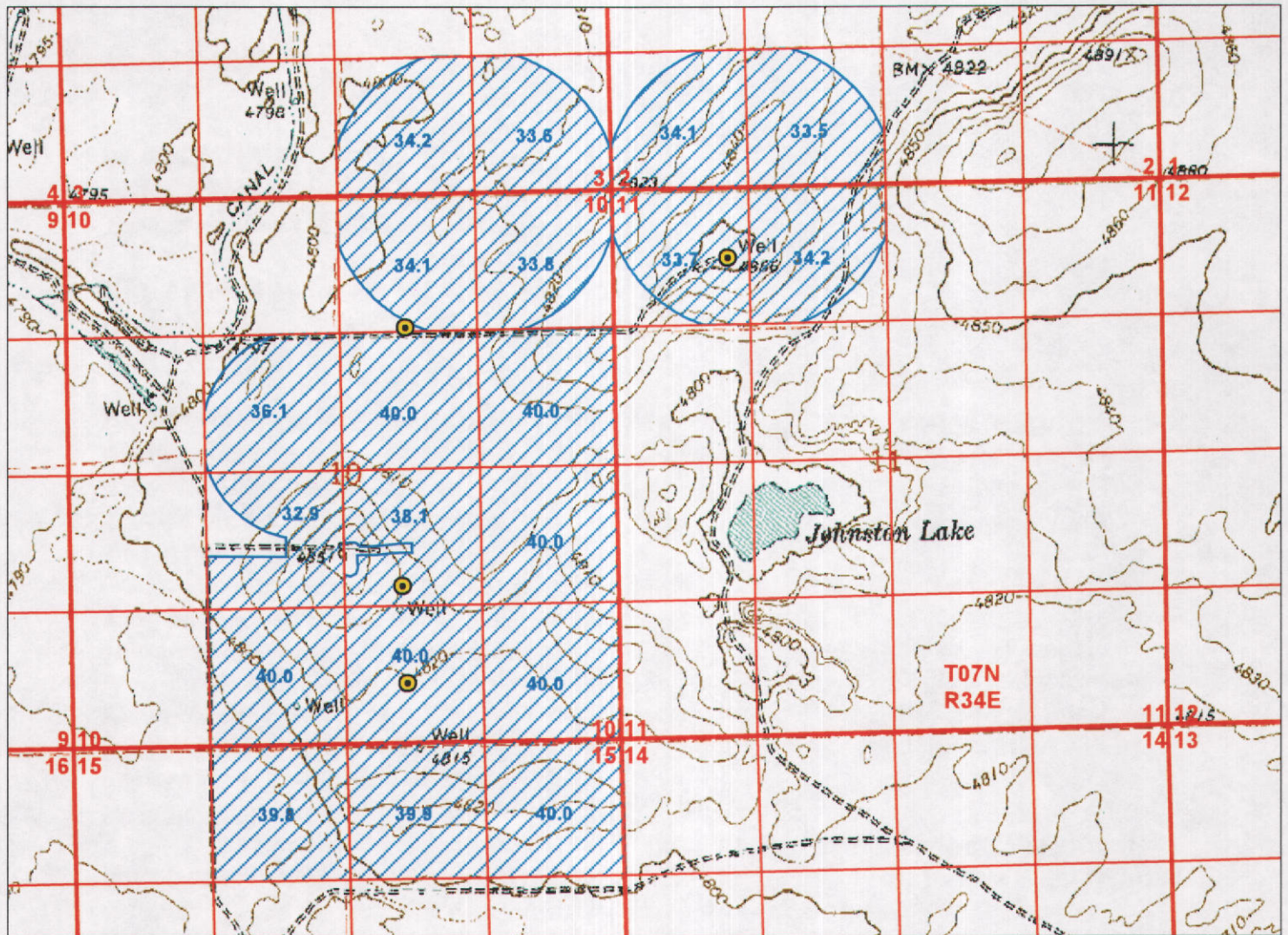


Township 07 North, Range 34 East



0.5 0 0.5 1 Miles

- Point of diversion
- ▨ Place of use

**Transfer -- 31-02346, 31-02376,
31-02428, 31-02449, 31-07216
Wilcox Brothers, LLC**

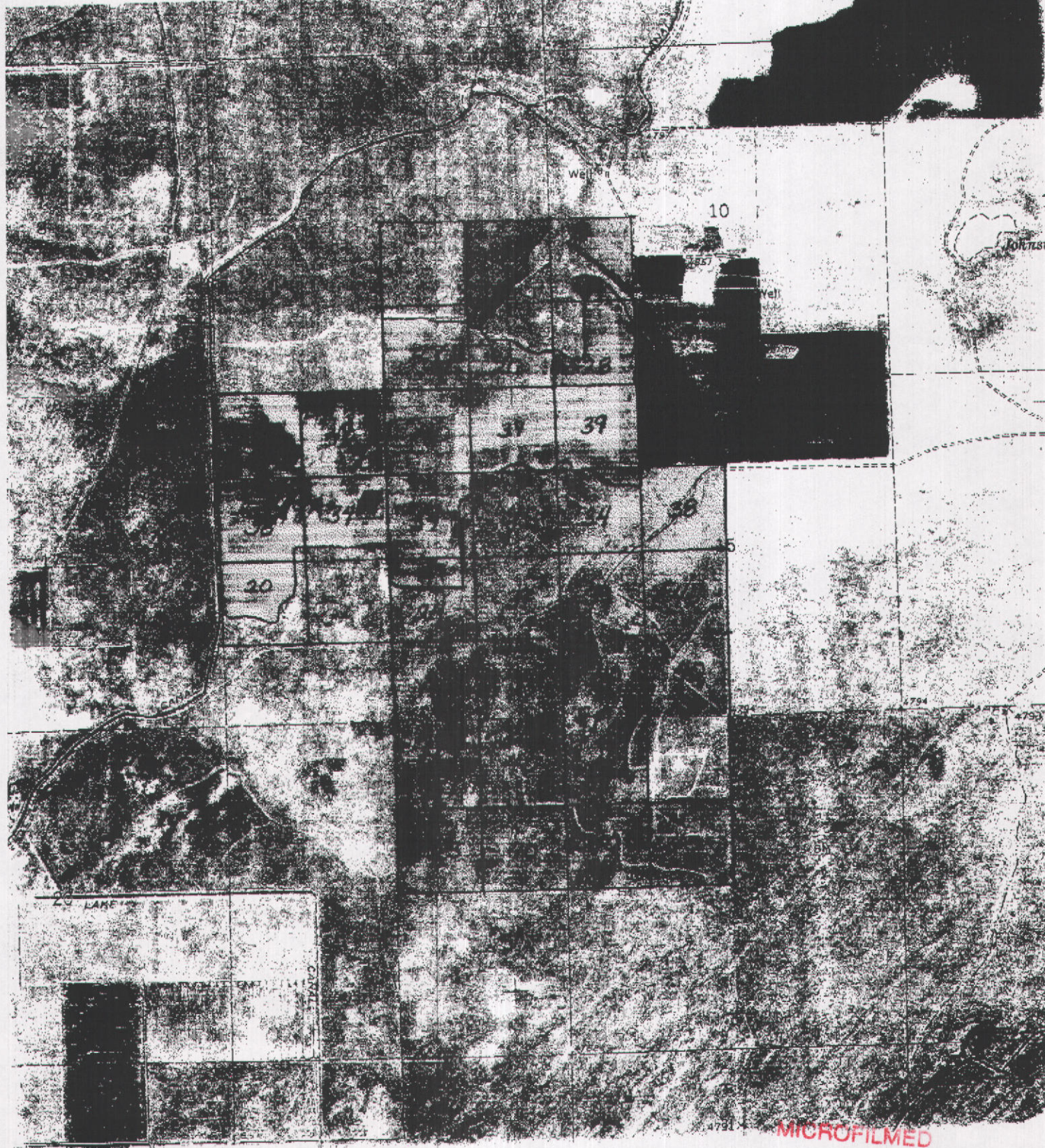
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Post-it® Fax Note	7671	Date	5-31-00	# of pages	1
To	SKIP	From	CARTER		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

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TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**Date 04/27/2000INVOICE NO. 226120Account No. 446600Description 226120NOTICE OF PROPOSTimes 2Lines 42**RECEIVED** Tab. Lines**MAY 04 2000**\$ 136.50Department of Water Resources
Eastern Region

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

226120

NO. T5719

Notice is hereby given that Wilcox Brothers, LLC, 39 Golden Beauty Dr, Rexburg ID 83440, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to create a permissible place of use of groundwater sources. The rights sought to be changed are evidenced by licenses and recorded as follows:

License: 31-02346 Source: Groundwater
Amount: 6.94 cfs Priority: 07/22/1955
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N 34E, JEFFERSON COUNTY
The water is used for irrigation of 398 acres within SEC 10 and 15 T07N R34E, B.M.

License: 31-02376 Source: Groundwater
Amount: 3.26 cfs Priority: 03/23/1959
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 163 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02428 Source: Groundwater
Amount: 2.16 cfs Priority: 10/09/1964
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 255 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02449 Source: Groundwater
Amount: 1.54 cfs Priority: 03.17.1973
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 77 acres within SEC 10 T07N R34E, B.M.
License: 31-07216 Source: Groundwater
Amount: 2.16 cfs Priority: 11/22/1976
Point(s) of Diversion: NWNW SEC 10 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 455 acres within SEC 3, 10, 11 and 15 T07N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to combine their existing systems so all 738 acres can be serviced by the existing 5 points of diversion.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 8, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER Director
Published in the Lewiston Morning Tribune on April 20 and 27, 2000.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 226120NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 04/20, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 04/20/2000, and the last publication thereof being on the 04/27/2000 and said 226120NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 28

day of April 2000

Sheral Dn Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

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MAY 0 1 2000

Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

State of Idaho)
) SS
County of Jefferson)

I, Terry Carr
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the *Notice of*
Proposed Change of Water Right
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on 7-19-00
and the last publication having been made
on 4-26-00.
Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

Terry Carr

On this 16th day of April
in the year of 2000, before me, a Notary
Public, personally appeared

Terry Carr,

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements therein
are true, and acknowledged to me that she
executed the same.

Crystal Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. Shelley, ID

My commission expires March 8, 2005

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5719

Notice is hereby given that Wilcox
Brothers, LLC, 30 Golden Beauty Dr,
Rexburg ID 83440, has applied to the
Department of Water Resources to
change the point of diversion, to
change the place of use and to cre-
ate a permissible place of use of
groundwater sources. The rights
sought to be changed are evidenced
by licenses and recorded as follows:

License: 31-02346
Source: Groundwater
Amount: 6.94 cfs
Priority: 07/22/1955
Point(s) of Diversion:

NWSE SEC 10 T07N R34E, JEF-
FERSON COUNTY
SWSE SEC 10 T07N 34E, JEFFER-
SON COUNTY

The water is used for irrigation of
398 acres within SEC 10 and 15
T07N R34E, B.M.

License: 31-02376
Source: Groundwater
Amount: 3.26 cfs
Priority: 03/23/1959
Point(s) of Diversion: NWNW SEC 11

T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of
163 acres within SEC 2, 3, 10 and 11
T07N R34E, B.M.

License: 31-02428
Source: Groundwater
Amount: 2.16 cfs
Priority: 10/09/1964
Point(s) of Diversion: NWNW SEC 11

T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of
255 acres within SEC 2, 3, 10 and 11
T07N R34E, B.M.

License: 31-02449
Source: Groundwater
Amount: 1.54 cfs
Priority: 03/17/1973
Point(s) of Diversion:

NWSE SEC 10 T07N R34E, JEF-
FERSON COUNTY

SWSE SEC 10 T07N R34E, JEF-
FERSON COUNTY

The water is used for irrigation of
77 acres within SEC 10 T07N R34E,
B.M.

License: 31-07216
Source: Groundwater
Amount: 2.16 cfs
Priority: 11/22/1976
Point(s) of Diversion: NWNW SEC 10

T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of
455 acres within SEC 3, 10, 11 and
15 T07N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to combine
their existing systems so all 738
acres can be serviced by the existing
5 points of diversion.

Any protests against approval of
the proposed change must be filed
with the Idaho Department of Water
Resources, 900 N Skyline Dr., Idaho
Falls, ID 83402, together with a
protest fee of \$25 on or before May
8, 2000. The protestant must also
send a copy of the protest to the
applicant.

Published in the Jefferson Star,
Rigby, Idaho, April 19 and 26, 2000.

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FEB 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66086

This is to certify that: WILCOX BROTHERS L.L.C.
30 GOLDEN BEAUTY DR
REXBURG ID 83440
(208) 356 7563

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
31-7216	WR/Decreed	11/22/1976	2.16 cfs	N/A		738.0	GROUND WATER
31-2449	WR/Decreed	03/17/1973	1.54 cfs	269.5 af	77.0	738.0	GROUND WATER
31-2428	WR/Decreed	10/09/1964	2.16 cfs	892.5 af	255.0	738.0	GROUND WATER
31-2376	WR/Decreed	03/23/1959	3.26 cfs	570.5 af	163.0	738.0	GROUND WATER
31-2346	WR/Decreed	07/22/1955	6.94 cfs	1393 af	398.0	738.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
31-7216	NO	NO	YES	NO	NO	NO
31-2449	NO	NO	YES	NO	NO	NO
31-2428	NO	NO	YES	NO	NO	NO
31-2376	NO	NO	YES	NO	NO	NO
31-2346	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
31-7216	31-7216	2.16 cfs	919.5 af	N/A	738.0		N/A	N/A	N/A	N/A
31-2449	31-2449	1.54 cfs	269.5 af	77.0	738.0		N/A	N/A	N/A	N/A
31-2428	31-2428	2.16 cfs	892.5 af	255.0	738.0		N/A	N/A	N/A	N/A
31-2376	31-2376	3.26 cfs	570.5 af	163.0	738.0		N/A	N/A	N/A	N/A
31-2346	31-2346	6.94 cfs	1393 af	398.0	738.0		N/A	N/A	N/A	N/A
TOTALS		14.22 cfs	2583 af	738	738		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of

December, 2002

J. Shu Saptor

Chief, Water Allocation Bureau

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WATER RIGHT NO. 31-2346
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2346 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: July 22, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	6.94 CFS	1,393.0 AF
			6.94 CFS	1,393.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2											34.1	33.5					67.6
07N	34E	3															34.2	33.6	67.8
07N	34E	10	33.8	34.1	40.0	40.0			36.1	32.9				40.0	40.0	38.1	40.0	40.0	415.0
07N	34E	11							34.2	33.7									67.9
07N	34E	15	40.0	39.9					39.8										119.7

Total Acres: 738

CONDITIONS OF APPROVAL

- The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
- This right is limited to the irrigation of 398 acres within the place of use described above in a single irrigation season.
- The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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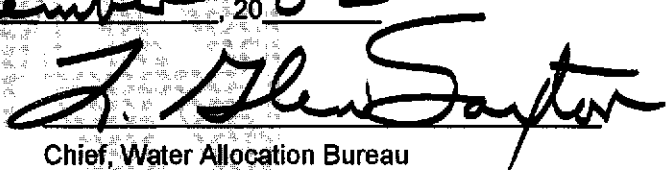
FEB 11 2003

WATER RIGHT NO. 31-2346
As Modified by Transfer No. 66086

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. Rights 31-2346 and 31-2449 when combined shall not exceed a total diversion rate of 7.26 cfs.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December 2002


Chief, Water Allocation Bureau

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FEB 11 2003

WATER RIGHT NO. 31-2376
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2376 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: March 23, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.26 CFS	570.5 AF
			3.26 CFS	570.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2											34.1	33.5					67.6
07N	34E	3														34.2	33.6		67.8
07N	34E	10	33.8	34.1	40.0	40.0			36.1	32.9			40.0	40.0	40.0	38.1	40.0	40.0	415.0
07N	34E	11					34.2	33.7											67.9
07N	34E	15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. This right is limited to the irrigation of 163 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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WATER RIGHT NO. 31-2376
As Modified by Transfer No. 66086

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. Rights 31-2428 and 31-2376 when combined shall not exceed a total diversion rate of 4.8 cfs.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of

December 20 02


Chief, Water Allocation Bureau

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FEB 11 2003

WATER RIGHT NO. 31-2428
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2428 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: October 09, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.16 CFS	892.5 AF
			2.16 CFS	892.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 2											34.1	33.5					67.6
07N 34E 3															34.2	33.6	67.8
07N 34E 10	33.8	34.1	40.0	40.0					36.1	32.9			40.0	40.0	38.1	40.0	415.0
07N 34E 11					34.2	33.7											67.9
07N 34E 15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. This right is limited to the irrigation of 255 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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WATER RIGHT NO. 31-2428
As Modified by Transfer No. 66086

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. Rights 31-2376 and 31-2428 when combined shall not exceed a total diversion rate of 4.8 cfs.
10. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 02/21/2002.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December 2002


Chief, Water Allocation Bureau

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FEB 11 2003

WATER RIGHT NO. 31-2449
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-2449 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: March 17, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.54 CFS	269.5 AF
			1.54 CFS	269.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 2									34.1	33.5							67.6
07N 34E 3													34.2	33.6			67.8
07N 34E 10	33.8	34.1	40.0	40.0			36.1	32.9			40.0	40.0	40.0	38.1	40.0	40.0	415.0
07N 34E 11					34.2	33.7											67.9
07N 34E 15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. This right is limited to the irrigation of 77 acres within the place of use described above in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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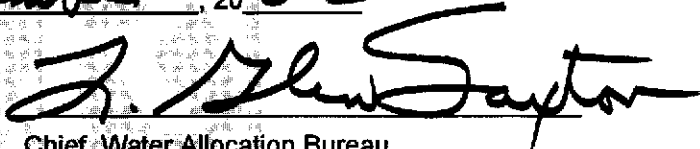
FEB 11 2003

WATER RIGHT NO. 31-2449
As Modified by Transfer No. 66086

5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. Rights 31-2346 and 31-2449 when combined shall not exceed a total diversion rate of 7.26 cfs.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau

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FEB 11 2003

WATER RIGHT NO. 31-7216
As Modified by Transfer No. 66086

In accordance with the approval of Transfer No. 66086, Water Right No. 31-7216 is now described as follows.

Right Holder: WILCOX BROTHERS LLC
 30 GOLDEN BEAUTY DR
 REXBURG ID 83440

Priority Date: November 22, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.16 CFS	919.5 AF
			2.16 CFS	919.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	SWSE	Sec. 10 Twp 07N	Rge 34E	JEFFERSON County
GROUND WATER	NWNW	Sec. 11 Twp 07N	Rge 34E	JEFFERSON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2											34.1	33.5					67.6
07N	34E	3														34.2	33.6		67.8
07N	34E	10	33.8	34.1	40.0	40.0				36.1	32.9			40.0	40.0	38.1	40.0	40.0	415.0
07N	34E	11					34.2	33.7											67.9
07N	34E	15	40.0	39.9			39.8												119.7

Total Acres: 738

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 31-2346, 31-2376, 31-2428, 31-2449 and 31-7216 shall not exceed 14.22 cfs, nor total combined annual volume of 2583.0 af and the irrigation of 738 acres.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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WATER RIGHT NO. 31-7216
As Modified by Transfer No. 66086

5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of December, 2002


Chief, Water Allocation Bureau

MICROFILMED

FEB 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5719
66086APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant **Wilcox Brothers, LLC**

RECEIVED

Phone (208) 356-7563 or 351-2573

Post Office address **30 Golden Beauty Drive, Rexburg Idaho 83440** **AUG 27 2001**

A. PURPOSE OF TRANSFER

Department of Water Resources

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use☐ Change nature of use ☐ Change period of use ☒ Other Create permissible place of use **Department of Water Resources Eastern Region**2. Describe the reason for the proposed changes **Applicant has combined systems for improved water management. Applicant also wishes to move water right to cover areas that can now be irrigated by center pivots.**

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
31-02346 —	07/22/1955	6.94 cfs	Irrigation	04/01 to 10/31
31-02376	03/23/1959	3.26 cfs	Irrigation	04/01 to 10/31
31-02428	10/09/1964	2.16 cfs	Irrigation	04/01 to 10/31
31-02449 ~	03/17/1973	1.54 cfs	Irrigation	04/01 to 10/31
31-07216	11/22/1976	2.16 cfs	Irrigation	04/01 to 10/31

2. Total amount of water being transferred **14.22** cubic feet per second and/or _____ acre-feet per annum.3. Source of water **Ground Water** tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	10	07N	34E	Jefferson	
		NW	SE	10	07N	34E	Jefferson	
		SW	SE	10	07N	34E	Jefferson	
		NW	NW	11	07N	34E	Jefferson	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2											34.1	33.5					67.6
		3															34.2	33.6	67.8
		10	33.8	34.1	40	40				36.1	32.9			40	40	38.1	40	40	415
		11					34.2	33.7											67.9
		15	40	39.9			39.8												119.7

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FEB 11 2003

Total Acres **738**

5719/66086

PART 1

6. General Information:

a. Description of diversion system Wells, pump and pipelines to pivot systems, handlines and wheellines for irrigation of cropland.

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

☒ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land where water is to be moved from will be dried up.

d. Remarks:

Permissible place of use created: 31-02346 is to irrigate 398 acres within the 738 listed as place of use, 31-02376 is to irrigate 163 acres within the 738 listed, 31-02428 is to irrigate 255 acres within the 738 listed, 31-02449 is to irrigate 77 acres within the 738 listed, and 31-07216 is to irrigate 455 acres within the 738 listed.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

MICROFILMED

FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 31-2346 V1

WATER RIGHT NUMBER: 31-2346 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RALPH P COPE 927 POULSON , ID
Original Owner	BURTENSHAW & JERNBERG FARMS 1279 NORTH EAST LAKE ROAD TERRETON, ID 83450 (208)657-2277
Current Owner	WILCOX BROTHERS LLC 30 GOLDEN BEAUTY DR REXBURG, ID 83440-3702 (208)356-7563

Priority Date: 07/22/1955

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	6.940 CFS	1,393.00 AF
	<u>Total Diversion:</u>	6.940 CFS	1,393.00 AF

Location of Point(s) of Diversion

GROUND WATER JEFFERSON County	NW1/4NW1/4	Sec. 11, Twp 07N, Rge 34E, B.M.
GROUND WATER JEFFERSON County	NW1/4NE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
GROUND WATER JEFFERSON County	NW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
GROUND WATER JEFFERSON County	SW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.

Place of Use

MICROFILMED

FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 31-2346 V1

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2											40.0	40.0					80.0
07N	34E	3															6.0	35.0	41.0
07N	34E	10	40.0	31.0	40.0	40.0			40.0	38.0			40.0		40.0	38.0	40.0	40.0	427.0
07N	34E	11					38.0	32.0											70.0
07N	34E	15	40.0	40.0			40.0												120.0

Total Acres: 738

Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 738 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 398 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.22 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2583 AF.
4. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02449 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.26 CFS.

Comments:

1. CFRITSCH 12/22/2000 Recommendation
Comment: Initial review by Erik Norquest. Review completed in office.
2. CFRITSCH 3/19/2001 Revision
Comment: Revised recommendation based on amended claims. Licensed POU = 738 acres; total combined diversion rate = 14.22 cfs and combined diversion volume limit = 2583 AF.

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FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 31-2376 V1

WATER RIGHT NUMBER: 31-2376 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BURTENSHAW & JERNBERG FARMS 1279 NORTH EAST LAKE ROAD TERRETON, ID 83450 (208)657-2277
Original Owner	MERRITT JERNBERG C/O ELAINE JERNBERG ADMN TERRETON, ID 83450
Current Owner	WILCOX BROTHERS LLC 30 GOLDEN BEAUTY DR REXBURG, ID 83440-3702 (208)356-7563

Priority Date: 03/23/1959

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.260 CFS	570.50 AF
	<u>Total Diversion:</u>	3.260 CFS	570.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NW1/4	Sec. 11, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

MICROFILMED
FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 31-2376 V1

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2									40.0	40.0							80.0
07N	34E	3														6.0	35.0		41.0
07N	34E	10	40.0	31.0	40.0	40.0			40.0	38.0			40.0		40.0	38.0	40.0	40.0	427.0
07N	34E	11					38.0	32.0											70.0
07N	34E	15	40.0	40.0			40.0												120.0

Total Acres: 738

Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 738 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 163 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.22 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2583 AF.
4. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02428 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.80 CFS.

Comments:

1. CFRITSCH 12/22/2000 Recommendation
Comment: Initial review by Erik Norquest. Review completed in office.
2. CFRITSCH 3/19/2001 Revision
Comment: Revised recommendation based on amended claims. Licensed POU = 738 acres; total combined diversion rate = 14.22 cfs and combined diversion volume limit = 2583 AF.

MICROFILMED

FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 31-2428 V1

WATER RIGHT NUMBER: 31-2428 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BURTENSHAW & JERNBERG FARMS 1279 NORTH EAST LAKE ROAD TERRETON, ID 83450 (208)657-2277
Original Owner	EST OF MERRITT E JERNBERG C/O ELAINE JERNBERG ADMN TERRETON, ID
Current Owner	WILCOX BROTHERS LLC 30 GOLDEN BEAUTY DR REXBURG, ID 83440-3702 (208)356-7563

Priority Date: 10/09/1964

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/15	2.160 CFS	892.50 AF
	<u>Total Diversion:</u>	2.160 CFS	892.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NW1/4	Sec. 11, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

MICROFILMED

FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 31-2428 V1

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2									40.0	40.0							80.0
07N	34E	3															6.0	35.0	41.0
07N	34E	10	40.0	31.0	40.0	40.0			40.0	38.0			40.0	40.0	40.0	38.0	40.0	40.0	427.0
07N	34E	11					38.0	32.0											70.0
07N	34E	15	40.0	40.0			40.0												120.0

Total Acres: 738

Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. Quantity RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.22 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2583 AF.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02346 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.80 CFS.
4. Place of Use - Irrigation RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 738 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 255 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. CFRITSCH 12/22/2000 Recommendation
Comment: Initial review by Erik Norquest. Review completed in office.
2. CFRITSCH 3/19/2001 Revision
Comment: Revised recommendation based on amended claims. Licensed POU = 738 acres; total combined diversion rate = 14.22 cfs and combined diversion volume limit = 2583 AF.

MICROFILMED

FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 31-2449 V1

WATER RIGHT NUMBER: 31-2449 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BURTENSHAW & JERNBERG FARMS 1279 NORTH EAST LAKE ROAD TERRETON, ID 83450 (208)857-2277
Original Owner	COPE & JERNBERG C/O R P COPE RT 3 BOX 470 IDAHO FALLS, ID 83401
Current Owner	WILCOX BROTHERS LLC 30 GOLDEN BEAUTY DR REXBURG, ID 83440-3702 (208)356-7563

Priority Date: 03/17/1973

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.540 CFS	269.50 AF
	<u>Total Diversion:</u>	1.540 CFS	269.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	SW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NW1/4	Sec. 11, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

MICROFILMED

FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 31-2449 V1

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	2											40.0	40.0					80.0
07N	34E	3															6.0	35.0	41.0
07N	34E	10	40.0	31.0	40.0	40.0			40.0	38.0			40.0		40.0	38.0	40.0	40.0	427.0
07N	34E	11					38.0	32.0											70.0
07N	34E	15	40.0	40.0			40.0												120.0

Total Acres: 738

Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.22 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2583 AF.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02346 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.26 CFS.
3. Place of Use - Irrigation RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 738 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. CFRITSCH 12/22/2000 Recommendation
Comment: Initial review by Erik Norquest. Review completed in office.
2. CFRITSCH 3/19/2001 Revision
Comment: Revised recommendation based on amended claims. Licensed POU = 738 acres; total combined diversion rate = 14.22 cfs and combined diversion volume limit = 2583 AF.

MICROFILMED

FEB 11 2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 31-7216 V1

WATER RIGHT NUMBER: 31-7216 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BURTENSHAW & JERNBERG FARMS 1279 NORTH EAST LAKE ROAD TERRETON, ID 83450 (208)657-2277
Original Owner	COPE & JERNBERG RT 9 BOX 43 IDAHO FALLS, ID 83401
Current Owner	WILCOX BROTHERS LLC 30 GOLDEN BEAUTY DR REXBURG, ID 83440-3702 (208)356-7563

Priority Date: 11/22/1976

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	2.160 CFS	
	<u>Total Diversion:</u>	2.160 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4SE1/4	Sec. 10, Twp 07N, Rge 34E, B.M.
JEFFERSON County		
GROUND WATER	NW1/4NW1/4	Sec. 11, Twp 07N, Rge 34E, B.M.
JEFFERSON County		

Place of Use

MICROFILMED

FEB 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 31-7216 V1

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 2									40.0	40.0							80.0
07N 34E 3													6.0	35.0			41.0
07N 34E 10	40.0	31.0	40.0	40.0			40.0	38.0			40.0	40.0	38.0	40.0	40.0		427.0
07N 34E 11					38.0	32.0											70.0
07N 34E 15	40.0	40.0			40.0												120.0

Total Acres: 738

Conditions of Approval:

1. C18 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. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 738 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED ABOVE.
2. Quantity RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND 31-07216 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.22 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2583 AF.

Comments:

1. CFRITSCH 12/22/2000 Recommendation
Comment: Initial review by Erik Norquest. Review completed in office.
2. CFRITSCH 3/19/2001 Revision
Comment: Revised recommendation based on amended claims. Licensed POU = 738 acres; total combined diversion rate = 14.22 cfs and combined diversion volume limit = 2583 AF.

MICROFILMED

FEB 11 2003

A. DESCRIPTION OF RIGHT AS RECORDED:Water Right No. **31-02346**

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	6.94 CFS

SOURCE

GROUNDWATER

Priority: 07/22/1955

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 10, Township 07N, Range 34E
 SWSE , Sec. 10, Township 07N, Range 34E
 JEFFERSON County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE						
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	34E	10	:				40				40				40	40	38	40	40		278.0	
07N	34E	15	:	40	40			40													120.0	
																			TOTAL ACRES	398.0		

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

31-02376, 31-02428, 31-02449, 31-07216

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

MICROFILMED

FEB 11 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-02376

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	3.26 CFS

SOURCE

GROUNDWATER

Priority: 03/23/1959

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 11, Township 07N, Range 34E
JEFFERSON CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE						
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	34E	2	:											10	30							40.0
07N	34E	3	:															08	12			20.0
07N	34E	10	:	40	30																	70.0
07N	34E	11	:					15	18													33.0
																			TOTAL ACRES	163.0		

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

31-02346, 31-02428, 31-02449, 31-07216To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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

☐ Tax Notice☐ Warranty Deed☐ Other MICROFILMED

PART 2

TRANS NO. 5719

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-02428

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/15	2.16 CFS	765.0 AF

SOURCE

GROUNDWATER

Priority: 10/09/1964

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 11, Township 07N, Range 34E
JEFFERSON CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE	:				NENW	NWNW	SWNW	SENW	:				NESW	NWSW	SWSW	SESW	:				NESE	NWSE	SWSE	SESE	:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	34E	2	:									:									:			40	40							:	80.0
07N	34E	3	:									:									:								35			:	35.0
07N	34E	10	:		40		30					:									:											:	70.0
07N	34E	11	:									:		40		30					:											:	70.0
																TOTAL ACRES												255.0					
																												250					

CONDITIONS/REMARKS:

- THIS RT. WHEN COMBINED WITH RT 31-2376 SHALL NOT EXCEED 4.8 CFS.

Describe any other water rights used for the same purpose as described above:

31-02346, 31-02376, 31-02449, 31-07216To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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FEB 11 1988

Page 6 of 11

TRANS NO. 5719

Water Right No. 31-02428

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

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

MICROFILMED

FEB 11 2003

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-02449

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.54 CFS	231.0 AF

SOURCE

GROUNDWATER

Priority: 03/17/1973

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 10, Township 07N, Range 34E
SWSE , Sec. 10, Township 07N, Range 34E
JEFFERSON County

PLACE OF USE:

IRRIGATION																															
				NE				NW				SW				SE															
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:								
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----		
07N	34E	10	:					39					:					38					:							77.0	
																									TOTAL ACRES	77.0					
																										1.9					

CONDITIONS/REMARKS:

1. THE MAXIMUM RATE OF DIVERSION UNDER THIS LICENSE WHEN COMBINED WITH LICENSE NO. 31-2346 SHALL NOT EXCEED 7.26 CFS.

Describe any other water rights used for the same purpose as described above:

31-02346, 31-02376, 31-02428, 31-07216

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe:

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

☐ Tax Notice ☐ Warranty Deed ☐ Other

MICROFILM 100-100000

1990 2000 2010 2020

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-07216

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.16 CFS	916.9 AF

SOURCE

GROUNDWATER

Priority: 11/22/1976

LOCATION OF POINT(S) OF DIVERSION:NWNE , Sec. 10, Township 07N, Range 34E
JEFFERSON CountyPLACE OF USE:

IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07N	34E	3	:					:					:					:						:		
07N	34E	10	:		10	40		:				39	:				39	:	40	37	40	39		:	284.0	
07N	34E	11	:					:	38				:					:						:	38.0	
07N	34E	15	:	40	40			:	39				:					:						:	119.0	
																							TOTAL ACRES		455.0	

CONDITIONS/REMARKS:

- This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

Describe any other water rights used for the same purpose as described above:

31-02346, 31-02376, 31-02428, 31-02449To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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FEB 11 2003

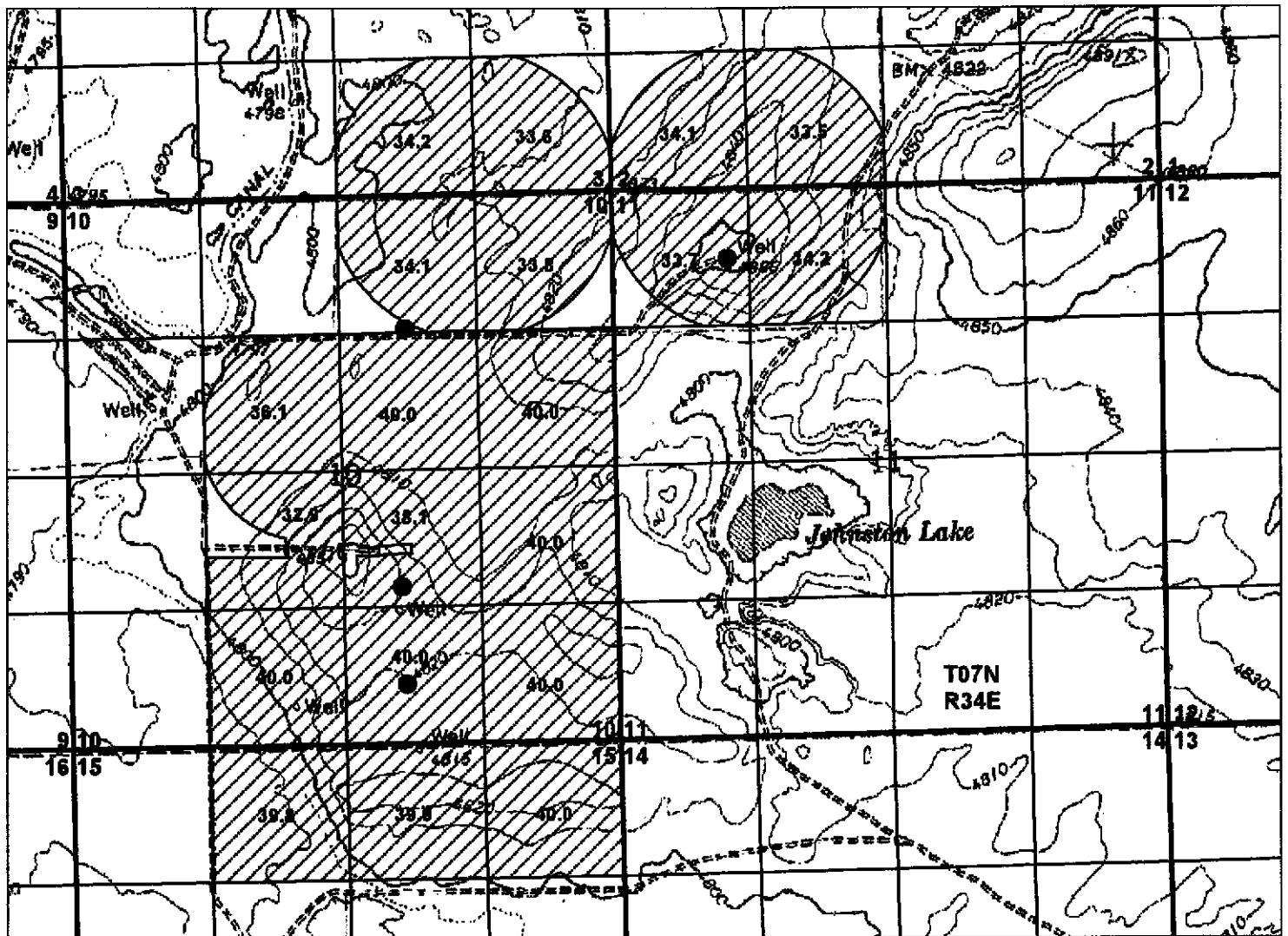
Water Right No. 31-07216

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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FEB 11 2003

Township 07 North, Range 34 East



0.5 0 0.5 1 Miles

● Point of diversion

▨ Place of use

**Transfer -- 31-02346, 31-02376,
31-02428, 31-02449, 31-07216
Wilcox Brothers, LLC**

MICROFILMED
FEB 11 2003



B. CHANGES IN NATURE OF USE

- | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ to _____ |
- Quantity and quality of return flows and location of discharge: _____

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

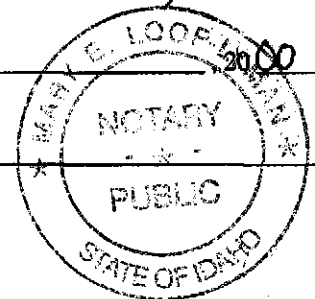
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Jerry Wilson (managing member)
(Signature of Applicant)

Subscribed and sworn to before me this 6th day of April

Mary G. Loop-Lynn
(Notary Public)



My commission expires 03/26/2004
Residing at: 6594 S. 3100 W. Rexburg ID

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 14 attachments
 Received by DEM Date 4-10-2000 Protest filed by _____
 Prelim. Check by Kew Fee \$100.00
 Received by DEM Date 4-10-2000 5025733
 Published in Statewide 4/19, 4/20, 4/26, 4/27/00 Copies of protest forwarded by _____
 Pub. Dates _____ Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial
 _____ received by ADC

Copy of transfer sent to lien holder _____

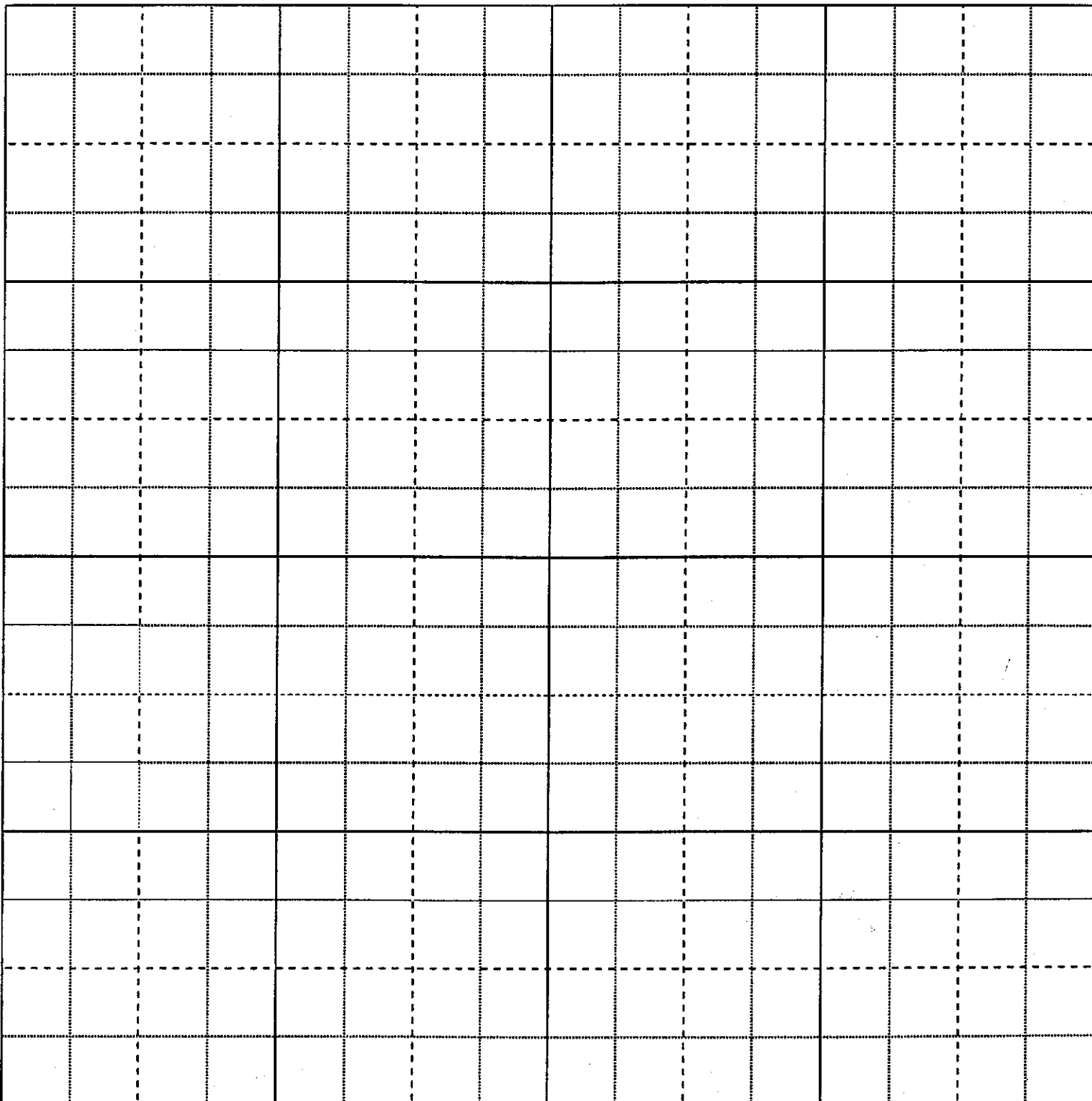
MICROFILMED

FEB 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

FEB 11 2003

MAKE CHECK PAYABLE TO:

1999 TAX BILL/RECEIPT

PARCEL NUM
RP07N34E10

DEANN MADSEN

JEFFERSON COUNTY TREASURER

BILL#

8691

CODE AREA 30-00

L

13

134 NORTH CLARK

I

1

RIGBY, IDAHO 83442

1ST HALF DUE

2ND HALF DUE

FULL DUE

TOT MV

150

TAX 935.96

TAX 935.96

TAX 1,871.92

LATE

LATE

LATE

INT

INT

INT

COST

COST

COST

TOT

TOT

TOT

TOT ACS

432

COPE & JERNBERG

% WILCOX BROS L L C

30 GOLDEN BEAUTY DR

REXBURG ID 83440

TAXING DISTRICT

RATE

AM

STATE

.000000000

COUNTY

.004039611

60

SCH DIST 253

.007189353

1,07

ROAD/BRIDGE

.000141871

2

WT JEFF CEM

.000093985

1

W JEFF FIRE D

.000466267

6

LIBRARY DIST

.000393363

5

W. JEFF AMB

.000154793

2

AMOUNT DUE

.012479243

1,871

SE1/4NW1/4; NE1/4; SE1/4; LESS

TAX 1,2, E2SW4; SEC 10,

TWP 7 NORTH RGE 34 EBM

1279

E NORTH LAKE RD

83450

IMPORTANT
PLEASE READ BOTH FRONT AND BACK

MONTHLY PAYMENTS ARE ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

NO THIS NOTICE FOR PROPER CREDIT
R CHECK IS YOUR RECEIPT

MICROFILMED

FEB 11 2003

T 5719
ATTACHMENT 1 OF 14

MAKE CHECK PAYABLE TO:
DEANN MADSEN
JEFFERSON COUNTY TREASURER
134 NORTH CLARK
RIGBY, IDAHO 83442

1999 TAX BILL/RECEIPT

PARCEL NUM
RP07N34E03

BILL# 8677 CODE AREA 30-00 L

1ST HALF DUE		2ND HALF DUE	
TAX	39.93	TAX	39.93
LATE		LATE	
INT		INT	
COST		COST	
TOT		TOT	

FULL DUE	
TAX	79.86
LATE	
INT	
COST	
TOT	

TOT MV

TOT ACS

80

COPE & JERNBERG
% WILCOX BROS L L C
30 GOLDEN BEAUTY DR
REXBURG ID 83440

TAXING DISTRICT	RATE	AM
STATE	.000000000	
COUNTY	.004039611	2
SCH DIST 253	.007189353	4
ROAD/BRIDGE	.000141871	
WT JEFF CEM	.000093985	
W JEFF FIRE D	.000466267	
LIBRARY DIST	.000393363	
W. JEFF AMB	.000154793	
AMOUNT DUE	.012479243	7

S1/2SE1/4; SEC 3;
TWP 7 NORTH RGE 34 EBM

IMPORTANT
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

ING THIS NOTICE FOR PROPER CREDIT
IR CHECK IS YOUR RECEIPT

MICROFILMED

FEB 11 2003

T 5719
ATTACHMENT 2 OF 14

MAKE CHECK PAYABLE TO:
DEANN MADSEN
JEFFERSON COUNTY TREASURER
134 NORTH CLARK
RIGBY, IDAHO 83442

1999 TAX BILL/RECEIPT

PARCEL NUM
RP07N34E15

BILL# 8699 CODE AREA 30-00 L

3

1ST HALF DUE

2ND HALF DUE

FULL DUE

TOT MV

3

TAX 218.37
LATE
INT
COST
TOT

TAX 218.37
LATE
INT
COST
TOT

TAX 436.74
LATE
INT
COST
TOT

TOT ACS

120

COPE & JERNBERG
% WILCOX BROS L L C
30 GOLDEN BEAUTY DR
REXBURG ID 83440

TAXING DISTRICT

RATE

AM

STATE .000000000
COUNTY .004039611
SCH DIST 253 .007189353
ROAD/BRIDGE .000141871
WT JEFF CEM .000093985
W JEFF FIRE D .000466267
LIBRARY DIST .000393363
W. JEFF AMB .000154793
AMOUNT DUE .012479243

14

25

1

1

43

NE4NW4; N2NE4; SEC 15,
TWP 7 NORTH RGE 34 EBM

IMPORTANT
PLEASE READ BOTH FRONT AND BACK

MONTHLY PAYMENTS ARE ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

ING THIS NOTICE FOR PROPER CREDIT
IR CHECK IS YOUR RECEIPT

MICROFILMED

FEB 11 2003

T 5719
ATTACHMENT 3 OF 14

MAKE CHECK PAYABLE TO:
DEANN MADSEN
JEFFERSON COUNTY TREASURER
134 NORTH CLARK
RIGBY, IDAHO 83442

1999 TAX BILL/RECEIPT

PARCEL NUM
RP07N34E11

BILL# 8695 CODE AREA 37-00 L

2

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	
TAX	144.48	TAX	144.48	TAX	288.96		2.
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	80

COPE & JERNBERG
% WILCOX BROS L L C
30 GOLDEN BEAUTY DR
REXBURG ID 83440

TAXING DISTRICT	RATE	AM
STATE	.000000000	
COUNTY	.004039611	9
SCH DIST 253	.007189353	16
ROAD/BRIDGE	.000141871	
WT JEFF CEM	.000093985	
HAMER FIRE DI	.000768877	1
LIBRARY DIST	.000393363	
W. JEFF AMB	.000154793	
AMOUNT DUE	.012781853	28.

N1/2NW1/4; SEC 11;
TWP 7 NORTH RGE 34 EBM



IMPORTANT
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

ING THIS NOTICE FOR PROPER CREDIT
OR CHECK IS YOUR RECEIPT

MICROFILMED
FEB 11 2003

T 5719
ATTACHMENT 4 OF 14

MAKE CHECK PAYABLE TO:
JEANN MADSEN
JEFFERSON COUNTY TREASURER
34 NORTH CLARK
IGBY, IDAHO 83442

1999 TAX BILL/RECEIPT
BILL# 8676 CODE AREA 37-00 L

PARCEL NUMBER
RP07N34E026 23

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	23
TAX	151.89	TAX	151.89	TAX	303.78		
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	80

COPE & JERNBERG
% WILCOX BROS L L C
30 GOLDEN BEAUTY DR
REXBURG ID 83440

TAXING DISTRICT	RATE	AM
STATE	.000000000	
COUNTY	.004039611	9
SCH DIST 253	.007189353	17
ROAD/BRIDGE	.000141871	
WT JEFF CEM	.000093985	
HAMER FIRE DI	.000768877	1
LIBRARY DIST	.000393363	
W. JEFF AMB	.000154793	
AMOUNT DUE	.012781853	30

S1/2SW1/4; SEC 2
TWP 7 NORTH RGE 34 EBM

IMPORTANT
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

ING THIS NOTICE FOR PROPER CREDIT
UR CHECK IS YOUR RECEIPT

MICROFILMED
FEB 11 2003

T 5719
ATTACHMENT 5 OF 14

MAKE CHECK PAYABLE TO:

1999 TAX BILL/RECEIPT

PARCEL NUMBER

JEANN MADSEN

RP07N34E10

JEFFERSON COUNTY TREASURER

BILL#

8692

CODE AREA

30-00

L

34 NORTH CLARK

I

16

LIBBY, IDAHO 83442

1ST HALF DUE

2ND HALF DUE

FULL DUE

TOT MV

16

TAX 1,025.55

TAX 1,025.55

TAX 2,051.10

LATE

LATE

LATE

INT

INT

INT

COST

COST

COST

TOT

TOT

TOT

TOT ACS

3

WILCOX BROTHERS L L C
30 GOLDEN BEAUTY DR
REXBURG ID 83440

TAXING DISTRICT

RATE

AM

STATE .000000000

COUNTY .004039611

66

SCH DIST 253 .007189353

1,18

ROAD/BRIDGE .000141871

2

WT JEFF CEM .000093985

1

W JEFF FIRE D .000466267

7

LIBRARY DIST .000393363

6

W. JEFF AMB .000154793

2

AMOUNT DUE .012479243

2,05

TAX 2, SEC 10

TWP 7 NORTH RGE 34 EBM

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK

*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE

APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE

RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT

SUBJECT TO BANK CLEARANCE.

THIS NOTICE FOR PROPER CREDIT
YOUR CHECK IS YOUR RECEIPT

MICROFILMED

FEB 11 2003

T 5719
ATTACHMENT 6 OF 14

PAKE CHECK PAYABLE TO:
JEANN MADSEN
JEFFERSON COUNTY TREASURER
34 NORTH CLARK
BIGBY, IDAHO 83442

1999 TAX BILL/RECEIPT

PARCEL NUMBER
RP07N34E108

BILL# 8694 CODE AREA 30-00 L

8

1ST HALF DUE	2ND HALF DUE
TAX 50.38	TAX 50.38
ATE	LATE
NT	INT
DST	COST
OT	TOT

FULL DUE
TAX 100.76
LATE
INT
COST
TOT

TOT MV 8

TOT ACS 2

WILCOX BROS L L C
30 GOLDEN BEAUTY DR
REXBURG ID 83440

TAXING DISTRICT	RATE	AM
STATE	.000000000	
COUNTY	.004039611	3
SCH DIST 253	.007189353	5
ROAD/BRIDGE	.000141871	
WT JEFF CEM	.000093985	
W JEFF FIRE D	.000466267	
LIBRARY DIST	.000393363	
W. JEFF AMB	.000154793	
AMOUNT DUE	.012479243	10

TAX #1; SEC 10;
TWP 7 NORTH RGE 34 EBM

1279 E N. LAKE RD. 83450

IMPORTANT
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

ING THIS NOTICE FOR PROPER CREDIT
UR CHECK IS YOUR RECEIPT

MICROFILMED

FEB 11 2003

T 5719
ATTACHMENT 7 OF 14

MICROFILMED

FEB 11 2003

ATTACHMENT T 5719
8 OF 14

WARRANTY DEED

301394

THIS INDENTURE, Made this 23rd day of May, 1996, between BEN D. JERNBERG and PEGGY ANN JERNBERG, husband and wife, of 3170 Sycamore Lane, Billings, MT 59102, and BEN D. JERNBERG and PEGGY ANN JERNBERG, Trustees of THE BEN D. JERNBERG AND PEGGY ANN JERNBERG FAMILY TRUST, created September 1, 1992, of 3170 Sycamore Lane, Billings, MT 59102, the parties of the first part, and WILCOX BROTHERS, L.L.C., an Idaho Limited Liability Company, with its principal place of business located at 4891 S. Hwy 191, Rexburg, ID 83440, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten and no/100 Dollars, lawful money of the United States of America, and other valuable consideration to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents, do grant, bargain, sell and convey and confirm unto the said party of the second part, and its successors and assigns, forever, that certain real property located in Jefferson County, Idaho, to-wit:

Tract I:

Seller Ben D. Jernberg and Peggy Ann Jernberg's undivided one-half interest in and to the following described real property:

Township 7 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho.

Section 2: S1/2 SW1/4

Section 3: S1/2 SE1/4

Section 10: N1/2 NE1/4

SE1/4 NE1/4

E1/2 SW1/4

Section 11: N1/2NW1/4

Section 15: NE1/4NW1/4

Microfilm No. 282442
Day FEB 08 2000 At 1606

MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER

Fee \$ 12 - NA Deputy

Recorded At Request of
ALLIANCE TITLE & ESCROW

Tract II:

Sellers undivided one-half interest in and to the following described real property:

Township 7 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho.

Section 10: SE1/4 NW1/4

SW1/4 NE1/4

MICROFILM SE1/4

FEB 11 2000

RECEIVED BY

AC 03802

BY SIGNING

Date 2/11/00 Time 3:00

ATTACHMENT T 5719
9 OF 14

EXCEPTING THEREFROM: Beginning at a point that is North 1895 feet, more or less from the South Quarter Corner of said Section 10, said point being the point of intersection with the North-South Section line and the South side of an existing private road way: thence South along said North-South Section line for a distance of 350 feet; thence East 350 feet; thence North to the point of intersection with the South side of said existing private roadway; thence in a Northwesterly direction following the South side of said private roadway to the point of beginning.

Section 15: N1/2 NE1/4.

Together with Seller's interest in any and all water and water rights, ditch and ditch rights appurtenant thereto, including the following ground water licenses: SRBA claim Nos: A31-02428; A31-07216; A31-02376; A31-02346; and A31-02449.

Subject to easements of record or in existence for roads, streets, ditches, canals, pipelines and utilities, including, but not limited to a reservation by Seller of a perpetual easement to maintain two existing irrigation wells and one domestic well (presently, most western domestic well), together with joint use of the present well house and pressure tanks, pumps, panels, motors, meter bases, ditch, power and an ingress and egress for maintenance thereof required by Seller to water property adjacent to the premises and retained by Seller.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises together with the appurtenances unto the said party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

ATTACHMENT T 5719
10 OF 14

MICROFILMED
FEB 11 2003

301396

Microfilm No. 301396

FEB 11 2000

At 3:00 O'Clock P M

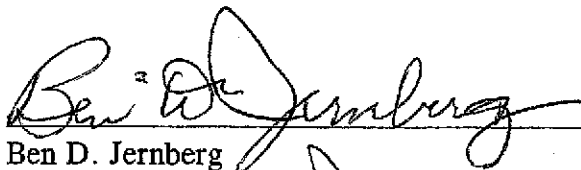
CONNIE M KELLER

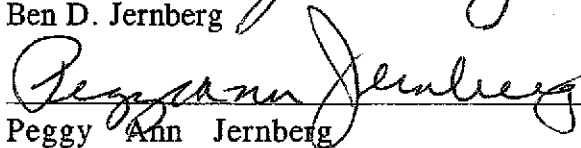
Jefferson Co. Recorder D. J. K. Deputy

Fee \$ 12.00

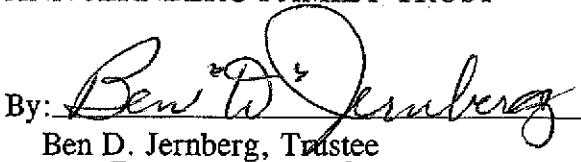
Recorded at Request of ATEC

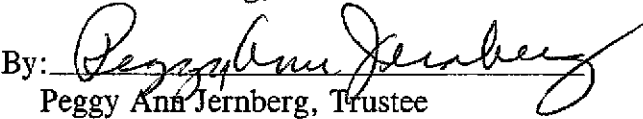
IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.


Ben D. Jernberg


Peggy Ann Jernberg

THE BEN D. JERNBERG AND PEGGY
ANN JERNBERG FAMILY TRUST

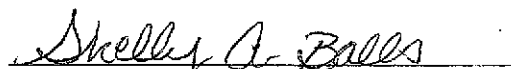
By: 
Ben D. Jernberg, Trustee

By: 
Peggy Ann Jernberg, Trustee

STATE OF IDAHO)
 ss.
County of Madison.)

On this 23rd day of May, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared BEN D. JERNBERG and PEGGY ANN JERNBERG, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.


Notary Public for Idaho
Residing at: Sugar City, Idaho
My Commission expires: 7-12-97

STATE OF IDAHO)

ss.

County of Madison.)

On this 23rd day of May, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared BEN D. JERNBERG and PEGGY ANN JERNBERG, known to me to be the persons whose names are subscribed to the within instrument as the trustees of The Ben D. Jernberg and Peggy Ann Jernberg Family Trust and acknowledged to me that they executed the same as such trustees of said trust.

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



Shelly A. Balls
Notary Public for Idaho
Residing at: Sugar City, Idaho
Commission Expires: 7-12-97

Microfilm **282852**
 16 Day **Oct** 19**90**
 At **4:50** O'Clock **M**
CONNIE M. KELLER
 Jefferson Co., Recorder
 Fee \$ **6.00** Deputy
 Recorded at Request of **Alliance Title**

ALLIANCE TITLE & ESCROW CORP.
9-4300

WARRANTY DEED

FOR VALUE RECEIVED, Steven B. Burtenshaw and Shelli G. Burtenshaw, husband and wife, of 1279 N.E. Lake Road, Terreton, Idaho, 83450, hereinafter called "Grantors", do hereby grant, bargain, sell, warrant and convey unto Wilcox Brothers, L.L.C., an Idaho Limited Liability Company, 4891 South Highway 191, Rexburg, Idaho, 83440, hereinafter called "Grantee", as an exchange, the following described real property in Jefferson County, Idaho, to-wit:

Complete ownership in and to the following described parcel, constituting part of SE¼ of Sec. 10, Twp. 7 N., Rge. 34 E., Boise Mer.:

Beginning at a point that is North 1895 feet, more or less, from the South Quarter Corner of Sec. 10, Twp. 7 N., Rge. 34 E., Boise Mer., said point being the point of intersection with the North-South Section line and the South side of an existing private roadway; and running thence South along said North-South Section line for a distance of 350 feet; thence East 350 feet; thence North to the point of intersection with the South side of said existing private roadway; thence in a Northwesterly direction following the South side of said private roadway, to the point of beginning.

Subject to easements, if any, of record or in existence for roads, ditches, pipelines and utilities; and subject to a reservation and right in Ben D. Jernberg and Peggy Ann Jernberg, husband and wife, and Ben D. Jernberg and Peggy Ann Jernberg, as Trustees of The Ben D. Jernberg and Peggy Ann Jernberg Family Trust, of a perpetual easement to maintain a domestic well (presently the most western domestic well), together with joint use of present well house and pressure tanks), with meter base, power and power lines, and pipeline, and a roadway for ingress and egress for maintenance thereof, required of them to provide domestic water for a farm home and farmstead on their property westerly of the premises.

Together with home, shop and corrals, and any and all other improvements and appurtenances thereto, rents, issues and profits thereof, and reversions and remainders.

ATTACHMENT T 5719
13 OF 14

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 FEB 11 2003

RECEIVED BY
 ASSESSOR
 For PLATTING
 Date 10-22-96 Time 3:00 pm

Grantors covenant and warrant that fee simple title to the above described property is conveyed to Grantee by this Deed, free from all encumbrances, except those described above.

DATED This 1st day of July, 1996.

Steven B. Burtenshaw



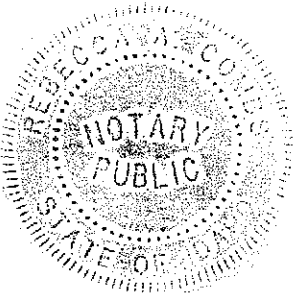
Shelli G. Burtenshaw

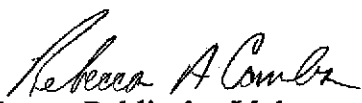


Acknowledgment

STATE OF IDAHO)
 SS.
County of Madison.)

On this 9th day of July, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared STEVEN B. BURTENSHAW and SHELLI G. BURTENSHAW, husband and wife, known to be to be the persons whose names are subscribed to the above Grant Deed and acknowledged to me that they executed the same.




Notary Public for Idaho
Residing at: H Anthony, ID
My Commission Expires: 6/26/2002

MICROFILMED

FEB 11 2003

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 31-02346

NAME AND ADDRESS: WILCOX BROTHERS LLC
38 GOLDEN BEAUTY DR
REXBURG, ID 83440-3702

SOURCE: GROUND WATER

QUANTITY: 6.94 CFS
1393.00 AFD

RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND
31-07216 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.22
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2593 AF.
USE OF THIS RIGHT WITH RIGHT NO. 31-02449 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.26 CFS.

PRIORITY DATE: 07/22/1955

POINT OF DIVERSION: T07N R34E S10 SWSE Within Jefferson County
NWSE
NWSE
S11 NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.94 CFS 1393.00 AFD

PLACE OF USE:	Irrigation		Within Jefferson County
	T07N R34E S02	SWSW 40.0	SESW 40.0
	S03	SWSE 4.0	SESE 35.0
	S10	NENE 40.0	NWNE 31.0
		SWNE 40.0	SENE 40.0
		SESW 40.0	NESW 38.0
		SESW 40.0	NESE 40.0
		NWSE 38.0	SWSE 40.0
		SESE 40.0	
	S11	NENW 38.0	NWNW 32.0
	S15	NENE 40.0	NWNE 40.0
		NENW 40.0	
	738.0 Acres Total		

RIGHT NOS. 31-02346, 31-02376, 31-02428, 31-02449 AND
31-07216 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
738 ACRES IN A SINGLE IRRIGATION SEASON WITHIN THE PLACE OF USE
DESCRIBED ABOVE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 398 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).

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 31-02346

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FEB 11 2003

PAGE 1
Feb-21-2002

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



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

December 6, 2002

WILCOX BROTHERS LLC
30 GOLDEN BEAUTY DR
REXBURG ID 83440

RE: Transfer No.: 66086 - Water Rights 31-2346, 31-2428, 31-7216, 31-2376,
31-2449 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

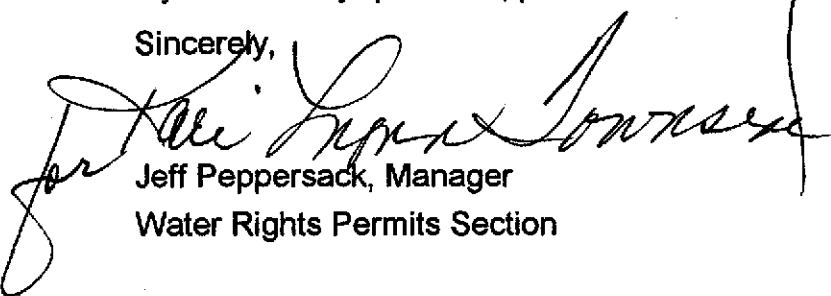
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

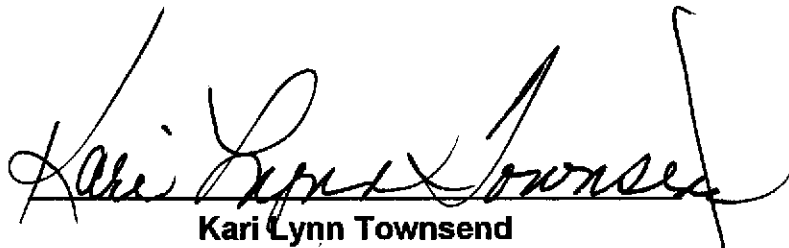
MICROFILMED
FEB 11 2003

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 66086 - WATER RIGHTS 31-2346, 31-2428, 31-7216,
31-2376, 31-2449**

**WILCOX BROTHERS LLC
30 GOLDEN BEAUTY DR
REXBURG ID 83440**


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 11 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED

FEB 11 2003

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

TRANSFER REVIEW SHEET

Trans # 66086

Date Reviewed 12/5/02

Right No(s) 31-2346 2376 2428 2449 7216
Split? Y N Y N Y N Y N

AREA OF CONCERN: No/Yes ESPA
no pld chgs

PURPOSE OF TRANSFER FOR EACH RIGHT:
Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with State Office personnel)
Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Y Lien Holder Release N/A

GROUNDWATER:

DRILLING PERMIT

All wells 046
DP upgrade req'd Y N (contact GW personnel)
WMD 046
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q ESPA

SUPPLEMENTAL (irr = only use) - 065-104
SUPPLEMENTAL (irr + other uses) - 100-105

SURFACE WATER:

WD 046
≤ 0.20 cfs/others - R05 (WD# 046) WM comments rec'd 046
> 0.20 cfs - R02, 01P or No MD
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - R43
> 0.24 cfs/5 acres - No MD
- 01M or 01Q

STANDARD SEASON 4-1 to 10-31 (use X61 if extended season)
STANDARD VOLUME 3.5 af/ac
CONSUMPTIVE USE VOLUME 3.5 af/ac

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029(70'S only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RA FN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - measure all p/d's (used with WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season.
X62 - replaces N11 and N13.
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WB5 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one to chg'd and unchg'd rts:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)
T20 - use instead of T09 where not ongoing in SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated Y Approval form printed Y Shape files created Y
Special Mailing Instructions (cc's, etc) Y
Final database update after approval 50 12/6/02 Comment to WR No(s). 31-2428

Metropolitan Life Insurance Company
Agricultural Investments
Denver Regional Office
5445 DTC Parkway, Suite 920, Englewood, CO 80111
Tel. 303-694-6280 FAX 303-694-6294

RECEIVED

AUG 27 2001

MetLife

Department of Water Resources

Chester D. Haines
13221 West Dahlia Drive
Boise, Idaho 83713
Tel. 208-939-0399 FAX 208-939-0399

May 31, 2000

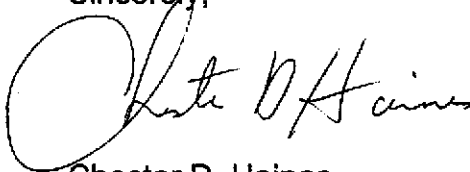
Mr. Terry Wilcox
30 Golden Beauty Drive
Rexburg, Idaho 83440

Per our discussion, enclosed is the executed consent to change in water rights use per your request. I had it sent here so that I could verify the water rights from the IDWR, which I did not have time to check when the original request came in.

I failed to notice that on Part I of your application, the water rights are miss identified. The correct designation of the rights starts with a prefix of 31, not 35. You do have the correct designation on part II. This became apparent when I requested current status of the rights and they came up with different data entirely. You may want to check with the IDWR in Idaho Falls to see if this is material, and amend it if it is. This 2 digit code refers to the IDWR administrative boundaries. The important thing is that they correctly identify the rights which you are modifying. Since the prefix appears to be part of the water right number, it may be important.

Hope this meets your needs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chester D. Haines", written over a large, loopy initial "C".

Chester D. Haines
Analyst

MICROFILMED

FEB 11 2003

Metropolitan Life Insurance Company
Agricultural Investments
Denver Regional Office
5445 DTC Parkway, Suite 920, Englewood, CO 80111
Tel 303 694-6280 Fax 303 694-6294

MetLife®

John A. Stratman
Manager

James B. O'Riley
Associate Manager

RECEIVED

AUG 27 2001

MR TERRY WILCOX
30 GOLDEN BEAUTY DRIVE
REXBURG ID 83440

Department of Water Resources

May 19, 2000

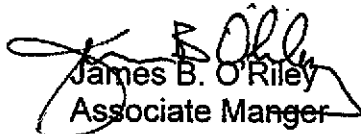
RE X17 36 43 - WILCOX BROTHERS L.L.C.
MADISON & JEFFERSON COUNTIES, ID

Dear Terry

Please be advised that Metropolitan Life Insurance Company as Lienholder of the water rights in the Company's security under the above captioned loan where these same water rights are owned by Wilcox Brothers L.L.C. located in Township 7N., Range 34E. B.M. approves the moving of water rights as applied for with the State of Idaho and set forth on attached copy of "Application For Transfer of Water Right" dated May 19, 2000.

If you have any questions please give this office a call.

Sincerely


James B. O'Riley
Associate Manager

JBO/db

Enclosure

Copy to Chester Haines

MICROFILMED

FEB 11 2003

APPROVAL OF PROPOSED CHANGE OF WATER RIGHTS

Metropolitan Life Insurance Company as Lienholder of the water rights on property owned by Wilcox Brothers LLC located in Township 7 N., Range 34 E.B.M. approves the moving of water rights as applied for with the State of Idaho, Department of Water Resources.

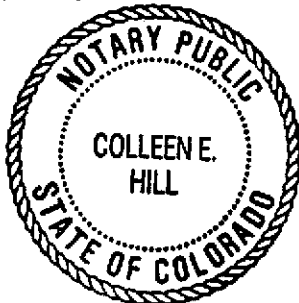
METROPOLITAN LIFE INSURANCE COMPANY

By: 
James B. O'Riley, Associate Manager

State of Colorado }
 } §. §.
Arapahoe County }

BE IT REMEMBERED, that on this 19th day of May, 2000, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared James B. O'Riley as Associate Manger of Metropolitan Life Insurance Company, a New York Corporation, who is personally known to me and known to me to be the Associate Manager of said Corporation and the same person who executed the foregoing instrument, and he duly acknowledged the execution thereof for and on behalf of and as the act and deed of said corporation.

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




Colleen E. Hill, Notary Public

My commission expires April 10, 2001

MICROFILMED
FEB 11 2003

Post-it® Fax Note	7571	Date	5-31-00	# of pages	1
To	SKIP	From	CARTER		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

W 34
S 21 - 1250
photograph

T 7N
R 34E

10

MICROFILMED

FEB 11 2003

4-10-2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

RECEIVED

AUG 27 2001

Department of Water Resources

INITIAL REVIEW BY: RCW

5719/66086

1. Right number 3-02346 etc Applicant Wilcox Bros
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Create permissible place of use
4. Check:
- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
- a. ☒ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments NONE
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) ONLY WATER LISTED ON NEW PLACE OF USE ARE IN THIS TRANSFER
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

Advertiser
Statewide

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* water measurement requirement

4. By R Date 5/24/2000

5719/66086

Eastern
900 Skyline Dr
Id Falls 83402-1718

The Idaho Statesman

RECEIVED
MAY - 8 2000
IDWR/North

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
100631	233695	PROPOSED CHANGE OF WATER RIGHT	\$138.36
Ordered by:	P.O. #	Rate	Run Dates
		TT	APRIL 20, 27, 2000
IDAHO DEPT. WATER RESOURCES NORTH 1910 NORTHWEST BLVD., STE. 210 COEUR D'ALENE, IDAHO 83814			Number of Lines 47 X 2
			Affidavit 1
			Legal # 6963

RECEIVED

MAY 11 2000

Department of Water Resources
Eastern Region

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of: APRIL 20, 2000
and ending with the issue of: APRIL 27, 2000

Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA)

On this 28 day of APRIL in the year of 2000
before me, a Notary Public, personally appeared before me Janice Hildreth
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the state-
ments therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 10/13/2001

Annita L. Curran

MICROFILMED
FEB 11 2003

**LEGAL NOTICE
PROPOSED CHANGE OF A WATER RIGHT NO. T5719**

Notice is hereby given that Wilcox Brothers, LLC, 30 Golden Beauty Dr, Rexburg ID 83440, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to create a permissible place of use of groundwater sources. The rights sought to be changed are evidenced by licenses and recorded as follows:

License: 31-02346 Source: Groundwater
Amount: 6.94 cfs Priority: 07/22/1955
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N 34E, JEFFERSON COUNTY
The water is used for irrigation of 398 acres within SEC 10 and 15 T07N R34E, B.M.

License: 31-02376 Source: Groundwater
Amount: 3.26 cfs Priority: 03/23/1959
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 163 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02428 Source: Groundwater
Amount: 2.16 cfs Priority: 10/09/1964
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 255 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02449 Source: Groundwater
Amount: 1.54 cfs Priority: 03/17/1973
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 77 acres within SEC 10 T07N R34E, B.M.

License: 31-07216 Source: Groundwater
Amount: 2.16 cfs Priority: 11/22/1976
Point(s) of Diversion: NWNW SEC 10 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 455 acres within SEC 3, 10, 11 & 15 T07N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to combine their existing systems so all 738 acres can be serviced by the existing 5 points of diversion.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 8, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Pub. Apr. 20, 27, 2000

6963

MICROFILMED
SEP 11 2003

Proof of Publication

RECEIVED

MAY 09 2000

Department of Water Resources
Eastern Region

The Post Register

State of Idaho
County of Bonneville

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

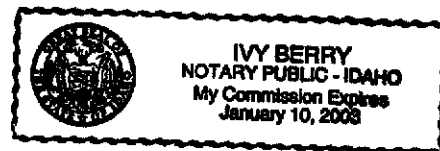
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2 consecutive (days) weeks, first publication having been made on the 20th day of April, 2000, last publication having been made on the 27th day of April at the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

S. Bob Bright

Subscribed and sworn to before me, this 3rd day of May, 2000

Ivy Berry
Notary Public

My commission expires January 10, 2003



MICROFILMED

FEB 11 2003

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. T5719**

Notice is hereby given that Wilcox Brothers, LLC, 30 Golden Beauty Dr, Rexburg, ID 83440, has applied to the Department of Water resources to change the point of diversion, to change the place of use and to create a permissible place of use of groundwater sources. The rights sought to be changed are evidenced by licenses and recorded as follows:

License: 31-02346

Source: Groundwater

Amount: 6.94 cfs

Priority: 07/22/1955

Point(s) of Diversion: NWSE SEC 10
T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N 34E, JEFFERSON
COUNTY

The water is used for irrigation of 398
acres within SEC 10 and 15 T07N R34E,
B.M.

License: 31-02376

Source: Groundwater

Amount: 3.26 cfs

Priority: 03/23/1959

Point(s) of Diversion: NWNW SEC 11
T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 163
acres within SEC 2, 3, 10, and 11 T07N
R34E, B.M.

License: 31-0242

Source: Groundwater

Amount: 2.16 cfs

Priority: 10/09/1964

Point(s) of Diversion: NWNW SEC 11
T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 255
acres within SEC 2, 3, 10, and 11 T07N
R34E, B.M.

License: 31-02449

Source: Groundwater

Amount: 1.54 cfs

Priority: 03-17-1973

Point(s) of Diversion: NWSE SEC 10
T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N R34E, JEFFERSON
COUNTY

The water is used for irrigation of 77
acres within SEC 10 T07N R34E, B.M.

License: 31-07216

Source: Groundwater

Amount: 2.16 cfs

Priority: 11/22/1976

Point(s) of Diversion: NWNW SEC 10
T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 455
acres within SEC 3, 10, 11 and 15 T07N
R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to combine their
existing systems so all 738 acres can be
serviced by the existing 5 points of
diversion.

Any protest against approval of the pro-
posed change must be filed with the
Idaho Department of Water Resources,
900 N. Skyline Dr., Idaho Falls, ID
83402, together with a protest fee of \$25
on or before May 8, 2000. The protes-
tant must also send a copy of the protest
to the applicant.

KARL J. DREHER

Director

Published: April 20, 27, 2000.

MICROFILMED

FEB 11 2000

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**Date 04/27/2000 INVOICE NO. 226120Account No. 446600Description 226120NOTICE OF PROPOSTimes 2 Lines 42**RECEIVED** Tab. Lines _____**MAY 04 2000**\$ 136.50Department of Water Resources
Eastern Region

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5719**

226120

Notice is hereby given that Wilcox Brothers, LLC, 39 Golden Beauty Dr, Rexburg ID 83440, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to create a permissible place of use of groundwater sources. The rights sought to be changed are evidenced by licenses and recorded as follows:

License: 31-02346 Source: Groundwater
Amount: 6.94 cfs Priority: 07/22/1955
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N 34E, JEFFERSON COUNTY
The water is used for irrigation of 398 acres within SEC 10 and 15 T07N R34E, B.M.

License: 31-02376 Source: Groundwater
Amount: 3.26 cfs Priority: 03/23/1959
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 163 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02428 Source: Groundwater
Amount: 2.16 cfs Priority: 10/09/1964
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 255 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02449 Source: Groundwater
Amount: 1.54 cfs Priority: 03.17.1973
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
SWSE SEC 10 T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 77 acres within SEC 10 T07N R34E, B.M.
License: 31-07216 Source: Groundwater
Amount: 2.16 cfs Priority: 11/22/1976
Point(s) of Diversion: NWNW SEC 10 T07N R34E, JEFFERSON COUNTY
The water is used for irrigation of 455 acres within SEC 3, 10, 11 and 15 T07N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to combine their existing systems so all 738 acres can be serviced by the existing 5 points of diversion.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 8, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER Director
Published in the Lewiston Morning Tribune on April 20 and 27, 2000.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 226120NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 04/20, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 04/20/2000, and the last publication thereof being on the 04/27/2000 and said 226120NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 28day of April 2000

Sheral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

MICROFILMED

SEP 11 2000

RECEIVED

APR 28 2000

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.Department of Water Resources
Eastern RegionN^o 32440

I, Ruby Anderson being first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated April 20, 192000, and ending with the issue dated April 27, 192000.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27th day of April in the year of 2000, before me,
a Notary Public, personally appeared Ruby Anderson,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

MICROFILMED

FEB 17 2001

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT NO. T5719**

Notice is hereby given that Wilcox Brothers, LLC, 30 Golden Beauty Dr., Rexburg, ID 83440, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to create a permissible place of use of groundwater sources. The rights sought to be changed are evidenced by licenses and recorded as follows:

License: 31-02346 Source: Groundwater
Amount: 6.94 cfs Priority: 07/22/1955
Point(s) of Diversion: NWSE SEC 10 T07N R34E,
JEFFERSON COUNTY SWSE SEC 10 T07N 34E,

JEFFERSON COUNTY

The water is used for irrigation of 398 acres within SEC 10 and 15 T07N R34E, B.M.

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Amount: 2.16 cfs Priority: 10/09/1964
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JEFFERSON COUNTY

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Amount: 1.54 cfs Priority: 03/17/1973
Point(s) of Diversion: NWSE SEC 10 T07N R34E,
JEFFERSON COUNTY

JEFFERSON COUNTY SWSE SEC 10 T07N R34E,

The water is used for irrigation of 77 acres within SEC 10 T07N R34E, B.M.

License: 31-07216 Source: Groundwater
Amount: 2.16 cfs Priority: 11/22/1976
Point(s) of Diversion: NWNW SEC 10 T07N R34E,
JEFFERSON COUNTY

The water is used for irrigation of 455 acres within SEC 3, 10, 11 and 15 T07N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to combine their existing systems so all 738 acres can be serviced by the existing 5 points of diversion.

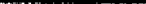
Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 8, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: April 20 and 27, 2000

Department of Water Resources
Eastern Region

My commission expires March 8, 2005



FEB 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2000

WILCOX BROTHERS LLC
30 GOLDEN BEAUTY DR
REXBURG ID 83440

RE: Application for Transfer #5719

Dear Applicant:

This office is currently in the process of advertising the application in the Jefferson St on April 19 and 26, 2000, and the Post Register, Times News, Idaho Statesman and the Lewiston Morning Tribune on April 20 and 27, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

FEB 11 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2000

IDAHO STATESMAN
PO BOX 40
LEWISTON ID 83707

Dear Janice:

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

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

Please send the affidavit of publication and publication billing to this office before May 8, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

*e-mailed
4/13/00
SC*

MICROFILMED

FEB 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2000

JEFFERSON STAR
PO BOX 37
RIGBY ID 83442

Dear Publisher:

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

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

Please send the affidavit of publication and publication billing to this office before May 8, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.

*mailed
4/13/00
se*

MICROFILMED

FEB 11 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2000

POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

Dear Publisher:

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

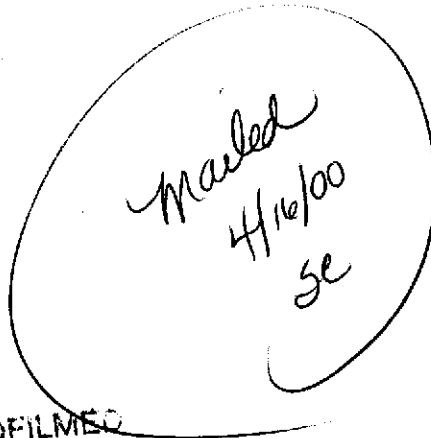
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 8, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED

FEB 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2000

TIMES NEWS
PO BOX 548
TIMES FALLS ID 83303

Dear Publisher:

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

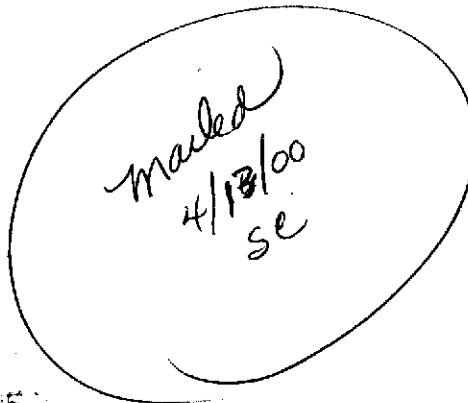
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 8, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED

FEB 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 2000

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Dear Publisher:

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

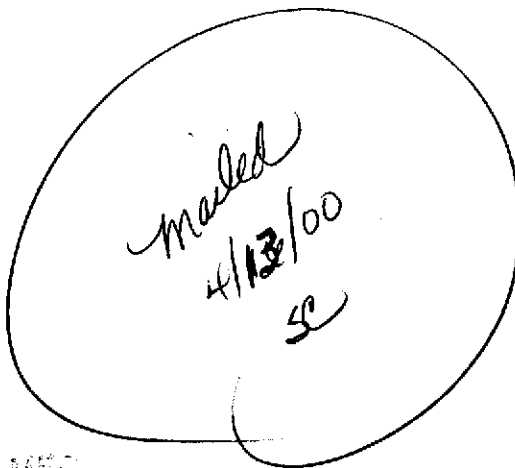
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before May 8, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



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FEB 11 2003

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5719**

Notice is hereby given that Wilcox Brothers, LLC, 30 Golden Beauty Dr, Rexburg ID 83440, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to create a permissible place of use of groundwater sources. The rights sought to be changed are evidenced by licenses and recorded as follows:

License: 31-02346 Source: Groundwater
Amount: 6.94 cfs Priority: 07/22/1955
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
 SWSE SEC 10 T07N 34E, JEFFERSON COUNTY

The water is used for irrigation of 398 acres within SEC 10 and 15 T07N R34E, B.M.

License: 31-02376 Source: Groundwater
Amount: 3.26 cfs Priority: 03/23/1959
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 163 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02428 Source: Groundwater
Amount: 2.16 cfs Priority: 10/09/1964
Point(s) of Diversion: NWNW SEC 11 T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 255 acres within SEC 2, 3, 10 and 11 T07N R34E, B.M.

License: 31-02449 Source: Groundwater
Amount: 1.54 cfs Priority: 03.17.1973
Point(s) of Diversion: NWSE SEC 10 T07N R34E, JEFFERSON COUNTY
 SWSE SEC 10 T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 77 acres within SEC 10 T07N R34E, B.M.

License: 31-07216 Source: Groundwater
Amount: 2.16 cfs Priority: 11/22/1976
Point(s) of Diversion: NWNW SEC 10 T07N R34E, JEFFERSON COUNTY

The water is used for irrigation of 455 acres within SEC 3, 10, 11 and 15 T07N R34E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to combine their existing systems so all 738 acres can be serviced by the existing 5 points of diversion.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 8, 2000. The protestant must also send a copy of the protest to the applicant.

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KARL J. DREHER
Director

Published in the Jefferson Star on April 19 and 26, 2000, and Post Register, Times News, Idaho Statesman and Lewiston Morning Tribune on April 20 and 27, 2000.

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