

04/29/2005

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

RIGHT NUMBER: 27-2026

NAME AND ADDRESS: PAUL THOMAS BLOTTER
3250 N 1200 E
LOGAN UT 84321

SOURCE: GOODHEART CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 1.280 CFS

PRIORITY DATE: 08/07/1914

POINT OF DIVERSION:

T09S R44E S4 SWNNW Lot 4 Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.280 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T09S R44E S05 Lot 1 NENE	1.6	T09S R44E S05 Lot 2 NWNE	9.4
T09S R44E S05 SWNE	40.0	T09S R44E S05 SENE	13.0

64 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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1976 TO 2005.

EXPLANATORY MATERIAL: License



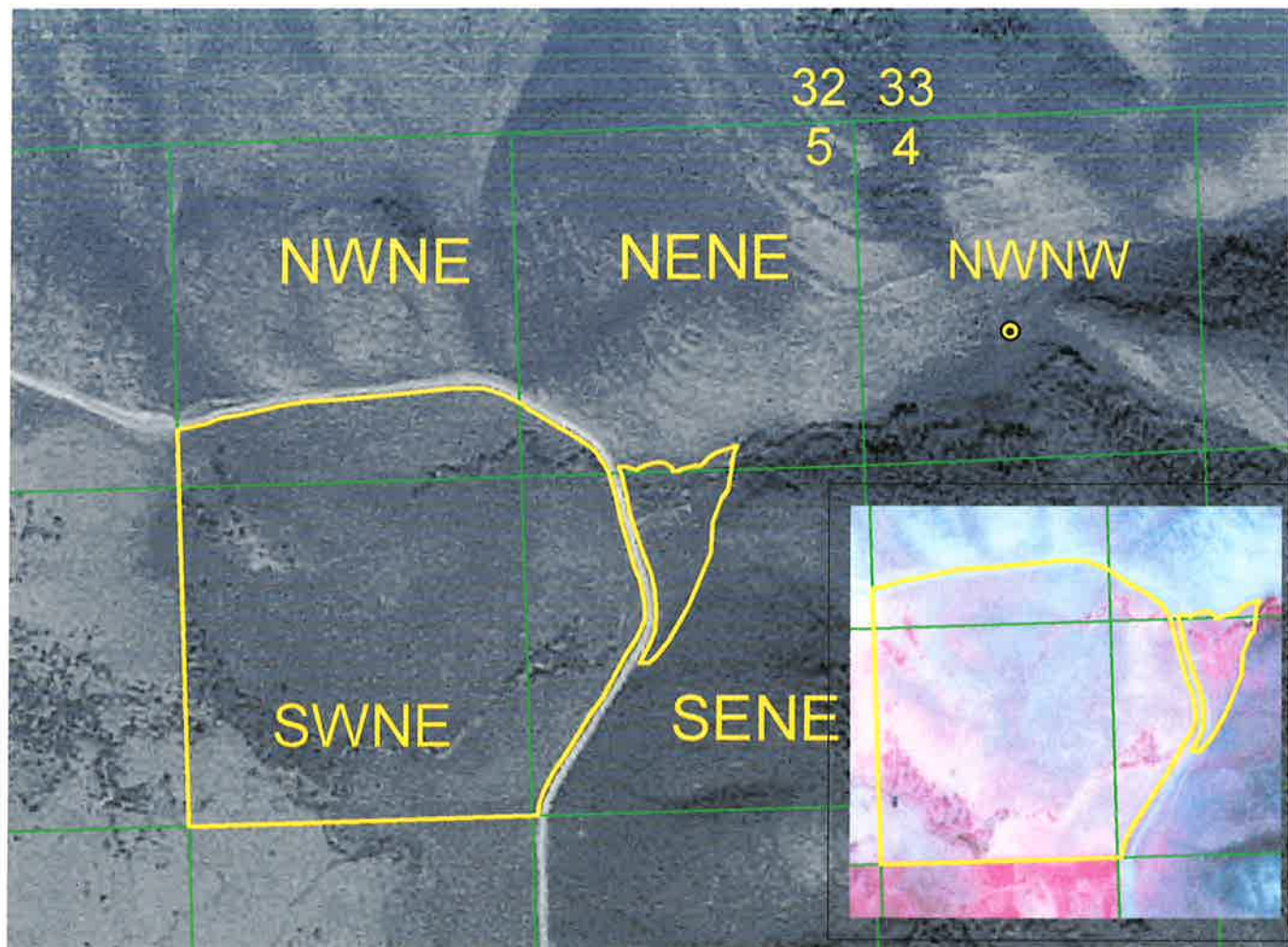
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-2026



1000 0 1000 2000 Feet

IRRIGATED ACRES 64.0

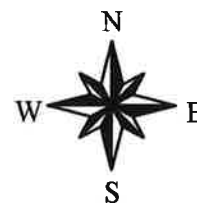
LEGEND

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

SCANNED

Place of Use: T9S, R44E:
(part of) Sec. 5, NENE,
NWNE, SWNE, SENE.

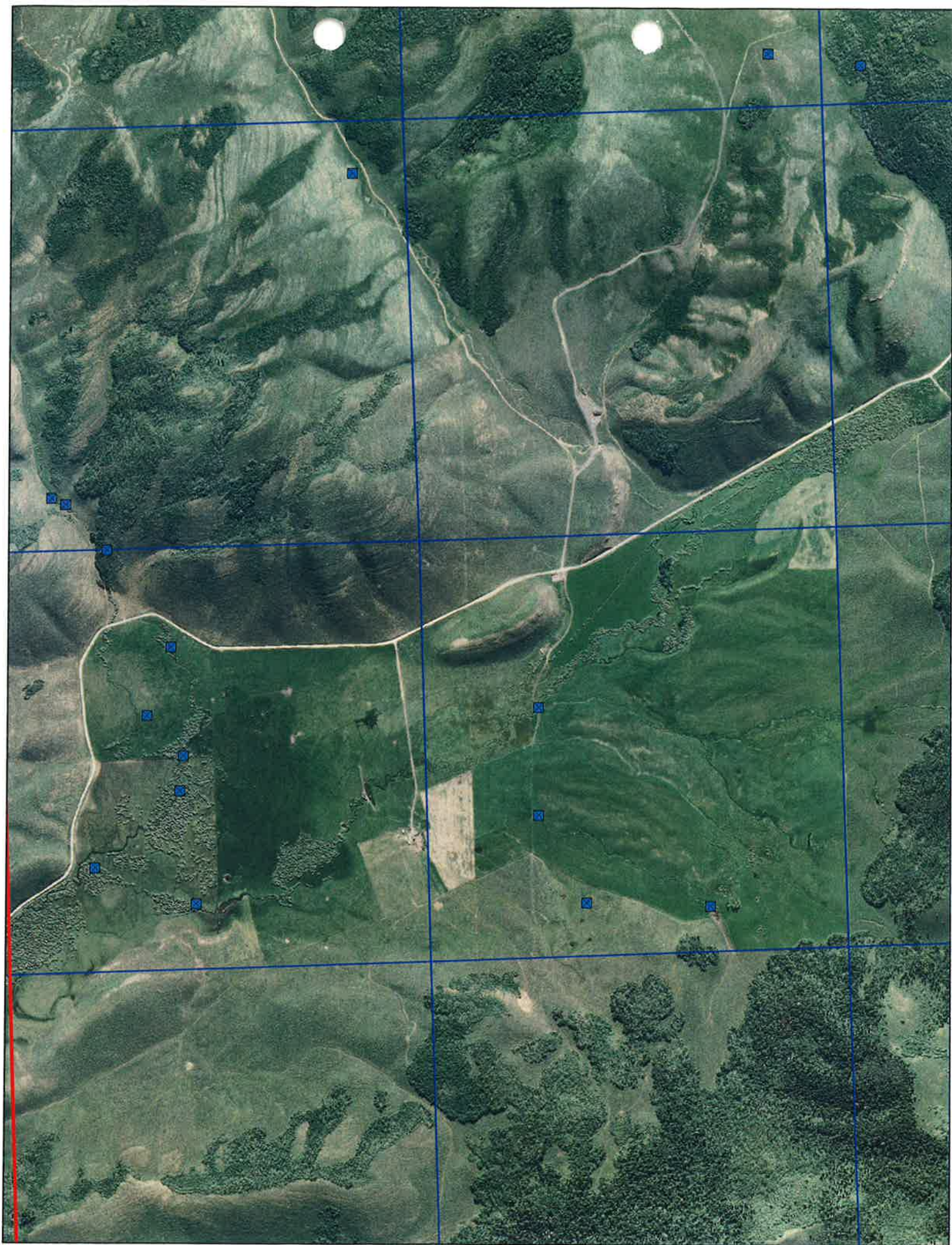
Point(s) of Diversion: T9S, R44E:
Sec. 4, NWNW.

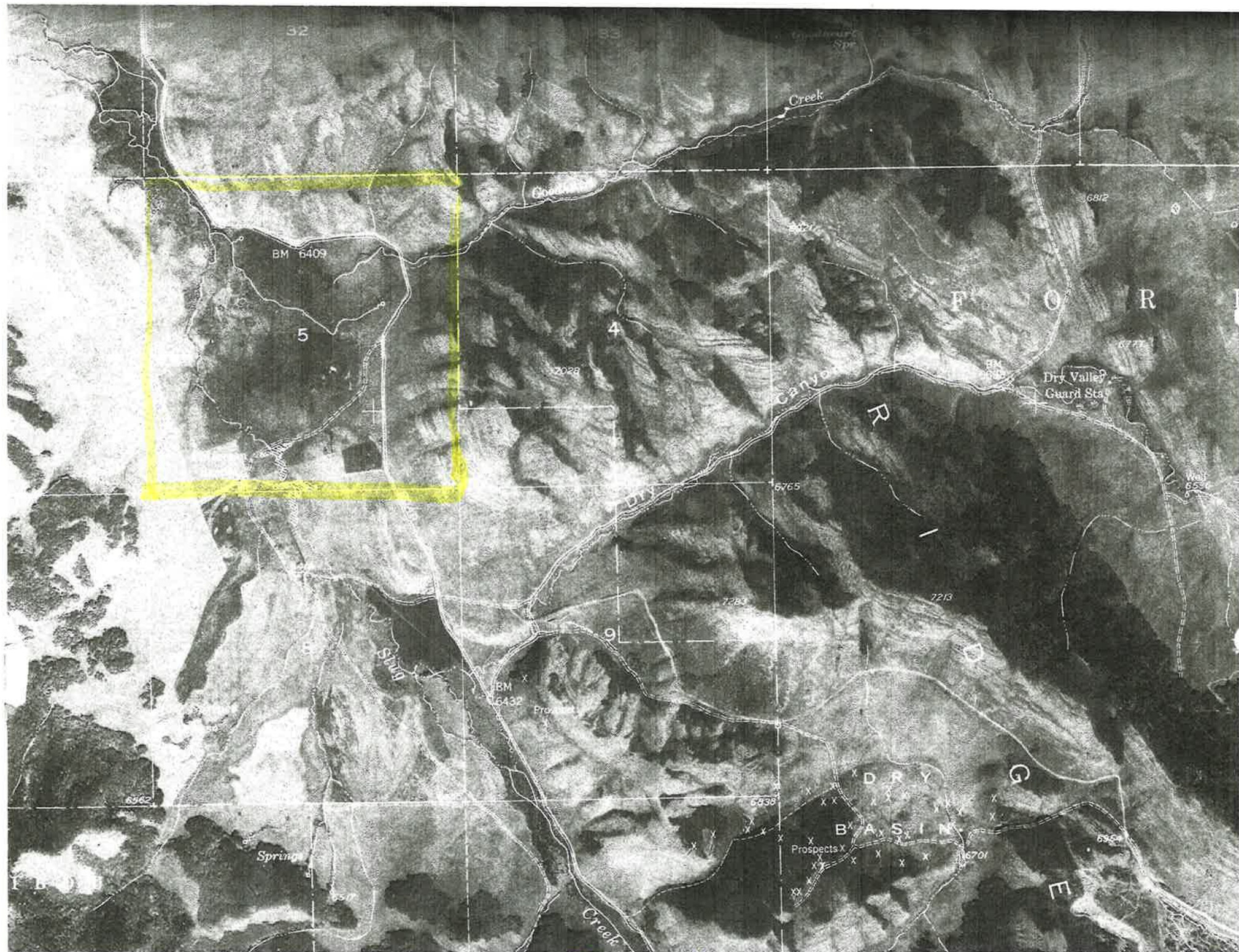


GIS Place of Use Illustration
1987/88 NAPP Photography
2002 Imagery
Prepared by: B. Payne
Date: April 2005.

FEB 01 2006

PROFILE

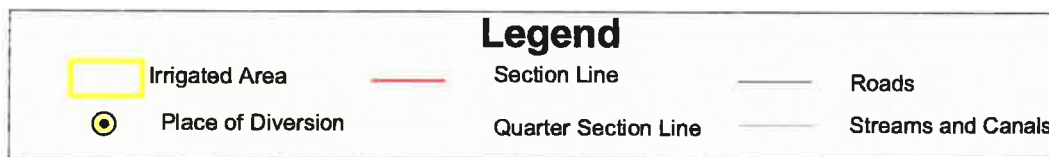
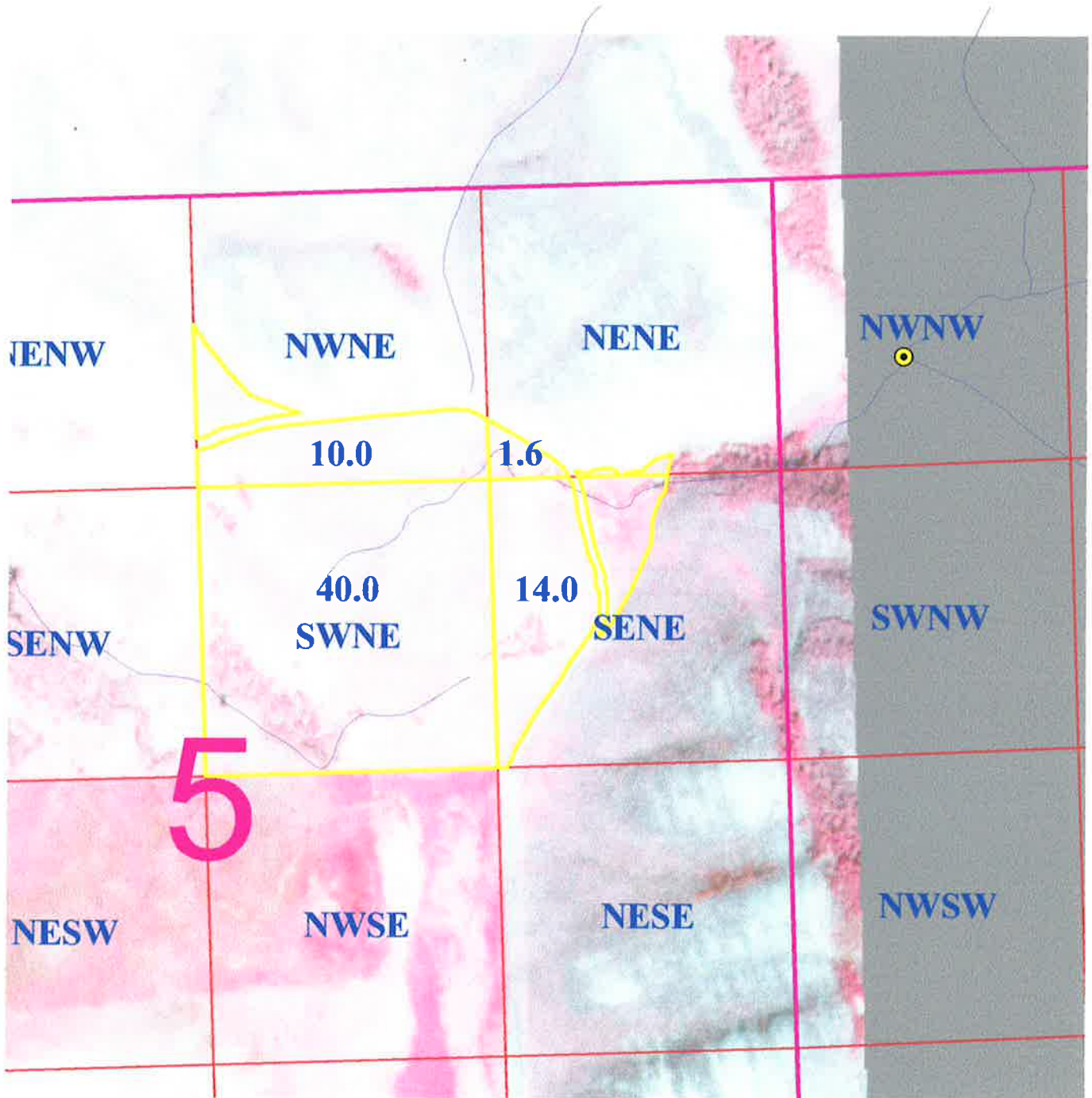




BB48 1976 Orthoquad: T9S R44E Sec 5.

Water Right Claim Number 27-02026
Township , 9S44E

11/30/2000



AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

02/03/00 14:25:26

Page 1

Water Right Number - A27-02026

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 10518

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** A - ATTORNEY ***
ROSHOLT

JOHN A

1 - PO BOX 1906
2 - TWIN FALLS
3 -
City- TWIN FALLS State- ID Zip- 833031906
Phone - 208-734-0700

*** C - CURRENT OWNER ***
WALLENTINE FAMILY TRUST

J C

1 - C/O P T BLOTTER &/OR E STUCKI
2 - 3250 N 12TH E
3 -
City- LOGAN State- UT Zip- 84321
Phone - 801-750-2949

*** O - ORIGINAL OWNER ***
PATTERSON

PETER C

1 -
2 -
3 -
City- SODA SPRINGS State- ID Zip- 83276
Phone - 208-000-0000

*** P - PRESENT OWNER ***
WALLENTINE

LENA D

1 - TRUSTEE
2 - 3250 N 12TH E
3 -
City- LOGAN State- UT Zip- 84321
Phone - 801-750-2949

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/07/1914 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GOODHEART CREEK BLACKFOOT RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
09S 44E 4 NW NW (29) CARIBOU

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 2.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000 200.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
09S 44E 5 NE NE 1 10.0 01 IRRIGATION (29) CARIBOU
09S 44E 5 NW NE 2 30.0 01 IRRIGATION (29) CARIBOU
09S 44E 5 SW NE 40.0 01 IRRIGATION (29) CARIBOU
09S 44E 5 SE NE 20.0 01 IRRIGATION (29) CARIBOU

Total Acres: 100.0

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Page 2

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - NONE

+ Remarks

```
+-----+----- Old Water Right Numbers -----+  
No Old Water Right Numbers found.
```

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - +	+ - - - Decree Defendant - - +	+ - Decree Date - + 00/00/0000
--------------------------------	--------------------------------	-----------------------------------

+ - - Audit Fields - 01/25/90 WHITE 03/22/90 DCARLSON 05/17/90 BLOOM 05/18/90 BLOOM 09/29/94 JTHOMPSON
03/29/95 POST-STD 11/27/95 ARUBERRY 01/02/97 RMCCARTH

+-----+-----+-----+-----+-----+-----+-----+-----+
-Comments-
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 02/16/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 27
Licensed Date	- 00/00/0000	Receipt Number	- E012076	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- OR	Notice of Error Flag	-

JUL 16 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: A27-02026
Date Received: 2/16/1990
Receipt No: E012076
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LENA D. WALLENTINE 801-750-2949
Address: TRUSTEE
3250 N. 12TH E.
LOGAN, UT 84321
OR
Name: J.C. WALLENTINE FAMILY TRUST 801-750-2949
Address: C/O P.T. BLOTTER &/OR E.STUCKI
3250 N. 12TH E.
LOGAN, UT 84321
2. Date of Priority: AUG 07, 1914
3. Source: GOODHART CREEK Trib. to: BLACKFOOT RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	44E	4	NW	NW			CARIBOU
5. Description of diverting works:
DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		
7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 200.0 Acre Feet Per Annum.
9. Non-irrigation uses:
S/ INC STOCKWATER 500 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	44E	5	NE	NE	1	IRR	10.0
			NW	NE	2	IRR	30.0
			SW	NE		IRR	40.0
			SE	NE		IRR	20.0

Section Acres 100.0

Total Acres 100.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

NAME AND ADDRESS OF CLAIMANT(S) LISTED ON NOTICE AS FOLLOWS:
J.C. WALLENTINE FAMILY TRUST
LENA D. WALLENTINE TRUSTEE
C/O P.T. BLOTTER &/OR EZRA STUCKI
3250 N. 12TH E.
LOGAN, UT 84321

15. Basis of Claim: LICENSE

Water Right Number: 10518

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
_____ Print Name
acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____



222 N. 32nd Street
Suite 700
P.O. Box 31318
Billings, MT 59107-1318
Phone: 406.656.6399
Fax: 406.656.6398
www.hkminc.com

Mr. Thomas Blotter
563 South 860 East
Smithfield, UT 84335

RE: Snake River Basin Adjudication; Sub-case No. 27-2026

Dear Mr. Blotter:

Thank you for responding to the United States proposed water right settlement offer. This offer will resolve our objections for the referenced claim. Your claim was for 100 acres of irrigation located in the NE¼ of Section 5, Township 9S, Range 44E. Our analysis indicated only 64 acres have been historically irrigated and agree with the IDWR mapping of the historic acreage due to the U.S. Forest Service stating that they are re-establishing the flow of Goodheart Creek.

The attached SF-5 reflects the reduction in acreage which I understand you are agreeable to and the adjusted reduction in the annual volume of water. We also propose quantifying the annual volume of diversion, which is calculated by multiplying the number of acres times 3.5 acre-feet per year. The Standard Form SF-5 will contain a "general provision" which provides substantially the following:

The source of this water right is Goodheart Creek. Even with restoration by the U.S. Forest Service, your water supply will be limited and full service irrigation will not be available. As such the water right may never be conveyed, sold, transferred or used in a location other than the described place of use.

I trust that the attached SF-5 will capture the essence of our agreement, but if not, please feel free to contact me with any questions or comments. Please sign one set of SF-5's and return in the stamped addressed envelope to HKM. The second set of documents is for your records.

Sincerely,

HKM ENGINEERING INC.

A handwritten signature in cursive script that reads "Loring Gurney".

Loring Gurney

cc: w/enclosure:

Peter Monson, Managing Attorney, U.S. Department of Justice
Jeanette Wolfley, Esq.
Gerald Henrickson, Bureau of Indian Affairs

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

) Subcase No. 27-2026
)

) **Standard Form 5**
)

) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**

.....

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 water right.

The parties agree that the Snake River 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 parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAMANT / OBJECTOR:

P. Thomas Blotter



14 Dec 07
Date

OBJECTOR:

United States on behalf of
Bureau of Indian Affairs

OBJECTOR:

Shoshone-Bannock Tribes

Peter C. Monson
Managing Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Date

Jeanette Wolfley
Attorney

Date

RESPONDENT:

State of Idaho

David J. Barber
Deputy Attorney General
Office of the Attorney General

Date

IDWR CONCURRENCE:

Ernest Carlsen
Water Resource Program Manager

Date

IDWR CONCURRENCE:

Candice M. McHugh (as to form)
Deputy Attorney General

Date

STATUS (11/10/05): Active
 RIGHT NUMBER: 27-2026
 AS OF 8/31/05: Active
 AS OF 6/14/05: Active

NAME AND ADDRESS: P THOMAS BLOTTER FAMILY LTD PARTNERSHIP
 C/O P THOMAS BLOTTER
 3250 N 1200 E
 LOGAN UT 84321

SOURCE: GOODHEART CREEK

QUANTITY: 1.280 CFS

PRIORITY DATE: 08/07/1914

POINT OF DIVERSION: T09S R44E S04 SWMMNW Lot 4 within CARIBOU County

PURPOSE AND PERIOD OF USE: IRRIGATION

04/15 10/15

QUANTITY
 1.280 CFS

IRRIGATION within CARIBOU County

T09S R44E S05 Lot 1 NENE 1.6
 T09S R44E S05 Lot 2 NWNE 9.4
 T09S R44E S05 13.0
 64.0 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1976 TO 2005.

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(e), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



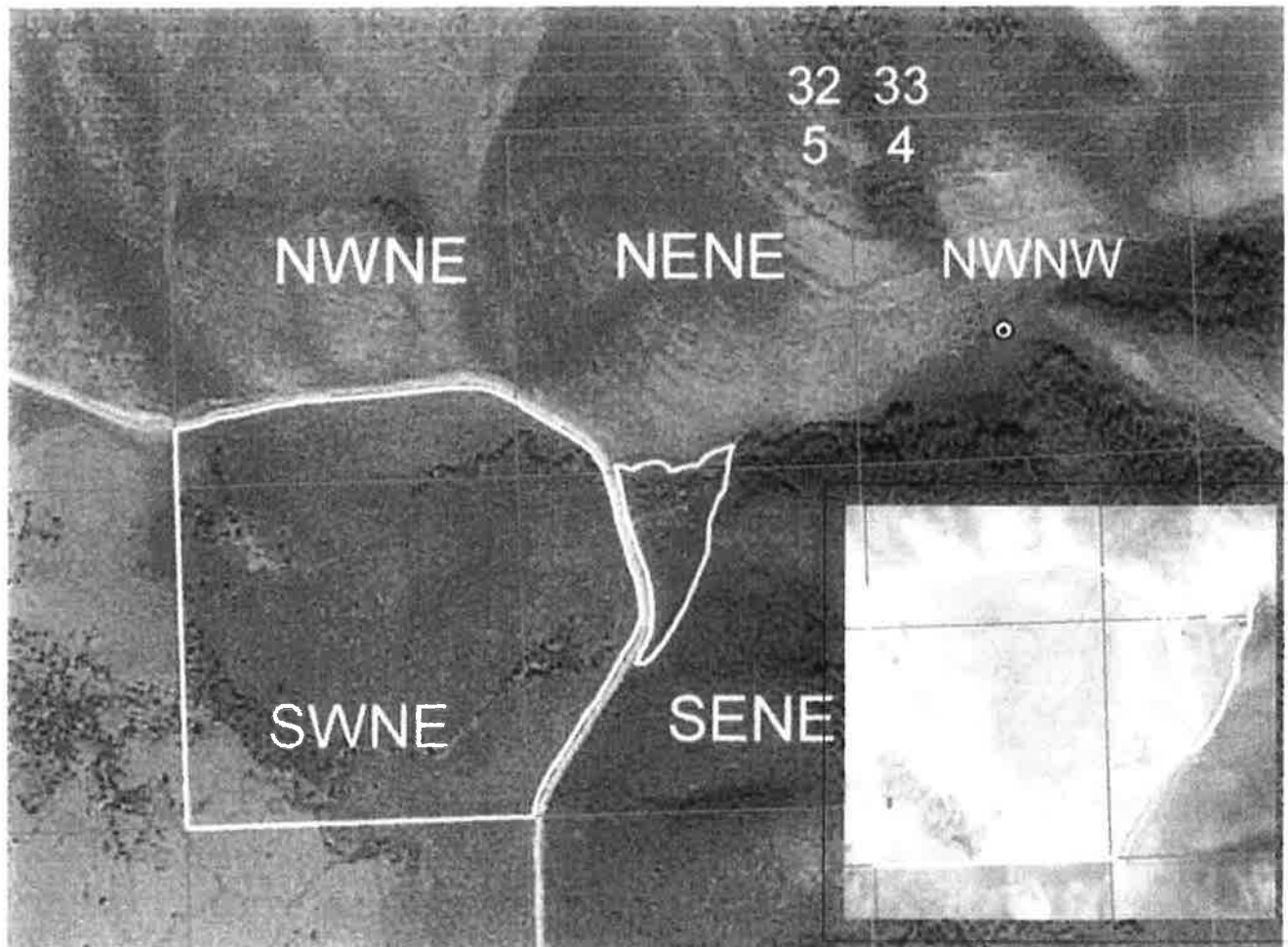
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-2026



1000 0 1000 2000 Feet

IRRIGATED ACRES 64.0

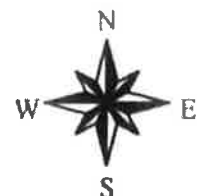
LEGEND

⊙ Point of Diversion
Place of Use

▬ Townships
▬ Sections
▬ Quarter-Quarters

Place of Use: T9S, R44E:
(part of) Sec. 5, NENE,
NWNE, SWNE, SENE.

Point(s) of Diversion: T9S, R44E:
Sec. 4, NWNW.



GIS Place of Use Illustration
1987/88 NAPP Photography
2002 Imagery
Prepared by: B. Payne
Date: April 2005.

March 28, 2007
H:\03\137224\BirdLtr03_19_07.doc



222 N. 32nd Street
Suite 700
P.O. Box 31318
Billings, MT 59107.1318
Phone: 406.656.6399
Fax: 406.656.6398
www.hkminc.com

RECEIVED

FEB 13 2008

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Ms. Cindy E. Bird
Adjudication Bureau
15 West Center Street
Soda Springs, ID 83276

RE: Snake River Adjudication, Basin 27, United States Objection to thirteen claims as listed herein

Dear Ms. Bird:

The United States has directed HKM Engineering to attempt to reach a settlement on thirteen claims in which the U.S. had filed objections. That process is on-going, however HKM has found difficulty in reaching an agreement on some of the thirteen claims. That difficulty is basically due to the differences between HKM's findings and IDWR's Recommendations. Of those thirteen claims HKM has developed a file for eleven of the claims for your review. Not included in these eleven files are claims 27-102 and 27-12108. Those claims are in the process of settlement or have as yet not undergone negotiation investigations.

We have developed a summary datasheet for each of the eleven claims that identifies key issues and information explaining our position on each claim. The information was derived from IDWR documents, notes and comments, HKM's stereo aerial photography analysis results and HKM's field investigations. Included are HKM's recommended acreage and diversion rates associated with our analysis and findings.

HKM is respectfully requesting you to review our findings on the eleven water right recommendations to determine if there is anything you can do to help resolve our differences. If not, future hearings and additional litigation costs will unfortunately be the result. The main issue surrounding these claims is their idle condition and our unwillingness to accept the IDWR recommended irrigated acreages for claims that we believe have been idle since 1980 and longer.

Each of the eleven claims and its associated recommendation is unique, but all of them have a long history of inactivity, or no historic activity, for all or part of the claimed place of use. If our findings indicated current or recent irrigation had occurred as of 1987, the U.S. did not object to those acres.

In one case, a claimant wants to transfer a water right that has not been used in over 30 years as of 2003 (per IDWR documents), to a new proposed wetland project. The USDA indicates the wetland project will be entirely natural with no man induced diversion of water. The claimant also stated he has no interest in irrigation. We have been unable to negotiate with the claimant due to the acreage recommended by IDWR.

We have found some claims to be inaccurately mapped and the claimant was agreeable to changing the place of use to match the correct place of use. That occurred with claim 27-102 and we prepared a map and submitted it to IDWR. We anticipate that claim to be settled due to insignificant differences.

There are also claimed lands being sub-irrigated without a man-made distribution system or located above the claimed ditch and can't be irrigated. We believe these areas should be deleted from the IDWR recommendations.

For Settlement Purposes Only

SCANNED
FEB 14 2008

Idaho Department of Water Resources
Ms. Cindy E. Bird
March 28, 2007
Page 2

These types of problems need to be addressed so settlement talks can move forward with the claimants and their attorneys. We, at HKM, do believe our goals are the same as yours and we appreciate your time in helping to resolve these issues. If a settlement can be attained we anticipate a significant cost benefit to all parties in this adjudication.

There are six claims where HKM cannot identify current or historic (post 1980) irrigation and recommends that the claims be awarded no irrigated acres. The claimants are not willing to withdraw their claim if the IDWR maintains their current acreage recommendation. These claim numbers are: 27-49, 27-76, 27-2069, 27-2075, 27-2078, and 27-12045.

Our analysis of the remaining five claims indicate partial irrigation on the claimed lands and we are negotiating with some of the claimants at this time. These claim numbers are: 27-54, 27-2108, 27-2026, 27-2066 and 27-11317. The place of diversion and place of use will need to be modified on these to reflect the correct locations. We have also included some maps from our files on these claims for your review.

HKM would like to schedule a conference call and work session with IDWR personnel to discuss the above claims. We believe that would help us both understand our differences and hopefully resolve them. It may be necessary to schedule a field trip with IDWR and the claimants if possible this field season. We believe the field trip would help to resolve a number of these discrepancies. The window of opportunity for settlement requires that we address these issues at your earliest convenience. The United States has requested that we have responses completed by April 20, 2007.

Please call me with any questions you may have after you have had an opportunity to review our enclosed analysis, findings, and exhibits.

Respectfully submitted,

HKM ENGINEERING INC.


Loring Gurney

Enclosures

cc: Peter Monson
U.S. Attorney

For Settlement Purposes Only

SCANNED
FEB 14 2008

HKM'S FINDINGS AND RECOMMENDATIONS FOR SELECTED CLAIMS

Claim #	IDWR Documents & Comments	HKM Analysis	IDWR Recommended Acres/cfs	HKM Recommended Acres/cfs
27-2026	- IDWR notes 4/29/2005: 1976 orthophoto "doesn't show irrigation NWNW or the NENE." - In 2005 IDWR reduced the claim to 64 acres from 100 acres. "The Forest Service is attempting to re-establish the flow in the creek?" (4-26-2005 Notice of Error Reply)."	- Diversion not operable on 1980 and 1987 photography and the ditch was barely visible east of the road. - In 1992 the ditch was even less visible. - Water spreads over 20 acres within the claim area by local laterals west of the road. The local laterals enhance the natural spreading in that area. - There is insufficient water to warrant a full supply.	64.0/1.28	20.0/0.4

NHAP 9-22-80 263-93

Claim 27-2026

HKM generated map "Draft"

Sec 5 T9S, R44E



Irrigation mapped by HKM
Active or recently active



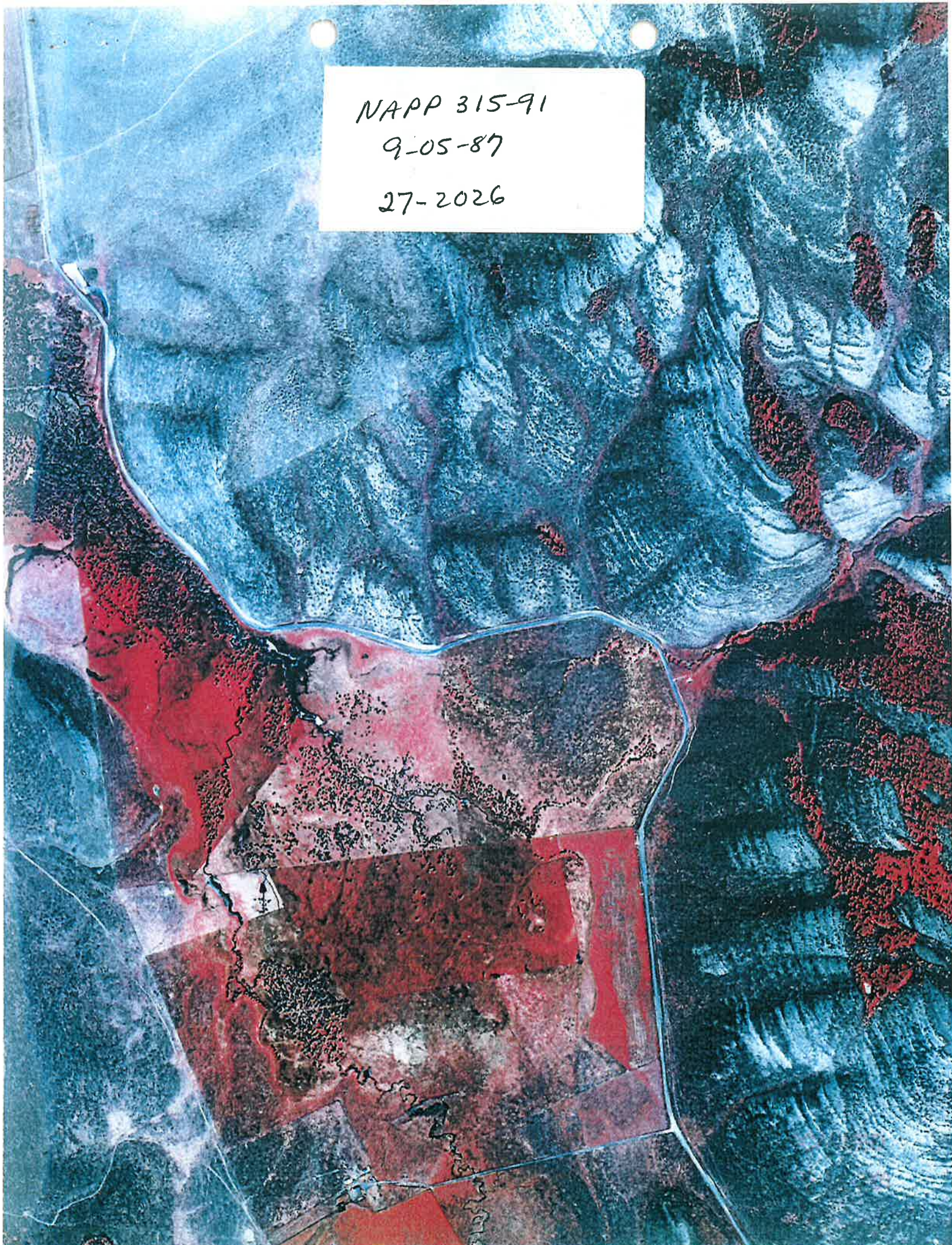
Claimed P.O.U.



NAPP 315-91

9-05-87

27-2026



NAPP 4934-40

8-26-92

27-2026



04/26/2005

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: 27-2026

P. Thomas Blotter Family LTD PTN
% P. Thomas Blotter
3250 North 1200 East
Logan, UT 84321
Telephone Number: (435) 753-3008

Sage brush
removed; Irrigated
acreage reduced 100-64

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity
Tributary

100-64

2. Describe the changes you wish to make in the proposed recommendation:

1,280 cfs to 2,000

Sinks - Goodheart creek doesn't flow into shy creek
& then to Blackfoot river.

3. Give a brief explanation as to why you disagree with these portions:

Consistent with prior claim.
Your 2002 imagery was a drought year, also, Forest
Service is attempting to re-establish flow.

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

DATE: _____ SIGNATURE: _____

SCANNED

Please print your name: _____ FEB 01 2006

IDWR Regional Office, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, (208) 525-7161

I don't understand the statement
"The remainder of this right was forfeited for
non-use from 1976-2005." We've used
what water was available every year. The Forest
Service is attempting to re-establish the flow
in the creek.

PROFILED

04/26/2005

**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; 27-2026

P. Thomas Blotter Family LTD PTN
% P. Thomas Blotter
3250 North 1200 East
Logan, UT 84321
Telephone Number: (435) 753-3008

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity
Tributary

2. Describe the changes you wish to make in the proposed recommendation:

1,280 cfs to 2,000
Sinks - Goodheart creek doesn't flow into sky creek
& then to Blackfoot river.

3. Give a brief explanation as to why you disagree with these portions:

Consistent with prior claim.
Your 2002 imagery was a drought year, also, Forest
Service is attempting to re-establish flow.

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

DATE: 22 July 05 SIGNATURE: _____

Please print your name: P. Thomas Blotter

RECEIVED
JUL 27 2005

Department of Water Resources
Eastern Region

IDWR Regional Office, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, (208) 525-7161

I don't understand the statement
"The remainder of this right was forfeited for
non-use from 1976 - 2005." We've used
what water was available every year. The Forest
Service is attempting to re-establish the flow
in the creek, stock have drank the water.

KMT
4/27

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): _____
Adjudication Claim No(s): A27-11356, A27-02026, A27-04126
A27-04075
2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

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

OR

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

3. Name and Address of Former Owner/Claimant _____

4. New Owner/Claimant(s) _____

New Mailing Address _____

City, State and ZIP Code _____

New Telephone Number _____

5. Date you acquired the property _____

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

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

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

7. Signature of New Owner(s) or Claimant(s) _____

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

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

WARRANTY DEED

LENA D. WALLENTINE, Trustee of the James C. Wallentine Family Trust, Grantor of Logan, County of Cache, State of Utah, hereby CONVEYS AND WARRANTS to THOMAS BLOTTER and JILL W. BLOTTER, as joint tenants, and not as tenants common, with full rights of survivorship, Grantees of 3250 North 1200 East North Logan, Utah. 84321, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tracts of land in Cache County, State of Idaho:

Township 9 South, Range 44 East of the Boise Meridian:

- Section 4: Southwest Quarter.
- Section 5: Lots 1 and 2, South half of the Northeast Quarter South half.
- Section 8: All.
- Section 9: Northwest Quarter, South half.

WITNESS, the hand of said Grantor, this 27 day of August, A.D. 1971
Signed in the presence of

STATE OF UTAH)
County of Cache) ss.

On the 27 day of August,
A.D. 1971 personally appeared before me

LENA D. WALLENTINE, as Trustee of the James C. Wallentine Family Trust, the signer of the within instrument, who duly acknowledged to me that she executed the same, as Trustee.

NOTARY PUBLIC
Commission Expires: 1972
Residing in Logan, Utah
W.D. 545/Wall.W.D.

RECORDING DATA
Entry No. Fee \$ 1.00

RECORDED ☒
PLATTED ☐
COMPARED ☐
INDEXED ☐
ABSTRACTED ☐
DELIVERED ☐

140818

Olson & Haggan

March

Ruth Cherry

6300

QUIT CLAIM DEED

P. THOMAS BLOTTER a/k/a PAUL THOMAS BLOTTER and JILL W. BLOTTER a/k/a JILL WALLENTINE BLOTTER, Grantors of North Logan, County of Cache, State of Utah, hereby QUIT CLAIM to the P. THOMAS BLOTTER FAMILY LIMITED PARTNERSHIP, Grantee of 3250 North 1200 East, North Logan, Utah, 84321, for the sum of One Dollar (\$1.00) and other good and valuable consideration, the following described tracts of land in Caribou County, State of Idaho:

See Exhibit "A" attached hereto and by this reference incorporated herein.

WITNESS, the hand of said Grantors, this 31 day of December, A.D. 1991.

Signed in the presence of

P. Thomas Blotter
P. Thomas Blotter

Jill W. Blotter
Jill W. Blotter

STATE OF UTAH)
County of Cache)

SS.

RECORDING DATA
Entry No. Pen 5

On the 31 day of December, A.D. 1991 personally appeared me P. THOMAS BLOTTER a/k/a PAUL THOMAS BLOTTER and JILL W. BLOTTER a/k/a JILL WALLENTINE BLOTTER, the signors of the within instrument, who duly acknowledged to me that they executed the same.

Notary Public
NOTARY PUBLIC



BRAD N. HEARNSON
NOTARY PUBLIC - STATE OF UTAH
PO BOX 14700
PROVIDENCE, UT 84302
COMM. EXP. 12-31-95

Commission Expires
Residing in
wp:/hbb/p/blotter.qcd

STATE OF IDAHO
County of Caribou | 142988

I hereby certify that this instrument was filed of the record

by Alison - Hoggan, P.S.

on 31 day of December 1991

at Idaho Falls Idaho

Recorded in the Office of the

Register of Deeds

John L. Gidycz

Register of Deeds

142988

EXHIBIT "A"

Parcel 1:

Township 5 South, Range 44 East of the Boise Meridian:

Section 4: Southwest Quarter.

Section 5: Lots 1 and 2, South half of the Northeast Quarter, South half.

Section 8: All.

Section 9: Northwest Quarter, South half.

Parcel 2:

The Southwest Quarter and the West half of the Southeast Quarter of Section 23; the Northwest Quarter of Section 25; and the North half of the Northwest Quarter and the Northeast Quarter of Section 26; all in Township 8 South, Range 43 East of the Boise Meridian, in Caribou County, State of Idaho, and containing 640 acres, more or less.

TOGETHER WITH: All rights, rights-of-way, easements, water rights, if any, and fifty percent (50%) of all Ferrell Neely Beckstead and Helen Towers Beckstead's subsurface rights, including oil, gas and mineral rights, and appurtenants thereunto belonging or in any way appertaining, however evidenced or denominated. Ferrell Neely Beckstead and Helen Towers Beckstead specifically reserve unto themselves fifty percent (50%) of all outstanding subsurface rights, including oil, gas, and mineral rights appertaining to said property.

SUBJECT, HOWEVER TO: easements, licenses, rights-of-way, boundary line disputes and discrepancies in the legal description, whether recorded or unrecorded; water, mineral, geothermal and hydrocarbon resources previously severed.

Notes

4-20-05 Claim matches the license. Needs layout PE

4/29/05 Orthoquad BB48, dated 1976.
doesn't show irrigation in the NWNW
or NENE.

add P19 Rem, Gen. for forfeiture/
of right the remainder of this right.

NENE	0.3
SENE	3.8 + 9.2
NENE	1.3
SWNE	40.0
NWNE	9.4

64.0

Period of Use and Quantity Data Entry Form

Claim Number: A27-2026☐ 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	4/15	10/31	1.28	

Overall Diversion Rate 1.28 Overall Diversion Volume _____

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

license

Adm son 4/15 - 10/31

Reviewer: CSDate: 4/29/05

Summary Data Entry Form

Claim No.: _____

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

C18.

P19

1976 to 2005

BB48

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.:

27-2024

Reviewer

CB

Date

4/29/05

SCANNED

Log for claim 27-02026

Spatial Dynamics LTD

11/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s44e	5	NENE	10	1.6	
09s44e	5	NWNE	30	10	
09s44e	5	SWNE	40	40	
09s44e	5	SENE	20	14	
Totals:			100	65.6	

AJ5809NP
No. A27-02026

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 44

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	LENA D WALLENTINE TRUSTEE 3250 N 12TH E LOGAN UT 84321 (801) 750-2949	08/07/1914	IRRIGATION	04-15 10-15	2.000 CFS	
					TOTAL DIVERSION:	2.000 CFS
					CONSUMPTIVE USE:	200.00 AFA

C J C WALLENTINE FAMILY TRUST
C/O P T BLOTTER &/OR E STUCKI
3250 N 12TH E
LOGAN UT 84321
(801) 750-2949

Water Source: GOODHEART CREEK

Tributary to: BLACKFOOT RIVER

Stage: LICENSE

Point(s) of Diversion: T09S R44E S04

NWNW

CARIBOU 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	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	44E	5	: 01-10	02-30	40	20	:							:										100.0
																							TOTAL ACRES	100.0

POU County: CARIBOU

Non-Irrigation Uses: S/ INC STOCKWATER 500 CATTLE

Other Rights: NONE

Remarks: GEN NAME AND ADDRESS OF CLAIMANT(S) LISTED ON NOTICE AS FOLLOWS:

J.C. WALLENTINE FAMILY TRUST
LENA D. WALLENTINE TRUSTEE
C/O P.T. BLOTTER &/OR EZRA STUCKI
3250 N. 12TH E.
LOGAN, UT 84321

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 27

Field Inspection Flag:

Presumption Flag:

State of Idaho
License and Certificate of Water Right

Water License No. 10518
Water District No. 34

Amount 2.0 sec. ft.
Priority 0 - 7 - 14

THIS IS TO CERTIFY that Peter C. Patterson of Soda Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 7, 1914; that Permit No. 10518 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on September 20, 1916, showing that said works were completed on the 9th day of September, 1916; and that on the 24th day of August, 1918,

Peter C. Patterson of Soda Springs, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Goodhard Creek, a tributary of Blackfoot River, for the purpose of irrigation and domestic use, under Use Permit No. 10518 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2460, on the 1st day of February, 1919;

The right hereby confirmed dates from August 7, 1914;

The Point of Diversion is located in the NW 1/4 of NW 1/4, Sec. 4, Twp. 9 S., R. 44 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	44 E	5	Lot 1	40	10
			2	40	30
			SE 1/4 NE 1/4	40	20
			SW 1/4 NE 1/4	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 6th day of March, 1919.

(SEAL)

FRED A. WILKIE
State Engineer.

27 2020

No. 15526

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Peter C. Patterson

Postoffice address: Soda Springs

County: Bannock

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation;

(b) The amount of capital stock;

(c) The amount paid in;

(d) Names and addresses of directors.

II. The financial resources of the applicant are: (a) Cash on hand;

(b) Treasury stock;

(c) Bonds to be issued;

(d) Other resources.

2. The quantity of water claimed is three and 1/5 cubic feet per second.

3. Source of water supply: Goodhart Creek

4. Location of point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, T. 9 S., R. 44 E.

County of Bannock

5. To be used for: Irrigation and domestic

I. Irrigation and domestic use: (a) Amount of land to be irrigated: One Hundred Sixty acres.

(b) In the following legal subdivisions: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 5, T. 9 S., R. 44 E. S. M.

II. Mining, milling, power, manufacturing, transportation or other purposes.

[a] At what point.

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream?
return.

[d] If so, name stream and locate point of

6. Estimated cost of works: \$150.00

7. Description of works for diversion:

I. Kind of works: dam, headgate and ditch.

II. Dimensions of works:

[a] Height of dam 3 feet, length of dam at top 40 feet,

length of dam at bottom 30 feet. Material used in construction: earth and rock

[b] Capacity of reservoir acre feet. (c) Size of headgate, width 2 feet,

Height 2 feet. (d) Conduit ditch width at bottom 1 $\frac{1}{2}$ feet,

width at water line 2 feet, depth of water 1 feet; diameter of pipe

inches; average grade per mile is 5 feet. Length of conduit is one miles,
and it crosses the following quarter sections: NW $\frac{1}{4}$ Sec. 4, and NE $\frac{1}{4}$ Sec. 5, T. 9 S. R.
44 E.

8. The time required for the completion of the construction of such work is two years.

9. Time required for the complete application of the water to the proposed use is two additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Peter C. Patterson

Applicant.

By

John W. Jones,

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. August 7, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10518
 Recorded in Book 35 Page 10518 Approved August 24, 1914.
 This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.
 Bond in the sum of _____ to be filed on or before _____
 Work to begin on or before October 23, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
 One-fifth of the work above specified to be completed on or before August 24, 1915.
 The whole of said work to be completed on or before August 24, 1916.
 Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1918.

Witness my hand this 24th day of August, 1914.

F. P. King,

State Engineer.

Remarks.

PERMIT NO. 10518

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that Peter C. Patterson of Soda Springs, County of Bannock, and State of Idaho, the holder of Permit No. 10518, issued upon application No. 15526 bearing date of priority of August 7, 1914, authorizing the diversion of 3-1/5 second feet of the waters of Goodhart Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3-1/5 second feet of the waters of Goodhart Creek; that the point of diversion of said waters SE 1/4 NW 1/4 Sec. 4, Tp. 9 S.R. 44 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE 1/4 NW 1/4 Sec. 5, Tp. 9 S.R. 44 E.B.M. and South 10 acres in each of Lots 1 and 2 Sec. 5, Tp. 9 S.R. 44 E.B.M.

WITNESS my hand this 20th day of September, A.D. 1916.

License issued for 3.0 second feet.

(Page 2490)

J.H. SMITH
 State Engineer of the State of Idaho.

Recorded by
 Checked by

[Handwritten initials]

STATE OF IDAHO, }
County of Caribou.} ss.

Peter C. Patterson being first duly sworn, upon his oath deposes and says:
That he is the owner of a decreed water right appurtenant to the following
described land to-wit: the NE $\frac{1}{4}$ of Sec. 5, T. 9 S., R. 44 E., B.M.
That he is the owner and holder of Permit to appropriate the Public Waters
of the State of Idaho No. 10518.

That he intends to change the point of diversion, as described in said
permit, to the following described point: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, T. 9 S., R. 44 E., B.M.

That such change will be made for the following reasons, to-wit:
That it was found that the above mentioned point would be a more desirable place to
erect a dam.

That no one will be injured by such change and that deponent will make such
change at his own risk.

And further deponent saith not.

Peter C. Patterson.

Subscribed and sworn to before me this 4th day of March, 1919.

(SEAL)

M. S. Roberts.
Notary Public.

My commission expires Sept. 20th, 1919.

Received and filed for record in the
office of the State Engineer at Boise,
Idaho, at 9.00 A.M. March 5, 1919.

Fred A. Wilkie,
State Engineer.

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 341. State name of applicant and number of permit: Peter C. Petterson- Permit 105182. State source of water supply: Goodhart Creek3. Location of point of diversion: SE $\frac{1}{4}$, Sec. 4, T. 9 S., R. 44 E., B.M.(See Remarks)

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

Dam: Height 2 feet Length at top 20 feet, at bottom 20 feet, material used, earth and rock.Headgate width 2 feet, height 2 feet.Ditch width at bottom 2 feet, at mouth 2 feet, length 1 mile, on grade 7 feet per mile.Depth of water 1 foot.

5. State whether or not water has been turned into works of diversion:

Yes

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

SE $\frac{1}{4}$, Sec. 5; south 10 acres in each of Lots 1 and 2, Sec. 5, T. 9 S., R. 44 E., B.M.Lot 1, Sec. 5 = 10 acres.Lot 2, Sec. 5 = 30 acres.SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 5 = 20 acres.SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 5 = 40 acres.T. 9, S. 11, R. 44 E. B.M.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? Applicant

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? Blackfoot River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Slug CreekRemarks: Location of Point of Diversion, 610 ft. S. and 100 ft. E. from NW corner Sec. 4, T. 9 S., R. 44 E. B.M.This examination was made on the 24th day of August, 1918.

(Signed)

Charles B. Wilson

Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office.)

STATE OF IDAHO, }
County of Bannock } ss.

Charles B. Wilson, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 31st day of August 1918

My commission expires Jan. 21st, 1922

Herbert Hershey
Notary Public.

10518

RECEIVED

SEP 17 1918

OFFICE OF STATE ENGINEER

DIST. 34

Peter C. Peterson

Soda Springs

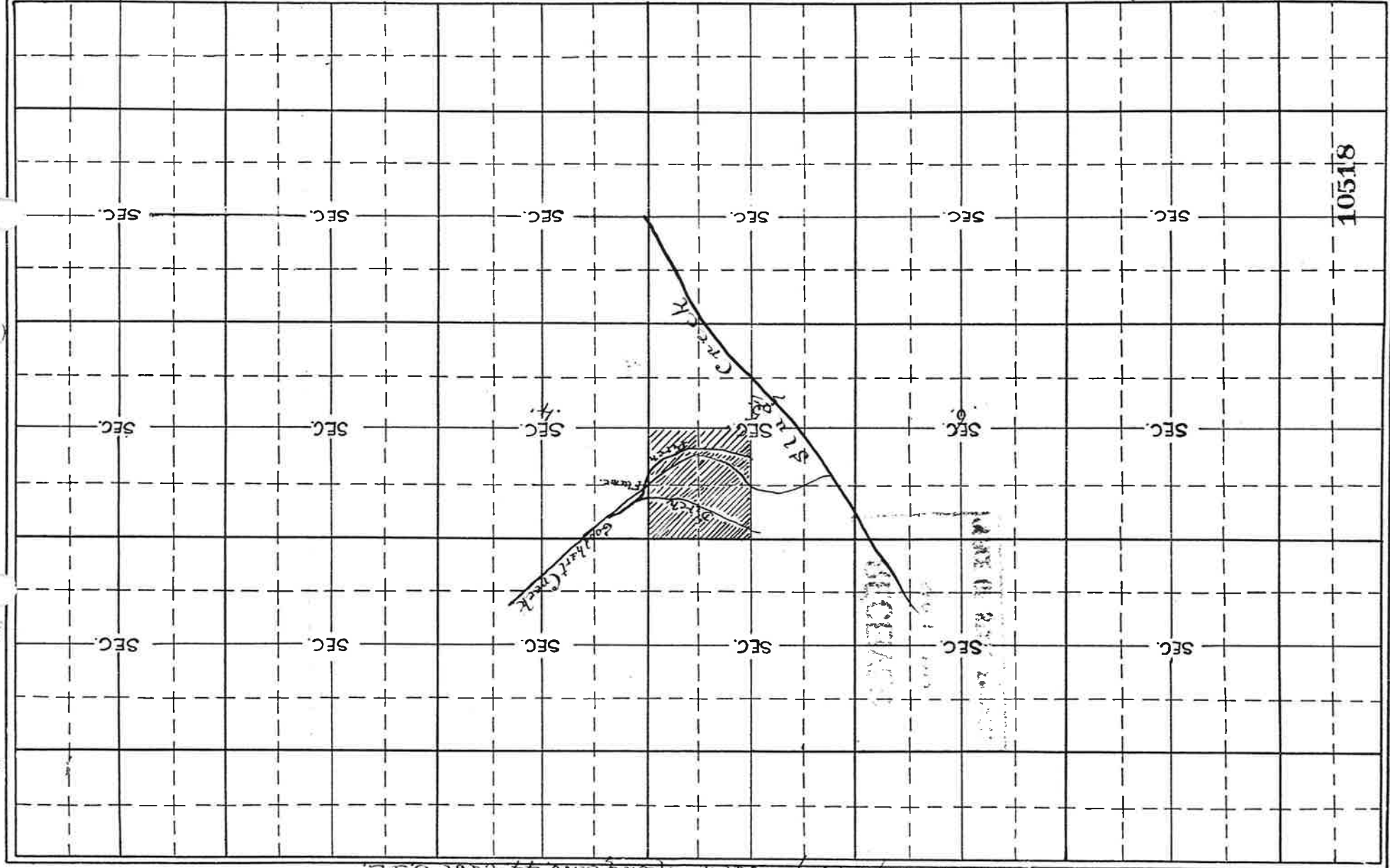
Permit 10518

Instructions To Examiners

1. Examiners will not be permitted to examine any of the records in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own rights in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

Name of Applicant John L. Hefsey, Term 1955

Township No 9 South Range No 44 East B.M.



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

10518

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
F. BRUCE COVINGTON
JERRY JENSEN
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
SHARON F. DUNKIN
JUSTIN R. SEAMONS

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 7, 1990

RECEIVED

MAY - 8 1990

Mr. Ernest Carlsen, Adjudication Supervisor
Idaho Department of Water Resources
Eastern Region
150 Shoup Avenue, Suite 15
Idaho Falls ID 83402

Department of Water Resources
Eastern District Office

Dear Mr. Carlsen:

In our telephone conversation of May 4, 1990, you stated that the license 27-02008 for 1.100 cfs to irrigate and water stock as filed timely in the Snake River Basin Adjudication in your offices on February 14, 1990, in the name of the J.C. Wallentine Family Trust, Lena D. Wallentine Trustee, c/o P.T. Blotter and/or Ezra Stucki was not entered into the database record on the AJ side of the computer. Would you please do so and send me a copy of the claim in the Fifth District Court filing format for our client and our records.

In reviewing the similar forms printed out for me at southern region in order to check the accuracy of the data entry as well as provide our client with copies of his claims, I note that the claimant name(s) in Field No. 1 are incomplete compared to the carbon copies of our claims. I have checked Field 14 under Remarks to see if there would be a continuation of the additional information and find no continuation that fully describes the original as filed claim. Please tell me the status of the Blotter claims with regard to this method of data entry.

Our client has had a change in trustee status for a number of his claims as filed originally. While this will not be a change in ownership to the extent that it will remove the entire claimant name as filed, there will be a change in one of the trustee names for a portion of the claims as originally filed.

NOTIFIED

NOV 12 1992

Mr. Ernest Carlsen, Adjudication Supervisor
Idaho Department of Water Resources
Eastern Region
May 7, 1990
Page - 2

Thanks for your past help and attention to this rather large filing and I look forward to hearing from you regarding the status and completeness of the claims.

Best wishes.

Very truly yours,



FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
54781

cc: Thomas P. Blotter

MICROFILMED

NOV 12 1992

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME W. Valentine CLAIM IDENT. NO. 127-02026

DATE RECEIVED 2-15-90 CK # _____ AMOUNT \$ _____

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.			
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required)	☒	☐	*
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered?	☒	☐	
Is the consumptive use correct?	☒	☐	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)	☒	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
18. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
19. Was this claim filed on time, or was an extension granted?	☒	☐	*
20. Is the fee enclosed correct?	☒	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?	☒	☐	
22. Should this claim be data entered?	☒	☐	

Claim checked by: EMC Date: 2-16-90

Claim must be returned to claimant: (Yes) / (No)

Claimant must be notified of modifications: (Yes) / (No)

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Checked by: _____ Date: _____

Comments: _____

NOV 12 1992

M E M O R A N D U M

TO: IDWR Reviewing Agent
FROM: Frank Hitchcock, Legal Assistant
RE: Bannock County Identification of Original Licenses

The original paperwork for the following licenses lists Bannock County as the county in which the diversion and usage occurs.

1. 27-02003
-02008
-02015
-02026
-02041

Idaho Code Title 31-105. Bannock county. -- the Compiler's notes. states that:

"Caribou County created therefrom 1919, ch. 5 p. 28. Election was held in November, 1920, to decide whether certain territories should be detached from Bannock County and Caribou County organized therefrom, 1919, ch. 5, § 23-28, pp. 40, 41."

I enclose one of your Department's basin maps with the place of use, township and range highlighted to show that the lands are in Caribou County and within the Department's Basin 27.

Idaho Code Title 31-117. Caribou county. -- the Compiler's notes. states that:

"The remainder of S.L. 1919, ch. 5 is omitted as temporary. Election was held in November, 1920, to decide whether above described territory should be detached from Bannock County and Caribou County organized therefrom, 1919, ch. 5, §§ 24, 28, pp. 40, 41.

It appears that claimant's lands were taken into the formation of Caribou County at this time, although there is no way of documenting the lands without additional expense in terms of time and effort.

REPROFILMED

NOV 12 1992

3168m

WALLENTINE

1 of 3

State of Idaho
License and Certificate of Water Right

Water License No. 10518
Water District No. 34

Amount 2.0 sec. ft.
Priority 0 - 7 - 14

THIS IS TO CERTIFY that Peter C. Patterson of Soda Springs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 7, 1914; that Permit No. 10518 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on September 20, 1916, showing that said works were completed on the 9th day of September, 1916; and that on the 24th day of August, 1918.

Peter C. Patterson of Soda Springs, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Goodhard Creek a tributary of Blackfoot River, for the purpose of irrigation and domestic use, under Use Permit No. 10518 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2450, on the 1st day of February, 1919;

The right hereby confirmed dates from August 7, 1914;

The Point of Diversion is located in the NW 1/4 of NW 1/4, Sec. 4, Tp. 9 S., R. 44 E., B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>9 S</u>	<u>44 E</u>	<u>5</u>	<u>Lot 1</u>	<u>40</u>	<u>10</u>
			<u>2</u>	<u>40</u>	<u>30</u>
			<u>SE 1/4</u>	<u>40</u>	<u>20</u>
			<u>SW 1/4</u>	<u>40</u>	<u>40</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 6th day of March, 1919.

(SEAL)

The foregoing is a true and certified copy of the document on file at the department of Water Resources.

Signed this 5th day of June, 1919

Billy D. Fisher

FRED A. WILKIE

State Engineer

NOV 1-2 1932

27-2026

STATE OF IDAHO } ss. 116812
County of Carbon
I hereby certify that this instrument was filed at the request of Goodhard Creek Co. at 3:05 o'clock PM this 17th day of June, 1919 in my office and duly recorded in Microfilm Record
Myra W. Archibald
Deputy
Ex-Officio Recorder

Walter Mc

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 A27-02026

Date Received 2-14-1990

Receipt Number E012076

RECEIVED

FEB 15 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 14 1990

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) J.C. Wallentine Family Trust, Lena D.

Phone (801) 753-3008

Mailing Address Wallentine Trustee, 46 P.T. Butler
and/or Ezra Stokes

Zip 84321

2. Date of Priority (Only one (1) per claim) 08-07-1914

3. Source of water supply (a) GOOD HEART CREEK
which is tributary to (b) BLACK FOOT RIVER

4. a. Location of existing point of diversion is: Township 9S Range 44E Section 4

1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of CARIBOU (see #74)

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

diversion from creek enters on land

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NOV 12 1992

A2702026



Water is claimed for the following purposes:

For IRRIGATION purposes from 04-15 to 10-15 amount 2.00 (both dates are inclusive) (cfs) (acre feet) or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.00 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Incidental Stockwater use: 500 cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>9S</u>	<u>44E</u>	<u>5</u>	<u>10</u> <u>Lot 1</u>	<u>30</u> <u>Lot 2</u>	<u>40</u>	<u>20</u>													<u>100</u>

Total number of acres irrigated 100

11. In which county (ies) are lands listed above as place of use located? CHARTER

12. Do you own the property listed above as place of use? Yes XX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

#1. see attachments 1-3.

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NOV 12 1992

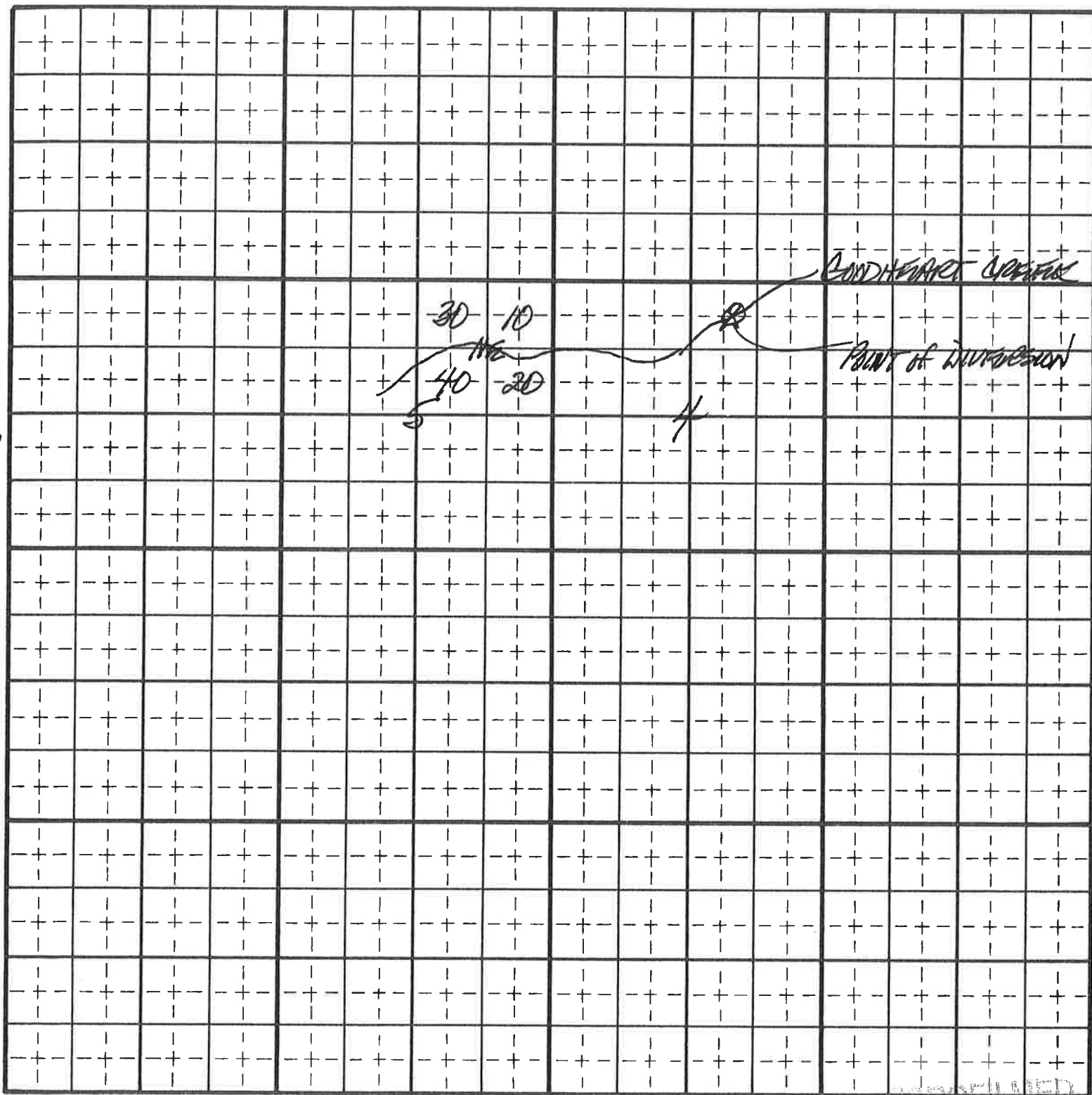
Last Name Wallentine Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

44E



RECORDED

NOV 12 1992

Last Name Wallentine Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License XX Permit _____
Decree _____
If applicable provide IDWR Water Right Number 27-02026
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Business Agent

of J.C. Wallentine Family Trust
Organization

Title

, that I have signed the foregoing

document in the space below as Business Agent

Title

of J.C. Wallentine Family Trust
Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Paul Thomas Bloer

Title and Organization Business Agent J.C. Wallentine Family Trust

Date 02-01-90

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day of February 19 90

SEAL

Notary Public Amy L. Meulens

Residing at Twin Falls

My Commission Expires 2-7-95

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Paul Thomas Bloer

Address _____

Date _____

MICROFILMED

NOV 12 1992

Last Name Wallentine Ident. Number _____

Copies White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JOHN A. ROSHOLT will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature John A. Rosholt

Address P.O. 1906, Twin Falls, ID 83301

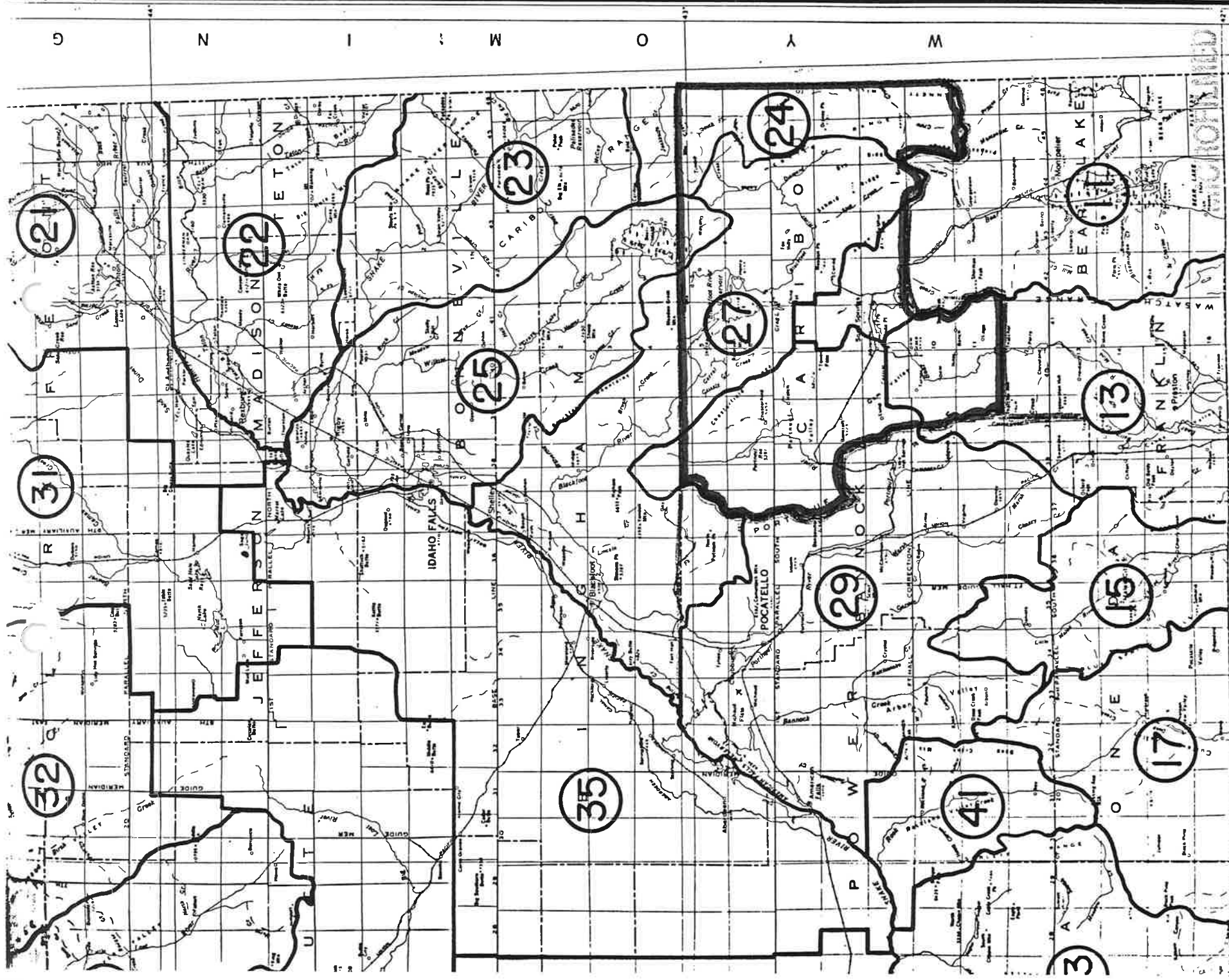
Date 2/19/90

MICROFILMED

NOV 12 1992

Last Name WALLENTINE/BLOTTER Ident. Number _____

Copies White-State, Yellow-Claimant



NOV 12 1932

U T A H

Washington 2 of 3

IDAHO