

03/06/2003

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

RIGHT NUMBER: 29-4297

NAME AND ADDRESS: RANDAL L MORRIS
PO BOX 49
ARIMO ID 83214

SOURCE: ARKANSAS CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.330 CFS

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

PRIORITY DATE: 01/01/1889

POINT OF DIVERSION:

T10S R37E S20 SWNESW Within BANNOCK County Source: ARKANSAS CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	0.330 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County

T10S R37E S20	NESW	T10S R37E S20	NWSW
T10S R37E S20	NWSE		

IRRIGATION Within BANNOCK County

T10S R37E S19	NESE	3.5	T10S R37E S20	NWSW	13.5
---------------	------	-----	---------------	------	------

17 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: Beneficial Use

02/24/2003

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

RIGHT NUMBER: 29-4297

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PO BOX 49
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T10S R37E S20	NESW	T10S R37E S20	NWSW
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EXPLANATORY MATERIAL: Beneficial Use

12/09/2002

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

RIGHT NUMBER: 29-4297

NAME AND ADDRESS: RANDAL L MORRIS
PO BOX 49
ARIMO ID 83214

SOURCE: ARKANSAS CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.330 CFS

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

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T10S R37E S20 SWNESW 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	0.030 CFS
IRRIGATION	04/01 10/31	0.330 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County

T10S R37E S20	NESW	T10S R37E S20	NWSW
T10S R37E S20	NWSE		

IRRIGATION Within BANNOCK County

T10S R37E S19	NESE	3.5	T10S R37E S20	NWSW	13.5
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EXPLANATORY MATERIAL: Beneficial Use

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 29-4297
Date Received: 7/11/2001
Receipt No:
Received By:
AMENDED

AMENDED

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

1. Name of Claimant(s)

RANDAL L MORRIS Phone: (208) 254-3628
PO BOX 49
ARIMO ID USA 83214

RECEIVED
NOV 05 2002

Department of Water Resources
Eastern Region

2. Date of Priority: 01/01/1889

3. Source: ARKANSAS CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4	Lot	County	Type
10S	37E	20	NE	SW	BANNOCK	

5. Description of diverting works:

DAMS IN NATURAL CHANNEL OF ARKANSAS CREEK DIVERTING INTO 4" PIPELINE
APPROXIMATELY 400' INTO IRRIGATION DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.33	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.33 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
10S	37E	19	NE	SE	IRRIGATION	3.5
					Section Acres	3.5
10S	37E	20	NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			NW	SE	STOCKWATER	
			NW	SW	IRRIGATION	13.5
					Section Acres	13.5
					Total Acres	17

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER: UP TO 300 HEAD CATTLE

CLAIM AMENDED TO ADD 2 ACRES AND CORRECT POU.

15. Basis of Claim: Beneficial Use

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: 1

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): Randal L. Morris Date: 11-1-02

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 1ST
of NOV 2002 Aaron B. Ruberry

Notary Public

Residing at 20440 Faus Rd

My commission Expires 9/23/03



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FILED

T10S, R37E



Randal Morris
29-04297 (amended)



Arkansas Creek

Arkansas Creek Road

Union Pacific Railro

NESE
3.5 AC

NWSW
13.5 AC



19 20

30 29

T10S, R37E



Randal Morris
29-04297 (amended)



Arkansas Creek

Arkansas Creek Road

Union Pacific Railro

**NESE
3.5 AC**

**NWSW
13.5 AC**

19 20

30 29

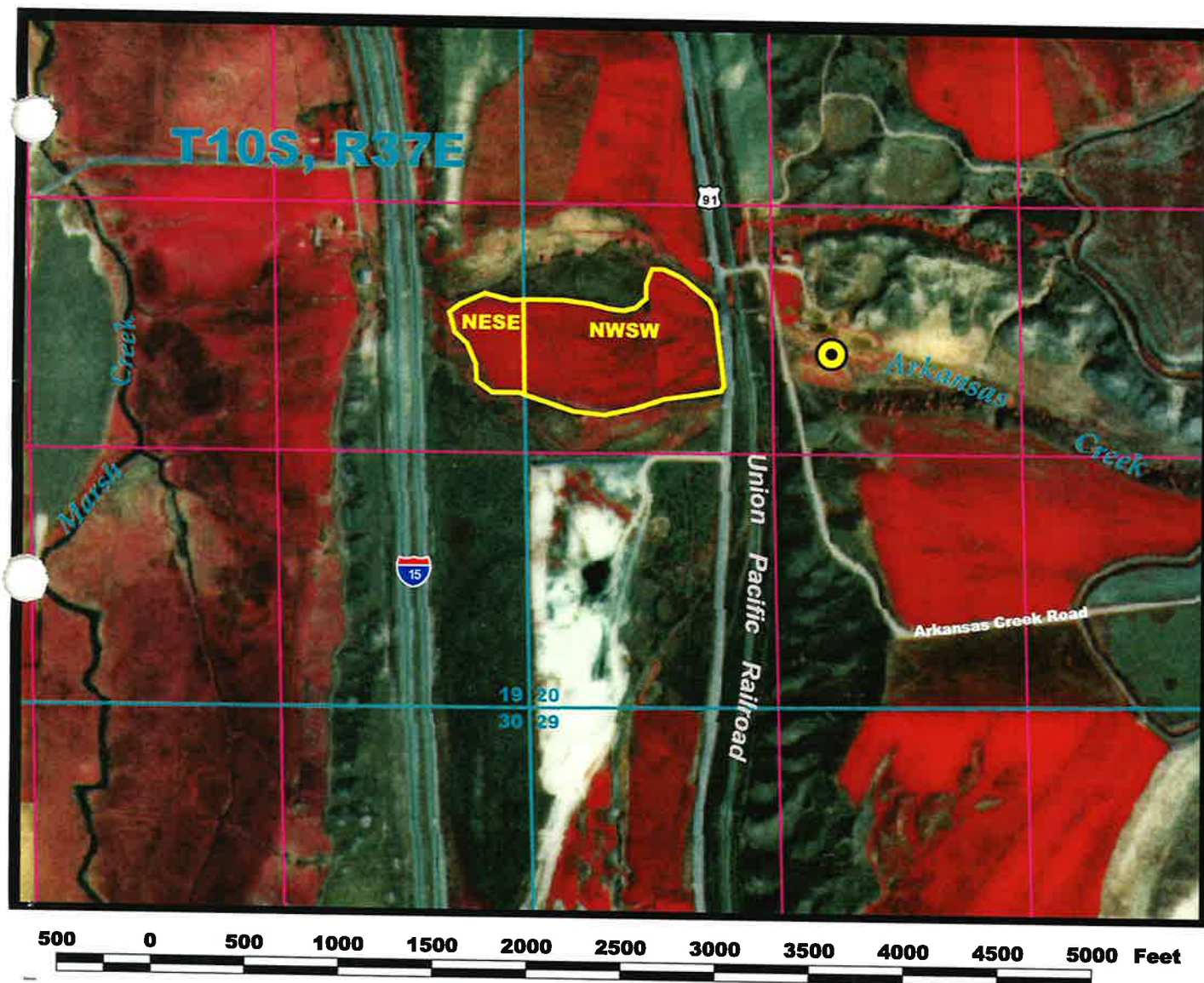




State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-4297

**Place of Use: (parts of) T10S, R37E
Sec. 19 NESE, Sec. 20 NWSW**

**Point(s) of Diversion: T10S, R37E
Sec. 20 SWNESW**



LEGEND

-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**

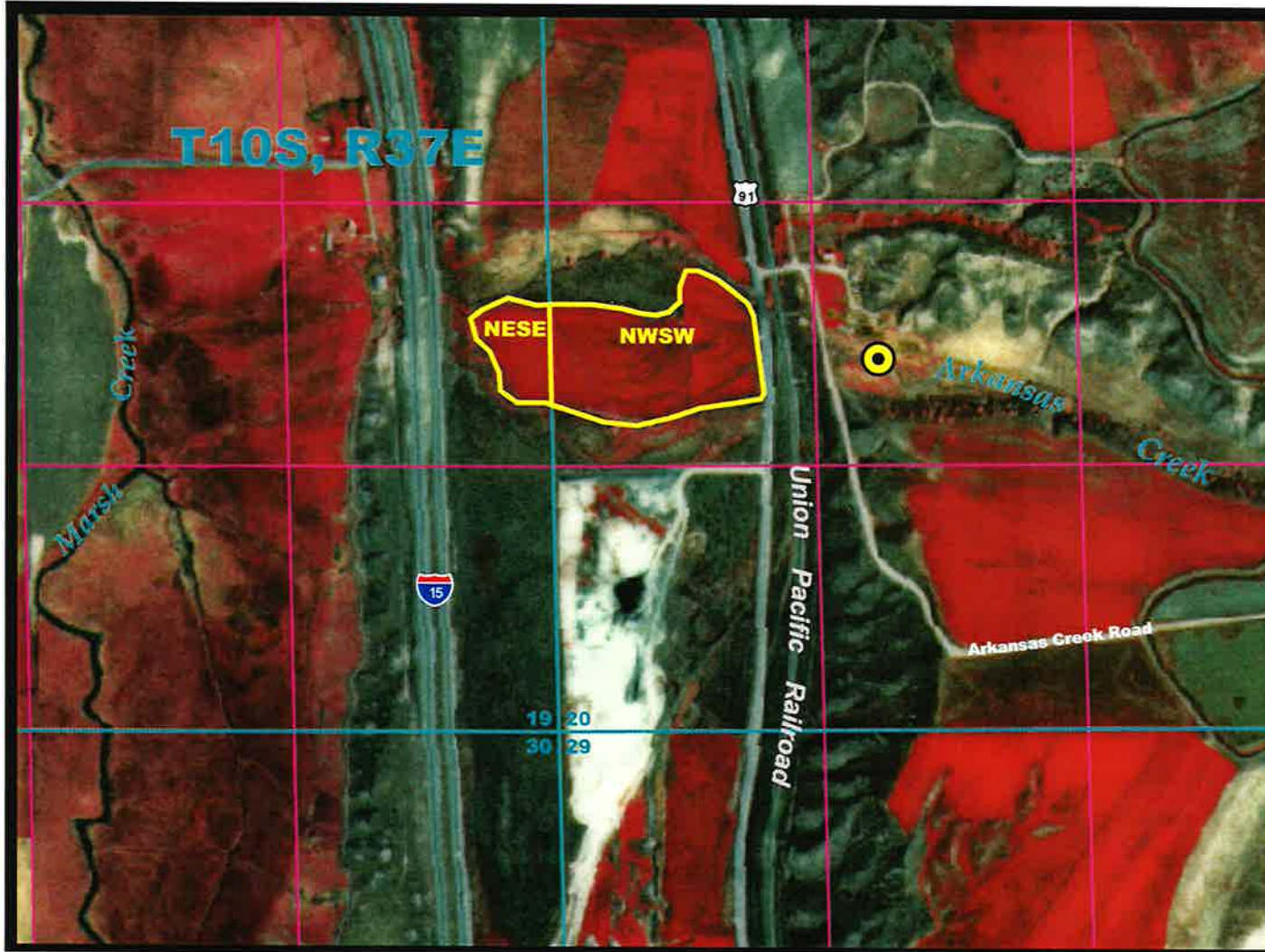
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2002



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
29-4297

Place of Use: (parts of) T10S, R37E
Sec. 19 NESE, Sec. 20 NWSW

Point(s) of Diversion: T10S, R37E
Sec. 20 SWNESW



LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 Feet

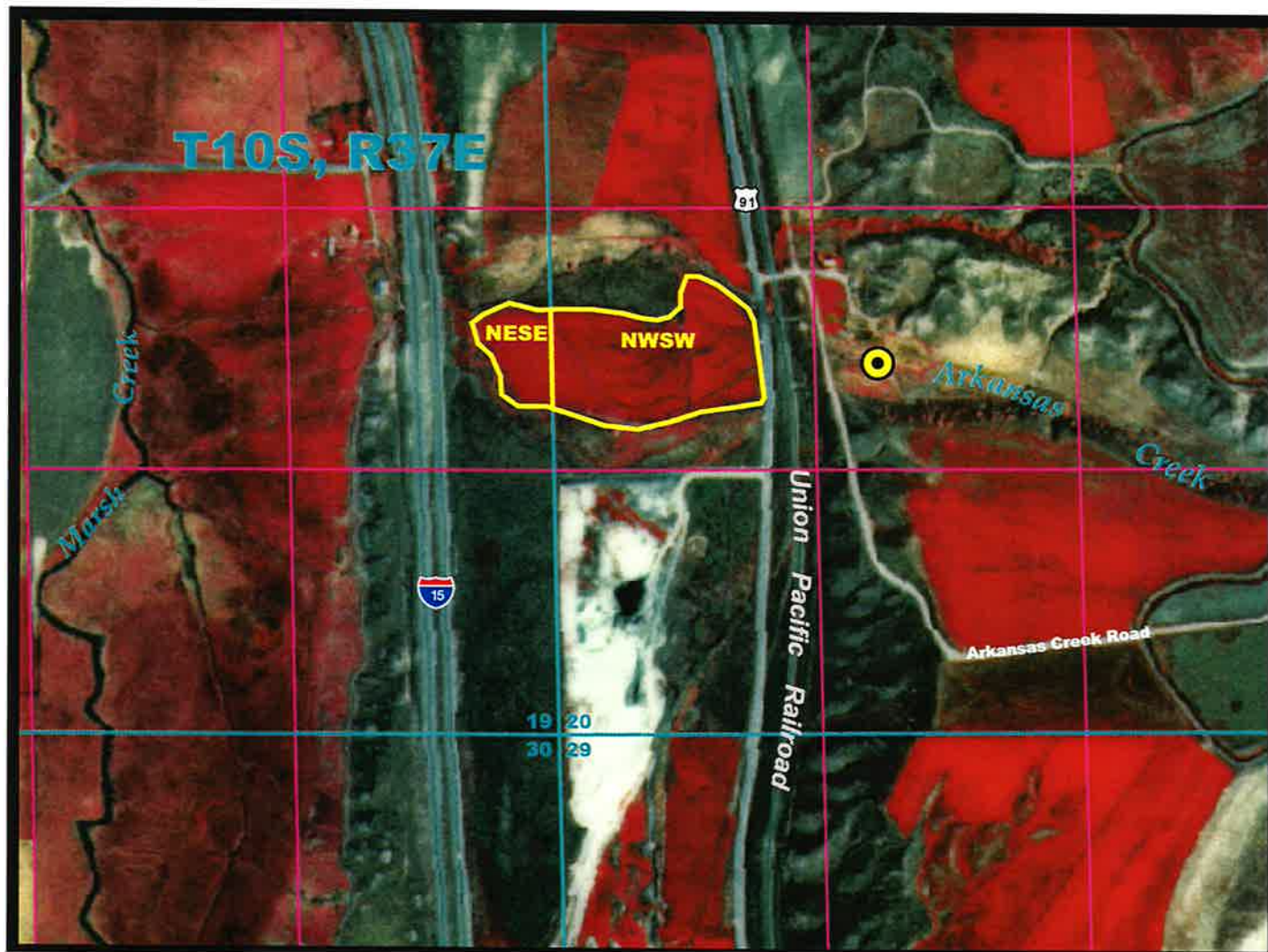
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2002



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-4297

Place of Use: (parts of) T10S, R37E
Sec. 19 NESE, Sec. 20 NWSW

Point(s) of Diversion: T10S, R37E
Sec. 20 SWNESW



LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2002

allen

02/13/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4297

RANDAL L MORRIS

PO BOX 49

ARIMO ID 83214

Telephone Number: (208) 254-3628

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

The recommended priority date of 5/1/1889 was Jan. 20, 1889 on the material I sent.

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

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

not sure of the reasons it was changed,

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

DATE:

2/24/2003

SIGNATURE:

Randal L. Morris

Please print your name:

Randal L. Morris

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

Done
3/7/03

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29-4297 Bu.

I. Peter R. Bugas (Atty) Letter July 5, 2001 (NOTICE OF APPEAR...)

A. MAIL TO:

Amy MILLER DOWELL
2542 NE 11th Ave
PORTLAND OR 97212

10/10/02 C/O FOR

RANDAL L MORRIS
PO Box 49
Armo ID 83214

~~RANDAL BUGAS, Atty (REPRESENTING)~~

~~PO Box 1391~~

~~No longer Applies~~

~~POCATELLO ID 83204-1391~~

* → II. Claims 1889 Priority (or 243 claim) EVIDENCES RECD.
Letter sent 10/10/02 PER TELEPHONE CONVERSATION.

* RECEIVED 12/9/02 - Attached memo:

* → III Claims 0.33 cts FOR IRRIG. ⇒ MEASURES RECD

$15 \text{ AC} \times 0.02 = 0.30 \text{ cts}$ - NO support FOR 0.33, Stack
IS NON-ADDITIVE.

IV. Spoke w/ Mr. Morris 10/29/02. He says he needs
more time to OBTAIN Priority EVIDENCES - Verbally
I told him TILL END OF NOVEMBER.

11/5/02 RECEIVED AMONUMENT - w/o EVIDENCES - know to END
OF Nov. per ABOVE - OK Done RECEIVED 12/9/02.

NOR: CHANGED Priority DATE BACK to 01/01/1889 per
EVIDENCES submitter. See 2/24/03

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RECEIVED

FEB 26 2003

Department of Water Resources

February 7, 2003
Michael L. Egan
156 Cascade Drive
Spring Creek, Nevada 89815
Telephone #775-753-8917

Department of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83401

To Whom It May Concern:

My name is Michael L. Egan and I am writing you about a water claim #29-4297 involving the water and water rights in Arkansas Creek approximately one and a half miles south of the town of Arimo, Idaho. A brief history of my knowledge of said water is this. "I leased the land that Dr. David C. Miller owned for twelve years and my father, Loren G. Egan leased this property for some thirty two years prior to that."

In that amount of time, some forty four years, Arkansas Creek water was diverted for irrigation only four years while I was leasing this farm. It was a minimal amount because it could only be diverted to the lowest field that we irrigated. This was only a supplement to the Portneuf-Marsh Valley Canal Company water. My father, Loren G. Egan never did use this water for irrigating because of the difficulties of diverting this water. We mainly used this water for our livestock. My lease on this property ended in 1988.

Feel free to contact me if you have any more questions.

State of Nevada

County of Elko

Signed and Sworn to (or affirmed) before me on

February 7, 2003 By Michael L. Egan

Sincerely,

Michael L. Egan

Michael L. Egan

Michael L. Egan

Cathy Malloy



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MAR 01 2005



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 4297
POD ID 541327
Quad
Claim Type L
Easting 0
Northing 0
GPSID

Diversion Description

DAMS IN NATURAL CHANNEL OF ARKANSAS CREEK DIVERTING INTO 4" PIPELINE APPROXIMATELY 400' INTO IRRIGATION DITCH.

Assumptions

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	Concrete lined	.016
	Smooth earth	.025
	Earth	.033
	Rough bed, weeds on sides	.04
	Smooth natural stream	.033
	Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments.

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State of Idaho, } ss.
Bannock County

To All Concerned:--

Notice is hereby given that John M. Evans, of Oneida of the County of Bannock of the State of Idaho, claims, and, since about the year 1889, has claimed the use of the waters of that certain stream known as "Arkansas Creek" here flowing to the extent, or amount, of one (1) cubic foot per second of time (being all the water flowing in said stream), which said waters are now and shall be hereafter diverted, at two points upon said stream, point of diversion number one being upon the S. W. 1/4 of Sec. 27, T. 10 S. R. 37 E. B. M., and point of diversion number two upon the S. W. 1/4 of Sec. 21, T. 10 S. R. 37 E. B. M., at each of which said points a copy of this notice is posted.

It is intended to use said waters for agricultural and domestic purposes upon the following described lands, to-wit:--

The N. E. 1/4, N. 1/2 S. E. 1/4, and S. W. 1/4 S. E. 1/4 Sec. 19, T. 10 S. R. 37 E. B. M., and N. W. 1/4 S. W. 1/4 Sec. 20, and the N. 1/2 N. E. 1/4 Sec. 20, T. 10 S. R. 37 E. B. M., containing 480 acres.

The general course of each of the ditches used for conveying said waters from the points of diversion above described to the said lands upon which such waters are used is westerly. The length of the ditch running from point of diversion number one to the said lands is about two and one-half (2 1/2) miles, and that of the ditch running from point of diversion number two to the said lands is about one and one-half (1 1/2) miles.

The works for the diversion and distribution of the said waters as aforesaid are now fully completed and in use.

Claimant having diverted and used all of the waters flowing in said stream since about the year 1889, upon the lands hereinbefore described, this notice is for the purpose of making of record his right and title thereto.

Dated at Oneida, Bannock County, Idaho, this 5th day of March, A.D. 1900.

John M. Evans, Claimant

State of Idaho, } ss.
Bannock County

John M. Evans, being first duly sworn according to law, deposes and says that he is of lawful age and the claimant of the water right mentioned in the foregoing notice, and whose name is subscribed thereto; that the statements in said notice contained are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at or near the points of

Water location
of
J. M. Evans.

To all whom it may concern: I hereby appropriate one half of the waters amounting to 50 inches water a 4 inch pressure of the waters of Arkansas Creek in Marsh Valley Bingham County Idaho. Said water is appropriated by means of a ditch and drain from said stream running to my ranch on the forks of the Cash Valley and Malad roads Bingham County Idaho and said ditch is three miles long running from said creek to my ranch there to be used for agricultural irrigating and other useful businesses. Said water was by me appropriated and said ditch so constructed for the purpose of appropriation during the year 1888 and has been by me so used ever since.

EVIDENCE

Dated Jan'y 20th 1889

J. M. Evans

Recorded at the request of
J. M. Evans March 11th 1889
at 9³⁰ oclock A. M.

Wm A. Robethan Recorder
By Jas. P. Miller, Deputy

Transcribed from Book B. of
Water locations Page 239 Records
of Bingham County Idaho.

October 10, 2002

**RANDAL L MORRIS
PO BOX 49
ARIMO ID 83214**

RE: EVIDENCE OF PRIORITY FOR WATER RIGHT CLAIM 29-04297

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim referenced above, shows a Priority Date of January 1, 1889.

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

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

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10/29/02 RANDAL MORRIS - NEEDS SOME ADDITIONAL
TIME - TOLD HIM TIL END OF NOV. OK.

SCANNED

MAR 01 2003

DM

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding Claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy) 29-04297

PROFIT

SCANNED

MAR 01 2005



Idaho Department of Water Resources

900 North Skyline Dr. Suite A. Idaho Falls, Idaho 83402-1718

ALLEN B. RUBERRY
SR. WATER RESOURCE AGENT
ADJUDICATION BUREAU
PH. (208) 525-7161
FAX (208) 525-7177
aruberry@idwr.state.id.us

FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
OR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

Ident. Number 29-4297
Date Received: 7/11/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

RANDAL L MORRIS Phone: (208) 254-3628
PO BOX 49
ARIMO ID USA 83214

10/01/1889

10/10/02

EEK

Mr. Morris

I HAVE ENCLOSOD FOR YOUR
REFERENCE A GPS ILLUSTRATION
OF YOUR PROPERTY AND MORE
SPECIFICALLY THE IRRIGATED
PLACES OF USB. YOU SHOULD NOTE
THE GPS SHOWS 17⁰ AC IRRIGATION
WHILE THE CLAIM REFLECTS
15⁰ AC.

Lot County Type
BANNOCK

(DIVERTING INTO 4" PIPELINE

To	C.F.S.	(or) A.F.A
1 11/01	0.33	
1 12/31	0.03	

AT THIS POINT, I WOULD
RECOMMEND THAT YOU AMEND
THE CLAIM (29-04297) TO ADD
THIS ADDITIONAL 2⁰ ACRES.

Lot	Use	Acres
	STOCKWATER	
	STOCKWATER	
	STOCKWATER	
	IRRIGATION	15
	Section Acres	15
	Total Acres	15

PLEASE CALL IF YOU HAVE ANY
QUESTIONS OR CONCERNS

AL RUBERRY

SCANNED

MAR 01 2005

DELOG AR
9/11/02

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAY 24 2002

Department of Water Resources
Eastern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-4297				
	~~29-4298~~				

- 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**.

- Name and Address of Former Owner/Claimant(s)

Betty Ann Williams Et Al

- New Owner/Claimant(s)

Randal L. Morris

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

New Mailing Address

P.O. Box 49

City, State and ZIP Code

Arimo, ID 83214

New Telephone Number

(208) 254-3628

- Date you acquired the property

3-15-02

PROFILED

SCANNED

MAR 01 2005

Also has Canyons,
Rt 5 - Shamus
NEEDS TX

4-1
WARRANTY DEED

20205373

Order No.:3010111244

FOR VALUE RECEIVED

Betty Ann Williams, Paulette Miller Aboulaban, Susan Miller Jayich, individually and as Trustee under a certain Trust Agreement Dated July 15, 1982 and Marsha Miller Williams as their sole and separate property the grantors, do hereby grant, bargain, sell and convey unto

Randal L. Morris and Barbara L. Morris, husband and wife.

whose current address is 3224 E. Arkansas Road, Arimo, Idaho 83214, (hereinafter collectively referred to as "GRANTEES), Their heirs and assigns forever,

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

Parcel 1:

A parcel of land in the West one-half of the West one-half of Section 20, Township 10 South, Range 37 E.B.M., Bannock County, Idaho, and a parcel of land in the East one-half of the East one-half of Section 19, Township 10 South Range 37 E.B.M., Bannock County, Idaho, more particularly described as follows:

Commencing at a point 990 feet South from the Northeast corner of the Northwest quarter of the Northwest quarter of Section 20, Township 10 South, Range 37 East of the Boise Meridian, Bannock County, Idaho, running
thence in a Southerly direction 2970 feet;
thence in a Westerly direction at right angles to the last described line a distance of 1760 feet;
thence in a Northerly direction at right angles to the last described line a distance of 2970 feet;
thence in an Easterly direction at right angles to the last described line a distance of 1760 feet to the place of commencement.

And a parcel of land more particularly described as follows:

Also the East half of the Southwest quarter and the South half of the Southeast quarter of Section 20, Township 10 South, Range 37 East of the Boise Meridian, Bannock County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including gas, oil and miner rights, and all water rights, including, without limitation, 30 shares in the Portneuf-Marsh Valley Canal Company, 21/4 Shares in the Portneuf Irrigation Company, and Claim #29-4297 on Arkansas Creek for .33 cfs unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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

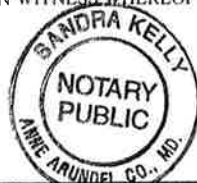
Dated: 2/27/2002

Betty Ann Williams
Betty Ann Williams

State of Maryland)
County of Anne Arundel) ss.

On this 6th day of March, in the year 2002, before me, a Notary Public in and for said state, personally appeared Betty Ann Williams known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Sandra Kelly
Notary Public for the State of Maryland
Residing at: 1495 Crofton PKY
Crofton, MD 21114
My Commission Expires: 6/1/04

SCANNED
MAR 01 2005
PROFILE

FEB
1989

J17

Randall Morris
T5511282

MIKE EGAN
CRP 80-90
#293

MIKE EGAN
CRP 80-90
#293

MIKE EGAN
CRP 80-90
#293 CN #122
F-11 30.2

MIKE EGAN
CRP 80-90
#293 CN #122
F-12 9.4

HOME

Urrel Steed
T4511
CRP 80-90
#293 CN #122
F-8 4.2

Urrel Steed
CRP 80-90
#293 CN #122
F-3 23.1

CRP CN #97
30.96
F-4 12.1

Urrel Steed
CRP CN #27
30.96
F-5 15.8

PROFILED

SCANNED

MAR 01 2005

MAR 01 2005

T10S, R37E

Parcel one

Approximate Property Boundary
by Warranty Deed survey calls

Randal Morris
29-04297

NESE
3.5

NWSW
13.5

Parcel two

Union Pacific Railro

Arkansas Creek

Arkansas Creek Road

19 20
30 29

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
ERIC L. OLSEN
LANE V. ERICKSON
LISA A. WOOD, CPA

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

July 5, 2001

RECEIVED

JUL 09 2001

Department of Water Resources
Eastern Region

Craig Saxton
Water Resource Agent, Adjudication Bureau
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

*Re: Notice of Claim to a Water Right
Civil Case No. 39576*

Dear Craig:

Enclosed please find a late filed SRBA "Notice of Claim to a Water Right" we are submitting on behalf of Susan Miller Jayich, Marsha Miller Williams, Paulette Miller Aboulaban, Betty Ann Williams and D.C. & P.A. Miller Trust, c/o Phyllis Ann Miller, Trustee. Also enclosed is our check for filing fee in the amount of \$115, which consists of the \$50 for the claim, \$50 late fee and \$1 per acre for the 15 acres.

Please note that the claimants' mailing address is in care of Amy Miller Dowell, 2542 NE 11th Avenue, Portland, Oregon 97212, and that I have given notice of appearance and will be acting as the claimants' attorney.

The claimants' father, David C. Miller, previously filed a Form 243 Claim to a Water Right No. 29-4297 dated 3/2/83 (copy enclosed). Both he and his surviving spouse have since passed away. They apparently did not file an SRBA claim likely due to inadvertence or misunderstanding resulting from their advanced age and/or deteriorated health. It just recently came to the attention of the family members which are the current owners in the course of administering their parents' estate.

PROFILED

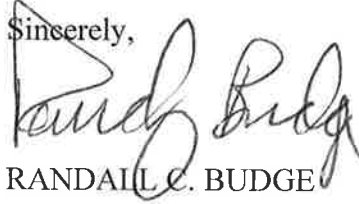
SCANNED

MAR 01 2005

Craig Saxton
July 5, 2001
Page 2

If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall C. Budge". The signature is stylized with a large initial "R" and "B".

RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Amy Miller Dowell

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SCANNED
MAR 01 2005

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 29-4297
Date Received: 7/11/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RANDAL L MORRIS Phone: (208) 254-3628
PO BOX 49
ARIMO ID USA 83214

2. Date of Priority: 01/01/1889

3. Source: ARKANSAS CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	37E	20	NE SW	BANNOCK	

5. Description of diverting works:

DAMS IN NATURAL CHANNEL OF ARKANSAS CREEK DIVERTING INTO 4" PIPELINE
APPROXIMATELY 400' INTO IRRIGATION DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.33	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.33 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
10S	37E	20	NW SW	STOCKWATER	
			NE SW	STOCKWATER	
			NW SE	STOCKWATER	
			NW SW	IRRIGATION	15
				Section Acres	15
				Total Acres	15

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:

STOCKWATER: UP TO 300 HEAD CATTLE

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 29-4297
Date Received: 7/11/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2904297



1. Name of Claimant(s)

SUSAN M JAYICH Phone: (503) 890-0311

C/O AMY MILLER DOWELL
2542 BE 11TH AV
PORTLAND OR USA 97212

MARSHA M WILLIAMS Phone: (503) 890-0311

C/O AMY MILLER DOWELL
2542 BE 11TH AV
PORTLAND OR USA 97212

PAULETTE M ABOULABAN Phone: (503) 890-0311

C/O AMY MILLER DOWELL
2542 BE 11TH AV
PORTLAND OR USA 97212

DC & PA MILLER TRUST Phone: (503) 890-0311

C/O AMY MILLER DOWELL
2542 BE 11TH AV
PORTLAND OR USA 97212

2. Date of Priority: 01/01/1889

3. Source: ARKANSAS CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	37E	20	NE SW	BANNOCK	

5. Description of diverting works:

DAMS IN NATURAL CHANNEL OF ARKANSAS CREEK DIVERTING INTO 4" PIPELINE
APPROXIMATELY 400' INTO IRRIGATION DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.33	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.33 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
10S	37E	20	NW	SW	STOCKWATER	
			NE	SW	STOCKWATER	
			NW	SE	STOCKWATER	
			NW	SW	IRRIGATION	15
					Section Acres	15
					Total Acres	15

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:

STOCKWATER: UP TO 300 HEAD CATTLE

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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 _____) ss.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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 29-04297

Date Received 7/11/01

Receipt Number F026904

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 09 2001

Department of Water Resources
Eastern Region

Please type or print clearly Susan M. Jayich, Marsha M. Williams, Paulette M. Aboulaban,
Betty Ann Williams, D.C. & P.A. Miller Trust, c/o Phyllis
Ann Miller, Trustee

1. Name of Claimant (s) Phone (503) 890-0311
c/o Amy Miller Dowell
Mailing Address 2542 BE 11th Av., Portland, OR Zip 97212

2. Date of Priority (Only one (1) per claim) 1/01/1889

3. Source of water supply (a) Arkansas Creek
which is tributary to (b) Marsh Creek

4. a. Location of existing point of diversion is: Township 10 S. Range 37 E. Section 20,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, E. B.M., County of Bannock

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section, 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section, 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Dams in natural channel of Arkansas Creek diverting into 4" pipeline
approximately 400' into irrigation ditch.

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MAR 01 2005

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 0.33 or _____

For Stockwater purposes from 1/1 to 12/31 amount 0.03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.33 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0.33 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: up to 300 head cattle.

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	37E	20										15							15
10S	37E	20									S	S				S			

Total number of acres irrigated 15

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
30 water shares in Portneuf Marsh Valley Canal Co. or None ()
2-1/4 shares in Portneuf Irrigation Co.

14. Remarks:

Last Name _____ Ident No. _____

PROFILED

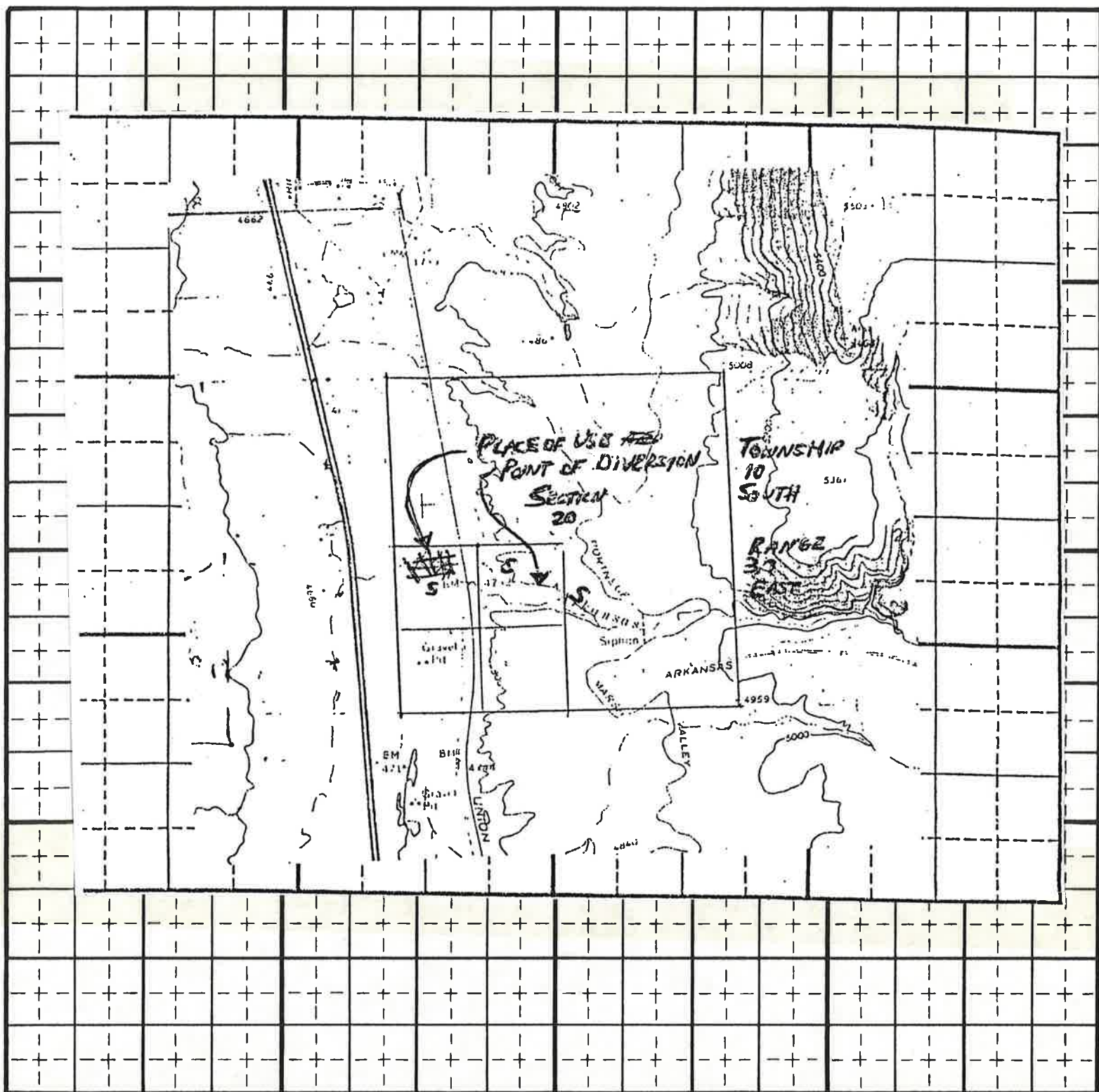
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MAR 01 2005

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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MAR 01 2005

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number Claim No. 29-4297 (copy attached)

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____
Organization _____, that I have signed the foregoing

document in the space below as _____ of _____
Title _____ Organization _____

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

Signature of Authorized Agent ☒ Amy Miller Dowell

Title and Organization _____ Date 6-29-01

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 29 day of June 2001



Notary Public Randall C. Budge

Residing at Pocatello, Id.

My Commission Expires 10/11/2006

Please Print Name

17. Notice of Appearance:

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

Signature Randall C. Budge

Address P.O. Box 1391 Pocatello, Idaho 83204 208-232-6101

Date 6/29/01

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MAR 01 2005

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 4, 1983

DAVID C. MILLER
P.O. BOX 4904
POCATELLO

ID 83201

RE: Claim No. 29-4297

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

FILED

46

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MAR 01 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that David C. Miller

P.O. Box 4904, Pocatello, ID 83201

(Name of Claimant)

(Mailing Address)

(Zip Code)

Telephone No. 233-4387

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1-01-1889

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Arkansas Creek

tributary to Marsh Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity	<u>0.33 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>0.03</u>	Use <u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.33 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SW 1/4, Sec. 20 Twp. 10S Rge. 37E B.M., County of Bannock

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion is by means of dams in the channel to flood irrigation.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	37E	20									5								5

No. of acres 5

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

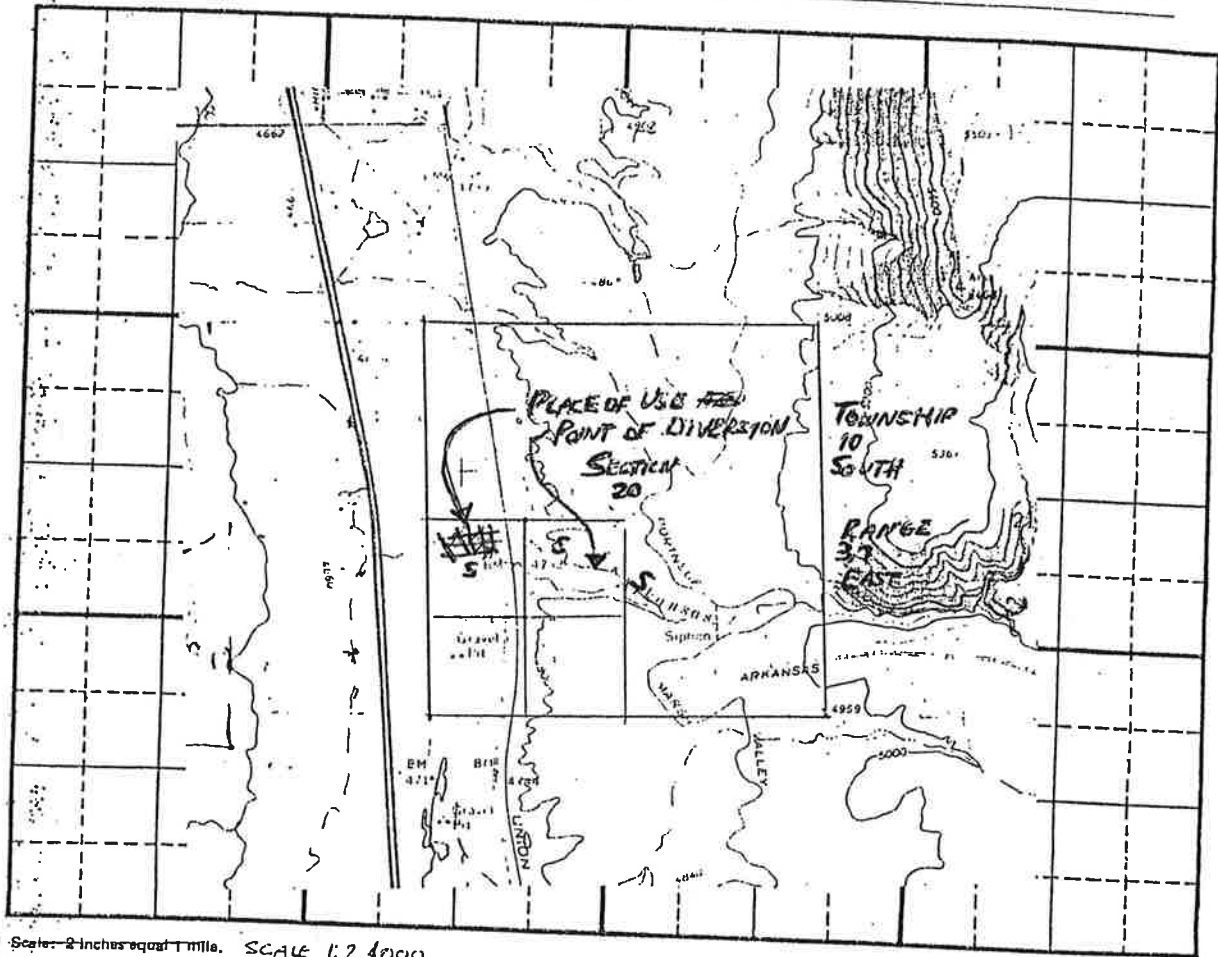
NOTE: Include here the type and number of stock watered: 80 head cattle and 20 sheep

- (7) If you are claiming water as a member of an organization, list name of organization:

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(8) Remarks _____



Scale: 2 inches equal 1 mile. SCALE 1:24000

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Kootenai) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 2-12 day of March, 1983.

David E. Miller
(Claimant)

William A. Gray
Notary Public
Residing at Idaho Falls, Idaho

PROFILED

My commission expires 2-15-85

SCANNED

MAR 01 2005

FOR DEPARTMENT USE ONLY

Received by SA Date 3-2-83
Prelim. check by Kaw Date 3-4-83
\$30.00 fee received by BP Date 3-2-83 1125452
Published in Idaho State Journal
Dates 3/17 & 3/24/83

Forwarded to claimant by: _____ Date _____