

01/03/2006

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

RIGHT NUMBER: 21-2022

NAME AND ADDRESS: GLENN W DALLING
590 W 1ST S
SUGAR CITY ID 83448

SOURCE: SAND CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 2.700 CFS

PRIORITY DATE: 06/11/1906

POINT OF DIVERSION:

T10N R41E S9 SESE Within FREMONT County

T10N R41E S10 NWSWSW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.700 CFS

PLACE OF USE:

IRRIGATION Within FREMONT County

T10N R41E S15	NWNW	40.0	T10N R41E S15	SWNW	39.0
T10N R41E S15	SENW	40.0	T10N R41E S15	NESW	40.0
T10N R41E S15	NWSW	35.0	T10N R41E S15	SWSW	25.0
T10N R41E S15	SESW	40.0	T10N R41E S16	NENE	40.0
T10N R41E S16	NWNE	20.0	T10N R41E S16	SWNE	20.0
T10N R41E S16	SENE	26.0	T10N R41E S16	NESE	35.0
T10N R41E S16	SESE	37.0	T10N R41E S21	NENE	31.0
T10N R41E S21	SENE	40.0	T10N R41E S22	NENW	40.0
T10N R41E S22	NWNW	40.0	T10N R41E S22	SWNW	40.0
T10N R41E S22	SENW	40.0			

668 ACRES TOTAL

This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 668 acres in a single irrigation season. Combined Right Nos.: 21-10A, 21-12, 21-16, 21-2022, 21-12969

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

Delivery of this water from Sand Creek Reservoir is subject to agreement with Idaho Fish and Game.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

09/08/2005

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

RIGHT NUMBER: 21-2022

NAME AND ADDRESS: GLENN W DALLING
590 W 1ST S
SUGAR CITY ID 83448

SOURCE: SAND CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 2.700 CFS

PRIORITY DATE: 06/11/1906

POINT OF DIVERSION:

T10N R41E S9 SESE Within FREMONT County

T10N R41E S10 NWSWSW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.700 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T10N R41E S15	NWNW	40.0	T10N R41E S15	SWNW	39.0
T10N R41E S15	SENW	40.0	T10N R41E S15	NESW	40.0
T10N R41E S15	NWSW	27.0	T10N R41E S15	SWSW	22.0
T10N R41E S15	SESW	40.0	T10N R41E S16	NENE	29.0
T10N R41E S16	SENE	21.0	T10N R41E S21	NENE	13.0
T10N R41E S21	SENE	19.0	T10N R41E S22	NENW	40.0
T10N R41E S22	NWNW	38.0	T10N R41E S22	SWNW	40.0
T10N R41E S22	SENW	40.0			

488 ACRES TOTAL

This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 488 acres in a single irrigation season. Combined Right Nos.: 21-10A, 21-12, 21-16, 21-2022, 21-12969

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

Delivery of this water from Sand Creek Reservoir is subject to agreement with Idaho Fish and Game.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 21-2022

WATER RIGHT NUMBER: 21-2022

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DONALD PARKINSON 1049 N 3000 E SUGAR CITY, ID 83448 (208)356-6640
Original Owner	EDGAR R ROSEBOROUGH RICE, ID
Original Owner	GARRY E PARKINSON 1049 N 3000 E SUGAR CITY, ID 83448 (208)356-6640
Current Owner	GLENN W DALLING 590 W 1ST S SUGAR CITY, ID 83448 (208)356-7744

Priority Date: 05/11/1906

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SAND CREEK	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	11/01	2.700 CFS	
	<u>Total Diversion:</u>		2.700 CFS	

Location of Point(s) of Diversion

SAND CREEK	NE1/4NW1/4NW1/4	Sec. 15, Twp 10N, Rge 41E, B.M.
FREMONT County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	41E	15						38.0	25.0										63.0
10N	41E	16	8.0			3.0													11.0

Total Acres: 74

Conditions of Approval:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-2022

1. DELIVERY OF THIS WATER IS SUBJECT TO AGREEMENT WITH IDAHO FISH AND GAME.
WATER FROM SAND CREEK RESERVOIR.

Remarks:

Comments:

Water Supply Bank:

SCANNED

AUG 10 2001

129⁰⁰
+ 50⁰⁰ LATE FEE

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: A21-02022

Date Received: 2/23/1990

Receipt No: EO 12161/90

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY PARKINSON 208-356-6640
Address: 1049 N. 3000 E.
SUGAR CITY, ID 83448

OR

Name: DONALD PARKINSON 208-356-6640
Address: 1049 N. 3000 E.
SUGAR CITY, ID 83448

A2102022



2. Date of Priority: MAY 11, 1906

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	41E	15	NE	NW	NW		FREMONT

5. Description of diverting works:
HEADGATE IN STREAM TO DITCHES. FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.700		

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

8. Total consumptive use is 197.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 300 HEAD OF RANGE CATTLE

A21-02022

Page 1

Date: 02/23/90

MICROFILMED
OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	41E	15	NW		NW		IRR	38.0
			SW		NW		IRR	25.0
							Section Acres	63.0
		16	NE		NE		IRR	8.0
			SE		NE		IRR	~~3.0~~ 8.00
							Section Acres	11.0
							Total Acres	~~74.0~~ 79.0

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:
NONE

14. Remarks:
DELIVERY OF THIS WATER IS SUBJECT TO AGREEMENT WITH IDAHO FISH
AND GAME. WATER FROM SAND CREEK RESERVOIR.

15. Basis of Claim: LICENSE
Water Right Number: 2070

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): Donal L. Parkman Date: 2-26-90

Date: _____

State of Idaho)
County of Bannock) ss.

Subscribed and sworn (or affirmed) before me this 26th day

of Feb 19 90

Betty J. Thompson
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

POINT OF DIVERSION -
SAND CREEK

POINT OF DIVERSION
GRIFFITH SPRING

Sand Creek
Reservoir

Griffith
Spring

N
RHE



13

40

40

40

40

40

40

35

30

WILSON ILLINOIS
OCT 20 1992

01/03/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 21-2022

GLENN W DALLING

590 W 1ST S

SUGAR CITY ID 83448

Telephone Number: (208)356-7744

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

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

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

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

DATE:

1-3-06

SIGNATURE:

Glenn W. Dalling

Please print your name:

Glenn W. Dalling

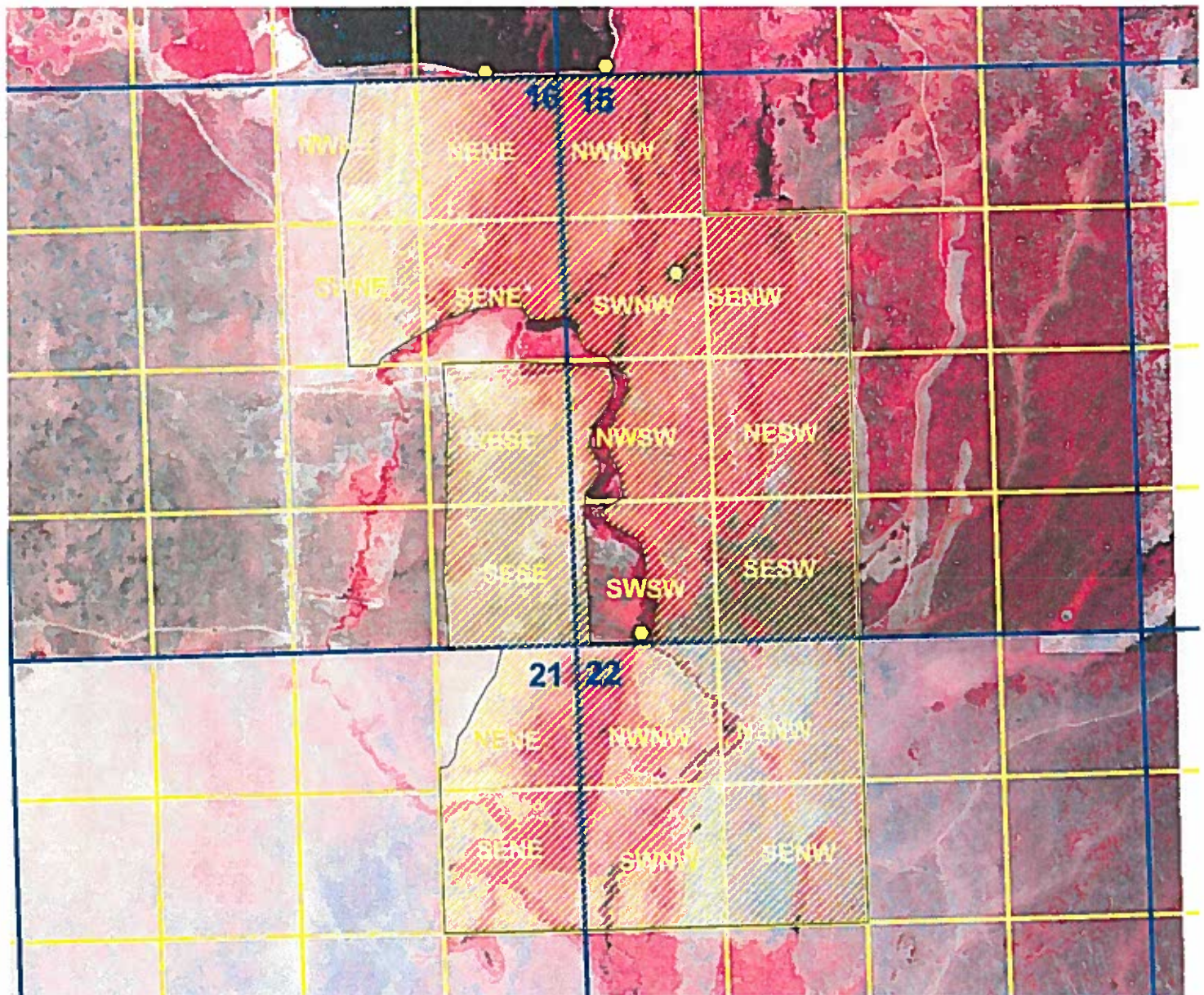
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-12, 21-2022, 21-10A, 21-16, 21-12969



2000 0 2000 4000 Feet

- Glen_dalling.shp
- Sections
- Quarter Quarter
- Points Of Diversion

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Jan. 2006

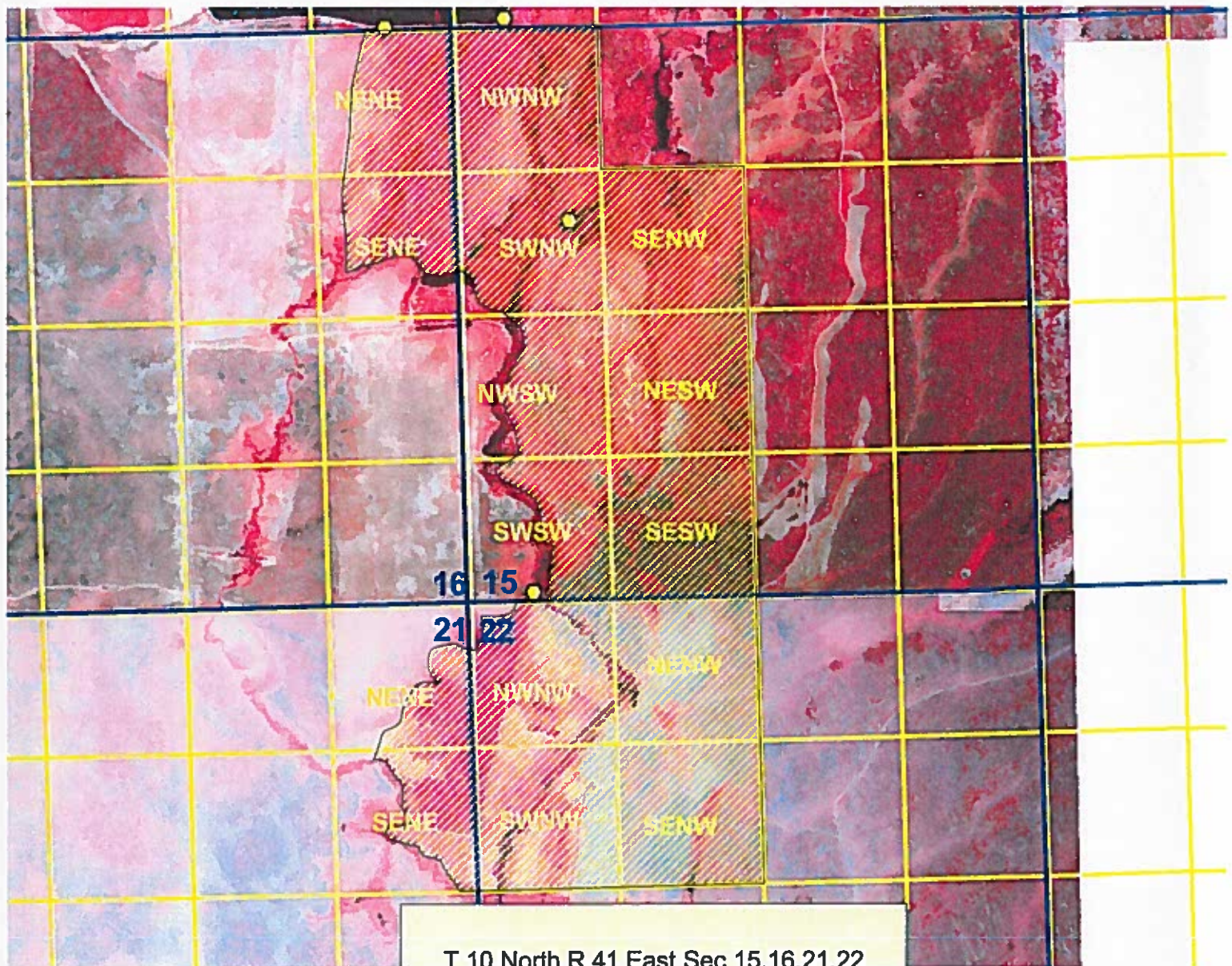




State of Idaho
Department of Water Resources
Eastern Region



Claim Number(s): 21-10A, 21-12, 21-16, 21-2022, 21-12969



2000 0 2000 4000 Feet

- Place of Use
- Points of diversion
- PLSS Section LinesSections.shp
- Quarter Quarter

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



OK gc
8/30/05

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

1. 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
	~~21-7~~				
	21-10A				
	21-12				
	21-16				
	21-2022				

2. The following **REQUIRED** information must be submitted with this form:

- 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**.

3. Name and Address of Former Owner/Claimant(s) Gary Parkinson
1049 N. 3000 E. Sugar City ID 83448
4. New Owner/Claimant(s) Glenn Dalling
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 590 W 1st S
- City, State and ZIP Code Sugar City ID 83448
- New Telephone Number 208 356-7744
5. Date you acquired the property Feb. 9 1990 Parkinsons
Apr. 12 1991 Jolley

COMPLETED

August 8, 2005

Glenn Dalling
590 W 1 S
Rexburg ID 83448

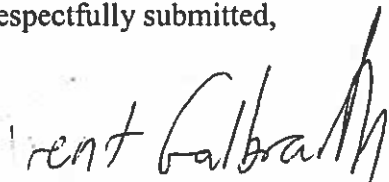
**RE: CHANGE OF OWNERSHIP FOR SRBA CLAIM NUMBERS: 21-10A, 21-9,
21-12, 21-16, 21-2022**

Mr. Dalling:

I understand that the above-mentioned claims are now in your name; therefore, I am sending you a change of ownership form so that we can get these claims into your name. Also I am still waiting for a chain of title from you regarding 21-10A. My deadline is coming up soon and if I don't have all the info I need I will have to disallow the claims that I don't have the information for. Your timeliness is appreciated in this matter

Please submit the documentation within 1 week of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter, please feel free to contact this office at 525-7161.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Trent Galbraith". The signature is fluid and cursive, with a long, sweeping line extending from the end of the name.

Trent Galbraith
Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Change of ownership form

Claim No. 21-2022

Document Checklist

☒ Copy License/Decree

could not find

☐ Copy Transfer

☐ Copy Licensing Field Exam

could not find Field Report, 501

☐ Check if Ownership/Address Change is Required

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

||

☒ Generate Arcview Map

102

.....
Fremont County
Sand Creek
2.7 sec. ft.
Irrigation
Priority 5-11-06.
.....

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

- Water License No. 2070.-

WHEREAS, On the eleventh day of May, A. D. 1906 Edgar R. Roseborough of Rice, County of Fremont, and State of Idaho, duly made application (No. 2803) to me for a permit to use three cubic feet per second of the waters of Sand Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the eighteenth day of June, A. D. 1906, Permit No. 2070 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 eighteenth day of December, A. D. 1906, and for the application to beneficial use of said water on or before the eighteenth day of December, A. D. 1906, and,

WHEREAS, On the eleventh day of August, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of three cubic feet per second of said waters, as evidenced by my Certificate No. 2070, dated October 9, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use three cubic feet per second of water, with date of priority of May 11, 1906, and,

WHEREAS, On the eleventh day of August, A. D. 1906, proof was duly made of the application to beneficial use of 2.7 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 EDGAR R. ROSEBOROUGH of Rice, Idaho, the holder and owner of said Permit No. 2070, a perpetual right, dating from May 11, 1906, to the use of 2.7 cubic feet per second of the waters of Sand 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 NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15, Tp. 10 N., R. 41 E. B. M., and conducted to and upon East Half (NE $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$), Northwest Quarter (NW $\frac{1}{4}$) of Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-two (22), Southeast Quarter (SE $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$) of Section 15, Township Ten (10) North, Range Forty-one (41) East of Boise Meridian, 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 ninth day of October, A. D. Nineteen Hundred and six.

Seal

Jas. Stephenson, Jr.,

State Engineer.

Recorded October 10, 1906.

21 2022

SEC

SEC

SEC

$0.02 \left(\frac{1}{35} \right)$
 ≈ 2.78

SEC

SEC

SEC

SEC

SEC

SEC

Received Report number 24, 1906



No. 2803

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho.

1. Name of applicant - EDGAR R. ROSEBOROUGH

Postoffice address: P. O. - Rice

County - Fremont, Idaho.

2. The quantity of water claimed is three cubic feet per second.

3. Source of water supply - Sand Creek.

County of Fremont.

4. Location of Point of diversion - See remarks (#)

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 - E $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22;SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, Twp. 10 N., R. 41 E. B. M.

6. Estimated cost of works - \$350.00

7. Description of Works for Diversion:

I. Kinds of works- Dams and ditches.

II. Dimensions of Works:

(a) Height of dam 2 feet, length of dam at top four feet, length of dam at bottom three feet, material used in construction earth & stone.

(c) Size of headgate, width 3 feet, height 1 foot.

(d) Ditch (flume or pipe) width at bottom 3 feet, width at water line 3 feet, depth of water $\frac{1}{2}$ foot. Average grade per mile is 2 feet. Length of ditches 2 $\frac{1}{2}$ (#) miles, and it crosses the following quarter sections - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, to SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15; E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, Twp. 10 N., R. 41 E. B. M., which is the point of intended use.

8. Time required for the completion of the construction of such work is - completed.

9. Time required for the complete application of the water to the proposed use is - now used.

Remarks:

(#) Claimant will divert water from one dam in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, from which is a ditch about 1 $\frac{1}{2}$ miles long, on east side. And another dam in center of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15 from which is a ditch $\frac{3}{4}$ miles long on west side of Creek. All in Township 10 N., Range 41 E.

Approval of State Engineer.

The number of this permit is 2070

Date of first receipt of application 9 a. m. May 11, 1906.

Returned to applicant for correction May 11, 1906.

Corrected application received June 14, 1906.

Recorded in Book 6, page 2070. Approved June 18, 1906.

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:

Work to begin on or before August 17, 1906, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 18, 1906.

The whole of said work to be completed on or before December 18, 1906.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to December 18, 1906.

Witness my hand this 18 day of June, 1906.

Jas. Stephenson, Jr.

State Engineer

Blank Notice of Proof of Completion of Works and blank Notice of Proof of Application of Water to Beneficial Use mailed applicant June 29, 1906.

Notice of Proof of Completion of Works and Notice of Proof of Application of Water to Beneficial Use received July 12, 1906.

Notices for publication mailed Fremont County News, St. Anthony, Idaho, July 12, 1906, and deposition blanks mailed permit holder same date.

Mr. L. J. Maurer authorized July 18, 1906 to make examination of works.

Fee of \$5.00 for proof of completion of Works, fee of \$8.00 for proof of beneficial application of water, affidavit of publication of Notice, and depositions received August 14, 1906.

Report of L. J. Maurer received August 24th, 1906 and returned same date for additional information.

Corrected report received October 9, 1906.

Certificate of Completion of Works and License issued October 9, 1906.

Permit No. 2070

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 EDGAR R. ROXBOROUGH of Rice, County of Fremont, and State of Idaho, the holder of Permit No. 2070, issued upon application No. 2803, bearing date of priority of May 11, 1906, authorizing the diversion of three second-feet of the waters of Sand Creek, County of Fremont, State of Idaho, at NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15, Tp. 10 N., R. 41 E. B. M., 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 second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, of Section 22, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section

15, Township Ten North, Range 41 East of Boise Meridian.

Witness my hand this ninth day of October, A. D. 1906.

Jas. Stephenson, Jr.

State Engineer of the State of Idaho.

License issued for 27 second feet
P. 102

THIS INSTRUMENT, Made this 15th day of AUGUST, 1959, by and between THE STATE OF IDAHO, DEPARTMENT OF FISH AND GAME, by and through its Director, Party of the First Part, and G. O. NEILSON and ORA FISHER NEILSON, husband and wife, of Route 2, St. Anthony, Fremont County, Idaho, Parties of the Second Part,

WITNESSETH:

That, whereas, the Party of the First Part is the owner in fee of the SE $\frac{1}{4}$ of Section 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10, Township 10 North, Range 41 East, Boise Meridian, Idaho, and;

Whereas, the Party of the First Part has caused a reservoir for the storage of waters to be constructed on lands within the SE $\frac{1}{4}$ of said Section 9, and;

Whereas, waters of Blue Creek and subterranean waters are stored along with diverted waters of Sand Creek in said reservoir, and;

Whereas, the Parties of the Second Part hold a right of way for an irrigation canal on, over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, and the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 10, Township 10 North, Range 41 East, Boise Meridian, Idaho, for the carriage of waters diverted from Sand Creek, and;

Whereas, by diverting said irrigation waters through the Party of the First Part's Reservoir Sand Creek diversion canal to the reservoir and by removing said water from the reservoir, it would aid and facilitate the Parties of the Second Part in irrigating their lands, to-wit: A portion of the E $\frac{1}{2}$, Section 16, Township 10 North, Range 41 East, Boise Meridian, and;

Whereas, it appears that said diversion of irrigation waters through the reservoir would aid in keeping the waters of the reservoir fresh for the propagation of game fish;

NOW, THEREFORE, By these presents, the Party of the First Part does license to the Parties of the Second Part a water carriage permit in the Party of the First Part's Reservoir Sand Creek Diversion Canal and a water carriage permit of said diverted water into and across the reservoir of the Party of the First Part and a water carriage permit for the removal of said irrigation waters through a water

control structure within the dam of the said reservoir at a point being approximately 1150 feet west and 20 feet north of the section corner common to Sections 9, 10, 15 and 16 of Township 10 North, Range 41 East, Boise Meridian. Said carriage license shall in no way or at any time be construed to be a storage right or license for storage of irrigation waters in said reservoir of any nature whatsoever for the Parties of the Second Part.

The Party of the First Part in licensing of said right of way for water carriage reserves all of its options of operation of the reservoir including, but not restricted to, drainage of the reservoir at any time during the non-irrigation season and at any time during the irrigation season, provided that the dikes should require immediate repair, control of water levels, treatment of the reservoir with impervious materials, removal of sand or gravel therefrom, to do repairs, maintenance and/or to make any other use of the lands of the reservoir area and the Parties of the Second Part shall have no claim for damages of any character against the State, its agents or employees thereof arising out of such use of the licensed premises.

By virtue of the uncertainty of said reservoir and its water levels therein and change of use by the Party of the First Part, there is hereby reserved by the Parties of the Second Part all of their right, title and interest in and to that existing right of way for canal on, over and across lands of the Party of the First Part as hereinbefore designated, and the Party of the First Part will cause restoration to be made to said canal of any deletion therefrom by operation of its reservoir and dam and/or for any deletion therefrom, caused by said party.

In consideration of said water carriage license, the Parties of the Second Part do hereby grant a license to the Party of the First Part to divert waters of Sand Creek in the amount of the Parties of the Second Part's water decree or portion thereof as specified in that decree designated Upper Sand Creek in the case of Arcadia Reservoir, Irrigation and Canal Co., Ltd., a corporation, Plaintiff vs. Edgard Roseborough et al, Defendants, recorded in Book "A" of Judgements, at Page 581, records of Fremont County, Idaho, during the irrigation season when said waters are in non-use by the Parties of the Second Part from any of their other water diversion points for irrigation purposes.

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This license and its consideration license, as a unit, may be relinquished and revoked by the Parties of the Second Part at any time by submitting notice in writing of said relinquishment and revocation to the Party of the First Part.

This license may be revoked at any time by the Director of the Party of the First Part in the event the Parties of the Second Part violate any of the terms and conditions of this license, by submitting written notice of said revocation to the Parties of the Second Part or for any cause within a period of time of six months after notice thereof in writing by the Party of the First Part. In the event of revocation or cancellation of license the consideration license herein designated shall be relinquished and returned at that time or at the discretion of the Parties of the Second Part.

IN WITNESS WHEREOF, The Party of the First Part has caused this instrument to be executed.

Party of the First Part

STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

By Ross Leonard
Ross Leonard, Director

The foregoing instrument, together with the provisions and conditions thereof, is hereby accepted this 18th day of JUNE, 1959.

Party of the Second Part

G. O. Neilson
G. O. NEILSON

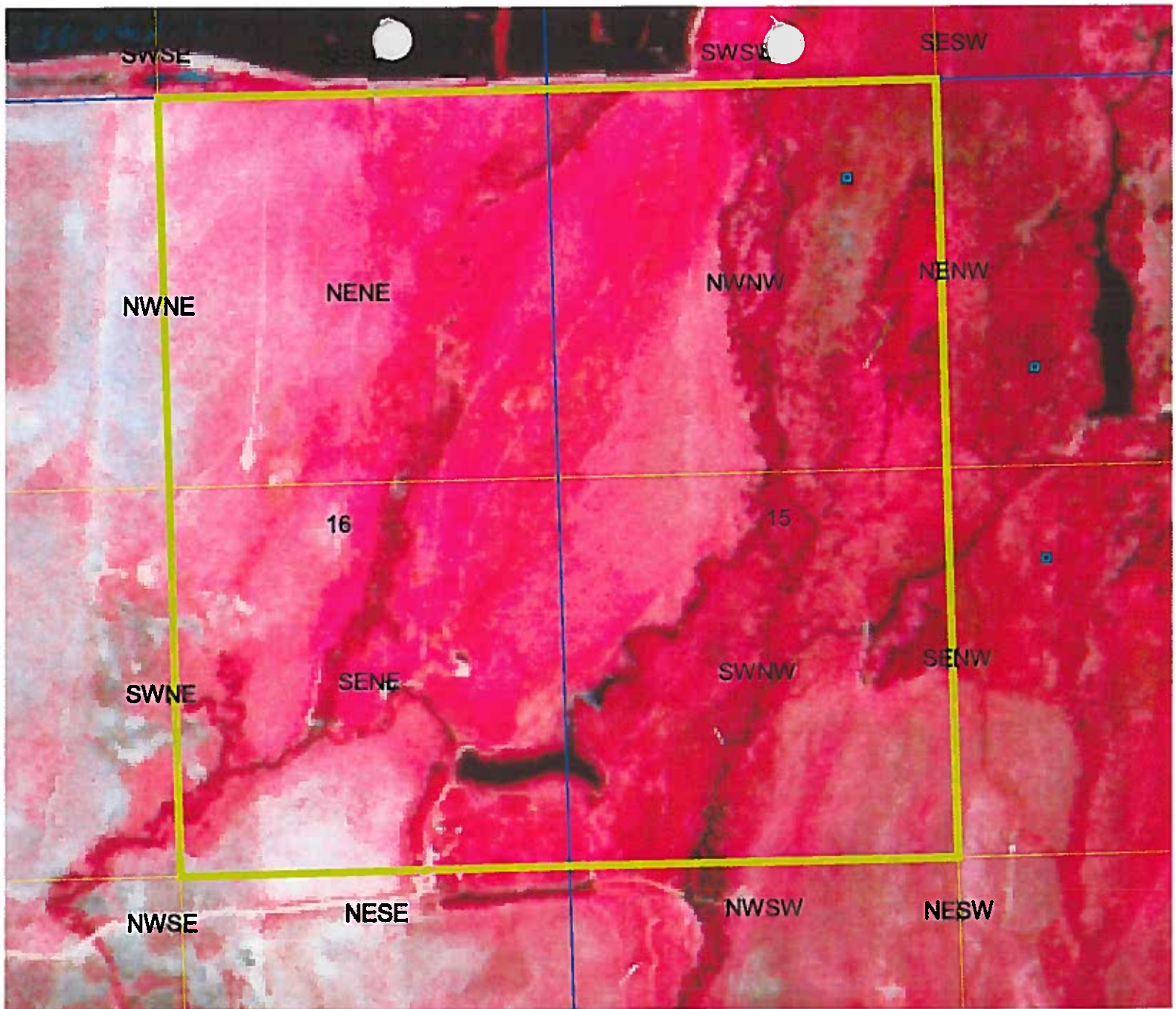
Ora Fisher Neilson
ORA FISHER NEILSON

STATE OF IDAHO)
: ss
County of Ada)

On this 18th day of June, in the year 1959, before me, the undersigned, a Notary Public in and for said State, personally appeared ROSS LEONARD, known to me to be the Director of the State of Idaho Department of Fish and Game, that executed the said instrument, and acknowledged to me that the State of Idaho Department of Fish and Game 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.

Grand Master
Notary Public residing at Boise, Idal.
My commission expires June 1, 1962.



21-02022
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SCANNED
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PROFILED