

04/27/2005

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

RIGHT NUMBER: 27-13A
NAME AND ADDRESS: KARMA FIELDING
597 N 1100 E
SHELLEY ID 83274
C KEITH FIELDING
597 N 1100 E
SHELLEY ID 83274

SOURCE: BLACKFOOT RIVER
TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 07/01/1870

POINT OF DIVERSION:
T02S R38E S7 NWNWNW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R37E S01	SWNE	40.0	T02S R37E S01	SENE	40.0
T02S R37E S01	NESW	22.0	T02S R37E S01	NWSW	12.0
T02S R37E S01	NESE	40.0	T02S R37E S01	NWSE	33.0

187 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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



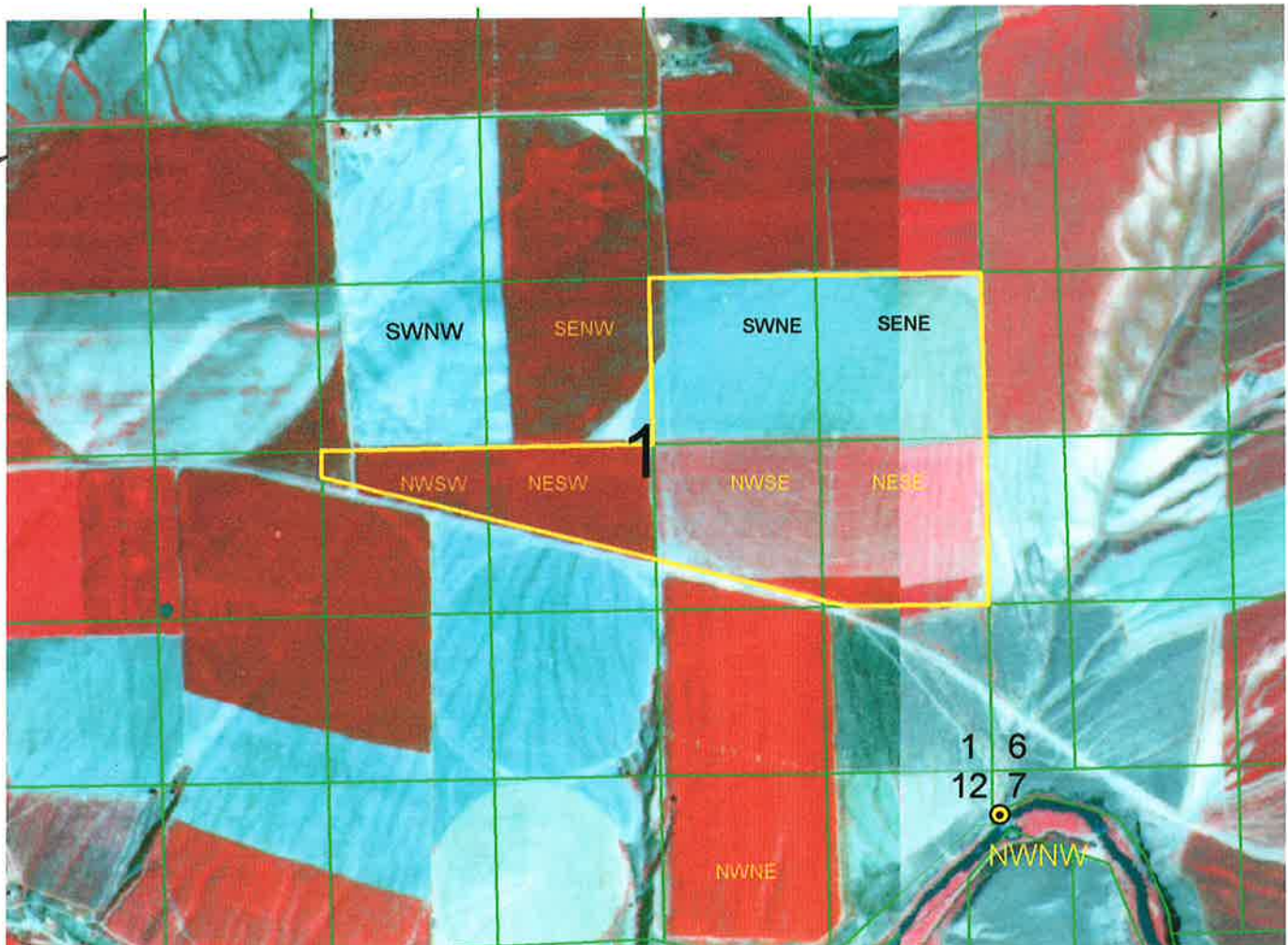
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-13A & 27-4AC



900 0 900 1800 Feet



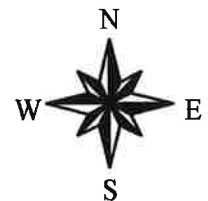
IRRIGATED ACRES 187.0

LEGEND

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

Place of Use: T2S, R37E:
(part of) Sec. 1, SWNE, SENE,
NESW, NWSW, NESE, NWSE.

Point(s) of Diversion: T2S, R38E:
Sec. 7, NWNWNW.



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

DEC 28 2005

PROFILED

PEDIGREE**PRIORITY DATE** 07/01/1870

Water right #	to adjudication claim #
27-00013	27-00013a
	27-00013b

04/27/2005

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: 27-13A

KARMA FIELDING
597 N 1100 E
SHELLEY ID 83274

C KEITH FIELDING
597 N 1100 E
SHELLEY ID 83274

RECEIVED

JUN 28 2005

Department of Water Resources
Eastern Region

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:

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

DATE:

June 28-05

SIGNATURE:

Keith Fielding

Please print your name:

Keith Fielding

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

SCANNED

DEC 28 2005

PROFILED

KMJ
6/28

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
	27-4	AC			
	27-13	A			

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)

Arvel W. Fielding

1115 E 1200 N, Shelley, ID

4. New Owner/Claimant(s)

Keith Fielding and/or Karma Fielding

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

New Mailing Address

597 N 1100 E

City, State and ZIP Code

Shelley Id 83274

New Telephone Number

(208) 346 6211

5. Date you acquired the property

26 July 2003



SCANNED
DEC 28 2005

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)

Keith H. Zindler
Karna S. Shelding

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 _____

530176

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 9-*cutt* 690
DLP

2003 AUG -4 AM 10: 33

WARRANTY DEED

Dated this 26th day of July, 2003

PARTIES:

Grantor: A.W. Fielding Farms, LTD.

Grantee: Charles Keith Fielding and Karma S. Fielding, Husband and Wife

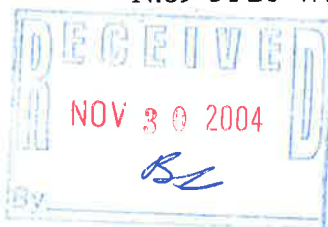
RECORDED AT THE REQUEST OF
Robert Atwood
PO Box 3657
Logan UT 84323-3657

WITNESSETH:

A.W. Fielding Farms, LTD. grantor, for and in consideration of Ten Dollars and other lawful consideration paid to grantor by grantee, does hereby grant, bargain, sell and convey and confirm unto Charles Keith Fielding and Karma S. Fielding, husband and wife, grantee, whose address is 597 North 1100 East, Shelley, ID 83274, and to grantee's successors and assigns, forever, all of the following described real estate situated in Bingham County, State of Idaho, described as follows:

Part of the South Half of (S 1/2) of Section 36, Township 1 South, Range 37 East of the Boise Meridian, Bingham County, Idaho described as follows:

Beginning at the southeast corner of the property as described in Instrument No. 491581 that is S.89°51'20"E. 144.43 feet along the section line from the Southwest corner of said Section 36 and running thence N.00°01'10"W. 1388.16 feet along the east line of said property as described in Instrument No. 491581; thence S.89°46'21"E. 2713.66 feet; thence N.00°11'09"W. 1156.91 feet; thence S.89°42'13"E. 1229.35 feet to the south side of an existing drainage; thence along said drainage the following fourteen (14) courses: (1) S.25°16'31"E. 45.66 feet thence (2) S.56°34'22"E. 59.83 feet; thence (3) S.73°38'55"E. 56.95 feet; thence (4) S.53°59'28"E. 156.51 feet; thence (5) S.66°58'40"E. 103.05 feet; thence (6) N.76°53'55"E. 317.86 feet; thence (7) N.70°21'06"E. 200.64 feet; thence (8) S.14°09'24"W. 105.70 feet; thence (9) S.21°55'58"E. 56.63 feet; thence (10) S.50°23'45"E. 54.11 feet; thence (11) S.74°50'08"E. 56.13 feet; thence (12) N.77°44'28"E. 57.24 feet; thence (13) S.85°26'06"E. 158.48 feet; thence (14) N.60°53'22"E. 36.82 feet to the east line of said Section 36; thence S.00°11'37"E. 2271.04 feet along said east line to the Southeast corner of said Section 36; thence N.89°51'20"W. 5127.77 feet along the section line to the point of beginning.



7-26-2003

Parcel contains 221.86 acres and is subject to the existing County Road right-of-way along the west side of the above described parcel.

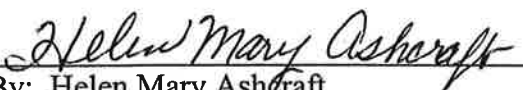
ALSO: All that part of the East Half of Section 1, in Township 2 South, of Range 37 East of the Boise Meridian, lying North of the County Road.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the 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 grantors.

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 successors and assigns forever. And the said grantor, and said grantor's successors and assigns 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 successors and assigns, against the said grantor, and grantor's successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In Witness whereof, the said grantors hereunto have set their hand.

A.W. Fielding Farms, LTD.


By: Helen Mary Ashcraft
General Partner & Limited Partner


By: Cristel Handly
General Partner & Limited Partner


By: Gladys Ann Atwood
General Partner & Limited Partner

STATE OF IDAHO)

County of Mason)

On this 26th day of July, 2003, before me, the undersigned notary Public in and for said state, personally appeared Helen Mary Ashcraft, Cristel Handly, and Gladys Ann Atwood known to me or proved to me upon satisfactory evidence, to be the persons whose names are subscribed to the foregoing instrument, who being first duly sworn, declared that they are all the General Partners and Limited Partners of A.W. Fielding Farms, LTD., and that they signed the foregoing document as the General Partners and Limited Partners.

In Witness Wherefore, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Wendy Virgin
Notary Public for Idaho
Residing at BOYBURG
Commission expires: 9-20-2006

530176

To: jcrabtree@idwr.state.id.us

Cc:

Subject: Arvel Fielding Claim 27-4AC and 27-13A

Hi Jen,

In trying to locate this claimant, we have discovered that he died. His son, Keith Fielding, is purchasing the property from his father's estate. There is a note in the file that he was going to take the warranty deeds and death certidiate to IF. The note is dated 9/13/2004.

Can you please check to see if anything has arrived in your office? If so, can you please snail mail it to us.

Thanks.

Barbara :-}

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 27-7017
27-13A
27-2091
27-44C

[] Name(s): Arvel W. Fielding

[] Old Mailing Address: 1115 E. 1200 N.
Shelley, ID 83224

[] New Mailing Address: A. W. Fielding Farms
780 Stewart Hill Drive
River Heights, Utah 84321

Telephone Number: (435) 752 - 9284

[] Signature(s) of Owner(s): 

Representative Gladys Ann Atwood - Cristel Handly
(Include your title if on behalf of company or organization) Helen Ashcraft

Date: April 12, 2005

219000

CERTIFICATE OF FORMATION OF LIMITED PARTNERSHIP TO Dec 2 AM 10 03 K & K FARMS, LTD.

STATE OF IDAHO)

County of Bingham) ss.

Filed
 FILED IN COUNTY OF
 BINGHAM AT REQUEST OF
 Ronald H. Fielding
 Rexburg

The undersigned, being duly sworn deposes and says

1. Name

The name of this Limited Partnership shall be

K & K Farms, Ltd.

2. Character of Business

This Limited Partnership has been formed to
 operate farms, dairies and ranches, raising, feeding, milking,
 and selling livestock, owning, leasing, managing
 real estate, improved and unimproved for the
 investing or reinvesting undistributed profits
 from the foregoing and for conducting any other
 business or activity reasonable related to the foregoing as
 determined by the general partners.

Principal Place of Business

The location of the principal place of business
 of this Limited Partnership shall be Bingham County, Idaho.

Names and Places of Residence of General Partners

Herein

Arvel W. Fielding Route #2, Shelley, Idaho

Helen Dorothy Fielding Route #2, Shelley, Idaho

Charles Keith Fielding Route #2, Shelley, Idaho

Names and Places of Residence of Limited Partners

Herein

Arvel W. Fielding Route #2, Shelley, Idaho

Helen Dorothy Fielding Route #2, Shelley, Idaho

Charles Keith Fielding Route #2, Shelley, Idaho

Karna S. Fielding Route #2, Shelley, Idaho

Term of the Partnership

The Limited Partnership shall continue until



Keith Fielding
597 N. 1100 E.
Shelley, ID 83274
346-6211

March 7, 2005

Attention: Barbara Payne

Re: Snake River Basin Adjudication (SRBA)
Claim 27-4AC and 27-13A

We request a timeline that you have on our water, so that we may find any other information you may need.

Thank you!

Keith and Karma Fielding



July 1870

300"

Henry Dunn

Henry Dunn to Margaret Thompson 6-24-1910 100"

1934 - Fred Ostlund to William A. Ball 4 shares Miners Ditch

1936 John C. Millick to William A. Ball 37" in Blackfoot Tr. + West Branch 37 shares West Side 1 share Miners Ditch

1951 Laver Elison to William A. Ball 50" Blackfoot River water

1952 ~~Harry Thompson~~ to William A. Ball

1955 James Nelson to Warren Tew

1958 Warren Tew + Vera to Earl Tew

1959 William + Ball to Warren Tew 100" Miners inches

1963 Earl Tew to Arvel Fielding

1970 Vera Tew to Arvel Fielding

1972 Vera Tew to Arvel Fielding

1977 Earl Tew to Arvel Fielding

Fred S. Stevens 138" 7/6/69
 Stevens Ditch 38" Fred S. Stevens Horse Id.

27-013 Henry Dunn 300" 7/1/1870
 Pump river 100" Ovel Fielding (John Thompson)
 Hanson Ditch 200" Jim Tarpley (Shore water)
 23 acres

27-014 N.H. & Emma Just 200" 8/1/71
 Pump river 200" Reid Bros.

27-016 Leon Misslen 200" 4/1/73
 Hanson Ditch 100" Owen Taylor (Cox)
 22" Young 221 300
 Ditch 50" Henry Robertson

27-017 John Misslen 120" 7/1/87
 Pump river 120" Miner's Ditch (5 acre plots)

27-018 H.R. Lewis 100" 3/1/2
 covered in Reservoir

27-005 Presto Burrell 100" 3/1/2
 Pump river 100" Darrel Cook



27-13

#7.

27-16
27-29
27-17

The North-east quarter of the South-east quarter and the South-east quarter of the North-east quarter of section No. 4, in Township No. 3, South of Range 36 East of Boise Meridian; and also of Lot 2 and south $\frac{1}{2}$ of South-west $\frac{1}{2}$ of Section 26 and Lots 1, 2, 3, and 4, and north $\frac{1}{2}$ of N. W. $\frac{1}{4}$ and South-west $\frac{1}{4}$ of North-west $\frac{1}{4}$ of section 35, and the North-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of Section 34, Township 2 South of Range 36 East of Boise Meridian; and also Lots 5 and 6, and North-west $\frac{1}{4}$ of South-west $\frac{1}{4}$ of Section 3 and South-east $\frac{1}{4}$ of the South-east $\frac{1}{4}$ of Section 4 in Township 3 South of Range 36 East of Boise Meridian; said lands in all being in area, seven hundred and seventy three and 65/100 acres.

Leon Mislen:

That the defendant Leon Mislen is now and has been continuously since the year 1873 the owner and in the possession of and entitled to the possession the following described lands, to-wit:

The Lot numbered (1.) one of section 34, in township 2 south and the lots numbered 1, 2, and 4, of section 3 in Township 3 South of Range 36 East of Boise Meridian, containing one hundred and sixty-five & 64/100 acres: Also the south-east quarter of section 23, and the North-east quarter of Section 26, and Lots 1 and 2 of section 25, and Lot 2 of section 24 in Township 2 South of Range 36 East of Boise Meridian, and containing 614 17/100 acres: Also Lot 1 in section 4 and Lot 3 and the South-west quarter of the north-west quarter of section 3, in Township 3 South of Range 36 East of Boise Meridian, and containing 160 acres, more or less; Also the south-west quarter of south-east quarter of section 34 in Township No. 2 South of Range No. 36 East of Boise Meridian, and containing 40 acres; all of said land being situate in Bingham County, Idaho.

9 19 81 AC
500 m

John Misslen:

That the defendant John Mislen is and was at all the times hereinafter mentioned a citizen of the United States; that in the year 1873 said defendant was and since has been, and now is, the owner and in the possession of and entitled to the possession of the following

Microfilm

MAR 2 2005

In the District Court of the Fifth Judicial District of the State of Idaho, in and for Ringham County.

Fred S. Stevens et. al, Plaintiffs.

vs

Eastern Idaho Water Co. et. al, Defendants,

This cause having been heretofore tried by the Court, without a jury, and the Court having made its findings of fact and conclusions of law,

It is now ordered, adjudged and decreed that the following parties are entitled to divert from the Blackfoot River the amount of water herein indicated, and the right of each party dates from the time hereinafter stated and set opposite each name, to wit:—

Fred S. Stevens, July, 6th A.D. 1869. — 138 inches

Henry Dunn, July, 1st A.D. 1870 — 300 inches

A.A. Just and }

Emma Just, August, 1st A.D. 1871 — 200 inches

Leon Misslew, July, 1st A.D. 1873 — 200 inches

John Misslew, April, 1st A.D. 1874 — 120 inches

H. R. Lewis, March, 1st A.D. 1875 — 100 inches

Presto Burrell, March, 1st A.D. 1876 — 100 inches

William Kirkpatrick, May, 1st A.D. 1878 — 100 inches

F.M. Shonwaker, April 1st A.D. 1879 — 90 inches

Eastern Idaho Water Co. March, 25th A.D. 1880 — 1800 inches

P.B. Fox, Jr.

William Howard

A. Whitten

Aurora E. Whitten

and Calvin Miles

March, 25th A.D. 1880 — 600 inches

Levi Warren, April 1st A.D. 1882 — 50 inches.

Emily Warren, April 1st A.D. 1883 — 106 inches.

Daniel G. Miller, April 1st A.D. 1883 — 100 inches.

Fred S. Stevens, October 1st A.D. 1884 — 140 inches

A.A. Just and }

Emma Just, April 1st A.D. 1885 — 100 inches.

Leon Misslew, May 1st A.D. 1885 — 300 inches.

Robert Miller, May 1st A.D. 1885 — 150 inches.

P. B. Fox Jr.

William Howard

A. Whitten

Susan E. Whitten

Calvin Miles

June 1st A.D. 1885 - 1500 inches

W. W. Ritter

July 23d A.D. 1885 - 560 inches

Thomas H. Weber

July 23d A.D. 1885 - 480 inches

James Drew

October 1st A.D. 1885 - 6 inches

Eastern Idaho Water Co.

October 1st A.D. 1885 - 1000 inches

H. R. Lewis and

Sarah Lewis

March 1st A.D. 1886 - 160 inches

James Welch

March 20th A.D. 1886 - 400 inches

William A. Davidson

April 3th A.D. 1886 - 352 inches

David S. Morgan

April 5th A.D. 1886 - 132 inches

William Morgan

April 5th A.D. 1886 - 100 inches

William A. Downing

April 5th A.D. 1886 - 120 inches

F. Little

October 4th A.D. 1886 - 240 inches

Charles S. Burton

October 4th A.D. 1886 - 240 inches

John Sharp sr.

November 1st A.D. 1886 - 320 inches

F. W. Jennings

November 1st A.D. 1886 - 400 inches

Donald Polaris

April 1st A.D. 1887 - 100 inches

Samuel Borup

April 1st A.D. 1887 - 50 inches

Jacob Elias

Caroline Elias

May 1st A.D. 1889 - 145 inches

Maylaw C. Fox

December 4th A.D. 1889 - 640 inches

That the following rights herebefore set forth, to-wit:

The right of H. R. Lewis dating from the 1st day of March A.D. 1875, for 100 inches; the right of W. W. Ritter, dating from the 23d day of July A.D. 1885 for 560 inches; the right of Thomas H. Weber, dating from the 23d day of July A.D. 1885 for 480 inches; the right of H. R. Lewis and Sarah Lewis dating from the 1st day of March, A.D. 1886, for 160 inches; the right of F. Little dating from the 4th day of October, A.D. 1886, for 240 inches; the right of Charles S. Burton, dating from the 4th day of October, A.D. 1886, for 240 inches; the right of John Sharp sr., dating from the 1st day of November A.D. 1886, for 320 inches; the right of F. W. Jennings, dating from the 1st day of November, A.D. 1886, for 400 inches; the right of Donald Polaris, dating from the 1st day of April A.D. 1887 for 100

mic T pag 146

POSITION 1 (UPPER LEFT)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

SEVERANCE AGREEMENT
(WATER FACILITIES PROGRAM)

WHEREAS William Archie Ball and Verda M. Ball
of Blackfoot, County of Bingham, State of Idaho,
hereinafter called the "borrowers," ~~are leasing from, purchasing under contract from,~~ have mortgaged to,
or have encumbered by executing a deed of trust securing a note(s) held by Federal Land Bank of
Spokane and _____ of _____
County of _____, State of Washington, hereinafter called
the "owners" or "creditors," the following-described real property:

Lots 5 and 6, NW 1/4 SW 1/4	Sec 3, Twp 3 S., R 36 E.B.M.
Lots 2, 3 and 4, S 1/2 NW 1/4	4
Lots 1, 3 and 4, W 1/2 NW 1/4	9
Lot 1	10

in Bingham County, Idaho

AND, WHEREAS, the borrowers have applied to the United States of America (hereinafter called the "Government") for a Water Facilities loan for the purpose of improving the aforesaid real property by the construction, erection, or addition thereto of the structures and equipment described and have agreed to give the Government a purchase money mortgage lien thereon:

Electric motor.
Electric pump for irrigation,
Pump mounting and all necessary equipment incident to use and operation
of the facility.

NOW, THEREFORE, for and in consideration of the making of such a loan by the Government and of the installation of the structures and equipment by the borrowers, the parties hereto do covenant and agree that, as to the lien of the Government, such structures and equipment shall remain severed from said real property, will be considered with respect to the interests of the parties hereto as personal property and, even though attached thereto, shall not be considered to become fixtures or a part of the real estate or subject to the lien of any security instrument heretofore or hereafter placed thereon by any of the parties hereto, except the lien of the Government until the expiration of the Government's lien and any extension or renewal thereof and until the repayment of said loan.

QUITCLAIM DEED

231297

THIS INDENTURE, made this 31st day of October, 1977, between EARL H. TEW and his wife

Shelley, County of Bingham, State of Idaho, the part 1st of the first part and ARVEL W. FIELDING and HELEN DOROTHY FIELDING, his wife, County of Bingham, State of Idaho, the part 1st of the second part,

WITNESSETH, that the said part 1st of the first part, for and in consideration of the sum of Ten Dollars, full money of the United States of America and other valuable considerations, to them in hand paid by the part 1st of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said part 1st of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the County of Bingham, State of Idaho, to-wit:

All right, title and interest to the use of an old well located North of the South Quarter Corner of Section 36, Township One (1) South, Range 37 East of the Boise Meridian with the right of access to and egress from said well, together with all ditch and water rights used upon and appurtenant to said premises, including all well water rights and filings and certificates made in connection with said property.

BINGHAM COUNTY RECORDER
BLACK
RECORDED
OCT 31 1977

77 NOV 1 AM 10 32
231297

RECORDED AT THE REQUEST OF

Earl H. Tew
Arvel W. Fielding
Helen Dorothy Fielding
Bingham, Idaho
8-5-40

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.

IN WITNESS WHEREOF, the said part 1st of the first part have hereunto set their hand and seal, this day and year first above written.

Executed and Delivered in the Presence of

Earl H. Tew (SEAL)
Arvel W. Fielding (SEAL)
Helen Dorothy Fielding (SEAL)

11-31-1977

Between _____, County of Bingham, State of Idaho,
the part Y of the first part and ARVEL W. FIELDING, a married man,

County of Bingham, State of Idaho, the part Y of the second part,
WITNESSETH, that the said party of the first part, for and in consideration of the sum of
Ten and No/100ths Dollars
lawful money of the United States of America and other good and valuable consideration,
to her in hand paid by the part Y of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said part Y of the second part, and to his heirs and assigns, forever, all the following described
real estate, situated in _____, County of Bingham,
State of Idaho, to-wit:

All that part of the East Half of Section One (1), in Township Two (2) South, Range Thirty-
Seven (37), East of the Boise Meridian, lying North of the County Road.
ALSO, commencing at a point 1280 feet West of the Southeast Corner of Section 36,
Township 1 South, Range 37, E.B.M., Bingham County, Idaho, and running thence in a
Northwesterly direction to a point 640 feet North of the South Quarter Corner of said
Section 36, thence South 640 feet to said South Quarter Corner; thence East along the
South line of said Section 36 to the point of beginning.
EXCEPTING FROM the last above described property the following, to-wit: beginning
at a point which is 290 feet North of the South Quarter Corner of Section Thirty-six (36),
Township One (1) South, Range Thirty-seven (37), East Boise Meridian, and running
thence East 560 feet; thence North 100 feet; thence West 560 feet; thence South 100 feet
to the point of beginning.

Subject to:

1. Taxes for the year 1972 and all subsequent years.
2. Easement to Utah Power and Light Company, recorded May 3, 1957, Miscellaneous Book W, Page No. 122, records of Bingham County, Idaho. Said easement being for power lines.
3. Easement to Utah Power and Light Company, recorded April 17, 1959, Miscellaneous Book Z, Page No. 134, records of Bingham County, Idaho. Said easement being for power lines.
4. Mortgage from Warren S. Tew and Vera H. Tew, husband and wife, to The Connecticut Mutual Life Insurance Company in the amount of \$30,000.00, dated November 10, 1958, recorded December 24, 1958, in Book 103, No. 64087; which mortgage was assumed by the Party of the Second Part.

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belong-
ing 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 part Y of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the part Y of the second part, and to his heirs and assigns forever.
And the said part Y of the first part, and her heirs, the said premises in the quiet and peaceable
possession of the said part Y of the second part, his heirs and assigns, against the said part Y
of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her hand
and seal the day and year first above written.

Executed and Delivered in the Presence of

Robbie W. Tew
B. Owen Tew

Vera H. Tew

[SEAL]

[SEAL]

3-15-1972

153258

79 APR 14 PM 2

OFFICIAL RECORDS
FEE \$3.00
RECORDED AT REQUEST
BINGHAM TITLE & TRUST

WARRANTY DEED

THIS INDENTURE, Made this 27th day of March, 1970, by and between VERA H. TEW, as an Individual, and VERA H. TEW, as Trustee, of Shelley, Bingham County, Idaho, (hereinafter referred to as "Grantor"), and ARVEL W. FIELDING and DOROTHY FIELDING, his wife, of Shelley, Bingham County, Idaho, (hereinafter referred to as "Grantees"),

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS, lawful money of the United States of America, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained and sold, and by these presents, does grant, bargain, sell, convey and confirm unto Grantees forever, all of the following described real property situate in the County of Bingham, State of Idaho, to-wit:

Lots 3 and 4 and the South Half of the Northwest Quarter, and that part of the North Half of the Southwest Quarter lying North of the County Road, in Section 1, Township 2 South, Range 37, East of the Boise Meridian. Also, Commencing at the Southeast Corner of the Southwest Quarter of Section 36, Township 1 South, Range 37, East of the Boise Meridian, and running thence North 2330 feet; thence North 84°14' West 455 feet; thence North 79°30' West 870 feet; thence North 39°15' West 350 feet; thence North 22°35' West 630 feet; thence North 49°25' West 1020 feet, more or less to the West line of said Section 36;

thence South to the Southwest corner of said Section 36; thence East to the point of beginning. Also, Beginning at a point which is 290 feet North of the South Quarter corner of Section 36, Township 1 South, Range 37, East Boise Meridian; thence East 560 feet; thence North 100 feet; thence West 560 feet; thence South 100 feet to the point of beginning.

Together with all ditch and water rights used upon and appurtenant to said premises, including all well water rights and filings and certificates made in connection with said property.

TO HAVE AND TO HOLD, All and singular the above mentioned and described real property unto the Grantees forever.

Grantor shall and will warrant and by these presents, forever defend the said real property in the quiet and peaceable possession of the Grantees against all claims and demands of Grantor and every other person whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seal the day and year first above written.

Vera H. Tew L.S.
Vera H. Tew, As an Individual

Vera H. Tew L.S.
Vera H. Tew, As Trustee

OCT 27 2004

By

1-30-1950

WARRANTY DEED

BOOK 101. PAGE 135

THIS INDENTURE, Made this 30th day of January, 1950, in the year of our Lord one thousand nine hundred and fifty-nine between

WILLIAM ARCHIE PALE and VERDA M. PALE, husband and wife,
of the County of Bingham, State of Idaho,
the parties of the first part, and WARREN S. TEW,

of the County of Bingham, State of Idaho,
the party of the second part.

WITNESSETH, that the said parties of the first part for and in consideration of the sum of - - FIVE THOUSAND, FIVE HUNDRED and no/100- - - - - DOLLARS lawful money of the United States of America,

to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the being decreed water rights in Blackfoot River, following described real estate, situated in the County of Bingham, State of Idaho, to-wit:

ALL OF THE RIGHT, TITLE AND INTEREST of the first parties in and to 100 miner's inches, or 2 cubic feet per second, of the decreed waters of Blackfoot River, acquired by means conveyances and being a part of the decreed right of Blackfoot River of 300 inches, with date of priority, July 1, 1891, decreed to Henry Dunn, in that certain action of Fred S. Stevens, et al, plaintiffs, v. Eastern Idaho Water Company, et al, defendants, in the District Court of the Fifth Judicial District of the State of Idaho, in and for Bingham County, Judgment rendered August 1, 1891, the said water rights hereby conveyed having been decreed to and for the irrigation of Lots Five and Six and the Northwest quarter of the Southwest quarter of Section Three, and the Southeast quarter of the Southeast quarter of Section Four, all in Township Three South, of Range Thirty-six, East of the Boise Meridian, in Bingham County, Idaho.



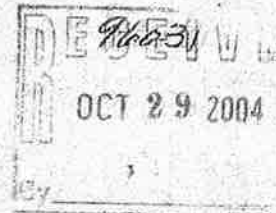
95

William Archie Pale to Warren S Tew
100 inches

3-1

BOOK

6



ASSIGNMENT OF AGREEMENT OF SALE

KNOW ALL MEN BY THESE PRESENTS:

That EARL H. TEW and BETH J. TEW, husband and wife, of Bingham County, Idaho, hereinafter designated Parties of the First Part, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, to them in hand paid by ARVEL W. FIELDING and DOROTHY FIELDING, husband and wife, hereinafter designated parties of the second part, the receipt whereof is hereby acknowledged, have sole and by these presents do sell, and assign and transfer unto the said Parties of the Second Part, a certain agreement of sale in writing, said agreement being dated the 20th day of December, 1958, executed by Warren S. Tew and Vera H. Tew, his wife, as Vendors therein, and EARL H. TEW and BETH J. TEW, his wife, as Vendees therein, wherein and whereby said Vendors agreed to sell to said Vendees, the said Vendees agreed to buy from said Vendors the following described real property situate in Bingham County, Idaho, to-wit:

All that part of the East Half of Section One (1), in Township Two (2) South, of Range Thirty-seven (37), East of the Boise Meridian, lying North of the County Road.

Also, beginning at the South Quarter Corner of Section Thirty-six (36), in Township One (1) South of Range Thirty-seven (37) East of the Boise Meridian, in Idaho, and running thence North 1320 feet; thence Southeasterly on a direct line to the Northeast corner of Lot Two (2) in Section One (1), Township Two (2) South of Range Thirty-seven (37), East of the Boise Meridian, thence West 1320 feet, more or less, to the point of beginning.

Excepting from the last above described property the following, to-wit:

Beginning at a point which is 290 feet North of the South Quarter Corner of Section Thirty-six (36), Township One (1) South, Range Thirty-seven (37) East Boise Meridian, and running thence East 560 feet; thence North 100 feet; thence West 560 feet; thence South 100 feet to the point of beginning; together with all ditch and water rights belonging to and used upon any of the above described property or any part thereof;

Together with all of the tenements, hereditaments and appurtenances thereto belonging and otherwise appertaining;

TO HAVE AND TO HOLD said agreement of sale and all of first parties' right, title and interest therein and thereto to the second parties, their heirs, executors, administrators and assigns forever.

First parties hereby represent and warrant to the second parties that the

LAW OFFICES OF
PETERSEN, MOSS & OLSEN
520 S. STREET
IDAHO FALLS, IDAHO

27-13 ANALYSIS
PREPARED BY C. BIRD
MARCH 31, 2005

This is a continuation from Harold Jones analysis on 27-13A & B faxed to me on February 23, 2005. We requested additional information from Keith Fielding in reference to the 100" claimed under 27-13A to see if the sale was valid. If the sale is valid then there is only 200 inches left for claim 27-13B.

The attached map shows the original Dunn place of use outlined in red. The claimed POU for 27-13B is what is outlined in green. There is only 158 acres under 27-13B that is part of the original place of use.

June 24th, 1910 Henry Dunn sold to Margaret Thompson 100" of the Blackfoot River with a priority date of 7/1/1870 in a water deed. As you can see from the attached Metzger map Margaret Thompson owned the property in T3S, R36E, sections 3 and 4.

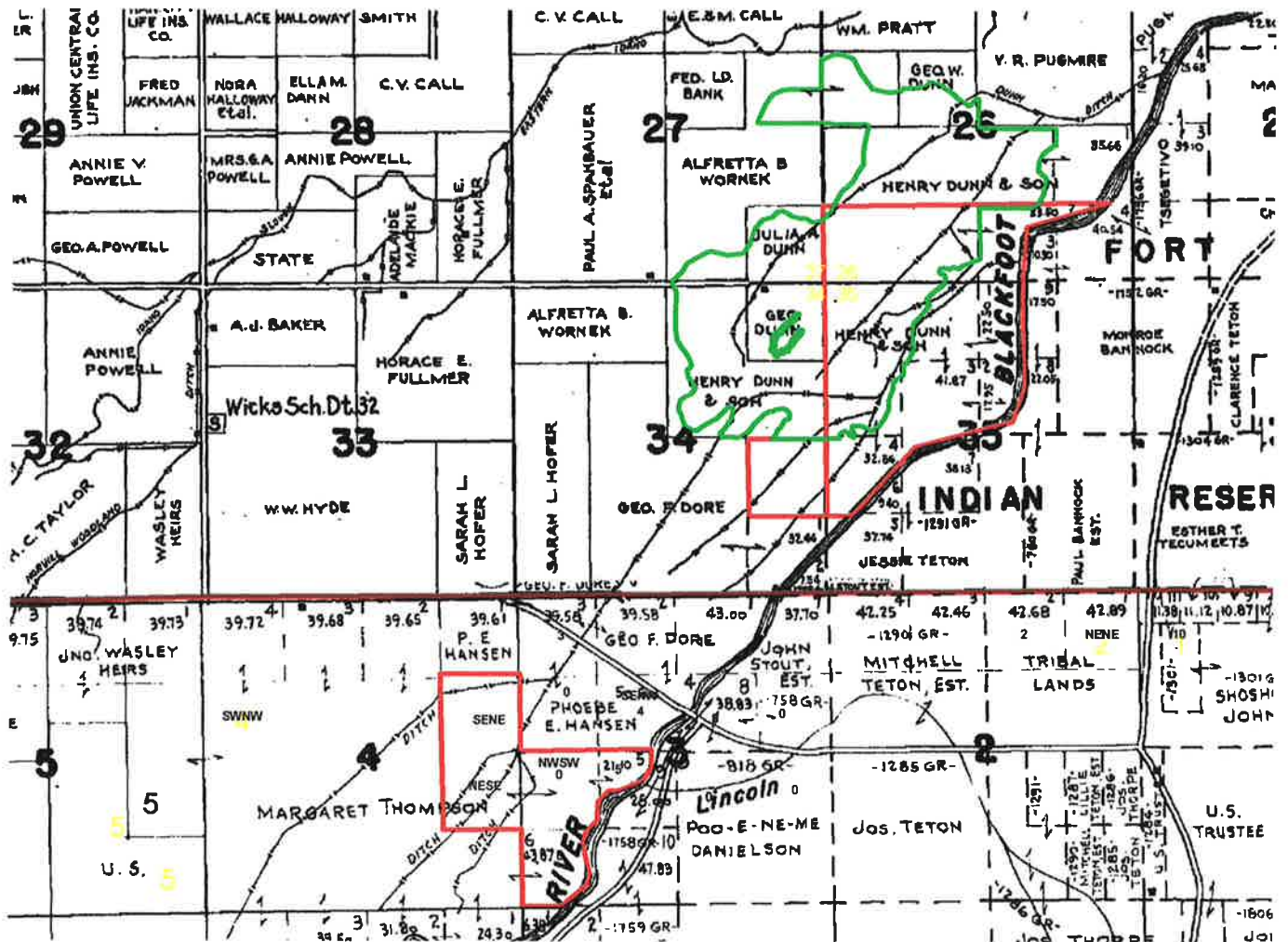
January 30th of 1959, William Ball sells the 100" of Dunn's decreed water to Warren Tew. Then in February of that same year William Ball makes application to the Department for an irrigation well to irrigate a 120 acres in the N1/2SW and SWSW of section 3 and SESE of section 4, all within township 3 south and range 36 east of the Boise Meridian.

Preceding deeds show Warren & Vera Tew together conveying different pieces of land. Then in 1970 Vera Tew sells the piece claimed under 27-13A to Arvel W. & Dorothy Fielding with all ditches and water rights. One would have to assume Warren past away prior to the sale to the Fieldings.

It is my option that the original 100 inches sold to Margaret Thompson is valid and it has been moved to the ground now owned by Keith Fielding. Therefore, there would only be 200 inches left on the piece claimed under 27-13B.

27-13 decree analysis

T2S, R36E AND T3S, R36E



0.7 0 0.7 1.4 Miles



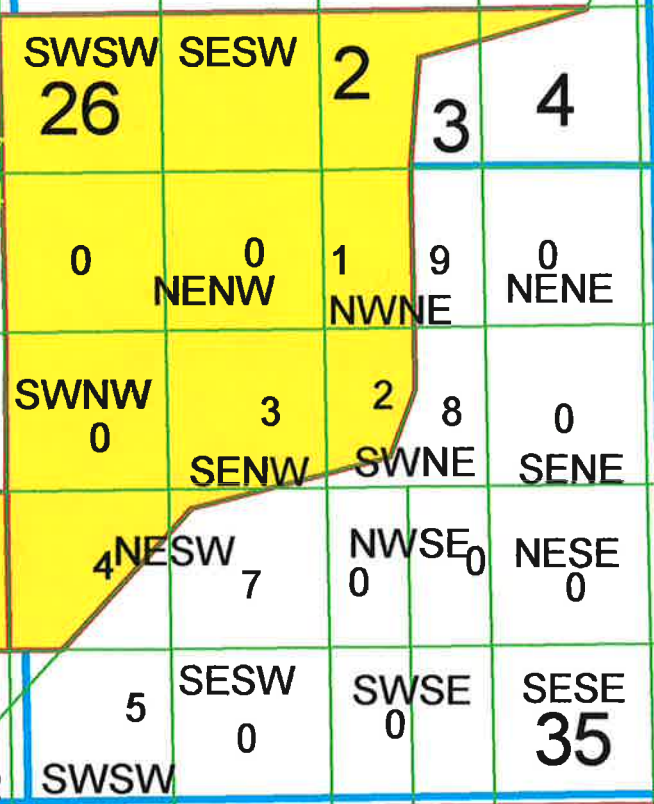
- ▬ PLSS Township LinesGcdb_tr.shp
- ▬ 27-13a.shp
- ▬ 27-13b.shp
- ▬ 27-13original.shp
- ▬ T03s36e.shp
- ▬ PLSS Section LinesSections.shp

1945 Metzker Map
Prepared by: C. Bird
March 31, 2005

27-13 B. apr

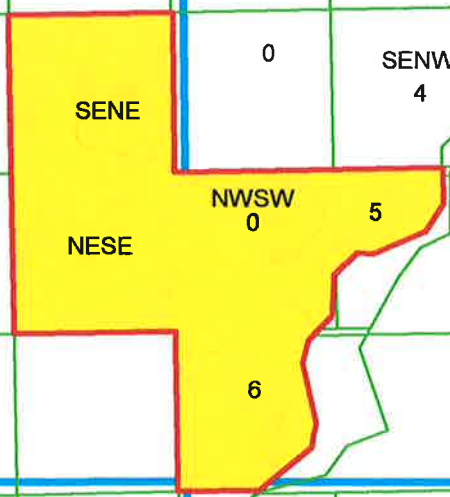
28

27-13 original shp



34

33



NWNW NENW NWNE NENE

10

10

NE

Notes

3/31/05 I discovered an additional document from 4 not entered in the timeline that shows William Ball owned the land in T3S, R36E, Sections 3, 4, 9 & part of 10.

4/4/05. Ned Pon & DOD's treated for this rights.

4-12-05 Called Keith re missing doc. BP 346-6211

27-13A, apr

claim	2-37-1	cal.
40	1 S W N E	40.0
13	1 N W S W	11.7
36	1 N W S E	33.1
40	1 S E N E	39.8
40	1 N E S E	39.9
22	1 N E S W	22.4
191	~~2 N E S E~~	~~0.0~~
		186.9

Notes

10-13-04 Letter to Claumont re ownership. BP
10-21-04 See note in 27-4AC. Letter was
returned by P.O. Emanuel IF to see if
they received anything. BP

10-29-04 Received a copy of warranty deeds
& death certificate from claimant. PB

3-4-05 Letter to Claumont re ownership change
& water deeds. BP

3-7-05 Call from Keith. Told him I would prepare
a timeline to show him what is missing.
He is to send in the ownership change. BP

3-8-05 Sent Claumont timeline. BP

3-8-05 Received ownership change. BP

3/25/05 Mr. Fielding called and said he was
supposed to have the information to Barbara
today but wondered if he could mail it
to me today. I told him that would be
fine. CB

3-28-05 Keith Fielding called - package coming.
Couldn't find water transfer. BP
Received some docs. BP

Period of Use and Quantity Data Entry Form

Claim Number:

A27-00013A☐ 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
<u>Irrigation</u>	<u>4/1</u>	<u>10/31</u>	<u>2.0</u>	

Overall Diversion Rate 2.0

Overall Diversion Volume _____

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

analysisReviewer: CSDate: 4/4/05

Period of Use and Quantity Data Entry Form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
208-525-7161 - PHONE
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Cindy Bird FROM: Slip

DOCUMENT DESCRIPTION: 07-13 review

TOTAL NUMBER OF PAGES (Including this page): 7

* Billing address: _____ *

* _____ *

* No of Pages _____ Cost / Page _____ Total Charge _____ *

27-138 Priority 7-01-1870 (Henry Dunn)

Subject Form

Document 5.41.11 shows a 40 acre
ice going from USA to Henthia Johnson (6-22-1917)
the New (acres) of sec 26 TAS R36E.
is not a part of the original Henry Dunn
O.U. a no specific water rights go with property.
O.U. of this P.O. is claimed under 27-138.

Document 5.41.0. (9-21-1917) Shows 40 acres in
NW Sec 26 TAS R36E going from USA to Henry
Dunn P.O. a no specific water rights go with the
property. Alcove of this P.O. is claimed under
7-138.

Document 5.62.7 (5-5-1919) shows the NAME of sec 34
as R36E going from Henry Dunn to George Dunn. This is not
a part of the original Henry Dunn P.O. under 27-13. 18 acres
of this P.O. is claimed under 27-138. No specific water rights
conveyed with the above sale.

(1)

Document 7.5.9 (11-30-1935) shows
Henry Dussangkarn selling to Alfretha
Brown Wende portion of sec 34, sec
27 & sec 26 TAS R36E, None of
this acre were the original P.O. of Henry
Dunn under right 27-13. However the
SE NE, NW SE sec 27 & SW NW sec 26
TAS R36E included in above sale is
part of P.O. claimed under 27-138.

Document 7.5.9.3 (7-26-1936)
100" of Blackfoot Creek under (no priority
mentioned) is sold with property in sec
34 & 35 TAS R36E, of these
the NE SE sec 34 & L-3, L-4 & SW NW
sec 35 TAS R36E was original
P.O. of the Henry Dunn property under
27-13. This is a good assumption that
acres of 7-01-1870 water went with
this property.

Property sold to George Dunn

7-13B Priority 7-01-1870 (Henry Dunn)

Document E. 7.4.4 (4-25-1946) shows
Henry Dunn selling to Lester Hanson, 1946,
in sec 26, 27, 34 + 35 T2S R36E.

Included in the above is the S1/2SW1/4 sec 26, E2 sec 26,
N2S2E sec 34, lots 1, 2, 3 + 4, N1/4NW1/4 sec 34
of sec 35 T2S R36E. This list is all original
P.O.U. for the Henry Dunn right 27-13. Under
rights should include the 100" from the sale
in 7-26-1936 (Document 759.3) plus additional
water on the other parcels of original P.O.U.
Unfortunately no quantity of water is
mentioned.

2

* This sale is left in the
interpretation as to the split of
right 27-13.

In 1959 (Document 9.5)

William & Viola Ball still to Henry
T2S 100" inches of the 7-10-1870
water. The land decedent the original
P.O.U. as the portion of Sec 3 + Sec 34
T2S R36E which was a part of
the original Henry Dunn P.O.U.

This is a water right only, in my
interpretation, + I have to assume
the Ball's owned their portion of
Sec 3 + 4 T2S R36E.

If this 100" sale is valid, it
only leaves 200" available for
27-13B.

27-13B Dried / 7-01-1870 (Henry Dunn)

③

[then jump to Document 11.8.3

where Rod Hunter sells to Jim Tappley

portions of Sec 26, 27, 34 + 35. This includes portions of the original Henry Dunn Plou. listed below: Sec 26, L-2 + S¹/₂ S¹/₂ W¹/₄

Sec 34, NESE

Sec 35, W¹/₂ NW¹/₄ + Lots 1, 2, 3 + 4

It also includes 247.5 acres of Blackfoot River water but no priority or priorities are mentioned

and Clament, Bliswhell Ranch has interpreted it do

mean 247.5 acres of 7-01-1870 (Henry Dunn) water.

Included in this sale were properties in Sec 26, 27, 34 + 35

725 R3C6 which were not original Henry Dunn plain of fire.

27-13B + 27-13A

(4)

I decided to pro-rate the original
Henry Dunn P.O.U. + re-calculate actual
acres.

Sec 3 - L-5 = 24.4 acres L-6 = 43.4 acres
NWSW = 40 acres

T3S
R36E

Sec 4 - SE NE = 40 acres NE SE = 40 acres
SE SE = 40 acres

Sec 26 - SW SW = 40 acres SE SW = 40 acres
L-2 (SW SE) = 33.5 acres

Sec 34 - NE SE = 40 acres

T2S
R
36E

Sec 35 - L-1 (NW NE) = 22.50 acres L-2 (SW NE) = 17.95 acres
L-3 (SE NW) = 41.87 acres L-4 (NW NW) = 32.86 acres
N 1/2 NW = 80 acres SW NW = 40 acres

Total is 616.48 acres with 300⁰
of 7-01-1870 water or
0.486 cfs/acre

Conclusions 27-13B + 27-13A

(5)

Successor to claimant Anne Felling needs to be contacted to see if documents of ownership for original P.O. in Sec 3 + 4 can be shown for

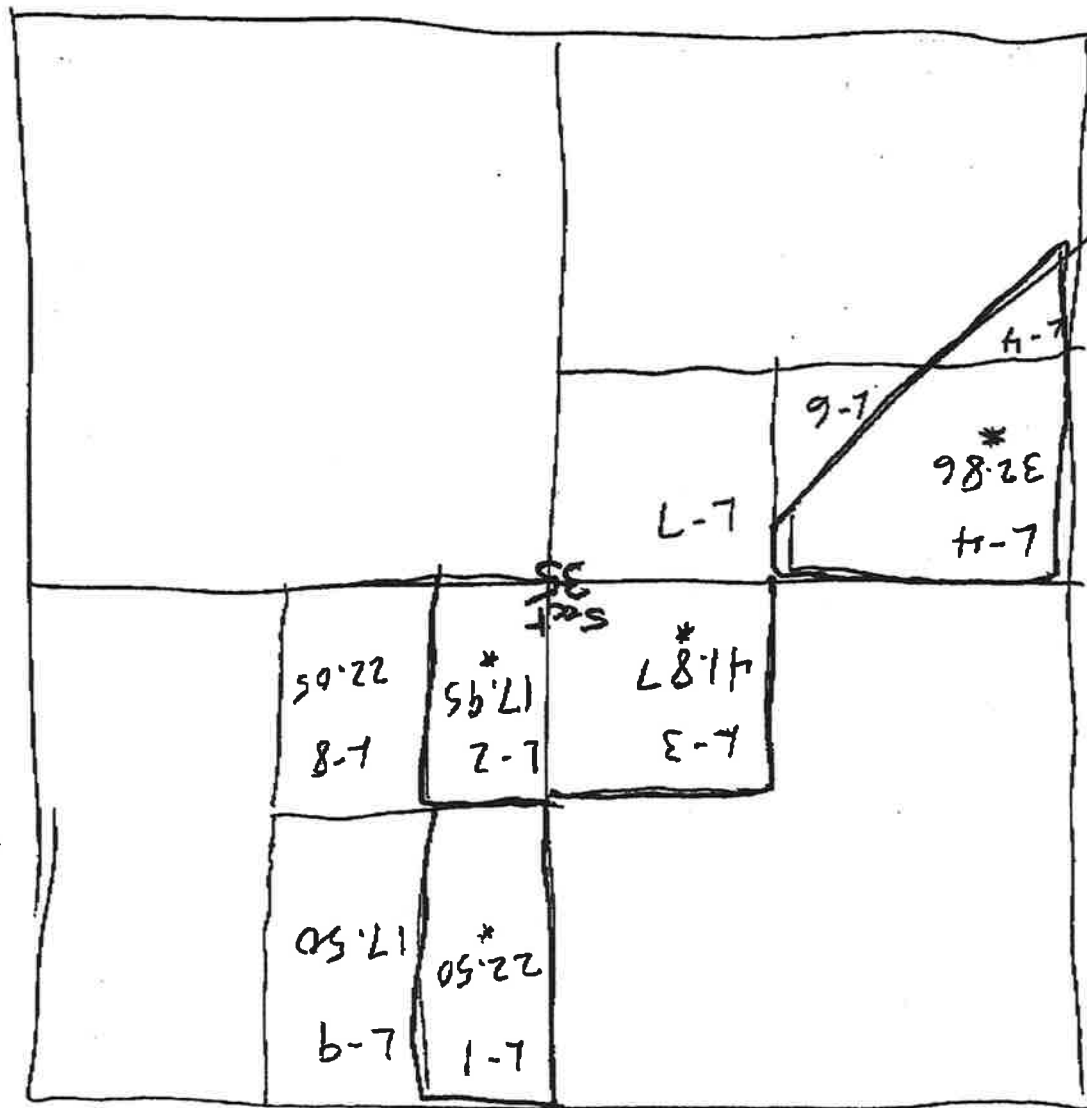
William Ball or his immediate predecessor. This document should provide

document 87.44 (4-25-1946) so it validates an amount of 100' on said property in Sec 3 + 4.

On a straight pro-portion of 0.4863/acre, the 227.8 acres of original P.O. in Sec 3 + 4 T 25 R 36E yields 110.7 inches of water.

If this documentation can be had then it should be 2.00cfs for 27-13A + 4.00cfs for 27-13B.

T
25
R 36E





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

13 October 2004

Arvel W. Fielding
1115 East 1200 North
Shelley, ID 83274

COPY

RE: Snake River Basin Adjudication (SRBA)
Claim 27-13A

Subject: Ownership documentation

RESPONSE DATE: 3 November 2004

Dear Claimants:

The Department of Water Resources is currently investing water right claims in Basin 27. IDWR's information indicates that your water right claim is based on a water right decreed in *Stevens v. Eastern Idaho Water Co.*, Judgment Book 1, pp 106-117 (Bingham County, Idaho August 1, 1891) to Henry Dunn. This water right was decreed with a July 1, 1870, priority date.

In order to make a complete and accurate recommendation of your water right, each element of the water right must be proven. The Department needs information that shows you are a successor to the original water right. This could be established through deeds or other conveyance documents that show you own a portion of the original water right. I am enclosing a copy of our pamphlet "Evidence of Priority" to guide you to sources that may constitute proof of the priority date of your water right.

This office must receive your response by the date shown above. If no response is received, then your claim to water will not be recommended to be decreed. If you have any questions, please feel free to contact me at the Soda Springs Satellite office at 547-3993.

Respectfully,

Barbara Payne

sent copy in 27-4AC

Enclosure



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

8 March 2005

Keith Fielding
597 North 1100 East
Shelley, ID 83274

RE: Snake River Basin Adjudication (SRBA)
Claim 27-4AC and 27-13A

COPY

Subject: EVIDENCE OF PRIORITY

RESPONSE DATE: 25 March 2005

Dear Claimants:

Thank you for calling our office concerning evidence for the two referenced claims. I have prepared a timeline listing the documents we have received concerning evidence of priority. Please review this timeline and pay specific attention to the notes for each document.

One of the documents cites a portion of the claimed POU as being transferred from Tew to Arvel Fielding. However, no documents have been submitted that provide evidence prior to Tew's ownership. If Tew owned the balance of the claimed POU, when did he obtain ownership and when did he transfer it to Arvel Fielding?

Several of the documents mention shares in various irrigation companies. These are only carrying ditches and do not have any rights to water by themselves.

The important water document is the Warranty Deed dated January 30, 1959 from Ball to Tew that includes 100 miner's inches. No evidence has been provided that proves Ball had the water to sell to Tew. The other question in connection with this document is the location of the acres sold. They are NOT within the claimed POU. This water could have been transferred from T3S, R36E, Sections 3 and 4 to the claimed POU in T2S, R37E, Section 1. However, no transfer has been submitted nor found.

This office must receive the missing documentation by the date shown above. If no response is received, then your claim to water will not be recommended to be decreed. If you have any questions, please feel free to contact me at the Soda Springs Satellite office at 547-3993.

Respectfully,

A handwritten signature in cursive script, appearing to read "Barbara Payne".

Barbara Payne

Enclosure: Timeline



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

4 March 2005

Keith Fielding
597 North 1100 East
Shelley, ID 83274

Re: Snake River Basin Adjudication (SRBA)
Claim 27-4AC and 27-13A

Subject: OWNERSHIP CHANGE & EVIDENCE OF PRIORITY

Response Date: 25 March 2005

Dear Claimant(s):

We have received a copy of the death certificate for Arvel Fielding, who filed water claims in the 1990s. We have also been furnished multiple documents supporting the priority date. In order to proceed with the recommendation, there are two items that are still missing.

One of the documents furnished is a Warranty Deed dated January 30, 1959 from William & Verla Ball to Warren Tew for 100 miner's inches of decreed Blackfoot River water with a priority date of July 1, 1870. However, we have received no documents that support that Mr. Ball had the water to sell, nor to whom Mr. Tew sold the water to. In order to apply this priority date to Claim 27-13A, documentation supporting the water transfers need to be provided from the priority date to present.

Also in order to change the name of the water claims, please complete the enclosed Notice of Change in Water Right Ownership and return it to our office.

Please feel free to call me at 547-3993 if you have any questions.

Respectfully,

Barbara Payne

Enclosure:

Ownership Change Form



SCANNED

JUL 13 2001

Log for claim 27-00013A

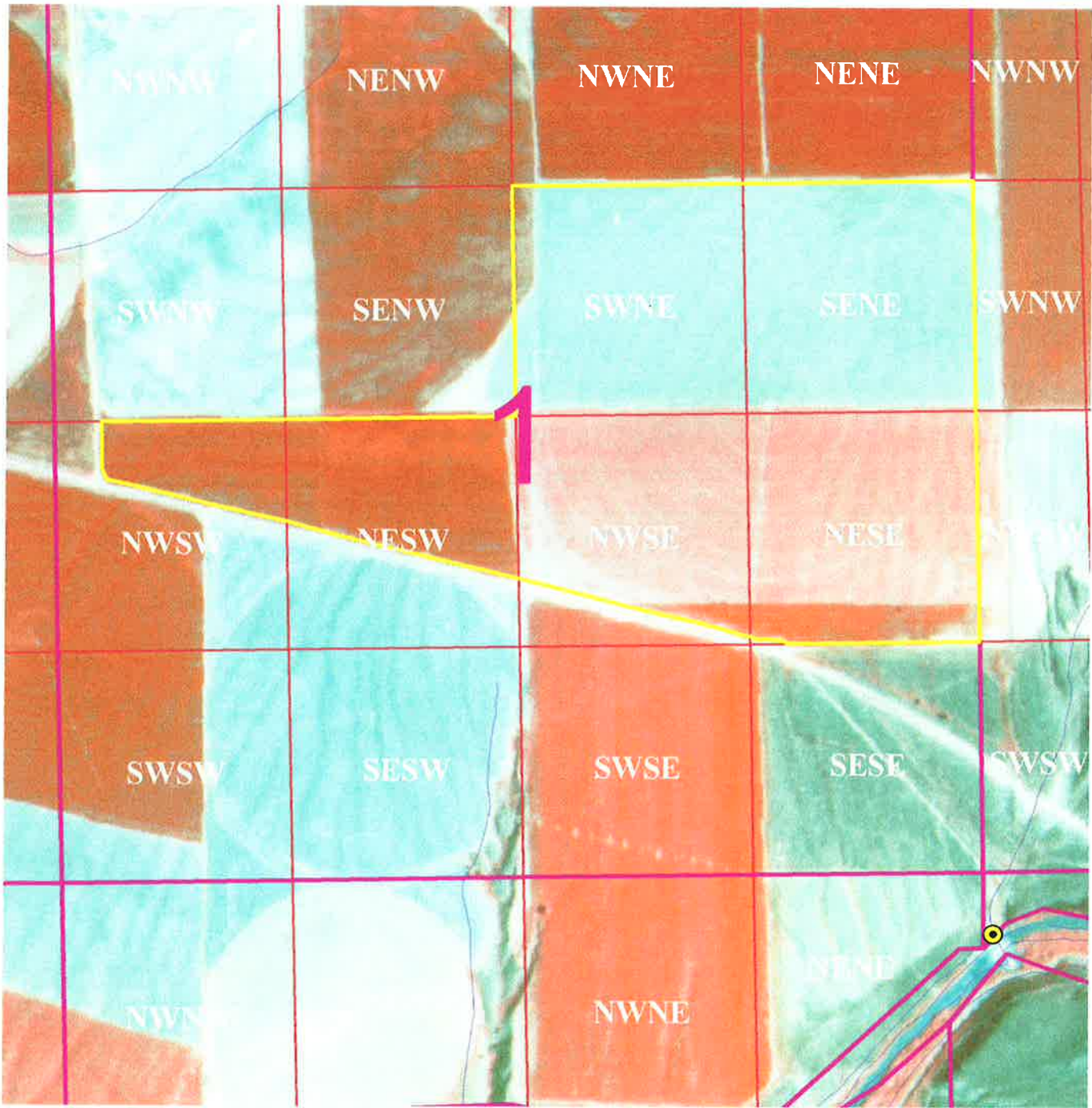
Spatial Dynamics LTD

11/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s37e	1	SWNE	40	40	
02s37e	1	SENE	40	40	
02s37e	1	NESW	22	23	
02s37e	1	NWSW	13	11	
02s37e	1	NESE	40	40	
02s37e	1	NWSE	36	33	
Totals:			191	187	

Water Right Claim Number 27-00013A
Townships , 2S38E, 2S37E

11/07/2000
See 27-00004AC



Irrigated Area

Section Line

Roads

Place of Diversion

Quarter Section Line

Streams and Canals



AJ5809NP
No. A27-00013A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 15

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ARVEL W FIELDING 1115 E 1200 N SHELLEY ID 83274 (208) 357-7255	07/01/1870	IRRIGATION	04-01 11-01	2.000 CFS	
TOTAL DIVERSION:					2.000 CFS	

Water Source: BLACKFOOT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T02S R38E S07 NWNWNW

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02S	37E	1	:				40		40	:				22		13	:		40		36	:			191.0
TOTAL ACRES																							191.0		

POU County: BINGHAM

Other Rights: 27-00004

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A27-00004AC

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00075Z1 A01-00076Z1 A01-00312Z1 A01-00368Z1 A01-00369Z1 A01-00370Z1 A25-00224Z1 A27-00001 A27-00001A A27-00001B
A27-00002 A27-00002A A27-00002B A27-00003A A27-00003D A27-00003E A27-00004AC A27-00004J A27-00004X A27-00004Y
A27-00004Z A27-00005 A27-00005A A27-00005B A27-07002 A27-10191

Remarks: GEN WATERMASTER ED HALL INDICATED THAT CLAIMANT HAVE 100 INCHES
OF 1870 WATER. TRANSFER WITH JOHN THOMPSON, EARL TEWS,
SHOEMACHER, FIELDING

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 27 Field Inspection Flag:
Presumption Flag:

Audit: 12/16/92 DCARLSON 03/29/95 POST-STD

SCANNED

JUL 13 2001

100

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: A27-00013A
Date Received: 12/14/1992
Receipt No: E018163
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARVEL W FIELDING 208-357-7255
Address: 1115 E 1200 N
SHELLEY ID 83274

2. Date of Priority: JUL 1, 1870

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
02S	38E	7	NW	NW	NW		BINGHAM

5. Description of diverting works:
PUMP FROM RIVER/ PIPELINE TO PIVOT AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	37E	1	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SW		IRR	22.0
			NW	SW		IRR	13.0
			NE	SE		IRR	40.0

A2700013A



MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	37E	1	NW	SE		IRR	36.0

Section Acres 191.0

Total Acres 191.0

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:
27-00004

14. Remarks:

WATERMASTER ED HALL INDICATED THAT CLAIMANT HAVE 100 INCHES
OF 1870 WATER. TRANSFER WITH JOHN THOMPSON, EARL TEWS,
SHOEMACHER, FIELDING

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

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: 1

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): Arnold W. Fielding Date: 14 Dec. '92

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Dec 19 92

Alma Carls
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

