

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: 34-23, 34-13619,
34-13620

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (Split) WESTERNESS -- WESTERNESS & BECK
- ☐ 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: May 1, 2001

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 4, 2001, 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:
WALTER WESTERNESS
RT 1 BOX 478
ARCO ID 83213

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
WALTER WESTERNESS
RT 1 BOX 478
ARCO ID 83213

WILBERT R BECK
LORA LEE BECK
2549 US HWY 93 N
ARCO ID 83213

4. One copy to:

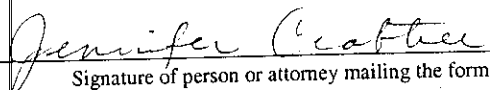
Each party in the subcase, or attorney of record
N/A

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

05/01/2001

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

RIGHT NUMBER: 34-13619
NAME AND ADDRESS: WALTER WESTERNESS
RT 1 BOX 478
ARCO ID 83213

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 0.140 CFS

PRIORITY DATE: 05/01/1885

POINT OF
DIVERSION: T04N R26E S26 NWNWNW Within BUTTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE WATERMASTER FOR WATER DISTRICT 34.^^^

PERIOD OF USE

05/01 10/15

QUANTITY

0.140 CFS

PLACE OF USE: IRRIGATION Within BUTTE County

T04N R26E S25 NESW 5.2

5.2 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 - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 34-23.
WATER IS DELIVERED THROUGH ARCO CANAL.



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

April 26, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WALTER WESTERNESS
RT 1 BOX 478
ARCO ID 83213

RE: Notice of Change of Water Right Ownership (NCO) for
34-23 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Westerness:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

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 the 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

RECEIVED

FEB 13 2001

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

Department of Water Resources
 Eastern Region

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

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, 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
<u>34 - 00023</u>		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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) are 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)

WALTER WESTERNESS

4. New Owner/Claimant(s)

WILBERT R BECK AND LORA LEE BECK

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2549 US 93 NORTH

City, State and ZIP Code

ARCO, IDAHO 83213

New Telephone Number

(208) 589 8733

5. Date you acquired the property

FILE No. _____

INSTRUMENT No. _____

NO. 0036634
RECORDED

FEB 02 2001

WARRANTY DEED

THIS INDENTURE, Made this 1 day of February in the year of our Lord, two thousand and 10.55 AM BUTTE COUNTY RECORDS PM Day/Women
Walter Westerness and Gladys Westerness, husband and wife, of Arco, County of Butte, State of Idaho, the parties
of the first part, and Wilbert R. Beck and Lora Lee Beck, husband and wife, of Arco, County of Butte, State of
Idaho, the parties of the second part:

WITNESSTH. That the said parties of the first part, for good and valuable consideration, to them in hand
paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and
sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to
their heirs and assigns forever, all of the following described real estate, situated in Arco, County of Butte, State of
Idaho, to-wit:

A parcel of land generally described as being a portion of the southwest quarter of Section 25, Township 4
North, Range 26 East Boise Meridian, Butte County, Idaho, and being more particularly described as follows:

Commencing at the west one-quarter corner of said Section 25, from which the southwest corner of said
Section 25 bears South 00 degrees 05' 07" East, 2648.24 feet; thence from the west one-quarter corner of said
Section 25, South 00 degrees 00' 07" East along the west boundary of the southwest quarter of said Section 25, a
distance of 524.00 feet to the POINT OF BEGINNING of this land description.

Thence North 89 degrees 54' 53" East, perpendicular to the west boundary of the southwest quarter of said
Section 25, a distance of 1449.65 feet; thence South 01 degrees 02' 51" West, a distance of 384.33 feet to an
existing fence line; thence South 88 degrees 46' 22" West, on or along said fence line, a distance of 1442.33 feet
to the west boundary of the southwest quarter of said Section 25; thence North 00 degrees 05' 07" West along the
west boundary of the southwest quarter of said Section 25, a distance of 413.00 feet to the POINT OF BEGINNING.

The above described parcel of land contains 13.23 acres, more or less.

Together, conveying with the above described land, 13 miners inches of waters of the Big Lost River with
priority date of May 1, 1885 together with full allocation of storage water in the Mackay Dam.

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

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the

34-10860.

A-481
R. Spraker
173-4

G 275.6

ARCO CANAL

NW CORNER OF SW 1/4
OF SECTION 25

NOT TO SCALE

MICROFILMED
DEC 09 1992



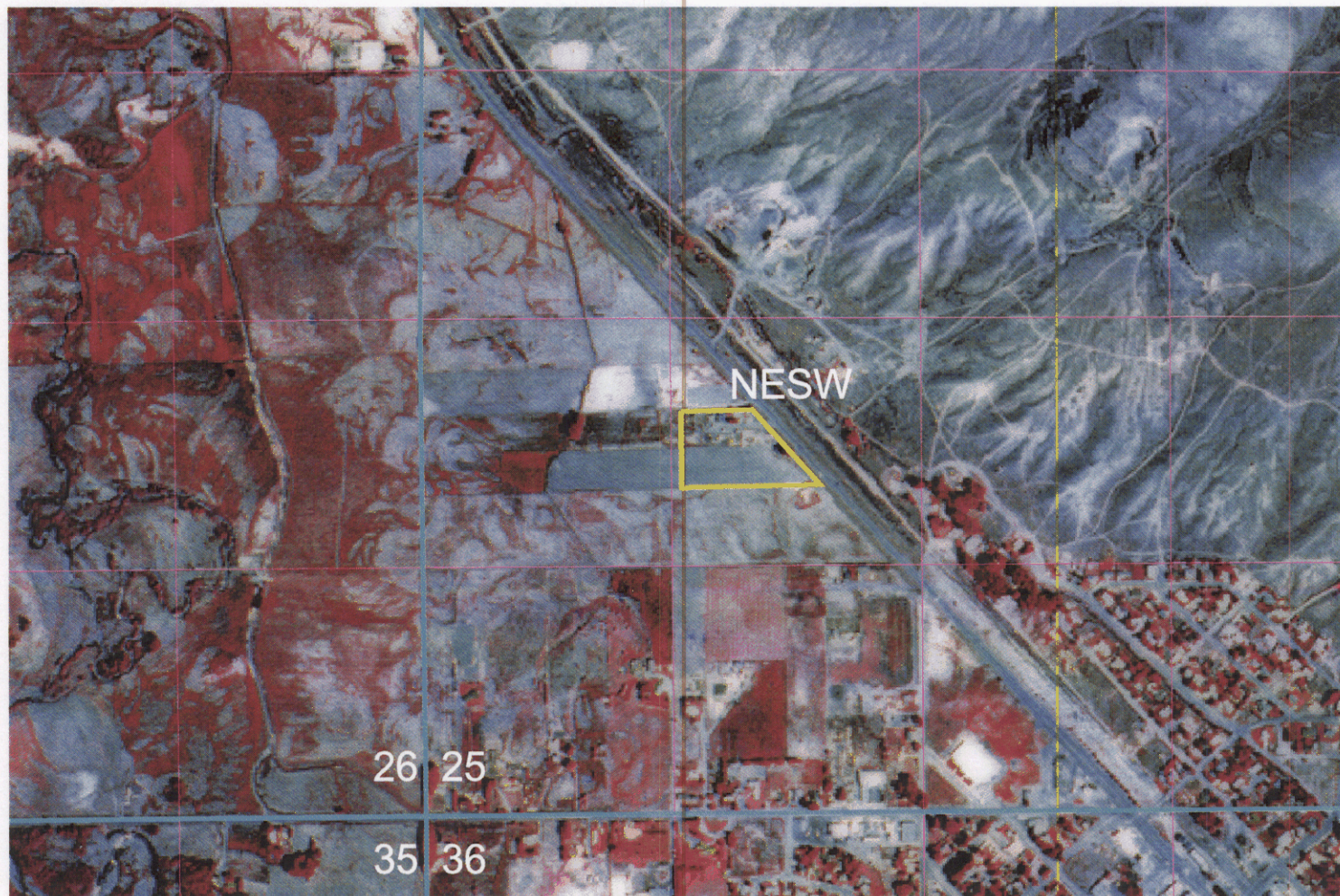
STATE OF IDAHO

Department of Water Resources

Water Right(s):

34-13619

T04N R26E

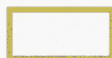


0 1320 2640 3960 5280 Feet

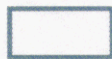
LEGEND



Point of Diversion



Place of Use



Section Line



Quarter-section line

Acres Irrigated = 5.2



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: May 2001

R2

114

CE NAPI 20



HEADGATE

HEADGATE

1085

DITCH

2500 N

26 25

475

35 36

T-522

NHSL/NW

①

114