

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 21-02045

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 25 2008

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS, ID 83402

SOURCE: BLUE CREEK TRIBUTARY: HENRYS FORK

QUANTITY: 1.00 CFS

PRIORITY DATE: 12/03/1911

POINT OF DIVERSION: T09N R43E S10 NWNE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Fremont County
	T09N R43E S11	
	NENE 3.3	NWNE 19.0
	SWNE 1.1	SENE 0.3
	NENW 20.0	NWNW 23.0
	SWNW 39.0	SENW 39.0
	NESW 33.0	NWSE 38.0
	215.7 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 215.7 acres in a single irrigation season. Combined Right Nos.: 21-7076, 21-7075, 21-12538, 21-12539, 21-2102, 21-2104, 21-2045, and 21-4025.

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-2045
NAME AND ADDRESS: NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS ID 83402
SOURCE: Source: BLUE CREEK Tributary: HENRYS FORK
QUANTITY: 1.000 CFS
0.000 AFY
PRIORITY DATE: 12/03/1911

POINT OF DIVERSION: T09N R43E S10 NWNE Within FREMONT County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	1.000 CFS
PLACE OF USE:	IRRIGATION	within FREMONT County	

T09N R43E S11 NENE 3.3
T09N R43E S11 NWNE 19.0
T09N R43E S11 SWNE 1.1
T09N R43E S11 SENE 0.3
T09N R43E S11 NENW 20.0
T09N R43E S11 NWNW 23.0
T09N R43E S11 SWNW 39.0
T09N R43E S11 SENW 39.0
T09N R43E S11 NESW 33.0
T09N R43E S11 NWSE 38.0

~~T09N R43E S10 SENE 0.3~~

215.7 ACRES TOTAL

216 ACRES TOTAL

This right is limited to the irrigation of 50 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 215.7 acres in a single irrigation season. Combined Right Nos.: 21-7076, 21-7075, 21-12538, 21-12539, 21-2102, 21-2104, 21-2045

~~The rights listed below are limited to the irrigation of a combined total of 216 acres in a single irrigation season. Combined Right Nos.: 21-7076, 21-7075, 21-12538, 21-12539, 21-2102, 21-2104, 21-2045~~

~~This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.~~

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

Sr 5 21-2045

EMC
PKK
NBS
DN

09/19/2005

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

RIGHT NUMBER: 21-2045

NAME AND ADDRESS: NORTH FORK HIGHLANDS PROPERTY OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS ID 83402

SOURCE: BLUE CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 1.000 CFS

PRIORITY DATE: 12/03/1911

POINT OF DIVERSION:
T09N R43E S10 NWNENE 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	1.000 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T09N R43E S10	SENE	0.3	T09N R43E S11	NENE	3.3
T09N R43E S11	NWNE	19.0	T09N R43E S11	SWNE	1.1
T09N R43E S11	SENE	0.3	T09N R43E S11	NENW	20.0
T09N R43E S11	NWNW	23.0	T09N R43E S11	SWNW	39.0
T09N R43E S11	SENW	39.0	T09N R43E S11	NESW	33.0
T09N R43E S11	NWSE	38.0			

216 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 216 acres in a single irrigation season. Combined Right Nos.: 21-7076, 21-7075, 21-12538, 21-12539, 21-2102, 21-2104, 21-2045

This right is limited to the irrigation of 50 acres within the place of use described above in a single irrigation season.

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

AJ0749NP
No. A21-02045

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/19/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK HIGHLANDS PARTNERSHIP PO BOX 50699 IDAHO FALLS ID 83405	12/03/1911	IRRIGATION	04-01 11-01	1.000 CFS	
TOTAL DIVERSION:					1.000 CFS	

Water Source: SPRING CREEK

Tributary to: SNAKE R., HENRY'S FORK

Stage: LICENSE

Point(s) of Diversion:

T09N R43E S10

MMNENE

FREMONT County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
09N 43E 11 :	:	:	:	:	:
	20	:	30	:	:
TOTAL ACRES					50.0

POU County: FREMONT

Non-Irrigation Uses: NONE

Other Rights: 21-2102, 21-2104, 21-7075, 21-7076, 21-4025.

Remarks: GEN

SOURCE ALSO KNOWN AS GREEN CANYON SPRINGS.
CHANGED OWNERSHIP PER REQUEST/JC/11-19-99

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 01

Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-2045

WATER RIGHT NUMBER: 21-2045

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTH FORK HIGHLANDS PROPERTY OWNERS ASSOCIATION INC 444 B ST IDAHO FALLS, ID 83402
Original Owner	FRANK G SUMMERS 2839 E CEMETERY RD SUGAR CITY, ID 83448 (208)356-6875
Original Owner	NORTH FORK HIGHLANDS PARTNERSHIP PO BOX 50699 IDAHO FALLS, ID 83405

Priority Date: 12/03/1911

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

SPRING CREEK NW1/4NE1/4NE1/4 Sec. 10, Twp 09N, Rge 43E, B.M.
FREMONT County

Place of Use

IRRIGATION Within FREMONT County

T09N R43E S11 SENW 20.0 T09N R43E S11 NESW 30.0

Total Acres: 50

Conditions of Approval:

Remarks:

1. General SOURCE ALSO KNOWN AS GREEN CANYON SPRINGS.
CHANGED OWNERSHIP PER REQUEST/JC/11-19-99

Comments: OWNERSHIP CHANGE COMPLETED 04/13/2005 KMJ.

SCANNED

APR 14 2005

PROFILE

AUG 19 2501

158

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: A21-02045
Date Received: 3/09/1989
Receipt No: M002991
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK G. SUMMERS 208-356-6875
Address: 2839 E. SUGAR CEMETERY RD.
SUGAR CITY, ID 83448

2. Date of Priority: DEC 03, 1911

3. Source: SPRING CREEK Trib. to: SNAKE R., HENRY'S

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	43E	10	NW	NE	NE		FREMONT

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	43E	11	SE	NW		IRR	20.0
			NE	SW		IRR	30.0

Section Acres 50.0

A21-02045

Page 1

Date: 03/09/89

MICROFILMED

OCT 20 1992

A2102045

10. Place of Use: Continued

Total Acres 50.0

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:

21-2102, 21-2104, 21-7075, 21-7076, 21-4025.

14. Remarks:

SOURCE ALSO KNOWN AS GREEN CANYON SPRINGS.

15. Basis of Claim: LICENSE

Water Right Number: 6915

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): Frank Y. Summers Date: 3, 9, 89

Date: _____

State of Idaho)
County of Tremont) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of Tremont 19 89

Anthony A. Olenchak
Notary Public

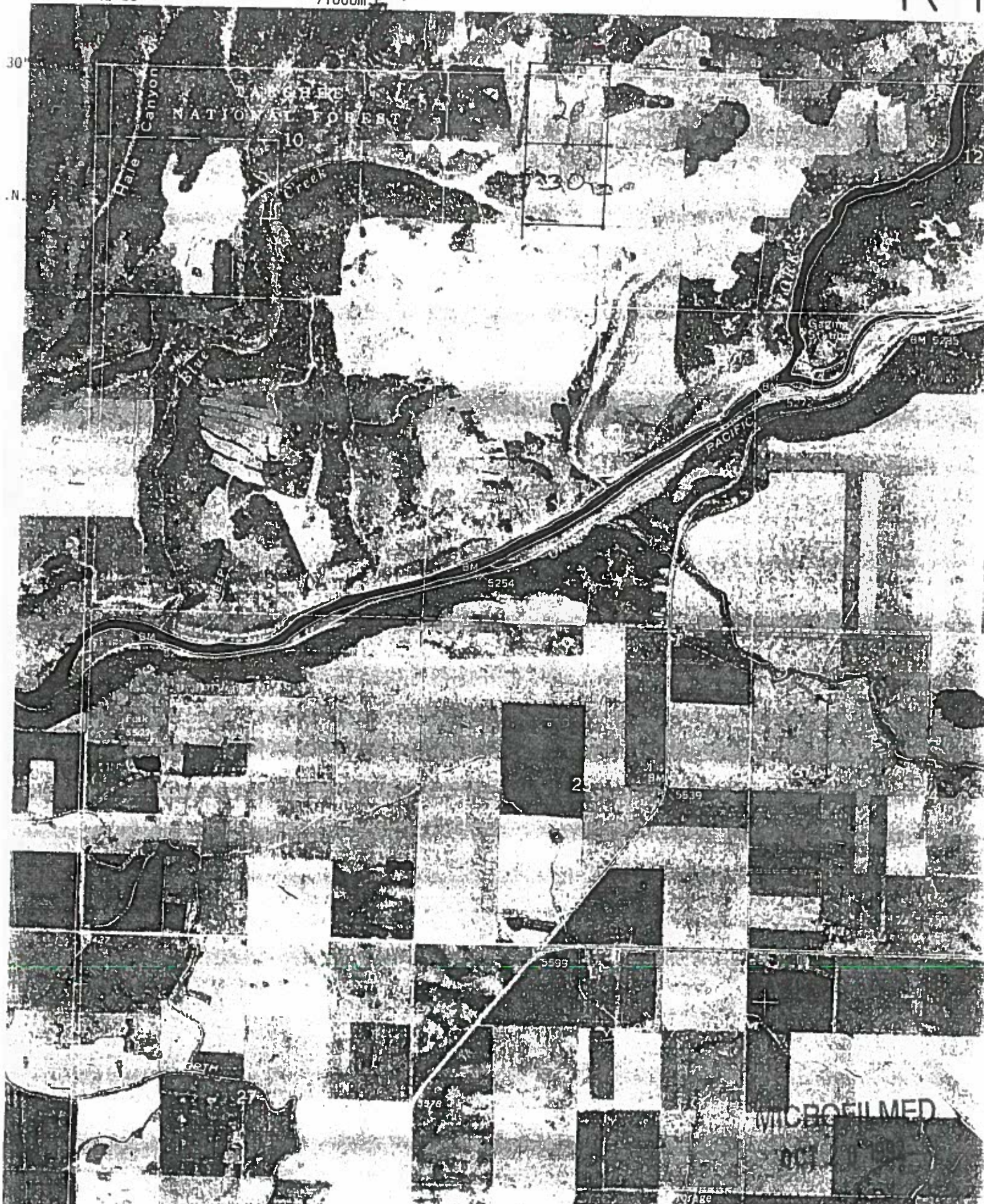
Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994

R4

471000.00





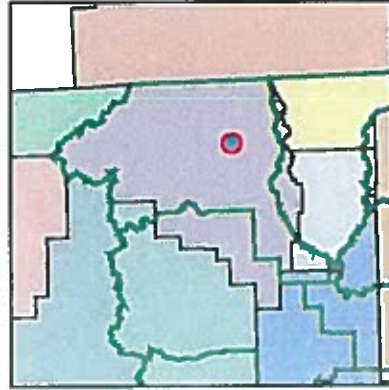
Idaho Department of Water Resources

SRBA Recommendation:

- 21-2102
- 21-2104
- 21-2045
- 21-7075
- 21-7076
- 21-12538
- 21-12539 (Irrigation)

Legend

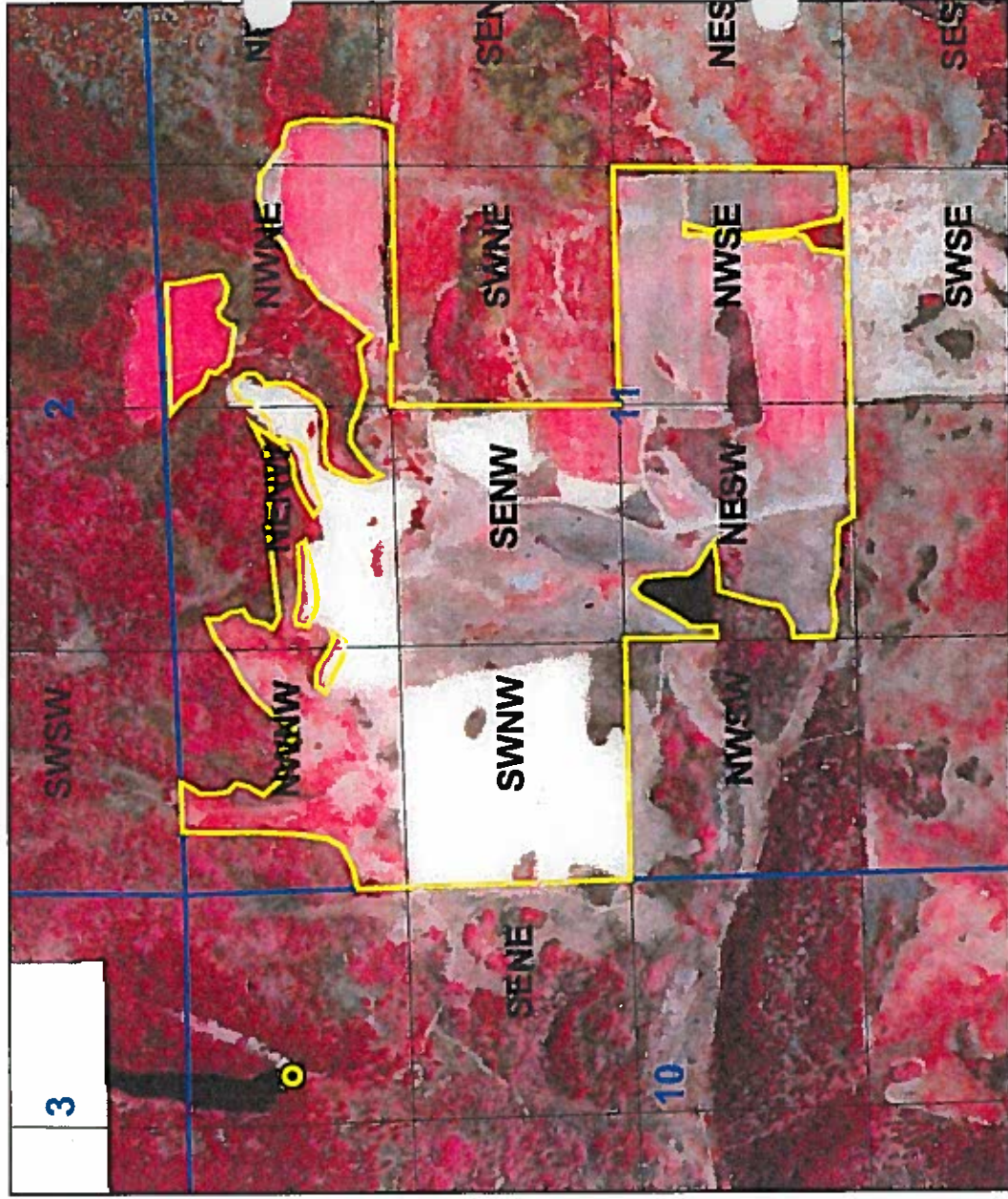
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Fremont County
IDWR Basin 21

Prepared by T. Galbraith
On Monday, October 16, 2006
1987/88 Aerial Photography

R43E



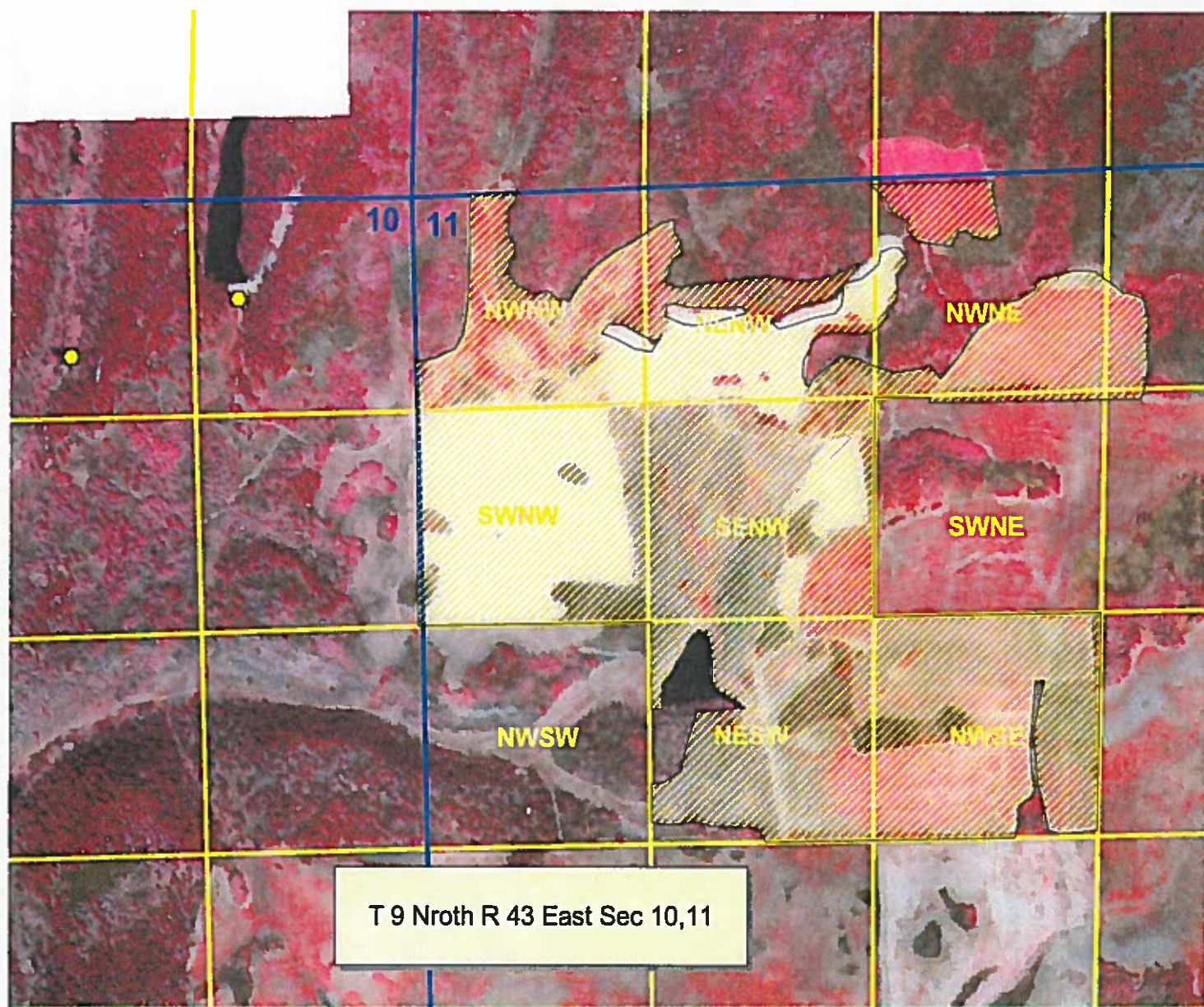
0 0.4 0.8 Miles



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-2104, 21-2045, 21-2102, 21-7075,
21-7076, 21-12538, 21-12539



2000 0 2000 4000 Feet

JUN 23 2006

- Place of Use
- Sections
- Quarter Quarter
- Points Of Diversion

PROFILE

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



Claim no. _____

Claimant Contact Log

Date **Remarks** **Agent initials**

7-21-05 Mtg w/ Lynn Smith SLH
(Bice Jolley - is building a house w/ them.)

7-22-05 Field Inspection SLH

RECEIVED
FBI

SCANNED

JUN 23 2006

Claim Number: 21-02045

Current Owner: N.C. FZ Highlands Co Lymn Smrty Phone No.: 523-5953

Current Owner: _____ Phone No.: _____

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No: _____

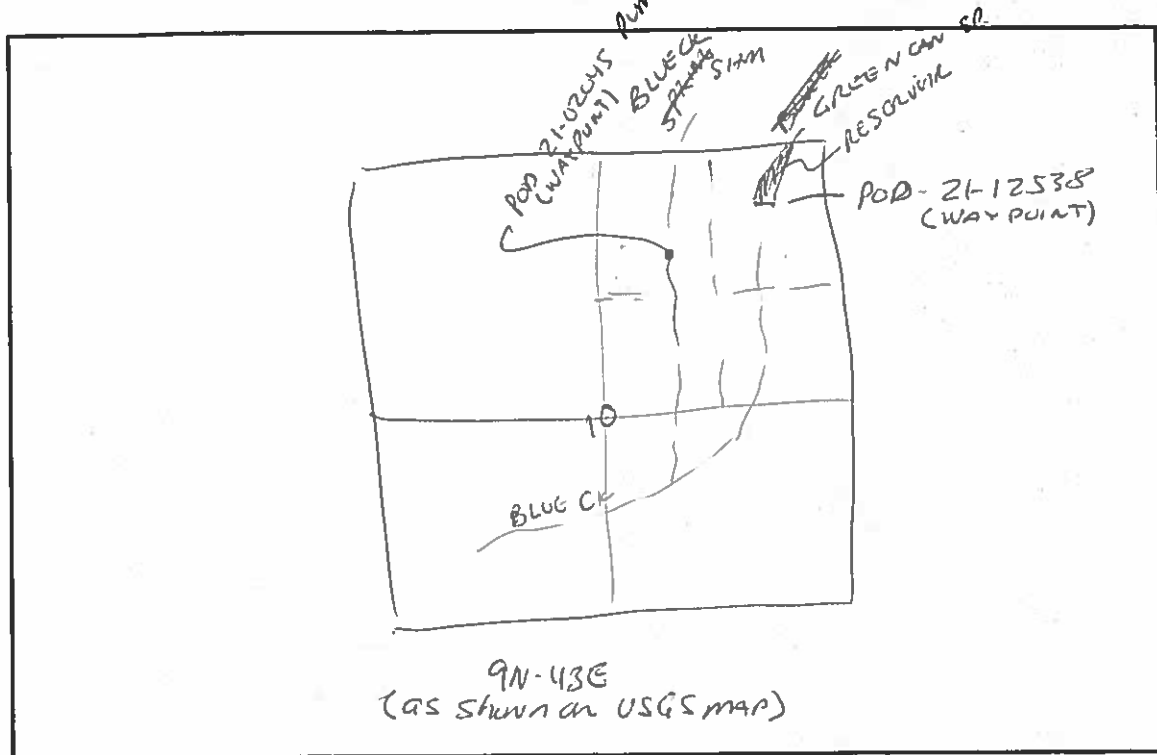
Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Reviewer: _____ Date: _____

Water Right No(s). 21-02045



GPS DATA: WAYPOINT 21-02045

Tag # _____ Location: _____

Diversion Data:

Source: GREEN CANYON SP. SPRING Trib to: BLUE CK
HEAVY'S F.

MOTOR

Make: BALDOR Model: A20572 P-55 Hp: 25
SN: 39 P 23 W 9 18 H 2

PUMP

Make: CORNELL Model: 3RB-CL 25-4 Disch: _____
SN: 137035 12.25 SAL 141A-EP

NOTES:

Field Exam Date: 7-22-05 Agent: Stan McLeann

Point of Diversion and Source Data Entry Form

Claim Number: 21-02045

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T 9N, R 43E, Sec. 10, ^{NW NE SE} BE NE, County: FRIESource: Spring Green Canyon Sp. Tributary to: HENRICKS R. BLUE CK

Water Right Point of Diversion: T _____, R _____, Sec. _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
9N	43E	10		NW NE NE	FRIE	SPRING ^{AKA Green Canyon Spring}	HENRICKS R.

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
9N	43E	10		NW NE NE	FRIE	Green Canyon Sp.	Blue CK

Other rights from this POD? 21-02045/2102/7075/12539

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD verified by inspection on 7-22-05 by Steve McCarroll

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: 2102045

Claimed Place Of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						
9N	43E	10	SE	NW	Fre		20	Tr
			NE	SW			30	

Total acres Cum A 21-12538/12539

Recommended Place of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						
9N	43E	11						

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: Yes - 21-2102, -2104, 4025, 7075, 7076, 12538, 12539

Document how the POU was verified:

POU verified by inspection on 7-22-05 by St. McLean

Reviewer: _____ Date: _____



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 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP FOR NOTICE(S) OF CLAIM TO A WATER RIGHT

Dear Claimant:

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,

A handwritten signature in cursive script that reads "Katy Jackson".

Katy Jackson
Office Specialist 1

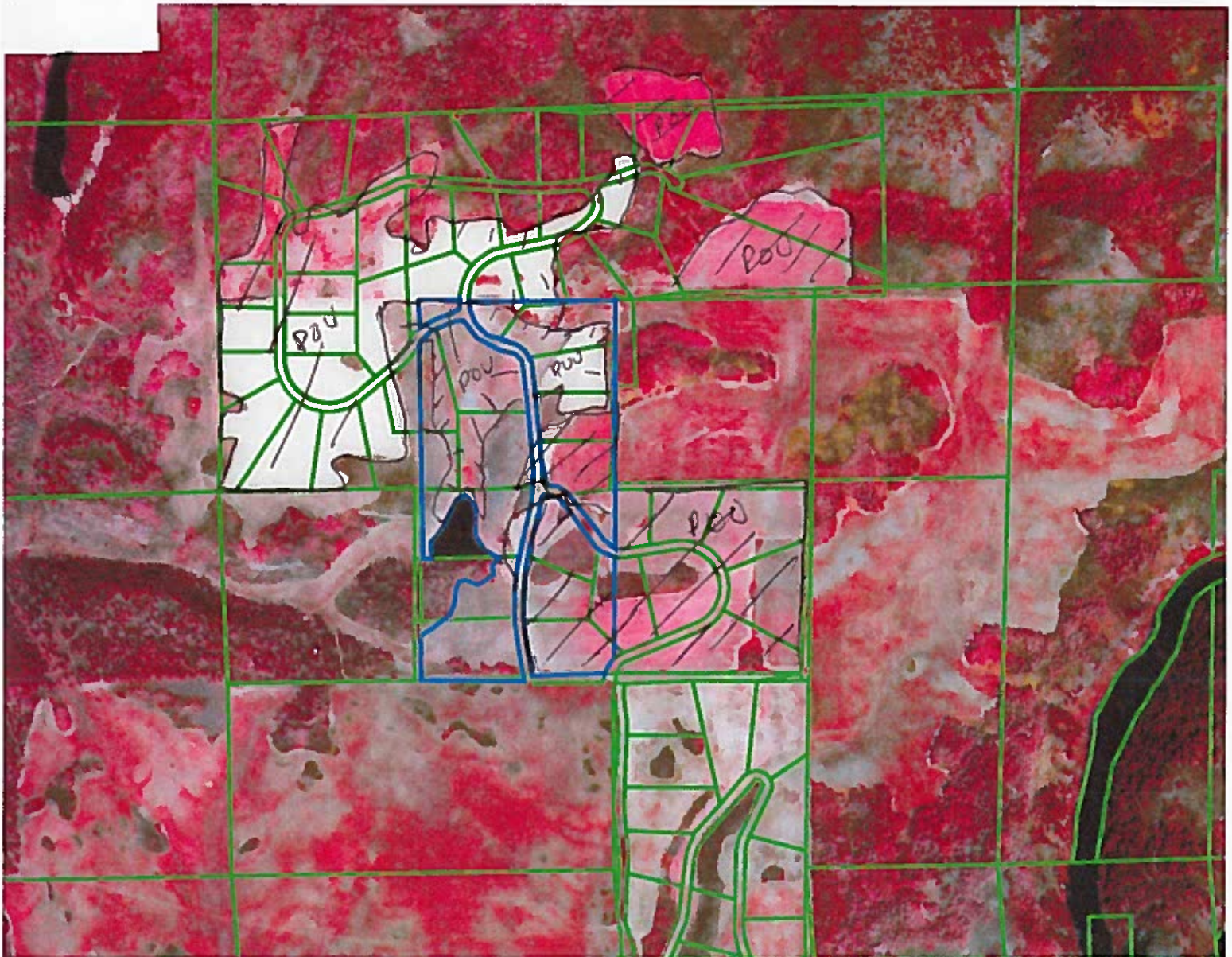
Enclosure



State of Idaho
Department of Water Resources
Eastern Region



Claim Number(s): 21-2045

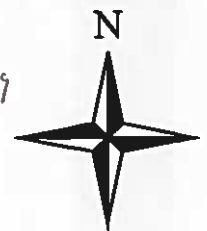


1000 0 1000 2000 Feet

SEE MAP.
WITH CLAIMS
21-12538/12539

 21-2045.shp
 Fremont taxlots

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



OK JC
4-12-05

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
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 (under the "split" heading), 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
	21-2045 ✓			21-7076 ✓	
	21-2102 ✓			21-12538 ✓	
	21-2104 ✓			21-12539 ✓	
	21-4025 ✓				
	21-7075 ✓				

CHANGE COMPLETED
DATE: 4/12/05
KMS

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 rights(s) or claims(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 your water rights(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) is 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 North Fork Highlands Partnership
4. New Owner/Claimant(s) North Fork Highlands Property Owners Association, Inc.
Name connector (check one): [] and [] or, [] and/or
New Mailing Address 444 B. Street
City, State and ZIP Code Idaho Falls, ID 83402
New Telephone Number _____
5. Date you acquired the property _____

FILED

SCANNED
APR 14 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) Or Claimant(s) North Fork Highland Property Owners Association, Inc.
(include title if applicable) by L. Lynn Smith Treasurer

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

PROFILED

SCANNED

APR 14 2005

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this 20 day of August, 2004, between, North Fork Highlands Partnership, referred to herein as the "GRANTOR" and North Fork Highlands Property Owners Association, Inc., whose business mailing address is 444 B. Street, Idaho Falls, Idaho 83402, referred to herein as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Fremont, ~~Bonneville~~, State of Idaho, to-wit:

<u>Water Right No.</u>	<u>Priority Date</u>	<u>Source</u>	<u>Amount</u>
21-2045	Dec. 3, 1911	Spring Creek	1.0 cfs
21-2102	Sept. 20, 1949	Green Canyon Springs	0.8 cfs
21-2104	March 20, 1953	Blue Creek	0.6 cfs
21-4025	May 1, 1960	Blue Creek	1.83 cfs
21-7075	Aug. 8, 1975	Green Canyon Springs	2.41 cfs
21-7076	Aug. 8, 1975	Blue Creek	2.47
21-12538			
21-12539			

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

Grant No. 490509
Day 8 Day Sept 20 04
10:00 O'Clock A
ABBIE MACE
FREMONT CO RECORDER
Recorded at Request of
Halden Kidwell Hahn
PO Box 50130
IFI 83405-0130

490321
Day 30 Day Aug 20 04
10:00 O'Clock A
ABBIE MACE
FREMONT CO RECORDER
Recorded at Request of
Kent W. Foster
APR 14 2005

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

North Fork Highlands Partnership

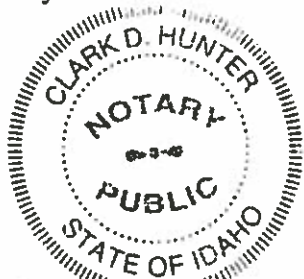
By: [Signature]
Its: General Partner

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 20 day of August, 2004, before me a notary public in and for said State, personally appeared D. Lynn Smith known or identified to me (or proved to me on the oath of _____) to be ^{a general partner} ~~the president, or vice-president, or secretary or assistant secretary~~, of the ^{partnership} ~~corporation~~ that executed the instrument or the person who executed the instrument on behalf of said ^{partnership} ~~corporation~~, and acknowledged to me that such ^{partnership} ~~corporation~~ 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.

(seal)



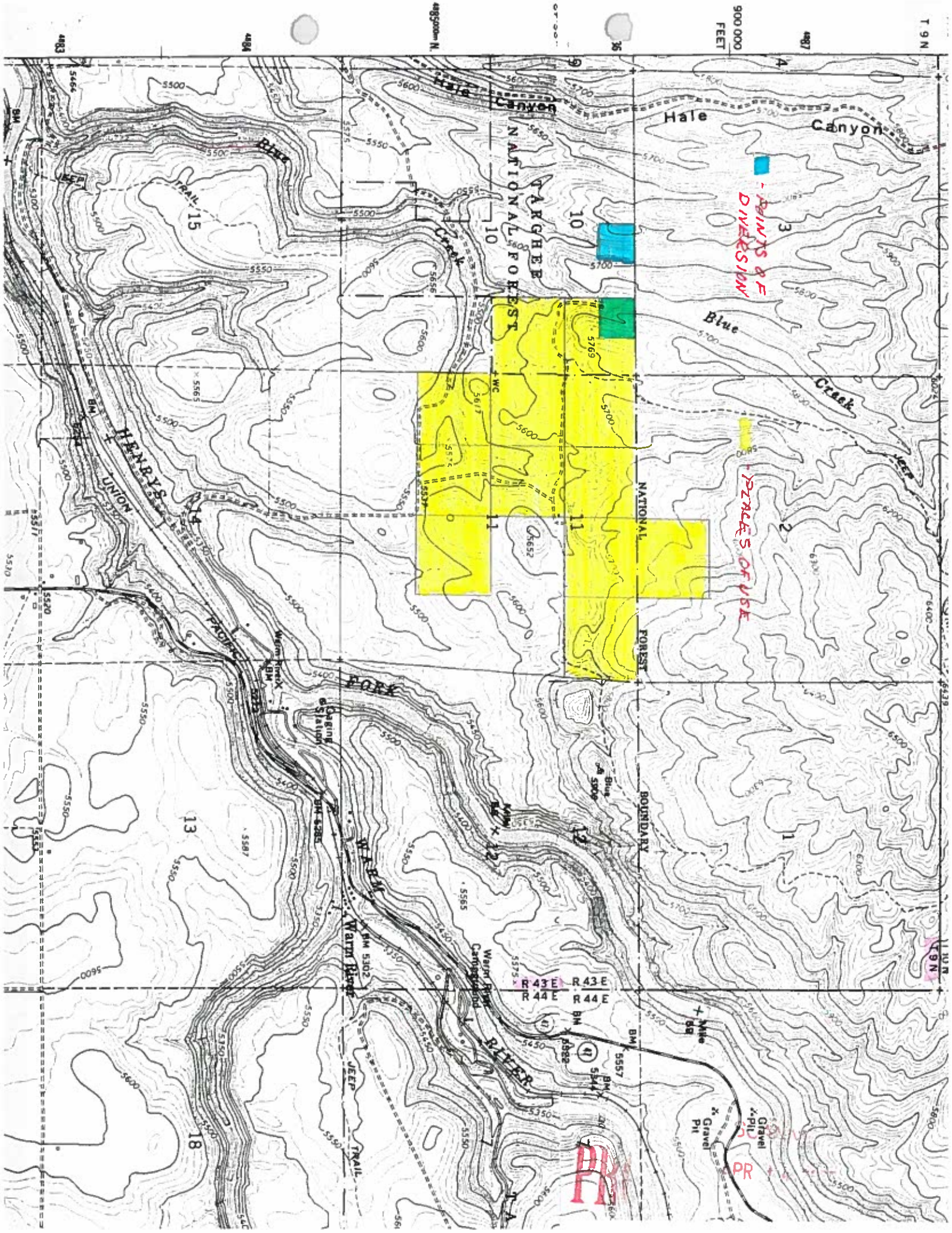
Clark D. Hunter
Notary Public for Idaho
Residing at Idaho Falls, ID
My commission expires: 8-7-2008

G:\WPDATA\KWF4973 NORTH FORK HIGHLANDS, LLC\Quitclaim Deed NFHPDA wjd.cdv

SCANNED

APR 14 2005

PROFILE



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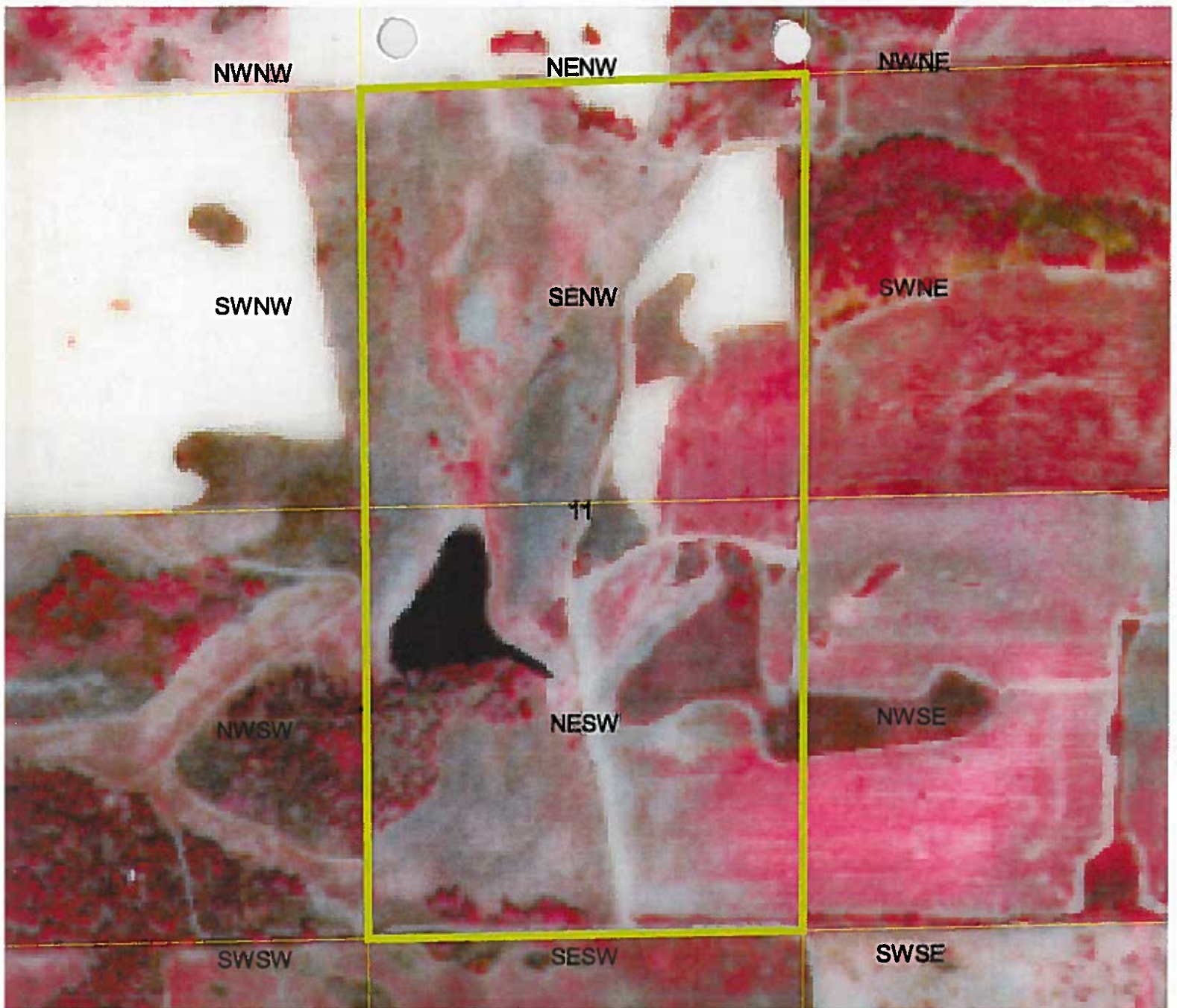
4885000 N

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484

POINTS OF DIVERSION

PLACES OF USE

PR



21-02045
T09N R43E

SCANNED
DEC 17 2004

PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 19, 1999

NORTH FORK HIGHLANDS PARTNERSHIP
PO BOX 50699
IDAHO FALLS ID 83405

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A21-02045,
A21-02102, A21-02104, A21-04025, A21-07075, A21-07076,
21-10750

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice 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 the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

DELOG EC 11-16-99

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

RECEIVED

JUN 22 1998

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

Partial Deed issued.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A21-07076, A21-10750, A21-10750
A21-02045, A21-02102, A21-07075, A21-02104, A21-04025
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) DONNA T. SUMMERS, PERSONAL REPRESENTATIVE OF THE ESTATE OF FRANK T. SUMMERS, DECEASED
DONNA SUMMERS, aka DONNA T. SUMMERS
4. New Owner/Claimant(s) NORTH FORK HIGHLANDS PARTNERSHIP
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address PO BOX 50699
City, State and ZIP Code Idaho Falls, Idaho 83405
New Telephone Number () -
5. Date you acquired the property June 15, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] Date June 18, 1998
[Signature] Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

f.25 26.5
First American Title Company

For Value Received DONNA SUMMERS, also known as DONNA T. SUMMERS, and DONNA T. SUMMERS, as Personal Representative of THE ESTATE OF FRANK G. SUMMERS, Deceased

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

NORTH FORK HIGHLANDS PARTNERSHIP

whose address is: Post Office Box 50699, Idaho Falls, ID 83405

Hereinafter called the Grantee, the following described premises situated in FREMONT County, Idaho, to-wit:

TOWNSHIP 9 NORTH, RANGE 43 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO.

SECTION 11: NW1/4; N1/2NE1/4; NE1/4SW1/4; NW1/4SE1/4

SECTION 12: NW1/4NW1/4

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 12th, 1998

THE ESTATE OF FRANK G. SUMMERS,
Decensed

Donna Summers
DONNA SUMMERS, also known as
DONNA T. SUMMERS

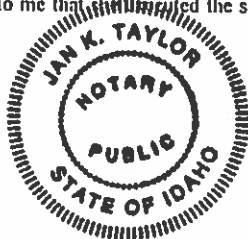
Donna T. Summers
DONNA T. SUMMERS,
Personal Representative

Donna T. Summers

STATE OF IDAHO)
COUNTY OF MADISON) ss

On This 12th day of June, in the year 1998, before me, a Notary Public in and for said State, personally appeared DONNA SUMMERS, also known as DONNA T. SUMMERS, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.

Jan K. Taylor
Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires 1/31/2003

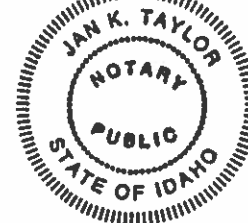


Microfilm No. 452072
15 Day June 19 98
At 15:55 O'clock P.M.
MICKIE FUNKE
FREMONT CO. RECORDER
Fees \$ 3.00 Deputy

STATE OF IDAHO)
COUNTY OF MADISON) ss

On This 12th day of June, in the year 1998, before me, a Notary Public in and for said State, personally appeared DONNA T. SUMMERS, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument as Personal Representative of THE ESTATE OF FRANK G. SUMMERS, Deceased, and acknowledged to me that she executed the same.

Jan K. Taylor
Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires 1/31/2003



Recorded At Request of
First American Title Company

Ernie Carlson
IDAHO DEPARTMENT OF
WATER RESOURCES

November 12, 1999

Page 2

Although the 1987 map is less clear than the 1992 map, both show a home located in the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11 in Township 9 North Range 43 East. We have been advised that the domestic water for the home has historically been provided from a spring located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section 11. We think this is the home and the spring that was intended when the claim for right number 21-10750 was filed. Since 21-10750 has already gone to decree in the SRBA and so much time has expired, rather than attempting to persuade the court to alter or amend the decree, we have elected to proceed with the transfer application to try to get the point of diversion and place of use in the right place. If you see a better alternative, please let us know.

Also, after reviewing the map, we are not convinced that SRBA claims nos. A21-02045, A21-02102, A21-02104 or A21-04025 are exactly accurate so far as acreage either, but perhaps it will be better to let those corrections await the availability of the better maps. We felt we should try to amend A21-07075 and A21-07076 now because they claim irrigated land on US Forest Service lands, which does not appear from the map to be correct, and there is no need to draw an objection from the US Forest Service.

Please let us know how we may be of further assistance.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\4973\CARL1103.LTR.kmc



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 23, 1998

TO: NORTH FORK HIGHLANDS PARTNERSHIP
PO BOX 50699
IDAHO FALLS ID 83405

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR A21-07076, A21-02045, A21-10750, A21-02102, A21-07075, A21-02104, A21-04025 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

- ☒ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question,
- ☒ LEGAL DESCRIPTION OF PROPERTY
- ☒ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)
- ☐ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO THIS OFFICE AND WE WILL PROCESS YOUR CHANGE OF OWNERSHIP AS SOON AS POSSIBLE.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 30, 1990

RECEIVED

NOV - 1 1990

Department of Water Resources
Eastern District Office

LaVar A. Cherry
P.O. Box 472
Ashton, ID 83420

Dear Mr. Cherry:

RE: APPLICATION FOR TRANSFER NO. 2065 OF RIGHT NO. 21-2045

Enclosed at your request is a copy of the above referenced application for transfer.

The department will consider that the application for transfer has been superceded by the adjudication claim filed by Frank G. Summers, as described in my prior letter of October 9, 1990. The department also plans to consider the adjudication claim to be the more current representation of the water use and to not separately treat the application for transfer unless you can show a reason to treat it separately.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region - Water rights
- Adjudication
- Harold Jones

Encl: 1

MICROFILMED

OCT 20 1992

2
(Name)

1205

County: Fremont.
Stream: Spring Creek.
Amount: 1.0 sec. ft.
Use: Irrigation.
Priority: December 3, 1911.

STATE OF IDAHO

Water License No. 6915.

WATER DISTRICT NO. 36 A.

WHEREAS, On the 14th day of November, A. D. 1910,

George A. Hibbard, Henry Arnold and Joseph Arnold
of Marysville, County of Fremont, State of Idaho, duly made application
(No. 9900) to me for a permit to use 9.6 cubic feet per second of the waters of Spring
Creek, located in Green Canyon, Water District No. 36 A.

County of Fremont, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 10th day of December, A. D. 1910, Permit No. 6915 was issued
to said applicants for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 10th day of December, A. D. 1912, and for the application to ben-
eficial use of said water on or before the 10th day of December, A. D. 1914, and,

WHEREAS, On the 20th day of December, A. D. 1912,

the holders of said permit, duly made proof of the completion of adequate works for the diversion of
three (3) cubic feet per second of said waters, as evidenced by my Certificate No. 6915
dated May 11th, 1917, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use three (3) cubic feet per second of said water,
with date of priority of November 14, 1915, and

WHEREAS, On the 1st day of May, A. D. 1913, Henry A. Arnold transferred to
Joseph Arnold all his right, title and interest in and to said permit, and,

WHEREAS, On the 16th day of November, A. D. 1915, Joseph Arnold transferred to
Henry Arnold all his right, title and interest in and to said permit, and,

WHEREAS, On the 31st day of December, A. D. 1915,

George A. Hibbard and Henry Arnold

the holders of said permit, duly made proof of the application to beneficial use of one (1) 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 George A. Hibbard and Henry Arnold

of Warm River, County of Fremont, State of Idaho, the holders and owners
of said Permit No. 6915, a perpetual right, dating from December 3, 1911,
to the use of one (1) cubic foot per second of the waters of Spring Creek, (Warm River)

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 SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 3, T. 9 N.,
R. 43 E., B. M.,

and conducted to and upon 45 acres, divided as follows: 20 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 5
acres in SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 11 and 25 acres in NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 14, all in T. 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 or 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 11th day of May
A. D. nineteen hundred and seventeen.

J. H. SMITH,

(Seal)

State Engineer.

REPORT OF ENGINEER

Henry Arnold

1. State name of applicant and number of permit: Geo. A. Hibbard- Permit 6915.
2. State source of water supply: Spring Creek
3. Location of point of diversion: SE⁴ SE⁴ Sec. 3, T. 9 N. - R. 43 E, B. M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Fully completed for irrigation of lands described below.

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

Ditch: 2 feet wide, depth of water 12 inches
Capacity about 3 sec. ft.

6. State whether or not water has been turned into works of diversion: Yes.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

T. 9 N., R. 43 E., B. M.:-

SE⁴ NW⁴ Sec. 11 - 20 acres.

SE⁴ SW⁴ Sec. 11 - 5 "

NE⁴ NW⁴ Sec. 14 - 25 "

8. Submit map on enclosed plat, showing location and details of above description.

Remarks:

6915

B/M

This examination was made on the 22nd day of August 1916.

(Signed)

R. H. Hamilton

Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of _____ } ss.

_____, 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 _____ 191____

Notary Public.

My Commission Expires _____

K Dist. No. 367A.

Geo. A. Hibbard
Henry Arnold
Warm River, Idaho

1913

A hand-drawn map on a grid. The grid is labeled with "SEC." and "T. 9 N., R. 43 E., B. 11." The map shows a creek labeled "Creek" and a spring labeled "Spring". A road is labeled "R.D." and is shown as a line with cross-ticks. There are two shaded rectangular areas, one labeled "30A" and the other "5A". A scale bar is at the bottom, with markings for 15, 14, and 13. The number "6915" is written in the bottom right corner.

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK