

01/17/2003

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

RIGHT NUMBER: **37-20841**

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS
42.700 AFY

PRIORITY DATE: 11/29/1960

POINT OF DIVERSION:

T06S R17E S31 NESWNW Lot 2 Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.240 CFS
42.70 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County
T06S R17E S30 SESE 12.2

12.2 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.

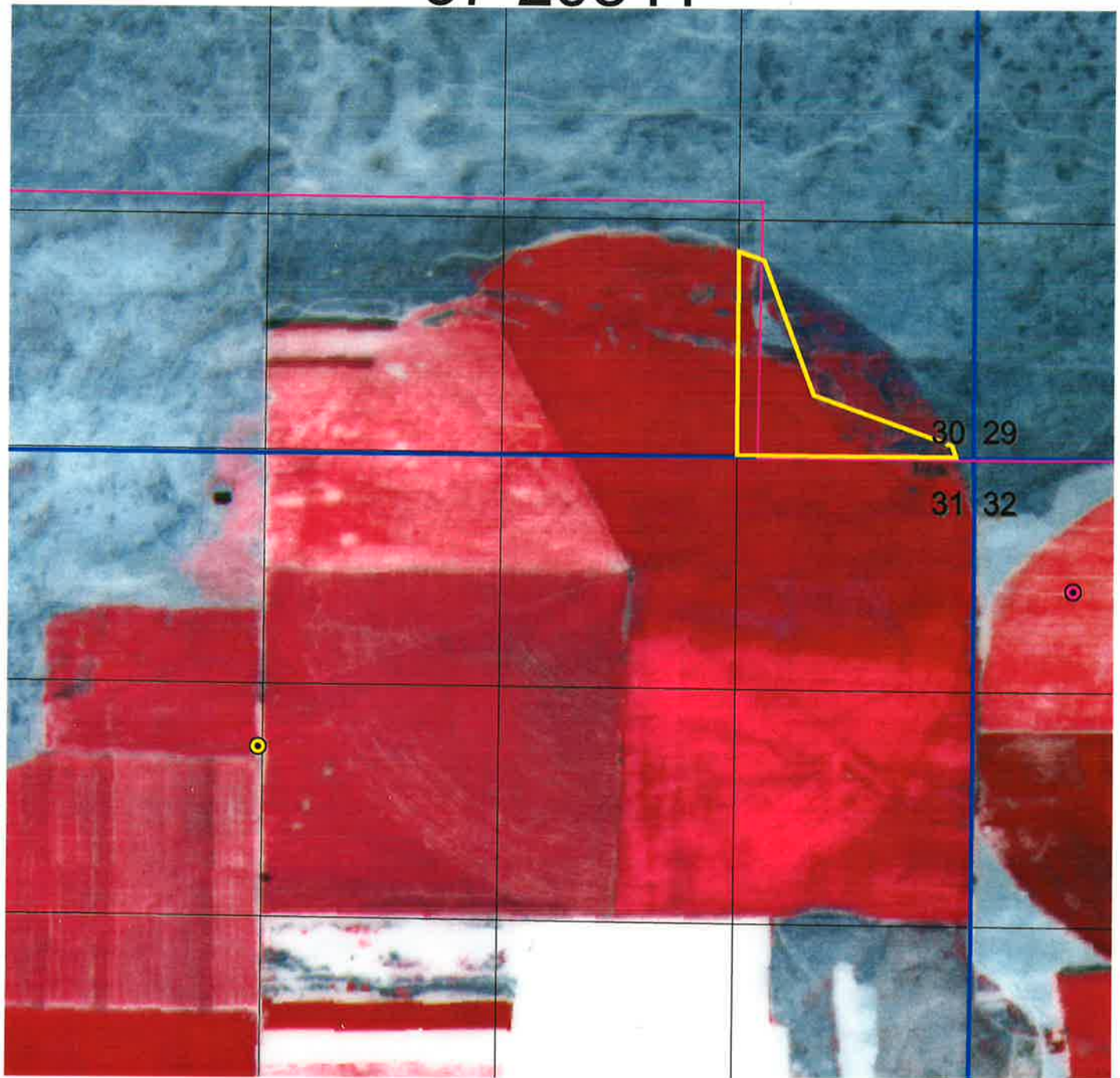
EXPLANATORY MATERIAL: - License

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-2645.

IDAHO DEPT OF WATER RESOURCES

37-20841



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: 30
SESE



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland
REVISED
Date: JANUARY 17, 2003

RECEIVED

JUL 21 2003

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

Department of Water Resources

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): 37-02645 **SPLIT: 37-20840**
 Adjudication Claim No(s): 37-02645 **37-20841**
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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
 C. If your water right or adjudication claim 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 William Earnest Davis and Gwendolyn Davis
402 S. County Road; Jerome, Idaho 83338
4. New Owner/Claimant(s) Notch Butte Farms, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 486
- City, State and ZIP Code Jerome, Idaho 83338
- New Telephone Number (208) 734-7510
5. Date you acquired the property January 4, 2002
6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Notch Butte Farms LLC
 or Claimant(s) _____

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.

SCANNED

JUL 22 2003

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your portion of the water right: include the number of homes you acquired, number of acres irrigated with your portion of the right, if it is more than 1/2 acre, type and number of stock if your portion of the right includes stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

SCANNED

JUL 22 2003

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: Above	

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

SCANNED

JUL 22 2003

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 $\frac{1}{4}$

RP 06517 E 306001

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

7.44%

RP 06517 E 310001

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-

SCANNED

JUL 22 2003



Idaho Secretary of State Search Results

Search Result Summary

[[New Search](#)]

Search Results 1 through 1
(NOTCH BUTTE FARMS, LLC ... NOTCH BUTTE FARMS, LLC)

NOTCH BUTTE FARMS, LLC

Organizational ID / Filing number: W10629	Filed 29 Dec 1999
PO BOX 486	LIMITED LIABILITY COMPANY
JEROME, ID 83338	EXISTING

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

SCANNED

JUL 22 2003

12/17/2002 10:02 AM

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

To the Secretary of State of Idaho,
Statehouse, Boise, Idaho 83720



FILED
JUL 22 2003

1. The name of the limited liability company is: NOTCH BUTTE FARMS, LLC
2. The address of the initial registered office is: 136 Bridon Way, Jerome, ID 83338
(not a PO Box)
- and the name of the initial registered agent at that address is: Robert Shillington
- Signature of registered agent: [Signature]

3. The latest date certain on which the limited liability company will dissolve: 12/31/60
4. Is management of the limited liability company vested in a manager or managers?
☐ Yes ☒ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:	Address:
<u>John Lezamiz</u>	<u>P.O. Box 389</u> <u>Twin Falls, ID 83303-0389</u>
<u>Robert Shillington</u>	<u>136 Bridon Way</u> <u>Jerome, ID 83388</u>

6. Signature of at least one person listed in #5 above:

[Signature]

IDAH0 SECRETARY OF STATE

13/09/2003 09:00
CR: 8152 CT: 14187 BM: 277886

I @ 100.00 = 100.00 ORGAN LLC # 2

W 10629

LLC1/S93

File Tax Notice

Fee: \$100 if filed with an application

SCANNED

JUL 22 2003

12/17/2002 10:06 AM

No. W 10629 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Due no later than Dec 31, 2000 Annual Report Form 1 Mailing Address - Correct in this box, if applicable NOTCH BUTTE FARMS, LLC 136 BRIDON WAY JEROME, ID 83338		2. Registered Agent and Office NO PO BOX ROBERT SHILLINGTON 136 BRIDON WAY JEROME, ID 83338 3. New Registered Agent Signature																			
4. Limited Liability Companies: Enter Names and Addresses of Members. <table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td>Member</td> <td>Robert Shillington</td> <td>3156 Heatherwood Dr.</td> <td>Twin Falls, ID.</td> <td>83338</td> <td></td> </tr> <tr> <td>Member</td> <td>John Lezamiz</td> <td>847 Canyon Springs Rd.</td> <td>Twin Falls, ID.</td> <td>83301</td> <td></td> </tr> </tbody> </table>						Office held	Name	Street or P.O. Address	City	State	Zip	Member	Robert Shillington	3156 Heatherwood Dr.	Twin Falls, ID.	83338		Member	John Lezamiz	847 Canyon Springs Rd.	Twin Falls, ID.	83301	
Office held	Name	Street or P.O. Address	City	State	Zip																		
Member	Robert Shillington	3156 Heatherwood Dr.	Twin Falls, ID.	83338																			
Member	John Lezamiz	847 Canyon Springs Rd.	Twin Falls, ID.	83301																			
5. Organized Under the Laws of: IDAHO W 10629		6. Signature <i>Robert Shillington</i> Name <i>Robert Shillington</i> Title: <i>XXXX</i> Date <i>10-12-09</i>																					
Issued 10/02/2000		Do Not Tape or Staple		1436																			

SCANNED

JUL 22 2003

12/17/2002 10:06 AM

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]

COPY

RECEIVED
BLM ISO MR
DEC 23 2002
9:00 A.M.

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

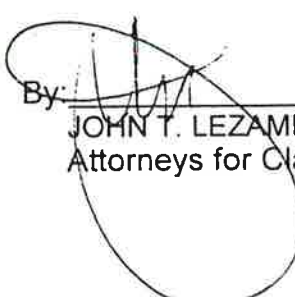
Subcase No. 37-02645

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

ID BLM SD's Office

SD _____ ASD _____

911 _____ 916 _____

912 _____ 930 _____

913 _____ 950 _____

914 _____ DM _____

915 _____ CF _____

SOL _____

NOTICE OF APPEARANCE - 1

SCANNED

Date: 12-24-02

JUL 22 2003

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

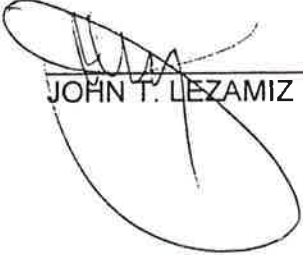
☒ U.S. Mail, Postage Prepaid
☐ Hand-Delivered
☐ Overnight Mail
☐ Facsimile

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

Names of Parties Filing Document:

UNITED STATES OF AMERICA

NOTCH BUTTE FARMS, LLC

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural
Resources Division

JOHN T. LEZAMIZ
Hepworth, Lezamiz & Hohnhorst, Chtd
P.O. Box 389
Twin Falls, Idaho 83301
Ph: (208) 734-7510
FAX: (208) 734-4115

LARRY A. BROWN
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435 FAX: (202) 305-0274

**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 Number: 37-02645

Case No. 39576

)
)
) **STIPULATION TO RESOLVE THE
UNITED STATES' OBJECTION**

The United States of America and Notch Butte Farms, LLC (hereinafter "Claimant")
agree and stipulate to resolve the United States Department of the Interior, Bureau of Land
Management's (hereinafter "BLM") objection to the above-captioned Subcase as follows:

//

//

//

STIPULATION

1. The parties agree that the place of use described in the recommendation for Water Right Number 37-02645 as T.06S., R.17E., Section 30, SESE (21.0 acres) is public land.¹

2. The Claimant stipulates and agrees to apply for a transfer pursuant to I.C. § 42-222 to remove 8.8 acres from the place of use that describes public land in the recommendation for Water Right Number 37-02645, and transfer that 8.8 acres to private land. Such transfer shall be filed with the Idaho Department of Water Resources (hereinafter "IDWR") within thirty (30) days of the date this Stipulation is filed with the Snake River Basin Adjudication (hereinafter "SRBA") District Court. The BLM agrees, by this stipulation, to allow the water to be transferred off of public land. Claimant agrees and stipulates that Claimant shall not assume title to any places of use which describe public land pursuant to such transfer. All costs incurred for seeking such transfer shall be borne by Claimant.

3. Upon the filing of a Notice of Completed Administrative Proceeding for the transfer described in paragraph 2, above, with the SRBA District Court, the parties agree and stipulate to execute and file with the SRBA District Court Standard Forms 5 that "split" Water Right Number 37-02645 into two new water rights where the Claimant shall hold title to Water Right Number 37-20840 that shall describe places of use located on private land; the BLM shall hold title to Water Right Number 37-20841 that shall describe places of use located on public land; and Water Right Number 37-02645 shall be dismissed with prejudice. The parties agree and

¹In this Stipulation, the term "public lands" means "any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership" 43 U.S.C. § 1702(e).

stipulate that any partial or final decree of Water Right Number 37-20840 shall not contain places of use that describe public land. The BLM agrees and stipulates that it shall not seek to sell or otherwise transfer Water Right Number 37-20841, except as specified in paragraph 5, below.

4. Within fifteen (15) days of the date this Stipulation is filed in the SRBA District Court, Claimant agrees and stipulates to apply for a Land Use Authorization for irrigated agricultural use of that portion of public land described in paragraph 1 not included in the transfer described in paragraph 2. Claimant recognizes that there is no guarantee or promise implied or inferred by this Stipulation that the BLM will approve or grant said application for land use authorization. Claimant further agrees that no right, title, interest, or economic expectation of use accrues to the Claimant due to the use of public land for agricultural purposes.

5. If, for whatever reason, the BLM denies Claimant's application for a land use authorization, terminates Claimant's land use authorization, or Claimant's land use authorization expires and is not renewed, then BLM agrees to allow water used on the public land described in paragraph 1, and described in Water Right Number 37-20841, to be transferred off of public land, then confer title of Water Right Number 37-20841 to the Claimant, pursuant to I.C. § 42-222. Claimant must apply for said transfer within forty five (45) days of any BLM decision denying Claimant's application for land use authorization or terminating Claimant's land use authorization, or within forty five (45) days of the expiration of the land use authorization. Claimant agrees and stipulates that Claimant shall not assume title to any places of use which describe public land pursuant to such transfer. All costs incurred for seeking such transfer shall be borne by Claimant.

6. The parties agree and stipulate that if the transfers described in paragraphs 2 and/or 5 are not filed with IDWR within the defined time periods, or water that is the subject of the transfers described in paragraphs 2 and/or 5 is not successfully transferred off of public land upon completion of the transfer, the water that is the subject of such transfers shall be deemed forfeited after five (5) years. The United States shall be released and held harmless from loss, injury, damage and/or reduction in value of water rights should Claimant's application for land use authorization be denied, Claimant's land use authorization be terminated, Claimant's land use authorization expire and not be renewed, or the IDWR does not allow transfer of all, or of any portion, of the water that is the subject of the transfers described in paragraphs 2 and/or 5 and the use of such water is deemed forfeited.

7. The parties agree that nothing in this stipulation forecloses future administrative or judicial action by the United States in relief of, or as a consequence of, the unauthorized use of the public land described as a place of use in the recommendation for Water Right Number 37-02645, including, but not limited to, actions for past rent, rehabilitation of used land, or trespass. The parties further agree that nothing in this stipulation limits the discretion of BLM's Authorized Officer to impose additional conditions within any land use authorization that may be issued by BLM.

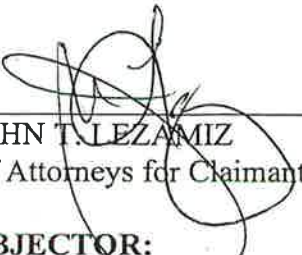
8. This stipulation comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered, and/or agreed upon, and the terms of this stipulation are contractual and not merely a recital.

9. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. The parties agree that no offers and/or

compromises made in the course thereof shall be construed as admissions against interest. This stipulation does not create a precedent for settlement of any other disputes or objections.

10. All parties agree to bear their own costs and attorney fees.

CLAIMANT:
NOTCH BUTTE FARMS, LLC



JOHN T. LEZAMIZ
Of Attorneys for Claimant

DATED: 7/14/03

OBJECTOR:
UNITED STATES OF AMERICA



LARRY A. BROWN FWP
Of Attorneys for the United States

DATED: 7/16/03

CERTIFICATE OF SERVICE

I certify that on July 17, 2003, I served a true and correct copy of fore-going
**STIPULATION TO RESOLVE THE UNITED STATES' OBJECTION: SUBCASE
NUMBER 37-02645** upon the following individuals by placing the document in the United
States Mail in Washington, D.C., postage paid, and addressed as follows:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

253 Third Avenue North
Twin Falls, ID 83301

Copies to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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

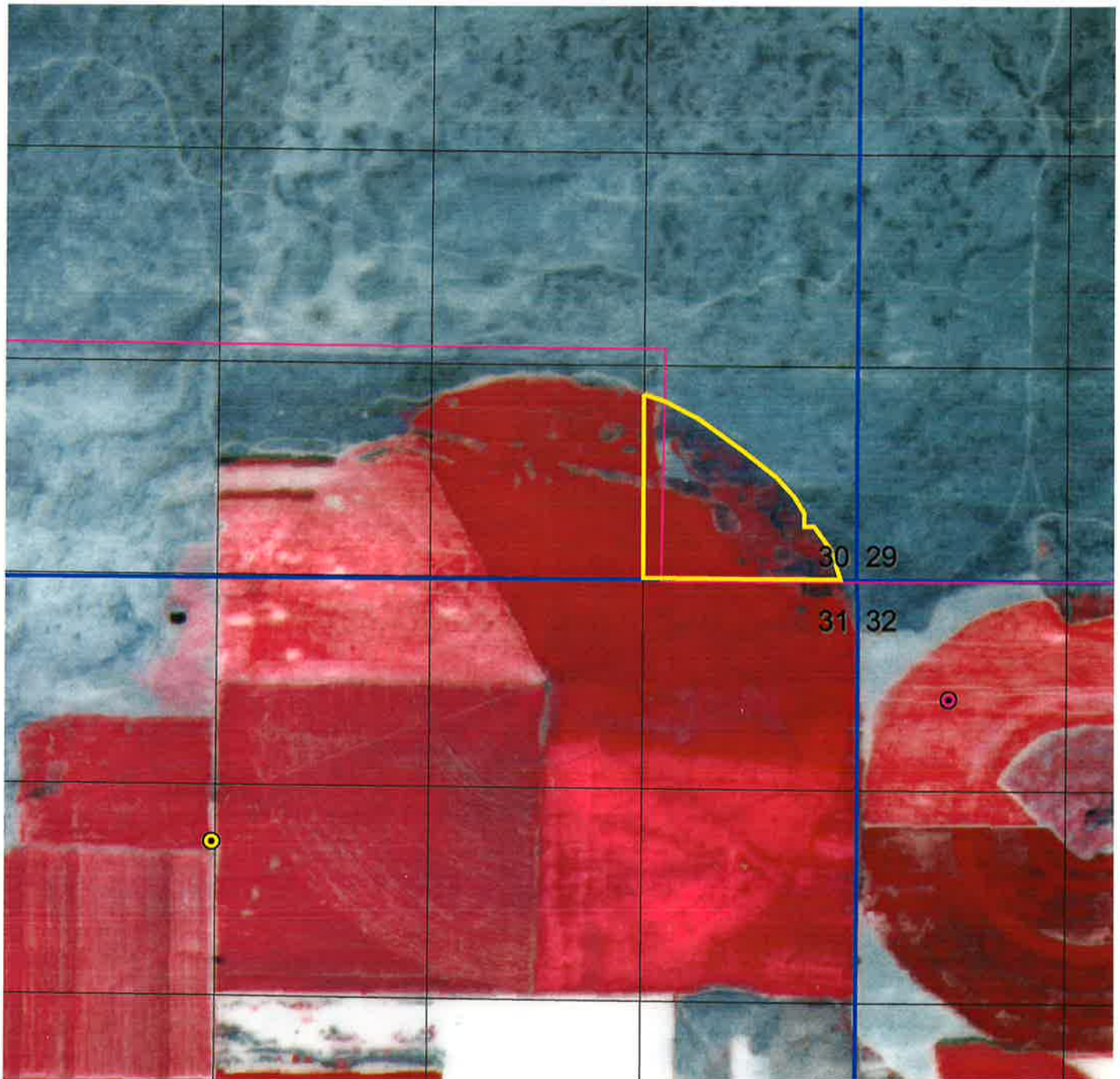
John T. Lezamiz
Hepworth, Lezamiz & Hohnhorst, Chtd.
P.O. Box 389
Twin Falls, ID 83301



Signature of Person Serving Document

IDAHO DEPT OF WATER RESOURCES

37-20841



1320 0 1320 Feet

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

** Revised **
1/17/03
gcu

TWN: 6S
RNG: 17E
SEC: 30
SESE



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland
** REVISED **
Date: DECEMBER 23, 2002

12/23/02
SCL

37-2645

4.26 cfs

770 AFY (3.5 AF/AC)

220.1 AC



37-20840

NOTCH BUTTE

3.85 cfs

696.5 AFY

199.1 AC.

37-20841

BLM

0.41 cfs

73.5 AFY

21 AC (5.30 SESE)

*** Revised ***
1/17/03
sa



4.02 cfs

727.3 AFY

207.9 AC.



0.24 cfs

42.7 AFY

12.2 AC.

COO
SPLIT

Clelland, Steve

From: Brown, Larry [Larry.Brown@usdoj.gov]
Sent: Wednesday, December 18, 2002 10:39 AM
To: Brown, Larry; 'Casey_O'Brien@blm.gov'; 'Fred_Price@blm.gov'; 'nspencer@idwr.state.id.us'; 'cfritschle@idwr.state.id.us'; 'scllland@idwr.state.id.us'
Subject: RE: 37-02645 - Davis

Follow up: New Owner of this water right is:

Notch Butte Farm, LLC
c/o John T. Lezamiz
P.O. Box 389
Twin Falls, ID 83303

Signature Block for the LLC will be John T. Lezamiz as a member of the LLC, not as the attorney for the LLC.

Fred: Please draft a Notice of Change of Ownership form to send to Mr. Lezamiz. Bill Baker and Floyd are working on a Sikes Act Agreement.

-----Original Message-----

From: Brown, Larry
Sent: Tuesday, December 17, 2002 1:56 PM
To: 'scllland@idwr.state.id.us'; 'cfritschle@idwr.state.id.us'; 'nspencer@idwr.state.id.us'; 'Fred_Price@blm.gov'; 'Casey_O'Brien@blm.gov'
Subject: 37-02645 - Davis

Casey tracked down a phone number for the new owners. Notch Butte Farms, LLC. Don't know their address yet. Robert S. and Kelley Shillington are apparently the registered "owners" but Bob Shillington told me that John T. Lezamiz (lawyer in Twin Falls) is a partner. Bob told me to call John Lezamiz, so I did. I had a nice conversation with John. He was aware of the POU that describes 21 acres of public land. He said Bill Baker, BLM Area Manager in Shoshone, was working on a land use authorization, either under the Sikes Act, or a land use permit pursuant to BLM regulations promulgated under FLPMA. Land use by Notch Butte Farms is not currently authorized. John said they would sign an SF-5 that put the 21 acre POU in BLM's name if there was a separate stipulation that allowed Notch Butte to transfer the water back to private land if the authorization from BLM was ever terminated, expired, not renewed, etc. I called Bill Baker and Baker said he would find the authorization and get it signed. So -- here is the resolution of the water right objection:

Steve/Carter: Draft an SF-5 splitting the water right into two new claims as follows:

1. Private claim will have private land POUs, change ownership to Notch Butte Farms, LLC (address will be supplied ASAP). Delete T06S, R17E, S30, SESE (21 acres) from the claim, and adjust quantity.
2. BLM claim will have T06S, R17E, S30, SESE (21 acres) as the only POU. I am sure you know the name and address.

Fred: Draft a stipulation for my review that allows transfer of acres back to private land should the land use authorization ever terminate, be cancelled, expires, and not be renewed. Bill Baker will be offering the land use authorization to Notch Butte Farm for their signature.

Clelland, Steve

From: Brown, Larry [Larry.Brown@usdoj.gov]
Sent: Tuesday, December 17, 2002 8:56 AM
To: 'Fred_Price@blm.gov'; 'nspencer@idwr.state.id.us'; 'cfritschle@idwr.state.id.us'; 'sclelland@idwr.state.id.us'
Subject: 37-02645 - Ernie & Gwendolyn Davis

Finally tracked down Mr. Davis. They do not own the property. They sold to Notch Butte Farms on about 01/01/02. He said water rights passed as an appurtenance. I said that was true, but notice of change of ownership still had to be filed with IDWR. Ernie said he didn't know if it had been filed.

Steve/Carter: Has a notice of change of ownership been filed? Do you know the Phone Number for Notch Butte Farms??? These guys will need to remove 21 acres from public land (T06S, R17E, Section 30, SESE - 21 acres) because there is no authorized from BLM for agricultural use in effect. The authorization expired and 1995 and was not renewed. There is a note in my file that says the pivot has been moved so that the 21 acres is no longer being watered. Did anyone file for a transfer???