

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

RIGHT NUMBER: 22-634

NAME AND ADDRESS: K&J HOLDING LLC
PO BOX 57
TERRETON ID 83450

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.640 ~~0.32~~ CFS

PRIORITY DATE: 12/01/1903

POINT OF DIVERSION:

T07N R40E S36 NENENE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.640 ~~0.32~~ CFS

PLACE OF USE: IRRIGATION in FREMONT County

T07N R40E S36 NENE 16.00

16 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CREATED BY
JUN 25 2008
J LARSEN

RECEIVED
JUL 18 2007
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA
Case No. 39576

A. Subcase 22-634
(insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Stacey Bauer
K&J Holding, LLC
Address: P.O. Box 57
Terreton, Idaho 83450

Daytime Phone: (208) 309-0109

Name & Address of Attorney, if any:

Thomas J. Budge
Racine Olson Nye Budge & Bailey, Chtd
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391
Telephone: 208-232-6101
Facsimile: 208-232-6109

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: K&J Holding, LLC
Address: PO Box 57, Terreton, ID 83450

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: **0.64 cfs**
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☐ **Place of Use**
Should be:
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): 0.64 cfs is beneficially used and authorized by Decree underlying this water right.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Bannock)

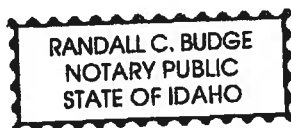
Thomas J. Budge, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Thomas J. Budge, Attorney for Claimant
(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 14th day of July, 2007.



Notary Public for Idaho
Residing at: Pocatello, ID.
My Commission Expires: 10/11/2008

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on July 16, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

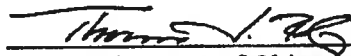
Name: K&J Holdings, LLC
Address: P.O. Box 57, Terreton, Idaho 83450

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf



Idaho Department of Water Resources

MEMORANDUM

File: 22-634 K&J Holding
Date: August 20, 2008
Subject: Initial Hearing Part 2 Summary

Joe Larsen created an SF5 on 6-25-2008 and sent to TJ on 7-9-2008.

During Initial Hearings PT. 2, TJ informed us that the SF5 was/being signed.

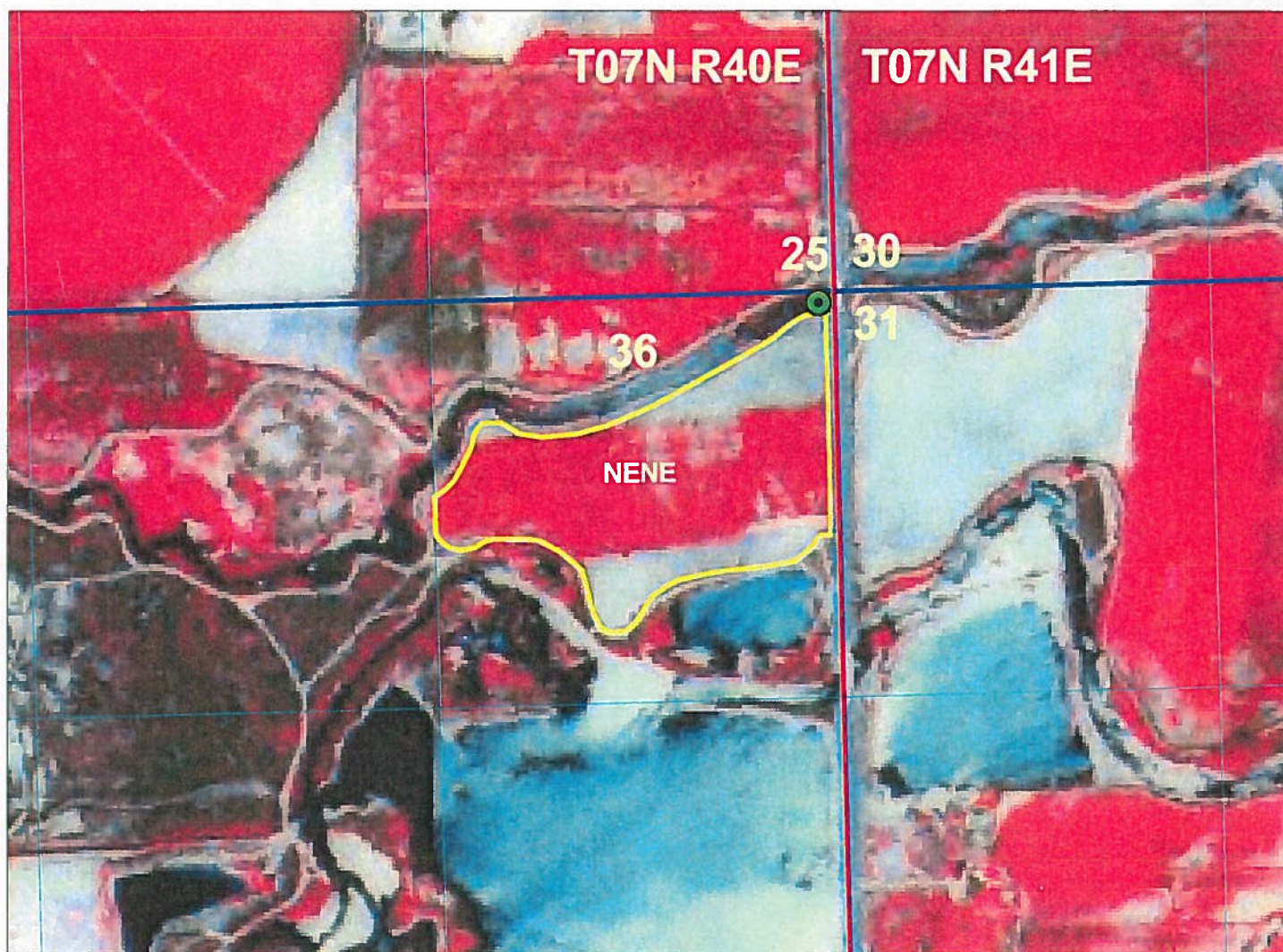
From the desk of Denise Kidman

Department of Water Resources

Eastern Region

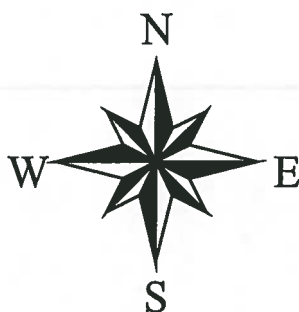


Claim No.: 22-634



0 660 1320 1980 2640 Feet

- Point of Diversion
- 22-634
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005

SCANNED

JUN 06 2007

Claim no. _____

Claimant Contact Log

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

Decreed	60 inches in NENE of S316 T7N R40 E	Dec. 1, 1903
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Quantity claimed is valid w/ decree. Recommending only 1"/ac.		
for claimed 16 ac.		

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Water Right No(s). A22-634

GPS data - 2686493
1413381

GPS file - 22634

GPS DATA:

Tag # A0015969 Location: on power panel post

Diversion Data:

Source: Teton River Trib to: Snake River

MOTOR

Make: Century Model: _____ Hp: 20
SN: NA

PUMP

Make: Century Model: _____ Disch: _____
SN: NA

NOTES:

Pumps for A22-634 & A22-12528 with 12' of each other.
Have not been able to contact claimant. Neighbor, Dallas Leggett
helped with P.O.U. map.

System is pump to headlins

Field Exam Date: 10-26-05 Agent: D. Williams

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JUN 06 2007

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

DEPT. OF WATER RESOURCES
 OKJC 9-1-05
 RECEIVED
 MAR - 9 2005
 Department of Water Resources
 Eastern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-634					

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. 0

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

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

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY or SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Norval Wayne Birch
236 East Main Street, St. Anthony
4. New Owner/Claimant(s) K&J Holdings L.L.C.
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. Box 57
- City, State and ZIP Code Terreton, ID 83450
- New Telephone Number (208) 663-4830
5. Date you acquired the property February 28, 2005

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JUN 06 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Kevin S. Bauer
Julius Bauer

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

For Office Use Only

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

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JUN 06 2007

WARRANTY DEED

For Value Received, Norval Wayne Birch and Karen Birch, the grantors, do hereby grant, bargain, sell and convey unto K & J Holdings LLC, of P.O. Box 57, Terreton, Idaho, 83450, grantee, and to Grantee's successors and assigns forever, all of the following described real estate located in Fremont County, Idaho:

PARCEL 1:

ALL THOSE PARTS OF LOT 4 AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 41 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO, LYING NORTH OF THE TETON RIVER.

EXCEPTING THEREFROM THAT CERTAIN RIGHT OF WAY DEED TO FREMONT COUNTY, IDAHO, RECORDED IN BOOK 39 OF MISC. PAGE 61.

PARCEL 2:

ALL THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER LYING SOUTH OF THE NORTH FORK OF THE TETON RIVER IN SECTION 36, TOWNSHIP 7 NORTH, RANGE 40 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO.

EXCEPTING THEREFROM THAT CERTAIN RIGHT OF WAY DEED TO FREMONT COUNTY, IDAHO RECORDED IN BOOK 39 OF MISC. PAGE 65.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

AN IRREGULAR PARCEL OF LAND BEING A PORTION OF THE NE1/4 NE1/4 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 40 EAST, BOISE MERIDIAN, LYING SOUTHWESTERLY OF THE SOUTH FORK OF THE TETON RIVER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36, TOWNSHIP 7 NORTH, RANGE 40 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 36 FOR A DISTANCE OF 1318 FEET TO THE SOUTHEAST CORNER OF THE NE1/4 NE1/4 OF SAID SECTION 36; THENCE SOUTH 89°56' WEST ALONG THE SOUTH LINE OF THE NE1/4 NE1/4 OF SAID SECTION 36 FOR A DISTANCE OF 445.5 FEET TO THE REAL POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°56' WEST ALONG THE SOUTH LINE OF THE NE1/4 NE1/4 OF SAID SECTION 36 FOR A DISTANCE OF 873.0 FEET TO THE SOUTHWEST CORNER OF THE SAID NE1/4 NE1/4; THENCE NORTH ALONG THE WEST LINE OF THE SAID NE1/4 NE1/4 FOR A DISTANCE OF 298.8 FEET TO A POINT ON THE SOUTHERLY BANK OF THE SOUTH FORK OF THE TETON RIVER; THENCE ALONG SAID RIVER BANK AS FOLLOWS: NORTH 51°02' EAST A DISTANCE OF 310.6 FEET; SOUTH 64°18' EAST A DISTANCE OF 146.2 FEET; SOUTH 18°09' EAST A DISTANCE OF 215.6 FEET; SOUTH 45°15' EAST A DISTANCE OF 109.9 FEET; SOUTH 72°34' EAST A DISTANCE OF 371.7 FEET, MORE OR LESS, TO A POINT; THENCE SOUTH A DISTANCE OF 36.3 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

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JUN 06 2007

ALSO EXCEPTING:

A TRIANGULAR PARCEL OF LAND BEING A PORTION OF THE NE1/4 NE1/4 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 40 EAST, BOISE MERIDIAN, LYING SOUTHERLY OF THE SOUTH FORK OF THE TETON RIVER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 7 NORTH RANGE 40 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO AND RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 36 FOR A DISTANCE OF 1318.0 FEET TO THE SOUTHEAST CORNER OF THE NE1/4 NE1/4 OF SAID SECTION 36; THENCE SOUTH 89°56' WEST ALONG THE SOUTH LINE OF THE NE1/4 NE1/4 OF SAID SECTION 36 FOR A DISTANCE OF 330.5 FEET TO THE REAL POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°56' WEST ALONG THE SOUTH LINE OF SAID SECTION 36 FOR A DISTANCE OF 115.0 FEET TO A POINT; THENCE NORTH A DISTANCE OF 36.3 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY BANK OF THE SOUTH FORK OF THE TETON RIVER; THENCE SOUTH 72°34' EAST ALONG SAID BANK FOR A DISTANCE OF 120.6 FEET; MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements hereditaments and appurtenances thereto. And the said Grantor does hereby covenant for itself its successors and assigns to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument this 28th day of February, 2005.

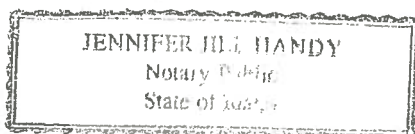
Norval Wayne Birch
Norval Wayne Birch

Karen Birch
Karen Birch

STATE OF IDAHO)
)ss.
County of Madison)

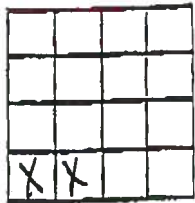
On this 28 day of February, 2005, before me, the undersigned notary public, personally appeared Norval Wayne Birch and Karen Birch, known or identified to me to be the persons that executed the foregoing instrument and acknowledged to me that they executed the same.

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



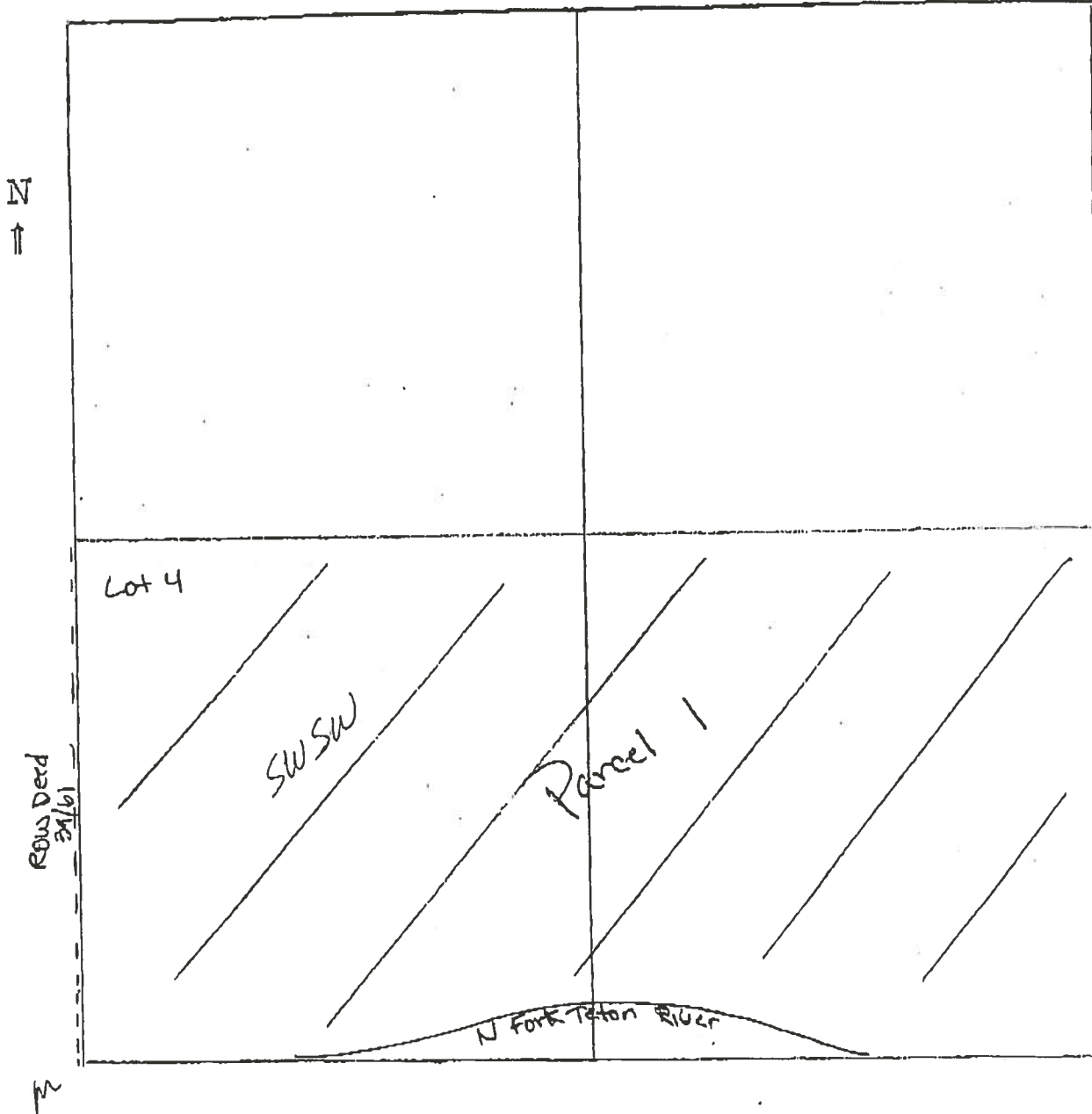
Jennifer Hill Handy
Notary Public for Idaho
Residing at: 7700 S. 10th St.
My Commission Expires: 9-6-07

SCANNED
JUN 06 2007



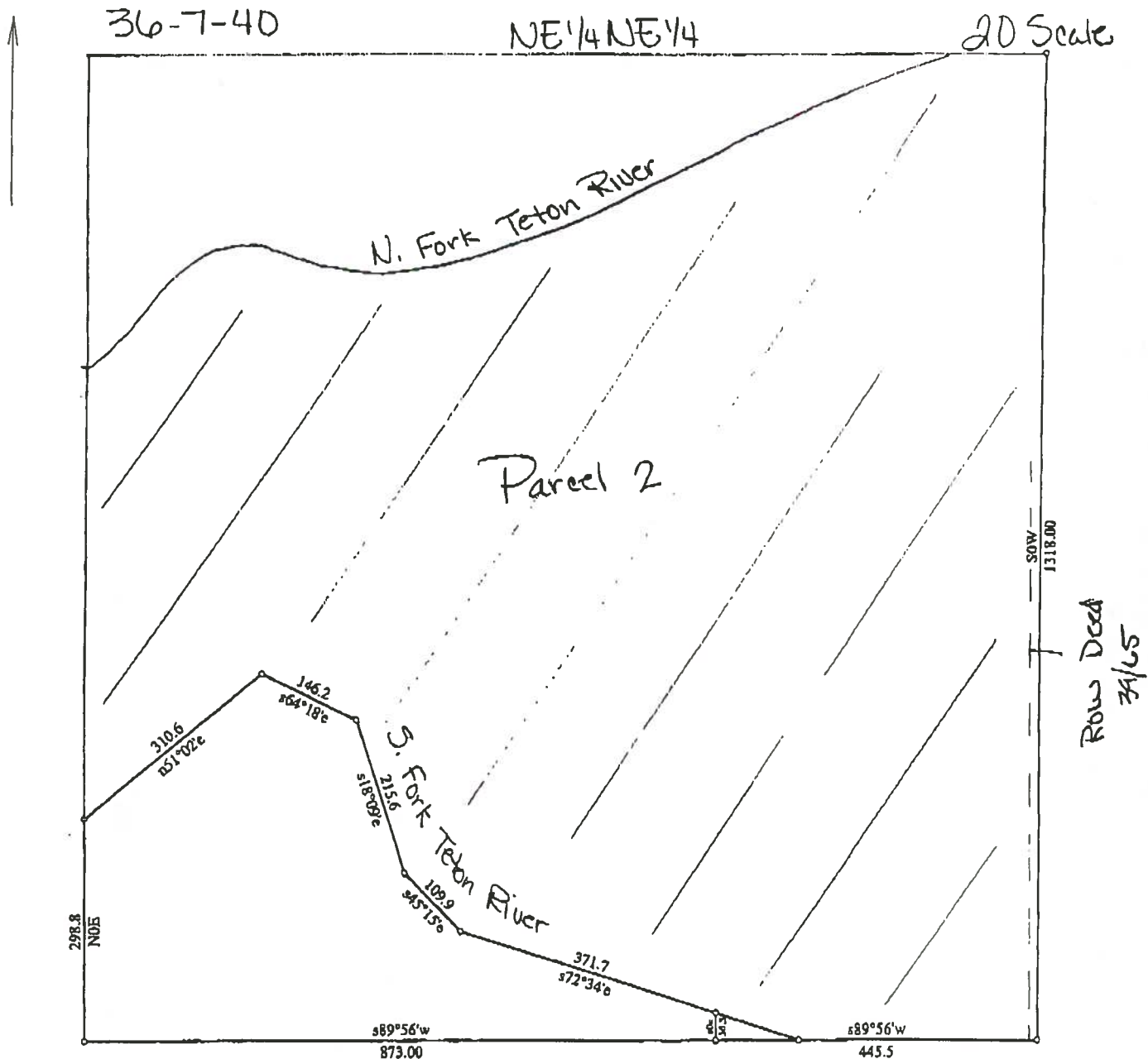
SW 1/4
307-41

40 Scale



THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE PREMISES AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIATIONS
IF ANY, WITH AN ACTUAL SURVEY.
FIRST AMERICAN TITLE COMPANY

SCANNED
JUN 06 2007



Title:		Date: 02-23-2005
Scale: 1 inch = 200 feet	File:	
Tract 1: 18.505 Acres: 806094 Sq Feet: Closure = n18.3950e 1391.91 Feet: Precision = 1/ 3: Perimeter = 4126 Feet		
Tract 2: 1.047 Acres: 45593 Sq Feet: Closure = n14.0416e 1359.13 Feet: Precision = 1/ 1: Perimeter = 1920 Feet		
001=SOW 1318.00	007=s18.09e 215.6	013=s89.56w 330.5
002=s89.56w 445.5	008=s45.15e 109.9	014=s89.56w 115.0
003=s89.56w 873.00	009=s72.34e 371.7	015=n0e 36.3
004=NOE 298.8	010=s0e 36.3	016=s72.34e 120.6
005=n51.02e 310.6	011=@0	
006=s64.18e 146.2	012=s0e 1318.0	

SCANNED

JUN 06 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 10, 2005

LAW FIRM OF FORSBERG & DUMMAR
49 PROFESSIONAL PLAZA
REXBURG ID 83440

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP 22-634 & CHECK
NO. 3326 FOR \$25.00

Dear Mr. Forsberg:

I am returning the above referenced check because a fee is not required to change
the ownership of this right.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

SCANNED

JUN 06 2007

MEMORANDUM

8DEC03

To: The files

From: A. Ruberry

Subject: 22-00634, 22-12528, and 22-00637

Today, Mr. Dallas Leavitt and son were in to inquire into their neighbor's (Mike Birch) suggestion that they come to IDWR and file for a portion of Mr. Birch's water right (22-00634) because Mr. Birch has too much water for his property. Apparently, Mr. Birch did not know Mr. Leavitt had filed a claim in the SRBA. Investigation reveals that Mr. Leavitt filed a claim to a water right in the SRBA under 22-12528. A comparison of water right claims 22-00624 and 22-12528 shows that they both have the same priority date but are for totally different lands. In addition, both have more water right than there are acres to support the quantity, which exceeds §42-202 and §42-220 IC. Suspect more research of the decree is needed here.

Further research of the water right database reveals that the elements of 22-12528 are the same as those of 22-00637 in all respects. The SRBA claim of 22-12528 should be renumbered to 22-00637. The chain of title, as illustrated by ownership of 22-00637 (water right database), was confirmed by Mr. Leavitt's discussion. Apparently, Mr. Birch's father once owned the lands now owned by Mr. Leavitt. Which is where Mr. Birch feels that Leavitt's should have a part of 22-00634, but not the case.

Mr. Leavitt and son were advised that filing for a portion of 22-00634 would gain nothing, that since the priority dates are the same both rights would be cut at the same time and their current claim 22-12528 has more water right quantity than acres anyway. They feel they understand the dilemma and that no part of 22-00634 is appurtenant to their lands.

It was mentioned that 22-12528 would in all likelihood be renumbered to 22-00637 to continue with the original decree number.

SCANNED
JUN 06 2007

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE
COUNTY OF FREMONT

FLOYD GARDNER, LELAN ANDERSON,
WILLIAM D. HOLLIST, DEAN CRAIN,
YOSHIMISA UGAKI, ALBERT BIRCH,
DAVID LEROY GARDNER, MARK CLARK,
and EVA B. CUTLER,

Plaintiff,

JUDGMENT

-vs-

LYNN CRANDALL, Water Master, Water
District No. 36 of the State of Idaho

Defendant.

It is hereby ORDERED, ADJUDGED and DECREED That the plaintiffs, be,
and each of them is hereby, awarded priority right to the use of water of
the Snake River and its tributary, the Teton River, in amount and as of
priority date hereinafter indicated for the purpose of irrigation and for
domestic use:

22-0631 FLOYD GARDNER: 160 inches Dec. 1st, 1903.
The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M

22-000008 LELAN ANDERSON: 80 inches May 15, 1898
The SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 7 N., R 40 E1M

22-0632 WILLIAM D. HOLLIST: 104 inches Dec. 1st, 1903
That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec.
36, T. 7 N., R. 40 E1M, which is North of Teton River

22-0633 YOSHIMISA UGAKI: 150 inches Dec. 1, 1903
Commencing at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 36, T 7 N.,
R. 40 E1M., running thence west 60 rods, thence south 53 $\frac{1}{3}$
rods, thence east 60 rods, thence south 26 $\frac{2}{3}$ rods, thence
east 40 rods, thence north 20 rods, thence east 40 rods, thence
north 20 rods, thence west 40 rods, thence north 11 rods,
thence west 40 rods, thence north to the point of beginning.
ALSO: The west $\frac{1}{2}$ of the west 10 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.
36, T. 7 N., R. 40 E1M
ALSO: The South 57 $\frac{1}{2}$ rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T 7 N., R.
40 E1M

22-0634 ALBERT BIRCH: 60 inches Dec. 1st, 1903
All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M lying
and being south of the Teton River

22-0655 EVA B. CUTLER: 60 inches Dec. 1st, 1903
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 E1M.

22-0636 DAVID LEROY GARDNER: 80 inches Dec. 1st, 1903
The SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M

22-0637 Mark CLARK: 80 inches Dec. 1st, 1903
That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 30 and of the East
70 rods of the NW $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E1M which lies between
the forks of the Teton River.

22-0638 DEAN CRAIN: 110 inches Dec. 1st, 1903
Beginning at the NW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T., 7 N.,
R. 40 E1M and running thence North to the North Fork of the Teton

SCANNED
JUN 06 2007

Water Right #01
RECEIVED

DEC 12 1977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 2768
Application No. 22-0617/22-0620

APPROVED

Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Eames-Thompson Irrigation Ditch
Norval Birch &/or Dallas Dean Leavitt Phone 624-3315
458-4125
Post office address Box 117, Teton City, Idaho

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to Albert Birch and Mark Clark
(Name)
in case of Floyd Gardner et al vs Lynn Crandall
dated 4-06-1954 in 9th Judicial District county of Fremont
(Name of court) 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
Applicants purchased land to which water rights were appurtenant

3. Source of water Teton River tributary to Snake River

4. Date of priority 12-01-1903

5. Water is used for the following purposes:

22-0617 amount 1.20 for Irrigation purposes from Apr. 1 to Nov. 1
22-0620 amount 1.60 for " purposes from " to "
amount for purposes from to
(month/day - both dates inclusive)

6. Total amount of water under right: a. 2.80 cubic feet per second
&/or
b. acre feet per annum

7. Location of original point of diversion is ¼ of ¼ of Section
Township Range, B.M., in County
Additional points of diversion, if any Not given in decree but historically has been
located in the NE¼NW¼, Sec. 31, T. 7N, R. 41E, B.M., Fremont County

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	
22-0617 7N	40E	36	X 25																25
22-0620 7N	41E	30										X 4	X 4						8
		31					X 26.5	X 13											44.5

XX Acreages not stated in decree
but confirmed through the Fremont
County Assessor

Total number of acres to be irrigated 77.5

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B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. 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	

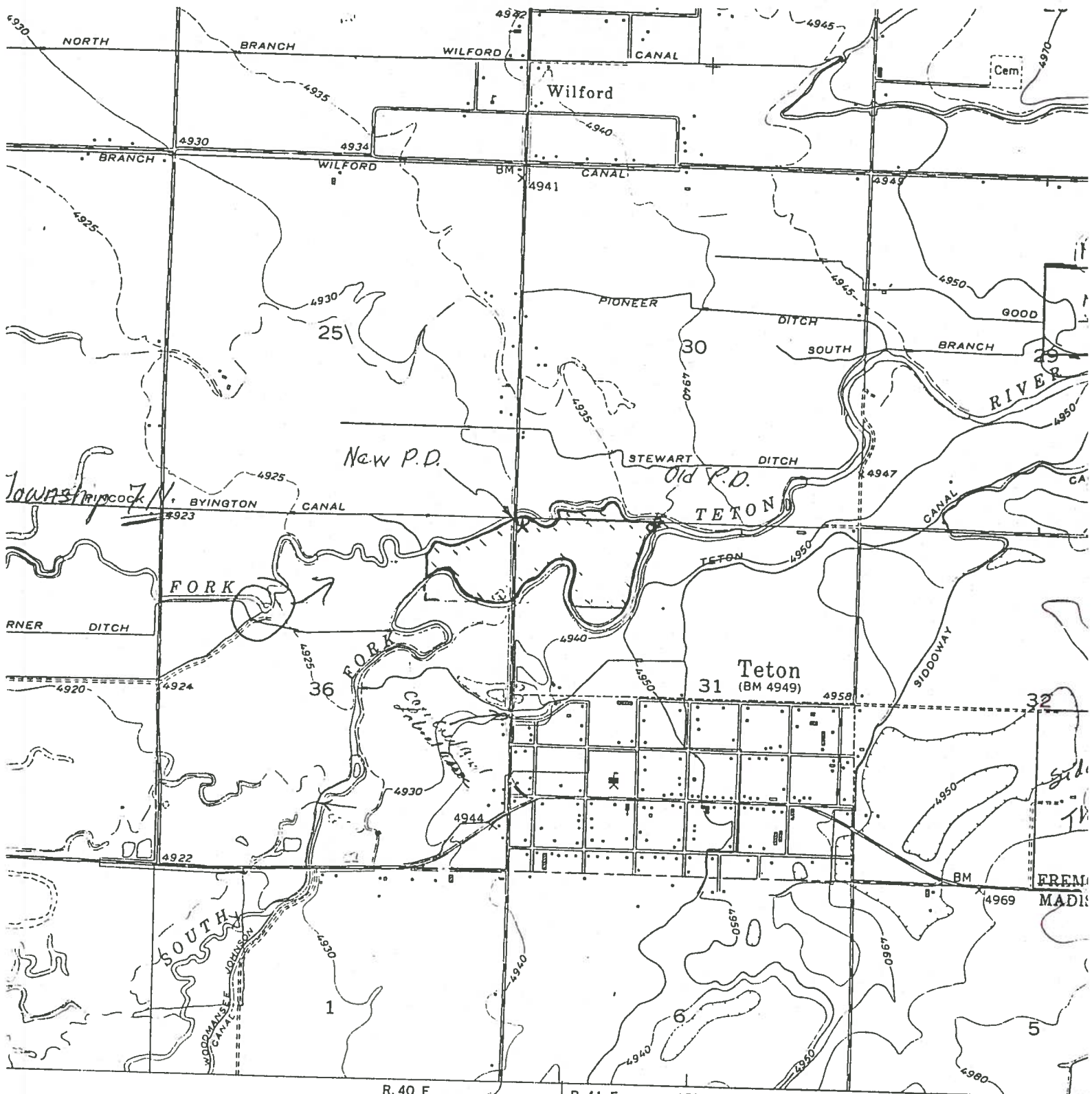
C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 2.80 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NW ¼ NW ¼, Section 31 Township 7N
Range 41E, B.M., Fremont County
Additional points _____
- c. Description of diverting works pump, mainline and sprinkler system
- d. Describe the reasons for applying for a change in the point(s) of diversion _____
Flood of June 5, 1976, washed out headgate and ditch plus left ground in
such a condition that it can no longer be flood irrigated

2. Change in place of use NO CHANGE (see decree)
- a. Describe the lands or place of use to which the right will be transferred:

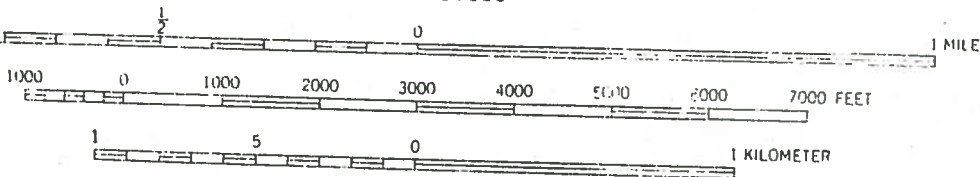
TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

- b. 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.



SCALE 1:24000

R. 40 E. SUGAR CITY 3.9 MI. R. 41 E. 40'



CONTOUR INTERVAL 10 FEET
DASHED LINES REPRESENT HALF-INTERVAL CONTOURS
DATUM IS MEAN SEA LEVEL

HARD-SURFACE
Heavy-duty ———
Medium-duty ———
Loose-surface ———
U

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
MADE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO OR WASHINGTON 25, D. C.

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3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Dallas Dean Leavitt
(Signature of applicant)

Subscribed and sworn to before me this 25th day of August, 19 77

Calleen Gray
(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0617/22-0620, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Teton River.
2. Denial of said application is for the following reasons: _____

Witness my hand this 30 day of November, 19 77

[Signature]
Deputy Director

FOR DEPARTMENT USE ONLY

Received by OW Date 8-25-77
Prelim. check by EMC Fee 30.00
Receipted by OW Date 8-25-77 #8390
Published in Spokane County Chron.
Pub. dates Sept. 22 & 29-1977
Watermaster recommendation requested on 9-15-77
WD #01 rec'd. 10-03-77
Art Person

Protest filed by _____

Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by EMC S.S.

CLAIMANT'S NAME Norval Bir CLAIM IDENT. NO. A 22-00634

DATE RECEIVED 12-14-88 CK # 200a AMOUNT \$ 66 YES NO

- 1. Is the name and address complete with zip code? ☒ YES ☐ NO
- 2. Is a priority date entered? ☒ YES ☐ NO
- 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.** ☒ YES ☐ NO
- 3. (a) Is a source entered? ☒ YES ☐ NO
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO
- 4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO
- 5. Is there a description of the diverting works? ☒ YES ☐ NO
- 6. 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. ☒ YES ☐ NO
Is the period of use included? ☒ YES ☐ NO
Is a quantity claimed for each use? ☒ YES ☐ NO
- 7. Is a total quantity claimed entered? ☒ YES ☐ NO
- 8. If required is a consumptive use entered? ☒ YES ☐ NO
Is the consumptive use correct? ☒ YES ☐ NO
- 9. 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, see Adjudication Memo # 4. ☒ YES ☐ NO
- 10. Is (are) the place(s) of use entered? ☒ YES ☐ NO
- 11. Is (are) the county(ies) entered? ☒ YES ☐ NO
- 12. Is the ownership of p.u. checked? ☒ YES ☐ NO
- 13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
- 14. 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.) ☒ YES ☐ NO
- 15. Is the basis of the claim checked? ☒ YES ☐ NO
- 16. 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?) ☒ YES ☐ NO
- Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO
- Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO
- Is the fee enclosed correct? ☒ YES ☐ NO
- If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO
- Should this claim be receipted and data entered? ☒ YES ☐ NO

Claim checked by: [Signature]

Comments: _____

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JUN 06 2007

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO IN AND FOR THE

COUNTY OF FREMONT

CASE NUMBER 5254
 DISTRICT COURT
 NINTH JUDICIAL DISTRICT
 County of Fremont, State of Idaho
 FILED 6-4-1954
Jack A. Stone
 By _____
 DEPUTY CLERK

FLOYD GARDNER, LELAN ANDERSON,
 WILLIAM D. HOLLIST, DEAN CHAIN
 YOSHIHISA UGAKI, ALBERT BIRCH,
 DAVID LEROY GARDNER, MARK CLARK,
 and EVA B. CUTLER,

Plaintiffs,

-vs-

LYNN CRANDALL, Water Master, Water
 District No. 36, of the State of Idaho.

Defendant.

FINDINGS OF FACT, CONCLUSIONS

OF LAW AND JUDGMENT

This cause came regularly on for hearing before the Court sitting without a jury at the Court Room in the Court House at St. Anthony, Fremont County, Idaho, Willard C. Burton, Attorney at Law, St. Anthony, Idaho, appeared for and on behalf of the plaintiffs and the defendant failed to appear either in person or by counsel, and it appeared that the defendant had been duly and regularly served with process herein, and that his default for failing to appear within the time allowed by law had been duly entered, it was ordered that said default entry be and the same is hereby confirmed.

It further appeared that notice had been given as required by law and by order of this court by publication in a newspaper, and that no one had appeared to enter any objections;

Competent evidence having been given in support of the complaint and it appearing therefrom that the allegations of the complaint are materially correct, and the Court being fully advised in the premises and in the law, makes its findings of fact and conclusions of law and judgment herein as follows, to wit:

I

That the plaintiffs, and each of them, are residents of the County of Fremont, State of Idaho;

II

That since on or about the 1st day of March, 1930, the defendant Lynn Crandall, has been and now is the duly elected, qualified and acting Watermaster of Water District No. 36 of the State of Idaho, which includes

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JUN 6 6 2007

within its boundaries the county of Fremont.

III

That the Teton River is a tributary of the Snake River and flows through the south and east part of Fremont County and flows particularly through section 36, Township 7 North, Range 40 East Boise Meridian; that, in fact, near the boundary between Sections 30 and 31 of Township 7 North, Range 41 East Boise Meridian, and before it enters Section 36 of Township 7 North, Range 40 East Boise Meridian, the said river divides, and one fork thereof, commonly known as the North Fork crosses Section 36 in the north part thereof, and the other fork flows diagonally from the north-central part thereof to the south west corner; that the land described in the complaint on file herein and for which an adjudication of water rights is sought lies along the banks of said Forks of said river; that all said lands are arid in character and require artificial application of water to make them agriculturally productive.

IV

That prior owners of the property, above mentioned, subject of this action, who settled said land in the first instance and appropriated water for the use thereof did so between the years 1895 and 1904, and that by December of 1903, all of said lands had been settled and water appropriated for the use thereof in amounts hereinafter indicated; that the use of said water since appropriation in the first instance, as aforementioned, in the respective amounts hereinafter mentioned has been continuous and for a beneficial purpose and uninterrupted;

V

That rights to the use of the waters of the Snake River and its tributaries were heretofore decreed in this Court in the action entitled Rexburg Irrigation Company, et al., plaintiffs vs. Teton Irrigation Canal Company, et al., defendants, and judgment was made and entered therein under date of December 16th, 1910, and appears of record in Book B of Judgments at page 449, records of Fremont County, Idaho. That H. J. Clark, owner in 1898 of property described as the South West Quarter of the South West Quarter of Section 36, Township 7 North, Range 40 E. B. M. had appropriated water for the use thereof prior to ^{May} ~~May~~ 16 of 1898 and obtained an adjudication in the case above-mentioned of 160 inches of water for property described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 EBM and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section, township and range; that the said H. J. Clark, did not in 1898, nor at any other time

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JUN 0 6 2007

own any interest in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 7 N., R. 40 EBM so far as can be ascertained from the records, and in so far as the adjudication of water right concerned said property it was of no value, but he had acquired a right in and to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section and had appropriated water there-fore, and the adjudication of water right therefore in an amount of 80 inches should be confirmed and is binding on all parties.

VI

That owners of all other property subject to this action did nothing so far as can be ascertained to obtain record title to water appropriated for the use thereof, but that they had, by December 1, of 1903 appropriated water for the use thereof as hereinafter indicated; that they are entitled to an adjudication of record showing priority as of that date;

CONCLUSIONS OF LAW

From the foregoing findings of fact the Court concludes as a matter of law that Lelan Anderson, as successor in interest of H. J. Clark, in and to all that property described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 EBM is entitled to priority of water right for the use thereof in an amount of 80 inches with priority date of ~~May~~ 15 1898, per decree already entered; that the other plaintiffs are entitled for their respective properties in amounts hereinafter shown to a priority date of December 1, 1903;

JUDGMENT

It is hereby ORDERED, ADJUDGED and DECREED that the plaintiffs be, and each of them is hereby, awarded priority right to the use of water of the Snake River and its tributary the Teton River, in amount and as of priority date hereinafter indicated for the purpose of irrigation and domestic use:

FLOYD GARDNER: 160 inches Dec. 1, 1903
The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 EBM

LELAN ANDERSON: 80 inches ~~May~~ 15, 1898
The SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC. 36, T 7 N., R. 40 EBM.

William D. HOLLIST: 10 $\frac{1}{2}$ inches DEC. 1, 1903
That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T 7, N, R 40 EBM, which is north of the Teton River

YOSHIHISA UGAKI: 150 inches Dec. 1, 1903
Commencing at the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 36, T 7 N., 40 EBM, running thence west 60 rods, thence south 53 $\frac{1}{3}$ rods, thence east 60 rods, thence south 26 $\frac{2}{3}$ rods, thence east 40 rods, thence north 20 rods, thence east 40 rods, thence north 20 rods, thence west 40 rods, thence north 11 rods, thence west 40 rods, thence north to the point of beginning.
ALSO: The west $\frac{1}{2}$ of the west 10 acres of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36 T 7 N., R 40 EBM
ALSO: The South 57 $\frac{1}{2}$ rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM

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ALBERT BIRCH: 60 inches Dec. 1, 1903
All the part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM lying
and being south of the Teton River

Eva B. CUTLER: 60 inches Dec 1, 1903
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM

DAVID LEROY GARDNER: 80 inches Dec 1, 1903
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 36, T 7 N., R 40 EBM

MARK CLARK: 80 inches Dec 1, 1903
That part of the south $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec 30 and of the east
70 rods of the NW $\frac{1}{4}$ of Sec 31 of T 7 N., R 40 EBM which lies
between the Forks of the Teton River

DEAN CRAIN: 110 inches Dec 1, 1903
Beginning at the NW corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 36, T 7 N., R 40
EBM and running thence North to the North Fork of the Teton River
thence following the south bank of the said Fork of said River
to the west line of the NE $\frac{1}{4}$ of said section, thence south approx-
imately 66 rods to the Garner Ditch, thence westerly along the
Garner Ditch bank approximately 78 rods, thence north to the point
of beginning.

Said adjudication being under authority of and in accord with the
provisions of Sec. 42-1405 Idaho Code.

Done this 6th day of April, 1954.

Henry S. Martin
District Judge

279076

Filed for record at the request of

Willard C. Burton

of _____

05 minutes past 3

P. M. 4

June 54

Judg. 166

✓

Jack A. Stone

Maud Bird

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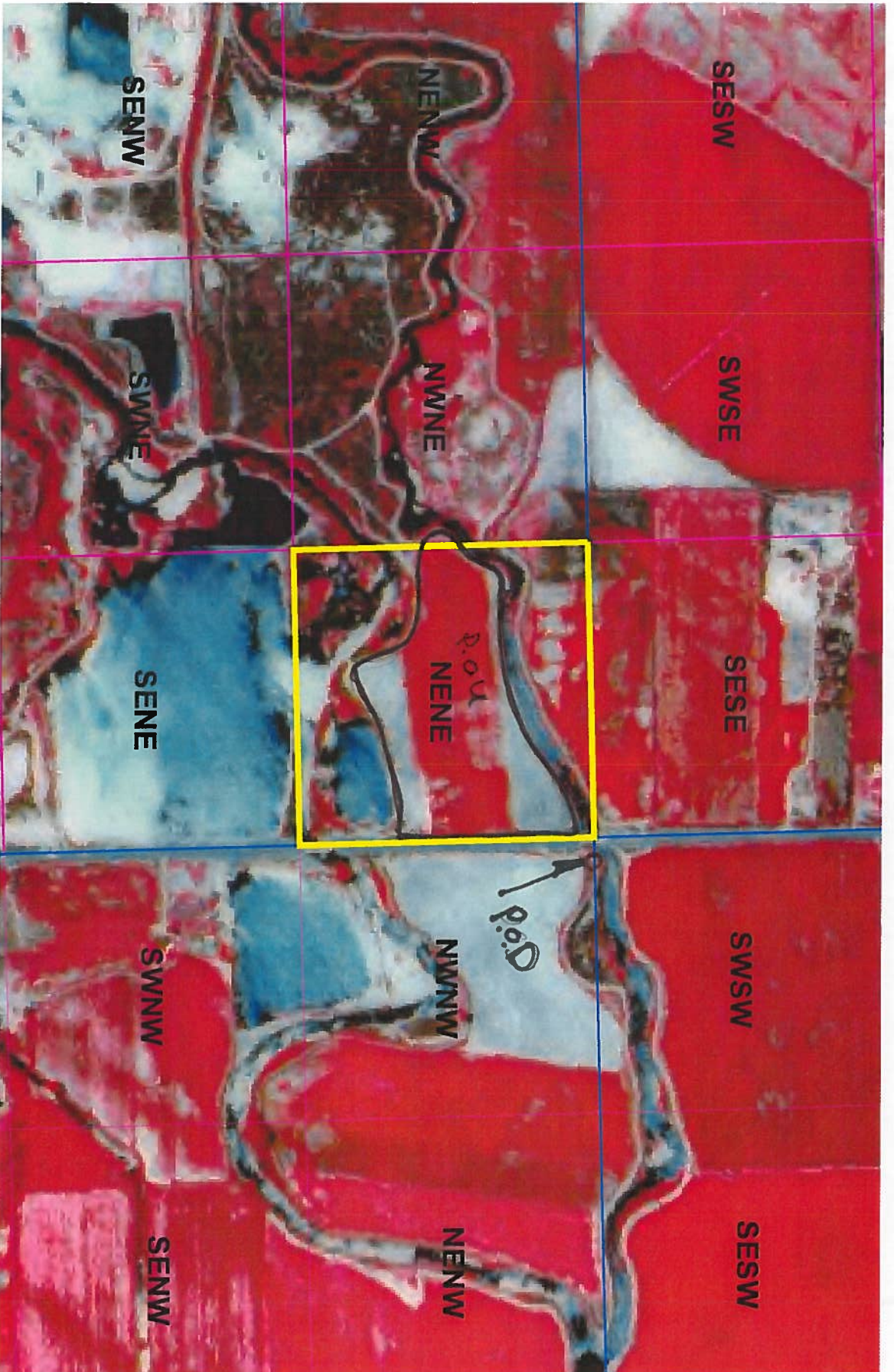
JUN 06 2007



A22-12528 (left) A22-634 (right)

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JUN 06 2007

Township 07N
Range 40E
Section 36



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JUN 06 2007

Notes:

Water Right #: 2200634

Examiner

Date:





22-12528

22-634

2 points

City of Teton

16N, R41E
17N, R41E

30 29
31 32

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JUN 06 2007

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: A22-00634
Date Received: 12/14/1988
Receipt No: E005251
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORVAL W. BIRCH
Address: 236 E. MAIN
ST. ANTHONY, ID

208-624-3315

83445

2. Date of Priority: DEC 01, 1903

3. Source: TETON RIVER, NORTH FORK Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	41E	31	NW	NW	NW		FREMONT

5. Description of diverting works:
20 HP PUMP WITH 4" DISCHARGE TO 6" MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	40E	36	NE	NE		IRR	16.0

Section Acres 16.0

Total Acres 16.0

A22-00634

Page 1

Date: 02/08/89

A2200634



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11. Place of use in counties: FREMONT
12. Do you own the property listed above as place of use? YES
13. Other Water Rights Used:

14. Remarks:
TRANS. #2168.

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

FLOYD GARDNER

Decree Plaintiff

vs

LYNN CRANDALL, W. M.

Decree Defendant

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: 30356

Ident. Number

A22-00634

Date Received

12-14-88

Receipt Number

E005251

RECEIVED

DEC 14 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) NORVAL W. BIRCH Phone (208) 624-3315Mailing Address 236 EAST MAIN, ST. ANTHONY, IDAHO Zip 834452. Date of Priority (Only one (1) per claim) DECEMBER 1, 19033. Source of water supply (a) NORTH FORK OF TETON RIVER
which is tributary to (b) NORTH FORK OF SNAKE RIVER4. a. Location of existing point of diversion is: Township 7N Range 4/E Section 31,NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of FREMONT

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.20 H.P. PUMP WITH 4 IN. DISCHARGE
INTO SIX IN MAIN LINE

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JUN 06 2007

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IR RIGATION purposes from 4-1 to 11-1 amount 1.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ 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	
7	40	36	16																16

Total number of acres irrigated 16

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

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

or None (X)

14. Remarks:

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OCT 28 1992

Last Name BIRCH Ident No. _____

Copies: White -State, Yellow-Claimant

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

Decree X

If applicable provide IDWR Water Right Number 22-00634

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 X 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) Novel W. Birch Date 12-12-88

Date _____

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

Title

of _____, 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 _____) SS.

Subscribed and sworn (or affirmed) before me this 12 day of December 19 88

SEAL

Notary Public Dale L. Svendsen

Residing at St. Anthony, Idaho

My Commission Expires May 18, 1993

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 _____

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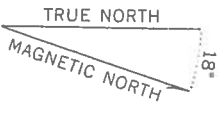
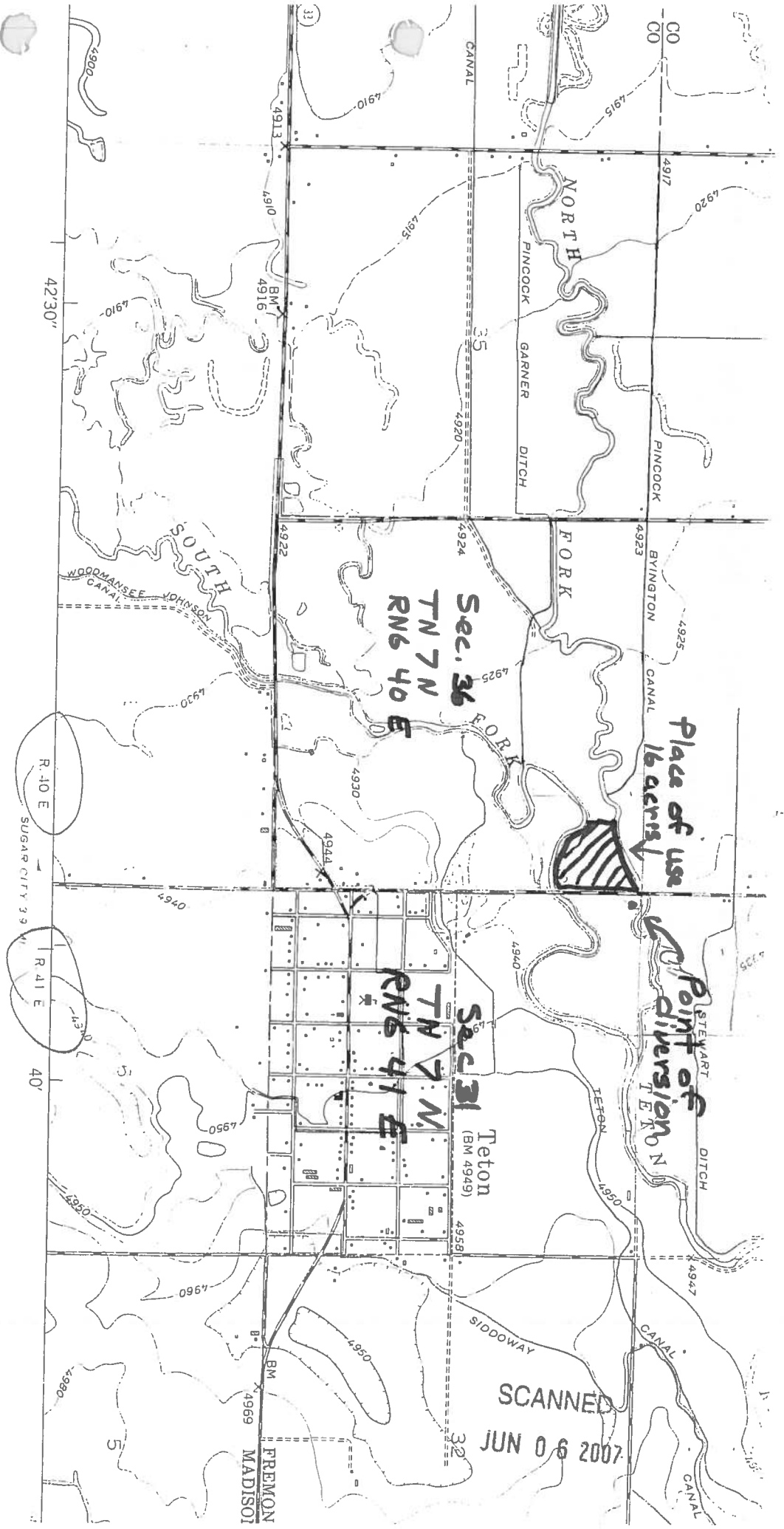
JUN 06 2007

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OCT 28 1992

Last Name BIRCH Ident. Number _____

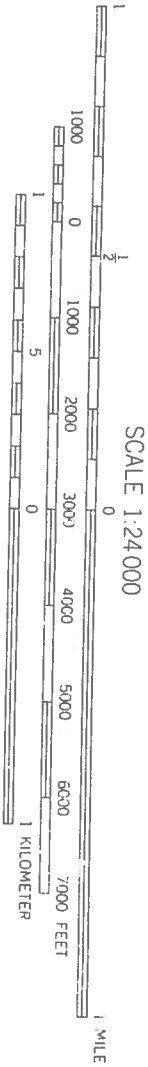
Copies White-State, Yellow-Claimant



APPROXIMATE MEAN DECLINATION, 1948

B. R. C. H.

MICROFILMED OCT 28 1992



SCALE 1:24,000

CONTOUR INTERVAL 10 FEET
DASHED LINES REPRESENT HALF-INTERVAL CONTOURS
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO OR WASHINGTON 25, D. C.

HARD-SURFACE AL
Heavy-duty
Medium-duty
Loose-surface, E
U

SCANNED JUN 06 2007