

11/02/2004

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

RIGHT NUMBER: 1-10450

NAME AND ADDRESS: CLYDE BOYCE
468 N 3300 E
LEWISVILLE ID 83431

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.320 CFS
56.000 AFY

PRIORITY DATE: 06/01/1884

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	0.320 CFS 56.00 AFY

PLACE OF USE: IRRIGATION Within JEFFERSON County

T05N R37E S24	NESW	35.0	T05N R37E S24	NESE	36.0
T05N R37E S24	NWSE	36.0	T05N R37E S24	SWSE	7.0
T05N R37E S24	SESE	29.0			

143 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 143 acres in a single irrigation season. Combined Right Nos.: 1-10032, 1-10033, and 1-10450.

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.

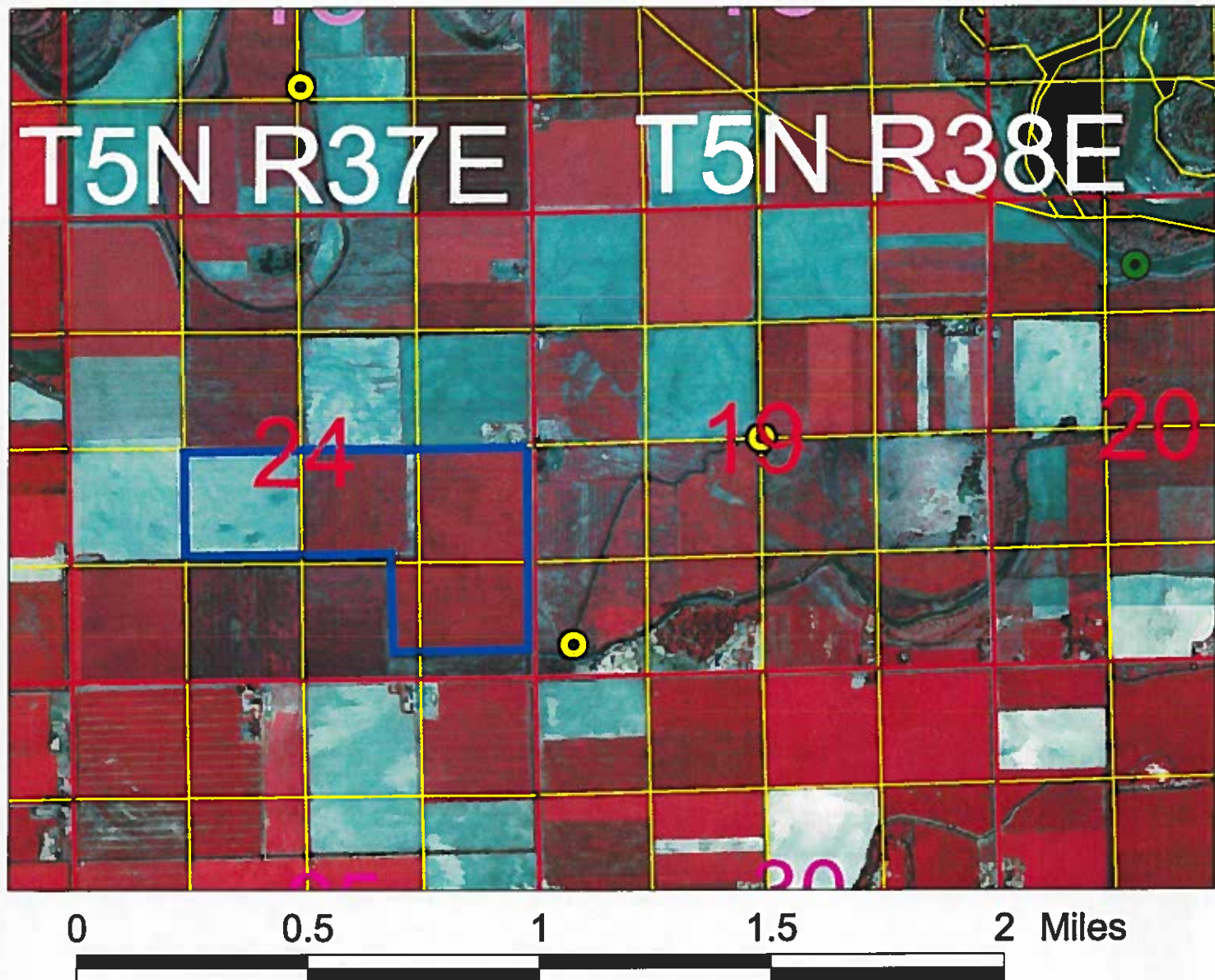
Water is delivered through Bear Trap Canal.

This right is a split from former right 25-251D.



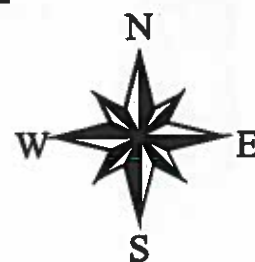
Department of Water Resources

Claim Nos.: 1-10032, 1-10033,
and 1-10450



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

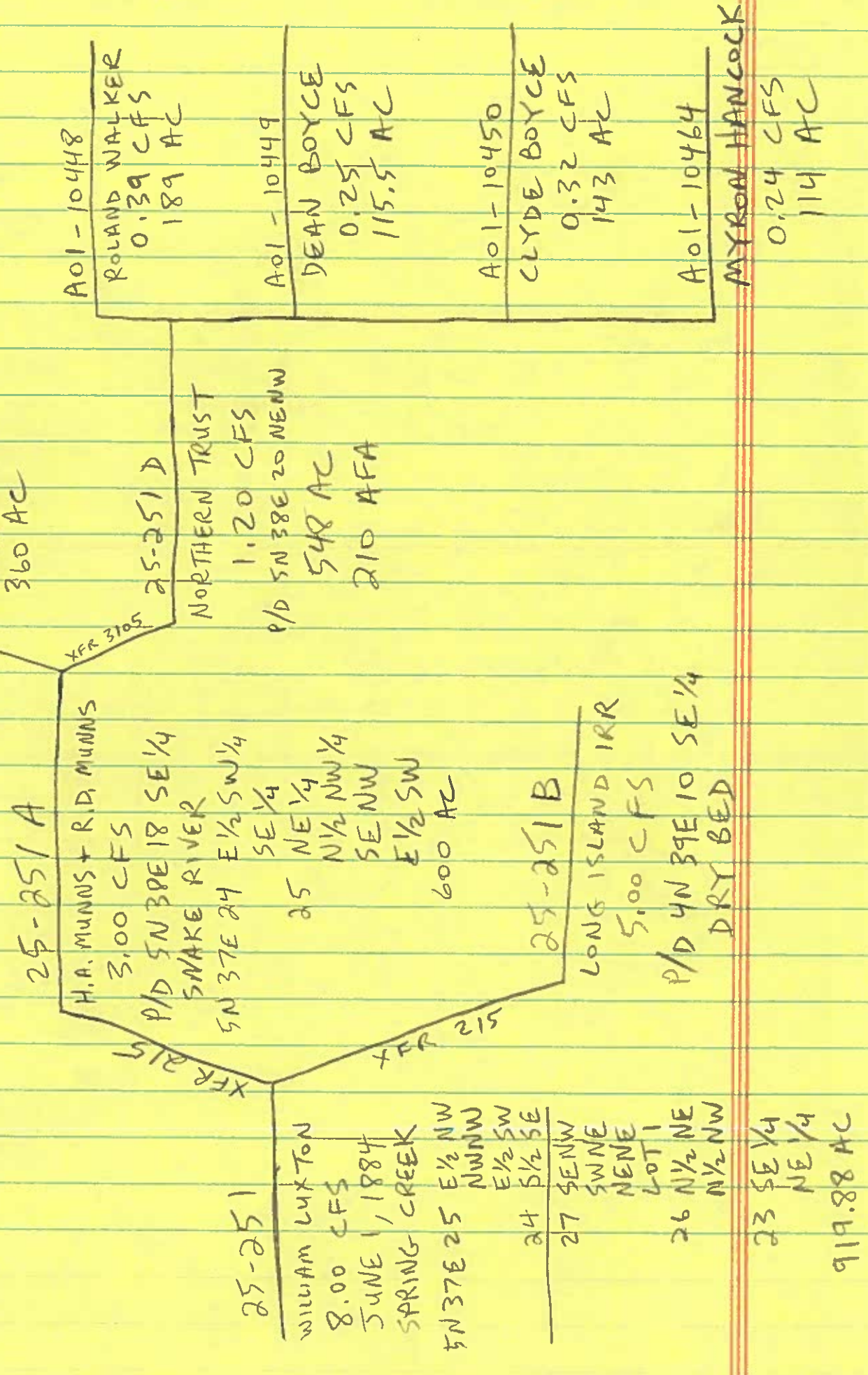
PROFILED



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

TRANSFER 215 CHANGED P/D FOR BOTH 25-251A + 25-251B.

TRANSFER 3105 CHANGED P/D AND DESCRIBED P/D AS HEAD OF BEAR TRAP CANAL.



DATE: 10/26/00
PAGE: 1/5

DIVERSION
VOL. 11

13E 00 AFA

Stano. ✓ **NECBEEN**

JEFFERSON County

TOTAL ACRES	143.0
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Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

[illegible]

A01-00109G	A01-00110E	A01-00111E	A01-00112E	A01-00113E	A01-00114C	A01-00115S	A01-00317	A01-10032	A01-10033
A25-00249D	A25-00250G	A25-00251G							

Dates:	Exam Made Date:	Verified Date:	02/12/1991	Objection Filed Date:
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Presumption flag:

Audit:	12/22/88	THOMPSON	02/12/91	THOMPSON	03/29/95	POST-STD
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Water Right Report 25-251A

WATER RIGHT NUMBER: 25-251A

Current Owner **WILLIAM LUXTON**

ZZ

Status: Active

Tributary

COLUMBIA RIVER

Annual Volume

/ to /

/ to /

3.000 CFS

Total Diversion: 3.000 CFS

Location of Point(s) of Diversion

SNAKE RIVER

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	
05N	37E	24														X	X		
05N	37E	26	X	X			X	X											
05N	37E	27	X	X	X				X										
05N	38E	25	X	X	X	X	X	X		X			X	X	X	X	X		
05N	38E	29								X	X	X	X						
05N	38E	30												X					

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-251A

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General P/D GIVEN IN TRANS. 215, SE1/4 S18 T5N R38E.
P/U INCOMPLETE, AC. IRR.= NOT STATED.

Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 7/23/1901
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Henry W Kiefer, et al
Decree Plaintiff: Eagle Rock & Willow Creek Water Co
Civil Case Number:
Judicial District: Fifth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: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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TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Luxton, William	8.0		25-0251
215	Clifford, Orin C. et al	8.0		25-0251
2518	Long Island Irr. Co.	5.0		25-0251B
	Clifford, Orin C. et al	3.0		25-0251A
3105	The Northern Trust Co.	1.2		25-0251D
	Clifford, Orin C. et al	1.8		25-0251C

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Transfer No. 3105Water Right No. 25-0251A

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

APPROVED

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

Name of applicant THE NORTHERN TRUST COMPANY AS Trustee of Trust No. 2-45934
Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 129, Idaho Falls, ID
83402

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Transfer No. 215, dated July 27, 1953.

a. Decree No. _____ Decreed to William Luxton
(Name)
in case of Rexburg Irrigation Co., et al vs Teton Irrigation Canal Co., et al
dated in Dec. 16, 1910 in Sixth District Court county 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 _____

Purchase--see attached deed.

3. Source of water Spring Creek near Menan tributary to Snake River4. Date of priority June 1, 1884

5. Water is used for the following purposes:

amount 3.0 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. 3.0 cubic feet per second
&/or

b. _____ acre feet per annum

7. Location of original point of diversion is SE % of _____ % of Section 18Township 5 N Range 38 E., B.M., in Jefferson County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5	N	37	E	24							40			40	40	40	40	40	240
		25			40	40	40	40	40	40	40		40						360

Total number of acres to be irrigated 60025-0249, 25-0250

9. Describe any other water rights used for the same purpose as described above 81-0249, -01-0259,
1210.45 shares of stock in Long Island Canal Co. (See Transfer #2518)

10. To your knowledge, has any portion of this water right undergone a period of five or more years

of nonuse?

No

If yes, describe in item D, REMARKS

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B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.2 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion SE $\frac{1}{4}$ 18 Township 5 N
Range 38 E, B.M., Jefferson County
Additional points _____

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3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5 N	37 E	24									X			X	X	X	X	X	240

Total number of acres to be irrigated 240

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

1. General Information

- a. Amount of water to be diverted 1.2 c.f.s. &/or _____ acre feet
- b. Description of diverting works Head works of Bear Trap Canal on Snake River.
- c. Describe the reasons for the proposed changes To document changes that occurred in prior years, probably before 1969.

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20 Township 5 N.
Range 38 E., B.M., Jefferson County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	37E	13							X	X	X	X	X						}
		14											X	X	X	X	X	X	
		24						X	X			X	X	X	X	X	X	X	370

Total number of acres to be irrigated 548

25-0249, 25-0250

4. Describe any other water rights used for the same purpose as described above. 01-0249,--01-0259
1210.45 shares of stock in Long Island Canal Co. (See Transfer #2518)
5. 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.

[illegible]

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

D. REMARKS

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I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.
The Northern Trust Company, as Trustee of Trust No. 2-45934

By: Susan J. Ehlert
Vice President (Signature of Applicant)

Subscribed and sworn to before me this 10th day of December, 19 84

B. S. Suter
(Notary Public)
Beverly S. Suter

My commission expires February 21, 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 25-0251D
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River.
3. No more than 210 acre feet per annum shall be diverted under this right.

Witness my hand this 23rd day of April, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by OW Date 12-11-84 Protest filed by _____
Prelim. check by _____ Fee 5000 34374 _____
Received by RPJ Date 1-3-85 _____
Published in Jefferson Star _____
Pub. dates 1-27-84-85 _____
Watermaster recommendation requested on _____
WD #1 rec'd. 1-22-85 _____
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial _____
by RDC Jui _____

MEMORANDUM

TO: Files 25-0249/0250/0251
FROM: Jim Johnson *Jim*
DATE: April 19, 1985
RE: Applications for Transfers 3103, 3104, & 3105

Per telecon with Kent Foster in reference to problems addressed in 4/18/85 memo, the following information was provided:

Transfer Applications 3103 & 3104

Both applications listed wrong water right numbers. When Kent checked his copies of the water rights listed in the Rexburg Decree, he found that transfer application 3103 should be for rt. 25-0249 rather than 01-0249. Application 3104 should be for rt. 25-0250 rather than 01-0259.

Transfer Application 3105 on Rt. 25-0251

The reason the Warranty Deed Tract I description listed Bear Trap Slough as the source rather than Spring Creek is due to a transfer probably sometime in the 1960's or 70's, exact time not known, where the Spring Creek water right was delivered at the ^{same} point of diversion as the Bear Trap Slough rights.

The portion of the 25-0251 right identified in the transfer can be traced ^{by T2518.} to transfer No. 215 and is the 3.0 cfs that was not transferred. The watermaster decree book (Eastern has a copy), lists on P. 41 rights which were delivered at the Bear Trap Slough. These records appear to be the only document which provides any kind of history of the actual use. Kent stated that in the effort to clarify which rights were owned by the applicants, he contacted the land owners which may be impacted and held two meetings; one of which was in Ron Carlson's office. No one who attended these meetings objected to proposed transfers, and since no one objected when the transfer was advertised, it does not appear that additional information is going to become available.

The transfer applications with the appropriate corrections now appear ready for approval.

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M E M O

FROM: Steve McCormick

TO: File

RE: Applications for Transfer 01-0249/01-0259/25-0251

These applications intend to move the referenced water rights from the original place of use as recorded in the Rexburg Decree to the new lands described. The intent is to spread all three water rights over the new place of use since this is apparently the way the water has been used for the past several years.

The proof of ownership submitted with the applications consists of a Trust Deed dated in 1976. The trust deed conveys these 3 water rights along with the following tract of land:

W1/2 W1/2, Sec. 24, R. 5N, R. 37E

The description overlaps the original decreed place of use for Right #01-0249/0259.

Other lands covered by the trust deed also cover a significant enough portion of the originally decreed place of use to indicate ownership of the rights 01-0249/0259.

Application #25-0251 deals with 3.0 cfs of the original 8.0 cfs. The remaining 5.0 cfs was converted to Long Island Irrigation Company stock by virtue of Certificate of Transfer #215. An affidavit for change of point of diversion filed by the applicants at the same time as the Certificate indicates the place of use and point of diversion for the remaining 3.0 cfs. These lands were owned by Howard Alvin Munns and Ralph Dean Munns and were declared appurtenant to the following lands respectively:

NE1/4, Sec. 25.
E1/2 SE1/4 SE1/4, N1/2 SE1/4, Sec. 24
NE1/4 SW1/4, Sec. 24
and
SE1/4 SW1/4, SW1/4 SE1/4
W1/2, SE1/4 SE1/4, Sec. 24
N1/2 NW1/4, SE1/4 NW1/4,
E1/2 SE1/4, Sec. 25, T. 5N, R. 37E.

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MEMO

RE: Applications for Transfer 01-0249/01-0259/25-0251

This is not the original place of use according to the decree.

The file also contains letters from Mark Kulp and the attorney for the Munns brothers, Mr. Ralph Albaugh. The water rights according to the records Mr. Albaugh indicates were never appurtenant to the decreed place of use but are in fact appurtenant to the lands described in the affidavit. This land list is undoubtedly the corrected place of use for the entire 8.0 cfs. The point of diversion for the 3.0 cfs not transferred to the Long Island Canal was moved to the SE1/4, Sec. 18, T. 5N, R. 37E to a private ditch. The location of the point of diversion would lend itself to convey water to the northern parts of the lands previously specified in Sec. 24.

Subsequent owners, the Greens and Oxbow farms have consolidated the rights over part of the proposed place of use in Sec. 24.

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LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 129
IDAHO FALLS, IDAHO 83402

—
TELEPHONE 523-0820
AREA CODE 208

WILLIAM S. HOLDEN
R. VERN KIDWELL, P.A.
FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
CURT R. THOMSEN
RANDALL K. BARTON
MICHAEL D. CRAPO

—
JAMES D. HOLMAN
GAYLE A. SORENSON
DONALD L. HARRIS
BRUCE T. SMITH
GREGOR S. CHVISUK
RANDALL B. REED

ARTHUR W. HOLDEN (1877-1987)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)

RECEIVED

DEC 11 1984

Department of Water Resources
Eastern District Office

December 11, 1984

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

RE: Applications for Transfers of Portions of Rights
Nos. 25-0251, 01-0249, and 01-0259.

Gentlemen:

We are enclosing with this letter, three completed applications for transfer, together with our check in the amount of \$150.00 for the three filing fees.

As we have explained previously, our client, The Northern Trust Company, is disposing of several farms in Jefferson County. Three of these farms (referred to locally as the Ball Place, the Butterworth Place, and the Munns Place) have been irrigated for many years as a single unit. The water is delivered through the Deer Parks Canal. These farms are being sold separately, but there is no intent to modify anything so far as the present method of irrigation is concerned.

The northern most farm, the Ball Place, has approximately 178 irrigated acres. The smallest place in the middle, the Butterworth Place, has about 109.5 irrigated acres, and the farm on the south, the Munns Place, has about 260.5 irrigated acres. The Federal Land Bank, which is providing financing for some of the purchasers, has insisted that the water rights records be brought current to reflect present irrigation practices on the properties.

Apparently, water has been used on these properties in a manner different from the old records of the Department, for many years. Present practices may have commenced some time

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Idaho Department of Water Resources
December 11, 1984
Page 2

during the period when the farms were consolidated by the Green Brothers, Cecil and Calvin. The Greens sold to some parties named Noyes and Phipps in the early 1970s. At some point near this time, the farms came to be called "Oxbow Farms," and the blue covered booklet entitled "Decreed Water Rights, District 01, Snake River Idaho" (sometimes referred to as the "decree book"), corrected to August, 1976, at page 41, shows the presently accurate portions of the subject rights in the name of Oxbow Farms.

We have enclosed a copy of a deed, recorded as instrument No. 183349 of the records of Jefferson County, Idaho, on December 17, 1976, by which John E. and Judith H. Phipps conveyed the farms, known collectively as "Oxbow Farms," to The Northern Trust Company. The descriptions of the three farms which are involved in this transfer are contained under the headings "TRACT I", "TRACT II", "TRACT III", and "TRACT V". Also, the descriptions of the three water rights dealt with in the enclosed applications for transfer appear to be consistent with what is shown in the "decree book."

Anything that can be done to expedite the processing of these transfers would be greatly appreciated, since the closing and financing of the sales are being held up until the transfers are completed.

If we can provide any additional information or can be of any assistance, please feel free to call upon us at your convenience. Thank you in advance for your kind assistance.

Yours very truly,



Kent W. Foster

KWF/cl
7753.
Enclosures

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THIS INDENTURE, Made this

16th

day of December

in the year of our Lord one thousand nine hundred and

Seventy-six

between

JOHN E. PHIPPS and JUDITH H. PHIPPS, husband and wife,

of the County of Leon State of Florida

the parties of the first part, and THE NORTHERN TRUST COMPANY, not individually,
but solely as Trustee under a Declaration of Trust dated October 6, 1976, known
as Trust No. 2-45934, whose mailing address is 50 South LaSalle Street, Chicago,
Illinois 60690,
of the County of Cook State of Illinois

the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

-----TEN AND NO/100 (\$10.00) ----- DOLLARS,

lawful money of the United States of America, to them in hand paid by the said party of

the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and

by these presents do grant, bargain, sell, convey and confirm unto the said party of the second

part, and to its successors
its heirs and assigns forever, all the following described real estate situated in

the County of Jefferson State of Idaho, to-wit:

183349

17th Dec. 76
2:07 p. m.
Robert J. Barnes
C. Barnes
\$7.00 kls
A. Reques. c.
OK Jones

RECORDED
INDEXED
FILED

PLATTED BY
VEARD G. CRYSTAL, Assessor
By DK Deputy

TRACT I

The West Half of the West Half (W $\frac{1}{2}$ W $\frac{1}{2}$) of Section Twenty-four (24), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights thereunto belonging or appertaining, and particularly including, but not limited to 238.1 shares of the capital stock in the Long Island Irrigation Company, a corporation; 25-0249 565 shares of the capital stock in Deer Park Canal Company, a corporation; 140-010199 inches of decreed water rights from Bear Trap Slough with a priority of October 11, 1901, carried through the canal and ditch facilities of Bear Trap Canal Company, a corporation; 60 inches of decreed water rights from Bear Trap Slough with — 25-0251 priority of June 1, 1884; 56 inches of decreed water rights from Bear Trap Slough 01-0255 with priority of October 1, 1901; 568 shares of the capital stock of Long Island 25-0250 Irrigation Company, Inc., a corporation, all evidencing water rights appurtenant to the above described lands.

TRACT II

Lots Five (5), Six (6) and Seven (7); the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Fourteen (14), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian. ALSO the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirteen (13), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian, EXCEPTING the following tract of land: That part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) lying South and East of the center line of Ox-Bow Slough as now constructed in Section Thirteen (13), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian.

TRACT III

That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) lying North and West of center line of Ox-Bow Slough as now constructed in Section Thirteen (13), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights thereunto belonging or appertaining, and particularly including but not limited to 238.1 shares of the capital stock in the Long Island Irrigation Company, a corporation, all evidencing water rights appurtenant to the lands immediately above described.

TRACT IV

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and the South 71 acres of the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), excepting therefrom the right-of-way of the Oregon Short Line railroad as now located over and across the Southeast corner of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$); the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$); and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) lying West of said railroad, LESS the North 9 rods thereof; all in Section Twenty-eight (28), Township Five (5) North, Range Thirty-eight (38), East of the Boise Meridian.

ALSO the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-nine (29), Township Five (5) North, Range Thirty-eight (38), East of the Boise Meridian, EXCEPTING THEREFROM a tract described as: Commencing at the Southeast corner of the Southeast Quarter

Not Incl on
any plat
on N $\frac{1}{2}$ SW $\frac{1}{4}$ P $\frac{1}{4}$

*Not used
on Plu.*

(SE $\frac{1}{4}$) of said Section Twenty-nine (29), and running thence North 52 rods; thence West 46 rods; thence Southeasterly 60 rods, more or less to a point 12 rods West of the point of beginning; thence running East to the point of beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights thereunto belonging or appertaining, and particularly including, but not limited to, 1,223.85 shares of the capital stock in the Long Island Irrigation Company, a corporation, all evidencing water rights appurtenant to the lands immediately above described.

TRACT V

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty (30), Township Five (5) North, Range Thirty-eight (38), East of the Boise Meridian.

ALSO Lot One (1) of Section Thirty (30), Township Five (5) North, Range Thirty-eight (38), East of the Boise Meridian; the Southeast Quarter (SE $\frac{1}{4}$); and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-four (24), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditch and ditch rights thereunto belonging or appertaining, and particularly including, but not limited to, 80 inches of decreed water rights in Independent Irrigation Company, a corporation; 100 inches of decreed water rights in Independent Irrigation Company, a corporation; 184.10 shares of the capital stock in the Long Island Irrigation Company, a corporation; 40 inches of decreed water rights in Independent Irrigation Company, a corporation; 32.14 shares of the capital stock in the Long Island Irrigation Company, a corporation; 52.39 shares of the capital stock in the Long Island Irrigation Company, a corporation; all evidencing water rights appurtenant to the lands immediately above described.

TRACT VI

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-six (36), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-five (25), all in Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian, Jefferson County, Idaho, EXCEPTING THEREFROM beginning at a railroad tie fence corner which is 34 feet, plus or minus, from the Southwest Corner of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-six (36), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian, and running thence East along the 1/16 line 147.66 feet, thence North 355.00 feet; thence West 147.66 feet; thence South 355.00 feet to the point of beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights thereunto belonging or appertaining, and particularly including, but not limited to 149 inches of decreed water right from Bear Trap Slough with priority of June 1, 1892; 59.53 shares of the capital stock in the Long Island Irrigation Company, a corporation; 130 inches of decreed water right from Emigrant Creek with priority of June 1, 1888; 99 inches of decreed water right from Emigrant Creek with priority of June 1, 1896; 95 inches of decreed water right from Emigrant Creek with priority of January 22, 1916; all evidencing water rights appurtenant to the above described lands.

TRACT VII

Lots Three (3) and Four (4) and the East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-six (26); Lot One (1) and that portion of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) lying North of Spring Creek; and the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-five (35), all in Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian, and EXCEPTING THEREFROM a strip of land 40 feet wide lying on the North side of the center line of said highway as surveyed and shown on plat of Roberts-Rigby-Ririe Survey on file in the office of the Department of Public Works of the State of Idaho and lying over and across the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-five (35), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian, described as follows: Beginning at Station 137-99.1 of said Highway Survey, which Station is approximately 1928 feet East from the West Quarter Corner of Section Thirty-five (35), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian; thence North 0°14' West 40 feet; thence North 89°46' East 2160 feet to River Bank; thence Southeasterly 50 feet along river bank, and thence South 89°45' West 2180 feet along center line of Section to point of beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights thereunto belonging or appertaining, and particularly including, but not limited to 400 inches of decreed water right from Bear Trap Slough with priority of June 1, 1892; 250 inches of decreed water right from Spring Creek with priority of May 18, 1900; 215 inches of decreed water right from Emigrant Creek with priority of June 1, 1888; 164 inches of decreed water right from Emigrant Creek with priority of June 1, 1896; and 158 inches of decreed water right from Emigrant Creek with priority of January 22, 1916, all evidencing water rights appurtenant to the lands immediately above described.

TRACT VIII

Beginning at a point which is East 1925.3 feet along the Section Line and North 2664.8 feet from the Southwest Corner of Section Thirteen (13), Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian; thence northwesterly along the easterly edge of a dike the following 5 courses and distances: North 24°46' West 219.4 feet; thence North 32°42' West 196.8 feet; thence North 41°34' West 205.5 feet; thence North 23°35' West 111.2 feet; thence North 10°44' West 650.0 feet to the Southerly bank of the Snake River; thence South 48°28' West 1892.2 feet; thence East 1925.3 feet to the point of beginning.

TRACT IX

Tract Thirty-seven (37) in Section Fourteen (14); and Lots Five (5) and Eight (8) in Section Twenty-six (26), all in Township Five (5) North, Range Thirty-seven (37), East of the Boise Meridian, containing 54.75 acres, more or less.

SUBJECT TO all conditions, restrictions, reservations, easements, rights, rights-of-way, road rights-of-way, all exemptions and reservations contained in patents from the United States of America, zoning ordinances and governmental regulations of record.

This Deed is given subject to party of the second part agreeing to assume and pay, as part of the consideration of this deed, that unpaid balance of \$940,000.00 principal, together with accruing interest from and after July 1, 1976, due on that certain Mortgage dated April 25, 1973, executed by Cecil Green and Larry Dot Green, husband and wife, Calvin Green and Lillie Green, husband and wife, and Green Brothers, a partnership, composed solely and only of Cecil Green and Calvin Green to John Hancock Mutual Life Insurance Company, a corporation, to secure payment of \$1,000,000.00, plus interest; recorded April 30, 1973 as recorder's No. 167798, records of Jefferson County, Idaho.

TOGETHER, With all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its ^{successors} ~~heirs~~ and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part its ^{successors} ~~heirs~~ and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

John E. Phipps

[Seal]

Judith H. Phipps

[Seal]

by

George C. Petersen, Attorney-in-fact for Judith H. Phipps

[Seal]

[Seal]

STATE OF IDAHO,

County of Bonneville

} ss.

On this

16th

day of

December

in the year 1976, before me,

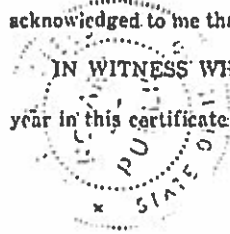
the undersigned

, a Notary Public in and for

said State, personally appeared JOHN E. PHIPPS

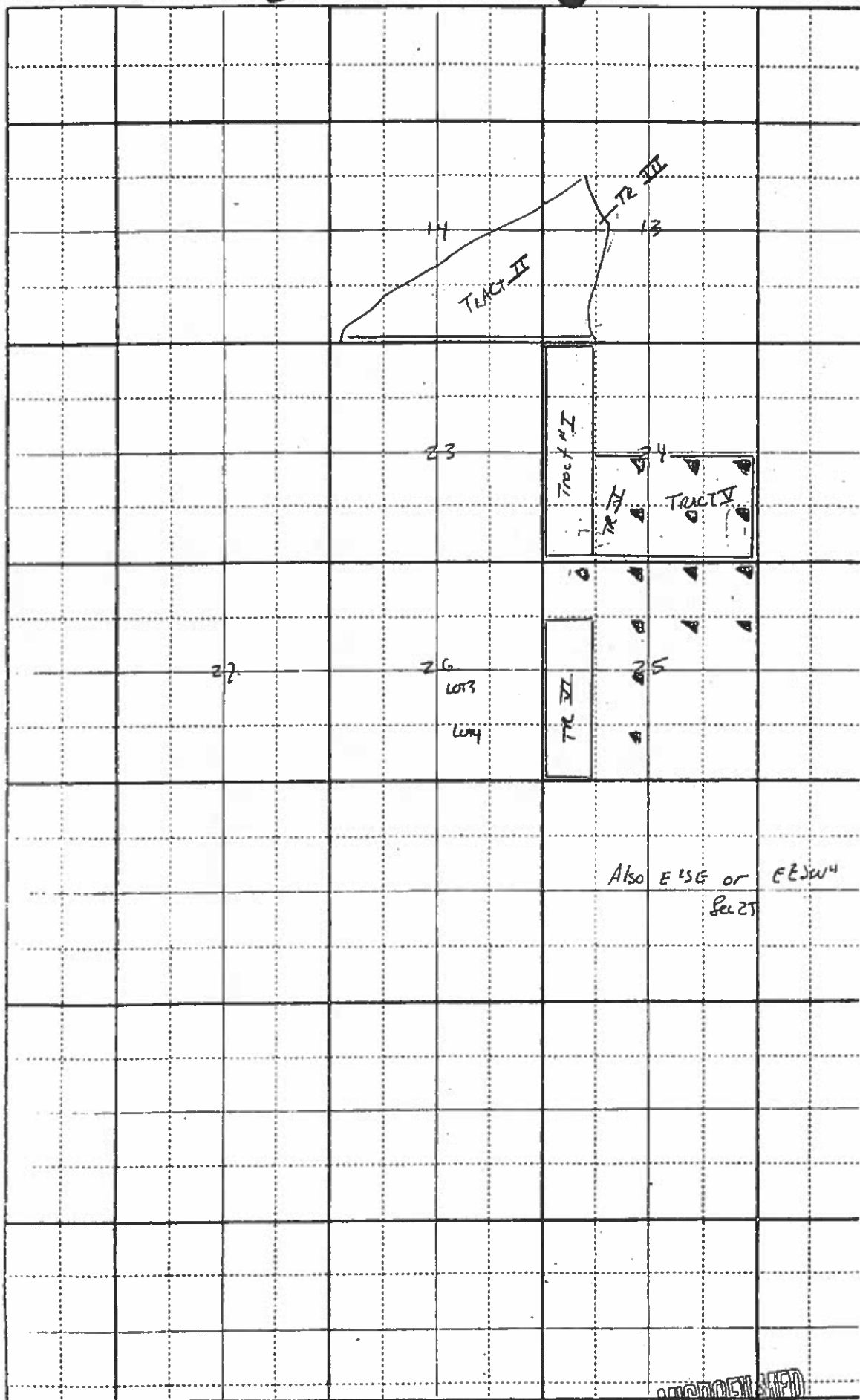
known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



George C. Petersen

Notary Public for the State of Idaho,
Residing at Idaho Falls, Idaho.
My Commission is Permanent



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the latter of the Application of

Orin C. Clifford, Douglas Clifford,
Larry Clifford, Myrle Hadley, Howard
Alvin Burns and Ralph Dean Burns, of
Menan, Idaho.

For a Change of Point of Diversion on
Spring Creek, Jefferson County, Idaho.

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 215

WHEREAS, On the 10th day of July, 1953, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Orin C. Clifford, Douglas Clifford, Larry Clifford, Myrle Hadley, Howard Alvin Burns and Ralph Dean Burns, of Menan, Idaho, for a change of point of diversion on Spring Creek, 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 applicants, with the application, shows that more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is hereby granted, and that a Certificate of Change of Point of Diversion be issued to the applicant 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 27th day of July, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

No. 215

THIS IS TO CERTIFY That ORIN C. CLIFFORD, DOUGLAS CLIFFORD, LARRY CLIFFORD, MYRLE MADLEY, HOWARD ALVIN HUMNS and RALPH DEAN HUMNS, of Menan, Idaho, are the owners of and using certain water rights for 19.2 cubic feet per second of the waters of Spring Creek, with priority of June 1, 1884, said water rights being decreed to Z. Gallantyne, John H. Yearsley, H. S. Liston, William Luxton, and W. W. Dunham, by Judge J. H. Stevens of the 6th Judicial District of the State of Idaho, in and for the County of Fremont in the case of

REXBURG IRRIGATION COMPANY, ET AL.,

Plaintiffs,

vs.

TRIPOLI IRRIGATION COMPANY, ET AL.,

Defendants.

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

SW¹ Section 29, NE¹ SE¹ Section 30, Township 5 North, Range 38 East, B.M.
 24, E¹ NE¹ Section 25, SE¹ Section 24, NE¹ NE¹ Section 26, NE¹ NE¹,
 SW¹ NE¹, SE¹ NE¹ Section 27, Township 5 North, Range 37 East, B.M.

That said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume 3 of Decrees beginning at page 491.

That said Orin C. Clifford, Douglas Clifford, Larry Clifford, Myrle Madley, Howard Alvin Humns and Ralph Dean Humns, have become the owners of said water rights through purchase.

And that now, upon the application of the above named applicants of Menan, Idaho, for a Certificate of Change of Point of Diversion for 19.2 cubic feet per second of the waters of Spring Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is hereby granted.

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

19.2 cubic feet per second with priority of June 1, 1884.

That the water rights hereby described have heretofore been diverted from Spring Creek, through the Luxton-Dunham Ditch, with point of diversion in the NE¹ SE¹ Section 29, Township 5 North, Range 38 East, B.M.

That 16.2 cubic feet per second of the water rights here described will hereafter be diverted from the Great Feeder channel of Snake River, through the Long Island Irrigation Company's canal and ditches, with point of diversion in the SE $\frac{1}{4}$ Section 10, Township 4 North, Range 39 East, B.M.

That 3 cubic feet per second of the water rights above described will hereafter be diverted from Snake River, through a private ditch, with point of diversion in the SW $\frac{1}{4}$ Section 18, Township 5 North, Range 38 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 27th day of July, 1953.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION
OF
DECREED WATER RIGHT

* * * * *

STATE OF IDAHO)
 : ss
County of Jefferson)

ORIN C. CLIFFORD, DOUGLAS CLIFFORD, LARRY CLIFFORD, MYRLE HADLEY, a single woman, HOWARD ALVIN MUNNS and RALPH DEAN MUNNS, being first duly sworn, each for himself and herself, and not one for the other, depose and say:

That the postoffice address of each of them is Menan, Idaho; that they are the owners of and using certain water rights from Spring Creek, Jefferson County, near Menan, Idaho, all bearing date of priority of June 1, 1884, for the number of cubic feet per second of the waters of said Spring Creek, Jefferson County, Idaho, decreed and owned as follows:

DECREED OWNER	AMOUNT DECREED	PRESENT OWNER	AMOUNT OWNED
E. Ballantyne	✓ 3.2 c.f.s.	Orin C. Clifford Douglas Clifford	1.5 c.f.s. 1.1 c.f.s. <u>2.6</u>
John H. Yearsley	✓ 1.2 c.f.s.	Larry Clifford	1.2 c.f.s.
H. S. Liston	✓ 4.8 c.f.s.	Myrle Hadley	2.4 c.f.s.
William Luxton	✓ 8.0 c.f.s.	Howard Alvin Munns Ralph Dean Munns	4.0 c.f.s. 4.0 c.f.s.
W. W. Dunham	✓ 5.0 c.f.s.	Howard Alvin Munns Ralph Dean Munns	2.5 c.f.s. 2.5 c.f.s.

That said water rights were decreed by Judge Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company, et al vs Teton Irrigation Company, et al, said decree bearing date of December 16, 1910, and said water rights were decreed for the purpose of irrigating the following described land situate, lying and being in Water District No. 36, in the County of Jefferson, State of Idaho, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-nine (29), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty (30); Township Five (5) North, Range Thirty-eight (38), East Boise Meridian; East Half (E $\frac{1}{2}$), and the East Half of the West Half (E $\frac{1}{2}$ W $\frac{1}{2}$), and the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-five (25), the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-four (24), the North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$) of Section Twenty-six (26), the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-seven (27), Township Five (5) North, Range Thirty-seven (37), East Boise Meridian.

That these affiants have become the owners of said water rights by mesne conveyances of said land and/or water rights from the decreed owners thereof.

That said waters are now diverted from said Spring Creek in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-nine (29), Township Five (5) North, Range Thirty-eight (38), East Boise Meridian, and conducted to said lands through the Luxton-Dunham ditch, as per map filed herewith and of this Affidavit made a part.

That these affiants, and each of them, desire to change the point of diversion of the above described water owned by them from the point above described to a point located in the Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10), Township Four (4) North, Range Thirty-nine (39), East Boise Meridian, through the Long Island Irrigation Company canals and ditches, as per map above referred to, excepting only that affiant, Howard Alvin Munns, desires to change the point of diversion for 1.5 c.f.s. of said water decreed to William Luxton to the Southeast Quarter (SE $\frac{1}{4}$) of Section Eighteen (18), Township Five (5) North, Range Thirty-eight (38), East Boise Meridian, and affiant, Ralph Dean Munns, likewise desires to change the point of diversion for 1.5 c.f.s. of said water decreed to William Luxton to a point located in the Southeast Quarter (SE $\frac{1}{4}$) of Section Eighteen (18), Township Five (5) North, Range Thirty-eight (38), East Boise Meridian.

The above described 1.3 a.f.s. decreed to William Luxton and now owned by Howard Alvin Punns will be used on and appurtenant to the following described land, situate in Jefferson County, State of Idaho, to-wit:

Northeast Quarter (NE 1/4), Section Twenty-five (25), and East Half of the Southeast Quarter of the Southeast Quarter (E 1/2 SE 1/4), North Half of the Southeast Quarter (N 1/2 SE 1/4), and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4), Section Twenty-four (24), Township Five (5) North, Range Thirty-seven (37), East Boise Meridian.

The above described 1.3 a.f.s. decreed to William Luxton and now owned by Ralph Earl Punns will be used on and appurtenant to the following described land, situate in Jefferson County, State of Idaho, to-wit:

Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4), and East Half of the Southeast Quarter of the Southeast Quarter (E 1/2 SE 1/4 SE 1/4), Section Twenty-four; North Half of the Northwest Quarter (N 1/2 NW 1/4), Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and East Half of the Southwest Quarter (E 1/2 SW 1/4) of Section Twenty-five (25), Township Five (5) North, Range Thirty-seven (37), East Boise Meridian.

The other water and water rights hereinbefore described will be conveyed by the various owners by a deed to the Long Island Irrigation Company, a mutual canal company, and will be carried through the Long Island Irrigation Company's canals and ditches, and capital stock in said canal company will be issued to the various owners therefor.

That the within named affiants are the owners of all of the water carried in said Luxton-Dunham ditch, and do hereby consent, each with the other, for the transfer of said water from said ditch.

That these affiants desire to change the points of diversion for the reason that by such change, said water can be more efficiently used on their respective tracts of land and more efficiently conveyed thereto, and that no one will be injured by such change and that such change will be made at the risk of the respective affiants seeking these changes in the points of diversion.

Subscribed and sworn to before me this _____ day of _____, 1953.

(SEAL)

Notary Public for State of Idaho
Residing at:

RALPH L. ALBAUGH
JOHN L. BLOEM
GEORGE L. BARNARD
ARTHUR L. SMITH

P. O. BOX 428
TELEPHONE 326
OR 2354

LAW OFFICES OF
ALBAUGH, BLOEM, BARNARD & SMITH
SUITE 201-S ROGERS BUILDING
IDAHO FALLS, IDAHO

RECEIVED
JUL 16 1953

July 15, 1953

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Statehouse
Boise, Idaho

Dear Sir:

Re: Orin C. Clifford, etal

Since receiving your letter dated July 13th concerning this change of point of diversion, I have made a thorough investigation of the discrepancies in the description of the land and I find that all of the William Luxton decreed water from Spring Creek has been used on the land owned by the Munns brothers for more than sixty years, and it never was used on the other land mentioned in the decree. John T. Poole, an old resident of Menan, owns the other land mentioned in the Luxton decree, and he says he has never used any of the Luxton water, could not use it and has never claimed any part of it. He has given a quit claim deed to the water to Howard Alvin Munns and Ralph Dean Munns.

In my opinion, the error in this decree will not affect the legality of the change of point of diversion as changing the point of diversion and changing the place of beneficial use are two separate and distinct matters, although, of course, they may be included in the same procedure for convenience. It is also my opinion that as the water has always been used on the Munns land and no person is claiming any interest in it except the Munns brothers, that there will be no question about the legality of your order changing the point of diversion.

I have also discussed this question with Lynn Crandall and he concurs in my views and has no objection to the procedure.

Very truly yours,

ALBAUGH, BLOEM, BARNARD & SMITH



Ralph L. Albaugh

RLA:jb

MICROFILMED

July 13, 1953

Messrs. Albaugh, Bloom, Barnard & Smith
Box 428
Idaho Falls, Idaho

ATTN: Mr. Ralph L. Albaugh

Dear Mr. Albaugh:

We acknowledge receipt of your letter of July 9, 1953, enclosing the \$1.00 recording fee in connection with the affidavit of Orin C. Clifford, et al, for change of point of diversion from Spring Creek.

However, we request that you check your copy of the affidavit which you sent this department. On the third page of said affidavit, it states that 1.5 cubic feet per second now owned by Howard Alvin Farns will be made appurtenant to the following described land: NW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, Township 5 North, Range 37 East, B.M. Also 1.5 cubic feet per second now owned by Ralph Dean Munns, made appurtenant to the following described lands: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25, Township 5 North, Range 37 East, B.M.

In checking these two land lists, we find that they include the N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 5 North, Range 37 East, B.M., which are not included in the original decrees.

If this description is correct, your affidavit is incorrect in not stating that it also changes the place of use.

As the published notice did not state any change in place of use, we are wondering now as to its legality.

We are again wondering if the land described above may be a mistake in naming the section, land being in Section 25 instead of Section 24.

We shall await your reply before proceeding further.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

WRT:fg

RECEIVED
JUL 17 1953

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION
OF
DECREED WATER RIGHT

STATE OF IDAHO)
County of Jefferson) ss

ORIN C. CLIFFORD, DOUGLAS CLIFFORD, LARRY CLIFFORD, MYRLE HADLEY, a single woman, HOWARD ALVIN MUNNS and RALPH DEAN MUNNS, being first duly sworn, each for himself and herself, and not one for the other, depose and say:

That the postoffice address of each of them is Menan, Idaho; that they are the owners of and using certain water rights from Spring Creek, Jefferson County, near Menan, Idaho, all bearing date of priority of June 1, 1884, for the number of cubic feet per second of the waters of said Spring Creek, Jefferson County, Idaho, decreed and owned as follows:

DECREED OWNER	AMOUNT DECREED	PRESENT OWNER	AMOUNT OWNED
(Z. Ballantyne 35-0001	3.2 c.f.s.	Orin C. Clifford Douglas Clifford	1.5 c.f.s. 1.1 c.f.s.
(John H. Yearsley 01-0199	1.2 c.f.s.	Larry Clifford	1.2 c.f.s.
(H. S. Liston 35-0018	4.8 c.f.s.	Myrle Hadley	2.4 c.f.s.
(William Luxton 35-0019	8.0 c.f.s.	Howard Alvin Munns Ralph Dean Munns	4.0 c.f.s. 4.0 c.f.s.
(W. W. Dunham 35-0037	5.0 c.f.s.	Howard Alvin Munns Ralph Dean Munns	2.5 c.f.s. 2.5 c.f.s.

That said water rights were decreed by Judge Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company, et al vs Teton Irrigation Company, et al, said decree bearing date of December 16, 1910, and said water rights were decreed for the purpose of irrigating the following described land situate, lying and being in Water District No. 36, in the County of Jefferson, State of Idaho, to-wit:

MICROFILMED

The Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-nine (29), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty (30), Township Five (5) North, Range Thirty-eight (38), East Boise Meridian; East Half (E $\frac{1}{2}$), and the East Half of the West Half (E $\frac{1}{2}$ W $\frac{1}{2}$), and the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-five (25), the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-four (24), the North Half of the North Half (N $\frac{1}{2}$ N $\frac{1}{2}$) of Section Twenty-six (26), the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-seven (27), Township Five (5) North, Range Thirty-seven (37), East Boise Meridian.

That these affiants have become the owners of said water rights by mesne conveyances of said land and/or water rights from the decreed owners thereof.

That said waters are now diverted from said Spring Creek in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-nine (29), Township Five (5) North, Range Thirty-eight (38), East Boise Meridian, and conducted to said lands through the Luxton-Dunham ditch, as per map filed herewith and of this Affidavit made a part.

That these affiants, and each of them, desire to change the point of diversion of the above described water owned by them from the point above described to a point located in the Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10), Township Four (4) North, Range Thirty-nine (39), East Boise Meridian, through the Long Island Irrigation Company canals and ditches, as per map above referred to, excepting only that affiant, Howard Alvin Munns, desires to change the point of diversion for 1.5 c.f.s. of said water decreed to William Luxton to the Southeast Quarter (SE $\frac{1}{4}$) of Section Eighteen (18), Township Five (5) North, Range Thirty-eight (38), East Boise Meridian, and affiant, Ralph Dean Munns, likewise desires to change the point of diversion for 1.5 c.f.s. of said water decreed to William Luxton to a point located in the Southeast Quarter (SE $\frac{1}{4}$) of Section Eighteen (18), Township Five (5) North, Range Thirty-eight (38), East Boise Meridian.

RECORDED

The above described 1.5 c.f.s. decreed to William Luxton and now owned by Howard Alvin Munns will be used on and appurtenant to the following described land, situate in Jefferson County, State of Idaho, to-wit:

Northeast Quarter (NE $\frac{1}{4}$), Section Twenty-five (25), and East Half of the Southeast Quarter of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section Twenty-four (24), Township Five (5) North, Range Thirty-seven (37), East Boise Meridian.

The above described 1.5 c.f.s. decreed to William Luxton and now owned by Ralph Dean Munns will be used on and appurtenant to the following described land, situate in Jefferson County, State of Idaho, to-wit:

Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), and West Half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section Twenty-four; North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-five (25), Township Five (5) North, Range Thirty-seven (37), East Boise Meridian.

The other water and water rights hereinbefore described will be conveyed by the various owners by a deed to the Long Island Irrigation Company, a mutual canal company, and will be carried through the Long Island Irrigation Company's canals and ditches, and capital stock in said canal company will be issued to the various owners therefor.

That the within named affiants are the owners of all of the water carried in said Luxton-Dunham ditch, and do hereby consent, each with the other, for the transfer of said water from said ditch.

That these affiants desire to change the points of diversion for the reason that by such change, said water can be more efficiently used on their respective tracts of land and more efficiently conveyed thereto, and that no one will be injured by such change and that such change will be made at the risk of the respective affiants seeking these changes in the points of diversion.

Orrin C. Clifford

Douglas J. Clifford

Larry Clifford

Myrtle Clifford

Howard L. Clifford

Ralph Dean Clifford

Subscribed and sworn to before me this 12th day of June, 1953.

George H. Brown
Notary Public for State of Idaho
Residing at: Idaho Falls, Idaho

Approved. This change in pt. of diversion is being made in connection with a land improvement program, filling up old sloughs, creek channels etc which will result in a more productive use of the water.

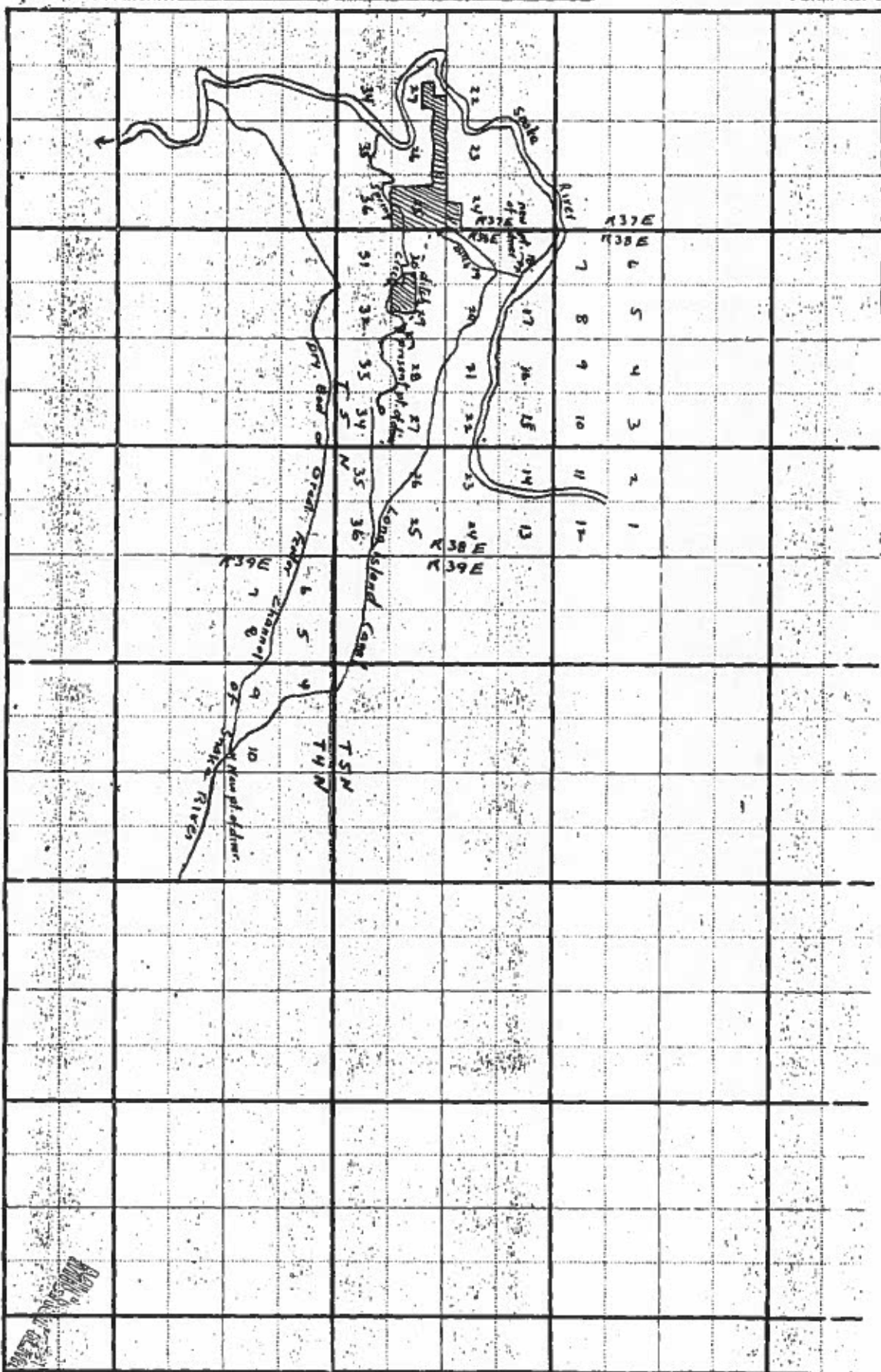
Lynn Randall
Watermaster District 3.

RECEIVED

NAME OF APPLICANT

Orin E. Clifford et al.

FORM No. 0



9/23/2003

Talked with Myron Hancock regarding Bear Trap / Deer Parks exchange. He said that the following water users could have water delivered to them via the exchange:
Walker Harms, Clyde Beck, Roger Poole, Dee Poole, Myron Hancock, Emmett Shippen, and Clyde Boyce.

He said that Clyde Boyce could get the water to the lower end of his ground if he would install a headgate, but has not done so.

Myron used the water last fall by backing up the water in Bear Trap after the canal had turned out.

9/22/2003

25-11737

Met w/ Clyde Boyce. Corrected address.
Poll corrected on map.

P/D is head of Bear Trap.

Clyde says that he pays his assessments for this water but receives no benefit.

He says there is no way for Bear Trap water to be delivered to his Poll.

At the place where Deer Parks and Bear Trap intersect, Bear Trap water cannot be dumped into Deer Parks because Bear Trap is lower than Deer Parks.

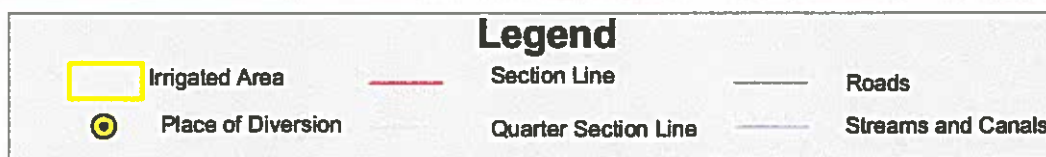
He said that he could possibly back the water up to irrigate ~20 acres in the SESE of sec 24, but he's never done that.

He just irrigates his ground w/ Long Island water delivered thru Deer Parks Canal.

Clyde says he would like to transfer his Bear Trap water into Long Island so that he could use it.

Water Right Claim Number 25-11737
Township , 5N37E

12/29/2000



600 0 600 1200 1800 Feet

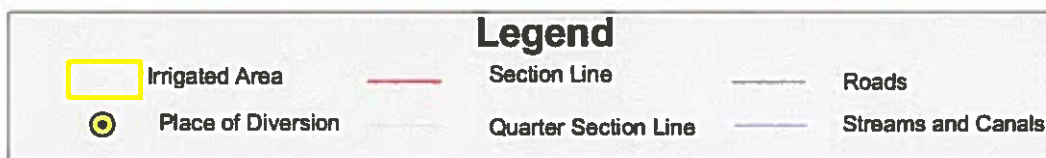
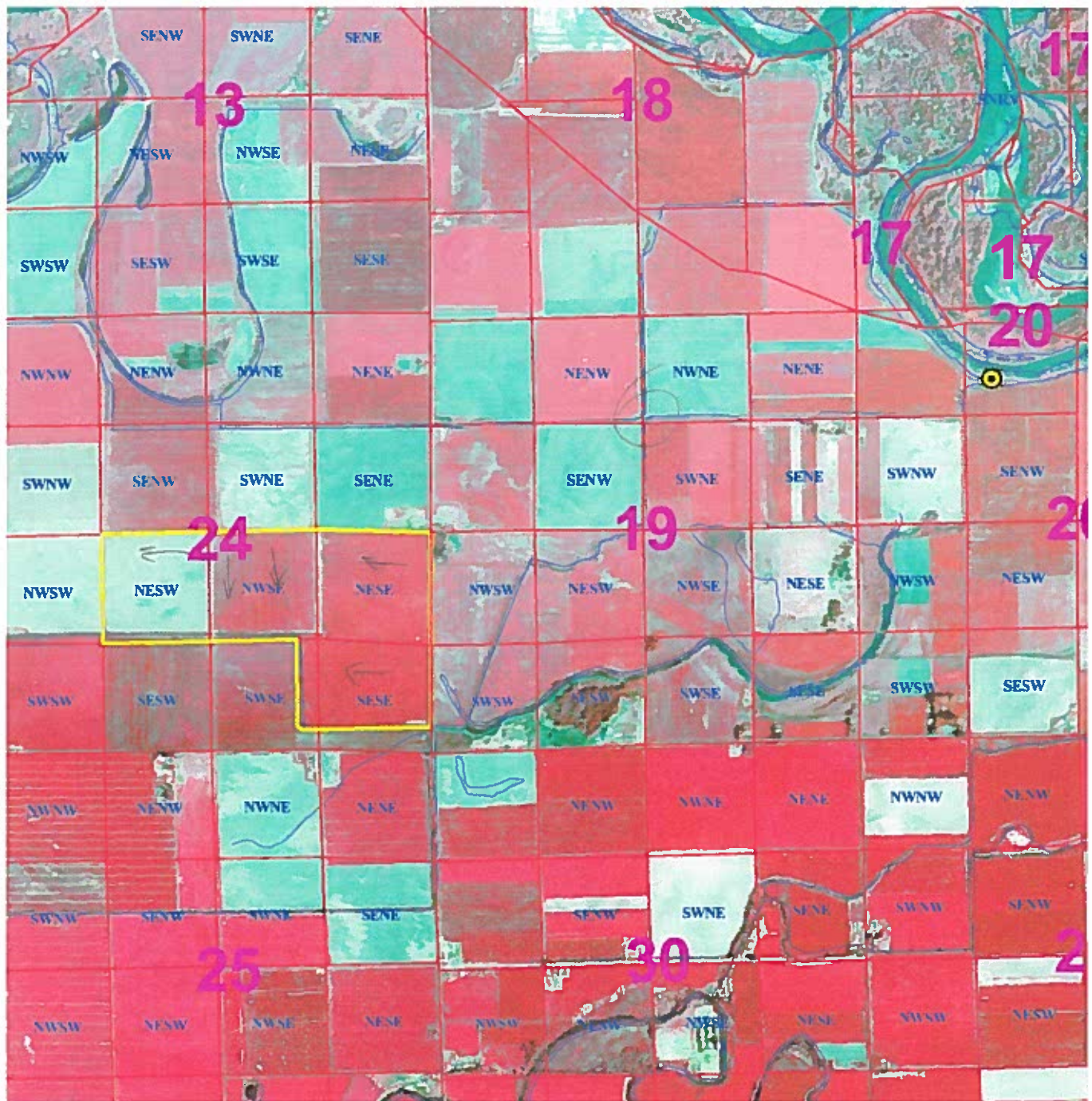


SPATIAL DYNAMICS



Water Right Claim Number 25-11737
Township , 5N37E

12/29/2000



SPATIAL
DYNAMICS

	YES	NO
Is the name and address complete with zip code?	☒	☐
Is a priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
(a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☐ N/A ☒	☐
Is the legal description of the p.d. sufficient?	☒	☐
Is there a description of the diverting works?	☒	☐
Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.		
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
Is a total quantity claimed entered?	☒	☐
If required is a consumptive use entered?	☐ N/A ☒	☐
Is the consumptive use correct?	☐ N/A ☒	☐
Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.		
Is (are) the place(s) of use entered?	☒	☐
Is (are) the county(ies) entered?	☒	☐
Is the ownership of p.u. checked?	☒	☐
Are other water rights listed or "none" indicated?	☒	☐
If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☐ N/A ☒	☐
Is the basis of the claim checked?	☒	☐
Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Is the claim signed, sealed, and dated by a notary?	☒	☐
Is this claim filed on time, or was an extension granted?	☒	☐
Is the fee enclosed correct?	☒	☐
Is this claim based on an existing water right, has the identification number been entered?	☐ N/A ☒	☐
Would this claim be receipted and data entered?	☒	☐

Claim checked by: TO

Comments: _____

MICROFILMED

NOV 11 1992

5004726

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 1-10450
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)

CLYDE BOYCE Phone: (208)754-4281
468 N 3300 E
LEWISVILLE ID USA 83431

2. Date of Priority: 06/01/1884

3. Source: SPRING CREEK Trib. to: SNAKE 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	0.32	

7. Total Quantity Appropriated is:
0.32 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	24	NE SW	IRRIGATION	35
			NE SE	IRRIGATION	35
			NW SE	IRRIGATION	35
			SW SE	IRRIGATION	5
			SE SE	IRRIGATION	33

Section Acres 143

Total Acres 143

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. 25-11737.

16 MINERS INCHES OF 25-0251

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 _____

SCANNED

AUG 01 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: 01-10450

Ident. Number: ~~A25-11737~~

Date Received: 11/30/1988

Receipt No: E004728

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE BOYCE 208-754-4281
Address: ROUTE 1
ROBERTS, ID 83444

2. Date of Priority: JUN 01, 1884

3. Source: SPRING CREEK Trib. to: SNAKE 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:
HEAD GATES - DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.320		

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

8. Total consumptive use is 135.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	37E	24	NE	SW		IRR	35.0
			NE	SE		IRR	35.0
			NW	SE		IRR	35.0
			SW	SE		IRR	5.0

A25-11737

Page 1

Date: 12/22/88

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NOV 11 1992

A2511737



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	37E	24	SE	SE		IRR	33.0
Section Acres							143.0
Total Acres							143.0

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:
01-0259 AND 01-0249

14. Remarks:
16 MINERS INCHES OF 25-0251

15. Basis of Claim: DECREED
Water Right Number: 010259
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 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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A25-11737Date Received 11/30/88Receipt Number E004728

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Clyde Boag Phone () 254-4281Mailing Address Rt 1 Robert Idaho Zip 834442. Date of Priority (Only one (1) per claim) June 1 18893. Source of water supply (a) Spring Creek
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 5N Range 38E Section 20,S/W 1/4 of N/E 1/4 of N/W 1/4, Govt. Lot, _____ B.M., County of Jefferson Co.

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Head gates - Ditch

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April to Nov amount .32 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .32 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is .32 135.8 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	37E	24									35				35	35	5	33	143

Total number of acres irrigated 143

11. In which county (ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes Yes No No

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

01-0259 01-0249 or None ()

14. Remarks:

16 inches inch of 25-0251

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NOV 11 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

R38





QUADRANGLE LOCATION

DEER PARKS, IDAHO
N4345—W11200/7.5

1980

DEER PARKS
MICROFILMED
NOV 11 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ✓

If applicable provide IDWR Water Right Number 01-0259

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Clyde Boye Date 11-30-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, Title _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30th day of November 19 88

SEAL

Notary Public Anthony S. Olenichak

Residing at Idaho Falls

My Commission Expires 9/12/1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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NOV 11 1992

Copies White-State, Yellow-Claimant