

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: A71-10103
Date Received: 12/19/1989
Receipt No: S010709
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: SABEY D PINGREE TRUST 801-364-8056
Address: 1171 CHANDLER DR
SALT LAKE CITY UT 84103

2. Date of Priority: FEB 26, 1923

3. Source: LOST CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	35	NW	SE			CUSTER

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/50-100 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	35	NE	SW		IRR	20.0
			SW	SW		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	35	SE	SW		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	2.0
Section Acres							80.0
Total Acres							80.0

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. SEE FILE. AC. IRR.=80.

H.E.S. NO.288.

THIS BENEFICIAL USE CLAIM REPRESENTS LICENSE #71-02074. THE LICENSED PRIORITY WAS 11/07/1947. THE DATE THAT THE WATER WAS FIRST PUT TO BENEFICIAL USE ON THE PROPERTY WAS 02/26/1923.

THIS CLAIM REPRESENTS THE EARLIER PRIORITY. SEE ATTACHED DOCUMENTS.

7/2/97 TF; OWNERSHIP CHANGED TO SABEY PINGREE TRUST

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 20217

July 11, 1997

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 TRISH FAWCETT

Re: Claim No. 71-10103, Sabey D Pingree Trust

Durian Pingree phoned to see how ownership change was progressing that we received April 15, 1997. He explained that he and his sister are successor trustees to their parents (Sabey D. and David R. Pingree) and that they wanted to make sure their parent's adjudication claims were in order. I told him that ownership had been changed to the Pingree Trust listing Sabey and David as trustees and I also explained that Mrs. Franc Driggs Frailey could not be added as one-third interest owner without her signature. He said he would check with Mrs. Frailey to see what she wanted to do. He then requested I mail him a current copy of the claim showing the Trust as owner.

Mailed July 22, 1997 to:

Durian Pingree
110 Edward Ave
San Rafael CA 94903



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

July 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SABEY D PINGREE TRUST
1171 CHANDLER DR
SALT LAKE CITY UT 84103

RE: SRBA Claim(s) A71-10103

Dear Mr. and Mrs. Pingree:

Pursuant to the April 3, 1997, letter from Paul Kunz, attorney for the Sabey D. Pingree Trust, we have changed the record of current ownership on the above listed adjudication claim to The Sabey D. Pingree Trust with Sabey D. and David R. Pingree as trustees. Mr. Kunz also requested we add Mrs. Franc Driggs Frailey as owner of one-third interest in the subject property and water right. However, in order to list Mrs. Frailey's name on the claim, we will need her signature. The easiest way to accomplish this would be for Mrs. Frailey to write us a letter requesting to have her name added to the claim.

Enclosed you will find copies of the computer record of the claim noting the change in claimant. Please review this record and if there is an error, or should you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

cc: Durian Pingree

RECEIVED

A71-10103

APR 15 1997

Department of Water Resources
Southern Region

Suite 100
533 26th St.
Ogden, Ut. 84401
April 3, 1997

Southern Idaho Regional Office
Idaho Department of Water Resources
1341 Fillmore St.
Suite 200
Twin Falls, Idaho 83301-3380

Re: Sabey Driggs Pingree,
a.k.a Sabey D. Pingree,
Water Rights

Gentlemen:

My Client Sabey Driggs Pingree, a/k/a Sabey D. Pingree under Warranty Deed dated June 7, 1963, from BURTON W. DRIGGS and NEVADA W. DRIGGS, as Grantors, as recorded July 23rd, 1963, in Book 35 of Deeds, Page 43, in the Office of the Custer County Recorder, received a one-third interest in the property and water rights to the 59.08 acres of property described in the deed. (A copy of the 6-7-63 Warranty Deed is enclosed, marked "1")

Under Warranty Deed Dated October 27, 1984, Lucille D. Madson and J.E. Madson, (her husband) as Grantors, conveyed to Sabey D. Pingree and David R. Pingree, Jr., as Trustees for Sabey D. Pingree under Trust Agreement dated May 1, 1969, as Grantees, as recorded November 20, 1984, , as entry No. 172786, in the Office of the Custer County Recorder, an additional one-third interest in the same 59.08 acres of property and water rights as described in the deed.(A copy of the 10-27-84 Warranty Deed is enclosed, marked "2".)

By virtue of the two above referred to Warranty Deeds, Sabey Driggs Pingree owned a one-third interest in the subject property and water rights in her own name and another one-third interest in the property and water rights in her above described trust dated May 1, 1969.

Under Warranty Deed dated December 23, 1996, as recorded January 14, 1997, in the Office of the Custer County Recorder, SABEY DRIGGS PINGREE, individually, as Grantor, conveyed the one-third interest in the subject property as held by her as an individual, to Sabey D. Pingree and David R. Pingree, Jr. as Trustees for Sabey D. Pingree under Trust Agreement dated May 1, 1969.(A copy of the 12-23-96 Warranty Deed ins enclosed, marked "3"). The Trustees of the Sabey D. Pingree Trust of May 1, 1969, now own a two-thirds interest in the subject property and water rights appurtenant thereto.

The remaining one-third interest in the subject property and water rights is owned by Mrs. Franc Driggs Frailey, or her successors, in any.

Page Two, Pingree Trust Letter

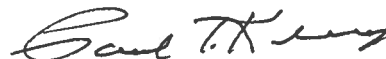
I am also enclosing copies of all adjudications and information in my possession in regard to the description of the subject water rights.

From the enclosed information, I would trust that you will be able to show on your records that the Trustees of the Sabey D. Pingree Trust dated May 1, 1969, are the owner of a two-thirds interest in the subject property and water rights, with the remaining one-third interest being vested in Mrs Franc Driggs Frailey, and her successors, if any.

If you need any further information to allow you to properly show the ownership of the subject water rights, kindly let me know and I will try to produce it for you.

If there are any recording or other charges for changing the ownership, kindly notify me, and I will immediately remit the funds to your office.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul T. Kunz".

Paul T. Kunz, Attorney for
Sabey D. Pingree Trust

DATE: 11/26/96
PAGE: 1

71-02-074 RIBBS
1-208-327-5452 Sharlotte Curtis - Water Rights

Deed

WARRANTY DEED

For Value Received

BURTON W. DRIGGS and NEVADA W. DRIGGS, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
MRS. SABBY DRIGGS PINGREE, MRS. FRANC DRIGGS FRALEY, and
MRS. LUCILLE DRIGGS MADSON,

the grantees, the following described premises, in Custer County, Idaho, to-wit:
H. E. Survey No. 288, embracing a portion of Section thirty-five in Township eight North and approximately, Section two in Township seven North all in Range fourteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the Southwest corner of said Section thirty-five, bears North eighty-nine degrees fifty-three minutes West eight and ninety-seven hundredths chains distant; thence South eleven minutes West six and eighty-eight hundredths chains to corner No. 2; thence, North seventy-seven degrees twenty-three minutes East fourteen and one hundredth chains to corner No. 3; thence North forty-four degrees twenty-seven minutes East five and thirty-three hundredths chains to corner No. 4; thence, North forty-four degrees twenty-seven minutes East forty-four and seventy-one hundredths chains to corner No. 5; thence North thirty-four degrees thirty-three minutes West twenty-four and ninety-nine hundredths chains to corner No. 6; thence, South fifty-six degrees nine minutes West forty-one and fifty-four hundredths chains to corner No. 7; thence, South eleven minutes West twenty-nine and thirty-five hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine acres and eight hundredths of an acre.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, 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.

Dated: 7th day of June, 1963.

STATE OF IDAHO, COUNTY OF Twin Falls

On this 7th day of June, 1963, before me, a notary public in and for said State, personally appeared

BURTON W. DRIGGS and NEVADA W. DRIGGS
husband and wife

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of Burton W. Driggs

at this 23rd day of July, 1963, 11:00 o'clock P. m., minutes past

INSTRUMENT NO.

2 *Deed*

WHEN RECORDED FILE TO:

172786

David R. Pingree, Jr.
1171 Chandler Dr.
Salt Lake City, Utah.

Space Above for Recorder's Use

Warranty Deed

---Lucille D. Madson and J. E. (Jorgen E.) Madson, her husband, grantor,
of Tacoma, County of Pierce, State of ~~Idaho~~ ^{Utah} Washington
hereby CONVEY and WARRANT to - Sabey Driggs Pingree, also known as Sabey
D. Pingree and David R. Pingree, Jr. as Trustees for Sabey D.
Pingree under that certain Trust Agreement dated May 1, 1969 --
grantee, s
of Salt Lake City, County of Salt Lake, State of Utah,
for the sum of Ten Dollars and other good and valuable consideration DOLLARS,
Idaho
the following described tract of land in Custer County, State of ~~Idaho~~ ^{Utah}, to-wit:

An undivided one third interest in and to the following:

See attached Exhibit "A" for full description:

This deed covers and includes all of grantors' rights to
construct and maintain one cabin on the within described
property as described in the Scenic easement with the United
States of America.

This property is subject to all of the provisions and restrictions
contained in said Easement.

WITNESS the hand of said grantors, this day of October 27, 1984

Signed in the presence of

Lucille D. Madson
Jorgen E. Madson

STATE OF ~~Idaho~~ ^{Utah} } Washington
COUNTY OF _____ } ss.

On the 27 day of October

, 19 84, personally appeared before me
Lucille D. Madson and J.E. (Jorgen E.) Madson, the signer of the above instrument,
who duly acknowledged to me that they executed the same.

My Commission Expires: Dec 23, 1986

Residing at: Tacoma

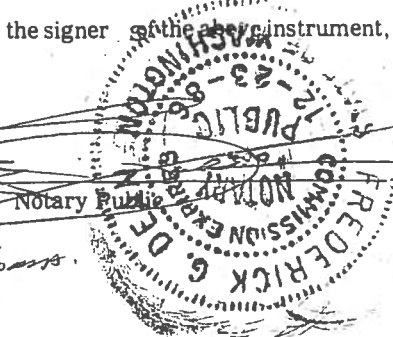


EXHIBIT "A"

DESCRIPTION

An undivided one third interest in and to the following
described property located in Custer County, State of Idaho:

H.E. Survey No. 288, embracing a portion of Section thirty-five in Township eight North and approximately, Section two in Township seven North all in Range fourteen east of the Boise Meridian; Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the Southwest corner of said Section thirty-five, bears North eighty-nine degrees fifty-three minutes West eight and ninety-seven hundredths chains distant; thence South eleven minutes West six and eighty-eight hundredths chains to corner No. 2; thence, North seventy-seven degrees twenty-three minutes East fourteen and one hundredth chains to corner No. 3; thence North forty-four degrees twenty-seven minutes East five and thirty-three hundredths chains to corner No. 4; thence, North forty-four degrees twenty-seven minutes East forty-four and seventy-one hundredths chains to corner No. 5; thence North thirty-four degrees thirty-three minutes West twenty-four and ninety-nine hundredths chains to corner No. 6; thence, South fifty-six degrees nine minutes West forty-one and fifty-four hundredths chains to corner No. 7; thence, South eleven minutes West twenty-nine and thirty-five hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine acres and eight hundredths of an acre.

Together with all water, water rights and stocks in water companies and grazing and grazing rights appurtenant thereto.

This Exhibit "A" is attached to Page One of this deed and is made a part hereof.

③ deed

0212710

When Recorded Mail To:
David R. Pingree, Jr. and
Sabey D. Pingree
1171 Chandler Drive
Salt Lake City, Ut. 84103

WARRANTY DEED

FOR VALUE RECEIVED, MRS SABEY DRIGGS PINGREE, Grantor, a resident of Salt Lake City, Utah, does hereby grant, bargain, sell and convey unto: SABEY D. PINGREE and DAVID R. PINGREE, Jr., as Trustees for Sabey D. Pingree under that certain Trust Agreement dated May, 1, 1969, Grantees, of Salt Lake City, Salt Lake County, State of Utah, the following described premises, in Custer County, Idaho, to-wit: AN UNDIVIDED ONE-THIRD INTEREST IN THE FOLLOWING:

H.E. SURVEY NO 288, EMBRACING A PORTION OF SECTION THIRTY-FIVE IN TOWNSHIP EIGHT NORTH AND APPROXIMATELY, SECTION TWO IN TOWNSHIP SEVEN NORTH ALL IN RANGE FOURTEEN EAST OF THE BOISE MERIDIAN, IDAHO, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at corner No. 1 from which the Southwest corner of said Section thirty-five, bears North eighty-nine degrees fifty-three minutes West eight and ninety-seven hundredth chains distant; thence South eleven minutes West six and eighty-eight hundredths chains to corner No. 2; thence, North seventy-seven degrees twenty-three minutes East fourteen and one hundredth chains to corner No. 3; thence North forty-four degrees twenty-seven minutes East five and thirty-Three hundredths chains to corner No. 4; thence, North forty-four degrees twenty-seven minutes East forty-four and seventy-one hundredth chains to corner No. 5; thence North thirty-four degrees thirty-three minutes West twenty-four and ninety-nine hundredths chains to corner No. 6: thence, south fifty-six degrees nine minutes West Forty-one and fifty-four hundredths chains to corner NO. 7: thence, south eleven minutes West twenty-nine and thirty-five hundredths chains to corner NO. 1, the place of beginning, containing one hundred fifty-nine acres and eight hundredths of an acre.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs, and assigns forever, and the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises, and that they are free of all encumbrances.

Mrs. Sabey Driggs Pingree
Mrs. Sabey Driggs Pingree

STATE OF UTAH)
 : ss.
County of Weber)

On the 23rd day of December, 1996, personally appeared before me Mrs. Sabey Driggs Pingree, the signer of the within instrument, who duly acknowledged to me that she executed the same.

Paul T. Perry

PAUL T. KUNZ
Attorney at Law
533 - 26th St
Casper, Wyo. 82401

U.S. POSTAGE
PAID
OGDEN, UT
94402
APR 10, 1997
00052630-03
83301-3380

AMOUNT
\$0.55

UNITED STATES
POSTAL SERVICE

0000

|||||

RECEIVED
APR 15 1997
Department of Water Resources
Southern Region

Southern Idaho Regional Office
Idaho Dept. of Water Resources
Suite 200
Twin Falls, Idaho
83301-3380

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 Georgia Satterlee

DATE
May 27, 1997 12:16pm

CUSTOMER
Kuntz, Paul

SUBJECT: A71-10103

phone call (x) walk-in (.)

He is attorney for Sabey and David Pingree. He wanted to make sure the claim was accurate, i.e. 2/3 to Pingree and 1/3 to Frailey. Trish is on top of this one, she will converse w/ Doug prior to updating the AJ claim.

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: A71-10103
Date Received: 12/19/1989
Receipt No: S010709
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SABEY D. PINGREE 801-364-8056
Address: 1171 CHANDLER DR.
SALT LAKE CITY, UT 84103

2. Date of Priority: FEB 26, 1923

3. Source: LOST CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	35		NW	SE		CUSTER

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/50-100 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	35	NE	SW		IRR	20.0

A71-10103

Page 1

Date: 12/19/89

MICROFILMED
MAR 17 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	14E	35	SW	SW		IRR	13.0
			SE	SW		IRR	30.0
			NW	SE		IRR	15.0
			SW	SE		IRR	2.0
						Section Acres	80.0
						Total Acres	80.0

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. SEE FILE. AC. IRR.=80.

H.E.S. NO.288.

THIS BENEFICIAL USE CLAIM REPRESENTS LICENSE #71-02074. THE LICENSED PRIORITY WAS 11/07/1947. THE DATE THAT THE WATER WAS FIRST PUT TO BENEFICIAL USE ON THE PROPERTY WAS 02/26/1923.

THIS CLAIM REPRESENTS THE EARLIER PRIORITY. SEE ATTACHED DOCUMENTS.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 20217

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: 2

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): Dale D. Pongee Date: 15 December 1988
 David Pongee Jr. Date: 15 December 1988

State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 15 day
of Dec 19 89 Charles W. White
Notary Public

Seal

Residing at Salt Lake
My Commission Expires 1-10-90

RECEIVED

MAY 22 1995

Dear Sirs:

Department of Water Resource

I can send you a copy of our Land we have in the Sawtooth Valley that is signed by the President of the United States, Warren Harding. It was a Homestead given to Harry Strobel who fought in a War. It has this statement: " There is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. There is more detail, and I can send it all to you if you want it. Mr. Strobel died and my father bought it from him as he was in the hospital in Boise. Only our family owns it hopefully forever!

Lakey Driggs Purdie

A71-10103

RECEIVED

JUN 19 1995

Department of Water Resources
Southern Region

Water Right Number - A71-10103

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 20217

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PINGREE

SABEY O

1 - 1171 CHANDLER DR
2 -
3 -
City- SALT LAKE CITY
Phone - 801-364-8056

State- UT Zip- 84103

*** O - ORIGINAL OWNER ***
DRIGGS

BURTON W

1 -
2 -
3 -
City- GOODING
Phone - 208-000-0000

State- ID Zip- 83330

HANNA

FRANC D

1 -
2 -
3 -
City- X
Phone - 208-000-0000

State- ID Zip- X

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/26/1923 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
LOST CREEK SINKS

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County Diversion Name
08N 14E 35 NW SE (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 1.600
04 - STOCKWATER 01/01 12/31 0.030
43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
1.600 200.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08N 14E 35 NE SW 01 IRRIGATION (37) CUSTER
08N 14E 35 SW SW 01 IRRIGATION (37) CUSTER
08N 14E 35 SE SW 01 IRRIGATION (37) CUSTER
08N 14E 35 NW SE 01 IRRIGATION (37) CUSTER
08N 14E 35 SW SE 01 IRRIGATION (37) CUSTER

Total Acres: 80.0

+ - - Diversion Means - DITCHES

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - NONE

[illegible]

+ - - - Audit Fields - 12/19/89 WHITE 03/30/95 POST-STD

+ - - - - -Comments- - - - -
No Comments Found

[illegible]

This is copied from the small print at the bottom of our land-grant-deed signed by the President of the United States. I have the original document.

NOW KNOW YE, that there is, therefore granted by the United States unto the said claimant the tract of Land above described; to HAVE AND TO HOLD the said tract of land with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining; agricultural; manufacturing; or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

This is a permanent water right given by the President of the United States to us from 1923 on.

Oahy Briggs Longree

MICROFILMED

MAR 17 1993

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Harry J. Strobel

has been established and duly consummated, in conformity to law, for the H.B. Survey No. 288 embracing a portion of Section thirty-five in Township eight north and approximately Section two in Township seven north all in Range fourteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the southwest corner of said Section thirty-five bears north eighty-nine degrees fifty-three minutes west eight and ninety-seven hundredths chains distant; thence, south eleven minutes west six and eighty-eight hundredths chains to corner No. 2; thence, north seventy-seven degrees twenty-three minutes east fourteen and one hundredth chains to corner No. 3; thence, north forty-four degrees twenty-seven minutes east five and thirty-three hundredths chains to corner No. 4; thence, north forty-four degrees twenty-seven minutes east forty-four and seventy-one hundredths chains to corner No. 5; thence, north thirty-four degrees thirty-three minutes west twenty-four and ninety-nine hundredths chains to corner No. 6; thence, south fifty-six degrees nine minutes west forty-one and fifty-four hundredths chains to corner No. 7; thence, south eleven minutes west twenty-nine and thirty-five hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine acres and eight hundredths of an acre,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Warren G. Harding,

President of the United States of America, have caused these letters to be made

Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TWENTY-SIXTH

day of FEBRUARY in the year of our Lord one thousand

nine hundred and TWENTY-THREE and of the Independence of the

United States the one hundred and FORTY-SEVENTH.

By the President: *Warren G. Harding*

By: *Viola B. Pugh*, Secretary.

M. O. LeRoy
Recorder of the General Land Office.

RECORDED: Patent Number 897367

MICROFILMED

MAR 17 1993

State of Idaho

License and Certificate of Water Right

411-02074

Water License No. 20217..... Priority November 7, 1947..... Amount.....1.6 second feet

THIS IS TO CERTIFY that BURTON W. DRIGGS

of Gooding, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 7, 1947; that Permit No. 20217 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3 second feet, was issued thereunder on June 15, 1948, showing that said works were completed on the 14th day of June, 1948; and that on the 27th day of July, 1948

BURTON W. DRIGGS

of Gooding, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Lost Creek ~~arbitrary~~ for the purpose of irrigation, stock and culinary use, under Use Permit No. 20217 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses, at Page 4992, on the 8th day of September, 1952;

The right hereby confirmed dates from November 7, 1947;

The Point of Diversion ^{are} ~~is~~ located in the NW ¼ SE ¼, Sec. 35, Tp. 8 N., R. 14 E., B. M. 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 1.6 cubic feet per second.

Description and location of use:

TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
------	-------	---------	------------------	-------------------------------	------------------------------

MICROFILMED

MAR 17 1993

State of Idaho

License and Certificate of

Water Right

Water License No.	20217
To	Burton W. Driggs
	Gooding, Idaho
Source of Supply	Lost Creek
Custer	County
Amount	1.6
	Sec. Feet
Point of Diversion	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Twp. 8 North, Range 14 East, B.M.
Place of Use	80 acres in W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, Twp. 8 North, Range 14 East, B. M.
Purpose	Irrigation, stock and culinary uses
Date of Priority	November 7, 1947
Recorded	September 8, 1952
in Book	8
	of Licenses, Page
	4992

MICROFILMED
MAR 17 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Dec. 21, 1989

Re: A71-10103

.SABEY D PINGREE
.1171 CHANDLER DR
.SALT LAKE CITY UT 84103

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 17 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3031

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A71-10103
SABEY D. PINGREE
1171 CHANDLER DR.

SALT LAKE CITY UT 84103

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **May 1, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 17 1993

A-1-10/03

RECEIVED

MAR 09 1992

Department of Water Resources
Southern Region Office

State Of Idaho Department of Water Resources
Southern Region 222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Mr. Merritt:

Thank you for your phone explanation of our water claim rights. Enclosed you will find a copy of our original deed given to the homesteader by the U.S. Government in 1923. It has water rights specified and it is signed by President Harding. He was granted the land because he was a Spanish American War Veteran. My father bought the land from him and we have had it since 1947.

I talked to Cliff Hansen, our renter summertimes, and he has used the irrigation ditches until the last two years when the water was very low. We are hopeful it will be up this year and he has promised to use what there is regardless and irrigate. He will report this use and have evidence through photographs for you.

We revere the land and the water rights and surely want to always hold it in the family which my father specified before he died. My sister Franc Hanna and I own it now and our families reunion there every summer. Our children use it all summer long.

Cliff is a realiable fine renter and owns land in the Valley so if you have questions you can call him. His address and phone numbers are: H.C. 63 Box 1777 Challis, Ida. 83226 or 8C 64 Box 9910 Stanley Idaho 83278; Phone: 208 879 2770.

Thank you,
Sabey Driggs Pingree
Sabey Driggs Pingree

P.S. This is a copy of the original deed given in 1923.

MICROFILMED

MAR 17 1993

The United States of America,

To all to whom these presents shall come, Greeting:

RECEIVED

MAR 09 1992

Department of Water Resources
Southern Region Office

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Harry J. Strobel

has been established and duly consummated, in conformity to law, for the H.E. Survey No. 288, embracing a portion of Section thirty-five in Township eight north and approximately, Section two in Township seven north all in Range fourteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the southwest corner of said Section thirty-five, bears north eighty-nine degrees fifty-three minutes west eight and ninety-seven hundredths chains distant; thence, south eleven minutes west six and eighty-eight hundredths chains to corner No. 2; thence, north seventy-seven degrees twenty-three minutes east fourteen and one hundredth chains to corner No. 3; thence, north forty-four degrees twenty-seven minutes east five and thirty-three hundredths chains to corner No. 4; thence, north forty-four degrees twenty-seven minutes east forty-four and seventy-one hundredths chains to corner No. 5; thence, north thirty-four degrees thirty-three minutes west twenty-four and ninety-nine hundredths chains to corner No. 6; thence, south fifty-six degrees nine minutes west forty-one and fifty-four hundredths chains to corner No. 7; thence, south eleven minutes west twenty-nine and thirty-five hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine acres and eight hundredths of an acre,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; and to the heirs and assigns of

MICROFILMED

MAR 17 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

Water Right Number - R71-10103	Prefix Translation: RESEARCH	Old (D) Number -
*** C - CURRENT OWNER *** PINGREE TRUST	1 - 1171 CHANDLER DR 2 - 3 - City- SALT LAKE CITY Phone - 801-364-8056	State- UT Zip- 84103
*** O - ORIGINAL OWNER *** DRIGGS	1 - 2 - 3 - City- GOODING Phone - 208-000-0000	State- ID Zip- 83330
HANNA	1 - 2 - 3 - City- X Phone - 208-000-0000	State- ID Zip- X
*** T - TRUSTEE *** PINGREE	1 - 1171 CHANDLER DR 2 - 3 - City- SALT LAKE CITY Phone - 801-364-8056	State- UT Zip- 84103
PINGREE	1 - 1171 CHANDLER DR 2 - 3 - City- SALT LAKE CITY Phone - 801-364-8056	State- UT Zip- 84103
*** Priority Date - - - + 02/26/1923	17 SOUTHERN	Stage - - - + J - BENEFICIAL USE
Source - - - - - + LOST CREEK UNNAMED STREAM	Point of Diversion - - - - - + SINKS LOST CREEK	Status - - - - - +
TwN Rng Sec Tract Lot Rflg County	Period From Period To	Diversion Rate Diversion Volume
08N 14E 35 SE NE SW (37) CUSTER NW NW SE (37) CUSTER SW NW SE (37) CUSTER	04/15 10/15 01/01 12/31 01/01 12/31	1.600 0.030 0.040
Code Description	Water Use	
01 - IRRIGATION		
04 - STOCKWATER		
43 - DOMESTIC		

Water right number - R71-10103 Prefix Translation: RESEARCH

+ - - - - Total Div. Rate - + + - - - - Total Div. Volume - + + - - - - Total Consumptive Use - + + - - - - KW Usage - +
1.600 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
07N	14E	2	NE NW	3	2.0	01	IRRIGATION	(37) CUSTER
07N	14E	2	NW NW	4	6.0	01	IRRIGATION	(37) CUSTER
08N	14E	35	NE SW		8.0	01	IRRIGATION	(37) CUSTER
08N	14E	35	SW SW		10.0	01	IRRIGATION	(37) CUSTER
08N	14E	35	SE SW		18.0	01	IRRIGATION	(37) CUSTER
08N	14E	35	NW SE		1.0	01	IRRIGATION	(37) CUSTER
08N	14E	35	SW SE		1.0	01	IRRIGATION	(37) CUSTER

Total Acres: 46.0

+ - - - - Diversion Means - DITCHES

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - -

GEN PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 288.

EXP DOMESTIC USE FOR 1 HOUSE, STOCKWATER FOR 50-100 BEEF CATTLE.

+ - - - - No Old Water Right Numbers Found - - - - - Old Water Right Numbers - - - - -

+ - - - - Conditions of Approval - - - - -
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - - - - - Decree Defendant - - - - - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
Date: 07/02/1997 User Id: TFAWCETT Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGED TO SABEY PINGREE TRUST PER WARRANTY DEEDS.
Date: 07/17/1998 User Id: DJONES Subject: COPIED FROM REMARKS
P/U INCOMPLETE. SEE FILE. AC. IRR.=80.
THIS BENEFICIAL USE CLAIM REPRESENTS LICENSE #71-02074. THE
FIRST PUT TO BENEFICIAL USE ON THE PROPERTY WAS 02/26/1923.
DOCUMENTS.
H.E.S. NO.288.
LICENSED PRIORITY WAS 11/07/1947. THE DATE THAT THE WATER WAS
THIS CLAIM REPRESENTS THE EARLIER PRIORITY. SEE ATTACHED

+ - - - - Audit Fields - - - +
07/17/98 DJONES

[illegible]

AIM NUMBERS A71-10103

DATE 7/1/98

AGENT JK

TRANSFER NUMBER _____

HOMESTEAD ENTRY NO. 288

CLAIMED ACRE TOTAL 80

GEOGRAPHIC INFO ACRES 46

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	8N	14E	35									20		13	30		15	2	
GIS												7.9		10.3	17.9		1.2	1	
RECOM												8		10	18		1	1	
CLAIM	7N	14E	2					-	-										
GIS								1.7	6.3										
RECOM								2	6										
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B71-DBPOD.SHP

NOS	DESCRIPTION
73	SWNWSE 535
74	NWNWSE 535
75	SE NE SW 535

B71-DBPOU.SHP

SHAPE NOS
127

DBF TABLES UPDATED

B71-DBPOD.DBF ☒

B71-DBPOU.DBF ☒

Goat CK diversions

POD ID #

Joslyn 71-07
↖

pe 133	SENWNW	Sec 17 pipe	—	Schneider (71-07063) ✓
134	SENWNW	Sec 17	—	Piv2, Furey
135	SENWNW	Sec 17	—	Piv2, Furey, Perin
tbl 136	NWNENW	Sec 17 ditch	—	Schneider (71-10110B & 71-07063)
137	NWNENW	Sec 17	—	Piv2, Furey, Perin, Goodwin, Campilio, Brownish, 71-04022, 71-10644, 71-10854
138	SWSESW	Sec 8	—	Freeman ← (71-04056) Clark (71-04007) No Use
139	SESESW	Sec 8	—	Parks → 71-10144 ← 71-04055B Brownish, 71-10854
140	NWSWSE	Sec 8	—	Parks pump
near Ditch 141	NW SWSE	Sec 8	—	Piv2
2nd FIC 142	NW IVESE	Sec 8	—	Piv2
1st FC 143	SWSEME	Sec 8	—	Piv2
1st FC 144	SW NWSE	Sec 8	—	Piv2
1st FC 145	NWNWSE	Sec 8	—	Piv2
cross west FIC 146	SWSENE	Sec 8	—	Piv2
low Rd 147	SESWSW	Sec 4	—	Piv2

Piv2

Furey

Perin

71-00006

71-00016

71-00019 B ✓

71-00007

71-00019A

71-00020 B ✓

71-10190

71-00020A

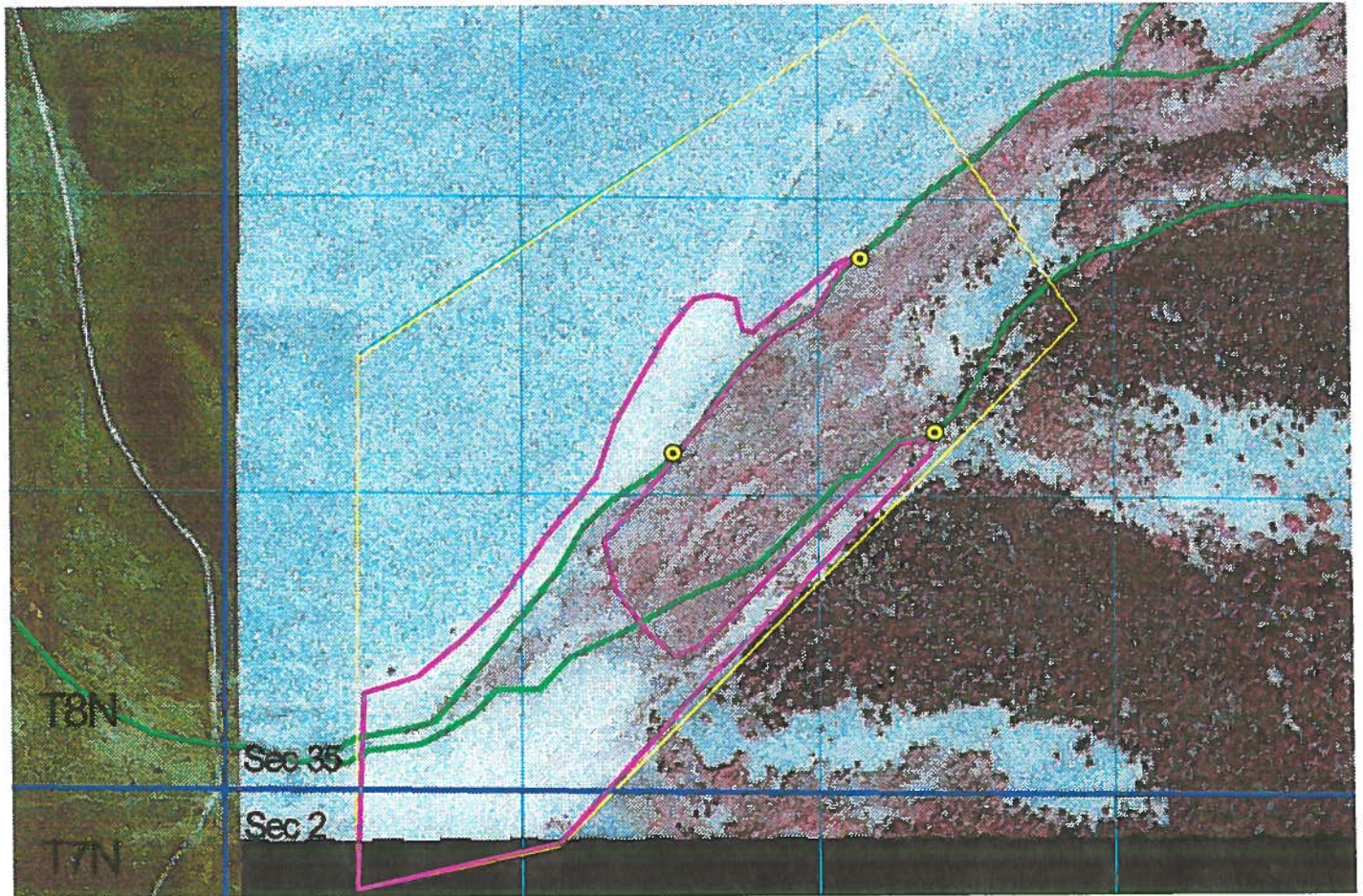
71-00021 B ✓

71-00021A

71-04053 ✓

IDAHO DEPARTMENT OF WATER RESOURCES

71-10103
HES- 288
SOURCE - LOST CREEK



1320 0 1320 Feet

TWP 7N, RNG 14E, SEC 2 N1/2NW
TWP 8N, RNG 14E, SEC 35 SW, W1/2SE



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

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY BY DOUGLAS JONES
DATA ENTERED: 7/1/98

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS 71-10103

DATE: 7/1/, 1998

REVIEWED BY JS

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>TP4</u>	<u>9.33</u>	<u>14</u>	* <u>13</u>	* <u>0.11</u>	= <u>.95</u> CFS
<u>WG1</u>	<u>2.66</u>	<u>14</u>	* <u>33</u>	* <u>0.45</u>	= <u>2.82</u> CFS
			*	*	= CFS
			*	*	= CFS

TOTAL ACRES 46

DECREED RATE = —
 CLAIMED DIVERSION RATE = 1.6 (1"/ac)
 ORIGINAL HUBBLE RATE = —
 MEASURED DIVERSION RATE = —

F WATER RESOURCES

CLAIM	INIT			
T.	R.	S.	Q/Q	

P/D _____
 PHOTO W-20 _____
 DT.&ID. _____

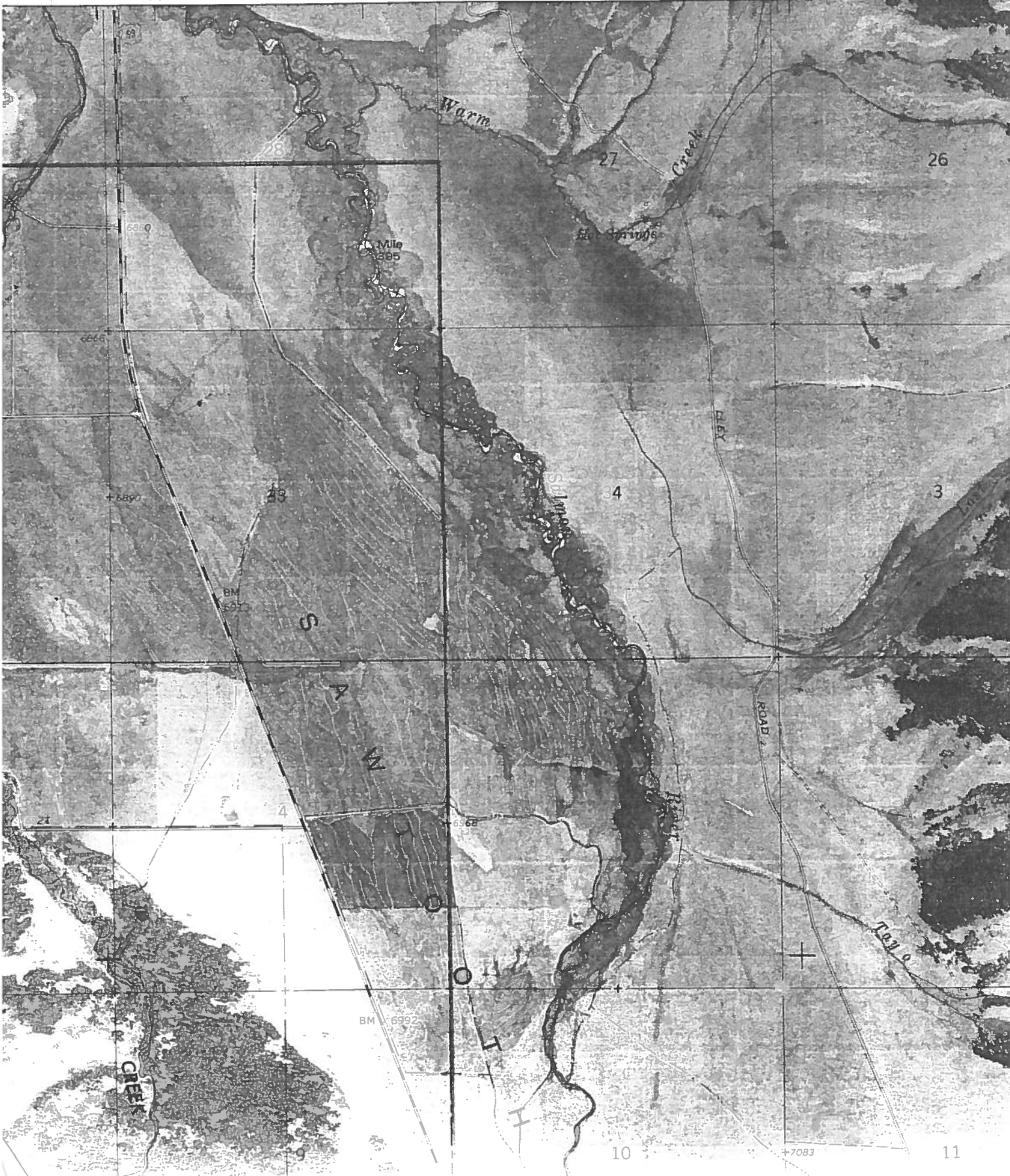
50'

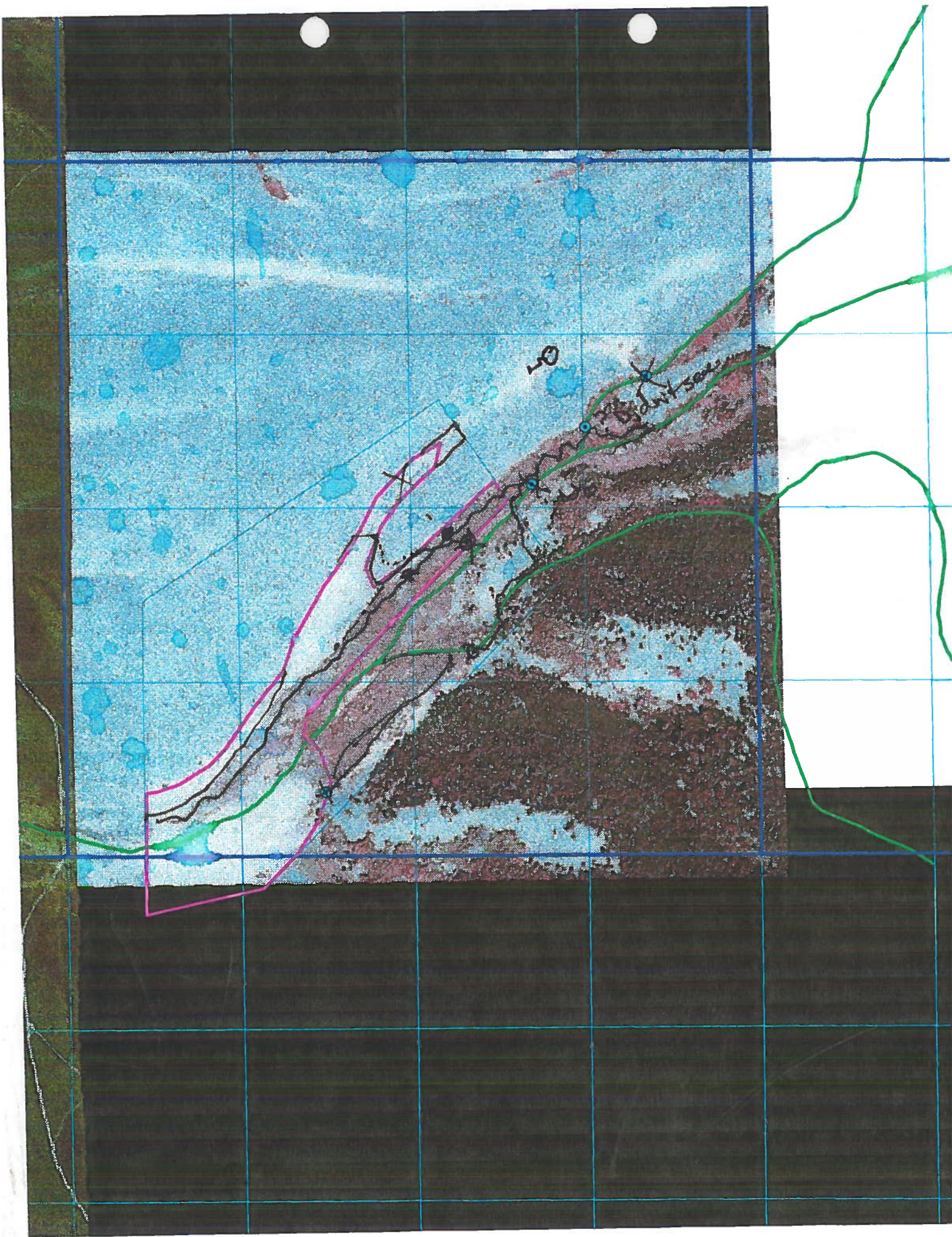
674

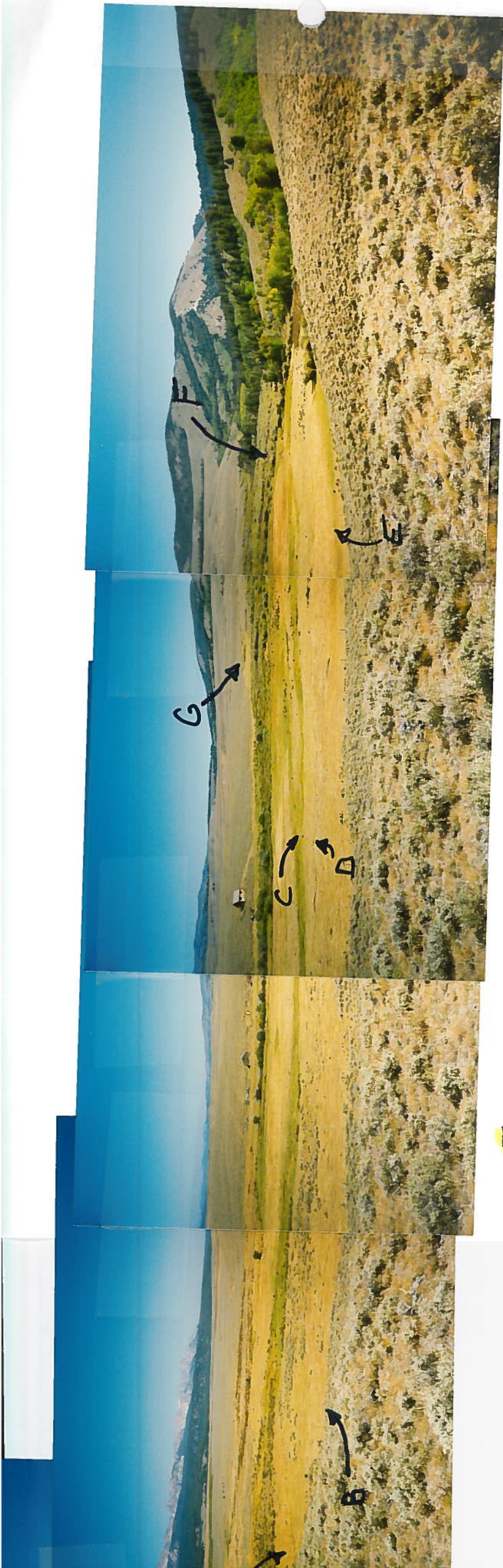
675

47' 30"

678







Panorama of lower end of homestead area. Note fences at "A" & "B" appear to correspond to margin of H.E.S. #288. Area within fence in this part of farm was recommended on strength of some form of distribution system ("C" "D" "E") which appear to originate in willowed wetland at "F". Area "F" was found to be very boggy & a dense stand of willow therefore not recommended. Area identified "G" is a small drainage fed by ditch originating from Lost Cr further up drainage.

Photos taken '93 by ADM

PHOTO 1

A77-10103
Pinegrove Trust

Panorama of
 fences at "A" &
 of H.E.S. #288. A
 farm was rec
 of distributio
 to originate in a
 was found to
 willow there
 titled "G" is a
 ating from L

Photos taken '93 by ADM

PHOTO 1

A77-10103
 Pingree Trust





