104

T-181

NHEL/NW

① 13.2

② 38.4

③ 49.0

26 | 25

35 | 36

④ 38.3

⑤ 38.2

25 | 30

36 | 31

⑦ 11.5

⑥ 24.6

Form 42-248/42-1409(6) July, 2000

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
34-00965A					

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): Steve Tibbits

4 New Owner/Claimant(s): Mate M MacConnell TRIPLE M LAND & CATTLE LLC

Name Connector (Check one) [ ] and, [ ] or, [ ] and/or

New Mailing Address: Po Box 166, 4331 Champagne Cr Rd

City, State and ZIP Code: Arco ID 83213

New Telephone Number: (208 527-4735

5 Date you acquired the property: Nov 10 2001

MICROFILMED

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)

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 Marie Date 5.5.03 Fee $25.00
Receipted by Marie Date 5.5.03 Receipt No. C06890.2
Processed by _____ AJ Date _____ WR _____ Date _____

Order #5446

NO. 37587
RECORDED

NOV 14 2001

10:35 AM PM
BUTTE COUNTY RECORDER

WARRANTY DEED

For Value Received, Neil A. Anderson and Carol S. Anderson, husband and wife, Robert M. Moldenhauer and Dawn Moldenhauer, husband and wife, and Stan G. Buck and Kim Buck, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto Triple M Land & Cattle, L.L.C., of 225 N 9th Street, Suite 210, Boise, ID 83702, the Grantee, the following-described premises, to-wit:

Township 3 North, Range 24 E.B.M., Butte County, Idaho

Section 22: SE¼, NE¼SW¼, SE¼NW¼, S½NE¼ , EXCEPTING AND RESERVING to the United States all the coal and other mineral sin the lands so entered and patented, together the right to prospect for, mine and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916, (39 Stat., 862).

Section 25: S½

Section 26: E½SE¼, SW¼NE¼, NW¼, EXCEPTING AND RESERVING to the United States all the coal and other minerals in the Lands (SW¼NW¼) so entered and patented, together with the right to prospect for, mine and remove the same pursuant to the provisions and limitations of the Act of December 29, 1956 (39 Stat., 862).

Section 27: W½, W½E½, SE¼NE¼, EXCEPTING AND RESERVING to the United States all the coal, and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same pursuant to the provisions and limitations of the Act of December 29, 1956 (39 Stat., 862).

Section 28: E½SE¼ EXCEPTING AND RESERVING to the United States all the coal, and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same pursuant to the provision and limitations of the Act of December 29, 1956 (39 Stat., 862).

Section 35: NE¼

Section 36: NE¼

Township 3 North, Range 25 E.B.M., Butte County, Idaho

Section 30: Lot 4

Section 31: Lot 1 and Lot 2 North and West of the State Highway

Together with water right no. A34-00965A, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

Subject to an all inclusive Real Estate Mortgage, between Neil A. Anderson Robert M. Moldenhauer, Jr. and Stan G. Buck, Mortgagors, and Steve W. Tibbitts and Joyce B. Tibbitts, husband and wife, Mortgagees, to secure the sum of $275,000 and interest, recorded April 22, 1997, under instrument No. 31275, records of Butte County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 9 day of November, 2001.

Neil A. Anderson

Carol S. Anderson

Robert M. Moldenhauer JR

Dawn Moldenhauer

Stan G. Buck

Kim Buck

251

ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY

FILED/EFFECTIVE
MAY 21 4 09 PM '01

(Instructions on back of application)

SECRETARY OF STATE
STATE OF IDAHO

1 The name of the limited liability company is Triple M Land & Cattle, L.L.C.

2 The address of the initial registered office is: 225 N. 9th Street, Suite 210 Boise, Idaho 83702 and the name of the initial registered agent at that address is. Allan K. Bosch

3 The mailing address for future correspondence. 225 N. 9th Street, Suite 210 Boise, Idaho 83702

4 Management of the limited liability company will be vested in:

Manager(s) [X] or Member(s) [ ]. (please check the appropriate box)

5 If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager If management is to be vested in the members, list the name(s) and address(es) of at least one initial member

Name	Address
Monte M. MacConnell	11535 W. Hazeldale Ct., Boise, ID 83713

6 Signature of at least one person responsible for forming the limited liability company

Monte M. MacConnell

g:\corp\forms\LLC1 p65 Revised 8/99

Secretary of State use only
IDAHO SECRETARY OF STATE
05/22/2001 09:00
CK: 11484 CT: 14917 BH: 398566
1 @ 100.00 = 100.00 ORGAM LLC W 2

W154/20

104

T-181

NHEL/NW

① 13.2

② 38.4

③ 49.0

26 | 25

35 | 36

④ 38.3

⑤ 38.2

25 | 30

36 | 31

⑥ 24.6

⑦ 11.5

District Court-SRBA
Twin Falls, Idaho
Filed. drd

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 34-00965A**
)	
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 February 24, 1998. 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 1, IDWR Basin 34, 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: 05-01 10-15

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 December 14, 2001

Roger Burdick

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

December 14, 2001

JOYCE B TIBBITTS
STEVEN W TIBBITTS
BOX 65A
MOORE, ID 83255

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 34-00965A. 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 necesssary 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 February 24, 1998, 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
MAY 21 2003

1998 FEB 24 AM 7:52
DISTRICT COURT - 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	)	**ORDER OF PARTIAL DECREE**
	)	
Case No. 39576	)	**For Water Right 34-00965A**
	)	

On October 6, 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 1***, Section 13f, 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 34-00965A is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b).***

DATED February 24, 1998.

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

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	)	PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
	)	
Case No. 39576	)	Water Right 34-00965A
	)	

1998 FEB 24 AM 7:52
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: JOYCE B TIBBITTS
STEVEN W TIBBITTS
BOX 65A
MOORE ID 83255

SOURCE: CHAMPAGNE CREEK TRIBUTARY: SINKS

QUANTITY: 4.68 CFS

PRIORITY DATE: 03/29/1885

POINT OF DIVERSION: T03N R24E S26 SENENW
SESESE
Within BUTTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	4.68 CFS

PLACE OF USE: IRRIGATION Within BUTTE County

T03N R24E S25			NESW 3		NWSW 12		SWSW 37		SESW 39
			NESE 1		NWSE 2		SWSE 40		SESE 25
	S26		NESE 3		SESE 4				
	S36		NENE 20		NWNE 12				
R25E	S30	Lot 4	(SWSW)11						
	S31	Lot 1	(NWNW) 7	Lot 2	(SWNW) 1				

217 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

1998 FEB 24 PM 02:00
DISTRICT COURT - 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)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 34-00965A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 34-00965A was mailed on February 24, 1998, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STEVEN W & JOYCE B TIBBITTS
BOX 65A
MOORE, ID 83255
Phone: 208-527-3141

CHIEF NATURAL RESOURCES DIV
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

MICRO...

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 13, 2003

TRIPLE M LAND & CATTLE LLC
MONTE M MAC CONNELL
PO BOX 166
ARCO ID 83213

RE: Change of Ownership for Water Right 34-965A

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,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

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, 2003

MONTE M MAC CONNELL
PO BOX 166
ARCO ID 83213

RE: Change of Ownership for Water Right 34-965A

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. Also enclosed is a receipt for the $25.00 filing fee.

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,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED