

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: 74-01022
DATE RECEIVED: 4-25-90
RECEIPT NO: X9---9
RECEIVED BY: LRU

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: JUN 10, 1913

3. SOURCE: GROUNDWATER TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
16N	25E	26	NE	SE			LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

A7401022

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
16N	25E	26	NE SE		STOCK	

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:

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE:

DECREE PLAINTIFF

VS

DECREE DEFENDANT

(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.

DEC 14 1932

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: 3956
Ident. No. A74-01022

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

Please type or print clearly:

Name of claimant(s) Allen Russell
Betty Russell

Mailing Address
(including zip code) Box 15
Lewiston, Idaho 83464

Phone Number (208) 768 - 2735

MICROFILMED

DEC 14 1992

OCT-05-1998
0026

1

RIGHT NUMBER: 74-01022

NAME AND ADDRESS: ALLAN F PURCELL
BETTY PURCELL
PO BOX 15
LEADORE ID 83464

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/10/1913

POINT OF DIVERSION: T16N R25E S26 NESE Within LEMHI County
R26E NESE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC DOMESTIC, 1 HOME; STOCKWA	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within LEMHI County
T16N R25E S26 NESE

DOMESTIC Within LEMHI County
T16N R25E S26 NESE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

PARCEL NO. RP16N25E260000A

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

✓ RBL
11/9/98
X
11/13/98

RECEIVED

APR 14 2000

Department of Water Resources
Eastern Region

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

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.

[] 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 ^{dtS} ^{NCAP}

[] Name and Address of Former
Owner/Claimant(s)(Seller):

Allan F & /or Betty Purcell
PO Box 15
Leadore ID 83404

[] 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
Date _____

[] 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:

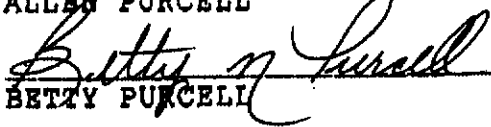
Township 16 North, Range 25 East, Boise Meridian, Lemhi County, Idaho:

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.


ALLAN PURCELL


BETTY PURCELL

SELLER

GUARDIAN LIMITED PARTNERSHIP #1, BALL ENTERPRISES

243897


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  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 SRBA

)

Water Rights: 74-01022

)

Case No. 39576

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party **PURCELL – GUARDIAN LTD PARTNERSHIP #1**
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

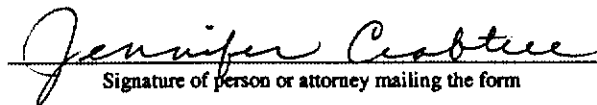
DATED: 31 May 00

Ernest Carlson.
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 2, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
ALLAN & BETTY PURCELL
PO BOX 15
LEADORE ID 83464
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
GUARDIAN LTD PARTNERSHIP #1
2235 E 25TH #220
IDAHO FALLS ID 83404
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 74-01022

NAME & ADDRESS: GUARDIAN LTD PARTNERSHIP #1
2235 E 25TH #220
IDAHO FALLS ID 83404

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/10/1913

POINT OF DIVERSION: T16N R25E S26 NESE Within LEMHI County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within LEMHI County
T16N R25E S26 NESEDOMESTIC Within LEMHI County
T16N R25E S26 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
PARCEL NO. RP16N25E260000A
STOCKWATER, UNSPECIFIED



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

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

RE: Notice of Change of Water Right Ownership (NCO) for 74-01022 and Notice
of Completed Administrative Proceeding (NCAP)

Dear Mr. Ball:

On April 14, 2000, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Allen & Betty Purcell

AJ0749NP
No 74-01022

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

DATE: 08/31/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALLAN F PURCELL	06/10/1913	STOCKWATER	01-01 12-31	0.04 CFS	
C	BETTY PURCELL		DOMESTIC	01-01 12-31	0.04 CFS	
	PO BOX 15					
	LEADORE ID 83464					
	(208) 768-2735			TOTAL DIVERSION:	0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T16N R25E S26

NESE

LEMHI County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
16N	25E	26	:																
			:																

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
16N	25E	26	:																
			:																

POU County: LEMHI

Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, UNSPECIFIED

Other Rights: NONE

Remarks: PARCEL NO. RP16N25E260000A"

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/06/1993 User-ID: DUNN1 Subject: COPIED FROM REMARKS
*** RICHARD FOSTER HAS ALSO FILED FOR THIS SAME RIGHT. SEE
A74-01022A. ESV 5/14/90

Date: 07/28/1994 User-ID: DSHAFF Subject: CLAIM REVIEW
BASED ON THE REVIEW OF 74-01022A AND 74-14626 THIS CLAIM CAN BE
RECOMMENDED FOR THE .04 CFS CLAIMED.

Date: 08/31/1994 User-ID: DSHAFF Subject: CLAIM REVIEW

NOV 15 1994
RECEIVED

AJ0749NP
No. R74-01022

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

DATE: 08/31/94
PAGE: 2

Comments: Date: 08/31/1994 User-ID: DSHAFF Subject: CLAIM REVIEW
DELETED THE REMARK OF 74-01022A DIVERTED FROM SAME POD.

Audit: 08/31/94 DSHAFF



000 91 100
000 91 100

07/04/92 04:08:21
PAGE 1

OLD (D) NUMBER -

+ - - - - - ADDRESS - - - - - +

1 - PO BOX 15

2
3

CITY- LEADORE

STATE- ID ZIP- 83464

PHONE - 208-768-2735

PURCELL

BETTY

1 - PO BOX 15

2 -
3 -

CITY- LEADORE

STATE- ID ZIP- 83464

PHONE - 208-768-2735

*** O - ORIGINAL OWNER ***
PETERSON

DONALD O.

1 - P.O. BOX 144

2
3

CITY- LEADORE

STATE- ID ZIP- 83464

PHONE - 208-000-0000

PETERSON

SILLIE

1 - P.O. BOX 144

23

CITY- LEADORE

STATE- ID ZIP- 83464

PHONE - 208-000-0000

+ - - PRIORITY DATE - - +
06/10/1913

+ - - - REGION - - - +
15 EASTERN

+ - - - STAGE - - - +
0 - DECEED

+ - - - STATUS - - - - +

----- SOURCE -----
GROUNDWATER

+ - - - - - - - - - - TRIBUTARY - - - - - - - - - - - - - - - - +

[illegible]

16N 25E 26 NE SE (59) LEMHI

| CODE | DESCRIPTION | PERIOD FROM | PERIOD TO | WATER USE | DIVERSION RATE | DIVERSION VOLUME |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| 1 | 1 | 1 | 1 | 1 | 1 | 1 |

04 - STOCKWATER

01/01 12/31

0.040

43 - DOMESTIC

01/01 12/31

0.040

| + - TOTAL DIV. RATE - + | + - TOTAL DIV. VOLUME - + | + - TOTAL DIV. CAPACITY - + | + - TOTAL CONSUMPTIVE USE - + | + - KW USAGE - + |
|-------------------------|---------------------------|-----------------------------|-------------------------------|------------------|
| 0.040 | | | 0.0 | |

| TWN | RNG | SEC | TRACT | LOT | ACRES | CODE | DESCRIPTION | COUNTY |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 16N | 25E | 26 | NE SE | | | 43 | Domestic | 59 Lemhi |
| 16N | 25E | 26 | NE SE | | | 04 | STOCKWATER | (59) LEMHI |

+ - - DIVERSION MEANS - well + pump
+ - - NON-IRRIGATION USE - domestic & stockwater

WATER RIGHT NUMBER - A74-01022

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - OTHER RIGHTS FOR SAME USE - *None*

+ - - - - - REMARKS - - - - - +

*** RICHARD FOSTER HAS ALSO FILED FOR THIS SAME RIGHT. SEE
A74-01022A. ESV 5/14/90

+ - - - - - 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

+ - - AUDIT FIELDS - 04/25/90 MOBILES 05/14/90 VERNER

+ - - - - - COMMENTS - - - - - +

NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 04/25/1990
PROOF DUE DATE - 00/00/0000
LICENSED DATE - 00/00/0000
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG - Y
VERIFIED DATE - 00/00/0000
LAST AMENDED DATE - 00/00/0000
PROOF MADE DATE - 00/00/0000
RECEIPT NUMBER - X999999
POU OWNERSHIP FLAG - Y
NAME CONNECTOR - ORCIVIL CASE NUMBER - 39576
OLD CASE NUMBER -
OLD JUDICIAL DISTRICT -
TEMPORARY RIGHT - P
WATER DISTRICT -
FEDERAL/STATE INDICATOR - S
PRESUMPTION FLAG -
NOTICE OF ERROR FLAG -

RP16N25E260000 A

DATA ENTRY

ENTERED 126-93 PSCHECKED 6-23-94*Verified By*
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
DWR RecordsVERIFIED
AUG 09 1992CERTIFIED
SEP 21 1992
WATER EXAMINER

NOV 13 1990

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: A74-01022A
Date Received: 5/09/1990
Receipt No: X999999
Received By: SV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD E. FOSTER 208-768-2406
Address: P.O. BOX 55
LEADORE, ID 83464

2. Date of Priority: JUN 10, 1913

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 16N | 25E | 26 | NE | SE | | | LEMHI |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.040 | | |
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOME, 30 HEAD OF LIVESTOCK

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 16N | 25E | 26 | NE | SE | | STOCK | |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

*** MR. FOSTER CLAIMS ENTIRE PORTION OF THIS RIGHT. ALAN
PURCELL HAS ALSO FILED CLAIM FOR SAME RIGHT UNDER A74-01022.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree 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 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): _____ Date: _____
_____ Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A74-01022ADate Received 8-9-90Receipt Number X999999NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Department of Water Resources
Eastern District Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Richard E. Foster Phone (208) 268-2406Mailing Address P.O. Box 55 Leadore, Id. Zip 834642. Date of Priority (Only one per claim) 6/10/1913 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 16N Range 25ESection 26 NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, BCounty of (59) Lemhi

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the date changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and of each well. Depth 35' Casing size 4' x 4' cement.4 pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 01/01 to 12/31 amount 0.04 (cfs)For Stockwater purposes from " to " amount " (Both dates are inclusive)7. Total quantity claimed 0.040 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single owner and Number of livestock) Home 1-30 head livestock

RECEIVED

MAY - 9 1990

Department of Water Resources
Eastern District Office

A7401022A



MICROFILMED

DEC 14 1992

10. Place of use is: Township: 16 N Range 25 E

Section 26 NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of (59) Lemhi for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X 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. None (—)

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 74-01022

16. Signature (s) _____

Number of Attachments _____

By signing I/We acknowledge reading the notice on the back of this claim form.
I/We wish to receive for a small annual fee monthly copies of the docket sheet.
YES _____ NO X

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

Signature of Claimant (s) Richard E. Foster Date 5-8-1990

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____ that I have signed the foregoing

document in the space below as _____ Organization _____

_____ Title _____ of _____ Organization _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ } SS.

County of Lemhi }

Subscribed and sworn (or affirmed) before me this 8th day of May 19 90

SEAL

Notary Public Clara E. Ellen

Residing at Leadore, Idaho

My Commission Expires 5-1-92

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant **MICROFILMED**

DEC 14 1992

From: DWR03::DSHAFF
To: DWR70::COX
CC: DSHAFF
Subj: A74-01022A

28-JUL-1994 15:31:35.35

And you thought you were done with this and me. Some bad pennys just don't go away.

I'm really confused now. Would you pull this file (The D&S proof is in the book you recently received via Shelley), compare it to the computer record (You may want to do a Proof Report so you can be sitting down when you compare the two.), and give me a call. I have asked Paul for some help on this, too, and told him about the D&S proof. Paul assisted Foster in filing A74-14626 that has the same legals that are now in the computer for 22A without any tracks here to explain why 22A was changed. I'm not ignoring your message on two owners, two houses and 1 well. In fact I modified the R's this morning to .02 cfs, before I pulled the Lemhi claim and thought maybe on these people had the original house and should have the original, entire right. Now I'm in the dark cave again looking for a ray of light. Thanx

NOV 15 1994

From: DWR03::DSHAFF 28-JUL-1994 15:05:53.01
To: DWR70::MEYER
CC: DSHAFF
Subj: BASIN 74

Hi Paul, can you shed some light on the claims filed by Richard Foster from Leadore? We have claims A74-01022A that competes directly with Purcell's claim and A74-14626. On 12/15 & 16/93, you were involved with both records and took the fee (E019379) for A74-14626. Sharla let me know today the Z in 22A was an error but finding -14626 I'm not so sure. The problem is the D&S contractor's results put 22A where Purcell's 22 is, and I, thus, stumbled onto -14626. Apparently the D&S "book" for Basin 74 is over there and contains the D&S proof for 1022A. I started a letter to the claimants asking what gives and who actually has the Peterson (Lemhi decree owner) house, but I will wait to see if you have a ray of light to shine into this cave I have back into. Call me if you would like when you're in the office for a while.

Thanx

Foster has 2 wells

Purcell's

see 33

28 JUL 1994
15:05:53

From: DWR70::COX
To: DWR03::DSHAFF
CC: COX
Subj: A74-01022A

28-JUL-1994 10:23:32.99

HI DON:

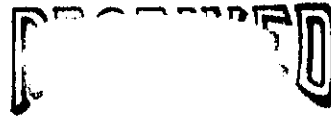
WE MUST STOP MEETING LIKE THIS, THIS MUST BE AT LEAST OUR 10TH MAIL MESSAGE THIS WEEK. (HA HA)

ANYWAY, I HAVE SOLVED THE MIX-UP ON THIS CLAIM. BY ACCIDENT THE STAGE WAS CHANGED TO A "Z" STATUS. WE HAVE REVIEWED THIS CLAIM AND CLAIM A74-01022. THE REAL STORY FOLLOWS: THERE ARE 2 OWNERS, 2 HOUSES, 1 WELL. BOTH OWNERS ARE CLAIMING 0.04 CFS. ACCORDING TO THE WATER RIGHT SIDE (74-01022) THE TOTAL CFS IS 0.04. WITH BOTH OWNERS CLAIMING THE SAME AMOUNT. SO WITH BOTH ADJUDICATION CLAIMS, THE TOTAL CFS BEING CLAIMED IS 0.08 CFS. KENN DUNN RECOMMENDED BOTH CLAIMS. TO MY EYES, THIS IS NOT CORRECT. BUT THE BALL IS IN YOUR COURT WITH THIS ONE.

HOPE THIS HELPS

THANKS,
SHARLA

MEMORANDUM



SEP 09 1994

DATE: August 31, 1994
TO: File *RS*
FROM: Don Shaff
RE: A74-01022A and A74-14626

Department of Water Resources
Eastern District Office

I talked to Mr. Richard Foster on the telephone today about the domestic well claims he had filed. I initially clarified with Mr. Foster the location of his D&S well. He said the location was just south of town and not near the Purcell place west of town. This location would be in 16N, 26E, Section 33. He said there was some confusion about the filing of claims. He wasn't sure how or why the Purcell place would show up in any of his claims. He said on the Foster place they had drilled three wells since 1992. The initial well was a replacement for the old dug well. The dug well is described on his claim as 35' deep, 4' x 4' cement casing with a 3/4 HP pump. The replacement well construction is described in drilling permit 74-92-E-0018-000. (The only question with the drilling permit is the location.) Boyd Foster in August, 1993, drilled a domestic well south of Richard Foster's home, and in May, 1994, Mr. Richard Foster drilled a stock well west of his home under drilling permit 74-94-E-0007-000.

My conclusion from my conversation with Mr. Foster is he intended with the 1993 claim A74-14626 to replace, rather than file a second claim for A74-01022A. I will recommend A74-01022A have a Z status and point toward A74-14626. The priority of the domestic claim, however, must be advanced where Donald and Billie Peterson failed to make the claim in the Lemhi Adjudication and Foster is the successor in interest to those lands and water rights. Domestic wells were not excluded in the Lemhi Adjudication, and with the first partial decree of rights covering the water rights in the Lemhi dated January 4, 1983, the priority date for A74-14626 will be recommended as January 5, 1983. Otherwise, A74-14626 will be recommended as claimed. The place of use is confirmed with the Leadore NE OQ (T32). A dwelling is depicted in the NESE of Section 33. Paul Meyer, IDWR agent, assisted Mr. Foster in filing these claims, and as a result can safely be concluded they worked together to identify this location.

NOV 15 1994

DVS:ss

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A74-01022A

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

FOSTER

RICHARD E.

1 - P.O. BOX 55

2 -

3 -

City- LEADORE

State- ID Zip- 83464

Phone - 208-768-2406

*** O - ORIGINAL OWNER ***

PETERSON

DONALD O.

1 - P.O. BOX 144

2 -

3 -

City- LEADORE

State- ID Zip- 83464

Phone - 208-000-0000

PETERSON

BILLIE

1 - P.O. BOX 144

2 -

3 -

City- LEADORE

State- ID Zip- 83464

Phone - 208-000-0000

+ - - Priority Date - - +

06/10/1913

+ - - Region - - - +

15 EASTERN

+ - - Stage - - - +

+ - - Status - - - +

Z - SEE REMARKS

+ - - - - Source - - - - +

GROUNDWATER

+ - - - - Tributary - - - - +

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

16N 26E 33 NE SE (59) LEMHI

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER

01/01

12/31

0.040

43 - DOMESTIC

01/01

12/31

0.040

+ - Total Div. Rate - + + - Total Div. Volume - +

0.040

+ - Total Consumptive Use - + + - KW Usage - +

0.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

16N 26E 33 NE SE 04 STOCKWATER (59) LEMHI

Total Acres:

+ - - Diversion Means - PUMP & WELL

+ - - Non-Irrigation Use - ONE HOME, 30 HEAD OF LIVESTOCK

0001 01 1001

0001 01 1001

OLD (D) NUMBER -

+ - - - - - ADDRESS - - - - - +

PHONE - 208-768-2406

PHONE - 208-000-0000

+ - - - STATUS - - - - +

+ - - - - - - - - - - TRIBUTARY - - - - - +

25

WATER RIGHT NUMBER - A74-01022A

PREFIX TRANSLATION: ADJUDICATION CLAIM

*** MR. FOSTER CLAIMS ENTIRE PORTION OF THIS RIGHT. ALAN
PURCELL HAS ALSO FILED CLAIM FOR SAME RIGHT UNDER A74-01022.

OLD WATER RIGHT NUMBERS
A7401022

CONDITIONS OF APPROVAL
NO CONDITIONS OF APPROVAL FOUND.

DECREE PLAINTIFF

DECREE DEFENDANT

DECREE DATE
00/00/0000

AUDIT FIELDS - 05/15/90 VERNER

COMMENTS
NO COMMENTS FOUND

ADJUDICATION RIGHTS DATES AND FLAGS AREA

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 05/09/1990
PROOF DUE DATE - 00/00/0000
LICENSED DATE - 00/00/0000
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -

FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG - Y
VERIFIED DATE - 00/00/0000
LAST AMENDED DATE - 00/00/0000
PROOF MADE DATE - 00/00/0000
RECEIPT NUMBER - X999999
POU OWNERSHIP FLAG - Y
NAME CONNECTOR - OR

CIVIL CASE NUMBER - 39576
OLD CASE NUMBER -
OLD JUDICIAL DISTRICT -
TEMPORARY RIGHT - P
WATER DISTRICT -
FEDERAL/STATE INDICATOR - S
PRESUMPTION FLAG -
NOTICE OF ERROR FLAG -

16N 25E 26 0000

DATA ENTRY

ENTERED 9-22-92

CHECKED 12/5/93

PURCELL, ALAN & BETTY

Box 15

LEADORE 83464

CHANGE OF OWNERSHIP
LETTER SENT 7-29-94

Verified By
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
DWR Records

VERIFIED
AUG 18 1993CERTIFIED
AUG 28 1993
WATER EXAMINER

NOV 15 1993