

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 43-11240
Date Received: 8/9/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: TODD CARPENTER Phone: (208) 645-2418

Address: HC 61 BOX 1210
MALTA ID USA 83342

Name: ROBIN K CARPENTER Phone: (208) 645-2418

Address: HC 61 BOX 1210
MALTA ID USA 83342

2. Date of Priority: 05/31/1881

3. Source: CASSIA CREEK Trib: Raft River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13S	26E	21	NE SE NE	CASSIA
13S	26E	21	NE NE SE	CASSIA

5. Description of diverting works:

Two headgates to earthen ditches and booster pump to sprinklers.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.68	

7. Total Quantity Appropriated is:
0.68 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	22	NE	NW	IRRIGATION	25
			NW	NW	IRRIGATION	28
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	39
Section Acres						130
Total Acres						130

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:

Cassia Creek splits within the NENWSE S-21 T13S R26E. This right is diverted out of both the northern and middle streams of Cassia Creek

The claim was split based upon a change of ownership and warranty deed. The warranty deed identified 11 acres remaining with Tracy and the balance going to Carpenter. The change of ownership specified that 11 miners inches remained with the Tracy property.
kkc 8-11-2000

15. Basis of Claim: Decreed



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**

August 14, 2000

TODD CARPENTER
HC 61 BOX 1210
MALTA ID 83342

RE: CHANGE OF OWNERSHIP FOR 43-00113, 43-00114, AND 43-00115 AND CHANGE OF OWNERSHIP AND SPLIT OF 43-00112 INTO 43-11239 AND 43-11240.

Dear Todd

Enclosed is your copy of 43-11240 and the change of ownership form. This right represents your portion of 43-00112 that was split according to the information supplied on the change of ownership form. Also enclosed are the remaining rights showing the change of ownership.

Please review the enclosed claims to ensure that they represent your intentions.

If you have any questions, please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agt

Enclosures



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

SEP 28 1993

DATE OF CLOSING: ~~July 27, 1993~~ September 3, 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources

Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM _____
Lot _____, Block _____, Subdivision/Townsite _____
Southern Region Office

If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit "A" for legal description

[] 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: A43-00112, A43-00113, A43-00114 & A43-00115[] Name and Address of Former Owner/Claimant(s)(Seller): Bryce and Sharon Tracy
HC 71 Box 1248[] New Owner/Claimant (Purchaser): Malta, Idaho 83342
Todd A. and Robin K. Carpenter[] New Mailing Address: HC 61 Box 1210
Malta, Idaho 83342[] New Telephone Number: (208) 645-2418[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
134 miners inches being transferred to Todd A. Carpenter and Robin K.
Carpenter and 11 miners inches being retained by Bryce Tracy and
Sharon Tracy, from Claim No. A43-00112.[] Attach proof of ownership, describe proof attached: recorded Warranty Deed

(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) Todd A. Carpenter Date 9-3-93
Robin K. Carpenter Date 9-3-93[] Signature of Former Owner/Claimant(s): Bryce Tracy Date 9-3-93
Sharon Tracy Date 9-3-93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9/2/93 By: TC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

226469

WARRANTY DEED

For Value Received

BRYCE TRACY and SHARON TRACY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 TODD A. CARPENTER and ROBIN K. CARPENTER, husband and wife
 ADDRESS: HC 61 Box 1210
 Malta, Idaho 83342

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

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

TOGETHER WITH all water and water rights, ditches and ditch rights
 used thereon or appurtenant thereto including but not limited to
 Idaho Department of Water Resources Adjudication Claim No. A43-00112,
 A43-00113, A43-00114 and A43-00115, PROVIDED HOWEVER, reserving unto
 the Grantors 11 miners inches of water rights from Claim #A43-00112.

226469

SUBJECT TO A Covenant that no dairy barns, corrals, holding pens
 or other livestock facilities may be located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$
 of the above described premises; which shall be a covenant running
with the land. TC RC

ALSO SUBJECT TO:

SEE ATTACHED EXHIBIT "B"

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: September 3, 1993

Bryce Tracy

Sharon Tracy

STATE OF IDAHO, COUNTY OF CASSIA
 On this 3rd day of Sept. , 1993
 before me, a notary public in and for said State, per-
 sonally appeared

Bryce Tracy and
 Sharon Tracy

known 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 IDAHO

Residing at Burley, Idaho
 My Commission Expires

Residing at Burley 6-30-97, Idaho.
 Commission expires:

RECEIVED

SEP 28 1993

Department of Water Resources
 Southern Region Office

EXHIBIT "A"

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

Section 22: NW $\frac{1}{4}$, EXCEPTING the following described parcel:

Beginning at the North quarter section corner of
said Section 22, said corner marked by a 5/8"
rebar which shall be the Point of Beginning;
Thence South 00°05'42" East along the East line of
the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 580.47 feet to a
point;
Thence South 74°20'08" West for a distance of 17.40
feet to a $\frac{1}{2}$ " rebar;
Thence South 74°20'08" West for a distance of 427.32
feet to a $\frac{1}{2}$ " rebar;
Thence South 66°32'34" West for a distance of 281.57
feet to a $\frac{1}{2}$ " rebar;
Thence North 00°29'19" East for a distance of 520.49
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 298.19
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 19.35
feet to a point on section line;
Thence South 89°45'00" East along section line for
a distance of 797.01 feet to the Point of
Beginning.

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: ALL, EXCEPTING Tax No. 841, more particularly
described as follows:

OK
~~Should be~~
Beginning at Corner No. 1 from which corner common
to Sections 25 and 36 in Township 13 South, Range
24 East, Boise Meridian and Sections 30 and 31 in
Township 13 South, Range 25 East, Boise Meridian,
bears South 0°12' East 29.14 chains;
Thence North 83°51' West, 54.46 chains to Corner No.
2;
Thence North 46°42' West 17.64 chains to Corner No.
3;
Thence North 16°38' West 23.53 chains to Corner No.
4;
Thence North 84°55' East 11.72 chains to Corner No.
5;
Thence South 54°27' East 36.86 chains to Corner No.
6;
Thence North 81°14' East 26.05 chains to Corner No.
7;
Thence South 47°49' East 8.42 chains to Corner No.
8;
Thence South 0°12' East 18.42 chains to Corner No.
1, the Point of Beginning.

Section 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 2:

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

Section 22: NW $\frac{1}{4}$, EXCEPTING the following described parcel:

Beginning at the North quarter section corner of
said Section 22, said corner marked by a 5/8"
rebar which shall be the Point of Beginning;
Thence South 00°05'42" East along the East line of
the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 580.47 feet to a
point;
Thence South 74°20'08" West for a distance of 17.40
feet to a $\frac{1}{2}$ " rebar;
Thence South 74°20'08" West for a distance of 427.32
feet to a $\frac{1}{2}$ " rebar;
Thence South 66°32'34" West for a distance of 281.57
feet to a $\frac{1}{2}$ " rebar;
Thence North 00°29'19" East for a distance of 520.49
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 298.19
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 19.35
feet to a point on section line;
Thence South 89°45'00" East along section line for
a distance of 797.01 feet to the Point of
Beginning.

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

EXHIBIT "B"

All reservations in Patents or Deeds in the chain of title.

Taxes for 1993 and subsequent years.

Agreement between Charles S. Gamble, Sr. and Mrs. Sarah A. Gamble, husband and wife, parties of the first part, and Gustaf Shallman and Hilda M. Shallman, husband and wife, parties of the second part, dated January 15, 1915, and recorded February 2, 1916, as Instrument No. 22348, in Book 2 of Bills of Sale and Agreements on Page 36, records of Cassia County, Idaho, wherein the parties of the first part granted a right-of-way for a certain irrigation ditch through and across the lands owned by said parties of the first part in Section 22, Township 13 South, Range 26 East of the Boise Meridian.

Right of Way Deed from Charles S. Gamble Jr. and Chrissy Gamble, his wife, parties of the first part, to Cooley P. Charles, party of the second part, dated January 19, 1920, and recorded January 21, 1920, as Instrument No. 45745 in Book 28 of Deeds on Page 399, records of Cassia County, Idaho, conveying a right-of-way for irrigation purposes across the NW¼ of Section 22, Township 13 South, Range 25 East of the Boise Meridian, and containing the following clause: "That this deed being for a right of way shall be permanent only for the purposes specified and when if ever, abandoned for such purposes shall become null and void and the said lands and all rights to the same shall revert back in their entirety to the said parties of the first part and to their heirs and assigns."

A Real Estate Mortgage for Idaho to secure payment of a note for \$35,500.00, and any other amounts as therein provided, together with interest and any other obligations thereby:

Recorded: February 22, 1973 as Instrument No. 68198 on Film No. 80, records of Cassia County, Idaho.
Dated: February 22, 1973
Mortgagor: Bryce K. Tracy and Sharon K. Tracy, husband and wife
Mortgagee: United States of America, acting through the Farmers Home Administration, United States Department of Agriculture

Agreement for Purchase of Power between the Raft River Rural Electric Cooperative, Inc., as Seller, and Bryce Tracy and Sharon P. Tracy, as Consumer, dated April 4, 1978 and recorded December 13, 1978 as Instrument No. 112840 on Film No. 122, records of Cassia County, Idaho, covering the NW¼ of Section 22, Township 13 South, Range 26 East of the Boise Meridian.

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

LAND TITLE & ESCROW

FEE 9.00 DEPUTY *MM*

CASSIA COUNTY, IDAHO
FRANK B. HEARNS
RECORDER

1993 SEP -3 P 4:41

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 248

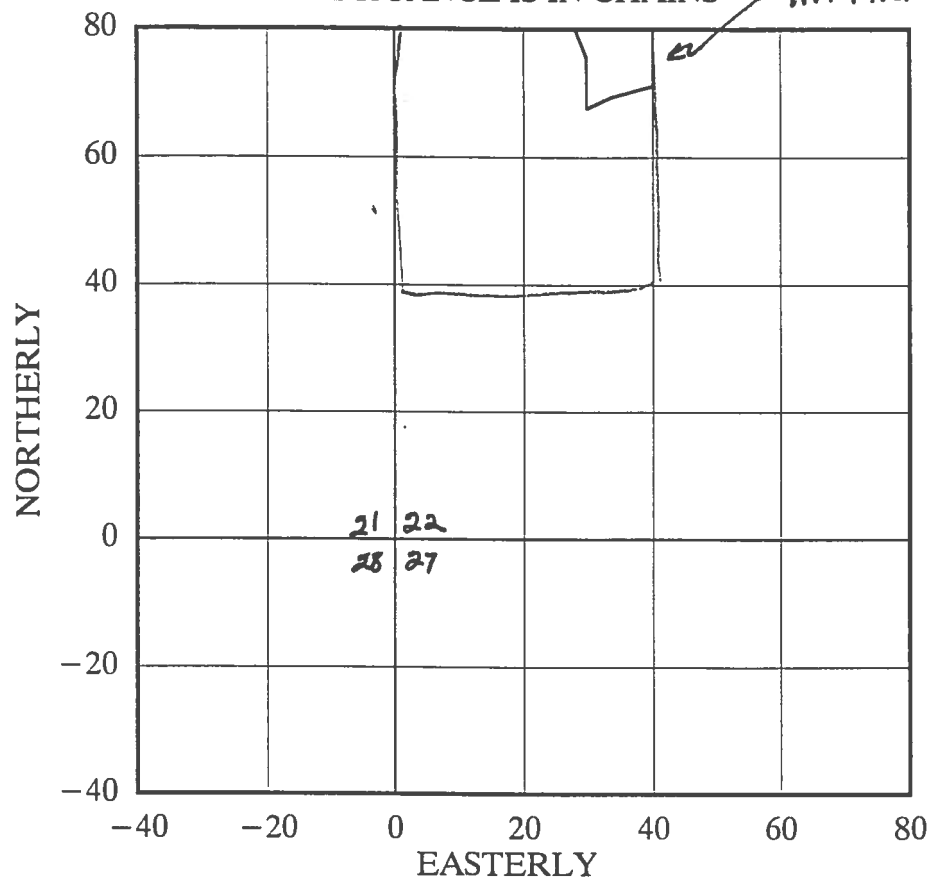
226469

Tws - 13S Rng - 26E Sec - 22

PARCEL PLOT - METES & BOUNDS

DISTANCE IS IN CHAINS

11.14 ACRES



Metes & Bounds plot from Exhibit A Parcel 2
of Warranty Deed 226469

MEETS AND BOUNDS TABLE

	X-COR	Y-COR	ANGLE			BEARING DIST (FT)	CUM ACRES
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	40.00	80.00					-0.01
(SEE SHEET)	40.01	71.21	0.00	5.00	42.00 SE	580.47	-0.01
	39.76	71.13	74.00	20.00	8.00 SW	17.40	0.58
	33.53	69.39	74.00	20.00	8.00 SW	427.32	2.01
	29.61	67.69	66.00	32.00	34.00 SW	281.57	-6.15
-QUAD COEF-	29.68	75.57	0.00	29.00	19.00 NE	520.49	-10.84
IF NE, X=1,Y=1	28.03	79.78	21.00	24.00	26.00 NW	298.19	-11.17
IF SE, X=1,Y=-1	27.92	80.05	21.00	24.00	26.00 NW	19.35	-11.14
IF SW, X=-1,Y=-1	40.00	80.00	89.00	45.00	0.00 SE	797.01	-11.14

Point of diversion located in **Twp 13S Rng 26E Sec 21 NENESE.**
Photo date: **8-22-2000**

No GPS reading taken for this P/D

Exam by: Kelly K Christensen
Rights sharing P/D
Carpenter 43-00113, 43-00114, 43-00115, & 43-11240
File: xTwp 13S Rng 26E Sec 21 NENESE p-d

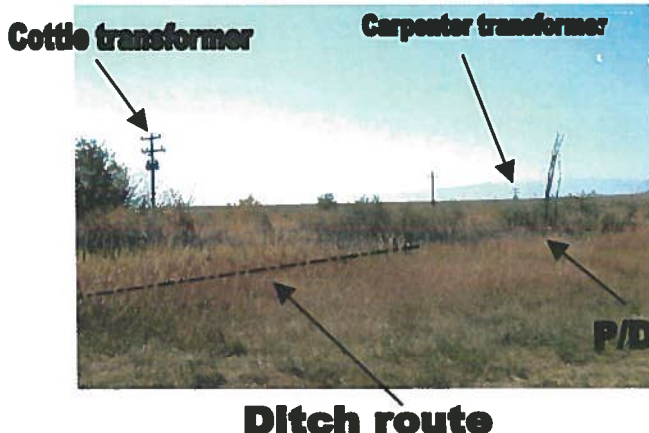


This photo is looking down into Cassia Creek at the remnants of the diverting works. I observed cement chunks, plastic, and boards in the channel.

The existing water level was approximately 2 to 3 ft below the ditch bottom. Old growth willows covered the far bank (the majority dead) which indicated to me that this diversion had not been used for a long period of time. You are looking south in this photo.



This photo is looking northeast and was taken from the same spot as the previous photo. The ditch channel is in the center of the photo and extends toward the power pole in the distance. The channel was completely overgrown with weeds, grass and some willows. I could not find a measurement device on the ditch. There was a large clump of overgrown willows further down the ditch that may have hidden the measurement device but I did not try to break into the clump to find out for sure.



This photo is looking south and captures the point of diversion and the power line in the background. For reference purposes the left power pole with attached transformers is for a pump used by Cottle. The third power pole also has transformers and is for Alvin Carpenter's well.

The Cassia Creek channel follows the dead willow trail right to left through the center of this photo.

Stanton, Jim

From: Hahn, Carrie
Sent: Monday, August 28, 2000 8:31 AM
To: Southern Region
Subject: address change

I received an address change on general delivery voice mail.

Robin and Todd Carpenter
2023 East 1700 South
Malta ID 83324
645-2418

Whoever this goes to, there you go.
Carrie

09/11/2000

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

RIGHT NUMBER: 43-11240

NAME AND ADDRESS: ROBIN K CARPENTER
TODD CARPENTER
HC 61 BOX 1210
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: Raft River

VERIFIED BY *KKS*
9-12-00

QUANTITY: 0.68 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.13 CFS. COMBINED RIGHT NOS: 43-113, 43-114,
43-115, AND 43-11240.

PRIORITY DATE: 05/31/1881

POINT OF DIVERSION: T13S R26E S21 SWSENE Within CASSIA County
T13S R26E S21 NENESE 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	0.68 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R26E S22	NENW	24	T13S R26E S22	NWNW	5.4
T13S R26E S22	SENW	40	T13S R26E S22	SWNW	37

106.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 106.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-113, 43-11240, 43-114, AND 43-115.

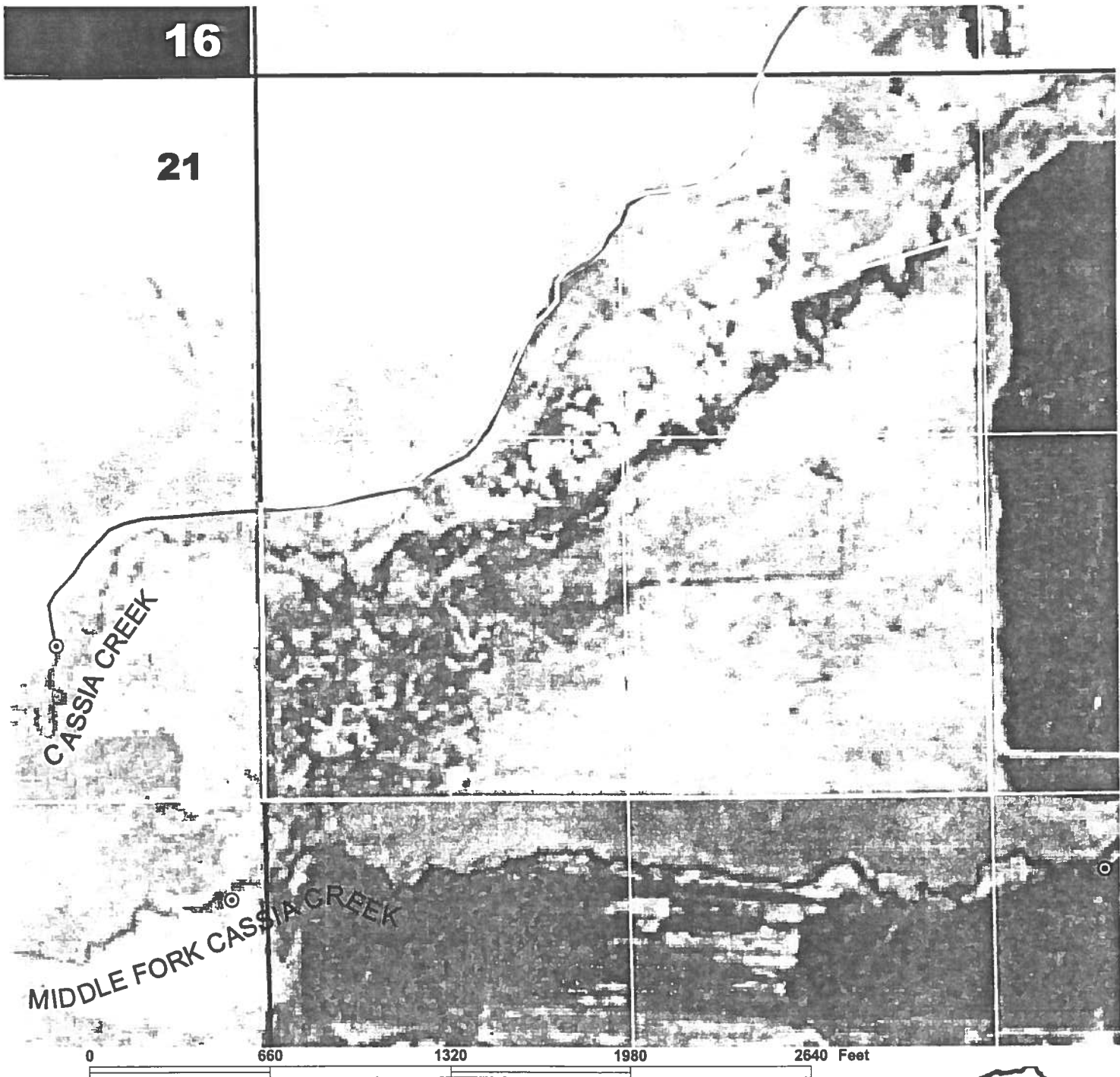
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

FOR THE POINT OF DIVERSION IN T-13S, R-26E, SEC 21 NENESE,
THE SOURCE IS ALSO KNOWN AS THE MIDDLE FORK OF CASSIA CREEK.
FOR THE POINT OF DIVERSION IN T-13S, R-26E, SEC 21 SWSENE,
THE SOURCE IS ALSO KNOWN AS THE NORTH FORK OF CASSIA CREEK.

**RECOMMENDED PLACE OF USE FOR
43-113, 43-114, 43-115, and 43-11240**

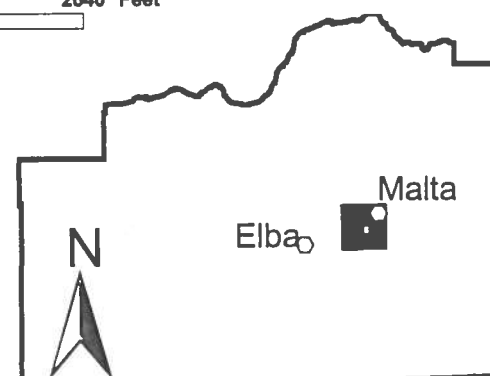


PLACE OF USE
TWP 13S, RNG 26E, SEC 22
Data entry on Sept 8, 2000

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 43-113 43-11240 DATE 9-11-00
-114 AGENT KKC
-115

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 130
GIS ACRE TOTAL 106

				NE				NW				SW				SE			
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	<u>13S</u>	<u>26E</u>	<u>22</u>					<u>25</u>	<u>28</u>	<u>38</u>	<u>39</u>								
GIS			<u>22</u>					<u>24.2</u>	<u>5.4</u>	<u>36.9</u>	<u>39.8</u>								
RECOM								<u>24</u>	<u>5.4</u>	<u>37</u>	<u>40</u>								
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP
SHAPE NOS.

B43-POD.SHP
NOS. DESCRIPTION
Sec 21
SW5ENE

Sec 21
NENESE

DBF TABLES UPDATED
B43-DBPOU.DBF
B43-DBPOD.DBF
JPEG LAYOUT 43-00113 T Carpenter

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 9-8-2000

File: 43-113 T CARPENTER

Prepared by Kelly K Christensen

SYSTEM ANALYSIS FOR 43-113, 43-114, 43-115, AND 43-11240.

All four rights are from the same system from Cassia Creek and irrigate the same place of use of 106.4 acres. They vary on priority date and diversion rate. 43-11240 was originally part of 43-00112, which was split through a change of ownership. The other portion of 43-112 is being recommended as 43-11239 with Tracy as the current owner. 43-112 was decreed at 0.90 cfs. The change of ownership identified 0.22 cfs remaining with Tracy and the balance of 0.68 going to Todd.

The system and a portion of the P/U have been changed after 1987. A transfer is pending at this time. This recommendation reflects the system as it existed in 1987.

Cassia Creek splits into 3 separate channels in TWP 13S, RNG 26E, SEC 21 NWSE. The northern channel runs diagonally toward the southeast corner of Malta. The Middle fork runs easterly for approximately 2 miles and then turns northeasterly and crosses highway 81 at the Hudspeth Cutoff Historical marker which is located near the NW corner of the NENW of sec 24, TWP 13S, RNG 26E. The third channel identified as the South Fork of Cassia Creek also runs easterly for about 2½ miles to sec 24 where it eventually disappears.

There were 2 points of diversion from Cassia Creek, one from the northern most channel and the second from the middle channel. Both diverted into earth ditches and were delivered to the place of use for flood irrigation. The Middle channel diversion has not been used for a number of years based upon the condition and vegetation growth in and around the ditch and diverting works. I am, however recommending the point of diversion at this time.

Virtually all of the place of use from the northern ditch south to the southern border of the place of use appears to have always been irrigated and my recommendation reflects this. There may be or have been areas of riparian ground around either fork of Cassia Creek that was not directly irrigated, but I considered them to be insignificant and have ignored any of those areas. Currently there is a center pivot delivering water to a majority of the place of use. This pivot is tied into the irrigation system of Alvin Carpenter (his father) and utilizes points of diversion from Cassia Creek on Alvin's property as well as ground water from Alvin's groundwater rights. This use, again, occurred after 1987 and is being addressed by allocations.

I found 106.4 irrigated acres under Todd's ownership that I am recommending. At one inch per acre I am recommending a combined right limitation of 2.13 cfs (106.4 * 0.02). Each right individually does not exceed an inch to the acre for the found place of use. No other rights have been perfected for this property.

*Photos & field notes in 43-113 some field notes
in 43-1140 also*

Kelly K Christensen
KELLY K CHRISTENSEN
SR WATER RESOURCE AGENT
DATE: 9-12-00

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 43-112
Date Received: 4/4/89
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: **SPLIT RIGHT** Phone:

Address: XXXX
X ID USA 00000

2. Date of Priority: 05/31/1881

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	21	NE NE SE	CASSIA
13S	26E	21	NE SE NE	CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.9	

7. Total Quantity Appropriated is:
0.9 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	22	NE NW	IRRIGATION	36
			NW NW	IRRIGATION	28
			SW NW	IRRIGATION	38

SE	NW	IRRIGATION	39
		Section Acres	141
		Total Acres	141

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:

CASSIA CREEK SPLITS WITHIN THE NENWSE S.21 T.13S, R26E. THIS RIGHT IS DIVERTED OUT OF BOTH THE NORTHERN & MIDDLE STREAMS OF CASSIA CREEK

THIS CLAIM WAS SPLIT BASED UPON A CHANGE OF OWNERSHIP AND WARRANTY DEED. THE WARRANTY DEED IDENTIFIED 11 ACRES REMAINING WITH TRACY AND THE BALANCE GOING WITH CARPENTER. THE CHANGE OF OWNERSHIP ALSO SPECIFIED THAT 11 MINERS INCHES REMAINED WITH THE TRACY PROPERTY. KKC 8-11-2000

15. Basis of Claim: Decreed



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 KEMPTHORNI
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

August 14, 2000

BRYCE TRACY
HC 71 BOX 1248
MALTA ID 83342

RE: CHANGE OF OWNERSHIP FOR 43-00113, 43-00114, AND 43-00115 AND CHANGE OF OWNERSHIP AND SPLIT OF 43-00112 INTO 43-11239 AND 43-11240.

Dear Bryce

Enclosed is your copy of 43-11239 and the change of ownership form. This right represents your portion of 43-00112 that was split according to the information supplied on the change of ownership form.

Please review the enclosed claim to ensure that the claim represents your intentions.

If you have any questions, please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agt

Enclosures



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 KEMPTHORNI
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

August 14, 2000

TODD CARPENTER
HC 61 BOX 1210
MALTA ID 83342

RE: CHANGE OF OWNERSHIP FOR 43-00113, 43-00114, AND 43-00115 AND CHANGE OF OWNERSHIP AND SPLIT OF 43-00112 INTO 43-11239 AND 43-11240.

Dear Todd

Enclosed is your copy of 43-11240 and the change of ownership form. This right represents your portion of 43-00112 that was split according to the information supplied on the change of ownership form. Also enclosed are the remaining rights showing the change of ownership.

Please review the enclosed claims to ensure that they represent your intentions.

If you have any questions, please contact this office.

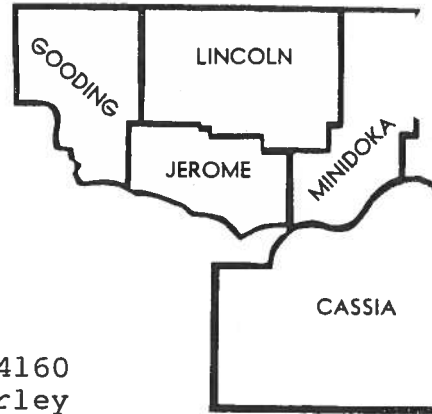
Sincerely

Kelly K Christensen
Sr Water Resource Agt

Enclosures

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #24160
OFFICE: Burley

September 27, 1993

Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

Dear Secretary:

Enclosed please find an original Notice of Change of Water Right Ownership executed by Todd A. Carpenter and Bryce and Sharon Tracy on property located in Cassia County. Please record this document into the proper records.

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

Very truly yours,
LAND TITLE AND ESCROW, INC.

Nancy Garrett

Nancy Garrett
Escrow Department

/nrg
enc.

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

BOX 349, 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 436-0606 - FAX 1199



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

DATE OF CLOSING: ~~July 27, 1993~~ September 3, 1993

SEP 28 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM _____
 Lot _____, Block _____, Subdivision/Townsite _____
 Southern Region Office

If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit "A" for legal description

[] 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: A43-00112, A43-00113, A43-00114 & A43-00115

[] Name and Address of Former Owner/Claimant(s)(Seller):

Bryce and Sharon TracyHC 71 Box 1248Malta, Idaho 83342

[] New Owner/Claimant (Purchaser):

Todd A. and Robin K. Carpenter

[] New Mailing Address:

HC 61 Box 1210Malta, Idaho 83342

[] New Telephone Number:

(208) 645-2418

[] Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

134 miners inches being transferred to Todd A. Carpenter and Robin K.Carpenter and 11 miners inches being retained by Bryce Tracy andSharon Tracy, from Claim No. A43-00112.

[] Attach proof of ownership, describe proof attached:

recorded Warranty Deed

(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)

Todd A. CarpenterDate 9-3-93Robin K. CarpenterDate 9-3-93

[] Signature of Former Owner/Claimant(s):

Bryce TracyDate 9-3-93Sharon TracyDate 9-3-93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7/29/94 By: TC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

226469

WARRANTY DEED

For Value Received

BRYCE TRACY and SHARON TRACY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
TODD A. CARPENTER and ROBIN K. CARPENTER, husband and wifeADDRESS: HC 61 Box 1210
Malta, Idaho 83342Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho,
to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

TOGETHER WITH all water and water rights, ditches and ditch rights
used thereon or appurtenant thereto including but not limited to
Idaho Department of Water Resources Adjudication Claim No. A43-00112,
A43-00113, A43-00114 and A43-00115, PROVIDED HOWEVER, reserving unto
the Grantors 11 miners inches of water rights from Claim #A43-00112.

1.22cFS

SUBJECT TO A Covenant that no dairy barns, corrals, holding pens
or other livestock facilities may be located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$
of the above described premises; which shall be a covenant running
with the land. TC PC

ALSO SUBJECT TO:

SEE ATTACHED EXHIBIT "B"

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: September 3, 1993

Bryce Tracy
Sharon Tracy

STATE OF IDAHO, COUNTY OF CASSIA

On this 3rd day of Sept., 1993
before me, a notary public in and for said State, per-
sonally appearedBryce Tracy and
Sharon Tracyknown 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, Idaho
My Commission ExpiresResiding at Burley 6-30-97, Idaho.
Commission expires:

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

EXHIBIT "A"

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

Section 22: NW $\frac{1}{4}$, EXCEPTING the following described parcel:

Beginning at the North quarter section corner of
said Section 22, said corner marked by a 5/8"
rebar which shall be the Point of Beginning;
Thence South 00°05'42" East along the East line of
the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 580.47 feet to a
point;
Thence South 74°20'08" West for a distance of 17.40
feet to a $\frac{1}{2}$ " rebar;
Thence South 74°20'08" West for a distance of 427.32
feet to a $\frac{1}{2}$ " rebar;
Thence South 66°32'34" West for a distance of 281.57
feet to a $\frac{1}{2}$ " rebar;
Thence North 00°29'19" East for a distance of 520.49
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 298.19
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 19.35
feet to a point on section line;
Thence South 89°45'00" East along section line for
a distance of 797.01 feet to the Point of
Beginning.

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: ALL, EXCEPTING Tax No. 841, more particularly described as follows:

OK
~~Should be~~
Beginning at Corner No. 1 from which corner common to Sections 25 and 36 in Township 13 South, Range 24 East, Boise Meridian and Sections 30 and 31 in Township 13 South, Range 25 East, Boise Meridian, bears South 0°12' East 29.14 chains;
Thence North 83°51' West, 54.46 chains to Corner No. 2;
Thence North 46°42' West 17.64 chains to Corner No. 3;
Thence North 16°38' West 23.53 chains to Corner No. 4;
Thence North 84°55' East 11.72 chains to Corner No. 5;
Thence South 54°27' East 36.86 chains to Corner No. 6;
Thence North 81°14' East 26.05 chains to Corner No. 7;
Thence South 47°49' East 8.42 chains to Corner No. 8;
Thence South 0°12' East 18.42 chains to Corner No. 1, the Point of Beginning.

Section 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 2:

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

Section 22: NW $\frac{1}{4}$, EXCEPTING the following described parcel:

Beginning at the North quarter section corner of said Section 22, said corner marked by a 5/8" rebar which shall be the Point of Beginning;
Thence South 00°05'42" East along the East line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 580.47 feet to a point;
Thence South 74°20'08" West for a distance of 17.40 feet to a $\frac{1}{2}$ " rebar;
Thence South 74°20'08" West for a distance of 427.32 feet to a $\frac{1}{2}$ " rebar;
Thence South 66°32'34" West for a distance of 281.57 feet to a $\frac{1}{2}$ " rebar;
Thence North 00°29'19" East for a distance of 520.49 feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 298.19 feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 19.35 feet to a point on section line;
Thence South 89°45'00" East along section line for a distance of 797.01 feet to the Point of Beginning.

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

EXHIBIT "B"

All reservations in Patents or Deeds in the chain of title.

Taxes for 1993 and subsequent years.

Agreement between Charles S. Gamble, Sr. and Mrs. Sarah A. Gamble, husband and wife, parties of the first part, and Gustaf Shallman and Hilda M. Shallman, husband and wife, parties of the second part, dated January 15, 1915, and recorded February 2, 1916, as Instrument No. 22348, in Book 2 of Bills of Sale and Agreements on Page 36, records of Cassia County, Idaho, wherein the parties of the first part granted a right-of-way for a certain irrigation ditch through and across the lands owned by said parties of the first part in Section 22, Township 13 South, Range 26 East of the Boise Meridian.

Right of Way Deed from Charles S. Gamble Jr. and Chrissy Gamble, his wife, parties of the first part, to Cooley P. Charles, party of the second part, dated January 19, 1920, and recorded January 21, 1920, as Instrument No. 45745 in Book 28 of Deeds on Page 399, records of Cassia County, Idaho, conveying a right-of-way for irrigation purposes across the NW $\frac{1}{4}$ of Section 22, Township 13 South, Range 25 East of the Boise Meridian, and containing the following clause: "That this deed being for a right of way shall be permanent only for the purposes specified and when if ever, abandoned for such purposes shall become null and void and the said lands and all rights to the same shall revert back in their entirety to the said parties of the first part and to their heirs and assigns."

A Real Estate Mortgage for Idaho to secure payment of a note for \$35,500.00, and any other amounts as therein provided, together with interest and any other obligations thereby:

Recorded: February 22, 1973 as Instrument No. 68198 on Film No. 80, records of Cassia County, Idaho.
Dated: February 22, 1973
Mortgagor: Bryce K. Tracy and Sharon K. Tracy, husband and wife
Mortgagee: United States of America, acting through the Farmers Home Administration, United States Department of Agriculture

Agreement for Purchase of Power between the Raft River Rural Electric Cooperative, Inc., as Seller, and Bryce Tracy and Sharon P. Tracy, as Consumer, dated April 4, 1978 and recorded December 13, 1978 as Instrument No. 112840 on Film No. 122, records of Cassia County, Idaho, covering the NW $\frac{1}{4}$ of Section 22, Township 13 South, Range 26 East of the Boise Meridian.

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SEP 28 1993

Department of Water Resources
Southern Region Office

LAND TITLE & ESCHOW

FEE 9.00 DEPUTY *MM*

CASSIA COUNTY, IDAHO
FRANK B. REARNS
RECORDER

1993 SEP -3 P 4:41

RECORDED AT THE REQUEST OF
LAND TITLE & ESCHOW
FILM 248

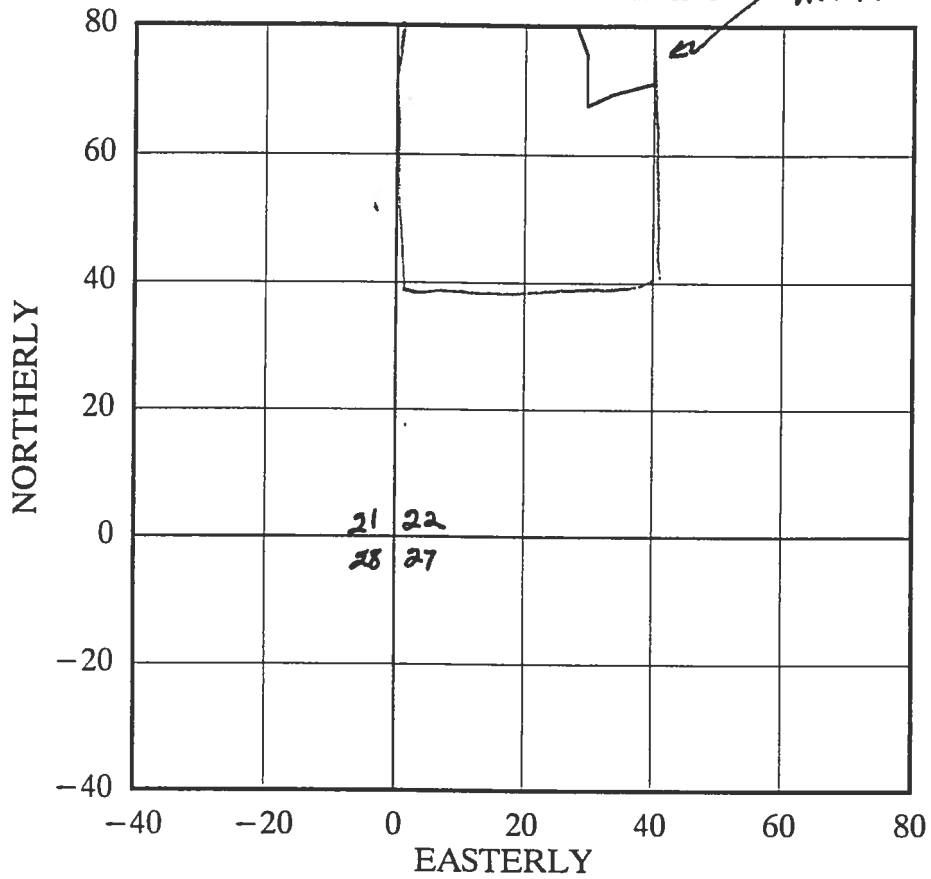
226469

TNS - 13S Rng - 26E Sec - 22

PARCEL PLOT - METES & BOUNDS

DISTANCE IS IN CHAINS

11.14 ACRES



Metes & Bounds plot from Exhibit A Parcel 2
of Warranty Deed 226469

MEETS AND BOUNDS TABLE

	X-COR	Y-COR	ANGLE			BEARING DIST (FT)	CUM ACRES
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	40.00	80.00					-0.01
(SEE SHEET)	40.01	71.21	0.00	5.00	42.00 SE	580.47	-0.01
	39.76	71.13	74.00	20.00	8.00 SW	17.40	0.58
	33.53	69.39	74.00	20.00	8.00 SW	427.32	2.01
	29.61	67.69	66.00	32.00	34.00 SW	281.57	-6.15
-QUAD COEF-	29.68	75.57	0.00	29.00	19.00 NE	520.49	-10.84
IF NE, X=1,Y=1	28.03	79.78	21.00	24.00	26.00 NW	298.19	-11.17
IF SE, X=1,Y=-1	27.92	80.05	21.00	24.00	26.00 NW	19.35	-11.14
IF SW, X=-1,Y=-1	40.00	80.00	89.00	45.00	0.00 SE	797.01	-11.14

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: A43-00112
Date Received: 4/04/1989
Receipt No: 8006770
Received By: ADN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRYCE TRACY 208-645-2584
Address: H.C. 71 BOX 1248
MALTA, ID 83342

AND/OR
Name: SHARON TRACY 208-645-2584
Address: H.C. 71 BOX 1248
MALTA, ID 83342

2. Date of Priority: MAY 31, 1881

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	21	NE	SE	NE		CASSIA
			NE	NE	SE		CASSIA

5. Description of diverting works:
TWO HEADGATES TO EARTHEN DITCHES & BOOSTER PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.900		

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

8. Total consumptive use is 423.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	22	NE		NW		IRR	36.0
			NW		NW		IRR	28.0
			SW		NW		IRR	38.0
			SE		NW		IRR	39.0
							Section Acres	141.0
							Total Acres	141.0

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:
A43-00112 THRU A43-00115

14. Remarks:
CASSIA CREEK SPLITS WITHIN THE NENWSE S.21 T.13S, R26E. THIS
RIGHT IS DIVERTED OUT OF BOTH THE NORTHERN & MIDDLE STREAMS OF
CASSIA CREEK.

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
Decree Defendant

vs

16. Signature(s)

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

Number of attachments: 1

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): Bryce Tracy Date: 4-4-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 89 Lee D. Menter
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

