

T5085

KLASSEN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5085
WATER RIGHT NO(S). 35-02544/35-08074B

RECEIVED

JUL 10 1998

Department of Water Resources
Eastern Region

This is to certify that: RALPH D KLASSEN FARMS
2837 W 1700 S
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02544 :			
IRRIGATION	04/01 to 10/31	2.54 CFS	508.0 AF
Priority: 08/29/1958			
Right No. 35-08074B :			
IRRIGATION	04/01 to 10/31	0.28 CFS	56.0 AF
Priority: 12/23/1982			
TOTAL:		2.82 CFS	564.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 28, Township 04S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	31E	28	NWNW 22	SWNW 40	NWSW 40	
			SWSW 39			

Total number of acres irrigated: 141
* 141

CONDITIONS OF APPROVAL AND REMARKS

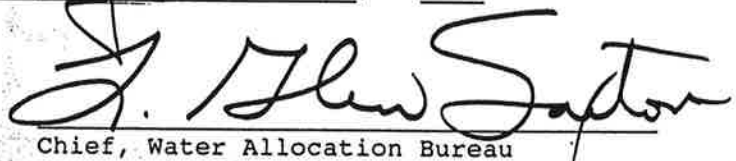
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5085
WATER RIGHT NO(S). 35-02544/35-08074B

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. Right 35-02544 shall not exceed irrigation of 127.0 acres in the place of use described above in a single irrigation season.
- * 7. Right 35-08074B shall not exceed irrigation of 14.0 acres in the place of use described above in a single irrigation season.

Dated this 6th day of July, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02544 & 35-08074

FROM: Pam Skaggs²/State Office

SUBJECT: Transfer 5085

DATE: July 2, 1998



Transfer 5085 creates a permissible place of use under Right 35-02544 and part of Right 35-08074, splitting the right into Parts A and B. The transfer also changes the point of diversion under the transferred portion of Right 35-08074 to the well located on the applicant's property creating a single system serving the 141 acre permissible place of use. ✓
Right 35-08074 is split disproportionately to provide 0.02 cfs per acre for each portion as consolidated on the acres described under Parts A and B.

Season of use and diversion volume were adjusted to current standards. Recommended conditions include measuring and annual reporting, irrigation overlap, permissible place of use limits and standard transfer conditions. ✓

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PENDING

P. 05

Form 222
1-87

MAY 14 1997

Page 1 of
 STATE OF IDAHO
 Department of Water Resources
 DEPARTMENT OF WATER RESOURCES
Transfer No. 5085

RECEIVED

JUL 21 1997

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant RALPH D. KLASSEN FARMS Phone (208) 397-5389Post Office address 2837 W 1700 S ABERDEEN ID 83210

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other CREATE PERMISSIBLE PLACE OF USE

2. Describe the reason for the proposed changes SEE ATTACHMENT 1

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>35-02544</u>	<u>08-28-1958</u>	<u>2.54 CFS</u>	<u>IRRIGATION</u>	<u>04-01</u>	<u>to 10-31</u>
<u>35-08074(B)</u>	<u>12-23-1982</u>	<u>0.28 CFS</u>	<u>IRRIGATION</u>	<u>04-01</u>	<u>to 10-31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>to</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>to</u>

2. Total amount of water being transferred 2.82 CFS cubic feet per second and/or acre-feet per annum.

3. Source of water GROUNDWATER tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	28	04S	31E	BINGHAM	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
04S	31E	28						22	40			40	39						141

NOTE: PERMISSIBLE PLACE OF USE

Total acres

141

5085

PART 1**6. General Information:**

- a. Description of diversion system _____
WELL, PUMP AND PIPELINES TO IRRIGATION SYSTEM ON CROPLAND.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE
- d. Remarks:
SEE ATTACHMENT 1

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

JUL 31 1999

**State of Idaho****DEPARTMENT OF WATER RESOURCES****900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177****EASTERN REGION****MEMORANDUM****PHILIP E. BATT**
GOVERNOR**KARL J. DREHER**
DIRECTOR

To: Transfer file T5085 (35-02544, 35-08074B)
From: Paul R. Meyer, Eastern Region
Date: July 11, 1997

RE: Calculation of cfs and acreage for split of 35-08074

As part of the analysis of T5085, I calculated the cfs flow and acreage for the two proposed portions of 35-08074.

Water right 35-08074 is licensed for 139 acres and 2.29 cfs. The place of use for 35-08074 overlaps 47 acres of 35-02544. As the point of diversion for 35-08074 is **not** connected to the point of diversion for 35-02544, the cfs flow for 35-08074 can be considered proportional over all of its 139-acre place of use.

Transfer T5085 serves to separate the two systems based on ownership of the place of use. The applicant, Ralph D. Klassen Farms, owns the S1/2NWNW, SWNW, and the W1/2SW of Section 28, T04S, R31E. Paul Muirbrook holds the NWNW of Section 33, T04S, R31E and the NENE of Section 32, T04S, R31E.

Ralph D. Klassen Farms holds 61 acres of 35-08074 (47 overlapping acres and 14 entirely new acres) along with 35-02544 in its 127-acre entirety. Total acreage irrigated for the Klassen portion is 141 acres. Paul Muirbrook holds 78 acres of 35-08074.

As the two wells are now and will continue to be separate, neither one can exceed 0.02 cfs per acre total for their respective places of use. When based on the entire 61 acre split and added to 35-02544, the Klassen portion of 35-08074 would be far in excess of the 0.02 cfs per acre limit from a single source. As a result, only 14 acres (141 total minus 127 from 35-02544) can be used to calculate the required cfs flow.

Portion 35-08074B could then be only 14 acres and concentrated to 0.28 cfs (14 acres @ 0.02 cfs/acre), even though 61 acres are taken from the original right to create it. Portion 35-08074A can be concentrated to 0.02 cfs to 1.56 cfs (78 acres @ 0.02 cfs/acre). The total for the two portions would be 1.84 cfs and 92 acres; far below the 2.29 cfs and 139 acres originally licensed.

Finally, as Klassen's proposed system makes little differentiation in water delivery, water rights 35-02544 and 35-08074B are prime candidates for permissible place of use. License 35-02544 would provide 127 acres within the 141-acre proposed place of use and 35-08074B would provide 14 acres within the 141 listed.

Confusing??? A little, but it works, and it clears up any possible future mysteries concerning the 47-acre overlap on Klassen's property.

ATTACHMENT 1Part 1A (continued):**2. Describe the reason for the proposed change:**

Applicant wishes to consolidate irrigated acreage for entire system under one point of diversion. This transfer will also create a permissible place of use totaling 141 acres.

Part 1B (continued):**6. General Information:**

d. Remarks: Land is to be irrigated under **Permissible Place of Use** as follows:

35-02544 is limited to the irrigation of **127 acres within the 141 acre place of use** described in Part 1B of this document in a single irrigation season.

35-08074(B) is limited to the irrigation of **14 acres within the 141 acre place of use** described in Part 1B of this document in a single irrigation season.

Note: This transfer would **reduce** the total amount for all portions of 35-08074 to **1.84 cfs**. As 35-02544 is licensed for 0.02 cfs/acre from the well proposed to serve 35-08074(B), water will be concentrated on the place of use not covered by 35-02544 to a maximum of 0.02 cfs/acre. Portion 35-08074(A) will retain 1.56 cfs over remaining 78 acre place of use, and 35-08074(B) will take 0.28 cfs for 14 acres. The remaining 0.45 cfs portion of 35-08074 will be considered lost.

**Transfer 35-02544, 35-08074
Krown Farms**

PART 2

35-68674

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.28 cfs* for IRRIGATION purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

61*

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.56 cfs* for IRRIGATION purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

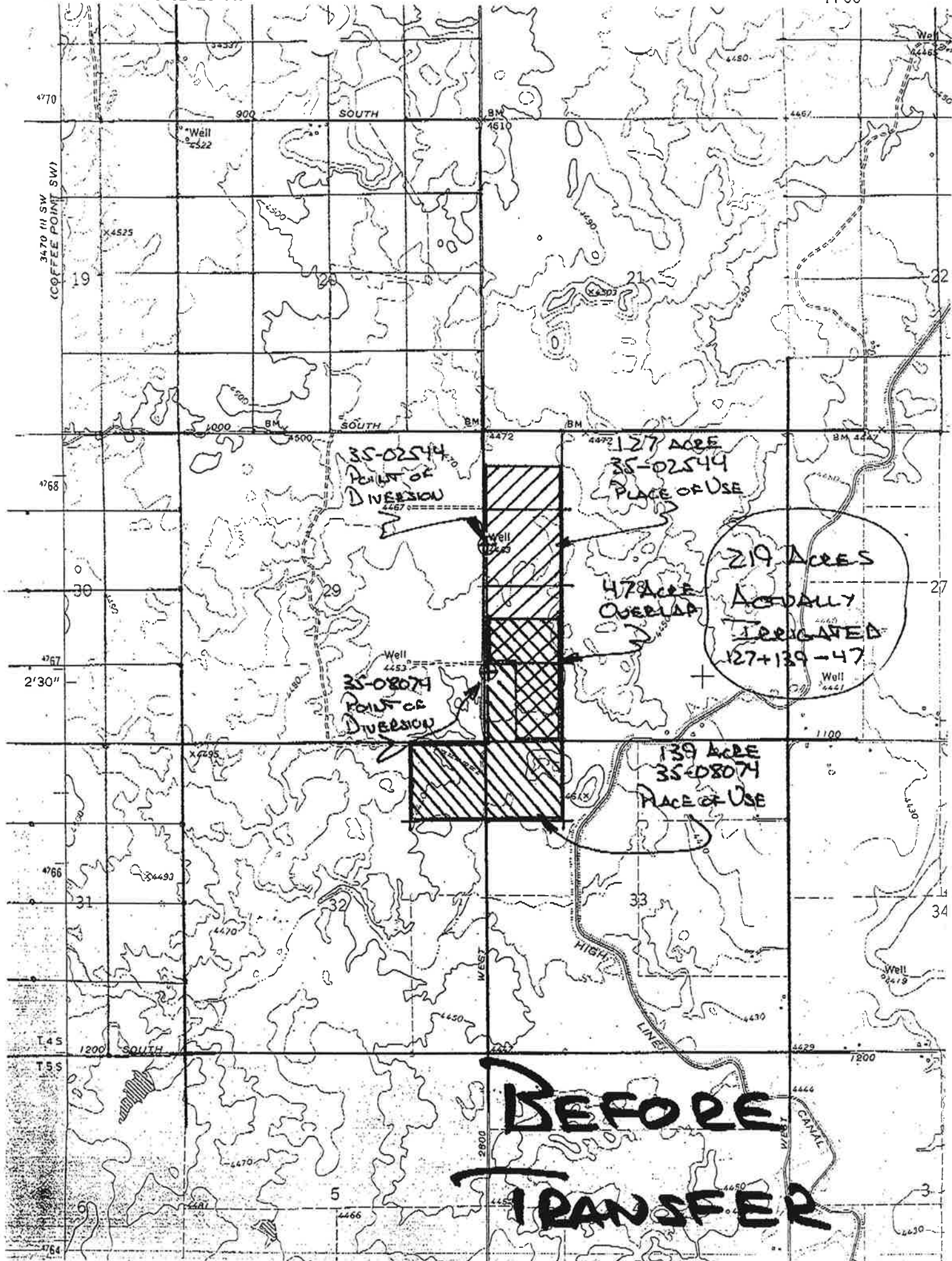
[illegible]

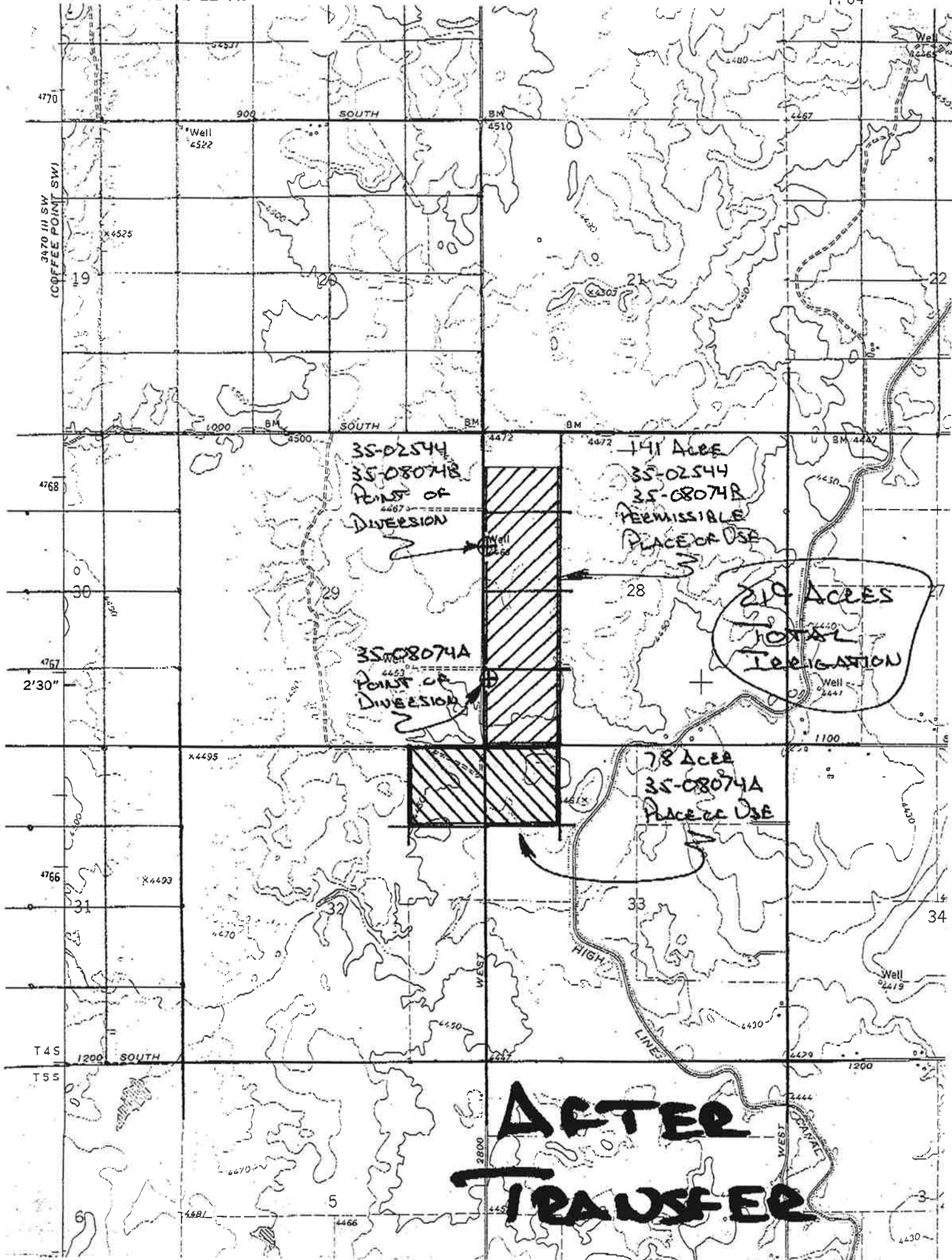
3. Lands irrigated or place of use:

[illegible]

* SEE REMARKS IN ATTACHMENT 1

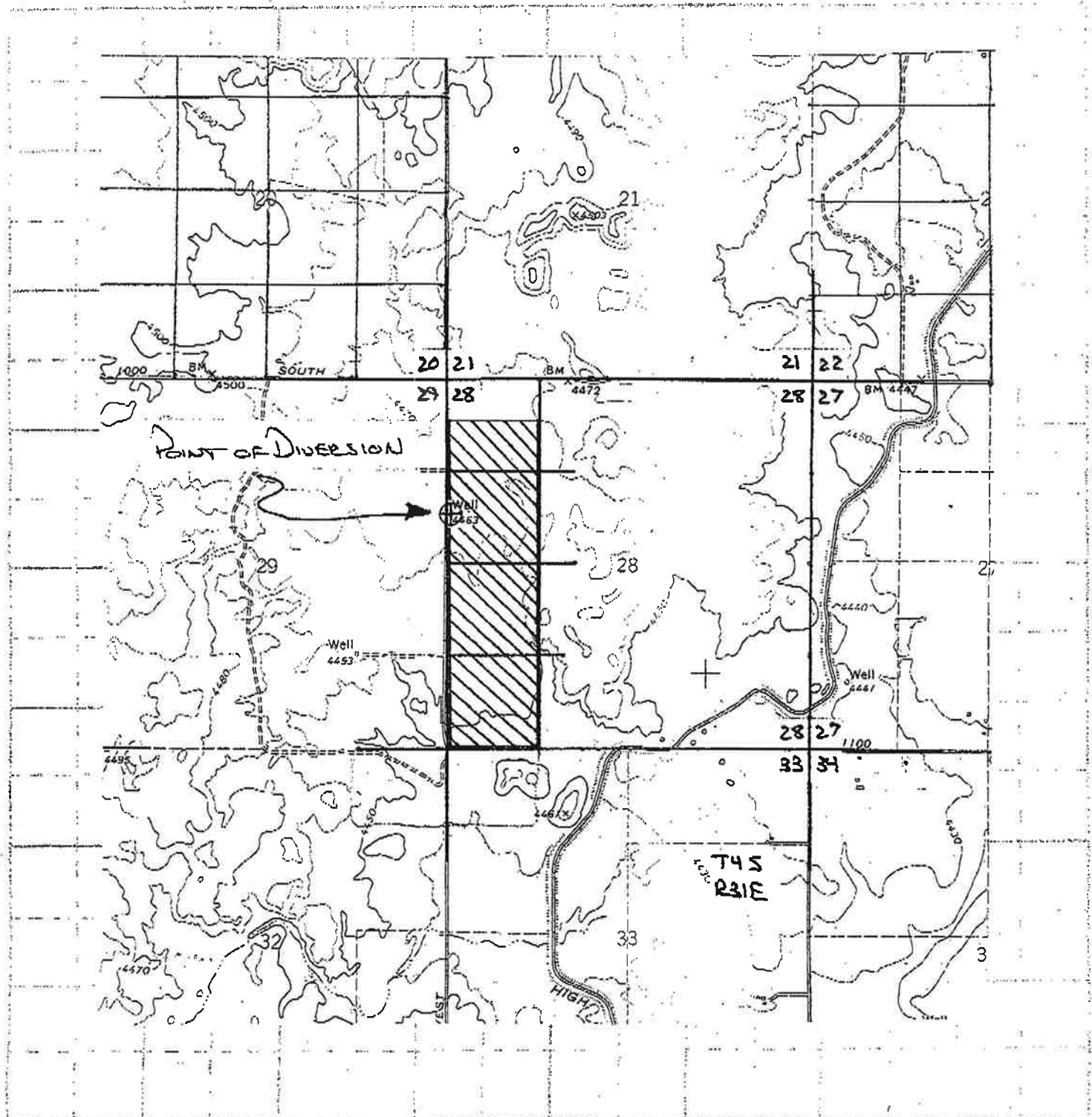
Total acres 78*





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

DC
01-02-97

OF DC

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

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JAN 21 1997

Department of Water Resources

1. Water Right Number(s) * 35-08074 (PART) *

Adjudication Claim Number(s) 435-02544

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

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

3. Name and Address of Former Owner/Claimant(s) Paul A. Muirbrook

Pam A. Muirbrook

4. New Owner/Claimant(s) Ralph D. Klassen Farms

Name (last, first, middle) [] AND [] OR [] AND/OR []

New Mailing Address 3841 W. 1700 S.

City, State and ZIP Code Aberdeen, Id. 83210

New Telephone Number (208) 397-5389

5. Date you acquired the property 4-5-93

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

Number of acres actually irrigated 130 Number and type of stock _____

Diversion rate in CFS 2.54 Number of homes _____ Other uses _____

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

7. Signature of New Owner/Claimant(s) Ralph D. Klassen Farms by Date _____

Stephen R. Klassen (208) 397-5389 Date 12-31-96

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

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

Warranty Deed

For Value Received PAUL A. MUIRBROOK and PAM A. MUIRBROOK, husband and wife, of Aberdeen, Bingham County, Idaho

the grantor^s do hereby grant, bargain, sell and convey unto RALPH D. KLASSEN FARMS, an Idaho general partnership consisting of RALPH KLASSEN, STEPHEN KLASSEN, JOHN KLASSEN, DAN BROWN and JIM BROWN

whose current address is 2837 W 1700 S, Aberdeen, ID 83210

the grantee^s, the following described premises, in Bingham County Idaho, to wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, Township 4 South, Range 31, E.B.M., Bingham County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s, their heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantee^s, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 5, 1993

Paul A. Muirbrook
Pam A. Muirbrook

STATE OF IDAHO, COUNTY OF Power
On this 5 day of March, 1993
before me, a notary public in and for said State, personally appeared
PAUL A. MUIRBROOK and PAM A. MUIRBROOK, husband and wife,

known to me to be the person whose name^s are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

[Signature] Notary Public
Residing in American Falls, Idaho
Comm. Expires 05-27-93

414701
BINGHAM COUNTY, IDAHO
CLERK OF DISTRICT COURT

FEE 3.00 PT

93 APR -6 PH 2:22
Cavaness & Boomer
RECORDS IN THE REQUEST OF
P.O. Box 70, American Falls
83211

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

11 7 1999

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

Department of Water Resources

1. Water Right No(s).: 35-08074 A
Adjudication Claim No(s).: _____

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

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

AND

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

OR

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

3. Name and Address of Former Owner/Claimant PAUL MUIR BROOK / AMERICAN GENERAL

4. New Owner/Claimant(s)

Lonnie ^{And} Tina Lowder

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

P.O. Box 3054

City, State and ZIP Code

POCAHELLO IDAHO 83206

New Telephone Number

(208) 237-0471

5. Date you acquired the property

11-10-98

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

Number of acres you irrigate 80 78

Number and type of stock _____

Diversion rate in CFS 2.290 Number of homes 0 Other uses —

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

7. Signature of New Owner or Claimant(s)

Lonnie Lowder

Date 1-6-99

Tina Lowder

Date 1-6-99

(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..

MICROFILMED

JAN 08 1999

471425

Warranty Deed

 BINGHAM COUNTY RECORDER
 BLACKFOOT, IDAHO
 FEE 3.00 DEP 2

98 NOV 13 PM 4:38

 RECORDED AT THE REQUEST OF
 FIRST AMERICAN TITLE COMPANY

For Value Received AMERICAN GENERAL FINANCE INC

 Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 LONNIE F. LOWDER and TINA LOWDER, husband and wife
 whose address is: P O BOX 3054, POCATELLO, ID, 83206

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

 Township 4 South, Range 31 E.B.M., Bingham County, Idaho
 Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$

 TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances
 thereunto belonging or in anywise appertaining, including all water, water rights, ditch and
 ditch rights.

 TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to
 the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
 Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all
 encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations,
 restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and
 defend the same from all claims whatsoever.

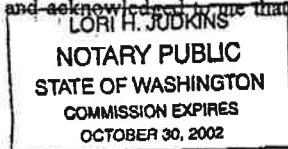
Dated: NOVEMBER 10, 1998

AMERICAN GENERAL FINANCE INC

 R R Burgamy
 BY: R. R. BURGAMY, VICE PRESIDENT

 STATE OF WASHINGTON)
 COUNTY OF Clark

 MICROFILMED
 JAN 8 8 1999

 On this 10th day of NOVEMBER, 1998,
 before me a Notary Public in and for said State, personally appeared R. R. BURGAMY, known or identified
 to me to be the VICE PRESIDENT of the corporation who executed the instrument on behalf of said
 corporation, and acknowledged to me that said corporation executed the same.

 Lori H. Jenkins
 Notary Public for WASHINGTON
 Residing at: Vancouver, WA
 My Commission expires: 10-30-2002

471425

454015

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHOFEE 12.00 DEF DC

97 MAY 19 AM 9:06

RECORDED AT THE REQUEST OF

Charles Johnson

Charles Johnson
JOHNSON OLSON, CHARTERED
109 North Arthur, Suite 303
P.O. Box 1725
Pocatello, Idaho 83204-1725
Telephone: (208) 232-7926
FAX: (208) 232-9161

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

PAUL E. and DOROTHY BYERS,

Plaintiffs,

vs.

PAUL A. and PAM A. MUIRBROOK, and
AMERICAN GENERAL FINANCE, INC.,

Defendants.

Case No. CV-95-1306

SHERIFF'S DEED

THIS DEED, is made this 1st day of May 1997, between C. Dayle Holm, Sheriff of the County of Bingham, and American General Finance, Inc., a Delaware corporation.

WHEREAS, in and by that certain judgment or decree rendered by the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bingham, on the 20th day of February 1997, in a certain action then pending in said Court, wherein Paul E. and Dorothy Byers were Plaintiffs, and Paul A. Muirbrook and Pam A. Muirbrook, and American General Finance, were Defendants, and a certified copy of which said judgment or decree was delivered to said Sheriff, for execution, it was, among other things, ordered, adjudged, and decreed, that all and singular the

SHERIFF'S DEED

1

MICROFILMED

JAN 08 1999

mortgaged premises described in the complaint in said action, and specifically described in said judgment or decree, be sold at public auction by the Sheriff of the County of Bingham, in the manner required by law, and according to the course and practice of said Court; that such sale be made at the Sheriff's office, in the County of Bingham; that any of the parties to said action might become the purchaser at such sale; and that said Sheriff execute the usual certificates and deed to the purchaser, as required by law;

AND WHEREAS, the said undersigned Sheriff did, at the hour of 10:00 o'clock a.m., on 18 April 1996 after due public notice had been given, as required by the laws of this state, and the course and practice of said Court, duly sell at public auction, at the Bingham County Sheriff's office pursuant to judgment or decree, and the provisions of law, the premises in said judgment or decree mentioned; at which sale the premises in said judgment or decree, and hereinafter described, were fairly struck off and sold to said American General Finance for the sum of \$46,870.78 bid in the form of \$36,870.78 cash and a \$10,000.00 credit on the debt owed to American General Finance.

AND WHEREAS, a "Sheriff's Certificate of Sale" having been issued on this subject parcel from the Bingham County Sheriff to American General Finance, which was recorded in the records of Bingham County on May 1, 1996 as Instrument No. 443707; which allowed a one-year redemption on the subject real property.

SHERIFF'S DEED

MICROFILMED

2

JAN 08 1999

AND WHEREAS, one year has expired since the sale date, and there has been no redemption of the real property by any party whatsoever.

NOW, said C. Dayle Holm, Sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said judgment or decree, and in conformity to the statute in such case made and provided, and also, in consideration of the premises and payment of said sum of \$46,870.78 lawful money of the United States, so bid and paid to him by said purchaser, American General Finance, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does bargain, sell, and convey to said American General Finance and its successors and assigns forever, the following described real property:

TRACT A: Township Four (4) South (S), Range Thirty-one (31), E.B.M., Bingham County, Idaho; Section 32: Northeast Quarter of the Northeast Quarter (NE1/4NE1/4)

TRACT B: Township Four (4) South (S), Range Thirty-one (31), E.B.M., Bingham County, Idaho; Section 33: Northwest Quarter of the Northwest Quarter (NW1/4NW1/4)

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD all singular, the premises above mentioned and described, and hereby conveyed, or intended so to be, together
SHERIFF'S DEED

MICROFILMED

JAN 08 1999

with the appurtenances, unto said American General Finance, its heirs and assigns forever.

IN WITNESS WHEREOF said Grantor, as Sheriff aforesaid, hereunto sets his hand the day and year first above written.


C. Dayle Holm, Sheriff of
Bingham County, Idaho

STATE OF IDAHO)
 : ss
County of Bingham)

On this 13th day of May 1997, before me, the undersigned Notary Public, personally appeared C. Dayle Holm, known to me to be the Sheriff of Bingham County, Idaho, whose name is subscribed to the above Sheriff's Deed, as such Sheriff, and acknowledged to me that he executed the same as said Sheriff.

SUBSCRIBED AND SWORN to before me this 13th day of May 1997.




NOTARY PUBLIC FOR IDAHO
Residing at: Bingham Co.
My Commission Expires: 12-11-97

454015

SHERIFF'S DEED

MICROFILMED

JAN 08 1999

32 33

力

क्रिष्णालक्ष्मी

powerline rod 4-1/2" x 8-0" x 20'

1186 / In-Ordnal

7.8

791

1039
T2264

1039

9-91
E

40.0

066

481

82/53



701

137.5

100

42.8

五十一

T22

W78

Point of
Divergence

MICROFILM

JAN 8 8 1999

MEMORANDUM OF AGREEMENT RE: WATER RIGHT

The undersigned, being Paul Muirbrook and Pam Muirbrook, husband and wife, of Sterling, Bingham County, Idaho, hereinafter referred to as Sellers; and Robert Knudsen, Jr. and Sharon Knudsen, husband and wife, of American Falls, Power County, Idaho, hereinafter referred to as Buyers, do hereby agree as follows:

1. That the Sellers have a water right designated as water license No. 35-08073 by the Idaho Department of Water Resources, which right is appurtenant to the following described real property:

2. That the Buyers desire to purchase the said water right for the sum of \$25,000.00; \$12,500.00 of which has been paid by the Buyers to the Sellers, and the remaining \$12,500.00 of which shall be paid upon the execution of this agreement.

3. That the Buyers desire to transfer said water right to another piece of property. The parties understand that any such transfer would have to be approved by the Idaho Department of Water Resources.

In the event that such approval has not been obtained within five (5) years of the date of this agreement, the Buyers agree to re-purchase the above-described water right for the same sum and upon similar terms as are contained herein.

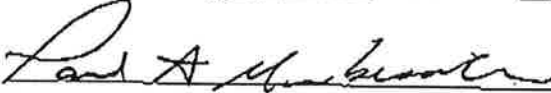
As security for said re-purchase, the Buyers agree not to sell, mortgage, or otherwise encumber the property above-described and both parties agree not to take any action that would jeopardize the existence of the above-described water right and its ability to be utilized in connection with the above-described real property unless and until the water right may be duly and properly transferred.

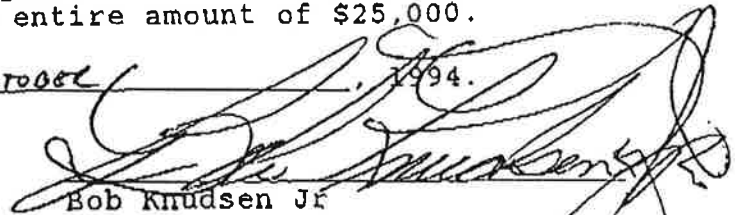
SALES AGREEMENT

I, Paul A Muirbrook, do hereby agree to sell a water right license numbered 35-08074 to Bob Knudsen Jr of Aberdeen, Idaho for the sum of \$25,000. I acknowledge that Bob Knudsen Jr has already paid \$12,500 of the original sum of \$25,000. I also agree to reimburse the entire amount of \$25,000 if it is found at a later date that the water right cannot be transferred to his property.

I, Bob Knudsen Jr, do hereby agree to purchase a water right license numbered 35-08074 from Paul A Muirbrook for the sum of \$25,000, \$12,500 of which, I have previously paid. I agree to pay the remaining balance of \$12,500 on or before December 15, 1994. I also agree to return ownership of water right license numbered 35-08074 to Paul A Muirbrook in the event that the water right cannot be transferred to my property and at the time that Paul A Muirbrook reimburses me for the entire amount of \$25,000.

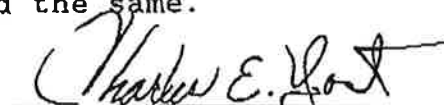
Dated this 14 day of October, 1994.


Paul A Muirbrook


Bob Knudsen Jr

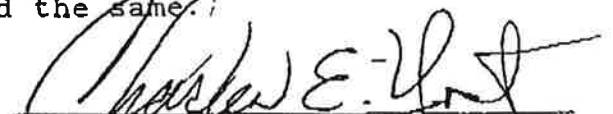
State of Idaho
County of Bingham

On OCT. 14th, 1994, Paul A Muirbrook personally appeared before me, and (is known to me/has proved to me) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho
Resides: 44-94 Aberdeen, ID 83210
Commission Exp.: 11-4-94

State of Idaho
County of

On OCT. 14th, 1994, Bob Knudsen Jr personally appeared before me, and (is known to me/has proved to me) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho
Resides: Aberdeen ID 83210
Commission Exp.: 11-4-94



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

19 February 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Bob Knudsen Jr.
Knudsen Poor Farms, Inc

2700 West 2100 South
Aberdeen, Idaho 83210

Re: Water Right Licenses 35-08073 & 35-08074

Dear Mr. Knudsen,

Prior to your purchase of water right 35-08074 a portion of the ground to which it is appurtenant was sold to Ralph Klassen on April 5, 1993. It also appears that a legal action may have been commenced against the remaining property. This would prevent Mr. Muirbrook from selling the water that was appurtenant to the property.

I do not know the status of the property covered by water right 35-08073 or the current ownership.

I would suggest that you retain the services of an attorney. It appears that you will have to contact Mr. Muirbrook in order to determine ownership of those water rights that you may have purchased.

Sincerely,

Dennis M. Dunn
Sr. Water Resource Agent

Enc. Change of ownership, Mr. Klassen
Sheriffs Deed & Change of Ownership. Lonnie Lowder
Transfer 5085



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

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Enc. Change of ownership, Mr. Klassen
Sheriffs Deed & Change of Ownership. Lonnie Lowder
Transfer 5085

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

DC

01-02-97

OF DC

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

RECEIVED

JAN 21 1997

Department of Water Resources

1. Water Right Number(s) * 35-08074 (PART) *
Adjudication Claim Number(s) A35-02544
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Paul A. Muirbrook
Pam A. Muirbrook
4. New Owner/Claimant(s) Ralph D. Klassen Farms
Name (connector (check one)) () AND () OR () AND/OR
New Mailing Address 7841 W. 1700 S
City, State and ZIP Code Aberdeen, Id. 83210
New Telephone Number (208) 397-5389
5. Date you acquired the property 4-5-93
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 130 Number and type of stock _____
Diversion rate in CFS 8.54 Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Ralph D. Klassen Farms Inc Date _____
Stephen R. Klassen (ind) 208-397-5389 Date 12-31-96
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Formed by the AMERICAN LAND TITLE COMPANY, INC.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

07 1999

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. Department of Water Resources

1. Water Right No(s): 35-08074 A
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: PAUL MUIR BROOK / AMERICAN GENERAL
4. New Owner/Claimant(s): LONNIE ^{AND} OR TINA LOWDER
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address: P.O. BOX 3054
City, State and ZIP Code: POCATELLO IDAHO 83206
New Telephone Number: (208) 237-0471
5. Date you acquired the property: 11-10-98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 80.78 Number and type of stock _____
Diversion rate in CFS 2.290 Number of homes 0 Other uses —
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): [Signature] Date 1-6-99
[Signature] Date 1-6-99
(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..

MICROFILMED

JAN 08 1999

471425

Warranty Deed

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 3.00 DEP 2

98 NOV 13 PM 4:38

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

For Value Received AMERICAN GENERAL FINANCE INC

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
LONNIE F. LOWDER and TINA LOWDER, husband and wife
 whose address is: P O BOX 3054, POCA TELLO, ID, 83206

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

Township 4 South, Range 31 E.B.M., Bingham County, Idaho
 Section 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances
 thereunto belonging or in anywise appertaining, including all water, water rights, ditch and
 ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to
 the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
 Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all
 encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations,
 restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and
 defend the same from all claims whatsoever.

Dated: NOVEMBER 10, 1998

AMERICAN GENERAL FINANCE INC

R R Burgamy
 BY: R. R. BURGAMY, VICE PRESIDENT



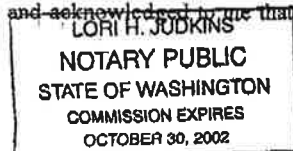
STATE OF WASHINGTON)

MICROFILMED

COUNTY OF *Clark*

JAN 8 1999

On this 10th day of NOVEMBER, 1998,
 before me a Notary Public in and for said State, personally appeared R. R. BURGAMY, known or identified
 to me to be the VICE PRESIDENT of the corporation who executed the instrument on behalf of said
 corporation, and acknowledged to me that said corporation executed the same.



Lori H. Judkins
 Notary Public for WASHINGTON

Residing at: *Van WA*My Commission expires: 10-30-2002

471425

454015

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHOFEE 12.00 DEP DC

97 MAY 19 AM 9:06

RECORDED AT THE REQUEST OF

Charles Johnson

Charles Johnson
JOHNSON OLSON, CHARTERED
109 North Arthur, Suite 303
P.O. Box 1725
Pocatello, Idaho 83204-1725
Telephone: (208) 232-7926
FAX: (208) 232-9161

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

PAUL E. and DOROTHY BYERS,

Plaintiffs,

vs.

PAUL A. and PAM A. MUIRBROOK, and
AMERICAN GENERAL FINANCE, INC.,

Defendants.

Case No. CV-95-1306

SHERIFF'S DEED

THIS DEED, is made this 1st day of May 1997, between C. Dayle Holm, Sheriff of the County of Bingham, and American General Finance, Inc., a Delaware corporation.

WHEREAS, in and by that certain judgment or decree rendered by the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bingham, on the 20th day of February 1997, in a certain action then pending in said Court, wherein Paul E. and Dorothy Byers were Plaintiffs, and Paul A. Muirbrook and Pam A. Muirbrook, and American General Finance, were Defendants, and a certified copy of which said judgment or decree was delivered to said Sheriff, for execution, it was, among other things, ordered, adjudged, and decreed, that all and singular the

SHERIFF'S DEED

1

MICROFILMED

JAN 03 1999

mortgaged premises described in the complaint in said action, and specifically described in said judgment or decree, be sold at public auction by the Sheriff of the County of Bingham, in the manner required by law, and according to the course and practice of said Court; that such sale be made at the Sheriff's office, in the County of Bingham; that any of the parties to said action might become the purchaser at such sale; and that said Sheriff execute the usual certificates and deed to the purchaser, as required by law;

AND WHEREAS, the said undersigned Sheriff did, at the hour of 10:00 o'clock a.m., on 18 April 1996 after due public notice had been given, as required by the laws of this state, and the course and practice of said Court, duly sell at public auction, at the Bingham County Sheriff's office pursuant to judgment or decree, and the provisions of law, the premises in said judgment or decree mentioned; at which sale the premises in said judgment or decree, and hereinafter described, were fairly struck off and sold to said American General Finance for the sum of \$46,870.78 bid in the form of \$36,870.78 cash and a \$10,000.00 credit on the debt owed to American General Finance.

AND WHEREAS, a "Sheriff's Certificate of Sale" having been issued on this subject parcel from the Bingham County Sheriff to American General Finance, which was recorded in the records of Bingham County on May 1, 1996 as Instrument No. 443707; which allowed a one-year redemption on the subject real property.

SHERIFF'S DEED

MICROFILMED

2

JAN 08 1999

AND WHEREAS, one year has expired since the sale date, and there has been no redemption of the real property by any party whatsoever.

NOW, said C. Dayle Holm, Sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said judgment or decree, and in conformity to the statute in such case made and provided, and also, in consideration of the premises and payment of said sum of \$46,870.78 lawful money of the United States, so bid and paid to him by said purchaser, American General Finance, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does bargain, sell, and convey to said American General Finance and its successors and assigns forever, the following described real property:

TRACT A: Township Four (4) South (S), Range Thirty-one (31), E.B.M., Bingham County, Idaho; Section 32: Northeast Quarter of the Northeast Quarter (NE1/4NE1/4)

TRACT B: Township Four (4) South (S), Range Thirty-one (31), E.B.M., Bingham County, Idaho; Section 33: Northwest Quarter of the Northwest Quarter (NW1/4NW1/4)

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainde and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD all singular, the premises above mentioned and described, and hereby conveyed, or intended so to be, together

SHERIFF'S DEED

MICROFILMED

JAN 08 1999

with the appurtenances, unto said American General Finance, its heirs and assigns forever.

IN WITNESS WHEREOF said Grantor, as Sheriff aforesaid, hereunto sets his hand the day and year first above written.


C. Dayle Holm, Sheriff of
Bingham County, Idaho

STATE OF IDAHO)
 : ss
County of Bingham)

On this 13th day of May 1997, before me, the undersigned Notary Public, personally appeared C. Dayle Holm, known to me to be the Sheriff of Bingham County, Idaho, whose name is subscribed to the above Sheriff's Deed, as such Sheriff, and acknowledged to me that he executed the same as said Sheriff.

SUBSCRIBED AND SWORN to before me this 13th day of May 1997.



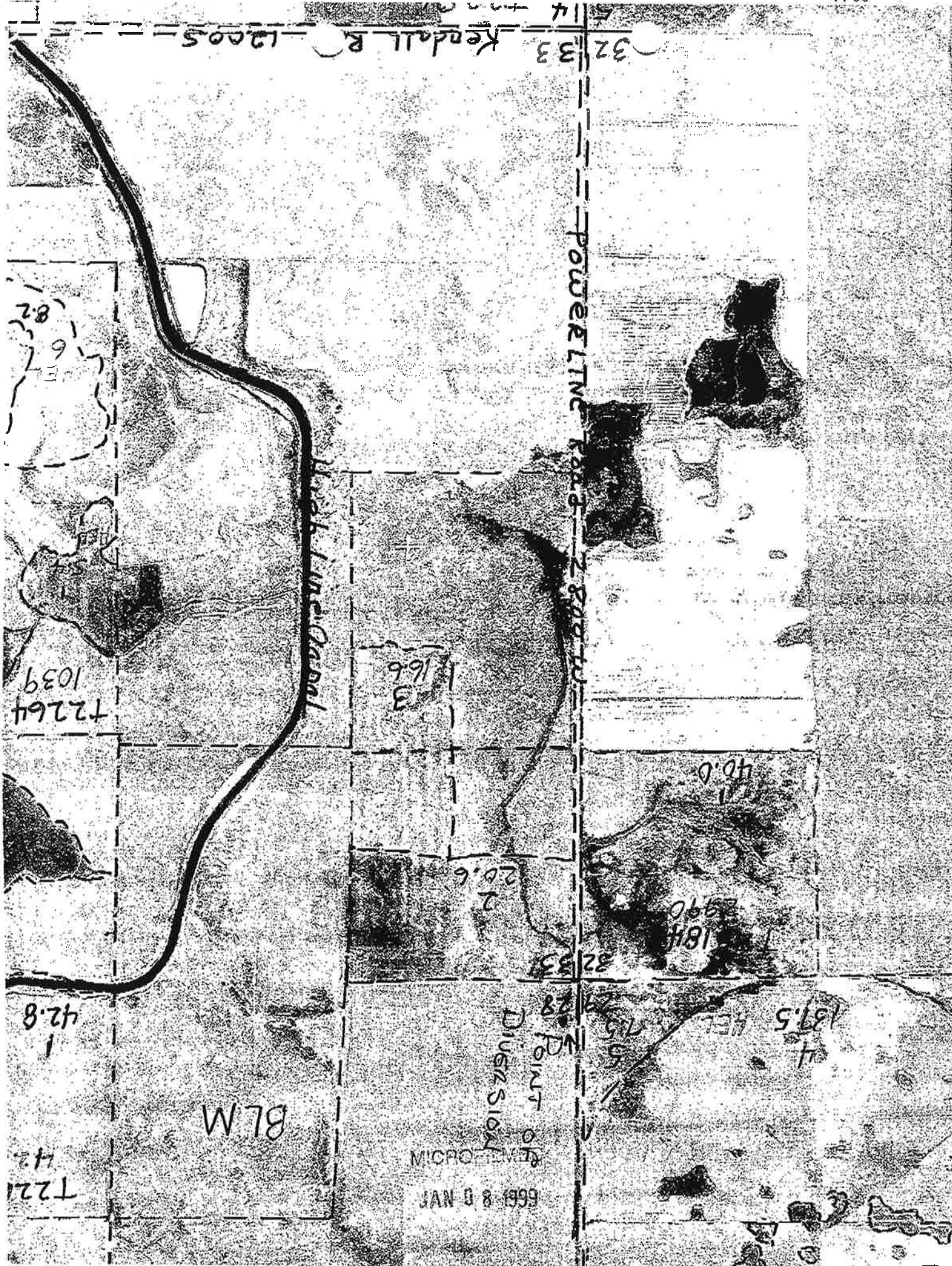

NOTARY PUBLIC FOR IDAHO
Residing at: Bingham Co.
My Commission Expires: 12-11-97

454015

SHERIFF'S DEED

MICROFILMED

JAN 08 1999



T5085

KLASSEN

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

JUL 10 1998

Department of Water Resources
Eastern Region

TRANSFER NO. 5085
WATER RIGHT NO(S). 35-02544/35-08074B

This is to certify that: **RALPH D KLASSEN FARMS**
2837 W 1700 S
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02544 :			
IRRIGATION	04/01 to 10/31	2.54 CFS	508.0 AF
Priority: 08/29/1958			
Right No. 35-08074B :			
IRRIGATION	04/01 to 10/31	0.28 CFS	56.0 AF
Priority: 12/23/1982			
	TOTAL:	2.82 CFS	564.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 28, Township 04S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	31E	28	NWNW 22	SWNW 40	NWSW 40	141
			SWSW 39			
						141

Total number of acres irrigated: * 141

CONDITIONS OF APPROVAL AND REMARKS

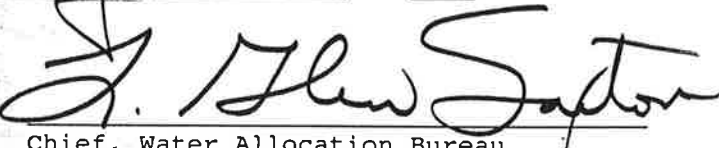
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5085
WATER RIGHT NO(S). 35-02544/35-08074B

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. Right 35-02544 shall not exceed irrigation of 127.0 acres in the place of use described above in a single irrigation season.
- * 7. Right 35-08074B shall not exceed irrigation of 14.0 acres in the place of use described above in a single irrigation season.

Dated this 6th day of July, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 35-02544 & 35-08074

FROM: Pam Skaggs ^{PS} State Office

SUBJECT: Transfer 5085

DATE: July 2, 1998

de J

Transfer 5085 creates a permissible place of use under Right 35-02544 and part of Right 35-08074, splitting the right into Parts A and B. The transfer also changes the point of diversion under the transferred portion of Right 35-08074 to the well located on the applicant's property creating a single system serving the 141 acre permissible place of use. ✓
Right 35-08074 is split disproportionately to provide 0.02 cfs per acre for each portion as consolidated on the acres described under Parts A and B.

Season of use and diversion volume were adjusted to current standards. Recommended ✓
conditions include measuring and annual reporting, irrigation overlap, permissible place of use limits and standard transfer conditions.

RECEIVED

PENDING

P. 05

Form 222
1-87

MAY 14 1997

Page 1 of STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCESTransfer No. 5085

RECEIVED

JUL 21 1997

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant RALPH D. KLASSEN FARMS Phone (208) 397-5389Post Office address 2837 W 1700 S ABERDEEN ID 83210

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other CREATE PERMISSIBLE PLACE OF USE
2. Describe the reason for the proposed changes SEE ATTACHMENT 1

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------|-----------------------|------------------|----------------|
| 35-02544 | 08-28-1958 | 2.54 CFS | IRRIGATION | 04-01 to 10-31 |
| 35-08074(B) | 12-23-1982 | 0.28 CFS | IRRIGATION | 04-01 to 10-31 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 2.82 CFS cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	28	04S	31E	BINGHAM	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
04S	31E	28						22	40			40	39						141

NOTE: PERMISSIBLE PLACE OF USE

Total acres

141

PART 1**6. General Information:**

a. Description of diversion system _____
WELL, PUMP AND PIPELINES TO IRRIGATION SYSTEM ON CROPLAND.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE

d. Remarks:

SEE ATTACHMENT 1

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

JUN 21 1999

**State of Idaho****DEPARTMENT OF WATER RESOURCES****900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177****EASTERN REGION****MEMORANDUM****PHILIP E. BATT**
GOVERNOR**KARL J. DREHER**
DIRECTOR

To: Transfer file T5085 (35-02544, 35-08074B)
From: Paul R. Meyer, Eastern Region
Date: July 11, 1997

RE: Calculation of cfs and acreage for split of 35-08074

As part of the analysis of T5085, I calculated the cfs flow and acreage for the two proposed portions of 35-08074.

Water right 35-08074 is licensed for 139 acres and 2.29 cfs. The place of use for 35-08074 overlaps 47 acres of 35-02544. As the point of diversion for 35-08074 is **not** connected to the point of diversion for 35-02544, the cfs flow for 35-08074 can be considered proportional over all of its 139-acre place of use.

Transfer T5085 serves to separate the two systems based on ownership of the place of use. The applicant, Ralph D. Klassen Farms, owns the S1/2NWNW, SWNW, and the W1/2SW of Section 28, T04S, R31E. Paul Muirbrook holds the NWNW of Section 33, T04S, R31E and the NENE of Section 32, T04S, R31E.

Ralph D. Klassen Farms holds 61 acres of 35-08074 (47 overlapping acres and 14 entirely new acres) along with 35-02544 in its 127-acre entirety. Total acreage irrigated for the Klassen portion is 141 acres. Paul Muirbrook holds 78 acres of 35-08074.

As the two wells are now and will continue to be separate, neither one can exceed 0.02 cfs per acre total for their respective places of use. When based on the entire 61 acre split and added to 35-02544, the Klassen portion of 35-08074 would be far in excess of the 0.02 cfs per acre limit from a single source. As a result, only 14 acres (141 total minus 127 from 35-02544) can be used to calculate the required cfs flow.

Portion 35-08074B could then be only 14 acres and concentrated to 0.28 cfs (14 acres @ 0.02 cfs/acre), even though 61 acres are taken from the original right to create it. Portion 35-08074A can be concentrated to 0.02 cfs to 1.56 cfs (78 acres @ 0.02 cfs/acre). The total for the two portions would be 1.84 cfs and 92 acres; far below the 2.29 cfs and 139 acres originally licensed.

Finally, as Klassen's proposed system makes little differentiation in water delivery, water rights 35-02544 and 35-08074B are prime candidates for permissible place of use. License 35-02544 would provide 127 acres within the 141-acre proposed place of use and 35-08074B would provide 14 acres within the 141 listed.

Confusing??? A little, but it works, and it clears up any possible future mysteries concerning the 47-acre overlap on Klassen's property.

ATTACHMENT 1**Part 1A (continued):****2. Describe the reason for the proposed change:**

Applicant wishes to consolidate irrigated acreage for entire system under one point of diversion. This transfer will also create a permissible place of use totaling 141 acres.

Part 1B (continued):**6. General Information:**

d. Remarks: Land is to be irrigated under **Permissible Place of Use** as follows:

35-02544 is limited to the irrigation of 127 acres within the 141 acre place of use described in Part 1B of this document in a single irrigation season.

35-08074(B) is limited to the irrigation of 14 acres within the 141 acre place of use described in Part 1B of this document in a single irrigation season.

Note: This transfer would **reduce** the total amount for all portions of 35-08074 to **1.84 cfs**. As 35-02544 is licensed for 0.02 cfs/acre from the well proposed to serve 35-08074(B), water will be concentrated on the place of use not covered by 35-02544 to a maximum of 0.02 cfs/acre. **Portion 35-08074(A) will retain 1.56 cfs over remaining 78 acre place of use, and 35-08074(B) will take 0.28 cfs for 14 acres.** The remaining 0.45 cfs portion of 35-08074 will be considered lost.

**Transfer 35-02544, 35-08074
Krown Farms**

35-08074

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 NO If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.28 cfs* for IRRIGATION purposes from 04-01 to 10-31
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	28	04S	31E	BINGHAM	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04S	31E	28									22	39							61

61*

Total acres **C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.56 cfs* for IRRIGATION purposes from 04-01 to 10-31
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

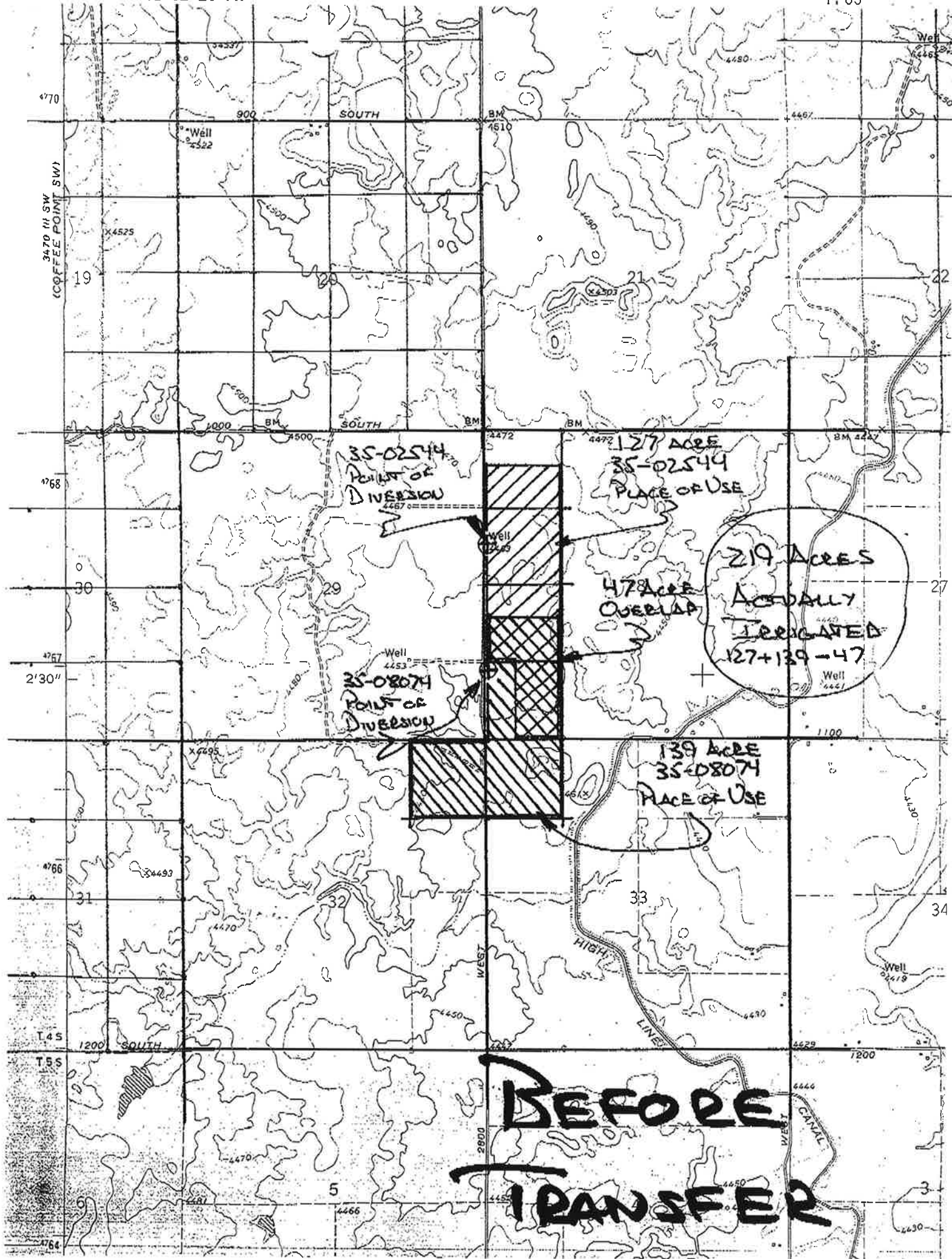
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	28	04S	31E	BINGHAM	

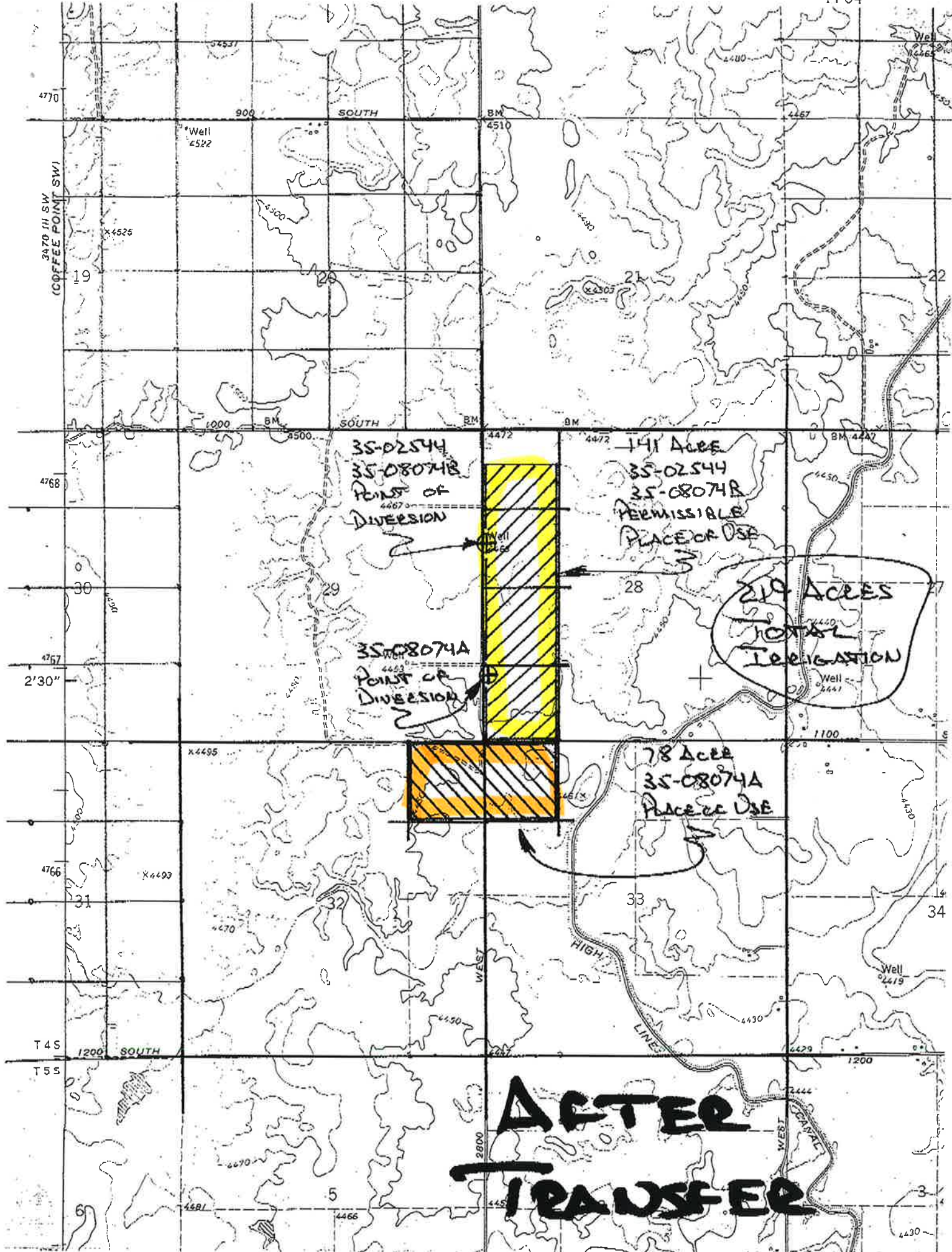
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04S	31E	32	39																39
		33					39												39

* SEE REMARKS IN ATTACHMENT 1

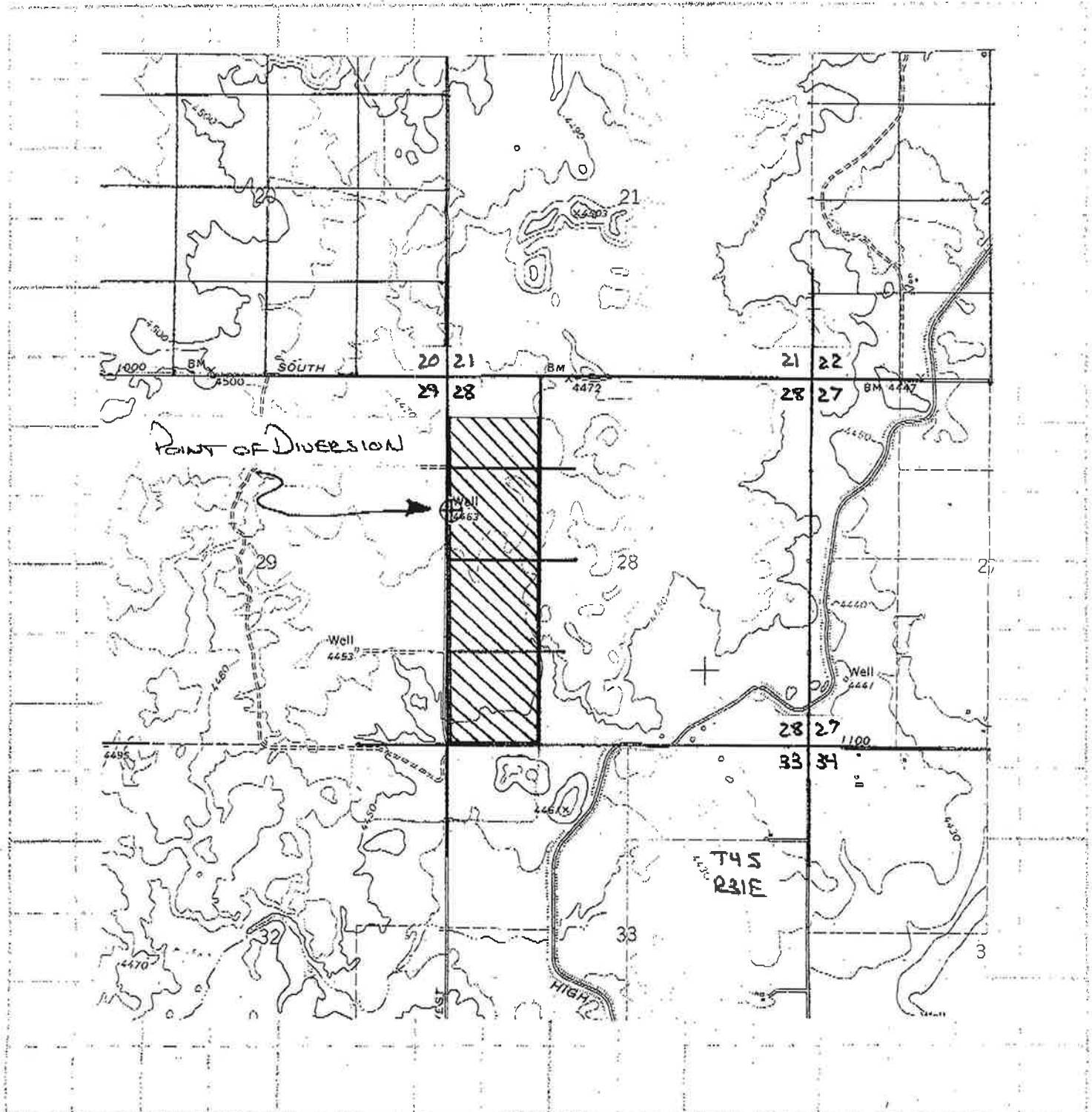
Total acres 78*





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MEMORANDUM OF AGREEMENT RE: WATER RIGHT

The undersigned, being Paul Muirbrook and Pam Muirbrook, husband and wife, of Sterling, Bingham County, Idaho, hereinafter referred to as Sellers; and Robert Knudsen, Jr. and Sharon Knudsen, husband and wife, of American Falls, Power County, Idaho, hereinafter referred to as Buyers, do hereby agree as follows:

1. That the Sellers have a water right designated as water license No. 35-08073 by the Idaho Department of Water Resources, which right is appurtenant to the following described real property:

2. That the Buyers desire to purchase the said water right for the sum of \$25,000.00; \$12,500.00 of which has been paid by the Buyers to the Sellers, and the remaining \$12,500.00 of which shall be paid upon the execution of this agreement.

3. That the Buyers desire to transfer said water right to another piece of property. The parties understand that any such transfer would have to be approved by the Idaho Department of Water Resources.

In the event that such approval has not been obtained within five (5) years of the date of this agreement, the Buyers agree to re-purchase the above-described water right for the same sum and upon similar terms as are contained herein.

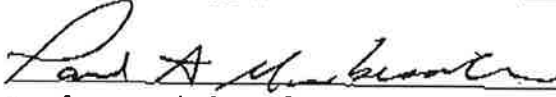
As security for said re-purchase, the Buyers agree not to sell, mortgage, or otherwise encumber the property above-described and both parties agree not to take any action that would jeopardize the existence of the above-described water right and its ability to be utilized in connection with the above-described real property unless and until the water right may be duly and properly transferred.

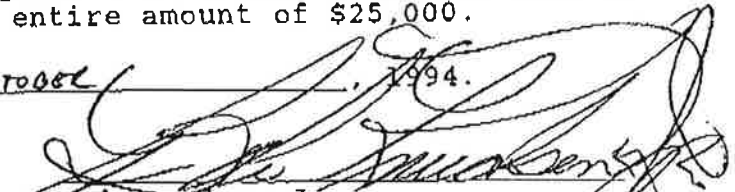
SALES AGREEMENT

I, Paul A Muirbrook, do hereby agree to sell a water right license numbered 35-08074 to Bob Knudsen Jr of Aberdeen, Idaho for the sum of \$25,000. I acknowledge that Bob Knudsen Jr has already paid \$12,500 of the original sum of \$25,000. I also agree to reimburse the entire amount of \$25,000 if it is found at a later date that the water right cannot be transferred to his property.

I, Bob Knudsen Jr, do hereby agree to purchase a water right license numbered 35-08074 from Paul A Muirbrook for the sum of \$25,000, \$12,500 of which, I have previously paid. I agree to pay the remaining balance of \$12,500 on or before December 15, 1994. I also agree to return ownership of water right license numbered 35-08074 to Paul A Muirbrook in the event that the water right cannot be transferred to my property and at the time that Paul A Muirbrook reimburses me for the entire amount of \$25,000.

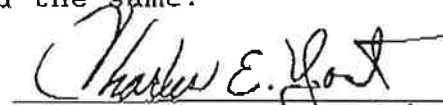
Dated this 14 day of October, 1994.


Paul A Muirbrook

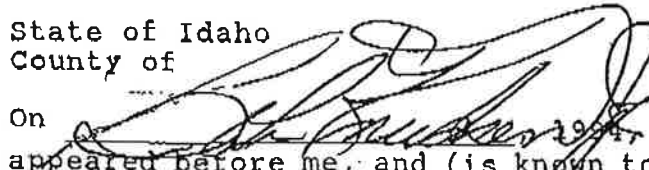

Bob Knudsen Jr

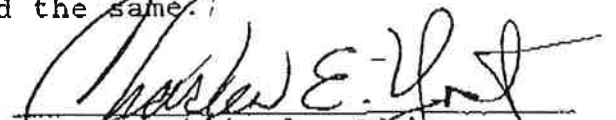
State of Idaho
County of Bingham

On OCT. 14th, 1994, Paul A Muirbrook personally appeared before me, and (is known to me/has proved to me) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho
Resides: 44-94 Aberdeen, ID 83210
Commission Exp.: 11-4-94

State of Idaho
County of

On  1994, Bob Knudsen Jr personally appeared before me, and (is known to me/has proved to me) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public for Idaho
Resides: Aberdeen ID 83210
Commission Exp.: 11-4-94