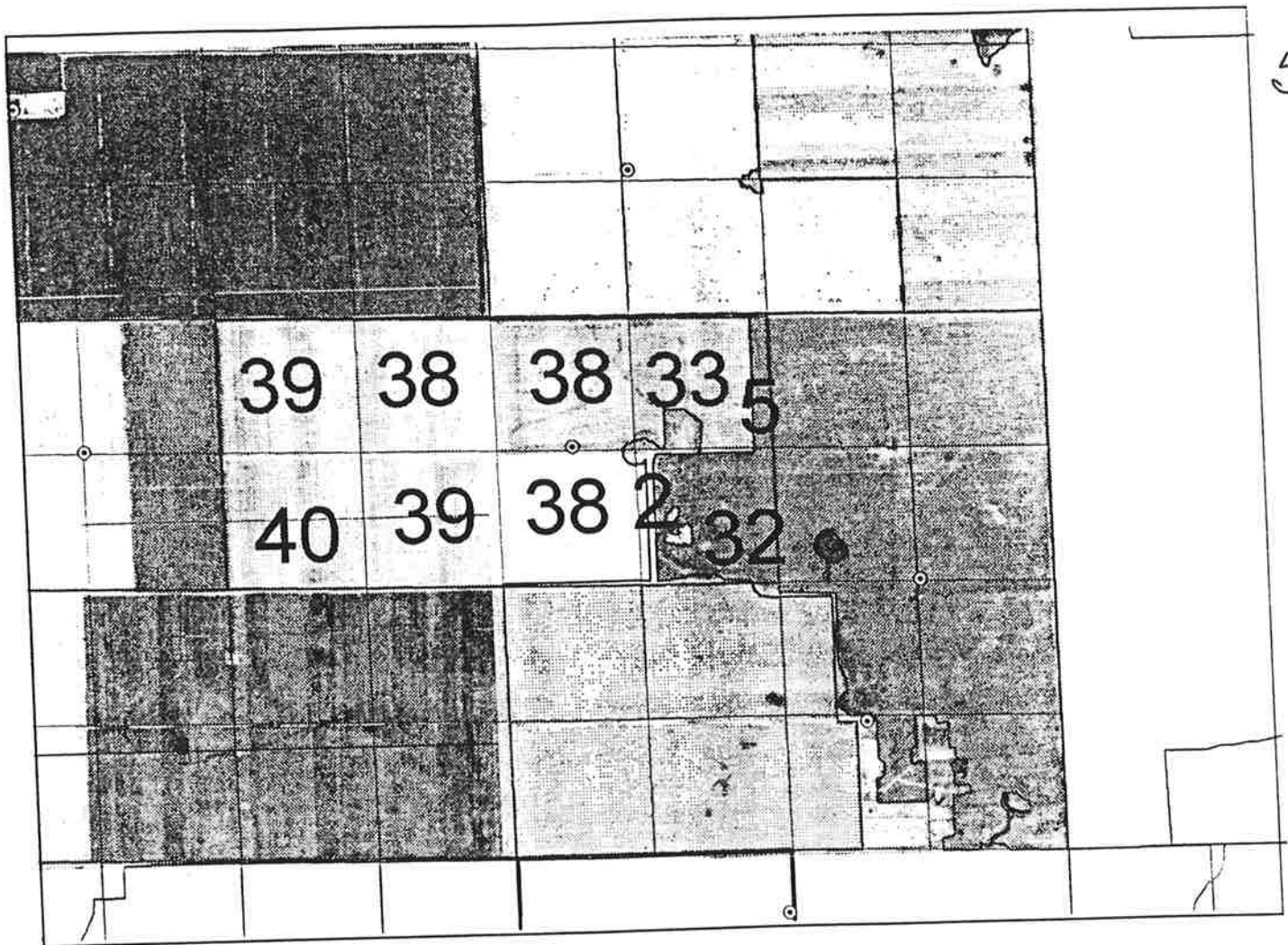
If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court.

Sincerely,

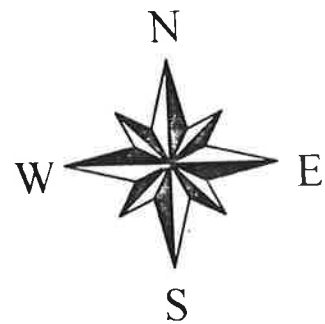
Allen D. Merritt, P.E.  
Water Rights Supervisor

CC: Roger Ling, PO Box 396, Rupert, ID 83350

# Change of Ownership Split



0.2 0 0.2 0.4 0.6 0.8 1 Miles



- B36-pod.shp
- B36-pou.shp
- T7s25eqq.shp

IDWR GIS Project  
Created by: Steve Clelland  
Date: 07-07-97

*SLC*  
p. 1 of 2

6

Lic. tota Ac. = 301

GIS  
TOTAL COMBINED  
ACRES = 304.0

26 25  
35 36

267.000 Ac.

A36-02109 B  
A36-02447 B

"34.0 Ac"  
ALLOWED  
By LICENSE  
~~37.000~~  
A36-02109 A  
A36-02447 A

SPLIT OWNERSHIP  
REVIEW

7/7/97 *sa*

p. 202

GIS View OF  
T7S R25E  
SECTIONS 35+36  
(PART)

7.

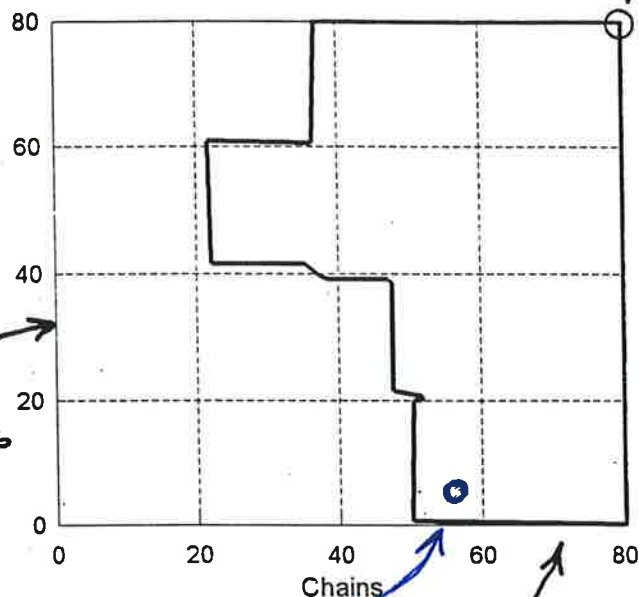
36-2109A

Produced by the Geological Survey  
in cooperation with the Soil Conservation Service  
Contractual Agreement Number 14-01-0000-00000

|       |       |
|-------|-------|
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |

**Section Breakdown**  
Sec 36, T 7S, R 25E

DUNCAN  
PORTION  
→  
313 ACRES



WELL  
A36-13530

EXCEPTION AS  
DESCRIBED IN  
EXHIBIT "A"  
= 327. ACRES

A36-13530

HEINS - Duncan  
OWNER change

06/27/97 11:37 AM

Acres = 327.17

By: SCC



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

December 17, 1996

KARL J. DREHER  
DIRECTOR

PAUL H DUNCAN AND  
KATHY F DUNCAN AND  
JACK F DUNCAN AND  
JANET H DUNCAN  
RT 1 BOX 364  
RUPERT ID 83350

RECEIVED

FEB 12 1997

Department of Water Resources  
Southern Region

RE: Snake River Basin Adjudication (SRBA)  
Minidoka County - Notices of Claim #36-02062, 36-02066A,  
36-02098, 36-02099, 36-02100, 36-02109, 36-02141,  
36-02143, 36-02221, 36-02446, 36-02447, 36-02469D,  
36-02469E, 36-02678, 36-07294, 36-07356, 36-13527,  
36-13529, 36-13531, 36-13550 and 36-13458  
Ownership Change

Dear Claimants:

As you know, the title company assisted you with some documents dealing with changing the ownership of water rights. Those documents were sent to the SRBA Court who in turn forwarded the Standard Forms 3 you completed to our office. In mid-1996 the Court altered the procedure placing the Department in the 'gate-keeper' role. Before we can make any changes, we must have a copy of the recorded Warranty Deeds to confirm the conveyance and legal descriptions.

Upon receipt of the Deed copies, the water right claim records will be reviewed and changed. Notice of the change will be sent to the SRBA Court, to you and any other necessary parties to the water right cases.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Please contact this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources  
Adjudication Bureau

SO:ss:region:tf

AJ5809NP  
No. 36-07356

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/25/97  
PAGE: 5

| OWNER<br>CODE    | NAME & ADDRESS        | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | SPLIT BUTTE RANCH INC | 07/24/1973       | IRRIGATION | 04-01 10-31           | 2.94 CFS          | 1028.00 AFA         |
| TOTAL DIVERSION: |                       |                  |            |                       | 2.94 CFS          | 1028.00 AFA         |
| CONSUMPTIVE USE: |                       |                  |            |                       |                   | 771.00 AFA          |

Water Source: GROUNDWATER      Tributary to:      Stage: LICENSE  
Point(s) of Diversion: T07S R25E S36      SWSENE      MINIDOKA County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |    |     |    |             |       |       |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|-------------|-------|-------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | :  | SUM |    |             |       |       |
| 07S | 25E | 36 | : | 40 |    | 39 |    | 39 |    | 40 |    |    |    |    |    | 40 |    | 23 |    | 06 |     | 30 | :           | 257.0 |       |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    | TOTAL ACRES | :     | 257.0 |

POU County: MINIDOKA

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:  
36-02446 A36-02446 A36-02447 A36-07356

Conditions of Approval:

- M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Dates: Exam Made Date:      Verified Date:      Objection Filed Date: 04/29/1993

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

Comments: Date: 08/22/1991 User-ID: CLELLAND Subject: POU & WELL CAPACITY  
THIS RIGHT RECOMMENDED AS PPU SINCE IT OVERLAPS WITH 36-02446 &  
36-02447. ALSO IS QUESTIONABLE RE: PER ACRE RATE OF DIVERSION.

"DO NOT FILM"

Comments: Date: 08/22/1991 User-ID: CLELLAND Subject: POU & WELL CAPACITY  
THE THREE WELLS USED IN THIS SYSTEM HAVE THE FOLLOWING LICENSED  
CAPACITIES BASED ON THE REVIEW OF THE LICENSE EXAM REPORTS:  
NESWSE CAP. = 3.69 CFS  
SENWNW CAP. = 3.21 CFS  
SWSENE CAP. = 2.94 CFS  
TOTAL DIVERSION = 9.84 CFS

Date: 09/17/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)  
RECEIVED NOE 9/16/92. CHANGED NOE FLAG FROM BLANK TO A.  
CLAIM VERIFIED 8/8/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/16/1992 User-ID: MERRITT Subject: RESPONDED TO NOE  
LETTER SENT 10/16. CHANGED RECOMMENDED ACRES SINCE THE THREE  
WELLS ARE REPORTED NOT TO BE TIED TOGETHER. PHONE CONV. WITH  
ELISE HEINS 10/15 INDICATED THAT THESE ARE THREE SEPARATE SYSTEMS  
AND SHOULD BE SEPARATED. THIS SEEMS TO BE APPARENT WITH NAPP  
PHOTO WHERE AS EXPLAINED BY ELISE YOU CAN DETERMINE THE SEPARATE  
FIELDS INVOLVED.

Date: 03/14/1994 User-ID: FRAZEE Subject: NOTICE OF APPEARANCE (NOA)  
NOA REC'D 2/17/94 FROM ATTORNEY ROGER D LING

Audit: 08/22/91 CLELLAND 12/19/91 CLELLAND 03/12/92 ROBERTSO 07/10/92 CMU-PROD  
07/18/92 POST-STD 07/27/92 SMITH 08/08/92 MERRITT 08/28/92 PR-PRODM  
09/17/92 SCHULTZ 10/16/92 MERRITT 11/02/92 CPSHAW 12/05/92 ADT-SHAW  
06/07/93 CM1-SEIF 09/17/93 UPD-SCHU 03/14/94 FRAZEE 03/29/95 POST-STD

"DO NOT FILM"



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DEC 06 1996

DATE OF CLOSING: 9-12-96

Department of Water Resources  
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED WARRANTY DEED  
FOR LEGAL DISCRIPTION

[ ] 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: #36-13529\* #36-02447\* #36-02109\* #36-02446\* #36-07356\* #36-13530\*  
#36-02141\* #36-02142B\* #36-02143\*

[ ] Name and Address of Former Owner/Claimant(s)(Seller): SPLIT BUTTE RANCH, INC., an Idaho Corporation

[ ] New Owner/Claimant (Purchaser): JACK F. DUNCAN, JANET H. DUNCAN AND PAUL H. DUNCAN AND KATHY F. DUNCAN

[ ] New Mailing Address: 750 EAST 100 SOUTH  
RUPERT, IDAHO 83350

[ ] New Telephone Number: ( ) 436 -1214

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
NE 1/4 and S 1/4 of Section 17; NE 1/4 of Section 35 and Section 36, with an exception  
, all in Township 7 south range 25 East Boise Meridian, Minidoka County, Idaho

[ ] Attach proof of ownership, describe proof attached: WARRANTY DEED

(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) Jack F. Duncan Janet H. Duncan Paul H. Duncan Kathy F. Duncan Date 9-17-96

[ ] Signature of Former Owner/Claimant(s): Split Butte Ranch, Inc. Date Sept 17, 1996  
By: \_\_\_\_\_ President Date \_\_\_\_\_

(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: 7/2/97 By: scu  
Claim Numbers of Split, if any:

36-7356 WAS NOT  
CONVEYED TO DUNCAN.

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

scu 7/2/97

\* No change MADE

For Value Received

**SPLIT BUTTE RANCH, INC., an Idaho Corporation**

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

**PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife; JACK F. DUNCAN  
and JANET H. DUNCAN, husband and wife**  
Address: Route 1 Box 2934, Rupert, Idaho 83350

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

(SEE EXHIBIT "A" ATTACHED)

TOGETHER WITH all water and water rights, which includes water right numbers 36-13529, 36-02447, 36-02109, 36-02446, 36-07356, 36-13530, 36-02141, 36-02142B and 36-02143.

**SUBJECT TO:**

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

Taxes for 1996 and subsequent years.

A Power Line Easement, dated December 10, 1953, recorded March 16, 1954 as Document No. 116958 in Book 29 of Deeds, Page 569, Minidoka County records.

A Power Line Easement, dated June 30, 1963, recorded September 30, 1963 as Document No. 166978, Minidoka County records.

A Power Line Easement, dated January 5, 1970, recorded May 22, 1970 as Document No. 209792, Minidoka County records.

A Power Line Easement, dated April 22, 1974, recorded August 7, 1974 as Document No. 243931, Minidoka County records.

A Power Line Easement, dated August 19, 1974, recorded January 28, 1975 as Document No. 247379, Minidoka County records.

A Power Line Easement, dated August 13, 1975, recorded November 21, 1975 as Document No. 254792, Minidoka County records.

A Power Line Easement, dated March 9, 1976, recorded March 16, 1977 as Document No. 268509, Minidoka County records.

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

(Page 1 of 3)

RECORDED AT REQUEST OF  
Land Title-Rupert  
FILM NO. \_\_\_\_\_  
'96 SEP 17 16 : 41  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FEE 9 DEPUTY *JS*

426061

Dated: September 12, 1996

SPLIT BUTTE RANCH, INC., an Idaho Corporation

BY: *Elise Heins*  
ELISE HEINS - President

STATE OF IDAHO )  
COUNTY OF MINIDOKA )ss

On this <sup>12<sup>th</sup></sup> day of September, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared ELISE HEINS, President of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

(SEAL)

*Steve B. Porch*  
Notary Public  
Residing at Rupert, Idaho  
My Commission Expires: 5/1/99

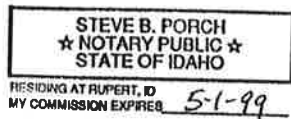


EXHIBIT "A"

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 17: NE¼ and S½;  
SECTION 35: NE¼;  
SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S. GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;  
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;  
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet to a 5/8 inch rebar at the Southeast corner of Section 36;  
Thence North 88°56'38" West along the South line of Section 36 for 1982.66 feet to a point;  
Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;  
Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;  
Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;  
Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;  
Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;  
Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;  
Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;  
Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;  
Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;  
Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;  
Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;  
Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;  
Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;  
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North line of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet to a 5/8 inch rebar at the North quarter section corner of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet to the POINT OF BEGINNING.



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DEC 06 1996

DATE OF CLOSING: 10-18-96

Department of Water Resources  
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHED QUITCLAIM DEED  
FOR LEGAL DIScription

- [ ] 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: #36-13529 #36-02447 #36-02109 #36-02446 #36-07356 #36-13530  
#36-02141 #36-02142B #36-02143
- [ ] Name and Address of Former Owner/Claimant(s)(Seller): JACK F. DUNCAN AND JANET H. DUNCAN, husband and wife
- [ ] New Owner/Claimant (Purchaser): THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP
- [ ] New Mailing Address: 750 East 100 South  
RUPERT, IDAHO 83350
- [ ] New Telephone Number: (208) 436-1214

- [ ] Does the change in ownership result in a splitting of the water right owned/claimed? yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
NE1/4 and S1/2 of Section 17: NE1/4 of Section 35 and Section 36, with an exception  
all in Township 7 South Range 25 East Boise, Meridian, Minidoka County, Idaho

- [ ] Attach proof of ownership, describe proof attached: QUITCLAIM DEED

(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) THE DUNCAN LIMITED PARTNERSHIP Date \_\_\_\_\_  
by Jack F. Duncan GENERAL PARTNER Date 11-15-96
- [ ] Signature of Former Owner/Claimant(s): Jack F. Duncan Date 11-15-96  
Janet H. Duncan Date 11-15-96

(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: 7/2/97 By: sw

Claim Numbers of Split, if any:

only conveys their 1/2, undivided interest  
to the partnership. Paul & Kathy retain  
their half of the ownership.

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

see 3/26/97

36-7356 NOT CONVEYED per conversation with Paul Duncan  
TO DUNCANS. 7/2/97 see

\* No CHANGE MADE

# QUITCLAIM DEED

#10684

**COPY**

For Value Received

JACK F. DUNCAN and JANET H. DUNCAN, husband and wife

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

THE DUNCAN LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP  
750 East 100 South Rupert, Idaho 83350

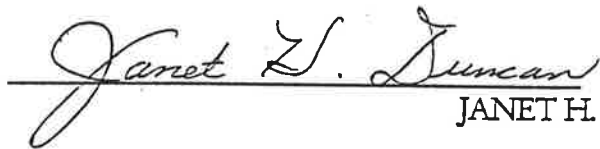
Hereinafter called the grantees, the following described premises, in MINIDOKA County, Idaho to-wit:

SEE ATTACHED EXHIBIT "A"

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

Dated: October 18, 1996

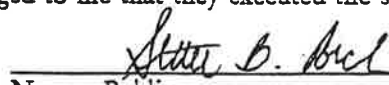
  
\_\_\_\_\_  
JACK F. DUNCAN

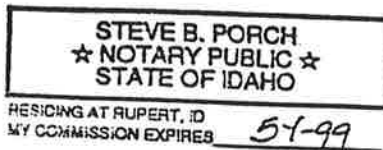
  
\_\_\_\_\_  
JANET H. DUNCAN

STATE OF IDAHO )

COUNTY OF MINIDOKA )

On this 18th day of OCTOBER, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK F. DUNCAN AND JANET H. DUNCAN, 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: Rupert, Id.  
My Commission expires: 5-1-99



RECORDED AT REQUEST OF  
Land Title-Rupert  
FILM NO. \_\_\_\_\_  
96 NOV 15 15 : 40  
MINIDOKA COUNTY, IDAHO  
DUANE SMITH, RECORDER  
FILE 9 DEPUTY 

427017

Order No.: 10684

AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE FOLLOWING  
DESCRIBED PARCELS:

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 34: NE¼.

PARCEL NO. 2:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 19: E½, SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of said Section 19; thence South for 41¼ rods  
to the TRUE POINT OF BEGINNING;  
Thence West for 15 rods;  
Thence South for 15 rods;  
Thence East for 15 rods;  
Thence North for 15 rods to the POINT OF BEGINNING.

SECTION 20: W½.

PARCEL NO. 3:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 16: All.

PARCEL NO. 4:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 17: NE¼ and S½;

SECTION 35: NE¼;

SECTION 36: SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of Section 36, said corner marked by a U.S.  
GLO iron pipe with brass cap which shall be the POINT OF BEGINNING;  
Thence South 00°05'00" East along the East line of Section 36 for 2639.97 feet  
to a 5/8 inch rebar alongside a bent U.S. GLO iron pipe;  
Thence South 00°14'25" East along the East line of Section 36 for 2628.09 feet  
to a 5/8 inch rebar at the Southeast corner of Section 36;  
Thence North 88°56'38" West along the South line of Section 36 for 1982.66  
feet to a point;  
Thence North 01°02'58" East for 37.49 feet to a ½ inch rebar;  
Thence North 01°02'58" East for 1239.35 feet to a ½ inch rebar;  
Thence North 89°03'28" East for 78.68 feet to a ½ inch rebar;  
Thence North 00°10'53" West for 47.21 feet to a ½ inch rebar;  
Thence North 78°47'40" West for 272.35 feet to a ½ inch rebar;  
Thence North 00°15'49" West for 1122.27 feet to a ½ inch rebar;  
Thence North 43°54'39" West for 52.13 feet to a ½ inch rebar;  
Thence North 89°43'54" West for 561.95 feet to a ½ inch rebar;  
Thence North 64°50'51" West for 69.79 feet to a ½ inch rebar;  
Thence North 50°17'16" West for 200.49 feet to a ½ inch rebar;  
Thence North 89°43'41" West for 874.35 feet to a ½ inch rebar;  
Thence North 00°55'56" East for 1270.63 feet to a ½ inch rebar;  
Thence South 88°50'12" East for 973.71 feet to a ½ inch rebar;  
Thence North 01°11'23" East for 1333.41 feet to a ½ inch rebar on the North  
line of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 166.05 feet  
to a 5/8 inch rebar at the North quarter section corner of Section 36;  
Thence South 88°52'57" East along the North line of Section 36 for 2640.32 feet  
to the POINT OF BEGINNING.

EXHIBIT "A"  
(CONTINUED)

PARCEL NO. 5:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 23: S½;  
SECTION 24: W½SW¼;  
SECTION 25: W½, SW¼SE¼;  
SECTION 26: All.

PARCEL NO. 6:

TOWNSHIP 7 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 27: NW¼, SAVE AND EXCEPT the following described tract:

Beginning at the Northwest corner of Tract A in said Section 27, said corner marked by a U.S. Bureau of Reclamation pipe with brass cap which shall be the POINT OF BEGINNING;  
Thence North 0°01'00" West along section line for 17.00 feet to a point;  
Thence South 89°16'31" East for 391.49 feet to a point;  
Thence South 0°01'00" East for 17.00 feet to a ½ inch rebar on the North line of Tract A;  
Thence North 89°16'31" West along the North line of Tract A for 391.49 feet to the POINT OF BEGINNING.

PARCEL NO. 7:

TOWNSHIP 8 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

SECTION 5: Farm Unit F, Tract F of the North Side Pumping Division of the Minidoka Project, Idaho, (as shown by plat, dated July 22, 1954, filed in the office of the County Recorder, Minidoka County, Idaho).

PARCEL NO. 8:

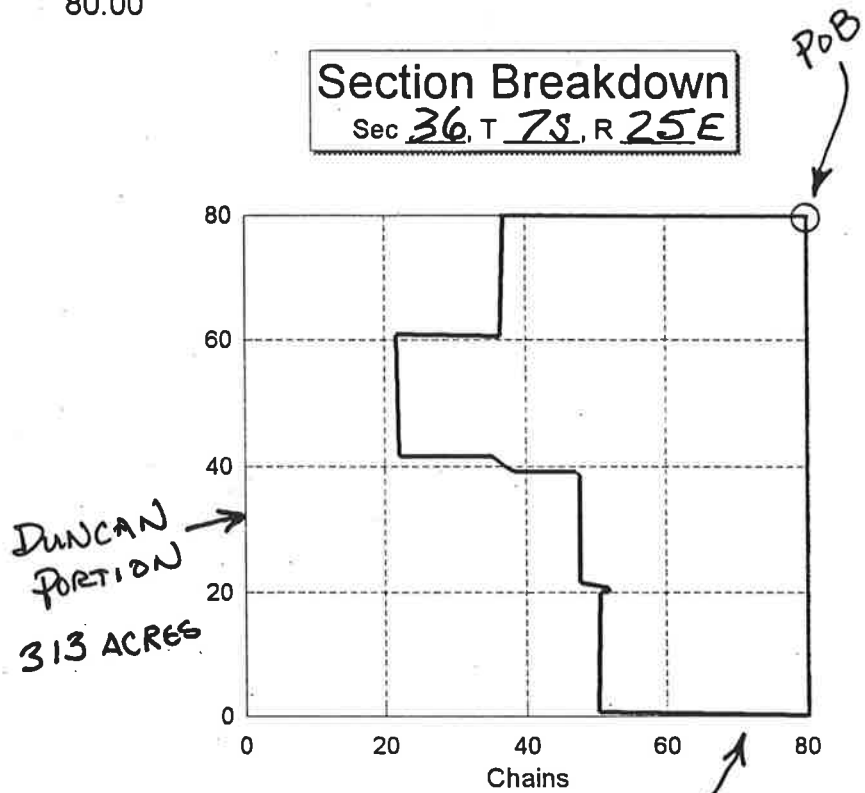
An Easement and road right-of-way for the purpose of ingress and egress as created by Agreement for Easement And Right-Of-Way, recorded January 23, 1973 as Document 230321, Minidoka County records, said Easement described, as:

Beginning at a point 8.78 chains South 0°11' East of the West ¼ corner of Section 5, Township 8 South, Range 24 East, Boise Meridian; Thence South 78°31' East for 10.25 chains; Thence South 72°55' East for 9.46 chains; Thence South 67°41' East for 30 feet; Thence South 22°19' West for 30 feet; Thence North 67°41' West for 30 feet; Thence North 72°55' West for 9.46 chains; Thence North 78°31' West for 10.25 chains to a point on the West section line of said Section 5; Thence North along the said West section line of Section 5 for 30 feet to the POINT OF BEGINNING.



'Right' No: \_\_\_\_\_

|       |       |
|-------|-------|
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |
| 79.37 | 80.00 |



EXCEPTION AS  
DESCRIBED IN  
EXHIBIT "A"  
= 327. ACRES

HEINS - DUNCAN  
OWNER change

Right No: \_\_\_\_\_

### ACREAGE CALCULATIONS

| LAST DEP. | DEPARTURE | LATITUDE | DMD      | AREA FT2    | CUM ACRES |
|-----------|-----------|----------|----------|-------------|-----------|
| =====     | =====     | =====    | =====    | =====       | =====     |
|           | 3.84      | -2639.97 | 3.84     | -5068.31    | -0.12     |
|           | 11.02     | -2628.07 | 18.70    | -24573.19   | -0.68     |
|           | -1982.32  | 36.54    | -1952.60 | -35677.48   | -1.50     |
|           | 0.69      | 37.48    | -3934.24 | -73734.92   | -3.19     |
|           | 22.70     | 1239.14  | -3910.85 | -2423050.90 | -58.82    |
|           | 78.67     | 1.29     | -3809.48 | -2464.40    | -58.87    |
|           | -0.15     | 47.21    | -3730.96 | -88068.97   | -60.90    |
|           | -267.16   | 52.93    | -3998.27 | -105805.52  | -63.33    |
|           | -5.16     | 1122.26  | -4270.59 | -2396353.81 | -118.34   |
|           | -36.15    | 37.56    | -4311.91 | -80967.96   | -120.20   |
|           | -561.94   | 2.63     | -4910.01 | -6461.01    | -120.34   |
|           | -63.17    | 29.66    | -5535.12 | -82093.58   | -122.23   |
|           | -154.23   | 128.10   | -5752.53 | -368447.80  | -130.69   |
|           | -874.34   | 4.15     | -6781.10 | -14070.55   | -131.01   |
|           | -20.67    | 1270.46  | -7676.11 | -4876102.00 | -242.95   |
|           | 973.51    | -19.77   | -6723.27 | 66455.67    | -241.43   |
|           | 27.69     | 1333.12  | -5722.08 | -3814115.50 | -328.99   |
|           | 166.02    | -3.24    | -5528.37 | 8951.66     | -328.78   |
|           | 2639.82   | -51.49   | -2722.54 | 70096.74    | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |
|           | 0.00      | 0.00     | -82.72   | 0.00        | -327.17   |

06/27/97 11:37 AM

Acres = 327.17

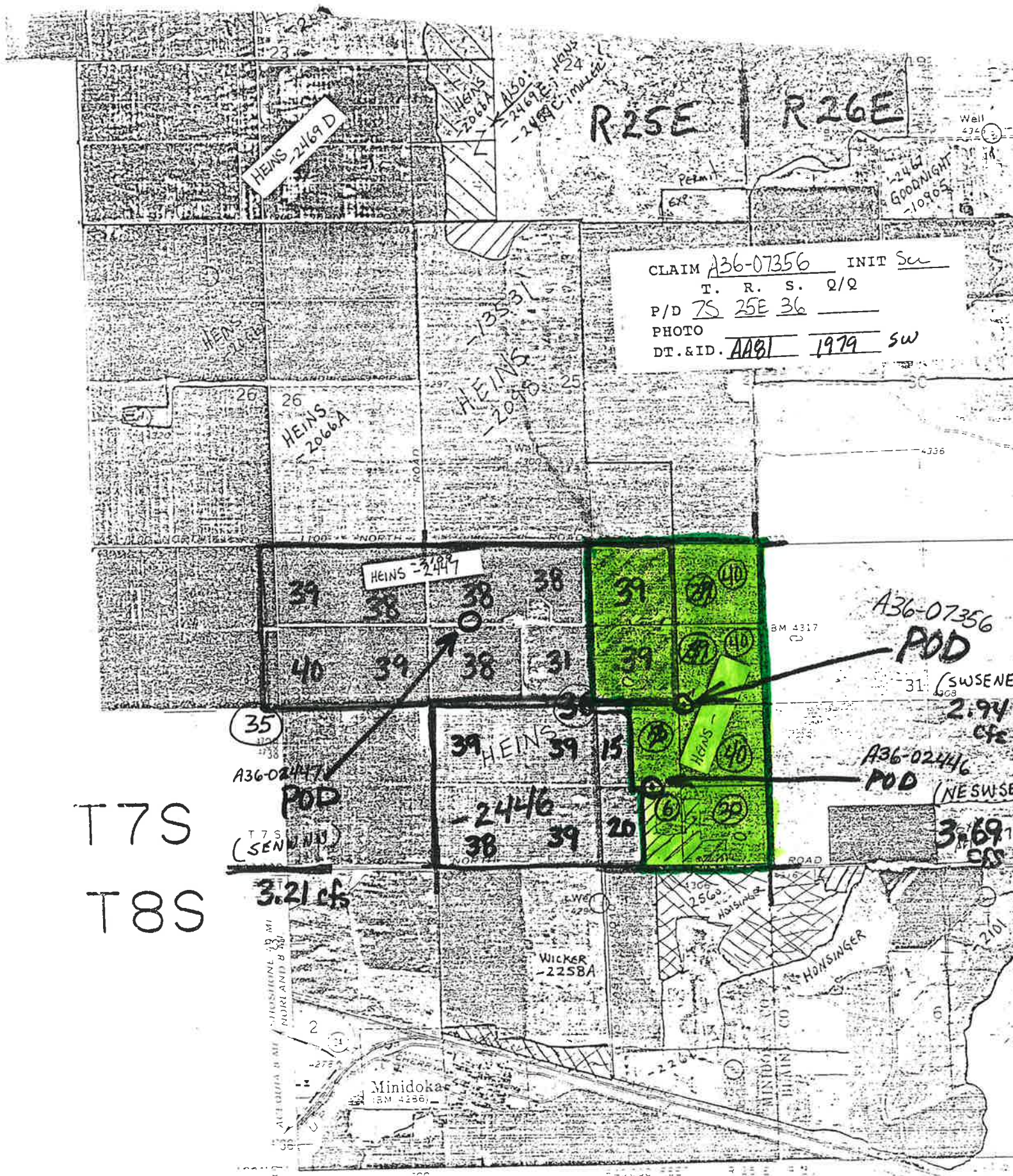
By: Sen

• Right No: \_\_\_\_\_

|      |      |        |      |         |
|------|------|--------|------|---------|
| 0.00 | 0.00 | -82.72 | 0.00 | -327.17 |
| 0.00 | 0.00 | -82.72 | 0.00 | -327.17 |
| 0.00 | 0.00 | -82.72 | 0.00 | -327.17 |
| 0.00 | 0.00 | -82.72 | 0.00 | -327.17 |
| 0.00 | 0.00 | -82.72 | 0.00 | -327.17 |
| 0.00 | 0.00 | -82.72 | 0.00 | -327.17 |

327.17

Acres = 327.17



T7S  
T8S

Conversation Memo to file:

increased diversion rate in pumps  
with less water right

A36-07356 (ie 4.82 cfs capacity  
w/ 2.60 cfs rt on 160 Acres)  
- consider as a rotation of GW  
w/ surrounding users; assuming  
no draw down injury

(Domestic is not owned per Deed  
A36-13530) and per conversation w/  
Paul Duncan + Julie Rushton  
3/26/97

Δ ownership on -7356 w/ Duncan + Mickelson  
proposal of split - then resolve for OBS issues

IDWR AGENT: STEVE CLELLAND  
DATE: 3/26/97  
(AT ROGER LINGS OFFICE)

A36-07356

Identification No. \_\_\_\_\_

Permit No. 36-7356

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Warren W. Heins  
b) Post Office Address Route 3, Rupert, Idaho 83350
2. Permit Number 36-7356
3. Date of Priority that you are prepared to establish June 20, 1974
4. a) Source from which water was appropriated Groundwater  
b) Location of the point of diversion: SE 1/4 NE 1/4, Section 36  
Township 7S, Range 25 E Boise Meridian, Other points of diversion: \_\_\_\_\_
5. a) The amount of water and use to which the water has been applied:  
Amount 2.0 cfs for Irrigation purposes from May 1 to Sept 30 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)  
b) Total amount appropriated \_\_\_\_\_ cfs and/or acre-feet per annum
- \* c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Rate of flow was measured by Warren W. Heins owner using a Badger water meter.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:  
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_  
b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 10 in. head, 250 HP motor, 20 in. casing.  
Depth of hole-325 ft. Water level at 224 ft.  
b) Describe the type and size of measuring device which you have installed at your point of diversion: Badger Water Meter  
c) Give well driller's name and address and the date the well was completed:  
Jack Alexander Drilling Co. 510 13th St. Rupert, Idaho  
April 9, 1974
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: \_\_\_\_\_

Exam typed 10/4/74 by JH

MICROFILMED

As of today, this well is irrigating pasture on all of the NE $\frac{1}{4}$  & SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and all of the NE $\frac{1}{4}$  & SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  and app. 20 acres apiece in each of the NW $\frac{1}{4}$  & SW $\frac{1}{4}$  of NE $\frac{1}{4}$  as well as the NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 36.m See Remarks- below.

[illegible]

10. Remarks: This pump is not working at capacity at this time  
as part of the land that will be eventually under this well  
is being irrigated by another well and mainline system. As we  
take this very rocky land out of row crop production and put it  
into pasture, it will be irrigated from this well and mainline system.  
The above information is a true statement of the extent to which the above numbered permit has been developed.

Warren W. H. Pine  
(Signature)

On this 23 day of September, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Bayport, Delaware

My commission expires 2-1-77

אשר יחזיקו בלבושם  
אשר יחזיקו בלבושם

## RECEIVED

**TOTAL ACREAGE** \_\_\_\_\_ **320**

DATE OF EXAM 10-8-74

ACREAGE  
Found 320  
Recommended 320

Irrigation Requirement 4.0 Ac Ft/Ac

USE  
Irrigation Q = 2.94 c.f.s. V = 1135 AF/Ann. from April - 1 to Oct 15  
Domestic Q = c.f.s. V = 1280 AF/Ann. from to  
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no ☒

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

Exchange? yes no ☒

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 1320 gal/min = 2.94 cfs Method of measurement Badger Meter  
Total Q recommended 2.94 cfs Meter No. 110552618 Type 8" Condition New

Total V recommended 1280 Ac Ft/Ann.  
1135

Recommended Amendments:

P.D. ☒  
Place of Use ☒  
Other ☒  
None ☒

MEASUREMENT CALCULATION:

$Q = 2.94$   $1320 \text{ gal/min} \div 448.8 \text{ gal/min} = 1 \text{ cfs}$   
 $U = 1280 \text{ Ac Ft/Ann}$  (Frr Reg 4.0) (320 Acres)  
 $V = 1135 \text{ Ac Ft/Ann}$  (1.98) (209 cfs) (198 days)

SYSTEM DESCRIPTION:

pump motor 250 Hp -  
Hayne & Bowler & Badger Meter (plate missing)  
sprinkler system -

REMARKS:

Examiner's Signature

Sony Lunderburg

Checked by

Bob Haynes

Date 10-8-74

Date 10-17-74

Approved by

Date



State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7356 Priority July 24, 1973 Amount 2.94 cfs

THIS IS TO CERTIFY, that WARREN W. HEINS  
of Rupert, Idaho, has complied with the terms and conditions of Permit  
No. 36-7356 issued pursuant to Application for Permit dated July 24, 1973  
and has submitted proof to the Department of Water Resources on September 24, 1974  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 2.94 cfs of water from a ground water source  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use         | Period of Use                         | Rate of Diversion      | Annual Volume             |
|------------------------|---------------------------------------|------------------------|---------------------------|
| Irrigation             | from <u>April 1</u> to <u>Oct. 15</u> | at <u>2.94</u> cfs and | <u>1,147</u> acre feet or |
|                        | from _____ to _____                   | at _____ cfs and       | <u>*4.0</u> af per acre   |
|                        | from _____ to _____                   | at _____ cfs and       |                           |
| (both dates inclusive) |                                       |                        |                           |

Subject, however, to the condition that no more than 2.94 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
1,147 acre feet per year, said waters to be diverted within the SE 1/4 of Sec. 36,  
Twp. 7 S, Rge. 25 E, B. M. in the County of Minidoka

Description and location of 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 |        |
| 7 S  | 25 E  | 36   | 40     | 40     | 40     | 40     |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     | 320    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 320

\* Subject to the condition that the maximum volume per year shall not exceed 4.0  
acre feet per acre when combined with Licenses No. 36-2446 and 36-2447.

A measuring device of a type approved by this Department shall be permanently  
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho  
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use  
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25 day of  
April, 19 75.

*[Signature]*  
Director



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

December 17, 1996

KARL J. DREHER  
DIRECTOR

PAUL H DUNCAN AND  
KATHY F DUNCAN AND  
JACK F DUNCAN AND  
JANET H DUNCAN  
RT 1 BOX 364  
RUPERT ID 83350

DEC 20 1996

Department of Water Resources  
Southern Region

RE: Snake River Basin Adjudication (SRBA)  
Minidoka County - Notices of Claim #36-02062, 36-02066A,  
36-02098, 36-02099, 36-02100, 36-02109, 36-02141,  
36-02143, 36-02221, 36-02446, 36-02447, 36-02469D,  
36-02469E, 36-02678, 36-07294, 36-07356, 36-13527,  
36-13529, 36-13531, 36-13550 and 36-13458  
Ownership Change

Dear Claimants:

As you know, the title company assisted you with some documents dealing with changing the ownership of water rights. Those documents were sent to the SRBA Court who in turn forwarded the Standard Forms 3 you completed to our office. In mid-1996 the Court altered the procedure placing the Department in the 'gate-keeper' role. Before we can make any changes, we must have a copy of the recorded Warranty Deeds to confirm the conveyance and legal descriptions.

Upon receipt of the Deed copies, the water right claim records will be reviewed and changed. Notice of the change will be sent to the SRBA Court, to you and any other necessary parties to the water right cases.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Please contact this office toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Idaho Department of Water Resources  
Adjudication Bureau

SO:ss:region:tf

6/9/94

## COMMUNICATION DOCUMENTATION

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

**IDWR Employee/Agent** JEANIE M ROBERTSON

**DATE** September 9, 1996 11:14am **CUSTOMER** STEVE PORCH/LAND TITLE-BURLEY

**SUBJECT:** PROFILE REPORTS  
phone call (X) walk-in (.)

He FAXed a request for AJ Profile Reports for the following claim numbers:

|                        |           |
|------------------------|-----------|
| Rancho Verde, Inc      | 36-02062  |
|                        | 36-02099  |
|                        | 36-02100  |
|                        | 36-02221  |
|                        | 36-13527  |
| Split Butte Ranch, Inc | 36-02109  |
|                        | 36-02141  |
|                        | 36-02142B |
|                        | 36-02143  |
|                        | 36-02446  |
|                        | 36-02447  |
|                        | 36-07356  |
|                        | 36-13529  |
|                        | 36-13530  |
| Gregory & Cristi Heins | 36-02678  |
|                        | 36-07294  |
|                        | 36-15458  |
| Warren & Elise Heins   | 36-02066A |
|                        | 36-02098  |
|                        | 36-02469D |
|                        | 36-02469E |
|                        | 36-13531  |

**MICROFILMED**

**DEC 04 1996**

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

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Department of Water Resources  
Southern Region Office

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FEB 17 1994

Department of Water Resources  
Adjudication Bureau

Movant's Name: Split Butte Ranch, Inc.

Attorney Name & Address: ROGER D. LING  
LING, NIELSEN & ROBINSON  
615 H. Street, P.O. Box 396  
Rupert, Idaho 83350

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

In Re SRBA

Subcase No. 36-07356

Case No. 39576

NOTICE OF APPEARANCE

*cm ok. Added NOA  
Comments.  
3-14-94  
sf*

DESCRIPTIVE SUMMARY

This document is a Notice of Appearance by Roger D. Ling of the firm of Ling, Nielsen and Robinson on behalf of Split Butte Ranch, Inc.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that Roger D. Ling of the firm of Ling, Nielsen and Robinson hereby enters an appearance of the firm as the attorneys of record in the subcase listed above for Split Butte Ranch, Inc.

DATED this 16th day of February, 1994.

LING, NIELSEN AND ROBINSON

By:

*Roger D. Ling*  
Roger D. Ling  
Attorney for Split Butte  
Ranch, Inc.

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CERTIFICATE OF MAILING

I hereby certify that on the 16th day of February, 1994, I served a true and correct copy of the NOTICE OF APPEARANCE upon:

**Original to:**

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

**Copies to:**

Nicholas B. Spencer  
Deputy Attorney General  
Idaho Department of Water Resources  
P.O. Box 44449  
Boise, Idaho 83711-4449

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

Greg Heins  
Route 3, Box 225  
Rupert, Idaho 83350

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said persons at the foregoing addresses.

  
\_\_\_\_\_  
Roger D. Ling

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 the Rights to the Use of Water )  
from the Snake River Basin )  
Water System )  
\_\_\_\_\_ )

Case No. 36-07356 -0001

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

RESPONSE TO OBJECTION

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. )  
\_\_\_\_\_ )

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part  
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

MICROFILMED  
OCT 19 1994

2. Person who filed objection:

Name: GREG HEINS  
Address: RT 2 BOX 225  
RUPERT ID 83350

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER  
Attorney Address: DEPUTY ATTORNEY GENERAL(S)  
IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 44449  
BOISE, ID 83711-4449  
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3c. ☒ The total quantity of water reserved for each and every purpose, including all present and future uses.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
- 9b. ☒ The number of irrigated acres within each forty (40) acre subdivision.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 3 and 3.c, and all allegations of the objection regarding that item, IDWR responds as follows: Since this water right is not a federal reserved water right, this objection item is inapplicable and the claimant's assertion of it is in error. IDWR further responds that under Idaho law water cannot be reserved for future use, but

must be appropriated and put to beneficial use before the user can acquire a water right. However, the nature of the claimant's objection establishes that he intended to object to the recommended diversion volume for this right. In response to that objection, and all allegations regarding it, IDWR responds as follows: IDWR recommended a smaller diversion volume than was licensed or claimed because it found and recommended fewer irrigated acres within the place of use than were claimed. IDWR recommended a per acre diversion volume of 4.0 AFY per acre; this is higher than the per acre diversion volume claimed, which was 3.58 AFY per acre.

In further response to this portion of the objection, IDWR responds as follows: The license upon which the claimant's claim is based does not set an annual volume of consumptive use for this water right. Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. IDWR has developed uniform standards of consumptive use for various climatic areas throughout the state, based upon the definition of consumptive use contained in Idaho Code Sec. 42-1401A(2), which is the maximum volume of water consumed by "the most water consumptive crop that can be grown in the area during the period of year when water is used for irrigation." The consumptive use recommended for this water right is based upon the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the irrigation season. Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code." Therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings, and not as a limitation on the quantity of water that the claimant may divert pursuant to this recommended right. IDWR further responds that the 3.0 AFY per acre consumptive use volume recommended is the same per acre consumptive use volume that was claimed.

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no

(Over)

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season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use. In further response to this objection item, IDWR responds that by now seeking a longer season of use for irrigation than claimed the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right. IDWR further responds that evidence provided by the claimant indicated that the diversion system for this right did not in fact overlap with other diversion systems as had been indicated in the conditions of the license. Therefore IDWR accordingly reduced the acreage below the licensed amount to eliminate the overlap described in the license.

#### CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ 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:

No. of  
Pages

Notice of Claim No. A36-07356

4



(Over)

RESPONSE TO OBJECTION NO. 36-07356 -0001 - PAGE 5

**MICROFILMED**

**OCT 19 1994**

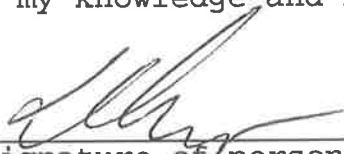
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
Signature of person filing response

By:   
\_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 9th day of September  
1993.



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at: Bose Idaho  
My Commission expires: 6/25/1999

CERTIFICATE OF MAILING

I hereby certify that on the 10<sup>th</sup> day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared 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:

Name: ROGER D LING  
Address: PO BOX 396  
RUPERT ID 83350

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: GREG HEINS  
Address: RT 2 BOX 225  
RUPERT ID 83350

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 Respondent or attorney  
mailing on Respondent's behalf

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 A36-07356  
Date Received \_\_\_\_\_  
Receipt Number 5010060 AD

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

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OCT 12 1989

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Split Butte Ranch, Inc Phone (208) 531-5348  
Mailing Address Rt. 3, Box 220 Rupert, Id. Zip 83350

2. Date of Priority (Only one (1) per claim) 7-24-73

3. Source of water supply (a) GROUND WATER  
which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 7 S Range 25 E Section 36,  
\_\_\_\_\_ 1/4 of SE 1/4 of NE 1/4, Govt. Lot, ✓ B.M., County of MINIDAKA

Additional points of diversion if any: \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. 300' Pump, Well - from depth 275-300 ft,  
mainline and handlines.

Well 20 in dia.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 10-15 amount 2.94 or 440  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 2.94 (cfs) and/or (b) 440 (acre feet)

8. Total consumptive use claimed is 960 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 7S  | 25E | 36  | 40     | 40    | 40    | 40    |        |       |       |       |        |       |       |       | 40     | 40    | 40    | 40    | 320    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 320

11. In which county (ies) are lands listed above as place of use located? MINIDOKA

12. Do you own the property listed above as place of use? Yes ☒ No ☐  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
LICENSE 36-2446 & LICENSE 36-2447 or None (☒)

14. Remarks: Under License 36-2446, 35 of the above acres are irrigated in the Southeast Quarter. Under License 36-2447, 78 of the above acres are irrigated in the Northeast Quarter.

Last Name Heins/SBR Inc Ident No. \_\_\_\_\_

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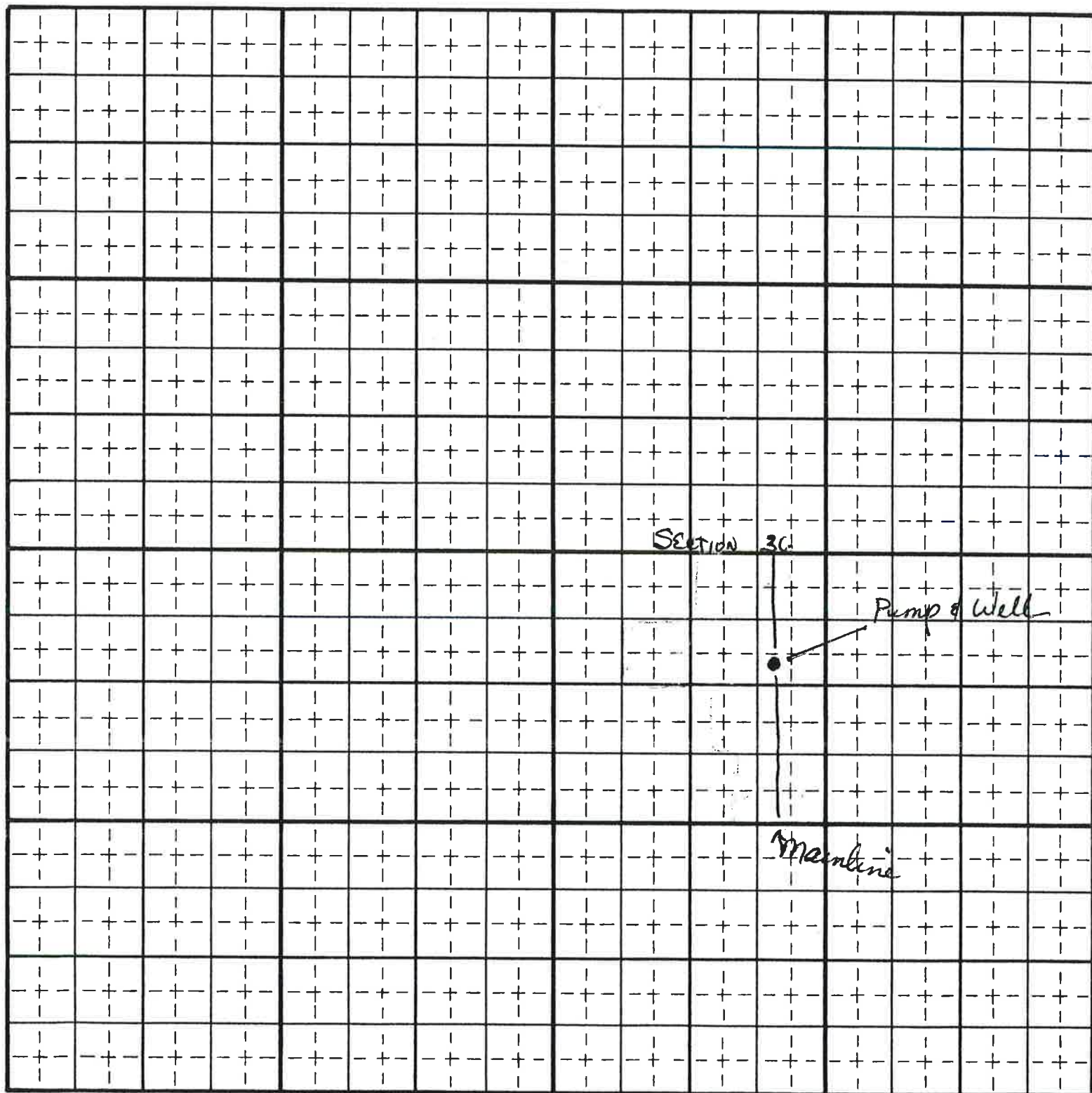
FEB 03 1993

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Copies: White - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Section 36, T7S R25E BM

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**FEB 03 1993**

Copies: White-State, Yellow-Claimant

Last Name

*Heath J. B. Inc.*

Ident No.

15. Basis of Claim (check one) Commercial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License ☒ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 36-7356

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am Secretary Title \_\_\_\_\_

of Split Butte Ranch, Inc Organization \_\_\_\_\_, that I have signed the foregoing

document in the space below as Secretary Title \_\_\_\_\_ of Split Butte Ranch, Inc Organization \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Sherry Heins

Title and Organization Split Butte Ranch, Inc Date 9/29/89

State of Idaho/or \_\_\_\_\_ )  
County of Minidoka ) SS.

Subscribed and sworn (or affirmed) before me this 29th day of September 19 89

SEAL

Notary Public Carla Ring

Residing at Rupert, Idaho

My Commission Expires 10/30/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Carla Ring

Address P.O. BOX 396, Rupert, Idaho 83350

Date September 29, 1989

Last Name Heins Ident. Number \_\_\_\_\_

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MICROFILMED 1993

OCT 19 1989

Copies White-State, Yellow-Claimant

## DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.  
in case follow-up is needed.

WARREN HEINS  
GREG & CRISTI HEINS

2. SUBJECT OF INQUIRY:

They called to set up an appointment to get copies and review all their SRBA claims on file with the Court. They came in and asked for these copies and objection forms.

3. RESPONSE TO INQUIRY:

On the phone I told Cristi Heins, I cannot discuss the recommendations or objections; I can explain the process of the adjudication.

When they came in I explained this is a lawsuit and is operated under certain legal rules and procedures. Since I am not a lawyer I am unable to give this or other information which might be legal advice.

I gave them <sup>PERFILE</sup> copies of the recommended rights and the claims record. I explained the differences between Total Volume and Consumptive Volumes. I showed them the map published by IDWR listing these values and the season of use.

I gave them 22 objection forms and explained I cannot assist in completing them. They also got a handout explaining D+S special procedure for late filing after the D.Reprt.

4. IDWR STAFF AND DATE:

Steve Clelland 4-9-93

Print name and initial

STEVE CLELLAND

Sm

(27) WATER RIGHT CLAIM (Nos.):

A36-7294, A36-7356  
A36-13527, A36-13529  
A36-13530, A36-13531  
A36-15458

A36-2026, A36-2066A, A36-02098, A36-2092  
A36-2100, A36-2109, A36-2141, A36-2142B,  
A36-2143, A36-2221, A36-2446, A36-2447,  
A36-2469D, A36-2469E, A36-2678

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OCT 19 1994

APR 30 1993

Department of Water Resources  
Adjudication Bureau

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.

Case No. 36-07356  
(You must insert the  
water right number you  
are objecting to)

OBJECTION

36-07356 -0001/  
93-04-0317

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." 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, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

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OCT 19 1994

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 that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Greg HEINS  
Address: ROUTE 3, BOX 225  
RUPERT, ID 83350

Briefly describe your interest in this water right:

ASSISTANT Manager of FARM

2. Owner of the water right:

Name: SPLIT BUTTE RANCH, INC.  
ROUTE 3 BOX 220  
Address: RUPERT, ID 83350  
(208) 531-5348 FARM  
(208) 531-5901 RANCH

3. If this objection is filed by an attorney:

Attorney Name: \_\_\_\_\_

Attorney Address: \_\_\_\_\_

Attorney Phone No.: \_\_\_\_\_

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

## 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.

- 3-C - Object to the reduction of Acre-FT. from original WATER License
- 8- Object to the Reduced Permitted Use for we typically are irrigating in March
- 9-B. Object to the # of Acres as we irrigate 320 Acres as stated in our WATER License.

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.

- 3-C Change to Reach 1147 AC FT. Diversion  
960 AC FT. Consumption
8. Period of use to be extended back to 3-01 to 11-01.
- 9-B Acres total to equal 320 Acres.

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.

I do have support material, please call.

VERIFICATION (Must be Completed)

State of IDAHO

County of minidoka

Gregg Adams, being first duly  
(Name of person filing objection)  
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

[Signature]  
Signature of person filing objection

By: \_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 26 day of April,  
1993.

William G. [Signature]  
Notary Public for Idaho  
Residing at: Rupert  
My Commission expires: 12-3-98

### 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 the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

### CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct 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: SPLIT BUTTE RANCH, INC.  
Owner's address: ROUTE 3 BOX 220  
RUPERT, ID 83350  
(208) 531-5348 FARM  
(208) 531-5901 RANCH

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 Objector or attorney  
mailing on Objector's behalf

**NOTICE OF ERROR**

**RESPONSE**

**CORRECTED R PROOF**



**MICROFILMED**  
**FEB 03 1993**

Water Right Number - R36-07356

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* A - ATTORNEY \*\*\*

LING

ROGER D

1 - PO BOX 396

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

\*\*\* C - CURRENT OWNER \*\*\*

SPLIT BUTTE RANCH INC

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
07/24/1973 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
GROUNDWATER+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County

07S 25E 36 SW SE NE (67) MINIDOKA

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 10/31 2.940 1028.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
2.940 1028.00 771.0+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
07S 25E 36 NE NE 40.0 01 IRRIGATION (67) MINIDOKA  
07S 25E 36 NW NE 39.0 01 IRRIGATION (67) MINIDOKA  
07S 25E 36 SW NE 39.0 01 IRRIGATION (67) MINIDOKA  
07S 25E 36 SE NE 40.0 01 IRRIGATION (67) MINIDOKA  
07S 25E 36 NE SE 40.0 01 IRRIGATION (67) MINIDOKA  
07S 25E 36 NW SE 23.0 01 IRRIGATION (67) MINIDOKA  
07S 25E 36 SW SE 6.0 01 IRRIGATION (67) MINIDOKA  
07S 25E 36 SE SE 30.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 257.0

+ - - Diversion Means - WELL &amp; PUMP TO SPRINKLERS.

+ - - Non-Irrigation Use -

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FEB 03 1993

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| 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         | - 10/16/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 10/13/1989 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S010060    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - OR         | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | - C     |

MICROFILMED  
 FEB 03 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

16-Oct-1992 15:02

Warren & Elise Heins  
Rt 3 Box 220  
Rupert, ID 83350

RE:Split Butte Ranch SRBA 36-02109, 36-02446, 36-02447 & 36-07356

Dear Mr. & Mrs. Heins:

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

Your NOE indicates that you would like the recommendations to show a longer season of use for irrigation. For the reasons stated in my earlier letter to you regarding 36-02098 & others, the season of use that will be recommended in the Director's Report will remain as proposed.

Additionally your NOE indicates these rights as recommended in a common system with three wells tied together are in fact three separate systems. IDWR's recommendations of a common system were based on the fact that the places of use of the original records overlapped and it must have been incorrectly deduced that to be this way the wells had to have been tied together. Based on the description given to me on the phone yesterday by Elise and by using NAPP photography and the original water right files I have modified our recommendations to describe the acres irrigated by three separate systems. (Please find enclosed profile reports of the corrected recommendations for 36-02109, 36-02446, 36-02447 & 36-07356)

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

Sincerely,

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

CC: Roger Ling, PO Box 396, Rupert, ID 83350

MICROFILMED

FEB 03 1993

AUG-24-1992

## NOTICE OF ERROR FORM

RECEIVED

SEP 16 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:** SEP-24-1992

1. Water right number: 36-07356<sup>✓</sup>

2. Name: SPLIT BUTTE RANCH, INC.  
RT. 3 BOX 220  
Address: RUPERT, ID. 83350

MICROFILMED

FEB 03 1993

Weekday Telephone Number: 208-531-5348

**TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE**

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on this copy.)

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

This pump works was combined with other permits. The water is not mingled with other pumps' output as combined. The acreage and beneficial water usage was dropped due to the fact that there are corrals, houses and barns on a small portion of the whole.

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

Return the recommendations to that as stated in the original water permit. This pump is separate and not joined to the others under other permits. Return the original acreage as stated in the original permit. We do irrigate lawns, trees, and cattle runs from the pumping works under this permit.

5. Describe why you disagree with the proposed recommendation:

The permit was modified because of buildings. However, we do irrigate lawns, cattle runs and trees from this pump, not from the domestic well. The irrigation of lawns, trees and cattle runs is a beneficial use, also.

6. Date: September 15, 1992

MICROFILMED

FEB 03 1993

SIGNATURE

Elise Y. Keene Secretary

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

**MICROFILMED**

**FEB 03 1993**

Water Right Number - R36-07356

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

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

\*\*\* A - ATTORNEY \*\*\*  
LING

ROGER D

1 - PO BOX 396

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

\*\*\* C - CURRENT OWNER \*\*\*  
SPLIT BUTTE RANCH INC

1 - RT 3 BOX 220

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-531-5348

+ - - Priority Date - - +  
07/24/1973+ - - Region - - +  
17 SOUTHERN+ - - Stage - - +  
L - LICENSE

+ - - Status - - - +

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

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County

|     |     |    |          |      |          |
|-----|-----|----|----------|------|----------|
| 07S | 25E | 36 | SW SE NE | (67) | MINIDOKA |
|     |     |    | SE NW NW | (67) | MINIDOKA |
|     |     |    | NE SW SE | (67) | MINIDOKA |

| Code            | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION |             | 04/01       | 10/31     | 2.940          |                  |

|                         |                           |                               |                  |
|-------------------------|---------------------------|-------------------------------|------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
| 2.940                   |                           | 0.0                           |                  |

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County        |
|-----|-----|-----|-------|-----|-------|------|-------------|---------------|
| 07S | 25E | 35  | NE NE |     | 38.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 35  | NW NE |     | 39.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 35  | SW NE |     | 40.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 35  | SE NE |     | 39.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | NE NE |     | 40.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | NW NE |     | 39.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SW NE |     | 39.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SE NE |     | 40.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | NE NW |     | 38.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | NW NW |     | 38.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SW NW |     | 38.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SE NW |     | 31.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | NE SW |     | 39.0  | 01   | IRRIGATION  | (67) MINIDOKA |

MICROFILMED

FEB 03 1993

Water right number - R36-07356

Prefix Translation: RESEARCH

| Tw  | Rng | Sec | Tract | Lot | Acres | Code | Description | County        |
|-----|-----|-----|-------|-----|-------|------|-------------|---------------|
| 07S | 25E | 36  | NW SW |     | 39.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SW SW |     | 38.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SE SW |     | 39.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | NE SE |     | 40.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | NW SE |     | 38.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SW SE |     | 26.0  | 01   | IRRIGATION  | (67) MINIDOKA |
| 07S | 25E | 36  | SE SE |     | 30.0  | 01   | IRRIGATION  | (67) MINIDOKA |

Total Acres: 748.0

+ - - Diversion Means - 275-300' WELL, 300 HP PUMP, MAINLINE, HANDLINES; 2 WELLS &amp; PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-02109, 36-02446 &amp; 36-02447

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 257 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-02109, 36-02446 & 36-02447. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.84 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2992 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2244 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 748 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-02109, 36-02446 & 36-02447.

+ - - - - Old Water Right Numbers - - - - -  
3607356

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

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

+ - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - Decree Date - +  
00/00/0000

+ - - - - Comments - - - - -

MICROFILMED  
FEB 03 1993

Water right number - R36-07356

Prefix Translation: RESEARCH

+ - - - - - Comments - - - - - +  
Date: 08/22/1991 User Id: CLELLAND Subject: POU & WELL CAPACITY  
THIS RIGHT RECOMMENDED AS PPU SINCE IT OVERLAPS WITH 36-02446 & 36-02447. ALSO IS QUESTIONABLE RE: PER ACRE RATE OF DIVERSION.  
THE THREE WELLS USED IN THIS SYSTEM HAVE THE FOLLOWING LICENSED  
CAPACITIES BASED ON THE REVIEW OF THE LICENSE EXAM REPORTS:  
SENWNW CAP. = 3.21 CFS NESWSE CAP. = 3.69 CFS  
TOTAL DIVERSION = 9.84 CFS SWSENE CAP. = 2.94 CFS

+ - - Audit Fields - - +  
08/08/92 MERRITT

+ - - - - - 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         | - 08/08/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 10/13/1989 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S010060    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - OR         | Presumption Flag        | - C     |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED

FEB 03 1993

Recommended Permissible Place of Use For WR's:

A36-2446

R36-2447

R36-7356

| NUMBER | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL          | SYSTEM TOTAL |
|--------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----------------|--------------|
|        |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |                |              |
|        | 7S  | 25E |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |                |              |
| 2446   |     |     | 36  |    |    |    |    |    |    |    |    | 39 | 39 | 38 | 39 | 15 | 20 |    |    | 190            |              |
| 2447   |     |     | 36  |    | 39 | 39 |    | 38 | 38 | 38 | 31 |    |    |    |    |    |    |    |    | 223            |              |
| 7356   |     |     | 36  | 40 | 39 | 39 | 40 |    |    |    |    |    |    |    |    | 40 | 38 | 26 | 30 | 292            |              |
| PPU    |     |     |     | 40 | 39 | 39 | 40 | 38 | 38 | 38 | 31 | 39 | 39 | 38 | 39 | 40 | 38 | 26 | 30 | <del>705</del> | 592          |

| NUMBER | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL | SYSTEM TOTAL |
|--------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
|        |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |              |
|        | 7S  | 25E |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
| 2446   |     |     | 35  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |              |
| 2447   |     |     | 35  | 38 | 39 | 40 | 39 |    |    |    |    |    |    |    |    |    |    |    |    | 156   |              |
| 7356   |     |     | 35  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 0     |              |
| PPU    |     |     |     | 38 | 39 | 40 | 39 |    |    |    |    |    |    |    |    |    |    |    |    | 156   | 861          |

| NUMBER | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL | SYSTEM TOTAL |
|--------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
|        |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |

| NUMBER | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL | SYSTEM TOTAL |
|--------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
|        |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|        |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |

MICROFILMED

FEB 03 1993

RECEIVED

OCT 7 1974

Post office address Route #3, Rupert, ID 83350

Department of Water Resources  
Phone Southern District Office

Person to contact

Phone \_\_\_\_\_

3. Water will be used for the following purposes:

Other uses: \_\_\_\_\_

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

- Other Points of Diversions: \_\_\_\_\_ County \_\_\_\_\_

Description of diverting works: 10" head, 250 hp motor, 20" casing, 325' deep.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

**TOTAL ACREAGE** ..... 320

MICROFILMED  
FEB 03 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:47:16  
08/17/90

PAGE: 13  
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07356

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   |                                                 |                            | N                      |                     | See<br>8-22-91                   |                                      |                               |
| POINT OF DIV              | Y                 |                                                 |                            | (Y)                    | 1,4,5,6             | ↓                                |                                      |                               |
| SOURCE                    |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| PLACE OF USE              |                   |                                                 |                            | (Y)                    | 1456                |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME |                   |                                                 |                            | (X)                    |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            | (X)                    |                     |                                  |                                      |                               |
| PURPOSES                  |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| PERIOD OF USE             |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| BASIS OF CLAIM            |                   |                                                 |                            | N                      |                     |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            | (Y)                    | 6                   |                                  | ✓                                    |                               |

"VERIFIED BY" CODES

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

NOT FILMED

FEB 03 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:47:16  
08/17/90

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A36-07356

LAST: SPLIT BUTTE RANCH INC.  
ADDRESS: RT. 3 BOX 220  
CITY: RUPERT  
PHONE NUMBER: 208-531-5348

FIRST:

STATE: ID ZIP: 83350

OWNER CODE: C

LAST: LING  
ADDRESS: P.O. BOX 396  
CITY: RUPERT  
PHONE NUMBER: 208-000-0000

FIRST: ROGER D.

STATE: ID ZIP: 83350

OWNER CODE: A

FIELD EXAM REQUIRED?

DATABASE  
Y

FIELD  
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: SUBJECT TO THE CONDITION THAT THE MAXIMUM VOLUME PER YEAR SHALL  
NOT EXCEED 4.0 AFA WHEN COMBINED WITH LIC. NOS. 36-2446 & 36-2447  
UNDER A36-02446, 35 OF THE ABOVE ACRES ARE IRRIG IN THE SE QTR.  
UNDER A36-02447, 78 OF THE ABOVE ACRES ARE IRRIG IN THE NE QTR.

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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 03 1993

A. AJ CLAIM: # A36-07356 PRIORITY DATE: 07-24-1973 STAGE: L  
B. WR RECORD: # 36-07356 PRIORITY DATE: 07-24-1973 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE  
N

FIELD  
EXAMINER  
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:  
07-24-1973

REVIEWED BY gn

DATE

8-22-91

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FEB 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY     |
|-----------|------|------|------|-----|-----|-----|-----|----------|
| A36-07356 | 07S  | 25E  | 36   |     | SE  | NE  |     | MINIDOKA |

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

WR RECORDS IN SAME 40 ACRE TRACT  
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY     |
|----------|------|------|------|-----|-----|-----|-----|----------|
| 36-07356 | 07S  | 25E  | 36   |     | SE  | NE  |     | MINIDOKA |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE  
Y  
N

FIELD  
EXAMINER

REMARKS:

add POD's from 36-2446 + 36-2447

MICROFILMED

FEB 03 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

*Sw*

DATE:

*8-22-91*

*S. 36*

*NESW SE*

*SE NW NW*

*SWSE NE*

MICROFILMED

FEB 03 1993

A. ROOT WATER RIGHT NUMBERS: A36-07356

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                    | AJ<br>#/ACRES   | WR<br>#/ACRES  | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM<br>ACRES |
|-------------|-----|-----|-----|-----|-----|-------------------------|-----------------|----------------|-----------------|----------------|-----------------|
| 07S         | 25E | 36  | NW  | SE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 40.0            |                |                 |
|             |     |     |     |     |     | SPLIT BUTTE RANCH INC.  | A36-02446 /15.0 | 36-02446 /15.0 |                 |                |                 |
| 07S         | 25E | 36  | SW  | SE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 40.0            | 38             | 38              |
|             |     |     |     |     |     | SPLIT BUTTE RANCH, INC. | A36-13530 /     | - /            |                 |                |                 |
|             |     |     |     |     |     | SPLIT BUTTE RANCH INC.  | A36-02446 /20.0 | 36-02446 /20.0 |                 | 26             | 26              |
| 07S         | 25E | 36  | SE  | SE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 39.0            | 30             | 30              |
| 07S         | 25E | 36  | NE  | NE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 42.0            | 40             | 40              |
| 07S         | 25E | 36  | NW  | NE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 39.0            | 39             | 39              |
|             |     |     |     |     |     | LING, ROGER D.          | A36-02447 /39.0 | 36-02447 /39.0 |                 |                |                 |
| 07S         | 25E | 36  | SW  | NE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 39.0            | 39             | 39              |
|             |     |     |     |     |     | LING, ROGER D.          | A36-02447 /39.0 | 36-02447 /39.0 |                 |                |                 |
| 07S         | 25E | 36  | SE  | NE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 41.0            | 40             |                 |
| 07S         | 25E | 36  | NE  | SE  |     | SPLIT BUTTE RANCH INC.  | A36-07356 /40.0 | 36-07356 /40.0 | 40.0            | 40             | 40.0            |
| TOTAL ACRES |     |     |     |     |     | A36-07356               | 320.00          | 320.00         | 320.00          | 292            |                 |

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  
Y

Recommend as P.P.U. on 748 Acres  
\* see attached sheet

\* → Some Reductions in Acres have been made to this right to allow for the buildings, canals & Roads within the place of use listed - see maps in 36-2446 file.

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

292

REVIEWED BY:

Sen

DATE:

8-22-91

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FEB 03 1993

A. AJ CLAIMED USES:

A36-07356 PURPOSES  
IRRIGATION

MONTH/DAY  
FROM 04-01 TO 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY  
2.940 CFS 1147.00 AF/A  
2.940 CFS 1147.00 AF/A

B. WR RECORDED USES:

36-07356 PURPOSES  
IRRIGATION

MONTH/DAY  
FROM 04-01 TO 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY  
2.940 CFS 1147.00 AF/A  
2.940 CFS 1147.00 AF/A

PRESUMPTION FLAG:

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  
EXAMINER  
DATABASE  
N  
N  
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y( ) N(X)

Y(X) N( )

Explain in remarks, below.

REMARKS:

3/15 to 11/15

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 2.940 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.940 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?

FIELD  
DATABASE EXAMINER

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

B.

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: A36-02446, A36-02447

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM     | SOURCE      | NAME                   | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------|------------------------|-----------|----------------|-----------|----------------|
| A36-07356 | GROUNDWATER | SPLIT BUTTE RANCH INC. | 2.940     | 0.009          | 1147.00   | 3.58           |
| A36-02446 | GROUNDWATER | SPLIT BUTTE RANCH INC. | 3.690     | 0.019          | 760.00    | 4.00           |

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

| CLAIM NO. | PURPOSES   | NAME                    | MONTH/DAY           | RATE     | VOLUME |
|-----------|------------|-------------------------|---------------------|----------|--------|
| A36-13530 | DOMESTIC   | SPLIT BUTTE RANCH, INC. | FROM 01-01 TO 12-31 | .160 CFS |        |
| A36-13530 | STOCKWATER | SPLIT BUTTE RANCH, INC. | FROM 01-01 TO 12-31 | .160 CFS |        |

PHOTOCOPIED

FEB 03 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

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 = 960.0 AF/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 1147.00 AF/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(\_\_\_\_) N(\_\_\_\_)

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

1b. CALCULATIONS

*\* See 36-2446*

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RECOMMENDATIONS:

| REC.<br>PURPOSES       | REC. PERIOD<br>FROM TO                       | REC. DIV<br>RATE CFS                         | REC. DIV<br>VOL. AF/A                                     | REC. CONS.<br>USE                                       |
|------------------------|----------------------------------------------|----------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------|
| IRRIGATION             | <del>04-01</del> 3/15 <del>10-15</del> 11/15 | DATABASE EXAMINER<br>2.940 <u>          </u> | DATABASE EXAMINER<br><del>1147.00</del> <u>          </u> | DATABASE EXAMINER<br><del>960.0</del> <u>          </u> |
| TOTAL FOR THIS RIGHT   |                                              | 2.940                                        | <del>1147.00</del> 0                                      | <del>960.0</del> 0                                      |
| REVIEWED BY: <u>SW</u> | DATE: <u>8-22-91</u>                         |                                              |                                                           |                                                         |

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K06  
F06  
E04

C03  
C05  
C09

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

ACCEPTED  
AS CLAIMED ☒ (X)  
NEEDS  
REVIEW ☐ (0)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07356

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE  
2.940

EXAMINER  
\_\_\_\_\_

CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A36-07356                | 2.940             | -                         |                  | 36-07356            | 2.940             |
| TOTAL CFS            |                          | 2.940             |                           |                  |                     | 2.940             |

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:

N/A

=====

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF FIELD EXAMINER: \_\_\_\_\_

TITLE: \_\_\_\_\_

=====

MICROFILMED

FEB 03 1993

NORTH 1/4 CORNER  
SECTION 36  
fnd 5/8" rebar  
c.p. rec. 8 SEP. 1995  
inst. no. 420196

S 88°50'21"W  
2640.29'

county road r.o.w.

PARCEL 1  
157.86 ACRES

PREVIOUSLY SURVEYED

CENTER 1/4 CORNER  
SECTION 36  
no corner fnd or  
set this survey

set 1/2" rebar

N 88°48'20"W  
2637.40'

fnd 1/2" rebar

WEST 1/4 CORNER  
SECTION 36  
fnd hole from 5/8"  
rebar, set 5/8" x 24"  
rebar to rock, top of  
rebar 2" below surface  
of ground  
c.p. rec. 8 SEP. 1995  
inst. no. 420198

1/2" rebar

| LINE | BEARING      | DISTANCE |
|------|--------------|----------|
| L 1  | N 00°06'23"W | 104.51'  |
| L 2  | S 00°02'35"E | 63.98'   |
| L 3  | N 88°48'20"W | 16.68'   |
| L 4  | S 00°13'25"E | 190.23'  |
| L 5  | S 78°43'22"E | 272.35'  |
| L 6  | N 43°47'39"W | 52.02'   |
| L 7  | N 89°41'25"W | 103.23'  |

S 00°13'25"E  
1122.27'

fnd 1/2" rebar

SOUTH 1/4 CORNER  
SECTION 36  
fnd 5/8" rebar  
c.p. rec. 8 SEP. 1995  
inst. no. 420201

36  
1

NORTHEAST CORNER  
SECTION 36  
fnd U.S. GLO iron  
pipe w/ brass cap  
c.p. rec. 8 SEP. 1995  
inst. no. 420197

basis of bearing  
S 00°02'35"E  
2576.06'  
county road r.o.w.

set 1/2" rebar

EAST 1/4 CORNER  
SECTION 36  
fnd 5/8" rebar along  
side 1" iron pipe  
c.p. rec. 8 SEP. 1995  
inst. no. 420199



SCALE 1" = 300'

PREVIOUS RECORD OF SURVEY

PROPERTY SURVEY FOR DAVID MICKELSEN  
DWLS # 4656-9782  
REC. 12 FEB. 1998, INST. NO. 433719

PROPERTY SURVEY FOR SPLIT BUTTE RANCH  
WARREN HEINS, DWLS # 3700-9581  
REC. 8 SEP. 1995, INST. NO. 420216

SECTION 36

T.7 S. . R.25 E. . B.M.

MINIDOKA COUNTY, IDAHO

SURVEY

ered Professional  
No. 3623, do hereby  
Survey has been prepared  
ound under my supervision  
ate representation of

x 24" rebar)  
ed.

TROL FOUND

PROPERTY SURVEY  
for  
PAUL DUNCAN



DESERT WEST LAND SURVEYS

1751 OVERLAND AVE. BURLEY, IDAHO 83318

JOB NO: 5177-9981

DRAWN BY:

DATE: 14 MAY 1999

CHECKED BY:

GPS SURVEY



Desert West Land Surveys

PHONE: 208-678-7112

7252-36-0-0-0



25 30  
36 31  
basis of bearing  
S 00°02'35"E  
2576.06'  
L.B.  
36 31  
995  
county road r.o.w.  
(S 00°14'25"E, rec.)  
S 00°10'50"E  
2628.09'  
36 31  
1 6  
1995

CERTIFICATE OF SURVEY

I, Steven C. Pearson, a Registered Professional Land Surveyor, Idaho License No. 3623, do hereby certify that this Record of Survey has been prepared from a survey made on the ground under my supervision and that this map is an accurate representation of said survey.



SCALE 1" = 300'

NOTE

- - SET IRON PIN (1/2" x 24" rebar) w/ L.S. no. attached.
- - NO CORNER SET.

OTHER SURVEY CONTROL FOUND OR SET AS NOTED.

PREVIOUS RECORD OF SURVEY

PROPERTY SURVEY FOR DAVID MICKELSEN  
DWLS # 4656-9782  
REC. 12 FEB. 1998, INST. NO. 433719

PROPERTY SURVEY FOR SPLIT BUTTE RANCH  
WARREN HEINS, DWLS # 3700-9581  
REC. 8 SEP. 1995, INST. NO. 420216

PROPERTY SURVEY FOR PAUL DUNCAN  
DATED 14 MAY 1999 (RECORDATION IN PROCESS)

SECTION 36

T.7 S. . R.25 E. . B.M.

MINIDOKA COUNTY, IDAHO

PROPERTY SURVEY  
for  
PAUL DUNCAN



DESERT WEST LAND SURVEYS

1751 OVERLAND AVE. BURLEY, IDAHO 83318

JOB NO: 5212-9981

DRAWN BY:

DATE: 14 JUN. 1999

CHECKED BY:

GPS SURVEY



Desert West Land Surveys

PHONE: 208-678-7112

7252-36-0-0-0



