

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: A37-02645

Date Received: 5/17/1988

Receipt No: 5000217

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: NOV 29, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.260		

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

8. Total consumptive use is 720.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	17E	30	SW	SW	4	IRR	5.0

A37-02645

Page 1

Date: 05/17/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	17E	30	SE	SW		IRR	25.0
			SW	SE		IRR	40.0
			SE	SE		IRR	20.0
					Section Acres	90.0	
		31	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW	1	IRR	30.0
					Section Acres	150.0	
					Total Acres	240.0	

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
37-2532A & 37-2804A OUT OF SAME WELL

14. Remarks:
PUMP SYSTEM DELIVERS TO 1 CENTER PIVOT, 4 WHEEL-LINES, AND 500
PIECES OF HANDLINE. SESE S. 30 IS OWNED BY BLM AND IS WATERED
UNDER A WILDLIFE AGREEMENT BETWEEN F&G AND BLM.

15. Basis of Claim: LICENSE
Water Right Number: 29168

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): William Ernest Davis Date: May 17, 1988

Date: _____

State of Idaho _____)
County of Twin Falls) SS.

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

of May 19 88

Mary A. Beldean
Notary Public

Seal

Residing at Gooding Id

My Commission Expires 10/17/1992

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

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

Signature _____

Address _____

Date _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



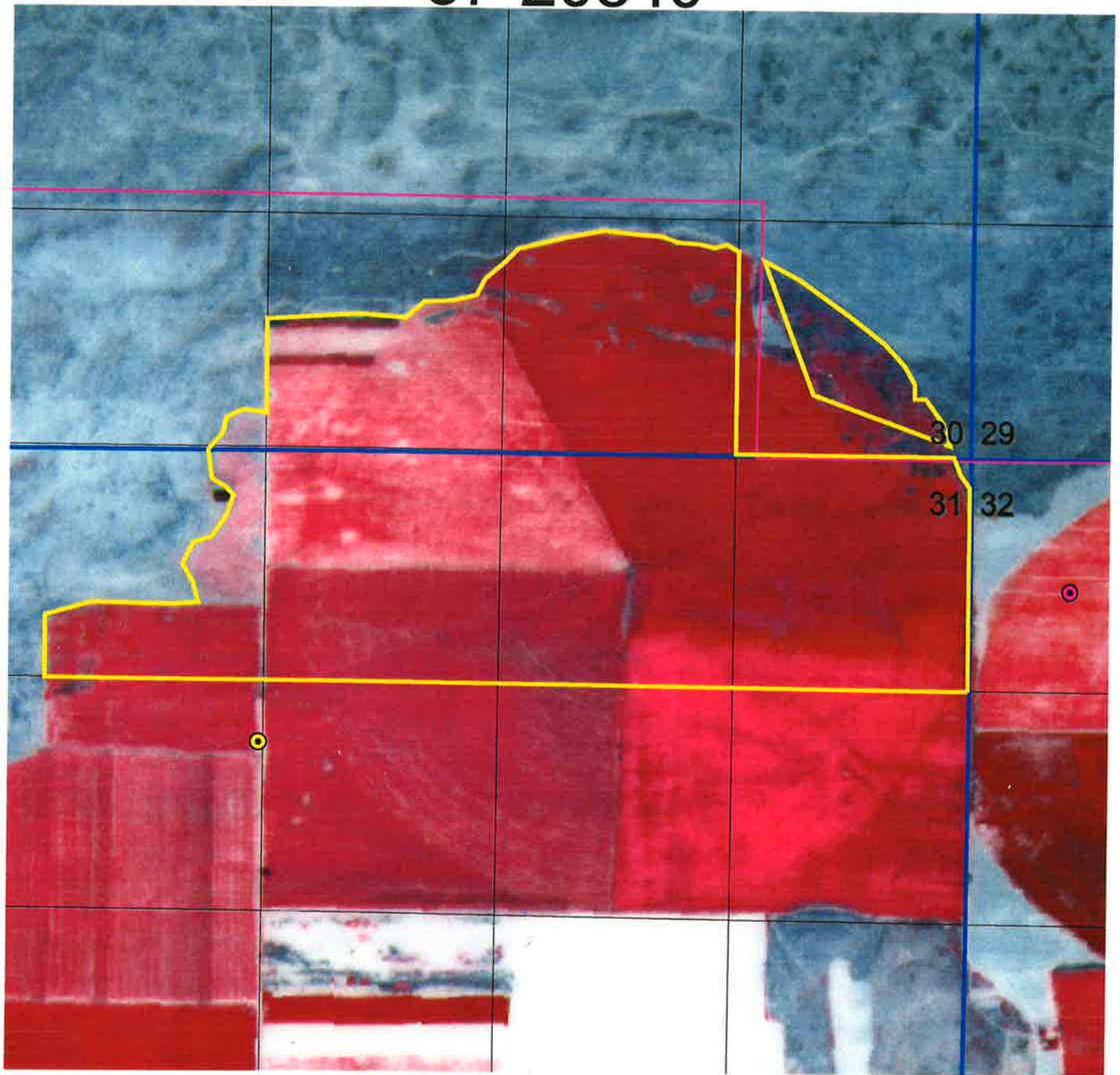
A37-02645



MICROFILMED
FEB 23 1993

IDAHO DEPT OF WATER RESOURCES

37-20840



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

01/17/2003

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

RIGHT NUMBER: **37-20840**

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.020 CFS
727.300 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
4.020 CFS
727.30 AFY

PLACE OF USE:

IRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4 SWSW	1.1	T06S R17E S30	SESW	24.0	
T06S R17E S30	SWSE	36.0	T06S R17E S30	SESE	8.8
T06S R17E S31	NENE	40.0	T06S R17E S31	NWNE	40.0
T06S R17E S31	NENW	40.0	T06S R17E S31 Lot 1 NWNW	18.0	

207.9 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.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A & 37-20841.

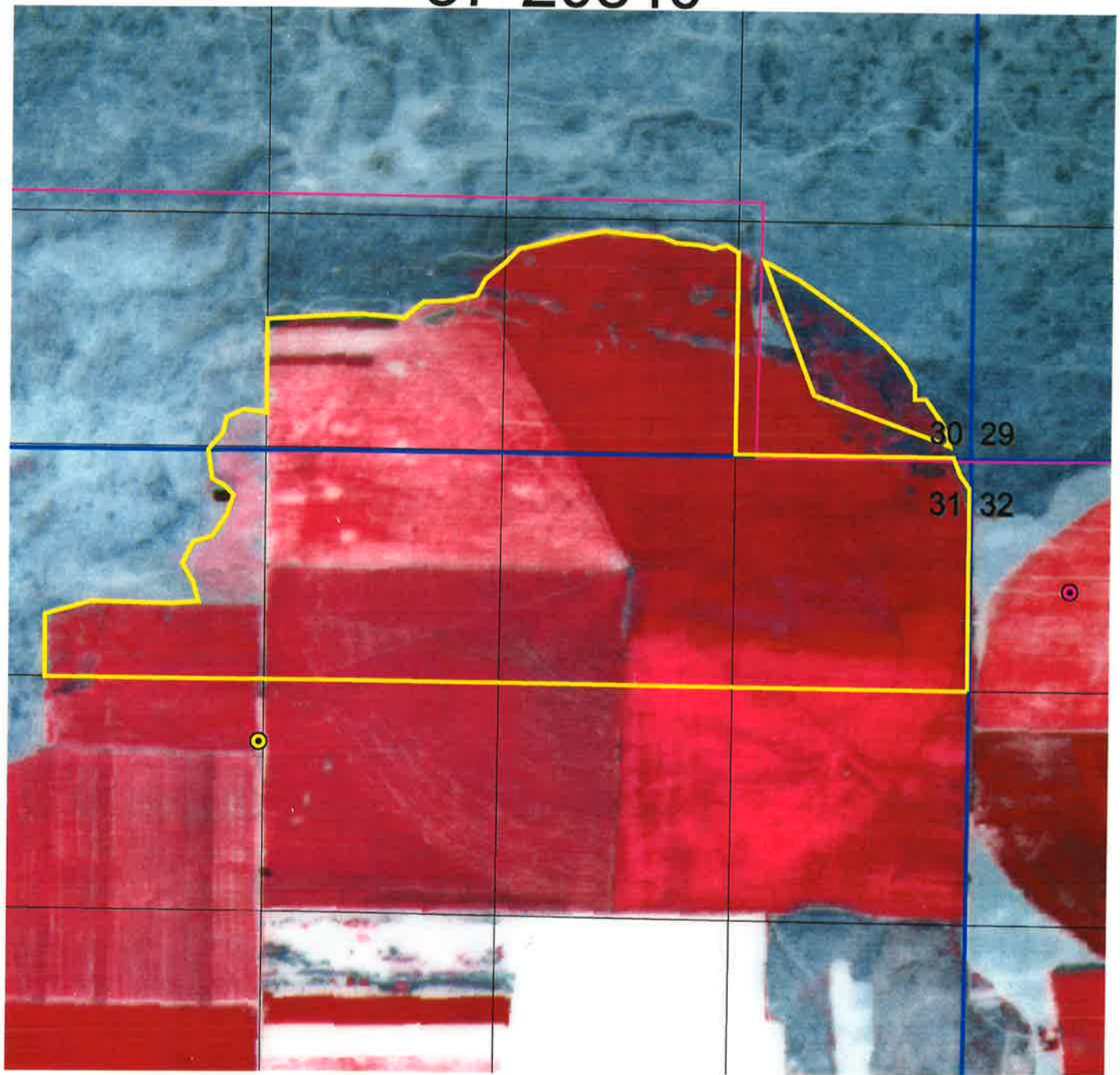
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-2645.

Water Right 37-20840

SFS
Signed
7/30/03
PD. 11/6/03

IDAHO DEPT OF WATER RESOURCES

37-20840



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 & 31



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

TGS
RITE

1 DALLAS SPOT - Palero
19982000

1725

BLM

Hac
↓

25AC

30 29

31 32

31

37-20840

1-16-03
scr

RECEIVED

JUL 21 2003

Department of Water Resources

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): 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) [Signature]
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 COUNTY OF LINCOLN Recorded at the request of LAND TITLE & ESCROW	171937
JAN - 4 2002	
at 52 minutes past 4 P. M. recorded by Helen Jackson, Dep. Fee: 2.00 Return to: Alou	

By hand.

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

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

Dated: January 4, 2002

William Ernest Davis

WILLIAM ERNEST DAVIS

Gwendolyn L. Davis

GWENDOLYN L. DAVIS

STATE OF IDAHO

)

) ss.

COUNTY OF JEROME

)

On this 4th day of January, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM ERNEST DAVIS and GWENDOLYN L. DAVIS, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public

Residing at: Jerome

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

7.446'

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

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 83303-0189</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

12/22/2003 09:00
CR: 8192 CT: 14187 BN: 277886

1 @ 100.00 = 100.00 ORGAN LLC # 2

W 10629

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></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			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																			
	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: Robert Shillington Date: 10-12-00 Title: XXXX																					

Issued 10/02/2000 Do Not Tape or Staple 1436

SCANNED

11 7 2 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]

Attorneys for Claimant

COPY

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

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

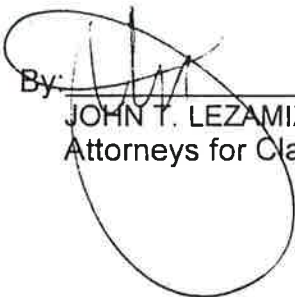
Subcase No. 37-02645

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

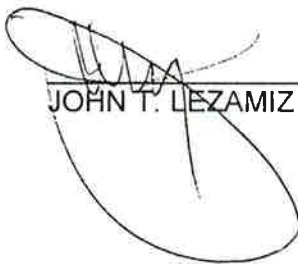
☒	U.S. Mail, Postage Prepaid
☐	Hand-Delivered
☐	Overnight Mail
☐	Facsimile

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

Case No. 39576

) Subcase Number: 37-02645
)
) **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.

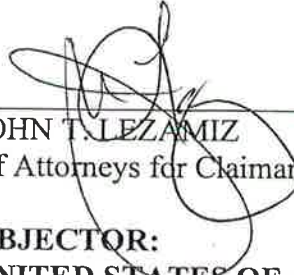
8. This stipulation comprises the entire agreement and no promise, inducement, or representation other than herein set forth has been made, offered, and/or agreed upon, and the terms of this stipulation are contractual and not merely a recital.

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

Clelland, Steve

From: Larry.Brown@usdoj.gov
Sent: Monday, June 02, 2003 2:17 PM
To: 'NSPENCER@idwr.state.id.us'; 'SClellan@idwr.state.id.us'
Subject: RE: 37-02645 Claimant: Davis

Could you e-mail a copy of the SF-5s to me for my review please? I think I understand now, and it looks like a great idea to me. If Lazamiz agrees, I think we can do this.

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

From: SClellan@idwr.state.id.us [mailto:SClellan@idwr.state.id.us]
Sent: Monday, June 02, 2003 1:35 PM
To: Brown, Larry; NSPENCER@idwr.state.id.us
Subject: RE: 37-02645 Claimant: Davis

The SF5, with stipulation, would recognize the split into 37-20840 and 37-20841 (this split is already done). The transfer would then simply move the 8.8 acres onto private ground.

Otherwise we will have to back up and re-build the 37-2645 right so the transfer can re-create the split parts then move the 8.8 acres. I am not sure it will assign the same split numbers either.

hope this helps,
steve

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

From: Spencer, Nick
Sent: Monday, June 02, 2003 11:19 AM
To: Clelland, Steve
Subject: FW: 37-02645 Claimant: Davis

Steve, you're better at explaining IDWR transfer processing procedures than I am. Could you respond to Larry's request on this? Thanks. NBS

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

From: Larry.Brown@usdoj.gov [mailto:Larry.Brown@usdoj.gov]
Sent: Monday, June 02, 2003 11:09 AM
To: 'NSPENCER@idwr.state.id.us'
Subject: RE: 37-02645 Claimant: Davis

I don't think so, provided Lezamiz signs the SF-5 that accomplishes the split. I don't think I understand how it will simplify the transfer process though. Could you "splain" that'n to this poor old ignorant country boy.

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

From: NSPENCER@idwr.state.id.us [mailto:NSPENCER@idwr.state.id.us]
Sent: Monday, June 02, 2003 1:04 PM
To: Brown, Larry
Subject: RE: 37-02645 Claimant: Davis

Hi Larry. Splitting the right as contemplated by the stipulation works

for
IDWR. Steve tells me he has already done the split just that way based
on
earlier settlement discussions. The question now simply is how
procedurally
to accomplish it. Steve and I think that at the time the stipulation is
filed, there should be a companion SF-5 describing the right as split.
This
will greatly expedite and simplify the transfer process, since the
transfer
won't have to deal with the split as it already will have been done.
Basically the SF-5 would divide the right into the two pieces and the
stipulation would specify what then would happen to the two pieces. Let
me
know if you see any problems with this approach. NBS

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

From: Larry.Brown@usdoj.gov [mailto:Larry.Brown@usdoj.gov]
Sent: Monday, June 02, 2003 9:12 AM
To: 'nspencer@idwr.state.id.us'
Subject: 37-02645 Claimant: Davis

Nick: Please review the attached stipulation and let me know if you
guys
wish to sign a concurrence. I think Notch Butte still needs to file a
Notice of Change of Ownership. Once this is signed and filed, Notch
Butte
will have a fairly short period of time to file for a transfer in order
to
accomplish the terms of the attached stipulation.

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent: Steve Clelland

He called to ask me if there is another way to recommend the POU for the claims 37-20840 & 37-20841. I can think of three options, 1) give up the right completely (21 acres on BLM), 2) recommend the 21 acres to BLM and transfer later, or, 3) transfer now and let the court deal with the delayed process. The other options presented appear to be illegal transfers.

LARRY A. BROWN
ATTORNEY, US DEPT OF JUSTICE
ENRD - GENERAL LITIGATION SECTION
P.O. BOX 663
WASHINGTON D.C. 20044-0663

Ph: (202) 305-0435 FAX: (202) 305-0274

FAX COVER SHEET

January 16, 2003

From: Larry A. Brown

To: Nick Spencer FAX #: (208) 327-5400

RE: 37-02645

Pages Transmitted (including cover sheet): 24

Mr. Lezamiz FAXed the attached letter to me yesterday. I called him on the phone this morning to clarify. According to the hydrologist he had look at the facts, the place of use on BLM land should be 12.2 acres, the BLM Quantity should be .24 CFS and 42.68 AFY. The private right should have it's acreage and quantity adjusted upward so that the total acreage irrigated and total quantity of the private right and the BLM right equals what was recommended in the parent right. Please call John if you have any questions regarding his proposal.

Also attached is a letter, with enclosures that I FAXed to Mr. Lezamiz on Jan. 8.

Please see if you guys can adjust the acreage and quantity accordingly. If you can't, call Mr. Lezamiz and try to reach some compromise that you can live with.

Larry.

JAN-15-2003 WED 01:55 PM

HEPWORTH LEZAMIZ JANIS

FAX NO. 2087344115

002

P. 02

TWIN FALLS OFFICE

(208) 734-7510

Fax: (208) 734-4115

155 Shoshone Street North

P. O. Box 389

Twin Falls, ID 83303-0389

John C. Hephworth

John T. Lezamiz

Robyn M. Brody

Benjamin J. Cluff

V. Lane Jacobson

Wm. L. Nungester, Of Counsel

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

- ESTABLISHED 1952 -

BOISE OFFICE

(208) 343-7510

Fax: (208) 342-2927

537 West Bannock Street

P. O. Box 2582

Boise, ID 83701-2582

J. Charles Hephworth*

John J. Janis

*Member CA Bar

January 15, 2003

VIA FACSIMILE 202/305-0274

Larry A. Brown

Attorney, US Dept of Justice

ENRD - General Litigation Section

PO Box 663

Washington D.C. 20044-0663

RE: SRBA Subcase No. 37-02645

Dear Larry:

This fax is a follow up to our telephone discussion regarding the above Subcase. After visiting with our hydrologist, we have willing to enter into a stipulation provided the standard form S contains the following changes:

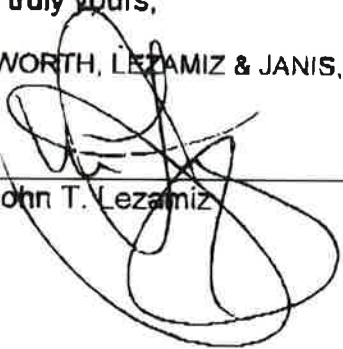
- 1) Total acres 12.2
- 2) CFS quantity .24 ($12.2/220.1 \times 4.26 = .24$ cfs)
- 3) AFY quantity 42.68 ($12.2/220.1 \times 770 = 42.68$ AFY)

If the above changes are acceptable, we will sign a stipulation to resolve the BLM's objection as proposed by you, along with a cooperative wildlife agreement.

Please advise. Thank you.

Very truly yours,

HEPWORTH, LEZAMIZ & JANIS, CHARTERED

By: 

John T. Lezamiz

JTL:ko

(Julie.lezamiz@cornbrown030115)

Reply to Twin Falls office



U.S. Department of Justice

Environment and Natural Resources Division

KJH:LAB
90-6-2-63C

General Litigation Section
P.O. Box 663
Washington, DC 20044-0663

Telephone (202) 305-0435
Facsimile (202) 305-0274

January 8, 2003

SENT VIA FACSIMILE - ORIGINAL WILL NOT BE MAILED

Mr. John T. Lezamiz
Attorney at Law
Hepworth, Lezamiz, & Janis, Chtd.
133 Shoshone Street North
P.O. Box 389
Twin Falls, Idaho 83303-0389

RE: SRBA Subcase Number 37-02645

Dear Mr. Lezamiz:

This letter is written for the purpose of compromise and settlement, and is therefore subject to the provisions of Idaho R. Evid. 408.

The place of use described on the above-referenced water right as T.06S., R.17E., Section 30, SESE is federal public land. The described federal public land was used by Mr. Ernie Davis, your predecessor in interest, for agricultural purposes pursuant to a United States Department of the Interior, Bureau of Land Management ("BLM") land use authorization known as a "Sikes Act" Cooperative Wildlife Habitat-Farming Development Agreement dated March 1, 1991 ("Agreement"). The Agreement expired on December 30, 1995, and was not renewed. According to my files, Mr. Davis represented to BLM that he ceased agricultural use of the federal public land.

The Idaho Department of Water Resources ("IDWR") shape file for the water right, dated June 12, 2002, shows agricultural use of the federal public land. IDWR's recommendation of the water right includes the federal public land. Thus, the BLM filed an objection to the water right because agricultural use of the federal public land is not authorized.

In accordance with Sections 302, 303, and 310 of the Federal Land Policy and Management Act (43 USC §§ 1732, 1733, and 1740) and Part 2920 of Title 43 of the Code of Federal Regulations (43 CFR 2920.0-1 through 2920.9-3), all non-federal uses of public land must be authorized by the BLM. Unauthorized use of public land is a trespass. 43 CFR 2920.1-2.

Mr. John T. Lezamiz
January 8, 2003
Page 2

The BLM is willing to authorize continued use of the public under a new "Sikes Act" Cooperative Wildlife Habitat-Farming Development Agreement. However, in accordance with the BLM's official policy stated in Idaho Instruction Memorandum ID-96-14, water used on public land by permission granted under a BLM issued land use authorization must be used under a water right granted by the State of Idaho, and the water right must be in the name of the United States. Therefore, BLM is willing to settle its objection to the water right as follows:

1. The water right shall be split into two new water rights.
2. Notch Butte Farms, LLC shall hold title to the water right that describes private land places of use.
3. The BLM shall hold title to the water right that describes public land places of use.
4. If the BLM issued land use authorization is terminated according to its terms, or expires and is not renewed, Notch Butte Farms may apply for a transfer to move any places of use on the BLM water right to private land, and then assume title to the water right. The BLM will cooperate in the transfer by writing a letter to IDWR telling IDWR that the BLM agrees that the water may transferred off of public land to private land. All costs associated with the transfer shall be borne by Notch Butte Farms.

I drafted a new stipulation for your review. The stipulation, along with Standard Forms 5 and a Notice of Change of Ownership, are attached for your review.

If the terms of the settlement are not acceptable to you, you may choose to immediately cease agricultural use of public land, immediately cease applying water to federal public land, and file an application with IDWR to transfer the water to private land. In that case, the BLM will again cooperate in the transfer application by writing a letter to IDWR telling IDWR that the BLM agrees that the water may be transferred off of public land to private land.

As you probably know, the granting or denial of an application for land use authorization is a discretionary function of BLM's authorized officer, Mr. Bill Baker. I am only authorized by the BLM to settle the objection filed to the above-referenced water right. Since the land use authorization, and compliance with the Code of Federal Regulations is peripheral to

Mr. John T. Lezamiz
January 8, 2003
Page 3

the water right objection, I am not authorized by the U.S. Department of Justice to interfere, in any way, with the discretionary actions of BLM's authorized officer.

I look forward to discussing this with you. Please call me anytime after tomorrow.

Sincerely,

Larry A. Brown
Attorney for the United States

Enclosures: (1) Stipulation to Resolve the United States' Objection
(2) Notice of Change of Ownership
(3) Three Standard Forms 5

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 Numbers: 37-02645

Case No. 39576

)

) **STIPULATION TO RESOLVE
) OBJECTIONS**

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 and stipulate to "split" Water Right Number 37-02645 into two new
 water rights. The Claimant shall hold title to Water Right Number 37-20840 which shall

describe private land places of use. The BLM shall hold title to Water Right Number 37-20841 which shall describe places of use located on federal public land. The parties agree and stipulate that Water Right Number 37-02645 shall be dismissed with prejudice. The parties agree and stipulate that any partial or final decree of Water Right Number 37-20840 shall not contain places of use that describe lands owned by the United States.

2. Claimant agrees and stipulates to apply for a Land Use Authorization for irrigated agricultural use of the federal public land described in Water Right Number 37-20841. There is no guarantee or promise implied or inferred by this stipulation that the United States will approve or grant said application for land use authorization.

3. 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 Right Number 37-20841 to be transferred off of federal public land pursuant to I.C. § 42-222 (hereinafter "transfer") and to confer title of said water right to Claimant. Claimant must apply for said transfer within 45 days of any BLM decision denying Claimant's application for land use authorization or terminating Claimant's land use authorization, or within 45 days of the expiration of the land use authorization. Claimant agrees and stipulates that Claimant shall not, under any circumstances, assume title to any places of use which describe federal public land pursuant to such transfer. All costs incurred for seeking such transfer shall be borne by Claimant.

4. The parties agree and stipulate that water right 37-20841, or portion thereof, where transfer is not filed for within the time period defined above, or is not successfully transferred off of federal public land upon completion of the transfer, shall be deemed forfeited. 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 is terminated, Claimant's land use authorization expires and is not renewed, or the Idaho Department of Water Resources (hereinafter "IDWR") does not allow transfer of the water right, or portion thereof, and is forfeited.

5. 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 federal public lands described as a place of use in Water Right Number 37-20841, 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.

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

7. 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.

//

//

//

//

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

CLAIMANT:

NOTCH BUTTE FARMS, LLC

JOHN T. LEZAMIZ
Of Attorneys for Claimant

DATED: _____

OBJECTOR:

UNITED STATES OF AMERICA

LARRY A. BROWN
Of Attorneys for the United States

DATED: _____

CERTIFICATE OF SERVICE

I certify that on _____, 2003, I served a true and correct copy of fore-going **STIPULATION TO RESOLVE 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:

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, Idaho 83301
Of attorneys for Notch Butte Farms, LLC

Larry A. Brown

Form 23-23847-1409(6) March 26, 1999

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): 37-02645
 Adjudication Claim No(s): 37-02645

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) _____
 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.

Form 42-248/42-1409(6) March 16, 1999

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

Jan 07 03 12:16p

B' - ISO IAC

20 - 373-3899

P. 4

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:

STATE OF IDAHO	171937
COUNTY OF LINCOLN	
Recorded at the request of	
LAND TITLE & ESCROW	
JAN - 4 2002	
at 52 minutes per 42 M	
recorded by Helen Jackson, Dep.	
Fee: 12.00 Return to: Alton	

SUBJECT TO:

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

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.

Notary Public

Residing at: Tenure

EXHIBIT "A"

Order Number: JL-30789

PARCEL NO. 1

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

7,440'

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-

IDSOS Document

http://www.accessidaho.org/public/sos/c...archForm_DocPrintStepViewPAGE#Mvalue=1

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

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

FILED



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 Lezaniz</u>	<u>P.O. Box 389</u> <u>Twin Falls, ID 83301-0389</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]

RECORD SECRETARY OF STATE

100 (100.00) 100.00 100.00 100.00
CHG 11.00 CT: 14.00 IN: 27.00

1 @ 100.00 = 100.00 ORGAN LLC # 2

W 10629

LC1593

File Your Articles

Fee: \$100 if filed with an application

Jan 07 03 12:18p

BI ISO IAC

20 373-3899

p. 8

IDSOS Document

http://www.accessidaho.org/public/sos/c...archForm_DocPrintStepViewPAGE&NUMvalue=1

No. W 10829		Date due after March Dec 31, 2000 Annual Report Form		2. Registered Agent and Office PO BOX																			
Return to: SECRETARY OF STATE 780 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		NOTCH BUTTE FARMS, LLC 138 BRIDON WAY JEROME, ID 83328		ROBERT SHILLINGTON 138 BRIDON WAY JEROME, ID 83338																			
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature																			
4. Limited Liability Companies: Enter Names and Addresses of Members.																							
<table border="0"> <tr> <td>Member</td> <td>Name</td> <td>Street or P.O. Address</td> <td>City</td> <td>State</td> <td>Zip</td> </tr> <tr> <td></td> <td>Robert Shillington</td> <td>3156 Heatherwood Dr.</td> <td>Twin Falls, ID.</td> <td>83338</td> <td></td> </tr> <tr> <td></td> <td>John Lezamis</td> <td>847 Canyon Springs Rd.</td> <td>Twin Falls, ID.</td> <td>83301</td> <td></td> </tr> </table>						Member	Name	Street or P.O. Address	City	State	Zip		Robert Shillington	3156 Heatherwood Dr.	Twin Falls, ID.	83338			John Lezamis	847 Canyon Springs Rd.	Twin Falls, ID.	83301	
Member	Name	Street or P.O. Address	City	State	Zip																		
	Robert Shillington	3156 Heatherwood Dr.	Twin Falls, ID.	83338																			
	John Lezamis	847 Canyon Springs Rd.	Twin Falls, ID.	83301																			
5. Organized Under the Laws of:																							
IDAHO W 10829		6. Signature <i>Robert Shillington</i>		Date 10-12-00																			
		Name (Print) Robert Shillington		Title: OWNER																			
Issued 10/02/2000		Do Not Tape or Staple		1426																			

**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: 37-2645

(SPLIT INTO 37-20840 AND 37-20841)

Case No. 39576

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

To resolve the objection, water right 37-2645 was split into two water rights and renumbered as 37-20840 and 37-20841. The SF5s for these two rights are being filed with the SRBA Court herewith. Therefore, IDWR recommends that water right 31-2645 be disallowed. The parties and IDWR agree and stipulate that water right 31-2645 should be disallowed as recommended by IDWR. The parties and IDWR further agree that this SF5 will resolve the objection filed by the BLM in this subcase and have indicated their concurrence by their signatures below.

CLAIMANT:

Notch Butte Farms, LLC

OBJECTOR:

United States on behalf of the
Bureau of Land Management

John T. Lezamiz

Date

Larry A. Brown *Fwp*

Date

Attorney, U.S. Department of Justice
Environment and Natural Resource Div.

IDWR CONCURRENCE:**IDWR CONCURRENCE**

Steve Clelland

Date

Nicholas B. Spencer (As to Form)

Date

Senior Water Resource Agent, IDWR

Attorney for IDWR

SF5 - 37-2645 [SPLIT INTO 37-20840 AND 37-20841]

DRAFT

CERTIFICATE OF MAILING

I certify that on _____, 2003 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Notch Butte Farms, LLC
P.O. Box 486
Jerome, ID 83338

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of person or attorney mailing the form

CERTIFICATE OF MAILING

I certify that on _____, 2003 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Notch Butte Farms, LLC
P.O. Box 486
Jerome, ID 83338

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

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

Signature of person or attorney mailing the form

**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: 37-20840

(FORMERLY 37-2645)

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

To resolve the objection to water right 37-2645, it was split into two water rights and renumbered as 37-20840 and 37-20841. The parties and IDWR agree and stipulate that water right no. 37-2645 should be disallowed pursuant to the SF5s filed concurrently herewith. The parties and IDWR further agree that this SF5 will resolve the objection to filed by the objector, BLM, in subcase no. 37-2645 and have indicated their concurrence by their signatures below and by initialing the attached pages.

CLAIMANT:

Notch Butte Farms, LLC

OBJECTOR:United States on behalf of the
Bureau of Land Management_____
John T. Lezarniz_____
Date_____
Larry A. Brown FWP
Attorney, U.S. Department of Justice
Environment and Natural Resources Div._____
Date**IDWR CONCURRENCE:****IDWR CONCURRENCE:**_____
Steve Clelland
Senior Water Resource Agent, IDWR_____
Date_____
Nicholas B. Spencer (As to Form)
Attorney for IDWR_____
Date

SF5 - 37-20840 [FORMERLY 37-2645]

DRAFT

Jan 07 03 12:20p

BL ISO IAC

20 373-3899

p.18

12/31/2002

**IDaho DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW**

RIGHT NUMBER: 37-20840

NAME AND ADDRESS: NOTCH BUTTE FARMS LLC
PO BOX 406
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.850 CFS
696.500 AFT

fwp

PRIORITY DATE: 11/29/1960

POINT OF DIVERSION:

T06S R17E S31 NE1/4NW Lot 2 Within LINCOLN County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04/15 10/31QUANTITY
3.850 CFS
696.50 AFT

PLACE OF USE:

IRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4 S1/4NW	1.1	T06S R17E S30	SE1/4	24.0
T06S R17E S30	S1/4SE	36.0	T06S R17E S31	NE1/4
T06S R17E S31	NE1/4	40.0	T06S R17E S31	NE1/4
T06S R17E S31 Lot 1 NW1/4	18.0			

199.1 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: Licensee

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A & 37-20841.

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

DRAFT

CERTIFICATE OF MAILING

I certify that on _____, 2003 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Notch Butte Farms, LLC
P.O. Box 486
Jerome, ID 83338

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

Signature of person or attorney mailing the form

**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: 37-20841

(FORMERLY 37-2645)

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

To resolve the objection to water right 37-2645, it was split into two water rights and renumbered as 37-20840 and 37-20841. The parties and IDWR agree and stipulate that water right no. 37-2645 should be disallowed pursuant to the SF5s filed concurrently herewith. The parties and IDWR further agree that this SF5 will resolve the objection to filed by the objector, BLM, in subcase no. 37-2645 and have indicated their concurrence by their signatures below and by initialing the attached pages.

CLAIMANT:

Notch Butte Farms, LLC

OBJECTOR:United States on behalf of the
Bureau of Land Management

John T. Lezarniz

Date

Larry A. Brown *FWP*
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Date

IDWR CONCURRENCE:**IDWR CONCURRENCE:**Steve Clelland
Senior Water Resource Agent, IDWR

Date

Nicholas B. Spencer (As to Form)
Attorney for IDWR

Date

SF5 - 37-20841 [FORMERLY 37-2645]

DRAFT

Jan 07 03 12:21p

B/ ISO IAC

20 373-3899

p.21

12/23/2002

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 WT
BOISE ID 83709-2657

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.410 CFS
73.500 APY

Fwp

PRIORITY DATE: 11/29/1960

POINT OF DIVERSION:

T06S R17E S31 NE1/4NW Lot 2 Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.410 CFS
73.50 APY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R17E S30 SESE 21.0

21 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.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A & 37-20840.

DRAFT

CERTIFICATE OF MAILING

I certify that on _____, 2003 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

United States Dept. of Justice
Environment & Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Notch Butte Farms, LLC
P.O. Box 486
Jerome, ID 83338

John T. Lezamiz
Hepworth, Lezamiz & Honhorst, Chtd.
P.O. Box 389
Twin Falls, Idaho 83301

Signature of person or attorney mailing the form

12/24/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20840 V1

WATER RIGHT NUMBER: 37-20840 V1

RECEIVED

DEC 26 2002

Department of Water Resources

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	WILLIAM ERNEST DAVIS 402 S COUNTY RD JEROME, ID 83338 (208)324-8546
Directors Report Owner	GWENDOLYN DAVIS 402 S COUNTY RD JEROME, ID 83338 (208)324-8546
Current Owner	NOTCH BUTTE FARMS LLC PO BOX 486 JEROME, ID 83338 (208)324-3518

Priority Date: 11/29/1960

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom To
04/15 to 10/31Diversion Rate

3.850 CFS

Annual Volume

696.50 AF

Total Diversion:

3.850 CFS

696.50 AF

Location of Point(s) of Diversion

GROUND WATER

L2 (NE1/4SW1/4NW1/4)

Sec. 31, Twp 06S, Rge 17E, B.M.

LINCOLN County

Place of UseIRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4 SWSW 1.1
 T06S R17E S30 SWSE 36.0
 T06S R17E S31 NWNE 40.0
 T06S R17E S31 Lot 1 NWNW 18.0

Total Acres: 199.1

T06S R17E S30 SESW 24.0
 T06S R17E S31 NENE 40.0
 T06S R17E S31 NENW 40.0

⁵³⁰
T6 R17E SESE 8.8

+ 8.8 = 207.9

1/17/03
 SCC

Conditions of Approval:

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.

Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A & 37-20841.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20840 V1

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

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:
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

Form 42-248(2)-10v(6) July, 2000

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

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

RECEIVED
DEC 23 2002
 Department of Water Resources
 Southern Region

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

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

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. (\$500.00 enclosed)
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**. (enclosed)
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) William Ernest Davis ; Gwendolyn Davis
4. New Owner/Claimant(s) Notch Butte Farms, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 136 Bradon Way
- City, State and ZIP Code Jerome, ID 83338
- New Telephone Number (208) 644-1730
5. Date you acquired the property 01/04/2002

* indicates water right is already decreed)

12/26/02
 SCC
 Cons. w/ Trish -
 this is the location
 of the office - not mailing addr.
 use: PO Box 486
 Jerome

Form 12-2118/42-1404(s) July, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in Item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

JOHN LEAMER
MAJOR

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

(see Attached)

For Office Use Only

Received by thurtt

Date 12/24/02

Fee 50.00

Received by thurtt

Date 12/24/02

Receipt No. 5025385

Processed by AJ

Date _____

WR _____

Date _____

WARRANTY DEED

#JL-30889

Instrument # 020048

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

My Commission expires: 7-30-07

EXHIBIT "A"

Order Number: JL-30789

PARCEL NO. 1

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

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

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

PARCEL NO. 2

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

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

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

-Continued-

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

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

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

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

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

-Continued-

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

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

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

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

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

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

END OF EXHIBIT "A"

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

Attorneys for Claimant

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

In Re SRBA

Case No. 39576

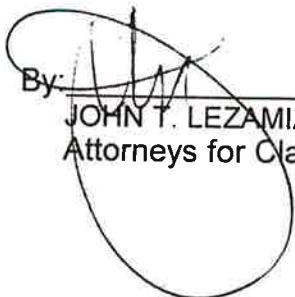
)
) Subcase No. 37-02645
)
)

NOTICE OF APPEARANCE

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

DATED the 20th day of December, 2002.

HEPWORTH, LEZAMIZ & JANIS, CHARTERED

By: 

JOHN T. LEZAMIZ
Attorneys for Claimant

CERTIFICATE OF SERVICE

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

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

☒
☐
☐
☐

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

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

☒
☐
☐
☐

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

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

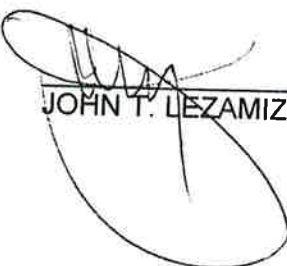
☒
☐
☐
☐

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

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

☒
☐
☐
☐

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


JOHN T. LEZAMIZ

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

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

HEPWORTH, LEZAMIZ & JANIS, CHARTERED
LAW OFFICES

- ESTABLISHED 1952 -

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

J. Charles Hepworth*
John J. Janis

*Member CA Bar

December 20, 2002

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

RECEIVED
DEC 23 2002
Department of Water Resources
Southern Region

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

Dear IDWR:

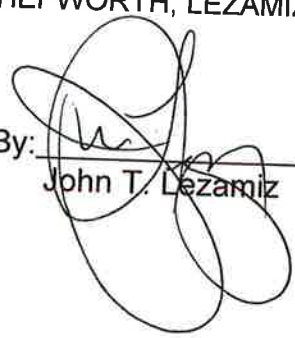
Please find enclosed a Notice of Change of Ownership, together with a copy of the Warranty Deed and legal description, Notice of Appearance and filing fee in the sum of \$50.00.

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

Thank you.

Very truly yours,

HEPWORTH, LEZAMIZ & JANIS, CHARTERED

By: 
John T. Lezamiz

BJC:rlm

Enclosure

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

Reply to Twin Falls office

12/23/2002

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

RIGHT NUMBER: **37-20840**

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

GWENDOLYN DAVIS
402 S COUNTY RD
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.850 CFS
696.500 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
3.850 CFS
696.50 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4 SWSW	1.1	T06S R17E S30	SESW	24.0	
T06S R17E S30	SWSE	36.0	T06S R17E S31	NENE	40.0
T06S R17E S31	NWNE	40.0	T06S R17E S31	NENW	40.0
T06S R17E S31 Lot 1 NWNW	18.0				

199.1 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

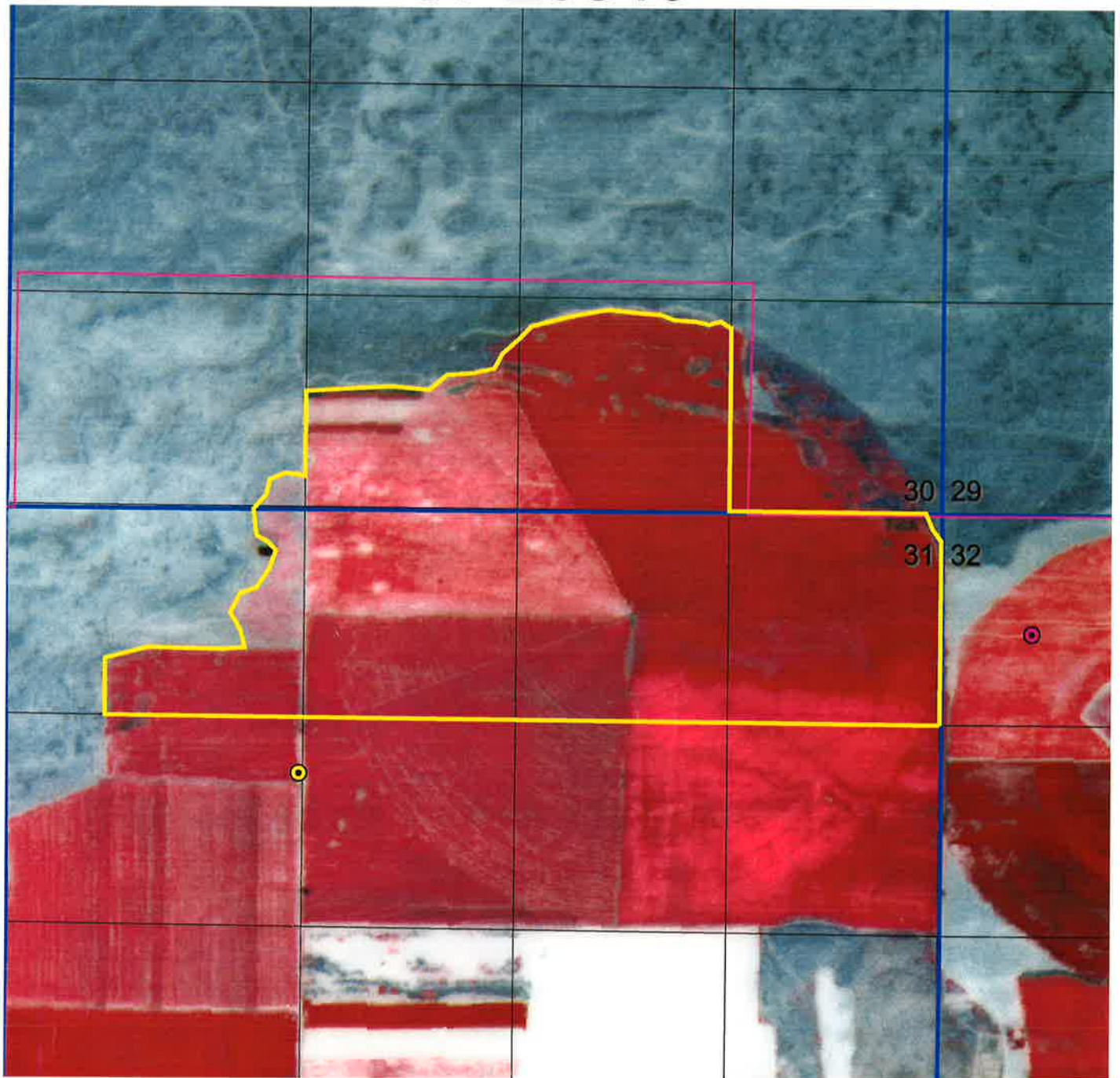
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A & 37-20841.

1st Draft SF5
Revised 1/17/03
SUC

IDAHO DEPT OF WATER RESOURCES

37-20840



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
su

TWN: 6S
RNG: 17E
SEC: 30 & 31



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 (5.80 SESE)



** Revised ** 1/17/03
SCL



4.02 cfs

727.3 AF

207.9 AC.

0.24 cfs

42.7 AFY

~~8.8~~ AC

12.2 AC

Clelland, Steve

COO
SPLIT

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'; 'sclelland@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: 'sclelland@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???

RECEIVED

OCT 16 2002

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 37-02645

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: William Ernest Davis

Address: 402 S County Rd; Jerome, ID 83338

Name: Gwendolyn Davis

Address: 402 S County Rd; Jerome, ID 83338

Name:

Address: ;

Name:

Address: ;

SCANNED
OCT 16 2002

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is authorized under a Sike's Act Cooperative Farming Agreement (IDI-015243). See attached POU. Places of Use on public land should be held by the United States.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6)
or that I am the attorney for the party/claimant objecting and that I have read this objection.
know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

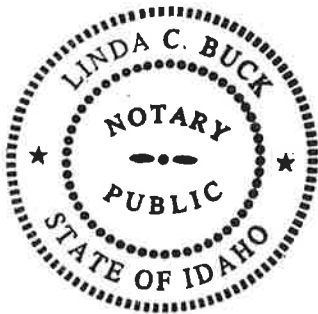
Subscribed and sworn to before me on:

October 10, 2002
Linda C. Buck
Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 10-11, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: William Ernest Davis
Address: 402 S County Rd; Jerome, ID 83338

Name: Gwendolyn Davis
Address: 402 S County Rd; Jerome, ID 83338

Name:
Address: ;

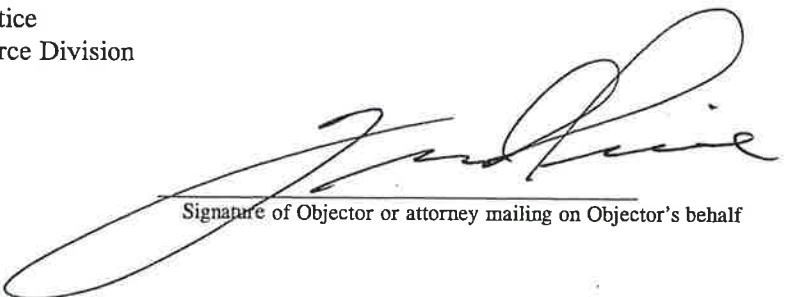
Name:
Address: ;

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

08/05/2002

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

RIGHT NUMBER: 37-2645
NAME AND ADDRESS: WILLIAM ERNEST DAVIS
402 S COUNTY RD
JEROME ID 83338

GWENDOLYN DAVIS
402 S COUNTY RD
JEROME ID 83338

-UNAUTHORIZED USE

-CLAIMANT IS NOT AUTHORIZED
TO FARM PUBLIC LANDS.

-REMOVE THIS POU FROM THE CLAIM

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.260 CFS
770.00 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

4.260 CFS
770.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4	✓ SWSW	1.1	T06S R17E S30	✓ SESW	24.0
T06S R17E S30	✓ SWSE	36.0	T06S R17E S30	✓ SESE	21.0
T06S R17E S31	✓ NENE	40.0	T06S R17E S31	✓ NWNE	40.0
T06S R17E S31	✓ NENW	40.0	T06S R17E S31 Lot 1	✓ NWNW	18.0

220.1 ACRES TOTAL

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

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

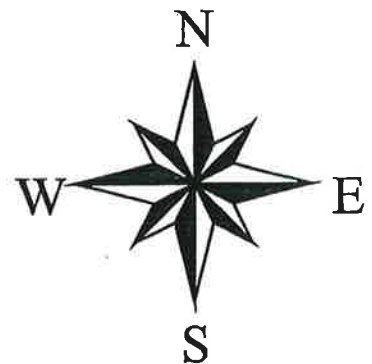
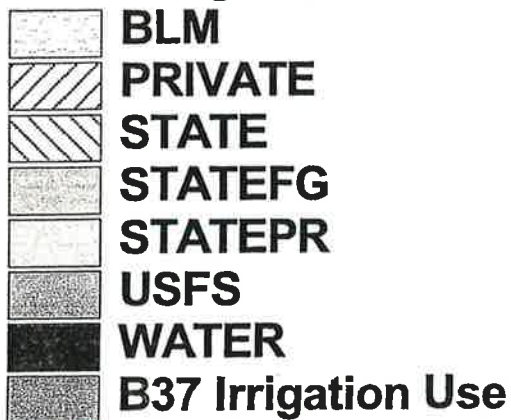
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A.

37-02645



Twnfalmrg.shp



06/22/2002

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

RIGHT NUMBER: 37-2645
NAME AND ADDRESS: WILLIAM ERNEST DAVIS
402 S COUNTY RD
JEROME ID 83338
GWENDOLYN DAVIS
402 S COUNTY RD
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.260 CFS
770.00 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

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

4.260 CFS
770.00 AFY

PLACE OF USE:

IRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4 SWSW	1.1	T06S R17E S30	SESW	24.0	
T06S R17E S30	SWSE	36.0	T06S R17E S30	SESE	21.0
T06S R17E S31	NENE	40.0	T06S R17E S31	NWNE	40.0
T06S R17E S31	NENW	40.0	T06S R17E S31 Lot 1 NWNW	18.0	

220.1 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.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A.

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

ADDRESS SERVICE
REQUESTED



37-2532A
37-2804A
37-2645

NOT DELIVERED
AS ADDRESSEE
UNABLE TO
RD

Q

RECEIVED
JUN 27 2002
Department of Water Resources

WILLIAM FRNEST DAVIS
GWENDOLYN DAVIS
402 S COUNTY RD
JEROME ID 83338

06/12/2002

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

RIGHT NUMBER: 37-2645

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

GWENDOLYN DAVIS
402 S COUNTY RD
JEROME ID 83338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.26 CFS
770.0 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
4.260 CFS
770.00 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R17E S30 Lot 4 SWSW	1.1	T06S R17E S30	SESW	24.0	
T06S R17E S30	SWSE	36.0	T06S R17E S30	SESE	21.0
T06S R17E S31	NENE	40.0	T06S R17E S31	NWNE	40.0
T06S R17E S31	NENW	40.0	T06S R17E S31 Lot 1 NWNW	18.0	

220.1 ACRES TOTAL

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

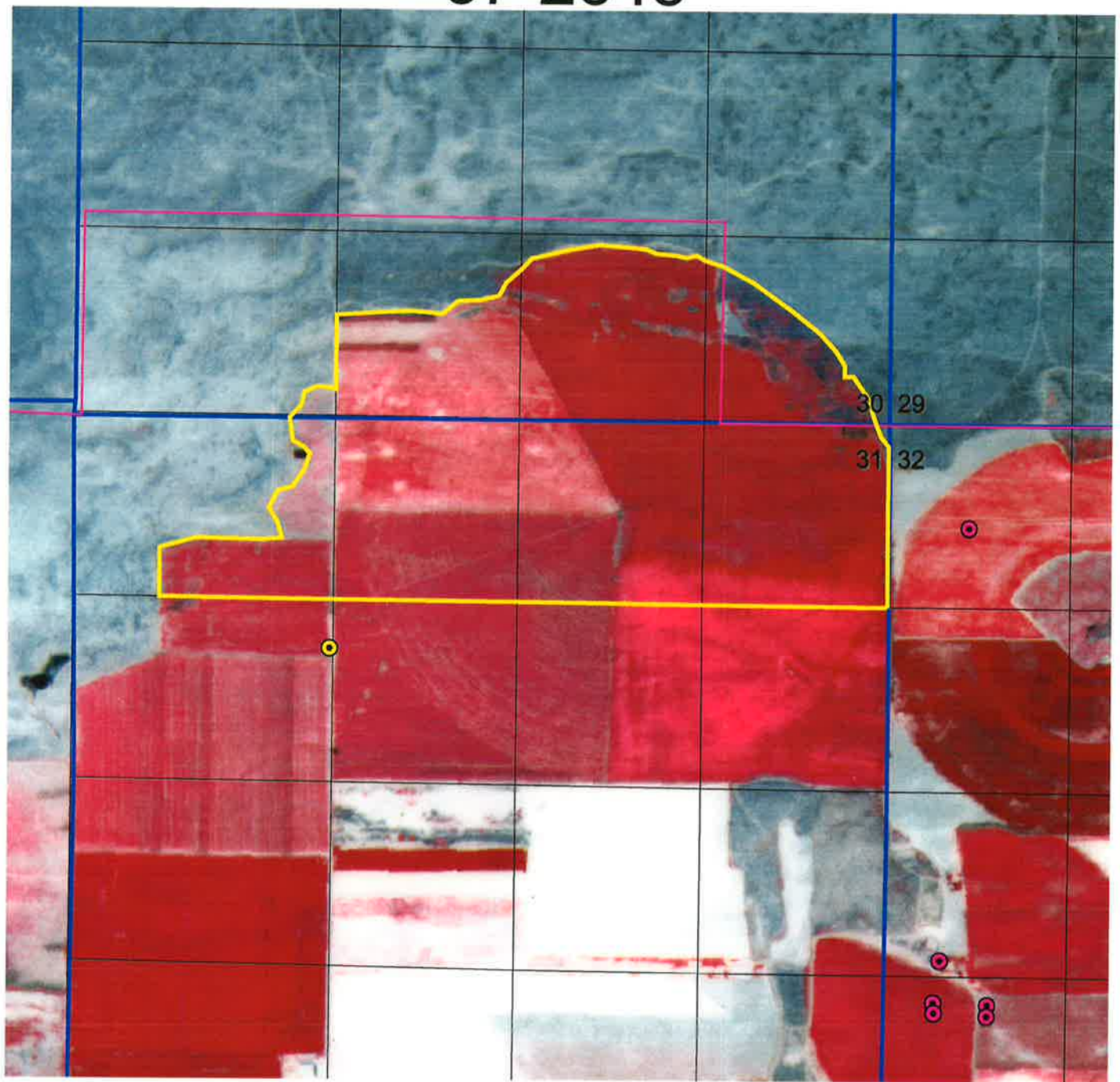
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 37-2532A & 37-2804A.

IDAHO DEPT OF WATER RESOURCES

37-2645



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 & 31

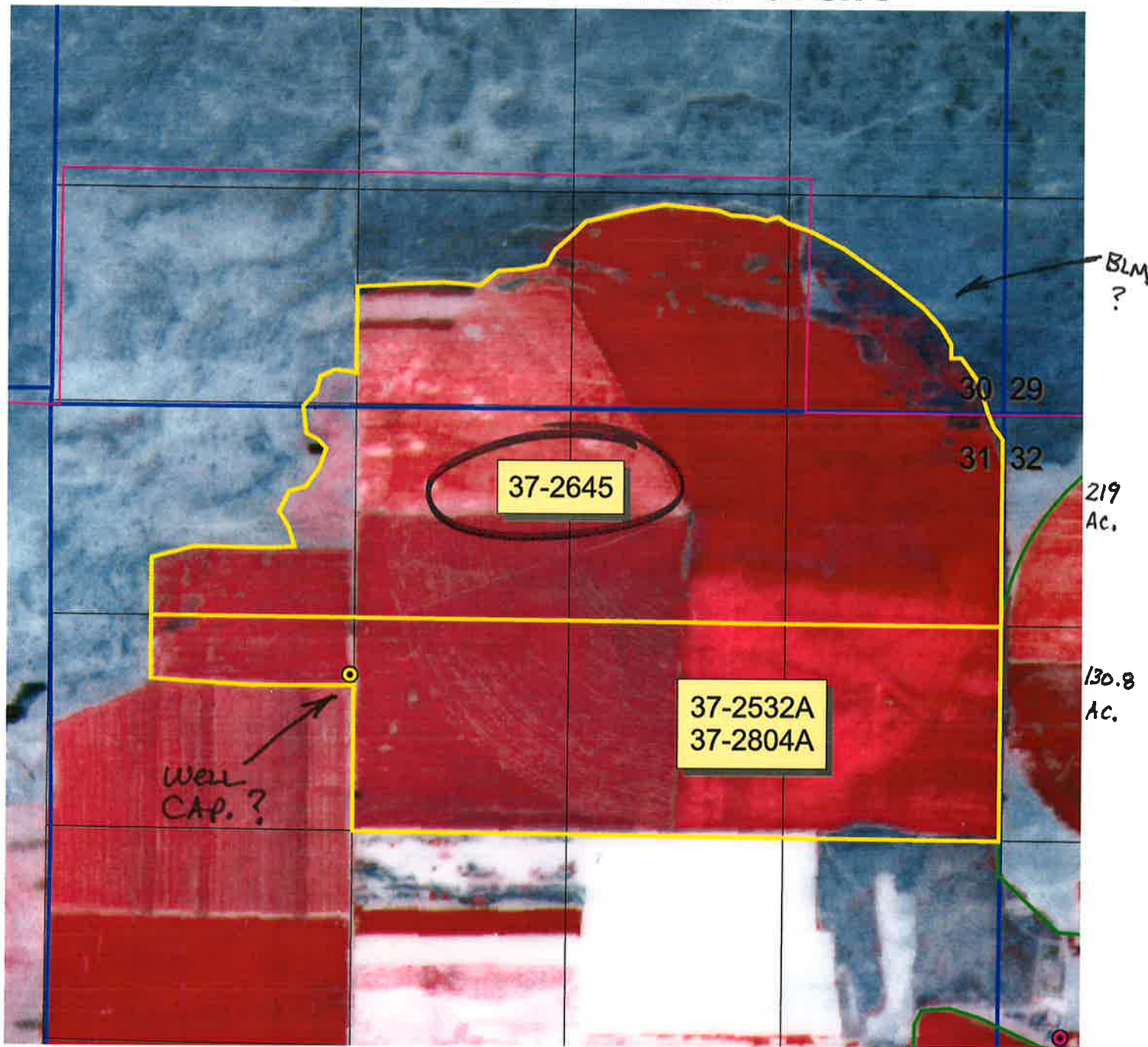


GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JUNE 12, 2002

IDAHO DEPT OF WATER RESOURCES

37-2532A - field draft



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 & 31



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

Date: October 22, 2001

37-2645

Date: 6/12/2002

Page 1 of 1

Record ID		Measured Flow:	
Water Right No. 37-2645		Designed Flow:	
Name davis		HP/Eff Flow:	3.77 cfs <--Max
pod T6S R17E S31 NESWNW L2		Sprinkler Flow:	
year:		Pivot/System Flow:	
Flow Measurement: <u> </u> gpm =			
Curve/Pump Design: <u> </u> gpm =			
Horsepower / Efficiency Method			
Horsepower	250 hp	(w/o Booster)	
PWL	330 ft		
Disch Psi	65 psi		
PUMP Eff Estimate	0.82 %		
TDH	480 ft		
OHP	205 hp		
Flow	1691 gpm	=	3.77 cfs
System Method:			
No Lines	<u> </u>	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line	<u> </u>	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	0	r=	0.0000 ft Nozzle radius
Nozzle size	<u> </u> in	A=	0.00000 ft^2 Nozzle area
Nozzle pressure	<u> </u> psi	h=	0 ft Head
Flow per nozzle	0.00 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0 gpm	Q=	0.000 cfs Flow per nozzle
Percent Leaks	<u> </u> %	=	0.000 gpm Flow per nozzle
Total Flow	0 gpm	=	
Pivot / System rating	<u> </u> gpm	=	

Comments / Data Supplied:

INFO FROM WITNESS DEPO IN WR FILE

SOH Booster was not part of original system.

219 Ac
 130 Ac

 349 Ac
 (duty .01)

Date: 6/12/2002

Page 1 of 1

Record ID: Water Right No. 37-2645 Name davis pod T6S R17E S31 NESWNW L2 year:		Measured Flow: Designed Flow: HP/Eff Flow: 4.52 cfs <--Max Sprinkler Flow: Pivot/System Flow:	
Flow Measurement:		gpm =	
Curve/Pump Design:		gpm =	
Horsepower / Efficiency Method			
Horsepower	300 hp	(W/ 50 HP Booster)	
PWL	330 ft		
Disch Psi	65 psi		
PUMP Eff Estimate	0.82 %		
TDH	480 ft		
OHP	246 hp		
Flow	2029 gpm	=	4.52 cfs
System Method:			
No Lines		Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line		C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	0	r=	0.0000 ft Nozzle radius
Nozzle size		A=	0.00000 ft^2 Nozzle area
Nozzle pressure		h=	0 ft Head
Flow per nozzle	0.00 gpm	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0 gpm	Q=	0.000 cfs Flow per nozzle
Percent Leaks	%	=	0.000 gpm Flow per nozzle
Total Flow	0 gpm	=	
Pivot / System rating		gpm =	

Comments / Data Supplied:

INFO FROM WITNESS DEPO IN WR FILE

*50 HP BOOSTER ADDED AT LATER DATE - NOT PART OF ORIGINAL SYSTEM.