

05/16/2003

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

RIGHT NUMBER: 29-2144

NAME AND ADDRESS: HANS HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

SOURCE: CLIFTON CREEK

TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.980 CFS

PRIORITY DATE: 07/03/1912

POINT OF DIVERSION:

T09S R34E S16 NWNW Within POWER County Source: CLIFTON CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.980 CFS

PLACE OF USE:

IRRIGATION Within POWER County

T09S R34E S08	NESE	35.0	T09S R34E S08	NWSE	13.0
T09S R34E S08	SWSE	24.0	T09S R34E S08	SESE	37.0
T09S R34E S09	SWSW	37.0	T09S R34E S09	SESW	20.0

166 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-2144, 29-7948 AND 29-10893

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 49 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

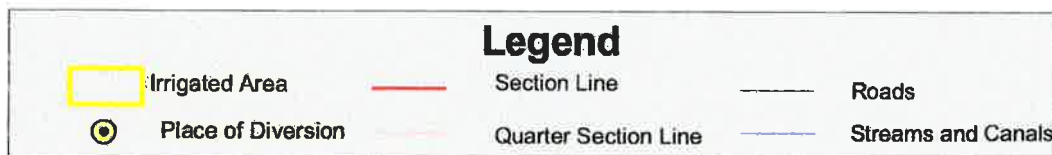
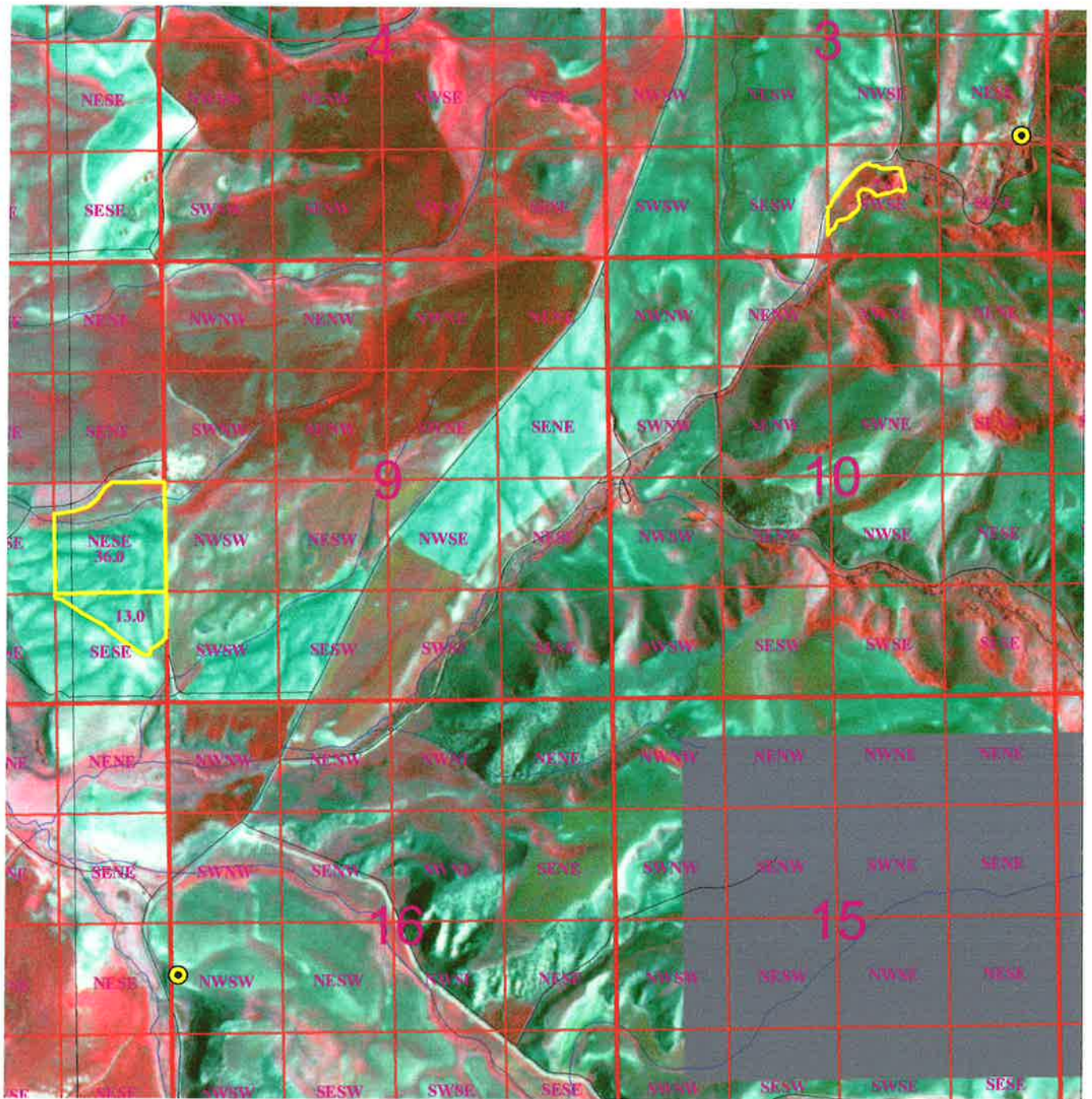
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: License

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.

Township , 9S34E



900 0 900 1800 Feet



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2144 V1

WATER RIGHT NUMBER: 29-2144 V1

Comments:

1. bcontor 8/9/2001 recommendation

Comment: See documentation in paper file 29-480 for full explanation.

2. bcontor 8/9/2001 PPU with license

Comment: Two post-1987 permits overlap this right. Per claimant request these are recommended on a PPU basis to the extent possible with practices present in 1987.

3. bcontor 8/9/2001 Ownership

Comment: PPU includes lands not owned by claimant, per claimant request. See paper file 29-480 for letter. Note also that PPU includes water rights not owned by claimant, on lands owned by claimant, per request of owners of other rights. See paper file 29-480.

4. bcontor 8/9/2001 Non-use

Comment: See field notes. Upper POU appears not to have been used for some time, but affidavit in file 29-480 from Russell Hayden indicates use in 1980s. While this does not strictly pin use to five year period preceding claim I do not have

5. bcontor 8/9/2001 Non-use 2

Comment: adequate evidence to find forfeiture of that five acres. Per instructions from court I do not consider any non-use that may have occurred after date of claim signing.

6. bcontor 8/9/2001 Overlap

Comment: Overlap condition may need to be adjusted when permit-based claim 29-7948 is reviewed. This recommendation expedited to allow transfer application to reflect recommendation. Overlap will also need adjustment if claim 29-13215 is signed and recommended.

7. bcontor 8/15/2001 POU modification

Comment: POU modified slightly after conference with Keith Wilson on Allocations Bureau findings of POU in overlapping permit exam 29-7948 and 29-7949. See paper file 29-480 "general" flap. Combined limit adjusted.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2144 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: C
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/9/2001 4:31:30 PM	bcontor			Active
Priority Date	8/9/2001 4:35:26 PM	bcontor			Active
POD	8/9/2001 4:36:34 PM	bcontor			Active
Source	8/9/2001 4:47:46 PM	bcontor			Active
POU	8/9/2001 5:13:41 PM	bcontor			Active
Season	8/9/2001 5:15:12 PM	bcontor			Active
Quantity	8/9/2001 5:15:35 PM	bcontor			Active
Summary	8/9/2001 5:18:32 PM	bcontor	8/9/2001 5:18:32 PM	bcontor	Active
Use	8/9/2001 5:20:32 PM	bcontor	8/9/2001 5:18:32 PM	bcontor	Active
POU	8/10/2001 11:33:05 AM	bcontor	8/9/2001 5:18:32 PM	bcontor	Active
POU	8/15/2001 2:42:40 PM	bcontor	8/9/2001 5:18:32 PM	bcontor	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	8/15/2001 2:31:38 PM	bcontor	Edited shape boundary
POU	8/15/2001 2:32:34 PM	bcontor	Edited shape boundary
POU	8/15/2001 2:33:14 PM	bcontor	Edited PLS
Source	8/9/2001 4:47:43 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Field inspection 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/9/2001 4:56:53 PM	bcontor	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2144 V1

POU	8/9/2001 5:00:03 PM	bcontor	Edited shape boundary
POU	8/9/2001 5:00:52 PM	bcontor	Edited PLS
POU	8/9/2001 5:13:39 PM	bcontor	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: see paper file 29-480 for field notes and analysis 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: See paper file 29-480 for field notes and analysis 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Season	8/9/2001 5:15:10 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (YES) The period of use on the decree, license or transfer is shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	8/9/2001 5:15:33 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2144 V1

Summary	8/9/2001 5:18:30 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (YES) There is indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 4. (YES) A portion of the claim is being recommended. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POU	8/10/2001 11:33:01 AM	bcontor	1. (YES) The POU is required.
POD	8/10/2001 1:11:20 PM	bcontor	Edited point location
POD	8/10/2001 1:12:15 PM	bcontor	Edited point location
POD	8/10/2001 1:11:46 PM	bcontor	Edited point location
Contacts	8/9/2001 4:31:27 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: I have already done the field exam and met in the office with the claimant.
Priority Date	8/9/2001 4:35:24 PM	bcontor	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/9/2001 4:36:31 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Field inspection, see paper file 29-480 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Field inspection, see paper file 29-480. GPS reading taken 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/9/2001 4:37:26 PM	bcontor	Edited point location
POD	8/9/2001 4:38:35 PM	bcontor	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2144 V1

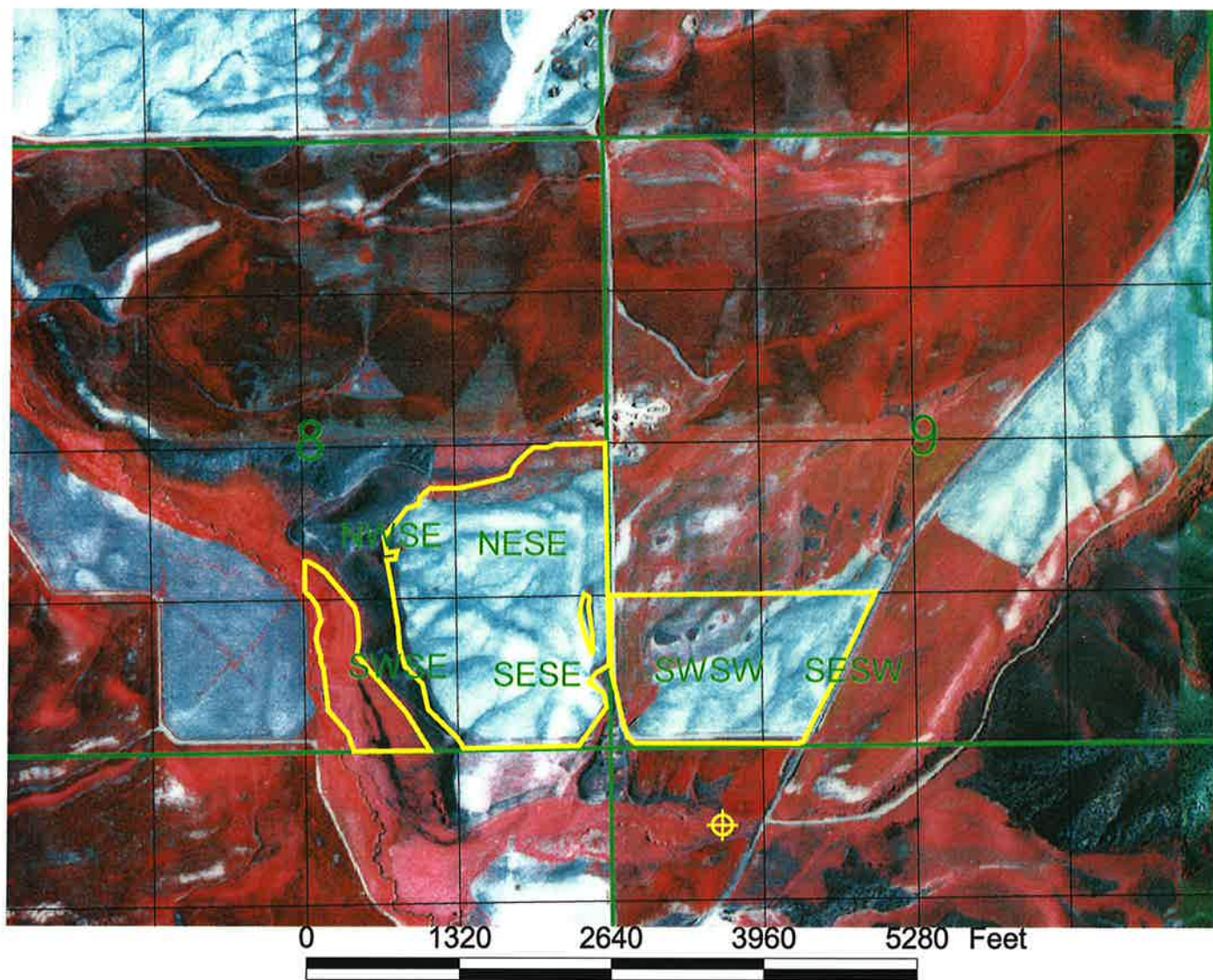
POD	8/9/2001 4:41:54 PM	bcontor	Edited point location
POD	8/9/2001 4:42:19 PM	bcontor	Edited PLS
POD	8/9/2001 4:44:08 PM	bcontor	Edited point location
POD	8/9/2001 4:44:27 PM	bcontor	Edited PLS
POD	8/9/2001 4:46:28 PM	bcontor	Edited PLS
POD	8/9/2001 4:47:04 PM	bcontor	Edited PLS
POU	8/9/2001 4:50:04 PM	bcontor	Edited shape boundary
POU	8/9/2001 4:50:40 PM	bcontor	Edited shape boundary
POU	8/9/2001 4:52:18 PM	bcontor	Edited shape boundary
POU	8/9/2001 4:55:34 PM	bcontor	Edited shape boundary
POU	8/9/2001 4:57:18 PM	bcontor	Edited shape boundary
Use	8/9/2001 5:20:31 PM	bcontor	1. (NO) The basis of claim is not beneficial use.
POU	8/15/2001 2:42:37 PM	bcontor	12. (YES) POU remark was required.



Department of Water Resources

Claim No: 29-2144
29-10893

Twps 09S Rge 34E



Irrigated Acres = 166

SCANNED

DEC 28 2003

-  Diversion.shp
-  Place of use.shp
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: May 2003



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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 11, 2001

HANS HAYDEN
TWIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

RE: CHANGE IN OWNERSHIP FOR A29-02144 A29-07335 AND
A29-10893

Dear Gentlemen:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

PROFILED

SCANNED

DEC 28 2005

OK Bar
9/6/01

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A29-10893					
A29 0 2144					
A29 07335					

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)

Ben Hayden and/or Mid Crystal Farms

4. New Owner/Claimant(s)

HANS HAYDEN or TWAIN HAYDEN
MID CRYSTAL FARMS

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

SAME as % Hans Hayden 3747 MID CRYSTAL RD

City, State and ZIP Code

ARBON, IDAHO 83212

New Telephone Number

(208) 335 2152

5. Date you acquired the property

Hans Hayden

Twain Hayden

Contact # 123771

323558

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DEC 28 2005

SCANNED



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

EASTERN REGION

August 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HANS OR TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

RE: NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP FOR A29-02144,
A29-07335 AND A29-10893

Dear Gentlemen:

I am returning the above mention Notice of Change in Water Right Ownership for the following reasons:

1. Land claimed in 29-07335, legal descriptions below, are not shown on the deed you provided:

Township	Range	Section	¼	¼
8S	34E	32	SW	NE,
8S	34E	32	SE	NW
8S	34E	32	NE	SW
8S	34E	32	NW	SW
8S	34E	32	NW	SE

Jensen Spring

2. Part of land claimed in 29-02144 and 29-10893 is shown on the deed, but does not include lands claimed in:

Township	Range	Section
9S	34E	9
~~9S~~	34E	10
✓ 9S	34E	3

original at Bonanza

what needed here

*- TRANSFER on Adj. Filing -
Russell*

If indeed you do own the above mention property please resubmit the Change of Ownership form with the appropriate deeds.

If you have any questions please feel free to contact Bryce Contor at this office at 208-525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

SCANNED

DEC 28 2005

WARRANTY DEED

FOR VALUE RECEIVED

Ben and June Hayden, 2595 N Mink Creek Rd. Pocatello, Idaho

The Grantor, do hereby grant, bargain, sell and convey unto
Hans Hayden and Twain Hayden

The Grantee, whose address is 3747 Mid Crystal Rd, Arbon, Idaho, 83212

the following described premises, to-wit:

N1/2 Section 8, T9S, R34 E.B.M., Power County, Idaho 29-2144 partial - ~~see~~ 29-2198 ^{also}
Lot 4 and SW1/4NW1/4 and W1/2SW1/4 Section 5, T9S, R34 E.B.M., Power County, Idaho
Lot 1 and SE1/4NE1/4 Section 6, T9S, R34 E.B.M. Power County, Idaho
SE1/4SE1/4 Section 31, T8S, R34 E.B.M., Power County, Idaho
SW1/4SW1/4 Section 32, T8S, R34 E.B.M., Power County, Idaho 29-7335 partial

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 said premises are free from all encumbrances

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

Dated: March 1, 1996

Ben L. Hayden
June L. Hayden

STATE OF IDAHO, COUNTY OF

On this 12th day of December, 1996
before me, a notary public in and for said State, personally appeared

Ben and June Hayden

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Shauna Wilding
Notary Public

Pocatello
County Expires 3/15/02
PUBLIC

Idaho

STATE OF IDAHO, COUNTY OF *Power*

I hereby certify that this instrument was filed for record at the
request of *Hans Hayden*

at 31 minutes past 4 o'clock P.M.
this 14 day of January
1997 in my office, and duly recorded in Book *Drawer 8*
of Deeds at page

Carol Schreiber
Ex-Officio Recorder

By: *Maureen Schelste*
Deputy.

Fees \$ 300
Mail to:

156863

WARRANTY DEED

FOR VALUE RECEIVED

June Hayden

The Grantor, do hereby grant, bargain, sell and convey unto

Hans Hayden and Twain Hayden,
3747 Mid Crystal Rd, Arbon, Idaho 83212

The Grantee, whose address is

the following described premises, to-wit:

S9 T9S R34E
E2SW Lying E of Mink Creek Rd
NWSE Lying E of Mink Creek Rd
T-22 Lying E of Mink Creek Rd
SWSE

178006~

INSTRUMENT NO.	
TIME	6:10 pm
REQ. OF	Hans Hayden
SEP - 6 2001	
POWER COUNTY, IDAHO CHRISTINE SCHMIDT CLERK	

Ch. 3rd

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 said premises are free from all encumbrances

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

Dated: Sept 3, 2001

June S. Hayden

STATE OF IDAHO, COUNTY OF

On this 3rd day of Sept, 2001, Hans Hayden, public in and for said State, personally appeared

BETH A. CURRY
NOTARY

known to me to be the person who name
Hans Hayden, and acknowledged to me
executed the same.

Beth A. Curry
Notary Public

Residing at: Arbon, Idaho
Comm. Expires: 8/12/04

STATE OF IDAHO, COUNTY OF Power, Idaho

I hereby certify that this instrument was filed for record at the request of Hans Hayden

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

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

INSTAL	3:55 pm
TIME	
REQ. OF	Hans Hayden
JUN 20 2001	
POWER COUNTY AM. FALLS	
CHRISTINE STEINLICH	
BY	Maurice Schlegel
DEPUTY	Ed. 15.00

177573

1

REAL ESTATE SALES AGREEMENT

THIS AGREEMENT is made and entered into by and between **RUSSELL HAYDEN and DORIS B. HAYDEN, (Sellers)** and **HANS and TWAIN HAYDEN, partners in joint tenancy, (Buyers)**.

RECITALS

A. Sellers own the following real and personal property:

The real property is more particularly described as follows and includes all water rights and other appurtenances.

Lot 1 and 2 SWNE, W1/2SE SEC 2 and NWNE SEC 11 (Basin).

N1/2NE sec 10, NWNW sec 11, SESE and T-13 sec 3, and

W1/2SWSW sec 2 (near pond)

Area involved is Irrigation

T25 and SESE SEC 9, S1/2SW SEC 10 (Pasture on Myler Rd)

All above from Twn 9S, R34E, Power County, Idaho

The Buyers desire to purchase all of the real property and the personal property listed in this Agreement.

B. Subject to the terms of this Agreement, Sellers will sell as requested by Buyers.

NOW, THEREFORE, in consideration of the mutual covenants entered into herein, the parties hereby agree as follows:

1) Sale of Real and Personal Property. The Sellers shall sell and the Buyers shall purchase, upon the terms and conditions herein provided, the real property and the personal property.

2) Improvements. All structures, including houses, grain storage facilities, and all outbuildings, if any, located on the property, all irrigation fixtures, water and water rights and ditches and ditch rights appurtenant thereto that are now on or used in connection with the premises shall be included in this sale. All rights accruing to Sellers under any oil and gas

1/5

SCANNED
DEC 28 2005

WARRANTY DEED**For Value Received****BEN L. HAYDEN and JUNE S. HAYDEN**

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

HANS B. HAYDEN and TWAIN S. HAYDEN

whose addresses are respectively:

3746 Mid-Crystal Road
Arbon, Idaho 832123747 Mid-Crystal Road
Arbon, Idaho 83212

the following described premises in Power County, Idaho, to-wit:

Legal description is provided in the attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances and that they will forever warrant the title to said premises.

DATED: November 22, 1996.

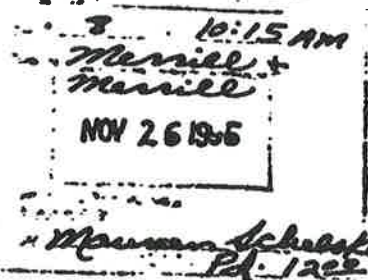
Ben L. Hayden
Ben L. Hayden

June S. Hayden
June S. Hayden

SCANNED

DEC 28 2005

166606



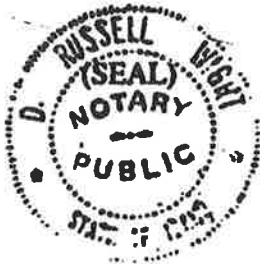
STATE OF IDAHO)

:ss

County of Bannock)

On this 22 day of November, 1996, before me, the undersigned, a Notary Public in and for said County and State, personally appeared BEN L. HAYDEN and JUNE S. HAYDEN, husband and wife, known to me to be the persons who executed 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.



D. Russell Light
NOTARY PUBLIC FOR IDAHO

Residing at: Pocatello

My commission expires: April 29, 1997

SCANNED
DEC 28 2005

EXHIBIT A

T. 8 S., R. 34 E.B.M., Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The Southeast Quarter of the Southeast Quarter of Sec. 29, the Northeast Quarter of the Northeast Quarter of Sec. 32, and the West Half of the Northwest Quarter of Sec. 33, in Township 8 South of Range 34, E.B.M. in Idaho, containing 160 acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

The South Half of the Northeast Quarter and the South Half of the Northwest Quarter of Sec. 32, in T. 8 S. of Range 34 E.B.M. in Idaho containing 160 acres.

The East Half of the Southeast Quarter of Sec. 32; the West Half of the Southwest Quarter of Sec. 33, T. 8 S. Range 34, E.B.M., Idaho containing 160 acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

The Northeast Quarter of the Southeast Quarter of Sec. 31; the North Half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, of Sec. 32, in T. 8 S. of Range 34 E.B.M., Idaho, containing 160 acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

COMMENCING at the Southeast corner of the Southwest quarter of Section 4, Township 9 South, Range 34 E., B.M., Power County, Idaho; running thence North 16 rods; thence West 20 rods; thence South 16 rods; thence East 20 rods to the place of beginning.

The Northeast one-quarter (NE $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) Section Four (4), Township Nine (9) South, Range 34, East, Boise Meridian, and that portion of the Northwest one-quarter (NW $\frac{1}{4}$) of the Southwest one-quarter (SW $\frac{1}{4}$) of Section Three (3), Township Nine (9) South, Range 34, East, Boise Meridian, lying West of the highway right-of-way as described in the State of Idaho Right-of-Way Deed, Instrument 67635, recorded in Book of Deeds 99, at page 45, Power County Records, all the foregoing being within Power County, State of Idaho.

Southeast Quarter (SE $\frac{1}{4}$) of Section 8, Township 9 South, Range 34, East of Boise Meridian; the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) in Section 32, Township 8 South of Range 34, East of Boise Meridian.

The Southwest Quarter of Northeast Quarter, West Half of Southeast Quarter, Southeast Quarter of Southeast Quarter; the Southwest Quarter, and all that portion of the Southwest Quarter of Northwest Quarter lying South of the road running Northwesterly and Southeasterly across said tract of land, containing approximately 6 $\frac{2}{3}$ acres, EXCEPT TAX THREE all in Section 4 Township 9 South of Range 34, East of Boise

SCANNED

DEC 28 2005

4-4

Meridian.

Lots 1, 2, and 3, the South Half of Northeast Quarter, Southeast Quarter of Northwest Quarter; the East Half of Southwest Quarter; the Southeast Quarter in Section 5, Township 9 South of Range 34, East of Boise Meridian, all in Power County, State of Idaho.

That portion of the Northeast Quarter (NE 1/4) of Section 9, Township Nine (9) South of Range Thirty-Four (34) E.B.M. which lies West of Mink Creek Road, in Power County, Idaho.

The Northwest Quarter (NW 1/4) and the West half of the Southwest Quarter (W 1/2 SW 1/4) of Section 9, Township Nine (9) South of Range 34 E.B.M. in Power County, Idaho.

That portion of the E 1/2 of the SW 1/4 and that portion of the W 1/2 of the SE 1/4 in Section 9, Township 9 South, Range 34 E.B.M. which lies West of Mink Creek Road in Power County, Idaho.

SCANNED

DEC 28 2005

Escrow #: P2914TA

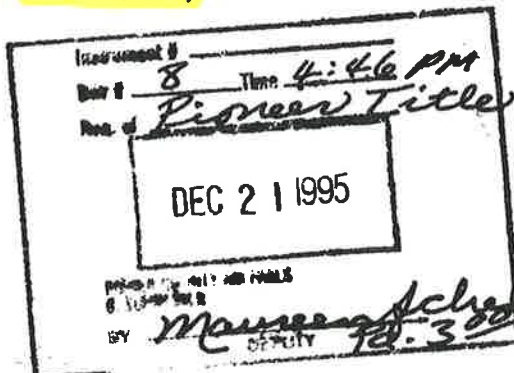
Approved by: *[Signature]*

WARRANTY DEED

FOR VALUE RECEIVED, RUSSELL J. HAYDEN AND DORIS B. HAYDEN, HUSBAND AND WIFE

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto HANS HAYDEN, ~~AND TWAIN HAYDEN~~, ^{A MARRIED PERSON AND}
~~HUSBAND AND WIFE~~ TWAIN HAYDEN, A MARRIED PERSON
the Grantee(s), whose address is 3747 MID CRYSTAL ROAD, AMERICAN FALLS, ID 83212
(Mailing Address), MYLER ROAD, ID (Property Address),
the following described premises, situated in POWER County, Idaho:

That *[initials]* portion of the *[initials]* of the *[initials]* / being
A portion of the N1/2 SW1/4 SE1/4 SOUTH AND EAST OF THE COUNTY ROAD KNOWN AS MYLER
ROAD IN SECTION 3, TOWNSHIP 9 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, POWER COUNTY,
IDAHO.



164725

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. P2914TA, dated November 22, 1995; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 19 day of December, 1995.

Russell J. Hayden
RUSSEL J. HAYDEN

Doris B. Hayden
DORIS B. HAYDEN

STATE OF IDAHO

County of BANNOCK

} ss

SCANNED

DEC 28 2005

On this 19 day of December, 1995, before me, the undersigned, personally appeared

DEC 21 1995

BY *M. Schulte*
DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. P2914TA, dated November 22, 1995; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 19 day of December, 1995.

Russell J. Hayden
RUSSEL J. HAYDEN

Doris B. Hayden
DORIS B. HAYDEN

STATE OF IDAHO

County of BANNOCK

} ss

On this 19 day of December, 19 95, before me, the undersigned, personally appeared *Russell J. Hayden and Doris B. Hayden*, known or identified to me to be the person(s) 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 in said County the day and year first above written.



Thais M. Ayre
Notary Public
Residing at: CHUBBUCK, IDAHO
Commission Expires: 2-27-2001

SCANNED

DEC 28 2005



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

EASTERN REGION

August 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HANS OR TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

RE: NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP FOR A29-02144,
A29-07335 AND A29-10893

Dear Gentlemen:

I am returning the above mention Notice of Change in Water Right Ownership for the following reasons:

1. Land claimed in 29-07335, legal descriptions below, are not shown on the deed you provided:

Township	Range	Section	¼	¼
8S	34E	32	SW	NE,
8S	34E	32	SE	NW
8S	34E	32	NE	SW
8S	34E	32	NW	SW
8S	34E	32	NW	SE

2. Part of land claimed in 29-02144 and 29-10893 is shown on the deed, but does not include lands claimed in:

Township	Range	Section
9S	34E	9
9S	34E	10
9S	34E	3

If indeed you do own the above mention property please resubmit the Change of Ownership form with the appropriate deeds.

If you have any questions please feel free to contact Bryce Contor at this office at 208-525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

PROFILED

DEC 28 2005

SCANNED

7/27/2001

To whom concerned:

In reference to A29-02144 I hereby state that the water involved was used during the 1980's on the land referenced in this permit. Grass for hay and grazing was irrigated from the original diversion ditch of this licence. Place of use is part of 6.6 acres as reference on accompanying map of FSA for 1999.

Russell Hayden
Russell Hayden
Date signed *7/27/01*

Notary

Dona Wilson

SCANNED

DEC 28 2005

PROFILED



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

EASTERN REGION

July 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Russell Hayden
PO Box 598
SODA SPRINGS, ID 83276-0598

Re: Irrigation use; claims 29-2144, 29-2498

Dear Mr. Hayden:

Yesterday Hans Hayden took me up to the upper place where the pond and well are, and showed me the irrigated place of use for these two claims. It looked like it had been some time since water from Clifton Creek and/or the spring was applied to the hay meadow downhill of the grove where the trailer home used to sit. Hans couldn't recall exactly when it was last used.

In order to recommend this irrigation in the adjudication, I need to certify that I have investigated the possibility of the right being forfeited due to non-use. From a practical standpoint, I need to find evidence that the water was applied to those lands at some point in time during the five years prior to your filing the adjudication claims. In this case, that means sometime between March 1985 and March 1990.

Hans is coming next Friday to review some other information with me, and he will be contacting you. Could you send with him a statement regarding your irrigation of the lawn areas around the pond, well, and homesite, as well as a statement regarding your irrigation of the pasture/hay meadow downstream of the grove and homesite? The more detail you can provide, the better. Even details that only establish the date help me. Something like "My grandson John was helping me, and he got the red pickup stuck. I bought the red pickup in 1986, so it had to have been after that" would help pinpoint the date, for instance.

Please call me if you have questions. I'll be out of town 'til Thursday, but I'd be glad to visit with you then.

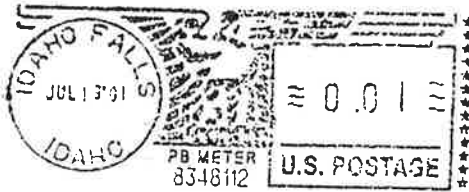
Sincerely,

Bryce A. Contor

PROFILED

SCANNED
DEC 28 2005

10WR 20 N skyline St A
Idaho Falls ID 83450



Hans Hayden
3747 Mid Crystal Rd
Arbon ID 83212

USPS 1997 recycled

Mr Hayden -
Next Wednesday July 25th I plan to be in
the Clifton creek area, investigating place of use
of irrigation claims. This is mostly a "drive-
by" visit, with some walking and picture taking.
It appears that you operate the Russell Hayden
and Ben Hayden lands as well as your
own.

If you wish to be around, please call
me Monday or Tuesday at 525-7161 or
282-7846. Thank
Dyce A. Contor

PROFILED

SCANNED
DEC 28 2005

AJ5809NP

No. A29-02144

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00

PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEN L HAYDEN	07/03/1912	IRRIGATION	03-15 11-15	0.980 CFS	
C	MID CRYSTAL FARMS 3747 MID CRYSTAL RD ARBON ID 83212 (208) 335-2152					
					TOTAL DIVERSION:	0.980 CFS
					CONSUMPTIVE USE:	122.50 AFA

Water Source: CLIFTON CREEK

Tributary to: RATTLESNAKE CREEK

Stage: LICENSE

Point(s) of Diversion:

T09S R34E S03
S16NESE
NWNWPOWER County
POWER County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM		
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE			
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	34E	3	:		:		:		:		:		:		:		:		:		5.0
09S	34E	8	:		:		:		:		:		:		:		:		:		44.0
																			TOTAL ACRES	49.0	

POU County: POWER

Non-Irrigation Uses: NONE

Other Rights: A29-10893

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

A29-07948 A29-10893

Other Water Rights Listing Overlapping Place(s) of Use:

A29-02498 A29-02564 A29-07110 A29-10893

Remarks: GEN PLACE OF USE AND AN ADDITIONAL POINT OF DIVERSION USED SINCE
11/19/1987.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 03/30/90 CARLSON 05/16/90 WILSON 06/02/94 COX 03/29/95 POST-STD

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 8509/29-2144 Priority July 3, 1912 Amount 0.98 cfs

THIS IS TO CERTIFY, that THOMAS O. PHILLIPS, ET AL
of Crystal, Idaho, has complied with the terms and conditions of Permit
No. 8509/29-2144 issued pursuant to Application for Permit dated July 3, 1912,
and has submitted proof to the Department of Water Resources on July 21, 1914,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.0 cfs of water from Clifton Creek
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u>	at <u>0.98</u> cfs and	<u>171.5 acre feet or</u>
			<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.98 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
171.5 acre feet per year, said waters to be diverted within the NE 1/4 of Sec. 3,
Twp. 9 S, Rge. 34 E, B. M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9 S	34 E	3															5		5
		8	8												5				13
		9		6	6					5	3				5	1			26
		10							5										5

Total number of acres irrigated 49

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5 day of
December, 19 75.

Director

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Thomas O. Phillips, Moses Fannin, Harry L. Trego, Val Allsworth, Forrest Whiting, Lorenzo S. Whiting, Jr., Lorenzo S. Whiting, Sr.
Postoffice address: Crystal County: Oneida State: Idaho.

- I. If applicant is a corporation, give (a) Date and place of incorporation
(b) The amount of capital stock. (c) The amount paid in:
(d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

2. The quantity of water claimed is 15 cubic feet per second.

3. Source of water supply: Clifton Creek

4. Location of point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp. 9 S. R. 34 E. B. M.

5. To be used for: Irrigation and domestic purposes County of Oneida

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: approximately 750 acres.
(b) In the following legal subdivisions: NE $\frac{1}{4}$ SE $\frac{1}{4}$: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 10; NE $\frac{1}{4}$ NE $\frac{1}{4}$: SE $\frac{1}{4}$ NE $\frac{1}{4}$: SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Twp. 9 S. R. 34 E. B. M.

- II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under ft. head

[c] Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$200.00

7. Description of works for diversion:

I. Kind of works: dam and ditch

- II. Dimensions of works: [a] Height of dam 3 feet, length of dam at top 10 feet,
length of dam at bottom 5 feet. Material used in construction: earth and stone.

[b] Capacity of reservoir acre feet. [c] Size of headgate, width 3 feet,

Height 2 feet. (d) Conduit ditch width at bottom 2 feet,
width at water line 3 feet, depth of water 2 feet; diameter of pipe

See Remark #1.
inches; average grade per mile is 13 $\frac{1}{3}$ feet. Length of conduit is miles,
and it crosses the following quarter sections: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 3; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Twp. 9 S. R. 34 E. B. M.

8. The time required for the completion of the construction of such work is $\frac{1}{2}$ years.

9. Time required for the complete application of the water to the proposed use is one additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Thomas O. Phillips Val Allsworth Lorenzo S. Whiting, Sr.
Moses Fannin Forrest Whiting Applicant.
Harry L. Trego Lorenzo S. Whiting Jr.

By Wm. H. Jackson, Jr.....Agent.

Date of first receipt at office of State Engineer 9.00 a.m. July 3, 1912.

Returned to applicant for correction July 8, 1912

Corrected application received July 16, 1912.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8509

Recorded in Book 27 Page 8509 Approved August 10, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of to be filed on or before
Work to begin on or before October 9, 1912, and to continue diligently and uninterruptedly

to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 10, 1912

The whole of said work to be completed on or before February 10, 1913.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 10, 1914.

Witness my hand this 10th day of August, 1912.

A. E. Robinson,
State Engineer.

Remarks:

The ditch counting the curves, will be approximately two miles long; the distance from point of diversion to end of conduit is one and one half miles.

The point of diversion is located on land owned by John H. Francis and we have his consent to divert the water on his premises. We can furnish this consent in writing if necessary.

On proper request of the holder of the above Permit, I have this 24th day of January, 1913, extended the time for completion of works thereunder to the 10th day of August, 1913.

A. E. Robinson,
State Engineer.

Proof of completion of works made August 4, 1913.

Report of Engineer received August 8, 1913.

Fee received August 5th, 1913.

Certificate of Completion of works issued August 16, 1913.

PERMIT NO. 8509.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Thomas P. Phillips, Moses Fannin, Harry L. Trego, Val. Allsworth, Forres Whiting, Lorenzo S. Whiting, Jr., Lorenzo S. Whiting Sr., of Crystal, County of Oneida, and State of Idaho, the holders of Permit No. 8509, issued upon Application No. 12711, bearing date of priority of July 3, 1912, authorizing the diversion of 15 second feet of the waters of Clifton Creek, County of Oneida, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of Completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 15 second feet of the waters of Clifton Creek; that the point of diversion of said waters is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, Twp. 9 S., R. 34 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ BW $\frac{1}{4}$ Sec. 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Twp. 9 S., R. 34 E. B. M., containing 750 acres.

Witness my hand this 16th day of August, A.D. 1913.

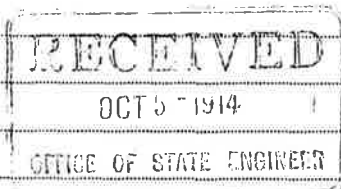
F.P. King,

State Engineer of the State of Idaho.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Thos O. Phillips Et Al Per No 8509
2. State source of water supply: Clifton Creek
3. Location of point of diversion: NE 1/4 SE 1/4 Sec 3 T 9 S R 34 E B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:
They are
5. Describe works as they exist, giving dimensions of same as follows:
Earth & Rock Dam - 3 ft high - 10' long top - 5' long bottom.
 - (a) Width of conduit at bottom: 2 feet
 - (b) Width at water line: 3 1/2 "
 - (c) Depth of water: 2 "
 - (d) Grade per mile: 14' "
 - (e) Capacity of ditch: At Least 10 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:
It has - About 3 Sec ft.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: 50 acres SW 1/4 SE 1/4 Sec 3 - 50 acres SE 1/4 NW 1/4 Sec 10
6 Acres NW 1/4 NE 1/4 - 6 Acres SW 1/4 NE 1/4 - 5 Acres NW 1/4 SE 1/4 -
1 Acre SW 1/4 SE 1/4 - 5 Acres NE 1/4 SW 1/4 - 3 Acres NW 1/4 SW 1/4
Sec. 9 - 8 Acres NE 1/4 NE 1/4 - 5 Acres NE 1/4 SE 1/4 Sec 8
All in T 9 S R 34 E B.M. Total 49 acres
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:



Examined Sept 26 1914

T. G. Bantz

STATE OF IDAHO,

County of _____

} ss.

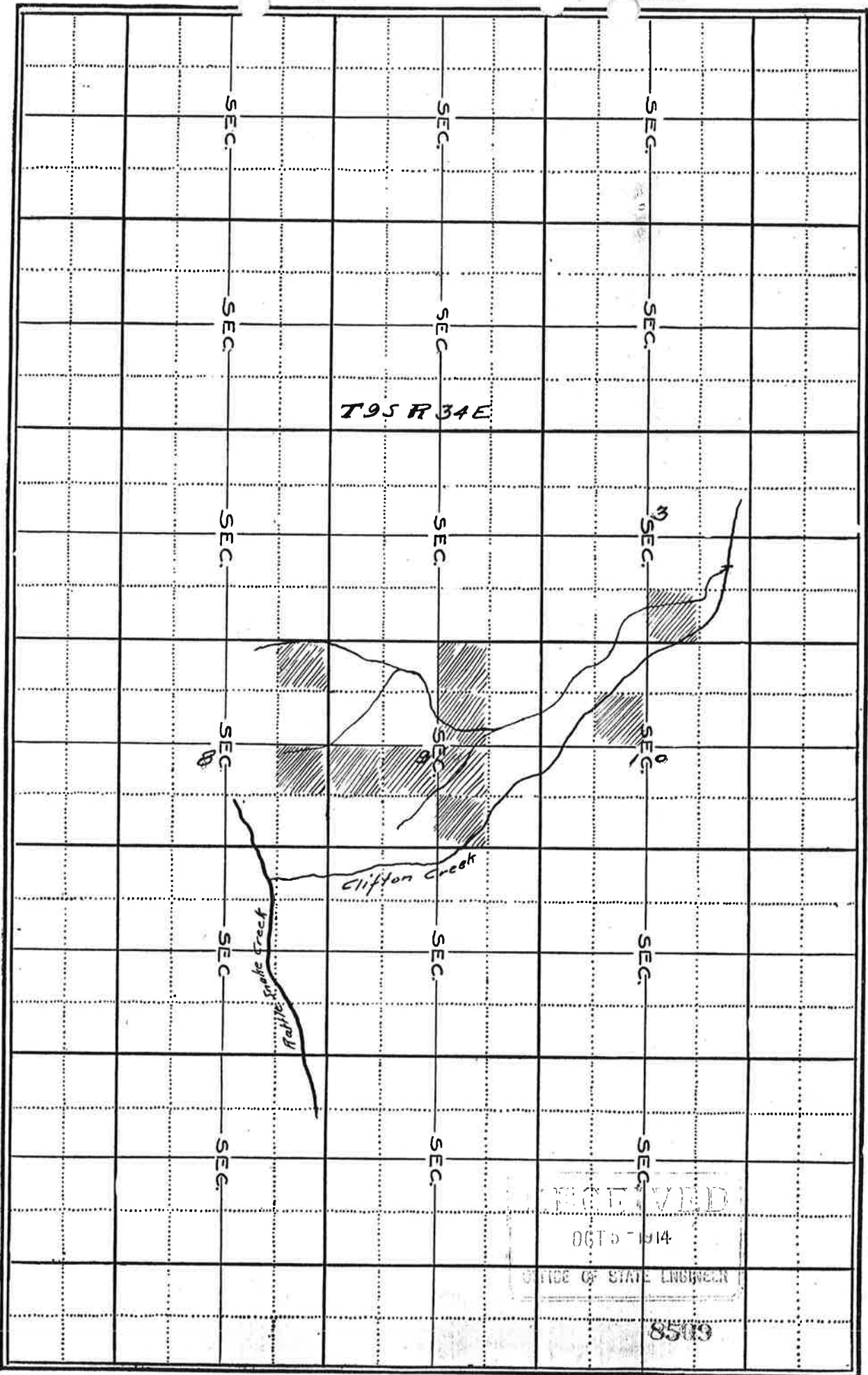
_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 1914

My Commission Expires _____

Notary Public.

8509



March 30, 199

In 1926 my father, John Hayden, purchased said properties. He had a special need for land that could be irrigated to raise hay. He immediately built new ditches as well as repaired the ditches that the homesteaders had put in.

He was aware that consistent use was important to the right of use as well as the need for irrigation water for a hay crop, the fuel for his dry land operation. This has been a family operation that has continued to today.

MICROFILMED

NOV 13 1992

Ben L. Hayden

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 29-2144
Date Received: 3/30/1990
Receipt No: M006439
Received By:

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

1. Name of Claimant(s)

HANS HAYDEN Phone: (208)335-2152

3747 MID CRYSTAL RD
ARBON ID USA 83212

TWAIN HAYDEN Phone: (208) 335 2152

3747 MID CRYSTAL ROAD
ARBON ID USA 83212

2. Date of Priority: 07/03/1912

3. Source: CLIFTON CREEK , CLIFTON CREEK Trib. to: RATTLESNAKE CREEK , RATTLESNAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	34E	16	NW NW	POWER	
09S	34E	3	NE SE	POWER	

5. Description of diverting works:

EARTHEN DAM FOR FLOOD IRR. DAM TO POND W/PUMP MAINLINE SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.98	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
09S	34E	3	SW	SE	IRRIGATION	5
					Section Acres	5
09S	34E	8	NE	SE	IRRIGATION	36
			SE	SE	IRRIGATION	8
					Section Acres	44
					Total Acres	49

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE AND AN ADDITIONAL POINT OF DIVERSION USED SINCE 11/19/1987

15. Basis of Claim: License

PROFILED

SCANNED
DEC 28 2005

SCANNED
DEC 28 2005

PROTECTED



Bryce A. Contor
Notary Public
Residing at Mud Lake ID
Commission expires 10/14/05

Signed before me 7/26/01, Identification
ID No 01 X1206631G.

Sharon Hayden

We hereby apply for all claims of
Sharon Hayden, Mud Lake Idaho, Train Hayden
on Cliftonville & Rattlesnake be applied as
"Permissible Place of Use" when all
water rights can be used on any land in said
ownership.

To concerned:

7/26/01

SCANNED

MAY 10 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: A29-02144

Date Received: 3/30/1990

Receipt No: M006439

Received By: Kew

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BEN L. HAYDEN 208-335-2152
Address: 3747 MID CRYSTAL RD.
ARBON, ID 83212

OR

Name: MID CRYSTAL FARMS 208-335-2152
Address: 3747 MID CRYSTAL RD
ARBON, ID 83212

2. Date of Priority: JUL 03, 1912

3. Source: CLIFTON CREEK Trib. to: RATTLESNAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	34E	3	NE	SE			POWER
		16	NW	NW			POWER

5. Description of diverting works:

EARTHEN DAM FOR FLOOD IRR. DAM TO POND W/PUMP MAINLINE SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.980		

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

A.F.A.

8. Total consumptive use is 122.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-02144

Page 1

Date: 05/16/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	34E	3	SW	SE		IRR	5.0
						Section Acres	5.0
		8	NE	SE		IRR	36.0
			SE	SE		IRR	8.0
						Section Acres	44.0
						Total Acres	49.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A29-10893

14. Remarks:
PLACE OF USE AND AN ADDITIONAL POINT OF DIVERSION USED SINCE
11/19/1987.

15. Basis of Claim: LICENSE

Water Right Number: 8509

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:

X5243

5294

5

5

5605

5306

5426

PLACE OF USE

Crystal

8

5273

9

5320

BANNOCK

5220

POINT OF DIVERSION

5230

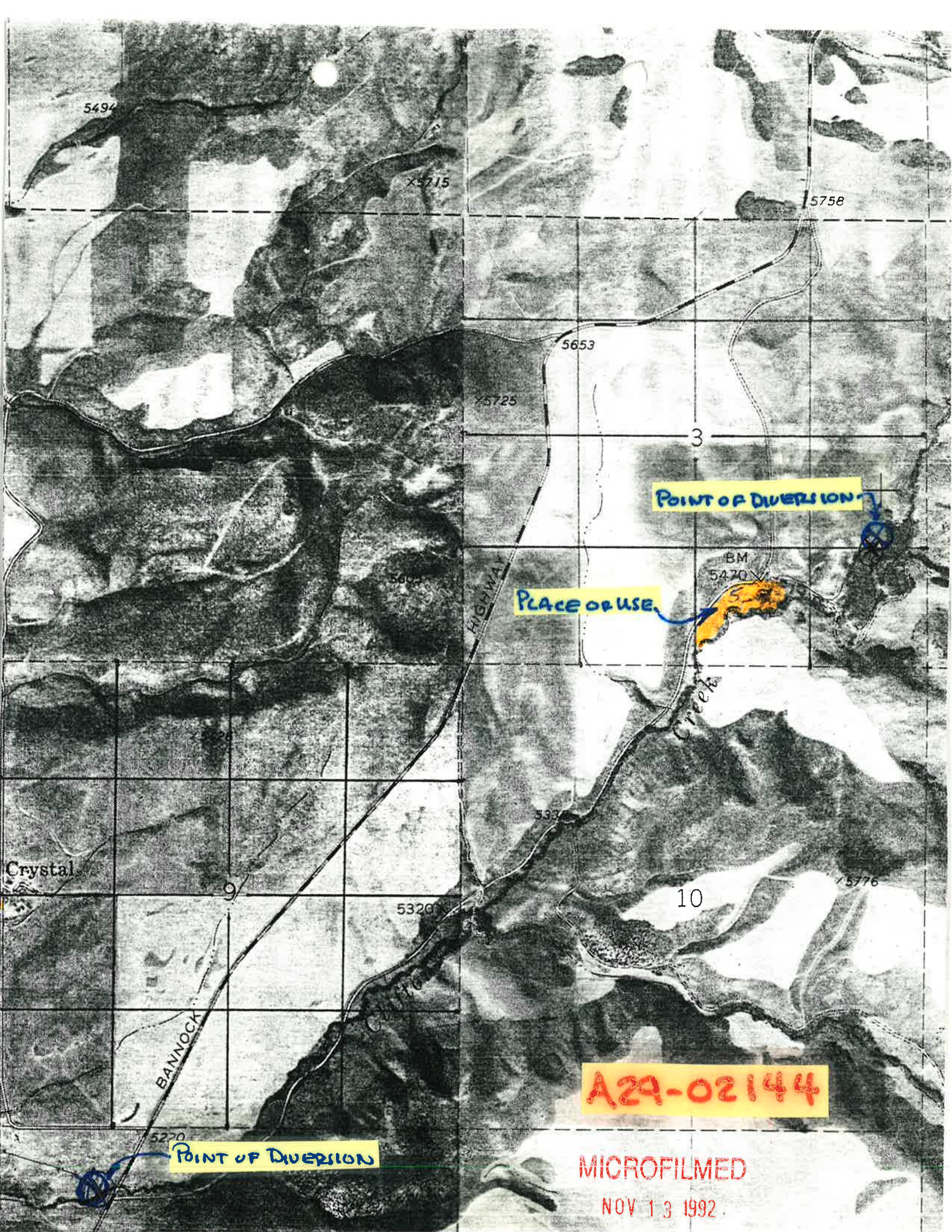
17

16

A29-02144

MICROFILMED NOV 13 1992

NOV 13 1992



5494

5715

5758

5653

5725

3

POINT OF DIVERSION

5600

PLACE OF USE

BM
5470

Creek

5330

5320

10

5776

Crystal

9

Banno

5220

POINT OF DIVERSION

A29-02144

MICROFILMED

NOV 13 1992

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: A29-02144
Date Received: 3/30/1990
Receipt No: MO06439
Received By: J PC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEN L. HAYDEN 208-335-2152
Address: 3747 MID CRYSTAL RD.
ARBON, ID 83212
AND/OR
Name: MID CRYSTAL FARMS 208-335-2152
Address: 3747 MID CRYSTAL RD
ARBON, ID 83212
2. Date of Priority: JUL 03, 1912
3. Source: CLIFTON CREEK Trib. to: RATTLESNAKE CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|--------|
| 09S | 34E | 3 | SW NE SE | | POWER |
5. Description of diverting works:
EARTHEN DAM DITCHES WITH FLOOD IRR.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.980 | | |
7. Total Quantity Appropriated is:
0.980 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 122.5 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A2902144



A29-02144

Page 1

Date: 03/30/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	34E	3	SW	SE	IRR	5.0
					Section Acres	5.0
		8	NE	NE	IRR	8.0
			NE	SE	IRR	5.0
					Section Acres	13.0
		9	NW	NE	IRR	6.0
			SW	NE	IRR	6.0
			NE	SW	IRR	5.0
			NW	SW	IRR	3.0
			NW	SE	IRR	5.0
			SW	SE	IRR	1.0
					Section Acres	26.0
		10	SE	NW	IRR	5.0
					Section Acres	5.0
					Total Acres	49.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
A29-10893

14. Remarks:

THE PLACE OF USE AND AN ADDITIONAL POINT OF DIVERSION
HAS TAKEN PLACE SINCE 11/19/1987.
A TRANSFER WILL BE FILED AND THE CLAIM WILL BE AMENDED
TO REFLECT THE CHANGE SOON.

15. Basis of Claim: LICENSE
Water Right Number: 8509

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): Bern L. Hayden Date: 3/30/90

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Pannock) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of April 19 90

John Dal Lator
Notary Public

Seal

Residing at Boise, ID

My Commission Expires 6/30/94
3 Date: 03/30/90

A29-02144

Page

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NOV 13 1992

