

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(4) 0.23 lb TOTAL QUANTITY USED.
(cfs. of)

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. well, pump, pipeline and storage tanks

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres _____

- Stockwater for 500,000 plus chickens

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

875.

3553

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

DEC 8 0 1992

J. WALTER ROSS

deposes and says: being duly sworn,

That he is the CO-PUBLISHER of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

Dec 16, 19 92, and ending with the issue of Dec 24, 19 92

Fee \$ 33.08

Subscribed and sworn to before me this 24 day of Dec., 19 92

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 19 95

NOTICE OF CLAIMS TO WATER RIGHT

The following claim(s) have been filed on water rights created by diversion and beneficial use:

13-04317
RITEWOOD, INC.

P.O. BOX 120
FRANKLIN, ID. 83237
Source: GROUNDWATER
Diversion Pt: NESW Sec 15 T 16S R 40E in FRANKLIN County
Use: STOCKWATER (230 CFS)
Total Diversion: (230 CFS)
Date Filed: 1/1/1960
In: FRANKLIN County T16S R40E S15 NWSW

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON, Director
Legal No. 3553 — Publish Dec. 16, 23, 1992.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402.

R. KEITH HIGGINSON, Director

Published: 12/17/1992 & 12/24/1992

13-04317

RITEWOOD INC
PO BOX 120
FRANKLIN, ID 83237

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Diversion Pt: NESW Sec 15 T 16S R 40E in FRANKLIN County.

Use: STOCKWATER (.230 CFS)
 Total Diversion: (.230 CFS)

Date Filed: 1/ 1/1960

In: FRANKLIN County
 T16S R40E S15 NWSW

NOTICE OF CLAIMS TO WATER RIGHT

The Following claim(s) have been filed on water rights created
by diversion and beneficial use:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 9, 1992

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) 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 JANUARY 4, 1993.

Yours truly,

Rita Bodell
Secretary

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MAIL-DATE

RITEWOOD INC
PO BOX 120
FRANKLIN, ID 83237

Re: Claim No. 13-04317

Dear Claimants(s):

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Please refer to the claim identification number when corresponding with the office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

RONALD CARLSON
Eastern Regional Manager

rb
Enc

MEMORANDUM

RECEIVED

DEC 17 1992

Department of Water Resources
Eastern District Office

To: Gary Spackman *Gary*
From: L. Glen Saxton *LS*
RE: CLAIM 13-04317
Date: December 14, 1992

You have questioned the validity of the above referenced claim which has been filed with the department.

The claim claims the diversion of 0.23 cfs for stockwatering purposes from ground water with a date of priority of 01-01-1960. The use is further described as water for 500,000 plus chickens.

Section 42-243, Idaho Code, required the filing of all use rights except for "domestic" purposes by June 30, 1988.

The questions then appear to be as follows:

1. Does "domestic" use include water for chickens? A subset, of this question is whether "stockwater" use includes water for chickens?

2. *New Apphc. For 0.23 cfs filed by Ritewood*
I. *1-21-93*
chicken "lives as 5 to daily *AWJ* domestic
H. a stat chicken *ement for than a is shown e minimum*
I. allowe guidel opt fo gpd. *e extent since our k I would e. 13,000*
filing of a new application for permit. *covered by valid if*

The department needs to advise the claimant of the water right filing deficiency. I suggest you call the regional office and ask them to correspond with the claimant. If the regional office does not adequately document the problem with this claim, we need to do so once the claim file is forwarded to this office.

Let's discuss if you want.

MEMORANDUM

RECEIVED

To: Gary Spackman *Gary*

From: L. Glen Saxton *LS*

RE: CLAIM 13-04317

Date: December 14, 1992

DEC 17 1992

Department of Water Resources
Eastern District Office

You have questioned the validity of the above referenced claim which has been filed with the department.

The claim claims the diversion of 0.23 cfs for stockwatering purposes from ground water with a date of priority of 01-01-1960. The use is further described as water for 500,000 plus chickens.

Section 42-243, Idaho Code, required the filing of all use rights except for "domestic" purposes by June 30, 1988.

The questions then appear to be as follows:

1. Does "domestic" use include water for chickens? A subset, of this question is whether "stockwater" use includes water for chickens?
2. If yes, does the present or prior definition of domestic use apply?

In IDWR's last Wateruser's Handbook, the water requirement for chickens is shown under a "poultry" heading rather than a "livestock" heading. The amount of water per 100 chickens is shown as 5 to 10 gallons per day. Using 5 gpd/100 chickens, the minimum daily amount for the 500,000 chickens is 25,000 gpd.

Hence, at best, only part of the use claimed can be covered by a statutory claim. At worst, none of the claim is valid if chickens are not considered as livestock.

I think we should not challenge the claim to the extent allowed under the "stockwater" part of a domestic use since our guidelines of poultry v. stockwater are not clear. I think I would opt for the domestic definition which existed in 1988, i.e. 13,000 gpd. The difference in water use should be established by the filing of a new application for permit.

The department needs to advise the claimant of the water right filing deficiency. I suggest you call the regional office and ask them to correspond with the claimant. If the regional office does not adequately document the problem with this claim, we need to do so once the claim file is forwarded to this office.

Let's discuss if you want.

18-Dec-1992

LORRAINE WRIGHT
C/O RITE WOOD INC
PO BOX 120
FRANKLIN ID 83237-0120

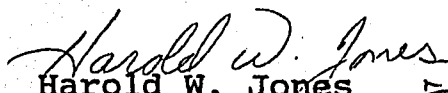
Dear Mr. Wright:

Enclosed is an application for permit for stockwater for Rite Wood Inc. The beneficial use claim you filed, on 11-19-1992, was reviewed by our Boise office and they feel only a portion of your water use can be covered by Section 42-243, Idaho Code.

I've been asked to send you a permit application to cover approximately half the projected 25,000 gpd use (peak period). I will need you to sign and submit the permit with a \$45 check to this office.

If you have any questions, please let me know.

Sincerely,


Harold W. Jones *rb*
Water Right Supervisor

HWJ/rb
enc.

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4955RECEIVED
MAR 31 1997
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Name of applicant RITEWOOD, INC. Phone 208-646-2213Post Office address PO BOX 120, FRANKLIN ID 83237-0120

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Reduce cfs to 0.04 cfs + correct original pt.
2. Describe the reason for the proposed changes The original filing lists the POD as the storage tank; this transfer is designed to correct this and add a point of diversion.

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

1. ^{CLAIM} Right Number 13-04317 Priority 01-01-1960 Amount (cfs/ac-ft) .04 Nature of Use Shedwater Period of Use 1 Jan to 31 Dec
2. Total amount of water being transferred .04 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	15	16S	40E	Franklin	(Existing well - 13-07504)
		NW	NW	15	16S	40E	Franklin	New well

5. Lands irrigated or place of use:

Twp.	Rge.	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	
16S	40E	15																	

Total acres _____

PART 1

6. General Information:

a. Description of diversion system well & pump divert water to a storage tank. The water is then used in an on demand system to water chickens (500,000)

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:

See letter dated 30 August 1996 to Ribwood Inc in file 13-07504

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

WR0743NP
(00-26)IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT10/10/96 08:51:41
Page 1

Water Right Number - 13-04317

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
RITEWOOD INC

1 - PO BOX 120

2 -

3 -

City- FRANKLIN

State- ID Zip- 83237

Phone - 208-646-2213

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1960 15 EASTERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
16S 40E 15 NE SW (41) FRANKLIN+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.230+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.230+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
16S 40E 15 NW SW 43 DOMESTIC (41) FRANKLIN

+ - - Diversion Means - - - - - +

+ - - Non-Irrigation Use - - - - - +

+ - - Other Rights for Same Use - - - - - +

+ - - - - Remarks - - - - - +
Stockwater use is for 500,000 plus chickens.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

WR0743NP
(00-26;IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT10/10/96 08:51:41
Page 2

Water right number - 13-04317

Prefix Translation: WATER RIGHT

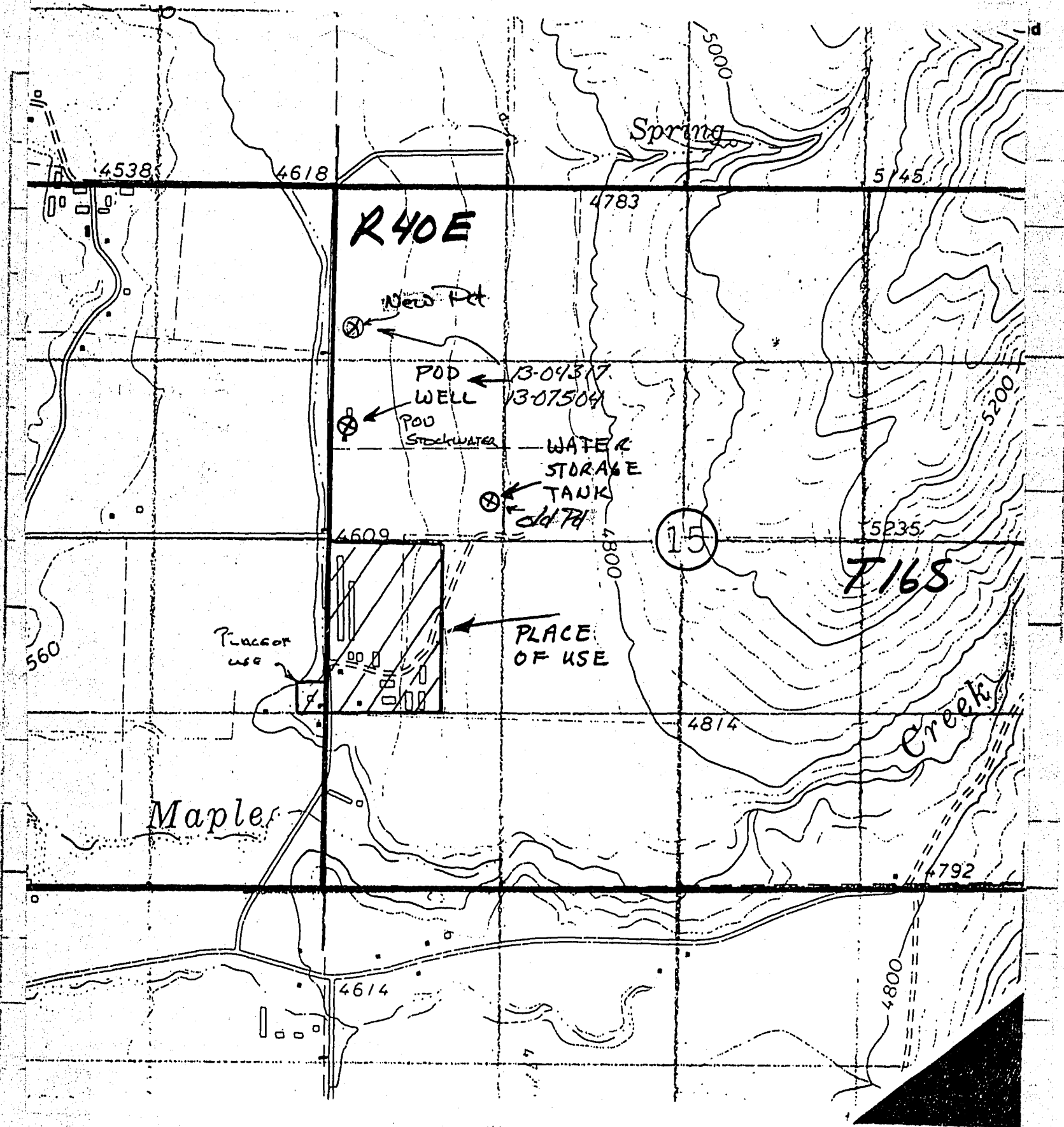
+ - - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 12/04/92 BODELL

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 11/19/1992	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag - Y
Presumption Flag -		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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:

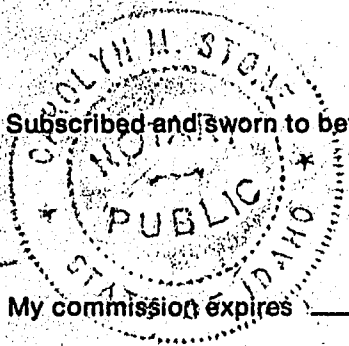
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Subscribed and sworn to before me this

23

day of

Oct, 19 96.

Lawrence H. Wright Sec. Treas.
(Signature of Applicant)

Carolyn M. Stone
(Notary Public)

My commission expires

4-3-97

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachmentsReceived by DMSDate 10-30-1996

Protest filed by

Prelim. check by

Fee 100.00 E022710Receipted by DMSDate 10-30-1996

Published in

Preston Citizen

Copies of protest forwarded by

Pub. dates

11-21-28-96

Hearing held by

Date

Watermaster recommendation requested on

Recommended for

☒ approval☐ denial

rec'd.

by REC

Copy of transfer sent to lien holder

Attachment A

160335

Myrtle Home & computer transferred to Edward

WARRANTY DEED

For Value Received MICHAEL H. HOBBS and JILL B. HOBBS, husband and wife;
and BOB A. HOBBS and IRMA V. HOBBS, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
RITEWOOD, INC.,

whose current address is Route #1
Franklin, Idaho 83237

the grantee, the following described premises, in Franklin County Idaho, to wit:

Township 16 South, Range 40 East of the Boise Meridian
Section 15: Commencing at the Southwest corner of the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 15, and running
thence North 230 feet; thence East 152 feet;
thence South 230 feet; thence West 152 feet
to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
its heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 24, 1982

Bob A. Hobbs

Michael H. Hobbs

Irma V. Hobbs

Jill B. Hobbs

STATE OF IDAHO, COUNTY OF FRANKLIN
On this 24th day of Sept., 1982,
before me, a notary public in and for said State, personally
appeared

BOB A. HOBBS and IRMA V. HOBBS,
husband and wife; and MICHAEL H.
HOBBS and JILL B. HOBBS, husband
and wife;

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Barbara J. Jensen
Notary Public
Residing at Swan Lake, Idaho
Comm. Expires Lifetime

Recorded at the request of

American Land Title

11:40 SEP 24 1982 p.m.

MICHAEL D. KUNZ, RECORDER
By *Michael D. Kunz* Deputy
FRANKLIN COUNTY, IDAHO

Furnished by the AMERICAN LAND TITLE CO.

ATTACHMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4955
WATER RIGHT NO. 13-04317

This is to certify that: RITEWOOD INC
PO BOX 120
FRANKLIN ID 832370120

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>
STOCKWATER	01/01 to 12/31	*0.04 CFS	*14.5 AF

SOURCE

GROUNDWATER

Priority: 01/01/1960

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 15, Township 16S, Range 40E
SWNW , Sec. 15, Township 16S, Range 40E
FRANKLIN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

16S 40E 15

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of this transfer does not confirm claimed Right No. 13-04317.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PAGE 2

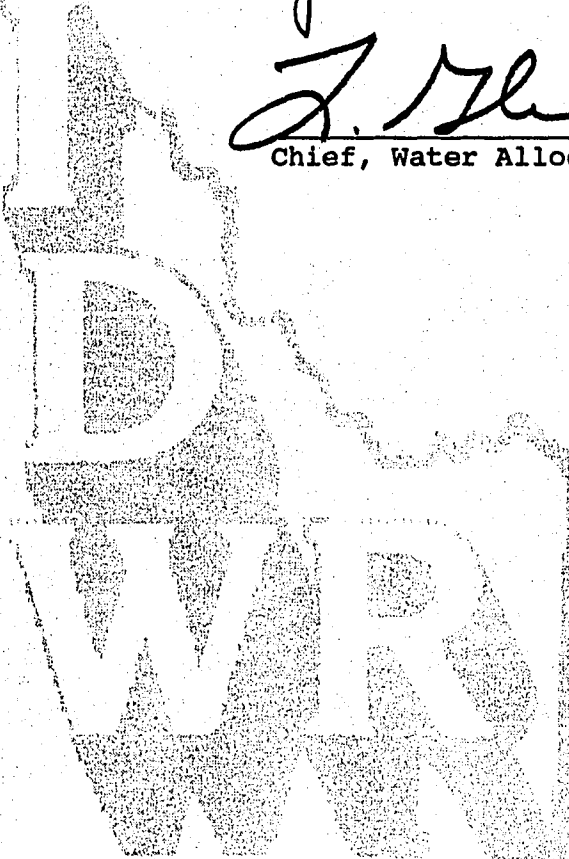
TRANSFER NO. 4955
WATER RIGHT NO. 13-04317

CONDITIONS OF APPROVAL AND REMARKS

- *7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4955 shall not exceed 0.04 cfs, nor total combined annual volume of 14.5 af.
8. Stockwater use is for 500,000 chickens.

Dated this 19th day of August, 1997.

J. Glen Saxton
Chief, Water Allocation Bureau





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 30, 1996

RITEWOOD INC
PO BOX 120
FRANKLIN ID 83237

RE: Water Rights 13-04317 and 13-07504

Dear Right Holder:

In 1992 you filed a claim to a water right, no. 13-04317, for the watering of 500,000 chickens. Because you had not filed by the June 30, 1988, deadline for filing other types of claims, your claim was acceptable only as a domestic water right, which cannot exceed 13,000 gallons per day.

Because your use exceeded 13,000 gallons per day, you filed an application for permit to cover your additional use. Your permit, No. 13-07504, was issued in 1994 while a moratorium on processing most new applications was in effect in the Bear River drainage. In order for your application to be approved as an exception to the moratorium, your use had to meet the definition of a domestic use. Consequently, Condition 6 on Permit 13-07504 states, "The maximum diversion authorized under this right shall not exceed 13,000 gallons per day."

Under the two rights, you may use up to 26,000 gallons per day. However, information prepared by Warren Jay Gleason on your letterhead and submitted to IDWR in 1994 indicates that your chickens require an average of about 40,000 gallons per day, with consumption being even greater when temperatures are high. The IDWR field examiner who prepared the field report on your water use in 1995 estimated your use for watering chickens to be about 51,700 gallons per day.

If you believe you have a water right to cover your use in excess of 26,000 gallons per day, please contact me right away to discuss the nature of that right. Otherwise, you are not authorized to divert more than 26,000 gallons per day for watering your chickens. If you need to establish a new water right to use more than 26,000 gallons per day, you must file an application for permit with IDWR. I have enclosed an application and instructions for you.

In a related matter, Permit 13-07504 is being reviewed for licensing. The field examiner reported that your point of diversion (the location of your well) is different than was authorized on your permit. The authorized point of diversion location is the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 16 South, Range 40 East, but the actual location of the well is the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township

Ritewood, Inc.
August 30, 1996
Page 2

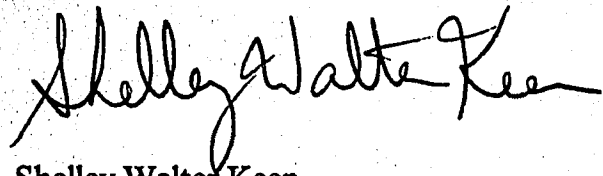
16 South, Range 40 East. Before a water right license can be issued, your permit must be amended to depict the water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The last page of the Application for Amendment form contains a list of conditions and remarks proposed for the license when it is issued. Before the license is issued, these conditions and remarks may be modified. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee as soon as possible.

If you now divert water under Claim 13-04317 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 16 South, Range 40 East, instead of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 16 South, Range 40 East, you must file an Application for Transfer to change your point of diversion. I have enclosed a form and instructions for you.

If you have any questions, please contact me at 208-327-7946.

Respectfully,



Shelley Walter Keen
Water Rights Supervisor

Enclosures

c: Eastern Region

C COPY

152977

NOTIFICATION OF CONTRACT

Recorded at the request of

American Land Title

—a.m. MAY 12 1980 2:30 p.m.

MICHAEL D. KUNZ, RECORDER

By *Gray Fisher* Deputy
FRANKLIN COUNTY, IDAHO

BE IT KNOWN TO ALL MEN BY THESE PRESENTS, That on the 9th day of May, 1980,

MYRTLE C. WOODWARD, a widow, of Franklin, Franklin County, Idaho, as SELLER, and

RITEWOOD INC., by PAUL CRANDALL WOODWARD, Vice President, and LORRAINE A. WRIGHT, Secretary, and BOB A. HOBBS and IRMA V. HOBBS, husband and wife; and MICHAEL H. HOBBS and JILL B. HOBBS, husband and wife, of Franklin, Franklin County, Idaho, as Buyer, entered into a contract for the purchase of the property as described below:

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 10: Commencing at the Southwest corner of Section 10, and running thence East 1685 feet; thence North 29°36' West 85.8 feet; thence North 18°09' West 100 feet; thence North 22°14' East 83.6 feet; thence West 1310 feet; thence Southwest 410 feet to the place of beginning.

Section 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$: N $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

ALSO, conveying the following water rights: 7/20 interest or more in the Flack Ditch and 1/2 interest in the Woodward Ditch. Also, 1/2 interest in a certain spring that furnishes water for house use, stock, garden and lawn.

SELLER

Myrtle C. Woodward
Myrtle C. Woodward

BUYER

Paul B. Woodward
Ritewood, Inc., a Corporation
by: Paul Crandall Woodward
Vice President

BUYER

Michael H. Hobbs
Michael H. Hobbs

Lorraine A. Wright
Lorraine A. Wright, Secretary

Bob A. Hobbs
Bob A. Hobbs

Jill B. Hobbs
Jill B. Hobbs

Irma V. Hobbs
Irma V. Hobbs

STATE OF IDAHO)
COUNTY OF FRANKLIN)

On the 9th day of May, 1980, personally appeared before me, Notary Public in and for the State of Idaho, MYRTLE C. WOODWARD, BOB A. HOBBS and IRMA V. HOBBS, husband and wife; and MICHAEL H. HOBBS and JILL B. HOBBS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at: Swan Lake, Idaho
Comm. Expires: Lifetime

Barbara Sorenson
Notary Public

STATE OF IDAHO)
COUNTY OF FRANKLIN)

On this 9th day of May, 1980, before me, a Notary Public in and for said State, personally appeared PAUL CRANDALL WOODWARD and LORRAINE A. WRIGHT, known to me to be the Vice-President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Residing at: Swan Lake, Idaho
Commission expires: Lifetime

Barbara Sorenson
Notary Public

TO: [illegible]
FROM: [illegible]
SUBJECT: [illegible]

[illegible text]

RECEIVED

OCT 30 1996

Department of Water Resources
Eastern Region

[illegible text]

[illegible text]

COBY

Franklin
County Assessors
Maps

Township 16
Range 40

B...

Places of
Use

Stockdale Family Trust
51-448
166207
177926

39-243

879' 431'
T3
134123
180471
136879

Orvil J. Ralston
158182
159973
175045 40A

10 11
15 14

Ritewood Inc. + Bob Hobbs
134123 136879
152977
155942
180471
181736

Orvil J. Ralston
159973
175045

Ritewood Inc.
160335

Well
Ritewood
192814

Jelma C. Woodward
53-566
192813

Ritewood
192814
Water Storage

15

Ritewood

Inc.
192814

Jelma Woodward
192813

T10

Jelma Woodward
192813

David Woodward
190313

Wm. Wright
160313

Mark Rossier
190724

R. Newsome
183145

Hope C. Mykroie
192813

175045

142547

OK Lane
Hope C. Mykroie

Colman C. Farley
53-51823
16346-13

Michael G. Bailey
190313

15

15

24

LAND SURVEYORS

CONSULTING CIVIL ENGINEERS

A.A. HUDSON
AND
ASSOCIATES

38 SOUTH FIRST WEST
PRESTON IDAHO
83263 852-1653

40 EAST HOOPER AVE.
SODA SPRINGS IDAHO
83276 547-4141

LEGAL DESCRIPTION

PAUL C. WOODWARD
PARCEL G
UPPER RESERVOIR PARCEL

*Water Storage
Purchased by Ritewood
1-25-95*

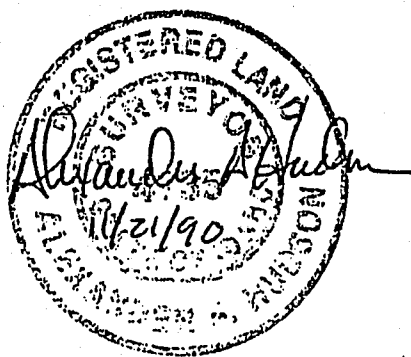
A parcel of land located in Section 15, T 16 S, R 40 E, B.M., Franklin County and further described as follows:

Beginning at the West quarter corner of said Section 15; Thence N 00° 11' 30" E 216.73 ft. along the west line of said Section 15 (based on the East line of Section 21 being North); Thence East 28.59 ft.; Thence N 89° 58' 39" E 674.61 ft. along a fence to a 5/8" rebar with cap set in a fence corner; Thence S 79° 23' 32" E 990.39 ft. to a 5/8" rebar with cap set on the north line of an access easement, the True Point of Beginning; Thence North 134.77 ft. to a 5/8" rebar with cap; Thence East 132.87 ft. to a 5/8" rebar with cap; Thence South 133.99 ft. to a 5/8" rebar with cap; Thence S 89° 39' 48" W 132.87 ft. along said north line to the True Point of Beginning; Containing 0.4 acres of land.

RECEIVED

OCT 30 1996

Department of Water Resources
Eastern Region



LAND MEYORS

CONSULTING ENGINEERS

A.A. HUDSON

AND

ASSOCIATES

38 SOUTH FIRST WEST
PRESTON IDAHO
83263 852-1653

40 EAST HOOPER AVE.
SODA SPRINGS IDAHO
83276 547-4141

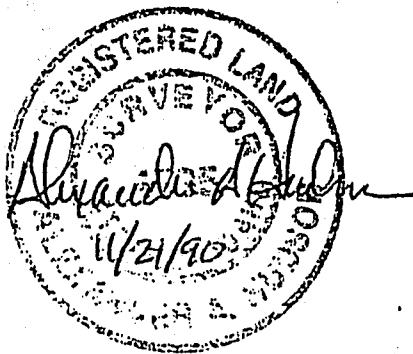
LEGAL DESCRIPTION

PAUL C. WOODWARD
PARCEL F
LOWER RESERVOIR PARCEL

*Water Storage
Purchased by Ritevac
1-25-95*

A parcel of land located in Section 15, T 16 S, R 40 E, B.M., Franklin County and further described as follows:

Beginning at the West quarter corner of said Section 15; Thence N 00° 11' 30" E 216.73 ft. along the west line of said Section 15 (based on the East line of Section 21 being North); Thence East 28.59 ft.; Thence N 89° 58' 39" E 674.61 ft. along a fence to a 5/8" rebar with cap set in a fence corner; Thence S 73° 52' 15" E 733.95 ft. to a 5/8" rebar with cap set on the south line of an access easement, the True Point of Beginning; Thence N 89° 39' 48" E 76.35 ft. to a 5/8" rebar with cap; Thence South 88.85 ft. to a 5/8" rebar with cap; Thence West 76.30 ft. to a 5/8" rebar with cap; Thence North 88.40 ft. to the True Point of Beginning; Containing 0.2 acres of land.





Ritewood, Inc.

3643 South 4000 East
P.O. Box 120
FRANKLIN, IDAHO 83237 -0120
Telephone (208) 646-2213
FAX (208) 646-2217

October 25, 1996

RECEIVED

OCT 30 1996

Department of Water Resources
Eastern Region

Mr. Dennis M. Dunn
Idaho Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402

Dear Mr. Dunn:

Thank you so much for all the time and effort you have extended on our behalf.
We surely appreciate your help.

Enclosed are some additional papers which you might need. I have made a copy of the maps that are with the applications and transfers. It is marked with the red A: It shows the place of use for Section 16 which has been highlighted. This may change description on the Application for Amendment.

B: This is a copy of the Franklin County Assessor's map which shows where our water storage reserviors are located. Attached to this are the legal descriptions of these parcels which we purchased January 25, 1995.

C: Description of land where we^{are} wanting to drill another well next year.

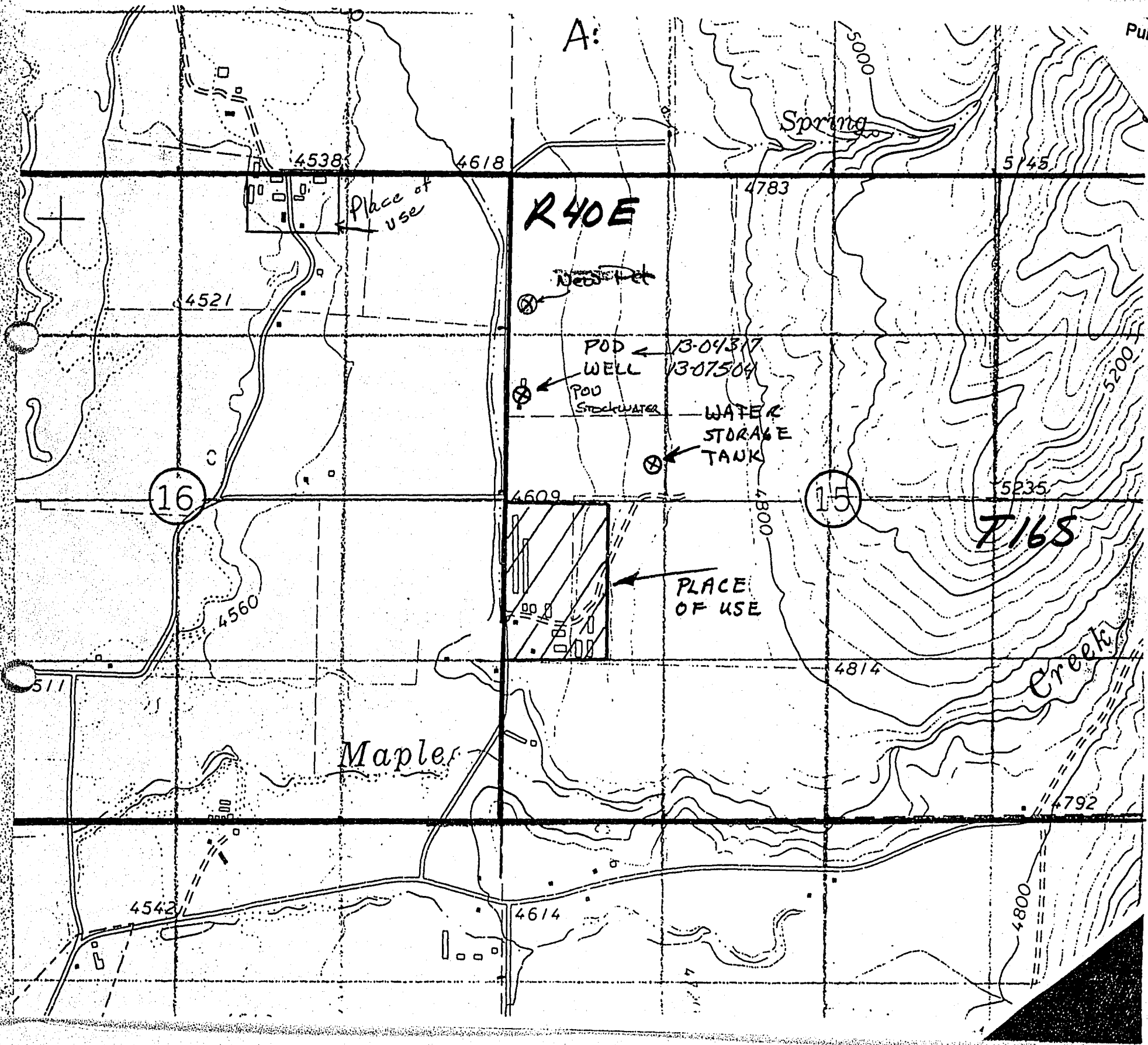
If there is anything else we need to do, please let us know.

Sincerely,

RITEWOOD, INC.

Lorraine A. Wright,
Sec.-Treas.

Publication prepared by
Publication approved





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 8, 1996

RITEWOOD INC
PO BOX 120
FRANKLIN ID 83237-0120

RE: Notice of Application for Transfer No. 4955

Dear Applicant:

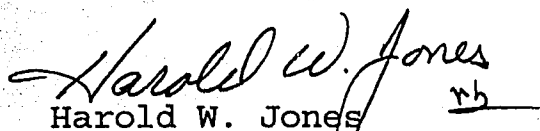
The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Preston Citizen on Nov. 21 & 28, 1996. The advertisements will be published for two consecutive weeks, and a period of ten days following 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.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an untested application is about twelve weeks.

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
TRANSFER NO. 4955

Notice is hereby given that Ritewood, Inc., PO Box 120, Franklin, ID 83237-0120, has applied to the Department of Water Resources to add a point of diversion, reduce amount, and correct original point of diversion of the waters of a groundwater source. The right sought to be changed is evidenced by a claim and recorded as follows:

Claim No.: 13-04317 Source: groundwater
Amount: .23 cfs Priority: 01/01/1960
Point(s) of Diversion: NESW, SEC 15, T16S, R40E, Franklin County
The water is used for stockwater from 01/01 to 12/31 within the NWSW, SEC 15, T16S, R40E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 0.04 cfs of the water will be diverted from the SWNW, NWNW, SEC 15, T16S, R40E, Franklin County and will be used for stockwater from 01/01 to 12/31 within the NWSW, SEC 15, T16S, R40E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before December 9, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Preston Citizen on November 21 & 28, 1996.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 8, 1996

Legal Notices Department
THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) 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 DECEMBER 9, 1996.

Yours truly,

Rita Bodell
Secretary

Encl.

4249

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the PUBLISHER of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

11-20, 1986, and ending
with the issue of 11-27 1986

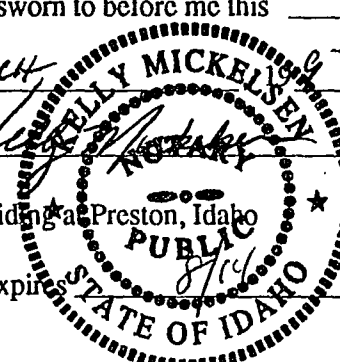
Fee \$ 34.83

Subscribed and sworn to before me this 12 day

of March

Notary Public, Residing at Preston, Idaho

My Commission Expires 8/14



RECEIVED

MAR 13 1997

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s)
have been filed to appropriate the
public waters of the State of Idaho:
13-07545

RITEWOOD, INC.

P.O. BOX 120

FRANKLIN, ID 83237-0120

Source: GROUNDWATER

Diversion Pt: NWNW Sec 15

T16S R 40E in FRANKLIN County.

SWNW Sec 15 T 16S R 40E in

FRANKLIN County.

Use: STOCKWATER (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 10/30/1996

In: FRANKLIN County

T16S R40E S15 NWSW

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the applicant
and the Director, Dept. of Water
Resources, along with a \$25.00 fil-
ing fee, Eastern Region, 900 N
Skyline, Idaho Falls, Idaho 83402
on or before DECEMBER 9, 1996.

KARL J. DREHER, Director

Legal No. 4249 — Publish Nov.
20, 27, 1996.

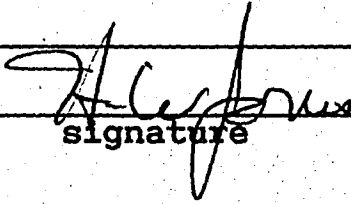
INTER-DEPARTMENT MEMO

TO: TR 4955

SUBJECT: _____

FROM: H.W. JONESDATE: 3-17-1997

Shelley Kern's letter of Aug 30, 1996 requested that Ritewood Inc. file a transfer to reduce the cfs on claim 13-04317 and clarify the point(s) of diversion. This has been done but I have not received any verification of priority. The system has been in place for some time but I felt this transfer was to clarify & correct according to Shelley's requests.

☒ For your information☐ Response required
signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARI J. DREHER
DIRECTOR

August 30, 1996

RITEWOOD INC
PO BOX 120
FRANKLIN ID 83237

RE: Water Rights 13-04317 and 13-07504

Dear Right Holder:

In 1992 you filed a claim to a water right, no. 13-04317, for the watering of 500,000 chickens. Because you had not filed by the June 30, 1988, deadline for filing other types of claims, your claim was acceptable only as a domestic water right, which cannot exceed 13,000 gallons per day.

Because your use exceeded 13,000 gallons per day, you filed an application for permit to cover your additional use. Your permit, No. 13-07504, was issued in 1994 while a moratorium on processing most new applications was in effect in the Bear River drainage. In order for your application to be approved as an exception to the moratorium, your use had to meet the definition of a domestic use. Consequently, Condition 6 on Permit 13-07504 states, "The maximum diversion authorized under this right shall not exceed 13,000 gallons per day."

Under the two rights, you may use up to 26,000 gallons per day. However, information prepared by Warren Jay Gleason on your letterhead and submitted to IDWR in 1994 indicates that your chickens require an average of about 40,000 gallons per day, with consumption being even greater when temperatures are high. The IDWR field examiner who prepared the field report on your water use in 1995 estimated your use for watering chickens to be about 51,700 gallons per day.

If you believe you have a water right to cover your use in excess of 26,000 gallons per day, please contact me right away to discuss the nature of that right. Otherwise, you are not authorized to divert more than 26,000 gallons per day for watering your chickens. If you need to establish a new water right to use more than 26,000 gallons per day, you must file an application for permit with IDWR. I have enclosed an application and instructions for you.

In a related matter, Permit 13-07504 is being reviewed for licensing. The field examiner reported that your point of diversion (the location of your well) is different than was authorized on your permit. The authorized point of diversion location is the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 16 South, Range 40 East, but the actual location of the well is the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township

AT NAME LRS RITEWOOD INC

Ritewood, Inc.
August 30, 1996
Page 2

16 South, Range 40 East. Before a water right license can be issued, your permit must be amended to depict the water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The last page of the Application for Amendment form contains a list of conditions and remarks proposed for the license when it is issued. Before the license is issued, these conditions and remarks may be modified. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$50.00 filing fee as soon as possible.

If you now divert water under Claim 13-04317 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 16 South, Range 40 East, instead of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 16 South, Range 40 East, you must file an Application for Transfer to change your point of diversion. I have enclosed a form and instructions for you.

If you have any questions, please contact me at 208-327-7946.

Respectfully,



Shelley Walter Keen
Water Rights Supervisor

Enclosures

c: Eastern Region

M:\NAME\TRS\RITEWOOD.DOC

MEMORANDUM

TO: FILE NO. 13-04317

FROM: PAM SKAGGS ^{PS} STATE OFFICE

SUBJECT: TRANSFER NO. 4955

DATE: August 15, 1997

OK [Signature] 8.18.97

=====

Transfer No. 4955 changes and adds a point of diversion, and reduces the rate of diversion under Right No. 13-04317.

The changed point of diversion is a correction of the original well. A second well is being added to system in the NWNW. The reduction of the rate of diversion reflects the allowable "domestic" use limit acceptable for statutory claims after 06-30-1988. The additional water required for the described stockwater use is being developed under separate rights.

Diversion volume based on the maximum allowable 13,000 gallons per day was identified. Recommended conditions include non-confirmation of claim, drilling permit conditions, right-of-way, multiple points of diversion/measuring devices and standard transfer conditions.



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 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RITEWOOD INC
PO BOX 120
FRANKLIN ID 83237-0120

RE: Water Right No. 13-04317 (Transfer No. 4955)

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4955). 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.

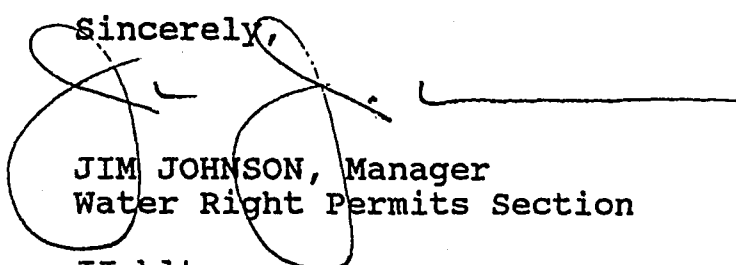
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

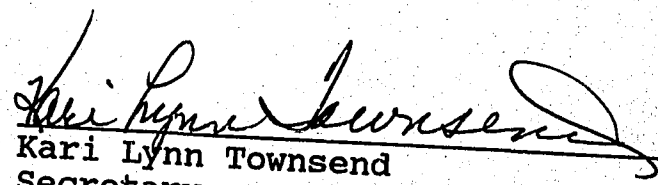
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT NO. 13-04317 (Transfer No. 4955)

RITEWOOD INC
PO BOX 120S
FRANKLIN ID 83237-0120


Kari Lynn Townsend
Secretary