

05/17/2005

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

RIGHT NUMBER: 27-12035
NAME AND ADDRESS: BLUE BIRD RANCH LLC
149 N 200 E
BLACKFOOT ID 83221

SOURCE: CLAUDS CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1916

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>
IRRIGATION	04/15 10/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County
T04S R39E S36 SWNE 2.0

2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 27-4030

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

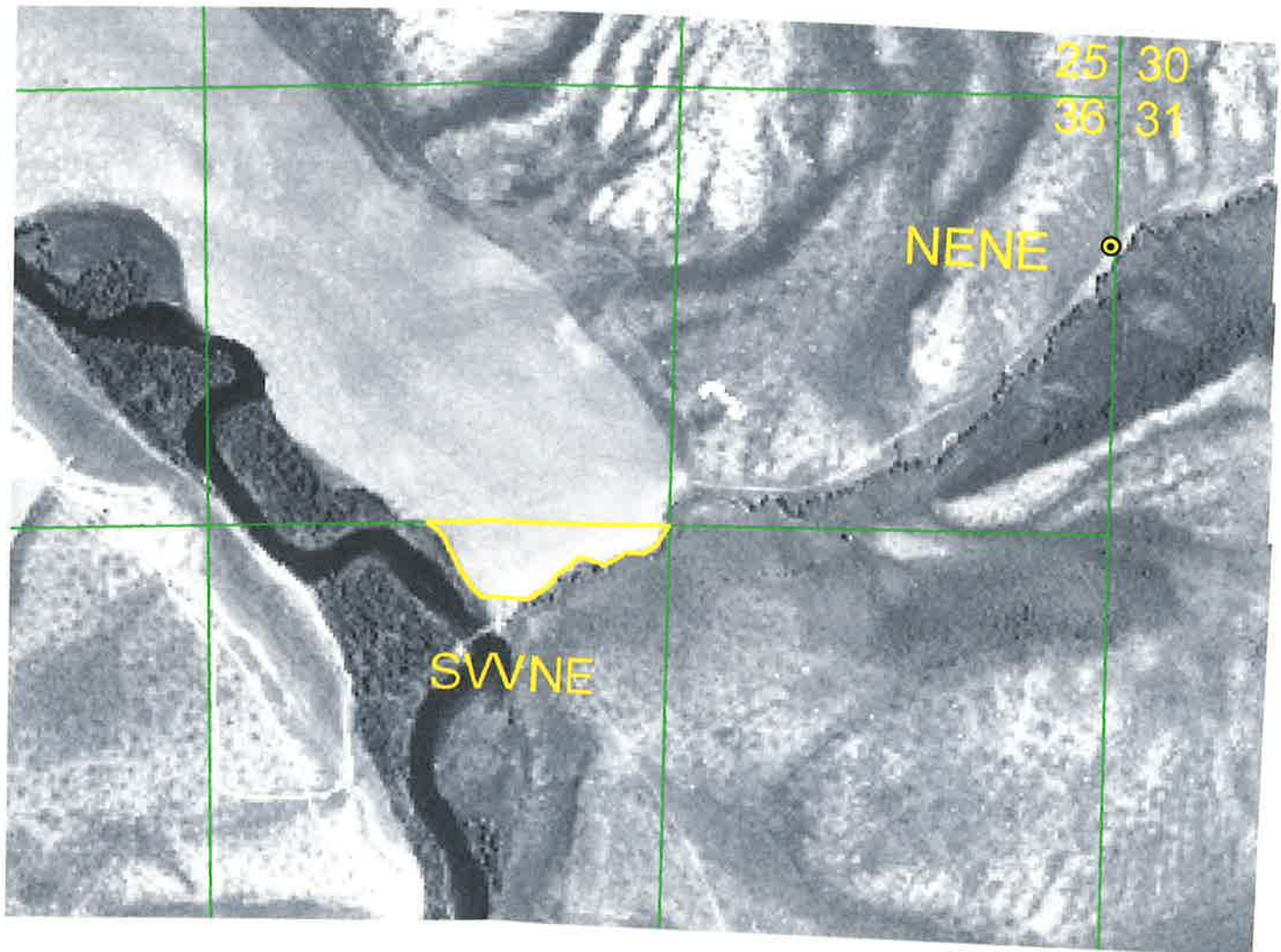


STATE OF IDAHO

Department of Water Resources
Eastern Region



Water Right(s) 27-12035



600 0 600 1200 Feet

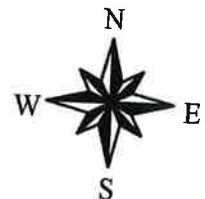
IRRIGATED ACRES

PROFILED
LEGEND

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

Place of Use: T4S, R39E:
(part of) Sec. 36, SWNE.

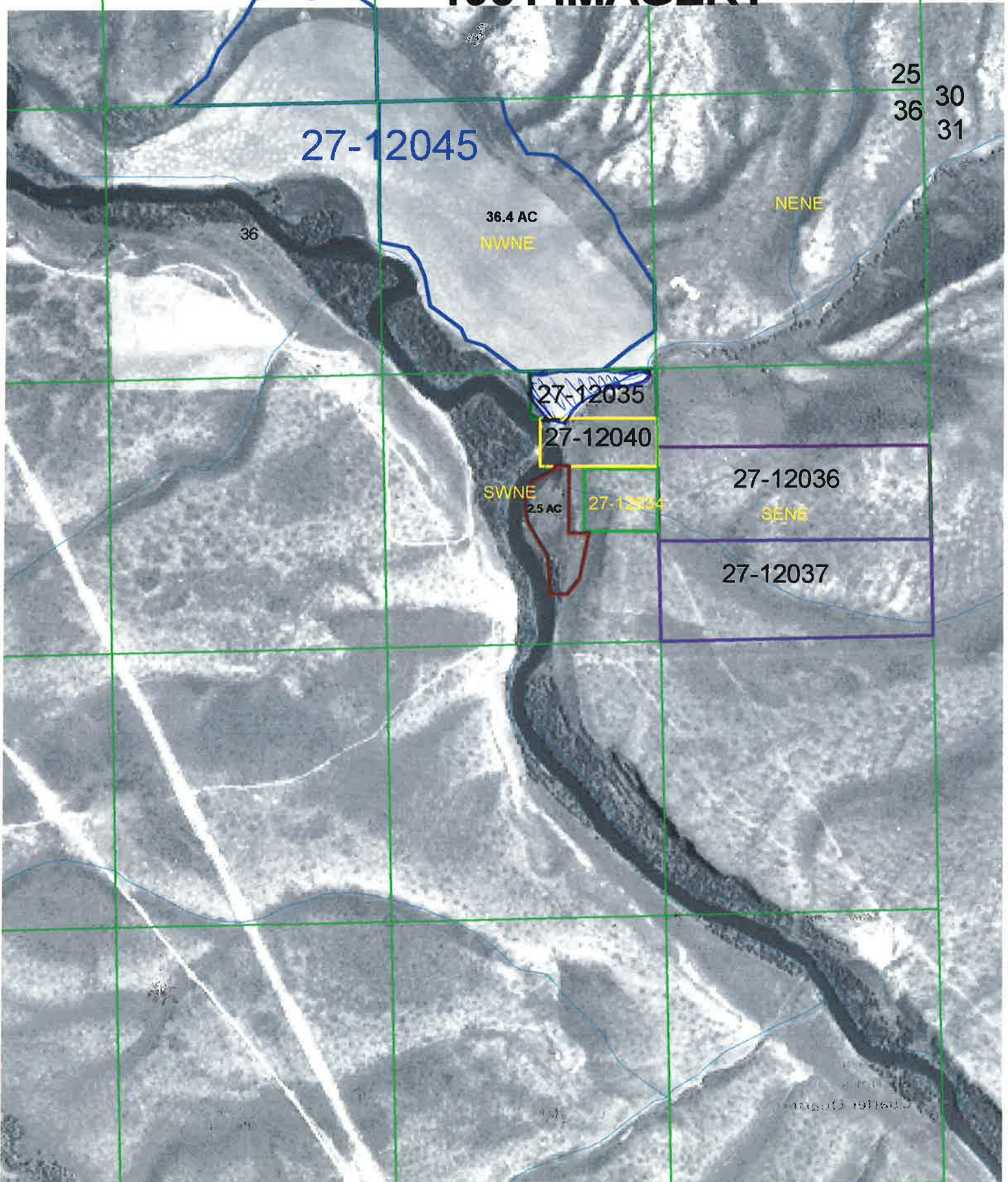
Point(s) of Diversion: T4S, R39E:
Sec. 36, NENE.



GIS Place of Use Illustration
1964 Imagery
Prepared by: B. Payne
Date: May 2005.

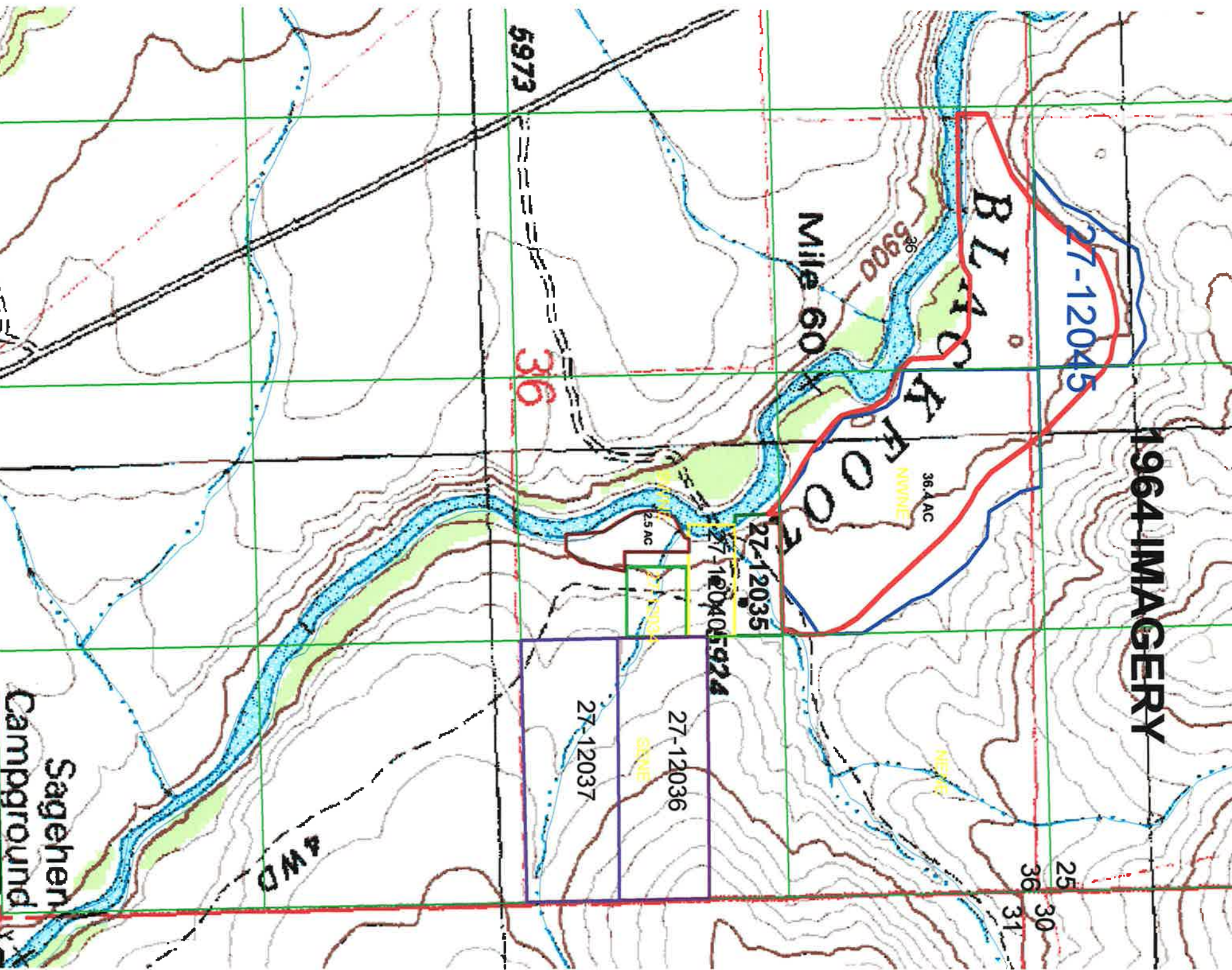
SCANNED
MAY 10 2006

1964 IMAGERY



27-12035

1964 IMAGERY



294 TORO

27-12035

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

In Re SRBA

Water Rights: 27-12035

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

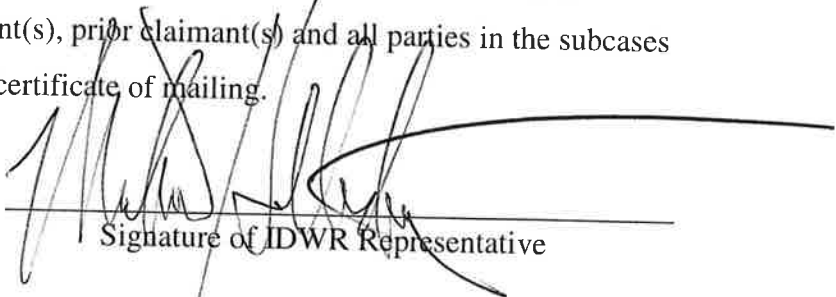
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party BLUE BIRD RANCH LLC-WALLACE & ROBERTS
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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

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

DATED: 8/12/2011


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Aug 16, 2011, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Blue Bird Ranch LLC
149 N 200 E
Blackfoot ID 83221

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:	
Peggy Wallace	Leola Carrol Roberts
149 N 200 E	152 N 200 E
Blackfoot ID 83221	Blackfoot ID 83221

4. One copy to:

Each party in the subcase, or attorney of record:	
Committee of Nine	Committee of Nine
Represented by:	Represented by:
Barker Rosholt & Simpson LLP	Ray Rigby
113 Main Ace W Ste 303	25 N 2 nd E
PO Box 485	PO Box 250
Twin Falls ID 83303-0485	Rexburg ID 83440-0250

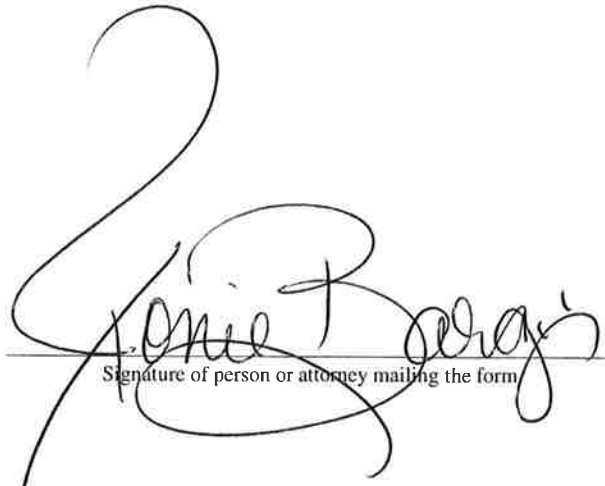
Shoshone Bannock Tribes
Represented by:
Jeanette Wolfley
202 N Arthur
Pocatello ID 83202

5. One copy each to:

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

6. One Copy to:

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



Signature of person or attorney mailing the form

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

AUG 16 2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 11, 2011

Peggy Wallace
149 N 200 E
Blackfoot ID 83221

Leola Carrol Roberts
152 N 200 E
Blackfoot ID 83221

RE: Notice of Change of Water Right Ownership (NCO) for 27-12035 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

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

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

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

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

Respectfully,

Jonie Barg
Technical Records Specialist

Enclosure

SCANNED
AUG 16 2011

Received March 14, 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
27-40250K	Yes ☐		Yes ☐		Yes ☐
27-118970K	Yes ☐		Yes ☐		Yes ☐
27-120350K	Yes ☒	will be completed in Eastern			
27-71550K	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

Adj.

2. Previous Owner's Name: Charles & Carol Danksie / Blue Bird Ranch
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Peggy Wallace / Leola Roberts LLC
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

149 N. 200E
Mailing address

Blackfoot Id. 83221
City State ZIP

208-782-9633
Telephone

Email SUPPORT DATA

4. If the water rights and/or adjudication claims were split, how did the division occur? IN FILE # 27-4025
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per undivided water right.
 - \$100 per split water right.
 - No fee is required for pending adjudication claims.

7. Signature: Peggy Wallace mqr 3-14-11
Signature of new owner/claimant Title, if applicable Date
- Signature: Leola Roberts WGR 3-14-11
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JB Date 3/18/2011 Receipt No. E036472 Receipt Amt. \$250.-

Approved by _____ Processed by _____ Date _____ \$125 for this app

\$75.- for this app application

Instrument # 626034

BINGHAM COUNTY, IDAHO

02-17-2011 04:00:23 PM No. of Pages: 6

Recorded for: ALLIANCE TITLE - BLACKFOOT

SARA J. STAUB

Fee: 25.00

Ex-Officio Recorder Deputy BMarlatt

Index To: WARRANTY DEED

Electronically Recorded by Simplifile

30 210/4058-T

WARRANTY DEED

THIS INDENTURE is made this 29th day of NOVEMBER, 2010, by Bluebird Ranch, L.L.C., an Idaho limited liability company ("Grantor"), and Peggy Wallace ("Wallace"), Leola Roberts ("Roberts"), and Charles Dansie and Carol Dansie, husband and wife, (together "Dansie") ("Wallace, Roberts, and Dansie, collectively, the "Grantee"), whose mailing address is c/o Charles Dansie, 301 East 200 North, Blackfoot, Idaho, 83221.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto (i) Wallace and Roberts an undivided fifty percent (50%) interest and (ii) Dansie an undivided fifty percent (50%) interest, and to the Grantee's heirs and assigns forever, all of the following described property in Bingham County, Idaho, to-wit (the "Property"):

Tract 1:

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

Section 36: Beginning at the Northeast corner of the SW1/4NE1/4 of said Section, thence West 500 feet; thence South 250 feet; thence East 500 feet; thence North 250 feet to the point of beginning. Also, a 50 foot right-of-way across the SW1/4NE1/4 of said Section 36.

TOGETHER WITH: All appurtenant water rights including Idaho Department of Water Resources Water Right No. 27-4025 and 27-12035.

Tract 2:

Township 4 South, Range 40 East, Boise Meridian, Bingham County, Idaho.

Section 19: Lots 3 and 4, E1/2SW1/4

Section 30: All

SCANNED

AUG 16 2011

626034

30 210/4058-T

WARRANTY DEED

THIS INDENTURE is made this 29th day of NOVEMBER, 2010, by Bluebird Ranch, L.L.C., an Idaho limited liability company ("Grantor"), and Peggy Wallace ("Wallace"), Leola Roberts ("Roberts"), and Charles Dansie and Carol Dansie, husband and wife, (together "Dansie") ("Wallace, Roberts, and Dansie, collectively, the "Grantee"), whose mailing address is c/o Charles Dansie, 301 East 200 North, Blackfoot, Idaho, 83221.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto (i) Wallace and Roberts an undivided fifty percent (50%) interest and (ii) Dansie an undivided fifty percent (50%) interest, and to the Grantee's heirs and assigns forever, all of the following described property in Bingham County, Idaho, to-wit (the "Property"):

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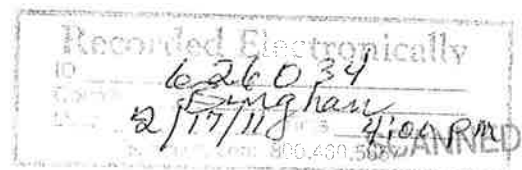
TOGETHER WITH: All appurtenant water rights including Idaho Department of Water Resources Water Right No. 27-4025 and 27-12035.

Tract 2:

Township 4 South, Range 40 East, Boise Meridian, Bingham County, Idaho.

Section 19: Lots 3 and 4, E1/2SW1/4

Section 30: All



AUG 16 2011

Tract 3:

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

Section 24: E1/2

Section 25: NE1/4NE1/4

TOGETHER WITH: All appurtenant water rights including Idaho Department of Water Resources Water Right No. 27-10149.

SUBJECT to all accruing taxes of record, existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws, and regulations, encroachments, overlaps, boundary line disputes, and other matters which would be disclosed by an accurate survey or inspection of the Property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues, and profits therefrom; and all estate, right, title, and interest in and to the Property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the Property and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the Property in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the Property as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

[Signature Page Follows]

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

BLUEBIRD RANCH, L.L.C.

By: Peggy Wallace
Peggy Wallace, Member/Manager

By: Leola Roberts
Leola Roberts, Member/Manager

By: Charles Dansie
Charles Dansie, Member/Manager

By: Carol Dansie
Carol Dansie, Member/Manager

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 19th day of November, 2010, before me the undersigned, a Notary Public, in and for said State, personally appeared Peggy Wallace, known or identified to me to be the manager or member of Bluebird Ranch, L.L.C., the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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.



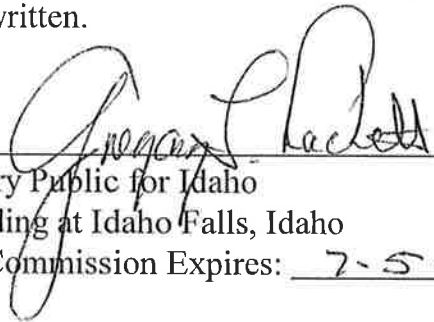
Gregory L. Crockett
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 7-5-2011

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 29th day of November, 2010, before me the undersigned, a Notary Public, in and for said State, personally appeared Leola Roberts, known or identified to me to be the manager or member of Bluebird Ranch, L.L.C., the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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.





Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 7-5-2011

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 24 day of November, 2010, before me the undersigned, a Notary Public, in and for said State, personally appeared Charles Dansie, known or identified to me to be the manager or member of Bluebird Ranch, L.L.C., the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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.

(seal)





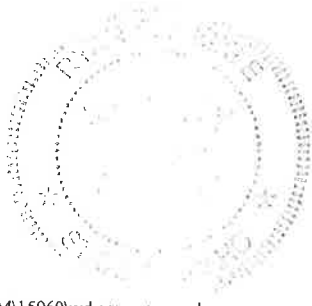
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12-21-2015

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 24 day of November, 2010, before me the undersigned, a Notary Public, in and for said State, personally appeared Carol Dansie, known or identified to me to be the manager or member of Bluebird Ranch, L.L.C., the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company 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.

(seal)



Ryan McKe
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12-21-2015

GAWPDATA\GLM\15960\wd company.wpd

"Schedule A"

Tract 3:

An Easement for ingress and egress over and across part of the Northeast Quarter of Section 36, Township 4 South, Range 39 East, Boise Meridian, Bingham County, Idaho described as:

A 50 foot Access Easement 25 feet each side of the following described center line:

Beginning at a point that is South 0°10'57" West 334.90 feet along the section line to the True Point of Beginning from the Northeast Corner of said Section 36 and running thence South 37°59'30" West 420.36 feet; thence South 49°24'58" West 256.50 feet; thence South 59°50'57" West 210.72 feet; thence South 61°48'09" West 23.34 feet; thence South 53°08'38" West 36.90 feet; thence South 58°09'12" West 231.11 feet; thence South 82°54'23" West 234.58 feet; thence North 83°38'53" West 206.32 feet; thence South 53°41'48" West 616.48 feet; thence South 27°33'35" West 110.79 feet; thence South 54°22'52" West 147.42 feet; thence South 61°20'48" West 302.47 feet; thence South 20°07'48" West 46.76 feet; thence South 09°29'42" East 448.61 feet; thence South 48°56'03" West 88.25 feet; thence North 82°57'45" West 233.84 feet; thence South 82°47'22" West 147.24 feet to the West line of the East ½ of the Northeast Quarter of said Section 36, being the Point of Termination

CD CD

L.R. P.W.

SCANNED

AUG 16 2011

Instrument # 626036

BINGHAM COUNTY, IDAHO
02-17-2011 04:00:23 PM No. of Pages: 3
Recorded for: ALLIANCE TITLE - BLACKFOOT
SARA J. STAUB Fee: 16.00
Ex-Officio Recorder Deputy BMarlatt
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

3021014058-T WARRANTY DEED

THIS INDENTURE is made this 24th day of November, 2010, by Charles Dansie and Carol Dansie, husband and wife, (together "Grantor"), and Peggy Wallace ("Wallace"), and Leola Roberts ("Roberts" and together with Wallace, the "Grantee"), whose mailing addresses are 149 North 200 East, Blackfoot, Idaho, 83221, and 152 North 200 East, Blackfoot, Idaho, 83221, respectively.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto Grantee and Grantee's heirs and assigns forever, Grantor's undivided fifty percent (50%) interest in the following described property in Bingham County, Idaho, to-wit (the "Property"):

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

Section 36: Beginning at the Northeast corner of the SW1/4NE1/4 of said Section, thence West 500 feet; thence South 250 feet; thence East 500 feet; thence North 250 feet to the point of beginning. Also, a 50 foot right-of-way across the SW1/4NE1/4 of said Section 36.

TOGETHER WITH: All appurtenant water rights including Idaho Department of Water Resources Water Right No. 27-4025 and 27-12035.

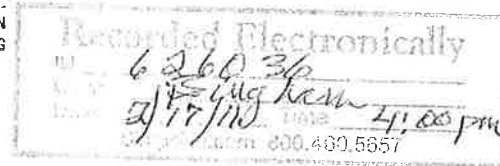
SUBJECT to all accruing taxes of record, existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws, and regulations, encroachments, overlaps, boundary line disputes, and other matters which would be disclosed by an accurate survey or inspection of the Property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues, and profits therefrom; and all estate, right, title, and interest in and to the Property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the Property and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant

AUG 16 2011

626036



3021014058-T **WARRANTY DEED**

THIS INDENTURE is made this 24th day of November, 2010, by Charles Dansie and Carol Dansie, husband and wife, (together "Grantor"), and Peggy Wallace ("Wallace"), and Leola Roberts ("Roberts" and together with Wallace, the "Grantee"), whose mailing addresses are 149 North 200 East, Blackfoot, Idaho, 83221, and 152 North 200 East, Blackfoot, Idaho, 83221, respectively.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey, and confirm unto Grantee and Grantee's heirs and assigns forever, Grantor's undivided fifty percent (50%) interest in the following described property in Bingham County, Idaho, to-wit (the "Property"):

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TOGETHER WITH: All appurtenant water rights including Idaho Department of Water Resources Water Right No. 27-4025 and 27-12035.

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TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues, and profits therefrom; and all estate, right, title, and interest in and to the Property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the Property and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant

SCANNED

AUG 16 2011

and defend the Property in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the Property as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

[Signature Page Follows]

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Charles Dansie

Charles Dansie

Carol Dansie

Carol Dansie

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 24 day of November, 2010, before me the undersigned, a Notary Public, in and for said State, personally appeared Charles Dansie and Carol Dansie, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(seal)



Ryan M. Ke

Notary Public for Idaho

Residing at Idaho Falls, Idaho

My Commission Expires: 12-21-2015

G:\WPDATA\GLM\15960\wd dansie.wpd

SCANNED

AUG 16 2011

No. W 5211 Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Dec 31, 2010 Annual Report Form 1. Mailing Address: Correct in this box if needed. BLUEBIRD RANCH, L.L.C. 152 N 200 E BLACKFOOT ID 83221	2. Registered Agent and Office (NOT A P.O. BOX) LEOLA CAROL ROBERTS 152 N 200 E BLACKFOOT ID 83221 3. New Registered Agent Signature.
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4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members.					
Manager/Member	Name	Street or PO Address	City	State	Country Postal Code
Leola Roberts	mgr	152 N. 200 E	Blackfoot	Id.	Bingham 83221
Peggy Wallace	mgr	149 N. 200 E	Blackfoot	Id.	Bingham 83221
Charles Danksie		301 E. 200 N	Blackfoot	Id.	Bingham 83221
Carol Danksie		301 E. 200 N.	Blackfoot	Id.	Bingham 83221

5. Organized Under the Laws of: IDAHO W 5211	6. Signature: <u>Leola Roberts</u> Date: <u>1-27-11</u> Name (type or print): <u>Leola Roberts</u> Title: <u>Mgr.</u>
--	--

Issued 01/21/2011 by SLD 104932

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

Block 1: Entity name may not be altered through the use of this form. Pay special attention to the mailing address. If the correct mailing address is not given in Block 1, strike it out and write in the correct address. **Note:** To ensure future mailings, the corrected address **must** be inside Block 1.

SCANNED
 AUG 16 2011

05/17/2005

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: 27-12035

BLUE BIRD RANCH LLC

149 N 200 E

BLACKFOOT ID 83221

Telephone Number: (208) ~~782-1230~~ 208-782-9633

Phone # updated
6/9/5 KAT

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

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

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

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

DATE: 6-1-05 SIGNATURE: Peggy Barnes Sec.

Please print your name: Peggy Barnes

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

PROFILED

SCANNED

MAY 10 2006

KAT
6/9

15 West Center
Soda Springs, ID 83276
Phone (208) 547-3993
FAX (208) 547-3939

Idaho Department of Water Resources

Fax

To: Jennifer Crabtree

From: Cindy Bird

Fax: 525-7177

Pages: 16

Phone:

Date: 5/17/2005

Re: 27-12035

CC:

Hi Jennifer,

I am attaching a copy of all of the eCVR sheets for this recommended claim. I will email you the shapes and jpg files so you can finalize.

Barbara

FAXED
5-17-05
8:10 am



Close

From: Payne, Barbara
To: Crabtree, Jennifer
Cc:
Subject: 27-12035
Sent: 5/17/2005 8:07 AM

Importance: Normal

Hi Jennifer,

I am FAXing the eCVR sheets on this claim. The attached files are for the POU and POD as well as a .jpg file for the layout.

Thanks for your help.

Barbara :-}

27-12035.jpg 27-12035.dbf 27-12035.sbn 27-12035.sbx 27-12035.shp 27-12035.shx 27-12035pod.dbf
 27-12035pod.sbn 27-12035pod.sbx 27-12035pod.shp 27-12035pod.shx

Notes

9/17/04 Submitted documents to support the use of water on this property prior to 1969.

11-29-04 Supporting docs received. BP

12-28-04 Letter to claimant re evidence. BT

1-5-04 Peggy called. Extended time 1-31-BP

1-11-05 Received warranty deeds from Doc Brantzeg. PB

2-1-05 " same docs. BT

5/16/05 This is part of the USA to E.C. Higley property, 2/21/1916.

5-16-05 Forwarded eCVR to Eoslen. BP

5-16-05 emailed jpg " " "

Owner Type	Full Name	Address	City	State	Zip	Phone
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Date: 5/16/05

Priority Date Data Entry Form

Claim Number: 27-12035

Water Right Priority Date: _____

Water Right Basis: _____

Claimed Priority Date: _____

Claimed Basis: _____

Recommended Priority Date: 4/1/1916Recommended Basis: B. U.☐ 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 patentReviewer: 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 ()
4-1-1914 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 - 12035

Point of Diversion and Source Data Entry Form

Claim Number: 27-12035

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

☒ Use Claimed POD and Source as Recommended POD and Source

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

Other rights from this POD? _____

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

link 27-12035 pod skp
field exam

Transfers Changing POD _____

Reviewer: CBDate: 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
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.

27-12035

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 - 12035

Purpose of Use Data Entry Form

Claim Number: 27-12035☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

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

Claimed Purpose of Use

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

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

field exam

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 - 12035

Place Of Use Data Entry Form

Claim Number: 27-12035☐ 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
48	39E	36	NE1/4	SW1/4	Bingham		2	Irrigation

Total Acres 2

Document how the POU was verified:

Link shape 27-12035.shp.
 field exam
 1964 imagery
 HKM Shape

Transfers Changing POU noReviewer: CBDate: 5/14/05

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 (X)

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. 27-12035

Period of Use and Quantity Data Entry Form

Claim Number: 27-12035☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/31	0.04	

Overall Diversion Rate 0.04

Overall Diversion Volume _____

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

IDWR ADM SOU.

Reviewer: CBDate: 5/16/05

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

Period of Use

Claim No. 27-12035

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 (X) No ()

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

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

Yes () No ()

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

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

Yes () No (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 () No (X)

Quantity

Claim No. 27 - 12035

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. 27-12035

Claim No.: _____

Summary Data Entry Form

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

C18

P21 Split from 27-4030

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Claim No.:

27-12035

Reviewer

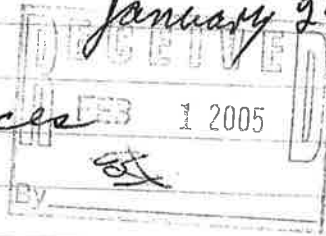
CB

Date

5/16/05

Department of Water Resources
Soda Springs, Idaho

January 28, 2005



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 7-30-1966 M.L. Wallace continued to lease this parcel of land untill he bought it at public auction 9-7-75 the land discription is on the deed. We dont know why it was never put on the lease

This property was assigned to Walllobys Retreat Inc. 3-19-1980. The property was paid off Jan. 20.1995

The Land Sale Certificate also shows the assignment to Walllobys Retreat Inc. and the fulfilment of the contract.

I would like these documents to explain and accompany the Water Rights Claims for Leola Roberts, Peggy Barnes Walllobys 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 7th day of NOVEMBER 1975, all that tract or parcel of PUBLIC SCHOOL ENDOWMENT land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to
- M. L. WALLACE -

of FRIER 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.

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 whatever 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

Countersigned:

Stanley F. Hamilton

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 Pete T. Cenarrusa 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 in

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



STATE OF IDAHO
COUNTY OF Bingham

I 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

Boise, Idaho

With Original
205,334.00 200

LAND SALE CERTIFICATE

THIS IS TO CERTIFY, That on the day of NOVEMBER, 19 75, the State of Idaho sold unto..... R.L. WALLACE, Route 1, Box 76, Firth, ID. 83236
lands, lying, situate and being in the
PUBLIC SCHOOL ENDOWMENT
County of..... BINGHAM..... State of Idaho: The East Half of the Northeast quarter (B1/4),
upon terms and conditions hereinafter set forth, the following described State.....
Section 36..... Twp. 4 South, Rg. 39 East, B.M. containing..... 80.0..... Acres. Consideration TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS & NO/100
(\$ 22,500.00) Dollars to be paid as follows, to-wit: TWO THOUSAND TWO HUNDRED FIFTY DOLLARS & NO/100-
(\$ 2,250.00) Dollars, the receipt whereof is hereby acknowledged and the balance of TWENTY THOUSAND TWO HUNDRED FIFTY DOLLARS & NO/100-
(\$ 20,250.00) Dollars in annual installments with interest at the rate of six per cent, per annum, payable in advance on the first day of January, of each year, as shown
herewith, to-wit:

RECORD OF ASSIGNMENTS	
ASSIGNEE	DATE
1) Wallibys Retreat, Inc., Box 75, Mooreland, ID 83256	3 19 80
	1 22 81

The State reserves the right to all coal, oil, shale, gas, phosphate sodium and other mineral deposits contained
in this land, including sand, gravel, and pumice, as required by Sec. 47-701, Idaho Code. Right is reserved to the
United States of America to construct ditches where necessary. No prescriptive right shall be acquired to any
water appurtenant to this land through use of said water upon any other land during the life of this contract.
In Witness Whereof, The State Board of Land Commissioners of the State of Idaho has caused these presents to be
executed in duplicate by its President, the Governor of the State of Idaho, and by the State Land Commissioner and
counter-signed by the Secretary of State of Idaho this 13th day of November, 19 75
State Board of Land Commissioners of the State of Idaho
Counter-signed:
Secretary of State of Idaho
STATE OF IDAHO, County of Ada, ss.
On this 13th day of November, 19 75, before me, a Notary Public in and
for said State, personally appeared
known to me to be the President of the State Board of Land Commissioners of the State of Idaho, and the Govern-
nor of the State of Idaho, that executed the within instrument, and acknowledged, in and to me, the State Board of
Land Commissioners of the State of Idaho, and the State of Idaho, that executed the within instrument, and acknowledged, in and to me, the State Board of
IN WITNESS WHEREOF, I have hereunto set my hand and seal
on the day and year last above written



WHEN DUE	PRINCIPAL	INTEREST	PRINCIPAL BALANCE
11-7-75	2,250.00	178.87	22,500.00
11-7-75			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		

Buggy

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 - Miracle Land - I.D.A.H.O. 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 BANNOCK) ss.

On this 19 day of MARCH, 1980

MARY MAUDE WALLACE, ~~bachelor, spinster, widower, widow~~ and MARY MAUDE WALLACE
(Strike out words that do not apply)
his wife, known to me to be the person whose name SARE subscribed to the above assignment and
acknowledged to me that she executed the same.

Recorded this 22 day of January, 1981

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

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

Copy the

W. J. M.

QUITCLAIM DEED

287146
12-1-1981

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 Mooredland, 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.

REVENUE STAMPS

BINGHAM COUNTY CLERK
RECEIVED

DEC 1 PM 4 31

287146 - 287146

RECORDED AT THE REQUEST OF
ML Wallace
Rt 6 Box 376
BRF

together with their appurtenances.

Dated:

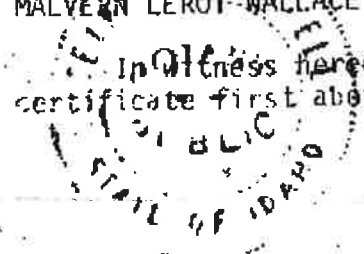
Malvern Leroy Wallace in my presence witnessed

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.



Lance B. B. B.
Notary Public for Idaho
Residing at Blackfoot, Idaho

Colin Papers

COPY

5-15-1996

WARRANTY DEED

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 Part, 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



Part, and the said Parties of the First Part's heirs and successors shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Parties of the Second Part, and Parties of the Second Part's successors and assigns, against the said Parties of the First Part, and Parties of the First Part's heirs and successors, and against all and every person and persons whomsoever lawfully claiming or to claim the same. In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hands and seals the day and year first above written.

Peggy J. Wallace Barnes
Peggy J. Wallace Barnes

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: 11/13/2000

(Seal)

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.

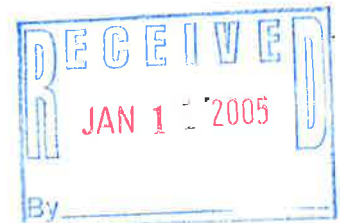
Subject to taxes and assessments, easements and rights-of-way, building and zoning ordinances and use regulations and restrictions, and any encumbrance suffered, assumed, or occasioned by the Grantees.

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)

County of BINGHAM)

: ss.

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: 5/19/2000

(Seal)

STATE OF IDAHO)

County of Bonneville)

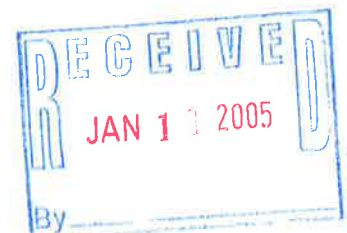
: ss.

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)



STATE OF IDAHO)
) ss.
County of BINGHAM)

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)
) ss.
County of BINGHAM)

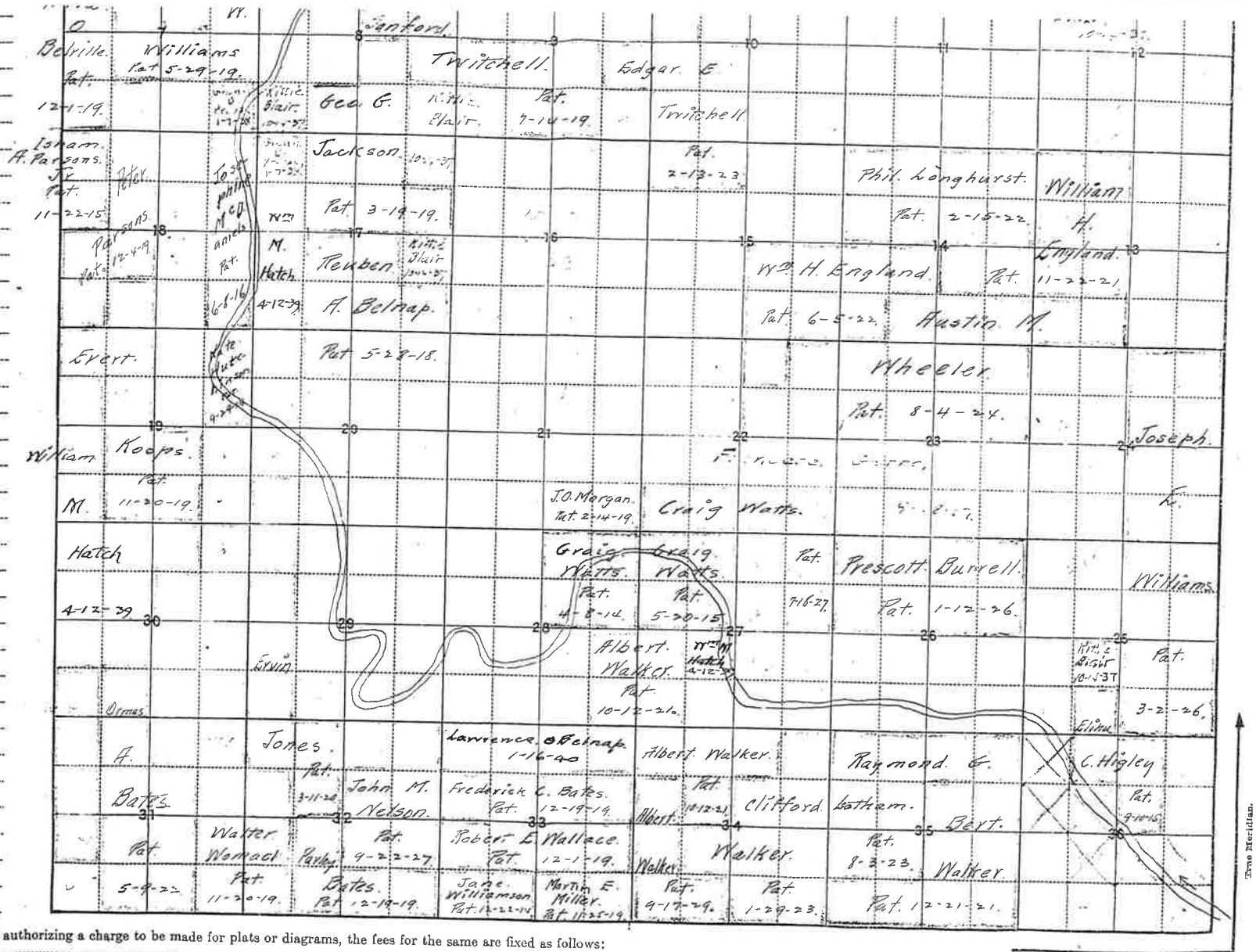
ON THIS 29th day of May, 1996, before me, LEORA MARY BERGEVIN a Notary Public in and for said State, personally appeared LEORA MARY BERGEVIN, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same.

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)





second section of the act of March 3, 1883, authorizing a charge to be made for plats or diagrams, the fees for the same are fixed as follows:

township diagram showing entered land only.....	\$1.00
township plat showing form of entries, names of claimants, and character of entries.....	2.00
township plat showing form of entries, names of claimants, character of entry, and number.....	3.00
township plat showing form of entries, names of claimants, character of entry, number, and date of filing or entry, together with topography, etc.....	4.00

legal authority for registers to charge or receive a fee of 25 cents for plats or diagrams of a section or a part of a section of a township.

basers of township diagrams at a cost of one dollar each are entitled to definite information as to whether each and every smallest legal subdivision or lot is vacant

registers are therefore required in case of application for a township diagram showing vacant public land, to plainly check off with a cross, thus X, every lot or

Scale 40 Chains to an Inch.

PARTLY IRRIGATED

NAME AND ADDRESS OF APPLICANT				STATE		COUNTY		F.L.B.A.		F.L.B. NUMBER	
Malvern L. Wallace et al Route 1 Pirih, Idaho 83236				Idaho		Bingham		8-3 Blackfoot		195727	
								NO. 1081			
DATE		AMOUNT		RATE		TERM		INSTALLMENT			
8-26-68		\$34,000.00		6 1/2 %		20 YRS.		NO. OF INSTALLMENT DATES		DEFER.	
								20		YRS.	
								May 1969			
								\$1700.00		5-1-68	
										Springfield	
LESS F.L.B.A. STOCK		1,700.00									
NET TO BE DISBURSED		32,300.00									
IF REPAYMENT IS ON THE SPRINGFIELD PLAN THE AMOUNT OF THE INSTALLMENTS INDICATED IS PRINCIPAL ONLY, TO WHICH MUST BE ADDED ACCRUED INTEREST. THE FIRST INSTALLMENT WILL MATURE ON 8-1-69 AND WILL INCLUDE Principal and Interest											

INTEREST WILL BE CHARGED FROM THE DATE OF THE FIRST DRAFT.

Disbursement of the proceeds of the above loan must be made in accordance with the closing requirements of the **OPINION OF TITLE AND LOAN CLOSING INSTRUCTIONS**.

(To be completed by F. L. B. A. Manager)

[illegible]

by authorize disbursement of the proceeds of the above loan in substantially
amounts set forth.

I hereby certify that the proceeds of the above loan have been disbursed to, and for the benefit of, the person or persons entitled thereto.

<u>1/1/68</u> Date	<u>Malvern L. Wallace</u> Borrower	<u>10/9/68</u> Date	<u>Clair A. McMichael</u> F. L. B. A. Manager
-----------------------	---------------------------------------	------------------------	--

10-27-1964

LAND EXCHANGE AGREEMENT

The undersigned parties mutually agree to trade and exchange properties, as follows:

John Sharp does hereby agree to trade and exchange the 1600 acres purchased from Howard Hall, said property being herein-after described, for the Malvern L. Wallace property, and Malvern L. Wallace agrees to said exchange, said property is referred to as the 320 acres and the 640 acres herein after described, plus the sum of SEVEN THOUSAND (\$7,000.00) DOLLARS. Seven-Thousand dollars which is to be paid to John Sharp as follows: \$700.00 per year for ten years, plus interest at 8 per cent per annum from October 28, 1964, payable on November 1, 1965, and each year thereafter until paid in full.

It is further understood and agreed that John Sharp is purchasing the 1600 acres from Howard Hall. It is specifically agreed that John Sharp is to make all payments on the Howard Hall contract and to pay the same when the same are due and owing. And if he does not or refuses to make the payments on the Howard Hall contract, then in that event, the said Malvern L. Wallace shall have the Option and right to make said payments and claim credits therefore, and claim rights therein to protect their interests.

That in order to make it convenient financially for both parties it is understood and agreed that the marketable titles to the property will be furnished to each other as soon as it is mutually convenient for said parties, however, possession of said property will be exchanged on or before October 28, 1964.

It is understood and agreed that each party shall have ten years within which to pay off and clear title to the property that they are exchanging, however, possession shall be exchanged on or before the 28th day of October, 1964.

IT IS HEREBY AGREED THAT the said John Sharp will arrange to place his title and his Warranty Deed in escrow at the Ted B. Larsen Company in Preston, Idaho, and that the said Malvern L. Wallace will also place in escrow the title and his Warranty Deed to his property at the Ted B. Larsen Abstract Company in Preston, Idaho.

And that as such time as the said John Sharp pays the said Howard Hall contract of purchase in full, that the said escrow holder may deliver to each of the said parties the deeds and abstracts of title showing good marketable title to each of the parties, and complete the trade.

It is understood and agreed that the said Malvern L. Wallace shall have the responsibility of furnishing marketable title to the property that he is exchanging with John Sharp, and that he is to leave the marketable title and Warranty deed with the said Ted B. Larsen Company at Preston, Idaho, and John Sharp is also to furnish good marketable title and a Warranty Deed for Malvern L. Wallace and leave the same for delivery at the escrow holder.

It is further agreed that each of the parties will see that the taxes are paid for the year 1964 and all prior years on the property that they are exchanging.

That the 1600 acres that said John Sharp is exchanging and trading the said Malvern L. Wallace is located in Bingham County, Idaho, and is described as follows to-wit:

The East 1/2 of Section 24 and the East 1/2 of Section 25 and the Southeast Quarter of the Southwest Quarter of Section 25, also the West 1/2 of the Northeast Quarter of Section 36 and the Northeast Quarter of the Northwest Quarter of Section 36, Township 4 South, Range 39 East of the Boise Meridian.

Also the Southwest Quarter of Section 19, and all of Section 30, Township 4 South, Range 40 East of the Boise Meridian.

Containing 1600 acres subject to all prior Mineral Reservations.

That the property which the said Malvern L. Wallace is exchanging and trading to the said John Sharp is located in Bingham County, Idaho, and is described as follows to-wit:

Southwest Northwest Quarter, Section 32, North half, Section 33, Lots 1, 2, and 3; North half Northeast Quarter; Southeast Northeast Quarter Section 31, Lot 4; Southeast Quarter; South half Northeast Quarter; Northeast Northeast Quarter, Section 30, Northwest Northwest Quarter Section 29, Southwest Southwest Quarter Section 20, All are in Township 4 South, Range 39 East of the Boise Meridian.

It is further understood and agreed that each of the parties will see that the taxes are paid for the year 1964 and all prior years thereto on the property that they are exchanging. It is further understood and agreed that in connection with the year 1965, that each party will be responsible and pay for the taxes on the properties that they are receiving in exchange, and at the time of making the payments on November 1st of each year, that they will exchange tax notices and tender to each other the taxes levied or assessed against the properties, for each year hereafter.

It is further understood and agreed that the exchange of properties as hereto above set forth, has been agreed upon for the convenience of said parties.

It is further agreed that this shall be of the essence, and that all payments shall be made and the covenants and agreements herein contained be kept according to the terms hereof, and if there is any default, that the party in default shall have 30 days after written notice, in which to clear said default.

It is further agreed that if either party fails or neglects to clear title or to make the payments on any mortgages, contracts that have been entered according to the terms of said mortgage or contract that either party not in default shall have right of action to protect their legal and equitable rights and interests in said properties.

This agreement shall inure to the benefit of and be binding upon the heirs, executors and the assigns of the parties hereto.

Witness our signatures this 27 day of October, 1964.

John T. Sharp
Mattie L. Sharp
Malvern L. Wallace
Mary M. Wallace

STATE OF IDAHO)
) SS.
COUNTY OF FRANKLIN)

On this 27th day of October in the year 1964, before me,
Ben B. Johnson, a Notary Public in and for said State, personally
appeared John Sharp and wife Mattie G. Sharp, known to me to be the
persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

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

Ben B. Johnson
Notary Public for Idaho
Residing at Preston, Idaho

STATE OF IDAHO)
) SS.
COUNTY OF FRANKLIN)

On this 27th day of October in the year 1964, before me,
Ben B. Johnson, a Notary Public in and for said State, personally
appeared Malvern L. Wallace and wife Mary M. Wallace,
known to me to be the persons whose names are subscribed to the
within instrument and acknowledged to me that they executed the same.

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

Ben B. Johnson
Notary Public for Idaho
Residing at Preston, Idaho

Received in escrow this 2nd day of November 1964, with
two Warranty Deeds.

Bob B. Larson
Escrow Holder

This Indenture, Made the 10th day of March, in the year of our Lord one

thousand nine hundred and nineteen, between

Elihu C. Higley, a widower,

of the County of Bingham and State of Idaho, the party of the first part, and

B. D. Hansen and H. A. Hansen,

of the County of Bingham and State of Idaho, the parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

Two Thousand and no/100

DOLLARS,

lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged

do es by these presents grant, sell, bargain and convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the certain lot, piece or parcel of land situate, lying and being in the County of Bingham and State of Idaho, and bounded and described as follows, to-wit:

The southeast quarter of the southwest quarter of section twenty five (25) and the northeast quarter of the northwest quarter and the west half of the northeast quarter of section thirty-six (36), in township four (4) south, of range thirty nine (39) east of the Boise Meridian, Idaho, containing 160 acres, according to government survey,

Together with all ditch and water rights thereto belonging or in anywise appertaining.

\$2.00 I. R. S. attached and cancelled.

NOV 29 2004

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said parties of the second part, and to their heirs and assigns forever, and the said party of the first part, their heirs, and the said premises in a quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal - , the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Geo. F. Gagon

Elihu C. Higley

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Bingham ss.

I DO HEREBY CERTIFY, That on this

Geo. F. Gagon

10th

day of

March

, a

Notary Public,

in and for said County and State, personally appeared

Elihu C. Higley.

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 at Blackfoot, Idaho, first above written.

(SEAL)

My commission expires

December 15, 1919.

Notary Public for the State of Idaho.

Residing at Blackfoot, Idaho.

Notary Public.

Recorded at the request of H. A. Hansen Mar 10, 1919 at 11:55 A. M.

Recorder's Fees, \$

By

F. H. Fisher,

Recorder.

Deputy Recorder.

Read These Instructions Carefully Before Making Out Assignment

This form is to be filled out IN DUPLICATE, signed by lessee AND WIFE, if any; if lessee is unmarried, state clearly marital status: i.e., "a single man," "a single woman," "widow," etc. If lessee is a company authorized officials must sign; if a corporation, President and Secretary must sign; if a partnership, both partners and wives must sign. Assignee and wife, or duly authorized persons, if assignee is other than an individual, must sign the "Acceptance and Assumption." All signatures must have acknowledgement of Notary Public in the spaces provided. Any agreement regarding transfer of improvements may be written into the blank space preceding signatures of lessees. Any number of leases belonging to the same lessee may be included in one assignment. Both copies of assignment must be mailed or delivered to the State Land Department, Boise, Idaho, with the original lease or leases together with a fee of \$2.00 for each lease involved. When the assignment has been recorded, the copy will be retained in the Land Department office and the original, together with the lease, will be forwarded to assignee.

Assignment of STATE OF IDAHO State Land Lease

For and in consideration of Twelve & NO/100-- Dollars, to us in hand paid, the receipt of which is hereby acknowledged, we hereby sell, assign and transfer unto M. L. Wallace & Mary M. Wallace of
Route 1, Firth, Idaho
(Street) (City) State of Idaho, all our right, title and interest in and to State of Idaho Lease No. 3844-75 so far as the same relates to the following lands only:

We hereby swear and affirm that the consideration stated herein is the full and complete amount of consideration paid by the assignees to the assignors, and no additional payment has been or will be made.

Witness our hands this _____ day of _____, 196__.

Assignor

Assignor

STATE OF IDAHO

COUNTY OF _____ } ss.

On this _____ day of _____, in the year 19____, before me, a Notary Public in and for said State, personally appeared _____

known to me to be the lessee _____ that executed the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Notary Public for Idaho,

Residing at _____, Idaho

Acceptance and Assumption

The undersigned assignee above named assumes and accepts the obligations and conditions of the above described State Land Lease and separately covenants with the State of Idaho that he will abide thereby during tenure. Further, we do hereby swear and affirm that the sum of Twelve & NO/100-- Dollars is the full and complete amount of consideration paid by us to the assignors herein, and no additional payment has been or will be made.

Witness our hands this 30th day of September, 1966

M L Wallace
Assignee

Mary M. Wallace
Assignee

STATE OF IDAHO

COUNTY OF Bonneville } ss.

On this 30th day of September, in the year 1966, before me, a Notary Public in and for said State, personally appeared M. L. Wallace & Mary M. Wallace, husband & wife,

known to be the assignee that executed the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Richard Andrus
Notary Public for Idaho

Residing at Idaho

Recorded this _____ day of _____, 196__.

EXPIRES MAY 15, 1967

State Land Commissioner

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 Mooreland 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 BANNOCK) ss.

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

On this 19th day of MARCH, 1980, before me, a Notary Public, personally appeared M. L. Wallace Bachelor, spinster, widower, widow and MARY MAUDE WALLACE
(Strike out words that do not apply)

his wife, known to me to be the person whose name ARE subscribed to the above assignment and acknowledged to me that he executed the same.

Recorded this 22nd day of January, 1981

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

Cliff Use Only

BOZARTELLO COUNTY CLERK
BOZARTELLO, IDAHO
45-21-PI

JUL 1 AM 10 31
282221

RECORDED AT THE REQUEST OF
Geo. H. Olsen
515 Opal, Blft



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

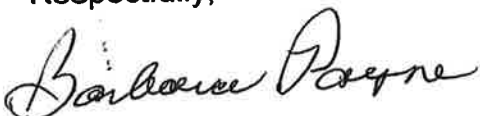
We also have copies of the following documents that refer to water usage for various periods of time:

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

State Land Lease to M. Wallace

9/30/1966

No description

27-12035

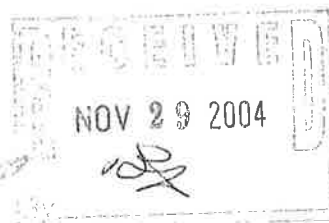
ov. 23-04

Department of Water Resources
Soda Springs Idaho.

We would like these documents and
information to supplant the record in
the file of the Bluebird Ranch LLC.

Claim No 39576

Sincerely
Leola Roberts manager



November 5-2004

Maybe used the water from Chocoma Creek to water the meadows and the area around the hill.

They raised a little hay and pasture with it. The glacial gravel I remember riding up there used in 1917. I was just a kid.

I started riding for myself in 1927 and continued riding in that area until ~~about~~ ^{some ten} years ago.

The waterwheel was located in the same location as the bridge is now. They used the water in the river with the waterwheel.

One 95 years old now!

His daughter was a sister by Mary Mary as told to me by Clyde Twitshell.

11-5-04 Clyde Twitshell



DATE

PARCEL NUMBER: RP 0594902

A

PROPERTY ADDRESS:

EFFECTIVE DATE: 01/01/2000

EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 02000

NAME: BLUEBIRD RANCH LLC
C/O ROBERTS, LEOLA CLEGAL: T4S R39E SEC 36
T-13663

ADDRESS: 152 N 200 E

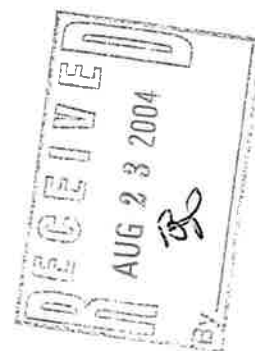
BLACKFOOT

ID 83221

OLD PARCEL #: RP0594902 T

CAT	SHI	BY	QUANTITY	UN	MARKET VALUE	HQ VALUE	HQ EXEMPT	CB VALUE	OTHER EXEMP
-----	-----	----	----------	----	--------------	----------	-----------	----------	-------------

5		2002	1.900	AC	67				
10		1999	1.000	AC	3,666				
31		1999			6,000				



TOTALS:	2.900	9,733
DEED REFERENCES:	RELATED PARCELS:	SUB-SYSTEMS:

DATE: 01/16/2002

508110 WD

466642

462170 QCD

291869

RL

RC

HOMEOWNERS: NONE

ZONING:

PHOTO NUMBER: 0263

MAP NUMBER:

INSP YEAR: 1999

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 0039

CAMA AREA #:

TAX SPECIALS:

January 17, 1995

Bingham County
Water Resources Board:



To Whom It May Concern:

My Uncle Willis D. Higley and my Father E Lihue C. Higley took possession of land upon the Blackfoot River, in Bingham Co.

I am enclosing a copy of a Newspaper Clipping telling of ^{my} Uncle Willis Higley's life upon the Blackfoot River.

He tells of the Ditch he & my Father dug with Shouls. The Ditch was approx 3 miles long. This was done to get water to their property.

I was born at Presto, Bingham County, Idaho in Nov 1912. I spent time on the aforementioned 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. We fished in the Blackfoot River.

The Indian Reservation was just 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. (Jeeples) Higley died in April 1917.

One year later Father brought my Sister & I to his older Sister Harriet (Higley) Hutchison.

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. Had talked about
it often. My first trip back to Pisto
was in 1924

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

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

Sincerely

Evert T. Higley

3328 N.W 2nd Ave.

New Plymouth, Idaho 83655

Phone 1(208) 278-5529

Evert T. Higley

State of Idaho s.s.
County of Payette
On the 19th day of January, 1995, before me
came Evert T. Higley to me known to be the
individual described in and who executed the foregoing instru-
ment and acknowledged that he executed the same.

Notary Public

8-29-97

112336

No. _____

WARRANTY DEED

(FORM No. 300)

TO _____

Dated _____, 19____

STATE OF IDAHO,

} ss.

County of _____

I hereby certify that this instrument
was filed for record at request of _____

at _____ minutes past _____
o'clock _____ M., this _____ day of _____,
19____, in my
office, and duly entered in Book _____
of _____
at page _____

Ex-Officio Recorder.

By _____ Deputy.

Fees, \$ _____

Mail to _____

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

On this 1st day of February in the year 1918, before me
JOHN SHARP and MATTIE G. SHARP, a Notary Public in and for said State, personally appeared
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged
to me that they executed the same.

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

Henry B. Stewart
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho.

152 CH
SHARP TITLE & TRUST CO.

Wednesday, April 27, 1960

Presto Man Looks Back To Oxen, Wagon Days

By Mrs. Daphne Jemmett
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, Tooele 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 Ratt 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 Drew place, but when Ralph was just a 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 in one room and Willis and Carrie in the other, with tents put up out in the yard to take care of the overflow. Later they built a frame house close by and Elihu and his family moved into that. Later 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 in continuous use since the Higleys bought it in 1916. They aren't sure just how old it is, but know it had 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 it has always been.

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

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

NOV 29 2004

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.
NOW, KNOW YE, That there is, therefore, granted by the United States unto the said Claimant the tract of la
above described:

TO HAVE AND TO HOLD THE SAID TRACT OF LAND, with the appurtenances thereof, unto the said Claimant
and to the heirs and assigns of the said Claimant forever, subject to any vested and accrued water rights for mining, agri
cultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as
be recognized and acknowledged by the local customs, laws and decisions of Courts, and there is reserved from the lands her
granted a right of way thereon for ditches or canals constructed by the authority of the United States. Excepting and res
ing, also, to the United States all the Phosphate in the lands so patented, and to it, or
persons authorized by it, the right to prospect for, mine, and remove such deposits from
same upon compliance with the conditions and subject to the provisions and limitations of
Act of July 17, 1914. (38 Stat., 509)

IN TESTIMONY WHEREOF, I,

Woodrow Wilson

President of the United S

of America, have caused these letters to be made Patent, and the Seal of the General Land
to be hereunto affixed.

Given under my hand, at the City of Washington, the Twenty-first

February

in the year of our Lord one thousand Nine

hundred and

Sixteen

and of the Independence of the United i

the one hundred and Fortieth

BY THE PRESIDENT:

Woodrow Wilson

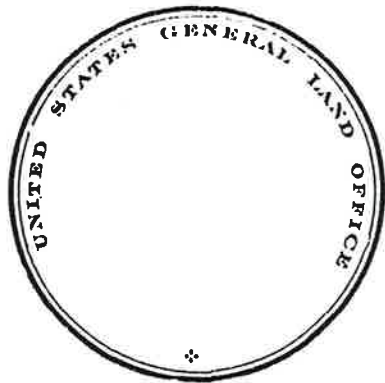
By M. P. LeRoy

Secr

L. Q. C. Lamar Recorder of the General Land

Recorded Patent Number 514861

Recorded at the request of Elihu Higley, March 10, 1916, at 4:20
G. H. Holbrook



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 27-12035
Date Received: 8/30/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

BLUE BIRD RANCH LLC Phone: (208)785-1250
149 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 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	0.06	

7. Total Quantity Appropriated is:
0.06 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	36	SW NE	IRRIGATION	3
Section Acres					3

Total Acres 3

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:

STOCKWATER, 6 CATTLE

15. Basis of Claim: Beneficial Use

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 27-12035

Date Received

Receipt Number E030190

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 27 2004

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Bluebird Ranch LLC Phone (208) 782-9676
Mailing Address 1524 200E Blackfoot Zip 83221

2. Date of Priority (Only one (1) per claim) 6-14-94

3. Source of water supply (a) Claude Crk
which is tributary to (b) Blackfoot River.

4. a. Location of existing point of diversion is: Township 4S Range 39E Section 36E,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Bingham

Additional points of diversion if any: _____

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

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

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

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

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

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

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 0.06 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stock 6 head.

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
45	39E	36			3														3

Total number of acres irrigated 3.0

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
27-7155 or None ()

14. Remarks:

Last Name Bluebird Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Blue bird

Ident No.

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 2

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

of Bluebird Ranch LLC Organization _____, that I have signed the foregoing

document in the space below as Manager Title _____ of Bluebird Ranch LLC Organization _____

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

Signature of Authorized Agent Leola C Roberts

Title and Organization Manager Bluebird Ranch LLC Date 8-23-04

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

Subscribed and sworn (or affirmed) before me this 23rd day of August 2004



Notary Public Cindy E Bird

Residing at Low Hot Springs

My Commission Expires May 1, 2007

Please Print Name

17. Notice of Appearance

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

Signature _____

Address _____

Date _____

Last Name Bluebird Ident. Number _____

PARCEL NUMBER: RP 0594902

A

PROPERTY ADDRESS:

DATE

EFFECTIVE DATE: 01/01/2000
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 02000

NAME: BLUEBIRD RANCH LLC
C/O ROBERTS, LEO LA C

LEGAL: T4S R39E SEC 36
T-13663

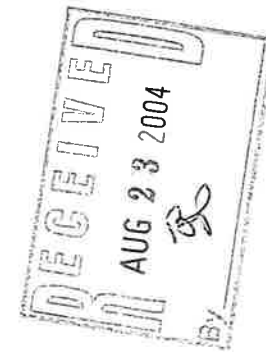
ADDRESS: 152 N 200 E

BLACKFOOT

ID 83221

OLD PARCEL #: RP0594902 T

CAT	SHI	RY	QUANTITY	UN	MARKET VALUE	HQ VALUE	HQ EXEMPT	CB VALUE	OTHER EXEMP
5		2002	1.900	AC	67				
10		1999	1.000	AC	3,666				
31		1999			6,000				



TOTALS: 2.900 9,733
DEED REFERENCES: RELATED PARCELS: SUB-SYSTEMS:

DATE: 01/16/2002

508110 WD

466642

462170 QCD

291869

RL

RC

HOMESOWNERS: NONE

ZONING:

PHOTO NUMBER: 0263

MAP NUMBER:

INSP YEAR: 1999

SW UNITS:

SW TYPES:

PARCEL TYPE:

LOCATION CODE: 0039

CAMA AREA #:

TAX SPECIALS:

