



Fax Transmittal

3/14/2005

Attn: Candice McHough
Attorney General Office
Boise Id,
208-287-6700

From: Lee H. Sutton
1577 E. 10,000 S.
Rexburg, Id 83440

Subject: Please see 8 attached pages

Sincerely,

Lee H. Sutton

**pls scan & provide
under 22-10897
22-2242B
22-2232
and email H. Luby.
corry.*

3-14-05

Candice Mc Hough
ATTORNEY GENERAL OFFICE

Boise, Idaho

Fax # 208-287-6700

I have enclosed the Documents I talked to you about on Friday 3-11-05 in regard to an expanded Use Claim for Water # A22-10897

The document will explain what I have claimed for a Water right to apply water to expanded acres. I also have enclosed a copy of My Hand-written note of a phone conversation I had with you on 3-24-04. This note I realize was what I understood from our conversation on that day.

I am aware that you are not a Judge and that anything you tell me is not a judgement of claim, only an opinion of how your Dept. would view this claim.

I would very much appreciate your honest opinion regarding this claim; also if I misunderstood what I interpreted from our phone conversation of 3-23-04.

I would also appreciate a reply in regard to this.

Thank You! I appreciate your help!

Sincerely
Lee H Sutton

Lee H. Sutton
1577 E. 10,000 S.
Rexburg Idaho
83440

Home
~~208-356-6392~~ 208-356-6392
Mobil 208-370-7491
FAX 208-356-9217
E Mail Lee Haddy@ADL.COM

Phone Conversation Notes
of Conversation with Cordice Mc Hough

3-23-04

3-23-04
3-23-04

Talked to Nick Olson at Dept of Water Resources. He suggested I call a Cordice Mc Hough the Dept's Attorney in Boise For an opinion from Water Resources Department as to whether I could file for a water Right and prove Beneficial Use of Water to Expanded acres which I did not own.

This Ground is Ground owned by Garth Sutton, Grover Farms Ltd. After Hansen Estate and Covington brook. Cordice said it would be the Dept's opinion I could own the Water Rights as personal Property and if I were to lose or Give up the lease I could transfer those acres to another location. They would also not obtain a water Right to any Water works of mine such as well, pump main line etc.

I can obtain a Water Right attached to Ground I do not own.

Talked to Cordice Mc Hough at
1-208-327-5404
at 2:30 afternoon of 3-23-04

FAY

208-287-6700

Called on 3-11-05 287-4801

Now D+1 M A O -

Lee H. Sutton
1577 East 10000 South
Rexburg, ID 83440

March 9, 2005

Idaho Department of Water Resources

In Reference To Water Right Claim, for Proof of Use of Water pumped on to neighboring lands leased from neighbors Claim #A22-10897 was used for irrigation purposes.

This claim is a claim for irrigation of land for expanded acres in addition to Claim #A22-02242B. The Claim for #A22-02242B for 6.160 C.F.S. is a licensed claim and no claim to C.F.S. is here intended. This statement is to claim consumptive use of water that has irrigated additional land from a well on my property with some land being first watered in 1966 and some land being first watered in 1976.

I will explain as follows:

In 1965, my father drilled a well on property he had just purchased in early 1965. He applied for a permit with a priority date of January 28, 1965, original Water Right #32207/22-2232 and was granted a license on June 6, 1972, for 470 acres of ground with a total of 7.06 C.F.S.

In 1966, he rented ground from Russell Grover and Wesley Grover and Afton Hansen and Covington Brothers LTD and began spreading water from this well to irrigate an additional 289 acres of ground. This ground was leased on a cash lease with the understanding that the landowner would not acquire a water right that would injure or reduce his License or C.F.S. or acquire any right to his well or any water works, sprinkler, or distribution equipment. This ground will be listed later in this statement.

In 1976, Dad rented an additional 83 acres of ground from Afton Hansen located in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3 Township 4 N. Range 40 East. All of this ground has been continuously watered since that time on a cash lease basis with the agreement that the lessee had all rights to water applied to this land.

Idaho Department of Water Resources
Page 2

In 1980, my father, Jesse L. Sutton, died. In 1981 through 1985, my brother Steve J. Sutton and myself (Lee H. Sutton), continued to lease this ground. In 1986, my brother Steve and I split up and I have continued to water this ground listed below spreading the water to irrigate a total of 372 acres of ground that has been filed for consumptive use.

The ground herein described is all located in Madison County, Idaho, and is more described as follows:

Township	Range	Section	¼ of ¼	Use	Acres	
04N	40E	1	NW NW	IRR	35.0	
			SW NW	IRR	40.0	
			NW SW	IRR	27.0	
			SW SW	IRR	1.0	
			SECTION ACRES:			103.0
		2	NE NE	IRR	40.0	
			SE NE	IRR	40.0	
			NE SE	IRR	40.0	
			SE SE	IRR	19.0	
			SECTION ACRES:			139.0
		3	SW NE	IRR	38.0	
			SE NE	IRR	40.0	
			SE NW	IRR	5.0	
			NE SE	IRR	37.0	
			SECTION ACRES:			120.0
		11	SE NW	IRR	10.0	
			SECTION ACRES:			10.0
TOTAL ACRES:					372.0	

This Right, when combined with A22-02242B, shall not exceed 6.16 C.F.S. total diversion rate. This Right is an expansion of Right A22-02242B. The lands described in this permit do not belong to the claimant. Present Ownership has changed since the original application was filed on August 25, 1988. Current owners of the above claimed ground will be listed on the following page.

Idaho Department of Water Resources
Page 3

Current owners of the above claimed ground are as follows:

Covington Bros. LLC
% Joyce Covington
221 South 3rd East
Rexburg, ID 83440

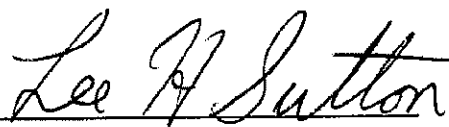
Garth Sutton
1295 East 10,000 South
Rexburg, ID 83440

Afton Hansen Family Trust
% Ruth Hansen
725 North 300 West
Richfield, UT 84701

Grover Farms, LTD
% Blair Grover
309 North 4500 East
Rigby, ID 83442

Attached to this document is a copy of an aerial map showing the above mentioned ground.

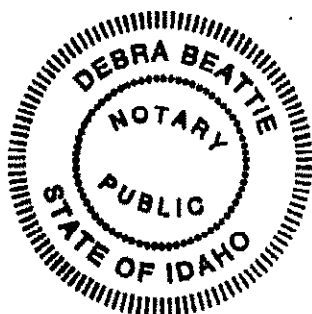
I hereby state that the information contained in this document is true and correct to the best of my knowledge.

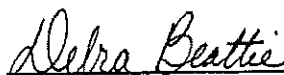


Lee H. Sutton
03-11-05

State of Idaho)
 S.S.
County of Madison)

On this 11th day of March, 2005, before me Debra Beattie, a notary public personally appeared Lee H. Sutton, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.





Debra Beattie, Notary Public
My Commission Expires 7-5-2009

