

08/31/2006

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

RIGHT NUMBER: 27-4H

NAME AND ADDRESS: JOHN B HEINTZELMAN
485 W RIVERTON RD
BLACKFOOT ID 83221

STACIE D HEINTZELMAN
485 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T03S R35E S8 SWSENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.200 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R35E S08

NESW

0.70

T03S R35E S08 Lot 6 SESW

9.70

10.4 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

WATER IS DELIVERED THROUGH CENTRAL DITCH.



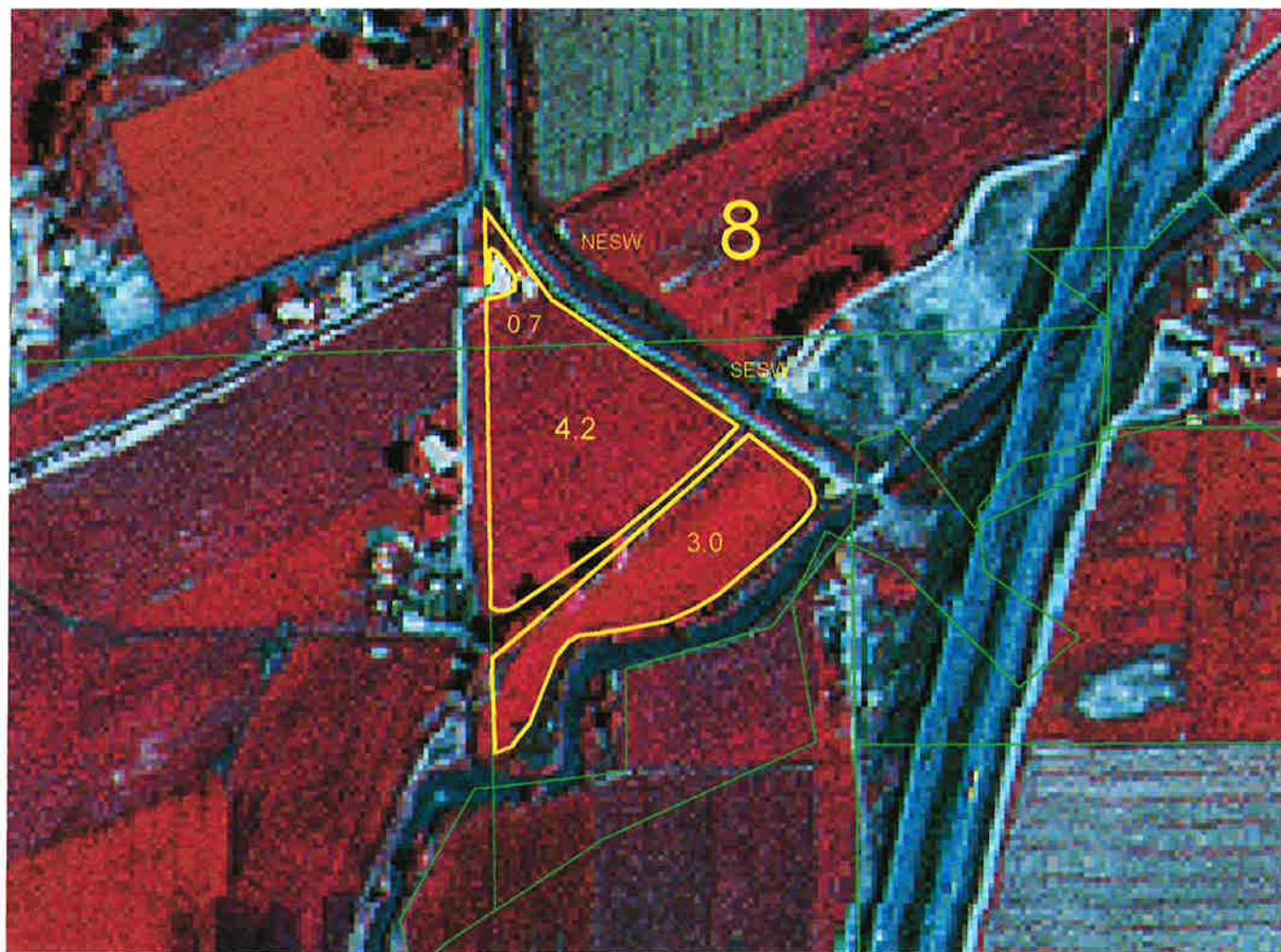
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-4H



300 0 300 600 Feet

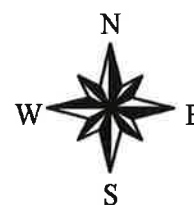
IRRIGATED ACRES 7.9

LEGEND

- ⊙ Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

Place of Use: T3S, R35E:
(part of) Sec. 8, NESW, SESW.

Point(s) of Diversion: T3S, R35E:
Sec. 8, SWSENE.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: April 2005.

SCANNED
DEC 23 2005

PEDIGREE

PRIORITY DATE

06/01/1885

27-00004(WR)	27-00004a (WR)	27-10293	renumbered to	27-00004v	renumbered to 27-12116
		27-00004w	27-00004aa	disallowed	
			27-00004ab	disallowed	
	27-00004b (WR)				
	27-00004c (WR)	27-00004ac			
	27-00004d (WR)				
	27-00004e (WR)	27-00004r			
		27-00004f			
	27-00004f (WR)				
		27-00004h			
	27-00004g (WR)	27-00004g	renumbered to	27-10539	
	27-00004h (WR)	27-10505			
		27-10388			
		27-10390			
	27-00004j (WR)	27-00004t	renumbered to	27-12064	
		27-00004y			
		27-00004z			
		27-00004k			
	27-00004k (WR)				
		27-10389	Combined with 27-00004r then renumbered to	27-12064	
	27-00004l (WR)	27-00004l			
		27-00004N (WR)			
	27-00004m (WR)	27-00004P (WR)			
		27-00004Q (WR)			
		27-00004n	renumbered to	27-00004u	renumbered to 27-12029
	27-00004n (WR)				
		27-00004p	renumbered to	27-12030	
	27-00004q (WR)	27-00004q	renumbered to	27-12027	
		27-10555			
		27-10116			
		27-10362			
	27-00004s (WR)				
		27-10728			
		27-10790			
		27-11236			
	27-00004t (WR)				
		27-00004s			
	27-00004u (WR)				
		27-00004m			

27-00004	Water right #	to adjudication #	Miscellaneous Info
	27-00004a	27-10293	renumbered to 27-00004v
		27-00004w	27-00004aa disallowed
			27-00004ab disallowed
	27-00004b		
	27-00004c	27-00004ac	
	27-00004d		
	27-00004e	27-00004r	
	27-00004f	27-00004f	
		27-00004h	
	27-00004g	27-00004g	renumbered to 27-10539
	27-00004h	27-10505	
	27-00004j	27-10388	
		27-10390	
		27-00004t	renumbered to 27-12064
		27-00004y	
		27-00004z	
	27-00004k	27-00004k	
		27-10389	
	27-00004l	27-00004l	
	27-00004m	27-00004m split to n/p/q on water rights side	
	27-00004n	27-00004n	renumbered to 27-00004u
		27-00004p	renumbered to 27-12030
	27-00004q	27-00004q	renumbered to 27-12027
	27-00004s	27-10555	
		27-10116	
		27-10362	
		27-10728	
		27-10790	
		27-11236	
	27-00004t		
	27-00004u	27-00004s	
		27-00004m	

Notes

4-19-05 Received new ownership change form from:
John B. & Stacie D. Heintzelman
485 West Riverton Road
Blackfoot, ID 83221
785-0844

Also received map and Deed of Trust. PB

4/28/05. 7.9 acres irrigated
Create a layout. CB.

Print NOE. CB.

SCANNED

DEC 23 2005

INTER-DEPARTMENT MEMO

TO: BarbaraSUBJECT: layoutFROM: CindyDATE: 4/1/04

Please do a layout and let me know
the total number of acres. I'm having
Skip GPS the POP, so we may need to
amend the claim depending on the
results. See drawing. 7.9 ac.

5-26-04/BJ

() For your information

☒ Response requiredCB
signature

INTER-DEPARTMENT MEMO

TO: Harold JonesSUBJECT: Steven's DitchFROM: CindyDATE: 4/1/04

Please GPS the diversion point of the
Steven's Ditch.

() For your information

☒ Response requiredCB
signature

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: 27-4H

RE: chg in POD

DATE: 4/1/04

NAME OF PARTY: Richard Stokes

I called Mr. Stokes @ 1-928-636-5360 to talk to him about the change in POD. He stated there has not been a change. It is diverted into the Steven's Ditch. It's always gone through the Steven's Ditch. 4-13-04 Received a change in address form from Mr. Stokes today. PB

Notes

3-11-04 Sent change in address form to claimant. AB

3-16-04, Claimant called. Claimed address is correct. The Arizona address was temporary. BT

3/22/04 Sent claimant a chg in PO letter; may need to Amend claim. CB. 4-23-04 Response date.

3-29, Post Office returned letter. AB

3-31. I called 785-2008. Their renter said they moved to Arizona & will tell them we need to contact them. I "gave" them a week to respond. BT

3-31-04 2440 W. Bayberry Dr. Sue called back
Paulden, AZ 86334. 1-928-636-5360.

4/1/04 I called the Stokes back and requested a current address. and according to Richard Stokes. the point of diversion has not changed. it's always been in the Stokes Ditch.

Claim based on Orval Cook 4/27-4/27.
~~4/27~~ 27-4/27. CB

4-1-04. The diversion point appears to be close to the line between SWSENE and SFSWNE of Sec. 8. Asked Skip to GPS the diversion.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	See claim					1-928-636-5360.
Name connector: and _____, or _____, and/or _____						
Current Owner	2440 W. Bayberry Dr					
Current Owner	Pavilion, AZ 86334					

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:

4/18/05 received an ownership ctg. to
John B. Heintzelman. or
Stacie P. Heintzelman.
Blackfoot address
phone: 785-0844

Reviewer: _____

Date: _____

3/22/04

Priority Date Data Entry FormClaim Number: A27-44

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ 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:

Deere

Reviewer: CBDate: 4/1/04

Priority Date

Claim No. _____

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes (X) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (X) No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim. *decree*
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Point of Diversion and Source Data Entry Form

Claim Number: A27-4H

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____, 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
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? yes, Steven's Ditch

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

Transfers Changing POD _____

Reviewer: CB

Date: 7/2/04

Point of Diversion**Claim No.** -

1. Is the basis of claim a Decree or License?

Yes (☒) No (☐)

If Yes, go to 4

If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes (☐) No (☐)

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 5

If No, recommend the POD as shown on the Permit. Go to 10

4. Does the parent right have a POD?

Yes (☒) No (☐)

If Yes, go to 5

If No, go to 6

5. Can the claimed POD be verified using the water right file?

Yes (☐) No (☐)

If Yes, recommend the POD as shown in the water right file. Go to 10

If No, go to 6

6. Is there evidence that there has been a change in the POD?

Yes (☐) No (☐)

If Yes, go to 7

If No, go to 9

7. Can the change be verified as an accomplished transfer?

Yes (☐) No (☐)

If Yes, add condition C03, go to 9

If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

8. Was a transfer filed?

Yes (☐) No (☐)

If Yes, recommend the POD as shown on the approved transfer. Go to 10

If No, go to 9

9. Does the file contain all of the necessary information to verify the POD?

Yes (☐) No (☐)

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10

If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

10. Is a POD remark and/or condition required?

Yes (☐) No (☐)

If Yes, enter the appropriate remark and/or condition. POD review is complete

If No, POD review is complete.

Source**Claim No.** _____ - _____

1. Is the basis of claim a Decree or License?

Yes (☒) No (☐)

If Yes, go to 4

If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes (☐) No (☐)

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 5

If No, recommend the Source as shown on the Permit. Go to 11

4. Does the parent right have a Source?

Yes (☒) No (☐)

If Yes, go to 5

If No, go to 7

5. Can the claimed Source be verified using the water right file?

Yes (☒) No (☐)

If Yes, recommend the Source as shown in the water right file. Go to 11

If No, go to 7

6. Is the basis of claim a Posted Notice?

Yes (☐) No (☐)

If Yes, consult the attorney assigned to the basin. Go to 7

If No, go to 7

7. Is there evidence that there has been a change in the Source?

Yes (☐) No (☐)

If Yes, go to 8

If No, go to 10

8. Can the change be verified as an accomplished transfer?

Yes (☐) No (☐)

If Yes, add condition C02, go to 10

If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

9. Did the claimant file a transfer?

Yes (☐) No (☐)

If Yes, recommend the Source as shown in the transfer. Go to 11

If No, go to 10

10. Does the file contain all of the necessary information to verify the Source?

Yes (☐) No (☐)

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11

If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

11. Is a Source remark and/or condition required?

Yes (☐) No (☒)

If Yes, enter the appropriate remark and/or condition. Source review is complete.

If No, Source review is complete.

Place Of Use Data Entry Form

Claim Number: A 27-4H☐ Use Claimed POU as Recommended POU

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 _____

Document how the POU was verified:

1987/88 NAPP Photography1964 Imagery

Transfers Changing POU _____

Reviewer: CBDate: 4/1/04

Place of UseClaim No. -

1. Is the basis of claim a Decree or License?

Yes (☒) No (☐)

If Yes, go to 2a

If No, go to 2b

2a. Is a POU required?

Yes (☒) No (☐)

If Yes, go to 5

If No, go to 14

2b. Is a POU required?

Yes (☐) No (☐)

If Yes, go to 3

If No, go to 14

3. Is the basis of claim a Permit or Application?

Yes (☐) No (☐)

If Yes, go to 4

If No, go to 7

4. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

5. Does the parent right have a POU?

Yes (☐) No (☒)

If Yes, go to 6

If No, go to 7

6. Can the claimed POU be verified using the water right file?

Yes (☐) No (☐)

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

7. Is there evidence that there has been a change in the POU?

Yes (☐) No (☒)

If Yes, go to 8

If No, go to 13

8. Can the change be verified as an accomplished transfer?

Yes (☐) No (☐)

If Yes, add condition C05, go to 13

If No, go to 9

9. Does the change include an enlargement of the POU?

Yes (☐) No (☐)

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

10. Was an enlargement claim filed?

Yes (☐) No (☐)

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

11. Did the claimant file an enlargement claim?

Yes (☐) No (☐)

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

12. Was a transfer filed?

Yes (☐) No (☐)

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

13. Does the file contain all of the necessary information to verify the POU?

Yes (☒) No (☐)

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

14. Is a POU remark and/or condition required?

Yes (☐) No (☒)

If Yes, enter the appropriate remark and/or condition. POU review is complete.

If No, POU review is complete.

Purpose of Use Data Entry Form

Claim Number: A27-46 Use Claimed Purpose of Use as Recommended Purpose of Use**Water Right Purpose of Use**

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation				

Document how the Purpose of Use was verified:

1987/88 NApp photography
1964 Imagery.

Transfers Changing Purpose of Use Reviewer: CBDate: 4/1/04.

Purpose of Use

Claim No. -

1. Is the basis of claim a Decree or License?

Yes (☒) No (☐)

If Yes, go to 4

If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes (☐) No (☐)

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 5

If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

4. Does the parent right have a Purpose of Use?

Yes (☒) No (☐)

If Yes, go to 5

If No, go to 6

5. Can the claimed Purpose of Use be verified using the water right file?

Yes (☒) No (☐)

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13

If No, go to 6

6. Is there evidence that there has been a change in the Purpose of Use?

Yes (☐) No (☐)

If Yes, go to 7

If No, go to 11

7. Can the change be verified as an accomplished transfer?

Yes (☐) No (☐)

If Yes, add condition C04, go to 11

If No, go to 8

8. Does the change include an enlargement of the Purpose of Use?

Yes (☐) No (☐)

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9

If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

9. Was an enlargement claim filed?

Yes (☐) No (☐)

If Yes, go to 11

If No, Notify claimant that an enlargement claim is necessary. Go to 10

10. Did the claimant file an enlargement claim?

Yes (☐) No (☐)

If Yes, go to 11

If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

11. Does the file contain all of the necessary information to verify the Water Use?

Yes (☐) No (☐)

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

12. Did the claimant file a transfer?

Yes (☐) No (☐)

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13

If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

13. Is a Purpose of Use remark and/or condition required?

Yes (☐) No (☒)

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.

If No, purpose of Use review is complete.

Period of Use and Quantity Data Entry FormClaim Number: A27-417☐ 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

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation.	4/1	10/31	0.20	

Overall Diversion Rate 0.20 Overall Diversion Volume _____

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

T854

Reviewer: CBDate: 4/1/03

Period of Use

Claim No. _____

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes (☒) No (☐)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes (☐) No (☐)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
Yes (☐) No (☐)
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6
Yes (☐) No (☒)
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6
Yes (☐) No (☐)
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12
Yes (☐) No (☒)
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8
Yes (☐) No (☐)
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
Yes (☐) No (☐)
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
Yes (☐) No (☐)
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes (☐) No (☐)
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes (☐) No (☐)
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
Yes (☒) No (☐)
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15
Yes (☐) No (☒)
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
Yes (☐) No (☐)
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
Yes (☒) No (☐)
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
Yes (☐) No (☐)
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
Yes (☐) No (☐)
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
Yes (☐) No (☒)

QuantityClaim No. -**1. Is the basis of claim a Decree or License?**

If Yes, go to 4

If No, go to 2

Yes (☒) No (☐)**2. Is the basis of claim a Permit or Application?**

If Yes, go to 3

If No, go to 6

Yes (☐) No (☐)**3. Has the License been issued?**

If Yes, go to 5

If No, recommend the Quantity shown on the Permit. Go to 11

Yes (☐) No (☐)**4. Does the parent right have a diversion rate and/or volume?**

If Yes, go to 5

If No, go to 7

Yes (☒) No (☐)**5. Can the claimed diversion rate and/or volume be verified using the water right file?**

If Yes, go to 8

If No, go to 7

Yes (☒) No (☐)**6. Is the basis of claim a posted notice?**

If Yes, consult the attorney assigned to the Basin. Go to 7

If No, go to 7

Yes (☐) No (☐)**7. Is a flow measurement required?**

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9

If No, describe why a flow measurement is not required. Go to 9

Yes (☐) No (☐)**8. Does the parent right have an annual diversion volume limit?**

If Yes, go to 10

If No, go to 9

Yes (☐) No (☒)**9. Is the source Ground Water and does the purpose of use require a diversion volume limit?**

If Yes, go to 10

If No, go to 11

Yes (☐) No (☒)**10. Is irrigation a purpose of use?**

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes (☐) No (☐)**11. Has a diversion volume limit for this water use been established by a decree, license or transfer?**

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

If No, go to 12

Yes (☐) No (☒)**12. Is a Quantity remark and/or condition required?**

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.

If No, quantity review is complete.

Yes (☐) No (☒)

Summary

Claim No. _____

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

Yes (☒) No (☐)

If Yes, go to 2

If No, go to 3

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

Yes (☐) No (☒)

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4

If No, status will be set as Active. Go to 5

3. Is the water being used for all of the purposes claimed and to the extent claimed?

Yes (☐) No (☐)

If Yes, status will be set as Active. Go to 5

If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

4. Is any portion of the claim being recommended?

Yes (☐) No (☐)

If Yes, status will be set as Active. Go to 5

If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

5. Is an additional remark and/or condition required?

Yes (☒) No (☐)

If Yes, enter the appropriate remark and/or condition. Go to 6

If No, go to 6

6. Would you like to view the recommended right?

Yes (☒) No (☐)

If Yes, go to 7

If No, the review is incomplete. The recommendation must be viewed to complete the review.

7. Is this a "split" or "combined" right?

Yes (☒) No (☐)

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8

If No, go to 8

8. Do you have documents you would like to attach or link to the file?

Yes (☐) No (☒)

If Yes, go to PowerDOCS and profile the documents. Go to 9

If No, go to 9

9. Would you like to set the verification date?

Yes (☒) No (☐)

If Yes, the review is complete.

If No, the review is incomplete. The recommendation must be verified to complete the review.

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

Split or Combined Right Analysis:

see attached

Attached Field Notes or Other Documents:

Claim No.:

27-4H

Reviewer

CB

Date

4/1/04

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

DELOG
JC OK
RECEIVED 4-2-05

APR 06 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
A27-00004H					

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 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)

Richard Stokes and/or Sue Anna Stokes
485 W Riverton Rd, Blackfoot, ID 83221

4. New Owner/Claimant(s)

John B Heintzelman or Stacie D Heintzelman
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or

New Mailing Address

485 W Riverton Rd

City, State and ZIP Code

Blackfoot, ID 83221

New Telephone Number

608 782-0844

5. Date you acquired the property

10-29-04



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)

John B. Hinzelman
Glacie D. Hinzelman

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 _____



RIVERTON

Point of
Diversion

Place
of Use
11/12
Total

APR 10 2005

Return To:

FHHL - POST CLOSING MAIL ROOM

1555 W. WALNUT HILL LN. #200 MC 6712
IRVING, TX 75038

Prepared By:

FIRST HORIZON HOME LOAN CORPORATION
D/B/A MORTGAGE RESOURCES
420 S 4TH AVENUE
POCATELLO, ID 83201

[Space Above This Line For Recording Data]

DEED OF TRUST

0051172955

MIN 100085200511729552

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated October 28th, 2004 together with all Riders to this document.

(B) "Borrower" is

JOHN HEINTZELMAN , A Married Man, As His Sole

Borrower is the trustor under this Security Instrument.

(C) "Lender" is FIRST HORIZON HOME LOAN CORPORATION

Lender is a CORPORATION

organized and existing under the laws of THE STATE OF KANSAS

IDAHO-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS

Form 3013 1/01

VMP -6A(ID) (0005)

Page 1 of 15

Initials: *[Handwritten initials]*

VMP MORTGAGE FORMS - (800) 527-7297



Lender's address is 4000 Horizon Way

Irving, Texas 75063

(D) "Trustee" is FIRST AMERICAN TITLE COMPANY

168 W. PACIFIC, P.O. BOX 868, BLACKFOOT, ID 83221

(E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

(F) "Note" means the promissory note signed by Borrower and dated October 28th, 2004
The Note states that Borrower owes Lender

NINETY THOUSAND & 00/100

Dollars

(U.S. \$ 90,000.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than NOVEMBER 1, 2034

(G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

☐ Adjustable Rate Rider
☐ Balloon Rider
☐ VA Rider

☐ Condominium Rider
☐ Planned Unit Development Rider
☐ Biweekly Payment Rider

☐ Second Home Rider
☐ 1-4 Family Rider
☐ Other(s) [specify]

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

0051172955

UMP -6A(ID) (0005)

APR 13 2005

Page 2 of 15

Initials

Form 3013 1/01

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. Section 2601 et seq.) and its implementing regulation, Regulation X (24 C.F.R. Part 3500), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the County

of Bingham

[Name of Recording Jurisdiction] :

All that tract or parcel of land as shown on Schedule "A" attached hereto which is incorporated herein and made a part hereof.

Parcel ID Number: County: RP0364700 City:

485 WEST RIVERTON ROAD

BLACKFOOT

("Property Address"):

which currently has the address of

[Street]

[City], Idaho 83221

[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right to exercise any or all of those interests, including, but not limited to, the right to foreclosure and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

0051172955

IMP -6A(ID) (0005)

APR 10 2005

Page 3 of 15

Initials:

Form 3013 1/01

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any Rider executed by Borrower and recorded with it.

Witnesses:

John Heintzelman (Seal)
JOHN HEINTZELMAN -Borrower

Stacie D Heintzelman (Seal)
STACIE D HEINTZELMAN -Borrower

STACIE D HEINTZELMAN SHALL HAVE NO PERSONAL
LIABILITY TO OBLIGATIONS HEREIN OR SECURED HEREBY,
AND EXECUTES THIS INSTRUMENT ONLY TO SUBORDINATE
ANY INTEREST SHE MAY ACQUIRE, INCLUDING WITHOUT
RESERVATION HER HOMESTEAD RIGHTS, TO THIS DEED
OF TRUST.

_____ (Seal)
-Borrower

_____ (Seal)
-Borrower

_____ (Seal)
-Borrower

_____ (Seal)
-Borrower

_____ (Seal)
-Borrower

_____ (Seal)
-Borrower



STATE OF IDAHO,

BINGHAM

County ss:

On this 29th day of October, 2004, before me,
the undersigned
a Notary Public in and for said county and state, personally appeared
JOHN HEINTZELMAN + Stacie D. Heintzelman

known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that he/she/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.

Lori Day
Notary Public residing at:

Blackfoot Idaho
Comm Exp. 10/31/2009



0051172955

LMP -6A(ID) (0005)

Page 16 of 15

Initials: SDA

Form 3013 1/01

Date: October 28, 2004

File No.: 101432-B (ld)

EXHIBIT 'A'

LEGAL DESCRIPTION:

PARCEL I: THOSE PORTIONS OF THE NE1/4SW1/4 AND LOT 6 IN SECTION 8, TOWNSHIP 3 SOUTH, RANGE 35 E.B.M., BINGHAM COUNTY, IDAHO LYING NORTH OF THE BLACKFOOT RIVER AND WESTERLY OF THE CENTER LINE OF THE HIGH WATER DRAIN CHANNEL OF BLACKFOOT RIVER ESTABLISHED BY FLOOD CONTROL DISTRICT NO. 7 OF THE STATE OF IDAHO.

PARCEL II: AN EASEMENT INTEREST IN AND TO THE FOLLOWING DESCRIBED PROPERTY: A STRIP OF LAND 33 FEET WIDE OFF THE EASTERLY SIDE OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT:

BEGINNING AT THE POINT WHERE THE EAST LINE OF THE NW1/4SW1/4 OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 35, EAST OF THE BOISE MERIDIAN, IN BINGHAM COUNTY, IDAHO, INTERSECTS THE SOUTH LINE OF THE RIVERTON ROAD, THENCE SOUTHWESTERLY FOLLOWING SAID ROAD 1422 FEET, MORE OR LESS, TO THE WEST LINE OF LOT 5 IN SAID SECTION 8, THENCE SOUTH 117 FEET TO THE CENTER OF THE CENTRAL CANAL, THENCE NORTHEASTERLY FOLLOWING SAID CENTER TO THE EAST LINE OF THE NW1/4SW1/4, THENCE NORTH 88 FEET TO THE POINT OF BEGINNING.

AND

BEGINNING AT THE NORTHEAST CORNER OF LOT 5 OF SECTION 8, IN TOWNSHIP 3 SOUTH, RANGE 35, EAST OF BOISE MERIDIAN, IN BINGHAM COUNTY, IDAHO, THENCE NORTH 203 FEET TO THE CENTER OF THE CENTRAL CANAL; THENCE SOUTHWESTERLY FOLLOWING SAID CENTER LINE 1422 FEET, MORE OR LESS, TO THE WEST LINE OF SAID LOT 5; THENCE SOUTH 928 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE EAST 1201 FEET, MORE OR LESS, TO THE WEST BANK OF THE BLACKFOOT RIVER, THENCE NORTHEASTERLY FOLLOWING SAID WEST BANK OF THE BLACKFOOT RIVER TO THE EAST LINE OF SAID LOT 5; THENCE NORTH 775 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.



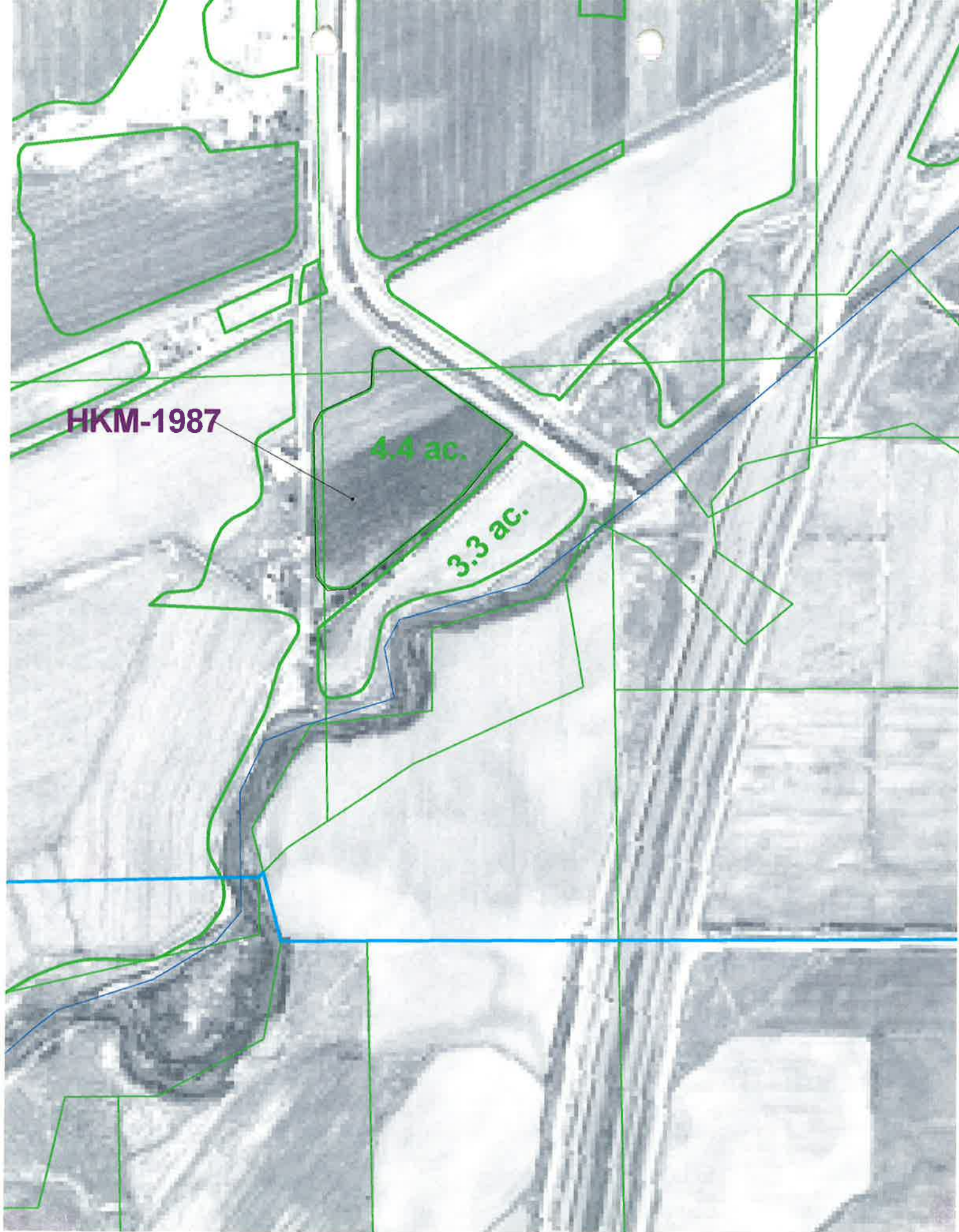
Initials:

JDH SDH

HKM-1987

4.4 ac.

3.3 ac.





HKM-1987

**SNAKE RIVER BASIN ADJUSTICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s):

27-4H.

Previous Mailing Address:

485 W. River ton Rd.
Black foot, ID 83221

New Mailing Address:

2440 W. Bayberry Dr.
Paulden, AZ 86334

Telephone Number:

(928) 636-5360.

Signature of Claimant(s):

Richard Stokes
Steven Stokes

Please return this completed form to the address indicated below:

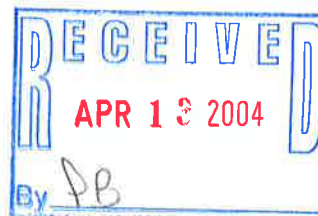
☐ Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

☐ Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

☐ Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

☐ Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste A.
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

☒ Adjudication Bureau
Idaho Dept. of Water Resources
15 West Center Street
Soda Springs, ID 83276
Ph. 208/547-3993 or
FAX 208/547-3939





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 1, 2004

Richard Stokes
Sue Ann Stokes
2440 W. Bayberry Dr.
Paulden, AZ 86334

Re: Snake River Basin Adjudication (SRBA)
Claim 27-4H

Subject: NOTICE OF CHANGE OF ADDRESS

RESPONSE DATE: APRIL 22, 2004

Dear Claimant(s),

Thank you for advising IDWR of your new mailing address. Please sign the enclosed Address Change form and return it to the Soda Springs office by the response date listed above.

If you have any questions concerning this request, you may call my office at 547-3993. Thank you.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure:

Change in Address of Notice of Claim



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Richard Stokes
2440 West Bay Berry Drive
Paulden, AZ 86334

March 11, 2004

REF: Snake River Basin Adjudication (SRBA)
Claim No.: A27-4H

Subject: Change in Address

Response Date: April 5, 2004

Dear Claimant(s),

According to Bingham County records, you still own the property referenced under the above listed water right and your address is no longer 485 West Riverton Road in Blackfoot.

Before we can modify our records to reflect the change we need the change in address form completed and returned to our office.

If you have any questions please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/pb

Enclosure: change in address form

WATER RESOURCES
REET
83276



U.S. POSTAGE
1720
8966 \$00.60
0517 MAILED FROM ZIP CODE 8340

NOT POSTAGE
AS
UNABLE TO

RECEIVED
MAR 29 2004
By *BP*

Richard & Sue Ann Stokes
485 W. Riverton Rd
Blackfoot, ID 83221

*11A4
Foe*



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 22, 2004

Richard & Sue Ann Stokes
485 W. Riverton Rd
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)
Claim 27-4H

Subject: POINT OF DIVERSION (POD)

Response Date: April 23, 2004

Dear Claimant (s):

The Idaho Department of Water Resources initial investigation of the Notice of Claim listed above indicates that there has been a change in the point of diversion:

Previous point of diversion:
T3S, R35E, Sec. 8, NW SE.

New point of diversion:
T3S, R35E, Sec. 8, SE NE.

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the changes not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

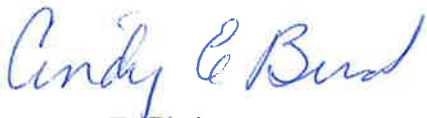
Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

Returned 3/29/04
CB

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. If the new POD is correct you will need to Amend your Notice of Claim to clarify the legal with L-8, SENE, section 8, T3S, R35E of the Boise Meridian. No fee is necessary to amend the Notice of Claim to correct the POD in the Adjudication process.

This office must receive your response by the above referenced response date. If no response is received, then your claim to water from the new point of diversion will not be recommended to be decreed. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Cindy E. Bird
Adjudication Bureau

CEB/
Enclosure: Copy of Claim 27-4H
Copy of Water Right Profile Report

Stevens Ditch SHARE holders

Names - Addresses

Phones
785-4819

Disposition

✓ HARVEY Coffman
487 W. Riverton Rd
Blackfoot, Ida 83221

✓ JASON Leiseth
212 So 550 W
Blackfoot, Ida 83221

782-3485

mailed to
Soda

✓ Cordell Stewart
563 W 200 So
Blackfoot, Idaho 83221

785-0988

working with
Water Resources

✓ Scott Stecklein
Laverelle Stecklein
757 W Riverton Rd
Blackfoot, Ida 83221

7851594

working with
water resources

Doran Jorgensen
561 W 200 S
Blackfoot, Ida 83221

785-7902

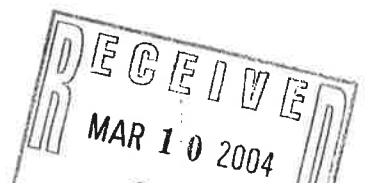
mailed to Soda

needs Richard Stokes
2440 W Bayberry Dr
Paulden, AZ. 86334
7-4H, 27-10201

Listed with a
Realator Co. CB.

Gordon Durvey
208 So 550 west
Blackfoot Ida 83221
27-10370 ; 11513

785-1264



WATER RIGHT NUMBER	NAME	CFS
27-00004	SPLIT INTO 27-0004A THRU 27-0004M BY TRANS. 237, 246, 328, 465, 531, 852, 853, 854, 1561, 1962, 2445.	
27-00004A	THOMSON , R. A.	1.20
27-00004B	STEWART , JOHN I.	1.00
27-00004C	JOHNSTON , PETER G.	1.00
27-00004D	HANSEN , B. D.	1.55
27-00004E	SHAW , ALFRED	0.40
27-00004F	COOK , ORVAL E. <i>Stokes</i>	0.20
27-00004G	MICKELSEN , ELMER	0.60
27-00004H	CARSON , S. GEORGE <i>(Stokes) Stokes</i>	0.20
27-00004J	HARRIS , ALVA A. COOK , DARRELL L.	3.50
27-00004K	VINCENT , FRED B. REID , WALLACE R.	3.15
27-00004L	COX ENTERPRISES INC.	0.57
27-00004M	SPLIT INTO 27-0004N/P/Q BY TRANS.	
27-00004N	ESPLIN , DON	5.44
27-00004Q	ALLEN , PRESTON	2.00
27-00004R	HOWARD , WILLIAM WHITTEN , A. WHITTEN , SUSAN MILLS , CALVIN FOX, JR. , P. B.	6.53

27-0004S *Howard, William
Whitten, A
Whitten, Susan
Mills, Calvin
Fox, Jr, P.B.*

3.87 cfs

27-004T *Reid, Fred*

MICROFILMED

DEC 17 1990

2.45 cfs

27-004U *Mason, James J.*

0.21 cfs.

SCANNED

JUL 13 2001

Log for claim 27-00004H

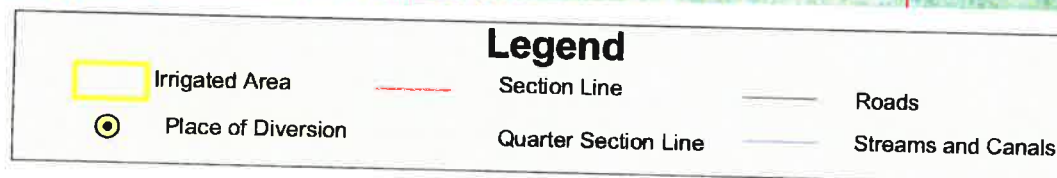
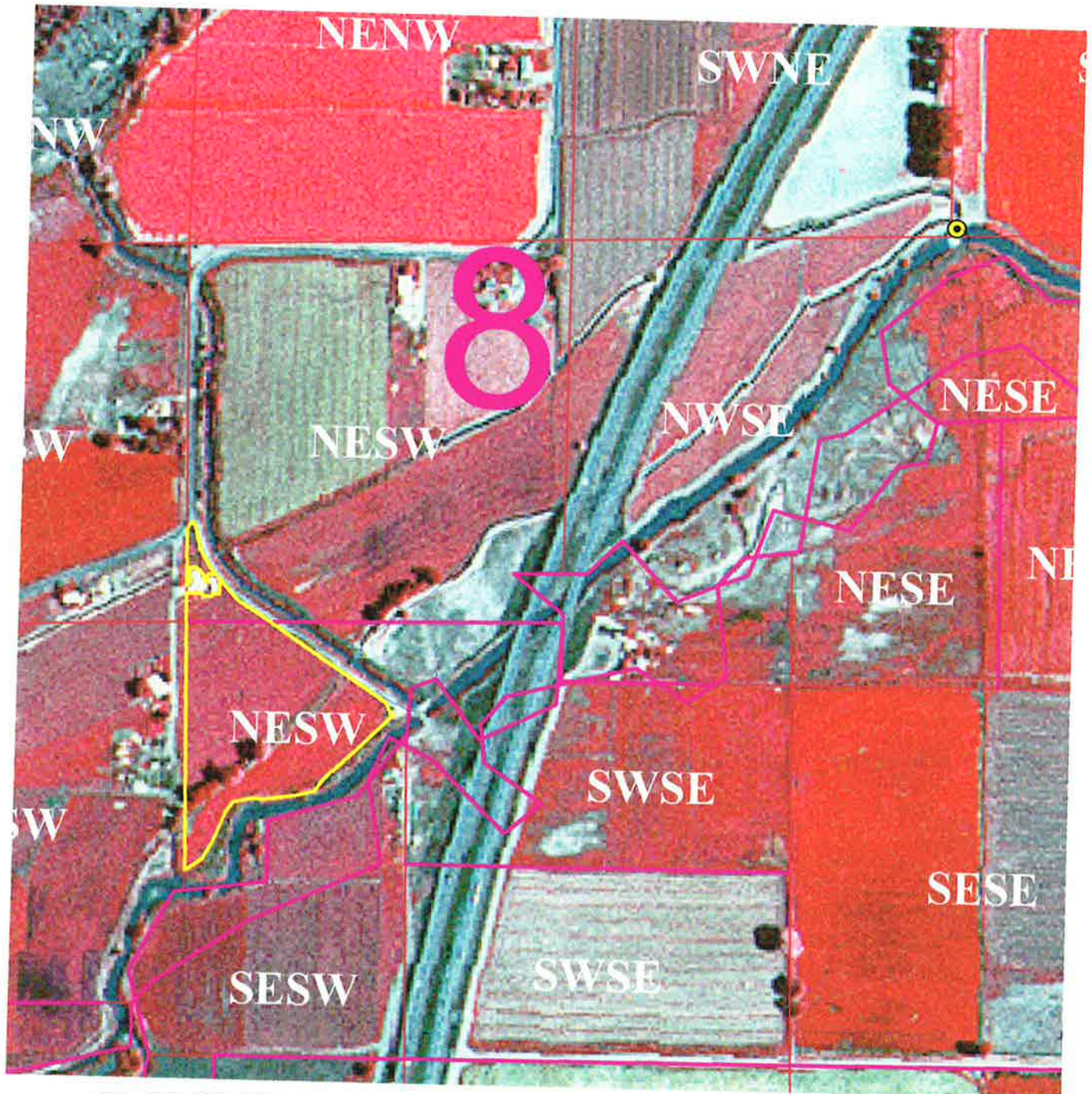
Spatial Dynamics LTD

12/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s35e	8	NESW	1	0.7	
03s35e	8	~~NESW~~	10	8.2	qq should be SESW
Totals:			11	8.9	

Water Right Claim Number 27-00004H
Township , 3S35E

12/18/2000



Audit: 04/11/89 ESRBA 09/27/94 JTHOMPSO 03/29/95 POST-STD 01/13/97 JTHOMPSO



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JANUARY 13, 1997

RICHARD STOKES
485 W RIVERTON RD
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR A27-00004H, A27-10201

Dear Mr. Stokes:

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.

Enclosed are copies 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.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

WARRANTY DEED

For Value Received

ORVAL E. COOK AND NERENE M. COOK, HUSBAND AND WIFE.

the grantor s, do hereby grant, bargain, sell and convey unto

RICHARD STOKES AND SUE ANN STOKES, HUSBAND AND WIFE.

whose current address is 485 West Riverton Rd., Blackfoot, Idaho 83221

the grantee s, the following described premises, in.....Bingham.....County Idaho, to wit:

"SEE ATTACHED SCHEDULE "A" FOR LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF."

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances except matters of public record

13.2

PARCEL I:

Those portions of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 6 in Section 8, Township 3 South, Range 35 E.B.M., Bingham County, Idaho lying North of the Blackfoot River and Westerly of the Center line of the high water drain channel of Blackfoot River established by Flood Control District No. 7 of the State of Idaho...

PARCEL II:

An easement interest in and to the following described property: A strip of land 33 feet wide off the Easterly side of the following described property, to-wit:

Beginning at the point where the East line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 3 South, Range 35, East of the Boise Meridian, in Bingham County, Idaho, intersects the South line of the Riverton Road, thence Southwesterly following said road 1422 feet, more or less, to the West line of Lot 5 in said Section 8, thence South 117 feet to the center of the Central Canal, thence Northeasterly following said center to the East line of the said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence North 88 feet to the point of beginning.
AND

Beginning at the Northeast corner of Lot 5 of Section 8, in Township 3 South, Range 35, East of Boise Meridian, in Bingham County, Idaho, thence North 203 feet to the center of the Central Canal; thence Southwesterly following said center line 1422 feet, more or less, to the West line of said Lot 5; thence South 928 feet, more or less, to the Southwest corner of said Section 8; thence East 1201 feet, more or less, to the West bank of the Blackfoot River, thence Northeasterly following said West bank of the Blackfoot River to the East line of said Lot 5; thence North 775 feet, more or less, to the point of beginning.

Subject to taxes and assessments for the year 1990 and thereafter, to roads, easements and rights of way, to building and zoning ordinances and use regulations and restrictions and to liens and encumbrances suffered, assumed or occasioned by the grantees...

N. Cook
O. Cook

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 27-00004H
(insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: John B. Heintzelman
Address: 485 W. Riverton Rd
Blackfoot, ID 83221
Daytime Phone: 208-782-0844

Name & Address of Attorney, if any:

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

Name: John B. & Stacie D. Heintzelman
Address: 485 W. Riverton Rd
Blackfoot, ID 83221

PROFILED

SCANNED
AUG 23 2005
RECEIVED
MAR 15 2006
Department of Water Resources
Page 1 Eastern Region

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: The quantity decreed to this property on
8-1-1891 for 11 acres
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: Acres should be increased. There is
more irrigated property than IDWR Layout show
10. ☐ **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 OBJECTIONS(S):** see attachments

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Bingham)

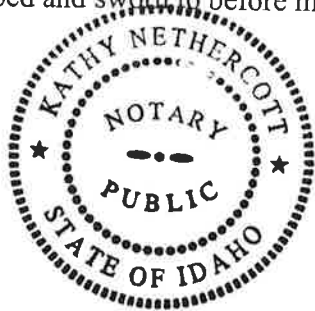
John B. Heintzelman, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

John B. Heintzelman
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 3-14-06



Kathy Nethercott
Notary Public for Idaho
Residing at: Blackfoot
My Commission Expires: 3-11-08

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 March 14, 2006, I mailed the original and copies of this objection, 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: John B. Heintzelman
Address: 485 W Riverton Rd
Blackfoot, ID 83221

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

IDWR - Eastern Regional Office
900 North Skyline
Suite A
Idaho Falls, ID 83402-6105

Cindy Bird
IDWR - Soda Springs
15 W Center St.
Soda Springs, ID 83221

John B. Heintzelman
Signature of objector or attorney
mailing on Objector's behalf



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

) Subcase No. 27-4H
)
)
)

Case No. 39576

) **STIPULATION TO RESOLVE**
)
)

) **OBJECTION**
)
_____)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

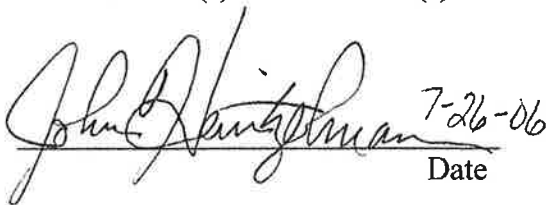
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The Claimant/Objector and IDWR agree and stipulate to the elements as changed in the attached document as indicated in underline/strikeout format.

The Claimant and IDWR acknowledge that there still remain outstanding objections by the Shoshone-Bannock Tribes and the United States Bureau of Indian Affairs and any responses thereto by the State of Idaho and other parties.

The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s)/OBJECTOR(s):


Date 7-26-06


Date 07-26-06

RECEIVED

AUG 02 2006

Department of Water Resources
Eastern Region

OBJECTORS:

Jeanette Wolfley 7/26/2006
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

Peter Monson 7/26/2006
Peter Monson, USDOJ Date
Attorney for BIA

RESPONDENT:

David J. Barber 7/26/2006
David J. Barber Date

IDWR CONCURRENCE:

Ernest Carlsen 7-26-06
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice McHugh 7/26/06
Candice McHugh Date
Deputy Attorney General
Attorney for IDWR

RIGHT NUMBER: 27-4H
NAME AND ADDRESS: JOHN B HEINTZELMAN
485 W RIVERTON RD
BLACKFOOT ID 83221

STACIE D HEINTZELMAN
485 W RIVERTON RD
BLACKFOOT ID 83221

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION: T03S R35E S8 SWSENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.200 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R35E S08 NESW 0.7 T03S R35E S08 Lot 6 SESW

7-9 10.4 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

WATER IS DELIVERED THROUGH ~~CENTRAL~~ STEVENS DITCH.

Stipulation to Resolve Objection

CERTIFICATE OF MAILING

I certify that on July 29, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

Hand-Delivered

2. Copies to:

John B. Heintzelman
Stacie D. Heintaelman
485 W. Riverton Rd.
Blackfoot, ID 83221

Shoshone-Bannock Tribes
Represented by Jeanette Wofley
202 N. Arthur
Pocatello, ID 83204

State of Idaho
Represented by David J. Barber
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 0333
Boise, ID 83724

IDWR Repository
PO Box 83720
Boise, ID 83720


Signature of person mailing the form

JUL 13 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A27-00004H**
Date Received: 4/11/1989
Receipt No: E006804
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RICHARD STOKES
Address: 485 W RIVERTON RD
BLACKFOOT ID 83221

AND/OR

Name: SUE ANN STOKES
Address: 485 W RIVERTON RD
BLACKFOOT ID 83221

2. Date of Priority: JUN 1, 1885

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	35E	8	SW	SE	NE		BINGHAM

5. Description of diverting works:
RIVERTON DAM, HEADGATE INTO STEVENS DITCH

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 27.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	8	NE	SW		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	8	SE	SW	6	IRR	10.0
Section Acres							11.0
Total Acres							11.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGED OWNERSHIP PER REQUEST 1/13/97/GT/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FRED S. STEVENS, ET AL.
Decree Plaintiff

EASTERN IDAHO WATER CO., ET A
vs 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: 39576

Ident. Number: A27-00004H *OK*
Date Received: 4/11/1989
Receipt No: EDD 6804
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORVAL E. COOK 208-785-1891
Address: 485 WEST RIVERTON ROAD
BLACKFOOT, ID 83221
AND/OR
Name: NERENE M. COOK 208-785-1891
Address: 485 WEST RIVERTON ROAD
BLACKFOOT, ID 83221

A2700004H



2. Date of Priority: JUN 01, 1885

3. Source: BLACKFOOT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	35E	8	SW	SE	NE		BINGHAM

5. Description of diverting works:
RIVERTON DAM, HEADGATE INTO STEVENS DITCH

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 27.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A27-00004H

Page 1

Date: 04/11/89

MICROFILMED

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	8	NE	SW		IRR	1.0
			SE	SW	6	IRR	10.0
					Section Acres		11.0
					Total Acres		11.0

11. Place of use in counties: BINGHAM

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: DECREED
Case Number:
Court :
Decree date:

FRED S. STEVENS, ET AL.
Decree Plaintiff

vs

EASTERN IDAHO WATER CO., ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): Dwight Cook Date: 4-11-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of April 19 89

Carter Fritschle
Notary Public

Seal.

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

T

T 3 S
R 35 E

A27-000041

OFILMED

NOV 12 1992