No Color Documents In File

Form 42-248/42-1409(6) July, 2000

c/o Pano 2/15/01
Chk # 1080
Rcpt. # E026478

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, 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
33-02037B					
33-02079					
33-02098					
33-07032					

RECEIVED
FEB 23 2001
Department of Water Resources

An Partially Decreed

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) are 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): Earl Wortley

4. New Owner/Claimant(s): Fuger Farms Inc. by Jason Fuger
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: P.O Box 63

City, State and ZIP Code: Howe ID 83244

New Telephone Number: (208) 767-3182

5. Date you acquired the property: March 1, 2000

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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	All	
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

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

_____

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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.

AUG 0 8 2001

For Office Use Only

Received by AR Date 2-15-01 Fee $100 -
Receipted by AR Date 2-15-01 Receipt No. E026478
Processed by _____ AJ Date _____ WR _____ Date _____

"LE N: 28LRT INSTRUMENT NO.

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED EARL D WORTLEY AKA EARL WORTLEY AND LOIS E WORTLEY AKA LOIS WORTLEY, HUSBAND AND WIFE Grantor(s) do hereby grant, bargain, sell and convey unto **FUGER FARMS INC.** whose current address is **P.O. BOX 63, HOWE, ID 83244**, the following real estate situated in **Butte County**, State of Idaho, to wit:

Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho.

Section 23: **W1/2SW1/4**
Section 26: **NW1/4**

035609

MAR 03 2000
11.25
BUTTE COUNTY RECORDER
Bayla Worrick

TO HAVE AND TO HOLD the described premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the Grantee, his/her/it successors and assigns forever, Grantor does hereby covenant to and with the Grantee that he/she is the owner in fee simple of said premises and that he/she will warrant and defent the same from all lawful claims whatsoever.

DATED:

Earl D Wortley
aka EARL WORTLEY, EARL D. WORTLEY
Earl Wortley

Lois E Wortley
aka LOIS WORTLEY, LOIS E. WORTLEY
Lois Wortley

THIS SPACE FOR COUNTY RECORDERS USE ONLY

STATE OF **IDAHO** } ss
COUNTY OF **BUTTE**

On this 1st day of March, 2000, before me, the undersigned, a Notary Public in and for the State, personally appeared aka **EARL WORTLEY, EARL D. WORTLEY** and aka **LOIS WORTLEY, LOIS E. WORTLEY, Husband and Wife**, known or identified to me to be the person(s) whose names is/are subscribed to the within instrument and acknowledged to me that he executed the same

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AUG 08 2001

2000 AUG 11 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	)	PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
	)	
Case No. 39576	)	
	)	Water Right 33-07032

NAME AND ADDRESS: EARL WORTLEY
LOIS E WORTLEY
BOX 1040
HOWE, ID 83244

SOURCE: GROUNDWATER

QUANTITY: 1.54 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.62 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 808.5 AF. COMBINED RIGHT NOS.: 33-02037B, 33-02098, 33-07032.

PRIORITY DATE: 04/03/1974

POINT OF DIVERSION: T06N R29E S23 NWNWSW SWNWSW Within Butte County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	1.54 CFS

PLACE OF USE: Irrigation

			Within Butte County	
T06N R29E S23	NWSW	39.0	SWSW	37.0
S26	NENW	39.0	NWNW	37.0
	SWNW	39.0	SENW	40.0

231.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 231 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02079, 33-02037B, 33-02098.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77 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).

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OCT 19 2001

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.

B L Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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OCT 19 2001

SRBA
PARTIAL DECREE 33-07032

Issued on 08-11-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: EARL WORTLEY
LOIS E WORTLEY
BOX 1040
HOWE, ID 83244

SOURCE: GROUNDWATER

QUANTITY: 1.54 CFS
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Return to SRBA Home Page

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 1, 2001

FUGER FARMS INC
C/O JASON FUGER
PO BOX 63
HOWE ID 83244

RE: Change of Ownership for Water Rights 33-2079, 33-2098, 33-7032

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 changes in ownership and has enclosed computer-generated reports 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:klt

Enclosures

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AUG 08 2001