

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 21-2012
Date Received: 11/7/1988
Receipt No: E003820
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID KUHN Phone: (208) 552-1162
205 PEVERO DRIVE
IDAHO FALLS ID USA 83402

2. Date of Priority: 06/01/1973

3. Source: BLUE CREEK Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	43E	15	NE SW NW	FREMONT	

5. Description of diverting works:

125HP TURBINE PUMP FROM STORAGE POND TO MAINLINE/SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.9	

7. Total Quantity Appropriated is:

1.9 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09N	43E	15	SW NW	IRRIGATION	22
			NW SW	IRRIGATION	19
			SW SW	IRRIGATION	12

					Section Acres	53
09N	43E	16	NE	SE	IRRIGATION	40
			SE	SE	IRRIGATION	16
			SW	SE	IRRIGATION	32
					Section Acres	88
					Total Acres	141

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

TRANSFER 1842. ALSO SEE MEMORANDUM DECISION AND ORDER ISSUED 1/29/1977 SETTING PRIORITY DATE TO 1973.

15. Basis of Claim: License

AUG 10 2001

50-10

7

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: A21-02012

Date Received: 10/24/1988

Receipt No: 6003820

Received By: SSV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWELL FORREST 208-652-3320
Address: P.O BOX 602
ASHTON, ID 83420

OR

Name: LOUISE HOWELL FORREST 208-652-3320
Address: P.O BOX 602
ASHTON, ID 83420

2. Date of Priority: JUN 01, 1973

3. Source: BLUE CREEK Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	43E	15	NE	SW	NW		FREMONT

5. Description of diverting works:

125HP TURBINE PUMP FROM STORAGE POND TO MAINLINE/SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.900		

7. Total Quantity Appropriated is:

1.900 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 337.5 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A21-02012

Page

1

Date: 10/24/88

A2102012



MICROFILMED

OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	43E	15	SW	NW		IRR	25.0
			NW	SW		IRR	22.0
			SW	SW		IRR	10.0
			Section Acres				57.0
		16	NE	SE		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	10.0
			Section Acres				80.0
			Total Acres				137.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
21-07148, 21-02034

14. Remarks:
TRANSFER 1842. ALSO SEE MEMORANDUM DECISION AND ORDER ISSUED
1/29/1977 SETTING PRIORITY DATE TO 1973. *IN CRP PROGRAM TILL 1998.*

15. Basis of Claim: LICENSE

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 6 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Harriet Howell* Date: 10-24-88

Date: _____

State of Idaho)
County of Somerelle) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of October 19 88

[Signature]
Notary Public

Residing at Idaho Falls, ID
My Commission Expires 22 Aug 1994



T. 9 N.

4897

SERIES (TOPOGRAPHIC)

169

111° 2'

NATIONAL

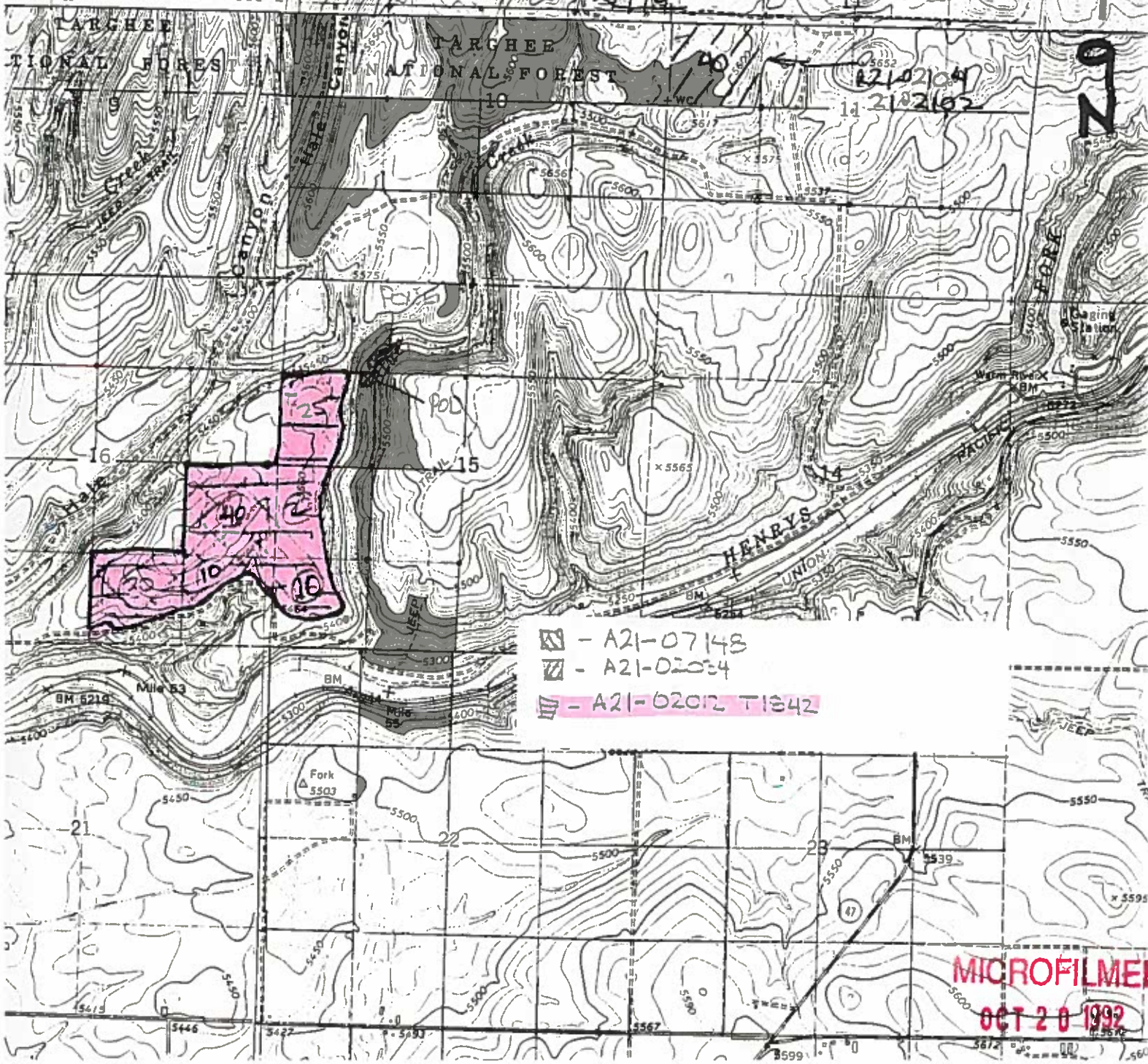
FOREST

SPRINGS A21-02102

TARGHEE
NATIONAL FOREST

TARGHEE
NATIONAL FOREST

T
9
N



☒ - A21-07148

☒ - A21-02004

☒ - A21-02012 T1342

MICROFILMED

OCT 20 1992

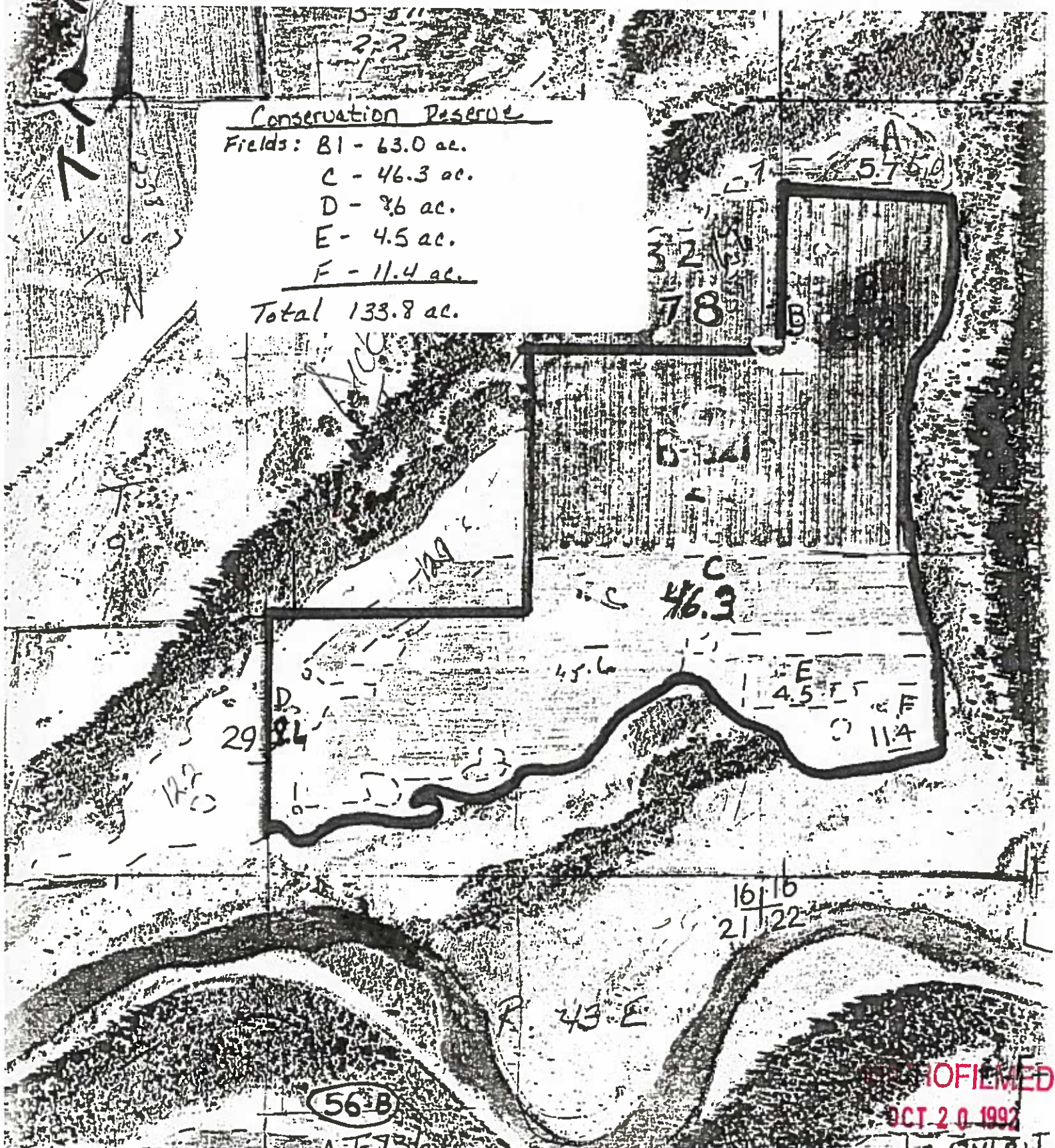
CONSERVATION PLAN MAP

Owner Forrest (P&P) Howell Operator _____
County Fremont State Idaho Date 4-21-88
Approximate acres 133.8 Approximate scale _____
Cooperating with Yellowstone Soil Conservation District
Plan identification CRP # 105-88 Photo number ASCS T-10
Assisted by J. H. Johnson USDA Soil Conservation Service

Conservation Reserve

Fields: B1 - 63.0 ac.
C - 46.3 ac.
D - 8.6 ac.
E - 4.5 ac.
F - 11.4 ac.

Total 133.8 ac.



COPIED
OCT 20 1992

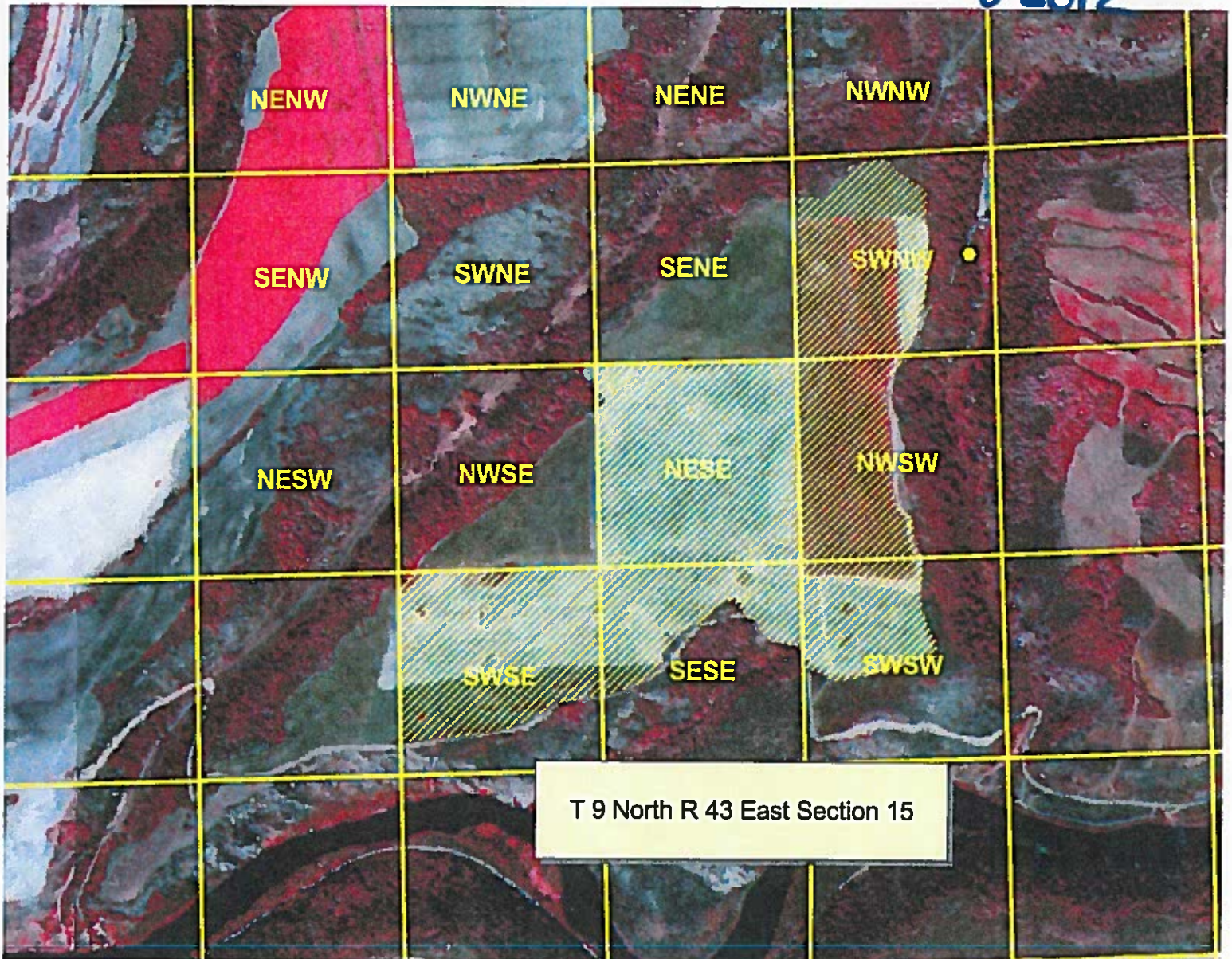


State of Idaho
Department of Water Resources
Eastern Region



Place of Use

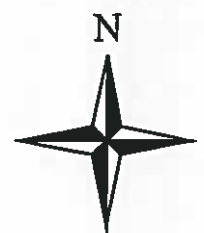
21-02012



1000 0 1000 2000 Feet

- Place of Use
- Points of diversion
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by T. Galbraith
Date: June 2005



07/14/2005

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

RIGHT NUMBER: 21-2012

NAME AND ADDRESS: DAVID KUHN
205 PEVERO DR
IDAHO FALLS ID 83402

SOURCE: BLUE CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 1.900 CFS

PRIORITY DATE: 06/01/1973

POINT OF DIVERSION:

T09N R43E S15 NESWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.900 CFS

PLACE OF USE:

IRRIGATION Within FREMONT County

T09N R43E S15	SWNW	22.0	T09N R43E S15	NWSW	19.0
T09N R43E S15	SWSW	14.0	T09N R43E S16	SENE	0.1
T09N R43E S16	NESE	40.0	T09N R43E S16	NWSE	0.1
T09N R43E S16	SWSE	30.0	T09N R43E S16	SESE	16.0

141.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 141.2 acres in a single irrigation season. Combined Right Nos.: 21-2012, 21-2034, 21-7148

This right is limited to the irrigation of 141 acres within the place of use described above in a single irrigation season.

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

TRANSFER 1842. ALSO SEE MEMORANDUM DECISION AND ORDER
ISSUED 1/29/1977 SETTING PRIORITY DATE TO 1973.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Claim No. 21-2012

Document Checklist

☒ Copy License/Decree

☒ Copy Transfer 1842

☒ Copy Licensing Field Exam

Wasn't sure again so printed out permit.

☐ Check if Ownership/Address Change is Required —

☐ Generate, mail and file "Evidence of Priority" letter — |||

☒ Generate Arcview Map

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER
NO. 21-2012 IN THE NAME OF FORREST HOWELL

MEMORANDUM DECISION
AND ORDER

On July 31, 1975, the Department of Water Resources received an application for transfer on Water Rights No. 21-2012 in the name of Forrest Howell. The transfer proposes to change the point of diversion of 1.90 cubic feet per second of water from Blue Creek, tributary to Henry's Fork of the Snake River with a priority of January 25, 1905. The water was previously diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Twp. 9N, Rge. 43E, B.M., and was used for irrigation purposes. The new point of diversion would be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, Twp. 9N, Rge. 43E, B.M.

The Department received a protest from LaVar A. and Donna P. Cherry on August 8, 1975.

On February 20, 1976, a conference was held in St. Anthony, Idaho, to consider this protest. At that time, the attorneys for the applicant and the protestants agreed to submit to the Department, a stipulation of the facts involved in the matter and to prepare a brief stating each side's position. The Department has reviewed the information presented and issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. License No. 1071/21-2012 was originally issued to Emoline Egbert who discontinued diverting water under this license prior to the time the property was sold to Mr. Forrest Howell in 1948.
2. Mr. Howell did not divert water from Blue Creek until the spring of 1973.
3. On September 20, 1949, License No. 21234/21-2102 for 0.20 cubic feet per second from Green Canyon Springs was issued to the protestants and on March 20, 1953, they were granted License No. 23234/21-2104 for 0.60 cubic feet.
4. In 1973, the applicant constructed a small dam across Blue Creek, at the new point of diversion described in the transfer application and installed a power line and commenced to pump water and has continued to do so each season since that date.

RECORDED
INDEXED

5. On August 8, 1975, the protestants filed applications for Permit No's. 21-7075 and 21-7076 to appropriate an additional 3.20 cubic feet per second from Green Canyon Springs and an additional 3.20 cubic feet per second from Blue Creek.

6. The protestants now argue that the right evidenced by License No. 21-2012 has been abandoned and the applicant has no right to request a transfer of the license.

7. Since May 20, 1971, the exclusive method of appropriation of surface water in Idaho has been by permit issued by the Department of Water Resources.

CONCLUSIONS OF LAW

The Department has reviewed the arguments concerning forfeiture and in preparing the Conclusions of Law in this matter, must consider the legislative intent of the priority system of water rights. The Department must take the view that the priority system was established as a mechanism for preventing later water users from interfering with water rights that were established prior in time. The theory upon which the priority system is based assumes that as the diversions from any water source increases, available water supplies naturally will diminish and at some point in time all the water will be appropriated. If at that time one or more of the water users decided to discontinue their use of water, then the water that originally would have gone to fill that right is again available for appropriation for new uses or would go to satisfy the requirements of rights with later priority dates. Under present statutes, the only method of establishing a water right is by application and permit from the Department of Water Resources with the date of priority being the date of receipt of the application by the Department of Water Resources. The legislative intent is clear in Section 42-222, which states in part,

"all rights to the use of water acquired under this chapter or otherwise shall be lost or abandoned by a failure for a term of five years to apply it to beneficial use for which it was appropriated and when any right to the use of water shall be lost through non-use or forfeiture such rights to such water shall revert to the state and again be subject to appropriation under this chapter".

The protestants are entitled to the protection of the conditions which existed at the time they established their intervening water rights.

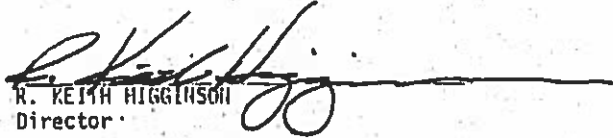
RECEIVED
JUL 11 1975
DEPT. OF WATER RESOURCES

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the application for transfer no. 21-2012 be and is APPROVED subject to the following conditions:

1. The use of the water under the approved transfer is subordinate to all intervening water rights, particularly those of the protestants.
2. The transfer shall have a priority of June 1, 1973, which is the date when the use of water from Blue Creek was resumed by the applicant.
3. That a measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
4. That use of the water shall be subject to the control of the watermaster of water district no. 01.

Dated this 29 day of January, 1977.


R. KEITH HIGGINSON
Director

RECEIVED
JAN 31 1977

.....
Fremont County
1.9 sec. ft.
Blue Creek
Irrigation
Priority 1-25-05
.....

S T A T E O F I D A H O

- Water License No. 1071.-

WHEREAS, On the 25th day of January, A. D. 1905 Emmaline Egbert of Marysville, County of Fremont, and state of Idaho, duly made application (No. 1483) to me for a permit to use 3.1 cubic feet per second of the waters of Blue Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the third day of February A. D. 1905 Permit No. 1071 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the third day of February, A. D. 1907, and for the application to beneficial use of said water on or before the third day of February, A. D. 1910; and,

WHEREAS, On the 20th day of December, A. D. 1905 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.1 cubic feet per second of said waters, as evidenced by my Certificate No. 1071, dated April 7, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.1 cubic feet per second of water, withdate of priority of January 25, 1905; and,

WHEREAS, On the first day of June, A. D. 1906 proof was duly made of the application to beneficial use of 1.9 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the state of Idaho, I hereby grant and confirm to EMMALINE EGBERT of Marysville, Idaho, the holder and owner of said Permit No. 1071 a perpetual right, dating from January 25, 1905, to the use of 1.9 cubic feet per second of the waters of Blue Creek, in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, Twp. 9 N., R. 43 E. B. M., and conducted to and upon (W $\frac{1}{2}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 15, Tp. 9 N., R. 43 E. B. M., for the purpose of irrigation and domestic use, subject, however, to the laws of the state of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 24th day of July, A. D. Nineteen Hundred and six.

Jas. Stephenson, Jr.

(Seal)

State Engineer.

Recorded July 24, 1906.

APPLICATION FOR PERMIT

1483

To Appropriate the Public Waters of the State of Idaho.

1. Name of applicant -
- EMMALINE EGBERT

Postoffice address: P. O. - Marysville

County - Fremont.

II. The financial resources of the applicant are:

(d) Other resources - applicant has lands under the proposed works.

2. The quantity of water claimed is 3 1/10 cubic feet per second.
3. Source of water supply - Blue Creek, Fremont County.
4. Location of point of diversion - NE4 SW4, Sect. 10, Twp. 9 N., R. 43 E.
5. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 160 acres.

(b) In the following legal subdivisions - W2 NW4, W2 SW4, Section 15,
Twp. 9 N., R. 43 E.

6. Estimated cost of works - \$500.00

7. Description of Works for Diversion:

I. Kind of works

II. Dimensions of Works:

(a) Height of dam 2 feet, length of dam at top 10 feet, length of dam
at bottom 10 feet, material used in construction

(c) Size of headgate, width 4 feet, height 2 feet.

(d) Ditch (flume or pipe) width at bottom 4 feet, width at water line
4 feet, depth of water 1 foot. Average grade per mile is 8 feet.
Length of ditch is 1/2 mile, and it crosses the following quarter
sections - SW4 Section 10, Twp. 9 N., R. 43 E., to W2 NW4, W2 SW4,
Sect. 15, Twp. 9 N., R. 43 E., which is the point of intended use.

8. Time required for the completion of the construction of such work is.....years
9. Time required for the complete application of the water to the proposed use is....
years.

Remarks:

The applicant does not state, in paragraphs 8 and 9, the time required for the completion of the construction of the work, and the time required for the complete application of the water to the proposed use. The time allowed for the completion of the construction of the work is two years, and the time allowed after the completion of the construction of the work for the complete application of the water to the proposed use is three years.

Jas. Stephenson, Jr.

State Engineer.

Approval of State Engineer.

The number of this permit is 1071.

Date of first receipt of application 11:20 A. M. January 25, 1906.

Recorded in Book 4, page 1071. Approved February 3, 1905.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before February 3, 1906.

The whole of said work to be completed on or before February 3, 1907.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to February 3, 1910.

Witness my hand this third day of February, 1905.

Jas. Stephenson, Jr.

State Engineer.

Blank Notice of Proof of Completion of Works and Notice of Proof of Application of Water to Beneficial Use, mailed Mr. Thomas Elliott, St. Anthony, September 29, 1905.

Notice of Proof of Completion of Works and Notice of Proof of Application of Water to Beneficial Use, received November 13, 1905, and returned to Mr. Thomas Elliott same day for correction.

Notice of Proof of Completion of Works and Notice of Proof of Application of Water to Beneficial Use, corrected, received, and proof of completion of works duly advertised.

Depositions of permit holder and two witnesses received January 4, 1906.

Affidavit of publication of notice in the matter of proof of completion of works received February 5, 1906.

James H. Wilson, Marysville, Idaho, authorized February 5, 1906, to make examination of works and report to the office of state engineer.

Notice of proof of application of water to beneficial use mailed Fremont County News February 5, 1906, with March 3, 1906, as date of proof.

Depositions of permit holder and two witnesses, in the matter of proof of application of water to beneficial use, received March 12, 1906, and affidavit of publication of notice received same date. Fee of \$5.00 for proof of completion of works, and fee of \$2.00 for proof of application of water to beneficial use duly received.

Report of Jas. H. Wilson received March 31st, 1906, and returned same date for correction. Corrected report received April 6, 1906.

Certificate of Completion of works and License issued April 7, 1906.

Permit No. 1071

C E R T I F I C A T E O F C O M P L E T I O N O F W O R K S

To All Whom It May Concern:

This is to certify that EMERALD EGGERT of Marysville, County of Fremont, and State of Idaho, the holder of Permit No. 1071, issued upon Application No. 1483, bearing date of priority of January 25, 1905, authorizing the diversion of three and one-tenth second-feet of the waters of Blue Creek, County of Fremont, State of Idaho, at NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, Township 9 North, Range 43 East of Boise Meridian, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said

Permit; that said works are adequate for diverting and conveying to the place of intended use three and one-tenth second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: West Half of Northwest Quarter ($\frac{W}{2}$ of $\frac{NW}{4}$) and West Half of Southwest Quarter ($\frac{W}{2}$ of $\frac{SW}{4}$) of section Fifteen (15), Township Nine (9) North, Range Forty-three (43) East of Boise Meridian.

Witness my hand this seventh day of April, A. D. 1906.

Jas. Stephenson, Jr.

state engineer of the State of Idaho.

License issued for 2 second feet *Page 51*
License issued for 2 second feet *Page 77*

Identification No. 21 2012
Transfer No. 1842

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Forrest Howell
Post office address Route #1, Ashton, Idaho
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____
- b. License No. 21-2012 issued by the State of Idaho, Department of Reclamation.
3. Source of water Blue Creek tributary to Henry's Fork Snake River
(Name of stream or source)
4. Date of Priority January 25, 1905
5. Amount of water a. 1.90 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to November 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ SH $\frac{1}{4}$ of Section 10,
Township 9N, Range 43E, B.M., in Fremont County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9N	43E	15					X	X			X	X							160

Total number of acres presently irrigated 160 *

* Acreage not shown on license.

a. Quantity to be diverted at new point: 1.90 c.f.s. and/or _____ acre feet

b. New point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 9N
_____, Range 43E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
125 horsepower turbine pump

If not, the place of use should be changed below.

Gets point of diversion closer to place of use

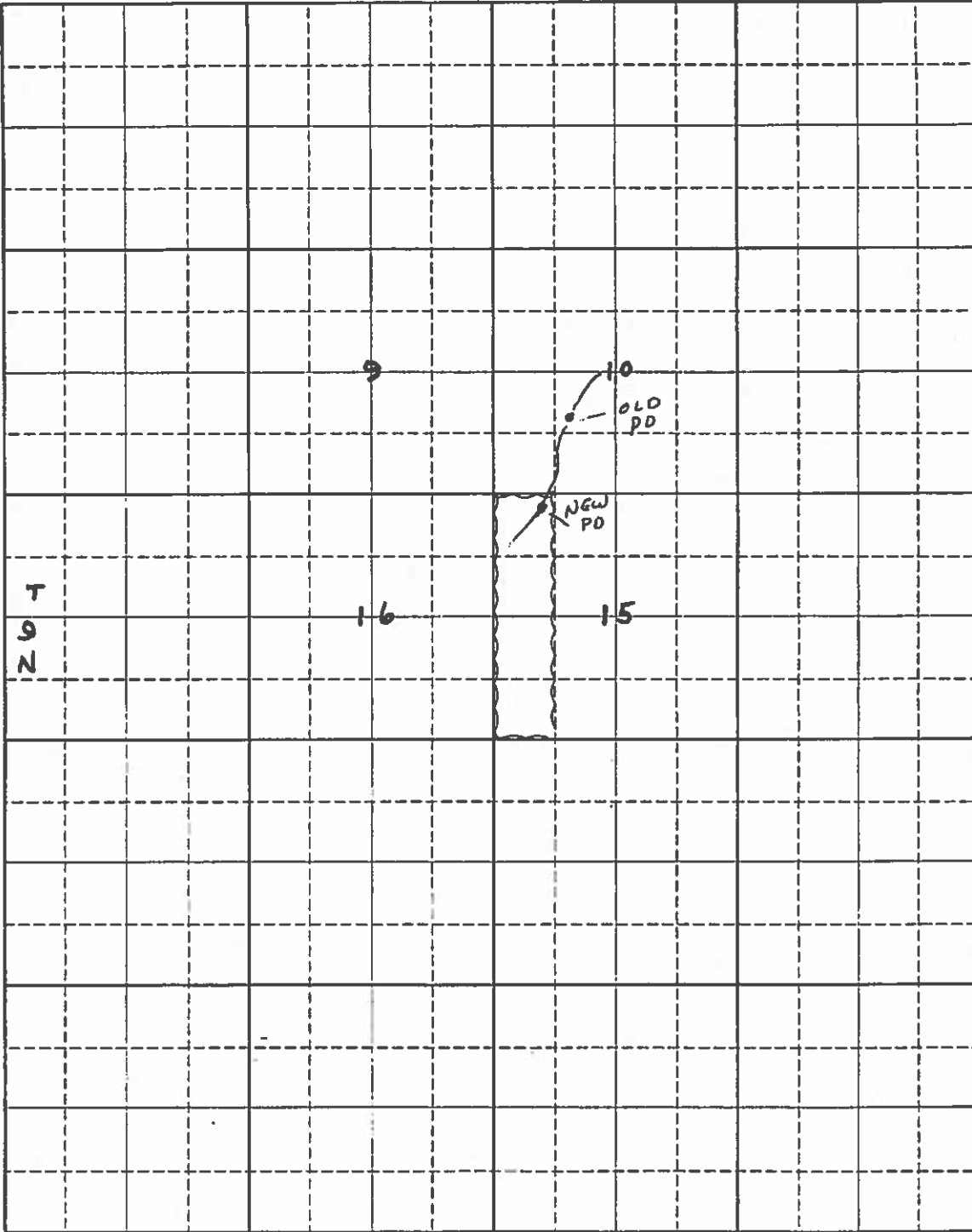
g. Do you intend to abandon completely the old point of diversion? Yes

11. CHANGE IN PLACE OF USE NO CHANGE

[illegible]

Total number of acres to be irrigated _____

R 43E



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

b. Do you intend to make the transfer permanent? _____

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Robert H. Howell
(signature of applicant)

Subscribed and sworn to before me this 31st day of JULY, 1975

R. D. C.
(notary public)

My commission expires 2/19/78

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 21-2012,
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

The use of the water under the approved transfer is subordinate to all

intervening water rights, particularly those of the protestants, and shall have

a priority of June 1, 1973, which is the date when the use of water from Blue Creek
was resumed by the applicant. 2. That a measuring device of a type approved by
the Department be permanently installed and maintained as part of the diverting
works. 3. Be under the control of the watermaster of Water District 01.

Witness my hand this 29 day of January, 1977

R. H. King
DIRECTOR

FOR DEPARTMENT USE ONLY

Received by MB Date 7-31-75

Prelim. check by RDC Date 7/31/75

Fee received by MB Date 7-31-75 Fee \$ 30.00

Approved for publication by Do! R. D. C. # 4352

Published in Robert Howell Dates Aug 7-14, 1975

Hearing held _____

Watermaster Recommendation sent H. A. #01, Det. Larson

Protest filed by: _____ Date 1-8-75



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 30, 2003

DAVID KUHN
205 PEVERO DRIVE
IDAHO FALLS ID 83402

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 21-2012, 21-2034,
21-7148

Dear Mr. Kuhn:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren
Office Specialist 1

Enclosure

PROFILED

SCANNED
JAN 03 2005

OK JC 9/29/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
SEP 02 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	21-2034				
	21-7148				
	21-7148				
	21-2012				

RECEIVED
SEP 09 2003

The following REQUIRED information must be submitted with this form:

Department of Water Resources
Eastern Region

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

Name and Address of Former Owner/Claimant(s) Forrest + Louise Howell

New Owner/Claimant(s) DAVID KUH
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address 205 Pevero Drive

City, State and ZIP Code IDAHO FALLS, IDAHO 83402

New Telephone Number (208) 552-1162 or 681-9830

5. Date you acquired the property Aug 22/03

PROFILED

SCANNED
JAN 03 2005

ALLIANCE TITLE & ESCROW
PO BOX 732
REXBURG, ID 83440

WARRANTY DEED

Order No.:3040322639-L

FOR VALUE RECEIVED

The Forrest and Louise Howell Revocable Family Trust, Attn: Louise Howell and/or Richard F. Howell, Co-Trustees

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

David Kuhn, a married person, as his sole and seperate property

whose current address is

205 Pevero Drive Idaho Fall, ID 83402

the grantee(s), the following described premises, in Fremont County, Idaho, TO WIT:

Tract 1: Township 9 North, Range 43 East, Boise Meridian, Fremont County, Idaho.

Section 15: W $\frac{1}{2}$ W $\frac{1}{2}$.

Less: Beginning at a point that is 449.20 feet East of the Southwest corner of Section 15, Township 9 North, Range 43 East, Boise Meridian, and running thence North 566.42 feet; thence North 72°46'55" East 202.33 feet; thence North 83°04'24" East 149.50 feet; thence North 70°02'50" East 166.10 feet; thence South 00°00'00" West 701.02 feet; thence North 90°00'00" West 497.80 feet to the point of beginning.

Tract 2: Township 9 North, Range 43 East, Boise Meridian, Fremont County, Idaho.

Section 16: NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$, Less: Beginning at the Southeast corner of Section 16, Township 9 North, Range 43 East, Boise Meridian, Fremont Count, Idaho, and running thence North 0°03'25" East 658.00 feet to a point on the centerline of the county road; thence along a curve to the left having a radius of 139.58 feet and a length of 164.31 feet and a chord bearing of North 46°59'01" West; thence continuing along said centerline North 80°42'27" West 113.02 feet; thence along a curve to the right having a radius of 113.79 feet and a length of 111.90 feet; thence North 24°21'41" West 52.53 feet; thence along a curve to the left having a radius of 117.34 feet and a length of 162.14 feet; thence South 76°28'12" West 137.31 feet; thence along a curve to the left having a radius of 314.52 feet and a length of 244.43 feet; thence along a curve to the right having a radius of 678.93 feet and a length of 425.30 feet; thence South 67°50'04" West 58.40 feet; thence along a curve to the right having a radius of 621.22 feet, a length of 163.11 feet and a chord bearing South 75°21'24" West to a point on the West line of said 1/16th section; thence South 0°16'44" West along said West line 455.02 feet to the South line of said section; thence South 89°55'44" East along said line 1,325.95 feet, more or less, to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 8/21/2003

The Forrest and Louise Howell Revocable Family Trust, Attn: Louise Howell and/or Richard F. Howell, Co-Trustees

Louise Howell
Louise Howell

Richard F. Howell
Richard F. Howell

PROVIDED

SCANNED

JAN 03 2005

Microfilm No. 483251
22 Day Aug 23
AL 14:40 O'clock PM
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 6.00
ALLIANCE TITLE & ESCROW

483251

State of Idaho
County of Madison

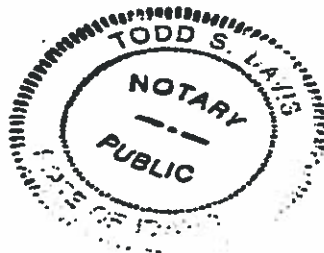
} ss.

On this 21 day of August, before me, a Notary Public in and for said state, personally appeared Louise Howell and Richard F. Howell known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Howell and Louise Howell Revocable Family Trust, and acknowledged to me that they executed the same as Trustee.

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



Notary Public for the State of
Residing at: Sugar City, ID
Commission Expires: 12/21/06



PROFILED

SCANNED

JAN 03 2005

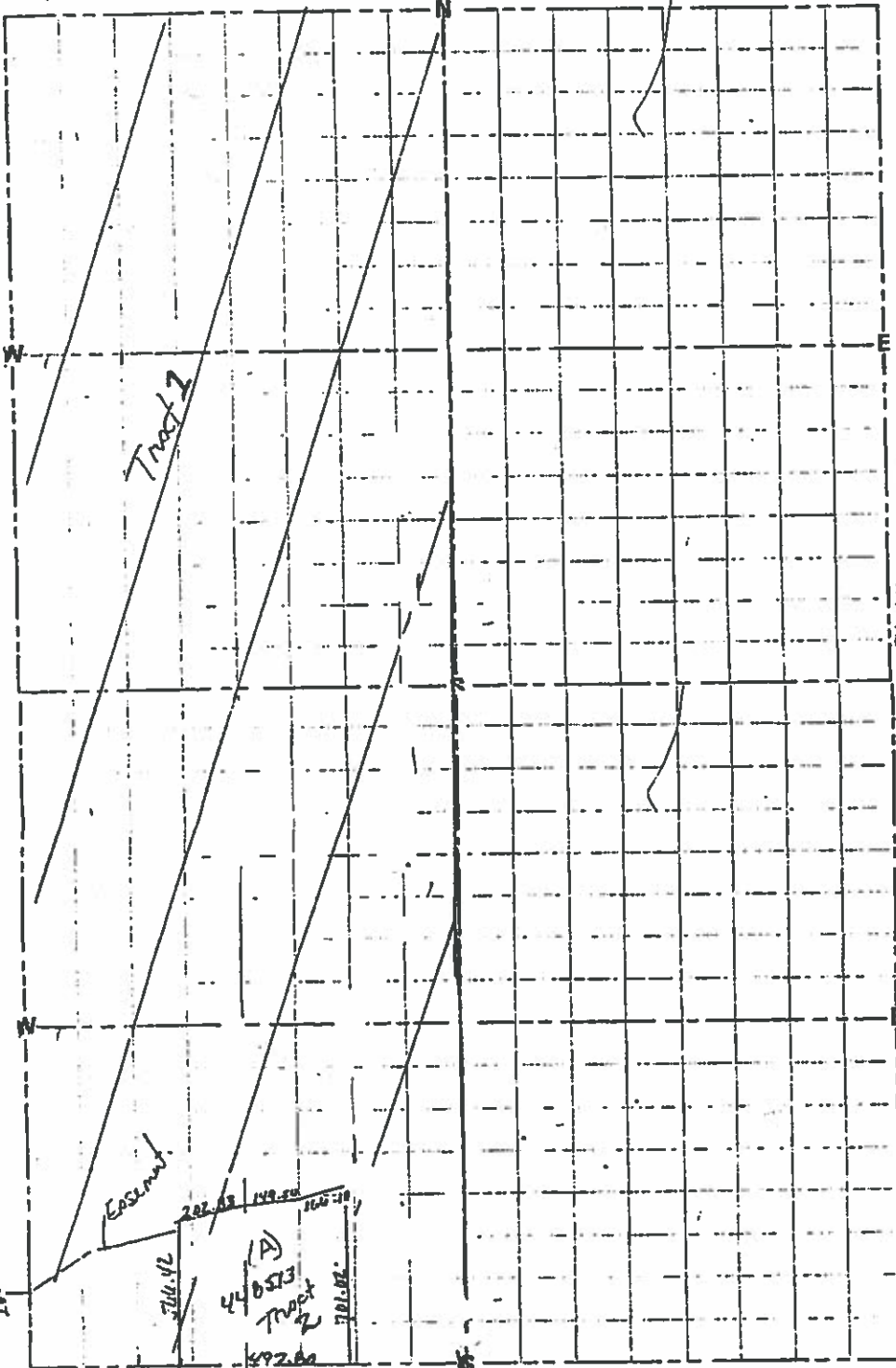


12-9-43

W 1/2

Richard May
3/2 10-9-43

SCALE FOR QUARTER SECTION (Each side large blue square = 10 chains, 40 rods, 640 feet; area of square 16 acres. Each side small red square = 2.5 chains, 10 rods, 160 feet; area of square 4/5 acre.)



This plat is made for location purposes only, no liability is assumed hereto for any incorrectness with actual survey.

This plat is made for location purposes only, no liability is assumed hereto for any incorrectness with actual survey.

SCALE FOR QUARTER SECTION (Each side large blue square = 10 chains, 40 rods, 640 feet; area of square 16 acres. Each side small red square = 2.5 chains, 10 rods, 160 feet; area of square 4/5 acre.)

PRONTO LAND MEASURE 20-40 MAP SHEET

PRONTO LAND MEASURE P.O. Box 5276, Ft. Worth, TX 76102

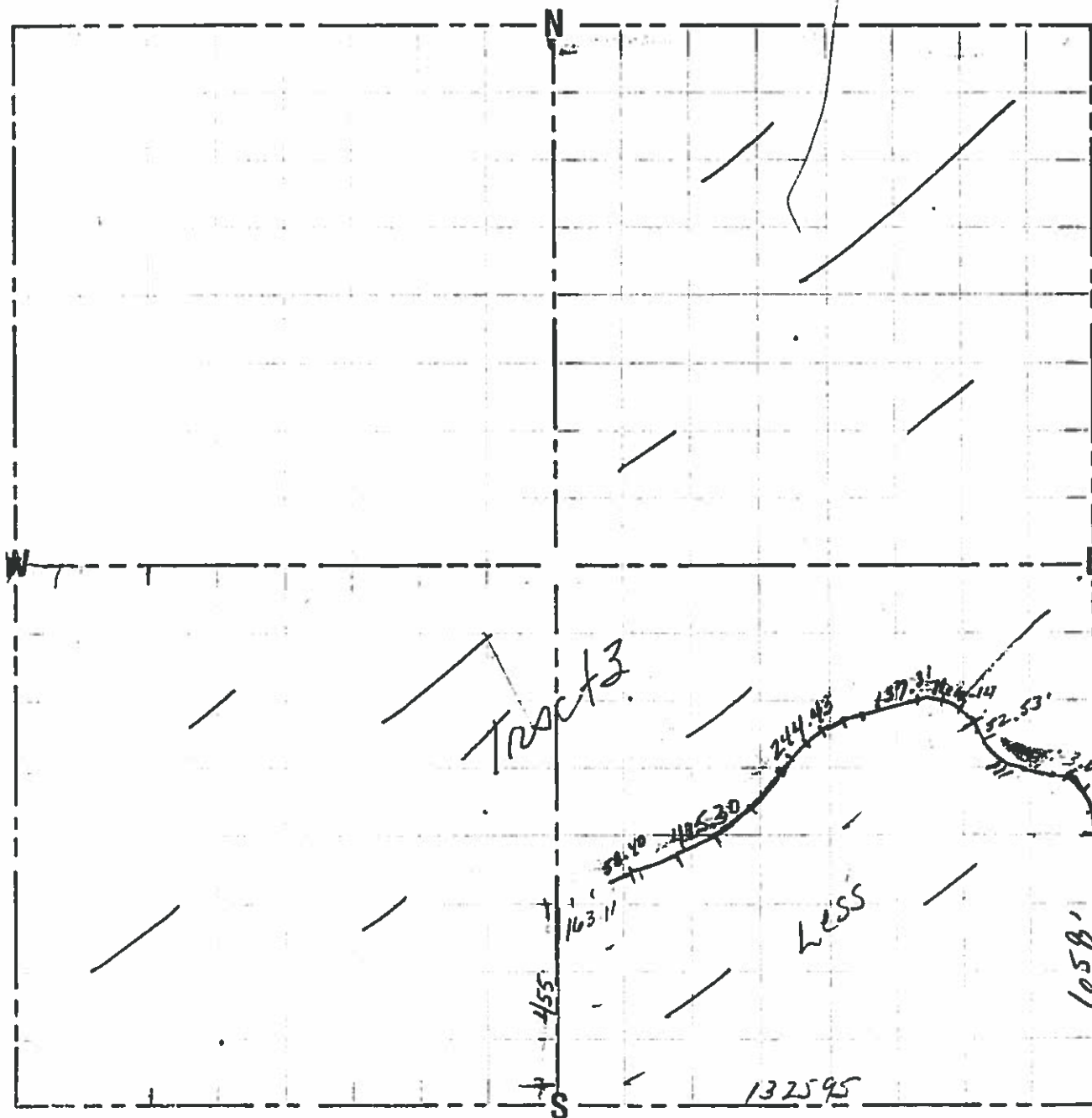
SCANNED
JAN 03 2005

PROFILED



16-9-43
SE 1/4

SCALE FOR QUARTER SECTION. { Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square 10 acres.
400 Ft. = 1 inch { Each side small red squares = 2.5 chains, 10 rods, 165 feet; area of square .625 of 1 acre.



This plat is made for location purposes only, no liability is assumed hereto for any incorrectness with actual survey.

SCALE FOR QUARTER QUARTER SECTION. 200 Ft. = 1 inch

{ Each side large blue squares = 5 chains, 20 rods, 330 feet; area of square 2.5 acres.
{ Each side small red squares = 1.25 chains, 5 rods, 82.5 feet; area of square .15625 of 1 acre.

PRONTO LAND MEASURE 20-40 MAP SHEET

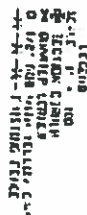
PRONTO LAND MEASURE
P.O. Box 3219, Flint, MI 48502

SCANNED

JAN 03 2005

PROFILED

SEC. 15, T9N, R43E, B. 1M., FREMONT CO., ID.



11. 15. 1991

[illegible]

Page 10 of 11

[illegible]

01234567891011121314151617181920212223242526272829303132333435363738394041424344454647484950515253545556575859606162636465666768697071727374757677787980818283848586878889909192939495969798991001011021031041051061071081091101111121131141151161171181191201211221231241251261271281291301311321331341351361371381391401411421431441451461471481491501511521531541551561571581591601611621631641651661671681691701711721731741751761771781791801811821831841851861871881891901911921931941951961971981992002012022032042052062072082092102112122132142152162172182192202212222232242252262272282292302312322332342352362372382392402412422432442452462472482492502512522532542552562572582592602612622632642652662672682692702712722732742752762772782792802812822832842852862872882892902912922932942952962972982993003013023033043053063073083093103113123133143153163173183193203213223233243253263273283293303313323333343353363373383393403413423433443453463473483493503513523533543553563573583593603613623633643653663673683693703713723733743753763773783793803813823833843853863873883893903913923933943953963973983994004014024034044054064074084094104114124134144154164174184194204214224234244254264274284294304314324334344354364374384394404414424434444454464474484494504514524534544554564574584594604614624634644654664674684694704714724734744754764774784794804814824834844854864874884894904914924934944954964974984995005015025035045055065075085095105115125135145155165175185195205215225235245255265275285295305315325335345355365375385395405415425435445455465475485495505515525535545555565575585595605615625635645655665675685695705715725735745755765775785795805815825835845855865875885895905915925935945955965975985996006016026036046056066076086096106116126136146156166176186196206216226236246256266276286296306316326336346356366376386396406416426436446456466476486496506516526536546556566576586596606616626636646656666676686696706716726736746756766776786796806816826836846856866876886896906916926936946956966976986997007017027037047057067077087097107117127137147157167177187197207217227237247257267277287297307317327337347357367377387397407417427437447457467477487497507517527537547557567577587597607617627637647657667677687697707717727737747757767777787797807817827837847857867877887897907917927937947957967977987998008018028038048058068078088098108118128138148158168178188198208218228238248258268278288298308318328338348358368378388398408418428438448458468478488498508518528538548558568578588598608618628638648658668678688698708718728738748758768778788798808818828838848858868878888898908918928938948958968978988999009019029039049059069079089099109119129139149159169179189199209219229239249259269279289299309319329339349359369379389399409419429439449459469479489499509519529539549559569579589599609619629639649659669679689699709719729739749759769779789799809819829839849859869879889899909919929939949959969979989991000100110021003100410051006100710081009101010111012101310141015101610171018101910201021102210231024102510261027102810291030103110321033103410351036103710381039104010411042104310441045104610471048104910501051105210531054105510561057105810591060106110621063106410651066106710681069107010711072107310741075107610771078107910801081108210831084108510861087108810891090109110921093109410951096109710981099110011011102110311041105110611071108110911101111111211131114111511161117111811191120112111221123112411251126112711281129113011311132113311341135113611371138113911401141114211431144114511461147114811491150115111521153115411551156115711581159116011611162116311641165116611671168116911701171117211731174117511761177117811791180118111821183118411851186118711881189119011911192119311941195119611971198119912001201120212031204120512061207120812091210121112121213121412151216121712181219122012211222122312241225122612271228122912301231123212331234123512361237123812391240124112421243124412451246124712481249125012511252125312541255125612571258125912601261126212631264126512661267126812691270127112721273127412751276127712781279128012811282128312841285128612871288128912901291129212931294129512961297129812991300

1. I have a collection of 1000
2. I have a collection of 1000
3. I have a collection of 1000
4. I have a collection of 1000
5. I have a collection of 1000
6. I have a collection of 1000
7. I have a collection of 1000
8. I have a collection of 1000
9. I have a collection of 1000
10. I have a collection of 1000

Dr. J. J. J.

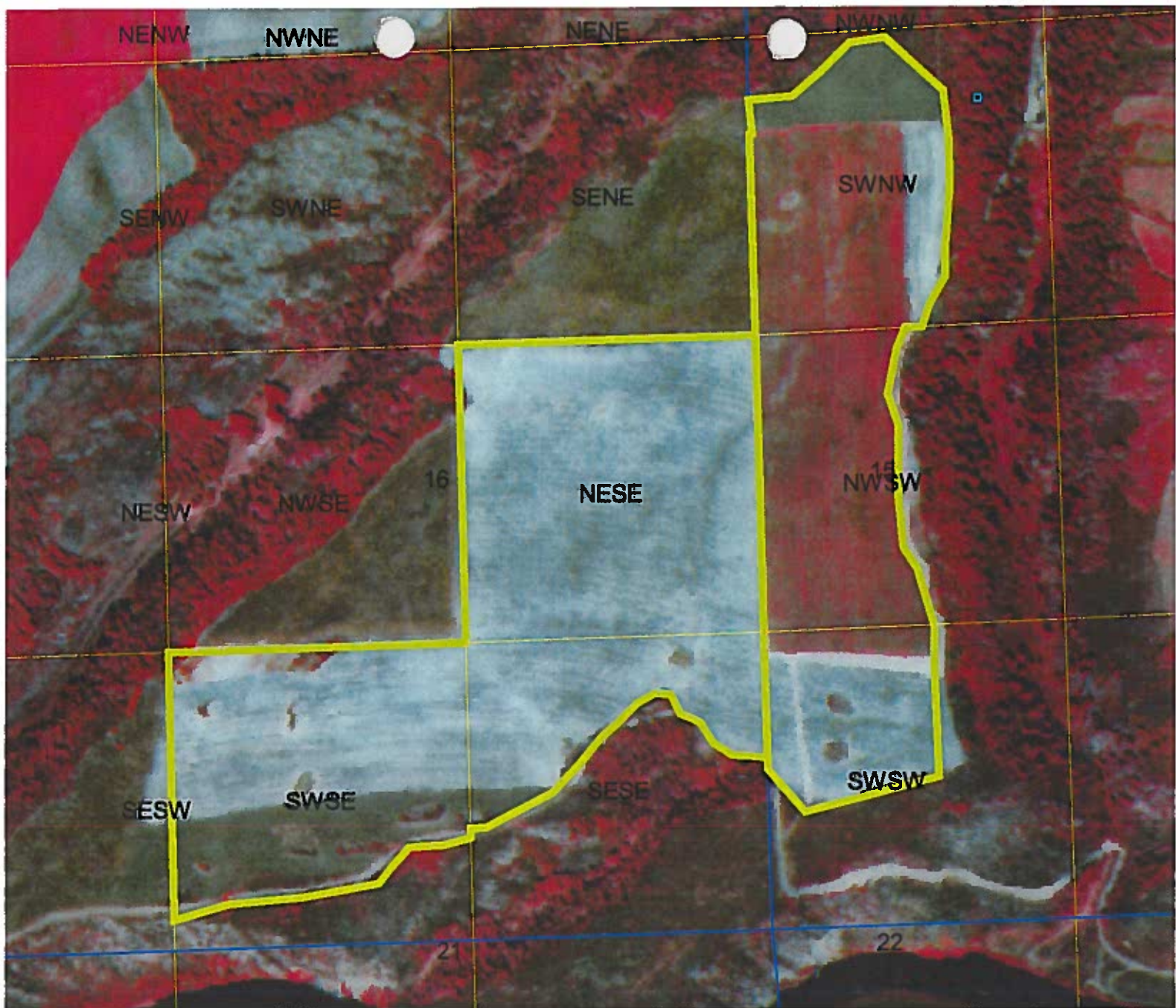
625

[illegible]

~~SCANNED~~

JAN 03 2005

PROFILED



21-02012
T09N R43E

SCANNED
JAN 03 2005

FILED