

AUG 19 2008

By _____

Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase: 23-00011

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On November 14, 2006, The Daniel W. Richards Family Trust, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on December 19, 2006. No party appeared in opposition to the *Motion to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard. On August 7, 2008, Special Master Brigette Bilyeu issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending the late claim be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claim to IDWR for investigation and reporting.

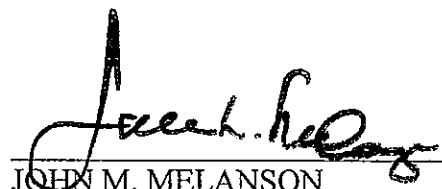
THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will

be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated August 19, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 19, 2008, with sufficient first-class postage to the following:

DIAMOND K, INC
LYNN DIXON
SNAKE RIVER ESTATES LLC
THE DANIEL W RICHARDS & JUDY K

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 23-11

Date Received _____

Receipt Number _____

**AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s) The Daniel W. Richards and Judy K. Richards Family Trust Phone 909-980-6868

Mailing Address 8311 Haven Ave., Ste. 200, Rancho Cucamonga, CA Zip 91730

2. Date of Priority (Only (1) per claim) August 15, 1893

3. Source of water supply (a) Palisades Creek

which is tributary to (b) Snake River

4.a. Location of existing point of diversion is:
Township 01N Range 44E Section 26, SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____,
County of Bonneville

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Concrete headgate to canals and ditches. Water is delivered through the Palisade Canal.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from April 1 to November 1 amount 1.302 cfs or _____

7. Total quantity claimed (a) 1.302 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) n/a

10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the table below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	21											4.837	33.122	10.935	0.94	3.53		53.364

Total number of acres irrigated 53.364

11. In which county(ies) are lands listed above as place of use located? Bonneville
12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
23-50D, 23-50E, 23-104 or None ()

14. Remarks:

See Attached Statement and Exhibits

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree X License
If applicable provide IDWR Water Right Number 23-11
Court District Court of the Sixth Judicial District of Fremont County, Idaho Case Number
Decree Date December 15, 1910 Plaintiff vs Defendant Rexburg Irrigation Co. et al. v. Teton Irr. Co. et al

16. I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date 11-7-06

Date _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 2006 .

Notary Public _____
Residing at _____
My Commission Expires _____

Last Name Richards Family Trust Ident. Number 23-11

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of

San Bernardino

} ss.

☒ See Attached Document (Notary to cross out lines 1-6 below)

☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

1
2
3
4
5
6

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me on this

7TH

day of

November, 2006, by

Date

Month

Year

(1) Daniel W. Richards,
Name of Signer

☒ Personally known to me

☐ Proved to me on the basis of satisfactory evidence
to be the person who appeared before me (-) (-)

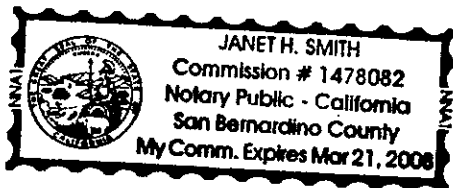
(and

(2) N/A

Name of Signer

☐ Personally known to me

☐ Proved to me on the basis of satisfactory evidence
to be the person who appeared before me (-)



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Amended Notice of Claim to WATER RIGHT
Title or Type of Document: CIVIL CASE 39576 - (23-11)

Document Date: DATED 11/1/06 Number of Pages: 3

Signer(s) Other Than Named Above: NONE

RIGHT THUMBPRINT
OF SIGNER #1

Top of thumb here

RIGHT THUMBPRINT
OF SIGNER #2

Top of thumb here

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris
Address P.O. Box 50130, Idaho Falls, ID 83405
Date Nov. 13, 2006

G:\WPDATA\RLH\13890 Dixon, Lynn\Claim_23-11_Richards.wpd;cdv

STATEMENT

I. INTRODUCTION

For purposes of this particular Amended Notice of Claim, it is important to understand both the water rights history of Water Right No. 23-11 and the SRBA history of this water right. The water right history is set forth below in Section II. The SRBA history is set forth in Section III, and is followed in Section IV by explanation of why this late claim should be allowed. Lastly, to the extent this late claim is allowed, Section V. explains the values claimed by the Daniel W. Richards & Judy K. Richards Family Trust (hereinafter, the "Trust") for a portion of Water Right No. 23-11.

II. WATER RIGHTS HISTORY

In the Rexburg Decree, 1,150 inches of water was decreed to the Baker & Dixon Ditch Company ("Baker & Dixon") for water out of Palisades Creek with a priority date of August 15, 1893. See Exhibit 1. The place of use for each individual within the Baker & Dixon was also included in the Rexburg Decree, and is set forth in Exhibit 2. A map of these properties shaded and labeled on a Metsker's Map from approximately 1940 is included as Exhibit 3. Exhibit No. 4 is an earlier version of a Metsker's Map with the same properties shaded and labeled. Names that appear on both of the 1940 Metsker's Map and the earlier Metsker's Map are important in the discussion below. For purposes of Trust's claim, the David H. Burton property (the property formerly owned by Mary E. Neilson, who was listed in the Rexburg Decree) depicted on Exhibits 3 and 4 are the most relevant.

Attached as Exhibits 5 through 8 are copies of relevant portions of different yearly versions of what is commonly known as the "Water District 01 Decree Book" (it has sometimes been referred to as the "Green Book"). For years in District 01, this book was used by the District 01 watermaster in administering water rights in priority. Exhibit 5 is from the 1949 version of the Decree Book; Exhibit 6 from 1956; Exhibit 7 from 1961; and Exhibit 8 from 1976. For our purposes, the most important of these is Exhibit 8. This particular copy was taken from the SRBA Claim file of Water Right No. 23-10279. As shown on this exhibit, water rights for nine (9) individuals were grouped under the single water right number of 23-11. For purposes of Trust's claim, it presently owns

portions of the property formerly owned by Dave Burton. As shown on Exhibit 8, the Dave Burton portion of Water Right No. 23-11 are clearly set forth: 7.2 cfs for Dave Burton.

III. SRBA History

A claim for all portions of Water Right No. 23-11 (22.9 cfs) in addition to Water Right No. 23-10 (5.4 cfs, held in the name of Lucille Baker), both of which have the same priority date, was filed under claim no. 23-11235. The water rights were claimed by a company known as "The Palisade Irrigation Co. Inc." (hereafter "Palisade"). This claim is attached as Exhibit 9.

Palisade is somewhat of a hybrid delivery/canal company. In Idaho, there are typically two classes of delivery or canal companies. In the first type of entity, the company itself owns the water rights and individual shareholders are entitled to a portion of the company's water rights. In this type of entity, the company would be responsible for issues pertaining to its water rights, such as filing claims in the SRBA.

The second type of entity is perhaps best referred to as a "mutual ditch association", or a "carrying company". In this type of entity, the company only owns the ditches, pipes and other infrastructure for water delivery. The water delivered through the ditches are delivered pursuant to individual water rights. In other words, the individual members, not the company itself, own the water rights. In this type of entity, the individual members would be responsible for issues pertaining to its water rights, such as filing claims in the SRBA.

As stated above, Palisade is somewhat of a hybrid entity. Palisade delivers both private rights through its system (similar to a carrying company), and also delivers water diverted pursuant to rights held by the company to its individual shareholders. Both the individual rights and the company rights were delivered through the Palisade Canal.

At some point, it was apparently determined that as to Water Right Nos. 23-10 and 23-11, Palisade would claim all of the water historically delivered through the canal, which would include both the company rights and the individual rights. As a practical matter, such an approach makes sense because both the individual rights and the company rights were treated the same by the company. Further, such an approach seemed prudent when considering the fact that nine (9) individuals used portions of Water Right 23-11. With these claims, however, the company made it

clear that it was making the claims on behalf of its members, including the Trust. For example, on claim 23-10279, the company's claims contain the following language: "This notice of claim is filed by the corporation on behalf of its members of the Palisade Irrigation Company, Inc. whose duty it is to manage and distribute water rights belonging to its various shareholders."

It appears from the record that Idaho Department of Water Resources (IDWR) was not certain as to how it would treat these rights in the adjudication. For example, Exhibit 10 is from IDWR's files on water right 23-11235 (an IDWR Field Exam Form), and it contains the following statement: "There is a question of how the original decreed rts: 23-10 and 11 are held. Are the rights owned privately or are they 100% owned by TPIC. Or, is 23-11 split with the split portions to private owners."

It appears that IDWR eventually decided that 23-11 should not be decreed as a single right, but should be split amongst private owners. See Exhibit 11. In short, the claim should not have been filed by Palisade. The claims should have been filed by individual owners.

IV. REASONS FOR ALLOWING Trust'S LATE AMENDED CLAIM.

The crux of Trust's late claim is simply that it was never notified by IDWR or anyone else that Claim 23-11235 for Water Right No. 23-11 was disallowed. The Trust was under the impression that Palisade had taken care of the adjudication claims for his water rights for the reasons set forth above. It has recently come to his attention that IDWR disallowed the original claim, which would have included his individual claim. The Trust did not receive any notification from IDWR or any communication from the company as to the Department's decision to disallow the original claim. From the record, it appears that only Palisade received a Notice of Error document from IDWR. See Exhibit 12. The Trust did not receive such a Notice of Error document, or any communication concerning disallowal of 23-11235.

It is unclear why Palisade never notified the Trust, but there are some potential reasons. For example, on the disallowed claim document for Water Right No. 23-11235, it states that 23-11235 was "recommended as right nos. 23-11234 and 23-11A." This language is misleading. Based on this language, it is easy to see why Palisade did not state anything on the Notice of Error document it received from IDWR. This language could easily be construed to mean that the 28.3 cfs claimed

by the company was recommended as 23-11234 and 23-11A. In actuality, 23-11A is for 1.8 cfs, and 23-11234 is for 2.43 cfs, for a total of 4.42 cfs, an amount much less than the 28.3 cfs originally claimed. Palisade could have very easily determined that the water rights were taken care of, and the totality of its original claim recommended. This did not turn out to be the case.

The Trust is obviously very concerned about his water rights, as were other water right owners who were his neighbors. One of the Trust's neighbors, Lynn Dixon, contacted IDWR on many occasions to determine the status of his rights. For example, attached as Exhibit 13 is a letter from Jim Rush of Rocky Mountain Environmental (this letter was obtained from the SRBA claim file for Water Right 23-61) wherein Mr. Rush indicated that IDWR had intended to hold a meeting to discuss Trust's water rights sometime in November or December of 2003. When Mr. Dixon became aware the Department's decision to disallow the claim, he contacted Mr. Daniel Richards of the Trust and informed him of the decision and recommended hiring an attorney to work through this issues. In addition, it seems that the original claim filed by Palisade containing language that the claims were filed on behalf of the members would have put IDWR on notice that the intent of the claim was to protect the interests of its members.

In addition, prior to 2006, water deliveries continued under the pre-adjudication records of Water District 01. Therefore, neither the company nor the members would have had an opportunity to understand the practical implications of the adjudication recommendations on actual water delivery and would not have been prompted by reductions in delivery to object. Once water amounts were reduced this year, it became evident to the Trust that there were problems with its water rights. In short, Trust has not unreasonably delayed filing its amended late claim.

It does appear that in most instances IDWR disallowed Palisade claims to private water rights, and instead recommended company claims of company owned rights and recommending private rights claimed by individual shareholders. However, there are some exceptions, specifically with Water Right No. 23-54 and 23-50D. Claim No. 23-54 was originally filed by the company, but through a change of ownership was recommended as a private right. Claim No. 23-50D appears to have originally been claimed as a private right and eventually was conveyed and recommended to the company.

It appears that 12.66 cfs out of the 28.3 cfs originally claimed by the company have been recommended to individuals. See Exhibit 14. Also, it appears that at least some of the individuals were notified of IDWR's decision not to recommend 23-11 to Palisade, but to recommend it to the individuals. For example, Exhibit 15 is a printout from IDWR's files for Water Right No. 23-11314, a water right owned by Richard I. Clayton. This document was received by IDWR on April 12, 2004. It seems that Mr. Clayton was notified of IDWR's decision, and thereafter filed his claim. It is also important to note from Mr. Clayton's Adjudication Claim Backfile a page that is marked as Exhibit 16. This Water Rights Split History Analysis clearly shows that most of 23-11 remained unclaimed.

Exhibit 17, a claim filed by Jo Ann Weeks, similarly shows a claim filed by her on February 2, 2004. It is unclear why others, including the Trust, were not notified that individuals needed to file claims for their water rights. Had Trust been notified, he would have immediately filed the necessary documents with the SRBA Court.

V. EXPLANATION OF AMOUNTS CLAIMED

To the extent the SRBA court allows the Trust's late claims, the documents in Exhibit 18 explain the amounts claimed by the Trust. The Trust owns a number of subdivision lots on the former Dave Burton property. Exhibit 18 shows each lot and the associated acres. There is some discrepancy as to who owns each lot based on Bonneville County's Records. However, all of the lots should be in the name of the Trust, and not held individually by Daniel W. Richards. Exhibit 19 contains a letter from Idaho Title & Trust and the relevant associated deeds showing that, based on the deeds, all properties are owned by the Trust, and not owned individually by Daniel W. Richards. It appears that the County's records are not entirely correct. We should also note that the listed owner "FT Richards" for lot RPD3280001001A refers to the Trust (FT is an abbreviation for "Family Trust").

Exhibit 20 is the final exhibit, and it shows the place of use of the water rights held in the name of Palisade. The property owned by Trust is included within its place of use.

It should be noted that Trust has used water diverted under 23-11 for pond and aesthetic purposes, which are not presently listed as a beneficial use under 23-11, and intends to file transfer documents once any issues with the SRBA court are sorted out.

Lastly, we expect that other landowners in a situation similar to Trust may likewise file late Amended Notices of Claim given the amount of 23-11 that remains unclaimed.

G:\WPDATA\RLH\13974 Richards, Daniel W\Statement_23-11_Dixon.wpd:cdv

Andrews, Heber, and Robert, the Farmers' Friend Canal Company.

Andrus, Robert, The Farmers' Friend Canal Company.

Ashmead, Charles, 100 inches, June 1, 1895, Teton Creek.

Asbury, G. C. (Disclaim any interest.)

Avery, Mrs. J. (See Talitha C. Avery.)

Avery, Talitha C., 160 inches, June 1, 1896, Trail Creek.

B.

Bagshaw, Ellen, 30 inches, Aug. 15, 1900, Pine Creek.

Baker & Dixon Ditch Company, 1,150 inches, Aug. 15, 1893, Palisade Creek.

Baker, Joseph D., 120 inches, June 1, 1903, Sheridan Creek.

Baker, Richard L., 100 inches, June 1, 1903, Sheridan Creek and Bishop Slough.

Ballantyne, Martha J. (See Z. Ballantyne.)

Ballantyne, Z., 160 inches, June 1, 1884, Spring Creek, near Menan.

Ballantyne, Z., 120 inches, Nov. 14, 1899, Spring Creek, near Menan.

Barnes, Charles W., The Farmers' Friend Canal Company.

Barnes, Thomas H., The Farmers' Friend Canal Company.

Barney, Walter, 160 inches, June 1, 1891, South Leigh Creek.

Barney, Walter W., 120 inches, June 1, 1896, South Leigh Creek.

Barrett, C. H., The Farmers' Friend Canal Company.

Barrett, E. C., The Farmers' Friend Canal Company.

Barrett, Nathan A., 160 inches, May 11, 1900, Driggs Springs and waters from swamp.

Barrus, John N., 160 inches, May 20, 1889, Palisade Creek.

Barrus, John N., 140 inches, June 30, 1890, Palisade Creek.

Barrus, R. N., Watson Slough Irrigation Company.

Bates, Thomas, 140 inches, May 3, 1889, Mahogany Creek.

Beam, Charles, 120 inches, June 1, 1895, Rainey Creek.

Beam, Frank, 40 inches, June 1, 1898, Rainey Creek.

Beam, Herbert L., 150 inches, June 1, 1891, Rainey Creek.

Beam, Matilda E., 80 inches, Sept. 19, 1897, Rainey Creek.

Beam, Nellie M., 80 inches, June 1, 1893, Rainey Creek.

Beard, James T., 200 inches, Apr. 1, 1896, Teton River.

Beasley, Joseph, 70 inches, June 1, 1899, Teton River. Also springs on ranch.

Beckstrand, Charley, Enterprise Canal Company.

Beckstrom, Niels, The Sunnyside Irrigation Company.

Beezley, Ebenezer, and J., 80 inches, June 1, 1889, Fox Creek.

Beezley, Ebenezer, and J., 80 inches, June 1, 1890, Fox Creek.

Bell, Joseph, 260 inches, Sept. 26, 1889, Fall River.

Belnap, A. W., North Salem Agricultural & Milling Canal Company.

Bernard, Alfred Joseph, 160 inches, Apr. 15, 1889, Rainey Creek.

Bernard, Alfred Joseph, 80 inches, June 20, 1889, Rainey Creek.

Bernard, Alfred Joseph, 80 inches, Apr. 9, 1889, Rainey Creek.

Bernston, Richard, 160 inches, June 1, 1899, Badger Creek.

Bess, O. C., The Farmers' Friend Canal Company.

Bettis, Alice, and Joseph, 80 inches, May 1, 1893, Trail Creek.

Bevan, Maria, 80 inches, Apr. 6, 1901, Swamp Creek.

Bigler, Jesse E., 320 inches, May 1, 1893, Moody Creek; to be reduced to 160 inches after June 20th in each year.

Bigler, Mark S., Good Luck Canal Company and Pioneer Ditch Company.

Birch, Mary H., Admx. Estate of Thomas Birch, deceased, Pioneer Ditch Company.

Birch, Mary H., Admx. Estate of Samuel Stewart, deceased; and

Birch, Mary H. (See Stewart, Samuel deceased, Mary H. Birch, Admx.)

Bird, Martin L., F. W. Garner and Geo. A. Pincock, 444 inches, March 1, 1884, Pincock-Garner Ditch.

Bird, Martin L., F. W. Garner and Geo. A. Pincock, 800 inches, April 1, 1898, Pincock-Garner Ditch.

Bishop, J. B., 300 inches, May 10, 1889, Sheridan Creek.

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EXHIBIT

books

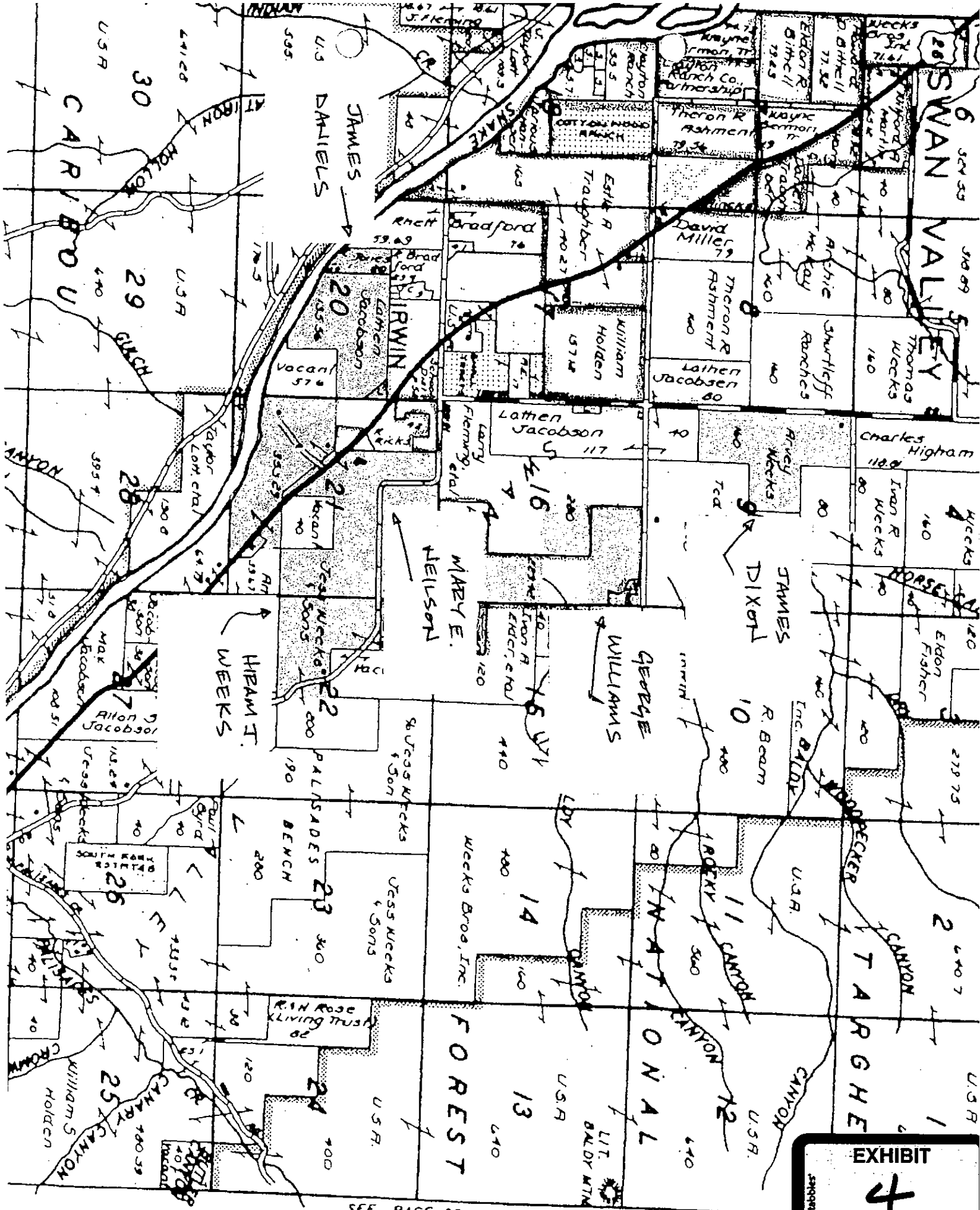
thence N. 80 rods, to beginning, containing 30 acres.
 Anderson, Mrs. Hogan, NW $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E., B. M., containing 160 acres.
 Anderson, O. H., E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E., containing 80 acres.
 Anderson, Oscar H., SE $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E., B. M., containing 160 acres.
 Anderson, Otto, Lots 3, 4, 5 and 6, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 20, T. 5 N., R. 39 E., B. M., containing 160 acres.
 Andrews, L. W., S $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and Lot 2, Sec. 6, T. 3 N., R. 45 E., B. M.
 Arave, David E., SE $\frac{1}{4}$ of Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 25, T. 1 N., R. 38 E., B. M., containing 160 acres.
 Arave, Heber, NE $\frac{1}{4}$ of Sec. 36, T. 1 N., R. 37 E., B. M., containing 160 acres.
 Armstrong, Robert, SE $\frac{1}{4}$ of Sec. 11, E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 11, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 11, T. 2 N., R. 37 E., B. M., containing 320 acres.
 Ashmead, Charles, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 12, N $\frac{1}{2}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 13, T. 5 N., R. 44 E., B. M., containing 200 acres.
 Avery, Talitha C., SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 1 and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2, and NE $\frac{1}{4}$ of Sec. 11, T. ?? N., R. 45 E., B. M.
 B.
 Bagshaw, Ellen, W $\frac{1}{2}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 8, T. 3 N., R. 45 E.
 ————— Baker & Dixon Ditch Company. —————
 Daniels, James, S $\frac{1}{2}$ of NE $\frac{1}{4}$ and Lots 3 and 4, Sec. 20, T. 1 N., R. 44 E., B. M., containing 167.66 acres.
 Dixon, James S., W $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 9, T. 1 N., R. 44 E., B. M., containing 160 acres.
 Neilson, Mary E., E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ and lots 1, 2 and 3, Sec. 21, T. 1 N., R. 44 E., B. M., containing 320 acres.
 Weeks, Hiram J., SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec. 22, T. 1 N., R. 44 E., B. M.
 Williams, George, W $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 16, T. 1 N., R. 44 E., B. M., containing 160 acres.
 Baker, Joseph D., Lots 1 and 2 and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 6, T. 12 N., R. 42 E., B. M., containing 160 acres.
 Baker, Richard L., NW $\frac{1}{4}$ of Sec. 8, T. 12 N., R. 42 E., B. M., containing 160 acres.
 Ballantyne, Z., SW $\frac{1}{4}$ of Sec. 29, T. 5 N., R. 38 E., B. M., containing 160 acres.
 Barnes, Charles W., SE $\frac{1}{4}$ of Sec. 10, T. 3 N., R. 45 E., B. M., containing 160 acres.
 Barney, Walter, unsurveyed NW $\frac{1}{4}$ of Sec. 32, T. 6 N., R. 46 E. B. M., containing 160 acres.
 Barney, Walter W., unsurveyed E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 32, T. 6 N., R. 46 E., B. M., containing 160 acres.
 Barrett, Nathan A. (No description given.)
 Barrus, John N., Lots 1 and 4, Sec. 28, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 21; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 27; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22, T. 1 N., R. 44 E., B. M., containing 267 $\frac{1}{2}$ acres.
 Barrus, R. N., W $\frac{1}{2}$ of W $\frac{1}{2}$ of Sec. 14 and E $\frac{1}{2}$ of E $\frac{1}{2}$ of Sec. 15, T. 3 S., R. 34 E., B. M., containing 320 acres.
 Bates, Thomas, NE $\frac{1}{4}$ of Sec. 24, T. 4 N., R. 44 E., B. M., containing 160 acres.
 Baugh, Samuel, Clara and William, Lots 3, 5 and 7, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 2; S $\frac{1}{2}$ of NW $\frac{1}{4}$ and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 9, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 10; S $\frac{1}{2}$ of SW $\frac{1}{4}$ (except ten acres in square form in SEcorner

of SW $\frac{1}{4}$
 ing 442
 Bauman, He
 E., B. M.
 Beach, A. V
 38 E., 1
 Beahrensme
 of Sec.
 Beam, Char
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 Beam, Fran
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 NW $\frac{1}{4}$
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 R. 44 E
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 240 ac
 Beasley, Jo
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 Beasley, S.
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 Beckstead,
 T. 6 N
 N. 50 r
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 taining
 Beguin, J.
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 Bell, Josep
 N., R.
 Belnap, A.
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 Benton, C
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 Bernard, J
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 36, T.
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 conta
 Bishop, J
 S $\frac{1}{2}$ C
 Bishop, J
 NW $\frac{1}{4}$

EXHIBIT

2

tabbles



SEE PAGE 39

EXHIBIT

4

PALISADE CREEK (cont'd)

<u>Date</u>	<u>Name</u>	<u>Amount</u> (Sec.-ft.)	<u>Accum.</u> <u>Total</u> (Sec.-ft.)
<u>Palisade Canal</u>			
June 1, 1885	*R. Fleming (Tr. #565A)	1.0	1.0
May 1, 1886	*J. Miller (Tr. #533)	3.8	4.8
June 1, 1886	*R. Fleming (Tr. #565)	1.0	5.8
May 20, 1889	R. Fleming (J. N. Barrus)	3.2	9.0
May 20, 1889	Hannah Burton	3.0	12.0
May 20, 1889	Anton Nelson	3.6	15.6
June 30, 1890	R. Fleming (J. N. Barrus)	2.8	18.4
June 30, 1890	Hannah Burton	4.2	22.6
May 1, 1892	Abram Weeks (Tr. #388, #746, S. C. Weeks)	0.2	22.8
Aug. 15, 1893	Dave Burton (Baker & Dixon)	7.2	
Aug. 15, 1893	L. Jacobsen (Baker & Dixon)	3.46	
Aug. 15, 1893	I. Waters (Baker & Dixon)	0.04	
Aug. 15, 1893	Joe Jones (Baker & Dixon)	0.44	
Aug. 15, 1893	Reed Ricks (Baker & Dixon)	0.06	
Aug. 15, 1893	Jesse Weeks (Baker & Dixon)	4.50	
Aug. 15, 1893	Chas. Fleming (Baker & Dixon)	1.80	
Aug. 15, 1893	Sam Weeks (Baker & Dixon)	3.60	
Aug. 15, 1893	Lucille Baker (Baker & Dixon)	1.80	
Aug. 15, 1893	Lucille Baker (Supp.)	5.40	51.1
June 1, 1898	W. McKay	3.2	54.3
June 1, 1898	J. Miller (Samuel Weeks, Jr.)	3.2	57.5
June 1, 1898	J. Miller (Johnson, McKay & Weeks)	3.2	60.7
June 1, 1899	Earnest Stone (Hyrum J. Weeks)	1.0	61.7
June 1, 1900	Swan Valley Irrig. Co.	32.4	94.1
June 1, 1901	Peter Burney	0.8	94.9
Total Palisade Creek			101.40

*Inoperative at times when amount of water in Palisade Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priorities being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 s.f. there is 0.10 s.f. not accounted for. Of the Swan Valley Irrig. original 1900 decree 3.6 sec.-ft. transferred to Snake River - change in point of diversion #199.

UPPER RAINEY CREEK
(above sinks)

Apr. 9, 1889	Nellie M. Beam (A. J. Bernard, Tr. #438)	1.6	1.6
Apr. 15, 1889	S. J. Weeks (A. J. Bernard, Tr. 383, 383A)	1.6	3.2
Apr. 15, 1889	John Miller (A. J. Bernard)	1.6	4.8
June 1, 1889	Mrs. Shurtliff (Wm. Shurtliff)	3.0	7.8
June 1, 1889	Mrs. Shurtliff (J. A. Schneebly)	2.4	10.2

EXHIBIT

tabbles

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BIG ELK CREEK

<u>Date</u>	<u>Name</u>	<u>Amount</u> (Sec.-ft.)
June 1, 1895	Mrs. Fannie Wheat (W. E. Wheat) (includes Little Sheep Cr.)	3.0
June 30, 1903	Sam Dennis (E. F. Nickerson)	2.0
July 2, 1903	Oliver Jacobsen (E. E. Still) Permit #128	3.2
Total		8.2

BEAR CREEK

June 1, 1890	Henry Hill (Supp.)	3.6
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PORCUPINE CREEK

May 1, 1890	M. D. Yeamen	1.2
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YEAMEN (DEER) CREEK

May 1, 1892	M. D. Yeamen	1.2
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PALISADE CREEK

	<u>Amount</u>	<u>Accum.</u> <u>Total</u>
<u>Wheat & Tanner Ditch</u>		
May 1, 1902 James Tanner	2.6	
<u>Weeks Ditch</u>		
Aug. 20, 1890 Art Weeks (S. C. Weeks)	1.65	
Aug. 20, 1890 Abram Weeks (S. C. Weeks)	1.65	
May 1, 1892 Art Weeks (S. C. Weeks)	.40	
May 1, 1892 Abram Weeks (S. C. Weeks)	.20	
<u>Palisade Canal</u>		
June 1, 1885 *R. Fleming (Tr. #565A)	1.0	1.0
May 1, 1886 *J. Miller (Tr. #533)	3.8	4.8
June 1, 1886 *R. Fleming (Tr. #565)	1.0	5.8
May 20, 1889 R. Fleming (J. N. Barrus)	3.2	9.0
May 20, 1889 Hannah Burton (see Tr. #536)	3.0	12.0
May 20, 1889 Anton Nelson	3.6	15.6
June 30, 1890 R. Fleming (J. N. Barrus)	2.8	18.4
June 30, 1890 Hannah Burton (see Tr. #536)	4.2	22.6
May 1, 1892 Abram Weeks (Tr. #388, #746, S. C. Weeks)	0.2	22.8
Aug. 15, 1893 Dave Burton (Baker & Dixon)	7.2	
Aug. 15, 1893 L. Jacobsen (Baker & Dixon)	3.46	
Aug. 15, 1893 I. Waters (Baker & Dixon)	0.04	
Aug. 15, 1893 Joe Jones (Baker & Dixon)	0.44	
Aug. 15, 1893 Reed Ricks (Baker & Dixon)	0.06	
Aug. 15, 1893 Jesse Weeks (Baker & Dixon)	4.50	

EXHIBIT

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PALISADE CREEK (cont'd)

<u>Date</u>	<u>Name</u>	<u>Amount</u> (Sec.-ft.)	<u>Accum.</u> <u>Total</u> (Sec.-ft.)
<u>Palisade Canal (cont'd)</u>			
Aug. 15, 1893	Chas. Fleming (Baker & Dixon)	1.80	
Aug. 15, 1893	Sam Weeks (Baker & Dixon)	3.60	
Aug. 15, 1893	Lucille Baker (Baker & Dixon)	1.80	
Aug. 15, 1893	Lucille Baker (Supp.)	5.40	51.1
June 1, 1898	W. McKay	3.2	54.3
June 1, 1898	J. Miller (Samuel Weeks, Jr.)	3.2	57.5
June 1, 1898	J. Miller (Johnson, McKay & Weeks)	3.2	60.7
June 1, 1899	Earnest Stone (Hyrum J. Weeks)	1.0	61.7
June 1, 1900	Swan Valley Irrig. Co.	32.4	94.1
June 1, 1901	Peter Burney	0.8	94.9
Jan. 22, 1916	Palisades Irr. Co. (Supp.)	97.8	192.70

*Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priorities being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 s.f. there is 0.10 s.f. not accounted for. Of the Swan Valley Irrig. original 1900 decree 3.6 sec.-ft. transferred to Snake River - change in point of diversion #199. See 1940 Swan Valley regulation record for Swan Valley Irr. Co. individual rights.

UPPER RAINEY CREEK
(above sinks)

Apr. 9, 1889	Nellie M. Beam (A. J. Bernard, Tr. #488, Tr. #860)	1.6	1.6
Apr. 15, 1889	S. J. Weeks (A. J. Bernard, Tr. 383, 383A)	1.6	3.2
Apr. 15, 1889	John Miller (A. J. Bernard)	1.6	4.8
June 1, 1889	Mrs. Shurtliff (Wm. Shurtliff)	3.0	7.8
June 1, 1889	Mrs. Shurtliff (J.A. Schneebly)	2.4	10.2
June 20, 1889	John Miller (A. J. Bernard)	0.8	11.0
June 20, 1889	S. J. Weeks (A. J. Bernard)	.8	11.8
Sept. 1, 1889	S. J. Weeks (John McGibbon, Tr. #439)	3.2	15.0
June 1, 1890	Henry Goettsche (Chas. & Mrs. Englis, Tr. #489)	1.94	16.94
Sept. 1, 1890	Nellie M. Beam (John McGibbon, Tr. #419, #860)	1.60	18.54
June 1, 1891	Elizabeth Beam (H. L. Beam)	3.0	21.54
June 1, 1891	Mrs. Shurtliff (Wm. Shurtliff)	2.4	23.94
July 6, 1892	Harlan Corbett	2.0	25.94
June 1, 1893	Nellie M. Beam	1.6	27.54
May 1, 1895	Mrs. Shurtliff (J.A. Schneebly)	1.0	28.54
June 1, 1895	Nellie M. Beam (Chas. Beam)	2.4	30.94

Minor Tributaries Alpine to Heise
(Arranged in downstream order)

WILLIAMS CREEK

Date	Name	Amount (Sec.-ft)
May 1, 1928	Floyd Bagley (Supp.)	2.2

INDIAN CREEK

Date	Name	Amount (Sec.-ft)
July 5, 1900	D. Worth Smith (Supp.)	5.0
Aug. 14, 1917	Richard T. Smith (Lisc. 13129)	5.5
Total		5.5

SHEEP CREEK

Date	Name	Amount (Sec.-ft)
Dec. 9, 1912	Paul Byrd (Mabel Tollman) Lisc. 8948	3.6
June 5, 1957	E. C. Perry (Permit 26952)	3.1
Total		3.7

PORCUPINE CREEK

Date	Name	Amount (Sec.-ft)
May 1, 1890	M. D. Yeamen	1.2

YEAMEN (DEER) CREEK

Date	Name	Amount (Sec.-ft)
May 1, 1892	M. D. Yeamen	1.2

PALISADE CREEK

Date	Name	Amount	Accum. Total
<u>Wheat & Tanner Ditch</u>			
May 1, 1902	James Tanner	2.6	2.6

Weeks Ditch

Date	Name	Amount	Accum. Total
Aug. 20, 1890	Art Weeks (S. C. Weeks)	1.65	
Aug. 20, 1890	Abram Weeks (S. C. Weeks)	1.65	
May 1, 1892	Art Weeks (S. C. Weeks)	.40	
May 1, 1892	Abram Weeks (S. C. Weeks)	.40	4.10
(Tr. #388,746)			

Palisade Canal

Date	Name	Amount	Accum. Total
June 1, 1885	*R. Fleming (Tr. #565A)	1.0	1.0
May 1, 1886	*J. Miller (Tr. #533)	3.8	4.8
June 1, 1886	*R. Fleming (Tr. #565)	1.0	5.8
May 20, 1889	R. Fleming (J. N. Barrus)	3.2	9.0
May 20, 1889	Hannah Burton (See Tr. #536)	3.0	12.0
May 20, 1889	Anton Nelson	3.6	15.6
June 30, 1890	R. Fleming (J. N. Barrus)	2.8	18.4
June 30, 1890	Hannah Burton (See Tr. #536)	4.2	22.6
Aug. 15, 1893	Dave Burton (Baker & Dixon)	7.2	
Aug. 15, 1893	L. Jacobsen (Baker & Dixon)	3.46	
Aug. 15, 1893	I. Waters (Baker & Dixon)	0.04	

EXHIBIT

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PALISADE CREEK - continued

Date		Amount	Accum. Total
<u>Palisade Canal</u> - continued			
Aug. 15, 1893	Joe Jones (Baker & Dixon)	0.44	
Aug. 15, 1893	Reed Ricks (Baker & Dixon)	0.06	
Aug. 15, 1893	Jesse Weeks (Baker & Dixon)	4.50	
Aug. 15, 1893	Chas. Fleming (Baker & Dixon)	1.80	
Aug. 15, 1893	Sam Weeks (Baker & Dixon)	3.60	
Aug. 15, 1893	Lucille Baker (Baker & Dixon)	1.80	
Aug. 15, 1893	Lucille Baker (Supp.)	5.40	50.9
June 1, 1898	W. McKay	3.2	
June 1, 1898	J. Miller (Samuel Weeks, Jr.)	3.2	
June 1, 1898	J. Miller (Johnson, McKay & Weeks)	3.2	60.5
June 1, 1899	Earnest Stone (Hyrum J. Weeks)	1.0	61.5
June 1, 1900	Swan Valley Irrig. Co. (CPD 199, 236, 248)	26.4	87.9
June 1, 1901	Peter Burney	0.8	88.7
May 15, 1908	Thomas Weeks (Lisc. 3790)	3.2	91.9
Apr. 17, 1914	Milo Ford (Lisc. 10130)	0.4	92.3
Oct. 23, 1914	Milo Ford (Lisc. 10130)	.8	93.1
Jan. 22, 1916	Palisades Irr. Co. (Supp.)	97.8	190.9

*Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priorities being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 s.f. there is 0.10 s.f. not accounted for. Of the Swan Valley Irrig. original 1900 decree 9.6 s.f. transferred to Snake River - change in point of diversion #199, 236, 248. See 1940 Swan Valley regulation record for Swan Valley Irr. Co. individual rights.

UPPER RAINEY CREEK

(above sinks)

Apr. 9, 1889	Nellie M. Beam (A. J. Bernard, Tr. #488, Tr. #860)	1.6	1.6
Apr. 15, 1889	S. J. Weeks (A. J. Bernard, Tr. 383, 383A)	1.6	
Apr. 15, 1889	John Miller (A. J. Bernard)	1.6	4.8
June 1, 1889	Mrs. Shurtliff (Wm. Shurtliff)	3.0	
June 1, 1889	Mrs. Shurtliff (J. A. Schneeibly)	2.4	10.2
June 20, 1889	John Miller (A. J. Bernard)	0.8	
June 20, 1889	S. J. Weeks (A. J. Bernard)	.8	11.8
Sept. 1, 1889	S. J. Weeks (John McGibbon, Tr. 439)	3.2	15.0
June 1, 1890	Henry Goettsche (Chas. & Mrs. Englis, Tr. #489)	1.94	16.94
Sept. 1, 1890	Nellie M. Beam (John McGibbon, Tr. #419, #860)	1.60	18.54
June 1, 1891	Elizabeth Beam (H. L. Beam)	3.0	21.54
June 1, 1891	Mrs. Shurtliff (Wm. Shurtliff)	2.4	23.94
July 6, 1892	Harlan Corbett	2.0	25.94
June 1, 1893	Nellie M. Beam	1.6	27.54
May 1, 1895	Mrs. Shurtliff (J. A. Schneeibly)	1.0	28.54

From Claim File
A23-10279

Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total	
<u>Palisade Creek-continued-</u> (12)				
<u>Palisade Canal</u>				
01-0035 R. Fleming (TR 565A)	June 1, 1885*	1.0	1.0	Richard
J. Miller (TR 533)	May 1, 1886*	3.8	4.8	TR 4
01-0115 R. Fleming (TR 565)	June 1, 1886*	1.0	5.8	S. J. W.
23-0012 R. Fleming (J. N. Barrus)	May 20, 1889	3.2	9.0	TR 3
23-0061 Hannah Burton (TR 536)	May 20, 1889	3.0	12.0	John M.
23-0075 Anton Nelson	May 20, 1889	3.6	15.6	
23-0013 R. Fleming (J. N. Barrus)	June 30, 1890	2.8	18.4	Mrs. Sh
23-0062 Hannah Burton (TR 536)	June 30, 1890	4.2	22.6	Mrs. Sh
Dave Burton (Baker & Dixon)	Aug. 15, 1893	7.2		John M.
L. Jacobson (Baker & Dixon)	Aug. 15, 1893	3.46		S. J. W.
I. Waters (Baker & Dixon)	Aug. 15, 1893	0.04		S. J. W.
Joe Jones (Baker & Dixon)	Aug. 15, 1893	0.44		TR 4
Reed Ricks (Baker & Dixon)	Aug. 15, 1893	0.06		Henry G
Jesse Weeks (Baker & Dixon)	Aug. 15, 1893	4.5		TR 4
Charles Fleming	Aug. 15, 1893	1.8		Richard
Sam Weeks (Baker & Dixon)	Aug. 15, 1893	3.6		TR 4
Lucille Baker (Baker & Dixon)	Aug. 15, 1893	1.8		Elizabeth
23-0010 Lucille Baker (Suppl)	Aug. 15, 1893	5.4	50.9	Mrs. Sh
23-0074 W. McKay (John W. Weeks)	June 1, 1898	3.2		Harlan
23-0057 J. Miller (Samuel Weeks, Jr.)	June 1, 1898	3.2		Nellie
23-0044 J. Miller (Johnson, McKay & Weeks)	June 1, 1898	3.2	60.5	Mrs. Sh
23-0054 Ernest Stone (Hyrum J. Weeks)	June 1, 1899	1.0	61.5	Nellie
23-0050 Swan Valley Irrigation Co.				Henry G
CPD 199, 236, 248	June 1, 1900	26.4	87.9	Robert
23-0073 Peter Burney	June 1, 1901	0.8	88.7	TR 3
23-2015 Thomas Weeks (Lisc. 3790)	May 15, 1908	3.2	91.9	S. J. W.
Milo Ford (Lisc. 10130)	Apr. 17, 1914	0.4	92.3	Nellie
23-2021 Milo Ford (Lisc. 10130)	Oct. 23, 1914	0.8	93.1	Nellie
Palisades Irrigation Co (Supp)	Jan. 22, 1916	97.8	190.9	J. L. F
Total for Palisade Creek			197.6	Mrs. Sh
				Henry G
				Charles
				Charles
				J. L. F
				R. A. F
				Ivan W
				T. M. V
				J. B. F
				Shurtl
				Elizabeth
				D. H. F
				Henry
				Arvie
				F. Sto
				W. A.

*Inoperative at times when amount of water in Palisades Creek is insufficient to fill all of the valid rights on Palisade Creek as determined by priority being filled on main river.

Note: Of the Baker and Dixon 1893 decree of 23.0 cfs, there is 0.10 cfs accounted for. Of the Swan Valley Irrig. original 1900 decree, 9.6 cfs transferred to Snake River - change in point of diversion No. 199, 236. See 1940 Swan Valley regulation record for Swan Valley Irrigation Co. and rights.

FROM WDDI "GREEN BOOK"

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 23-11235
Date Received: 7/11/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

THE PALISADE IRRIGATION CO INC Phone: (208)483-3361
45785 COUNTY RD 16
COPE CO USA 80812-9516

2. Date of Priority: 08/15/1893

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	44E	26	SW NE NW	BONNEVILLE	

5. Description of diverting works:

CONCRETE HEADGATE ON PALISADES CRK/ CANALS AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	28.3	

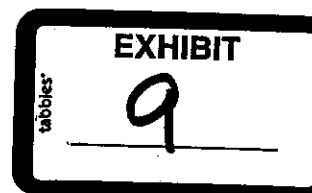
7. Total Quantity Appropriated is:
28.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	44E	9	NW NW	IRRIGATION	40
			SW NW	IRRIGATION	40
			SE NW	IRRIGATION	40
			NE SW	IRRIGATION	40



			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	440
01N	44E	15	SW	SW	IRRIGATION	40
					Section Acres	40
01N	44E	16	NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	120
01N	44E	20	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	37
			SE	NW	IRRIGATION	20
			NE	SW	IRRIGATION	7
			NW	SE	IRRIGATION	32
					Section Acres	136
01N	44E	21	SW	SW	IRRIGATION	25
			SE	SW	IRRIGATION	32
			SW	SE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	37
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	NW	IRRIGATION	5
					Section Acres	369
01N	44E	22	NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SW	IRRIGATION	40
					Section Acres	160
					Total Acres	1265

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

Contacts Data Entry Form

Water Right No. 23-11235

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner THE PALISADES TRIG CO. (TPIC)

Name connector: and _____ or _____ and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

THIS RIGHT IS A RESULT OF SPLITTING (DUE TO %) OF 29-10279. SEE SPLIT HISTORY ATTACHED.
BASED ON DECEASED Rts 23-10 AND 23-11 (PARTS OF EACH)

THERE IS A QUESTION OF HOW THE ORIGINAL DECEASED Rts: 23-10 AND 11 ARE HELD. ARE THE RIGHTS OWNED PRIVATELY OR ARE THEY 100% OWNED BY TPIC. OR, IS 23-11 SPLIT WITH THE SPLIT PORTIONS TO PRIVATE OWNERS.

DISALLOWED: 23-10 (part) BELONGS TO T. TRUST UNDER 23-11234
23-11A (part) BELONGS TO PAUL RENT. ANTI TRUST #1

Reviewer: _____

Date: _____

EXHIBIT

tabbies

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01/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-11235 **DISALLOWED**

NAME AND ADDRESS: THE PALISADE IRRIGATION CO INC
45785 COUNTY RD 16
COPE CO 80812-9516

SOURCE:

QUANTITY: 0.000 CFS

PRIORITY DATE: 08/15/1893

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY

PLACE OF USE:

1265 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RECOMMENDED AS RIGHT NOS. 23-11234 AND 23-11A: This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimant's name.

RECOMMENDED AS RIGHT NOS. 23-11234 AND 23-11A.

EXPLANATORY MATERIAL: Decreed

Water Right 23-11235

1



02/19/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-11235

THE PALISADE IRRIGATION CO INC
RHETT BRADFORD PRESIDENT
PO BOX 37
IRWIN ID 83428
Telephone Number: (208)483-3424

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/18/04 SIGNATURE: [Signature]

Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



FACSIMILE



TO: Mr. Jim Bernard
River Bend Estates LLC
3894 E 200 N, Rigby ID 83442

745-7979

SUBJ. Lynn Dixon property in Swan Valley

RMEA 03-0082

cc: Mr. Roger Warner
Mr. Tony Olenichak
Mr Allen Ruberry, Idaho Department of Water Resources

Unless otherwise indicated, HARD COPY WILL NOT FOLLOW

November 10, 2003

Jim:

I met recently with Mr. Allen Ruberry, Idaho Department of Water Resources [IDWR], regarding the proposed *recovery wells*. Please allow me to bring you up to date and to recommend a course of action.

1. Mr. Ruberry expressed some surprise about Water Right Nos. 23-11235 and 23-10281. Allen seemed to imply that these rights had not been submitted to the Water Master in Twin Falls for adjudication.
2. Mr. Ruberry said that he was working on field verifications of water rights in Swan Valley and on Palisade Creek in 2003 and would be finished in late 2003.
3. Mr. Ruberry suggested that Mr. Dixon, you, and I meet with him at IDWR in late November or early December. At that time, Mr. Ruberry would have more information about water rights in Swan Valley.
4. In the meantime, Allan suggested that we "hold tight" until then.

I suggest we plan a meeting at IDWR in early December when Mr. Dixon is in Idaho.

Jim

Page 1 of 1 Total Pages
C:\jim 2003\2003 COMPLETED PROJECTS\03 0082
Lynn Dixon Swan Valley\Fax 11 10 03 about SRBA
for Lynn Dixon.wpd

from James Rush
Rocky Mountain Environmental SM
482 Constitution, Idaho Falls, ID 83402
[208] 524-2353 [208] 524-1795 Fax
jrush@rockymountainenvironmental.com

SPENCER WARNER
483-2250 Hm
313-7028 Cell

EXHIBIT

13

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☒ All SRBA & Water Rights	
SRBA ☐ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☐ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin

Who

What

When

Where

Clear

Search

Help

Query parameters:

basinFrom = 23

PriorityDateFrom = 08/15/1893

PriorityDateTo = 08/15/1893

Source = Palisades Creek

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
tabbles EXHIBIT 14 Details Agree Documents Provision	1	23	11235			Decreed	Active	1893-08-15	28.3	PALISADES CREEK	IRRIGATION	THE PALISADE IRRIGATION CO INC (Current)

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details Related Documents General Provision	2	23	11	A		Decreed	Active	1893-08-15	1.8	PALISADES CREEK	IRRIGATION	BALL, ROGER H (Current)
Details Related Documents General Provision	3	23	10169			Decreed	Active	1893-08-15	2.6	PALISADES CREEK	IRRIGATION	BALL, ROGER H (Current)
Details Related Documents General Provision	4	23	11222			Decreed	Active	1893-08-15	0.11	PALISADES CREEK	IRRIGATION	WILKINS, CRISTIN (Current)
Details Related Documents General Provision	5	23	11234			Decreed	Active	1893-08-15	2.43	PALISADES CREEK	IRRIGATION	CHIDO, TONY (Current)
Details Related Documents General Provision	6	23	11265			Decreed	Active	1893-08-15	2.66	PALISADES CREEK	IRRIGATION	WEEKS, RUTH (Current); WEEKS, SPENCER (Current); WEEKS, STEVE (Current)
Details Related Documents General Provision	7	23	11305			Decreed	Active	1893-08-15	0.44	PALISADES CREEK	IRRIGATION	WEEKS, CLYDE (Current)
Details Related Documents	8	23	11306			Decreed	Active	1893-08-15	1.2	PALISADES CREEK	IRRIGATION	THOMPSON, KRISTIN L (Current); THOMPSON,

General Provision													TOMMY N (Current)
Details	9	23	11314			Decreed	Active	1893-08-15	0.96	PALISADES CREEK	IRRIGATION	CLAYTON, RICHARD I (Current)	
Related Documents													
General Provision													
Details	10	23	11315			Decreed	Active	1893-08-15	0.46	PALISADES CREEK	IRRIGATION	SWEET, ROBERT (Current)	
Related Documents													
General Provision													

Number of records = 10

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 23-11314
Date Received: 4/12/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD I CLAYTON Phone: (208)525-9153
PO BOX 1887
IDAHO FALLS ID USA 83403

2. Date of Priority: 08/15/1893

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	44E	26	SW SW SE	BONNEVILLE	

5. Description of diverting works:

POD AND DELIVERY SAME AS PALISADES IRRIG CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.96	

7. Total Quantity Appropriated is:
0.96 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------



01N 44E 9

NW	SE
SW	SE
SE	SE
NE	SE

IRRIGATION	21.5
IRRIGATION	5.8
IRRIGATION	12.8
IRRIGATION	1.2

Section Acres 41.3

Total Acres 41.3

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A PORTION OF THE BAKER DIXON DICTH RIGHT 23-00011.

15. Basis of Claim: Decreed

FEE \$ 142.00

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 23-11314
Date Received: 4/12/2004
Receipt No: E029864
Received By: JC

TEMPORARY

TEMPORARY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 18 2004

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

RICHARD I CLAYTON Phone: (208)525-9153
PO BOX 1887
IDAHO FALLS ID USA 83403

2. Date of Priority: 08/15/1893

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER SOUTH FORK

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
01N 44E 26 SW SW SE BONNEVILLE

5. Description of diverting works:
POD AND DELIVERY SAME AS PALISADES IRRIG CANAL

6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/15 10/31 0.96

7. Total Quantity Appropriated is:
0.96 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:
Township Range Section 1/4 of 1/4 Lot Use Acres
01N 44E 9 NW SE IRRIGATION 21.5
SW SE IRRIGATION 5.8
SE SE IRRIGATION 12.8
NE SE IRRIGATION 1.2
Section Acres 41.3
Total Acres 41.3

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:
THIS CLAIM IS A PORTION OF THE BAKER DIXON DICTH RIGHT 23-00011.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): BANK OF COMMERCE, TRUSTEE Date: MAY 14 2004

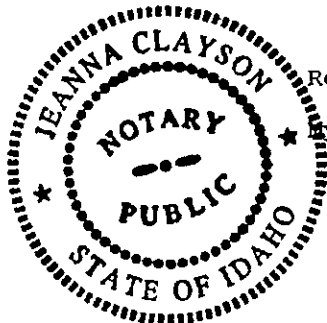
Sharon Galt Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14th
of May 2004

Jeanna Clayson

Notary Public



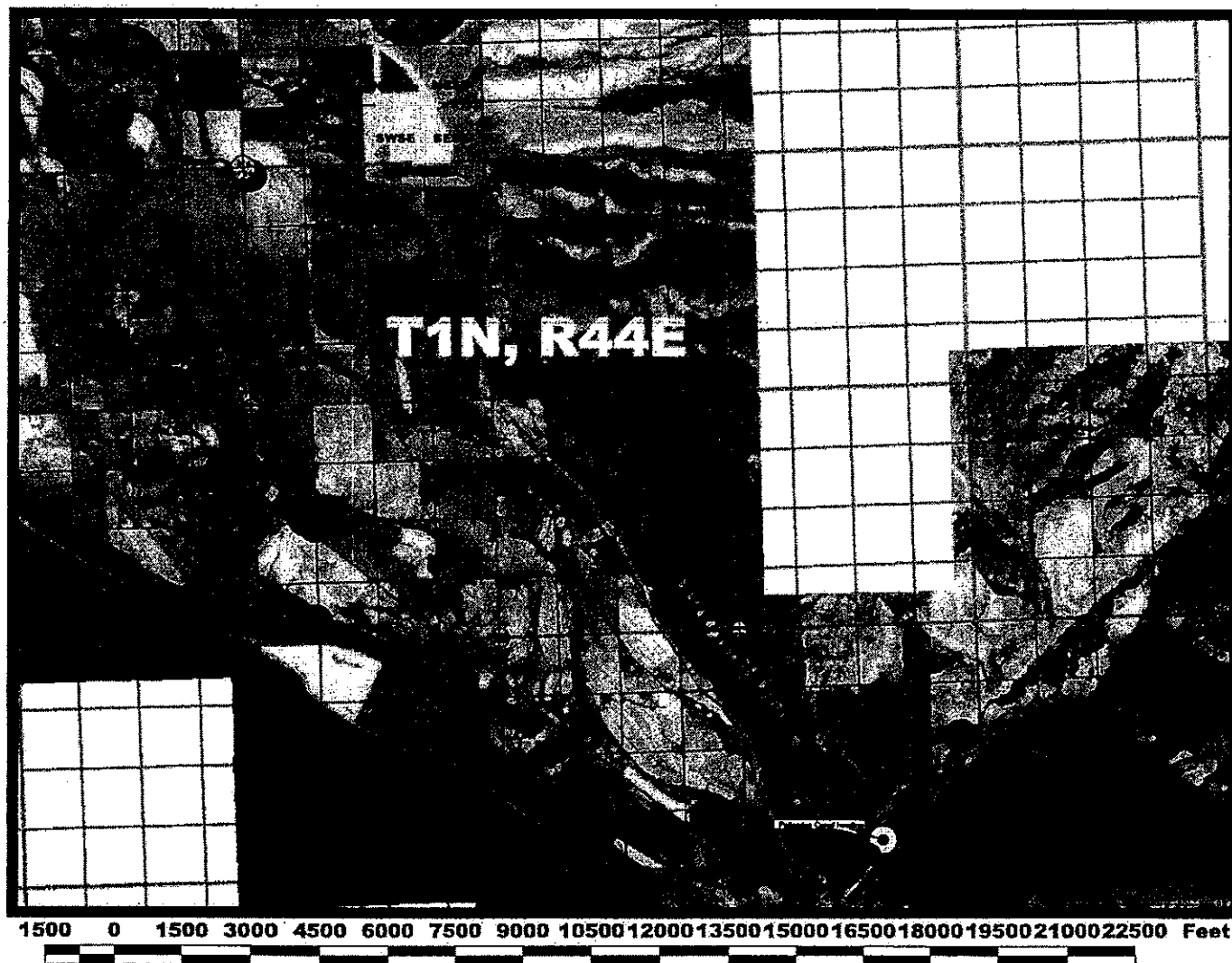
Residing at Idaho Falls, ID.
My commission Expires 05-08-09



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-11314

Place of Use: (parts of)

T1N, R44E

Sec. 9 SE

Point(s) of Diversion:

T1N, R44E

Sec. 26 SWSWSE

NOTE: Delivery through Palisades
Irrigation canal system.

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAFF Photography
Prepared by: A. Ruberry
Date: May 2004

Water Right Split History Analysis

(C. FLEMING) % to 10/5/03

R. Ball Annuity Trust #1

23-00011A ~~claim~~

1.80 cfs B/15/1893

claim

POU: E²NW, SW²E, E²SW, SWSW, NWSE = 239²ac

* DELIVERY THROUGH PALISADES IRRIG. CANAL

ENLARG... CLAIM: 23-11271 : 80ac

All DELIVERED THROUGH
PALISADES IRRIG. CANALBaker Dixon Ditch Co.
23-0001123.0 cfs B/15/1893
PALISADES CK

POD: NOT SPECIFIED

Time of Day	Flow (cfs)	Time of Day	Flow (cfs)
0600	0.00	1800	0.00
0700	0.00	1900	0.00
0800	0.00	2000	0.00
0900	0.00	2100	0.00
1000	0.00	2200	0.00
1100	0.00	2300	0.00
1200	0.00	2400	0.00
1300	0.00	2500	0.00
1400	0.00	2600	0.00
1500	0.00	2700	0.00
1600	0.00	2800	0.00
1700	0.00	2900	0.00
1800	0.00	3000	0.00

2500

DELIVERY THROUGH THE
PALISADES IRRIG. CANAL

Review on

* 2500's x 40cfs/acre = 1000 ac

23.0 cfs = 0.0233 cfs/ac
1000 ac* Combined Use Limits Apply
23-74, 23-00011A23-11265 ~~claim~~ JO ANN WEEKS2.66 ~~4.63~~ cfs B/15/1893POU: S²NW, NW²NW, NW²SW = 115²ac

* DELIVERY THROUGH PALISADES IRRIG. CANAL

23-00011B JESS WEEKS & SONS

No SPRA CLAIM

SPLIT OFF BY TR #2559

2.45 cfs on 105 ac = 0.0233 cfs/ac
Δ's POD AND SOURCE TO SNAKE RIVERUNCLAIMED ? 15³⁵ cfs ⇒ *SHAW & ROSS % to R. Ball Annu. Trust #1
23-10169.

* 2.6 cfs 6/01/1898 AMENDED TO 8/15/1893

POU: Part of TIN R44E SECS. 15, 16, 21, & 22

2.6 cfs ÷ 0.0233 = 111²ac POU w/ 23-00074

ENLARG... CLAIM 23-11272 : _____ ac.

Thomas Weeks
23-11266

0.40 cfs Snake R.

B/15/1893

POU: TIN R44E

SEC. 21

SESW (L2) 16²SWSE (L1) 11²70²ac

POU: Snake River

SEC. 21

SESW (L3)

WADE FLEMING
23-11284

0.2 cfs Snake River

B/15/1893

POU: SEC. 21 (PT) SWSE (L1)

TIN R44E

POB: SEC. 21 SEWSW (L3)

SEC. 28 CLAIMED IN ERROR

UNCLAIMED 1.76 cfs

23-11305 CLYDE WEEKS

0.44 cfs on 19² ac

POU: TIN R44E

SEC. 22 NESW, NWSE

POB: PALISADES IRRIG. CANAL HANDING
DELIVERY THROUGH CANAL SYSTEM.

23-11306 TOM THOMPSON

1.20 cfs on 51² ac

POU: TIN R44E SEC. 22

NWSE, SWNW, NESW

POB: DELIVERY THROUGH PALISADES IRRIG. CANAL

23-11314 D. CLAYTON

0.96 cfs on 41² ac

POU: (Part of) SE SEC. 9 TIN R44E

POB: DELIVERY THRU PALISADES CANAL

23-11315 R. SWART

0.46 cfs on 19.6 ac

POU: SWSW SEC. 9 TIN R44E

POB: DELIVERY THRU PALISADES CANAL

12¹⁹ cfs UNCLAIMED

Water Right Number 23-11314

Recommended as Claimed

☐ Claimed as Beneficial Use, ☐ Claimed as Licensed, ☒ Claimed as Decreed
AS SPLIT

NOTES:

- ① A SPLIT OF 23-00011, BAHOR DIXON DITCH.
- ② POOL & DERIVATIVE THRU PALISADES CANAL
- ③ USE OF PALISADES CANAL SHARES

Recommended as Claimed

05/25/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-11314
NAME AND ADDRESS: RICHARD I CLAYTON
PO BOX 1887
IDAHO FALLS ID 83403
SOURCE: PALISADES CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 0.960 CFS
PRIORITY DATE: 08/15/1893
POINT OF DIVERSION:
T01N R44E S26 SWSWSE Within BONNEVILLE County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.960 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S09	NESE	1.2	T01N R44E S09	NWSE	21.5
T01N R44E S09	SWSE	5.8	T01N R44E S09	SESE	12.8

41.3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES IRRIGATION CANAL.

WATER IS DELIVERED THROUGH PALISADES IRRIGATION CANAL SYSTEM.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-00011.

IDWR Field Exam Form

Water Right Split History Analysis

(C. FLEMING) % to 10/03/03
 R. Ball Annuity Trust #1
 23-00011A ~~claim~~

1.80 cfs B/15/1893 ^{claim}
 POD: E²NW, SWNE, E²SW, SWSW, NWSE ≈ 239° AC
 * DELIVERY THROUGH PALISADES IRRIG. CANAL
 ENLARG... CLAIM 23-11271 : 80 AC

DELIVERED THROUGH
 PALISADES IRRIG. CANAL

Baker Dixon Ditch Co.
 23-00011

23.0 cfs B/15/1893
 PALISADES CK

POD: NOT SPECIFIED

Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right
Water Right	Water Right	Water Right	Water Right	Water Right	Water Right

DELIVERY THROUGH THE
 PALISADES IRRIG. CANAL

23-11265 ^{claim} So Ann Weers

2.66 ~~4.03~~ cfs B/15/1893 ^{27 SEC. 9 TWR}
 POD: S²NW, NWNW, NWSW ≈ 115° AC
 * DELIVERY THROUGH PALISADES IRRIG. CANAL

23-00011B Jess Weers & Sons

No SRBA Claim

SPLIT OFF BY TX # 2559

2.45 cfs on 105 AC = *0.0233 cfs/AC
 Δ's POD AND SOURCE TO Snake River

UNCLAIMED ? 15²⁵ cfs ⇒ *

Shaw & Ross % to R. Ball Annuity Trust #1
 23-10169

* 2.6 cfs 6/01/1898 AMENDED TO B/15/1893
 POD: Patch on TIN R44E SECS. 15, 16, 21, & 22
 2.6 cfs ÷ 0.0233 = 111³ AC PPU w/ 23-00074

ENLARG... CLAIM 23-11272 : AC.

* 25000' x 400' / 660 = 1000 AC

23.0 cfs = 0.02333 cfs/AC
 1000 AC

* COMBINED Use Limits Apply
 23-74, 23-00011A

Thomas Weers

23-11266

0.40 cfs Snake Rv

B/15/1893

POD: TIN R44E

SEC. 21

SESW (L2) 16²

SWSE (L1) 11²

20²

POD: Snake River

SEC. 21

SESW (L3)

WADE FLEMING

23-11284

0.21 cfs Snake River

B/15/1893

POD: SEC. 21 (PT) SWSE (L1)

TIN R44E

POD: SEC. 21 SEBSW (L3)

SEC. 28 CLAIMED IN ERROR

UNCLAIMED
 15²⁵ cfs

23-11305 Clyde Weers

0.44 cfs on 19² AC

POD: TIN R44E

SEC. 22 NESW, NWSE

POD: PALISADES IRRIG. CANAL HEADG.
 DELIVERY THROUGH CANAL SYSTEM

23-11306 Tom Thompson

1.20 cfs on 51⁴ AC

POD: TIN R44E SEC. 22

NWSW, SWSW, NESW

POD: DELIVERY THROUGH PALISADES IRRIG. CANAL

23-11314 D. Clayton

0.96 cfs on 41³ AC

POD: (Patch of) SE SEC. 9 TIN R44E

POD: DELIVERY THRU PALISADES CANAL

23-11315 R. Sweet

0.46 cfs on 19² AC

POD: SWSW SEC. 9 TIN R44E

POD: DELIVERY THRU PALISADES CANAL

12¹⁹ cfs UNCLAIMED

UNCLAIMED 1.76 cfs

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 23-11265
Date Received: 2/2/2004
Receipt No:
Received By: *ED29505*

2/2/04 ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JO ANN WEEKS Phone: (970) 357-4399
45785 COUNTRY RD #16
COPE ID USA 80812

2. Date of Priority: 08/15/1893

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	44E	26	SW SW SE	BONNEVILLE	

5. Description of diverting works:

DIVERSION OFF PALISADES CREEK. SAME POD AS THE PALISADES IRRIGATION CO. CANAL
SYSTEM. PRIVATE RIGHT CARRIED BY THE CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	4.63	

7. Total Quantity Appropriated is:

4.63 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	44E	9	NW SW	IRRIGATION	39.3
			SW NW	IRRIGATION	39.3
			SE NW	IRRIGATION	26.8
			NW NW	IRRIGATION	10.4
				Section Acres	115.8
				Total Acres	115.8

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A SPLIT PORTION OF THE BAKER & DIXON DITCH CO. RIGHT 23-00011.

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Steve Weeks P.O.A. Date: 2-2-04

Date: _____

State of Idaho)
County of BONNOVILLE) SS.

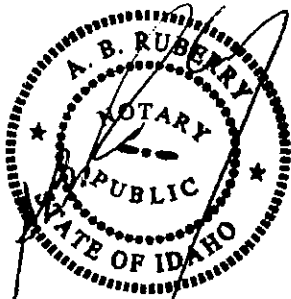
Subscribed and sworn (or affirmed) before me this 2nd
of FEBRUARY 2004

Arlon B. Ruberry

Notary Public

Residing at Boone Falls ID

My commission Expires 9/23/09



LOTS LOCATED PROPERTY FORMERLY DAVID H. BURTON				
Owner According to Bonneville County Assessor's Office	Actual Owner	Bonneville County Tax ID Number	Detailed Description	Acres
Daniel W. Richards	The Daniel W. Richards & Judy K. Richards Family Trust	RPD00000216002	N1/2 SW1/4 SW1/4, SEC 21, T1N, R 44E	1.591
Daniel W. Richards	The Daniel W. Richards & Judy K. Richards Family Trust	RPD00000216603	LOTS 2 & 3, SEC 21, T 1N, R 44E	9.478
Daniel W. Richards	The Daniel W. Richards & Judy K. Richards Family Trust	RPD3280002012O	LOT 12, BLOCK 2, RIVER DORY ESTATES	2.94
Daniel W. Richards	The Daniel W. Richards & Judy K. Richards Family Trust	RPD3280002013O	LOT 13, BLOCK 2, RIVER DORY ESTATES	2.91
Daniel W. Richards	The Daniel W. Richards & Judy K. Richards Family Trust	RPD3280002014O	LOT 14, BLOCK 2, RIVER DORY ESTATES	3.72
Daniel W. Richards	The Daniel W. Richards & Judy K. Richards Family Trust	RPD3290001001B	LOT 1, BLOCK 1 GRASSY BANK SUB.	3.246
Daniel W. Richards	The Daniel W. Richards & Judy K. Richards Family Trust	RPD3290001001C	LOT 2, BLOCK 1 GRASSY BANK SUB.	3.194
			TOTAL	27.079
The Daniel W. Richards & Judy K Family Trust	The Daniel W. Richards & Judy K. Richards Family Trust	RPD00000216782	LOT 2 SW 1/4, SEC 21, T 1N, R 44E	8.45
The Daniel W. Richards & Judy K Family Trust	The Daniel W. Richards & Judy K. Richards Family Trust	RPD00000216650	LOTS 1-2 S1/2, SEC 21, T 1N, R 44E	8.36
The Daniel W. Richards & Judy K Family Trust	The Daniel W. Richards & Judy K. Richards Family Trust	RPD00000218520	LOTS 1-2 S 1/2, SEC 21, T 1N, R 44E	7.17
			TOTAL	23.98
FT Richards	The Daniel W. Richards & Judy K Richards Family Trust	RPD3280001001A	LOT 1 LESS 19,824 SQ FT, BLOCK 1, RIVER DORY ESTATES	2.305
			TOTAL	2.305
			GRAND TOTAL	53.364

ALLOCATION OF DAVID BURTON PORTION OF WATER RIGHT NO. 23-11			
Diversion Amount (cfs)	Acres	cfs / Acres =	COMMENTS
7.2	295.18	41	1 cfs of 23-11 is appurtenant to every 41 acres of the Burton Property The diversion amount of 7.2 cfs was taken from the WD01 Green Book. The acres were calculated from the Metzker's Map at Exhibit 3.

	Acres Owned	Acres Owned / 41 = CFS	COMMENTS
Richards Family Trust SRBA Claim Amount	53.364	1.302	1.302 cfs is the amount claimed by the Richards Family Trust.

IDAHO TITLE & TRUST

Jan
File

October 24, 2006

Daniel W. Richards
Coldwell Banker Commercial Inland Empire
8311 Haven Avenue, Suite 200
Rancho Cucamonga, California 91730

RE: Vesting of properties

Dear Mr. Richards:

As I indicated in my email of today's date, the property information/assessments you sent asking to have deeded/vested into your family trust are already vested in the trust correctly. The following is a list of the enclosed deeds and the parcels they apply to so you are able to view the break down.

As you suspected, parcels RPD00000216650, RPD00000216782, RPD00000218520 *and* RPD3280001001A were all vested correctly.

I have enclosed a copy of the Warranty Deed recorded as Instrument No. 1025184. This deed, which has the property vested as you requested, covers parcels RPD00000216002, RPD00000216603, RPD3290001001C, RPD3280002014O and RPD3290001001B.

The enclosed Warranty Deed re-recorded as Instrument No. 1081894 covers parcel RPD3280002013O, and again, is vested per your request.

Finally, the enclosed Warranty Deed recorded as Instrument No. 1081895 covers parcel RPD3280002012O, and is vested correctly in the trust.

400 Memorial Drive • P.O. Box 50367 • Idaho Falls, Idaho 83405 • Phone (208) 522-7895 • Fax (208) 522-7976
e-mail: idahotitle@idahotitle.com

Idaho Title & Trust is an affiliate of Commonwealth Land Title Insurance Company, the oldest and one of the largest title insurers in the nation.

EXHIBIT

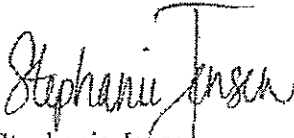
tabbies

19

It appears that the person inputting information at the assessor's office simply entered the information differently than shown on the deeds. Of course, the vesting on the deeds is correct, and the vesting overrides information input into the assessor's system.

I do hope this information has assisted you. We look forward to working with you in the future. Please feel free to contact me with any questions.

Sincerely,


Stephanie Jensen
Escrow Officer

1081895

FOR VALUE RECEIVED

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

whose current address is

8311 Heaven Ave Ste 200 Rancho Cucamonga, CA 91730
the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Lot 12 in Block 2 of River Dory Estates, Division No. 1, an addition to the City of Irwin, according to the official plat thereof, recorded on August 2, 1995 as Instrument No. 903366, filed in Official Records of Bonneville County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises: that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/06/2002

Melissa Epperson
Melissa Epperson

State of Idaho Utah

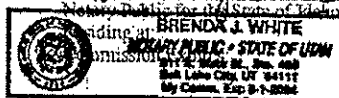
County of ~~Bannock~~ Salt Lake

On this 20, May, 2002, before me, a Notary Public in and for said state, personally appeared Melissa Epperson

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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

Brenda G. White



INSTRUMENT NO. 1081893
DATE 6-26-02
INST CODE 200
IMAGED PGS 1
FEE 3.00

STATE OF IDAHO
COUNTY OF BOONEVILLE) ss
I, CLAYTON J. JEFFERY, Clerk of the said
County, hereby certify that the within
instrument was recorded.

Clerk of Court
County Recorder
By Clayton J. Jeffery Deputy
Request of

RE-RECORDED TO REMOVE TRACT 3

1079417 MAY29'02 PM 8:56

WARRANTY DEED

BONNEVILLE COUNTY RECORDER
1081894 JUN26'02 PM 4:03

Order No.: 3030204226 — JRC

FOR VALUE RECEIVED

Snake River Estates, LLC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

The Daniel W. Richards and Judy K. Richards Family Trust, dated February 26, 1996 by Daniel W. Richards and Judy K. Richards, trustees

whose current address is

8311 Haven Ave Ste 200 Rancho Cucamonga, CA 91730

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

1079417

INSTRUMENT NO.	1079417
DATE	5-29-02
INST. CODE	208
IMAGED PGS	2
FEE	6.00
STATE OF IDAHO COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	[Signature] Deputy
Request of	ATEC

Exhibit "A"

Tract I:

Lot 1 in Block 1 of River Dory Estates, Division No. 1, to the City of Irwin, according to the official plat thereof, recorded on August 2, 1995 as Instrument No. 903366, filed in Official Records of Bonneville County, Idaho.

LESS AND EXCEPTING the following described property.

Beginning at the West corner of Lot 1 in Block 1 of River Dory Estates, Division No. 1, an addition to the City of Irwin, Bonneville County, Idaho; running thence South 57°01'18" East along the Lot line 81.01 feet to a point of curve with a radius of 122.10 feet and a chord that bears South 60°14'38" East 13.73 feet; thence to the left along said curve 13.73 feet through a central angle of 06°26'29"; thence North 26°59'01" East 379.98 feet to the Northeasterly line of said Lot 1; thence North 50°13'30" West along said Northeasterly line 9.83 feet to the North corner of said Lot 1; thence South 39°46'30" West along the Lot line 382.52 feet to the POINT OF BEGINNING.

SUBJECT TO: existing easements of record.

Tract II:

Lot 13 in Block 2 of River Dory Estates, Division No. 1, an addition to the City of Irwin, according to the official plat thereof, recorded on August 2, 1995 as Instrument No. 903366, filed in Official Records of Bonneville County, Idaho.

Tract III:

~~Lot 12 in Block 2 of River Dory Estates, Division No. 1, an addition to the City of Irwin, according to the official plat thereof, recorded on August 2, 1995 as Instrument No. 903366, filed in Official Records of Bonneville County, Idaho.~~

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever

Dated: 5/06/2002

Snake River Estates, LLC.

By: [Signature]

INSTRUMENT NO.	1081894
DATE	6-26-02
INST. CODE	205
IMAGED PGS	3
FEE	6.00
STATE OF IDAHO COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	[Signature] Deputy
Attest: [Signature] Deputy	
451 First St. P.O. Box 30642 Idaho Falls, ID 83405-0642	

State of Utah
County of Salt Lake

}
}ss.
}

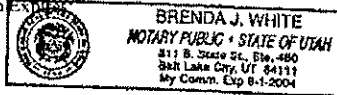
On this 14 day of May, 2002, before me, a Notary Public in and for said state, personally appeared Lynn Dixon known or identified to me to be the Managing Member in the Limited Liability Company known as Snake River Estates, LLC who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

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

Brenda J. White
Notary Public for the State of Utah

Residing at:

Commission Expires:



WARRANTY DEED

ALLIANCE TITLE & EGRESS CO., INC.
451 PARK AVE. - P.O. BOX 50342
IDAHO FALLS, ID. 83405-0642
BONNEVILLE COUNTY RECORDER

1025184 JUN 21 '00 PM 4 25

Order No.: 3030000753-ML

FOR VALUE RECEIVED

TRACT I: Myrlin Ogden, a married person dealing with his sole and separate property
AND HAZEL MARIE OGDEN, HIS SPOUSE

TRACT II: Myrlin d. Ogden and Hazel Marie Ogden, husband and wife as Trustees of the Ogden
Family Trust

TRACT III: Myrlin D. Ogden and Hazel Marie Ogden, not individually but as Trustees of The
Myrlin D. Ogden and Hazel Marie Ogden Family Trust created January 19, 1988, amended April 4,
1989, October 1, 1991, and October 22, 1991

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

The Daniel W. Richards and Judy K. Richards Family Trust, dated February 28, 1996

whose current address is

8311 Haven Ave Ste 200 Rancho Cucamonga, CA 91730

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

TRACT I:

Lot 14 in Block 2 of River Dory Estates, Division No. 1, to the City of Irwin, according to the recorded plat
thereof.

TRACT II:

From the West Quarter Corner of Section 21, Township 1 North, Range 44 East, Boise Meridian, Bonneville
County, Idaho, run South 00°05' East 1320.0 feet and East 462.94 feet to the true point of beginning; running
thence South 18°42'09" East 63.35 feet, thence South 56°40'41" East 515.00 feet, thence South 87°42'42" East
1190.18 feet, thence North 52°54'31" East 554.33 feet, thence North 50°18'08" West 87.87 feet, thence West
2014.43 feet to the true point of beginning.

LESS:

Beginning at the West ¼ corner of Section 21, Township 1 North, Range 44 East of the Boise Meridian,
Bonneville County, Idaho; running thence S 00°05'00" East along the Section line 1320.00 feet; thence East
462.94 feet to the True Point of Beginning; running thence S 18°42'09" East 63.35 feet; thence S 56°40'41"
East 515.00 feet; thence S 87°42'42" East 5.60 feet to the West line of Grassy Bank Subdivision, Division No.
1, to the City of Irwin, Bonneville County, Idaho; thence N 04°04'52" East 30.015 feet to the North Boundary
of said Subdivision; thence S 87°42'42" East along said North Boundary 300.69 feet; thence N 03°39'50" East
325.67 feet; thence West 779.65 feet to the true point of beginning.

TRACT III:

Beginning at the Northeast Corner of Lot 1, Block 1, Grassy Bank Subdivision, Division No. 1, to the City of
Irwin, Bonneville County, Idaho, said Point of Beginning being on the South Right-of-way line of Grassy
Bank Road; running thence S 10°08'08" West along said Lot line 480.98 feet to the Mean High water line of
the Snake River; thence N 77°01'58" West along said High Water line 37.05 feet; thence N 03°39'50" East
469.75 feet to the South Right-of-way line; thence S 87°42'42" East 90.80 feet to the point of beginning.

And all of Lot 2 in Grassy Bank Subdivision, Division No. 1, to the City of Irwin, according to the official plat
thereof, filed in the official records of Bonneville County, Idaho.

TRACT IV:

An easement to locate, maintain and repair an irrigation pump located on hereinafter described property (the
"Weiss Property"), together with the water lines and power lines running from such irrigation pump. Such
irrigation pump shall be located adjacent to the Snake River and within ten feet of the West boundary of the
Weiss Property. The Weiss Property is particularly described as follows, to-wit:

Beginning at the West Quarter Corner of Section 21, Township 1 North, Range 44 East of the Boise
Meridian, Bonneville County, Idaho: running thence South 00°05'00" East along the Section line 1320.00
feet; thence East 462.94 feet; thence South 18°42'09" East 63.35 feet; thence South 56°40'41" East 515.00 feet;
thence South 87°42'42" East 620.00 feet to the true point of beginning; running thence South 87°42'42" East
570.18 feet; thence South 01°58'33" West 654.94 feet more or less to the Northerly bank of the Snake River;
thence North 78°15'09" West along said bank 658.06 feet; thence North 10°08'08" East 551.95 feet to the true
point of beginning.

TRACT V:

A roadway and utility easement 60 feet in width, the centerline of which is described as follows:

Beginning at the West Quarter Corner of Section 21, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho, running thence South 00°05'00" East along the Section line 1320.00 feet; thence East 462.94 feet; thence South 18°42'09" East 63.35 feet; thence South 56°40'41" East 515.00 feet; thence South 87°42'42" East 620.00 feet to the TRUE POINT OF BEGINNING; running thence South 87°42'42" East 570.18 feet; thence North 52°49'05" East 550.01 feet more or less to the Southerly right-of-way line of U.S. Highway No. 26.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6/16/2000

Myrlin D. Ogden
Myrlin D. Ogden
Myrlin D. Ogden, Trustee

Hazel Marie Ogden
Hazel Marie Ogden
Hazel Marie Ogden Trustee

Myrlin D. Ogden, Trustee of the Ogden Family Trust

Hazel Marie Ogden, Trustee of the Ogden Family Trust

Myrlin D. Ogden, Trustee

Hazel Marie Ogden Trustee

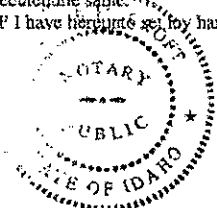
Myrlin D. Ogden, not individually but as Trustee of the Myrlin D. Ogden and Hazel Marie Ogden Family Trust created January 19, 1988, amended April 4, 1989, October 1, 1991 and October 22, 1991

Hazel Marie Ogden, not individually but as Trustee of the Myrlin D. Ogden and Hazel Marie Ogden Family Trust created January 19, 1988, amended April 4, 1989, October 1, 1991 and October 22, 1991

State of Idaho }
County of Bonneville } ss.

On this 21st June, 2000 before me, a Notary Public in and for said state, personally appeared Myrlin D. Ogden and Hazel Marie Ogden

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Dan M. Coyle
Notary Public for the State of Idaho
Residing at:
Commission Expires:

State of Idaho }
County of Bonneville } ss.

On this 21st day of June, 2000 before me, a Notary Public in and for said state, personally appeared Myrlin D. Ogden and Hazel Marie Ogden, known or identified to me to be the persons whose names are subscribed to the foregoing instrument as trustees of Ogden Family Trust, and acknowledged to me that they executed the same as Trustees.

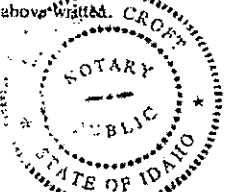
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Denise M. Croft
 Notary Public for the State of
 Residing at:
 Commission Expires:

State of Idaho
 Residing in Bonneville County
 Commission Exp 2-27-04
 County of Bonneville } ss.

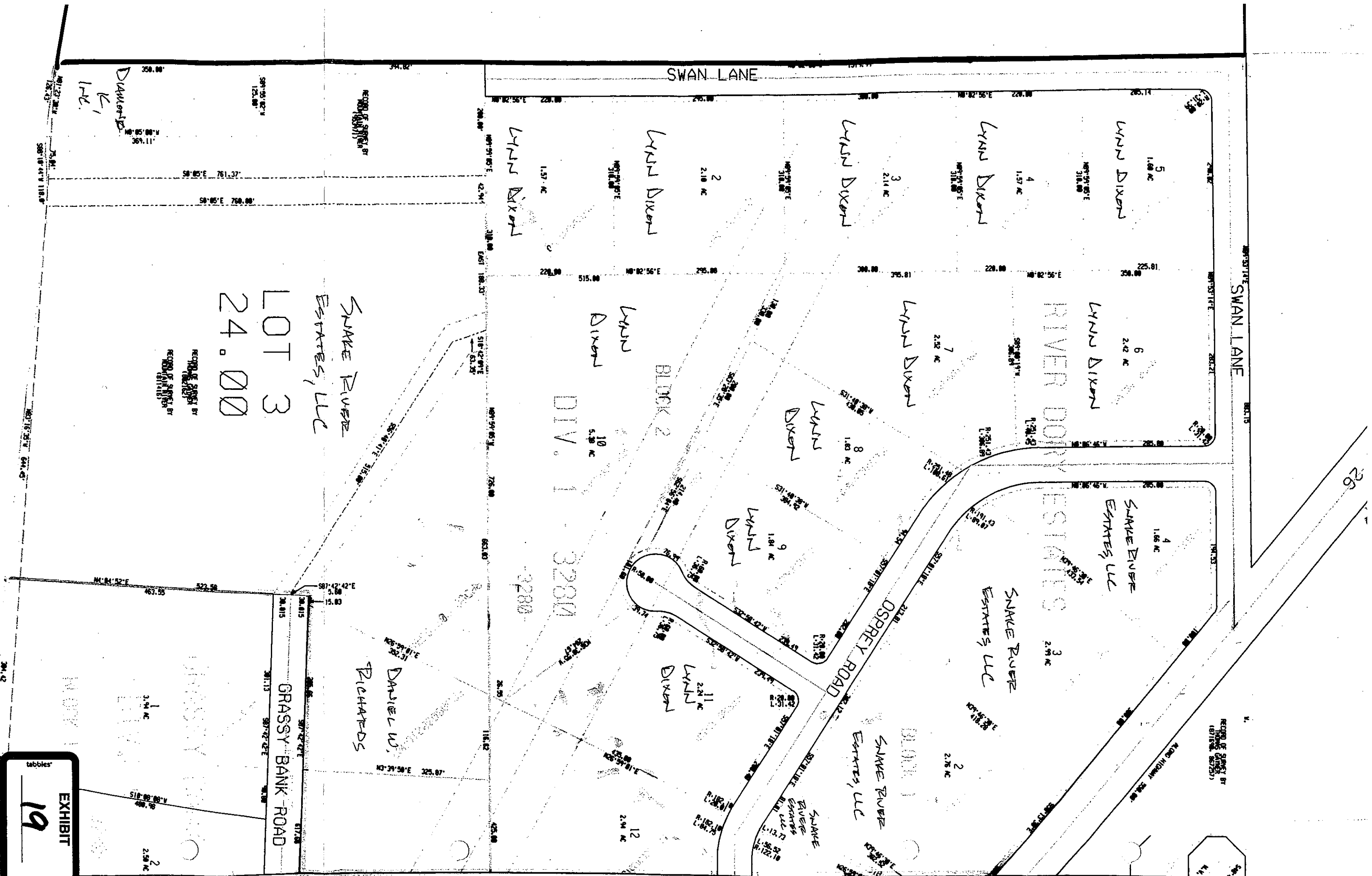
On this 21st day of June, 2000, before me, a Notary Public in and for said state, personally appeared Myrlin D. Ogden and Hazel Marie Ogden, known or identified to me to be the persons whose names are subscribed to the foregoing instrument as trustees of THE MYRLIN D. OGDEN AND HAZEL MARIE OGDEN FAMILY TRUST CREATED JANUARY 19, 1988, AMENDED APRIL 4, 1989, OCTOBER 1, 1991, AND OCTOBER 22, 1991 AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS TRUSTEES. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

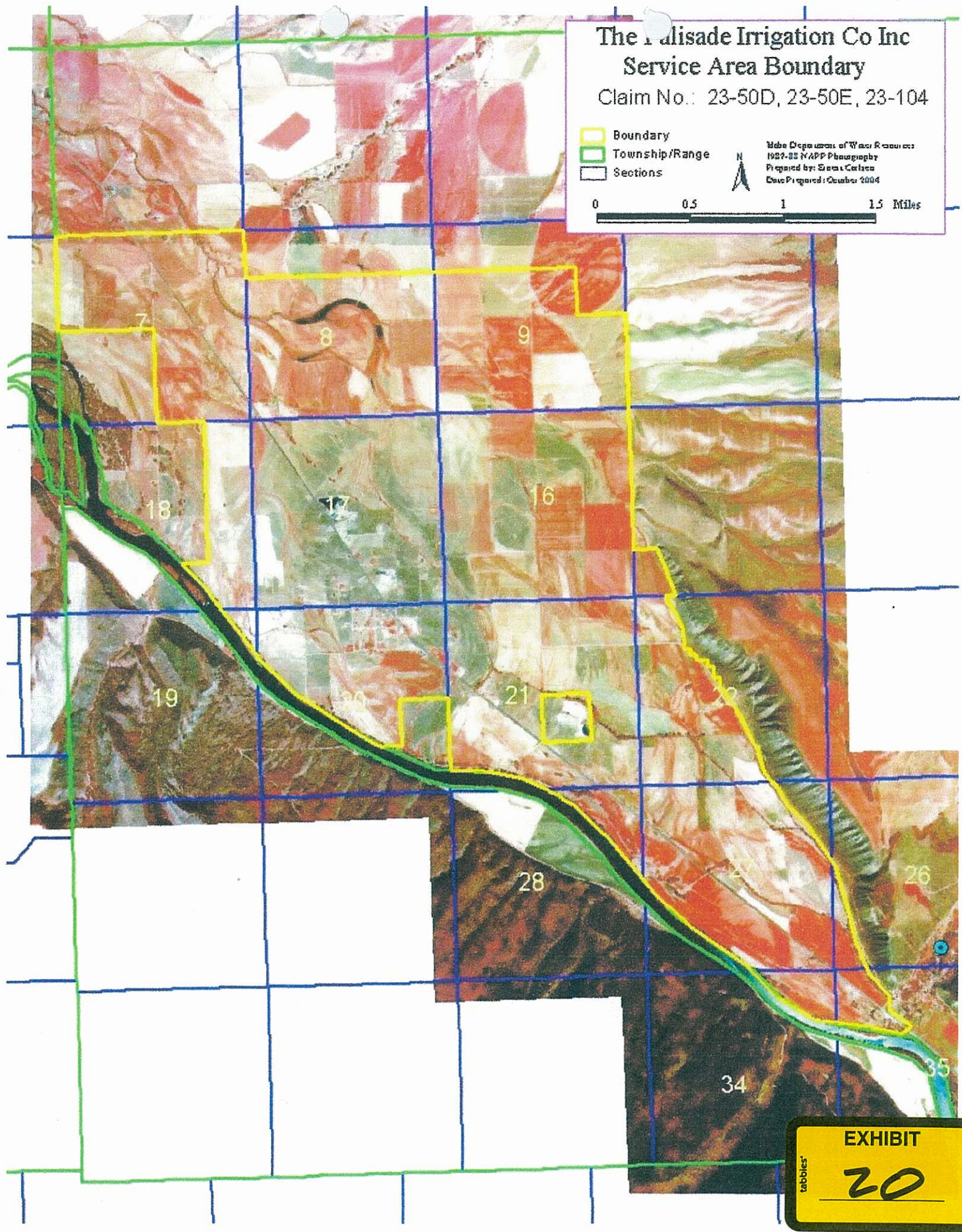


Denise M. Croft
 Notary Public for the State of
 Residing at:
 Commission Expires:

Residing in Bonneville County
 Commission Exp 2-27-04

INSTRUMENT NO.	<u>1025184</u>
DATE	<u>6-21-00</u>
INST. CODE	<u>205</u>
EMBEDDING	<u>3</u>
FEE	<u>9-</u>
STATE OF IDAHO } ss	
COUNTY OF BONNEVILLE }	
I hereby certify that the within instrument was recorded.	
Rene Longmire, County Recorder	
<u>Rene Longmire</u> Attest:	





EXHIBIT

20

tabbles