Form I-222 November 30, 1999

Page 1 of 6

525-3423 PS

Transfer No. 5805

681-9392-M
-3420 Shop
524-1295-Mark

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Kevin Ward Elden Ward, Michael Ward, Daniel Ward Phone (208) 521-8085

Post Office address 9310 N 35 W Idaho Falls ID 83402

RECEIVED
SEP 8 2000
DEPARTMENT OF WATER RESOURCES

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

2. Describe the reason for the proposed changes Sold entire water right to Mickelsen Farms requiring that we transfer water off of land in Section 9 which we retained.

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
35-02714	5/31/1962	7.11 cfs	Irrig.	4/1 to 10/31
				to
				to
				to

2. Total amount of water being transferred 7.11 cubic feet per second and/or 3018.0 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
	NW	NW	NE	9	3N	35E	Bonneville	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	35E	4	37	37	40	39	28	27	40	40	40	40	39	40	39	40	40	39	605
		5	13			27									11				51
		9	29	35			35	34											133

MICROFILMED
NOV 03 2000

Total Acres 789

T5805

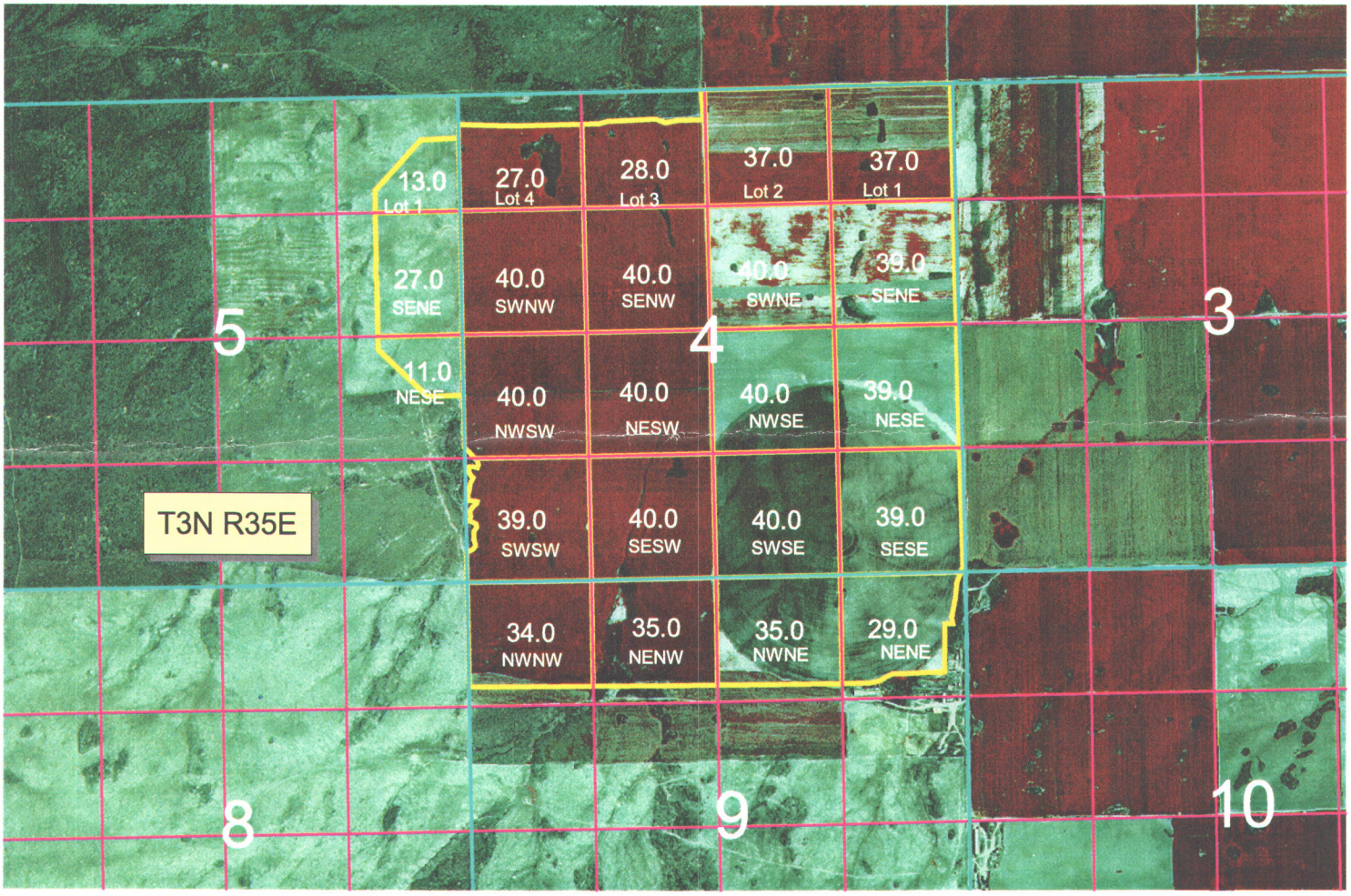
page 5 of 6

T 5805

STATE OF IDAHO

Department of Water Resources

Water Right(s): 35-02714



LEGEND

- Point of Diversion
- Place of Use
- Section Line
- Quarter-section line

Acres Irrigated = 789

MICROFILMED
NOV 0 8 2000

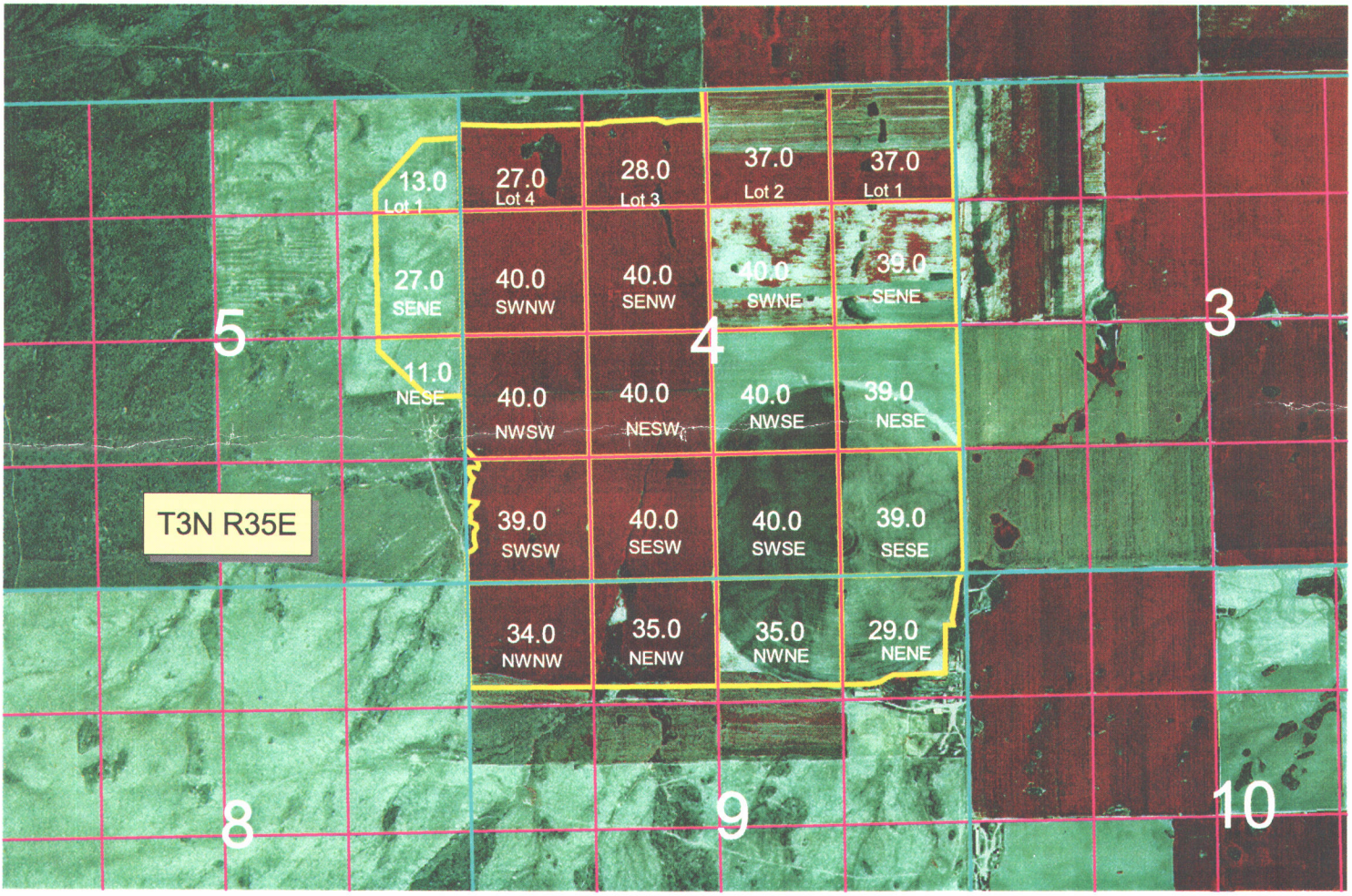
N
W E
S

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: June, 2000

STATE OF IDAHO

Department of Water Resources

Water Right(s): 35-02714



LEGEND

- Point of Diversion
- Place of Use
- Section Line
- Quarter-section line

MICROFILMED
NOV 0 8 2000

Acres Irrigated = 789

N
W
E
S

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: June, 2000

T 5805
ATTACHMENT 2 OF 7

2698
1839

5 | 4

① 22.0

T840

④ 192.7

171.6

528×2700

② * 84.7

③ 54.7

41.5 Acres

33 Acres

149 GPS

23 GPS in Corner

205 GPS

900' BACK

⑩ 6.5

⑨ 4.7

⑥ 8.4

⑦ 5.3

⑫ 78.2

⑬ 78.7

⑯ 169.9

1.9

154 GPS

164 GPS

5 | 4
8 | 9

4 | 3
9 | 10

⑪ 4.4

⑭ 5.4

⑮ 5.8

⑱ 10.1

⑰ 25.0

㉑ 8.1

⑳ 5.0

⑲ 9.6

Map
F2

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5805 Date Reviewed 9-12-2008 JS

Right(s) 35-02714 As Recommended

✓ WRQ/Split Summary ✓ SRBA Status NAP ✓ Run POU Comparison Report

B:Change P/D C:Add P/D (D):Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Warranty Deed - Wards to Mickelsen Farms
SRBA Ownership change to Mickelsen - ✓ per Region.

Transfer ✓ All of Right ____ Portion of Right Fee ✓
Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31 Standard Volume 4.0 / 3.0

(1) ✓ Priority (2) ✓ Use (3) ✓ Season/W61 (4) ✓ Rate (5) ✓ Volume VDR

(6) ✓ Source (7) ✓ P/D (8) ___ P/U (9) ✓ Proof/Owner New Owner (10) ✓ Map

(11) NA Water District North Snake GW Dist. & North ESPA (12) NO Pertinent Conditions (13) NO Expansion

(8) Shift P/U from parts of Sec. 9 to Sec 5.

Current Owner after transfer is Mickelsen Farms. / Send Copy to Wards.

Transfer Remarks

Conditions 067, R64, T07, T08

Database/Processing Notes Standard ____ Non-Standard ✓

Copy approved version to an "X" prefix, delete T & comment to base WR. ✓

"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ____

Database Updated Following Approval ✓ Memo/Form Files Deleted ✓ 09-13-08 JS

T 5805

WR0725NP
(OD-725)

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 09/12/00
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE NE Lt	NE NE Ac	NE NW Lt	NE NW Ac	NE SW Lt	NE SW Ac	NE SE Lt	NE SE Ac	NW NE Lt	NW NE Ac	NW NW Lt	NW NW Ac	NW SW Lt	NW SW Ac	NW SE Lt	NW SE Ac	SW NE Lt	SW NE Ac	SW NW Lt	SW NW Ac	SW SW Lt	SW SW Ac	SW SE Lt	SW SE Ac	SE NE Lt	SE NE Ac	SE NW Lt	SE NW Ac	SE SW Lt	SE SW Ac	SE SE Lt	SE SE Ac	SUM
T03N R35E S 4																																		
3502714	GROUNDWATE			40	40	40	40			37	39	40	40					40	40	39	40					40	40	40	40					635
*3502714	GROUNDWATE			37	37	40	39			28	27	40	40					40	40	39	40					39	40	40	39					605
A3502714	GROUNDWATE			39	39	39	32			28	25	40	40					40	40	39	39					40	39	39	40					598
T3502714	GROUNDWATE			37	37	40	39			28	27	40	40					40	40	39	40					39	40	40	39					605
--86 MAP--	C19Q-X 90					37	39					39	42					36	38	34	38					40	39	42	37					461
NO QTRS	MAPPING	Lot01-24 Lot02-27 Lot03-29 Lot04-27																																
T03N R35E S 5																																		
		NO MATCHES FOR THIS POU IN AJ-POU																																
T3502714	GROUNDWATE		13				27																				11							51
--86 MAP--	C19Q-X 89																																	
NO QTRS	MAPPING	Lot04-06																																
T03N R35E S 9																																		
3502714	GROUNDWATE	04-37	39	23	10					40	39	21	19																					228
*3502714	GROUNDWATE	29	40	19	1					31	40	7	17																					184
A3502714	GROUNDWATE	30	39	23						35	39	10	15																					191
T3502714	GROUNDWATE	29	35	-	-					35	34	-	-																					133
--86 MAP--	C19Q-X 90	19	11							2																								32

SAME

New P/U QQs

Original

Proposed

No Overlaps

T5805

32 | 33
5 | 4

33 | 34
4 | 3

1840

① 22.0
HEL

④ 192.7

⑤ 70

① 171.6

② 84.7

③ 54.7

⑥ 8.4

HEL

HEL

⑨ 4.7

⑧ 4.9
HEL

⑦ 5.3

⑩ 6.5

⑫ 78.2

Well

⑬ 78.7

⑯ 169.9

5 | 4
8 | 9

4 | 3
9 | 10

1.9

⑪ 4.4
HEL

⑭ 5.4

⑮ 5.8

HEL

HEL

⑰ 25.0

⑱ 10.1

⑳ 5.0

⑲ 9.6

HEL

HEL

HEL

Well

Well

Rge. 35E.

39 37 40 40

40 40 4 40 40

40 40 40 40

39 40 40 40

39 40 39 37

21 19 23 10

C.P.D.

Twp. 3N. 9

156

160

160

159

155

73

863 ACRES

AREA - 863 ACRES

SUBD - 24

Q - 7.11

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

To Duce

30516


JEFFERSON CO. LINE
32 33
33 34
303.1
312.8
E 28
298.9
D 25
FOUND
GRAIN
SPUDS
301.2
D 25
5-1-C
30570

5-2-D



INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

30516

Realty Investment Co. (L. S. Merrill)
(Brunt Farms)
Box 1151
Idaho Falls, Idaho
Permit No. G-30516

600 h.p. + 200 h.p. booster
22" 730'
H-600'
Q-4000 gpm

Examination for Comp. of Works & Beneficial Use

County Bonneville

Sec. ~~10~~ 8, 9, T. 3 N R. 35E

Quantity: 25 c.f.s.

Source: subterranean

P.D.: NW¼NE¼, ~~NW¼SE¼~~, Sec. 9; ~~NE¼SE¼, Sec. 8; NW¼SW¼, Sec. 10~~, T. 3 N, R. 35 E, B.M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: May 31, 1962

Due: June 1, 1967
Made: May 31, 1967
Priority: May 31, 1962

792 - 7/64 45"

600 HP GE
TYJ 61201 3

L & B # D06032
5000 gpm 600'
1770 RPM

200 HP GE
CBY 816165

L & B
D.1478 (
3300 gpm
190'
1770 RPM

16"

600

30 E 9/64

Affidavit of Publication
The Post - Register

RECEIVED
JUN 5 1967
Department of Reclamation

STATE OF IDAHO }
County of Bonneville } ss.

I, E. F. McDermott, being first duly sworn, depose and say: That I am the Principal Clerk of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publisher of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, in Bonneville County, Idaho, and that said newspaper has been published continuously and uninterruptedly for more than four (4) years up to and including the last publication of the notice hereinafter referred to.

Affiant further says that the said newspaper, prior to the date of the first publication of said notice, as hereinafter stated, did designate a particular day of the week as the day on which legal notices, required by law or by order of any Court of competent jurisdiction within the State to be published weekly, would be published, and that since prior to the date of the first publication of said notice, as hereinafter stated, said newspaper has at the head of the editorial column of said paper and in each issue thereof announced the day of the week on which such legal notices required by law or by order of any Court of competent jurisdiction to be published weekly would be published, and that such day so designated was and is the Sunday issue or edition of said newspaper of each week.

Affiant further says that the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Post-Register in the Sunday edition or issue of said newspaper for four consecutive weeks, the first publication having been made in the Sunday issue of said newspaper on the 23rd day of April, 1967, and that said notice was thereafter published in each Sunday issue of said newspaper as follows:

On Sunday the 30th day of April, 1967.
and on Sunday the 7th day of May, 1967.
and on Sunday the 14th day of May, 1967.
and on Sunday the ..... day of ....., 19.....
and on Sunday the ..... day of ....., 19.....
and on Sunday the ..... day of ....., 19.....

and that said notice was published in the regular and entire issue of said newspaper on the said respective dates of publication, and that such notice was published in the newspaper and not in any supplement issue thereof.

E. F. McDermott

Subscribed in my resence and sworn to before me this 15th day of April, 1967.

Karen Dale
Notary Public
Residence: Idaho Falls, Idaho
My commission expires April 5th, 1971.

B-11

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on the 31st day of May, 1967, at Idaho Falls, County of Bonneville, State of Idaho before Muriel Flunarty, Notary Public, at 470 B Street, Idaho Falls, Idaho, proof will be submitted of the completion of works for the diversion of 25 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-30516, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Realty Investment Company (Brunt Farms), Box 1151, Idaho Falls, Idaho.
2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 25 cubic feet per second.
3. The use to which said water has been applied is sprinkler irrigation, purposes and the amount applied to beneficial use is 25 cubic feet per second.
4. The point of diversion of said water is NW¼NE¼ of Section 9, T. 3 North, R. 35 E.B.M.
5. The place where said water is used is Section 4 and North ½ of Section 9, T. 3 North, R. 35 E.B.M.
6. The date of priority which said user is prepared to establish is May 31, 1962.

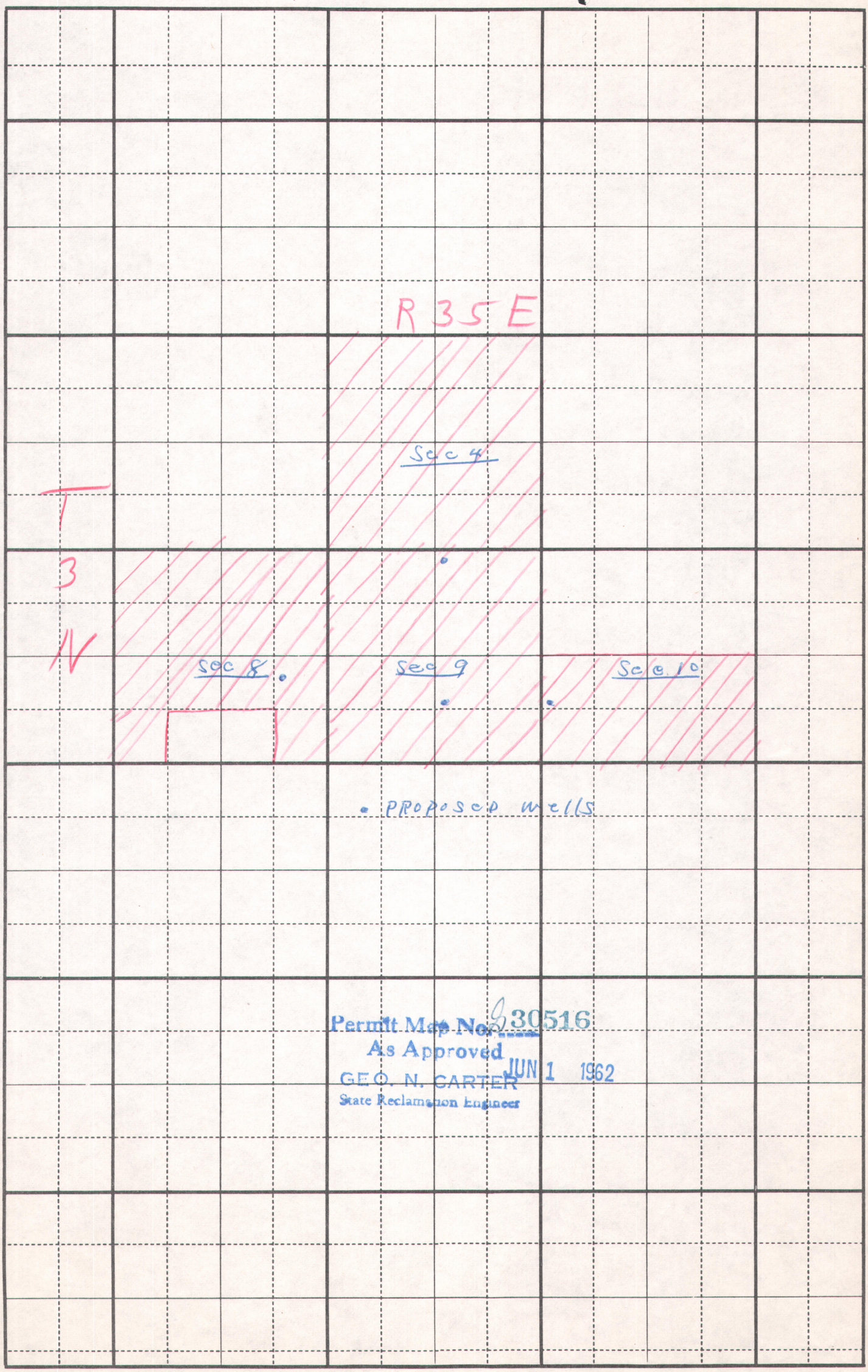
R. KEITH HIGGINSON
State Reclamation Engineer

Pub: April 23, 30, May 7, 14, 1967.

30516

NAME OF APPLICANT Realty Investment Company (Brunt Farms)

Form No. 0



Permit Map No. 30516
As Approved
GEO. N. CARTER JUN 1 1962
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

30516

IM 3-1-59

State of Idaho

License and Certificate of Water Right

Water License No. G-30516 Priority May 31, 1962 Amount 7.11 c.f.s.

THIS IS TO CERTIFY that REALTY INVESTMENT COMPANY (BRUNT FARMS)

of Idaho Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 31, 19 62; that Permit No. G-30516 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 7.11 second feet, was issued thereunder on February 13, 19 68, showing that said works were completed on the 31 day of May, 19 67; and that on the 31 day of May, 19 67 REALTY INVESTMENT COMPANY (BRUNT FARMS) of Idaho Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation, under Use Permit No. G-30516 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~in Volume of Licenses at Page~~, on the 13 day of February, 1968.

The right hereby confirmed dates from May 31, 19 62.

The Point of Diversion is located in the NW ¼ NE ¼, Sec. 9, Twp. 3 N, R. 35 E, B.M. Bonneville County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 7.11 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N	35 E	4	NE¼	160	160
			NE¼ NW¼	40	37
			NW¼ NW¼	40	39
			S½ NW¼	80	80
			N½ SW¼	80	80
			SW¼ SW¼	40	39
			SE¼ SW¼	40	40
			SE¼	160	160
		9	NE¼ NE¼	40	37
			NW¼ NE¼	40	39
			SW¼ NE¼	40	23
			SE¼ NE¼	40	10
			NE¼ NW¼	40	40
			NW¼ NW¼	40	39
			SW¼ NW¼	40	21
			SE¼ NW¼	40	19
			Total number of acres irrigated:		863

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13 day of February, 1968.

R. Keith Higginson

State Reclamation Engineer.

35 2714

30516

G-30516

35-2714
MTG: JOHN HANCOCK

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 38591
Permit No. G- 30516
District No.

1. Name of Applicant: Realty Investment Company (Brunt Farms)
   Postoffice address: Box ~~156~~, 1151 Idaho Falls County: Bonneville State: Idaho

2. Quantity of water claimed: 25 c.f.s.

   (a) Rate of withdrawal in cubic feet per second or Idaho Miners' inches or gallons per minute

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the NW¼ NE¼ 9, NW¼ SE¼ 9, NE¼ NE¼ 8, NW¼ SW¼ 10 of the SE¼ NE¼ ¼ of Section

   Twp. 3 N , Rge. 35 E , B.M., County of Bonneville

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B.M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B.M.

7. Kind of works: 4 drilled wells, electric motors with pumps and sprinklers

8. Estimated cost of works: $ 300,000.00

9. (a) Is reservoir to be used? No

   (b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

   I. (a) Date and place of incorporation:

   (b) Amount of capital stock: $ (c) Amount paid in: $

   (d) Names and addresses of directors:

   II. The financial resources of the applicant are (a) Cash on hand: $

   (b) Treasury stock: (c) Bonds to be issued:

   (d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

   (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

   (b) 25.0 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Realty Investment Co. *Applicant.*

By s/ L. S. Merrill Partner *Agent.*

Date of first receipt at Department of Reclamation: 11:00 May 31, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 30516

Recorded in Book 107 Page 30516 Approved June 1, 1962

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ to be filed on or before

Work to begin on or before and to continue deligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before December 1, 1964

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before June 1, 1967

Witness my hand this 1st day of June , 1962

s/ CARL E. TAPPAN
Assistant STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st day of June, 1962

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

STATE OF IDAHO

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 N	35 E	4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
3 N	35 E	8	40	40	40	40	40	40	40	40	40	40	40		40	40		40	560
3 N	35 E	9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
3 N	35 E	10									40	40	40	40	40	40	40	40	320
																			2160

PERMIT NO. G-30516 ✓

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that REALTY INVESTMENT COMPANY(BRUNT FARMS) of Idaho Falls, County of Bonneville, and State of Idaho, the holder of Permit No. G-30516, issued upon Application No. G-38591 bearing date of priority of May 31, 1962, authorizing the diversion of 25 second feet of waters of a well, County of Bonneville, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 7.11 second feet of the waters of a well, from subterranean flow, that the point of diversion of said waters is in the NW¼NE¼ Section 9, Township 3 North, Range 35 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: Section 4 and N½ Section 9, Township 3 North, Range 35 East, Boise Meridian.

Proof of Completion of Works made: May 31, 1967

Witness my hand this 13 day of February, A. D. 1968

LICENSE ISSUED FOR 7.11 SEC. FT.
LICENSE PAGE NO. 30516.

/S/ R. KEITH HIGGINSON
State Reclamation Engineer

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
35-02714	REALTY INVESTMENT CO.	C	05/31/1962	L/	GROUNDWATER	IRR	WR
X35-02714	MICKELSEN FARMS	C	05/31/1962	L/	GROUNDWATER	IRR	WR
	RIGBY PRODUCE	C					
35-02714	MICKELSEN FARMS	C	05/31/1962	L/	GROUNDWATER	IRR	AJ
	RIGBY PRODUCE	C					
A35-02714	WARD, ELDON L	C	05/31/1962	L/	GROUNDWATER	IRR	AJ

MICROFILMED
NOV 0 8 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5805
WATER RIGHT NO. 35-02714

This is to certify that: **MICKELSEN FARMS**
RIGBY PRODUCE
PO BOX 628
RIGBY ID 83442

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.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	7.11 CFS	3018.0 AF

SOURCE

GROUNDWATER

Priority: 05/31/1962

LOCATION OF POINT(S) OF DIVERSION: NWNWNE , Sec. 9, Township 03N, Range 35E
BONNEVILLE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03N	35E	4	NENE	37	NWNE	37	SWNE	40	
			SENE	39	NENW	28	NWNW	27	
			SWNW	40	SENW	40	NESW	40	
			NWSW	40	SWSW	39	SESW	40	
			NESE	39	NWSE	40	SWSE	40	
			SESE	39					605
		5	NENE	13	SENE	27	NESE	11	51
		9	NENE	29	NWNE	35	NENW	35	
			NWNW	34					133
						Total number of acres irrigated:			789

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.

MICROFILMED
NOV 0 8 2006

TRANSFER NO. 5805
WATER RIGHT NO. 35-02714

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.

Dated this 13th day of September, 2000.

L. Glenn Saxton
Chief, Water Allocation Bureau

MICROFILMED
NOV 0 8 2000

Form I-222 November 30, 1999

Page 1 of 6

S 25-3423 PS

Transfer No. 5805

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

681-9392-M
-3420 Shop
524-1295-Mark

Name of Applicant Kevin Ward Elden Ward, Michael Ward, Daniel Ward Phone (208) 521-8085

Post Office address 9310 N 35 W Idaho Falls ID 83402

RECEIVED
SEP 8 2000
DEPARTMENT OF WATER RESOURCES

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

2. Describe the reason for the proposed changes Sold entire water right to Mickelsen Farms requiring that we transfer water off of land in Section 9 which we retained.

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	
35-02714	5/31/1962	7.11 cfs	Irrig.	4/1	to 10/31
					to
					to
					to

2. Total amount of water being transferred 7.11 cubic feet per second and/or 3018.0 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
	NW	NW	NE	9	3N	35E	Bonneville	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	35E	4	37	37	40	39	28	27	40	40	40	40	39	40	39	40	40	39	605
		5	13			27									14				5[illegible]
		9	29	35			35	34											133

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NOV 0 8 2000

Total Acres 789

T5805

Transfer No. 5805

PART 1

6. General Information:

a. Description of diversion system Well, pump & center pivots.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

_____ Yes __X__ 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:

Land will become dry land pasture.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____.

_____

For the Director

MICROFILMED

NOV 0 8 2000

TRANS NO. 5805

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. **35-02714**

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	7.11 CFS	3018.0 AF

SOURCE

GROUNDWATER

Priority: 05/31/1962

LOCATION OF POINT(S) OF DIVERSION: NWNWNE , Sec. 9, Township 03N, Range 35E
BONNEVILLE County

PLACE OF USE:

IRRIGATION

			NE					NW					SW					SE					
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW	NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
03N	35E	4		37		37		40		39		28		27		40		40		40		39		40		39		40		40		39	605.0
03N	35E	9		29		40		19		01		31		40		07		17															184.0
																																TOTAL ACRES	789.0

CONDITIONS/REMARKS:

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

Describe any other water rights used for the same purpose as described above: NONE

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:

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NOV 08 2000

TRANS NO. 5805

Claim No. **35-02714**

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

/_/ Tax Notice /_/ Warranty Deed /_/ Other _____

MICROFILMED

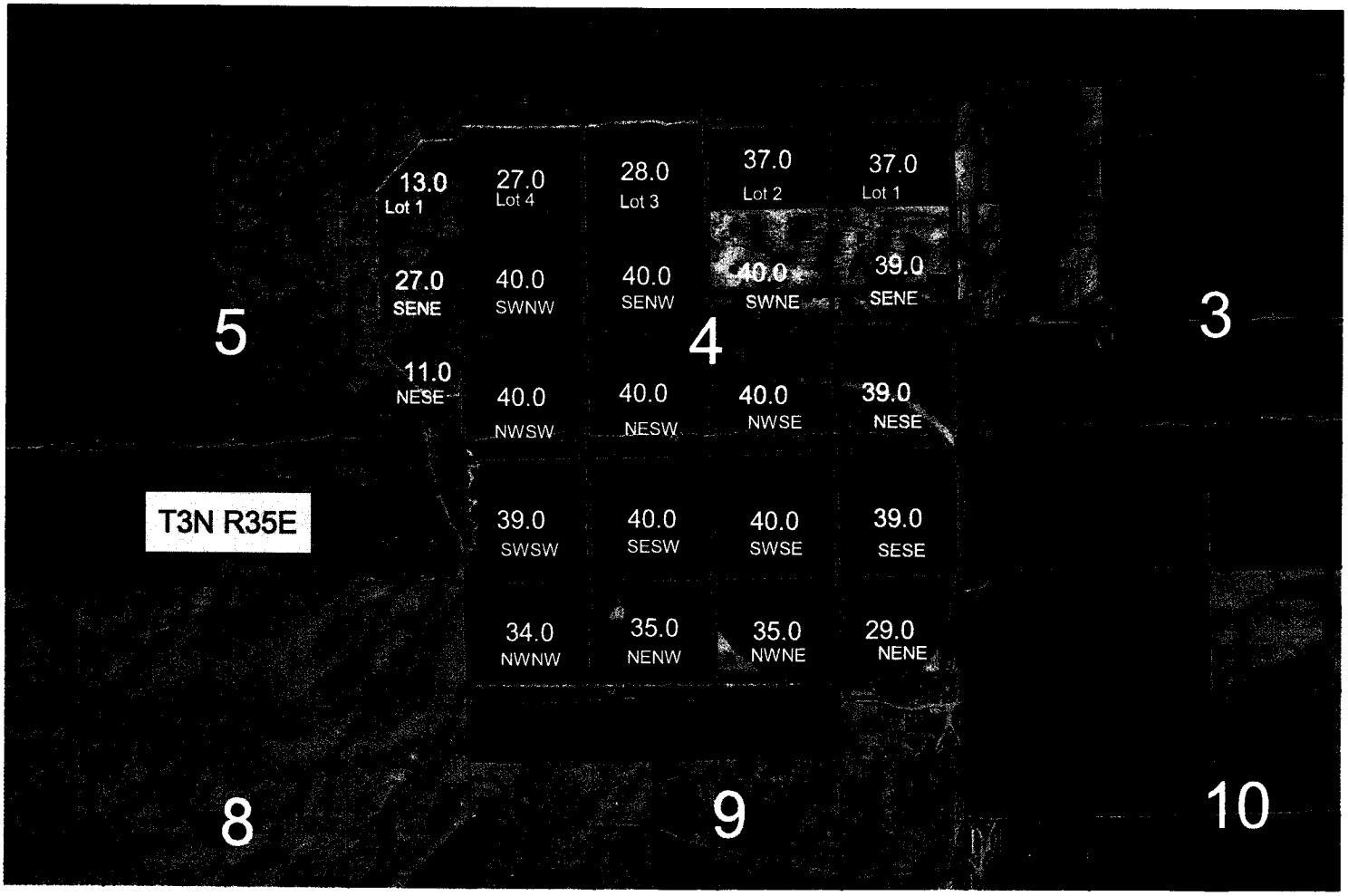
NOV 0 8 2005

T 5805

STATE OF IDAHO

Department of Water Resources

Water Right(s): 35-02714



LEGEND

- Point of Diversion
- Place of Use
- Section Line
- Quarter-section line

Acres Irrigated = 789

MICROFILMED
NOV 0 8 2006

N
W E
S

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: June, 2000

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
			to
			to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Edson & Ward

Michael J. Ward Daniel A. Ward

(Signature of Applicant)

Subscribed and sworn to before me this 20th day of July 2000.

Deborah M. Brown

(Notary Public)

DEBORAH M. BROWN NOTARY PUBLIC STATE OF IDAHO

My commission expires 2004

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 7 attachments

Received by HJ Date 7/31/00 Protest filed by

Prelim. Check by Fee

Receipted by HJ Date 7/31/00 $530.00 E026030

Published in Post Register Copies of protest forwarded by

Pub. Dates Aug 10 & 17, 2000. Hearing held by Date

Watermaster recommendations requested on Recommended for ☑ approval ☐ denial

received by BK

Copy of transfer sent to lien holder

MICROFILMED

NOV 0 8 2000

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 2000

RE: Transfer Application for 35-02714

KEVIN WARD
9310 N 35 W
IDAHO FALLS ID 83402

Dear Mr. Ward:

Enclosed for your review is an Application for Transfer of water right 35-02714. The application proposed a change in the place of use, moving water off land retained by your family and putting it on land purposed by Mickelsen Farms.

If you find the application is correct please have the individuals listed as applicants sign the application before a notary. The application should be returned to this office with a copy of the warranty deed listing the property in Section 9 your family retained, and a $100.00 filing fee.

Respectfully,

Ernest Carlsen

Ernest Carlsen
Water Rights Supervisor

Enclosures (2)

emc

cc: Mickelsen Farms
Att: Mark Mickelsen

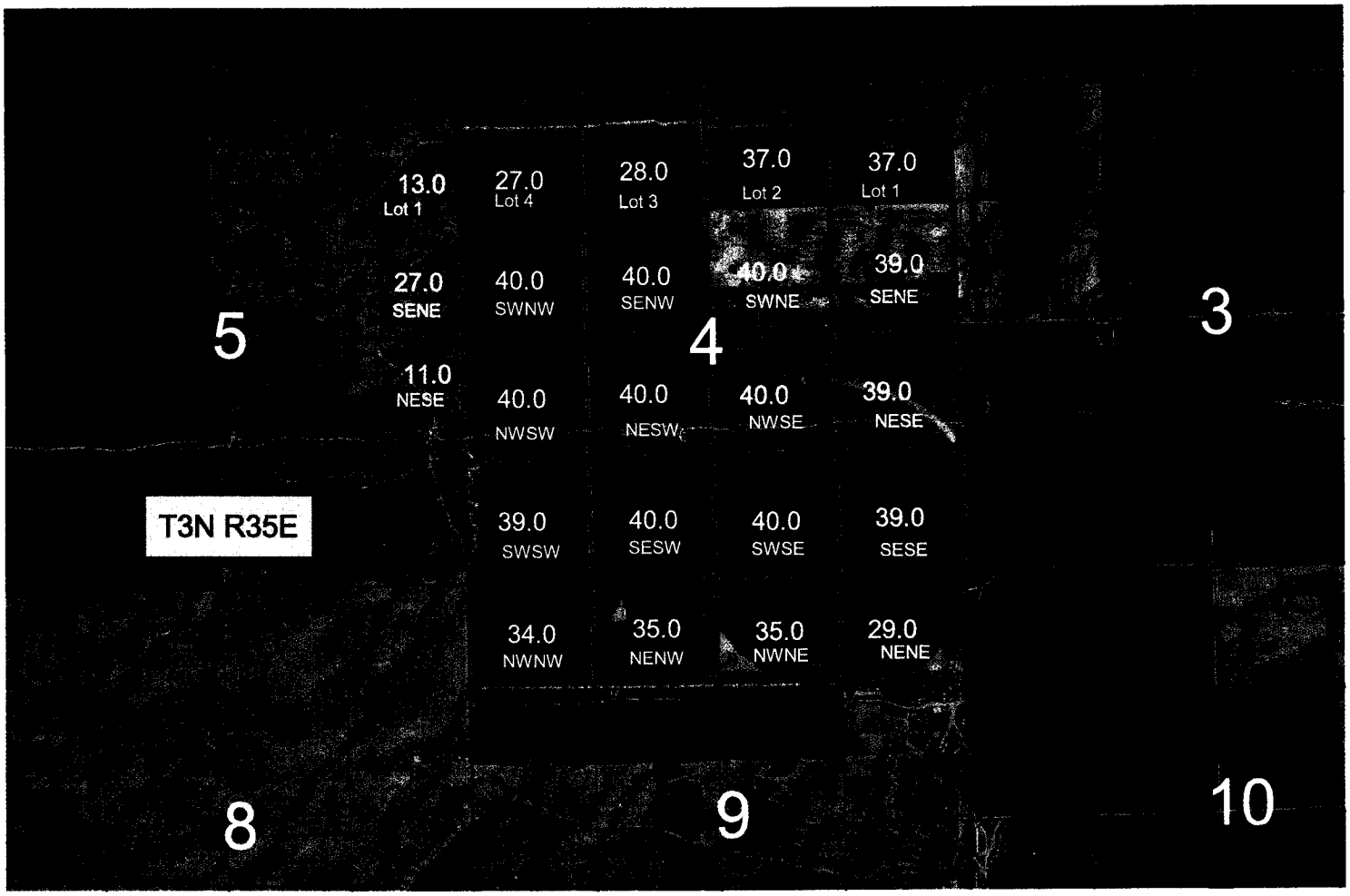
MICROFILMED
NOV 2 8 2000

T 5805
ATTACHMENT 1 OF 2

STATE OF IDAHO

Department of Water Resources

Water Right(s): 35-02714



LEGEND

- Point of Diversion
- Place of Use
- Section Line
- Quarter-section line

MICROFILMED
NOV 03 2003

Acres Irrigated = 789

N
W E
S

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: June, 2000

T 5805
ATTACHMENT 2 OF 7

2698
1839

5 | 4

① 22.0

T840

④ 192.7

⑤

71.6

528×2700

② 84.7

③ 54.7

41.5 Acres

35 Acres

149 GPS

23 GPS in Corner

205 GPS

⑥ 8.4

⑦ 5.3

⑨ 4.7

⑩ 6.5

900' BACK

⑫ 78.2

⑬ 78.7

⑯ 169.9

4 | 3
9 | 10

5 | 4
8 | 9

154 GPS

164 GPS

Map
F2

⑪ 4.4

⑭ 5.4

⑮ 5.8

⑰ 25.0

⑱ 10.1

㉑ 8.1

㉒ 5.0

14 9.6

BONNEVILLE COUNTY RECORDER
1020238 APR 7 '00 4 29

1020238

BLT T-16105

WARRANTY DEED

ELDON L. WARD and EVELYN WARD, husband and wife; MICHAEL J. WARD and LOIS L. WARD, husband and wife; DANIEL D. WARD and G. RAE WARD, husband and wife; KEVIN E. WARD and SONDRA WARD, husband and wife, as **GRANTOR,**
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto MICKELSEN FARMS, a partnership, as **GRANTEE,** *whose address is* 1050 W Riverview Dr. Idaho Falls, Idaho 83401 *and Grantee's successors and assigns, all of the following described real property, to-wit:*

TRACT 1:

Beginning at the Northeast Corner of Section 4, Township 3 North, Range 35 East of the Boise Meridian, Bonneville County, Idaho, said Northeast Corner being a found 1913 B.L.M. brass cap monument, and running thence S89°53'00"W 5276.72 feet along the Section line to the Northwest Corner of said Section 4; thence S89°53'00"W 900.00 feet along the Section line; thence S00°05'39"W 3250.98 feet; thence N89°52'33"E 900.01 feet to an existing fence line; thence along an existing fence line the following three (3) courses: (1) S00°03'27"W 2994.03 feet; thence (2) S88°37'12"E 2633.27 feet; thence (3) S01°22'48"W 15.00 feet; thence S88°37'12"E 2662.71 feet to the East line of Section 9; thence N00°00'55"E 1204.76 feet along said East line to the Northeast Corner of said Section 9; thence N00°06'12"W 5193.41 feet along the East line of said Section 4 to the point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. *That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 445056 on March 22, 1973, at 2:31 p.m., records of Bonneville County, Idaho.*

TRACT 2:

Beginning at a point that is N00°00'55"E 1354.18 feet along the Section line from the Southeast Corner of Section 9, Township 3 North, Range 35 East of the Boise Meridian, Bonneville County, Idaho, said Southeast Corner being a 1913 B.L.M. brass cap monument, and running thence along an existing fence line the following four (4) courses: (1) S88°56'04"W 456.98 feet; thence (2) N01°36'42"W 179.31 feet; thence (3) N67°37'38"E 261.46 feet; thence (4) N00°08'15"E 484.16 feet extended; thence S88°43'08"E 219.26 feet to the East line of said Section 9; thence S00°00'55"W 749.52 feet along said East line to the point of beginning.

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SUBJECT TO the 2000 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: April 4, 2000.

Eldon L. Ward
Eldon L. Ward

Evelyn Ward
Evelyn Ward

Michael J. Ward
Michael J. Ward

Lois L. Ward
Lois L. Ward

Daniel D. Ward
Daniel D. Ward

G. Rae Ward
G. Rae Ward

Kevin E. Ward
Kevin E. Ward

Sondra Ward
Sondra Ward

MICROFILMED
NOV 0 8 2000

INSTRUMENT NO.	1020238
DATE	4-7-00
INST. CODE	205
IMAGED PGS	2
FEE	6.00

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss
I hereby certify that the within instrument was recorded.
Ronald Longmore,
County Recorder
By _____ Deputy
Request of

T 5805
ATTACHMENT 4 OF 7

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

On April 4, 2000 , before me, the undersigned, personally appeared Eldon L. Ward and Evelyn Ward, 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.

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

NOTARY FOR THE STATE OF IDAHO
Commission Expires: 1/28/2003

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

On April 4, 2000 , before me, the undersigned, personally appeared Michael J. Ward and Lois L. Ward, 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.

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

NOTARY FOR THE STATE OF IDAHO
Commission Expires: 1/28/2003

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

On April 4, 2000 , before me, the undersigned, personally appeared Daniel D. Ward and G. Rae Ward, 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.

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

NOTARY FOR THE STATE OF IDAHO
Commission Expires: 1/28/2003

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

On April 4, 2000 , before me, the undersigned, personally appeared Kevin E. Ward and Sondra Ward, 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.

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

NOTARY FOR THE STATE OF IDAHO
Commission Expires: 1/28/2003

MICROFILMED
NOV 0 8 2000

BONNEVILLE COUNTY RECORDER
1020238 APR 7 PM 4 29

1022238

BLT T-16105

ATTACHMENT T 5805 6 OF 7

WARRANTY DEED

9310 N 35 W
I.F. ID. 83402.

ELDON L. WARD and EVELYN WARD, husband and wife; MICHAEL J. WARD and LOIS L. WARD, husband and wife; DANIEL D. WARD and G. RAE WARD, husband and wife; KEVIN E. WARD and SONDRA WARD, husband and wife, as ***GRANTOR,*** *for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto MICKELSEN FARMS, a partnership, as* ***GRANTEE,*** *whose address is* 1050 W Riverview Dr. Idaho Falls, Idaho 83401 *and Grantee's successors and assigns, all of the following described real property, to-wit:*

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TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: April 4, 2000.

Eldon L Ward
Eldon L. Ward

Evelyn Ward
Evelyn Ward

Michael J Ward
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Lois L. Ward
Lois L. Ward

Daniel D. Ward
Daniel D. Ward

G Rae Ward
G. Rae Ward

Kevin E. Ward
Kevin E. Ward

Sondra Ward
Sondra Ward

MICROFILMED
NOV 08 2000

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

On April 4, 2000 , before me, the undersigned, personally appeared Eldon L. Ward and Evelyn Ward, 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.

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

NOTARY FOR THE STATE OF IDAHO
Commission Expires: 1/28/2003

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

On April 4, 2000 , before me, the undersigned, personally appeared Michael J. Ward and Lois L. Ward, 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.

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

NOTARY FOR THE STATE OF IDAHO
Commission Expires: 1/28/2003

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

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LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

NOTARY FOR THE STATE OF IDAHO
Commission Expires: 1/28/2003

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

T 5805
ATTACHMENT 7 OF 7

On April 4, 2000 , before me, the undersigned, personally appeared Kevin E. Ward and Sondra Ward, 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.

MICROFILMED
NOV 0 8 2000

LENORE J. KATRI

NOTARY FOR THE STATE OF IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
[redacted] North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

WR 35-02214
Mail request - 9.22.00
Ket

RECEIVED
SEP 21 2000
Department of Water Resources

MICROFILMED
NOV 08 2000

ELDON WARD
9310 N 35 W
IDAHO FALLS ID 83402

WARD310* 834022004 1800 04 09/18/00
RETURN TO SENDER
:ELDON WARD FAMILY - WARD FARMS
2378 W 113 N
IDAHO FALLS ID 83402-5203

RETURN TO SENDER

WA

AUMS [redacted]

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

September 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MICKELSEN FARMS
RIGBY PRODUCE
PO BOX 628
RIGBY ID 83442

RE: Water Right 35-02714 (Transfer 5805)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5805). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 the department if you have questions.

Sincerely,

Pamela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Eldon Ward, et al

MICROFILMED
NOV 0 8 2000

CERTIFICATE OF MAILING

I hereby certify that on the **13th** day of **September, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 35-02714 (Transfer 5805)

MICKELSEN FARMS
RIGBY PRODUCE
PO BOX 628
RIGBY ID 83442

Kari Lynn Townsend
Secretary

MICROFILMED
NOV 0 8 2000

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
NOV 0 8 2000

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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NOV 08 2000

TRANSFER REVIEW SHEET
(10-99)

Transfer # 5805 **Date Reviewed** 9-12-2000 JS

Right(s) 35-02714 As Recommended

✓ **WRQ/Split Summary** ✓ **SRBA Status** (NAP) ✓ **Run POU Comparison Report**

B:Change P/D **C**:Add P/D (D):Change P/U **E**:Change Nature of Use
F:Change Period of Use **G**:Other **H**:Change P/D & Add P/D
I:Change P/D & P/U **J**:Add P/D & Change P/U

Proof of Ownership Warranty Deed - Wards to Mickelsen Farms
SRBA Ownership change to Mickelsen - ✓ per Region.

Transfer ✓ **All of Right** ____ **Portion of Right** Fee ✓
Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 4-1 **to** 10-31 **Standard Volume** 4.0 / 3.0

(1) ✓ **Priority** (2) ✓ **Use** (3) ✓ **Season/W61** (4) ✓ **Rate** (5) ✓ **Volume** V_{DR}

(6) ✓ **Source** (7) ✓ **P/D** (8) ___ **P/U** (9) ✓ **Proof/Owner** (New Owner) (10) ✓ **Map**

(11) NA **Water District** (North Snake GW Dist. & North ESPA) (12) NO **Pertinent Conditions** (13) NO **Expansion**

(8) Shift P/U from parts of Sec. 9 to Sec 5.

Current Owner after transfer is Mickelsen Farms. / Send Copy to Wards.

Transfer Remarks

Conditions 067, R64, T07, T08

Database/Processing Notes **Standard** ___ **Non-Standard** ✓
Copy approved version to an "X" prefix, delete T's comment to Base WR. ✓

"T" Files Update Complete ✓ **Approval Form** ✓ **Transfer Memo** ___
Database Updated Following Approval ✓ **Memo/Form Files Deleted** ✓ 09-13-00 JS

T 5805

WR0725NP
(OD-725)

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 09/12/00
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

		NE				NW				SW				SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
WR-NUMBER	SOURCE	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
T03N R35E S 4 +																		
3502714	GROUNDWATE :	40	40	40	40	37	39	40	40	40	40	39	40	40	40	40	40	635
*3502714	GROUNDWATE :	37	37	40	39	28	27	40	40	40	40	39	40	39	40	40	39	605
A3502714	GROUNDWATE :	39	39	39	32	28	25	40	40	40	40	39	39	40	39	39	40	598
T3502714	GROUNDWATE :	37	37	40	39	28	27	40	40	40	40	39	40	39	40	40	39	605
--86 MAP--	C19Q-X 90 :			37	39			39	42	36	38	34	38	40	39	42	37	461
NO QTRS	MAPPING	Lot01-24 Lot02-27 Lot03-29 Lot04-27																
		SAME																
T05N R35E S 5																		
		NO MATCHES FOR THIS POU IN AJ-POU																
T3502714	GROUNDWATE :	13			27									11				51
--86 MAP--	C19Q-X 89 :																	
NO QTRS	MAPPING	Lot04-06																
		New P/U QQs																
T05N R35E S 9																		
3502714	GROUNDWATE :	04-37 39		23	10	40	39	21	19									228
*3502714	GROUNDWATE :	29	40	19	1	31	40	7	17	Original								184
A3502714	GROUNDWATE :	30	39	23		35	39	10	15									191
T3502714	GROUNDWATE :	29	35 -	-	-	35 +	34 -	-	-	Proposed								133
--86 MAP--	C19Q-X 90 :	19	11			2												32

No One Laps

T5805

SRBA
SUBCASE SUMMARY REPORT 35-02714

Return to SRBA Home Page

SRBA SUBCASE SUMMARY REPORT HTML12
09-12-2000

SUBCASE: 35-02714 FILE#: 00391
CLAIMANT: MICKELSEN FARMS
STATUS: ADMIN PROCEED PENDNG
WATER SOURCE: GROUNDWATER,
ISSUES: SOURCE OF WATER
QUANTITY OF WATER USED
WATER RIGHT RECOMMENDATION
CONSUMPTIVE USE

****** PARTIES INVOLVED ******

MICKELSEN FARMS	C	ATTY: JEFFREY C. FEREDAY
TWIN FALLS CANAL COMPANY	O	ATTY: JOHN A ROSHOLT
STATE OF IDAHO	R	ATTY: PETER J. AMPE
ABERDEEN-AMERICAN FALLS GR	R	ATTY: JEFFREY C. FEREDAY
BINGHAM GROUND WATER DIST.	R	ATTY: JEFFREY C. FEREDAY
UPPER VALLEY IRRIGATORS AS	R	ATTY: JEFFREY C. FEREDAY
FREMONT-MADISON IRR DIST	R	ATTY: JERRY R. RIGBY
NORTH SIDE CANAL COMPANY L	O	ATTY: JOHN A ROSHOLT
TWIN FALLS CANAL COMPANY	O	ATTY: NORMAN M. SEMANKO
ABERDEEN-AMERICAN FALL GRO	R	ATTY: JEFFREY C. FEREDAY
BINGHAM GROUND WATER DISTR	R	ATTY: JEFFREY C. FEREDAY
NORTH SIDE CANAL COMPANY L	O	ATTY: NORMAN M. SEMANKO
RIGBY PRODUCE	C	PRO SE

****** ROA ENTRIES ******

08-24-1998	OBJ 01 F/B TWIN FALLS CANAL COMPANY	RB	09-28-1998	0001
08-24-1998	OBJ 02 F/B NORTH SIDE CANAL COMPANY LTD			0002
09-28-1998	RESPONSE TO OBJ 0001 F/B STATE OF IDHAO			0001
09-28-1998	RESPONSE TO OBJ 0002 F/B STATE OF IDAHO			0001
09-28-1998	RESPONSE TO OBJ 0001 F/B ABERDEEN-AMERICAN FA			0002
09-28-1998	RESPONSE TO OBJ 0001 F/B BINGHAM GROUND WATER			0003
09-28-1998	RESPONSE TO OBJ 0001 F/B UPPER VALLEY IRRIGAT			0004
09-28-1998	MOTION TO CONSOLIDATE SUBCASES F/B FEREDAY	MG	09-28-1998	
09-28-1998	RESPONSE TO OBJ 0002 F/B ABERDEEN-AMERICAN FA			0002
09-28-1998	RESPONSE TO OBJ 0002 F/B BINGHAM GROUND WATER			0003
09-28-1998	RESPONSE TO OBJ 0002 F/B UPPER VALLEY IRRIGAT			0004
09-28-1998	NOTICE OF APPEARANCE/FEREDAY/RESPONSE TO OBJ.			
09-28-1998	NOTICE OF APPEARANCE/BOOMER/RESPONSE TO OBJ.			
09-29-1998	NOTICE OF APPEARANCE - JERRY RIGBY FOR FREEMONT-MADISON IRR DIST			
09-29-1998	MOTION IN SUPPORT TO CONSOLIDATE SUBCASES F/B RIGBY FOR FREEMONT-MADISON	MG	09-30-1998	
09-30-1998	RESPONSE TO OBJ 0001 F/B FREMONT-MADISON IRR			0005
09-30-1998	RESPONSE TO OBJ 0002 F/B FREMONT-MADISON IRR			0005
10-22-1998	NOTICE SETTING SCHEDULING CONFERENCE	SV	12-04-1998	1045
11-09-1998	MOTION TO FILE LATE RESPONSE F/B RIGBY	MG	11-17-1998	0500
11-09-1998	AFFIDAVIT OF JERRY R RIGBY IN SUPPORT OF MOTION TO FILE LATE RESPONSE			
11-17-1998	ORDER GRANTING LATE RESPONSE F/B RIGBY			
11-20-1998	NOTICE OF APPEARANCE: JEFF FEREDAY OF GIVENS PURSLEY REPRESENTING VARIOUS CLAIMANTS			
11-23-1998	ORDER VACATING SCHEDULING CONFERENCE			
01-29-1999	SUPPLEMENTAL DIR'S RPT - CONJUNCTIVE MGMT			
06-02-1999	OBJ 03 F/B TWIN FALLS CANAL COMPANY TO SUPPLEMENTAL RPT ON IRR SEASON &			03

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	CONJUNCTIVE MANAGEMENT			
06-02-1999	OBJ 04 F/B NORTH SIDE CANAL COMPANY LTD TO SUPPLEMENTAL RPT ON IRR SEASON & CONJUNCTIVE MANAGEMENT			0004
08-30-1999	ORDER CONSOLIDATING ISSUES CONCERNING CANAL COMPANY OBJECTIONS (BASIN 35- PARTS 2 & 3) AND ORDER DESIGNATING LEAD SUBCASE AS 35-07200 SEE FILE #35-379		08-30-1999	
10-01-1999	RESPONSE TO OBJ 0003 F/B ABERDEEN-AMERICAN FA			0001
10-01-1999	RESPONSE TO OBJ 0003 F/B BINGHAM GROUND WATER			0002
10-01-1999	RESPONSE TO OBJ 0003 F/B UPPER VALLEY IRRIGAT			0003
10-01-1999	RESPONSE TO OBJ 0004 F/B ABERDEEN-AMERICAN FA			0001
10-01-1999	RESPONSE TO OBJ 0004 F/B BINGHAM GROUND WATER			0002
10-01-1999	RESPONSE TO OBJ 0004 F/B UPPER VALLEY IRRIGAT			0003
06-22-2000	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		06-22-2000	
06-22-2000	NCAP - AMENDED DIRECTOR'S REPORT FILED SUBSTITUTE PARTY - WARD TO MICKELSEN FARMS			
08-29-2000	NOTICE OF ADMINISTRATIVE PROCEEDING IC 42-222 TFER 5805	AZ	08-08-2001	

Return to SRBA Home Page

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NOV 0 8 2000

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
35-02714	REALTY INVESTMENT CO.	C	05/31/1962	L/	GROUNDWATER	IRR	WR
T35-02714	WARD, KEVIN	C	05/31/1962	L/	GROUNDWATER	IRR	WR
	WARD, ELDEN	C					
	WARD, MICHAEL	C					
	WARD, DAVID	C					
35-02714	MICKELSEN FARMS	C	05/31/1962	L/	GROUNDWATER	IRR	AJ
	RIGBY PRODUCE	C					
A35-02714	WARD, ELDON L	C	05/31/1962	L/	GROUNDWATER	IRR	AJ

8-1-00
T# 5805

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: RJT

1. Right number 35-02714 Applicant WARD

2. Type of right: [ ] Decree [ ] License [ ] Claim [X] SRBA Recommendation

3. Purpose of transfer: [ ] Change point of diversion [ ] Add diversion point(s)
[X] Change place of use [ ] Other _____

4. Check:
a. [✓] Source [✓] Priority [✓] Amount [✓] Purpose [✓] Period of use

b. [✓] Description of original point of diversion.

c. [✓] Description of original place of use.

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SEP 8 2000
DEPARTMENT OF WATER RESOURCES

5. Amount of land &/or water transferred:
a. [✓] All of right.

b. [ ] Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*

c. Map for remainder of right? [ ] Yes [ ] No

d. [✓] Check description of point(s) of diversion.

e. [✓] Check description of place of use

f. [✓] Check map (shows p.d. and p.u. after transfer).

g. [✓] Check for correct signature, notarization, and fee. OK

h. [✓] Check proof of ownership of right &/or land from which water is transferred. OK

i. [✓] Check for expansion in use of right. Comments _____

_____

j. [✓] Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. [✓] Is use within a Watermaster District? [ ] Yes [✓] No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? [ ] Yes [ ] No

3. Is transfer published correctly? [✓] Yes [ ] No

4. Protest received? [ ] Yes [✓] No

RECOMMENDED ACTION

1. [✓] Approve

2. [ ] Deny

3. Conditions* WATER MEASUREMENT REQUIRED

_____

_____

4. By RJT Date 9/1/2000

*All uses within Watermaster District require special conditions

T5805

RECEIVED
AUG 2 4 2000
Department of Water Resources
Eastern Region

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 10TH day of AUGUST, 2000, last publication having been made on the 17TH day of AUGUST 2000 at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park

Subscribed and sworn to before me, this 23RD day of AUGUST, 2000

PATRICIA O'MALLEY NOTARY PUBLIC STATE OF IDAHO

Patricia O'Malley
Notary Public

My commission expires January 3, 2003

MICROFILMED
NOV 0 8 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5805

Notice is hereby given that Kevin Ward, Elden Ward, Michael Ward and David Ward, 9310 N 35 W, Idaho Falls ID 83402, has applied to the Department of Water Resources to change place of use of a ground water source. The right sought to be changed is evidenced by a SRBA Recommendation and recorded as follows:

SRBA Recommendation No.: 35-02714
Source: Ground water
Amount: 7.11 cfs

Priority: 05/31/1962
Point(s) of Diversion: NWNWNE SEC 9 T03N R35E, BONNEVILLE COUNTY
The water is irrigation of 789 acres within SEC 4 and 9 T03N R35E.

TO BE CHANGED AS FOLLOWS:

The applicant is selling most of the land described above and all of the water right. The new place of use will be 605 acres in SEC 4, 51 acres in SEC 5 and 133 acres in SEC 9 T03N R35E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of $25 on or before August 28, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director
Published: August 10, 17, 2000

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NOV 0 8 2000

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED
AUG 0 3 2000
Department of Water Resources
Eastern Region

MICKELSEN FARMS
RIGBY PRODUCE
PO BOX 628
RIGBY ID 83442

RE: Notice of Change of Water Right Ownership (NCO) for 35-02714 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Mickelsen:

On May 15, 2000, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

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NOV 0 8 2000

cc: Eldon L. Ward

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	)	**Water Rights: 35-02714**
Case No. 39576	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding:

[] Address change

[X] Substitution of Party **WARD – MICKELSEN FARMS / RIGBY PRODUCE**

[] I.C. § 42-222 transfer

[]	point of diversion	[]	place of use
[]	period of use	[]	nature of use
[]	split of water right	[]	change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6-June 00 Ernest Carlson

Signature of IDWR Representative

MICROFILMED
NOV 0 3 2000

CERTIFICATE OF MAILING

I certify that on June 7, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
   Clerk of the District Court
   Snake River Basin Adjudication
   PO Box 2707
   Twin Falls ID 83303-2707

2. One copy to:
   Claimant/Seller for Substitution of Party or attorney of record:
   ELDON WARD
   11260 N 15TH E
   IDAHO FALLS ID 83401

3. One copy to:
   Claimant/Purchaser for Substitution of Party, or attorney of record:
   MICKELSEN FARMS
   RIGBY PRODUCE
   PO BOX 628
   RIGBY ID 83442

4. One copy to:
   Each party in the subcase, or attorney of record
   JOHN ROSHOLT
   ROSHOLT ROBERTSON & TUCKER
   PO BOX 1906
   TWIN FALLS ID 83303-1906

5. One copy each to:
   Chief Natural Resources Division
   Office of the Attorney General
   PO Box 44449
   Boise ID 83711-4449

6. One Copy to:
   United States Dept of Justice
   Environment & Natural Resource Div
   550 West Fort Street MSC 033
   Boise ID 83724

Jennifer Crabtree
Signature of person or attorney mailing the form

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NOV 0 8 2000

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 35-02714

NAME & ADDRESS:
MICKELSEN FARMS
RIGBY PRODUCE
PO BOX 628
RIGBY ID 83442

SOURCE: GROUNDWATER

QUANTITY:
7.11 CFS
3018.0 AFY

PRIORITY DATE: 05/31/1962

POINT OF DIVERSION: T03N R35E S09 NWNWNE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	7.11 CFS 3018.0 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R35E S04	NENE 37	NWNE 37	SWNE 40	SENE 39
	NENW 28	NWNW 27	SWNW 40	SENW 40
	NESW 40	NWSW 40	SWSW 39	SESW 40
	NESE 39	NWSE 40	SWSE 40	SESE 39
S09	NENE 29	NWNE 40	SWNE 19	SENE 1
	NENW 31	NWNW 40	SWNW 7	SENW 17

789 ACRES TOTAL

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

MICROFILMED
NOV 0 8 2000

Memorandum

Date: 22 May, 2000

From: Ernie Carlsen
To: 35-02714

Re: Change of Ownership

Spoke with Eldon Ward via telephone concerning purchase of land by Mickelson Farms. Eldon stated his sons have been managing the operation and it would be best for one of them to talk with me. He did tell me the land in the S1/2S1/2N1/2 is dry land grazing and was not purchased by Mickelson. This is consistent with the warranty deed. However, Eldon also commented that Mickelson's probably understood they were receiving all of license 35-02714. He said the entire flow is needed when the weather warms up.
One of his sons is supposed to call me in the next couple of days.
Ernie

Telecon 30 May 00.
Kevin Ward - Agrees that transfer needs to be filed. New land been added on NW. He will bring in a map on Hold ownership change until transfer has been filed.

Questions?
CALL (C) 535-8774
CHRIS
@ Bonneville Land Title
524-6000
-525-3423

MICROFILMED
NOV 0 8 2000

DECOG se
5/15/00
EC 5/17/00
OK

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
MAY 15 2000
Department of Water Resources
Eastern Region

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

Water Right Number(s) 35-02714

Adjudication Claim Number(s) _____

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.

Name and Address of Former Owner/Claimant(s) Eldon L. Ward

New Owner/Claimant(s) Mickelsen Farms Rigby Produce

Name connector (Check one): [ ] AND, [ ] OR, [X] AND/OR

New Mailing Address P.O. Box 628

City, State and ZIP Code Rigby ID 83442

New Telephone Number (____)_____-_____

Date you acquired the property _____

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 _____ Number and type of stock _____

Diversion rate in CFS _____ (cubic feet per second) 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.

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Signature of New Owner/Claimant(s) _____ Date NOV 08 2000

_____ Date _____

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

3. 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.

BONNEVILLE COUNTY RECORDER
1020238 APR 7 '00 PM 4 29

1020238

BLT T-16105

WARRANTY DEED

ELDON L. WARD and EVELYN WARD, husband and wife; MICHAEL J. WARD and LOIS L. WARD, husband and wife; DANIEL D. WARD and G. RAE WARD, husband and wife; KEVIN E. WARD and SONDRA WARD, husband and wife, as **GRANTOR**, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto MICKELSEN FARMS, a partnership, as **GRANTEE**, whose address is 1050 W Riverview Dr. Idaho Falls, Idaho 83401 and Grantee's successors and assigns, all of the following described real property, to-wit:

TRACT 1:

Beginning at the Northeast Corner of Section 4, Township 3 North, Range 35 East of the Boise Meridian, Bonneville County, Idaho, said Northeast Corner being a found 1913 B.L.M. brass cap monument, and running thence S89°53'00"W 5276.72 feet along the Section line to the Northwest Corner of said Section 4; thence S89°53'00"W 900.00 feet along the Section line; thence S00°05'39"W 3250.98 feet; thence N89°52'33"E 900.01 feet to an existing fence line; thence along an existing fence line the following three (3) courses: (1) S00°03'27"W 2994.03 feet; thence (2) S88°37'12"E 2633.27 feet; thence (3) S01°22'48"W 15.00 feet; thence S88°37'12"E 2662.71 feet to the East line of Section 9; thence N00°00'55"E 1204.76 feet along said East line to the Northeast Corner of said Section 9; thence N00°06'12"W 5193.41 feet along the East line of said Section 4 to the point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 445056 on March 22, 1973, at 2:31 p.m., records of Bonneville County, Idaho.

TRACT 2:

Beginning at a point that is N00°00'55"E 1354.18 feet along the Section line from the Southeast Corner of Section 9, Township 3 North, Range 35 East of the Boise Meridian, Bonneville County, Idaho, said Southeast Corner being a 1913 B.L.M. brass cap monument, and running thence along an existing fence line the following four (4) courses: (1) S88°56'04"W 456.98 feet; thence (2) N01°36'42"W 179.31 feet; thence (3) N67°37'38"E 261.46 feet; thence (4) N00°08'15"E 484.16 feet extended; thence S88°43'08"E 219.26 feet to the East line of said Section 9; thence S00°00'55"W 749.52 feet along said East line to the point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 445056 on March 22, 1973, at 2:31 p.m., records of Bonneville County, Idaho.

SUBJECT TO the 2000 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: April 4, 2000.

Eldon L. Ward
Eldon L. Ward

Evelyn Ward
Evelyn Ward

Michael J. Ward
Michael J. Ward

Lois L. Ward
Lois L. Ward

Daniel D. Ward
Daniel D. Ward

G. Rae Ward
G. Rae Ward

Kevin E. Ward
Kevin E. Ward

Sondra Ward
Sondra Ward

INSTRUMENT NO.	1020238
DATE	4-7-00
INST. CODE	205
IMAGED PGS	2
FEE	6.00

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss
I hereby certify that the within instrument was recorded.
Ronald L. Longmore,
County Recorder
By _____ Deputy
Request of

MICROFILMED
NOV 0 8 2000

32 | 33
5 | 4

33 | 34
4 | 3

① 22.9

1840

④ 192.7

⑤ 70

① 171.6

② 84.7

③ 54.7

⑥ 8.4

HEL ⑧ 4.9 HEL

⑦ 5.3

HEL ⑩ 6.5

HEL ⑨ 4.7

⑫ 78.2

⑬ 78.7

⑯ 169.9

5 | 4
8 | 9

4 | 3
9 | 10

⑪ 4.4 HEL

⑭ 5.4

⑮ 5.8 HEL

⑰ 25.0

⑱ 10.1

⑲ 9.6 HEL

⑳ 5.0 HEL

㉑ 8.1 HEL

Walk

Walk

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

August 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KEVIN WARD, ELDEN WARD, MICAHEL WARD AND DANIEL WARD
9310 N 35 W
IDAHO FALLS ID 83402

RE: Application for Transfer # 5805

Dear Applicant:

This office is currently in the process of advertising the application in the Post Register on August 10 and 17, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
NOV 0 8 2000

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 2000

POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

Dear Cathy Von Borstel:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

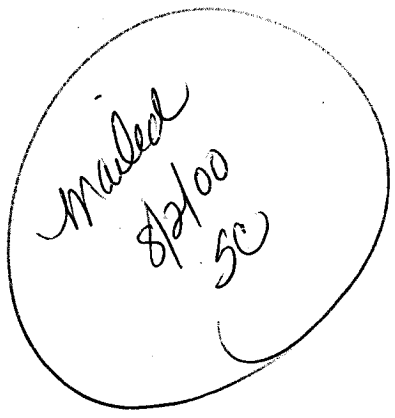
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before August 28, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED
NOV 0 8 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5805

Notice is hereby given that Kevin Ward, Elden Ward, Michael Ward and David Ward, 9310 N 35 W, Idaho Falls ID 83402, has applied to the Department of Water Resources to change place of use of a ground water source. The right sought to be changed is evidenced by a SRBA Recommendation and recorded as follows:

SRBA Recommendation No.:	**35-02714**	**Source:**	**Ground water**
Amount:	**7.11 cfs**	**Priority:**	**05/31/1962**

Point(s) of Diversion: NWNWNE SEC 9 T03N R35E, BONNEVILLE COUNTY
The water is irrigation of 789 acres within SEC 4 and 9 T03N R35E.

<u>TO BE CHANGED AS FOLLOWS:</u>
The applicant is selling most of the land described above and all of the water right. The new place of use will be 605 acres in SEC 4, 51 acres in SEC 5 and 133 acres in SEC 9 T03N R35E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of $25 on or before August 28, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Post Register on August 10 and 17, 2000.

MICROFILMED
NOV 0 8 2005

AGRIVEST, INC. P.O. BOX 996, 500 WINDING BROOK DRIVE, GLASTONBURY, CONNECTICUT 06033 (203) 659-3711

July 5, 1984

RECEIVED
JUL 9 1984
Department of Water Resources

Department of Reclamation
State of Idaho
Boise, ID 83720

Re: Loan No. 95464-H
Permit #G-30516 35-2714

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit number G-30516, as described in Mortgage Deed dated July 10, 1967, given by A. W. Brunt, et al.

Said mortgage was recorded in the Public Records of Bonneville County as Instrument #375415.

Sincerely,

Jean Wright

Jean Wright
Administrative Assistant

jw
cc: Ag-Land Mortgage

MICROFILMED

no response
req'd - KW
7-10-84

FORM 22

Permit No. G-30516

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that REALTY INVESTMENT COMPANY (BRUNT FARMS) of Idaho Falls, County of Bonneville, and State of Idaho, the holder of Permit No. G-30516, issued upon Application No. G-38591, bearing date of priority of May 31, 1962, authorizing the diversion of 25 second feet of waters of a well

County of Bonneville, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 7.11 second feet of the waters of a well, from subterranean flow,

that the point of diversion of said waters is in the NW¼NE¼ Section 9, Township 3 North, Range 35 East, Boise Meridian;

and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: Section 4 and N½ Section 9, Township 3 North, Range 35 East, Boise Meridian.

Proof of Completion of Works made: May 31, 1967

Witness my hand this 13 day of February, A. D. 19 68

R. Keith Higginson

State Reclamation Engineer

30516

February 13, 1968

Re: Permit No. G-30516

COPY

Realty Investment Company (Brunt Farms)
Box 1151
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed are your Certificate of Completion of Works and License and Certificate of Water Right on the above numbered permit.

Also enclosed is departmental receipt No. 34033 in the amount of $53.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosures: Certificates
Receipt

30516

January 16, 1963

RE: Permit G-30516

Don C. Archibald
Utah Mortgage Loan Corporation
P.O. Box 460
Idaho Falls, Idaho 83401

Dear Mr. Archibald:

We have filed the copy of your mortgage in our files and marked the permit showing that no transfer, amendment, or assignment will be made unless you are notified.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

30516

In Reply Refer to No.
51-54163

UTAH MORTGAGE LOAN CORPORATION

Idaho Falls, Idaho, Office: 357 "F" Street 83401
Mortgage Bankers Since 1892

P.O. Box No. 460
Phone: (208) 522-8954

January 8, 1968

RECEIVED
JAN 10 1968
Department of Reclamation

Mr. M. Russell Bosch
Office Manager
State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Brunt Farms

Dear Mr. Bosch:

Attached is a copy of our mortgage on property as described on the mortgage. Also showing is an assignment of well permit No. G 30516.

Please send us your acknowledgement that your records show our mortgage and that we will be notified of an assignments or amendments in connection with this well permit.

Yours very truly,

Don C. Archibald

Don C. Archibald
Vice President

30516

The Connecticut Mutual

LIFE INSURANCE COMPANY

Established in 1846 *Hartford, Connecticut*

RECEIVED

MORTGAGE DEED

This Indenture, made this 10th day of July, 19 67, between

A. W. Brunt and Amelia S. Brunt, his wife, G. E. Brunt and Thelma B. Brunt, his wife, J. Noall Nixon and Opal B. Nixon, his wife, and L. S. Merrill and Ivanelle H. Merrill, his wife, also known as LaVaun S. Merrill

hereinafter called the Mortgagor, whether one or more than one, and The Connecticut Mutual Life Insurance Company, a corporation organized and existing under the laws of the State of Connecticut, and having its Home Office and principal place of business in the City of Hartford, State of Connecticut, hereinafter called the Mortgagee,

Witnesseth That:

The Mortgagor, for and in consideration of the sum of One Hundred Sixty Thousand and no/100- Dollars ($ 160,000.00), in lawful money of the United States, to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Mortgagee, its successors and assigns, forever, the following described property situated in the County of Bonneville, in the State of Idaho, to-wit:

Sections Four (4) and Nine (9), Township Three (3), North, Range Thirty-five (35), East of the Boise Meridian, Bonneville County, Idaho, less road rights-of-way.

Together with that certain irrigation equipment as follows: 1 Layne Bowler pump, 600 H. P., Serial No. DM-6032; 1 Layne Bowler Booster Serial No. D-1478; 1 G. E. Motor, 600 H.P., Serial No. TYJ 612013; 1 G. E. Motor, Serial No. GBd 316165; 2640 feet of 14 inch 12 gauge steel main line; 2640 feet of 10 inch Aluminum main line; 2640 feet of 8 inch Aluminum main line; 4240 feet of 8 inch, 12 gauge steel main line; 300 feet of 10-3/4 inch, 12 gauge steel main line; 16 lateral lines, 4 inch X 1320 feet, with risers, heads and end plugs

Conveying with the above described land and chattels any and all water rights belonging or any way appertaining thereto and especially including, but not limited to, the following: All subterranean waters from wells under permit G 30516 filed in the office of the Department of Reclamation, State of Idaho.

30576

DON SAMUELSON
GOVERNOR

R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

30516

September 18, 1967

Re: Permit G-30516

Realty Investment Company (Brunt Farms)
Box 1151
Idaho Falls, Idaho

Gentlemen:

A representative of this department has made an examination of the works covered by your permit G-30516 **and has found the following:**

Quantity of water diverted: 7.11 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 7.11 c.f.s.

Purpose of use: irrigation of 863 acres in all of Sec. 4; $N\frac{1}{2}$, Sec. 9, T. 3 N, R. 35 E, B.M.

The priority date established is: May 31, 1962.

A fee totaling $ 53.00 **must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.**

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

30516

September 18, 1967

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Idaho Falls, Idaho

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Donald W. McEldowney
Water Rights Clerk

DWM:nw

Fee Paid 9-29-67

30516

Form 23
2M-4-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

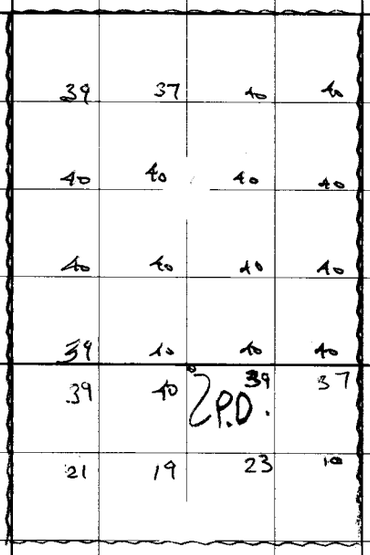
BOISE

REPORT OF EXAMINER

PERMIT NO. G-30516

REPORT ON PROOF OF Completion of Works & Beneficial Use

30516



156
160
160
159
155
73

863 ACRES

AREA - 863 ACRES
SUBD - 21
Q - 7.11

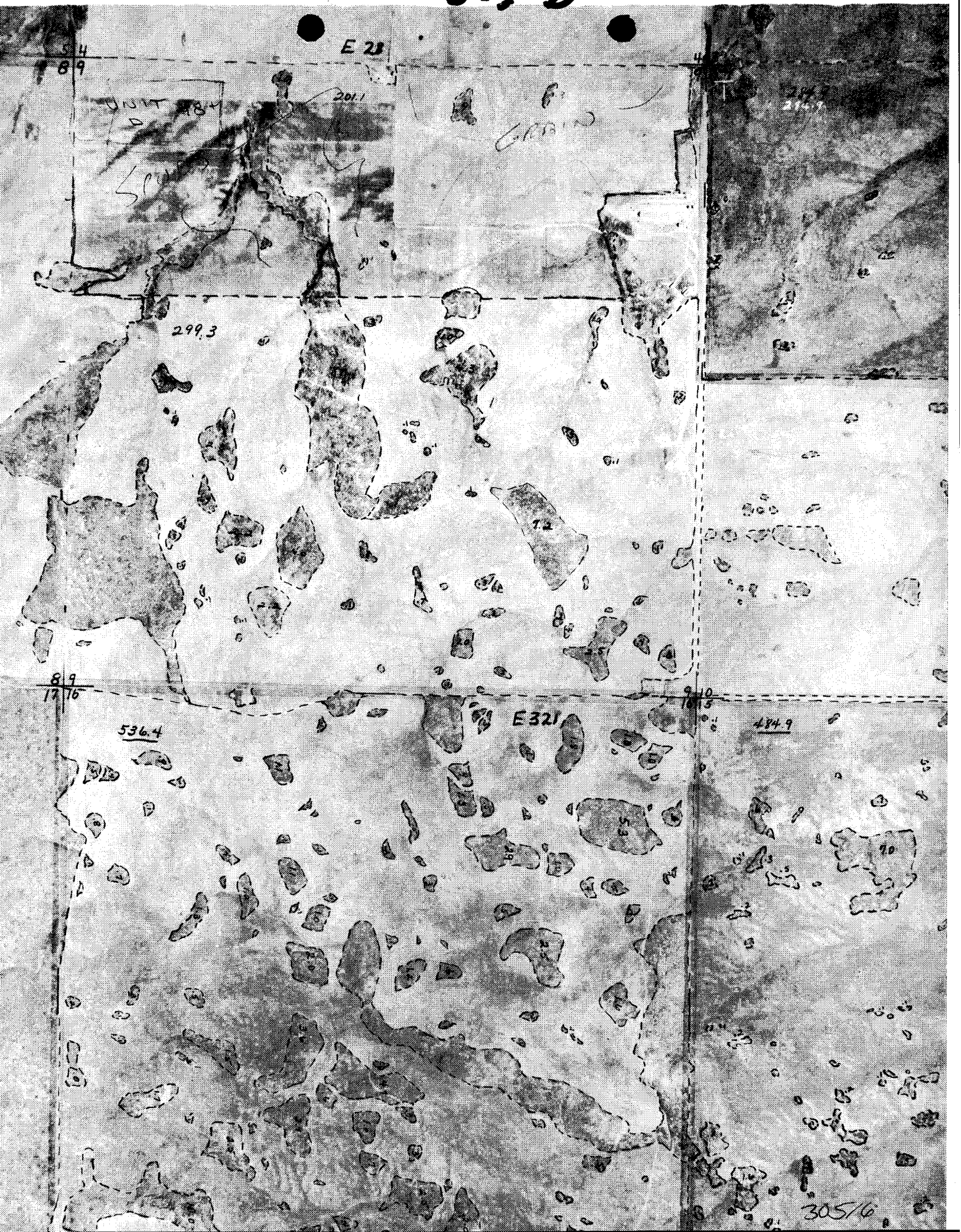
Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

30516

5.1.C


303.1
SPRUCE
JEFFERSON
COUNTY
312.8
GRAND
E 28
301.2
298.9
D 25
D 25
30516

5-2-D



Form 23
2M-4-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF EXAMINER

Permit No. G-30516

This proof is for Comp. of Works & Beneficial Use In Water District No.

1. Name of applicant Realty Investment Company (Brunt Farms)

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the $NW\frac{1}{4}NE\frac{1}{4}$, ~~$NW\frac{1}{4}SE\frac{1}{4}$~~, Sec. 9 ~~$NW\frac{1}{4}SW\frac{1}{4}$, Sec. 10~~ ~~$NE\frac{1}{4}SE\frac{1}{4}$, Sec. 8~~ of Section

T. 3 N R. 35 E County of Bonneville

4. Describe works as they exist, giving dimensions and capacities of same:

600 HP GE MOTOR # TVJ6120 13, LAYNE & BOWLER # D060 32
5000 g.p.m, 400', 1770 RPM, 200 H.P. GE. # CBT8161G5
L & B Pump # D0.1478.1, 3300 g.p.m - 190', 1770 RPM
- THROUGH UNDERGROUND PIPE - 4 SPRINKLER AUTOMATIC UNITS
792 - 9/64" RAINBIRD @ 50 lbs

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

~~Sec. 4 all; $N\frac{1}{2}$, $SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 8; Sec. 9 all; $S\frac{1}{2}$, Sec. 10, T. 3 N, R. 35 E, B.M.~~ not adjudicated

Sec 4, N2, Sec 9, T 3 N, R 35 E, B M ~~2160 acres~~

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

792 - 9/64" RAINBIRD @ 50 lbs = 7.11 c.f.s.

This examination was made on the 30TH day of DEC, 19 67

(Signed) Dean Reynolds
Examiner.

CSA plat 30576

Realty Investment Co. (L. S. Merrill)
(Brunt Farms)
Box 1151
Idaho Falls, Idaho
Permit No. G-30516

192 4/64 45"
666 h.p. + 266 h.p. booster
22" 730'
H-600'
Q-4000 gpm

Examination for Comp. of Works & Beneficial Use

County Bonneville

Sec. ~~10~~ 8, 9 T. 3 N R. 35E

Quantity: 25 c.f.s.

Source: subterranean

P.D.: NW¼NE¼, ~~NW¼SE¼~~, Sec. 9; ~~NE¼SE¼, Sec. 8, NW¼SW¼, Sec. 10~~, T. 3 N, R. 35 E, B.M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: May 31, 1962

Due: June 1, 1967

Made: May 31, 1967

Priority: May 31, 1962

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

30576

June 6, 1967

Re: Permit No. G-30516

L. S. Merrill
Realty Investment Co.(Brunt Farms)
Box 1151
Idaho Falls, Idaho 83401

Dear Mr. Merrill:

We acknowledge receipt of the depositions and affidavit of publication in the Post Register, Idaho Falls, Idaho submitted as proof of completion of works and beneficial use on Permit G-30516.

Before a certificate and license of water right can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

30516

Form 16 - 2M
5-5-65

M.S.

RECEIVED
JUN 5 1967
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-30516

* * * * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: Realty Inv. Co. (Brunt Farms) Box 1151

L. S. Merrill, 875 East 17th St., Idaho Falls, Idaho. Manager, Land Title Co.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Partner in the partnership

Ques. 3. State number, approval date of permit, and date of priority:

#30516, June 1, 1962, ~~June 1~~ May 31, 1962

Ques. 4. State source of water supply: Well

Give location of point of diversion, showing subdivision, section, township and range

NW¼NE¼, Sec. 9, T. 3 North, R 35 E. B. M.

Ques. 5. Describe your works of diversion: 600 HP Pump and 200 HP Booster, with sprinkler system; state amount of water they are capable of conveying from point of diversion to place of use: 4,000 G P M; Give name of canal or ditch or other works by which water is conducted to such place of use: _____; if a well, state depth of well 730; depth and size of casing 27 feet--22inch; depth to water 600; if pump is used, state discharge of pump: 4,000 GPM; tell how it was measured or determined _____; if sprinkler irrigation, give number and size of nozzles and operating pressure: 792 9/64th at 45 pounds pressure

Ques. 6. State for what purpose water is used: irrigation

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

all of Sections 4 and 9, T. 3 North, R 35 E. B. M. 640 acres in Section 4; 240 acres in Section 9.

30516

State nature of all improvements which have been made as a direct result of said use:

60,000 soud cellar, machine shop

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: R. P. Cope, 927 Poulsen, Idaho Falls, Idaho

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 1964 3300 G. P. M. - Time used since first use:

1965 , 3300 G P M; 1966, 3300 G. P. M. (Booster installed this spring which will give us 4,000 G.P.M.)

Ques. 10. Describe all other water rights appurtenant to same place of use:

none

(sign) L. Brunell

* * * * * * * * * * *

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls, County of Bonneville State of Idaho, on this 31st day of May, A. D. 1967.

Muriel A. Flaharty

My commission expires: May 3, 1969

30516

Form 17A - 4M
5-6-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-30516

* * * * * * *

RECEIVED
JUN 5 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

John W. Schwantes, (over 21) 2222 Logan Drive, Idaho Falls, Idaho

engineer

Ques. 2 Are you acquainted with Realty Inv. Co. (Brunt Farms), the holder of Permit No. G-30516 ? How long have you known him and where does he reside?

over 6 years Idaho Falls, Idaho

Ques. 3. Have you read or heard said Permit No. G 30516 read, and are you familiar with its provisions and conditions: Yes xx No. ____

Ques. 4. State source of water supply: well

Give location of place of diversion, showing subdivision, section, township and range

NW¼NE¼, Section 9, T. 3 North, R 35 E. B. M.

Describe works for conveying water to place of use: sprinkler system--steel main and portable alum. main.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 4,000 G.P.M. How much water have you seen being so conveyed? 4,000 GPM

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Section 4--640 acres; Section 9--240 acres.

30516

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.
This was dry farmland--it is very good land with water.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? no

Ques. 10. When did you first see this water used? 1962

Other times you have seen such use: periodically since

(Signed): John W. Schwantes

* * * * * * * *

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 31st day of May, A. D. 1967

Muriel A. Fluharty

Notary Public for the State of Idaho

Residing Idaho Falls, Idaho

My commission expires May 3, 1969

30516

Form 17A - 4M
5-6-65

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 30516

* * * * * * *

RECEIVED
JUN 5 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Mel Brown, (over 21), South Utah Avenue, Idaho Falls, Idaho

Irrigation equipment supplier

Ques. 2 Are you acquainted with Realty Inv. Co. (Brunt Farms), the holder of Permit No. G 30516? How long have you known him and where does he reside?

more than 10 years Idaho Falls, Idaho

Ques. 3. Have you read or heard said Permit No. G 30516 read, and are you familiar with its provisions and conditions: Yes xx No. _____

Ques. 4. State source of water supply: Well

Give location of place of diversion, showing subdivision, section, township and range

NW¼NE¼, Section 9, T. 3 North, R. 35 E. B. M.

Describe works for conveying water to place of use: Sprinkler System, Steel main and portable alum. main.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 4,000 G. P. M. How much water have you seen being so conveyed? 4,000 G P M

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Section 4--640 acres; Section 9--240 acres

30516

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

This was dry farm land--it is very good land with water.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? no

Ques. 10. When did you first see this water used? 1962

Other times you have seen such use: periodically since

(Signed): [signature]

* * * * * * * * *

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Idaho Falls, County of Bonneville, State of Idaho, on this 31st day of May, A. D. 1967

[signature]

Notary Public for the State of Idaho

Residing Idaho Falls, Idaho

My commission expires May 3, 1969

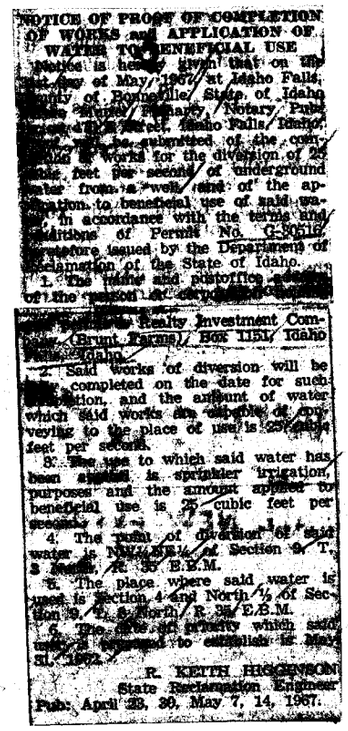
30516

Affidavit of Publication
The Post - Register

RECEIVED
MAY 8 1967
Department of Reclamation

STATE OF IDAHO }
County of Bonneville } ss.

I, E. F. McDermott, being first duly sworn, depose and say: That I am the Principal Clerk of the Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publisher of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, in Bonneville County, Idaho, and that said newspaper has been published continuously and uninterruptedly for more than four (4) years up to and including the last publication of the notice hereinafter referred to.



NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on the ... day of May, 1967, at Idaho Falls, County of Bonneville, State of Idaho, ... Notary Public ... Idaho Falls, Idaho, ... to be submitted of the completion of works for the diversion of 25 cubic feet per second of underground water from a well ... of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. G-50516 ... heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person ... Realty Investment Company (Brunt Farms), Box 1151, Idaho Falls, Idaho.

2. Said works of diversion will be ... completed on the date for such ... application, and the amount of water which said works are capable of conveying to the place of use is 25 cubic feet per second.

3. The use to which said water has been applied is sprinkler irrigation, purposes and the amount applied to beneficial use is 25 cubic feet per second.

4. The point of diversion of said water is NW¼NE¼ of Section 9, T. 3 North, R. 35 E.B.M.

5. The place where said water is used is Section 4 and North ½ of Section 9, T. 3 North, R. 35 E.B.M.

6. The ... of property which said ... is proposed to ... is May 31, 1967.

R. KEITH HIGGINSON
State Reclamation Engineer

Pub: April 23, 30, May 7, 14, 1967.

Affiant further says that the said newspaper, prior to the date of the first publication of said notice, as hereinafter stated, did designate a particular day of the week as the day on which legal notices, required by law or by order of any Court of competent jurisdiction within the State to be published weekly, would be published, and that since prior to the date of the first publication of said notice, as hereinafter stated, said newspaper has at the head of the editorial column of said paper and in each issue thereof announced the day of the week on which such legal notices required by law or by order of any Court of competent jurisdiction to be published weekly would be published, and that such day so designated was and is the Sunday issue or edition of said newspaper of each week.

Affiant further says that the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Post-Register in the Sunday edition or issue of said newspaper for four consecutive weeks, the first publication having been made in the Sunday issue of said newspaper on the 23rd day of April, 1967, and that said notice was thereafter published in each Sunday issue of said newspaper as follows:

On Sunday the 30th day of April, 1967.
and on Sunday the 7th day of May, 1967.
and on Sunday the 14th day of May, 1967.
and on Sunday the ..... day of ....., 19.....
and on Sunday the ..... day of ....., 19.....
and on Sunday the ..... day of ....., 19.....

and that said notice was published in the regular and entire issue of said newspaper on the said respective dates of publication, and that such notice was published in the newspaper and not in any supplement issue thereof.

E. F. McDermott

Subscribed in my resence and sworn to before me this 15th day of April, 1967.

Karl Hale

Notary Public
Residence: Idaho Falls, Idaho
My commission expires April 5th, 1971.

B-11

30576

DIAL 522-9195

P. O. BOX 1151

LAND TITLE COMPANY

470 B STREET

IDAHO FALLS, IDAHO

May 31, 1967

RECEIVED
JUN 5 1967
Department of Reclamation

Mr. R. Keith Higginson,
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. G 30516
Realty Investment Co.
(Brunt Farms)

Dear Higginson:

We enclose herewith Proof of Application of Water to Beneficial Usr and Completion of Works:

Deposition of Holder
2 Depositions of Witness
affidavit of publication

We hope everything is in order. Thank you.

Very truly yours,

L. S. Merrill
Brunt Famrs

Titles insured by Lawyers Title Insurance Corporation *Richmond, Virginia*

"One of the Nation's largest and strongest title insurance companies"

30516

April 14, 1967

Re: Permit No. G-30516

L. S. Merrill
Realty Investment Co. (Brunt Farms)
Box 1151
Idaho Falls, Idaho 83401

Dear Mr. Merrill:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-30516. The proofs are to be made [illegible] on the 31st day of May, 19 67. before Muriel Fluharty, 470 B Street, Idaho Falls, Idaho Notary Public.

As of this date, we have mailed the Notice to the Post-Register, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION

Very truly yours,

DWM:dj

Donald W. McEldowney
Water Rights Clerk

Encl. Depositions

cc: Notary

30516

April 14, 1967

Re: Permit No. G-30516

The Post-Register
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to May 31, 1967. The expense of the publication is to be paid by L. S. Merrill of Realty Investment Company, Box 1151, Idaho Falls, Idaho 83401, to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

30576

No. 36 - 4M
1/65

RECEIVED
APR 13 1967
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that ~~at 10 A M.,~~ on the 31st day of May 1967, at Idaho Falls, County of Bonneville, State of Idaho before Muriel Fluharty, Notary Public, at (address) 470 B Street, Idaho Falls, Idaho, proof will be submitted of the completion of works for the diversion of 25 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30516, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Realty Investment Company (Brunt Farms), Box 1151, Idaho Falls, Idaho

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 25 cubic feet per second.

3. The use to which said water has been applied is sprinkler irrigation, purposes and the amount applied to beneficial use is 25 cubic feet per second.

4. The point of diversion of said water is $NW\frac{1}{4}NE\frac{1}{4}$ of Section 9, T. 3 North, R. 35 E. B. M.

5. The place where said water is used is Section 4 and North ½ of Section 9, T. 3 North, R. 35 E. B. M.

6. The date of priority which said user is prepared to establish is ~~June 1, 1962~~ May 31, 1962

R KEITH HIGGINSON
State Reclamation Engineer

D

3656

Form No. 11
2M 12-64

RECEIVED
APR 13 1967
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 11, 1967

(P. O.) Idaho Falls, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Post-Register of Idaho Falls, Idaho Published in the county in which the works are situated.

Realty Investment Co., (Brunt Farms)

L. S. Merrill

Box 1151, Idaho Falls, Idaho

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

30576

DIAL 522-9195

P. O. BOX 1151

LAND TITLE COMPANY

470 B STREET

IDAHO FALLS, IDAHO

May 11, 1967

RECEIVED
APR 13 1967
Department of Reclamation

Mr. R. Keith Higginson,
State Reclamation Engineer
State of Idaho
Boise, Idaho

Re: Permit No. G 30516
Permit No. G 30517

Dear Mr. Higginson:

We are enclosing the Notices of Proof of Completion of Works for our permits as shown above.

We hope everything is in order. However, if there is any need of changing anything please feel free to call the writer collect at 522-9195 as we surely want these proofs to be completed.

Thank you for your cooperation.

Very truly yours,

L. S. Merrill, Secretary
Lavaside Farms, Inc.

Titles insured by Lawyers Title Insurance Corporation *Richmond, Virginia*

"One of the Nation's largest and strongest title insurance companies"

30516

Form 36

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho
March 31, 196 7

Re: Permit No. G - 30516

Realty Investment Co.
Brunt Farms
Box 156
Idaho Falls, Idaho

Gentlemen:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 30516 are due not later than June 1, 1967

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated - - all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

R. Keith Higginson

STATE RECLAMATION ENGINEER

Enc. Form 36 and 11

cc:

30516

Re: Permit No. G-30516
Realty Investment Co.

Permit No. G-30517
Levaside Farms, Inc. June 11, 1962

Mr. L. S. Merrill,
Box 156,
Idaho Falls, Idaho.

Dear Mr. Merrill:

We enclose Permit No. G-30516 G-30517 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-7005 which was issued covering payment in the amount of $22.00 for the filing fee of the above mentioned permit[redacted]

Well logs are an important part of your recorded water right and State Statutes require that well drillers' supply logs on all wells, whether irrigation, domestic, drain or stock wells, to be filed in the Department of Reclamation. In view of the rapidly increasing demand for ground water, the lowering of the ground water level, and the creation of critical ground water areas, it is important that you, as owner, make sure a log on your well is filed in this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

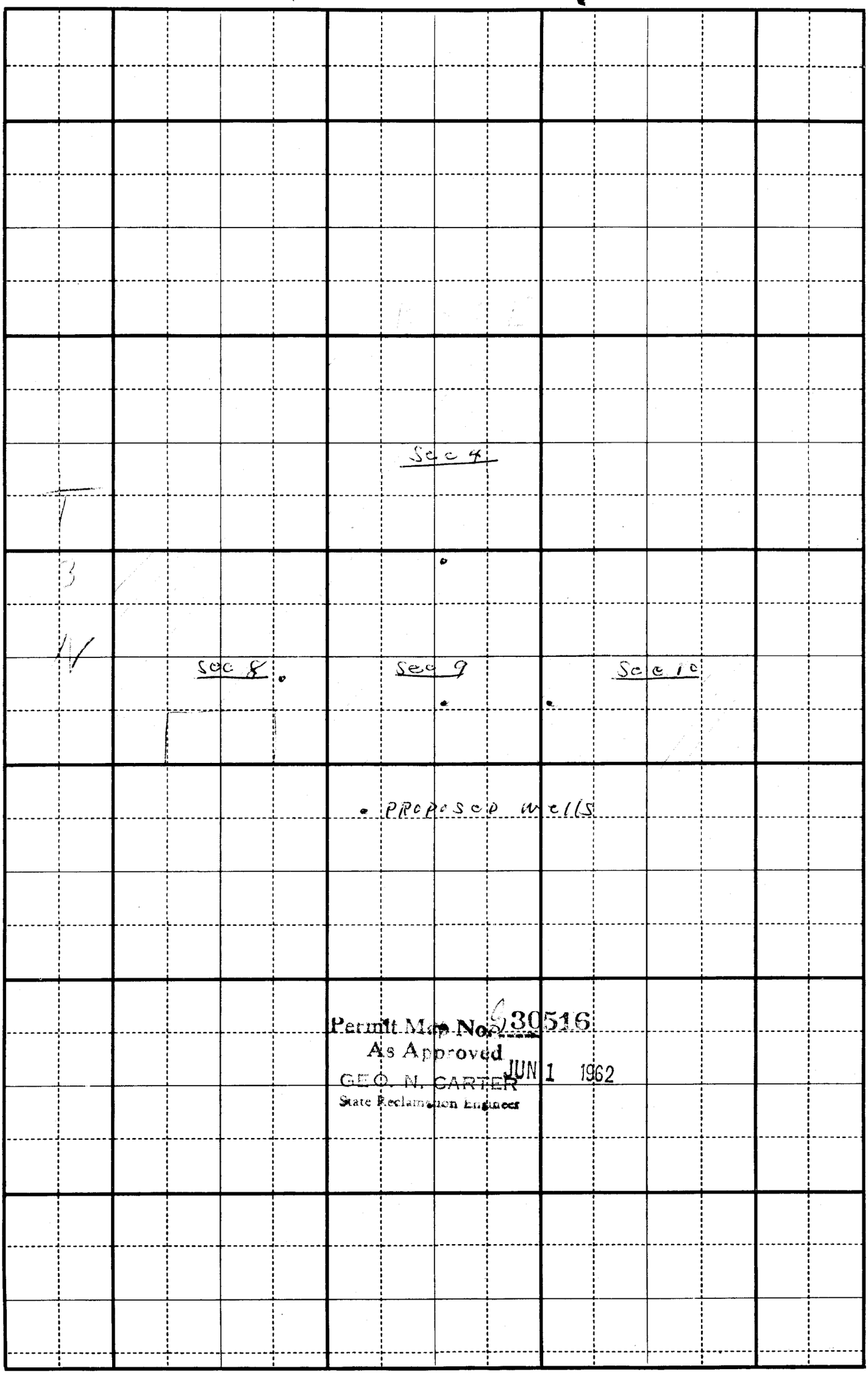
(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Enc.
cc: Realty Investment Co.
Levaside Farms, Inc.

30516

NAME OF APPLICANT Realty Investment Company (Brunt Farms)

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

3056