

Notes

Claims A27-50, A27-16

- 1/ Exam done of above claims on 4-14-04
- 2/ P.O.D is a metal gate (screw) with wood check boards & no measuring device to a ditch to a sump hole & pump in the SW 1/4 Sect. 17 to Pivots & sprinklers on P.O.U.
- 3/ GPS data - 2662801 File # 27-16
1341290 NO GPS tag
- 4/ This point of division also takes Eastern Idaho Water Co. shares for use on property.
See rights A27-22D & A27-35D
- 5/ Map & photo in File A27-50
- 6/ See Affidavit of Harrison Cox in file about accomplished transfer of source & P.O.D.

Notes

9/19/03 Cox Enterprise claimed a different source, then the second source. No transfer was filed that changed the source or POD.

Please find out when the POD was changed. Because changing the source would cause injury to other witnesses deceased rights. There priority date would be junior to this right.

9/22/03 Ownership change from Cox Enterprise to Natural Guardian LTD Partnership.

1 Right was moved in "1980's" prior to 1987. P.O.U may need to be changed.

2/ Check on transfer + see if place in use in E. Sec 16 was intended place of use.

* Cox Enterprise transfer should be the claimant
Check Transf book

* No transfer for Cox E.
on file for this

Bird, Cindy

From: McHugh, Candice
Sent: Thursday, May 13, 2004 9:00 AM
To: Bird, Cindy
Cc: Music, Vicky
Subject: RE: Natural Guardian

Cindy,

I review the file. But a short answer is yes, we can subordinate this water right to others on Wolverine Creek to avoid injury. Unless the Blackfoot water rights are upstream from the confluence of Wolverine Creek and the Blackfoot River, couldn't these water rights on Blackfoot make calls on the junior water rights on Wolverine Creek anyway?

Candice

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

From: Bird, Cindy
Sent: Wednesday, May 12, 2004 12:44 PM
To: McHugh, Candice
Cc: Music, Vicky
Subject: Natural Guardian

REF: 27-4L, 27-29E, 27-16, 27-50 and 27-52.

Cox Enterprise (previous owners) filed transfer 2445 in May 1980 moving the POD, source and POU from the Blackfoot River to Wolverine Creek and the transfer was approved in October of 1980.

SRBA claims 27-29E and 27-16 were both decreed to the Blackfoot River but they claimed Wolverine Creek in the SRBA. I don't have a copy of any transfer that was filed to change the POD and source on these claims. Vicky you might verify that in the water right file. They sent in an affidavit from W. Harrison Cox that states "they leased/purchased this water from Mr. Taylor and with Ed Hall's (water master at the time) assistance and knowledge they moved these two rights to Wolverine Creek about 1980 or before."

Does it make sense to you that they would file a transfer in 1980 for 27-4L changing the POD, POU and source but didn't file on 27-29E or 27-16? According to the affidavit they finishing paying for the rights in 1988 or early 1989.

The problem is the priority date: 27-16 is senior to all of the decreed rights on Wolverine Creek and 27-29E is senior to about 1/2 of the decreed rights. Could the priority date be move to a junior date? Or just add a remark/condition stating that it would be junior to all other rights on Wolverine Creek?

Cindy

Bird, Cindy

From: McHugh, Candice
Sent: Monday, August 09, 2004 3:17 PM
To: Bird, Cindy
Cc: Carlsen, Ernie
Subject: RE: Natural Guardian

Cindy,

I've finally looked at these transfer files.

- 1) I don't see a transfer on 16 or 29E that moves the p/d from Blackfoot to Wolverine although there are several transfers that change p/d but down river. However if there is evidence that the change took place prior to 1987 (as stated by Mr. Cox) the accomplished transfer statute would apply so long as the change doesn't cause injury.
- 2) Because there's a transfer approving a change in 27-4L which apparently is used with this water, I would think it was possible an accomplished transfer could have occurred. Note the condition on the transfer for 27-4L that says "The change in point of diversion identified by this transfer shall not be allowed to injure any existing water users on Wolverine Creek or Blackfoot River." We could use language to prevent injury if we approve an accomplished change on 29E and 16. I will defer to Ernie on language -- something to the effect that water is only available at Wolverine Creek p/d when it would have been available at the original p/d -- OR, we can make the priority date subordinate to those on Wolverine Creek in times of shortage. I'm just not sure what would be required to mitigate for injury if we change the source and p/d for all the water rights.
- 3) I think we confirm how they are currently using the water, is there evidence the current use occurred prior to 1987 and if so can we apply the accomplish transfer with some mitigating language to prevent injury?

Candice

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Cindy

Notes

5/12/04 Transfer changing source? No. Only an affidavit from W. Harrison Cox that they moved it "about 1980 or before".

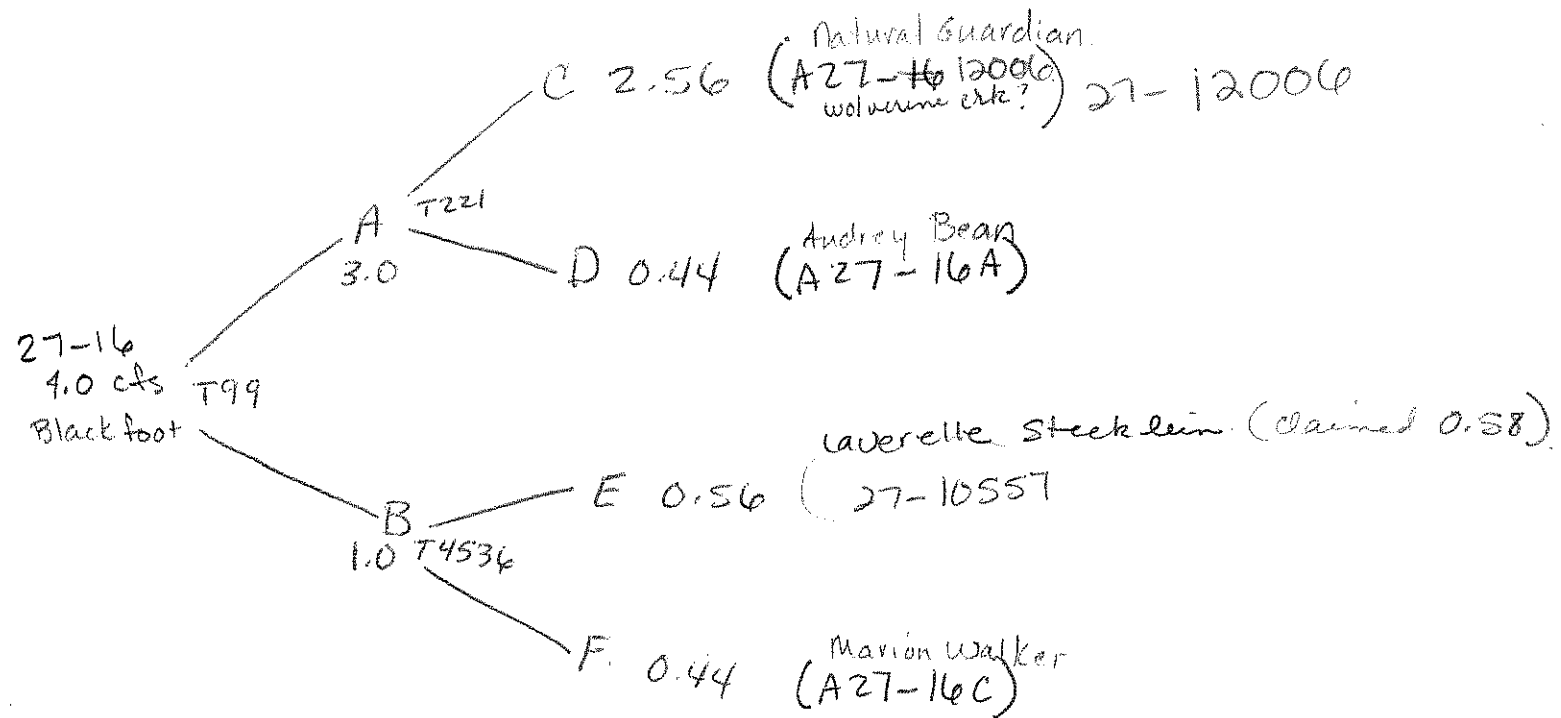
- emailed carded about the priority date because it is earlier than all other rights on Wolverine etc.

In 1980 they filed transfer 2445 on 27-42 changing prod. pay and source to Wolverine Csk.

Claim needs to be numbered. There are others

27-16 Claims 5/12/04 numbered to 27-12000. CB.

file 16A



WATER RIGHT NUMBER	NAME	CFS
27-00016	Split into 27-00016A & B by Trans. #99.	
27-00016A	Split into 27-00016C & D by Trans. #221.	
27-00016B	Split into 27-00016E & F by Trans. #4536.	
27-00016C	MISSLEN , LEON	2.56 (A 27-16)
27-00016D	CALDWELL , ZANE	0.44 (A 27-16A)
27-00016E	JOHNSTON , PETER G	0.56 (27-10557)
27-00016F	WALKER , MARION P	0.44 (A 27-16C)

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MAY 16 1995

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Cindy

POU COMPARISON REPORT
T2S, R38E, SEC. 17

Type	WR #	Owner	Source	TR#	NENE NWNE SWNE SENE NENW SNWN SENW NESW NNSW SWSW SESW NESE NWSE SWE SESE Total								
Claim	27-16	NATURAL GUARDIAN LTD PARTNERSHIP,	WOLVERINE CREEK	02S38E17	32	14	20	30.5	34	4.5	38	15	188
Claim	27-4L	NATURAL GUARDIAN LTD PARTNERSHIP,	WOLVERINE CREEK	02S38E17	11								11
Claim	27-50	NATURAL GUARDIAN LTD PARTNERSHIP,	WOLVERINE CREEK	02S38E17	32	14	20	30.5	34	4.5	38	15	188

5-8-35

Phone

Phone Number:**Phone Number:**

Relationship to Claimant:

Time:

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20-22 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

Date:

Contacts Data Entry Form

