

10/29/2004

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

RIGHT NUMBER: 1-10445
NAME AND ADDRESS: ROLAND L WALKER
ATTN: DAVID JENSEN
PO BOX 129
MENAN ID 83434-0129

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 0.364 CFS
PRIORITY DATE: 10/01/1901
POINT OF DIVERSION:

T05N R38E S20 SWNENW Lot 3 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	0.364 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T05N R37E S13	NESW	5.5	T05N R37E S13	NWSW	14.0
T05N R37E S13	SWSW	31.0	T05N R37E S14	SESW	3.9
T05N R37E S14 Lot 5	SESW	15.0	T05N R37E S14	NESE	0.7
T05N R37E S14 Lot 7	NESE	14.0	T05N R37E S14 Lot 16	NESE	0.7
T05N R37E S14	NWSE	15.0	T05N R37E S14 Lot 6	NWSE	5.3
T05N R37E S14 Lot 17	NWSE	0.8	T05N R37E S14	SWSE	2.7
T05N R37E S14 Lot 6	SWSE	37.0	T05N R37E S14	SESE	40.0

185.6 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 185.6 acres in a single irrigation season. Combined Right Nos.: 1-10440, 1-10445, and 1-10448.

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: Decreed

Use of this right is combined with water from Long Island Irrigation Co.

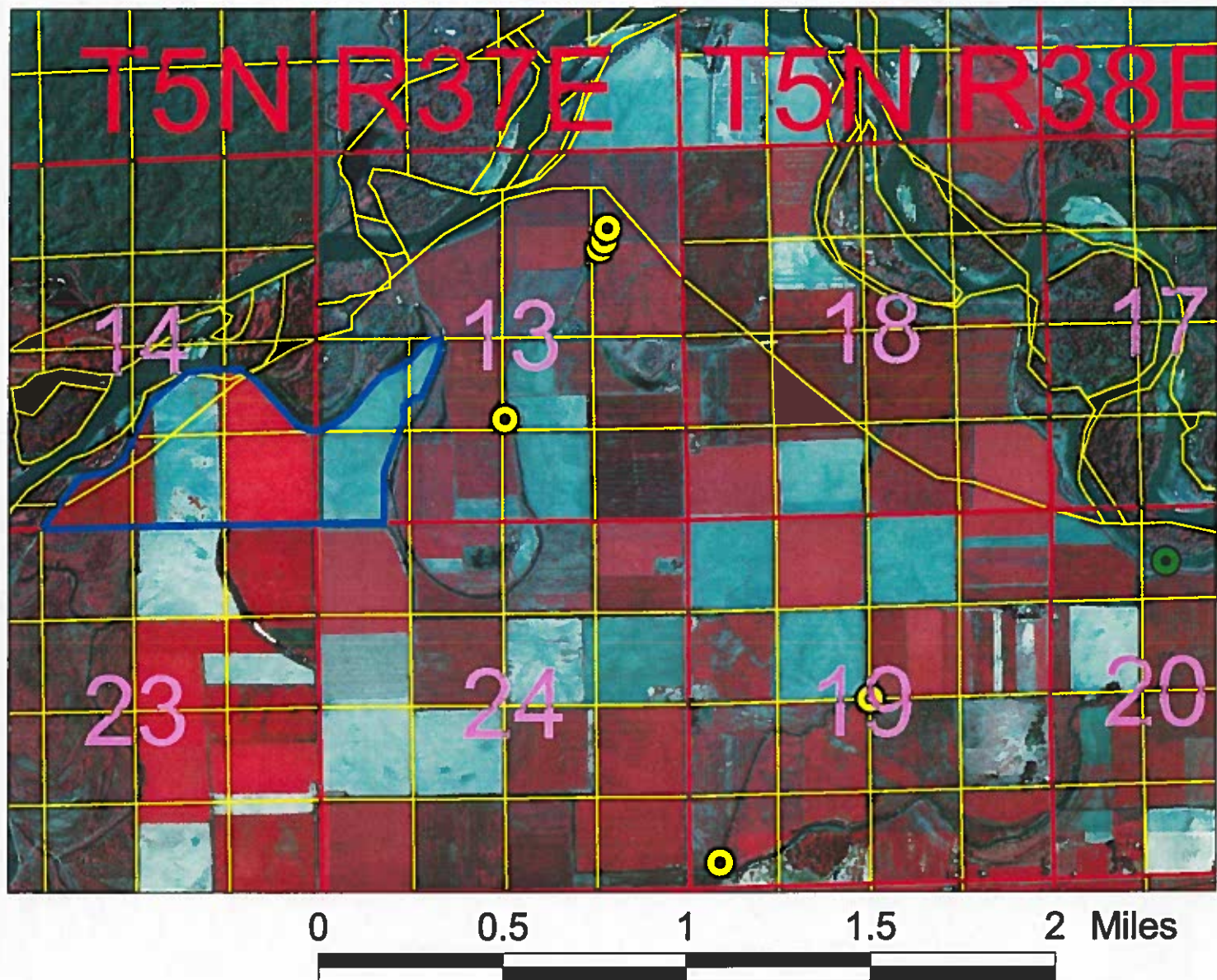
Water is delivered through Bear Trap Canal.

This right is a split from former right 25-250.



Department of Water Resources

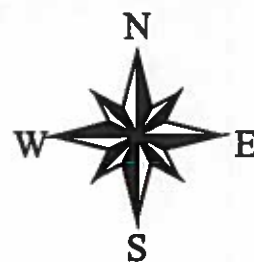
Claim Nos.: 1-10440, 1-10445,
and 1-10448



-  Place of Use
-  Point of diversion
-  Sections
-  QQ

PROFILED

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MAY 23 2007



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: November 2004

11/01/2004

**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: 1-10445

ROLAND L WALKER
ATTN: DAVID JENSEN
PO BOX 129
MENAN ID 83434-0129
Telephone Number: (208)754-4580

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:

☒ I AGREE with this proposed recommendation: no changes need to be made.
DATE: 15/100/2006 SIGNATURE: *Blair M. Walker*
Please print your name: Blair M. Walker

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

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MAY 23 2007

RECEIVED
NOV 17 2006

Department of Water Resources
Eastern Region

Kuo
11/17

A01-10033

CLYDE BOYCE
0.292 CFS
143 AC

A01-10444

MYRON HANCOCK
0.224 CFS
114 AC

A01-10445

ROLAND WALKER
0.364 CFS
189 AC

A01-10446

DEAN BOYCE
0.24 CFS
115.5 AC

NORTHERN TRUST

1.12 CFS

P/D 5N38E20 NENW
548 ACRES

XFR 3104

A01-10447

VERDA MUNN
0.74 CFS
104 AC

WILLIAM LUXTON
1.68 CFS

25-250

WILLIAM LUXTON

2.80 CFS

OCT 1, 1901

BEAR TRAP CR

5N37E 25 E 1/2 NW

NNWNW

E 1/2 SW

24 S 1/2 SE

27 SENW

SWNE

NENE

LOT 1

26 N 1/2 NE

N 1/2 NW

23 SE 1/4

NE 1/4

919.88 acres

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NAME
DESCRIPTION

25-249

13103

XFR 3104
CHANGE IN SOURCE
AND POW. P.O.D
IS HEAD OF
BEAR TRAP CANAL

DIVERSION
VOLUME

472.50 AFA

Stage: DECREED

JEFFERSON County

SE

89.0

MAY 23 2007

AJ5809NP
No. A25-00250D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

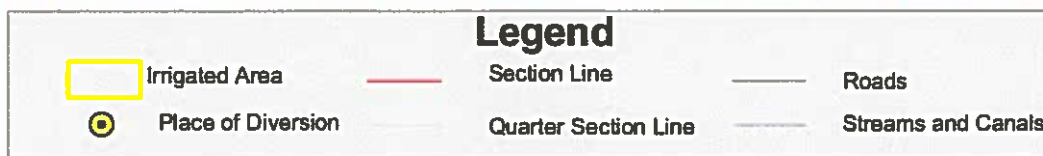
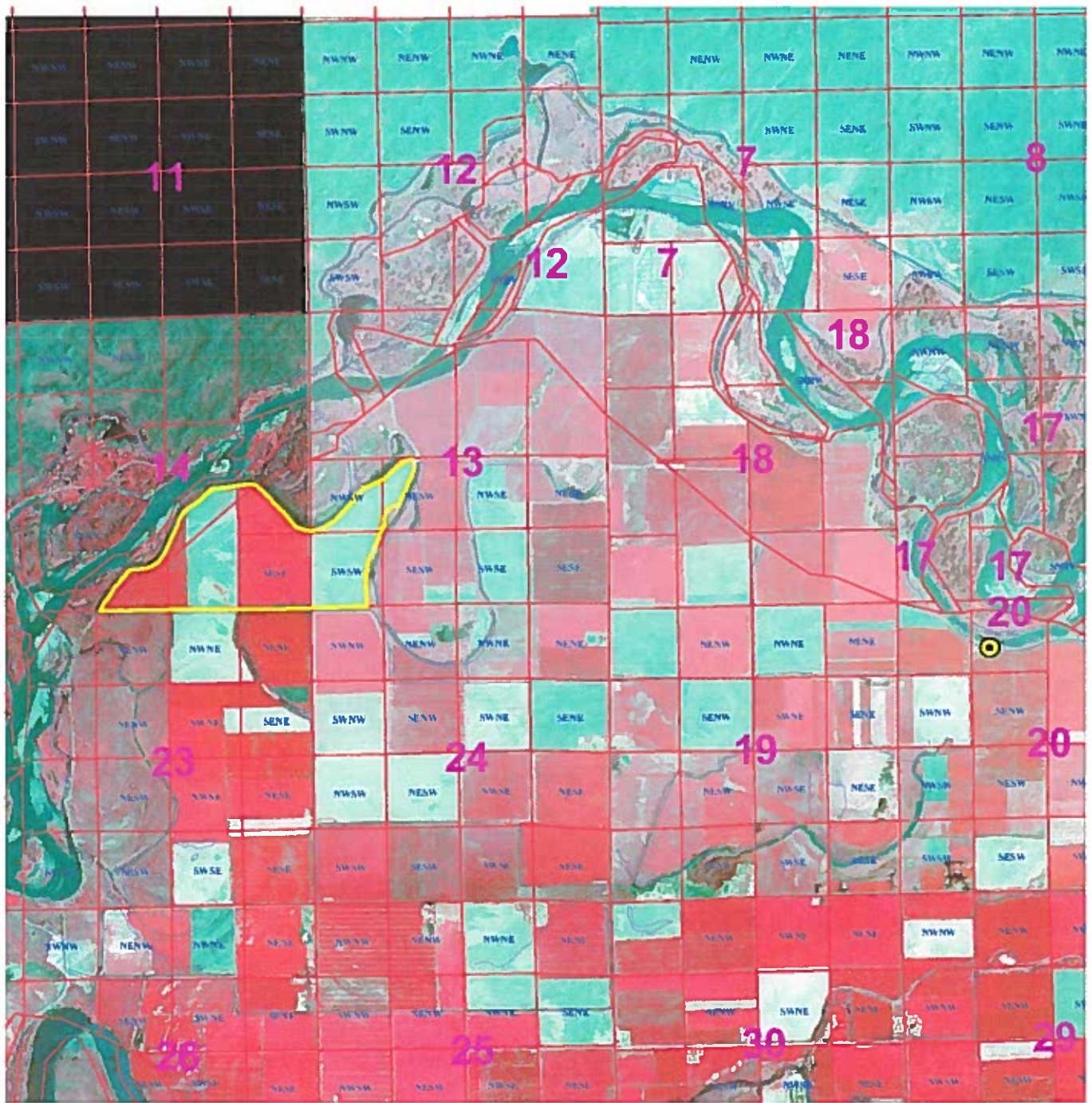
DATE: 10/26/00
PAGE: 27

Remarks: TRANSFER # 3104
Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:
Audit: 01/03/89 WILSON 03/29/95 POST-STD

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Water Right Claim Number 25-00250D
Township , 5N37E

12/15/2000



2000 0 2000 4000 6000 Feet

SCANNED
SPATIAL
DYNAMICS
MAY 23 2007



Date Received _____

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RE-

NOV 3 1988

Department of Water Resources

The Idaho Department of Water Resources will consider this request as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Roland L. Walker

Name of Claimant

Rt 1 Box 102 P.O. Box 129

Post Office Address

Menan Id 83434

City, State, Zip Code

Jefferson

County(s) where Place of Use is located

30 Nov 1988

Date Claim Originally Due

25-0249/0250/0251

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

Bear Trap Canal informed claimant (two days before deadline) that they were not filing as a company so individuals have to file; also, for Walkers right a portion had been traded with Deer Park - need additional time to investigate rights
claimant requests an extension to Feb, 1989.

[Signature]

Signature

Title

MICROFILMED

NOV 10 1992

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted

denied,

and the filing deadline extended to 12/30, 1988.

Signed this 5 day of December, 1988

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MAY 23 2007

Director or his designated agent

DAVID B. SHAW

N24° 46'W 219.4 feet; thence N32° 42'W 196.8 feet; thence N41° 34' W 205.5 feet; thence N23° 35'W 111.2 feet; thence N10° 44'W 650.0 feet to the southerly bank of the Snake River; thence S48° 28'W 1892.2 feet; thence E 1925.3 feet to the point of beginning, Tract 17.

B. Water Rights:

See Schedule for Division of Water Rights Among Munns, Butterworth, and Ball Places.

C. Recommendations:

We recommend that the existing Long Island stock certificates be returned, properly endorsed, to Mr. Don Bennet, Secretary of the Long Island Irrigation Company, with a request that new certificates in accordance with the schedule and in accordance with the instructions from the purchaser's lending institution, be issued. In addition, the conveyancing document should contain language similar to the following:

File in Bear Trap water

TOGETHER WITH any and all water and ditch rights thereunto belonging or in any way appertaining, including that represented by 393.40 shares of Long Island stock: 45.5 miner's inches (.91 cfs) of Bear Trap water with a priority date of October 1, 1901; 18.20 miner's inches (.364 cfs) of Bear Trap water with a priority date of October 01, 1901; 19.5 miner's inches (.39 cfs) of Spring Creek water with a priority date of June 1, 1884; and 183.63 shares of Deer Park stock.

Acres

6. LOTT PLACE

A. Legal Description:

Township 5 North, Range 37 EBM

Section 25: SW1/4 NW1/4, W1/2 SW1/4 less beginning at a railroad tie fence corner which is 34 feet, plus or minus, from the SW corner NW1/4 NW1/4 of Section 36 of said township and range, and running thence E along the 1/16 line 147.66 feet, thence N 355 feet, thence W 147.66 feet, thence S 355 feet to the point of beginning.

Section 36: NW1/4 NW1/4

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COPY

GENERAL POWER OF ATTORNEY

I, Roland L. Walker, of Jefferson County, State of Idaho, designate and appoint Roland N. Walker of Jefferson County, State of Idaho, as my attorney in fact and agent (subsequently called "agent") to act in my name and for my benefit. I grant to my agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

1. General Grant of Power.

My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the powers specifically enumerated in this instrument. Generally, my agent shall have power to do and perform all matters, transact all business, and make, execute and acknowledge all contracts, orders, deeds, mortgages, leases, assignments, assurances, and instruments of every kind which may be requisite or proper to effectuate the purposes of this general power of attorney.

2. Specific Powers.

Without in any way limiting the generality of the power and authority conferred upon my agent by this instrument, my agent shall have and may exercise each of the following specific powers:

NOV 19 1955
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(a) Power to Acquire and Sell. To acquire, purchase, exchange, grant options to sell, assign, release, convey, mortgage, hypothecate, lease and accept and take possession of real and personal property and interests therein, both tangible and intangible, upon such terms, conditions and covenants as my agent shall deem proper and to sign, seal, execute and deliver and acknowledge such deeds, leases, contracts, assignments, indentures, agreements, mortgages, deeds of trust, bills of sale, security agreements and related forms, exchange agreements, bills, bonds, notes, receipts, releases and satisfactions of mortgages, security interests and judgments and such other instruments in writing as shall be proper.

(b) Borrowing and Banking Powers. To borrow moneys on my behalf and to sign, seal, execute, deliver and acknowledge on my behalf such promissory notes, bills, bonds, or other evidence of indebtedness and such mortgages, deeds of trust, security agreements, pledges, or other documents to secure the payment of borrowed funds as my agent shall deem proper. To make, receive and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations and other financial institutions, and to release such mortgages, deeds of trust, or other security instruments as may be necessary or proper in the exercise of the rights and powers herein granted.

(c) Powers of Collection and Payment. To forgive, request, demand, sue for, recover, collect, receive and hold all sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes,

interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, social security, medicare, insurance, and other contractual benefits and proceeds, all documents of title, all property and property rights, real or personal, intangible and tangible, and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable or belonging to me, or in which I have or may hereafter acquire an interest; to have, use, and take all lawful means and equitable and legal remedies and proceedings in my name and for the collection and recovery thereof including the enforcement of mortgages, deeds of trust and security instruments, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts or other sufficient discharges for the same. To pay and discharge all debts and demands due and payable or which may hereafter become due and payable by me to any person or persons whomsoever.

(d) Management Powers. To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, partition and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, upon such terms and conditions as my agent shall deem proper, and to transfer any or all of my assets to the trustee of any revocable living trust which I may have created.

(e) Motor Vehicles. To apply for a certificate of title upon, and endorse and transfer title to, any motor vehicle, and to represent in such transfer assignment that the

title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment.

(f) Business Interests. To conduct or participate in any lawful business of whatever nature; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate or dissolve any business; to elect or employ officers, directors and agents; to carry out the provisions of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options.

(g) Tax Powers. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift and to utilize any gift-splitting provision or other tax election; and to prepare, sign and file any claims for refund of any tax.

(h) Safe Deposit Boxes. To have access at any time or times to any safe deposit box rented by me, wheresoever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my agent to exercise this power.

3. Revocability.

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company,

insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my agent and delivered to such person or institution.

4. Third-Party Reliance.

Third parties may rely upon the representations of my agent as to all matters relating to any power granted to my agent, and no person who may act in reliance upon the representations of my agent or the authority granted to my agent shall incur any liability to me or my estate as a result of permitting my agent to exercise any power.

5. Successor Agent.

In the event my agent dies or is determined by a court of competent jurisdiction to be incapacitated, I designate Dorothy M. Walker as his successor to act as my agent with all of the powers referred to herein.

6. Expiration.

Unless sooner revoked in the manner above proved, this General Power of Attorney shall expire at midnight on July 16, 1990.

7. Counterparts and Photographic Copies.

This General Power of Attorney is executed in two (2) counterparts. Each executed counterpart and any photographic copy of this General Power of Attorney shall have the force and effect of the original.

8. Interpretation.

This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my agent.

9. Disability of Principal.

This General Power of Attorney shall not be affected by disability of the principal.

10. Governing Law.

This General Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, I have executed this General Power of Attorney this 7th day of February, 1983.

Roland L. Walker
Roland L. Walker

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 7th day of February, 1983, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared ROLAND L. WALKER, known or identified to me to be the person whose name is subscribed to the within General Power of Attorney 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.

(seal)

Donna L. Smith
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: Life

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 1-10445
Date Received: 8/24/2004
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROLAND L WALKER Phone: (208)754-4580
ATTN: DAVID JENSEN
PO BOX 129
MENAN ID USA 83434-0129

2. Date of Priority: 10/01/1901

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	Type
05N	38E	20	SW NE NW	JEFFERSON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.364	

7. Total Quantity Appropriated is:
0.364 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
05N	37E	13	NE	SW	IRRIGATION	8	
			NW	SW	IRRIGATION	14	
			SW	SW	IRRIGATION	32	
			Section Acres		54		
05N	37E	14	SE	SW	5	IRRIGATION	20
			NE	SE	7	IRRIGATION	17
			NW	SE	6	IRRIGATION	19
			SW	SE	6	IRRIGATION	39
			SE	SE		IRRIGATION	40
Section Acres		135					

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MAY 23 2007

Total Acres 189

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

THIS WAS ORIGINALLY FILED AS CLAIM NO. 25-250D.

WATER IS DIVERTED AT BEAR TRAP CANAL THEN TO INTERSECTION WITH DEER PARKS CANAL IN N1/2 SEC 19, T05N, R38E. THEN THROUGH THE DEER PARKS CANAL TO DITCHES FOR IRRIGATION. THE WATER DIVERTED UNDER THIS RIGHT THROUGH THE BEAR TRAP CANAL IS NOT PHYSICALLY PLACED IN THE DEER PARKS CANAL, BUT WHENEVER IT IS AVAILABLE IT IS CONSIDERED TO BE IN THE DEER PARKS CANAL BELOW THE INTERSECTION OF THE TWO CANALS BY REASON OF AN EXCHANGE.

ORIGINAL DECREE SOURCE BEAR TRAP CREEK USE OF WATER UNDER THIS RIGHT IS SUBJECT TO CONTROL BY THE WATER- MASTER OF STATE WATER DISTRICT #01 TRANSFER # 3104

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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MAY 23 2007

JUL 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

RENUMBERED TO: 01-10445
Ident. Number: ~~A25-00250D~~
Date Received: 12/28/1988
Receipt No: E005404
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROLAND L. WALKER
Address: P.O. BOX 129
MENAN, ID

208-754-4696

DEC 30 1988

83434

2. Date of Priority: OCT 01, 1901

Department of Water Resources
Eastern District Office

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
05N	38E	20	SW	NE	NW		JEFFERSON

5. Description of diverting works:
HEADGATE BEAR TRAP CANAL TO DEER PARKS CANAL TO DITCHES FOR IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.364		

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

8. Total consumptive use is 472.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	37E	13	NE	SW		IRR	8.0
			NW	SW		IRR	14.0
			SW	SW		IRR	32.0

Section Acres 54.0

A25-00250D

Page 1

Date: 12/28/88

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NOV 10 1992

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MAY 23 2007

A2500250D



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	37E	14	SE	SW	5	IRR	20.0
			NE	SE	7	IRR	17.0
			NW	SE	6	IRR	19.0
			SW	SE	6	IRR	39.0
			SE	SE		IRR	40.0

Section Acres 135.0

Total Acres 189.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A25-00254D/00249A/00251F

14. Remarks:

WATER IS DIVERTED AT BEAR TRAP CANAL THEN TO INTERSECTION WITH DEER PARKS CANAL IN N1/2 SEC 19, T05N, R38E. THEN THROUGH THE DEER PARKS CANAL TO DITCHES FOR IRRIGATION. THE WATER DIVERTED UNDER THIS RIGHT THROUGH THE BEAR TRAP CANAL IS NOT PHYSICALLY PLACED IN THE DEER PARKS CANAL, BUT WHENEVER IT IS AVAILABLE IT IS CONSIDERED TO BE IN THE DEER PARKS CANAL BELOW THE INTERSECTION OF THE TWO CANALS BY REASON OF AN EXCHANGE.
ORIGIONAL DECREE SOURCE BEAR TRAP CREEK
USE OF WATER UNDER THIS RIGHT IS SUBJECT TO CONTROL BY THE WATER-MASTER OF STATE WATER DISTRICT #01

15. Basis of Claim: DECREED
Water Right Number: 250249
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO. ET.AL.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO, ET.
Decree Defendant

(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.

MAY 23 2007