

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 37-757
Date Received: 10/20/1988
Receipt No: M001661
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PARDUE CATTLE COMPANY LLC Phone: (208)823-4692
PO BOX 282
CAREY ID 83320

2. Date of Priority: 01/16/1909

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	22E	33	NE NE SE	BLAINE	

5. Description of diverting works:

CONCRETE DAM DIVER. FOR THE HIGHLINE CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4	

7. Total Quantity Appropriated is:
4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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01S	22E	8	SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
					Section Acres	80
01S	22E	9	NE	NE	IRRIGATION	35
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	37
			SE	NE	IRRIGATION	37
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	35
			SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	384
01S	22E	10	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	20
			SE	NW	IRRIGATION	18
					Section Acres	78
					Total Acres	542

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

AC. IRRIG. NOT SPECIFIED.

15. Basis of Claim: Decreed

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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, 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
	37-757	—			
37-7581	~~37-7581~~	—			

Local Manager
Doug Summers
823-4692

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) are 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) Robert D. & Beverly A. Whitby
PO Box 395, Carey, ID 83320
4. New Owner/Claimant(s) Pardue Cattle Co.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 282
- City, State and ZIP Code Carey, ID 83320
- New Telephone Number (208) 823-4692
5. Date you acquired the property _____

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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) W.D. Pardue owner
(include title if applicable)

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

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For Office Use Only

Received by <u>JP</u>	Date <u>6-22-05</u>	Fee <u>\$25.</u>
Receipted by <u>JP</u>	Date <u>6-22-05</u>	Receipt No. <u>5027768</u>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

GRANTOR, Pardue Land Company, Ltd. of Texas, a limited partnership, for good and valuable consideration, does hereby GRANT, BARGAIN, SELL and CONVEY, unto Pardue Cattle Company L.L.C., a Texas limited liability company whose current address is 11110 Woodmeadow Parkway, Suite A, Dallas, Texas 75228 as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate situated in Blaine County, to wit:

See attached Exhibit "A."

To have and to hold said premises together with their appurtenances unto the Grantee, its heirs and assigns forever. Said Grantor does hereby covenant to Grantee that it is the owner in fee simple of said premises and the premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument this 24th day of September 2002.

Instrument # 471578
HAILEY, BLAINE, IDAHO
2002-10-02 12:30:00 No. of Pages: 3
Recorded for: GERY WEDSON, PA
MARSHA RIEMANN Feb 9:00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

Randal Wayne Pardue
Pardue Land Company Ltd.
By its General Partner,
Pardue Development Company, LLC,
By its Manager, Randal Wayne Pardue

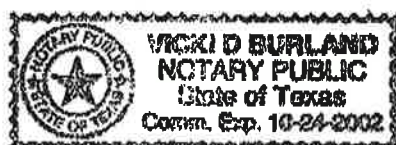
STATE OF Texas)
County of Dallas) §

On this 24th day of September 2002, before me, Randal Wayne Pardue, known or identified to me to be the Manager and President in the limited liability company of Pardue Development Company LLC, and is the general partner in Pardue Land Company, Ltd. who subscribed said name to the foregoing instrument and acknowledged to me that he executed the same in said partnership name.

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

(SEAL)

Vicki D. Burland
Notary Public for Texas
Residing at: Dallas
My commission expires: 10-24-02



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SCHEDULE A

Order Number: 99009083

LEGAL DESCRIPTION

TOWNSHIP 1 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

PARCEL I:

SECTION 8:

SE1/4 NE1/4, NE1/4 SE1/4

SECTION 9:

SW1/4 NW1/4, NW1/4 SW1/4

SECTION 9:

All of the SW1/4 SW1/4 lying Northerly and Westerly of Highway right-of-way, EXCEPTING THEREFROM the following described parcel of land in the SW1/4, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 9; thence N., 01°16'00"W., 42.13 feet along the Westerly boundary of said Section 9 to the Northerly boundary of U.S. Highway No. 93A; thence N. 59°54'00"E., 8.97 feet along said Northerly boundary of U.S. Highway 93A to a point of curvature; thence 485.80 feet around a curve to the left with a central angle of 09°43'00", a tangent of 243.50 feet and a radius of 2,865.00 feet; thence N. 50°11'00"E., 516.36 feet along said Northerly boundary to an iron pin marking the REAL POINT OF BEGINNING; thence continuing N., 50°11'00"E., 435.60 feet along said Northerly boundary to an iron pin; thence N. 39°49'00"W., 100.00 feet to an iron pin; thence S. 50°11'00"W., 435.60 feet to and iron pin; thence S. 39°49'00"E., 100.00 feet to the REAL POINT OF BEGINNING.

SECTION 9:

A portion of the NW1/4 NW1/4 more particularly described as follows:

BEGINNING at a point 707.5 feet East of the Northwest corner of Section 9, the TRUE POINT OF BEGINNING; thence running due South a distance of 90 feet; thence running due West and parallel to the North boundary of said Section a distance of 85 feet; thence due North a distance of 90 feet to the North boundary of said Section; thence East along North boundary of said Section a distance of 85 feet to the TRUE POINT OF BEGINNING.

Continued on next page

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A

Continuation of Schedule A - Legal Description
Order Number: 99009083

TOWNSHIP 1 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN, BLAINE
COUNTY, IDAHO:

PARCEL II:

SECTION 9:

All of the N1/2 NW1/4, EXCEPT a piece of land described as follows:

BEGINNING at a point 707.5 feet East of the Northwest corner of
Section 9, the TRUE POINT OF BEGINNING; thence running due South a
distance of 90 feet; thence running due West and parallel to the
North boundary of said Section, a distance of 85 feet; thence due
North a distance of 90 feet to the North boundary of said Section;
thence East along North boundary of said Section a distance of 85
feet to the TRUE POINT OF BEGINNING.

SECTION 9:

NE1/4 SE1/4

All of the NW1/4 NE1/4, EXCEPT the following described tract:

COMMENCING at the Northwest corner of NW1/4 NE1/4 and running thence
South 260.5 feet; thence East 260.5 feet; thence North 260.5 feet;
thence West 260.5 feet, to the POINT OF BEGINNING.

All of the NW1/4 SE1/4, EXCEPT Highway right of way. (Tax Lot 1880 &
1881)

All of the SW1/4 NE1/4, EXCEPT Highway right of way. (Tax Lot 1882 &
1883)

All of the SE1/4 NE1/4, EXCEPT Highway right of way. (Tax Lot 1884 &
1885)

All of the NE1/4 NE1/4, EXCEPT Highway right of way. (Tax Lot 1886 &
1887)

SECTION 10:

All of the NW1/4 NW1/4, EXCEPT Highway right of way. (Tax Lot 1888 &
1889)

All of the N1/2 S1/2 NW1/4. (Tax Lot 1120 & 1121)

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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

June 23, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PARDUE CATTLE COMPANY LLC
PO BOX 282
CAREY ID 83320

Re: SRBA Claim #37-751, #37-757

Dear Claimant,

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

Sincerely,

Carrie Hahn
Office Specialist

Enc.

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JUN 23 2005

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: A37-00757
Date Received: 10/18/1988
Receipt No: 1001661
Received By: JC AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT D. WHITBY 208-823-4434
Address: BOX 395
CAREY, ID 83320

OR
Name: BEVERLY A. WHITBY 208-823-4434
Address: BOX 395
CAREY, ID 83320

2. Date of Priority: JAN 16, 1909

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	22E	33	NE	NE	SE		BLAINE

5. Description of diverting works:
CONCRETE DAM DIVER. FOR THE HIGHLINE CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 1355.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A37-00757

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Date: 10/18/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	22E	8	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			Section Acres				80.0
		9	NE	NE		IRR	35.0
			NW	NE		IRR	40.0
			SW	NE		IRR	37.0
			SE	NE		IRR	37.0
			NE	NW		IRR	40.0
			NW	NW		IRR	35.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			Section Acres				384.0
		10	NW	NW		IRR	40.0
			SW	NW		IRR	20.0
			SE	NW		IRR	18.0
			Section Acres				78.0
			Total Acres				542.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A3700772,A3707581.

14. Remarks:
AC. IRRIG. NOT SPECIFIED.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1914

POTTER, ET. AL.

Decree Plaintiff

vs

PATTERSON, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

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): Robert D. Whitty Date: 10-20/88
Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of Oct. 19 88

Joe D. Monte
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94



04/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-757

NAME AND ADDRESS: ROBERT D WHITBY
496 AUSTIN RD BOX 395
CAREY ID 83320

BEVERLY A WHITBY
496 AUSTIN RD BOX 395
CAREY ID 83320

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 01/16/1909

POINT OF DIVERSION:

T01N R22E S33 SENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

4.000 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T01S R22E S08	SENE	36.0	T01S R22E S08	NESE	36.0
T01S R22E S09	NENE	39.0	T01S R22E S09	NWNE	40.0
T01S R22E S09	SWNE	38.0	T01S R22E S09	SENE	38.0
T01S R22E S09	NENW	40.0	T01S R22E S09	NWNW	32.0
T01S R22E S09	SWNW	40.0	T01S R22E S09	NWSW	40.0
T01S R22E S09	SWSW	21.0	T01S R22E S09	NWSE	13.0
T01S R22E S10	NWNW	34.0	T01S R22E S10	SWNW	18.0
T01S R22E S10	SENW	12.0			

477 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-751 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 477 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH HIGHLINE CANAL.

IDAHO DEPT OF WATER RESOURCES

37-751 & 37-757



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 22E
SEC. 8, 9, 10



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 14, 2005

Water Right Report 37-757

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	R R MOORE
	, ID

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	4.000 CFS	
	<u>Total Diversion:</u>		4.000 CFS	

Location of Point(s) of Diversion
FISH CREEK

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	22E	8				X									X				
01S	22E	9						X				X							
01S	22E	10					X	X	X	X									

1. General AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-757

Dates and Other Information:

Licensed Date:
Decreed Date: 12/16/1914
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False