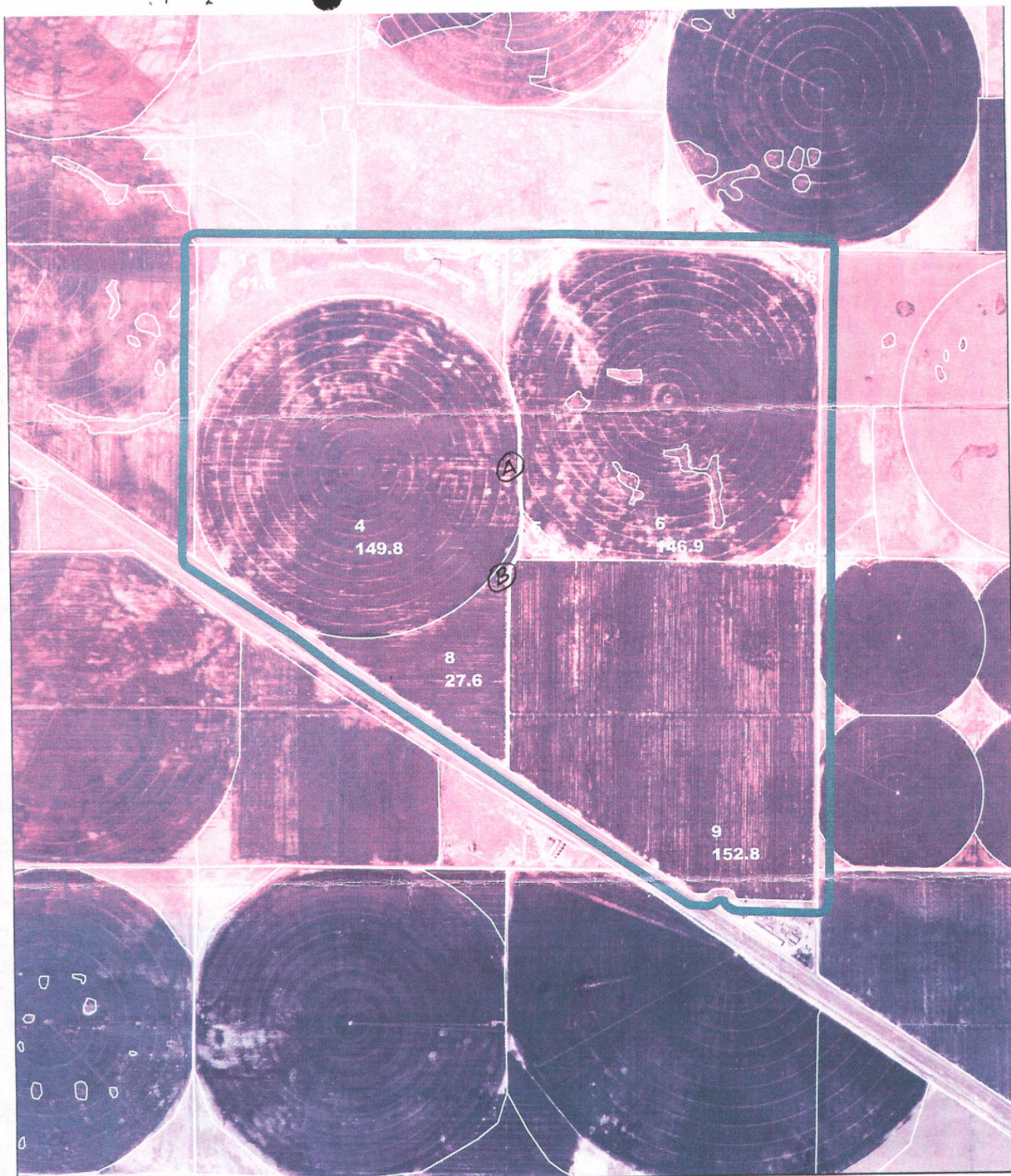


A = 35-02537
B = 35-07033

OIS 33E 32 NES W
OIS 33E 32 WNE



Farm 5282
Tract 591
K12

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Jul 16, 2004

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>35-02537</u>	_____	___	_____	_____	___
<u>35-07033</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

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

3. Name and Address of Former Owner/Claimant(s) V. R. Benson
- P.O. Box 222 North Fork, Idaho 83466
4. New Owner/Claimant(s) Nick and Sherice Benson
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 1604 W. Taber Rd.
- City, State and ZIP Code Blackfoot, Id. 83221
- New Telephone Number (208) 684-4685
5. Date you acquired the property 28 May 2004

RECEIVED
DEC 30 2004
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 20 2004
Department of Water Resources
Eastern Region

SUPPORT DATA
IN FILE # 35-2537

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

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

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

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

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

For Office Use Only

Received by JC Date 12-21-04 Fee \$50
 Receipted by JC Date 12-21-04 Receipt No. E030487
 Processed by _____ AJ Date _____ WR _____ Date _____

AGREEMENT OF SALE

541419

THIS AGREEMENT, Made and entered into this 28 day of May, 2004 by and between VINCENT R. BENSON, also known as V.R. Benson, and ILENE R. BENSON, husband and wife, P.O. Box 222, North Fork, Idaho, hereinafter referred to as Vendors, and NICHOLAS B. BENSON and SHERICE BENSON, husband and wife, 1604 W. Taber Rd., Blackfoot, Idaho, hereinafter referred to as Purchasers,

WITNESSETH:

That the said Vendors, in consideration of the covenants and agreements on the part of the said Purchasers, hereinafter contained, agree to sell and convey unto the said Purchasers, and the Purchasers agree to buy, all the certain real and personal property particularly described as follows, to wit:

REAL PROPERTY

Parcel I

T1 S. R 33 E. Sec. 32 All Sec. NE of Railroad.

Parcel II

All that portion of Lot 1 in Section 5 Township 2 South, Range 33 E.B.M., lying North and East of the State Highway. Less of following : 10983 Part of Section 5, Township 2, Range 33 East, B.M., Bingham County, Idaho, described as : Beginning at a point on the North line of Taber Road Federal Aid Project 84-B, said point being N. 89°40'29" W. 1,328.00 feet along the Section line and S. 56°23'00" E. 267.12 feet along said right-of-way from the NE corner of said Section 5, and running thence S. 56°23'00" E. 365°48 feet; thence N. 33°37'00" E. 240.00 feet; thence N. 89°40'29" W. 437.24 feet to the point of beginning.

Subject to all existing rights of way for public roads and utility lines, to all restrictions and reservations contained in United States Patents and to all existing building, zoning and other regulations of use.

2004 MAY 28 PM 2:26
RECORDED AT THE REQUEST OF
Nicholas Benson
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 15- DEPC

Reserving to the Vendors all oil, gas and mineral rights in and to the said premises.

PERSONAL PROPERTY

The following described pumping and irrigation equipment (to be more fully described and attached to this agreement when purchased and placed in and upon the above-described premises and to be described in a financing agreement to be filed with the Recorder of Bingham County, Idaho):

- 1 – 300 H.P. electric motor and turbine pump
- 1 – 150 H.P. electric motor and turbine pump
- 8 quarter-mile thunderbird wheel lines with sprinkler heads and all necessary parts and attachments for operation thereof.
- 1 – Pierce pivot
- 1 – Valley pivot
- 18 – Hand lines (used to solid set 25 acres)
- All buried mainlines necessary for proper irrigation of the land.
- All Buildings and structures there upon.

For the sum of \$380,845.00 in lawful money of the United States; and the Purchasers, in consideration of the premises, agree to pay to the Vendors and the said sum of \$365,845.00 in installments, with interest, as follows: The sum of \$ 15,000.00 due June 1st, 2004, receipt of which is hereby acknowledged by the Vendors.

Payment summary: See attached amortization schedule.

The Purchasers agree to pay all taxes and assessments of whatever nature levied upon said premises up to and including taxes and assessments for the year 2004 and thereafter during the period of time this agreement shall be in effect.

The Vendors promise and agree to surrender possession of said property upon the execution of this agreement to the Purchasers, who agree to thereafter possess, maintain and preserve the same in good order, repair and condition during the term of this agreement, and the Purchasers further agree not to commit waste upon said premises or to suffer waste to be committed thereon by others during said term.

The Purchasers further agree to keep and maintain in force during the term of this agreement repair and replacement insurance covering each irrigation pump, motor and starting panel in an amount sufficient to cover the fair value of such items, such insurance to be payable to the parties hereto as their interests may appear.

The Vendors, upon receiving the payments provided for in this agreement at the times and in the manner above mentioned, agree to execute and deliver to the Purchasers a good and sufficient warranty deed and bill of sale vesting title to said property to the Purchasers.

The Purchasers declare that they are buying the property on their own examination and judgement and not through any representation made to them by the Vendors, or any agent for the Vendors, as to its location, value, future value, income therefrom or its production.

It is acknowledged by the Vendors that all water permits and well permits obtained by the Vendors appurtenant to the above- described premises are hereby sold and assigned to the Purchasers herein and the Purchasers are entitled to the same as though they were the original permit holders.

In witness where of, the said parties hereto have set their hands the day and year first above written.

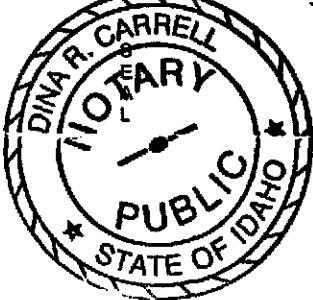
STATE OF IDAHO

County of Bingham

On May 28, 2004, Vincent R. Benson
Ilene R. Benson personally appeared before me,

☐ who is personally known to me
☒ whose identity I proved on the basis of Idaho DL
☐ whose identity I proved on the oath/affirmation of _____

to be the signer of the above document, and he/she acknowledged that he/she signed it.



they DINA R. CARRELL
Notary Public for Idaho
Residing at Blackfoot
My Commission Expires: 02/07/2009

Vincent R. Benson
Vincent R. Benson

Ilene R. Benson
Ilene R. Benson

Nicholas B. Benson
Nicholas B. Benson

Sherice Benson
Sherice Benson

STATE OF IDAHO

County of Bingham

On MAY 28, 2004, Nicholas B. Benson
Sherice Benson personally appeared before me,

☐ who is personally known to me
☒ whose identity I proved on the basis of Idaho DL
☐ whose identity I proved on the oath/affirmation of _____

to be the signer of the above document, and he/she acknowledged that he/she signed it.



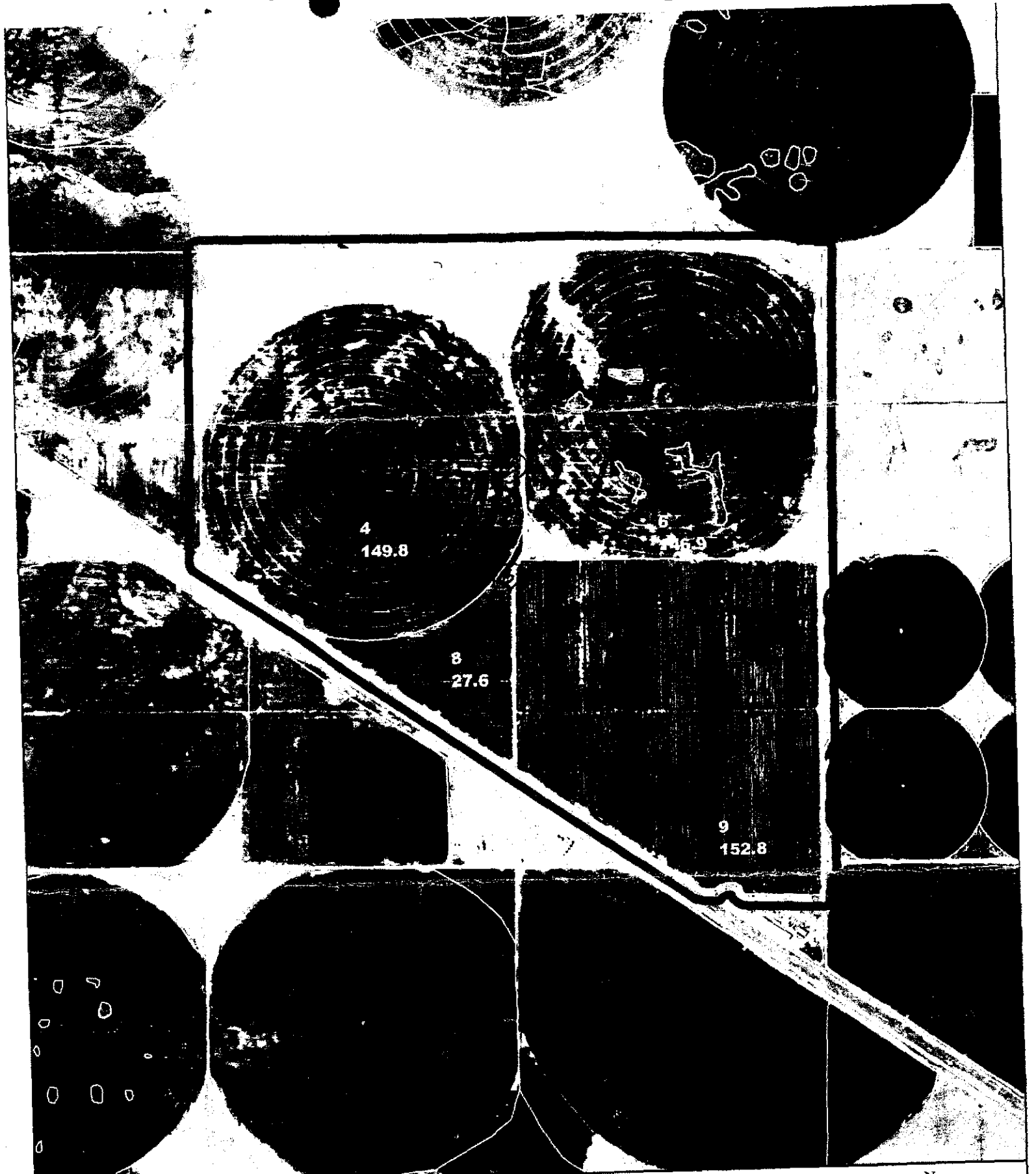
they DINA R. CARRELL
Notary Public for Idaho
Residing at Blackfoot
My Commission Expires: 02/07/2009

Legal Description

T1 S. R 33 E. Sec. 32 All Sec. NE of Railroad

A = 35-02537
B = 35-07033

015 33E 32 NES W
015 33E 32 WNE



Farm 5282
Tract 591
K12

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Jul 16, 2004

2002 JAN 31 AM 8:42
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

)
)
)
)

ORDER OF PARTIAL DECREE

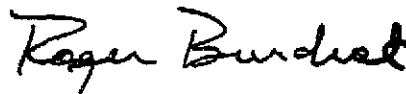
For Water Right 35-02537

On November 7, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02537 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-02537

2002 JAN 31 AM 8:42
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: V R BENSON
1604 W TABER RD
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 2.74 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07033 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.30 CFS AND IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2104 AF.

PRIORITY DATE: 05/29/1958

POINT OF DIVERSION: T01S R33E S32 SNNWNE Within Bingham County
NENESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.74 CFS

PLACE OF USE:	Irrigation	Within Bingham County
T01S R33E S32	NENE 39.0	NWNE 40.0
	SWNE 40.0	SENE 39.0
	NENW 40.0	NWNW 40.0
	SNNW 40.0	SENE 40.0
	NESW 35.0	NWSW 14.0
	SESW 3.0	NESE 39.0
	NWSE 40.0	SWSE 30.0
	SESE 39.0	
T02S R33E S05 LOT 01 (NENE) 8.0		
526.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 35-07033 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 526 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 274 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JAN 31 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-02537

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02537 was mailed
on January 31, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER
Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

CERTIFICATE OF MAILING

PAGE 1
01/31/02

ABERDEEN-AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
UPPER VALLEY IRRIGATORS ASSOC.
V R BENSON

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

FREMONT MADISON IRRIG. DIST.

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ALBERT & CHRISTINE WADA
BRENT STOLWORTHY
CLYDE M WILSON
DARWIN BROWN
FRANK S & AGNES H WADA
GERALD J BUTIKOFER
JAY L & MERRI LYNN STOLWORTHY
KENT B CORNELISON
KENT SEARLE
LDS CHURCH
LINDEN J & LOIS J BUTIKOFER
MERLE & ULENE BUTIKOFER
MURDOCH-WILSON FARMS
PAUL & ALICE HEYREND
WAYNE HANSEN

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 2
01/31/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2005

NICHOLAS B BENSON
SHERICE BENSON
1604 W TABER RD
BLACKFOOT ID 83221

RE: Change of Ownership for Water Rights 35-2537 & 35-7033

Dear Water Right Holder(s):

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

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

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

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure