

11/14/2006

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

RIGHT NUMBER: 1-195P

NAME AND ADDRESS: SCOTSVILLE WATER RIGHTS ASSOCIATION INC
C/O DEBRA L BEVERLY
310 N KAREY LN
IDAHO FALLS ID 83402

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.700 CFS
152.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T04N R37E S35 NENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.700 CFS 152.00 AFY

PLACE OF USE: IRRIGATION in BONNEVILLE County

T02N R37E S18	SWSE	28.00	T02N R37E S18	SESE	10.00
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38 ACRES TOTAL

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 - Decreed

Water is delivered through Great Western Canal.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. As of February 7, 2003 this water right is within State Water District No. 01.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 1-195P V1

WATER RIGHT NUMBER: 1-195P V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD J HAYS 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)5235861
Original Owner	JAMES R HAYS PO BOX 50136 IDAHO FALLS, ID 83405
Original Owner	JESS T HAYS 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)523-5861
Original Owner	TRESA MASON 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)523-5861
Original Owner	BRETT MASON 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)523-5861
Current Owner	SCOTSVILLE WATER RIGHTS ASSOCIATION INC C/O DEBRA L BEVERLY 310 N KAREY LN IDAHO FALLS, ID 83402 (208)521-7024

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.700 CFS	152.00 AF
	<u>Total Diversion:</u>	0.700 CFS	152.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L9 (NE1/4NE1/4)	Sec. 35, Twp 04N, Rge 37E, B.M.
JEFFERSON 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	
02N	37E	18															22.0	18.0	40.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 1-195P V1

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. X27 This right is limited to the irrigation of 38 acres within the place of use described above in a single irrigation season.

Remarks:

Comments:

1. PSKAGGS 2/7/2003 7:37:44 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69937
2. CHANGE OF OWNERSHIP COMPLETED 04/19/2005.KMJ

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-195P

WATER RIGHT NUMBER: 1-195P

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD J HAYS 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)5235861
Original Owner	JAMES R HAYS PO BOX 50136 IDAHO FALLS, ID 83405
Current Owner	JESS T HAYS 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)523-5861
Current Owner	TRESA MASON 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)523-5861
Current Owner	BRETT MASON 3572 W BROADWAY IDAHO FALLS, ID 83402 (208)523-5861

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.700 CFS	152.00 AF
	<u>Total Diversion:</u>	0.700 CFS	152.00 AF

Location of Point(s) of Diversion

SNAKE RIVER	L9 (NE1/4NE1/4)	Sec. 35, Twp 04N, Rge 37E, B.M.
JEFFERSON 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			
02N	37E	18																	22.0	18.0	40.0

Total Acres: 40

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-195P

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
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7. X27 This right is limited to the irrigation of 38 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. pskaggs 2/7/2003 7:37:33 AM Transferred Right
 Comment: This is now an approved transfer, transfer number = 69937

Dates and Other Information:

Claim Received Date: 9/18/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: And
 Water District Number: 01
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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11/15/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-195P

SCOTSVILLE WATER RIGHTS ASSOCIATION INC
C/O ~~DEBRA L BEVERLY~~ **WAYNE N. GEORGESON**
~~210~~ **305** N KAREY LN
IDAHO FALLS ID 83402
Telephone Number: (208) ~~521-7034~~
569-2727

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

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

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

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

DATE: 11-17-2006

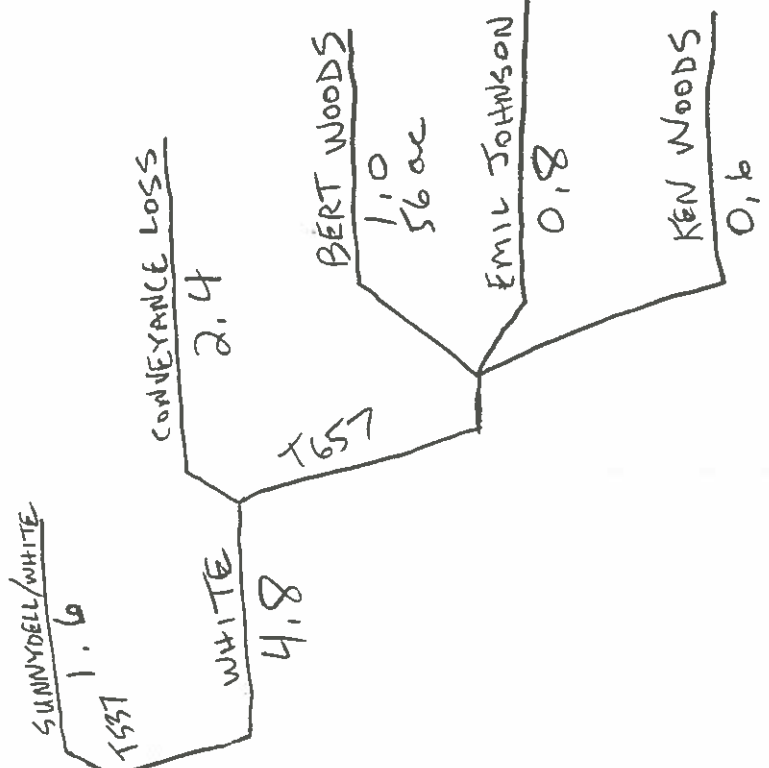
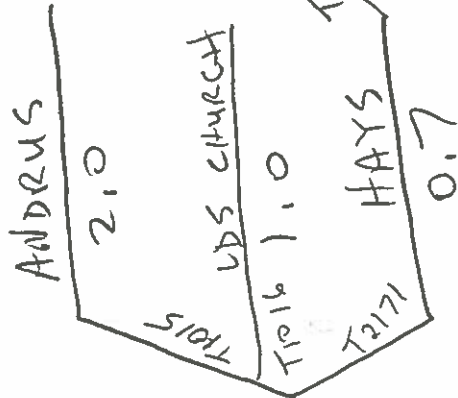
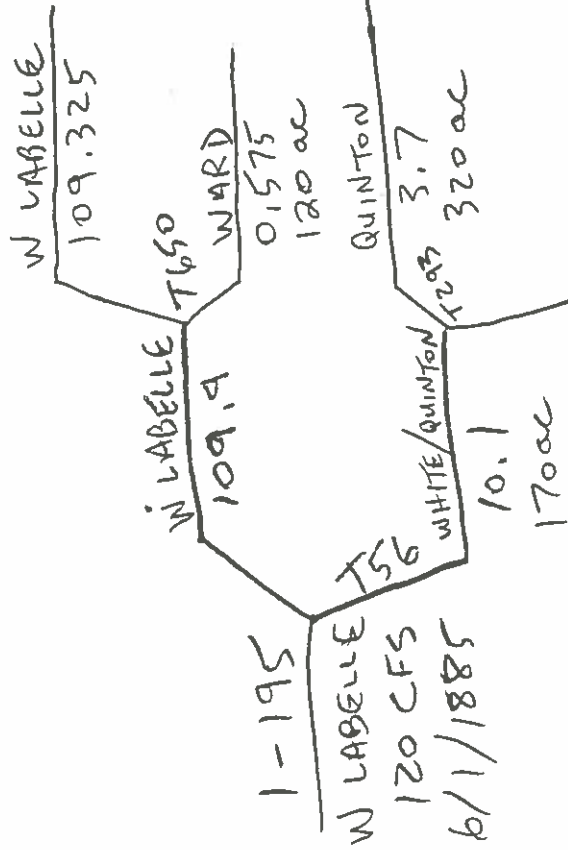
SIGNATURE: Wayne N Georgeson

Please print your name: WAYNE N. GEORGESON

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

address Changed
KMO 11/30

KMO
11/30



Transfer No. 271
Application No. 01-0195/r293

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use **APPROVED**

James R. Hays
Richard J. Hays and Mary Ann Hays, husband and wife,
Jess T. Hays and Cristine V. Hays, husband and wife, and
Howard Taylor & Sons, Inc. Phone _____

Name of applicant _____
Post office address _____

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to West Labelle Irrigation Company
(Name)
in case of Rexburg Irrigation Co. vs Taton Irrigation Canal Co.
dated December 16, 1910 for Sixth Judicial District of Fremont
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
Warranty Deed - see transfer No. 293

3. Source of water Snake River tributary to Columbia River

4. Date of priority June 1, 1885

5. Water is used for the following purposes:

amount 3.70 cfs for Irrigation purposes from April 1 to November 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 3.70 cubic feet per second
b. _____ &/or _____ acre feet per annum

7. Location of original point of diversion is NE 1/4 of NE 35 of Section
Township 4 North, Range 37 East, B.M. in Jefferson County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	
3 N.	37 E.	20							40	40	40	160
3 N.	37 E.	29	40	40	40							160

1. Amount of water: a. 0.7 cubic feet per second
b. acre feet per annum &/or

2. Point of diversion NE % NE % Section 35 Township 4 North,
Range 17 East, B.M., Jefferson County
Additional points

[illegible]

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted 0.7 c.f.s. &/or _____ acra feet

b. Point(s) of diversion $\frac{\text{No. Change.}}{\%}$ $\frac{\%}{\%}$ Section Township

Range _____, B.M., _____ County _____

Additional points

c. Description of diverting works Water will continue to be diverted through the Great Western Canal and New Sweden Irrigation District system.

d. Describe the reasons for applying for a change in the point(s) of diversion

2. Change in place of use

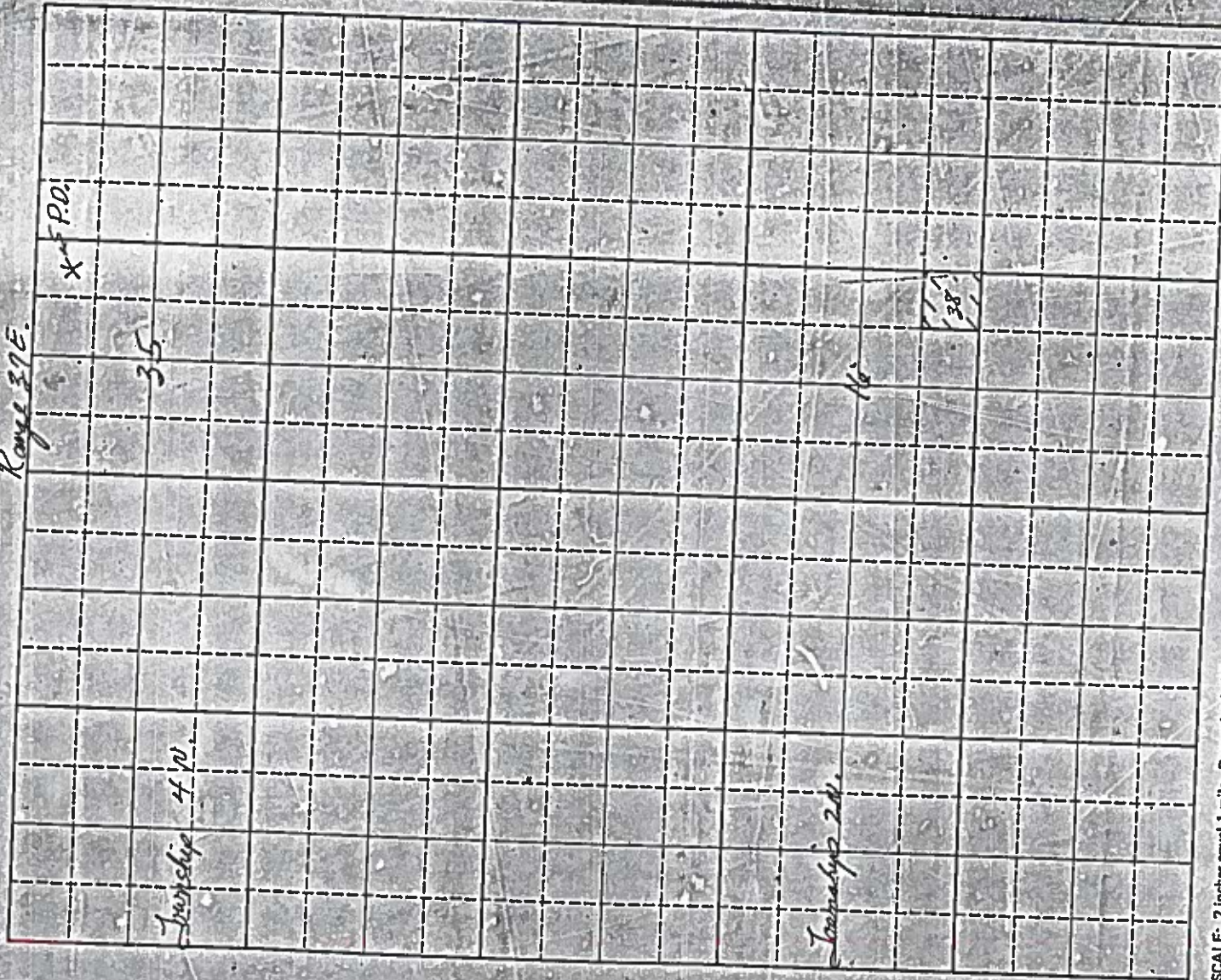
a. Describe the lands or place of use to which the right will be transferred:-

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2 N	37 E	16																	38
			Above use is for a tract less than 40 acres																
			See attached for true legal description.																
			It is to be noted that 1.00 c.s.s. of the original 270																

It is to be noted that 3.00 c.f.s. of the original 3.70 c.f.s. described on the previous page have been transferred by Transferring Note and Interest

- u. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Range 37E.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Mary Ann Hays
Cristine V. Hays
Tess T. Hays
Howard Taylor & Sons, Inc.

By William H. Hays
Title: President

SUBSCRIBED AND SWORN to before me this 31 day of August, 1977
(SEAL)
Notary Public for State of Idaho
Residing at: Idaho Falls, Idaho
My Commission is Permanent

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0195
and said application is hereby APPROVED

- 1- Approval of said application is subject to the following limitations and conditions:
(1.) A Measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (2.) Use of water under this permit is subject to control by the Watermaster of State Water District No. 01, Snake River.

Witness my hand this 15 day of November, 1977

William H. Hays

FOR DEPARTMENT USE ONLY

Received by me Date 9-13-77 Protest filed by _____
Prelim. check by me Fee \$20.00
Receipted by me Date 9-13-77
Published in the Big Lost Star
Pub. dates Sept. 20 + 29, 1977
Watermaster recommendation requested on 9-15-77
W.D. 501 rec'd. 9-20-77
Art Jensen by me IS
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for _____ approval _____ denial _____

Stacy
Stacy
1
ip

INC.
Stacy
1977
Stacy
State of Idaho
Falls, Idaho
Patent

1195

be permanently
of water under this
dict No. 01,

11
no

date
denial

Southeast Quarter of the Southeast Quarter (SE{SE}) of
Section Sixteen (16), Township Two (2) North, Range
Thirty-seven, East of the Boise Meridian,

EXCEPTING THEREFROM the following described tract:
Beginning at a point where the North right-of-way line
of the Arco Highway "U.S. 20" intersects the West right-
of-way line of a County Road, said point of intersection
being 33 feet North 0°14'48" West and 25 feet North
89°39' West from the Southeast corner of Section Sixteen
(16), Township Two (2) North, Range Thirty-seven (37),
East of the Boise Meridian; thence running North 0°14'48"
West a distance of 334.05 feet; thence North 89°39' West
a distance of 275.0 feet; thence South 2°07'57" East a
distance of 334.28 feet; thence South 89°39' East a distance
of 264.0 feet, more or less, to the point of beginning;

SUBJECT TO all conditions, restrictions, reservations, ease-
ments, right, rights-of-way, zoning ordinances and govern-
mental regulations of record, and together with all ditch and
water rights, and all tenements, hereditaments and appur-
tenances, thereto belonging and appertaining.



Idaho Department of Water Resources

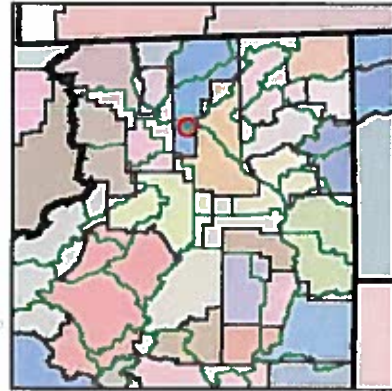
SRBA Recommendation:

1-195P

(Irrigation)

Legend

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



Bonneville County
IDWR Basin 1



R37E

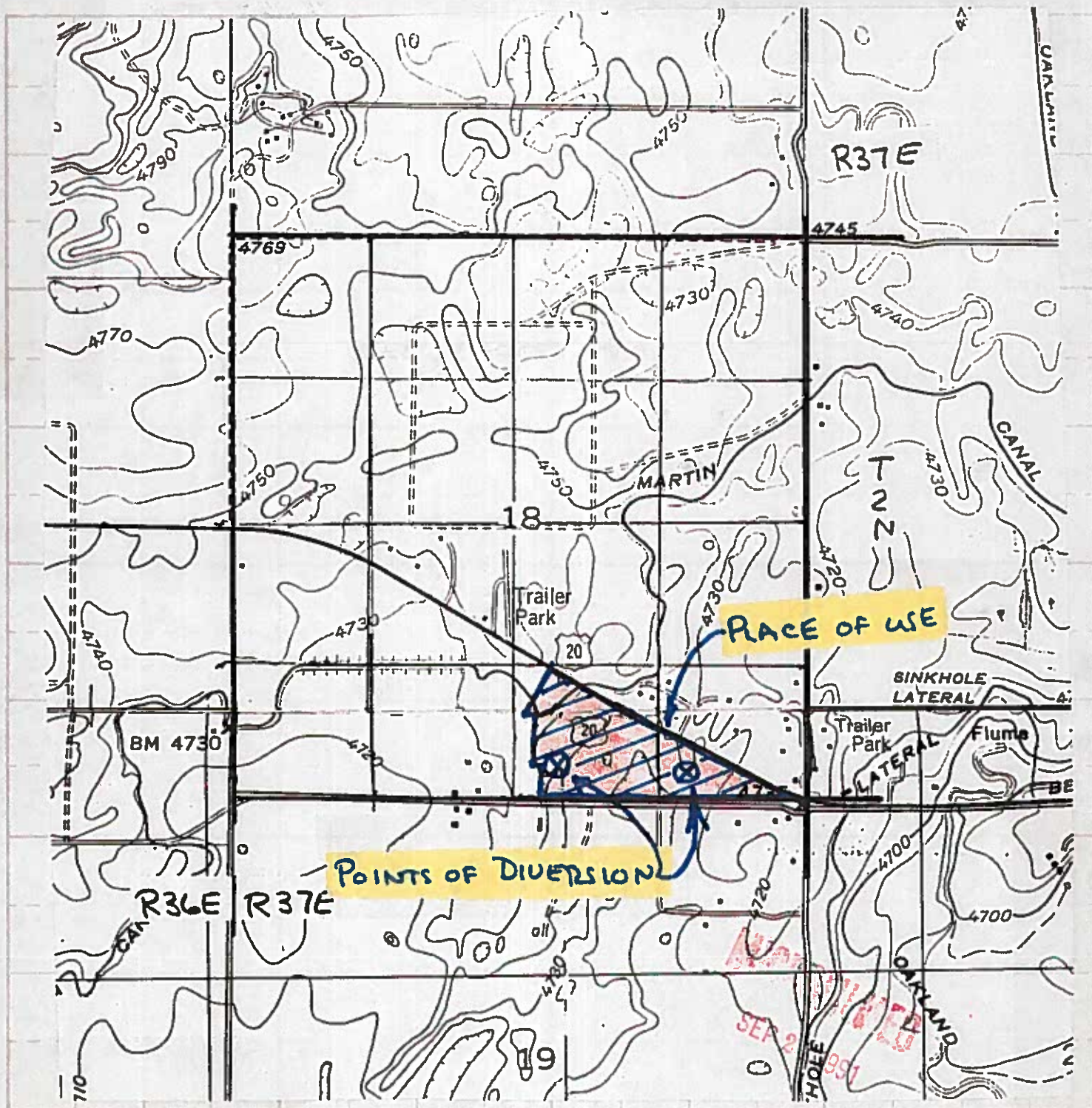


0 0.2 0.4 Miles

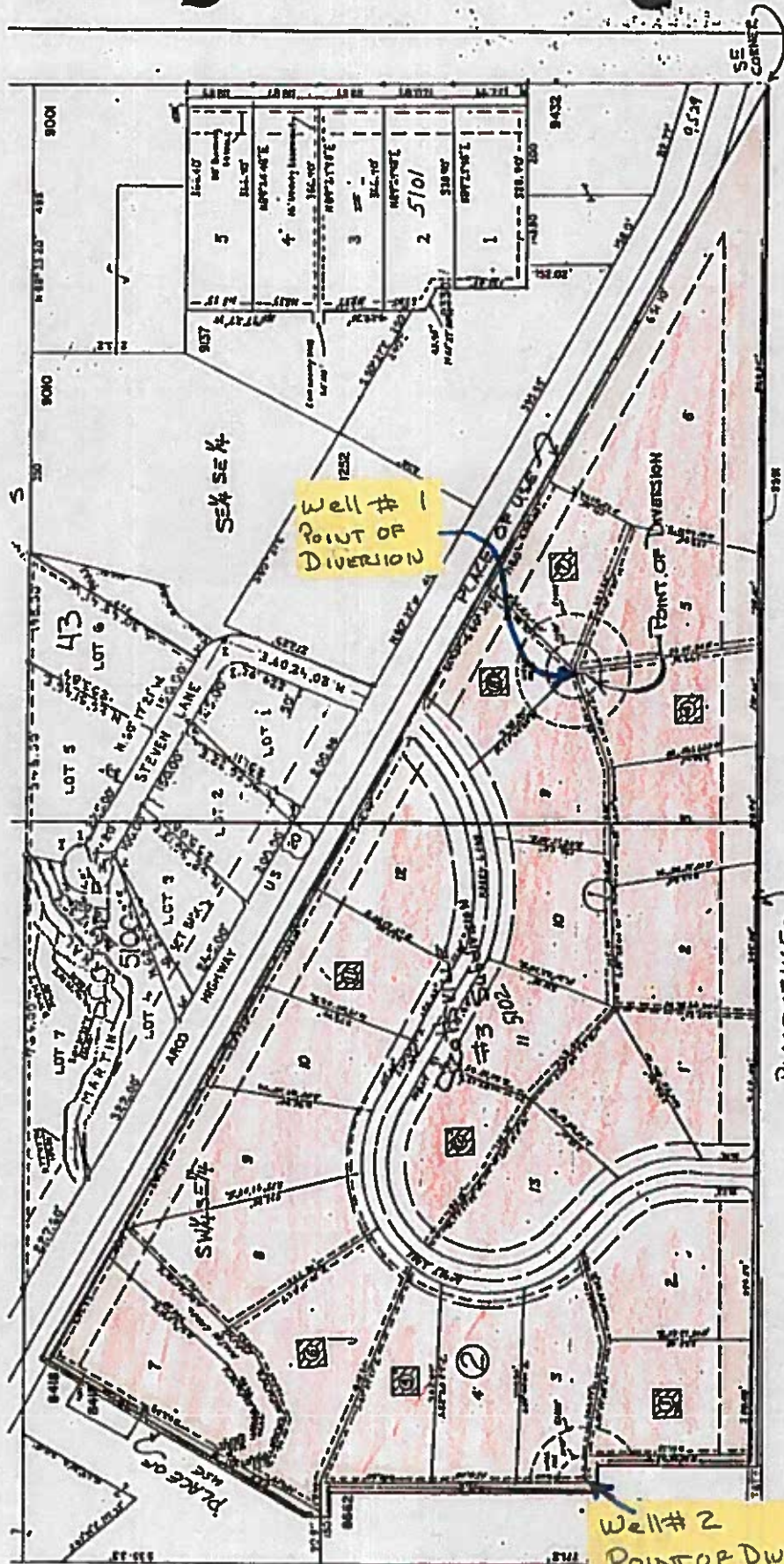
Prepared by A. Golart
On Tuesday, October 17, 2006
1987/88 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.



SE 1/4 Sec 18, T2N, R37E, B.M.

SEP 27 1901



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

April 19, 2005

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
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

SCANNED

APR 21 2005

PROF

OK
4-19-05
(per Emree)

DELOG MH 44-05
RECEIVED
APR 04 2005
Department of Water Resources
Eastern Region

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
	1-195P				

CHANGE COMPLETED
DATE: 4/19/05
KMU

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 Debra L. Beverly
310 N. Karey Lane, Idaho Falls, ID 83402
4. New Owner/Claimant(s) Scotsville Water Rights Association, Inc.
Name connector (check one): ☐ and ☐ or, ☐ and/or
New Mailing Address c/o Debra L. Beverly, 310 N. Karey Lane
City, State and ZIP Code Idaho Falls, ID 83402
New Telephone Number 521-7024
5. Date you acquired the property March 25, 2005

SCANNED

APR 21 2005

PROFILED

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) Scottsville Water Rights Assoc., Inc
(include title if applicable)

by Debra L. Buxley, Secretary

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

For Office Use Only

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

PROFILED

SCANNED
APR 21 2005

QUITCLAIM DEED

THIS INDENTURE is made this 25th day of March, 2005, by Debra L. Beverly, the "Grantor," to Scotsville Water Rights Association, Inc., whose mailing address is 310 N. Karey Lane, Idaho Falls, Idaho, "Grantee,"

WITNESSETH:

That the Grantor, for and 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 real property in the County of Bonneville, State of Idaho, to-wit:

Water Right No. 1-195P, 0.7 cfs of water from the Snake River,
with a priority date of June 1, 1885.

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

TO HAVE AND TO HOLD the said premises and the appurtenances 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 on the date set forth below.

add signature of grantor and notary block

INSTRUMENT NO.	1181210
DATE	3-25-05
INST. CODE	220
IMAGED PGS	2
FEE	6.00
STATE OF IDAHO	
COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmire County Recorder	
By	[Signature]
Deputy	
Request of	Holden, Kicod

SCANNED

APR 21 2005

PROFILED

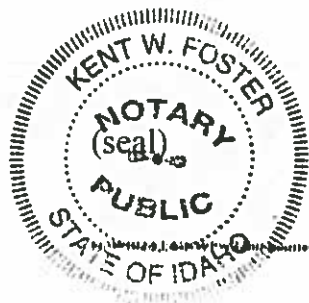
Dated: 3-25-05

Debra L. Beverly
Debra L. Beverly

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 25th day of March 2005, before me a notary public in and for said State, personally appeared Debra L. Beverly known or identified to me (or proved to me on the oath of Debra L. Beverly) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Kent W. Foster
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: Nov. 20, 2010

SCANNED

APR 21 2005

PROFILED

1081686

QUIT CLAIM DEED

THIS INDENTURE, Made this 31st day of May, 2002, by and between Brett and Tresa Mason, Richard J. Hays, and Jess T. Hays of Idaho Falls, Bonneville County, Idaho, Grantors and Debra L. Beverly, 310 N. Karey Lane, Idaho Falls, Bonneville County, Idaho, Grantees.

WITNESSETH, That the said Grantors are the owners of a water right, that Tresa and Brett Mason have a 34.167 percent interest in the water right, Richard J. Hays has a 51.667 percent interest in the water right, and Jess T. Hays has a 14.166 percent interest in the water right;

WITNESSETH, That for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to them in hand paid by Grantees, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargains, sell, convey and confirm unto Grantees and to their heirs and assigns forever all right, title and interest in the following described water right, situate in the County of Bonneville, State of Idaho:

Water Right No. 1-195P, 0.7 cfs of water from the Snake River, with a priority date of June 1, 1885, to be transferred from its place of use of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 2 North, Range 37 East B.M. to a new place of use located in the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 18, Township 2 North, Range 37 East B.M., Bonneville County, Idaho, and further described as follows:

Lots 1, 2, 4, 5 and 6, Scottsville Subdivision No. 1 according to the recorded plat(s) thereof; and

Lots 1 through 5, Scottsville Subdivision No. 2 according to the recorded plat(s) thereof; and

Lots 1, 4, 5, 9, 10, 11, 12, 13, and 14, Block 1, Scottsville Subdivision No. 3 according to the recorded plat(s) thereof; and

Lots 1 through 12, Block 2, Scottsville Subdivision No. 3 according to the recorded plat(s) thereof; and

Beginning at a point that is North 1038 feet and West 25 feet from the Southeast corner of Section 18, thence West 495 feet; thence North 293.2 feet; thence South 293.2 feet to the point of beginning; and

Starting from the north east corner of Sherman's property (where it intersects west property line of Scottsville #2), west 190 feet to the North west corner of Sherman's Property: Extending North approx. 340 feet to the South West corner of the Deaton property; extending East to the North west corner of the Lot 5 Scottsville #2; Extending South to North east corner of Sherman's Property.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the Grantee, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantors have hereunto set their hands and seals the day and year first above written.

SCANNED

APR 21 2005

PROFILED

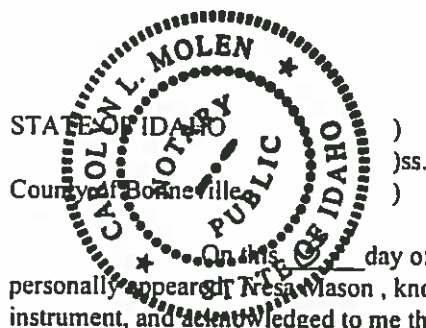
T 69937
ATTACHMENT 1 OF 7

Tresa Mason
Tresa Mason

Brett Mason
Brett Mason

Richard J. Hays
Richard J. Hays

Jess T. Hays
Jess T. Hays



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

Carolyn L. Molen
Notary Public for Idaho
Residing at:
My Commission Expires:

STATE OF IDAHO)
County of Bonneville) ss.

On this _____ day of _____, 2002, before me, a Notary Public in and for the State Of Idaho, personally appeared Brett Mason, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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 written.

Notary Public for Idaho
Residing at:
My Commission Expires

STATE OF IDAHO)
County of Bonneville) ss.

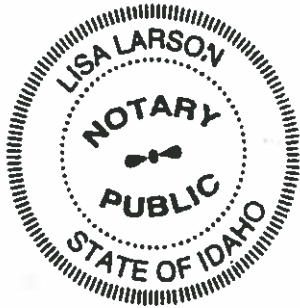
On this 29th day of May, 2002, before me, a Notary Public in and for the State Of Idaho, personally appeared Richard J. Hays, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

APR 21 2005

PRO

T 69937
ATTACHMENT 2 OF 7

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

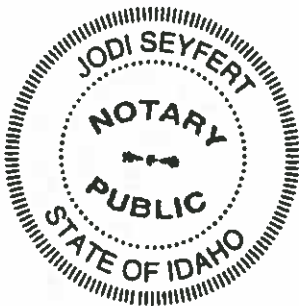


Lisa Larson
Notary Public for Idaho
Residing at: Salem City, Idaho
My Commission Expires 3/17/04

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 30th day of May, 2002, before me, a Notary Public in and for the State Of Idaho, personally appeared Jess T. Hays, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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 written.



Jodi Seyfert
Notary Public for Idaho
Residing at: 777 E. Idaho Falls
My Commission Expires 1/25/08

INSTRUMENT NO.	<u>1081686</u>
DATE	<u>6-24-02</u>
INST. CODE	<u>220</u>
IMAGED PGS	<u>3</u>
FEE	<u>9.00</u>
STATE OF IDAHO	) ss
COUNTY OF BONNEVILLE	
I hereby certify that the within instrument is a true and correct copy.	
Recorded by _____	
County Recorder _____	
By <u>W. H. Bess</u>	Deputy
Request of <u>Debbie Beverly</u>	

310 N. Carey Ln
IF, ID 83902

SCANNED

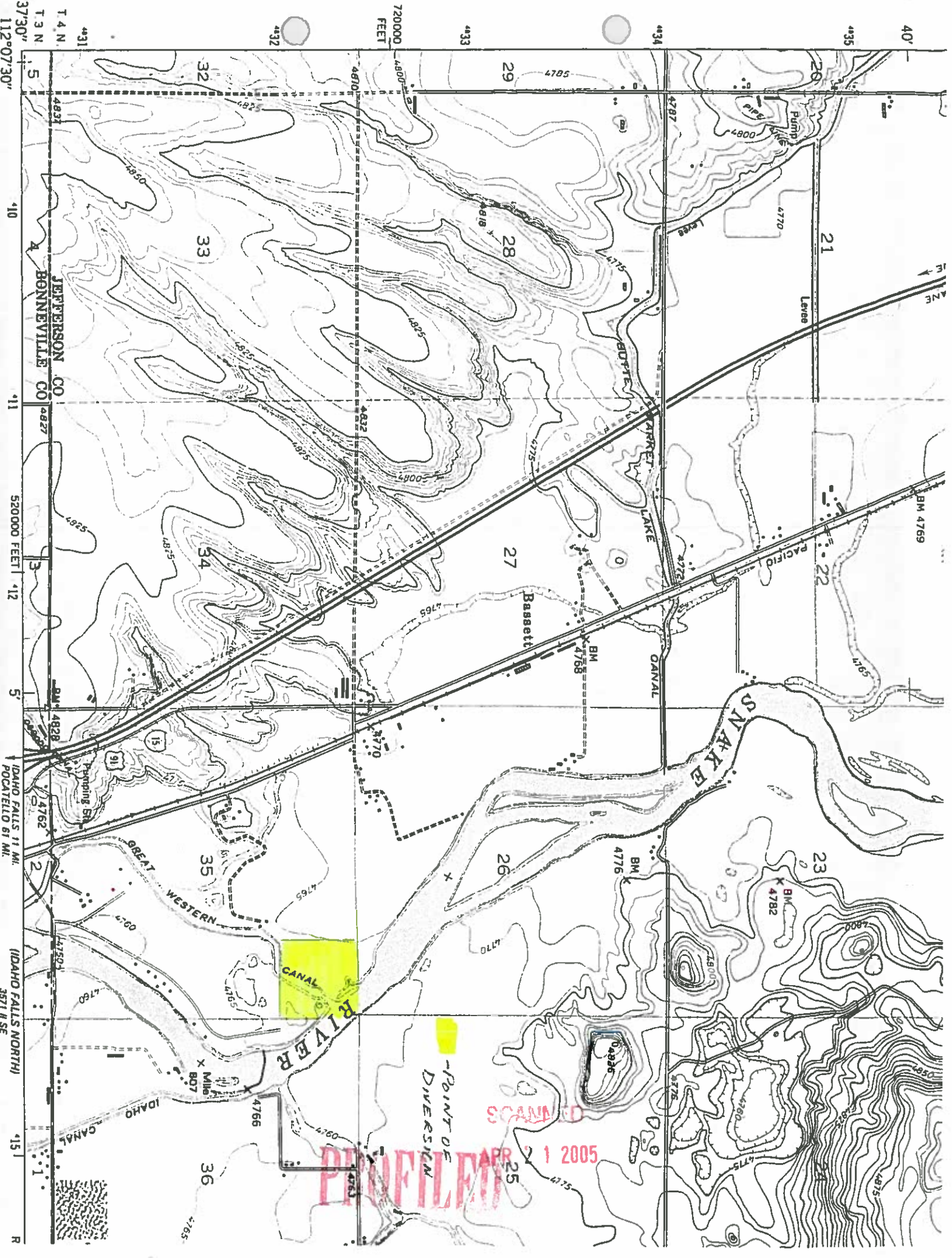
APR 21 2005

PROFILE

T 169937
ATTACHMENT 3 OF 7

Man and published by the Continental Survey

SCALE 1:24,000



40' 435 434 433 432 431
1 4 N
1 3 N
3730'
112°07'30"

720000
FET

29 28 27 26 25

21 22 23 24

32 33 34 35 36

JEFFERSON CO
BONNEVILLE CO

520000 FET

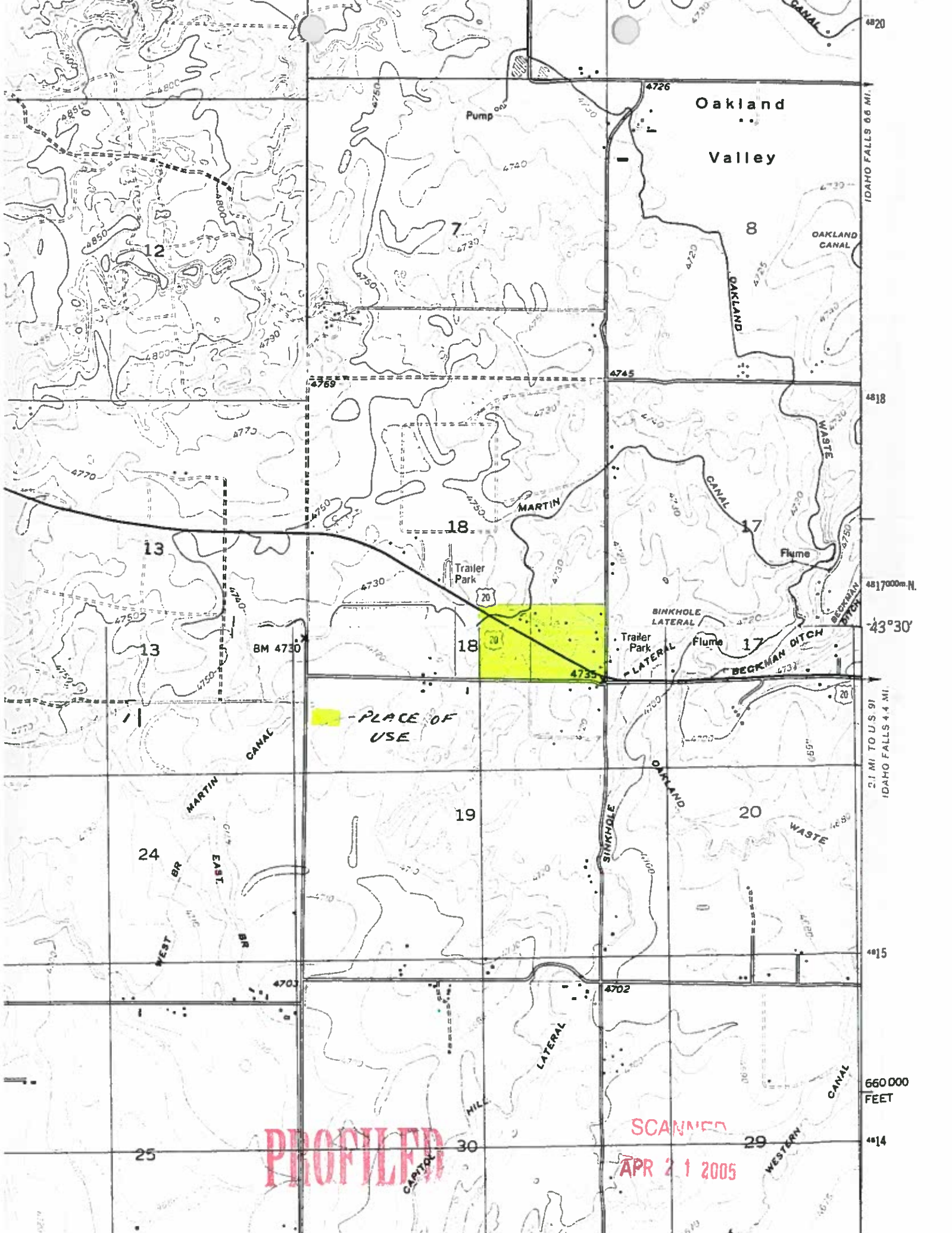
11 12 13

IDAHO FALLS 11 MI.
POCATELLO 61 MI.

IDAHO FALLS (NORTH)
3571 N SE

15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

R



PLACE OF USE

PROFILED

SCANNED
APR 21 2005

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THIEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona

**Also Licensed in Missouri & Kansas

April 1, 2005

RECEIVED

APR 04 2005

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
ATTN: Jennifer Crabtree
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Notice of Change of Ownership
Water Right No. 1-195P.

Dear Jen:

Enclosed is a Notice of Change of Ownership along with the supporting Deeds and maps. According to our search of the SRBA website, this right is not yet partially decreed and therefore there is no charge. If our findings are incorrect, please feel free to contact me and I will bring you a check for the appropriate amount.

Thank you for your kind attention to this matter. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

Cheri

Cheri Vandermeulen
Secretary for Kent W. Foster

Enclosures

G:\WPDATA\KWF\12260 Scottsville Water Right Assoc\Jennifer Crabtree ltr 040105 wpd.cdw

SCANNED

APR 21 2005

PROFILED

FAST ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69937

This is to certify that: RICHARD J HAYS
JESS T HAYS
BRETT MASON
TRESA MASON
3572 W BROADWAY
IDAHO FALLS ID 83402
(208)5235861

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
1-195P	AJC/Decreed	06/01/1885	0.7 cfs	N/A		40.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
1-195P	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
1-195P	1-195P	0.70 cfs	152 af	38.0	40.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.70 cfs	152 af	38.0	40.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of February, 2003

J. Glen Saylor
Chief, Water Allocation Bureau

PROFILED

SCANNED

NOV 10 2004

NOV 10 2004

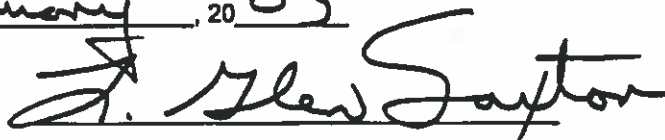
WATER RIGHT NO. 1-195P
As Modified by Transfer No. 69937

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of February, 2003


Chief, Water Allocation Bureau

PROFILED

SCANNED

NOV 10 2004

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

June 14, 2002

Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A.
Idaho Falls, ID 83402

RE: SRBA claim no. A01-00195L in the name of Osgood Canal Company.

Dear Gentlemen:

You are probably aware that we have been having discussions with Dick and Jess Hays and their niece regarding the above referenced SRBA claim. We have concluded that this right was incorrectly deeded to Osgood Canal Company by the U & I. Sugar Company back in 1982 and so we have prepared Quitclaim Deeds to Tresa Mason for 34.167% of this right, to Richard Hays for 51.667%, and to Jess Hays for 14.166%.

By this letter, we are withdrawing the SRBA Claim numbered above which was filed by the Osgood Canal Company.

Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\1232 OSGOOD CANAL CO\Letter, IDWR, 14 June 2002.wpd:edv

PROFILED

RECEIVED

JUN 17 2002

Department of Water Resources
Eastern Region

SCANNED

NOV 10 2004

1078220 MAY13'02 PM1218

QUITCLAIM DEED

THIS INDENTURE, Made this 25th day of March, 2002, by and between HOWARD TAYLOR & SONS, INC., Grantor, and RICHARD J. HAYS and JESS T. HAYS, Grantees, WITNESSETH:

That Grantor, for and in consideration of ONE DOLLAR (\$1.00) good and valuable consideration, to it in hand paid by Grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does demise, release and forever quitclaim unto the said Grantees and to their heirs and assigns forever, the following described interest in a water right, situate in the County of Bonneville, State of Idaho, to-wit:

ALL RIGHT, TITLE AND INTEREST TO A WATER RIGHT OF 0.7 CFS
APPURTENANT TO THE NE $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 3 NORTH, RANGE 37
EAST B.M., AND SUBJECT TO AN ATTEMPTED TRANSFER TO A NEW PLACE OF
USE OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 16 TOWNSHIP 2 NORTH, RANGE 37
EAST B.M.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the Grantee, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto executed this writing the day and year first above written.

INSTRUMENT NO.	<u>1078220</u>
DATE	<u>3-13-02</u>
INST. CODE	<u>220</u>
IMAGED FOR	<u>1</u>
FEE	<u>3.00</u>
STATE OF IDAHO COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<u>Raney</u> Deputy
Request of	<u>Pike & Smith</u>

HOWARD TAYLOR & SONS, INC.

By
Title:

STATE OF IDAHO

County of Bonneville

On this 25th day of March, 2002, before me, a Notary Public in and for the State of Idaho, personally appeared WILLIAM TAYLOR, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as President of Howard Taylor & Sons, Inc., an Idaho Corporation.

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



Gloria J. McCusick
Notary Public for Idaho
Residing at Bonneville
My Commission Expires: 10-13-06

hays/qcdeed

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

RECEIVED

MAY 31 2002

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

Department of Water Resources
 Eastern Region

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
<u>01-195P</u>	<u>01-195P</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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

A. The appropriate FILING FEE. See instructions for fee amounts.

B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) 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(s) Howard Taylor & Sons, Inc.
4983 W. 81 North, Idaho Falls, ID
4. New Owner/Claimant(s) Richard J. Hays and Jess T. Hays
 Name Connector (Check one) ☒ and, ☐ or, ☐ and/or
- New Mailing Address 7828 N. 15 East
- City, State and ZIP Code Idaho Falls, ID 83402
- New Telephone Number (208) 523-1299
5. Date you acquired the property March 25, 2002

PROFILED

SCANNED

NOV 10 2004

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)

Richard J. Hays
Joan R. Hays

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

PROFILED

SCANNED

NOV 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

SCANNED

AUG 27 2001

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

*File
COPY*

October 29, 1998

HAYS FARMS INC
PO BOX 50136
IDAHO FALLS ID 83405

RE: Change of Ownership
A01-00195P

Dear Mr. Hays:

After reviewing the documentation furnished with a Notice of Change of Water Right Ownership for A01-00195P, I am returning the form along with the Quitclaim Deed and the Notice of Claim in the name of Hays Farms Inc.

These documents are being returned because they do not indicate ownership of the land listed on the claim as originally filed by James R. Hays. For your convenience I have included a printout of this claim. Lacking a deed verifying your ownership of the property, we can process the requested name change based on written consent from the present owner(s) along with a deed verifying their ownership.

Respectfully,

Ernest Carlsen
Water Rights Supervisor, Adjudication

Enclosures (3)

emc

Ernie Carlson.

STATE OF IDAHO Feb-10-98

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. Water Right Number(s) _____
Adjudication Claim Number(s) A01-00195P

File
Copy

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) James R Hays, PO Box 50136, L.F. ID.

4. New Owner/Claimant(s) Hays Farms Inc

Name connector (Check one): [] AND, [] OR, [] AND/OR

New Mailing Address PO Box 50136

City, State and ZIP Code Idaho Falls, ID.

New Telephone Number (208) 523 - 1241

5. Date you acquired the property July 1993.

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) Richard J. Hays Sec trea. Date 2/10/98

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. 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.

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: A01-00195P
Date Received: 9/18/1989
Receipt No: E010625
Received By: EMC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAYS FARMS INC 208-523-1241
Address: PO BOX 50136
IDAHO FALLS ID 83405
2. Date of Priority: JUN 1, 1885
3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| 04N | 37E | 35 | NE | NE | | | JEFFERSON |
5. Description of diverting works:
GREAT WESTERN CANAL
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.700 | | |
7. Total Quantity Appropriated is:
0.700 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 03N | 37E | 20 | SE | SE | | IRR | 40.0 |

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS REFLECTED IN TRANSFER 01-0195/T293.
CLAIM IS BASED UPON THE ENTIRE DECREED RIGHT 01-00195L. ANOTHER
PARTY HAS FILED CLAIM ASSERTING OWNERSHIP OF 01-00195L SO MR.
HAYS' CLAIM HAS BEEN NUMBERED A01-00195P.
THIS CLAIM WAS RENUMBERED FROM A35-10022, 12/20/91 ESV
TRANSF. 293 APPEARS SUPERCEDED BY TRANSF. 2171 WITH ONLY 38 ACRES.
IN THE PLACE OF USE 3-18-93 HWJ
BECAUSE THE CHANGE APPROVED BY TRANSFER 2171 WAS NEVER
ACCOMPLISHED THE NEW CLAIMANT IS AMENDING THE PLACE OF USE TO
REFLECT THE IRRIGATION PRACTICE PRIOR TO CONVERSION TO SPRINKLER
SYSTEM. 02-10-98 EMC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

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 Organizations:

I do solemnly swear or affirm that I am Sec. Treas of
Title
Hays Farms Inc., that I have signed the foregoing
Organization
document in the space below as Sec. Treas of
Title
Hays Farms Inc and that the statements contained in the
Organization
foregoing document are true and correct.

Richard J. Hays
Signature of Authorized Agent

Sec. Treas.
Title and Organization

2-10-98
Date

State of Idaho)
County of Bonneville.) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of Feb 19 98

Ernest Carlson
Notary Public

Seal

Residing at Albion Falls ID

My Commission Expires 6-14-2000

LAW OFFICES OF
PIKE, SEEDALL & SHURTLIFF
A Professional Association

Edward W. Pike

Admitted in Idaho and Utah

Scott R. Seedall

Admitted in Idaho and Wyoming

M. Karl Shurtliff

Admitted in Idaho

Marty Durand

Admitted in Idaho and Colorado

Scott C. Cifrese

Admitted in Idaho and Washington

Bank of Eastern Idaho Building

1800 Channing Way

P.O. Box 2949

Idaho Falls, Idaho 83403-2949

Telephone (208) 528-6444

Telefax (208) 528-6447

Boise Office

800 W. State, Suite 200

P.O. Box 1652

Boise, Idaho 83702-1652

Telephone (208) 343-2900

Telefax (208) 343-3282

August 1, 1996

RECEIVED

AUG 05 1996

Department of Water Resources
Eastern Region

Mr. Ron Carlson
Eastern Regional Manager
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

RE: Hays Farms, Inc. Water Rights in T3N, R35E, Section 20.

Dear Mr. Carlson:

This firm represents Hays Farms, Inc. For a little over two years we have assisted the Hays in regards to rights to 35" of surface water for Section 20. As you may recall, you assisted us in June of 1994 in searching the available IDWR records for any record of transfer of the surface water to another owner. It appears at times the water has been carried by the New Sweden Irrigation District and/or the Osgood Canal. Since 1994, however, no carrying charges have been billed for the same as neither company has been informed by Water District 1 that the water is being delivered through their system.

I have recently been provided a copy of a third page for Notice of Claim A35-10022, dated July 5, 1988. It was microfilmed on October 19, 1992, and I have enclosed a copy herewith. I also have a letter signed by Ernest Carlson, dated December 31, 1991, stating that Notice of Claim A35-10022 has been changed to number A01-00195P. I note that a prior Application to Transfer ground water involving Section 20 was numbered 01-0195T2. In our continuing efforts to resolve this issue I would appreciate any information regarding the following from your office.

1. A copy of the first two pages of Notice of Claim A35-10022
2. Information as to why the Notice of Claim number was changed and whether or not there is any significance to the use of the letter P or the letters T2 behind the number 01-0195.

MICROFILMED

NOV 05 1996

August 1, 1996

Page 2

3. Any information you have regarding either the retention or transfer of the surface water rights for Section 20.

I note that the signature on page 3 of Notice of Claim A35-10022 is signed by James R. Hays. The real property to which this water is appurtenant to was held by three parties as tenants in common, James R. Hays, Dick Hays and Jess Hays. Therefore, James R. Hays could not transfer the entire water right without the consent of Dick and Jess Hays, but only his individual ownership interest in the same.

I would be happy to meet with you at your convenience to discuss this matter further. Thank you in advance for your anticipated cooperation and assistance.

Sincerely,



Scott R. Seedall

SRS/ss
hays/idwr.lt1
cc: Hays Farms, Inc

Enclosure

12 Aug. 96. - Scott Seedall visited office & we discussed the renumbering of A35-10022. Plus we reviewed the records on 01-00195 and made him aware that the 35" is appurtenant to SESE sec 16. EMC.

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NOV 05 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DECEMBER 23, 1991

JAMES R HAYS
C/O GEORGE PETERSON
485 E ST
IDAHO FALLS ID 83401

RE: RENUMBERED NOTICE

Dear Mr. Hays:

The Department has changed the identification number for Notice of Claim #A35-10022. The new number is #A01-00195P. We have also modified receipt E010625 to reflect the new number.

A copy of the receipt and the Notice of Claim is enclosed for your records.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

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OCT 19 1992

December 18, 1991

A35-10022

JAMES R HAYS
PO BOX 50136
IDAHO FALLS ID 83405

FINAL REQUEST

RE: Evidence of Priority *RESPONSE DEADLINE*
JANUARY 20, 1992

Dear Mr. Hays:

Our records indicate that your claim, listed above, is based upon either a "Statutory Claim" or "Beneficial Use" of the water. For water rights of this type, the claimed "Priority Date" must be substantiated with supporting evidence. We previously requested this supporting evidence be submitted by July 25, 1991, and to date we have not received the requested documentation.

Before the Department can make a recommendation to the Court to decree the claim, some evidence of the priority date must be submitted. We are enclosing a brochure outlining the types of evidence you may submit, and a printout of your claim for reference. We request that you submit your evidence of priority as soon as possible.

If we do not receive the requested documentation, the Department will recommend the claim be disallowed, due to lack of evidence supporting any priority date.

Please submit the required evidence supporting the priority date by January 20, 1992. Please reference the claim number on your correspondence. If you have questions or need other assistance, please contact this office.

Sincerely,

Eric Verner
Senior Water Rights Agent

EV:jt

Enclosure: Brochure/Proof Report

MICROFILMED
OCT 19 1992

28-Jun-1991

JAMES R HAYS
PO BOX 50136
IDAHO FALLS , ID 83405

RE: **Evidence of Priority** A35-10022

Dear Claimant:

The Notice of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by JULY 29, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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OCT 19 1992

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

MICROFILMED
OCT 19 1992

AUG 27 2001

9000
JIM - 122

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

RENUMBERED TO: A01-00195P

Ident. Number: A35-10022

Date Received: 7/05/1988

Receipt No: E010625

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES R. HAYS
Address: P.O. BOX 136 50136
IDAHO FALLS, ID

83405

2. Date of Priority: JUN 01, 1885

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	37E	35	NE	NE			JEFFERSON

5. Description of diverting works:
GREAT WESTERN CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.700		

7. Total Quantity Appropriated is:
0.700 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	Lot	Use	Acres
02N	37E	16	SE	SE		IRR	40.0
						Section Acres	40.0

A35-10022

Page 1

Date: 07/05/88

MICROFILMED
OCT 19 1992



10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS REFLECTED IN TRANSFER 01-0195/T293.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James T. Hays Date: 8.23-89

Date: _____

State of Idaho)
County of Bonn) SS.

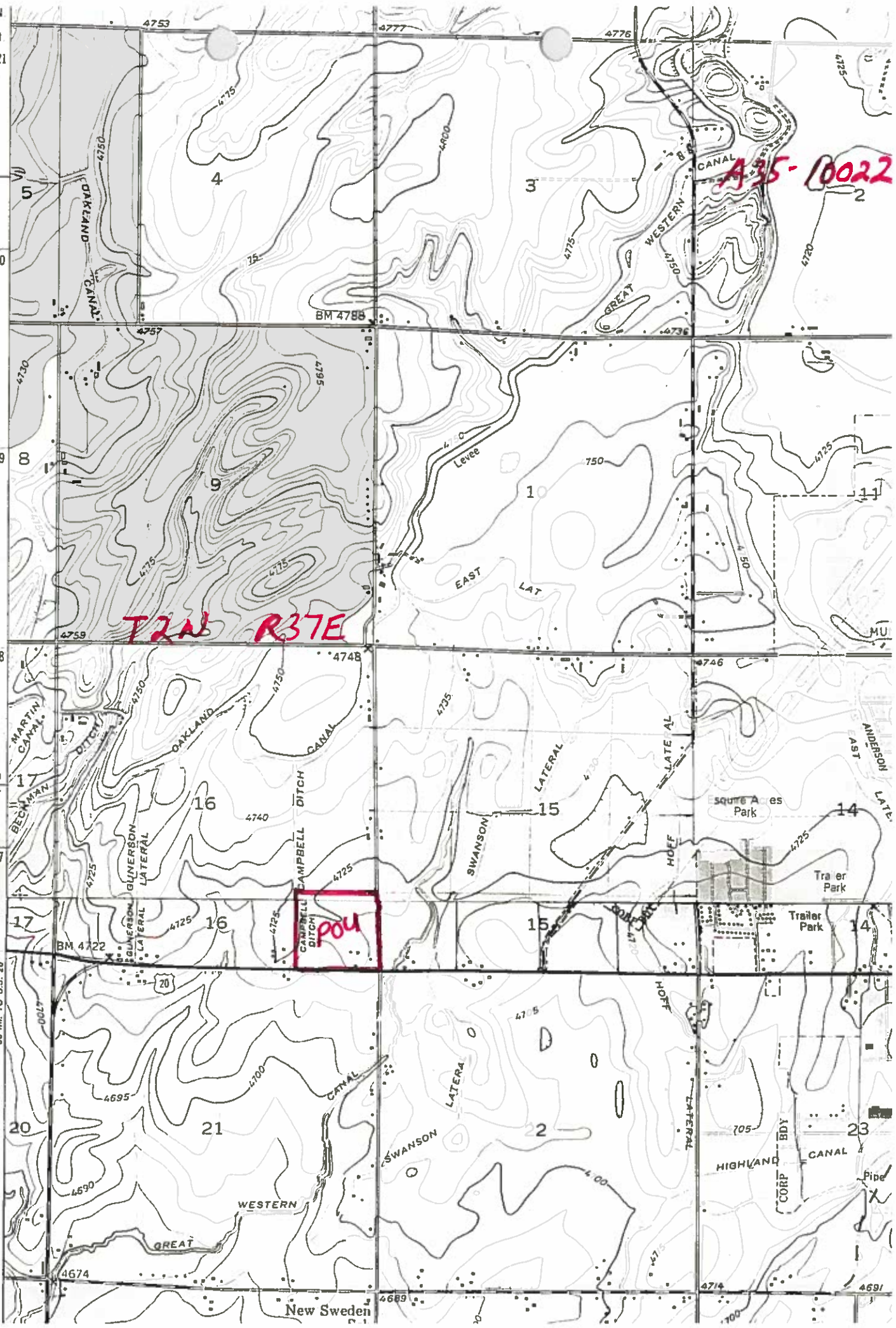
Subscribed and sworn (or affirmed) before me this 23 day
of Aug 19 89

Douglas A. Dameron
Notary Public

Seal

Residing at IDAHO FALLS, ID
My Commission Expires 1.20-93

T 3 N
T 2 N
4821
4820
4819
4818
4817
43°30'
670000
FEET
ARCO 62 MI.
38 MI TO U.S. 26
4815000m N.



A35-10022

T2N R37E

POU