

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

RIGHT NUMBER: 1-10388

NAME AND ADDRESS: ALLRED BROTHERS PARTNERSHIP
3852 E 12 N
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.690 CFS

Right Nos. 1-10392 and 1-10388 are limited to a total combined diversion rate of 1.17 cfs.

PRIORITY DATE: 05/06/1971

POINT OF
DIVERSION:

T04N R40E S6 SWSW Lot 7 Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.690 CFS
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>		
	T05N R39E S21 NESE 1.00	T05N R39E S21 NWSE	2.50
	T05N R39E S21 SWSE 28.00	T05N R39E S21 SESE	34.00

65.5 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 1-10392 and 1-10388 are limited to the irrigation of a combined total of 65.5 acres 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 - Beneficial Use

Use of this right is combined with water from Liberty Park Irrigation Co.

Water is delivered through Liberty Park Canal.

10/11/2006

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

RIGHT NUMBER: 1-10388

NAME AND ADDRESS: ALLRED BROTHERS PARTNERSHIP
4101 E MENAN-LORENZO HWY
RIGBY ID 83442

Disallowed

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.190 CFS

PRIORITY DATE: 02/15/1945

POINT OF DIVERSION:

T05N R39E S35 SENESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
2.190 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S21	NESE	5.00	T05N R39E S21	NWSE	6.00
T05N R39E S21	SWSE	22.00	T05N R39E S21	SESE	31.00

64 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

SCANNED

APR 16 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

APRIL 10, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

ALLRED BROTHERS PARTNERSHIP

3852 E 12 N

RIGBY ID 83442

RE: Notice of Change of Address for 1-10388, 1-10392 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On April 10, 2007, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

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

In Re SRBA

)

Water Rights: 1-10388

1-10392

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

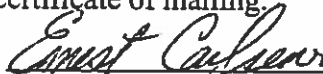
☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4-11-07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 13, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
ALLRED BROTHERS PARTNERSHIP
3852 E 12 N
RIGBY ID 83442

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 1-10388 1-10392

Previous Mailing Address: Allred Bros. - William E. Allred
4101 E. Menan - Lorenzo Hwy
Rigby, Id. 83442

New Mailing Address: William E. Allred - Allred Bros.
3852 E 12 N
Rigby, Id. 83442

Telephone Number: (208) 745-6976

Signature of all Claimant(s): William E. Allred

Please print your name below your signature.

William E. Allred

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
7600 N. Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
Ph. 208/762-2800 or
FAX 208/762-2819**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/736-3033 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/525-7161 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098
Ph 208/287-4800
FAX 208/287-6700**

RECEIVED

FEB 22 2007

Department of Water Resources
Eastern Region

*NCAP
needed
Em 4-10-07*

*De Done
Lam
4-6-07*

SCANNED
APR 16 2007

December 8, 2006

ALLRED BROTHERS PARTNERSHIP
3852 E 12 N
RIGBY ID 83442

RE: CHANGE OF ADDRESS FOR 1-10388, 1-10392, 1-10490

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

ALLRED BROTHERS PARTNERSHIP
4101 E MENAN-LORENZO HWY
RIGBY ID 83442

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

ADDRESS SERVICE
REQUESTED

SCANNED
APR 16 2007

ALLRED BROTHERS PARTNERSHIP
4101 E MENAN-LORENZO HWY
RIGBY, ID 83442

ALLRED 83422025 1705 13 11 11 11 106
FORWARD TIME EXP RIN TO SEND
ALLRED 12 N 83442-5700
3852 E
RIGBY ID RETURN TO SENDER
|||||

1-10388
1-10362
1-10460

★ ★
U.S. POSTAGE
1021 PB3523907
8972 \$00.870 NOV 15 2006
5385 MAILED FROM ZIP CODE 83402

SCANNED

AUG 27 2001

To: A01-00049A
A01-10388
A01-10392
A01-10393
Fr: Bryce Contor
Date: 10/2/2000

BAC

Re: Split by change of ownership.

Issues:

1. Intent of A01-10388 and A01-00049A.

The original intent of claimant Allred was to put all of 01-00049A on all of his POU on a comingled Permissible Place of Use basis with his Liberty Park canal shares. 01-00049A is delivered through Liberty Park Canal via a carriage agreement.

Initially I prepared and accepted A01-10388 as an enlargement claim to accomplish this. Upon receiving more guidance, I prepared an amended version of A01-00049A to simply make a Permissible Place of Use, with an invitation to the claimant to withdraw A01-10388 to clarify the record.

Two blunders occurred, however. First, when signed amended claim A01-00049A came back, it was never released from the temporary host to the permanent host, so the pre-amendment version was copied to the new Enterprise database. Second, A01-10388 was never withdrawn.

The clear intent of Mr. Allred as he and I met in the fall of 2000 was to arrange the water rights so that he could sell off part of the property and with it sell a proportionate share of both the Liberty Park canal shares and a proportionate share of decreed right 01-00049A.

2. Documentation of Chain of Ownership

File A01-00049A contains the documentation submitted by purchaser Ferguson. It includes the deed and exhibit "A" for the parcel in question here, as well as an unnecessary and confusing exhibit "A" for a different parcel. Note the court house document numbers.

3. Calculation of split amounts

The deed specifies that Ferguson shall receive "95 inches of a water right" and references number 01-00049. The deed also states the right "consists of a total of 300 inches of which Sellers own a portion and are transferring herewith 95 inches of said water." Claim A01-00049A is for 4.0 cfs, or 200 inches.

I assume based on the above that the intent was for Ferguson to receive 95 inches or 1.9 cfs, and for Allred to retain $200 - 95 = 105$ inches, or 2.1 cfs.

The original claim as amended was for 53 acres of irrigation within a 117 acre PPU. Calculating $53/4.0 * 1.9 = 25.2$ acres allocated to Ferguson. $53 - 25.2 = 27.8$ acres allocated to Allred.

Of the 117 acres originally claimed for the PPU, 40 are in quarter-quarters deeded to Ferguson. Therefore I allocate 40 to Ferguson and 77 to Allred.

SCANNED

APR 16 2007

4. Claim A01-10388

This claim is not claimed on any lands conveyed to Ferguson, so no part is split off to Ferguson. Since this claim is 100% overlapped with A01-00049A as amended, and since it is for no additional Q, in reality A01-10388 does not do anything, even though it was not withdrawn.

SCANNED
APR 16 2007

23-0025

Corbett, V. W.

70 inches. Oct. 24, 1898. Rainey Creek.

Corbett 11047
Ditch Company

1 048

6,000 inches. May 1, 1889. Snake River. Trans 268-274

Corbett Slough
Ditch Company

1 049

6,500 inches. May 1, 1892. Snake River.

Corey, George L.
and Lester S.

300 inches. June 1, 1887. South Fork of Snake River.

22 0213

Costello, C. A.

120 inches. June 15, 1895. Spring Creek.

22 0214

Costello, C. A.

40 inches. June 15, 1895. Pine Creek.

21 0036

Courtney, James S.
and A. C.

240 inches. June 1, 1896. Targee Creek.

22 0215

Coyle, M. H.

60 inches. June 15, 1904. Coyle Spring.

21-0149

Coxson, William

Oct. 3, 1904. The use of a spring on the SW 1/4 of Sec. 14, T 15, N., R. 43 E., for fish culture and for the irrigation of ten acres of land.

21 0038

Crabb, A. P.
(substituted for
T. J. Thorp.)

70 inches. June 1, 1892. Black Spring Creek.

21 0037

Crabb, Addie D.

240 inches. June 1, 1895. North Springs, Middle Springs, Guy Springs and East Springs are used for fishery, with R. A. Osborn.

1 050

Craig, R. A.

240 inches. June 1, 1887. South Fork of Snake River.

22 0216

Crandall, Ira

100 inches. June 1, 1896. Darby Creek. Trans 625

22 0217

Crandall, Ira

20 inches. June 1, 1898. Darby Creek.

22 0218

Crandall, H. L.

20 inches. June 1, 1897. Darby Creek.

22 0219

Crandall, H. L.

60 inches. June 1, 1898. Darby Creek.

22 0220

Crandall, H. L.

80 inches. Waters of Crandall Springs.

Crawford, J. B.

Watson Slough

SCANNED

APR 16 2007

Walden, H. B.

S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 7, N $\frac{1}{2}$ of Sec. 18, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 18, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 18, T. 2 S. R., 36 E., B. M., and E $\frac{1}{2}$ of Sec. 13, T. 2 S., R. 35 E. B. M., containing 840 acres.

Ragan, J. T.
Part of SW $\frac{1}{4}$ of Sec. 25, T. 2 S., R. 35 E. B. M., containing 90 acres.

Rich, S. J.
W $\frac{1}{2}$ of Sec. 26, T. 2 S., R. 35 E., B. M., containing 320 acres.

Shannon, Robert M.
90 acres in NE $\frac{1}{4}$ of Sec. 2, T. 3 S., R. 35 E. B. M.,

Tanner, M., Jr.
Ten acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 3 T. 3 S., R. 35 E., B. M.

Southeastern Idaho Fair Assn., The
31.6 acres in Sec. 3, T. 3 S., R. 35 E. B. M.

Watson, Albert
Five acres in NE $\frac{1}{4}$ of Sec. 3, T. 3 S., R. 35 E. B. M.

Willford, Samuel
S $\frac{1}{4}$ of NW $\frac{1}{4}$, 20 acres in W part, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 1, T. 3 S., R. 35 E., B. M., containing 100 acres.

Corey, George L.
and Lester S.

N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 27, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 28, T. 6 N. R., 39 E., B. M., contain 160 acres.

Castello, C. A.

(No description given.)

Walden, H. B.

S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 7, N $\frac{1}{2}$ of Sec. 18, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 18, SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 18, T. 2 S. R., 36 E., B. M., and E $\frac{1}{2}$ of Sec. 13, T. 2 S., R. 35 E. B. M., containing 840 acres.

Ragan, J. T.
Part of SW $\frac{1}{4}$ of Sec. 25, T. 2 S., R. 35 E. B. M., containing 90 acres.

Rich, S. J.
W $\frac{1}{2}$ of Sec. 26, T. 2 S., R. 35 E., B. M., containing 320 acres.

Shannon, Robert M.
90 acres in NE $\frac{1}{4}$ of Sec. 2, T. 3 S., R. 35 E. B. M.,

Tanner, M., Jr.
Ten acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 3 T. 3 S., R. 35 E., B. M.

Southeastern Idaho Fair Assn., The
31.6 acres in Sec. 3, T. 3 S., R. 35 E. B. M.

Watson, Albert
Five acres in NE $\frac{1}{4}$ of Sec. 3, T. 3 S., R. 35 E. B. M.

Willford, Samuel
S $\frac{1}{4}$ of NW $\frac{1}{4}$, 20 acres in W part, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 1, T. 3 S., R. 35 E., B. M., containing 100 acres.

Corey, George L.
and Lester S.

N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 27, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 28, T. 6 N. R., 39 E., B. M., contain 160 acres.

Castello, C. A.

(No description given.)



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 17, 1999

William E. Allred
Allred Bros. Partnership
4101 East Menan-Lorenzo Highway
Rigby, Idaho 83442

Dear Mr. Allred:

Enclosed are an Amended Claim for decreed right A01-00049A and a notice of withdrawal for claim A01-10388.

The amended claim is for your use of 4.00 cfs of decreed water on 53 acres within the permissible place of use of 117 acres. This claims lands historically irrigated by co-mingling the decreed water with the shares of Liberty Park Canal. The claim is based upon a 1945 transfer of point of diversion of the decreed right to the headworks of Liberty Park Canal.

If part of the property is sold, the Change of Ownership will result in the 4.00 cfs and the 53 acres of permitted use being split proportionally according to the irrigated acres of the new parcels (or according to the deed if another agreement is reached).

With this amendment to A01-00049A, A01-10388 is not needed. The attached withdrawal request will allow us to refund your filing fees on that claim.

However, if you wish, you may retain claim A01-10388 and amend it to be a true enlargement claim. This would claim irrigation of the full 117 acres with the decreed water in the unlikely event that the decreed water was available to you but the Liberty Park water was not. This might occur if the Liberty Park Canal were distributing water on a rotation basis, rather than an on-demand basis. The Liberty Park water right is senior to your water right, so there is probably not any other circumstance where an enlargement claim would be helpful.

Please review these documents and call me at 525-7161 if you have questions. I'm going on vacation Wednesday, so please call early in the week. If these changes reflect your intent, please sign the Amended Claim before a notary and sign the withdrawal request, and return them to the office.

Sincerely,

Bryce A. Contor

*Note:
Amended claim A01-00049A
was real but withdrawal of
A01-10388 was not.*

SCANNED
APR 16 2007

**NOTICE OF INTENT TO WITHDRAW ADJUDICATION CLAIM
A01-10388**

To: Idaho Department of Water Resources

I, William E. Allred, am a partner in Allred Bros. Partnership. I executed Adjudication Claim number A01-10388 to fully claim the use of the decreed right represented by A01-00049A. I have now amended claim A01-00049A to reflect this use and wish to withdraw claim A01-10388.

Please withdraw claim A01-10388 and refund to me the filing fees paid.

William E. Allred
Partner

Allred Bros. Partnership

Date

SCANNED
APR 16 2007

A01-10388

To: File A01-00049A
Fr: Bryce A. Contor
Date: 9/10/1999

Bryce A. Contor

Re: Permissible Place of Use

Friday Mr. Allred filed this claim with Paul, as originally decreed. However, historically this wr has been co-mingled with canal shares from Liberty Park Canal. Water under this wr has been delivered through Liberty Park's system per a "carrying share" agreement since the 1940's. Historically the comingled water from both sources has been applied to a larger place of use.

Mr. Allred would like to amend this claim to reflect a permissible place of use of the original acres within a larger farm that includes the land originally associated with the Liberty Park shares. This will result in no enlargement or expansion of acres or diversion rate but simply reflect an accomplished transfer.

I don't know how to code this on an AJ claim so I'm documenting it with this memo.

Proposed Permissible Place of Use: See attached.

Please prepared amended claim ASAP to facilitate sale. Please have ready for signature by Sept 17th.

9/13/99 -

Per Allen Rubeeny the smoothest way to handle this is with an enlargement claim. Before calculating per-acre charge see if Liberty Park has paid the per-acre.

BAC.

9/13/99

A01-10388 is on temp lost. Adj'st priority per documentation of carriage agreement, print claim form fee = \$50 late + \$50 A01/4 = \$100. No acres; acres paid already by Liberty Park A01-00104

BAC

SCANNED
APR 16 2007

A01-00049A Permissible Place of Use

	NE				NW				SW				SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE
5N39E																
21													(5)	(16)	(22)	(31)
27													5	6	25	31
28	30	10					10									

67
10
40
117

FSA Map

22.6
28.3
5.5
2.6
2.8
3.5
1.7
7.8
17.1
20.1

117.0

Bill Allred 745- 6976
526- 5052

SCANNED
APR 16 2007

Rephung Decree - this is the water

Geo L & Lester S Corey 300 inches
June 1, 1887. S Fork of Snake River

N $\frac{1}{2}$ NW $\frac{1}{4}$ S 27

N $\frac{1}{2}$ NE $\frac{1}{4}$ S 28

TSP 5 N Rge 39

0100049 at #

Kieth Wilson

FSA Aerial photo

27.6

28.3

28

26

30

643

50

114.3

SCANNED

APR 16 2007

Black - Decreed POU

1-10392
-10388

1-10393

Gideon
Ross

APR 1 1975

Land Owner List

Aured

Deke
For the 11a

Gideon
Ross

Ferguson

Ben Crest.

SEARCHED
INDEXED
APR 11 2002

#2850

(906)

②
27.6 NHCL

NHCL
③
28.3

NHCL
①
5.5

NHCL
⑦
2.6

NHCL
④
3.5

NHCL
⑤
28.6

NHCL
⑥
1.7

NHCL
⑧
7.8

NHCL
⑨
17.1

NHCL
⑩
20.1

Nelson

FSA Photo Supplied by
owner, date unknown.

Bryce A. Connor

SCANNED
APR 16 2007

Allred-Ferguson Change of Ownership & Split of A01-49A.

Blue = lands described in deed. Yellow = approximate irrigated lands, 43 acres.

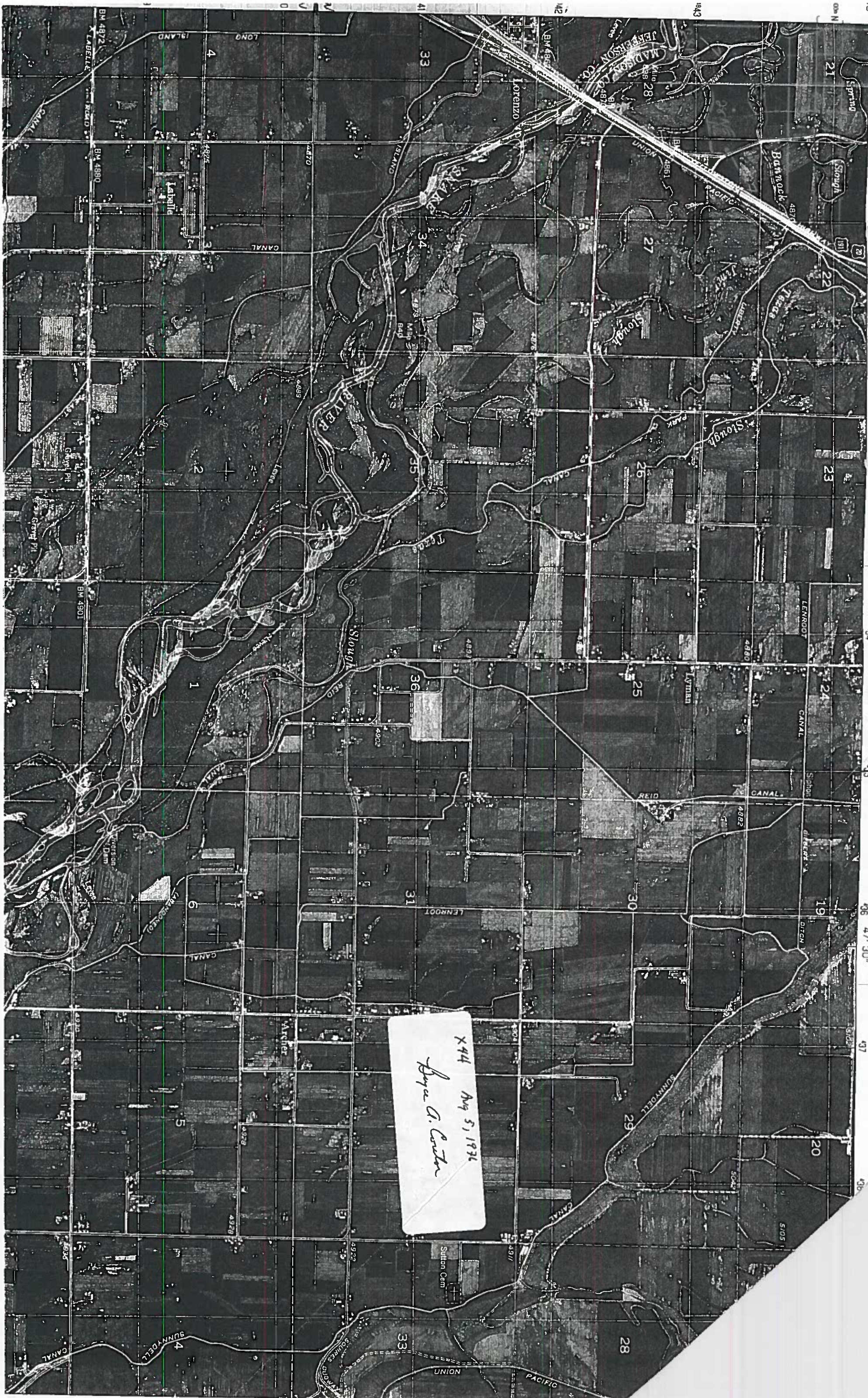
Black = Lands retained by Allred.



RAC 10/2/2007

GEOLOGICAL SURVEY

1° 52' 30" 430000 E 39° 40' 47' 30"



X44 Aug 5, 1936
Hoye A. Carter

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

H. S. GIDEON AND CORAL ALLRED
Thornton, Idaho

For a Change of Point of Diversion on Snake River,
Water District # 36, Madison County

ORDER GRANTING CHANGE

No. 178

WHEREAS, On the 15th day of February, 1945, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of H. S. Gideon and Coral Allred, of Thornton, Idaho, for a change of point of diversion on Snake River came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that it became necessary to change the point of diversion, and that no other decreed water right or water user will be injured thereby; and,

WHEREAS, The said change in point of diversion has been approved by the Watermaster of the Snake River, and the said ditch from which the water is being transferred is an unincorporated community ditch; and,

WHEREAS, During the low water season it is too expensive to maintain a diversion dam at the head of the Nelson-Corey Canal;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be and the same is hereby granted, and that Certificate of Change in Point of Diversion be issued to the applicants herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of March, A. D. 1945.

MARK R. KULP
State Reclamation Engineer
By

Ray W. Thompson
Supervisor of Water Distribution

Certified to be a true and correct copy
of the document held by the State
Department of Reclamation on this 13th
day of Sept. 19 45

[Signature]
State Reclamation Engineer

SCANNED

APR 16 2007

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE IN POINT OF DIVERSION OF DECREED WATER RIGHT

No. 178

THIS IS TO CERTIFY THAT H. S. GIDEON AND CORAL ALLRED, of Thornton, Idaho, are the owners of and using certain water rights, bearing date of priority of June 1, 1887, for Six (6) cubic feet per second of the waters of Snake River, County of Madison, State of Idaho, decreed to George L. and Lester S. Corey, by decree of Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY,

Plaintiff,

vs.

TETON IRRIGATION COMPANY,

Defendant,

being appurtenant to the following described lands, to-wit:

N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27;
N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28;
Township 5 North, Range 39 East, B.M.

That the said decree bears date of December 16, 1910, and is entered in the records of the Department of Reclamation, in Volume 3 of Decrees, at page 450.

That the said applicants, H. S. Gideon and Coral Allred, have become the owners of said water rights and of said lands by purchase.

That now upon the application of H. S. Gideon and Coral Allred, of Thornton, Idaho, for a Certificate of Change in Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to change such point of diversion is hereby confirmed.

That said change in point of diversion shall not modify in effect said decree, water right, or place of use. Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Six (6) cubic feet per second of the waters of Snake River, with priority of June 1, 1887.

That said water right is appurtenant to the following described lands, to-wit:

N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27;
N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28;
Township 5 North, Range 39 East, B.M.

SCANNED

APR 16 2007

That the water right above described from the Snake River has been conducted to the place of use through the Nelson-Coroy Ditch, with point of diversion located in the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 35, Township 5 North, Range 39 East, B.M.

That the water right above described will hereafter be conducted to the place of use through the Texas Feeder and Liberty Park Ditch, with point of diversion located in the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 6, Township 4 North, Range 39 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of March, A. D. 1945.

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Resources

Certified to be a true and correct copy
of the document held by the State
Department of Reclamation on this 13th
day of SEPT 19 48

[Signature]
Asst. State Reclamation Engineer

SCANNED
APR 16 2007

AUG 27 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: A01-10388
Date Received: 9/13/1999
Receipt No: FO25300
Received By: B. Conter

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALLRED BROTHERS PARTNERSHIP 208-745-6976
Address: 4101 E MENAN-LORENZO HWY
RIGBY ID 83442

2. Date of Priority: FEB 15, 1945

3. Source: SNAKE RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	39E	35	SE	NE	SE		MADISON

5. Description of diverting works:
HEADWORKS OF LIBERTY PARK CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.190		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	39E	21	NE	SE		IRR	5.0
			NW	SE		IRR	6.0
			SW	SE		IRR	22.0
			SE	SE		IRR	31.0

A0110388



SCANNED

APR 16 2007

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	64.0
					Total Acres	64.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
LIBERTY PARK CANAL

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 01-00049A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS.

USE OF THIS RIGHT WITH RIGHT NO. 01-00049A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 53 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

FILED AS ENLARGEMENT OF A01-00049A. THIS IS NOT TRULY AN ENLARGEMENT BUT RATHER REPRESENTS A PERMISSIBLE PLACE OF USE AS CO-MINGLED WITH LIBERTY PARK CANAL WATER. A01-00049A IS DELIVERED THROUGH LIBERTY PARK CANAL VIA CARRIAGE AGREEMENT; CO-MINGLED WATERS ARE INDISTINGUISHABLE AND HAVE BEEN HISTORICALLY DELIVERED TO ENTIRE PLACE OF USE. PRIORITY DATE BASED UPON DOCUMENTATION OF THIS DELIVERY PRACTICE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 01.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 01-00049A PURSUANT TO SECTION 42-1426, IDAHO CODE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 64 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

15. Basis of Claim: BENEFICIAL USE

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: 5

For Organizations:

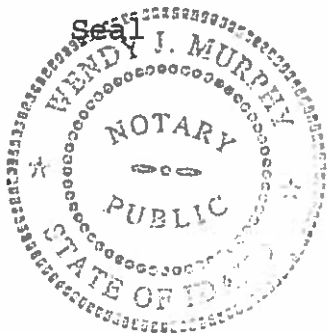
I do solemnly swear or affirm that I am Partner of
Title
Allred Bros. Partnership, that I have signed the foregoing
Organization
document in the space below as Partner of
Title
Allred Bros. Partnership and that the statements contained in the
Organization
foregoing document are true and correct.

William E. Allred
Signature of Authorized Agent
Allred Bros Partnership
Title and Organization
09/14/99
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of September 19 99

Wendy J. Murphy
Notary Public



Residing at Idaho Falls
My Commission Expires 6/23/2000



#2850

(906)

(2)
27.6 NH-EL

NH-EL

(3)
28.3

NH-EL

(4)
35.1

(5)
28.8

NH-EL

(6)
17.7

NH-EL

(1)
5.5

NH-EL

(7)
2.6

27

NH-EL

(8)
7.8

NH-EL

(9)
17.1

NH-EL

(10)
20.1

Nelson

FSA Photo supplied by
owner, date unknown.

Bryce A. Connor

GEOLOGICAL SURVEY

111°52'30"
43°45'

4844000mN

4843

MENAN 6.1 MI
ANNIS 3 MI

20
191

IDIAHO FALLS 18 MI
RIGBY 3 MI

42°30'

4839

4838

430000

THORNTON 1.7 MI

REXBURG 8
THORNTON

432

50'

