

05/17/2005

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

RIGHT NUMBER: 27-12040  
NAME AND ADDRESS: JOE DEAN BRANTZEG  
153 N 400 W  
BLACKFOOT ID 83221

SOURCE: CLAUDS CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 04/01/1916

POINT OF DIVERSION:  
T04S R39E S36 NESWNE 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          | 0.020 CFS       |

PLACE OF USE: IRRIGATION Within BINGHAM County  
T04S R39E S36 SWNE 0.8

0.8 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



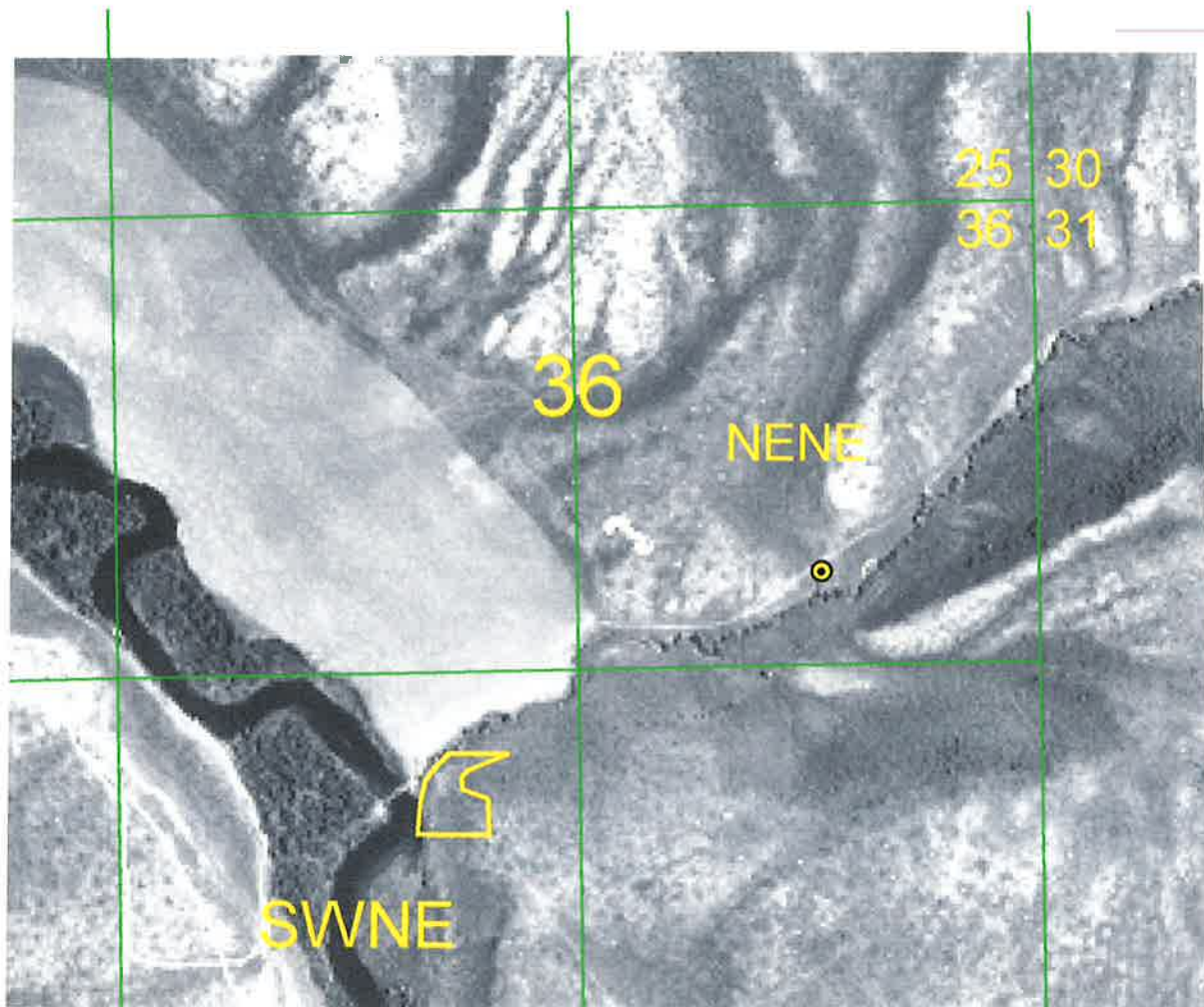
# STATE OF IDAHO

Department of Water Resources

Eastern Region



## Water Right(s) 27-12040



400 0 400 800 Feet

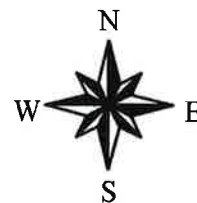
IRRIGATED ACRES

### LEGEND

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

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

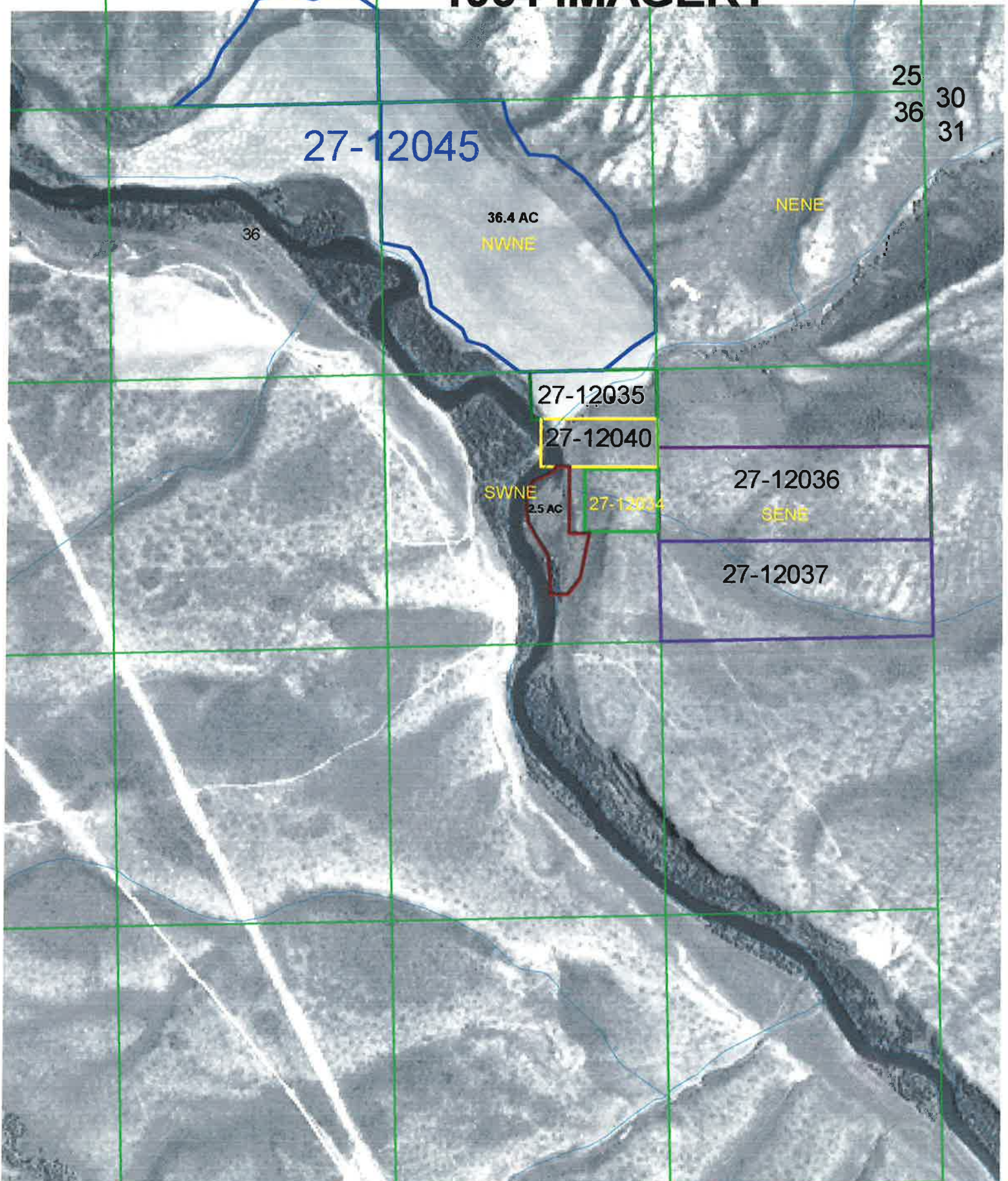
Point(s) of Diversion: T4S, R39E:  
Sec. 36, NENE.



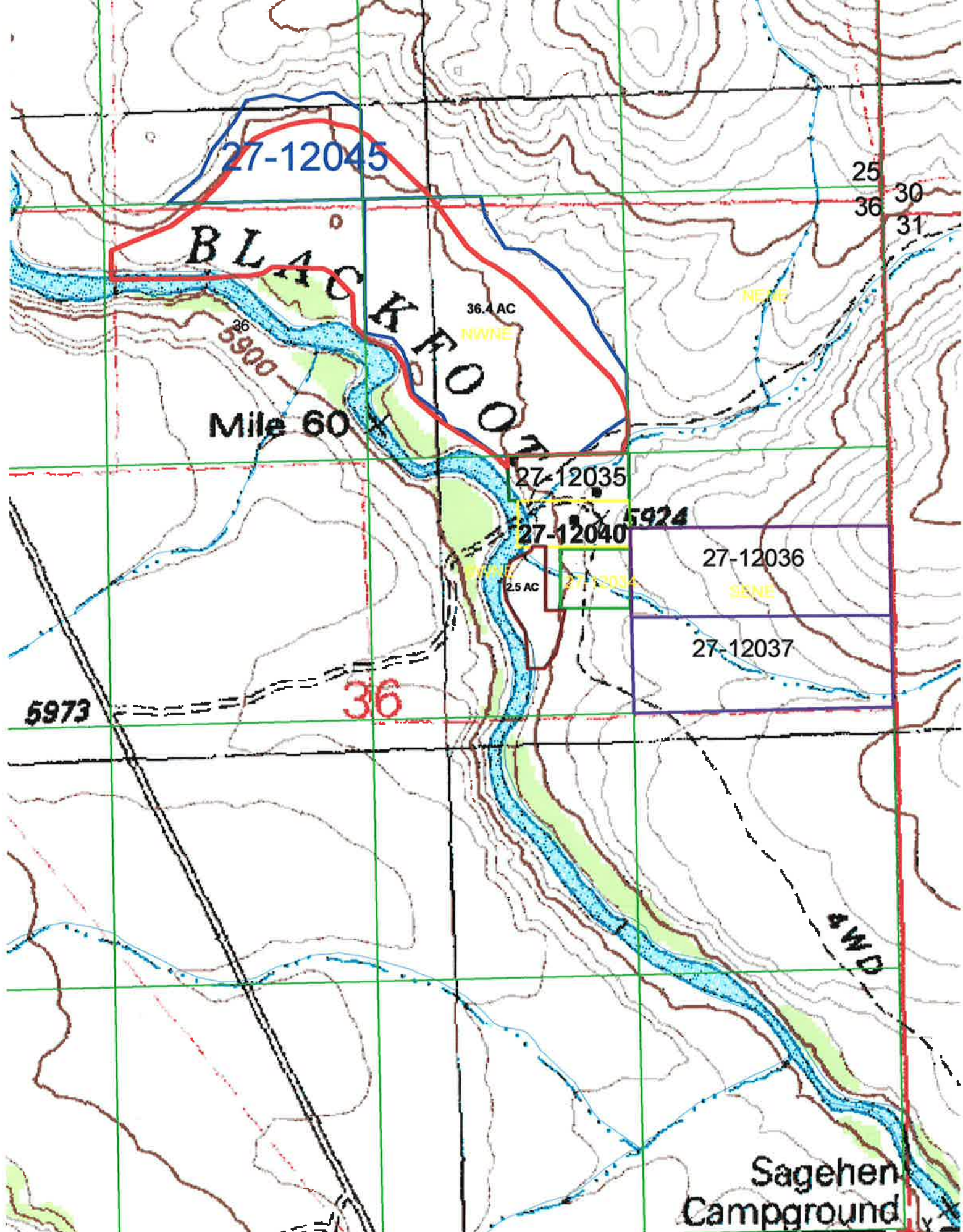
GIS Place of Use Illustration  
1964 Imagery  
Prepared by: B. Payne  
Date: May 2005.

SCANNED  
MAY 10 2006

# 1964 IMAGERY



27-12040



Z 94 TOPD.

27-12040.

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: 27-12040

JOE DEAN BRANTZEG

153 N 400 W

BLACKFOOT ID 83221

Telephone Number: (208)680-1851

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:

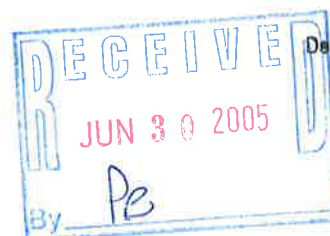
X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-5-05 SIGNATURE: Joe D. Brantzeg  
Please print your name: Joe Dean Brantzeg

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

PROFILED

SCANNED  
JUN 15 2005



RECEIVED  
JUN 13 2005

Department of Water Resource  
Eastern Region

10/13

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

## Idaho Department Water Resources

# Fax

**To:** Jennifer Crabtree

**From:** Cindy Bird

**Fax:** 525-7177

**Pages:** 16

**Phone:**

**Date:** 5/16/2005

**Re:** 27-12040

**CC:**

Hi Jennifer,

I am attaching a copy of all of the eCVR sheets for this recommended claim. I will e-mail you the POD and POU.

Thanks.

Barbara

**FAXED**  
5-16-05  
4:10

**PROFILED**

**SCANNED**

**MAY 10 2006**



## 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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

23 September 2004

Joe Dean Brantzeg  
153 North 400 West  
Blackfoot, ID 83221

Re: Snake River Basin Adjudication (SRBA)  
Claim 27-12040

Subject: EVIDENCE OF PRIORITY

COPY

Response Date: 6 October 2004

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....  
**The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.**  
.....

Please submit the documentation supporting the priority date by the above response date referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

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

Barbara Payne

Enclosure: Brochure on "Evidence of Priority"

# Idaho Department of Water Resources Receipt

Receipt ID E030267

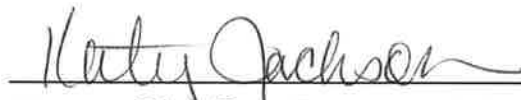
Payment Amount  Date Received  Region  Status

Payment Type  Check Number

Payer Comment 

## Fee Detail

| Amount  | Description             | Fund | FD | PCA   | SO   |
|---------|-------------------------|------|----|-------|------|
| \$53.00 | ADJUDICATION FILING FEE | 0337 |    | 43503 | 1155 |

  
Signature Line (Dept. Representative)



## Notes

5/16/05 field exam from 27-11945.  
During Skip's field exam on 27-11945,  
The land he identified as irrigated is  
owned by Joe Brantzeg NOT Sharilynn Bair.

Using Skip's field exam and HKM's  
shape, with Bingham Co tax lot  
information I created a shape  
for this right.

Shape is approx 1 acre.

No stock claimed only irrigation.

5-16-05 Foxed sheets to Eastern, BT

5-16-05 Emailed Jenn PDD & POU, BT

5-16-05 " " " " 5/19/05 BT

## Notes

5/16/05. There are ownership issues with this claim. The claim was reduced to the small piece next to the Blackfoot River, (2.5 acres) outlined in Brown on the 1964 imagery.

The clouds Ck Source is in the NENE of section 36. This would go into the Blackfoot River, before it could be applied to this ground,

allowing in stream stock water.

~~Point of beginning. NESWNE Sec. 36. T45. R39E.~~  
~~Pt of ending. NESWNE Sec. 36.~~  
POU Stock. SWNE Sec. 36.

Skip did do a field exam, based on what he found and HKM allowing 0.8 acres of irrigation. (1" of water)

(POD) GPS Pt 27-11945. 271195  
Use the GPS Pt for Stock also.

Create layout,  
recommend as noted.

## Notes

- 9/22/04 Received claim from I.F. Please send them an evidence of priority letter.
- 9-23-04 Sent evidence of priority letter to claimant. BP
- 10-19-04 Peggy Barnes 782-9633. She thought she already gave you the info. She talked to you at Cal Camp. I told her if the other claim files do not contain the needed documents, we would contact her again. BP
- 10-25-04 Peggy Barnes called. Do we need anything else? BP
- 10-25-04 Called Peggy back. They are waiting on information from Boise. She ask the deadline be extended to 11-30. She will try to get it before I advised that if we didn't get the necessary information the claim would be disallowed. BP
- 11-29-04 Received from claimant evidence. BP
- 12-28-04 Letter to claimant re evidence. BP
- 1-5-05 Peggy called. Extended time 1-31. BP
- 1-11-05 Received warranty deeds from Joe Brantzeg. AB
- 1-12-04 Returned Joe's call (782-9633). Talked to his mother. They are still lacking. She asked if they would ever wanted they get their money back. I said "no". She asked if they can't prove back to priority date, they lose. I told her I was the same man but probably so. BP

## Contacts Data Entry Form

| Owner Type | Full Name | Address | City | State | Zip | Phone |
|------------|-----------|---------|------|-------|-----|-------|
|------------|-----------|---------|------|-------|-----|-------|

Current Owner: Joe Dean. 10ran7eg

Name connector: and \_\_\_\_ or \_\_\_\_ and/or \_\_\_\_

Current Owner 153 N. 400 W.

Current Owner Blackfoot, 4D 83221,

Representing Attorney: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_

Date of Field Exam: \_\_\_\_\_ Time: \_\_\_\_\_

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

Reviewer:                     

Date: 5/16/05

## Contacts Data Entry Form

27-12040

## Priority Date Data Entry Form

Claim Number: 27-12040

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: \_\_\_\_\_ Claimed Basis: \_\_\_\_\_

Recommended Priority Date: 4-1-1916 Recommended 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:

Part of the Higley Patent

Reviewer: CBDate: 5/16/05

Priority Date Data Entry Form

27-12040

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 (X)  
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 ( )  
If Yes, go to 16  
If No, Enter the appropriate basis of claim.  
4-1-1916 B.U.
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. 27-12040-

## Point of Diversion and Source Data Entry Form

Claim Number: 27-12040

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: Claude crk Tributary:\_\_\_\_\_

\_\_\_\_ Use Claimed POD and Source as Recommended POD and Source

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

GPS  
271195

Other rights from this POD? \_\_\_\_\_

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

link POD 27-12040 pod. slp

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Transfers Changing POD NOReviewer: CBDate: 5/16/05

Point of Diversion and Source Data Entry Form

27-12040

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.

27-12040

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. 27-12040

## Purpose of Use Data Entry Form

Claim Number: 27-12040☐ 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 |
|------------|-----------------|-----------------|------------|-----------------|
| Irrigation |                 |                 |            |                 |
|            |                 |                 |            |                 |
|            |                 |                 |            |                 |

Document how the Purpose of Use was verified:

field exam  
HKM Shape  
1987/88 NAPP  
1964 maps

Transfers Changing Purpose of Use \_\_\_\_\_

Reviewer: CBDate: 5/10/05

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.**

27-12040

## Place Of Use Data Entry Form

Claim Number: 27-12040☐ Use Claimed POU as Recommended POU

## Claimed Place of Use

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

Total Acres \_\_\_\_\_

## Recommended Place of Use

| Twp | Rge | Sec | QQ   | Q | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|------|---|---------|---------|-------|----------------|
| 4S  | 39E | 36  | SWNE |   | Bingham |         | 0.8   | Irrigation     |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |
|     |     |     |      |   |         |         |       |                |

Total Acres 0.8

Document how the POU was verified:

1987/88 Napp photography  
AKM Shp.  
1964 imagery  
field exam

Link 27-12040. Shp.

Transfers Changing POU \_\_\_\_\_

Reviewer: CBDate: 5/16/05

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

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

Yes ( ) No (X)

2a. Is a POU required?

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

Yes ( ) No ( )

2b. Is a POU required?

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

Yes (X) No ( )

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

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

Yes ( ) No (X)

4. Has the License been issued?

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

Yes ( ) No ( )

5. Does the parent right have a POU?

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

Yes ( ) No ( )

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

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

Yes ( ) No ( )

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

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

Yes ( ) No (X)

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

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

Yes ( ) No ( )

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

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10  
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes ( ) No ( )

10. Was an enlargement claim filed?

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

Yes ( ) No ( )

11. Did the claimant file an enlargement claim?

If Yes, go to 13  
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes ( ) No ( )

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14  
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes ( ) No ( )

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

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

Yes (X) No ( )

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

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

Yes ( ) No (X)

Place of Use

Claim No.

27-12040

## Period of Use and Quantity Data Entry Form

Claim Number: 27-12040☐ 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 | 0.02 |        |
|            |       |       |      |        |
|            |       |       |      |        |

Overall Diversion Rate 0.02

Overall Diversion Volume \_\_\_\_\_

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

IDWR STD ADM SON 4/15 - 10/31

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 ( )  
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 - 12040

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 (X)

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

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

Yes ( ) No ( )

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

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

Yes ( ) No (X)

10. Is irrigation a purpose of use?

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

Yes ( ) No ( )

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

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

Yes ( ) No (X)

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

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

Yes ( ) No (X)

Quantity

Claim No. 27 - 12040

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 - 12040

Summary Data Entry Form

Claim No.: \_\_\_\_\_

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:

yes.

Claim No.:

27-12040

Reviewer

CB

Date

5/16/05

Claim no. 27-11945

Claimant Contact Log

Date 7-14-2004 Remarks Agent initials

*HWJ*

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

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

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

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

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

6/ A quick measurement of extreme low flow in creek showed an area of 0.201 sq' & Velocity of 1.5 (40 revs in 60 seconds) for a total  $0.201 \times 1.5 = 0.31 \text{ cfs}$ .

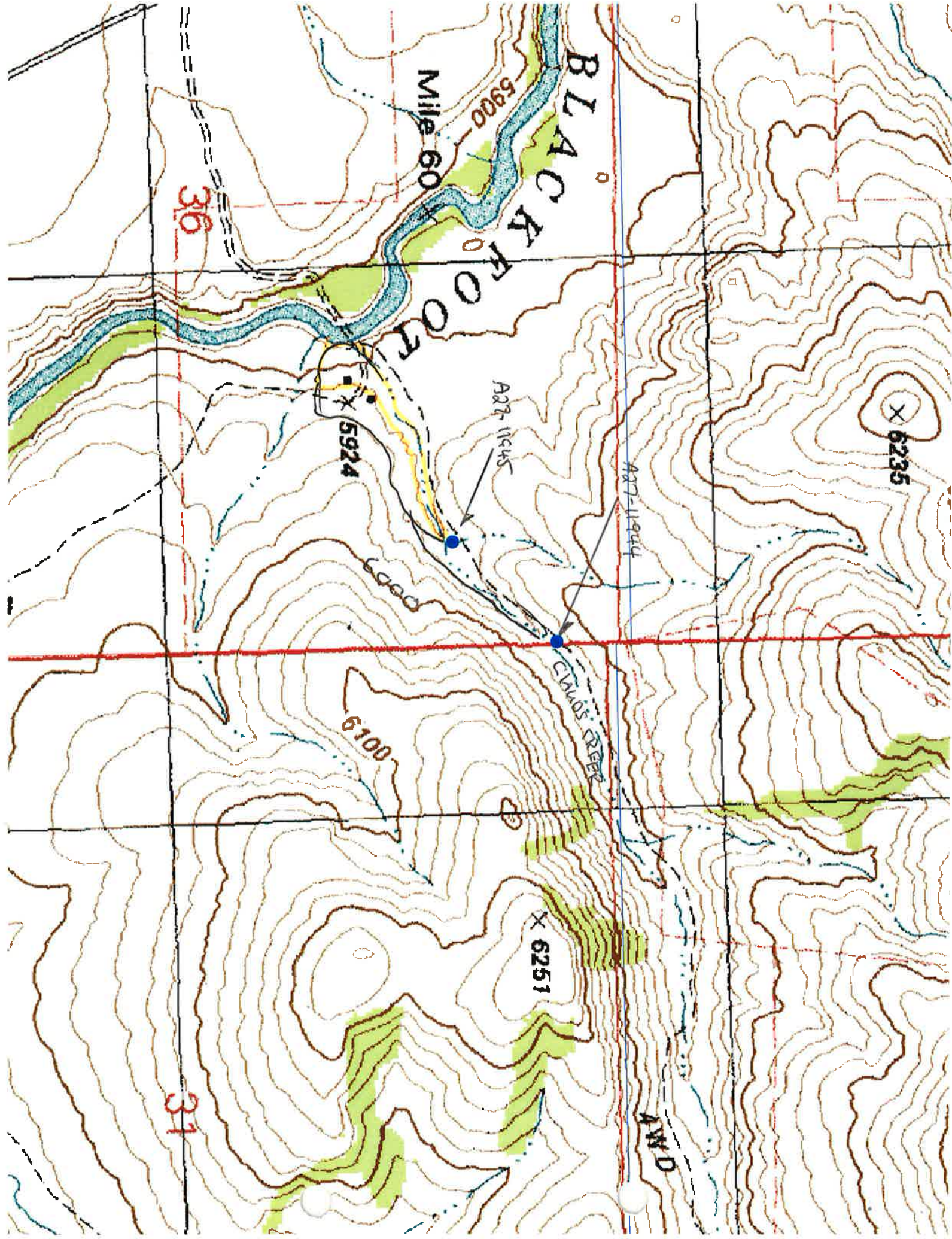
Measurement taken with Pygmy meter.

A27-11945 at Road





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





Department of Water Resources  
Soda Springs, Idaho

RECEIVED  
FEB 1 2005  
BY *ST*

Enclosed is a copy of the Deed for the 80  
acres

Also a copy of the Land Sale Certificate

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

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

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

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

Sincerely Leola Roberts

To All to Whom These Presents Shall Come, Greetings:

Whereas, on the ..... 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 ..... (FRII) ..... 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 WALLBOYS 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

- WALLBOYS 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 (E1/2) 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

- WALLBOYS 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

*Stanley F. Hamilton*  
Director of Lands and Forests

Countersigned:

*Stanley F. Hamilton*  
Director of Lands and Forests

STATE OF IDAHO, ) ss.  
County of Ada,

On this 20th day of January, 1995, before

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

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



STATE OF IDAHO  
COUNTY OF Bingham } ss

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

Kuthy Croons.  
Ed. Dept. of Land  
205-334-0200

upon terms and conditions hereinafter set forth, the following described State.....PUBLIC SCHOOL ENDOWMENT.....lands, lying, situate and being in the  
County of.....BINGHAM....., State of Idaho: The East Half of the Northeast Quarter (B-NE-4),.....

### RECORD OF ASSIGNMENTS

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

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

State Board of Land Commissioners of the State of Idaho

and Governor of the State of Idaho.

*[Handwritten signature]*

STATE OF IDAHO, County of Ada, ss.      75 before me a Notary Public in and for the State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the County of Ada, Idaho.

For said State, personally appeared Eric D. Magnus \_\_\_\_\_, Attorney at Law, and the Govern

Land Commissioners of the State of Idaho, and the State of Idaho executed the same.

on the day and year last above written.

\* and all Geothermal Resources,

100

*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 - Middleland, 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 19 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 persons whose names ARE subscribed to the above assignment and  
acknowledged to me that they executed the same.  
Recorded this 22 day of January, 1981

Wayne L. Lovelace  
Notary Public, residing at Bozartella, IDAHO

Class the

*W. J. M.*

# QUITCLAIM DEED

For Value Received

NOTARIAL  
287146

12-1-1981

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

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

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

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

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

RECORDED AT THE REQUEST OF

MALVERN LEROY WALLACE

287146

91 DEC 1 PM 4 31

287146 - 287146

RECORDED AT THE REQUEST OF

ML Wallace

Rt 6 Box 376

BRIT

together with their appurtenances.

Dated:

Malvern Leroy Wallace Mary Maude Wallace

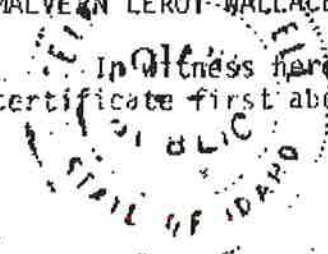
STATE OF IDAHO )

: ss.

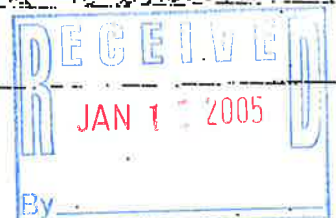
COUNTY OF BINGHAM )

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

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



James Wallace  
Notary Public for Idaho  
Residing at Blackfoot, Idaho



*Colin Raper*

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





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

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

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

(Seal)

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

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

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

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

(Seal)

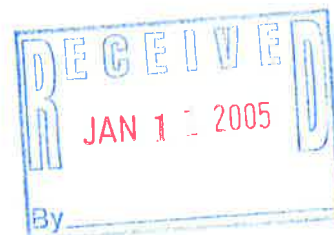
STATE OF IDAHO )  
County of BINGHAM ) : ss.

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

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

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

(Seal)





## State of Idaho

# DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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

28 December 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

|                                                                                                                  |                            |
|------------------------------------------------------------------------------------------------------------------|----------------------------|
| Walloby's Retreat, Inc.<br>152 North 200 East<br>Blackfoot, ID 83221                                             | Claim 27-11944             |
| Leo Wallace, Sherrilynn Bair, Richard M. Wallace, Starla Thompson<br>1921 West Taber Road<br>Blackfoot, ID 83221 | Claim 27-11945             |
| Leola Carrol Roberts<br>152 North 200 East<br>Blackfoot, ID 83221                                                | Claims 27-12034 & 27-12037 |
| Blue BirdRanch LLC<br>149 North 200 East<br>Blackfoot, ID 83221                                                  | Claim 27-12035             |
| Peggy Barnes<br>149 North 200 East<br>Blackfoot, ID 83221                                                        | Claim 27-12036             |
| Joe Dean Brantzeg<br>153 North 400 West<br>Blackfoot, ID 83221                                                   | Claim 27-12040             |
| Starla Thompson<br>1921 West Taber Road<br>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.<br>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<br>All water rights                                                                           |
| Walloby's Retreat to Peggy Barnes    | 8/27/2001   | T4S, R39E, Sec. 36, part of E1/2NE<br>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

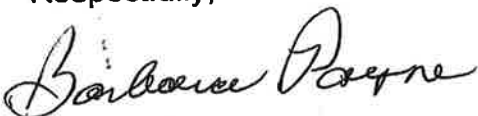
We also have copies of the following documents that refer to water usage for various periods of time:

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

State Land Lease to M. Wallace

9/30/1966  
No description

*Peggy Wallace (Barnes)*  
*M. Wallace to Milton D. Bergevin*  
*12/1/1981*  
*T4S, R39E*  
*Sec. 36 SWNE*

M. Wallace to James Roberts

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

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

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

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

*Peggy W. Barnes to*  
*5/15/1996 Carrie Melachlan*  
*Joe Brantecq*  
*Frank Brantecq*

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

1/9/2002  
T4S, R39E, Sec. 36, SWNE, part of

Nov. 23-2004

Dear Cindy Bird:

Here is more information on my  
Claim no - 27-12040

The patent shows the original Higley  
ranch enclosed part of Claude's Creek  
where we irrigate:

We have taken Clyde Switchel to a  
notary & redone his statement.

We have found other papers which  
we have enclosed I hope will help.

We are asking you to consider other  
information we've submitted previously  
for claims of the Bluebird Ranch, Peggy  
Barnes & Leola Roberts with this one as  
they are all connected.

Thank you  
Joe Brantley  
153 N. 400 W.  
Blackfoot, Id. 83221



November 5-2004

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

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

I started riding for myself in 1927  
and continued riding in that area  
until ~~about~~ <sup>from</sup> ~~some~~ <sup>1960</sup> 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.

Don 95 years old now!

His daughter was a sister by  
George Henry as told to me by  
Cyde Smithell.

11-5-04 Cyde Smithell



January 17, 1995

Bingham County  
Water Resources Board:

To Whom It May Concern:

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

I am enclosing a copy of a Newspaper Clipping telling of <sup>my</sup> Uncle Willis Higley's life upon the Blackfoot River.

He tells of the Ditch he & my Father dug with Shovels. 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 above-mentioned 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)

that is where I grew up.  
I was always interested in the Ranch  
on the Blackfoot River. Dad talked about  
it often. My first trip back to Idaho  
was in 1924

I remember asking about the Ranch, the  
Ritch and the water situation, on several  
occasions through the years.  
He & was quite young, but I find do  
remember my father working on that place.

Sincerely,  
Eust J. Higley  
3328 N.W. 2nd Ave.  
New Plymouth, Idaho 83655  
Phone 1(208) 778-5529

Eust J. Higley

State of Idaho  
County of Teton  
On the 19th day of January, 1995, before me  
came Eust J. Higley, known to be the  
individual described in and who executed the foregoing instrument and acknowledged that he executed the same.  
Notary Public  
F-29477

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?

No 18613

G. PRIMER & SONS, POCATELLO

# THE UNITED STATES OF AMERICA

Blackfoot012216

*To All to Whom These Presents Shall Come—GREETING:*

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

**Elihu C. Higley**

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

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

T4S, R39E  
25 SESW  
36 NENW  
36 W½ NE

160 ac



over

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 part y of the first part, and B. D. Hansen and H. A. Hansen, of the County of Bingham and State of Idaho, the part ies of the second part, WITNESSETH, That the said part y 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 part ies 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 part ies 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:

T4 S, R. 39 E  
25, SE SW  
36, NE NW  
36, W 1/2 NE

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 28 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 part ies of the second part, and to their heirs and assigns forever, and the said part y of the first part, their heirs and assigns, against the said premises in a quiet and peaceable possession of the said part ies of the second every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said part y of the first part has hereunto set 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, } ss.  
County of Bingham

I DO HEREBY CERTIFY, That on this 10th day of March, a Notary Public, in the year of 19 19, before me, Geo. F. Gagon, 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 the day and year 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, \$

F. M. Fisher, Recorder.  
By Margaret Nord 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 lessee. 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 (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.

Shirley J. Adams  
Notary Public for Idaho

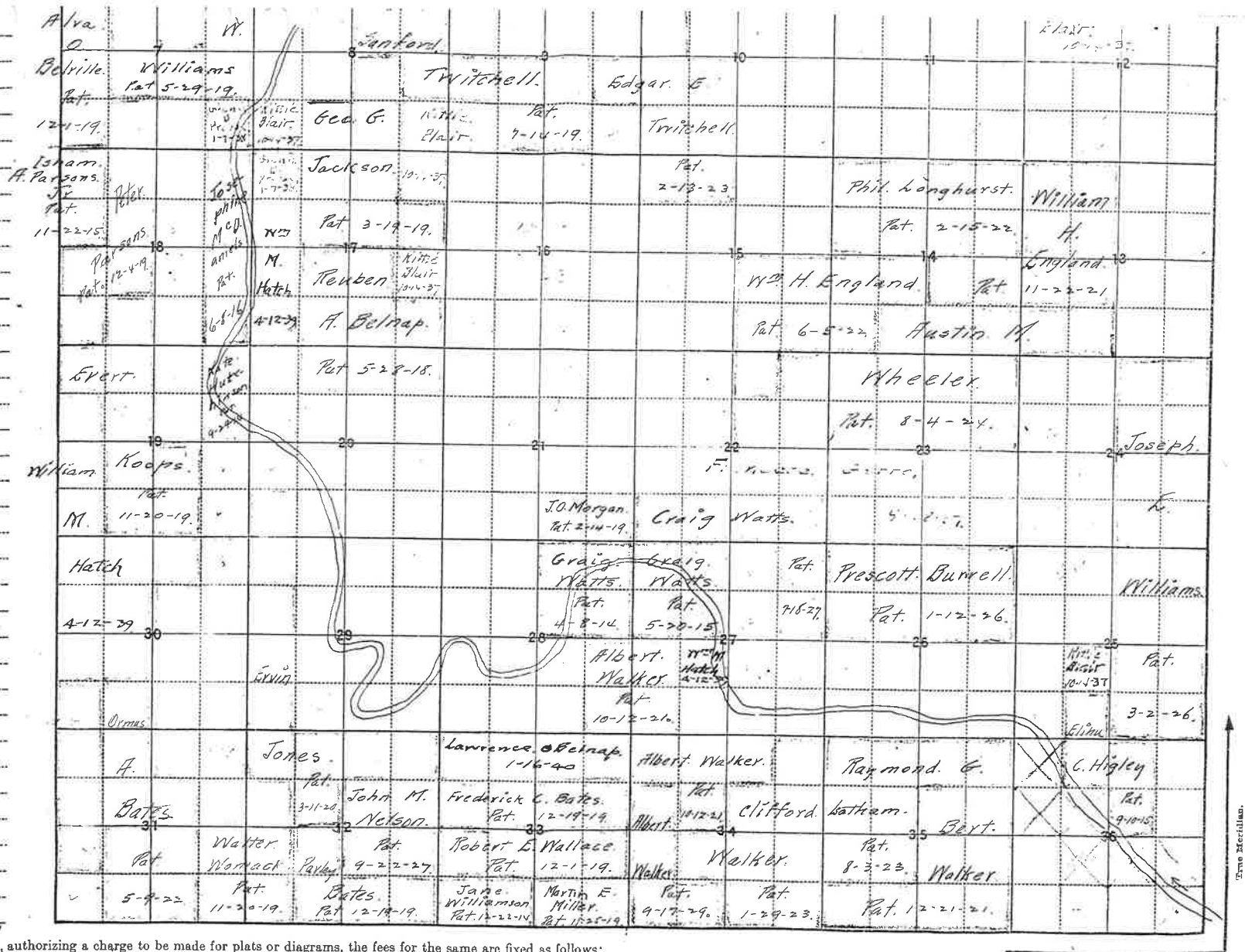
Residing at Idaho

Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 196\_\_\_\_\_.

EXPIRES MAY 15, 1967

State Land Commissioner

NOV 29 2004



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.

users 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

THIS INDENTURE, made this 1st day of August, 1968,  
 between JOHN SHARP and MATTIE G. SHARP, /husband and wife  
 aka Martha G. Sharp  
 of Preston, County of Franklin, State of Idaho,  
 the parties of the first part and MALVERN L. WALLACE and MALVERN S. WALLACE, A  
 PARTNERSHIP

County of Bingham, State of Idaho, of the part ies of the second part,  
 WITNESSETH, that the said part ies of the first part, for and in consideration of the sum of  
 One and no/100 Dollars  
 lawful money of the United States of America and other valuable consideration  
 to them in hand paid by the part ies of the second part, the receipt whereof is hereby acknowledged,  
 have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto  
 the said part ies of the second part, and to their heirs and assigns, forever, all the following described  
 real estate, situated in Bingham County of Idaho, to-wit:

TOWNSHIP 4 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN

Section 24: E $\frac{1}{2}$

Section 25: E $\frac{1}{2}$ ; SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36: W $\frac{1}{2}$ NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 4 SOUTH, RANGE 40, EAST OF THE BOISE MERIDIAN

Section 19: Lots 3 & 4; E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 30: All

Subject to prior Mineral Reservations however evidenced.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-  
 ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues  
 and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity  
 of the said part ies... of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together  
 with the appurtenances unto the part ies of the second part, and to their heirs and assigns forever.  
 And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable

**QUIT CLAIM DEED**

THIS INDENTURE made this 9th day of January 2002 in the year of our Lord two thousand and two between MILTON DON BERGEVIN and LEORA MARY BERGEVIN, husband and wife, of 142 North 740 West, Blackfoot, County of Bingham, State of Idaho, the party of the first part, and CARRIE McLACHLAN, of Sylva, North Carolina, JOE BRANTZEG of Blackfoot, Idaho and FRANK BRANTZEG of Payson, Utah, collectively, party of the second part, the mailing address for taxing purposes shall be Joe Brantzeg of 153 North 400 West, Blackfoot, Idaho 83221.

WITNESSETH that the said party of the first part, for value received does by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to their heirs and assigns all their certain lots, pieces, or parcels of land, situate, lying and being in Blackfoot, County of Bingham, State of Idaho, bounded and particularly described as follows, 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 SW $\frac{1}{4}$ NE $\frac{1}{4}$  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-ways, building and zoning ordinances and use regulations and restrictions, and any encumbrance suffered, assumed, or occasioned by the Grantees

TOGETHER with all and singular the tenements, hereditaments, and appurtenances, thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the party of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hands and seals the day and year first above written.

Milton Donald Bergevin  
MILTON DON BERGEVIN

Leora Mary Bergevin  
LEORA MARY BERGEVIN

STATE OF IDAHO            )  
                                      ) ss.  
County of Bingham        )

On this 9<sup>th</sup> day of January 2002, before me, the undersigned, a notary public in and for said state, personally appeared MILTON DON BERGEVIN and LEORA MARY BERGEVIN, husband and wife, 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.

Scott H. Hansen  
Notary Public for State of Idaho  
Residing at Blackfoot



50796  
RECORDED AT THE REQUEST OF  
Doc. 50796  
163 N. 400 W.  
2002 JAN 11 PM 3:50  
FEE 16.00  
DLP  
JP

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 27-12040

Date Received 9/20/2004

Receipt Number E 030267

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Joe Dean Brantzeg Phone (208) 680-1851

Mailing Address 153 N. 400 W. Blackfoot, Idaho Zip 83221

2. Date of Priority (Only one (1) per claim) 6-1-1914

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

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

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.) ahead of cows (range)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP       | RNG        | SEC | NE 1/4 |       |          |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals   |
|-----------|------------|-----|--------|-------|----------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|----------|
|           |            |     | NE1/4  | NW1/4 | SW1/4    | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |          |
| <u>4S</u> | <u>39E</u> |     |        |       | <u>3</u> |       |        |       |       |       |        |       |       |       |        |       |       |       | <u>3</u> |
|           |            |     |        |       |          |       |        |       |       |       |        |       |       |       |        |       |       |       |          |
|           |            |     |        |       |          |       |        |       |       |       |        |       |       |       |        |       |       |       |          |
|           |            |     |        |       |          |       |        |       |       |       |        |       |       |       |        |       |       |       |          |
|           |            |     |        |       |          |       |        |       |       |       |        |       |       |       |        |       |       |       |          |
|           |            |     |        |       |          |       |        |       |       |       |        |       |       |       |        |       |       |       |          |
|           |            |     |        |       |          |       |        |       |       |       |        |       |       |       |        |       |       |       |          |

Total number of acres irrigated 3

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 Brantley Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

*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 5

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

Signature of Claimant (s) Joe Brantley

Date 14 Sept. 2004

Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

Title \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

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

Signature of Authorized Agent \_\_\_\_\_

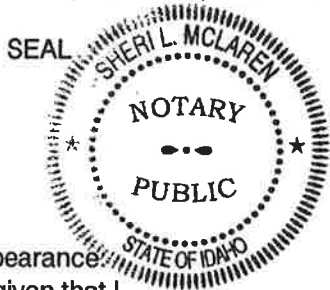
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or Idaho )

County of Bingham )

SS.

Subscribed and sworn (or affirmed) before me this 14 day of September 192004



Notary Public Sheri L. McLaren

Residing at 832 W 385 N Blackfoot Id 83201

My Commission Expires APR 21, 2009

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name Brantley Ident. Number \_\_\_\_\_

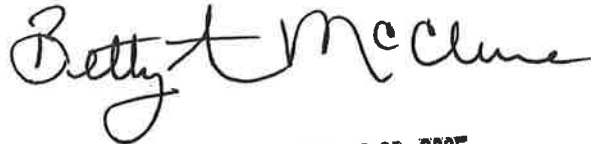
Copies White-State, Yellow-Claimant



I, Carrie Ann Brantzeg McLachlan, give Joe Brantzeg the right to sign my name to the notice of claim to water right civil case # 39576 for the use of Claude's Creek on our shared cabin and 2.9 acres of property in Bingham County, Blackfoot, Idaho.

  
Carrie McLachlan

8/30/04  
Date



My Commission Expires February 23, 2005

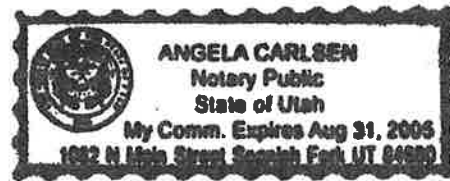


I, Frank Brantzeg give Joe Brantzeg the right to sign in my behalf, concerning the notice of claim of Civil Case #39576 as of the 7<sup>th</sup> day of September 2004. This claim concerns the Claud Creek water rights established on the 6<sup>th</sup> day of June 1919.

Frank Brantzeg

*Frank Brantzeg* 9-9-04  
DOB 11/11/1964

State of Utah  
County of Utah



Subscribed and sworn/affirmed to before me this 9 day of September  
2004, by Frank Brantzeg

Angela Carlsen  
Notary Public

My Commission Expires: 8-31-05