

09/22/2006

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

RIGHT NUMBER: 63-20949

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCKER CREEK RD
PAYETTE ID 83661

SOURCE: SOUTH FORK WILLOW CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 2.680 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/17/1905

POINT OF DIVERSION:

T06N R01E S31 NENW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.680 CFS
STOCKWATER	01/01 12/31	0.120 CFS

PLACE OF USE: IRRIGATION Within GEM County

T06N R01E S30 Lot 4 SWSW	16.00	T06N R01E S31 Lot 1 NWNW	6.00
T06N R01W S25	SWSE 28.00	T06N R01W S25	SESE 28.00
T06N R01W S35	NESE 5.20	T06N R01W S35	SESE 2.80
T06N R01W S36	NENE 2.00	T06N R01W S36	NWNE 24.00
T06N R01W S36	SWNE 3.00	T06N R01W S36	NENW 4.40
T06N R01W S36	SWNW 4.60	T06N R01W S36	SENW 18.00
T06N R01W S36	NESW 1.00	T06N R01W S36	NWSW 17.00

STOCKWATER Within GEM County

T06N R01E S30 Lot 4 SWSW		T06N R01E S31 Lot 1 NWNW	
T06N R01W S25	SWSE	T06N R01W S25	SESE
T06N R01W S35	NESE	T06N R01W S35	SESE
T06N R01W S36	NENE	T06N R01W S36	NWNE
T06N R01W S36	SWNE	T06N R01W S36	NENW
T06N R01W S36	SWNW	T06N R01W S36	SENW
T06N R01W S36	NESW	T06N R01W S36	NWSW

160 ACRES TOTAL

09/22/2006

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

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

Stockwater use is for 500 range cattle.

This right is a combination of old Right Nos. 63-2023, 63-2024.

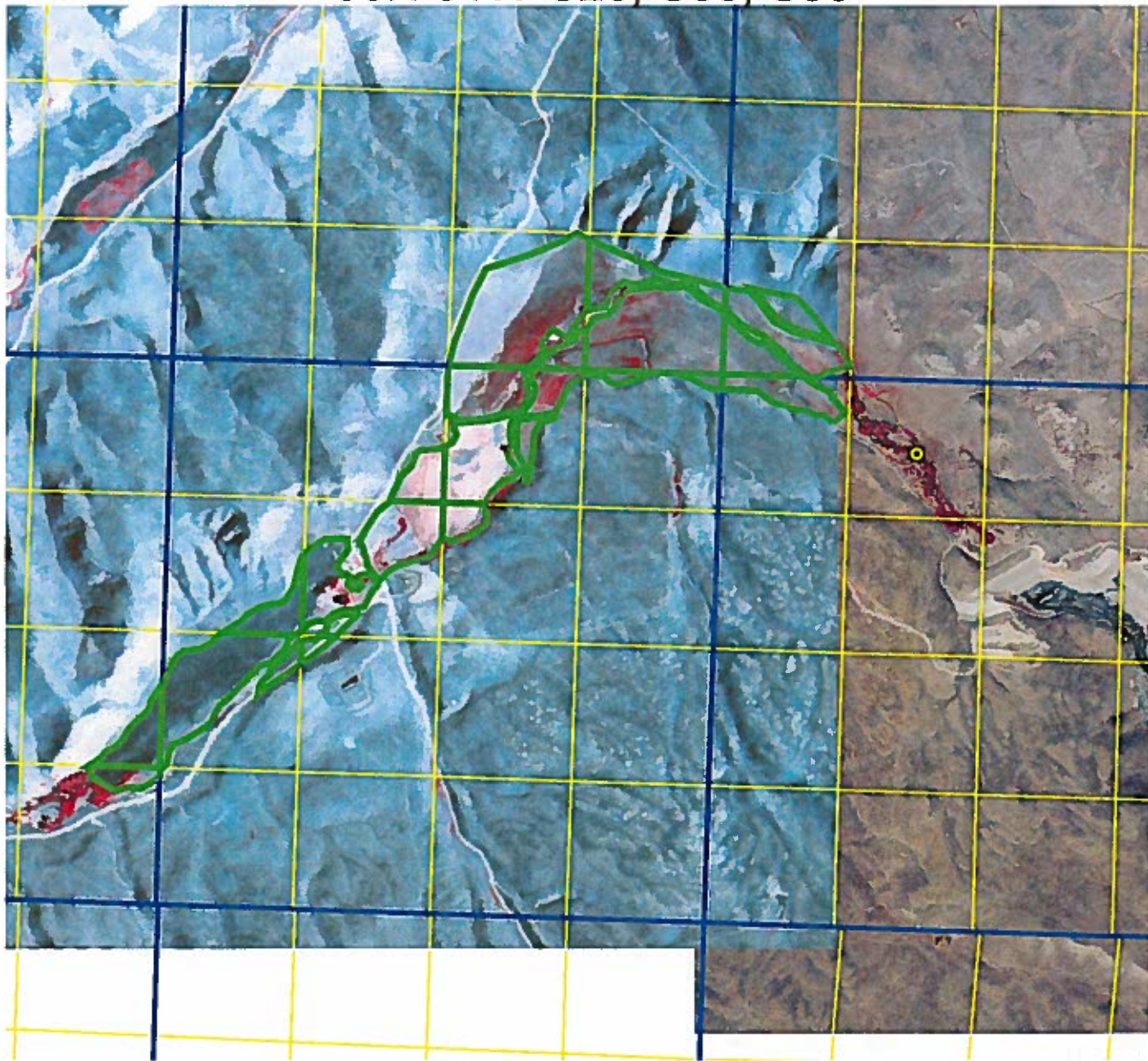


Idaho Department of Water Resources

63-20949

06N 01E S30, S31

06N 01W S25, S35, S36



Total Irrigated
Acres: 160.0

-  POU
-  POD
-  Sections
-  Quarter/Quarter

900 0 900 Feet



IDWR
Prepared by: Lori Graves
Date: 09-14-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-20949 V1

WATER RIGHT NUMBER: 63-20949 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HIGHLAND LAND & LIVESTOCK CO INC PO BOX 488 EMMETT, ID 83617 (208)365-4611
Current Owner	HARRY L BETTIS 10775 SUCKER CREEK RD PAYETTE, ID 83661 (208)365-2512

Priority Date: 07/17/1905

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH FORK WILLOW CREEK	WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.680 CFS	
STOCKWATER	01/01 to 12/31	0.120 CFS	
	<u>Total Diversion:</u>	2.680 CFS	

Location of Point(s) of Diversion

SOUTH FORK WILLOW CREEK	NE1/4NW1/4	Sec. 31, Twp 06N, Rge 01E, B.M.
GEM 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	
06N	01E	30											16.0						16.0
													L 4						
06N	01E	31																	6.0
																			L 1
06N	01W	25															28.0	28.0	56.0
06N	01W	35															5.2	2.8	8.0
06N	01W	36	2.0	24.0	3.0		4.4		4.6	18.0	1.0	17.0							74.0

Total Acres: 160

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-20949 V1

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	01E	30											X L 4						
06N	01E	31						X L 1											
06N	01W	25															X	X	
06N	01W	35													X			X	
06N	01W	36	X	X	X		X		X	X	X	X							

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. X02 Stockwater use is for 500 range cattle.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. P29 This right is a combination of old Right Nos. 63-2023, 63-2024.
5. C18 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.

Remarks:Comments:

1. Igraves 9/14/2006 Overlaps

Comment: Claimant also filed rights 63-20959 and 63-31437 for irrigation of the same acres. Both claims have been disallowed.

2. Igraves 9/14/2006 System Update

Comment: Claimant submitted an affidavit for right 63-20956 stating that the water is no longer pumped. Power was removed in 2002 because a dam was built upstream in 2001, enabling dirt diversion and gravity flow.

3. Igraves 9/14/2006 Licenses

Comment: This right is a combination of licenses 63-2023 (2.0 cfs) and 63-2024 (.68 cfs), both sharing a common priority date. Specific acres were not listed on the licenses.

4. Igraves 9/14/2006 Priority Date

Comment: A 7/15/1905 priority date was claimed. A 7/17/1905 priority date was licensed and recommended.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-20949 V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

RECEIVED

SEP 06 2006

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
63-20956)

AFFIDAVIT

State of Idaho)
County of gem)

HARRY BETTIS

deposes and says: _____

This water was pumped
from the creek to the field
and irrigated with for years
before 2001

In 2001 a dam upstream
was built and now there is
a dirt driveway there that
is used - the power poles
have been taken down and
the large culverts removed
but the water is still
used on the same land

Harry Bettis
(Signature)

Sept 6, 2006

RECEIVED

SEP 06 2006

WATER RESOURCES
WESTERN REGION

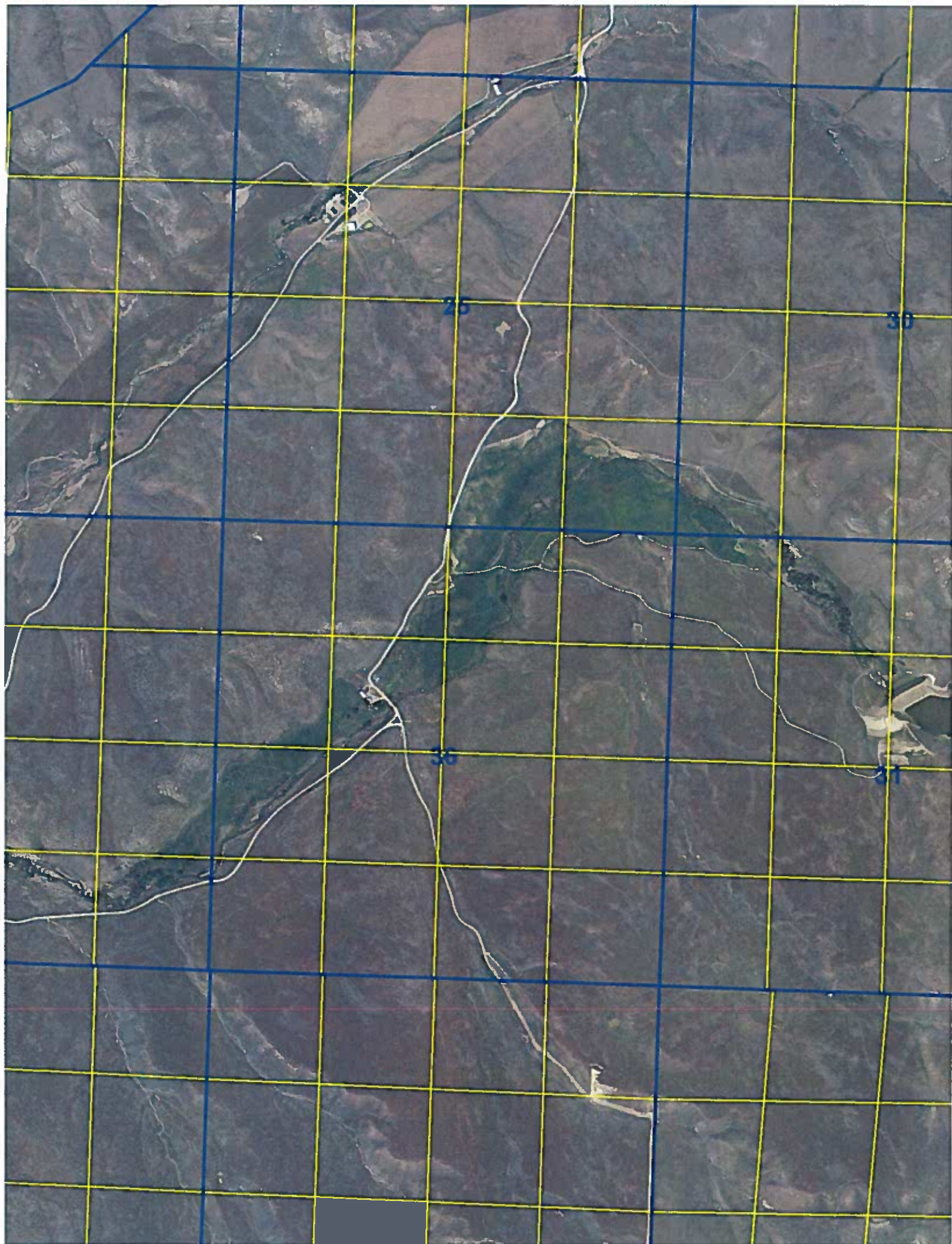
Lois Hoover

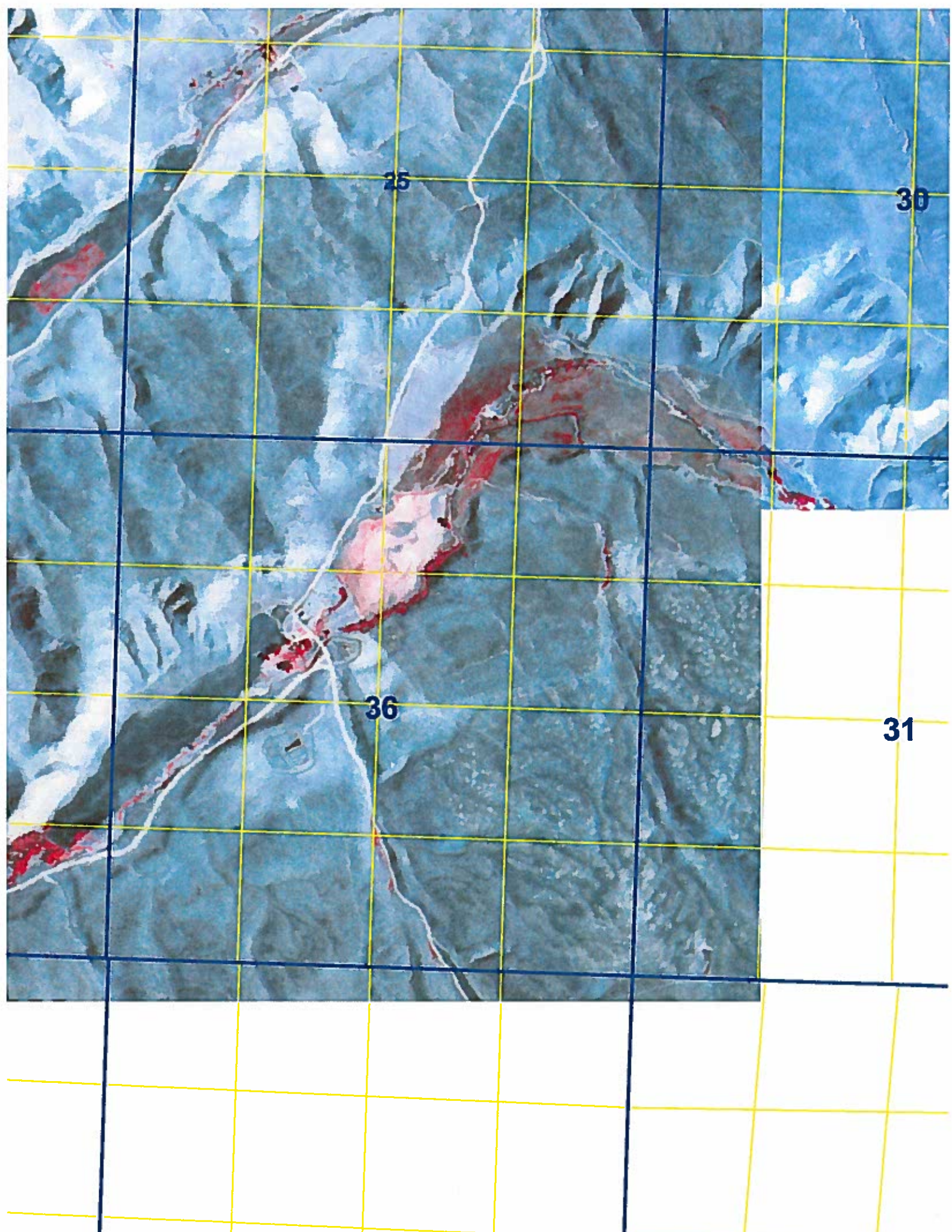
Si. water resource agent.

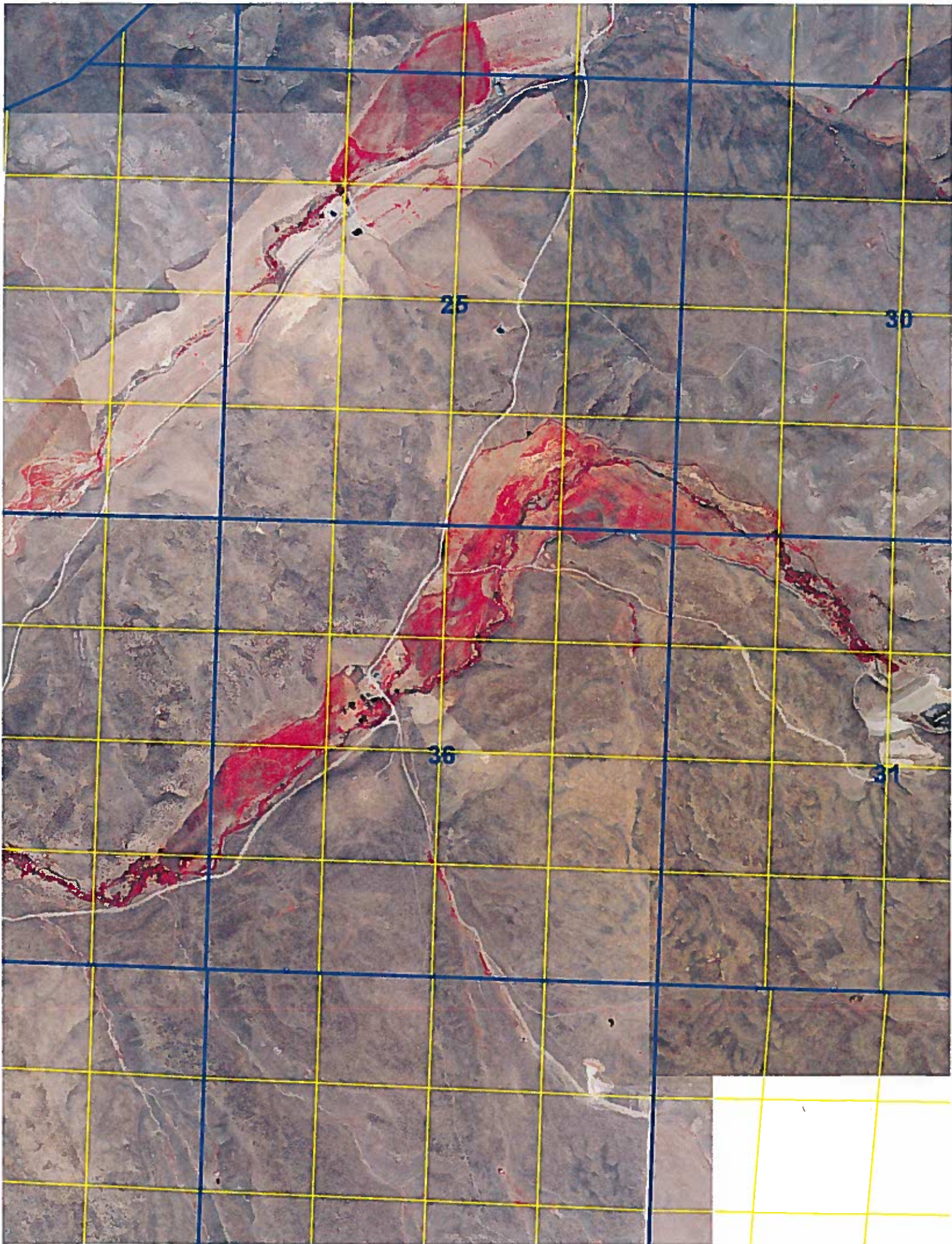
This is to advise you that
the diversion structures have
been replaced in 2002 - after
a storage dam was built, the
power lines are removed. The water
is still used with gravity flow
on the new dammed

Thank you very much
for your trouble and consideration

Sincerely,
Harry Butler







IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2024

WATER RIGHT NUMBER: 63-2024

Owner Type Name and Address
 Current Owner MARY AIKMAN
 BOISE, ID

Priority Date: 07/17/1905

Basis: License

Status: Active

Source Tributary
 SOUTH FORK WILLOW CREEK WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	0.680 CFS	1.02 = 34 acres
	<u>Total Diversion:</u>	0.680 CFS	

Location of Point(s) of Diversion

SOUTH FORK WILLOW CREEK	SE1/4SE1/4	Sec. 35, Twp 06N, Rge 01W, B.M.
GEM County		
SOUTH FORK WILLOW CREEK	SE1/4SW1/4	Sec. 35, Twp 06N, Rge 01W, B.M.
GEM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	01W	35																	

DOMESTIC same as IRRIGATION

Licensed Date: 8/21/1979
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

63-2024
✓

- Brief -

.....
Canyon County
South Fork Willow Creek
17/25 sec. ft.
Irrigation
Priority 7-17-05
.....

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

-- Water License No. 1432 --

WHEREAS, On the 17th day of July, A. D. 1905, Mary Aikman of Boise, County of Ada, and state of Idaho, duly made application (No. 1984) to me for a permit to use two cubic feet per second of the waters of South Fork Willow Creek, County of Ada, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 19th day of July, A. D. 1905, Permit No. 1432 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 19th day of July, A. D. 1906, and for the application to beneficial use of said water on or before the 19th day of July, A. D. 1907, and,

WHEREAS, On the 4th day of June, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of two cubic feet per second of said waters, as evidenced by my Certificate No. 1432, dated June 8, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two cubic feet per second of water, with date of priority of July 17, 1905, and,

WHEREAS, On the 4th day of June, A. D. 1906, proof was duly made of the application to beneficial use of 17/25 of one cubic foot 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 MARY AIKMAN of Boise, Ada County, Idaho, the holder and owner of said Permit No. 1432 a perpetual right, dating from July 17, 1905, to the use of 17/25 of one cubic foot per second of the waters of South Fork of Willow Creek in the County of Canyon and state of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of sec. 35, and at a point in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of sec. 35, Tp. 6 N., R. 1 W. B. M., and conducted to and upon the South Half (SE $\frac{1}{4}$ of southeast quarter (SE $\frac{1}{4}$) of section Thirty-five (35), and southeast quarter (SE $\frac{1}{4}$) of southwest quarter (SW $\frac{1}{4}$) of section Thirty-five (35), Township six (6) North, Range One (1) West of Boise Meridian, for the purpose of irrigation and domestic, 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 eighth day of June, A. D. Nineteen Hundred and six.

Jas. Stephenson, Jr.

(Seal)

State Engineer.

63 2024

Recorded June 9, 1906.

No. 1984

APPLICATION FOR PERMIT

To appropriate the Public waters of the state of Idaho.

1. Name of applicant - MARY AYKMAN
Postoffice address: P. O. - Boise
County - Ada, Idaho.
2. The quantity of water claimed is two cubic feet per second.
3. Source of water supply - South Fork Willow Creek.
County of Canyon.
4. Location of point of diversion on section line between Secs. 35 & 36, T. 6 N., R. 1 W., where creek crosses said section line.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated about 100 acres.
 - (b) In the following legal subdivisions - S2 SE4, SE4 SW4 Sec. 35, T. 6 N., R. 1 W.
6. Estimated cost of works - Seventy-five Dollars.
7. Description of Works for Diversion:
 - I. Kinds of works - Two ditches and a dam.
 - II. Dimensions of Works:
 - (a) Height of dam 2 feet, length of dam at top 40 feet, length of dam at bottom 35 feet, material used in construction earth.
 - (d) Ditch (flume or pipe) width at bottom one foot, width at water line $1\frac{1}{2}$ feet, depth of water one foot. Average grade per mile is $\frac{1}{2}$ feet. Length of ditch is about $\frac{3}{4}$ mile each, and it crosses the following quarter sections - S2 SE4 & SE4 SW4 sec. 35, Tp. 6 N., R. 1 W., the land to be irrigated.
8. Time required for the completion of the construction of such work is one year.
9. Time required for the complete application of the water to the proposed use is one additional year.

Approval of state engineer

The number of this permit is 1432.

Date of first receipt of application 4 p. m. July 17th, 1905.

Recorded in Book 5, page 1432. Approved July 19th, 1905.

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

Work to begin on or before Sept. 17th, 1905, 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 Jan. 19th, 1906.

The whole of said work to be completed on or before July 19th, 1906.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to July 19th, 1907.

Witness my hand this 19th day of July, 1906

Jas. Stephenson, Jr.

State Engineer.

Notice of Proof of Completion of Works and Notice of Proof of Application of water to Beneficial Use received May 4, 1906, and notice for publication mailed Emmett Index same date.

Report of D. O. Stevenson received June 5, 1906.

Depositions of permit holder and two witnesses received June 6, 1906.

Depositions and report show that there has been some change in the description of the location of the point of diversion.

Fee of \$5.00 for proof of Completion of Works and fee of \$6.00 for proof of application of water to beneficial use received June 6, 1906.

The permit holder through M. G. Cage, Attorney, requested to furnish an affidavit as to the change in the description of point of diversion. Affidavit received June 6, 1906, and is as follows:

STATE OF IDAHO)
County of Ada) ss.

MARY AIKMAN, Being first duly sworn deposes and says: That she is the identical person who, on July 17, 1905, made application No. 1984, for permit to appropriate the public waters of the state of Idaho to the extent of two cubic feet per second from the waters of the South Fork of Willow Creek, Canyon County, Idaho, for the purpose of irrigating the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 35, Township 6 North, Range 1 west. That in her said application which is permit No. 1432, the points of diversion for her two ditches to be used in irrigating said tract were located on the section line between sections 35 and 36 of said Township and Range.

That Proof of Completion of Works and of Beneficial Application of Water to said tract was duly advertised to be made by Milton G. Cage a Notary Public in and for Ada County, Idaho, on the 4th day of June, 1906, and that in accordance with said published notice said proofs were taken before said Cage at his office in the Overland Block in Boise, Idaho.

That at the time of taking said proof it was discovered from the report and survey made by D. O. Stevenson, the engineer appointed by the State engineer to make an examination of said Irrigation Works and the Beneficial Application of said water to said land, that a mistake had been made in the points of diversion, and that while one of the ditches described in said application was taken out of said South Fork of Willow Creek near the section line between sections 35 and 36, Township 6 North, Range 1 west, the other of said ditches instead of being taken out of said Willow Creek at the point of diversion mentioned in said application, is taken from said creek near the North east corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 35, said township and range; that the mistake in fixing the point of diversion of said last mentioned ditch was caused by the fact that affiant was mistaken as to the course of said South Fork of Willow Creek

through said tract and that said ditch could not be constructed from said point of diversion on said land north of said creek, but that in order to keep said ditch entirely upon the land of applicant it is necessary to divert the water from said Willow Creek by means of said ditch about half a mile further down said Willow Creek and near the north east corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35. That the change in the point of diversion cannot in any manner affect the rights of any other persons as there are no other persons claiming the right to take water from Willow Creek between the point of diversion mentioned in the application and the point of diversion that is actually existing upon the ground, as shown by the report and map of said D. O. Stevenson, who was duly appointed to make examination of the works and the beneficial application of water to the land.

Mary Aikman

SUBSCRIBED AND SWORE TO Before me this 6th day of June, 1906.

Milton G. Gage,

(Notarial seal)

Notary Public.

D. O. STEVENSON and ANDREW LITTLE Being first duly sworn, each for himself and not one for the other, depose and say that they have read the foregoing affidavit of Mary Aikman and know the contents thereof and that the matters and things therein stated are true of their own knowledge.

D. O. Stevenson

Andrew Little

SUBSCRIBED AND SWORN TO Before me this 6th day of June, 1906.

Milton G. Gage

(seal)

Notary Public.

Received and filed for record in the office of the state engineer at Boise, Idaho, June 6, 1906.

Jas. Stephenson, Jr.

CL

State Engineer.

THE POINT OF DIVERSION as described in above affidavit is hereby allowed, and the change is hereby made a part of Permit No. 1432.

Jas. Stephenson, Jr.

CL

State Engineer.

Report of examining surveyor and depositions show that works have been completed of a sufficient capacity to divert and convey to the place of intended use the amount of water for which application was made, and that water to the extent of 17/25 of one cubic foot per second has been applied to beneficial use.

Certificate of Completion of Works and License issued June 8th, 1906.

Permit No. 1432

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 MARY ALKMAN of Boise, County of Ada, and State of Idaho, the holder of Permit No. 1432, issued upon Application No. 1984, bearing date of priority of July 17, 1905, authorizing the diversion of two second-feet of the waters of South Fork Willow Creek, County of Canyon, State of Idaho, at a point in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 35, and at a point in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 35, Tp. 6 N., R. 1 W. 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 two second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: South Half (S $\frac{1}{2}$) of southeast quarter (SE $\frac{1}{4}$) of section Thirty-five (35) and southeast quarter (SE $\frac{1}{4}$) of southwest quarter (SW $\frac{1}{4}$) of section Thirty-five (35), Township Six (6) North, Range One (1) West of Boise Meridian.

Witness my hand this eighth day of June, A. D. 1906.

Jas. Stephenson, Jr.

State Engineer of the State of Idaho.

License issued for 69,100 second feet

P. 6°

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2023

WATER RIGHT NUMBER: 63-2023

Owner Type Name and Address
 Current Owner ROBERT AIKMAN
 BOISE, ID

Priority Date: 07/17/1905

Basis: License

Status: Active

Source Tributary
 SOUTH FORK WILLOW CREEK WILLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	2.000 CFS	<i>/ .02 = 100 acres</i>
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

SOUTH FORK WILLOW CREEK	SW1/4NE1/4	Sec. 31, Twp 06N, Rge 01E, B.M.
CANYON County		
SOUTH FORK WILLOW CREEK	SE1/4NW1/4	Sec. 31, Twp 06N, Rge 01E, B.M.
CANYON County		

Place of Use

IRRIGATION																																																																				
Twp	Rge	Sec																																																																		
06N	01E	30	<table border="0"> <tr> <td colspan="4">NE</td> <td colspan="4">NW</td> <td colspan="4">SW</td> <td colspan="4">SE</td> <td rowspan="2">Totals</td> </tr> <tr> <td>NE</td><td>NW</td><td>SW</td><td>SE</td> <td>NE</td><td>NW</td><td>SW</td><td>SE</td> <td>NE</td><td>NW</td><td>SW</td><td>SE</td> <td>NE</td><td>NW</td><td>SW</td><td>SE</td> </tr> <tr> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td>X</td><td>X</td> <td></td><td></td><td></td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td></td><td></td><td>L 4</td><td></td> <td></td><td></td><td></td><td></td> </tr> </table>	NE				NW				SW				SE				Totals	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE											X	X															L 4					
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DOMESTIC same as IRRIGATIONDates and Other Information:

Licensed Date: 8/21/1979
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:

63-2023

- Brief -
.....
Canyon County
South Fork Willow Creek
2 sec. ft.
Irrigation
Priority 7-17-05.
.....

STATE OF IDAHO

- Water License No. 1431 -

WHEREAS, On the 17th day of July, A. D. 1905, Robert Aikman, of Boise, County of Ada, and state of Idaho, duly made application (No. 1983) to me for a permit to use two cubic feet per second of the waters of South Fork of Willow Creek, County of Canyon, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 19th day of July, A. D. 1905, Permit No. 1431 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 19th day of July, A. D. 1906, and for the application to beneficial use of said water on or before the 19th day of July, A. D. 1907; and,

WHEREAS, On the 4th day of June, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of two cubic feet per second of said waters, as evidenced by my Certificate No. 1431, dated June 8, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two cubic feet per second of water, with date of priority of July 17, 1905, and,

WHEREAS, On the 4th day of June, A. D. 1906, proof was duly made of the application to beneficial use of two 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 ROBERT AIKMAN of Boise, Ada County, Idaho, the holder and owner of said Permit No. 1431 a perpetual right, dating from July 17, 1905, to the use of two cubic feet per second of the waters of South Fork Willow Creek, in the County of Canyon and state of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 31, and at a point in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec. 31, Township 6 North, Range 1 East of Boise Meridian, and conducted to and upon Lot 4 and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, Lot 1 and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, Tp. 6 N., R. 1 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 eighth day of June, A. D. Binteon Hundred and six.

Jas. Stephenson, Jr.

(seal)

state engineer.

CS 2023

No. 1983

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

To Appropriate the Public Waters of the State of Idaho.

1. Name of applicant - ROBERT ALTMAN
Postoffice address: P. O. - Boise.
County - Ada, Idaho.
2. The quantity of water claimed is two cubic feet per second.
3. Source of water supply - South Fork Willow Creek.
County of Canyon, Idaho.
4. Location of point of diversion On section line between Sec. 31 & 32, T. 6 N., R. 1 E., where creek crosses said section line.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated about 100 acres.
 - (b) In the following legal subdivisions - Part of Lot 4 Sec. 30, Part Lot 1, W2 NW4, SW4 NE4, N2 SE4 Sec. 31, all in T. 6 N., R. 1 E.
6. Estimated cost of works - About \$100.00
7. Description of Works for Diversion:
 - I. Kinds of works - Two ditches and dam
 - II. Dimensions of Works:
 - (a) Height of dam two feet, length of dam at top 40 feet, length of dam at bottom 35 feet, material used in construction earth.
 - (d) Ditch (flume or pipe) width at bottom one foot, width at water line 1½ feet, depth of water one foot. Average grade per mile is ½ foot. Length of ditch is about 1 mile each, and it crosses the following quarter sections - S2 NW4, NE4 SW4, N2 SE4, S2 NE4, N2 NW4, Sec. 31, & Lot 4, Sec. 30, T. 6 N., R. 1 E., being the land irrigated, which is the point of intended use.
8. Time required for the completion of the construction of such work is one year.
9. Time required for the complete application of the water to the proposed use is one additional year.

Approval of State Engineer.

The number of this permit is 1431.

Date of first receipt of application 4 P. M., July 17th, 1905.

Recorded in Book 5, page 1431. Approved July 19th, 1905.

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

Work to begin on or before Sept. 17th, 1905, 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 Jan. 19th, 1906.

The whole of said work to be completed on or before July 19th, 1906.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to July 19th, 1907.

Witness my hand this 19th day of July, 1905.

Jas. Stephenson, Jr.

State Engineer.

Notice of Proof of Completion of Works and Notice of Proof of Application of Water to Beneficial Use received May 4, 1906, and notice for publication mailed Emmett Index same date.

Report of D. O. Stevenson received June 5, 1906.

Depositions of permit holder and two witnesses received June 6, 1906.

Depositions and report show that there has been some change in the description of the location of the point of diversion, and the description of the land.

Fee of \$5.00 for proof of completion of works and fee of \$8.00 for proof of application of water to beneficial use received June 6, 1906.

The permit holder through M. G. Cage, Attorney, requested to furnish an affidavit as to the change in the description of point of diversion and the change in the description of the land if any. Affidavit received June 6, 1906, and is as follows:

STATE OF IDAHO)
) ss.
County of Ada)

ROBERT AIKMAN, Being first duly sworn, deposes and says that he is the identical person, who, on the 17th day of July, 1905, made application No. 1983 for permit to appropriate the public waters of the state of Idaho to the extent of two cubic feet per second from the South Fork of Willow Creek, Canyon County, Idaho. That in said application his points of diversion were stated as being on the section line between sections 31 and 32, Township 6 North, Range 1 East, where the creek crosses said section line, and that the water so applied for was intended to be used on part of Lot 4, section 30, and part of Lot 1 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$, section 31, Township 6 North, Range 1 East.

That proof of Completion of Works and also Proof of Beneficial Application of water was duly advertised to be made by Milton G. Cage, a Notary Public in and for Ada County, Idaho, on the 4th day of June, 1906, and that proof was taken before Milton G. Cage as advertised.

That David O. Stevenson was the engineer who made examination of the irrigation works and the beneficial application of water, under appointment from the State engineer and was also used as a witness on behalf of the applicant making said proof. That from the examination and surveys made by said Stevenson it was ascertained that a mistake had been made in the points of diversion in the two ditches mentioned in the said application and permit, and that instead of being on the section line between sections 31 and 32 of said Township, the points of diversion were as follows: For what is termed Ditch No. 1 in the proofs, running north of said Willow Creek, the point of diversion is actually located according to the report and map of said D. O. Stevenson in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 31, and the point of diversion for Ditch No. 2 running south of said Creek, is in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said section 31; that the mistake in locating

the point of diversion, in the application, on the section lines between sections 31 and 32 was caused by the applicant Robert Aikman being unfamiliar with the Government Survey and the actual location of the section lines and corners and his inability to locate definitely said section lines and corners in the absence of an actual survey. Affiant states, however, that said mistake cannot in any manner affect or injure other applicants for water from said Willow Creek, as there are no other persons claiming the right to take water from said Willow Creek at any point between the point of diversion as mentioned in said application and the points of diversion as actually made on the ground and as shown by map filed with said proofs and made by said D. O. Stevenson.

Affiant further says that in describing the land to be irrigated from said ditches he inadvertently omitted therefrom the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 30, Township 6 North, range 1 east, and that said mistake was caused by reason of the fact that affiant had made a mistake in the description of his desert entry for which said water was appropriated. That said last described forty should have been included within the land intended to be irrigated, and that affiant has actually constructed a ditch for the purpose of irrigating said forty, and now has the same in a crop of wheat and has actually applied the water thereto.

Robert Aikman.

Subscribed and sworn to before me this 6th day of June, 1906.

(Notarial Seal)

Milton G. Cagle

Notary Public.

D. O. STEVENSON AND ANDREW LITTLE, Being first duly sworn, each for himself and not one for the other, depose and says that they have read the foregoing affidavit of Robert Aikman and know the contents thereof, and that the matters and things herein stated are true of their own knowledge.

D. O. Stevenson

Andrew Little.

Subscribed and sworn to before me this 6th day of June, 1906.

Milton G. Cagle

(Notarial Seal)

Notary Public.

Received and filed for record in the office of the state engineer at Boise, Idaho, June 6, 1906.

Jas. Stephenson, Jr.

CL
state engineer

The POINTS OF DIVERSION and PLACE OF USE as described in above affidavit are hereby allowed and are declared to be a part of Permit No. 1432.

Jas. Stephenson, Jr.

CL
state engineer.

Report of examining surveyor and depositions show that works have been completed of a capacity to divert and convey to the place of use the amount of water for which application was made, and that water to the extent of two cubic feet per second has been applied to beneficial use.

Certificate of Completion of Works and License issued June 6, 1906.

Permit No. 1431

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 ROBERT AIKMAN of Boise, County of Ada, and state of Idaho, the holder of Permit No. 1431, issued upon Application No. 1983, bearing date of priority of July 17, 1905, authorizing the diversion of two second-feet of the waters of South Fork of Willow Creek, County of Canyon, State of Idaho, at a point in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of sec. 31, and at a point in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec. 31, Tp. 6 N., R. 1 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 two second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lot Four (4) and Southeast quarter (SE $\frac{1}{4}$) of Southwest quarter (SW $\frac{1}{4}$) of section Thirty (30),; Lot One (1) and Northeast quarter (NE $\frac{1}{4}$) of Northwest quarter (NW $\frac{1}{4}$) of section Thirty-one (31), Township Six (6) North, range One (1) East of Boise Meridian.

Witness my hand this eighth day of June, A. D. 1906.

Jas. Stephenson, Jr.

state Engineer of the
state of Idaho.

License issued for 2 second feet
P. 59

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 63-20949
Date Received: 2/14/1990
Receipt No: W008846
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HARRY L BETTIS
10775 SUCCOR CREEK RD
PAYETTE ID USA 83661

Phone: (208)365-2512

2. Date of Priority: 07/15/1905

3. Source: WILLOW CREEK SOUTH FORK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	01E	31	NE NW	GEM	

5. Description of diverting works:

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2.68	
STOCKWATER	1/01	12/31	0.12	

7. Total Quantity Appropriated is:
2.68 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
06N	01E	30	SW	SW	IRRIGATION	21
					Section Acres	21
06N	01W	25	SE	SE	IRRIGATION	27
			SW	SE	IRRIGATION	32
					Section Acres	59
06N	01W	35	NE	SE	IRRIGATION	7
			SE	SE	IRRIGATION	4
					Section Acres	11
06N	01W	36	NE	NE	IRRIGATION	4
			NW	NE	IRRIGATION	24
			SW	NE	IRRIGATION	7
			NE	NW	IRRIGATION	5
			SE	NW	IRRIGATION	10
			SW	NW	IRRIGATION	3
			NW	SW	IRRIGATION	24
					Section Acres	77
					Total Acres	168

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 4/16/2002

THIS CLAIM IS A COMBINATION OF WATER RIGHT NOS 63-02023 AND 63-02024 SINCE BOTH ARE FOR THE SAME RANCH WITH THE SAME PRIORITY DATE AND SAME SOURCE.

DESC. OF DIVERTING WORKS - DURING THE EARLY SPRING WATER IS DIVERTED VIA DIV. DAMS, DITCHES AND FLOOD IRRIGATION. WHEN THE WATER DROPS IN EARLY MAY, CREEK WATER IS THEN DIVERTED INTO THE TWO CULVERT PIPES FILED ON UNDER CLAIM NO. A63-20956 AND PUMPED FOR FLOOD IRRIGATION ALONG WITH THE SPRING WATER IN THE CULVERT PIPES.

15. Basis of Claim: License

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

RECEIVED
APR 4 2002
WATER RESOURCES
WESTERN REGION

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
63-20949					
63-20956					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- 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) Highland Land Livestock
P.O. Box 488
4. New Owner/Claimant(s) X Emmett, ID 83607
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Harry Bettis
 New Mailing Address 10775 Success Creek Rd
 City, State and ZIP Code Payette, ID 83601
 New Telephone Number () 365-2512
5. Date you acquired the property March 2002

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)
(include title if applicable)

Harry Butler

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

For Office Use Only

Received by _____	Date <u>4-4-02</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

3/05/02

PMO100 - PARCEL MASTER INQUIRY

15:32:23

PARCEL: RP 00199302 A

BETTIS FAMILY LIMITED PRTNSHP

LEGAL DESCRIPTION
2697 06 30 1 00 00 003
LOT 2,
SEC 30 6N 1E

10775 SUCKER CRK

CODE AREA 600 OWNER CODE
PARC TYPE LOC CODE 400
EFFDATE 1012000 EXPDATE
PREV PARCEL RP00199302 T

PAYETTE ID 83661

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
5	2000	36580	AC	1130				

TOTALS 36580 1130

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

3/05/02

PMO100 - PARCEL MASTER INQUIRY

15:32:34

PARCEL: RP 00199701 A

BETTIS FAMILY LIMITED PRTNSHP

LEGAL DESCRIPTION

SE1/4, S1/2 NE, SE NW, SEC 30
L1,2,3,4, E1/2 NW,
W1/2 NE, SE1/4, E1/2 SW,
SEC 31 S1/2 SW, SEC. 32 6N 1E

10775 SUCKER CRK

PAYETTE ID 83661

F3=Exit F5=Refresh F12=Cancel

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
5	2000	910000	AC	28210				

TOTALS 910000 28210

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

3/05/02

PMO100 - PARCEL MASTER INQUIRY

15:33:12

PARCEL: RP 00278701 A

BETTIS FAMILY LIMITED PRTNSHP

LEGAL DESCRIPTION

2695 11 35 0 00 00 001
E1/2 NW, E1/2 SW, LESS T 1,2,
E1/2 SEC 35 6N 1W10775 SUCKER CRKCODE AREA 1100 OWNER CODE _____
PARC TYPE _____ LOC CODE 400
EFFDATE 7201999 EXPDATE _____
PREV PARCEL RP00278700 TPAYETTE ID 83661

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	1997	8300	AC	6840				
5	1997	412190	AC	11825				
19	1997	28020	AC					

TOTALS 448510 18665

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

3/05/02

PMO100 - PARCEL MASTER INQUIRY

15:33:21

PARCEL: RP 00278801 A

BETTIS FAMILY LIMITED PRTNSHP

LEGAL DESCRIPTION
2695 11 36 4 00 00 003
SE1/4, SE NE,
SEC 36 6N 1W10775 SUCKER CRKCODE AREA 1100 OWNER CODE _____
PARC TYPE _____ LOC CODE 400
EFFDATE 3301993 EXPDATE _____
PREV PARCEL R200278801 TPAYETTE ID 83661

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
5	1997	197630	AC	5930				
19	1997	2370	AC					

TOTALS 200000 5930

ENTER NEXT PARCEL NUMBER RP AFKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

3/05/02

PMO100 - PARCEL MASTER INQUIRY

15:33:30

PARCEL: RP 00278802 A

BETTIS FAMILY LIMITED PRTNSHP

LEGAL DESCRIPTION

2695 11 36 2 00 00 002
N1/2 NW, SW NW,
SEC 36 6N 1W10775 SUCKER CRKCODE AREA 1100 OWNER CODE
PARC TYPE LOC CODE 400
EFFDATE 3301993 EXPDATE
PREV PARCEL R200278802 TPAYETTE ID 83661

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	1997	2610	AC	2150				
5	1997	116440	AC	3300				
19	1997	950	AC					

TOTALS 120000 5450

ENTER NEXT PARCEL NUMBER RP AFKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SRch F22=EU

ALLIANCE

TITLE & ESCROW CORP.

IDWR Copy

Please Reply To: 1022 South Washington Avenue
P.O. Box 622
Emmett, ID 83617
208-365-4486
FAX: 208-365-4541

Don Watts
A & B Engineering
836 La Cassia Drive, Ste. 3
Boise, Idaho 83705

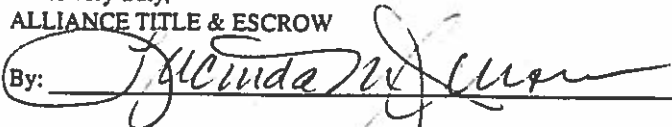
ESCROW NO. 405002912
RE: Harry Bettis
DATE: 3-28-2002

In connection with the above numbered Escrow, we enclose the following:

- | | |
|--|------------------|
| ☐ Our check # | In the sum of \$ |
| ☐ Deed recorded | Instrument No. |
| ☐ Deed of Trust recorded | Instrument No. |
| ☐ Note Dated | In the sum of \$ |
| ☐ Title Insurance Policy No. | |
| ☐ Title Insurance Binder | |
| ☐ Copy of Closing Statement | |
| ☐ Copy of Escrow Instructions | |
| ☐ Assignment of Trust Fund | |
| ☐ Change of ownership agreement | |
| ☒ Title Commitment | |
| ☒ Privacy Statement | |
| ☒ Map | |
| ☒ Invoice | |

Any other documents to which you are entitled will be forwarded as soon as they are available.

Yours very truly,
ALLIANCE TITLE & ESCROW

By: 

ALLIANCE

TITLE & ESCROW CORP.

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Issued by:
ALLIANCE TITLE AND
ESCROW CORPORATION
1022 SOUTH WASHINGTON AVENUE
EMMETT, ID 83617
(208) 365-4486



CHICAGO TITLE INSURANCE COMPANY

By:

Robert A. St. E.
President

By:

Barbara J. Smith
Secretary

Quanda M. Jensen
Authorized Signatory

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

File Number: 405-002912

1. Effective Date: March 18, 2002

2. Policy or Policies to be issued:

A. ☒ ALTA Owner's Policy, (4-6-90) ☒ Standard Coverage ☐ Extended coverage Amount \$ 10,000.00
Premium \$ 200.00

Proposed Insured: A & B Engineering

B. ☐ ALTA Loan Policy, (4-6-90) ☐ Standard Coverage ☐ Extended coverage Amount \$
Premium \$

Proposed Insured:

C. Amount \$
Premium \$

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:
Fee Simple

4. Title to the fee simple estate or interest in said land is at the effective date hereof
vested in:
Tracts I, II and III: Harry L. Bettis, a single man
Tracts IV thru XI: BETTIS FAMILY LIMITED PARTNERSHIP.

5. The land referred to in this Commitment is described as follows:
Legal Description Attached.

SCHEDULE A

Commitment

Reorder Form No. 11143 Rev. 8/90

LEGAL DESCRIPTION

TRACT I:

The $E\frac{1}{2}SW\frac{1}{4}$ and Lots 3 and 4, all lying in Section 30, Township 6 North, Range 1 East, B.M., Gem County, Idaho.

TRACT II:

The $N\frac{1}{2}NE\frac{1}{4}$ and $SW\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}NW\frac{1}{4}$ and $N\frac{1}{2}SW\frac{1}{4}$, all lying in Section 36, Township 6 North, Range 1 West of the B.M., Gem County, Idaho.

TRACT III:

The $SE\frac{1}{4}$ and the $E\frac{1}{2}SW\frac{1}{4}$ and the $SW\frac{1}{4}SW\frac{1}{4}$ and the $SE\frac{1}{4}NE\frac{1}{4}$ and the following described parcel of land: Beginning at the northeast corner of the $SW\frac{1}{4}NE\frac{1}{4}$ running thence South on the $\frac{1}{4}$ section line to the Southeast corner of said $SW\frac{1}{4}NE\frac{1}{4}$, thence West 585 feet, more or less, to a point 735 feet east of the Southwest corner of said $SW\frac{1}{4}NE\frac{1}{4}$, thence northeasterly to the place of beginning, all lying in Section 25, Township 6 North, Range 1 West of the B.M., Gem County, Idaho.

TRACT IV:

Government Lot 2, Section 30, Township 6 North, Range 1 East, B.M., Gem County, Idaho.

TRACT V:

The $SE\frac{1}{4}$ and $S\frac{1}{2}NE\frac{1}{4}$ and $SE\frac{1}{4}NW\frac{1}{4}$ of Section 30, Township 6 North, Range 1 East, B.M. Gem County, Idaho.

Lots 1, 2, 3 and 4, $E\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ of Section 31, Township 6 North, Range 1 East, B.M., Gem County, Idaho.

The $S\frac{1}{2}SW\frac{1}{4}$ of Section 32, Township 6 North, Range 1 East, B.M., Gem County, Idaho.

TRACT VI:

$N\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ of Section 32, Township 6 North, Range 1 East, B.M., Gem County, Idaho.

TRACT VII:

The $W\frac{1}{2}SW\frac{1}{4}$ of Section 33, Township 6 North, Range 1 East, B.M., Gem County, Idaho.

TRACT VIII:

The $E\frac{1}{2}$, $E\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ of Section 35, Township 6 North, Range 1 West, B.M., Gem County, Idaho EXCEPT the following 2 parcels of land:
A portion of land lying in the $SE\frac{1}{4}SW\frac{1}{4}$, Section 35, Township 6 North, Range 1 West, B.M., Gem County, Idaho being more particularly described as follows:
Beginning at the southwest corner of the $SE\frac{1}{4}SW\frac{1}{4}$, Section 35, Township 6 North, Range 1 West, B.M., Gem County, Idaho said point being the REAL POINT OF BEGINNING; thence North $89^{\circ}48'15''$ East, 657.12 feet more or less along the south boundary of said $SE\frac{1}{4}SW\frac{1}{4}$ to the intersection of an old fence line which bears North $5^{\circ}48'12''$ West; thence North $5^{\circ}48'12''$ West, 1326.34 feet more or less along said fence line to a point on the north boundary of said $SE\frac{1}{4}SW\frac{1}{4}$; thence

(continued)

South 89°48'15" West, 522.05 feet more or less along the north boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 0°02'30" West, 1320.00 feet more or less along the west boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the REAL POINT OF BEGINNING.

A portion of land lying in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 6 North, Range 1 West, B.M., Gem County, Idaho, being more particularly described as follows:

Beginning at the southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 6 N., R. 1 W., B.M., Gem County, Idaho, said point being the REAL POINT OF BEGINNING; thence

North 0°02'30" East, 1320.0 feet more or less along the west boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the northwest corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence

North 89°48'15" East, 1072.86 feet more or less along the north boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the intersection with the centerline of Pearl Road; thence along the centerline of Pearl Road the following courses:

South 46°52' West, 179.36 feet;

South 41°52' West, 300.0 feet;

South 44°52' West, 150.0 feet;

South 48°48' West, 125.0 feet;

South 52°08' West, 110.0 feet;

South 54°05' West, 135.0 feet;

South 42°57' West, 200.0 feet;

South 22°15' West, 253.0 feet;

South 20°44' West, 147.0 feet;

South 17°00' West, 110.0 feet;

South 13°00' West, 19.45 feet more or less to a point on the south boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence

South 89°48'15" West, 26.02 feet more or less along the south boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the southwest corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the REAL POINT OF BEGINNING.

TRACT IX:

The SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 6 North, Range 1 West, B.M., Gem County, Idaho.

TRACT X:

The N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 6 North, Range 1 West, B.M., Gem County, Idaho.

TRACT XI:

The S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 36, Township 6 North, Range 1 West, B.M., Gem County, Idaho.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

File Number: 405-002912

Page: 4

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

- A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
- B. General Exceptions:
- (1) Rights or claims of parties in possession not shown by the public records.*
 - (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.*
 - (3) Easements, or claims of easements, not shown by the public records.*
 - (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
 - (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.*
 - (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*

*Paragraphs 1, 2, 3, 4, 5 and 6 will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed as a Special Exception in Schedule B-Section 2.

The following are the Requirements to be complied with:

- A. Instrument(s) necessary to create the estate or interest or mortgage to be insured must be properly executed, delivered and duly filed for record.

Note No. 1: Tax information: See tax information sheet.

Note No. 2: In the event this transaction fails to close and this commitment is cancelled, a fee will be charged complying with the state insurance code.

Note No. 3: We would like to take this opportunity to thank you for your business, and inform you that your Title Officer is Sandra Wayland.

* * * * *

TAX SHEET:

Taxes, including any assessments collected therewith, for the year 2001 shown below are paid in full:

TRACT I:

Amount: \$48.72

Parcel No. RP001997.02

TRACT II:

Amount: \$1,208.18

Parcel No.: RP002788.00

TRACT III:

Amount: \$312.34

Parcel No. RP002766.00

TRACT IV:

Amount: \$11.56

Parcel No. RP001993.02

TRACT V:

Amount: \$288.26

Parcel No. RP001997.01

TRACT VI:

Amount: \$45.76

Parcel No. RP002004.01

TRACT VII:

Amount: \$21.14

Parcel No: RP002004.02

TRACT VIII:

Amount: \$201.72

Parcel No. RP002787.01

TRACT IX:

Amount: \$64.08

Parcel No: RP002788.01

TRACT X:

Amount: \$58.88

Parcel No. RP002788.02

TRACT XI:

Amount: \$25.82

Parcel No; RP002788.03

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

File Number: 405-002912

C. Special Exceptions:

1. Taxes, including any assessments collected therewith, for the year 2002, which are a lien not yet payable.

* * * *

Fidelity National Financial Group of Companies' Privacy Statement

July 1, 2001

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- From applications or other forms we receive from you or your authorized representative;
- From your transactions with, or from the services being performed by, us, our affiliates, or others;
- From our internet web sites;
- From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- From consumer or other reporting agencies.

Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- to agents, brokers or representatives to provide you with services you have requested;
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right to Access Your Personal Information and Ability To Correct Errors Or Request Changes Or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
4050 Calle Real, Suite 220
Santa Barbara, CA 93110

Multiple Products or Services

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

ALLIANCE TITLE & ESCROW CORP.
PRIVACY POLICY NOTICE
As of May 31, 2001

PURPOSE OF THIS NOTICE

Alliance Title & Escrow Corp. shares your concerns about privacy. Our Company is committed to respecting the privacy of our customers. Therefore, in accordance with Federal and State laws and regulations, we are providing you with this notice of how we might use the information about you which we gather in the process of issuing a policy of title insurance and closing your real estate transaction.

Title V of the Gramm-Leach-Bliley Act (GLBA) and the laws of the State in which you reside generally prohibit us from sharing non-public personal information about you with a third party unless we provide you with this notice of our privacy policies and practices, such as the type of information that we collect about you and the categories of persons or entities to whom that information might be disclosed. In compliance with GLBA and the laws of this State, we are providing you with this document, which notifies you of the privacy policies and practices of Alliance Title & Escrow Corp. and the Agent.

Our Privacy Policies and Practices

Information we collect and sources from which we collect it:

We do not collect any nonpublic information about you other than the following:

- Information we receive from you or from your attorney or other representatives on applications or other forms, such as your name, address, telephone number, or social security number;
- Information about your transactions with us.

In addition, we may collect other nonpublic personal information about you from individuals and companies other than those proposed for coverage.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional information will be collected about you.

Information we disclose to third parties

In the course of our general business practices, we may disclose the information that we collect (as described above) about you or others without your permission to the following types of institutions for the reasons described:

- To a third party such as a surveying, real estate tax research or municipal data firm if the disclosure will enable that party to perform a business, professional or insurance function for us;
- To an insurance institution, agent, or credit reporting agency in order to detect or prevent criminal activity, fraud or misrepresentation in connection with an insurance transaction;
- To an insurance institution, agent, or credit reporting agency for either this Company or the entity to whom we disclose the information to perform a function in connection with an insurance transaction involving you;
- To an insurance regulatory authority, law enforcement, or other governmental authority in order to protect our interests in preventing or prosecuting fraud, or if we believe that you have conducted illegal activities;
- To an actuarial or research organization for the purpose of conducting actuarial or research studies.

The disclosures described above are permitted by law.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH AFFILIATES OR NON-AFFILIATED THIRD PARTIES FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

Your right to access and amend your personal information:

You have the right to request access to the personal information that we record about you. Your right includes the right to know the source of the information and the identity of the persons, institutions or types of institutions to whom we have disclosed such information within 2 years prior to your request. Your right includes the right to view such information and copy it in person, or request that a copy of it be sent to you by mail (for which we may charge you a reasonable fee to cover our costs). Your right also includes the right to request corrections, amendments or deletions of any information in our possession. The procedures that you must follow to request access to or an amendment of your information are as follows:

To obtain access to your information from Alliance Title & Escrow Corp.: You should submit a request in writing to :

Privacy Compliance Officer
Alliance Title & Escrow Corp., Inc.
380 Parkcenter Blvd. Suite 105
Boise, ID 83706

The request should include your name, address, policy number, telephone number and the information to which you would like access. The request should state whether you would like access in person or a copy of the information sent to you by mail. Upon receipt of your request, we will contact you within 30 business days to arrange providing you with access in person or the copies that you have requested.

To correct, amend, or delete any of your information: You should submit a request in writing to the address referenced directly above. The request should include you name, address, policy number, telephone number, the specific information in dispute, and the identity of the document or record that contains the disputed information. Upon receipt of your request, we will contact you within 30 business days to notify you either that we have made the correction, amendment or deletion, or that we refuse to do so and the reasons for the refusal which you will have an opportunity to challenge.

Our practices regarding information confidentiality and security:

We restrict access to nonpublic information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Our policy regarding dispute resolution:

Any controversy or claim arising out of or relating to our policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgement upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

Reservation of the right to disclose information in unforeseen circumstances:

In connection with the potential sale or transfer of its interests, Alliance Title & Escrow Corp. reserves the right to sell or transfer your information (including but not limited to your address, name, age, sex, zip code, state and country of residency and other information that you provide through other communications) to a third party entity that (1) concentrates its business in a similar practice or service; (2) agrees to be a successor in interest of Alliance Title & Escrow Corp. with regard to the maintenance and protection of the information collected; and (3) agrees to the obligations of this privacy statement.

Courtesy of
Alliance Title & Escrow Company

This sketch is made solely for the purpose of
showing in locating said premises; and the
surveyor assumes no liability for variations, if
any, in the location and location ascertained by

SCALE FOR QUARTER SECTION, (Each side large blue squares = 10 chains, 40 rods, 640 feet; area of square 10 acres.
Each side small red squares = 2.5 chains, 10 rods, 160 feet; area of square .625 of 1 acre,
400 ft. = 1 inch

SCALE FOR QUARTER SECTION, (Each side large blue squares = 10 chains, 40 rods, 640 feet; area of square 10 acres.
Each side small red squares = 2.5 chains, 10 rods, 160 feet; area of square .625 of 1 acre,
400 ft. = 1 inch

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ACT I

ACT II

ACT III

ACT IV

ACT V

ACT VI

ACT VII

ACT VIII

ACT IX

ACT X

ACT XI

ACT XII

LANDS OF BETTIS

TRACT I

TRACT II

TRACT III

TRACT IV

TRACT V

TRACT VI

TRACT VII

TRACT VIII

TRACT IX

TRACT X

TRACT XI

TRACT XII

6N1W

6N1E

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SCALE FOR QUARTER QUARTER
SECTION, 200 ft. = 1 inch

(Each side large blue squares = 5 chains, 20 rods, 320 feet; area of square 2.5 acres
Each side small red squares = 1.25 chains, 5 rods, 80 feet; area of square .625 of 1 acre
PRONTO LAND MEASURE 28-40 MAP SHEET

SCALE FOR QUARTER QUARTER
SECTION, 200 ft. = 1 inch

(Each side large blue squares = 5 chains, 20 rods, 320 feet; area of square 2.5 acres
Each side small red squares = 1.25 chains, 5 rods, 80 feet; area of square .625 of 1 acre
PRONTO LAND MEASURE 28-40 MAP SHEET

P.O. Box

t219

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: A63-20949
Date Received: 2/14/1990
Receipt No: W098846
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HIGHLAND LAND & LIVESTOCK CO., INC. 208-365-4611
Address: P.O. BOX 488
EMMETT, ID 83617

2. Date of Priority: JUL 15, 1905

3. Source: WILLOW CREEK, SOUTH FORK Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	01E	31		NE	NW		GEM

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.680		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 500 HD.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01E	30	SW	SW		IRR	21.0
Section Acres							21.0

A63-20949

Page 1

Date: 02/14/90

MICROFILMED
SEP 03 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	01W	25	SW	SE		IRR	32.0
			SE	SE		IRR	27.0
					Section Acres		59.0
		35	✓ NE	SE		IRR	7.0
			✓ SE	SE		IRR	4.0
					Section Acres		11.0
		36	NE	NE		IRR	4.0
			NW	NE		IRR	24.0
			SW	NE		IRR	7.0
			✓ NE	NW		IRR	5.0
			✓ SW	NW		IRR	3.0
			SE	NW		IRR	10.0
			✓ NW	SW		IRR	24.0
					Section Acres		77.0
					Total Acres		168.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

CLAIM NO. A63-20956 - SAME LANDS, DIFFERENT SOURCES.

14. Remarks:

THIS CLAIM IS A COMBINATION OF WATER RIGHT NO.'S 63-02023 AND 63-02024 SINCE BOTH ARE FOR THE SAME RANCH WITH THE SAME PRIORITY DATE AND SAME SOURCE.

DESC. OF DIVERTING WORKS - DURING THE EARLY SPRING WATER IS DIVERTED VIA DIV. DAMS, DITCHES AND FLOOD IRRIGATION. WHEN THE WATER DROPS IN EARLY MAY, CREEK WATER IS THEN DIVERTED INTO THE TWO CULVERT PIPES FILED ON UNDER CLAIM NO. A63-20956 AND PUMPED FOR FLOOD IRRIGATION ALONG WITH THE SPRING WATER IN THE CULVERT PIPES.

15. Basis of Claim: LICENSE

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

For Organizations:

Richard L. Lusk - LSC and that the statements contained in the
Organization
foregoing document are true and correct.

Date _____

Subscribed and sworn (or affirmed) before me this 14 day
of February 19 90 Law

Notary Public

Seal

Residing at JAN SHURTE
RESIDING AT MERIDIAN, IDAHO
My Commission Expires SEP 14 1994

MICROFILMED
SEP 03 1992

- Brief -
.....
Canyon County
South Fork Willow Creek
2 sec. 31.
Irrigation
Priority 7-17-08.
.....

STATE OF IDAHO

- Water License No. 1431 -

WHEREAS, On the 17th day of July, A. D. 1905, Robert Allman, of Boise, County of Ada, and state of Idaho, duly made application (No. 1905) to me for a permit to use two cubic feet per second of the waters of South Fork of Willow Creek, County of Canyon, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 19th day of July, A. D. 1905, Permit No. 1431 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 19th day of July, A. D. 1906, and for the application to beneficial use of said water on or before the 19th day of July, A. D. 1907; and,

WHEREAS, On the 4th day of June, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of two cubic feet per second of said waters, as evidenced by my Certificate No. 1431, dated June 8, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two cubic feet per second of water, with date of priority of July 17, 1905, and,

WHEREAS, On the 4th day of June, A. D. 1906, proof was duly made of the application to beneficial use of two 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 ROBERT ALLMAN of Boise, Ada County, Idaho, the holder and owner of said Permit No. 1431 a perpetual right, dating from July 17, 1905, to the use of two cubic feet per second of the waters of South Fork Willow Creek, in the County of Canyon and state of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 31, and at a point in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of sec. 31, Township 6 North, Range 1 East of Boise Meridian, and conducted to and then let (S&SW) 4 and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, Lot 1 and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, Tp. 6 N., R. 1 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.

WITNES My hand and the seal of my office, at Boise, Idaho, this eighth day of June, A. D. Nineteen Hundred and six.

(seal)

Geo. Stephenson, Jr.

State Engineer.

67 3023

Recorded June 9, 1906.

MICROFILMED

SEP 03 1992

- Brief -

.....
Canyon County
South Fork Willow Creek
17/25 sec. ft.
Irrigation
Priority 7-17-08
.....

STATE OF IDAHO

-- Water License No. 1432 --

WHEREAS, On the 17th day of July, A. D. 1905, Mary Alkman of Boise, County of Ada, and state of Idaho, duly made application (No. 1984) to me for a permit to use two cubic feet per second of the waters of South Fork Willow Creek, County of Ada, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 19th day of July, A. D. 1905, Permit No. 1432 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 19th day of July, A. D. 1906, and for the application to beneficial use of said water on or before the 19th day of July, A. D. 1907, and,

WHEREAS, On the 4th day of June, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of two cubic feet per second of said waters, as evidenced by my Certificate No. 1432, dated June 8, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use the cubic feet per second of water, with date of priority of July 17, 1905, and,

WHEREAS, On the 4th day of June, A. D. 1906, proof was duly made of the application to beneficial use of 17/25 of one cubic foot 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 MARY ALKMAN of Boise, Ada County, Idaho, the holder and owner of said Permit No. 1432 a perpetual right, dating from July 17, 1905, to the use of 17/25 of one cubic foot per second of the waters of South Fork of Willow Creek in the County of Canyon and state of Idaho, or as much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of sec. 35, and at a point in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of sec. 35, Tp. 6 N., R. 1 W. 2. E., and conducted to and upon the south half (S $\frac{1}{2}$ of southeast quarter (SE $\frac{1}{4}$) of section Thirty-five (35), and southeast quarter (SE $\frac{1}{4}$) of southwest quarter (SW $\frac{1}{4}$) of section Thirty-five (35), Township six (6) North, Range One (1) west of Boise Meridian, for the purpose of irrigation and domestic, 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.

WITNES My hand and the seal of my office, at Boise, Idaho, this eighth day of June, A. D. Nineteen hundred and six.

Jas. Stephenson, Jr.

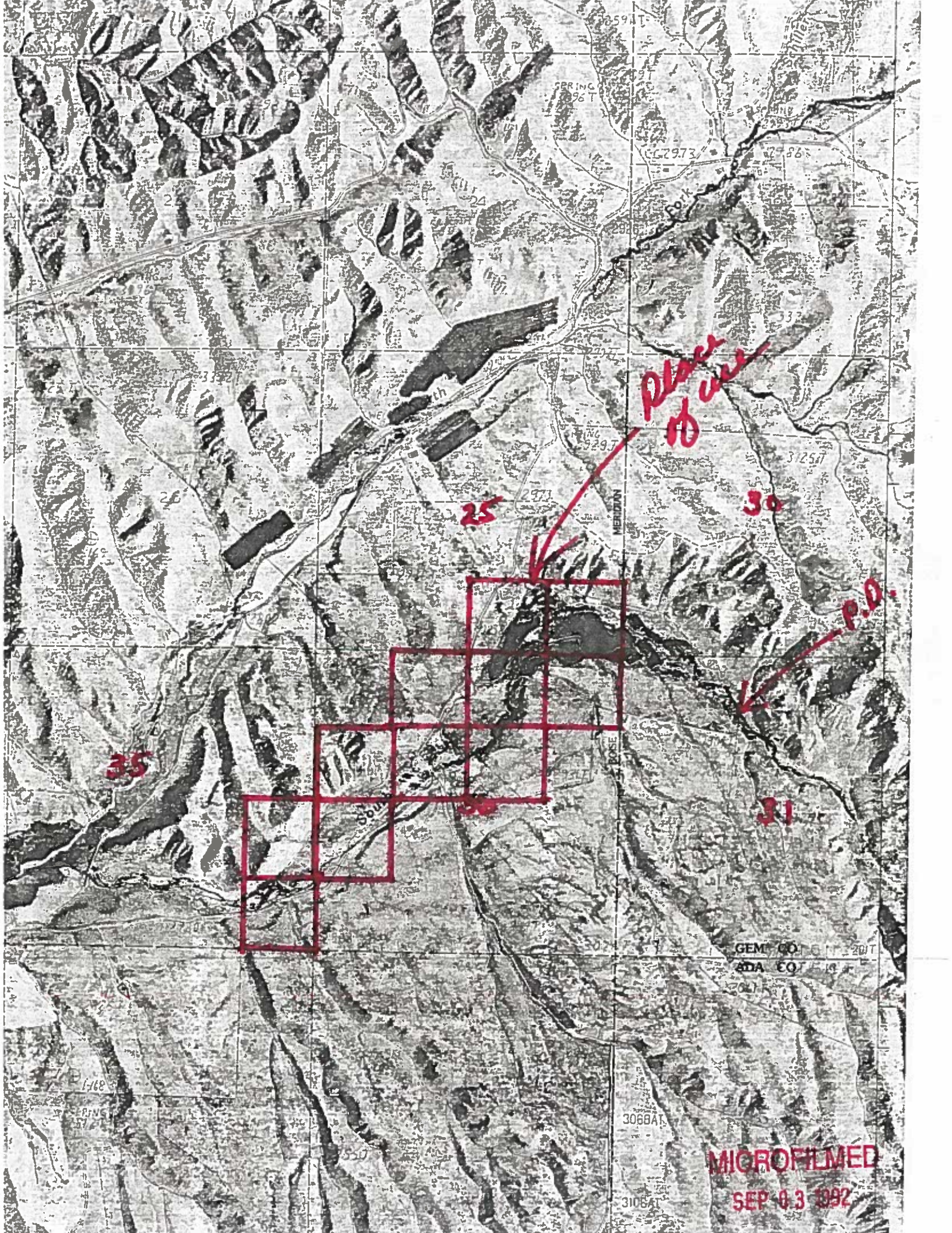
(seal)

State Engineer.

Recorded June 9, 1906.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2002

HARRY L BETTIS
10775 SUCCOR CREEK RD
PAYETTE ID 83661

Re: Notice of Claim to a Water Right No. 63-20949 & 63-20956

Dear Claimant:

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB: db

Enclosure