

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
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DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
FREDERICK J. HAHN, III
KARL R. DECKER
SHAN B. PERRY
DeANNE CASPERSON**
AMELIA A. SHEETS
ROBERT L. HARRIS
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

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JAN 10 2007
IDWR/North

**Also Licensed in Missouri & Kansas

January 3, 2007

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Idaho Department of Water Resources
ATTN: Trent Galbraith
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Sue Meeks
12477 W. Rutherford Ct.
Boise, ID 83709-0014

Department of Water Resources

Claude & Jeanette Johnson
PO Box 86
North Fork, ID 83466

Greg & Theresa Aland
PO Box 275
North Fork, ID 83466

Stephen & Kelly Jost
3309 Teal Sunset St.
Las Vegas, NV 89129

Mike, Meta & Glenda Hollingsworth
1212 York Ave.
Fort Pierce, FL 34982

Scott Hatch
55 Becker Rd.
North Fork, ID 83466

Steven M. & Kimberly C. Yadon
PO Box 85
North Fork, ID 83466

Sean R. & Jacqueline L. Babcock
18935 N.W. Auora St.
Portland, OR 97229

Robert D. & Carrie L. Archie
13155 Thomas Creek Rd.
Reno, NV 89511

RE: Becker Estate

Dear Ladies & Gentlemen:

We are writing this letter in an effort to assist with clarifying land ownership and hence water rights ownership with respect to SRBA Claims affecting the former Becker Estate property on the North Fork of the Salmon River. We recently obtained copies of IDWR's Preliminary Recommendations for water rights numbers 75-14132 and 75-14159. They furnished an occasion for us to review those and other recommendations carefully and to compare them to the original SRBA claims as well as changes in ownership that have occurred in recent times. While

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there is no obligation on the part of the estate to provide this analysis, we were in a somewhat unique position to provide information which might be of assistance.

We wish to report our understanding of the status of the recommendations and then provide information and documentation on further ownership changes that may affect portions of some of the water rights claims.

In 1989 we assisted Daryl and Virginia Becker with the preparation and filing of two SRBA Claims, 75-4362 and 75-4368. 75-4362 claimed 2.06 cfs of the waters of Hughes Creek with a priority of April 1, 1912, for the irrigation of 44 acres of land as follows:

T25N., R21E., Sec. 21: NESW - 14
NWSW - 5
SWSW - 8
SESW - 15

T25N., R21E., Sec 28: NENW - 2

Claim No. 75-4368 claimed 1.0 cfs of the waters of Hull Creek with a priority of May 1, 1913, for the irrigation of 40 acres of land as follows:

T25N., R21E., Sec. 28: SWNW - 28
T25N., R21E., Sec. 29: SENE - 12

The Beckers had begun to sell portions of their property, first to Claude and Jeanette Johnson in 1986, and then to Scott Hatch in 1987. Virginia Becker passed away December 7, 1991, and then Daryl Becker passed away December 7, 1994. The remaining property was consolidated into a single estate, the Estate of Daryl A. Becker, and the personal representative has created a five (5) lot subdivision and sold all five lots as well as some additional parcels of land. The water rights claims have been split in connection with the sale of some of the parcels, but not all, and there needs to be further adjustments in the water rights ownership records.

Water Right No. 75-4362 was divided into 75-14132 and 75-14133. 75-14132 is the portion that goes mostly with the land bought by Johnsons; 75-14133 was the portion that went to Scott Hatch. 75-14133 was subsequently divided into 75-14338, in the name of Scott Hatch, and 75-14339, in the names of Steven M. And Kimberly C. Yadon. So, from the original claim, 75-4362, there are now three separate recommendations:

Water Right No. 75-14132 was recommended in the names of Claude Thomas Johnson and Jeanette Marie Johnson (copies of the recommendation and the place of use map are enclosed). It is recommended for 0.88 cfs of the waters of Hughes Creek with a priority of April

1, 1912, for irrigation of 31 acres. As nearly as we can tell, Johnsons own all but about 3.56 of this 31 acres. The 3.56 acres appears to be owned by Gregory J. & Theresa R. Aland. It appears to us that recommendation number 75-14132 needs to be split between Johnsons and Alands. A copy of the deed from the Becker Estate to Alands is enclosed.

Water Right No. 75-4368 was divided into 75-14159 (still in the name of the Becker Estate) and 75-14160, which has been recommended in the names of Stephen F. & Kelly S. Jost. From the place of use map which accompanied the recommendation for claim no. 75-14159 (a copy is enclosed with a copy of the recommendation), it appears to us this claim should be further divided. As you can see, the land outlined in yellow on the map is in three pieces. The one on the west appears to us to be owned by Sue Meeks. A copy of the Deed to her is enclosed. The one on the south is still owned by the Estate (this could be three to four acres). The larger one to the north appears to us to be part of Becker Subdivision, specifically, portions of Lots 2, 3 and 4. 5.9 acres of Lot 1 was recommended to Josts in number 75-1460. But the portions that go with Lots 2, 3, 4 and possibly 5, need to be split among those owners. Copies of the Deeds to Hollingworth, Babcocks and Archies are enclosed with this letter.

We do not know whether the correct amounts of water and acreage have been recommended for each lot, but we imagine each lot owner is better able to review this with IDWR officials than we. If any of you disagree with the recommendations, you should file objections to protect your rights. We hope this information will be helpful to you.

Yours very truly,



Kent W. Foster

Enclosures