

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: 74-00345
DATE RECEIVED: 4-25-90
RECEIPT NO: X9 ---9
RECEIVED BY: ---LRN---

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: DONALD O. PETERSON
ADDRESS: P.O. BOX 144
LEADORE, ID 83464

NAME: BILLIE PETERSON
ADDRESS: P.O. BOX 144
LEADORE, ID 83464

2. DATE OF PRIORITY: DEC 06, 1909

3. SOURCE: BIG EIGHT MILE CREEK TRIB. TO: LEMHI RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
16N	25E	28	SW	SE			LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(CR)	A.F.A.
IRRIGATION	03/15	11/15	7.040		

7. TOTAL QUANTITY APPROPRIATED IS:
7.040 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

A7400345



10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4	OF	1/4	LOT	USE	ACRES
16N	25E	26	NE		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			SW		SE		IRR	32.0
			SE		SE		IRR	39.0

SECTION ACRES 311.0

TOTAL ACRES 311.0

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:
TRANS. 3221.

15. BASIS OF CLAIM: DECREE
CASE NUMBER:
COURT :
DECREE DATE:

DECREE PLAINTIFF

VS

DECREE DEFENDANT

MICROFILMED
DEC 14 1992

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): Alfred Russell DATE: April 25, 1990

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Ada) SS.
_____)

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 25 DAY

OF April 19 90

Linda Werner
NOTARY PUBLIC

SEAL

RESIDING AT _____

74-00345

~~74-00051~~

PAGE

3

MY COMMISSION EXPIRES _____

DATE: 02/08/90

149

MICROFILMED

DEC 14 1992

AJ0749NP
No. A74-00345

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

DATE: 05/23/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GUARDIAN LTD PARTNERSHIP #1 2235 E 25TH #220 IDAHO FALLS ID 83404 (208) 524-5454	12/06/1909	IRRIGATION	03-15 11-15	7.040 CFS	
TOTAL DIVERSION:					7.040 CFS	

Water Source: BIG EIGHTMILE CREEK

Tributary to: LEMHI RIVER

Stage: DECREED

Point(s) of Diversion: T16N R25E S28 SWSE

LEMHI County

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	: Lt	Ac	Lt	Ac	: SUM		
16N	25E	26	:	40				40		40	:			40		40	:	40					:		
																						32	39	:	311.0
TOTAL ACRES																						311.0			

POU County: LEMHI

Conditions of Approval:

- 01E - A measuring device and lockable controlling works of a type
- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.
- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 742.

Remarks: GEN TRANS. 3221.
OWNER HAS SOLD PROPERTY TO MR. FOSTER BUT HOLDS THE CONTRACT.
OWNERSHIP CHANGE PER REQUEST/JC/5-23-00

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

Misc: Water District Number: 742 Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 23, 2000

ROGER BALL
GUARDIAN LTD PARTNERSHIP #1
2235 E 25TH #220
IDAHO FALLS ID 83404

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A74-00345

Dear Mr. Ball:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

APR 14 2000

Department of Water Resources
Eastern Region

DATE OF CLOSING: 4-4-00

OK JC
5/15/00

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

(see attached)

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) Assigned by IDWR: "A"
74-00345 ; 74-01022 ^{dt's} ^{→ NCRP}

[] Name and Address of Former Owner/Claimant(s)(Seller): Allan F +/or Betty Purcell
PO Box 15
Lendore ID 83464

[] New Owner/Claimant (Purchaser): Guardian Limited Partnership #1, Bull Enterprises Inc.
General Partner

[] New Mailing Address: 2235 E 25th #220
Idaho Falls, ID 83404

[] New Telephone Number: (208) 524-5454

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] PLEASE SIGN - New Owner/Claimant(s) Roger Ball, pres. Date 4-3-00

[] Signature of Former Owner/Claimant(s): Allan Purcell Date April 4, 2000
Betty Purcell Date 4/4/2000

(Signature of former claimant(s) is not required if proof of ownership is attached.)

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:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Township 16 North, Range 25 East, Boise Meridian, Lemhi
County, Idaho:

Section 26: Northeast Quarter of the Northeast Quarter
(NE $\frac{1}{4}$ NE $\frac{1}{4}$), South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$);
Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$);
North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$); and the
South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$).

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN, that by written agreement dated the 31st day of March, 2000, the undersigned ALLAN PURCELL AND BETTY PURCELL, husband and wife of Leadore, Lemhi County, Idaho, have agreed to sell the following described property to GUARDIAN LIMITED PARTNERSHIP #1, of Leadore, Lemhi County, Idaho, 83464, Buyer who has agreed to purchase said property.

The property being sold under the terms of said written Contract of Sale is described as follows, to-wit:

Township 16 North, Range 25 East, Boise Meridian, Lemhi County, Idaho:

Section 26: Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$); Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) and the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$).

IT IS understood and agreed, that this instrument is for the purpose of giving notice of the above mentioned Contract of Sale.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Allen Purcell
ALLEN PURCELL

Betty Purcell
BETTY PURCELL

SELLER

GUARDIAN LIMITED PARTNERSHIP #1, BALL ENTERPRISES

243897

Roger Ball, president
General Partner

BUYER

State of Idaho)
County of Lemhi) SS No. _____

This instrument was filed for record at the request

of Lemhi Title

at 2:10 o'clock P.m. 4-4-00 2000

and duly filed and indexed in the records of Lemhi County

Terri J. Morton
Ex-Officio Recorder

By [Signature] Deputy

Fee 6.00

Return to Lemhi Title

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 ESTATE OF JAMES EARL RAY,
OF RIGHT (Plaintiff),
FROM THE ESTATE OF JAMES EARL RAY,
WATER SYSTEM (Defendant).

CIVIL CASE NUMBER
Plaintiff vs. Defendant
A74-00345

Plaintiff's Attorney
Defendant's Attorney

lease

and
Della Sweet
Della Sweet

Mailing Address

(including zip code)

Box 15
Lewiston, Idaho 83464

Phone Number (area) 768 3732

MICROFILMED

DEC 14 1992