

PARTIAL REASSIGNMENT OF CLAIM OF USE PERMITS

FOR VALUABLE CONSIDERATION, THE CONNECTICUT MUTUAL LIFE INSURANCE COMPANY ("Connecticut Mutual"), of 140 Garden St., Hartford, Connecticut, does hereby assign, except as mentioned below, to the respective owners of the lands described as the place of use of the water rights claimed in each of the following identified Claims to a Water Right filed with the Department of Water Resources ("Department"), State of Idaho (formerly Department of Water Administration, State of Idaho):

Claim Nos. 43-4027 & 43-4001, 43-4028, 43-4029, 43-4030, 43-4031 and 43-4032.

The purpose of this Partial Reassignment is to release all of "Connecticut Mutual's" right and interest, except as mentioned below, in and to said claims by reason of that certain Assignment of Claim of Use Permits dated November 9, 1970, from VISTA LAND COMPANY, a corporation, INTERSTATE FEEDERS, INC., a corporation, and MALTA MILLING COMPANY, a corporation, to "Connecticut Mutual", filed with the Department, in connection with the satisfaction and release of the mortgage in favor of "Connecticut Mutual" for which said Assignment was given as collateral security.

This Partial Reassignment of Claim of Use Permits does not affect the 1.04 c.f.s. of irrigation water not transferred by Transfer of Water Rights No. 43-4027 & 43-4001, approved April 2, 1975, and the 1.6 c.f.s. of irrigation water not transferred by Transfer No. 1844, approved March 6, 1975. The above stated amounts of cubic feet per second of irrigation water are still assigned to Connecticut Mutual Life Insurance Company pursuant to that certain Assignment of Claim of Use Permits described above.

1-PARTIAL REASSIGNMENT OF CLAIM OF USE PERMITS

RECORDED

DATED this 20th day of March, 1977.

THE CONNECTICUT MUTUAL LIFE
INSURANCE COMPANY

By James W. Barlett
Name: James W. Barlett
Title: Notary Public
(a duly authorized officer)

STATE OF CONNECTICUT
County of HARTFORD : ss.

On this 20th day of March, 1977, before me, a Notary Public in and for said State, personally appeared James W. Barlett, known to me to be the Notary Public of the State of Connecticut, CONNECTICUT MUTUAL LIFE INSURANCE COMPANY, the corporation that executed the above instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

James W. Barlett
Notary Public for the State of Connecticut
Residing at Hartford, Connecticut

2-REASSIGNMENT OF CLAIM OF USE PERMITS

RECORDED

ASSIGNMENT OF CLAIM OF USE PERMITS

We, VISTA LAND COMPANY INTERSTATE FEEDERS, INC. and MALTA MILLING COMPANY, corporations organized and existing under the laws of the State of Utah, hereby assign and transfer to THE CONNECTICUT MUTUAL LIFE INSURANCE COMPANY of 140 Garden St., Hartford, Connecticut,

All our right, title and interest, in and to Claim of Use Permit Nos. 43-4026, 43-4027, 43-4028, 43-4029, 43-4030, 43-4031, 43-4032 and 43-4006 to appropriate the public waters of the State of Idaho.

This is given as collateral security for a loan of \$900,000.00 made by Connecticut Mutual Life Insurance Company under Loan No. 95974-H to permit holder(s) evidenced by a Promissory Note dated November 9, 1970, and secured by a mortgage of even date, microfilmed as Instrument No. 53715, records of Cassia County, Idaho.

Made this 9th day of November, 1970.

VISTA LAND COMPANY, a corporation

By James H. Bell, Vice President

By John E. Clay, Treasurer

INTERSTATE FEEDERS, INC., a corporation

By James H. Bell, Vice President

By John E. Clay, Treasurer

MALTA MILLING COMPANY, a corporation

By James H. Bell, Vice President

By John E. Clay, Treasurer

STATE OF UTAH)
COUNTY OF Salt Lake) SS.

On this 9th day of November, 1970, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES H. BELL and JOHN E. CLAY, known to me to be the Vice President and Treasurer, respectively, of the Corporations that executed the foregoing instrument, or the persons who executed the instrument on behalf of said Corporations, and acknowledged to me that such Corporations executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Ralph J. Marsh
Notary Public for the State of Utah,
Residing at: Salt Lake City, Utah

Identification No. 43-2442, 43-4006, 43-2437

Transfer No. 1681

Should questions arise during the processing of this application please contact

JACK A. BARNETT
520 Idaho Bldg.
Boise, Idaho 83702
344-1541

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

1. Name of Right Holder Vista Land Company

Post office address Malta, Idaho

2. Right obtained by: Two licensed and one constitutional use right.

a. Decree to N/A in Case of _____
(Name) vs. _____, Dated _____ in _____ (Name of Court)

Court. County of _____

b. License No. _____ issued by the State of Idaho, Department of Reclamation.
Well #16=43-2442; Well #17=43-4006 (T-1570); and Well #18-43-2437

3. Source of water Underground water tributary to _____
(Name of stream or source)

4. Date of Priority Well #16=3-5-56; Well #17=4-29-52; and Well #18=3-5-56

5. Amount of water a. 15.77 c.f.s. and/or Well #16=7.21 cfs; Well #17=3 cfs; and Well #18=5.56 cfs
b. _____ acre feet/annum

6. Water is used for _____ from _____ to _____

7. Original location of point of diversion is SE 1/4 NE 1/4 of Section 16,
(Well #16) (Month, Day) (Month, Day)

Township 13S, Range 27E, B.M., in Cassia County;

Additional points of diversion, if any Well #17, NE 1/4 SE 1/4, Section 17, T13S, R 27E;

Well #18, NE 1/4 SE 1/4, Section 20, T 13S, R 27E.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	
<u>Well #16</u>															
<u>13S</u>	<u>27E</u>	<u>16</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>640</u>
<u>Well #17</u>															
<u>13S</u>	<u>27E</u>	<u>20</u>	<u>40</u>	<u>40</u>											<u>80</u>
<u>13S</u>	<u>27E</u>	<u>17</u>	<u>40</u>	<u>40</u>	<u>40</u>				<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>320</u>
<u>Well #18</u>															
<u>13S</u>	<u>27E</u>	<u>20</u>													
<u>13S</u>	<u>27E</u>	<u>21</u>							<u>40</u>	<u>40</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>160</u>
<u>13S</u>	<u>27E</u>	<u>29</u>	<u>39</u>												<u>79</u>
															<u>39</u>

Total number of acres presently irrigated 1318

43 6000

9. If applicant was not the original holder of this right explain how it was acquired: All lands and rights have been acquired by purchase.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new points: 15.77 c.f.s. and/or _____ acre feet
- b. New points of diversion: NE 1/4 SW 1/4, Section 16, Township 13S
_____, Range 27E, B.M. and the three existing wells described in Paragraph 7.
- c. Description of method of diversion and conveyance from new points of diversion: Deep well, vertical turbine pump and pipelines.

- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No _____
If not, the place of use should be changed below. (For the most part)

e. Describe the reasons for applying for a change in the point of diversion:

This land was first developed by PEWITT-THOMPSON, INC. as a part of a much larger farm. There were many wells on the larger farm that could be diverted to most of the land that are the subject of this transfer. Several years ago, VISTA LAND CO. bought most of the PEWITT-THOMPSON holdings in the immediate area, but not all of the holdings. Some ability to move (Con't on Appendix A)

- f. Do you intend to make the transfer permanent? Yes _____

- g. Do you intend to abandon completely the old point of diversion? No _____

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

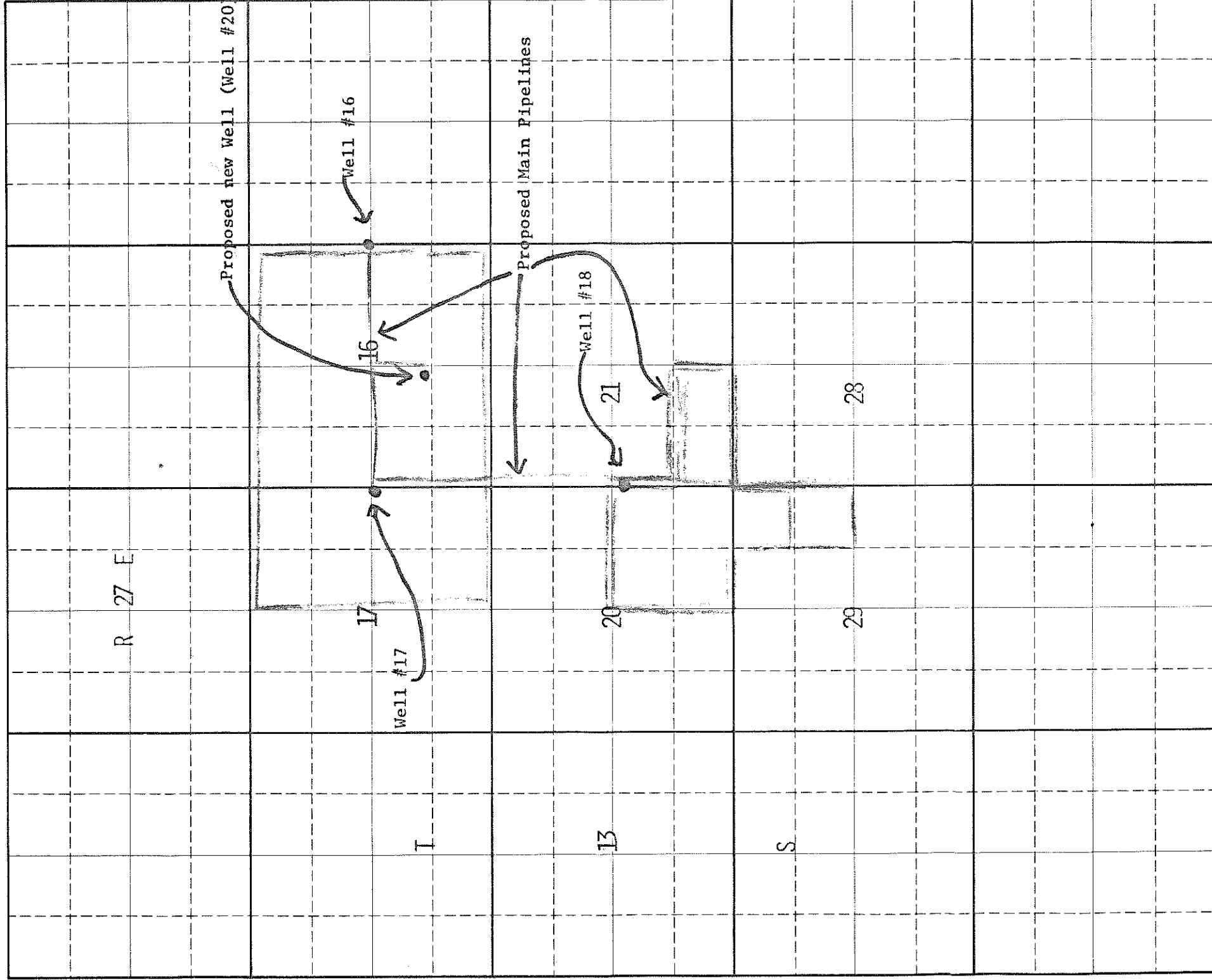
11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
13S	27E	16	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40				40	40	40	40	40	320
		20									40	40	40	40	160
		21								40	40				80
		29	40		40										80

Total number of acres to be irrigated 1280

53 4006



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

43-4006 - Lands to be irrigated as right is presently on file. (Well #17)

43 4006

43-2442 - Lands to be irrigated as right is presently on file. (Well #16)

43-2437 - Lands to be irrigated as right is presently on file. (Well #18)

Location of lands to be irrigated in the future by all three rights.

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No. Only the NE $\frac{1}{4}$ NEW $\frac{1}{4}$ Section 17, which has been traded for the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17 with the BLM and the N $\frac{1}{2}$, NE $\frac{1}{4}$, Section 20, which has been converted to a feed lot.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

[Signature]
(signature of applicant) JAN 11-30-73
Subscribed and sworn to before me this 8th day of November, 1973.

[Signature]
(notary public)

My commission expires July 1, 1974.
Residing at Hyrum, Cache County, Utah.

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2442, 43-4006 & 43-2437,
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

Subject to the condition that this approval does not validate the water right as claimed under 43-4006. Measuring devices of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 3 day of January, 19 74.

[Signature]
Director
Idaho Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by the Date 11-21-73 Protest filed by: _____ Date _____
Prelim. check by the Date 11-21-73 _____
Fee received by the Date 11-21-73 Fee \$ 36.00 # 13355

[Signature] Approved for publication by _____

Published in South Idaho Press Dates 12-11 & 12-18-73

Hearing held _____

Watermaster Recommendation sent _____

12 4006

Appendix A

water from various wells to various lands at the time of purchase. Within the last few weeks, Vista Land Co. has sold all of the company's irrigated land holdings (more than 3,000 acres) except the land listed in this transfer application. This means an additional loss of ability to move water from various wells to various lands.

In addition, Vista Land Company recognizes that, in the past, there has been an important amount of water lost in long dirt ditch and long irrigation runs in flood irrigation practices.

With the remaining irrigated land owned by Vista Land Co., and described herein, it is proposed to significantly improve the irrigation efficiencies. This will be done in part with the purchase of sprinkler systems and the use of gated pipe and shorter irrigation runs. It will also be done, in part, with the advantages of tying 4 wells together in a pipe-system, so that water can be diverted quickly and without loss to any of the lands from any of the wells when the crops demand water. To accomplish this, it will be necessary to drill the new, 4th well, which is proposed herein.

It is proposed by this transfer to merge, so to speak, all of the rights so that water from 1, 2, 3, or 4 wells can be used on any of the land as water is required.

This is not intended to be an enlargement over existing rights. There will not be more acres irrigated than present rights allow. We expect that less water will be needed, or water diverted will be placed to a more productive or efficient use. (The application calls for the irrigation of 1,280 acres, and existing rights

Appendix A

Page 2

are to irrigate 1,318 acres. Vista Land Co. is not intending to loose the right to irrigate the additional 38 acres by this transfer application and may in the future, make addition transfer applications that will include the use of this additional 38 acres of water right).

43 4000

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I
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T
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36.3

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12961

RECEIVED - 1

AUG 5 1968

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Identification No. 43-4006

Transfer No. 1570

1. Name of Right Holder PEWITT-THOMPSON, INC.

Post office address Malta, Idaho

2. Right obtained by:

Claim to a water right filed with the Dept. of Reclamation

a. Decree to in Case of
vs. , Dated in (Name of Court)

Court. County of .

b. License No. 43-4006 issued by the State of Idaho, Department of Reclamation.

3. Source of water subterranean tributary to
(Name of stream or source)

4. Date of Priority April 27, 1952

5. Amount of water a. 3 c.f.s. and/or

b. 150 miner's inches feet/annum

6. Water is used for irrigation from March 20 to November 15th
Domestic use the year around (Month, Day)

7. Original location of point of diversion is SW 1/4 of Section 9,
 B.M., in Cassia Co. County;

Township 14 S., Range 27, E.
Additional points of diversion, if any

8. Lands presently irrigated or place of use:

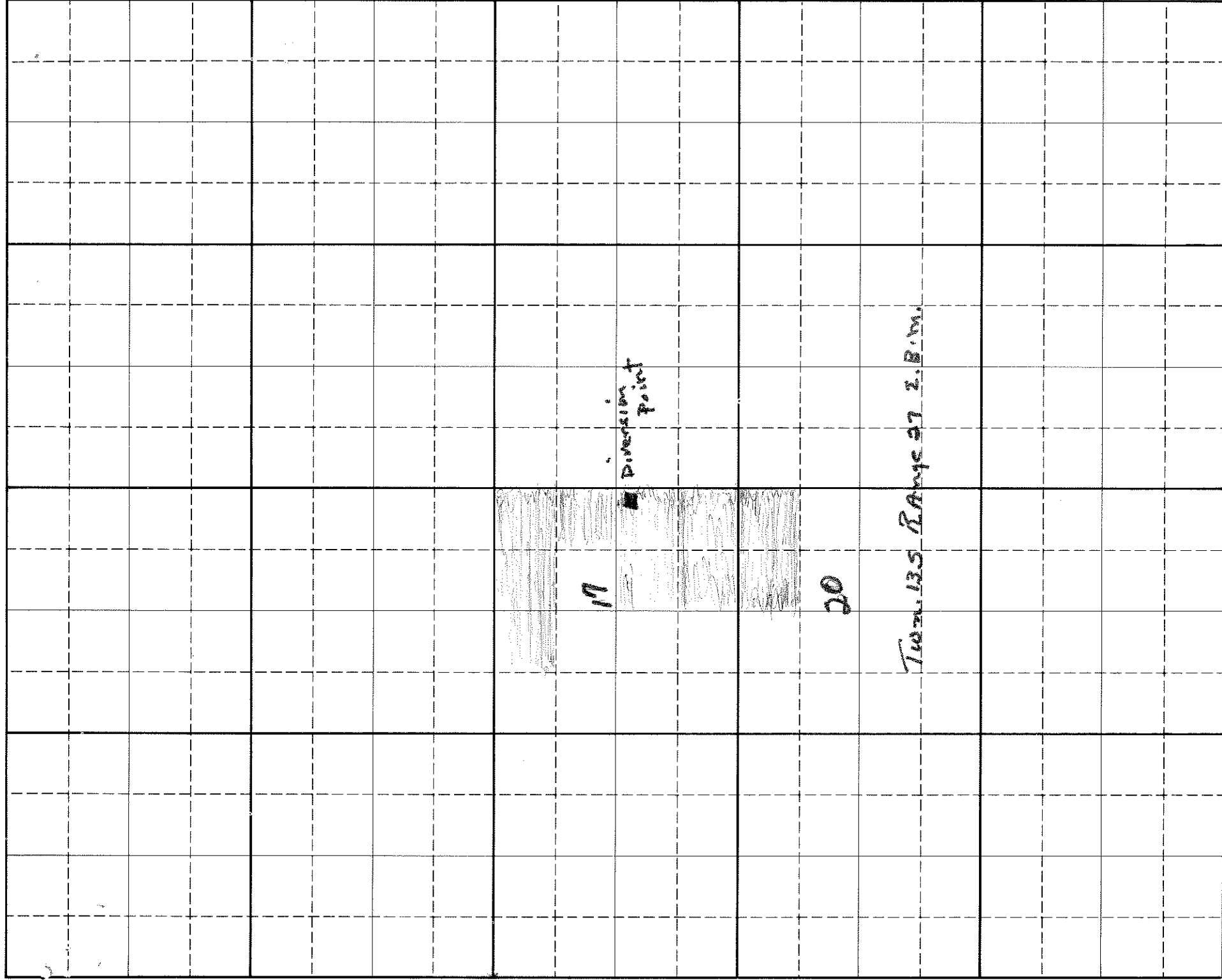
TWP.	RANGE	SEC.	NE 1/4		NW 1/4		SW 1/4		SE 1/4		TOTALS
			NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	NE 1/4	NW 1/4	
13 S.	27 E.	32									120
"	"	33					40	40			80
14 S.	27 E.	5									
"	"	8	40	40	40	40			40	40	400
"	"	4									145
"	"	9									310
											240

Total number of acres presently irrigated 1295

43 4006

43 4006

24



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

5

1

1

9. If applicant was not the original holder of this right explain how it was acquired:

Applicant is original owner

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 3 c.f.s. and/or 150 miner's inches
- b. New point of diversion: NE 1/4 SE 1/4, Section 17, Township 13 S. Range 27, E., B.M.
- c. Description of method of diversion and conveyance from new points of diversion:

Deep well, pump, and bank ditches

- d. Is water to be conveyed to the lands previously irrigated? Yes No x

If not, the place of use should be changed below.

- e. Describe the reasons for applying for a change in the point of diversion:

To provide lands described below with sufficient water supply.

- f. Do you intend to make the transfer permanent? Yes

- g. Do you intend to abandon completely the old point of diversion? Yes

- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

Red coloring indicates areas to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right. See form

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
13 S	27 E	20	40	40											80
"	"	17	40	40	40	40			40	40	40	40	40		320

Total number of acres to be irrigated 400

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No. The lands previously irrigated have an
adequate supply of water from another source.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: none
- e. Indicate on the above plat the new land to be irrigated and the point of diversion. **See, also, 10 b.**

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

PEWITT-THOMPSON, INC.

By Leiter Thompson
Manager (signature of applicant)

Subscribed and sworn to before me this 29th day of July, 19 68

SA (notary public) For Idaho
Residing at Burley, Idaho

My commission expires June 15, 1969.

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 43-4006
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

Subject to the condition that this approval does not validate the water right
as claimed.

2. Denial of said application is for the following reasons:

Witness my hand this 26 day of January, 19 72.

R. G. Givens
Director
State Reclamation Engineer
Dept. of Water Administration

Identification No. 43-4006P
Claim No. 4273P
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant PEWITT-THOMPSON, INC.
post office address Malta, Idaho

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 9 Township 14 S.
Range 27, E. B.M. located on subterranean
(name of source)

tributary to _____ in Cassia County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April 29, 1952 amount: 3 c.f.s. or 150/miner's inches
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 3 c.f.s. or 150/miner's inches
acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from March 20 to Nov. 15 (both dates inclusive)
use domestic period of use from year around (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
width at bottom is 3 feet; with at top is 6 feet; length is _____ feet; height is _____ feet;
ity since structure was first built, giving dates and estimated capacities if known ditches were
designed to convey water from other wells

b. Underground water diverting works: is well flowing or pumped _____ pumped _____; depth of well is
apprx 536 feet; diameter of well is 24"/telescoped to 10" turbine pump
capacity of pump is 1350 g.p.m.; name and address of well driller is Waymon Yarborough,
Burley, Idaho, Overlook Trailer Park

attach well logs if available; has there been any change in pump or motor since well was first completed
no; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet;
width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000
feet is _____ feet; material through which ditch passes is _____;
maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches;
type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giv-
ing date and dimensions if possible _____

For answer to above, see 4a.

d. If water is stored: name of reservoir none _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe
location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and
describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
13	S. 27 E.	32													120
"	"	33													80
14	S. 27 E.	5	40	40	40	40	40					40	40	40	400
"	"	8	40	40	35	30									145
"	"	4					40	40	40	40	40	40	40	30	310
"	"	9					20	40	40	20	20	40	40	20	240

Total number of acres to be irrigated 1295

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____
None

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch
_____ The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

Several thousand sheep and a few hundred cattle.

7. Where water is used for domestic or municipal purposes give number of families served one
name of town supplied none

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities none

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

July 29, 1968
(Date)

State of Idaho

County of Cassia

ss.

On this 29th day of July, 1968 Personally appeared before me the signer(s) of the
he is the manager of PEWITT-THOMPSON, INC., and being authorized §8 to do
above instrument, who duly acknowledged to me that he (~~she~~) executed the same.

PEWITT-THOMPSON, INC.

By Lester Thompson
(Signature of Claimant)

Manager

Lester Thompson

My commission expires June 15, 1969
Notary Public residing at Burley, Idaho
~~Residing at~~ Notary Public for Idaho

For Department Use Only

Received by Wells Date 8-5-1968 Exception filed by: _____ Forwarded to _____ Date _____
claimant by: _____

Prelim. check by Wells Date 8-5-68

Fee received by Wells Date 8-8-68 Fee \$10.00

Approved for publication by Wells Date 8-13-68

Published in Bo. Star Dates 8-22-68

43 4006

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

11

SOUTH IDAHO PRESS

BURLEY, IDAHO

DAVID OF PUBLICATION

Missid,)

) ss.

DAHO)

number, being first

deposes and says that she is the

Missid of the South Idaho
 newspaper published at Bur-
 ley in the county aforesaid and that
 of general circulation therein.
 Other states that the printed no-
 tice hereto was duly published
 in law in the regular editions of

South Idaho Press for
 weeks, commencing with the issue

at *23* 19*68*., and ending

dated *August 30*, 19*68*.

Number

scribed and sworn to before me

30th day of *August*

Ed Rawtall Notary Public

lication \$ *11.50*

expires October 23, 1971

RECEIVED

SEP 5 1968

Department of Reclamation

NO. 68148
NOTICE OF PROPOSED
TRANSFER OF
WATER RIGHT

Notice is hereby given that
 Hewitt-Thompson, Inc. of Malta,
 Idaho has applied to the State
 Reclamation Engineer of the State
 of Idaho for a certificate author-
 izing them to change the point
 of diversion and place of use of
 the waters of a subterranean
 source as follows: Amount, 3 cu-
 bic feet per second and/or 150
 miners inches. Priority, April 27,
 1929. Point of diversion, NW 1/4
 SW 1/4, Section 9, Township 14 S,
 Range 27 E, B.M. Place of Use,
 SE 1/4 SW 1/4, Sec. 13, T. 13 S, R. 27 E,
 SW 1/4 Sec. 33, T. 13 S, R. 27 E,
 B.M. W. Sec. 4, E 1/4 NW 1/4,
 Sec. 5 NW 1/4, Sec. 8, T. 14 N, Sec. 9
 T. 14 S, R. 27 E, B.M. Point
 to be transferred to, SE 1/4
 Section 17 Township 13 S, Range
 27 E, B.M. place of Use, NW 1/4
 SE 1/4 NE 1/4 NW 1/4, Sec. 4, Sec.
 17 NW 1/4, Sec. 20 T. 13 S, R.
 27 E, B.M.

And that on the 9th day of
 September, 1968 at 10:30 a.m.
 at Department of Reclamation
 Statehouse Annex 2 Boise, Idaho,
 before the State Reclamation
 Engineer, or his authorized agent,
 the opportunity will be given to
 any and all persons to appear
 and present for his consideration
 any reason or reasons why a cer-
 tificate should not be issued au-
 thorizing such transfer.

R. KELLY HIGGINSON
 State Reclamation Engineer
 Published in the South Idaho
 Press August 23, 30, 1968

13 4006

IN THE MATTER OF:)
)
)
)
)
)
)

AFFIDAVIT

State of Idaho)
County of Cassia)

William Garbough being first duly sworn,

deposes and says: In March 1955 I moved on said well located in SW $\frac{1}{4}$ of
Section 9 Township 14 Range 27. Well was open to 84 feet, bailed sand
and deepened to 478 feet installed 145 feet of 20 inch $\frac{1}{2}$ inch wall
depth 305 feet 16 inch from 288 feet to 478 feet. Well was previously
developed in 1952. I also understand some work has been done on this well
since this repair.

Subscribed and sworn to before me this 24 day of July 1948.

William Garbough
(signature)

Richard T. Talley
(Notary Public)

Residing at Burley Idaho
My commission expires 1969

IN THE MATTER OF:)
)
)
)
)
)
)
)

AFFIDAVIT

State of Idaho)
County of _____)

GLEN W. JENSEN

being first duly sworn,

deposes and says: TO WHOM IT MAY CONCERN:

At the request of Mr. Lester Thompson of Malta, Idaho in regards to the status of the land located in the west one-half of Section 9 -Twp 14 South Range 27 E.B.M. County of Cassia, State of Idaho. According to the records accumulated and maintained by the Cassia County Agricultural Conservation and Stabilization Committee from photographs taken 17 September 1956, the above described land was in the production of agricultural crops except for the following lands; a strip of land located along the east side of the southwest 1/4 approximately 260 feet in width and another strip of land located along the east side of the northwest 1/4 approximately 520 feet wide. Measurements taken from photographs taken from the air on 17 September 1956. Enclosed with this affidavit are copies of the photographs of the above described lands which show the land use on our current photographs. These are copies taken from the 1962 flight of photos and show the same field boundaries as those on the photographs taken in 1956.

The fact that the land is in the production of agricultural crops and from personal knowledge denotes that irrigation water has been applied to the land.

Subscribed and sworn to before me this 25 day of July 19 68.

(signature)

(Notary Public)

Residing at

Burdig, Idaho.

My commission expires

1-27-72

12
SOUTH IDAHO PRESS

BURLEY, IDAHO

DAVIT OF PUBLICATION

Missia,)

) ss.

IDAHO)

Chambers, being first

deposes and says that *She* is the

owner of the South Idaho
newspaper published at Bur-
ley in the county aforesaid and that
of general circulation therein.
Further states that the printed no-
tice hereto was duly published
in law in the regular editions of

Idaho Press for
weeks, commencing with the issue

of August 22, 1968, and ending

dated August 29, 1968

Chambers

scribed and sworn to before me

29th day of August

Edith Rawstall Notary Public

Publication \$8.00

Commission expires October 23, 1971

RECEIVED

AUG 30 1968

Department of Reclamation

NO. 68-141
NOTICE OF CLAIM TO A
WATER RIGHT
No. 43-4006
Notice is hereby given that
Pewitt-Thompson, Inc. Merida, Ida-
ho has filed a claim to a water
right established by diversion and
application to beneficial use of
30 cubic feet per second of water
from a subterranean source with
point of diversion in SW 1/4 SW 1/4
sec. 9 T. 14 S. R. 27 E.B.M., Cas-
sia County; the water is claimed
to be used from March 20 to No-
vember 15 for irrigation and from
January 15 to December 31 for do-
mestic use with the priority of
April 26 1922 the place of use is
in the SW 1/4 SW 1/4 Sec. 27, E.
38 T. 14 S. R. 27 E. B.M. and the
SW 1/4 NW 1/4 Sec. 31 NW 1/4 sec.
9 T. 14 S. R. 27 E.B.M.
Any exception to this claim of
water right may be filed with
the Department of Reclamation
R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho
Press August 22, 23, 1968.

43 4006

Miss Rawstall 9-3-68

ACRIVEST, INC.

P.O. BOX 996, 500 WINDING BROOK DRIVE, GLASTONBURY, CONNECTICUT 06033-1203 (203) 650-3701

RECEIVED	OFFICE OF PERMITS OCT 9 1986	ACTION BY OCT 14 1986
----------	------------------------------------	-----------------------------

September 30, 1986

Department of Reclamation
State of Idaho
Boise, ID 83720

Department of Water Resources

Re: Loan No. 95974-H, VIM
Permit #'s 43-4026, 43-4001,
43-4027, 43-4028, 43-4029,
43-2368, 43-4030, 43-4030,
43-4031, 43-4032, 43-2438,
43-2436, 43-2442, 43-4006,
43-2437

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers referenced above, as described in Mortgage Deed dated November 9, 1970, given by Vista Land Company, et al.

Said mortgage was recorded in the Public Records of Cassia County in File #67, as Instrument #53715.

Sincerely,

Jean Wright

Jean Wright
Administrative Assistant

jw
cc: Ag-Land Mortgage

RECEIVED



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 8, 1977

Re: Claim No's. 43-4027, 43-4001, 43-4028,
43-4029, 43-4030, 43-4031, 43-4032

Richard F. Goodson
HAWLEY, TROXELL, ENNIS & HAWLEY
One Capital Center, Box 1617
Boise, Idaho 83701

Dear Mr. Goodson:

We acknowledge receipt of the assignment conveying the above referenced claims back to the respective owners as described on the assignment. However, the Department has no procedure for changing the records of ownership on a claim or a transfer to a water right. These rights are considered to be appurtenant to the land to which they were transferred and are owned by the owner of that land.

We will place the assignment of the claims in our files for future reference as to present ownership.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:JFR

RECEIVED

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ONE CAPITAL CENTER

POST OFFICE BOX 1617

BOISE, IDAHO 83701

ROBERT L. TROXELL
JESS B. HAWLEY
PAUL B. ENNIS
JOHN T. HAWLEY
THOMAS A. MILLER
M. NEAL NEWHOUSE
ROBERT J. ENNIS
CRAIG L. MEADOWS
ROBERT L. BILOW
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
JESS B. HAWLEY III
GARY D. BABBITT
P. CRAIG STORTI
RICHARD F. GOODSON
CARL W. HARDER

AREA CODE 208
TELEPHONE 344-7683

April 5, 1977

Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Claims to Water Right Nos. 43-4027, 43-4001,
43-4028, 43-4029, 43-4030, 43-4031 and
43-4032, Connecticut General Life Insurance
Company Loan #7620600, Norman Bros. Farms

Dear Sirs:

Enclosed herewith in connection with the above referenced matter please find an executed original and xerox copy of a Partial Reassignment of Claim of Use Permits. Would you please file the original and return the xerox copy with the appropriate filing information stamped thereon to our office. We will forward the same to Connecticut General Life Insurance Company.

Please send any information regarding the above referenced claims to Connecticut General Life Insurance Company, 910 Stemmons Tower North, Dallas, Texas 75207. Connecticut General Life Insurance Company has made a loan to Norman Bros. Farms, a general partnership, the present owners of the real property upon which the water represented by the above claims is used.

If you have any questions whatsoever regarding this matter, please contact our office.

Yours truly,

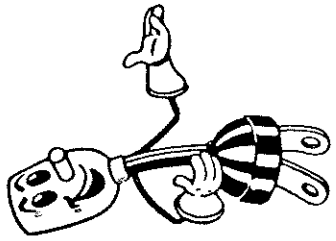
Richard F. Goodson

RICHARD F. GOODSON

RFG:fd

ENCLOSURES

cc: Tippet Land & Mortgage Company, Boise and Kennewick
Connecticut General Life Insurance Company



RAFT RIVER ELECTRIC COOPERATIVE, INC.

Owned By Those We Serve

Phone 645-2405

★ MALTA

July 23, 1968

TO WHOM IT MAY CONCERN:

Electric power, furnished by Raft River Rural Electric Cooperative, Inc., was connected on April 29, 1952 and used on Mr. Lester Thompson's pump in question. This pump is located on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; Township 14 South Range 27 East.

Very truly yours,

Lois Whitaker
Lois Whitaker
Cashier, Secretary

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

Cecil D. Andrus

Governor

R. Keith Higginson

Director

614 State Street

Statehouse -- Annex 2

Boise, Idaho 83720

(208) 384-2190

January 4, 1974

Re: Transfer Nos. 43-2442, 43-4006, 43-2437

Vista Land Company
Malta,
Idaho 83342

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of Water Right as referenced above. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: Jack A. Barnett
520 Idaho Bldg.
Boise, Idaho 83702

43 4006

January 27, 1972

Re: Transfer No. 1570 (Claim No. 43-4006)

Mr. Lester Thompson
Pewitt-Thompson, Inc.
Malta, Idaho 83342

Dear Mr. Thompson:

Please find enclosed a copy of your APPROVED Transfer Application

We wish to direct your attention to the conditions of approval as listed on page four of the form.

If you should have any questions in reference to this matter, please do not hesitate to contact this Department.

Sincerely,

Bobby D. Fleenor
Assistant Director

BDF:CS

Enc: copy of APPROVED Transfer

cc: Jack A. Barnett

43 4006

Receipt # 10-421

January 25, 1972

Mr. Jack A. Barnett, Consultant
520 Idaho Building
Boise, Idaho

Dear Jack:

Thank you for calling my attention to the incomplete action of this office relative to the transfer on Claim No. 43-4006. I have reviewed this matter with Phil Barber and he is of the opinion that transfers of this type were required under the provision of Section 42-237 of the Idaho Code at the time the transfer was apparently filed. Even though the 1969 amendment changed the language of 42-108 to include mandatory provisions, it is his general opinion that the Groundwater act has always required a transfer by its reference to the transfer statute. We therefore will take immediate action to approve the transfer, subject to the condition that our approval will not validate the water right as claimed.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl

43 4006

JACK A. BARNETT

CONSULTANT

520 IDAHO BUILDING — BOISE, IDAHO

Phone 344-1541

RECEIVED

3DF

OCT 14 1971

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

Department of Water Administration

October 13, 1971

Mr. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, ID 83707

Dear Keith:

I have talked with you on several occasions about the water rights on the Vista Land Company property in the Raft River Valley. In order for us to clarify all the rights that exist in addition to the documents we have already filed we will need to prepare some transfer applications. One transfer application was filed with the Department several years ago on claim no. 43-4006.

The question that we have is the fact that this transfer application has not yet been approved but we feel a transfer may have really been accomplished without the application. For that reason I wrote to you on May 20, 1971, asking for clarification of a legal point perhaps by the Attorney General's office. I have mentioned this letter to you during several conversations throughout the summer but have yet to receive a reply. We feel we cannot proceed with clarifying the water rights until the answers to the questions placed in the letter of May 20 are received. Should you need an additional copy of the letter of May 20, I would be happy to supply you with one.

Sincerely,

Jack A. Barnett
Jack A. Barnett
Consultant

JAB:cww

43 4006

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

~~PERMIT NO.~~ Claim No. 43-4006

REPORT ON PROOF OF validity of claim

5

28

3004

Map 11500

Section 14, T. 1 N., R. 10 E.

Section 15, T. 1 N., R. 10 E.

31

8.8

Q measured 1.86 ac S.

Q recommended 1.86

Volume 5.100 ac 1992

Acreage :
Found 1295

recommended 1295

Subdv 39

Amendments

☒ None

☐ P.D.

☐ Place of use

☐

43 4000

SPECIAL

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF EXAMINER

Claim
~~XXXX~~ No. 43-4006

This proof is for validity of claim

In Water District No.

1. Name of applicant Pewitt-Thompson, Inc., Malta, Idaho

2. Source of water supply: Ground-water

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9

T. 14 S R. 27 E County of Cassia

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

well and pump - well is approximately 536 feet; diameter of well is 24" telescoped to 10";
type of pump is turbine pump and capacity of pump is 1350 g.p.m.

Exhibits - Horse pump motor, water 75 ft. in m. 12/16/88
pump shaft 85 ft 7/3 8" diameter

5. Water is used for: irrigation and domestic

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):

TWP. 13 S., Rge. 27 E., B.M.	32	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	120 acres
	33	S $\frac{1}{2}$ SW $\frac{1}{4}$	80
TWP. 14 S., Rge. 27 E., B.M.	5	E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$	400
	8	E $\frac{1}{2}$	145
	4	W $\frac{1}{2}$	310
	9	W $\frac{1}{2}$	240
	Total		1295

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

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

Remarks: Check validity of this claim. Check to see that they are actually irrigating 1295
with only 3.0 c.f.s. or 150 miners inches of water.

The wells are 4 to 6 in. dia. and the
ditches are 3 to 4 ft. wide. The water
can be used in any or all of the land
all above area.
11 feet in 2275 ft. coordinate method
along with the 2275 ft. coordinate
See note:

This examination was made on the 13 day of Aug, 1988

(Signed) William G. Jones

Examiner.

43 4006

12/10
13

note: according to the land map & aerial photo there is a ditch off the edge of the area where the irrigator, Alfred Erickson, lives. Some irrigated crops are the road.

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.
-

43 4006

Claim
~~XXXX~~ No. 43-4006

Examination for validity of claim

County Cassia

Quantity: Sec. 9 T. 14S R. 27E
150 miners inches or 3.0 c.f.s.

Source: ground-water

P.D.: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, T. 14 S., R. 27 EBM

Use: irrigation & domestic

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: August 5, 1968

Due:

JACK A. BARNETT

CONSULTANT

520 IDAHO BUILDING - BOISE, IDAHO

Phone 344-1541

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

May 20, 1971

Department of Water Administration

Mr. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, ID 83707

Dear Mr. Higginson:

Following our discussion of April 18, concerning the transfer of certain water rights in the Raft River Valley, I am writing this letter to you as a formal request for response from your office as to whether or not water rights can be transferred in the case in point without the necessity of a transfer application. Let me briefly state the facts as I understand them.

A well was equipped and used as early as April 1952, and the water right was established by diversion and use. This well was located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 9, T. 14S., R. 27E. The evidence of that water right is set forth in a claim #43-4006 filed by Pewitt-Thompson, Inc. In the months of January through March of 1964, a well was drilled approximately six miles to the north in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 17, T. 13S., R. 27E. On August 5, 1968, transfer #1570 was filed by Pewitt-Thompson, Inc. to move the previous mentioned claimed right to the well site located in section 17. This application has been on file in your office since that date without action. On May 26, 1969, there were some changes to the Idaho water law that may require that from that date forward transfer applications are necessary for water rights to be transferred. On May 26, 1969, the well in section 17 was tested and the water was put to beneficial use July 2, 1969.

We feel that the water right, which was established by constitutional means of diversion and use, can also be moved or transferred by the same procedure. We feel that we have accomplished this transfer successfully in this case, and even if it is held that the May 26, 1969 change in statutes is restrictive as far as transfers, that this transfer had in effect been initiated prior to that with the drilling of a well in 1964 and the formal declaration of our intentions by the filing of a transfer application in 1968. We followed with diligence the application of water to a beneficial use, and the water has been used consistently every year since 1969. Therefore, it is our belief that the claimed water right has been successfully moved and is in force and effect at the new point of diversion and that the transfer application is not now needed.

43 1000

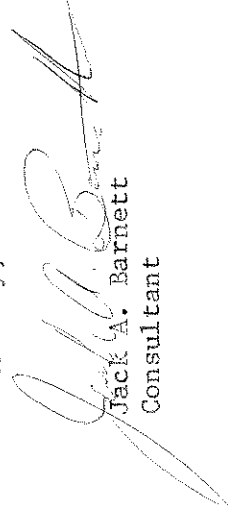
BDF

Mr. Keith Higginson
Page 2
May 20, 1971

If you, your staff, or the attorney general's office could reply indicating policies or interpretations of statutes concerning the ability of transfers to be accomplished, we would be in a position to know whether our assumptions are right; and we could proceed with the withdrawal of the transfer application.

As I indicated to you, there are several matters that need to be clarified concerning the wells of Vista Land Company. We appreciate your patience concerning these matters and would only indicate that most of the additional action is dependent upon the interpretation of the transfer statutes and the establishment of the water right for the well located in section 17.

Sincerely,


Jack A. Barnett
Consultant

JAB:cww

cc Lamond Keller
Jay Bingham
Dallin Jensen

JACK A. BARNETT

CONSULTANT

520 IDAHO BUILDING -- BOISE, IDAHO

Phone 344-1541

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

May 19, 1971

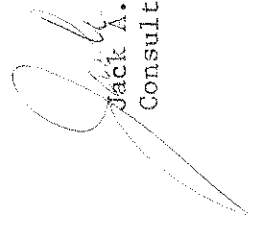
Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse - Annex 2
Boise, ID 83707

Dear Mr. Higginson:

Your letter of May 13, indicated that you were unable to find a water right for certain lands in Section 20. The information supplied in the letter is apparently as a result of an oversight, as these lands are covered under an existing permit that has received proof of beneficial use but requires an examination again this spring as to the discharge from the well. The lands are covered under G-26225.

We would very much appreciate an early measurement of the discharge from the well. I would appreciate being advised as to when the well examiner might be able to be in the area and make the necessary observations.

Sincerely,


Jack A. Barnett
Consultant

JAB:cww

cc Jay Bingham
Lamond Keller

43 4006

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 16, 1970

Re: Your Number 6847

Mr. Vern Roberts, Manager
LAND TITLE AND ESCROW, INC.
P.O. Box 177
Burley, Idaho 83318

Dear Mr. Roberts:

Please be advised that we have received and recorded your assignments filed in connection with claims to a water right nos. 43-4026, 43-4027, 43-4028, 43-4029, 43-4030, 43-4031, 43-4032, and 43-4006. We have also placed a copy of your letter of November 25, 1970 with the following water licenses: 43-2368 and 43-2442.

Please be advised that permit nos. 43-2436, 43-2437, and 43-2438 are, as of this date, not yet licensed and valid permits. In order to control these permits, it will be necessary for you to file a formal assignment in connection with these documents. A copy of your letter of November 25, 1970 will also be placed in these files for whatever purpose it may serve, and we will make every attempt to contact you in case of a major problem. However, the only way that you can be certain of receiving this type of assurance is by means of a formal assignment on the non-perfected permits.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

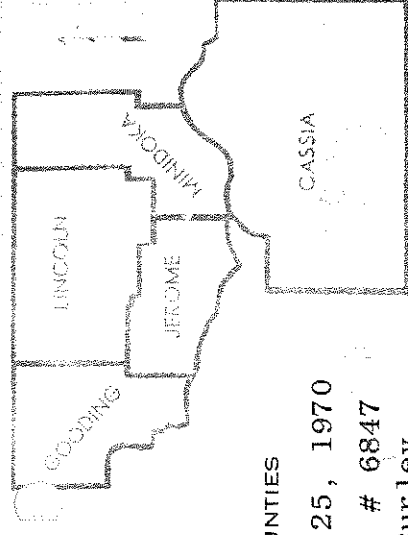
Enc: two copies of the assignment

43 4006

Land Title and Escrow, Inc.

COMPLETE SERVICE —

5 IDAHO COUNTIES



State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

November 25, 1970

REFER TO: # 6847

OFFICE: Burley

Re: Malta Milling Company;
Vista Land Company; and
Interstate Feeders, Inc.

Gentlemen:

You will find enclosed Assignment of Claim of Use Permit Nos. 43-4026, 43-4027, 43-4028, 43-4029, 43-4030, 43-4031, 43-4032 and 43-4006 executed by the above referred to corporations to be filed in your office.

Will you please return two copies of the enclosed Assignment to this office. These copies should show that this assignment has been filed with your office.

Also given as collateral security in connection with this loan to Connecticut Mutual Life Insurance Company under their loan No. 95974-H, are the following Water License Nos: 43-2436, 43-2437, 43-2438, 43-2368 and 43-2442.

If for any reason these water licenses should become in jeopardy of being canceled or forfeited, would you please notify the Connecticut Mutual Life Insurance Company whose address is: 140 Garden Street, Hartford, Connecticut 06115.

Thank you for your courtesy in this matter.

Very truly yours,

LAND TITLE AND ESCROW, INC.

Vern Roberts, Manager

VR/bv
encls.

cc: Salvatore J. Mastandrea
Connecticut Mutual Life Ins. Co.

43 4006

ASSIGNMENT OF CLAIM OF USE PERMITS

We, VISTA LAND COMPANY, INTERSTATE FEEDERS, INC. and MALTA MILLING COMPANY, corporations organized and existing under the laws of the State of Utah, hereby assign and transfer to THE CONNECTICUT MUTUAL LIFE INSURANCE COMPANY of 140 Garden St., Hartford, Connecticut,

All our right, title and interest, in and to Claim of Use Permit Nos. 43-4026, 43-4027, 43-4028, 43-4029, 43-4030, 43-4031, 43-4032 and 43-4006 to appropriate the public waters of the State of Idaho.

This is given as collateral security for a loan of \$900,000.00 made by Connecticut Mutual Life Insurance Company under Loan No. 95974-H to permit holder(s) evidenced by a Promissory Note dated November 9, 1970, and secured by a mortgage of even date, microfilmed as Instrument No. 53715, records of Cassia County, Idaho.

Made this 9th day of November, 1970.

VISTA LAND COMPANY, a corporation

By James H. Bell
James H. Bell, Vice President

By John E. Clay
John E. Clay, Treasurer

INTERSTATE FEEDERS, INC., a corporation

By James H. Bell
James H. Bell, Vice President

By John E. Clay
John E. Clay, Treasurer

MALTA MILLING COMPANY, a corporation

By James H. Bell
James H. Bell, Vice President

By John E. Clay
John E. Clay, Treasurer

STATE OF UTAH)
COUNTY OF Salt Lake) SS.

On this 9th day of ~~September~~ November, 1970, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES H. BELL and JOHN E. CLAY, known to me to be the Vice President and Treasurer, respectively, of the Corporations that executed the foregoing instrument or the persons who executed the instrument on behalf of said Corporations, and acknowledged to me that such Corporations executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

43 4006

Ralph J. Marsh
Notary Public for the State of Utah,
Residing at: Salt Lake City, Utah
Commission expires: Sept. 24, 1974

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 28, 1970

Mr. Lester Thompson
Pewitt-Thompson, Inc.
Malta, Idaho 83342

Dear Mr. Thompson:

In reviewing our files we find that in 1968 you filed an application for transfer to change the point of diversion and place of use of water right claimed under Permit No. 43-4006. We also find that we have failed to take any action regarding that transfer. I must apologize for the delay and assure you that we will now attempt to complete the action on the transfer as soon as possible.

We have reviewed the claim and your application for transfer and find that, prior to final action, we need to be supplied with evidence that the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T. 14 S., Rge. 27 E., which evidently was drilled April 29, 1952, has been used continuously up to the time the application for transfer was submitted to this office. In the event that the well had not been used continuously, we need to know the last date that the well was equipped and pumped.

If you have any questions, please feel free to contact me.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:cc

cc: Jack A. Barnett

43 4006

September 28, 1970

Mr. Lester Thompson
Pewitt-Thompson, Inc.
Malta, Idaho 83342

Dear Mr. Thompson:

In reviewing our files we find that in 1968 you filed an application for transfer to change the point of diversion and place of use of water right claimed under Permit No. 43-4006. We also find that we have failed to take any action regarding that transfer. I must apologize for the delay and assure you that we will now attempt to complete the action on the transfer as soon as possible.

We have reviewed the claim and your application for transfer and find that, prior to final action, we need to be supplied with evidence that the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T. 14 S., Rge. 27 E., which evidently was drilled April 29, 1952, has been used continuously up to the time the application for transfer was submitted to this office. In the event that the well had not been used continuously, we need to know the last date that the well was equipped and pumped.

If you have any questions, please feel free to contact me.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:cc

cc: Jack A. Barnett

43 4006

August 27, 1968

Re: Application for Transfer
Pewitt-Thompson, Inc.

South Idaho Press
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a copy of the Galley proof submitted to this office on August 26, 1968. In this Galley proof was found an error which we wish to have corrected before the notice of transfer is published in your newspaper. It will not be necessary to submit another Galley proof.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:tg

Enc: copy of Galley proof

43 4016

NO. 68148

**NOTICE OF PROPOSED
TRANSFER OF
WATER RIGHT**

Notice is hereby given that
Pewitt-Thompson, Inc., of Malta,
Idaho has applied to the State
Reclamation Engineer of the State
of Idaho for a certificate author-
izing them to change the point
of diversion and place of use of
the waters of a subterranean
source as follows: Amount: 3 cu-
bic feet per second and of 160
feet inches, Priority: April 27
1952. Point of diversion: SW 1/4
SW 1/4, Section 9, Township 14 S,
Range 21 E, B.M. Place of Use
SE 1/4 SW 1/4, Sec. 32, T. 13 S,
R. 21 E, Sec. 38, T. 13 S, R. 21 E,
B.M. W 1/4, Sec. 4, T. 13 N, R. 21 W,
Sec. 5 NE 1/4, Sec. 8 W 1/4, Sec. 9,
T. 14 S, R. 27 E, B.M.

To Be Transferred To
Point of diversion, NE 1/4 SE 1/4,
Section 17, Township 13 S, Range
21 E, B.M. Place of Use: NE 1/4 SE 1/4,
Sec. 17, T. 13 N, R. 21 W, Sec. 20, T. 13 S, R.
27 E, B.M.

And that on the 9th day of
September, 1968, at 10:30 a.m.
at Department of Reclamation,
Statehouse—Annex 2, Boise, Ida-
ho, before the State Reclamation
Engineer, or his authorized agent,
the opportunity will be given to
any and all persons to appear
and present, for his consideration
any reason or reasons why a cer-
tificate should not be issued au-
thorizing such transfer.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the South Idaho
Press August 23, 30, 1968.

RECEIVED
AUG 26 1968

Department of Reclamation

43-4006

August 21, 1968

Re: Application for Transfer

Pewitt-Thompson, Inc.
Malta, Idaho 83342

Gentlemen:

We have mailed the notice of proposed transfer of water right to the South Idaho Press, Burley, Idaho, to be published once a week for two consecutive weekly issues, August 23 and August 30, 1968.

Please furnish the Department of Reclamation with an affidavit of publication on or prior to September 9, 1968.

Very truly yours,

Donald McElDowney
Appropriations Examiner

DWM:tg

43 4000

August 21, 1968

Re: Application for Transfer
Pewitt-Thompson, Inc.

South Idaho Press
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any ~~detrections~~ ~~revisions~~ ~~changes~~ ~~with~~ ~~the~~ ~~notice~~ ~~you~~ ~~before~~ ~~the~~ ~~first~~ ~~publication~~ ~~date~~. If you cannot publish the notice on the proposed dates, please contact us immediately.

The expense of the publication is to be paid by Pewitt-Thompson, Inc., Malta, Idaho, to whom you should furnish an affidavit of publication on or prior to September 9, 1968.

Very truly yours,

Donald W. McElweeney
Appropriation Examiner

DWM:tg

Enc: Legal Notice

43 4000

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Pewitt-Thompson, Inc. of

Malta, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and ~~XXX~~ place of use of the waters of a subterranean source as follows:
Amount: 3 cubic feet per second, / Priority: ~~XXX~~ April 27, 1952

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 14 S, Range 27 E, B.M.
Place of Use: ~~XXXX~~ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 33, T. 13 S, R. 27 E,
B. M. W $\frac{1}{2}$, Sec. 4; E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 5; NE $\frac{1}{4}$, Sec. 8; W $\frac{1}{2}$, Sec. 9, T. 14 S, ~~XXX~~
R. 27 E, B. M.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 13 S., Range 27 E, B. M.
Place of Use: N $\frac{1}{2}$ NE $\frac{1}{4}$, ~~XXXX~~ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 20, T. 13 S,
R. 27 E, B. M.

And that on the 9th day of September, 1968, at 10:30 o'clock ~~XXX~~ a.m.
Department of Reclamation,
at /Statehouse--Annex 2, Boise, Idaho, before the State Reclamation Engineer,

or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the South Idaho Press on August 23, 30, 1968. 43 4006

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Pewitt-Thompson, Inc. of Malta, Idaho has applied to the State Reclamation Engineer of the

State of Idaho for a certificate authorizing them to change the point of diversion XXX a subterranean source and/or place of use of the water of 150 miner's inches. as follows:

Amount: 3 cubic feet per second. / XXX April 27, 1952 Priority:

Point of diversion: SW $\frac{1}{4}$ Section 9 Township 14 S, Range 27 E B.M.

XXXI SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 33, T. 13 S, R. 27 E,

Place of Use:

B. M. W $\frac{1}{2}$, Sec. 4; E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 5; NE $\frac{1}{4}$, Sec. 8; W $\frac{1}{2}$, Sec. 9, T. 14 s, XXI

R. 27 E, B. M.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17 Township 13 S, Range 27 E, B. M.
N $\frac{1}{2}$ NE $\frac{1}{4}$, XXXI SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 20, T. 13 S,
Place of Use:
R. 27 E, B. M.

9th September 68 10:30 XXXXX XXX a.m.
Department of the Reclamation, of
/Statehouse--Annex 2, Boise, Idaho at o'clock M.,
before the State Reclamation Engineer,

or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. KEITH HIGGINSON

Published in the South Idaho Press on August 23, 30, 1968.
State Reclamation Engineer

Holtman Drilled 1965 (well log)

sw sw 9 ¹³ #5 27k.
536' 24"

Claim 43-4006 Claims 1953 ~~priority~~

Steve was on log. records of
This on the records prepared
error has being

R.F.A.
well

this 1952 JAB-70
in 7-1-70

September 24, 1968

Re: Claim No. 43-4006

Pewitt-Thompson, Inc.
Malta,
Idaho 83342

Gentlemen:

Enclosed you will find a copy of your approved claim to
a water right No. 43-4006.

Also enclosed is departmental receipt No. W-420 in the
amount of \$10.00 covering the fees.

Very truly yours,

Donald W. McElowney
Appropriations Examiner

DWM:kh

Enclosures

43 4006

August 13, 1968

Re: Claim No. 43-4006 - Pawlett-Thompson, Inc.
William N. Lott - Application No. 43-7006

South Idaho Press
230 Main E., Box 750
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McElowney
Appropriation Examiner

DWM:ks

Enclosure: Legal notices

43 4006

NOTICE OF CLAIM TO A WATER RIGHT

No. 13-1006

Notice is hereby given that Pewitt-Thompson, Inc. Malta, Idaho
_____ has filed a claim to a water right
established by diversion and application to beneficial use of 3.0
cubic feet per second ~~acre/feet~~ of water from a subterranean source
_____ with point of diversion in SW1SW1, sec.
9, T. 14 S., R. 27 E., B.M., Cassia County ; the water is
claimed to be used from March 20 to November 15 for irrigation and
from January 1 to December 31 for / ^{domestic use} with a priority of April 29, 1952
_____ ; the place of use is in the SW1SW1, S1SW1,
sec. 32; S1SW1, sec. 33, T. 13 S., R. 27 E., B.M. and the W1, sec. 4;
E1, NW1W1, sec. 5; NE1, sec. 8; W1, sec. 9, T. 14 S., R. 27 E., B.M..
Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the South Idaho Press, Burley, Idaho
on August 22 and August 29.

Approved Transfer

TRANSFER LETTER

See Jack

VISIT LAND

TRANSFER ~~18~~ /

LESTER THOMSON

Necessary

See Jack Today

43 4006

43 4006