

02/01/2006

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

RIGHT NUMBER: 22-4006

NAME AND ADDRESS: BARRY SILVERSTEIN
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: BUTTERMILK DRAW CREEK

TRIBUTARY: HORSESHOE CREEK

QUANTITY: 0.200 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/01/1923

POINT OF DIVERSION: T05N R44E S28 SESESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	4/01 11/01	0.200 CFS

PLACE OF USE: STOCKWATER Within TETON County
T05N R44E S28 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



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

September 15, 2005

BARRY SILVERSTEIN
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-4006

Dear Mr. Silverstein:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree

Technical Records Specialist

Enclosure

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
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22-4006

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant Bevan Family Partnership, c/o Bessie Rudolph
803 Berryman Rd., Driggs, ID 83422
4. New Owner/Claimant(s) Barry Silverstein
Name connector (check one): [] and [] or, [] and/or
New Mailing Address c/o Holden, Kidwell, Hahn & Crapo, PO Box 50130
City, State and ZIP Code Idaho Falls, ID 83405-0130
New Telephone Number 208-523-0620
5. Date you acquired the property July 6, 1989

Rec'd IDWR
1/06/05
ABR

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)

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

For Office Use Only

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

WARRANTY DEED

THIS INDENTURE, made this 6th day of July, 1989, by BEVAN FAMILY PARTNERSHIP, an Idaho General Partnership, the party of the first part, and Barry Silverstein, whose mailing address is Paleface, Jay, New York 12941, the party of the second part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and OTHER GOOD AND VALUABLE CONSIDERATION, to the party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell, convey and confirm unto the party of the second part, and to the party of the second part's successors and assigns, forever, all of the following described real estate situated in the County of Teton, State of Idaho, to-wit:

TOWNSHIP 5 NORTH, RANGE 44 EAST, BOISE MERIDIAN,
TETON COUNTY, IDAHO:

Section 28: SE1/4 and the S1/2SW1/4
Section 33: N1/2

LESS: A Tract of land lying North of the Horseshoe Creek Road in the S1/2SW1/4 of Section 28, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, being further described as:
Beginning at the NW corner of the S1/2SW1/4 of said Section 28 and running South 0 degrees 06'00" West, 237.90 feet; thence North 88 degrees 38'56" East, 260.30 feet; thence South 89 degrees 49'51" East, 319.81 feet; thence North 61 degrees 26'24" East, 485.07 feet; thence North 89 degrees 57'15" West, 1005.66 feet to the point of beginning.

SUBJECT to the following:

1. All existing patent reservations, protective covenants, zoning ordinances, applicable building codes, laws, regulations and conflicts in exterior boundary lines which a correct survey would disclose.

2. Reservations in the United States Patent, recorded at the RECORDED February 14, 1923, in Book 45 at page 378, Official records of

First American

104473

MINUTES PAST 2 P. M.

July 6, 1989

Wayne Schiess

Nora Hill

FILMED ☒
INDEXED ☒
PLATTED ☒

Teton County, Idaho, wherein all coal is reserved to the United States. (N1/2NW1/4 Sec. 33 & S1/2SW1/4 Sec. 28)

3. Warranty Deed granted by Richard Ripplinger & Elise Ripplinger, husband and wife, to W. E. Barton, granting a 1/8 undivided interest in all Oil rights and Gas rights, recorded October 25, 1927, in Book 55 at page 396, records of Teton County, Idaho. (S1/2NW1/4 Sec. 33)

4. Right, title and interest of Teton County by Quitclaim Deed granted by the Union Pacific Railroad to Teton County, recorded May 3, 1941, in Book 73 at page 167, records of Teton County, Idaho.

5. Reservations in Warranty Deed granted by S. N. Dewey, Geraldine D. Dewey, W. C. Dewey and Laura E. Dewey to H. Ross Bevan and Eliza Bevan, husband and wife, recorded October 3, 1949, in Book 77 at Page 294, records of Teton County, Idaho, wherein grantors reserve all Oil, Gas and Minerals located on or beneath the surface of said lands as well as all mining and mineral rights of every kind whatsoever and further reserve the right to enter upon said lands to prospect and remove any of the foregoing and to construct or establish thereon all the necessary facilities for such prospecting, mining, and removal of any oil, gas and minerals, it being understood that the grantors, their heirs, and assigns shall have and maintain all such mining rights as they would have been entitled to had this deed never been made. (S1/2S1/2 Sec. 28 & N1/2N1/2 & S1/2NW1/4 Sec. 33)

6. Oil and Gas Lease granted by IGC Production Company to Supron Energy Corp., recorded June 4, 1979, Recorder's No. 83370, records of Teton County, Idaho. (S1/2NW1/4 Sec. 33)

7. Survey for Bevan Family Partnership by Arnold W. Woolstenhulme, recorded March 3, 1989, Recorder's No. 103938, records of Teton County, Idaho. (Sec. 28)

8. Warranty Deed granted by H. Ross Bevan and Eliza Bevan, husband and wife, to W. C. Dewey and Laura E. Dewey, husband and wife, and S. N. Dewey and Geraldine D. Dewey, husband and wife, granting all oil and mineral rights existing under, and together with all incidental rights pertinent thereto, recorded April 28, 1950, in Book 77 at Page 311, records of Teton County, Idaho. (S1/2NE1/4 Sec. 33-5-44)

9. Property taxes for the year 1989.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, of the party 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 the party of the second part's successors and assigns forever. The party of the first part and the party of the first part's heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of the party of the second part, and the party of the second part's successors and assigns, against the party of the first part, and the party of the first part's heirs and successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the party of the first part hereunto has set its hand the day and year first above written.

BEVAN FAMILY PARTNERSHIP

By Bessie B. Rudolph
Bessie B. Rudolph, General Partner

By Heber Glen Bevan
Heber Glen Bevan, General Partner

By Lowell J. Bevan
Lowell J. Bevan, General Partner

By Lucy May Clark
Lucy May B. Clark, General Partner

STATE OF IDAHO)
) ss.
County of Teton)

On this 6th day of July, in the year 1989, before me, the undersigned Notary Public in and for said state, personally appeared BESSIE B. RUDOLPH, known or identified to me to be one of the partners in the partnership of Bevan Family Partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me she executed the same in said partnership name.

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

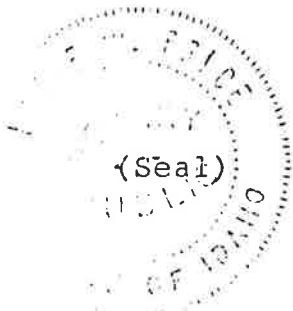


Wayne W. Rice
Notary Public for Idaho
Residing at Driggs
My commission expires 5-19-94

STATE OF IDAHO)
) ss.
County of Teton)

On this 6th day of July, in the year 1989, before me, the undersigned Notary Public in and for said state, personally appeared HEBER GLEN BEVAN, known or identified to me to be one of the partners in the partnership of Bevan Family Partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me he executed the same in said partnership name.

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



Wayne W. Rice
Notary Public for Idaho
Residing at Driggs
My commission expires 5-19-94

STATE OF IDAHO

)

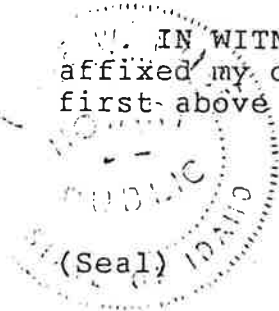
)ss.

County of Teton

)

On this 6th day of July, in the year 1989, before me, the undersigned Notary Public in and for said state, personally appeared LOWELL J. BEVAN, known or identified to me to be one of the partners in the partnership of Bevan Family Partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me he executed the same in said partnership name.

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



Wayne W. Davis
Notary Public for Idaho
Residing at Driggs
My commission expires 5-19-94

STATE OF IDAHO

)

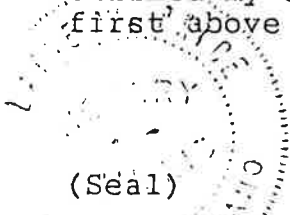
)ss.

County of Teton

)

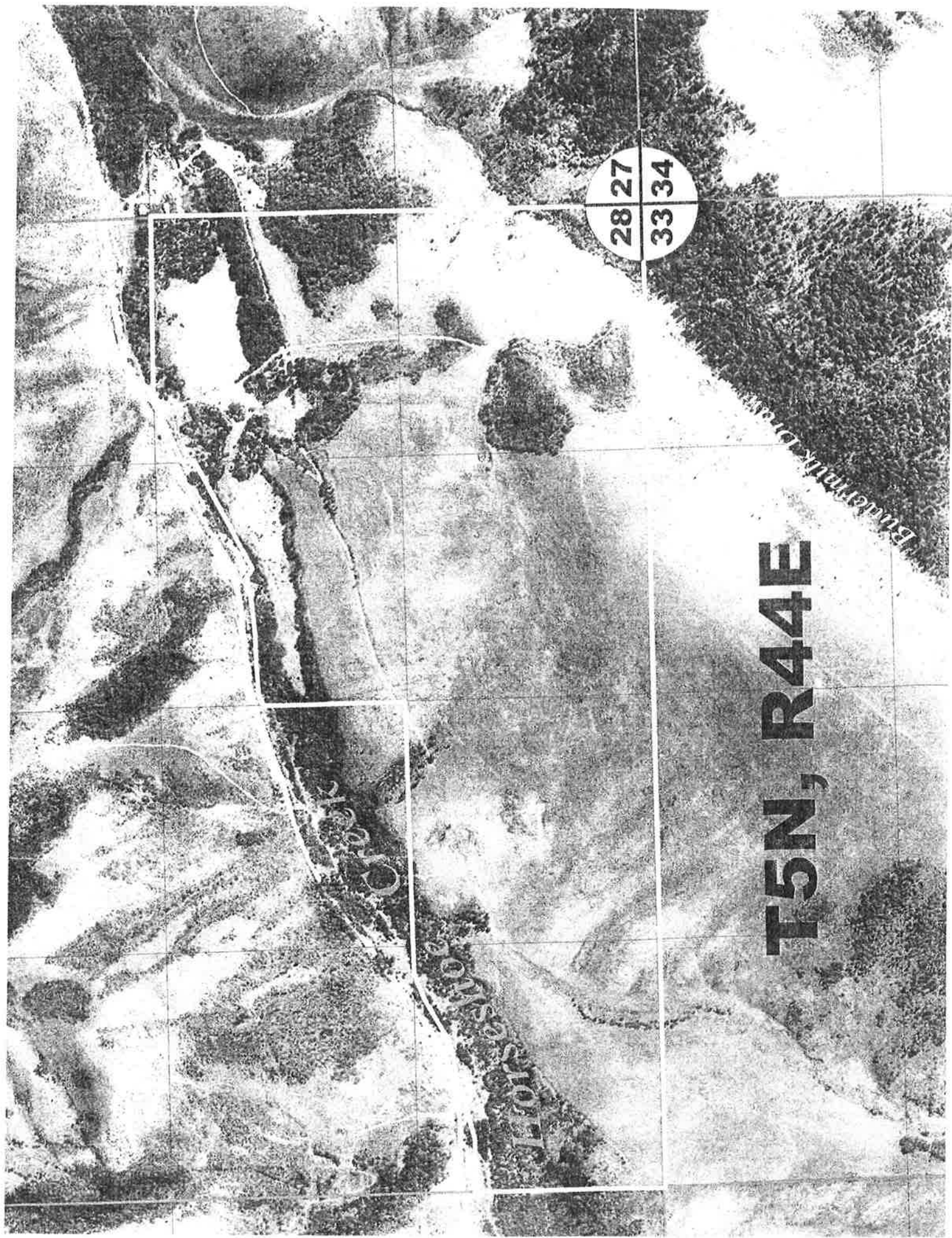
On this 6th day of July, in the year 1989, before me, the undersigned Notary Public in and for said state, personally appeared LUCY MAY B. CLARK, known or identified to me to be one of the partners in the partnership of Bevan Family Partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me she executed the same in said partnership name.

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



Wayne W. Davis
Notary Public for Idaho
Residing at Driggs
My commission expires 5-19-94

1104h/CAH/rfs
#2059.01



28 27

33 34

T5N, R44E

Creek

LORSE

Buckhorn Creek

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

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

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

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

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

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

January 5, 2005

RECEIVED
JAN 06 2005

Department of Water Resources
Eastern Region

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

RE: Notice of Change of Water Right Ownership - Water Right No. 22-4006

Dear Jennifer:

We are enclosing with this letter a Notice of Change of Water Right Ownership for water right number 22-4006 together with a map and a copy of a relevant Warranty Deed. Thanks for your kind attention to this matter.

Yours very truly,



Kent W. Foster

Enclosures



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

May 12, 2005

BARRY SILVERSTEIN
C/O KENT FOSTER ATTY
PO BOX 50130
IDAHO FALLS ID 83405-0130

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04006

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of OCTOBER 1, 1923, from BUTTERMILK DRAW.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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

October 18, 2004

Barry Silverstein
5111 Ocean Blvd Suite C
Sarasota FL 34242

IMPORTANT NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04006

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of October 1, 1928, from Buttermilk Draw (Creek).

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

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

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have



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

October 18, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BARRY SILVERSTEIN
5111 OCEAN BLVD SUTE C
SARASOTA FL 34242

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-4006
& EVIDENCE OF PRIORITY PAMPHLET

Dear Mr. Silverstein:

It has come to our attention that you may have recently purchased a tract of land in Teton County. The property to which I am referring was most recently owned by the Bevan Family Partnership. The legal description is as follows:

T05N, R44E, S28, SESE

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s). A form is enclosed for your use.

In addition, instructions are enclosed for establishing evidence of priority of your water right. Please review the pamphlet and submit your evidence.

If you have questions regarding these matters, please call 525-7161 and speak to Senior Water Agent Allen Ruberry.

Respectfully submitted,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

11/06/2005 No RESPONSE TO REQUEST.
5/12/05 No Response

Need c/o or c/A.

Current owner Barry Silverstein

Mailing address: 511 Ocean Blvd Suite C
Sarasota, FL 34242

10/19/04 Sent Co & Request for Evidence of Priority to
Above Address



Silverstein Claim out of Buttermilk Draw
which flows into Horseshoe Creek,

Water Right No(s). _____



GPS DATA:

Tag # ADP 13895 Location: Placed on an aspen tree just east of diversion

Diversion Data:

Source: Buttermilk Draw Trib to: Horseshoe Creek

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

There is no headgate or dam currently in stream

Field Exam Date: 10/4/04 Agent: DO

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

10/4/04
 Field exam showed a small stream with a ditch coming off it. There is no headgate, but it appears that a dam has been used to divert the water.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:10/4/04
DO

Field exam showed this claim is a small meadow, approx 10 acres. It is used for pasture. It is irrigated by means of ditches.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

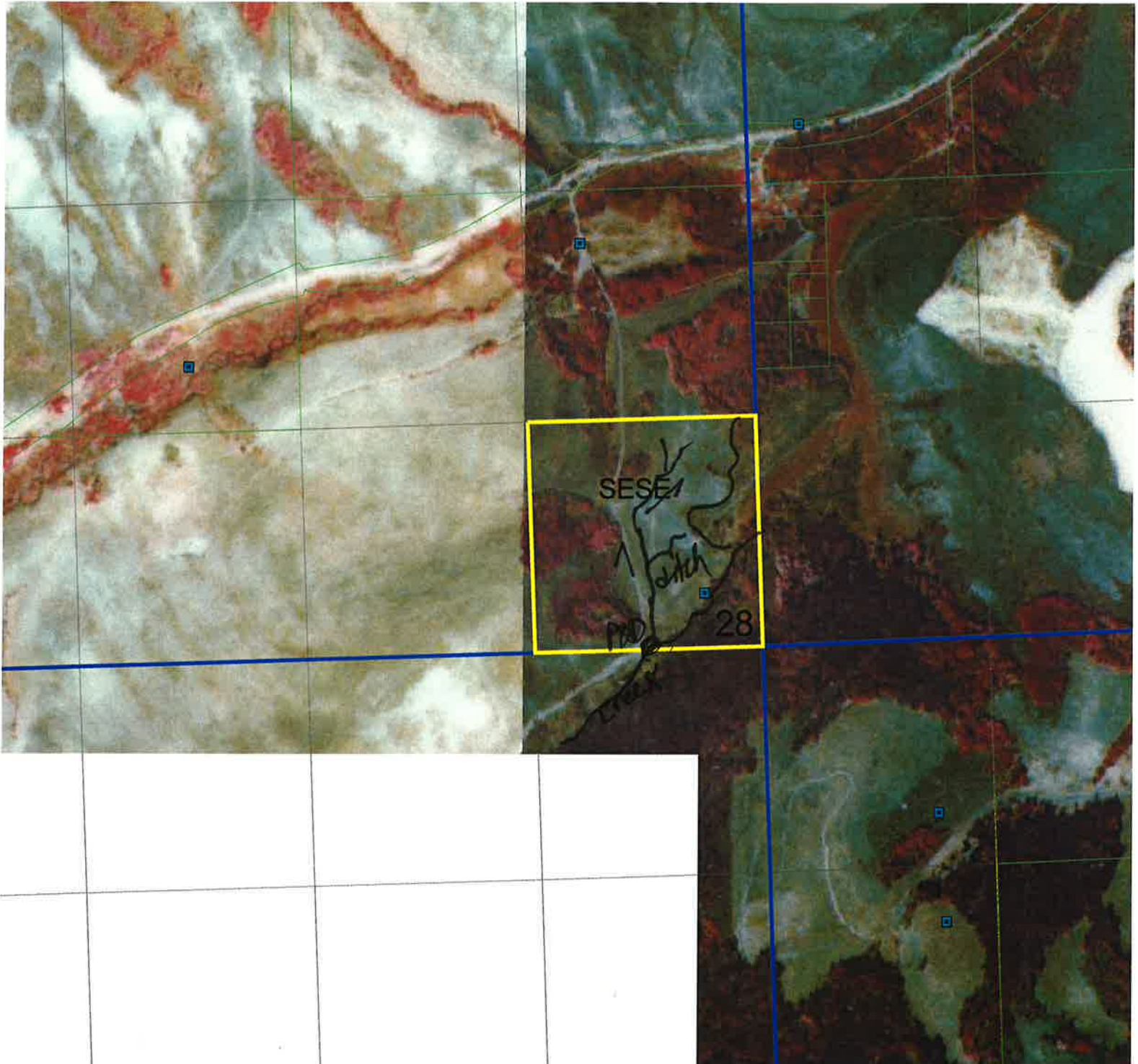
Reviewer: _____

Date: _____

22-4006

5N 44E

10/4/04
QO



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: A22-04006
Date Received: 8/31/1988
Receipt No: 600/969
Received By: EBN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEVAN FAMILY PARTNERSHIP 208-354-2907
Address: C/O BESSIE RUDOLPH
803 BERRYMAN RD.
DRIGGS, ID 83201

2. Date of Priority: OCT 01, 1923

3. Source: BUTTERMILK DRAW Trib. to: HORSESHOE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	28	SE	SE	SE		TETON

5. Description of diverting works:
WATER DIVERTED FROM STREAM TO DITCHES FOR FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	04/01	11/01	0.200		

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

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 170 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	28	SE	SE		IRR	10.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	44E	28	SE SE		STOCK	
Section Acres						10.0
Total Acres						10.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

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

Ellen Jones
Signature of Authorized Agent

Partner of Benan Family Partnership
Title and Organization

Aug. 31 1988
Date

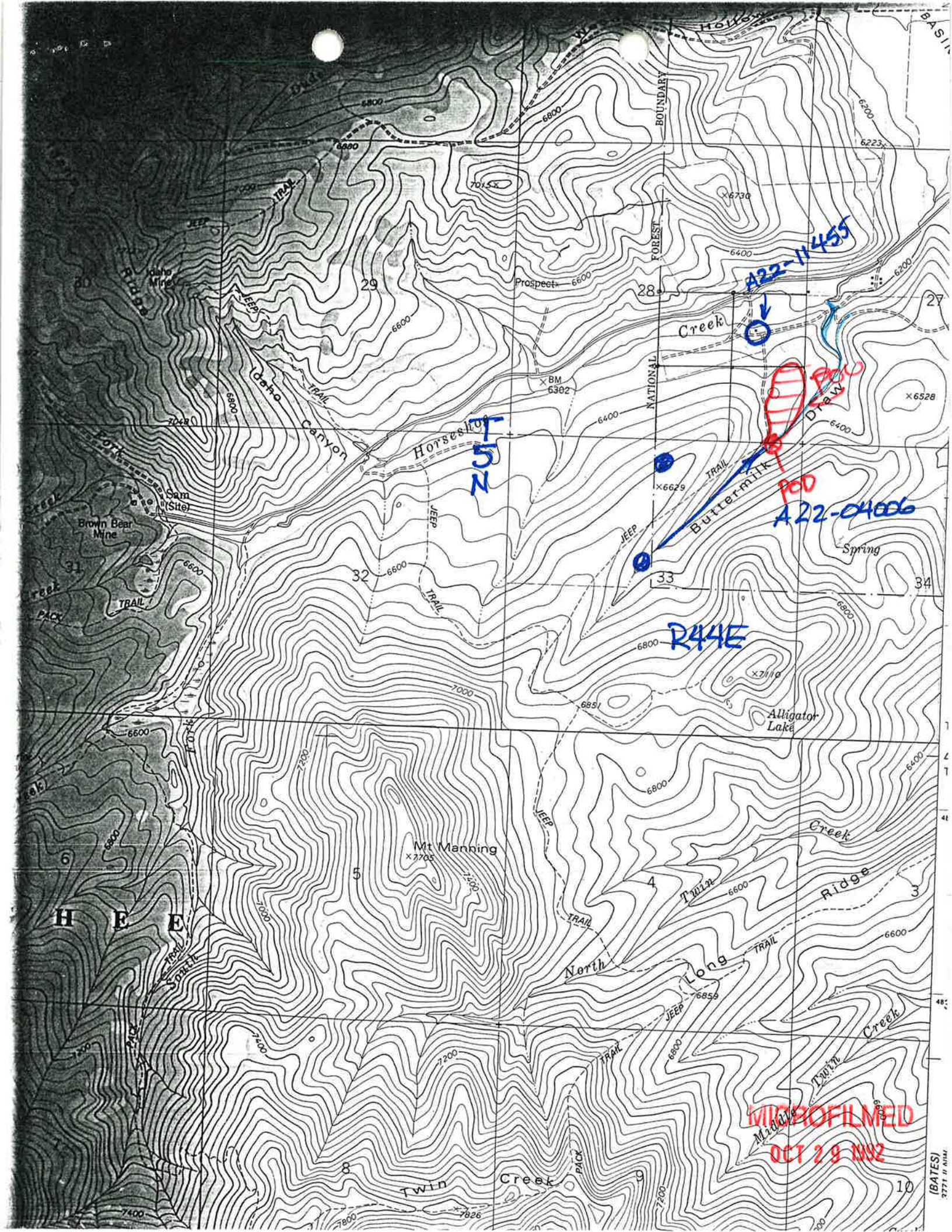
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31 day
of August 19 88

[Signature]
Notary Public

Residing at Idaho Falls, Idaho
My Commission Expires 22 Aug. 1984





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