

Acreage, Sagecreek 1903 New Claim

Township, Range	Section	QQ	Q	ACRES	QQF	QE
09S46E	15	SE	SW	7.6	4	3
Section Total				7.6		
09S46E	21	NE	SW	4.1	1	3
09S46E	21	NE	SE	1	1	4
09S46E	21	NW	SE	14	2	4
Section Total				19.1		
09S46E	22	NE	NW	18	1	2
09S46E	22	NW	NW	12	2	2
09S46E	22	NW	SW	0.4	2	3
09S46E	22	SW	NW	23	3	2
09S46E	22	SE	NW	1.9	4	2
Section Total				55.3		
Total Acres				82		

Narmon 4017

Kennington 4019

4020

TRSQQ	ID	AREA	PERIMETER	ACRES
09S46E22SE	0	7702.337	421.553	1.903
09S46E22SW	0	94972.134	1861.883	23.468
09S46E21NE	0	4141.752	444.863	1.023
09S46E21NW	0	57511.309	1485.705	14.211
09S46E21SE	0	16472.101	795.560	4.070
09S46E22SW	0	1722.542	175.311	0.426
09S46E15SE	0	30634.829	905.085	7.570
09S46E22NE	0	73994.060	1686.961	18.284
09S46E22NW	0	47507.352	1014.573	11.739

Points in Contor_GPS_July05.shp

Claim	Sitetag	Feature	Waypoint	Idtm83_e	Idtm83_n	Instrument	Collected	Date	Notes	
A24-04018	none	POD	51	2738120	1272410	Garmin Geko 201	B. Contor	20050723	Crow creek diversion for lands SE of creek	two WR
A24-04018	none	POD	52	2737727	1272287	Garmin Geko 201	B. Contor	20050723	Crow creek diversion for lands NW of creek	two WR
A24-04019	A0013649	POD	53	2737418	1273001	Garmin Geko 201	B. Contor	20050723	Sage creek diversion for lands NW of creek	two WR
A24-04019	none	POD	54	2737425	1272989	Garmin Geko 201	B. Contor	20050723	Sage creek diversion for lands SE of creek	two WR
A24-04022	none	POD	51	2738120	1272410	Garmin Geko 201	B. Contor	20050723	Crow creek diversion for lands SE of creek	multiple WR, two owners
A24-04022	none	POD	52	2737727	1272287	Garmin Geko 201	B. Contor	20050723	Crow creek diversion for lands NW of creek	

X X

10-21-09

J. Harvey Kennington

21360

Geneva Cattle & Land LLC

329 S Woodruff

1A 83401

Parcel 21360

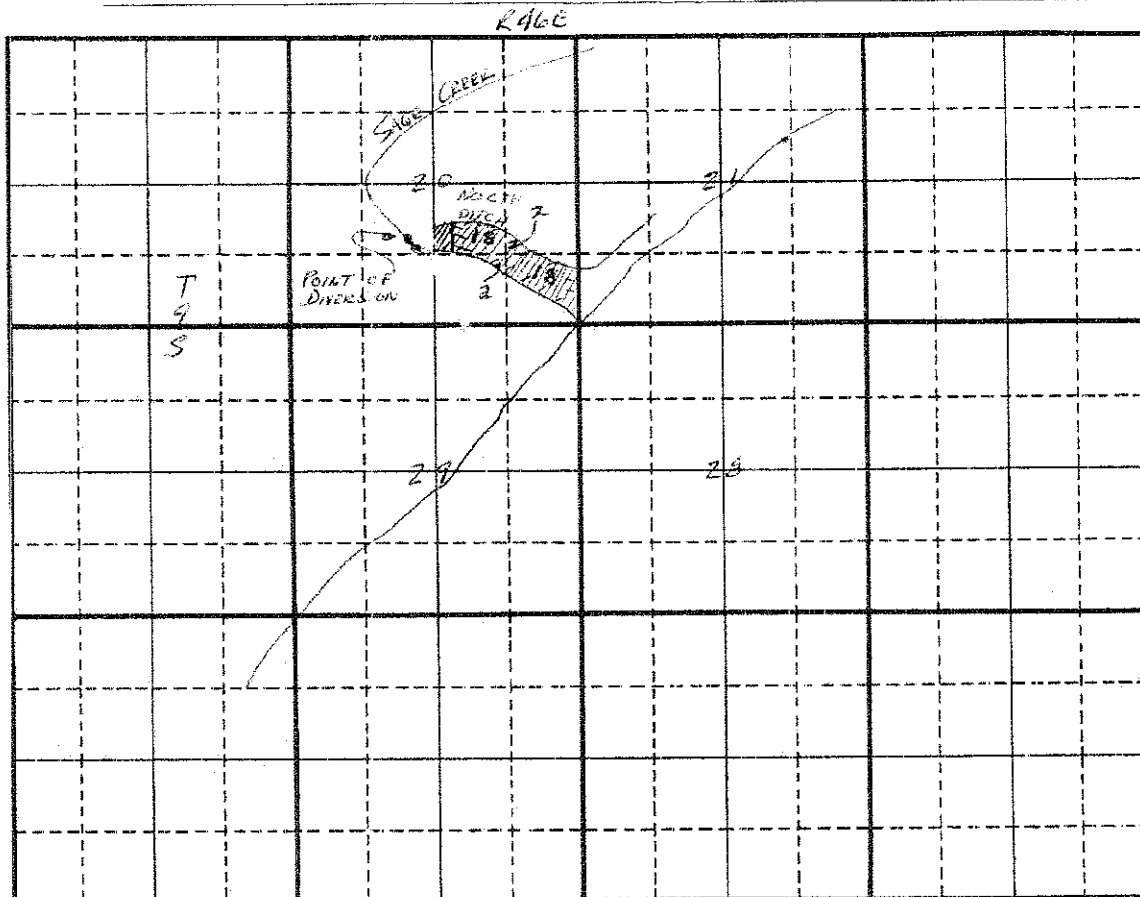
9 46; 29 21, 22, 27, 28, 29

Meadow 58 ac

Dry grazing 1254 "

no irrigated

(8) Remarks DITCH IS ADDED. SAGE CR NORTH DITCH (HALLS SAGE CR. D. W.)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions section township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge

Sworn to before me this 11th day of May

Harvey Krummington
(Claimant)

19 79

Allen Way
Notary Public
Residing at Idaho Falls, Id

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>5-11-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dh</u>	Date <u>5-11-79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>5-11-79</u>	#11872		
Published in <u>Caribou County Sun</u>				
Dates <u>May 24 & 31, 1979</u>				

Aug. 9, 2002

State of Idaho
Dept. of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

RECEIVED
AUG 13 2002
Department of Water Resources
Eastern Region

This is in response to your letter,
RE: Investigation of Water Right Claims in the Snake River Basin Adjudication.

We are ready and willing to assist you in your field investigation as you requested. You are welcome to contact me, Grant Kennington, 28151 Burrough Valley Rd. Tollhouse, CA 93667 (559-855-6465) or Lynette Beus, Box 30, Fairview, WY 83119. The property is owned by our family trust.

Several years ago a similar request was made. Our father, G.H. Kennington, the owner at the time, provided the information you requested and received back Adjudication Claim Profile Reports which appeared to properly identify and describe the water used and associated with our ranch.

The property has been in the family for many years and water has been used all that time. One section was homesteaded by our grandfather, Fred Beyeler and another section homesteaded by our father, G.H. Kennington. There is some additional property that was purchased by our grandfather which has been irrigated that long as well.

I'll provide you with numbers from the Adjudication Claim Profile Reports which might help you with your research. There are five reports all with "AJ0749NP" in the upper right corner. Below this number on each page is a unique number. They are: 24-04000, A24-04018, A24-04019, A24-040020 and A24-04022.

We hope this will help you. Let us know if there is more we can do.



Grant Kennington

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right

Notice is hereby given that G. Harvey Kennington
(Name of Claimant)

Fairview
(Mailing Address)

7040 P.O. 98
(Zip Code)

83119
(Zip Code)

Telephone No 235-3451

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) MAY 1, 1932

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc. or ground water)

SAGE CREEK

tributary to CROW CREEK

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>1.2 cfs</u>		Use <u>IRRIGATION</u>		Period of Use From <u>APR 1</u>	To <u>NOV 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 1.2 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 20 Twp. 9S Rge. 46E B.M. County of CAGIBOU

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. HEADGATE WITH OPEN DITCH TO FLOOD IRRIGATION

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>9S</u>	<u>46E</u>	<u>20</u>													<u>2</u>	<u>18</u>	<u>2</u>	<u>18</u>	<u>40 AC</u>

No. of acres 40 AC

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____



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

DIRK KEMPIHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 20, 1999

PHILLIP KENNINGTON
PO BOX 31
FAIRVIEW WY 83119

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT 24-04000, A24-04018,
A24-04019, A24-04020, A24-04022

Dear Mr. Kennington:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

STATE

S
E
L

OWN

First
Name

W
N

Water
Right No..

Priority
Date

Source

Total
Diversion

Use
Code Desc

KENNINGTON

G HARVEY	C A24-04019	05/01/1932	SAGE CREEK	1.200	01	IRR
G HARVEY	C A24-04020	05/01/1902	SAGE CREEK	1.600	01	IRR
G HARVEY	C 24-04000	10/02/1967	FOX SPRING	0.020	43	DOMEST
G HARVEY	C A24-04018	05/01/1919	CROW CREEK	1.500	01	IRR
~~G HARVEY~~	~~C A24-04000~~	~~10/02/1967~~	~~FOX SPRING~~	~~0.020~~	~~43~~	~~DOMEST~~
G HARVEY	C A24-04022	05/01/1930	CROW CREEK	1.100	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu)

RECEIVED

MAY 10 1999

Department of Water Resources
Eastern Region

DELOG DC 5-17-99

OK

RECEIVED

MAY 10 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s) : CA24-04019, CA240420, C 24-04000, CA24-04018, CA24-04000
CA24-04022 → p.d. → p.d.
 Adjudication Claim No(s) : _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAI OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant G. HARVEY Kennington
FAIRVIEW, Wyo. 83119
4. New Owner/Claimant(s) Phillip Kennington, DONALD Kennington, Lynette K. Beus, GRANT Kennington
ANNA MAC K. ANDERSON, ANNA Beth Kennington
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address _____
 City, State and ZIP Code Lynette K. Beus, Box 31, Fairview, Wyo. 83119
 New Telephone Number (307) 886-5749
5. Date you acquired the property JULY 12, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Phillip Kennington Date MAY 1, 1999
 _____ Date _____
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

CERTIFICATION OF VITAL RECORD

STATE OF WYOMING

DEPARTMENT OF HEALTH

STATE OF WYOMING DEPARTMENT OF HEALTH CERTIFICATE OF DEATH

34
TYPE
OR PRINT
IN
PERMANENT
BLACK
INK
FOR
INSTRUCTIONS
SEE
HANDBOOK

LOCAL FILE NUMBER		STATE FILE NUMBER	
1. DECEDENT-NAME FIRST MIDDLE LAST GEORGE HARVEY KENNINGTON		2. SEX MALE	3. DATE OF DEATH (Mo., Day, Yr.) JULY 12, 1998
4. SOCIAL SECURITY NUMBER 519-22-8203		5a. AGE-Last Birthday (Years) 91	5b. UNDER 1 YEAR Months Days Hours Minutes
7a. PLACE OF DEATH (Check only one) HOSPITAL: ☐ Inpatient ☐ ER/Outpatient ☐ D.O.A. ☒ OTHER: ☒ Nursing Home ☐ Residence ☐ Other (Specify)		6. DATE OF BIRTH (Mo., Day, Yr.) NOVEMBER 9, 1906	
7b. FACILITY NAME (If not institution, give street and number) SIAR VALLEY CARE CENTER		7c. CITY, TOWN, OR LOCATION OF DEATH AFION	7d. COUNTY OF DEATH LINCOLN
8. STATE OF BIRTH (If not in U.S.A., name country) WYOMING		9. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) WIDOWED	
10. SURVIVING SPOUSE (If wife, give maiden name)		11. WAS DECEDENT EVER IN U.S. ARMED FORCES? (Specify yes or no) NO	
12a. USUAL OCCUPATION (Give kind of work done during most of working life, even if retired) RANCHER		12b. KIND OF BUSINESS OR INDUSTRY AGRICULTURE	
13a. RESIDENCE - STATE WYOMING	13b. COUNTY LINCOLN	13c. CITY, TOWN OR LOCATION FAIRVIEW	13d. STREET AND NUMBER 4023 BITTERCREEK ROAD
13e. INSIDE CITY LIMITS? (Specify yes or no) NO	14. WAS DECEDENT OF HISPANIC ORIGIN? (Specify no or yes - if yes, specify Cuban, Mexican, Puerto Rican, Etc.) No ☒ Yes ☐ (Specify)	15. RACE - American Indian, Black, White, Etc. (Specify) WHITE	16. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (10-12) College (1-4 or 5+) 12
17. FATHER'S NAME First Middle Last ALONZO RICHARD KENNINGTON		18. MOTHER'S NAME First Middle Maiden Surname SUSAN IDA DIXON	
19a. INFORMANT-NAME (Type or Print) LYNEIE BEUS		19b. RELATIONSHIP TO DECEDENT DAUGHTER	
19c. MAILING ADDRESS STREET OR R.F.D. NUMBER CITY OR TOWN STATE ZIP CODE BOX 30 FAIRVIEW WYOMING 83119			
20a. Burial, Cremation, Removal from State, Other (Specify) BURIAL		20b. DATE (Mo., Day, Yr.) JULY 15, 1998	20c. CEMETERY OR CREMATORY-NAME FAIRVIEW CEMETERY
20d. LOCATION CITY OR TOWN STATE FAIRVIEW WYOMING			
21a. FUNERAL SERVICE LICENSEE OR Person Acting as Such (Signature) <i>[Signature]</i>		21b. NAME OF FACILITY SCHWAB MORTUARY	21c. ADDRESS OF FACILITY 45 44 EAST FOURTH AVE., AFION
22a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) <i>[Signature]</i> 22b. DATE SIGNED (Mo., Day, Yr.) 7/16/98 22c. HOUR OF DEATH 3:40 A.M. 22d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) K. Paul Head MD		23a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Signature and Title) <i>[Signature]</i> 23b. DATE SIGNED (Mo., Day, Yr.) 7-20-98 23c. HOUR OF DEATH M 23d. PRONOUNCED DEAD (Mo., Day, Yr.) M 23e. PRONOUNCED DEAD (Hour)	
24. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN OR CORONER) (Type or Print) K PAUL HEAD MD 110 HOSPITAL LANE AFION WYOMING 83110			
25a. REGISTRAR (Signature) <i>[Signature]</i>		25b. DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.) 7-20-98	
PART I. Enter the disease, injuries, or complications that caused death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → a. Cardio pulmonary arrest DUE TO (OR AS A CONSEQUENCE OF): b. Upper gastro intestinal bleeding 2 days DUE TO (OR AS A CONSEQUENCE OF): c. Peptic ulcer disease DUE TO (OR AS A CONSEQUENCE OF): d.			
PART II. OTHER SIGNIFICANT CONDITIONS-Conditions contributing to death but not related to cause given in PART I.			
29. MANNER OF DEATH ☒ Natural ☐ Pending investigation ☐ Accident ☐ Could not be determined ☐ Suicide ☐ Homicide		30a. DATE OF INJURY (Month, Day, Year)	30b. TIME OF INJURY M
30c. INJURY AT WORK? (Specify yes or no)		30d. DESCRIBE HOW INJURY OCCURRED	
30e. PLACE OF INJURY-At home, farm, street, factory, office building, etc. (Specify)		30f. LOCATION (Street and Number or Rural Route Number, City or Town, State)	

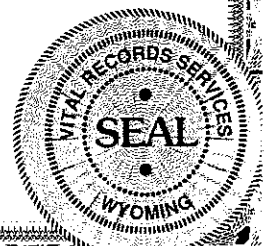
058223

This is a true and exact reproduction of the document on file in the office of Vital Records Services Cheyenne, Wyoming

DATE ISSUED: JUL 23 1998

This copy is not valid unless prepared on paper with an engraved border displaying the date seal and signature of the Deputy State Registrar

Lucinda McCaffrey
Deputy State Registrar



Benoni Wilkes

AFFIDAVIT

FILED: August 23, 1956 at 1:52 P.M.

Instrument No. 38,157

Recorded: Book 6 of Miscellaneous Records
at page 22, records of Caribou County,
Idaho.

STATE OF IDAHO)
: SS.
COUNTY OF BEAR LAKE)

BENONI WILKES, being first duly sworn upon oath deposes and says that he is a citizen of the United States and that he now resides at Montpelier, Idaho.

That he is well acquainted with the Fred Beyler Ranch situated at the junction of Sage Creek and Crow Creek Canyons.

That affiant was first on said ranch in the year 1906 and has been on said ranch at least once each year since said time and that affiant knows of his own knowledge that a portion of said ranch has been irrigated each and every year since the year 1906.

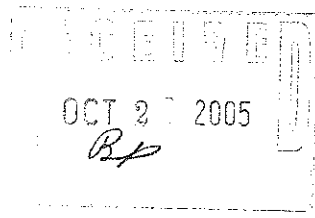
That I worked on said ranch and put up hay during the years 1918, 1920, 1921, 1922 and 1924 and that during said times and ever since said year 1906 a portion of said ranch has been irrigated with well defined diversion works and ditches.

Benoni Wilkes

Subscribed and sworn to before me this 12th day of July, 1956.

(SEAL)

Albert E. Leeright
Notary Public for Idaho
Residing at Montpelier, Idaho
My Commission Expires: March 9, 1957



A. L. Dorney

AFFIDAVIT

FILED: August 23, 1956 at 1:51 P.M.
Instrument No. 38,156
Recorded: Book 6 of Miscellaneous Records,
at page 21, records of Caribou County, Idaho.

STATE OF IDAHO)
 : SS.
COUNTY OF BEAR LAKE)

A. L. DORNEY, being first duly sworn upon oath deposes and says: That he is a citizen of the United States over the age of Eighty years;

That affiant has lived in Bear Lake County, Idaho, for more than sixty years past and is well acquainted with the Crow Creek section of Caribou County, Idaho.

That affiant is well acquainted with the Fred Beyler Ranch situated at the junction of Sage Creek and Crow Creek Canyons, in Caribou County, and knows of his own knowledge that a poition of said ranch has been irrigated by waters from Sage Creek and Crow Creek, ever since the year 1919, and that a portion of said ranch has been irrigated by waters from Sage Creek ever since the year 1902.

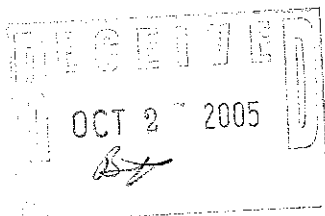
A. L. Dorney

Subscribed and sworn to before me this 12th day of July, 1956.

Albert E. Leeright
Notary Public
Residing at Montpelier, Idaho
My Commission Expires: March 9, 1957.

(Seal)

---0---



FRED BEYLER

AFFIDAVIT

FILED: August 23, 1956 at 1:53 P.M.
Instrument No. 38,157
Recorded: Book 6 of Miscellaneous Records, at
Page 23, records of Caribou County, Idaho.

STATE OF IDAHO)
) SS.
COUNTY OF BEAR LAKE)

FRED BEYLER, being first duly sworn upon oath deposes and says: That he is a citizen of the United States over the age of Sixty five years; That he is the owner of a certain ranch situated at the junction of Sage Creek and Crow Creek Canyons, in Caribou County, Idaho, situated in Sections 20, 21, 28 and 29, in Township 9 South, Range 46 East of the Boise Meridian, comprising approximately 760 acres, of which approximately 120 acres are irrigated, approximately 80 acres being irrigated from Sage Creek and 40 acres from Crow Creek.

That affiant homesteaded 600 acres of the above mentioned ranch and purchased 160 acres thereof, said 160 acres being known as the Stephen Green homestead.

That affiant commenced to homestead the said 600 acres in the year 1914 but prior to that time to-wit in the year 1907 was working on the said Green place and knows of his knowledge that at said time approximately 30 acres thereof was being irrigated from Sage Creek, well defined ditches being visible and in use at said time and affiant has been informed by others that said place had been irrigated for several years prior to said year 1907.

That since the year 1914 when affiant commenced to homestead said ranch as above stated, he has increased the irrigated portion of same, particularly in the year 1930 at which time affiant built a diversion ditch from the North side of Crow Creek and conveyed water therefrom on to approximately 40 acres of said land. That in the year 1932 affiant diverted from Sage Creek water through what is known as Halls Sage Creek ditch which has been constantly used since said time in the irrigation of 20 additional acres of said land.

That in the year 1919 affiant diverted from Crow Creek on the South side thereof through what is known as the Hall and Beyler Ditch water for the irrigation of approximately 30 acres of said land, and has continuously irrigated 30 acres of said land from said source ever since said time with the exceptions of the years 1931 and 1932, and at the present time there is now irrigated on said ranch a total of approximately 120 acres.

Fred Beyler

Subscribed and sworn to before me this 12th day of July, 1956.

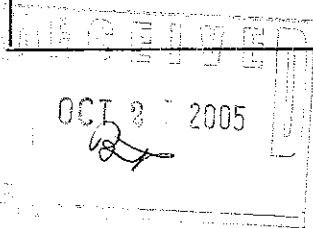
(Seal)

Albert E. Leeright
Notary Public for Idaho
Residing at Montpelier, Idaho
My Commission Expires March 9, 1957

CARIBOU COUNTY ABSTRACT COMPANY
Soda Springs, Idaho

SHEET
NO.

42



FRED BEYLER

AFFIDAVIT

FILED: August 23, 1956 at 1:53 P.M.
Instrument No. 38,157
Recorded: Book 6 of Miscellaneous Records, at
Page 23, records of Caribou County, Idaho.

STATE OF IDAHO)
COUNTY OF BEAR LAKE) SS.

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That affiant homesteaded 600 acres of the above mentioned ranch and purchased 160 acres thereof, said 160 acres being known as the Stephen Green homestead.

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That since the year 1914 when affiant commenced to homestead said ranch as above stated, he has increased the irrigated portion of same, particularly in the year 1930 at which time affiant built a diversion ditch from the North side of Crow Creek and conveyed water therefrom on to approximately 40 acres of said land. That in the year 1932 affiant diverted from Sage Creek water through what is known as Halls Sage Creek ditch which has been constantly used since said time in the irrigation of 20 additional acres of said land.

That in the year 1919 affiant diverted from Crow Creek on the South side thereof through what is known as the Hall and Beyler Ditch water for the irrigation of approximately 30 acres of said land, and has continuously irrigated 30 acres of said land from said source ever since said time with the exceptions of the years 1931 and 1932, and at the present time there is now irrigated on said ranch a total of approximately 120 acres.

Fred Beyler

Subscribed and sworn to before me this 12th day of July, 1956.

Albert E. Leeright
Notary Public for Idaho
Residing at Montpelier, Idaho
My Commission Expires March 9, 1957

(Seal)

NOV 10 1956

G. HARVEY KENNINGTON
REVOCABLE TRUST

THIS AGREEMENT made the 10th day of June, 1991, between **G. Harvey Kennington**, of Caribou County, State of Idaho, (mailing address: P. O. Box 31, Fairview, Wyoming 83119) (the "Grantor"), and **G. Harvey Kennington**, (the "Trustee").

WITNESSETH:

WHEREAS, the Grantor desires to create a trust of the property hereinafter specified for the purposes hereinafter set forth,

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, the Grantor does hereby assign, convey, transfer and deliver to the Trustee the property set forth in the schedule hereto annexed, to hold the same and any other property which the Trustee may hereafter at any time hold or acquire hereunder (the "trust estate") IN TRUST, NEVERTHELESS, for the following uses and purposes and subject to the terms and conditions hereinafter set forth.

Grantor has five living children: Phillip Kennington, Donald Kennington, Lynette K. Beus, Grant Kennington and Anna Mae K. Anderson and one deceased child, Lavell Kennington, LaVell is survived by his wife, Anna Beth Kennington, all children of his marriage to Virginia Beyeler Kennington, deceased.

I
DISTRIBUTION

The Trustee shall hold, manage, invest and reinvest the trust estate, shall collect the income thereof, and shall pay over the net income to the Grantor or shall apply the same for his benefit if under any incapacity, in convenient installments but at least quarterly during his life. In addition, the Trustee is hereby authorized, at any time and from time to time, in his absolute discretion (a) to pay to the Grantor for his care, support, maintenance, education or general welfare, or to apply for any such purpose, any part or all of the trust estate, and (b) to pay to, or on behalf of, the Grantor the amount of any and all taxes caused by the sale of any of the assets comprising the trust estate. Upon the Grantor's death, the trust estate shall be distributed to Grantor's issue surviving Grantor

RECEIVED

MAY 10 1999

4/11/1989

BA CLAIMS RECEIVING CHECKLIST #

CLAIMANT'S NAME

Kennington

CLAIM IDENT. NO.

A24-04019

DATE RECEIVED

1/30/90

CK #

AMOUNT \$

YES

NO Required Info?

1. Is the name and address complete with zip code?
2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered?
(b) Is a tributary to entered? (if required) N/A
4. Is the legal description of the p.d. sufficient?
5. Is there a description of the diverting works?
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.
Is the period of use included?
Is a quantity claimed for each use?
7. Is a total quantity claimed entered?
8. If required is a consumptive use entered? N/A
Is the consumptive use correct? N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A
10. Is (are) the place(s) of use and purpose(s) indicated?
11. Is (are) the county(ies) entered?
12. Is the ownership of p.u. checked?
13. Are other water rights listed or "none" indicated?
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A
15. Is the basis of the claim indicated?
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.
18. Has the claim been signed, sealed, and dated by a notary?
19. Was this claim filed on time, or was an extension granted?
20. Is the fee enclosed correct? Exempt
21. If this claim is based on an existing water right, has the identification number been entered? N/A
22. Should this claim be data entered?

Claim checked by:

De

Date:

1/30/90

Claim must be returned to claimant:

(Yes) X (No)

Claimant must be notified of modifications:

(Yes) X (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

De

Date:

Date:

Date:

1/30/90

Checked by:

Date:

MICROFILMED

Comments:

NOV 06 1992