

04/22/2003

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

RIGHT NUMBER: 29-2426D

NAME AND ADDRESS: DEBBIE CHARLTON
C/O BOB HULSE
23929 S OLD MALAD HWY
DOWNEY ID 83234

FRANK CHARLTON
C/O BOB HULSE
23929 S OLD MALAD HWY
DOWNEY ID 83234

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.080 CFS
544.500 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/02/1960

POINT OF DIVERSION:

T11S R37E S33 NESW Within BANNOCK County Source: GROUND WATER

T11S R37E S33 SESW Within BANNOCK County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	2.080 CFS 544.50 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S33	NESW	40.0	T11S R37E S33	SESW	40.0
T11S R37E S33	NWSE	40.0	T11S R37E S33	SWSE	35.0

STOCKWATER same as IRRIGATION

155 ACRES TOTAL

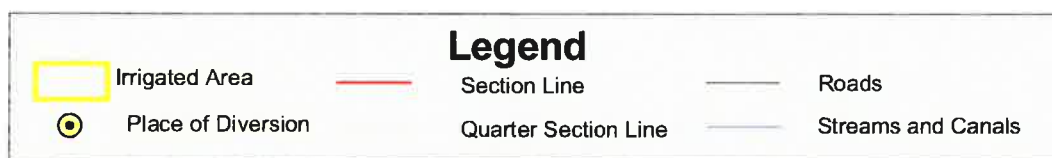
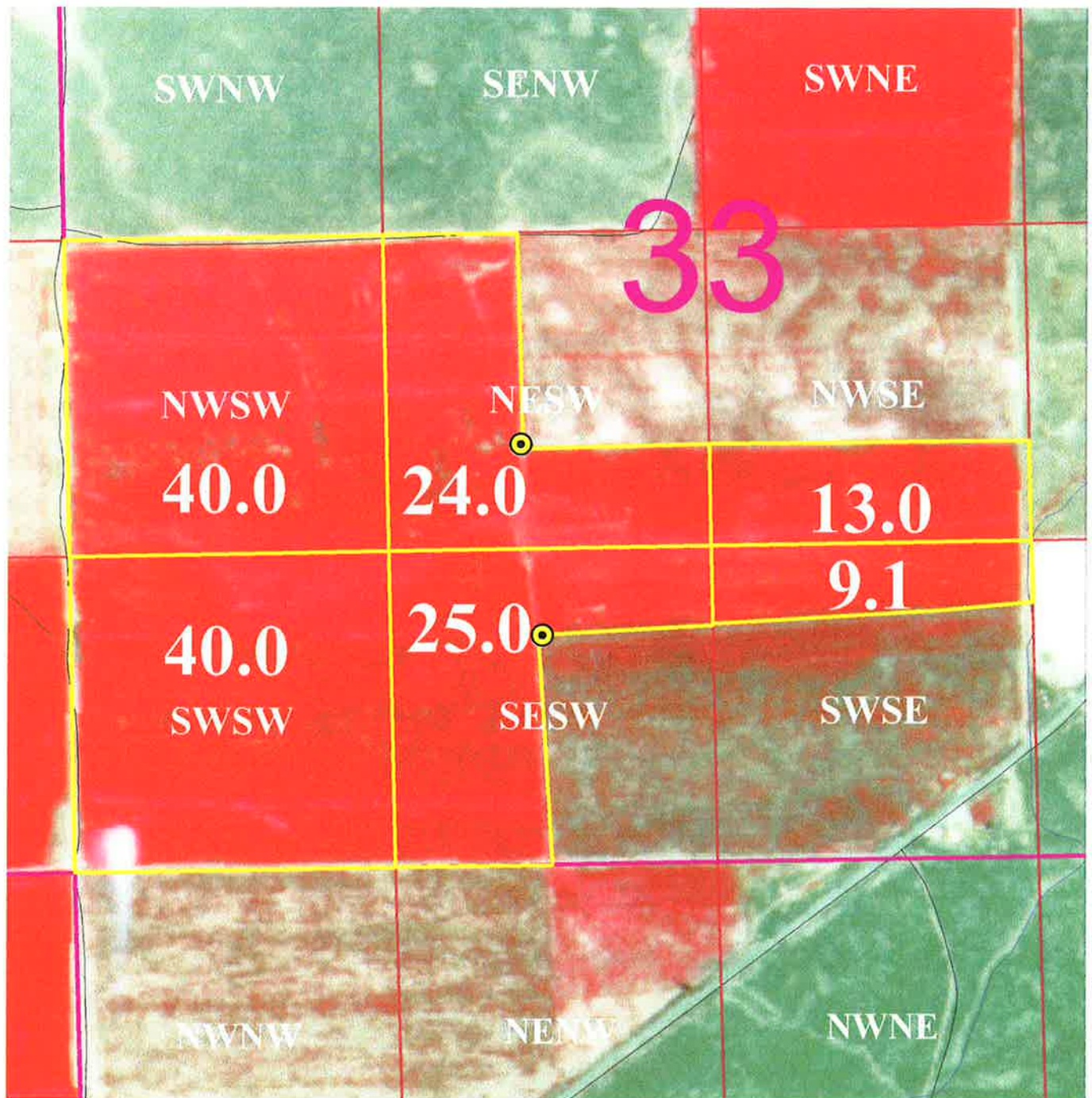
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: License

Townships , 11S37E, 12S37E



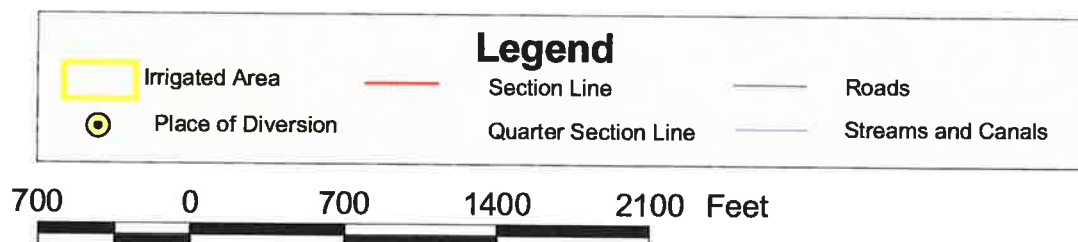
500 0 500 1000 1500 Feet



PROFILED

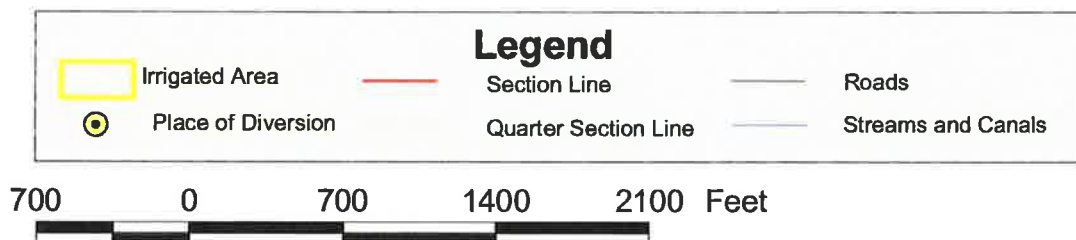
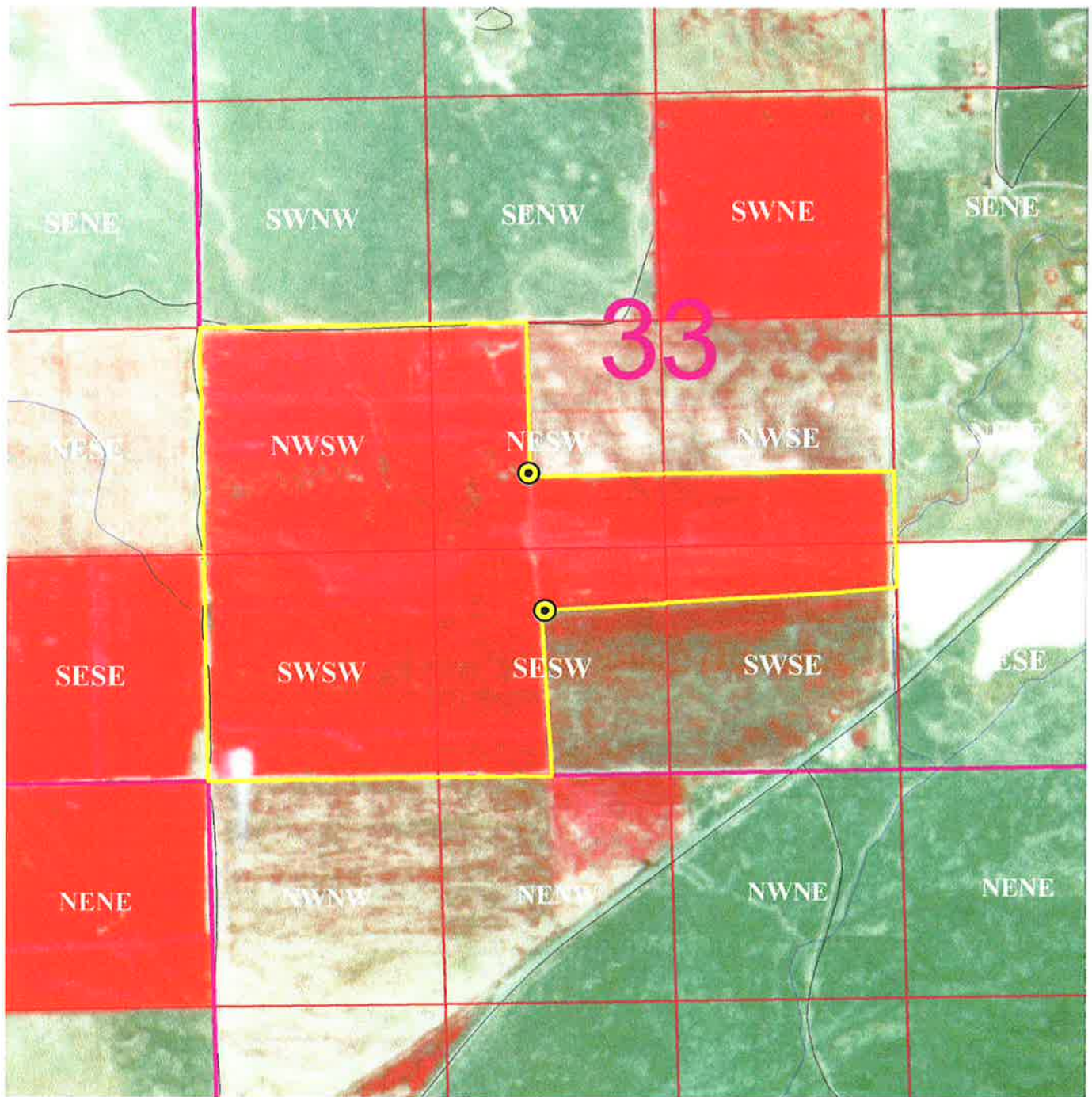
SCANNED
FEB 07 2006

Townships , 11S37E, 12S37E



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FEB 07 2006

Townships , 11S37E, 12S37E



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FEB 07 2006

06/18/2004

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

RIGHT NUMBER: 29-2426D

NAME AND ADDRESS: JAMES G, JR BAGOT
8851 MENLO DR
BATON ROUGE LA 70808-6078

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.080 CFS
544.50 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/02/1960

POINT OF
DIVERSION: T11S R37E S33 NESW Within BANNOCK County
T11S R37E S33 SESW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	2.080 CFS 544.50 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S33	NESW	40.0	T11S R37E S33	SESW	40.0
T11S R37E S33	NWSE	40.0	T11S R37E S33	SWSE	35.0

STOCKWATER same as IRRIGATION

155 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.

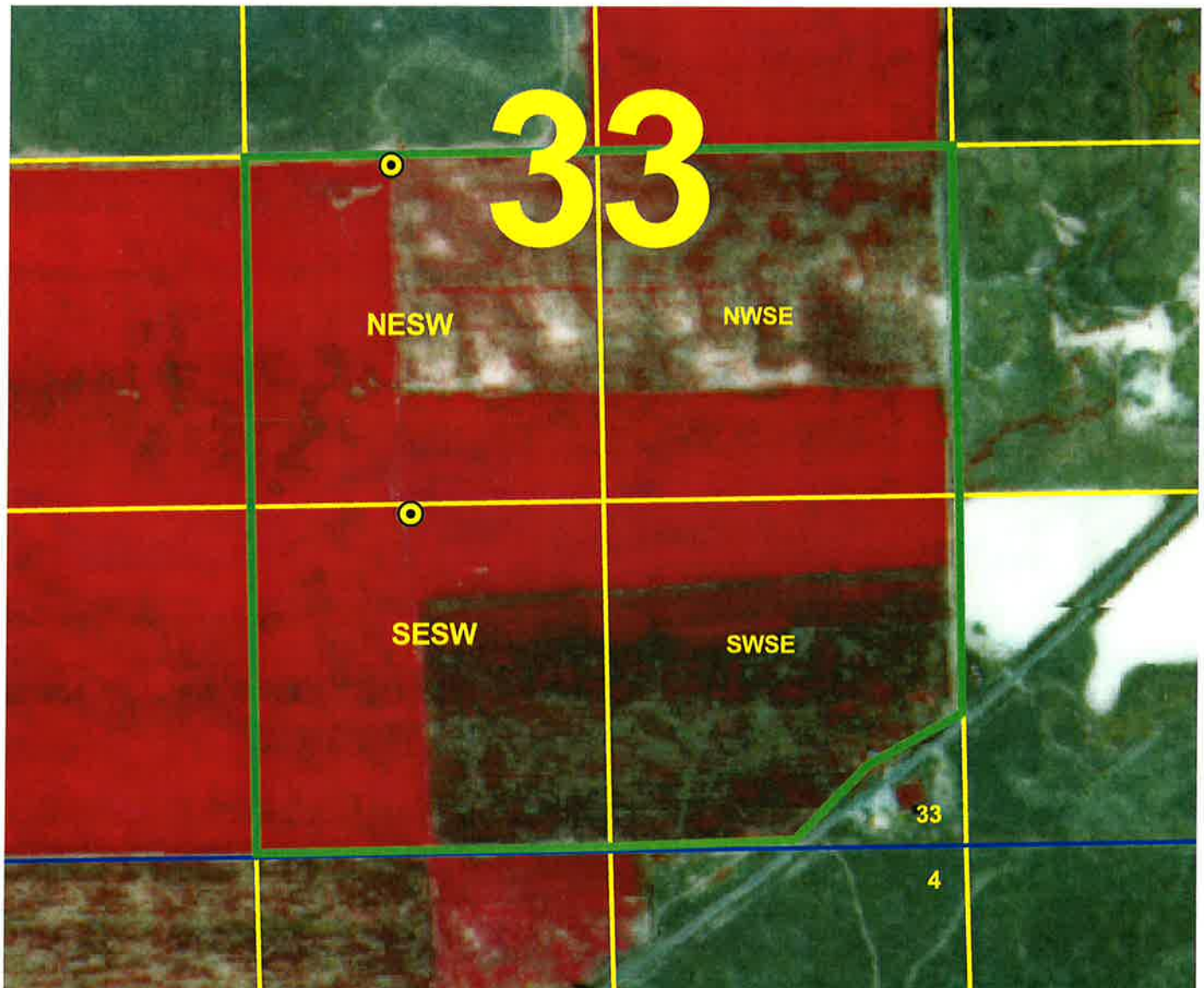
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

IDAHO DEPARTMENT OF WATER RESOURCES

29-02426D

T11S, R37E SEC 33



ACRES IRRIGATED- 155



POINT OF DIVERSION



PLACE OF USE

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GIS: PLACE OF USE

POINT OF DIVERSION

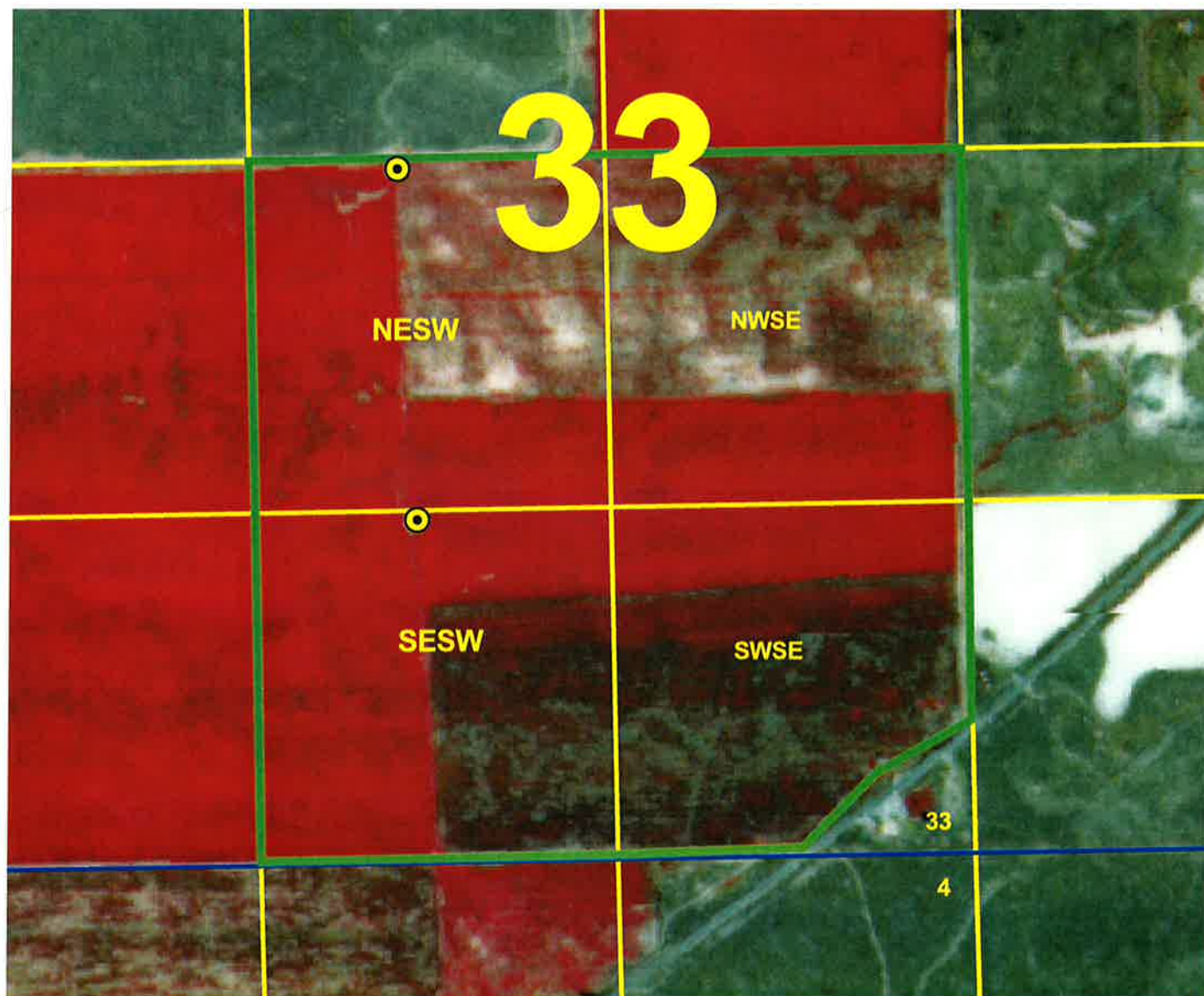
1987/1988 NAPP PHOTOS

DAVE CARLSON

IDAHO DEPARTMENT OF WATER RESOURCES

29-02426D

T11S, R37E SEC 33



ACRES IRRIGATED- 156



POINT OF DIVERSION



PLACE OF USE

**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

June 18, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES G BAGOT, JR
8851 MENLO DR
BATON ROUGE LA 70808-6078

RE: Notice of Change of Water Right Ownership (NCO) for 29-2426D and
Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On June 8, 2004, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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

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

Respectfully,

Kristen Forsgren
Office Specialist 1

Enclosure

cc: FRANK & DEBBIE CHARLTON

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FEB 07 2006

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

In Re SRBA

)

Water Rights: 29-2426D

)

Case No. 39576

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

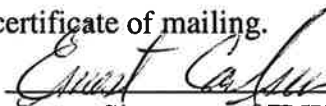
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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

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

DATED: 18 June 2004



Signature of IDWR Representative

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FEB 07 2006

CERTIFICATE OF MAILING

I certify that on June 18, 2004, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
FRANK & DEBBIE CHARLTON
C/O BOB HULSE
23929 S OLD MALAD HWY
DOWNEY ID 83234

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
JAMES G BAGOT, JR
8851 MENLO DR
BATON ROUGE LA 70808-6078

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

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

6. One Copy to:

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



Signature of person or attorney mailing the form

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FEB 07 2006

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

OK JR 6-11-04
 RECEIVED

JUN 08 2004

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 (under the "split" heading), 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
29-24260					

Need
 NCAP
 2

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) is 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)

Frank & Debbie Chatten to Bob & Tina Hulse

4. New Owner/Claimant(s)

James B. Bagot, Jr.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

8851 Menlo Dr.

City, State and ZIP Code

Baton Rouge, La. 70808-6078

New Telephone Number

225 769-1079

5. Date you acquired the property

Feb. 9, 2004

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FEB 07 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the 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. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

James L. Bergot Jr.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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FEB 07 2006

FA031700

WARRANTY DEED

20012030

20332634

20332634

For Value Received FRANK CHARLTON and DEBBIE CHARLTON, husband and wife

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

BOB J. HULSE and TINA L. HULSE, husband and wife

whose address is: 23829 SOUTH MARSH VALLEY HWY DOWNEY, ID 83234.

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

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 33: E48W1/4, W1/2SE1/4

S48W1/4

S48W1/4

EXCEPT SE1/4SW1/4 SECTION 33, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SUBJECT TO A RIGHT-OF-WAY FOR INGRESS AND EGRESS 50 FEET IN WIDTH ALONG THE EAST BOUNDARY OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID PROPERTY NORTH OF MALAD VALLEY HIGHWAY.

Together with 133 acres of water rights appurtenant to or used in connection with said real property, including but not limited to well permit numbers C-28484 UC #29-02426

FIRST AMERICAN TITLE
RECORDED AT REQUEST OF
FEE 3⁰⁰ DEPUTY #

2003 DEC 10 PM 4 01

OFFICIAL RECORD BK# 842
LARRY W. GHAN RECORDER
BANNOCK COUNTY IDAHO

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 year 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.

Dated July 28, 2000

FRANK CHARLTON

DEBBIE CHARLTON

DEBBIE CHARLTON

County of Bannock }

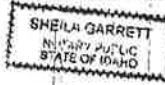
I hereby certify that this foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 10th day of December 4, 2003
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORD

By Deputy: Sandra Hill

20012030

RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
2000 JUL 28 PM 2 09OFFICIAL RECORD BK# 163
BANNOCK COUNTY IDAHO
LARRY W. GHAN RECORDER
FEE 3⁰⁰ DEPUTY #

STATE OF Idaho

COUNTY OF BANNOCK

On this 28th day of July, 2000, before me SHEILA GARRETT, personally appeared FRANK CHARLTON and DEBBIE CHARLTON, 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 Incent, Idaho
Commission Expires 09/17/03FILED
DEC 10 2003

P43729

WARRANTY DEED

20402479

For Value Received BOB J. HULSE AND TINA L. HULSE, who acquired title as husband and wife

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

JAMES G. BAGOT JR., a married man dealing with his sole and separate property

whose address is: 8851 Menlo Dr. Baton Rouge, La 70808
P.O. Box 253, Downey, ID 83234

hereinafter called the Grantee, the following described premises situated in Bannock County, Idaho, to-wit:

TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 33: E $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$,

EXCEPT SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 33, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE
MERIDIAN, BANNOCK COUTNY, IDAHO.

SUBJECT TO A RIGHT-OF-WAY FOR INGRESS AND EGRESS 50 FEET IN WIDTH ALONG
THE EAST BOUNDARY OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID PROPERTY
NORTH OF MALAD VALLEY HIGHWAY.

TOGETHER WITH WATER RIGHTS APPURTENANT TO OR USED IN CONNECTION WITH SAID REAL PROPERTY **
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 its 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
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: 02/02/04

Bob J. Hulse
BOB J. HULSE
Tina L. Hulse
TINA L. HULSE

20402479
FIRST AMERICAN TITLE

RECORDED AT REQUEST OF
FEE 3 DEPUTY M

STATE OF Idaho
COUNTY OF BANNOCK

SCANNED

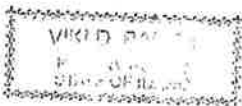
FEB 07 2006

2004 FEB 9 PM 4 17
OFFICIAL RECORD BK# 844
LARRY W. GIAN RECORDER
BANNOCK COUNTY IDAHO

On this 9 day of February, 2004, before me TERRY D. BAUER, personally appeared BOB J. HULSE, known or identified to me
as son(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Terry D. Bauer
Notary Public of Idaho
Residing at: Pocatello, Idaho
Commission Expires: 4/28/05 3/29/08

STATE OF Kansas
COUNTY OF Johnson



On this 5th day of February, 2004, before me, the undersigned, personally appeared TINA L. HULSE, known or identified to me
as person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.

Susan R. Paris-Held
Notary Public of Kansas
Residing at: Overland Park, Kansas
Commission Expires: X



Post-it Fax Note	
To: <u>John</u>	Date: <u>2/13</u>
County: <u>Johnson</u>	From: <u>MARY</u>
Phone: <u></u>	Cell: <u></u>
Fax: <u></u>	Fax: <u></u>

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

DE-109
67 3-10-97
RECEIVED

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Water Right Number(s) 1-129-02426A well permit #G28494
Adjudication Claim Number(s) A29-02426A A29-12845⁰⁶AT
2. The following REQUIRED information must be submitted with this form.

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Brad Peterson
PO Box 574 city Hyde Park zip 84318
4. New Owner/Claimant(s) Frank and Debbie Charlton
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 23 929 S Old Mailed Hwy
City, State and ZIP Code Downey Idaho, 83234
New Telephone Number (208) 897-9992
5. Date you acquired the property 11-08-96 (recorded) 2-19-97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 133 Number and type of stock 145 cattle 5 horses
Diversion rate in CFS 1.78 Number of homes 1 Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Frank Charlton Date 2-26-97
Debbie Charlton Date 2-26-97

- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

PROFILED

SCANNED
FEB 07 2000

et
RECEIVED

Please review the following application with special consideration to the legal description and split rates.

Danni from the Boise office thought it would be important for a agent to review this because previous owner Peterson is selling remaining water rights.

In the purchase agreement we are purchasing 160 acres with 133 acre water rights. See legal -

Also enclosed is all of our closing and ride state agreements.

If you have any questions please call us at 897-9892.

Thank you for your time.

Debbie Charl

SCANNED

FEB 07 2006

3-1

97002571

WARRANTY DEED

THIS INDENTURE, made this 19th day of February, 1997, between
BRADLEY M. PETERSON, State of Utah, the party of the first part, and FRANK
AND DEBBIE CHARLTON, husband and wife, whose address is 23929 S. Malad
Highway, Downey, Idaho, the party of the second part;

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of
TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, lawful money of the
United States of America, to him in hand paid by the said party of the second part, the
receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and
convey and confirm unto said party of the second part, and to their heirs and assigns
forever, all that certain lot, piece of land, situate, lying and being in the County of
Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Township 11 South, Range 37 East, Boise Meridian,
BANNOCK COUNTY, IDAHO. Section 33: E1/2SW1/4,
W1/2SE1/4; Together with 133 acres of water rights
appurtenant to or used in connection with said real estate
including but not limited to well permit number G-28494,
LIC Number 29-02426; Subject to (a) Taxes, not yet due,
and payable; (b) Reservations in Patents of Record, or in
Acts authorizing the issuance thereof; unpatented mining
claims, reservations or exceptions. (c) Easements, or claims of
easements, not shown by the public records and not known to
Seller. (d) Encroachments, or questions of location, boundary,
and area not known by Seller which are dependent upon a
correct survey or inspection of the premises for determination

WARRANTY DEED - 1

Charlton2.182

SCANNED

FEB 07 2006

FA #18617

WARRANTY DEED

For Value Received **ROBERT M. WRIGHT**

94021967

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

BRADLEY M. PETERSON, a married man dealing with his sole and separate property

whose address is: **P.O. BOX 574 HYDE PARK, UTAH 84318**

Hereinafter called the Grantee, the following described premises situated in **BANNOCK County, Idaho**, to-wit:

Township 11 South, Range 37 East, Boise Meridian, BANNOCK COUNTY, IDAHO,

Section 20: SW $\frac{1}{4}$

Section 32: S $\frac{1}{4}$

Section 33: SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: All that portion of the W $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying and being Northwesterly of the Southwesterly right of way line of the Maled Valley Highway as now Exists.

Township 12 South, Range 37 East, Boise Meridian, BANNOCK COUNTY, IDAHO.

Section 4: All that portion of N $\frac{1}{4}$ lying Northwesterly of U.S. Highway 191

Section 5: Lots 1 and 2

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To: DON SHAFER	From: JG 1E	
Co.	Co.	
Dept. ADDITIONAL	Phone # 5-12-97	
Fax # PAGE	Fax #	

MICROFILMED

NOV 14 1996

SCANNED

FEB 07 2006

MAY 31 2001

Log for claim A29-02426D

Spatial Dynamics TWB

5/17/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	33	NESW	40	24	nesw should be nws in database
11s37e	33	NWSW	15	40	nesw should be nesw in database
11s37e	33	SWSW	15	40	sww should be sesw in database
11s37e	33	SESW	40	24	sesw should be sww in database
11s37e	33	NWSE	10	13	
11s37e	33	SWSE	13	9.1	
Totals:			133	150.1	

North well 75hp ^{45 motor}

N42 25 23.7

W112 08 33.9

4900

South GE 75hp

GVJ 210113

LAYNE

N42 25 10.7

W112 08 33.2

4846

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 78

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK CHARLTON	03/02/1960	IRRIGATION	04-15 10-15	1.790 CFS	
C	DEBBIE CHARLTON		STOCKWATER	01-01 12-31	0.070 CFS	
	23929 S OLD MALAD HWY					
	DOWNEY ID 83234					
	(208) 897-9992					
				TOTAL DIVERSION:	1.790 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T11S R37E S33

NESW

SESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

[illegible]

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER; 145 HEAD CATTLE, 5 HORSES

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02426B A29-02426C

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02426 A29-02426A A29-02426C

Remarks: GEN CHANGED OWNERSHIP 01/03/95/JT/GT
CHANGE IN OWNERSHIP 4-26-95 GT. THIS RIGHT PAID FOR UNDER RECEIPT
#E019561.
CHANGE IN OWNERSHIP 12-8-97 GT.

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

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

Audit: 12/08/97 GTAYLOR

State of Idaho License and Certificate of Water Right

Water License No. G-28494

Amount 3.68 c.f.s.

Water District No. _____

Priority March 2, 1960

THIS IS TO CERTIFY that LEO G. BURKETT
of Downey, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 2, 1960; that Permit No. G-28494
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.68 second feet, was issued thereunder on September 21, 1965, showing that said works
were completed on the 7th day of July, 1965; and that on the 7th
day of July, 1965.

LEO G. BURKETT

of Downey, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells
, a tributary of subterranean flow, for the purpose of irrigation and stock water
, under Use Permit No. G-28494 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8274, on the 21 day of September, 1965;
The right hereby confirmed dates from March 2, 1960;
The Point of Diversion is located NEXSWX;

in the SE 1/4 SW 1/4 Sec. 33, Twp. 11 S. R. 37 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.68 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	37 E	33	SWX NWX	40	40
			SWX	160	160
			NWX SEW	40	40
			SWX SEW	40	35
			Total number of acres to be irrigated: 275		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
21st day of September, 1965.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-28194

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Lee G. Burkett

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE 1/4 & SE 1/4 of Section 33

T. 11 N. R. 37 E. S. 33 County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same:

- #1 75 HP 11.5 Motor # 1275124 Peerless Pump # 199437
8" Disch. to Booster Elliot 15 HP # 284-101 2 1/2" Aque. Vho
Pump # 137334
#2 60 HP 11.5 Motor 1184699 Layne Pump 36940P

5. Water is used for: Irrigation and stockwater

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4, NE 1/4, SE 1/4 & SW 1/4 Sec. 33, Twp. 11 N., Rge. 37 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Dr. Burkett along

- #1 50" / 44 @ 35 psi $Q_1 = 5.02 (50) = 251$
94" / 44 @ 41 psi $Q_2 = 3.44 (94) = 512$
50" / 44 @ 39 psi $Q_3 = 5.30 (50) = 265$
102.8 gpm = 2.38 cfs
#2 50" / 44 @ 26 psi $Q_1 = 4.32 (50) = 216$
50" / 44 @ 25 psi $Q_2 = 4.24 (47) = 199$
47" / 44 @ 24 psi $Q_3 = 4.32 (47) = 203$
6.18 = 1.38 cfs

This examination was made on the

2 day of September 1965
(Signed) Don Walter

Q = 36855

Area - 275A

Subdivisions - 7

275A

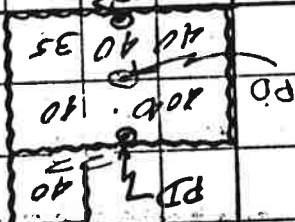
115

120

40

Downey

Low of



37E

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 29-02426

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 3.680	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A29-02426	A29-02426B	0.530	-		29-02426	3.680
A29-02426A	A29-02426C	1.360	-		-	
-	A29-02426D	1.790	-		-	
TOTAL CFS		3.680				3.680

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-02426D	11S	37E	33		NE	SW			BANNOCK		
A29-02426D	11S	37E	33		SE	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-02426B NONE
A29-02426C

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02426	11S	37E	33		NE	SW			BANNOCK		
29-02426	11S	37E	33		SE	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A29-02426B NONE
A29-02426C

SOURCE: GROUNDWATER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(____) N(____)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(____) N(____)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11S	37E	33		NE	SW			BANNOCK		
11S	37E	33		SE	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A29-02426C
A29-02426D
A29-02426B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	37E	33	NE	SW		CHARLTON, FRANK	A29-02426D / 40.0	- /			36.0
			NE	SW		BURKETT, LEO G.		29-02426 / 40.0			
11S	37E	33	NW	SW		CHARLTON, FRANK	A29-02426D / 15.0	- /			38.0
			NW	SW		PETERSON, BRAD	A29-02426C / 25.0	- /			
			NW	SW		BURKETT, LEO G.		29-02426 / 40.0			
11S	37E	33	SW	SW		CHARLTON, FRANK	A29-02426D / 15.0	- /			37.0
			SW	SW		PETERSON, BRAD	A29-02426C / 25.0	- /			
			SW	SW		BURKETT, LEO G.		29-02426 / 40.0			
11S	37E	33	SE	SW		CHARLTON, FRANK	A29-02426D / 40.0	- /			40.0
			SE	SW		BURKETT, LEO G.		29-02426 / 40.0			
11S	37E	33	NW	SE		CHARLTON, FRANK	A29-02426D / 10.0	- /			31.0
			NW	SE		PETERSON, BRAD	A29-02426C / 30.0	- /			
			NW	SE		BURKETT, LEO G.		29-02426 / 40.0			
11S	37E	33	SW	SE		CHARLTON, FRANK	A29-02426D / 13.0	- /			32.0
			SW	SE		PETERSON, BRAD	A29-02426C / 22.0	- /			
			SW	SE		CHARLTON, DEBBIE	A29-12845 /	- /			
			SW	SE		CHARLTON, DEBBIE	29-12845 /	- /			
			SW	SE		BURKETT, LEO G.		29-02426 / 35.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-02426D 133.00 214.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-02426D	GROUNDWATER	CHARLTON, FRANK	1.790	0.013		
A29-02426C	GROUNDWATER	PETERSON, BRAD	1.360	0.013		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-02426D	STOCKWATER	CHARLTON, FRANK	FROM 01-01 TO 12-31	0.070 CFS	
A29-12845	DOMESTIC	CHARLTON, DEBBIE	FROM 01-01 TO 12-31	0.040 CFS	
A29-12845	STOCKWATER	CHARLTON, DEBBIE	FROM 01-01 TO 12-31	0.070 CFS	
29-12845	DOMESTIC	CHARLTON, DEBBIE	FROM 01-01 TO 12-31	0.040 CFS	
29-12845	STOCKWATER	CHARLTON, DEBBIE	FROM 01-01 TO 12-31	0.070 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

SCANNED
MAY 31 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: **A29-02426D**
Date Received: 3/10/1994
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: FRANK CHARLTON
Address: 23929 S OLD MALAD HWY
DOWNEY ID 83234

208-897-9992

AND/OR

Name: DEBBIE CHARLTON
Address: 23929 S OLD MALAD HWY
DOWNEY ID 83234

208-897-9992

A2902426D



2. Date of Priority: MAR 2, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	33	NE	SW			BANNOCK
			SE	SW			BANNOCK

5. Description of diverting works:

2 WELLS: 1. 75HP, 250FT, 20 IN CASE, 2. 100HP, 250FT, 20 IN CASE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.790		
STOCKWATER	01/01	12/31	0.070		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER; 145 HEAD CATTLE, 5 HORSES

A29-02426D

Page

1

SCANNED

Date: 12/08/97

FEB 07 2006

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	37E	33	NE		SW		IRR	40.0
			NW		SW		IRR	15.0
			SW		SW		IRR	15.0
			SE		SW		IRR	40.0
			NW		SE		IRR	10.0
			SW		SE		IRR	13.0

Section Acres 133.0

Total Acres 133.0

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:

14. Remarks:

CHANGED OWNERSHIP 01/03/95/JT/GT

CHANGE IN OWNERSHIP 4-26-95 GT. THIS RIGHT PAID FOR UNDER RECEIPT
#E019561.

CHANGE IN OWNERSHIP 12-8-97 GT.

15. Basis of Claim: LICENSE

Water Right Number: 28494