



Idaho Department of Water Resources

SRBA Recommendation:

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

Legend

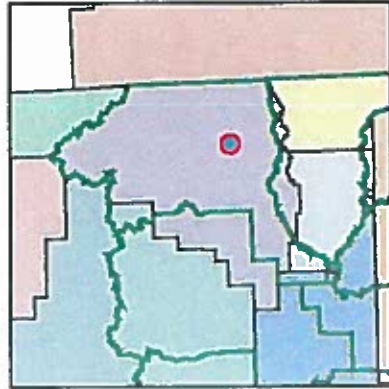
Point of Diversion

Place of Use

Townships

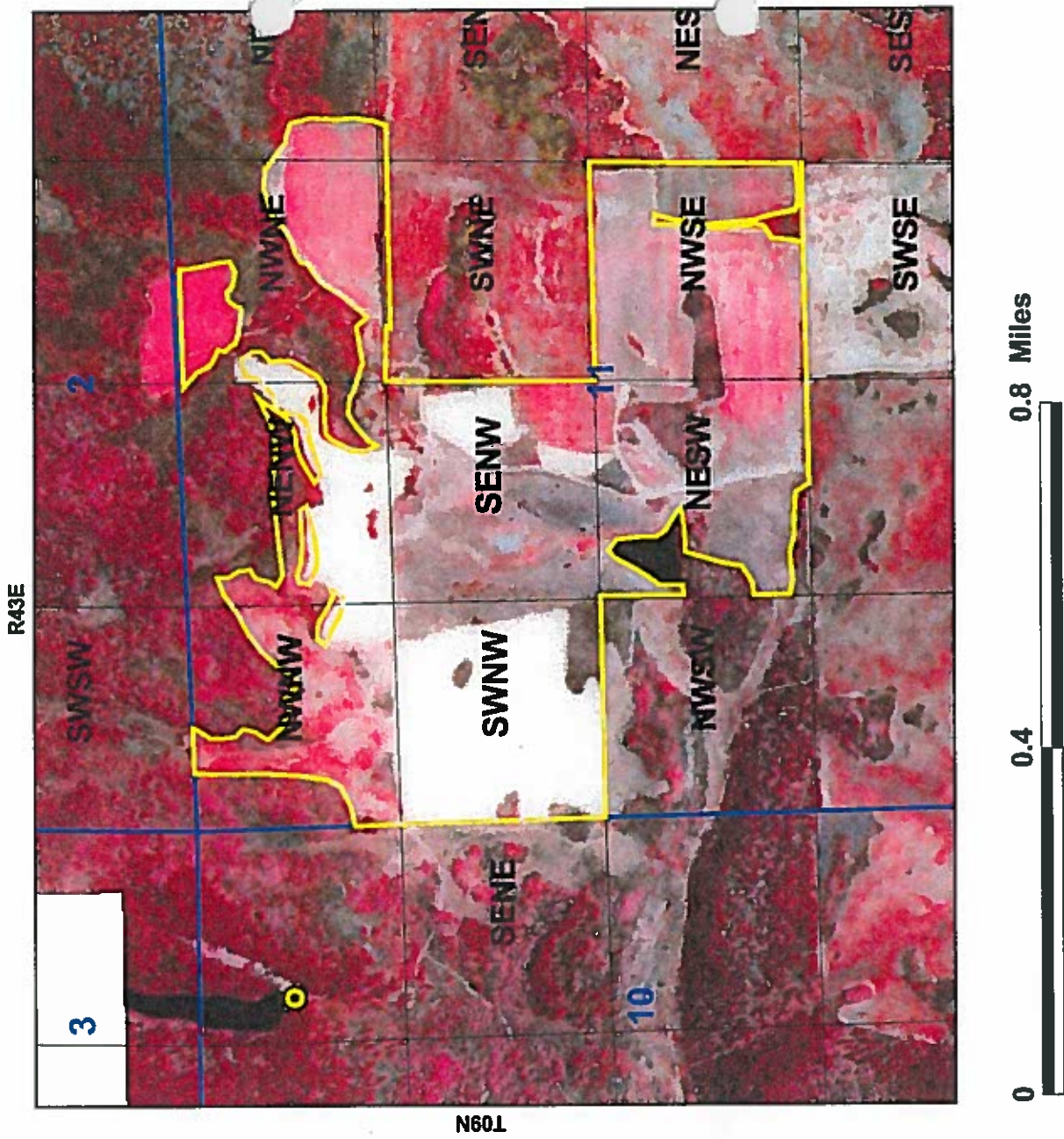
PLS Sections

Quarter Quarters



Fremont County
IDWR Basin 21

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

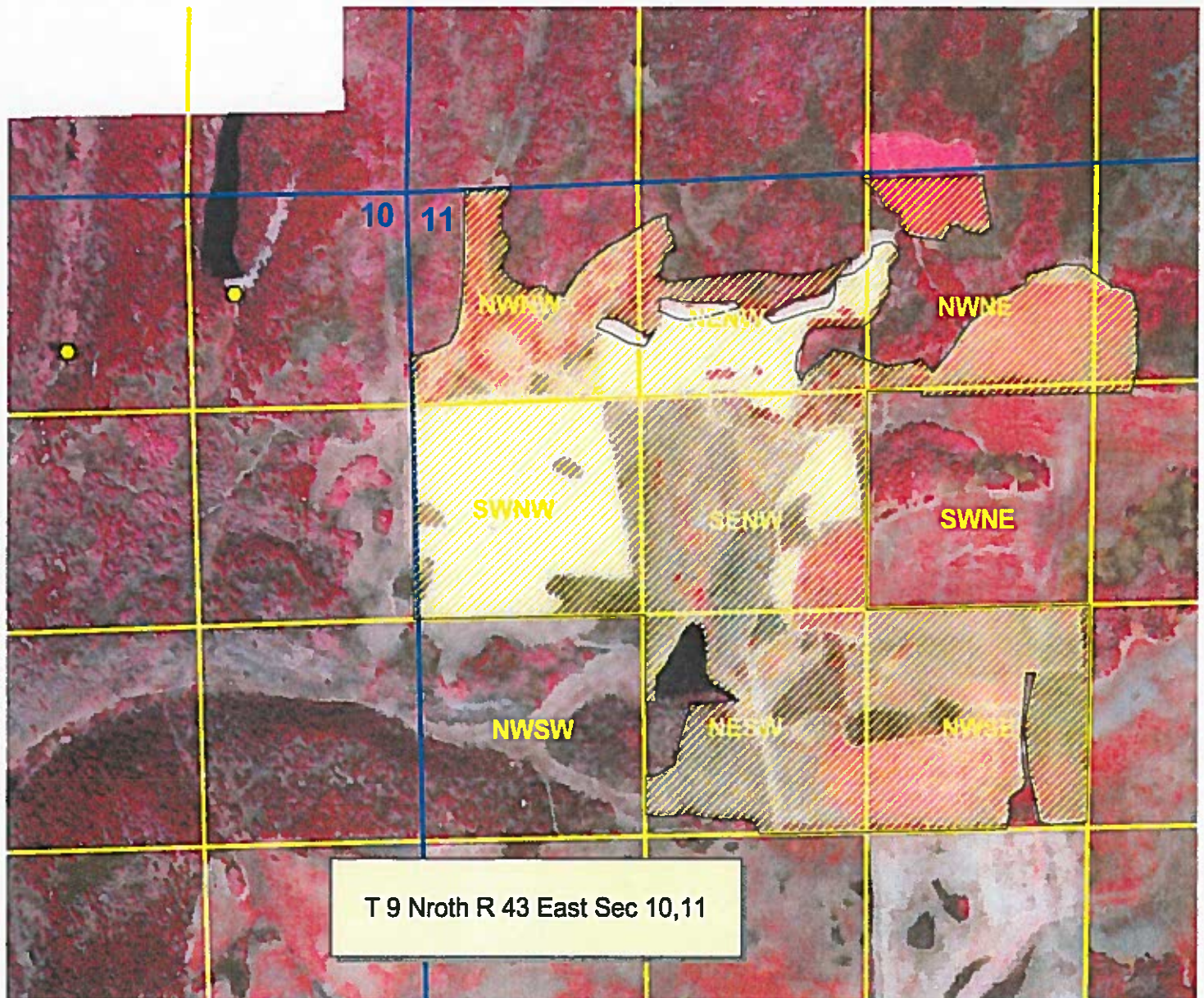




State of Idaho
Department of Water Resources
Eastern Region



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



2000 0 2000 4000 Feet

PROFILED

SCANINET

JUL 07 2006



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

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

Claim No. 21-2104

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

SCANNED

JUL 07 2006

PROFILED

Claim no. 21-02104

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

7-21-05 Moz Al Luna Smith SHM

7-22-05 field inspection SHN

Claim Number: 21-02104

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: North Fork Highlands Prop Own Assoc Phone No.: 523-5953

Current Owner: _____ Phone No.: _____

Current Owner: _____ **Phone No.:** _____

Name connector: and _____, or _____, and/or _____.

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.

Reviewer: _____ Date: _____

Claim Number: 21-02104

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

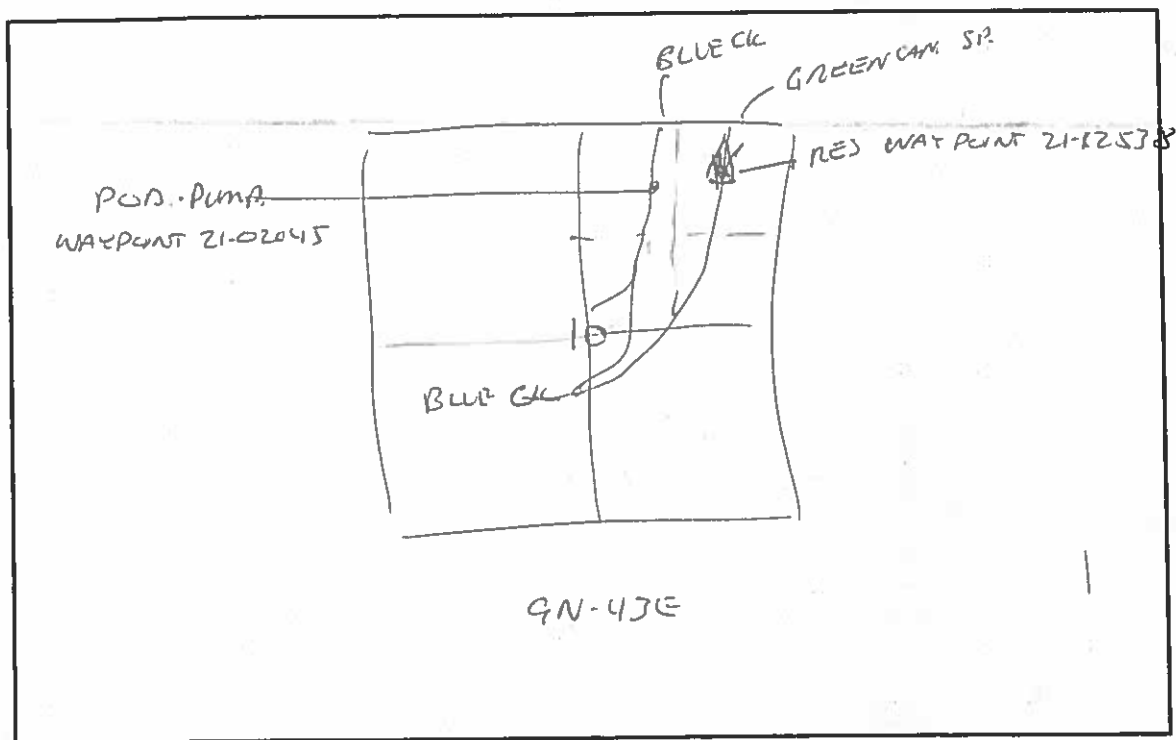
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

11

Reviewer: _____

Date: _____

Water Right No(s). 21-02104



GPS DATA: 21-02045 - WAYPOINT ON BLUE CK
21-12538 - WAYPOINT ON DAM - GREEN CAN SR

Tag # _____ Location: _____

Diversion Data:

Source: BLUE CK Trib to: HENRI'S FK

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 7-22-05 Agent: Bob McLeod

Point of Diversion and Source Data Entry Form

Claim Number: 21-02104Water Right Point(s) of diversion and Source.Water Right Point of Diversion: T 9N, R 43E, Sec. 10, NW, NW, NE, County: FNESource: Blue Cr Tributary to: Henry's Cr

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 NW NE	FNE	Blue Cr	Henry's Cr

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 NW NE	FNE	Blue Cr	Henry's Cr

Other rights from this POD? 21-2104/04025/7076

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD verified by inspection on 7-22-05 by Stan McIernich

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: 21-02104

Claimed Place Of Use		QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec					
9N	43E	11	SW NW	Fre		40	Trl

Total acres _____

Recommended Place of Use		QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec					
9N	43E	11	NE NE	Fre		40	Trl
			SW NW			15	
			NE SW			31	
			NW NE			24	
			NW NW			19	
			SE NW			17	
			NW SE			31	
						34.1	

Total acres 175.1

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: _____

POU verified by inspection on 7-22-05 by Steve McCormick

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

April 15, 2005

KARL J. DREHER
Director

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,

Katy Jackson
Office Specialist 1

Enclosure

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 ✓				

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 _____

CHANGE COMPLETED
DATE: 4/12/05
KMD

ST-1000

APR 14 2005

PROPOSED

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)

North Fork Highland Property Owners Association, Inc.
by [Signature] 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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

PROF

SCANNED

APR 14 2000

**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, 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.

PROFILE

490509
JUL 14 2004
8 Day Aug 20
10:00 O'Clock AM
ABBIE MACE
FREMONT CO RECORDER
Recorded at Request of Hadden Kidwell Hadden
PO Box 50130
IFI 83405-0130

SCANNED
APR 14 2005

490321
JUL 14 2004
15:00 Day Aug 2004
O'Clock a
ABBIE MACE
FREMONT CO RECORDER
Recorded at Request of Kent W. Foster
Deputy (E)

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

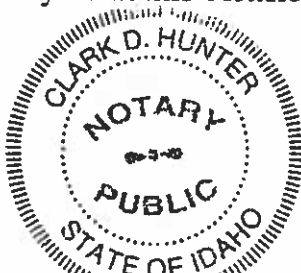
By: [Signature]
Its: General Partner

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 the ^{a general partner} ~~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 NFHP0A.wpd edv

SCANNER

APR 14 2008

State of Idaho

License and Certificate of Water Right

Water License No. 23234

Amount 0.6 second foot

Water District No.

Priority March 20, 1953

THIS IS TO CERTIFY that LAVAR A. CHERRY

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 13, 1952; that Permit No. 23234 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.6 second foot, was issued thereunder on December 5, 1955, showing that said works were completed on the 15th day of November, 1955; and that on the 26th day of March, 1956,

LAVAR A. CHERRY

of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Blue Creek, a tributary of , for the purpose of irrigation and domestic, under Use Permit No. 23234 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5856, on the 7th day of November, 1956;

The right hereby confirmed dates from March 20, 1953;

The Point of Diversion is located in the NW 1/4 NE 1/4 Section 10 and in the NE 1/4 NE 1/4 Sec. 10, Tp. 9 N., R. 43 E., B. M. Fremont County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N.	43 E.	11	S 1/4 NW 1/4	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of November, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

21-2104

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 23234

This proof is for Beneficial Use In Water District No. _____1. Name of applicant LaVar A. Cherry2. Source of water supply: Blue Creek3. Location of point of diversion: Is in the NE 1/4 of Section 10T. 9 N R. 43 E. B. Monty of Freemont

4. Describe works as they exist, giving dimensions and capacities of same: The point of diversion from Blue Creek is a small pond from which water is pumped by use of a 75 hp Chrysler engine connected to a centrifugal pump 6" inlet with two 2 1/2" outlets that combine into one 6" pipe that extends up to the hill top 400', an elevation of 70' estimated, whence the water runs by gravity down the hill and into a rediversion. The rediversion is a larger pond area estimated at possibly 7 acres. The dam height is 12' width on the top is 9 to 10', length on the top of the dam is 120', free board is 15". There is a spillway up and through the center of the dam made of concrete 32" wide by 24" high by 11' long with a concreted flume back into the creek. From this is a 14" ~~spout~~ ^{pipe} ~~steel head-gate~~ ^(part cont.) ~~and~~ ^{for steel} delivering into a gravity ditch that leads around the hill (cont. below)

5. Water is used for: Irrigation and Domestic6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

40 acres in the SE 1/4 of Sec. 11, Twp. 9 N., Rge. 43 E., B.M.See the Map

(#4 continued) to the place of use. At the place of use the water is delivered by a sprinkler, powered by a D-4 Caterpillar tractor. Fairbanks Morse centrifugal pump size 4" by 3" delivers the water through the sprinkler system.

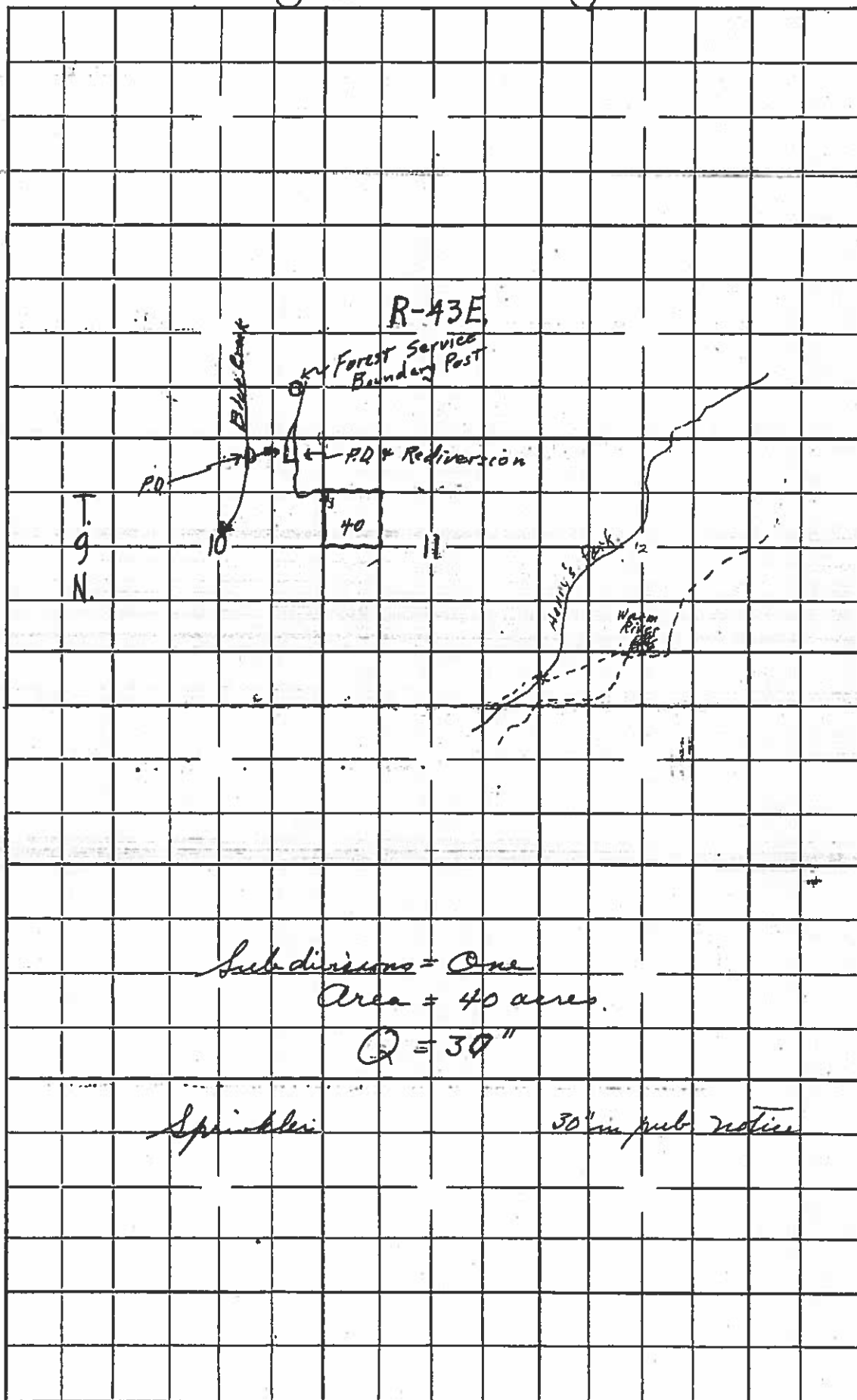
(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Hargis, the protestant, has no objection to Mr. Cherry's using the waters of Blue Creek but he does not want Mr. Cherry to have a legal right with a priority ahead of a right he could claim. This water runs through cattle pasture owned by Mr. ~~Cherry~~ ^{Hargis} and has been diverted from the main channel and carried by main ditch out into the pasture essentially for stock water but also given some benefit as irrigation. Mr. Hargis, the lawyer, admits that his brother gave Mr. Cherry permission verbally to use an old ditch for delivering the water, one which the Hargis' themselves did formerly need but he claims that Cherry has no written or legal right to the use of the ditch as the basis of protest. Hargis and Mr. Cherry are amicable friends and intend to make some sort of settlement or agreement between themselves after which Mr. Hargis will submit a letter withdrawing the protest.

They hope to construct a storage reservoir on Blue Creek.This examination was made on the 23 day of August, 1936(Signed) E. T. Humphrey Examiner.

23234



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

23234

70' left end
 400' x 6" main
 (with ad.) delivers over
 hill to storage on
 east. F.H.
 75 hp. Chevrolet motor
 6 cyl. gas
 driving surplus pump
 6" x 1" x 2-2 1/2" out
 Portable unit on trailer
 - pump to C.F. 12124
 1/2 0 pond.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
 AUG 29 1956
 Department of Reclamation

Mr. L. A. Cherry
 Rexburg, Idaho

Permit No. 2324
 Replumb 446 W
 Examination for Beneficial Use

County Fremont
 10-9N-43E.

Qr 0.6 a.s.

S = Blue Lignite

P.D. = NENE, Sec. 10, T. 9N. - R. 93E.

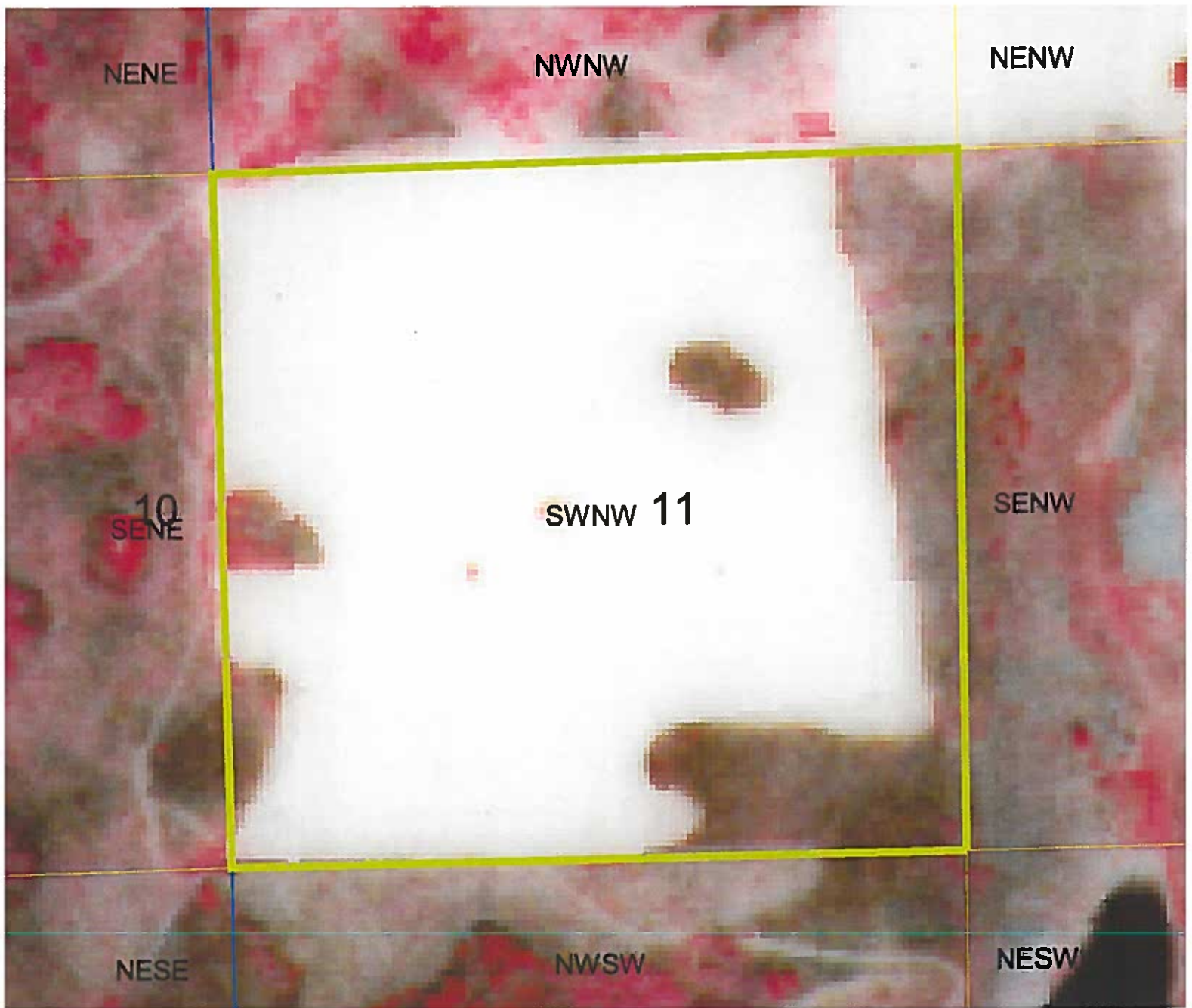
Use Irrigation & Domestic

Filed - Nov. 13, 1952
 Recd - Nov. 19, 1955.

C/W 12-5-55

14" Steel x 4' - 4"
 16" cover 21 lengths
 Total 24' dia 1' x 1' 1/2"
 14" vert. hand saw
 15" freed. L = 120'
 32' x 24' 1/2' x 11' 1/2'
 9' 1/2' dia = W 7:15 P.M.
 high water over
 set 1" - 1" - 1" - 1"
 Blue C - 12 Spring on.

21-2102, 21-2104



SCANNED
DEC 14 2004

PROFILED

AUG 10 2001

**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
GOVERNORKARL J. DREHER
DIRECTOR

November 19, 1999

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

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure

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 Deeds 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.



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.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 21-02104

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

NOV 25 2008

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

SOURCE: UNNAMED STREAM TRIBUTARY: BLUE CREEK

QUANTITY: 0.60 CFS

PRIORITY DATE: 03/20/1953

POINT OF DIVERSION: T09N R43E S10 SWNWNE Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.60 CFS

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

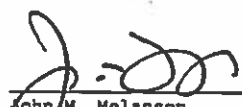
This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

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
Residing Judge of the
Snake River Basin Adjudication

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

RIGHT NUMBER: 21-2104
NAME AND ADDRESS: NORTH FORK HIGHLANDS PROPERTY
OWNERS ASSOCIATION INC
444 B ST
IDAHO FALLS ID 83402
SOURCE: Source: UNNAMED STREAM Tributary: BLUE CREEK
QUANTITY: 0.600 CFS
0.000 APY
PRIORITY DATE: 03/20/1953
POINT OF DIVERSION: T09N R43E S10 SWNWNE Within FREMONT County
PURPOSE AND PERIOD OF USE: Purpose of use Period of use: Quantity:
IRRIGATION 04/01 10/31 0.600 CFS
PLACE OF USE: IRRIGATION within FREMONT County

~~T09N R43E S10 SESE 0.3~~

T09N R43E S11 NENE 3.3
T09N R43E S11 NWNE 19.0
T09N R43E S11 SWNE 1.1
T09N R43E S11 SESE 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

C.B.K.
EMK
NBS
DN

215.7 ACRES TOTAL

~~216 ACRES TOTAL~~

This right is limited to the irrigation of 40 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 40 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

09/19/2005

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

RIGHT NUMBER: 21-2104

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

SOURCE: UNNAMED STREAM

TRIBUTARY: BLUE CREEK

QUANTITY: 0.600 CFS

PRIORITY DATE: 03/20/1953

POINT OF DIVERSION:
T09N R43E S10 SWNWNE 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	0.600 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 40 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-2104

WATER RIGHT NUMBER: 21-2104

<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	NORTH FORK HIGHLANDS PARTNERSHIP PO BOX 50699 IDAHO FALLS, ID 83405
Original Owner	FRANK G SUMMERS 2839 E CEMETERY RD SUGAR CITY, ID 83448 (208)356-6875

Priority Date: 03/20/1953

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BLUE 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	0.600 CFS	
	<u>Total Diversion:</u>		0.600 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION Within FREMONT County

T09N R43E S11 SWNW 40.0

Total Acres: 40

Conditions of Approval:

Remarks:

1. General CHANGED OWNERSHIP PER REQUEST/JC/11-19-99

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

PROFILE

SCANNED
APR 14 2005

AJ0749NP
No. A21-02104

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	03/20/1953	IRRIGATION	04-01 11-01	0.600 CFS	
TOTAL DIVERSION:					0.600 CFS	100.00 AFA
CONSUMPTIVE USE:						

Water Source: BLUE CREEK

Tributary to: HENRY'S FORK

Stage: LICENSE

Point(s) of Diversion:

T09N R43E S10

MMNME

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
09N 43E 11 :	:	:	:	:	:
	40	:	:	:	40.0
TOTAL ACRES					40.0

POU County: FREMONT

Non-Irrigation Uses: NONE

Other Rights: 21-2102, 21-7075, 21-7076, 21-4025, 21-2045.

Remarks: GEN 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:

SCANNED

#90

AUG 11 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02104
Date Received: 10/24/1988
Receipt No: M002991
Received By: TC

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: MAR 20, 1953

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	43E	10	NW	NW	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	0.600		

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

8. Total consumptive use is 100.0 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	SW	NW		IRR	40.0
Section Acres							40.0

A21-02104

Page 1

Date: 03/09/89

A2102104



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OCT 20 1992

10. Place of Use: Continued

Total Acres 40.0

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, 21-7075, 21-7076, 21-4025, 21-2045.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 23234

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 G. Summers Date: 3, 9, 89

Date: _____

State of Idaho)
County of Tierney) SS.

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

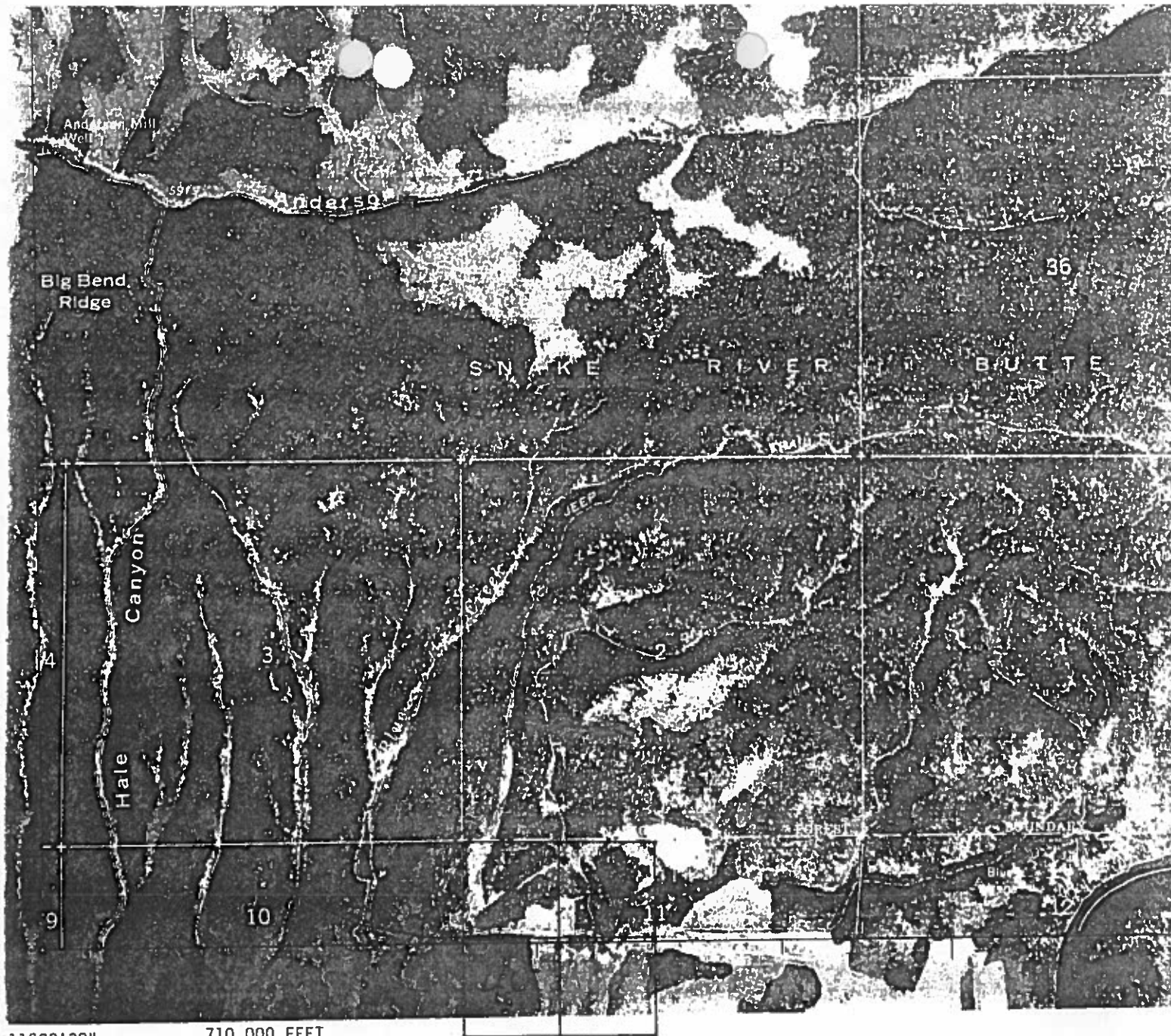
of March 19 89

Anthony L. Olmstead
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994



Produced and published by the Geological Survey
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken September 2, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)
1,000-metre Universal Transverse Mercator grid ticks,
zone 12. 1927 North American datum

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NORTH

Department of Water Resources pursuant to
notice of claims and objections in the Snake
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OCT 20 1992