

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: **A43-00222A**
Date Received: 4/ 2/1991
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ARIMO CORPORATION 801-328-1600
Address: ATTN: CHRISTOPHER F ROBINSON
139 EAST SOUTH TEMPLE, #310
SALT LAKE CITY UT 84111

2. Date of Priority: JUN 20, 1887

3. Source: COTTONWOOD CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	26E	12	SE	NE	SW		CASSIA

5. Description of diverting works:
CHECKDAMS TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.750		

7. Total Quantity Appropriated is:
0.750 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
15S	27E	7	NE	NW		IRR	20.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	100.0
					Total Acres	100.0

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:

14. Remarks:

P. D. GIVEN IN TRANSFER #149
OWNERSHIP CHANGE MADE 8-18-94 BY TLB.
2-24-2000: ADDED ATTY LING PER NOTICE DATED 7-28-1999. - VH
3-10-2000: CLAIM SPLIT TO SEPERATE SOURCES AND DISTINCT POU - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
vs Decree Defendant

[illegible]

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: **A43-00222**
Date Received: 4/ 2/1991
Receipt No: S013179
Received By: _____

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

1. Name: ARIMO CORPORATION 801-328-1600
Address: ATTN: CHRISTOPHER F ROBINSON
139 EAST SOUTH TEMPLE, #310
SALT LAKE CITY UT 84111

2. Date of Priority: JUN 20, 1887

3. Source: RAFT RIVER Trib. to: SNAKE RIVER
COTTONWOOD CREEK RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	26E	12	SE	NE	SW		CASSIA
	27E	18	NW	SW	SW	4	CASSIA

5. Description of diverting works:
CHECKDAMS TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	27E	6	SE	SE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		7	NE	NE	IRR	35.0
			NW	NE	IRR	20.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	20.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
					Section Acres	315.0
					Total Acres	320.0

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:
43-10649, 00315, 10650, 10651 & 02362

14. Remarks:
P. D. GIVEN IN TRANSFER #149
OWNERSHIP CHANGE MADE 8-18-94 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

1
2
3
4 Movant's Name: Arimo Corporation

5 Attorney: Roger D. Ling
6 LING, NIELSEN & ROBINSON
7 615 H. Street, P.O. Box 396
8 Rupert, Idaho 83350
9 ISB No. 1018

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

12 In Re SRBA) Subcase No. A43-00222
13 Case No. 39576) NOTICE OF APPEARANCE
14)
15)
16)
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18)
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25)
26)
27)
28)

DESCRIPTIVE SUMMARY

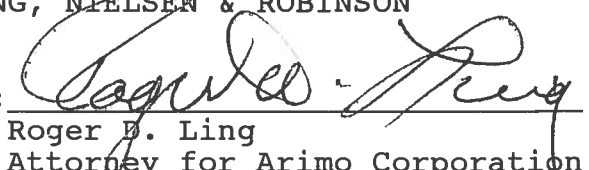
29 This document is a Notice of Appearance by Roger D. Ling
30 of the firm of Ling, Nielsen & Robinson on behalf of Arimo
31 Corporation.

NOTICE OF APPEARANCE

32 PLEASE TAKE NOTICE, that Roger D. Ling of the firm of
33 Ling, Nielsen & Robinson hereby enters an appearance of the firm as
34 the attorneys of record in the subcase listed above for Arimo
35 Corporation.

36 DATED this 28th day of July, 1999.

37 LING, NIELSEN & ROBINSON

38 By: 
39 Roger D. Ling
40 Attorney for Arimo Corporation

NOTICE OF APPEARANCE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

See Exhibit "A" Attached hereto and made a part hereof.

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A43-00222, A43-00315, A43-02363, A43-10649, A43-10650. A43-10651
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Kent Bedke
HC 72 Box 2278
Malta, Idaho 83342
- ☐ New Owner/Claimant (Purchaser): ARIMO CORPORATION, Attn: Christopher F. Robinson
139 East South Temple, Suite 310
- ☐ New Mailing Address: Salt Lake City, UT 84111
- ☐ New Telephone Number: (801) 328- - 1600 In Idaho; 208-645-2247
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of Warranty Deed received from former owner.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) ARIMO CORPORATION
By: Christopher F. Robinson, President Date 8-11-94
Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

JUL 13 1994

AUG 17 1994

Department of Water Resources

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

213879

WARRANTY DEED

Indexed

For Value Received

KENT E. BEDKE, a married man contracting as his sole and separate property

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

ARIMO CORPORATION, an Idaho Corporation

ADDRESS: 139 East South Temple, #310
Salt Lake City, Utah 84111

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

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: S½NE¼, SE½SW¼, W½SE¼, E½SE¼, EXCEPTING THEREFROM all that portion lying East of U.S. Highway No. 30 South, and EXCEPT Highway Right-of-Way.

Section 7: E½NW¼, NE¼, NE½SW¼, N½SE¼, EXCEPT that portion of said NE¼ lying East of U.S. Highway No. 30 South, and EXCEPT Highway Right-of-way.

TOGETHER WITH all water and water rights, ditches or ditch rights used thereon or appurtenant thereto.

SUBJECT TO: SEE ATTACHED EXHIBIT "A"

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: June 13, 1991

Kent E. Bedke

KENT E. BEDKE

STATE OF IDAHO, COUNTY OF Cassia) ss.
On this 13th day of June, 1991
before me, a notary public in and for said State, personally appeared

KENT E. BEDKE

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

Larry Roberts
Notary Public

Residing at Burley, Idaho.
Commission expires: 6-30-91

11 13 15 17 19 21 23 25 27 29 31

AUG 17 1994

Department of Water Resources
thern Region Office

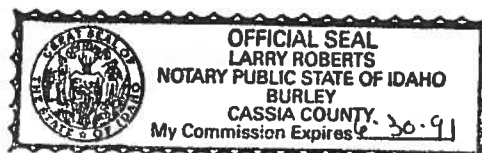


EXHIBIT "A"

Taxes for 1991 and subsequent years.

Easement from Frank Olson and Glen Olson to California Trail Ranch, Inc., dated June 10, 1968 and recorded July 25, 1968 as Instrument No. 42061 on Film No. 57, records of Cassia County, Idaho, granting an easement for ditch right-of-way over and across the NW¼SE¼ of Section 7, Township 15 South, Range 27 East Boise Meridian, together with right to use ditch which now crosses SW¼SE¼ of said Section 7.

Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Frank Olson, as Consumer, guaranteed by Herman E. Bedke, dated May 2, 1977 and recorded May 10, 1977 as Instrument No. 98424 on Film No. 108, records of Cassia County, Idaho, covering NW¼SE¼ of Section 7, Township 15 South, Range 27 East, Boise Meridian.

Effects of Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Barnes Brothers, Dean Barnes, as Consumer, dated May 24, 1968 and recorded June 3, 1977 as Instrument No. 99155 on Film No. 109, records of Cassia County, Idaho, covering SW¼NE¼ of Section 6, Township 15 South, Range 27 East, Boise Meridian.

Effects of Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Barnes Bros. Dean Barnes, as Consumer, dated April 1, 1968 and recorded June 3, 1977 as Instrument No. 99156 on Film No. 109, records of Cassia County, Idaho, covering SE¼ of Section 6, Township 15 South, Range 27, Boise Meridian.

Agreement For Purchase of Power between Raft River Rural Electric Cooperative, Inc., the Seller, and Bedke Rusty Spur Ranch, Herman E. Bedke/Kent Bedke, as Consumer, dated April 17, 1980 and recorded April 24, 1989 as Instrument No. 125529 on Film No. 134, records of Cassia County, Idaho, covering SE¼NE¼ of Section 7, Township 15 South, Range 27 East, Boise Meridian.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller and Kent Bedke, as Consumer, dated October 8, 1986 and recorded November 3, 1986 as Instrument No. 183207, records of Cassia County, Idaho, covering NE¼SW¼, N¼, SE¼ of Section 7, Township 15 South, Range 27 East, Boise Meridian.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative, as Seller and Kent Bedke, as Consumer, dated October 8, 1986 and recorded November 3, 1986 as Instrument No. 183208 on Film No. 185, records of Cassia County, Idaho, covering E¼NE¼, N¼SE¼ of Section 7, Township 15 South, Range 27 East, Boise Meridian.

213879

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 226

JUN 13 2 49 PM '91

CASSIA COUNTY, IDAHO
FRANK H. KEARNS
RECORDER
FEE \$400.00
LAND TITLE & ESCROW

presented to and plotted by me
JUN 13 1991
JUN 13 1991

U L E U L U W L L

AUG 17 1994

Department of Water Resources
Northern Region Office

EXHIBIT "A"

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

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY; IDAHO

- Section 6: S½NE½, SE½SW½, W½SE½, E½SE½, EXCEPTING THEREFROM all that portion lying East of U.S. Highway No. 30 South, and EXCEPT Highway Right-of-Way.
- Section 7: E½NW½, NE½, NE½SW½, N½SE½, EXCEPT that portion of said NE½ lying East of U.S. Highway No. 30 South, and EXCEPT Highway Right-of-way.

RECEIVED

AUG 17 1994

Department of Water Resources
Northern Region Office

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: A43-00222
Date Received: 4/ 2/1991
Receipt No: SD 13179
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENT BEDKE 208-645-2525
Address: HC 72 BOX 2278
MALTA, ID 83342

2. Date of Priority: JUN 20, 1887

3. Source: RAFT RIVER Trib. to: SNAKE RIVER
COTTONWOOD CREEK RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	26E	12	SE	NE	SW		CASSIA
	27E	18	NW	SW	SW	4	CASSIA

5. Description of diverting works:
CHECKDAMS TO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is 800.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	27E	6	SE	SE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		7	NE	NE	IRR	35.0
			NW	NE	IRR	20.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	20.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
					Section Acres	315.0
					Total Acres	320.0

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:
43-10649, 00315, 10650, 10651 & 02362

14. Remarks:
P. D. GIVEN IN TRANSFER #149

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

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: _____

MICROFILMED
MAR 02 1993

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): Kent Bedke Date: 4-2-91

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of April 19 91
[Signature]
Notary Public

Seal

Residing at Kimberly Id.
My Commission Expires 6/3/94

INTER-DEPARTMENT MEMO

TO: MR. C. ROBINSON - ARMO CORPSUBJECT: address updateFROM: F. HITCHCOCKDATE: 08-04-94

Please find enclosed an address change to update claims as we discussed 07-28-94.

I did my initial field work yesterday with the help of Gary Frustone.

We discussed doing the BEDKE property review shortly. We don't have an Ownership Change request for BEDKE'S claims. I will review the 6 claims and contact you as to what forms will be needed to change to corporate name.

() For your information

(X) Response required *pls return form*

F. Hitchcock
Signature

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

Returning Call

340

TO:

DAVID FROSTSTONE

645-2247 of.

DATE:

08-06-94

" -2246 name

FROM:

FILE:

FILE NO:

SUBJECT:

BROCKE - Claims - field exam

REMARKS:

1 30 MON - BROCKE Claims

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

02/01/2001

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

RIGHT NUMBER: 43-222A

NAME AND ADDRESS: ARIMO CORPORATION
ATTN: CHRISTOPHER F ROBINSON
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: COTTONWOOD CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.14 CFS

PRIORITY DATE: 06/20/1887

POINT OF DIVERSION: T15S R26E S12 SENESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.14 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R27E S7	NENW	13	T15S R27E S7	SENW	13
T15S R27E S7	NESW	29	T15S R27E S7	NWSE	2.8

57.8 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: BASIS OF CLAIM - Decreed

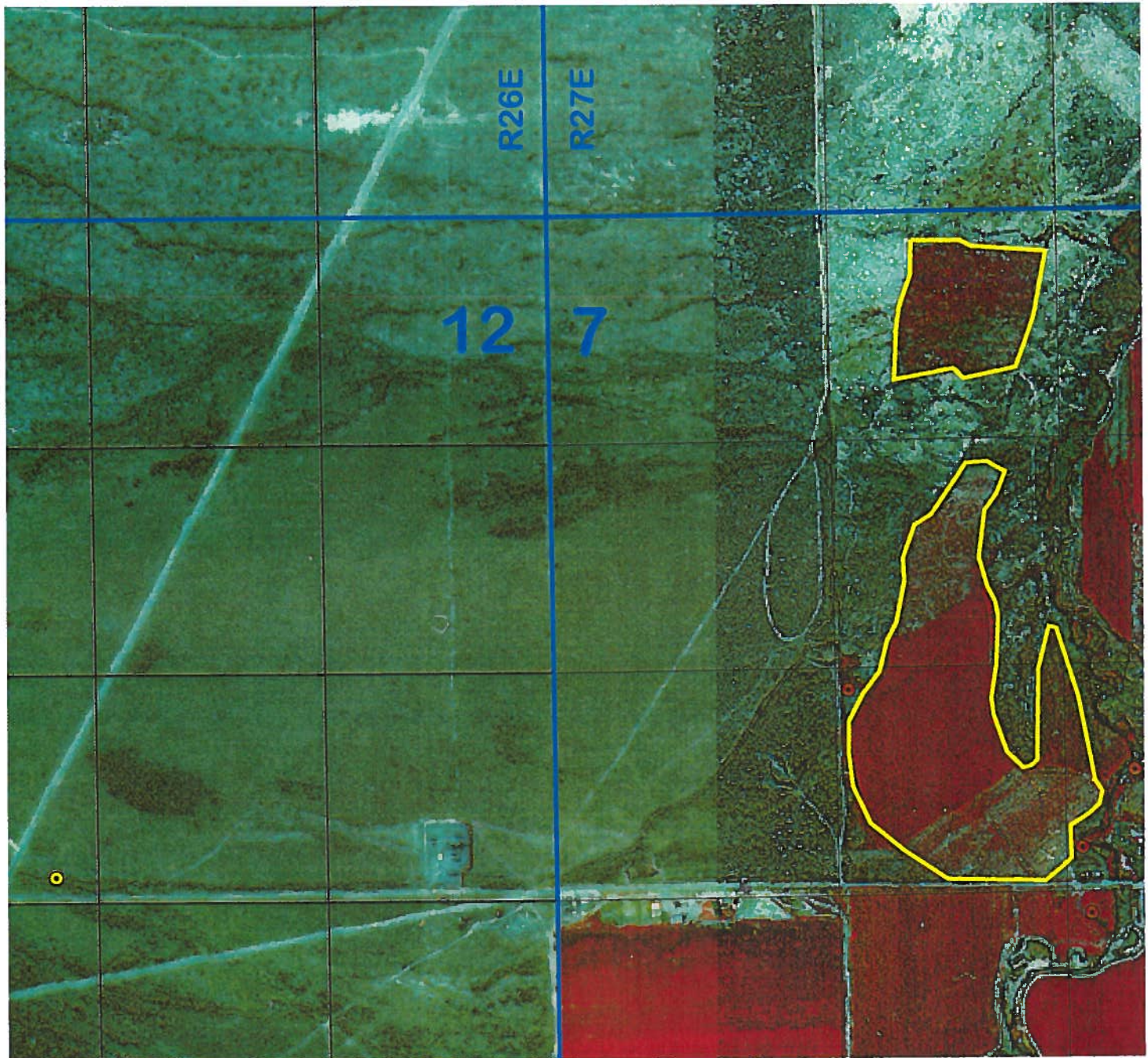
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

RIGHT: 43-222A

SOURCE: COTTONWOOD CR

RECOMMENDED PLACE OF USE
TWP 15S, RNG 27E,
Data entry on February 1, 2001



RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

RECOMMENDATION

FROM: V. Hancock

9-5-2000

Decreed right for 2 cfs from Raft River on 100 acres W½NE and N½SE, Section 7, T15S, R27E. Priority date 6-20-1887, Jobe Adams Decree. Transfer #149 added a point of diversion on Cottonwood Creek to irrigate land on the west side of Raft River in 1936. ***See notes in file.***

Review of 1962, 1968 and 1987 aerial photos show irrigation of the land immediately west of Raft River, and the majority of this land lies in the NW quarter of section 7. Transfer #149 specifically indicated that a new point of diversion from Cottonwood Creek was to be used to irrigate land on the west side of Raft River, but did not apply for a transfer of place of use. It is possible that the exact legal tract being irrigated was not known, or it is possible that there has been a significant shift in the Raft River channel since 1936. In any case, the land irrigated by Cottonwood Creek in 1962, 1968, 1987, and most probably in 1946, lies in the NE ¼ of Section 7, and can be recommended there in the SRBA under the accomplished transfer statutes.

Transfer #149 occurred prior to the transfer of other surface water to the place of use in 1944 by transfer #669.

According to a conversation with Doug Freestone in March of 2000, and consistent with Department protocol, right 43-222 has been split into A and B portions identifying the discreet sources and POU's.

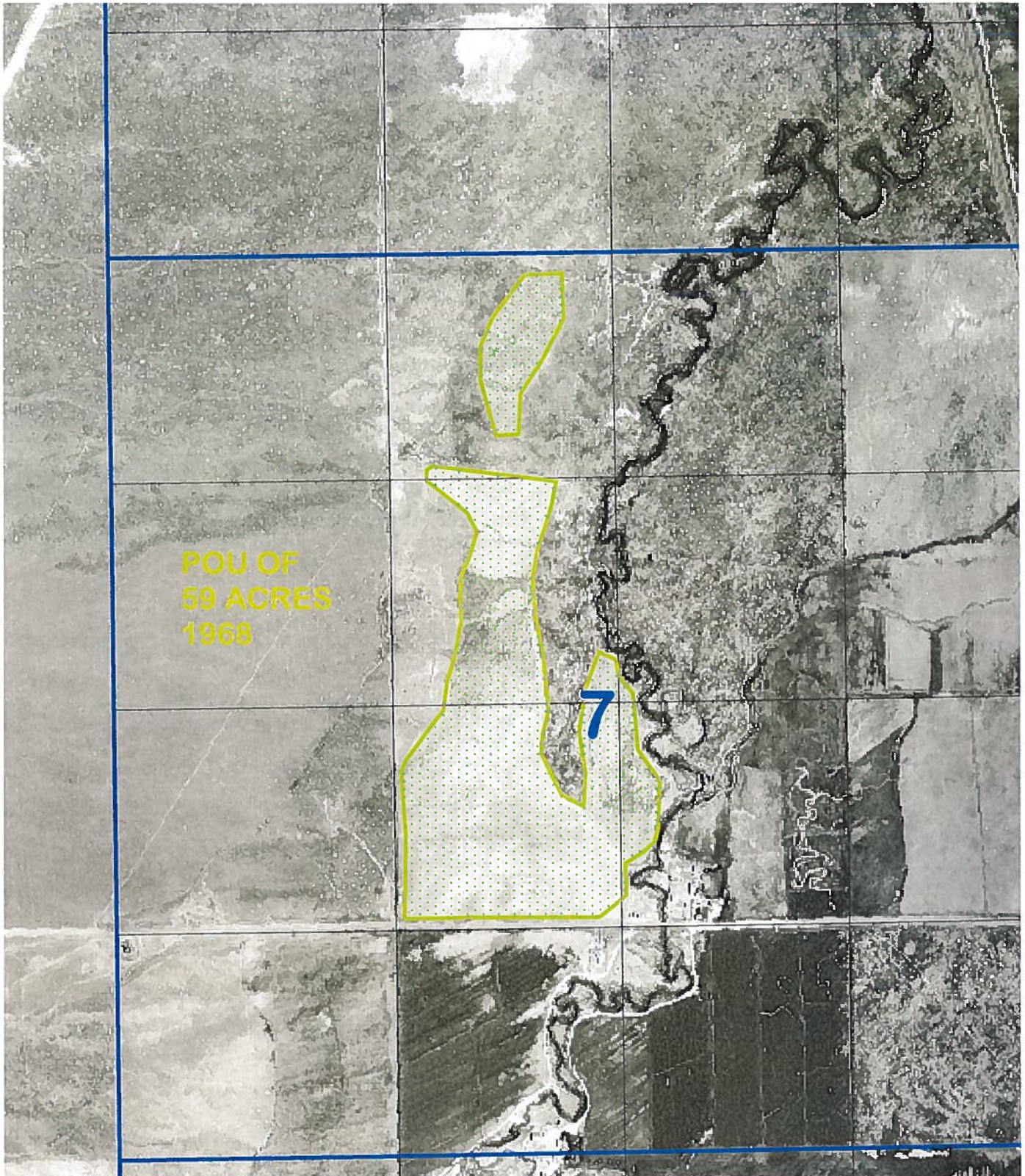
The original claim based upon 43-222 was for 320 acres. Claim was split proportionately, but recommended as follows:

43-222	100 acres	Raft River/Cottonwood Creek	2 cfs
43-222A	57 acres	Cottonwood Creek	1.14 cfs
43-222B	43 acres	Raft River	.86 cfs

FILE NOTES

ARIMO

43-222A & 43-222B



1968 AERIAL PHOTOGRAPHY

V HANCOCK

ORIGINAL decreed & Licensed Place of Use
Overlapping Claims REVIEW

		(20)	(20) 15
	(8)	(30) 10	40
	(20) 20	30	40

1887  43-00222 (A43-00222 A & B)
1943  43-02291 (A43-10649)
1944  43-00315, 316, 322 AS TRANSF. (A43-00315, A43-10650)
1951 40 43-02363 AS Transferred - GW
1985 (20) A43-10651 Expansion claim of 43-02363 - GW

9-9-62

YT-600-215

1 6
12 7

+

12 7
13 18

+

T 15 S R 27 E
Sec 7

43-00222 (A&B) 43-00315, 43-10050

NOTE TO FILE

From: Vikie Hancock

3/10/00

Regarding: Claim number – VARIOUS Arimo Corp.

Doug Freestone, Arimo Ranch Mgr came into the office on March 8th, 2000 to discuss the various Arimo claims to surface and ground water. Issues discussed related to the following claims: **A43-00222, -00315, -10649 and -10650.**

Both Raft River and Cottonwood Creek were listed as source for the above four claims, which were filed by the predecessor in interest of Arimo Corp. I had investigated all the above claims, which are all based upon either old Jobe Adams Decrees or old licenses, and discovered that the only historical mention of Cottonwood Creek as a source was in right number 43-00222. In 1936 transfer #149 added the pod on Cottonwood in Section 12 that is still used today, and showed conveyance for irrigation to the west side of Raft River in section 7, as today. It also indicated a point of diversion from Raft River in section 18 that conveyed water to the east side of the river. I told Doug that I thought it may be better to delete Cottonwood Creek as a source on all but claim A43-~~00222~~ ⁰⁰²²² so that the entire diversion amount allowed by the other claims could be taken from Raft River and used on the east side of the stream. Since approximately 60 acres were irrigated exclusively from Cottonwood Creek, and no water from Cottonwood was conveyed to the east side of Raft River, 60 inches could be dedicated to those acres from the one decreed right and not split off from all four rights.

Doug agreed that recommending all the water from Raft River to the east side of the river in sections 6 and 7 would reflect the true usage of the water represented by the above claims. He also agreed that the place of use on the GIS layout dated 2-23-2000 accurately represented the acres irrigated by Cottonwood Creek in 1987, however they currently probably irrigate more acres in the SENW and less acres in the NENW Sec 7.

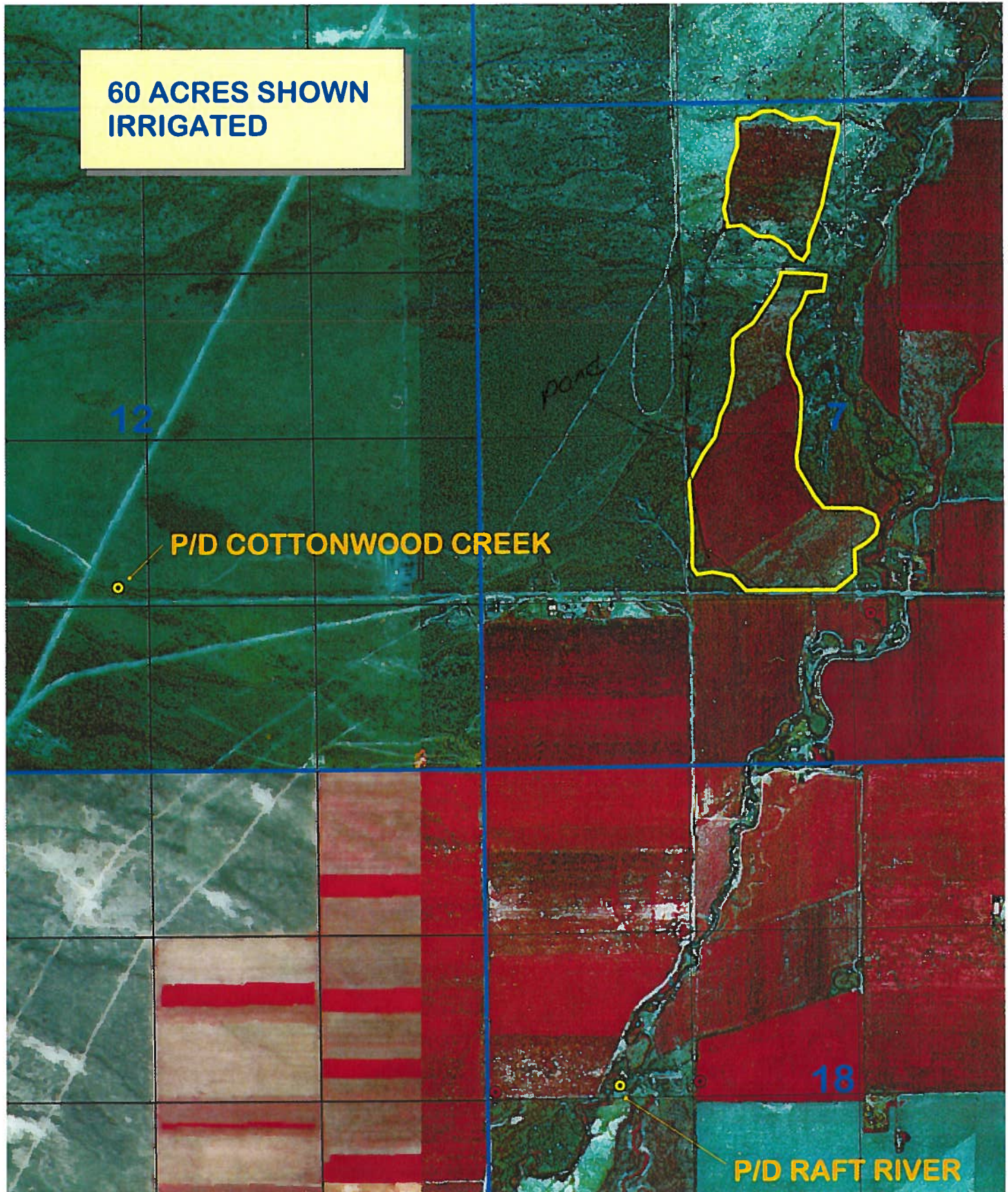
The actual point of diversion on Cottonwood Creek remains as claimed in the SENESW Section 12 T15S, R26E. Surface ditches convey water to a small pond and subsequently the place of use.

The actual point of diversion on Raft River has been moved post 1987 from the claimed location to the SWSWNE Section 7, where it is diverted by pump and pipeline into the combined sprinkler system.

FILE NOTES

CLAIM NO(S): 43-00222

TWP 15S, RNG 27E SEC 7, 18
TWP 15S, RNG 26 E SEC 12



V. HANCOCK

DATE: 2-23-2000

1987/88 NAPP PHOTOGRAPHY

8/8/2000 ADDED OK PER N. FREESTONE 1101

WATER RIGHT AS IT APPEARS AFTER TRANSFER # 149

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date	-	00/00/0000	Verified Date	-	03/26/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	- 438
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	10/18/1928	Presumption Flag	-			-

Trans, #149

43-0222

Affidavit for Change of Point of Diversion of Decreed Water Right

RECEIVED

JUL 23 1936

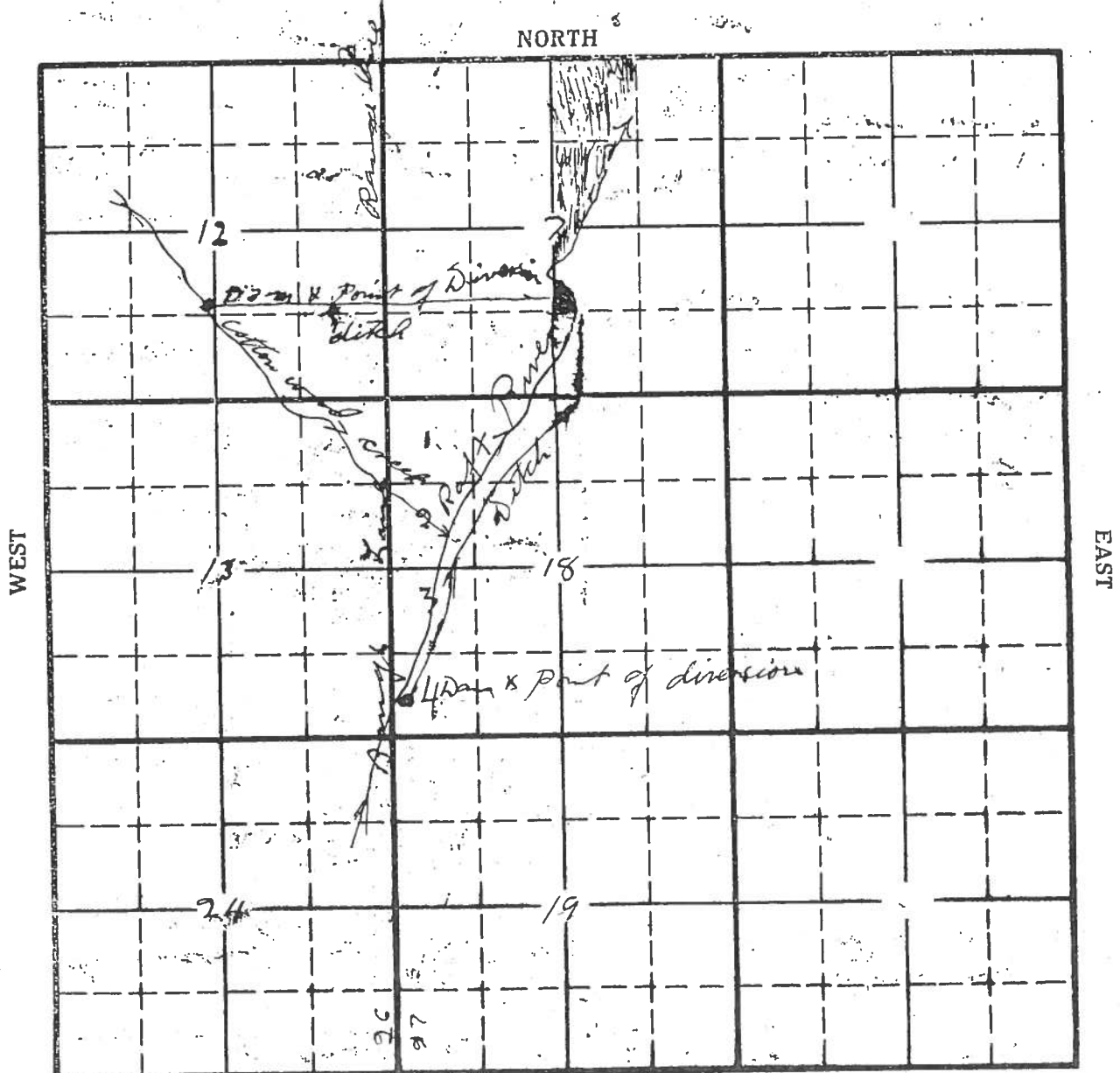
Department of Reclamation

STATE OF IDAHO,
County of Cassia } ss.
Frank Olson.

....., being first duly sworn, deposes and says: That his
postoffice address is Bridge; That he is the owner of and using
a certain water right, bearing date of priority of June, 20, 1887, 19xxx for 2
cubic feet per second of the waters of Raft River,
County of Cassia, State of Idaho, decreed to Andrew Olson,
by decree of Judge Cavanah, of the Eleventh Judicial District of
the State of Idaho, in and for the County of Cassia, in the case of Albion Ida.
Land Company vs. Jobe Alams. said decree bearing date of
Oct. 18 1928, for the purpose of irrigating the following described lands, situate, lying
and being in Water Dist. No. 8 B, in the County of Cassia, and State of Idaho,
to-wit: N 1/2 Sec 1 W 1/2 N 2 E 1 Sec 7 Tn 15 R 27 E.B.M.

That he is the person (or representative of the corporation) to whom such right was issued, (or has be-
come the owner thereof in the following manner: By Purchase from heirs
of Andrew Olson. Deceased
That said waters are now diverted from said stream in the Sw 1/4 Sw 1/4 of Sec. 18,
Twp. 15, Range 27, and conducted to the above described lands through the
Olson ditch, as per map filed herewith and of this affidavit made a part;

Plot showing New Point of Diversion Also
Present Point to be used jointly
 No. _____, Date July 18 1936, Description Dam and point
of diversion are in N.E. 1/4 SW 1/4 Sec 12 Tn 15
Range 26 E.B.M. Section 12 and 7
 Township 15, Range 26 and 27 Meridian.



COYOTE FORM No. 9P-5C 20K SOUTH 2 inches = 1 mile
 NOTE: This map is for the purpose of showing the new point of
 diversion out of Cottonwood Creek for irrigating that portion of
 NW 1/4 of SW 1/4 and W 1/2 of NE 1/4 Sec. 7 Tn. 15 R. 27 E. B. M. which
 lies on West side of Raft River.

PROVIDED, that the amount of water which said James S. McGill shall be entitled to receive from the said Clear Creek shall not, at any time, when added to the amount he then is entitled to receive, or is receiving of the waters of Raft River, exceed one inch per acre or an aggregate of 1 s.f.

1909-Apr. 1 1.3 s.f. To be diverted from Raft River for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 32, Twp. 15 S. R. 26 E.B.M.

G. S. Marshall
Kate Marshall

1900-Mar. 1 .4 s.f.
1909-Mar. 1 .8 s.f.

To be diverted from Jarke Creek for the irrigation of $SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{2}SW\frac{1}{4}$, Sec. 21, Twp. 13 S. R. 26 E.B.M.

Amended

1873-June 15 2 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{2}SE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 21, Twp. 13 S. R. 26 E.B.M.

R. M. Maxfield
Annie Maxfield

1887-Apr. 30 .8 s.f.
1894-Apr. 1 1.2 s.f.

To be diverted from Green Canyon Creek for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$, Sec. 17 and $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 8, Twp. 14 S. R. 25 E.B.M. Also a further tract of land described as follows: Beginning 14 rods 10 inches South of the NE corner of $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 8, Twp. 14 S. R. 25, thence South 65 rods, $15\frac{1}{2}$ feet 2 inches; thence West 80 rods, thence North 65 rods $15\frac{1}{2}$ feet 2 inches; thence East 80 rods to place of beginning.

North American Mortgage Co.
1888-July 1

.8 s.f.

To be diverted from Cassia Creek for the irrigation of $SW\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{2}SW\frac{1}{4}$, Sec. 14, Twp. 13 S. R. 26 E.B.M.

1886-July 1 .4 s.f.

To be diverted from Cassia Creek for the irrigation of $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 26 E.B.M.

1894-Apr. 1 2.4 s.f.

To be diverted from Cassia Creek for the irrigation of $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 26 and $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 14, Twp. 13 S. R. 26 E.B.M.

North American Mortgage Co.
1880-Apr. 30

.4 s.f.

To be diverted from Cassia Creek for the irrigation of $SE\frac{1}{2}SW\frac{1}{4}$, Sec. 7, Twp. 14 S. R. 25 E.B.M.

216

I. J. Neddo
Alice Neddo

1881-Apr. 1 .9 s.f.
1882-Apr. 1 .8 s.f.
1894-Apr. 1 2.6 s.f.
1908-May 10 1.2 s.f.

To be diverted from Cassia Creek for the irrigation of $SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ and Lots 6 and 7, Sec. 6, Twp. 13 S. R. 27 E.B.M.

217
218
219
220

Frederick J. Nye
and Hanna Nye
1905-Oct. 1

3.2 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 13 S. R. 26 E.B.M.

221

Andrew Olsen
Pauline Olsen
1887-June 20

2 s.f.

To be diverted from Raft River for the irrigation of $N\frac{1}{2}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, Sec. 7, Twp. 15 S. R. 26 E.B.M.

222

NOTE TO FILE

FROM: V. Hancock

9-5-2000

43-00111 is based upon a water right included in the Jobe Adams decree for 1.2 cfs of Raft River water for use on four identified 40 acre tracts, or a possible place of use of 160 acres. This 60 inches of water represents a portion of a water right for 160 inches included in the 1893 Lee Kirk -v- Bartholomew decree for use by William Holt upon four identified 40 acre tracts in Section 7, T15S, R27E. Transfer No. 112 was filed in 1912 to formally move this 1.2 cfs from a specific sixty acres in section 7 to sixty acres identified by map in section 8. This transfer, as well as the 1893 decree, was superceded by the 1928 Jobe Adams Decree. In addition to right 43-00111 for 1.2 cfs, the Jobe Adams also included the remaining 2.0 cfs from the Lee Kirk decree, and decreed it as water right **43-00222** for use upon the original four tract place of use, or another possible 160 acres.

In this case, it would not be reasonable to assume that the intent of the Jobe Adams Decree was to expand use of the 3.2 cfs, originally decreed for use on 160 acres at one inch per acre (by inference) in 1893, to the irrigation of 320 acres in 1928. In fact there is evidence, in this case, that the identification of forty-acre tracts does not indicate that the entire 40 acres was intended to be included in the place of use.

Right 43-00111 should be recommended for use on 60 acres within the claimed irrigated place of use identified by GIS.

Right 43-00222 should be recommended for use on 100 acres within the claimed irrigated place of use identified by GIS.

-12-

of Boise Meridian. That said James Bronson was, on the 30th day of April 1882, the owner and since has been and now is the owner & in possession of the said lands.

I find that David Hubbard appropriated for the irrigation of the lands hereinafter described from the waters of said Raft River for the entire season, from April 1st to October 1st, 50 inches of water. That said David Hubbard used the above amount of said water during the time mentioned each year from April 30th, 1882, down to the date of this decree. That said lands on which said water was used as aforesaid are particularly described as follows, to wit: The East 1/2 of the North East 1/4 and South West 1/4 of the North East 1/4 of Sec. 12, Township 16 South of Range 24 East of Boise Meridian. David Hubbard aforesaid was on the 30th day of April 1882, the owner and since has been and now is the owner in possession of said lands.

I find that J. W. Hubbard has appropriated for the irrigation of the lands hereinafter described, from the waters of said Raft River for the entire season from April 1st to October 1st, 75 inches of water. That said J. W. Hubbard used the above amount of said water during the time mentioned each year from April 30th 1882 down to the date of this decree. That said lands on which said water was used as aforesaid are particularly described as follows, to wit: The North East 1/4 of the North West 1/4, the North West 1/4 of the North East 1/4 and Lots 1 & 2 Sec. 7, Township 16 South of Range 24 East of Boise Meridian. That said J. W. Hubbard was on the 30th day of April 1882, the owner, and since has been and now is the owner in possession of said lands.

I find that William Holt appropriated from Raft River, on the 30th day of June 1887, one hundred and sixty inches of water to be used on the following described land, in irrigating the same. That he has used said amount of water on said land from April 1st to October ^{15th} each and every year since said appropriation down to the date of these findings. That the land upon which said waters has been so used is described as follows, to wit: The North half of the South East Quarter and the West half of the North East Quarter of Section 7, Township 15 South, Range 27 East of the Boise Meridian.

I find that John R. Jones

From Findings of Fact. Lee Kirk-v- Bartholomew Decree - 1893

See Right No. 43-0111

*superseded by Alburn -
Idaho Land Co. vs Adam
decree dated 10-18-1928*

STATE OF IDAHO

---OFFICE OF STATE ENGINEER---

CERTIFICATE NO. 112, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted DAVE J. CLARK, of Bridge, County of Cassia, State of Idaho, transfer the use of sixty (60) inches of the waters of RAFT RIVER, in the county of Cassia and State of Idaho, from the lands upon which it is now used, i. e., the West half of Northeast quarter (W2 NE4) and North half of Southeast quarter (N2 SE4), Section 7, Township 15 South, Range 27, East of Boise Meridian, to the following described tract, to-wit: Northwest quarter of Southwest quarter (NW4 SW4) and South half of Southwest quarter of Northwest quarter (S2 SW4 NW4), Section 8, Township 15 South, Range 27 East of Boise Meridian.

Permission is granted the above named party to divert, hereafter, the above described waters from Raft river at a point at the southeast corner of the Northwest quarter of Northeast quarter (NW4 NE4), Section 24, Township 15 South, Range 26, East of Boise Meridian, and carry same through the Olson-Koogh Ditch.

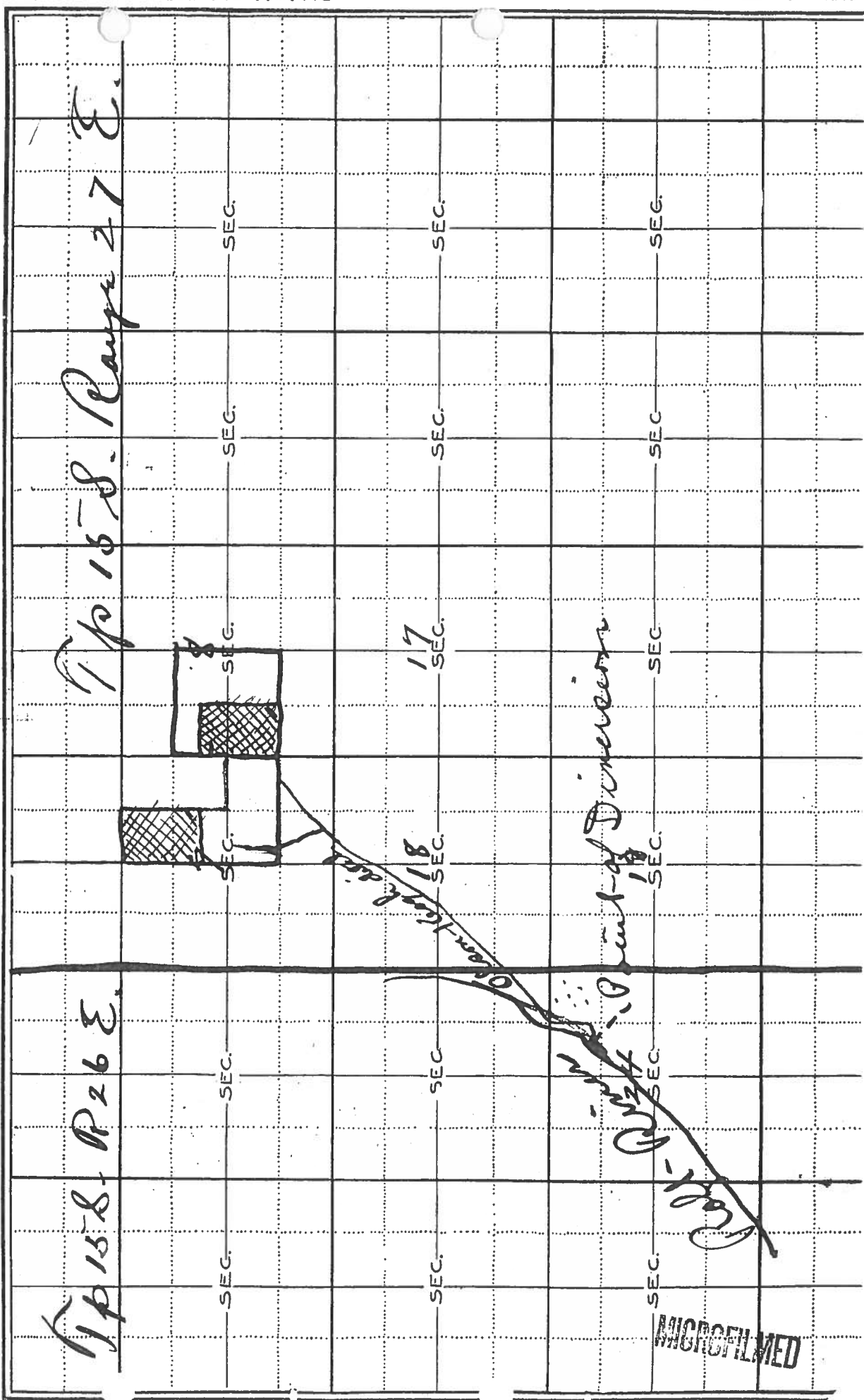
The water appurtenant to the above described lands was adjudged by decree, dated October 5, 1893, of C. O. Stockslager, Judge of the Fourth Judicial District of the State of Idaho, in and for the County of Cassia, in the matter of Lee Kirk, et al., plaintiffs, vs. A. Bartholomew, et al., defendants, title to the use of which water has heretofore been duly vested in the above named party by proper deeds and conveyances.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 6th day of December, 1912.

(SEAL)

A. E. Robinson,
State Engineer.

RECORDED



MAPS USED: USGS
 DATE: 1976
 NAF DD 82
 ORTHO
 NAPP
 BLM

Analyst to the transfer ponding
 (2) ditto - traditional P/D -
 w. 1/4 abandoned pump out.

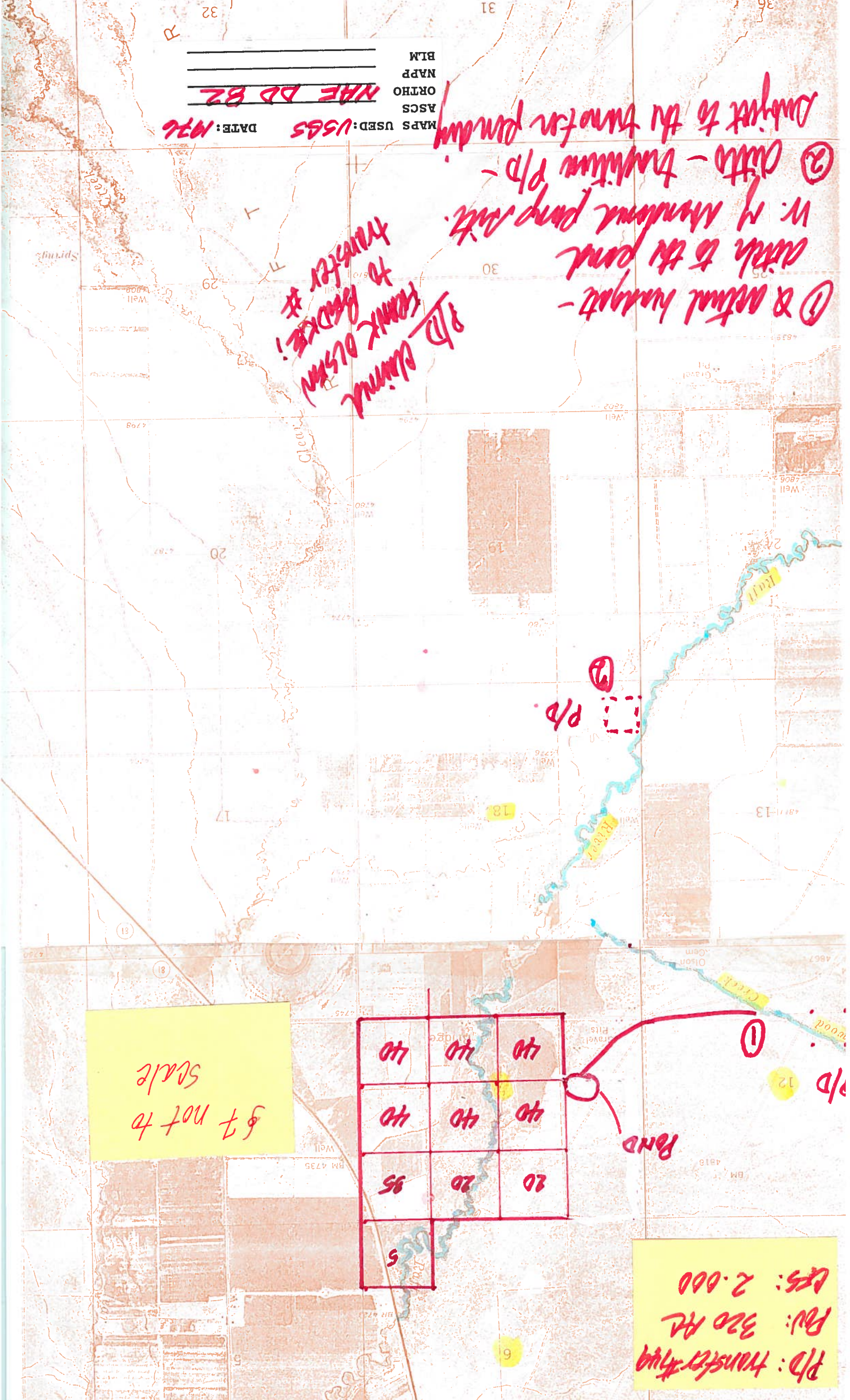
(1) & actual headgate -
 ditch to the pond

P/D
 Planned
 to transfer
 to Boudier #

57 not to
 scale

40	40	40
40	40	40
95	20	20
5		

P/D: transfer #49
 P/D: 320 AC
 ACS: 2.000



AGB

CONTACT PERSON:

Doug Free Stone

PHONE NUMBER: () -

DATE OF FIELD EXAM:

1/1

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

Kenneth Mge

DIRECTIONS TO PROPERTY / NOTES:

Desk Review & meeting 3-10-2000 142
Tune Forks