

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: A37-07232

Date Received: 7/ 7/1988

Receipt No: S000784

Received By: *O/C HLB*

~~COPY FOR
YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR
YOUR FILES~~

1. Name: THOMAS M O'GARA FAMILY TRUST
Address: C/O BRIAN BARSO'TTI ESQ
PO BOX 10013
KETCHUM ID

208-726-3030

83340

2. Date of Priority: MAY 24, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	18E	34	SW	SE			LINCOLN

5. Description of diverting works:
WELL, PUMP & SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.320		864.00

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

8. Total consumptive use is 648.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	18E	1	NE	NW	3	IRR	9.0
			NW	NW	4	IRR	9.0
			SW	NW		IRR	27.0
			SE	NW		IRR	27.0

NOV 27 1998

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	18E	1	NE	SW		IRR	36.0
			NW	SW		IRR	36.0
			SW	SW		IRR	36.0
			SE	SW		IRR	36.0

Section Acres 216.0

Total Acres 216.0

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:

THIS RT. WHEN COMBINED WITH RT. 37-7231 SHALL NOT EXCEED 6.24 CFS
ON SAME WELL AS A37-07231. USED TO IRRIGATE 1400 ACRES, ALONG
WITH 958 CANAL CO SHARES AND WR#37-2558, 37-2644.

OWNERSHIP CHANGE 4/25/90 ADM

OWNERSHIP CHANGE MADE 6/13/95 TLB. IL&L-FORMER OWNER,
O'GARA-NEW OWNER. BOTH SIGNATURES, WARRANTY AND QUITCLAIM DEEDS
INCLUDED.

15. Basis of Claim: LICENSE

Water Right Number - R37-07232

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

THOMAS M O'GARA FAMILY TRUST

1 - C/O BRIAN BARSOTTI ESQ

2 - PO BOX 10013

3 -

City- KETCHUM

State- ID Zip- 83340

Phone - 208-726-3030

*** O - ORIGINAL OWNER ***

WHITTAKER

JAMES

1 - 550E 535S

2 -

3 -

City- DIETRICH

State- ID Zip- 83324

Phone - 208-544-7731

IDAHO LAND & LIVESTOCK INC

1 - PO BOX 67

2 - 5401 KENDALL ST

3 -

City- BOISE

State- ID Zip- 83707

Phone - 208-377-3000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/24/1973 17 SOUTHERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
06S 18E 34 SW SE (63) LINCOLN+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 4.320 864.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.320 648.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 18E 1 NE NW 3 9.0 01 IRRIGATION (63) LINCOLN
07S 18E 1 NW NW 4 9.0 01 IRRIGATION (63) LINCOLN
07S 18E 1 SW NW 27.0 01 IRRIGATION (63) LINCOLN
07S 18E 1 SE NW 27.0 01 IRRIGATION (63) LINCOLN
07S 18E 1 NE SW 36.0 01 IRRIGATION (63) LINCOLN
07S 18E 1 NW SW 36.0 01 IRRIGATION (63) LINCOLN
07S 18E 1 SW SW 36.0 01 IRRIGATION (63) LINCOLN
07S 18E 1 SE SW 36.0 01 IRRIGATION (63) LINCOLN

Total Acres: 216.0

Water right number - R37-07232

Prefix Translation: RESEARCH

+ - - Diversion Means - WELL, PUMP & SPRINKLER.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

THIS RT. WHEN COMBINED WITH RT. 37-7231 SHALL NOT EXCEED 6.24 CFS
ON SAME WELL AS A37-07231. USED TO IRRIGATE 1400 ACRES, ALONG
WITH 958 CANAL CO SHARES AND WR#37-2558, 37-2644.

OWNERSHIP CHANGE 4/25/90 ADM

OWNERSHIP CHANGE MADE 6/13/95 TLB. IL&L-FORMER OWNER,
O'GARA-NEW OWNER. BOTH SIGNATURES, WARRANTY AND QUITCLAIM DEEDS
INCLUDED.

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

No Old Water Right Numbers Found

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

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

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

Date: 06/13/1995 User Id: TBACKLUN Subject: COPIED FROM REMARKS

THIS RT. WHEN COMBINED WITH RT. 37-7231 SHALL NOT EXCEED 6.24 CFS ON SAME WELL AS A37-07231. USED TO IRRIGATE 1400 ACRES, ALONG
WITH 958 CANAL CO SHARES AND WR#37-2558, 37-2644.

OWNERSHIP CHANGE 4/25/90 ADM

OWNERSHIP CHANGE MADE 6/13/95 TLB. IL&L-FORMER OWNER,
INCLUDED.

O'GARA-NEW OWNER. BOTH SIGNATURES, WARRANTY AND QUITCLAIM DEEDS

+ - - Audit Fields - - +

06/13/95 TBACKLUN

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/07/1988	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

NOV 27 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 1-06-95

JAN 13 1995

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
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. SEE Exhibit "A" attached hereto and made a part hereof

- [] 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)
License Nos. 37-07232; 37-07231; 37-02558; 37-02517
- [] Water Right Number(s) A37-10455; A37-10456; A37-10457
Assigned by IDWR: _____

- [] Name and Address of Former Owner/Claimant(s)(Seller): Idaho Land and Livestock, Inc.
5401 Kendell Street
Boise, Idaho 83705

- [] New Owner/Claimant (Purchaser): Thomas M. O'Gara Family Trust

- [] New Mailing Address: c/o Brian Barsotti, Esq.
P O Box 10013
Ketchum, Idaho 83340

- [] New Telephone Number: (208) 726 - 3030
- [] 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: _____

(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) THOMAS M. O'GARA Trustee of the THOMAS M. O'GARA Family Trust by Brian Barsotti his attorney in fact Date 1-6-95

- [] Signature of Former Owner/Claimant(s): Idaho Land & Livestock, Inc. Date _____
by Brian Barsotti Date 1-6-95

(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: 6/14/95 By: HHB

Claim Numbers of Split, if any:

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

RECORDED
NOV 27 1996

JAN 13 1995

EXHIBIT "A"

Department of Water Resources
Northern Region Office

Township 6 South, Range 18 East, Boise Meridian, Lincoln County,
Idaho;

Section 34: W1/2NE1/4; SE1/4NE1/4; SE1/4;
Section 35: S1/2NW1/4; N1/2SW1/4; SE1/4;
Section 36: W1/2; That part of the E1/2 West of the canal,
described as follows:

Commencing at the North quarter corner of
Section 36;
thence East on the Section line 202 feet, more
or less, to a point in the American Falls Canal;
thence South 32° East 336 feet;
thence South 55° East 410 feet;
thence South 22° East 925 feet;
thence South 27° 30' West 841 feet;
thence South 6° East 378 feet;
thence South 6° East 967 feet;
thence South 13° West 1051 feet;
thence South 15° East approximately 521 feet to
South boundary line;
thence West 774 feet, more or less, to the South
quarter corner of said Section;
thence North on the North and South center line
to the North quarter corner of said Section, which
is the place of beginning;

Township 7 South, Range 18 East, Boise Meridian, Lincoln County,
Idaho;

Section 1: Lots 1, 3, 4; S1/2N1/2; S1/2;
Section 12: NE1/4NE1/4; W1/2NE1/4; NW1/4SE1/4;

Township 7 South, Range 19 East, Boise Meridian, Lincoln County,
Idaho;

Section 6: Lots 8 through 11;

including all BLM rights attached, canal shares,
American Falls Reservoir water, and all other water licenses and
permits;

- LEGAL DESCRIPTION CONTINUED ON PAGE 2 -

EXHIBIT "A"/1

Smith & Becka
Attorneys at Law
210 State Avenue East
Boise Office: 333-3000
210 State Avenue East
Boise Office: 333-3000

CORPORATION WARRANTY DEED

JAN 13 1995

Department of Water Resources
Northern Region Office

For Value Received IDAHO LAND AND LIVESTOCK, INC., an Idaho corporation, the Grantor, grants, bargains, sells, and conveys to THOMAS M. O'GARA, TRUSTEE OF THE THOMAS M. O'GARA FAMILY TRUST, the Grantee, of 112 Price Lane, Bellevue, Idaho 83313, the premises described on Exhibit A.

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be subscribed by its Secretary on January 6th, 1995.

IDAHO LAND AND LIVESTOCK, INC.

By: Bryant Rudd
BRYANT RUDD
Secretary

STATE OF IDAHO)
County of Jerome .)

On January 6th, 1995, before me, a Notary Public in and for said State, personally appeared BRYANT RUDD, known or identified to me to be the Secretary of the corporation that executed the within instrument and acknowledged to me that the corporation executed it.

Bryant Rudd
Notary Public for Idaho
Commission Expires: 7-30-97

WARRANTY DEED - 1

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF ID. 310

RESIDING AT JEROME, IDAHO
MY COMMISSION EXPIRES JULY 30, 1997

Smith & Weeks
Attorneys at Law
210 Sixth Avenue East
Post Office Box 500
Quinn Wells, Idaho 83303-0500

EXHIBIT "A"

Township 6 South, Range 18 East, Boise Meridian, Lincoln County, Idaho;

Section 34: W1/2NE1/4; SE1/4NE1/4; SE1/4;
Section 35: S1/2NW1/4; N1/2SW1/4; SE1/4;
Section 36: W1/2; That part of the E1/2 West of the canal, described as follows:

Commencing at the North quarter corner of Section 36;
thence East on the Section line 202 feet, more or less, to a point in the American Falls Canal;
thence South 32° East 336 feet;
thence South 55° East 410 feet;
thence South 22° East 925 feet;
thence South 27° 30' West 841 feet;
thence South 6° East 378 feet;
thence South 6° East 967 feet;
thence South 13° West 1051 feet;
thence South 15° East approximately 521 feet to South boundary line;
thence West 774 feet, more or less, to the South quarter corner of said Section;
thence North on the North and South center line to the North quarter corner of said Section, which is the place of beginning;

Township 7 South, Range 18 East, Boise Meridian, Lincoln County, Idaho;

Section 1: Lots 1, 3, 4; S1/2N1/2; S1/2;
Section 12: NE1/4NE1/4; W1/2NE1/4; NW1/4SE1/4;

Township 7 South, Range 19 East, Boise Meridian, Lincoln County, Idaho;

Section 6: Lots 8 through 11;

including all BLM rights attached, canal shares, American Falls Reservoir water, and all other water licenses and permits;

- LEGAL DESCRIPTION CONTINUED ON PAGE 2 -

BLM PRIVILEGES

		<u>Active</u>	<u>Suspended</u>	<u>Total</u>
Notch Butte	0920	752 AUMs	227 AUMs	989
Camp I	0921	661 AUMs	208 AUMs	869
Camp I Sheep	0921	282 AUMs	0 AUMs	282
Crater Butte	0701	933 AUMs	0 AUMs	933
		2638		

WATER RIGHTS

383.1 Big Wood Water shares
95.6 American Falls acres
478.7 Total

Wells:

License No. 37-7232 for 4.32 cfs priority 5-24-73 216 acres
License No. 37-7231 for 3.20 cfs priority 5-24-73 160 acres

These two wells (above) are allowed to produce a combined total of 1504 acre feet of water per year.

License No. 37-2558 for 3.00 cfs priority 10-1-54 170 acres
License No. 37-2517 for 1.50 cfs priority 12-4-50 250 acres

The combined annual volume of water under License Numbers 37-2558 and 37-2517 shall not exceed 1000.0 acre feet.

158895

JAN 13 1995

Department of Water Resources
Northern Region Office

158895

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
Land Title & Escrow

JAN 9 1995

at 28 minutes past 4 P.M.
recorded by *Nolan Jackson, Dep.*
Fee: *2.00* Return to: *H. J. & E.*

By hand.

EXHIBIT "A"/2

Smith & Weeks
Attorneys at Law
240 Sixth Avenue East
Post Office Box 508
Glen Falls, Idaho 83303-0508

QUITCLAIM DEED

JAN 13 1995

Department of Water Resources
Northern Region Office

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, **IDAHO LAND AND LIVESTOCK, INC.**, an Idaho corporation ("**Idaho Land and Livestock**"), hereby bargains, sells, remises, releases, conveys and forever quitclaims to **THOMAS M. O'GARA, TRUSTEE OF THE THOMAS M. O'GARA FAMILY TRUST ("O'Gara")**, whose address is c/o Brian Barsotti, P O Box 10013, Ketchum, Idaho 83340, all its right, title and interest which it has, if any, in the following water and water rights:

(a) License Right No. 37-07232 for 4.32 cfs of ground water, with a priority date of May 24, 1973, and claimed *In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System*, Twin Falls District Court Case No. 39576 (hereinafter referred to as "**Adjudication**"), as Claim No. A37-07232;

(b) License Right No. 37-07231 for 3.20 cfs of ground water, with a priority date of May 24, 1973, and claimed in the Adjudication as Claim No. A37-07231;

(c) License Right No. 37-02558 for 3.00 cfs of ground water, with a priority date of October 1, 1954, and claimed in the Adjudication as Claim No. A37-02558;

(d) License Right No. 37-02517 for 1.50 cfs of ground water, with a priority date of December 4, 1950, and claimed in the Adjudication as Claim No. A37-02517;

(e) Beneficial use rights to a stockwater well for 0.140 cfs of ground water, with a priority date of January 1, 1930, and claimed in the Adjudication as Claim No. A37-10455;

(f) Beneficial use rights to a stockwater well and a domestic well for 0.080 cfs of ground water, serving three (3) houses, with a priority date of January 1, 1928, and claimed in the Adjudication as Claim No. A37-10456;

(g) Beneficial use rights to a stockwater well and a domestic well for 0.070 cfs of ground water, serving one (1) house, with a priority date of January 1, 1925, and claimed in the Adjudication as Claim No. A37-10457.

DATED this 6th day of January, 1995.

IDAHO LAND AND LIVESTOCK, INC.,
an Idaho corporation

By: Bryant Rudd
BRYANT RUDD
Its Secretary

STATE OF IDAHO)
County of: Jerome) ss.

On this 6th day of January, 1995, before me, a Notary Public in and for said State, personally appeared BRYANT RUDD, known or identified to me to be the Secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

.....
Notary Public for Idaho
Commission Expires: _____

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, IDAHO
MY COMMISSION EXPIRES JULY 30, 1997

158897

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
Land Title Escrow

JAN 9 1995

at 32 minutes past 4 P. M.
recorded by Nelson Jackson, Rep.
Fee: 3.00 Return to: A. J. & E.

By hand.

QUITCLAIM DEED - 2

Smith & Beeks
Attorneys at Law
210 Sixth Avenue East
Post Office Box 508
Gwin Falls, Idaho 83303-0508

SOTTI-Attorney
10013
IDAHO 83340

1 2 3 4 5 6 7 8 9 10 11 12

JAN 13 1995

Department of Water Resources
Northern Region Office

DEPARTMENT OF WATER RESOURCES
222 Shoshone Street
Twin Falls, Idaho 83301





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JUNE 14, 1995

THOMAS M O'GARA FAMILY TRUST
C/O BRAIN BARSOTTI
PO BOX 10013
KETCHUM, ID 83340

RE: SRBA CLAIMS A37-07232, A37-07231, A37-02558, A37-02517,
A37-10455, A37-10456, & A37-10457
IDAHO LAND & LIVESTOCK

DEAR CLAIMANTS:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH
THE ABOVE-REFERENCED ADJUDICATION CLAIMS, WE HAVE CHANGED THE
DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR
YOUR RECORDS.** PLEASE REVIEW THE RECORDS THE ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS
OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

ORIGINAL
NOV 27 1995

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	18E	1	NE	SW		IRR	36.0
			NW	SW		IRR	36.0
			SW	SW		IRR	36.0
			SE	SW		IRR	36.0

Section Acres 216.0

Total Acres 216.0

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:

THIS RT. WHEN COMBINED WITH RT. 37-7231 SHALL NOT EXCEED 6.24 CFS
ON SAME WELL AS A37-07231. USED TO IRRIGATE 1400 ACRES, ALONG
WITH 958 CANAL CO SHARES AND WR#37-2558, 37-2644.

OWNERSHIP CHANGE 4/25/90 ADM

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: _____

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: A37-07232
Date Received: 7/07/1988
Receipt No: S000784
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO LAND & LIVESTOCK INC. 208-377-3000
Address: P.O. BOX 67
5401 KENDALL ST.
BOISE, ID 83707

2. Date of Priority: MAY 24, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	18E	34		SW	SE		LINCOLN

5. Description of diverting works:
WELL, PUMP & SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.320		864.00

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

8. Total consumptive use is 648.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	18E	1	NE	NW	3	IRR	9.0
			NW	NW	4	IRR	9.0
			SW	NW		IRR	27.0
			SE	NW		IRR	27.0

A37-07232

Page 1

Date: 04/25/90

MICROFILMED
FEB 24 1993

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
Organization document in the space below as _____ of
_____ Title
Organization 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 _____

RECEIVED

CHANGE IN OWNERSHIP

APR 18 1990

[] Water Right Number(s): A37-7232, A37-7231, A37-2558 Department of Water Resources
[] Name and Address of A37-10455, A37-10456, A37-10457 Southern Region Office
Former Claimant: A37-02517

James A. Whittaker

550 East 535 South

Dietrich ID 83324

[] New Claimant(s): Idaho Land & Livestock, Inc.

5401 Kendall St., P.O. Box 67

[] New Mailing Address: Boise ID 83707

New Telephone Number: (208) 377 - 3000

[] Does the change in ownership result in a splitting of the
water right claimed? yes x no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Copy of deed

[] Signature of New Claimant(s): *Larry Williams*
Larry Williams, President

Date: 4/16/90

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:

MICROFILMED
FEB 24 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

25-Apr-1990 13:55

Idaho Land & Livestock Inc.
P.O. Box 67
5401 Kendall St.
Boise, ID 83707

RE: SRBA Claims A37-07232, A37-07231, A37-02558, A37-02517, A37-10455
A37-10456 & A37-10457

Dear Claimant:

Pursuant to the notification that you presently own the property inwhich the above referenced adjudication claims are appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed copies of the computer records for the claims noting the change in claimant. Please review the record and if you have any corrections please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

Encl:

MICROFILMED
FEB 24 1993

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A37-07232
Date Received: 7/07/1988
Receipt No: S000784
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES WHITTAKER 208-544-7731
Address: 550E 535S
DIETRICH, ID 83324

2. Date of Priority: MAY 24, 1973

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	18E	34		SW	SE		LINCOLN

5. Description of diverting works:
WELL, PUMP & SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.320		864.00

7. Total Quantity Appropriated is:
4.320 C.F.S. (and/or) 864.00 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
07S	18E	1	NE	NW	3	IRR	9.0
			NW	NW	4	IRR	9.0
			SW	NW		IRR	27.0
			SE	NW		IRR	27.0

A37-07232

Page 1

Date: 07/07/88

MICROFILMED
FEB 24 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	18E	1	NE	SW		IRR	36.0
			NW	SW		IRR	36.0
			SW	SW		IRR	36.0
			SE	SW		IRR	36.0
						Section Acres	216.0
						Total Acres	216.0

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:

THIS RT. WHEN COMBINED WITH RT. 37-7231 SHALL NOT EXCEED 6.24 CFS
ON SAME WELL AS A37-07231. USED TO IRRIGATE 1400 ACRES, ALONG
WITH 958 CANAL CO SHARES AND WR#37-2558, 37-2644.

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): James A. Whittaker Date: 7/7/88
Date:

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of July 19 88 Leon White
Notary Public

Seal

Residing at T.F.
My Commission Expires 5/95

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 17 2002
By _____ Clerk
_____ Deputy Clerk

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. 37-2517, 37-2558,
	)	37-7231, 37-7232
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

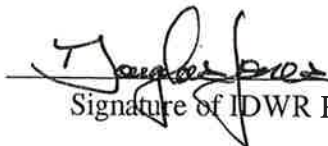
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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: 9/17/02



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9/17, 2002, 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:
Barker Rosholt & Simpson
233 2nd St N Suite D
Twin Falls ID 83301
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Notch Butte Farms
PO Box 486
Jerome ID 83338
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. 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

09/12/2002

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

RIGHT NUMBER: 37-2517

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.500 CFS

USE OF THIS RIGHT WITH RIGHT NO. 37-2558 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1000 AF.

PRIORITY DATE: 12/04/1950

POINT OF

DIVERSION: T06S R18E S35 SWSWSE Within LINCOLN County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	1.500 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 1] AND AFTER [OCTOBER 31] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R18E S35	NESW	27.5	T06S R18E S35	NWSW	19.0
T06S R18E S35	NWSE	19.0	T06S R18E S35	SWSE	14.0
T07S R18E S01 Lot 1	NENE	20.0	T07S R18E S01	SWNE	40.0
T07S R18E S01	SENE	37.5	T07S R18E S01	NWSE	33.0
T07S R18E S01	SWSE	40.0			

250 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-2558 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 250 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

RIGHT NO. 37-2558 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

09/12/2002

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

RIGHT NUMBER: 37-2558

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.000 CFS

USE OF THIS RIGHT WITH RIGHT NO. 37-2517 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1000 AF.

PRIORITY DATE: 10/01/1954

POINT OF

DIVERSION: T06S R18E S35 SWSWSE Within LINCOLN County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	3.000 CFS

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

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R18E S35	NESW	27.5	T06S R18E S35	NWSW	19.0
T06S R18E S35	NWSE	19.0	T06S R18E S35	SWSE	14.0
T07S R18E S01 Lot 1	NENE	20.0	T07S R18E S01	SWNE	40.0
T07S R18E S01	SENE	37.5	T07S R18E S01	NWSE	33.0
T07S R18E S01	SWSE	40.0			

250 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-2517 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 250 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 170 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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

RIGHT NO. 37-2517 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

09/12/2002

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

RIGHT NUMBER: 37-7231

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.200 CFS
640.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-7232 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6.24 CFS.

PRIORITY DATE: 05/24/1973

POINT OF
DIVERSION: T06S R18E S34 SESWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	3.200 CFS 640.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R18E S34	SWNE	8.0	T06S R18E S34	SENE	8.0
T06S R18E S34	NESE	37.0	T06S R18E S34	NWSE	38.0
T06S R18E S34	SWSE	36.0	T06S R18E S34	SESE	33.0

160 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: BASIS OF CLAIM - License

RIGHT NO. 37-7232 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

09/12/2002

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

RIGHT NUMBER: 37-7232

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.320 CFS
864.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-7231 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6.24 CFS.

PRIORITY DATE: 05/24/1973

POINT OF
DIVERSION: T06S R18E S34 SESWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.320 CFS 864.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R18E S01 Lot 3 NENW	12.0	T07S R18E S01 Lot 4 NWNW	12.0
T07S R18E S01	SWNW 26.0	T07S R18E S01	SENW 27.0
T07S R18E S01	NESW 36.0	T07S R18E S01	NWSW 35.0
T07S R18E S01	SWSW 35.0	T07S R18E S01	SESW 33.0

216 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: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 37-7231 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.



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 17, 2002

NOTCH BUTTE FARMS
PO BOX 486
JEROME ID 83338

RE: SRBA Claim(s) 37-2517, 37-2558, 37-7231, 37-7232

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: Barker Rosholt & Simpson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JAN 28 2002

Water Resources
Southern Region

DIRK KEMPTHORNE
GOVERNOR

December 27, 2001

KARL J. DREHER
DIRECTOR

THOMAS O GARA FAMILY TRUST
C/O BRIAN BARSOTTI
PO BOX 370
KETCHUM ID 83340-0370

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #37-2517, 37-2558, 37-2581, 37-2599, 37-2604, 37-2616,
37-7231, 37-7232, 37-7758, 37-10455, 37-10456, 37-10457, 37-11732
Change of Address

Records updated 1-25-02.

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

37-7232

John A. Rosholt
Albert P. Barker
John K. Simpson
Amy D. Chestnut
Travis L. Thompson

**BARKER
ROSHOLT
&
SIMPSON
LLP**

1221 West Idaho Street, Suite 600
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

233 Second Avenue North, Suite D
Twin Falls, Idaho 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

John K. Simpson
jks@idahowaters.com

January 18, 2002

Sally Sherman
Technical Records Specialist
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83720

Re: Snake River Basin Adjudication
Water Rights 37-8517, 37-2558, 37-2599, et. al.

Dear Ms. Sherman:

Please send all future correspondence pertaining to the above referenced water rights in the name of Thomas O'Gara Family Trust to the following:

Thomas O'Gara Family Trust
c/o John K. Simpson
Norman M. Semanko
Barker Rosholt & Simpson LLP
P.O. Box 2139
Boise, Idaho 83701-2139

Our office is still in the process of identifying whether there are additional water rights not listed. We will notify you if there are missing water rights.

Please contact Norm or me at 336-0700 if you have any questions. Thank you.

Sincerely,

John K. Simpson /bh

John K. Simpson

1-25-02 I called him - he has
my 12-27-01 ltr to O'Gara / Barsotti.
all records modified - removed
Barsotti, replaced him w/
John Simpson.
p 1-25-02

My data file

last name
first name

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

Snake River Basin Adjudication
Office of the Attorney General
PO Box 4449
Boise ID 83711-4449

RETURN TO SENDER

fee due 60¢

US POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

US POSTAL SERVICE
PS FORM 3547

BARSO13 833402010 1801 10 11/29/01
BARSO13
PO BOX 370
KETCHUM ID 83340-0370

O GARA FAMILY TRUST,
THOMAS
C/O BRIAN BARSO13 ESQ
PO BOX 00013
KETCHUM ID 83340

to OGC
RECEIVED

See
37-2517
25581
72314
72321
104551
104564
104571
117321
UCS

ORG NAME
37-2584
25391
26041
26161
71581
Class

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7232 V1

WATER RIGHT NUMBER: 37-7232 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NOTCH BUTTE FARMS LLC 136 BRIDON WAY JEROME, ID 83338 (208)644-1728
Original Owner	THOMAS M O GARA FAMILY TRUST C/O JOHN SIMPSON BARKER ROSHOLT & SIMPSON LLP PO BOX 2139 BOISE, ID 83701-2139 (208)336-0700
Original Owner	JAMES A WHITTAKER 550 E 535 S DIETRICH, ID 83324 (208)544-7731
Original Owner	IDAHO LAND & LIVESTOCK INC PO BOX 67 5401 KENDALL ST BOISE, ID 83707 (208)377-3000

Priority Date: 05/24/1973

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.320 CFS	864.00 AF
	<u>Total Diversion:</u>	4.320 CFS	864.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 34, Twp 06S, Rge 18E, B.M.
LINCOLN County		

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	
07S	18E	1	12.0	12.0	26.0	27.0	36.0	35.0	35.0	33.0									216.0
			L 3	L 4															

Total Acres: 216

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7232 V1

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. S02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST.
4. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 37-7231 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.24 CFS.
2. Explanatory RIGHT NO. 37-7231 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
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

August 20, 2002

NOTCH BUTTE FARMS LLC
136 BRIDON WAY
JEROME ID 83338

Re: SRBA Claims 37-2517, 37-2558, 37-7231, 37-7232
Decreed Water Rights 37-10455, 37-10456, 37-10457

Dear Claimants:

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 records of the claim(s) and water rights noting the change in claimant. 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.

RECEIVED
MAR 06 2002
Department of Water Resources
Bureau of Water Rights

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A37-02517, A37-02558, A37-07231, A37-7232

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) LITA WEST

P.O. BOX 867 BELLEVUE IDAHO 83313

4. New Owner/Claimant(s)

NOTCH BUTTE FARMS LLC AN IDAHO LIMITED LIABILITY CO

New Mailing Address

Name connector (Check one): [] AND, [] OR, [] AND/OR
136 BRIDON WAY JEROME, IDAHO 83338

City, State and ZIP Code

New Telephone Number

(208) 644-1728

5. Date you acquired the property FEBRUARY 22, 2002

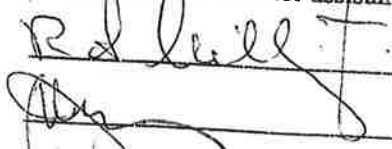
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)



Date _____

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Case No. 46570SM

TitleFact, Inc.

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

GL03278

**** SPACE ABOVE FOR RECORDER ****

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of LAND TITLE & ESCROW	172227
FEB 22 2002	
at <u>48</u> minutes past <u>11</u> A.M. recorded by <u>Nellie Jackson, Dep.</u> Fee: <u>6.00</u> Return to: <u>Above</u>	

By hand.

WARRANTY DEED

FOR VALUE RECEIVED LITA WEST, an unmarried woman, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto NOTCH BUTTE FARMS, LLC, an Idaho Limited Liability Company, hereinafter called Grantee, whose address is: 136 Bridon Way, Jerome, Idaho 83338, the following described premises in Lincoln County, Idaho; to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said 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 encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: February ²¹~~14~~, 2002
fw.

Lita West
LITA WEST

* * * * *

STATE OF IDAHO
County of Twin Falls

On this ²¹~~14~~ day of February, 2002, before me, a Notary Public in and for said State, personally appeared LITA WEST, an unmarried woman, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

Susie Moore

Notary Public for Idaho

Residing at Twin Falls

Commission expires 11-28-2002



TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 34: $W\frac{1}{2}NE\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}$; $SE\frac{1}{4}$;

Section 35: $N\frac{1}{2}SW\frac{1}{4}$; $SE\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}$ EXCEPT a strip of land 50 feet wide, 25 feet on each side of the following described line, to be used as a public road:

Beginning at a point 1025 feet North of the quarter corner between Sections 34 and 35, Township 6 South, Range 18, East Boise Meridian;
Thence in a Northeasterly direction 600 feet to an intersection of the North line of the $S\frac{1}{2}NW\frac{1}{4}$ of Section 35, Township 6 South, Range 18, East Boise Meridian.

Section 36: $W\frac{1}{2}$; That part of the $E\frac{1}{2}$ West of the canal, described as follows:

Commencing at the North quarter corner of Section 36;
Thence East on the Section line 202 feet, more or less, to a point in the American Falls Canal;
Thence South 32° East 336 feet;
Thence South 55° East 410 feet;
Thence South 22° East 925 feet;
Thence South $27^{\circ}30'$ West 841 feet;
Thence South 6° East 378 feet;
Thence South 6° East 967 feet;
Thence South 13° West 1051 feet;
Thence South 15° East approximately 521 feet to South boundary line;
Thence West 774 feet, more or less, to the South quarter corner of said Section;
Thence North on the North and South center line to the North quarter corner of said Section, which is THE PLACE OF BEGINNING;

TOWNSHIP 7 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 1: Lots 1, 3, 4; $S\frac{1}{2}N\frac{1}{2}$; $S\frac{1}{2}$;

Section 12: $NE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}SE\frac{1}{4}$;

TOWNSHIP 7 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, LINCOLN
COUNTY, IDAHO

Section 6: Lots 8 through 11;

TOGETHER WITH 343.1 AND 40.0 SHARES OF BIG WOOD CANAL COMPANY AND 95.6 AND 37.0 SHARES OF AMERICAN FALLS RESERVOIR DISTRICT NO.2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUL 25 2002

Department of Water Resources

July 5, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS O GARA FAMILY TRUST

~~C/O BRIAN BARSOTTI~~

c/o John Simpson

~~PO BOX 370~~

P.O. Box 2139

~~KETCHUM ID 83340-0370~~

Boise ID 83701-2139

Re: Snake River Basin Adjudication (SRBA)

Notices of Claim to a Water Right #37-2517, 37-2558, 37-2581,

37-2599, 37-2604, 37-2616, 37-7231, 37-7232 and

Water Right #37-11732

Change of Address

records modified 7-25-02.

Dear Claimant:

Updated C117 12010.

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by July 23, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS region

The address is correct as shown above or as otherwise changed.

Claimant Signature

208-336-0700

Telephone No.

SCANNED

JUL 25 2002

37-2517 noc
- 2558 noc
- 7231 noc
- 7232 noc
- 11732
AD 1-5-01+

37-2604 d
- 2617
- 2581 d
- 2599 d
- 2616 d
~~7558~~

IDAHO DEPARTMENT OF WATER RESOURCES 11/29/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right **37-7232**

1

NAME AND ADDRESS: THOMAS O GARA FAMILY TRUST
C/O BRIAN BARSOTTI ESQ
PO BOX 10013
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.32 CFS
864.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-7231 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 6.24 CFS.

PRIORITY DATE: 05/24/1973

POINT OF DIVERSION:

T06S R18E S34 SESWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	4.320 CFS 864.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T07S R18E S01 Lot 3 NENW	12.0	T07S R18E S01 Lot 4 NWNW	12.0
T07S R18E S01 SWNW	26.0	T07S R18E S01 SENW	27.0
T07S R18E S01 NESW	36.0	T07S R18E S01 NWSW	35.0
T07S R18E S01 SWSW	35.0	T07S R18E S01 SESW	33.0

216 ACRES TOTAL

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

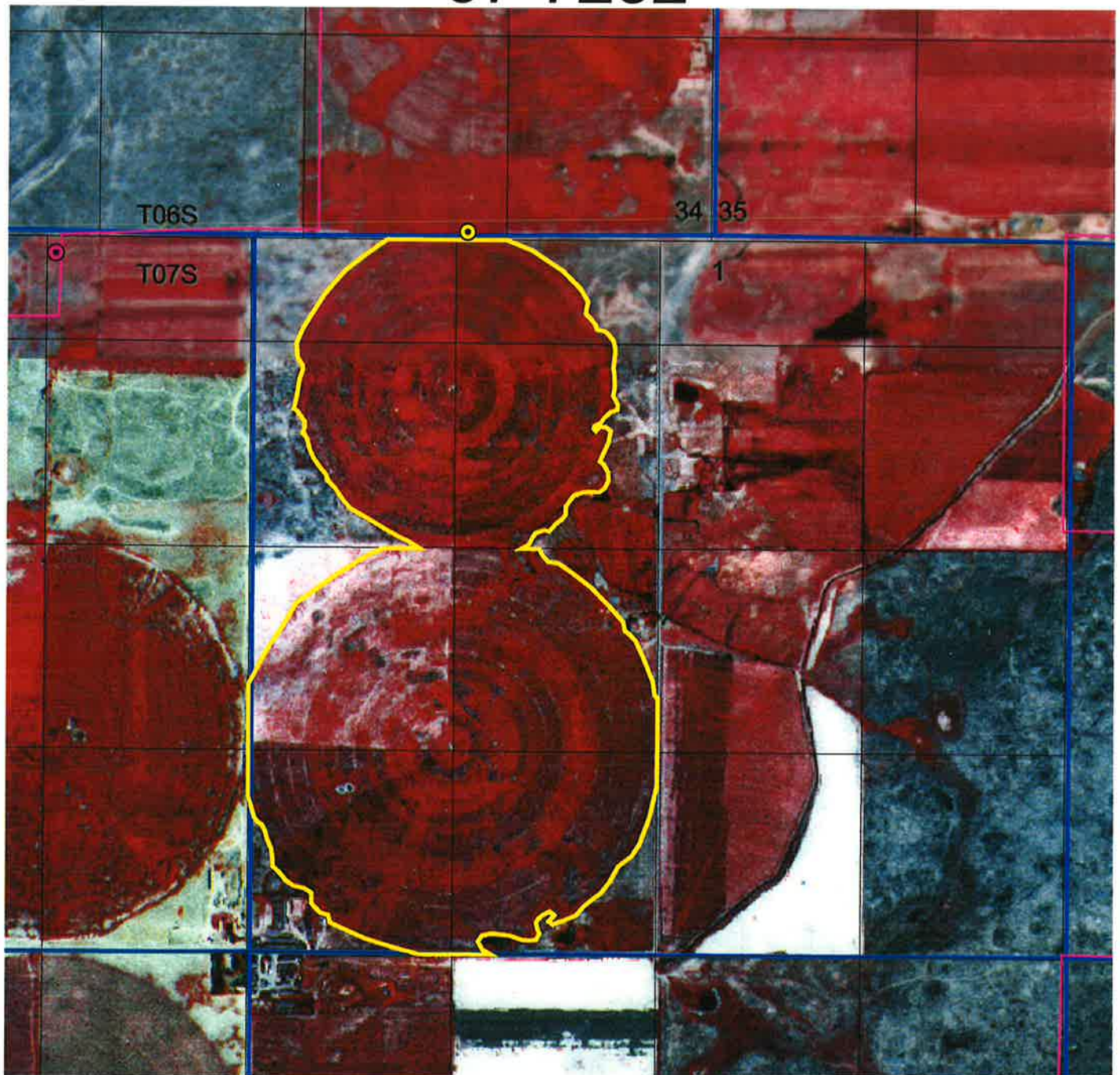
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.
RIGHT NO. 37-7231 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

IDAHO DEPT OF WATER RESOURCES

37-7232



1320 0 1320 Feet

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

TWN: 7S
RNG: 18E
SEC: 1



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

Date: November 29, 2001

11/29/01
SCC

Same POD as 37-7231 < F05 Exp >

No POU overlap.

Coninged w/ Canal Shares (per Deeds)

< S02 S05 >

Q limit to 6.24 cfs - combined limit
< E01 > Quantity Remark

POU is 2 pivots, One small & one larger.

GIS Acres = 207 AC.

License/Claim Ac. = 216 AC.

Difference 9 AC.

* ~~Corners~~ Corners were
not part of the
license as
Rec'd.

→ Rec'd as Licensed, in total, rearrange Q-Q.
to GIS shape as found.

- add the 9 acres back in to SW 1/4.

< C05 >

→ GIS POU PLUS
added 2 acres
per 1/4 - 1/4; 3 in SE SW

Appears the license over
estimated the actual acres under the two
pivots. The balance of 9 Ac. were never irrigated
by the pivot systems.