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(1907-1988)

Of Counsel  
Fred J. Hahn

RECEIVED  
JAN 10 2007  
IDWR/North

\*\*Also Licensed in Missouri & Kansas

January 3, 2007

RECEIVED

JAN 04 2007

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

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 Hollingsworth, 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

THIS INDENTURE is made this 16<sup>th</sup> day of May, 2002, between Robert E. Farnam, Personal Representative of the Estate Of Daryl A. Becker, of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Gregory J. Aland and Theresa R. Aland, husband and wife, whose mailing address is Box 275, NORTH FORK, IDAHO, 83466, the "Grantee."

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

A fraction of H.E.S. 55, located in unsurveyed Sections 21 and 28, T. 25 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at Corner No. 12 from which Corner No. 13 bears N.33°47'00" E. 435.14 feet, the Basis of Bearing of this description, run thence N. 41°47'00" W., along Line 12-11, a distance of 127.94 feet to the centerline of the North Fork of the Salmon River; thence the following courses and distances along said centerline; N.01°05'02" E. 516.43 feet; N. 14°04'24" W. 155.78 feet; thence S.65°37'25" E. a distance of 410.85 feet to a point on the Westerly Right-of-Way of US Highway 93; thence S.22°01'30" W., along said Right-of-Way a distance of 554.87 feet to a point on the Line 12-13; thence S. 33°47'00" W., along said line, a distance of 94.92 feet to the POINT OF BEGINNING.

This property shall be limited to use as residential. No structure shall be erected, altered, placed or permitted to remain on the land other than a single dwelling, private garage and related outbuildings to include dwellings for domestic pets. No business can be operated on the property other than a home business which does not visually or environmentally impact the residential character of the real property. This provision shall be a covenant running with the land and be included in the deed for this and any subsequent conveyances.

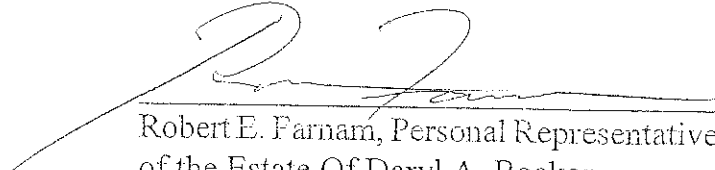
SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

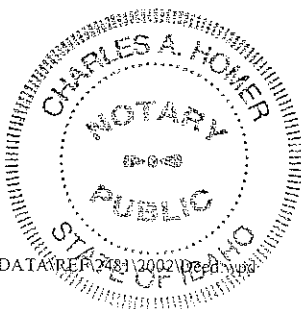
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

  
Robert E. Farnam, Personal Representative  
of the Estate Of Daryl A. Becker,  
Grantor

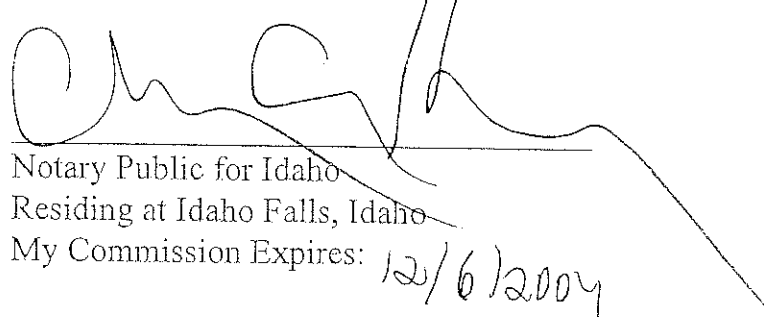
STATE OF IDAHO           )  
                                          )ss.  
County of Bonneville    )

On the 14th day of May, 2002, before me, the undersigned notary public in and for said State, personally appeared Robert E. Farnam, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Daryl A. Becker, and acknowledged to me that he executed the same as such Personal Representative.

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



G:\WPDATA\REF\2481\2002\02-01-02

  
Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My Commission Expires: 12/6/2004

State of Idaho           )  
County of Lemhi        ) SS No. \_\_\_\_\_

This Instrument was filed for record at the request

of Lemhi Title  
at 9:00 o'clock Am 5-16 2002

and duly filed and indexed in the records of Lemhi  
County

Tami J. Morton  
Ex-Officio Recorder

By Sandra Eagle Deputy

Fee 16.00

Return to Lemhi Title

The original statutory claim (75-4362) was for 3 cfs to irrigate 64 acres. The adjudication claim filed was for 2.06 cfs to irrigate 44 acres. No adjudication claim was filed on the 0.94 cfs for 20 acres.

In 2002 Scott Hatch filed a change of ownership on 75-4362 listing 0.325 cfs for the irrigation of 13 acres.

In 2003 we split 75-4362 into 75-14132 listing 1.45 cfs for 31 acres to Becker and 75-14133 listing 0.61 cfs for 13 acres to Hatch.

In 2004 Claude Johnson filed a change of ownership form (75-14132) listing 0.56 cfs for the irrigation of 25 acres. The listing was crossed out and a statement was written "no split".

We recommended to the court an amount of 0.88 cfs for 31 acres to Johnson.

In 2005 Steven Yadon filed a change of ownership for 75-14133 listing 0.40 cfs for 9 acres.

We split 75-14133 into 75-14338 listing 0.2cfs for 4 acres to Hatch and 75-14339 listing 0.41 cfs for 9 acres to Yadon.

We recommended 75-14338 an amount of 0.07 cfs for 2.1 acres and 75-14339 an amount of 0.14 cfs for 7 acres.

In 2007 we received a change of ownership for 75-14338 to change the ownership of the entire right from Hatch to John Dow. We filed the paperwork with the court.

We received an objection to 75-14132, 75-14338 and 75-14339 stating that the adjudication claim filed by the Becker's (75-4362) was not for Johnson and Hatch. 75-4362 should have never been split. The water rights for Johnson and Hatch were a split of the remainder of the statutory claim, which was 0.94 cfs, 20 acres. Robert Archie should have a portion of 75-4362 to irrigate about 6.5 acres on Lot 5. We have a change of ownership for splitting "75-14132 (actually 75-4362)".

We have a letter written by Kent Foster pointing out that Gregory & Theresa Aland own 3.56 acres, which should be irrigated by water from 75-14132. We have no change of ownership form for this.

## GRANT DEED

THIS INDENTURE is made this 31 day of December, 2002, between Daryl A. Becker Estate, Robert E. Farnam, Personal Representative of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Robert B. Archie and Carrie L. Archie, Husband and Wife, as joint tenants with right of survivorship, whose mailing address is 13155 Thomas Creek Road, Reno, Nevada 89511, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

Lot 5 of Becker Estates, according to the official plat thereof, filed in Book 6 of Plats, at Page 39, and amended in Book 6 of Plats, at Page 39B, official Records of Lemhi County, Idaho

SUBJECT TO all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

ALSO SUBJECT TO easements, reservations, restrictions and dedications as the same appear on the official plat of Becker Estates.

ALSO SUBJECT TO notification of irrigation ditch easement as described on Becker Estates according to the official plat recorded April 5, 1996, in Book 6 at Page No. 39, Records of Lemhi County, Idaho.

ALSO SUBJECT TO road and ditch easement running across the westerly boundary of the above described real property as shown on the Becker Estate Subdivision plat recorded April 5, 1996, in Book 6 of plats at Page No. 39.

ALSO SUBJECT TO terms and conditions contained in Grant Deed for Road Easement recorded November 5, 1986, under Instrument No. 183030, records of Lemhi County, Idaho.

ALSO SUBJECT TO terms and conditions contained in License Agreement for access recorded October 17, 1995, as Instrument No. 227765, records of Lemhi County, Idaho.

ALSO SUBJECT TO any right, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water that is included within the boundaries of Hull Creek or the North Fork of the Salmon, River.

ALSO SUBJECT TO the right, title and interest of the public in and to those portions of the above described premises falling within the bounds of roads and or highways, dedicated and or otherwise used by the public, and subject to all easements and restrictions attendant and pertinent to said highways.

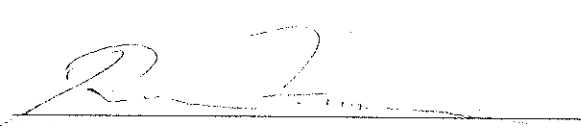
ALSO SUBJECT TO restrictive covenants appearing of record under Instrument No. 230815 and re-recorded May 22, 2002, under Instrument No. 250584, records of Lemhi County, Idaho, for the purpose of adding legal description.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

  
Robert E. Farnam, Personal Representative of the  
Daryl A. Becker Estate, Seller

State of Idaho )  
County of Lemhi ) SS No. 250584

This instrument was filed for record at the request  
of alliance

at 3:10 o'clock pm on 30 Dec 2002

and duly filed and indexed in the records of Lemhi  
County

Tori J. Morton  
County Recorder

By K Baumer Deputy

Fee 9.00

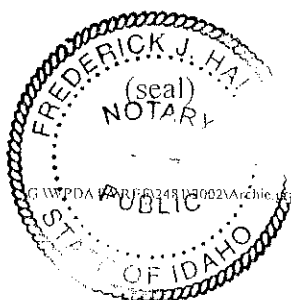
Return to \_\_\_\_\_

STATE OF IDAHO )  
 )ss.  
County of Bonneville )

252994

On the 16<sup>th</sup> day of December, 2002, before me, the undersigned, a notary public in and for said State, personally appeared **Robert E. Farnam**, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Daryl A. Becker and acknowledged to me that he executed the same as such Personal Representative.

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



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My Commission Expires: 1/11/2005