

NAME:

BEIN

CLAIM: 71-00044B

CORRESPONDENCE



EVIDENCE OF

PRIORITY

*original signed
claim is A71-02055*

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: A71-00044B
Date Received: 12/27/1989
Receipt No: X77777
Received By: *O/C HLB*

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: WILLIAM C BEIN 414-892-6035
Address: PO BOX 746
ELKHART WI 53020
AND/OR
Name: LINDA H BEIN 414-892-6035
Address: PO BOX 746
ELKHART WI 53020

2. Date of Priority: SEP 7, 1930

3. Source: ELK CREEK Trib. to: VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	12E	15		NE	NE		CUSTER

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.440		

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

8. Total consumptive use is 57.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	13	NW	SW		IRR	22.0

10. Place of Use: Continued

Section Acres 22.0

Total Acres 22.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

NONE

14. Remarks:

P/U INCOMPLETE BUT DESIGNATED FOREST H.E. #577. SEE FILE.

AC. IRR. = 22.

CONFORMED MAILING ADDRESS DMS

OWNERSHIP CHANGE MADE 1/12/95 BY TLB.

15. Basis of Claim: DECREED

Water Right Number: 17360

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 09/15/95

LEGAL DESCRIPTION OF PROPERTY: Township 11N Range 12E
Section 14, NW 1/4 of SW 1/4 of 1/4 Govt. Lot 1 Block 1 Subdivision/Townsite 1
Lot 1 Block 1 Subdivision/Townsite 1

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

RECEIVED

OCT 10 1995

[] Served Only by a Public Service Water Supply (all water is received from a city or company which maintains water supply system, owns the water right, and bills the customer on a regular basis) **Department of Water Resources
Southern Region**

[] Water Right Number(s)
Assigned by IDWR: A71-10074 and A71-02055

[] Name and Address of Former Owner/Claimant(s)(Seller): Amory Perkins Lord
693 Rose Hill Road
Peacedale, RI 02883

[] New Owner/Claimant (Purchaser): William C. Bein and Linda H. Bein

[] New Mailing Address: P.O. Box 746
Elkhart Lake, WI 53020

[] New Telephone Number: (414) 892-6035

[] 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: _____

(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) William C. Bein Date 9/29/95

[] Signature of New Owner/Claimant(s) Linda H. Bein Date 9/29/95

[] Signature of Former Owner/Claimant(s) Amory Perkins Lord Date 9/19/95

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12/20/95 By: HLB

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 1/12/96 By: HLB

Claim Numbers of Split, if any:

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

RECEIVED
JAN 12 1996
Department of Water Resources
Southern Region

10 January 1996

Idaho Department of Water Resources
Attn: Tara Backlund
2148 - 4 Avenue E.
Twin Falls, ID 83301

RE: Change in ownership
Perkins/Lord to Bein

Dear Tara,

I have obtained copies of the Deeds confirming chain of title for the Beins. If this is not sufficient for that transfer of ownership, please let me know. Otherwise I will assume there is no problem.

Yours truly,



Noel Sitton
Box 200
Stanley, ID 83278

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent TARA BACKLUND

DATE January 8, 1996 12:42pm CUSTOMER **BEIN**

SUBJECT: A71-10074 & A71-00044B
phone call (X) walk-in (.)

A REALTOR FROM STANELY CALLED. SHE HAD JUST TALKED TO THE BEINS IN WISCONSIN. THEY WERE WONDERING WHAT WAS NEEDED TO COMPLETE THE OWNERSHIP CHANGE I SENT BACK. I TOLD HER I NEEDED SOMETHING LIKE A WARRANTY DEED STATING THAT THE LORDS SOLD THE PROPERTY TO THEIR CHILDREN. SHE SAID SHE WOULD FIND IT AND MAIL IT TO ME.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

DECEMBER 28, 1995

WILLIAM AND LINDA BEIN
PO BOX 746
ELKHART, WI 53020

RE: SRBA CLAIMS A71-10074 AND A71-00044B(A71-02055)
LORD

DEAR MR. AND MS. BEIN:

THIS IS REGARDING THE PROPERTY THAT YOU PURCHASED IN SEPTEMBER OF 1995. I WAS SENT AN OWNERSHIP CHANGE FOR THE WATER RIGHTS APPURTENANT TO THIS PROPERTY: A71-10074 AND A71-00044B.

IN REVIEWING THIS FORM I HAVE FOUND A PROBLEM. AMORY LORD SIGNED AS THE FORMER OWNER, BUT I HAVE CHARLES AND MARGARET LORD AS THE OWNERS. AMORY APPEARS NOWHERE IN THE CLAIM. I NEED LEGAL DOCUMENTATION THAT STATES AMORY LORD CAN SIGN FOR CHARLES AND MARGARET LORD.

I AM SENDING COPIES OF THE INFORMATION THAT WAS GIVEN TO ME FOR YOUR REVIEW. IF YOU COULD SEND ME TO NECESSARY INFORMATION, IT WOULD BE APPRECIATED. I APOLOGIZE FOR THE INCONVENIENCE.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE. THANK YOU FOR YOUR TIME.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

WARRANTY DEED

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

whose current address is 214 Rugby Avenue, Terrace Park, Ohio 45174

the grantee, the following described premises, in Custer County Idaho, to wit:

A FRACTION OF HOMESTEAD ENTRY SURVEY NO. 577, TOWNSHIP 11 NORTH,
RANGE 12 EAST, B.M., CUSTER COUNTY, IDAHO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 5 OF SAID HOMESTEAD ENTRY SURVEY NO. 577, RUN
THENCE, NORTH $84^{\circ} 57'$ EAST ALONG THE SOUTHERLY BOUNDARY OF HOMESTEAD
ENTRY NO. 577 A DISTANCE OF 950.0 FEET;
THENCE, NORTH $5^{\circ} 03'$ WEST, 300.00 FEET;
THENCE, NORTH $46^{\circ} 10'$ WEST 1160.1 FEET;
THENCE, SOUTH $84^{\circ} 57'$ WEST, 195.7 FEET TO A POINT ON THE WESTERLY
BOUNDARY OF HOMESTEAD ENTRY SURVEY NO. 577;
THENCE, SOUTH $5^{\circ} 28'$ EAST, ALONG THE WESTERLY BOUNDARY OF HOMESTEAD
ENTRY SURVEY NO. 577 A DISTANCE OF 1174.1 FEET TO THE POINT OF
BEGINNING.

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

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

Date: July 12, 1991

Charles E. Lord

STATE OF MISSISSIPPI, COUNTY OF CLAY
On this 10th day of February, 1960
before me, a Notary Public in and for the State of Mississippi,
appeared

Charles A. ...

7-508

200485

WARRANTY DEED

For Value Received

CENTRAL COAST ACCOMMODATORS, INC., a California corporation,

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

AMORY HOUGHTON PERKINS, a married woman as her sole and separate property,

whose current address is

214 Rugby Avenue, Terrace Park, Ohio 45174

the grantee, the following described premises, in Custer County Idaho, to wit:

A FRACTION OF HOMESTEAD ENTRY SURVEY NO. 577, TOWNSHIP 11 NORTH, RANGE 12 EAST, B.M., CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 5 OF SAID HOMESTEAD ENTRY SURVEY NO. 577, RUN THENCE, NORTH 84° 57' EAST ALONG THE SOUTHERLY BOUNDARY OF HOMESTEAD ENTRY NO. 577 A DISTANCE OF 950.0 FEET:

THENCE, NORTH 5° 03' WEST, 300.00 FEET:

THENCE, NORTH 46° 10' WEST, 1160.1 FEET:

THENCE, SOUTH 84° 57' WEST, 195.7 FEET TO A POINT ON THE WESTERLY BOUNDARY OF HOMESTEAD ENTRY SURVEY NO. 577:

THENCE, SOUTH 5° 28' EAST, ALONG THE WESTERLY BOUNDARY OF HOMESTEAD ENTRY SURVEY NO. 577 A DISTANCE OF 1174.1 FEET TO THE POINT OF BEGINNING.

200485
Custer County Reg. of
Assessor's Land
Title Company
Time 11:30 A.M.
Oct 28 1991
E. H. Houghton Perkins
C. H. Houghton Perkins
312

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

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

Dated: October 2, 1991

CENTRAL COAST ACCOMMODATORS, INC.,
a California corporation

By: [Signature]
H. I. Houghton Perkins, Secretary

Order No. 7-506-G
Escrow No. 910795-02

201486

QUITCLAIM DEED

For Value Received

WILLIAM LORD, husband of Grantee herein,

do hereby convey, release, remise and forever quit claim unto

AMORY HOUGHTON PERKINS, wife of Grantee herein, a married woman as her
sole and separate property,

whose current address is 214 Rugby Avenue, Terrace Park, Ohio 45174

the following described premises, to-wit:

A fraction of Homestead Entry Survey No. 577, Township 11 North, Range 12
East, B.M., Custer County, Idaho, More particularly described as follows:

Beginning at Corner No. 5 of said Homestead Entry Survey No. 577, run

Thence; North $84^{\circ}57'$ East along the Southerly Boundary of Homestead

Entry No. 577 a distance of 950.0 feet;

Thence; North $5^{\circ}03'$ West, 330.00 feet;

Thence, North $46^{\circ}10'$ West 1160.1 feet;

Thence, South $84^{\circ}57'$ West, 1195.7 feet to a point on the Westerly Boundary
of Homestead Entry Survey No. 577;

Thence, South $5^{\circ}28'$ East, along the Westerly Boundary of Homestead Entry
Survey No. 577 a distance of 1174.1 feet to the point of beginning.

Witness with their signatures

Dated: August 16, 1991

William Lord



CUSTER COUNTY, IDAHO

Notary Public for the State of Idaho

William Lord

and
true

BY

Recorded by the American Land Title



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JANUARY 12, 1996

WILLIAM & LINDA BEIN
PO BOX 746
ELKHART, WI 53020

RE: SRBA CLAIM(S) A71-10074 & A71-00044B
LORD

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

CC: ARMORY LORD, 693 ROSE HILL RD, PEACEDALE, RI 02883

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
222 Shoshone Street East • Twin Falls, Idaho • 83301-6105



RECEIVED

JUN - 1 1994

De: Southern Region Office
Resources

NO
LON & ER
A1
THIS
ADDRESS

1 1111



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

May 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM C BEIN
PO BOX 746
ELKHART WI 53020

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A71-00044B

Dear Mr Bein

Enclosed is a copy of a letter submitted to Mr Lord, the former owner of the property in question.

The claim as recorded with the department reflects the following information in contrast to the decreed right and the other owner of HES 577 (Christensen):

		PRIORITY DATE	DIVERSION RATE
CLAIM FORM LOCATION	-----	Item 2	Item 6 and 7.
<u>DECREE</u>	<u>71-00044</u>	<u>5-1-1916</u>	<u>4.80 CFS</u>
YOUR CLAIM	A71-00044B	9-1-1930	0.44 CFS
CHRISTENSEN CLAIM	A71-00044	5-1-1916	4.80 CFS

The Christensen claim was for the entire diversion rate, however, in talking with the manager, I was informed that the Elk Creek water was shared between the two portions of HES 577. All information currently available to me indicates that the water right appurtenant to the HES was split on a proportionate basis.

May 29, 1998

BEIN

PAGE 2

PROPORTIONATE RATE CALCULATION

During my field verification I found 13 acres irrigated on your property and 47 acres being irrigated on Christensen's portion of HES 577. Figuring a proportionate rate based upon currently irrigated acres for the two rights gives the following rates:

A71-00044 $47/60 * 4.80 \text{ cfs} = 3.76 \text{ cfs}$

A71-00044B $13/60 * 4.80 \text{ cfs} = 1.04 \text{ cfs}$

As you can see your claim does not represent the proportionate share of the original decreed rate. All of the current information that I have indicates that the proportionate rate was the intent of conveyance for the rights appurtenant to HES 577.

I have generated a claim form for your use to amend those elements that you wish to change. As this is a court document, if you do wish to change any elements, please cross out the incorrect information, write in the correct information, initial each change and then sign the claim form in front of a notary. Please note that the major differences between your claim and the decreed right are at items 2., 6., and 7.

I realize that if you are not familiar with Idaho water law, that this may be confusing. Please give me a call at the above number if you have any questions.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

17-May-1994

CHARLES E LORD
137 OLD FIELD RD
FAIRFIELD CT 06430

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A71-02055

Dear Mr Lord

I am reviewing the adjudication claims within the Valley Creek basin and I have found information concerning your property and claim that is slightly different than your shown within your claim.

Of primary importance, the licensed right 71-02055, with a priority date of 09-07-1930, was superseded by the Cavanugh vs Merritt decree (dated 1-16-1940). What that means is that upon determining the facts of water use, the court ruled that Elk creek water was appurtenant to Homestead Entry (HES) 577 but different than licensed. I have enclosed a copy of a portion of the decree that relates to your property and that of HES-420 which uses the same point of diversion for your review. I also researched some of the warranty deeds that pertain to your property. I found warranty deed 131095 that states in part;

SPECIFICALLY RESERVED to Sellers from HOMESTEAD ENTRY SURVEY No. 577 a fraction thereof, more particularly described as follows, ... together with all water and water rights and ditch and ditch rights appurtenant thereto or used in connection therewith.

Based upon this information I have renumbered your claim from A71-02055 to A71-00044B to better reflect the basis of your use from the licensed right to the decreed right.

I found the point of diversion from Elk Creek to be in T-11N, R-12E, Sec 11, SESESW as described in 71-00046. The point of diversion described for 71-00044 (the basis for your use) lists Sec 13. This obviously is an error in the decree as Elk Creek does not flow through Sec 13.

LORD
PAGE 2
17-May-1994

The warranty deed indicates that the property is 18.45 acres in total and I found that 13 acres are being irrigated from Elk Creek. At this time I am recommending those 13 acres as the valid place of use.

I do not have the authority to change the claimed priority date to an earlier date or increase the claimed diversion rate and or acres, however, if you wish to amend your claim to reflect the new information you may. I have enclosed a copy of A71-00044B for your use. For any item that you wish to change, please cross out the listed item insert your information and then initial the change. Once you have completed the form you need to sign and have it notarized. Once the notarized form is received by the department, we can update your claim.

If you have any further questions please contact this office.

Sincerely



Kelly K. Christensen
Sr. Water Resource Agent

enclosures

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: **A71-00044B**
Date Received: 12/27/1989
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MARGARET P. LORD
Address: 137 OLD FIELD RD.
FAIRFIELD CT

06430

OR

Name: CHARLES E. LORD
Address: 137 OLD FIELD RD.
FAIRFIELD CT

06430

2. Date of Priority: SEP 7, 1930

3. Source: ELK CREEK Trib. to: VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	12E	15	NE	NE			CUSTER

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.440		

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

8. Total consumptive use is 57.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	13	NW	SW		IRR	22.0

A71-00044B

Page 1

Date: 05/17/94

10. Place of Use: Continued

Section Acres 22.0

Total Acres 22.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/U INCOMPLETE BUT DESIGNATED FOREST H.E. #577. SEE FILE.
AC. IRR. = 22.

15. Basis of Claim: DECREED

Water Right Number: 17360

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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: _____

R PROOF

X

CVR

X

MAPS

X

PHOTOS

X

MISC

X

Old (D) Number -

State- WI Zip- 53020

Phone - 414-892-6035
1 - PO BOX 746

1 - 137 OLD FIELD RD

State- WI Zip- 53020

Phone - 208-000-0000
1 - 137 OLD FIELD RD
2 -
3 -
City- FAIRFIELD
Phone - 208-000-0000

State- CT Zip- 06430

+	-	-	-	Stage	-	-	-	+
D	-	DECREED						

Status - - -

+ - - - - Tributary
VALLEY CREEK

.....

Diversion Rate Diversion Volume

+ - Total Consumptive Use - + + - km usage -

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11N	12E	13	NW SW		9.0	01	IRRIGATION	(37) CUSTER
11N	12E	13	SW SW		4.0	01	IRRIGATION	(37) CUSTER

Total Acres: 13.0

VERIFIED BY: KKC
6-1-98

~~Pending any amend memos~~

MI Zip- 53020

NO amend memos
not submitted. memo
see com. 98
dated 7-98

CT Zip- 06430

dated
see also
com. amend
dated 7-7-98

CT Zip- 06430

Status

KKC

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - NONE

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 71-00044, 71-00044B, AND 71-00046

Old Water Right Numbers

+ - - - Decree Defendant - - - +

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+-----+-----+-----+-----+-----+-----+-----+-----+
Date: 06/01/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS
P/U INCOMPLETE BUT DESIGNATED FOREST H.E. #577. SEE FILE.
CONFORMED MAILING ADDRESS DMS
OWNERSHIP CHANGE MADE 1/12/95 BY TLB.
AC. 1R. = 22.
*****

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+ - - - - - Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/10/1993	Civil Case Number	-
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	-	Old Judicial District	-
Claim Received Date	- 12/27/1989	Last Amended Date	- 05/17/1994	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		PDU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	-

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
WILLIAM BEIN

DATE: July 2, 1998 3:49 pm

SUBJECT: A71-00044B
phone (X) walk-in()

He received my letter dated May 29, 1998 and he wanted to discuss the potential amendment to the claim. He stated that he doesn't use the water very often and that as far as he is concerned, it can and is used by Browning. He did not want to amend his claim.

We discussed the 5 years non use issues and what is required to maintain a water right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:33:02
06/01/98

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A71-00044B

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		KKC 9-10-93	N	KKC 5-12-94	KKC 6-1-98	KKC 6-1-98	
POINT OF DIV			"	Y	KKC 6-1-98			
SOURCE			"	N	"			
PLACE OF USE	Y		"	Y	"			
DIV. AMOUNT CFS/VOLUME	Y		KKC 5-29-98	N	"			
CONSUMPTIVE USE	-							
PURPOSES OF USE			KKC 6-1-98	N	"			
PERIOD OF USE	Y		"	Y	"			
BASIS OF CLAIM	Y		"	Y	"			
REMARKS	Y		"	Y	"			

Pending amendment
of Claim.
BARCODE UPDATED
WHOM/DATE
Claimant notify
5-29-98
KKC

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:33:02
06/01/98

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A71-00044B

LAST: LORD FIRST: CHARLES E
ADDRESS: 137 OLD FIELD RD
CITY: FAIRFIELD STATE: CT ZIP: 06430
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: LORD FIRST: MARGARET P
ADDRESS: 137 OLD FIELD RD
CITY: FAIRFIELD STATE: CT ZIP: 06430
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: BEIN FIRST: WILLIAM C
ADDRESS: PO BOX 746
CITY: ELKHART STATE: WI ZIP: 53020
PHONE NUMBER: 414-892-6035

OWNER CODE: C

LAST: BEIN FIRST: LINDA H
ADDRESS: PO BOX 746
CITY: ELKHART STATE: WI ZIP: 53020
PHONE NUMBER: 414-892-6035

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N(X)

CLAIM REMARKS: GEN P/U INCOMPLETE BUT DESIGNATED FOREST H.E. #577. SEE FILE.
AC. IRR. = 22.

CONFORMED MAILING ADDRESS DMS

OWNERSHIP CHANGE MADE 1/12/95 BY TLB.

CONTACT PERSON: Kevin Swigut

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 9/10/93

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: none in field

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: manager of prop with

DIRECTIONS TO PROPERTY / NOTES: Shared delivery system.

A. AJ CLAIM: # A71-00044B PRIORITY DATE: 09-07-1930 STAGE: D

B. WR RECORD: # 71-00044 PRIORITY DATE: D5-01-1916 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y() N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y() N()

FIELD EXAM COMPLETED

N/A(☒) Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y() N()

LICENSE ISSUED

N/A(☒) Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N()

NOTES:

*the claimed priority date matches the
decree date and the P/U matches a portion
of the decree P/U. Pending amendment of
claim.*

*Therefore I accept the date as
claimed*

RECOMMENDED PRIORITY DATE:

9 - 7 - 1930

REVIEWED BY

KKC

DATE

6-1-98

*Pending amendment
see also Attachment
dated 5-12-94*

FIELD EXAM ATTACHMENT

DATE: 5-12-94

PAGE: 1/1

AGENT: KKC

FILES: A71-02055

A71-02055A.

ATTACHMENT SUBJECT: Analysis of 71-02055
And related Adjudication claims

71-02055 had a 9-7-1930 priority date
with a field verification date of 7-18-1934.

The Cavanagh vs Merritt decree dated 1-16-19
included, but not limited to, Valley Creek diversion
and the tributaries to Valley Creek.

Specifically described is 71-00044 which
is the diversion from Elk Creek being appurtenant
to the ground within HES 577. This is the
same place of use as described in the licensing
field exam for 71-02055. The exam identified
22 acres as being irrigated and a diversion capacity
of 3.2 CFS.

This right was replaced with the decreed
right and as such is not currently
a valid water right.

A71-02055 - recommended for disallowal code "I
Remark P06 & referencing A71-00044B

A71-02055A is to be renumbered to A71-00044B
and recommended as a valid right based
upon the Cavanagh vs Merritt decree.
see CWR for system analysis &
Additional details

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-00044B	11N 12E	15		NE	NE			CUSTER	<i>P/O found in 11N 12E Sec 11 SESESU</i>	
OTHER AJ CLAIMS WITH SAME AJ POD						WR RECORDS IN SAME 40 ACRE TRACT				
A PREFIX		R PREFIX								
NONE		NONE		71-02055						

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
71-00044	11N 12E	13		NW	NW			CUSTER		
OTHER WR RECORDS WITH SAME WR POD						AJ CLAIMS IN SAME 40 ACRE TRACT				
A PREFIX		R PREFIX								
71-00057				A71-00057 R71-00057						
71-07157										

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(☒)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N(☒)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 9-10-93 NAME OF EXAMINER KKC) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

5-16-94

KKC Pg 1/

Preliminary Review of Elk Creek diversions claimed under A71-00044, 00046, 2055A & 2055.

P/D Analysis.

I found 1 P/D supplying water to the area in HES-420 & HES-577 that were claimed under the four listed claims. The licensed right 71-02055 was superseded by 71-00044 (see additional analysis in Attachment dated 5-12-94)

The legal desc of the Found P/D matches the decreed & claimed P/D for 71-00046 and the claimed P/D of A71-00044

The P/D ~~claimed~~^{decreed} under #71-00044 is the NWNW Sec 13. This location matches a P/D from Valley Creek that supplies water to ground East of Valley Creek and the 'Cow camp' road. I do not believe that Elk Creek ever flowed through Sec 13 thus the decree is in error.

I did not find a P/D as described by 71-02055 nor did the decreed rights find that P/D therefore that P/D is considered to have been abandoned prior to 1940 & the decreed.

Recommendation Analysis
based upon current information

5-16-94

KKC

Pg 2/

1. A71-00046 is claimed as decreed & therefore can be recognized as claimed subject to P/U acre recommendation based upon field exam. The P/U includes the acres in Hes 420 (as decreed) and the acres in Hes 577 currently owned by Browning. The combined H.E.S. is represent a permissible Place of Use & is therefore a chg in P/U.

2) A71-00044 is to be split between Browning and Lord proportionately based upon irrigated acreage as identified in warranty deed 131095. (specifically Pg 2)

A71-00044A represents the Browning portion and is for 51 acres and A71-00044B represents the Lord portion and is for 13 Acres.

The claimed & found P/Ds do not agree therefore the claims require cond code ~~C03~~ and is considered a correction in legal description rather than a physical change in location of the P/D.

Further A71-00044A's claimed P/U is the ground within HES-577 as decreed plus the P/U covered by 71-000 (a permissible Place of Use) flag C05.

The P/U for A71-00044B is wholly within HES-577 and therefore does NOT require a P/U condition Flag.

9-10-93

#1

P/D for E of Valley Cr in Sec 3

Shared

MAhoney
(Dave Muscavag)
Christensen Trust
Toni Yacomella

#2 P/D just So of Thompson Cr juncture as indicated
on or the photo Thompson Cr water does not reach P/4
covered by this claim.

#3

P/D Elk Creek (W of Valley Cr.)

irr 6^{to} days cross P/u.

South end is corrugated on 30 to 40' spacing
with flood irr between corrugations.

can utilize "waste" water varying with irr area

East side irr takes 14 days.

some 48 hour sets on N end

irr/sub along Valley Cr. quality of irr hard to
distinguish between irr water & sub from Valley Cr.

NOTES: Only 1 P/D found. Kevin Swigert indicated that there was a change in the location of the P/D some time in the past but he didn't know when. The current diversion and system serves 71-00044, 71-00044B & 71-00046.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY CLUSTER	DIVERSION NAME	DIVERSION NBR
11N	12E	15		NE	NE					
		11	SE	SE	SW					

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

REVIEWED BY: KKC DATE: 0-6-1-98

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (X)

Flag "C"
CØ3. Change occurred some time ago
no other diversions downstream from
this location no injury identified. accept
a accomplished transfer of P/D.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

May 29, 1998

DIVERSION RATE ANALYSIS FOR: 71-00044, 71-00044B, AND 71-00046

All three rights come from the same point of diversion and use the same delivery system with 71-00044 and 71-00046 being claimed within a Permissible Place of Use (PPU). Therefore, they are combined in the hubble review for analysis purposes.

HUBBLE ANALYSIS

Only a small fringe area on the edges of the place of use is a soil type other than Rp1. For analysis purposes Rp1 is the only soil considered. The general practices in this Valley Creek basin is to cover the property as fast as they can when water is available, normally taking 10 to 20 days to start over. I used a 10 day rotation for this property. The 1997 revised hubble analysis using Allen Merritt's rate per acre table calculated a required diversion rate of 6.72 cfs which is greater than the combined decreed rate of 6.40 cfs. Although the system was not diverting that rate when the field examination was conducted on 9-10-93 the system appeared to be able to carry in excess of the total decreed rate. I am therefore recommending these rights as follows:

A71-00044 and A71-00044B

A71-00044 claimed the entire diversion rate and A71-00044B was originally claimed as A71-02055. Research, warranty deeds, and conversations with Kevin Swigert indicate that the water use on the Bein property was actually part of the decreed right 71-00044. All available information indicates that there was a proportionate split of the right.

Using the GIS system, I found 60 irrigated acres within HES 577 with Christensen's portion being 47 acres and Bein's portion being 13 acres.

Therefore I calculated the following appurtenant diversion rates for each claimant.

Christensen	A71-00044	$47/60 * 4.80 = 3.76$	cfs
Bein	A71-00044B	$13/60 * 4.80 = 1.04$	cfs

I have mailed a letter to Bein dated 5-29-98 describing the conflict between the original claim and my findings.

DIVERSION RATE RECOMMENDATION

The proportionate rate of 3.76 cfs is the current recommendation for A71-00044 but A71-00044B is currently limited to the claimed rate of 0.44 cfs.

PLACE OF USE RECOMMENDATION

A71-00044 was claimed within a permissible place of use with A71-00046. I found a common system and therefore accept the PPU as valid. The total PPU is 84 acres with A71-00044 limited to 47 acres within the PPU and A71-00046 limited to 37 acres within the PPU.

A71-00044B is for 13 acres and does not overlap with any other rights.

A. ROOT WATER RIGHT NUMBERS: A71-00044
R71-00044
A71-00044B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	12E	13	NW	SW		BEIN, WILLIAM C	A71-00044B / 22.0	- /	20.0		
			NW	SW		BROWNING, KENT C	R71-00045 / 1.0	- /			
			NW	SW		BROWNING, KENT C	R71-00044 / 19.0	71-00044 /			
			NW	SW		BROWNING, KENT C	R71-00046 / 34.0	- /			
			NW	SW		BROWNING, KENT C	A71-00044 / 34.0	- /			
			NW	SW		BROWNING, KATHRYN M	A71-00045 / 1.0	- /			
			NW	SW		BROWNING, KENT C	A71-00046 / 34.0	- /			
			NW	SW		BROWNING, KATHRYN M	A71-02055A / 22.0	- /			
			NW	SW		BEIN, WILLIAM C	A71-10074 /	- /			
			NW	SW		BEIN, LINDA H	71-10074 /	- /			

ADDITIONAL POU FOUND

SW SW
See also GIS
Land list & Map.

4 4

TOTAL ACRES A71-00044B 22.00 20.00

POU COUNTY: CUSTER

13 13

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (☒) , OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV.		DIV.	
			DIV. RATE	RATE/ACRE	DIV. VOL.	VOL./ACRE
A71-00044B	ELK CREEK	BEIN, WILLIAM C	0.440	0.020		
R71-00044	ELK CREEK	BROWNING, KENT C	3.760	0.044		
A71-00044	ELK CREEK	BROWNING, KENT C	4.800	0.032		
R71-00045	VALLEY CREEK	BROWNING, KENT C	3.000	0.023		

CLAIM NUMBERS 71-00044B DATE 3-16-98 TRANSFER NUMBER _____
AGENT KKC HOMESTEAD ENTRY NO. 577 (pan)
CLAIMED ACRE TOTAL 22
GEOGRAPHIC INFO ACRES 12.6

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	11N	12E	13									12							22
GIS			13									8.9	4.1						13.0
RECOM												9	4						13
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

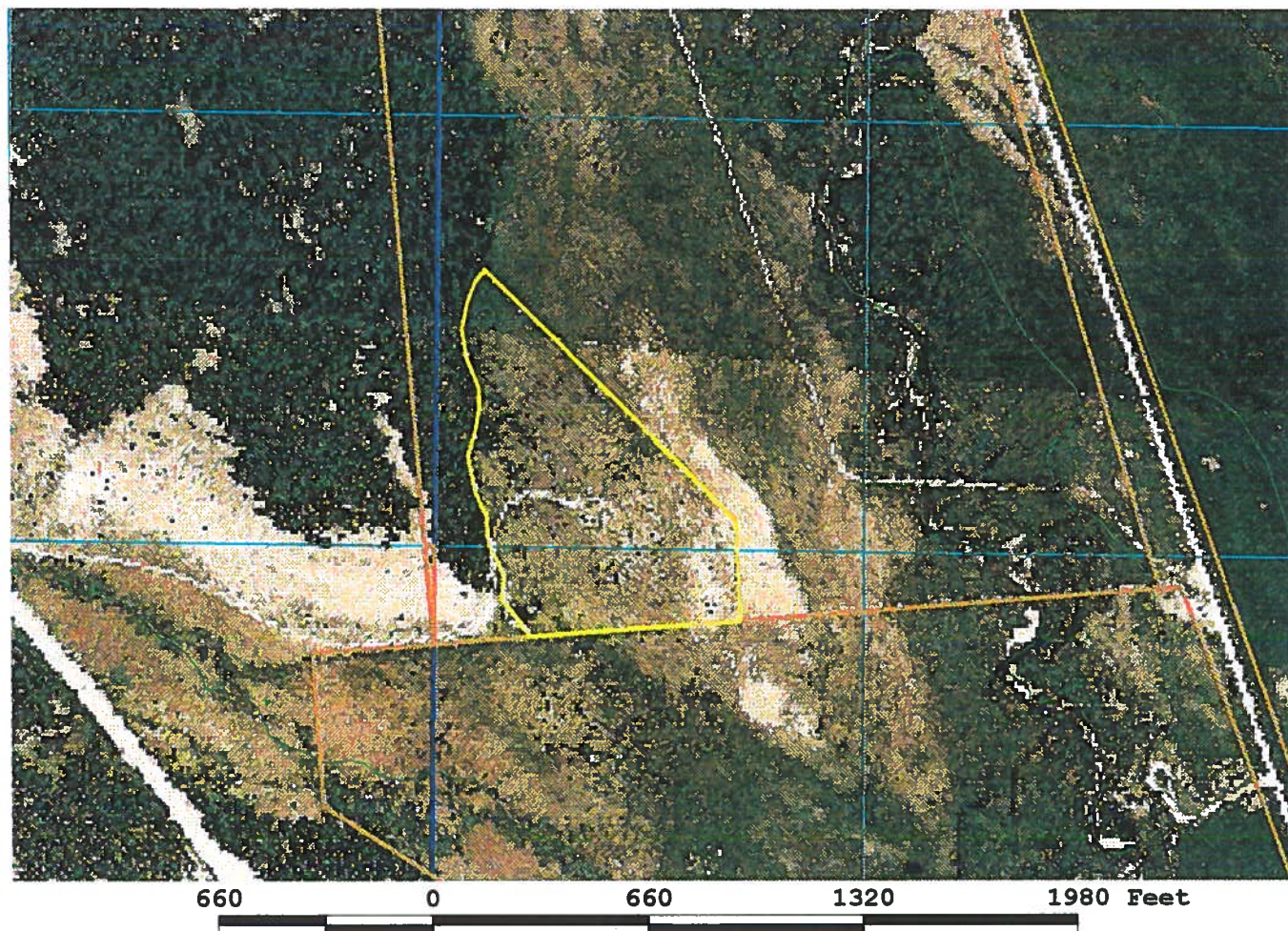
B71-DBPOD.SHP
NOS DESCRIPTION
41 See 11 P/O overlaps with 71-00044 & 71-00046
SESESW no O/L on P14

B71-DBPOU.SHP
SHAPE NOS
126 PU Created on 306. to B71.pou.sHP.
*Copy

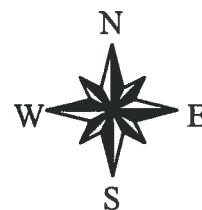
DBF TABLES UPDATED
B71-DBPOD.DBF 8-1-98
B71-DBPOU.DBF

IDAHO DEPARTMENT OF WATER RESOURCES

71-00044B
HES 577 (part)
SOURCE = ELK CREEK



RECOMMENDED PLACE OF USE = 13 ACRES
DATA ENTRY ON MARCH 16, 1998
TWP 11N, 12E,
SEC 13, NWSW, & SWSW



-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **HOMESTEAD ENTRY BOUNDARY**
-  **QUARTER QUARTER LINES**
-  **STREAM AND DITCH CHANNELS**

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

CLAIM NO.	SOURCE	NAME	DIV.		DIV.	
			DIV. RATE	RATE/ACRE	DIV. VOL.	VOL./ACRE
A71-00045	VALLEY CREEK	BROWNING, KATHRYN M	3.000	0.023		
A71-00046	ELK CREEK	BROWNING, KENT C	1.600	0.010		
R71-00046	ELK CREEK	BROWNING, KENT C	1.600	0.010		
A71-02055A	ELK CREEK	BROWNING, KATHRYN M	0.440	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10074	DOMESTIC	BEIN, WILLIAM C	FROM 01-01 TO 12-31	0.040 CFS	
71-10074	DOMESTIC	BEIN, LINDA H	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N(☒)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. 4-68; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: Claim was based upon 71-02055 but research
& conversation with Kevin Sawigert indicate
that this claim should actually be part of 71-00044
(see memo dated 5-12-94)
Claimant has been contacted, waiting amended
claim.

RECOMMENDATIONS:

TOTAL ACRES: 13 N/A ()

REVIEWED BY: KKC

DATE: 6-1-98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-00044B IRRIGATION	FROM 5/04-01 TO 9-30/11-01	0.440 CFS	
TOTAL DIVERSION RATE/VOLUME		0.440 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
71-00044 IRRIGATION	FROM TO	4.800 CFS	
TOTAL DIVERSION RATE/VOLUME		4.800 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☒) N(☐)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☐) N(☒)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☒) N(☐)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☒) Y(☐) N(☐)

*decree does not
list season of use
Recom to Sept
Standard*

*see narrative
dated 5-29-98*

NOTES:

see attachments .

AJ CLAIM TOTAL DIVERSION RATE: 0.440 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 4.800 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(☒)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N(☒)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N()

E. FLOW MEASUREMENT
MEASUREMENT METHOD see narrative dated 5-29-98, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 13 x 0.02 CFS/ACRE = .26 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(☒) N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 57.5 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

71-000447 84A

71-000448-13A

DATE: May 29, 1998

71-000465

REVIEWED BY KKC

STANLEY BASIN SOIL REVIEW								
SOIL TYPE	OPTIMUM ROTATION	BORDER EFF	BORDER CFS/AC	FURROW EFF	FURROW CFS/AC	MAD	PF	BORDER / FURROW
AM1	4.00	3.5	0.30	22.3	0.05	1.00	1.14	6.09
BG1	5.00	5.8	0.19	34.3	0.03	1.32	1.13	5.99
CNB	7.00	7.8	0.14	47.3	0.02	1.82	1.11	6.20
GO1	14.66	25.5	0.04	24.6	0.04	3.65	1.07	0.96
LA4	4.00	3.7	0.30	23.6	0.05	1.06	1.14	6.46
PY1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RD1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RP1	4.33	6.9	0.16	35.2	0.03	1.13	1.13	5.18
SN1	2.66	2.47	0.45	15.4	0.07	0.69	1.14	6.30
ST1	3.33	3.2	0.36	20.3	0.05	0.91	1.14	6.65
TN1	4.66	4.2	0.26	26.9	0.04	1.21	1.13	6.44
TP4	9.33	9.5	0.11	60.0	0.02	2.31	1.10	6.24
WG1	2.66	2.4	0.45	14.9	0.07	0.67	1.14	6.12
WV1	13.00	17.4	0.06	50.3	0.02	3.24	1.08	2.91

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
<u>RPI</u>	<u>4.33</u>	<u>10</u>	<u>97</u>	<u>.16</u>	<u>6.72</u> CFS
					CFS
					CFS
					CFS

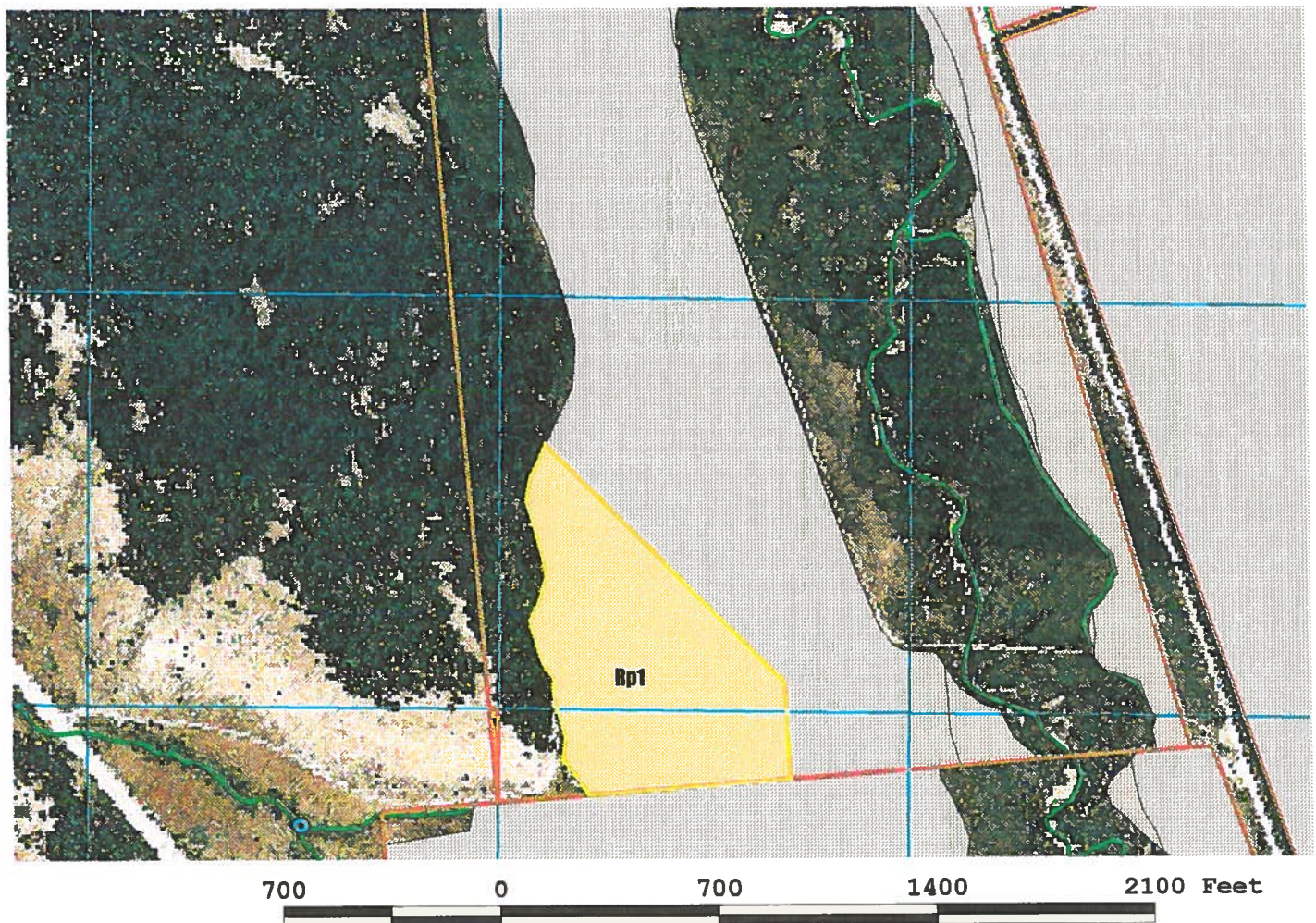
TOTAL ACRES 97 Both rights comb. DECEED RATE = 6.40 CFS

See CVR for additional comments.

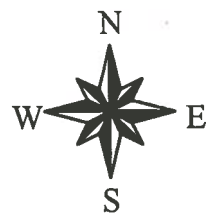
CLAIMED DIVERSION RATE =
ORIGINAL HUBBLE RATE =
MEASURED DIVERSION RATE =

IDAHO DEPARTMENT OF WATER RESOURCES

71-00044B
HES- 577 (PART)
BEIN



PLACE OF USE SOILS ANALYSIS
USING SCS SOILS OVERLAY
DATA ENTRY ON MAY 29, 1998
HES SOIL TYPE ACRES
577 RP1 13



- RECOMMENDED PLACE OF USE
- SOILS BOUNDARY
- SECTION LINES
- QUARTER QUARTER LINES
- HOMESTEAD ENTRY BOUNDARY

GIS PLACE OF USE PRESENTATION
1992 USFS PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

NOTES: recommendation is limited to 0.44 CFS as claimed pending amendment.

Current information available indicates that 1.04 CFS is appurtenant to the P/G under a portion of 71-00044 and is required for the irrigation of the found 13 Acres. See Hubble Analysis & Narratives.

WR RECORD CONDITIONS/REMARKS:

"C" CØ3 chg in P/D
~~P/D~~

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	5-01 9-30 21-01	DATABASE EXAMINER 0.440 OK pending amendment	DATABASE EXAMINER	DATABASE EXAMINER 57.5
TOTAL FOR THIS RIGHT		0.440 ✓		57.5

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: KKC

DATE: 6-1-98

FLAG: _____

STANDARD CONDITIONS (CODE):

C
CP3

STANDARD REMARKS (CODE):

EXP F06 71-000 44, 44B, & 46
GEN Portion of HES 577

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	☒	☐
FORFEIT/ABANDON _____	☐	☐
ADDITIONAL DIV. AMOUNT _____	☐	☐

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00044

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
4.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-00044	A71-00044	4.800	R71-00044	3.760	71-00044	4.800
-	A71-00044B	0.440	-		-	
TOTAL CFS		5.240		3.760		4.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)

IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

AUT AUTHENTICATION: DATE: 6-1-98
SIG SIGNATURE: Kelly K. Christensen
NAM EXAMINER: KELLY K CHRISTENSEN
SR WATER RESOURCE AGENT

DATE: _____

TITLE: _____



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

DIVERSION RATE ANALYSIS FOR:
71-00044, 71-00044B, & 71-00046¹

Based upon a conversation with Mr Bein on 7-2-1998 I am changing my recommendations for the above rights. Mr Bein indicated that he felt that the original claimed rate of 0.44 cfs was sufficient for his use on the recommended place of use for A71-00044B. He further stated that he felt that the balance of the water was still being used on the place of use for A71-00044. After reviewing the evidence available I am recommending the following:

Claim no.	Browning	Bein
A71-00044	4.36 cfs 47 acres	
A71-00044B		0.44 cfs 13 acres
A71-00046	1.60 cfs 37 acres	
Total	5.96 cfs 84 acres	0.44 cfs 13 acres

Hubble analysis based upon a 10-day rotation and 84 acres of RP1 soil for Browning gives a required diversion rate of 5.82 cfs.

Decreed rate less Hubble rate = $5.96 - 5.82 = 0.14$ cfs
Difference as a percentage of the Hubble rate = $0.14/5.82 \approx 0.02 \%$

As the combined decreed rate is within 2% and the irrigation rotation days as identified by the claimant is greater than the theoretical requirement for this soil type (4.33 days) I am recommending the full amount for the Browning claims.

¹ Prepared by KKC
Date: July 7, 1998

INIT

T. R. S. 2/2

fields and
date

PHOTO Front Service 173-12 91-10 91-11

DT. & ID. 8-28-72 FBJ/t

3070.

14,3



HES-420

159⁹⁵ acres.

HES-133

Thompson Creek

159⁹⁵ acres.

154⁸⁶ acres.

HES-577

CONGRAS & PYN CHRISTENSEN
TRUST
171427 186788
Sawtooth Properties Inc.
D.M. Christensen Const. Co.
150068 Co.

HES-319

Tom & Aileen Ch

159⁹⁶ acres.

New owner

(Amory Perkins)

33²³

37²¹

157

152

26

Key Creek

CLAIM # A71-02055
DATE PHOTO TAKEN; 9-10-93
PICTURE # 8

This photo was taken east of the home and is looking west. Shown is a couple of ditches that allows irrigation of the ground southeast of the home. Note that the vegetation in this photo is also sparse as was the ground in picture set # 3.



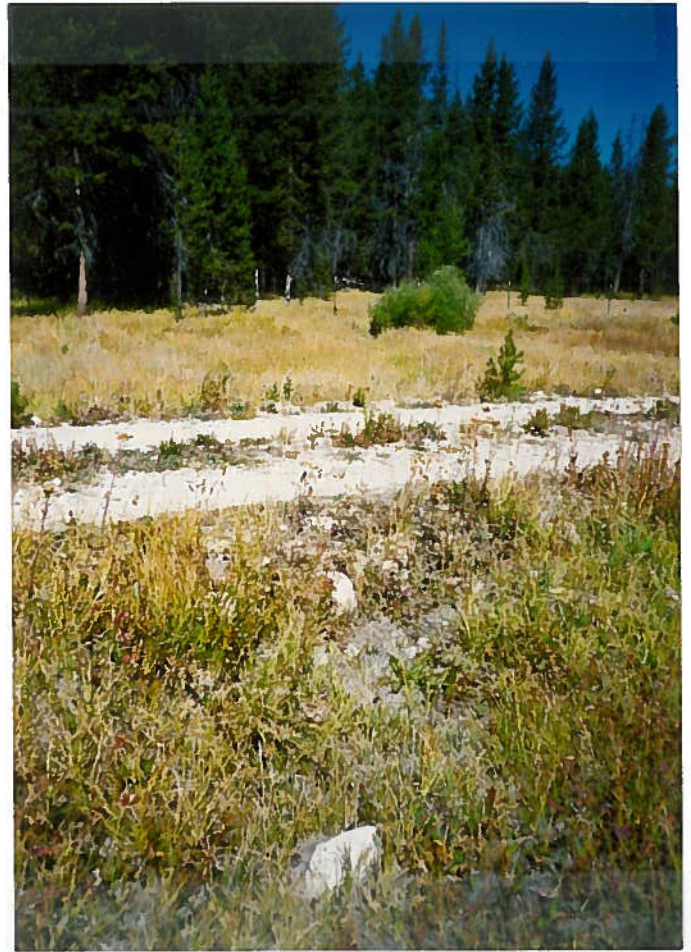
PICTURE # 9

This photo was taken northwest of the home and is looking east across the access road. Note the two pipes used to carry water under the road to allow irrigation southeast of the access road. This is the same road as shown in picture # 6.



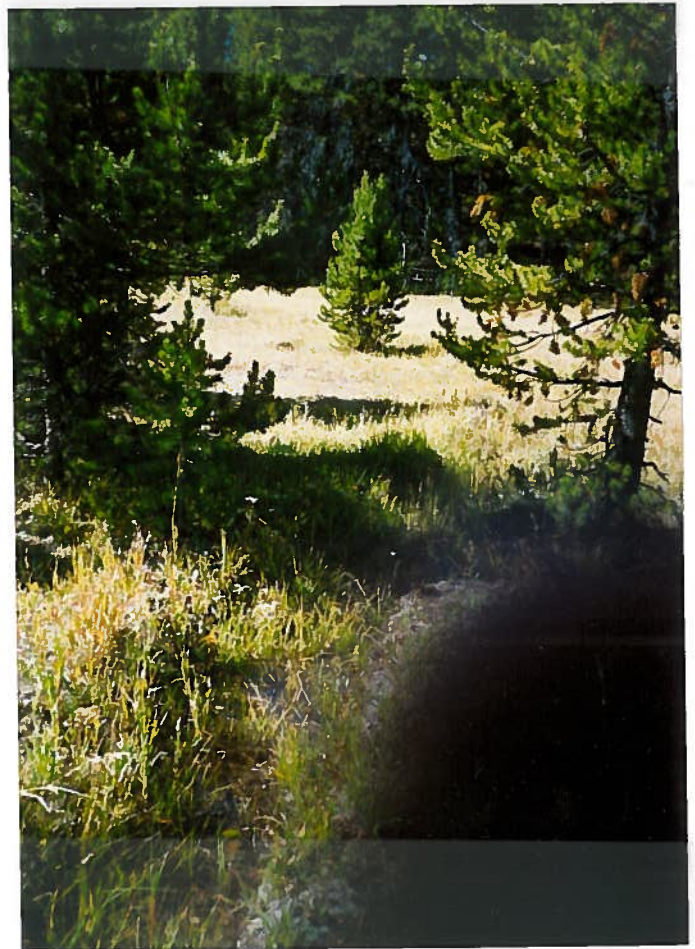
CLAIM # A71-02055
DATE PHOTO TAKEN; 9-10-93
PICTURE # 6

This photo was taken from a point south of the access road between the entrance of the property and the home and is looking north. Shown is a corrugation that has been filled in by the roadway. Most all corrugations were filled in when the road was built. You are looking north in this photo.



PICTURE # 7

This photo was taken further north of picture # 6 and shows water in one of the corrugations that come off the main ditch that follows the hillside along the break between the grass and the tree covered hillside.



CLAIM # A71-02055
DATE PHOTOS TAKEN; 9-10-93
PICTURE SET # 1

This photo set was taken west of the P/U for this claim and you are looking northeast on the left to east southeast on the right. The pond was currently being filled with water from Park Creek but a ditch exists to carry Elk Creek water to the pond. Elk Creek water comes in from the left and is ditched across most of the P/U. Ground to the right of the pond cannot be irrigated from Elk Creek.

NORTHEAST
BOUNDARY TO P/U

ELK CREEK DITCH
TO POND

PICTURE SET #3
LOCATION

PARK CREEK DITCH
TO POND



CLAIM # A71-02055

DATE PHOTO TAKEN; 9-10-93

PICTURE # 4

This photo was taken near the middle along the northern boundary of the P/U and shows water coming down one of the original 50 ft corrugations and then swinging southwest across the old corrugations. You are looking southwest in this photo.



PICTURE # 5

This picture was taken west of the home and is looking east. It shows a new ditch parallel with the bottom of the picture and an old corrugation running from the little tree toward the home.



CLAIM # A71-02055
DATE PHOTO TAKEN; 9-10-93
PICTURE # 2

This picture shows the split in the Park Creek diversion with the left ditch going to the Lord's pond and the right ditch going to the P/U for Mahoney. You are looking northeast.



PICTURE SET # 3

This picture set was taken from the southeast corner of the P/U and is looking north on the right toeast on the left. Ditches reach this ground but the vegetation in this area is extremely poor. No sign of ditch maintenance visible.

PICTURE SET # 1
LOCATION

PICTURE SET # 4
LOCATION



REPORT OF ENGINEER

11 5. 12 8. 8

A live snow dam
of logs drive to make a ditch 3 ft wide x 15 ft deep
which is 20 ft long & 1 ft high

used for regulation

Small: rather cool, water has been ed into areas of diversity. *gpc*

Each level subdivides in turn to be regarded as processes of a special type given a number of a recursive definition of each expression. The same manner divides the expression into three than into

Designated as Foxst Home and Entry No. 57 in Quarter County, Idaho,
and being part of section 13 and 14, T 11 N., R 12 E. 2.

...and details of ...

Applicant's work was performed under direct supervision and

Salmon River

The examination was made on the

Abstract

day of

1094

Abstract



State of Idaho License and Certificate of Water Right

Water License No. 17360

Water District No.

Amount 0.44 Sec. Ft.

Priority September 7, 1930

THIS IS TO CERTIFY that HELEN HEISE HUNTINGTON of Heise, State of Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 25, 1930, that Permit No. 17360 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on August 27, 1931, showing that said works were completed on the 22nd day of August, 1931; and that on the 10th day of September, 1931,

HELEN HEISE HUNTINGTON of Heise, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Elk Creek, a tributary Valley Creek, for the purpose of irrigation, under Use Permit No. 17360 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 373 on the 2nd day of May, 1935.

The right hereby confirmed dates from September 7, 1930.

The Point of Diversion is located in the NE 1/4 NE 1, Sec. 15, Tp. 11, R. 12 E., B. 1, Custer County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.44 of 1 cubic foot per second.

Description and location of the

Twp.	Range	Sec.	Forty-acre Tract	No. A Described in Permit	No. Acres Actually Irrigated
			22 acres irrigated out of 160 acres designated in permit, known as Forest Homestead Entry No. 577 in Custer County Idaho, and being parts of Section 12 and 14, T. 11 N., R. 12 E., B. 1.		

The right to the use of the water aforesaid hereby confirmed is restricted to the land or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, at Boise, Idaho, this 2nd day of May, 1935.

(SEAL)

R. N. FARIS
Commissioner of Reclamation

71 2055

WARRANTY DEED

FOR VALUE RECEIVED, ROBERT M. YOUNG and KATHRYN H. YOUNG, husband and wife, of Stanley, Custer County, Idaho, and KATHRYN H. YOUNG, acting in her official capacity as Testamentary Trustee of the estates of Jan Heise Huntington and Howard Roland Huntington, having been first duly authorized thereto pursuant to authority granted therefor by the District Court of the Seventh Judicial District (formerly Sixth Judicial District), of the State of Idaho, in and for the County of Custer, the GRANTORS, do hereby GRANT, BARGAIN, SELL and CONVEY unto the GRANTEE, CUSTER COUNTY BANK, a corporation, as Trustee of a Trust Agreement of even date herewith, the beneficiary thereof being SAWTOOTH PROPERTIES, INC., the following described premises in Custer County, Idaho, to-wit:

FOREST HOMESTEAD ENTRY No. 420, embracing a portion of Sections 11, 12, 13 and 14, in Township 11 North, Range 12 East Boise Meridian, Idaho, more particularly described as follows: Beginning at Corner No. 1 from which the quarter corner to said Section 11 and 14 bears East 1.75 chains distant; thence North 54 deg. 45' West 3.22 chains to Corner No. 2; thence North 50 deg. 34' East 24.57 chains to Corner No. 3; thence North 65 deg. 12' West 18.68 chains to Corner No. 4; thence North 43 deg. 2' East 19.05 chains to Corner 5; thence South 47 deg. 14' East 39.04 chains to Corner No. 6; thence South 47 deg. 14' East 19.68 chains to Corner No. 7; thence South 47 deg. 14' East 1.49 chains to Corner No. 8; thence South 58 deg. 35' West 18.22 chains to Corner No. 9; thence South 58 deg. 35' West 5.86 chains to Corner No. 10; thence North 57 deg. 1' West 12.02 chains to Corner No. 11; thence South 83 deg. 30' West 15.03 chains to Corner No. 12; thence North 73 deg. 58' West 7.64 chains to Corner No. 13; thence North 34 deg. 45' West 7.83 chains to Corner 1, the place of beginning, containing 154.86 acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor-General; together with all ditch and ditch rights and water and water rights appurtenant thereto or used in connection therewith; and

HOMESTEAD ENTRY SURVEY No. 577, embracing a portion of Section 13 and 14 in Township 11 North of Range 12 East of the Boise Meridian, Idaho, more particularly described and bounded as follows: Beginning at Corner 1 from which the North Corner to said Sections 13 and 14 bears North S

East 10.54 chains distant; thence North 58 deg. 35' East 18.22 chains to Corner No. 2; thence South 16 deg. 21' East 27.73 chains to Corner No. 3; thence South 16 deg. 53' East 35.47 chains to Corner 4; thence South 84 deg. 57' West 33.90 chains to Corner 5; thence North 5 deg. 28' West 51.18 chains to Corner No. 6; thence North 58 deg. 35' East 5.86 chains to Corner No. 1, the place of beginning, containing 159.96 acres, according to the Official Plat of the Survey of the Surveyor-General together with all ditch and ditch rights and water and water rights appurtenant thereto or used in connection therewith;

SPECIFICALLY RESERVED to Sellers from HOMESTEAD ENTRY SURVEY No. 577 is a fraction thereof, more particularly described as follows, to-wit: Beginning at Corner No. 5 of said Homestead Entry Survey No. 577, run thence North 84 deg. 57' East along the Southerly boundary of Homestead Entry Survey No. 577 a distance of 950.0 feet; thence North 5 deg. 03' West 300.0 feet; thence North 46 deg. 10' West 1160.1 feet; thence South 84 deg. 57' West 195.7 feet to a point on the Westerly boundary of Homestead Entry Survey No. 577; thence South 5 deg. 28' East along the Westerly boundary of Homestead Entry Survey No. 577 a distance of 1174.1 feet to the point of beginning, containing 18.45 acres, together with all water and water rights and ditch and ditch rights appurtenant thereto or used in connection therewith.

ALSO RESERVED for the use and benefit of said described parcel of 18.45 acres is a perpetual easement for the installation of a serving power and/or telephone line across the South boundary of said Homestead Entry Survey No. 577 from Survey Corner No. 4 to Survey Corner No. 5 thereof.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of June, 1971.

Robert M. Young
ROBERT M. YOUNG

Kathryn H. Young
KATHRYN H. YOUNG

Kathryn H. Young
KATHRYN H. YOUNG, Testamentary
Trustee of the Estates of Jan
Heise Huntington and Howard Roland
Huntington

STATE OF IDAHO)
County of CLUSTER) ss.

On this 7th day of June, 1971, before me, the under-
signed, a Notary Public in and for the State of Idaho, personally
appeared ROBERT M. YOUNG and KATHRYN H. YOUNG, husband and wife,
and KATHRYN H. YOUNG, acting as Testamentary Trustee of the estates
of Jan Heise Huntington and Howard Roland Huntington, known to me
to be the persons whose names are subscribed to the foregoing
instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal, the day and year in this certificate first above
written.

John C. [Signature]
Notary Public for Idaho
Residing at: TWIN FALLS
My Commission Expires: 9-12-1974

No. 131095
State of Idaho) ss.
County of Custer)
This instrument was filed for
record at the request of Martin [Signature]
at 1:00 o'clock P. M.
June 17 1971
and duly filed and indexed in the
Records of Custer County, Idaho.
Ex Officio Recorder
By [Signature] Deputy
Fees \$3.00

WARRANTY DEED, Page 3.

Mail To Custer County Bank