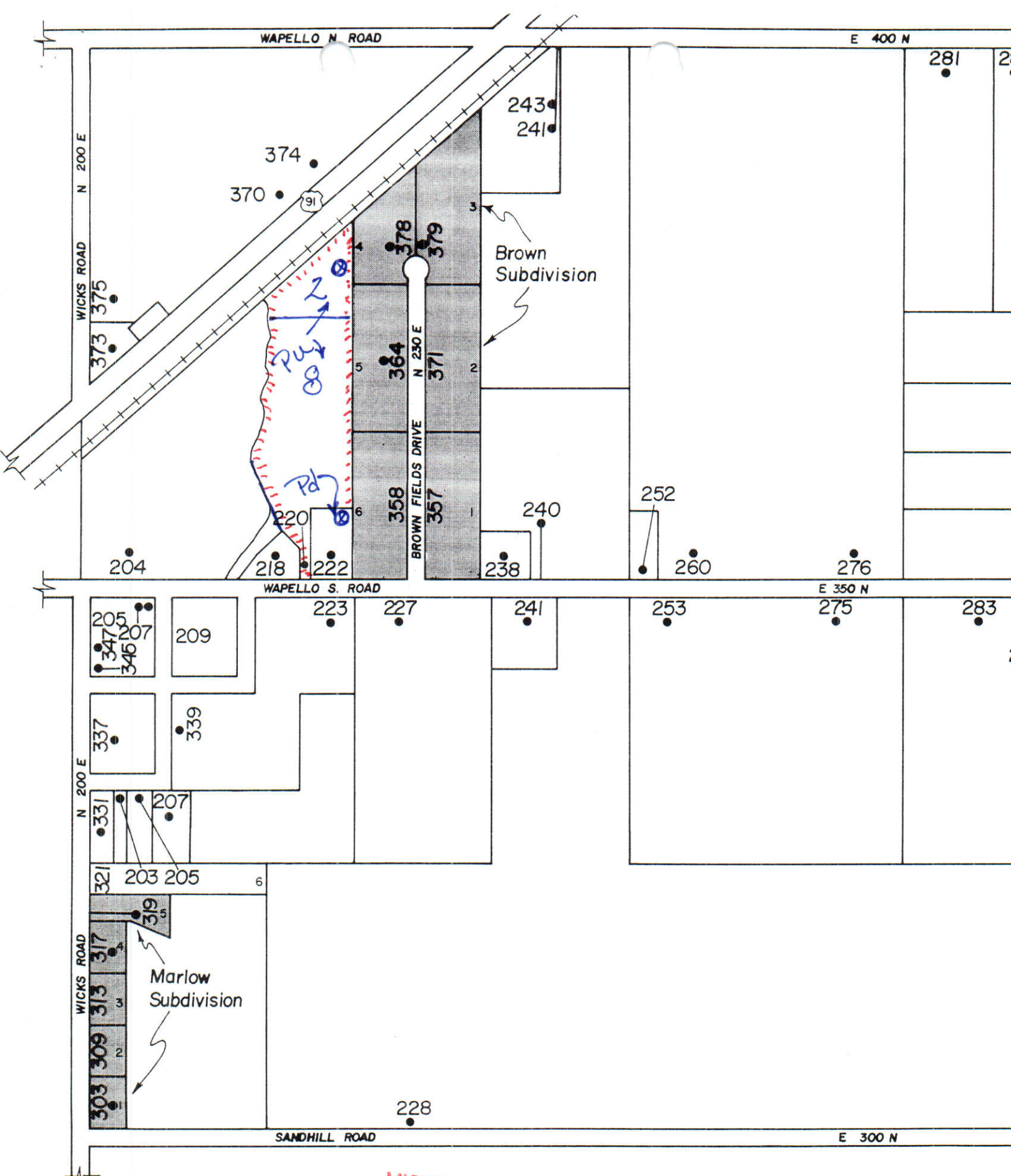
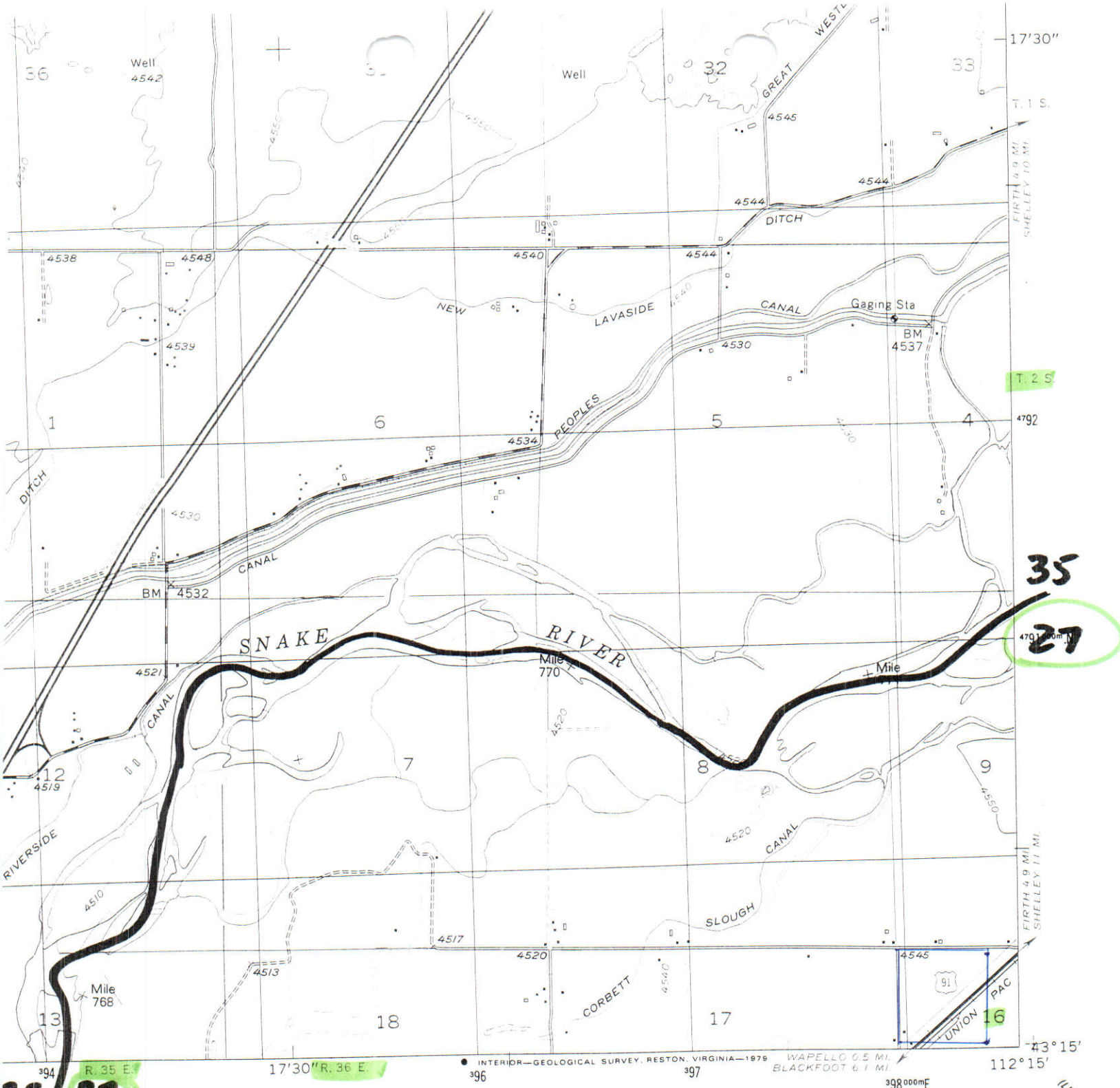




MICROFILMED SEC. 16 T. 2 S., R. 36 E.
NOV 07 2000

page 5 of 6

T 3777



35/27



FEET
T CONTOURS
TUM OF 1929

ACCURACY STANDARDS
DO 80225, OR RESTON, VIRGINIA 22092
BOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

MICROFILMED

NOV 07 2000

ROAD CLASSIFICATION

Heavy-duty Light-duty
Medium-duty Unimproved dirt

U. S. Route State Route
Interstate Route

Y-90

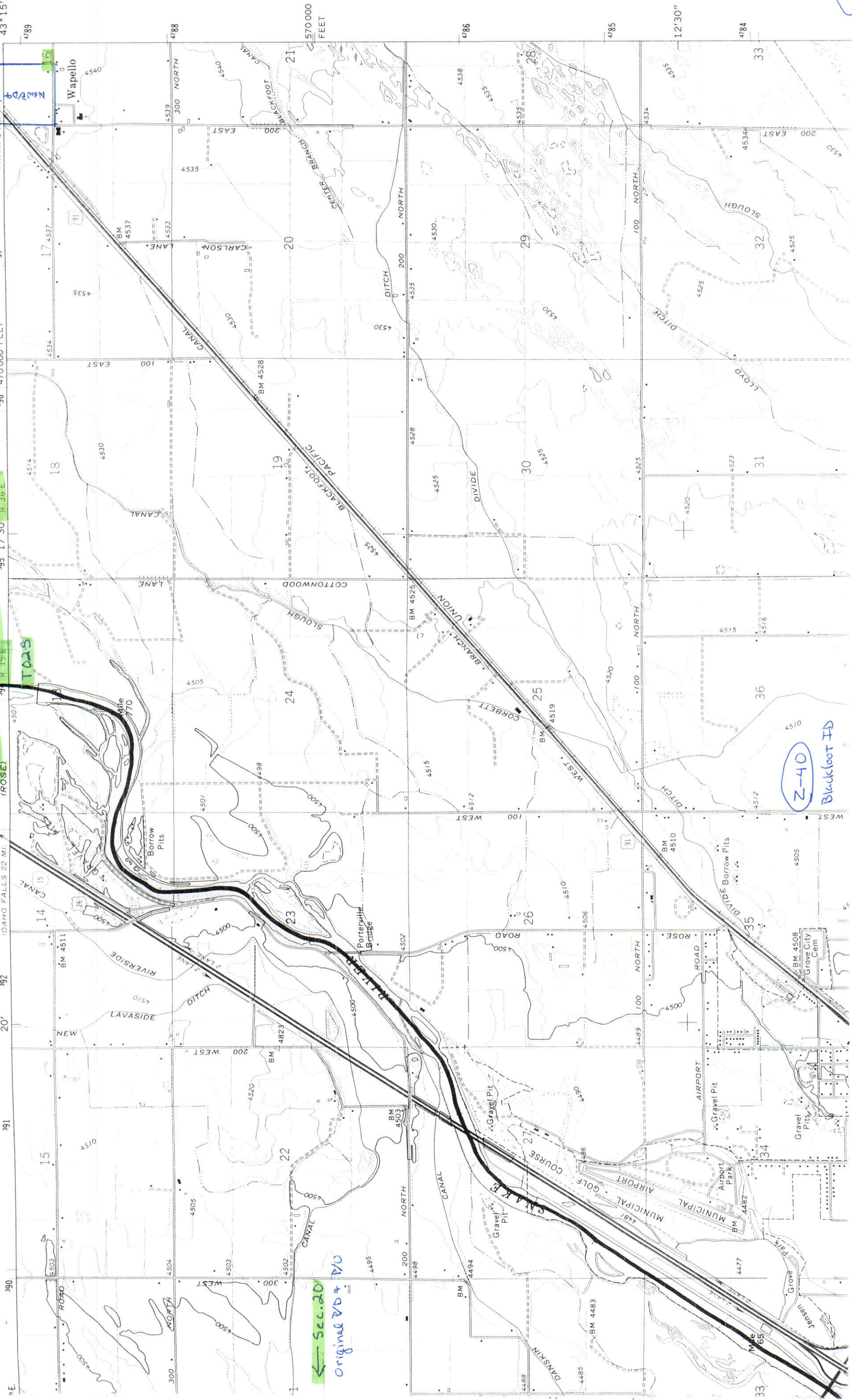
ROSE, IDAHO
N4315-W11215/7.5

1955
PHOTOREVISED 1979
DMA 3570 IV SE-SERIES V893

T 5777

STATES
OF THE INTERIOR
CAL SURVEY

BLACKFOOT QUADRANGLE
IDAHO—BINGHAM CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE 1/4 BLACKFOOT 15' QUADRANGLE
SHELLEY 11 MI.
FIRTH 5 MI.



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T5777

RECEIVED

JUL 14 2000

Department of Water Resources
Eastern Region

Dept. of Water Resources
900 N. Skyline Drive, Suite A

Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT NO. T5777**

NOTICE IS HEREBY GIVEN that Nyle H. Bailey, 222 E., 350 North, Blackfoot, Idaho, 83221, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a groundwater source. The right sought to be changed is evidenced by SRBA Recommendation and recorded as follows:
SRBA Recommendation No.: 35-02904B
Source: Groundwater
Amount: 0.20 cfs
Priority: 07/18/1957
Point(s) of Diversion: SENENE, Sec. 20, T02S, R35E, Bingham County.
The water is used for irrigation of 10 acres within Sec. 20, T02S, R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has sold the original place of use but retained the water right and is transferring 10 acres to the W1/2 NW Sec. 16, T02S, R36E. The new point of diversion is in the SWNW, Sec. 16, T02S, R36E. Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before July 24, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(4684)
Pub.: 7/6, 13

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive weeks the first publication having been made on the 6th day of July 2000, and the last publication having been made on the 13th day of July 2000; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

Jacqueline Graham
On this 13th day of July, in the year of 2000, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that the executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee.....\$5.00

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NOV 07 2000

WR0631NP

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 08/30/00

TIME: 09:20:48

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
X27-07588	BAILEY, NYLE H	C		07/18/1957	L/	GROUNDWATER	IRR	WR

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NOV 07 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5777
WATER RIGHT NO. ~~35-02904B~~
27-07588

This is to certify that: **NYLE H BAILEY**
222 E 350 NORTH
BLACKFOOT ID 832215909

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.20 CFS	40.0 AF
<u>SOURCE</u>			
GROUNDWATER			

Priority: 07/18/1957

LOCATION OF POINT(S) OF DIVERSION: SWNW, Sec. 16, Township 02S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	36E	16	NWNW 2	SWNW 8		10
Total number of acres irrigated:						10

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

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TRANSFER NO. 5777
WATER RIGHT NO. 35-02904B

CONDITIONS OF APPROVAL AND REMARKS

4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this

TH
29 day of

August, 2000

J. Glen Saxton
Chief, Water Allocation Bureau

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NOV 07 2000

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Nyle H Bailey Phone 208 785 1315Post Office address 222 East 350 North, Blackfoot, Idaho 83221-5909

RECEIVED

A. PURPOSE OF TRANSFER

AUG 14 2000

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

Department of Water Resources

2. Describe the reason for the proposed changes The ground the water was on is no longer being farmed.

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

1. Right Number 35-02904B Priority 07-18-1957 Amount (cfs/ac-ft) .20 Nature of Use Irrigation Period of Use 04-01 to 10-31
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred .20 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	NW	NW	16	2S	36E	Bingham	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	36E	16						~~2 NW~~ 8											10

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Total Acres 10

T5777

PART 1

6. General Information:

- a. Description of diversion system well & pump to a sprinkler system
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes / No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE.

d. Remarks:

The water right was to have been with held at the time of sale. The property is in commercial use and the well was abandoned.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

MICROFILMED

NOV 07 2000

PART 2

TRANS NO. 5777

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 35-02904B

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.20 CFS	40.0 AF

SOURCE

GROUNDWATER

Priority: 07/18/1957

LOCATION OF POINT(S) OF DIVERSION: SENENE , Sec. 20, Township 02S, Range 35E
BINGHAM County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02S	35E	20	:	10				:					:					:						:	10.0	
																							TOTAL ACRES	10.0		

CONDITIONS/REMARKS:

- USE OF THIS RIGHT IS COMBINED WITH WATER FROM PEOPLES CANAL & IRRIGATION CO.
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

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NOV 17 2000

Page 4 of 6

TRANS NO. 5777

Claim No. 35-02904B

CONDITIONS/REMARKS:

3. RIGHT NO. 35-02904A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

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

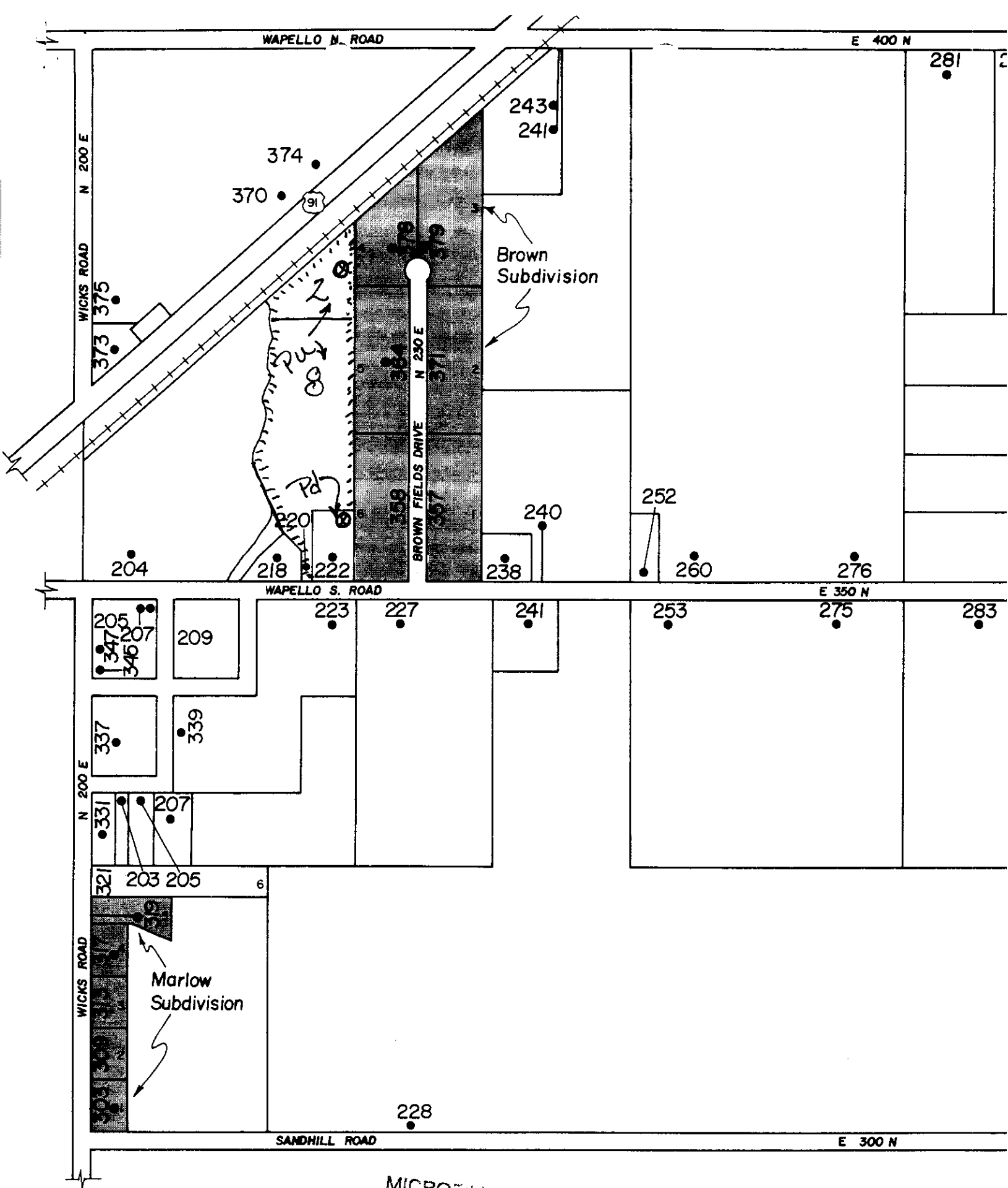
To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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MICROFILMED SEC. 16 T. 2 S., R. 36 E.

NOV 07 2000

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T 5777

PART 3

B. CHANGES IN NATURE OF USE

1.

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

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

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

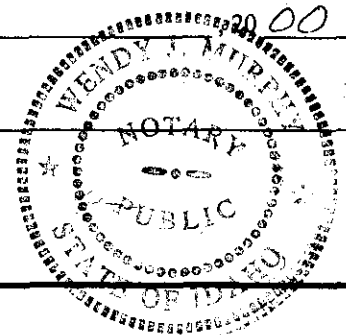
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Aylett Bailey
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of June

Wendy J. Murphy
(Notary Public)

My commission expires 6/23/06



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by DMK Date 6-27-2000 Protest filed by _____

Prelim. Check by WJM Fee 100.00

Receipted by Wendy Murphy Date 6-27-2000 # E025936

Published in Morning News Copies of protest forwarded by _____

Pub. Dates 7/6 & 7/13/2000 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received by RSC

Copy of transfer sent to lien holder _____

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NOV 07 2000

Fairchild Construction Co., Inc.
70 So. Spruce
Blackfoot, ID 83221
(208)785-6643
FAX (208) 785-6689

State of Idaho
Department of Water Resources

To Whom It May Concern:

We own the ground that has the Water Right Permit No. 35-02904. We hereby transfer these well rights to Nyle Bailey.



JOHN FAIRCHILD

6-9-00
Date

MICROFILMED
NOV 07 2000

ATTACHMENT T 1 OF 2

LETTER OF CLOSING INSTRUCTIONS
TO

AMERICAN LAND TITLE CO.

Escrow No. 3-17959-J

Date June 5, 1995

We, the undersigned, hereby instruct American Land Title Co., hereinafter referred to as "Closing Agent", when in receipt of all documents and monies as set out herein, to close this transaction according to the following instructions and information:

The parties have entered into a contract for the purchase and sale of subject property entitled

PURCHASE AND SALE and dated APRIL 26 19 95, hereinafter referred to as the contract. The "Closing Agent" is hereby instructed to close the transaction in accordance with the terms of the contract as well as these instructions. HOWEVER, in the event the terms of the contract and the terms of these instructions shall conflict, the terms of these instructions shall control.

PROPERTY SEE LEGAL DESCRIPTION, ID.

BUYER: JOHM M. FAIRCHILD AND TAMI L. FAIRCHILD

SELLER: NYLE H. BAILEY

TERMS:

Sale Price: \$ 38,000.00

Payable as follows:

Earnest Money Deposit \$ 1,000.00

Cash (approximate) \$ _____

Assumption of \$ _____

TOWN AND COUNTRY
held by _____

approximate balance owing
to _____

Assumption of \$ _____

approximate balance owing
to _____

New Loan amount \$ 0.00

from _____

Deed of Trust (Mortgage) amount \$ _____

In favor of FIRST SECURITY

\$ _____

\$ _____

\$ _____

In the event more than one deed of trust or mortgage is to be recorded in connection with this transaction, said liens shall be recorded in the following order of priority:

1st lien shall be in favor of _____ in the amount of \$ _____

2nd lien shall be in favor of _____ in the amount of \$ _____

3rd lien shall be in favor of _____ in the amount of \$ _____

In the event this transaction involves a new loan or assumption of existing loan, these instructions must conform to the instructions of that lender.

PRO-RATION DATE: June 5, 1995 CLOSING DATE: June 5, 1995. The "Closing Agent" is instructed to pro-rate all items to be pro-rated as of the above date with the seller being responsible for all such items up to but not including the date of pro-ratio and the Buyer being responsible for such items from and including the date of pro-ratio.

The property taxes for 19 95 shall be pro-rated on the basis of the 19 94 tax assessed. If the amount assessed is not known, taxes shall be pro-rated based on the estimate of \$. The parties hereto acknowledge that there may be a difference between the amount of taxes pro-rated and the actual tax assessment levied. The parties further acknowledge that under Idaho Code Sections 63-403 and 63-2203, and Title 63, Chapter 39 "New and Additional Assessments," "Adjustments of Taxes by the Board of Commissioner," and "Tax on Newly Constructed and Occupied Residential and Commercial Structures," additional taxes may be levied. The parties hereto agree to hold the closing agent harmless for any pro-ratio difference or additional taxes and agree to promptly adjust any such difference between themselves. The "Closing Agent" shall not pro-rate any utility charges, unless specifically instructed to do so. THE FOLLOWING ITEMS SHALL BE PAID BY BUYER (B), SELLER (S), DIVIDED BETWEEN BUYER AND SELLER EVENLY UNLESS OTHERWISE STATED (D) OR PAID OUTSIDE CLOSING (POC).

--- Attorney's Fees S Title Insurance, Owners Policy --- Assumption Fee
D Closing Fee POC Title Insurance, Loan Policy --- Escrow Set-up Fee
--- Survey --- IRS 1099-B
S Real Estate Commission of --- % to TOWN AND COUNTRY REAL ESTATE
--- Real Estate Commission of --- % to _____

TITLE INSURANCE: Insurer SECURITY UNION TITLE INS. Order No. 3-17959-J

S (X) std (-) ext. coverage owners policy Amt. \$ 38,000.00

POC (-) std (X) ext. coverage loan policy Amt. \$ 0.00

- () std () ext. coverage purchasers policy Amt. \$ _____

HAZARD INSURANCE:

XX

POC

POC

Assume Existing, Obtain New, From _____ Paid _____

When the "Closing Agent" has received all properly executed documents and all funds necessary for the completion of this transaction and the title insurer is in a position to issue the type of policy(s) set out above, subject only to exceptions No's 1-3 & NEW D.T. as set out in their commitment or preliminary report dated MAY 8, 1995 and their usual printed exceptions, the "Closing Agent" is hereby authorized and instructed to record or file all necessary documents and disburse funds deposited in accordance with the amounts shown on the closing statement. Minor adjustments may be made for additional interest due to delay in disbursing beyond the control of the "Closing Agent", for which the respective party shall be given an accounting.

In the event this transaction does not close for any reason, the "Closing Agent" shall be entitled to reimbursement for any and all costs expended by it and shall be further entitled to an escrow cancellation fee not to exceed one half of the normal fee and the parties hereto agree to be jointly and severally liable for same. Further, any earnest money deposited with the "Closing Agent" shall be refunded only upon written instructions from the parties hereto. EXCEPT that, in the event the earnest money has been deposited by the Broker, the "Closing Agent" is hereby authorized to refund same to the broker's trust account for his disposition to the parties and in the event the "Closing Agent" has incurred expenses in connection herewith, the "Closing Agent" shall be entitled to retain so much of the earnest money as it is entitled to hereunder for the reimbursement of said expenses.

The "Closing Agent" shall have no responsibility for compliance with any truth-in-lending, usury or consumer protection laws of the United States or the State of Idaho.

The "Closing Agent" is directed to comply with the instructions contained herein and the parties hereto agree to indemnify and hold harmless the "Closing Agent" from any and all actions or losses related hereto other than failure to comply herewith, including but not limited to any attorney's fees or costs incurred by the "Closing Agent" in defending itself in any such action.

BY THEIR EXECUTION OF THESE INSTRUCTIONS, THE BUYER AND SELLER ACKNOWLEDGE THE FOLLOWING:

- 1) The "Closing Agent" is not acting as a representative or advocate of either party,
- 2) The documents prepared in connection with this transaction will affect the legal rights of the parties, and the parties rights or interests in those documents may differ,
- 3) Any documents typed by the "Closing Agent" have been done so at our direction or the direction of our counsel,
- 4) The "Closing Agent" is not licensed to practice law and no legal advice—advice as to the content of the documents, nor advice as to the merits of the transaction has been offered by the "Closing Agent", and
- 5) THE "CLOSING AGENT" HAS ADVISED THE PARTIES HERETO TO SEEK THE ADVICE OF INDEPENDENT COUNSEL IF ANY PART OF THIS TRANSACTION IS NOT FULLY UNDERSTOOD.

ADDITIONAL INSTRUCTIONS:

BUYER'S MAILING ADDRESS:

John M. Fairchild

BUYER:

JOHN M. FAIRCHILD

TAMI L. FAIRCHILD

Tami L. Fairchild

SELLER'S MAILING ADDRESS:

222 E. 350 N.
Blackfoot 83221

SELLER:

NYLE H. BAILEY

Nyle H. Bailey

American Land Title Company

BY:

Cathy Peterson
CATHY PETERSON

ESCROW CLOSING OFFICER

MICROFILM

NOV 07 2005

A. Settlement Statement

U. S. Department of Housing
and Urban Development

AMERICAN LAND TITLE CO.

OMB No. 2502-0265 (Exp. 12-31-86)

B. Type of Loan

1. ☐ FHA 2. ☐ FmHA 3. ☐ Conv. Unins.
4. ☐ VA 5. ☐ Conv. Ins.6. File Number
3-17959-J

7. Loan Number

8. Mortgage Insurance Case Number

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name and Address of Borrower

JOHN M. FAIRCHILD
TAMI L. FAIRCHILD

E. Name and Address of Seller

NYLE H. BAILEY

F. Name and Address of Lender

FIRST SECURITY BANK
P.O. BOX 711
POCATELLO, ID 83204

G. Property Location

SEE LEGAL DESCRIPTION

H. Settlement Agent File# 3-17959-J
AMERICAN LAND TITLE COMPANY TIN#

Place of Settlement

167 WEST BRIDGE
BLACKFOOT, IDAHO 83211

I. Settlement Date

06/05/95
Disbursement
06/05/95

J. Summary of Borrower's Transaction

100. Gross Amount Due From Borrower

101. Contract Sales Price
102. Personal Property
103. Settlement Charges to borrower (line 1400)
104.
105.

Adjustments for items paid by seller in advance

106. City/Town taxes to
107. County taxes to
108. Assessments to
109.
110.
111.
112.

120. Gross Amount Due From Borrower

200. Amounts Paid By Or In Behalf Of Borrower

201. Deposit or earnest money
202. Principal amount of new loan(s)
203. Existing loan(s) taken subject to
204.
205.
206.
207.
208.
209.

Adjustments for items unpaid by seller

210. City/Town taxes to
211. County taxes to
212. Assessments to
213.
214.
215.
216.
217.
218.
219.

220. Total Paid By/For Borrower

300. Cash At Settlement From/To Borrower

301. Gross Amount due from borrower (line 120)
302. Less amounts paid by/for borrower (line 220)303. Cash ☐ From ☐ To Borrower

K. Summary of Seller's Transaction

400. Gross Amount Due to Seller

401. Contract Sales Price 38,000.00
402. Personal Property
403.
404.
405.

Adjustments for items paid by seller in advance

406. City/Town taxes to
407. County taxes to
408. Assessments to
409.
410.
411.
412.

420. Gross Amount Due To Seller

500. Reductions in Amount Due To Seller

501. Excess deposit (see instructions)
502. Settlement charges to seller (line 1400) 2,676.00
503. Existing loan(s) taken subject to
504. Payoff of first mortgage loan
505. Payoff of second mortgage loan
506.
507.
508.
509.

Adjustments for items unpaid by seller

510. City/Town taxes to
511. County taxes 01/01/95 to 06/05/95 32.39
512. Assessments to
513.
514.
515.
516.
517.
518.
519.

520. Total Reduction Amount Due Seller

600. Cash At Settlement To/From Seller

601. Gross Amount due to seller (line 420) 38,000.00
602. Less reductions in amount due seller (line 520) 2,708.39603. Cash ☒ To ☐ From Seller

35,291.61

TAX PRORATION BASED ON 1994 TAXES OF \$ 76.28

MICROFILMED
NOV 07 2000

AMERICAN LAND TITLE COMPANY

L. Settlement Charges

700. Total Sales/Broker's Commission bases on price	38,000.00	6.00	2,280.00		
Division of Commission (line 700) as Follows:					
701. \$	1,280.00	to	TOWN AND COUNTRY (- 1,000.00 E.M.)		
702. \$		to			
703. Commission paid at Settlement					1,280.00
704. \$1000.00 EM HELD BY BROKER-POC					1,000.00
800. Items Payable in Connection With Loan					
801. Loan Origination Fee	%				
802. Loan Discount	%				
803. Appraisal Fee	to				
804. Credit Report	to				
805. Lender's Inspection Fee					
806. Mortgage Insurance Application Fee to					
807. Assumption Fee					
808.					
809.					
810.					
811.					
900. Items Required by Lender To Be Paid in Advance					
901. Interest from	to	@ \$	/day		
902. Mortgage Insurance Premium for	months to				
903. Hazard Insurance Premium for	years to				
904.	years to				
905.					
1000. Reserves Deposited With Lender					
1001. Hazard Insurance	months @ \$		per month		
1002. Mortgage Insurance	months @ \$		per month		
1003. City property taxes	months @ \$		per month		
1004. County property taxes	months @ \$		per month		
Annual assessments	months @ \$		per month		
1006.	months @ \$		per month		
1007.	months @ \$		per month		
1008.	months @ \$		per month		
1100. Title Charges					
1101. Settlement or closing fee	164.00	to	AMERICAN LAND TITLE COMPANY		82.00
1102. Abstract or title search		to			
1103. Title examination		to			
1104. Title insurance binder		to			
1105. Document preparation		to			
1106. Notary fees		to			
1107. Attorney's fees		to			
(includes above items numbers:					
1108. Title insurance		to	AMERICAN LAND TITLE COMPANY		314.00
(includes above items numbers:					
1109. Lender's coverage	\$	68,000.00			
1110. Owner's coverage	\$	38,000.00			
1111.					
1112.					
1113.					
1200. Government Recording and Transfer Charges					
1201. Recording fee: Deed \$	3.00	Mortgage \$		Releases \$	
1202. City/county tax stamps: Deed \$		Mortgage \$			
1203. State tax/stamps: Deed \$		Mortgage \$			
1204.					
1205.					
1300. Additional Settlement Charges					
1301. Survey		to			
1302. Pest inspection		to			
1303.					
1304.					
1305.					
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)					2,676.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

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NOV 07 2000

NOLE H. BAILEY

Borrowers

Sellers

The HUD-1 Settlement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

AMERICAN LAND TITLE COMPANY

06/05/95

Settlement Agent

Date

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details, see Title 18 U.S. Code, Section 1001 and Section 1010.

AMERICAN LAND TITLE COMPANY

SELLERS AFFIDAVIT

AFFIDAVIT AND INDEMNITY AGREEMENT AS TO LEASES, CONTRACTS, FIXTURES
ENCUMBRANCES, MECHANICS' LIENS, ETC.

STATE OF IDAHO :

COUNTY OF BINGHAM :

Before me, the undersigned Notary Public in and for said County and
State, personally appeared NYLE H. BAILEY
known to me and being first duly sworn, depose(s) and say(s):

1. That they own(s) the following real property in Bingham County, Idaho:

ADDRESS or LEGAL

SEE LEGAL DESCRIPTION, - on Back of last Page

2. That said owner(s) is/are in possession of said property, and the
following is a list of all tenants with rental terms:

NAME DATE FROM DATE TO

NONE

3. That all indebtedness due anyone for labor, materials, or services
which might be liens on said property are fully paid, except: NONE

4. That no security interest under the Uniform Commercial Code has been
perfected against the improvements, except: NONE

5. That there are no judgements, pending litigation, executions or
attachments in or from any court affecting said property of said
owner(s) except: NONE

6. That no bankruptcy proceeding in any Federal Court have been filed
against or by any owner of said property. There is no outstanding
contract of sale, conveyance or encumbrance affecting said property,
except: NONE

7. That all persons who have executed or will execute instruments
conveying or encumbering said property are a least 18 years old and
are free from legal disability.

8. That the undersigned make(s) this statement for the express purposes
of inducing American Land Title Company to insure title to said
property to be free from adverse claims or liens not herein stated,
and of enabling said owner(s) to receive the consideration for sale,
lease or mortgage of said property. Affiant(s) guarantee and warrant
the statements of fact herein, which shall be construed as a continual
contractual obligation in favor of said companies.

9. That in consideration of the issuance of title insurance by said
companies as aforesaid, the undersigned agree(s) to indemnify and hold
harmless said companies against all loss or expense on account of any
matter or thing omitted from the foregoing factual statement,
including expense of enforcing this agreement.

MICROFILMED

NOV 07 2003

Nyle H. Bailey
NYLE H. BAILEY

Subscribed and sworn to before me this the _____ day of _____, 19____.

NOTARY PUBLIC

Comm. Expires _____ Residing at _____

SUBSTITUTE 1099-S
INFORMATION FOR REAL ESTATE 1099-S REPORT FILING
as required by the Internal Revenue Service

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. Please save this for your tax records and submit to the IRS.

You are required by law to provide the Closing Agent with your correct taxpayer identification number. If you do not provide the Closing Agent with your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law.

File No. 3-17959-J

Taxpayer ID No. SS# 518-28-2529

Taxpayer type 2 1 = Business 2 = Individual

INDIVIDUAL SELLER NAME

NYLE H. BAILEY
Last First & Middle

BUSINESS SELLER NAME

MAILING ADDRESS

Street 222E 350N
City Blackfoot State ID 83221
Zip Code _____ -0-

TRANSACTION INFORMATION

Buyers Part of Real Estate Tax _____
Percentage of Gross Proceeds 100%
Closing Date 06/05/95 Gross Proceeds 38,000.00

Description of Property SEE LEGAL DESCRIPTION, , see reverse

Was the property the principle residence of the seller? NO

Has the seller received (or will receive) property or services other than the gross proceeds set out above? NO

Under penalty of perjury, I certify that the Tax ID No. shown on this statement is my correct taxpayer identification number. I further certify that the above information is true and correct and acknowledge receipt of a copy of this statement.

Date 06/05/95

Nyle H. Bailey
NYLE H. BAILEY
MICROFILMED
NOV 07 2000

CLOSING AGENT INFORMATION

Name AMERICAN LAND TITLE CO., INC. Taxpayer ID No. 82-0226687
Address 167 WEST BRIDGE, P.O. BOX 1007
City BLACKFOOT State IDAHO Zip Code 83221

A parcel of land located in the S $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 2 South, Range 35 East, Boise Meridian, Bingham County, Idaho, particularly described as follows:

Beginning at the SE Corner of the S $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20, and running thence West along the South line of S $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20 1320 feet; thence North 660 feet thence East 660 feet; thence South 330 feet; thence East 660 feet; thence South 330 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM:

A parcel of land located in the S $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 2 South, Range 35 East, Boise Meridian, Bingham County, Idaho, particularly described as follows:

Beginning at a point that is West 1320 feet and North 660 feet from the SE Corner of the S $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 20, and running thence East 660 feet; thence South 330 feet; thence West 660 feet; thence North 330 feet, more or less, to the Point of Beginning...

MICROFILMED

NOV 9 7 2008

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

ATTACHMENT 2 OF 2



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 30, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NYLE H BAILEY
222 E 350 NORTH
BLACKFOOT ID 83221-5909

RE: Water Right 35-02904B RENUMBERED TO 27-07588 (Transfer 5777)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5777). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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 the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

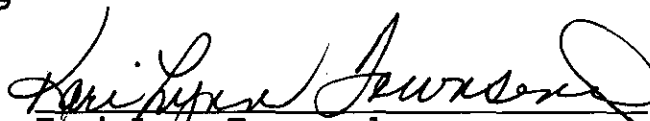
MICROFILMED
NOV 07 2000

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of **August, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 35-02904B RENUMBERED TO 27-07588 (Transfer 5777)

**NYLE H BAILEY
222 E 350 NORTH
BLACKFOOT ID 83221-5909**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
NOV 07 2000**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5777

Date Reviewed 08-28-2000

27-07588

28

Right(s) 35-02904B - SRBA Recommendation

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

☒ I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership Sale of Land from Bailey to Fairchild's. Statement from Fairchild releasing interest in WR to Nyl Bailey. - New P/U owned by Bailey per Bingham Co. Assessor office. 8-28-00

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31

Standard Volume 4.0 / 3.0

(1) ☒ Priority (2) ☒ Use (3) ☐ Season/W61 (4) ☒ Rate (5) ☒ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Bingham GW District/East ESPA Water District (12) Yes Pertinent Conditions (13) No Expansion

(3) Retain 4-1 to 11-01 (Per previous transfer 360.1) 1 Day > Standard.

(7) Change P/D - existing 2 IRR's

(8) Change P/U

8-29-2000 Mr. Bailey confirmed use of canal water at new P/U. No storage water however & needs GW at end of season. (telecom)

Supplemental GW per SRBA - Peoples Canal & IRR Co. } Snake River
New P/U overlaps w/ Blackfoot IRR Co. }

Transfer Remarks W63

Conditions 0416, 067, 065, 104, R64, T07, T08

Database/Processing Notes

Standard ☐ Non-Standard ☒

Copy approved version to run "X" prefix - Delete T. Comment to base WR

* Change Right to Basin 27 when approved. *

"T" Files Update ☒ Complete ☒ Approval Form ☒ Transfer Memo ☐

Database Updated ☒ Following Approval ☐ Memo/Form Files Deleted ☐

27-07588

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM								
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac						
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
T02S R35E S 20																										
A0100117BA	SNAKE RIVE :	People's Canal & Irr Co.										:			31	36 :	38		7	40 :	152					
A0100118AV	SNAKE RIVE :											:			31	36 :	38		7	40 :	152					
A0100147	SNAKE RIVE :	40		40		40		40		40		40	40	:	25				:	425						
A0100157	SNAKE RIVE :											:			31	36 :	38		7	40 :	152					
0100157A	SNAKE RIVE :											:			1	1 :				:						
0100158A	SNAKE RIVE :											:			1	1 :				:						
A0100191	SNAKE RIVE :	40		40		40		40		40		40	40	:	25				:	425						
A0100192	SNAKE RIVE :	40		40		40		40		40		40	40	:	25				:	425						
A0100259	SNAKE RIVE :	40		40		40		40		40		40	40	:	25				:	425						
0100264	SNAKE RIVE :											:			1	1 :				:						
A0100264	SNAKE RIVE :											:			31	36 :	38		7	40 :	152					
0100324	SNAKE RIVE :											:				:				:						
A0100324	SNAKE RIVE :											:			31	36 :	38		7	40 :	152					
A0110057	SNAKE RIVE :											:			31	36 :	38		7	40 :	152					
3502904A	GROUNDWATE :	10												:					:	10						
*3502904A	GROUNDWATE :	10												:					:	10						
A3502904A	GROUNDWATE :	10												:					:	10						
3502904B	GROUNDWATE :	10												:					:	10						
*3502904B	GROUNDWATE :	10												:					:	10						
A3502904B	GROUNDWATE :	10												:					:	10						
3504173	GROUNDWATE :											:			1	:				:	1					
3507371	GROUNDWATE :											:			10	:				:	10					
*3507371	GROUNDWATE :											:			7	:				:	7					
A3507371	GROUNDWATE :											:			7	:				:	7					
R3507371	GROUNDWATE :											:			7	:				:	7					
*3507458C	GROUNDWATE :											:				36 :				:	36					
3507465	GROUNDWATE :											:						40	32	:	72					
*3507465	GROUNDWATE :											:						40	28	:	68					
A3507465	GROUNDWATE :											:						40	32	:	72					
3507893	GROUNDWATE :											:			10	:				:	10					
*3507893	GROUNDWATE :											:			10	:				:	10					
A3507893	GROUNDWATE :											:			10	:				:	10					
3508723	GROUNDWATE :											:							1	:	1					
3508757	GROUNDWATE :											:			1	:				:	1					
*3510674	GROUNDWATE :											:							4	:	4					
A3510674	GROUNDWATE :											:							4	:	4					
*3512264	GROUNDWATE :											:				36 :				:	36					
A3512264	GROUNDWATE :											:				40 :				:	40					
--86 MAP--	C11Q-Z 39 :	37		40		14		32		39		41		40		38		24	37	39	42 :	36	39	43	40 :	581

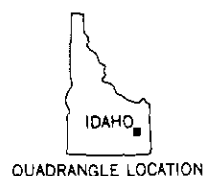
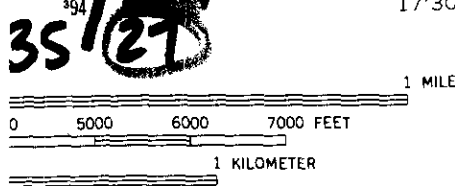
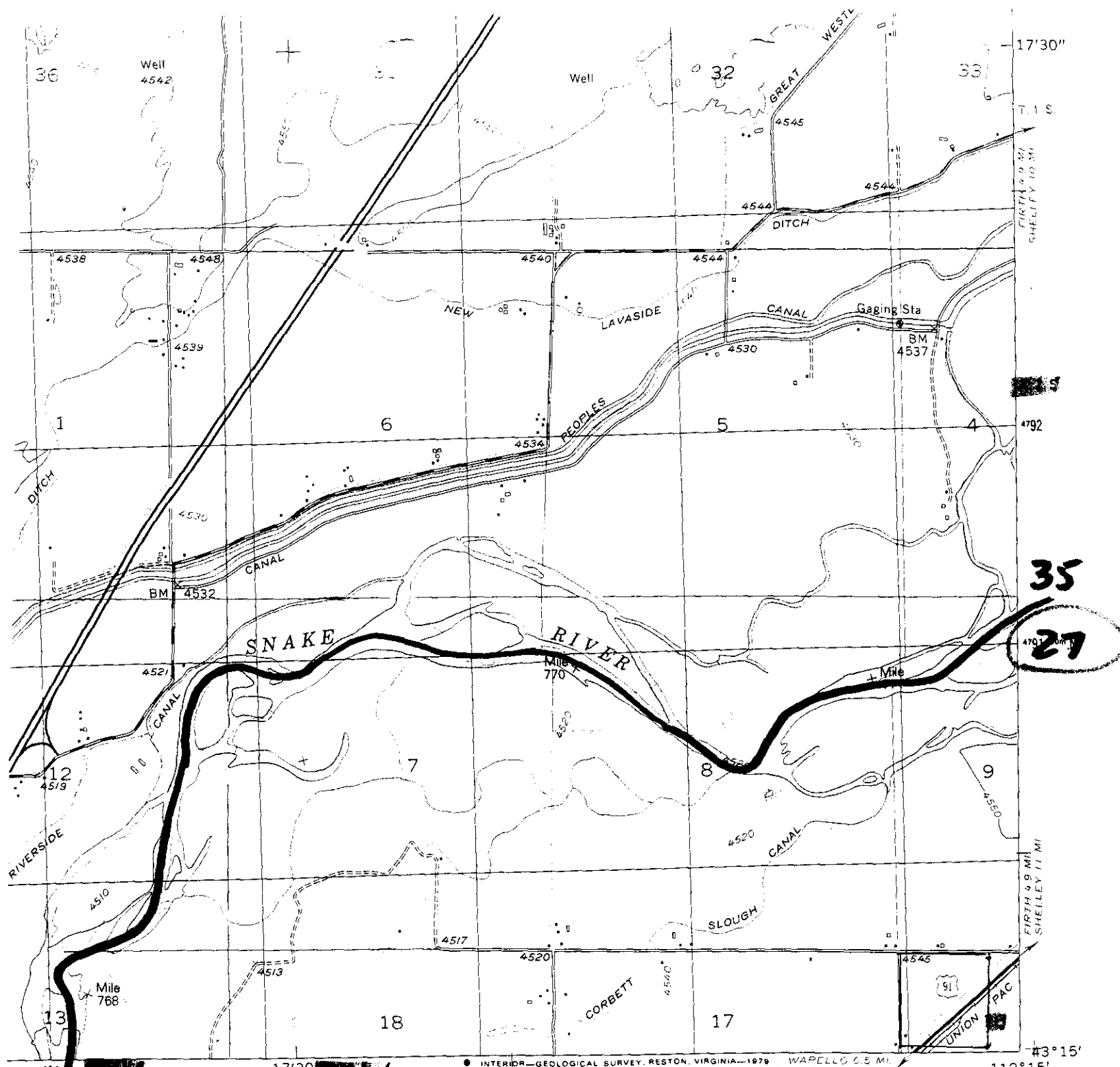
Supplemental use with canal water per SRBA.

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM			
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T02S R36E S 16																																					
A0100001J	SNAKE RIVE :	40		38		40		23		29		40		36		15		40		9		22		52		18		26		40		28		496			
0100298	SNAKE RIVE :																																				
A0100298	SNAKE RIVE :	40		38		40		23		29		40		36		15		40		9		22		52		18		26		40		28		496			
2707093	GROUNDWATE :																																27				
A2707093	GROUNDWATE :																																27				
2707376	GROUNDWATE :																																1				
A2707376	GROUNDWATE :																																1				
2707399	GROUNDWATE :																																120				
2707402	GROUNDWATE :																																60				
2707547	GROUNDWATE :			39		36																											75				
2707554	GROUNDWATE :																																15				
M2707554	GROUNDWATE :																																15				
2707567	GROUNDWATE :	0																															20				
A2711040	GROUNDWATE :																																2				
1502904B	GROUNDWATE :																																10				
--85 MAP--	C11Q-Y 91 :	38		40		36		39		33		33		37		38		39		37		39		40		37		39		39		39		603			

Appears supplemental to canal water here also.

Called Applicant 8-28-00 & left message to call. Will discuss.



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NOV 07 2000

Y-90

ROSE, IDAHO
N4315-W11215/7.5

1955
PHOTOREVISED 1979
DMA 3570 IV SE-SERIES V893

T 5777

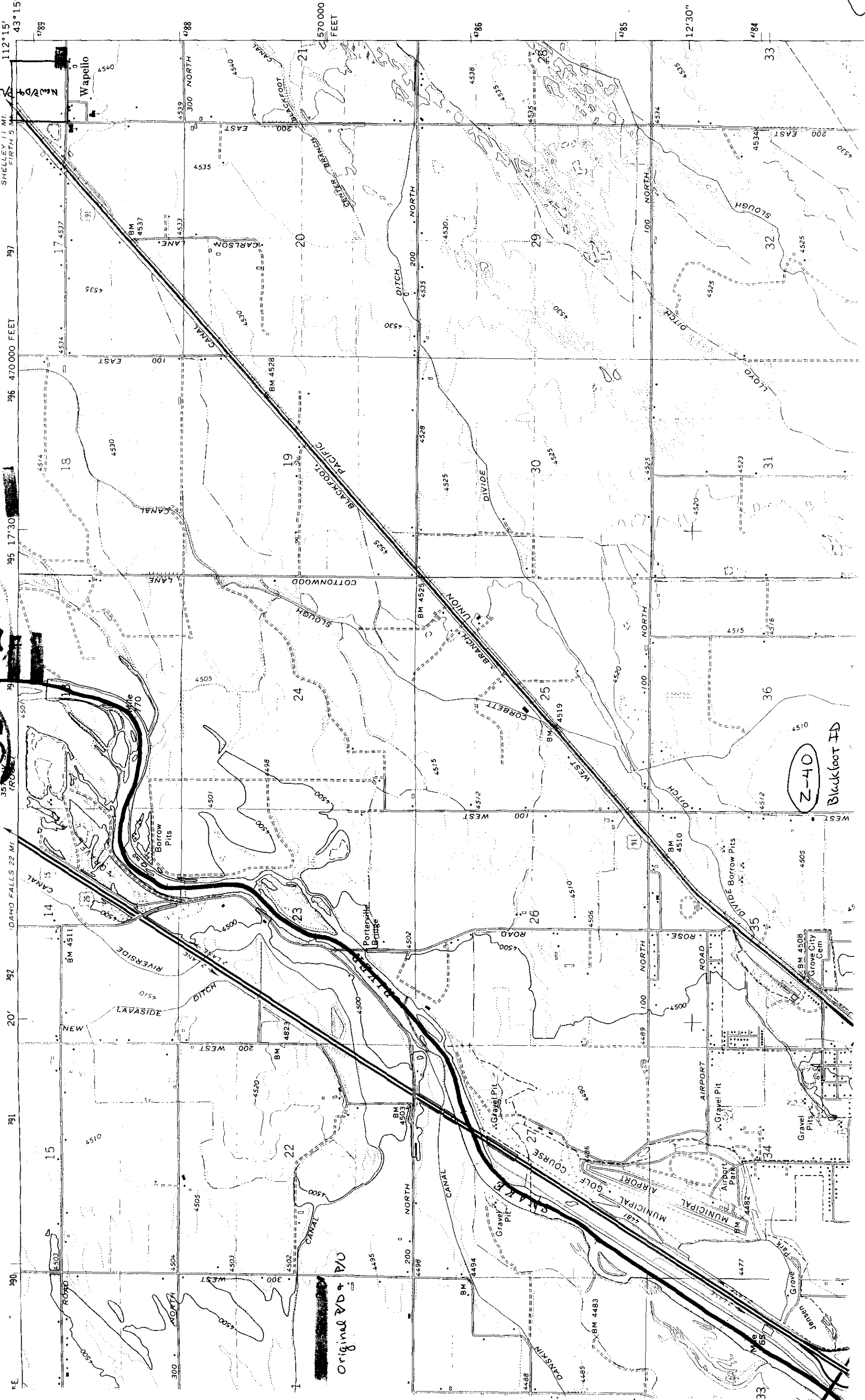
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND SURVEY

BLACKFOOT QUADRANGLE
IDAHO—BINGHAM CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE/4 BLACKFOOT 15' QUADRANGLE
3570, 15W
(FIFTH)

Original P/O P/O

4510
Z-40
Blackfoot ID

T 5777



NOV 07 2000

(T5777) moves Rt. 35-02904 to Basin (27)

SRBA

SUBCASE SUMMARY REPORT 35-02904B

Return to SRBA Home Page

SRBA
08-28-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 35-02904B FILE#: 00542
CLAIMANT: BAILEY, NYLE H
STATUS: **ADMIN PROCEED PENDING**
WATER SOURCE: GROUNDWATER,
ISSUES: SOURCE OF WATER
QUANTITY OF WATER USED
CONSUMPTIVE USE

**** PARTIES INVOLVED ****

NYLE H BAILEY	C ATTY: JEFFREY C. FEREDAY
TWIN FALLS CANAL COMPANY	O ATTY: JOHN A ROSHOLT
STATE OF IDAHO	R ATTY: PETER J. AMPE
ABERDEEN-AMERICAN FALLS	R ATTY: JEFFREY C. FEREDAY
BINGHAM GROUND WATER DISTR	R ATTY: JEFFREY C. FEREDAY
UPPER VALLEY IRRIGATORS AS	R ATTY: JEFFREY C. FEREDAY
DARWIN BROWN	R ATTY: KENT W FOSTER
LDS CHURCH	R ATTY: KENT W FOSTER
BRENT STOLWORTHY	R ATTY: KENT W FOSTER
FRANK S & AGNES H WADA	R ATTY: KENT W FOSTER
GERALD J BUTIKOFER	R ATTY: KENT W FOSTER
LINDEN J & LOIS J BUTIKOFE	R ATTY: KENT W FOSTER
MERLE & ULENE BUTIKOFER	R ATTY: KENT W FOSTER
KENT B CORNELISON	R ATTY: KENT W FOSTER
WAYNE HANSEN	R ATTY: KENT W FOSTER
PAUL & ALICE HEYREND	R ATTY: KENT W FOSTER
MURDOCH-WILSON FARMS	R ATTY: KENT W FOSTER
KENT SEARLE	R ATTY: KENT W FOSTER
JAY L & MERRI LYNN STOLWOR	R ATTY: KENT W FOSTER
CLYDE M WILSON	R ATTY: KENT W FOSTER
FREMONT MADISON IRRIG. DIS	R ATTY: JERRY R. RIGBY
C & L FARMS	R ATTY: BLAIR J. GROVER
THEODORE L DEFFINGER	R ATTY: BLAIR J. GROVER
HOLM BROTHERS PARTNERSHIPS	R ATTY: BLAIR J. GROVER
DEL RAY HOLM	R ATTY: BLAIR J. GROVER
R & M FARMS PARTNERSHIP	R ATTY: BLAIR J. GROVER
ALBERT & CHRISTINE WADA	R ATTY: KENT W FOSTER
NORTH SIDE CANAL COMPANY L	O ATTY: JOHN A ROSHOLT
HOLM BROS. PARTNERSHIP, HO	R ATTY: BLAIR J. GROVER

**** ROA ENTRIES ****

11-20-1998	OBJ 01 F/B TWIN FALLS CANAL COMPANY	RB	12-31-1998	0001
11-20-1998	OBJ 02 F/B NORTH SIDE CANAL COMPANY LTD			0002
12-29-1998	RESPONSE TO OBJ 0001 F/B STATE OF IDAHO			0001
12-29-1998	RESPONSE TO OBJ 0001 F/B ABERDEEN-AMERICAN FA			0002
12-29-1998	RESPONSE TO OBJ 0001 F/B BINGHAM GROUND WATER			0003
12-29-1998	RESPONSE TO OBJ 0001 F/B UPPER VALLEY IRRIGAT			0004
12-29-1998	RESPONSE TO OBJ 0001 F/B BROWN, DARWIN			0005
12-29-1998	RESPONSE TO OBJ 0001 F/B LDS CHURCH			0006
12-29-1998	RESPONSE TO OBJ 0001 F/B STOLWORTHY, BRENT			0007
12-29-1998	RESPONSE TO OBJ 0001 F/B WADA, FRANK S & AGNE			0008
12-29-1998	RESPONSE TO OBJ 0001 F/B BUTIKOFER, GERALD J			0009
12-29-1998	RESPONSE TO OBJ 0001 F/B BUTIKOFER, LINDEN J.			0010
12-29-1998	RESPONSE TO OBJ 0001 F/B BUTIKOFER, MERLE & U			0011
12-29-1998	RESPONSE TO OBJ 0001 F/B CORNELISON, KENT			0012
12-29-1998	RESPONSE TO OBJ 0001 F/B HANSEN, WAYNE			

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12-29-1998	RESPONSE TO OBJ 0001 F/B HEYREND, PAUL & ALIC		0014
12-29-1998	RESPONSE TO OBJ 0001 F/B MURDOCH-WILSON FARMS		0015
12-29-1998	RESPONSE TO OBJ 0001 F/B SEARLE, KENT		0016
12-29-1998	RESPONSE TO OBJ 0001 F/B STOLWORTHY, JAY L &		0017
12-29-1998	RESPONSE TO OBJ 0001 F/B WILSON, CLYDE M		0018
12-29-1998	RESPONSE TO OBJ 0001 F/B FREMONT MADISON IRRI		0019
12-29-1998	RESPONSE TO OBJ 0001 F/B C & L FARMS		0020
12-29-1998	RESPONSE TO OBJ 0001 F/B DEFFINGER, THOEDORE		0021
12-29-1998	RESPONSE TO OBJ 0001 F/B HOLM BROTHERS PARTNE		0022
12-29-1998	RESPONSE TO OBJ 0001 F/B HOLM, DEL RAY		0023
12-29-1998	RESPONSE TO OBJ 0001 F/B R & M FARMS PARTNERS		0024
12-29-1998	RESPONSE TO OBJ 0001 F/B WADA, ALBERT & CHRIS		0025
12-29-1998	RESPONSE TO OBJ 0002 F/B STATE OF IDAHO		0001
12-29-1998	RESPONSE TO OBJ 0002 F/B ABERDEEN-AMERICAN FA		0002
12-29-1998	RESPONSE TO OBJ 0002 F/B BINGHAM GROUND WATER		0003
12-29-1998	RESPONSE TO OBJ 0002 F/B UPPER VALLEY IRRIGAT		0004
12-29-1998	RESPONSE TO OBJ 0002 F/B BROWN, DARWIN		0005
12-29-1998	RESPONSE TO OBJ 0002 F/B LDS CHURCH		0006
12-29-1998	RESPONSE TO OBJ 0002 F/B STOLWORTHY, BRENT		0007
12-29-1998	RESPONSE TO OBJ 0002 F/B WADA, FRANK S & AGNE		0008
12-29-1998	RESPONSE TO OBJ 0002 F/B WADA, ALBERT & CHRIS		0009
12-29-1998	RESPONSE TO OBJ 0002 F/B BUTIKOFER, GERALD		0010
12-29-1998	RESPONSE TO OBJ 0002 F/B BUTIKOFER, LINDEN &		0011
12-29-1998	RESPONSE TO OBJ 0002 F/B BUTIKOFER, MERLE & U		0012
12-29-1998	RESPONSE TO OBJ 0002 F/B CORNELISON, KENT B		0013
12-29-1998	RESPONSE TO OBJ 0002 F/B HANSEN, WAYNE		0014
12-29-1998	RESPONSE TO OBJ 0002 F/B HEYREND, PAUL & ALIC		0015
12-29-1998	RESPONSE TO OBJ 0002 F/B MURDOCH-WILSON FARMS		0016
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12-29-1998	RESPONSE TO OBJ 0002 F/B R & M FARMS PARTNERS		0025
01-07-1999	NOTICE OF ORIGINAL CLAIMS FILED PT2 BASIN 35		
02-19-1999	ORDER SETTING HEARING ON CONSOLIDATION	HV	03-23-1999 0130
08-30-1999	ORDER CONSOLIDATING ISSUES CONCERNING CANAL COMPANY OBJECTIONS (BASIN 35- PARTS 2 & 3) AND ORDER DESIGNATING LEAD SUBCASE AS 35-07200 SEE FILE #35-379		08-30-1999
07-24-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ	07-12-2001

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NOV 07 2000

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 08/28/00

TIME: 09:24:45

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE	DESC	SYSTEM
35-02904				00/00/0000	/Z				WR
35-02904A	MANWARING, O. ELWOOD	C		07/18/1957	L/	GROUNDWATER	IRR		WR
35-02904B	BAILEY, NYLE H.	C		07/18/1957	L/	GROUNDWATER	IRR		WR
T35-02904B	BAILEY, NYLE H	C		07/18/1957	L/	GROUNDWATER	IRR		WR

35-02904A	STEWART, HOMER	C		07/18/1957	L/	GROUNDWATER	IRR		AJ
	STEWART, LELA	C							
~~35-02904B~~	~~BAILEY, NYLE H~~	C		07/18/1957	L/	GROUNDWATER	IRR		AJ
A35-02904	SPLIT RIGHT	C		07/18/1957	/Z	GROUNDWATER	IRR		AJ
						SPLIT RIGHT			
A35-02904A	STEWART, HOMER	C		07/18/1957	L/	GROUNDWATER	IRR		AJ
	STEWART, LELA	C							
A35-02904B	BAILEY, NYLE H	C		07/18/1957	L/	GROUNDWATER	IRR		AJ

(2)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

6-27-00
T5777
RECEIVED
AUG 14 2000

INITIAL REVIEW BY: HWS

Department of Water Resources

1. Right number 35-02404B Applicant BAILEY

2. Type of right: ☐ Decree ☐ License ☐ Claim ☒ **SRBA Recommendation**

3. Purpose of transfer: ☒ **Change point of diversion** ☐ Add diversion point(s)
☒ **Change place of use** ☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use

b. ☒ Description of original point of diversion.

c. ☐ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments _____

Got Contract of Sale
& Disclaimer
And Tax Notice from
Buyer

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☐ Approve

2. ☐ Deny

3. Conditions* _____

4. By BDC Date 7/26/2000

*All uses within Watermaster District require special conditions

T5777

RECEIVED

JUL 14 2000

Department of Water Resources
Eastern Region

Dept. of Water Resources
900 N. Skyline Drive, Suite A

Idaho Falls, Idaho 83402-1718
(208) 325-7161
Fax: (208) 325-7177

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT NO. T5777**

NOTICE IS HEREBY GIVEN that Nyle H. Bailey, 222 E., 350 North, Blackfoot, Idaho, 83221, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a groundwater source. The right sought to be changed is evidenced by SRBA Recommendation and recorded as follows:
SRBA Recommendation No.: 35-02904B
Source: Groundwater
Amount: 0.20 cfs
Priority: 07/18/1957
Point(s) of Diversion: SENENE, Sec. 20, T02S, R35E, Bingham County.
The water is used for irrigation of 10 acres within Sec. 20, T02S, R35E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant has sold the original place of use but retained the water right and is transferring 10 acres to the W1/2 NW Sec. 16, T02S, R36E. The new point of diversion is in the SWNW, Sec. 16, T02S, R36E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before July 24, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(4684)
Pub.: 7/6, 13

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)

ss

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said

newspaper 2 consecutive with the first publication having been made on the 6th day of July 2000, and the last publication having been made on the 13th day of July 2000; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

Jacqueline Graham
On this 13th day of July, in the year of 2000, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee.....\$5.00

MICROFILMED

NOV 07 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 28, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NYLE H BAILEY
222 E 350 NORTH
BLACKFOOT ID 83221

RE: Application for Transfer # 5777

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on July 6 and 13, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

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NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 28, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

Dear Publisher:

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

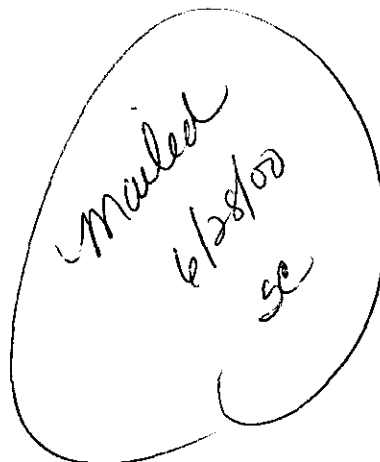
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before June 24, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED

NOV 07 2000

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 15777

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Amount: 0.20 cfs Priority: 07/18/1957
Point(s) of Diversion: SENENE SEC 20 T02S R35E, BINGHAM COUNTY
The water is used for irrigation of 10 acres within SEC 20 T02S R35E, B.M.

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KARL J. DREHER
Director

Published in the Morning News on July 6 and 13, 2000.

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NOV 07 2000