

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 2-10193  
Date Received: 2/13/1990  
Receipt No: W008783  
Received By:

**AMENDED**

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SYMMS FRUIT RANCH INC Phone: (208)459-4821  
14068 SUNNY SLOPE RD  
CALDWELL ID USA 83607

2. Date of Priority: 03/26/1963

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 01N      | 03W   | 16      | NW NW                 | CANYON |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 2.53   | 662        |

7. Total Quantity Appropriated is:  
2.53 C.F.S. and/or 662 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use | Acres |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
| 02N | 03W | 19 | SW | SW | IRRIGATION    | 40  |
|     |     |    | SE | SW | IRRIGATION    | 18  |
|     |     |    | NW | SW | IRRIGATION    | 12  |
|     |     |    |    |    | Section Acres | 70  |
| 02N | 03W | 30 | NW | NW | IRRIGATION    | 20  |
|     |     |    |    |    | Section Acres | 20  |
| 02N | 04W | 24 | SE | SE | IRRIGATION    | 25  |
|     |     |    |    |    | Section Acres | 25  |
| 02N | 04W | 25 | NE | NE | IRRIGATION    | 27  |
|     |     |    | SE | NE | IRRIGATION    | 5   |
|     |     |    |    |    | Section Acres | 32  |
|     |     |    |    |    | Total Acres   | 147 |

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 02-2219A. DB 7/31/2001

This amended claim is to accurately reflect the proportionate share of land and water held by the Symms and Brandts under the split of 02-02219A and the joint water agreement between Symms Fruit Ranch (Richard Symms) and Don Brandt dated 4/17/1998.

15. Basis of Claim: License

Should questions arise during the processing of this application please contact:  
Sheri L. Chapman - ERO Resources Corp. (208) 373-7983

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 02-10193

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

**AMENDED NOTICE OF CLAIM**  
**TO A**  
**WATER RIGHT**  
**AQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) Symms Fruit Ranch Inc. Phone (208) 459-4821  
Mailing Address 14068 Sunny Slope Rd., Caldwell, Idaho Zip 83605
2. Date of Priority (Only one (1) per claim) 3-26-1963
3. Source of water supply (a) Snake River  
Which is tributary to (b) Columbia River
4. a. Location of point of diversion is: Township 1N Range 3W Section 16,  
\_\_\_\_\_  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., County of Canyon  
Additional points of diversion if any: None  
b. If instream flow, beginning point of claimed instream flow is: N/A  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$ ,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as  
enlarged and the depth of each well. River based pumping station, penstock, canal, relift pumps, sprinkler  
system.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 2.53 or 662

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 2.53 (cfs) and/or (b) 662 (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     | ¼    | ¼  | ¼  | ¼  | ¼    | ¼  | ¼  | ¼  | ¼    | ¼  | ¼  | ¼  | ¼    | ¼  | ¼  | ¼  |        |
| 2N  | 3W  | 19  |      |    |    |    |      |    |    |    |      | 12 | 40 | 18 |      |    |    |    | 70     |
|     |     | 30  |      |    |    |    |      | 20 |    |    |      |    |    |    |      |    |    |    | 20     |
| 2N  | 4W  | 24  |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    | 25 | 25     |
|     |     | 25  | 27   |    |    | 5  |      |    |    |    |      |    |    |    |      |    |    |    | 32     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total number of acres irrigated 147

11. In which county (ies) are lands listed above as place of use located? Canyon

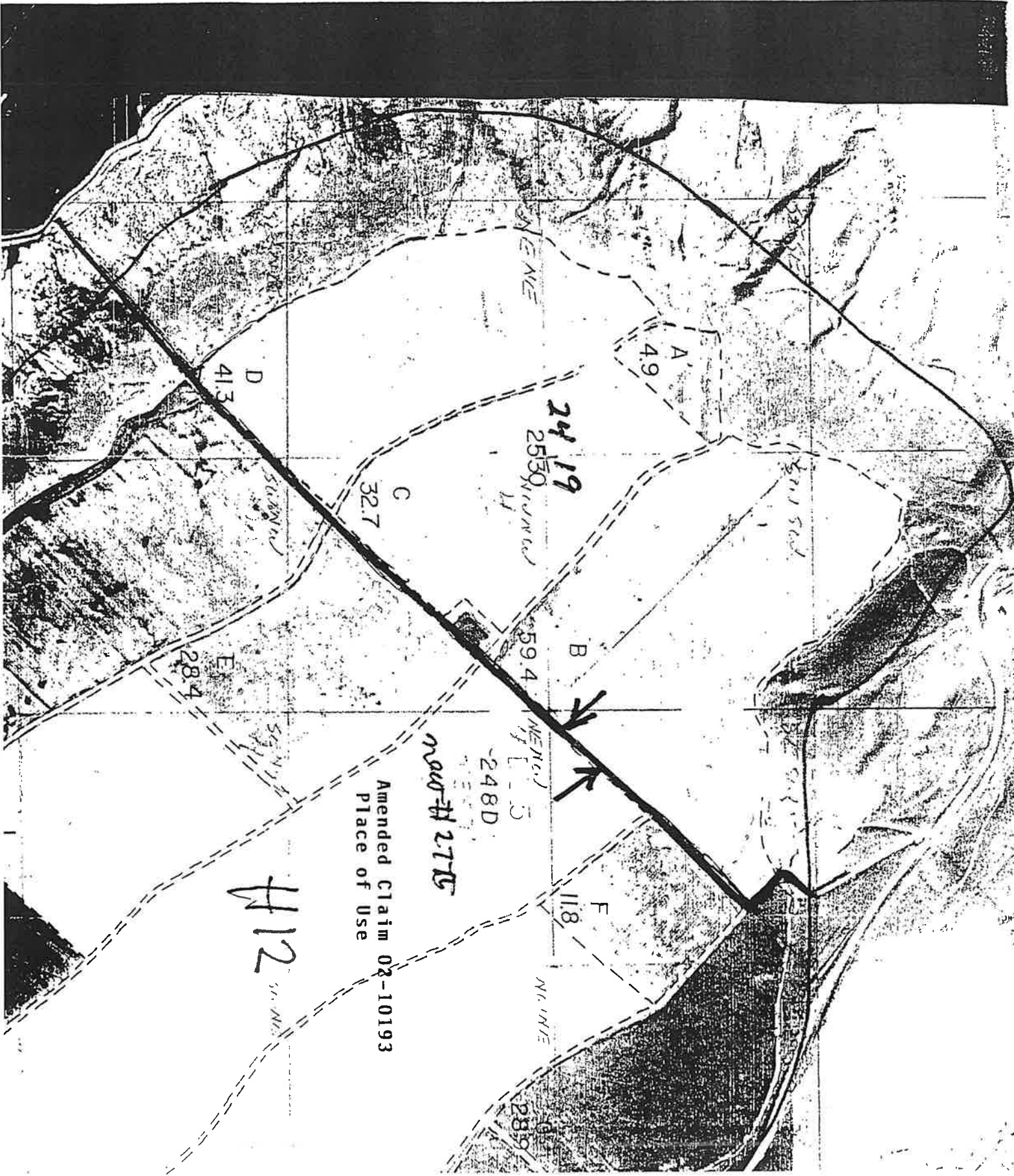
12. Do you own the property listed above as place of use? Yes XX No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

\_\_\_\_\_ or None (XX)

14. Remarks:

This amended claim is to accurately reflect the proportionate share of land and water held by the Symms and Brandt's under the split of 02-2219A and the joint water agreement between Symms Fruit Ranch (Richard Symms) and Don Brandt dated 4-17-1998.



Amended Claim 02-10193  
Place of Use

412

277E

248D

11.8

B

2419

2530

4.9

A

32.7

C

41.3

D

28.4

E

2859

11.8

F

59.4

B

15. Basis of Claim (Check One) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License XX Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 02-10193

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do \_\_\_\_\_ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments \_\_\_\_\_

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am PRESIDENT

of SYMMS FRUIT RANCH that I have signed the foregoing  
Organization Title

document in the space below as PRESIDENT of SYMMS FRUIT RANCH  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization PRESIDENT SYMMS FRUIT RANCH Date 18 JUNE 2002

State of Idaho/or Idaho )  
County of Canyon ) SS.

Subscribed and sworn to (or affirmed) before me this 19th day of JUNE 2002



Notary Public Eileen M. Berkenbile

Residing at Caldwell Idaho 83605

My Commission Expires 7-14-06

17. Notice of Appearance:

Please Print Name

G. DAA Symms

Notice is hereby given that I, [Signature] will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address 14068 Sunny Slope Rd., Caldwell, ID 83607

Date 6-19-02

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 02-10193  
Date Received: 2/13/90  
Receipt No:  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): SYMMS FRUIT RANCH INC      Phone: (208)459-4821  
14068 SUNNY SLOPE RD  
CALDWELL ID 83605

2. Date of Priority: 03/26/1963

3. Source: SNAKE RIVER      Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 01N      | 03W   | 16      | NW NW                 | CANYON |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 4      |            |

7. Total Quantity Appropriated is:  
4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4     | Lot | Use                      | Acres                                  |
|----------|-------|---------|----------------|-----|--------------------------|----------------------------------------|
| 02N      | 03W   | 19      | SW SW<br>SE SW |     | IRRIGATION<br>IRRIGATION | 40 <sup>1/2</sup><br>40 <sup>1/2</sup> |
|          |       |         |                |     | Section Acres            | 80                                     |
| 02N      | 03W   | 30      | NW NW          |     | IRRIGATION               | 40 <sup>1/2</sup>                      |
|          |       |         |                |     | Section Acres            | 40                                     |
| 02N      | 04W   | 24      | SE SE          |     | IRRIGATION               | 25 <sup>1/2</sup>                      |
|          |       |         |                |     | Section Acres            | 25                                     |
| 02N      | 04W   | 25      | NE NE          |     | IRRIGATION               | 27 <sup>1/2</sup>                      |
|          |       |         |                |     | Section Acres            | 27                                     |
|          |       |         |                |     | Total Acres              | 172                                    |

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 02-2219A. DB 7/31/2001

15. Basis of Claim: License

RECEIVED  
NOV 09 1998  
WATER RESOURCES  
WESTERN REGION

CHANGE IN OWNERSHIP

- [ ] Water Right Number(s): A02 - 022191
- [ ] Name and Address of Former Claimant: Don, Joan + Marilyn Brandt  
203 11<sup>th</sup> Ave S  
Nampa, ID. 83651
- [ ] New Claimant(s): ~~Randy Brandt~~  
Symms Fruit Ranch, Inc
- [ ] New Mailing Address: 14068 Sunny Slope Rd  
Caldwell, IDAHO 83605

New Telephone Number: (     )      -     

- [ ] Does the change in ownership result in a splitting of the water right claimed? ☒ yes ☐ no

If yes, then describe the portion of the water right that is now claimed by the new owner:

2390 - (attach joint water Agreement)

- [X] Attach proof of ownership  
Describe proof attached:

Copy of Deed

- [ ] Signature of New Claimant(s): Symms Fruit Ranch  
By R. A. Symms

Date: 3 November 1998

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

02-2219A

0.023

2N  
Symms 02-10193

(3W) Sec 19 SWSW 40  
SESW 40

(3W) Sec 30 NWNW 40

(4W) Sec 24 SESE 25 ✓

(4W) Sec 25 NENE 27

172 acres

4.023

2N  
Brandt 02-10192

(3W) Sec 19 SWSE 32

Sec 29 No change 12

Sec 30 Remove NWNW 262

(4W) Sec 24 Remove

(4W) Sec 25 Remove

306 acres

7.023



# ADJUDICATION AND OTHER WATER RIGHT MATTERS DISCLOSURE ADDENDUM



☐ APPLICABLE

DATE 12-20-98

EARNEST MONEY# \_\_\_\_\_

☐ NON APPLICABLE

THIS IS AN ADDENDUM TO A PURCHASE AND SALE AGREEMENT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS, CAREFULLY BEFORE SIGNING. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY BEFORE SIGNING.

This is an ADDENDUM to the Real Estate Purchase and Sale Agreement and Receipt for Earnest Money:

Earnest Money Dated: 2-25, 1998 ID# \_\_\_\_\_

ADDRESS: My Lake

BUYER(S): Symms Project Ranch Inc

SELLER(S): Don Brant et al.

Seller(s) and Broker or their representative hereby disclose:

1. Buyer(s) is/are aware of the Snake River Basin Adjudication Process and understand(s) that the Seller(s) is/are unable to guarantee that the water right(s) appurtenant to the land will remain unchanged past the date of closing.

2. The Bureau of Reclamation of the Department of Interior is developing a policy on water spreading which is defined as the unauthorized use of federally developed project facilities or water supplies on lands not approved by reclamation for such use. This could impact the amount of land that can be irrigated in Idaho.

3. Buyer(s) is/are aware that the Idaho Department of Water Resources is in the process of developing rules for the conjunctive management of the State's above-ground and under-ground water resources. These rules could have an impact on junior and senior water right holders throughout the State.

4. Buyer(s) and Seller(s) are advised to contact their own attorney, accountant, residential structural and/or environmental specialist if there are questions concerning the Purchase and Sale Agreement, at their own expense. For information on the adjudication process or water law and rules in Idaho, you should contact the Idaho Department of Water Resources, the local office of the Bureau of Reclamation and your attorney.

[Signature] BUYER  
(Signature)

[Signature] SELLER  
(Signature)

\_\_\_\_\_  
(Signature) BUYER

\_\_\_\_\_  
(Signature) SELLER

DATED: 12-20-98

DATED: 12-20-98

TIME: \_\_\_\_\_ ☐ A.M. ☐ P.M.

TIME: \_\_\_\_\_ ☐ A.M. ☐ P.M.

This form is printed and distributed by the Ada County Association of REALTORS®, Inc./Idaho Association of REALTORS®, Inc. This form has been designed for and is provided only for use by real estate professionals licensed by the Idaho Real Estate Commission who are also members of the National Association of REALTORS®. **USE BY ANY OTHER PERSON IS PROHIBITED.**

© Copyright Ada County Association of REALTORS®, Inc./Idaho Association of REALTORS®, Inc.  
All rights reserved.

PN 47767

21 April 98

# WARRANTY DEED

FOR VALUE RECEIVED DONALD K. BRANDT, A SINGLE MAN, JOAN M. BRANDT, A SINGLE WOMAN, MARILYN I. BRANDT, ALSO KNOWN AS MARILYN IRENE BRANDT, A SINGLE WOMAN

the Grantors, do hereby grant, bargain, sell and convey unto SYMMS FRUIT RANCH, INC.

the Grantee, whose address is 14068 Sunny Slope Road Caldwell ID 83605

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE:

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1998 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 16, 1998

Donald K. Brandt  
DONALD K. BRANDT

Joan M. Brandt  
JOAN M. BRANDT

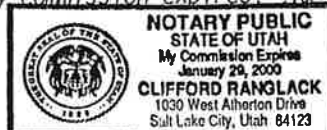
Marilyn I. Brandt  
MARILYN I. BRANDT

STATE OF Washington  
COUNTY OF Shobornish  
On this 16th day of May, 1998, before me a notary public, personally appeared **MARILYN I. BRANDT**, known or identified to me to be the person(s) who(se) name(s) is subscribed to the within instrument, and acknowledged to me that she has executed the same.

STATE OF Utah  
COUNTY OF Salt Lake  
On this 1 day of May, 1998, before me a notary public, personally appeared **JOAN M. BRANDT**, known or identified to me to be the person(s) who(se) name(s) is subscribed to the within instrument, and acknowledged to me that she has executed the same.

Alex M. Miller  
Notary Public  
Residing at Edmonds WA  
My commission expires: 4/9/00

Clifford Ranglack  
Notary Public  
Residing at Murray Utah  
My commission expires: Jan 29 2000



STATE OF IDAHO  
COUNTY OF CANYON  
On this 7 day of May, 1998, before me a notary public, personally appeared **DONALD K. BRANDT**, known or identified to me to be the person(s) who(se) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they have executed the same.

D. M. Miller  
Notary Public  
Residing at GREENLEAF, Idaho  
My commission expires: 9-1-99



*Skinner Lana*  
*Survey Co. Inc.*

1904 E. Chicago Street, Suite C  
Caldwell, ID 83605  
(208) 454-0933  
Fax (208) 454-9492

Greg L. Skinner, PLS

Description for  
Dick Symms  
Job No. FE2398

Parcel 1

March 26, 1998  
*DL*  
*RL*  
*MS*  
*ML*

This parcel consists of the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 24, and a portion of the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 25, Township 2 North, Range 4 West of the Boise Meridian; and includes a portion of the SW  $\frac{1}{4}$  of Section 19 and of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 30, Township 2 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

**BEGINNING** at the northwest corner of the SW  $\frac{1}{4}$  of said Section 19, Township 2 North, Range 3 West;

thence North  $89^{\circ} 41' 16''$  East along the north boundary of said SW  $\frac{1}{4}$  a distance of <sup>7.</sup>467.56 feet to a point in the centerline of Nash Lane as it now exists;

thence traversing said centerline as follows:

southeasterly <sup>8.</sup>514.53 feet along the arc of a curve to the left having a central angle of  $88^{\circ} 49' 57''$ , a radius of 331.87 feet and a long chord which bears South  $63^{\circ} 08' 27''$  East distance of 464.52 feet;

North <sup>3.5</sup> $72^{\circ} 26' 34''$  East a distance of 233.10 feet;

southeasterly <sup>8.3</sup>550.40 feet along the arc of a curve to the right having a central angle of  $56^{\circ} 35' 48''$ , a radius of 557.20 feet and a long chord which bears South  $79^{\circ} 15' 33''$  East a distance of 528.30 feet;

South <sup>4.6</sup> $50^{\circ} 57' 39''$  East a distance of 302.90 feet;

thence South <sup>1.3</sup> $48^{\circ} 38' 25''$  East a distance of 89.34 feet;

thence leaving said centerline and bearing South <sup>13.3</sup> $25^{\circ} 42' 16''$  East a distance of 876.39 feet;

thence South <sup>1</sup> $74^{\circ} 45' 52''$  West a distance of 63.74 feet;

Symms legal description  
Parcel 1, Page 2 of 2

thence South 43° 51' 22" West a distance of <sup>1.8</sup>120.32 feet to a point in the centerline of an existing gravel road;

thence traversing said centerline as follows:

South 39° 40' 36" East a distance of <sup>2.8</sup>184.81 feet;

South 45° 31' 38" West a distance of <sup>53.6</sup>1559.52 feet to a point on the west boundary of the SE ¼ SW ¼ of Section 19, Township 2 North, Range 3 West;

South 45° 31' 38" West a distance of <sup>.7</sup>42.01 feet to a point on the north boundary of the NW ¼ NW ¼ of Section 30, Township 2 North, Range 3 West;

South 45° 31' 38" West a distance of <sup>24.8</sup>1636.43 feet to a point on the west boundary of said NW ¼ NW ¼ of said Section 30;

South 45° 31' 38" West a distance of <sup>16.6</sup>1114.62 feet to a ½ inch diameter rebar witness corner set at the end of said gravel farm road;

thence continuing South 45° 31' 38" West a distance of <sup>11.5</sup>760.00 feet to a point on the west boundary of the E ½ of the NE ¼, Section 25, Township 2 North, Range 4 West;

thence North 0° 36' 05" East along said west boundary a distance of <sup>37.3</sup>2464.37 feet to the northwest corner of said E ½ NE ¼;

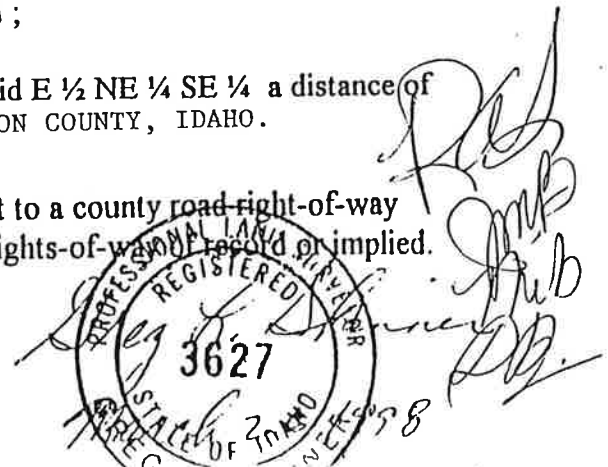
thence North 0° 27' 43" East along the west boundary of the SE ¼ SE ¼ of said Section 24 a distance of 1323.49 feet to the northwest corner of said SE ¼ SE ¼;

thence South 89° 35' 42" East along the north boundary of said SE ¼ SE ¼ a distance of <sup>10.1</sup>661.35 feet to the southwest corner of the E ½ NE ¼ SE ¼, Section 24, Township 2 North, Range 4 West;

thence North 0° 27' 10" East along the west boundary of said E ½ NE ¼ SE ¼ a distance of 1323.80 feet to the northwest corner of said E ½ NE ¼ SE ¼;

thence South 89° 37' 20" East along the north boundary of said E ½ NE ¼ SE ¼ a distance of 661.14 feet to the **POINT OF BEGINNING**. ALL IN CANYON COUNTY, IDAHO.

This parcel contains 240.51 acres, more or less, and is subject to a county road-right-of-way along the northeast boundary and to all other easements and rights-of-way of record or implied.



## JOINT WATER AGREEMENT

THIS AGREEMENT is made this 17<sup>th</sup> day of April, 1998, by and between DONALD K. BRANDT, a single man, JOAN M. BRANDT, a single woman, and MARILYN I. BRANDT, also known as MARILYN IRENE BRANDT, a single woman, hereinafter collectively referred to as "Brandt", and SYMMS FRUIT RANCH, INC., an Idaho corporation, hereinafter referred to as "Symms".

### RECITALS:

WHEREAS, the parties hereto have entered into an agreement for the purchase and sale of certain agricultural real property, which property is more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the real property being sold to Symms is a part of an integrated water delivery system serving real property described in Exhibit "A" attached hereto and real property owned by Brandt; and

WHEREAS, the total farm acreage that receives water from the West End Project Canal Company irrigates 597.3 irrigable/farmed acres with 550 shares of water;

NOW, THEREFORE, BE IT COVENANTED AND AGREED by the parties hereto as follows:

1. The parties acknowledge that with the purchase and sale of the real property between the parties, there is transferred to Symms 126.5 shares of water (137 irrigable/farmed acres  $\div$  597.3 total irrigable/farmed acres = 23% x 550 shares of water), together with the transfer of the proportional share of that certain Water License No. A02-02219A owned by Brandt, to be utilized

STATE OF WASHINGTON )

County of Snohomish ) ss.

On this 1st day of April, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARILYN I. BRANDT, also known as MARILYN IRENE BRANDT, a single woman**, known to me to be the person whose signature is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Alex M. Mott  
Notary Public for Washington  
Residing at Edmonds, Washington  
My commission expires: 4/9/00  
(Joint Water p. 3)

A02-02219A



**SYMMS FRUIT RANCH, INC.**

14068 Sunny Slope Road • Caldwell, Idaho 83605

Telephone: (208) 459-4821 • L.D. 459-8064

Fax: (208) 459-6932

RECEIVED

NOV 09 1998

WATER RESOURCES  
WESTERN REGION

Dept. of Water Resources  
Adjudication Section  
2735 Airport Way  
Boise, Idaho 83705

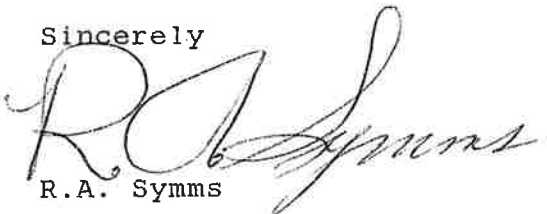
October 6, 1998

Sirs:

Enclosed find application for change of ownership of water right from Snake River. Joint water agreement, adjudication addendum, warranty deed and land description are also enclosed.

Please advise me if any additional information is required to complete this transfer.

Sincerely

  
R.A. Symms



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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A02-02219A**  
Date Received: 2/13/1990  
Receipt No: W008783  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**COPY FOR  
YOUR FILES**

|          |                |              |
|----------|----------------|--------------|
| 1. Name: | DON BRANDT     | 208-466-7821 |
| Address: | 203 11TH AVE S |              |
|          | NAMPA ID       | 83651        |
| OR       |                |              |
| Name:    | MARILYN BRANDT | 208-466-7821 |
| Address: | 203 11TH AVE S |              |
|          | NAMPA ID       | 83651        |
| OR       |                |              |
| Name:    | JOAN BRANDT    | 208-466-7821 |
| Address: | 203 11TH AVE S |              |
|          | NAMPA ID       | 83651        |

2. Date of Priority: MAR 26, 1963

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

|          |       |         |        |        |     |     |        |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 01N      | 03W   | 16      |        | NW     | NW  |     | CANYON |

5. Description of diverting works:

6. Water is used for the following purposes:

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 11.000 |      |        |

7. Total Quantity Appropriated is:  
11.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 02N      | 03W   | 19      | NW            |    | SW  |     | IRR | 12.0  |
|          |       |         | SW            |    | SW  | 4   | IRR | 40.0  |
|          |       |         | SE            |    | SW  |     | IRR | 40.0  |
|          |       |         | SW            |    | SE  |     | IRR | 38.0  |
|          |       |         | SE            |    | SE  |     | IRR | 9.0   |
|          |       |         | Section Acres |    |     |     |     | 139.0 |
|          |       | 29      | NE            |    | NW  |     | IRR | 17.0  |
|          |       |         | NW            |    | NW  |     | IRR | 5.0   |
|          |       |         | Section Acres |    |     |     |     | 22.0  |
|          |       | 30      | NE            |    | NE  |     | IRR | 27.0  |
|          |       |         | NW            |    | NE  |     | IRR | 40.0  |
|          |       |         | SW            |    | NE  |     | IRR | 40.0  |
|          |       |         | SE            |    | NE  |     | IRR | 35.0  |
|          |       |         | NE            |    | NW  |     | IRR | 40.0  |
|          |       |         | NW            |    | NW  | 1   | IRR | 40.0  |
|          |       |         | SW            |    | NW  | 2   | IRR | 40.0  |
|          |       |         | SE            |    | NW  |     | IRR | 40.0  |
|          |       |         | NE            |    | SW  |     | IRR | 40.0  |
|          |       |         | NW            |    | SW  |     | IRR | 12.0  |
|          |       |         | SE            |    | SW  |     | IRR | 15.0  |
|          |       |         | NE            |    | SE  |     | IRR | 5.0   |
|          |       |         | NW            |    | SE  |     | IRR | 35.0  |
|          |       |         | SW            |    | SE  |     | IRR | 5.0   |
|          |       |         | Section Acres |    |     |     |     | 414.0 |
|          | 04W   | 24      | SE            |    | SE  |     | IRR | 25.0  |
|          |       |         | Section Acres |    |     |     |     | 25.0  |
|          |       | 25      | NE            |    | NE  |     | IRR | 32.0  |
|          |       |         | SE            |    | NE  |     | IRR | 9.0   |
|          |       |         | Section Acres |    |     |     |     | 41.0  |
|          |       |         | Total Acres   |    |     |     |     | 641.0 |

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 31125