

04/30/2002

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

RIGHT NUMBER: 29-70

NAME AND ADDRESS: JEFFREY L ASKEW
2776 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: SPRING TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.29 CFS

PRIORITY DATE: 04/19/1904

POINT OF DIVERSION:

T07S R38E S11 SWSESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/15 09/15	0.290 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CARIBOU County
T07S R38E S14 NENE 15.0
STOCKWATER same as IRRIGATION

15 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

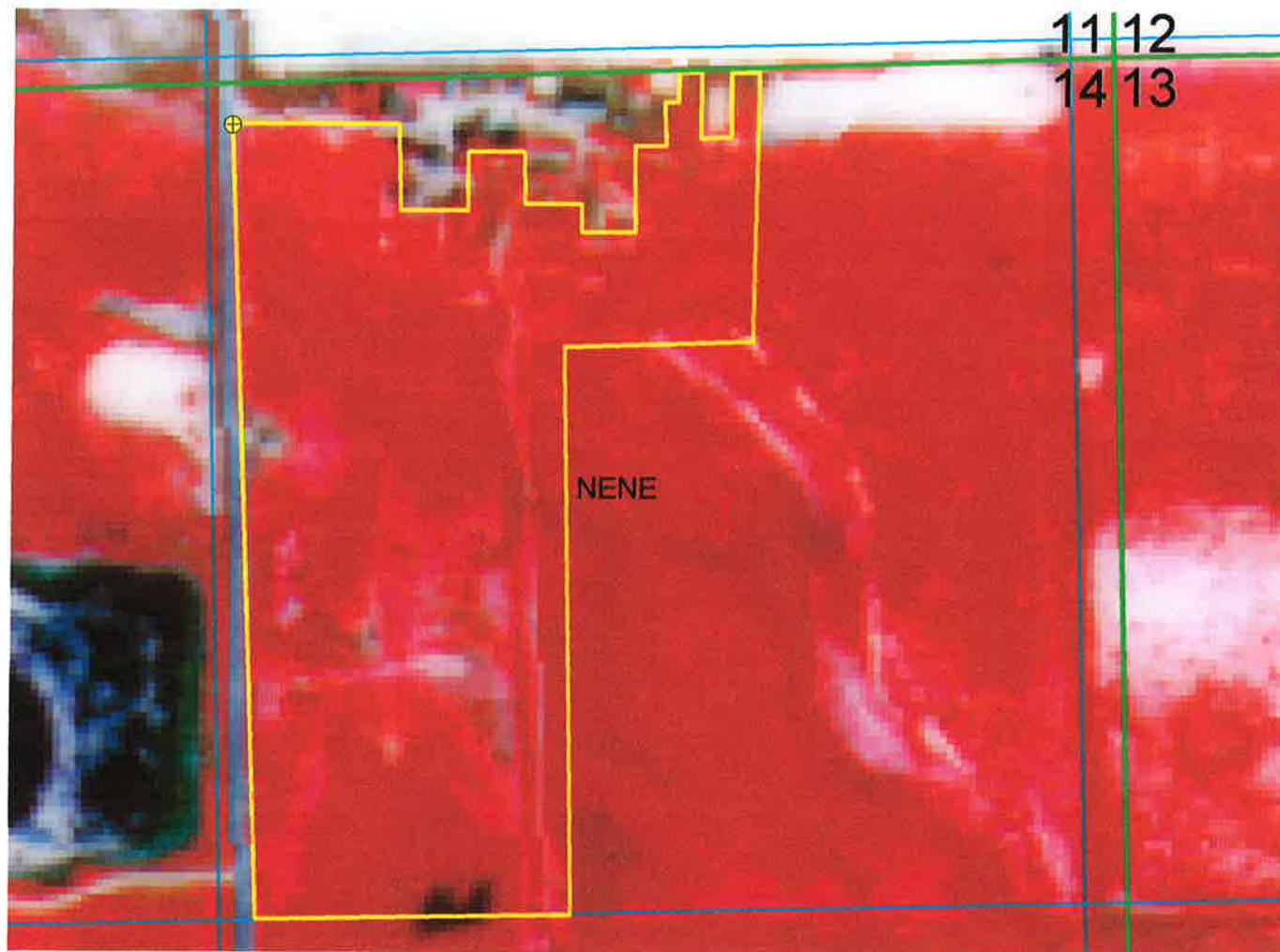
EXPLANATORY MATERIAL: Decreed



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s) 29-70



100 0 100 200 Feet

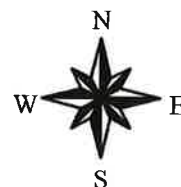


LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

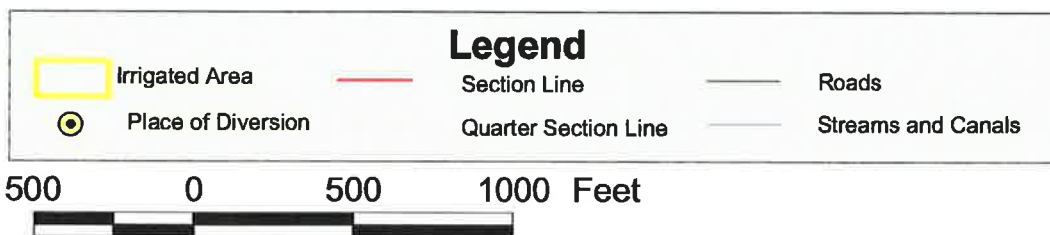
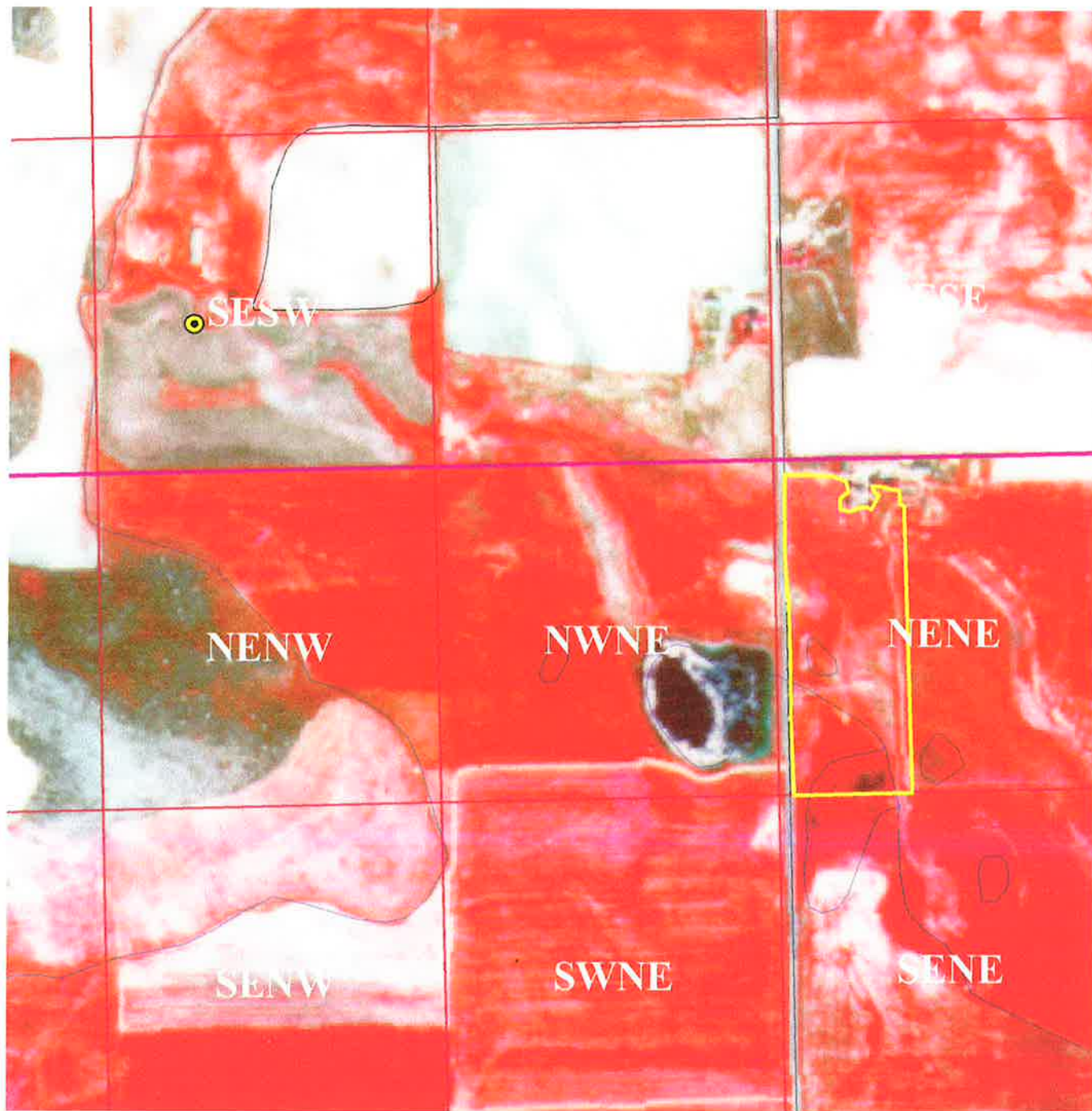
Place of Use: T7S, R38E
(part of) Section 14

Point of Diversion: T7S, R38E
Sec. 14 NENE

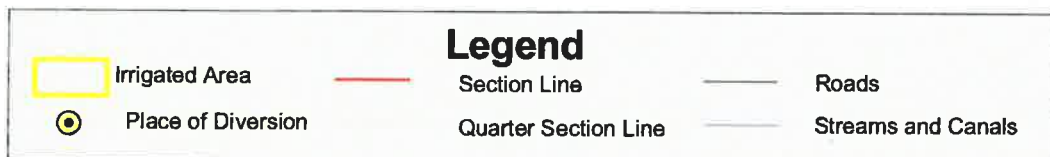
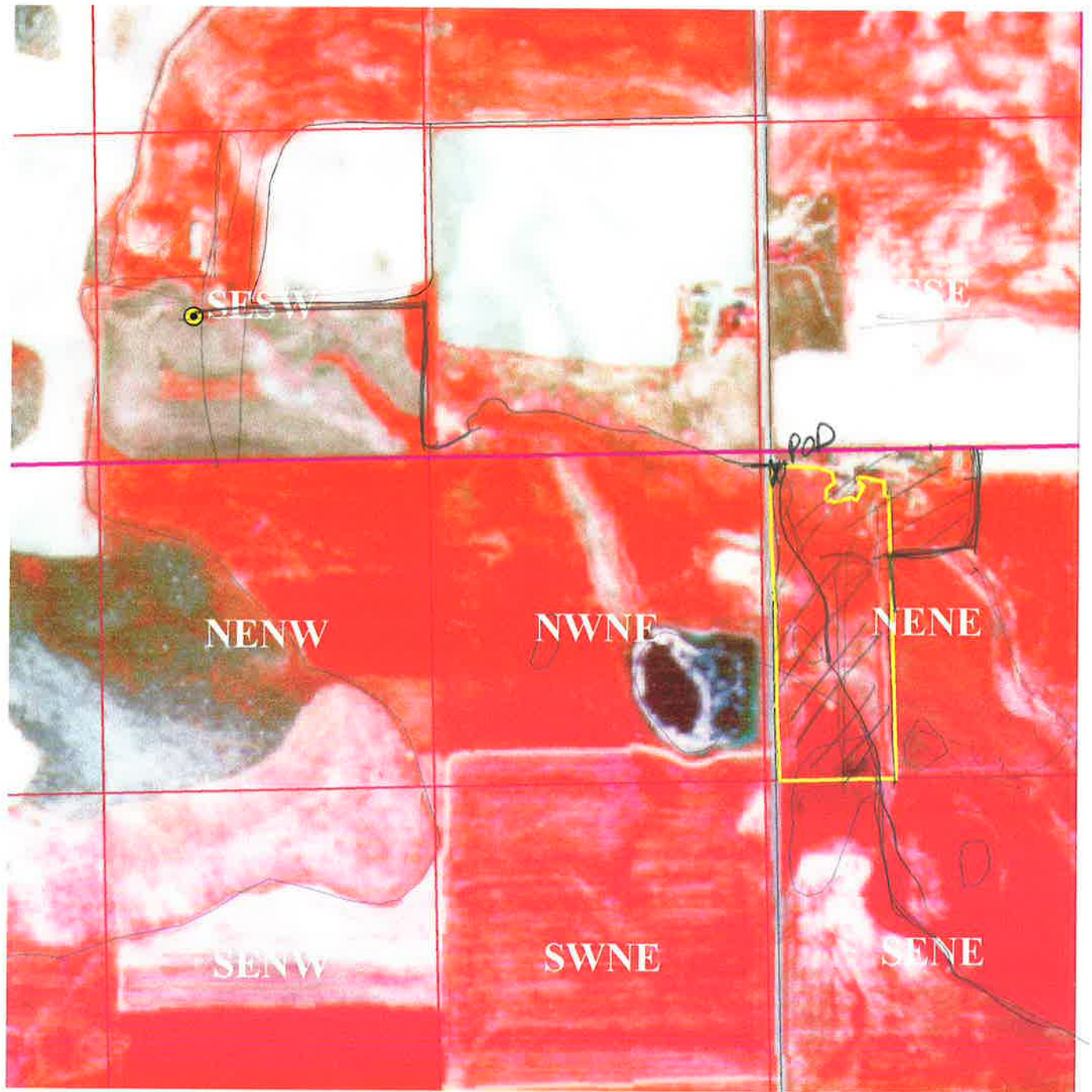


GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: April 2002

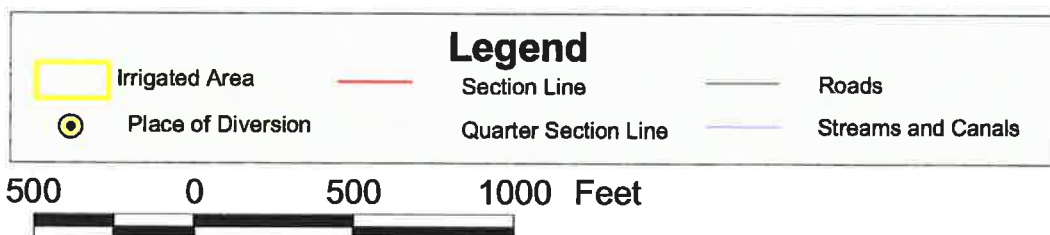
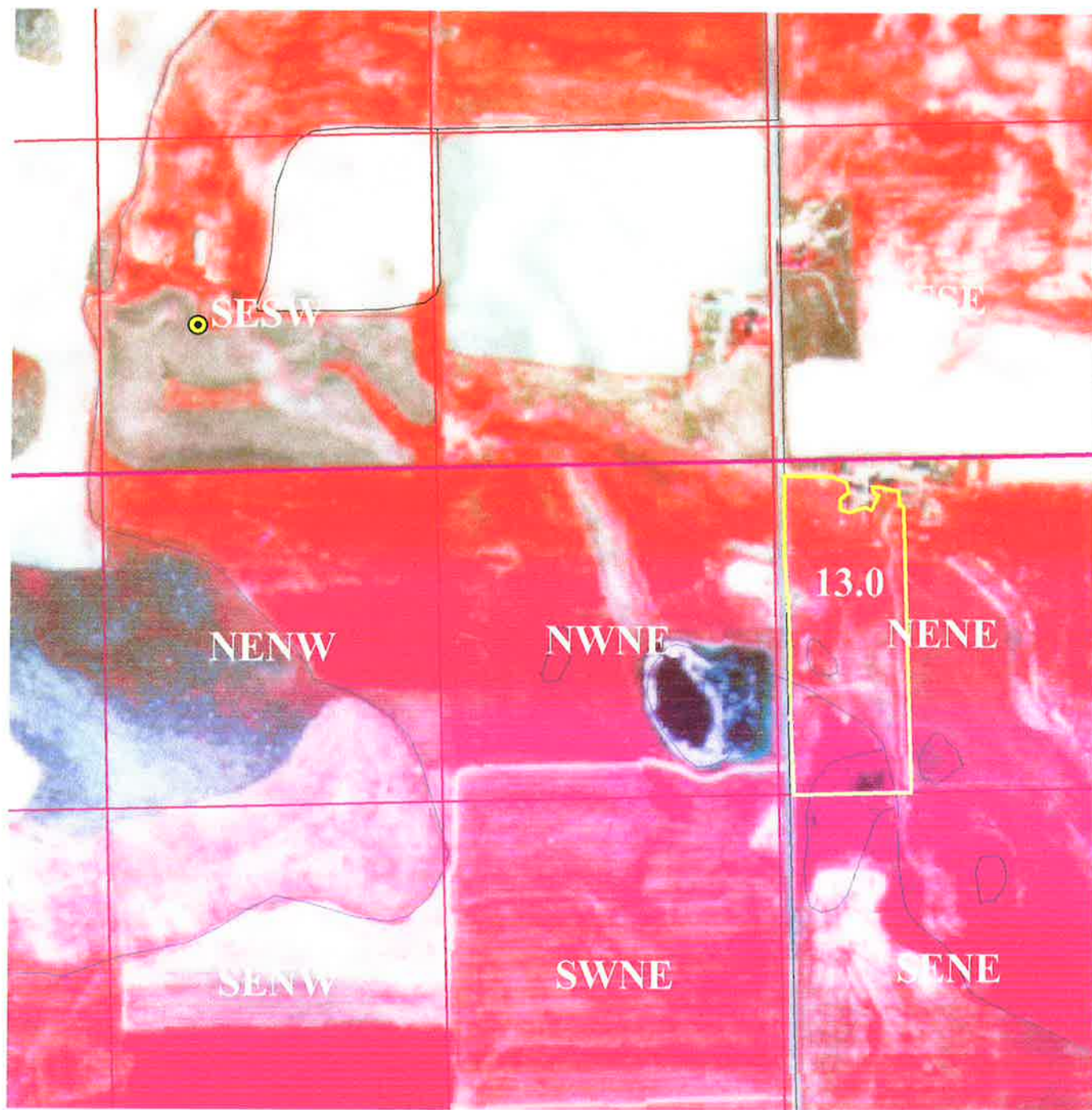
Township , 7S38E



Township , 7S38E



Township , 7S38E





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 1998

JEFFREY ASKEW
2776 KELLY TOPONCE RD
BANCROFT ID 83217

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A29-00070

Dear Mr. Askew:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

15 West Center Street
Soda Springs, Idaho 83276
(208) 547-3993
(208) 547-3939 fax

Idaho Department of Water Resources

Fax

To: Jeff Askew From: Cindy Bird
Fax: 648-7162 Pages: 4
Phone: 648-0841 Date: 5-25-04
Re: Denese white property CC: _____

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Response to fax in regards to water rights
from King Creek.

Cindy Bird

FAXED
10AM 5-25-04

CB

May 25, 2004

Jeff Askew
Askew Building and Remodeling
2776 Kelly Toponce Rd
Bancroft, ID 83217

Ref: Filing a SRBA Late Claim

Subject: Irrigation from King Creek

Good Morning Jeff;

I've reviewed the documents you faxed to me this morning and determined that the water right on that piece of property gone. See the explanation below:

When Denese White sold the property to Michael Nix in 1992 she didn't convey any water and then when Mr. Nix sold it, he also didn't convey any water.

When Denese White sold to Albert Johnson in 1996 she conveyed both 29-10258 (domestic well) and 29-10260 (irrigation from King Creek). The SRBA claim 29-10260 was based on a decree from the Union Grain and Elevator decree as 29-126 for 1.0 cfs. The recommendation for the Smith Family was 0.92 cfs under 29-13395 and Albert Johnson was recommended 0.08 cfs under 29-10260. That completely claims the original right of 1.0 cfs. Therefore, there is nothing left to file on under the decree on King Creek.

Right 29-10259 was decreed to Denese White 6-22-1998. Therefore, the new owners need to file an ownership change with the Department and send a \$25.00 processing fee along with the warranty deed and a copy of the plat or survey map. I've enclosed a copy of the Ownership Change form for your convenience.

If you have any other questions please feel free to contact me in Soda.

Respectfully,

Cindy Bird

Enclosure: Ownership Change form 42-248/42-I 409(6)

2776 Kelly Toponce Rd.
Bancroft, ID 83217
Phone: (208) 648-0841
Cell: (208) 313-7355
Fax: (208) 648-7162

**Askew Building and
Remodeling**

Fax

To: Idaho Water Reservoir From: Jeff Askew
Fax: 547-3939 Date: 5-25-04
Phone: 547-3993 Pages: 10
Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

Cindy or Barb.

we found these copies of adjudication claims
on this property. The history looks like
Denese White to Micheal Nix in May 1992

Micheal Nix to Jim Crane July 29 1993
Jim Crane foreclosure in Jan 2004 to U.S. Bank
U.S. Bank to Jeff Askew in March 2004

I have enclosed The Well + Irrigation applications
with the receipts + White to Nix + Nix to Crane Deed's

Please advise if there is a way to make a late
claim on this, or other options to proceed from here.

Thanks Jeff Askew

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/25/2004

WATER RIGHT NO. 29-10260

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALBERT C JOHNSON
Current Owner	PATRICIA A JOHNSON
	2661 KELLY TOPONCE RD
	BANCROFT, ID 83217
	(208)648-7191
Original Owner	DENESE WHITE
	2679 KELLY TOPONCE RD
	BANCROFT, ID 83217
	(208)648-7772

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
KING CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	09/15	0.08 CFS	
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

KING CREEK	SESWW	Sec. 15	Township 07S	Range 38E	CARIBOU County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	23		NENW	4									

Total Acres: 4

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	C18	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.

Remarks:

1.	General	THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 29.
2.	Priority Date	This priority date is more accurately described as 6/17/1902 NOON
3.	Place of Use - Irrigation	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4 ACRES IN A SINGLE IRRIGATION SEASON.
4.	Explanatory	RIGHT NOS. 29-126 AND 29-7028 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5.	Purpose of Use	THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Original / good
Copy

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: A29-10260
 Date Received: 1/26/1990
 Receipt No: M005604
 Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
 ACQUIRED UNDER STATE LAW

1. Name: DENESE WHITE
 Address: 2679 KELLY TOPONCE ROAD
 BANCROFT, ID 83217
 208-648-7772

2. Date of Priority: JUN 17, 1902

3. Source: KING CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	38E	15	SW SE SW		CARIBOU

POP

5. Description of diverting works:
 CEMENT HEADGATE, GRAVITY FLOW DITCH & SPRINKLING SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.260		

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

A.F.A.

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	38E	14	SE SW		IRR	1.0

Section Acres 1.0

23 NE NW IRR 12.0

Section Acres 12.0

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)

County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

will home

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: A29-10259

Date Received: 1/26/1990

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENESE WHITE 208-648-7772
Address: 2679 KELLY TOPONCE RD
BANCROFT, ID 83217

2. Date of Priority: JUN 01, 1939

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	14	SE	SW			CARIBOU

5. Description of diverting works:
80' DEEP 6" CASING WITH 1/2 HP. MOTOR UNDERGROUND PUMP HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	14	SE	SW		DOMEST	

11. Place of use in counties: CARIBOU

A29-10259

Page 1

Date: 01/26/90

*decreed to Denese white
6/22/1998*

9-10260

Page

1

Date: 01/26/90

10. Place of Use: Continued

Total Acres 13.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

DELMO SMITH PURCHASED THE MAJORITY OF THIS ORIGINAL PROPERTY. A PORTION OF THE ORIGINAL LAND (AND ASSOCIATED WATER) WAS WITHHELD. THIS CLAIM IS FOR THE PORTION WHICH WAS WITHHELD; DELMO SMITH OWNS THE BALANCE OF THE ORIGINAL PROPERTY. ATTACHED IS A COPY OF THE GRANT OF EASEMENT WHICH DESCRIBES THE WITHHOLDING OF THE WATER RIGHT FOR THIS PROPERTY. THIS CLAIM IS BASED ON A PORTION OF THE ORIGINAL DECREED RIGHT 29-00126; HOWEVER, DELMO HAS ALREADY FILED FOR THE ENTIRE RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

A29-10260

Page

2

Date: 01/26/90

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M005603

Date: 01/26/90
Time: 10:34:35

Received

From: WHITE, DENESE C.

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$50.00
	Total	\$50.00

CHECK 1552

WR/NO: A29-10258 A29-10259

Idaho Department of Water Resources

Region: MOBILE I

Signature: Jon S. Carlson

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: W005604

Date: 01/26/90
Time: 10:51:35

Received

From: WHITE, DENESE C.

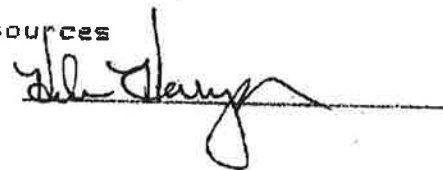
Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$63.00
Total		\$63.00

CHECK 1553

WR/ND: A29-10260

Idaho Department of Water Resources

Region: MOBILE I

Signature: 

FOR VALUE RECEIVED

WARRANTY DEED

DENESE C. WHITE, A WIDOW

the grantor do hereby grant, bargain, sell, and convey unto

MICHAEL F. NIX, A MARRIED MAN AS HIS SOLE & SEPARATE PROPERTY

The grantee whose current address is 2679 KELLY TOPONCE RD.
BANCROFT, ID 83217

the following described premises, to-wit:

CARIBOU COUNTY, IDAHO:

TOWNSHIP 7 SOUTH, RANGE 38 EAST OF THE BOISE MERIDIAN:

SECTION 14: BEGINNING AT A POINT 2571 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION 14, AND RUNNING THENCE NORTH 440 FEET; THENCE EAST 99 FEET; THENCE SOUTH 440 FEET; THENCE WEST 99 FEET, TO THE POINT OF BEGINNING. EXCEPT THEREFROM, ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF THE KELLY-TOPONCE ROAD, AS PRESENTLY LOCATED.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee

HIS heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that s/he IS the owner in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that s/he will warrant and defend the same from all lawful claims whatsoever.

Dated: MAY 21, 1992

Denesse C. White
DENESE C. WHITE

STATE OF IDAHO, COUNTY OF BANNOCK

On this 21ST day of MAY 1992,
before me, a notary public in and for said State, personally appeared:

DENESE C. WHITE, A WIDOW.

Known to me to be the person whose SE name IS
subscribed to the within instrument, and acknowledged to
me that SHE HAS executed the same.*Don Miller*
Notary PublicResiding at POCATELLO, Idaho
My Comm. Expires MAY 30, 1995STATE OF IDAHO } SS. 143588
County of Caribou }I hereby certify that this instrument was filed at the request
of *Caribou Title*
at *11:00* o'clock *A* m this *26th* day of
May, 1992 in my office and duly
recorded in Microfilm Records*Rebecca Jenkins-Smith*
Ex-Officio Recorder*J. P. Gray*
Deputy

INSTRUMENT NO.



First American Title Company of Pocatello, Inc.

146015

Warranty Deed

For Value Received

MICHAEL E. NIX, A SINGLE MAN.

the grantor do hereby grant, bargain, sell and convey unto

JAMES R. CRANE AND HEIDI W. CRANE, HUSBAND AND WIFE,

whose current address is

2679 KELLY TORONCE, BANCROFT, ID

the grantor, the following described premises, in CARIBOU County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO: All existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

July 29th, 1993

MICHAEL E. NIX

STATE OF IDAHO, COUNTY OF SALT LAKE
On this 29th day of July, 1993.
Before me, a notary public in and for said State, personally appeared
MICHAEL E. NIX

Known to me to be the person whose name
subscribed in the within instrument, and acknowledged to me that
he executed the same.

James T. Meyer
Notary Public
Residing at Salt Lake County
Comm. Expires 10-15-95

STATE OF IDAHO

County of Caribou

Date: July 30, 1993

Time: 4:50 PM

Record: Records

Recorder: Edie Pratt

By: Edie Pratt

CT

NOTARY PUBLIC
STATE OF IDAHO
My Comm. Expires
October 15, 1995
THANE T. MYA
6755 SOUTH 2000
Sandy, Utah 84090

EXHIBIT "A"

146015

Township 7 South, Range 38 East of the Boise Meridian;

Section 14: Beginning at the Southwest Corner of said Section 14; thence North $89^{\circ}37'08''$ East 2561.51 feet (East 2571 feet by record); thence North $01^{\circ}09'06''$ East 26.01 feet to a $5/8''$ rebar with cap labelled "A.A. HUDSON PLS 4735" set on the North right-of-way line of King Creek Road, the TRUE POINT OF BEGINNING, and running thence North $01^{\circ}09'06''$ East 439.88 feet (North 440 feet by record) along a fence and its extension to a $5/8''$ rebar with cap set at a fence corner; thence South $85^{\circ}59'42''$ East 100.72 feet along said fence line to a $5/8''$ rebar with cap set at a fence corner; thence South $00^{\circ}01'18''$ East 376.50 feet (South 440 feet by record) along said fence line to a $5/8''$ rebar with cap set on the Westerly right-of-way line of the Kelly-Toponce Road, said point is on a 673.86 foot radius nontangent curve whose center point bears South $60^{\circ}58'07''$ East; thence Southwesterly along said curve through a central angle of $03^{\circ}22'38''$, a distance of 39.72 feet (Chord-South $27^{\circ}20'34''$ West 39.72 feet) to a point of compound curvature with a 432.48 foot radius curve concave to the Southwest; thence Southwesterly along said curve through a central angle of $03^{\circ}25'52''$, a distance of 25.90 feet (Chord-South $23^{\circ}56'19''$ West 25.90 feet) to a $5/8''$ rebar with cap set on the North right-of-way line of King Creek Road; thence North $00^{\circ}05'25''$ West 80.73 feet along said right-of-way line, to the true point of beginning.

Mail Tax Notice to:
P.O. Box 201
Bancroft, ID 83217

152522

WARRANTY DEED

THIS INDENTURE, Made this 28th day of June, 1996, between ROSE DENESE WHITE, a widow, of Bancroft, Caribou County, Idaho, hereinafter called First Party, and ALBERT C. JOHNSON AND PATRICIA A. JOHNSON, husband and wife, of Bancroft, Caribou County, Idaho, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of TWENTY TWO THOUSAND DOLLARS, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

Township 7 South, Range 38 East of the Boise Meridian:

Section 23: NE~~1~~NE~~1~~NW~~1~~, NE~~1~~SE~~1~~NE~~1~~NW~~1~~,
EXCEPT THEREFROM, Beginning at a point 2221.5 feet East and 25 feet South of the Northwest corner of Section 23, and running thence South 290.4 feet; thence East 150 feet; thence North 290.4 feet; thence West 150 feet, to the point of beginning.

TOGETHER with all water and water rights appertenant thereto, including but not limited to the following:
.26 cfs King Creek disclosed by Notice of Claim to Water Right, dated January 26, 1990, Ident. No. A29-10260.
Domestic water from well, disclosed by Notice of Claim of Water Right, dated January 26, 1990, Ident. No. A29-10258.

The right to use water from an underground pipeline disclosed by Grant of Easement executed by Rose Denese White and The Federal Land Bank of Spokane, by instrument, dated April 3, 1986, recorded April 7, 1986, under recorder's instrument No. 127600, in the microfilm records of Caribou County, Idaho.

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 thereunto incident unto the said Second Party, and to their heirs and assigns forever, and the said First Party shall and will warrant and by these

02/08/2003

NOTICE OF ERROR
REPLY

Cindy

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: April 21, 2003

Water right number: 29-70

JEFFREY L ASKEW
2776 KELLY TOPONCE RD
BANCROFT ID 83217

Telephone Number: (208) 648-7162 *Home*
208 237-1705 work

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

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

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

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

DATE: 2-26-03 SIGNATURE: *Jeff Asken*
Please print your name: Jeff Asken

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

April 9, 2002

Dept. of Water Resources
Attn: Cindy Bird
Adjudication Bureau
15 West Center Street
Soda Springs, ID 83276

REF: SRBA A29-70

SUBJECT: Amend claim and provide evidence of the change in point of diversion.

Dear Ms. Bird,

I received your letter of March 27th, describing two issues that need my response:

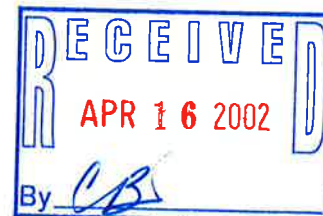
#1- The decree lists domestic as a purpose of use. The SRBA does not claim domestic use.

#2- The decreed point of diversion, claimed point of diversion and actual point of diversion are all different.

In response to #1, I would like to claim a component of domestic use, specifically year round stock water. The previous owners and myself have used this component of domestic use for many years prior to Nov. 1987.

In response to #2, I talked to two life long residents of this valley about the discrepancy of the point of diversion regarding this claim. Gary Hatch was a previous owner of the property and Wilder Hatch is an adjoining neighbor. Both have signed this letter as an affidavit stating his opinion on the discrepancy of issue #2.

The consensus of opinions is that confusion between the source of the spring, place of use, and point of diversion has created the different descriptions of the point of diversion. Historically, the actual point of diversion as well as the point of use has been Sec. 14 NE NE. It should be noted that the 1932 decree and the SRBA claim match the actual and historical point of use. I believe that these changes occurred decades before Nov. 1987 and were the result of paperwork mistakes and confusion in terminology; no actual change in use or injury has occurred.



I hope that this letter signed by myself, Mr. Gary Hatch and Mr. Wilder Hatch can stand as evidence to this conclusion.

Please let me know if you require more documentation.

Sincerely,

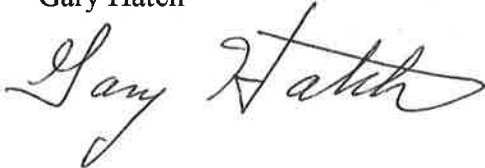
Jeff Askew



Wilder Hatch



Gary Hatch



State of Idaho)
 S.S.

County of Caribou)

On this 15th day of April, in the year of 20 02, before me
Kathleen Wistisen a notary public, personally appeared Jeffrey L. Askew,
Gary Hatch, and Wilder Hatch personally known to me to be the person(s)
whose name(s) is (are) subscribed to the within instrument, and acknowledged to
me that he (she) (they) executed the same.

S
E
A
L


Notary Public signature

My commission expires on 2/25/08

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

03/29/2002

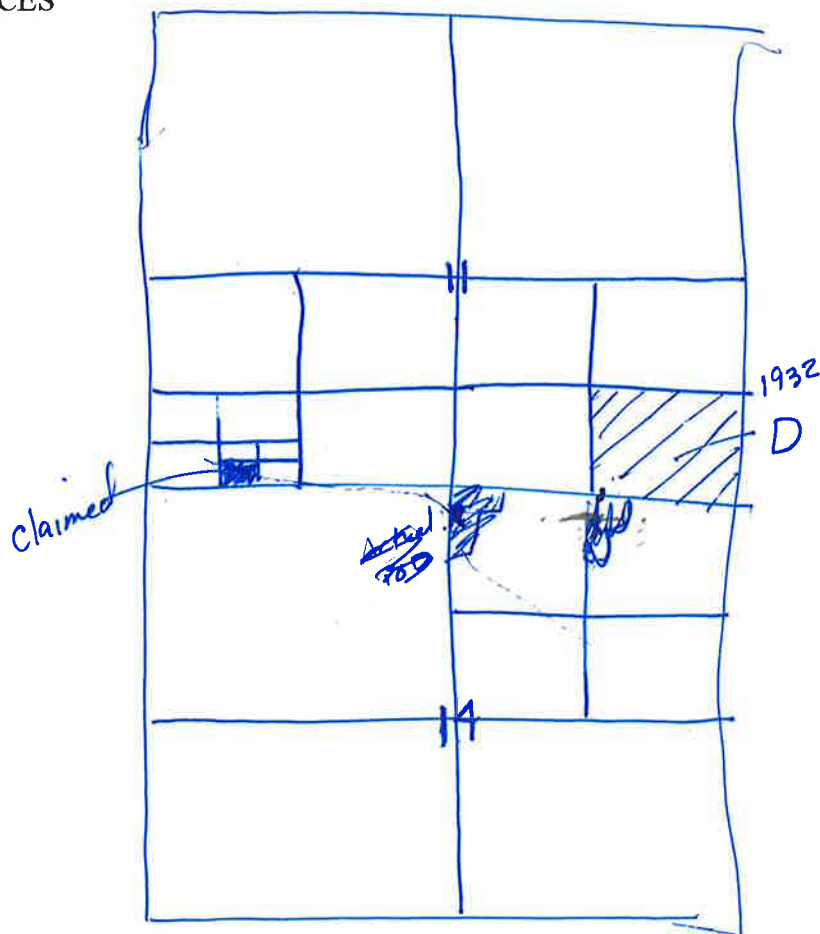
WATER RIGHT NO. 29-70

Owner Type	Name and Address
Current Owner	JEFFREY L ASKEW 2776 KELLY TOPONCE RD BANCROFT, ID 83217 (208)648-7162
Original Owner	GARY L HATCH
Original Owner	LA RAE HATCH
Original Owner	CORNELIUS WILLIAMS 3023 CHESTERFIELD RD BANCROFT, ID 83217 (208)648-7395

Priority Date: 04/19/1904

Basis: Decreed

Status: Active



Source	Tributary
SPRING	PORTNEUF RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	0.29 CFS	
Total Diversion			0.29 CFS	

add Domestic use JA

Location of Point(s) of Diversion:

T7S R38E Sec 14 NE NE JA

SPRING	SWSESW	Sec. 11	Township 07S	Range 38E	CARIBOU County
--------	--------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	14		NENE	15									

Total Acres: 15

Conditions of Approval:

1.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 29 .
----	-----	---

Remarks:

1.	General	OWNERSHIP CHANGED BY SVH 6-23-98
----	---------	----------------------------------

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 08/06/1932

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 29

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Jeff Askew
4-15-02

State of Idaho)
 S.S.
County of Caribou)

On this 15th day of April, in the year of 20 02, before me
Kathleen Wistisen a notary public, personally appeared Jeffrey L. Askew
personally known to me to be the person(s) whose name(s) is (are) subscribed to
the within instrument, and acknowledged to me that he (she) (they) executed the
same.

S
E
A
L



Kathleen Wistisen
Notary Public signature

My commission expires on 2/25/08

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-70

RE: Stock water use

DATE: 4-4-02 11Am.

NAME OF PARTY: Jeff Askew

The spring is used for stockwater on the same place as the irrigation under this right. Stock is watered year around. Would like to add the stock water as a purpose of use under this right.

- The desired purpose of use is domestic and irrigation. The water is not used for domestic but is used for stockwater.

The remarks for the claim describes stock as nonirrigation use, so the intention to file stock water was there.

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

03/29/2002

WATER RIGHT NO. 29-70

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFREY L ASKEW 2776 KELLY TOPONCE RD BANCROFT, ID 83217 (208)648-7162
Original Owner	GARY L HATCH
Original Owner	LA RAE HATCH
Original Owner	CORNELIUS WILLIAMS 3023 CHESTERFIELD RD BANCROFT, ID 83217 (208)648-7395

Priority Date: 04/19/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.29 CFS	
Total Diversion			0.29 CFS	

Location of Point(s) of Diversion:

SPRING	SWSESW	Sec. 11	Township 07S	Range 38E	CARIBOU County
--------	--------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	38E	14		NENE	15									

Total Acres: 15

Conditions of Approval:

1.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 29 .
----	-----	---

Remarks:

1.	General	OWNERSHIP CHANGED BY SVH 6-23-98
----	---------	----------------------------------

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 08/06/1932

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 29

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 27, 2002

Jeffrey L. Askew
2776 Kelly Toponce Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA)
A29-70

SUBJECT: Under claimed water right and changed point of diversion.

Dear Mr. Askew;

My investigation of the Notice of Claim above indicates that your predecessors might not have fully claimed the water right described in the decree upon which this claim is based. The Union Grain and Elevator Decree on 29-70 included domestic as a purpose of use that was not claimed in the SRBA. If you believe that you have not fully claimed all of purposes of use, then you may amend your claims to fully claim the right as decreed. An additional filing fee may be required in some circumstances.

A computer-generated copy of the Claim and a layout of the place of use and point of diversion are enclosed for your reference. If you wish to amend your claim, simply write in any changes in the appropriate spaces, initial the changes, sign the form and have your signature notarized, and return the claim to this office by **April 21, 2002**.

This office must receive your response by the response date shown above. If you do not wish amend your Claim, then you may be deemed to have waived the right to claim any purpose of use that was not claimed in your original Notice of Claim.

Also, we discussed last year the change in the point of diversion and needing some additional information to support the change. The claimant is required to submit the date of the change and some evidence tending to support that date, because the date of the change is essential to the injury analysis. If no such evidence is submitted, then the claim will be recommended for disallowal on the basis that the claimant did not show either a change in use without injury. The change must have occurred prior to November 19, 1987, because the accomplished transfer statute applies only to changes that occurred prior to commencement of the Adjudication.

The decreed point of diversion, claimed point of diversion and actual point of diversion are all different. This additional information is needed to determine if the accomplished transfer statute applies and to determine if any injury has occurred. If you have any additional questions please feel free to give me a call or stop by the office in Soda Springs.

Sincerely;

Cindy E. Bird
Adjudication Bureau

Enclosure: Copy of Claims A29-70 and layout.

EXAM INFORMATION

Exam Date

Thursday

10-18-01

Exam Time

3pm

CLAIM(S)

A29-70

NAME

Jeff Askew

ADDRESS

PHONE ()

648-7162

HOME

WORK

CELL

DOMESTIC

STOCKWATER

IRRIGATION

OTHER

OTHER RIGHTS

DIRECTIONS

- Gary Hatch claimed the stock portion of this right. Reduce Jeff Askew's claim by 0.04 cfs.

POD - Jeff is searching if the POD was ever in the SESE of Sect. 11.

- The Union Grain & Elevator decree didn't decree stock water.

DOGS

DATE

10/15/01

APPOINTMENT

Jeff Askew

AJ5809NP
No. A29-00070

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEFFREY L ASKEW 2776 KELLY TOPONCE RD BANCROFT ID 83217 (208) 648-7162	04/19/1904	IRRIGATION	04-01 11-01	0.290 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.290 CFS	37.50 AFA

Water Source: SPRING

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R38E S11

SWSESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	38E	14	:	15				:					:					:						15.0
																							TOTAL ACRES	15.0

POU County: CARIBOU

Non-Irrigation Uses: S/200 RANGE CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-12909

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00104 A29-00105 A29-00106 A29-02471

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29.

Remarks: GEN OWNERSHIP CHANGED BY SVH 6-23-98

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 01/15/90 WILSON 04/01/94 THOMPSON 03/29/95 POST-STD 06/04/97 JTHOMPSON
06/23/98 SVANHOFF 07/14/98 JHOAGLAN

WR5809NP
No. 29-00070

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/01
PAGE: 11

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CORNELIUS WILLIAMS	04/19/1904	IRRIGATION	04/15 09/15	0.290 CFS	
TOTAL DIVERSION:					0.290 CFS	

Water Source: UNNAMED STREAM

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R38E S11

SESE

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	38E	13	:																	:	
07S	38E	14	:	I								I	I							:	

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-02012

Other Water Rights Listing Overlapping Place(s) of use:
29-00103 29-00104 29-00105 29-00106 29-02012 29-02471

Remarks: GEN P/U INCOMPLETE.

Dates:	App. Received:	Priority Date:	04/19/1904
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 29 Field Exam Fee:

Audit: 06/18/85 05/22/88 CONVERT 10/04/91 SKAGGS

53. MURPHY, ED.
29 0065 1902 July 1

1.0 c.f.s.

1, Section 12, Township 9 South, Range 36 East, for the irrigation of lands in Lots 5 and 6, Section 1, Township 9 South, Range 36 East.

Said water to be diverted through the Lewis-Goodenough Ditch last above described, for the irrigation of lands in Lot 4, Section 1, Township 9 South, Range 36 East, and the Southwest quarter of the Southwest quarter, Section 36, Township 8 South, Range 36 East.

54. ORGILL, THOMAS
29 0066 1902 July 1

.14 c.f.s.

Said water to be diverted through the Lewis-Goodenough Ditch, last above described, for the irrigation of land in Lot 7, Section 1, Township 9 South, Range 36 East.

55. GOODENOUGH, GEORGE
29 0067 1902 July 1

1.72 c.f.s.

Said water to be diverted through the said Lewis-Goodenough Ditch, last above described, for the irrigation of land in the Southeast quarter of the Northeast quarter, and the East half of the Southeast quarter, Section 35, Township 8 South, Range 36 East.

56. O.S.L.R.R. COMPANY
29 0068 1882 July 1

.40 c.f.s.

O.S.L.R.R. Tank Water Supply. The point of diversion from the Portneuf River is located in Lot 7, Section 21, Township 9 South, Range 37 East. From the Northeast corner of Section 21, same Township and Range, the point of diversion bears Southwest 2100 feet, for culinary and domestic use.

SPRINGS AND UNNAMED STREAMS, TRIBUTARY
TO PORTNEUF RIVER.

57. HIBNER, JULIA,
29 0069 1882, Nov. 28

1.22 c.f.s.
(61.22) inches

HIBNER SPRINGS. The location of the point of diversion from Hibner Springs, is in the Southwest quarter of the Northeast quarter, Section 19, Township 6 South, Range 39 East. From the East quarter corner of Section 19, the point of diversion bears North 81 degrees and 45 minutes West, 2520 feet, for domestic uses and the irrigation of 61.22 acres of land, located in the Northeast quarter of the Southwest quarter, the Northwest quarter of the Southwest quarter, the Northwest quarter of the Southeast quarter, the southwest quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, Section 19, Township 6 South, Range 39 East.

That the said Julia Hibner do also have the right to maintain the reservoir large enough to impound all the waters of said Hibner Springs for the uses aforesaid in addition to the constant flow of said springs.

58. WILLIAMS CORNELIUS
29 0070 1904. April 19.

.29 c.f.s.

UNNAMED STREAM. The point of diversion is in the Southeast quarter of the Southeast quarter, Section 11, Township 7 South,

POD: SESE

Claimed SESW

MAY 15 1996

sect 11.

Range 38 East, for irrigation and domestic purposes, in the Northeast quarter of the Northeast quarter, Section 14, Township 7 South, Range 38 East; and the South half of the Northwest quarter, Section 13, Township 7 South, Range 38 East.

TWENTY-FOUR MILE CREEK, TRIBUTARY TO THE PORTNEUF RIVER

CHESTERFIELD CANAL and RESERVOIR COMPANY'S CANALS. The said Company's reservoir is located in the Northeast quarter of the Southeast quarter, Section 16, Township 6 South, Range 39 East, across the channel of Twenty-four Mile Creek.

WEST SIDE CANAL, Diverts in the Northwest quarter of the Northwest quarter, Section 22, Township 6 South, Range 39 East. From the Southwest corner of Section 15, Township 6 South, Range 39 East, the point of diversion bears South 73 degrees 32 minutes East 956 feet.

EAST SIDE CANAL, diverts in the Northwest quarter of the Northwest quarter, Section 22, Township 6 South, Range 39 East. From the Southwest corner of Section 15, Township 6 South, Range 39 East, the point of diversion bears south 72 degrees 22 minutes East, 964 feet.

29 0071 59. CHESTERFIELD CANAL and
RESERVOIR CO.
1882 August 8. 6.0 c.f.s.
(Storage Water
100 acre Feet)

Suitable measuring devices will be installed to measure the water in and out of the reservoir, that the normal flow of the stream, during the irrigating season may be undisturbed. No less in the volume of the stream shall be charged against this stored water, between the points of entrance of the stream to the reservoir, and the point of exit.

for the irrigation of lands located under the said Company's Canals described as follows: The Southeast quarter of the Northeast quarter, the East half of the Southeast quarter, Section 19; the Northwest quarter of the Southeast quarter, the South half of the Southeast quarter, the Southwest quarter, Section 20; the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southwest quarter; the West half of the Southwest quarter, Section 21; the West half, the Northwest quarter of the Northeast quarter, Section 28; the Southeast quarter of Section 29; the East half of the Northeast quarter, the Northwest quarter of the Northeast quarter, Section 32; Township 6 South, Range 39 East; the Northwest quarter of the Northwest quarter, Section 27; the East half of the Southeast quarter, Section 33, the Northwest quarter, the Southwest quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, Section 34, Township 6 South, Range 39 East; the Southwest quarter, the Southwest quarter of the Southeast quarter, Section 2; the Southeast quarter, Section 3, the Southeast quarter, and the North half of the Northeast quarter, Section 10; the West half of the Northwest quarter, Section 11, Township 7 South, Range 39 East.

CALLS WEST DITCH)
CALLS EAST DITCH)
HOLBROOK DITCH No. 1) These ditches are all used in connection with
HOLBROOK DITCH No. 2) the irrigation of the same lands.

CALLS WEST DITCH, Diverts from Twenty-four Mile Creek in the Southeast quarter of the Northeast quarter, Section 21, Township 6 South Range

RECEIVED

MAY 15 1996

SCANNED

MAY 4 2001

Log for claim A29-00070

Spatial Dynamics BTD

6/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	14	NENE	15	13	
Totals:			15	13	



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

OCT 02 1997

Department of Water Resources
Eastern RegionDATE OF CLOSING: 7-18-95

LEGAL DESCRIPTION OF PROPERTY: Township 07S Range 38E
 Section 14, 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A.29-00070

☐ Name and Address of Former Owner/Claimant(s)(Seller): Gary L. Hatch
3023 Chesterfield rd.
Bancroft Rd. 83217

☐ New Owner/Claimant (Purchaser): Jeffrey L. Askeu

☐ New Mailing Address: 2776 Kelly Topance rd.
Bancroft Rd. 83217

☐ New Telephone Number: (208) 648-7162

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Deed. of trust + Warranty Deed.

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Jeffrey L. Askeu Date 8-3-97

Date

☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

I hereby certify that this instrument was filed at the request
 of Caribou Title
 at 4:10 o'clock P m this 25th day of
July, 1995 in my office and duly

recorded in Microfilm Records

Recorder: Edie Izatt

Ex-Officio Recorder

Deputy 600

WARRANTY DEED

THIS INDENTURE, Made this 18th day of July, 1995, between **GARY L. HATCH** and **LARAE HATCH**, husband and wife, of Bancroft, County of Caribou, State of Idaho, hereinafter called First Party, and **JEFFREY L. ASKEW** and **JODY R. ASKEW**, husband and wife, of 2776 Kelly Toponce Road, Bancroft, County of Caribou, State of Idaho 83217, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of **SEVENTY THOUSAND FIVE HUNDRED AND NO/100 DOLLARS**, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

Township 7 South, Range 38 East of the Boise Meridian:

Section 14: A tract in the ~~NE~~^{NE} of said Section 14, more particularly described as follows:

Beginning at a point on the North line of said Section 14, said point being 510 feet West of the Northeast Corner of said Section 14, and running thence South at a right angle 209 feet;
 thence West 370 feet;
 thence South 1111 feet;
 thence West 444.5 feet to the center of the Kelly Toponce Road right of way;
 thence North 0°27'21" East 1320.04 feet along the center of said right of way;
 thence East 804 feet,
 to the point of beginning.

EXCEPT THEREFROM, any portion thereof lying within the right of way of a County Road.

SUBJECT to all easements, rights of way, and public roads or highways adjoining or crossing said property, and further subject to retention or reservation of mineral, oil and gas rights by prior owners of said real property or by the United States of America or the State of Idaho.

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 thereunto incident unto the said First Party, and said First Party's heirs, the said premises in the quiet and peaceable possession of said Second Party, said Second Party's heirs and assigns against the said First Party, First Party's heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said First Party has hereunto set their hands and seals, the day and year first above written.

Gary L. Hatch
GARY L. HATCH

LaRae Hatch
LaRAE HATCH

STATE OF IDAHO)

: ss.

County of Caribou)

On this 18th day of July, 1995, before me the undersigned, a Notary Public in and for said County and State, personally appeared **Gary L. Hatch and LaRae Hatch, 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.

Lynette Sharp
NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: 11/8/99



Phone 547-3147

25 West Center

P.O. Box 322

GARY L. STOOR
PROFESSIONAL ENGINEER
AND SURVEYOR
Soda Springs, Idaho 83276
May 17, 1995

DESCRIPTION FOR GARY HATCH

The following described tract of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T.7S., R.38E., B.M., Caribou County, Idaho:

Beginning at a point on the North line of Section 14, T7S, R38E, B.M., said point being 510.0 ft West of the Northeast Corner of said Section 14, and running thence South at Right Angles 209.0 ft; thence West 370.0 ft; thence South 1111.0 ft; thence West 409.5 ft to the Center of the Kelly Toponce Road Right of Way; thence N 0°27'21"E 1320.04 ft along the Center of said Right of Way; thence East 804.0 ft to the Point of Beginning and containing 15.09 Acres.

150446

DEED OF TRUST

THIS DEED OF TRUST, Made this 18th day of July, 1995,
 BETWEEN JEFFREY L. ASKEW and JODY R. ASKEW, husband and wife

whose address is 2774 Kelly Toponce Road, Bancroft, ID 83217 herein called GRANTOR,
CARIBOU LAND TITLE, INC., herein called TRUSTEE, and GARY L. HATCH and LARAE HATCH, husband and wife,

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of Caribou, State of Idaho, described as follows, and containing not more than twenty acres:

Township 7 South, Range 38 East of the Boise Meridian:

Section 14: A tract in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 14, more particularly described as follows:

Beginning at a point on the North line of said Section 14, said point being 510 feet West of the Northeast Corner of said Section 14, and running thence South at a right angle 209 feet;
 thence West 370 feet;
 thence South 1111 feet;
 thence West 444.5 feet to the center of the Kelly Toponce Road right of way;
 thence North 0°27'21" East 1320.04 feet along the center of said right of way;
 thence East 804 feet,
 to the point of beginning

EXCEPT THEREFROM any portion thereof lying within the right of way of a County Road.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of EIGHT THOUSAND FIVE HUNDRED AND NO/100ths Dollars, (\$8,500.00), final payment due AUGUST 1, 2000

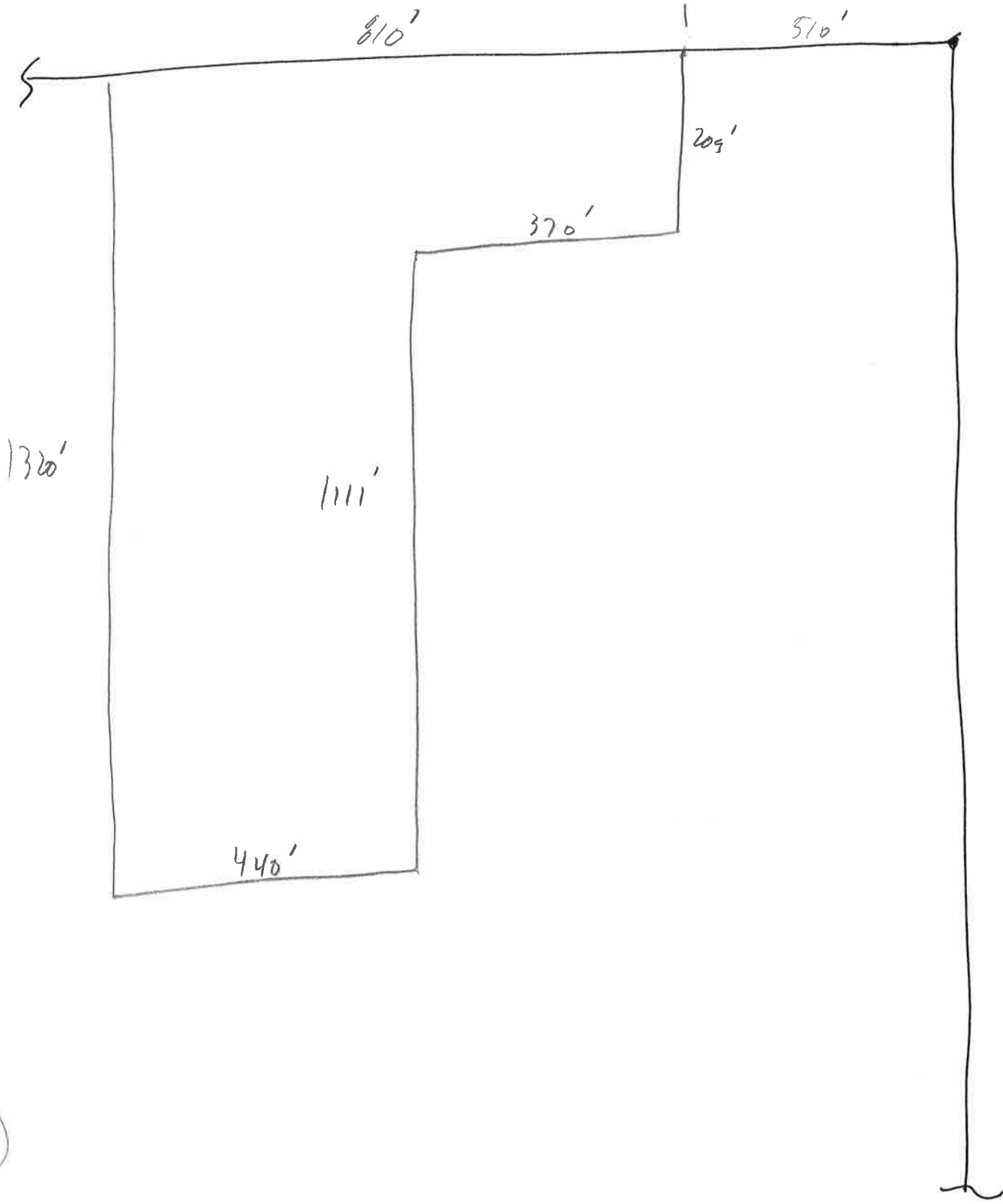
and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

THE PROMISSORY NOTE OR NOTES, AND ANY EVIDENCES OF FURTHER AND/OR ADDITIONAL ADVANCES MUST BE PRESENTED WITH THIS REQUEST.

Deliver to: _____
 The undersigned is the legal owner and holder of all indebtedness secured by the within Deed of Trust. All sums secured thereby have been fully paid. You are hereby requested and directed to cancel all evidences of indebtedness secured by you under the same.

, Trustee:

REQUEST FOR FULL RECONVEYANCE
 To be used only when note has been paid.



SEC 14

September 30, 1997

Harold W. Jones
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402

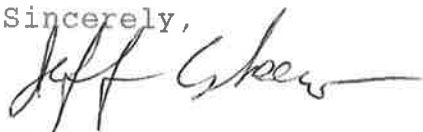
Dear Mr. Jones,

Around June of 1997, I was in to see Steve Ball about getting my change of ownership completed. I also visited with you and the receptionist, your advice to fix the problems on this water right was to have Mr. Hatch amend his original claim, fixing the errant place of use (#10) and then proceed with a new change of ownership from myself.

Please find enclosed those items and Mr. Hatch's new claim for stockwater right with a check for \$25.00.

As you may remember, I also talked with you about transferring some of this water right to a different property. That discussion ended with the need for a letter from my mortgage company allowing the transfer. I have since obtained that letter and permission but the plans surrounding the water transfer have fallen through. At this time, I only need to complete the change of ownership.

Sincerely,



Jeff Askew
2776 Kelly Toponce Rd.
Bancroft, Idaho 83217

648-7848 ext 20 work

648-7162 Home

RECEIVED

OCT 02 1997

Department of Water Resources
Eastern Region

AJ0749NP
No. A29-00070

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 07/14/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEFFREY L ASKEW 2776 KELLY TOPONCE RD BANCROFT ID 83217 (208) 648-7162	04/19/1904	IRRIGATION	04-01 11-01	0.29 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.29 CFS 37.50 AFA
Water Source: SPRING		Tributary to: PORTNEUF RIVER			Stage: DECREED	
Point(s) of Diversion:		T07S R38E S11 SWSSEW		CARIBOU County		
Place of use Legal Description for: IRRIGATION						
NE NW SW SE						
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :	SUM	

07S	38E	14	: 15	:	:	: 15.0
						TOTAL ACRES 15.0

POU County: CARIBOU

Non-Irrigation Uses: S/200 RANGE CATTLE

Other Rights: NONE

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 29.

Remarks: GEN OWNERSHIP CHANGED BY SVH 6-23-98

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag:

MAY 4 2001

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00070
Date Received: 1/15/1990
Receipt No: E011696
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GARY L HATCH 208-648-7395
Address: 3023 CHESTERFIELD RD
BANCROFT ID 83217
OR
Name: LA RAE HATCH 208-648-7395
Address: 3023 CHESTERFIELD RD
BANCROFT ID 83217

2. Date of Priority: APR 19, 1904 ✓

3. Source: SPRING ✓ Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	11	SW	SE	SW		CARIBOU

5. Description of diverting works:
COLLECTION DITCH FOR FLOOD IRRIGATION & STOCK POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.290	✓	

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	14	NE	NE		IRR	15.0

Section Acres 15.0

Total Acres 15.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

MCCAMMON DITCH CO. ET. AL.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Gary J. Hatch Date: 6/13/97

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of June 19 97

Barbara J. Payne
Notary Public

Seal

Residing at Bancroft, ID

My Commission Expires 10-1-02

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: A29-00070
Date Received: 1/15/1990
Receipt No: E011696
Received By: KCN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY L. HATCH 208-648-7395
Address: 3023 CHESTERFIELD ROAD
BANCROFT, ID 83217
OR
Name: LA RAE HATCH 208-648-7395
Address: 3023 CHESTERFIELD ROAD
BANCROFT, ID 83217

2. Date of Priority: APR 19, 1904

3. Source: SPRING Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	11	SW	SE	SW		CARIBOU

5. Description of diverting works:
COLLECTION DITCH FOR FLOOD IRRIGATION & STOCK POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.290		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE CATTLE

A29-00070

Page 1

Date: 01/15/90

MICROFILMED
NOV 13 1992

A2900070

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	14	NE	NE		IRR	10.0
			SE	NE		IRR	5.0
						Section Acres	15.0
						Total Acres	15.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Gary L. Hatch Date: Jan 15, 1990
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of January 19 90

Seal

Anthony S. Olmsted
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994

Spring

5355

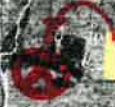
BM X 5376

5335

P

5325

Cheslerford Church



POINT OF DIVERSION

T
7
S

R38E

R39E



PLACE OF USE

TOPONCE

14

BM

13

Well
5319

Spring

Well
5326

ANAL

23

5394

53

A29-00070

RECORDED
NOV 17 1992

Borrow
pit

Well 5307