

08/29/2005

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

RIGHT NUMBER: 21-2034

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

SOURCE: BLUE CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 1.600 CFS

PRIORITY DATE: 01/18/1909

POINT OF DIVERSION:

T09N R43E S15 NESWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 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

This right is limited to the irrigation of 80 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 141.2 acres in a single irrigation season. Combined Right Nos.: 21-2012, 21-2034, 21-7148

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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 21-2034
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: 01/18/1909

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:

125 HP PUMP FROM POND TO MAINLINE, SPRINKER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.6	

7. Total Quantity Appropriated is:
1.6 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	16	SW SE	IRRIGATION	30
			SE SE	IRRIGATION	10
			NE SE	IRRIGATION	40

Section Acres 80

Total Acres 80

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:

POINT OF DIVERSION MOVED IN 1973. NO TRANSFER FILED.
POU AS IS ACTUALLY IRRIGATED.

15. Basis of Claim: License

SCANNED

AUG 15 2001

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: A21-02034
Date Received: 10/24/1988
Receipt No: 6003820
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JAN 18, 1909

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

4. Point of Diversion:

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

5. Description of diverting works:
125 HP PUMP FROM POND TO MAINLINE, SPRINKER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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:
NONE

A2102034



MICROFILMED
OCT 20 1992

10. Place of Use:

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

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, 02012 T1842

14. Remarks:
POINT OF DIVERSION MOVED IN 1973. NO TRANSFER FILED.
POU AS IS ACTUALLY IRRIGATED.

15. Basis of Claim: LICENSE
Water Right Number: 4291

in CRP till 1998

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: 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: 11-24, 88

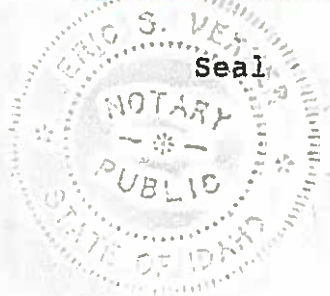
Date: _____

State of Idaho)
County of Bonneville) SS.

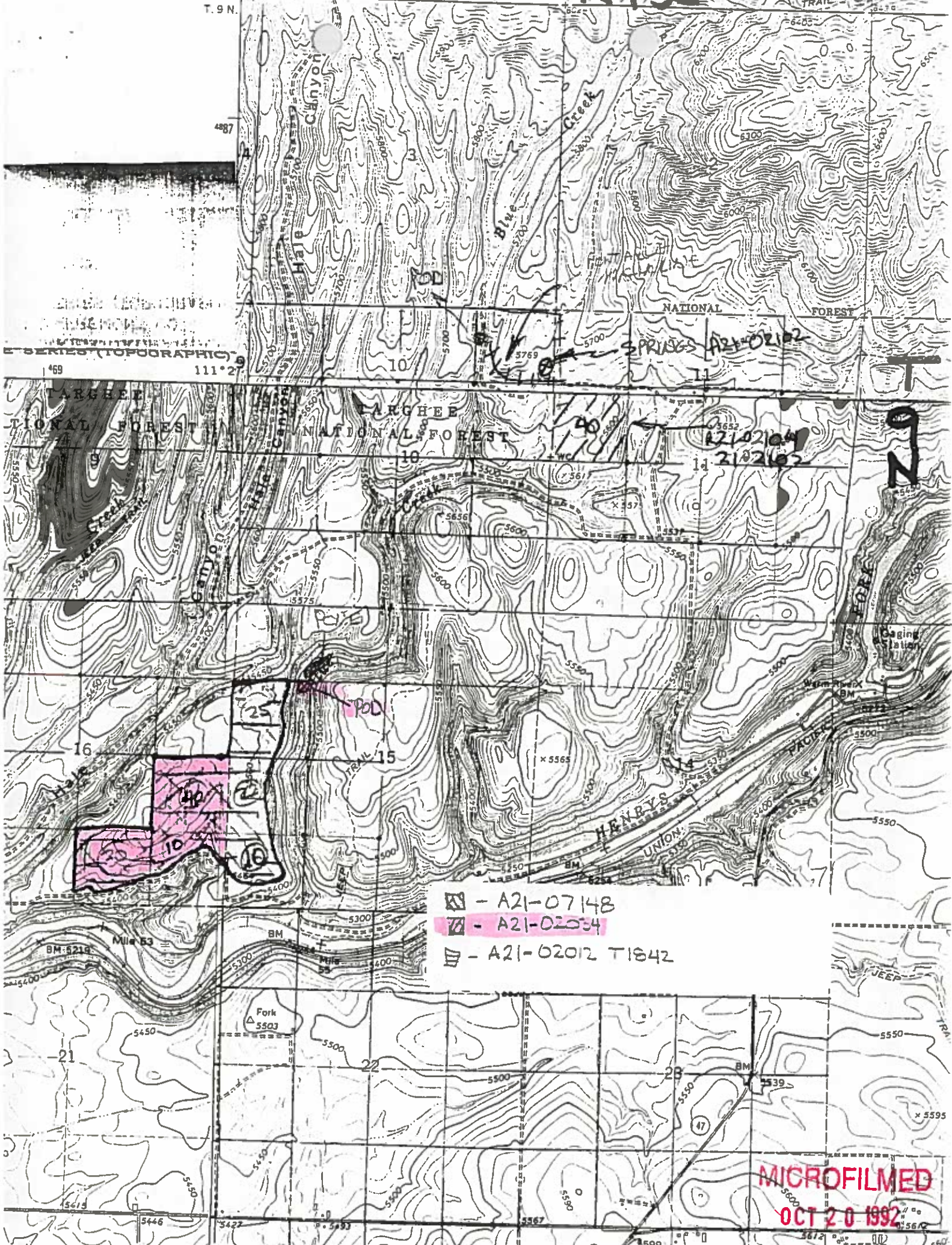
Subscribed and sworn (or affirmed) before me this 24 day
of October 19 88

[Signature]
Notary Public

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



T. 9 N.



U.S. GEOLOGICAL SURVEY
SERIES (TOPOGRAPHIC)
1:62,500
111° 2'

- ☒ - A21-07148
- ☒ - A21-02034
- ☒ - A21-02012 T1842

MICROFILMED
OCT 20 1992

CONSERVATION PLAN M

Owner Forrest (Pap) 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 T. H. Johnson USDA Soil Conservation Service

Conservation Reserve

Fields: B1 - 63.0 ac.

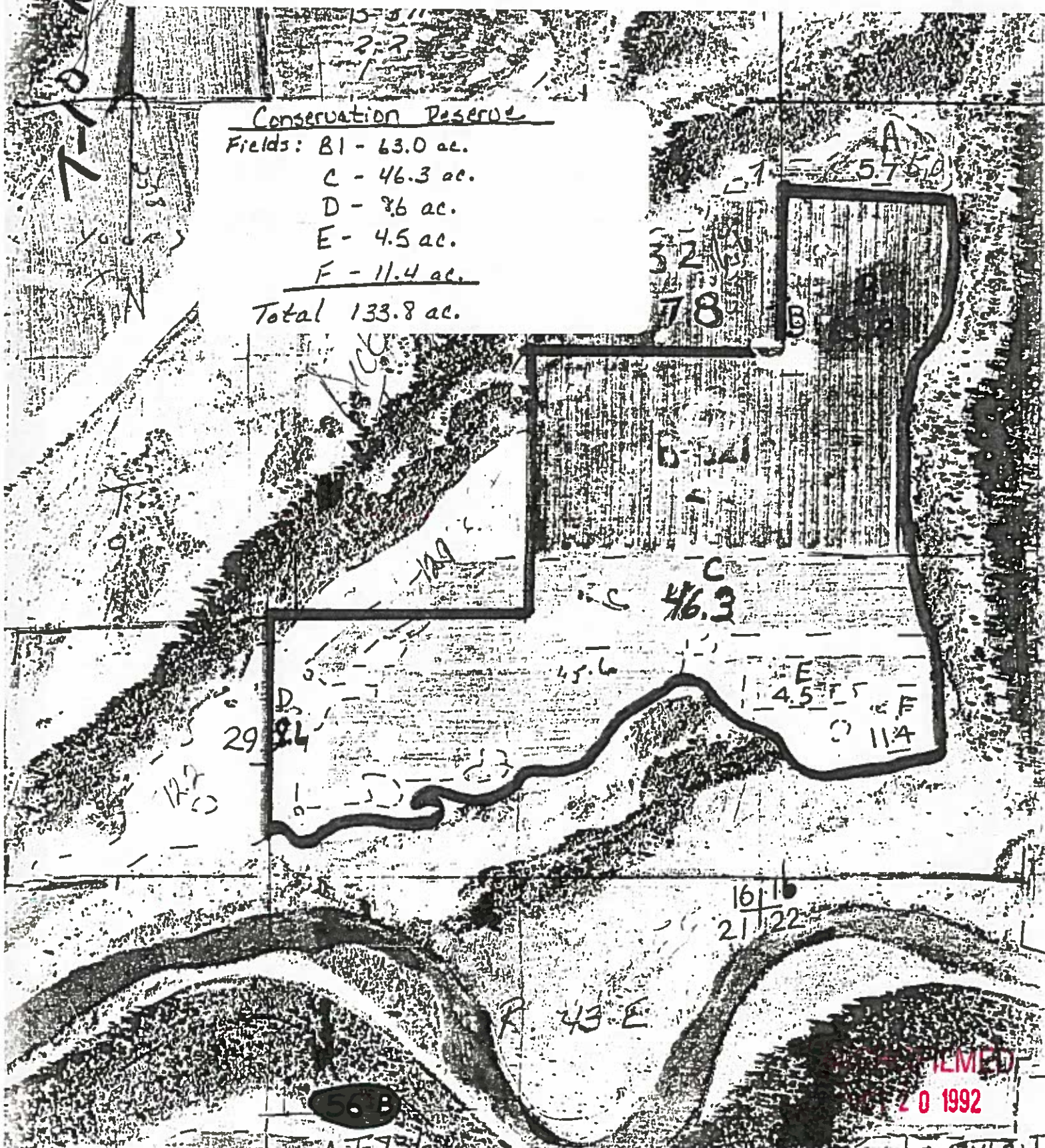
C - 46.3 ac.

D - 8.6 ac.

E - 4.5 ac.

F - 11.4 ac.

Total 133.8 ac.



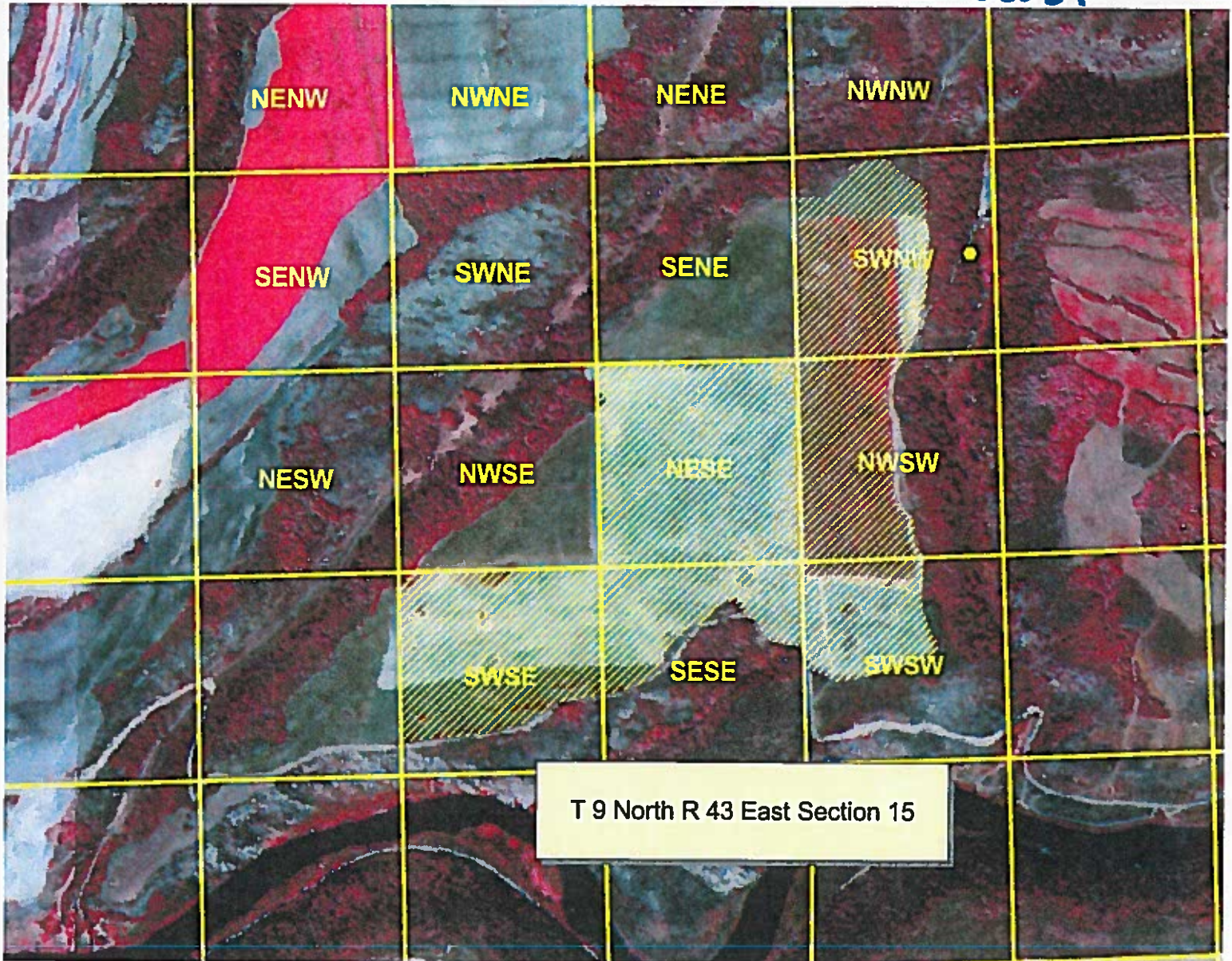


State of Idaho
Department of Water Resources
Eastern Region



Place of Use

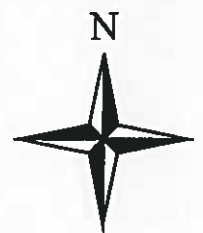
21-02034



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



Claim No. 21-00341

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

POP - Good

Report of Engineer

MICROFILMED

1. State name of applicant and number of permit: Joseph H. Egbort, Permit 4291

2. State source of water supply: Blue creek

3. Location of point of diversion: NE 1/4 Sec. 10, Tp. 9 N., R. 43 E. 2 N.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes

5. Describe works as they exist, giving dimensions of same as follows:

(a) Width of conduit at bottom: 4 feet

(b) Width at water line: 5 "

(c) Depth of water: 1 foot

(d) Grade per mile: 25 feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Ditches in good condition about 2 feet of water in ditch at this time. much more has been used ^{collected in season}

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty acre tract: S. 2 of SE 1/4 Sec. 16 Tp. 9 N. R. 43 E. 2 N.

all under cultivation except about 3 acres of stony land in NW corner of SE 1/4 Sec. 16

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: I think this a good proof and the man entitled to all the water asked for.

J. O. Webster
Water Comm.
1st Div.

STATE OF IDAHO,

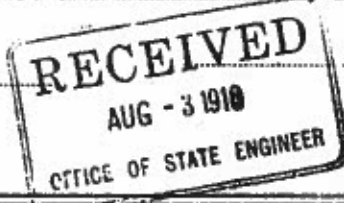
County of _____ }

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

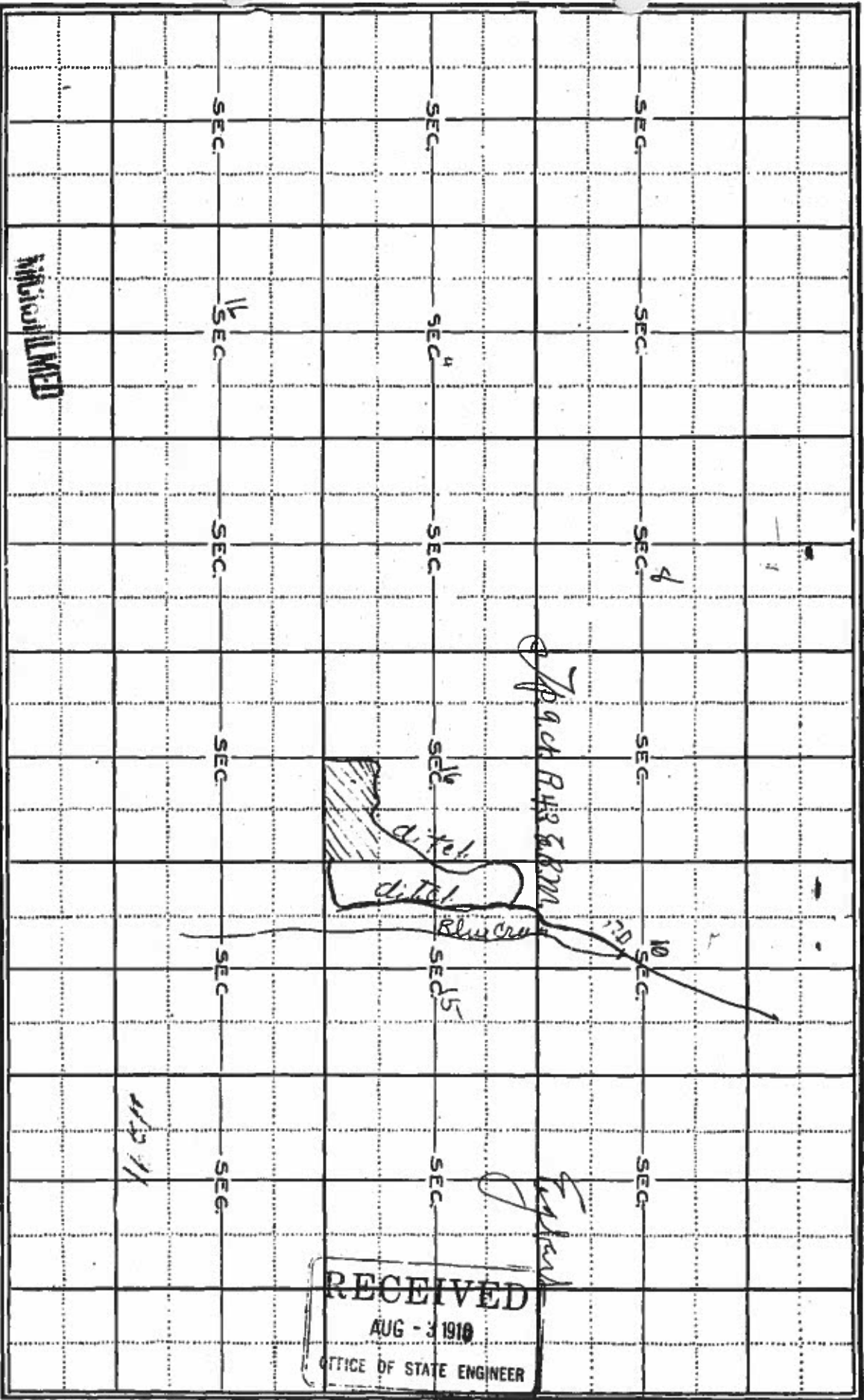
Subscribed and sworn to before me this _____ day of _____ 190_____

My Commission Expires _____

Notary Public.



4291



Fremont County *
Blue Creek *
1.6 second feet *
Irrigation and domestic *
Priority 1-18-1909 *

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

Water License No. 4291

WHEREAS, On the 18th day of January, A.D. 1909, JOSEPH H. EGBERT, of Marysville, County of Fremont, State of Idaho, duly made application (No. 6101) to me for a permit to use 1.6 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 18th day of January, A.D. 1909, Permit No. 4291, 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 18th day of January, A.D. 1910, and for the application to beneficial use of said water on or before the 18th day of January, A.D. 1910, and,

WHEREAS, On the 18th day of January, A.D. 1910, JOSEPH H. EGBERT, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No. 4291, dated September 3, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of the waters of Blue Creek, with date of priority of January 18, 1909, and

WHEREAS, On the 18th day of January, A.D. 1910, JOSEPH H. EGBERT, the holder of said permit duly made proof of the application to beneficial use of 1.6 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOSEPH H. EGBERT, of Marysville, County of Fremont, State of Idaho, the holder and owner of said Permit No. 4291, a perpetual right, dating from January 18, 1909, to the use of 1.6 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 a point in the northeast quarter of southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 10, Township 9 North of Range 43 East of the Boise Meridian, and conducted to and upon (80 acres in the south half of southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 16, township 9 North of Range 43 East of the 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 third day of September,

A.D. Nineteen hundred and ten.

(SEAL)

Recorded September 3, 1910

D.G. Martin

State Engineer

Report of Engineer

1. State name of applicant and number of permit: Joseph H. Egbort... Permit 4291

2. State source of water supply: Blue creek

3. Location of point of diversion: NE4 SW4 Sec. 10, Tp. 9 N., R. 43 E. R. 11

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.

5. Describe works as they exist, giving dimensions of same as follows:

(a) Width of conduit at bottom: 4 feet

(b) Width at water line: 5 "

(c) Depth of water: 1 foot

(d) Grade per mile: 25 feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Ditches in good condition about 2 feet deep in ditch at this time. much more has been used ^{early in season}

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: S. 2 of SE4 Sec. 16 Tp. 9 N. R. 43 E. R. 11.

All under cultivation except about 3 acres of stony land in NW corner of SE4 Sec 9.

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: I think this a good proof and the man entitled to all the water asked for.

STATE OF IDAHO,

County of.....

J. O. Webster
Water Comm.
1st Div.

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

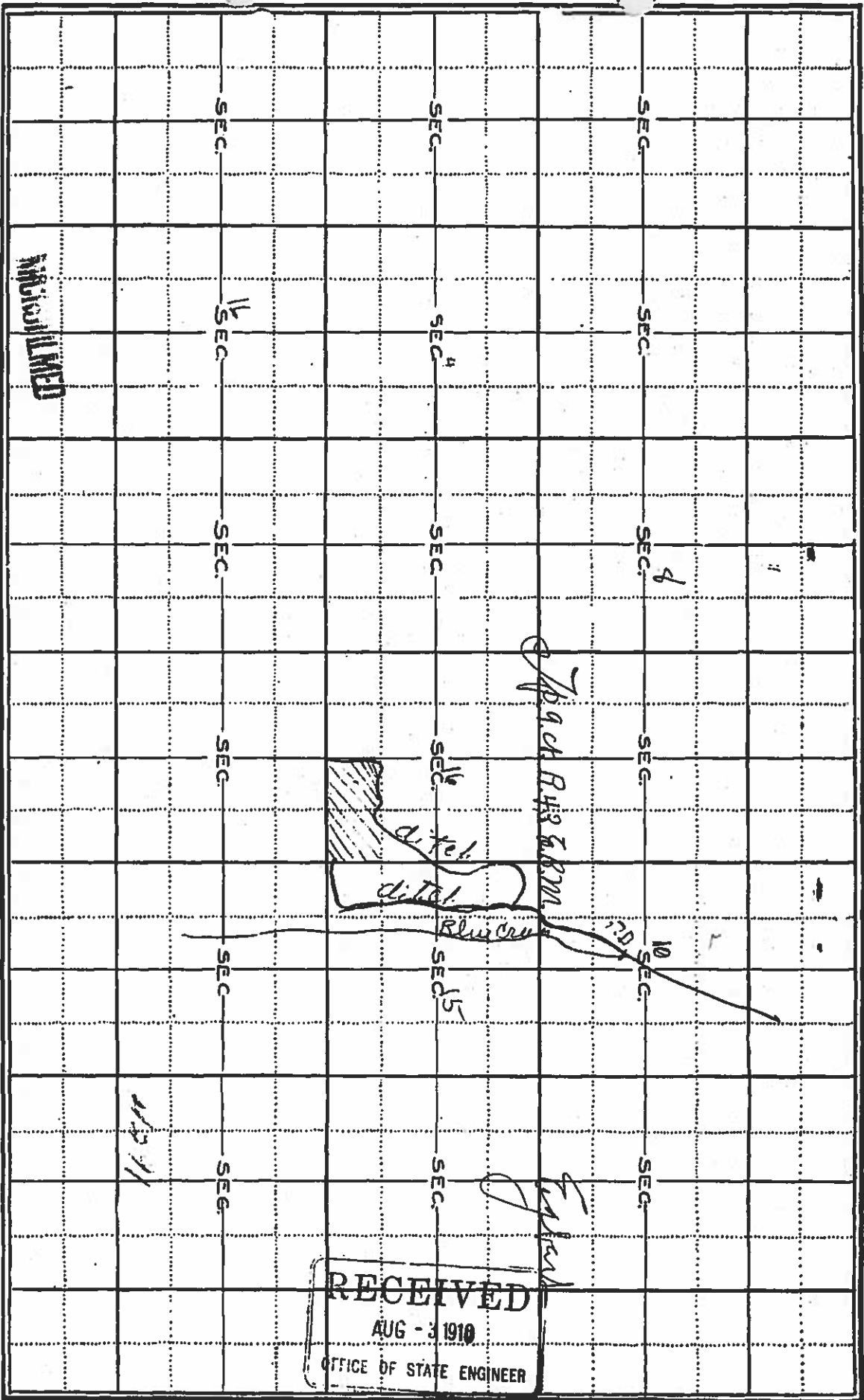
Subscribed and sworn to before me this..... day of..... 190.....

My Commission Expires.....



Notary Public.

4591





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 04 2005

OK JC 9/29/03

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.

RECEIVED

SEP 02 2003

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
	<u>21-2034</u>				
	<u>21-7148</u>				
	~~21-7142~~				
	<u>21-2012</u>				

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**.

3. Name and Address of Former
Owner/Claimant(s)

Forrest + Lourse Howell

4. New Owner/Claimant(s)

DAVID KUHN

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

205 Devero Drive

City, State and ZIP Code

IDAHO FALLS, IDAHO 83402

New Telephone Number

(208) 528-552-1162 or 681-9830

5. Date you acquired the property

Aug 22/03

SCANNED

JAN 02 2005

PROFILED

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 separate 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 County, 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

PROFILED

SCANNED
JAN 02 2005

Microfilm No. 483251
22 Day Aug 20 03
At 14:40 O'clock P. M.
ABBE MACE
FREMONT CO RECORDER
Fee \$ 6.00 Deputy
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 Hansen and Richard E. Hansen known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Forrest and Louise Hansen Revocable Family Trust, and acknowledged to me that they executed the same as Trustee.

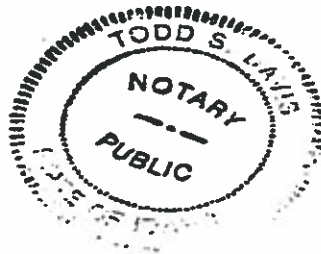
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of

Residing at: Sugar City, Id

Commission Expires: 12/21/06



PROFILED

SCANNED

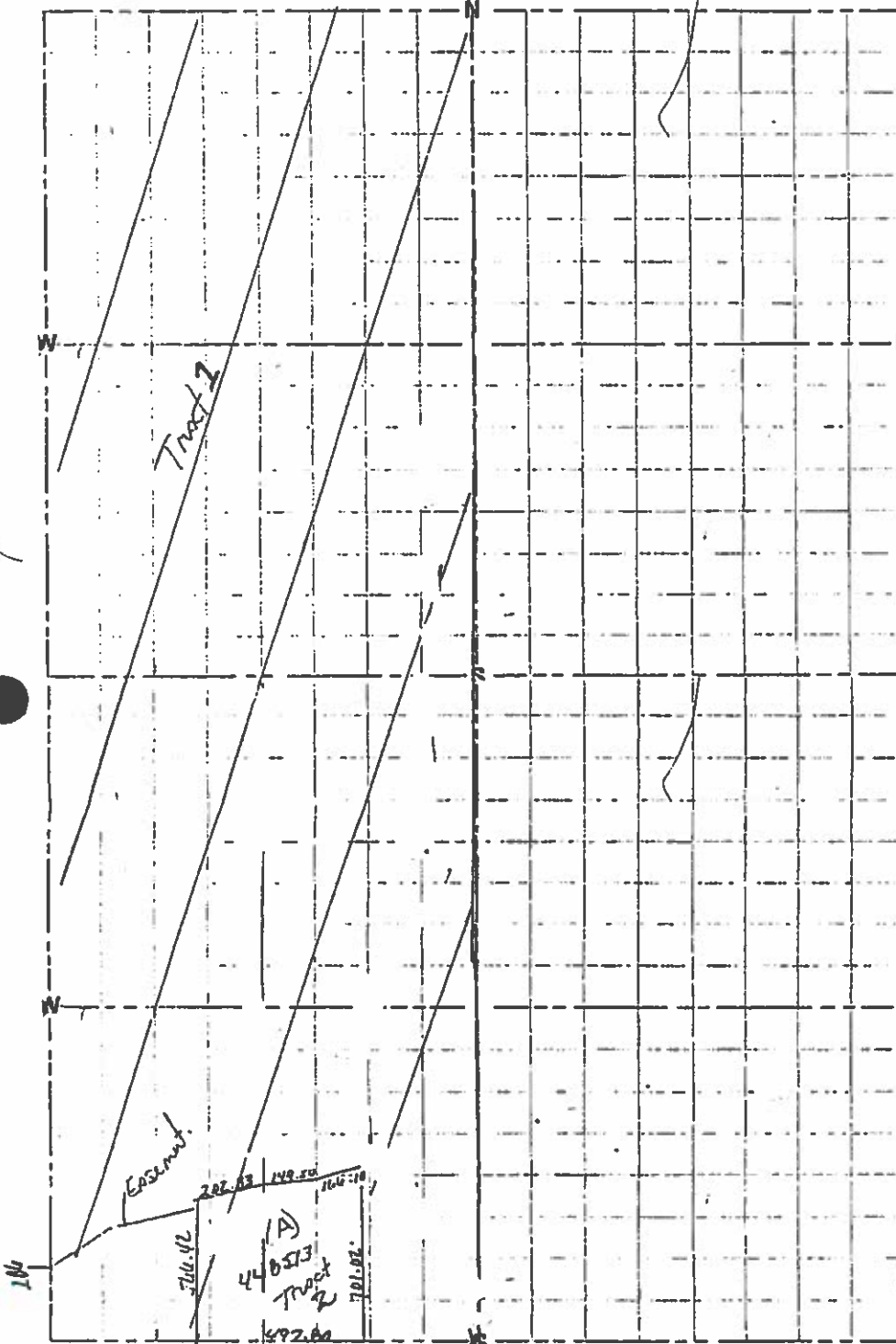
JAN 01 2005



12-9-43
W 1/2

Richard May
5/10-9-43

SCALE FOR QUARTER SECTION (Each side large blue square = 10 chains, 40 rods, 800 feet; area of square 10 acres
Each side small red square = 2.5 chains, 10 rods, 160 feet; area of square 625 a. 1 acre)



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

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

SCALE FOR QUARTER SECTION 100 FT. = 1 inch

(Each side large blue square = 5 chains, 20 rods, 320 feet; area of square 2.5 acres
Each side small red square = 1.25 chains, 5 rods, 80 feet; area of square 1.5625 a. 1 acre)
PRONTO LAND MEASURE 20-40 MAP SHEET

PRONTO LAND MEASURE
P.O. Box 3210, Farmington, MI 49322

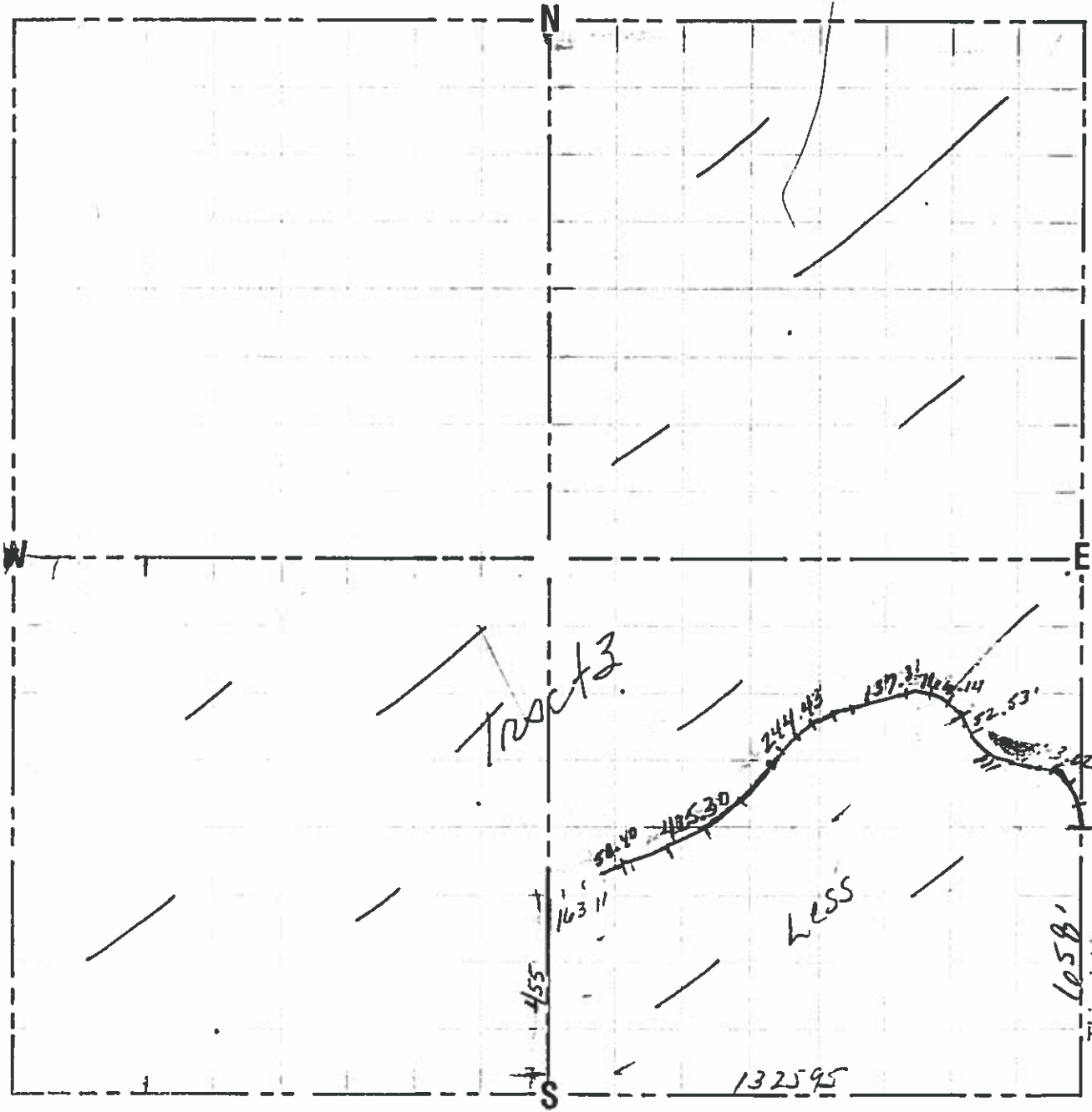
PROFILED

SCANNED
JAN 07 2005



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.

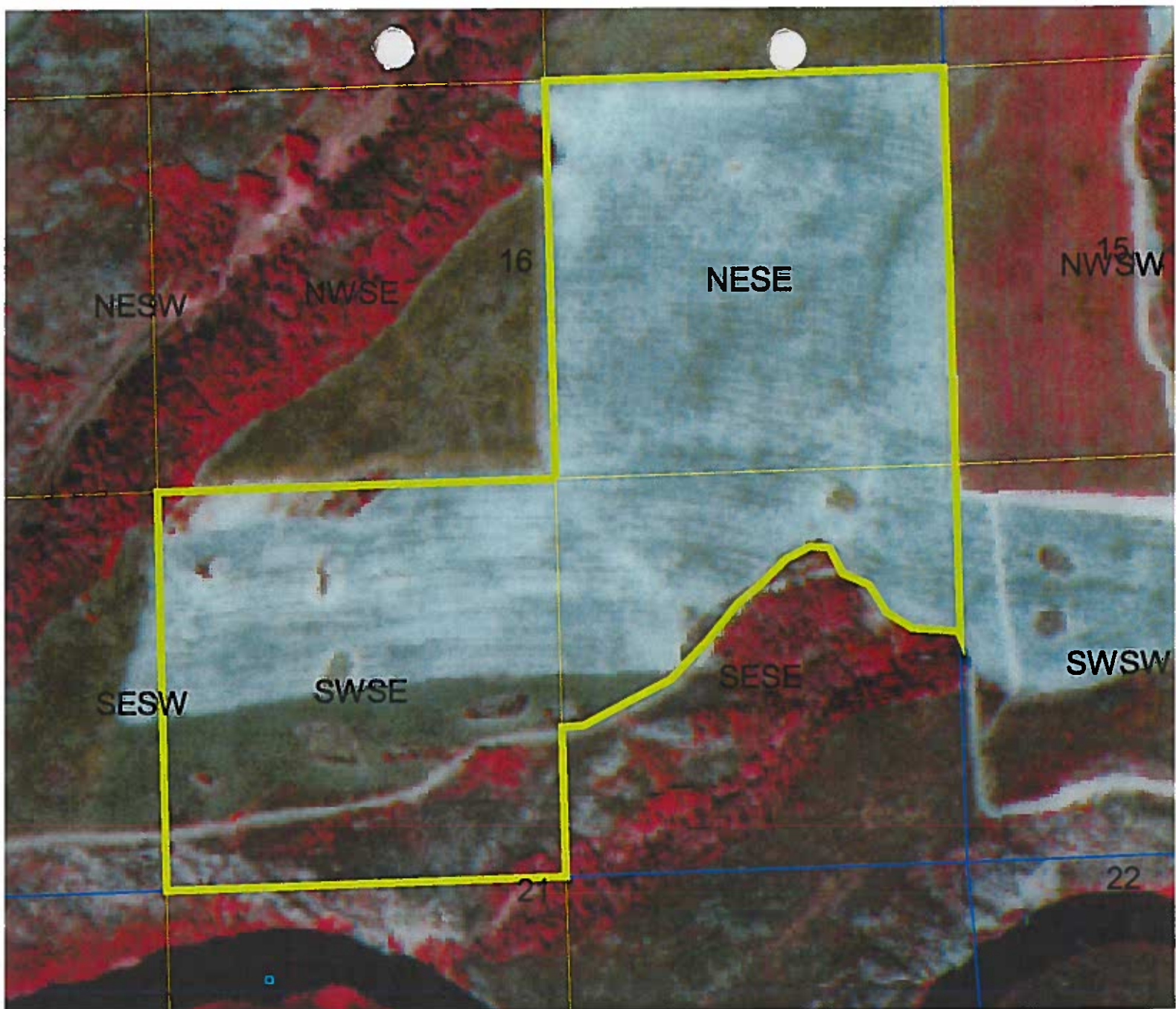
PROFILED

SCALE FOR QUARTER SECTION
500 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
JAN 0 - 2005

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



21-02034
T09N R43E

FILED

SCANNED
JAN 03 2005