

11/23/2004

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

RIGHT NUMBER: 25-14145

NAME AND ADDRESS: GRAYS LAKE LAND & CATTLE INC
4060 GRAYS LAKE RD
WAYAN ID 83285

SOURCE: GRAVEL CREEK

TRIBUTARY: GRAYS LAKE

QUANTITY: 4.460 CFS

PRIORITY DATE: 04/14/1887

Claimants right is subordinate to upstream users with an equal priority date.

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS JUNIOR TO WATER
RIGHT NOS. 25-00274, 25-00275A, 25-00275B

POINT OF DIVERSION:

T05S R43E S9 NE Lot 1 End of Stream Flow Within CARIBOU County
T05S R43E S9 SWSE Within CARIBOU County
T05S R43E S9 SESE Within CARIBOU County
T05S R43E S10 SWSW Within CARIBOU County
T05S R43E S15 NWNW Begin of Stream Flow Within CARIBOU County
T05S R43E S15 NWNW Within CARIBOU County
T05S R43E S16 NESE End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.120 CFS
IRRIGATION	05/01 10/31	4.340 CFS

Stockwater use is for 500 range cattle.

PLACE OF USE:

STOCKWATER Within CARIBOU County

T05S R43E S09 Lot 2 SWNE	T05S R43E S09 Lot 3 NESE
T05S R43E S09 Lot 4 SWSE	T05S R43E S09 SESE
T05S R43E S10 NWSW	T05S R43E S10 SWSW
T05S R43E S15 NWNW	

IRRIGATION Within CARIBOU County

T05S R43E S09 Lot 2 SWNE	11.0	T05S R43E S09 Lot 3 NESE	38.0
T05S R43E S09 Lot 4 SWSE	8.7	T05S R43E S09 SESE	39.0
T05S R43E S10 NWSW	40.0	T05S R43E S10 SWSW	40.0
T05S R43E S15 NWNW	40.0		

216.7 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: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Water Right 25-14145

1

Change of Ownership -

12/23/2003

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

RIGHT NUMBER: 25-276
NAME AND ADDRESS: GRAYS LAKE LAND & CATTLE INC
4060 GRAYS LAKE RD
WAYAN ID 83285

SOURCE: GRAVEL CREEK

TRIBUTARY: GRAYS LAKE

QUANTITY: 13.600 CFS

PRIORITY DATE: 04/14/1887

Claimants right is subordinate to upstream users with an equal priority date.

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS JUNIOR TO WATER
RIGHT NOS. 25-00274, 25-00275A, 25-00275B

POINT OF DIVERSION:

Stock T05S R43E S9 NE Lot 1 End of Stream Flow Within CARIBOU County *ok*
Irr T05S R43E S9 SWSE Within CARIBOU County
Irr T05S R43E S9 SESE Within CARIBOU County
Irr T05S R43E S10 SWSW Within CARIBOU County
Stock T05S R43E S15 NWNW Begin of Stream Flow Within CARIBOU County *ok*
Irr T05S R43E S15 NWNW Within CARIBOU County
~~T05S R43E S16 NESE Begin of Stream Flow Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.230 CFS
IRRIGATION	05/01 10/31	8.960 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

T05S R43E S08 Lot 4 SWSE	20.0	T05S R43E S08 Lot 5 SESE	38.0
T05S R43E S09 Lot 2 SWNE	11.0	T05S R43E S09 Lot 6 SWSW	33.0
T05S R43E S09 Lot 5 SESW	34.0	T05S R43E S09 Lot 3 NESE	38.0
T05S R43E S09 Lot 4 SWSE	34.0	T05S R43E S09 SESE	40.0
T05S R43E S10 NWSW	40.0	T05S R43E S10 SWSW	40.0
T05S R43E S15 NWNW	40.0	T05S R43E S16 NENE	40.0
T05S R43E S16 NWNE	40.0		

STOCKWATER Within CARIBOU County

T05S R43E S08 Lot 4 SWSE		T05S R43E S08 Lot 5 SESE	
T05S R43E S09 Lot 1 NE		T05S R43E S09 Lot 2 NE	
T05S R43E S09 Lot 6 SWSW		T05S R43E S09 Lot 5 SESW	
T05S R43E S09 Lot 3 NESE		T05S R43E S09 Lot 4 SWSE	
T05S R43E S09 SESE		T05S R43E S10 NWNW	
T05S R43E S10 SWNW		T05S R43E S10 NWSW	
T05S R43E S10 SWSW		T05S R43E S15 NWNW	
T05S R43E S16 NENE		T05S R43E S16 NWNE	
T05S R43E S16 SWNE		T05S R43E S16 SENE	
T05S R43E S16 NESE			

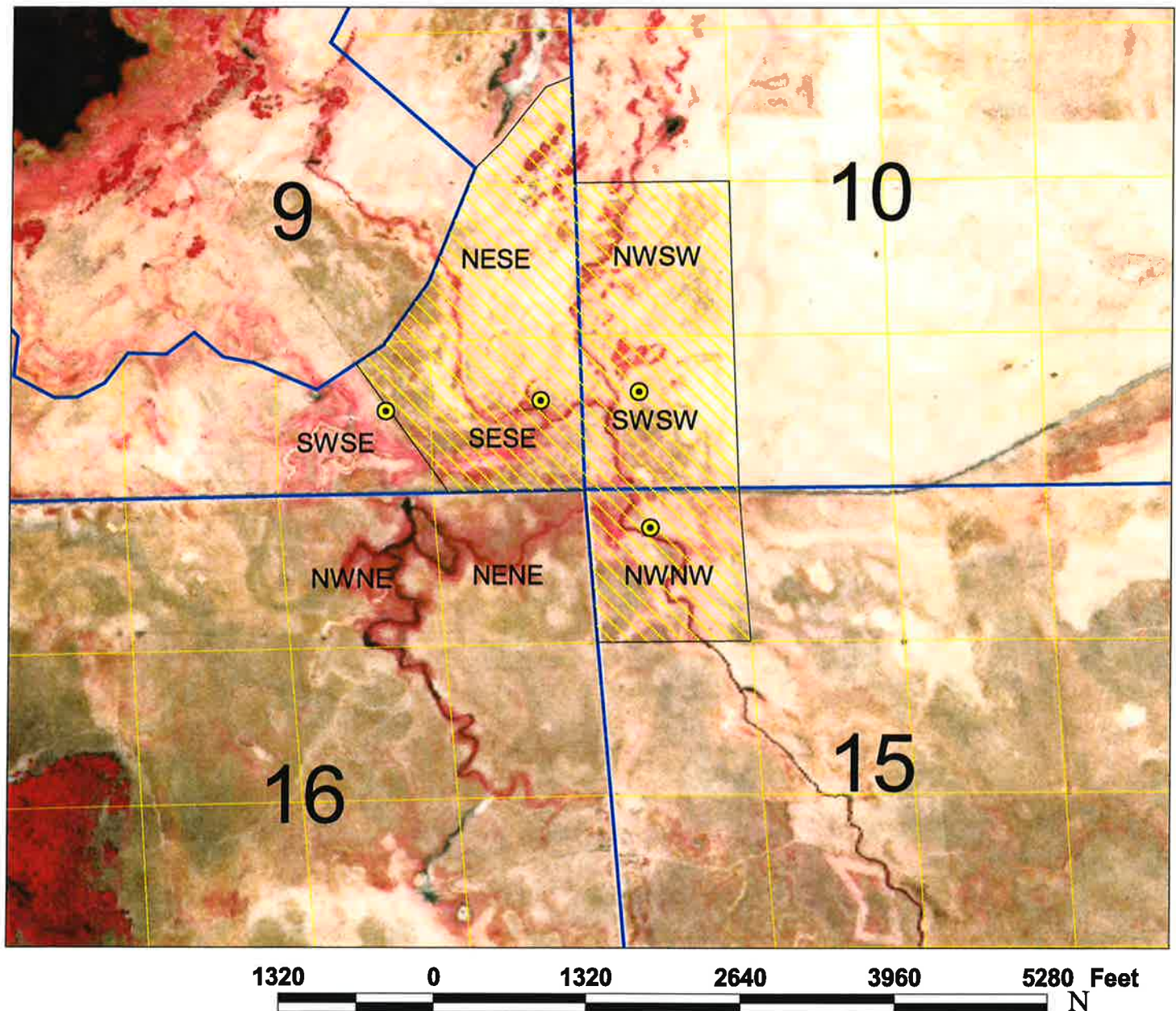


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-14145



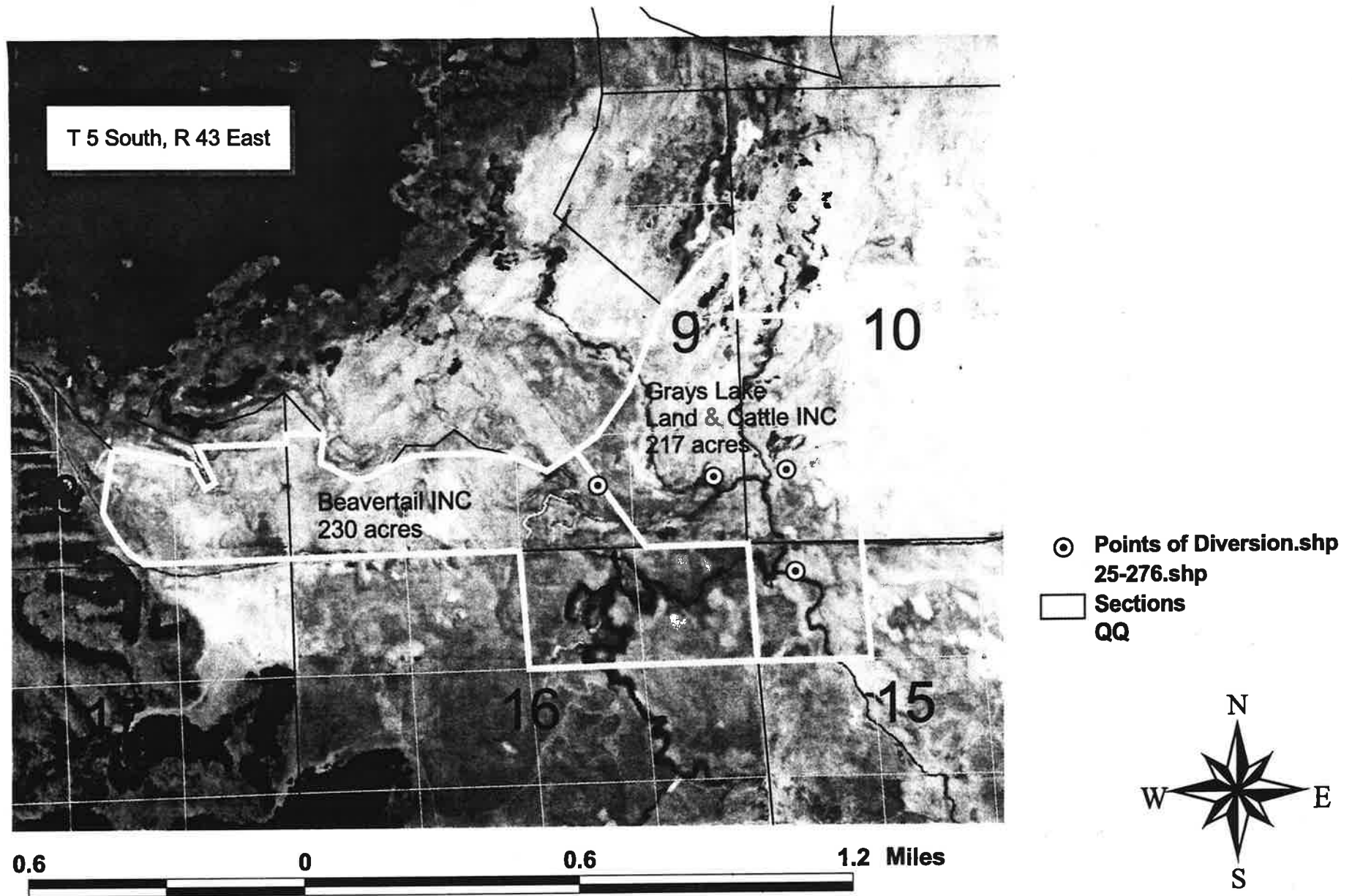
- ⊙ Point of Diversion
- Place of Use
- Sections
- QQ

PROFILED



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: November 2004

Beavertail/ Grays Lake Land & Cat.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
25-276		✓			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *\$0 100.00 for Split*
- B. A copy of the most recent **DEED** *Attached.* **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)

Grays Lake Land & Cattle Inc.
4060 Grays Lake Rd
Wayan, ID 83285
Beavertail Inc.

4. New Owner/Claimant(s)

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

4060 Grays Lake Rd
Wayan, ID 83285
(208) 574-2435
November 22, 2002

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 <u>25-276 - Beavertail</u>		
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	<u>4.62</u>	<u>230 acres (See map)</u>
Stock	<u>0.11</u>	<u>500 head</u>
Domestic		
Other		
Total	<u>4.73</u>	

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 <u>25-276 - Grays Lake 2 1/2</u>		
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	<u>4.34</u>	<u>217 acres - (See map)</u>
Stock	<u>0.12</u>	<u>500 head</u>
Domestic		
Other		
Total	<u>4.46</u>	

7. Signature of New Owner(s) or Claimant(s) J. Smith
(include title if applicable) President, Beavertail Inc.

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 <u>WRW</u>	Date <u>11/19/04</u>	Fee <u>100.00</u>	
Receipted by <u>WRW</u>	Date <u>11/19/04</u>	Receipt No. <u>E030428</u>	
Processed by <u>AJ</u>	Date	WR	Date

167241

STATE OF IDAHO

County of Caribou

Date: Nov. 22, 2002Time: 10:35 AM

Official Records

Recorder: Edie IzattDeputy: Edie IzattFee: 9.00 pd

WARRANTY DEED

THIS INDENTURE is made this 22 day of November, 2002, by Grays Lake Land & Cattle, Inc., an Idaho corporation, the Grantor, and Beavertail, Inc., the Grantee, whose mailing address is 4060 Grays Lake Road, Wayan, Idaho, 83285.

WITNESSETH, that the Grantor, 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 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, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Caribou, State of Idaho, to-wit:

See attached Exhibit "A"

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

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

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

EXHIBIT "A"**PARCEL 1:**

Township 5 South, Range 42 East of the Boise Meridian:
Section 12: Lots 2 and 3, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Township 5 South, Range 43 East of the Boise Meridian:

Section 7: Lots 2, 3, 4, 5 and 6, EXCEPT, all of Government Lot 3, and all that portion of Lots 4 and 5 lying North of the North right of way line of State Highway 34.

Section 8: Lots 4 and 5.

Section 9: Lots 4, 5 and 6, EXCEPTING THE FOLLOWING:

Beginning at a point 663 feet West of the Northwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9, said point being at the intersection of a fence line, and running thence East 663 feet to the said Northwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9; thence South 1132 feet, more or less, to the intersection of said fence line; thence Northwesterly along said fence line, approximately 1296.963 feet, more or less, to the point of beginning.

PARCEL 2:

Township 5 South, Range 43 East of the Boise Meridian:

Section 9: Beginning at a point 127 feet East of the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9, and running thence West 127 feet; thence North 211 feet to the intersection of a fence line; thence Southeasterly along said fence line, approximately 246.27 feet, more or less, to the point of beginning.

PARCEL 3:

Township 5 South, Range 43 East of the Boise Meridian:

Section 16: NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 4:

Township 6 South, Range 43 East of the Boise Meridian:

Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$

GRAYS LAKE LAND & CATTLE, INC.

By: *J. C. Smith*
J. C. Smith, President

STATE OF IDAHO)
County of Caribou)ss.

On this 22 day of November, 2002, before me the undersigned, a Notary Public, in and for said State, personally appeared J. C. Smith, known or identified to me to be the president of Grays Lake Land & Cattle, Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Denise Horsley
Notary Public for Idaho
Residing at: *Soda Springs*
My Commission Expires: *8-15-03*

change of Ownership

12/23/2003

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

RIGHT NUMBER: 25-276 *Beaver tail*
NAME AND ADDRESS: ~~GRAYS LAKE LAND & CATTLE INC~~
4060 GRAYS LAKE RD
WAYAN ID 83285

SOURCE: GRAVEL CREEK TRIBUTARY: GRAYS LAKE

QUANTITY: 13.600 CFS

PRIORITY DATE: 04/14/1887

Claimants right is subordinate to upstream users with an equal priority date.

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS JUNIOR TO WATER
RIGHT NOS. 25-00274, 25-00275A, 25-00275B

POINT OF DIVERSION: *stock* *S10 SE*
T05S R43E S9 ~~NE~~ *SE* Lot 1 End of Stream Flow Within CARIBOU County
T05S R43E S9 SWSE Within CARIBOU County - *Ir*
T05S R43E S9 SESE Within CARIBOU County - *Ir*
T05S R43E S10 SWSW Within CARIBOU County - *Ir*
~~T05S R43E S15 NWNW Begin of Stream Flow Within CARIBOU County~~
T05S R43E S15 NWNW Within CARIBOU County - *Ir*
stock - T05S R43E S16 NESE *end* of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.230 CFS
IRRIGATION	05/01 10/31	8.960 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

T05S R43E S08 Lot 4 SWSE	20.0	T05S R43E S08 Lot 5 SESE	38.0
T05S R43E S09 Lot 2 SWNE	11.0	T05S R43E S09 Lot 6 SWSW	33.0
T05S R43E S09 Lot 5 SESW	34.0	T05S R43E S09 Lot 3 NESE	38.0
T05S R43E S09 Lot 4 SWSE	34.0	T05S R43E S09	SESE 40.0
T05S R43E S10	NWSW 40.0	T05S R43E S10	SWSW 40.0
T05S R43E S15	NWNW 40.0	T05S R43E S16	NENE 40.0
T05S R43E S16	NWNE 40.0		

STOCKWATER Within CARIBOU County

T05S R43E S08 Lot 4 SWSE		T05S R43E S08 Lot 5 SESE	
T05S R43E S09 Lot 1 NE		T05S R43E S09 Lot 2 NE	
T05S R43E S09 Lot 6 SWSW		T05S R43E S09 Lot 5 SESW	
T05S R43E S09 Lot 3 NESE		T05S R43E S09 Lot 4 SWSE	
T05S R43E S09	SESE	T05S R43E S10	NWNW
T05S R43E S10	SWNW	T05S R43E S10	NWSW
T05S R43E S10	SWSW	T05S R43E S15	NWNW
T05S R43E S16	NENE	T05S R43E S16	NWNE
T05S R43E S16	SWNE	T05S R43E S16	SENE
T05S R43E S16	NESE		

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 25-14145
Date Received: 11/23/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

GRAYS LAKE LAND & CATTLE INC Phone: (208)574-2435
4060 GRAYS LAKE RD
WAYAN ID USA 83285

2. Date of Priority: 04/14/1887

3. Source: GRAVEL CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	43E	10	SW SW	CARIBOU	
05S	43E	15	NW NW	CARIBOU	Beginning Point
05S	43E	16	NE SE	CARIBOU	Ending Point
05S	43E	9	NE 1	CARIBOU	Ending Point
05S	43E	15	NW NW	CARIBOU	
05S	43E	9	SE SE	CARIBOU	
05S	43E	9	SW SE	CARIBOU	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	4.34	
STOCKWATER	01/01	12/31	0.12	

7. Total Quantity Appropriated is:
4.46

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	43E	9		NE 1	STOCKWATER	
				NE 2	STOCKWATER	
			NE	SE 3	STOCKWATER	
			SW	SE 4	STOCKWATER	
			SE	SE	STOCKWATER	
			SW	NE 2	IRRIGATION	11
			NE	SE 3	IRRIGATION	38
			SW	SE 4	IRRIGATION	8.7
			SE	SE	IRRIGATION	39.3
05S	43E	10	NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			NW	NW	STOCKWATER	
			SW	NW	STOCKWATER	
			NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
				Section Acres	80	
05S	43E	15	NW	NW	STOCKWATER	
			NW	NW	IRRIGATION	40
					Section Acres	40
					Total Acres	217

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

split from claim 25-276

15. Basis of Claim: Decreed