

05/16/2005

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

RIGHT NUMBER: 27-11945
NAME AND ADDRESS: LEO WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

SHERRILYNN BAIR
1921 W TABER RD
BLACKFOOT ID 83221

RICHARD M WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

STARLA THOMPSON
1921 W TABER RD
BLACKFOOT ID 83221

SOURCE: CLAUDS CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.030 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/02/1916

POINT OF DIVERSION:
T04S R39E S36 NENE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 11/01	0.030 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County
T04S R39E S36 SWNE

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 27-4030

PROFILE

SCANNED

MAY 24 2006

05/16/2005

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T04S R39E S36 NENE Within BINGHAM County

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PERIOD OF USE:

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STOCKWATER	04/01 11/01	0.030 CFS

PLACE OF USE: STOCKWATER Within BINGHAM County

T04S R39E S36 SWNE and NENE

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

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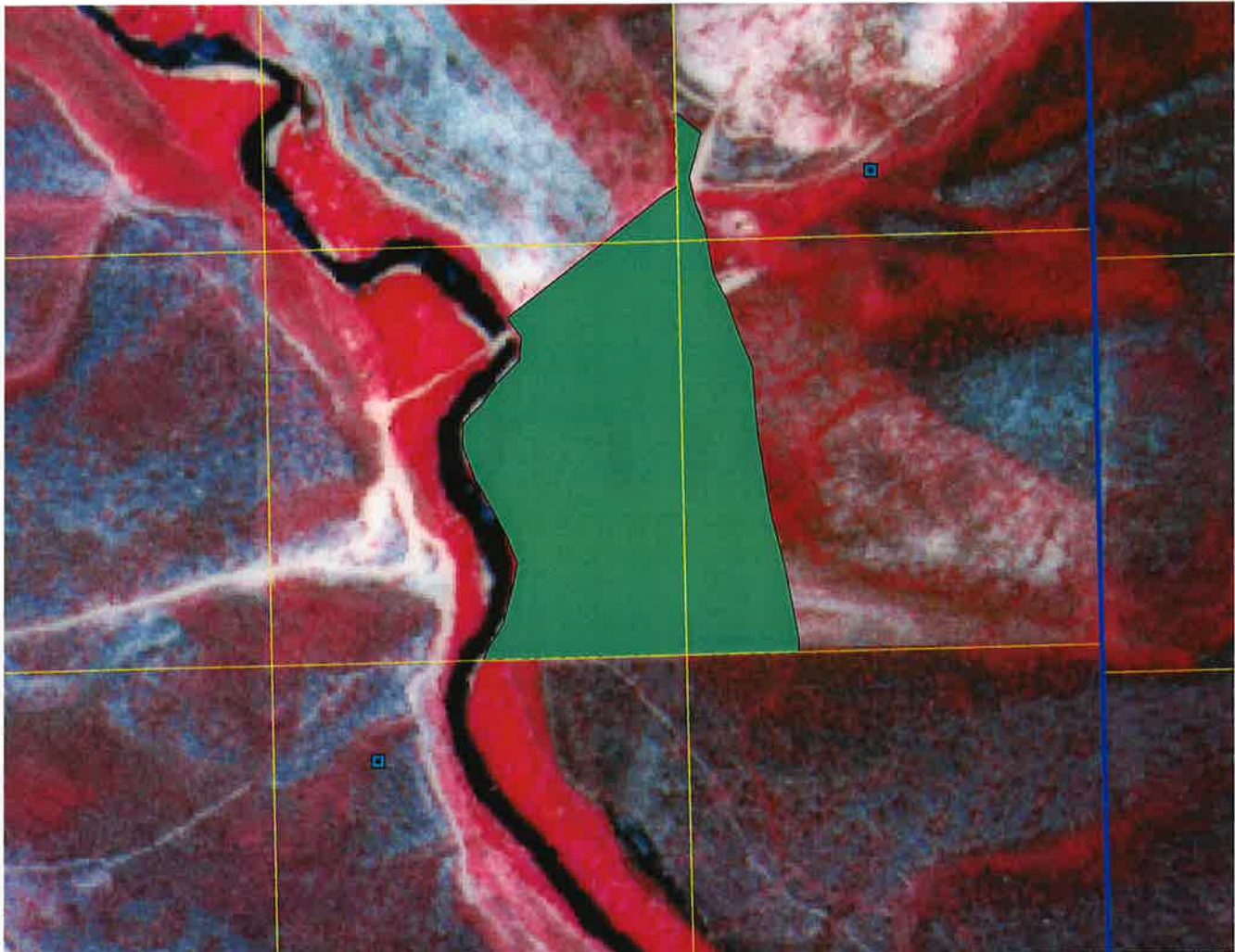
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 27-4030

27-11944

47.0

27-11945

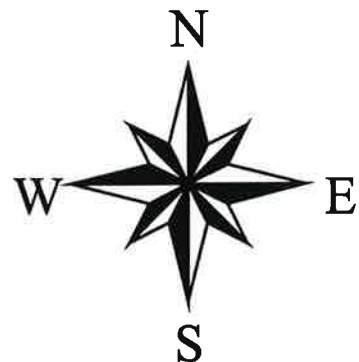
27-11945



0.1 0 0.1 0.2 Miles

26.1 ac.

-  Sections
-  QQ
-  GCDB04S39E GCDB
-  27-11945.shp
-  POD-AJ ClaimClaim POD



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



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

RECEIVED

FEB 13 2008

Department of Water Resources
Eastern Region

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

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

Dear Ms. Bird:

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

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

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

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

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

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

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

For Settlement Purposes Only

BOZEMAN, MONTANA
406.586.6834

BUTTE, MONTANA
406.723.8213

BUTTE LABORATORY
406.494.1502

MILES CITY, MONTANA
406.232.6666

SHERIDAN, WYOMING
307.672.8006

HELENA, MONTANA
406.442.0370

LANDER, WYOMING
307.332.3285

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

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

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

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

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

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

Respectfully submitted,

HKM ENGINEERING INC.


Loring Gurney

Enclosures

cc: Peter Monson
U.S. Attorney

For Settlement Purposes Only

Page 524

27-11945



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

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Cindy Bird	Elese D Teton
COMPANY:	DATE:
IDWR	January 28, 2008
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(208) 547-3939	1
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(208) 547-3993	(208) 239-4580
RE:	
Request for SF5 Preparation for Wallace/Bair/Thompson stockwater water right 27-11945	

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

NOTES/COMMENTS:

Cindy, we would like to request that a SF5 be prepared for the following water right number for Leo and Richard Wallace, Sherrilynn Bair, and Starla Thompson's stockwater right 27-11945. Should you have questions feel free to call me at the number listed above. The volumetric amount is calculated as follows:

27-11945

Stockwater Volume:

$$200 \text{ cow-calf pair} \times \frac{20 \text{ gallons/day}}{\text{cow-calf pair}} \times 215 \text{ days} \times \frac{1 \text{ acre-ft}}{325,850 \text{ gallons}} \Rightarrow 2.63 \text{ AFY}$$

$$10 \text{ horses} \times \frac{12 \text{ gallons/day}}{\text{head}} \times 215 \text{ days} \times \frac{1 \text{ acre-ft}}{325,850 \text{ gallons}} \Rightarrow 0.07 \text{ AFY}$$

Total Volume for cattle and horses = 2.71 AFY

TELEPHONE: (208) 239-4580

FAX: (208) 239-4592

Transmitted on 2/18/08 at 11:11 AM, Pacific



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

July 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

SCANNED

JUL 23 2007

SHERRILYN BAIR
STARLA THOMPSON
LEO WALLACE
RICHARD WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

RE: RETURNED OWNERSHIP CHANGE 27-12045, 27-11945

Dear Claimants:

I am returning the above referenced ownership change. The deed does not describe the property appurtenant to these rights. Please resubmit your request with a conveyance document for SWNE, NENW, and NWNE of section 36 and the SESW, SWSE of section 25, Township 4S, Range 39E.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2005

Sherrilynn Bair
1921 W Taber Rd
Blackfoot ID 83221

RE: Reply to Notice of Error for 27-12045 and 27-11945

Dear Sherrilynn,

Thank you for taking the time to return the Notice of Error Reply for 27-12045 and 27-11945. In response to the information you provided enclosed is an updated copy of the Preliminary Director's Reports for water right 27-12045 and the associated layout.

Changes to 27-12045 include increasing the place of use from 29.8 to 43 acres, with a corresponding increase in the quantity of water to 0.86 c.f.s. This amount equates to one miners inch of water per acre of land.

Regarding right 27-11945, we cannot add the property in NENE of Section 36 to the place of use for stock water. Although the gift deed shows that the property belongs to you, the property was not originally included on the claim for this water right. If prior to 1971 water was diverted from Claudes Creek and conveyed to the NENE of Section 36 to provide drinking water for stock then you can file a Claim to Water Right reflecting the historical use. For a new use or a use that occurred subsequent to 1971 you need to file an Application for Permit.

Feel free to contact this office if you still have concerns regarding the above water rights.

Respectfully yours,

Ernest Carlsen
Water Rights Supervisor

PROFILED

SCANNED
MAY 24 2006

GIFT DEED

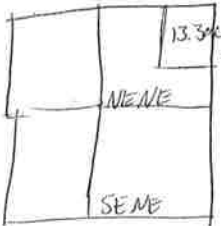
83262
Pine Tree

This Deed made this 16th day of October, 2001, by and between MALVERN S. WALLACE of 340 Lansing, No. 55, Blackfoot, Idaho 83221, herein called the Grantor, and LEO WALLACE (undivided 25 percent interest) of 581 N. Ash, Blackfoot, Idaho 83221; RICHARD M. WALLACE (undivided 25 percent interest) of 90 Tukelane, Sheridan, Montana 59749; SHERRILYNN BAIR (undivided 25 percent interest) of 1921 W. Taber Road, Blackfoot, Idaho 83221; and STARLA THOMPSON (undivided 25 percent interest) of ~~1102 W. 200 N.~~ Box 36 Blackfoot, Idaho 83221, herein called the Grantee. The Grantee and Grantee's heirs and assigns shall each receive an undivided 25 percent interest in the following described real property, each as tenants in common.

WITNESS:

The Grantor for and in consideration of the natural love and affection for the Grantee, by these presents, does give, convey and confirm unto the Grantee, all of the real estate and improvements located in Bingham County, State of Idaho, to wit:

Part of the E1/2 NE1/4 of Section 36, Township 4 South, Range 39 East, B.M., Bingham County, Idaho, described as:



Beginning at the northeast corner of said Section 36 and running thence S 0° 10' 57" W 879.39 feet along the section line; thence N 89° 43' 58" W 658.85 feet; thence N 0° 10' 02" E 879.40 feet to the north line of Section 36; thence S 89° 43' 57" E 659.09 feet along the section line to the point of beginning.

Parcel contains 13.30 acres together with all improvements thereon.

Also a 1/6 ownership in the water rights owned by Grantor in 70 Creek, Claude's Creek and a deep well (together with a 1/6 ownership in the related pump, generator and storage tank) used for irrigation and domestic water, said well located on the following described property:

Part of the E1/2 NE1/4 of Section 36, Township 4 South, Range 39 East, B.M., Bingham County, Idaho, described as:

Beginning at a point that is S 00° 10' 57" W 1319.20 feet along the section line and N 89° 44' 43" W 817.88 feet and N 00° 15' 17" E 27.66 feet to an existing Well.

The parcel granted herein is subject to the following:

05/16/2005

**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: 27-11945

LEO WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

SHERRILYNN BAIR
1921 W TABER RD
BLACKFOOT ID 83221
Telephone Number: (208)684-5271

RICHARD M WALLACE
1921 W TABER RD
BLACKFOOT ID 83221

STARLA THOMPSON
1921 W TABER RD
BLACKFOOT ID 83221

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

The Place of use.

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

to add the NENE (section 36) which was acquired in Oct. 2001. (Legal description through gift deed attached)

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

this addresses the acquisition of additional property rather than an error. Please advise if we need to follow other procedures to add this portion.

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

DATE:

7-29-05

SIGNATURE:

Sherrilynn W. Bair

Please print your name:

Sherrilynn W. Bair

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

RECEIVED
AUG 08 2005
Department of Water Resources
Eastern Region

*KWS
8/11*

Notes

5/16/05 1964 imagery doesn't show irrigation or cultivation in this area.

Recommend Stockwater only.

Skys field exam explained an area that is owned by Brantzeg. Not Wallace. CB.

HKM Shape also doesn't show irrigation.

Bingham Co Taxlot information doesn't show they own all the land claimed. Also the plat map submitted by claimants shows a different owner. CB.

Recommending Stock only.

57605 Fork sheet to Eastern. BP

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner: Leo Wallace, Sherrilynni Bain,
Name connector: and _____, or _____, and/or _____
Current Owner: Richard M Wallace &
Current Owner: Starla Thompson.

Representing Attorney: _____ Phone Number: _____

Accompanied By: Sherrilynne Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 7-14-04 Time: _____

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

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Reviewer: CPB

Date: 5/16/05

Contacts Data Entry Form

27-11945

Priority Date Data Entry Form

Claim Number: 27-11945

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 2/21/1914 Recommended Basis: BU☐ 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:

Highly Patent

Reviewer: CBDate: 5/16/05

Priority Date Data Entry Form

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes () No (X)
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 (X)
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No (X)
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 (X)
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 (X) No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes (X) No ()
2/24/1916 B. U.
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete.
If No, Priority Date review is complete.

Priority Date

Claim No. 27 - 11945

Point of Diversion and Source Data Entry Form

Claim Number:

27-11945

Water Right Point of Diversion: T _____, R _____, Sec. _____, County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T _____, R _____, Sec. _____, County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T _____, R _____, Sec. _____, County: _____

Source: _____ Tributary: _____



Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? 27-12040

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

Transfers Changing POD _____

Reviewer: CB

Date: 5/16/05

Point of Diversion and Source Data Entry Form

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

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

Yes () No (X)

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

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

Yes () No (X)

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 (X)

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 (X) 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 (X)

Point of Diversion

Claim No.

27-11945

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

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

Yes () No (X)

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

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

Yes () No (X)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11

Yes () No ()

4. Does the parent right have a Source?

If Yes, go to 5
If No, go to 7

Yes () No ()

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

If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7

Yes () No ()

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7

Yes () No (X)

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

If Yes, go to 8
If No, go to 10

Yes () No (X)

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

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

Yes () No ()

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10

Yes () No ()

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

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

Yes (X) No ()

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

If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Yes () No (X)

Source

Claim No. 27-11945

Purpose of Use Data Entry Form

Claim Number: 27-11945

_____ 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
<u>Stock</u>	_____	<u>100</u>	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

IDWR STD for claimed diversion

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 5/16/05

Purpose of Use Data Entry Form

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

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

Yes () No (X)

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

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

Yes () No (X)

3. Has the License been issued?

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No (X)

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

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

Yes () No ()

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

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

Yes () No ()

9. Was an enlargement claim filed?

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

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 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

Yes () No ()

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

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

Yes (X) No ()

12. Did the claimant file a transfer?

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

Yes () No ()

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

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

Yes () No (X)

Purpose of Use

Claim No.

27 - 11945

Place Of Use Data Entry Form

Claim Number: 27-11945☐ Use Claimed POU as Recommended POU

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4S	39E	36	SWNE		Bingham	-	-	Stock

Total Acres _____

Document how the POU was verified:

Bingham Co taxlot information

Transfers Changing POU _____

Reviewer: CBDate: 5/16/05

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

If Yes, go to 2a
If No, go to 2b

Yes () No (X)

2a. Is a POU required?

If Yes, go to 5
If No, go to 14

Yes () No ()

2b. Is a POU required?

If Yes, go to 3
If No, go to 14

Yes (X) No ()

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

If Yes, go to 4
If No, go to 7

Yes () No (X)

4. Has the License been issued?

If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14

Yes () No ()

5. Does the parent right have a POU?

If Yes, go to 6
If No, go to 7

Yes () No ()

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

If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7

Yes () No ()

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

If Yes, go to 8
If No, go to 13

Yes () No (X)

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

If Yes, add condition C05, go to 13
If No, go to 9

Yes () No ()

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

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

Yes () No ()

10. Was an enlargement claim filed?

If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes () No ()

11. Did the claimant file an enlargement claim?

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

Yes () No ()

12. Was a transfer filed?

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

Yes () No ()

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

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

Yes (X) No ()

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

If Yes, enter the appropriate remark and/ or condition. POU review is complete.
If No, POU review is complete.

Yes () No (X)

Place of Use

Claim No.

27-11945

Period of Use and Quantity Data Entry Form

Claim Number: 27-11945☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>stock</u>	<u>4/1</u>	<u>11/1</u>	<u>0.03</u>	

Overall Diversion Rate 0.03

Overall Diversion Volume _____

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

Reviewer: C.B.Date: 5/16/05

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

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

Yes () No (X)

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

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

Yes () No (X)

3. Has the License been issued?

If Yes, go to 5

Yes () No ()

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?

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

Yes () No ()

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

If Yes, go to 14
If No, go to 6

Yes () No ()

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

If Yes, go to 7
If No, go to 12

Yes () No (X)

7. Does the change include an enlargement in the Period of Use?

If Yes, go to 9
If No, go to 8

Yes () No ()

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

If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes () No ()

11. Was a transfer filed?

If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes () No ()

12. Does the file contain all of the necessary information to verify the Period of Use?

If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13

Yes (X) No ()

13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?

If Yes, go to 14
If No, go to 15

Yes () No (X)

14. Is irrigation claimed as a purpose of use?

If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18

Yes () No ()

15. Is irrigation claimed as a purpose of use?

If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18

Yes () No (X)

16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?

If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18

Yes () No ()

17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?

If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18

Yes () No ()

18. Is a Period of Use remark and/or condition required?

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

Yes () No (X)

Period of Use

Claim No. 27 - 11945

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

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

Yes () No (X)

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

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

Yes () No (X)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11

Yes () No ()

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

If Yes, go to 5
If No, go to 7

Yes () No ()

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

If Yes, go to 8
If No, go to 7

Yes () No ()

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7

Yes () No (X)

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9

Yes () No (X)

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

If Yes, go to 10
If No, go to 9

Yes () No ()

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

If Yes, go to 10
If No, go to 11

Yes () No (X)

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes () No ()

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

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

Yes () No (X)

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

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Yes (X) No (X)

Quantity

Claim No. 27 - 11945

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 (X)

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 (X)

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 (X) No ()

5. Does this right have any combined used limits with other rights?

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

Yes () No (X)

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

If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7

Yes (X) No ()

7. Would you like to view the recommended right?

If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (X) No ()

8. 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 9
If No, go to 9

Yes (X) No ()

9. 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 10
If No, go to 10

Yes () No (X)

10. 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 (X) No ()

Summary

Claim No. 27 - 11945

Summary Data Entry Form

Claim No.: 27-11945

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

018

N13 Gen Com - Historical B U.

P21 Split from 27-4030

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

yes

Claim No.:

27-11945

Reviewer

CB

Date

5/16/05

Notes

- 12-28-04 Looked to Claimant re evidence. PBP
- 1-5-05 Peggy called. Estimated time 1-31-07
- 1-11-05 Received warranty deeds from Joe Brantzeg, PB
- 2-1-05 " " some docs. PBP

5/16/05 Most of this land is owned now by other people. I only found 25 acres in the SWNE of Sec 36, T4S, R39E that is owned by Malvern Wallace, which is the father to the Claimant.

John Sharp Sr. was a party to the Stevens' decree. The legal described in the Stevens' decree is T2S, R43+44E.

27-11945.

8/23/64 Meeting. Malcolm Thompson
the 1/2 NE & NENE Sec 36, and the
SESW, SWSE & Sec. 25, are in township
4S, range 39E to his children.

This land was not owned by the
Wallaby Retreat. But perhaps

got 1/2 water and this is about 47 acres

of irrigation.

He also suggested that the children
Joe Wallace, Thompson Bar, Richard
Wallace & Stacie Thompson live a
new B.N. claim. Not associated
with Wallaby Retreat alone.

27-4030 (split into 27-11944 & 11945)

8/23/04 Meeting with Walloby Retreat

attended: Malvern S. Wallace, Dean &
Peggy Barnes, Leola Roberts, Cindy Bird.

Nettie R. Baron, President of Walloby
Retreat Inc. In 2001, dissolved the
corporation and divided the land and
water. at that time.

1. Malvern S. Wallace
2. Leola Roberts
3. Peggy Barnes
4. Vina & George Olson
5. Nettie R Baron
6. Leola Burgevin

we're members of Walloby retreat. Each
got 1/6 of the water. But Walloby Retreat
didn't own the property that was later
conveyed to Malvern's children.

Nettie Baron sold her piece to Brent Chappell
and Leola Burgevin sold hers to Charles
Danske. According to Malvern, Leola
& Peggy These pieces couldn't divert
water from Claude Creek to the

property. But Nettie gave them $\frac{1}{64}$ th of the water. This also included the license 27-7155 which does not apply to the land. Since this has been a great source of confusion, I'm disallowing the Walloby Retreat Claims. Each individual will need to claim and show proof of beneficial use.

Most of the land was owned privately. The piece owned by Walloby Retreat was 80 acres that was purchased from the State of Idaho in or around the late 60's to early 70's.

Bluebird is also part owner of some of the property and retained some in the SWNE Sec 36, T4S, R.39E.

Walloby Retreat (Bluebird Ranches LLC) also filed on 70 creek. This was disallowed because of nonuse.

Disallowing both Claims 27-11944 & 11945.
CB.

Notes

7/22/04 The state of Idaho business Entity page shows Leola Roberts as the contact for Walloby's Retreat & Bluebird Ranch.

June 20, 1998 the state received amended Articles from ^{Wallace Ranch LLC} Walloby Retreat changing the name to Bluebird Ranch, L.L.C.

In 1998, they amended Bluebird Ranch deleting Malvern Wallace.

Verna Olsen.

adding:

Charles & Carol Pansie

although the 2004 Annual Report shows Malvern Wallace as the Treasurer.

permit 27-7155 that Craig Saxton talks about in his memo has been licensed to Walloby's Retreat.

The deed of gift from Malvern Wallace, conveyed 12.5% to 4 children or 50%. Who has the other 50%?

7/22/04 left a message for Sheryl Lynn Bari to call me - CB.

Claim no. 27-11945

Claimant Contact Log

Date 7-14-2004 Remarks Agent initials

HW

1/ Exam was done on 7-14-2004 with Sherrilyn Bair + Malvern Wallace (Sherrilyn's Father).

2/ Claude Creek running too low to provide water for this ditch which was 6' wide + 1 1/2' deep at maximum.

3/ GPS data for the POD is; 2676917 GPS File # 271195
1316700 No GPS Tag
(5940?)

4/ Elevation of POD seems to be 5920'. Ditch runs along hillside at that elevation. It then appears that area outlined in orange on USGS map is all that can be irrigated with this right.

5/ Creek flow at or near Blackfoot River was restricted to a channel 10" wide by 3" deep

6/ A quick measurement of extreme low flow in creek showed

an area of 0.201 sq' + Velocity of 1.5 (40 runs in 60 seconds)
for a total $0.201 \times 1.5 = 0.3165$.

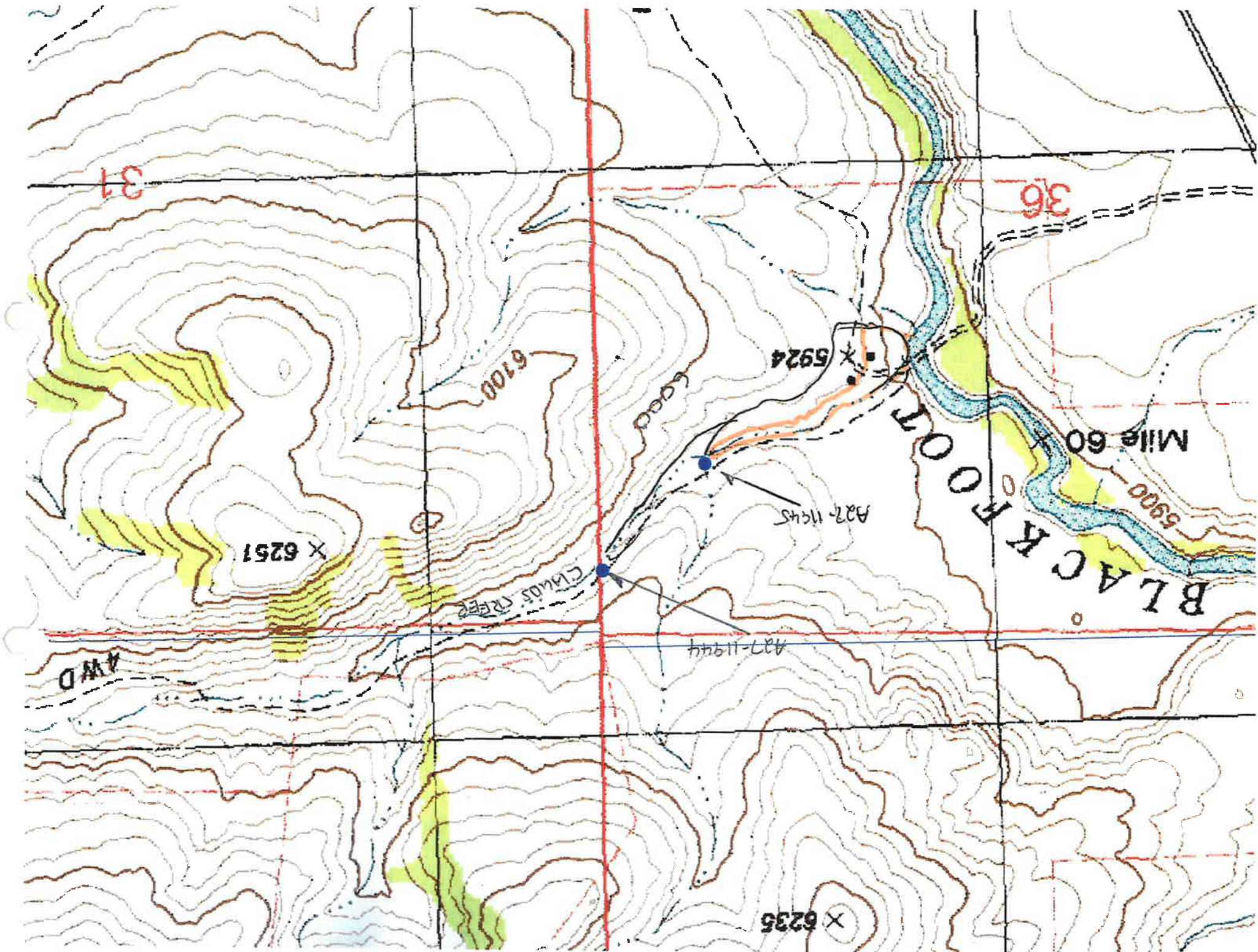
Measurement taken with Pygmy meter.

A27-11945 at RAD





A27-11945 - creek flow at P.O.D



INTER-DEPARTMENT MEMO

27-11944 & 11945

TO: SKip

SUBJECT: POU

FROM: Cindy

DATE: 10/23/03

Please determine POU for both claims.
They has overclaimed the total number of
acres from the statutory claim 27-4030.
When was change made? Enlargement claim?
also document the POD's on both
flow?

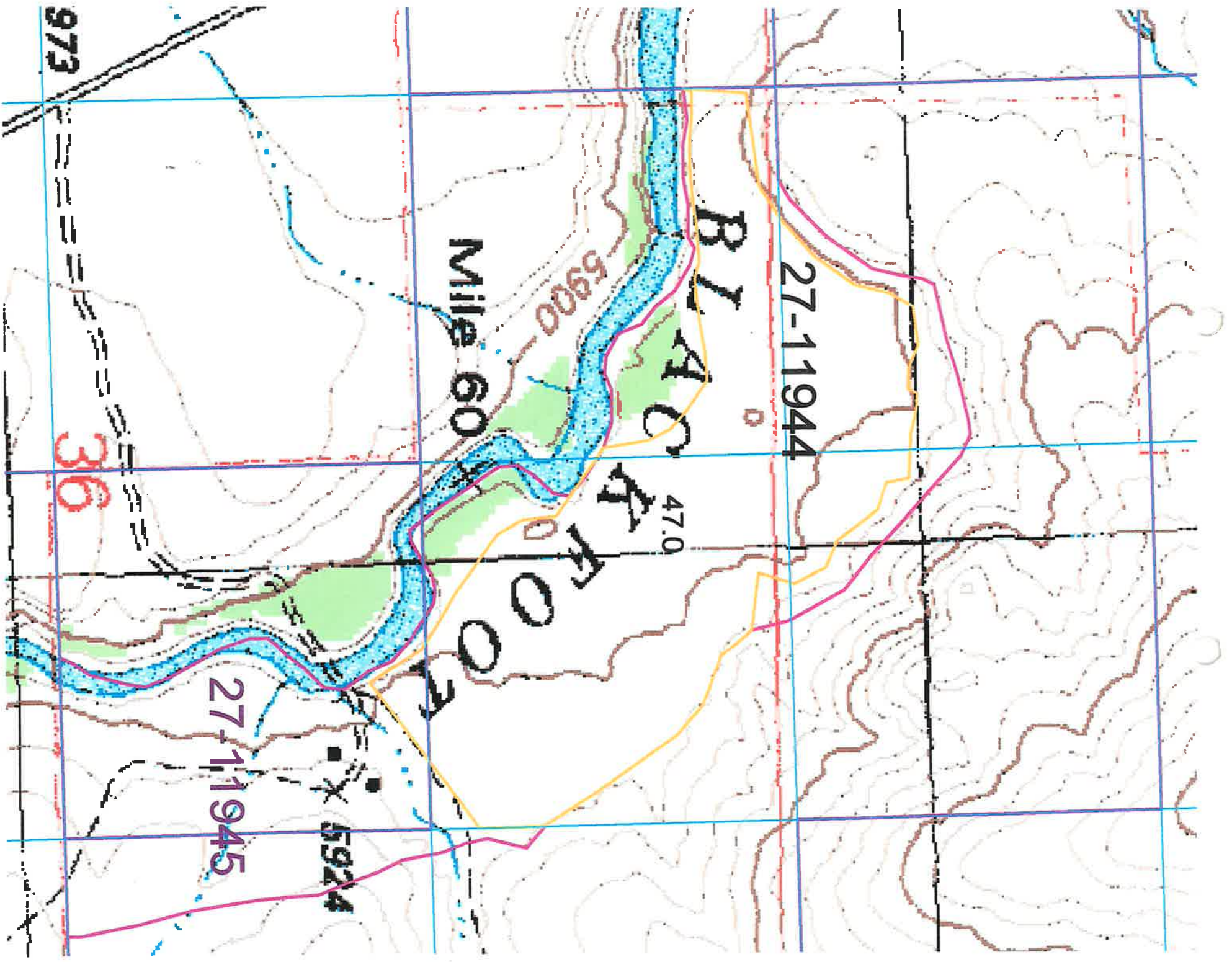
Acres in the orange shape for 27-11944 is 47ac.
claimed 61.4 acres.

27-11945 claimed 25.4 acres.

() For your information

(X) Response required

CB
signature



973

27-11944

BLAC

47.0

5900

Mile 60

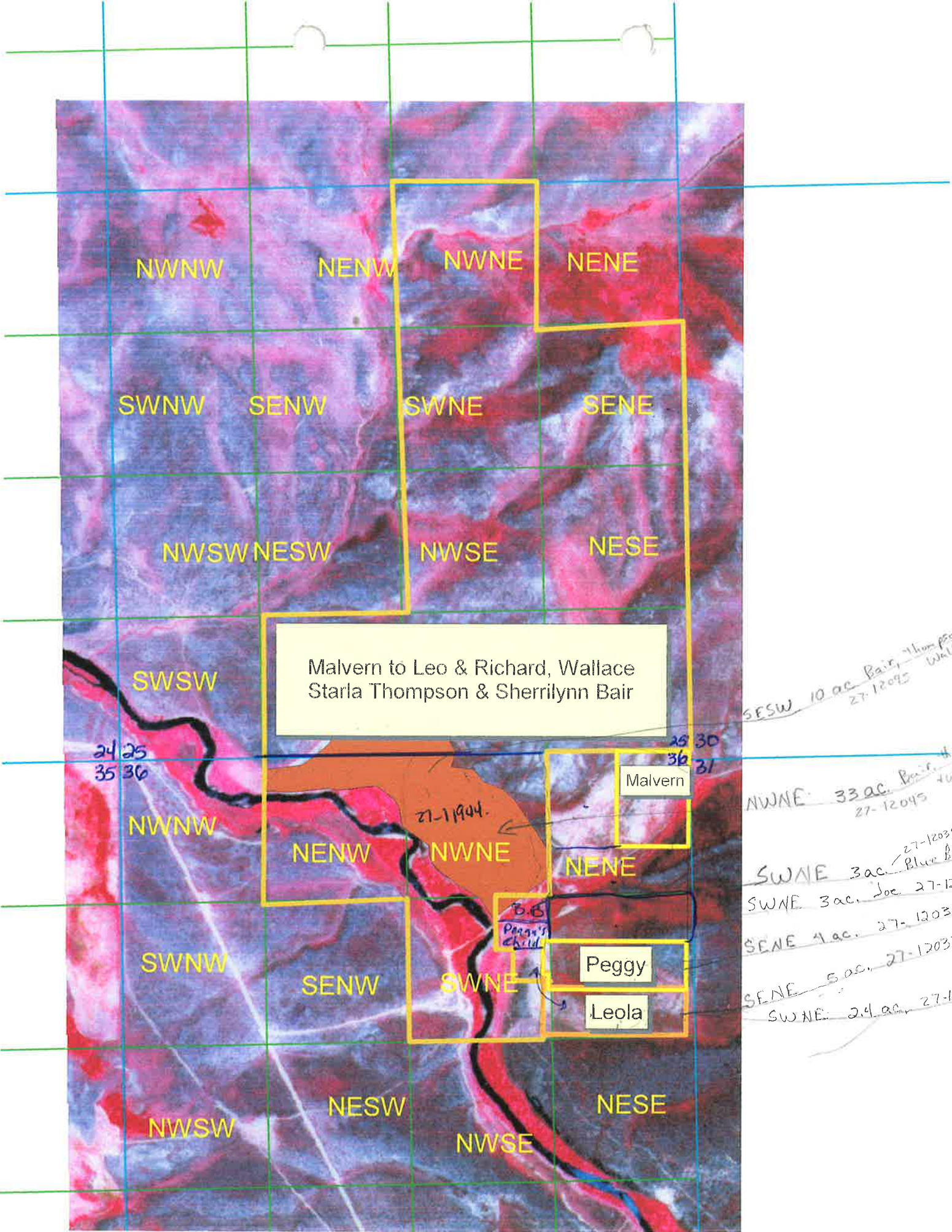
27-11945

5924

36

Notes

10/23/03. referring this claim to Skip for a field investigation because this claim is a split from 27-4030. 27-11944 & 27-11945 are claiming more acres than filed on in the statutory claim.



Malvern to Leo & Richard, Wallace
Starla Thompson & Sherrilynn Bair

Malvern

B.B.
Peggy's child

Peggy

Leola

SESW 10 ac. Bair, Thompson & Wallace
27-12095

NWNE 33 ac. Bair, Thompson & Wallace
27-12095

SWNE 3 ac. Blue Bird
27-12035

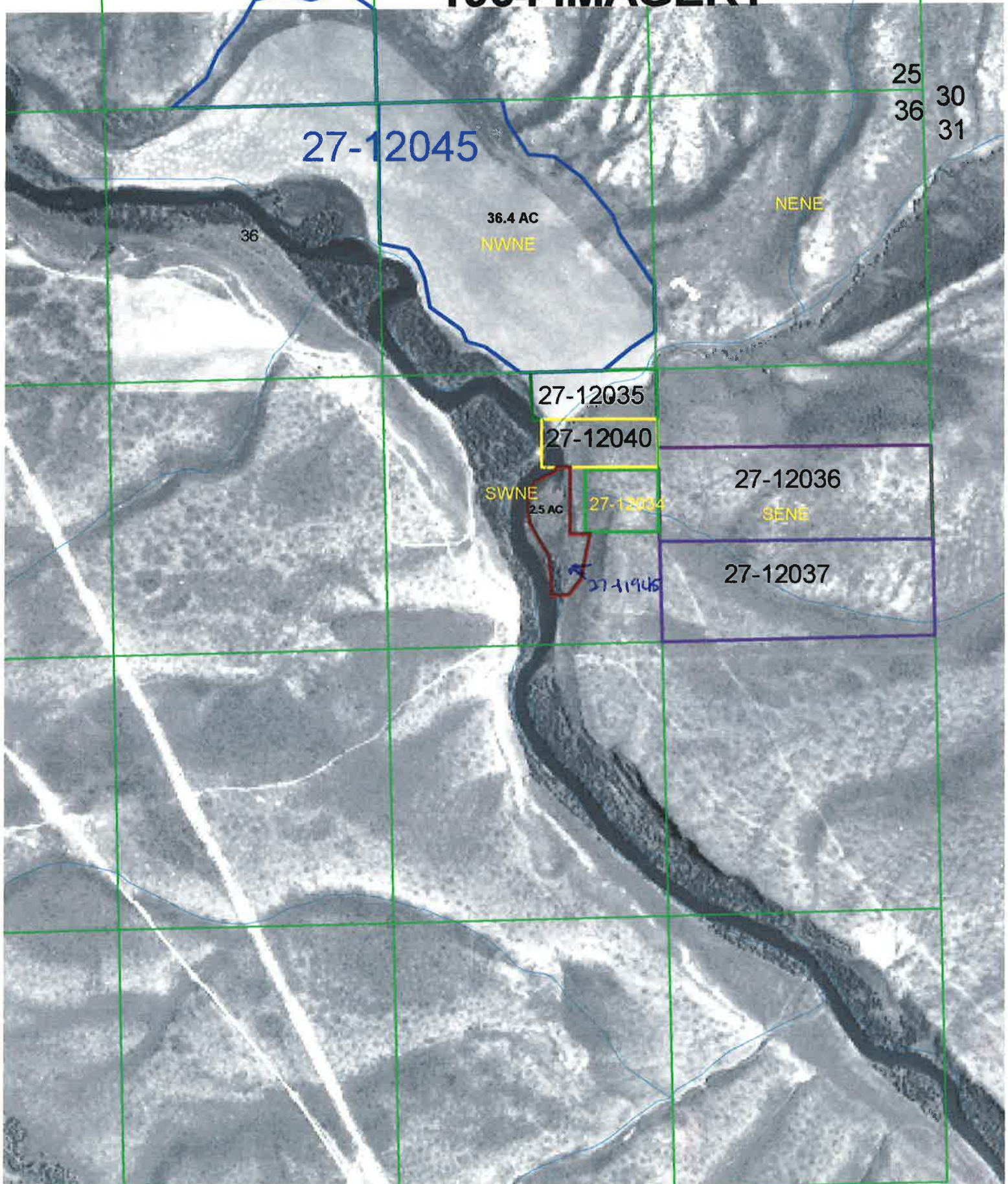
SWNE 3 ac. Joe
27-12040

SENE 4 ac.
27-12036

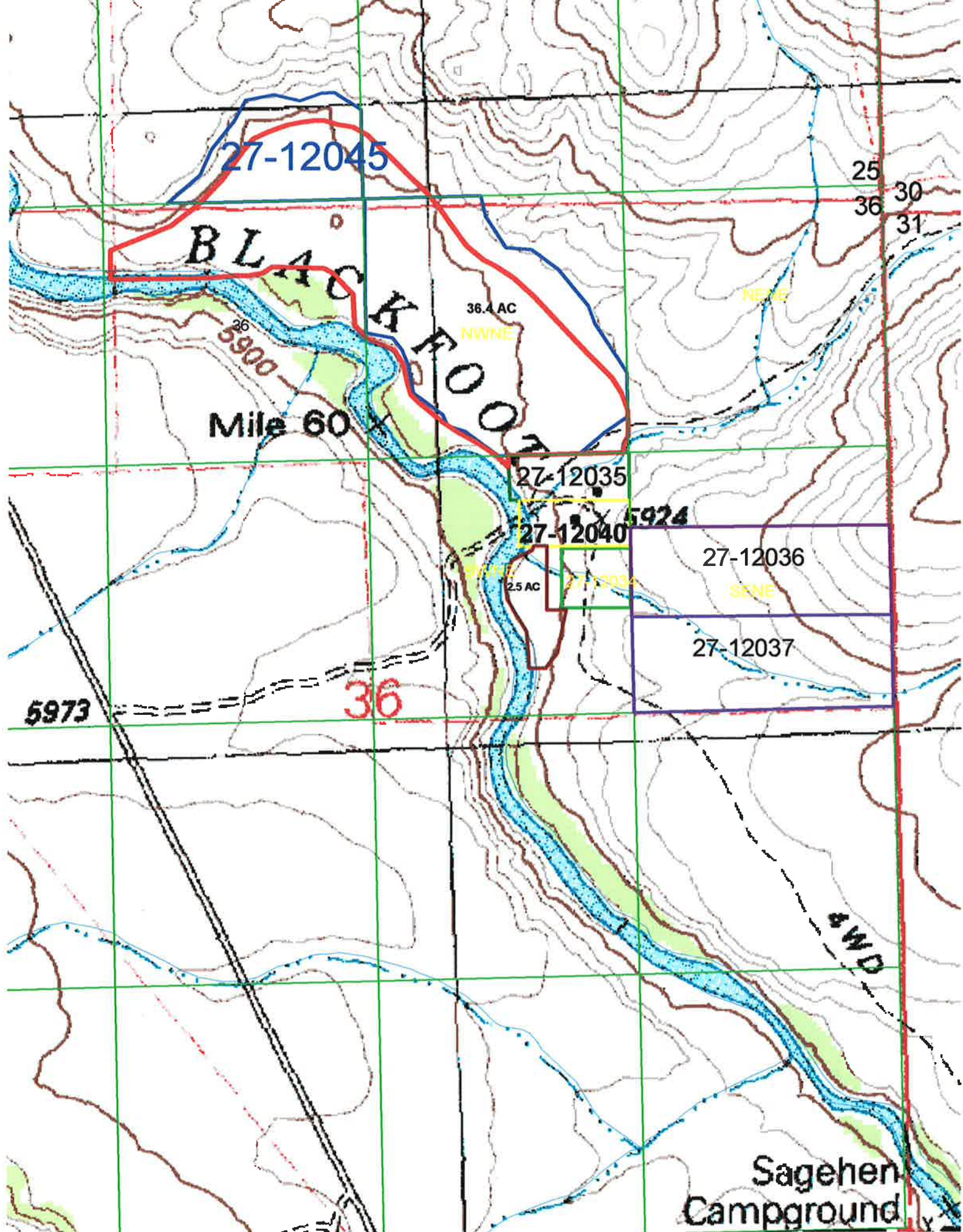
SENE 5 ac.
27-12037

SWNE 24 ac.
27-12031

1964 IMAGERY



27-11945



294. TOPO.

27-11945.



Idaho Secretary of State Search Results

Search Result Summary

[[New Search](#)]

Search Results 1 through 2

(BLUEBIRD RANCH, L.L.C. ... WALLOBY'S RETREAT, INC.)

BLUEBIRD RANCH, L.L.C. [[View Details](#)]

Organizational ID / Filing number: W5211

152 N 200 E

BLACKFOOT, ID 83221

Filed 23 Dec 1997

LIMITED LIABILITY COMPANY

EXISTING

WALLOBY'S RETREAT, INC. [[View Details](#)]

Organizational ID / Filing number: C53727

152 N 200 E

BLACKFOOT, ID 83221

Filed 24 Jun 1976

CORPORATION

GOODSTANDING

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

ARTICLES OF INCORPORATION

OF '76 JUN 24 AM 10 02

WALLOBY'S RETREAT, INC.

SECRETARY OF
STATE

We, the undersigned, being three or more natural persons of full age, all of whom are citizens of the United States or of its territories or possessions, do hereby voluntarily associate ourselves for the purpose of forming a corporation under the provisions of Idaho Code Title 30 and Chapter 10.

ARTICLE I

The name of the proposed Corporation is

WALLOBY'S RETREAT, INC.

ARTICLE II

The purpose or purposes for which it is formed are as follows:

To purchase, acquire, develop, sell, lease, let, own and manage recreational facilities and dwelling units associated therewith for all-year-round use of the members hereof.

To utilize all property, real and personal, for the better physical, moral, educational and spiritual welfare of the members hereof.

To enable the members to gather together for mutual benefit and enjoyment into a family and social group and to promote activities and facilities of a family, social and recreational nature.

To do whatever is legal and lawful of whatsoever nature that would be in the interest of the members hereof.

Eccummary profit is not a purpose or objective.

ARTICLE III

The duration of the corporation is perpetual.

ARTICLE IV

The location and Post Office address of the registered office of the Corporation in the State of Idaho, is Box 75, Moreland, Bingham County, Idaho.

ARTICLE V

The rights and interests of all members shall be equal, and no member can have or acquire a greater interest therein than any other member, and the respective interest shall be represented by membership certificates, one to each member thereof; no capital stock is authorized or will be issued; no membership certificate can be transferred by assignment so that the transferee can by such transfer become a member of the association, except by resolution of the Board of Directors and under such regulations as the By-laws may prescribe.

ARTICLE VI

The name and Post Office address of each of the incorporators and who has applied for membership is as follows:

M. L. Wallace
Delbert Baron
Don Bergsvein

Rt. 1, Box 76, Firth, Idaho 83236
694 N. Shilling, Blackfoot, Idaho 83221
Box 75, Moreland, Idaho 83256

No. W 5211		Due no later than December 31, 2003 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		BLUERIRD RANCH, L.L.C. 152 N 200 E BLACKFOOT, ID 83221		LEOLA CAROL ROBERTS 152 N 200 E BLACKFOOT, ID 83221	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Companies: Enter names and Addresses of Managers.					
Office held	Name	Street or P.O. Address	City	State	Zip
Manager	Leola Roberts	152 N 200 E	Blackfoot	Id.	83221
Manager	Peggy Barnes	149 N 200 E	Blackfoot	Id.	83221
Member	Charles Damsie	800 N 301 E	Blackfoot	Id.	83221
Member	Carol Damsie	800 N 301 E	Blackfoot	Id.	83221
5. Organized Under the Laws of:		6. Signature <i>Leola Roberts</i>		Date <i>11-05-03</i>	
IDAHO W 5211		Name <i>Leola Roberts</i>		Title <i>Manager</i>	
Issued 10/01/2003		Do Not Tape or Staple		192	

ARTICLES OF AMENDMENT TO ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

98 JAN 20 AM 9:32
SECRETARY OF STATE
STATE OF IDAHO

To the Secretary of State of Idaho
Corporations Division
700 W Jefferson, PO Box 83720
Boise, Idaho 83720



1. The name of the limited liability company is: Wallace Ranch, L.L.C.
2. The date the articles of organization were filed was: December 23, 1997

COMPLETE ONLY THE APPLICABLE ITEMS

3. The name of the limited liability company is amended to read: Bluebird Ranch, L.L.C.
4. The latest date certain upon which the limited liability company will dissolve is amended to read: _____
5. The management of the limited liability company shall henceforth be vested in
☐ Manager(s) ☐ Members.
6. The information on managers/members shall be amended as follows:

Name:	Address:	Add:	Delete:	Other:
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____

7. Signature of at least one manager, if any, or at least one member.

Verna Majumdar Manager
Capacity

Leola Carroll Robert Manager
Capacity

Capacity

Capacity

IDAHO SECRETARY OF STATE
Secretary of State use only
01/20/1998 09:00
CR: 26755 C7: 2834 IN: 74843

1 @ 30.00 = 30.00 ORGAN AMEN

W 5211

g:\corp\forms\acc\pm3
File in duplicate

Fee: \$30

254



ARTICLES OF AMENDMENT TO ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED/EFFECTIVE

 12/06/2001 05:00
 12/06/2001 05:00

1. The name of the limited liability company is: BLUEBIRD RANCH LLC
2. The date the articles of organization were filed was: Jan. 20 1998

COMPLETE ONLY THE APPLICABLE ITEMS

3. The name of the limited liability company is amended to read: _____
4. The latest date certain upon which the limited liability company will dissolve is amended to read: _____
5. The management of the limited liability company shall henceforth be vested in
☐ Manager(s) ☐ Members.
6. The information on managers/members shall be amended as follows:

Name:	Address:	Add:	Delete:	Other:
MALVERN S. WALLACE	340 LANCING #55	☐	☒	
CHARLES & CAROL DANSIE	301 E 200 N Blackfoot Id.	☒	☐	
VERNA M OLSEN	15 N 200 E BLASKFOOT ID.	☐	☒	
CHARLES & CAROL DANSIE	300 E 200 N BLACKFOOT	☒	☐	
		☐	☐	

7. Signature of at least one manager, if any, or at least one member.

Signature Leola Roberts MGR. _____
 Typed Name LEOLA ROBERTS Capacity _____

Signature PRGER BARNES MGR. _____
 Typed Name _____ Capacity _____

 p:\compliance\form\amend\amend1c.pmd
 Revised 1/2001

Secretary of State use only

 IDAHO SECRETARY OF STATE
 12/06/2001 05:00
 CR: 5888 CT: 154326 BH: 432974
 1 @ 30.00 = 30.00 ORGAN FEE # 2

W5211

No. C 53727		Due no later than June 30, 2004 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		WALLOBY'S RETREAT, INC LEOLA ROBERTS 152 N 200 E BLACKFOOT, ID 83221		LEOLA ROBERTS 152 N 200 E BLACKFOOT, ID 83221	
NO FILING FEE IF RECEIVED BY DUE DATE		3. New Registered Agent Signature			
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office held	Name	Street or P.O. Address	City	State	Zip
Pres.	Leola Roberts	152 N. 200 E.	Blackfoot	Id	83221
V. Pres.	Dean Barnes	149 N. 200 E.	"	"	"
Treas.	Malvern Walker	340 Lansing # 55	Blackfoot	Id.	83221
Sec.	Peggy Barnes	149 N. 200 E.	"	"	"
5. Organized Under the Laws of: IDAHO C 53727		6. Signature <u>Leola Roberts</u> Date <u>4.29.04</u> Name <u>Leola Roberts</u> Title <u>President</u>			
Issued 04/01/2004		Do Not Tape or Staple		2004062302	

FILED/EFFECTIVE

Articles of Revocation of Dissolution
To the Secretary of State
State of Idaho.

Concerning The Wallobye Retreat Inc.

Organized June 25 1976

Whereas the above mentioned Corporation
was dissolved October 11, 2001

We the undersigned original members
of the Wallobye Retreat Inc. Do hereby
request this Revocation of Dissolution
become effective as soon as possible

Current Officers:

Leola Roberts

President

Dean Barnes

Vice President

Suey Barnes

Secretary. Treasurer

Leola Roberts Registered agent

152 N 200 E Blackfoot, Idaho

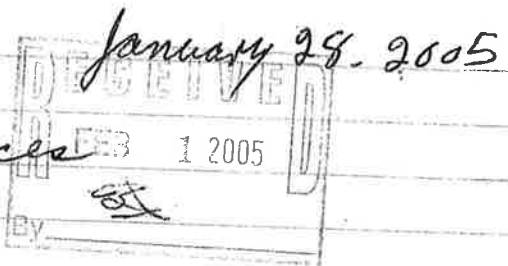
Signed by Leola Roberts

November 14, 2001

IDAHU SECRETARY OF STATE
11/19/2001 05:00
CR: 1431 CT: 153744 DR: 430415
10 30.00 = 30.00 DEXAL 02

C53727

Department of Water Resources
Soda Springs, Idaho



Enclosed is a copy of the Deed for the 80
acres

Also a copy of the Land Sale Certificate

Our father M.L. Wallace 1st leased this
parcel of land by assignment of lease 9-30-1966
M.L. Wallace continued to lease this parcel
of land untill he bought it at public auction
9-7-75 the land description is on the
deed. We dont know why it was never put
on the lease

This property was assigned to Wallobys
Retreat Inc. 3-19-1980. The property was
paid off Jan. 20-1995

The Land Sale Certificate also shows the
assignment to Wallobys Retreat Inc. and
the fulfillment of the contract.

I would like these documents to
explain and accompany the Water Rights
Claims for Leola Roberts, Peggy Barnes
Wallobys Retreat Inc. and Malvern S Wallace
& Family where it is needed.

Sincerely Leola Roberts

To All to Whom These Presents Shall Come, Greetings:

Whereas, on the 21th day of NOVEMBER 1975, all that tract or parcel of PUBLIC SCHOOL ENHANCEMENT land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

- M. L. WALLACE -

of FIRTH State of IDAHO for the aggregate price of
----- TWENTY TWO THOUSAND FIVE HUNDRED AND NO/100 ----- DOLLARS

And Whereas, the said sum of TWENTY TWO THOUSAND FIVE HUNDRED AND NO/100 ----- DOLLARS has been fully paid to the proper receiving officer for the State of Idaho, by WALLOBYS RETREAT, INC. - Box 75, Mooreland, Idaho 83256, who acquired their interest by Assignment from M. L. Wallace, dated March 19, 1980, recorded January 22, 1981.

as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of

----- TWENTY TWO THOUSAND FIVE HUNDRED AND NO/100 ----- DOLLARS

to the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said

- WALLOBYS RETREAT, INC. -

Their heirs and assigns, all of the said tract and parcel of land situated in the County of BINGHAM and State of Idaho, and described as follows, to-wit:

The East-half of the Northeast Quarter (E1NE1) Section 36,
Township Four (4) South, Range 39 East, Boise Meridian,
containing 80.0 acres, more or less.

Sec. 36
NENE
SENE

BINGHAM COUNTY RECORDS
- BINGHAM, IDAHO -

FEB 3 1995

SS FEB 1 PM 3 44

RECEIVED AT THE REQUEST OF

Metel Barm

660 N. Shiloh

Big 10 53224

To have and to hold the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said

- WALLOBYS RETREAT, INC. -

Their heirs and assigns, in fee simple forever, subject to the provisions of Section 58-604, Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States. The State reserves the right to all coal, oil, oil shale, gas phosphate, sodium, asbestos, gold, silver, lead, zinc, copper, antimony and all minerals or deposits of minerals of whatsoever kind or character, including geothermal resources (and associated by products), sand, gravel and pumice, pursuant to Sec. 47-701, Idaho Code.

In Witness Whereof, I PHIL BATT the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the Board of Land Commissioners to be hereunto affixed, this 20th day of January, 1995 A.D.

Countersigned:

Pete T. Cenarrusa
Secretary of State

Stanley F. Hamilton
Director of the Department of Lands

Countersigned:

Stanley F. Hamilton
Director of the Department of Lands

STATE OF IDAHO,
County of Ada,

On this 20th day of January, 1995, before

me, a Notary Public in and for said State, personally appeared Phil Batt known to me to be the Governor of the State of Idaho, and known to me to be the Secretary of the State of Idaho, and Stanley F. Hamilton known to me to be the Director, Department of Lands of the State of Idaho, who executed said instrument and acknowledged to me that such State of Idaho executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last above -- "en.



certify the foregoing to be a true and correct copy of the original on file and of record in the Office of the Clerk and Ex-Officio Recorder of Bingham County, Idaho.
Dated 12-14-1999

JUDIE HAMPTON

Clerk and Ex-Officio Recorder

FEB 1 2005

432272

Boise, Idaho

1861

Keith Cronin.
St. Neph. of Canada
205-334-0200

WHEN DUE	PRINCIPAL	INTEREST	PRINCIPAL BALANCE
11-7-75			\$ 22,500 00
11-7-75	\$ 2,250 00	178 87	20,250 00
1-1-76	1,012 50	1,154 25	19,237 50
1-1-77	1,012 50	1,093 50	18,225 00
1-1-78	1,012 50	1,032 75	17,212 50
1-1-79	1,012 50	972 00	16,200 00
1-1-80	1,012 50	911 25	15,187 50
1-1-81	1,012 50	850 50	14,175 00
1-1-82	1,012 50	789 75	13,162 50
1-1-83	1,012 50	729 00	12,150 00
1-1-84	1,012 50	668 25	11,137 50
1-1-85	1,012 50	607 50	10,125 00
1-1-86	1,012 50	546 75	9,112 50
1-1-87	1,012 50	486 00	8,100 00
1-1-88	1,012 50	425 25	7,087 50
1-1-89	1,012 50	364 50	6,075 00
1-1-90	1,012 50	303 75	5,062 50
1-1-91	1,012 50	243 00	4,050 00
1-1-92	1,012 50	182 25	3,037 50
1-1-93	1,012 50	121 50	2,025 00
1-1-94	1,012 50	60 75	1,012 50
1-1-95	1,012 50		

Beggy

No. 1

ASSIGNMENT OF STATE LAND SALE CERTIFICATE

For and in consideration of \$19,237.50 Dollars, to me in hand paid, the receipt whereof is hereby acknowledged, I hereby sell, assign and transfer unto WALLOBYS RETREAT INC., Box 75, Middle Land, IDAHO 83256 282272, all my right, title and interest in and to the land described in the within certificate of sale number 24926

State of IDAHO }
County of BENNETT }

M L Wallace
Mary Maude Wallace
(Wife must sign here)

On this 19 day of MARCH, 1980, before me, a Notary Public, personally appeared MARY MAUDE WALLACE, Widow, spinster, widow, and MARY MAUDE WALLACE (Strike out words that do not apply)
his wife, known to me to be the person S whose name S ARE subscribed to the above assignment and acknowledged to me that T he S executed the same.

Recorded this 22 day of January, 1981
W. J. M.

Wayne L. Lovell
Notary Public, residing at BCATella, IDAHO



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

28 December 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Walloby's Retreat, Inc. 152 North 200 East Blackfoot, ID 83221	Claim 27-11944
Leo Wallace, Sherrilynn Bair, Richard M. Wallace, Starla Thompson 1921 West Taber Road Blackfoot, ID 83221	Claim 27-11945
Leola Carrol Roberts 152 North 200 East Blackfoot, ID 83221	Claims 27-12034 & 27-12037
Blue BirdRanch LLC 149 North 200 East Blackfoot, ID 83221	Claim 27-12035
Peggy Barnes 149 North 200 East Blackfoot, ID 83221	Claim 27-12036
Joe Dean Brantzeg 153 North 400 West Blackfoot, ID 83221	Claim 27-12040
Starla Thompson 1921 West Taber Road Blackfoot, ID 83221	Claim 27-12045

Re: Snake River Basin Adjudication (SRBA)
Claims 27-11944, 27-11945, 27-12034, 27-12037, 27-12035, 27-12036,
27-12040, 27-12045

Subject: EVIDENCE OF PRIORITY

Response Date: 10 January 2005

COPY

Dear Claimant(s):

In reviewing the documents submitted for the above referenced claims we do not have sufficient documentation to support the claimed priority date of March 10, 1919. The documents that we do have include the following:

<u>Document</u>	<u>Date</u>	<u>Description</u>
U.S.A. to E. C. Higley	2/21/1916	T4S, R39E, Sec. 25, SESW, Sec. 36, NENW, Sec. 36, W1/2NE
E. Higley to B. Hansen	3/10/1919	Same legal as above
State Land Lease to M. Wallace	9/30/1966	No legal description
John Sharp to Malvern Wallace	8/1/1968	T4S, R39E, Sec. 24, E1/2; Sec. 25, S1/2, SESW; Sec. 36, W1/2NE, NENW. T4S, R40E, Sec. 19, Lots 3 & 4, E1/2SW; Sec. 30, all.
M. Wallace to James Roberts	7/14/1989	T4S, R39E, Sec. 36, oart of SWNE
James Roberts to Leola Roberts	11/10/1998	T4S, R39E, Sec. 36, part of SWNE All water rights
Walloby's Retreat to Peggy Barnes	8/27/2001	T4S, R39E, Sec. 36, part of E1/2NE 1/6 70 Creek, Claude's Creek & well
Walloby's Retreat to Malvern Wallace	8/27/2001	Same legal as above
Walloby's Retreat to Leola Roberts	8/27/2001	Same legal as above
M. Bergevin to Joe & Frank Brantzeg	1/9/2002	T4S, R39E, Sec. 36, part of SWNE

I would like to call your attention to the following:

1. The property that was conveyed from Walloby's Retreat to the Barnes, Wallace and Roberts is not within the same quarter-quarters of Section 36

- as the original patent to E. C. Higley. The deed involving the land from Bergevin to Brantzeg is the only one within the original quarter-quarters.
2. There is no evidence that supports that Bergevin had any property to transfer to Brantzeg.
 3. No evidence has been presented that Walloby's Retreat owned the property transferred to Malvern's children.
 4. The State Land Lease to M. Wallace on September 30, 1966 did not contain any legal description and, therefore, does not provide any information pertinent to these claims.
 5. There are three documents that transfer land from John Sharp, to Malvern Wallace to James Roberts to Leola Roberts. However, there is no evidence that Walloby's Retreat owned any property to transfer.

I am enclosing a copy of an outline indicating how the documents we do have form a lineage from the land originally acquired in 1916 to today. Hopefully, this will assist you in identifying the missing links so we can show to the Court a clear line of ownership from the claimed priority date to you as a claimant in the SRBA Court

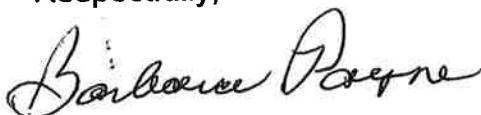
We also have copies of the following documents that refer to water usage for various periods of time:

1. A notarized statement by Clyde Twitchell dated 9/14/2004 that provides some history of water use.
2. A notarized letter from Evert J. Higley dated 1/17/1995 that provides some history of water use.
3. A copy of a newspaper article dated 4/27/1960 entitled "Presto Man Looks Back To Oxen, Wagon Days" that provides some history of water use.

If sufficient documentation is not provided that link these documents together by the above referenced date providing evidence that the claimed land is owned by the claimants and that the water has been beneficially used since the claimed priority date then the claims will be recommended to the Court to be disallowed.

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

Respectfully;



Barbara Payne

Enclosure

Walloby's Retreat
Blue Bird Ranch LLC
Wallace Ranches

Basin 27

E. Higley to B. Hansen

3/10/1919
T4S, R39E,
Sec. 25, SESW
Sec. 36, NENW
Sec. 36 W1/2NE
160 ac

U.S.A. to E. C. Higley

2/21/1916
T4S, R39E,
Sec. 25, SESW
Sec. 36, NENW
Sec. 36 W1/2NE
160 ac

John Sharp to Malvern Wallace

8/1/1968
T4S, R39E,
Sec. 24, E1/2
Sec. 25, S1/2, SESW
Sec. 36, W1/2NE, NENW
T4S, R40E,
Sec. 19, Lots 3 & 4, E1/2SW
Sec. 30, all

M. Wallace to James Roberts

7/14/1989
T4S, R39E,
Sec. 36, SWNE, part of

James Roberts to Leola Roberts (27-12034 or 27-12037)

11/10/1998
T4S, R39E,
Sec. 36, SWNE, part of
All water rights

Walloby's Retreat to Peggy Barnes (27-12036)

8/27/2001

T4S, R39E, Sec. 36, E1/2NE, part of, 13.3 ac
1/6 70 Creek, Claude's Creek and well

Walloby's Retreat to Malvern Wallace

8/27/2001

T4S, R39E, Sec. 36, E1/2NE, part of 13.3 ac
1/6 70 Creek, Claude's Creek and well

Walloby's Retreat to Leola Roberts (27-12037 or 27-12034)

8/27/2001

T4S, R39E, Sec. 36, E1/2NE, part of
1/6 70 Creek, Claude's Creek and well

M. Bergevin to Joe Brantez, et al (27-12040)

1/9/2002

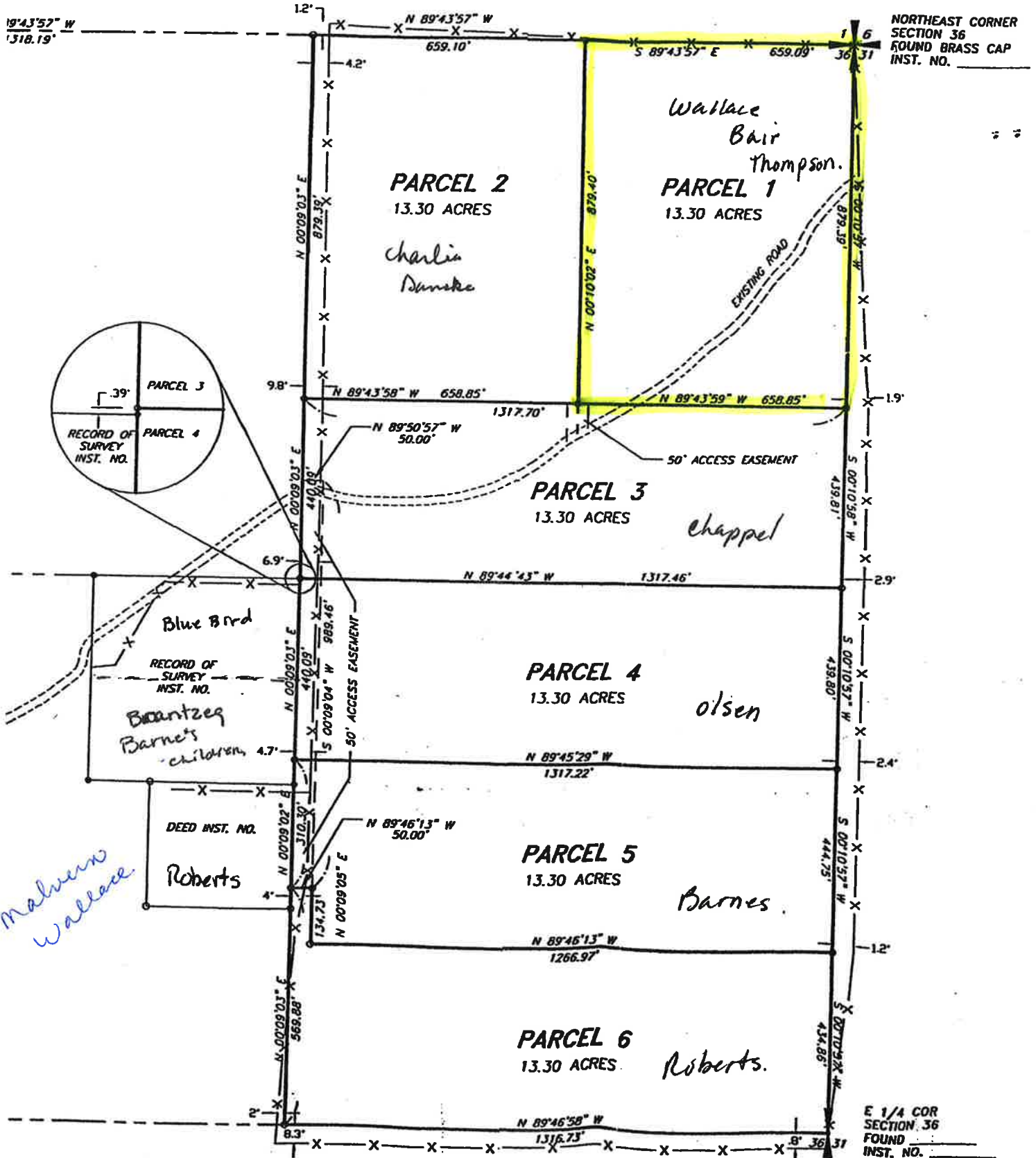
T4S, R39E, Sec. 36, SWNE, part of

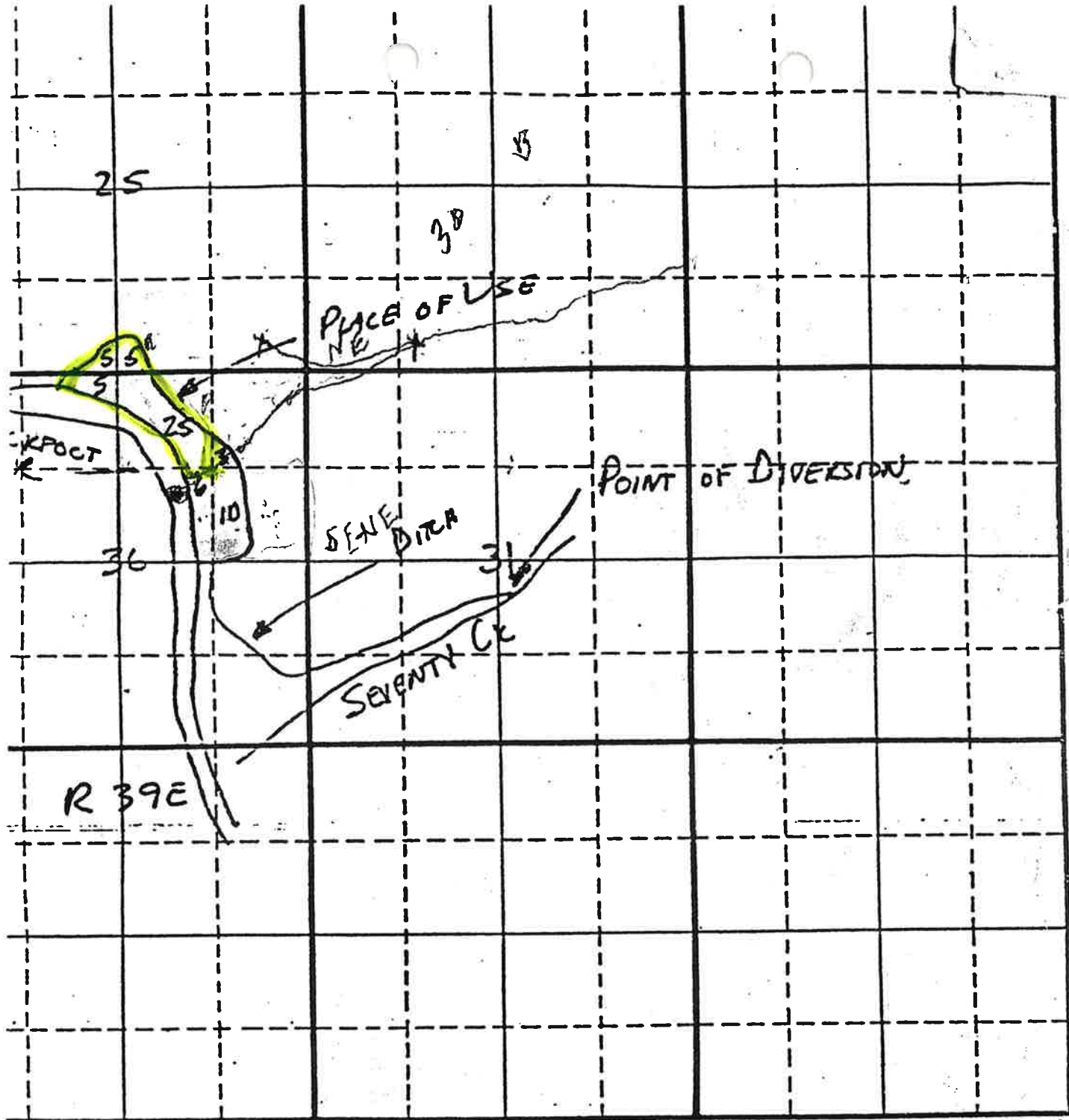
T4S, R39E Sec 36
SWNE.

Was corrected

PART OF THE NW 1/4 OF SECTION 36, T. 4 S., R. 36 E.B.M. BINGHAM COUNTY, IDAHO

BASIS OF BEARING





on of the point of diversion and the place of use of the water by 40-acre subdivisions,
public land survey system.

tax forms legal descript.
Kurt Wilson

MICROFILMED

NOV 12 1992

signed, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim

QUITCLAIM DEED

287146
12-14-98

For Value Received

MALVERN LEROY WALLACE and MARY MAUDE WALLACE as Trustees of the
MALVERN LEROY WALLACE FAMILY TRUST,
do hereby convey, release, remise and forever quit claim unto

PEGGY J. WALLACE whose address is Box 351 Blackfoot, Idaho 83221 and
MILTON DON BERGEVIN and LEORA MARY BERGEVIN of Mooreland, Idaho,
the following described premises, to-wit:

The following described premises, in Bingham County Idaho, to-wit:

Beginning at a point 250 feet South of the Northeast corner of
the SW1/4NE1/4 of Section 36, Township 4 South, Range 39, East of the
Boise Meridian, running thence West 500 feet, thence South 250 feet
thence East 500 feet thence North 250 feet to the point of beginning.

Subject to taxes and assessments, easements and rights-of-way,
building and zoning ordinances and use regulations and restrictions,
and any encumbrance suffered, assumed, or occasioned by the Grantees.

BINGHAM COUNTY CLERK

RECORDED

287146

781 DEC 1 PM 4 31

287146 - 287146

RECORDED AT THE REQUEST OF

ML Wallace

Rt 6 Box 376

GRFT

together with their appurtenances.

Dated:

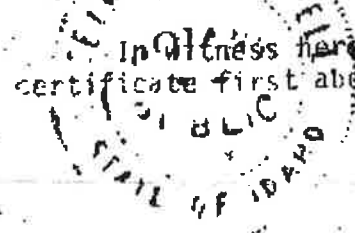
Malvern Leroy Wallace in day in month of *December*

STATE OF IDAHO)

COUNTY OF BINGHAM)

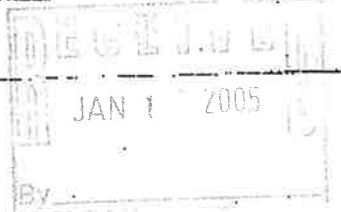
On this 1st day of December, 1981, before me, the undersigned, a Notary Public
for said State, personally appeared MALVERN LEROY WALLACE and MARY MAUDE WALLACE, known
to me to be the Trustees of the MALVERN LEROY WALLACE FAMILY TRUST, the persons who executed
the above document, and acknowledged to me that they executed the same as Trustees of
MALVERN LEROY WALLACE FAMILY TRUST.

In witness hereof, I have hereunto set my hand and seal the day and year in this
certificate first above written.



James B. Wallace

Notary Public for Idaho
Residing at Blackfoot, Idaho



Colin Rogers

WARRANTY DEED

COPY

5-15-1996

THIS INDENTURE made this 15 day of May, 1996, between PEGGY J. WALLACE BARNES, a married woman dealing with her sole and separate property, of 3896 E. 600 N., Rigby, ID 83442, the Party of the First Party, and CARRIE McLACHLAN of Route 3, Box 451A.A., Silva, NC 28779, JOE BRANTZEG of 153 N. 400 W., Blackfoot, ID 83221, and FRANK BRANTZEG of 2311 West Idaho Street, Boise, ID 83702, the parties of the Second Part.

WITNESSETH:

That said Parties of the First Part, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America and other valuable consideration to Parties of the First Part in hand paid by the Parties of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell and convey and confirm unto the said Parties of the Second Part, and to Parties of the Second Part's successors and assigns, forever, her undivided one-half (1/2) interest in the following described real estate situate in Bingham County, State of Idaho, as follows:

Beginning at a point 250 feet South of the Northeast corner of the SW1/4NE1/4 of Section 36, Township 4 South, Range 39, East of the Boise Meridian, running thence West 500 feet, thence South 250 feet, thence East 500 feet, thence North 250 feet to the point of beginning.

Subject to taxes and assessments, easements and rights-of-way, building and zoning ordinances and use regulations and restrictions, and any encumbrance suffered, assumed, or occasioned by the Grantees.

Reserving and excepting to Party of the First Part, Peggy J. Wallace Barnes, the joint use of said described real property with Parties of the Second Part so long as Party of the First Part, Peggy J. Wallace Barnes, shall live, and the right to occupy the cabin whenever she elects.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Parties of the First Part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Parties of the Second Part, and to Parties of the Second Part's successors and assigns forever. And the said Parties of the First



Cabin Papers

SUPPLEMENTARY AND CORRECTION DEED

This deed is made to supplement and correct that certain deed executed by MALVERN LEROY WALLACE and MARY MAUDE WALLACE, as Trustees of the MALVERN LEROY WALLACE FAMILY TRUST, to PEGGY J. WALLACE, MILTON DON BERGEVIN, and LEORA MARY BERGEVIN dated December 1, 1981, and filed for record on December 1, 1981, and recorded as number 287146 (Bingham County, State of Idaho) in this: That the Grantors intended to grant to the Grantees and does grant the following interests in the described premises:

- (a) An undivided one-half (1/2) interest as a tenant-in-common to Peggy J. Wallace Barnes formerly known as Peggy J. Wallace; and
- (b) An undivided one-half (1/2) interest as tenants-in-common to Milton Don Bergevin and Leora Mary Bergevin,

to the following described property, to-wit:

Beginning at a point 250 feet South of the Northeast corner of the SW1/4NE1/4 of Section 36, Township 4 South, Range 39, East of the Boise Meridian, running thence West 500 feet, thence South 250 feet, thence East 500 feet, thence North 250 feet to the point of beginning.

Subject to taxes and assessments, easements and rights-of-way, building and zoning ordinances and use regulations and restrictions, and any encumbrance suffered, assumed, or occasioned by the Grantees.

Mary M. Wallace
Mary Maude Wallace as Trustee of the
Malvern LeRoy Wallace Family Trust

Peggy J. Wallace Barnes
Peggy J. Wallace Barnes

Milton Don Bergevin
Milton Don Bergevin

Leora Mary Bergevin
Leora Mary Bergevin

STATE OF IDAHO)
)
 : ss.
County of BINGHAM)

ON THIS 29th day of May, 1996, before me, MARY MAUDE WALLACE, a Notary Public in and for said State, personally appeared MARY MAUDE WALLACE, known to me to be the Trustee of the Malvern LeRoy Wallace Family Trust, whose name is subscribed to the within and foregoing instrument as Trustee, and acknowledged to me that she executed the same on behalf of said Malvern LeRoy Wallace Family Trust.

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

Donna L. Capron
Notary Public for Idaho
Residing at: Blackfoot, ID
My commission expires: 5/19/2002

(Seal)

STATE OF IDAHO)
)
 : ss.
County of Bonneville)

ON THIS 15 day of May, 1996, before me, BARBARA J. PRIVETT, a Notary Public in and for said State, personally appeared PEGGY J. WALLACE BARNES, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she 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.

Barbara J. Privett
Notary Public for Idaho
Residing at: Rigby
My commission expires: 1/13/2000

(Seal)

SUPPLEMENTARY AND CORRECTION DEED - 2



STATE OF IDAHO)
)
County of BINGHAM) : ss.

ON THIS 29th day of May, 1996, before me, MILTON DON BERGEVIN, a Notary Public in and for said State, personally appeared MILTON DON BERGEVIN, Known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he 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.

Donna L. Capron
Notary Public for Idaho
Residing at: Blackfoot, ID
My commission expires: 5/19/2000

(Seal)

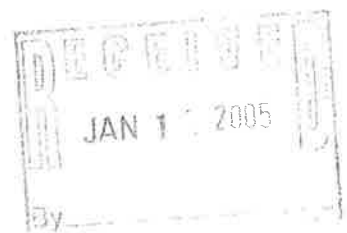
STATE OF IDAHO)
)
County of BINGHAM) : ss.

ON THIS 29th day of May, 1996, before me, LEORA MARY BERGEVIN, a Notary Public in and for said State, personally appeared LEORA MARY BERGEVIN, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she 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.

Donna L. Capron
Notary Public for Idaho
Residing at: Blackfoot, ID
My commission expires: 5/19/2000

(Seal)





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 27, 2003

LEO & RICHARD WALLACE
SHERRILYNN BAIR
STARLA THOMPSON
1921 W TABER RD
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR 27-4030

Dear Sir or Madam:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

27-4030 split into:

27-11944: 0.71 cfs, 61.4 acres, Walloby's Retreat

27-11945: 0.29 cfs, 25.4 acres, Wallace, Bair, Thompson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A27-04030	AJ5809NP	~~NO~~ yes			
A27-04029	AJ5809NP	NO			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- B. A copy of the most recent **DEED**, **TITLE POLICY**, **CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former
Owner/Claimant(s)

Wallop's Retreat Inc.
Box 75 Moreland, ID 83256

4. New Owner/Claimant(s)

Leo Wallace, Richard M. Wallace, Sherrilynn Bair, Starla Thompson
 Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

1921 W. Taber Rd
Blackfoot, ID 83221

City, State and ZIP Code

New Telephone Number

(208) 684-5271

5. Date you acquired the property

December 13, 1996

RECEIVED

JUN 28 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 27- 11944 Wallaby's

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 27- 11945 Wallace et al

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. ☒ Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Shirley W. Bair

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

DEED OF GIFT

Grantor, **MALVERN WALLACE**, of 1102 West 200 North, Blackfoot, County of Bingham, State of Idaho 83221, for and in consideration of the love and affection he holds for Grantees, the natural children of Grantor, does give, grant, and convey to Grantees, **LEO WALLACE**, of 581 North Ash, Blackfoot, Idaho 83221, and to **RICHARD M. WALLACE**, of Box 292, Twin Bridges, Montana 59754, and to **SHERRILYNN BAIR**, of 1921 W. Taber Road, Blackfoot, Idaho 83221, and to **STARLA THOMPSON**, of 1102 West 200 North, Blackfoot, Idaho 83221, as their sole and separate property each, and to Grantees' heirs and assigns, an undivided 12.5 percent interest each as tenants in common of the following described real estate situated in, Bingham County, Idaho, to wit:

Township 4 South, Range 39 East, Boise Meridian, Bingham County, Idaho

Section 25: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 36: NE $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ EXCEPTING beginning at the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, and running thence West 500 feet; thence South 500 feet; thence East 500 feet; thence North 500 feet to the point of beginning, ALSO EXCEPTING THEREFROM a 50 foot right-of-way across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36.

ALSO EXCEPTING THEREFROM

Beginning at a point 500 feet South of the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 4 South, Range 39 East, Boise Meridian, Bingham County, Idaho, and running thence West 350 feet; thence South 300 feet; thence East 350 feet; thence North 300 feet to the point of beginning.

Together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Reserving and Excepting to the Grantor, however, the right to the use of said premises and a life estate therein together with all rents, issues and profits thereof, for the rest of Grantor's natural life and as long as Grantor shall live.

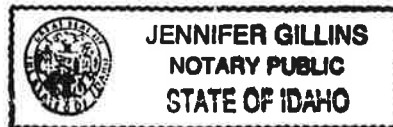
IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 13 day of December 1996.

Malvern S. Wallace
MALVERN WALLACE

STATE OF IDAHO)
) ss.
County of Bingham)

On this 13th day of December, 1996, before me the undersigned, a Notary Public for Idaho, Personally appeared **MALVERN WALLACE**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Blackfoot, Idaho
Commission Expires 10/10/2001

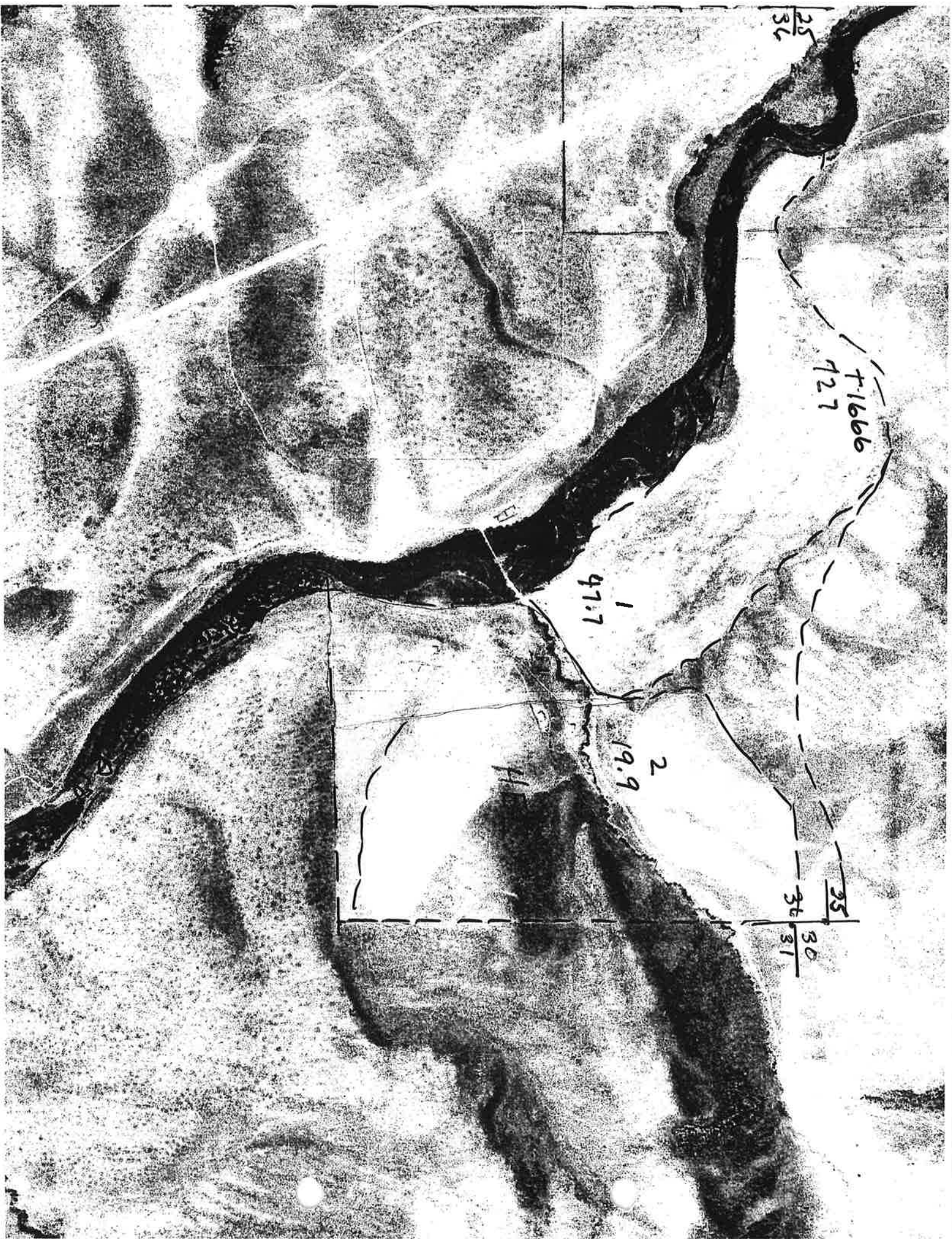
Jennifer Gillins
Notary Public for Idaho
Residing at Blackfoot, Idaho
My Commission Expires: 10/10/2001

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
96 DEC 13 PM 1:55
300
RECORDED AT THE REQUEST OF
Malvern S. Wallace
745 W. Bridge Street H.

450039

RECEIVED
JUN 26 2003

Department of Water Resources
Eastern Region



25/34

71666
727

1
47.7

2
19.9

35
36
30
31



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2002

VERNA & GEORGE OLSEN
151 N 200 E
BLACKFOOT ID 83221

RE: WATER RIGHT OWNERSHIP CHANGE FOR 27-4029, 27-4030

Dear Mr. & Mrs. Olsen:

On December 13, 2001, I received the above referenced ownership change. I understand it was your intent to split the rights from Walloby's Retreat to the 6 private land owners.

My supervisor reviewed this pending change and recommends the six of you file a transfer of water to ensure each party has 1/6 of the water right. Or you could put all the names of the people who owned the property when the rights were claimed. Either way, you cannot proceed with a change of water right ownership.

If you have questions about this matter, or need assistance, please contact Water Rights Supervisor Ernie Carlsen in our office at 525-7161.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Delbert & Nettie Baron
Leona M. Bergevin
Leola W. Roberts
Dean & Peggy Barnes c/o Leola W. Roberts

Memorandum

Date: December 5, 2001

From: Craig Saxton

Subject: Change of Ownership

Today I had a meeting with Verna Olsen, Leona (last name?), and Natti (last name?).

Background:

27-04029 and 27-04030 were filed by Wallobys Retreat Inc. Wallobys is a entity that was owned by 6 different parties, including the ladies mentioned above.

Since the time of filing the claims, the Walloby Retreat Inc has dissolved and the six interests are now private ownership.

Problem:

How do we break up the original claim.

Result:

Change of ownerships need to be filed. Based on the old claimed rights:

Natti irrigates a maximum of 1.9 acres split from the three acres claimed in the NENE.

Verna irrigates a maximum of 1.1 acres split from the 10 claimed in the SENE

Leona's property is entirely in the claimed POU and I would split that proportionally.

Note for Adjudication Reviews:

27-04029 claims irrigation from Seventy Creek. Water from Seventy creek has never been used by the above three claimant. I do not know if the other people claiming portions of this claim have used Seventy Creek. Even though 27-04029 will be split among the owners that had interest in Wallobys, from my conversation with the claimant, I wouldn't recommend it.

27-07155 is a permit that had a field exam in 2001. Even though the permit was for 80 acres of irrigation, field examiner only found domestic use. This would indicate to me that the claimants probably don't irrigate over ½ acre with well or surface water. Something to look into.

copy
FILED/EFFECTIVE

Attention Nettie

NOV 19 PM 2:15

C53727

Chg off / Dir

SECRETARY OF STATE
STATE OF IDAHO

Regarding our phone conversation concerning the Wallobys Retreat Corp. The officers presiding at the time of dissolution were -

Nettie Baron President

Leora Bergerin Vice President

Verna Olsen Secretary & Registered agent

Other members. George Olsen, Don Bergerin and Delbert Baron

These above mentioned officers and members have requested their memberships be withdrawn from the Corporation

Leola Roberts Dean Barnes and Peggy Barnes want to retain their memberships and continue with the corporation.

Please send a statement of change of Registered office or Registered agent or Both

Signed Leola Roberts President and
Registered agent Nov. 14 - 2001

FILED/EFFECTIVE

RECEIVED

JAN 10 2002

Department of Water Resources
Eastern Region

Articles of Revocation of Dissolution
To the Secretary of State
State of Idaho.

01 19 PM 3:35
SECRETARY OF STATE
IDAHO

Concerning The Wallobys Retreat Inc.
Organized June 25 1976

Whereas the above mentioned Corporation
was dissolved October 11, 2001

We the undersigned original members
of the Wallobys Retreat Inc. Do hereby
request this Revocation of Dissolution
become effective as soon as possible

Current officers:

782-9633 Leola Roberts President
Jean Barnes Vice President
Sally Barnes Secretary-Treasurer
782-9676 Leola Roberts Registered Agent
152 N 200 E Blackfoot, Idaho

Signed by Leola Roberts
November 14, 2001

IDAHO SECRETARY OF STATE
11/19/2001 05:00
CK: 1431 CT: 153744 DN: 430415
1 @ 30.00 = 30.00 DENTAL # 2

Mail this postcard to businesses and people who send you mail.

Please send mail to new address beginning: 11 11 02
Month Day Year

Verna Olsen

My Name (Last name, first name, middle)

Wallobys Retreat Inc 151 N 200 E

OLD Complete Street Address or PO Box or Rural Route and RR Box

Apt./Suite #

Blackfoot

Id

83221

City or Post Office

State

ZIP or ZIP +4 Code

Wallobys Retreat Inc. 152 N. 200 E

NEW Complete Street Address or PO Box or Rural Route and RR Box

Apt./Suite #

Blackfoot

Id

83221

City or Post Office

State

ZIP or ZIP +4 Code

208-782-9676

NEW Telephone Number (Optional)

Account Number (if applicable)

Leola W Roberts Reg Agent 11 11 02

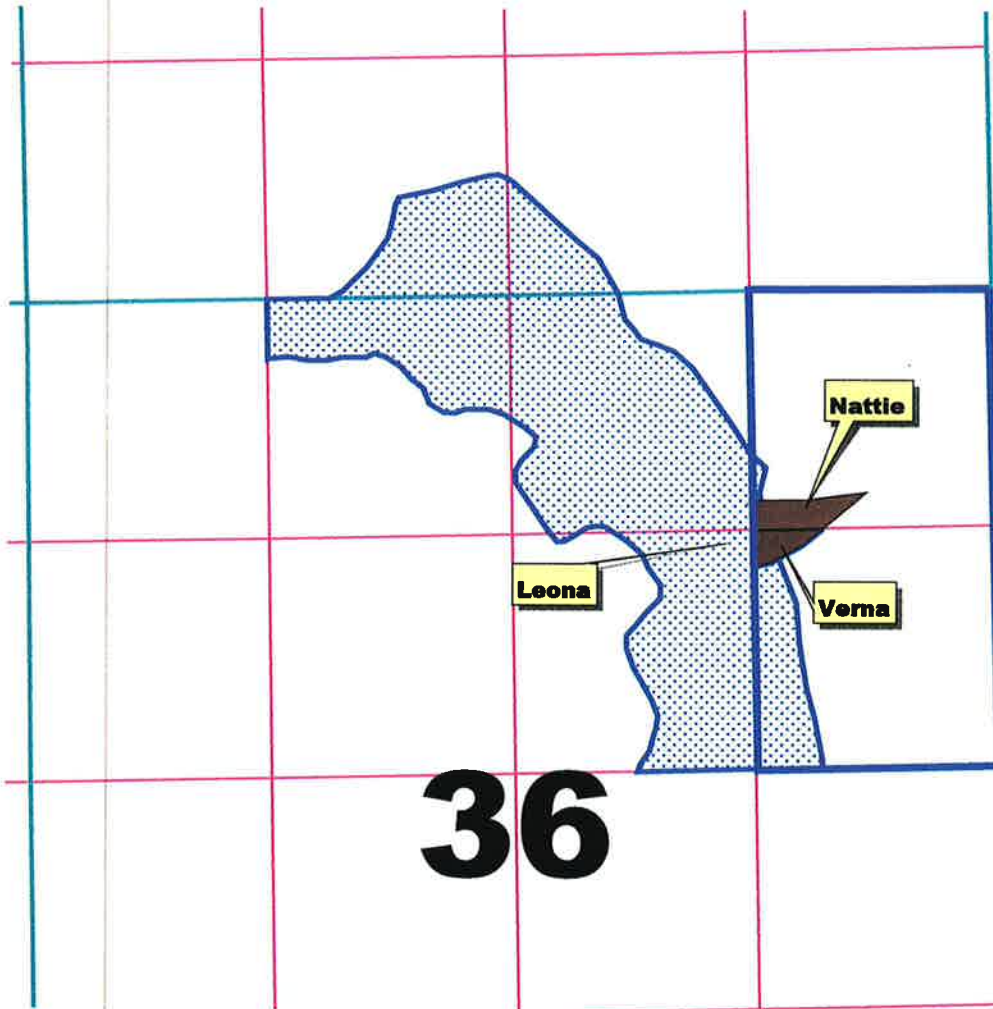
Signature

Today's Date: Month Day Year

Water Right No(s): 27-04027 and 27-04030

Split Portions

For office use Only



~~POU Quarter Quarters described in 27-02040~~



~~Vickie Hansen's Property Boundary~~



Section Lines



Quarter Section Lines

Prepared by: Craig Saxton
December 2000

January 17, 1995

Birmingham County Board
Water Resources Board:

To Whom it May Concern:

My Uncle Willie B. Higley and my father E. Riker C. Higley took possession of land upon the Backfoot River, in Birmingham. I am enclosing a copy of a newspaper clipping telling of my Uncle Willie Higley's life upon the Backfoot River. The title of the letter is "My Father's Life with Shovels". The letter was about 3 long. This was done to get water to their property. I was born at Grato, Birmingham County, Georgia in 1912. I spent time on the Backfoot property, during three Summers. My father & mother spent time there. I remember my father taking me with him to work on, & clean the ditch. He also took me fishing there. The Backfoot River, Indian Reservation was first across the river. Three of the Indians came over and ate dinner with us. I was scared of them and cried. They laughed at me. My mother Mary J. (Deppa) Higley died in April 1917. Father Knight and his one year later Father Harriet (Higley) Harriet & to his older sister Harriet (Higley) Harriet

Who lived in Indian Valley (Adams County Idaho).

That is where I grew up.

I was always interested in the Ranch on the Blackfoot River. Dad talked about it often. My first trip back to Pusto was in 1924

I remember asking about the Ranch, the Ditch and the Water Situation, on several occasions through the years.

Yes I was quite young, but I sure do remember my Father working on that Ditch.

Sincerely

Evert J. Higley

3328 N.W. 2nd Ave.

New Plymouth, Idaho 83653

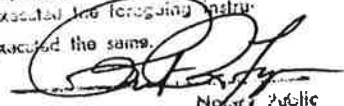
Phone 1(208) 278-5529

Evert J. Higley

State of Idaho s.s.

County of Payette

On the 19th day of January, 1995, before me came Evert J. Higley to me known to be the individual described in and who executed the foregoing instrument and acknowledged that he executed the same.


Notary Public

P-24-97

NOV 13 1996

To Whom it may concern
My Father

Albert D. Wainner

Homesteaded a tract of land the fall
of 1915 in the Grave Creek area.
There were three established
Ranches in the area at this time.

Austins on Grave Creek

Craig Watts on the River above
Grave Creek, and Higleys about 3
miles up river.

Each ranch had various acres of
meadow land, which they irrigated
Austins from Grave Creek

Watts from the Blackfoot River
and Higleys from Williams Creek.
Cland's Creek, Seventy Creek

They also had a Water wheel and
Watered from the River.

The Water wheel is gone now
but the ditches are still in evidence

Signed

Mary Maud Walker Wallace

Jan 23, 1995

We bought the farm on the
River in the fall of 1964 and used
the water from Cland's Creek for gardens
trees and part of the meadow each year
since Mary M. Wallace

No. 45

CARTON PRINTERS, CALDWELL 21216

No 275. Blackfoot 029541 and 029542

THE UNITED STATES OF AMERICA

To All to Whom These Presents Shall Come—GREETING:

WHEREAS, A certificate of the Register of the Land Office at Blackfoot, Idaho has been deposited in the General Land Office whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Claude B. Going

has been established and duly consummated, in conformity to law, for the Southwest quarter of section twenty nine and the east half of the northeast quarter and the east half of the southeast quarter of section thirty in township four south of range forty east of the Boise Meridian, Idaho containing three hundred twenty acres.

NOV 19 1904

THE UNITED STATES OF AMERICA

Blackfoot012216

To All to Whom These Presents Shall Come—GREETING:

WHEREAS, A certificate of the Register of the Land Office at Blackfoot, Idaho has been deposited in the General Land Office whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Elihu C. Higley

has been established and duly consummated, in conformity to law, for the

southeast quarter of the southwest quarter of Section twenty-five and the northeast quarter of the northwest quarter and the west half of the northeast quarter of Section thirty-six in Township four south of Range thirty-nine east of the Boise Meridian, Idaho, containing one hundred sixty acres,

NOV 13 1901

Wednesday, April 27, 1960

Presto Man Looks Back To Oxen, Wagon Days

By Mrs. Daphne Jennett
Staff Correspondent

BLACKFOOT, April 27 — After spending nearly three quarters of a century in the Gem State and almost 60 years in the water-shed area of the Blackfoot River, 84 year old Willis D. Higley of Lower Presto can look back to change on change.

He is one of the few old timers who can remember the oxen as work animals, and the long mule trains that used to tromp their dusty way across the Snake River desert. He has used wagons, buckboards, buggies and cars as means of transportation and has seen the hot-rod challenge the bucking bronco for thrills. He has watched as the horse-drawn machinery was almost entirely replaced by motor driven equipment on the farm and vehicles run the saddle pony a close second at round-up time.

He has seen children trudge their way through wind and weather to the old school house, weighed down with heavy clothing against the cold, compared to today's youngsters, picked up by huge heated buses and taken to ultra-modern air conditioned buildings.

Is it better? Higley thinks that is a hard question to answer. It is certainly easier. But the old days had a lot to offer. And he looks back with more than a little nostalgia.

First Pony

Born in Erda, Tootle County, Utah, April 1880, Higley remembers that he was just six when he got his first pair of boots. Someone had given him a pony. It was a good pony, too, but his mother wouldn't have it on the place after it had thrown a sister who tried to ride it. He smiles now, when he remembers how disappointed he was, and how much better he felt when he "traded" it for some overalls and a real pair of boots.

He thinks he was about eight when the family moved to Idaho and settled down in the Raft River country. It was there that Willis and his brothers broke two oxen to work.

Higley thinks it must have been about 60 years ago that he came to Presto. His brothers, Charlie and Elihu, were with him and they stayed overnight at the stage station at Kimball, run by a man named Heaton.

First Cattle

Charlie didn't stay long, but Elihu did. He and Willis, as Higley is affectionately called by young and old, worked together as partners for a good many years. They worked and saved until they could buy 14 head of cattle; built up the herd until they had 50; then they mortgaged them to buy more.

Those first cattle were good, big stock, half Durham, half Hereford. Even the bull was a half and half. He remembers that it weighed out at 2,900 pounds when it was sold.

The Higley brothers ran their stock up on the Upper Blackfoot River. They "squatted" on a piece of land just a few miles below where the government reservoir is now. They built a willow house to live in until logs could be got out to build a better one, and they dug three miles of ditch with only a shovel, to get water onto the hay.

Long Winter

It was a long way from the mountain place to the valley, so when they had the hay the cattle would be wintered right there. One winter, Higley remembers, Elihu stayed at the ranch they had rented in Presto, while he stayed with the cattle. He saw only two people during the winter, from November till the middle of April. A man came over from Chesterfield on Christmas day and brought the mail. He stayed all night, then Elihu came up about the middle of March and stayed all night. That was a long winter.

Willis used to cook for the round-up crew when they gathered the cattle in the fall. One year he fed 50 men and two women. That was when Bob Eldridge brought his wife and baby with a girl to take care of the baby while Mrs. Eldridge helped with the cattle.

One morning after the rest were



Willis D. Higley

gone and Willis was clearing up after breakfast, the baby woke up crying, but the sitter didn't. He couldn't wake her by calling, so he shot a squirrel out by the tent. That woke her up.

It is a long time ago, but Higley remembers how hard the Presto folks worked to build the old rock school house, now torn down and hauled away.

At that time the social life of the community centered around the school house.

One evening it was a basket social. He was there carrying Carrie Hansen's basket proudly. Everything went along fine, with the men gayly "swinging their partners" until it was time to auction off the baskets.

Now, every one knew Carrie had come with Willis, and that it was more or less his privilege to buy her basket. However a hopeful cowboy, almost as determined as Willis himself, bid against him, again and again. When it was finally settled with the stubborn cowboy definitely out-bid, Higley said, he had to dig down in his pocket for \$20.

When Willis and Carrie were

married they rented the Dre place, but when Ralph was just few months old they bought the farm at Lower Presto where they live now.

There was a two room log house on it. Elihu and his wife lived one room and Willis and Carrie the other, with tents put up out the yard to take care of the overflow. Later they built a frame house close by and Elihu and his family moved into that. Let Willis and family moved into the frame house. It has been home to them ever since.

Never Empty

However, the little log house has never been empty. It has been continuous use since the Higley bought it in 1916. They aren't sure just how old it is, but know it has been built several years before that.

One of the younger boys, Dave, his wife Marie and their four boys live there now, while Dave runs the farm, and the little house is the same hive of industry that has always been.

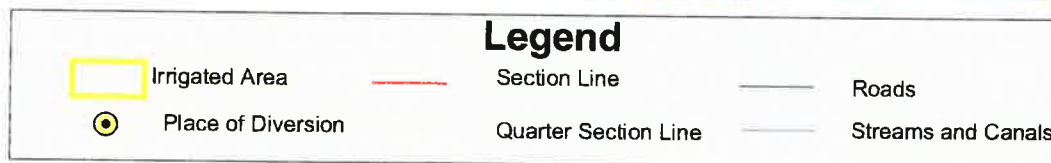
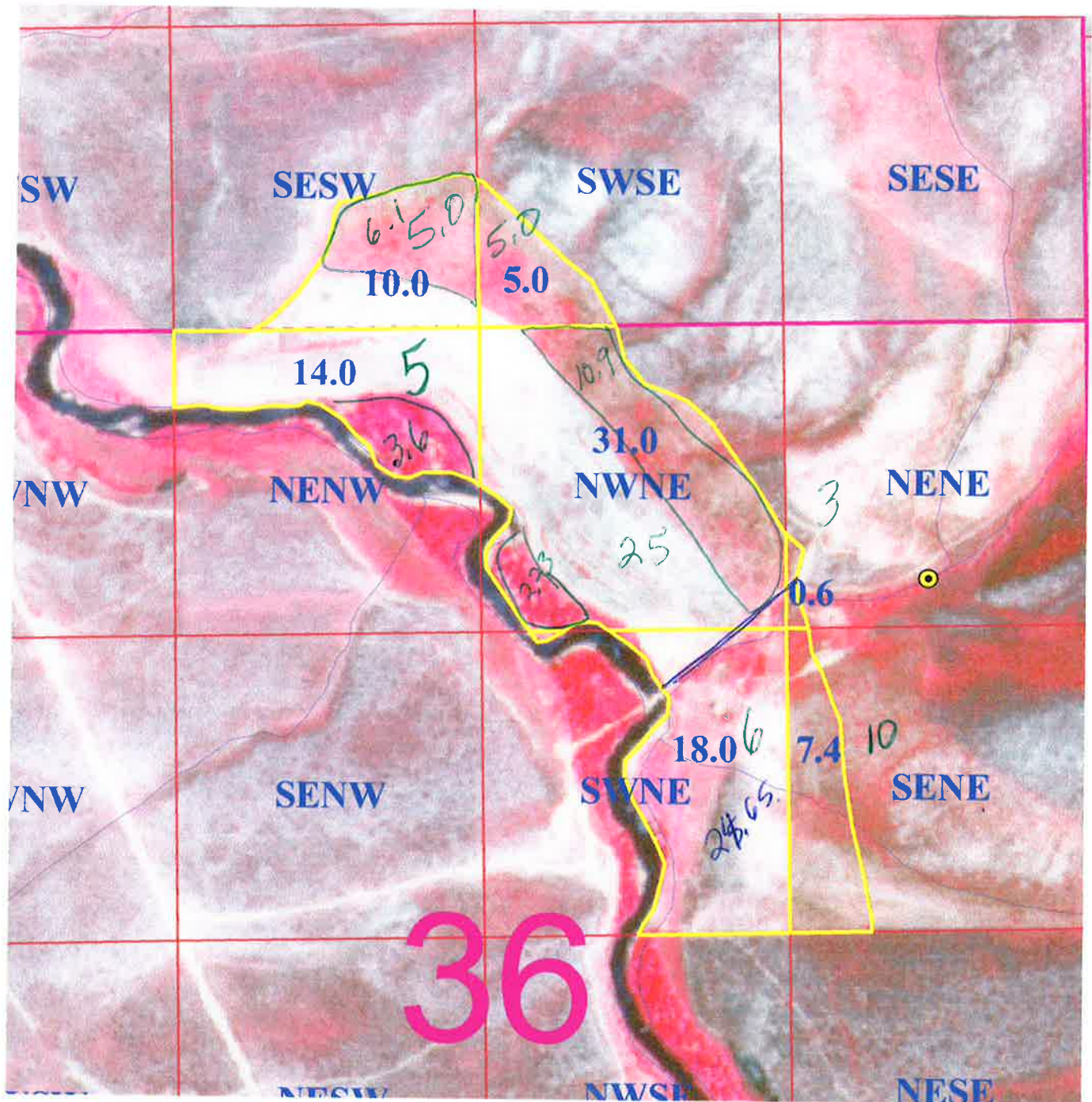
It has acquired an additional frame room and the usual modern conveniences, plus a house-house telephone so that the young folks can keep easy track of older Higley's needs. But, to it is like going back into another era when life was not so complicated.

Yes! Willis Higley will agree life has changed. But for better or the worse . . . who wise enough to say?

NOV 13 1996

Water Right Claim Number 27-04030
Township , 4S39E

12/04/2000



J5809NP
A27-04030

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 80

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WALLOBYS RETREAT INC BOX 75 MOORELAND ID 83256 (208) 684-4007	06/01/1914	IRRIGATION STOCKWATER	04-01 11-01 04-01 11-01	1.000 CFS 0.090 CFS	
TOTAL DIVERSION:					1.000 CFS	
CONSUMPTIVE USE:						147.50 AFA

Water Source: CLAUDS CREEK

Tributary to: BLACKFOOT RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T04S R39E S36

NENE

BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
14S	39E	25														10.0
14S	39E	36		03	25	06	10		05							49.0
TOTAL ACRES															59.0	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
14S	39E	25														
14S	39E	36		S	S	S	S		S							

County: BINGHAM

Non-Irrigation Uses: STOCKWATER FOR 400 HEAD RANGE CATTLE, 10 HORSES

Other Rights: A27-04029

Remarks: GEN TWO P/DS IN NENE SEC. 36 T4S R39E.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

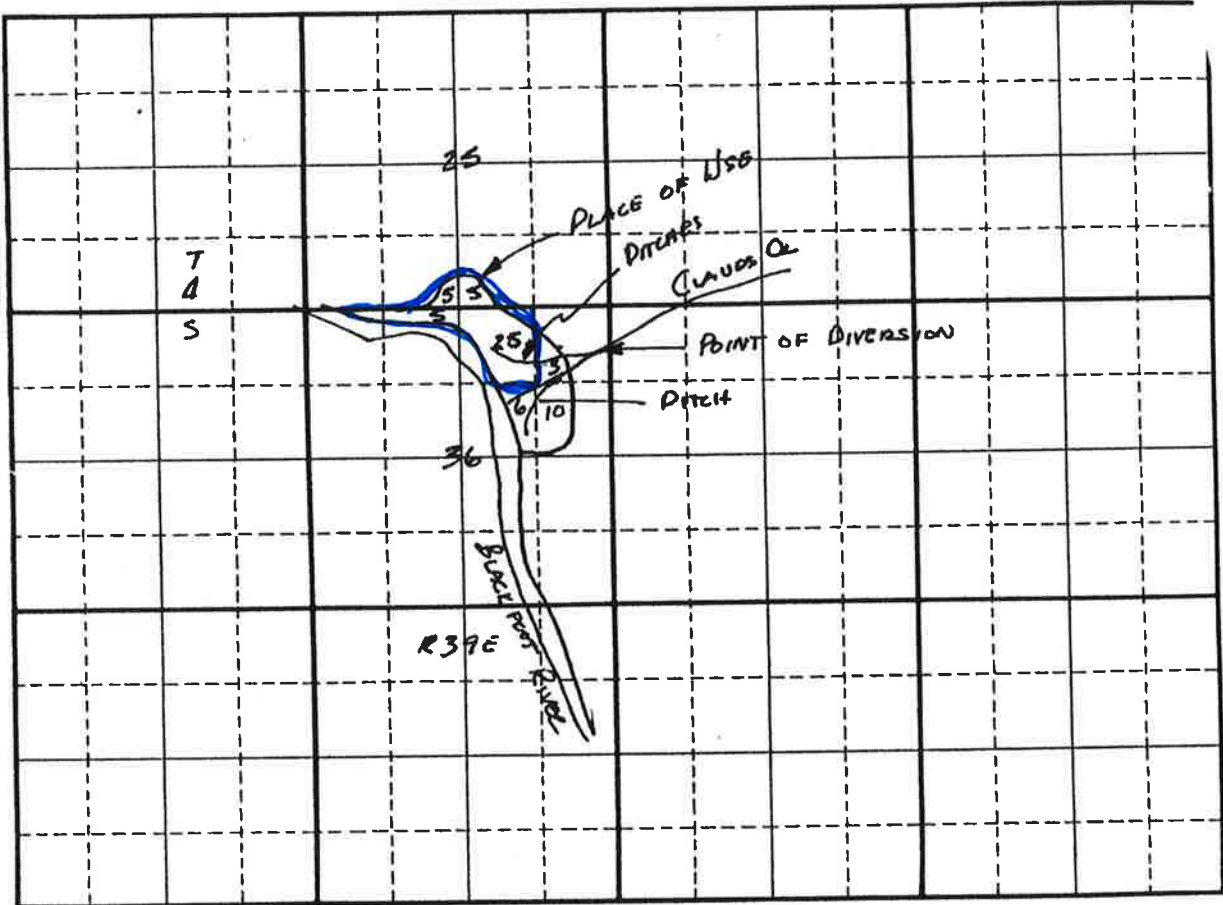
Misc: Water District Number: 27

Field Inspection Flag:

Presumption Flag:

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

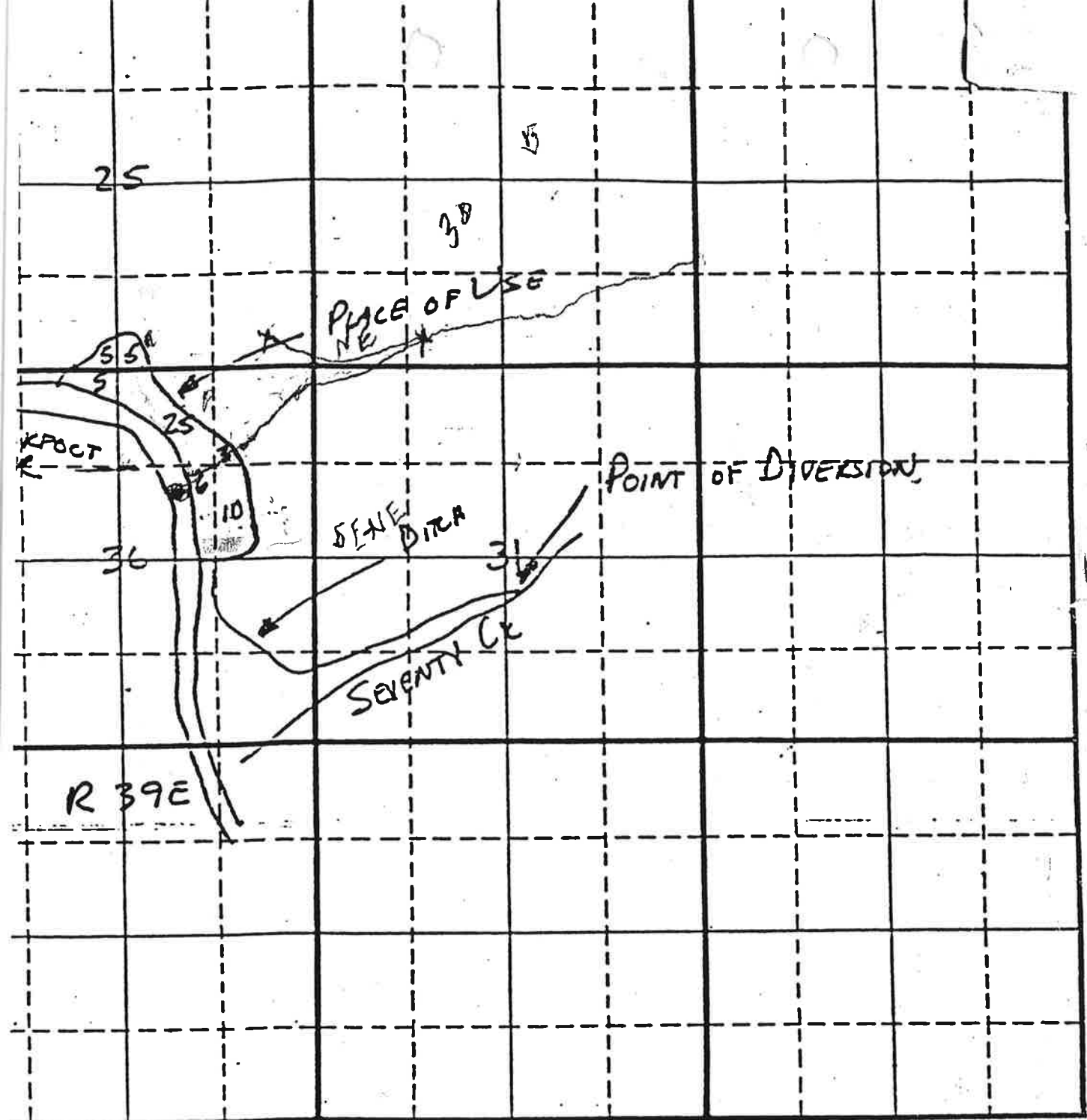
Sworn to before me this 30th day of June

Leora Bergevin
(Claimant)
19 80 Wallabye Retreat Inc.
Colleen Wray
Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>SM</u>	Date <u>6-30-80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>7-2-80</u>		claimant by:	
\$20.00 fee received by <u>OW</u>	Date <u>6-30-80</u>			
Published in <u>Blackfoot News</u>	<u>4/4/90</u>			
Dates <u>July 10 and 17, 1980</u>				



Township 4 South 39 East
Section 36

tax forms read descript.

on of the point of diversion and the place of use of the water by 40-acre subdivisions,
public land survey system.

Kieth Wilson

Contact: Sherrilynn W. Bair
1921 W. Taber Rd.
Blackfoot, ID 83221

MICROFILMED

NOV 12 1992

RECEIVED
JUN 26 2003
Department of Water Resources
Eastern Region

signed, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim
I attached information, and that the matters and facts therein are true to the best of the

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 27-11945
Date Received: 6/26/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

LEO WALLACE Phone: (208)684-5271
1921 W TABER RD
BLACKFOOT ID USA 83221

SHERRILYNN BAIR Phone: (208)684-5271
1921 W TABER RD
BLACKFOOT ID USA 83221

RICHARD M WALLACE Phone: (208)684-5271
1921 W TABER RD
BLACKFOOT ID USA 83221

STARLA THOMPSON Phone: (208)684-5271
1921 W TABER RD
BLACKFOOT ID USA 83221

2. Date of Priority: 06/01/1914

3. Source: CLAUDS CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	39E	36	NE NE	BINGHAM	

5. Description of diverting works:

EARTH DIVERSION DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.29	
STOCKWATER	04/01	11/01	0.03	

7. Total Quantity Appropriated is:
0.29 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04S	39E	25	SE	SW		STOCKWATER	
			SW	SE		STOCKWATER	
04S	39E	36	NE	NE		STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			NE	NW		STOCKWATER	
			NE	NE		IRRIGATION	0.5
			NW	NE		IRRIGATION	0.5
			SW	NE		IRRIGATION	17
			SE	NE		IRRIGATION	7.4
						Section Acres	25.4
						Total Acres	25.4

25.2

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 27-4030

15. Basis of Claim: Statutory Claim

06/26/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 27-4030

WATER RIGHT NUMBER: 27-4030

Owner Type

Current Owner

Name and Address

WALLOBYS RETREAT INC
152 N 200 E
BLACKFOOT, ID 83221
(208)782-9676

Priority Date: 06/01/1914

Basis: Statutory Claim

Status: **PARENT**Source

CLAUDS CREEK

Tributary

BLACKFOOT RIVER

Beneficial Use

IRRIGATION

STOCKWATER

From To

4/01 to 11/01

4/01 to 11/01

Diversion Rate

1.000 CFS

0.090 CFS

Annual VolumeTotal Diversion: 1.000 CFSLocation of Point(s) of Diversion

CLAUDS CREEK

BINGHAM County

NE1/4NE1/4

Sec. 36, Twp 04S, Rge 39E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	39E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	10.0
04S	39E	36	3.0	25.0	6.0	10.0	5.0				5.0				5.0				49.0

Total Acres: 59

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	39E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	39E	36	X	X	X	X	X												

46 ac
28 ac

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 27-4030Conditions of Approval:Remarks:

1. TWO P/DS IN NENE SEC. 36 T4S R39E.
CHANGED ADDRESS PER REQUEST/CV/09-20-00
2. General **SPLIT RIGHT: SEE RIGHT NOS. 27-11944 AND 27-11945**

Comments:Dates and Other Information:

Claim Received Date: 3/30/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 27
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576

Ident. Number 27-4030
Date Received: 3/30/1989
Receipt No: E006607
Received By:

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

1. Name of Claimant(s)

WALLOBYS RETREAT INC Phone: (208) 782-9676
152 N 200 E
BLACKFOOT ID USA 83221

2. Date of Priority: 06/01/1914

3. Source: CLAUDS CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	39E	36	NE NE	BINGHAM	

5. Description of diverting works:

EARTH DIVERSION DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	
STOCKWATER	4/01	11/01	0.09	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04S	39E	25	SE SW	IRRIGATION	5
			SW SE	IRRIGATION	5

			SE	SW	STOCKWATER	
			SW	SE	STOCKWATER	
					Section Acres	10
04S	39E	36	NW	NE ✓	IRRIGATION	25
			SW	NE ✓	IRRIGATION	6
			SE	NE ✓	IRRIGATION	10
			NE	NW ✓	IRRIGATION	5
			NE	NE ✓	IRRIGATION	3
			NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			NE	NW	STOCKWATER	
					Section Acres	49
					Total Acres	59

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

TWO P/DS IN NENE SEC. 36 T4S R39E.

CHANGED ADDRESS PER REQUEST/CV/09-20-00

15. Basis of Claim: Statutory Claim

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A27-04030
Date Received: 3/30/1989
Receipt No: E006607
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALLOBY'S RETREAT, INC. 208-684-4007
Address: BOX 75
MOORELAND, ID 83256

2. Date of Priority: JUN 01, 1914

3. Source: CLAUD'S CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04S	39E	36		NE	NE		BINGHAM

5. Description of diverting works:
EARTH DIVERSION DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	04/01	11/01	0.090		

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

8. Total consumptive use is 147.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 400 HEAD RANGE CATTLE, 10 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04S	39E	25	SE	SW		IRR	5.0
			SE	SW		STOCK	

A27-04030

Page 1

Date: 03/30/89

A2704030



MICROFILMED
NOV 12 1992

10. Place of Use: Continued

Township 04S	Range 39E	Section 25	1/4 of SW SW	1/4 SE SE	Lot	Use IRR STOCK	Acres 5.0
					Section Acres		10.0
		36	NE	NE		IRR	3.0
			NE	NE		STOCK	
			NW	NE		IRR	25.0
			NW	NE		STOCK	
			SW	NE		IRR	6.0
			SW	NE		STOCK	
			SE	NE		IRR	10.0
			SE	NE		STOCK	
			NE	NW		IRR	5.0
			NE	NW		STOCK	
					Section Acres		49.0
					Total Acres		59.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-04029

14. Remarks:
TWO P/DS IN NENE SEC. 36 T4S R39E.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 12 1992

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Vice President of

WALCORY'S REEF, that I have signed the foregoing
Organization

document in the space below as Vice Pres. of
Title

WALCORY'S REEF and that the statements contained in the
Organization

foregoing document are true and correct.

Lessa Bergewin
Signature of Authorized Agent

Vice Pres. / WALCORY'S REEF
Title and Organization

March 30, 1989
Date

State of Idaho)
County of BOONEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of March 19 89

[Signature]
Notary Public

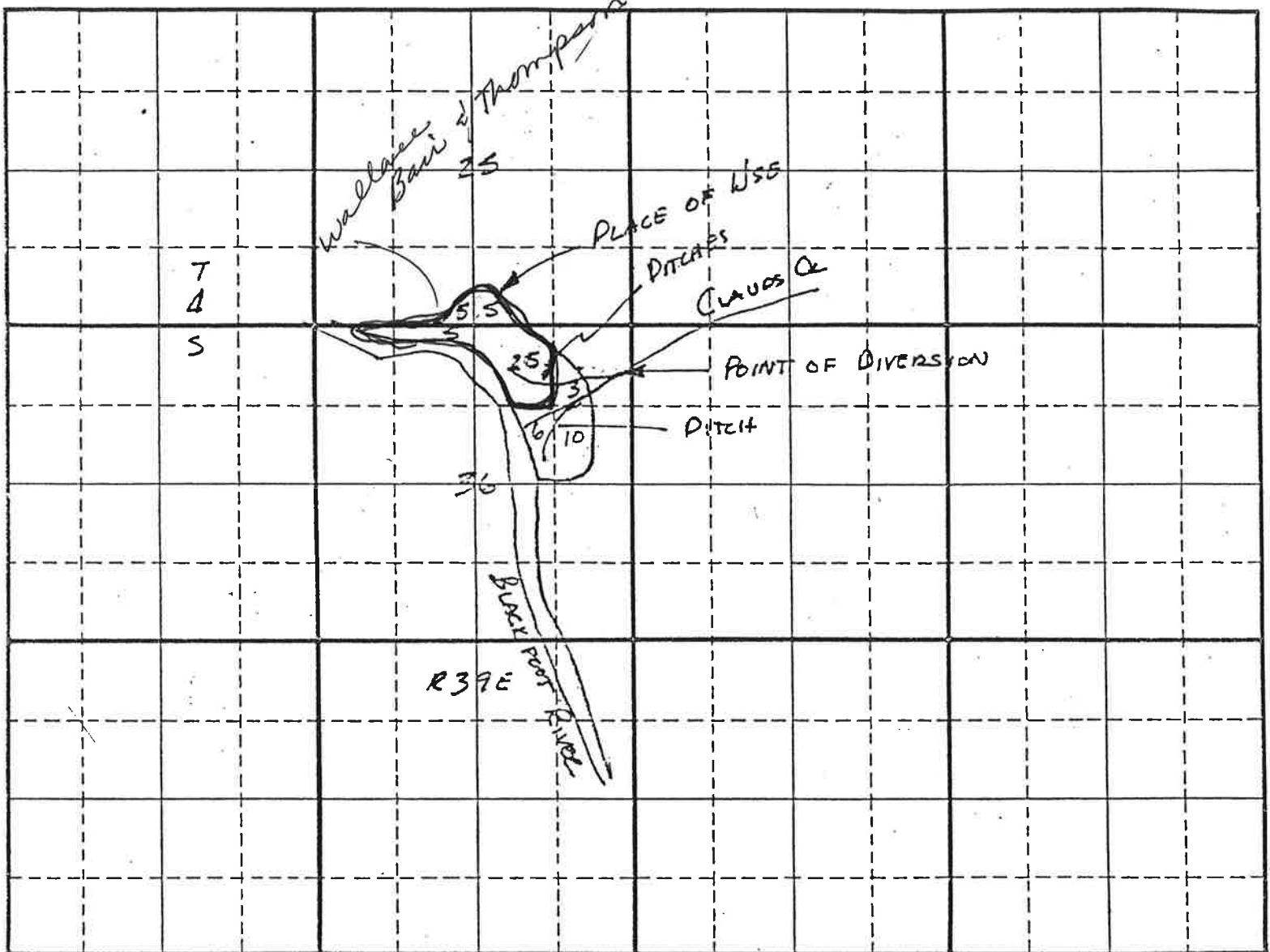


Residing at IDAHO Falls

My Commission Expires 9-12-94

A 27-0403

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of

Bonneville

ss.

MICROFILMED

NOV 12 1992

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this

30th

day of

June

Leora Bergeson
(Claimant)

19 80 Wallaby's Retreat Inc.