

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: A36-07607
Date Received: 9/19/1989
Receipt No: S009240
Received By:

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

1. Name: TED LENO 208-436-6089
Address: RT. 4
RUPERT, ID 83350

Name: NEVA L. LENO
Address: RT. 4
RUPERT, ID 83350

2. Date of Priority: FEB 20, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	25E	33	SE	SE			MINIDOKA
		34	SW	SW			MINIDOKA

5. Description of diverting works:
WELLS, PUMPS & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.500		

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

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A36-07607

Page 1

Date: 09/19/89

MICROFILMED
OCT 19 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	25E	33	NE		SE		IRR	24.0
			NW		SE		IRR	4.0
			SW		SE		IRR	20.0
			SE		SE		IRR	34.0
						Section Acres		82.0
		34	NE		SW		IRR	40.0
	NW			SW		IRR	40.0	
	SW			SW		IRR	39.0	
	SE			SW		IRR	39.0	
						Section Acres		158.0
						Total Acres		240.0

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:
NONE

14. Remarks:
SEE ATTACHED.

15. Basis of Claim: PERMIT

(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.

MICROFILMED
OCT 19 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 3009238

Date: 09/19/89
Time: 15:05:17

Received
From: LENO, TED

Type of Payment	Program Acct Class	Amount
APPLICATION FOR AMENDMENT 36-07607 36-07607	0640199 1238 6390	\$20.00

Total \$20.00

CHECK 6636

Idaho Department of Water Resources

Region: SOUTHERN

Signature: Judy Givens

MICROFILMED
FEB 04 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-07607

Date of Priority: February 20, 1976

Maximum Diversion Rate: 4.50 CFS
Maximum Diversion Volume: 960.0 AF

Comes now

TED LENO
NEVA L. LENO

RT. 4
RUPERT, ID 83350

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-07607, and requests that the permit be changed as follows:
Source: GROUNDWATER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 11/01

RATE OF DIVERSION

4.50 CFS

ANNUAL VOLUME

960.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW, Sec. 34, Township 08S, Range 25E
SESE, Sec. 33, Township 08S, Range 25E
MINIDOKA County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

08S 25E 33

NESE 24

NWSE 4

SWSE 20

34

SESE 34

NESW 40

SESW 39

NWSW 40

SWSW 39

82

158

Total number of acres irrigated:

240

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Twin Falls, ID., this 19 day of Sept, 1989

Ted Leno
(Signature)
MICROFILMED
FEB 04 1993

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-07607

FOR DEPARTMENT USE ONLY

Preliminary check by 18 / Fee = \$20.00

Received by 16 Date 9/19/89

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 36-07607 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this _____ day of _____, 19____.

R. Keith Higginson, Director

MICROFILMED
FEB 04 1993

S-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4359
WATER RIGHT NO. 36-07607

RECEIVED

DEC 13 1995

Department of Water Resources
Southern Region

This is to certify that: **TED LENO**
RT 4
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 10/31	4.50 CFS	960.0 AF

SOURCE

GROUNDWATER

Priority: 02/20/1976

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 33, Township 08S, Range 25E
SWSW , Sec. 34, Township 08S, Range 25E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	25E	33	SENE 2	NWSE 4	SWSE 39	
		34	SESE 37	NWSW 40	SWSW 39	82
			NESW 40			
			SESW 39			158
Total number of acres irrigated:						240

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4359
WATER RIGHT NO. 36-07607

CONDITIONS OF APPROVAL AND REMARKS

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Dated this 8th day of December, 1995


Chief, Water Alloc. Bureau

RECEIVED

APR 9 1976

Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

Identification No. _____
Application No. 36-7607

APPROVED

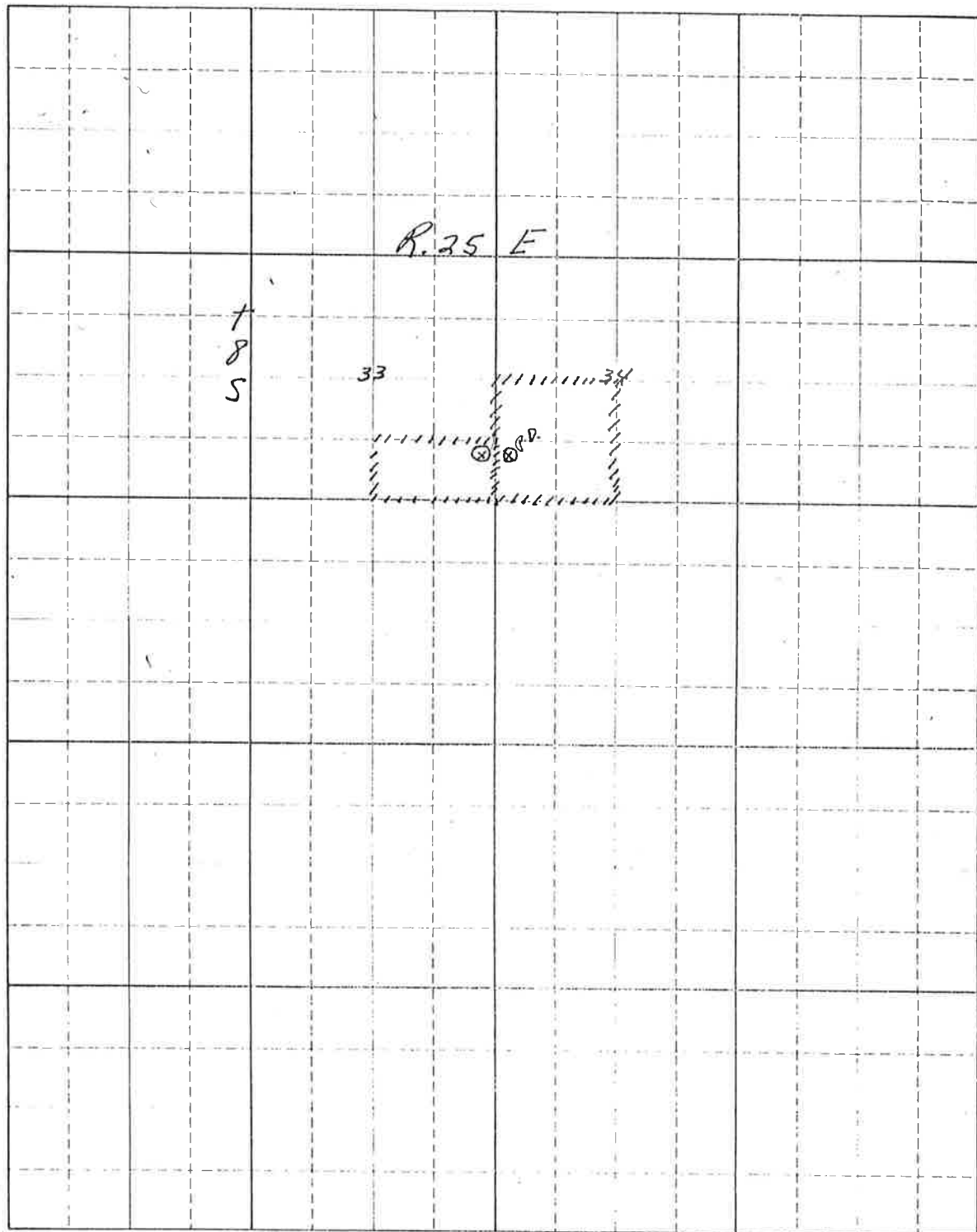
1. Name of applicant Ted &/or Neva L. Leno Phone: 436-6089
post office address Route #4, Rupert, Idaho 83350
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SW 1/4 of SW 1/4 of Section 34 Township 8S
Range 25E B.M. Minidoka County; additional points of diversion if any: SE 1/4 Sec. 33, T8S, R25E, B.M.
- b. If water is not consumed, it will be discharged into _____ at a point in _____
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4.80 cfs for Irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.80 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, & sprinklers
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 12 inches; proposed depth of well is 125 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 1,500.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____ or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

[illegible]

c. Describe any other water rights used for the same purposes as described above. None

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ted Leno
(Applicant)

Priority 2-20-76

Received by CC Date 2-20-76 Time 11:30 a.m.

Preliminary check by MB Fee \$ 65.00

#2024

Received by CC Date 2-20-76

Publication prepared by MS Date 2-20-76

Published in Minidoka County News

3/11/76: Readvertised on
3/16 & 3/23/76. cc

Publication dates 3-2 & 3-9-76

Publication approved CC Date 3-31-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by MB DRF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7607, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1981.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 7 day of April, 1976


Director

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4359RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

APR 10 1994

Name of Applicant Ted Leno Phone 436-6089
Post Office address Rt 4 Rupert, ID 83350

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To remove acres from federal land and place them on private land to resolve objection to right in SRBA by federal gov't.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 36-07607 Priority 2/20/1976 Amount (cfs/ac-ft) 4.50 Nature of Use Irrig. Period of Use 4/1 to 10/31
2. Total amount of water being transferred 4.50 cubic feet per second and/or 960 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: No Change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	SE	33	8S.	25E	Minidoka	
	NW	SW	SW	34	8S.	25E	Minidoka	

5. Lands irrigated or place of use:

Twp.	Rge.	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	
8S.	25E	33				2										4	39	37	82
8S.	25E	34									40	40	39	39					158

Total acres 240

36-7607, T # 4359

PART 1

6. General Information:

- a. Description of diversion system The east well in Sec. 34 has a 100 H.P. pump & the west in Sec 33 has a 75 H.P. pump. Both wells serve a common mainline system. (Note MID water is comingled in this system.)
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The federal land will continue to be irrigated from MID shares on the federal land. The pump supplying these lands is a 50 H.P. pump located in the SWSE ^{Sec 33} which is also connected to the sprinkler system. supplied by the wells described above & the water is comingled.
- d. Remarks: This transfer is to correct original license & SRBA recommendation which placed acres watered on federally owned land. The transfer is to place the acres served on those solely owned by applicant.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 36-07607 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 2-20-1976

5. Water is used for the following purpose:

amount 4.50 cfs for Irrig. purposes from 4-1 to 11-1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 4.5 cubic feet per second and/or 960 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	33	8S	25E	Minidoka	
		SW	SW	34	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
8S	25E	33													24	4	20	34	82
		34									40	40	37	37					158

Total acres 240

9. Describe any other water rights used for the same purpose as described above M.I.D. shares

10. To your knowledge, has any portion of this water right undergone a period of 1 or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

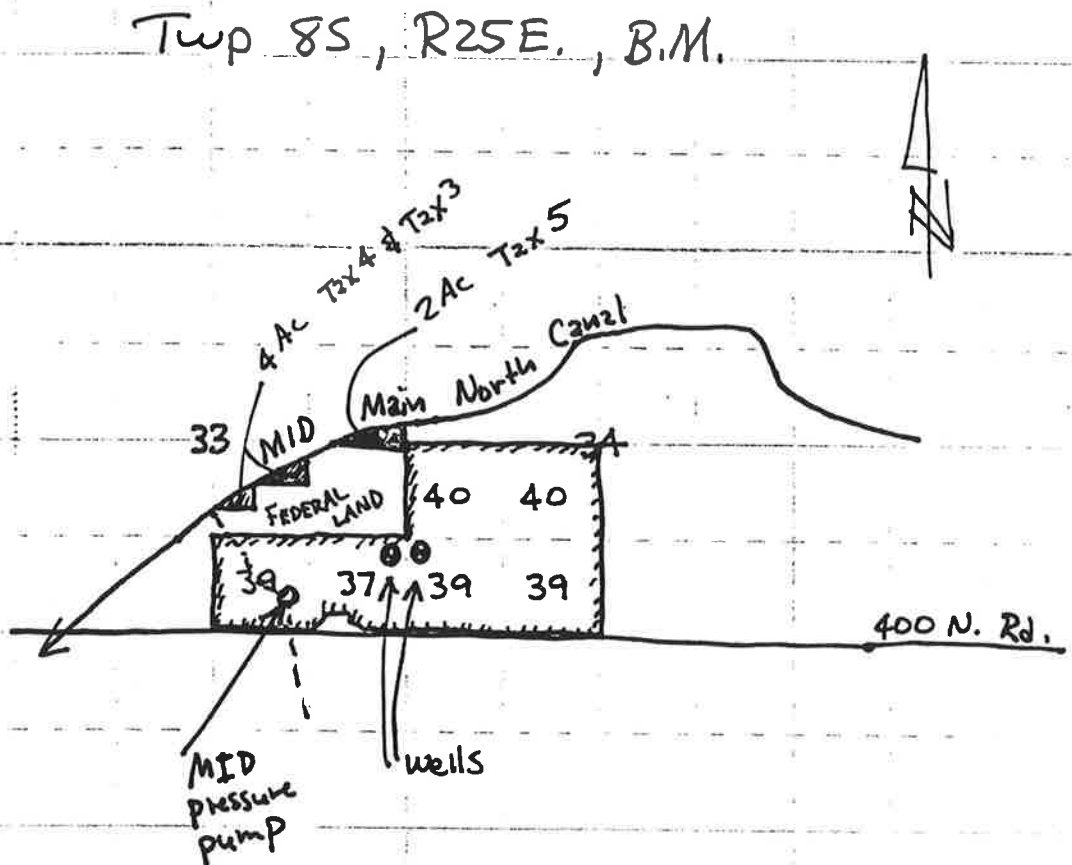
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

N/A

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ted Leno

(Signature of Applicant)

Subscribed and sworn to before me this 8th day of Feb., 19 94.

And Mente

(Notary Public)

M/ commission expires 6/30/94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by MTS Date 4-14-94

Protest filed by None

Prelim. check by J.F. Stanton Fee \$50.00

Receipted by MTS 5016761 Date 4-14-94

Published in So. Ill. Press

Copies of protest forwarded by _____

Pub. dates 6/13 * 6/20/94

Hearing held by _____ Date _____

Watermaster recommendation requested on N/A

Recommended for ☒ approval ☐ denial

_____ rec'd. by ADN

Copy of transfer sent to lien holder _____

TO: File

SUBJECT: Ted Leno Transfer

FROM: Jim Stanton

DATE: 4-18-94

Since SRBA recommendation has been done, I do not plan to do a Pre-transfer inspection.
SRBA acreage recommendation is different than license (same total acres but different dis-
tribution). Due to uncertainty over accomplished-transfer statute, transfer must be based
on license at this time. The tax lots and other private land the water is being moved to
does not have MID shares claimed on it at this time, but this may change. Apparently Mr.
Leno uses MID shares on his land. In order to avoid an expansion, MID water must be re-
moved from the same land that is being dried up under this transfer (federal land farmed
under lease by Mr. Leno).

☒ For your information

☐ Response required


signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 7, 2008

TERRI MCBRIDE
LAND TITLE AND ESCROW INC
PO BOX 177
BURLEY ID 83318

Re: Water Right 36-7607, Gary Hansen, File #44876

Dear Ms. McBride,

The department received the Notice of Change in Water Right Ownership form submitted from the Estate of Ted Leno and Neva Leno to Gary, Coleen, Annette and Douglas Hansen. I cannot process the form at this time without further documentation.

The water right's place of use covers most of the southwest quarter of Section 34 and most of the southeast quarter of Section 33 plus 2 acres in the SENE. (See colored map #1: The place of use is outlined in yellow) The Warranty Deed covers quite a bit less acreage. (See deed plot diagram #2)

The Bureau of Reclamation owns the area in yellow and I assumed Mr. Leno had a lease agreement with the Bureau. That leaves several small parcels (map #2 in red) not on the Warranty Deed that are covered in the water right.

You have stated that the right was sold to the Hansens intact. I need documentation showing these parcels were sold off "Dry" with no irrigation. In Idaho, the water stays with the land unless an agreement is made between the parties. No mention of the water in an agreement would silently convey the water with the land. With the documentation of dry sales, I can transfer the right intact to the Hansens.

The other option is to split the water right to cover the Hansen's property and leave the other parcels with their portions. An additional fee of \$75 (\$100 total) is required for a split.

Please contact the department with any questions. (208) 736-3033

Sincerely,

Carrie Hahn
Clerk

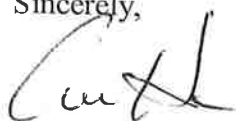
During the of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right indicated in your notice. I have enclosed a copy of the water right for your reference. Either a deed is missing in the submitted documentation or this water right needs to be split to convey irrigation water to the current owners. An addition fee of \$75 is required for a split.

I have enclosed the processed water right #36-12323.

Because the Department cannot process the ownership change without proper documentation or fees, we will hold any action on your notice pending receipt of the necessary information or fees. If we do not receive the necessary information or fees within 30 days, we will return your notice and \$25 fee; your notice will not be processed.

Please note that water right owners are required to report any change in water rights ownership and/or mailing address to the Department within 120 days of the change. Failing to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's website to obtain the proper forms and instructions. Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carrie Hahn', written over the word 'Sincerely,'.

Carrie Hahn
Clerk

Data and Deed Call Listing of File: redo.des

+Tract 1: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet
-Tract 2: 7.167 Acres: 312181 Sq Feet: Closure = s40.3450w 0.01 Feet: Precision =1/318442: Perimeter = 2447 Feet
-Tract 3: 5.725 Acres: 249375 Sq Feet: Closure = n31.4257w 0.01 Feet: Precision =1/423569: Perimeter = 3041 Feet
-Tract 4: 1.438 Acres: 62656 Sq Feet: Closure = n79.3553e 0.01 Feet: Precision =1/214460: Perimeter = 1155 Feet
-Tract 5: 10.097 Acres: 439818 Sq Feet: Closure = n16.2607w 0.00 Feet: Precision =1/657723: Perimeter = 3009 Feet
-Tract 6: 3.305 Acres: 143986 Sq Feet: Closure = s90.0000e 920.00 Feet: Precision =1/ 2: Perimeter = 2154 Feet
+Tract 7: 1.784 Acres: 77693 Sq Feet: Closure = n38.3211w 0.00 Feet: Precision =1/392192: Perimeter = 1403 Feet
+Tract 8: 2.246 Acres: 97844 Sq Feet: Closure = s74.4309e 0.00 Feet: Precision =1/361145: Perimeter = 1574 Feet
+Tract 9: 2.892 Acres: 125982 Sq Feet: Closure = n56.2804w 0.01 Feet: Precision =1/255305: Perimeter = 1942 Feet
Tract 10: 160.000 Acres: 6969600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 10560 Feet
-Tract 11: 2.500 Acres: 108904 Sq Feet: Closure = s76.2721e 0.03 Feet: Precision =1/39476: Perimeter = 1360 Feet
-Tract 12: 2.489 Acres: 108419 Sq Feet: Closure = n12.3535e 0.01 Feet: Precision =1/208231: Perimeter = 1665 Feet
-Tract 13: 0.957 Acres: 41679 Sq Feet: Closure = n88.0831e 0.01 Feet: Precision =1/172207: Perimeter = 1075 Feet
-Tract 14: 0.991 Acres: 43174 Sq Feet: Closure = s25.4115w 0.00 Feet: Precision =1/322382: Perimeter = 1585 Feet
Net Area= 52.253 Acres: 2276126 Sq Feet

001=/SE,SE,SE,33,08S,25E	044=s55.5631e 230.81	087=n0.4143w 25
002=/N00E 1320.00	045=s54.0844e 444.75	088=n0.4143w 231.49
003=/N90W 0.00	046=s77.2818e 267.04	089=s89.5231e 422.64
004=S00W 1320.00	047=s0.1428e 191.77	090=s0.2229e 259.76
005=N90W 2640.00	048=s0.1428e 27.80	091=@0-
006=N00E 1320.00	049=n89.1959w 907.31	092=/SE,SE,SW,34,08S,25E
007=N90E 2640.00	050=@0-	093=/N0.2229W 302.12
008=@0-	051=/se,33,08s,25e	094=N0.2229W 543.31
009=/se,33,08s,25e	052=s90w 920	095=S36.4240W 149.71
010=/n89.1959w 22	053=s90w 400	096=S33.3030W 294.40
011=n89.1959w 894.93	054=n00e 217	097=S44.3220W 248.16
012=n0.2218w 27.09	055=n90e 400	098=S89.5231E 429.63
013=n0.2218w 191.93	056=s00w 217	099=@0-
014=n72.5850e 351.32	057=@0+□	100=/SE,SE,SW,34,08S,25E
015=n61.2158e 164.03	058=/se,nw,se,33,08s,25e	101=/N89.2538W 521.25
016=s89.1959e 412.00	059=/n00e 330	102=N0.4143W 25.01
017=s0.3725e 406.09	060=/S90W 660	103=N0.4143W 174.99
018=@0-	061=s90w 503.55	104=S64.4237W 398
019=/se,se,sw,33,08s,25e	062=n58.30e 590.58	105=S64.4237W 60.38
020=s89.1959e 202.48	063=s00w 308.58	106=S89.2538E 416.89
021=n0.2009w 30.12	064=@0+	107=@0-
022=n0.2009w 391.30	065=/se,nw,se,33,08s,25e	108=/SE,SE,SW,34,08S,25E
023=s89.1959e 96.40	066=/n00e 660	109=/N89.2538W 421.25
024=n13.3331w 245	067=s90w 565.10	110=N0.4143W 25.01
025=n40.4529w 22.56	068=n58.30e 662.76	111=N0.4143W 231.48
026=n14.2430w 665.91	069=s00w 346.29	112=S89.5231E 422.64
027=n89.1856w 25.90	070=@0+	113=N0.2229W 42.36
028=n89.1856w 42	071=/se,ne,33,08s,25e	114=N89.5231W 429.63
029=s0.2426e 1319.01	072=n00e 212.93	115=S43.1445W 134.34
030=@0-	073=s85.0844w 573.27	116=S0.4143E 174.99
031=/se,se,sw,33,08s,25e	074=s61.17w 311.32	117=S0.4143E 25.01
032=/s89.1959e 202.43	075=s88.5935e 844.38	118=S89.2538E 100
033=n00.2009w 421.42	076=@0 sw,34,08s,25e	
034=s89.1959e 96.40	077=/SE,SE,SE,34,08S,25E	
035=s14.1253e 435.98	078=/N00E 2640.00	
036=n89.1959w 201	079=/N90W 2640.00	
037=@0-	080=S00W 2640.00	
038=/se,se,sw,33,08s,25e	081=N90W 2640.00	
039=/s89.1959e 403.48	082=N00E 2640.00	
040=n14.1253w 30.64	083=N90E 2640.00	
041=n14.1253w 405.34	084=@0-	
042=n13.3331w 245	085=/se,sw,34,08s,25e	
043=s89.0520e 258.48	086=n89.2538w 421.28	



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 28, 2008

MEGAN MARTINEZ
LAND TITLE AND ESCROW INC
PO BOX 177
BURLEY ID 83318

Re: Change in Ownership #36-7607, Hansen, #44876

Dear Ms. Martinez :

The Department of Water Resources acknowledges receipt of your <Notice of Change in Water Right Ownership><Assignment of Permit><Notice of Change in Address><Notice of Security Interest>. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- _____ Filing Fee of \$25 per water right <permit>
- _____ Filing Fee of \$100 per water right for changes resulting from division of a water right
- _____ Signature
- _____ Notarized Signature for Assignment of Permit
- _____ Evidence of Water Right Ownership: copy of Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- _____ Evidence of Security Interest: copy of Deed of Trust, Mortgage, Contract of Sale, or other legal document indicating your interest in the property and water rights in question
- _____ Security Interest Expiration Date
- _____ Legal Description of Property
- _____ Plat of Property or Survey Map usually on file with the county
- _____ USDA Farm Service Agency (formerly ASCS) Aerial Photo with irrigated acres outlined and point(s) of diversion clearly marked
- ☒ Description of Portion of Water Right resulting from division of water right

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7607

WATER RIGHT NUMBER: 36-7607

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	TED LENO RT 4 BOX 277 RUPERT, ID 83350 (208)436-6089
Current Owner	ESTATE OF TED LENO C/O THEODORE LENO JR -PERSONAL REPRESENTATIVE 616 ATWATER RD

Original Owner	LAKE OSWEGO, OR 97034 (503) 675-5352
	NEVA L LENO RT 4 RUPERT, ID 83350 (208)436-6089

Priority Date: 02/20/1976

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

*Needs split
or dry creeks*

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.500 CFS	960.00 AF
	<u>Total Diversion:</u>	4.500 CFS	960.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SE1/4	Sec. 33, Twp 08S, Rge 25E, B.M.
MINIDOKA County		
GROUND WATER	NW 1/4SW 1/4SW 1/4	Sec. 34, Twp 08S, Rge 25E, B.M.
MINIDOKA County		

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
08S 25E 33	2.0			34.0	131.0
08S 25E 34			39.0	19.0	158.0

Total Acres: 289

*33.4
acres*

60.5

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-7607

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. S16 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MINIDOKA IRRIGATION DIST.
3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Remarks:

Comments:

1. CFRITSCH 11/17/1995 REVISED RECOMMENDATION

Comment: THE RECOMMENDATION WAS REVISED TO REFLECT AMENDED TRANSFER NO. 4359. MINIDOKA IRRIGATION DISTRICT WILL AMEND THEIR CLAIM(S) TO INCLUDE THE LANDS MR. LENO IRRIGATES WITH DISTRICT WATER. CF 12-21-95

2. KCHRISTE 12/2/1997 REFORMAT

Comment: DELETED CONS USE AND CHANGED MINIDOKA OVERLAP FROM RMK TO COMMENT

3. AJU10-DS 12/22/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

4. kpickett 9/2/2005 POD

Comment: Correlated PODID 501255 from SpatialDataID 208240 to SpatialDataID 208252

5. kpickett 9/2/2005 POD

Comment: Correlated PODID 501255 from SpatialDataID 208240 to SpatialDataID 208252

6. kpickett 9/2/2005 POD

Comment: Correlated PODID 501256 from SpatialDataID 208259 to SpatialDataID 208268

7. kpickett 9/2/2005 POD

Comment: Correlated PODID 501256 from SpatialDataID 208259 to SpatialDataID 208268

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-7607

Dates and Other Information:

Licensed Date:
Decreed Date: 9/5/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
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

Combined Use Limits:

Water Supply Bank:

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

RECEIVED

APR 10 2008

DEPT. 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
PD 36-12323					
PD 36-7607					

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) Estate of Ted Leno and Neva Leno
4. New Owner/Claimant(s) Gary L. Hansen, Colleen Hansen, Douglas L. Hansen
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
and Annette Hansen
- New Mailing Address 230 E. 700 N. Rupert, ID 83350
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property 4-8-08

SUPPORT DATA

IN FILE # 36-7607

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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

[Handwritten Signature]
[Handwritten Signature]

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 <i>[Signature]</i>	Date <u>4/16/08</u>	Fee <u>\$50</u>
Receipted by <i>[Signature]</i>	Date <u>4/16/08</u>	Receipt No. <u>3030137</u>
Processed by _____	AJ Date _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4359
WATER RIGHT NO. 36-07607

This is to certify that: **TED LENO**
RT 4
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 10/31	4.50 CFS	960.0 AF

SOURCE

GROUNDWATER

Priority: 02/20/1976

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 33, Township 08S, Range 25E
SWSW , Sec. 34, Township 08S, Range 25E
MINIDOKA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	25E	33	SENE 2,	NWSE 4	SWSE 39	
			SESE 37			82
		34	NESW 40	NWSW 40	SWSW 39	
			SESW 39			158
Total number of acres irrigated:						240

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

JAN 23 1986

TRANSFER NO. 4359
WATER RIGHT NO. 36-07607

CONDITIONS OF APPROVAL AND REMARKS

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Dated this 8th day of December, 1995


Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4359
WATER RIGHT NO. 36-07607

This is to certify that: **TED LENO**
RT 4
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 10/31	4.50 CFS	960.0 AF

SOURCE

GROUNDWATER

Priority: 02/20/1976

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 33, Township 08S, Range 25E
SWSW , Sec. 34, Township 08S, 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>
08S 25E 33	SENE 2	NESE 34	NWSE 19	
	SWSE 39	SESE 37		131
34	NESW 40	NWSW 40	SWSW 39	
	SESW 39			158
				Total number of acres irrigated: * 289

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

JAN 23 1996

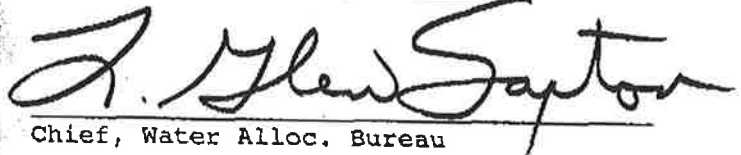
AMENDED

TRANSFER NO. 4359
WATER RIGHT NO. 36-07607

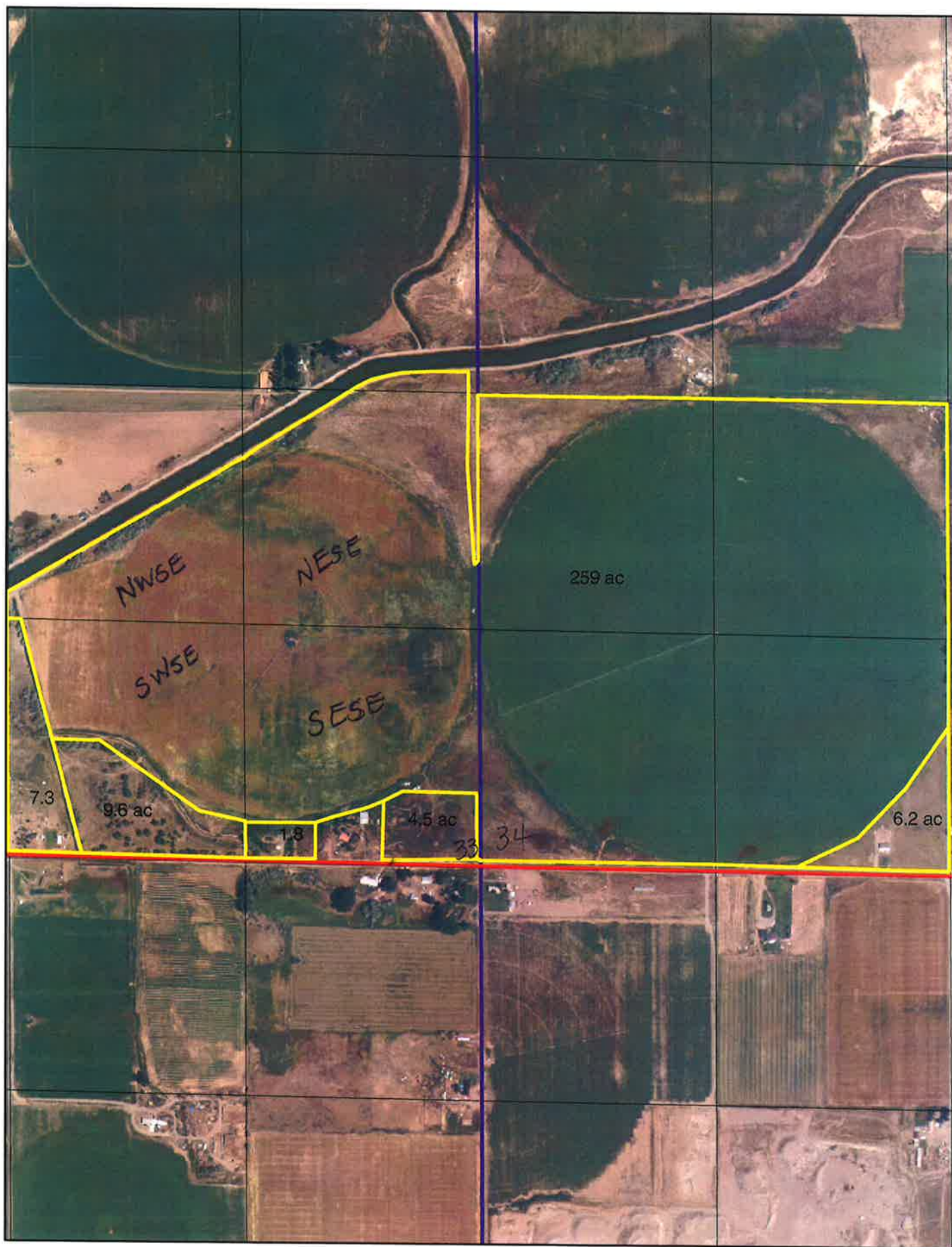
AMENDED

CONDITIONS OF APPROVAL AND REMARKS

2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. The right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- * 6. Right No. 36-07607 is limited to the irrigation of 240.0 acres in the place of use described above in a single irrigation season.

Dated this 21st day ofDecember, 1995
Chief, Water Alloc. Bureau

JAN 29 1996

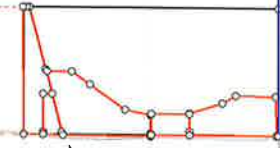
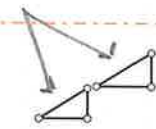


33

34

4 ACRES

2.9 ACRES

-17.6
ACRES

-8.9 ACRES

-6.6 ACRES

Title:

Date: 04-24-2008

Scale: 1 inch = 2000 feet

File: redo.des

85 25E

red is exceptions

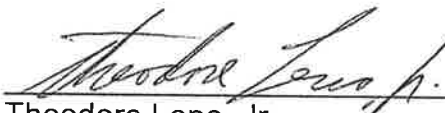
WARRANTY DEED

FOR VALUE RECEIVED, the Estate of Ted Leno, of 616 Atwater Road, Lake Oswego, Oregon 97034, hereinafter referred to as the "Grantor", hereby grants, bargains, sells and conveys unto Gary L. Hansen and Colleen Hansen, husband and wife, and Douglas L. Hansen and Annette Hansen, husband and wife, whose collective address is 230 East 700 North, Rupert, Idaho 83350, the below described real property. The subject property, located in Minidoka County, Idaho, is described as more particularly set forth on Exhibit "A" attached hereto and incorporated herein as though set forth at length, together with any and all water rights appurtenant to the above described property.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's successors and assigns 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 the said premises are free from all encumbrances except as above-described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of April, 2008.

THE ESTATE OF TED LENO


Theodore Leno, Jr.,
Personal Representative

WARRANTY DEED - 1

C:\Documents and Settings\User\My Documents\REALEST\Sale\Leno.Hansen.WD.wpd

Instrument # 496149

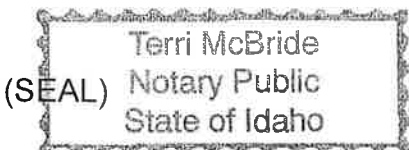
MINIDOKA COUNTY, RUPERT, IDAHO
4-8-2008 03:42:02 No. of Pages: 6
Recorded for : BURLEY LAND TITLE
DUANE SMITH Fee: 18.00
Ex-Officio Recorder Deputy



STATE OF IDAHO)
) ss.
County of CASSIA)

On this 8TH day of April, 2008, before me the undersigned, a Notary Public in and for said state, personally appeared Theodore Leno. Jr., the Personal Representative of the Estate of Ted Leno, and is known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same on behalf of said estate and its sole personal representative.

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




Notary Public for _____
Residing at: Keper
Commission Expires: 2-5-14

Exhibit "A"

PARCEL NO. 1:

TOWNSHIP 8 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 33:

The S½SE¼ of said Section 33, EXCEPTING the following described tracts:

Tract No. 1:

Commencing at the Southeast corner of said Section 33, marked by a brass cap survey monument, and running thence along the South line thereof North 89°19'59" West 22.00 feet to a ½ inch rebar set thereon, and the TRUE POINT OF BEGINNING;
Thence continuing along said South section line North 89°19'59" West 894.93 feet to the intersection thereof with the East line of that real property conveyed from Ted Leno and Neva L. Leno to Robert Allen King and Janet King by the Warranty Deed recorded January 8, 1979 as Document No. 288386, Minidoka County records;
Thence along said East line North 0°22'18" West 27.09 feet to a ½ inch rebar set thereon;
Thence continuing along said East line North 0°22'18" West 191.93 feet to a ½ inch rebar at the Northeast of said lands of King;
Thence leaving said East line North 72°58'50" East 351.32 feet to a ½ inch rebar;
Thence North 61°21'58" East 164.03 feet to a ½ inch rebar;
Thence South 89°19'59" East 412.00 feet to a ½ inch rebar;
Thence South 0°37'25" East 406.09 feet to the TRUE POINT OF BEGINNING.

Tract No. 2:

Beginning at the S¼ corner of said Section 33, marked by a 5/8 inch rebar, which shall be the Point of Beginning;
Thence along the South line of said Section 33 South 89°19'59" East 202.48 feet to the Southeast corner of land conveyed by said Instrument No. 395161 being also the Southwest corner of that real property conveyed to Shannon M. Yehle by the Quitclaim Deed recorded December 3, 1998 as Instrument No. 438540, Minidoka County records;
Thence along the line common to the lands conveyed by said Instrument Nos. 395161 and 438540 North 0°20'09" West 30.12 feet to a ½ inch rebar set thereon;
Thence continuing along said common line North 0°20'09" West 391.30 feet to a ½ inch rebar set at the Northern corner common to said lands;
Thence along the Northern line of the lands conveyed by Instrument No. 438540 South 89°19'59" East 96.40 feet to a ½ inch rebar at the Northeast corner thereof;
Thence leaving said Northern line North 13°33'31" West 245.00 feet to a ½ inch rebar;
Thence North 40°45'29" West 22.56 feet to a ½ inch rebar set over a culvert at the centerline of an irrigation lateral;
Thence along said centerline North 14°24'30" West 665.91 feet to the intersection thereof with the North line of the S½SE¼ of said Section 33;
Thence along said North line North 89°18'56" West 25.90 feet to a ½ inch rebar set thereon;
Thence continuing along said North line North 89°18'56" West 42.00 feet to a 5/8 inch rebar marking the Northwest corner of said S½SE¼;
Thence along the West line thereof South 0°24'26" East 1319.01 feet to the Point of Beginning.

-Continued-

Tract No. 3:

Beginning at the S $\frac{1}{4}$ corner of said Section 33; Thence South 89°19'59" East for 202.48 feet, (North 88°59' West from the Southeast corner of said Section 33 for 2225.6 feet, rec.) which shall be the True Point of Beginning;
Thence North 00°20'09" West for 421.42 feet (North 0°2' West for 417.0 feet, rec.);
Thence South 89°19'59" East (South 88°59' East, rec.) for 96.40 feet;
Thence South 14°12'53" East for 435.98 feet (South 13°55' East for 431.6 feet, rec.);
Thence North 89°19'59" West for 201.00 feet (North 88°59' West for 200.0 feet, rec.) to the True Point of Beginning.

Tract No. 4:

Commencing at the South quarter corner of said Section 33, marked by a $\frac{5}{8}$ inch rebar, and running thence along the South line thereof South 89°19'59" East 403.48 feet to the Southeast corner of that real property conveyed to Shannon M. Yehle by Quitclaim Deed, recorded December 3, 1998 as Document No. 438540, Minidoka County records, and the TRUE POINT OF BEGINNING;
Thence along the East line of said lands of Yehle North 14°12'53" West 30.64 feet to a $\frac{1}{2}$ inch rebar set thereon;
Thence continuing along said East line North 14°12'53" West 405.34 feet to a $\frac{1}{2}$ inch rebar set at the Northeast corner thereof;
Thence leaving said East line North 13°33'31" West 245.00 feet to a $\frac{1}{2}$ inch rebar;
Thence South 89°05'20" East 258.48 feet to a $\frac{1}{2}$ inch rebar;
Thence South 55°56'31" East 230.81 feet to a $\frac{1}{2}$ inch rebar;
Thence South 54°08'44" East 444.75 feet to a $\frac{1}{2}$ inch rebar;
Thence South 77°28'18" East 267.04 feet to a $\frac{1}{2}$ inch rebar set at the Northwest corner of that real property conveyed to Robert Allen King and Janet King by Warranty Deed recorded January 8, 1979 as Document No. 288386, Minidoka County records;
Thence along the West line of said lands of King South 0°14'28" East 191.77 feet to a $\frac{1}{2}$ inch rebar set thereon;
Thence continuing along said West line South 0°14'28" East 27.80 feet to the intersection thereof with the aforesaid South line of Section 33;
Thence along said South line North 89°19'59" West 907.31 feet to the TRUE POINT OF BEGINNING.

Tract No. 5:

Beginning at the Southeast corner of said Section 33; thence West along the South section line of said Section 33 for 920 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;
Thence West for 400 feet;
Thence North for 217 feet;
Thence East for 400 feet;
Thence South for 217 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 33;

That part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, described more particularly as follows:

Beginning at the Southeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, which point shall be known as the True Point of Beginning;
Thence West for 503.55 feet to a point on the centerline of the Main North Side Canal;
Thence North 58°30' East along centerline of said canal for 590.58 feet;
Thence South for 308.58 feet to the True Point of Beginning.

Section 33: That part of the N½NW¼SE¼, described more particularly as follows:

Beginning at the Southeast corner of the N½NW¼SE¼, which point shall be known as the True Point of Beginning;
Thence West for 565.10 feet to a point on the centerline of the Main North Side Canal;
Thence North 58°30' East along centerline of said canal for 662.76 feet;
Thence South for 346.29 feet to the True Point of Beginning.

Section 33: That part of the S½NE¼, described more particularly as follows:

Beginning at the Southeast corner of the NE¼, which point shall be known as the True Point of Beginning;
Thence North along the East section line of said Section 33 for 212.93 feet to a point on the centerline of the Main North Side Canal;
Thence South 85°08'44" West along centerline of said canal for 573.27 feet;
Thence South 61°17' West along said centerline for 311.32 feet to a point on the South boundary line of the NE¼ of said Section 33;
Thence South 88°59'35" East along said South boundary line for 844.38 feet to the True Point of Beginning.

PARCEL NO. 3:
TOWNSHIP 8 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 34: SW¼;

EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

Commencing at the S¼ corner (Monumented by a 5/8 inch rebar) which shall be the True Point Of Beginning;
Thence North 89°25'38" West for 421.25 feet along the South section line to a point;
Thence North 0°41'43" West for 25.00 feet to a ½ inch rebar;
Thence continuing North 0°41'43" West for 231.49 feet to a ½ inch rebar;
Thence South 89°52'31" East for 422.64 feet to a ½ inch rebar on the East line of the SW¼;
Thence South 0°22'29" East for 259.76 feet along said East line to the True Point Of Beginning.

Tract No. 2:

Commencing at the S¼ corner (monumented by a 5/8 inch rebar); thence North 89°25'38" West along the South section line for 421.25 feet to the True Point Of Beginning;
Thence North 0°41'43" West for 25.01 feet to a ½ inch rebar on the North boundary of a county road easement;
Thence continuing North 0°41'43" West for 231.48 feet to a ½ inch rebar;
Thence South 89°52'31" East for 422.64 feet to a ½ inch rebar on the ¼ section line;
Thence North 0°22'29" West along the ¼ section line for 42.36 feet to a ½ inch rebar;
Thence North 89°52'31" West for 429.63 feet to a ½ inch rebar;
Thence South 43°14'45" West for 134.34 feet to a ½ inch rebar;
Thence South 0°41'43" East for 174.99 feet to a ½ inch rebar on the North boundary of a county road easement;
Thence continuing South 0°41'43" East for 25.01 feet to a point on the South section line;
Thence South 89°25'38" East along the South section line for 100.00 feet to the True Point of Beginning.

Tract No. 3:

Commencing at the S $\frac{1}{4}$ corner of Section 34 (monumented by a 5/8 inch rebar); thence North 0°22'29" West along the East line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for 302.12 feet to a $\frac{1}{2}$ inch rebar and the True Point Of Beginning;

Thence continuing North 0°22'29" West along the East line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ for 543.31 feet to a $\frac{1}{2}$ inch rebar;

Thence South 36°42'40" West for 149.71 feet to a $\frac{1}{2}$ inch rebar;

Thence South 33°30'30" West for 294.40 feet to a $\frac{1}{2}$ inch rebar;

Thence South 44°32'20" West for 248.16 feet to a $\frac{1}{2}$ inch rebar;

Thence South 89°52'31" East for 429.63 feet to the True Point Of Beginning.

Tract No. 4:

Commencing at the South quarter corner of said Section 34 (marked by a $\frac{5}{8}$ inch rebar) and running thence along the South line thereof North 89°25'38" West 521.25 feet to the TRUE POINT OF BEGINNING;

Thence leaving said South section line North 0°41'43" West 25.01 feet to a $\frac{1}{2}$ inch rebar and cap stamped "Moon 7920" set on the Northern county road easement line;

Thence continuing North 0°41'43" West 174.99 feet to a $\frac{1}{2}$ inch rebar and cap stamped "Moon 7920";

Thence South 64°42'37" West 398.00 feet to a $\frac{1}{2}$ inch rebar and cap stamped "Moon 7920";

Thence continuing South 64°42'37" West 60.38 feet to the aforesaid South section line;

Thence along said South line South 89°25'38" East 416.89 feet to the TRUE POINT OF BEGINNING.

Land Title and Escrow, Inc.

A Full Service Title Company Since 1957

RECEIVED

APR 10 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

April 9, 2008

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, STE 200
TWIN FALLS, ID 83301

RE: File No. 44876

Dear Dept. of Water Resources:

Enclosed please find Land Title and Escrow, Inc.'s trust account check No. 26040 in the amount of \$50.00 as payment for the water transfer fee in connection with The Estate of Ted Leno transferring to Gary and Colleen Hansen and Douglas and Annette Hansen.

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

Very truly yours,
Land Title and Escrow, Inc.



Megan Martinez
Escrow Assistant

Serving: Cassia ~ Minidoka ~ Jerome ~ Lincoln ~ Gooding ~ Twin Falls Counties

Box 177 ~ Burley, Idaho 83318
Phone: 878-3524 ~ Fax: 878-4435
lteb@pmt.org

Box 349 ~ Jerome, Idaho 83338
Phone: 324-3357 ~ Fax: 324-8961
ltej@pmt.org

Box 473 ~ Gooding, Idaho 83330
Phone: 934-8477 ~ Fax: 934-5890
lteg@pmt.org

Box 111 ~ Rupert, Idaho 83350
Phone: 436-0606 ~ Fax: 436-1199
lter@pmt.org

From: DWR03::CFRITSCH 21-DEC-1995 14:13:36.10
To: DWR60::DJONES
CC: CFRITSCH
Subj: TED LENO'S TRANSFER (36-07607)

Hi Doug,

Merry Christmas! We have a signed transfer for 36-07607 that makes a permissible place of use that includes both the federal and private land. This should allow Leno to continue his irrigation practices without having to install the automatic switches to change from one source to another as the pivot revolves. Thanks for your help in gathering the information on this one! I have created an "R" record that reflects the approved transfer. When it updates tonight it will be available for viewing from the Host Master. I have not updated the "A" record to show how the amended transfer amends the claim. I will leave that step up to your office if that's o.k. with you.

Thanks again,

Carter

From: DWR60::DJONES 21-DEC-1995 15:58:09.02
To: DWR03::CFRITSCH
CC: DJONES
Subj: leno

Merry Christmas to you, Carter! Peace and good will to all across this small, fragile world.

Huh? Leno's approved transfer did not establish a PPU and I interpret the signed transfer (12/8/95) to cause switches, etc to be installed. The acreage distribution on the transfer excludes the federal land, so no ground water can go on the N1/2 of the small pivot in S33. Am I missing something? Is there now an order rescinding the 12/8 approval and/or modifying the approval? I look forward to hearing from you, and shall wait to update the A-record.

Thanks,

Doug

From: DWR03::CFRITSCH 21-DEC-1995 16:04:28.84
To: DWR60::DJONES
CC: CFRITSCH
Subj: RE: leno

Hi Doug,

Yes there is a change. Glen signed an amended transfer today because the one signed on the 8th was going to make him illegal unless he put in the switches. I had already updated the "R" record to show what was signed on the 8th. I have now updated the "R" record to show what he signed today.

This one certainly has taken some interesting twists.

Carter

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DEC 5 1996

MEMORANDUM

TO: FILE A36-07607, TED LENO
FROM: DOUGLAS JONES
DATE: July 20, 1995
RE: 7/14/95 FIELD REVIEW OF SYSTEM

At the request of IDWR staff attorneys with SRBA duties I conducted a follow-up field review of the system. The review was intended to address uncertainties related to system configuration with an eye toward settling objections against the recommended right by the Federal Gov't. As I understand it the objections centered on use of the private license on leased government land. Modifications to the system were to have been made by Leno to isolate the ground water from the N1/2 SE1/4 Sec 33 T8S R25E. A transfer (T#4359) was filed in April, '94 to move ground water from Federal land, but was tabled as being impracticable.

After discussing his system Mr Leno informed me that he had a conversation with Daria Zane, US Dpt of Justice, about a change in Federal position on the matter. Leno could not provide details, but Dan Steckel, IDWR Atty, indicated that the gov't would let Leno use ground water on the Fed land.

During the review I observed that the distribution system is flexible due to valving and other physical plumbing connections (i.e. must hook pipes together). Leno had done work to string pipe to areas so that he could apply ground water to private land instead of public land. However, Leno had not completed work to prevent the pivot from advancing onto public land during ground water pumping. Leno described the system that he intends(ed) to install - he would put switches at each end of the pivot, along the tract line between N1/2 & S1/2 SE1/4 Sec 33. This apparatus would reverse the pivot or stop the pivot before application of either MID or ground water is made to lands to which it is not appurtenant. I am not certain whether Leno will proceed with installation in light of pending settlement allowing use of ground water on public (leased) land as recommended.

Attached maps and details document the system including the general layout of the plumbing, details of the plumbing/valving, present irrigated acres, areas serviced by new pipes, areas potentially serviced by interconnected surface and ground water systems, and area potentially serviced by the larger well (#1).

As a result of the objection and direction given to Leno to resolve the problem he has made changes that could result in an expansion of the right(s). To remedy this Leno may need to go ahead with a transfer to redistribute water. Consideration of Jim Stanton's evaluation concluding that Leno would need to move the MID shares as well to prevent expansion should be included. Alternatively, Leno may have to be told to not irrigate certain areas to which he has run pipe in order to prevent expansion.

It appears that Leno is currently irrigating about 210 acres with the pivots, no corners are presently irrigated. I did observe

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DEC 5 1996

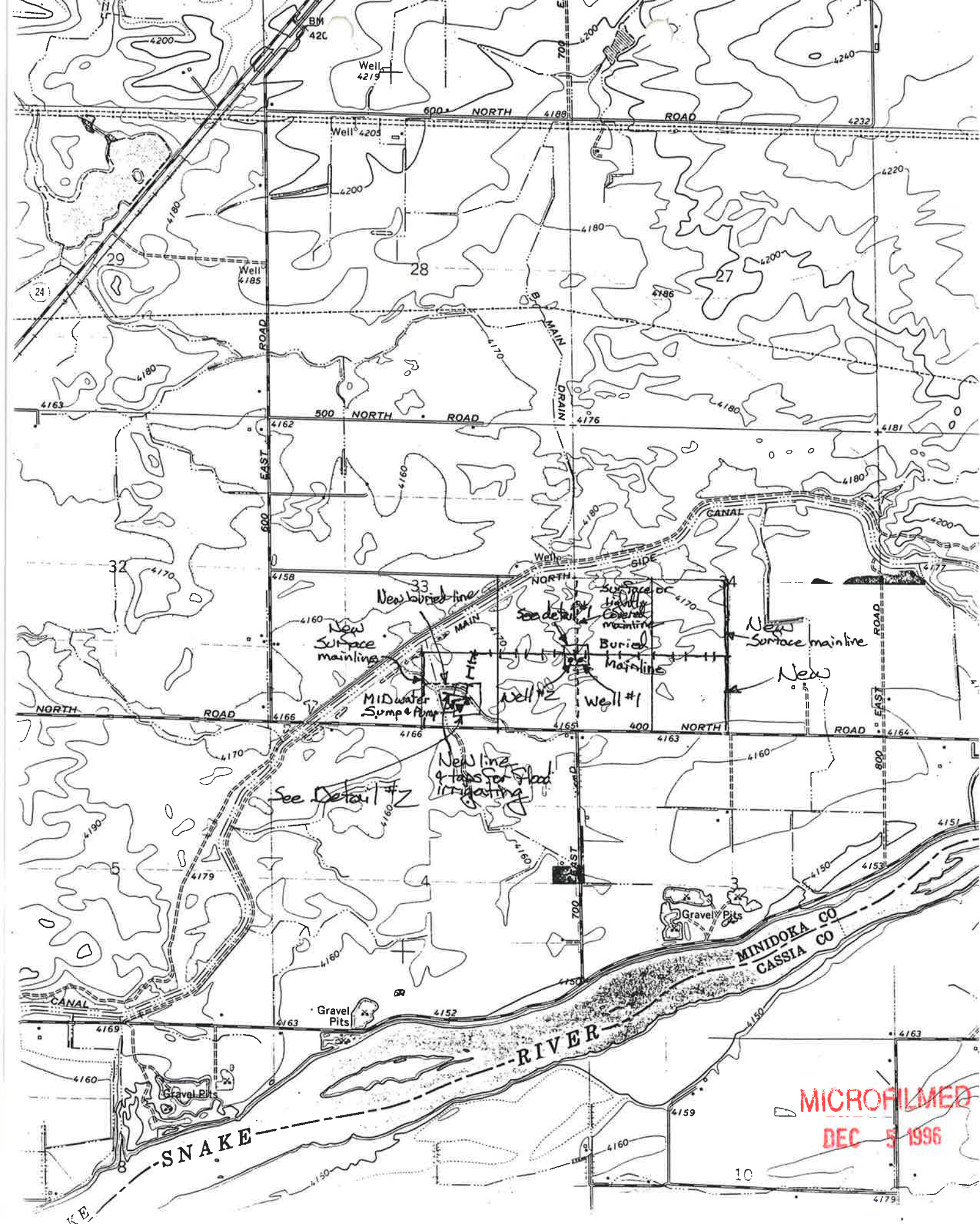
that a single large gun has been placed in each of the NWSE and NESE Sec 34 corners to dampen the sand to prevent blowing into adjacent cropland. This usage was not accounted for in the 210 acres, I could not be sure that they have been used - vegetative cover (wheat) was sparse and in poor condition.

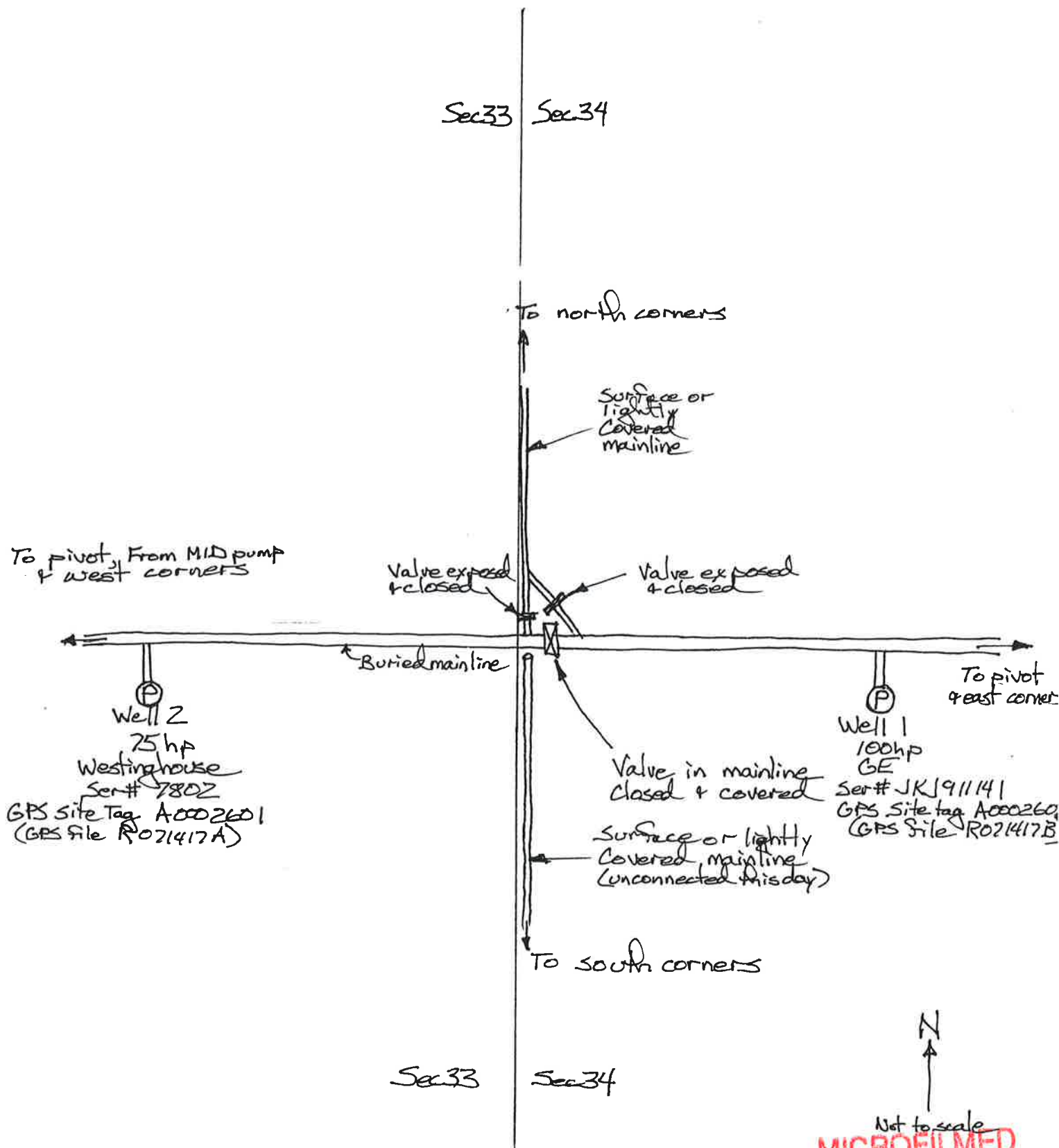
At issue is about 32 acres, measured by planimeter on ASCS air photo, in the N1/2SE1/4 Sec 33. If Leno proceeds with a transfer to move the 32 acres, and expansion issues are moot, then he has 62 acres (30 ac remaining on license + 32 ac in pivot) available to cover not presently irrigated property. Some of the licensed irr. land could technically be forfeited, particularly the 7 ac in the SE corner, Sec 34. If we hold that the 7 ac is forfeited then Leno has 55 ac (23 on license and 32 in pivot available) to transfer. The approx. total available private property not presently watered is 45 to 50 ac.; therefore, there would be a reduction in the licensed irr. acres.

Apparently the transfer was tabled because allocations staff did not think that Leno had enough control of water distribution to make the transfer practical. If Leno would install the switches and he modifies the transfer to eliminate the little wedges of private land along the MID Main Canal and cover the other parcels instead, then the transfer could be workable. This would depend on his actually using the switches and operating the pumps accordingly.

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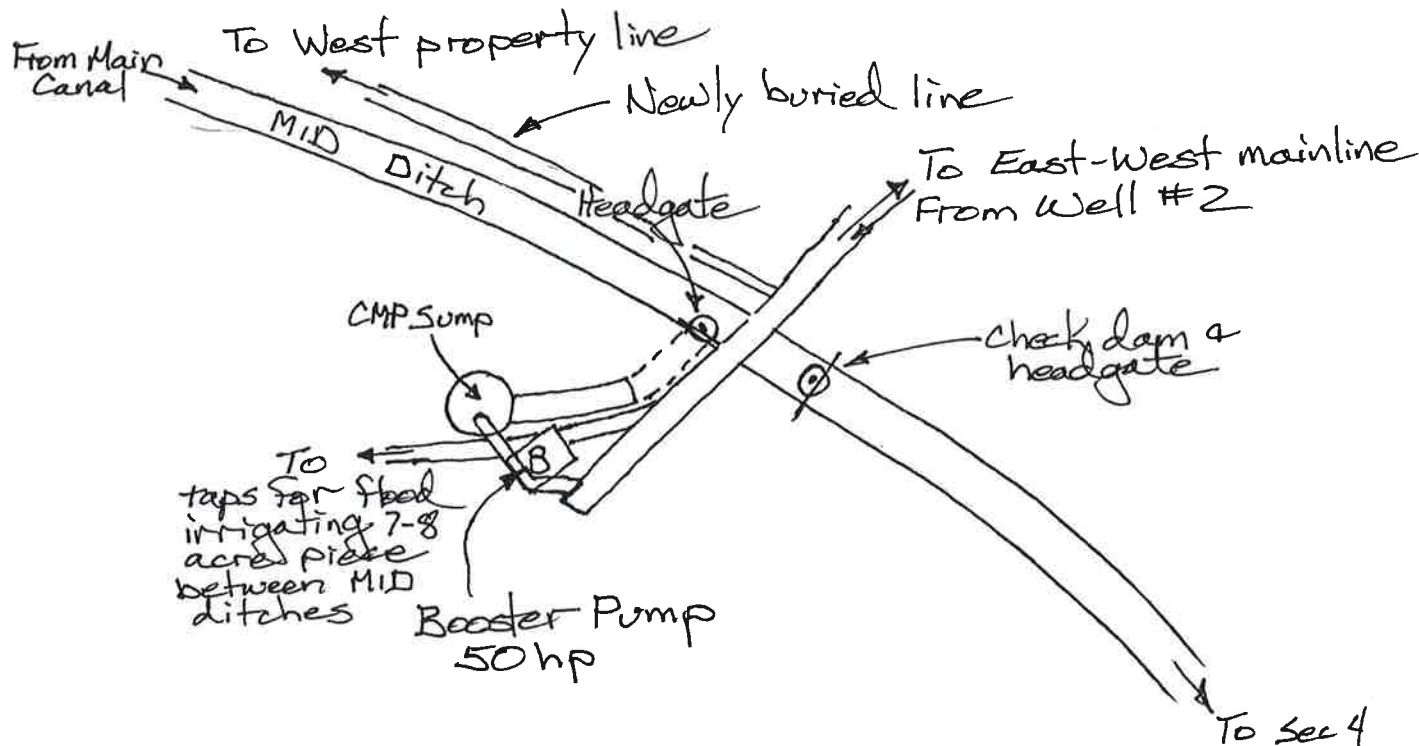
DEC 5 1996





Details of Wells & Valves
Detail #1

MICROFILMED
A36-07607-1 ENO
7/14/95 Jones



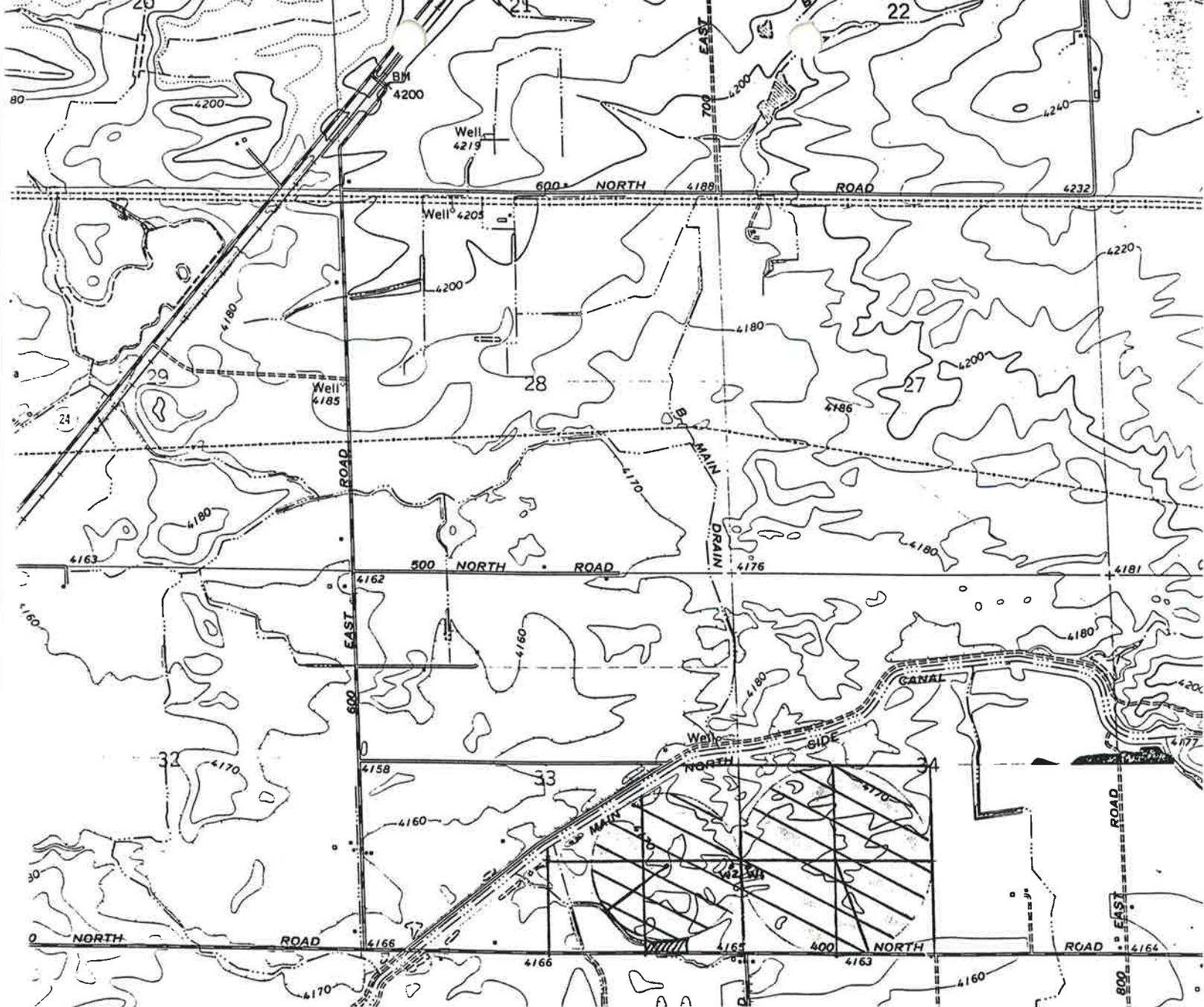
N
↑
Not to scale

Details of MID Rediversion
and Well Interconnection

MICROFILMED

A36-07608 1988
7/14/95 J Jones

Detail #2

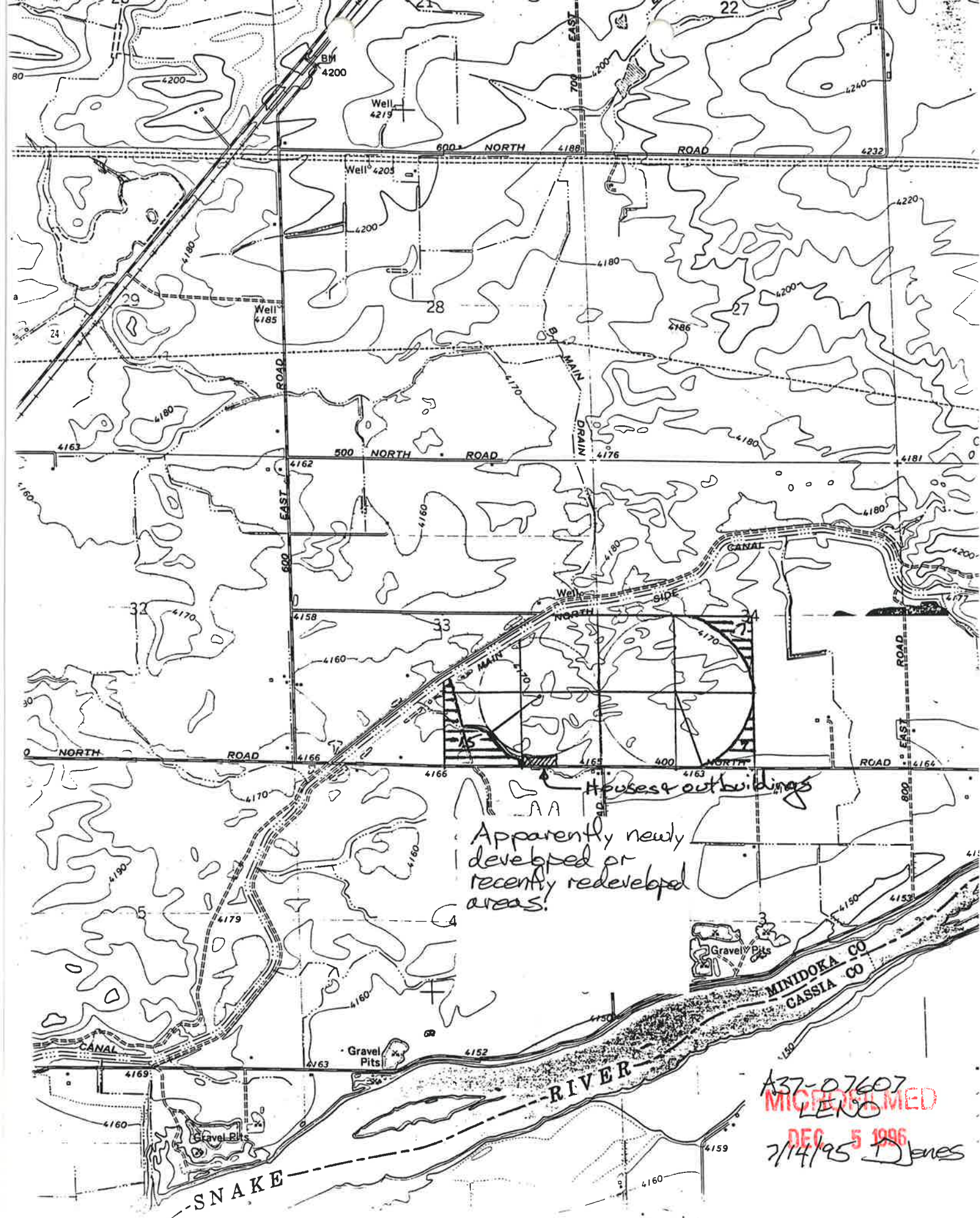


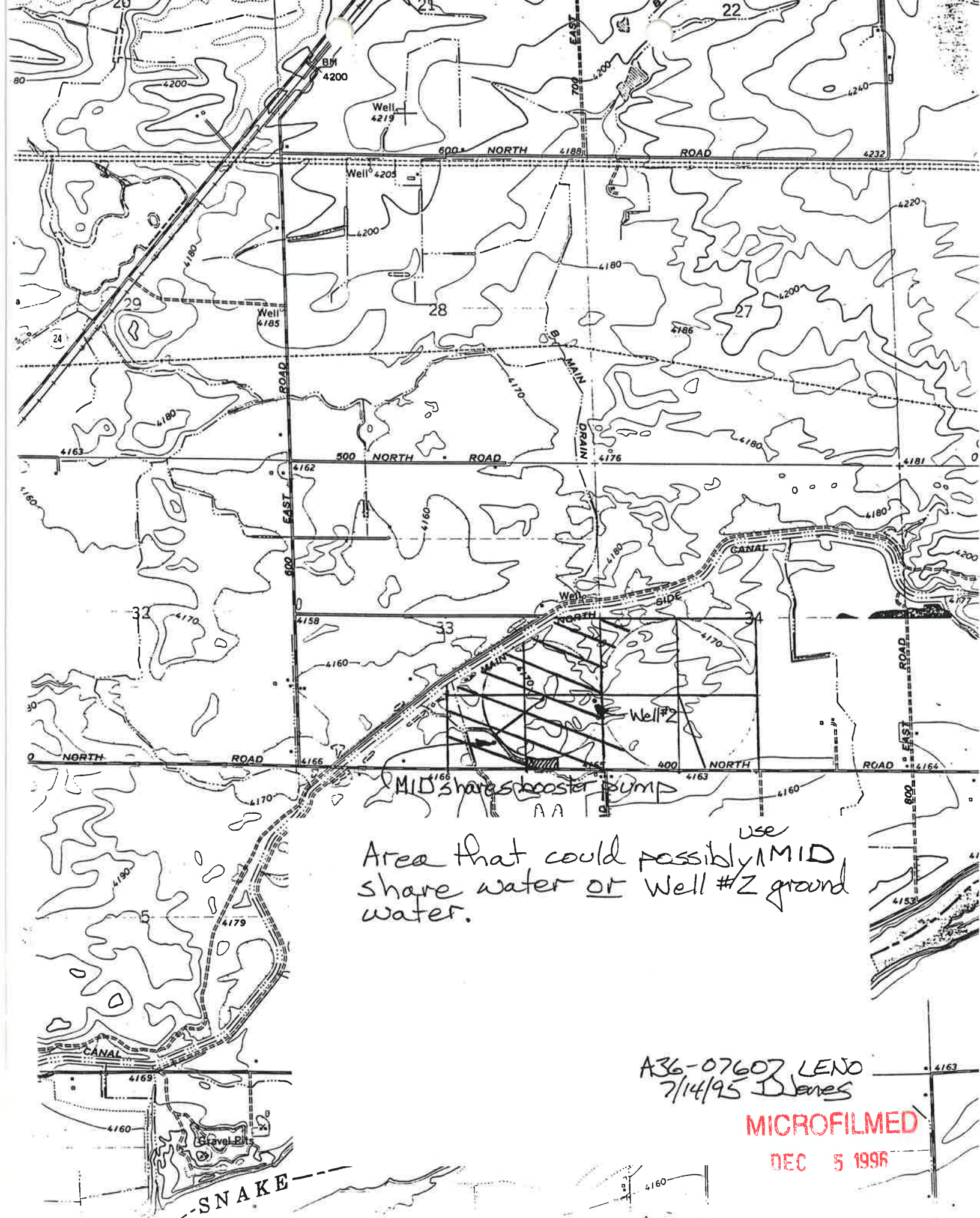
1995 irrigated acres, so far
irrigated only with ground
water (approximately 210 ac).
No areas outside of pivots
have been irrigated in two
years. The E corner in sec 34
has not been watered in 10 yrs.

A36-07607 LENO
7/14/95 Jones

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DEC 5 1995

SNAKE



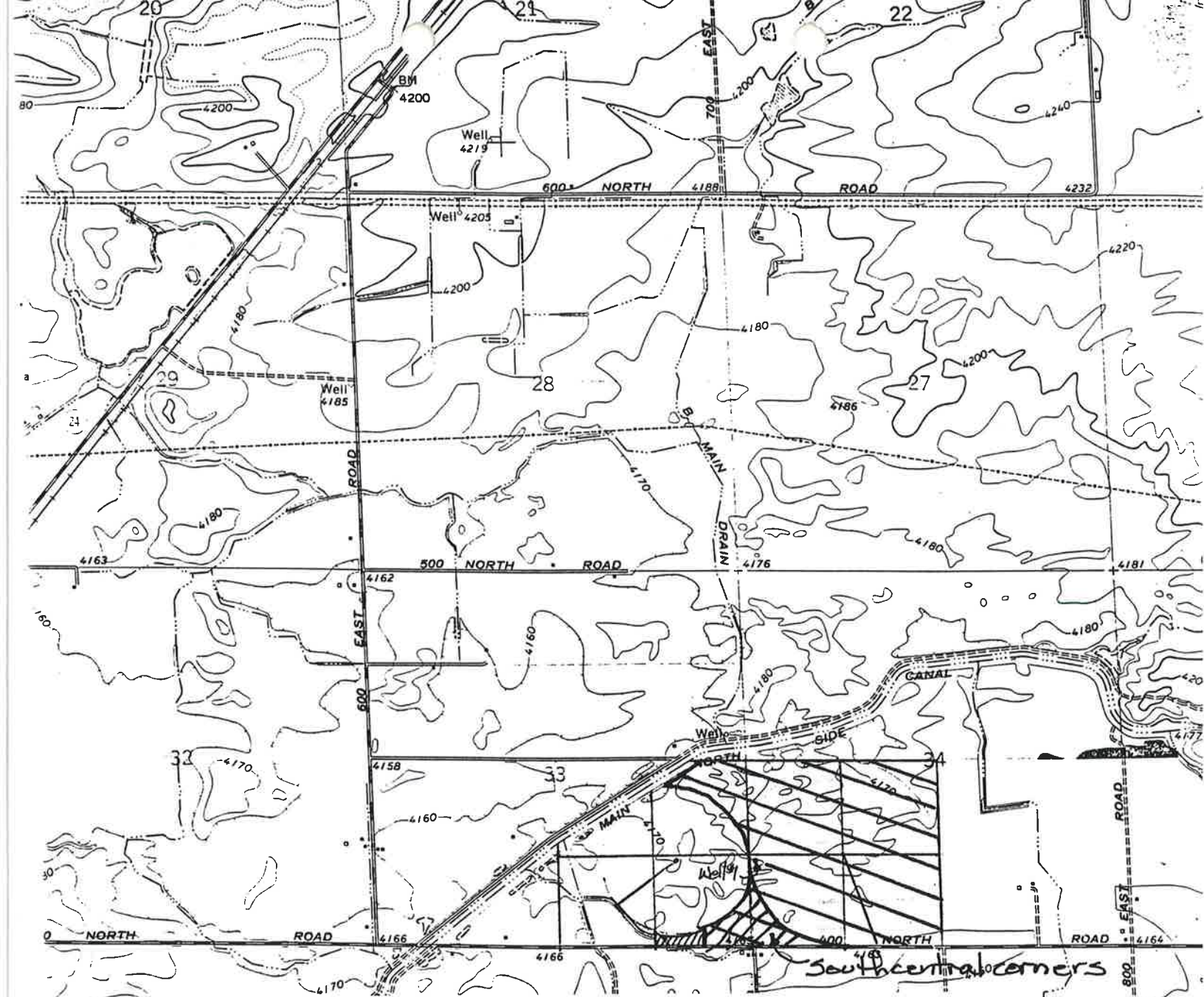


Area that could possibly ^{use} MID share water or Well #2 ground water.

A36-07607 LENO
7/14/95 Jones

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DEC 5 1996

SNAKE

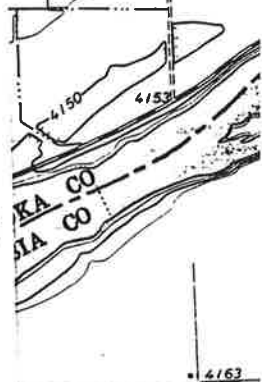


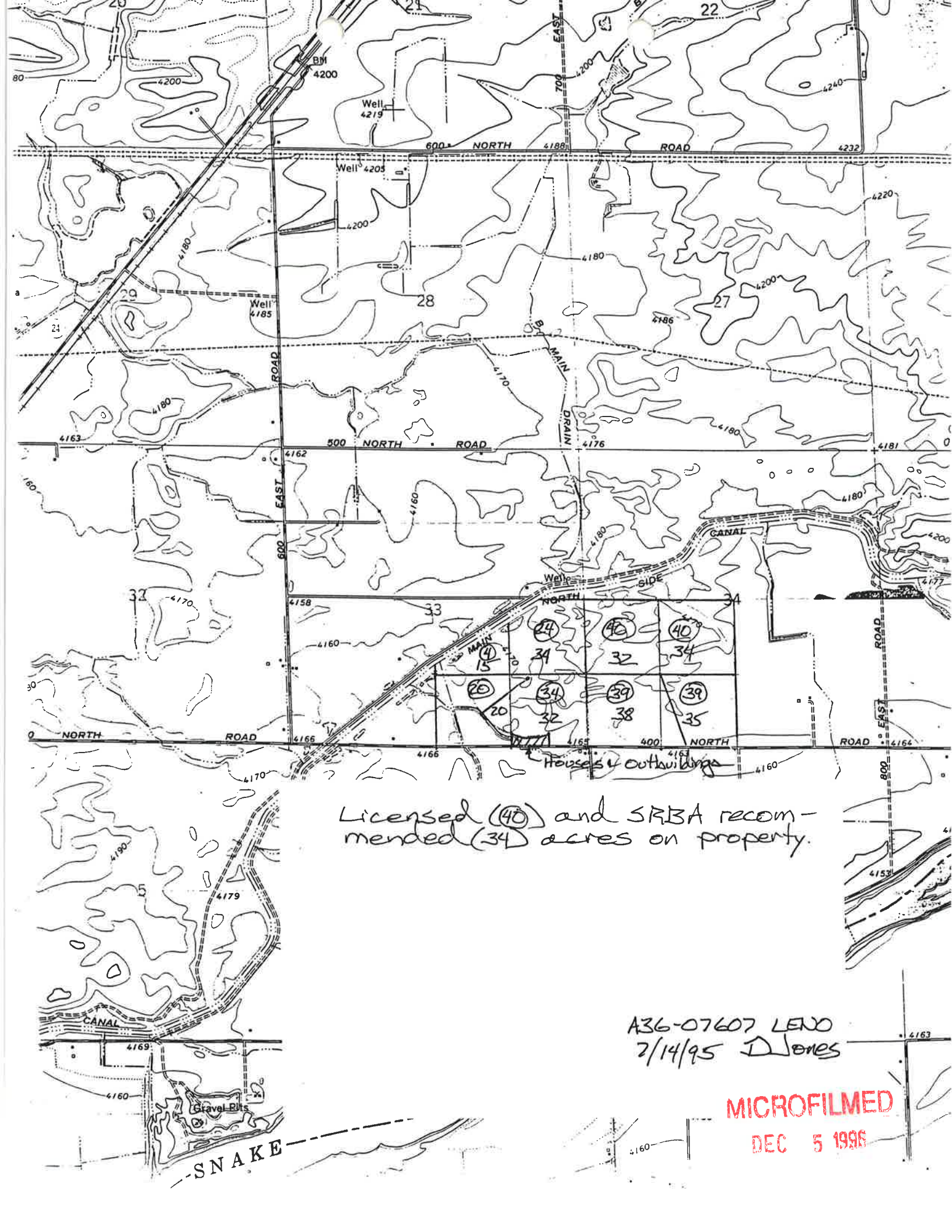
Area that could possibly use Well #1 ground water. Connection to south central corner (pasture) is less than certain. In order for Well #1 to go to south corners then line to north corners must be pressured, and north & south lines must somehow be connected (did not see equipment to do this).

136-07607 LENO
7/14/95 Jones

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DEC 5 1995



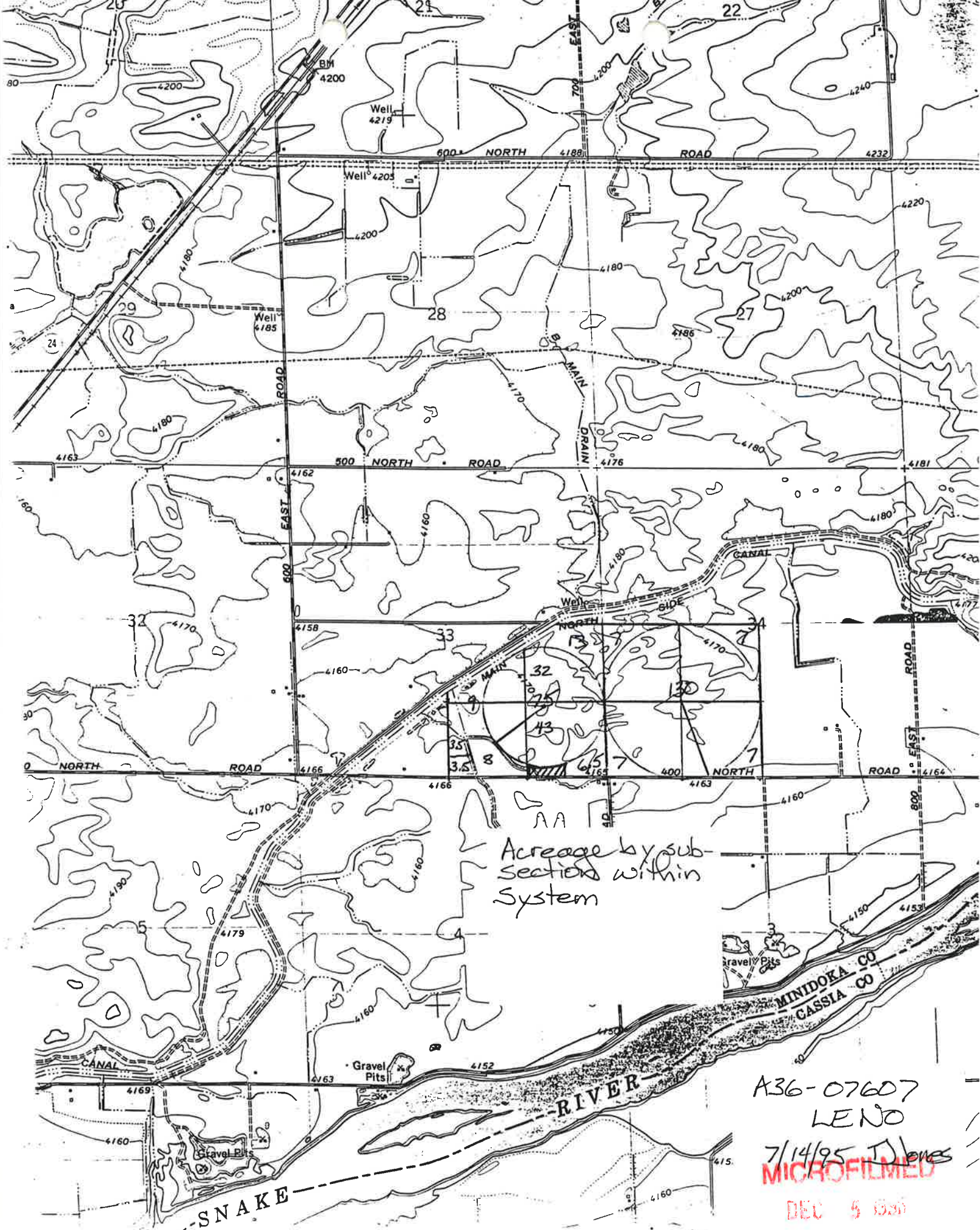


Licensed (40) and SRBA recom-
mended (34) acres on property.

A36-07607 LENO
7/14/95 Jones

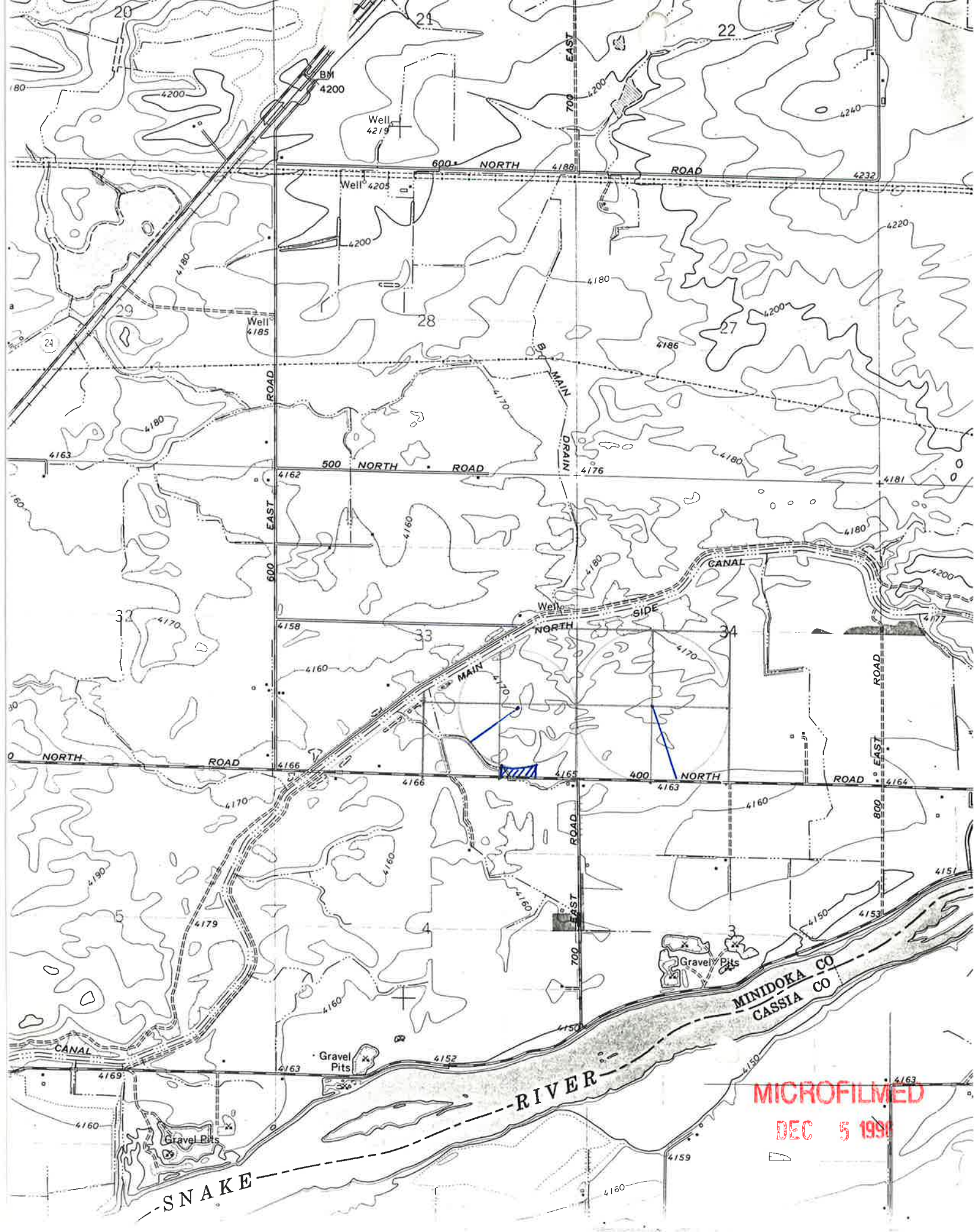
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DEC 5 1996

SNAKE



Acreage by sub-section within System

A36-07607
LENO
7/14/95 T/ones
MICROFILMED
DEC 5 1995



POOR ORIGINAL



From Well #1

- "A" = Main valve on mainline to isolate Wells #1 & #2.
"B" = Line heading north to north-central corners. From Well #2 set-up to run from Well #2.
"C" = Line heading south to south-central corners (pasture).
"D" = Link from Well #1 to north & south lines.



- "A" = Culvert from MID to sump.
"B" = Booster with suction line from MID Sump.
"C" = Mainline from booster thru sand filter to lines to small pivot (Well #2 system) & west corners.
"D" = Newly extended drain line set-up to flood area between MID ditches and county rd. Area includes trees and open field behind "D"-label, not watered before.

DEC 5 1996

36-07607 LEND
7/14/95 ISJ



Southeast corner 534 has obviously not been watered for a long time, note equipment & hay stacks (also has tall sage amongst pipes, equipment).

POOR ORIGINAL



Looking east along north property line toward north-central corners which haven't been watered for 2-3 yrs. MID Main Canal at left of photo.



Looking WNW to west area not irrigated before. New line runs along road to west property line to water area if needed (pre-agreement / settlement reconfiguration).

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DEC 5 1996

36-07607 LENS

7/14/95 - J



CONVERSATION MEMORANDUM

NAME OF PARTY Ted Leno
EMPLOYEE DOUGLAS JONES

DATE 6/8/95 6/29 7/11
FILE 36-7607

RE: System modifications

Spoke with Leno on phone & he indicated that he hadn't finished changes. September conference was reset for 7/24 & this will give him enough time to do work.

6/29/95: Left msg that insp needs to be done by 8/10 or 11

7/11/95: Left msg to call about making appt for system review. 9:15 AM

4:45 PM Leno called & wanted to make it 7/19, but I said that is too late. He said 7/15, but that is Sat. & I said 7/14 @ 10:30 AM. He expressed hope that it would be done by then. He will call if it won't work.

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DEC 5 1995

COMMUNICATION DOCUMENTATION

Claim No. A36-07607

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 T Jones Date 6/7/95Contact Person(s) Ted LengNature of Contact Arrange field review of system

Substance of Communication Mr Leng said that
planting, rain & other factors
have slowed his plans to modify
system. He will finish changes
& call 6/9 to arrange visit.

Left word w/ Nick Spencer.
He wants me to arrange w/ Leng
to be sure we know how sys operates
& what changes are made. He may begin
process, or feed out parties, to vacate
settlement cont. on 6/13

MICROFILMED
DEC 5 1996

Important Information About Your Water Right

August 27, 2001

NEVA L LENO
TED LENO
RT 4
RUPERT, ID 83350

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07607. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

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

The Purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order*** in combination with the ***Partial Decree*** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of the water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued the same date that the ***Partial Decree*** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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

RECEIVED
SEP - 7 2001

In Re SRBA)

Water Right 36-07607

Department of Water Resources

Case No. 39576)

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

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 04-01 10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.***

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

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

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

RULE 54(b) CERTIFICATE

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

Dated August 27, 2001


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

RECEIVED

SEP - 7 2001

In Re SRBA)
)
Case No. 39576)

Water Right 36-07607

Department of Water Resources

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

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

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

PERIOD OF USE: 04-01 10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.***

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

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

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

RULE 54(b) CERTIFICATE

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

Dated August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

August 27, 2001

NEVA L LENO
TED LENO
RT 4
RUPERT, ID 83350

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07607. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

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

The Purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order*** in combination with the ***Partial Decree*** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of the water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued the same date that the ***Partial Decree*** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

Water Right Number - R36-07607

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

LENO	TED	1 - RT 4	
		2 -	
		3 -	
		City- RUPERT	State- ID Zip- 83350
		Phone - 208-436-6089	
LENO	NEVA L	1 - RT 4	
		2 -	
		3 -	
		City- RUPERT	State- ID Zip- 83350
		Phone - 208-436-6089	

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
02/20/1976 17 SOUTHERN L - LICENSE

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

TwN	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
08S	25E	33	NE SE SE			(67) MINIDOKA	
		34	NW SW SW			(67) MINIDOKA	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	4.500	960.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
4.500 960.00 720.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	25E	33	SE NE		2.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	33	NE SE		34.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	33	NW SE		19.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	33	SW SE		39.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	33	SE SE		37.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	NE SW		40.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	NW SW		40.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	SW SW		39.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	SE SW		39.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 289.0

+ - - Diversion Means - WELLS, PUMPS & SPRINKLERS.

+ - - Non-Irrigation Use -

claim updated
12-2-97
K KC

Water right number - R36-07607

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - MINIDOKA IRRIGATION DISTRICT

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

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM MINIDOKA
IRRIGATION DISTRICT.

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

No Old Water Right Numbers found.

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 11/17/95 CFRITSCH 12/11/95 CFRITSCH 12/21/95 CFRITSCH 12/26/96 DSHAFF

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

Date: 11/17/1995 User Id: CFRITSCH Subject: REVISED RECOMMENDATION

THE RECOMMENDATION WAS REVISED TO REFLECT AMENDED TRANSFER NO. 4359. MINIDOKA IRRIGATION DISTRICT WILL AMEND THEIR CLAIM(S) TO
INCLUDE THE LANDS MR. LENO IRRIGATES WITH DISTRICT WATER. CF 12-21-95

+ - - - - - 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	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/19/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S009240	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

CLAIMS IN POLYGON 1.IM NUMBERS 36-07607DATE 7/22/97AGENT J

TRANSFER NUMBER _____

OBJECTION FILED ☒TOTAL ACRES FROM RECOMMENDATION 240GEOGRAPHIC INFO SYSTEM 255.45

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>085</u>	<u>25E</u>	<u>33</u>													<u>34</u>	<u>15</u>	<u>20</u>	<u>32</u>
GIS							<u>1.55</u>									<u>31.25</u>	<u>16.48</u>	<u>20.98</u>	<u>34.83</u>
RECOM	<u>085</u>	<u>25E</u>	<u>34</u>									<u>34</u>	<u>32</u>	<u>38</u>	<u>35</u>				<u>139</u>
GIS										<u>.77</u>	<u>.94</u>	<u>33.48</u>	<u>39.88</u>	<u>38.82</u>	<u>31.48</u>				<u>146.42</u>
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

B36-DBPOU.DBF

205 ✓

POLYGON #

UPDATED

ATTRIBUTES OF B36-POU.SHP (205) ✓

B36-DBPOD.DBF

218, 219 ✓✓

ATTRIBUTES OF B36-POD.SHP

(219) NESESE-33(218) NWSWSW-34

*POU problems - 6.25% over

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

SENT FOR DECREE yes () no ()

IN Re SRBA
Case No. 39576

SUBCASE NO: 36-07607

PROPOSED ELEMENTS OF A WATER RIGHT

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages if necessary).

1. The name and address of the claimant is:

Ted Leno
Route 4
Rupert, Idaho 83350

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Groundwater

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is:

4.5 cfs/960.00 AFY (consumptive use--720.0 AFY)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: 2/20/1976

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow:

T.08S, R.25E, Section 33, NESESE (Minidoka County)
T.08S, R.25E, Section 34, NWSWSW (Minidoka County)

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

6. The purpose of use is: Irrigation

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:

April 1 through October 31

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is:

T.8S, R.25E, Section 33, NESE (34 acres)
T.8S, R.25E, Section 33, NWSE (15 acres)
T.8S, R.25E, Section 33, SWSE (20 acres)
T.8S, R.25E, Section 33, SESE (32 acres)
T.8S, R.25E, Section 34, NESW (34 acres)
T.8S, R.25E, Section 34, NWSW (32 acres)
T.8S, R.25E, Section 34, SWSW (38 acres)
T.8S, R.25E, Section 34, SESW (35 acres)
totalling 240 acres, all located in Minidoka County

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

9. The annual volume of consumptive use is:

720 AFY

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

10. Other matters necessary to define this water right

None

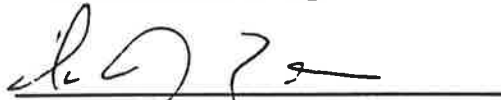
Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.


Ted Leno
Rupert, Idaho

Date: 7-19-95

United States on behalf of the Bureau of
Reclamation by:


Daria J. Zane, Attorney
Department of Justice

Date: 7/14/95

Idaho Department of Water Resources by:

Daniel Steckel
Deputy Attorney General

Date: _____

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

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

CERTIFICATE OF MAILING

I certify that on July 19, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd. - Suite 330
Boise, Idaho 83706

Ted Leno
Route 4
Rupert, Idaho 83350

Dale S Walton

AJ5856MP

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

DATE: NOV-2-1992

PAGE: A-2934

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
36-07607	NEVA L LENO TED LENO RT 4 RUPERT ID 83350	02/20/1976	IRRIGATION	04-01 10-31	4.5 960.0	CFS AFY LICENSE
					TOTAL QUANTITY:	4.5 960.0
					CONSUMPTIVE USE:	720.0 AFY
POINT OF DIVERSION: T08S R25E S33 S34		NESESE NWSWSW				
PLACE OF USE: IRRIGATION						
T08S R25E S33 S34		NESE 34.0 NWSW 34.0	SWSE 15.0 NWSW 32.0	SWSE 20.0 SWSW 38.0	SESE 32.0 SESW 35.0	
240.0 ACRES TOTAL						
36-07608	A N AMBROSE PO BOX 247 WENDELL ID 83355	02/24/1976	IRRIGATION	04-01 10-31	.82	CFS LICENSE
					TOTAL QUANTITY:	.82 CFS
POINT OF DIVERSION: T08S R15E S03		SWSENE				
PLACE OF USE: IRRIGATION						
T08S R15E S03 Lot 1 (NENE)39.0 SENE 25.0		SENE 38.0 Lot 3 (NENE) 4.0				
116.0 ACRES TOTAL						
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 36-02524 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 464 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 348 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-02524 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.						

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	)	Sub-case No. 36-07607
	)	
Case No. 39576	)	
	)	
	)	STIPULATION
	)	

DESCRIPTIVE SUMMARY

This is a stipulation to resolve the objection to water right number 36-07607.

STIPULATION

To resolve the dispute over the above-captioned water right, Ted Leno, the Idaho Department of Water Resources (IDWR) and the United States of America, stipulate and agree that:

1. The Standard Form 5 for the water right no. 36-07607, attached hereto and incorporated by reference herein, sets forth the description of the water right as agreed by IDWR and the parties. All decrees, whether partial or final, should describe the water right as shown in the Standard Form 5.

2. The Standard Form 5 and this stipulation have been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation, and all parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest or be used in any legal proceeding, and that this agreement is

not and shall not be used as precedent for any other claim to a water right.

3. All parties agree to bear their own costs and attorney's fees in connection with this matter.

4. The Standard Form 5 and this stipulation were entered into and executed voluntarily by all parties in good faith, and without any fraud, misunderstanding, overreaching, misrepresentation, duress, or undue influence whatsoever.



Ted Leno
Route 4
Rupert, Idaho 83350

Dated this 19 day of 7, 1995.



Daria J. Zane
Attorney
General Litigation Section
Environment and Natural Resources
Division
U.S. Department of Justice

Dated this 17 day of July, 1995

Nicholas Spencer/Daniel Steckel
Deputy Attorney General
Idaho Department of Water Resources

Dated this _____ day of _____, 1995

STIPULATION AND AGREEMENT

This is a stipulation and agreement entered between Ted Leno and the United States, on behalf of the Bureau of Reclamation, with regard to the water right claimed by Ted Leno in the Snake River Basin Adjudication, Water Right No. 36-07607, to which the United States, on behalf of the Bureau of Reclamation, objected.

To resolve the dispute over the above-referenced water right, claimant, Ted Leno, and the United States stipulate and agree as follows.

1. The water right number 36-07607 should be decreed in the name of the claimant, Ted Leno.

2. The water right including the place of use is accurately described on Exhibit 1 hereto.

3. The described place of use includes lands owned by the United States. Specifically, portions of the following places of use are lands owned by the United States: T.8S, R.25E, Sec 33, NESE and T.8S, R.25E, Sec. 33, NWSE located in Minidoka County.

4. The above-described places of use are used by claimant, pursuant to a Lease of Land For Agricultural or Grazing Purposes with either the Bureau of Reclamation or the Minidoka Irrigation District. Claimant agrees to comply with all terms and condition of that lease.

5. The claimant will not receive any vested right, title or interest in the lands owned by the United States by virtue of a partial or decreed water right as described in Exhibit 1. Nor shall the United States receive any vested right, title or interest

shall the United States receive any vested right, title or interest in claimant's water right.

6. If the claimant's use of the United States' land should cease, whether voluntarily or involuntarily, claimant shall cease use of this water right on the places of use identified in Paragraph 3 above. The United States shall be released and held harmless from any loss, injury, and/or damage to the herein described water right or owner of that water right. Claimant shall not assert any claim against the United States in connection with such loss, injury and/or damage.

7. Should the claimant sell, convey, transfer or assign the water right, the places of use on lands of the United States described in paragraph 3 above, which are on federal lands, shall not be conveyed with such water right. Any deed or other instrument reflecting the conveyance, sale, transfer or assignment of such water right shall state that these places of use are not included in such conveyance.

8. All decrees, whether partial or final, should describe the water right as described in Exhibit 1.

9. Upon entry of partial and final decrees for Water Right No. 36-07607, describing the right as shown on Exhibit 1, the objection of the United States shall be deemed withdrawn.

10. All parties agree to bear their own costs and attorneys' fees in connection with this matter.

11. This stipulation is entered into and executed voluntarily by all parties in good faith, and without any fraud,

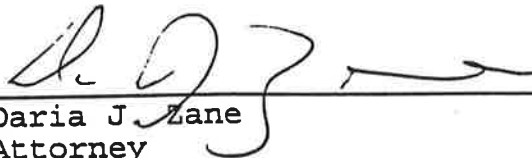
misunderstanding, overreaching, misrepresentation, duress or undue influence whatsoever.

UNITED STATES OF AMERICA

on behalf of the Bureau of Reclamation

Dated: 7/14/55

By:


Daria J. Lane

Attorney

General Litigation Section

Environment & Natural Resources Division

U.S. Department of Justice

P.O. Box 663

Washington, D.C. 20044-0663

(202) 272-8351

U.S. BUREAU OF RECLAMATION

Dated:

By:


Earl Corless

Manager, Water Operations

Snake River Area Office

1359 Hanson Avenue

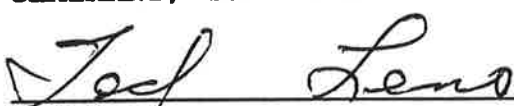
Burley, ID 83318

(208) 678-0461

CLAIMANT, Ted Leno

Dated: 7-19-55

By:


Ted Leno

Rt. 4

Rupert, ID 83350

AJ5056MP

POOR ORIGINAL

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

DATE: NOV-2-1992
PAGE: A-2934

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
36-07607	MEVA L LENO TED LENO RT 4 RUPERT ID 83350	02/20/1976	IRRIGATION	04-01 10-31	4.5 960.0	CFS AFY LICENSE
			TOTAL QUANTITY:		4.5 960.0	CFS AFY
			CONSUMPTIVE USE:		720.0	AFY
	POINT OF DIVERSION: T08S R25E S33 S34	NESESE NWSWSW				
	PLACE OF USE: IRRIGATION					
	T08S R25E S33 S34	NESE 34.0 NESW 34.0	NESE 15.0 NWSW 32.0	SUSE 20.0 SWSW 38.0	SESE 32.0 SESW 35.0	
	240.0 ACRES TOTAL					
36-07608	A N AMBROSE PO BOX 247 WENDELL ID 83355	02/24/1976	IRRIGATION	04-01 10-31	.82	CFS LICENSE
			TOTAL QUANTITY:		.82	CFS
	POINT OF DIVERSION: T08S R15E S03	SWSENE				
	PLACE OF USE: IRRIGATION					
	T08S R15E S03 Lot 1 (NENE) 39.0 SENE 10.0	SENE 25.0	SENE 38.0 Lot 3 (NENE) 4.0			
	116.0 ACRES TOTAL					
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 36-02524 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 464 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 348 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-02524 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.						

Exhibit 1

NOTICE OF ERROR

—

RESPONSE

—

CORRECTED R PROOF

—

INTER-DEPARTMENT MEMO

TO: File 36-07607
FROM: Allen Merritt

SUBJECT: Transfer
DATE: 4/14/99

Mr. Leno came in today & file on
finalized the transfer earlier drafted.
He paid the filing fee.

- () For your information
() Response required


signature

MICROFILMED
OCT 19 1994

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

DATE: NOV-2-1992
PAGE: A-2934

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						

36-07607 NEVA L LENO
TED LENO
RT 4
RUPERT ID 83350

02/20/1976 IRRIGATION 04-01 10-31 4.5 CFS
960.0 AFY LICENSE

TOTAL QUANTITY: 4.5 CFS
960.0 AFY
CONSUMPTIVE USE: 720.0 AFY

POINT OF DIVERSION:
T08S R25E S33
S34
PLACE OF USE: IRRIGATION

NESESE
NWSWSW

T08S R25E S33
S34
240.0 ACRES TOTAL

NESE 34.0
NESW 34.0

NWSE 15.0
NWSW 32.0

SWSE 20.0
SWSW 38.0

SESE 32.0
SESW 35.0

36-07608 A N AMBROSE
PO BOX 247
WENDELL ID 83355

02/24/1976 IRRIGATION 04-01 10-31 .82 CFS LICENSE

TOTAL QUANTITY: .82 CFS

POINT OF DIVERSION:
T08S R15E S03
PLACE OF USE: IRRIGATION

SWSENE

T08S R15E S03 Lot 1 (NENE)39.0 SWNE 25.0 SENE 38.0 Lot 3 (NENW) 4.0
SENW 10.0
116.0 ACRES TOTAL

REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 36-02524 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 464 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 348 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-02524 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

MICROFILMED
OCT 19 1994

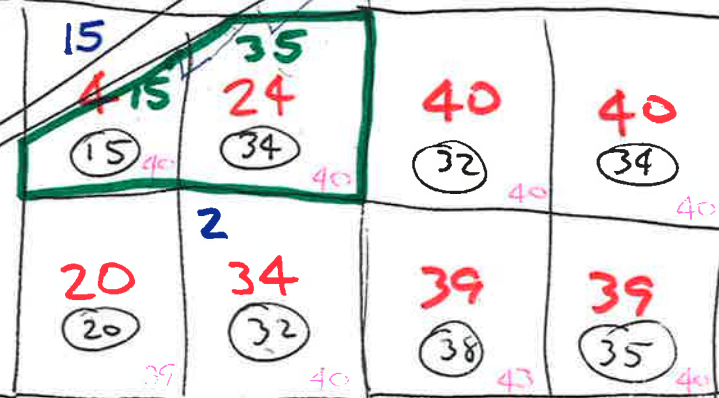
Lic 1989

Recommended

MID

Land set

U.S.
Gov't



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

Water Right Number - 36-07607 Adj. Flag Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LENO

TED

1 - RT. 4

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone -

LENO

NEVA L.

1 - RT. 4

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - -
02/20/1976 17 ERROR IN REGION L - LICENSE

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

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
08S	25E	33	SE SE			(67)	MINIDOKA
		34	SW SW			(67)	MINIDOKA

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01	4.500	960.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
4.500 960.00 4.500

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	25E	33	NE SE		24.0	01	IRRIGATION	(67) MINIDOKA
			NW SE		4.0			(67) MINIDOKA
			SW SE		20.0			(67) MINIDOKA
			SE SE		34.0			(67) MINIDOKA
		34	NE SW		40.0			(67) MINIDOKA
			NW SW		40.0			(67) MINIDOKA
			SW SW		39.0			(67) MINIDOKA
			SE SW		39.0			(67) MINIDOKA

Total Acres: 240.0

+ - Diversion Means -

+ - Non-Irrigation Use -

OCT 19 1994 MICROFILMED

Proof Due Date	- 04/01/1986	Field Exam Made	- 09/20/1985	Field Exam Fee	-
Approved/Denied	- 04/07/1976	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 09/20/1985	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 11/24/1989	Appl Received	- 02/20/1976	Transfer/Amended	-
Decree Date	- 00/00/0000				

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OCT 19 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

Ted Leno

36-07607

2. SUBJECT OF INQUIRY:

Mr. Leno came in with a copy of Nick's response. He was not clear exactly what he wanted but it seemed he wanted to know what to do.

3. RESPONSE TO INQUIRY:

I told him I didn't know what he should do and I couldn't give him legal advice. I told him if he wanted to file for an application for permit or file for a transfer if he thought that would help things I could give him the forms. I suggested he talk with his attorney. He said he might consider a transfer so I gave him the form & instructions & he left.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Allen Mervitt

10/27/97

36-07607

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OCT 19 1994

PARCEL MASTER INQUIRY

PARCEL RP 08S25E337900 A	CAT YR	QUANTITY	UNIT	VALUE
EFFECTIVE DATE 91087 EXPIRE DATE	1 90	5000	AC	2446
	5 90	1000	AC	19
NAME AND LENO, TED	19 90	920	AC	
ADDRESS RT 4 BOX 277				
RUPERT ID 83350				

LEGAL TAX 4 N2NW4SE4
& TAX 3 N2SW4NW4SE4
& TAX 5 S2NE4
33-8-25

CODE AREA 00800	TYPE	LOCATION 2	6920 ***	2465
PREVIOUS PARCEL #		WORKFILE	COMMAND KEYS:	1=TAX
COMMENTS			2=WKFILE 3=MASTER 5=SPEC	
			7=EOJ 10=ENTRY 11=UPDAT	
			12=NX PG 13=NAME 14=ADDRS	
			ENTER COMMAND OR PARCEL #	
PROP ADDR			PARCEL--> RP 08S25E337900 A	

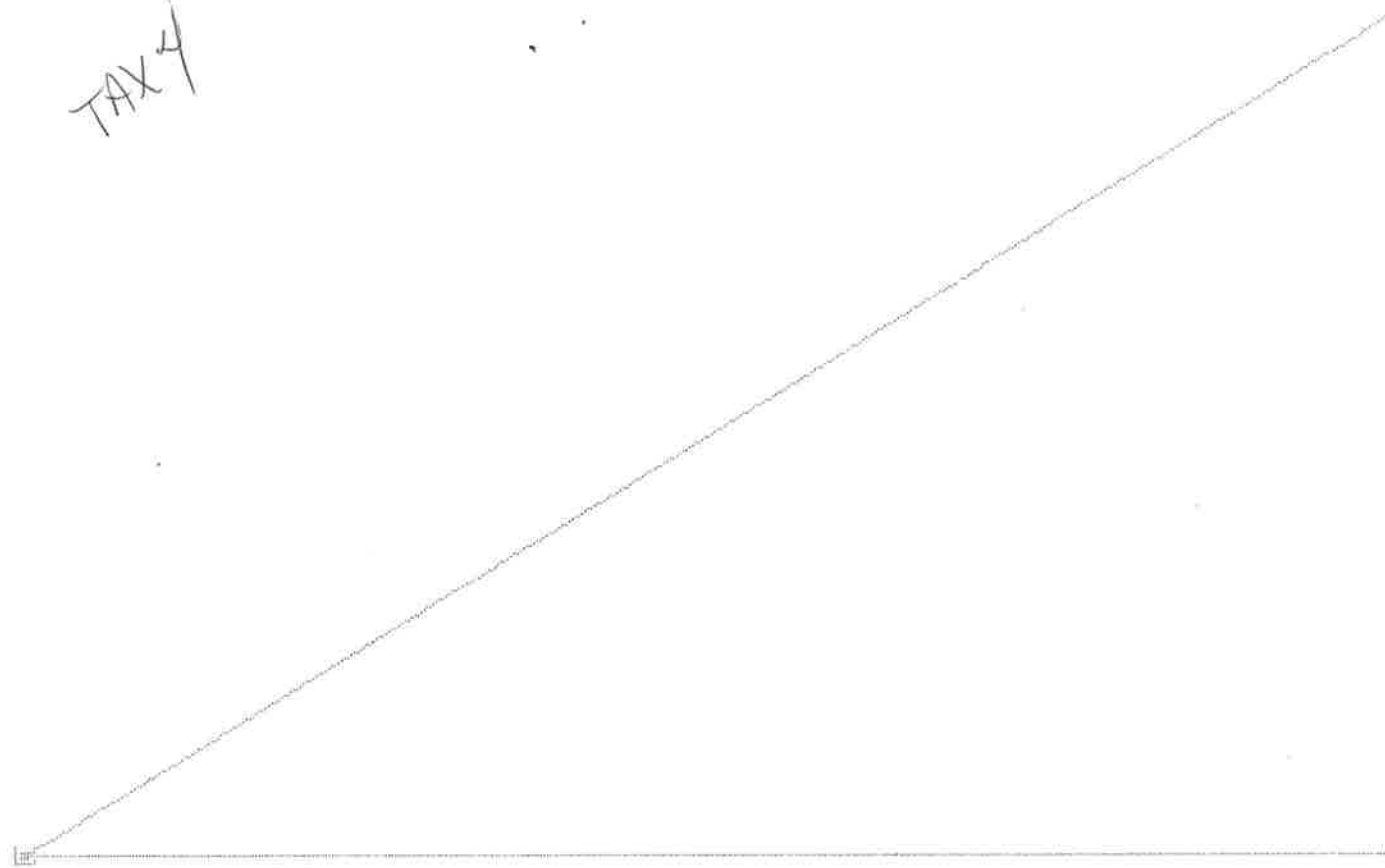
MINIDOKA COUNTY ASSESSOR
BOX 476
RUPERT, IDAHO 83350

MICROFILMED
OCT 18 1994

PLAT OF DEED CALLS FOR TEST

LENO

TAX 4



North for Beginning Tract Indicated by Arrow: Beginning Point Indicated by Box

SQFT= 97844: SCALE= 79 FT/IN: PERIMETER= 1,574.15 FT: PRECISION=> 1/999999
ACRES= 2.246: CLOSING ERROR= 0.00 FT: ERROR BEARING= NONE

1. N90E 565.1
2. NOW 346.29
3. S58.3001W 662.763

MICROFILMED
JUL 18 1984

PARCEL MASTER INQUIRY

PARCEL RP 08S25E337900 A
EFFECTIVE DATE 91087 EXPIRE DATE

NAME AND LENO, TED
ADDRESS RT 4 BOX 277
RUPERT ID 83350

CAT	YR	QUANTITY	UNIT	VALUE
1	90	5000	AC	2446
5	90	1000	AC	19
19	90	920	AC	

LEGAL TAX 4 N2NW4SE4
& TAX 3 N2SW4NW4SE4
& TAX 5 S2NE4
33-8-25

CODE AREA 00800 TYPE
PREVIOUS PARCEL #
COMMENTS

LOCATION 2
WORKFILE

6920 *** 2465
COMMAND KEYS: 1=TAX
2=WKFILE 3=MASTER 5=SPEC
7=EOJ 10=ENTRY 11=UPDAT
12=NX PG 13=NAME 14=ADDRS
ENTER COMMAND OR PARCEL #
PARCEL--> RP 08S25E337900 A

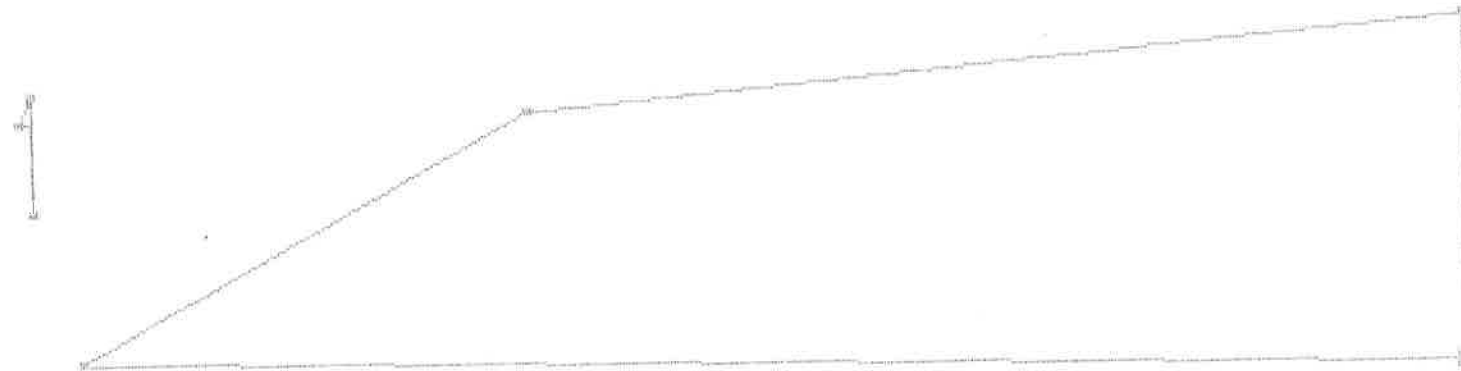
PROP ADDR

MINIDOKA COUNTY ASSESSOR
BOX 476
RUPERT, IDAHO 83350

MICROFILMED
OCT 18 1994

PLAT OF DEED CALLS FOR TEST
LENO

TAX 5



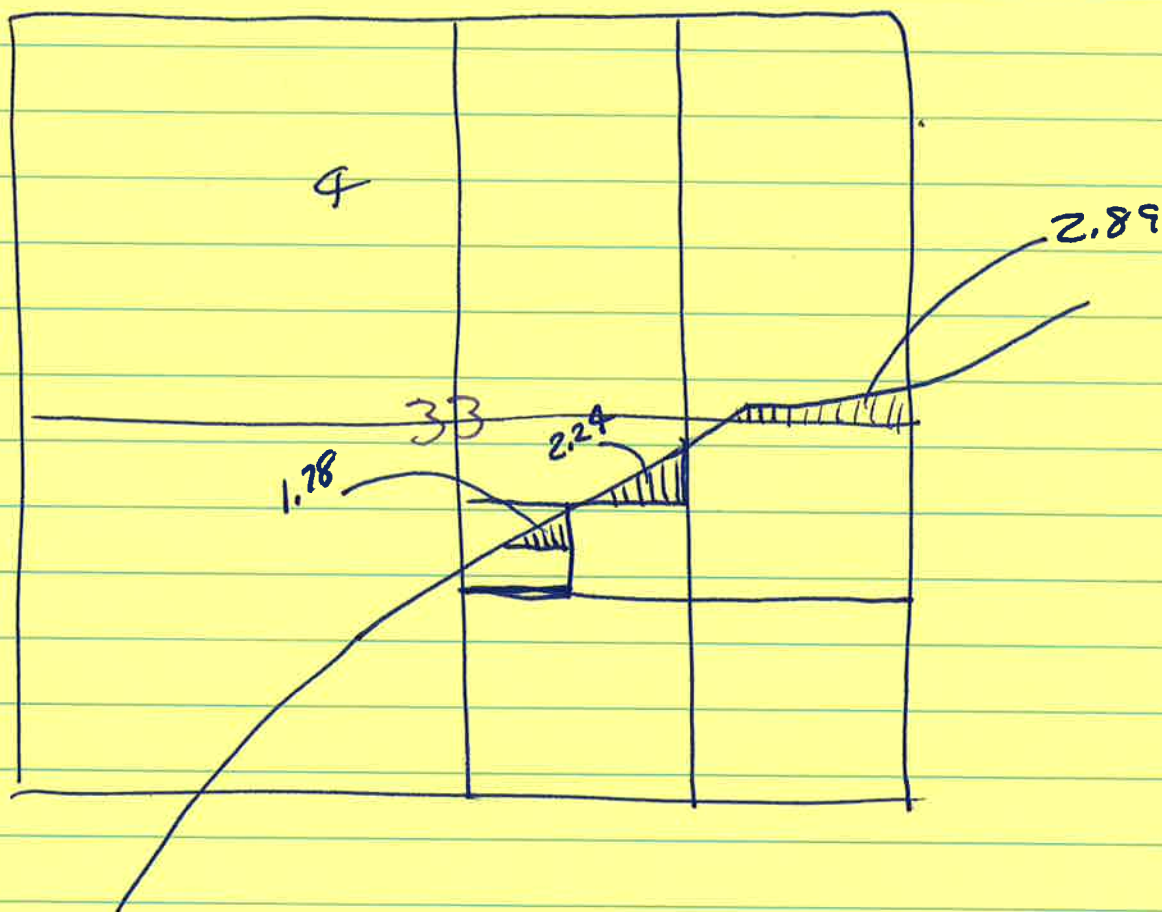
North for Beginning Tract Indicated by Arrow: Beginning Point Indicated by Box

SRFT= 125982: SCALE= 117 FT/IN: PERIMETER= 1,941.90 FT: PRECISION=1/255303
ACRES= 2.892: CLOSING ERROR= 0.01 FT: ERROR BEARING= N56.2802W

1. NOW 212.93
2. S85.0844W 573.27
3. S61.17W 311.32
4. S88.5935E 844.38

MICROFILMED

OCT 17 1994



MICROFILMED
OCT 19 1994

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. 36-07607 -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)

2. Person who filed objection:

Name: US BUREAU OF RECLAMATION
Address: DEPT OF INTERIOR
1150 N CURTIS
BOISE ID 83706-1234

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

9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
11. ☒ Remarks: I respond to the objection concerning the
"remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 9, 9a., and 11 and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is used pursuant to this right are owned by the United States. IDWR further lacks sufficient information to form a belief as to whether the claimant's use of any lands owned by the United States is subject to an agreement with the United States. IDWR denies that federal ownership of the place of use or agreements with the federal government as to use of lands within the place of use are necessary to define the water right. IDWR denies the objection and all allegations of the objection not expressly admitted

herein.

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. A36-07607

3

(Over)

MICROFILMED
OCT 19 1994

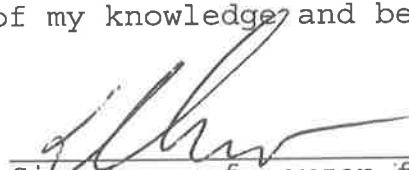
VERIFICATION (Must be Completed)

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 23rd day of August,
1993.



Notary Public for Idaho
Residing at: _____
My Commission expires _____
Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of AUGUST, 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: TED & NEVA L LENO
Address: RT 4
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: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83724



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: A36-07607
Date Received: 9/19/1989
Receipt No: S009240
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED LENO 208-436-6089
Address: RT. 4
RUPERT, ID 83350

Name: NEVA L. LENO
Address: RT. 4
RUPERT, ID 83350

2. Date of Priority: FEB 20, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	25E	33	SE	SE			MINIDOKA
		34	SW	SW			MINIDOKA

5. Description of diverting works:
WELLS, PUMPS & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.500		

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

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A36-07607

Page 1

Date: 09/19/89

MICROFILMED
FEB 04 1993
OCT 19 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	25E	33	NE		SE		IRR	24.0
			NW		SE		IRR	4.0
			SW		SE		IRR	20.0
			SE		SE		IRR	34.0
					Section Acres			82.0
		34	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
					Section Acres			158.0
					Total Acres			240.0

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:
NONE

14. Remarks:
SEE ATTACHED.

15. Basis of Claim: PERMIT

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s): Led Leno Date: Sept 19 1989
Date:

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 19 day th

of Sept 19 89

Loni White
Notary Public

Seal

Residing at TF

My Commission Expires 5/94

RECEIVED

APR 29 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
Department of Water Resources
Adjudication Bureau

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

Case No. 36-07607
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,
vs.

36-07607 -0001/
93-04-0342

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

Respondents.

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 black 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.

OBJECTION - 1

(Over)

Case No. 36-07607

MICROFILMED

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 objection:

Name: United States of America
Bureau of Reclamation
U.S. Department of Interior
Address: 1150 North Curtis
Boise, Idaho 83706-1234

Briefly describe your interest in this water right:

A portion of the place of use claimed in this water right is public land under the jurisdiction of the United States of America, Bureau of Reclamation.

2. Owner of the water right:

Name: Ted Leno
Address: Rt. 4
Rupert, Idaho 83350

3. If this objection is filed by an attorney:

Attorney Name: K. Jack Haugrud
Daria J. Zane
Attorney Address: U.S. Department of Justice
550 West Fort Street
Box 33
Boise, Idaho 83724
Attorney Phone No.: 202-272-4134
202-272-8351

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

RECEIVED
BUREAU OF RECLAMATION

MAR 5 6 1988

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 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.

Box 9 and 11 - Claimant has failed to assert government ownership of certain parcels of land in place of use as required under I.C. 42-101, 42-103, and Item No. 12 of the Notice of Claim to A Water Right Acquired Under State Law.

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.

The Director's Report should be changed to reflect government ownership of place of use T08S R25E S33 NESE (34 acres) and NWSE (15 acres). Claimant has authority to use this parcel based on a lease with the Minidoka Irrigation District. The land is withdrawn and under the jurisdiction of the United States of America, Bureau of Reclamation.

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.

Recommended water right claim No. 36-07607 (1 page).

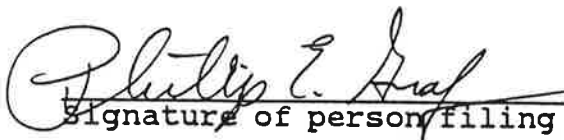
VERIFICATION (Must be Completed)

State of Idaho

County of Ada

Phillip E. Graf, 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 of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 29th day April,
1993.


Notary Public for Idaho
Residing at: Boise
My Commission expires: 5/5/93

RECEIVED
APR 11 1993

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 29 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: Ted Leno

Owner's address: Rt. 4

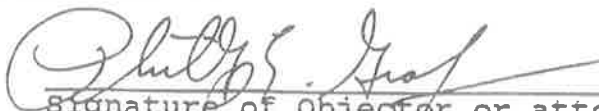
Rupert, Idaho 83350

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

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

DATE: NOV-2-1992

PAGE: A-2934

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
36-07607	NEVA L LENO TED LENO RT 4 RUPERT ID 83350	02/20/1976	IRRIGATION	04-01 10-31	4.5 960.0	CFS AFY LICENSE
					TOTAL QUANTITY:	4.5 960.0
					CONSUMPTIVE USE:	720.0 AFY
POINT OF DIVERSION: T08S R25E S33 S34						
PLACE OF USE: IRRIGATION						
T08S R25E S33 S34						
240.0 ACRES TOTAL						
NESE 34.0 NWSW 34.0						
NWSE 15.0 NWSW 32.0						
SWSE 20.0 SWSW 38.0						
SESE 32.0 SESW 35.0						
36-07608	A N AMBROSE PO BOX 247 WENDELL ID 83355	02/24/1976	IRRIGATION	04-01 10-31	.82	CFS LICENSE
					TOTAL QUANTITY:	.82 CFS
POINT OF DIVERSION: T08S R15E S03						
PLACE OF USE: IRRIGATION						
T08S R15E S03 Lot 1 (NENE) 39.0 SENE 25.0						
SENE 38.0 Lot 3 (NENW) 4.0						
116.0 ACRES TOTAL						
REMARKS: USE OF THIS RIGHT WITH RIGHT NO. 36-02524 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 464 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 348 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NO. 36-02524 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.						

Please see 10/11/94

MICROFILMED
OCT 19 1994

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

Water Right Number - R36-07607

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

LENO

NEVA L.

1 - RT. 4

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-000-0000

LENO

TED

1 - RT. 4

2 -

3 -

City- RUPERT

State- ID Zip- 83350

Phone - 208-436-6089

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
02/20/1976 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

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

Tw	Rng	Sec	Tract	Lot	RFlg	County
08S	25E	33	NE SE SE			(67) MINIDOKA
08S	25E	34	NW SW SW			(67) MINIDOKA

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	4.500	960.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.500 960.00 720.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	25E	33	NE SE		34.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	33	NW SE		15.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	33	SW SE		20.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	33	SE SE		32.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	NE SW		34.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	NW SW		32.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	SW SW		38.0	01	IRRIGATION	(67) MINIDOKA
08S	25E	34	SE SW		35.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 240.0

+ - - Diversion Means - WELLS, PUMPS & SPRINKLERS.

+ - - Non-Irrigation Use -

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Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - NONE

+	Remarks	+
	No Remarks found.	

[illegible]

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

No Conditions of Approval found.

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

-----+-----
 No Comments Found

+ - - Audit Fields - - +
11/26/91 WORSTELL

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 11/26/1991	Old Judicial District	-
Claim Received Date	- 09/19/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S009240	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:59:01
08/17/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07607

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N		R.V. 2/11	DB	R.V. 2/11
POINT OF DIV	Y			Y	5	11/26/91		11/26/91
SOURCE				N	.			
PLACE OF USE	Y			Y	2, 4, 5, 6			
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE	-			Y				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM	Y			Y	6			
REMARKS	Y			Y				

"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.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:59:01
08/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07607

LAST: LENO
ADDRESS: RT. 4
CITY: RUPERT
PHONE NUMBER: 208-000-0000

OWNER CODE: C

FIRST: NEVA L.

STATE: ID ZIP: 83350

LAST: LENO
ADDRESS: RT. 4
CITY: RUPERT
PHONE NUMBER: 208-436-6089

FIRST: TED

STATE: ID ZIP: 83350

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: SEE ATTACHED.

DATABASE
Y

FIELD
EXAMINER

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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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A. AJ CLAIM: # A36-07607 PRIORITY DATE: 02-20-1976
B. WR RECORD: # 36-07607 PRIORITY DATE: 02-20-1976

STAGE: P *Licensed 11/24/89*
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(N)
IF YES EXPLAIN.

REMARKS:

This water right was licensed 11/24/89.

RECOMMENDED PRIORITY DATE:
02-20-1976

REVIEWED BY *R.V. [Signature]*

DATE *12/6/90*

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07607	08S	25E	34		SW	SW		MINIDOKA
A36-07607	08S	25E	33		SE	SE		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-12322 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
36-07607	08S	25E	34		SW	SW		MINIDOKA
36-07607	08S	25E	33		SE	SE		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

A36-12322 NONE
A36-12419

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
N
N

REMARKS:

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>85</u>	<u>25E</u>	<u>34</u>	<u>NW</u>	<u>SW</u>	<u>SW</u>	<u>1</u>	<u>1</u>
		<u>33</u>	<u>NE</u>	<u>SE</u>	<u>SE</u>	<u>1</u>	<u>1</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

R.V. Z

DATE:

12/6/90

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A. ROOT WATER RIGHT NUMBERS: A36-07607
R36-07607

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	25E	33	NE	SE		LENO , NEVA L.	A36-07607 /24.0	36-07607 /24.0	40.0	38.3	34
			NE	SE		LENO , NEVA L.	R36-07607 /38.0	- /			
08S	25E	33	NW	SE		LENO , NEVA L.	A36-07607 / 4.0	36-07607 / 4.0	40.0	15.4	15
			NW	SE		LARGE CLAIM	A01-1018721/15.0	- /			
			NW	SE		LENO , NEVA L.	R36-07607 /17.0	- /			
08S	25E	33	SW	SE		LENO , NEVA L.	A36-07607 /20.0	36-07607 /20.0	39.0	20.2	20
			SW	SE		LENO , TED	A36-12323 /	- /			
			SW	SE		LENO , TED	R36-12323 /	- /			
			SW	SE		LENO , NEVA L.	R36-07607 /18.0	- /			
08S	25E	33	SE	SE		LENO , NEVA L.	A36-07607 /34.0	36-07607 /34.0	40.0	32	32
			SE	SE		LENO , TED	A36-12322 /	- /			
			SE	SE		KING , ROBERT A.	A36-12419 /	- /			
			SE	SE		LARGE CLAIM	A01-1018721/ 2.0	- /			
			SE	SE		LENO , TED	R36-12322 /	- /			
			SE	SE		LENO , NEVA L.	R36-07607 /35.0	- /			
			SE	SE		KING , ROBERT A.	R36-12419 /	- /			
08S	25E	34	NE	SW		LENO , NEVA L.	A36-07607 /40.0	36-07607 /40.0	40.0	33.9	40.0 34
			NE	SW		LENO , NEVA L.	R36-07607 /34.0	- /			
08S	25E	34	NW	SW		LENO , NEVA L.	A36-07607 /40.0	36-07607 /40.0	40.0	32.4	40.0 32
			NW	SW		LENO , NEVA L.	R36-07607 /32.0	- /			
08S	25E	34	SW	SW		LENO , NEVA L.	A36-07607 /39.0	36-07607 /39.0	43.0	39.1	38
			SW	SW		LENO , NEVA L.	R36-07607 /39.0	- /			
08S	25E	34	SE	SW		LENO , NEVA L.	A36-07607 /39.0	36-07607 /39.0	40.0	34.9	35
			SE	SW		LENO , NEVA L.	R36-07607 /35.0	- /			
TOTAL ACRES							A36-07607	240.00	240.00	322.00	240

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
Y

FIELD
EXAMINER

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PRESUMPTION FLAG:

REMARKS:

Recommended 240 acres is within tolerance

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RECOMMENDATIONS:

TOTAL ACRES: 240.0

REVIEWED BY: B.V. 26

11/26/91
DATE: 12/6/90

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-07607 IRRIGATION	FROM 04-01 TO 11-01	4.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		4.800 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-07607 IRRIGATION	FROM 04-01 TO 11-01	4.500 CFS 960.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED		4.500 CFS 960.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u> ✓ </u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u> </u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u> </u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N(✓)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N() Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 4.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.500 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
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) DATABASE EXAMINER Y N

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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: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-07607	GROUNDWATER	LENO , NEVA L.	4.800	0.020		
A01-10187Z1	LARGE CLAIM	LARGE CLAIM	1070.120	0.030		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-12323	STOCKWATER	LENO , TED	FROM 01-01 TO 12-31	.120 CFS	
A36-12322	DOMESTIC	LENO , TED	FROM 01-01 TO 12-31	.040 CFS	
A36-12322	STOCKWATER	LENO , TED	FROM 01-01 TO 12-31	.120 CFS	
A36-12419	DOMESTIC	KING , ROBERT A.	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 240 x 0.02 CFS/ACRE = 4.80 CFS
(Taken from p/u review)

4.5 Licensed

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 = 720.0 AF/A

ACRES 240 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 720 AF/A
720

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 240 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 960 AF/A
960

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

The maximum diversion rate when combined with water delivered by the
MID canal system shall not exceed ^{4.50}~~4.80~~ CFS and the maximum combined
diversion volume shall not exceed ~~990~~ AF/A.
960

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~04-01~~ ~~11-01~~ 3/15 11/15	DATABASE EXAMINER 4.500 <u>4.96</u> 4.800 <u>4.50 R.V. W.</u>	DATABASE EXAMINER <u>992</u>	DATABASE EXAMINER 720.0 <u>744</u>
TOTAL FOR THIS RIGHT				720.0

REVIEWED BY: R.V. W.

DATE: 12/6/90

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07607

TOTAL DIVERSION RATE OF WR SPLITS DATABASE
4.500

EXAMINER _____

CFS

No splits

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07607	4.800	-		36-07607	4.500
	TOTAL CFS	4.800				4.500

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
N

FIELD
EXAMINER

Y

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

SR. Water Right Agent.

R.V. Worstell
11/26/91

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NW
4

58.9

NW
5

35.2

NW
6

10.8

28 27

33 34

T1679
1233

TRACT HEL

T85 R25E

SEE N II

NW

72.7

AW

AW

T1669
1221

NW
3

24.4

NW
2

38.4

NW
5

15.2

T1671
1225

14.3

2

7.6

3

6

670
24

HEL

4

83.6

5

14.3

SEE N II

HEL

6

139.6

33 34

T1673
1239

NOTIFIED

FEB 04 1993

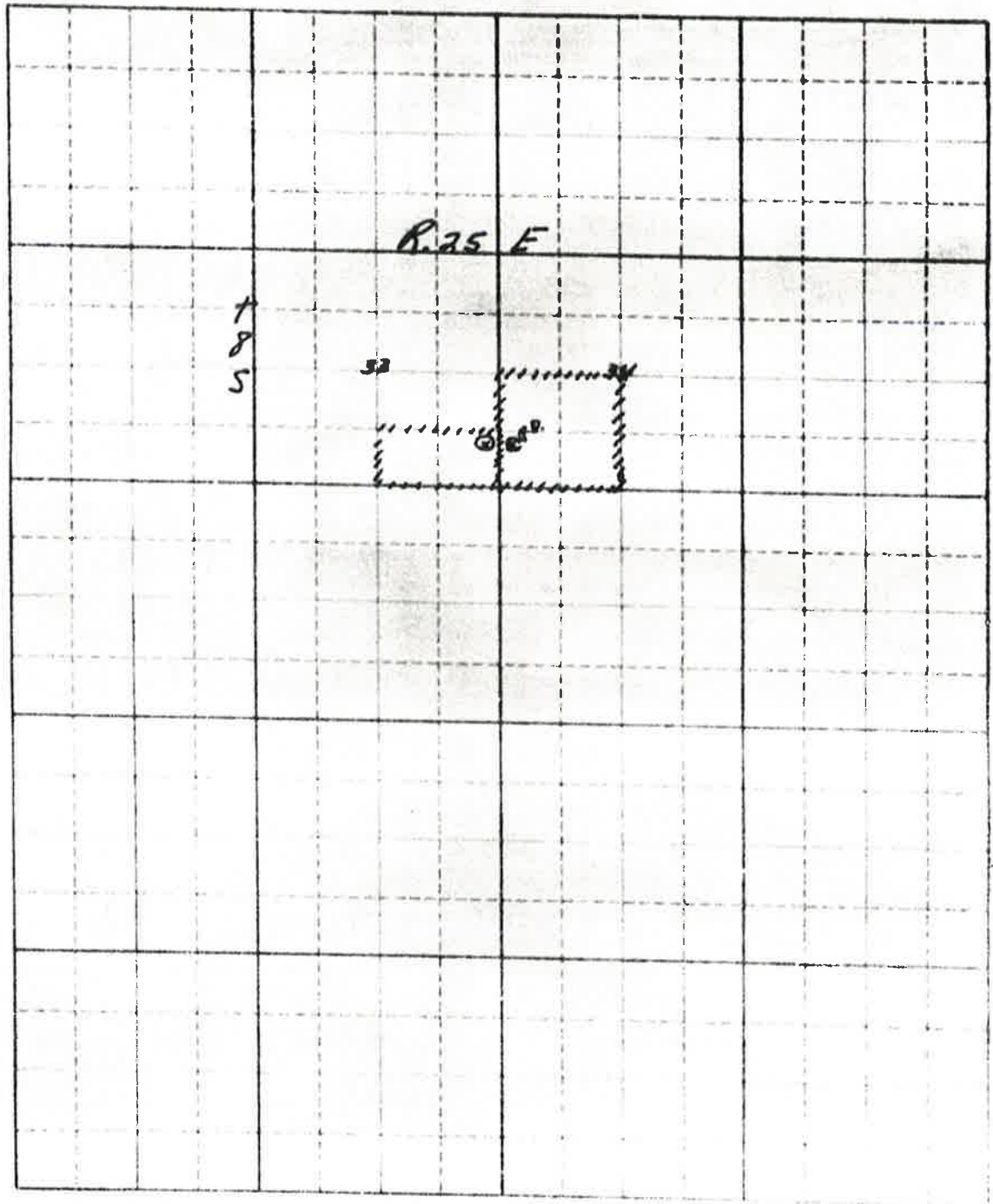
A 436-07607

LENO

Total Acres 620

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(1) Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permission to appropriate the waters of the State of Idaho as herein set forth:

From 1976
Appl. for Permit

[Signature]
Applicant

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FEB 04 1993