

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: A27-04141
Date Received: 3/06/1989
Receipt No: 5007773
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PRESTON R. ALLEN 208-349-5573
Address: STAR RT. BOX 63
DECLO, ID 83323

2. Date of Priority: JUN 01, 1931

3. Source: SLUG CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	43E	2	SW	NW			CARIBOU
			NE	SW			CARIBOU
			SE	SW			CARIBOU
		11	SW	SE			CARIBOU

5. Description of diverting works:
HEADGATES, CULVERTS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	13.220		

7. Total Quantity Appropriated is:
13.220 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
08S	43E	2	SW	NW		IRR	38.0

A27-04141

Page 1

Date: 03/20/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	43E	2	SE	NW		IRR	14.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	35.0

Section Acres 247.0

11	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	2.0
	SE	SW	IRR	6.0
	NE	SE	IRR	34.0
	NW	SE	IRR	40.0
	SW	SE	IRR	6.0
	SE	SE	IRR	6.0

Section Acres 414.0

Total Acres 661.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

A27-10096, 10097, 10098, 00004Q, 04137

14. Remarks:

24.4 CFS DECREED BLACKFOOT RIVER WATER ALSO USED ON ACRES.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Justin R. Allen Date: 6-21-89
Date:

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of June 19 89

Lon White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

AJ0749NP
No. A27-04141

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/23/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PRESTON R ALLEN 2601 E 300 S BOX 63 DECLO ID 83323 (208) 349-5573	06/01/1931	IRRIGATION	04-01 11-01	13.22 CFS	
TOTAL DIVERSION:					13.22 CFS	

Water Source: SLUG CREEK

Tributary to: BLACKFOOT RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T08S R43E S02 S11	S11	SWNW SWSE	NESW	SESW	CARIBOU County CARIBOU County
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Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---	---	---	---	:	---
08S	43E	2	:					:			38	14	:	40	40	40	40	:			35		:	247.0
08S	43E	11	:		40	40		:	40	40	40	40	:	40	40	02	06	:	34	40	06	06	:	414.0
TOTAL ACRES																						661.0		

POU County: CARIBOU

Other Rights: A27-10096, 10097, 10098, 00004Q, 04137

Remarks: GEN 24.4 CFS DECREED BLACKFOOT RIVER WATER ALSO USED ON ACRES.
ADDRESS CHANGE BY CLAIMANT LETTER.

Dates: Exam Made Date:

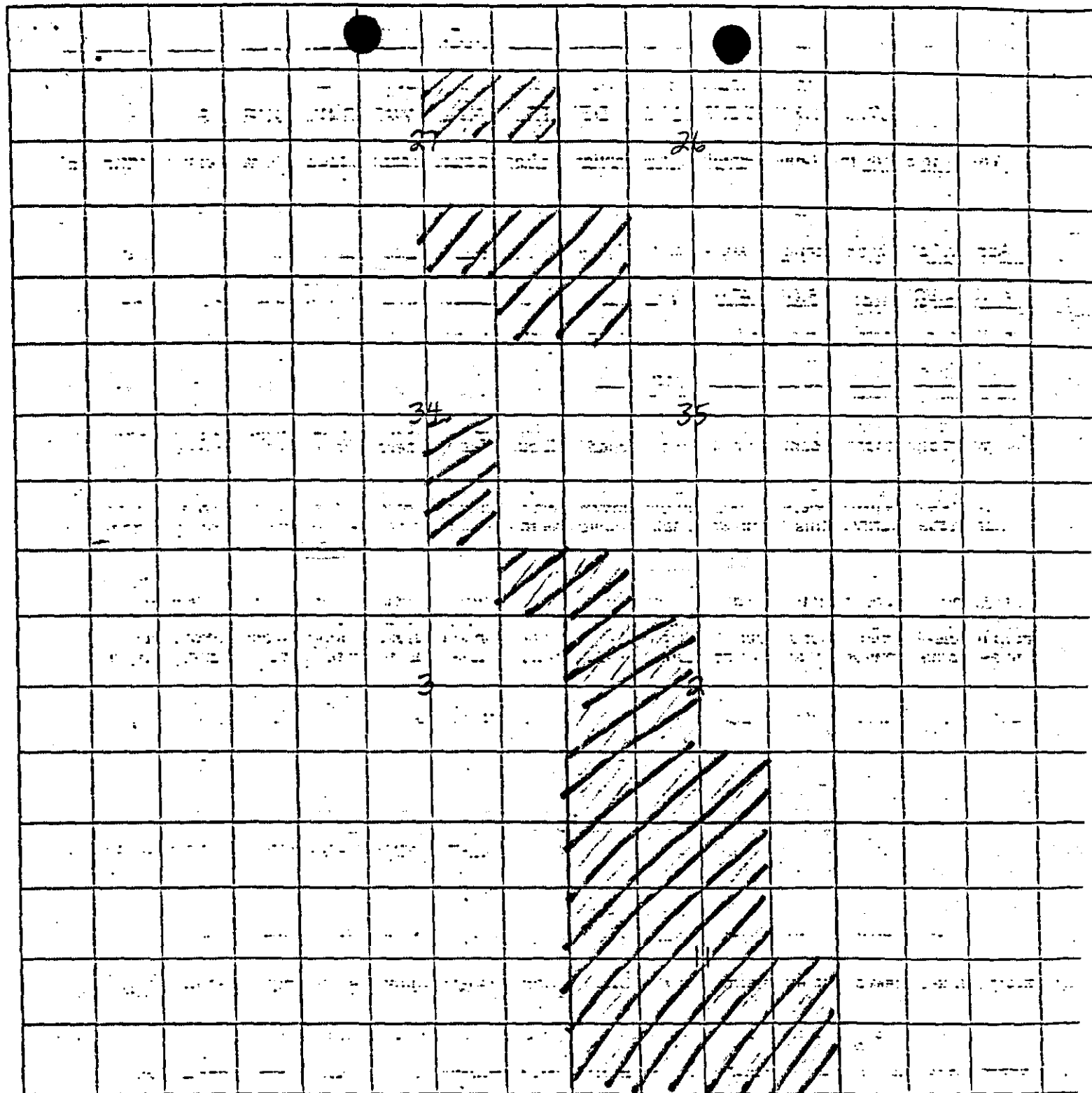
Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

NOT
DO



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Log for claim 27-04141

Spatial Dynamics LTD

12/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s43e	2	SWNW	38	40	
08s43e	2	SENW	14	40	Indiscernible
08s43e	2	NESW	40	40	
08s43e	2	NWSW	40	40	
08s43e	2	SWSW	40	40	
08s43e	2	SESW	40	40	
08s43e	2	SWSE	35	34	
08s43e	11	NWNE	40	40	
08s43e	11	SWNE	40	40	
08s43e	11	NENW	40	40	
08s43e	11	NWNW	40	40	
08s43e	11	SWNW	40	40	
08s43e	11	SENW	40	40	
08s43e	11	NESW	40	40	
08s43e	11	NWSW	40	40	
08s43e	11	SWSW	2	40	Indiscernible
08s43e	11	SESW	6	40	Indiscernible
08s43e	11	NESE	34	40	Indiscernible
08s43e	11	NWSE	40	40	
08s43e	11	SWSE	6	40	Indiscernible
08s43e	11	SESE	6	40	Indiscernible
Totals:			661	834	

AJ5809NP
No. A27-04141

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 92

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PRESTON R ALLEN 2601 E 300 S BOX 63 DECLO ID 83323 (208) 349-5573	06/01/1931	IRRIGATION	04-01 11-01	13.220 CFS	
TOTAL DIVERSION:					13.220 CFS	

Water Source: SLUG CREEK

Tributary to: BLACKFOOT RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T08S R43E S02 S11	SWNW SWSE	NESW	SESW	CARIBOU County CARIBOU County
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Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
08S	43E	2	:							38	14	:	40	40	40	40	:		35	:	247.0		
08S	43E	11	:			40	40	:	40	40	40	40	:	40	40	02	06	:	34	40	06	06	414.0
																			TOTAL ACRES		661.0		

POU County: CARIBOU

Other Rights: A27-10096, 10097, 10098, 00004a, 04137

Remarks: GEN 24.4 CFS DECREED BLACKFOOT RIVER WATER ALSO USED ON ACRES.
ADDRESS CHANGE BY CLAIMANT LETTER.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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

(Name of Claimant)

Telephone No. 349-5573

(Mailing Address)

(Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) **June 1, 1931**

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Slug Creek tributary to Blackfoot River

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

(cfs. af) (Domestic Irrigation Stock, Etc.) (Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity	<u>13.22 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>4/1</u>	To	<u>11/1</u>
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

(4) 13.22 cfs TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ SE ¼, Sec. 11 Twp. 8S Rge. 43E B.M., County of Caribou

Additional points of diversion: SE SW, Sec. 2, T8S, R43E; NE SW, Sec. 2, T8S, R43E; SW NW

Section 2, T8S, R43E.

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. **Headgates, culverts, ditches.**

(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 661

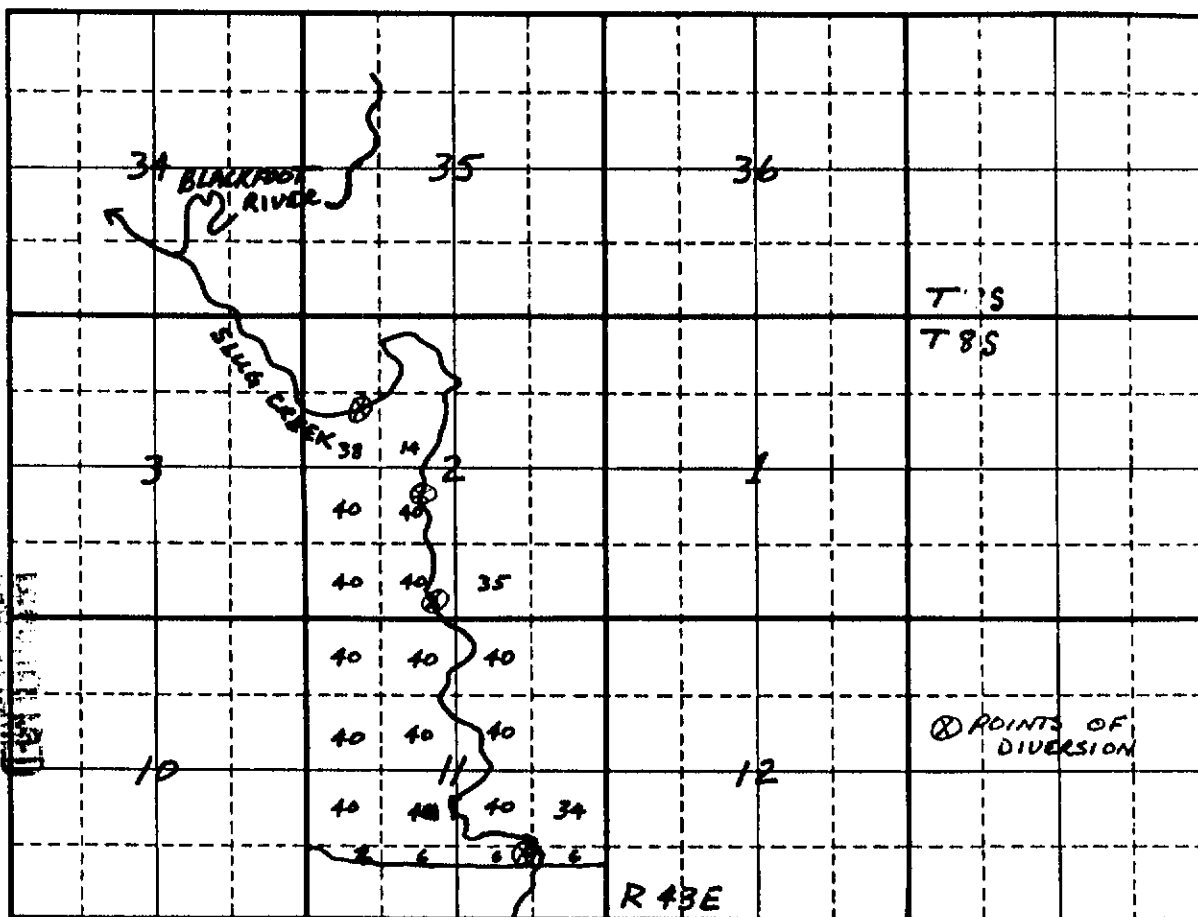
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

500 head cattle

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: N/A

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 30th day of June, 1953.

Notary Public
Residing at Burley

My commission expires 2-1-56

Received by SW Date 6/22/53 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by KC Date 6/22/53 claimant by: _____
\$30.00 fee received by SW Date 6-27-53
Published in Caribou County, ID # 30260
Dates 10/6 - 10/23/53



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

October 7, 1997

PRESTON R ALLEN
2601 E 300 S
DECLO ID 83323

cy to E.O., B.27
orig. to S.D., B.43
RECEIVED
OCT 16 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Right No. A27-00004Q, A27-00066A, A27-00070A, A27-04132, A27-04137,
A27-04141, A27-10075, A27-10096, A27-10097, A27-10098, A43-02321B, ✓
A43-02574B, A43-02576B, A43-04012B, A43-04012C, A43-04012D, A43-04013B,
A43-04015B, A43-04186, A43-04187, A43-04189, & A43-10027

Change of Address

all records modified 10-23-97.

Dear Water Right Holder:

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office postmarked by October 22, 1997. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 to obtain a form to make this required change to the water right records.

Yours truly,

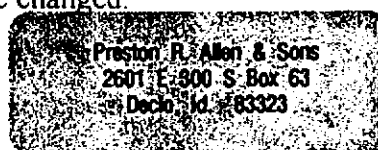
Danni M. Smith

Danni M. Smith

SRBA Sr. Secretary

The address is correct as shown above or as otherwise changed.

Preston R. Allen
Signature of water right claimant



Evidence of
Priority letter
Dated Nov. 1 1994

Preston R. Allen

AFFIDAVIT OF PRESTON R. ALLEN
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NOS. A27-04141 and A27-04137

RECEIVED

JAN 09 1995

Department of Water Resources
Eastern District Office

oka } ss.

ON R. ALLEN, being first duly sworn on oath,

ss:

1. That I am the holder of the above-said water rights; that I am past the age of majority and make this Affidavit upon my own personal knowledge of the facts contained herein.

2. That I am familiar with the property to which the above-referenced water rights are appurtenant, and I have been directly involved with the farming of said property, and with the beneficial use of the water subject to the above-said water rights since 1941.

3. That in 1941, I did move to the property upon which the water subject to the above-said water right was applied. That my initial involvement and familiarity with the property and water right was through the irrigation of said property on the ranch owned by my father, H. H. Allen.

4. That in about 1950 I became an owner of record of the real property and above-referenced water rights, along with my brother, Roland Allen.

5. That through my involvement with the farming operation, and ownership of the ranching operation, I am familiar with the beneficial use of the above waters continuously since 1941. That since said date, there has never been a period of

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NOV 13 1996

time for which water was not applied in beneficial use for the agricultural endeavors on the property to which the water rights are appurtenant.

6. That, in addition to being personally familiar with the application for beneficial use of the above-said water rights, I have collectively attached hereto, as Exhibit "A", a record of taxes paid on said water rights in Caribou County.

7. That in addition to my personal knowledge of the beneficial use of the above-said water rights, I have collectively attached hereto as Exhibit "B", Department of Water Resources documents reflecting water calls for the above-said water rights and on the real property to which said water rights are appurtenant.


PRESTON R. ALLEN

SUBSCRIBED AND SWORN to before me this 27th day of December, 1994.

(SEAL)


Notary Public
Residing at Burley Idaho
My Commission expires 10-15-99

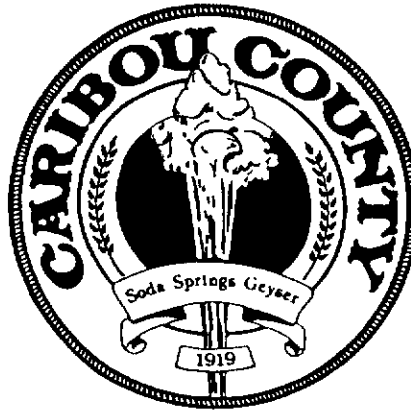
MICROFILMED
NOV 13 1996

RECORDED

JAN 09 1995

OFFICE OF THE
TREASURER

159 South Main
P.O. Box 507
Soda Springs, Idaho 83276
(208) 547-3726



Department of Water Resources
DIANE G. MEADS
Eastern District Office Treasurer,
Ex-Officio Tax Collector,
Public Administrator

STANLEY B. SORENSEN
Chief Deputy

1864 - HOME OF IDAHO'S OLDEST AND YOUNGEST COUNTY SEAT - 1919

DECEMBER 14, 1994

TO WHOM IT MAY CONCERN:

According to our records the water taxes for water districts 34 now 27,
Blackfoot River, for the tax years 1935 through 1994 have been paid.
These payments were made either by the AUSTIN BROTHERS or the ALLEN
BROTHERS, (ROLAND and/or PRESTON).

SINCERELY YOURS,

STANLEY B. SORENSEN
CARIBOU COUNTY TAX COLLECTOR
CHIEF DEPUTY

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NOV 13 1996

AFFIDAVIT

RECEIVED
JAN 09 1995

RE: STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NOS. A27-04141 and A27-04137 Department of Water Resources
Water Rights Office

STATE OF IDAHO)
) ss.
County of Bingham)

Edward Hall, being first duly sworn on
oath, deposes and says:

1. That I am a former employee of the Eastern Idaho
Water Company; that I make this Affidavit upon my own personal
knowledge and in support the Affidavit of Preston R. Allen
reciting the beneficial use of water rights regarding Water
Rights Nos. A27-04141 and A27-04137.

2. That I was the Watermaster for ^{water District #27 E.H.} ~~Eastern Idaho~~
^{#27} ~~Company~~ from 1978 to 1994. In my
capacity as said Watermaster, I did oversee water use in Caribou
County on the ranch of Preston R. Allen and his predecessors in
interest.

3. That I am familiar with the beneficial use of Water
Rights Nos. A27-04141 and A27-04137. That during my tenure as
Watermaster for ^{water District #27 E.H.} ~~Eastern Idaho Water Company~~, I am personally
familiar with the beneficial use of said water on the Allen

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NOV 13 1996

property, and I am further aware that said water was used continuously each and every year while I was Watermaster.

Edward Hall

SUBSCRIBED AND SWORN to before me this 9 day of December, 1994.

(SEAL)

[Signature]
Notary Public 4083 coverwood Dr.
Residing at Moses Lake WA 98837
My Commission expires Aug 1, 1997

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NOV 13 1996

RECEIVED

AFFIDAVIT

JAN 09 1995

Department of Water Resources

RE: STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NOS. A27-04141 and A27-041377

STATE OF IDAHO)
County of Caribou) ss.

Fedrick Floyd Smart, being first duly sworn on
oath, deposes and says:

1. That I am a former employee of the Austin Bros.
Ranch and foreman of said ranch from year 1923 to
year 1941 when H.H. Allen & Sons acquired this Ranch. I make
this affidavit upon my own personal knowledge and in support the
Affidavit of Preston R. Allen reciting the beneficial use of
water rights regarding Water Right Nos. A27-04141 and A27-04137.

2. That I was an Employee for the Austin Bros. Ranch
from 1920 to 1941. In my capacity as
said Employee, I did over see water use in Caribou County on the
Austin Bros. Ranch which is now the Ranch of Preston R. Allen and
his predecessors in interest.

3. That I am familiar with the beneficial use of the
above mentioned water rights. That during my tenure I was
personally involved in the beneficial use of said water on the

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NOV 13 1996

Austin Ranch property, and I am further aware that said water was used continuously each and every year while I was Employed on said Ranch.

Frederick F. Smith

SUBSCRIBED AND SWORN to before me this 7th day of
December, 1994.

(SEAL)

Denise Harsley
Notary Public
Residing at Soda Springs
My Commission expires 8-15-99