

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 43-245A
Date Received: 6/1/89
Receipt No:
Received By:

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

1. Name of Claimant(s)

DONNA W BUTLER Phone: (801)544-2883
R RICHARD BUTLER
278 SO 300 WEST
KAYSVILLE UT USA 84037

2. Date of Priority: 04/30/1886

3. Source: CASSIA CREEK Trib. to: Raft River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13S	26E	14	NE NW NE	CASSIA

5. Description of diverting works:

HEADGATE, LATERALS AND HAND LINES OR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.18	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	26E	12	NE NE	IRRIGATION	27.8
				Section Acres	27.8
				Total Acres	27.8

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:

CHANGE OF OWNERSHIP DATA ENTERED BASED UPON A WARRANTY DEED AND CHANGE OF OWNERSHIP SUBMITTED WITH A43-04178. KKC 10-26-99. THE PROPERTY IS SPLIT BASED UPON THE WARRANTY DEED. ACCORDING TO JOHN WIGHT, WATER DIVISION WAS NOT DISCUSSED. THE SPLIT IS ON A PROPORTIONATE BASIS OF IRRIGATED ACRES WITHIN THE CLAIMED P/U.

15. Basis of Claim: Decreed

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: A43-00245
Date Received: 6/01/1989
Receipt No: M003803
Received By: PAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. RICHARD BUTLER 801-544-2883
Address: 278 SO. 300 W.
KAYSVILLE, UT 84037

OR

Name: DONNA W. BUTLER 801-544-2883
Address: 278 SO. 300 W.
KAYSVILLE, UT 84037

2. Date of Priority: APR 30, 1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	12	SW	SE	NW		CASSIA
		14	NE	NW	NE		CASSIA

5. Description of diverting works:
HEADGATE, LATERALS AND HAND LINES OR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00245

Page 1

Date: 06/01/89

MICROFILMED

MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	12	NE		NE		IRR	31.0
			NW		NE		IRR	31.0
							Section Acres	62.0
							Total Acres	62.0

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:
43-0244

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
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: 0

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): Richard Butler Date: 6/1/89
Date:

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this day
of June 19 89 Bruce A. Schuld
Notary Public

Seal

Residing at BRUCE A. SCHULD, NOTARY PUBLIC
My Commission Expires RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995

MICROFILMED
MAR 02 1993

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.

1. Water Right No(s): 43-00244 & 43-00245
Adjudication Claim No(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** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 RICHARD & DONNA BUTLER

KAYSVILLE UTAH

4. New Owner/Claimant(s) ELMOINE D. WIGHT

New Mailing Address JOHN H. WIGHT
Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

City, State and ZIP Code PO Box 621

New Telephone Number MALTA, Id. 83342

5. Date you acquired the property 008) 645-2486

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right 32 Number and type of stock _____

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

7. Signature of New Owner(s) or Claimant(s) John H. Wight

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

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

43-00244 & 43-00245 SPLIT ANALYSIS

March 31, 2000 By Kelly K Christensen File: 43-0244 00245 split analysis
--

John Wight purchased approximately 34.2 acres of the property covered by these rights. He indicated that Art Whitaker has purchased the remaining property (mainly in the NENE of Sec 12. The department has not received a change of ownership for that property as of this date.

John's warranty deed was silent as to the split rate for the water rights. When I asked John, he indicated that the water right split proportion was never discussed during the sale. I am splitting the two rights proportionately based upon the found irrigated acres for both individuals.

I

Owner	Irrigated acres		Claim Number	Diversion rate
Wight	33		43-00244	0.60
Butler	26		43-00245	0.40
total	59		total	1.00
Butler proportionate share				
A43-00244A	26	of 0.60 =	0.264	≈ 0.26 cfs
A43-00245A	59	of 0.40 =	0.176	≈ 0.18 cfs
Wight proportionate share				
A43-00244B	33	of 0.60 =	0.335	≈ 0.34 cfs
A43-00245B	59	of 0.40 =	0.223	≈ 0.22 cfs

209647 WARRANTY DEED

For Value Received

RICHARD BUTLER and DONNA BUTLER, husband and wife

the grantor s. does hereby grant, bargain, sell and convey unto

JOHN H. WIGHT and ELMOINE O. WIGHT, husband and wife
Box 621, Malta, Idaho 83342

the grantees, the following described premises, to-wit:

SEE ATTACHED "EXHIBIT A" FOR LEGAL DESCRIPTION.

RECEIVED

JAN 31 1994

Department of Water Resources
Southern Region Office

SUBJECT TO:

General taxes for the year 1990, and subsequent years.

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 es hereby covenant to
and with the said Grantees, that the y are the owners in fee simple of said premises; that
said premises are free from all incumbrances except as above described, and that they will
warrant and defend the same from all lawful claims whatsoever.

Dated: September 7, 1990

Richard Butler
RICHARD BUTLER

Donna Butler
DONNA BUTLER

STATE OF ^{Idaho} ~~Idaho~~ COUNTY OF CASSIA:On this 21st day of September, 1990 before me, a
notary public in and for said State, personally appearedRICHARD BUTLER and DONNA BUTLER, husband
and wifeknown to me to be the person s whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.

Vicki B. Wright
Residing at Kaysville ^{Utah} ~~Idaho~~ Comm. Expires 2-16-92



NOTARY PUBLIC
VICKI B. WRIGHT
201 Virginia Street
Kaysville, Utah 84037
My Commission Expires
February 16, 1992
STATE OF UTAH

"EXHIBIT A"

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Part of the N $\frac{1}{2}$ NE $\frac{1}{4}$ described as follows:

Beginning at the NE corner of Section 12 of Township 13 South, Range 26 E., B.M. said corner marked by a 3" Cassia County survey cap; Thence N 89°34'11" W along section line for 1070.82 feet to the Point of Beginning;

Thence S 7°20'53" W for 41.22 feet to a $\frac{1}{4}$ " rebar;
Thence S 7°20'53" W for 283.56 feet to a $\frac{1}{4}$ " rebar;
Thence N 68°50'29" W for 151.97 feet to a $\frac{1}{4}$ " rebar;
Thence S 7°38'55" W for 376.91 feet to a $\frac{1}{4}$ " rebar;
Thence S 51°45'58" W for 681.69 feet to a $\frac{1}{4}$ " rebar;
Thence S 73°34'58" W for 343.31 feet to a $\frac{1}{4}$ " rebar;
Thence S 89°52'47" W for 482.29 feet to a $\frac{1}{4}$ " rebar
on the west line of the N $\frac{1}{2}$ NE $\frac{1}{4}$;
Thence N 0°05'02" W along the west line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ for 1172.63 feet to a 3" Cassia County survey cap at the north $\frac{1}{4}$ section corner of Section 12;
Thence S 89°34'11" E along section line for 1582.25 feet to the Point of Beginning.

SUBJECT TO a 25 foot wide county road right-of-way along the north side.

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPT the Highway right-of-way and EXCEPT the following described parcels:

Parcel #1: Beginning at a point 40 feet East and 268.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Township 13 South, Range 26 EBM; Thence East 417.42 feet; Thence North 141 feet; Thence West 417.42 feet; Thence South 141 feet to the Point of Beginning.

Parcel #2: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East 45 feet; Thence South 30 feet to the Point of Beginning; Thence East 210 feet; Thence South 208 feet; Thence West 210 feet; Thence North 208 feet to the Point of Beginning.

Parcel #3: Beginning at a point 40 feet East and 409.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East 417.42 feet; Thence North 104.35 feet; Thence West 417.42 feet; Thence South 104.35 feet to the Point of Beginning.

Parcel #4: Beginning at a point 40 feet East and 514.6 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12; Thence East 200 feet; Thence North 200 feet; Thence West 200 feet; Thence South 200 feet to the Point of Beginning.

Parcel #5: Beginning at a point 30 feet South and 255 feet East of the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East 210 feet; Thence South 208 feet; Thence West 210 feet; Thence North 208 feet to the Point of Beginning.

Parcel #6: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East along the North line of said Section 12 for 515.0 feet to the True Point of Beginning, Thence continuing East along said section line a distance of 500.0 feet, Thence South a distance of 500.0 feet, Thence West a distance of 500.0 feet, Thence North a distance of 500.0 feet to the Point of Beginning.

Parcel #7: Beginning at a point 40 feet East and 914.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence 420.0 feet East, Thence 160.5 feet North, Thence 420.0 feet West, Thence 160.5 feet South to the Point of Beginning.

Parcel #8: Beginning at a point 240 feet East and 714.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East 220 feet, Thence North 200 feet, Thence West 220 feet, Thence South 200 feet to the Point of Beginning.

(Continued)

Parcel #9: Beginning at a point 40 feet East and 714.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East 200 feet, Thence North 200 feet, Thence West 200 feet, Thence South 200 feet to the Point of Beginning.

Parcel #10: Beginning 240 feet East and 514.6 feet North of the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East 220 feet, Thence North 200 feet, Thence West 220 feet, Thence South 200 feet to the Point of Beginning.

Parcel #11: Beginning at the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence running North along the West boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 208.71 feet, Thence East on a line parallel with the South boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 417.42 feet, Thence South on a line parallel with the West boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 208.71 feet, Thence West along the South boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 417.42 feet to the Point of Beginning.

Parcel #12: Beginning at the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence North 448 feet, Thence West at a right angle 179 feet, Thence South at a right angle 448 feet, Thence East at a right angle 179 feet to the Point of Beginning.

SUBJECT TO a 25 foot wide county road right-of-way along the north side.

TOGETHER WITH a water conduit to be placed 36" below the surface, a strip of land 3 feet in width running North and South across the West face of the following described property:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Beginning at a point 40 feet East and 268.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Township 13 South, Range 26 EBM; Thence East 417.42 feet; Thence North 141 feet; Thence West 417.42 feet; Thence South 141 feet to the Point of Beginning.

TOGETHER WITH a 6' wide irrigation ditch right of way running East and West approximately 180 feet South of the North boundary line and a ditch running substantially North and South along the East line commonly known as the Scott ditch over, upon and across the following described property:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Beginning at the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence North 448 feet, Thence West at a right angle 179 feet, Thence South at a right angle 448 feet, Thence East at a right angle 179 feet to the Point of Beginning.

TOGETHER WITH a 3 foot right-of-way from the West property line and running parallel thereto to be used for a 12" water conduit placed 36 inches below the ground surface described as follows:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Beginning at a point 40 feet East and 409.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, Thence East 417.42 feet; Thence North 104.35 feet; Thence West 417.42 feet; Thence South 104.35 feet to the Point of Beginning.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

running parallel thereto to be used for a 1. water course,
inches below the ground surface described as follows:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA
COUNTY, STATE OF IDAHO

Section 12: Beginning at a point 40 feet East and 409.71 feet
North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section
12, Thence East 417.42 feet; Thence North 104.35 feet; Thence
West 417.42 feet; Thence South 104.35 feet to the Point of
Beginning.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

Attached to and forming a part of Warranty Deed, dated September 7, 1990.
executed by Richard Butler and Donna Butler, husband and wife.

203647

CASSIA COUNTY ABSTRACT

220

SEP 27 11 45

CASSIA COUNTY, IDAHO

FEELER

CASSIA COUNTY ABSTRACT

12751

THIS BLANK FURNISHED BY CASSIA COUNTY ABSTRACT COMPANY

203648

WARRANTY DEED

For Value Received

BRIAN J. HAWKINS and SUE E. HAWKINS, husband and wife

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

GARY W. JOHNSON and LOWANA JOHNSON, husband and wife
2666 Fairmont Drive, Burley, Idaho 83318

the grantees, the following described premises, to-wit:

Lot 5 in Block 2 of FAIRMONT PARK DIVISION NO. 1 to the City
of Burley, as the same is platted in the official plat thereof,
now of record in the office of the County Recorder of the County
of Cassia, State of Idaho.

06/21/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-245A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ART WHITAKER
Current Owner	LARENE WHITAKER
	PO BOX 64
	MALTA, ID 83342
	(208)645-2292
Original Owner	DONNA W BUTLER
Original Owner	R RICHARD BUTLER
	278 S 300 W
	KAYSVILLE, UT 84037
	(801)544-2883

Priority Date: 04/30/1886
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
CASSIA CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.18 CFS		
Total Diversion			0.18 CFS		

Location of Point(s) of Diversion:

CASSIA CREEK	SESENW	Sec. 12	Township 13S	Range 26E	CASSIA County
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IRRIGATION Use:
Acre Limit: 27.8

Place(s) of use:

Place of Use Legal Description: IRRIGATION	CASSIA County
--	---------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	26E	12		NENE	27.8									

Total Acres: 27.8

Conditions of Approval:

- I. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 27.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-244A AND 43-245A.

Dates:

Licensed Date:
Claim Received Date: 06/01/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 43C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

05/08/2001

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-245A

DONNA W BUTLER
278 S 300 W
KAYSVILLE UT 84037
Telephone Number: (801)544-2883

R RICHARD BUTLER
278 S 300 W
KAYSVILLE UT 84037
Telephone Number: (801)544-2883

RECEIVED

JUN 18 2001

Department of Water Resources

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

RECEIVED

JUN 20 2001

Department of Water Resources
Southern Region

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

DATE: June 15, 01 SIGNATURE: Art D. Whitaker
Please print your name: ART D. WHITAKER

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033



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 KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2001

ART WHITAKER
LARENE WHITAKER
PO BOX 64
MALTA ID 83342

RE: SRBA Claim(s) 43-244A, 43-245A

Dear Mr. and Mrs. Whitaker:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett', is written over a faint, larger signature that is mostly illegible.

Trish Fawcett
Technical Records Specialist

enc.

209847

WARRANTY DEED

For Value Received

RICHARD BUTLER and DONNA BUTLER, husband and wife

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

ARTHUR DON WHITAKER and LARENE WHITAKER, husband and wife
Box 64, Malta, Idaho 83342

the grantees, the following described premises, to-wit:

SEE "EXHIBIT A" ATTACHED FOR LEGAL DESCRIPTION.

RECEIVED
JUN 20 2001
Department of Water Resource
Southern Region

SUBJECT TO:

General taxes for the year 1990, and subsequent years.

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

Dated: September 25, 1990

Richard Butler
RICHARD BUTLER

Donna Butler
DONNA BUTLER

STATE OF UTAH, COUNTY OF DAVIS
On this 28th day of September, 19 90 before me, a
notary public in and for said State, personally appeared

RICHARD BUTLER and DONNA BUTLER, 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.

Mark Altom

Residing at Kaysville

Idaho
UTAH

Comm. Expires May 11, 1991

NOTARY PUBLIC
MARK ALTOM
449 So. 925 East
Kaysville, Utah 84037
My Commission Expires
May 11, 1991
STATE OF UTAH

209847

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

FILM 220

OCT 11 2 18 PM '91

CASSIA COUNTY, IDAHO
FRANK E. WEAVER
RECORDER

FEE \$20.00

CASSIA COUNTY ABSTRACT

EXHIBIT A

The land referred to is described as follows:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA
COUNTY, STATE OF IDAHOSection 12: Part of the N $\frac{1}{2}$ NE $\frac{1}{4}$, more particularly
described as follows:Beginning at the NE corner of Section 12 of Township
13 South, Range 26, East, Boise Meridian, said corner
marked by a 3" Cassia County survey cap which shall be
the Point of Beginning;Thence South 0°04'07" West along the section line for
1313.69 feet to a $\frac{1}{2}$ " rebar at the SE corner of the
N $\frac{1}{2}$ NE $\frac{1}{4}$;Thence North 89°42'35" West along the South line of
the N $\frac{1}{2}$ NE $\frac{1}{4}$ for 2649.53 feet to a 5/8" rebar at the
SW corner of the N $\frac{1}{2}$ NE $\frac{1}{4}$;Thence North 0°05'02" West along the west line of the
N $\frac{1}{2}$ NE $\frac{1}{4}$ for 147.56 feet to a $\frac{1}{2}$ " rebar;Thence North 89°52'47" East for 482.29 feet to a $\frac{1}{2}$ "
rebar;Thence North 73°34'58" East for 343.31 feet to a $\frac{1}{2}$ "
rebar;Thence North 51°45'58" East for 681.69 feet to a $\frac{1}{2}$ "
rebar;Thence North 7°38'55" East for 376.91 feet to a $\frac{1}{2}$ "
rebar;Thence South 68°50'29" East for 151.97 feet to a $\frac{1}{2}$ "
rebar;Thence North 7°20'53" East for 283.56 feet to a $\frac{1}{2}$ "
rebar;Thence North 7°20'53" East for 41.22 feet to a point
on section line;Thence South 89°34'11" East along section line for
1070.82 feet to the Point of Beginning.SUBJECT TO a 25 foot wide county road right-of-way along the
North side.

ALL IN CASSIA COUNTY, STATE OF Idaho.

Attached to and forming a part of Warranty Deed, dated September 25, 1990,
executed by Richard Butler and Donna Butler, husband and wife.16 OCT 1991
Mortell G. H...
Assessor Cassia County
By Butler

11/14/2000

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

RIGHT NUMBER: 43-245A

NAME AND ADDRESS: DONNA W BUTLER
R RICHARD BUTLER
278 SO 300 WEST
KAYSVILLE, UT 84037

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.18 CFS

VERIFIED BY

KKC
11-14-00

PRIORITY DATE: 04/30/1886

POINT OF DIVERSION: T13S R26E S12

SESENW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.18 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S12 NENE 27.8
27.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 27.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-244A AND 43-245A.

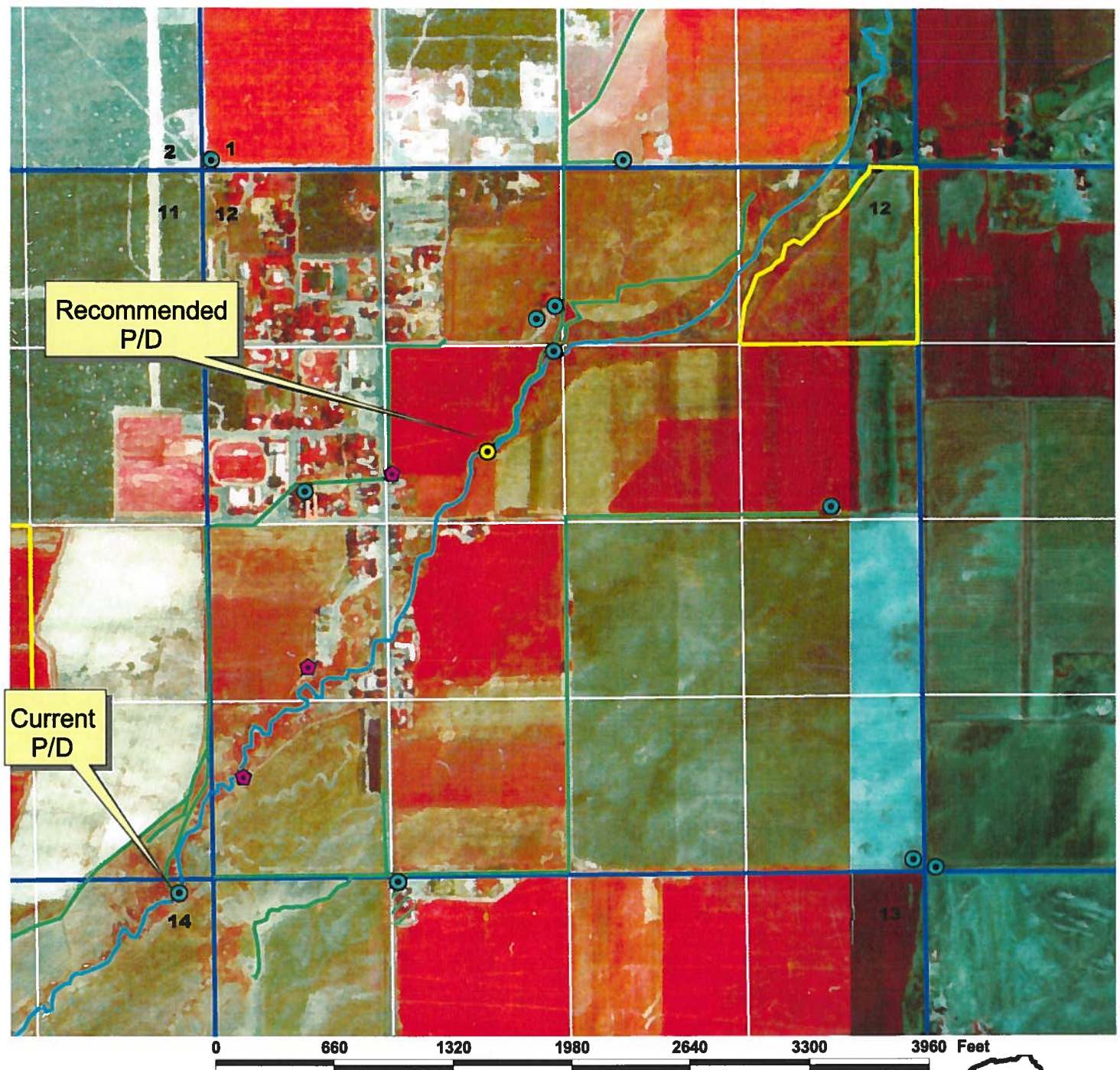
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Department of Water Resources

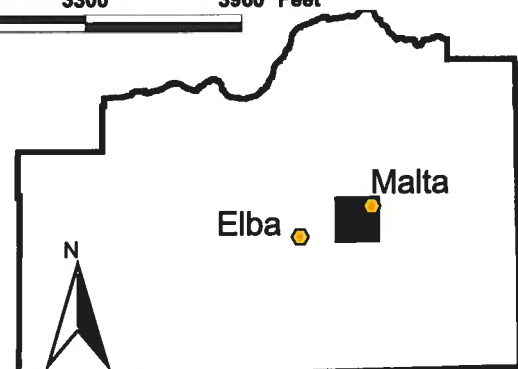
RECOMMENDED PLACE OF USE FOR 43-244A AND 43-245A



PLACE OF USE
TWP 13S, RNG 26E, SEC 12
Data entry on October 3, 2000

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 43-244A DATE 9-26-00 TRANSFER NUMBER _____
245A AGENT KKC CLAIMED ACRE TOTAL 27.8
 _____ GIS ACRE TOTAL 27.8

				NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	26E	12	27.8																27
GIS				27.7																
RECOM				27.8																27
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP

SHAPE NOS.

The found P/U matches the decreed P/U
 P/U field exam in conjunction with Claims
 filed by Art Whitaker.

B43-POD.SHP

NOS. DESCRIPTION

Claim split based upon documents
 Submitted by John Wight (Portions of this
 right E 43-245)
 P/D GPSed on 3-27-00
 Site tag A000 7926
 Claimant changed P/D approx 3 yrs ago
 (transfer required). Recommend historic PD

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 11-14-2000

File: 43-244A whitaker analysis

Prepared by Kelly K Christensen

43-244A and 43-245A SYSTEM ANALYSIS

The original claims were split into parts A and B through a change of ownership submitted by John Wight. Art Whitaker indicated that he now owns the property and an ownership change is pending.

I conducted a field exam on 9-20-2000 and discussed these claims with Art. He indicated that he is now taking water out of a point of diversion located in TWP 13S; RNG 26E; SEC 14; NENENE. This change occurred about 3 years ago. He indicated that he would file a transfer for this change. The original point of diversion was shared with John Wight and Mr Neddo. I GPSed this site on 3-27-2000. I placed site tag A0007926 on this diversion headgate. I am recommencing this point of diversion.

The polygon for the place of use matches the proportionate split of the base rights, therefore I am not modifying the claimed acres.