

07/14/2005

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

RIGHT NUMBER: 27-11016

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
2601 E 300 S
DECLO ID 83323

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 27.200 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs.
Combined Right Nos.: 27-11016, 27-12027 and 27-10096

PRIORITY DATE: 11/01/1886

POINT OF DIVERSION:

T07S R43E S26 SENESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 07/01	27.200 CFS
STOCKWATER	04/15 07/01	0.040 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R43E S26	SWSW	28.0	T07S R43E S26	SESW	17.0
T07S R43E S26	NESE	0.6	T07S R43E S26	SWSE	31.0
T07S R43E S26	SESE	11.0	T07S R43E S27	SWNE	8.0
T07S R43E S27	SENE	2.0	T07S R43E S27	NESW	7.0
T07S R43E S27	SWSW	4.5	T07S R43E S27	SESW	37.0
T07S R43E S27	NESE	2.4	T07S R43E S27	NWSE	13.0
T07S R43E S27	SWSE	24.0	T07S R43E S27	SESE	39.0
T07S R43E S34	NENE	40.0	T07S R43E S34	NWNE	40.0
T07S R43E S34	SWNE	40.0	T07S R43E S34	SENE	39.0
T07S R43E S34	NENW	40.0	T07S R43E S34	NWNW	31.0
T07S R43E S34	SENE	40.0	T07S R43E S34	NESW	30.0
T07S R43E S34	NESE	15.0	T07S R43E S34	NWSE	20.0
T07S R43E S34	SWSE	19.0	T07S R43E S34	SESE	40.0
T07S R43E S35	NWNE	20.0	T07S R43E S35	SWNE	25.0
T07S R43E S35	NENW	22.0	T07S R43E S35	NWNW	27.0
T07S R43E S35	SWNW	19.0	T07S R43E S35	SENE	37.0
T07S R43E S35	NESW	40.0	T07S R43E S35	NWSW	32.0
T07S R43E S35	SWSW	40.0	T07S R43E S35	SESW	34.0
T07S R43E S35	NWSE	23.0	T07S R43E S35	SWSE	15.0
T08S R43E S02 Lot 3	NENW	6.5	T08S R43E S02 Lot 4	NWNW	35.0
T08S R43E S03 Lot 1	NENE	27.0			

STOCKWATER same as IRRIGATION

1021 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1021 acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

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

Water Right 27-11016

1

07/14/2005

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

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

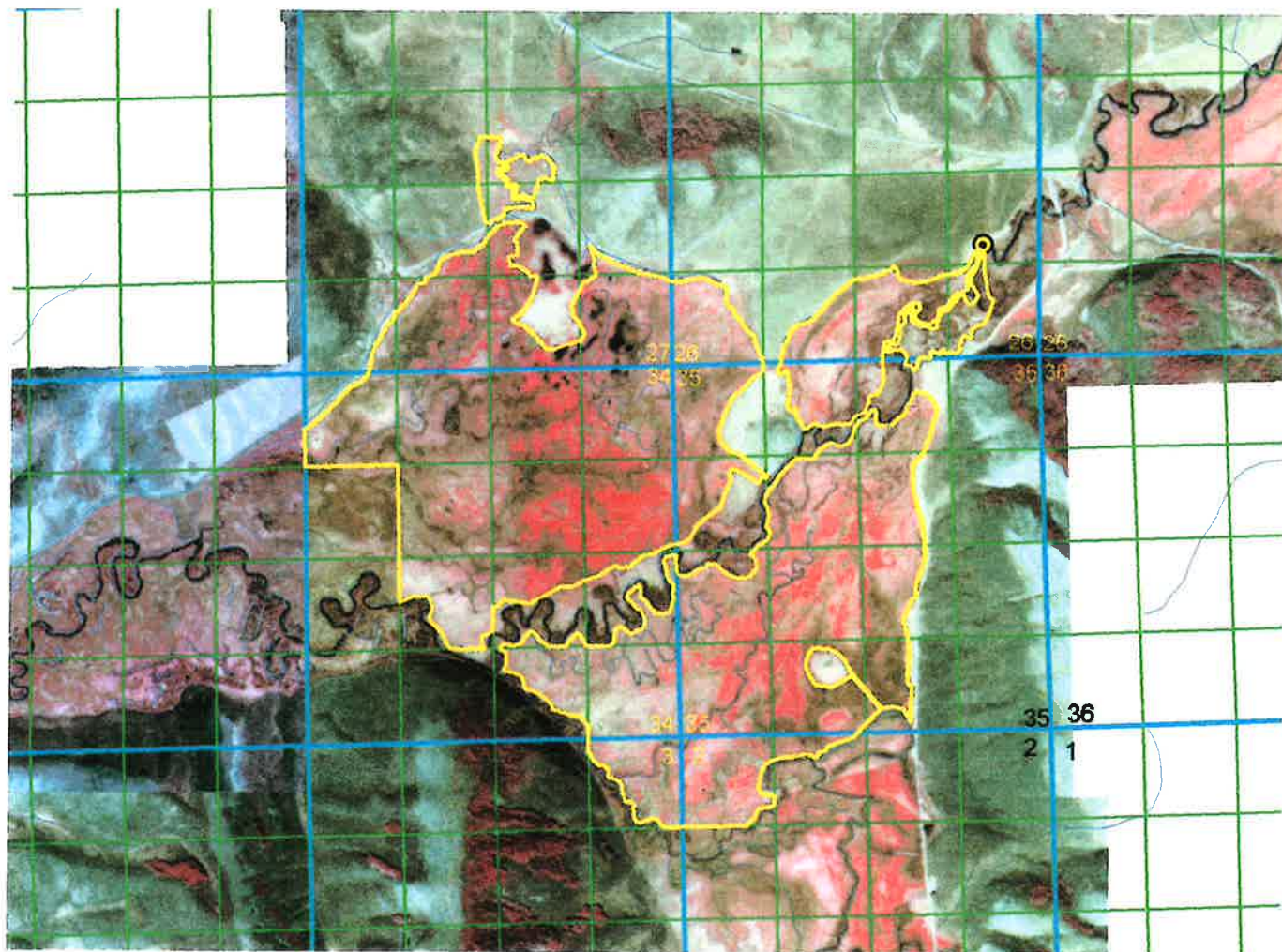
This right is a combination of old Right Nos. 27-32, 27-42, 27-43 and 27-44, Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s) 27-11016



1000 0 1000 2000 Feet



1021

Place of Use: T7S R43E
(part of) secs 26, 27, 34 and 35
T8S R43E (part of) secs 2 and 3.

PROFILED



LEGEND

- Place of Use
- Point of Diversion
- Section Lines
- QQ
- Township lines

Point(s) of Diversion: T7S R43E
Sec. 26 SWNESE

SCANNED

MAY 26 2006

GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by: C. Bird
Date: June, 2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11016

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 27.200 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs. Combined Right Nos.: 27-11016, 27-12027 and 27-10096.

The rights listed below are limited to a total combined annual diversion volume of 9.17 af for stockwater. Combined Right Nos.: 27-11016, 27-12000, and 27-12004.

PRIORITY DATE: 11/01/1886

POINT OF
DIVERSION:

T07S R43E S26 SWNESE Within CARIBOU County

T07S R43E S26 SWNESE Within CARIBOU County

~~T07S R43E S26 SESESE Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
IRRIGATION	04/15 07/01	27.200 CFS
STOCKWATER	04/15 07/01	0.040 CFS
		<u>2.400 AFY</u>

PLACE OF USE: IRRIGATION in CARIBOU County

T07S R43E S26	SWSW	28.00	T07S R43E S26	SESW	17.00
T07S R43E S26	NESE	0.60	T07S R43E S26	SWSE	31.00
T07S R43E S26	SESE	11.00	T07S R43E S27	SWNE	8.00
T07S R43E S27	SENE	2.00	T07S R43E S27	NESW	7.00
T07S R43E S27	SWSW	4.50	T07S R43E S27	SESW	37.00
T07S R43E S27	NESE	2.40	T07S R43E S27	NWSE	13.00
T07S R43E S27	SWSE	24.00	T07S R43E S27	SESE	39.00
T07S R43E S34	NENE	40.00	T07S R43E S34	NWNE	40.00
T07S R43E S34	SWNE	40.00	T07S R43E S34	SENE	39.00
T07S R43E S34	NENW	40.00	T07S R43E S34	NWNW	31.00
T07S R43E S34	SENE	40.00	T07S R43E S34	NESW	30.00
T07S R43E S34	NESE	15.00	T07S R43E S34	NWSE	20.00
T07S R43E S34	SWSE	19.00	T07S R43E S34	SESE	40.00
T07S R43E S35	NWNE	20.00	T07S R43E S35	SWNE	25.00
T07S R43E S35	NENW	22.00	T07S R43E S35	NWNW	27.00

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T07S R43E S35	SWNW	19.00	T07S R43E S35	SENW	37.00
T07S R43E S35	NESW	40.00	T07S R43E S35	NWSW	32.00
T07S R43E S35	SWSW	40.00	T07S R43E S35	SESW	34.00
T07S R43E S35	NWSE	23.00	T07S R43E S35	SWSE	15.00
T08S R43E S02 Lot 3 NENW		6.50	T08S R43E S02 Lot 4 NWNW		35.00
T08S R43E S03 Lot 1 NENE		27.00			

STOCKWATER same as IRRIGATION

1021 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1021 acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027, and 27-10096.

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

This right is a combination of old Right Nos. 27-32, 27-42, 27-43 and 27-44.

Stockwater use is for 500 cow/calf pairs.

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T07S R43E S35	NWSE	23.0	T07S R43E S35	SWSE	15.0
T08S R43E S02 Lot 3	NENW	6.5	T08S R43E S02 Lot 4	NWNW	35.0
T08S R43E S03 Lot 1	NENE	27.0			

STOCKWATER same as IRRIGATION

1021 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1021 acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

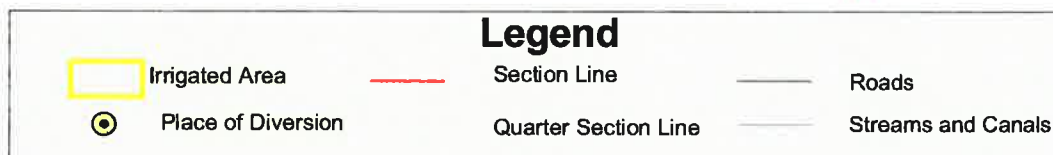
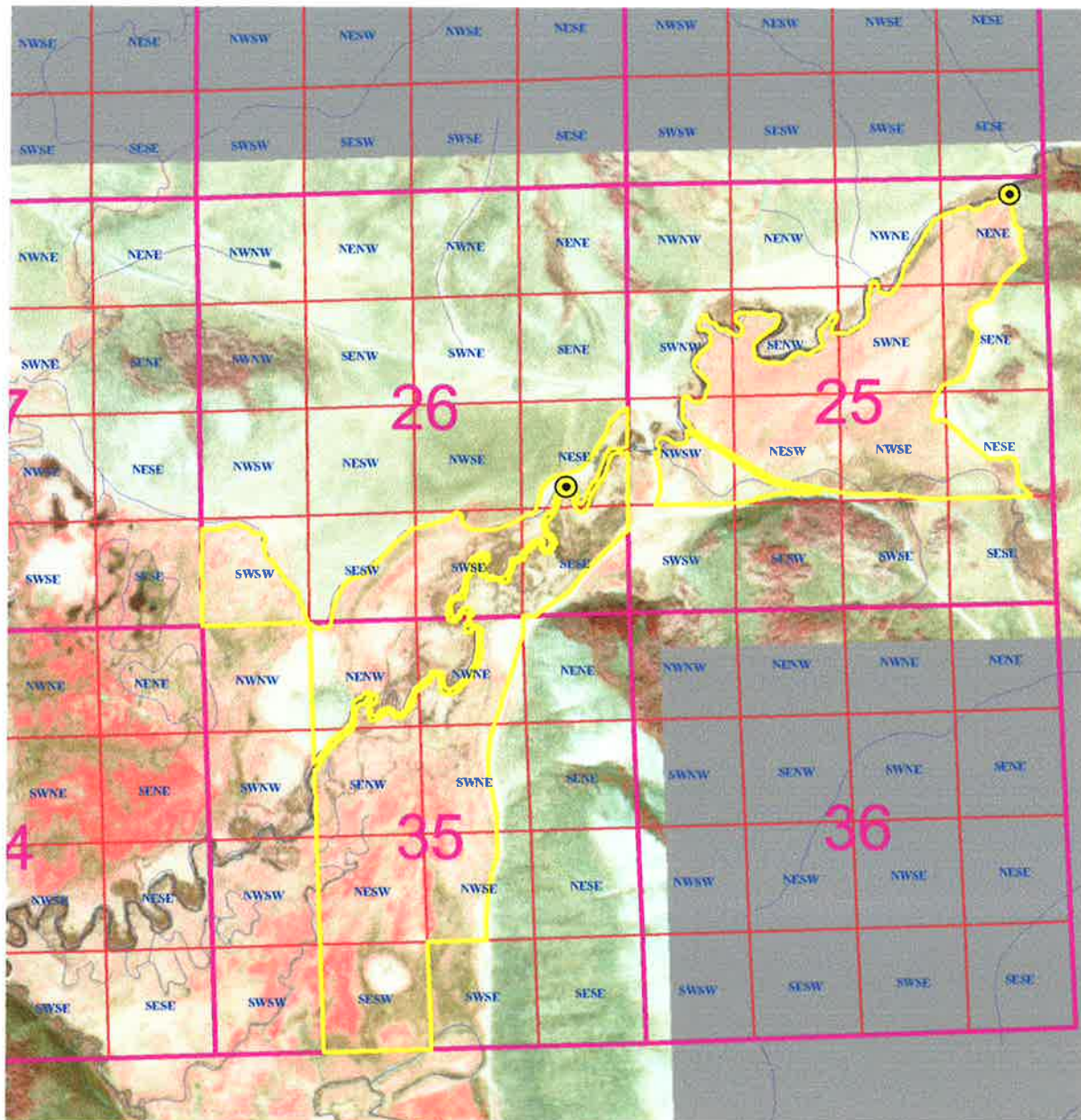
This right is a combination of old Right Nos. 27-32, 27-42, 27-43 and 27-44,

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

Water Right Claim Number 27-11018

Townships , 7S43E, 8S43E

12/11/2000



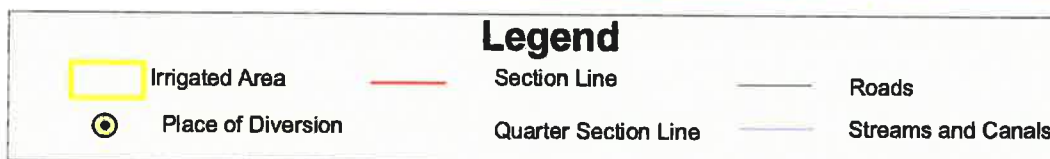
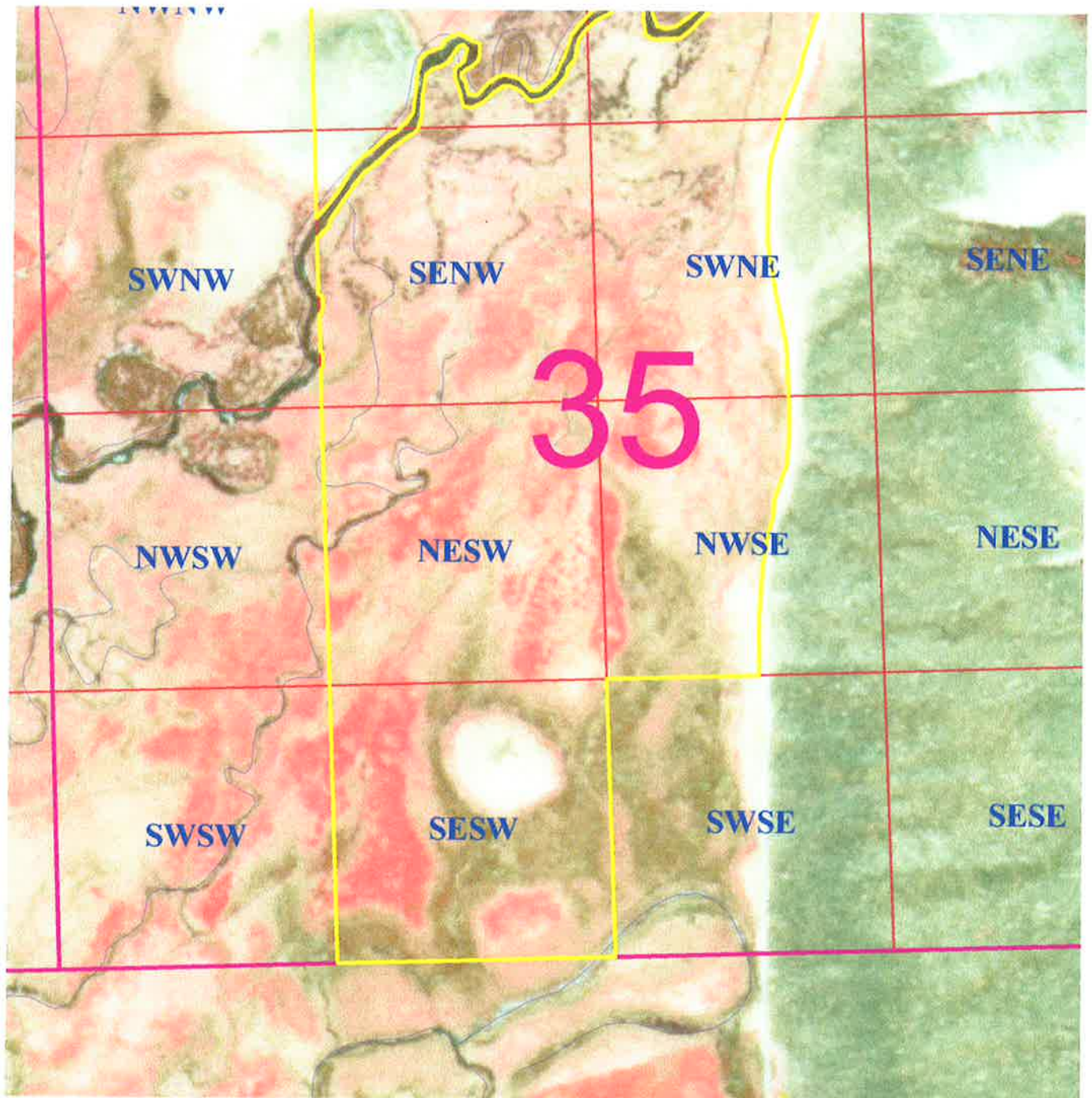
1500 0 1500 3000 Feet



SPATIAL DYNAMICS

Water Right Claim Number 27-11016
Townships , 7S43E, 8S43E

12/11/2000

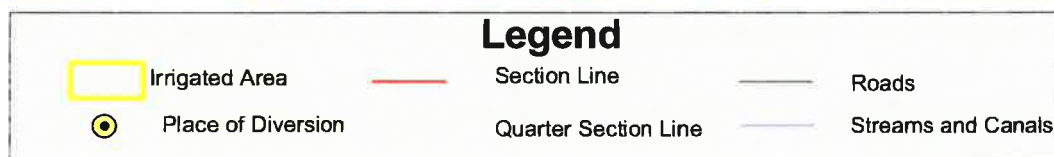
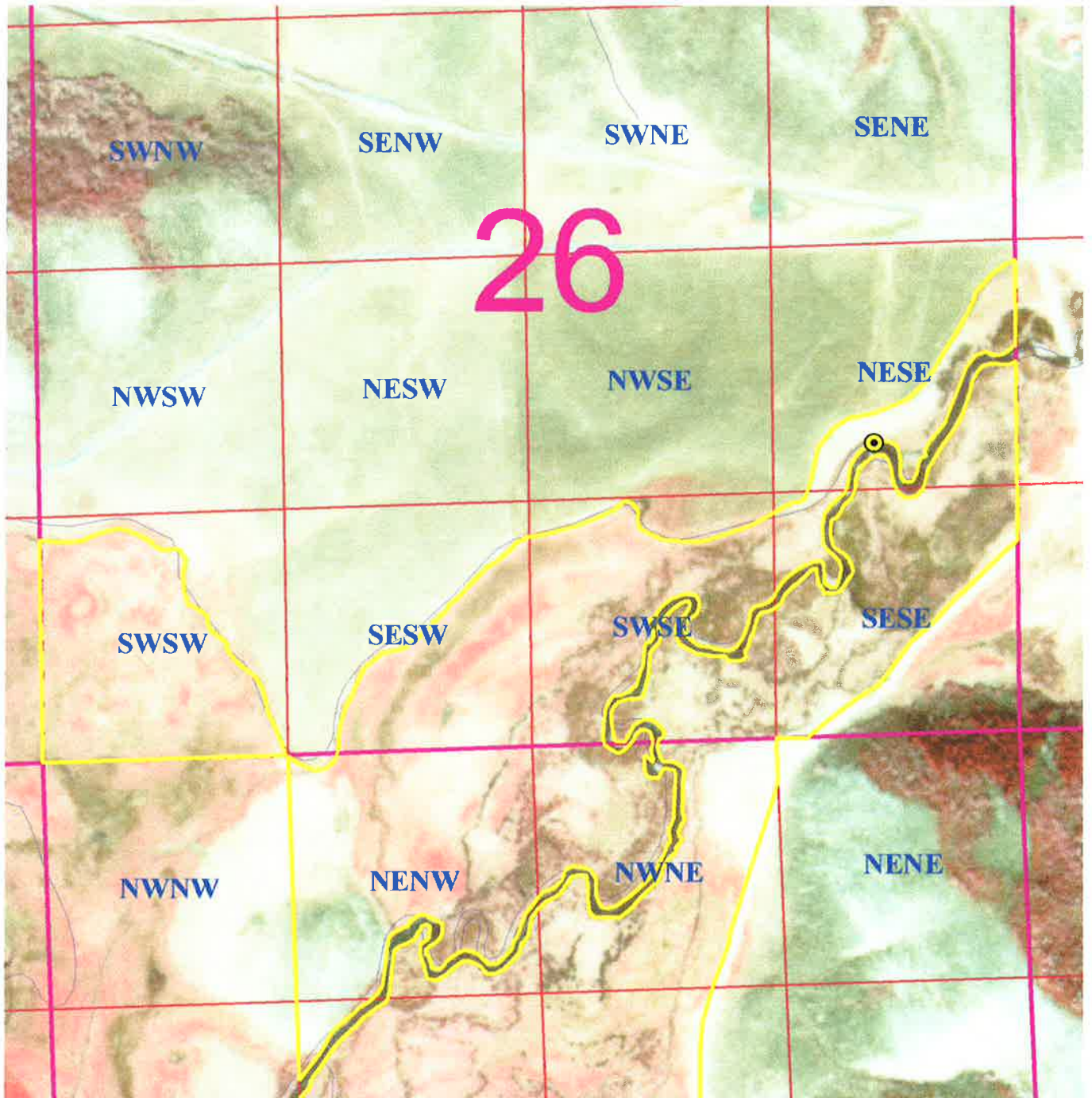


12/11/2000



Water Right Claim Number 27-11016
Townships , 7S43E, 8S43E

12/11/2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

April 11, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

RE: Notice of Change of Address for 27-4141, 27-10096, 27-11016,
27-11334, 27-12000, 27-12003, 27-12004, 27-12005, 27-12009 & 27-
12027 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Sullivan:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

SCANNED

APR 14 2008

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)

Water Rights: 27-4141, 27-10096,
27-11016, 27-11334, 27-12000, 27-
12003, 27-12004, 27-12005, 27-12009
& 27-12027

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4-9-08



Signature of IDWR Representative

SCANNED

APR 14 2008

CERTIFICATE OF MAILING

I certify that on April 11, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Preston R Allen & Sons Partnership
2601 E 300 S
Declo ID 83323

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Preston R Allen & Sons Partnership
1744 Cedar View Rd
Soda Springs ID 83276

4. One copy to:

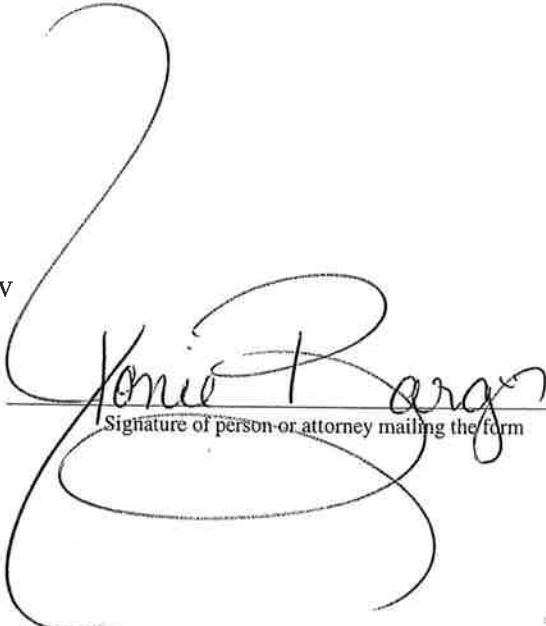
Each party in the subcase, or attorney of record
Shoshone-Bannock Tribes
Jeanette Wolfley-Special Counsel
202 N Arthur
Pocatello ID 83202

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4141

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: SLUG CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 10.570 CFS

PRIORITY DATE: 10/11/1886

POINT OF
DIVERSION:

T08S R43E S2 SWNWNE Within CARIBOU County
T08S R43E S2 NENENW Within CARIBOU County
T08S R43E S2 NWSWNW Within CARIBOU County
T08S R43E S2 NENESW Within CARIBOU County
T08S R43E S2 SESESW Within CARIBOU County
T08S R43E S11 NENESW Within CARIBOU County
T08S R43E S11 SWNWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 10/31

10.570 CFS

PLACE OF USE:

IRRIGATION in CARIBOU County

T07S R43E S35	SWSE	1.90	T08S R43E S02 Lot 2	NWNE	18.00
T08S R43E S02	SWNE	20.00	T08S R43E S02 Lot 3	NENW	28.00
T08S R43E S02 Lot 4	NWNW	0.90	T08S R43E S02	SWNW	36.00
T08S R43E S02	SENE	40.00	T08S R43E S02	NESW	40.00
T08S R43E S02	NWSW	22.00	T08S R43E S02	SWSW	1.60
T08S R43E S02	SESW	32.00	T08S R43E S02	NWSE	26.00
T08S R43E S02	SWSE	34.00	T08S R43E S11	NWNE	40.00
T08S R43E S11	SWNE	40.00	T08S R43E S11	NENW	24.00
T08S R43E S11	SENE	23.00	T08S R43E S11	NESW	24.00
T08S R43E S11	NESE	37.00	T08S R43E S11	NWSE	40.00
T08S R43E S11	SWSE	6.70			

535.1 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 - Beneficial Use

SCANNED

APR 14 2008

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-10096

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: UNNAMED STREAMS

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 2.930 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

PRIORITY DATE: 10/04/1886

POINT OF
DIVERSION: T07S R43E S27 SWSWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 07/01	2.930 CFS
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T07S R43E S27 SWNE	7.90	T07S R43E S27 SENW 2.00
	T07S R43E S27 NESW	7.00	T07S R43E S27 SWSW 4.50
	T07S R43E S27 SESW	37.00	T07S R43E S27 NWSE 13.00
	T07S R43E S27 SWSE	16.00	T07S R43E S34 NWNW 1.10
	T07S R43E S34 NENW	27.00	T07S R43E S34 NWNW 31.00

146.5 ACRES TOTAL

1021 The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

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

Source was decreed as Home Springs Creek in the Fred Stevens decree.

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

This right is from old Right No . 27-63.

SCANNED

APR 11 2008

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11016

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 27.200 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs.
Combined Right Nos.: 27-11016, 27-12027 and 27-10096

PRIORITY DATE: 11/01/1886

POINT OF

DIVERSION: T07S R43E S26 SENESE Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/15 07/01

27.200 CFS

STOCKWATER

04/15 07/01

0.040 CFS
2.88 AFY

PLACE OF USE:

IRRIGATION in CARIBOU County

T07S R43E S26	SWSW	28.00	T07S R43E S26	SESW	17.00
T07S R43E S26	NESE	0.60	T07S R43E S26	SWSE	31.00
T07S R43E S26	SESE	11.00	T07S R43E S27	SWNE	8.00
T07S R43E S27	SESW	2.00	T07S R43E S27	NESW	7.00
T07S R43E S27	SWSW	4.50	T07S R43E S27	SESW	37.00
T07S R43E S27	NESE	2.40	T07S R43E S27	NWSE	13.00
T07S R43E S27	SWSE	24.00	T07S R43E S27	SESE	39.00
T07S R43E S34	NENE	40.00	T07S R43E S34	NWNE	40.00
T07S R43E S34	SWNE	40.00	T07S R43E S34	SENE	39.00
T07S R43E S34	NENW	40.00	T07S R43E S34	NWNW	31.00
T07S R43E S34	SESW	40.00	T07S R43E S34	NESW	30.00
T07S R43E S34	NESE	15.00	T07S R43E S34	NWSE	20.00
T07S R43E S34	SWSE	19.00	T07S R43E S34	SESE	40.00
T07S R43E S35	NWNE	20.00	T07S R43E S35	SWNE	25.00
T07S R43E S35	NENW	22.00	T07S R43E S35	NWNW	27.00
T07S R43E S35	SWNW	19.00	T07S R43E S35	SESW	37.00
T07S R43E S35	NESW	40.00	T07S R43E S35	NWSW	32.00
T07S R43E S35	SWSW	40.00	T07S R43E S35	SESW	34.00
T07S R43E S35	NWSE	23.00	T07S R43E S35	SWSE	15.00
T08S R43E S02 Lot 3	NENW	6.50	T08S R43E S02 Lot 4	NWNW	35.00
T08S R43E S03 Lot 1	NENE	27.00			

STOCKWATER same as IRRIGATION

1021 ACRES TOTAL

1021

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 27-11016,
27-12027 and 27-10096

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

SCANNED

APR 14 2003

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

This right is a combination of old Right Nos. 27-32, 27-42, 27-43 and 27-44,

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

SCANNED

APR 15 2008

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11334

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: CALDWELL CREEK

TRIBUTARY: SLUG CREEK

QUANTITY: 0.300 CFS

This right when combined with Right No. 27-12003 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 04/01/1950

POINT OF

DIVERSION: T08S R43E S13 NENWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.300 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T08S R43E S13 NWNW 15.00

15 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 - Beneficial Use

SCANNED

APR 14 2008

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12000

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.040 CFS
9.17 AFY

The rights listed below are limited to a total combined annual diversion volume for stock water of 9.17 af. Combined Right Nos.: 27-11016, 27-12000, 27-12004 and 27-12009.

PRIORITY DATE: 08/02/1891

POINT OF
DIVERSION:

T07S R43E S26 SENESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/15	0.040 CFS
		6.11 AFY
	11/16 04/30	0.040 CFS
		3.06 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S26	SESW	T07S R43E S26	NESE
T07S R43E S26	SWSE	T07S R43E S26	SESE
T07S R43E S35	NWNE	T07S R43E S35	SWNE
T07S R43E S35	NENW	T07S R43E S35	SENW
T07S R43E S35	NESW	T07S R43E S35	SESW
T07S R43E S35	NWSE		

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 - Beneficial Use

This right is a split from former right 27-11018.

Stockwater use is for 500 single range cows Nov 16th to April 30th and 500 pairs from May 1st to Nov 15th.

SCANNED

APR 14 2008

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12003

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: SLUG CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 6.460 CFS

Right Nos. 27-12003 and 27-12005 are limited to a total combined annual diversion volume for stock water of 9.17 AF.

PRIORITY DATE: 10/11/1886

POINT OF

DIVERSION: T08S R43E S13 NWNWSW Within CARIBOU County
T08S R43E S14 NWSENE Within CARIBOU County
T08S R43E S24 SWNE Within CARIBOU County
T08S R43E S24 NESENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	6.460 CFS
STOCKWATER	11/16 04/30	0.240 CFS
	05/01 11/15	3.06 AFY
		0.240 CFS
		6.11 AFY

PLACE OF USE: IRRIGATION in CARIBOU County

T08S R43E S11	SWSE	2.20	T08S R43E S11	SESE	37.00
T08S R43E S13	NWNW	3.00	T08S R43E S13	SWNW	26.00
T08S R43E S13	NWSW	32.00	T08S R43E S13	SWSW	32.00
T08S R43E S14	NENE	40.00	T08S R43E S14	NWNE	3.90
T08S R43E S14	SWNE	8.20	T08S R43E S14	SENE	32.00
T08S R43E S14	NESW	0.80	T08S R43E S14	NESE	39.00
T08S R43E S14	NWSE	38.00	T08S R43E S14	SWSE	3.80
T08S R43E S14	SESE	25.00			

STOCKWATER same as IRRIGATION

322.9 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 - Posted Notice

SCANNED

APR 11 2008

Stockwater use is for 500 single range cows Nov 16th to April 30th and 500 pairs from May 1st to Nov 15th.

This right is a split from former right 27-4157.

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

SCANNED
APR 11 2003

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12004

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS
9.17 AFY

The rights listed below are limited to a total combined annual diversion volume for stock water of 9.17 af. Combined Right Nos.: 27-11016, 27-12000, 27-12004 and 27-12009.

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1885

POINT OF
DIVERSION: T07S R43E S26 SENESE Begin of Stream Flow Within CARIBOU County
T07S R43E S34 SWNESE End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	11/16 04/30	0.020 CFS
		3.06 AFY
	05/01 11/15	0.020 CFS
		6.11 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S26	NESE	T07S R43E S26	SWSE
T07S R43E S26	SESE	T07S R43E S34	NESW
T07S R43E S34	NWSE	T07S R43E S34	SWSE
T07S R43E S35	NWNE	T07S R43E S35	NENW
T07S R43E S35	SWNW	T07S R43E S35	NWSW

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 quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 500 single range cows Nov 16th to April 30th and 500 pairs from May 1st to Nov 15th.

SCANNED

APR 14 2003

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12005

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: SLUG CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
9.17 AFY

The quantity of water under this right shall not exceed 13,000 gallons per day.

Right Nos. 27-12003 and 27-12005 are limited to a total combined annual diversion volume for stock water of 9.17 AF.

PRIORITY DATE: 04/01/1885

POINT OF
DIVERSION:

T07S R43E S34 NWSWSE End of Stream Flow Within CARIBOU County
T07S R43E S34 SESWSE Begin of Stream Flow Within CARIBOU County
T08S R43E S2 NWSWNW End of Stream Flow Within CARIBOU County
T08S R43E S13 SESWSW Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

05/01 11/15

0.020 CFS

6.11 AFY

11/15 04/30

0.020 CFS

3.06 AFY

PLACE OF USE:

STOCKWATER in CARIBOU County

T07S R43E S34	SWSE	T08S R43E S02	SWNW
T08S R43E S02	SESW	T08S R43E S02	NESW
T08S R43E S02	SESW	T08S R43E S02	SWSE
T08S R43E S11	NWNE	T08S R43E S11	SWNE
T08S R43E S11	NENW	T08S R43E S11	SESW
T08S R43E S11	NESW	T08S R43E S11	NESE
T08S R43E S11	NWSE	T08S R43E S11	SWSE
T08S R43E S11	SESE	T08S R43E S13	SWNW
T08S R43E S13	NWSW	T08S R43E S13	SWSW
T08S R43E S14	NWNE	T08S R43E S14	SWNE
T08S R43E S14	SENE	T08S R43E S14	NESE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

SCANNED

APR 14 2008

Stockwater use is for 500 single range cows Nov 16th to April 30th and 500 pairs from May 1st to Nov 15th.

SCANNED
APR 14 2005

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12009

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS
9.17 AFY

The rights listed below are limited to a total combined annual diversion volume for stock water of 9.17 af. Combined Right Nos.: 27-11016, 27-12000, 27-12004 and 27-12009.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/02/1891

POINT OF
DIVERSION: T07S R43E S26 NESE Begin of Stream Flow Within CARIBOU County
T07S R43E S35 SWNW End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	11/16 04/30	0.020 CFS
		3.06 AFY
	05/01 11/15	0.020 CFS
		6.11 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S26	NESE	T07S R43E S26	SESE
T07S R43E S35	NWNE	T07S R43E S35	NENW
T07S R43E S35	SWNW	T07S R43E S35	SENW
T07S R43E S35	NWSW		

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 500 single range cows Nov 16th to April 30th and 500 pairs from May 1st to Nov 15th.

This right is a split from former right 27-4156.

SCANNED

APR 11 2008

04/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12027

NAME AND ADDRESS: PRESTON ALLEN & SONS
2601 E 300 S
DECLO ID 83323

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION:

T07S R43E S26 SWNESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	2.000 CFS
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T07S R43E S26 SWSW 27.00	T07S R43E S27 SWSE 6.00	
	T07S R43E S27 SESE 25.00	T07S R43E S34 NENE 38.00	
	T07S R43E S34 NWNE 32.00	T07S R43E S35 NWNW 17.00	
	145 ACRES TOTAL		

1021

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

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.

This right is from old Right No.27-4Q.

SCANNED
APR 14 2008

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

Claim Number(s):

Preston R Allen & Sons
by Kent Allen

Previous Mailing Address:

2661 East 300 South
Declo Id. 83323

→ 27-4141, 10096, 11016, 11334, 12000, 12003,
12004, 12005, 12009, 12027.

New Mailing Address:

1744 Cedar View Rd
Soda Springs Id.
83276

Telephone Number:

(208) 547-3819

Signature of Claimant(s):

Kent Allen

← **Sign Here**

Please return this completed form to the address indicated below:

☐ Adjudication Bureau
Idaho Dept. of Water Resources
P. O. Box 83720
Boise, ID 83720-0098
Ph. 208/287-4800 or
FAX 208/287-6700

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

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

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

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

RECEIVED

APR 10 2008

Date: _____

SCANNED

APR 11 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

April 15, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

RE: Amended Notice of Change of Address for 27-4141, 27-10096, 27-11016, 27-11334, 27-12000, 27-12003, 27-120004, 27-12005, 27-12009 & 27-12027 and Notice of Completed Administrative Proceeding (NCAP)

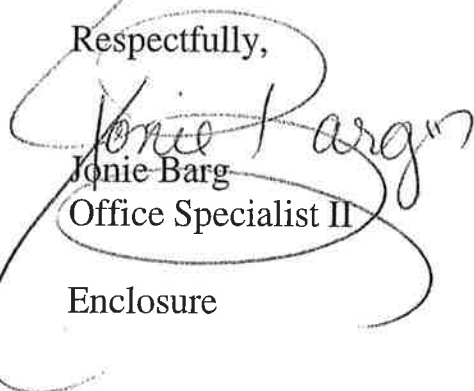
Dear Mr. Sullivan:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

APR 21 2008

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)

Water Rights: 27-4141, 27-10096,
27-11016, 27-11334, 27-12000, 27-
12003, 27-12004, 27-12005, 27-12009
& 27-12027

Case No. 39576)

**AMENDED
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

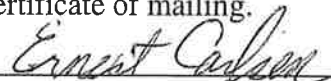
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4-17-08

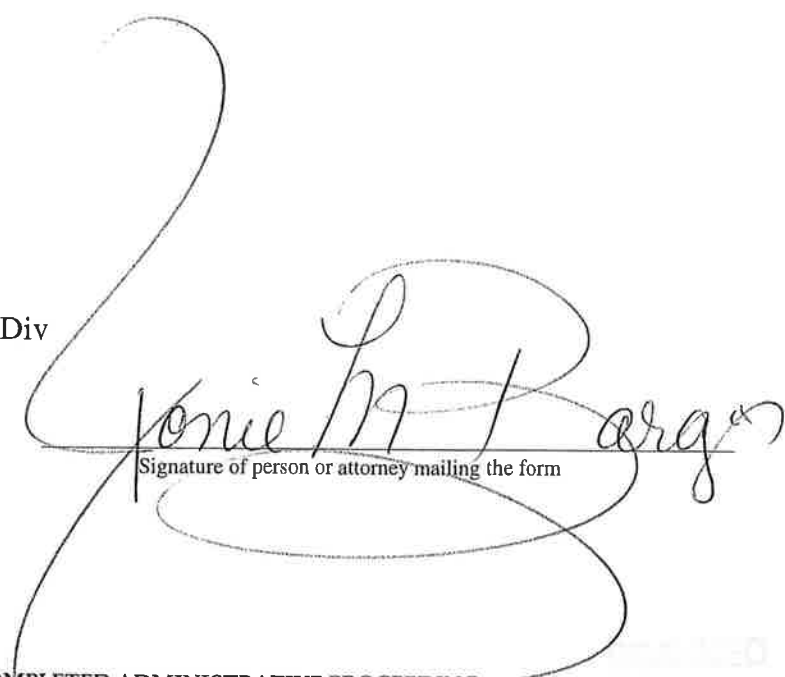


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 21, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Preston R Allen & Sons Partnership
2601 E 300 S
Declo ID 83323
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Preston R Allen & Sons Partnership
1744 Cedar View Rd
Soda Springs ID 83276
4. One copy to:
Each party in the subcase, or attorney of record
Shoshone-Bannock Tribes
Jeanette Wolfley-Special Counsel
202 N Arthur
Pocatello ID 83202
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4141

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: SLUG CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 10.570 CFS

PRIORITY DATE: 10/11/1886

POINT OF
DIVERSION:

T08S R43E S2 SWNWNE Within CARIBOU County
T08S R43E S2 NENENW Within CARIBOU County
T08S R43E S2 NWSWNW Within CARIBOU County
T08S R43E S2 NENESW Within CARIBOU County
T08S R43E S2 SESESW Within CARIBOU County
T08S R43E S11 NENESW Within CARIBOU County
T08S R43E S11 SWNWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

10.570 CFS

PLACE OF USE:

IRRIGATION in CARIBOU County

T07S R43E S35	SWSE	1.90	T08S R43E S02 Lot 2	NWNE	18.00
T08S R43E S02	SWNE	20.00	T08S R43E S02 Lot 3	NENW	28.00
T08S R43E S02 Lot 4	NWNW	0.90	T08S R43E S02	SWNW	36.00
T08S R43E S02	SENW	40.00	T08S R43E S02	NESW	40.00
T08S R43E S02	NWSW	22.00	T08S R43E S02	SWSW	1.60
T08S R43E S02	SESW	32.00	T08S R43E S02	NWSE	26.00
T08S R43E S02	SWSE	34.00	T08S R43E S11	NWNE	40.00
T08S R43E S11	SWNE	40.00	T08S R43E S11	NENW	24.00
T08S R43E S11	SENW	23.00	T08S R43E S11	NESW	24.00
T08S R43E S11	NESE	37.00	T08S R43E S11	NWSE	40.00
T08S R43E S11	SWSE	6.70			

535.1 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 - Beneficial Use

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-10096

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: UNNAMED STREAMS

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 2.930 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

PRIORITY DATE: 10/04/1886

POINT OF
DIVERSION: T07S R43E S27 SWSWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 07/01	2.930 CFS
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T07S R43E S27 SWNE 7.90	T07S R43E S27 SENW	2.00
	T07S R43E S27 NESW 7.00	T07S R43E S27 SWSW	4.50
	T07S R43E S27 SESW 37.00	T07S R43E S27 NWSE	13.00
	T07S R43E S27 SWSE 16.00	T07S R43E S34 NWNE	1.10
	T07S R43E S34 NENW 27.00	T07S R43E S34 NWNW	31.00

146.5 ACRES TOTAL

1021

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

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

Source was decreed as Home Springs Creek in the Fred Stevens decree.

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

This right is from old Right No . 27-63.

RECORDED
1021157

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11016

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 27.200 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs.

Combined Right Nos.: 27-11016, 27-12027 and 27-10096

PRIORITY DATE: 11/01/1886

POINT OF

DIVERSION: T07S R43E S26 SENESE Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 07/01	27.200 CFS
STOCKWATER	04/15 07/01	0.040 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T07S R43E S26	SWSW	28.00	T07S R43E S26	SESW	17.00
T07S R43E S26	NESE	0.60	T07S R43E S26	SWSE	31.00
T07S R43E S26	SESE	11.00	T07S R43E S27	SWNE	8.00
T07S R43E S27	SENW	2.00	T07S R43E S27	NESW	7.00
T07S R43E S27	SWSW	4.50	T07S R43E S27	SESW	37.00
T07S R43E S27	NESE	2.40	T07S R43E S27	NWSE	13.00
T07S R43E S27	SWSE	24.00	T07S R43E S27	SESE	39.00
T07S R43E S34	NENE	40.00	T07S R43E S34	NWNE	40.00
T07S R43E S34	SWNE	40.00	T07S R43E S34	SENE	39.00
T07S R43E S34	NENW	40.00	T07S R43E S34	NWNW	31.00
T07S R43E S34	SENW	40.00	T07S R43E S34	NESW	30.00
T07S R43E S34	NESE	15.00	T07S R43E S34	NWSE	20.00
T07S R43E S34	SWSE	19.00	T07S R43E S34	SESE	40.00
T07S R43E S35	NWNE	20.00	T07S R43E S35	SWNE	25.00
T07S R43E S35	NENW	22.00	T07S R43E S35	NWNW	27.00
T07S R43E S35	SWNW	19.00	T07S R43E S35	SENW	37.00
T07S R43E S35	NESW	40.00	T07S R43E S35	NWSW	32.00
T07S R43E S35	SWSW	40.00	T07S R43E S35	SESW	34.00
T07S R43E S35	NWSE	23.00	T07S R43E S35	SWSE	15.00
T08S R43E S02 Lot 3	NENW	6.50	T08S R43E S02 Lot 4	NWNW	35.00
T08S R43E S03 Lot 1	NENE	27.00			

STOCKWATER same as IRRIGATION

1021 ACRES TOTAL

1021

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

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

This right is a combination of old Right Nos. 27-32, 27-42, 27-43 and 27-44,

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

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-11334

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: CALDWELL CREEK

TRIBUTARY: SLUG CREEK

QUANTITY: 0.300 CFS

This right when combined with Right No. 27-12003 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 04/01/1950

POINT OF

DIVERSION:

T08S R43E S13 NENWNW Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.300 CFS

PLACE OF USE:

IRRIGATION in CARIBOU County

T08S R43E S13 NWNW 15.00

15 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 - Beneficial Use

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12000

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 08/02/1891

POINT OF

DIVERSION: T07S R43E S26 SENESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

07/02 04/14

0.040 CFS

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S26	SESW	T07S R43E S26	NESE
T07S R43E S26	SWSE	T07S R43E S26	SESE
T07S R43E S35	NWNE	T07S R43E S35	SWNE
T07S R43E S35	NENW	T07S R43E S35	SENW
T07S R43E S35	NESW	T07S R43E S35	SESW
T07S R43E S35	NWSE		

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 - Beneficial Use

This right is a split from former right 27-11018.

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12003

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: SLUG CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 6.460 CFS

PRIORITY DATE: 04/01/1952

POINT OF
DIVERSION:

T08S R43E S13 NWNWSW Within CARIBOU County
T08S R43E S14 NWSENE Within CARIBOU County
T08S R43E S24 SWNE Within CARIBOU County
T08S R43E S24 NESENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	6.460 CFS
STOCKWATER	01/01 12/31	0.240 CFS

PLACE OF USE:

IRRIGATION in CARIBOU County

T08S R43E S11	SWSE	2.20	T08S R43E S11	SESE	37.00
T08S R43E S13	NWNW	3.00	T08S R43E S13	SWNW	26.00
T08S R43E S13	NWSW	32.00	T08S R43E S13	SWSW	32.00
T08S R43E S14	NENE	40.00	T08S R43E S14	NWNE	3.90
T08S R43E S14	SWNE	8.20	T08S R43E S14	SENE	32.00
T08S R43E S14	NESW	0.80	T08S R43E S14	NESE	39.00
T08S R43E S14	NWSE	38.00	T08S R43E S14	SWSE	3.80
T08S R43E S14	SESE	25.00			

STOCKWATER same as IRRIGATION

322.9 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 - Beneficial Use

This right is a split from former right 27-4157.

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

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12004

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1885

POINT OF
DIVERSION: T07S R43E S26 SENESE Begin of Stream Flow Within CARIBOU County
T07S R43E S34 SWNESE End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S26	NESE	T07S R43E S26	SWSE
T07S R43E S26	SESE	T07S R43E S34	NESW
T07S R43E S34	NWSE	T07S R43E S34	SWSE
T07S R43E S35	NWNE	T07S R43E S35	NENW
T07S R43E S35	SWNW	T07S R43E S35	NWSW

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 quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12005

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: SLUG CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1885

POINT OF

DIVERSION: T07S R43E S34 NWSWSE End of Stream Flow Within CARIBOU County
T07S R43E S34 SESWSE Begin of Stream Flow Within CARIBOU County
T08S R43E S2 NWSWNW End of Stream Flow Within CARIBOU County
T08S R43E S13 SESWSW Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S34	SWSE	T08S R43E S02	SWNW
T08S R43E S02	SENW	T08S R43E S02	NESW
T08S R43E S02	SESW	T08S R43E S02	SWSE
T08S R43E S11	NWNE	T08S R43E S11	SWNE
T08S R43E S11	NENW	T08S R43E S11	SENW
T08S R43E S11	NESW	T08S R43E S11	NESE
T08S R43E S11	NWSE	T08S R43E S11	SWSE
T08S R43E S11	SESE	T08S R43E S13	SWNW
T08S R43E S13	NWSW	T08S R43E S13	SWSW
T08S R43E S14	NWNE	T08S R43E S14	SWNE
T08S R43E S14	SENE	T08S R43E S14	NESE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12009

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/02/1891

POINT OF
DIVERSION:

T07S R43E S26 NESE Begin of Stream Flow Within CARIBOU County
T07S R43E S35 SWNW End of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S26	NESE	T07S R43E S26	SESE
T07S R43E S35	NWNE	T07S R43E S35	NENW
T07S R43E S35	SWNW	T07S R43E S35	SENW
T07S R43E S35	NWSW		

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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 27-4156.

SEARCHED
APR 21 2008

04/15/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12027

NAME AND ADDRESS: PRESTON ALLEN & SONS
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION: T07S R43E S26 SWNESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	2.000 CFS
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T07S R43E S26 SWSW	27.00	T07S R43E S27 SWSE 6.00
	T07S R43E S27 SESE	25.00	T07S R43E S34 NENE 38.00
	T07S R43E S34 NWNE	32.00	T07S R43E S35 NWNW 17.00

145 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1021 acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027 and 27-10096

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.

This right is from old Right No.27-4Q.



SHOSHONE-BANNOCK TRIBES
TRIBAL WATER RESOURCES DEPARTMENT
 P.O. BOX 306
 FORT HALL, ID 83203

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Ernie Carlsen	Elese D Teton
COMPANY:	DATE:
IDWR	September 11, 2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(208) 525-7177	1
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(208) 525-7161	(208) 239-4580
RE:	
Request for SF5 Preparation for 27-11016, 27-12000, 27-12004 and 27-12009 Preston R Allen and Sons <i>Kent Allen. 547-3219</i>	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Ernie we would like to request that an SF5 be prepared for the following water right numbers: 27-11016, 27-12000, 27-12004 and 27-12009, Preston R Allen and Sons to settle portions of the Tribes' objections. We have settled on a volumetric amount for the stockwater use only on Mr. Allen's water rights. This amount being 13.44 AFY, this was based on the following calculation:

$$500 \text{ cows} \times \frac{20 \text{ gallons/day}}{\text{cow/calf}} \times 365 \text{ days} \times \frac{1 \text{ acre-ft}}{325,850 \text{ gallons}} \Rightarrow 13.44 \text{ AFY}$$

May 1 to Nov 15

The 13.44 AFY was further apportioned out to each water right, 27-11016 = 4.48 AFY; 27-12000 = 4.48 AFY; 27-12004 = 2.24 AFY; 27-12009 = 2.24 AFY. This was determined through further discussions with the claimant and how he uses his water rights. These are the numbers that should be indicated on the SF5 for each water right.

27-11016 contains an additional objection to the volume on the irrigation portion of this right and has not been settled at this time. The volume indicated above only settles the stockwater portion of this water right, this should also be indicated on the SF5.

The volume indicated above for 27-12000, 27-12004, and 27-12009 settles all tribal objections to these water rights.

TELEPHONE: (208) 239-4580

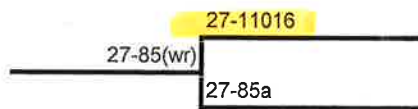
FAX: (208) 239-4592

No response to SF5 for 27-11016, 27-12000, 27-12004, 27-12009, Preston R Allen 27-11016, 27-12000, 27-12004, 27-12009, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 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3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 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3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3

PEDIGREE

PRIORITY DATE 10/11/1886

27-85



water right water right adjudication

I

kmj 07/18/2006

PEDIGREE

PRIORITY DATE

07/03/1885

27-32

27-32

27-42

27-11016

27-43

27-44

kmj 07/18/2006

07/14/2005

**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: 27-11016

PRESTON R ALLEN & SONS PARTNERSHIP

2601 E 300 S

DEULO ID 83323

Telephone Number: (208) 349-5599

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:

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

DATE:

9-21-05

SIGNATURE:

Kent P Allen

Please print your name:

Kent P Allen

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

FAXED
9-21-05
IF BP



SCANNED
MAY 25 2006

00000000

Notes

5/31/05 27-32 & 44 are Blackfoot River (17.6 cfs)

27-63 was deeded as Home Spring ckt. (6.1 cfs)

No Home Spg ckt on the TOPO'S Sheep ckt?

Is the land under 27-63 irrigated. Poll the same on

27-63, 66 & 32. Bear Lake & Preston Allen owns property under Poll.

This right should probably have a pt of injection from Home Spg ckt (Sheep ckt)?

6/2/05. Preston Allen & Son's owns.

Combines 27-32, 42, 43 & 44. (1360 Acres)

Convert 9 shape PPLS for Blackfoot River rights, for 27-4137 & 27-11016.

27-4137 is being recommended as an enlargement claim to deeded.

Same on my D drive as 27-4137-12027. 2p.

(Should have been 27-11016 Not 12027)

SCANNED

6/22/05 Preston & Kent Allen came in to the office to discuss amending this claim.

MAY 26 2006

Since my system is down I had Kent Allen partner of Preston Allen & Son's, sign a field amendment form and we created the shape in ArcView for the now Preston Allen place irrigated by the Blackfoot River. (Preston purchased a portion of Roland Allen's land).

Ernie's going to let me know if we can recommend stock under this deeded right during irrigation 504.

Notes

5-31-05 27-32, 27-66 & 27-63 have the same decreed
POU. The combined diversion rate is 1200 inches,
on 1200 acres. Bear lake Grazing has $320/1200 = 0.266$
and Preston Allen has $880/1200 = 0.7333$; however
in 1941, the Allen ^(Austin Bros) & Bear lake Grazing split up
land and water and from the documents it appears
Allen's got 27-32, 27-63 and Bear lake grazing got
27-66.

27-44, 27-70 & 27-85 have the same decreed
POU. Decreed to 669.25 acres, 1164 inches of
water from the Blackfoot River, James Creek
and Trail Creek respectively.

320 acres is owned by Preston Allen.

160 acres is owned by Randy Panter.

189.25 acres is owned by Bear lake Grazing.

Randy Panter (Joyce Bennett) claimed 6.4
acres under 27-85A. Most of the ^{claimed} POU
is different than the original POU. They claimed
land down into T8S, R43E Secs 9 & 16.

Recommended only the land in the decreed POU in
Sec. 33, T7S R43E. (20 acres); except SESE in
Sec. 32 was not part of the original POU.

In the 1941 agreement, Allen's got 27-44 (320")
Austin Rept 27-70 & 27-85 was not mentioned.

Notes

5-31-05 Cont'd So under 27-11016 a combined
right would only be 27-32, 27-63 and 27-~~44~~

Randy Pantus appears to be the only claim
on 27-85.

Roland Allen claimed 27-70 under 27-11016.
Preston Allen claimed 27-70A,
Bear Lake Grazing claimed 27-70 under 27-11271.

Roland Allen claimed 27-66 under 27-11016
Preston Allen claimed 27-66A.
Bear Lake Grazing 27-66 under 27-11271.

27-63 was claimed by Roland Allen under 27-11016
" " " " Preston Allen " 27-10096
" " " " Bear Lake Grazing 27-11275.

Meeting with Kent Allen, Martin Allen + Smo.
Discussion:

1. 27-11016. Entered several decrees with priority date ranging from 7-3-1885 to Nov. 1, 1886. See if they prefer applying this right apart to claim the earlier priority date. was filed on by Roland Allen.

2. Irrigated area from the Blackfoot River are 1227.67 acres.

3. Irrigated area from the Big Creek is 811 acres.

4. 27-11016 combined 27-44, 70, 85, 63, 66 + 32. according to the agreement 27-70, 85 + 66 should not be claimed by the Allen's. (27-44, 63 + 32 240 cts)

5. 27-10094 combines 27-42, 43, 63 + 87.

27-87 should be claimed by Allen's

27-63 should be accounted for under 27-11016. discussion note for 27-42 + 43 9.6 cts.

6. 27-11016 Is the pod different?

2. 27-12003 (27-4157) slug cut.

We still need evidence of priority on slug cut

8. 27-12027 (27-4) is it overclaimed? 2 cts

Same Pon as other Blackfoot Rights. 72946.

Claim no. A27-12000
A27-11016

Claimant Contact Log

Date 6-30-04 Remarks Agent initials

Wuf

The Exam was done on 6-28-04 with Kent Allen of Preston Allen & Sons Ranch. There was one diversion dam on the Blackfoot River for these two claims. At each end of the diversion dam was a ditch to flood irrigation to part of the ranch property.

The GPS data for the Diversion Dam is as follows

GPS 2713410 GPS Rk # - ALLEN
1290056 GPS Tag # - A0009075

In each ditch was a measuring box constructed by request of Water Master of District 27. The attached measurements were done with a Pygmy Meter. The total cfs being used was 12.13 cfs at that time. The capacity of the system is 50-75% more at full flow.

The place of use will have to be reviewed with Kent at the Soda Springs Office. He has additional air photos that might help define the irrigated place of use.

Ownership should be Preston Allen & Sons

South
canal



North
canal

A27-11016 + A27-12000

Diversion Dam

South Canal Measurement Box

A27-11016 & A27-12000



North Canal Measurement Box

A27-11916 + A27-12000



6-28-2004

Black foot

River at

Preston Allen Ranch

.0 .10 .20 .30 .40 .50 .60 .70 .75

Total;
12.13 cfs

System Capacity is
Larger than measurement

2nd

References[Remedy](#)[Launch
ArcView](#)[Administrative
Rules](#)[Query
Tools](#)[Data
Entry
Standards](#)[Show Help](#)Screen ID
384Process:
Claim
Verification
Record
Step:
Update
Information[Quick Look](#)[Contacts](#)[Priority Date](#)[POD](#)[Source](#)[POU](#)[Water Use](#)**Review/Verify Log**Status Claim Number Version Number [View Documents](#)**Check List**[Print Form](#)☒ **Priority Date**☒ **Contacts**☐ **Point of Diversion**☒ **Source**☐ **Place of Use**☒ **Purpose of Use**☐ **Period of Use**☒ **Quantity**☐ **Summary**[Yes to All](#)

Contacts

CommentsAuthor

Text

Subj Date - - [Add](#)[Edit](#)[Remove Selected](#)[Hide References](#)[Next Step](#)[Return to Home](#)Previous
Steps:[Select Claim](#)Screen
ID
384

Notes

8/18/04 after outlining the PO4 from our meeting we come-up with 1227.67 acres irrigated from the Blackfoot River and 810.94 acres from slug creek. See attached previous outline. (24.56 cfs)

Put the documents that outlines the split between the Upper & Lower Austin Ranch.

I need to talk to Kent Allen about the priority date. To see if they may want to split this apart to claim the 1885 priority date.

The remark from the Notice of Claim states this combines rights 27-44, 70, 85, 63, 66 & 32 for 566" total or 11.32 cfs. This doesn't match what is on the claimed diversion rate?

According to the analysis 27-70, 85 & 66 should not be claimed by the Allens.

Combined diversion rate for 27-44, 63 & 32 should be 24.0 cfs.

priority date wouldn't change if they left as combined right.

27-63 is from Home Spring Ck. change in source? pt of injection? T6S, R44E sections 28, 29 (POW). 1951 TOPO has Sheep Ck in this area. it may have been renamed.

Notes

4/16/04 field Exam.

4/16/04 this property is changing from Roland Allen to Preston Allen & Sons.

4/14/04 Papers were signed today on the sale. Canton title will send over a copy of the warranty deed tomorrow. CB

4/25/04 received ownership charge on 27-11016, 27-12000, 27-12003 & 27-11334.

claimed - Combination: 27-44, 70, 63, 85, 66, 32

8/16/04 Kent Allen came in for a meeting on the POW for Allen Ranches. We outlined the pro. on the 1974 Orthograde. Kent had purchased some 10-16-1956 photos that he also brought in to show the pro.

While Kent was here Paul Ketch, Bear Lake Grazing, stopped by and we showed them the documents that we have on the split. ~~to~~ Paul said he would have to disagree with it because they also use Bacon & Timothy (Pale, Dale & Lake Crk), as well as Home Spring Crk to irrigate. I explained to Paul that there could be an accomplished transfer but they can't just use the water that was awarded to Allen Ranches and the total number of irrigated acres can't exceed the decree. Paul is supposed to bring in a FSA photo with the irrigated pro outlined for the total number of irrigated acres outlined. We set a Aug 30th meeting with the Allen's and Bear Lake Grazing.

Claim no. A27-12000
A27-11016

Claimant Contact Log

Date 6-30-04 Remarks Agent initials

WJF

The Exam was done on 6-28-04 with Kent Allen of Preston Allen & Sons Rancho. There was one diversion dam on the Blackfoot River for these two claims. At each end of the diversion dam was a ditch to flood irrigation to part of the ranch property.

The GPS data for the Diversion Dam is as follows

GPS 2713410 GPS Rk # - ALLEN
1290056 GPS Tag # - A0009075

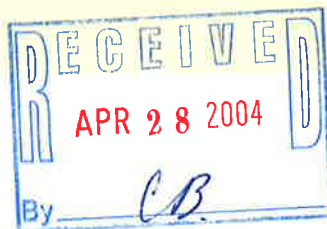
In each ditch was a measuring box constructed by request of Water Master of District 27. The attached measurements were done with a Pygmy Meter. The total cfs being used was 12.13 cfs at that time. The capacity of the system is 50-75% more at full flow.

The place of use will have to be reviewed with Kent at the Soda Springs Office. He has additional air photos that might help define the irrigated Place of Use.

Ownership should be Preston Allen & Sons

8-26-70

AC-1-31



Puston allen
Extended 501
Blackfoot River

27-11016

Preston Allen and Son's.



IMG_0784

Photo number

Photo Rename

4/6/04

Date

12:05 AM

Time (PM)

Photo 6: 11:51 AM Looking SW at land
in sections 35, 36. Preston has the land to the
right of the road. It is irrigated by the
Blackfoot River.

T7S, R43E.

C. Bird

27-11016

Preston Allen & Son's



IMG_0785

Photo number

Photo Rename

4/6/04

Date

12:06 AM

Time

PM

Photo 7: 11:52 AM. Looking south at land in sections 26 and 35, T7S, R43E. Irrigated by the Blackfoot River.

CBird

27-11014

Preston Allen & Son's



IMG-0786

Photo number

Photo Rename

4/6/04

Date

12:06 AM

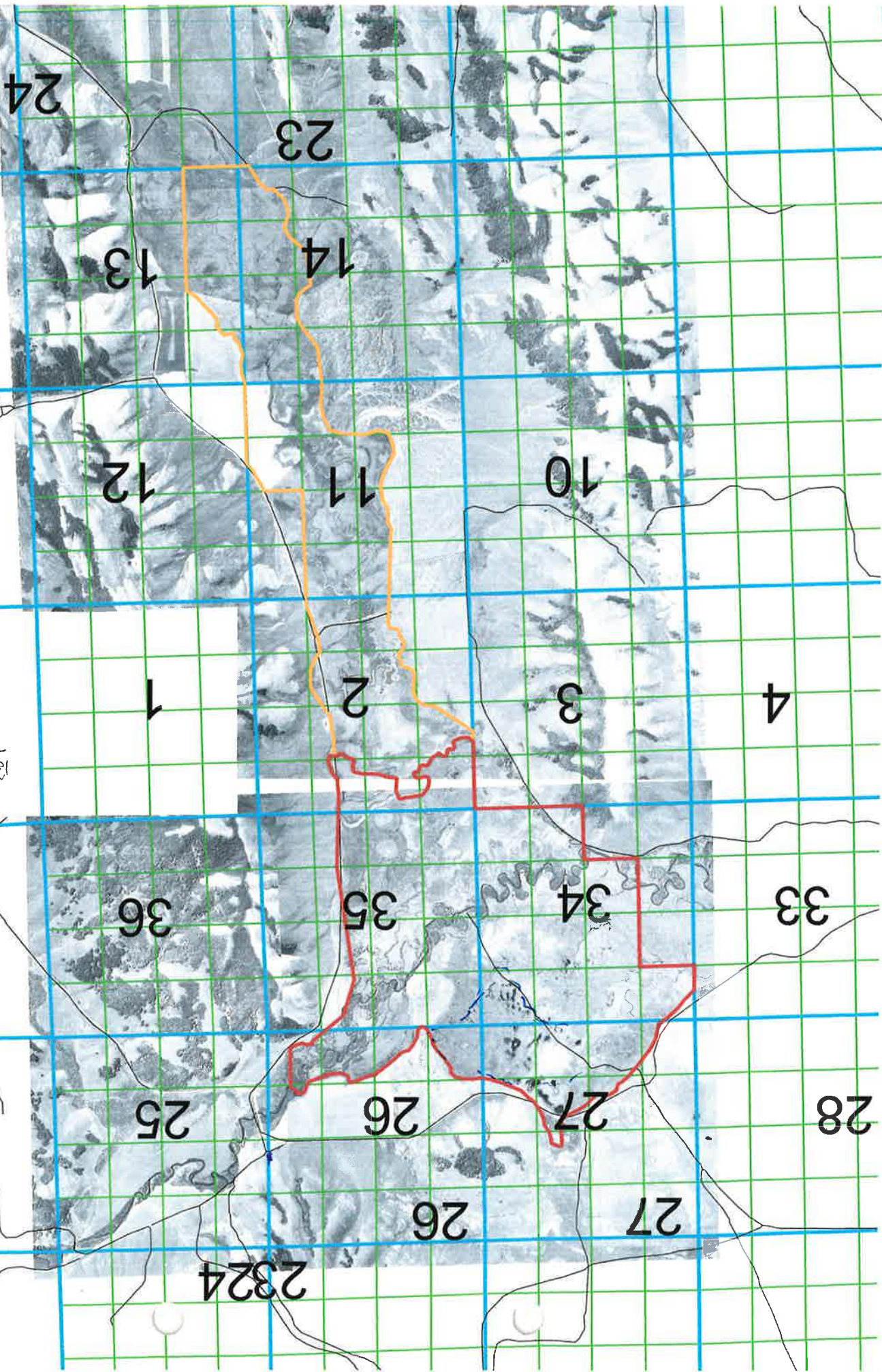
Time

PM

Photo 8: 11:52 AM. looking west at land
irrigated by Preston Allen & Son's in section
35, T7S, R43E.

CBrid

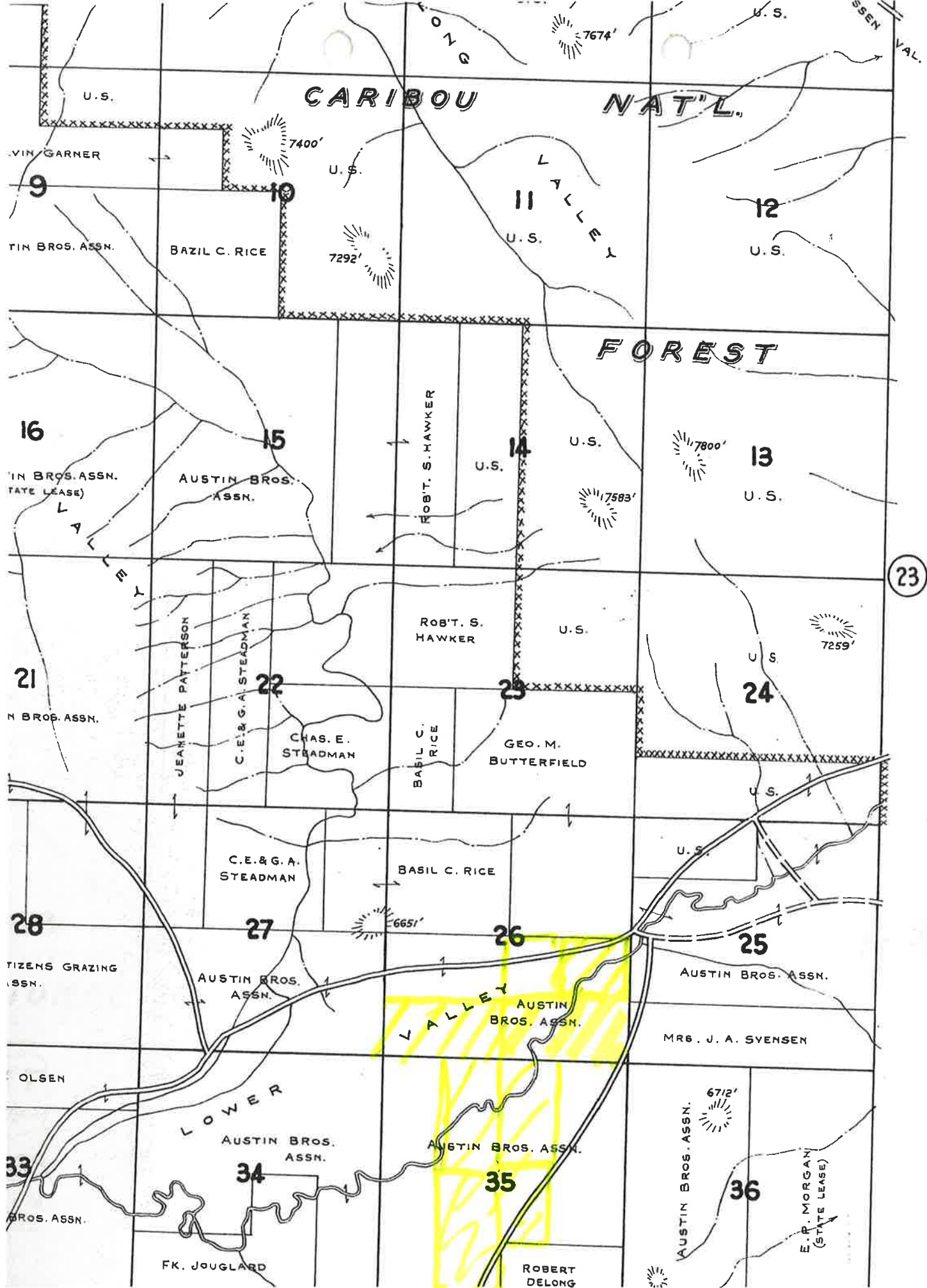
T = 2038.61 ft.
2039 ± 0.02
= 40.78 cfs



Slag Creek
810.94 ac

Blackfoot
River
1227.67 ac

27-12027 (40)
to for 145
ac
2627.94
195.



Notes

3/12/04 Keith & Carol Hunzyker came in and I explained that Preston & Bear Lake are also claiming these rights. w/m lists different w/R numbers for delivery, which are not Blackfoot River. When did the source change to Blackfoot R.

3/22/04 Carolyn Hunzyker stopped by the office and asked her to get me a copy of the FSA photo, 1987 CB

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Roland Allen	1910 Oakley Ave	Burley	ID	83318	
Name connector: and						
Current Owner						
Current Owner						
Representing Attorney:						Phone Number:
Accompanied By:	Kent Allen					Phone Number:
Relationship to Claimant:	Son of Preston Allen					
Date of Field Exam:	6/28/04					Time:

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

4/15/04

Sold to:

Preston R. Allen & Sons

2601 E. 300 S.

Declo ID 83223

1-208-349-5714

Reviewer:

CB

Date:

3/22/04

Priority Date Data Entry Form

Claim Number: 27-11016

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒

Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Deeded priority:

7-1	27-44	11-1-1886	Blackfoot	128	320 in. (6.4 cfs)
7-1	27-70	10-17-1886	Lane Creek	114	284 in. (5.68 cfs)
7-1	27-85	10-11-1886	Trail Creek	203	560 in (11.2 cfs)
7-1	27-63	10-4-1886	Home Spring Crk	42	320 in. (6.4 cfs)
7-1	27-66	10-11-1886	Lane Crk	42	320 in (6.4 cfs)
7-1	27-32	7-3-1885	Blackfoot	37	560 in. (11.2 cfs)
					47.28 cfs

Claimed junior priority date:

27-42	10-4-1886
27-43	10-4-1886

Reviewer: CBDate: 3/22/04

Priority Date

Claim No. 27-11016

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

Priority Date

Claim Number: 27-11016

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. _____, _____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
7S	43E	26		SW, NESE	Caribou.	Blackfoot R.

GPS File "Allen".

GPS Coordinates: 27 13410 1290056
42.78316498 -111.3918400

GPS TAG #.

A0009075

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? 27-10096, 27-11016

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

link pod: 27-11016 pod. shp.

Transfers Changing POD 1/0

Reviewer: UB

Date: 9/26/05

Point of Diversion

Claim No. _____

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes () No ()
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No ()
3. Has the License been issued?
If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10
Yes () No ()
4. Does the parent right have a POD?
If Yes, go to 5
If No, go to 6
Yes () No ()
5. Can the claimed POD be verified using the water right file?
If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6
Yes () No ()
6. Is there evidence that there has been a change in the POD?
If Yes, go to 7
If No, go to 9
Yes () No ()
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8
Yes () No ()
8. Was a transfer filed?
If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9
Yes () No ()
9. Does the file contain all of the necessary information to verify the POD?
If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10
Yes () No ()
10. Is a POD remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.
Yes () No ()

Point of Diversion

Source

Claim No. _____

1. Is the basis of claim a Decree or License? Yes () No ()
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes () No ()
If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11
4. Does the parent right have a Source? Yes () No ()
If Yes, go to 5
If No, go to 7
5. Can the claimed Source be verified using the water right file? Yes () No ()
If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7
6. Is the basis of claim a Posted Notice? Yes () No ()
If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7
7. Is there evidence that there has been a change in the Source? Yes () No ()
If Yes, go to 8
If No, go to 10
8. Can the change be verified as an accomplished transfer? Yes () No ()
If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9
9. Did the claimant file a transfer? Yes () No ()
If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10
10. Does the file contain all of the necessary information to verify the Source? Yes () No ()
If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11
11. Is a Source remark and/or condition required? Yes () No ()
If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Source

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

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

Total Acres

1021

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

Place of Use

Claim NO. _____

1. Is the basis of claim a Decree or License? Yes () No ()
If Yes, go to 2a
If No, go to 2b
- 2a. Is a POU required? Yes () No ()
If Yes, go to 5
If No, go to 14
- 2b. Is a POU required? Yes () No ()
If Yes, go to 3
If No, go to 14
3. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 4
If No, go to 7
4. Has the License been issued? Yes () No ()
If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14
5. Does the parent right have a POU? Yes () No ()
If Yes, go to 6
If No, go to 7
6. Can the claimed POU be verified using the water right file? Yes () No ()
If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7
7. Is there evidence that there has been a change in the POU? Yes () No ()
If Yes, go to 8
If No, go to 13
8. Can the change be verified as an accomplished transfer? Yes () No ()
If Yes, add condition C05, go to 13
If No, go to 9
9. Does the change include an enlargement of the POU? Yes () No ()
If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12
10. Was an enlargement claim filed? Yes () No ()
If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11
11. Did the claimant file an enlargement claim? Yes () No ()
If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13
12. Was a transfer filed? Yes () No ()
If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13
13. Does the file contain all of the necessary information to verify the POU? Yes () No ()
If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14
14. Is a POU remark and/or condition required? Yes () No ()
If Yes, enter the appropriate remark and/or condition. POU review is complete.
If No, POU review is complete.

Place of Use

Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

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

Claimed Purpose of Use

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

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Purpose of Use

Claim No. 27-11016

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

Yes (☒) No (☐)

If Yes, go to 4
If No, go to 2

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

Yes (☐) No (☐)

If Yes, go to 3
If No, go to 6

3. Has the License been issued?

Yes (☐) No (☐)

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

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

Yes (☐) No (☐)

If Yes, go to 5
If No, go to 6

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

Yes (☐) No (☐)

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

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

Yes (☐) No (☐)

If Yes, go to 7
If No, go to 11

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

Yes (☐) No (☐)

If Yes, add condition C04, go to 11
If No, go to 8

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

Yes (☐) No (☐)

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

9. Was an enlargement claim filed?

Yes (☐) No (☐)

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

10. Did the claimant file an enlargement claim?

Yes (☐) No (☐)

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

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

Yes (☐) No (☐)

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

12. Did the claimant file a transfer?

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Purpose of Use

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation.	4/15	7/1	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

b27 watermaster (Ryan Madsen) measured 12.13 cfs.
with a note that says "System capacity is larger than measured"

Reviewer: _____

Date: _____

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

Period of Use

Quantity

Claim No. _____ - _____

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

Yes () No ()

If Yes, go to 4

If No, go to 2

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

Yes () No ()

If Yes, go to 3

If No, go to 6

3. Has the License been issued?

Yes () No ()

If Yes, go to 5

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

4. Does the parent right have a diversion rate and/or volume?

Yes () No ()

If Yes, go to 5

If No, go to 7

5. Can the claimed diversion rate and/or volume be verified using the water right file?

Yes () No ()

If Yes, go to 8

If No, go to 7

6. Is the basis of claim a posted notice?

Yes () No ()

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

If No, go to 7

7. Is a flow measurement required?

Yes () No ()

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

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

8. Does the parent right have an annual diversion volume limit?

Yes () No ()

If Yes, go to 10

If No, go to 9

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

Yes () No ()

If Yes, go to 10

If No, go to 11

10. Is irrigation a purpose of use?

Yes () No ()

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

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

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

Yes () No ()

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

If No, go to 12

12. Is a Quantity remark and/or condition required?

Yes () No ()

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

If No, quantity review is complete.

Quantity

Summary

Claim No. _____

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?
If Yes, go to 2
If No, go to 3
Yes () No ()
2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5
Yes () No ()
3. Is the water being used for all of the purposes claimed and to the extent claimed?
If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4
Yes () No ()
4. Is any portion of the claim being recommended?
If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5
Yes () No ()
5. Is an additional remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Go to 6
If No, go to 6
Yes () No ()
6. Would you like to view the recommended right?
If Yes, go to 7
If No, the review is incomplete. The recommendation must be viewed to complete the review.
Yes () No ()
7. Is this a "split" or "combined" right?
If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8
If No, go to 8
Yes (X) No ()
8. Do you have documents you would like to attach or link to the file?
If Yes, go to PowerDOCS and profile the documents. Go to 9
If No, go to 9
Yes () No ()
9. Would you like to set the verification date?
If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.
Yes () No ()

Summary

Summary Data Entry Form

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

P29, combination of old rights 27-32, 27-44, 27-42,
27-43.

Split or Combined Right Analysis:

combines 27-32, 27-44, 27-43, 27-42.

Attached Field Notes or Other Documents:

Claim No.:

27-11016

Reviewer

CB

Date

6/2/05

Zion's Savings Bank and Trust Company

HEBER J. GRANT, President
WILLIAM MC EWAN, Trust Officer
CLARON O. SPENCER, Assistant Trust Officer

CAPITAL \$ 1,000,000.00 - SURPLUS \$ 500,000.00

Salt Lake City, Utah

TRUST DEPARTMENT

November 16, 1943

Roland R. Allen
Soda Springs, Idaho

Dear Mr. Allen:

This will serve to acknowledge the receipt of your recent favor containing checks amounting to \$5,000.00, which have been applied as follows:

Interest to November 1, 1943 - \$1,863.25
On account of principal - 3,136.75

Leaving an unpaid principal balance of \$42,449.79.

Relative to the water rights, the last word which we received was to the effect that the division on the 40-60 basis was satisfactory.

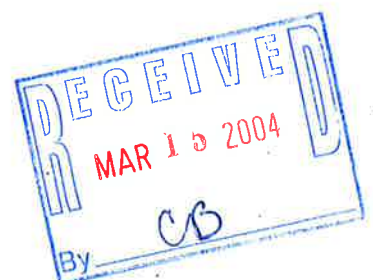
We expect the decree any day now relative to quieting title to certain of the properties being purchased by you.

We would appreciate knowing what progress is being made relative to paying your contract in full.

Yours respectfully,

Claron O. Spencer
Trust Officer

WM:VR



Zion's Savings Bank and Trust Company

HEBER J. GRANT, President
WILLIAM MC EWAN, Trust Officer
CLARON O. SPENCER, Assistant Trust Officer

CAPITAL \$ 1,000,000.00 - SURPLUS \$ 500,000.00

Salt Lake City, Utah

TRUST DEPARTMENT

February 29, 1944

Mr. Rowland R. Allen
Soda Springs
Idaho

Dear Mr. Allen:

After an absence from the Bank of something near to a month, I dropped in today for a few minutes, and found your letter of February 4th unanswered.

This matter of determining just what water goes with the Lower Ranch and with the Upper Ranch, is rather a complicated question. I have discussed it with other members of the Committee, and also with Mr. Hooper, and it seems to me that the only way to determine it will be for Mr. Hooper to make an appointment with the water master, and also with Mr. Smart, and have them decide as near as it is possible to do, the waters which have been used on the separate ranches.

We then will be in a position to deed that water to you.

There has been a slight hitch in quieting title to the land, but this should be attended to in the near future.

I cannot say at this time just how soon I will be back at my desk, but just as soon as I possibly can I will have the Bond Holders Committee give your letter the consideration it is entitled to.

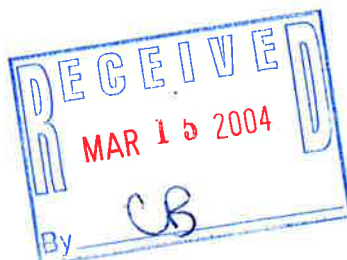
Yours very truly,

Wm. McEwan

Trust Officer

By M.W.

WM:mw





National Farm Loan Associations

GRACE GROUP-17D
GRACE, IDAHO

March 7, 1944

L SUMNER POND, SECRETARY-TREASURER

IN REPLYING PLEASE REFER TO
NO. A74448 - Allen

Mr. Roland Allen
Soda Springs, Idaho

Dear Mr. Allen:

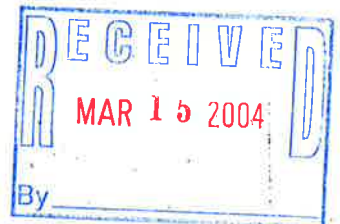
I am writing to inquire whether or not you have made any progress in getting the water divided.

Will you kindly let me know just what has been done since I saw you last. I am quite anxious to get this matter going, as it will take quite a little while after the approval before the loan may be closed.

Very truly yours,

L. Sumner Pond
Secretary-Treasurer

LSP/lj



Zion's Savings Bank and Trust Company

HEBER J. GRANT, President
WILLIAM MC EWAN, Trust Officer
CLARON O. SPENCER, Assistant Trust Officer

CAPITAL \$ 1,000,000.00 - SURPLUS \$ 500,000.00

Salt Lake City, Utah

TRUST DEPARTMENT

April 26, 1944

Roland R. Allen
Soda Springs, Idaho

Dear Mr. Allen:

During the past week we have had two conferences with the purchasers of the Upper Ranch on the Blackfoot River. As you are well aware, there is some dispute relative to the proper division of the water between the Upper and the Lower Ranches. As you are also aware, we were of the opinion that a 60-40 basis would be about right. This, however, was not agreeable to the purchasers of the Upper Ranch.

Your contract calls for a ratio not less than that which the acreage covered by your contract bears toward the combined acreage of both ranches. Mr. Hooper figures that on this basis you would be entitled to 54% of the water.

Mr. Keetch and his associates expressed a willingness to settle on a 45-55% basis.

We would like your re-action immediately on this proposition. You undoubtedly will appreciate the fact that virtually all of the water that the Upper Ranch uses gets back into the creek before it reaches your property.

In the hopes that you will be satisfied with 55% of the water, ~~and~~ without any further trouble or litigation, I am pleased to remain

Yours very truly,

William McEwan
Trust Officer

WM:VR



Zion's Savings Bank and Trust Company

HEBER J. GRANT, President
WILLIAM MC EWAN, Trust Officer
CLARON O. SPENCER, Assistant Trust Officer

CAPITAL \$ 1,000,000.00 - SURPLUS \$ 500,000.00

Salt Lake City, Utah

TRUST DEPARTMENT

Sept. 7, 1944

Mr. Rowland L. Allen
Soda Springs
Idaho

Dear Mr. Allen: Re: Austin Brothers contract

You will recall previous conversations between yourself and Mr. McEwan representing the Austin Brothers Committee, regarding the division of the water between the Upper and Lower Ranches.

It was our understanding that we had something in writing from you to the effect that 55/45 basis for the division of this water met with your approval, but we are unable to find this in our files.

We believe this basis should be agreeable all around, and if you are in accord will you kindly so indicate by writing us so that we may have something in the files to rely on.

Your early reply will be appreciated, and a return envelope is enclosed for your convenience.

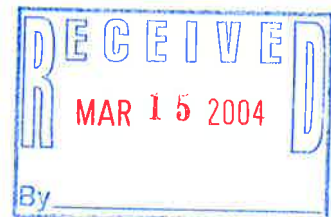
Yours very truly,

Claron O. Spencer

Trust Officer

CS:mw

Enc.



HERBERT VAN DAM
ATTORNEY AND COUNSELOR
FELT BUILDING
SALT LAKE CITY, UTAH

April 7, 1945

Mr. Roland R. Allen
Box 397
Soda Springs, Idaho

Dear Roland:

*Return to
alt Lake June 25, 1945*

I enclose copy of Special Warranty Deed which I received from Mr. Spencer this morning. You will note that I have approved the deed as to form, and have noted in the margin that the South Half of Section 33 is included, and the Northeast Quarter of Section 25 and the Northwest Quarter of Section 30 are left out. I have checked the descriptions against the contract and the abstract, and with those exceptions find them to be correct. I have also totaled the acreage and find it to be approximately 6200 acres.

You will note the only mention of water rights in the deed is "together with all water rights thereunto appurtenant", and you will recall the difficulty we had with this question at the time the contract was written, and we put into the contract the best description we could of what the appurtenant water rights were. Also in your letter to me of September 28, 1944, you said, "I have also written a letter to the bondholders' committee and agreed to a 55-45 water settlement providing it agreed with the contract when the acreage was taken into consideration."

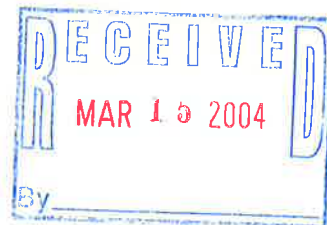
I dislike to turn down this deed but it does seem to me that there should be a description of water rights about the same way we described them in the contract, except as modified by your agreement.

I would like to know what you think about this before finally approving the deed.

Yours very truly,

HVD
H. VAN DAM

HVD-K



SPECIAL WARRANTY DEED

For the sum of Ten Thousand Dollars and other considerations of value, George J. Cannon, William McEwan and Robert H. Burton of Salt Lake City, Utah, L. R. Anderson of Manti, Utah and E. T. Ralphs of Logan, Utah, as a deposit and Protective Committee for former bondholders of Austin Brothers Association, a Utah corporation, Grantors, have bargained and sold and hereby convey unto H. H. Allen, Jr., of Swan Lake, Idaho, Grantee, the following described property situate in the County of Caribou, State of Idaho, to-wit:

The South half of Section 9; all of Section 12; the West half of the Northeast quarter; the West half of the Southeast quarter and West half of Section 15; the Northeast quarter; the North half of the Southeast quarter; the North half of the Southwest quarter; the South half of the Northwest quarter of Section 25; the South half of Section 26; the South half of Section 27; the South half and the South half of the North half of Section 33; the Northwest quarter and the North half of the Southwest quarter of Section 34; the Northeast quarter; and the East half of the Southeast quarter of Section 34; the West half of Section 35; the Northeast quarter; and the North half of the Southeast quarter of Section 35; all in Township 7 South, Range 43 East, Boise Meridian; Lots 2, 3 and 4; the South half of the Northwest quarter; the Southwest quarter of the Northeast quarter and the Southwest quarter and the West half of the Southeast quarter of Section 2; the West half and the West half of the Northeast quarter; the West half of the Southeast quarter of Section 11; the East half of the Southeast quarter of said Section 11; the West half of the Northwest quarter and the West half of the Southwest quarter of Section 13; the East half and the East half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 14; the Northeast quarter; the East half of the Southeast quarter of Section 23; the West half of Section 24; all in Township 8 South of Range 43 East Boise Meridian, comprising approximately 6200 acres. 5-15

4/7/45
Approved as to H. H. Allen, Jr.
H. VAN DUSEN
15

1/2 Ac c 33
1/4 in Cont. all -
WE 4 Ac 257 88
A 43 E
+ 50 142 + 22
904 4 Ac 30
128 144 32
904 2 Ac 30

Together with all water-rights thereunto appurtenant.

TO HAVE AND TO HOLD the same unto the said Grantee, his heirs and assigns forever. And the said Grantors for themselves, their successors and assigns, do hereby covenant and agree with the said Grantee, his heirs, executors, administrators and assigns, that the Grantors have not done or committed any act or thing whereby the said premises now are or at any time hereafter shall be impeached, charged or encumbered in any manner whatsoever.

4/7/45-

(g) That in due course thereafter the holders of all outstanding bonds of said issue of February 1, 1929, deposited their respective bonds with Zion's Savings Bank and Trust Company, as depository, under and pursuant to said Bondholders Deposit and Protective Agreement, and became bound thereby, and there was issued to each of said depositing bondholders in due course an appropriate certificate evidencing such deposit of bonds; that none of the bonds deposited with the Protective Committee as aforesaid has ever been withdrawn;

(h) That on or about October 18, 1938 a settlement was agreed upon between the Protective Committee and Austin Brothers Association, pursuant to which said Association has conveyed and relinquished to said Protective Committee, unconditionally, certain real and personal property, including said Lower Austin Ranch, aggregating, or believed to aggregate, in value not less than the indebtedness evidenced by said deposited bonds;

(i) That such conveyance and relinquishment was intended to, and did in fact, vest in the Protective Committee a fee simple title to the properties purportedly conveyed; that in consideration of, and

VI.

That the foregoing facts in relation to the Protective Committee's administration were communicated by it to all certificate holders as liquidating dividends were paid.

VII.

That while said Bondholders Protective Agreement does not expressly grant to the Protective Committee power to acquire, sell, or convey property in the course of their administration, still such powers were intended to be given; that the holders of all certificates evidencing deposited bonds and all beneficiaries of the trust created under and by virtue of said Bondholders Deposit and Protective Agreement have accepted the benefits of the Protective Committee's administration with knowledge of the settlement with Austin Brothers Association, the acquisition of said ranches and other properties, the surrender and creation of all bonds of said issue of February 1, 1929, the releasing of said trust deed securing said bonds and the sale of said properties, and have acquiesced in plaintiffs' construction of the terms of said Protective Agreement.

VIII.

That the holders of certificates evidencing the deposit of said six percent bonds under said Bondholders Protective Agreement dated September 21, 1932, number approximately one hundred and are widely scattered; that none of said certificate holders or beneficiaries is resident within the state of Idaho; that the rights and interests of all

The above entitled matter having come on regularly for hearing on Tuesday, September 4, 1945, at 2 o'clock p.m., before the Honorable Isaac McDougall, one of the judges of this court sitting without a jury in Pocatello, Idaho, Ashby D. Boyle appearing as counsel for plaintiffs and Herbert Van Dam appearing as counsel for the defendant H. H. Allen, Jr., and no one appearing on behalf of any of the defendants other than the said Allen, and it appearing from the records and files herein that on the 11 day of July, 1945 plaintiffs filed in the office of the clerk of this court their complaint herein, duly verified, and that thereafter all of the defendants were regularly served herein with summons, together with a copy of plaintiffs' said complaint, and that within the time allowed by law said Allen filed herein his verified answer admitting certain allegations of plaintiffs' complaint but denying other allegations, and that each and all of said defendants, other than said Allen, have failed to answer or otherwise plead to said complaint within the time allowed by law, or at all, and that the default of each of said defendants, other than said Allen, has been regularly entered, and evidence, both oral and documentary, having been offered by plaintiffs in support of the allegations of said complaint, and no evidence in rebuttal having been offered by said Allen, and the matter having been submitted to the court for its decision, the court being fully advised makes the following

FINDINGS OF FACT

I.

That plaintiffs bring this action under and pursuant to the provisions of Sections 7-1201 to 7-1216, both inclusive, of Idaho Code Annotated, 1932, as amended, in order to obtain a declaratory judgment resolving certain controversies which exist (a) in relation to the powers and administration of the Protective Committee, as constituted from time to time, under the Bondholders Deposit and

(e) That thereafter said Association defaulted in the payment of said bonds, and because of such default it was proposed by certain of the holders thereof that a bondholders' protective committee be appointed; that thereupon E. T. Ralphs, Frank E. Bagley, J. M. MacFarlane, Arthur E. Moreton and William McEwan, as a Protective Committee for all bondholders who might thereafter deposit bonds, signed and delivered to Zion's Savings Bank and Trust Company a unilateral Agreement which is sometimes herein referred to as the 'Bondholders Deposit and Protective Agreement', dated September 21, 1932' or simply as the 'Bondholders Deposit and Protective Agreement';

(f) That by said Bondholders Deposit and Protective Agreement it was and is, among other things, provided: That holders of bonds of the issue of February 1, 1929 might become parties to said agreement by depositing, under the terms thereof, their respective bonds with all proper coupons thereto attached, to-wit, coupons due August 1, 1932, and all subsequent coupons, with Zion's Savings Bank and Trust Company of Salt Lake City, Utah (therein called the 'Depositary') on or before the ____ day of September, 1932, or within such further time as the Committee might prescribe for that purpose; that for each such deposit of bonds the depositary should issue to the depositor a certificate of deposit in substantially the form set forth in said agreement; that upon each deposit thereunder, one or more certificates of deposit issued by the depositary and transferable in the manner and form therein prescribed, should be delivered to the depositor; that each depositor thereunder and each and every holder of a certificate of deposit issued thereunder, and each transferee of such certificate should be bound by all of the provisions of said agreement as fully as if he had signed the same, and should be considered a party to said agreement, and deemed to have adopted the same and agreed to the terms and provisions thereof; that upon the transfer of any certificate of deposit made in accordance with its terms, the transferee should for all purposes be substituted for the prior holder, subject to all the terms and conditions of said agreement; that the holders of record of the said certificates of deposit

III.

That subject only to the rights of the defendant H. H. Allen; as purchaser under a sales contract in writing, dated May 9, 1941, which contract is now in force and effect, plaintiffs, as a Protective Committee for all holders of certificates evidencing deposited six percent bonds of Austin Brothers Association of the issue of February 1, 1929, are the owners, and entitled to the possession, of the following described real property in Carbon County, Idaho, to-wit:

The South half of Section 9; all of Section 12, the West half of the Northeast quarter, the West half of the Southeast quarter and the West half of Section 15; the Northeast quarter, the North half of the Southeast quarter, the North half of the Southwest quarter, the South half of the Northwest quarter of Section 25; the South half of Section 26; the South half of Section 27; the South half and the South half of the North half of Section 33; the Northwest quarter and the North half of the Southwest quarter of Section 34; the Northeast quarter, and the East half of the Southeast quarter of Section 34; the West half of the Southeast quarter of Section 34; the West half of the Southeast quarter of Section 35; all lots 2, 3 and 4, the South half of the Northeast quarter, the Southwest quarter of the Northeast quarter and the Southwest quarter of the Northeast half of the Southeast quarter and the West West half and the West half of Section 2; the West half of the West half of the Northeast quarter, 11; the East half of the Southeast quarter of Section 11; the West half of the Southeast quarter of said Section 11; the West half of the Northwest quarter and the West half of the Southwest quarter of Section 13; the East half and the East half of the Northwest quarter and the Northeast quarter of the Northwest quarter of Section 14; the Northeast quarter, the West half of the Southeast quarter of Section 23; the West half of Section 24, all in Township 8 South of Range

(b) Whether said Protective Committee possesses under said Bondholders Deposit and Protective Agreement, or otherwise acquired, the power to take title to said Lower Austin Ranch and other properties formerly owned by Austin Brothers Association, as well as the power to sell and convey said properties in the course of its administration; or

(c) Whether the settlement made between said Protective Committee and Austin Brothers Association on or about October 18, 1938, whereby the Association agreed to convey to the Protective Committee certain properties, including those described or referred to in paragraph II above, and the Protective Committee agreed to cause the trust deed, dated February 1, 1929, to be released of record by the trustees therein named and to cause all deposited bonds to be cancelled and destroyed, was valid; or

(d) Whether the conveyance or conveyances of property thereafter made by Austin Brothers Association to said Protective Committee were made merely as additional security on said bond issue of February 1, 1929, or on the contrary, were intended to, and did in fact, vest in said Protective Committee fee simple title to all properties purportedly conveyed, including said Lower Austin Ranch; or

(e) Whether all holders of six percent bonds of Austin Brothers Association of the issue of February 1, 1929, deposited their respective bonds with Zion's Savings Bank and Trust Company, the depository named in the Bondholders Deposit and Protective Agreement of September 21, 1932, and became bound by the terms and provisions of such agreement; or

(f) Whether any of the six percent bonds secured by the trust deed, dated February 1, 1929, remain outstanding or, on the contrary, the entire issue of said bonds has been lawfully cancelled and destroyed; or

(g) Whether Zion's Savings Bank and Trust Company, as corporate trustee, or George S. Spencer, as individual trustee, or any beneficiary

The above entitled matter having come on regularly for hearing on Tuesday, September 4, 1945, at 2 o'clock p.m., before the Honorable Isaac McDougall, one of the judges of this court sitting without a jury in Pocatello, Idaho, Ashby D. Boyle appearing as counsel for plaintiffs and Herbert Van Dam appearing as counsel for the defendant H. H. Allen, Jr., and no one appearing on behalf of any of the defendants other than the said Allen, and it appearing from the records and files herein that on the 11 day of ~~the~~ 1945 plaintiffs filed in the office of the clerk of this court their complaint herein, duly verified, and that thereafter all of the defendants were regularly served herein with summons, together with a copy of plaintiffs' said complaint, and that within the time allowed by law said Allen filed herein his verified answer admitting certain allegations of plaintiffs' complaint but denying other allegations, and that each and all of said defendants, other than said Allen, have failed to answer or otherwise plead to said complaint within the time allowed by law, or at all, and that the default of each of said defendants, other than said Allen, has been regularly entered, and evidence, both oral and documentary, having been offered by plaintiffs in support of the allegations of said complaint, and no evidence in rebuttal having been offered by said Allen, and the matter having been submitted to the court for its decision, and the court having made and entered its findings of fact and conclusions of law,

IT IS HEREBY ADJUDGED

I.

That from the language used in the Bondholders Deposit and Protective Agreement, dated September 21, 1932, power on the part of the persons who from time to time comprise the Protective Committee thereunder to acquire, sell and convey property in the course of their

SPECIAL WARRANTY DEED

For the sum of Ten Thousand Dollars and other considerations of value, George J. Cannon, Claron O. Spencer and Robert H. Burton of Salt Lake City, Utah, L. R. Anderson of Manti, Utah and E. T. Ralphs of Logan, Utah, as a Deposit and Protective Committee for former bondholders of Austin Brothers Association, a Utah corporation, Grantors, have bargained and sold and hereby convey unto H. H. Allen, Jr., of Swan Lake, Idaho, Grantee, the following described property situate in the County of Garibou, State of Idaho, to-wit:

The South half of Section 9; all of Section 12, the West half of the Northeast quarter, the West half of the Southeast quarter and the West half of Section 15; the Northeast quarter, the North half of the Southeast quarter, the North half of the Southwest quarter, the South half of the Northwest quarter of Section 25; the South half of Section 26; the South half of Section 27; the South half and the South half of the North half of Section 33; the Northwest quarter and the North half of the Southwest quarter of Section 34; the Northeast quarter, and the East half of the Southeast quarter of Section 34; the West half of Section 35; the Northeast quarter, and the North half of the Southeast quarter of Section 35, all in Township 7 South, Range 43 East, Boise Meridian; Lots 2, 3 and 4, the South half of the Northwest quarter, the Southwest quarter of the Northeast quarter and the Southwest quarter and the West half of the Southeast quarter of Section 2; the West half and the West half of the Northeast quarter, the West half of the Southeast quarter of Section 11; the East half of the Southeast quarter of said Section 11; the West half of the Northwest quarter and the West half of the Southwest quarter of Section 13; the East half and the East half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 14; the Northeast quarter, the East half of the Southeast quarter of Section 23; the West half of Section 24, all in Township 8 South of Range 43 East Boise Meridian, comprising approximately 6200 acres.

Together with all water rights thereunto appurtenant, which said water rights include 55% of the waters heretofore used upon the above described lands comprising the so-called Lower Austin Ranch and lands heretofore sold comprising the so-called Upper Austin Ranch, and decreed to certain individual prior owners of said lands in an action brought in the District Court of Bingham County, Idaho, entitled Fred S. Stevens, et al, plaintiffs v. Eastern Idaho Water Company, et al, defendants, of record in Book 1 of Judgments, page 31, Garibou County, Idaho.

TO HAVE AND TO HOLD the same unto the said Grantee, his heirs and assigns forever. And the said Grantors for themselves, their successors and assigns, do hereby covenant and agree with the said Grantee, his heirs, executors, administrators and assigns, that Grantors have not done or committed any act or thing whereby the said premises now are or at any time hereafter shall be impeached, charged or encumbered in any manner whatsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands as members of said Deposit and Protective Committee the 14 day of July, 1945.

3 T Ralphs (SEAL)
FR Anderson (SEAL)

9/1/45
Approved as in form
H. VAN DAM
Read for Allen
Ralphs

shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to said resolution the day and year first above written.

Signed, Sealed and Delivered in Presence of

STATE OF IDAHO)
: ss.
County of Caribou)

Largilliere Company Bankers
By E. W. Largilliere
Its President

Attest Phyllis Marriott
Its Secretary

On this nineteenth day of September in the year 1945, before me J. T. Torgesen a Notary Public in and for said State, personally appeared E. W. Largilliere and Phyllis Marriott known to me to be the President and Secretary of the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(\$4.20 I.R. Stamps affixed and cancelled)

(Seal)

J. T. Torgesen
Notary Public for the State of Idaho
Residence Soda Springs, Idaho

At request of Largilliere Co. Bankers
November 2nd, 1945, at 2:29 P.M.
Fee \$1.20

RECEIVED
C. H. Chester, Recorder

NOV 15 2004
J. T. Torgesen, Deputy

Instrument #22615

SPECIAL WARRANTY DEED

For the sum of Ten Thousand Dollars and other considerations of value, George J. Cannon, Claron O. Spencer and Robert H. Burton of Salt Lake City, Utah, L. H. Anderson of Manti, Utah and E. T. Ralphs of Logan, Utah, as a Deposit and Protective Committee for former bondholders of Austin Brothers Association, a Utah corporation, Grantors, have bargained and sold and hereby convey unto H. H. Allen, Jr., of Swan Lake, Idaho, Grantee, the following described property situate in the County of Caribou, State of Idaho to-wit:

The South half of Section 9; all of Section 12, the West half of the North-east quarter, the West half of the Southeast quarter and the West half of Section 15; the Northeast quarter, the North half of the Southeast quarter, the North half of the Southwest quarter, the South half of the Northwest quarter of Section 25; the South half of Section 26; the South half of Section 27; the South half and the South half of the North half of Section 33; the Northwest quarter and the North half of the Southwest quarter of Section 34; the Northeast quarter, and the East half of the Southeast quarter of Section 34; the West half of Section 35; the Northeast quarter, and the North half of the Southeast quarter of Section 35; all in Township 7 South, Range 43 East, Boise Meridian; Lots 2, 3 and 4, the South half of the Northwest quarter, the Southwest quarter of the Northeast quarter and the Southwest quarter and the West half of the Southeast quarter of Section 2; the West half and the West half of the Northwest quarter, the West half of the Southeast quarter of Section 11; the West half of the Northwest quarter and the West half of the Southwest quarter of Section 13; the East half and the East half of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 14; the Northeast quarter, the East half of the Southeast quarter of Section 23; the West half of Section 24, all in Township 8 South of Range 43 East Boise Meridian, comprising approximately 6200 acres.

Together with all water rights thereunto appurtenant, which said water rights include 55% of the waters heretofore used upon the above described lands comprising the so-called Lower Austin Ranch and lands heretofore sold comprising the so-called Upper Austin Ranch and decreed to certain individual prior owners of said lands in an action brought in the District Court of Blinnham County, Idaho, entitled Fred S. Stevens, et al, plaintiffs v. Eastern Idaho Water Company, et al, defendants, of record in Book 1 of Judgments, page 31, Caribou County, Idaho.

TO HAVE AND TO HOLD the same unto the said Grantee, his heirs and assigns forever. And the said Grantors for themselves, their successors and assigns, do hereby covenant and agree with the said Grantee, his heirs, executors, administrators and assigns, that Grantors have not done or committed any act or thing whereby the said premises now are or at any time hereafter shall be impeached, charged or encumbered in any manner whatsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands as members of said Deposit and Protective Committee the 14 day of July, 1945.

E. T. Ralphs (Seal)

(68.20 J. R. Stamps affixed and cancelled)

L. R. Anderson (Seal)

Robert H. Burton (Seal)

Geo. J. Cannon (Seal)

Claron O. Spencer (Seal)
As Members of said Deposit and Protective Committee

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On this 14th day of July, in the year 1945, before me, Grant Jensen, a Notary Public in and for the above County and State, personally appeared George J. Cannon, Claron O. Spencer and Robert H. Burton, known to me to be the persons whose names are subscribed to the within instrument as members of the Deposit and Protective Committee for former bondholders of Austin Brothers Association, and severally acknowledged to me that they executed the same as members of said Deposit and Protective Committee.

Seal

Grant Jensen, Notary Public
Residing at Salt Lake City, Utah
My Commission expires _____

STATE OF UTAH)
: ss.
COUNTY OF SANPETE)

On this 19 day of July, in the year 1945, before me a Notary Public in and for the above County and State, personally appeared L. R. Anderson, known to me to be the person whose name is subscribed to the within instrument as a member of the Deposit and Protective Committee for former bondholders of Austin Brothers Association and acknowledged to me that he executed the same as a member of said Deposit and Protective Committee.

Seal

Arthur H. Nell, Notary Public
Residing at Manti, Utah
My Commission expires July 8, 1949.

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

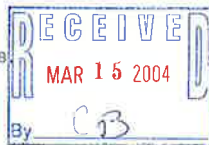
On this 14th day of July in the year 1945, before me, Grant Jensen, a Notary Public in and for the above County and State, personally appeared E. T. Ralphs, known to me to be the person whose name is subscribed to the within instrument as a member of the Deposit and Protective Committee for former bondholders of Austin Brothers Association, and acknowledged to me that he executed the same as a member of said Deposit and Protective Committee.

Seal

Grant Jensen, Notary Public
Residing at Salt Lake City, Ut.
My Commission expires May 9, 1948

At request of L. Sumner Pond
November 14th, 1945, at 2:17 P.M.

Colin Chester, Recorder



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR BIGHAM 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.	
H. A. Just and)			
Emma Just,)	August 1st, A. D. 1871,	200 inches.	
Leon Misslen,	July 1st, A. D. 1873,	200 inches.	
John Misslen,	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.	
P. W. Shoemaker,	April 1st, A. D. 1879,	90 inches.	
Eastern Idaho Water Co.	March 25th, A. D. 1880,	1800 inches.	
P. B. Fox Jr.,)		3148	
William Howard,)			
A. Whitten,)	March 25th, A. D. 1880,	600 inches.	7216 3
Susan E. Whitten,)			
and Calvin Miles,)			
Levi Warren,	April 1st, A. D. 1882,	50 inches.	7608 26
Emily Warren,	April 1st, A. D. 1883,	106 inches.	38
Daniel Y. Miller,	April 1st, A. D. 1883,	100 inches.	7808 39
Fred S. Stevens,	October 1st, A. D. 1884,	140 inches.	8089 40
H. A. Just and)			
Emma Just,)	April 1st, A. D. 1885,	100 inches.	8228 41
Leon Misslen,	May 1st, A. D. 1885,	300 inches.	8838 44
Robert Millen,	May 1st, A. D. 1885,	150 inches.	45
P. B. Fox Jr.,)			9188
William Howard,)			
A. Whitten,)	June 1st, A. D. 1885,	1500 inches.	60
Susan E. Whitten,)			10188 57
Calvin Miles,)			
W. W. Ritar,	July 23rd, A. D. 1885,	560 inches.	
Thomas G. Weber,	July 23rd, A. D. 1885,	480 inches.	61
James Drew,	October 1st, A. D. 1885,	6 inches.	
Eastern Idaho Water Co.	October 1st, A. D. 1885,	1000 inches.	71
H. R. Lewis and)			1425
Sarah Lewis,)	March 1st, A. D. 1886,	160 inches.	ant
James Welch,	March 20th, A. D. 1886,	400 inches.	ant
William H. Danilzon,	April 5th, A. D. 1886,	352 inches.	
David S. Morgen,	April 5th, A. D. 1886,	132 inches.	
William Morgen,	April 5th, A. D. 1886,	100 inches.	
William A. Dowling,	April 5th, A. D. 1886,	120 inches.	
P. Little,	October 4th, A. D. 1886,	240 inches.	
Charles S. Burton,	October 4th, A. D. 1886,	240 inches.	246
John Sharp Sr.,	November 1st, A. D. 1886,	320 inches.	
P. W. Jennings,	November 1st, A. D. 1886,	400 inches.	
Donald Tolmie,	April 1st, A. D. 1887,	100 inches.	

Samuel Borup,	April 1st, A. D. 1887,	50 inches.
Jacob Eliason,)		
Caroline Eliason)	May 1st, A. D. 1889,	145 inches.
Maylan C. Fox,	December 4th, A. D. 1889,	640 inches.

aut

The right of:

H. R. Lewis,	March 1st, A. D. 1875,	100 inches.
F. W. Riter,	July 23rd, A. D. 1885,	560 inches.
Thomas G. Webber,	July 23rd, A. D. 1885,	480 inches.
H. R. Lewis and)		
Sarah Lewis,	March 1st, A. D. 1886,	160 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.
E. W. Jennings,	November 1st, A. D. 1886,	400 inches.
Donald Tolmie,	April 1st, A. D. 1887,	100 inches.
Jacob Eliason &)		
Caroline Eliason,)	May 1st, A. D. 1889,	145 inches.
Maylan C. Fox,	December 4th, A. D. 1889,	640 inches.

on May 1st

aut

Shall only extend to July 1st, in each year for irrigating purposes. And each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights aforesaid, after the 1st day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

aut

WOLVERINE CREEK.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from the Wolverine Creek, a tributary of said 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:

Peter Morris,	March 1st, A. D. 1882,	60 inches.
Samuel Orr,	July 1st, A. D. 1882,	80 inches.
Peter Morris,	April 1st, A. D. 1887,	60 inches.
Daniel M. Taylor,	April 1st, A. D. 1888,	10 inches.

aut

CEDAR CREEK.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Cedar Creek, a tributary of the Blackfoot River, the amount of water herein indicated and the right of each party dates from the times hereinafter stated and set opposite each name, to-wit.

George Monroe, and)		
John Lyon,	April 1st, A. D. 1884,	100 inches.
Samuel Borup,	April 1st, A. D. 1887,	50 inches.

aut

BRUSH CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that George Heaton is intitled to divert from the east fork of Brush Creek, a tributary of Blackfoot River 125 inches. of water, said right dating from:

May 1st, A. D. 1888, to July 1st, in each year, for irrigating purposes, and the said Heaton is hereby enjoined from diverting or using in any manner any part of the said water after July 1st. in each and every year hereafter for irrigating, or any other than domestic purposes.

CANON VIEW CREEK. *in full Blackfoot.*

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Canon View Creek, a tributary of 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:

Enoch Hansen,	May 1st, A. D. 1888,	150 inches.
James Sharp,	October 11th, A. D. 1886,	640 inches.

aut

But these said rights of said Enoch Hansen, James Sharp and W. H. Rowe to waters of Canon View Creek herein set forth shall only extend to:

July 1st, in each year for irrigating purposes, and the said Hansen, Sharp, and Rowe, and each and all of them are hereby enjoined from diverting or using in any manner any part of the said water rights after the 1st, of July in each and every year hereafter for irrigating or any other than domestic purposes.

DIMOND CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Dimond Creek, a tributary of 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:

James Sharp, October 4th, A. D. 1886, 560 inches.
James T. Little, October 11th, A. D. 1886, 560 inches. *aut*
Charles Burton, October 11th, A. D. 1886, 200 inches.
To extend to July 1st, of each year, for irrigating purposes.

The said Sharp, Little, and Burton, are hereby enjoined from diverting or using in any manner any part of said water rights after the first day of July in each and every year hereafter, for irrigating or any other than domestic purposes.

HOME SPRING CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Home Spring Creek, a tributary of 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:

W. E. Riter, October 4th, A. D. 1886, 320 inches. *aut*
James Sharp, October 17th, A. D. 1886, 320 inches.
To extend to July 1st, of each year, for irrigating purposes.

The said Riter, and Sharp are hereby enjoined from diverting or using in any manner any part of the said water rights after the 1st, of July in each and every year hereafter, for irrigating or any other than domestic purposes.

WEST SPRING CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that Elias A. Smith is entitled to divert from the West Spring Creek, a tributary of the Blackfoot River, 568 inches of water, said right dating from October 17th, A. D. 1886, to July 1st, in each year, for irrigating purposes. Here enjoined from diverting or using in any manner any part of the said water right after July 1st, in each and every year hereafter, for irrigating, or any other than domestic purposes.

Elias A. Smith October 17th, A. D. 1886, 568 inches. *aut*

LANE CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Lane Creek, a tributary of 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:

W. E. Riter, October 11th, A. D. 1886, 320 inches.
Henry Dingwoody, October 11th, A. D. 1886, 400 inches.
Joseph Jennings, October 11th, A. D. 1886, 560 inches. *aut*
Heber W. Wells, October 11th, A. D. 1886, 640 inches.
John Sharp, Sr., October 17th, A. D. 1886, 284 inches.
Wm. Kountze, April 1st, A. D. 1889, 160 inches.
John Kountze, May 1st, A. D. 1889, 160 inches.
To extend to July 1st, in each year, for irrigating purposes.

Dinwoody, Jennings, Wells Sharp Sr., Wm. Kountze, and John Kountze, are hereby enjoined from diverting or using in any manner any part of said water rights after July 1st, in each and every year hereafter, for irrigating or any other than domestic purposes.

MEADOW CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Meadow Creek, a tributary of 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:

Lars Hansen,	July 1st, A. D. 1888,	160 inches.	} out
W. H. Edwards and	May 1st, A. D. 1890,	200 inches.	
I. J. Edwards,	May 15th, A. D. 1890,	50 inches.	
Evin McPherson,	January 1st, A. D. 1891,	400 inches.	
W. H. Ellison,	April 1st, A. D. 1891,	160 inches.	
Elizabeth Collett,	April 1st, A. D. 1891,	160 inches.	
O. B. Hansen,	May 1st, A. D. 1891,	100 inches.	
James Durney,	June 1st, A. D. 1891,	50 inches.	

To extend to July 1st, in each year, for irrigating purposes.

The above named persons are hereby enjoined from diverting or using in any manner any part of the said water rights after July 1st, in each and every year hereafter, for irrigating or any other than domestic purposes.

LITTLE BLACKFOOT RIVER.

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Little Blackfoot River, a tributary of 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:

Thomas Collett,	April 1st, A. D. 1887,	75 inches.	} out
Abe Anderson,	April 1st, A. D. 1889,	170 inches.	
Andrew Christensen,	April, 1st, A. D. 1889,	60 inches.	
Peter Hansen,	May 1st, A. D. 1889,	160 inches.	

To extend to July 1st, in each year, for irrigating purposes.

The above named persons are hereby enjoined from diverting or using in any manner any part of the said water rights after July 1st, in each and every year hereafter for irrigating, or any other than domestic purposes.

TRAIL CREEK.

IT IS ORDERED, ADJUDGED, AND DECREED that the following party is entitled to divert from Trail Creek, a tributary of Blackfoot River, the amount of water indicated.

John Sharp Sr.,	October 11th, A. D. 1886, to July 1st, in each year,	560 inches.	} 0
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LAKE CREEK, DALE CREEK, AND PALE CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Lake Creek, Dale Creek, and Pale Creek all tributaries of the Blackfoot River, the amount of water indicated.

George Romney,	October 11th, A. D. 1886, to July 1st, in each year,	610 inches.	} out
W. W. Riter,	October 11th, A. D. 1886, to July 1st, in each year,	610 inches.	
John Sharp Sr.,	October 11th, A. D. 1886, to July 1st, in each year,	610 inches.	

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DUCK SPRING CREEK

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Duck Spring Creek, a tributary of the Blackfoot River, the amount of water indicated.

P. Little, October 4th, A. D. to July 1st, in each year, (A.D. 1886)
640 inches.

HIGHLAND CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Highland Creek, a tributary of Blackfoot River, the amount of water indicated.

John Sharp Jr., October 4th, to July 1st, of each year, (A.D. 1886)
640 inches.

BUTTE CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Butte Creek, a tributary of Blackfoot River, the amount of water indicated.

L. S. Mills, October 11th, A. D. 1886, to July 1st, in each year, *an*
400 inches.

ROCK CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Rock Creek, a tributary of Blackfoot River, the amount of water indicated.

J. T. Little, October 17th, A.D. 1886, to July 1st, in each year, *an*
480 inches.

SHEEP CREEK. *Runs from Clark's Creek*

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Sheep Creek, a tributary of Blackfoot River, the amount of water indicated.

Evin McPherson, May 15th, A. D. 1890, to July 1st in each year, *an*
50 inches.

SPRING CREEK. *So named.*

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Spring Creek, a tributary of Blackfoot River, the amount of water indicated.

Nels Christensen, April 1st, A.D. 1886, to July 1st, in each year, *0*
160 inches.

H. Hansen, April 1st, A. D. 1884, to July 1st, in each *Just*
year, 150 inches.

LONE PINE CREEK. *Small valley*

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Lone Pine Creek, a tributary of Blackfoot River, the amount of water indicated.

S. Goodwin, April 1st, A. D. 1885, to July 1st, in each year, *an*
170 inches.

GROUSE CREEK AND SHEEP CREEK.

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Grouse Creek and Sheep creek, tributaries of Blackfoot River, the amount of water indicated.

J. E. Davis, May 15th, A.D. 1890, to July 1st, in each year, *an*
160 inches.

LANE CREEK AND SPRINGS.

IT IS ORDERED, ADJUDGED AND DECREED that the following parties are entitled to divert from Lane creek and Spring near Lane Creek, tributaries of the Blackfoot River, the amount of water indicated.

Samuel J Rich, October 1st, A. D. 1888, to July 1st in each year, 200 inches.
John A. Bagley, October 1st, A. D. 1888, to July 1st, in each year, 200 inches.

PINE CREEK, Deep Creek

IT IS ORDERED, ADJUDGED AND DECREED that the following party is entitled to divert from Pine Creek, a tributary of Blackfoot River, the amount of water indicated.

R. J. Rasmussen, July 1st, 1889, A. D. (Pine Creek) 50 inches. *and*
(Deep Creek) 150 inches.

The said Creeks being tributaries of Blackfoot River, said rights dating from July 1st, A. D. 1889; the said rights aforesaid to-wit: The right of John Sharp Sr., to the waters of Trail Creek the right of John Sharp Sr., George Romney, and W. W. Riter, to the waters of Lane Creek, Dale Creek, and Pale Creek, the right of F. Little to the waters of Duck Spring Creek, The right of John Sharp Jr., to the waters of Highland Creek, The right of L. T. Hills to the waters of Butte Creek, the right of J. T. Little to the waters of Rock Creek, the right of Evin McPherson to the waters of Sheep Creek, the right of Hels Christensen to the waters of Spring Creek, The right of H. Hansen to the waters of Spring Creek, the right of S. Goodwin to the waters of Lone Pine Creek, the right of J. E. Davis to the waters of Grouse Creek and Sheep Creek, the right of R. J. Rasmussen to the waters of Pine Creek and Deep Creek, and the right of Samuel J. Rich and John A. Bagley aforesaid shall only extend to July 1st, in each year, and the said John Sharp Sr., George Romney, W. W. Riter, F. Little, John Sharp Jr., L. T. Hills, J. T. Little, Evin McPherson, Hels Christensen, H. Hansen, S. Goodwin, J. E. Davis, R. J. Rasmussen, Samuel J. Rich, and John A. Bagley, and each and all of them, are hereby enjoined from diverting or using in any manner any part of the said water rights after July 1st, in each and every year hereafter, for irrigating or any other than domestic purposes.

IT IS ORDERED ADJUDGED AND DECREED that the following parties shall pay none of the costs of this suit, viz; W. R. Jones, C. T. Woodall, Thomas Borsley, Chas. B. Wilson, Frank S. Brereton, James B. Hansen, Geo. H. Locy, James Mentley, Charles Baddock, Samuel Moutze, F. B. Fox Sr., H. S. Woolley.

IT IS ORDERED, ADJUDGED AND DECREED that the costs of the Judge Pro term, shall be and the same is hereby taxed as costs of suit and the same is fixed at two hundred and ten dollars.

IT IS ORDERED, ADJUDGED AND DECREED that the several quantities of water herein decreed shall be the quantities hereinbefore named measured under a four inch pressure, and that the first appropriator in point of time is first in point of right, and all appropriations of equal or of the same date are of equal rights.

IT IS FURTHER ADJUDGED AND DECREED, that in case of insufficiency of water to supply all parties the entire volume is to be devoted to and used by these appropriators who are first in point of time.

IT IS FURTHER ADJUDGED AND DECREED, that all water diverted from any stream mentioned in this decree by any party hereto shall be diverted through a box or flume so arranged and constructed as to permit the water also diverting, being measured under a four inch pressure and when the waters of the streams mentioned in this decree are not used for irrigating of lands, all water shall be returned to the natural channel of the stream, and no diverting there of allowed.

IT IS ADJUDGED AND DECREED, that the plaintiffs to this action shall pay one-sixth of all the costs to this action, and each and all of said plaintiffs shall be jointly and severally liable for the one-sixth part until such part of one-sixth is fully paid.

IT IS ADJUDGED AND DECREED that Henry Dunn, N. A. Just, Emma Just, John Misslen, Leon Misslen, Robert Millen, Peter Morris, and Daniel Y. Miller shall pay one-sixth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-sixth until such part is fully paid.

IT IS ADJUDGED AND DECREED that P. B. Fox Jr., William Howard, A. Whitten, Susan E. Whitten, Calvin Miles, Eastren Idaho Water Co., F. M. Shoemaker, Sample Orr, Daniel M. Taylor, Geo. Monroe, Jn. Lyon Geo. Heston, Levi Warren and Presto Burrell shall pay one-fourth of all the costs of this action, and said parties shall be jointly and severally liable for said one-fourth until such part is fully paid.

It is adjudged and decreed, that Caroline Eliason, Jacob Eliason, W. H. Eliason, Abe Anderson, Thomas Collett, W. H. Edwards, I. J. Edwards, Evin McPherson, Elizabeth Collett, Nels Christensen, C. B. Hansen, H. Hansen, Enoch Hansen, S. Goodwin, James Durney, J. E. Davis, Donald Toole, Lars Hanson, Sm. Kountze, R. J. Rasmussen, John Kountze, H. R. Lewis, Sarah Lewis, H. C. Missingale, James Drew, and Samuel Berup shall pay one-sixth of all the costs of this action, and said parties shall be jointly and severally liable for the said action one-sixth until such part is fully paid.

IT IS ADJUDGED AND DECREED that James Sharp, John Sharp Sr., John Sharp Jr., Elias A. Smith, Geo. Romney, W. W. Riter, F. Little Maylan C. Fox, James T. Little, F. W. Jennings, Thos. G. Weber, Henry Dinwoody, Heber M. Wells, L. S. Hills, W. H. Rowe, Charles Burton, Samuel J. Rich, and John A. Bagley, shall pay one-fourth of all the costs of this action, and said parties shall be jointly and severally liable for the said one-fourth until such part is fully paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all parties to this action shall have the right to use the waters of the several streams named in this decree for domestic purposes.

Done in open Court this
August 1st, A. D. 1891.

Chas. Cobb,
Judge pro tem.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands as members of said Deposit and Protective Committee the ____ day of September, 1944.

E. (P.) Ralphs (SEAL)
Robert H. Burton (SEAL)
George J. Cannon (SEAL)
L. R. Anderson (SEAL)
William (McCewan) (SEAL)
As Members of said Deposit and
Protective Committee.

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)

On this ____ day of September, in the year 1944, before me, _____, a Notary Public in and for the above County and State personally appeared George J. Cannon, William McEwan and Robert H. Burton, known to me to be the persons whose names are subscribed to the within instrument as members of the Deposit and Protective Committee for former bondholders of Austin Brothers Association, and severally acknowledged to me that they executed the same as members of said Deposit and Protective Committee.

Notary Public
Residing at Salt Lake City, Utah

My commission expires _____

STATE OF UTAH)
:SS
COUNTY OF SANPETE)

On this 29 day of September, in the year 1944, before me, Peter A. Poulsen, a Notary Public in and for the above County and State, personally appeared L. R. Anderson, known to me to be the person whose name is subscribed to the within instrument as a member of the Deposit and Protective Committee for former bondholders of Austin Brothers Association, and acknowledged to me that he executed the same as a member of said Deposit and Protective Committee.

Peter A. Poulsen
Notary Public
Residing at Manti, Utah

My commission expires March 3, 1946

(C O P Y)

AGREEMENT

This agreement, made and entered into this 9th day of April 1941 by and between Austin Bros. Bond holders Committee, here after known as party of the first part, and H. H. Aleen Jr. of Swan Lake, Idaho, party of the second party:

WITNESSETH--

That party of the first part does hereby agree to sell to party of second part, and party of second part agrees to buy from party of the first part the following property situated in Caribou County Idaho on the Black-foot river and known as the Austin Bros. lower ranch, consisting of some 6500 acres, more or less, for a total consideration of \$62,000 payable as follows:

\$7000.00 on or before July 1st 1941
1500.00 on or before Nov. 1st 1941
5000.00 on or before Nov. 1st 1942
5000.00 on or before Nov. 1st 1943
5000.00 on or before Nov. 1st 1944
5000.00 on or before Nov. 1st 1945

With option to pay as much more at each payment date as party of second party elects--payments to include interest at 4% and principle. On Nov. 1st 1946 unpaid balance will be refinanced by a Federal or Personal Loan secured by the party of the second part.

It is also agreed that party of the first part will deliver to party of the second part an "Abstract of Title" and that party of the second part's responsible representative may have a period of ten days from the date of delivery of said "Abstract of Title" to him to examine same.

It is further agreed that party of the second part will execute and attach to this agreement, and said secured note is hereby attached, and will sign a sales contract and other necessary papers etc. to fully complete this transaction.

It is further agreed the party of second part will maintain the property in husband-like manner keeping fences, ditches, building and implements in good repair, pay all taxes, interest, principle payments etc. when due. Party of second part to have immediate possession.

It is further specifically agreed that under no circumstances will the party of the second part allow said property to be over-grazed. It is further agreed that party of second part may pay at any time at his good pleasure the then deferred balance and interest.

It is agreed the party of first part will pay all taxes, hired help or other encumbrances to date of consummation of sale.

Party of
First
part)
(Signed) E. T. Ralphs
(Signed) Geo. J. Cannon
(Signed) Robert H. Burton

(Signed) H. H. Allen Jr.
Party of Second Part.
(Signed) A. L. Reese
(Witness)

DEGREE - AUSTIN RANCHES, UPPER AND LOWER
Divided 55% Allen Lower - 45% Upper

	NAME	INCHES	PRIORITY
	- W. W. Riter	560	July 23, 1885
	- Thomas G. Weber	480	July 23, 1885
	- H. R. & Sarah Lewis	160	March 1, 1886
<i>Allen Sec 2 7/8</i>	- F. Little	240	October 1, 1886
	- Charles S. Burton	240	October 4, 1886
	- John Sharp, Sr.	320	November 1, 1886
	- F. W. Jennings	400	November 1, 1886
	- H. R. Lewis	100	March 1, 1875
<i>Allen Sec 2 7/8</i>	W. H. Rowe	560 <i>2500</i>	October 11, 1886
<i>Allen Sec 2 7/8</i>	James Sharp	560 <i>upper</i>	October 4, 1886
"	James F. Little	560	October 11, 1886
"	Charles Burton	200	October 11, 1886
<i>Allen Sec 2 7/8</i>	W. W. Riter	320 <i>Allen Sec 2 7/8</i>	October 4, 1886
"	James Sharp	320	October 17, 1886
<i>Allen Sec 2 7/8</i>	Elias A. Smith	560	October 17, 1886
<i>Allen Sec 2 7/8</i>	W. W. Riter	320	October 11, 1886
"	Henry Dinwoody	400	October 11, 1886
"	Joseph Jennings	560	October 11, 1886
"	Heber M. Wells	640	October 11, 1886
"	John Sharp, Sr.	284	October 17, 1886
<i>Allen Sec 2 7/8</i>	George Romney	610	October 11, 1886
<i>Allen Sec 2 7/8</i>	W. W. Riter	610 <i>probable Allen</i>	October 11, 1886
<i>Allen Sec 2 7/8</i>	John Sharp, Sr.	610	October 11, 1886
<i>Allen Sec 2 7/8</i>	John Sharp, Jr.	640 <i>Allen Sec 2 7/8</i>	October 4, 1886
<i>Allen Sec 2 7/8</i>	F. Little	640	October 4, 1886
<i>Allen Sec 2 7/8</i>	L. S. Hills	400 <i>no</i>	October 11, 1886
<i>Allen Sec 2 7/8</i>	J. T. Little	480 <i>upper ranch</i>	October 17, 1886
<i>Allen Sec 2 7/8</i>	Samuel J. Rich	200	October 1, 1888
"	John H. Bagley	200	October 1, 1888

Thanks.
[Signature]

SALES CONTRACT

AGREEMENT made as of the 9th day of May, 1941, between George J. Cannon, William McEwan and Robert H. Burton of Salt Lake City, Utah, L. R. Anderson of Manti, Utah, and E. T. Ralphs of Logan, Utah, as a Protective Committee for former bondholders of Austin Brothers Association, as parties of the first part, hereinafter referred to as Vendors where the context so requires or admits, and H. H. Allen of Swan Lake, Idaho, as party of the second part, hereinafter called the Purchaser where the context so requires or admits.

1. The vendors in consideration of the promises of the purchaser hereinafter contained agree to sell to the purchaser, and in consideration thereof the purchaser agrees to buy for the principal sum of Sixty-Two Thousand and No/100 (\$62,000.00) Dollars, and accruing interest, to be paid as hereinafter mentioned, the following described real property in Caribou County, State of Idaho, that is to say, .

Agreed by Allen
10/11/41
Done - [illegible]

The South half of Section 9; all of Section 12, the West half of the Northeast quarter, the West half of the Southeast quarter and West half of Section 15; the Northeast quarter, North half of the Southeast quarter, North half of the Southwest quarter, South half of Northwest quarter of Section 25, the South half of Section 26; the South half of Section 27; South half of the Northeast quarter and South half of the Northwest quarter of Section 33; the Northwest quarter and the North half of the Southwest quarter of Section 34; the Northeast quarter; the East half of the Southeast quarter of Section 34 and the West half of Section 35; the Northeast quarter, the North half of the Southeast quarter of Section 35; all in Township 7 South, Range 43 East, Boise Meridian; Lots 2, 3 and 4, South half of the Northwest quarter, Southwest quarter of the Northeast quarter and the Southwest quarter and West half of the Southeast quarter of Section 2; the West half and the West half of the

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Northeast quarter, West half of the Southeast quarter of Section 11, East half of the Southeast quarter of said Section 11, West half of the Northwest quarter and the West half of the Southwest quarter of Section 13, the East half and East half of the Northwest quarter and Northeast quarter of the Southwest quarter of Section 14; ~~the Northeast quarter, East half of the Southeast quarter of Section 23; the West half of Section 24; the Northeast quarter of Section 25;~~ all in Township 8 South of Range 43 East Boise Meridian; Lots 1 and 2, East half of the Northwest quarter of Section 30, Township 8 South, Range 44 East Boise Meridian, comprising approximately 6500 acres.

*Left and
removed as
indicated*

Together with all water-rights thereunto appurtenant, as well as all personal property described in Schedule "A" hereunto attached, which schedule is by reference incorporated herein. Said appurtenant water rights are a portion of those heretofore used upon the above described lands, comprising the so-called Lower Austin Ranch, and lands heretofore sold comprising the so-called Upper Austin Ranch, and decreed to certain individual prior owners of said lands, in an action brought in the District Court of Bingham County, Idaho, entitled Fred S. Stevens, et al, Plaintiff, versus Eastern Idaho Water Company, et al, Defendants, of record in Book 1 of Judgment, p. 31, Caribou County, Idaho, - and bear toward the whole of the waters so decreed and used on said ranches a ratio not less than that which the acreage covered by this contract bears toward the combined acreage of both said ranches.

2. The principal balance or balances owing hereunder shall bear interest at four per cent per annum from date hereof until paid. Said purchase price and accruing interest are payable as follows: \$2,025 principal upon the signing hereof, receipt of which is acknowledged; \$3,000 on or before October 1, 1941, inclusive of interest accrued to such date; \$1,500 on or before November 1, 1941, inclusive of interest accrued to such date; \$5,000 on or before November 1, 1942, inclusive of interest accrued to such date; \$5,000 on or before November 1, 1943, inclusive of interest accrued

to such date; \$5,000 on or before November 1, 1945, inclusive of interest accrued to such date; and the residue, including all interest accrued and unpaid, on or before November 1, 1946. →

Vendors agree to credit toward said purchase price the amount, if any, by which the gross receipts by them from the operation of the aforesaid ranch during 1941 exceeds the cost of operation thereof during said period, not including general taxes for 1941 upon said lands, such credit to be entered as of November 1, 1942 or at the time settlement in full is made by purchaser for hay delivered to him by vendors as next herein-after provided, whichever shall be the earlier. Vendors agree to deliver to purchaser, and the latter agrees to accept, all hay on said premises of the 1941 crop which remains unsold on November 30, 1941, purchaser to account to vendors therefore on the basis of \$5 per ton not later than November 1, 1942, unless such hay is sold by purchaser to others, in which latter event settlement by him for hay resold shall be made at time of resale.

3. Purchaser agrees to pay before delinquency all general and special taxes and all water assessments levied against or payable with respect to the real and personal property, including improvements, and the water-rights covered hereby subsequent to 1940; sellers agree to pay all unpaid general and special taxes and all water assessments

levied against said property and water-rights in 1940 or prior years. Vendors agree to pay all claims for hired help outstanding as of the date of this agreement, as well as all encumbrances upon the property then existing, other than general taxes and water assessments for 1941.

4. Purchaser agrees to keep the buildings, implements, fences, ditches and other property covered hereby in good repair and to keep all buildings insured against loss or damage by fire in a company acceptable to the vendors for a sum of not less than \$1000.00, with loss payable to the vendors as their interest may appear. If additional fire insurance is placed upon said buildings, the purchaser shall cause the policies for such additional coverage to be made to the vendors as their interest may appear. All policies of fire insurance shall be delivered to and remain in the possession of the vendors during the life of this agreement.

5. If, during the life of this agreement, the purchaser fails to pay before delinquency any tax or assessment levied against the property or water-rights covered by this contract, or fails to keep the improvements on said property insured against loss or damage by fire for at least \$1000.00, with loss payable to the vendors as their interest may appear, it shall be lawful for vendors to advance (but nothing herein contained shall be construed as obligating vendors to advance) such sum or sums as may be needed to pay such tax or assessment, or to procure such insurance, and all sums so advanced shall be repayable upon demand and until paid shall bear interest at the rate of eight per cent per annum from the respective dates of advancement.

6. It is further agreed that if at purchaser's request vendors advance funds for any other purposes, including but not limited to the operation or improvement of said property and the purchase of equipment or livestock to be placed thereon, such advance or advances shall bear interest at the rate of eight per cent per annum and be repayable in such manner as may be agreed on by the parties, and in the absence of an agreement with respect thereto shall be repayable upon demand.

7. Possession of the property described in paragraph 1 hereof shall be, or has been, delivered to the purchaser as of May 9, 1941, and so long as said purchaser continues to perform the things by him to be performed under this agreement, the right to possession thereof shall continue in him. If, however, said purchaser defaults in the payment of any installment of purchase price or interest, or otherwise fails to perform any of the covenants by him to be performed, and such default continues for as long as thirty days - time being of the essence of this agreement in every respect - then this contract may at the option of the vendors, be declared forfeited and determined, and if such option is exercised the vendors shall have the right to retain the payments theretofore made by the purchaser in full satisfaction and in liquidation of the damages by them sustained, and the vendors shall have the right forthwith thereafter to re-enter and take possession of said premises, either with or without process of law. If a forfeiture is declared and this contract is terminated by vendors for breach on purchaser's part occurring after payment of all installments accrued up to and including that due November 1, 1943, shall have been paid, vendors agree to waive, and they hereby waive,

all right to a deficiency judgment against purchaser for any balance then owing hereunder. Such waiver shall be without prejudice, however, to vendors' right to repossess the property sold and to retain as

liquidated damages all sums previously paid by purchaser.

8. Purchaser agrees that vendors may enter upon said premises at any time for the purpose of inspecting the same, and such entry shall be without prejudice to vendors' rights.

9. Purchaser agrees that he will not commit, nor suffer any

other person to commit, during the life of this agreement, any waste upon said lands or with respect to the improvements thereon. In the foregoing connection it is specifically agreed that under no circumstances shall the purchaser allow said real property to be overgrazed at any time during the life of this agreement.

10. The purchaser has examined said premises and the improvements thereon and agrees to accept the same in their condition as of May 9, 1941.

11. It is understood and agreed that all payments under this

contract shall be made by the purchaser to the vendors at Zion's

Savings Bank and Trust Company in Salt Lake City, Utah.

12. Purchaser has received and has had examined abstract of

title to the above described premises continued to October 21, 1940;

his counsel's opinion, copy of which has been furnished to vendors,

notes certain exceptions to record titles; vendors represent that they

and their predecessors in interest have had and held adverse possession

of said property a sufficient length of time to justify a decree

quieting title in them; vendors agree to institute action in a court

of competent jurisdiction within ninety days after October 1, 1941, for the purpose of quieting title in themselves; such action shall be prosecuted with reasonable diligence and at vendors' expense; defendants to be named therein shall be determined by vendors, with a view to clearing up the exceptions to record title noted in the opinion of purchaser's counsel.

13. The vendors agree that if and when the purchaser performs the things by him to be performed herein the vendors will execute and deliver to him an abstract of title continued to that date, and will concurrently therewith convey said premises to the purchaser, warranting only that previous to the execution of such deed the vendors have not done or committed any act or thing whereby said premises then are or at any time thereafter shall be impeached, charged or encumbered in any manner whatsoever. If purchaser shall so elect and is not in default hereunder in any respect, when demand therefor is made by him he shall have the right at any time subsequent to November 1, 1943, to require that a deed to said premises in the form hereinabove provided for be deposited in escrow with a bank or trust company of his choosing in Salt Lake City, escrow charges, if any, to be borne by purchaser.

14. In case suit is brought by either party hereto to enforce any of the terms of this agreement, it is agreed that the losing party shall pay a reasonable attorney's fee, together with such costs as may be taxable by law.

15. Purchaser agrees, upon written request of the vendors, to make application to any reliable mortgage company or financing agency

for a loan of such amount upon such terms as can be secured under the regulations of such company or agency, and agrees to apply the entire net amount received from the loan upon the purchase price above mentioned. Purchaser agrees to execute all papers required and pay one-half of all expenses necessary in obtaining such loan. Vendors agree that purchaser shall not be required to apply for a loan under the foregoing provision so long as the average total payable per year under the mortgage shall exceed the average total payable per year under this contract of sale.

16. This agreement is entered into by the parties of the first part solely in their representative capacity, and nothing herein stated shall be construed as imposing any personal liability or obligation upon the parties of the first part, or either of them, except as to the performance of their duties in such representative capacity; all representations or warranties which have been relied upon by either of the parties hereto and have induced the making of this agreement are correctly and completely set forth herein.

IN WITNESS WHEREOF, the vendors and the purchaser have hereunto set their hands as of the day and year first above written.

ZTR Alpha (A)

LR Anderson (A)

Robert H Burton (B)

Geo J Cannon (A)

Wm McZwan (A)

As a Protective Committee for former
Bondholders of Austin Brothers
Association.

H H Allen (A)

Confirmed with
Bank copy (corrected)
April 5/1945

SCHEDULE "A"

70 Horses
1 Stallion
5 First-class Harnesses
2 Second-class Harnesses
4 Saddles
4 Bridles
3 First-class Mowers
2 Second-class Mowers
2 Third-class Mowers
1 Buck Rake
5 Sweep Rakes
4 Sleighs
4 Sleigh Racks
4 Wagons
2 Wagon Racks
3 Scrapers
2 Engines (1 3-Horse Power and 1 7-Horse Power)
1 Wheelbarrow
3 Sections of Spike Toothed Harrow
2 Milch Cows
2 Heifers
1 Chevrelet Truck

Also all other tools, machinery and equipment of vendors now situate on the premises covered by the sales agreement to which this schedule is attached.

HERBERT VAN DAM
ATTORNEY AND COUNSELOR
FELT BUILDING
SALT LAKE CITY, UTAH

June 23, 1945

Mr. Roland R. Allen
Box 397
Soda Springs, Idaho

Dear Roland:

On April 17, 1945, pursuant to correspondence with you in regard to water rights, I wrote to Mr. Spencer suggesting a revision of the deed which the Committee had executed, so there would be included in the deed a better description of the water rights. It occurs to me that we should now submit to the Committee the provisions we would like to have in the deed in that regard.

I suggest the following -

Together with all water rights thereunto appurtenant, which said water rights include 55% of the waters heretofore used upon the above described lands comprising the so-called Lower Austin Ranch and lands heretofore sold comprising the so-called Upper Austin Ranch, and decreed to certain individual prior owners of said lands in an action brought in the District Court of Bingham County, Idaho, entitled Fred S. Stevens et al, plaintiff v. Eastern Idaho Water Company et al, defendants, of record in Book 1 of Judgments, page 31, Caribou County, Idaho

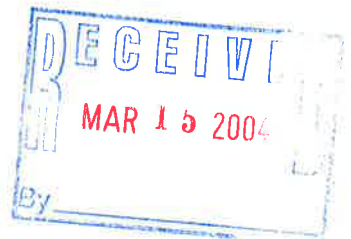
Please advise me if you consider this appropriate and sufficient in designating the water rights, and I will then submit it to Mr. Spencer with request that a new deed be prepared and executed, ready for delivery. I suggest also that you return to me the copy of the special warranty deed which I sent you on April 7.

Very truly yours



H. VAN DAM

HVD-K



June 26, 1945

Mr. Claron Spencer
Zion's Savings Bank & Trust Co.
Salt Lake City, Utah

Re: Austin Brothers Deposit Agreement

Dear Mr. Spencer,-

After receiving your letter of April 6, with a copy of the deed executed by the Bondholders' Committee to H. H. Allen, Jr., I advised you on April 17, that I considered it desirable to have in the deed a description of water rights paralleling the description of water rights in the contract except that it should allocate to the Lower Ranch 55% of the water rights appurtenant to the Lower and Upper Ranches.

I suggest that the deed be redrafted and that it include a provision as follows -

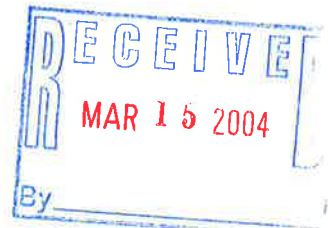
Together with all water rights thereunto appurtenant, which said water rights include 55% of the waters heretofore used upon the above described lands comprising the so-called Lower Austin Ranch and lands heretofore sold comprising the so-called Upper Austin Ranch, and decreed to certain individual prior owners of said lands in an action brought in the District Court of Bingham County, Idaho, entitled Fred S. Stevens et al, plaintiff v. Eastern Idaho Water Company et al, defendants, of record in Book 1 of Judgments, page 31, Caribou County, Idaho

I notice that the deed as drafted runs to H. H. Allen, Jr. as grantee. The copy of contract I have in the files is merely H. H. Allen. I wish you would check the executed contract you have in your files and see that the deed to be executed conforms to that.

Book 1
Page 31 of Judgments

Very truly yours,

H. VAN DAM



ROLAND: ARE THE MORTGAGE PAPERS MADE BY HH ALLEN OR
H. H. ALLEN JR? The deed should be the same.
HVD-K
cc- Roland R. Allen

Ad