

03/24/2003

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

RIGHT NUMBER: 29-195D

NAME AND ADDRESS: SILVIA JM LOCKYER
PO BOX 371
MC CAMMON ID 83250

SOURCE: HARKNESS CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T09S R36E S1 SENESE Within BANNOCK County Source: HARKNESS CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.050 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 BANNOCK County

T09S R36E S12 Lot 1 NWNE 2.6 T09S R36E S12 Lot 2 SENE 0.1

2.7 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

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

02/04/2003

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

RIGHT NUMBER: 29-195D

NAME AND ADDRESS: SILVIA JM LOCKYER
PO BOX 371
MC CAMMON ID 83250

SOURCE: HARKNESS CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T09S R36E S1 SENESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 09/15

0.160 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 BANNOCK County

T09S R36E S12 Lot 1 NWNE 2.6 T09S R36E S12 Lot 2 SENE 0.1

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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

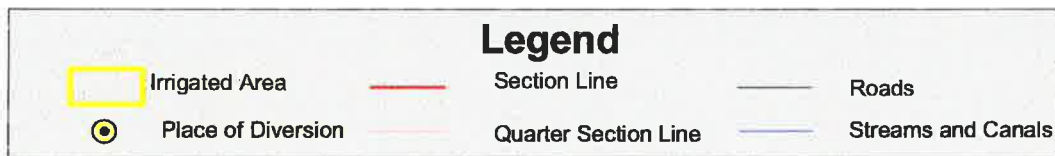
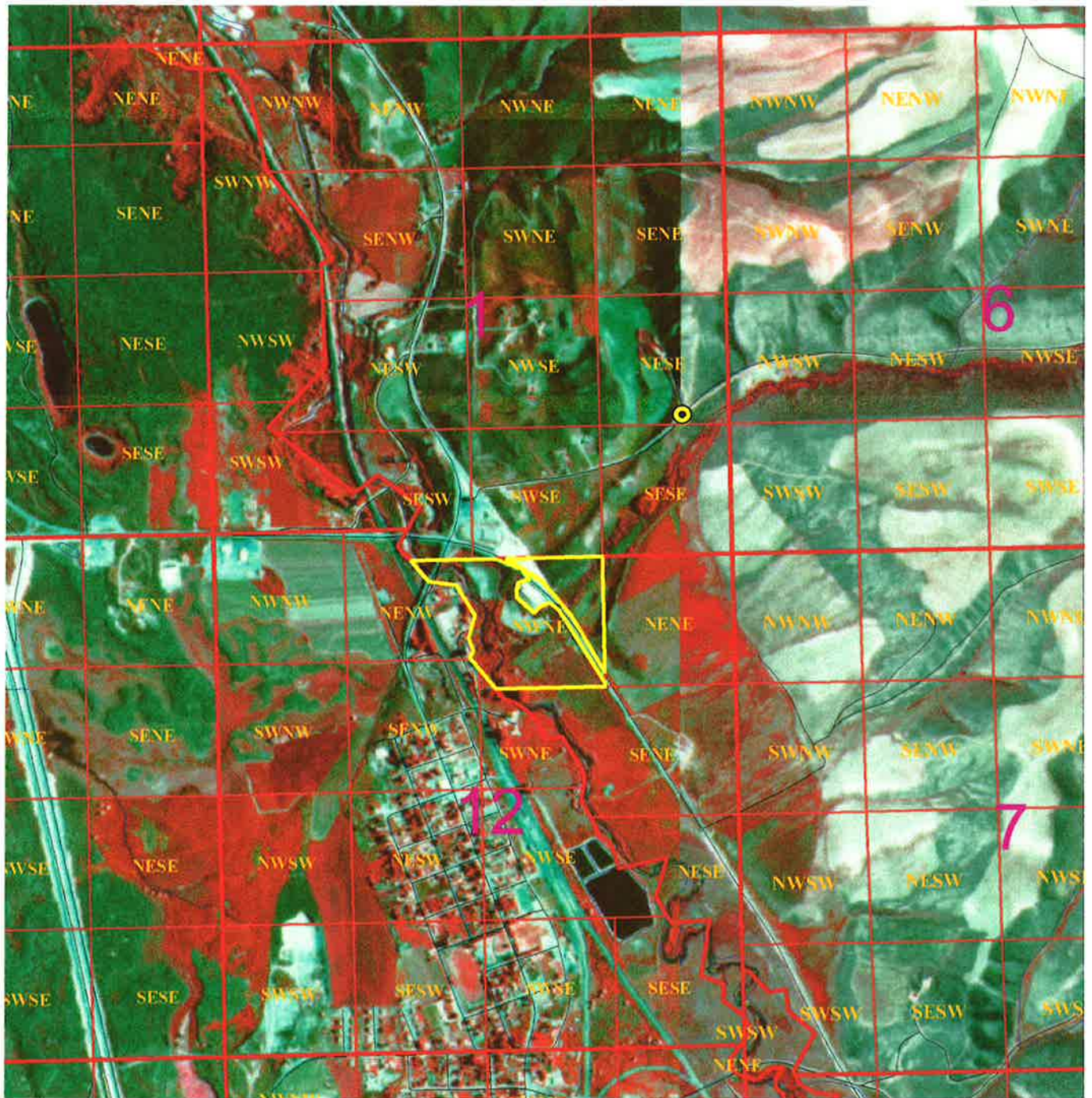
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Water Right Claim Number A29-00195D

08/08/2000

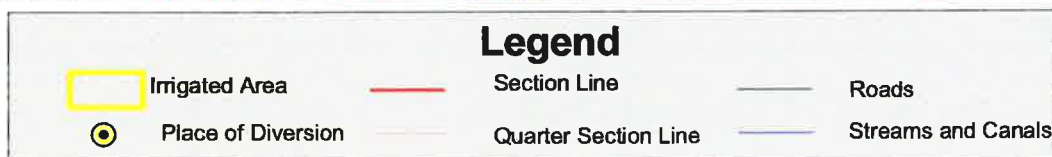
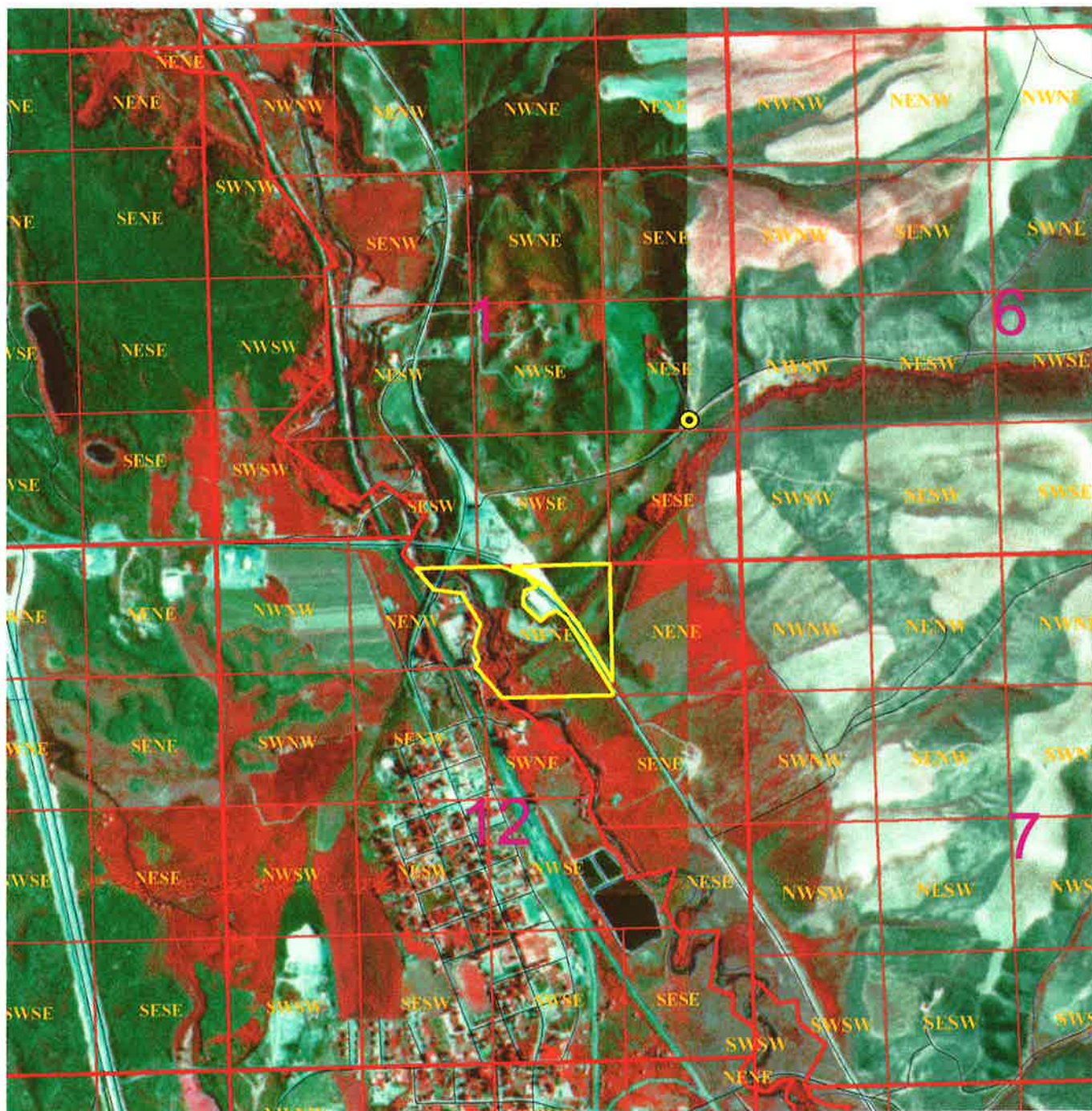
Township , 9S36E



1000 0 1000 2000 Feet



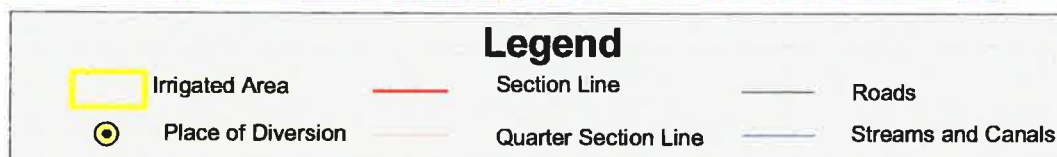
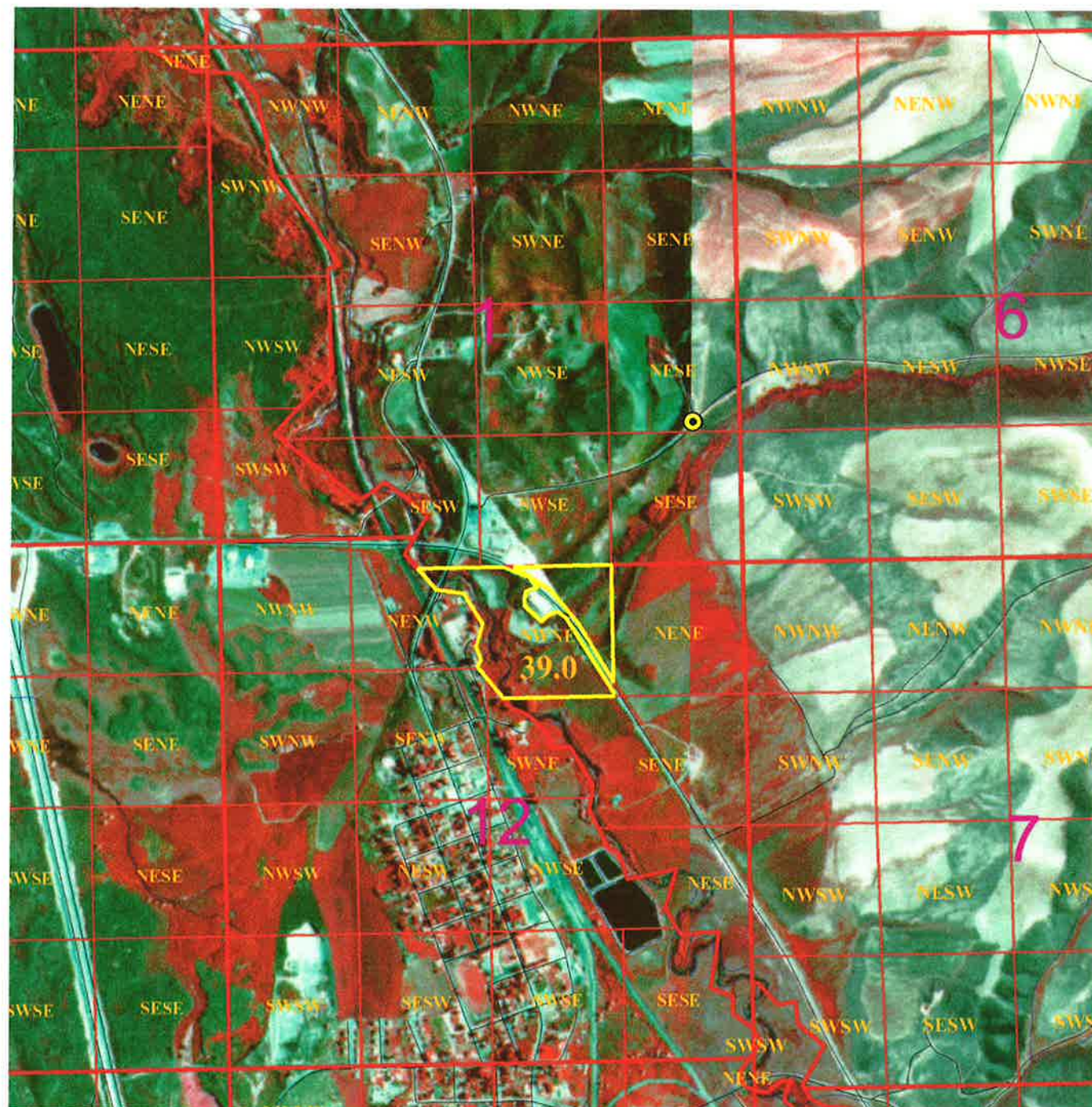
Township , 9S36E



Water Right Claim Number A29-00195D

08/08/2000

Township , 9S36E



1000 0 1000 2000 Feet



State of Idaho

Department of Water Resources

Eastern Region



SCANNED
JUL 12 2005

PROFILING



Water Right(s):
29-195D

Place of Use: (parts of): T9S, R36E
Sec. 12 NWNE (Lot 1), SENE (Lot 2)

Point(s) of Diversion: T9S, R36E
Sec. 1 SENESE



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

02/13/2003

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: April 21, 2003

Water right number: 29-195D

SILVIA JM LOCKYER

PO BOX 371

MC CAMMON ID 83250

Telephone Number: (208)254-3240

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

Q @ 0.16 is wrong

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

Connect to 0.05 cfs

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

*Done
3/24/03
ABM*

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

DATE:

03.24.03

SIGNATURE:

Silvia J M Lockyer

Please print your name:

Silvia J. M. Lockyer

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

29-195 UG vs McCannan Canal Sd History

29-195	2.02 cfs	276 ac (when Drowned w/ 29-194)		
29-195A	<u>cfs</u> <u>Disallowed</u>	<u>Ac (GTS)</u> <u>Reborn</u>	<u>Claimed Ac</u> 82	H. Ures
29-195C	0.61	38.5	862	R. Priestly
29-195D	0.05	2.7 ✓	152	S. Lockyer
29-195E	0.12	7.5 ✓	52	R & S Lockyer
29-195G	0.85	53.2	53.2	H. Ures
29-195H	<u>0.39</u>	<u>24.6</u> ✓	<u>292</u>	S. Lockyer
	2.02 cfs	126.5 ac	1962	

SΦ8

$$2.02 \text{ cfs} / 126.5 \text{ ac} = 0.0159 \text{ cfs/ac} \Rightarrow 0.016 \text{ cfs } C\Phi 5$$

$$276 \text{ ACRES DROWNED (w/ 29-194 & 195)} - 126.5 \text{ ac (GTS)} = 149.5$$

∴ 149.5 ac ABANDONED from 29-194.

NOTE: SEE DECREE EXCERPT (UNION GRANT ... CIRCA 1932 AS AMENDED) AND COPY ATTACHED.

THE DECREE RECOGNIZES 29-194 AND 29-195 AS BENEFITS USED TOGETHER FOR A TOTAL Q OF 52 cfs, SERVING TAC OF 276. AT THIS RATE THE DIV. RATE PER ACRE IS THEN 0.02 cfs/ac. — AS SPECIFIED BY DECREE.

APPARENTLY, 29-194 (CRYSTAL SPRINGS RIGHT) IS NO MORE BROUGHT OVER THE MOUNTAIN DIVIDE INTO HARKNESS CREEK DRAINAGE. NO SRBA CLAIM HAS BEEN FILED. CΦ3

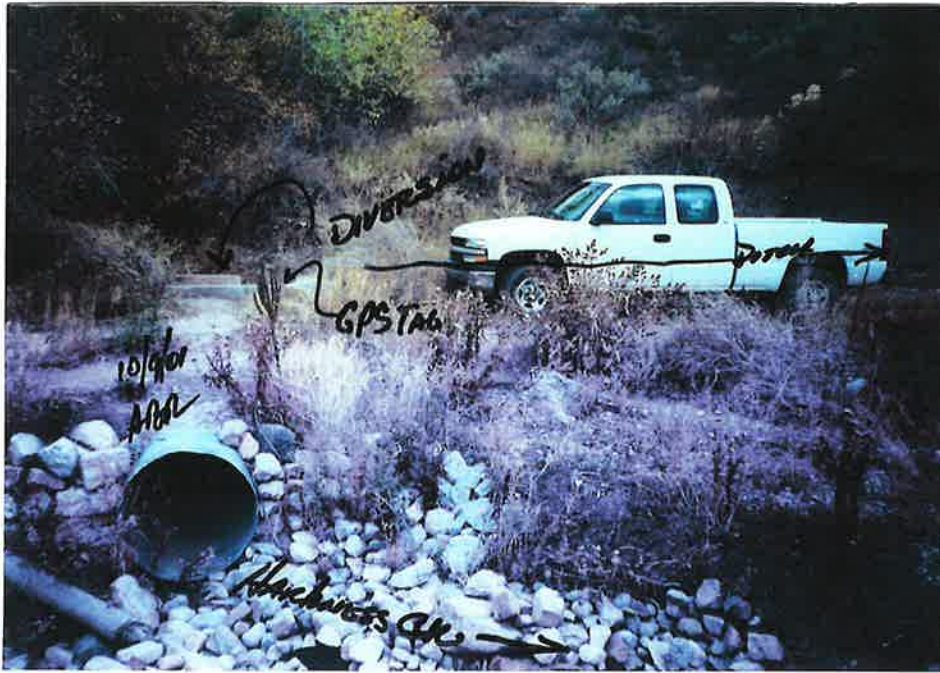
NOW, THEREFORE, SINCE THESE TWO RIGHTS WERE USED AT 0.02 cfs/ac (TOGETHER), BUT, THE 35 cfs OF 29-194 IS NOT CLAIMED: 29-195 WILL NOT BE CONSIDERED AT 0.02 cfs/ac (AS SPECIFIED BY DECREE), RATHER IT WILL BE CONSIDERED AS 2.02 cfs ON THE 126.5 ac (AS PER GTS PWD) AT 0.016 cfs/ac. THIS RIGHT IS OBVIOUSLY TROUBLESOME.

PROFILE

SCANNED
JUL 12 2005



29-195 C,D,E,G,H. POINT OF DIVERSION

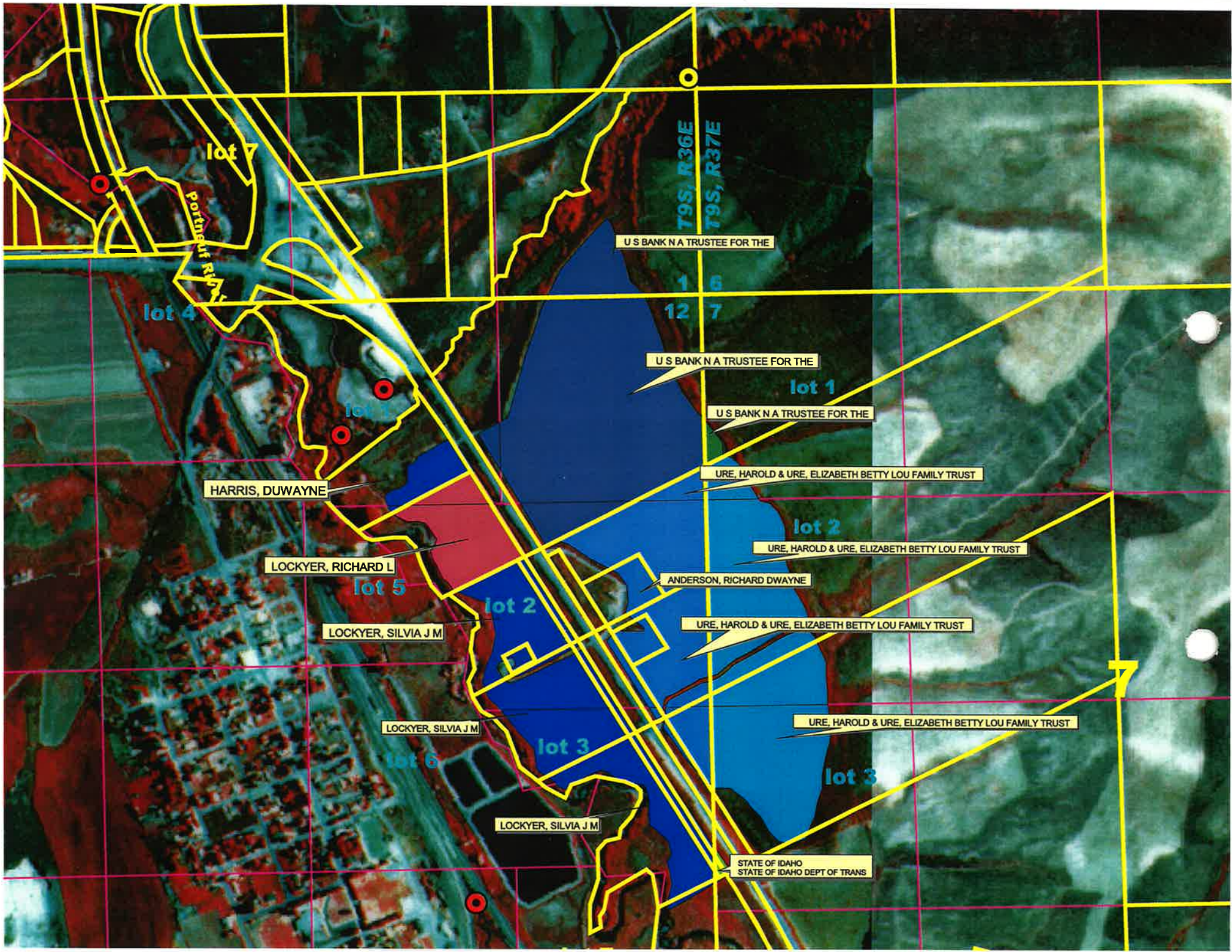


CULVERT SHOWN ALLOWS HARRNESS CREEK TO FLOW ON TO THE PORTNEUF RIVER. THIS CULVERT IS GATED AND WHEN USED CAUSES WATER TO FLOW DOWN A LARGE DITCH FOR DISTRIBUTION TO CLAIMS REFERENCED ABOVE. DITCH FLOWS SOUTHERLY.

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PROFILED



lot 7

lot 4

T9S, R36E
T9S, R37E

U S BANK N A TRUSTEE FOR THE

1 6
12 7

U S BANK N A TRUSTEE FOR THE

lot 1

U S BANK N A TRUSTEE FOR THE

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

HARRIS, DUWAYNE

lot 2

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

LOCKYER, RICHARD L

lot 5

ANDERSON, RICHARD DWAYNE

LOCKYER, SILVIA J M

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

LOCKYER, SILVIA J M

URE, HAROLD & URE, ELIZABETH BETTY LOU FAMILY TRUST

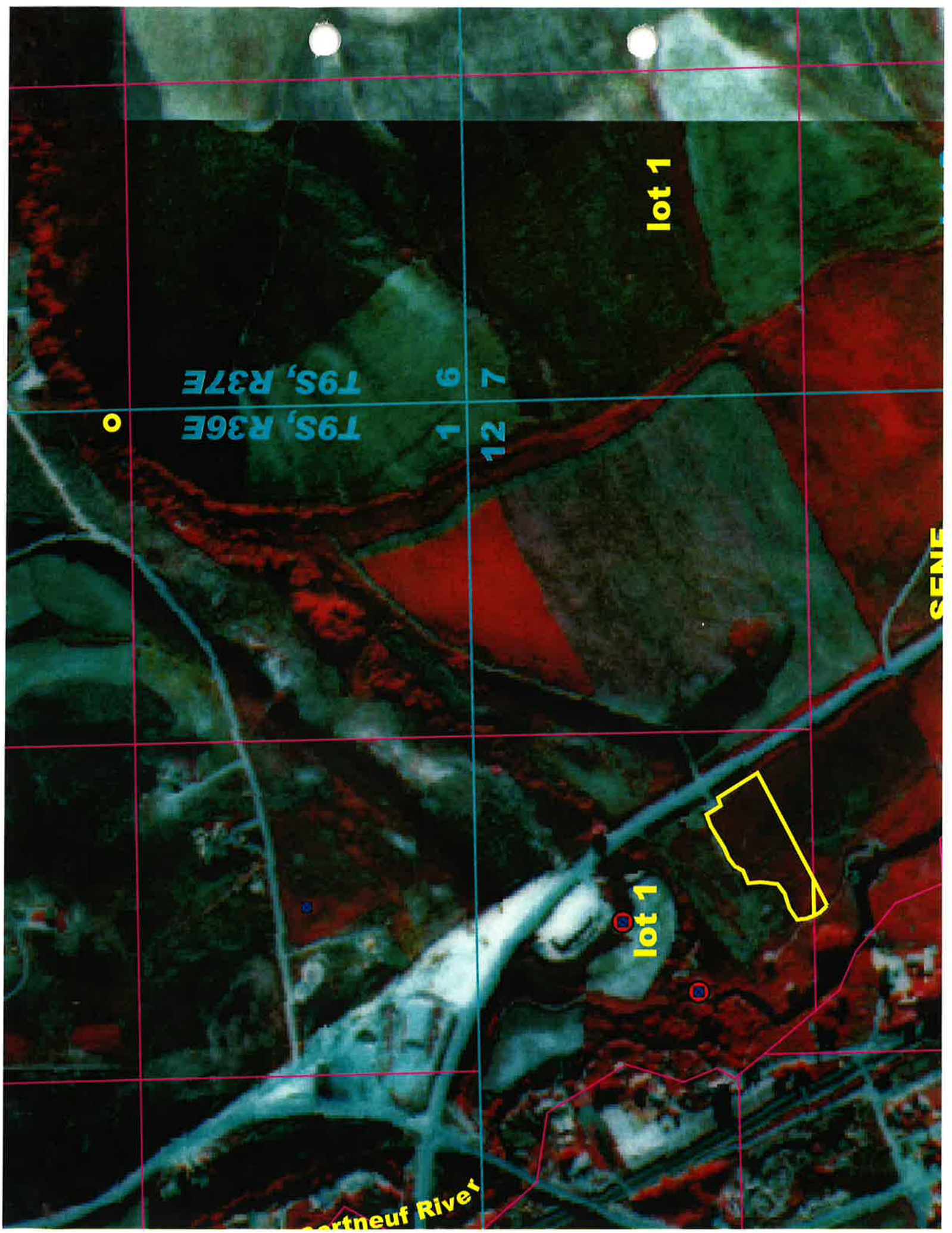
lot 3

lot 6

lot 3

LOCKYER, SILVIA J M

STATE OF IDAHO
STATE OF IDAHO DEPT OF TRANS



T9S, R36E
T9S, R37E

12 7
1 6

lot 1

SENE

lot 1

Portneuf River

DELOG
AR 8/02 ARUBBERY AREA
DELOG DC 3/28/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 28 2002

Department of Water Resources
Eastern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-4009 B				
	29-195 D				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Duane + Carolyn Harris
PO Box 298, McCammon ID 83250
4. New Owner/Claimant(s) Silvia J.M. Lockyer
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 371
- City, State and ZIP Code McCammon ID 83250
- New Telephone Number (208) 254-3240
5. Date you acquired the property 3-13-02

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s)**. Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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JUL 12 2000

SCHEDULE A

Order No.: P36033

Reference No.:

1. Commitment Date: **February 27, 2002** at **02:00 PM**
2. Policy (or Policies) to be issued:

	Policy Amount	Premium Amount
(a) Owner's Policy (Std Own. Policy (10/17/92) Form 1402-92)	\$ 67,500.00	\$ 493.00 ✓
Proposed Insured:	No credits applicable	
WILHELM L DUELKEN and SILVIA J. M. LOCKYER,		
Endorsements:	<i>WILHELM L DUELKEN</i>	
- (b) **Loan Policy** (Form 1056-92)

Proposed Insured:	No credits applicable	
Endorsements:		
- (c)

Proposed Insured:		
Endorsements:		
3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by:
DUWAYNE HARRIS and CAROLYN HARRIS, husband and wife. ✓
4. The Land referred to in this Commitment is described as follows:
SEE ATTACHED LEGAL DESCRIPTION ✓

According to the County Assessor's office, the above described property is commonly known as:

7) 1st 1/2 2001 pd (tloe no)

**VALID ONLY IF SCHEDULE B AND
COVER ARE ATTACHED**

PROFILED

**SCANNED
JUL 12 2005**

**ALTA Plain Language Commitment
Form No.: 1344-A (1982)
(P36033.PFD/P36033/12)**

ATTACHED LEGAL DESCRIPTION

Order No.: P36033

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 12; THENCE EAST 1276.38 FEET; THENCE SOUTH 1304.59 FEET TO A 5/8" REBAR WITH CAP LABELLED "A.A. HUDSON PLS 4735" SET ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30 NORTH, THE TRUE POINT OF BEGINNING; THENCE SOUTH 62°04'36" WEST 467.03 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 63°33'21" WEST 97.39 FEET TO A POINT IN THE CENTER OF THE PORTNEUF RIVER; THENCE ALONG THE CENTER OF SAID RIVER THROUGH THE FOLLOWING COURSES;

NORTH 17°32'17" WEST 15.57 FEET;
NORTH 45°01'37" WEST 86.25 FEET;
NORTH 89°11'26" WEST 76.11 FEET;
SOUTH 83°50'09" WEST 139.33 FEET;
NORTH 69°38'34" WEST 45.40 FEET;
NORTH 47°41'21" WEST 199.95 FEET;
NORTH 43°01'00" WEST 250.74 FEET;

NORTH 04°09'54" WEST 8.95 FEET; THENCE LEAVING SAID CENTER AND GOING NORTH 53°44'01" EAST 634.16 FEET ALONG AN EXISTING FENCE TO THE CENTER OF HARKNESS CREEK; THENCE ALONG THE CENTER OF SAID CREEK THROUGH THE FOLLOWING COURSES;

NORTH 71°59'51" EAST 19.79 FEET;
NORTH 30°04'57" EAST 39.57 FEET;
NORTH 00°32'56" WEST 27.51 FEET;
NORTH 54°09'17" EAST 150.56 FEET;
NORTH 09°13'37" EAST 19.41 FEET;
NORTH 23°28'29" WEST 51.82 FEET;

NORTH 11°09'18" EAST 32.29 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30 NORTH, SAID POINT IS ON A 1849.86 FOOT RADIUS NONTANGENT CURVE WHOSE CENTER POINT BEARS SOUTH 52°51'25" WEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°15'22", A DISTANCE OF 72.84 FEET (CHORD=SOUTH 36°00'54" EAST 72.84 FEET) TO THE POINT OF CURVE TO SPIRAL; THENCE ALONG A SPIRAL WHOSE CENTER LINE LENGTH IS 240.00 FEET AND WHOSE CENTER LINE CENTRAL ANGLE IS 03°36' (CHORD=SOUTH 32°28'30" EAST 236.18 FEET) TO A STATE OF IDAHO RIGHT-OF-WAY MONUMENT SET AT STATION 75+91.38 OF PROJECT F-FG-148(20); THENCE SOUTH 31°17'00" EAST (BASIS OF BEARING) 601.29 FEET ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT OF BEGINNING.

ALTA Plain Language Commitment Legal Description
(P36033.PFD/P36033/16)

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JUL 12 2005

PROFILE

DEED OF TRUST

THIS DEED OF TRUST, made this 13TH day of MARCH, 2002, between

WILHELM U. DUELKEN, AN UNMARRIED PERSON and SILVIA J.M. LOCKYER, A MARRIED WOMAN DEALING WITH HER SOLE AND SEPARATE PROPERTY herein called GRANTOR,

whose address is P.O. Box 371 McCammon ID 83250

FIRST AMERICAN TITLE COMPANY, INC., herein called TRUSTEE, and

 DUWAYNE HARRIS AND CAROLYN HARRIS, HUSBAND AND WIFE whose address is P.O. Box 298 McCammon, ID 83250 herein called BENEFICIARY,

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 Bannock, State of , consisting of not more than FORTY acres in area, described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 12; THENCE EAST 1276.38 FEET; THENCE SOUTH 1304.59 FEET TO A 5/8" REBAR WITH CAP LABELLED "A.A. HUDSON PLS 4735" SET ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30 NORTH, THE TRUE POINT OF BEGINNING; THENCE SOUTH 62°04'36" WEST 467.03 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 63°33'21" WEST 97.39 FEET TO A POINT IN THE CENTER OF THE PORTNEUF RIVER; THENCE ALONG THE CENTER OF SAID RIVER THROUGH THE FOLLOWING COURSES;
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 NORTH 23°28'29" WEST 51.82 FEET;
 NORTH 11°09'18" EAST 32.29 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30 NORTH, SAID POINT IS ON A 1849.86 FOOT RADIUS NONTANGENT CURVE WHOSE CENTER POINT BEARS SOUTH 52°51'25" WEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°15'22", A DISTANCE OF 72.84 FEET (CHORD=SOUTH 36°00'54" EAST 72.84 FEET) TO THE POINT OF CURVE TO SPIRAL; THENCE ALONG A SPIRAL WHOSE CENTER LINE LENGTH IS 240.00 FEET AND WHOSE CENTER LINE CENTRAL ANGLE IS 03'36" (CHORD=SOUTH 32°28'30" EAST 236.18 FEET) TO A STATE OF IDAHO RIGHT-OF-WAY MONUMENT SET AT STATION 75+91.38 OF PROJECT F-FG-148(20); THENCE SOUTH 31°17'00" EAST (BASIS OF BEARING) 601.29 FEET ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH all the tenements, hereditaments and appurtenances now or hereafter thereunto belonging or in anywise appertaining, and 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:

1. Performance of each agreement of grantor herein contained.
2. Payment of the indebtedness evidenced by a promissory note, of even date herewith, and any extension or renewal thereof, in the principal sum of THIRTY THOUSAND Dollars, \$30,000.00 payable to Beneficiary or order and made by Grantor, the final payment of principal and interest thereof, if not earlier paid, to be finally due and payable MARCH 1, 2008.
3. To ensure 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 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

PROFILED
SCANNED

JUL 12 2005

WARRANTY DEED

For Value Received **DUWAYNE HARRIS and CAROLYN HARRIS, husband and wife.**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

WILHELM U. DUELKEN, AN UNMARRIED PERSON and SILVIA J.M. LOCKYER, A MARRIED WOMAN DEALING WITH HER SOLE AND SEPARATE PROPERTY

whose address is: PO Box 371 Mc. Cammon ID 83250

Hereinafter called the Grantee, the following described premises situated in Bannock County, , to-wit

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 13, 2002

DuWayne Harris
DUWAYNE HARRIS

Carolyn Harris
CAROLYN HARRIS

STATE OF Idaho

ss.

COUNTY OF BANNOCK

On this 14th day of March, 2002, before me LINDA CHIVERS, personally appeared DUWAYNE HARRIS and CAROLYN HARRIS, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.

Notary Public of Idaho
Residing at: POCATELLO, Idaho
Commission Expires: 02/18/05

SCANNED

JUL 12 2005

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 12; THENCE EAST 1276.38 FEET; THENCE SOUTH 1304.59 FEET TO A 5/8" REBAR WITH CAP LABELLED "A.A. HUDSON PLS 4735" SET ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30 NORTH, THE TRUE POINT OF BEGINNING; THENCE SOUTH 62°04'36" WEST 467.03 FEET TO A 5/8" REBAR WITH CAP; THENCE SOUTH 63°33'21" WEST 97.39 FEET TO A POINT IN THE CENTER OF THE PORTNEUF RIVER; THENCE ALONG THE CENTER OF SAID RIVER THROUGH THE FOLLOWING COURSES;
NORTH 17°32'17" WEST 15.57 FEET;
NORTH 45°01'37" WEST 86.25 FEET;
NORTH 89°11'26" WEST 76.11 FEET;
SOUTH 83°50'09" WEST 139.33 FEET;
NORTH 69°38'34" WEST 45.40 FEET;
NORTH 47°41'21" WEST 199.95 FEET;
NORTH 43°01'00" WEST 250.74 FEET;
NORTH 04°09'54" WEST 8.95 FEET; THENCE LEAVING SAID CENTER AND GOING NORTH 53°44'01" EAST 634.16 FEET ALONG AN EXISTING FENCE TO THE CENTER OF HARKNESS CREEK; THENCE ALONG THE CENTER OF SAID CREEK THROUGH THE FOLLOWING COURSES;
NORTH 71°59'51" EAST 19.79 FEET;
NORTH 30°04'57" EAST 39.57 FEET;
NORTH 00°32'56" WEST 27.51 FEET;
NORTH 54°09'17" EAST 150.56 FEET;
NORTH 09°13'37" EAST 19.41 FEET;
NORTH 23°28'29" WEST 51.82 FEET;
NORTH 11°09'18" EAST 32.29 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 30 NORTH, SAID POINT IS ON A 1849.86 FOOT RADIUS NONTANGENT CURVE WHOSE CENTER POINT BEARS SOUTH 52°51'25" WEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°15'22", A DISTANCE OF 72.84 FEET (CHORD=SOUTH 36°00'54" EAST 72.84 FEET) TO THE POINT OF CURVE TO SPIRAL; THENCE ALONG A SPIRAL WHOSE CENTER LINE LENGTH IS 240.00 FEET AND WHOSE CENTER LINE CENTRAL ANGLE IS 03°36' (CHORD=SOUTH 32°28'30" EAST 236.18 FEET) TO A STATE OF IDAHO RIGHT-OF-WAY MONUMENT SET AT STATION 75+91.38 OF PROJECT F-FG-148(20); THENCE SOUTH 31°17'00" EAST (BASIS OF BEARING) 601.29 FEET ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT OF BEGINNING.

SCANNED

JUL 12 2005

(P36033.PFD/P36033/21)

PROFILE

SCALE 1"=100'
BASIS OF BEARINGS IS THE CENTER LINE
OF U.S. HIGHWAY 30 RECORD S 31°17' E.

LINE	BEARING	DISTANCE
L1	N 71°59'51" E	19.79
L2	N 30°04'57" E	39.51
L3	N 00°32'58" W	27.41
L4	N 09°13'37" W	51.82
L5	N 23°28'29" E	32.28
L6	N 11°09'18" E	45.40
L7	N 04°09'54" W	15.57
L8	N 89°38'34" W	86.25
L9	N 17°32'17" W	76.11
L10	N 45°01'37" W	104.78
L11	N 89°11'26" W	
L12	N 40°02'55" W	

DuWAYNE HARRIS
PARCEL 2
13.5 AC.

PARCEL 1
5.0 AC.

THIS SKETCH IS MADE SOLELY FOR
THE PURPOSE OF ASSISTING IN
LOCATING THE PREMISES. THE
COMPANY ASSUMES NO LIABILITY
FOR ALLEGED LOSS OR DAMAGE WHICH
MAY RESULT FROM RELIANCE ON THIS
MAP

CURVE DATA

CENTER LINE RIGHT-OF-WAY
Δ=19°44' Δ=2°15'22"
D=37' D=37' 05'50"
R=1909.86' R=1849.86'
L=1657.76' L=72.84'
C=1806.22' C=36'
T=885.18' Q=0.89

CENTER LINE SPIRAL
L=240'
Δ=3°36'
A=1.25

SPIRAL CHORD BEARING
S 32°28'30" E 236.18 FT

SOUTH 1304.59 FT.

PROFIT

SCANNED
JUL 12 2005
MORLEY

PARCEL 1 IS AN ACCEPTED



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

RECEIVED

JUN 22 2001

Department of Water Resources
Eastern Region

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

31 May 2001

Claimants of Decreed Right 29-00195 (split portions; A/C/D/E/G/H)

Re: Request for proof of water right ownership

Dear Claimant:

In reference to the above described water right there have been several claims to portions thereof. At this point the water right is over-claimed. To conduct an investigation and recommendation of the portions claimed proof of water right ownership is required.

Please provide a copy of your deed or conveyance instrument to this office by June 30, 2001. **If such proof is not presented a disallowed recommendation could result.**

Thank you for your attention in this important matter. I look forward to your timely response. Please feel free to contact me at the above address/phone number.

Respectfully submitted,

Allen Ruberry

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; Harold Ure A29-00195A
2087 Harkness Canyon Rd
McCammon ID 83250

Rose F Priestly A29-00195C
435 s 7th
Pocatello ID 83201

FROM: →
DuWayne Harris 102 center st. A29-00195D
Box 298
McCammon ID 83250

Richard Lockyer A29-00195E
PO Box 371
McCammon ID 83250

Harold & Elizabeth Lou Ure Family Trust A29-00195G
PO Box 156
McCammon ID 83250

Silvia J M Lockyer A29-00195H
PO Box 371
McCammon ID 83250

Files

SCANNED

JUL 12 2005

PROFILED

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

WEST BOB SMITH CREEK, TRIBUTARY TO THE PORTNEUF RIVER

HARKNESS DITCH; diverts in the Southwest quarter of the Southwest quarter, Section 3, Township 9 South, Range 37 East. From the Southwest corner of Section 3, the point of diversion bears North 9 degrees and 5 minutes East, 810 feet.

POD NESE Sec. 1 T. 9 S. R. 36 E.

The second point of diversion of Harkness Ditch is from Harkness Creek. This ditch diverts from Harkness Creek in the Northeast quarter of the Southeast quarter, Section 1, Township 9 South, Range 36 East. From the Southeast corner of Section 1, the point of diversion bears North 5 degrees West, 1500 feet.

141. 1 p.m.

9-0194 1902 June 17 3.5 c.f.s.
of the waters of
Crystal Springs

CRYSTAL SPRINGS. the same being the headwater of West Bob Smith Creek.

1-0195 1902 June 17 (noon)
2.02 c.f.s.
of the waters of
Harkness Creek.

HANSEN, LEO

POD: S²SE Sec. 1
L1, NENE Sec. 12 95365

L1 Sec. 7 95378

HANSEN, REUBEN

L1 Sec. 7 95378
NENE, L1, L2 Sec. 12 95365

LILIENQUIST, NEPHI

L1, L2 Sec. 7 95378
NENE, L2 Sec. 12 95365

LILIENQUIST, W. L.

L2 Sec. 7 95378
L2, L3 Sec. 12 95365

LILIENQUEST, H. F.

L2, L3 Sec. 7 95378
L3 Sec. 12 95365

HAWKS, H.

L3, L4 Sec. 7 95378
L3 Sec. 12 95365

HOWELL, J. W.

L4 Sec. 12 95378

JUL 12 2005

PROFILED

For the irrigation of 276 acres of land described as follows:

65 acres in the South half of the Southeast quarter Section 1; The Northeast quarter of the Northeast quarter, Section 12, Township 9 South, Range 36 East Lot 1, Section 12, Township 9 South, Range 36 East; and Lot 1, Section 7, Township 9 South, Range 37 East.

39 acres of land in Lot 1, Section 7, Township 9 South, Range 37 East, the Northeast quarter of the Northeast quarter, Lots 1 and 2, Section 12, Township 9, South, Range 36 East.

37 acres of land in Lots 1 and 2, Section 7, Township 9 South, range 37 East, the Northeast quarter of the Northeast quarter, Lot 2 Section 12, Township 9 South, Range 36 East.

35 acres of land in Lot 2, Section 7, Township 9 South, Range 37 East; Lots 2 and 3, Section 12, Township 9 South, Range 36 East

47 acres of land in Lots 2 and 3, Section 7, Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East

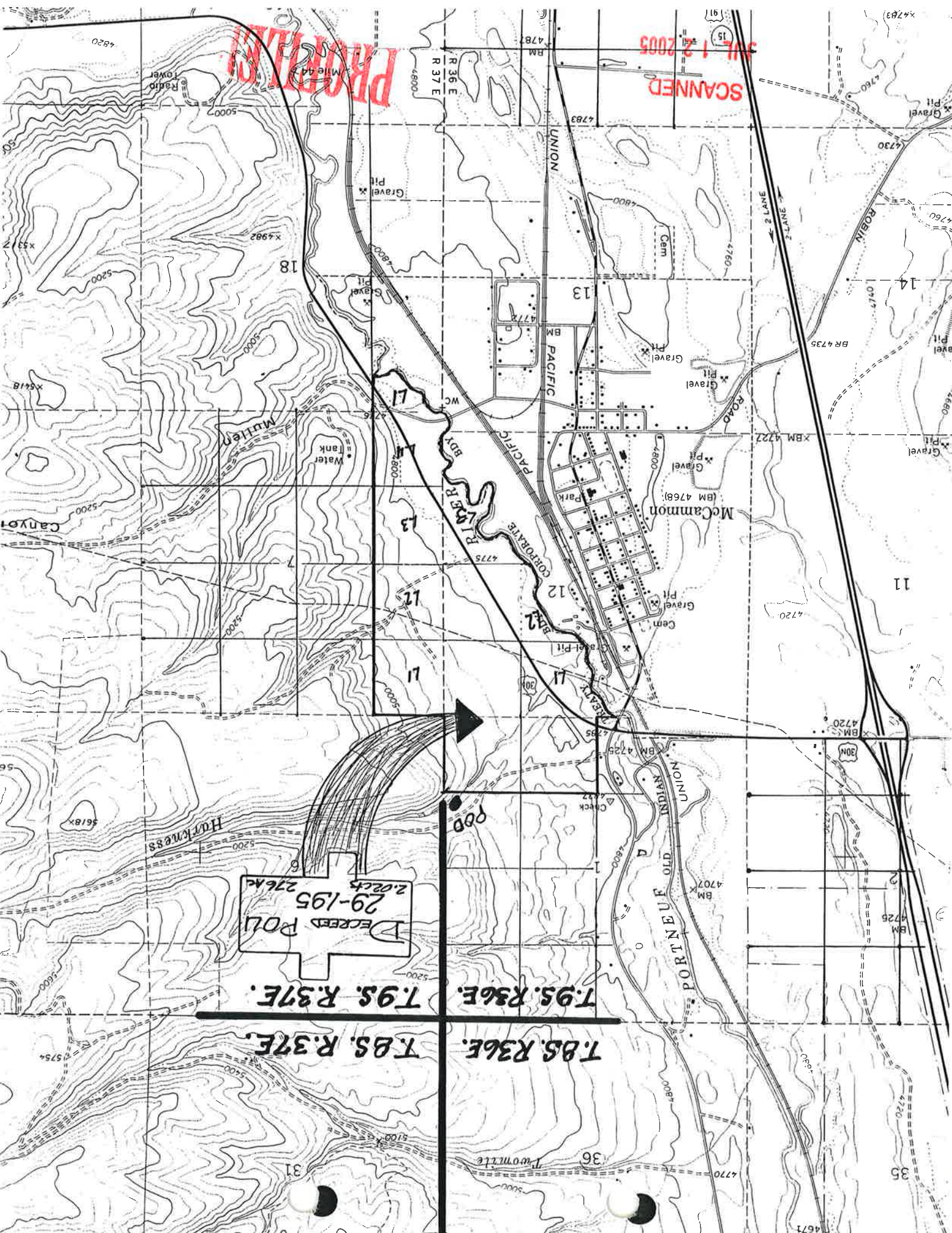
42 acres of land in Lots 3 and 4, Section 7, Township 9 South, Range 37 East; and Lot 3, Section 12, Township 9 South, Range 36 East.

11 acres of land in Lot 1, Section 18, Township 9 South, Range 37 East.

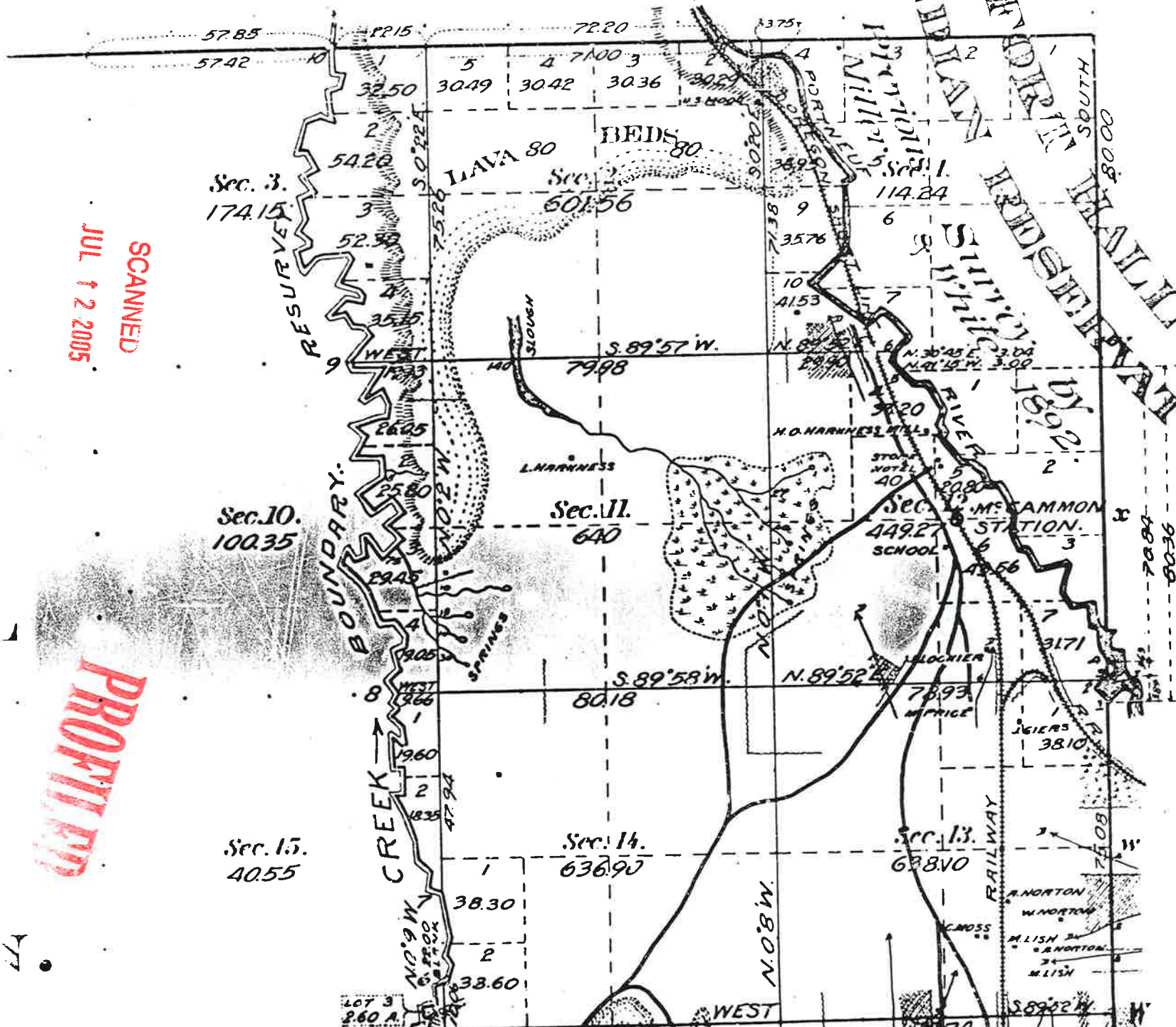
The above parties last above mentioned, shall divert from the said Crystal Springs at all times during the irrigation season, such amount of water as when mingled with the water of said Harkness Creek. shall make a total of

SCANNED
JUL 12 2005

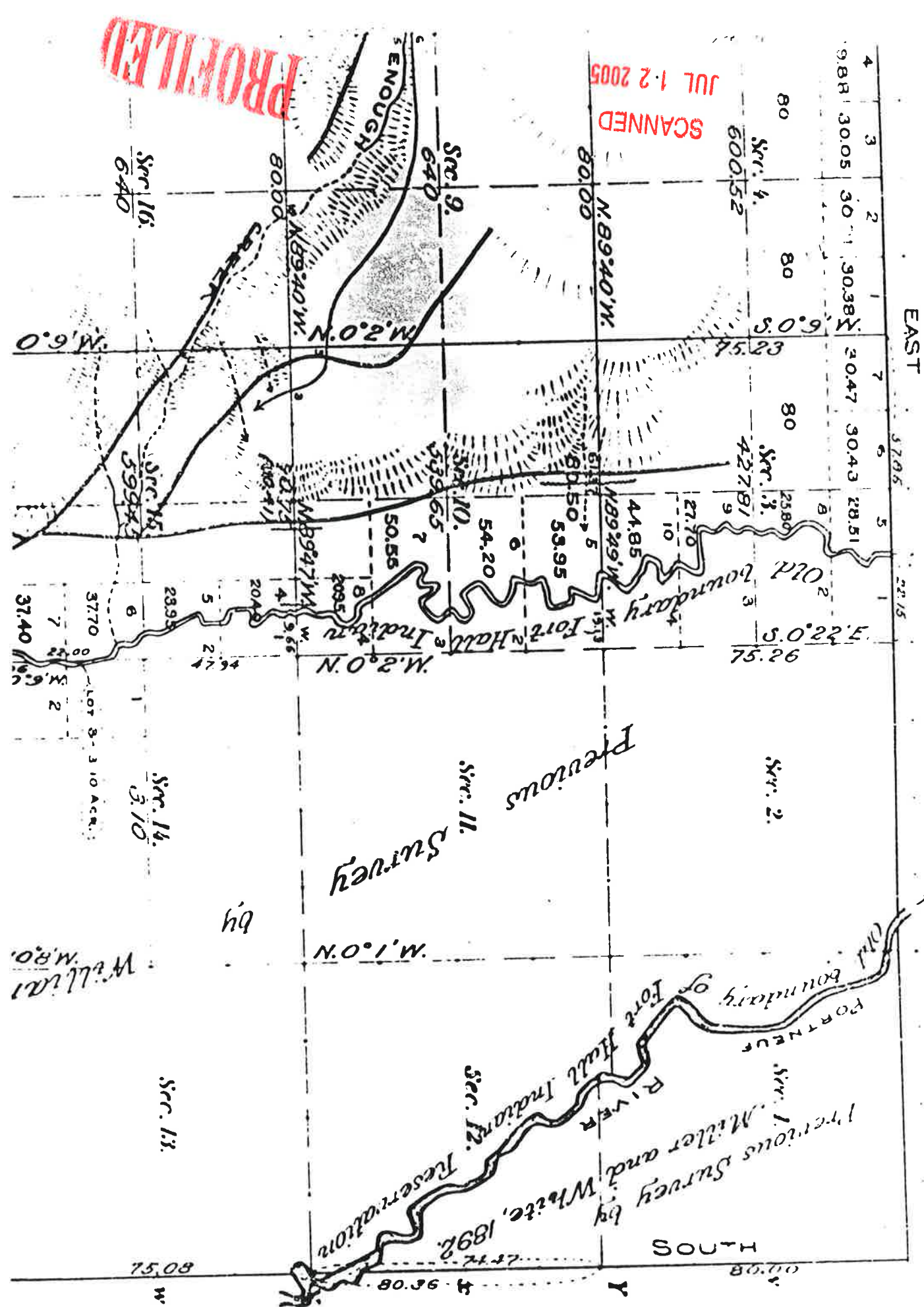
PROTECTED



9536E

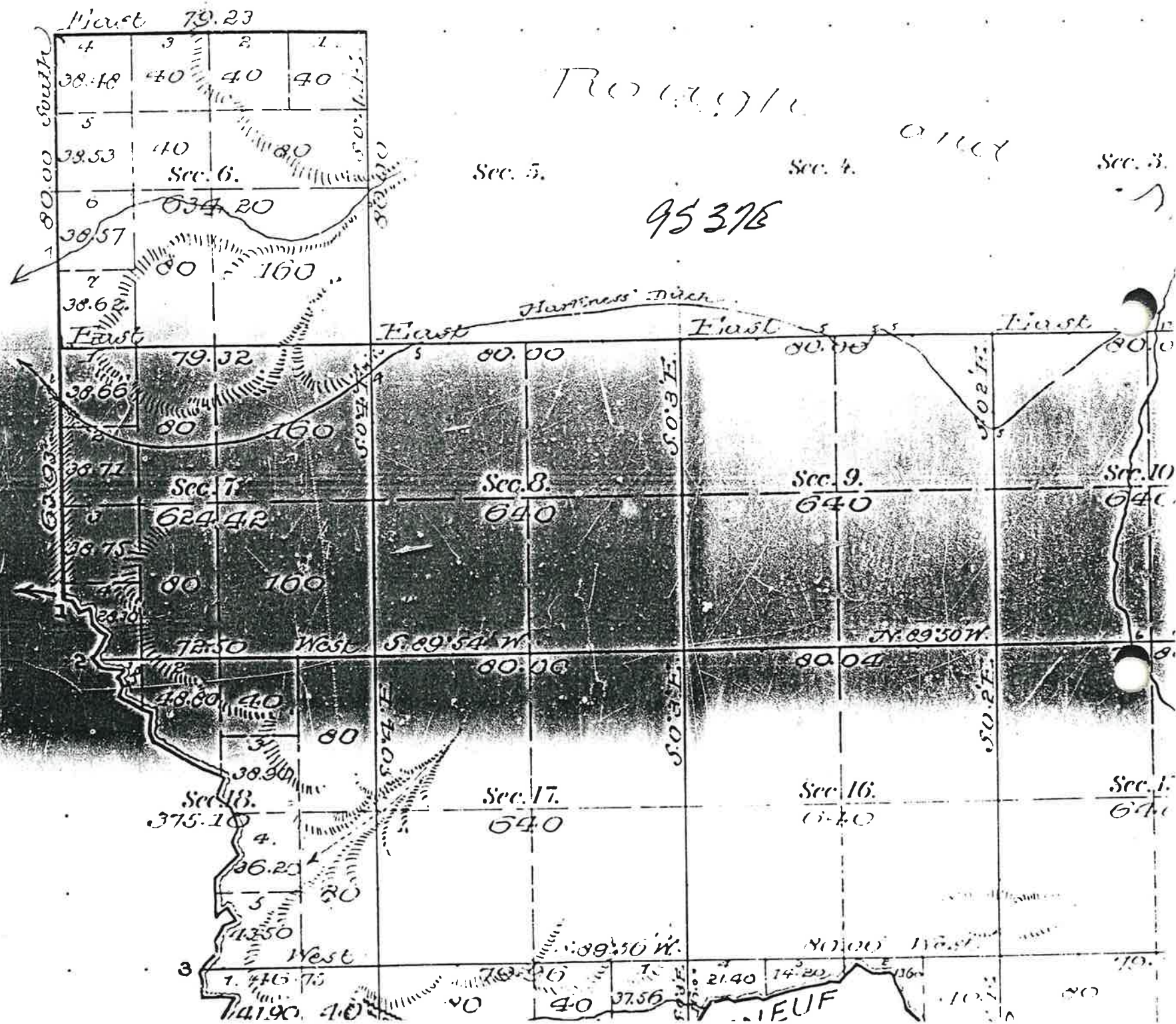


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SCANNED

PROTIN



PROFILED

JUL 12 2005

SCANNED

Sec. 6.

Sec. 5.

Sec. 4.

Sec. 3.

Sec. 7.
10.18

Sec. 8.

Sec. 9.

Sec. 10.

FORT

HALL

RESERVATION

Sec. 17.

Sec. 16.

Sec. 15.

PORTNEUF

W.C. Miller

and
H.M. White
1892 & 1893.

Lot No. 5.
0.18 AC.

50.4 F.

5.66.30 E.
0.52 CHW.

45 F.

N. 1° 15' E. 1.90 CHS.
N. 47° 45' E. 3.90 CHS.

31.43

39.83

35.02

39.84

33.18

39.88

41.80

58.60

231.00

17.70

75.68

80.36

70.07

2

3

4

5

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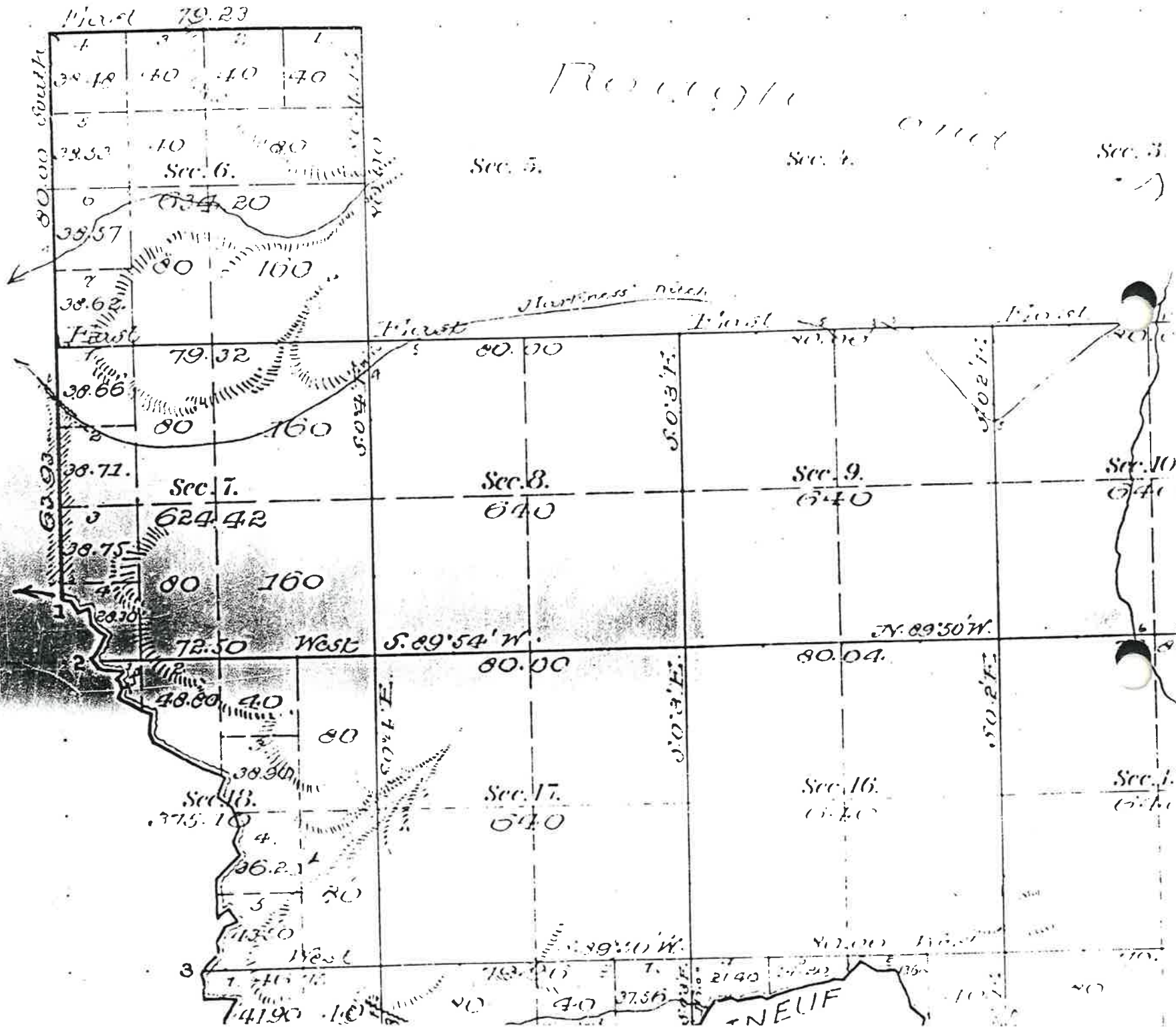
98

99

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JUL 12 2005

SCANNED



Water Right Number - 29-00195

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HANSEN

LEO

1 -
2 -
3 -City-
Phone -

State- Zip-

HANSEN

REUBEN

1 -
2 -
3 -City-
Phone -

State- Zip-

LILIENQUIST

NEPHI

1 -
2 -
3 -City-
Phone -

State- Zip-

HAWKS

H.

1 -
2 -
3 -City-
Phone -

State- Zip-

HOWELL

J. W.

1 -
2 -
3 -City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/17/1902 15 EASTERN D - DECREED+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
HARKNESS CREEK PORTNEUF RIVER+ - - - - Point of Diversion - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 36E 1 NE SE (5) BANNOCK+ - - - - Water Use - - - - - +
+ - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 09/15 2.020+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.020 0.0+ - - - - Place of Use - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 36E 1 SW SE 01 IRRIGATION (5) BANNOCK

Water right number - 29-00195

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
09S	36E	1	SE SE			01	IRRIGATION	(5) BANNOCK
09S	36E	12	NE NE			01	IRRIGATION	(5) BANNOCK
09S	36E	12	NW NE	1		01	IRRIGATION	(5) BANNOCK
09S	36E	12	SE NE	2		01	IRRIGATION	(5) BANNOCK
09S	36E	12	NE SE	3		01	IRRIGATION	(5) BANNOCK
09S	37E	7	NW NW	1		01	IRRIGATION	(5) BANNOCK
09S	37E	7	SW NW	2		01	IRRIGATION	(5) BANNOCK
09S	37E	7	NW SW	3		01	IRRIGATION	(5) BANNOCK
09S	37E	7	SW SW	4		01	IRRIGATION	(5) BANNOCK
09S	37E	18	NW NW			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN P/U INCOMPLETE - ACRES IRR. 276.
W. L. & A. F. LILIENQUIST ALSO ORIGINAL OWNERS.+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
UNION GRAIN & ELEVATOR CO. MCCAMMON DITCH CO. ET. AL. 08/06/1932+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 06/18/85 05/22/88 CONVERT 02/06/98 CLEARFLD

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 06/18/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 29
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		

DEPT. OF WATER RESOURCES

KEITH WILSON
PHONE: 525-7161

<u>Basin</u>	<u>Sequer</u>	<u>Split</u>	<u>Basin</u>	<u>Status</u>	<u>Priority</u>	<u>Date</u>	<u>Diversion</u>	<u>Water Use</u>	<u>Li</u>	<u>Owner List</u>
29	195 A	Decreed	Active		6/17/02	0.16	IRRIGATION			ELIZABETH L URE (Current), HAROLD URE (Current) H HAWKS (Original), J W HOWELL (Original), LEO HANSEN (Original), NEPHI LILIENQUIST (Original), REUBEN HANSEN (Original)
29	195 C	Decreed	Active		6/17/02	1.72	IRRIGATION			ROSE F PRIESTLY (Current Owner)
29	195 D	Decreed	Active		6/17/02	0.6	IRRIGATION			CAROLYN R HARRIS (Current), DUWAYNE HARRIS (Current), H HAWKS (Original), J W HOWELL (Original), LEO HANSEN (Original), NEPHI LILIENQUIST (Original), REUBEN HANSEN (Original)
29	195 E	Decreed	Active		6/17/02	0.2	IRRIGATION			CAROLYN R HARRIS (Original), DU WAYNE HARRIS (Original), H HAWKS (Original), J W HOWELL (Original), LEO HANSEN (Original), NEPHI LILIENQUIST (Original), REUBEN HANSEN (Original), RICHARD LOCKYER (Current), SILVIA JM LOCKYER (Current)
29	195 G	Decreed	Active		6/17/02	1.02	IRRIGATION			ERNIE R GUNTER (Original), J C MARLEY (Original) HAROLD & ELIZABETH LOU URE FAMILY TRUST (Current)
29	195 H	Decreed	Active		6/17/02	0.58	IRRIGATION			HAROLD & ELIZABETH LOU URE FAMILY TRUST (Original), J C MARLEY (Original), SILVIA JM LOCKYER (Current)
29	4009 B	Statutory	Active		1897-05-21	0.6	IRRIGATION			CAROLYN R HARRIS (Current), DUWAYNE HARRIS (Current), J C MARLEY (Original), J W PRIESTLY (Original)
29	4009 C	Statutory	Active		1897-05-21	0.2	IRRIGATION			RICHARD LOCKYER (Current), SILVIA JM LOCKYER (Current) CAROLYN R HARRIS (Original), DUWAYNE HARRIS (Original), J C MARLEY (Original), J W PRIESTLY (Original),
29	12360	Beneficial	Active		1875-04-01	0.02	STOCKWATE			UNITED STATES OF AMERICA ACTING THROUGH, USFS (Also Known As)

29-195 Total 4.28 cfs @ 0.60 cfs Duwayne $\frac{0.60 \text{ cfs}}{4.28 \text{ cfs}} = 0.14$ or 14%

Assume 30 days/month

$0.14(30) = 4.2 \text{ days}$

**RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES**

Receipt No: E012565

Date: 03/27/90
Time: 15:09:41

Received

From: HARRIS, DUWAYNE/ CAROLYN

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$119.00
Total		\$119.00

CHECK 4576

WR/NO: A29-04009A A29-00195B

Idaho Department of Water Resources

Region: EASTERN

Signature: 

Duwayne Harris
BOX 298

Mc Cammon Id 83250

PROFILED

**SCANNED
JUL 12 2005**

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 _____

Date Received _____

Receipt Number Kat

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DuWayne or Carolyn R. Harris Phone (208) 254-3284

Mailing Address Box 298, McCammon, ID Zip 83250

2. Date of Priority (Only one (1) per claim) 6-17-1902

3. Source of water supply (a) Harkness Creek
which is tributary to (b) Portneuf River

4. a. Location of existing point of diversion is: Township 9S Range 36E Section 1,
SE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bannock

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. gravity flow ditch,

& flood irrigation

PROFILE

SCANNED

JUL 12 2005

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 76 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to 11-15 amount _____ or _____

7. Total quantity claimed (a) 76 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 47.5 acre feet per annum.

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

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	36E	12		15	3	1													19

Total number of acres irrigated 19

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
Portion of 29-00195 (filed separately) or None ()

14. Remarks:
Excessive flow sheet to be filed later

Last Name _____ Ident No. _____

SCANNED

JUL 12 2005
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 29-4009 00195 (portion)
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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) Don Wayne Harris

Date 4-22-90

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 _____

Title

of _____

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 _____)

County of Bannock)

SS.

Subscribed and sworn (or affirmed) before me this 22nd

day of March

19 90

Notary Public Helen Harrington

Residing at _____

Helen Harrington, Notary Public

Residing at Boise, Idaho

My Commission Expires December 1, 1994

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 _____

Ident. Number _____

PROFILE

SCANNED

JUL 12 2005

Copies White-State, Yellow-Claimant

A. A. HUDSON

and

ASSOCIATES



14166 CLEVELAND RD.
PRESTON, IDAHO 83263
(208) 427-6214

180 EAST 2nd SOUTH
SODA SPRINGS IDAHO 83276
(208) 547-4141

LEGAL DESCRIPTION

FOR

DuWAYNE HARRIS
Parcel 2

A parcel of land located in the northwest quarter of Section 12, Township 9 South, Range 36 East, Boise Meridian, Bannock County, ID and further described as follows:

Beginning at the north quarter corner of Section 12;

Thence East 1276.38 feet;

Thence South 1304.59 feet to a 5/8" rebar with cap labelled "A.A. HUDSON PLS 4735" set on the westerly right-of-way line of U. S. Highway 30 North, the True Point of Beginning;

Thence South 62° 04' 36" West 467.03 feet to a 5/8" rebar with cap;

Thence South 63° 33' 21" West 97.39 feet to a point in the center of the Portneuf River;

Thence along the center of said river through the following courses;

North 17° 32' 17" West 15.57 feet;

North 45° 01' 37" West 86.25 feet;

North 89° 11' 26" West 76.11 feet;

South 83° 50' 09" West 139.33 feet;

North 69° 38' 34" West 45.40 feet;

North 47° 41' 21" West 199.95 feet;

North 43° 01' 00" West 250.74 feet;

North 04° 09' 54" West 8.95 feet;

Thence leaving said center and going North 53° 44' 01" East 634.16 feet along an existing fence to the center of Harkness Creek;

Thence along the center of said creek through the following courses;

North 71° 59' 51" East 19.79 feet;

North 30° 04' 57" East 39.57 feet;

North 00° 32' 56" West 27.51 feet;

North 54° 09' 17" East 150.56 feet;

North 09° 13' 37" East 19.41 feet;

North 23° 28' 29" West 51.82 feet;

North 11° 09' 18" East 32.29 feet to the westerly right-of-way line of U. S. Highway 30 North, said point is on a 1849.86 foot radius nontangent curve whose center point bears South 52° 51' 25" West;

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6/2/93

SCANNED

JUL 12 2005

PROFILE

LAND SURVEYORS

CIVIL ENGINEERS

Thence southeasterly along said curve through a central angle of $02^{\circ} 15' 22''$, a distance of 72.84 feet (Chord=South $36^{\circ} 00' 54''$ East 72.84 feet) to the point of curve to spiral;
Thence along a spiral whose center line length is 240.00 feet and whose center line central angle is $03^{\circ} 36'$ (Chord=South $32^{\circ} 28' 30''$ East 236.18 feet) to a State of Idaho right-of-way monument set at Station 75+91.38 of Project F-FG-148(20);
Thence South $31^{\circ} 17' 00''$ East (basis of bearing) 601.29 feet along said right-of-way to the True Point of Beginning;

Containing 13.5 acres of land.



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6/2/93

PROFILE

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JUL 12 2005

A. HUDSON

and

ASSOCIATES



14166 CLEVELAND RD.
PRESTON, IDAHO 83263
(208) 427-6214

180 EAST 2nd SOUTH
SODA SPRINGS IDAHO 83276
(208) 547-4141

LEGAL DESCRIPTION

FOR

DuWAYNE HARRIS
Parcel 1

A parcel of land located in Section 12, Township 9 South, Range 36 East, Boise Meridian, Bannock County, ID and further described as follows:

Beginning at the north quarter corner of Section 12;
Thence East 1276.38 feet;
Thence South 1304.59 feet to a 5/8" rebar with cap labelled "A.A. HUDSON PLS 4735" set on the westerly right-of-way line of U. S. Highway 30 North, the True Point of Beginning;
Thence South 31° 17' 00" East (basis of bearings) 380.12 feet along said right-of-way line to a 5/8" rebar with cap set on a fence line;
Thence South 64° 32' 19" West 595.84 feet along said fence line and its extension to the center of the Portneuf River;
Thence along the center of said river North 40° 02' 55" West 104.78 feet; North 23° 18' 16" West 155.79 feet; North 17° 32' 17" West 100.31 feet;
Thence North 63° 33' 21" East 97.39 feet to a 5/8" rebar with cap;
Thence North 62° 04' 36" East 467.03 feet to the True Point of Beginning;

Containing 5.0 acres of land.



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6/2/93

PROFILED

LAND SURVEYORS

SCANNED

JUL 12 2005

CIVIL ENGINEERS

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WARRANTY DEED

For Value Received, Rose Priestly, Nellie Holmes and Dorothy Stokes, as statutory trustees for SouthEast Securities Company, Inc., a defunct Idaho corporation, hereinafter referred to as "Grantor", whether one or more, does hereby grant, bargain, sell and convey unto DuWayne Harris and Carolyn Harris, husband and wife, hereinafter referred to as Grantee, whether one or more, whose current address is 104 Center, McCammon, Idaho 83250, the following described premises, in Bannock County, Idaho, to wit:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL WHICH LIES SOUTHWEST OF STATE HIGHWAY 30 NORTH, AND NORTHEAST OF THE PORTNEUF RIVER: BEGINNING AT THE SOUTH 1/16TH CORNER ON THE MERIDIONAL CENTERLINE OF SECTION 6, TOWNSHIP 9 SOUTH, RANGE 37 E.B.M., BANNOCK COUNTY, IDAHO; THENCE SOUTH ALONG THE MERIDIONAL CENTERLINE, 1187.0 FEET, MORE OR LESS, TO A POINT WHICH IS NORTH ALONG THE MERIDIONAL CENTERLINE 133.0 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 6; THENCE SOUTH 64°17' WEST, 5490 FEET, MORE OR LESS, TO THE NORTHEAST BOUNDARY OF THE STATION GROUNDS OF THE OREGON SHORT LINE RAILROAD; THENCE NORTH 25°43' WEST ALONG THE NORTHEAST BOUNDARY OF THE OREGON SHORT LINE RAILROAD STATION GROUNDS, 360 FEET, MORE OR LESS, TO THE NORTH CORNER OF SAID STATION GROUNDS; THENCE IN A NORTHEASTERLY DIRECTION AT RIGHT ANGLES TO THE OREGON SHORT LINE RAILROAD, 445 FEET, MORE OR LESS, TO THE RIGHT BANK OF THE PORTNEUF RIVER; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE RIGHT BANK OF THE PORTNEUF RIVER 115 FEET, MORE OF LESS; THENCE IN A WESTERLY DIRECTION AND ALONG THE CENTERLINE OF THE ROAD LEADING TO THE CROSSING OF THE OREGON SHORT LINE RAILROAD, 305 FEET, MORE OR LESS, TO THE CENTER OF THE ROAD LEADING TO THE HARKNESS WAGON BRIDGE; THENCE IN A NORTH AND EASTERLY DIRECTION ALONG SAID ROAD; 165 FEET, MORE OR LESS, TO THE CENTER OF THE

PROFILED

SCANNED
JUL 12 2005

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755391

WEST ABUTMENT OF THE HARKNESS WAGON BRIDGE; THENCE NORTHWESTERLY ALONG THE LEFT BANK OF THE PORTNEUF RIVER, 435 FEET, MORE OR LESS, TO THE SOUTH BOUNDARY OF THE UNION MILL AND ELEVATOR CO'S LAND; THENCE NORTHEASTERLY ALONG THE SOUTH BOUNDARY OF SAID TRACT AND A CONTINUATION THEREOF TO THE RIGHT BANK OF THE PORTNEUF RIVER; THENCE ALONG THE RIGHT BANK OF THE PORTNEUF RIVER TO A POINT ON THE PROJECTED LINE OF THE NORTHWEST FENCE OF THE HARKNESS CORRAL; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID FENCE AND THE PROJECTED LINE THEREOF TO THE CENTER OF THE CHANNEL OF HARKNESS CREEK; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE CENTER OF THE CHANNEL OF HARKNESS CREEK TO ITS INTERSECTION WITH THE SOUTH 1/16TH LINE OF SECTION 1, TOWNSHIP 9 SOUTH, RANGE 36 E.B.M. AT A POINT 440.0 FEET, MORE OR LESS, WEST OF THE SOUTH 1/16TH CORNER ON THE EAST LINE OF SAID SECTION 1; THENCE EAST ALONG THE SOUTH 1/16TH LINE OF SAID SECTION 1 AND SECTION 6, TOWNSHIP 9 SOUTH, RANGE 37 E.B.M., TO THE POINT OF BEGINNING. . .

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all incumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: July 12, 2005

Rose Priestly
Rose Priestly, as an individual

Rose Priestly
Rose Priestly, a Statutory Trustee
for Southeast Securities, Inc., a
defunct Idaho corporation

Nellie Holmes
Nellie Holmes, a Statutory Trustee
for Southeast Securities, Inc., a
defunct Idaho corporation

SCANNED

JUL 12 2005

PROFILED

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755391

Dorothy Stokes

Dorothy Stokes, a Statutory Trustee
for Southeast Securities, Inc., a
defunct Idaho corporation

STATE OF IDAHO)
SS
COUNTY OF BANNOCK)

On this 26 day of July, 1984, before me, the
undersigned Notary Public, in and for said State, personally
appeared ROSE PRIESTLY, known to me to be the person whose name is
subscribed to the within 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 first written above.

NOTARY PUBLIC STATE OF IDAHO
THOMAS J. HOLMES
RESIDING AT, POCATELLO, IDAHO
MY COMM. IS PERPETUAL

NOTARY PUBLIC - STATE OF IDAHO
Residing at: Pocatello, Idaho

STATE OF IDAHO)
SS
COUNTY OF BANNOCK)

On this 26 day of July, 1984, before me, the
undersigned Notary Public, in and for said State, personally
appeared ROSE PRIESTLY, a Statutory Trustee for Southeast
Securities, Inc., a defunct Idaho corporation, known to me to be
the person whose name is subscribed to the within 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 first written above.

NOTARY PUBLIC STATE OF IDAHO
THOMAS J. HOLMES
RESIDING AT, POCATELLO, IDAHO
MY COMM. IS PERPETUAL

NOTARY PUBLIC - STATE OF IDAHO
Residing at: Pocatello, Idaho

PROFILE

SCANNED
JUL 12 2005

4-4

55391

STATE OF KANSAS)
) SS
COUNTY OF DOUGLAS)

On this 1st day of July, 1985, before me, the undersigned Notary Public, in and for said State, personally appeared NELLIE HOLMES, a Statutory Trustee for Southeast Securities, Inc., a defunct Idaho corporation, known to me to be the person whose name is subscribed to the within 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 first written above.



Judy A. Walburn

NOTARY PUBLIC - STATE OF KANSAS

Residing at: Lawrence, Kansas

My commission expires October 21, 1988.

STATE OF LOUISIANA)
PARISH XXXXXX) SS
COUNTY OF JEFFERSON)

On this 16th day of July, 1985, before me, the undersigned Notary Public, in and for said State, personally appeared DOROTHY STOKES, a Statutory Trustee for Southeast Securities, Inc., a defunct Idaho corporation, known to me to be the person whose name is subscribed to the within 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 first written above.

(SEAL)

NOTARY SEAL

755391

[Signature]

NOTARY PUBLIC - STATE OF LOUISIANA

Residing at:

5020 Utica Street
Metairie, Louisiana 70006

AMERICAN LAND TITLE CO.

MY COMMISSION EXPIRES AT DEATH

'85 AUG 16 A11:02

OFFICE
LAFAYETTE
FEE 8.00
429
me

SCANNED

JUL 12 2005

FILED

PROMISSORY NOTE SECURED BY DEED OF TRUST

\$13,500.00

December 7, 1984

FOR VALUE RECEIVED, the undersigned, hereinafter referred to as "Maker", whether one or more, promises to pay to the order of Rose Priestly, a single woman, at 435 South 7th Avenue, Pocatello, Idaho 83201, or at such other place as the holder may designate in writing, the principal sum of Thirteen Thousand, Five Hundred Dollars (\$13,500.00), together with interest thereon at the rate of 8%, simple interest per annum, payable as follows:

Fifteen (15) equal annual payments of \$1,577.20 with the first payment being due December 10, 1984, and thereafter on each December 10th until paid in full. Maker may, after December 31, 1987, prepay in full or in part outstanding principal obligation. Maker may not prepay prior to December 31, 1987. Each payment is due on December 10th of the respective year. A late charge of \$75.00 shall be assessed for any payment not made timely.

All payments shall be first applied to interest and then to principal.

Maker may prepay in whole or part at any time.

Payments of both principal and interest are to be made in lawful money of the United States of America.

All past-due installments of principal and/or interest shall bear interest from the due date until payment at the highest legal rate permitted by Idaho law and Idaho Code Section 28-22-104(1); provided, however, said rate shall not be less than the rate provided in this note unless precluded by law.

All payments made under this note, whether on account of the principal sum or interest, shall be made without setoff or counterclaim against the holder or payee.

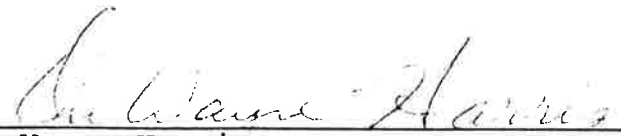
PROFILED

SCANNED

JUL 12 2005

This note is secured by a deed of trust of even date herewith and is to be construed and enforced according to the laws of the State of Idaho. Upon the maker's failure to pay any sum required to be paid by the terms of this note or the securing deed of trust, promptly when they severally become due, or upon breach of any stipulation, agreement or covenant of this note or of the deed of trust, or in the event of maker's default, the entire sum of principal and interest remaining unpaid shall, at the option of the holder hereof, become immediately due and payable. Failure to exercise said option shall not constitute a waiver of the right to exercise the same at any subsequent time.

If action is necessary to collect this note or any portion thereof, maker agrees to pay, in addition to the costs and disbursements as are allowed by law, the holder's attorney fees incurred in such action, whether or not suit is instituted. The makes and endorser hereof severally waive presentment for payment, protest, notice of protest and of non-payment of this note.


DuWayne Harris


Carolyn Harris

PROFILED

SCANNED

JUL 12 2005

MEMORANDUM AGREEMENT

THIS MEMORANDUM AGREEMENT is made by and between:

ROSE PRIESTLY, a single woman,
hereinafter referred to as "Seller" and

DuWAYNE HARRIS and CAROLYN HARRIS, Husband and Wife,
hereinafter referred to as "Buyers" and shall be as follows:

RECITALS

A. On August 25, 1984, Seller and Buyers agreed that Seller would sell to Buyers and Buyers would purchase from Seller real estate located between the highway and the Portnuef River in McCammon, Idaho, with the appropriate share of water rights from Harkness Creek, the legal description for which property is more particularly describes on the attached Exhibit "A".

B. The parties purchased a property purchase offer and desire to make a formal written memorandum of their agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS SET FORTH HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Price. The purchase price shall be Thirteen Thousand, Five Hundred Dollars (\$13,500.00) with interest from August 25, 1984, at the rate of 8% per annum. Buyers shall execute a promissory note in favor of Seller, which note shall provide for annual payment of One Thousand, Five Hundred Seventy-Seven Dollars and Twenty Cents (\$1,577.20) with the first payment being due December 10, 1984, and on December 10th of each year thereafter until paid in full. At any time subsequent to December 31, 1987, Buyers may prepay in full or in part with no penalty. Buyers may not prepay prior to January 1, 1988. All payments shall be due on December 10th of the respective year and there shall be a late payment charge of \$75.00 for any payment that has not been made on December 10th. All payments shall be made directly to Rose Priestly or her heirs and assigns unless the Buyers desire to, at

PROFILE

SCANNED

JUL 12 2005

their cost, provide for an escrow agent to receive the payments and disburse them to Rose Priestly, in which case those payments shall be due to the escrow agent on December 10th of each respective year with the applicable late charge being charged for any late payments. The parties acknowledge that the Exhibit "B" attached hereto is an amortization schedule showing the payment schedules based upon the foregoing. Buyers shall execute a promissory note in favor of the Seller in the form set forth on the attached Exhibit "D".

2. Security. Buyers shall grant to Seller a security interest in the real estate described on the attached Exhibit "A" and the appurtenant waters, which real estate is the subject of this agreement. The security interest shall be in the form a Deed of Trust, a copy of which is attached hereto as Exhibit "C" and the terms and conditions of said Deed of Trust are incorporated herein by reference and are made a part of this contract and memorandum agreement.

3. Warranty Deed and Title. Seller shall execute a Warranty Deed in favor of Buyers, which Warranty Deed shall be simultaneously recorded with and subsequent to the aforementioned Deed of Trust. Seller warrants and represents that she has merchantable title to the subject real estate and agrees to furnish, at her cost, title insurance in favor of the Buyers.

4. Survey. Buyers have had the property surveyed, and the surveyed description is used as the legal description for the premises, all as set forth in the attached Exhibit "A". The cost of the survey shall be borne by Buyers.

5. Closing. This transaction shall close at the offices of Manning, Holmes & Winmill, Chartered, on Friday, December 7, 1984, at the hour of ten o'clock A.M.

6. Fees for Drafting this Agreement. The memorandum agreement and underlying documents, including the promissory note and Deed of Trust, have been drafted by Manning, Holmes & Winmill, Chartered, who represent the Seller in this transaction. Seller

and Buyers have agreed that Buyers shall pay one-half of the attorney fees for drafting this agreement, but Buyers understand that Manning, Holmes & Winmill, Chartered is not representing them in this transaction, and they are specifically advised to seek separate and independent legal counsel should they have any question concerning this agreement.

7. Costs. Seller shall bear the cost of title insurance and recording the Deed of Trust. Buyers shall bear the cost of the survey and recording the Warranty Deed. Real estate taxes shall be prorated to December 7, 1984, with Seller paying a prorata share of the real estate taxes up to December 7 of 1984 and Buyers payment a prorata share from December 7, 1984, to the end of the year. Taxes shall be based upon the most recent assessment available at the date of closing.

8. Default. Time is of the essence in this agreement. Subsequent to closing, the terms of default defined in the underlying Deed of Trust and promissory note shall govern for purposes of this transaction.

9. Surviveability. This contract and the terms thereof shall survive the recording of the Warranty Deed and Deed of Trust.

DATED this ____ day of _____, 1984.

SELLER:

Rose Priestly
ROSE PRIESTLY

BUYERS:

DuWayne Harris
DuWAYNE HARRIS

Carolyn Harris
CAROLYN HARRIS

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE PROPERTY DESCRIBED IN INSTRUMENT #224943, BANNOCK COUNTY, IDAHO RECORDS, WHICH LIES SOUTHWEST OF STATE HIGHWAY 30 NORTH, AND NORTHEAST OF THE WEST BANK OF THE PORTNEUF RIVER;

SAID PARCEL CONTAINING 15 ACRES MORE OR LESS; AND INCLUDING THE APPURTENANT WATER RIGHTS IN HARKNESS CREEK.

18.5 ACRES - SEE SURVEY

EXHIBIT "B"

AMORTIZATION SCHEDULE

8% from August 25, 1984

Annual Payment of \$1,577.20 ✓

<u>Payment Date</u>	<u>Payment No.</u>	<u>Interest</u>	<u>Principal</u>	<u>Principal Balance</u>
				\$13,500.00
✓ 12/10/84	1	316.60	1,260.60	12,239.40
✓ 12/10/85	2	979.15	598.05	11,641.35
✓ 12/10/86	3	931.31	645.89	10,995.46
✓ 12/10/87	4	879.64	697.56	10,297.90
✓ 12/10/88	5	823.83	753.37	9,544.53
✓ 12/10/89	6	763.56	813.64	8,730.89
✓ 12/10/90	7	698.47	878.73	7,852.16
12/10/91	8	628.17	949.03	6,903.13
12/10/92	9	552.17	1,025.03	5,878.10
12/10/93	10	470.17	1,107.03	4,771.07
12/10/94	11	381.61	1,195.59	3,575.48
12/10/95	12	285.96	1,291.24	2,284.24
12/10/96	13	182.66	1,394.54	889.70
12/10/97	14	<u>71.10</u>	<u>889.70</u>	
		7,964.40	13,500.00	

Exhibit "B"
jm 2M-33

PROFILED

SCANNED
JUL 12 2005

MAY 18 2001

Log for claim A29-00195D

Spatial Dynamics AMH

8/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	12	NWNE	15	39	Indiscernible
Totals:			15	39	

State of Idaho,
Bannock County.

ss.

To Whom It May Concern.

Water Locations
Records

Notice Is Hereby Given
1st, That Henry O. Harkness of McCallum Idaho hereby
claims the waters of Canyon Creek to the extent of five (5)
cubic feet per second.

2nd, Said waters are now and have been diverted at or near
a point where this Notice is posted and more definitely
described as follows to-wit: In the S.E. 1/4 of the S.E. 1/4 of Sec 1 Tp 9
S. of R 36. E.B.M. about 40 rods in a north easterly direction from
the north east corner of Lot No 1 Sec 12 Tp 9 So R 36 E.B.M.

3rd, Said waters are claimed for agricultural and domestic pur-
poses, and the place of its use is upon the lands hereinafter
described.

4th, Said waters are diverted by means of a ditch about four
(4) feet wide and Two (2) feet deep running from the point of
diversion to the lands hereinafter described. The general course
of said ditch is in a south westerly direction and the
length thereof is about 40 rods. Said waters are used for the
irrigation of the N.E. 1/4 of the N.E. 1/4 and Lot 2 Sec 12 Tp 9 So R 36
E.B.M. and Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 Sec 12 Tp 9 So R 36
E.B.M. and containing 305, 667/100 acres. LOTS 1 and 6

5th The works for the diversion of said waters as above des-
cribed are now fully completed.

In Witness Whereof said claimant has hereunto set his
hand at McCallum Bannock County Idaho this 21st day
of May 1897.

Henry O. Harkness

State of Idaho
Bannock County.

ss.

Henry O. Harkness being first duly
sworn, on his oath says that he is of lawful age and the claim-
ant of the Water Right above described and whose name is sub-
scribed thereto; that the statements therein contained
are true and that the original notice of which the foregoing
is a true copy, was posted in a conspicuous place at or near the
point of diversion above described, (as provided by law) on the 21st
day of May 1897.

Henry O. Harkness

Subscribed and sworn to before me this 21st day of May 1897.

(seal)

C. E. Thirney Probate Judge

Request of G. W. Hamnford May 21st 1897. at 4:20 PM. Fee \$6.00

John Scott Recorder

Notice of Water Right.

State of Idaho ss.
Bannock County.

to the location of Record's
To whom It may Concern.

Notice is hereby given:

- 1st, That Henry O. Harkness of McCallum Idaho, hereby claims the waters of the Harkness Springs to the extent of five (5) cubic feet per second.
- 2nd, Said waters are now and have been diverted at or near a point where this Notice is posted and more definitely described as follows to-wit: At the said Spring near the Section line between Sections three (3) and ten (10) in Twp 9 S. R. 37 E. B.M.
- 3rd, Said waters are claimed for agricultural and domestic purposes, and the place of their use is upon the lands hereinafter described.
- 4th, Said waters are diverted by means of a ditch about four (4) feet wide and two (2) feet deep running from the point of discovery in a westerly direction to Canyon Creek a distance of about two and one fourth (2 1/4) miles. The general course of said ditch is westerly. And conducts the waters of said Spring into said Canyon Creek, and mingling with the waters thereof are used for ~~the~~ irrigating the N.E. 1/4 of the N.E. 1/4 and Lot 2 Sec 12 Twp 9 S. R. 36 East and Lots 2, 3, 4, E 1/2 SW 1/4 Sec 7 and Lots 1 and 6 Sec 18 Twp 9 So R. 37 E. B.M. and containing 305.66/100 acres.
- 5th, The works for the diversion of said waters as above described are now fully completed.

In witness whereof said claimant has hereunto set his hand at McCallum Bannock County Idaho this 21st day of May 1897.
Henry O. Harkness

State of Idaho. ss.
Bannock County.

Henry O. Harkness, being first duly sworn, on his oath says that he is of lawful age and the claimant of the Water Right above described, and whose name is subscribed thereto; that the statements therein contained are true and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of diversion above described, (as provided by law) on the 21st day of May 1897.

Subscribed and sworn to before me this 21st day of May 1897.
C. E. Arney Probate Judge
Request of G. A. Hamnerd May 21st 1897. at 4:30 PM. 3... 6131...

State of Idaho,) SS.
Bannock County.)

Water Locations Book
Page II 2

To Whom it may concern. Notice is hereby given.

1. That Henry O. Harkness, of McCammon, Idaho, hereby claims the waters of Harkness' Springs to the extent of 15 cubic feet per second.

2. Said waters are to be diverted at or near a point where this Notice is posted, and more definitely described as follows to wit: At the said Springs situate in Section 3, in Township No. 9 South of Range 37, E.B.M. in the County of Bannock, State of Idaho.

3. Said waters are claimed for the purpose of irrigating the following described lands, to wit: the W. 1/2 Sec. 7, S. 1/2 Sec. 6 T. 9 S. R. 37 E. B. M. N. E. 1/4 N. E. 1/4 & Lots 1, 2, 3, Sec. 12 and S. 1/2 S. E. 1/4 & Lot 7 in Sec. 1. T. 9 So. R. 36 E. B. M. and also for supplying water for domestic and mechanical uses to the inhabitants of the village of McCammon, a settlement on the Port Neuf River in Bannock County Idaho, at or near the intersection of the Idaho and Montana divisions of the Oregon Short Line Rail Road.

4. Said waters are to be diverted by means of a ditch running from the point of diversion in a westerly direction to and augmenting the waters of a creek, known as Harkness' Creek, emptying into the Port Neuf River, at a point nearly opposite of Harkness' Mill and thence distributed on the lands above described; and also to be diverted by means of an iron pipe running from the point of diversion to a reservoir to be located at a point in a westerly direction from the said Springs and thence conducted by iron pipes to the said Village of McCammon and distributed to the inhabitants thereof.

5. The works for the diversion and distribution of said waters for irrigating the lands above described, are now completed and have been in use for several years, and the works for the diversion and distribution of said waters for supplying the inhabitants of the village of McCammon are now in process of construction and will be completed within 60 days from date hereof.

In witness whereof the said Henry O. Harkness has hereunto affixed his signature this 17th day of June, 1902.

Henry O. Harkness,

State of Idaho,) SS.
Bannock County.)

Henry O. Harkness, being first duly sworn on his oath says, that he is of lawful age and the claimant of the water right above described and whose name is subscribed thereto; that the statements therein contained are true and that the original notice, of which this is a true copy, was posted in a conspicuous place at or near the point of diversion above described (as provided by law) on the 17th day of June, 1902, at the hour of 12:01 o'clock P.M.

Henry O. Harkness,

Subscribed and sworn to before me this 17th day of June, 1902.

J. H. Stinger,

Justice of the Peace.

Recorded at request of H. O. Harkness, at 9.50 o'clock A.M. August 4th, 1902.

By E. G. Gallet,
Deputy.

J. S. Campbell,

Recorder.

Fee 80¢

AJ5809NP
No. A29-00195D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 84

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DUWAYNE HARRIS	06/17/1902	IRRIGATION	03-15 11-15	0.600 CFS	
C	CAROLYN R HARRIS BOX 298 MC CAMMON ID 83250 (208) 254-3284				0.600 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:		37.50 AFA

Water Source: HARKNESS CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T09S R36E S01 SENESE

BANNOCK 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
09S	36E	12	:			15														:	15.0
																				TOTAL ACRES	15.0

POU County: BANNOCK

Other Rights: 29-04009B

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07388 A29-00195C A29-00195E A29-00195G A29-00195H A29-04009B A29-04009C A29-07388

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00195B A29-00195C A29-04009 A29-04009A A29-04009B

Remarks: GEN W. L. & A. F. LILIENQUIST ALSO ORIGINAL OWNERS.
THIS RIGHT PAID FOR UNDER RECEIPT #E012565

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

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

Audit: 09/07/93 TAYLOR 03/29/95 POST-STD

To: Splits of A29-00195
Splits of A29-04009
Fr: Bryce A. Contor
Date: 1/7/00



Re: Place of Use

Silvia J. M. Lockyer presented a Notice of Change of Water Right Ownership in July of 1999. The accompanying plat map may be useful in clarifying place of use of the various splits of these two water rights.

It is filed with A29-00195H.



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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

SEPTEMBER 8, 1993

RICHARD LOCKYER
PO BOX 371
MC CAMMON ID 83250

RE: CHANGE IN OWNERSHIP FOR A29-00195B AND -04009A

Dear Mr. Lockyer:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) have been split as follows:

A29-00195B split into D and E. A29-00195E; Richard Lockyer, .16 cfs, 4 acres; A29-00195D; Harris, .60 cfs, 15 acres.

A29-04009A split into B and C. A29-04009C; Richard Lockyer, 16 cfs, 4 acres; A29-04009B; Harris, .60 cfs, 15 acres.

Enclosed for your records are typed Notices reflecting your portion of the rights. Review these Notices and if there are other corrections or questions, feel free to contact this office (525-7161).

Respectfully submitted,


Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notices of Claim

cc: DuWayne Harris/copies of claims

File: P

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APR 12 1994

POOR ORIGINAL

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

AUG 16 1993

Department of Water Resources

DATE OF CLOSING: 6-18-93

LEGAL DESCRIPTION OF PROPERTY: Township 9S Range 36E
 Section 12, SE 1/4 of NE 1/4 of SE 1/4, Govt. Lot
 Lot 12, Block, , Subdivision/Townsite
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

AUG 19 1993

Department of Water Resources
Eastern District Office

- ☐ 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: A29-00195B OR A29-4009A ?
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Du Wayne or Carolyn R. Harris
Box 298
- ☐ New Owner/Claimant (Purchaser): Mc Cammon ID 83250
RICHARD + SILVIA LOCKYER
- ☐ New Mailing Address: PO Box 371
MC CAMMON ID 83250
- ☐ New Telephone Number: (208) 257-3240
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
1 inch per acre as prescribe by water
reconservation 18 hours per month
- ☐ Attach proof of ownership, describe proof attached: see copy attached.
 (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): Richard L. Lockyer Date 8-10-93
Silvia M. Lockyer Date 8-10-93
- ☐ Signature of Former Owner/Claimant(s): Carolyn R. Harris Date 8-10-93
Du Wayne Harris Date 8-10-93

(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:

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APR 12 1994

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

MAY 18 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: A29-00195D
Date Received: 3/27/1990
Receipt No: X777777
Received By: _____

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

1. Name: DUWAYNE HARRIS 208-254-3284
Address: BOX 298
MC CAMMON ID 83250
OR
Name: CAROLYN R. HARRIS 208-254-3284
Address: BOX 298
MC CAMMON ID 83250

2. Date of Priority: JUN 17, 1902

3. Source: HARKNESS CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	36E	1	SE	NE	SE		BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	36E	12	NW	NE		IRR	15.0

MICROFILMED

A29-00195D

Page 1

Date: 09/07/93

A2900195D



APR 12 1994

10. Place of Use: Continued

Section Acres 15.0

Total Acres 15.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-04009B

14. Remarks:

W. L. & A. F. LILIENQUIST ALSO ORIGINAL OWNERS.
THIS RIGHT PAID FOR UNDER RECEIPT #E012565

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): _____ Date: _____
_____ Date: _____

MICROFILMED

APR 12 1994

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 _____

MICROFILMED

APR 12 1994