

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: **A43-00211**
Date Received: 11/18/1994
Receipt No: S017557
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MICHAEL J MITTEN JR 208-638-5581
Address: 2184 S ELBA ALMO ROAD
MALTA ID 83342

2. Date of Priority: APR 30, 1887

3. Source: GREEN CANYON CREEK Trib. to: DRY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	24E	11	NW	SE	SE		CASSIA

5. Description of diverting works:
DAM EARTH DITCH TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14S	25E	8	SE	SW		IRR	35.0
						Section Acres	35.0
		17	NE	NW		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	25E	17	SE	NW		IRR	17.0
Section Acres							48.0
Total Acres							83.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
43-0212, 43-07083

14. Remarks:
6-1-98: OWNERSHIP CHANGE BECKETT TO MITTEN PER NOTICE REC'D
5-20-98 - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
vs Decree Defendant

no. AJ claim 43-070
copy sent to Jim John
5-20-98

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 20 1998

Department of Water Resources
Southern Region1. Water Right Number(s) 43-0211, 43-0212 and 43-7083

Adjudication Claim Number(s) _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Raymond L. Beckett and Alice F. Beckett3331 W. Monterosa, Phoenix, Arizona 850174. New Owner/Claimant(s) Michael J. Mitten, Jr.Name connector (Check one): ☐ AND ☐ OR ☐ AND/ORNew Mailing Address 2184 S. Elba Almo RoadCity, State and ZIP Code Malta, Idaho 83342New Telephone Number (208) 438-55815. Date you acquired the property May 18, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

Michael J. Mitten, Jr.Date 5-18-98

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 1, 1998

Michael J. Mitten Jr.
2184 S. Elba Almo Road
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A43-00211, A43-00212
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you have purchased property with the above referenced Snake River Basin Adjudication claim(s), and our records have been changed, accordingly. **The enclosed copies are for your records**, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
S.R.B.A. Records Clerk

ENCLOSURES

255623

WARRANTY DEED

#EC-857

For Value Received

RAYMOND L. BECKETT and ALICE F. BECKETT, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MICHAEL J. MITTEN, JR. a married man dealing in his sole and separate property
Address: 21845 Elba-Almo Road, Malta, Idaho 83342

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHOSection 8: Beginning 14.72 rods South of the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, running Thence South 65.28 rods; thence West 80 rods; Thence North 65.28 rods; Thence East 80 rods to the Point of BeginningSection 17: NW $\frac{1}{4}$ Section 18: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 2 and 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant there to including but not limited to Water licenses #43-0211, #43-0212 and #43-7083 of the Idaho Department of Water Resources

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Accruing taxes, levies and assessments; easements and rights of way of record if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 18, 1998

Raymond L. Beckett

Alice F. Beckett

STATE OF IDAHO

COUNTY OF CASSIA

} ss.

On this 18th day of May, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Raymond L. Beckett and Alice F. Beckett, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

LARRY ROBERTS
★ NOTARY PUBLIC ★
STATE OF IDAHORESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6.30.03Notary Public
Residing at: Burley
My Commission expires: 6.30.03RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM 299

1998 MAY 18 P 4:08

255623

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 300 DEPUTY LAND TITLE & ESCROW

T1425

SEE W30 HI LOW FOR REMAINING
FIELDS

T1426

31.2
17.16

15
28.1

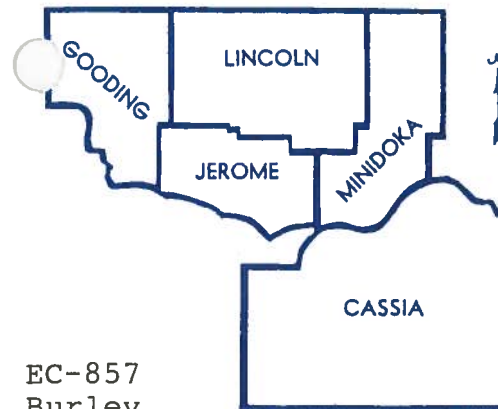
37.1

2
17.2

6

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: EC-857
OFFICE: Burley

May 19, 1998

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

MAY 20 1998

Department of Water Resources
Southern Region

Dear Sir or Madam:

Enclosed please find an original executed Notice of Change of Water Right Ownership for property located in Cassia Co., ID.

Would you please make the necessary changes in your records to indicate the new owners as Michael J. Mitten, Jr. for future water assessments. Please send a receipted copy to this office.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in blue ink that reads "Nancy Garrett". The signature is written in a cursive style.

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0606 - FAX 438-1199

6/9/94

COMMUNICATION DOCUMENTATION

A43-00211
A43-00212

Claim No. A43-11134

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 2/10/95

Contact Person(s) unknown Western couple

Nature of Contact office visit

Substance of Communication they may be interested in buying Beckett's place out by Elba and were doing some research. Have them copies of AJ and WR proofs and did some queries on the Green Canyon Creek to see who else was claiming it. Then it turned out KKC is very familiar with the area so he was able to talk to them specifically about the ditch system and property. We also gave them an O/C form in case they buy the place and a claim form and instructions in case they decide to file on the storage reservoir on the property...

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: **A43-00211**

Date Received: 11/18/1994

Receipt No: S017557

Received By: KKC

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

1. Name: RAYMOND L BECKETT

Address: PO BOX 492

ELBA ID

83326

AND/OR

Name: ALICE F BECKETT

Address: PO BOX 492

ELBA ID

83326

2. Date of Priority: APR 30, 1887

3. Source: GREEN CANYON CREEK

Trib. to: DRY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	24E	11	NW	SE	SE		CASSIA

5. Description of diverting works:

DAM EARTH DITCH TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.800		

7. Total Quantity Appropriated is:

0.800 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14S	25E	8	SE	SW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	35.0
		17	NE	NW	IRR	31.0
			SE	NW	IRR	17.0
					Section Acres	48.0
					Total Acres	83.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
43-0212, 43-07083

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
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 ☒ 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): Raymond L. Burkoff Date: 11-18-94
Date: _____

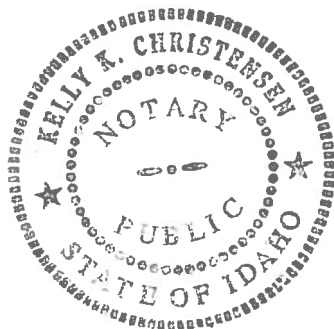
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of Nov 19 94

Kelly K. Christensen
Notary Public

Seal



Residing at Kimberly Rd

My Commission Expires 3-2-98

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43 00211, 00212,
& 11134

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

November 18, 1994 1:30pm

CUSTOMER

RAYMOND BECKETT

SUBJECT: FILING LATE CLAIMS

He missed filing during first round and second round claims taking. He elected to file three claims, A4300211, 00212, AND 11134. We discussed uses and requirements for water rights in his trying to decide what uses to claim. He elected to file on the decreed rights and one beneficial use right from a spring. We discussed another spring west of the claimed right but he decided to not file at this time. We also discussed irrigated ground east of the decreed ground but that use was not claimed. This may need a claim later as it sounds like there may be a beneficial use on that ground. I forgot to verify his wishes for this ground after lengthy discussions on general water right and adjudication issues and the filing of the other three uses.

03/08/2001

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

RIGHT NUMBER: 43-211

NAME AND ADDRESS: MICHAEL J MITTEN JR
2184 S ELBA ALMO ROAD
MALTA, ID 83342

SOURCE: GREEN CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 0.8 CFS

VERIFIED BY

KKC

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION: T14S R24E S11

NWSWSE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.80 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T14S R25E S17 NENW

31

T14S R25E S8

SESW

29

60 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-211 AND 43-212.

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.

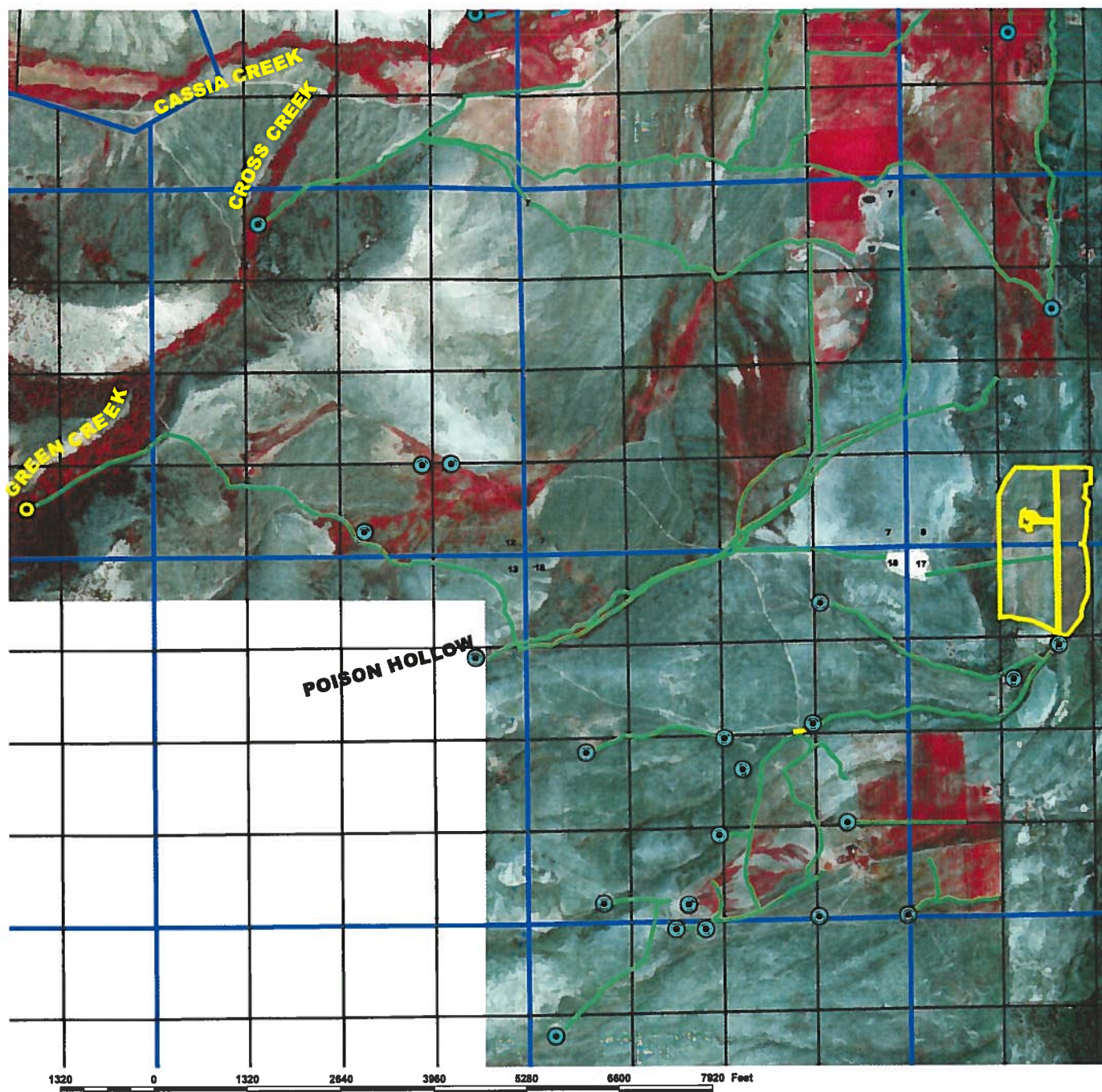
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES
0.16 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION
AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-211 and 43-212.

SOURCE IS ALSO KNOWN AS GREEN CANYON CREEK.

Idaho Department of Water Resources

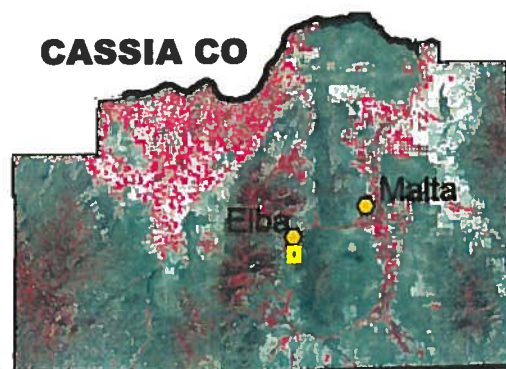
**RECOMMENDED PLACE OF USE FOR
43-211, AND 43-212.**



PLACE OF USE
TWP 14S, RNG 25E, SEC 17 & 18
Data entry on March 8, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



CLAIM NUMBER 43-211 DATE 9-15-00
43-212 AGENT KKC

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 83
GIS ACRE TOTAL 60

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	14S	25E	8												35					3.
GIS															28.9					
RECOM															29					2
CLAIM	14S	25E	17					31			17									4.
GIS								31.1												
RECOM								31												3.
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP _____
SHAPE NOS. _____

B43-POD.SHP _____
NOS. DESCRIPTION _____

DBF TABLES UPDATED _____
B43-DBPOU.DBF _____
B43-DBPOD.DBF _____
JPEG LAYOUT _____

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Green Creek ditch

BY: kkc

DATE: 3-7-01

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	3000	4.0	0.85	0.13	0.00	5.17	0.0249	0.00	6.01
2	9000	3.0	0.85	0.29	2.00	5.17	0.0561	0.16	5.88
3	5000	2.5	0.85	0.13	2.80	3.17	0.0423	0.35	3.59
4	10600	2.5	0.85	0.28	0.37	0.37	0.7691	0.33	0.65
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00

TOTAL: 27600 0.84 5.17 0.84
reach 6,7 0.00

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY; REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
 IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

sum of reach 1
thru 2 0.42

Mitton 0.16
Whitaker 0.23
Tuttle 0.03
0.42
0.42

reach 3 0.13

rounding error
of 0.01 cfs

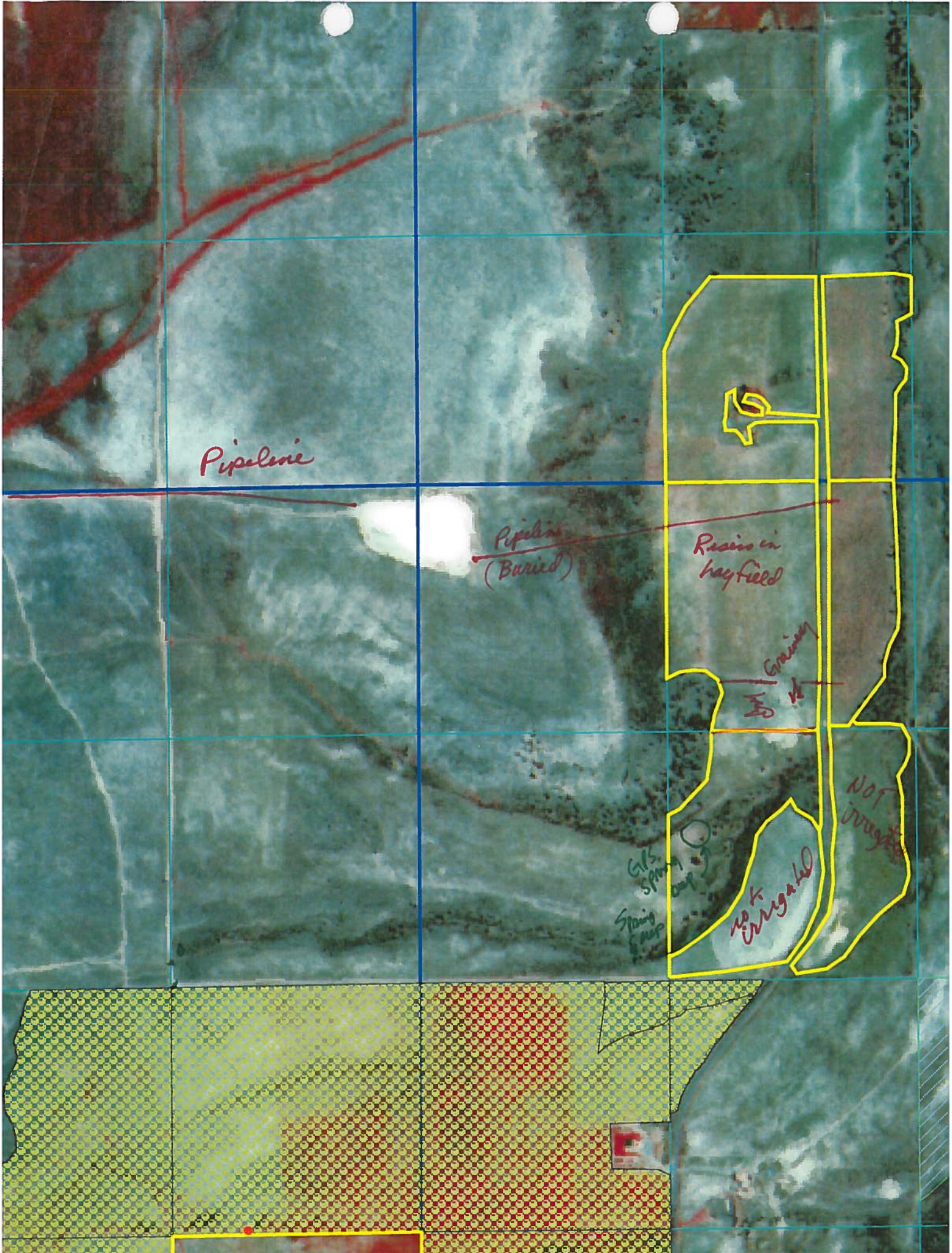
Whitaker 0.12
Tuttle 0.01

reach 4 0.28

Tuttle 0.28

PROPORTIONATE SHARE

Mitton 0.16
Whitaker 0.35
Tuttle 0.32
total 0.83



Pipeline

Pipeline
(Buried)

Rasins in
hay field

Grainway

NOT
irrigated

Gals.
Spring
Spring
Group

not
irrigated

E



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORN
GOVERNOR

KARL J. DREHER
DIRECTOR

December 23, 1999

MIKE MITTEN
2184 S ELBA ALMO ROAD
MALTA ID 83342

RE: RESPONSE TO FIELD VISIT

Dear Mike

This letter will address several issues and I will attempt to keep them segregated for easier tracking. I have filled out some of the elements on each of the claims (primarily legal descriptions and diversion rates) based upon my understanding of what you want to claim for the various uses. As these claims represent YOUR uses not mine. You have to be comfortable with EVERY element in the claim. If you have any questions please contact me before you complete and sign a claim. I will try to explain what I have done for each filing.

POTENTIAL NEW CLAIM FILINGS

#1 THE WESTERN MOST SPRING

I have enclosed a Domestic/Stockwater short form (the green lettered form) for your use to claim the spring use. The filing fee for this claim is \$25.00 I have entered the source field and tributary field (item 3) based upon my field visit. I filled out the legal description based upon the point determined using the GPS recording that I made on the 15th (item 4). Please review the attached layout.

Item 6 covers the use, season of use and the diversion rate for that use. As this use is in-stream (a non diverted or developed system), the diversion rate is 0.02 cfs as established by the Snake River Basin Adjudication Court (SRBA). At this time that is the diversion rate that the department is mandated to recommend. You may claim a different diversion rate and if you do, please just cross out that rate and enter your preference and then initial the change. Use that same procedure for any element that you wish to change. I indicated a year round season of use although I did not observe any stock in the pasture at that time. If that pond is not used during the winter months then you should change the season of use to reflect the actual season of use.

I completed Item 10, again based upon the GPS recording and attached layout. The next item #15 is the basis for the claim. As the department does not have a recorded

right for this use and the use occurred prior to the mandatory permit statutes for surface water (May 20, 1971) I marked the basis as beneficial use.

I have marked several items in yellow that you have to complete. Also please review the form to make sure that all relevant items are completed. (As an example of an item not required is Item 13. There are no other rights from this spring.) Please return the place of use layout with the claim. You should receive a layout of the recommendation once the department submits its director's report to the SRBA. If you wish to make a note on the map please feel free to do so. It is just an attachment that is used to better depict your use. Any notes on the map would be viewed as enhancements to the already available information. I have found that about the only thing that will leave a good mark on the actual colored areas is a permanent felt tip pen.

#2 IN-STREAM FLOW CLAIM FOR TWO CHANNELS

The fee for this claim is also \$25.00. I have enclosed a long form for this claim even though this is just a stockwater claim. Because the use is for a segment of a stream channel, I could not identify the proper data on the green form normally used for stockwater.

I have completed several items on that claim form based upon the attached layout and our visit on the 15th. Of specific interest is Item 4, the point of beginning of an in-stream flow claim. Please note that I have identified two different points. One represents the northern channel near the reservoir and the other the channel that begins near the spring identified in #1 above. I have identified the beginning points at the western border of E $\frac{1}{2}$ NE $\frac{1}{4}$ of section 18. To the best of my recollection I do not remember discussing the actual beginning points. If you feel that they should be in a different location please mark the point(s) on the map and correct the legal descriptions in Item 4. Please use the method of correction previously described. Item 4 also includes the ending point. As that point is east of the point where the two channels join, only one point is identified. Again, if this point does not represent your wishes, correct it also.

The same reasoning for the 0.02 cfs diversion rate in Item 6 applies as previously described. Please review the season of use and correct it if necessary. If you wish to change the diversion rate in Item 6, you would necessarily have to change the total quantity in Item 7.

I have completed item 10 to identify each quarter/quarter that the stream channels touch. If you extend the claimed stream reach, then you will have to add the additional quarter/quarters that you wish to claim. The S in the boxes indicates that it is stockwater use within that quarter/quarter.

#3 STORAGE POND

We did not discuss the storage pond (as a water right) that is on the hill above your fields. That use should have a water right as it has a significant storage volume. I have enclosed a long form for claiming this use. The filing fee for this claim is \$50.00. (based upon the following assumptions)

1. You claim the same or fewer acres for the place of use.
2. That the late fee is waived. (discussion later in correspondence)

Item 2 is a significant element of this right. I assume that you will have to contact neighbors to establish when the reservoir was built. I would suggest that you obtain the information in written format, as you will be required to establish the basis for the claimed priority date. (In-stream stockwater uses do not require proof at this time.)

I have identified the source and legal description from my field examination of the shared Green Creek diversion system conducted previously. If this does not represent your use or there is additional information then note it on the claim or contact me for directions. Part b of Item 4 does not have to be filled out.

Item 6 has the following issues that prevented me from completing this item.

1. Diversion to Storage

Season of use. The normal irrigation season for your area is 4-01 to 10-31. However, I do not know if it is a normal practice to only divert water to the reservoir during the irrigation season or if the practice is to divert water to storage earlier or later than the irrigation season dates. If you wish to claim earlier and/or later dates, please attach an explanation for the basis of the dates entered. If you just use the standard irrigation season, then no explanation is necessary as this corresponds with the season for the already established decreed irrigation rights.

The next relevant field is the (cfs) rate field. You have a diversion to storage and that is a rate. The combined diversion rate of the two decreed rights is 2.00 cfs. I do not know if additional water has been diverted for storage purposes nor do I know the capacity of the pipeline. Those would be potential limiting factors. No volume is necessary for this entry.

2. Irrigation storage

Season of use. The season of use for storage should match the diversion to storage season of use.

The second issue is the volume of the reservoir. This is an element that has to be quantified and recorded in the highlighted column (acre feet).

To calculate the volume all you need to do is determine the distance from the reservoir bottom to the waterline on the reservoir dike and then multiply that times the surface area calculated in acres.

I have used GIS and arcview to calculate those acres. I found 3.7 acres for the surface area. Please review the attached layout that shows the boundary used to determine the acreage. Note that there is 'white' area outside the surface area. I assumed that this is part of the reservoir dike that would not be part of the storage volume. Normally when calculating storage volume a percentage of the depth is used, however based upon my observations of the physical characteristics of the storage facility I found that the bottom was flat and that the depth was uniform on all sides of the reservoir. I did a rough estimate of the depth at between 7 and 10 feet during the field examination on the 15th. A closer determination should be made to determine the actual depth from high water to the reservoir floor should be made. I did not inspect the

facility close enough to determine where the spillway was and how much it controlled the capacity of the reservoir.

Again, the capacity for your facility would be 3.7 acres times the calculated depth. This will give you a number in (acre feet) as required for that field.

3. **Irrigation from storage**

Season of use The normal season is standard irrigation season which is 04-01 to 10-31. To claim a different season of use you will have to demonstrate the need for a different season.

The next required field is the volume field. It will be the same volume as the irrigation storage component.

Item 7 total will be the same diversion to storage rate and the same storage acre foot number previously calculated.

Item 10 is the place of use for irrigation. I will be recommending the same place of use as will be recommended for 43-00211 and 43-00212. On the attached layout I have listed the acres that I expect to recommend under those rights. You may claim any place of use that you want, however if you claim a place of use different than was claimed under the decreed rights, a \$1.00 per new acre variable fee will be required. If you claim the same or fewer acres than those found on the decreed rights, NO acre variable fee is due.

Again, you need to review all the fields and complete those highlighted in yellow. They should be self-explanatory. As this use was not part of the Jobe Adams decree nor a license I identified it as Beneficial use in item 15.

I realize that there is a significant amount of information to digest in this letter and if you wish, you can come into this office and we can go through this in person. If you elect to come in, please call to make an appointment so that I know to schedule time for you.

I have also enclosed a form titled "**REQUEST FOR EXTENSION OF TIME TO FILE ADJUDICATION CLAIM(S)**". This is an odd titled form that we provide for claimants to use to request the waiver of late fees. The irrigation storage claim is one that should have been claimed during initial claims taking. It is now considered late and subject to an additional \$50.00 late fee. If you want to pay the fee, just add the \$50.00 to the previously identified fees. If you want the late fee waived please complete the enclosed form. If you do, I expect that the late fees will be waived. I do not have the authority, but I expect that the fees will be waived and therefore have not included the \$50.00 late fee into the fees due. I would suggest that you note on that form that you are a new owner within the past 3 years.

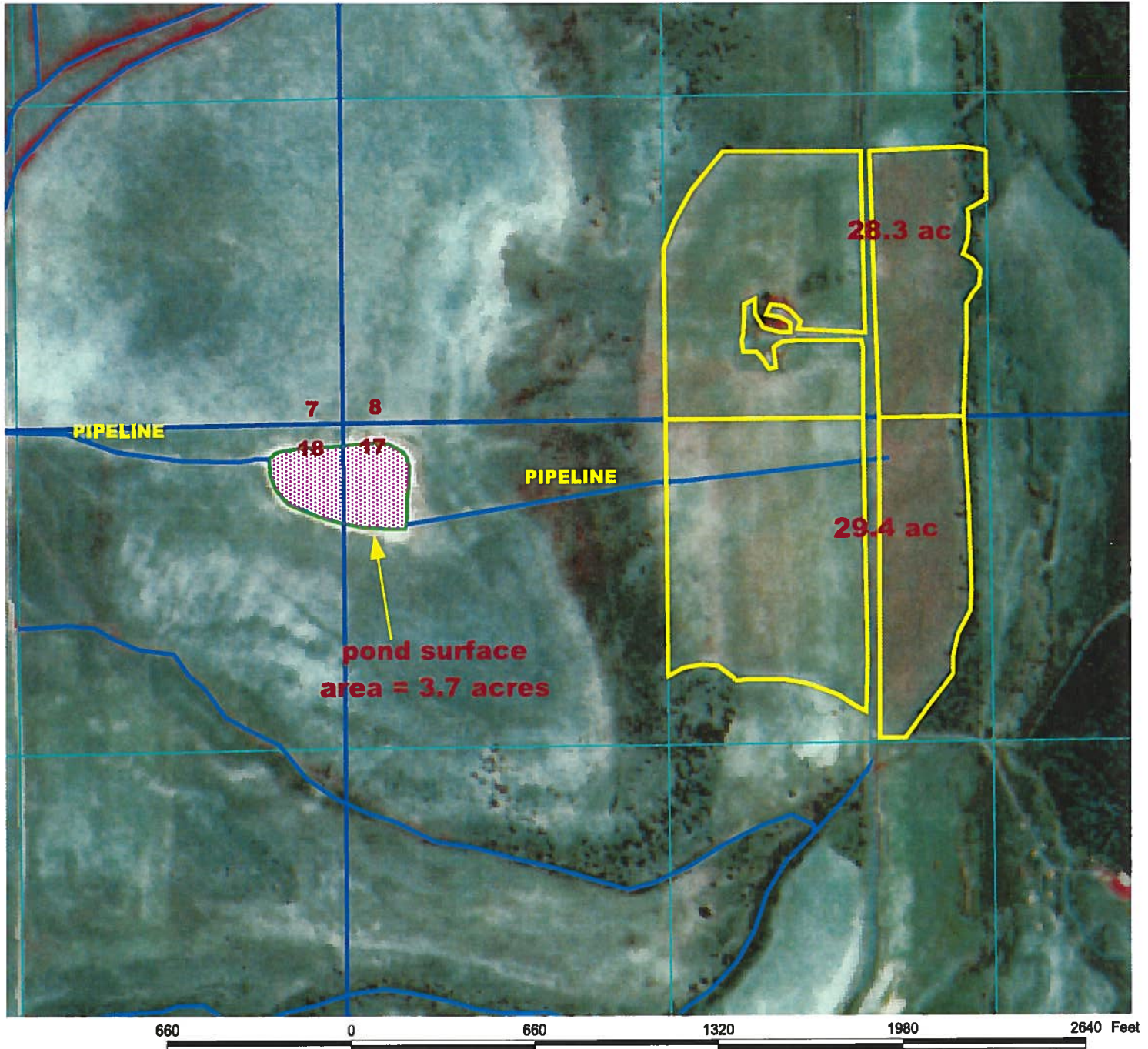
Sincerely

Kelly K Christensen
Sr Water Rights Agent

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

**PLACE OF USE
and STORAGE POND**

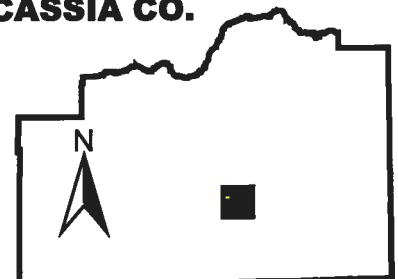


PLACE OF USE
TWP 14S RNG 25E, SEC 11 & 18
data entry on: December 22, 1999

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

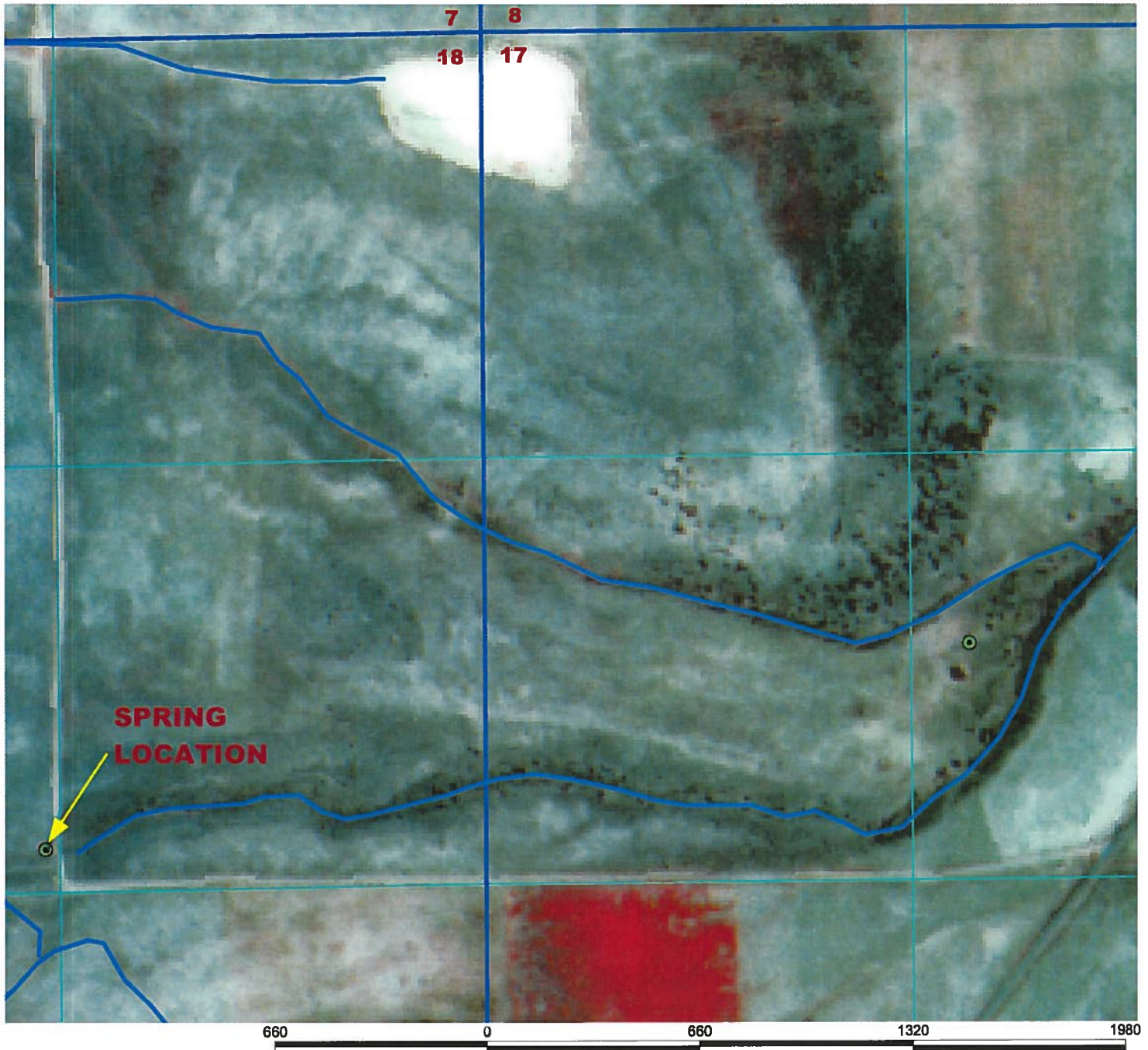
- POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

CASSIA CO.



IDAHO DEPARTMENT OF WATER RESOURCES

ARC VIEW REPRESENTATION OF GPS SPRING LOCATIONS AND IN-STREAM FLOW

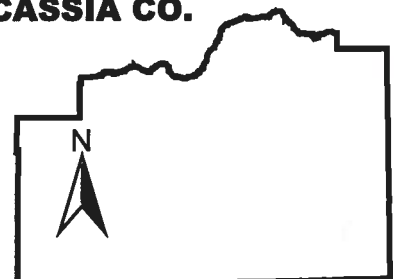


PLACE OF USE
TWP 14S RNG 25E, SEC 17
data entry on: December 22, 1999

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

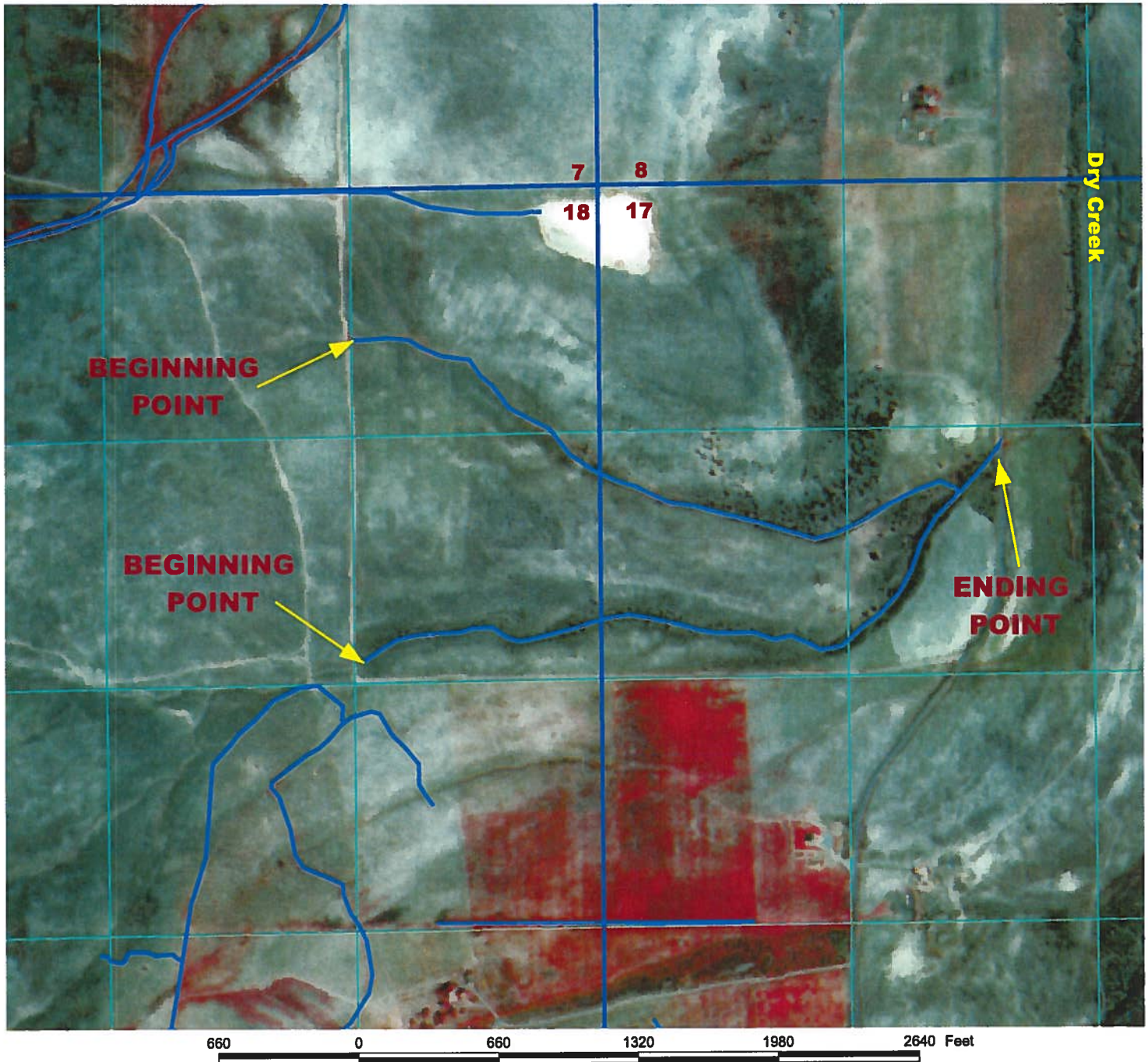
-  **POINT OF DIVERSION**
-  **PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

CASSIA CO.



IDAHO DEPARTMENT OF WATER RESOURCES

PLACE OF USE
(in-stream flow right)
Two channels tributary to Dry Creek

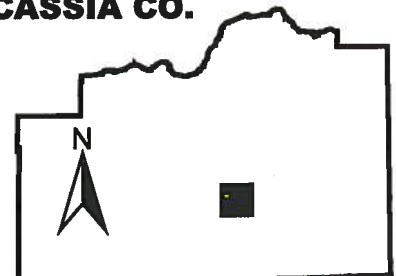


PLACE OF USE
TWP 14S RNG 25E, SEC 11 & 18
data entry on: December 22, 1999

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  **POINT OF DIVERSION**
-  **PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

CASSIA CO.



NHEL/W

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17

Memorandum

To: Dave Tuthill
CC:
From: Kelly K Christensen
Date: 02/03/00
Re: Extension of time filed for A43-11215

The former owner (Raymond Beckett) filed adjudication claims A43-00211 and A43-00212 in 1994. Late fees were assessed. At that time, I discussed stockwater and other uses with him. I do not recall discussing storage rights with him. He was working on a potential sale of the property at that time and he left the office without filing any additional claims.

He did not sell the property to the potential buyers from the 1994-95 era but did sell to Mitten in 1997. I did not have any additional contact with Beckett after the 1994 meeting.

When I resumed field work last fall in the Elba area, Mike contacted me about filing stockwater claims on some springs and unnamed streams. I conducted a field examination for his existing adjudication claims and discussed the stockwater claims with him at that time. During the field examination I observed the reservoir and because of its size (somewhere between 20 and 35 AF) suggested that he research the development date and then possibly file a claim for that use. He reached the wife of the owner who built the reservoir and she indicated that it was built in 1970.

He has elected to file the claim. I have data entered the claim as A43-11215 and the claim is currently on hold temp pending your decision on the late fee waver request.

FARMSTEAD



FILE: A43-11134
PHOTO DATE: 12-15-1999
BY: Kelly K Christensen

This photo set is looking north northeast on the left to east on the right. The GPS unit is shown where the reading was taken and is located on the east side of the spring source.