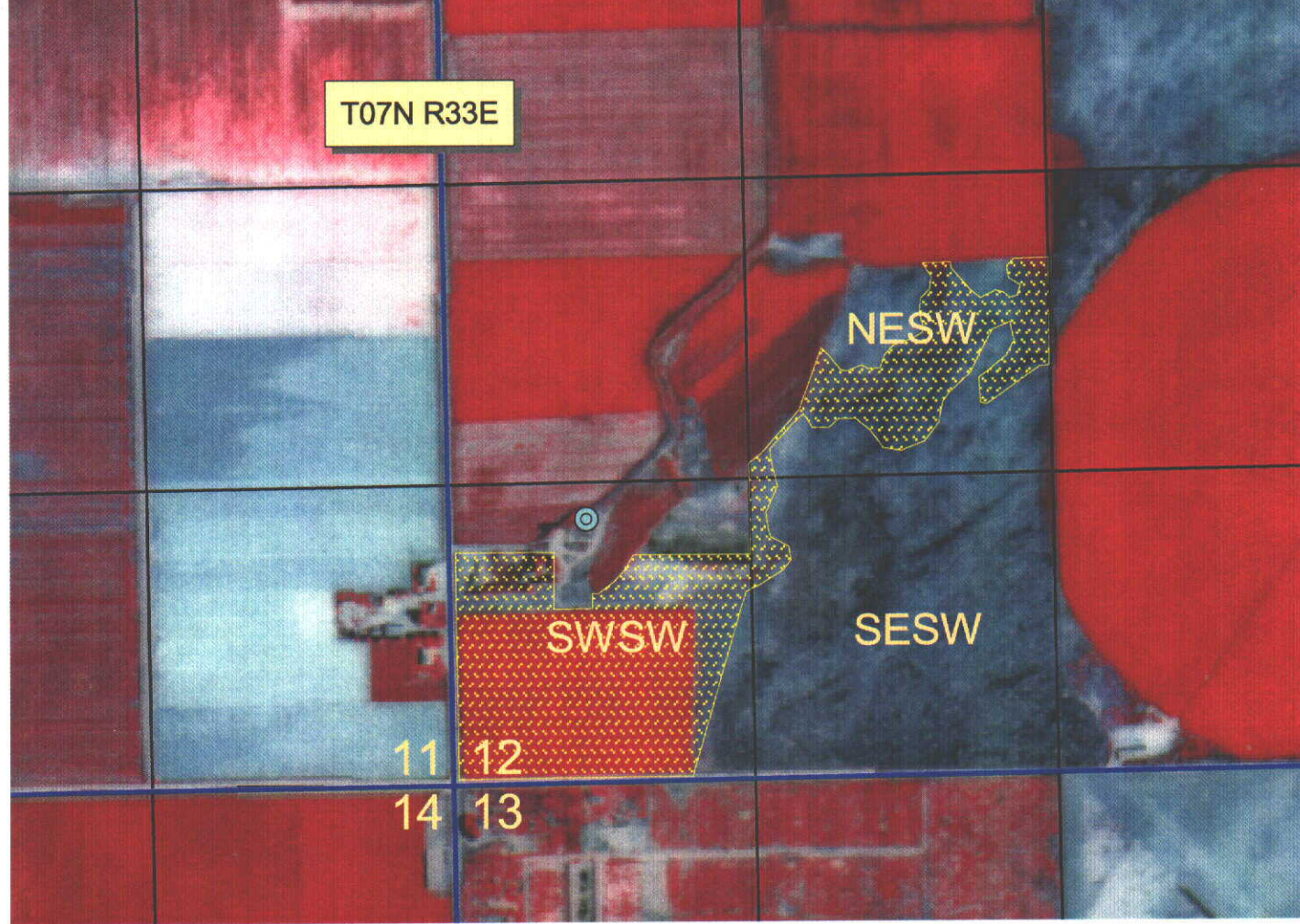
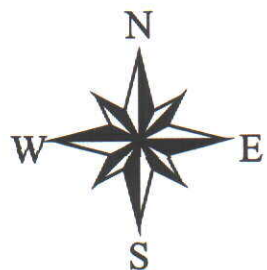




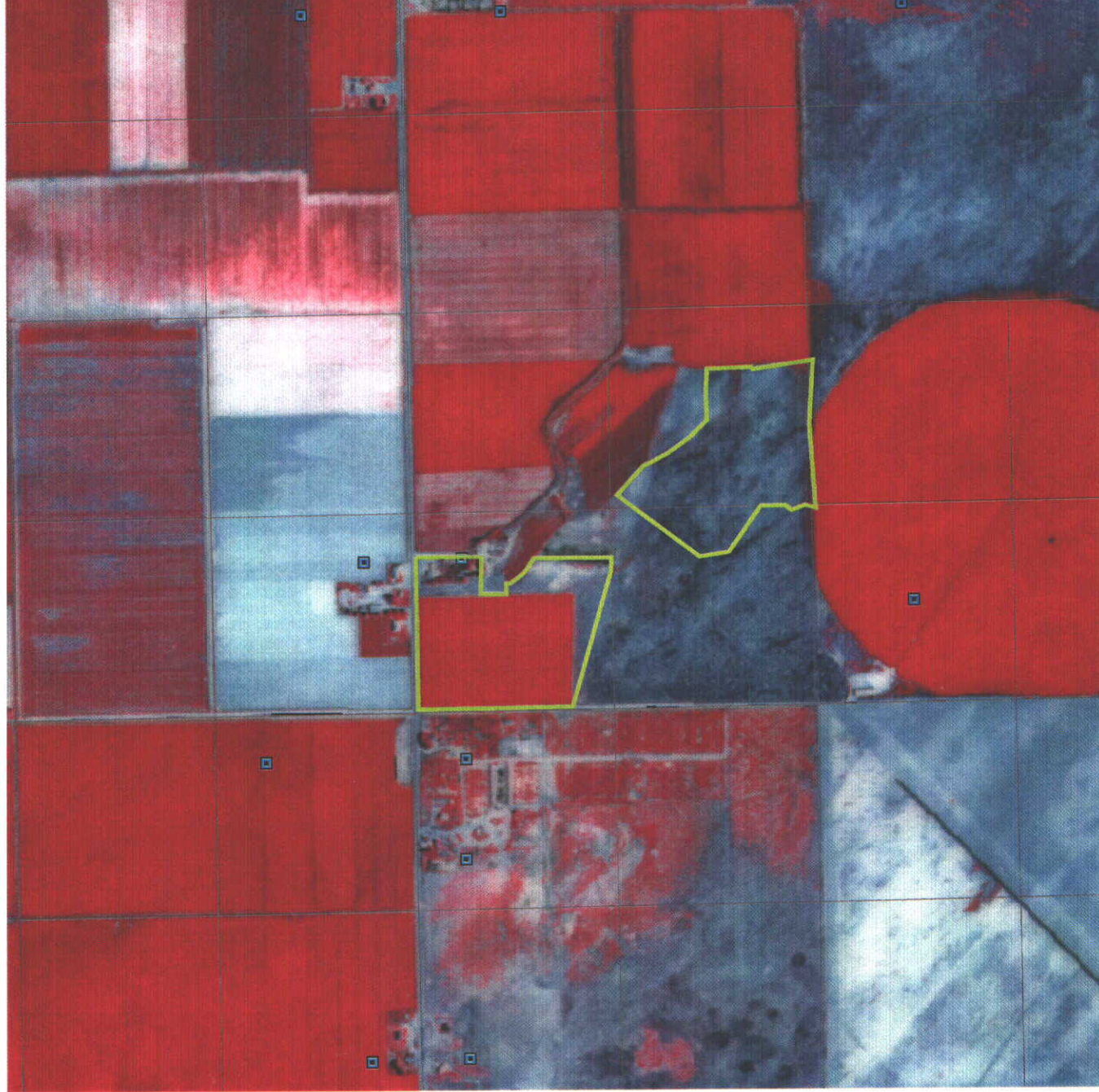
0 1320 2640 Feet

Irrigated Acres = 36.6

- Well.shp
- 31-10466.shp
- Sections
- QQ



GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepare by: E. Carlsen
 Date: April 2002



SOURCE: GROUND WATER

QUANTITY: 0.73 CFS
128.10 AFY

PRIORITY DATE: 04/01/1964

POINT OF DIVERSION: T07N R33E S12 NWSWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.73 CFS 128.10 AFY

PLACE OF USE: Irrigation

T07N R33E S12	NESW 10.2	Within Jefferson County
	SESW 1.2	SWSW 25.2
36.6 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


 Roger Burdick
 Presiding Judge of the
 Snake River Basin Adjudication

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 31-10466

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 31-10466 was mailed
on June 10, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ELMER & LIDA CARPENTER
ELMER D CARPENTER

Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

LIDA CARPENTER
HC 63 BOX 1782
TERRETON, ID 83450

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
06/10/02

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 31-10466
)

On April 19, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 31-10466 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED June 10, 2002



 ROGER S. BURDICK
 Presiding Judge
 Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

1. Name of Claimant(s)

LIDA CARPENTER Phone: (208)657-2205

HC 63 BOX 1782
TERRETON ID USA 83450

ELMER D CARPENTER Phone: (208)657-2

HC 63 BOX 1782
TERRETON ID USA 83450*Original
Claim sent
to court
12-12-01*

2. Date of Priority: 04/01/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	33E	12	NW SW SW	JEFFERSON	

5. Description of diverting works:

WELL, 18" CASING, 280' DEEP, 100 HP. MOTOR AND PUMP, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.96	

7. Total Quantity Appropriated is:
0.96 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

Claim amended to include additional acres per affidavit in file.

Electronic database given "temporary" status pending return of signed claim with additional fee of \$18.80.

15. Basis of Claim: Beneficial Use

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 _____ 20__ _____

Notary Public

Residing at _____

My commission Expires _____

1. Name of Claimant(s)

LIDA CARPENTER Phone: (208)657-2205

HC 63 BOX 1782
TERRETON ID USA 83450

ELMER D CARPENTER Phone: (208)657-2205

HC 63 BOX 1782
TERRETON ID USA 83450

2. Date of Priority: 04/01/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	33E	12	NW SW SW	JEFFERSON	

5. Description of diverting works:

WELL, 18" CASING, 280' DEEP, 100 HP. MOTOR AND PUMP, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.96	

7. Total Quantity Appropriated is:
0.96 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

13. Other Water Rights Used:

14. Remarks:

Claim amended to include additional acres per affidavit in file.

Electronic database given "temporary" status pending return of signed claim with additional fee of \$18.80.

15. Basis of Claim: Beneficial Use

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): Elmer D. Parpentes Date: 9/18/01

Date: _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of Sept. 2001. Blair Brown

Notary Public

Residing at Rigby, Idaho
My commission Expires 10/24/2003

March 27, 2001

Dean Carpenter
HC 63 Box 1782
Terreton, ID 83450

Re: Adjudication Claim 31-10466

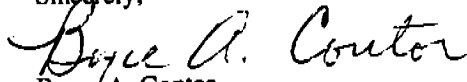
Dear Mr. Carpenter:

Enclosed is a copy of the adjustments I have tentatively made to this water right recommendation, based upon the affidavit you brought me this morning. 31-2296 did not need adjustment; it was recommended for the full original licensed amount.

This morning I didn't realize that the original claim 31-10466 was only for 25 acres. I have proposed recommending 43.8 acres, so I need you to return the enclosed amended claim with a notarized signature and a check for \$18.80 (\$1/acre for the extra acres).

I'm sorry for the inconvenience. Please call me if you have questions.

Sincerely,



Bryce A. Contor
Senior Water Resource Agent

enclosures

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LIDA CARPENTER Phone: (208)657-2205

HC 63 BOX 1782
TERRETON ID USA 83450

ELMER D CARPENTER Phone: (208)657-2205

HC 63 BOX 1782
TERRETON ID USA 83450

2. Date of Priority: 04/01/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	33E	12	NW SW SW	JEFFERSON	

5. Description of diverting works:

WELL, 18" CASING, 280' DEEP, 100 HP. MOTOR AND PUMP, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.5	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

13. Other Water Rights Used:

14. Remarks:

Claim amended to include additional acres per affidavit in file.

Electronic database given "temporary" status pending return of signed claim with additional fee of \$18.80.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELMER D. CARPENTER 208-657-2205
Address: HC 63 BOX 1782
TERRETON, ID 83450

AND/OR
Name: LIDA CARPENTER 208-657-2205
Address: HC 63 BOX 1782
TERRETON, ID 83450

2. Date of Priority: APR 01, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	33E	12	NW	SW	SW		JEFFERSON

5. Description of diverting works:
WELL, 18" CASING, 280' DEEP, 100 HP. MOTOR AND PUMP, FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:



11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Elmer D. Parmenter Date: 11-18-88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of Nov 19 88 Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 14 June 1994

MICROFILMED
NOV 17 1992

R33E R34E

469

57' 30"

468

R31-10466

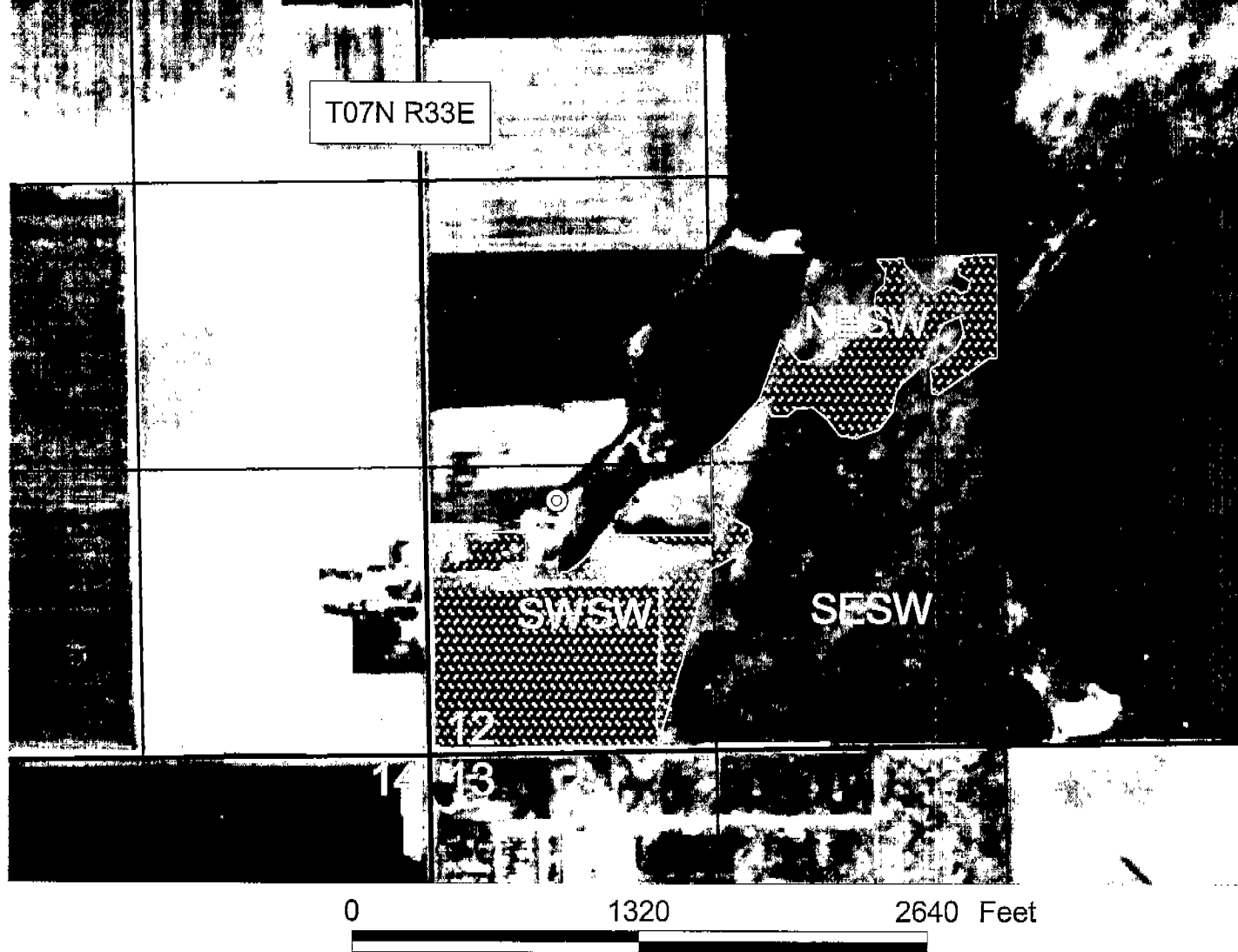
467

466

465

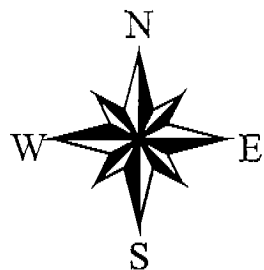
MICROFILMED

NOV 17 1992



Irrigated Acres = 36.6

- ⊙ Well.shp
- 31-10466.shp
- Sections
- QQ



GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepare by: E. Carlsen
 Date: April 2002



31-10466 SF5.RTF



31-10466.jpg

Ernie

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, April 10, 2002 4:26 PM
To: Carlsen, Ernie
Cc: Music, Vicky
Subject: RE: Dean Carpenter, 31-10466

We need an SF5 for this with a total 36.6 acres with a 1964 priority date. If you have questions, talk with Blair; he thinks you've already discussed this all with him. I would like to see the attachment before we route it. Thanks

-----Original Message-----

From: Carlsen, Ernie
Sent: Wednesday, March 27, 2002 9:32 AM
To: McHugh, Candice
Subject: RE: Dean Carpenter, 31-10466

Blair has a statement from the claimant which I understand was submitted with the amended claim so you may have a copy of it. Plus interviewed Mr. Carpenters son who worked with his dad on the property. Based on the information it appears to be a question of how many acres were irrigated and not whether irrigation took place. It is pretty obvious from the 1961 photo that the pasture was not irrigated that year but there was irrigation in the SWSW. Starting in the early 1960s, Mr. Carpenter leased the pasture for stock and the owner began running water under the fence to produce forage for grazing. Mr. Carpenter purchased the property in 1968 and by then improvements had been made to facilitate more extensive irrigation of the pasture, ie. land leveling and putting dikes to control the movement of water. Unfortunately photographic proof has not been provided.

The new place of use adds 11.2 acres to the 25 acres already recommended. I hope you can see this on attached jpg.

<< File: 31-10466 proposed.jpg >>

Ernie

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, March 27, 2002 8:27 AM
To: Carlsen, Ernie
Subject: RE: Dean Carpenter, 31-10466

recommendation was for 25 acres. Blair will contact Mr. Carpenter this evening and get his decision. If you feel I should be in on the conference call let me know.
Ernie

In Re SRBA

A. Subcase 31-10466

(insert water right number)

Case No. 39576

11

*Telecon with Candice
12/7/01. Informed me that
Carter is handling this
objection. Trial findings
are to allow
additional 25 acres.*

Please fill in the following information

B. NAME AND ADDRESS (

Name: Elmer andAddress: 2154 NorthTerretonDaytime Phone: (208)

Name & Address of Attorney, if any:

Blair GroverP.O. Box 36Rigby, ID 83442

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT & Amended Report

Name: Elmer D. & Linda CarpenterAddress: HC 63 Box 1782Terreton, ID 83450

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase 31-10466
) (Insert water right number)
)

Case 39576

) STANDARD FORM 4
)

) MOTION TO FILE: _____
)

) ☐ LATE NOTICE OF CLAIM
)

) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I am an attorney representing _____
My name is _____
My address is _____
My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

(800) 451-4129. I have enclosed a check payable to State of Idaho Department of Water Resources in the amount of \$ _____.

- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on September 18, 2001, at 1:30 P.M.

(Insert Date and Time)

at the U.S. District Courthouse, 801 E. Sherman, Pocatello, Idaho

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

My initial claim did not accurately describe the place of use, and
I need to correct it.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☒ Payment of the following additional fees required by IDWR:

\$18.80 for additional acres

Elmer D. Carpenter, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Elmer D. Carpenter
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 16 May 2001
(Insert Date)

Boris A. Brown
Notary Public for Idaho
Residing at: Rigby, Idaho
My Commission expires: 10/24/2003

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

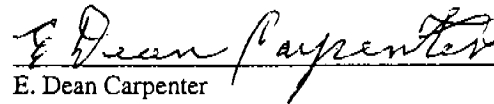
(Insert Names/address of parties)


Signature of person or attorney mailing the form

I, DEAN CARPENTER, affirm that in my affidavit signed in March, 2001, I intended to make clear that the irrigation of pasture by Andrew Becker, which I referred to in item three (3) of that affidavit, commenced prior to 1963. I saw this myself, as I was a neighbor to Becker and in fact rented pasture and ran calves on that piece of ground.

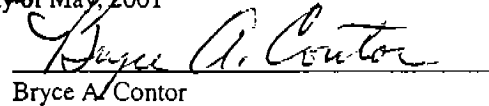
This is the land in question under Adjudication Claims 31-2296 and 31-10466, in the NESW and SESW of Section 12, Township 7N, Range 33E. The total irrigated acres (in 1963) would have been the acres shown on the attached 1961 farm plan, plus about 25 acres irrigated pasture within the area marked in red. The irrigated pasture is shown approximately by the yellow lines on the attached aerial photo.

Dated 2 May, 2001

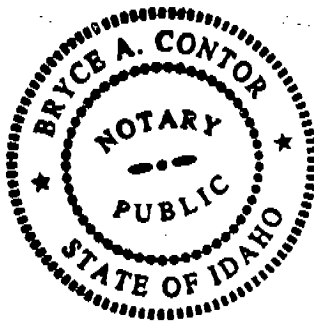

E. Dean Carpenter

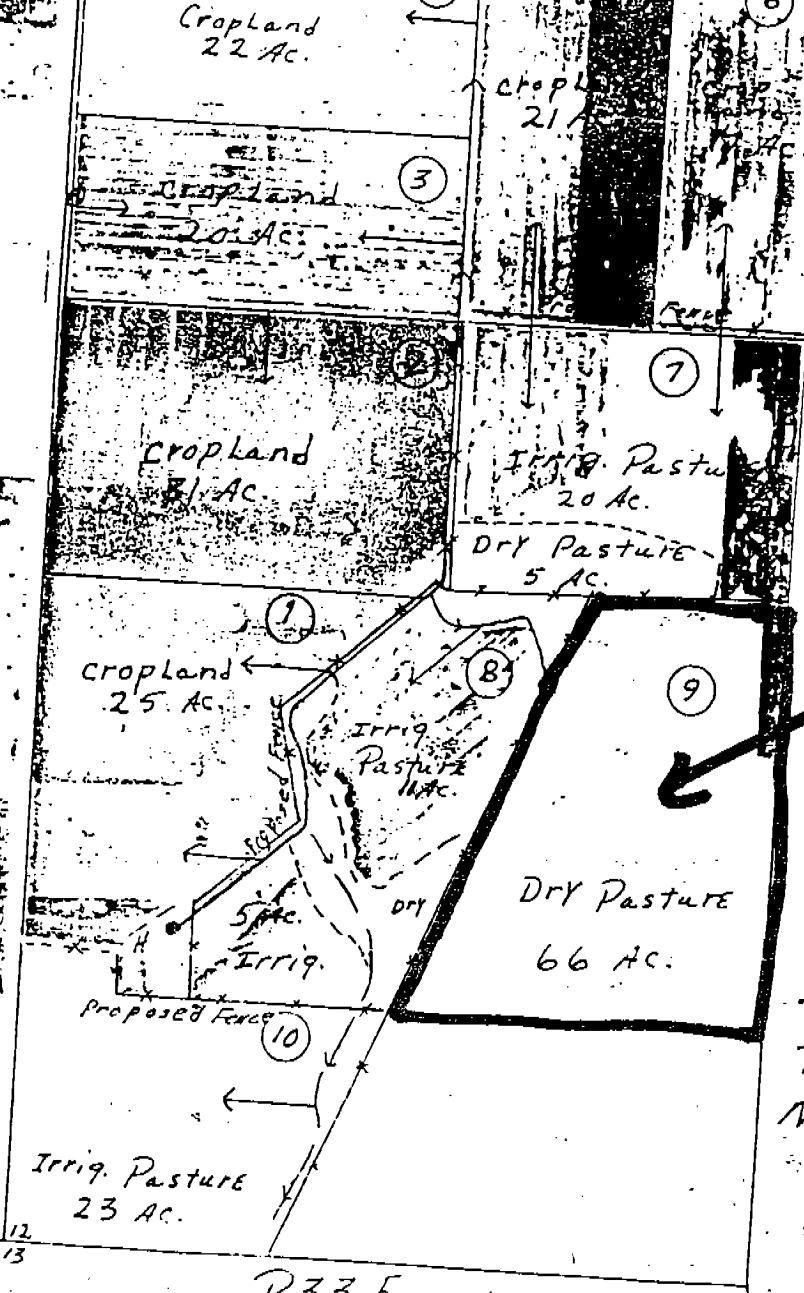
State of Idaho)
) ss
County of Bonneville)

Signed and subscribed before me this 2nd day of May, 2001


Bryce A. Contor

Notary Public for Idaho
Residing at Mud Lake, Idaho
Commission Expires 10/14/2005





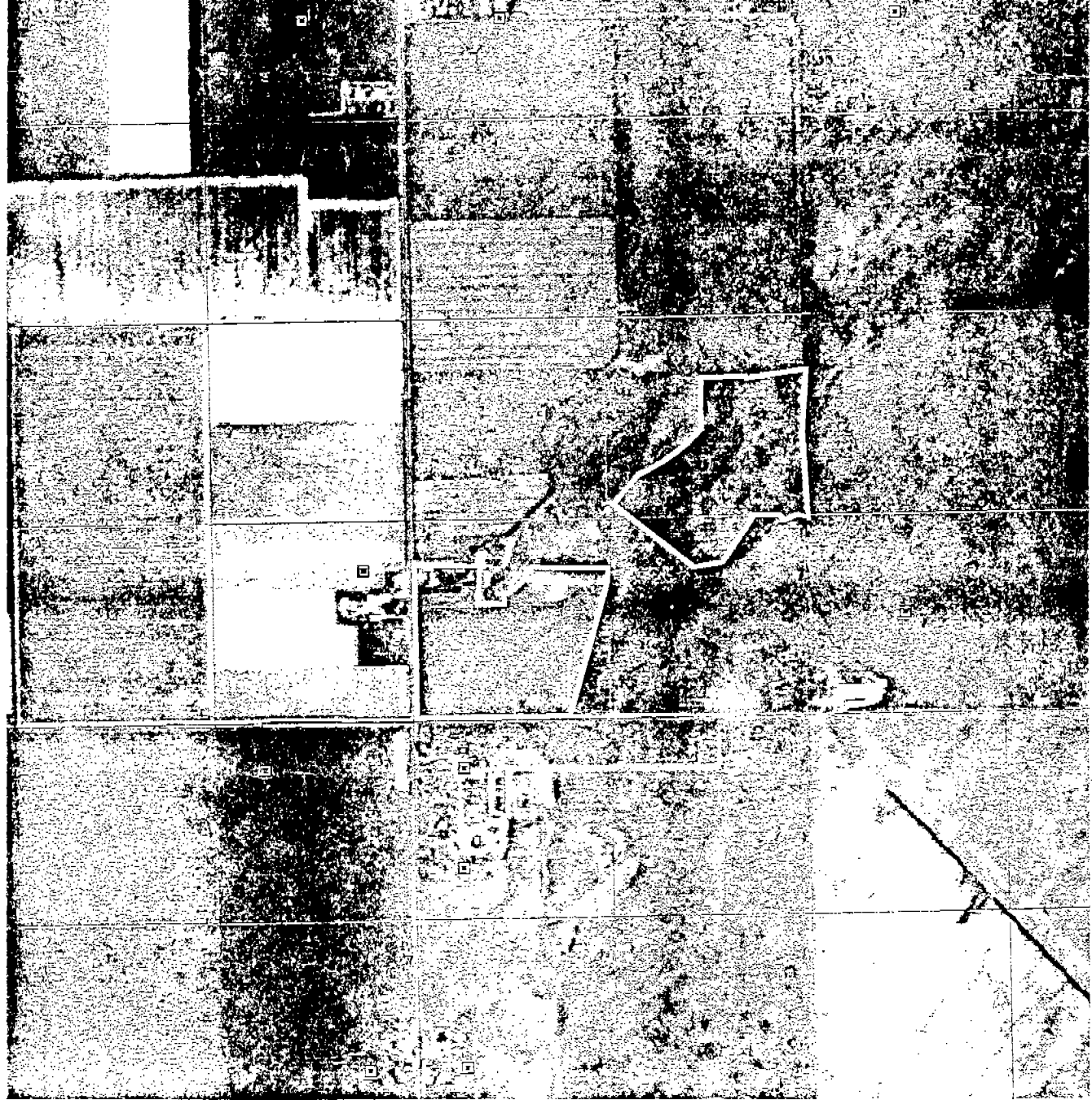
20 or 25
Acres with
this area

T
7
N

11 12
14 13

2002





Dean Carpenter
HC 63 Box 1782
Terreton, Idaho 83450

Re: Adjudication Claim 31-10466

Dear Mr. Carpenter:

Today the computer is working, so I prepared your amended claim to show the additional acres we discussed yesterday.

Within the next month, you should receive notice from the court of the Directors Report for your right. You may wish to object to the place of use recommended. This is the only way to change the acres, now that the Directors Report has been forwarded to the court. This will be a little complicated; here is a list of what needs to be done:

1. Fill out the objection form that will be in the packet. Object to the place of use. Return it to the address listed on the form, with a copy of the affidavit you signed yesterday. Keep the original for the amended claim.
2. Fill out the Standard Form 4, Motion to File Amended Notice of Claim enclosed with this letter. Fill out everything highlighted in yellow.

You will need to call the court to get a hearing date, to fill in the line on the middle of page three.

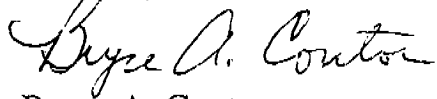
The signature needs to be notarized.

Standard Form 7-1. Keep a copy of everything for yourself.

When the objection period is done, Carter Fritschle will contact you about adjusting your recommendations. The court will set a hearing, probably in Rigby or Dubois. If you and Mr. Fritschle can come to agreement, you will report that to the judge and sign the papers, and the changes will be made. If not, the judge will schedule a trial where you or your attorney can explain to the judge why you disagree with the recommendations.

Please call me if you have questions. I wish you well.

Sincerely,

A handwritten signature in cursive script that reads "Bryce A. Contor".

Bryce A. Contor
Senior Water Resource Agent

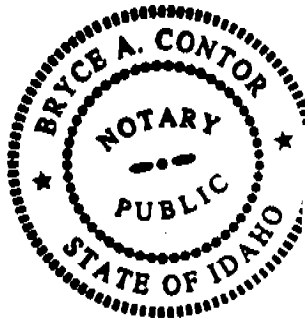
enclosures

clear that the irrigation of past
commenced prior to 1963. I s
ran calves on that piece of gro

This is the land in que
SESW of Section 12, Townshij
acres shown on the attached 19
red. The irrigated pasture is sh

State of Idaho)
County of Bonneville) ss

Signed and subscribed b



claim, nor a receipt
receipt for extra
acres. Tried to
prepare an amended
claim to send with
Carpenter but Workflow
had other ideas.

Claimant is planning to
file objection and petition
to file late amended
claim.

Original Affidavit with

avit,
and

ind
te
d in

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.73 CFS
128.1 AFY

PRIORITY DATE: 04/01/1964

POINT OF DIVERSION:

T07N R33E S12 NWSWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	<u>0.730 CFS</u> <u>128.10 AFY</u>

PLACE OF USE: IRRIGATION Within JEFFERSON County

T07N R33E S12	NESW	<u>10.2</u>	T07N R33E S12	SWSW	<u>25.2</u>
T07N R33E S12	SESW	<u>1.2</u>			

36.6 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: Beneficial Use

RIGHT NO. 31-02296 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

2. He has reviewed the map prepared from 1987-1998 NAIP photography by the Idaho Department of Water Resources and submits this affidavit in support of additional irrigated acreage.

3. Affiant acquired the property in 1968 from Andrew Becker (Becker) who had owned it for many years previous. During Becker's ownership, he pumped ground water into ditches and flood irrigated the properties. In addition to the cultivated properties as shown on ASCS maps, there was approximately 70 acres of what said maps identified as dry pasture. However, only part of it was dry. Affiant owned approximately four (4) acres nearby where he had a barn and corrals and where he raised approximately 20-30 Holstein heifers each year. In the summer, he rented the 70 acres of pasture from Becker for the heifers. There was a dike running East to Northeast through the so-called dry pasture. Becker would irrigate it approximately every two (2) weeks. The most easterly portion along the East boundary of the SW1/4 was irrigated from the cultivated crop land and he merely ran the water under the fence on that portion when he irrigated the crops. For the rest of the irrigated portion of the dry pasture, Becker would turn the water on one side of the dike until it covered what it could, and then move it to the other side of the dike. There was a total of approximately 20 acres thus irrigated located mostly in the NE1/4SW1/4, with a little in the SE1/4SW1/4. Usually, it was irrigated about every two (2) weeks. Attached as Exhibit A is the IDWR photo map showing the additional acreage colored in pink, to which affiant is entitled.

When the undersigned acquired the properties from Becker, he continued the practice of irrigating approximately 20 plus acres of the so-called dry pasture because he needed it for his heifers. He continued that irrigation practice until 1990 when the circles were installed. That eliminated the pasture so affiant ceased raising heifers.

4. The attached IDWR photo map does not include all of the irrigated acreage in the SW1/4SW1/4. There should be 23 irrigated acres in the SW1/4SW1/4 south of the buildings as shown on the ASCS map attached as Exhibit B. That is a map prepared by the ASCS for Becker. Again, affiant continued the irrigation practices of Becker after he acquired the property and he

STATE OF IDAHO)
) ss
County of)

E. DEAN CARPENTER, being first duly sworn on oath, deposes and says that he is the above named Affiant, has read the foregoing Affidavit, knows the contents thereof, and verily believes the same to be true.

E. DEAN CARPENTER

Subscribed and sworn to before me this _____ day of March, 2001.

(Seal)

Notary Public for Idaho
Residing at:
Commission Expires:

I, DEAN CARPENTER, affirm that in my affidavit signed in March, 2001, I intended to make clear that the irrigation of pasture by Andrew Becker, which I referred to in item three (3) of that affidavit, commenced prior to 1963. I saw this myself, as I was a neighbor to Becker and in fact rented pasture and ran calves on that piece of ground.

This is the land in question under Adjudication Claims 31-2296 and 31-10466, in the NESW and SESW of Section 12, Township 7N, Range 33E. The total irrigated acres (in 1963) would have been the acres shown on the attached 1961 farm plan, plus about 25 acres irrigated pasture within the area marked in red. The irrigated pasture is shown approximately by the yellow lines on the attached aerial photo.

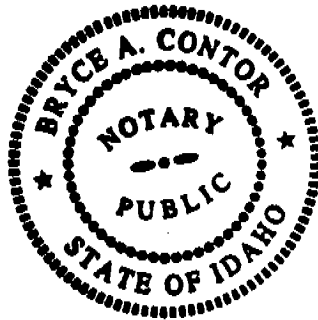
Dated 2 May, 2001

E. Dean Carpenter
E. Dean Carpenter

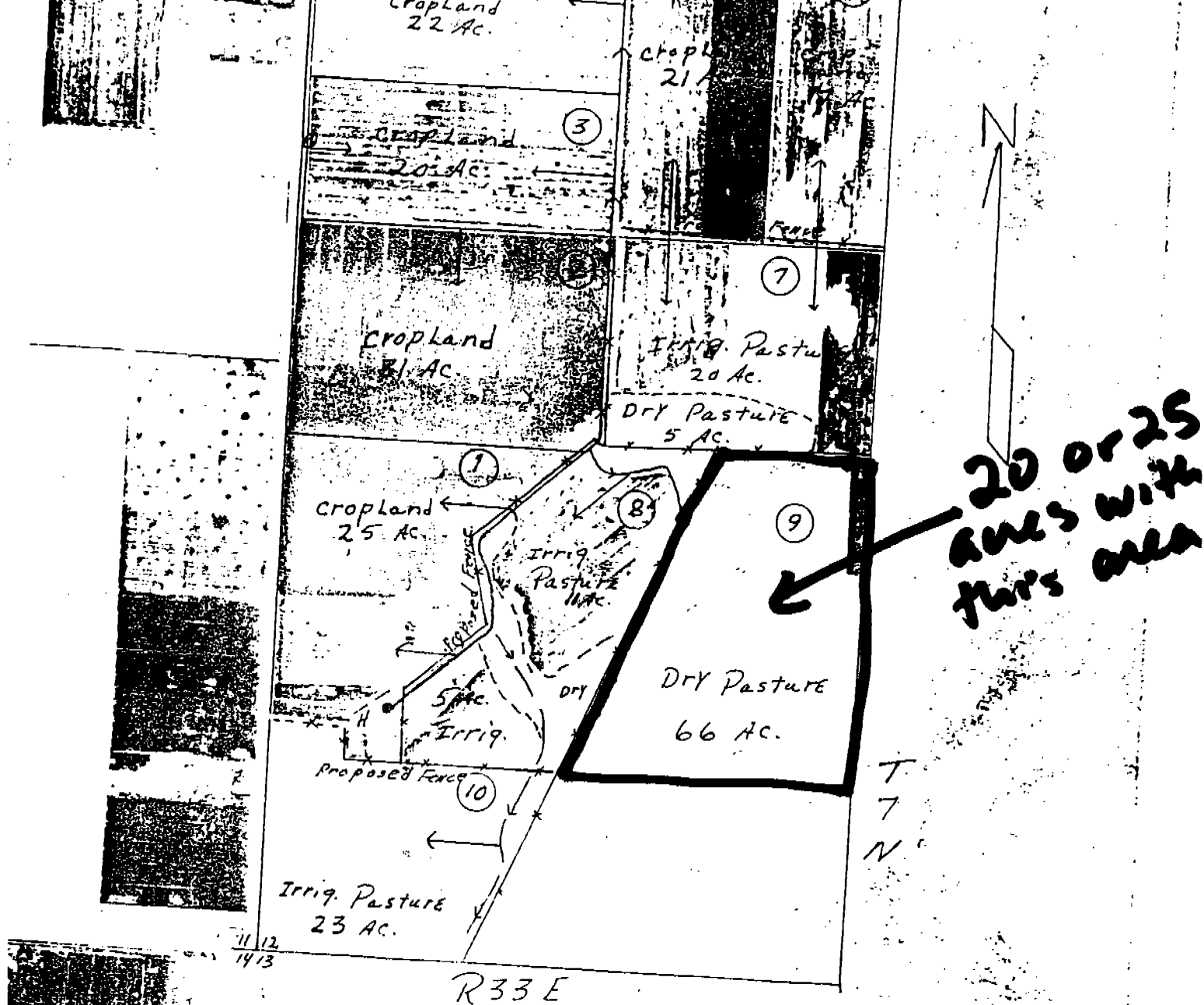
State of Idaho)
) ss
County of Bonneville)

Signed and subscribed before me this 2nd day of May, 2001

Bryce A. Contor
Bryce A. Contor

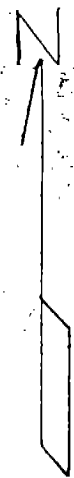
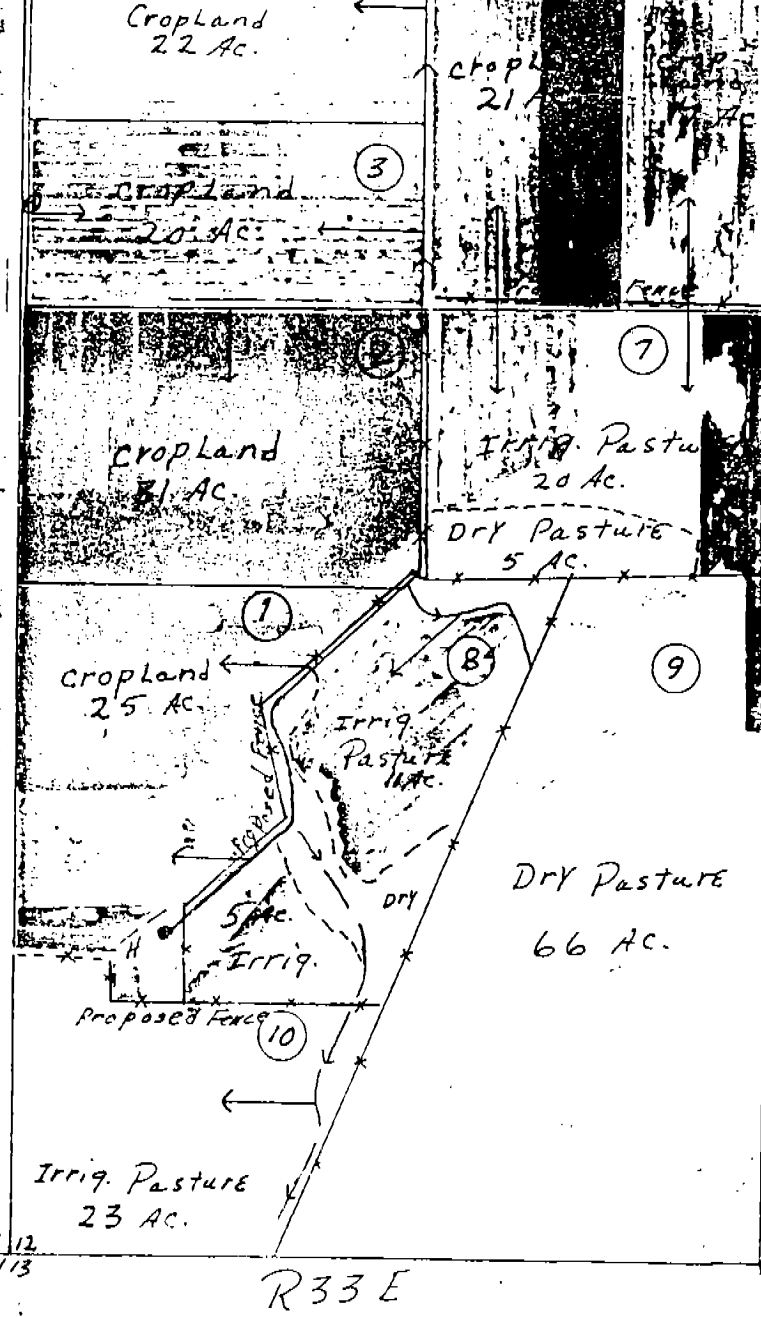


Notary Public for Idaho
Residing at Mud Lake, Idaho
Commission Expires 10/14/2005



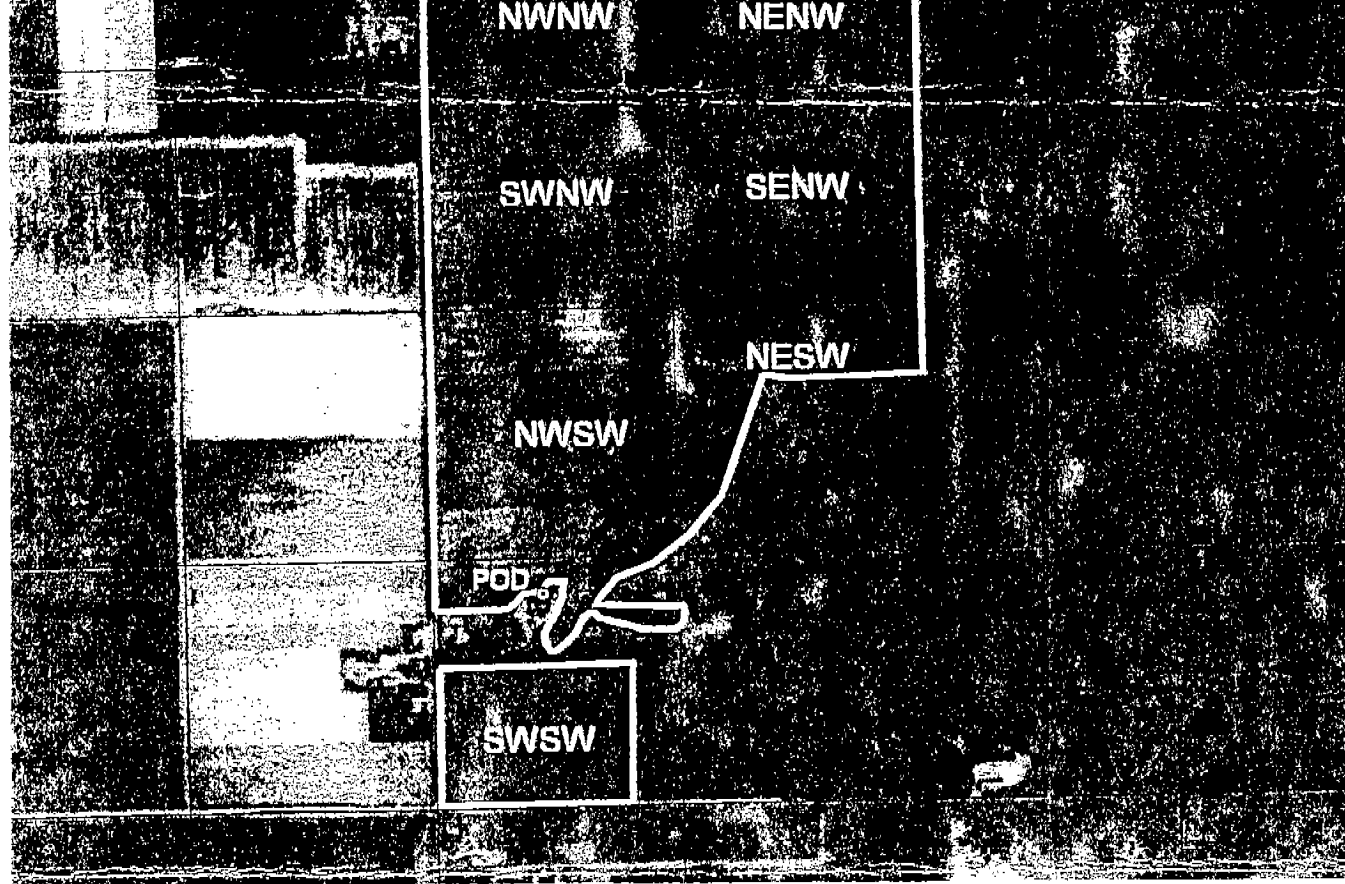
Eric





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7
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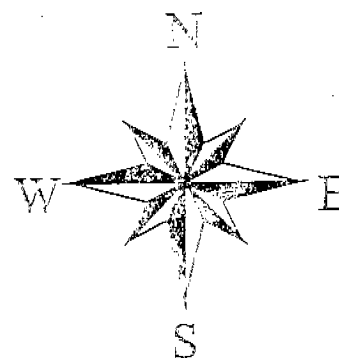


600 0 600 1200 1800 Feet



T07N R33E S12

Map prepared by: Carter Fritschle
Date prepared: 11-17-00
1987-1988 NAPP photography
Idaho Department of Water Resources



above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY
Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

MICROFILMED

STANDARD FORMS BUREAU FORM 16 (APRIL 1924)

ASSIGNMENT OF POLICY (ACTUAL SALE AND TRANSFER OF PROPERTY)

Attached to and forming part of Policy No. 11- 79344 of the Oregon Mutual Fire Insurance Co.
Issued to Leo C. ("Bud") Lockes
Agency at Rigby, Idaho, Dated Dec 4, 1956

The ownership of the property described in the above numbered policy of the above named Insurance Company, having actually passed to

ANDREW J. BECKER

MONTEVIEW, IDAHO

whose mailing address is _____
(herein termed "Transferee"), the undersigned Transferor, for value received, hereby transfers and assigns unto said transferee all the title and interest of said undersigned Transferor in said policy, subject to all the terms and conditions thereof.

In witness whereof, said undersigned Transferor has executed these presents this 4th day of December, 19 56

Witness

Don C. Archibald

Leo C. ("Bud") Lockes

CONSENT TO ASSIGNMENT

The undersigned Insurance Company hereby consents to the foregoing assignment, subject to all the terms and conditions of the above numbered policy of said Company; it being understood that this consent is granted upon the express condition that the above named Transferee shall be liable to said Insurance Company for all premiums now due, or which may hereafter become due, on said policy. This consent is granted upon the further condition that the same shall only be valid and binding if actually attached to said policy. Said Transferee by acceptance of this consent agrees to all of the foregoing conditions.

OREGON MUTUAL FIRE Insurance Company



By

Don C. Archibald
Don C. Archibald Agent's Signature

Agent

APR 15 1954

MICROFILMED

11-79344

No. 28953 bearing date of priority of October 27, 1949, the holder of Permit NO. 21271, issued upon Application
6.4 second feet of the waters of a well (subterranean flow)

County of Jefferson, State of Idaho, for irrigation and domestic
purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof
of completion of the works of diversion set out and described in said Permit; that said works are adequate for
diverting and conveying to the place of intended use four (4)
second feet of the waters of said well;

that the point of diversion of said waters is in the SW¹/₄ SW¹/₄ Section 12, Township 7 North,
Range 33 East, B. M.

and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

MICROFILMED

APR 15 1994

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Nº 27072

Boise, Idaho, Nov 30, 1954

RECEIVED FROM Bud C. Ricketts of Terrington, Idaho \$ 5.00
Five and no/100 DOLLARS

FOR

Carey Act Trust Fund	- - \$	
Application for Permit No.	- \$	
Proofs <u>014-22221</u>	- \$	<u>5.00</u>
Certified Copy	- - - \$	
Recording Deed	- - - \$	
Certificate	- - - \$	
TOTAL	- - - \$	<u>5.00</u>

Mark R. Riehl
State Reclamation Engineer

By Jeanne K. Anderson

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APR 15 1994