

02/20/2004

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

RIGHT NUMBER: 23-2065A
NAME AND ADDRESS: TROY HICKS
PO BOX 4
SWAN VALLEY ID 83449

TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

SOURCE: GROUND WATER
QUANTITY: 0.240 CFS
101.900 AFY
PRIORITY DATE: 06/23/1960
POINT OF DIVERSION:

TRIBUTARY:

T01N R44E S7 SWSWNW Within BONNEVILLE County
T01N R44E S7 SWSENE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.240 CFS 101.90 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S07 Lot 2 SWNW	37.0	T01N R44E S07	SENE	34.0
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71 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: License

SOURCE CHANGED FROM OPEN PITS TO SAND POINT WELLS.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM THE PALISADES IRRIGATION CO.



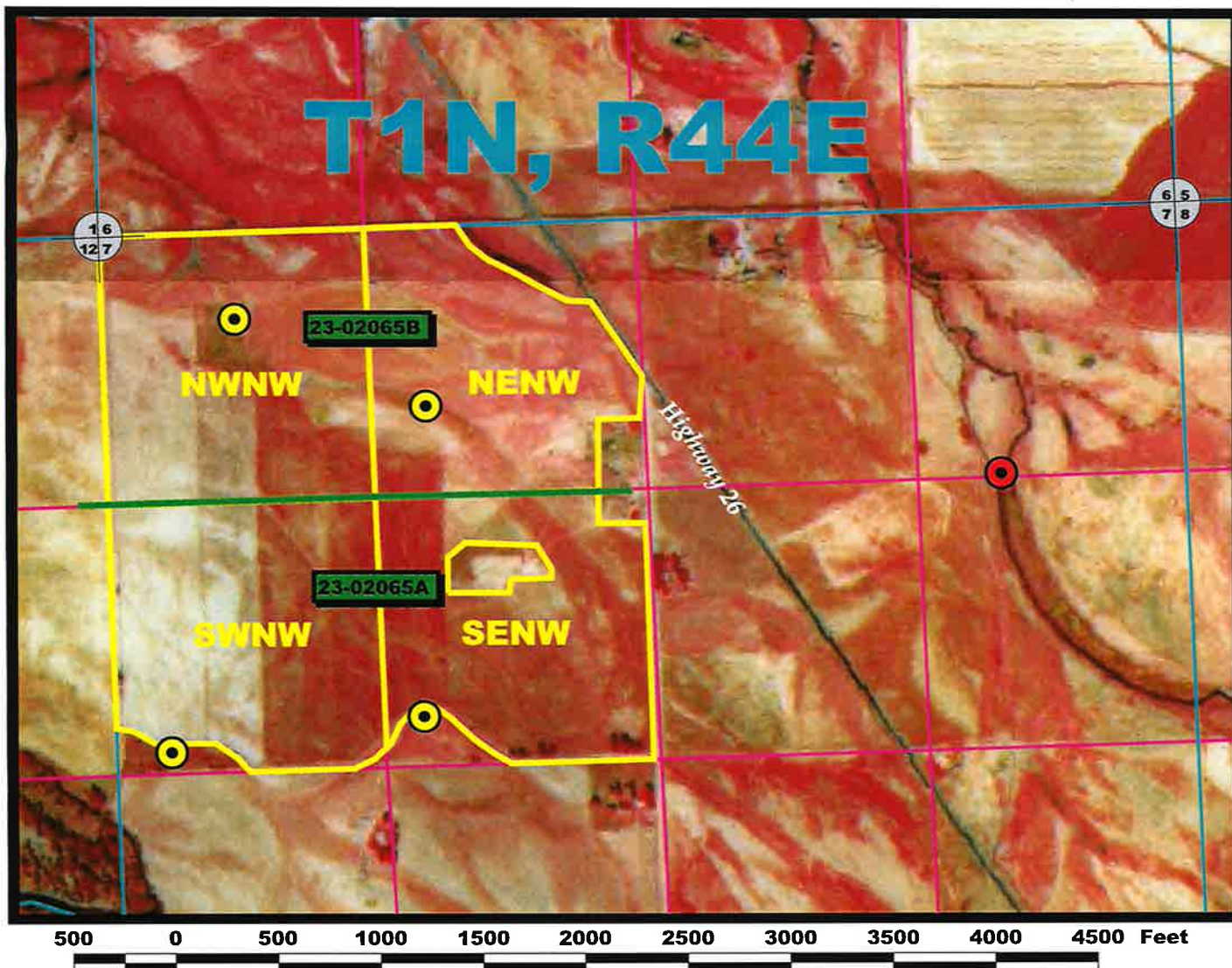
JUL 13 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-2065A

23-2065B

Place of Use: (parts of)

T1N, R44E Sec. 7

(A part) N2NW, (B part) S2NW

Point(s) of Diversion:

T1N, R44E Sec. 7

(A part) NWNWNW, SWNENW

(B part) SWSWNW, SWSENW

LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2004

Contacts Data Entry Form

Water Right No. 23-2065A

Owner Type	Full Name	Address	City	State	Zip	Phone
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Current Owner Troy Hicks

Name connector: and _____, or _____, and/or _____

Current Owner C/O FILDD 1/22/01

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

LICENSED 25 JUNE 1973. SPLIT BY ADJUDICATION TO A
AND B.

LICENSED AS: 6/23/1960, @ 0.46 cfs on 150[±] ac. (all w/ NW^{1/4} Sec. 7)

SOURCE DEFINED BY LICENSE AS 'OPEN PITS OR WELLS'.

EXAMINER'S NOTES: " ... DIVERSION ARE PITS EXCAVATED ALONG THE
SLOUGH ... " I INTERPRET THIS 'OPEN PITS TO

MEAN PONDS ... THEY ARE NOT WELLS BY CONVENTIONAL THOUGHT.

CLAIM NOTES; Remarks #14, " ... MAN-MADE PONDS WITH A MAXIMUM
DEPTH OF 12 FEET. ... TRACTOR-POWERED PUMP ... TO TWO HANDLINES. "

SCANNED

JUL 13 2004

Remarks Yes?
 Canal shares

A. + B.

FB INDICATED: WHY IS 23-2065 SPLIT?, PDD's, PDD, Pump &
system ... FATHER HAD 230265 SPLIT RIGHT TO
FOR TWO SONS - A-TO E.R. B. THELL + B-TO H.D. B. THELL

Reviewer: _____

Date: _____

EACH. GOT 80 AC OF 160 AC. HOMESTED.
EACH. GOT. 50 SHARES. CANAL STOCK. CERTIFIC. # 3
WENT TO ER. CERT. # 4 WENT TO H.D. FATHER RETAINED
280 SHARES. CERTIFICAT # 29 100 shares # 6 180 shares P.D. 6/1/1900

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/23/1960 Claimed Basis: LieRecommended Priority Date: 6/23/1960 Recommended Basis: ☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

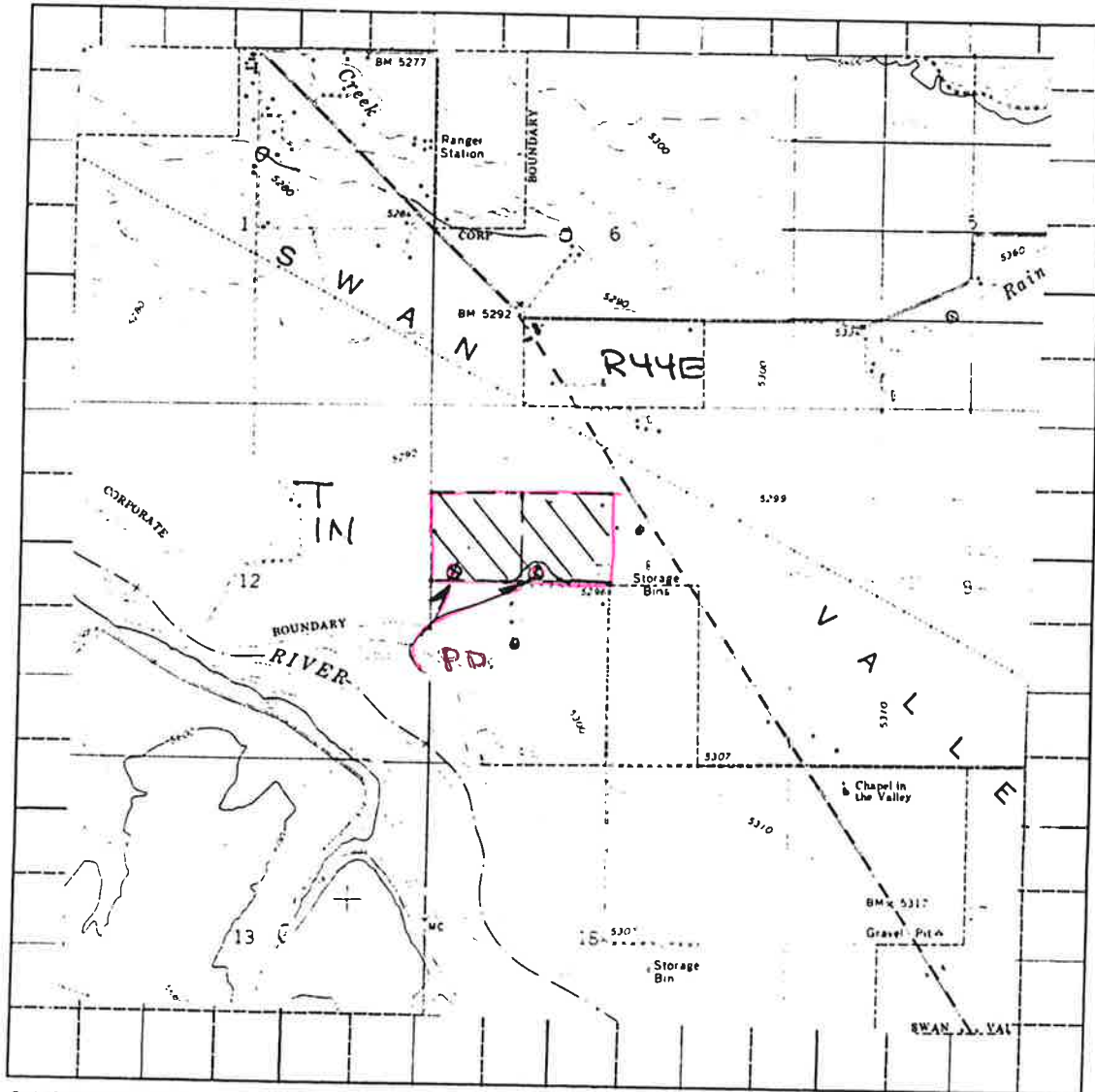
Priority matches Leconsis

Reviewer: _____

Date: _____

This looked like a better picture for
the other diversion points

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

23 7151

Permit
1991 Priority
No AS Claim Record

1. Name of applicant E. R. Bithell Phone 483-3085
Post office address 124 Cottonwood Rd. Swan Valley, ID 83449
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of Nh. $\frac{1}{4}$ Govt. Lot _____
Sec. 7 Township 1N Range 44E B.M. Bonneville County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.67 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.03 for Stock purposes from 5-1 to 10-01 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.67 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. two sandpoints driven less than 18' deep
with a portable pump to sprinkler lines (2) and water trough.
 - b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet, total
reservoir capacity _____ acre feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 4 inches, proposed depth of well is 12 feet
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. 100 head cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____
- _____
- _____

- 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 the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

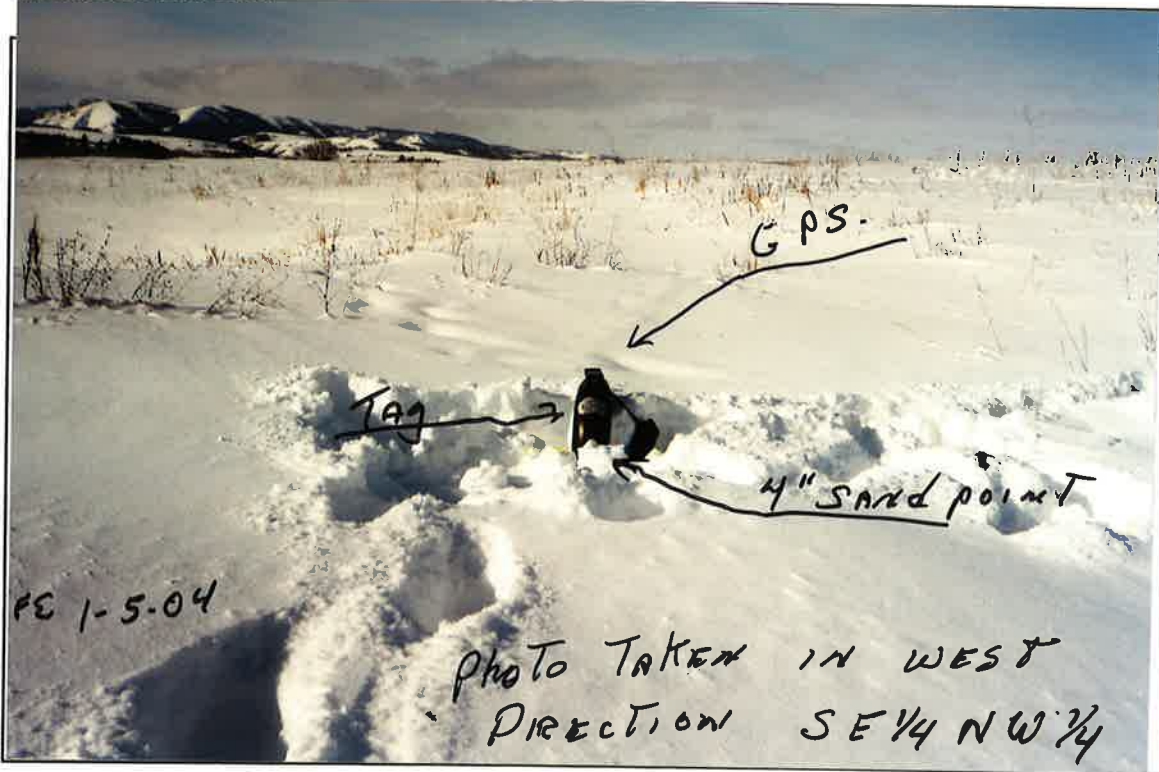
[illegible]

10. Describe any other water rights used for the same purposes as described above. Shares in Palisades
Irrigation Comp. AND A23-10119 A23-02065A

12. Remarks: _____

Water Right No(s).

A 2302065A



GPS DATA:

Tag # A.O 009521 Location: Well Casing

Diversion Data:

Source: GROUND WATER 4\"/>

MOTOR

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

PUMP

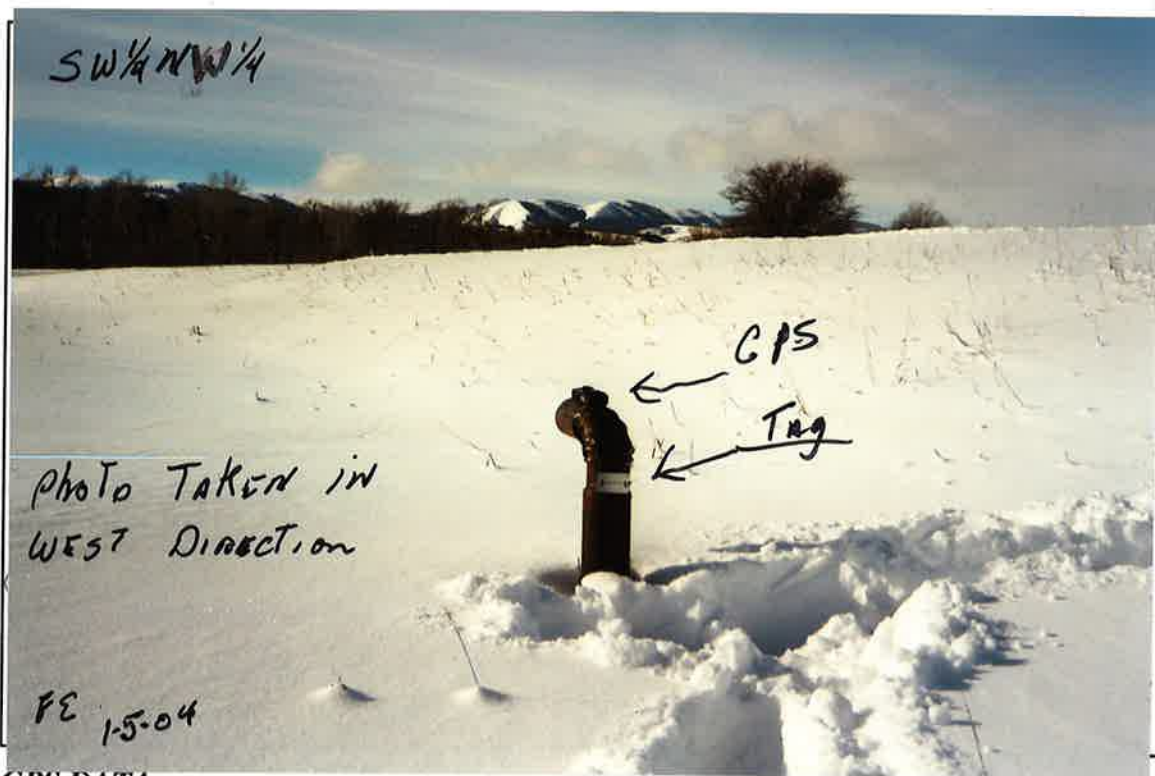
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

TROY HICKS PURCHASED LAND 2001
ALL THE EQUIPMENT PUMP, TRACTORS & PIPE
WERE KEPT BY PREVIOUS OWNER. E. R. BITHELL
MR HICKS HAS NOT IRRIGATED LAND SINCE
PURCHASE -

Field Exam Date: 1-5-2004 Agent: NICK OLSON

Water Right No(s). _____



GPS DATA:

Tag # AO 009522 Location: on well casing

Diversion Data:

Source: Ground water Trib to: 4" sand point

MOTOR

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

PUMP

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

NOTES:

Troy Hicks purchased land 2001 All
Equipment pump, tractor + sprinkler pipe main
lines were kept by previous owner E.B. Thell
Mr. Hicks has not irrigated land since purchase.

Field Exam Date: 1-5-2004 Agent: Nick Olson

Point of Diversion and Source Data Entry Form

Claim Number: _____

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T IN, R 44E, Sec. 7, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>IN</u>	<u>44E</u>	<u>7</u>		<u>NENW</u>	<u>BOHN</u>	<u>Uinnamoo Pond</u> (2 pts) SEE Orig. Lic.
				<u>NW1NW</u>	"	" (2 pts)!
				<u>SE1NW</u>	"	"

cφ3

Other rights from this POD? GPS POD's (4.5) TAG # 1. AD 00 9521 2 AD 00 9522

Document how the POD and Source were verified and/or Pump and Motor data:

Claims 4 PODs - RE's CLAIMED AND MAPS DO NOT FIT
BACH UTAH.

How many Actual POD's ARE USED?

Pump data:

Transfers Changing POD _____

Reviewer: _____

Date: 1-5-04

USOS SALISADOS Canal Water

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	7	SWNW		BONN		39	Panna.
			SE/NW		"		39	"

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Claims 78⁺ ac irrig w/ 0.24 cfs = 0.00307 cfs/ac $\Rightarrow$ NOT
 ECONOMIC EVEN FOR PASTURE. EVEN AT 0.01 cfs/ac = 24 ac (FB Ac's)
 Apparently NO OTHER Pts

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

___ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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
<i>Permit</i>	<i>4/1</i>	<i>11/1</i>	<i>0.24</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Permit</i>	<i>4/1</i>	<i>11/1</i>	<i>0.24</i>	<i>197 AR</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

LICKENSDO SOLL is 4/1 to 11/1; Q AS LICKENSDO IS: 0.46 cfs
AND 197 AR ON 150 AC (Both Parts: A & B). CLAIMED AS PARTS
A @ 0.24 ON 78 AC; PART B @ 0.22 ON 72 AC.
A 10244 AR B. 94⁵⁶ AR

Reviewer: _____

Date: _____

Log for claim 23-02065A

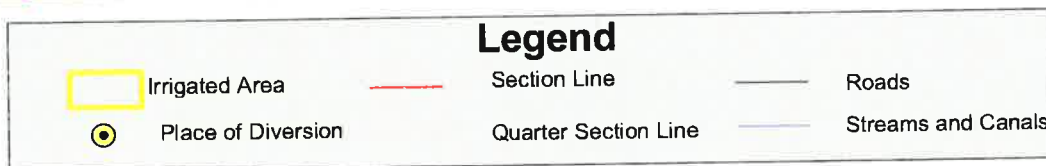
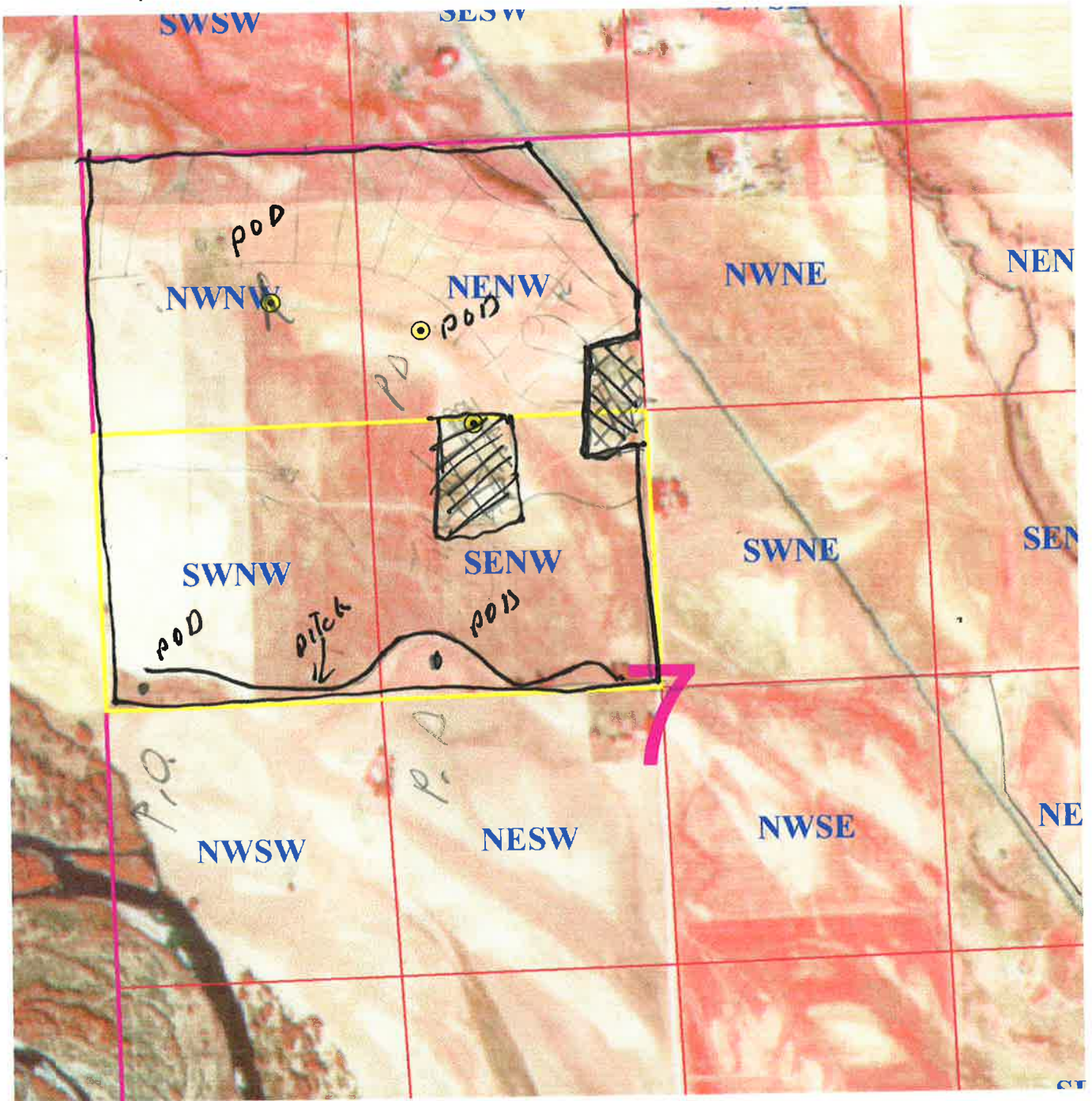
Spatial Dynamics BTD

6/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	7	SWNW	39	40	
01n44e	7	SENW	39	40	
Totals:			78	80	

Water Right Claim Number 23-02065A
Township , 1N44E

06/05/2001



SPATIAL DYNAMICS

NORTH S.W. S.P.

Received by HUT Date 6-24-91 Time _____ Preliminary check by JRN
Fee \$ 45.00 Received by HUT # E016253 Date 6-24-91
Publication prepared by LB Date 7-4-91 Published in Post-Register
Publication approved LB Date 7-29-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

JAN 22 2001

Department of Water Resources
Eastern Region

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. Water Right No(s): 23-07151; 1/2 of A23-02065A; 23-10119 → pl
water permit Adg claim
 Adjudication Claim No(s): _____

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

A. 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 or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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 E.R. Bithell

124 Cottonwood Rd., Swan Valley, Idaho

4. New Owner/Claimant(s) Troy and Tara Hicks

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address Box 4

City, State and ZIP Code Swan Valley, ID 83449

New Telephone Number (208) 483-2070

5. Date you acquired the property June 16, 2000

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Troy Hicks
 or Claimant(s) Tara Hicks

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 6, 2001

TROY & TARA HICKS
BOX 4
SWAN VALLEY ID 83449

RECEIVED

JUL 19 2001

Department of Water Resources
Eastern Region

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR
23-2065A, 23-7151, 23-10119 HAS BEEN RETURNED FOR THE FOLLOWING
ITEM(S):

☒ X FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)
(FEES DUE ON 23-7151 & 23-10119 ONLY)

☐ SIGNATURE

☒ X COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER
LEGAL DOCUMENT indicating your ownership of the property and water
rights in question,

☒ X LEGAL DESCRIPTION OF PROPERTY

☐ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

☒ X USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO
with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE
ENTIRE PACKET TO :

JENNIFER CRABTREE
IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE DR.
IDAHO FALLS, ID 83402



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 2001

TROY & TARA HICKS
BOX 4
SWAN VALLEY ID 83449

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR 23-2065A, 23-7151, &
23-10119

Dear Mr. & Mrs. Hicks:

Thank you for sending the information and fee I requested in order to process your water rights.

23-2065A will be processed in our office and I will send you a copy for your files when it is completed.

23-7151 requires submitting an "Assignment of Permit" and a \$25.00 fee. Please send the enclosed form and fee to: Kari Lynn Townsend, Idaho Dept. of Water Resources, 1301 N. Orchard, Boise, ID 83706. She will process this change.

23-10119 was forwarded to Kari Lynn for processing, also. A copy of your receipt is enclosed.

If you have questions about any of these changes, please feel free to call me.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 20, 2001

TROY & TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449

RE: CHANGE IN OWNERSHIP FOR A23-02065A, A23-07151 AND
A23-10119

Dear Mr. & Mrs. Hicks:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

Water rights A23-07151 and A23-10119 will be processed and sent to you in another mailing.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-2065

WATER RIGHT NUMBER: 23-2065

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTATE OF ELIZA BITHELL
	SWAN VALLEY, ID 83449
Original Owner	ELIZA BITHELL
	, ID

Priority Date: 06/23/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.460 CFS	
	<u>Total Diversion:</u>	0.460 CFS	197.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 7,	Twp 01N,	Rge 44E, B.M.
BONNEVILLE County				
GROUND WATER	NE1/4NW1/4	Sec. 7,	Twp 01N,	Rge 44E, B.M.
BONNEVILLE County				

Place of UseIRRIGATION Within BONNEVILLE County

T01N R44E S07	NENW	33.0	T01N R44E S07	NWNW	39.0
T01N R44E S07	SWNW	39.0	T01N R44E S07	SEnw	39.0

Total Acres: 150

Conditions of Approval:Remarks:

1. General 2 P/D IN NENW & 2 P/D IN NWNW, S7, T1N, R44E.

Comments:Dates and Other Information:

ALLIANCE

TITLE & ESCROW CORP.

451 Park Ave. Idaho Falls, ID 83405-0642 (208) 524-5600 Fax No. (208) 524-1977

To: Troy Hicks
Tara Hicks
P O Box 4
Swan Valley, ID 83449

Date: June 30, 2000
Escrow No.: 3030001135
Re: Hicks / Bithell

In connection with the above referenced transaction, we enclose the following:

- ◆ Owners Policy No. 13 0042 106 00002238
- ◆ Warranty Deed #1025296

"THANK YOU" for this opportunity to serve you. Your business is appreciated!

If you should have any questions or if we may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,
Alliance Title & Escrow Corp.



Diane Dexter - Title
Denise Croft
Escrow Officer

WARRANTY DEED

THIS INDENTURE, made this 23rd day of June, 2000, between  ELDON REMON BITHELL and GOLDA BITHELL, husband and wife, of 124 Cottonwood Road, Swan Valley, County of Bonneville, State of Idaho, the Grantor, and TROY HICKS and TARA HICKS, husband and wife, of Box 4, Swan Valley, County of Bonneville, Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Bonneville, State of Idaho, to-wit:

Legal Description → The South Half (1/2) of the Northwest Quarter (1/4) of Section 7, Township 1 North, Range 44 E.B.M.

TOGETHER with the following water rights:

Water Right No. 23-07151, an undivided one-half (1/2) interest in Water Right No. A23-02065A, Water Right No. 23-10119, and 50 shares of stock in the Swan Valley Irrigation Company, Inc., now known as the Palisades Irrigation Company, Inc.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and 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 Grantor,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, 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 said Grantor hereunto has set his hand.

ELDON


REMON BITHELL


GOLDA BITHELL

STATE OF IDAHO)

County of ^{Bonneville} Jefferson) SS

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

ELDON

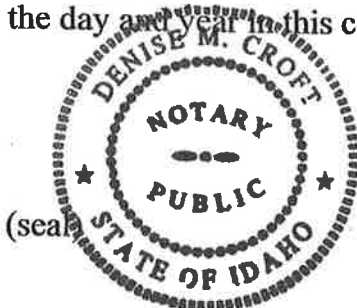
Eldon Remon BitHELL Golda BitHELL
REMON BITHELL GOLDA BITHELL

STATE OF IDAHO)

County of Bonneville) ss
County of Jefferson)

On this 23rd day of June, 2000 before me, the undersigned, a Notary Public in and for said State, personally appeared ^{ELDON} REMON BITHELL and GOLDA BITHELL, known to me to be the persons whose names are subscribed to the within 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.



Residing in Bonneville County
Commission Exp. 2-27-04

Denise M. Croft
Notary Public for Idaho

Residing at:

Commission Expires:

INSTRUMENT NO.	<u>1025296</u>
DATE	<u>6-23-00</u>
INST. CODE	<u>205</u>
IMAGED PGS	<u>1</u>
FEE	<u>3-</u>
STATE OF IDAHO	) ss
COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmore,	
County Recorder	
By	<u>Sand</u> Depu
Request of	<u>Attee</u>



AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY
(10-17-92)

13 0042 106 00002238

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:
ALLIANCE TITLE AND
ESCROW CORPORATION
451 PARK AVENUE
IDAHO FALLS, ID 83402
(208) 524-5600

CHICAGO TITLE INSURANCE COMPANY
By:


President



By:


Secretary

OWNER'S POLICY

Order No: 3030001135

Policy No: 13 0042 106 00002238

SCHEDULE B PART I

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SCHEDULE B PART II

Special Exceptions:

1. Taxes, including any assessments collected therewith, for the year 2000 which are a lien not yet payable.
2. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document.
Entitled: Ordinance Number 32
Recorded: February 22, 2000.
Instrument No.: 1017221, of Official Records.

END OF SCHEDULE B

Countersigned:



Authorized Signature

OWNER'S POLICY

SCHEDULE A

Order Number	Policy Number	Date of Policy	Amount of Insurance	Premium Amount
3030001135	13 0042 106 00002238	June 23, 2000 At 10:46AM	\$385,000.00	\$1,346.25

1. Name of Insured:

Troy Hicks and Tara Hicks

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

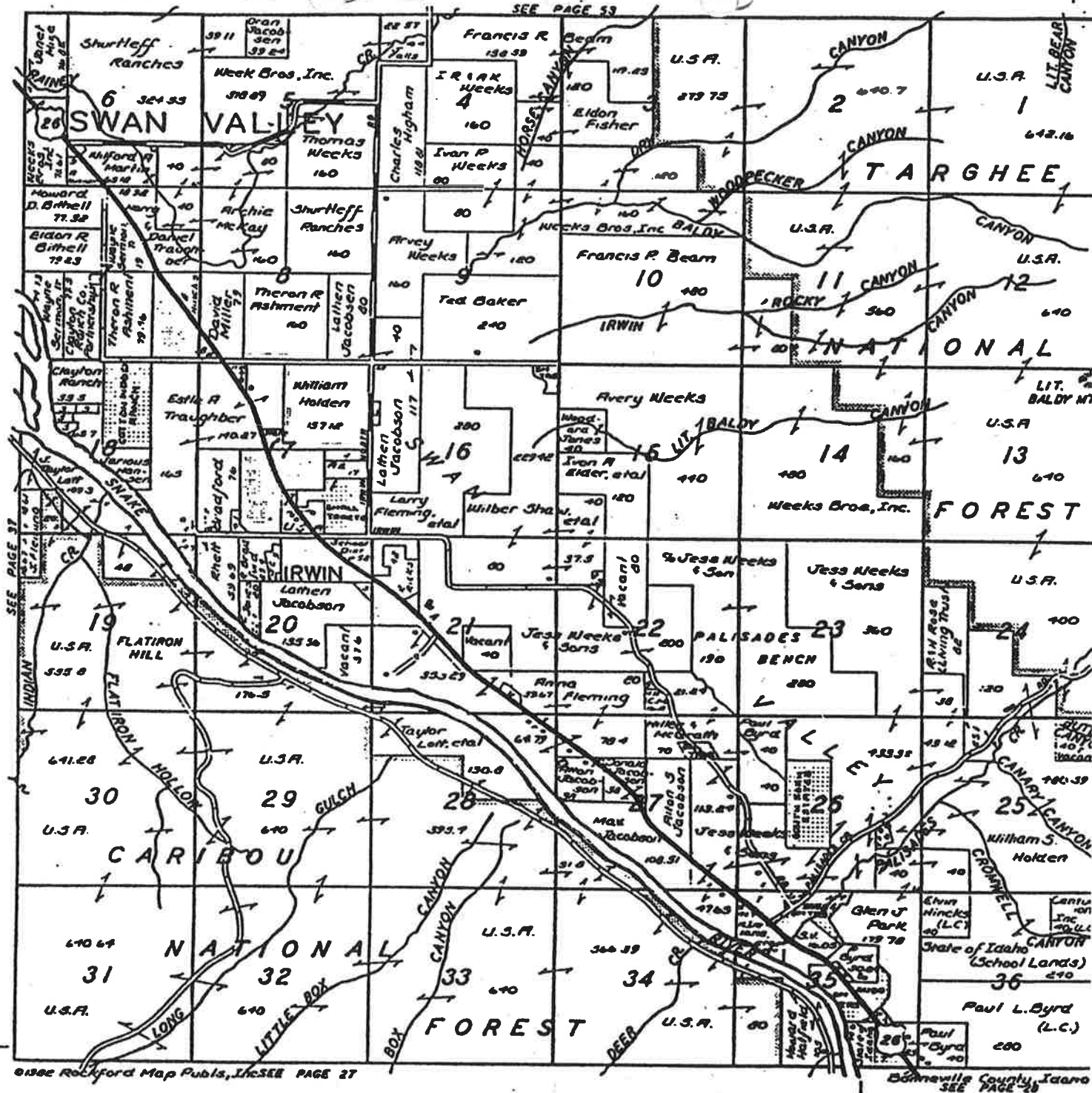
3. Title to the estate or interest in the land is vested in:

Troy Hicks and Tara Hicks, Husband and Wife

4. The land referred to in this policy is described as follows:

South ½ Northwest ¼ of Section 7, Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho.

END OF SCHEDULE A



ALLIANCE

TITLE & ESCROW CORP.

This plat is included solely for the purpose of assisting in locating said premises and the company assumes no liability for variation, if any, in dimensions and location ascertained by actual survey.

23-2065

Priority: 6/23/60

Q = 0.46

poor's - open pits

1000' up to 100'

NENW (2pts)
NNWNW (2pts) Sec. 9

THIRK

10' ac

150 ac

Poor Micro
Fresh

State of Idaho

Department of Water Administration

LICENSE OF WATER RIGHT

License No. 23-2065, bearing No. 23811/23-2065, dated June 23, 1960, Amount 0.46 cfs

THIS IS TO CERTIFY that Eliza Bitchell, Estate of

Swan Valley, Idaho

has complied with the terms and conditions of Permit

No. 23811/23-2065, issued pursuant to application for permit dated June 23, 1960

and has submitted proof to the Department of Water Administration, August 9, 1965

that it has applied water to a beneficial use in accordance with the Department's indication that the

workable capacity of 0.46 cfs and that the water has in fact been applied to a

beneficial use, a right being used or water from open pits on wells (subterranean)

capacity of 0.46 cfs for irrigation from April 1 to November 1 both dates inclusive

amount 0.46 cfs from 0 to 0 both dates inclusive

amount 0.46 cfs from 0 to 0 both dates inclusive

amount 0.46 cfs from 0 to 0 both dates inclusive

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amount 0.46 cfs from 0 to 0 both dates inclusive

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF EXAMINER

Permit No. G-28811/23-2065

This report is for completion of Water & Beneficial Use In Water District No. _____

1. Name of applicant Eliza Biddle
2. Source of water supply from open pits or wells
3. Location of point of diversion NE 1/4 NW 1/4 (2 pgs) of Section 7
T. 1 N R. 3 E B.M. County of Bonneville

4. Describe works as they exist, giving dimensions and capacities of same.

McCormick farmall tractor #57866 Super VTD model
33 HP Benfieldy tractor pump small #1772 10 horses to a
portable sprinkler system containing 30 - 7/8" nozzles. Plants
of division are pte excavated along the slough in the NW 1/4 Sect

5. Water is used for irrigation
6. State whether or not water has been turned into works of diversion yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation)

NE 1/4 Sec. 7, T. 1 N., R. 3 E., B.M.	40.0 → SW 1/4 NW 1/4	37	A.
	40.0 → NW 1/4 NW 1/4	37	
	SE 1/4 NW 1/4	37	
	NE 1/4 NW 1/4	37	
		150	A.

(Submit map on attached plat, showing location and details of above description)

8. What large stream would the water here appropriated finally reach?

Remarks: D.R. Biddle (son) accompanied me on the examination.
Wells Biddle is deceased and D.R. Biddle is now operating
the farm. Division water. One system consisting of pump,
tractor and one 1/2 mile line with 100' among the several points
of division to irrigate various areas of the parcel. Division
water was determined by use of a plow line, taking several
readings along the line.

This examination was made on the 15 day of August, 1972

(Signed) John F. Biddle Eliza Biddle
Examiner

Norman C. Young 11/2/72

PDL

1971
1972
1973
1974



MEASUREMENT CALCULATIONS

30 MODE 30 SPRINKLER NOZZLES AT 25 PSI HEAD = 6.83 GPM X 30 = 205 GPM

$$\frac{205 \text{ GPM}}{4977 \text{ GPM/PSI}} = 41.4 \text{ PSI}$$

$$V = 0.445 \times 1.185 \times 1.5 \times 196$$

- ☒ Measured
- ☒ Estimated
- ☒ Volume
- ☒ Area
- ☒ Found
- ☒ Recommended
- ☒ Survey
- ☒ Amended
- ☒ Notes
- ☒ Date of use

41.4 PSI
41.4 PSI
41.4 PSI
41.4 PSI
41.4 PSI
41.4 PSI
41.4 PSI
41.4 PSI
41.4 PSI
41.4 PSI

Wick
Helen

RECEIVED

MAR 15 2004

02/20/2004

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-2065A

TROY HICKS
PO BOX 4
SWAN VALLEY ID 83449
Telephone Number: (208)483-2070

TARA HICKS
PO BOX 4
SWAN VALLEY ID 83449
Telephone Number: (208)483-2070

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/8/04 SIGNATURE: Tara Hicks
Please print your name: Tara Hicks

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

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 23-2065A
Date Received: 9/11/1989
Receipt No: E010228
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TROY HICKS Phone: (208)483-2070

PO BOX 4
SWAN VALLEY ID USA 83449

TARA HICKS Phone: (208)483-2070

PO BOX 4
SWAN VALLEY ID USA 83449

2. Date of Priority: 06/23/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	44E	7	NE NW	BONNEVILLE	
01N	44E	7	NW NW	BONNEVILLE	
01N	44E	7	SE NW	BONNEVILLE	

5. Description of diverting works:

MAN-MADE PONDS WITH PORTABLE PUMP FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.24	

7. Total Quantity Appropriated is:
0.24 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
01N	44E	7	SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	39
					Section Acres	78
					Total Acres	78

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

SOURCE FROM ORIGINAL LICENSE IS GROUNDWATER. SYSTEM CONSISTS OF A SERIES OF MAN-MADE PONDS WITH A MAXIMUM DEPTH OF 12 FEET. A PORTABLE TRACTOR-POWERED PTO PUMP IS USED TO DELIVER WATER TO TWO 1/4 MILE HANDLINES. TRACTOR AND PUMP IS MOVED FROM POND TO POND AS NEEDED

15. Basis of Claim: License

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: A23-02065A

Date Received: 8/02/1989

Receipt No: E010228

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. R. BITHELL 208-483-3085
Address: 124 COTTONWOOD RD.
SWAN VALLEY, ID 83449

OR

Name: GOLDA K. BITHELL 208-483-3085
Address: 124 COTTONWOOD RD.
SWAN VALLEY, ID 83449

2. Date of Priority: JUN 23, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	7	NE	NW			BONNEVILLE
			NW	NW			BONNEVILLE
			SE	NW			BONNEVILLE

5. Description of diverting works:
MAN-MADE PONDS WITH PORTABLE PUMP FOR SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.240		

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

8. Total consumptive use is 195.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A2302065A



MICROFILMED
NOV 10 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	44E	7	SW	NW	IRR	39.0
			SE	NW	IRR	39.0
					Section Acres	78.0
					Total Acres	78.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
A23-02065B

14. Remarks:

SOURCE FROM ORIGINAL LICENSE IS GROUNDWATER. SYSTEM CONSISTS OF A SERIES OF MAN-MADE PONDS WITH A MAXIMUM DEPTH OF 12 FEET. A PORTABLE TRACTOR-POWERED PTO PUMP IS USED TO DELIVER WATER TO TWO 1/4 MILE HANDLINES. TRACTOR AND PUMP IS MOVED FROM POND TO POND AS NEEDED.

15. Basis of Claim: LICENSE
Water Right Number: 28811

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): E. R. Bithell Date: 8-31-89
Golda K. Bithell Date: 8-31-89

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31st day

of August 19 89

Seal

Zora Miller
Notary Public

Residing at Palisades, Idaho

My Commission Expires 6 Mar 1993

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 23-2065

WATER RIGHT NUMBER: 23-2065

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTATE OF ELIZA BITHELL
	SWAN VALLEY, ID 83449
Original Owner	ELIZA BITHELL
	, ID

Priority Date: 06/23/1960

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

0.460 CFS

Total Diversion:

0.460 CFS

197.00 AF

Location of Point(s) of Diversion

GROUND WATER

BONNEVILLE County

NW1/4NW1/4

Sec. 7, Twp 01N, Rge 44E, B.M.

GROUND WATER

BONNEVILLE County

NE1/4NW1/4

Sec. 7, Twp 01N, Rge 44E, B.M.

Place of UseIRRIGATION Within BONNEVILLE County

T01N R44E S07 NENW 39.0

T01N R44E S07 NWNW 39.0

T01N R44E S07 SWNW 39.0

T01N R44E S07 SENW 39.0

Total Acres: 150

Conditions of Approval:Remarks:

1. General 2 P/D IN NENW & 2 P/D IN NWNW, S7, T1N, R44E.

Comments:Dates and Other Information:

A23-02065A

TIN
R44E

65

78

1

6

12

7

39

39

Page

8

78

1817

MICROFILMED
NOV 10 1992

A23-02065A

TIN
R44E

