

No. 1

No. 2

GE Motor
Model 5K6318XC45A
H.P. 400 type K Code G
440V 470A 3 Ph
1775 RPM
Serial: CAJ317005

Pump:
Verti Line Layne-Bowler
4100 GPM 325 ft

1770 RPM
Model 16KHH
Serial: D9415

GE Motor
Model 5K6318XC117
HP 400
460V 453A type K
1775 RPM
Serial: ACJ118003

Pump:
Verti Line Layne-Bowler
4100 GPM 325 ft

1770 RPM
Model 16KHH
Serial: D16670

Amount found 14.18 cfs

Area = 664 acres

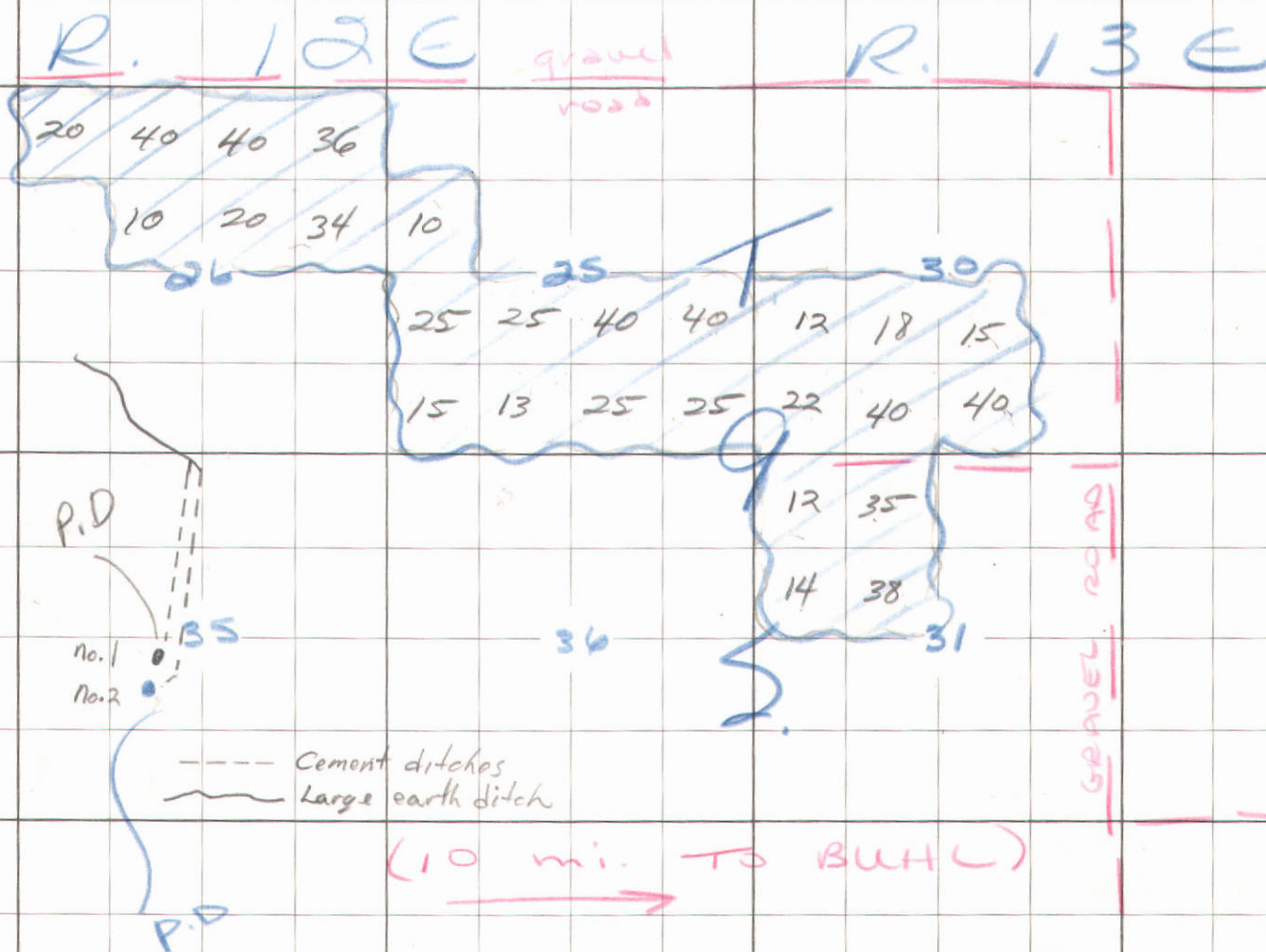
Q = 2.5 cfs

V = 4 x 664 = 2656 AF when

~~V = 2.5 x 2 x 245 = 1225 AF~~
Acre Reg = 4 combined with 47-2375

Sub = 26

Priority September 23, 1965



MAP CORRESPONDS TO ORIGINAL PERMIT.
PROOF FORM LISTS ALL OF LAND AS IN R. 12E.
PROOF POSSIBLY IN ERROR.

Township 9 South - Range 12 and 13 East, B.M.

R12E R13E

Sec. 26

Sec. 25

Sec. 30

Sec. 35

Sec. 36

Sec. 31

Well

Permit Map No. 32530

As Approved

CARL E. TAPPAN SEP 28 1965

State Reclamation Engineer

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 51-2258 ~~47-2408~~ Priority 9-23-65 Amount 2.5 c.f.s.

THIS IS TO CERTIFY that Thomas C. McClain Darwin L. Boyle and Esther A. Boyle
Buhl, Idaho, have ~~XXXX~~ complied with the terms and conditions of Permit
No. 47-108 issued pursuant to Application for Permit dated 9-23-65
and has submitted proof to the Department of Water Administration on 7-2-69
that he has complied with the terms and conditions of the permit in and to the extent indicated that the
works for a capacity of 14.18 c.f.s. are that the water has in fact been applied to a
beneficial use, to wit the use of water from a ground-water source

as follows: is hereby confirmed in the following amounts:
A. 2.5 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)
B. for from to (both dates inclusive)
C. for to to (both dates inclusive)
where, however, no consumption for any more than 2.5 c.f.s. of water be diverted at
any one place or where, if diverted from two points in the NE 1/4 SW 1/4 Sec. 35,

Twp. 9 S., Rge. 12 E., B. M.
in the county of Twin Falls and that the amount of water so diverted and to which such
right is entitled is confirmed as for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 2,656 acre feet per year or
4.0 acre feet per acre, when combined with Permit No. 51-2259 ~~47-2375~~

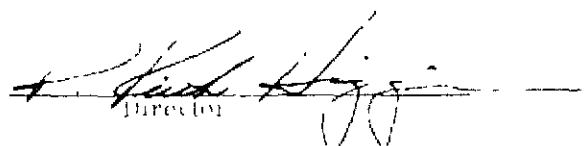
Description and location of place of use

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9 S	12 E	25							10		25	25	15	13	40	40	25	25	218
		26	36	10	20	31	40	20	10										200
9 S	13 E	30									18	12	22	40		15	40		147
		31					35	12	14	38									99

Total number of acres irrigated 664

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15th day of
January, 1971


Director

~~47-2408~~
51-2258

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boyle

Comes now Thomas C. McClain, Darwin L. Boyle, & Ester A. of (address) _____

P. O. Box 464, Buhl, Idaho, and represents to the State Reclamation
Engineer of the State of Idaho:

That ^{are} ~~they~~ ~~is~~ the owners and holders of Permit to appropriate the Public Waters of the State of Idaho No. 47-2408, and requests that the permit and permit map be changed as follows:

1. Point of diversion: $\frac{2}{NE}$ $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 9 S.
R. 12 E, B.M. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

17 2408

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

[illegible]

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk

Signed at Boston, this 24th day of November, 19 70.

Thomas C. McLean
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho,
hereby APPROVE the above amendment to Permit No. 47-2408.

Witness my hand this 8th day of December, 19 70

P. Kirk Higgins
State Reclamation Engineer

AFFIDAVIT of PUBLICATION

STATE OF IDAHO

County of Twin Falls

ss.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Thomas C. McClain, Darwin L. Boyle and Esther A. Boyle, Box 464, Buhl, Idaho, have received an approved permit No. ~~6-32530~~ issued by the Idaho State Reclamation Department authorizing the diversion of 6.0 cubic feet per second of water from a ground water source, subject to all prior rights. The priority to be established under this permit is Sept. 23, 1965 and the permit was approved Sept. 28, 1965. Water is to be diverted by well, pump and motor from a point within the NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 35, T. 9 S., R. 12 E., B.M., Twin Falls County to be used for irrigation in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 25, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 26, T. 9 S., R. 12 E., B.M., and in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, NW $\frac{1}{4}$, Sec. 31, T. 9 S., R. 13 E., B.M. Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 28, 1970. Any protest against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Buhl Herald,
Buhl, Idaho, on September 18, 1969
September 25, 1969.
(36t2)

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 18th day of September, 1969, and the last publication having been made on the 25th day of September, 1969; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Subscribed and sworn to before me this

28th day of September, 1969

Joseph S. Matthews
Notary Public.

Buhl, Idaho

Residing at

January 1, 1973

My Commission Expires

32530

47-2408

APPLICATION FOR PERMIT To appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40684
Permit No. G- 32530
District No.

1. Name of Applicant: Thomas C. McClain, Darwin L. Boyle, Esther A. Boyle
Postoffice address: P. O. Box 464, Buhl County: Twin Falls State: Idaho
2. Quantity of water claimed: 300" *6 cfs*
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35
Twp. 9 S, Rge. 12 E, B.M., County of Twin Falls
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B. M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B. M.
7. Kind of works: Drilled well to be cased & equipped with turbine type pump & motor
8. Estimated cost of works: \$ 38,000
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
G-31290
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: / 6 cfs same land same well
(a) 6 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

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

By s/ Harley M. McDowell
sld

Date of first receipt at Department of Reclamation: 8:00 A.M. September 23, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 325330

Recorded in Book 114 Page 32530 Approved September 28, 1965

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

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

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

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless _____

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before March 28, 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before September 28, 1970

Witness my hand this 28th day of September, 1965 S/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, _____, ROBERT E. SMYLIE, Governor of the State of Idaho,
and _____, ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this _____ 28th
day of _____ September, 19 65

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ROBERT E. SMYLIE
Governor

By s/ ARNOLD WILLIAMS
Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
9 S	12 E	25						40		40	40	40		40	40	40	40	360	
		26	40	40	40	40	40	40		40								280	
9 S	13 E	30								40	40	40	40		40	40		240	
		31					40	40	40	40								160	
																TOTAL		1040	

LICENSE ISSUED
LICENSE PAGE

LICENSE ISSUED FOR 2.5 SEC. FT.
 LICENSE PAGE NO. _____

SCANNED
OCT 15 2004



ADMINISTRATIVE OFFICE

RECEIVED
JUN 16 1986

June 12, 1986

Department of Water Resources
450 West State Street
Boise, ID 83722

Department of Water Resources

Re: Water rights licenses held in the name of Thomas C. McClain Farms, Inc.
and Thomas C. McClain

Gentlemen:

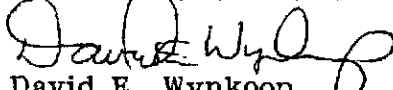
This letter is to advise you that The Idaho First National Bank claims a security interest in all water rights held in the name of Thomas C. McClain Farms, Inc. and Thomas C. McClain as an individual. The bank's security interest is evidenced by the real estate mortgage, a photocopy of which I will attach hereto. The bank claims an interest in the following license numbers: 47-2312, 51-2258, 51-2259, 47-2244A, 51-7108, 47-7030, 47-7039, 47-2261, 51-2444, and 51-2445. It is my understanding, pursuant to our telephone conversation with Roberta, that license #51-2445 has been renumbered as license #47-2472.

The bank hereby requests that you maintain a record in your files of the bank's claimed security interest in the licenses enumerated above. Should any action be taken with respect to any of those licenses, please notify Frank M. Arana, Vice President and Manager, The Idaho First National Bank, Buhl Branch, P. O. Box 666, 819 Main Street, Buhl, Idaho 83316.

Thank your courtesies extended in this matter.

Sincerely,

THE IDAHO FIRST NATIONAL BANK


David E. Wynkoop
Counsel

DEW/ac
Enclosure
cc: John Ward
Attorney at Law

Frank M. Arana
Buhl Office - #1-02

Dale Bartles
Branch Administration - #1-5110



AFFILIATE OF
MOORE FINANCIAL GROUP

REAL ESTATE MORTGAGE

THIS MORTGAGE, made by THOMAS C. McCLAIN FARMS, INC.,

an Idaho Corporation,

of Buhl, County of Twin Falls, State of
Idaho, as mortgagor, and THE IDAHO FIRST NATIONAL BANK, a National Banking Association, of Boise, Idaho, as mortgagee.

WITNESSETH: That said mortgagor, in order to secure the payment to the mortgagee of the sum of -Two Million

Three Hundred Thousand and no/100 Dollars
and interest and all other sums as provided herein, and the performance of all covenants herein contained, does hereby grant, bargain, sell and convey unto the said mortgagee, its successors and assigns forever, the following described real estate

situated in Idaho, County of Twin Falls, State of
Idaho, to-wit:

See Exhibit "A" attached hereto
and made part hereof.

Together with all right, title and interest to all water rights as follows:

1. 0.85 CFS on 103 Acres, License No. 47-2312;
2. 2.50 CFS on 664 Acres, License No. 51-2258;
3. 4.86 CFS on 664 Acres, License No. 51-2259;
4. 3.70 CFS on 289 Acres, License No. 47-2244A;
5. 3.20 CFS on 535 Acres, License No. 51-7108;
6. 6.83 CFS on 200 Acres, License No. 47-7030;
7. 6.83 CFS on 320 Acres, License No. 47-7039;
8. 4.55 CFS on 360 Acres, License No. 47-2261;
9. 3.33 CFS on 266 Acres, License No. 51-2444;
10. 3.49 CFS on 279 Acres, License No. 51-2445.

COPY

In my office and recorded
in Book
of
MICHAEL A. PENN
of
Twin Falls, Idaho
Fee \$ 10 Deputy
return to

State of Idaho
Co. of Twin Falls } ss
I hereby certify that
this inst. filed for
record at office of
this
May 8, 1986

RECEIVED
JUN 16 1986

900902

Department of Water Resources

TOGETHER WITH all the improvements, privileges and appurtenances thereunto belonging and the rents, issues and profits thereof, and all rights of homestead exemption, and all ditch and water rights of every nature, however evidenced, owned by said mortgagor or belonging to or with, leading to, connected with, or usually had and enjoyed in connection with said premises or any part or parts thereof, together with any and all fixtures upon said premises at the time of execution of this mortgage, or at any time during the term thereof, including but not limited to all apparatus and fixtures of every description for watering, lighting and heating said premises

The mortgagor shall be entitled to the rents, issues, and profits of the real property hereby mortgaged unless and until he defaults hereunder. Immediately following a default the mortgagee shall be entitled to the rents, issues, and profits of said real property, and the same are hereby assigned to the mortgagee from and after the date of said default

This grant is intended as a mortgage:

(1) To secure payment of the principal sum of -Two Million Three Hundred Thousand and no/100-

Dollars

In lawful money of the United States evidenced by and according to the terms of a promissory note executed and delivered by
THOMAS C. McCLAIN FARMS, INC.

as maker, said note being
made, executed and delivered to the mortgagee herein as payee, and in form and substance as follows, to-wit:

Thomas C. McClain Farms, Inc.

015-835-1157

014

Buhl, IDAHO, May 1, 1986 \$ -2,300,000.00-

On demand or March 1, 1987, after date, for value received, I, we, or either of us, promise to pay to THE IDAHO FIRST NATIONAL BANK, or order, at its Buhl Office at Buhl, Idaho, the sum of -Two Million Three Hundred Thousand and no/100- DOLLARS in lawful money of the United States, payable, together with interest thereon computed on the daily outstanding unpaid balance at a rate per annum equal to the Idaho First National Bank Base Agricultural which rate is changed from time to time and is effective as of the date of such change, plus -2.75- percent. Interest is payable quarterly beginning June 1, 1986. If default be made in the payment of any installment of principal, or of any interest payment, the whole unpaid balance of said principal and the accrued interest shall become immediately due at the option of the holder hereof. In case suit or action is instituted to collect this note, or any portion thereof, I, we, or either of us, promise to pay, besides all costs of collection, a reasonable attorney's fee to be fixed by the court. Any unpaid balance after maturity, including principal and interest and late charges, shall bear interest at the maximum rate allowable by law. Presentment, demand of payment, protest, and notice of non-payment and of protest, are hereby waived.

ADDRESS P. O. Box 346, Buhl, ID 83316

THOMAS C. McCLAIN FARMS, INC.

NO 10889

By: Thomas C. McClain
Thomas C. McClain, President

SECURITY S/A Crops & Equipment dtd 5-1-86;
Real Estate Mortgages & Deeds of Trust dtd 5-1-86
SECURITY AGREEMENT DATED _____

CR00840 (IN 37) STRAIGHT MATURITY - FLOATING RATE

208 570 710

23,000 Com. Loan Fee

(2) To secure payment of any and all extensions or renewals, and successive extensions or renewals of the note above described, or of the indebtedness represented by the same, and of any other indebtedness at any time secured by this mortgage, whether represented by notes, drafts, open accounts or otherwise, and all the interest on all the same, all of which extensions or renewals shall be optional with the mortgagee, but at the mortgagee's option may be made by new notes or otherwise, and at, before or after maturity, and for all of which this mortgagee's option may be made by new notes or otherwise, and at, before or after maturity, and for all of which this mortgage shall stand as a continuing security until paid.

(3) To secure payment of any note or notes given by said mortgagor to said mortgagee for future loans and advances to the amount of, but not in excess of, -Three Million Five Hundred Thousand and no/100----- Dollars, which the said mortgagee may at its option make to the said mortgagor.

The mortgagor does jointly and severally covenant and agree that said premises are free and clear of all liens or encumbrances superior to this mortgage and to warrant and defend the same against the lawful claims and demands of all persons whomsoever.

The said mortgagor hereby covenants and agrees to pay, before the same become delinquent, all taxes and assessments upon said premises, or this mortgage, or debt secured thereby, and to exhibit receipts showing the payment thereof at the office of the holder of this mortgage within twenty days after such taxes or assessments become due and payable; also all personal taxes, and in event of default so to do, the holder hereof may pay the same, to keep the present building or buildings upon, and any which may hereafter be erected upon said premises, insured against fire in a sum not less

than -Zero- Dollars,

with loss, if any, payable to the said mortgagee, or assigns, in some company to be approved by the mortgagee, and deliver all policies and renewals thereof to it, and said policies are hereby assigned to the mortgagee as additional security for the payments of the indebtedness secured hereby, and in event of default of the mortgagor to obtain and keep in force the insurance on said premises, the holder hereof may at its option insure the same in such amount as it may deem desirable. Nothing herein shall be deemed to hold the mortgagee responsible for failure to have insurance placed or for any loss growing out of any defect in any policy or because of failure of any insurance company to pay for any loss or damage insured against.

FILED

In case of the foreclosure hereof the mortgagor agrees to pay, in addition to the costs and disbursements allowed by law, such sum as the court may adjudge reasonable as an attorney's fee in said action, said sum to be a lien upon the said premises and due and payable when suit is begun. The plaintiff in such suit of foreclosure shall be entitled without notice, to the appointment of a receiver to collect and receive the rents, issues and profits of the mortgaged premises, and to exercise such other powers as the court shall confer. It is also agreed that should this mortgage be foreclosed, then in the decree of foreclosure entered in such action, the property described therein may be sold en masse, or as more than one lot or parcel, at the option of the mortgagee. In the event of sale on foreclosure of this mortgage, should the premises sell for less than the sum required to satisfy the entire indebtedness and all costs, the deficiency shall stand as a judgement against the mortgagor and be collectible in the manner provided by law, and the mortgagor further agrees that the amount for which said mortgaged property may sell at foreclosure sale upon lawful notice shall be conclusively deemed in any foreclosure suit to be the reasonable value of such property

Said mortgagor further covenants and agrees to keep the improvements erected or to be erected on said premises, in good order and repair, and to commit or suffer no waste of the mortgaged premises.

The mortgagor agrees that he will not sell and convey the mortgaged premises, or any part thereof or interest therein, during the life of this mortgage without the written consent of the mortgagee first had and obtained.

The Mortgagor also agrees to pay a "late charge" not to exceed two cents for each one dollar of each payment more than fifteen (15) days in arrears to cover extra expense involved in handling delinquent payments.

It is also agreed that the failure to pay when due any sum herein covenanted to be paid, or secured hereby, or the failure to comply with any one or more of the agreements hereof, shall cause the whole debt to become due and collectible at the option of the mortgagee, without notice, that all sums paid by the said mortgagee for insurance, taxes, rents or assessments, abstract charges, as well as any sum otherwise paid in the protection of the lien of this mortgage, shall bear interest from date of such payment at the rate of 2.75 per cent per annum, and shall be secured hereby and collected with said principal note. * 2.75 percent above the Idaho First National Bank Base Agricultural Rate, floating

And also that the mortgagee may at any time, without notice, release portions of said mortgaged premises from the lien of this mortgage without affecting the personal liability of any person for the payment of said indebtedness or the lien of this mortgage upon the remainder of the mortgaged premises for the full amount of said indebtedness then remaining unpaid.

This mortgage and the note secured hereby shall be governed and construed according to the laws of the State of Idaho at the date of execution.

The mortgagor agrees that in the event of the passage after the date of this mortgage of any law of the State of Idaho deducting from the value of property for the purpose of taxation, any lien thereon, or changing in any way the laws now in force for the taxation of mortgages or debts secured thereby for State or Local purposes, or the manner of the collection of any such taxes so as to affect the interest of the owner and holder of this mortgage, then the whole of the principal sum secured by this mortgage, together with the interest due thereon shall at the option of the owner and holder of this mortgage, without notice to any party, become immediately due and payable.

The word "mortgagor" and the language of this instrument shall, where there is more than one mortgagor, be construed as plural, and be binding equally on all mortgagors; and the word "mortgagee" shall be construed as including any lawful holder hereof, and both the words "mortgagor" and "mortgagee" shall be construed as including the heirs, executors, administrators, successors and assigns of each, as the case may be.

IN WITNESS WHEREOF, the said mortgagor has _____, hereunto set its hand and seal this 1st day of May, 19 86

Signed, sealed and delivered in the presence of THOMAS C. McCLAIN FARMS, INC. (SEAL)
By: Thomas C. McClain (SEAL)
Thomas C. McClain, President (SEAL)

FILED

INDIVIDUAL ACKNOWLEDGEMENT
PARTNERSHIP ACKNOWLEDGEMENT
CORPORATION ACKNOWLEDGEMENT

STATE OF IDAHO,

ss

COUNTY OF _____

On this _____ day of _____, in the year 19____, before me _____

_____, a notary public in and for said State of Idaho, personally

appeared _____

known or identified to me (or proved to me on the oath of _____) to be the person _____

whose name _____ subscribed to the within instrument and acknowledged to me that _____ he _____
executed the same.

Notary Public for Idaho,

Residing at _____

My commission expires _____

STATE OF IDAHO,

ss

COUNTY OF _____

On this _____ day of _____, in the year 19____, before me _____

_____, a notary public in and for said State of Idaho, personally

appeared _____

known or identified to me (or proved to me on the oath of _____), to be one

of the partners in the partnership of _____, and the partner or one of the
partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he ex-
ecuted the same in said partnership name.

Notary Public for Idaho,

Residing at _____

My commission expires _____

STATE OF IDAHO,

ss

COUNTY OF Twin Falls

On this 1st day of May, in the year 19 86, before me _____

the undersigned, a notary public in and for said State of Idaho, personally

appeared Thomas C. McClain

known or identified to me (or proved to me on the oath of _____), to

be the President of the corporation that
executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged
to me that such corporation executed the same.

Notary Public for Idaho,

Residing at Twin Falls, Buhl, Idaho

My commission expires Continuous 9-2-87

No _____

Real Estate Mortgage

From _____

to _____

Office of County Recorder _____

County of _____ ss.

State of _____

I hereby certify that the within mortgage

was filed in this office for the record on the

day of _____, A.D.

19____ at _____ o'clock _____ m.,

and was duly recorded in Book _____

_____ of Mortgages, page _____

_____ of County Records

Recorder.

Deputy

RECORDED

EXHIBIT "A"

PARCEL I - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 12 East of the Boise Meridian, Twin Falls
County, Idaho

SECTION 24: $E\frac{1}{2}NE\frac{1}{4}$; $NE\frac{1}{2}SE\frac{1}{4}$

Township 9 South, Range 13 East of the Boise Meridian, Twin Falls
County, Idaho

SECTION 19: Lots 1 and 2; $E\frac{1}{2}NW\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$

PARCEL II - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 12 East of the Boise Meridian, Twin Falls
County, Idaho

SECTION 25: $SW\frac{1}{4}NW\frac{1}{4}$

SECTION 26: $N\frac{1}{2}NW\frac{1}{4}$; $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}$

COPY

PARCEL IV - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 12 East of the Boise Meridian, Twin Falls
County, Idaho

SECTION 26: $S\frac{1}{2}SW\frac{1}{4}$; $SE\frac{1}{4}$

SECTION 35: That portion of the Southeast quarter of Section 35 described
as follows, to-wit:

CONTINUED

THOMAS C. MCCLAIN FARMS, INC.

By: Thomas C. McClain
Thomas C. McClain, President

EXHIBIT "A" CONTINUED

BEGINNING at the Southeast corner of Section 35, Township 9 South, Range 12 East of the Boise Meridian; THENCE North $0^{\circ} 01'$ West, along the East boundary line of said Section 35 a distance of 2641.07 feet to the East quarter corner of said Section 35; THENCE South $89^{\circ} 52'$ West along the North boundary line of the Southeast quarter of said Section 35 a distance of 1397.5 feet to a point on the centerline of an existing private road; THENCE South $42^{\circ} 48'$ East 481.1 feet, along the centerline of said private road; THENCE South $11^{\circ} 26'$ East 1095.4 feet, along the centerline of said private road; THENCE South $35^{\circ} 06'$ East 1484.3 feet, along the centerline of said private road to the point of beginning.

Township 10 South, Range 12 East of the Boise Meridian, Twin Falls County Idaho

SECTION 1: Lot 4; $S\frac{1}{2}NW\frac{1}{4}$; $SW\frac{1}{2}NE\frac{1}{4}$; $E\frac{1}{2}SW\frac{1}{4}$; $W\frac{1}{2}SE\frac{1}{4}$; and the North 400 feet of the $NW\frac{1}{4}SW\frac{1}{4}$

PARCEL V - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 12 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 35: $NE\frac{1}{4}$; $N\frac{1}{2}NW\frac{1}{4}$; $SE\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}SW\frac{1}{4}$

EXCEPT that portion thereof described as follows:

A tract of land in the $SW\frac{1}{4}NE\frac{1}{4}$, the $SE\frac{1}{2}NW\frac{1}{4}$ and the $NE\frac{1}{4}SW\frac{1}{4}$ of Section 35, Township 9 South, Range 12 East of the Boise Meridian, Twin Falls County, Idaho, described as follows:

BEGINNING at the quarter corner common to Sections 35 and 36, Township 9 South, Range 12 East of the Boise Meridian; THENCE South $89^{\circ} 52'$ West, a distance of 1397.5 feet to the True Point of Beginning, said point being on the centerline of an existing private road and on the North boundary line of the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 35; THENCE North $42^{\circ} 48'$ West, a distance of 60.0 feet along the centerline of said road; THENCE North $47^{\circ} 58'$ West, a distance of 948.0 feet along the centerline of said road; THENCE North $15^{\circ} 08'$ West, a distance of 421 feet along the centerline of said

CONTINUED

THOMAS C. MCCLAIN FARMS, INC.

By Thomas C. McClain
Thomas C. McClain, President

EXHIBIT "A" CONTINUED

road; THENCE North $46^{\circ} 28'$ West, a distance of 229.4 feet along the centerline of said road to a point; THENCE South $53^{\circ} 42'$ West, a distance of 1138.8 feet along the centerline of said road; THENCE South $34^{\circ} 44'$ East, a distance of 693.1 feet to a point on the centerline of said road; THENCE South $25^{\circ} 23'$ East, a distance of 381.8 feet to a point on the centerline of said road; THENCE South $8^{\circ} 06'$ East, a distance of 984.9 feet to the 1/16 corner, said corner being the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35; THENCE North $0^{\circ} 01'$ West, a distance of 1320.5 feet along the East boundary line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northeast corner of said 40 acre tract (NE $\frac{1}{4}$ SW $\frac{1}{4}$); THENCE North $89^{\circ} 52'$ East along the South boundary line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, a distance of 1241.65 feet to the Point of Beginning.

PARCEL VI - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 12 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Township 10 South, Range 12 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 11: Lots 1, 2 and 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$

SECTION 12: S $\frac{1}{2}$ NE $\frac{1}{4}$

PARCEL VII - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 12 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 36: SW $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL VIII - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 10 South, Range 12 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 12: N $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$

CONTINUED

THOMAS C. MCCLAIN FARMS, INC.

By Thomas C. McClain
Thomas C. McClain, President

EXHIBIT "A" CONTINUED

PARCEL X - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 13 East of the Boise Meridian, Twin Falls
County, Idaho

SECTION 19: E $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 30: NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL XI - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 13 East of the Boise Meridian, Twin Falls
County, Idaho

SECTION 30: Lots 3 and 4; E $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$

SECTION 31: Lots 1 and 2; E $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL XII - RECORD OWNER: Thomas C. McClain Farms, Inc.

Township 9 South, Range 13 East of the Boise Meridian, Twin Falls
County, Idaho

SECTION 29: NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$

SECTION 30: E $\frac{1}{2}$ NE $\frac{1}{4}$

EXCEPT all minerals in or under the above described Parcels I thru XII
inclusive including but not limited to metals, oil, gas, coal, stone and
mineral rights, mining rights and
easement rights or other matters relating thereto whether expressed or
implied.

THOMAS C. MCCLAIN FARMS, INC.

By Thomas C. McClain
Thomas C. McClain, President

WATER RIGHT NUMBER 51-2258

OWNER LAST NAME - MC CLAIN

FIRST NAME - THOMAS C.

ORIG OWNER -

OWNER LAST NAME - BOYLE

FIRST NAME - DARWIN L.

ORIG OWNER -

OWNER LAST NAME - BOYLE

FIRST NAME - ESTHER A.

ORIG OWNER -

ADDRESS LINE 1 - P.O. BOX 464

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BUHL

STATE - ID ZIP CODE - 83316

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 09-23-1965

COUNTY - TWIN FALLS

TOTAL DIV. RATE -

2.5000 -CFS

TOTAL DIV. VOLUME -

2656.00 AFA TRFR/AMEND -

WATER DIST. -

OLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESW 35 09S 12E LOT RELIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE DIV. RATE -

2.5000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 09S RNG 12E SEC 25

TRACT SNNW LOT

AC 10 TRACT

NESW LOT

AC 25

TRACT NWSW LOT

AC 25 TRACT

SWSW LOT

AC 15

TRACT SESW LOT

AC 13 TRACT

NESE LOT

AC 40

TRACT NWSE LOT

AC 40 TRACT

SWSE LOT

AC 25

TRACT SESE LOT

AC 25

PLACE OF USE - TWN 09S RNG 13E SEC 31

TRACT NENW LOT

AC 35 TRACT

NWNW LOT

AC 12

TRACT SNNW LOT

AC 14 TRACT

SENW LOT

AC 38

USE - IRRIGATION

PLACE OF USE - TWN 09S RNG 13E SEC 30

TRACT NESW LOT

AC 18 TRACT

NWSW LOT

AC 12

TRACT SWSW LOT

AC 22 TRACT

SESW LOT

AC 40

TRACT NWSE LOT

AC 15 TRACT

SWSE LOT

AC 40

USE - IRRIGATION

PLACE OF USE - TWN 09S RNG 12E SEC 26

TRACT NENE LOT

AC 36 TRACT

NENE LOT

AC 40

TRACT SWNE LOT

AC 20 TRACT

SENE LOT

AC 34

TRACT NENW LOT

AC 40 TRACT

NWNW LOT

AC 20

TRACT SENW LOT

AC 10

DATE -

TOTAL ACRES

654

DECKEE NAME -

REMARKS - 2 P/O IN NESW, S35, T9S, R12E.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE - LIC. 51-2259.

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 32530

PROOF MADE -

FLU EXAM -

COND. OF APPROVAL - DIA 03A 10

DIVERSION MEANS -

November 30, 1970

Thomas C. McClain, et al
Box 464
Buhl, Idaho 83316

Gentlemen:

Returned herewith is Departmental Receipt No. 5373 in the amount of
\$15.00 for amendments (#47-2408, 47-2375 and 47-2380),

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

17 2408

IDAHO LAND & APPRAISAL SERVICE

HARLEY M. MCDOWELL
E. J. MCDOWELL
MGR. OWNERS

633 N. 4TH

BOISE, IDAHO 83701

P. O. Box 1603
PHONE 344-2547

MERVIN J. CHRISTENSEN
(LICENSED SURVEYOR)

JOSEPH J. THACKABERRY

ROBERT W. SMITH

ALL PROPERTY APPRAISALS
CUSTOM DRAFTING, MAPPING
LAND PURCHASES
OIL AND GAS LEASES

GRAZING MANAGEMENT
FEDERAL LAND APPLICATIONS
WATER FILINGS & PROOF
STATE LAND LEASES & ASSIGNS

November 30, 1970

Mr. Bobby D. Fleenor
Assistant Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Fleenor:

RE: Permits 47-2380, 47-2375, 47-2408 and 47-2378

Enclosed herewith please find the signed amendments for the above designated water permits, as prepared by your department at your instruction.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE


Harley M. McDowell

ls

encl

P.S. Also enclosed is a check in the amount of \$5 to cover the fee for your amendment 47-2378; and a check in the amount of \$15 to cover the fee for your amendments 47-2408, 47-2375, and 47-2380.

17 2408

IDENT. NO. 51-2255

ID A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

FEDERAL LAND BANK ASSOCIATION OF TWIN FALLS

P. O. BOX 288 249 THIRD AVENUE EAST TWIN FALLS, IDAHO 83301

TELEPHONE: 733-2577



W. R. NUTTING, MANAGER

June 25, 1971

Mr. Donald W. McEldowney
Appropriation Supervisor
State Department of Water Administration
Statehouse, Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

George Anthony has made application for a loan on the N $\frac{1}{2}$ S $\frac{1}{2}$, SWSE, SESW of Section 34, Twp. 9S, Rng. 12 EBM and on lots 2 and 3 of Section 3, Twp. 10S, Rng. 12 EBM. Part of this land together with land owned by George Anthony, Sr. is irrigated from two wells under license 47-2368. One of these wells is in the northeast corner of the NESE, Section 34 and the other is in the SWNW, Section 35, Twp. 9S, Rng. 12 EBM. The copy of the license, which I have, shows 2.24 CFS. It was my understanding that application has been made for additional 2.6 CFS of water under this license. Has this application been granted?

There is another well in the southeast corner of the NESE of said Section 34. Has application for license been made on this well? If so, for how much water?

Very truly yours,

W. R. Nutting
W. R. Nutting
Manager

*Answered By
Phone
D*

WRN:fk

*32530 47-2408
31290 47-2375
47-2072
2085 Don*

47 2408



November 10, 1970

Permit No. 47-2408 - 2.5 c.f.s. of water from two wells for irrigation purposes within the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 25, T. 9 S., R. 12 E., B.M., SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 30; NW $\frac{1}{4}$ Sec. 31, T. 9 S., R. 13 E., B.M. The priority date established is September 23, 1965. The maximum quantity of water diverted shall not exceed 2,656 acre feet per season when combined with Permit No. 47-2375.

If you do not concur with these findings, please advise us within 10 days; otherwise a license will be issued as set forth in this letter upon receipt of the amendments.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

cc. Idaho Land & Appraisal Service
Box 1603
Boise, Idaho 83702

17 2408

November 12, 1970

Re: Permit Nos. 47-2375 (G-31290)
47-2408 (G-32530)

Thomas C. McClain, Darwin L. Boyle & Esther A. Boyle
Box 464
Buhl, Idaho 83316

Dear Sirs and Madam:

A field examiner from our Department has examined the land and works covered by your two above referenced permits. His inspection indicated that you are diverting water from two wells within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35 rather than only one well as your permits now list. In order to have both wells covered by your water licenses it will be necessary for you to amend your permits. We are enclosing two partially completed amendments for your use in this matter. Please sign these amendments and return them with a \$5 filing fee for each amendment or a total of \$10.

As soon as we are in receipt of these two completed amendments and proper fees we are prepared to license these permits as follows:

Permit No. 47-2375 - 4.86 c.f.s. of water from two wells for irrigation purposes within the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26; SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 25 T. 9 S., R. 12 E., B.M.; SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 30; NW $\frac{1}{4}$ Sec. 31 T. 9 S., R. 13 E., B.M. The priority date established is July 25, 1963. The maximum quantity of water diverted shall not exceed 2,656 acre feet per season when combined with Permit No. 47-2408.

17 2408

December 15, 1970

Re: Permit No. 32530/47-2408 - Thomas C. McClain
- Darwin L. Boyle
- Esther A. Boyle

Darwin L. Boyle
Buhl, Idaho 83316

Dear Mr. Boyle:

This letter is to notify you as a permit holder in the Blue Gulch area that a portion of the land west of Salmon Falls Creek has been declared a critical ground-water area and closed to further appropriation of ground water. This designation went into effect December 9, 1970 and will remain until it is shown that ground-water withdrawals do not exceed the estimated natural recharge to the area.

A public hearing will be held at the Buhl Senior High School, January 7, 1971 at 8:00 P.M., to accept any testimony or comment regarding the closure. A copy of the notice and hearing and description of the area is enclosed for your information.

Very truly yours,

Sheri L. Chapman
Acting Assistant Director

SLC:rh

Enc.

cc: Darwin L. Boyle
Esther A. Boyle

17 2408

January 15, 1971

Re: Permits Nos. 47-2375 (C-31290)
47-2408 (C-32530)

Thomas C. McClain, Darwin L. Boyle & Esther A. Boyle
Box 100
Buhl, Idaho 83316

Dear Sirs and Madam:

Enclosed herewith are the Water Licenses issued on the above numbered permits. Also enclosed are copies of the approved amendments to these permits.

Very truly yours,

BOBBY D. FLITNER
Assistant Director

BDF:kh

Enclosures

cc. Idaho Land & Appraisal Service

47-2408

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32530/47-2408

REPORT ON PROOF OF Thomas C. McClain, Darwin L. Boyle, Esther A. Boyle

17 2408

No.

GE Motor

Model	3K621F-A
-------	----------

HP 400

460V	453A	14.20K
------	------	--------

1725 RPM

Serial ACJ118003

Pump:

1.4' Linn tayne & Co.

4. GPM 2:4

1170 RPM

№ 16 КНН

Serial: D16670

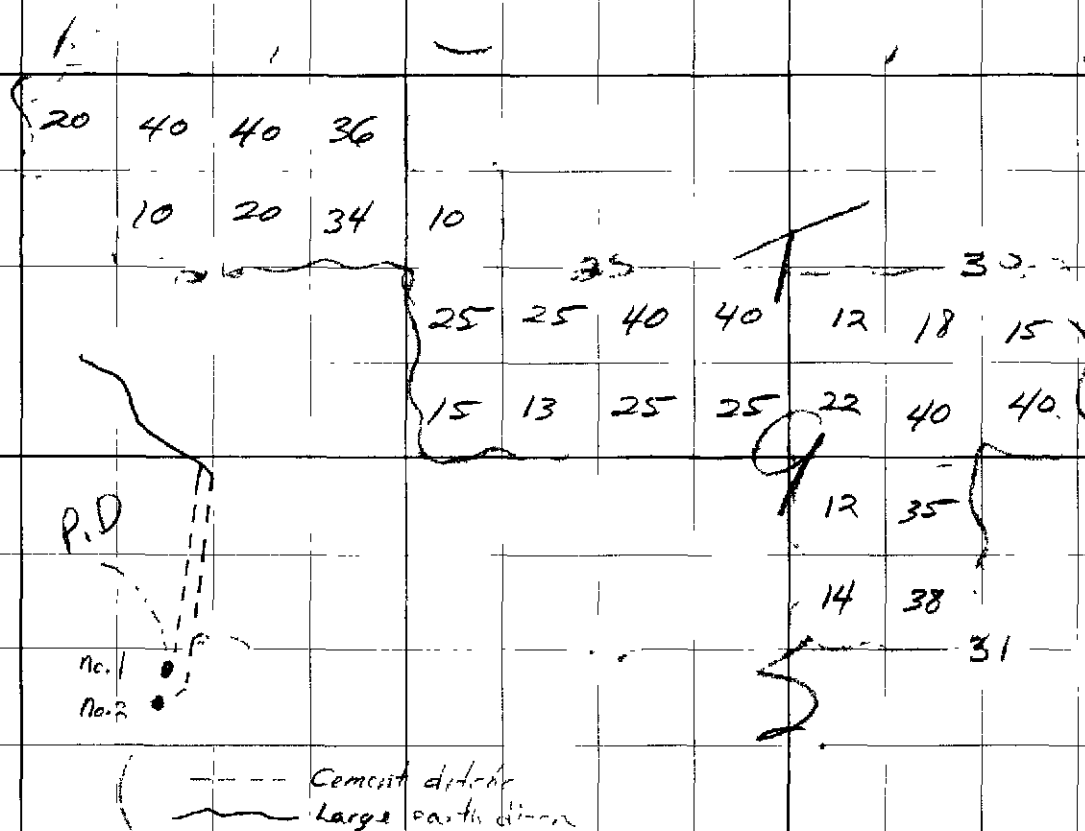
A ment found 14.18 gms

∴ Area = 664 acres

$$= Q = \underline{2.5 \text{ c.f.s}}$$
$$V = 4 \times 664 = \underline{2656} \text{ AF in.}$$

~~1616 - 2521 + 295 = 1225 AD~~
Acce Rec: 4 Date: rec under of 1-2375

Sub: 26



PROB. 5	PROB. 6	PROB. 7	PROB. 8	PROB. 9	PROB. 10	PROB. 11	PROB. 12	PROB. 13	PROB. 14	PROB. 15	PROB. 16	PROB. 17	PROB. 18	PROB. 19	PROB. 20	PROB. 21	PROB. 22	PROB. 23	PROB. 24	PROB. 25	PROB. 26	PROB. 27	PROB. 28	PROB. 29	PROB. 30	PROB. 31	PROB. 32	PROB. 33	PROB. 34	PROB. 35	PROB. 36	PROB. 37	PROB. 38	PROB. 39	PROB. 40	PROB. 41	PROB. 42	PROB. 43	PROB. 44	PROB. 45	PROB. 46	PROB. 47	PROB. 48	PROB. 49	PROB. 50	PROB. 51	PROB. 52	PROB. 53	PROB. 54	PROB. 55	PROB. 56	PROB. 57	PROB. 58	PROB. 59	PROB. 60	PROB. 61	PROB. 62	PROB. 63	PROB. 64	PROB. 65	PROB. 66	PROB. 67	PROB. 68	PROB. 69	PROB. 70	PROB. 71	PROB. 72	PROB. 73	PROB. 74	PROB. 75	PROB. 76	PROB. 77	PROB. 78	PROB. 79	PROB. 80	PROB. 81	PROB. 82	PROB. 83	PROB. 84	PROB. 85	PROB. 86	PROB. 87	PROB. 88	PROB. 89	PROB. 90	PROB. 91	PROB. 92	PROB. 93	PROB. 94	PROB. 95	PROB. 96	PROB. 97	PROB. 98	PROB. 99	PROB. 100				
PROB. 1	PROB. 2	PROB. 3	PROB. 4	PROB. 5	PROB. 6	PROB. 7	PROB. 8	PROB. 9	PROB. 10	PROB. 11	PROB. 12	PROB. 13	PROB. 14	PROB. 15	PROB. 16	PROB. 17	PROB. 18	PROB. 19	PROB. 20	PROB. 21	PROB. 22	PROB. 23	PROB. 24	PROB. 25	PROB. 26	PROB. 27	PROB. 28	PROB. 29	PROB. 30	PROB. 31	PROB. 32	PROB. 33	PROB. 34	PROB. 35	PROB. 36	PROB. 37	PROB. 38	PROB. 39	PROB. 40	PROB. 41	PROB. 42	PROB. 43	PROB. 44	PROB. 45	PROB. 46	PROB. 47	PROB. 48	PROB. 49	PROB. 50	PROB. 51	PROB. 52	PROB. 53	PROB. 54	PROB. 55	PROB. 56	PROB. 57	PROB. 58	PROB. 59	PROB. 60	PROB. 61	PROB. 62	PROB. 63	PROB. 64	PROB. 65	PROB. 66	PROB. 67	PROB. 68	PROB. 69	PROB. 70	PROB. 71	PROB. 72	PROB. 73	PROB. 74	PROB. 75	PROB. 76	PROB. 77	PROB. 78	PROB. 79	PROB. 80	PROB. 81	PROB. 82	PROB. 83	PROB. 84	PROB. 85	PROB. 86	PROB. 87	PROB. 88	PROB. 89	PROB. 90	PROB. 91	PROB. 92	PROB. 93	PROB. 94	PROB. 95	PROB. 96	PROB. 97	PROB. 98	PROB. 99	PROB. 100

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-32530/47-2408

This proof is for 6.0 cfs PROOF - 2.5 cfs In Water District No. _____

1. Name of applicant Thos. C. McClain, Darwin L. & Esther A. Boyle, Box 464, Buhl, Idaho

2. Source of water supply: ground-water

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35
T. 9 S R. 12 E, B. M. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: _____
well, turbine pump, and motor.

PROOF - 400 HP motor; 800 feet deep; 20" x 110' casing; static level 295'

DRIGITS - 14.18 cfs - 1208 acres
1208 acres - 1208 acres

5. Water is used for: irrigation

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

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

	PROOF
<u>SW$\frac{1}{4}$NW$\frac{1}{4}$, S$\frac{1}{2}$, Sec. 25, T. 9 S, R. 12 E, B. M.</u>	<u>360 acres - 218 acres</u>
<u>NE$\frac{1}{4}$, N$\frac{1}{2}$NW$\frac{1}{4}$, SE$\frac{1}{4}$NW$\frac{1}{4}$, Sec. 26, T. 9 S, R. 12 E, B. M.</u>	<u>280 acres - 200 acres</u>
<u>SW$\frac{1}{4}$, W$\frac{1}{2}$SE$\frac{1}{4}$, Sec. 30, T. 9 S, R. 13 E, B. M.</u>	<u>240 acres - 147 acres</u>
<u>NW$\frac{1}{4}$, Sec. 31, T. 9 S, R. 13 E, B. M.</u>	<u>160 acres - 99 acres</u>
<u>TOTAL</u>	<u>1040 acres - 664 acres</u>

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

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

Remarks: P.D. is in Sec 35 NE SW 9 S 12 E. there
are 2 wells which supply 14.18 cfs. these wells
supply water for permits 47-2408, 47-2380, 1208 acres
47-2375, 47-2378. Measured with stream in can +
ditch. Recommend 2.5 cfs for this license. CW McClain
was present at exam. The wells pump into can it water
for approx 100,000 ft. floor into a large earth ditch
to supply water for 1208 acres. All lands are flood
irrigated.

This examination was made on the _____ day of June, 1970

(Signed) Frank E. ... Examiner.

17 2408

AD 7/8/70

1208 acres
1208 acres
1208 acres

Permit No. G-32530/47-2408

Examination for b/u - Thos. McClain, Darwin Boyle,

Esther Boyle

County Twin Falls

Sec. 35 T. 9S R. 13E

Quantity: 6.0 cfs PROOF - 2.5 cfs

INSTRUCTIONS TO EXAMINERS

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

Source: ground-water

P.D.: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, 9S-12E

Use: irrigation

~~EXTENSION:~~

~~Protest:~~

~~Completion of Work:~~

~~Other Rights:~~

Filed: 9-23-65 Made: 7-2-69

Due: 9-28-70 Priority: 9-23-65

~~Due:~~

17 2408

October 21, 1969

Re: Permit No. G-32530/47-2408 - Thomas C. McClain, Darwin L. Boyle,
and Esther A. Boyle

Mrs. Thomas C. McClain
Box 346
Buhl, Idaho 83316

Dear Mrs. McClain:

We acknowledge receipt of the affidavit of publication submitted
in connection with the above referenced permit.

Before a license can be issued, a field examination must be made
by a representative from this Department.

We cannot tell just when this examination will be made, but our
examiner will try to contact you at the time he makes the examination.
If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

*Exam made
June 9, 70*
32530
47-2408

September 11, 1969

Re: Permit No. G-32530 - Thomas C. McClain, Darwin L. Boyle & Esther A. Boyle

Buhl Herald
Box 312
Buhl, Idaho 83316

Gentlemen:

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

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

The expense of the publication is to be paid by Thomas C. McClain
Darwin L. Boyle & Esther A. Boyle, Box 464, Buhl, Idaho,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

32530
47-2408

September 11, 1969

Re: Permit No. G-32530 (New No. 47-2408)

Darwin L. Boyle & Esther A. Boyle
Thomas C. McClain
Box 464
Buhl, Idaho 83316

Dear Sirs and Madam:

The legal notice for the above referenced permit is being published in the ~~Buhl Herald, Buhl, Idaho,~~
on ~~September 18~~ and ~~September 25, 1969.~~

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32530
47-2408

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Thomas C. McClain, Darwin L. Boyle and
Esther A. Boyle, Box 464, Buhl, Idaho, / ~~has~~ have received an approved permit no.
G-32530 issued by the Idaho State Reclamation Department authorizing the
diversion ~~storage~~ of 6.0 cubic feet per second ~~acre/feet/per/annum~~
of water from a ground water source,
subject to all prior rights. The priority to be established under this permit is
Sept. 23, 1965 and the permit was approved Sept. 28, 1965.
Water is to be diverted by well, pump and motor
from a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 9 S, R. 12 E, B.M., Twin Falls
County
to be used for irrigation
in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 25; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T. 9 S, R. 12 E, B.M.
and in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$, Sec. 31, T. 9 S, R. 13 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the
Department on or before September 28, 1970. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Buhl Herald, Buhl, Idaho on
September 18 and September 25, 1969.

State Reclamation Engineer:

Permit No. G-32530

You are hereby authorized to have the attached notice published at my expense in
the Buhl Herald of Buhl, Idaho;
published in the county in which the works are situated.

Thomas C McClain
(Signature)

Box 346
(Address)
July 18 1969
(Date)

32530
47-2408

RECEIVED

JUL 18 1968

Department of Reclamation

RULES OF PRACTICE AND PROCEDURE

Adopted - August 1, 1968

INSTRUCTIONS FOR ADVERTISING

Rules of Practice and Procedure, adopted August 1, 1968, require that a notice be published at your expense by the Department of Reclamation. The notice will advise that your permit has been issued and gives the public a chance to protest the intent of the permit.

Attached is a copy of the proposed notice of publication and an authorization for the Department to publish the notice at your expense. Please review the proposed notice and if you agree with its contents, sign the authorization form and return it with the notice of publication to this office.

If a major discrepancy exists in the proposed notice, please advise this department by return mail so that we may assist you in clarifying the issue.

*The Buckl Herald is forwarding
to your office the notice of publication.*

Mrs. Tom McClain

47-2408

32530

July 11, 1969

Re: Permit No. G-32530

Thomas C. McClain, Darwin L. Boyle, Esther A. Boyle
P.O. Box 464
Buhl, Idaho

Dear Sirs and Madam:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for permit G-32530.

As of this date, we have not yet received the advertising authorization for the above referenced permit. Upon receipt of the authorization we can go ahead with the advertising and continue to process this permit for a license.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

cc: Idaho Land & Appraisal Service

*Admission p. charge - sent
to Buhl 6/11/69*

47-2408
7-25-69

August 18, 1969

Re: Permit No. G-32530
Thomas C. McClain, Darwin L. Boyle and Esther A. Boyle

Buhl Herald
Box 312
Buhl, Idaho 83316

Gentlemen:

On July 18th, 1969, Mrs. Tom McClain advised the Department that the legal notice for the above referenced permit had been advertised in your paper and that you would forward an affidavit of publication to this Department.

Has this legal notice been published? If so, would you please forward an affidavit to the Department as soon as possible. If not, please advise so that we might have a legal notice published.

Your prompt attention to this matter will greatly be appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

47-2408
32530

September 8, 1969

Re: Permit No. G-32530 - Thomas C. McClain
Darwin L. Boyle
Esther A. Boyle

Buhl Herald
Box 312
Buhl, Idaho 83316

Gentlemen:

Pursuant to our letter of August 18, 1969, copy enclosed, you were informed that Mr. Thomas McClain advised the department that the legal notice for the above referenced permit had been advertised in your paper, and that you would forward an affidavit of publication to this department. As of this date, we have not received the affidavit, or an answer to our letter.

Pursuant to our requirements, this permit would be ready to license, but NO license can be issued without the affidavit of publication.

Publication was made prior to July 11, 1969. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Copy of letter - 8-18-69

cc. Thomas C. McClain
Darwin L. Boyle
Esther A. Boyle
P. O. Box 464
Buhl, Idaho 83316

47-2408
32530

Identification No. _____

Permit No. G-32530

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Thomas C. McClain, Darwin L. Boyle, Esther A. Boyle
b) Post Office Address P.O. Box 464, Buhl, Idaho
2. Permit Number G-32530
3. Date of Priority that you are prepared to establish September 23, 1965
4. a) Source from which water was appropriated subterranean
b) Location of the point of diversion: NE 1/4 SW 1/4, Section 35
Township 9 S, Range 12 E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 2.5 for irrigation purposes from April 1 to October 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 2.5 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Layne-Bowler Pump Co.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: private ditch and ditch owned jointly with other members of the family
b) Describe the agreement or understanding by which you take water from the works: an operating agreement drawn up by an attorney, which passed the requirements of the BLM for desert entry.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 400 hp motor; 800 feet deep; 20" x 110" casing; static water level 295'.
b) Describe the type and size of measuring device which you have installed at your point of diversion: cement weir
c) Give well drillers name and address and date the well was completed Dale Gilbert completed 12/22/64

32530

47-2408

W.B. JWS
2000-1-12-14
21-69
JWS

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use irrigation only

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9 S	12 E	25							10		25	25	15	13	40	40	25	25	218
9 S	13 E	30									18	12	22	40		15	40		147
9 S	13 E	31					35	12	14	38									99
9 S	12 E	26	36	40	20	34	40	20		10									200

Total number of acres irrigated 664

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

Darwin L. Boyle
Darwin L. Boyle
3 June - 1969
(Date)

Esther A. Boyle
Esther A. Boyle
Thomas C. McClain
(Signature)

State of Idaho)
County of Twin Falls) ss.

On this 3rd day of June, 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Eugene H. Christofferson
Notary Public residing at Full, Idaho

My commission expires Feb 1972

17-25-156

July 3, 1969

Thomas C. McClain, Darwin L.
Boyle, Esther A. Boyle
Box 464
Buhl, Idaho

Re: Permit No. G-32530

Dear Sirs and Madam:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for permit G-32530.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Order
Advertising package

47-240-8

LEGAL
NOTICE OF EXISTING WATER
PERMIT

Notice is hereby given that Thomas C. McClain, Darwin L. Boyle and Esther A. Boyle, Box 464, Buhl, Idaho, have received an approved permit No. 32530 issued by the Idaho State Reclamation Department authorizing the diversion of 6.0 cubic feet per second of water from a ground water source, subject to all prior rights. The priority to be established under this permit is Sept 23, 1965 and the permit was approved Sept. 28, 1965. Water is to be diverted by well, pump and motor from a point within the NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 35, T 9 S, R 12 E. B.M., Twin Falls County to be used for irrigation in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 25; NE $\frac{1}{4}$, N $\frac{1}{2}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 26, T. 9 S, R. 12 E. B.M., and in the SW $\frac{1}{4}$, W $\frac{1}{2}$ -SE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$, Sec 31, T 9 S, R. 13 E. B.M. Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 28, 1970. Any protest against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

/s/ R KEITH HIGGINSON
32530 State Reclamation Engineer
Published in the Buhl Herald,
Buhl, Idaho, on September 18 and
September 25, 1969. *ole jms*
(36t2)

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32530)

in the name of Thomas C. McClain, Darwin L.)
Boyle, Esther A. Boyle, Box 464,
Buhl, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32530 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 9TH day of July, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32530

32530

IDAHO LAND & APPRAISAL SERVICE

HARLEY M. McDOWELL
E. J. McDOWELL
MGR OWNERS

633 N. 4TH

BOISE, IDAHO 83701

P. O. BOX 1603
PHONE 344-2547

MERVIN J. CHRISTENSEN
(LICENSED SURVEYOR)

JOSEPH J. THACKABERRY

ROBERT W. SMITH

ALL PROPERTY APPRAISALS
CUSTOM DRAFTING, MAPPING
LAND PURCHASES
OIL AND GAS LEASES

GRAZING MANAGEMENT
FEDERAL LAND APPLICATIONS
WATER FILINGS & PROOF
STATE LAND LEASES & ASSIGNS

July 1, 1969

Mr. R. Keith Higginson
State Reclamation Engineer
Idaho Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

RE: G-32530 - proof; G-31290 - proof; 27498 - amendment and proof

Dear Mr. Higginson:

Enclosed herewith please find the following:

1. Proof of Beneficial Use - G-32530, signed by Thomas C. McClain, Darwin L. Boyle and Esther A. Boyle.
2. Proof of Beneficial Use - G-31290, signed by Thomas C. McClain, Darwin L. Boyle and Esther A. Boyle.
3. Amendment to permit 27498, C. W. McClain, and a check in the amount of \$5.00 to cover the amendment fee.
4. Proof of Beneficial Use - 27498, signed by C. W. McClain.

If you have any questions, please advise.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

Harley M. McDowell

ls

encl

UTAH

32530

Re: Permit No. **G-32530**
~~Thomas C. McClain,~~
Darwin L. & Esther A. Boyle

October 6, 1965

**Mr. Harley M. McDowell,
Idaho Land & Appraisal Service,
Box 2161,
Boise, Idaho.**

Dear Mr. McDowell:

We enclose Permit No. **G-32530** in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. **G-9832** which was issued covering payment in the amount of \$ **10.75** for the filing fee of the above mentioned permit, ~~and for one~~ amendment and seven assignments in connection with Permit No. **G-29318** and **G-29152**.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

cc: **Thomas C. McClain,
Darwin L. & Esther A. Boyle
Box 464
Buhl, Idaho**

B 32530



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Land Office
P. O. Box 2237
Boise, Idaho

IN REPLY REFER TO

L:VSE
Idaho 014418

JUL 23 1964

NOTICE OF ALLOWANCE

Esther A. Boyle
1607 - 9th Ave. E.
Twin Falls, Idaho

Dear Mrs. Boyle:

Your Desert Land Entry, Serial No. Idaho 014418,
Receipt No. 840462, for Lots 3, 4, E1/4SW1/4, W1/4SE1/4 Sec.
30; Lots 1, 2, E1/4SW1/4, Section 31,
Township 9 S., Range 13 E., Boise Meridian, Idaho,
containing 325.39 acres, has this day been allowed, subject
to any valid existing rights and your further compliance with laws
and regulations applicable thereto. In correspondence relating to
this entry, always refer to the serial number shown above.

Subject to the Act of July 17, 1914 which may require the
reservation of all oil and gas deposits to the United States.

Lot 4, SE1/4SW1/4, SW1/4SE1/4 Sec. 30 subject to Minidoka & S.W.
Railway Company right-of-way.

Final proof will be acceptable only upon development and
application of an adequate supply of water from the proposed source.

Sincerely yours,

(Signed) Orval G. Hadley

Orval G. Hadley
Land Office Manager

c.c. State Recl. Engr.
Idaho Land & Appraisal

29152

237520

