



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

10 March 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Chesterfield Land & Livestock Co.
% Layne Hamilton
839 W. Riverton Road
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claims 27-11988, 27-11989, 27-11245

Subject: AMENDING YOUR CLAIMS

RESPONSE DATE: 22 March 2004

Dear Claimant(s):

After reviewing the above referenced claims I'm recommending you amend these claims. Please review each of these amended claims and if you agree you will need to sign them in front of a notary.

If you have any questions please feel free to contact me at 547-3993 in Soda Springs.

Respectfully,

Cindy E. Bird
Adjudication Bureau

COPY

CEB/bjp

Enclosures:

- Amended Notice of Claim To A Water Right 27-11988
- Amended Notice of Claim To A Water Right 27-11989
- Amended Notice of Claim To A Water Right 27-11245

IN THE MATTER OF:

AFFIDAVIT

Water Right-Priority Date)
State of Idaho)
County of Bingham)

Clyde Twitchell being first duly sworn,
deposes and says : (Cont.) Warbonnet Creek. It was obvious from
the solid grassed in nature of the ditches, that they had been
in use prior to 1927. My cousin George Carson, was the
forman for the Austin Sheep Company, and I was at Graves
Creek often. In 1967 Chesterfield Land and Livestock purchased
the land from Austin Sheep Company and I helped irrigate from
Graves Creek and Warbonnet Creeks using the same ditches I had
seen used since 1927.

Clyde Twitchell
(Signature)

Subscribed and sworn to before me this 18th day of July, 2003.

Karen McHenes
(Notary Public)

Residing at Bingham County
My Commission Expires 02-23-2004



ten.

(seal)

Earle C. White, Notary Public

Recorded at the request of E. C. White, Sep 11th, 1909 at 3.23 P. M. E. G. Gallet Recorder. By W. A. Hyde Deputy Fee \$1.20

Transcribed from Bannock County Records, Deed Record No. 17, page 455.

Instrument No. 14778.

QUITCLAIM DEED.

This Indenture made the 12th day of August in the year of our Lord One Thousand

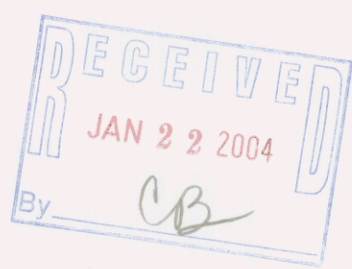
Nine Hundred and nine between Inga Rademacher and August Rademacher her husband of Pocatello of the County of Bannock and State of Idaho the parties of the first part, and Jane Williamson of Pocatello of the County of bannock and State of Idaho, the party of the second part, Witnesseth, That the said parties of the first part, for and in consideration of the sum of One Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said party of the second part, and to her heirs and assigns forever all those certain pieces, parcels or lots of land situated in Bannock County of the State of Idaho, and more particularly described as follows, to-wit:-

The West half ($\frac{1}{2}$) of the Southwest quarter ($\frac{1}{4}$); the Southwest quarter ($\frac{1}{4}$) of the Northwest quarter ($\frac{1}{4}$); and lot four (4) Section 4; the North half ($\frac{1}{2}$) of the Northwest quarter ($\frac{1}{4}$) the southeast quarter ($\frac{1}{4}$) of the Northwest quarter ($\frac{1}{4}$), Section nine (9), the Northeast quarter ($\frac{1}{4}$) of the Northeast quarter ($\frac{1}{4}$) Section eight (8) all of said lands being in Township five (5) south, Range thirty nine (39) East of Boise Meridian in Bannock County, Idaho. Together with all water rights belonging to and used with said lands.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. To have and to hold all

1909

9-11-1909



W $\frac{1}{2}$ SW } sec 4.
SW NW }

L-4

N $\frac{1}{2}$ NW } sec 9.
SE NW }

NE NE } sec 8.
SS SE }

AS FOLLOWS, TO-WIT: - THE NORTHEAST 1/4 OF SECTION 4; the North half (1/2) quarter (1/4) of the Northwest quarter (1/4); and lot four (4) Section 4; the Northwest quarter (1/4) of the Northwest quarter (1/4) the southeast quarter (1/4) of the Northwest quarter (1/4), Section nine (9), the Northeast quarter (1/4) of the Northeast quarter (1/4) Section eight (8) all of said lands being in Township five (5) south, Range thirty nine (39) East of Boise Meridian in Bannock County, Idaho. Together with all water rights belonging to and used with said lands. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. To have and to hold all and singular the said premises, together with the appurtenances unto the said party of the second part, and to her heirs and assigns forever. In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

Inga Rademacher (seal)
August Rademacher (seal)

Signed sealed and delivered in the presence of
Earle C. White.

STATE OF IDAHO COUNTY OF BANNOCK) SS On this 12th day of August in the year 1909, before
Earle C. White a Notary Public in and for said County personally appeared Inga Rademacher and August Rademacher her husband 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. Earle C. White, Notary Public

(SEAL)
Recorded at the request of Earle C. White Sep 11th, 1909 at 3.24 P. M. E. C. Galjet
Recorder. By W. A. Hyde Deputy Fee 80 cts.
Transcribed from Bannock County Records, Deed Record No. 17, page 455.

Instrument No. 14791. WARRANTY DEED.
This indenture made the 23rd day of June in the year of our Lord one thousand nine

7-12-1909.

This Indenture, Made the 12th day of July in the year of our Lord one thousand nine hundred and nine

between Jane Williamson and C. H. Williamson her husband of Pocatello of the County of Bannock and State of Idaho the part of the first part, and Thomas H Austin of Salt Lake of the second part,

and State of Utah the part of the second part, WITNESSETH: That the said part of the first part, for and in consideration of the sum of Forty eight hundred

DOLLARS, lawful money of the United States of America, to in hand paid by the said part of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, sell, bargain and convey and confirm unto the said part of the second part, and to his heirs and assigns forever, all the certain lot piece or parcel of land situate, lying and being in the County of Bingham and State of Idaho, and bounded and described as follows, to-wit:

The west half (1/2) of the Southwest quarter (1/4) the south west quarter (1/4) of the north west quarter (1/4) and lot four (4) all in Section four (4) Also the north half (1/2) of the northwest quarter (1/4) and the southeast quarter (1/4) of the northwest quarter (1/4) of section nine (9), and the northeast quarter (1/4) of the northeast quarter (1/4) of Section eight (8) in township five (5) South, range thirty nine (39) E B M also the lot numbered three (3) and the southeast quarter (1/4) of the northwest quarter (1/4) of Section four (4) in township five (5) South Range thirty nine (39) E B M containing 39.68 acres according to the official plat of the survey of said lands returned to the Genral Land Office by the Surveyor General. Also the following described real estate situted in Bingham County State of Idaho to-wit; The unsurvey south half (1/2) of the southwest quarter of section thirty three (33) in township four (4) South, range thirty nine (39) E B M containing eighty (80) Acres. Together with all ditches, dams water and water rights belonging or appertaining to any or all of said lands. Total 480

SW 1/4
NE 1/4
SE 1/4
SW 1/4
NE 1/4
SE 1/4

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part of the second part, and to his heirs and assigns forever, and the said part of the first part and their heirs, and the said premises in a quiet and peaceable possession of the said part of the second part, his heirs and assigns, against the said part of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, the said part of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Jane Williamson (SEAL)
Earle C White (SEAL)
Maude H Kelly (SEAL)
C H Williamson (SEAL)

STATE OF IDAHO, County of Bannock ss. I DO HEREBY CERTIFY THAT, On this 12th day of July in the year of 19 09 before me, Earle C White, a Notary Public, C H Williamson and Jane Williamson his wife in and for said County and State, personally appeared

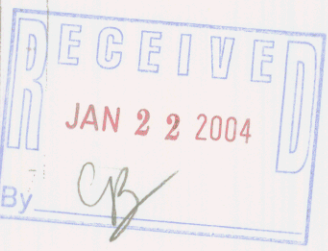
known to me to be the person whose name are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at [Seal] the day and year. in this certificate first above written.

My commission expires Earle C White Notary Public.

Recorded at the request of Jas A Hooper Jan 2, 1913, at 9:02 A M

J. T. Carruth Recorder
By [Signature] Deputy Record





State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Chesterfield Land & Livestock Company
% Grant Williams
1975 Telford Road
Grace, Idaho 83241

May 7, 2003

Re: Evidence of Priority

Claim No.(s) A27-11245, A27-11261 & A27-11262

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, 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 enclosed 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 the entire 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".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 26, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report