

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 37-886J
Date Received: 10/25/1988
Receipt No: M001721
Received By:

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

1. Name of Claimant(s)

GRACE EAKIN Phone: (208)788-4061
28 PERO RD
PO BOX 296
BELLEVUE ID 83313

ESTATE OF JAMES IVAN EAKIN Phone: (208)788-4061
PO BOX 296
28 PERO RD
BELLEVUE ID 83313

2. Date of Priority: 06/01/1884

3. Source: BIG WOOD RIVER , BIG WOOD RIVER Trib. to: MALAD RIVER , MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	NE SW NW	BLAINE	
01N	18E	13	NE SE	BLAINE	

5. Description of diverting works:

HEADGATE #45 AND DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.198	

7. Total Quantity Appropriated is:

0.198 C.F.S. and/or 12.95 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	25	NE	NE	IRRIGATION	3.7
					Section Acres	3.7
					Total Acres	3.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

APPLICATION FOR TRANSFER 2/16/88

*****1/17/96 tf: CLAIM AMENDED PURSUANT TO APPROVED 3407 (TRANSFER APPROVED 6/30/89): 1. A LOCKABLE MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

2. THE USE OF WATER ON THE LANDS TO WHICH THE ABOVE REFERENCED WATER RIGHTS WERE APPURTENANT IS HEREBY ABANDONED AND FAILURE TO PUT THE WATER TO BENEFICIAL USE WITHIN FIVE (5) YEARS OF THE DATE OF THE APPROVAL OF THIS TRANSFER ON THE NEW LAND IDENTIFIED UNDER ITEM B.5 SHALL CONSTITUTE LOSS OR FORFEITURE OF THE WATER RIGHTS.

3. THE RATE OF DIVERSION UNDER THESE RIGHTS SHALL NOT EXCEED 0.21 CFS TO ALLOW FOR A CONVEYANCE LOSS OF 10%. USE OF WATER UNDER THESE RIGHTS IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37, BIG WOOD RIVER.

4. CONSUMPTIVE USE UNDER WATER RIGHT NOS. 37-00418E AND 37-0088 APPROVED UNDER THIS TRANSFER SHALL NOT EXCEED 8 AF ANNUALLY.

*****2/22/96 TF: REMARKS CORRECTED.

15. Basis of Claim: Decreed

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
37-111			37-475		
37-112			37-476		
37-116			37-477		
37-234B			37-577V		
37-418E			37-886V		
25.00 37-11116 (Domestic)			37-7064F		

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FEB 13 2006

Department of Water Resources
Southern Region

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

James I Eakin

PO Box 296

4. New Owner/Claimant(s)

Bellevue, ID 83313

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Estate of James Ivan Eakin

City, State and ZIP Code

Box 296 - 28 Pers Road

New Telephone Number

(208) 788-4061

5. Date you acquired the property

personal representative
Grace Eakin
Box 296 - 28 Pers Road
Bellevue, ID 83313

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Grace Eakin
(include title if applicable) Personal Representative

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>NT</u>	Date <u>02/13/06</u>	Fee <u>25.00</u>
Received by <u>NT</u>	Date <u>02/13/06</u>	Receipt No. <u>5028392</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

[Click here and type return address and phone and fax numbers]

Company Name Here

Fax

To Nick

Treasure

From

Grace

Eakin

1(208)736-

3037

Pages: [Click here and type # of pages]

(208)736-

3033

Date: 3/6/2006

Re: Warranty Deeds

CC: Department of Water Resources

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

• Comments: Here are the documents you are needing. Grace

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MAR 06 2006

Department of Water Resources
Southern Region

8883

WARRANTY DEED

For Value Received John Fell Stevenson, a married man dealing with his sole and separate property,

the grantor, do es hereby grant, bargain, sell and convey unto James I. Eakin and

Grace Eakin, husband and wife,

the grantees, whose current address is Route #1, Bellevue, Idaho, 83313,

the following described premises, in Blaine County Idaho, to-wit:

Township 1 North, Range 18 East, Boise
Meridian, Blaine County, Idaho

Section 24: SE $\frac{1}{4}$ SE $\frac{1}{4}$

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Department of Water Resources
Southern Region

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do es hereby covenant to and with the said Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 28, 1980.

John Fell Stevenson
John Fell Stevenson

STATE OF IDAHO, COUNTY OF Blaine

On this 28th day of March, 1980, before me, a notary public in and for the said State, personally appeared John Fell Stevenson,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

[Signature]
Notary Public
Residing at Hailey, Idaho
Comm. Expires July 1981

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at the request of Sawtooth Title Co.

at 50 minutes past 3:00 o'clock P.M.,
this 23 day of May,
1980, in my office, and duly recorded in Book
of Deeds at Page

MARIE IVIE LRYA
Ex-Officio Recorder

By Kathy Stump Deputy.
Fees \$ 2.00
Mail to: CC

INSTRUMENT No. 203788

EXHIBIT A

WARRANTY DEED

For Value Received

HAROLD DRUSSEL and DOROTHY DRUSSEL, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

JAMES I. EAKIN and GRACE I. EAKIN, husband and wife,
the grantees, whose current address is Box 296, Bellevue, Idaho 83313

the following described premises, in

Blaine

County Idaho, to-wit:

TOWNSHIP 1 NORTH of RANGE 18 EAST of the BOISE
MERIDIAN, BLAINE COUNTY, STATE OF IDAHO.

SECTION 25: E $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT road right of way
over the East 25 feet and North
25 feet thereof;
W $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT right of way for
Highway over the Northwesterly
portion thereof.

TOWNSHIP 1 NORTH of RANCE 19 EAST of the BOISE
MERIDIAN, BLAINE COUNTY, STATE OF IDAHO.

SECTION 30: SE $\frac{1}{4}$ NW $\frac{1}{4}$;
All of Lot 2, EXCEPT road right
of say and ditch right of way
over the West 75 feet of said
Lot 2.

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Department of Water Resources
Southern Region

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Harold Drussel
Harold Drussel

Dorothy Drussel
Dorothy Drussel

STATE OF IDAHO, COUNTY OF Blaine

On this 28th day of March, 1977,
before me, a notary public in and for the said State, per-
sonally appeared HAROLD DRUSSEL and
DOROTHY DRUSSEL, husband and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Judith A. Fry
Notary Public
Residing at Hailey, Idaho
Comm. Expires 2/10/91

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock M.
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at Page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

INSTRUMENT NO.

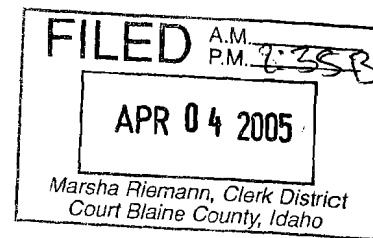
Melville W. Fisher II (ISB 2136)
BATT & FISHER, LLP
101 S. Capitol Blvd., Suite 500
P.O. Box 1308
Boise, ID 83701
Phone: (208) 331-1000
Fax: (208) 331-2400

Attorney for Applicant

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MAR 06 2006

Department of Water Resources
Southern Region



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF	)	CASE NO. CV 2004-1138
	)	
JAMES IVAN EAKIN,	)	DISCLAIMER AND RENUNCIATION
	)	
Deceased.	)	(I.C. 15-2-801)
_____	)	

COMES NOW, Grace I. Eakin, being over the age of majority, the surviving spouse of James Ivan Eakin, deceased, and, pursuant to Idaho Code section 15-2-801 and sections 2046 and 2518 of the Internal Revenue Code of 1986, hereby states as follows:

1. James Ivan Eakin died intestate on November 15, 2004, in Blaine County, Idaho, leaving an estate consisting of his one-half interest in community property situated in Idaho.
2. I am the surviving spouse and the heir at law of James Ivan Eakin, deceased.
3. With respect to the property or interest in property being renounced hereby, I have made no assignment, conveyance, encumbrance, pledge, or transfer of the property or interest in the property; I have executed no written waiver of the right to renounce; I have not accepted the property

or any interest in the property or benefit thereunder; and no sale of the property or interest in the property under judicial sale has been made.

4. I desire to renounce and disclaim irrevocably and without qualification or limitation an amount of property from the estate of James Ivan Eakin, deceased, equal to Seven Hundred Thousand and No/100 Dollars (\$700,000.00).

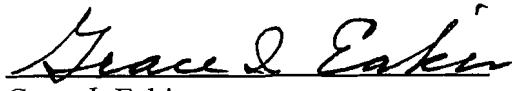
NOW, THEREFORE, I, Grace I. Eakin, pursuant to Idaho Code section 15-2-801 and sections 2046 and 2518 of the Internal Revenue Code, hereby irrevocably and without qualification or limitation renounce and disclaim an amount of property from the estate of James Ivan Eakin, deceased, equal to Seven Hundred Thousand and No/100 Dollars (\$700,000.00). The personal representative of the estate of James Ivan Eakin, deceased, shall satisfy the amount so determined in cash or in kind, or partly in each.

DATED this 23rd day of March, 2005.

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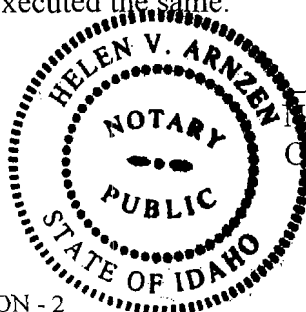
MAR 26 2006

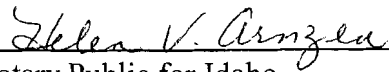
Department of Resources
Southern Region


Grace I. Eakin

STATE OF IDAHO)
) ss.
County of Ada)

On this 23rd day of March, 2005, before me, a notary public in and for the said State, appeared before me Grace I. Eakin, the surviving spouse of James Ivan Eakin, deceased, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.




Notary Public for Idaho
Commission Expires: 1/24/2009

CERTIFICATE OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH POLICY AND VITAL STATISTICS

CERTIFICATE OF DEATH

Date Filed DECEMBER 06, 2004

State File No. 2004-08812

DECEDENT - LEGAL NAME JAMES IVAN EAKIN			
SEX MALE	SOCIAL SECURITY NUMBER 518-42-6751	AGE 75 YEARS	DATE OF BIRTH NOVEMBER 08, 1929
BIRTH-PLACE JEROME, IDAHO		PLACE OF RESIDENCE BELLEVUE, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (If wife, maiden name) GRACE HOBSON	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME EDWARD C. EAKIN			BIRTH-PLACE PENNSYLVANIA
MOTHER - MAIDEN NAME DORIS L. FOUNTAIN			BIRTH-PLACE KANSAS
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE DWAIN MARK DEMARAY	
NAME AND ADDRESS OF FUNERAL FACILITY DEMARAY FUNERAL SERVICE, GOODING, IDAHO			
DATE OF DEATH NOV. 15, 2004	TIME OF DEATH 6:44 P.M.	CITY, TOWN OR LOCATION OF DEATH BOISE, IDAHO	COUNTY OF DEATH ADA
CAUSE OF DEATH (underlying cause last) a. SEPSIS			Approximate Interval Between Onset and Death 10 DAYS
DUE TO (or as a consequence of): b. IMMUNOSUPPRESSION			3 MONTHS
DUE TO (or as a consequence of): c. KIDNEY TRANSPLANT			3 MONTHS
DUE TO (or as a consequence of): d.			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above ESRD, AORTIC STENOSIS, HYPERPARATHYROIDISM			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL		NAME OF CERTIFIER DONALD ROBERT MORRIS JR., M.D.	TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

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MAR 06 2006

Department of Water Resources
Southern P.

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: DECEMBER 07, 2004

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.


JANE S. SMITH
STATE REGISTRAR



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: **A37-00886J**
Date Received: 10/25/1988
Receipt No: M001721
Received By: _____

AMENDED

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

AMENDED

1. Name: JAMES I EAKIN 208-788-4061
Address: PO BOX 296
BELLEVUE ID 83313

2. Date of Priority: JUN 1, 1884

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	13		NE	SE		BLAINE
02N	18E	36	NE	SW	NW		BLAINE

5. Description of diverting works:
HEADGATE #45 AND DISTRICT CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.198		

7. Total Quantity Appropriated is:
0.198 C.F.S. (and/or) 12.95 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	25	NE	NE		IRR	3.7

MICROFILMED
NOV 22 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.7
					Total Acres	3.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-0577Y, 0111, 0475, 0234B, 0112, 0476, 0477, 0116, 0418D, 7064

14. Remarks:

APPLICATION FOR TRANSFER 2/16/88

1/17/96 tf: CLAIM AMENDED PURSUANT TO APPROVED 3407 (TRANSFER APPROVED 6/30/89):

1. A LOCKABLE MEASURING DEVICE OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION.

2. THE USE OF WATER ON THE LANDS TO WHICH THE ABOVE REFERENCED WATER RIGHTS WERE APPURTENANT IS HEREBY ABANDONED AND FAILURE TO PUT THE WATER TO BENEFICIAL USE WITHIN FIVE (5) YEARS OF THE DATE OF THE APPROVAL OF THIS TRANSFER ON THE NEW LAND IDENTIFIED UNDER ITEM B.5 SHALL CONSTITUTE LOSS OR FORFEITURE OF THE WATER RIGHTS.

3. THE RATE OF DIVERSION UNDER THESE RIGHTS SHALL NOT EXCEED 0.21 CFS TO ALLOW FOR A CONVEYANCE LOSS OF 10%. USE OF WATER UNDER THESE RIGHTS IS SUBJECT TO CONTROL BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37, BIG WOOD RIVER.

4. CONSUMPTIVE USE UNDER WATER RIGHT NOS. 37-00418E AND 37-0088 APPROVED UNDER THIS TRANSFER SHALL NOT EXCEED 8 AF ANNUALLY.

*****2/22/96 TF: REMARKS CORRECTED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MICROFILMED
NOV 22 1996

Decree Plaintiff

vs

Decree Defendant



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

February 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JAMES EAKIN
PO BOX 296
BELLEVUE ID 83313

RE: Amendment of SRBA Claim #A37-00418E, A37-00886J

Dear Claimant:

Pursuant to the approval of Transfer No. 3407, the above referenced Notices of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. The transfer was approved June 30, 1989, but your Adjudication claims were never amended to conform to the transfer. Please find enclosed a printout of the way your claim records have been modified. Please look the modified records over carefully to be sure they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

MICROFILMED
NOV 22 1996

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: A37-00886J
Date Received: 8/25/1988
Receipt No: MA 001721
Received By: J.P./Emc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES I. EAKIN 208-788-4061
Address: BOX 296
BELLEVUE, ID 83313

2. Date of Priority: JUN 01, 1884

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

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Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.198		

7. Total Quantity Appropriated is:
0.198 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 9.2 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	25	NE	NE		IRR	3.7
Section Acres							3.7

10. Place of Use: Continued

Total Acres 3.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-0577Y,0111,0475,0234B,0112,0476,0477,0116,0418D,7064

14. Remarks:

APPLICATION FOR TRANSFER 2/16/88

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

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 x 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): James L. Callin Date: 25 Oct 1988

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of Oct 19 88 Charles L. Deck
Notary Public

Seal

Residing at Bellevue
My Commission Expires 2/27/92

751 • 4

← R 18 E

T2N

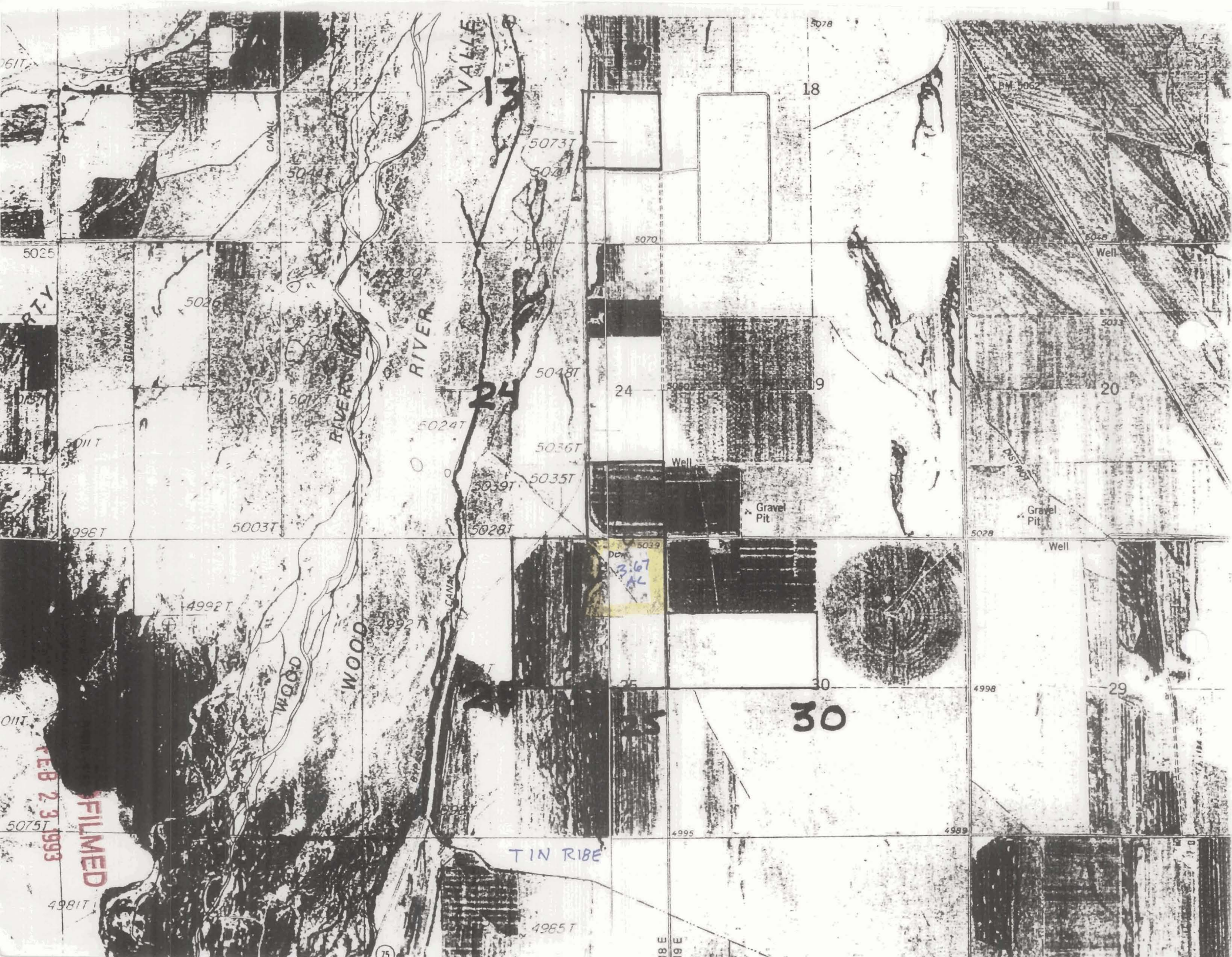
TIN

R18E

R 19 E

MICROFILMED
FEB 23 1993

525/



01/05/2007

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

RIGHT NUMBER: 37-886J

NAME AND ADDRESS: GRACE EAKIN
28 PERO RD
PO BOX 296
BELLEVUE ID 83313

ESTATE OF JAMES IVAN EAKIN
28 PERO RD
PO BOX 296
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.198 CFS
8.000 AFY

Right Nos. 37-886J and 37-418E are limited to a total combined annual diversion volume of 8 AF.

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County
Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.198 CFS 8.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S25	NENE	37.00	T01N R18E S25	NWNE	37.00
T01N R18E S25	SWNE	40.00	T01N R18E S25	SENE	40.00

154 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 154 acres in a single irrigation season. Combined Right Nos.: 37-475, 37-234B, 37-116, 37-111, 37-21805, 37-112, 37-886J, 37-477, 37-577V, 37-418E, and 37-21807.

This right is limited to the irrigation of 3.7 acres within the place of use described above in a single irrigation season.

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: BASIS OF CLAIM - Decreed

The portion of Right 37-886J used for conveyance losses is 0.02 cfs or 10% of the diversion rate.

Idaho Department of Water Resources

A Recommendation:

**V, 37-475, 37-234B,
37-111, 37-21805,
37-886J, 37-477,
-418E**

Legend

Point of Diversion
Face of Use
Townships
S Sections
Quarter Quarters



N

R18E

T2N



Idaho Department of Water Resources

commendation:

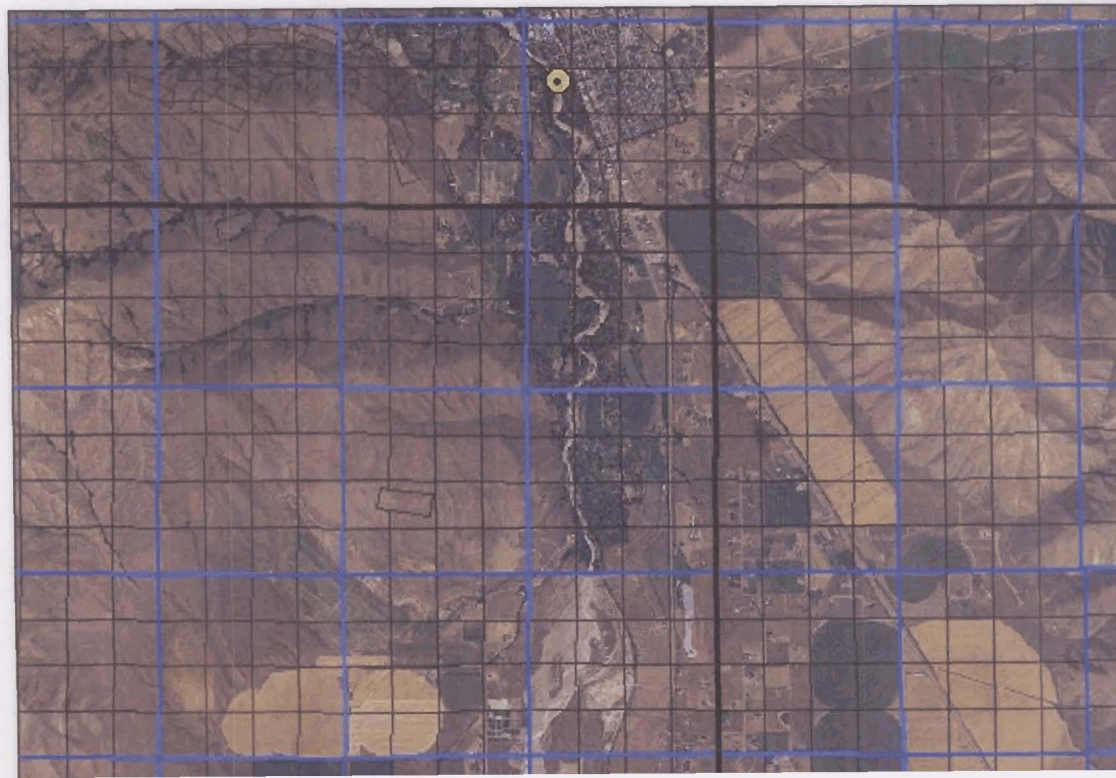
5, 37-234B, 37-116,
1, 37-21805, 37-112,
6J, 37-477, 37-577V,
7-418E

Legend

Point of Diversion
Area of Use
Townships
36S Sections
Quarter Quarters

R 18E

T 02N



N

Memo

From: Nick Treasure

Date: Feb 13, 2006

Subject: Snake River Basin Adjudication (SRBA) review of claim(s):
37-476 Eakin

Change of ownership

Grace Eakin came in to work on ownership of her deceased husband James Eakin. (See attached spreadsheet for a list all WR's associated with Eakin) Mrs. Eakin provided to the department from the district court a disclaimer and renunciation in the matter of the deceased James Ivan Eakin, stating that Grace Eakin is the heir of Mr. Eakin. Therefore Mrs. Eakin was able to file a Change of Ownership for all of James Eakin's adjudication claims to the Estate of James Eakin with herself as the personal representative.

All surface water rights claimed by James Eakin are claimed with the POU on 160 acres of Twp 01N Rng 18E Sec 25 NE. Mrs. Eakin wishes to file an unrecorded transfer that occurred between 1975-1980 on POU of some of these water right claims. She claims that 1 or more of these rights have historically been used in the SESE of 01N Rng 18E Sec 24. She would like to talk with her real estate agent Rob Struthers before she finalizes an unrecorded transfer.

March 6, 2006

Unrecorded transfer

Grace Eakin came in today to amend the place of use of claim 37-476. The original claim's POU included the NE of Twp 01N Rng 18E Sec 25. Mrs. Eakin wished to amend the claim to reflect an unrecorded transfer that occurred between 1975-1980. The amendment adds 37 acres to the SESE of Twp 01N Rng 18E Sec 24 for a total of 197 acres. The remaining decreed surface rights, are to remain in the original 160 acres of Sec 25. After this unrecorded transfer, there are now 2 water rights that pertain to SESE of Sec 24: Decreed surface water right 37-476 and groundwater right 37-7064F.

Mrs. Eakin also had some disagreement on the ownership change that occurred in February. She believed that the ownership change would put all rights into the name of Grace Eakin not the estate of James Eakin. However the department does not have sufficient documentation to change ownership to the name of Grace Eakin. She provided me today with a warranty deed that conveyed the property to her and James Eakin, she also provided a death certificate of James Eakin. However to do this Change of Ownership I am requiring a Personal Representative Deed.

RECEIVED
Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3407

JUL 10 1990 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Southern Region Office

Name of applicant James I. Eakin Phone 788-4061

Post Office address P. O. Box 296, Bellevue, ID 83313

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Original ditch is no longer usable due to most water being previously transferred from the ditch. Water is being moved to land served by the District #45 Canal.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
1) 37-0886J	6-1-1884	0.198cfs	Irrig.	Apr 1 to Nov 1
2) 37-0418D	6-23-1888	0.04 cfs	Irrig.	Apr 1 to Nov 1
				to
				to

2. Total amount of water being transferred 0.238 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Big Wood River tributary to Malad River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	36	2N	18E	Blaine	Headgate #45 & District Canal
		NE	SE	13	1N	18E	"	Re-diversion from District Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1)	1N	18E	25	3.67															3.67
2)	1N	18E	25	0.4															0.4

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FEB 23 1993T# 3407
37-0418D
37-0886J

PART 1

6. General Information:

- a. Description of diversion system Existing District Canal & lateral. Pump in lateral ditch to sprinklers.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Homes are being developed on the property, which will now be served by city water.

*The high flow rate is needed to get the water to my land thru some 4 miles of ditch.

- d. Remarks:

The 1884 water I bought is all that is left on the city lots except for 1 other user.

Although I did not buy all the land that this 9.9" of water is appurtenant to, I did buy the water.

Due to shallow topsoil over loose gravel, ditch loss to my property is tremendous.*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0418D/0886J

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A lockable measuring device of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. 2. The use of water on the lands to which the above referenced water rights were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water rights.

3. The rate of diversion under these rights shall not exceed 0.21 cfs to allow for a conveyance loss of 10%. Use of water under these rights is subject to control by the

watermaster of State Water District No. 37, Big Wood River. 4. Consumptive use under water right Nos. 37-0418D & 37-0886J approved under this transfer shall not exceed 1 annually.

Witness my hand this 30th day of June, 19 89.

[Signature]
Chief, Water Alloc. Bureau

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FEB 23 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0418B Decreed to Horace C. Lewis
in case of S. C. Frost, Et. Al. vs. Alturas Water Company, Et. Al.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1087 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 6-23-1888

5. Water is used for the following purpose:

amount * 0.54 cfs for Irrigation purposes from Apr 1 to Nov 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right * 0.54 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: * Does not include 0.06 cfs ditch loss due to Trans. 1087.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	22	2N	18E	Blaine	Kohler #44 Headgate, ditch to pond
		SE	NE	26	"	"	"	Re-diversion from pond

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	25											5.0				0.3		5.3
		36					0.2												0.2

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9. Describe any other water rights used for the same purpose as described above _____

FEB 23 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.04 cfs for Irrigation purposes from Apr 1 to Nov 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	25											0.4						0.4

Total acres 0.4

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.50 cfs for Irrigation purposes from Apr 1 to Nov 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2N	18E	25											4.6			0.3			4.9
		36					0.2												0.2

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FILED 23 1983

Total acres 5.1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0886G Decreed to W. D. Scharff, Et. Al.
in case of W. D. Scharff, Et. Al. vs. O. A. Jones, Watermaster
dated 5-29-1919 in Fourth District county of Blaine
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2100, 2101, 2455, 2545 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date or priority 6-1-1884

5. Water is used for the following purpose:

amount 0.98 cfs for Irrigation purposes from Apr 1 to Nov 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.98 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	22	2N	18E	Blaine	Kohler Headgate, ditch to pond
		SE	NE	26	"	"	"	Re-diversion from pond

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	25												10.5			4.6		15.1
		36		1			1.9												2.9

9. Describe any other water rights used for the same purpose as described above

Total acres 18
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37-0418B

FEB 23 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.198 cfs for Irrigation purposes from Apr 1 to Nov 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	25												3.67					3.67

Total acres 3.67

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.782 for Irrigation purposes from Apr 1 to Nov 1
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

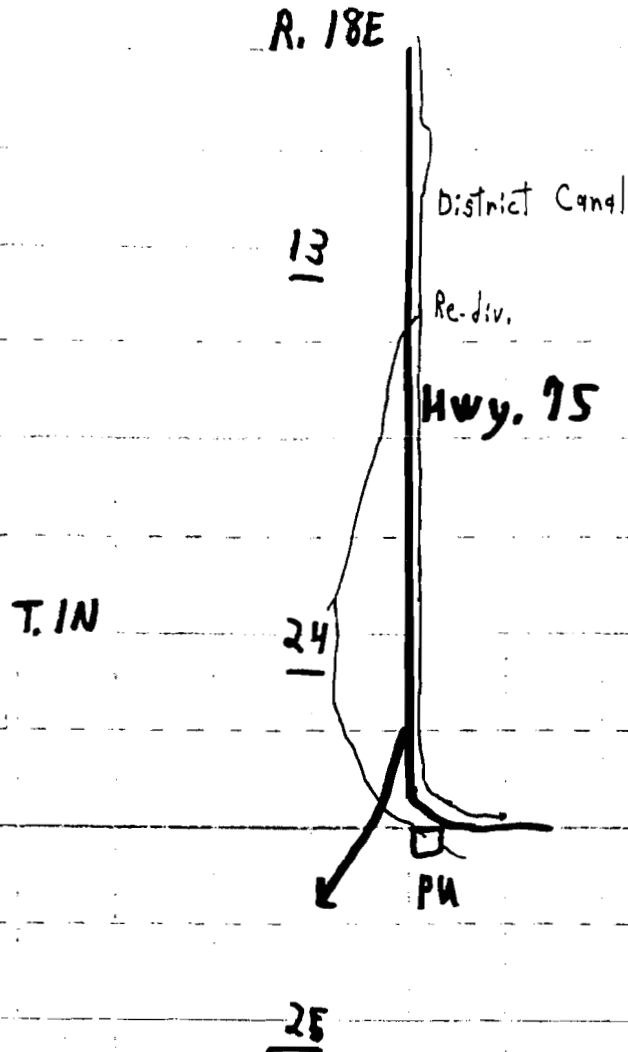
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	25												6.83			4.6		11.43
		36		1			1.9												2.9

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FEB 23 1993
Total acres 14.33

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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FEB 23 1993

PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

James J. Eddleman

(Signature of Applicant)

Subscribed and sworn to before me this 16th day of February, 19 88.

Mary A. Baldwin

(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by *J. E. Stanton* Date 2-16-88 Protest filed by *None*

Prelim. check by _____ Fee \$50. #45503

Receipted by *JS* Date 2-16-88

Published in *Wood River Journal* Copies of protest forwarded by _____

Pub. dates 4/6 & 4/13/88 Hearing held by _____ Date _____

Watermaster recommendation requested on 3/15/88 Recommended for ☒ approval ☐ denial

_____ rec'd. 3/29/88 by *ADM Sim*

Copy of transfer sent to lien holder _____

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FEB 23 1988

11-Jul-1989

Reid J. Newby
Box T
Shoshone, Idaho 83352

Dear Reid,

Irrigation District # 37

PERMIT NO.: 37-0886J, 37-0418D, T# 3407

Please find attached copy of approved permit from the State Office in favor of James I. Eakin for your information and further handling.

Please note section e. "other" under action of the director, department of water resources.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:LP

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FEB 23 1993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

37-0418 B

CERTIFICATE OF TRANSFERRED WATER RIGHT
TRANSFERRED RIGHT NO. 1-27

THIS IS TO CERTIFY. That Ruben G. Griffith of L. L. v. v. Idaho, is the owner of and using 0.6 cubic feet per second of a certain water right of 4 cubic feet per second of the waters of Big Wood River (Warm Springs Creek) with priority of June 27, 1907, decreed to Horace C. Lewis by decree of Judge Alfred Budge of the Fourth Judicial District of the State of Idaho, in and for the County of Lincoln, in the case of

S. G. FROST, et al

Plaintiffs

vs.

ALTURAS WATER CO., et al

Defendants

said decree bearing date of December 13, 1909, and being appurtenant to the following described lands, to-wit:

Farnham 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14,
Township 4 North, Range 17 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 4 of Decrees at Page 784;

And that now, upon the application of Ruben G. Griffith for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 0.6 cubic feet per second of the waters of Big Wood River (Warm Springs Creek) upon the said described lands is hereby abandoned, and the lands to be irrigated under such right and to which the water right ~~HEREBY CONFIRMED~~ shall become appurtenant by this Certificate for irrigation and domestic purposes, is described as follows, to-wit:

All of Blocks 47 and 66, Section 21,
Township 2 North, Range 18 E.B.M.,
Lots 3 and 6, Block 48, Section 25,
Township 2 North, Range 18 E.B.M.,
Bellevue Townsite;

That a 10% river transportation loss is to be charged by the watermaster, leaving 0.54 cubic feet per second available for delivery at Kohler 14 (Bent).

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FEB 23 1993

7-0418 B, T#1087

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

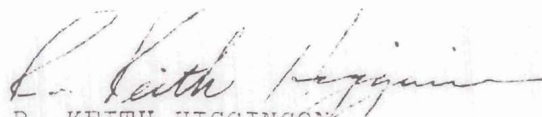
0.54 cubic feet per second of the waters of Big Wood River (Warm Springs Creek) with priority of June 23, 1888;

That the water right hereby transferred has heretofore been conducted to the first described lands through Farnham No. 6 Head-gate with point of diversion in Section 14, Township 2 North, Range 17 E.B.M.,

That the water right hereby transferred will hereafter be conducted through the Kohler 44 Canal with point of diversion in the SE1/4NE1/4, Section 14, Township 2 North, Range 18 E.B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 24th day of May, 1967.


R. KEITH HIGGINSON
State Reclamation Engineer

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FEB 23 1993