

8

12.4

12.4

6.6

11.5

21.1

17.9

6.4

12.4

6.3

20

6.

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

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

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

7.

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

X [Signature]
X [Signature]

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

For Office Use Only

Received by [Signature] Date 12/10/03 Fee \$25.00
 Received by [Signature] Date 1/3/03 Receipt No. 5025342
 Processed by [Signature] AJ Date _____ WR _____ Date _____

Receipt # C-066955 -- \$50.00 -- 1.21.03 -- J. M. [Signature]

MICROFILMED
MAR 11 2003

RECEIVED

MAR 11 2004

Water Supply Bank No. _____

Water Right No. 36-7932

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Duane R. Grant and Laura A. Grant Phone 208-531-5149
Post office address 707 East 600 North Rupert Id 83350

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 36-7932 Decreed to Duane R Grant and Laura A. Grant
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: .13 cubic feet per second &/or
26 acre-feet per annum
- b. Point of diversion: SW 1/4 NE 1/4 of NW 1/4 of Section 17 Township 07 S Range
24E, B.M. in Minidoka County.
Additional points SW 1/4 NE 1/4 NE 1/4 Sec 17 Twp 7 S Rge 24E

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
								6.5											6.5

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 6.5

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Water right was decreed in adjudication. We still
own the land. See attached deed.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

NR Decreed date 8/27/01

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

NA

- e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

NA

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from 3-15-04 to indefinite
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current rental rate. Owner reserves the
right to rent out 55 acres

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

3/4/04
Date

[Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

10
10

17

WARRANTY DEED

462425

#16629

For Value Received

**THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,
who acquired title as PRUDENTIAL INSURANCE COMPANY OF AMERICA**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**GRANT 4D FARMS, an Idaho General Partnership
Address: 600 North 707 East, RUPERT, ID. 83350**

Hereinafter called the Grantee, the following described premises situated in Minidoka County, Idaho, to-wit:

**TOWNSHIP 7 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

SECTION 17: All

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2002 and subsequent years.

Assessments if any, levied or to be levied by the Magic Valley Ground Water District.

Power Line Easement from The Capital Co., a Corporation, to Idaho Power Company, a corporation, dated April 21, 1955, and recorded April 27, 1955 as Instrument No. 120460 in Book 36 of Deeds, Page 31, records of Minidoka County, Idaho, over and across the NW $\frac{1}{4}$ of Section 17 and W $\frac{1}{2}$, NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$, SW $\frac{1}{4}$, and Lot 3 of Section 7, all in Township 7 South, Range 24 East of the Boise Meridian.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 25, 2002

**THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA**

BY: R.T. Robertson

**R.T. ROBERTSON
VICE PRESIDENT**

Instrument # 462425

MINIDOKA COUNTY, RUPERT, IDAHO
2002-11-29 03:01:17 No. of Pages: 2
Recorded for : RUPERT LAND TITLE
DUANE SMITH Fee: 6.00
Ex-Officio Recorder Deputy Yu

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Fresno

On November 26, 2002, before me, Linda Matthews, Notary Public, personally appeared R.T. Robertson, personally known to me, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Linda Matthews
Signature of Notary

CAPACITY CLAIMED BY SIGNER

☒ Corporate Officer

Vice President

Title

DESCRIPTION OF ATTACHED DOCUMENT

Warranty Deed

TITLE OR TYPE OF DOCUMENT

SIGNER IS REPRESENTING:

The Prudential Insurance Company of America

(Including Notary Acknowledgments)

2

No. of Pages

November 22, 2002

DATE OF DOCUMENT

QUITCLAIM DEED

#16629

For Value Received

**THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,
which acquired title as PURDENTIAL INSURANCE COMPANY OF AMERICA**

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

**GRANT 4D FARMS, an Idaho General Partnership
whose address is: 600 North 707 East Rupert, Idaho**

Hereinafter called the grantee, the following described premises, in MINIDOKA County, Idaho to-wit:

Water Rights No.36-2198, 36-7932, and 36-2199 over the following described property:

**TOWNSHIP 7 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

SECTION 17: All

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: **NOVEMBER 22, 2002**

**THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA**

BY: R.T. Robertson
R.T. ROBERTSON, Vice President

STATE OF _____)
) ss.
COUNTY OF _____)

On this _____ day of NOVEMBER, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared R.T. ROBERTSON, known or identified to me to be the VICE PRESIDENT of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA 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
Residing at:
My Commission expires:

Instrument # 462426

MINIDOKA COUNTY, RUPERT, IDAHO
2002-11-29 03:03:04 No. of Pages: 2
Recorded for : RUPERT LAND TITLE
DUANE SMITH Fee: 6.00
Ex-Officio Recorder Deputy Lil

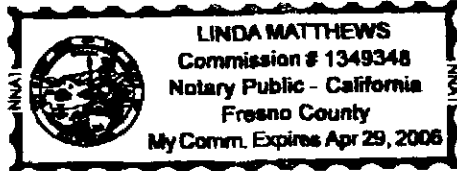
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Fresno

On November 26, 2002, before me, Linda Matthews, Notary Public, personally appeared R.T. Robertson, personally known to me, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Linda Matthews
Signature of Notary

CAPACITY CLAIMED BY SIGNER

☒ Corporate Officer

Vice President

Title

DESCRIPTION OF ATTACHED DOCUMENT

Quitclaim Deed

TITLE OR TYPE OF DOCUMENT

SIGNER IS REPRESENTING:

The Prudential Insurance Company of America

(Including Notary Acknowledgments)

2

No. of Pages

November 22, 2002

DATE OF DOCUMENT

462453

QUITCLAIM DEED

#NONE

For Value Received

GRANT 4D FARMS, an Idaho General Partnership

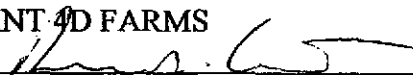
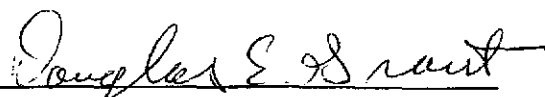
Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

DUANE R. GRANT AND LAURA A. GRANT, husband and wife**whose address is:** 600 N 707 E Rupert ID 83350Hereinafter called the grantee, the following described premises, in **MINIDOKA** County, Idaho to-wit:**TOWNSHIP 7 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO****SECTION 17: All**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: **NOVEMBER 26, 2002**

GRANT 4D FARMS

BY: DUANE R. GRANT
Managing PartnerBY: DOUGLAS E. GRANT
PartnerSTATE OF IDAHO)
) ss.
COUNTY OF MINIDOKA)**Instrument # 462453**MINIDOKA COUNTY, RUPERT, IDAHO
2002-12-02 03:38:09 No. of Pages: 1
Recorded for : RUPERT LAND TITLE
DUANE SMITH Fee: 3.00
Ex-Officio Recorder Deputy On this 26th day of NOVEMBER, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared DUANE R. GRANT AND DOUGLAS E. GRANT, known or identified to me to be the partner or one of the partners in the Partnership of GRANT 4D FARMS, an Idaho General Partnership, and the partner or one of the partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said Partnership name.
Notary Public

Residing at: RUPERT, ID.

My Commission expires: 6-20-08

JULIA G. COFFMAN
NOTARY PUBLIC
STATE OF IDAHO

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED

JAN - 7 2003

RECEIVED

JAN 03 2003

Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>36-2198</u>	_____	___	_____	_____	___
<u>36-7932</u>	_____	___	_____	_____	___
<u>36-2199</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) **PRUDENTIAL INSURANCE COMPANY OF AMERICA**
4. New Owner/Claimant(s) **DUANE R. GRANT and LAURA A. GRANT**
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address **600 North 707 East Rupert, Id. 83350**
- City, State and ZIP Code _____
- New Telephone Number **(208-531-5149)**
5. Date you acquired the property **November 26, 2002**

MICROFILMED

2003 7 1 2003

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

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

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

7. Signature of New Owner(s) or Claimant(s) ☒ Phu N. G
(include title if applicable) ☒ Sandra Gant

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

For Office Use Only

Received by [Signature] Date 11/21/03 Fee \$25.00
 Received by [Signature] Date 11/21/03 Receipt No. 5025392
 Processed by [Signature] AJ Date _____ WR _____ Date _____

Receipt # C-066955 --- \$50⁰⁰ --- 1.21.03 --- J. Masi

MICHAEL L. GANT
 11/21/03

Important Information About Your Water Right

August 27, 2001

ACEQUIA INC
PO BOX 226
SUN VALLEY, ID 83353

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-07932. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on July 15, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED

4/18/01 2001

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)

Water Right 36-07932

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on July 15, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
MAR 11 2003

RECEIVED

JUL 17 1997

Department of Water Resources
Adjudication Bureau

1997 JUL 15 PM 12:14

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

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

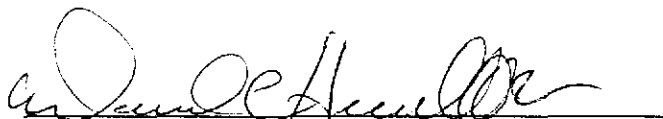
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 36-07932
_____	)	

On May 15, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order I*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-07932 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 15, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

1997 JUL 15

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

JUL 15 PM 12:14

Water Right 36-07932

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

NAME & ADDRESS: ACEQUIA INC
PO BOX 226
SUN VALLEY ID 83353

SOURCE: GROUNDWATER

QUANTITY: 0.8 CFS
160.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-02198 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.08 CFS.

PRIORITY DATE: 08/14/1980

POINT OF DIVERSION: T07S R24E S17

SWNE
SWNEW

Within MINIDOKA County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

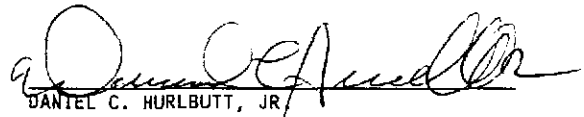
PERIOD OF USE
Irrigation Season

QUANTITY
0.8 CFS
160.0 AFY

PLACE OF USE: IRRIGATION
T07S R24E S17
40.0 ACRES TOTAL

Within MINIDOKA County
NWNW 40.0

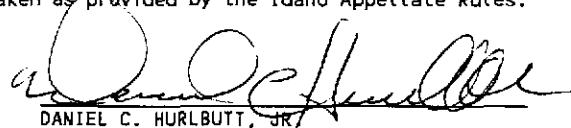
DATED: JUL 15 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

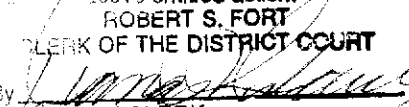
RULE 54(b) CERTIFICATE

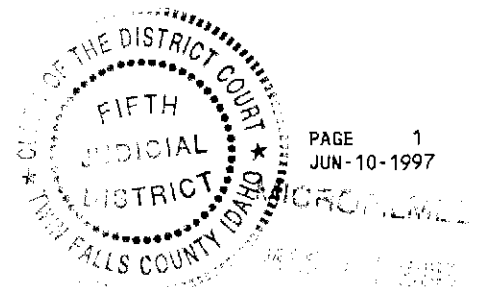
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.

DATED: JUL 15 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-07932

By 
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
DEPUTY CLERK



MEMORANDUM

To: Files 36-2198, 36-2199, 36-7932, 36-2585, 36-2130C, 36-7850C, 36-8106C, 36-2684, and 36-7267

From: Cynthia Bridge Clark

Date: June 14, 2004

Re: Lease and Rental of Water Rights to the State Water Supply Bank

Applications were filed to lease portions of the above referenced water rights to the Water Supply Bank. Most of the lands are pivot corners that are not longer being irrigated. Mike Larsen, a representative for Grant 4-D Farms, filed the applications on behalf of the water right owners. The owners include Grant 4-D farms, Douglas E. Grant Jr. and Laurel A. Grant, Duane R. Grant and Laura A. Grant, and Douglas E. Grant. All of the applications were filed to place portions of the rights in the bank for an indefinite period of time, and all of the rights except 36-7267 were decreed in the SRBA in 2001.

Water right 36-7267 was licensed in 1990, and a statement on the application indicates the farm converted from handlines to pivots in 2001. An ownership change was also completed on this right in the course of reviewing the bank applications. Mike Larsen has been notified that evidence of irrigation on the lands leased under right 36-7267 in the last five years is required for acceptance of the lease application.

Mike Larsen indicated that Grant 4-D Farms wished to retain the option of renting a portion of the leased rights to irrigate 53 acres not covered by a water right. The applicant does not own the land at the new place of use, and did not want to permanently transfer the water rights in case the land lease was terminated. The applicant was also reluctant to transfer the rights with the mitigation requirements in the ESPA. Different options were discussed including filing a new application for permit with mitigation through the bank. Due to the Department's obligation to rent rights that have been in the bank the longest first, and the possibility that other rental applications could be filed for the same rights, the applicant decided to rent a portion of the rights for five (5) years. They were informed that the applications could be subject to further review in five years, including possible publication of notice. They also agreed to rent enough water to account for the impacts in the ESPA due to the change in use based on the current Transfer ground water spreadsheet.

The leased portions of water rights 36-2130C, 36-7850C, 36-8106C, and 36-2684 were rented for five years for use on 53 acres. The rental fee for five years was paid in full.

IRS W-9 forms were provided by all of the owners.



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

May 5, 2004

DUANE R GRANT
LAURA A GRANT
707 E 600 N
RUPERT ID 83350

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NO(S). 36-2198,
36-7932 TO THE WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources ("department") has completed its review of the Applications to Sell or Lease Water Right(s) to the Water Supply Bank ("bank"). Please consider that the offered water right(s) are accepted into the bank.

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. Portions of the above referenced water rights are leased to the bank as follows:

Right No.	Acres (ac)	Diversion Rate (cubic ft per sec., cfs)	Diversion Volume (acre-feet, af)
36-2198	41.2 ac	0.75 cfs	164.8 af
36-7932	<u>6.5 ac</u>	<u>0.13 cfs</u>	<u>26.0 af</u>
Total Leased:	47.7 ac	0.75 cfs	190.8 ac

2. Rental of rights 36-2198 and 36-7932 are limited to a total combined diversion rate of 0.75 cfs.
3. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
4. While a right is in the bank, the owner of the right may not use the right even if the right is not rented from the bank.
5. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.

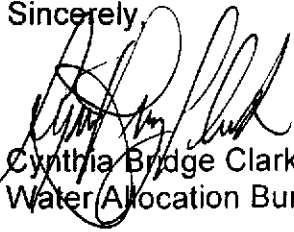
6. While a water right is in the bank, forfeiture provisions are stayed.
7. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.
8. The water rights referenced above will be rented from the bank at the current rental rate unless otherwise specified by the lessor.
9. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

The right(s) will remain in the bank for an "indefinite" lease term unless the right(s) are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department.

Enclosed is a copy of the Internal Revenue Service Request for Taxpayer Identification and Certification, Form W-9. The department is required to file an information return with the Internal Revenue Service ("IRS") for all payments issued to for water rented from the bank. Payments for the rental of a water right or a part thereof cannot be issued to the lessor unless the department has received a completed IRS W-9 form. Additionally, documentation of authority to receive payment must be submitted if the name provided on the W-9 form does not match the name of the lessor. Please return this form and any additional documentation to my attention.

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

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

Encl: 1

c: Allen Merritt – IDWR Southern Regional Office

RECEIVED

MAR 11 2004

Department of Water Resources

Cynthia,

Here are the applications to rent water to the water bank. I have a few more applications that will probably be following in the next few days. We want to place all of these in the bank and be able to rent back out 55 shares.

Please call me with any questions.

Mike Larsen

Grant 4-D Farms

Office 208-531-5149

Cell 208-431-4322

Fax 208-531-5112

Email: mlarsen@pmt.org



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

January 21, 2003

DUANE R GRANT
LAURA A GRANT
600 N 707 E
RUPERT ID 83350

RE: Change of Ownership for Water Rights 36-2198, 36-2199 and 36-7932

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records. Also enclosed is a receipt for the additional \$50.00 filing fee required.

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

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

FEB 11 2003



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

January 10, 2003

DUANE R GRANT
LAURA A GRANT
600 N 707 E
RUPERT ID 83350

RE: Change in Ownership of Decreed Water Rights 36-2198, 36-2199, 36-7932

Dear Mr. & Mrs. Grant:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Filing Fee of \$25 per water right**

The \$25.00 filing fee that was sent with your ownership change request will be applied to water right 36-2198. A balance of \$50.00 is due for the processing of water rights 36-2199 and 36-7932.

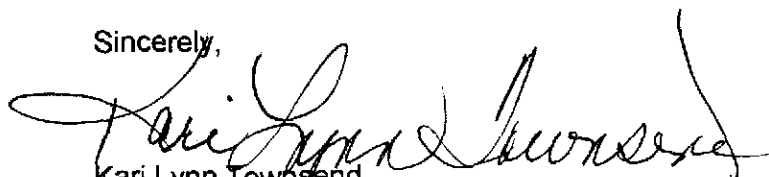
Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is **\$25 per water right**, except for ownership changes resulting in the division of a water right, which is **\$100 per water right**. We have determined that the filing fee for your notice will be an additional **\$50.00**.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in 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 (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,


Kari Lynn Townsend
Secretary

KLT:k

MICROFILMED
MAR 11 2003