

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: **A37-02753**
Date Received: 6/22/1988
Receipt No: M000169
Received By: _____

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

1. Name: G & B FARMS INC 208-544-2130
Address: 216 S 850 E
DIETRICH ID 83324

2. Date of Priority: NOV 29, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	19E	21	NE	NW			LINCOLN

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.950		1432.00

7. Total Quantity Appropriated is:
2.950 C.F.S. (and/or) 1432.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	19E	16	NE	SW		IRR	28.0
			NW	SW		IRR	28.0
			SW	SW		IRR	28.0
			SE	SW		IRR	28.0

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OCT 24 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	112.0
		21	NW	NE	IRR	34.0
			SW	NE	IRR	34.0
			SE	NE	IRR	34.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
					Section Acres	262.0
					Total Acres	374.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 372.

15. Basis of Claim: LICENSE

Water Right Number: 33350

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

FEB 8 1993

DATE OF CLOSING: 2-3-92

LEGAL DESCRIPTION OF PROPERTY: Township 6S Range 19E Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

RECEIVED

FEB 11 1993

Department of Water Resources
Southern Region Office

[] 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: A37-02753 and A37-10218

[] Name and Address of Former Owner/Claimant(s)(Seller): Kenneth A. Higginbotham and Beverly J. Higginbotham
216 South 850 East

[] New Owner/Claimant (Purchaser): Dietrich, ID 83324
G & B Farms, Inc.

[] New Mailing Address: 216 South 850 East
Dietrich, ID 83324

[] New Telephone Number: (208) 544-2130

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

[] Attach proof of ownership, describe proof attached: copy of Warranty Deed

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

[] Signature of New Owner/Claimant(s): James F. Brown Date 3 Feb 1993
Joyce Gross Date 3 Feb 93
[] Signature of Former Owner/Claimant(s): Beverly J. Higginbotham Date _____
Date _____

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

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156671

WARRANTY DEED

For Value Received

Beverly Higginbotham, a Widow,

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

G & B Farms Inc.,

hereinafter referred to as Grantee, whose current address is

216 South 850 East
Dietrich, ID, 83324

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A, attached hereto and made a part hereof.

TOGETHER with 160 shares of Big Wood Canal Company water.

ALSO Together with Water right No. A37-02753 and A37-10218

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

February
Dated: January 3, 1993.

Beverly Higginbotham
Beverly Higginbotham

STATE OF IDAHO

COUNTY OF

On This 3rd day of February, in the year 1993, before me, a Notary Public in and for said State, personally appeared Beverly Higginbotham, known or identified to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that she executed the same.



Susan M. Bolton
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10/16/98

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OCT 24 1994

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
FIRST AMERICAN TITLE

FEB - 3 1993

at 59 minutes past 4 P. M.
recorded by Nelson Jackson, Rep.
Fee: 6.00 Return to: 1st Am. Title

By *Hand.*

EXHIBIT A

The South One-half and all of Lots 5, 6, 7 and 8 in Section 16, Township 6 South, Range 19 East of the Boise Meridian, Lincoln County, Idaho, EXCEPT that part deeded to the State of Idaho by Deed dated June 19, 1970, recorded November 13, 1970 as Instrument No. 123935, records of Lincoln County, Idaho.

AND

The West One-half of the Northeast Quarter; the Southeast Quarter of the Northeast Quarter; the Northwest Quarter of Section 21, Township 6 South, Range 19 East of the Boise Meridian, Lincoln County, Idaho.

SUBJECT To a Mortgage dated June 14, 1978 to secure an indebtedness in the principal sum of \$40,000.00, \$20,000.00 and \$346,000.00, and any other amounts and/or obligations secured thereby.

Recorded: June 14, 1978, Instrument No. 135422

Mortgagor: Kenneth A. Higginbotham and Beverly Higginbotham, husband and wife,

Mortgagee: The United States of America, acting through the Farmers Home Administration

BG

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OCT 24 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

17-Feb-1993

G & B FARMS INC
216 S 850 E
DIETRICH ID 83324

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS; A37-02753 &
A37-10218

Dear Claimant

Pursuant to the notification that you presently own the property in which the above-referenced adjudication claims are appurtenant, the department has changed the ownership of those claims to show you as the current owner.

Enclosed is a copy of each computer record changed. Please review the records and if you have any questions or corrections, contact this office and someone here will assist you.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

MICROFILMED
OCT 24 1994

Water Right Number - R37-02753

Prefix Translation: RESEARCH

Old (D) Number - 33350

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

*** C - CURRENT OWNER ***
G & B FARMS INC

1 - 216 S 850 E
2 -
3 -
City- DIETRICH State- ID Zip- 83324
Phone - 208-544-2130

*** O - ORIGINAL OWNER ***
HIGGINBOTHAM

KENNETH A.

1 - RT 2
2 -
3 -
City- DIETRICH State- ID Zip- 83324
Phone - 208-544-2007

HIGGINBOTHAM

BEVERLY J.

1 - RT 2
2 -
3 -
City- DIETRICH State- ID Zip- 83324
Phone - 208-544-2007

ANDERSON BROTHERS

1 - C/O BOYD ANDERSON
2 - RT. 2
3 -
City- KUNA State- ID Zip- 83634
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/29/1966 17 SOUTHERN L - LICENSE

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
06S 19E 21 NE NW (63) LINCOLN

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.950 1432.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.950 1432.00 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
06S 19E 16 NE SW 28.0 01 IRRIGATION (63) LINCOLN
06S 19E 16 NW SW 28.0 01 IRRIGATION (63) LINCOLN
06S 19E 16 SW SW 28.0 01 IRRIGATION (63) LINCOLN
06S 19E 16 SE SW 28.0 01 IRRIGATION (63) LINCOLN
06S 19E 21 NW NE 34.0 01 IRRIGATION (63) LINCOLN

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Water right number - R37-02753

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	19E	21	SW NE		34.0	01	IRRIGATION	(63) LINCOLN
06S	19E	21	SE NE		34.0	01	IRRIGATION	(63) LINCOLN
06S	19E	21	NE NW		40.0	01	IRRIGATION	(63) LINCOLN
06S	19E	21	NW NW		40.0	01	IRRIGATION	(63) LINCOLN
06S	19E	21	SW NW		40.0	01	IRRIGATION	(63) LINCOLN
06S	19E	21	SE NW		40.0	01	IRRIGATION	(63) LINCOLN

Total Acres: 374.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks
AC. IRR. = 372.

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: 02/17/1993 User Id: CHRISTEN Subject: OWNERSHIP CHANGE CHANGE BASED UPON WARRANTY DEED AND PREVIOUS OWNER'S SIGNATURE. KKC.

Audit Fields
02/17/93 CHRISTEN

Adjudication Rights Dates and Flags Area			
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000
Claim Received Date	- 06/22/1988	Last Amended Date	- 00/00/0000
		Receipt Number	- M000169
		POU Ownership Flag	- Y
		Name Connector	- AND/OR
		Civil Case Number	- 39576
		Old Case Number	-
		Old Judicial District	-
		Temporary Right	- P
		Water District	-
		Federal/State Indicator	- S
		Presumption Flag	-
		Notice of Error Flag	-

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001743

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: A37-02753
Date Received: 6/22/1988
Receipt No: M000169
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH A. HIGGINBOTHAM 208-544-2007
Address: RT 2
DIETRICH, ID 83324
AND/OR
Name: BEVERLY J. HIGGINBOTHAM 208-544-2007
Address: RT 2
DIETRICH, ID 83324
AND/OR
Name: ANDERSON BROTHERS
Address: C/O BOYD ANDERSON
RT. 2
KUNA, ID 83634

2. Date of Priority: NOV 29, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	19E	21	NE		NW		LINCOLN

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.950		1432.00

7. Total Quantity Appropriated is:
2.950 C.F.S. (and/or) 1432.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A37-02753

Page 1

Date: 06/22/88

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OCT 24 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	19E	16	NE		SW		IRR	28.0
			NW		SW		IRR	28.0
			SW		SW		IRR	28.0
			SE		SW		IRR	28.0
							Section Acres	112.0
		21	NW		NE		IRR	34.0
			SW		NE		IRR	34.0
			SE		NE		IRR	34.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	262.0
							Total Acres	374.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 372.

15. Basis of Claim: LICENSE

Water Right Number: 33350

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FEB 23 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 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): *Kenneth C. Haggard* Date: 6-22-88
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 88 *Lois White*
Notary Public

Seal

Residing at Twin Falls
My Commission Expires 5/95



RECEIVED

JUL - 2 2002

06/22/2002

NOTICE OF ERROR
REPLY
Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-2753

G & B FARMS INC
216 S 850 E
DIETRICH ID 83324

Telephone Number: (208) 544-2130

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of Use - T065 R. 19E S 21 SWNW 40.0 is listed twice. The second listing should be deleted. All the rest is correct.

2. Describe the changes you wish to make in the proposed recommendation:

See 1. above.

3. Give a brief explanation as to why you disagree with these portions:

See 1 above

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: *29 June 2002* SIGNATURE: *Gary F. Bowman*

Please print your name: *Gary F. Bowman*

IDWR State Office, PO Box 83720, Boise ID 83707-9815

05/29/2002

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

RIGHT NUMBER: 37-2753

NAME AND ADDRESS: G & B FARMS INC
216 S 850 E
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.95 CFS
1,432.0 AFY

PRIORITY DATE: 11/29/1966

POINT OF DIVERSION:

T06S R19E S21 NWSNW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	2.950 CFS 1,432.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R19E S16	NESW	28.0	T06S R19E S16	NWSW	28.0
T06S R19E S16	SWSW	28.0	T06S R19E S16	SESW	28.0
T06S R19E S21	NWNE	40.0	T06S R19E S21	SWNE	34.0
T06S R19E S21	SENE	32.0	T06S R19E S21	NENW	40.0
T06S R19E S21	NWNW	39.0	T06S R19E S21	SWNW	40.0
T06S R19E S21	SENE	35.0			

372 ACRES TOTAL

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

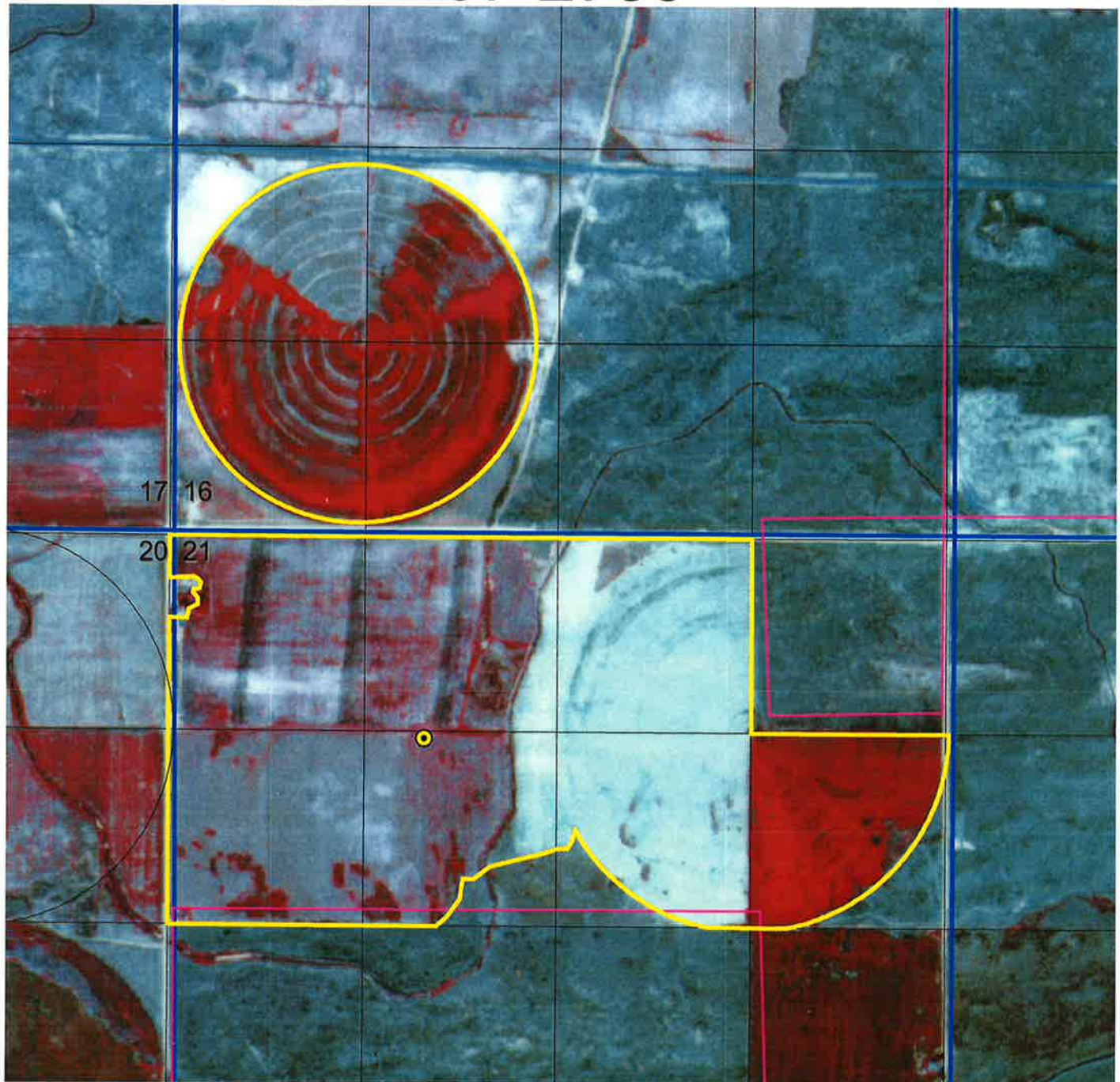
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

IDAHO DEPT OF WATER RESOURCES

37-2753



1320 0 1320 Feet

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

TWN: 6S
RNG: 19E
SEC: 16 & 21



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

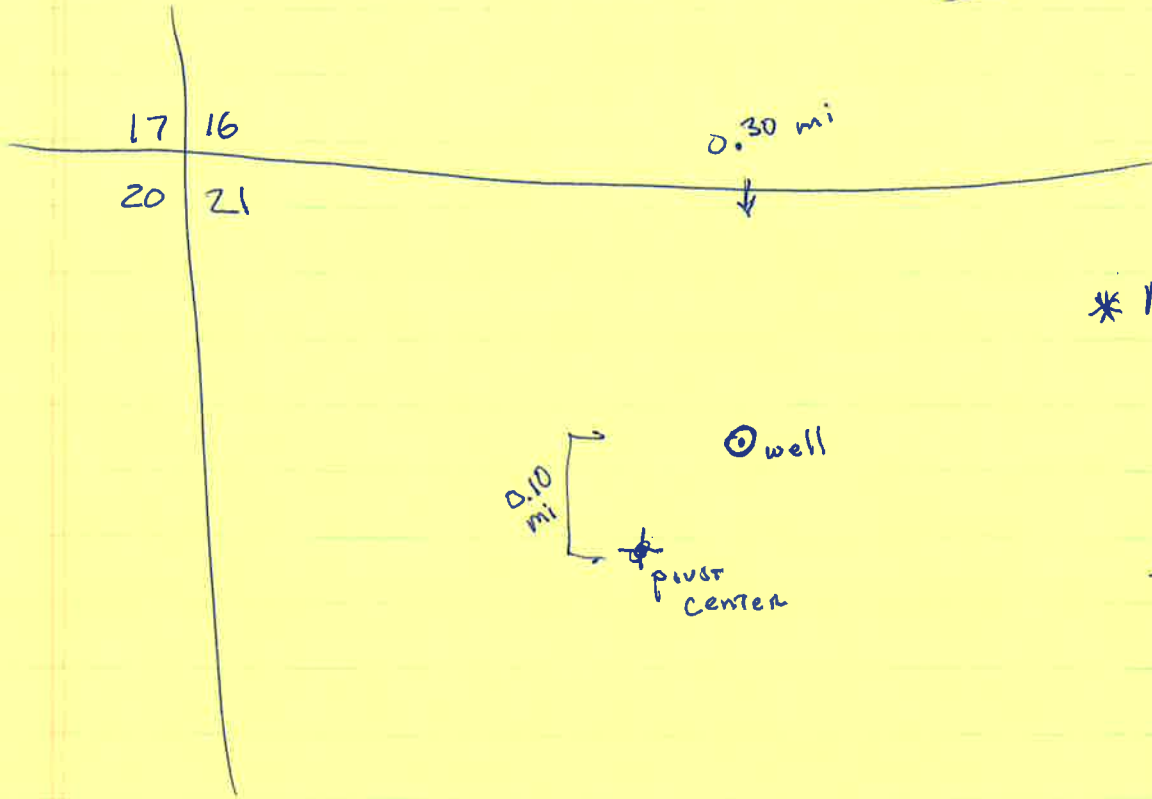
Date: MAY 29, 2002

37-2753

Exam
5/8/02
SCC

WMIS info?

Check Topo AA25



* Match w/
Topo layout
of well
AA25
— shows well
location.
5/29/02
SCC

5/29/02 SCR Review of Lic.

ACTUAL POD: S.21 NWSE NW

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2753

WATER RIGHT NUMBER: **37-2753**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANDERSON BROTHERS C/O BOYD ANDERSON RT 2 KUNA, ID 83634
Original Owner	BOYD ANDERSON
	, ZZ
Original Owner	JOHN ANDERSON
	, ZZ

Priority Date: 11/29/1966

Basis: License

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>
IRRIGATION	3/15 to 11/15	2.950 CFS	1,432.00 AF
	<u>Total Diversion:</u>	2.950 CFS	1,432.00 AF

Location of Point(s) of Diversion

GROUND WATER
LINCOLN County

NE1/4NW1/4

Sec. 21, Twp 06S, Rge 19E, B.M.

NW SE NW (AJ)

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
06S 19E 16	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	112.0
06S 19E 21		34.0	34.0	34.0	40.0	40.0	40.0	40.0									262.0

Total Acres: 374

372 per Lic

27.5

X 4

110 AC

Conditions of Approval:

Remarks:

1. General AC. IRR. = 372.

✓ BWCC overlaps

* per Review
of original
License
5/29/02
SCL

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2753

Comments:

Dates and Other Information:

Licensed Date: 5/15/1979
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

37-2753

DRAFT

5/29/02

SCC

GIS Acres

= ~~355~~ AC.

= 363 AC.

374 in (L)
(or 372)?

EXTRA
IRRIG.

= BWCC?

BLM

Est
POD

OUT

OUT