

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8018

WATER RIGHT NUMBER: 36-8018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAREN GILLEY 71 S 200 W RUPERT, ID 83350 (208)436-1770
Current Owner	PHILLIP N GILLEY 71 S 200 W RUPERT, ID 83350 (208)436-1770
Directors Report Owner	MAGIC VALLEY DISTRIBUTING INC PO BOX 1825 TWIN FALLS, ID 83303 (208)733-3535

Priority Date: 11/12/1981

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.020 CFS	0.60 AF
IRRIGATION	3/15 to 11/15	0.020 CFS	2.00 AF
COMMERCIAL	1/01 to 12/31	0.020 CFS	14.50 AF
	<u>Total Diversion:</u>	0.060 CFS	17.10 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 25, Twp 09S, Rge 23E, B.M.
MINIDOKA County		

Place of UseDOMESTIC Within MINIDOKA County

T09S R23E S25 NESE

IRRIGATION Within MINIDOKA County

T09S R23E S25 NESE 0.5

Total Acres: 0.5

COMMERCIAL Within MINIDOKA County

T09S R23E S25 NESE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8018

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.

Remarks:

1. Purpose of Use COMMERCIAL USE IS FOR COOLERS & WASHING TRUCKS.

Dates and Other Information:

Licensed Date:
Decreed Date: 8/27/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 9, 2002

PHILLIP N GILLEY
KAREN GILLEY
71 S 200 W
RUPERT ID 83350

RE: Decreed Water Right 36-8018

Dear Mr. and Mrs. Gilley:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED**SEP 09 2002**Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>36-8018</u>					

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) WASCO HARDFACING CO.
4. New Owner/Claimant(s) Rt. #2 Box 36 Rupert, ID 83350
Phillip N. Gilley & Karen Gilley
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 71 South 200 West
- City, State and ZIP Code Rupert, ID 83350
- New Telephone Number 208 436-1770
5. Date you acquired the property 05/06/1998*

*The deed was never in the name of Wasco Hardfacing Co. It was in the individual names and Phillip N. Gilley and Karen Gilley got it on a corporate spin as seen in the deeds that are attached to this transfer form. This has been discussed with Jim Stanton by our attorney William A. Parsons.

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)

Principal N. Luning
Karen E. Alleg

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 [Signature] Date 9/9/02 Fee 25.00
 Received by [Signature] Date 9/9/02 Receipt No. 5025210
 Processed by [Signature] AJ Date 9/9/02 WR _____ Date _____

435515

QUITCLAIM DEED

FOR VALUE RECEIVED, STEVEN C. GILLEY and DONNA E. GILLEY, husband and wife, and ROBIN R. MESSICK and ROBIN S. MESSICK, husband and wife, do hereby release, remise, grant, bargain, sell, convey and forever quitclaim unto PHILLIP N. GILLEY and KAREN GILLEY, husband and wife, whose present address is 3224 Overland Avenue, Burley, Idaho, the following described premises, located in Minidoka County, Idaho, to wit:

TRACT NO. 1:

That part of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lot 2, lying between lines parallel with and distant Westerly 100.00 feet and 390.40 feet respectively measured at right angles from the East boundary line of said Lot 2.

The property is also known as the West 290.40 feet of the East 390.40 feet of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records.

TRACT NO. 2:

That part of Lots 2 and 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lots 2 and 3, lying between lines parallel with and distant Westerly 390.40 feet and 535.60 feet respectively measured at right angles

from the East boundary line of said Lot 2.

This property is also known as the West 52.60 feet of Lot 2 and the East 92.60 feet of Lot 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records. TOGETHER WITH all water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to license number 36-08018.

SUBJECT TO all reservations in Patents or Deeds in the chain of title.

ALSO SUBJECT to taxes for 1998 and subsequent years.

ALSO SUBJECT to assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.

ALSO SUBJECT to the exception as contained in Warranty Deed, recorded March 20, 1972, as Document No. 222900, Minidoka County records.

Together with appurtenances.

This deed is executed and delivered pursuant to a Spinoff Agreement for WASCO Hardfacing Company dated October 31, 1997, and the terms of a Loan Assumption and Release Agreement by which Grantors and WASCO Hardfacing Company are released from liability to AT&T Small Business Lending Corporation, and Grantors assume the remaining obligation to AT&T.

DATED this 6th day of ^{May}~~April~~, 1998.
435515

RECORDED AT REQUEST OF
Don Chisholm
FILM NO. _____

Steven C. Gilley
Steven C. Gilley
Grantor

Donna E. Gilley
Donna E. Gilley
Grantor

'98 MAY 26 11 45
MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
PTE 12 DEPUTY 28

Robin R. Messick

Robin R. Messick
Grantor

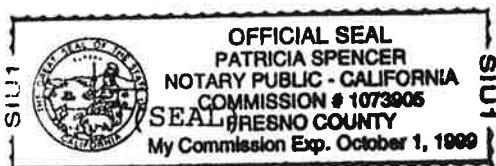
Robin S. Messick

Robin S. Messick
Grantor

STATE OF CALIFORNIA)
County of Fresno) ss.

On this 6th day of ^{May}~~April~~, in the year of 1998,
before me the undersigned notary public in and for said state,
personally appeared STEVEN C. GILLEY ~~and DONNA B. GILLEY~~,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument and
acknowledged to me that they executed the same.

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



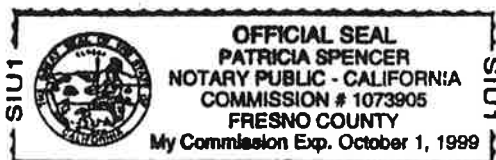
Patricia Spencer
Notary Public
Residing at _____
My Commission expires _____

STATE OF CALIFORNIA)
County of Fresno) ss.

On this 6th day of ^{May}~~April~~, in the year of 1998,
before me the undersigned notary public in and for said state,
personally appeared ROBIN R. MESSICK and ROBIN S. MESSICK,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument and
acknowledged to me that they executed the same.

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

(SEAL)



Patricia Spencer
Notary Public
Residing at _____
My Commission expires _____

410937

WARRANTY

DEED

FOR VALUE RECEIVED. MAGIC VALLEY DISTRIBUTING INC., formerly known as COORS OF MAGIC VALLEY, INC., an Idaho Corporation a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto PHILLIP N. GILLEY and KAREN GILLEY, husband and wife, STEVEN C. GILLEY and DONNA E. GILLEY, husband and wife, and ROBIN R. MESSICK and ROBIN S. MESSICK, husband and wife Address: P.O. Box 2476 Fresno, CA 93706

See attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to license number 36-08018.

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1994 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.

Exception as contained in Warranty Deed, recorded March 20, 1972 as Document No. 222900, Minidoka County records.

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this February 4, 1994

MAGIC VALLEY DISTRIBUTING INC.
FKA Coors of Magic Valley, Inc.

By Dick Burwell
Dick Burwell

PRESIDENT

ATTEST: Susan J. Burwell
Susan J. Burwell

SECRETARY

STATE OF IDAHO
County of Minidoka

On this 4th day of Feb. 1994
before me a Notary public in and for said State, personally
appeared Dick Burwell and
Susan J. Burwell known to me to
be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same

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

Notary Public

My commission expires

Idaho



FEE 6-00

MINIDOKA COUNTY, IDAHO
DUANE SMITH
RECORDER

FEB 7 4 51 PM '94

RECORDED AT REQUEST OF
Land Title & Escrow Inc.

410937

EXHIBIT "A"

TRACT NO. 1:

That part of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lot 2, lying between lines parallel with and distant Westerly 100.00 feet and 390.40 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 290.40 feet of the East 390.40 feet of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

TRACT NO. 2:

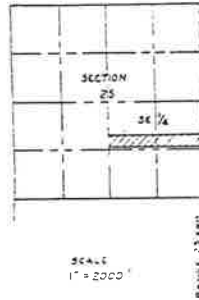
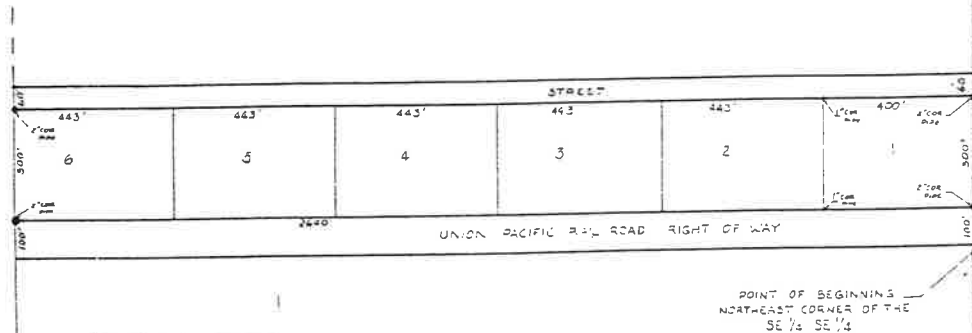
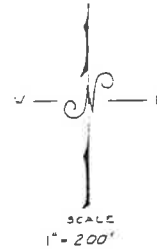
That part of Lots 2 and 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lots 2 and 3, lying between lines parallel with and distant Westerly 390.40 feet and 535.60 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 52.60 feet of Lot 2 and the East 92.60 feet of Lot 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

RUPERT INDUSTRIAL SITE

SECTION 25



STATE OF IDAHO
COUNTY OF MINIDOKA:
KNOW ALL MEN BY THESE PRESENTS
THAT Rupert Development Corporation is owner of the
FOLLOWING DESCRIBED LAND TO WIT:
BEGINNING AT A POINT THE NE CORNER OF THE SOUTHEAST 1/4
OF THE SOUTHEAST 1/4, NORTH 100 FT. TO THE POINT OF
BEGINNING; THENCE WEST ALONG THE UNION PACIFIC RAIL
ROAD RIGHT OF WAY 2640 FT.; THENCE NORTH 360 FT.; THENCE
EAST 2640 FT.; THENCE SOUTH 360 FT. TO THE POINT OF BEGINNING;
AND SAID PERSON DOES HEREBY CERTIFY AND DECLARE THAT
THEY HAVE LAID OUT AND PLATTED AS RUPERT INDUSTRIAL SITE
AS SHOWN BY THIS PLAT, THE LAND ABOVE DESCRIBED, AND DOES FURTHER
CERTIFY AND DECLARE THAT IN CONSIDERATION OF THE FILLS OF
SAID PLAT BY THE COUNTY RECORDER IN AND FOR MINIDOKA COUNTY,
IDAHO, AND THE ACCEPTANCE BY THE PUBLIC OF THE STREETS AS SHOWN
ON SAID PLAT DOES HEREBY AND BY THESE PRESENTS GRANT,
DONATE AND DELEGATE TO THE PUBLIC IN FEE SIMPLE, SUCH PORTIONS
OF THE PLATTED PREMISES AS ARE SET APART FOR STREETS FOR
PUBLIC USE FOREVER IN WITNESS WHEREOF I HAVE SET MY HAND THIS

29th DAY OF March 1965
Attest: Julian T. Anderson, Sec. Marvin W. Long, Pres.

APPROVED AND ACCEPTED BY THE COUNTY BOARD
OF MINIDOKA COUNTY,
COUNTY OF MINIDOKA, IDAHO

THIS 12 DAY OF April 1965
Ray L. Smith Robert L. Hanbury
CLERK CHAIRMAN OF THE BOARD

BEGINNING AT A POINT 100 FT. NORTH OF THE NORTHEAST
CORNER OF THE SOUTHEAST QTR. OF THE SOUTHEAST QTR.
OF SECTION 25 TOWNSHIP 35S.

RANGE 23, E.B.M., THE POINT OF BEGINNING;
THENCE WEST ALONG THE UNION PACIFIC RAIL
ROAD RIGHT OF WAY 2640 FEET; THENCE NORTH
360 FEET; THENCE EAST 2640 FEET; THENCE
SOUTH 360 FEET; TO THE POINT OF BEGINNING.

I R.D. ARMSTRONG REGISTERED PROFESSIONAL
ENGINEER IN THE STATE OF IDAHO, HEREBY CERTIFY THAT
THIS PLAT OF RUPERT INDUSTRIAL SITE IN MINIDOKA
COUNTY, IDAHO, IS STRICTLY CONFORMABLE TO THE
FIELD NOTES OF THE SURVEY THEREOF, EXECUTED
UNDER ME THIS 18 MARCH 1965

Ernest C. Bell R.D. Armstrong

LAND TITLE & ESTATE, INC.
P. O. BOX 177
BURLEY, IDAHO 83318

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF
March 1965

Sherman H. Hunsaker
NOTARY PUBLIC

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

September 6, 2002

RECEIVED
SEP 09 2002
Department of Water Resources
Southern Region

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83303-3380

**RE: Water Right No. 36-8018
Our File No. 14145.020010**

Dear Sir or Madam:

Enclosed is the Notice of Change in Water Right Ownership, with attachments, along with a check in the sum of \$25.00.

Should you have any questions, please contact me.

Very truly yours,

PARSONS, SMITH & STONE, LLP

*MAILED WITHOUT SIGNATURE
TO AVOID DELAY*

William A. Parsons

WAP:sw
Enc.

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: **A36-08018**
Date Received: 8/ 1/1989
Receipt No: S008704
Received By: _____

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

1. Name: WASCO HARDFACING CO 208-436-1770
Address: RT 2 BOX 36
RUPERT ID 83350

2. Date of Priority: NOV 12, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	23E	25	NE	SE			MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		14.50
DOMESTIC	01/01	12/31	0.020		0.60
IRRIGATION	03/15	11/15	0.020		2.00

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

8. Total consumptive use is 1.5 Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL/ COOLERS & WASHING TRUCKS; DOMESTIC/ OFFICE USE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	23E	25	NE	SE		IRR	0.5
			NE	SE		COMMER	

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	23E	25	NE	SE		DOMEST	

Section Acres 0.5

Total Acres 0.5

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:
OWNERSHIP CHANGE 7/19/94 BY JG.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

MICROFILMED

State of Idaho)
County of _____) ss.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

UN E C E I V S U

DATE OF CLOSING: 2/4/94

JUL 15 1994

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

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

☐ Water Right Number(s)
Assigned by IDWR: 36-08018

☐ Name and Address of Former Owner/Claimant(s)(Seller): Magic Valley Distributing, Inc.
P. O. Box 1825

☐ New Owner/Claimant (Purchaser): Twin Falls, ID 83303
Wasco Hardfacing Co.

☐ New Mailing Address: Rt. 2, Box 36
Rupert, ID 83350

☐ New Telephone Number: (208) 436-1770

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Deed

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

☐ Signature of New Owner/Claimant(s) X [Signature] Date 7/1/94

☐ Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7/19/94 By: SC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 20 1994

INTER-DEPARTMENT MEMO

TO: File NO. 36-08018

SUBJECT: Change of Attorney

FROM: Judy/Adj. Sec.

DATE: 5/18/94 9:00

I called Sally Sherman concerning a record received from J. D. May. The file was originally filed by John A. Rosholt's Office. Don Shaff said that we did not need an change of Attorney 'Notice of Appearance' sent out on this file.

I will just deal directly with Mr. May's office.

- see letter 5/18/94

() For your information

() Response required

MICROFILMED

signature

OCT 20 1994

THIS BLANK FURNISHED BY *Land Title and Escrow, Inc.*RECEIVED
#9524

410937

WARRANTY

DEED

APR 06 1994

Department of Water Resources
Southern Region OfficeFOR VALUE RECEIVED, MAGIC VALLEY DISTRIBUTING INC., formerly known as
COORS OF MAGIC VALLEY, INC., an Idaho Corporationa corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto PHILLIP N. GILLEY and KAREN GILLEY, husband and wife,
STEVEN C. GILLEY and DONNA E. GILLEY, husband and wife, and ROBIN R. MESSICK
and ROBIN S. MESSICK, husband and wife Address: P.O. Box 2476
grantee, the following described real estate, to-wit:
Fresno, CA 93706

See attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches or ditch rights
used thereon or appurtenant thereto, including but not limited to
license number 36-08018.

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1994 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and
powers of said District as by law provided.Exception as contained in Warranty Deed, recorded March 20, 1972
as Document No. 222900, Minidoka County records.TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their
heirs and assigns forever.IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its
corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secre-
tary this February 4, 1994MAGIC VALLEY DISTRIBUTING INC.
FKA Coors of Magic Valley, Inc.By Dick Burwell
President

PRESIDENT

ATTEST:

Susan J. Burwell
Susan J. Burwell

SECRETARY



MICROFILMED

Susan J. Burwell

SECRETARY

STATE OF IDAHO
County of Minidoka, ss.

On this 4th day of Feb., 19 94
before me, a Notary public in and for said State, personally
appeared Dick Burwell and

Susan J. Burwell, known to me to
be the President and Secretary of the corporation that exe-
cuted this instrument or the persons who executed the instru-
ment on behalf of said corporation, and acknowledged to me
that such corporation executed the same.

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

Notary Public

My commission expires

, Idaho



FEE 6- DEPUTY

REORDER

MINIDOKA COUNTY, IDAHO

FEB 7 4 51 PM '94

FILM NO.

RECORDED AT REQUEST OF
Land Title Co. Agent

410937

REGISTERED

APR 06 1994

Department of Water Resources
Southern Region Office

RECEIVED

JUL 15 1994

Department of Water Resources
Southern Region Office

MICROFILMED

OCT 20 1994

R E C E I V E D

No. : 9524

APR 06 1994

Department of Water Resources
Southern Region OfficeEXHIBIT "A"TRACT NO. 1:

That part of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lot 2, lying between lines parallel with and distant Westerly 100.00 feet and 390.40 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 290.40 feet of the East 390.40 feet of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

TRACT NO. 2:

That part of Lots 2 and 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lots 2 and 3, lying between lines parallel with and distant Westerly 390.40 feet and 535.60 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 52.60 feet of Lot 2 and the East 92.60 feet of Lot 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

R E C E I V E D

JUL 15 1994

Department of Water Resources
Southern Region Office

Post-It™ brand fax transmittal memo 7671 # of pages >	
To <i>Marilyn</i>	From <i>Terr</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

MICROFILMED

OCT 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

MAY 18, 1994

R. KEITH HIGGINSON

Director

J DEE MAY
SUDWEEKS MAY STUBBS KERSHAW & BROWNING
PO BOX 1846
TWIN FALLS ID 83303-1846

MAY & MAY LAW OFFICES
P.O. BOX 1846 • 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

Re: Standard Form for Notice of Change in Address
Wasco Hardfacing Co./Magic Valley Distributing Water Right
No. 36-08018

Dear Mr. May:

This letter is in reference to the Change of Address form received in this office April 6, 1994. Thank you for submitting the forms to us, however, in reviewing the information, it looks like you will need to submit a Change of Ownership form. The change of the name of the Company, requires a form 42-1409(7) also, since this is the Basin in the Adjudication Court, you will have to fill out a Standard Form No. 3 according to the mailing instructions on page 5 and page 6. I will change the name and address in our computer system for our records when I get the filled out Change of Ownership form.

Should you have any questions on Standard Form No. 3, you should contact:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
Phone Number - 736-3011

Yours truly,


Judy Givens
Adjudication Secretary

/jg

Return of: Papers sent to us
Standard Form 3
Change of Ownership 42-1409(7)

MICROFILMED
OCT 20 1994

RECEIVED

APR 06 1994

LAW OFFICES
SUDWEEKS, MAY, STUBBS, KERSHAW & BROWNING
P. O. BOX 1846 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

Department of Water Resources
Southern Region Office

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR
BART D. BROWNING

TWIN FALLS
PHONE (208) 733 7180
FAX (208) 733 7967
HAILEY
PHONE (208) 788 0834
FAX (208) 788 0835

April 5, 1994

Idaho Department of Water Resources
220 Shoshone East
Twin Falls, ID 83301

RE: Wasco Hardfacing Co./Magic Valley Distributing
Water Right No. 36-08018

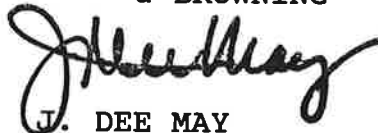
Gentlemen:

I have enclosed a form for a change of address on the above entitled matter and would appreciate your changing the address as indicated on the form. Also, I have enclosed a copy of the recorded Warranty Deed from Magic Valley Distributing to Wasco Hardfacing Co.

Thank you very much for your assistance in this matter.

Very truly yours,

SUDWEEKS, MAY, STUBBS, KERSHAW
& BROWNING



J. DEE MAY

JDM:mab

Enclosures

MICROFILMED

OCT 20 1994

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

[] Water Right Number (s): 36-08018

APR 06 1994

Department of Water Resources
Southern Region Office

[] Old Mailing Address: Magic Valley Distributing, Inc.

P. O. Box 1825

Twin Falls, ID 83303

[] New Mailing Address: Wasco Hardfacing Co.

~~661 Columbine~~ Rt. 2 - Box 36

~~Paul, ID 83347~~ Rupert, ID. 83350

New Telephone Number: (208) ~~438 - 5418~~ 436 - 1770

[] Signature of Claimant: *David J. King*

Date: 3-21-94

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

MICROFILMED

OCT 20 1994

LAW OFFICES
SUDWEEKS, MAY, STUBBS, KERSHAW & BROWNING
P. O. BOX 1846 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

JAY D. SUDWEEKS
J. DEE MAY
MARK D. STUBBS
THOMAS D. KERSHAW, JR
BART D. BROWNING

SUDWEEKS, MAY, STUBBS, KERSHAW, & BROWNING
P.O. Box 1846 • 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846

TWIN FALLS
PHONE (208) 733 7180
FAX (208) 733 7967
HAILEY
PHONE (208) 788 0834

July 14, 1994

Judy Givens
Adjudication Secretary
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301

101 12 6 E 11 11 11 11
JUL 15 1994
Department of Water Resources
Southern Region Office

RE: Wasco Hardfacing Co./Magic Valley Distributing
Water Right No. 36-08018

Dear Judy:

Pursuant to your letter dated May 18, 1994, regarding the above entitled matter, I have enclosed the completed New Property Owner Notice of Change of Water Right Ownership executed by Mr. Gilley, which you requested.

Thank you very much and, if we can be of any further assistance, please let me know.

Sincerely yours,

Marilyn Ann Bragg
Marilyn Ann Bragg,
Paralegal

mab

Enclosure

MICROFILMED

OCT 20 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

July 19, 1994

SUDWEEKS MAY STUBBS KERSHAW & BROWNING
ATTN MARILYN ANN BRAGG PARALEGAL
PO BOX 1846
TWIN FALLS ID 83303 1846

RE: ADJUDICATION CLAIM - NO. 36-08018 - WASCO HARDFACING
CO/MAGIC VALLEY DISTRIBUTING

Dear Marilyn Ann:

Pursuant to the notification that you are representing the new owners on the above-referenced Adjudication Claim(s), I am sending you copies of the profile reports showing you what is on our computer records. I could not remember whether we had discussed the issue of the Standard Form 3 that needs to be filled out according to the mailing instructions in the back. Please note that the Report for Basin 36 has been filed with the court and the recommendations for the above-listed right(s) remain listed in the former owners name.

If you have not already filed the Standard Form #No 3 (form enclosed) with the Adjudication Court here in Twin Falls, you will need to do so. Should you have any questions concerning Standard Form No 3, you can contact either this office or:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
Phone Number - 736-3011

Cordially,


Judy Givens
Adjudication Secretary

/jg
Enclosures

MICROFILMED

OCT 20 1994

Water Right Number - 36-08018

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
WASCO HARDFACING CO

1 - RT 2 BOX 36
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-1770

*** D - DIR RPT OWNER ***
MAGIC VALLEY DISTRIBUTING INC

1 - PO BOX 1825
2 -
3 -
City- TWIN FALLS State- ID Zip- 83303
Phone - 208-733-3535

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/12/1981 17 SOUTHERN L - LICENSE

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

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

Twn	Rng	Sec	Tract	Lot	RFlg	County
09S	23E	25	NE SE		(67)	MINIDOKA

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
10 - COMMERCIAL		01/01	12/31	0.020	14.50
43 - DOMESTIC		01/01	12/31	0.020	0.60
01 - IRRIGATION		04/01	10/31	0.020	2.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 17.10 1.5

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	23E	25	NE SE		0.5	01	IRRIGATION	(67) MINIDOKA
09S	23E	25	NE SE			10	COMMERCIAL	(67) MINIDOKA
09S	23E	25	NE SE			43	DOMESTIC	(67) MINIDOKA

Total Acres: 0.5

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use - COMMERCIAL, COOLERS & WASHING TRUCKS; DOMESTIC, OFFICE USE

+ - - Other Rights for Same Use - NONE

MICROFILMED
OCT 20 1994

Water right number - 36-08018

Prefix Translation: WATER RIGHT

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

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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

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

Date: 04/12/1991 User Id: STERLING Subject: REVIEW - MSS

Date: 07/19/1994 User Id: GIVENS Subject: OWNERSHIP CHANGE

CHANGE OF OWNERSHIP RECEIVED 7/15/94 FORMER (DECREED) OWNER

HARDFACING CO. COPY OF WARRANTY DEED SUBMITTED WITH FORM.

MAGIC VALLEY DISTRIBUTING INC NEW (CURRENT) OWNER WASCO

+ - - Audit Fields - - +
07/19/94 GIVENS

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 04/30/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 08/16/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S008704	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 20 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. 36-08018 -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)

2025-11-18
MICROFILMED

2. Person who filed objection:

Name: MAGIC VALLEY DISTRIBUTING INC
Address: PO BOX 1825
TWIN FALLS ID 83303

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

8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this

water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use.

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. A36-08018

3

(Over)

FILED & P. 1994
WICKBOLIN WED

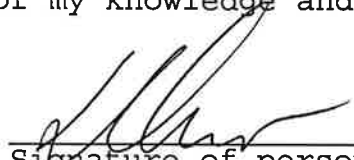
VERIFICATION (Must be Completed)

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.

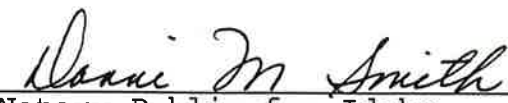


Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 16th 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 16TH 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:

See No. 3

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: JAMES C TUCKER
Address: PO BOX 2139
BOISE ID 83701-2139

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-08018

Date Received: 6/26/1989

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG - 1 1989

Department of Water Resources
Southern Region Office

1. Name: COORS OF MAGIC VALLEY INC.
Address: P.O. BOX 1825
TWIN FALLS, ID 83301

2. Date of Priority: NOV 12, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	23E	25	NE	SE			MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		14.50
DOMESTIC	01/01	12/31	0.020		0.60
IRRIGATION	03/15	11/15	0.020		2.00

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 17.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/COOLERS & WASHING TRUCKS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	23E	25	NE	SE		IRR	1.0

Section Acres 1.0

A36-08018

Page 1

Date: 06/26/89

MICROFILMED

OCT 20 1994

MICROFILMED

FEB 05 1993

10. Place of Use: Continued

Total Acres 1.0

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:

14. Remarks:

AC. IRR. = .5.

15. Basis of Claim: LICENSE

MICROFILMED

OCT 20 1994

MICROFILMED

FEB 05 1993

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -0-

For Organizations:

I do solemnly swear or affirm that I am _____ President _____ of _____ Title _____
Magic Valley Distributing, Inc. Organization, that I have signed the foregoing document in the space below as _____ President _____ of _____ Title _____
Magic Valley Distributing, Inc. Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

President, Magic Valley Distributing, Inc.
Title and Organization

7/24/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of July 19 89

[Signature]
Notary Public

Seal

Residing at Twin Falls, Id
My Commission Expires 3/19/92

COPY

RECEIVED

MAY 03 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

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

Petitioner,

vs.

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

Respondents.

Case No. 36-08018

OBJECTION

36-08018 -0001/
93-04-0362

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

(Over)

OBJECTION -1-

MICROFILMED

OCT 20 1994

Any party physically filing 25 (twenty-five) or more objections must make an appointment with a Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: MAGIC VALLEY DISTRIBUTING, INC.

Address: P.O. Box 1825
Twin Falls, Idaho 83303

Briefly describe your interest in this water right:

Owner of right.

2. Owner of the water right:

Name: MAGIC VALLEY DISTRIBUTING, INC.

Address: P.O. Box 1825
Twin Falls, Idaho 83303

3. If this objection is filed by an attorney:

Attorney Name: James C. Tucker

Attorney Address: P.O. Box 2139
Boise, Idaho 83701-2139

Attorney Phone No.: (208) 336-0700

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

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

12. ☐ Water Right Recommendation: I object to:
- ☐ this water right being recommended at all; or
- ☐ 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 8: Period of year should have been recommended as claimed.

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.

Recommend period of year as claimed.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____
- _____
- _____
- _____

VERIFICATION (Must be Completed)

State of Idaho

County of ADA

JOHN K. SIMPSON, being first duly 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.

MAGIE VAHEY DISTRIBUTING
Signature of person filing objection

By: [Signature]
(Attorney signing in representative capacity)

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



Paula J. [unclear]
Notary Public for Idaho
Residing at: Boise
My commission expires: 4-26-95

(Over)

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 30th 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:

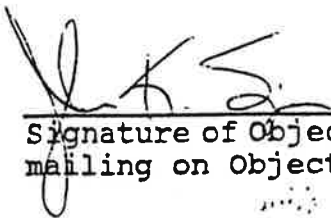
Owner name: MAGIC VALLEY DISTRIBUTING, INC.
Owner's address: P.O. Box 1825
Twin Falls, Idaho 83303

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector'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: A36-08018
Date Received: 8/01/1989
Receipt No: S008704
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAGIC VALLEY DISTRIBUTING, INC. 208-733-3535
Address: P.O. BOX 1825
TWIN FALLS, ID 83303

2. Date of Priority: NOV 12, 1981

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	23E	25		NE	SE		MINIDOKA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		14.50
DOMESTIC	01/01	12/31	0.020		0.60
IRRIGATION	03/15	11/15	0.020		2.00

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 17.10 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/COOLERS & WASHING TRUCKS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	23E	25	NE	SE		IRR	1.0

Section Acres 1.0

A36-08018

Page 1

Date: 08/01/89

MICROFILMED
FEB 05 1993

10. Place of Use: Continued

Total Acres 1.0

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:

14. Remarks:

AC. IRR. = .5.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A36-08018

Date Received: 6/26/1989

Receipt No: _____

Received By: _____

TO A WATER RIGHT
DER STATE LAW

RECEIVED

1. N:
A:

*M.V. DISTRIBUTORS, INC.
P.O. BOX 1825*

INC.

83301

2. D

1981

3. S

TF, ID.

Trib.

4. P

83303

733-3535

To

1 of 1/4 of 1
NE S

Y
...NIDOKA

5. I

:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.020		14.50
DOMESTIC	01/01	12/31	0.020		0.60
IRRIGATION	03/15	11/15	0.020		2.00

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

17.10 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

C/COOLERS & WASHING TRUCKS.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	23E	25	NE SE		IRR	1.0

Section Acres 1.0

A36-08018

Page 1

Date: 06/26/89

10. Place of Use: Continued

Total Acres 1.0

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:

14. Remarks:

AC. IRR. = .5.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: -0-

For Organizations:

I do solemnly swear or affirm that I am President of Magic Valley Distributing, Inc., that I have signed the foregoing document in the space below as President of

Magic Valley Distributing, Inc. and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

President, Magic Valley Distributing, Inc.
Title and Organization

7/24/89

Date

State of Idaho

County of Twain Falls)
SS.

Subscribed and sworn (or affirmed) before me this 24th day

of July 19 89

Seal

[Signature]
Notary Public

Residing at Twain Falls, Id

My Commission Expires 3/19/92

FEB 05 1993

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

February 5, 1992

RECEIVED

FEB 07 1992

Attention: Judy Givens
Southern Region
Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83301

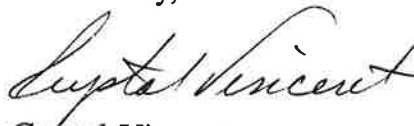
RE: SRBA CLAIMS IN THE SOUTHERN REGION

Dear Judy:

The attached is a list of our clients for whom we filed claims in the SRBA, and who by signing and returning a letter to our office, have requested that we continue to represent them in the adjudication process.

The claims highlighted identify those we filed in your region. Please check these claims and make certain that we are shown on your computer as representative, in order for us to receive the mailings from the department and perform the required service for our clients in a timely manner.

Yours truly,



Crystal Vincent

CV:mw
02059207.CV

MICROFILMED
FEB 05 1993
FEB 05 1993

RE: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Case
No. 39576, District Court for Twin Falls County, Idaho

Claimant: Magic Valley Distributing, Inc.

Claim No.(s): A36-08018

X It is my desire that the law firm of Rosholt,
Robertson & Tucker enter an appearance on my behalf in the
Adjudication and represent my interest in the Adjudication
process.

DATED this 18TH day of NOVEMBER, 1991.

D. B. [Signature], President

It is not my desire that the law firm of Rosholt,
Robertson & Tucker represent my interest in the Adjudication
process.

DATED this _____ day of _____, 1991.

MEMO

TO: FILE DATE: 6-26-02

FROM: JIM STANTON

RE: Right 36-8018

I recently got a letter from attorney Bill Parsons regarding ownership of this right. Records in the file show that Phillip Gilley dba Wasco Hardfacing is the current owner of record. Bill said that Wasco Hardfacing no longer exists, and that someone else now owns the property. I talked to Bill on the phone, and told him that he could submit a standard change of ownership to correct the record; he should include a deed or other document from Mr. Gilley to the new owner as proof of ownership. He said that he would file the necessary paperwork.

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

June 5, 2002

RECEIVED

JUN 06 2002

Department of Water Resources
Southern Region

Mr. Jim Stanton
IDWR
1341 Fillmore Street
Twin Falls, ID 83301-3380

**RE: Water Right No. 36-8018
Our File No. 14145.020010**

Dear Jim:

I don't often ask for an advisory opinion, however, I recently started representing Phillip N. Gilley and Karen Gilley in connection with their business in Rupert.

One of the issues is the above water right. What I thought I would do is send you copies of the Deeds, the Plat and ask the ultimate question.

As evident from the Water Right Report that I have attached, the name of the current owner is Wasco Hardfacing Co. The real estate was never vested in Wasco as it has always been in some individuals. As you can see, the original Deed in 1994 came from Manufacturing Distributing to some individuals. Those individuals deeded to my client in 1998 as evidence by the Deed No. 435515. You will notice in the later Quitclaim Deed that the water right is mentioned.

My client cannot, and I cannot, ascertain how the property ever got into Wasco. In view of the fact that the water right follows the ownership of the real estate, I was wondering if you would approve the change of name if I submitted form via Notice of Change in Water Right Ownership along with this documentation. If you would fax me an answer, or give me a call, then I will put it all together in the proper form with necessary transfer fee.

Very truly yours,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP:sw

Enc.

cc: Phillip & Karen Gilley wo/enc.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8018

WATER RIGHT NUMBER: 36-8018

Owner Type

Directors Report Owner

Name and Address

MAGIC VALLEY DISTRIBUTING INC
PO BOX 1825
TWIN FALLS, ID 83303
(208)733-3535

Current Owner

WASCO HARDFACING CO
RT 2 BOX 36
RUPERT, ID 83350
(208)436-1770

RECEIVED

JUN 06 2002

Department of Water Resources
Southern Region

Priority Date: 11/12/1981

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

DOMESTIC

From To

1/01 to 12/31

Diversion Rate

0.020 CFS

Annual Volume

0.60 AF

IRRIGATION

3/15 to 11/15

0.020 CFS

2.00 AF

COMMERCIAL

1/01 to 12/31

0.020 CFS

14.50 AF

Total Diversion:

0.060 CFS

17.10 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4

Sec. 25, Twp 09S, Rge 23E, B.M.

MINIDOKA County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	25													X				

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	25													.5				.5

Total Acres: 0.5

COMMERCIAL

435515

QUITCLAIM DEED

RECEIVED

JUN 06 2002

Department of Water Resources
Southern Region

FOR VALUE RECEIVED, STEVEN C. GILLEY and DONNA E. GILLEY, husband and wife, and ROBIN R. MESSICK and ROBIN S. MESSICK, husband and wife, do hereby release, remise, grant, bargain, sell, convey and forever quitclaim unto PHILLIP N. GILLEY and KAREN GILLEY, husband and wife, whose present address is 3224 Overland Avenue, Burley, Idaho, the following described premises, located in Minidoka County, Idaho, to wit:

TRACT NO. 1:

That part of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lot 2, lying between lines parallel with and distant Westerly 100.00 feet and 390.40 feet respectively measured at right angles from the East boundary line of said Lot 2.

The property is also known as the West 290.40 feet of the East 390.40 feet of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records.

TRACT NO. 2:

That part of Lots 2 and 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lots 2 and 3, lying between lines parallel with and distant Westerly 390.40 feet and 535.60 feet respectively measured at right angles

from the East boundary line of said Lot 2.

This property is also known as the West 52.60 feet of Lot 2 and the East 92.60 feet of Lot 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968, as Document No. 198788, Minidoka County records.

TOGETHER WITH all water and water rights, ditches or ditch rights used thereon or appurtenant thereto, including but not limited to license number 36-08018.

SUBJECT TO all reservations in Patents or Deeds in the chain of title.

ALSO SUBJECT to taxes for 1998 and subsequent years.

ALSO SUBJECT to assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.

ALSO SUBJECT to the exception as contained in Warranty Deed, recorded March 20, 1972, as Document No. 222900, Minidoka County records.

Together with appurtenances.

This deed is executed and delivered pursuant to a Spinoff Agreement for WASCO Hardfacing Company dated October 31, 1997, and the terms of a Loan Assumption and Release Agreement by which Grantors and WASCO Hardfacing Company are released from liability to AT&T Small Business Lending Corporation, and Grantors assume the remaining obligation to AT&T.

DATED this 6th day of ^{May}~~April~~, 1998.

435515

RECORDED AT REQUEST OF

FILM NO. _____

'98 MAY 26

11 45

MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
JUL 12 DEPUTY *LB*

Steven C. Gilley
Steven C. Gilley
Grantor

Donna E. Gilley
Donna E. Gilley
Grantor

Robin R. Messick

Robin R. Messick
Grantor

Robin S. Messick

Robin S. Messick
Grantor

STATE OF CALIFORNIA)
County of Fresno) ss.

On this 6th day of May, in the year of 1998,
before me the undersigned notary public in and for said state,
personally appeared STEVEN C. GILLEY ~~and DONNA E. GILLEY~~,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument and
acknowledged to me that they executed the same.

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



Patricia Spencer

Notary Public

Residing at _____

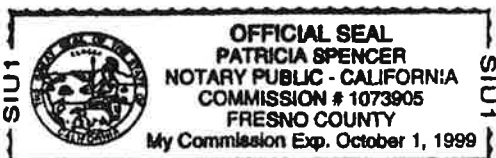
My Commission expires _____

STATE OF CALIFORNIA)
County of Fresno) ss.

On this 6th day of May, in the year of 1998,
before me the undersigned notary public in and for said state,
personally appeared ROBIN R. MESSICK and ROBIN S. MESSICK,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument and
acknowledged to me that they executed the same.

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

(SEAL)



Patricia Spencer

Notary Public

Residing at _____

My Commission expires _____

410937

WARRANTY

DEED

FOR VALUE RECEIVED. MAGIC VALLEY DISTRIBUTING INC., formerly known as
COORS OF MAGIC VALLEY, INC., an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto PHILLIP N. GILLEY and KAREN GILLEY, husband and wife,
STEVEN C. GILLEY and DONNA E. GILLEY, husband and wife, and ROBIN R. MESSICK
and ROBIN S. MESSICK, husband and wife Address: P.O. Box 2476
grantee, the following described real estate, to-wit: Fresno, CA 93706

See attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches or ditch rights
used thereon or appurtenant thereto, including but not limited to
license number 36-08018.

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1994 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and
powers of said District as by law provided.

Exception as contained in Warranty Deed, recorded March 20, 1972
as Document No. 222900, MINidoka County records.

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its
corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secre-
tary this February 4, 1994

MAGIC VALLEY DISTRIBUTING INC.
FKA Coors of Magic Valley, Inc.

By Dick Burwell
Dick Burwell

PRESIDENT

ATTEST:

Susan J. Burwell
Susan J. Burwell

SECRETARY

STATE OF IDAHO
County of Minidoka

On this 4th day of Feb. 1994
before me a Notary public in and for said State, personally
appeared Dick Burwell and
Susan J. Burwell known to me to
be the President and Secretary of the corporation that exe-
cuted this instrument or the persons who executed the instru-
ment on behalf of said corporation and acknowledged to me
that such corporation executed the same.

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

Notary Public

My commission expires

Idaho



FEE 6 DEPUTY JB

MINIDOKA COUNTY, IDAHO
DUANE SMITH
RECORDER

FEB 7 4 51 PM '94

RECORDED AT REQUEST OF
LAWYER
FEB 7 1994

410937

EXHIBIT "A"

TRACT NO. 1:

That part of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lot 2, lying between lines parallel with and distant Westerly 100.00 feet and 390.40 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 290.40 feet of the East 390.40 feet of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

TRACT NO. 2:

That part of Lots 2 and 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lots 2 and 3, lying between lines parallel with and distant Westerly 390.40 feet and 535.60 feet respectively measured at right angles from the East boundary line of said Lot 2.

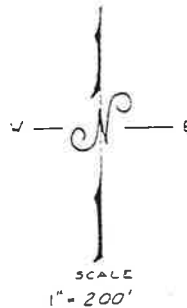
This property is also known as the West 52.60 feet of Lot 2 and the East 92.60 feet of Lot 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

RUPERT INDUSTRIAL SITE

APR 12 3 03 PM 1965

FEB 24 1965

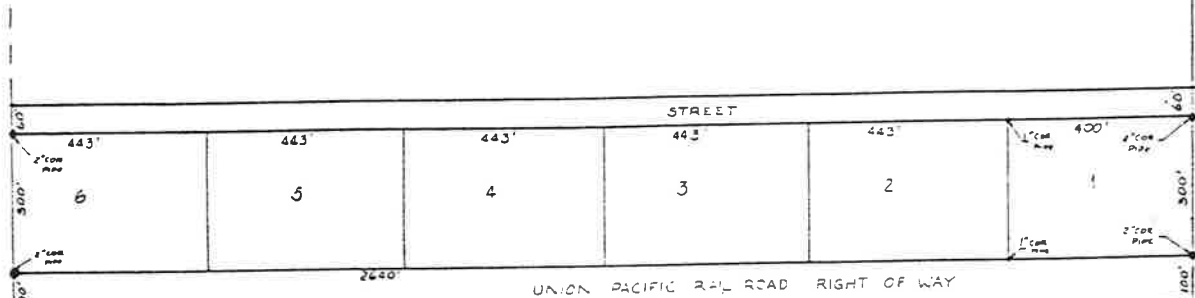
SECTION 25



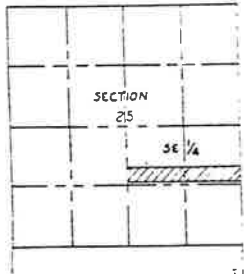
APPROVED AND ACCEPTED BY THE COUNTY BOARD
OF COMMISSIONERS.
COUNTY OF MINIDOKA, IDAHO

THIS 12 DAY OF April 1965

Clayton C. Smith CLERK
Robert C. Hays CHAIRMAN OF THE BOARD



POINT OF BEGINNING
NORTHEAST CORNER OF THE
SE 1/4 SE 1/4



SCALE
1" = 2000'

STATE OF IDAHO
COUNTY OF MINIDOKA:

KNOW ALL MEN BY THESE PRESENT:

THAT Rupert Development Corporation IS OWNER OF THE
FOLLOWING DESCRIBED LAND TO WIT:

BEGINNING AT A POINT THE NE CORNER OF THE SOUTHEAST 1/4
OF THE SOUTHEAST 1/4, NORTH 100 FT. TO THE POINT OF
BEGINNING, THENCE WEST ALONG THE UNION PACIFIC RAIL
ROAD RIGHT OF WAY 2640 FT.; THENCE NORTH 360 FT.; THENCE
EAST 2640 FT.; THENCE SOUTH 360 FT. TO THE POINT OF BEGINNING.

AND SAID PERSONS DOES HEREBY CERTIFY AND DECLARE THAT
THEY HAVE LAID OUT AND PLATTED AS RUPERT INDUSTRIAL SITE
AS SHOWN BY THIS PLAT, THE LAND ABOVE DESCRIBED, AND DOES FURTHER
CERTIFY AND DECLARE THAT IN CONSIDERATION OF THE FILING OF
SAID PLAT BY THE COUNTY RECORDER IN AND FOR MINIDOKA COUNTY,
IDAHO, AND THE ACCEPTANCE BY THE PUBLIC OF THE STREETS AS SHOWN
ON SAID PLAT DOES HEREBY AND BY THESE PRESENTS GRANT,
DONATE AND DEDICATE TO THE PUBLIC, IN FREE SIMPLE, SUCH PORTIONS
OF THE PLATTED PREMISES AS ARE SET APART FOR STREETS FOR
PUBLIC USE FOREVER IN WITNESS WHEREOF I HAVE SET MY HAND THIS

29th DAY OF March 1965

Attest: *Lillian T. Lockman, Sec.*

Merwin D. Long Pres.

BEGINNING AT A POINT 100 FT. NORTH OF THE NORTHEAST
CORNER OF THE SOUTHEAST QTR. OF THE SOUTHEAST QTR.
OF SECTION 25 TOWNSHIP 950.

RANGE 23, E.B.M. THE POINT OF BEGINNING:
THENCE WEST ALONG THE UNION PACIFIC RAIL
ROAD RIGHT OF WAY 2640 FEET; THENCE NORTH
360 FEET; THENCE EAST 2640 FEET; THENCE
SOUTH 360 FEET; TO THE POINT OF BEGINNING.

I R.D. ARMSTRONG REGISTERED PROFESSIONAL
ENGINEER IN THE STATE OF IDAHO, HEREBY CERTIFY THAT
THIS PLAT OF RUPERT INDUSTRIAL SITE IN MINIDOKA
COUNTY, IDAHO, IS STRICTLY CONFORMABLE TO THE
FIELD NOTES OF THE SURVEY THEREOF, EXECUTED
UNDER ME THIS 18 MARCH 1965

Clayton C. Smith *R.D. Armstrong*

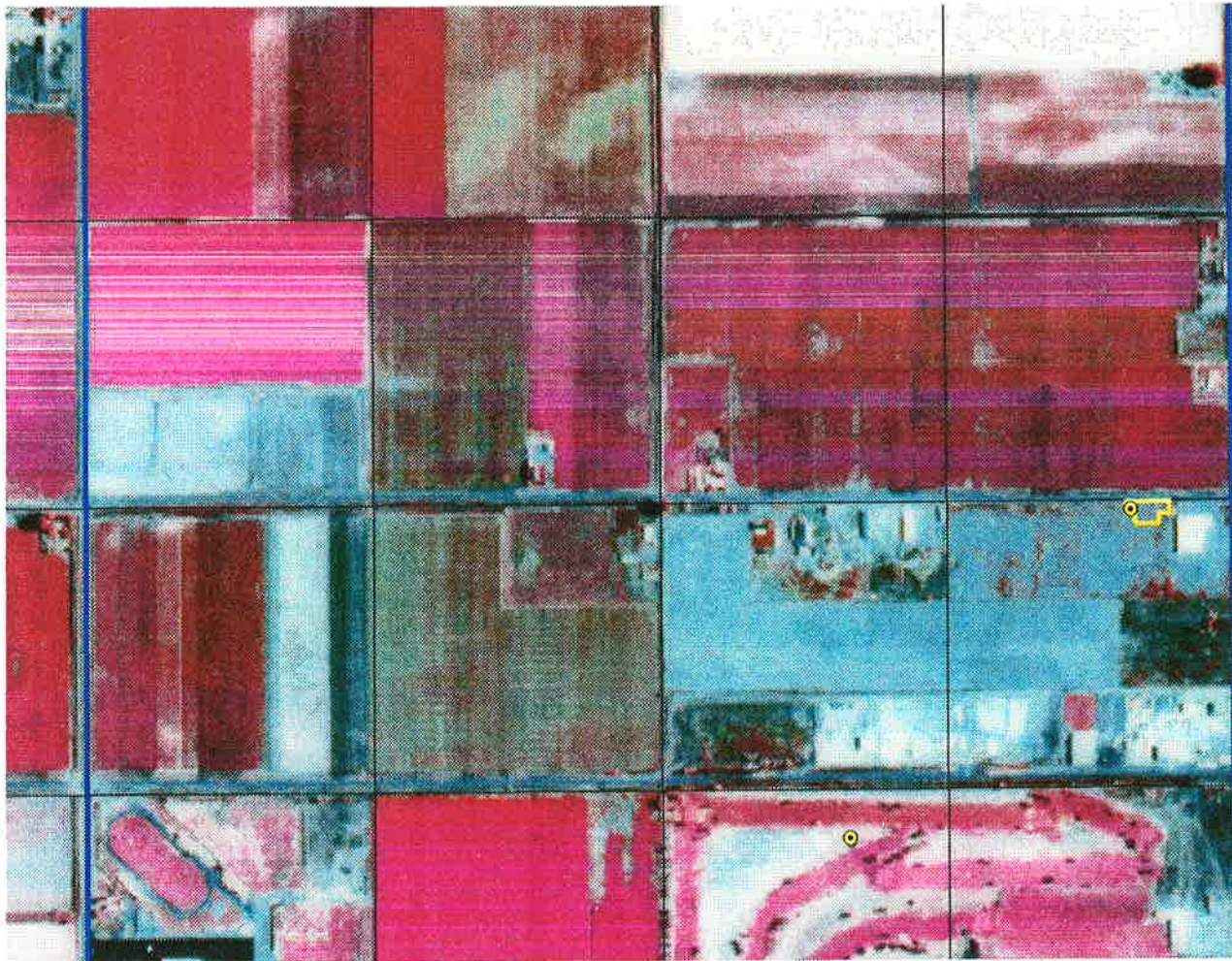
LAND TITLE & ESCROW, INC.
P. O. BOX 177
BURLEY, IDAHO 83318

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF
March 1965

Sherman Williams
NOTARY PUBLIC

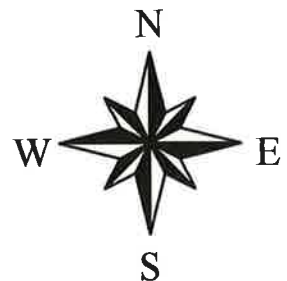
IDAHO DEPARTMENT OF WATER RESOURCES

36-08018
WASCO HARDFACING CO



660 0 660 1320 Feet

TNS 9S, RNG 23E, SEC 25



- ⊙ B36-pod.shp
- Pou-outline.shp
- 09s23e.dxf
- 8
- T09s23eqq.shp

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY AUGUST 1997
BY KELLY K CHRISTENSEN

CLAIM NUMBERS 36-8018DATE 8-25-97

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT KKC

TOTAL ACRES FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM _____

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	9S	23E	25													.5			.5
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

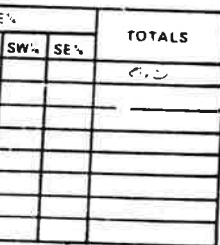
B36-DBPOU.DBF 8-25POLYGON CREATED ON 604 (X) 8-19B36-DBPOD.DBF "ATTRIBUTES OF B36-POU.SHP 397 8-25ATTRIBUTES OF B36-POD.SHP 367 8-25unable to determine Actual P/U on NAPPphoto. No map in file. No GISupdate A.T.T. KKC 8-5-97Pulled micro fiche for allocations records.no good map in file but I approximated the
location from the maps & info in the fiche.location not necessarily accurate as no discernable
matching features appear on the NAPP photo.

P/U CONFLICT yes () no (X)

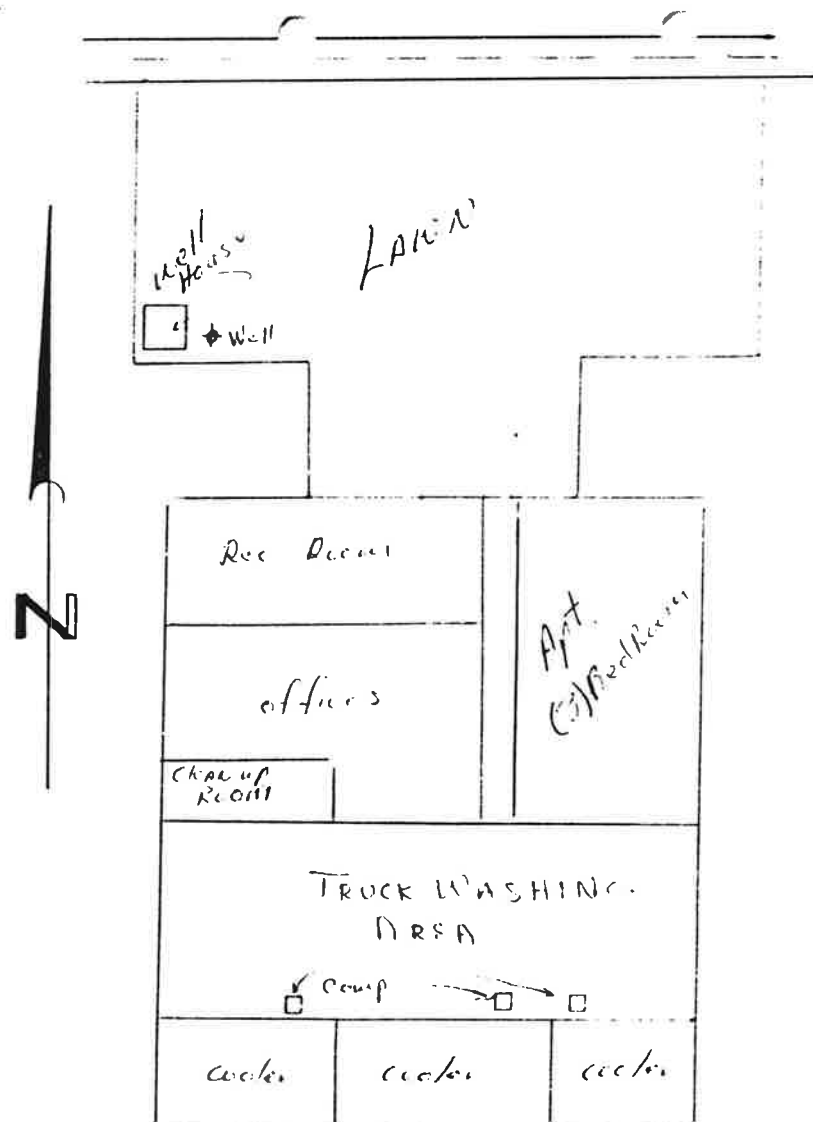
P/D CONFLICT yes () no ()

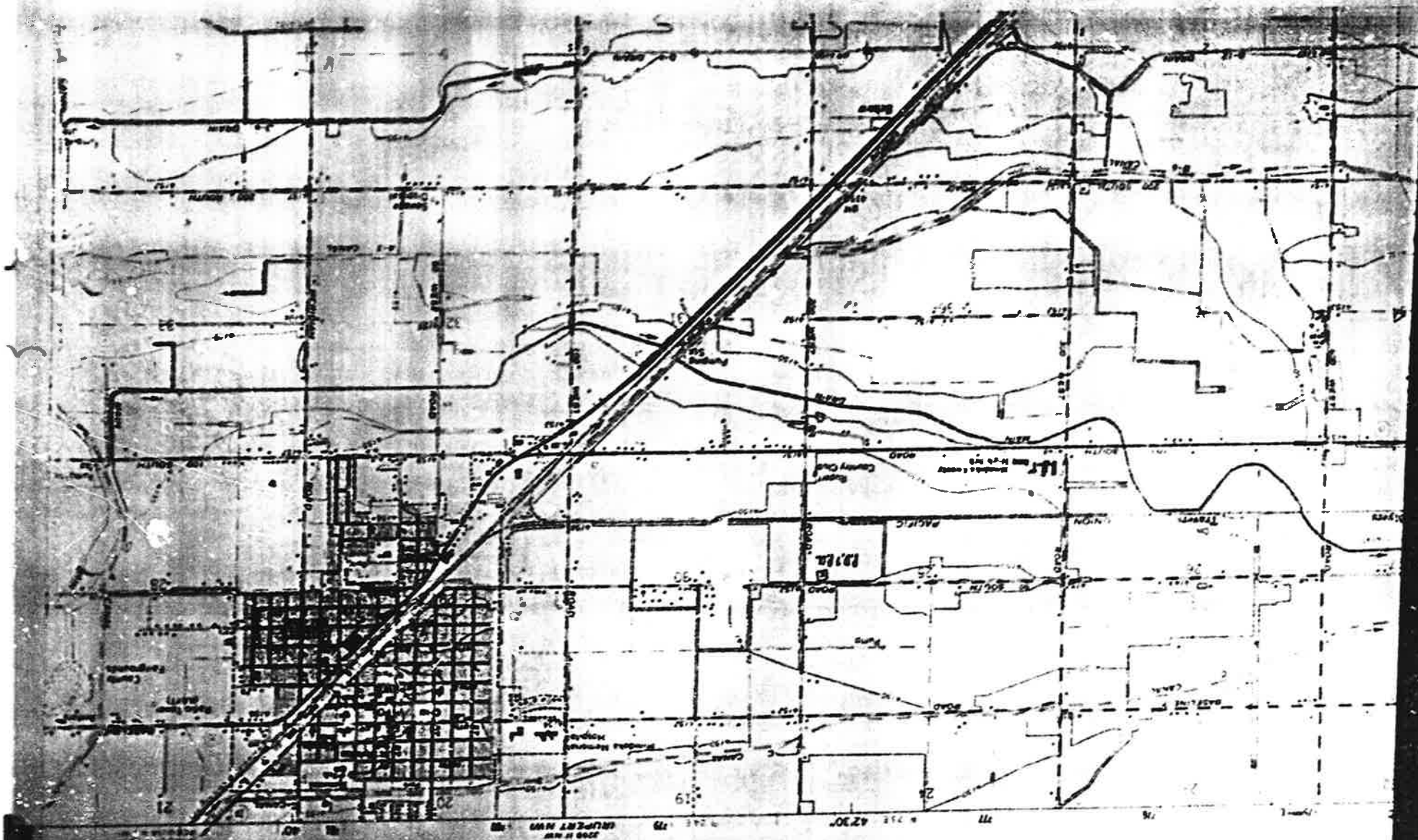
READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

[illegible]

7/11/20





RECEIVED

SEP 01 1995

Department of Water Resources
Southern Region

RECEIVED

JUL 14 1995

Department of Water Resources
Adjudication Bureau

COPY

RECEIVED

JUL 13 1995

OFFICE OF THE
ATTORNEY GENERAL

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.

Case No. 39576

STANDARD FORM 3

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

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

*36-08018 this document
was accepted by the court
7/14/95 CM system has
been updated II*

Respondents.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

MICROFILMED

Received DEC 5 1996

JUN 28 1995 Page 1

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

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

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☐ CHANGE IN ADDRESS

My name is _____

I am the claimant of _____

(Insert each water right number)

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

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Phillip N. Gilley Pres. Wasco Hardfacing
My address is Route #2, Box 36
Rupert, ID 83350

My phone number is: Work 208-436-1770 Home _____

The name and address of the party who I wish to be substituted for are:

Magic Valley Distributing, Inc.
2380 Beryl Avenue, Twin Falls, ID 83301

I am the new claimant/purchaser of Water Right No. 36-08018 and
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

See Attached Warranty Deed

D. B. Burwell, President
(Signature of prior claimant/seller)

x Phillip N. Gilley
(Signature of new claimant/purchaser)

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is J. Dee May [Signature]

I am the attorney of record for PHILLIP N. GILLEY
(Identify party/claimant)

My address and phone number are P. O. Box 1846, Twin Falls, ID 83303
208-733-7180

VERIFICATION

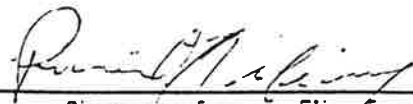
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of Minidoka

PHILLIP N. GILLEY, being first duly sworn, upon oath, deposes and says:
(insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

x 
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 27 Day of June 1995
(Insert Date)


Notary Public for IDAHO
Residing at: BURLEY IDAHO
My Commission expires: 5-9-2000

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 11, 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. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

Magic Valley Distributing Company
2380 Beryl Avenue
Twin Falls, ID 83303

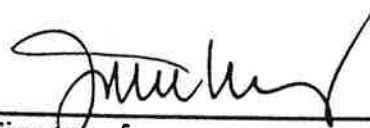
4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address:

4. One copy to:

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

5. One copy to:

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

A handwritten signature in black ink, appearing to be "J. M. ...", written over a horizontal line.

(Signature of person or attorney mailing the form)

THIS BLANK FURNISHED BY *Land Title and Escrow, Inc.*

#9524

410937

WARRANTY

DEED

FOR VALUE RECEIVED, MAGIC VALLEY DISTRIBUTING INC., formerly known as
COORS OF MAGIC VALLEY, INC., an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant,
Bargain, Sell and Convey unto PHILLIP N. GILLEY and KAREN GILLEY, husband and wife,
STEVEN C. GILLEY and DONNA E. GILLEY, husband and wife, and ROBIN R. MESSICK
and ROBIN S. MESSICK, husband and wife Address: P.O. Box 2476
grantee, the following described real estate, to-wit:

Fresno, CA 93706

See attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches or ditch rights
used thereon or appurtenant thereto, including but not limited to
license number 36-08018.

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1994 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and
powers of said District as by law provided.

Exception as contained in Warranty Deed, recorded March 20, 1972
as Document No. 222900, MINidoka County records.

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its
corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secre-
tary this February 4, 1994

MAGIC VALLEY DISTRIBUTING INC.
FKA Coors of Magic Valley, Inc.

By Dick Burwell
Dick Burwell, President

PRESIDENT

ATTEST:

Susan J. Burwell
Susan J. Burwell

SECRETARY

MICROFILMED
DEC 5 1996



Susan J. Burwell

SECRETARY

STATE OF IDAHO
County of Minidoka, ss.

On this 4th day of Feb. 19 94
before me, a Notary public in and for said State, personally
appeared Dick Burwell and
Susan J. Burwell, known to me to
be the President and Secretary of the corporation that exe-
cuted this instrument or the persons who executed the instru-
ment on behalf of said corporation, and acknowledged to me
that such corporation executed the same.

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

Notary Public

My commission expires

, Idaho



FEE 6 DEPUTY

MINIDOKA COUNTY, IDAHO
DUANE SMITH
RECORDER

FEB 7 4 51 PM '94

FILM NO.

RECORDED AT REQUEST OF

410937

MICROFILMED

DEC 5 1996

No. : 9524

EXHIBIT "A"TRACT NO. 1:

That part of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lot 2, lying between lines parallel with and distant Westerly 100.00 feet and 390.40 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 290.40 feet of the East 390.40 feet of Lot 2 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

TRACT NO. 2:

That part of Lots 2 and 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records, more particularly described as follows:

That portion of said Lots 2 and 3, lying between lines parallel with and distant Westerly 390.40 feet and 535.60 feet respectively measured at right angles from the East boundary line of said Lot 2.

This property is also known as the West 52.60 feet of Lot 2 and the East 92.60 feet of Lot 3 of the Rupert Industrial Site, according to the official plat thereof, now on file in the office of the County Recorder, Minidoka County, Idaho, recorded September 20, 1968 as Document No. 198788, Minidoka County records.

Post-It™ brand fax transmittal memo 7671		# of pages >	
To	MacLyn	From	T.A.C.
Co.		Co.	
Dept.		Phone #	
Fax #		Fax #	

MICROFILMED

DEC 5 1996

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

FEB 03 1983

Water Right Number - R36-08018

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***

MAGIC VALLEY DISTRIBUTING INC.

1 - PO BOX 1825

2 -

3 -

City- TWIN FALLS

Phone - 208-733-3535

State- ID Zip- 83303

+ - - Priority Date - - +
11/12/1981+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
L - LICENSE

+ - - Status - - - - +

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

+ - - - - Tributary - - - - - +

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

09S 23E 25 NE SE (67) MINIDOKA

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
10 - COMMERCIAL		01/01	12/31	0.020	14.50
43 - DOMESTIC		01/01	12/31	0.020	0.60
01 - IRRIGATION		04/01	10/31	0.020	2.00

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.060	17.10	1.5	

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	23E	25	NE SE		0.5	01	IRRIGATION	(67) MINIDOKA
09S	23E	25	NE SE			10	COMMERCIAL	(67) MINIDOKA
09S	23E	25	NE SE			43	DOMESTIC	(67) MINIDOKA

Total Acres: 0.5

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use - COMMERCIAL, COOLERS & WASHING TRUCKS; DOMESTIC, OFFICE USE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers FoundMICROFILMED
FEB 05 1993

Water right number - R36-08018

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

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

+ - - - - Comments - - - - - +
Date: 04/12/1991 User Id: STERLING Subject: REVIEW - MSS

+ - - Audit Fields - - +
05/13/92 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 05/13/1992	Old Judicial District	-
Claim Received Date	- 08/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S008704	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:07
12/18/90

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-08018

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		YTB 3/25/91	N		YTB 3/25/91	YTB 4/12/91	HHT 1/27/92
POINT OF DIV	X N			N	6			
SOURCE	N			N				
PLACE OF USE	X N			N	6			
DIV. AMOUNT CFS/VOLUME	N			N				
CONSUMPTIVE USE	N			N				
PURPOSES	N			N				
PERIOD OF USE	N			N				
BASIS OF CLAIM	N			N				
REMARKS	N			N				

"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.

MICROFILMED
FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:01:07
12/18/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-08018

LAST: MAGIC VALLEY DISTRIBUTING INC.
ADDRESS: P.O. BOX 1825
CITY: TWIN FALLS
PHONE NUMBER: 208-733-3535

FIRST:
STATE: ID ZIP: 83303

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER
N

FIELD EXAMINATION INFORMATION

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:

MICROFILMED
FEB 05 1993

A. AJ CLAIM: # A36-08018 PRIORITY DATE: 11-12-1981 STAGE: L
B. WR RECORD: # 36-08018 PRIORITY DATE: 11-12-1981 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
11-12-1981

REVIEWED BY ms

DATE 3/25/91

=====

MICROFILMED
FEB 05 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-08018	09S	23E	25		NE	SE		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-08221 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-08221
36-08341

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-08018	09S	23E	25		NE	SE		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-08221
36-08341

A36-08221 NONE
A36-13951
A36-08341

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:

P/D not identified to 10 acre tract → 10 acre description is necessary only if field exam is necessary for another reason

MICROFILMED
FEB 05 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>09S</u>	<u>23E</u>	<u>25</u>	---	<u>NE</u>	<u>SE</u>	<u>1</u>	<u>Minidoka</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

WJ

DATE:

3/25/91

MICROFILMED

FEB 05 1993

A. ROOT WATER RIGHT NUMBERS: A36-08018

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	23E	25	NE	SE		MAGIC VALLEY DISTRIBUTING INC.	A36-08018 / 0.5	36-08018 / ~~1.0~~ 0.5	33.0		
						WESTERN FARM SERVICE INC.	A36-08221 /	36-08221 /			
						CARTER, WILLIAM J.	A36-13951 /	- /			
						LARGE CLAIM	A01-10187Z1/35.0	- /			
						WESTERN FARM SERVICE INC.	A36-08341 /	36-08341 /			
09S	23E	25	NE	SE		MAGIC VALLEY DISTRIBUTING INC.	A36-08018 /	36-08018 / ~~1.0~~ 0.5	33.0		
						WESTERN FARM SERVICE INC.	A36-08221 /	36-08221 /			
						CARTER, WILLIAM J.	A36-13951 /	- /			
						LARGE CLAIM	A01-10187Z1/35.0	- /			
						WESTERN FARM SERVICE INC.	A36-08341 /	36-08341 /			
09S	23E	25	NE	SE		MAGIC VALLEY DISTRIBUTING INC.	A36-08018 /	36-08018 / ~~1.0~~ 0.5	33.0		
						WESTERN FARM SERVICE INC.	A36-08221 /	36-08221 /			
						CARTER, WILLIAM J.	A36-13951 /	- /			
						LARGE CLAIM	A01-10187Z1/35.0	- /			
						WESTERN FARM SERVICE INC.	A36-08341 /	36-08341 /			
TOTAL ACRES							A36-08018	0.50	3.00	99.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
X

FIELD
EXAMINER
N

PRESUMPTION FLAG:

REMARKS:

Actual license in file shows only 0.5 ac. irrigated → no acreage discrepancy

RECOMMENDATIONS:

TOTAL ACRES: 0.5

REVIEWED BY: *MP*

DATE: 3/25/91

MICROFILMED
FEB 05 1993

A. AJ CLAIMED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
A36-08018	COMMERCIAL	FROM 01-01	TO 12-31		.020 CFS 14.50 AF/A
A36-08018	DOMESTIC	FROM 01-01	TO 12-31		.020 CFS .60 AF/A
A36-08018	IRRIGATION	FROM 03-15	TO 11-15		.020 CFS 2.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED					.060 CFS

B. WR RECORDED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
36-08018	COMMERCIAL	FROM 01-01	TO 12-31		.020 CFS 14.50 AF/A
36-08018	DOMESTIC	FROM 01-01	TO 12-31		.020 CFS .60 AF/A
36-08018	IRRIGATION	FROM 03-15	TO 11-15		.020 CFS 2.00 AF/A
TOTAL DIVERSION RATE/VOLUME CLAIMED					.060 CFS 17.10 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N() Explain in remarks, below.

REMARKS:

MICROFILMED
FEB 05 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.060 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.060 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N(X) 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
A36-08018	GROUNDWATER	MAGIC VALLEY DISTRIBUTING INC.	0.060	0.120		
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
A36-08018	COMMERCIAL	MAGIC VALLEY DISTRIBUTING INC.	FROM 01-01 TO 12-31	.020 CFS	14.50 AF/A
A36-08018	DOMESTIC	MAGIC VALLEY DISTRIBUTING INC.	FROM 01-01 TO 12-31	.020 CFS	.60 AF/A
A36-08221	COMMERCIAL	WESTERN FARM SERVICE INC.	FROM 01-01 TO 12-31	.020 CFS	
A36-13951	DOMESTIC	CARTER , WILLIAM J.	FROM 01-01 TO 12-31	.040 CFS	
A36-08341	COMMERCIAL	WESTERN FARM SERVICE INC.	FROM 01-01 TO 12-31	.080 CFS	

MICROFILMED

FEB 05 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 0.5 x 0.02 CFS/ACRE = 0.01 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

1b. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1.5 AF/A

ACRES 0.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 = 1.5

TOTAL CONSUMPTIVE USE 1.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 2.00 AF/A

ACRES 0.5 x DIVERSION VOL. AF/A FOR AREA 4.0 = 2.0

TOTAL DIVERSION VOLUME 2.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

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

Commercial use is for cooling & washing trucks → minimal consumptive use
for commercial & domestic uses.

MICROFILMED
FEB 05 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
COMMERCIAL	01-01 12-31	DATABASE 0.020 EXAMINER 0.02	DATABASE 14.50 EXAMINER 14.50	DATABASE 1.5 EXAMINER 1.5
DOMESTIC	01-01 12-31	0.020 0.02	0.60 0.60	
IRRIGATION	03-15 11-15	0.020 0.02	2.00 2.00	
TOTAL FOR THIS RIGHT		0.060 0.06	17.10	1.5

REVIEWED BY:

mps

DATE:

3/25/91

MICROFILMED
FEB 05 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-08018

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.060	EXAMINER <u>0.06</u>	CFS
-----------------------------------	-------------------	-------------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-08018	0.060	-		36-08018	0.060
TOTAL CFS		0.060				0.060

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

REMARKS:

AUTHENTICATION:

SIGNATURE:

Marci Sterling

DATE:

4/12/91

NAME OF FIELD EXAMINER:

Marci Sterling

TITLE:

MICROFILMED

FEB 15 1993