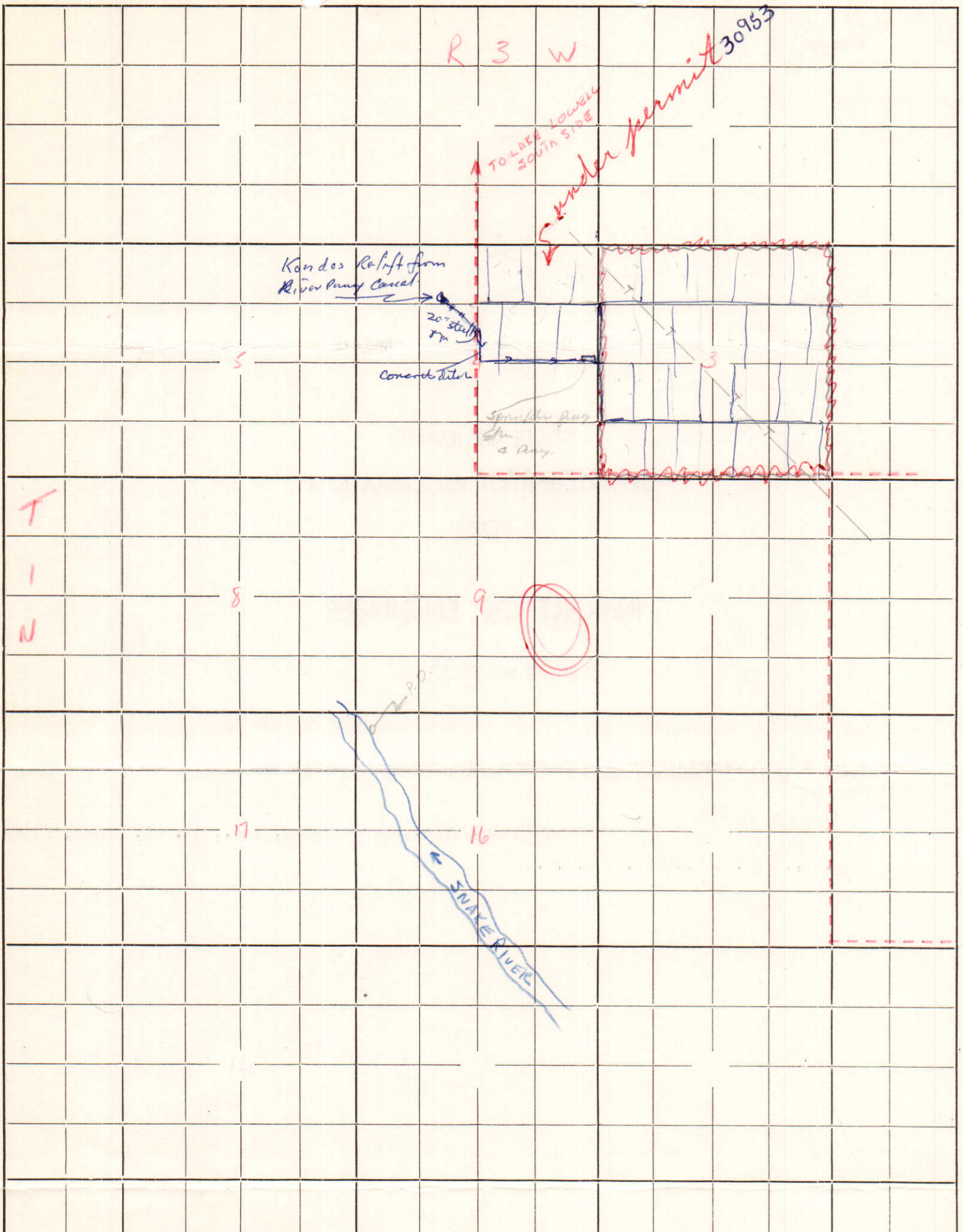




$$800 \text{ ac} \div 736 \text{ inches} = 0.92 \text{ inches}$$

$$640 \times 0.92 = 589 \text{ inches} \times 11.78 \text{ ct}$$

Subdivisions

16

Area

640 acres

Allow - Q

11.78 ct. or 589 inches

NAMPA LAND RANCH
River Pumping Station

600 HP, US Helioshaft Motor #1300679
Worthington Pump #8268 (18-2503-4)

600 HP, US Helioshaft Motor #1300621
Worthington Pump #8270 (18-2503-4)

600 HP, US Helioshaft Motor #1300678
Worthington Pump #8269 (18-2503-4)

600 HP, US Helioshaft Motor #1300725
Worthington Pump #8267 (18-2503-4)

600 HP, US Helioshaft Motor #1303562
Worthington Pump #8266 (18-2503-4)

600 HP, US Helioshaft Motor #1300047
Worthington Pump #8265 (18-2503-4)

600 HP, US Helioshaft Motor #1303561
Worthington Pump #8263 (18-2503-4)

600 HP, Helioshaft Motor #1300046
Worthington Pump #8271 (18-2503-4)

Water is diverted from Hat Butte Canal Co. canal distribution pond into Kondo ditch by 1 50 HP and 1 100 Hp pump. Water then gravitates into Kondo relift pumping pond, then through enclosed sprinkler system to the land irrigated. *Through 20" Penstock*

- #1 75 Hp US Motor, #1301891, Worthington Pump #VTP-8405
- #2 100Hp US Motor #130054, Worthington Pump #VTP 8408
- #3 100 Hp US Motor #1309423, Worthington Pump #VTP8409
- #4 50Hp US Motor #3473855, Worthington Pump, #VTP 9250

14" Main line east 40' then "Y's" into 14" main line that reduces down to 8" on the ends. There is a gate valve on each side of the "Y".

30339

ASSIGNMENT

For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 30339 to Yondo Farms, Inc. (Harry T. Yondo pres) of Kt 4 Nampa, Ida. Alice T. Yondo sec local Yondo vice pres

*

Yondo Bros.
Permit Holder
Harry T. Yondo
Oscar J. Yondo
Alice T. Yondo
Wife of Permit Holder

STATE OF IDAHO)
County of) ss

On this 16th day of November, 1964, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho personally appeared Harry T. Yondo + Alice T. Yondo + Oscar J. Yondo are known to me to be the person s whose name are is subscribed to the within instrument and duly acknowledged to me that t he y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

Catherine Newland
Notary Public
Residing at Nampa, Idaho

My commission expires: 7-8-66

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

30339

KONDO BROS. DITCH RIGHT-OF - WAY .

T 1 N. R. 3 W. B. M.

Canyon County

IDAHO

Scale: 1" = 1000'

Kondo Bros.
Deeded Land

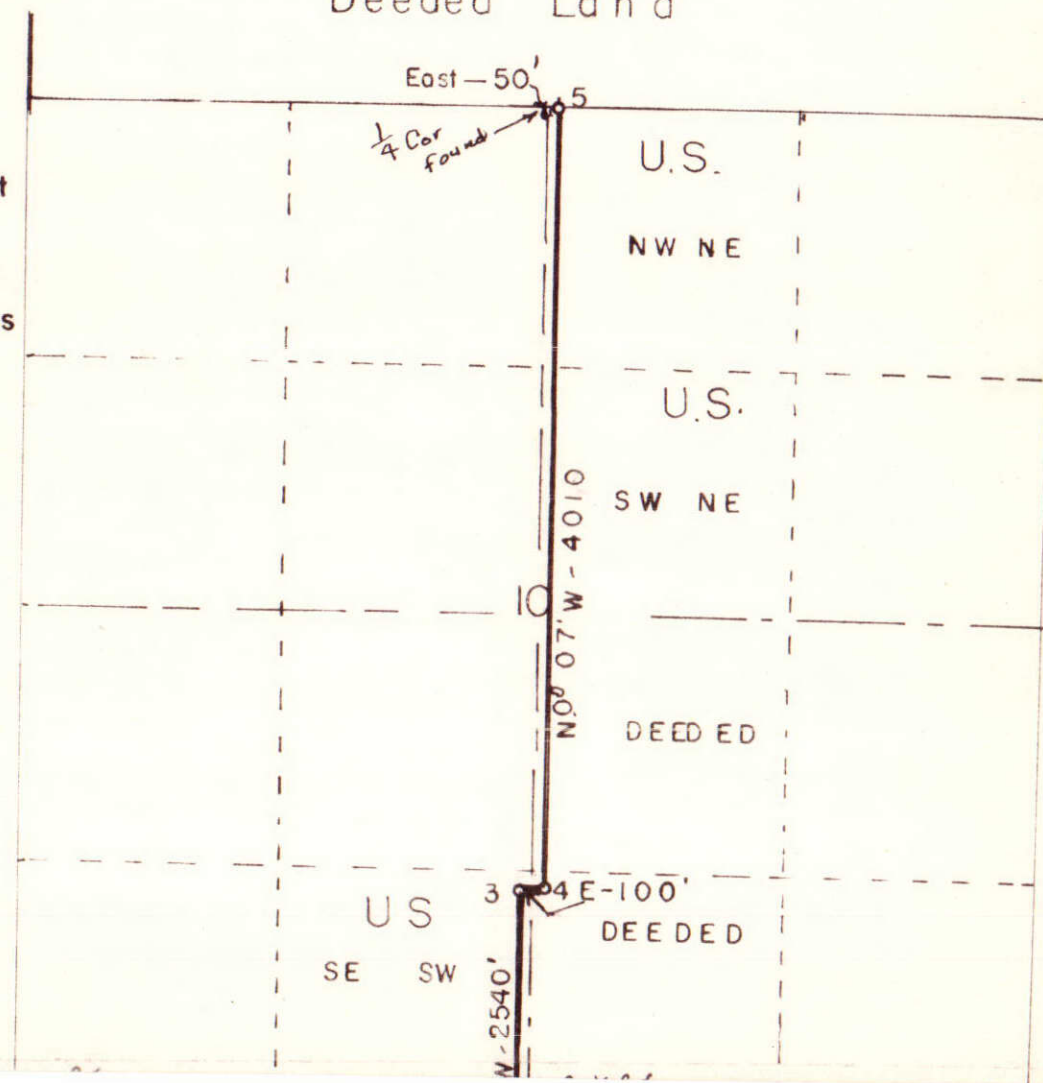
Applicant's Certificate

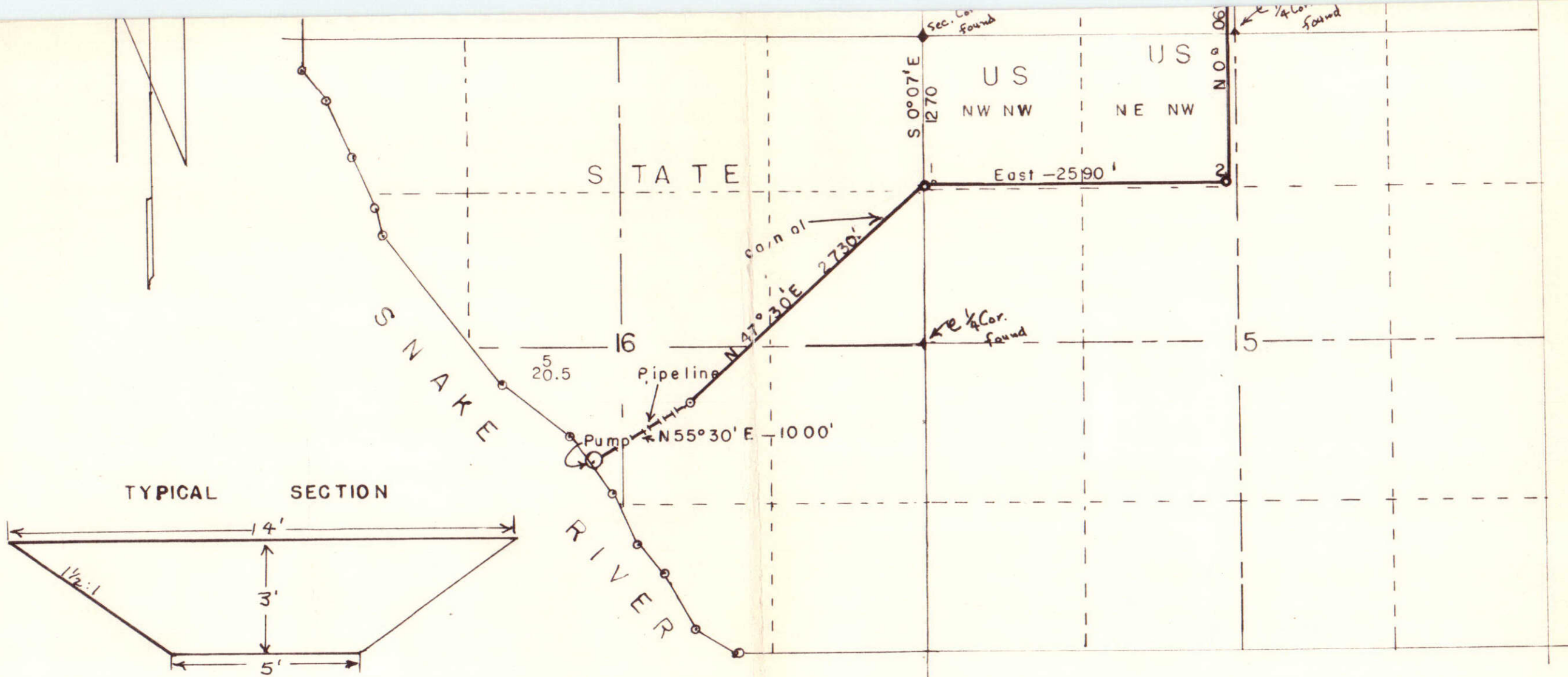
This to certify that Mervin J. Christensen who subscribed the statement hereon is the person employed by the undersigned applicants to prepare this map, which has been adopted by the applicants as the approximate final location of the works thereby shown; and that this map is filed as a part of the complete application, and in order that the applicants may obtain the benefits of the ACT of MARCH 3rd. 1891; and I further certify that the right-of-way herein described is desired for IRRIGATION DITCH RIGHT-OF - WAY.

Harvey P. Kondo
APPLICANT

Oscar J. Kondo
APPLICANT

TOTAL LENGTH OF CANAL ACROSS U.S. = 7820'





ENGINEER'S STATEMENT

MERVIN J. CHRISTENSEN states he is by occupation a Registered Land Surveyor employed by the KONDO BROS. to make the survey of the IRRIGATION DITCH RIGHT-OF-WAY as described and shown on this map; that the survey of said works was made by him and under authority, commencing and ending on the 19th day of December 1961; and that such survey is accurately represented upon this map.

Permit Map No. 30339

As Approved JAN 10 1962

GEO. N. CARTER

State Reclamation Engineer

Mervin J. Christensen

SURVEYOR

MJC

12/21/61

RECEIVED

DEC 29 1961

Department of Reclamation

30339

T1N-R3W., B.M., Idaho.

Sec. 3

Sec. 10

Canal

Sec. 15

Sec. 16

Pipe

River

Permit Map No. 30339

As Approved

GEO. N. CARTER

State Reclamation Engineer

JAN 10 1962

office copy

State of Idaho

License and Certificate of Water Right

Water License No. 30339 Priority December 26, 1961 Amount 11.78 c.f.s.

THIS IS TO CERTIFY that Kondo Bros.-Assignee-KONDO FARMS, INC.

of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 26, 1961; that Permit No. 30339 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 11.78 second feet, was issued thereunder on April 11, 1968, showing that said works were completed on the 21 day of December, 1964; and that on the 21 day of December, 1964 Kondo Farms, Inc. by Henry Kondo

of Nampa, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Snake River

a tributary of Columbia River for the purpose of irrigation, under Use Permit No. 30339 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~xxx~~ ~~Volume xxx of Licenses, at Page xxx~~ on the 11 day of April, 1968.

The right hereby confirmed dates from December 26, 1961.

The Point of Diversion is located

in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Twp. 1 N, R. 3 W, B.M. Canyon County.

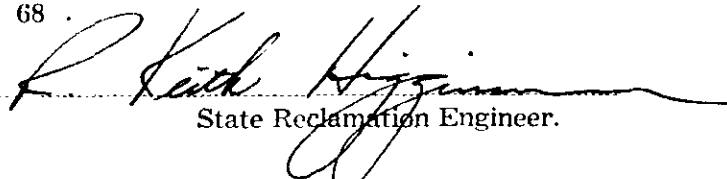
That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 11.78 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N	3 W	3	Entire section	640	640

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 11 day of April, 1968.


State Reclamation Engineer.

02-2168

30339

Application For Permit
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 38378
PERMIT No. 30339
DISTRICT No.

62
02-2168
Indo Farms, Inc.
Rt #1 Namoff
Idaho

1. Name of Applicant: Kondo Bros.

Postoffice address: Rt. 2, Vale

County: Malheur

State: Oregon

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:
(c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: 12.8 cubic feet per second.

3. Source of water supply: Snake River which is a tributary of Columbia

4. Location of point of diversion: S 70 degrees 30' West 3060' feet ~~distance~~ from the east 1/4 corner of Section 16, T. 1 N, R. 3 W, B.M., and is in the NE 1/4 SW 1/4 of section 16, T. 1 N, R. 3 W, B. M., County of Canyon

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$80,000

8. Kind of works: Electric pump, 1000'-18" steel pipe, 11,970' of canal

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width Sump and/or collecting basin at pump site.
feet; height feet.

11. Ditch: Width at bottom 5 feet; width at water line 12 feet; depth of water 2 1/2 feet;
dimensions of flume:

Diameter of pipe 18" inches; length of conduit 9000' ~~material~~
Average grade per mile 10.5 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 5 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Kondo Bros.

Applicant.

By s/ Harley M. McDowell

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. December 26, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 30339

Recorded in Book 106 Page 30339 Approved January 10, 1962

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

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

Work to begin on or before **March 10, 1962**

and to continue diligently and uninterruptedly to completion,

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

One-fifth of the work above specified to be completed on or before **July 10, 1964**

The whole of said work to be completed on or before **January 10, 1967**

Beneficial use of water appropriated in accordance herewith, to be made on or before January 10, 1967 72

WITNESS My hand this 10th day of January, 1962

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLYE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th
day of January, 19 62.
STATE OF IDAHO

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLLIE

Governor,

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
1 N	3 W	3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	
A S S I G N M E N T																			
✓ For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 30339 to KONDO FARMS, Inc., Henry T. Kondo, President, Alice S. Kondo, Sec., Oscar J. Kondo, Vice Pres., Route #4, Nampa, Idaho			83651 KONDO BROS. Permit Holder Henry T. Kondo Oscar J. Kondo Alice S. Kondo																
State of Idaho) County) ss																			
On this 16th day of November, 1964, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared HENRY T. KONDO & ALICE S. KONDO & OSCAR J. KONDO known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.																			
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Noatarial Seal, the day and year in this certificate first above written.																			
(SEAL) My commission expires 7-8-66			s/ CATHERINE NEWLAND Notary Public Residing at Nampa, Idaho																

APPLICATION FOR AMENDMENT
POINT OF DIVERSION
Permit No. 30339

COMES NOW KONDO BROTHERS and represents to the State Reclamation Engineer of the State of Idaho:

That they are the owners and holders of Permit to Appropriate the Public Waters of the State of Idaho, No. 30339.

That the point of diversion is described in said Permit as being located: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 1 N., Rge. 3

W. B. M.

That they now request that the point of diversion be changed to a point located: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 16, Twp. 1 N.,

Rge. 3 W., B. M.

That the reason for desiring to make such change is as follows: We went in with the West End Project and the new point of diversion was more feasible for all concerned. We bought 8/55ths interest in this Project.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 13th day of November, 1964.

KONDO BROTHERS
s/ Henry T. Kondo
Oscar J. Kondo
Agent Henry T. Kondo
Oscar J. Kondo

Date of Receipt at Department of Reclamation November 13, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 30339. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: November 25, 1964

PERMIT NO. 30339

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Kondo Bros. -Assignee-Kondo Farms, Inc. of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 30339, issued upon Application No. 38378 bearing date of priority of December 26, 1961, authorizing the diversion of 12.8 second feet of waters of Snake River County of Canyon, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 11.78 second feet of the waters of Snake River tributary of Columbia River, that the point of diversion of said waters is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, Township 1 North, Range 3 West, Boise Meridian, and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

Section 3, Township 1 North, Range 3 West, Boise Meridian.

Proof of completion of works made: December 21, 1964

Witness my hand this 11 day of April, A.D. 1968

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 11.78 SEC. FT.
LICENSE PAGE NO. 30339.

January 25, 1968

Re: Permit No. 30339

Kondo Farms, Inc.
Route 4
Nampa, Idaho 83651

Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 30339 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit licensing fees of \$37.00 (Copy of our letters of 8-17-65 and 12-18-67 enclosed), you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before March 5, 1968, why said permit should not be cancelled.

Permit 30339 claims the use of 11.78 c.f.s. of water. The point of diversion was to be located NW1/4, Sec. 16, T. 1 N, R. 3 W, B.M., Canyon County, and the permit was approved January 10, 1962.

State Reclamation Engineer

30339

December 18, 1967

Re: Permit 30339

Kondo Farms, Inc.
Henry T. Kondo, President,
Route #4
Nampa, Idaho 83651

Gentlemen:

Attached is a copy of the results of the field examination conducted by our department on the above referenced permit.

You are requested to submit the fees indicated within 30 days of the date of this letter.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DW M:nw

Enclosure: Fee letter of 8-17-65

30339

August 17, 1965

RE: Permit No. 30339

Henry Kondo
Kondo Farms, Inc.
Rt 4
Nampa, Idaho

Dear Mr. Kondo:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 30339 shows the pumps and sprinkler system are capable of conveying 589 miner's inches, or 11.78 c.f.s. of water for irrigation of 640 acres.

Upon receipt of the statutory fees totaling \$37.00 we will issue the Certificate of Completion of Works and License and Certificate of Water Right, confirming the right with priority of December 26, 1961, to the use of 11.78 c.f.s. of water from Snake River with the points of diversion in the NW1/4NW1/4, Sec. 16 for irrigation of 640 acres in Sec. 3, T. 1 N., R. 3 W., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

30339

1M April 1962

January 12, 1965

Re: Permit No. 30339
and 30953

Henry Kondo, President
Kondo Farms, Inc.,
Route #4
Nampa, Idaho

Dear Mr. Kondo:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the IDAHO FREE PRESS, all submitted in proof of completion of works and beneficial use on Permit No. 30339 and 30953.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours ,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

30339

RECEIVED
JAN 7 1965

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.)
) ss.
County of Canyon.)

Jeanne Bruner
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Four times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates.

November 28; December 5, 12, 19, 1964

Jeanne Bruner

Subscribed and sworn to before me this

19th day of December, 1964

Notary Public, Residing at Nampa, Idaho.

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 3 P. M. on the 31st day of December, 1964, at Nampa, County of Canyon, State of Idaho, before Cash Harper, Notary Public, at 1900 - First St. South, proof will be submitted of the completion of works for the diversion of 13.5 and 3.3 cubic feet per second of the waters of Snake River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permits No. 2032 & 2033, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Keode Farms, Inc., Route 4, Nampa, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 13.5 and 3.3 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied is beneficial use is 13.5 and 3.3 cubic feet per second.

4. The date of priority which said user is prepared to establish is Dec 24, 1961 for 16229 and Feb. 1, 1963 for 2000.

CARL E. TAPPAN
State Reclamation Engineer
Nov 23, Dec 5, 12, 19, 1964

30339



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 14, 1989

RE: Water Rights Records Check

Scott L. Campbell
Elam, Burke & Boyd
P.O. Box 1559
Boise, ID 83701

Dear Scott:

We have received your letter of May 19, 1989 along with attachments concerning water rights involved in foreclosure proceedings with The Prudential Insurance Co.

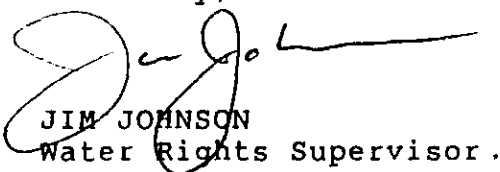
Research of the legal descriptions for Parcels I and II outlined in Exhibit "A" found one water right (No. 63-2388) in the name of U.S. Dept. of Interior, Bureau of Reclamation. This is a licensed water right.

The numbers given in your letter (30953 and 30339) have been re-numbered and the current water right numbers are 02-2203 and 02-2168, respectively. These are also licensed water rights in the name of Kondo Farms, Inc.

We will place copies of your letter and attachments in Water Right Nos. 02-2203 and 02-2168 for future reference only since these rights are licenses and no attempt is made by the Department to keep a record of the line of owners.

If you have any further questions, please feel free to contact us.

Sincerely,


JIM JOHNSON
Water Rights Supervisor.

JJ:sc

MICROFILMED

JUL 14 1989

CANYON COUNTY OFFICE
1120 SIXTH STREET SOUTH
POST OFFICE DRAWER E
NAMPA, IDAHO 83653
TELEPHONE 208-466-9222

May 19, 1989

RECEIVED
MAY 22 1989

Ms. Roberta Garrett
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

Department of Water Resources

Re: Water Rights Records Check

Dear Roberta:

This firm represents The Prudential Insurance Company of America in a matter involving a foreclosure on real property located in Canyon County.

As part of this foreclosure, I have been requested to contact you regarding a records search of the Department files to ascertain the recorded water rights for the properties in question. In this regard, I have enclosed a copy of the legal descriptions for the three parcels of property involved.

Additionally, I have enclosed a copy of an Assignment and Pledge of Water Permits and Certificates which makes reference to water rights, permits, and certificates numbered 30953 and 30339. I assume that these numbers refer to pending water permits and that the prefix 63 for Water District 63 has been omitted. Please check to determine if the Department has any record of water rights with these numbers which could apply to the real property described in the attachment.

I appreciate your attention to this matter at the earliest opportunity. If you have any questions, please contact me by telephone.

Very truly yours,

ELAM, BURKE & BOYD

Scott L. Campbell

MICROFILMED

JUL 14 1989

SLC:jc
Enclosures

EXHIBIT "A"

APR 22 1973

PARCEL I:

Boise Meridian, Canyon County, Idaho

Tract A:

✓ The Northeast Quarter of the Southeast Quarter of Section 25, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho.

Tract B:

✓ The Southeast Quarter of the Southeast Quarter of Section 25, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho.

PARCEL II:

✓ Lots 3 and 4, Section 30, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

PARCEL III:

Tract A:

Township 1 North, Range 3 West of the Boise Meridian, Canyon County, Idaho:

✓ Section 3: Lots 1, 2, 3, and 4; South One-Half of the North One-Half; South One-Half.

✓ Section 4: Lots 1 and 2; South One-Half of the Northeast Quarter.

SAVE AND EXCEPT THEREFROM the following described parcel to wit:

BEGINNING at the Northeast corner and running thence

Westerly along the North boundary of said Section 4 a distance of 150 feet to a point; thence in a

Southerly direction parallel to the East boundary of said Section 4 a distance of 200 feet to a point; thence in an

Easterly direction parallel to the North boundary of said Section 4 a distance of 150 feet to a point, said point being on the East boundary of said Section 4; thence

Northerly along said East boundary a distance of 200 feet to the POINT OF BEGINNING.

JUL 14 1989

MICROFILMED

THIS AGREEMENT, made this 27th day of March, 1979, between Kondo Farms, Inc., an Idaho Corporation hereinafter called MORTGAGOR, and THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, hereinafter called MORTGAGEE,

WITNESSETH:

as additional security for the payment of Promissory Note in the amount of One Million Four Hundred Thousand and NO/100---(\$1,400,000.00)-----DOLLARS, dated March 27, 1979, by MORTGAGOR to the order of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, which said Note is secured by a Mortgage of even date therewith by MORTGAGORS to MORTGAGEE covering the premises and appurtenances set forth in Exhibit "A" attached hereto and made a part hereof for all purposes, the said MORTGAGORS do hereby assign and transfer to MORTGAGEE all right, title and interest pertaining to the water rights, permit and certificates used in connection with said premises, together with all renewals and substitutions, including but not limited to, any listed below:

30953 and 30339

It is also agreed between MORTGAGOR and MORTGAGEE that said water permits, certificates, and/or rights shall be appurtenant to the mortgaged property and used in connection with said property during the life of said loan or any extension thereof.

MORTGAGOR warrants that it is the sole owner of the said water rights and/or certificates

MORTGAGOR covenants that MORTGAGOR will observe and perform all of the obligations impose upon the MORTGAGOR under said water rights, permits and/or certificates, and they will not permit to be done, anything to impair the validity thereof, and to use the said water rights so that same will at all times be appurtenant to the mortgaged premises described in said Mortgage. It will not convey any further rights thereunder to any party other than the owner of the premises described in said Mortgage, and to permit no act that will cause a cancellation or termination of said permits and/or rights.

In the event of a failure of the MORTGAGOR to keep in full force and effect said water rights and to perform all acts required thereunder, then such cancellation of said water right shall constitute an event of default under the Mortgage above described; and, at the election of the MORTGAGEE, shall entitle MORTGAGEE to all remedies included in said Mortgage.

It is agreed that the MORTGAGEE shall not be liable for the performance of any of the terms and conditions of said water rights; but MORTGAGEE, at its option, and not at its obligation, is hereby granted the right to cure any default in said water rights at the cost of the MORTGAGOR, which said cost, including any attorneys fees incurred, is thereupon to be immediately due and payable to the MORTGAGEE under the terms of the Mortgage.

In the event the MORTGAGORS are in default and the MORTGAGEE elects to foreclose its Mortgage, the said water rights may be entered as a part of the mortgaged security and sold with the Real Estate in such foreclosure action, and the said water rights, permits and certificates may be assigned to the purchaser under said foreclosure suit, together with the mortgaged Real Estate, as a single unit with the property. AND, at the option of the MORTGAGEE, MORTGAGEE may pursue any other remedy authorized by law for the enforcement of the lien hereby created.

The MORTGAGORS hereby direct the issuing agency of said water rights, permits and certificates, its successors and assigns, to recognize the MORTGAGEE, its successors and assigns, as the owners of said water rights, permits and certificates at any sale held under or pursuant to the terms of said Mortgage; and said MORTGAGOR does, for itself and its successors and assigns, hereby irrevocably appoint the MORTGAGEE its true and lawful agent and attorney-in-fact for it and in its name, place and stead, to execute, sign, acknowledge and deliver such instruments of transfer as said Agent shall deem fit and proper in its sole discretion to accomplish said transfer to the purchaser at such foreclosure sale held under or pursuant to the remedies provided in said Mortgage, in the event of a default thereunder.

Kondo Farms, Inc., an Idaho Corporation

BY: *Henry P. Kondo* per

BY: *Oliver L. Kondo* per

MICROFILMED

JUL 14 1979

STATE OF IDAHO }
County of Canyon } ss.

On this 1st day of May A.D. 1979, before me personally appeared Henry T. Kondo to me known to be the President and Alice S. Kondo to me known to be the secretary of Kondo Farms, Inc., an Idaho Corporation, the corporation that executed the within and foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed thereto is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Monty L. Hambl
Notary Public in and for the state of Idaho
Residing at: Caldwell
My Commission Expires: 8-08-81

Tract 1:

- (1) 150 H.P. U.S. Electric Motor, Serial #1351136
- (1) 100 H.P. U.S. Electric Motor, Serial #1309423
- (1) 75 H.P. U.S. Electric Motor, Serial #1301894
- (1) 75 H.P. U.S. Electric Motor, Serial #1301891
- (1) 50 H.P. U.S. Electric Motor, Serial #1301893
- (1) 50 H.P. U.S. Electric Motor, Serial #3473855
- (1) Layne, Turbine Pump, Serial #51570
- (1) Worthington Turbine Pump, Serial #8409
- (1) Worthington Turbine Pump, Serial #8404
- (1) Worthington Turbine Pump, Serial #8405
- (1) Worthington Turbine Pump, Serial #8410
- (1) Worthington Turbine Pump, Serial #9250

- 1,040' 20" Buried Steel Supply Line
- 5,280' 14" Buried Steel Mainline
- 2,640' 12" Buried Steel Mainline
- 2,640' 10" Buried Steel Mainline
- 2,640' 8" Buried Steel Mainline
- 660' 10" Portable Aluminum Mainline
- 1,320' 8" Portable Aluminum Mainline
- 600' 6" Portable Aluminum Mainline
- 2,800' 6" Portable Aluminum Supply Line
- 720' 4" Aluminum Offset Pipe with 90° Elbows.
- (28) 4" 1/4 Mile Wheel Lines (7 Miles)
- (5) 4" 1/4 Mile Handlines (2 1/2 Miles)
- (5) 3" 1/4 Mile Handlines (2 1/2 Miles)

together with all necessary control systems, wiring switch panels, meters, valves, couplers, risers, reducers, end plugs fittings, flanges, cones, bowls, column suction devices used with the above system.

Tract 2:

- (1) 75 H.P. General Electric Motor, Serial #ELJ528488
- (1) 50 H.P. General Electric Motor, Serial #BGJ210477
- 1,300' 10" Portable Aluminum Mainline
- 650' 8" Portable Aluminum Mainline
- 650' 6" Portable Aluminum Mainline
- (1) Peerless Turbine Pump Serial # Not Available
- (1) Peerless Turbine Pump Serial # Not Available
- (14) 1/4 Mile Portable Aluminum Handlines

Tract 3:

- (1) 10 H.P. Century Electric Motor, Serial # 3G
- (1) Berkley Turbine Pump, Serial #0530
- 1/4 Mile 10" Buried Steel Mainline
- 1,200' 6" Portable Aluminum Mainline
- (2) 3" 1/4 Mile Portable Aluminum Handline

of
State of Idaho, County of Canyon
, and described as follows, to wit:

Parcel I:

Parcel A: The Northeast Quarter of the Southeast Quarter of Section 25, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho.

Parcel B: The Southeast Quarter of the Southeast Quarter of Section 25, Township 5 North, Range 6 West of the Boise Meridian, Canyon County, Idaho.

Parcel II:

Lots 3 and 4, Section 30, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

Parcel III:

The Northeast Quarter of the Northwest Quarter, less the North 108 feet of the East 115 feet, Section 12, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

Parcel IV:

Tract A: Township 1 North, Range 3 West of the Boise Meridian, Canyon County, Idaho:

Section 3: Lots 1, 2, 3, and 4, South One-half of the North one-half; South one-half.

Section 4: Lots 1 and 2; South one-half of the Northeast Quarter.

SAVE AND EXCEPT therefrom the following described parcel to wit:

BEGINNING at the Northeast corner and running thence Westerly along the North boundary of said Section 4 a distance of 150 feet to a point; thence in a Southerly direction parallel to the East boundary of said Section 4 a distance of 200 feet to a point; thence in an Easterly direction parallel to the North boundary of said Section 4 a distance of 150 feet to a point, Said point being on the East boundary of said Section 4; thence Northerly along said East boundary a distance of 200 feet to the POINT OF BEGINNING.

MICROFILMED

JUL 14 1989

Moore Business Forms, Inc. 1412T

ACT
ION

N OWNER LAST NAME - KONDO BROTHERS ORIG OWNER - 0
N OWNER LAST NAME - KONDO FARMS INC.
N CITY - NAMPA STATE - ID ZIP CODE - 83651
N SOURCE - SNAKE RIVER TRIBUTARY OF - COLUMBIA RIVER
N STAGE - LICENSE PRIORITY - 12-26-1961 COUNTY - CANYON TOTAL DIV. RATE - 11.7800CFS
N DIVERSION POINT - NWNW 16 01N 03W
N USE - IRRIGATION USE DIV. RATE - 11.7800CFS
N USE - IRRIGATION PLACE OF USE - TWN 01N RNG 03W SEC 03 TRACT NENE AC 40 TRACT NWE AC 40
TRACT SWNE AC 40 TRACT SENE AC 40
TRACT NENW AC 40 TRACT NWNW AC 40
TRACT SWNW AC 40
N USE - IRRIGATION PLACE OF USE - TWN 01N RNG 03W SEC 03 TRACT SENW AC 40 TRACT NESW AC 40
TRACT NWSW AC 40 TRACT SWSW AC 40
TRACT SESW AC 40 TRACT NESE AC 40
TRACT NWSE AC 40
N USE - IRRIGATION PLACE OF USE - TWN 01N RNG 03W SEC 03 TRACT SWSE AC 40 TRACT SESE AC 40
N OLD NO. - 30339

IDENT. NO. 02-2168

WATER RIGHT DATA ENTRY LOG

[illegible]

**NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE**

NOTICE is hereby given that at 2 P. M., on the 21st day of December, 1964, at Nampa, County of Canyon, State of Idaho, before Cash Harper, Notary Public, at 1200 - First St. South, proof will be submitted of the completion of works for the diversion of 12.8 and 3.2 cubic feet per second of the waters of Snake River, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permits No. 30339 & 30953, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Kondo Farms, Inc., Route 4, Nampa, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 12.8 and 3.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 12.8 and 3.2 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, T 1 N., R 3 W B.M.

5. The place where said water is used is Section 3, and NE $\frac{1}{4}$ Section 4, T. 1 N., R. 3 W, B.M. Total 800 acres.

6. The date of priority which said user is prepared to establish is Dec. 26, 1953 for 30339 and Feb. 1, 1963 for 30953.

**CARL E. FAPPAN
State Reclamation
Engineer.**

Nov. 28; Dec. 5, 12, 19, 1964.

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

19726

INSURED NO.

DATE DELIVERED

1/26/68

1

2

3

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED *(only if requested)*

30339

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

30.339

POD Form 3811 Apr. 1967 055-16-71648-10

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that Kondo Bros. - Assignee - Kondo Farms, Inc.
 of Nampa, County of Canyon, and State of
 Idaho, the holder of Permit No. 30339, issued upon
 Application No. 38378 bearing date of priority of December 26, 1961 authorizing the
 diversion of 12.8 second feet of waters of Snake River
 County of Canyon, State of Idaho, for irrigation
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 11.78 second feet of the waters of Snake River tributary of
 Columbia River;

that the point of diversion of said waters is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, Township
 1 North, Range 3 West, Boise Meridian,
 and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: Section 3, Township 1 North, Range 3 West, Boise
 Meridian.

Proof of completion of works made: December 21, 1964

Witness my hand this 11 day of April, A. D. 1968.

R. Keith Higgins
 State Reclamation Engineer

30339

April 11 , 1968

Re: Permit Nos. 30339 & 30953

Kondo Farms, Inc.
Route 4
Nampa, Idaho 83651

Dear Sirs:

Enclosed are you Certificates of Completion of Works and Licenses and Certificates of Water Right on the above numbered permits.

Also enclosed is departmental receipt No. 514 in the amount of \$53.50 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosure: Certificates
Receipt

30 339

KONDO FARMS, INC.

ROUTE 4
NAMPA, IDAHO 83651
February 5, 1968

RE: Permit 30339 and 30953

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

30339
+
30953

Dear Sir:

Enclosed is a draft #11010 to cover the fees for the following permits 30339 \$37.00 , 30953 \$13.00, and \$3.50 for copies of the above water permits. We hope this is satisfactory to you.

Very truly yours,

Henry Kondo

Kondo Farms, Inc.
Henry Kondo, Pres.

HTK:ak

Enclosure

RECEIVED

FEB 15 1968

Department of Reclamation

30339

January 30, 1968

RE: Permit 30339 and 30953

Henry Kondo
Kondo Farms, Inc.
Route #4
Nampa, Idaho 83651

Dear Mr. Kondo:

Enclosed herewith are the copies you requested.
There is a fee of \$3.50 for these copies which you
may remit to this Department at your earliest convenience.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosures

30339

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date _____, 19__ **DISCHARGE MEASUREMENT NOTES**

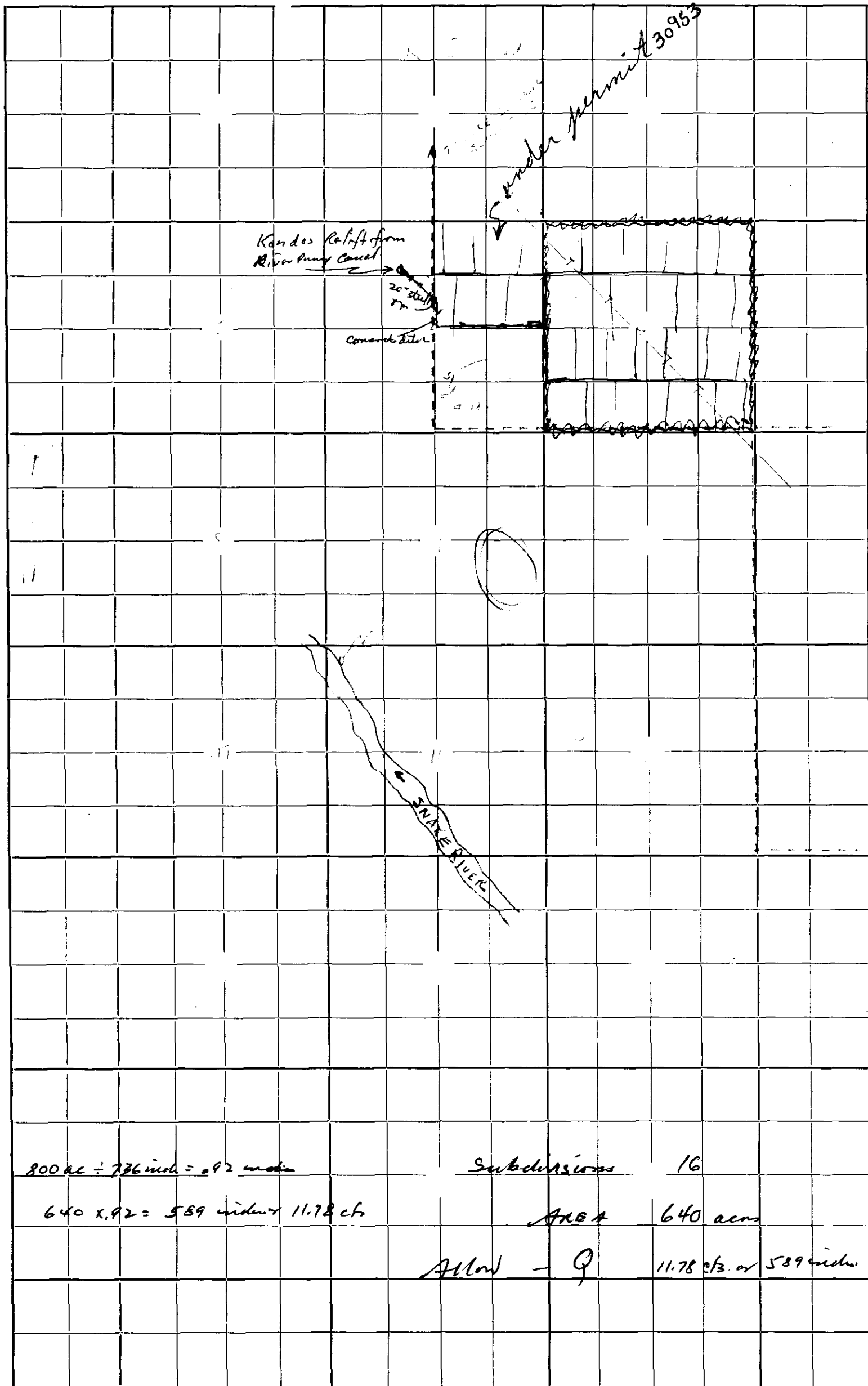
H. Kondo

River at

[illegible]

No. _____ of _____ Sheets, Comp. by _____ Chk. by _____

30339



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

30339

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 30339

REPORT ON PROOF OF Completion of Works & Beneficial Use

Henry Kondo, Pres., Kondo Farms, Inc., Rt. #4, Nampa, Idaho

NAPPA LE - RICH

River Pumping Station

600 HP, US Helioshaft Motor #1300679
Worthington Pump #8266 (18-2513-4)

600 HP, US Helioshaft Motor #1300681
Worthington Pump #8266 (18-2513-4)

600 HP, US Helioshaft Motor #1300678
Worthington Pump #8266 (18-2513-4)

600 HP, US Helioshaft Motor #1300680
Worthington Pump #8266 (18-2513-4)

600 HP, US Helioshaft Motor #1300682
Worthington Pump #8266 (18-2513-4)

600 HP, US Helioshaft Motor #1300683
Worthington Pump #8266 (18-2513-4)

600 HP, US Helioshaft Motor #1300684
Worthington Pump #8266 (18-2513-4)

600 HP, US Helioshaft Motor #1300685
Worthington Pump #8266 (18-2513-4)

Water is diverted from Hat Butte Canal Co. canal distribution pond into Kondo ditch by 1 50 HP and 1 100 Hp pump. Water then gravitates into Kondo relift pumping pond, then through enclosed sprinkler system to the land irrigated. *Through 20" Peristich*

- #1 75 Hp US Motor, #1301891, Worthington Pump #VTP-8405
- #2 100Hp US Motor #130054, Worthington Pump #VTP 8408
- #3 100 Hp US Motor #1309423, Worthington Pump #VTP8409
- #4 50Hp US Motor #3473855, Worthington Pump, #VTP 9250

14" Main line east 40' then "Y's" into 14" main line that reduces down to 8" on the ends. There is a gate valve on each side of the "Y".

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

Permit No. 30339This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Kondo Farms Inc.,2. Source of water supply: Snake River3. Location of point of diversion: Is in the NW 1/4 of Section 16T. 1 N R. 3 W.B.M. County of Canyon

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

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes.

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

Sec. 3., Twp. 1 N., Rge. 3 W.B.M.

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

8. What large stream would the water here appropriated finally reach? Columbia RiverRemarks: Mr. Henry Kondo alongSparting Meter is in shop for repairs.Measured by Price Current Meter #822 = 14.72 cfs. w 736 in.In Permit # 30952This examination was made on the 13th day of August, 1965(Signed) Larry Johnson
Don Watts Examiner.30339Don Watts
plat

Henry Kondo, Pres.,
Kondo Farms, Inc.,
Rt. #4, Nampa, Idaho

Permit No. 30339

XCC-6527

Examination for Completion of Works & Beneficial Use

County Canyon

Quantity: 2.8 cfs Sec. 16 T1N R3 WBM

Source:

P. D.:

Use:

Filed:

Due:

Extension:

Protect:

Completion of Work:

Other Rights:

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
AUG 16 1961

Department of Examination

30339

RECEIVED
DEC 24 1964
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 30339

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: _____

Henry Londo, Rt 4 Nampa Ida, farming

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

KODDO FARMS, INC. Rt 4 NAMPA. PRES.

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; 30339 - Dec 26, 1961 Approved 1/10/62

Ques. 4. State source of water supply: SURGE RIVER
Give location of point of diversion, showing subdivision, section, township and range:

NW 1/4 & NW 1/4 of Sec 16, Twp 7 N, Rge 3 W, B4.

Ques. 5. Describe your works of diversion: River pumping plant

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 640 acres ; Give name of canal or ditch

or other works by which water is conducted to such place of use: West End Project

_____ ; if a well, state depth of well _____ ; depth and size of casing: _____ ; depth to water _____ ; if pump is used,

state discharge of pump: _____ ; tell how it was measured or determined: _____

_____ ; if sprinkler irrigation, give number and size of nozzles and

operating pressure: 5/32 55 # 990 nozzle

Ques. 6. State for what purpose water is used: IRRIGATION

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water :

Sec. 3 Twp 7 N, Rge. 3 W B4

State nature of all improvements which have been made as a direct result of said use:

IRRIGATION FACILITIES and maintenance of same

30339

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, state purpose and how used: _____

Ques. 8. What is the minimum amount of water required for the purpose specified above:

12.8 cubic ft. per sec.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder: _____

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: April 30 1963 Time used since first use: _____

Ques. 11. Describe all other water rights appurtenant to same place of use: _____

(sign) _____

Indo Taming, Inc.
Wendy Indo Taming

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Nampa, County of Canyon
State of Idaho, on this 21st day of December, A.D. 1964.

My Commission expires: May 16 1967

Chapman

30339

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 30339

**Proof of Application of Water to Beneficial Use
— and Completion of Works
Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. G. WAYNE VAUGHN (51) 515 FILLMORE CALDWELL
CONST SUP. IRRIGATION ENG AND SALES CO

Ques. 2. Are you acquainted with HONDO FARMS, the holder of Permit No. 30339? How long have you known him and where does he reside?

Ans. 2 1/2 years NAMPA IDAHO

Ques. 3. Have you read or heard read said Permit No. 30339, and are you familiar with its provisions and conditions?

Ans. YES

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. SNAKE RIVER NW 1/4 NW 1/4 SEC 14 T. 17 N. R. 3 W
Bin River pumping plant pen stock
Concrete ditch pond

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 12.8

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. IRRIGATION SECTION 3
T. 17 N. R. 3 W. B. M. 640 ACRES

30339

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. NO

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 640 ACRES AT 1 GROUND 0.3% SLOPE
1" / ACRES

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. NO

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. CONSTRUCTION OF WORKS TO
IRRIGATION OF LAND

G. Wayne Vaughn

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Hampden County of Canyon, State of Idaho, on this 24th day of December, A. D. 1964.

[Signature]

Notary Public.

My commission expires May 16, 1967

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 30339

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. BYRON V ANDERSON, 33, 1224 10th AVE S., NAMPA,
OWNER IRRIGATION ENGR & SALES CO.

Ques. 2. Are you acquainted with KENDO FARMS, the holder of Permit No. 30339? How long have you known him and where does he reside?

Ans. 2 1/2 YEARS, NAMPA, IDAHO

Ques. 3. Have you read or heard read said Permit No. 30339, and are you familiar with its provisions and conditions?

Ans. YES

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. SNAKE RIVER, NW 1/4 NW 1/4 SEC 16 T1N R3W
BM, River gauging plant, pen stock,
Concrete ditch, pond

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. ~~16 SEC FT~~ (12.8 + 3.2) 12.8

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. IRRIGATION - SECTION 3,
T1N R3W BM - 640 ACRES

30339

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. No

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 640 ACRES #1 GROUND 0-3 1/2 SLOPE
1" / ACRE

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. CONSTRUCTION OF WORKS TO
IRRIGATION OF LAND

Bryon V. Anderson

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Tampa County of Idaho, State of Idaho, on this 21st day of December, A. D. 1964.

Chas. Harper

Notary Public.

My commission expires May, 16, 1967.

30339

December 24, 1964

Re: Permit G-30339 - G-30953
Kondo Farms, Inc.

Henry Kondo
Route #4
Nampa, Idaho

Dear Mr. Kondo:

Your proofs have been received for the above numbered permits. However, no further action can be taken until the Affidavit of Publication is received. The affidavit may be obtained from the Idaho Free Press in Nampa.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

M. Russell Bosch, Assistant
State Water Rights and Records

MRB:ew

30339

December 1, 1964

Re: Permit No. 30339 and 30953
Kondo Farms, Inc.

IDAHO FREE PRESS
Nampa, Idaho

Gentlemen:

We received the proof on the above numbered permits
in the morning mail and ask for the following corrections.

Paragraph 4, Line 2 should read T. 1 N., instead of in
and make the same correction in Paragraph 5, Line 3. It should
also read T. 1 N.. The total acreage should also be corrected
to read 800 acres instead of 1800.

Please make these corrections and send us another
copy of proof for our files.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

Head of Section
State Water Rights & Records

HP:ew

30339

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 31339 to Yonke Farms, Inc. (Harry J. Yonke, president) of St. 4 Nampa, Ida. Wife of Yonke is also local of Yonke this firm

*

Yonke Farms
Permit Holder
Harry J. Yonke
Wife of Permit Holder

STATE OF IDAHO)
County of) ss

On this 16th day of November, 1964, before me, a Notary Public for the State of Idaho, residing at Nampa, Idaho, personally appeared Harry J. Yonke + Alice J. Yonke + Cecyl Yonke are known to me to be the person ss whose name are is subscribed to the within instrument and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Catherine Newland
Notary Public
Residing at Nampa, Idaho

Notary Public expires: 1966

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

30339

November 25, 1964

Re: Permits No. 30339; 30953

Mr. Henry T. Kondo, Pres.
Kondo Farms, Inc.
Route #4
Nampa, Idaho

Dear Mr. Kondo:

We enclose the assignments on the above numbered permits assigning from Kondo Brothers to Kondo Farms, Inc. which have been recorded.

Also enclosed are the amendments, one to the point of diversion on Permit No. 30339 and to the land list on 30953, together with departmental receipt No. 32544, in the amount of \$3.00 covering fees.

Very truly yours,

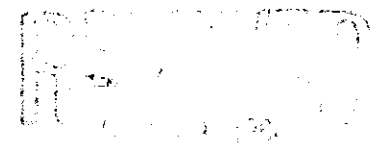
CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

BPR:ew

30339



DEPARTMENT OF RECLAMATION

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) 11/13/64

(P. O.) Rt 4 Nampa, Ida.

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Idaho Free Press of
Nampa, Ida. published in the
county in which the works are situated.

Kenneth E. Evans, Sr.
by Larry J. Vando pres.

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the
attached notice are true.

Engineer

30239

Re: Permit No. 30339 & 30953
Kendo Farms, Inc.

Date: Nov. 24, 1964

Idaho Free Press,
Nampa, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to December 21, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant Kendo Farms, Inc.,
of Route #4, Nampa, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

30339

RECEIVED
NOV 24 1964

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE Department of Reclamation

NOTICE is hereby given that at 2 P M., on the 21st day of December
1964, at Nampa, County of Canyon, State of Idaho, before
Cash Harper, Notary Public, at (address) 1200 - First St. So.

~~12.8~~ proof will be submitted of the completion of works for the diversion of
3.2 cubic feet per second of the waters of Snake River.

and of the application to beneficial use of said water, in accordance with
30339 and
the terms and conditions of Permits No. 30953, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Nando Farms, Inc.
R. 4 Nampa, Idaho

2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
12.8
3.2 cubic feet per second,

3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial use is 12.8
3.2 cubic feet per second.

4. The point of diversion of said water is NW 1/4 NW 1/4 Sec. 16, T. 1N, R3W,
B.M.

5. The place where said water is used is Section 3, and
NE 1/4 Section 4, T. 1N, R3W, B.M.

6. The date of priority which said user is prepared to establish is? 2/1/65
DEC 26, 1961 For 30339 - FEB 1, 1963 For 30953.
Total 800 acres.

CARL E. TAPPAN

State Reclamation Engineer

(P. 30953) 3.2
(P. 30339) 12.8

30339

H

Re: Permit No. 30339 and 30953

November 24, 1964

Kondo Farms, Inc.,
Route #1,
Nampa, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. 30339 & 30953. The proofs are to be made at 2:00 o'clock P.M., on the 21st day of December, 1964, before Cash Harper, 1200 First St. So., Nampa, Idaho, Notary Public.

As of this date, we have mailed the Notice to the Idaho Free Press Nampa, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before ^{the} Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPT:prk
cc: Notary

30339

Application for Amendment

POINT OF DIVERSION

Permit No. 30339

Comes now Kondo Bros. and represent to the State Reclamation Engineer of the State of Idaho:

That ^{they} ~~we~~ ~~is~~ (are) the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. 30339.

That the point of diversion is described in said Permit as being located:

NE 1/4 SW 1/4 Sec. 16., Twp. 1 N., Rge. 3 W.B.M.

That they now request that the point of diversion be changed to a point located: NW 1/4 NW 1/4 Sec. 16., Twp. 1 N., Rge. 3 W.B.M.

That the reason for desiring to make such change is as follows:

We went in with the West End Project and the new point of diversion was more feasible for all concerned. We bought 8/55ths interest in this Project.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 13th day of November, 1964

Kondo Bros. Harry L. Kondo

Harry L. Kondo

Date of Receipt at Department Of Reclamation: November 13, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

Ralph W. Thomas, Deputy

I, ~~Robert L. Gardner~~, State Reclamation Engineer of the State of Idaho, HEREBY approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 30339. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 106 of
Permits, at Page 30339
November 25, 1964

Ralph W. Thomas
Deputy State Reclamation Engineer

30339

January 16, 1962

Re: Permit No. 30339
Kondo Bros.

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

Dear Mr. McDowell:

We enclose Permit No. 3-339 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 30887 which was issued covering payment in the amount of \$8.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk
cc: Kondo Bros.
Rt. 2
Vale, Oregon

30339

KONDO BROS. DITCH RIGHT-OF - WAY.

T 1 N. R. 3 W. B. M.

Canyon County

IDAHO

Scale: 1" = 1000'

Kondo Bros.
Deeded Land

Applicant's Certificate

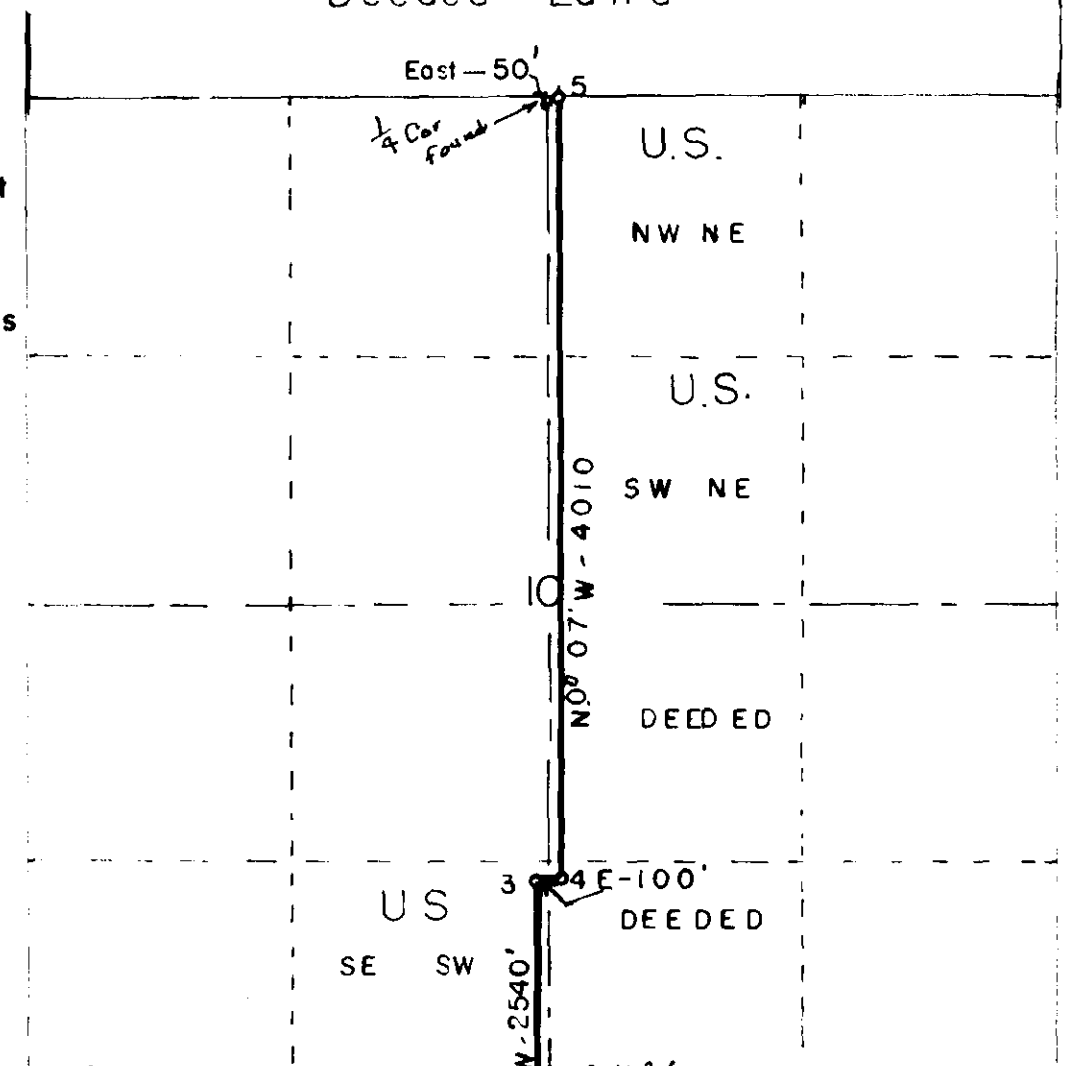
This to certify that Mervin J. Christensen who subscribed the statement hereon is the person employed by the undersigned applicants to prepare this map, which has been adopted by the applicants as the approximate final location of the works thereby shown; and that this map is filed as a part of the complete application, and in order that the applicants may obtain the benefits of the ACT of MARCH 3rd. 1891; and I further certify that the right-of-way herein described is desired for IRRIGATION DITCH RIGHT-OF - WAY.

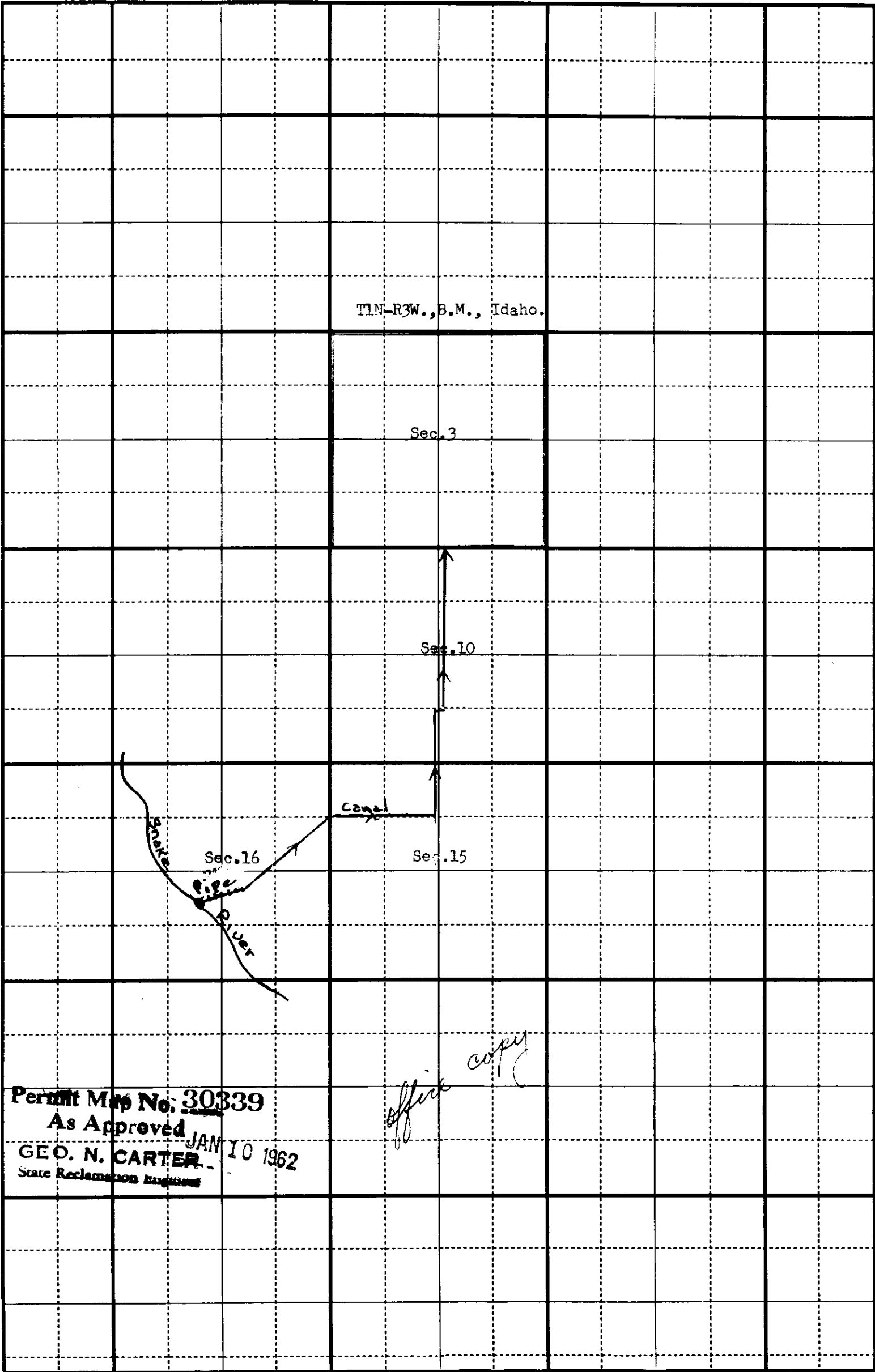
Mervin J. Christensen
APPLICANT

John L. Kondo
APPLICANT



TOTAL LENGTH OF CANAL ACROSS U.S. = 7820'





Permit Map No. 30339
As Approved
GEO. N. CARTER
State Reclamation Engineer
JAN 10 1962

office copy