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Department of Water Resources

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Department of Water Resources
Southern District

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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>36-7652</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) CHARLES L. KENDALL
- P.O. BOX 412 PAUL, IDAHO 83347
4. New Owner/Claimant(s) DELIS FARMS, INC.
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. BOX 665
- City, State and ZIP Code PAUL, IDAHO 83347
- New Telephone Number 208 438-8059
5. Date you acquired the property 10-13-1993

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
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) Delis Farms, Inc by
(include title if applicable) Don Williams Controller

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 2/4/03 Fee 25.00
 Received by [Signature] Date 2/4/03 Receipt No. SC25491
 Processed by [Signature] AJ Date _____ WR _____ Date _____

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PATRICK H. MOLLOY
UNITED STATES ATTORNEY
DISTRICT OF IDAHO
FIRST INTERSTATE CENTER
877 WEST MAIN, SUITE 201
BOISE, IDAHO 83702
MAILING ADDRESS: BOX 32
BOISE, IDAHO 83707
TELEPHONE: 334-1211

409740

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL NO. 87-1030

CERTIFICATE OF SALE

CHARLES L. KENDALL, aka CHARLES
LEROY KENDALL and CHUCK KENDALL;
WESTINGHOUSE ELECTRIC CORP., A
Pennsylvania Corporation; BILL
WAKEWOOD; RAMSEY HEATING &
ELECTRIC, INC., An Idaho
Corporation; FULL CIRCLE, INC. nka
CENEX, LTD., An Oregon Corporation;
GREEN LINE SALES, INC. aka
GREENLINE SALES, INC., an Idaho
Corporation; MASSEY-FERGUSON,
INC., A Maryland Corporation;
BUTTE IRRIGATION INC., An Idaho
Corporation; OCCIDENTAL CHEMICAL
COMPANY, A California Corporation;
WES'S, INC., An Idaho Corporation;
MAGIC VALLEY POTATO SHIPPERS,
INC., An Idaho Corporation; and
ALL THE UNKNOWN OWNERS AND UNKNOWN
CLAIMANTS TO CERTAIN REAL PROPERTY
IN MINIDOKA COUNTY, IDAHO,

Defendants.

Under and by virtue of a Judgment and Decree of Foreclosure
filed in the above-entitled Court in said action on the 25th day
of June, 1993, and under the authority of an Order of Sale

CERTIFICATE OF SALE - 1

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1 thereon duly issued out of said court, attested on the 13th day
2 of October, 1993, and to me, the undersigned, directed and
3 delivered, as United States Marshal for the District of Idaho,
4 whereby I was commanded to sell the property in said decree, and
5 hereinafter described according to law, and to apply the proceeds
6 of sale in satisfaction of the judgment in said action amounting
7 to \$474,132.45, plus interest and costs as specified in said
8 decree.

9 I, Michael L. Johnson, United States Marshal for the
10 District of Idaho, do hereby certify that I sold the said
11 property hereinafter described on the 23rd day of November, 1993,
12 at 2:00 p.m. of the said day, at public auction, according to
13 law, after due and legal notice given on the steps of the County
14 Courthouse at Rupert, Idaho, Minidoka County, to _____

15 STEVEN C. DELIS c/o DELIS FARMS, INC

16 P.O. Box 665 PAUL, IDAHO 83347

17 for \$ _____, said party being the highest bidder and
18 that sum the highest bid therefor.

19 That the said real property is situate in the County of
20 Minidoka, State of Idaho, and is particularly described as
21 follows:

22 TOWNSHIP 8 SOUTH, RANGE 22 EAST, BOISE
23 MERIDIAN, MINIDOKA COUNTY, IDAHO
SECTION 11: E $\frac{1}{2}$

24 Together with all water and water rights including, but
25 not limited to those arising under Application No. 36-
26 7652 approved by the Department of Water Administration
on October 29, 1976.

CERTIFICATE OF SALE - 2

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MAR 11 2003

1 Also together with all irrigation equipment of every
2 kind and character and additions thereto and
3 replacements now or hereafter owned by the borrowers
4 and used in the irrigation of the above premises,
including, but not limited to the following equipment,
to the extent that such still exists on said property;

5 336 feet 14" steel mainline
6 984 feet 12" steel mainline
7 672 feet 10" steel mainline
8 340 feet 8" steel mainline
9 320 feet 6" steel mainline
10 106 feet 4" steel mainline

11 640 pieces of 3" x 40' handmove hook & latch lateral
12 sprinkler line with risers and sprinkler heads.
13 1 - 400 HP Deep Well Turbine pump and motor with electrical
14 control panel, including all fittings, valves and
15 accessories.

16 Address of Real Property: 900 N 850 W
17 Paul, Idaho 83347

18 That said property was by order of the Court sold in one
19 parcel; that the highest bid therefor was \$_____, which
20 sum was the whole price paid for the same; and that said property
21 is subject to a period of redemption to and including one year
22 from the date of the sale, pursuant to Idaho Code Section 11.310.

23 WITNESS my hand this 23rd day of November, 1993.

24 MICHAEL L. JOHNSON
25 United States Marshal for the
26 District of Idaho

By _____

Deputy Marshal

David A. Meyer
Sr. Deputy US Marshal

CERTIFICATE OF SALE - 3

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1 STATE OF IDAHO)
2) ss.
3 COUNTY OF MINIDOKA)

4 On this 23rd day of November, 1993, before me, the
5 undersigned, a Notary Public in and for the State of Idaho,
6 personally appeared David A Meyer, Deputy United
7 States Marshal for the District of Idaho, known to me to be the
8 person whose name is subscribed to the within instrument, and he
9 acknowledged to me that he executed the same for the uses and
10 purposes therein set forth.

11 IN WITNESS THEREOF, I have hereunto set my hand and affixed
12 my official seal as of the day and year in this certificate first
13 above written.

14 Juan S. S.
15 Notary Public for Idaho
16 Residing at Rupert Idaho
17 My Commission expires: Jan. 10, 1996

18
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26
CERTIFICATE OF SALE - 4

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Pickup 11-23-93

FEE 12-DEPUTY

MINIDOKA COUNTY, IDAHO
ORANGE SHILL
RECORDED

Nov 23 3 08 PM '93

RECORDED AT REQUEST OF
U.S. Justice Dept
FILM NY

409740

18
114

15
43

16
10

115
314

2
64

Well

2
73

Field 30

3
143

5
47

1
65

Field 29

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MAR 1 2003

2001 DEC 18 PM 3:34

SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	Water Right 36-07652
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 30, 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, on June 24, 1999, 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 *Supplemental Director's Report*.

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

PERIOD OF USE: 03-15 to 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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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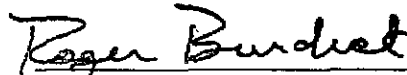
MAR 11 2003

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify 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 December 18, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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Important Information About Your Water Right

December 18, 2001

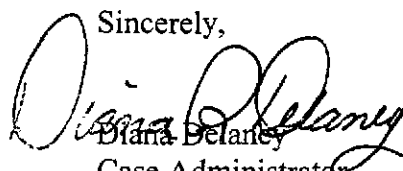
Charles L Kendall
PO Box 412
Paul, ID 83347

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, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07652. 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 December 30, 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 this 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 on the same date that the ***Partial Decree*** was originally issued.

Sincerely,

Diana Delaney
Case Administrator

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MAR 11 2003

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-07652

1997 DEC 30 AM 9:46

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: CHARLES L KENDALL
PO BOX 412
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 5.06 CFS
1132.0 AFY

PRIORITY DATE: 10/29/1976

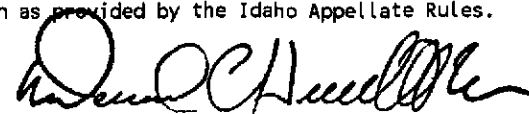
POINT OF DIVERSION: T08S R22E S11 NENWNE Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	5.06 CFS 1132.0 AFY

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
T08S R22E S11		NENE 31	NWNE 36	SWNE 36	SENE 36
		NESE 36	NWSE 36	SWSE 36	SESE 36
283 ACRES TOTAL					

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.



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

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2003

DELIS FARMS INC
PO BOX 665
PAUL ID 83347

RE: Change of Ownership for Water Right 36-7652

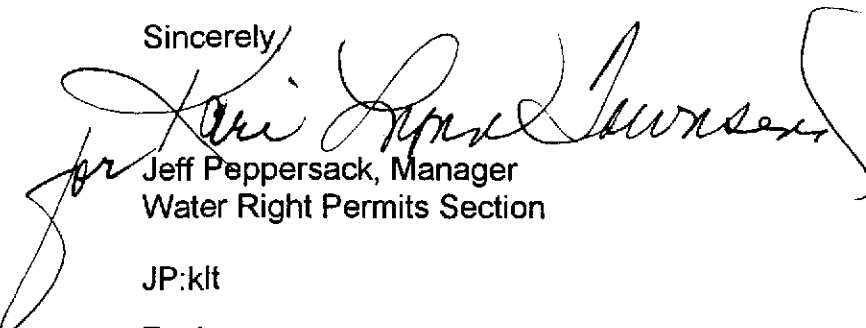
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

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

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

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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MAR 11 2003