

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-20602
Date Received: 11/13/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRIANA HOLLAND
1619 E 1400 S
GOODING ID USA 83330

Phone: (208)934-9614

MICHAEL D HOLLAND
1619 E 1400 S
GOODING ID USA 83330

Phone: (208)934-9614

2. Date of Priority: 04/02/1906

3. Source: BIG WOOD RIVER

Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
05S	16E	7	SW	NW	NW	1	GOODING	
05S	16E	7	NW	SW	NW	2	GOODING	

5. Description of diverting works:

ROBERTSON DITCH, CONCRETE STRUCTURE DIVERTS INTO GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.746	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	14	NW	NW	IRRIGATION	18.7
			SW	NW	IRRIGATION	2
			SE	NW	IRRIGATION	1
			NE	NW	IRRIGATION	13
					Section Acres	34.7
					Total Acres	34.7

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

THIS IS A SPLIT OF 37-20599 (WHICH WAS A SPLIT OF ORIGINAL RIGHT 37-582),
CREATED WHEN CAPPS SOLD A PORTION OF THE RIGHT TO HOLLAND. 11/14/01 jr

15. Basis of Claim: Decreed

THIS DEED IS BEING IN TO CORRECT THE WATER DESCRIPTIONS SHOWN ON THAT CERTAIN WARRANTY DEED RECORDED APRIL 17, 2000 AS INSTRUMENT #185397, AND RE-RECORDED MAY 10, 2000 AS INSTRUMENT #185767 AND RE-RECORDED JULY 18, 2000 AS INSTRUMENT #186685, RECORDS OF GOODING COUNTY, IDAHO.

CORPORATION WARRANTY DEED

For Value Received

CAPPS FARMS, INC. an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, does hereby Grant, Bargain, Sell, and Convey unto

MICHAEL D. HOLLAND and BRIANA HOLLAND, husband and wife

the grantee(s), whose current address is: 1619 East 1400 South, Gooding, Idaho, 83330

the following described real estate, situated in GOODING County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH:

68.05 shares of Robertson Ditch Company

33.28 shares of American Falls Supplement

37.29 inches of Idaho Department of Water Resources Claim #A37-00582

746 AS

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they 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 hereunto subscribed by its President this 15th day of September, 2000.

CAPPS FARMS, INC.

Larry M. Capps
LARRY MCAPPS, President

ACCEPTED AND APPROVED

Michael D. Holland
MICHAEL D. HOLLAND

Briana Holland
BRIANA HOLLAND

State of Idaho }
County of Gooding } ss.

On this 15th day of September, in the year 2000, before me, the undersigned, a notary public in and for said state, personally appeared LARRY M. CAPPS, known or identified to me to be the president, or vice-president, or secretary or assistant 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.

WITNESS my hand and official seal.

Gwen A. Sherman
Notary Public

Residing At: Shoshone, Id
Commission Expires: 03.27.06



State of IDAHO

County of GOODING

} ss.
}

On this 18th day of September, in the year 2000, before me, the undersigned, a notary public in and for said state, personally appeared **MICHAEL D. HOLLAND and BRIANA HOLLAND**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Gwen A. Sherman
Notary Public
Residing At: Shoshone
Commission Expires: 3-27-06



TITLE & ESCROW
COMPANIES

EXHIBIT A
G000123

(out of RP05S14E142400 and
RP05S14E142401)

Township 5 South, Range 14 East of the Boise Meridian, Gooding
County, Idaho

Section 14: A tract of land located in the Northwest
Quarter, more particularly described as follows:

Beginning at the Northwest corner of said Northwest Quarter;
Thence North $89^{\circ}39'35''$ East a distance of 1636.30 feet along the
Northerly boundary of said Northwest Quarter to the projected
centerline of Dry Creek;
Thence generally Southerly and Easterly the following courses and
distances along the centerline of said Dry Creek:
South $26^{\circ}01'16''$ East a distance of 380.72 feet;
Thence South $18^{\circ}58'50''$ East a distance of 245.48 feet;
Thence South $15^{\circ}12'42''$ West a distance of 419.52 feet;
Thence South $43^{\circ}39'15''$ West a distance of 376.45 feet;
Thence South $24^{\circ}42'41''$ West a distance of 132.53 feet;
Thence South $07^{\circ}01'13''$ East a distance of 217.85 feet;
Thence South $10^{\circ}11'16''$ West a distance of 175.86 feet;
Thence South $56^{\circ}57'56''$ West a distance of 101.45 feet;
Thence North $78^{\circ}19'41''$ West a distance of 99.36 feet;
Thence North $56^{\circ}58'21''$ West a distance of 149.12 feet;
Thence North $37^{\circ}02'06''$ West a distance of 214.95 feet;
Thence North $17^{\circ}29'53''$ West a distance of 216.87 feet;
Thence leaving said centerline of Dry Creek North $88^{\circ}44'49''$ West a distance of
209.53 feet to a point in the centerline of said Dry Creek;
Thence North $87^{\circ}28'59''$ West a distance of 742.49 feet to a point on the
Westerly boundary of said Northwest Quarter;
Thence North $00^{\circ}00'00''$ West a distance of 1289.74 feet along the
Westerly boundary of said Northwest Quarter of THE POINT OF BEGINNING.

SUBJECT TO the rights of public roads which affects the Northerly 25.00 feet
and the Westerly 25.00 feet thereof.

EXCEPTING THEREFROM the North Half of the Northwest Quarter
of the Northwest Quarter of said Section 14.

12/22/2006

NOTICE OF ERROR
REPLY

RECEIVED

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

JAN 09 2007

Return this reply form to IDWR by the deadline date printed below if you want IDWR to ~~DEPARTMENT OF~~ recommendation or you want to let IDWR know that you agree with its recommendation. ~~WATER RESOURCES~~

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/05/2007

Water right number: 37-20602

BRIANA HOLLAND
1619 E 1400 S
GOODING ID 83330
Telephone Number: (208)934-9614

MICHAEL D HOLLAND
1619 E 1400 S
GOODING ID 83330
Telephone Number: (208)934-9614

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

Quantity

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

Quantity should be 0.746 not 0.740

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

Previous water rights describe 0.746 quantity from your office (ie document dated 11-13-2001 and previous documents)

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

DATE: 1-3-07

SIGNATURE: *[Signature]*

Please print your name: Mike Holland

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

01/11/2007

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

RIGHT NUMBER: 37-20602

NAME AND ADDRESS: BRIANA HOLLAND
1619 E 1400 S
GOODING ID 83330

MICHAEL D HOLLAND
1619 E 1400 S
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.745 CFS

PRIORITY DATE: 04/02/1906

POINT OF DIVERSION:

T05S R16E S7 NWSWNW Lot 2 Within GOODING County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.745 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 November 1 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 in GOODING County

T05S R14E S14	NENW	12.00	T05S R14E S14	NWNW	19.00
T05S R14E S14	SWNW	2.50	T05S R14E S14	SENW	1.20

34.7 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 - Decreed

This right is a split from former right 37-582.

Use of this right is combined with water from Big Wood Canal Co.

12/22/2006

NOTICE OF ERROR
REPLY

RECEIVED

JAN 09 2007

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Water right number: 37-20602

BRIANA HOLLAND
1619 E 1400 S
GOODING ID 83330
Telephone Number: (208)934-9614

MICHAEL D HOLLAND
1619 E 1400 S
GOODING ID 83330
Telephone Number: (208)934-9614

RECEIVED

JAN 11 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Quantity

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

DATE: 1-3-07 SIGNATURE: 
Please print your name: Mike Holland

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

WHEN THE WR WAS SPLIT IT WAS OVER APPROPRIATED DUE TO A ROUNDING ERROR, IT WAS OVER BY .001 CFS. I HAVE FIXED THIS RIGHT TO BE 0.745,

NATHAN ERIKSON

SCANNED

JAN 09 2007

12/19/2006

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

RIGHT NUMBER: 37-20602

NAME AND ADDRESS: BRIANA HOLLAND
1619 E 1400 S
GOODING ID 83330

MICHAEL D HOLLAND
1619 E 1400 S
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 04/02/1906

POINT OF DIVERSION:

T05S R16E S7 NWSWNW Lot 2 Within GOODING County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.740 CFS

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PLACE OF USE:

IRRIGATION in GOODING County

T05S R14E S14	NENW	12.00	T05S R14E S14	NWNW	19.00
T05S R14E S14	SWNW	2.50	T05S R14E S14	SENE	1.20

34.7 ACRES TOTAL

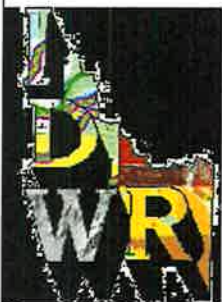
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Decreed

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Use of this right is combined with water from Big Wood Canal Co.



Idaho Department of Water Resources

SRBA Recommendation:

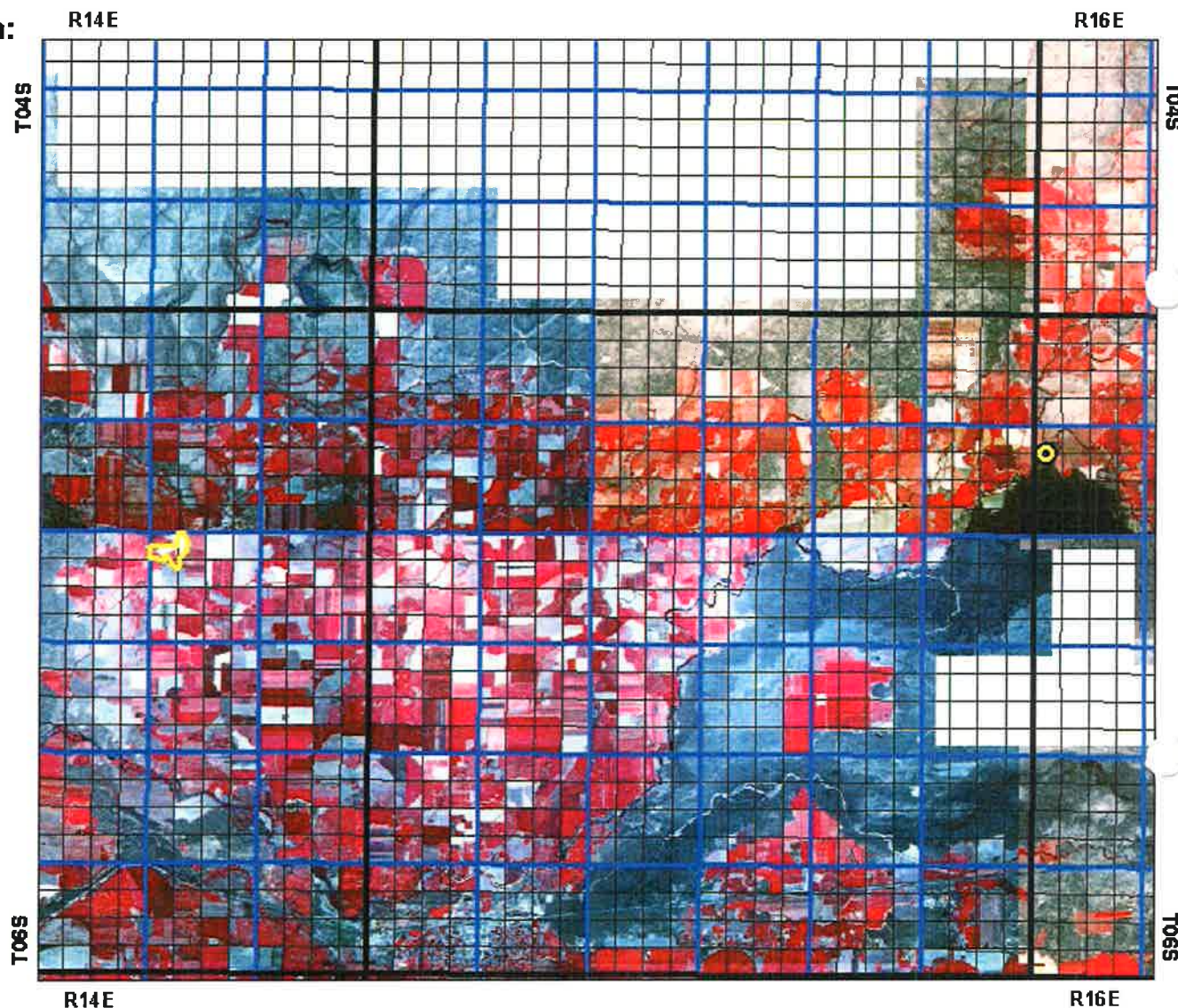
37-20602

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



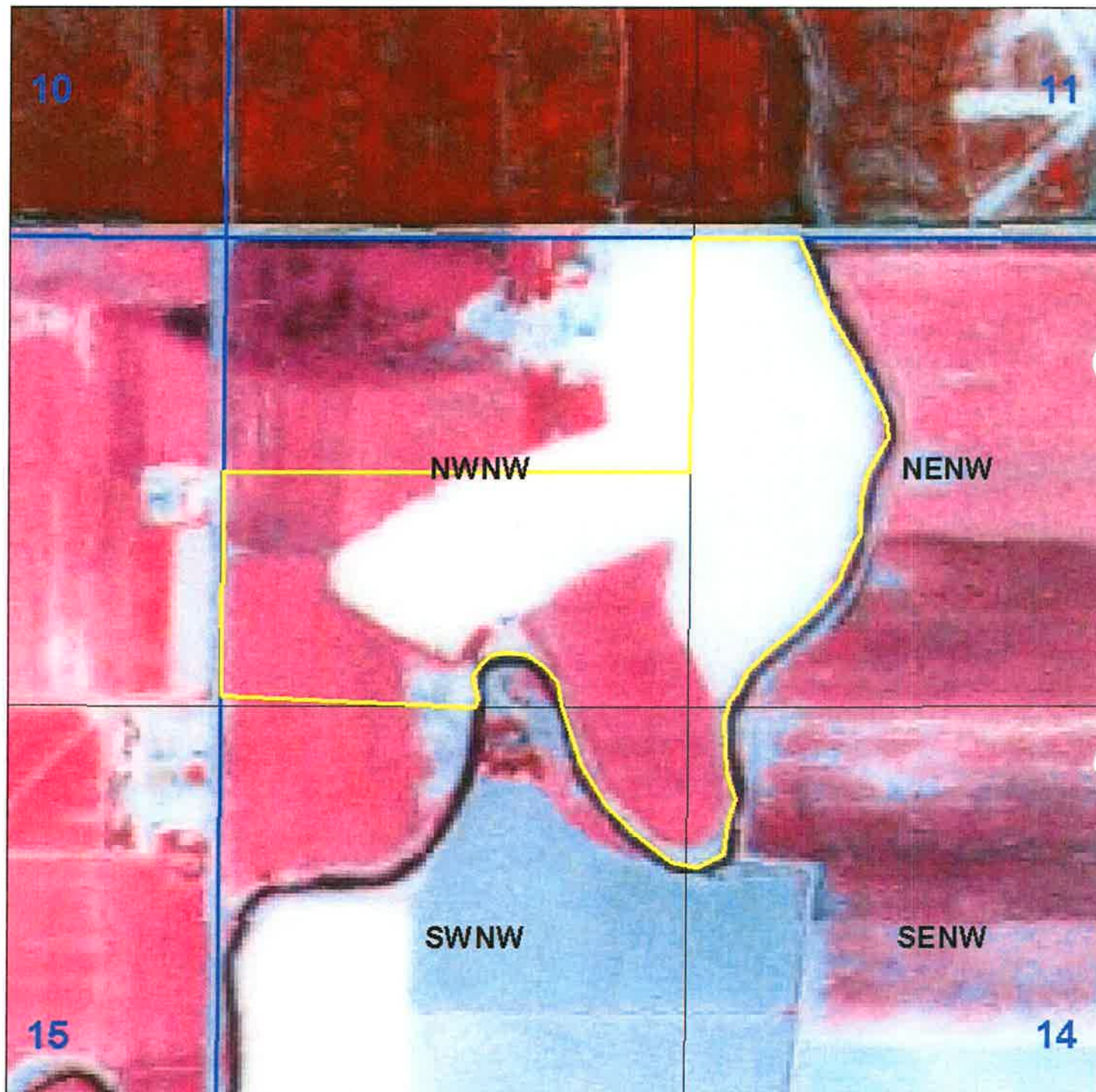
Gooding County
IDWR Basin 37



0 3 6 Miles

Prepared by N. Erickson
On Tuesday, December 19, 2006
1987/88 Aerial Photography

37-20602



37-20602

14

T05S, R14E, Sec. 14

(14)

37-20601

37-20602

37-20600

37-20603

T05S, R14E, Sec.14

RECEIVED
OCT 17 2000
Department of Water Resources
Southern Region

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 No(s).: _____
Adjudication Claim No(s).: A37-00582

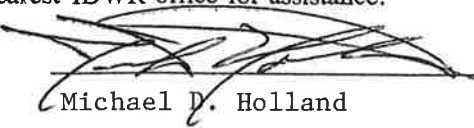
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant LARRY M. CAPPS & LORI CAPPS/CAPPS FARMS, INC.
1846 S. 1800 East Gooding, ID 83330

4. New Owner/Claimant(s) MICHAEL D. HOLLAND AND BRIANA HOLLAND
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 1619 East 1400 South
City, State and ZIP Code Gooding, ID 83330
New Telephone Number () _____

5. Date you acquired the property 4/17/00

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 you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
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 or Claimant(s)
 
Michael D. Holland Briana Holland
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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



GOODING
TITLE & ESCROW
COMPANY

October 16, 2000

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

RECEIVED
OCT 17 2000
Department of Water Resources
Southern Region

RE: Water Transfer on A37-00582

Dear Sir or Madam,

Enclosed are three water transfers that originally belonged to Larry M. & Lori Capps. I had sent the transfer on Eshleman in previously but the amount of water was incorrect. Enclosed our recorded Warranty Deed transferring the proper amount of water with each piece of property.

Michael D. & Briana Holland purchased two separate pieces of property. Copies of both Warranty Deeds have been attached to the change of ownership form.

If you have any questions please do not hesitate to call me. Thank you for your assistant in this matter.

Sincerely,

Gwen A. Sherman
Escrow Officer

encl.



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

November 14, 2001

MICHAEL & BRIANA HOLLAND
1619 E 1400 S
GOODING ID 83330

RE: ADJUDICATION CLAIM - OWNERSHIP CHANGE CAPPS/HOLLAND

Dear Mr. & Mrs. Holland,

Pursuant to the notification that you purchased two portions of Claim #37-582 from Larry Capps, I have split the claim and **renumbered** your portions to **37-20601 & 37-20602**. I have enclosed copies of each for your records. Please look them over carefully and feel free to call the office if you have any questions or corrections.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent