

No Color
Documents
In File

08/24/1998 11:51

288735

IDWR SOUTHERN REGION

PAGE 01

RECEIVED

JAN 08 1999

RECEIVED

JAN 05 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

RECEIVED

AUG 24 1998

Department of Water Resources
Southern Region

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):

45-11553

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/ClaimantJohn Poulson
PO Box 638 Burley

4. New Owner/Claimant(s)

M H Jones Farms L.P.

New Mailing Address

HC 76 Box 1130 Heglar Route

City, State and ZIP Code:

American Falls Id 83211

New Telephone Number

(208) 678-5400

5. Date you acquired the property

October 27 1994

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

1

Number and type of stock

Diversion rate in CFS

0.04

Number of homes

1

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)M H Jones

(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

MAR 16 2004

ISSUED BY



Commonwealth.
Land Title Insurance Company

POLICY NUMBER

207-160651

OWNER'S POLICY OF TITLE INSURANCE

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, COMMONWEALTH LAND TITLE INSURANCE COMPANY, a Pennsylvania corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Policy to become valid when countersigned by an authorized officer or agent of the Company.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Attest:

James J. Lynch Jr.
Secretary



By:

[Signature]

President

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the affect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (i) to timely record the instrument of transfer; or
 - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

MICROFILMED

MAR 5 6 2004

COMMONWEALTH LAND TITLE INSURANCE COMPANY

OWNERS POLICY

SCHEDULE A

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
25577	207-160651	November 2, 1994 at 10:12 A.M.	\$90,000.00	\$520.00

1. Name of Insured:

M. H. JONES FARMS LIMITED PARTNERSHIP, an Idaho Limited Partnership

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

M. H. JONES FARMS LIMITED PARTNERSHIP,
an Idaho Limited Partnership

4. The land referred to in this Policy in said instrument, is situated in the County of Cassia, State of Idaho, and is identified as follows:

SEE ATTACHED SCHEDULE A, PAGE 2

LAND TITLE AND ESCROW, INC.

Countersigned:



Authorized Officer or Agent

This Policy is valid only if Schedule B is attached.

MICROFILMED
MAR 16 2004

CONTINUATION

SCHEDULE A

Policy Number: 207-160651

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 28: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of said Section 28, said point marked by a 3"
Cassia County survey cap; Thence North 0°32'15" East (Basis of Bearing)
along section line for 850.50 feet to a P.K. nail; Thence North 88°35'00" West
for 256.67 feet to a point which shall be the Point of Beginning;
Thence North 88°35'00" West for 158.20 feet to a $\frac{1}{2}$ " rebar;
Thence North 0°36'34" East for 287.93 feet to a P.K. nail;
Thence South 79°41'31" East for 160.14 feet to a point;
Thence South 0°32'15" West for 263.18 feet to the Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 28: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of said Section 28, said point marked
by a 3" Cassia County survey cap; Thence North 0°32'15" East (Basis
of Bearing) along section line for 850.50 feet to a P.K. nail which shall
be the Point of Beginning.
Thence North 88°35'00" West for 256.67 feet to a point;
Thence North 0°32'15" East for 263.18 feet to a point;
Thence South 79°41'31" East for 260.42 feet to a P.K. nail on section
line;
Thence South 0°32'15" West along said section line for 222.93 feet to the
Point of Beginning.

MICROFILMED
MAR 16 2004

**OWNERS POLICY
SCHEDULE B
EXCEPTIONS FROM COVERAGE**

Policy Number: 207-160651

This Policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL (STANDARD) EXCEPTIONS:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
5. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
6. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

SPECIAL EXCEPTIONS

8. Taxes for 1994 and subsequent years, a lien, but not yet due or payable.
9. Assessments of the Burley Irrigation District and the rights and powers of said District as by law provided.

-Continued-

MICROFILMED

MAR 16 2004

CONTINUATION

SCHEDULE B

Policy Number: 207-160651

10. Right of Way from Robert Povlsen and Mary C. Povlsen, his wife, to Salt Lake Pipe Line Company, a Nevada corporation, dated May 21, 1952, and recorded June 11, 1952 as Instrument No. 175888 in Book 14 Miscellaneous, page 448, records of Cassia County, Idaho, over and across the E½SE¼ of Section 28, Township 10 South, Range 23 East Boise Meridian.
11. Easements contained in the Warranty Deed from Walter C. Povlsen and Shirley Povlsen, husband and wife, to John W. Povlsen and Cindy Povlsen, husband and wife, dated September 10, 1982 and recorded September 10, 1982 as Instrument No. 146068 on Film No. 152, records of Cassia County, Idaho which reads as follows: "Less a 10.0 foot wide access easement along the South side and a 8.0 foot wide irrigation easement along the North side." (Parcel No. 1)
12. Right-of-way and Easements contained in Warranty Deed from Walter C. Povlsen and Shirley Povlsen, husband and wife, to John W. Povlsen and Cindy Povlsen, husband and wife dated December 13, 1985 and recorded December 17, 1985 as Instrument No. 174850, on Film No. 177, records of Cassia County, Idaho which reads as follows: "SUBJECT TO a 25.0 foot wide county road right-of-way along the East side, a 10.0 foot wide access easement along the South side, and 8.0 foot wide irrigation easement along the North side." (Parcel No. 2)
13. A Deed of Trust to secure an indebtedness of \$45,000.00 and any other amounts as therein provided, and together with interest and any obligations secured thereby:

Recorded:	November 2, 1994 as Instrument No. 233711 on Film No. 260, records of Cassia County, Idaho.
Dated:	October 27, 1994
Grantor:	M. H. Jones Farms Limited Partnership, an Idaho Limited Partnership
Trustee:	Land Title and Escrow, Inc., an Idaho Corporation
Beneficiary:	John W. Povlsen and Cindy Povlsen, husband and wife

END OF SCHEDULE B

MICROFILMED
MAR 16 2004

COPY

2 27 13

CERTIFICATE OF LIMITED PARTNERSHIP

To the Secretary of State of Idaho,

Statehouse, Boise, Idaho 83720

RECEIVED
94 NOV 1 AM 10 48

1. The name of the limited partnership is:

(Must include, without abbreviation, the words "Limited Partnership.")

M. H. JONES FARMS LIMITED PARTNERSHIP

2. The name and business address of the registered agent are:

Kendall D. Jones, HC 76, Box 1120, American Falls, ID 83211

(not a P.O. Box)

3. The name and business address of each general partner are:

NameAddressMerlin H. Jones 1592 West Cornerstone Drive, South Jordan, Utah 84095Michael L. Jones 579 East Jene Drive, Sandy, Utah 84070Kendall D. Jones HC 76, Box 1120, American Falls, Idaho 83211

(If more space is needed, continue in item 5.)

4. The latest date on which the partnership will dissolve is:

June 1, 2002

5. Other matters (optional):

N/A

6. Signatures of all general partners:

Merlin H. Jones

Merlin H. Jones

Michael L. Jones

Michael L. Jones

Kendall D. Jones

Kendall D. Jones

Secretary of State use only

IDAHO SECRETARY OF STATE

19941101 0900 39153 2

CK #: 3679 CUST# 2521

CORP

1@ 100.00= 100.00

MICHAEL L. JONES

MAY 15 2003

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 45-11553

NAME AND ADDRESS: JOHN POVLSEN
RT 2 BOX 2046
BURLEY,, ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/31/1976

POINT OF DIVERSION: T10S R23E S28 NESESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

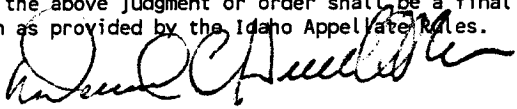
PLACE OF USE: Domestic Within Cassia County
T10S R23E S28 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

MAR 16 2004

SCANNED

SEP 19 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 23, 2004

M H JONES FARMS LP
HC D76 BOX 1120
AMERICAN FALLS ID 83211

RE: Change of Ownership for Water Right 45-11553

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for Kari Lynn Townsend
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAR 16 2004