RECEIVED

MAR 1 5 2004

Department of Water Resources
Eastern Region

02/20/2004

**NOTICE OF ERROR REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 23-2065A

TROY HICKS
PO BOX 4
SWAN VALLEY ID 83449
Telephone Number: (208)483-2070

TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449
Telephone Number: (208)483-2070

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X **I AGREE with this proposed recommendation: no changes need to be made.**

**DATE:** 3/8/04 **SIGNATURE:** Tara Hicks

Please print your name: Tara Hicks

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

02/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

RIGHT NUMBER: 23-2065A

NAME AND ADDRESS: TROY HICKS
PO BOX 4
SWAN VALLEY ID 83449

TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.240 CFS
101.90 AFY

PRIORITY DATE: 06/23/1960

POINT OF DIVERSION:
T01N R44E S7 SWSWNW Within BONNEVILLE County
T01N R44E S7 SWSENW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 04/01 10/31 | 0.240 CFS<br>101.90 AFY |

PLACE OF USE: IRRIGATION Within BONNEVILLE County

| | | | | | |
|---|---|---|---|---|---|
| T01N R44E S07 Lot 2 SWNW | 37.0 | T01N R44E S07 | SENW | 34.0 |

71 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SOURCE CHANGED FROM OPEN PITS TO SAND POINT WELLS.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE PALISADES IRRIGATION CO.

02/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

---

RIGHT NUMBER: 23-2065A

NAME AND ADDRESS: TROY HICKS
PO BOX 4
SWAN VALLEY ID 83449

TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.240 CFS
101.900 AFY

PRIORITY DATE: 06/23/1960

POINT OF DIVERSION:

T01N R44E S7 SWSWNW Within BONNEVILLE County

T01N R44E S7 SWSENW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 04/01 10/31 | 0.240 CFS<br>101.90 AFY |

PLACE OF USE: IRRIGATION Within BONNEVILLE County

| | | | | | |
|---|---|---|---|---|---|
| T01N R44E S07 Lot 2 SWNW | 37.0 | T01N R44E S07 | SENW | 34.0 | |

71 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

SOURCE CHANGED FROM OPEN PITS TO SAND POINT WELLS.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE PALISADES IRRIGATION CO.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-2065A

NAME AND ADDRESS: TROY HICKS
PO BOX 4
SWAN VALLEY ID 83449

TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.240 CFS
101.9 AF

PRIORITY DATE: 06/23/1960

POINT OF DIVERSION: T01N R44E S7 SWSWNW Within BONNEVILLE County
T01N R44E S7 SWSENW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 04/01 10/31 | 0.240 CFS<br>101.9 AF |

PLACE OF USE: IRRIGATION Within BONNEVILLE County

| | | | | | |
|---|---|---|---|---|---|
| T01N R44E S07 Lot | 2 SWNW | 37.0 | T01N R44E S07 | SENW | 34.0 |

71 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SOURCE CHANGED FROM OPEN PITS TO SAND POINT WELLS.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE PALISADES IRRIGATION CO.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-2065A

NAME AND ADDRESS: TROY HICKS
PO BOX 4
SWAN VALLEY ID 83449

TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.240 CFS

PRIORITY DATE: 06/23/1960

POINT OF DIVERSION:

T01N R44E S7 SWSWNW Within BONNEVILLE County
T01N R44E S7 SWSENW Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|---|---|---|
| IRRIGATION | 04/01 10/31 | 0.240 CFS |

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S07 Lot 2 SWNW 37.0 T01N R44E S07 SENW 34.0

71 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

SOURCE CHANGED FROM OPEN PITS TO SAND POINT WELLS.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE PALISADES IRRIGATION CO.

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 23-2065A
Date Received: 9/11/1989
Receipt No: E010228
Received By:

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

1. Name of Claimant(s)

TROY HICKS Phone: (208)483-2070

PO BOX 4
SWAN VALLEY ID USA 83449

TARA HICKS Phone: (208)483-2070

PO BOX 4
SWAN VALLEY ID USA 83449

2. Date of Priority: 06/23/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|---|---|---|---|---|---|---|---|
| 01N | 44E | 7 | | NE | NW | BONNEVILLE | |
| 01N | 44E | 7 | | NW | NW | BONNEVILLE | |
| 01N | 44E | 7 | | SE | NW | BONNEVILLE | |

5. Description of diverting works:

MAN-MADE PONDS WITH PORTABLE PUMP FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) A.F.A |
|---|---|---|---|---|
| IRRIGATION | 4/01 | 11/01 | 0.24 | |

7. Total Quantity Appropriated is:
0.24 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 |
|---|---|---|---|---|---|---|---|
| 01N | 44E | 7 | SW | NW | | IRRIGATION | 39 |
| | | | SE | NW | | IRRIGATION | 39 |
| | | | | | | Section Acres | 78 |
| | | | | | | Total Acres | 78 |

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

SOURCE FROM ORIGINAL LICENSE IS GROUNDWATER. SYSTEM CONSISTS OF A SERIES OF MAN-MADE PONDS WITH A MAXIMUM DEPTH OF 12 FEET. A PORTABLE TRACTOR-POWERED PTO PUMP IS USED TO DELIVER WATER TO TWO 1/4 MILE HANDLINES. TRACTOR AND PUMP IS MOVED FROM POND TO POND AS NEEDED

15. Basis of Claim: License

$128.00

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: A23-02065A
Date Received: 8/~~02~~/1989
Receipt No: E010228
Received By:

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

1. Name: E. R. BITHELL
Address: 124 COTTONWOOD RD. 208-483-3085
SWAN VALLEY, ID 83449
OR
Name: GOLDA K. BITHELL
Address: 124 COTTONWOOD RD. 208-483-3085
SWAN VALLEY, ID 83449

A2302065A

2. Date of Priority: JUN 23, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|---|---|---|---|---|---|---|---|
| 01N | 44E | 7 | NE | NW | | | BONNEVILLE |
| | | | NW | NW | | | BONNEVILLE |
| | | | SE | NW | | | BONNEVILLE |

5. Description of diverting works:
MAN-MADE PONDS WITH PORTABLE PUMP FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|---|---|---|---|---|---|
| IRRIGATION | 04/01 | 11/01 | 0.240 | | |

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

8. Total consumptive use is 195.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A



MICROFILMED
NOV 10 1992

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | | Lot | Use | Acres |
|---|---|---|---|---|---|---|---|
| 01N | 44E | 7 | SW | NW | | IRR | 39.0 |
| | | | SE | NW | | IRR | 39.0 |
| | | | | | Section Acres | | 78.0 |
| | | | | | Total Acres | | 78.0 |

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
A23-02065B

14. Remarks:
SOURCE FROM ORIGINAL LICENSE IS GROUNDWATER. SYSTEM CONSISTS OF A SERIES OF MAN-MADE PONDS WITH A MAXIMUM DEPTH OF 12 FEET. A PORTABLE TRACTOR-POWERED PTO PUMP IS USED TO DELIVER WATER TO TWO 1/4 MILE HANDLINES. TRACTOR AND PUMP IS MOVED FROM POND TO POND AS NEEDED.

15. Basis of Claim: LICENSE
Water Right Number: 28811



MICROFILMED
NOV 10 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): E. R. Bithell Date: 8-31-89

Golda K. Bithell Date: 8-31-89

State of Idaho )
) SS.
County of Bonneville )

Subscribed and sworn (or affirmed) before me this 31st day of August 19 89

Zora Miller
Notary Public

Seal

Residing at Palisades, Idaho

My Commission Expires 6 Mar 1993



MICROFILMED
NOV 1 0 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-2065

WATER RIGHT NUMBER: 23-2065

| Owner Type | Name and Address |
|---|---|
| Current Owner | ESTATE OF ELIZA BITHELL |
| | SWAN VALLEY, ID 83449 |
| Original Owner | ELIZA BITHELL |
| | , ID |

Priority Date: 06/23/1960
Basis: License
Status: Active

Source: GROUND WATER — Tributary

| Beneficial Use | From | To | Diversion Rate | Annual Volume |
|---|---|---|---|---|
| IRRIGATION | 4/01 | 11/01 | 0.460 CFS | |
| | | Total Diversion: | 0.460 CFS | 197.00 AF |

Location of Point(s) of Diversion

| | | | | |
|---|---|---|---|---|
| GROUND WATER<br>BONNEVILLE County | NW1/4NW1/4 | Sec. 7, | Twp 01N, | Rge 44E, B.M. |
| GROUND WATER<br>BONNEVILLE County | NE1/4NW1/4 | Sec. 7, | Twp 01N, | Rge 44E, B.M. |

Place of Use

IRRIGATION Within BONNEVILLE County

| | | | | | |
|---|---|---|---|---|---|
| T01N R44E S07 | NENW | 33.0 | T01N R44E S07 | NWNW | 39.0 |
| T01N R44E S07 | SWNW | 39.0 | T01N R44E S07 | SENW | 39.0 |

Total Acres: 150

Conditions of Approval:

Remarks:

1. General 2 P/D IN NENW & 2 P/D IN NWNW, S7, T1N, R44E.

Comments:

Dates and Other Information:

IDWR Field Exam Form 04/03/2002

# Contacts Data Entry Form

Water Right No. 23-2065A

| Owner Type | Full Name | Address | City | State | Zip | Phone |
|---|---|---|---|---|---|---|
| Current Owner | TROY HICKS | | | | | |
| Name connector: and ____, or ____, and/or ____ | | | | | | |
| Current Owner | C/O FILOD 1/22/01 | | | | | |
| Current Owner | | | | | | |

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

LICENSED 25 JUNE 1973. SPLIT BY ADJUDICATION TO A AND B.

LICENSED AS: 6/23/1960, @ 0.46 cfs ON 150° AC. (ALL W/ NW¼ SEC. 7)
SOURCE DEFINED BY LICENSE AS 'OPEN PITS OR WELLS'.
EXAMINER'S NOTES: "... DIVERSION ARE PITS EXCAVATED ALONG THE SLOUGH..." I INTERPRET THIS 'OPEN PITS TO MEAN PONDS ... THEY ARE NOT WELLS BY CONVENTIONAL THOUGHT.
CLAIM NOTES; REMARKS #14, "... MAN-MADE PONDS WITH A MAXIMUM DEPTH OF 12 FEET. ... TRACTOR-POWERED PUMP ... TO TWO ½ MI. HANDLINGS."

REMARK 4/08 CANAL SHARES

FE INDICATED: WHY IS 23-2065 SPLIT?, PODS, POW, PUMP & SYSTEM ... FATHER HAD 23025 SPLIT RIGHT TO A & B. FOR TWO SONS. - A - TO E.R. BITHELL + - B - TO H.D. BITHELL

Reviewer: _____ Date: _____

EACH. GOT 80 AC OF 160 AC. HOMESTED.
EACH. GOT 50 SHARES. CANAL STOCK. CERTIFIC. # 3 WENT TO E.R. CERT. # 4 WENT TO H.D. FATHER RETAINED 280 SHARES. CERTIFICAT # 29 100 SHARES # 6 180 SHARES P.D. 6/1/90

IDWR Field Exam Form 04/03/2002

# Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/23/1960 Claimed Basis: Lic

Recommended Priority Date: 6/23/1960 Recommended Basis "

_____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Priority matches Lic 0055

Reviewer: _____ Date: _____

IDWR Field Exam Form 04/03/2002

# Point of Diversion and Source Data Entry Form

**Claim Number:** _____

Water Right Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 1N, R 44E, Sec. 7, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

____ **Use Claimed POD and Source as Recommended POD and Source**

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | |
|---|---|---|---|---|---|---|---|
| 1N | 44E | 7 | | NENW | BONN | UNNAMED POND | (2 pts) |
| GPS Coordinates: | | | | | | | See Orig. Lic. |
| | | | | NWNW | " | " | (2 pts) |
| GPS Coordinates: | | | | | | | |
| | | | | SENW | " | " | |
| GPS Coordinates: | | | | | | | |
| GPS Coordinates: | | | | | | | |
| GPS Coordinates: | | | | | | | |
| GPS Coordinates: | | | | | | | |
| GPS Coordinates: | | | | | | | |

C@3

Other rights from this POD? GPS PODs (4,5) TAG #. 1. AO 009521 2 AO 009522

Document how the POD and Source were verified and/or Pump and Motor data:

Claims 4 PODs - FB's CLAIMED AND MAPS DO NOT FIT EACH OTHER.

How many ACTUAL PODs are used?

Pump data:

Transfers Changing POD _____

Reviewer: _____ Date: 1-5-04

USOS Salvisaurus Canal Watson

IDWR Field Exam Form

04/03/2002

# Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|---|---|---|---|---|---|---|---|---|
| 1N | 44E | 7 | SWNW | | BONN | | 39 | Irrig. |
| | | | SE/NW | | " | | 39 | " |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Total Acres _____

Recommended Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Total Acres _____

Document how the POU was verified:

Claims 78 Ac irrig w/ 0.24 cfs - 0.00307 cfs/Ac ⇒ NOT ECONOMICAL EVEN FOR PASTURE. EVEN AT 0.01 cfs/Ac = 24 Ac FB Ac's

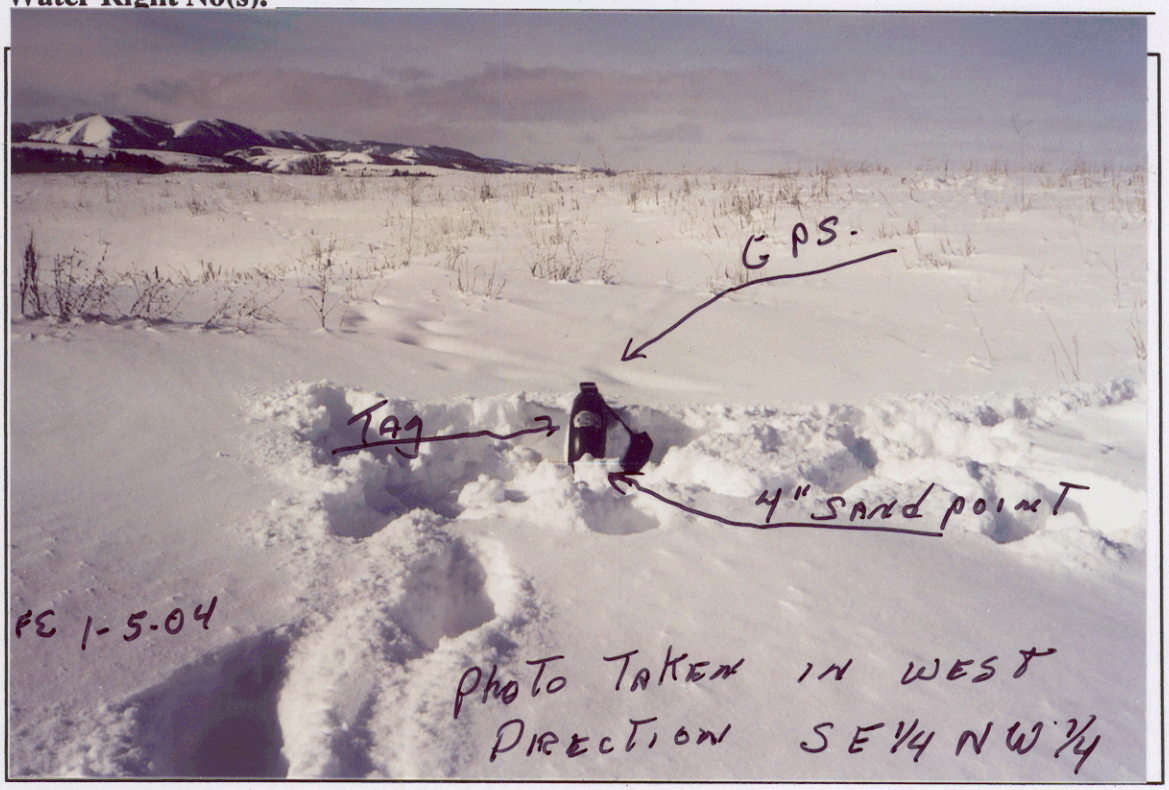
Apparently NO OTHER Rts

Transfers Changing POU _____

Reviewer: _____

Date: _____

**Water Right No(s).** A 23020 65 A




***GPS DATA:***

Tag # A.O 00 9521 Location: WELL CASING

***Diversion Data:***

Source: GROUND WATER 4" SAND POINT Trib to:

**MOTOR**

Make: _____ Model: _____ Hp: _____

SN: _____

**PUMP**

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

TROY HICKS PURCHASED LAND 2001 ALL THE EQUIPMENT PUMP. TRACTORS & PIPE WERE KEPT BY PREVIOUS OWNER. E. R. BITHELL MR HICKS HAS NOT ERRIGATED LAND SINCE PURCHASE.

Field Exam Date: 1-5-2004 Agent: NICK OLSON

**Water Right No(s).** _____




***GPS DATA:***

Tag # AO 00 9522 Location: On Well Casing

***Diversion Data:***

Source: Ground water 4" Sand point Trib to: 4" Sand point

**MOTOR**

Make: _____ Model: _____ Hp: _____

SN: _____

**PUMP**

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Troy Hicks purchased land 2001 All Equipment pump, Tractor + Sprinkler pipe and Rings. Were Kept By previous owner E.R. Bithell Mr. Hicks has not Irrigated land since purchase.

Field Exam Date: 1-5-2004 Agent: Nick Olson

IDWR Field Exam Form

04/03/2002

# Period of Use and Quantity Data Entry Form

Claim Number: _____

__ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|---|---|---|---|---|
| Irrig | 4/1 | 11/1 | 0.24 | |
| | | | | |
| | | | | |

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|---|---|---|---|---|
| Irrig | 4/1 | 11/1 | 0.24 | 197 AF |
| | | | | |
| | | | | |

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Licensed Soils 4/1 to 11/1; Q as Licensed is: 0.46 cfs and 197 AF on 150 AC (Both Parts: A & B). Claimed as Parts A @ 0.24 on 78 AC; Part B @ 0.22 on 72 AC.

A 102 44 AF B. 94 56 AF

Reviewer: _____ Date: _____

**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**

August 20, 2001

TROY & TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

RE: CHANGE IN OWNERSHIP FOR A23-02065A, A23-07151 AND A23-10119

Dear Mr. & Mrs. Hicks:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

Water rights A23-07151 and A23-10119 will be processed and sent to you in another mailing.

**If there are no questions or corrections, please keep this Notice for your records.**

Respectfully submitted,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-2065

WATER RIGHT NUMBER: 23-2065

| Owner Type | Name and Address |
|---|---|
| Current Owner | ESTATE OF ELIZA BITHELL |
| | SWAN VALLEY, ID 83449 |
| Original Owner | ELIZA BITHELL |
| | , ID |

Priority Date: 06/23/1960
Basis: License
Status: Active

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From To | Diversion Rate | Annual Volume |
|---|---|---|---|
| IRRIGATION | 4/01 to 11/01 | 0.460 CFS | |
| | Total Diversion: | 0.460 CFS | 197.00 AF |

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4 Sec. 7, Twp 01N, Rge 44E, B.M.
BONNEVILLE County

GROUND WATER NE1/4NW1/4 Sec. 7, Twp 01N, Rge 44E, B.M.
BONNEVILLE County

Place of Use

IRRIGATION Within BONNEVILLE County

| | | | | | |
|---|---|---|---|---|---|
| T01N R44E S07 | NENW | 33.0 | T01N R44E S07 | NWNW | 39.0 |
| T01N R44E S07 | SWNW | 39.0 | T01N R44E S07 | SENW | 39.0 |

Total Acres: 150

Conditions of Approval:

Remarks:

1. General 2 P/D IN NENW & 2 P/D IN NWNW, S7, T1N, R44E.

Comments:

Dates and Other Information:

# ALLIANCE
TITLE & ESCROW CORP.

451 Park Ave. Idaho Falls, ID 83405-0642 (208) 524-5600 Fax No. (208) 524-1977

To: Troy Hicks
Tara Hicks
P O Box 4
Swan Valley, ID 83449

Date: June 30, 2000
Escrow No.: 3030001135
Re: Hicks / Bithell

In connection with the above referenced transaction, we enclose the following:

- Owners Policy No. 13 0042 106 00002238
- Warranty Deed #1025296

**"THANK YOU"** for this opportunity to serve you. Your business is appreciated!

If you should have any questions or if we may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,
Alliance Title & Escrow Corp.

Diane Dexter

Diane Dexter - Title
Denise Croft
Escrow Officer

BONNEVILLE COUNTY RECORDER
1025296 JUN23'00 AM1046

1025296
ALLIANCE TITLE & ESCROW CORP
451 PARK AVE. - P.O. BOX 3042
IDAHO FALLS, ID 83405-0642
30300011 35-TR

# WARRANTY DEED

THIS INDENTURE, made this 23rd day of June, 2000, between ELDON REMON BITHELL and GOLDA BITHELL, husband and wife, of 124 Cottonwood Road, Swan Valley, County of Bonneville, State of Idaho, the Grantor, and TROY HICKS and TARA HICKS, husband and wife, of Box 4, Swan Valley, County of Bonneville, Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars ($10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Bonneville, State of Idaho, to-wit:

Legal Description →

The South Half (½) of the Northwest Quarter (1/4) of Section 7, Township 1 North, Range 44 E.B.M.

TOGETHER with the following water rights:

Water Right No. 23-07151, an undivided one-half (½) interest in Water Right No. A23-02065A, Water Right No. 23-10119, and 50 shares of stock in the Swan Valley Irrigation Company, Inc., now known as the Palisades Irrigation Company, Inc.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and 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 Grantor,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

Eldon Ramon Bithell  Golda Bithell

ELDON REMON BITHELL  GOLDA BITHELL

STATE OF IDAHO )
) ss
County of ~~Jefferson~~ Bonneville )

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

ELDON REMON BITHELL GOLDA BITHELL

STATE OF IDAHO )
Bonneville ) ss
County of ~~Jefferson~~ )

On this 23rd day of June, 2000 before me, the undersigned, a Notary Public in and for said State, personally appeared ELDON REMON BITHELL and GOLDA BITHELL, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged 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 in this certificate first above written.

(seal)

DENISE M. CROFT NOTARY PUBLIC STATE OF IDAHO

Residing in Bonneville County
Commission Exp. 2-27-04

Notary Public for Idaho
Residing at:
Commission Expires:

INSTRUMENT NO. 1025296
DATE 6-23-0
INST. CODE 205
IMAGED PGS 1
FEE 3-

STATE OF IDAHO )
COUNTY OF BONNEVILLE ) ss
I hereby certify that the within instrument was recorded.
Ronald Longmore,
County Recorder
By _____ Depu
Request of Atec

*AMERICAN LAND TITLE ASSOCIATION*
*OWNER'S POLICY*
*(10-17-92)*

13 0042 106 00002238

# CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*In Witness Whereof,* CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:
ALLIANCE TITLE AND
ESCROW CORPORATION
451 PARK AVENUE
IDAHO FALLS, ID 83402
(208) 524-5600

CHICAGO TITLE INSURANCE COMPANY
By:

President

By:

Secretary

## OWNER'S POLICY

Order No: **3030001135**
Policy No: **13 0042 106 00002238**

# SCHEDULE B PART I

## EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**General Exceptions:**

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

# SCHEDULE B PART II

**Special Exceptions:**

1. Taxes, including any assessments collected therewith, for the year 2000 which are a lien not yet payable.

2. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document.
   Entitled: Ordinance Number 32
   Recorded: February 22, 2000.
   Instrument No.: 1017221, of Official Records.

END OF SCHEDULE B

Countersigned:

Diane Dexter
Authorized Signature

# OWNER'S POLICY

## SCHEDULE A

| Order Number | Policy Number | Date of Policy | Amount of Insurance | Premium Amount |
|---|---|---|---|---|
| 3030001135 | 13 0042 106 00002238 | June 23, 2000 At 10:46AM | $385,000.00 | $1,346.25 |

1. Name of Insured:

   **Troy Hicks and Tara Hicks**

2. The estate or interest in the land which is covered by this policy is:

   **Fee Simple**

3. Title to the estate or interest in the land is vested in:

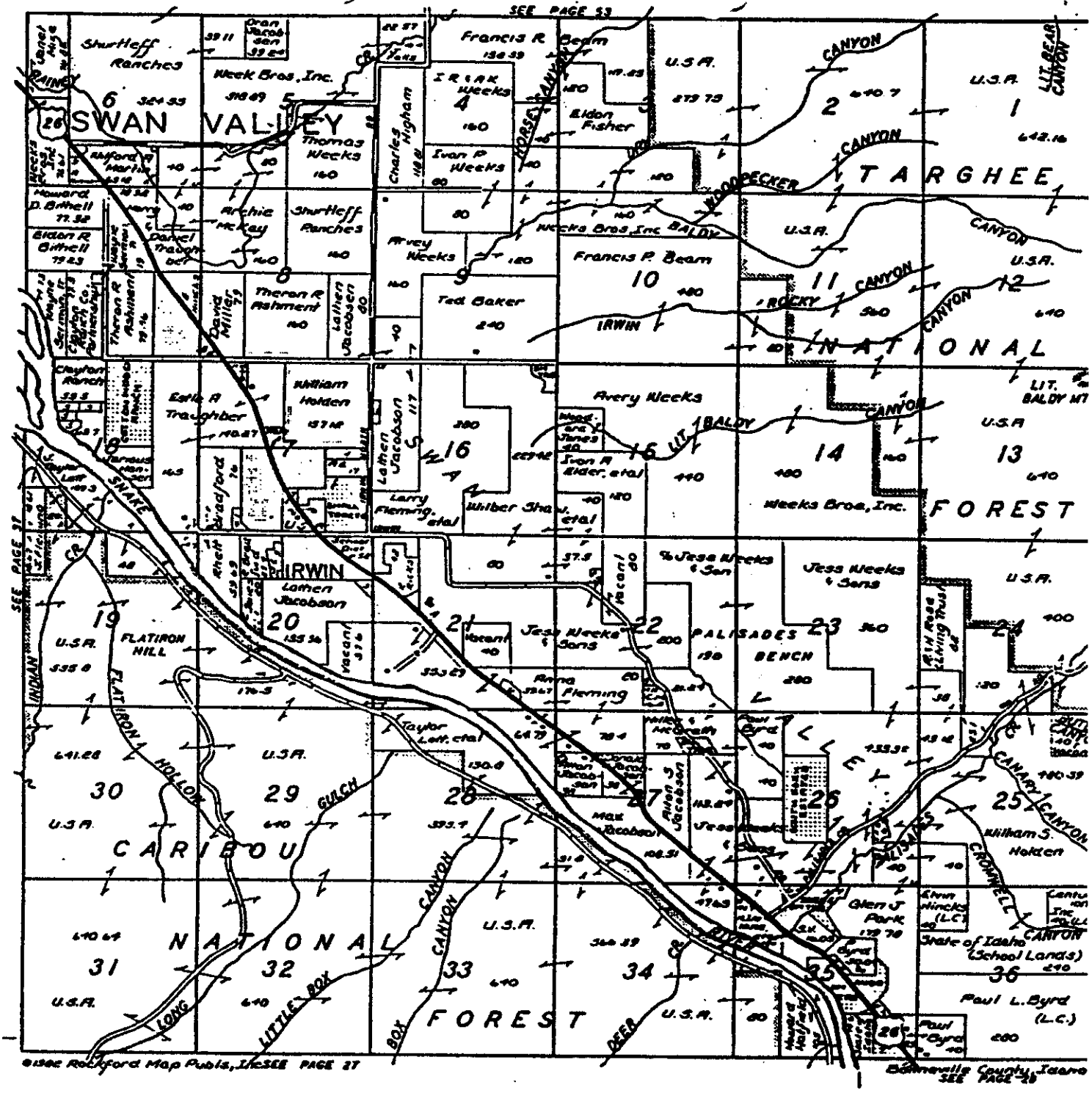
   **Troy Hicks and Tara Hicks, Husband and Wife**

4. The land referred to in this policy is described as follows:

**South ½ Northwest ¼ of Section 7, Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho.**

END OF SCHEDULE A

T. 1 N. — R. 47 E.




ALLIANCE

TITLE & ESCROW CORP.

This plat is included soley for the purpose of assisting in locating said premises and the company assumes no liability for variation, if any, in dimensions and location ascertained by actual survey

Form 202
6/85

Ident. No. 23 7151

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# APPLICATION FOR PERMIT

**To appropriate the public waters of the State of Idaho**

Permit
1991 Priority
No Adj Claim Rec'd

1. Name of applicant E. R. Bithell Phone 483-3085

   Post office address 124 Cottonwood Rd. Swan Valley, ID 83449

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ ¼ of SW ¼ of NW ¼, Govt. Lot _____

   Sec. 7 Township 1N Range 44E B.M. Bonneville County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 0.67 (cfs or acre-feet per annum) for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)

   Amount 0.03 (cfs or acre-feet per annum) for Stock purposes from 5-1 to 10-01 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.67 (cubic feet per second) and/or (b) _____ (acre feet per annum).

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Two sandpoints driven less than 18' deep with a portable pump to sprinkler lines (2) and water trough.

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet, total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

   c. Proposed well diameter is 4 inches; proposed depth of well is 12 feet.

   d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (*minimum 1 year*).

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. 100 head cattle

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. 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 the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 1N | 44E | 7 | | | | | | | 40 | 25 | | | | | | | | | 65 |
| | | | | | | | | | S | S | | | | | | | | | |
| | | | | | | | | | L-2 | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated 65

10. Describe any other water rights used for the same purposes as described above. Shares in Palisades Irrigation Comp. AND ~~A23-10749~~ A23 02065A

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

Received by HWJ Date 6-24-91 Time _____ Preliminary check by RM

Fee $ 45.25 Receipted by HWJ # E01625 Date 6-24-91

Publication prepared by RB Date 7-11-91 Published in Post-Register

Publication approved RB Date 7-29-91

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

**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

March 6, 2001

RECEIVED
JUL 19 2001
Department of Water Resources
Eastern Region

TROY & TARA HICKS
BOX 4
SWAN VALLEY ID 83449

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 23-2065A, 23-7151, 23-10119 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

✓ _X_ FEE OF $25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)
(FEES DUE ON 23-7151 & 23-10119 ONLY)
___ SIGNATURE

✓ _X_ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question,

✓ _X_ LEGAL DESCRIPTION OF PROPERTY

___ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

_X_ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO :

JENNIFER CRABTREE
IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE DR.
IDAHO FALLS, ID 83402

**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

July 24, 2001

TROY & TARA HICKS
BOX 4
SWAN VALLEY ID 83449

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR 23-2065A, 23-7151, & 23-10119

Dear Mr. & Mrs. Hicks:

Thank you for sending the information and fee I requested in order to process your water rights.

23-2065A will be processed in our office and I will send you a copy for your files when it is completed.

23-7151 requires submitting an "Assignment of Permit" and a $25.00 fee. Please send the enclosed form and fee to: Kari Lynn Townsend, Idaho Dept. of Water Resources, 1301 N. Orchard, Boise, ID 83706. She will process this change.

23-10119 was forwarded to Kari Lynn for processing, also. A copy of your receipt is enclosed.

If you have questions about any of these changes, please feel free to call me.

Sincerely,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

Form 42-248/42-1409(6) March 26,1999

RECEIVED
JAN 2 2 2001
Department of Water Resources
Eastern Region

OK jc 8/20/01

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

OK to do
23-2065A
I sent notice to Kai Lyman about the other 2

1. Water Right No(s).: 23-07151; ½ of A23-02065A; 23-10119→pd
(+ water permit; + Adj claim)

Adjudication Claim No(s).:

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL**

**AND**

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

**OR**

C. If your water right or adjudication claim 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: E.R. Bithell
124 Cottonwood Rd., Swan Valley, Idaho

4. New Owner/Claimant(s): Troy and Tara Hicks

Name Connector (Check one): [X] and, [ ] or, [ ] and/or

New Mailing Address: Box 4

City, State and ZIP Code: Swan Valley, ID 83449

New Telephone Number: (208) 483-2070

5. Date you acquired the property: June 16, 2000

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

| | |
|---|---|
| Number of acres you irrigate with this water right _____ | Number and type of stock _____ |
| Diversion rate in CFS _____ | Number of homes you acquired _____ Other uses |

7. Signature of New Owner(s) or Claimant(s): Troy Hicks
Tara Hicks

**Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.**

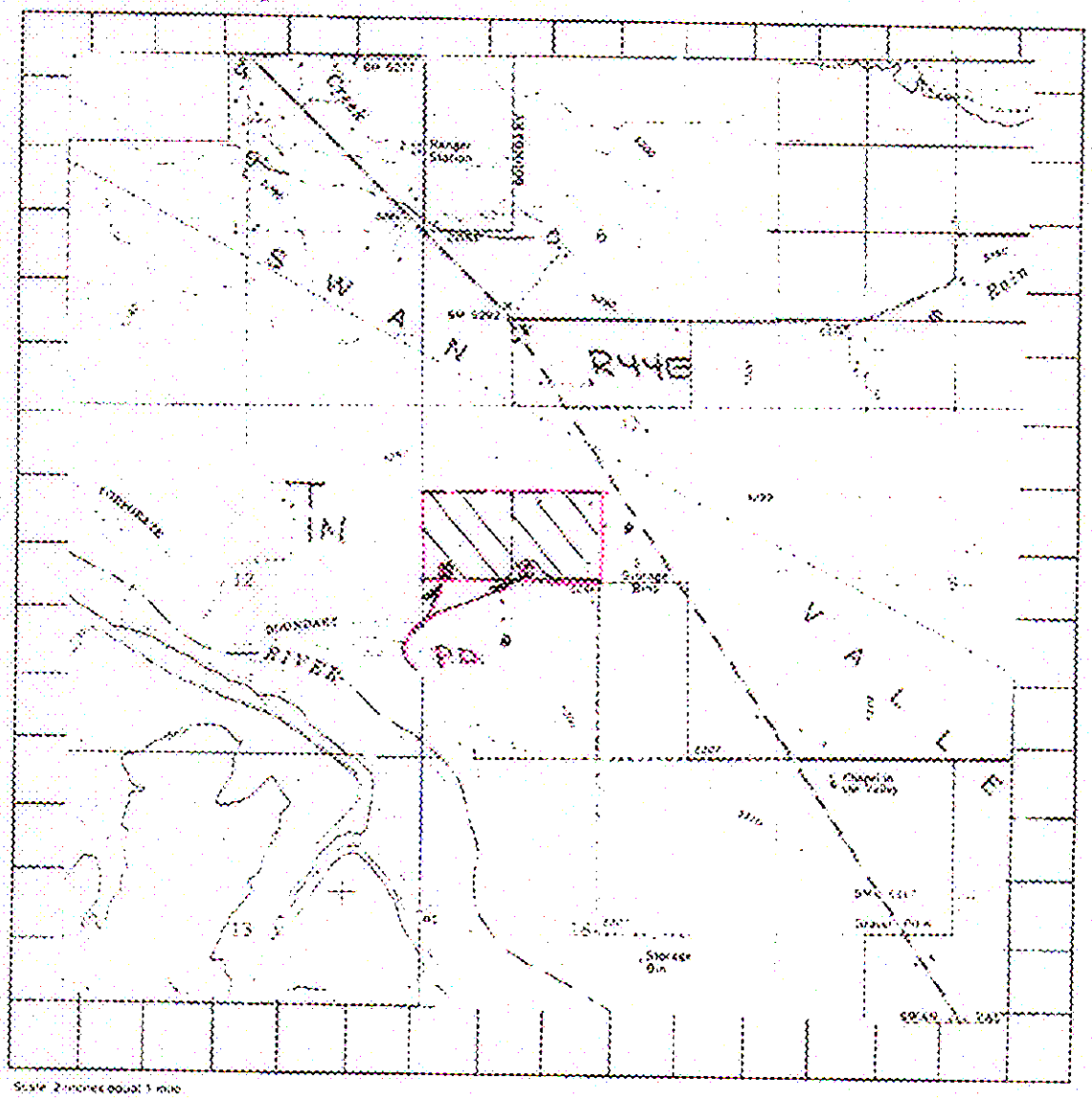
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

**Log for claim 23-02065A** **Spatial Dynamics BTD** **6/5/01**

| TR | SEC | QQ | Acres Claimed | Acres Found | COMMENT |
|---|---|---|---|---|---|
| 01n44e | 7 | SWNW | 39 | 40 | |
| 01n44e | 7 | SENW | 39 | 40 | |
| **Totals:** | | | 78 | 80 | |

This looked like a better picture for the other diversion points

12. Map of proposed project showing clearly the proposed point of diversion, place of use, section number, township and range number.




Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

E. R. Eckhoff

Applicant

State of Idaho

Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 28811/23-2065 Priority June 23, 1960 Amount 0.46 cfs

THIS IS TO CERTIFY that Eliza Bithell, Estate of of Swan Valley, Idaho, has complied with the terms and conditions of Permit No. 28811/23-2065 issued pursuant to Application for Permit dated June 23, 1960, and has submitted proof to the Department of Water Administration on August 9, 1965, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity of 0.46 cfs, and that the water has in fact been applied to a beneficial use; a right to the use of water from open pits or wells (subterranean) tributary of _____, is hereby confirmed in the following amounts:

Amount 0.46 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.46 cfs of water be diverted at any one time, said waters to be diverted within the NE¼NW¼ (2 points) and NW¼NW¼ (2 points) of Sec. 7, Twp. 1 N, Rge. 44 E, B.M. in the county of Bonneville, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 197 acre feet per year or 3.0 acre feet per acre.

Description and location of place of use:

| TWP | RANGE | SEC | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 1N | 44E | 7 | | | | | 33 | 39 | 39 | 39 | | | | | | | | | 150 |

Total number of acres irrigated 150

The right to the use of the water hereby confirmed is restricted and appurtenant to the land or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2nd day of June, 19 73.

Director

23-2065

23-2065

Priority: 6/23/60

Q = 0.46

POD's – open Pits

Irrig 4/1 to 11/1

NENW (2 pts)

NWNW (2 pts) Sec 7

T1N, R44E

197AF

150Ac

Poor Micro

Fish

D. R. Bithell opening form 483-2260 Aug 15, 1972

Form 23
4-66

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

# REPORT OF EXAMINER

Permit No. G-28811 ✓ 23-2065

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Eliza Bithell deceased

2. Source of water supply Pump from open pits or wells

3. Location of point of diversion is in the NE¼ NW¼ (2 pts.) NW¼ NW¼ (2 pts.) of Section 7
T. 1 N. R. 44 E.B.M. County of Bonneville

4. Describe works as they exist, giving dimensions and capacities of same:

McCormick farmall Tractor #37866 Super W-D model.
32 H.P. Berkeley Tractor-main pump. Serial #1792 6" discharge PTO driven to a portable sprinkler system containing 30 - 7/32" nozzles. Points of diversion are pits excavated along the slough in the N½ NW¼ Sec. 7

5. Water is used for irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW¼ Sec. 7, Twp. 1 N., Rge. 44 E.B.M. Lot 2 → SW¼ NW¼ 39 A.
Lot 1 → NW¼ NW¼ 39
SE¼ NW¼ 39
NE¼ NW¼ 33
150 A.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

D. R. Bithell (son) accompanied me on the examination. Eliza Bithell is deceased and D. R. Bithell is now operating the farm. Diversion rate. One system consisting of pumps, tractor and one ½ mile line which is moved among the several points of diversion to irrigate various areas of the parcel. Diversion rate was determined by use of a pitot tube, taking several readings along the ½ mile line.

This examination was made on the 15 day of August 1972.

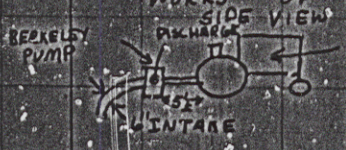
(Signed) John Faulkner W. R. Rhodes
Examiner

23 2065

✓ Norman C. Young, 11/2/72



WORKS OF DIVERSION




MEASUREMENT CALCULATIONS

30 MODEL 30 SPRINKLER NOZZLES at 25 PSI V HEAD = 6.83 GPM x 30 = 205 G.P.M.

$\frac{205\ G.P.M.}{448.8\ GPM/CFS} = .46\ C.F.S.$

V = 0.46 CFS x 19835 = 215 = 196

Q measured 4.6

Q recommended .46

Volume 196 AF/annum

Acreage

Found 158

recommended 158

Subdv. 4

Ammendments

☑ None

☐ P.D. } Reuse 4 pts of div. listed on permit?

☐ Place of use

☐

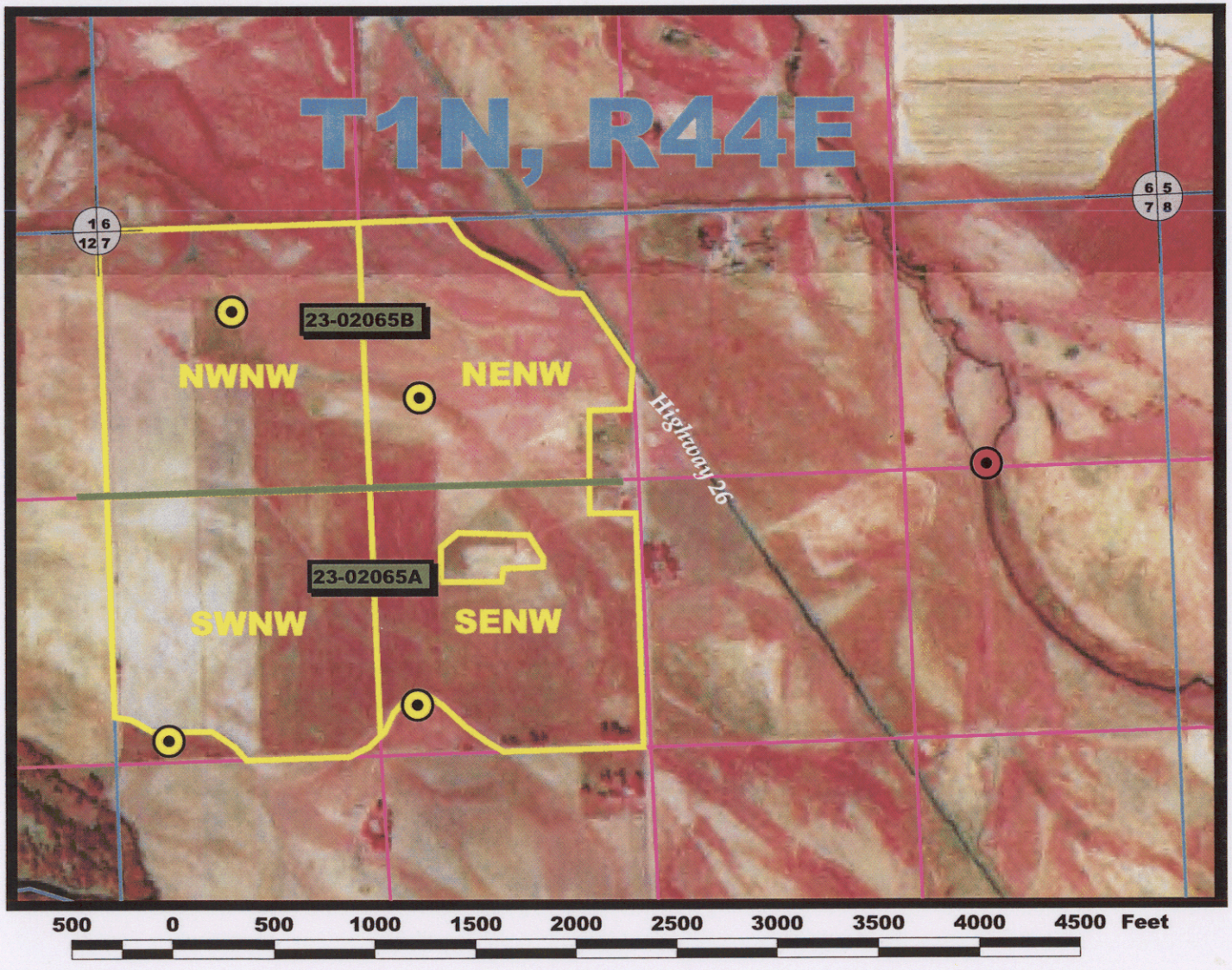
Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

23 2065

# State of Idaho

## Department of Water Resources

**Eastern Region**




**Water Right(s):**
**23-2065A**
**23-2065B**

**Place of Use: (parts of)**
**T1N, R44E Sec. 7**
**(A part) N2NW, (B part) S2NW**

**Point(s) of Diversion:**
**T1N, R44E Sec. 7**
**(A part) NWNWNW, SWNENW**
**(B part) SWSWNW, SWSENW**

**LEGEND**

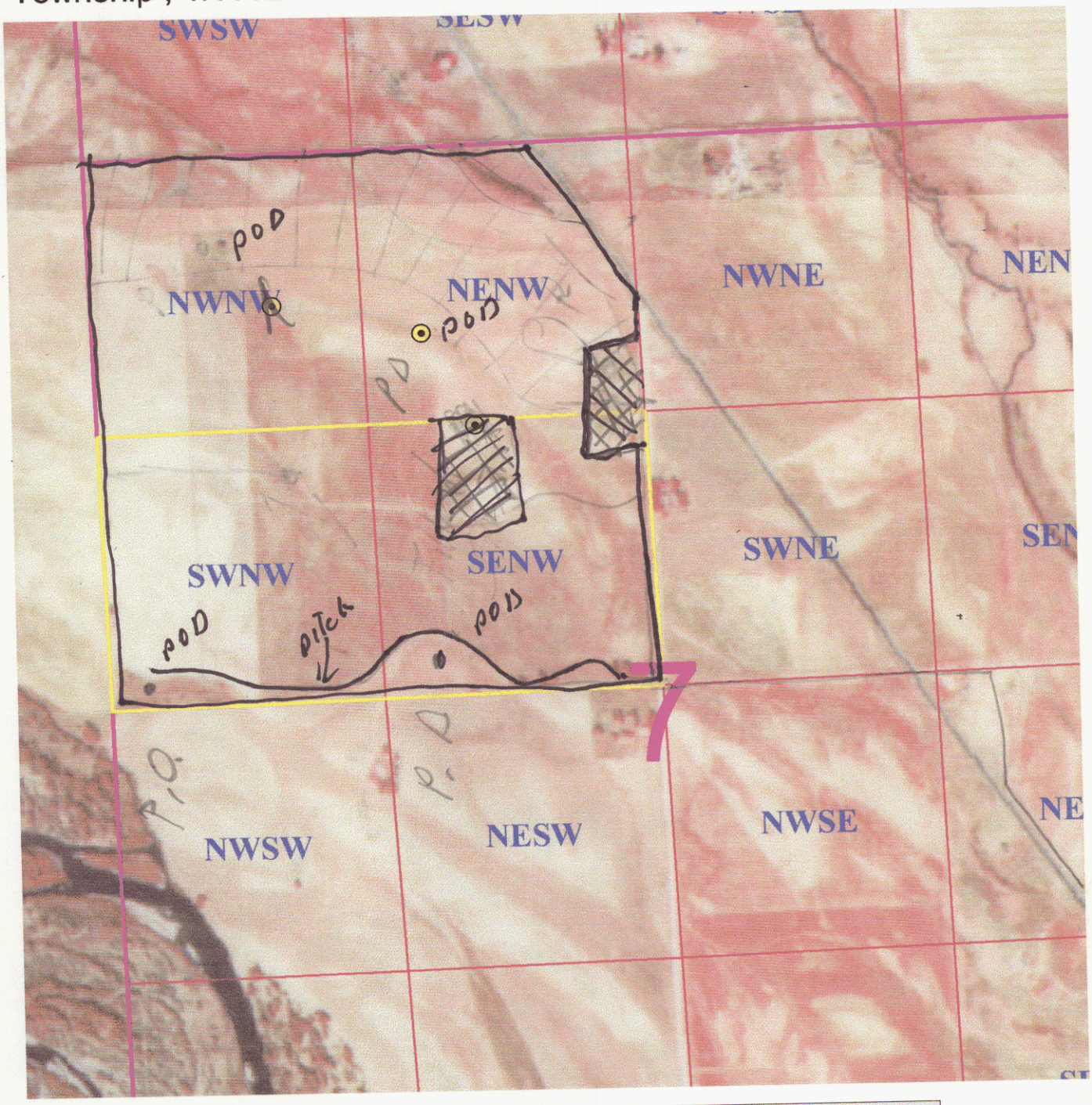
- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

**GIS Place of Use Illustration**
**1987/1988 NAPP Photography**
**Prepared by: A. Ruberry**
**Date: January 2004**

# Water Right Claim Number 23-02065A

06/05/2001

Township , 1N44E




**Legend**

- Irrigated Area
- Place of Diversion
- Section Line
- Quarter Section Line
- Roads
- Streams and Canals

N

SPATIAL DYNAMICS

500 0 500 1000 Feet

Missoula S.P.


A23-02065A
T1N
R4E
1
6
12
7
39
39
18
17
MICROFILMED
NOV 10 1992

A23-02065A

