

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: A37-02804A  
Date Received: 5/17/1988  
Receipt No: 5000217

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM ERNEST DAVIS 208-324-8546  
Address: 402 SOUTH COUNTY ROAD  
JEROME, ID 83338

AND/OR

Name: GWENDOLYN DAVIS 208-324-8546  
Address: 402 SOUTH COUNTY ROAD  
JEROME, ID 83338

2. Date of Priority: AUG 07, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S      | 17E   | 31      | NE     | SW     | NW     | 2   | LINCOLN |

5. Description of diverting works:  
250 H.P. TURBINE WITH 50 H.P. BOOSTER TO SPRINKLERS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.640  |      |        |

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

8. Total consumptive use is 420.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 06S      | 17E   | 31      | SW     | NE     |     | IRR | 40.0  |

A37-02804A

Page 1

Date: 05/17/88

MICROFILMED  
FEB 23 1993

## 10. Place of Use: Continued

|          |       |         |        |     |     |               |       |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
| 06S      | 17E   | 31      | SE     | NE  |     | IRR           | 40.0  |
|          |       |         | SW     | NW  |     | IRR           | 20.0  |
|          |       |         | SE     | NW  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 140.0 |
|          |       |         |        |     |     | Total Acres   | 140.0 |

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:

37-2645 & 37-2532A OUT OF SAME WELL; 37-2532A SAME LAND

14. Remarks:

TRANS. 2625 SPLIT ORIGINAL RIGHT. WELL & PUMP DELIVER TO 1  
CENTER PIVOT, 4 WHEEL-LINES AND 500 PIECES OF HANDLINE.

15. Basis of Claim: LICENSE

Water Right Number: 22956

05/17/88  
MICROFILMED  
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): William Ernest Davis Date: May 17, 1988  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of May 19 88

Mary A. Baldwin  
Notary Public

Seal

Residing at Gooding, Id  
My Commission Expires 10/16/1992

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be  
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_



705690m E

706

10.7

27' 30"

708



**MICROFILMED**  
**FEB 23 1993**

COPY

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2003 JAN 14 PM 2 27

RECEIVED  
AUG 14 2003  
Department of Water Resources

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

In Re SRBA

Subcase No. 37-2532A, 37-2804A

Case No. 39576

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING

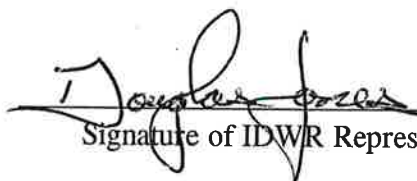
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 1/2/03

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 1/14, 200<sup>3</sup>~~2~~, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707
2. One Copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
William Davis  
Gwendolyn Davis  
402 S County Rd  
Jerome ID 83338
3. One Copy to:  
Claimant/Purchaser for Substitution of Party or attorney of record:  
Notch Butte Farms LLC  
PO Box 486  
Jerome ID 83338
4. One Copy to:  
Each party in the subcase or attorney of record:  
Josephine Beeman  
Beeman & Associates  
409 W Jefferson  
Boise ID 83702
5. One Copy to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept Of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form

12/24/2002

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

RIGHT NUMBER: 37-2532A

NAME AND ADDRESS: NOTCH BUTTE FARMS LLC  
PO BOX 486  
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.770 CFS  
462.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-2804A IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 10/13/1952

POINT OF  
DIVERSION: T06S R17E S31 NESWNW Lot 2 Within LINCOLN County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/15 10/31          | 0.770 CFS<br>462.00 AFY |

PLACE OF USE: IRRIGATION Within LINCOLN County

|                          |      |      |               |      |      |
|--------------------------|------|------|---------------|------|------|
| T06S R17E S31            | SWNE | 40.0 | T06S R17E S31 | SENE | 40.0 |
| T06S R17E S31 Lot 2 SNNW | 12.0 |      | T06S R17E S31 | SENW | 40.0 |

132 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-2804A IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 132 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: BASIS OF CLAIM - License

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 37-2804A & 37-2645.

12/24/2002

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

RIGHT NUMBER: 37-2804A

NAME AND ADDRESS: NOTCH BUTTE FARMS LLC  
PO BOX 486  
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.640 CFS  
462.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-2532A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 08/07/1952

POINT OF  
DIVERSION: T06S R17E S31 NESWNW Lot 2 Within LINCOLN County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/15 10/31          | 0.640 CFS<br>462.00 AFY |

PLACE OF USE: IRRIGATION Within LINCOLN County

|                          |      |      |               |      |      |
|--------------------------|------|------|---------------|------|------|
| T06S R17E S31            | SWNE | 40.0 | T06S R17E S31 | SENE | 40.0 |
| T06S R17E S31 Lot 2 SWNW | 12.0 |      | T06S R17E S31 | SENW | 40.0 |

132 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-2532A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 132 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: BASIS OF CLAIM - License

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2645.



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

January 14, 2003

NOTCH BUTTE FARMS LLC  
PO BOX 486  
JEROME ID 83338

RE: SRBA Claim(s) 37-2532A, 37-2804A

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

cc: William and Gwendolyn Davis  
Beeman & Associates

Form 42-248/42-109(6) July, 2000

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

**RECEIVED**  
**DEC 23 2002**  
 Department of Water Resources  
 Southern Region

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

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

| Water<br>Right No(s).               | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-------------------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 37-2532A                            | _____                        | ___   | _____                 | _____                        | ___   |
| 37-2645A                            | _____                        | ___   | _____                 | _____                        | ___   |
| 37-2804A                            | _____                        | ___   | _____                 | _____                        | ___   |
| * 37-10046 (domestic + stock water) | _____                        | ___   | _____                 | _____                        | ___   |
| * 36-14007                          | _____                        | ___   | _____                 | _____                        | ___   |

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts. (\$500.00 enclosed)
- 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**. (enclosed)
- 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) William Ernest Davis; Gwendolyn Davis
4. New Owner/Claimant(s) Notch Butte Farms, LLC  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 136 Bridon Way
- City, State and ZIP Code Jerome, ID 83338
- New Telephone Number (208) 644-1730
5. Date you acquired the property 01/04/2002

\* indicates water right is already decreed)

Form 12-21842-1400(8) July, 2000

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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

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

JOHN LEAMER  
MILWAUKEE

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.

(see Attached)

For Office Use Only

Received by thurbett

Date 12/24/02

Fee 50.00

Receipted by thurbett

Date 12/24/02

Receipt No. 5025385

Processed by AI

Date \_\_\_\_\_

WR \_\_\_\_\_

Date \_\_\_\_\_

# WARRANTY DEED

#JL-30889

Instrument 2020048

JEROME COUNTY, JEROME, IDAHO

2002-01-04 04:00:08 No. of Pages: 4

Recorded for : LAND TITLE & ESCROW

CHERYL WATTS

Fee: 12.00

Ex-Officio Recorder Deputy

For Value Received

**WILLIAM ERNEST DAVIS and GWENDOLYN L. DAVIS, husband and wife**  
aka GWENDALYN L. DAVIS

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

**NOTCH BUTTE FARMS, an Idaho limited liability company**  
**Address: P.O. BOX 389, TWIN FALLS, ID 83303**

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

SEE EXHIBIT "A" ATTACHED HERETO:

**SUBJECT TO:**

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

|                                 |        |
|---------------------------------|--------|
| STATE OF IDAHO                  | 171937 |
| COUNTY OF LINCOLN               |        |
| Recorded at the request of      |        |
| LAND TITLE & ESCROW             |        |
| JAN - 4 2002                    |        |
| at 52 minutes past 4 P. M.      |        |
| recorded by Helen Jackson, Dep. |        |
| Fee: 12.00 Return to: Alou      |        |

By hand.

**TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto**

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

Dated: January 4, 2002

William Ernest Davis  
WILLIAM ERNEST DAVIS

Gwendolyn L. Davis  
GWENDOLYN L. DAVIS

STATE OF IDAHO )  
 ) ss.  
COUNTY OF JEROME )

On this 4th day of **January, 2002**, before me, the undersigned, a Notary Public in and for said State, personally appeared **WILLIAM ERNEST DAVIS and GWENDOLYN L. DAVIS**, 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.

[Signature]  
Notary Public

Residing at: Jerome

My Commission expires: 7-30-07

**EXHIBIT "A"**

**Order Number: JL-30789**

**PARCEL NO. 1**

TOWNSHIP 6 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 30: Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 31: Lot 1, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , the North 438.52 feet of Lot 2

**PARCEL NO. 2**

TOWNSHIP 7 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,  
JEROME COUNTY, IDAHO

Section 5 and 8: A parcel of land described as follows:

Beginning at a point on the North boundary of and 2,417 feet East of the  
Northwest corner of Section 5, hereby designated as Point No. 1;  
Thence South 0°49' West, a distance of 319.4 feet;  
Thence South 86°35' West, 435 feet;  
Thence South 26°20' West, 645 feet;  
Thence South 58°40' East, 160 feet;  
Thence South 64°41' West, 300 feet;  
Thence South 6°02' East, 685 feet;  
Thence South 11°9' West, 390 feet;  
Thence South 74°02' East, 125 feet;  
Thence South 43°50' East, 315 feet;  
Thence South 11°39' West, 178.9 feet, hereby designated as Point No. 2;  
Thence North 89°01' West, 97.74 feet;  
Thence South 0°59' West, 153 feet;  
Thence North 73°59' East, 350 feet, hereby designated as Point No. 3;  
Thence South 29°59' West, 250 feet;  
Thence South 14°01' East, 254 feet;  
Thence South 77°01' East, 118 feet;  
Thence South 34°59' West, 255 feet;  
Thence South 6°01' East, 258 feet;  
Thence South 61°31' East, 195 feet;  
Thence South 11°57' West, 368 feet;  
Thence South 68°43' East, 365 feet;  
Thence North 88°17' East, 500 feet;  
Thence South 15°02' East, 725 feet;  
Thence South 36°42' East, 420 feet;  
Thence South 84°04' East, 245 feet;

-Continued-

Thence South  $12^{\circ}04'$  East, 435 feet;  
Thence South  $38^{\circ}24'$  East, 434.5 feet, more or less, to the East boundary of the  
SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 8, hereby designated as Point No. 4;  
Thence Northerly along the East 16th line of Sections 8 and 5 to the North  
boundary of Section 5;  
Thence Westerly along the North boundary of Section 5 to THE POINT OF  
BEGINNING.

TOGETHER WITH an undivided 70% interest in and to said well, pump, and  
other appurtenances and to the water rights from said well located near the East  
boundary of Lot 2 of Section 5, Township 7 South, Range 17, East Boise  
Meridian, in common with Howard Duncan and Carma A. Duncan, husband and  
wife, their heirs and assigns, as set forth in an agreement dated and filed February  
12, 1958 in Book 161 of Agreements, Bonds and Contracts, at Page 563, records of  
Jerome County, Idaho.

AND an undivided interest in and to a well, cistern and pressure system and water  
right for domestic water supply located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 5, Township 7  
South, Range 17, East Boise Meridian, in common with Howard Duncan and  
Carma A. Duncan, their heirs and assigns, as set forth in the agreement dated  
February 21, 1958 and filed April 23, 1958 in Book 161 of Agreements, Bonds and  
Contracts at Page 573, records of Jerome County, Idaho.

Sections 5 and 8: A parcel of land described as follows:

Beginning at the Southwest corner of Section 5;  
Thence Northerly along the West boundary of said Section to a point  
approximately 2876.0 feet South of the Northwest corner of said Section  
5;  
Thence South  $89^{\circ}03\frac{1}{2}'$  East, 397.04 feet;  
Thence South  $73^{\circ}09\frac{1}{2}'$  East, 179.89 feet;  
Thence South  $53^{\circ}53'$  East, 123.13 feet;  
Thence South  $88^{\circ}42'$  East, 253.95 feet;  
Thence North  $59^{\circ}51'$  East, 66.75 feet;  
Thence South  $30^{\circ}09'$  East, 20.0 feet;  
Thence North  $77^{\circ}41'$  East, 780.40 feet;  
Thence North  $73^{\circ}59'$  East, 350.0 feet;  
Thence South  $29^{\circ}59'$  West, 250.0 feet;  
Thence South  $14^{\circ}01'$  East, 254.0 feet;  
Thence South  $77^{\circ}01'$  East, 118 feet;  
Thence South  $34^{\circ}59'$  West, 255.0 feet;

-Continued-

Thence South 6°01' East, 258.0 feet;  
Thence South 61°31' East, 195.0 feet;  
Thence South 11°57' West, 368.0 feet;  
Thence South 68°43' East, 365.0 feet;  
Thence North 88°17' East, 500.0 feet;  
Thence South 15°02' East, 725.0 feet;  
Thence South 36°42' East, 420.0 feet;  
Thence South 84°04' East, 245.0 feet;  
Thence South 12°04' East, 435.0 feet;  
Thence South 38°24' East, 434.5 feet, more or less, to the East boundary of the  
SW¼NE¼ of said Section 8;  
Thence Southerly along said East boundary approximately 602.5 feet to the  
Southeast corner of said SW¼NE¼ of said Section 8;  
Thence Westerly along the quarter line to the West quarter corner of said Section  
8;  
Thence Northerly along the West boundary of said Sections 8 and 5 to THE  
POINT OF BEGINNING.

TOGETHER WITH an undivided 63.8% interest in and to a certain well, pump,  
motor and electrical equipment, and other appurtenances, power line and water  
right therein, located near the North boundary of SE¼SW¼ of Section 5,  
Township 7 South, Range 17, East Boise Meridian, as per Agreement with C. R.  
Duncan recorded in Book 161 Page 563, Jerome County records.

AND TOGETHER with easements for road and ditch purposes as set forth in  
Warranty Deed dated January 22, 1958, recorded February 7, 1958 in Book 163  
Page 134 as Instrument Number 134539 and Warranty Deed dated January 22,  
1958 and recorded February 7, 1958 in Book 163 Page 137 as Instrument Number  
134540, Jerome County records.

EXCEPTING THEREFROM a parcel of land located in the NW¼ and the  
W½NE¼ of Section 8, described as follows:

Beginning at the Southwest corner of said NW¼, Section 8;  
Thence North 0°21'58" West a distance of 2145.54 feet along the Westerly  
boundary of said NW¼;  
Thence South 89°50'45" East a distance of 3985.82 feet to a point on the Easterly  
boundary of said W½NE¼;  
Thence South 0°18'27" East a distance of 2139.40 feet along the Easterly boundary  
of said W½NE¼ to the Southerly boundary of said W½NE¼;  
Thence North 89°56'02" West a distance of 3983.59 feet along the Southerly  
boundary of said W½NE¼ and said NW¼ to THE POINT OF  
BEGINNING.

Subject to the rights of a public road which affects the Westerly 25.00 feet  
thereof.

**END OF EXHIBIT "A"**

JOHN T. LEZAMIZ [ISB No. 2146]  
HEPWORTH, LEZAMIZ & JANIS, CHARTERED  
Attorneys at Law  
133 Shoshone Street North  
P.O. Box 389  
Twin Falls, Idaho 83303  
Telephone No. (208) 734-7510  
Facsimile No. (208) 734-4115  
[JTL/NOT-APPEAR]

*Attorneys for Claimant*

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

**In Re SRBA**

**Case No. 39576**

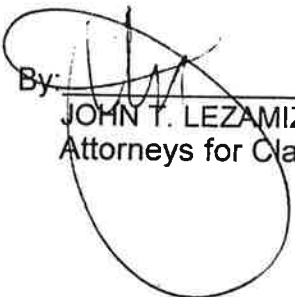
)  
) Subcase No. 37-02645  
)  
)

**NOTICE OF APPEARANCE**

COMES NOW John T. Lezamiz of the law firm of HEPWORTH, LEZAMIZ & JANIS, CHTD., and hereby appears as counsel on behalf of WILLIAM ERNEST DAVIS in this action.

DATED the 20th day of December, 2002.

HEPWORTH, LEZAMIZ & JANIS, CHARTERED

By: 

JOHN T. LEZAMIZ  
Attorneys for Claimant

### CERTIFICATE OF SERVICE

John T. Lezamiz, a resident attorney of the State of Idaho, hereby certifies that on the 20th day of December, 2002, he served a true and correct copy of the within and foregoing document upon the following:

United States of America BLM  
1387 South Vinnell Way  
Boise, ID 83709-1657

☒ U.S. Mail, Postage Prepaid  
☐ Hand-Delivered  
☐ Overnight Mail  
☐ Facsimile

Faulkner Land & Livestock Co., Inc.  
1989 South 1875 East  
Gooding, ID 83330

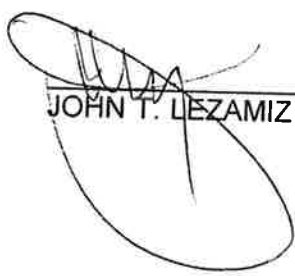
☒ U.S. Mail, Postage Prepaid  
☐ Hand-Delivered  
☐ Overnight Mail  
☐ Facsimile

✓ IDWR  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3380

☒ U.S. Mail, Postage Prepaid  
☐ Hand-Delivered  
☐ Overnight Mail  
☐ Facsimile

IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid  
☐ Hand-Delivered  
☐ Overnight Mail  
☐ Facsimile

  
\_\_\_\_\_  
JOHN T. LEZAMIZ

TWIN FALLS OFFICE  
(208) 734-7510  
Fax: (208) 734-4115  
133 Shoshone Street North  
P. O. Box 389  
Twin Falls, ID 83303-0389

John C. Hepworth  
John T. Lezamiz  
Robyn M. Brody  
Benjamin J. Cluff  
V. Lane Jacobson  
Wm. L. Nungester, Of Counsel

**HEPWORTH, LEZAMIZ & JANIS CHTD.**  
**LAW OFFICES**

- ESTABLISHED 1952 -

BOISE OFFICE  
(208) 343-7510  
Fax: (208) 342-2927  
537 West Bannock Street  
P. O. Box 2582  
Boise, ID 83701-2582

J. Charles Hepworth\*  
John J. Janis

\*Member CA Bar

December 20, 2002

IDWR, Southern Region  
1341 Fillmore St., Ste. 200  
Twin Falls, ID 83301-3380

RECEIVED  
DEC 23 2002  
Department of Water Resources  
Southern Region

**Re: Change of Ownership**  
HL&J File No. 88-0004

Dear IDWR:

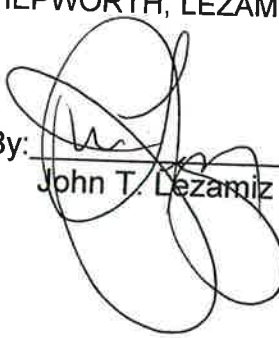
Please find enclosed a Notice of Change of Ownership, together with a copy of the Warranty Deed and legal description, Notice of Appearance and filing fee in the sum of \$50.00.

Please let me know if anything additional is required to effectuate the enclosed change of ownership.

Thank you.

Very truly yours,

HEPWORTH, LEZAMIZ & JANIS, CHARTERED

By:   
John T. Lezamiz

BJC:rlm

Enclosure

[(BJC\BUATTE\CORR\021216BUATTE)]

Reply to Twin Falls office

Adjudication Bureau  
P. O. Box 83720  
Boise, ID 83720-0098

ADDRESS SERVICE  
REQUESTED



37-2532A  
37-2804A  
37-2645

NOTED  
AS A  
UNABLE TO

RECEIVED  
JUN 27 2002

Department of Water Resources

WILLIAM FRNEST DAVIS

GWENDOLYN DAVIS  
402 S COUNTY RD  
JEROME ID 83338

06/12/2002

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

RIGHT NUMBER: **37-2804A**

NAME AND ADDRESS: GWENDOLYN DAVIS  
402 S COUNTY RD  
JEROME ID 83338

WILLIAM ERNEST DAVIS  
402 S COUNTY RD  
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.64 CFS  
462.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-2532A IS LIMITED TO A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 462 AF.

PRIORITY DATE: 08/07/1952

POINT OF DIVERSION:

T06S R17E S31 NESWNW Lot 2 Within LINCOLN County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/15 10/31          | 0.640 CFS<br>462.00 AFY |

PLACE OF USE: IRRIGATION Within LINCOLN County

|                     |      |      |               |      |      |
|---------------------|------|------|---------------|------|------|
| T06S R17E S31       | SWNE | 40.0 | T06S R17E S31 | SENE | 40.0 |
| T06S R17E S31 Lot 2 | SWNW | 12.0 | T06S R17E S31 | SENW | 40.0 |

132 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-2532A IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.

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

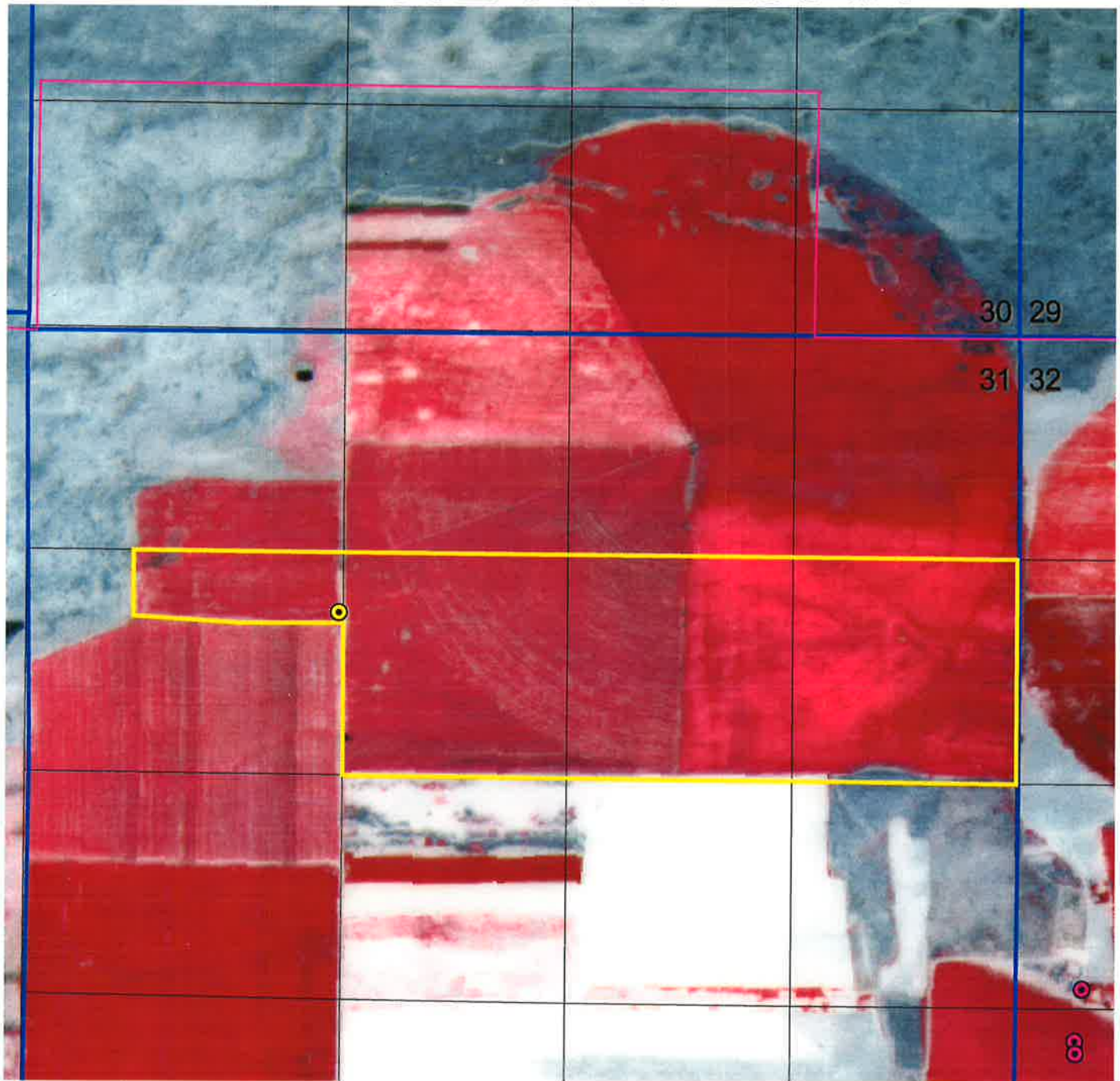
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO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

EXPLANATORY MATERIAL: License

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2645.

# IDAHO DEPT OF WATER RESOURCES

## 37-2532A & 37-2804A



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: 17E  
SEC: ☐ 31



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

Date: JUNE 12, 2002

Water Right Number - 37-02804A Prefix Translation: WATER RIGHT Old (D) Number - 22956

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

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

JONES HERBERT J. 1 - 617 YELLOWSTONE DR.  
2 -  
3 -  
City- JEROME State- ID Zip- 83338  
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
08/07/1952 17 SOUTHERN L - LICENSE

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

+ - - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

06S 17E 31 SW NW 2 (63) LINCOLN  
SW SE 6 (63) LINCOLN

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

01 - IRRIGATION 03/15 11/15 0.640  
43 - DOMESTIC

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
0.640

+ - - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

06S 17E 31 SW NE 40.0 01 IRRIGATION (63) LINCOLN  
06S 17E 31 SE NE 40.0 01 IRRIGATION (63) LINCOLN  
06S 17E 31 SW NW 20.0 01 IRRIGATION (63) LINCOLN  
06S 17E 31 SE NW 40.0 01 IRRIGATION (63) LINCOLN

Total Acres: 140.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

TRANS. 2625.

+ - - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

MICROFILMED  
NOV 22 1996

Water right number - 37-02804A

Prefix Translation: WATER RIGHT

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

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +

00/00/0000

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

+ - - Audit Fields - 06/03/85 05/28/88 CONVERT

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

|                               |                              |                      |
|-------------------------------|------------------------------|----------------------|
| Proof Due Date - 00/00/0000   | Field Exam Made - 00/00/0000 | Field Exam Fee -     |
| Approved/Denied - 00/00/0000  | Protested Date - 00/00/0000  | Swan Falls -         |
| Proof Made Date - 00/00/0000  | Hearing Date - 00/00/0000    | Temporary Right - P  |
| Exam to S.O. Date- 00/00/0000 | Verified Date - 06/03/1985   | DLE/Carey Act -      |
| Order Show Cause - 00/00/0000 | Receipt Number -             | Water District -     |
| Licensed Date - 05/06/1985    | Appl Received - 00/00/0000   | Transfer/Amended - P |
| Decree Date - 00/00/0000      | Name Connector -             | POU Ownership Flag-  |
| Presumption Flag -            |                              |                      |

MICROFILMED  
NOV 22 1996