

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 78-12217
Date Received: 7/8/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

DELLA D WICKS
PO BOX 288
RIGGINS ID USA 83549

Phone: (208) 628-3468

LOLA L WICKS
PO BOX 288
RIGGINS ID USA 83549

Phone: (208) 628-3468

2. Date of Priority: 04/01/1890

3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
24N	01E	21	SW	NE		IDAHO	
24N	01E	21	SE	NE		IDAHO	
24N	01E	21	SE	NW		IDAHO	

5. Description of diverting works:

5 ditches with rock and board diversions and plastic to reg. flow.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/01	0.07	

7. Total Quantity Appropriated is:
0.07 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
24N	01E	21	SE	NE	IRRIGATION	3.5
					Section Acres	3.5
					Total Acres	3.5

11. Place of use in counties: IDAHO

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 78-4021E. DB 6/2/2004

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**MAY 24 2004**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

WATER RESOURCES
WESTERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	# 78-4021-	yes			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Ben Aitken
920 Sage Creek Rd, Nampa, ID 83686
4. New Owner/Claimant(s) Lola L. Wicks, Della D. Wicks
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. Box 288
- City, State and ZIP Code Riggins, Idaho 83549
- New Telephone Number (208) 628-3468
5. Date you acquired the property July 3, 2003

SCANNED**MAY 24 2004**

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>#78-4021 split</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Lola L. Wicks & Della D. Wicks
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by DB Date 5/24/04 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4021E

WATER RIGHT NUMBER: 78-4021E

Owner TypeCurrent OwnerName and Address

BEN AITKEN
 920 SAGE CREEK RD
 NAMPA, ID 83686
 (208)463-1937

Wicks

78-12217

Priority Date: 04/01/1890

Basis: Beneficial Use

Status: Active

Source

SQUAW CREEK

Tributary

LITTLE SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/01

Diversion Rate

0.400 CFS .07

Annual VolumeTotal Diversion:

0.400 CFS

.07 total

Location of Point(s) of Diversion

SQUAW CREEK	SW1/4NE1/4	Sec. 21,	Twp 24N,	Rge 01E, B.M.	IDAHO County
SQUAW CREEK	SE1/4NE1/4	Sec. 21,	Twp 24N,	Rge 01E, B.M.	IDAHO County
SQUAW CREEK	SE1/4NW1/4	Sec. 21,	Twp 24N,	Rge 01E, B.M.	IDAHO County

Place of UseIRRIGATION Within IDAHO County~~T24N R01E S21 SWNE 3.5~~~~T24N R01E S21 SENW 3.5~~~~T24N R01E S22 SWNW 3.5~~

T24N R01E S21 SENE 3.5

~~T24N R01E S22 NWNW 6.0~~

Total Acres: 3.5 acres total

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 78-4021E

Remarks:

1. General CLAIMANT STATES THAT AS FAR BACK AS 1890 ALL POD S WERE USED FOR IRRIGATION. WATER RIGHT 78-4021 INACCURATELY LISTS ONLY 2 OF THE POD S. THERE ARE TWO POINTS OF DIVERSION WITHIN BOTH THE SWNE, AND SENE, SEC. 21.
- MEMO TO FILE: MR. AITKEN HAS SOLD 4 ACRES OF THIS PARCEL OF LAND TO HARM H. SCHLOMER. MR. SCHLOMER HAS FILED A NOTICE OF CLAIM ON THIS 4 ACRES, WR# A78-04021A. I HAVE CORRESPONDED WITH MR. AITKEN REGARDING THIS, HOWEVER, HE HAS NOT RESPONDED. THEREFORE, I AM PROCESSING MR. SCHLOMER'S CLAIM ON THE 4 ACRES HE PURCHASED AND WILL LEAVE AITKEN'S CLAIM AS IS. 11/30/88 L. WERNER
- ** THIS CLAIM, WHEN COMBINED WITH CLAIM NUMBER A78-04021A, SHALL DIVERT NO MORE THAN 0.40 CFS. SEE RECEIPT NUMBERS M000336 FOR \$65.00 AND W000336 FOR \$5.00.
- THIS CLAIM HAS BEEN SPLIT, PLEASE SEE A78-04021A
- ADDRESS CHANGED PER CLAIMANT REQUEST 11/19/98. DB

Comments:Dates and Other Information:

Claim Received Date: 7/8/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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0429983

COPY

COMPUTER []
INDEXED []
SCANNED []

WARRANTY DEED

THIS INDENTURE, made on this 3rd day of July, 2003, by and between DARWIN VANDER ESCH and SANDY VANDER ESCH, husband and wife, of P.O. Box 1454, Riggins, ID 83549, hereinafter referred to as Grantors, to DELLA D. WICKS, a single woman, and LOLA WICKS, a single woman, as joint tenants with rights of survivorship and not as tenants in common, of P.O. Box 288, Riggins, ID 83549, hereinafter referred to as Grantees.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and other good and valuable considerations, to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said Grantees, their heirs and assigns, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, attached hereto and hereby incorporated by this reference.

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantees, their heirs and assigns that at the time of the ensealing and delivery of these presents it was well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, EXCEPT:

- a) General taxes for the year 2003, which are a lien, not yet due and payable.
- b) Easement in Right of Way Deed for Wagon Road, including the terms and conditions thereof, by and between J.S. AITKEN and COUNTY OF IDAHO, recorded February 7, 1918, under Instrument No. 51503, Book 42 page 417, records of Idaho County, Idaho.
- c) Easement, including the terms and conditions thereof, by and between J.S. AITKEN and

IDAHO COUNTY, recorded March 29, 1937, under Instrument No. 125614, Book 68 page 229, records of Idaho County, Idaho.

- d) Power Line Easement, including the terms and conditions thereof, by and between STEWART AITKEN and IDAHO POWER COMPANY, a corporation, recorded April 24, 1942, Book 80 page 561, records of Idaho County, Idaho.
- e) Easement in Right of Way Deed, including the terms and conditions thereof, by and between S. A. AITKEN and the UNITED STATES OF AMERICA, recorded May 12, 1947, under Instrument No. 155971, Book 78 page 400, records of Idaho County, Idaho.
- f) All rights of way for public utilities and public roads as the same now exist over and across the herein described property.
- g) Power Line Easement, including the terms and conditions thereof, by and between STEWART AITKEN and GRACE AITKEN, his wife and IDAHO POWER COMPANY, a corporation, recorded May 5, 1983, under Instrument No. 304473, records of Idaho County, Idaho.
- h) Matters pertaining to QuitClaim Deed, by and between BEN S. AITKEN and DONITA C. AITKEN, husband and wife and IDAHO COUNTY, a Municipal Corporation, recorded May 9, 1988, under Instrument No. 341386, records of Idaho County, Idaho.
- i) Reservations in Warranty Deed, including the terms and conditions thereof, by and between BEN S. AITKEN and PHYLLIS B. AITKEN, husband and wife and DARWIN VANDER ESCH and SANDY VANDER ESCH, husband and wife, recorded September 5, 2000, under Instrument No. 0413419, records of Idaho County, Idaho.
- j) Rights and easements in favor of the public for recreational uses of the Squaw Creek.

And that the above bargained premises, in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That this deed is given by Grantors to Grantees not on account of any default in any security agreements, or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantors.

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


DARWIN VANDER ESCH

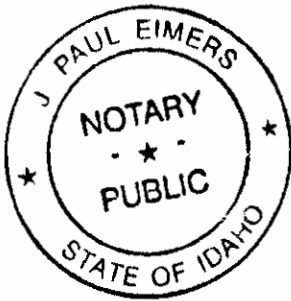

SANDY VANDER ESCH
SVE

County of Idaho)

On this 3rd day of July, 2003 before me a Notary Public in and for said County and State, personally appeared DARWIN VANDER ESCH and SANDY VANDER ESCH, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and they acknowledge to me that they executed the same.

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

(NOTARY SEAL)




Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 6-24-2005.

SCHEDULE C

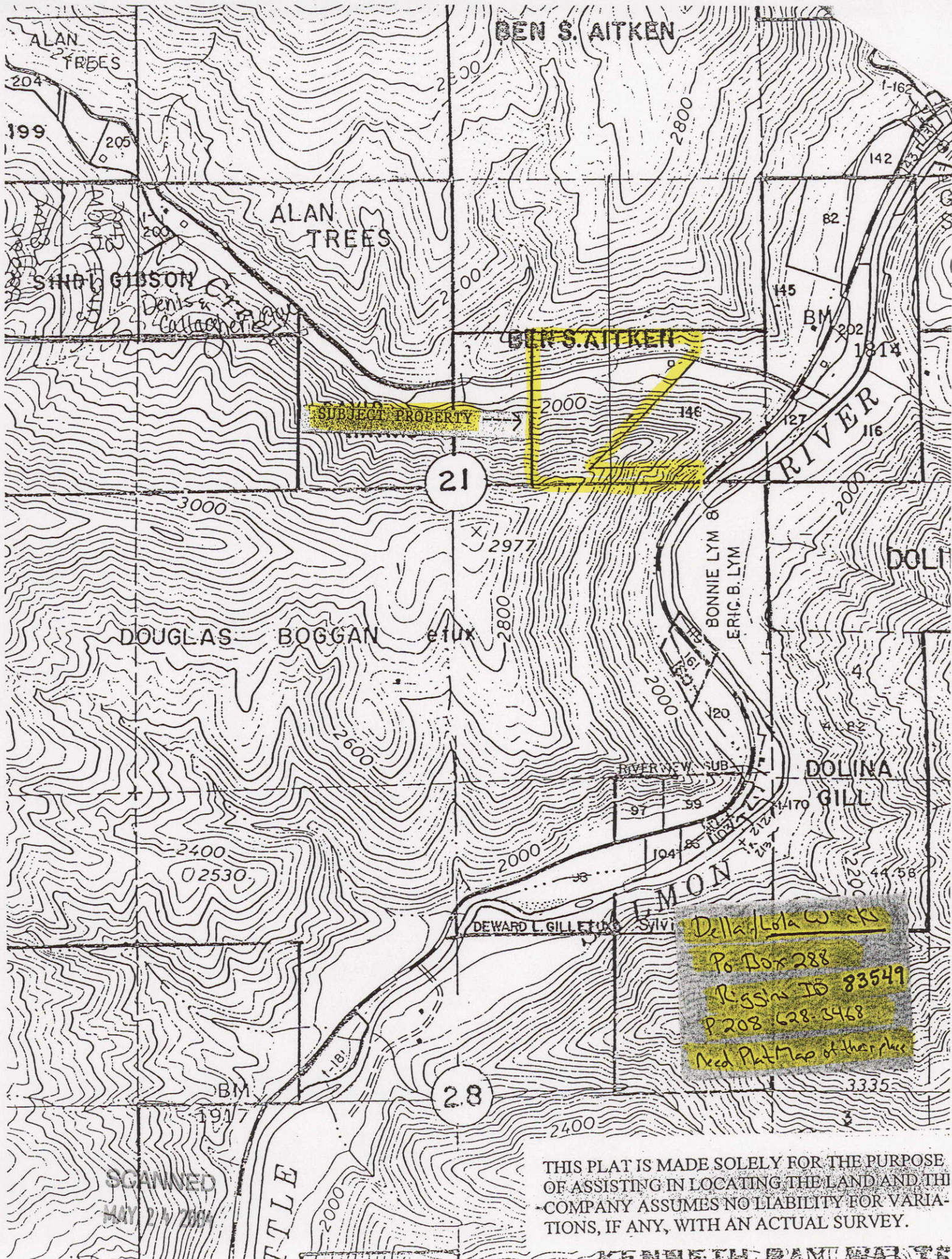
Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho
 Section 21: That portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying South
 of the Squaw Creek Road Right-of-Way as described in a
 Quitclaim Deed recorded May 9, 1988 as Instrument No.
 341386 and lying West of U.S. Highway 95 Right-of-Way.

LESS:

A parcel of land referred to as Idaho County Assessor's
 Tax #146, described as follows:

Commencing at the Section Corner common to Sections 16,
 15, 22 and 21, said Township and Range;
 thence S 00°32'15" E, 1627.70 feet along the Section
 line between Sections 21 and 22 to a point in the
 centerline of the Squaw Creek Road, the TRUE POINT OF
 BEGINNING;
 thence S 74°48'55" E, 154.60 feet continuing along the
 centerline of said Squaw Creek Road to a point;
 thence S 55°41'33" E, 180.40 feet along said centerline
 of said Squaw Creek Road to a point;
 thence N 62°29'45" E, 79.32 feet along the centerline
 of said Squaw Creek Road to a point on the Westerly
 Right-of-Way of U.S. Highway 95;
 thence S 30°10'14" W, 87.13 feet continuing along said
 Highway Right-of-Way to a point;
 thence continuing along said Highway Right-of-Way,
 along a curve to the right with a radius of 1121.00
 feet, and arc distance of 332.61 feet to a point;
 thence S 47°10'14" W, 539.86 feet continuing along said
 Highway Right-of-Way to a point;
 thence N 89°56'00" W, 1088.42 feet to a point;
 thence N 44°23'02" E, 1261.18 feet to a point in the
 center of the Squaw Creek Road;
 thence S 77°41'50" E, 360.87 feet continuing along the
 centerline of said Squaw Creek Road to a point;
 thence S 81°45'53" E, 133.27 feet continuing along the
 centerline of said Squaw Creek Road to the TRUE POINT
 OF BEGINNING.

STATE of IDAHO	
County of Idaho	
Recorded at request of	
IDAHO COUNTY TITLE CO.	
at 3:30p	on 7-7-03
ROSE E GEHRING	
<i>[Signature]</i>	Recorder
Fees \$ 12.00	Deputy



SCANNED
MAY 21/2004

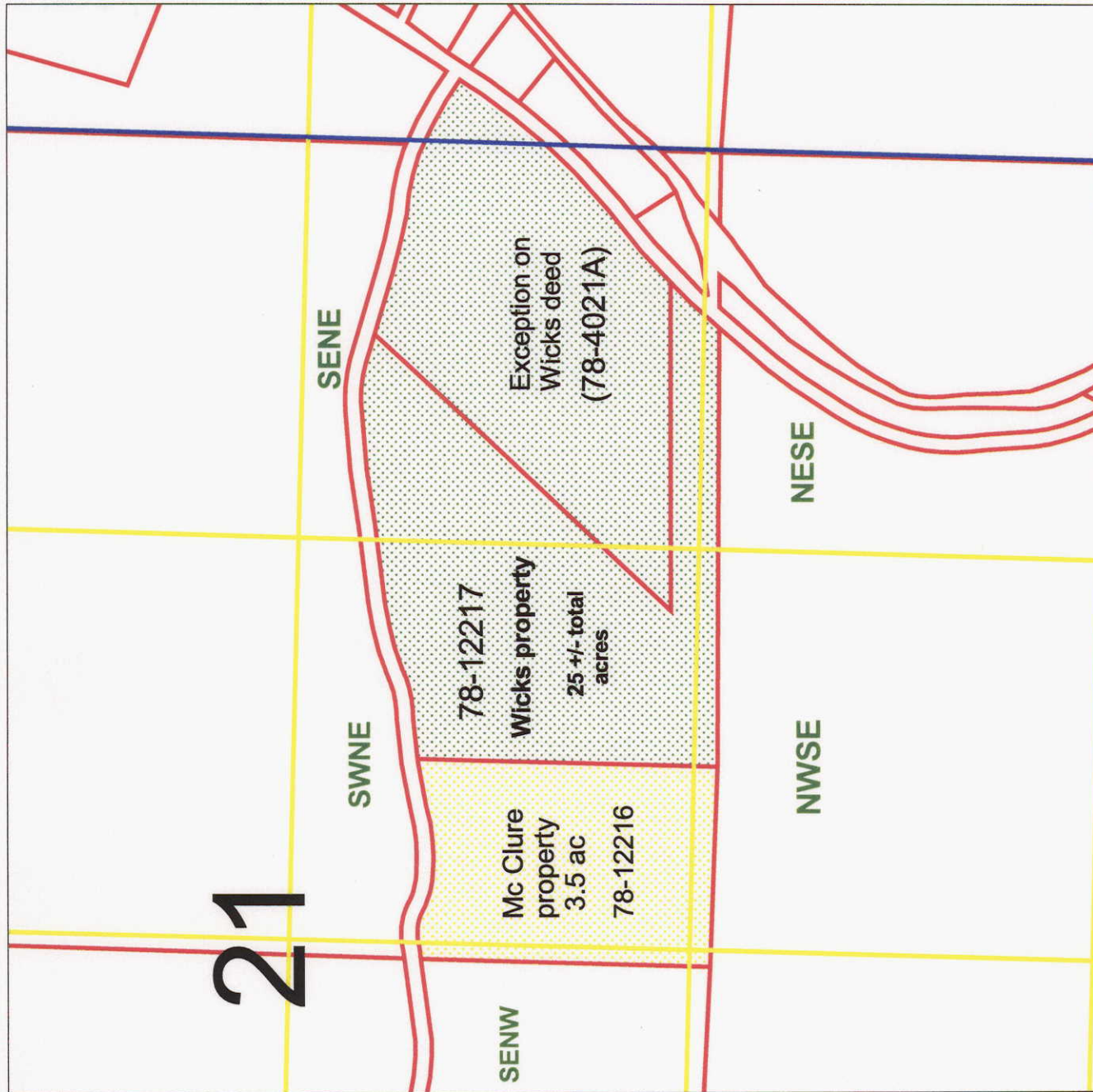
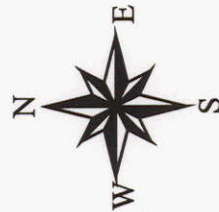
THIS PLAT IS MADE SOLELY FOR THE PURPOSE
OF ASSISTING IN LOCATING THE LAND AND THE
COMPANY ASSUMES NO LIABILITY FOR VARI-
ATIONS, IF ANY, WITH AN ACTUAL SURVEY.

RENEE L. BANTAM

78-12217

24N 1E

- Section Line
- QQ Lines
- Tax Lot Data



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 78-4021E
Date Received: 7/8/1988
Receipt No: M000336
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BEN AITKEN
920 SAGE CREEK RD
NAMPA ID USA 83686

Phone: (208)463-1937

2. Date of Priority: 04/01/1890

3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
24N	01E	21	SW	NE		IDAHO	
24N	01E	21	SE	NE		IDAHO	
24N	01E	21	SE	NW		IDAHO	

5. Description of diverting works:

5 ditches with rock and board diversions and plastic to reg. flow.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/01	0.4	

7. Total Quantity Appropriated is:

0.4 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
24N	01E	21	SW	NE	IRRIGATION	3.5
			SE	NE	IRRIGATION	3.5
			SE	NW	IRRIGATION	3.5
Section Acres						10.5
24N	01E	22	NW	NW	IRRIGATION	6
			SW	NW	IRRIGATION	3.5
Section Acres						9.5
Total Acres						20

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

CLAIMANT STATES THAT AS FAR BACK AS 1890 ALL POD S WERE USED FOR IRRIGATION. WATER RIGHT 78-4021 INACCURATELY LISTS ONLY 2 OF THE POD S. THERE ARE TWO POINTS OF DIVERSION WITHIN BOTH THE SWNE, AND SENE, SEC. 21.

MEMO TO FILE: MR. AITKEN HAS SOLD 4 ACRES OF THIS PARCEL OF LAND TO HARM H. SCHLOMER. MR. SCHLOMER HAS FILED A NOTICE OF CLAIM ON THIS 4 ACRES, WR# A78-04021A. I HAVE CORRESPONDED WITH MR. AITKEN REGARDING THIS, HOWEVER, HE HAS NOT RESPONDED. THEREFORE, I AM PROCESSING MR. SCHLOMER'S CLAIM ON THE 4 ACRES HE PURCHASED AND WILL LEAVE AITKEN'S CLAIM AS IS. 11/30/88 L. WERNER

** THIS CLAIM, WHEN COMBINED WITH CLAIM NUMBER A78-04021A, SHALL DIVERT NO MORE THAN 0.40 CFS. SEE RECEIPT NUMBERS M000336 FOR \$65.00 AND W000336 FOR \$5.00.

THIS CLAIM HAS BEEN SPLIT, PLEASE SEE A78-04021A

ADDRESS CHANGED PER CLAIMANT REQUEST 11/19/98. DB

15. Basis of Claim: Beneficial Use

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

RENUMBERED TO: 78-4021E

Ident. Number: A78-04021

Date Received: 7/ 8/1988

Receipt No: M000336

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: BEN AITKEN 208-463-1937
Address: 920 SAGE CREEK RD
NAMPA ID 83686

2. Date of Priority: APR 1, 1890

3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	21	SW	NE			IDAHO
			SE	NE			IDAHO
			SE	NW			IDAHO

5. Description of diverting works:

5 DITCHES W/ROCK AND BOARD DIVERSIONS AND PLASTIC TO REG. FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.400		

7. Total Quantity Appropriated is:

0.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE LISTED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	21	SW	NE		IRR	3.5
			SE	NE		IRR	3.5

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	21	SE	NW		IRR	3.5
						Section Acres	10.5
		22	NW	NW		IRR	6.0
			SW	NW		IRR	3.5
						Section Acres	9.5
						Total Acres	20.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

CLAIMANT STATES THAT AS FAR BACK AS 1890 ALL POD'S WERE USED FOR IRRIGATION. WATER RIGHT 78-4021 INACCURATELY LISTS ONLY 2 OF THE POD'S. THERE ARE TWO POINTS OF DIVERSION WITHIN BOTH THE SWNE, AND SENE, SEC. 21.

*****MEMO TO FILE*****

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THIS CLAIM, WHEN COMBINED WITH CLAIM NUMBER A78-04021A, SHALL DIVERT NO MORE THAN 0.40 CFS.

SEE RECEIPT NUMBERS M000336 FOR \$65.00 AND W000336 FOR \$5.00.

THIS CLAIM HAS BEEN SPLIT, PLEASE SEE A78-04021A

ADDRESS CHANGED PER CLAIMANT REQUEST 11/19/98. DB

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 784021

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

NOV 09 1998

WATER RESOURCES
WESTERN REGION

[] Water Right Number (s): A78-04021

[] Old Mailing Address: Ben Aitken

1139 Highway 11

Weipp, Id. 83553

[] New Mailing Address: Ben Aitken

920 Sage Creek Rd.

Nampa, Id. 83686

New Telephone Number: (208) 463-1937

[] Signature of Claimant: Ben Aitken

Date: 10/9/98

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:

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: A78-04021
Date Received: 7/08/1988
Receipt No: M0003364
Received By: EJR ^{WCC 536}
_{Amended}

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BEN AITKEN 208-435-4110
Address: 1139 HWY 11
WEIPP, ID 83553
2. Date of Priority: APR 01, 1890
3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 24N | 01E | 21 | | SW | NE | | IDAHO |
| | | | | SE | NE | | IDAHO |
| | | | | SE | NW | | IDAHO |
5. Description of diverting works:
5 DITCHES W/ROCK AND BOARD DIVERSIONS AND PLASTIC TO REG. FLOW.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/01 | 0.400 | | |
7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 60.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE LISTED
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
24N	01E	21	SW	NE		IRR	3.5

A78-04021

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Date: 07/21/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	21	SE	NE		IRR	3.5
			SE	NW		IRR	3.5
			Section Acres				10.5
		22	NW	NW		IRR	6.0
			SW	NW		IRR	3.5
			Section Acres				9.5
			Total Acres				20.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIMANT STATES THAT AS FAR BACK AS 1890 ALL POD'S WERE USED FOR IRRIGATION. WATER RIGHT 78-4021 INACCURATELY LISTS ONLY 2 OF THE POD'S. THERE ARE TWO POINTS OF DIVERSION WITHIN BOTH THE SWNE, AND SENE, SEC. 21.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 784021

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: 39356

Ident. Number

A 78-04021

Date Received

7-7-88

Receipt Number

1000336

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

Please type or print clearly

1. Name of Claimant (s) Ben Aitken Phone (208) 435-4110Mailing Address 1139 Hwy 11, Weipp, ID Zip 835532. Date of Priority (Only one (1) per claim) Apr. 1, 18903. Source of water supply (a) Squaw Creek
which is tributary to (b) Little Salmon river4. a. Location of existing point of diversion is: Township 24N Range 1E Section 21,
1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of IDAHOAdditional points of diversion if any: Sec 21, SW 1/4, NE 1/4 & Sec 21, SW 1/4, NE 1/4, & Sec 21, SE 1/4, NE 1/4,
+ Sec 21, SE 1/4, NE 1/4,

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 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.5 ditches w/ rock + board
diversions + plastic to regulate flow. (There are 5 diversions)

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRR. purposes from 4-1 to 10-1 amount 0.24³⁰ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24.30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
24N	1E	21			12	3				2									7
		22						46	2										8

Total number of acres irrigated 15

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
78-4021 or None ()

14. Remarks: Claimant states that as far back as 1890 all points of diversion were used for irrigation. Water right 78-4021 inaccurately lists only 2 of the POD

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Last Name Atken Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-4021
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 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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Ben Critten Date 7/7/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 7 day of July 19 88

SEAL

Notary Public John Dale Carlson

Residing at Boise Id.

My Commission Expires 6/2/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

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OCT 05 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public water of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1988. Exempted from this filing are single family domestic use as defined in Section 42-230(e), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that

Name: STEWART AITKEN

Address:

RIGGINS, ID 83549

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:

1. Date of Priority: APR 01, 1890

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. Exceptions are that claims may be filed on single family domestic uses from ground water, or on stock drinking from any source.

2. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

3. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.900		
STOCKWATER	01/01	12/31			

4. Total Quantity Appropriated is:
1.900 C.F.S. (and/or) A.F.A.

5. A) Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	21	SW	NE			IDAHO

5. A) Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	21		SE	NE		IDAHO
				SE	NW		IDAHO

B) Description of diverting means:

6. A) Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	21	SW	NE		IRR	3.0
			SE	NE		IRR	2.0
			SE	SE		IRR	2.0
			Section Acres				7.0
		22	NW	NW		IRR	10.0
			SW	NW		IRR	5.0
			Section Acres				15.0
			Total Acres				22.0

B) Non-irrigation uses:
S/80 RANGE, 25 CHICKENS.

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

8. Remarks:
AC. IRR.=22.5.

State of Idaho)
) SS.
County of _____)

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 affiants knowledge.

(Claimant)

Sworn to before me this _____ day of _____, 19____.

Notary Public
Residing at _____

My commission expires _____

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Exception	Forwarded to	Date
Prelim. check by _____	Date _____	filed by:	claimant by:	
Fee received by _____	Date _____			
Published in _____				
Dates _____				



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

June 2, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DELLA D WICKS
LOLA L WICKS
PO BOX 288
RIGGINS ID 83549

Re: Original Notice of Claim to a Water Right No. 78-4021E

Renumbered Notice of Claim to a Water Right No. 78-12217

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

DB: db

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 19, 1998

Re: Notice of Claim to a Water Right No. A78-04021

Ben Aitken
920 Sage Creek Rd
Nampa ID 83686

Dear Claimant:

Enclosed is a copy of the above referenced claim which reflects the change in address of the land and appurtenant water right(s) covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 5, 1988

Ben Aitken
1139 Hwy. 11
Weippe, ID 83553

SUBJECT: Split Water Rights, A78-04021A and A78-04021B

Dear Mr. Aitken:

In order to split the water right with Mr. Schlomer, it must be determined exactly which acreages from this right are the property of the new owner. I will then subtract these acreages from your portion of the right and add them to the new portion. The right will then read A78-04021A and A78-04021B with Mr. Schlomer's acreages on the B portion. This is necessitated by the fact that the water right is appurtenant to the property.

I have enclosed a copy of this water right for your convenience. Please contact me as soon as possible so I may complete the processing of these claims. Thank you for your assistance in this matter.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

LW:lh
Enclosures

*12-1-88
To File: Never responded to my letter.
I have split this right A78-04021A to
Schlomer, & left A78-04021 as is.*

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CONVERSATION MEMORANDUM

DATE 07/21/88

FILE _____

NAME OF PARTY Aitken, Ben

EMPLOYEE Eldon L. Roush

RE: Amending Claim #78-09021

Claimant called requesting change of irrigated acres
from 15 to 20 : Place of use to - T24N R01E Sec 21 SWNE-3.5 acres

SENE-3.5 acres

SE NW 3.5

T24N R01E Sec 22 NW NW-6.0

SW NW 3.5

Total Quantity Appropriated to 0.400 cfs

Total Consumptive use to 60.0 AEA.

Claimant will send the additional \$⁰⁰ in variable fees to
this agent for receipting. Received 07/26/88 EJR \$⁰⁰

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