

01/14/2003

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

RIGHT NUMBER: 29-10852

NAME AND ADDRESS: DEMARIS LISTER
5777 N RAPID CREEK RD
INKOM ID 83245

HENRY A LISTER
5777 N RAPID CREEK RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.130 CFS

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

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T06S R36E S34 NESESE Begin of Stream Flow Within BANNOCK County
T06S R36E S34 SESESE Within BANNOCK County
T06S R36E S35 SESWSW End of Stream Flow 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	0.020 CFS
IRRIGATION	04/01 10/31	0.110 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R36E S34 SESE 0.6 T06S R36E S35 SWSW 3.0
STOCKWATER same as IRRIGATION

3.6 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.

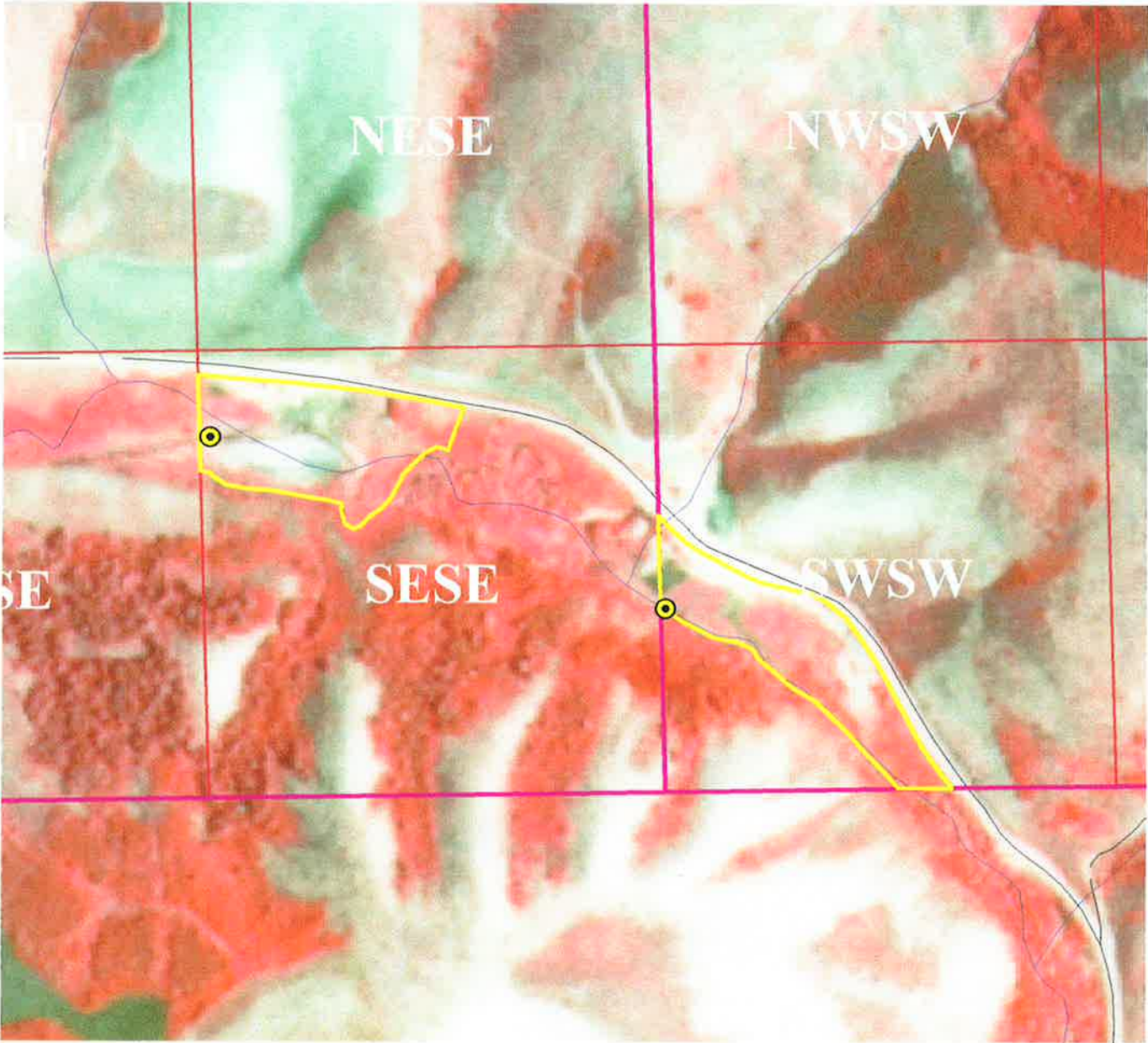
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Stockwater use is for 30 Horses, cattle, sheep and goats.

Water Right Claim Number A29-10852
Townships , 6S36E, 7S36E

09/12/2000



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

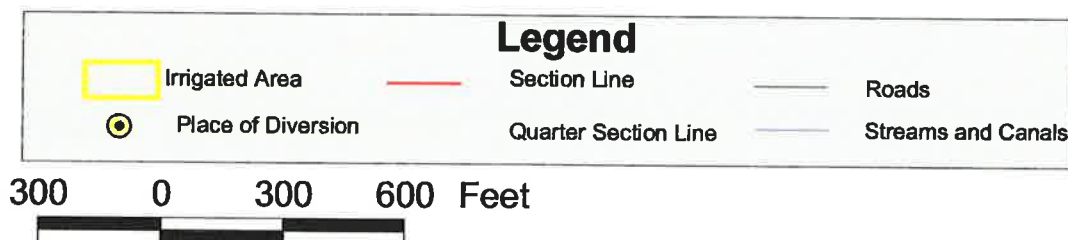
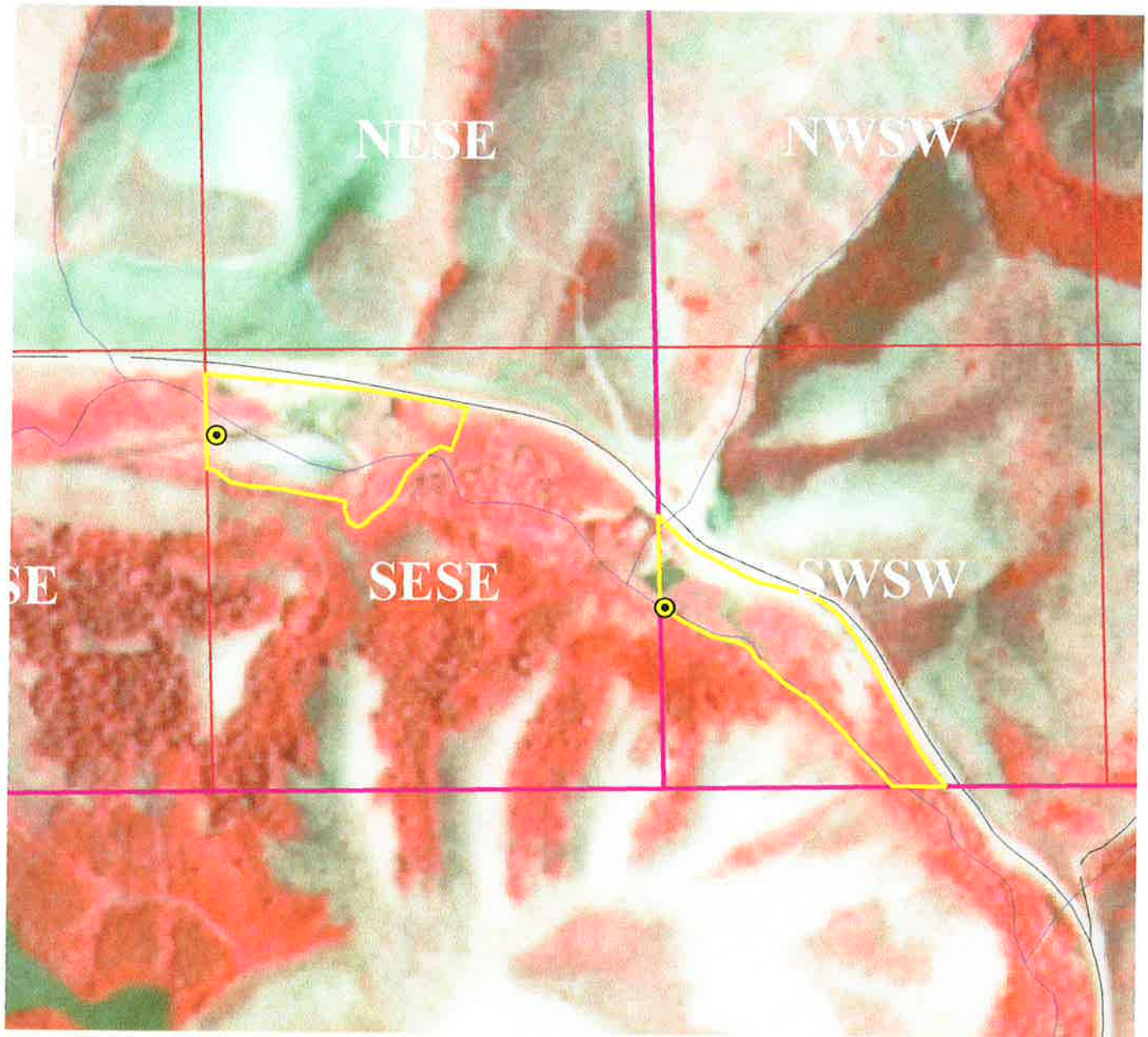
 Quarter Section Line

 Streams and Canals



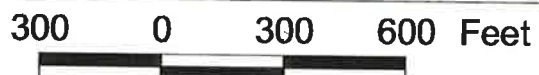
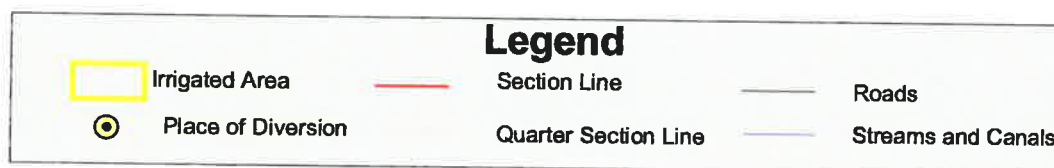
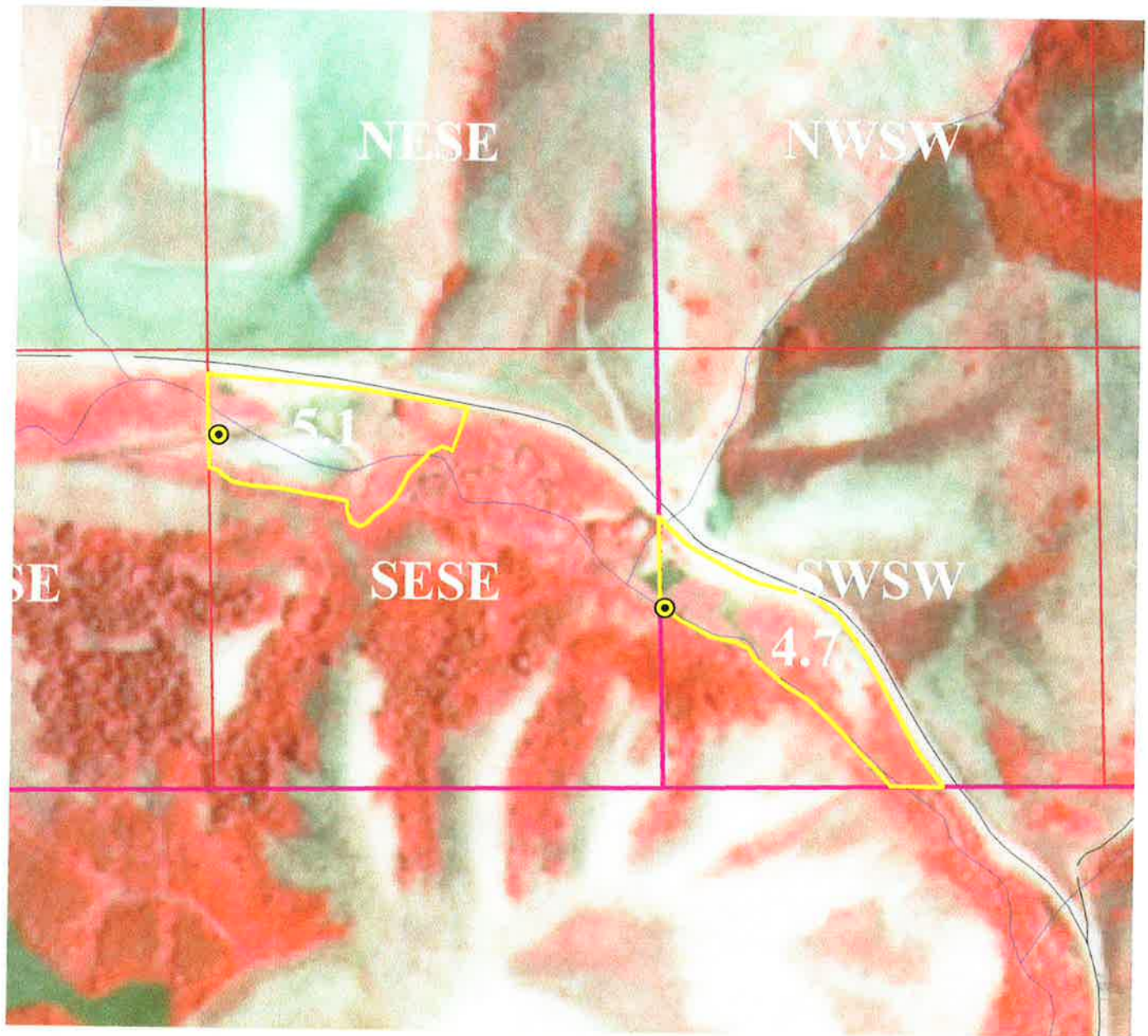
Water Right Claim Number A29-10852
Townships , 6S36E, 7S36E

09/12/2000



Water Right Claim Number A29-10852
Townships , 6S36E, 7S36E

09/12/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10852 V1

WATER RIGHT NUMBER: 29-10852 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEMARIS LISTER 5777 N RAPID CREEK RD INKOM, ID 83245 (208)775-3524
Current Owner	HENRY A LISTER 5777 N RAPID CREEK RD INKOM, ID 83245 (208)775-3524

Priority Date: 04/01/1939

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01	12/31	0.020 CFS	
IRRIGATION	04/01	10/31	0.110 CFS	
	<u>Total Diversion:</u>		0.130 CFS	

Location of Point(s) of Diversion

RAPID CREEK	SE1/4SW1/4SW1/4	Sec. 35, Twp 06S, Rge 36E, B.M.
BANNOCK County	(Ending of Reach)	
RAPID CREEK	SE1/4SE1/4SE1/4	Sec. 34, Twp 06S, Rge 36E, B.M.
BANNOCK County		
RAPID CREEK	NE1/4SE1/4SE1/4	Sec. 34, Twp 06S, Rge 36E, B.M.
BANNOCK County	(Beginning of Reach)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	36E	34																.6	.6
06S	36E	35											3.0						3.0

Total Acres: 3.6

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10852 V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. X02 Stockwater use is for 30 Horses, cattle, sheep and goats.

Remarks:Comments:

1. csaxton 1/14/2003 POD

Comment: POD determined by speaking with claimants son-in-law on 1/14/03.

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:
 State or Federal: S
 Owner Name Connector: AND
 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	1/14/2003 2:24:25 PM	csaxton			Active
Contacts	1/14/2003 2:26:49 PM	csaxton			Active
Priority Date	1/14/2003 2:28:57 PM	csaxton			Active
POD	1/14/2003 2:29:09 PM	csaxton			Active
Source	1/14/2003 2:38:09 PM	csaxton			Active
POU	1/14/2003 2:38:38 PM	csaxton			Active
Use	1/14/2003 3:18:57 PM	csaxton			Active
Season	1/14/2003 3:19:27 PM	csaxton			Active
Quantity	1/14/2003 3:21:37 PM	csaxton			Active
Summary			01/14/2003	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10852 V1

Contacts	1/14/2003 2:24:25 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 6/25/02
Contacts	1/14/2003 2:26:48 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: FE 6/25/02
POD	1/14/2003 2:29:08 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	1/14/2003 2:34:05 PM	csaxton	Edited point location
POD	1/14/2003 2:34:19 PM	csaxton	Edited PLS
POD	1/14/2003 2:35:38 PM	csaxton	Edited point location
POD	1/14/2003 2:35:53 PM	csaxton	Edited PLS
Priority Date	1/14/2003 2:28:56 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Statement from claimant supports late 1930s for priority date. Must recommend 4/1/1939.
POD	1/14/2003 2:36:48 PM	csaxton	Edited point location
POD	1/14/2003 2:37:04 PM	csaxton	Edited PLS
Source	1/14/2003 2:38:08 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FE 6/25/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10852 V1

POU	1/14/2003 2:38:37 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - NAPP photography and Claimant Map.
POU	1/14/2003 2:39:08 PM	csaxton	Edited shape boundary
POU	1/14/2003 2:39:28 PM	csaxton	Edited PLS
Use	1/14/2003 3:18:56 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - FE 6/25/02
Season	1/14/2003 3:19:26 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/14/2003 3:21:36 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for 0.20 cfs or less do not require measurement.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10852 V1

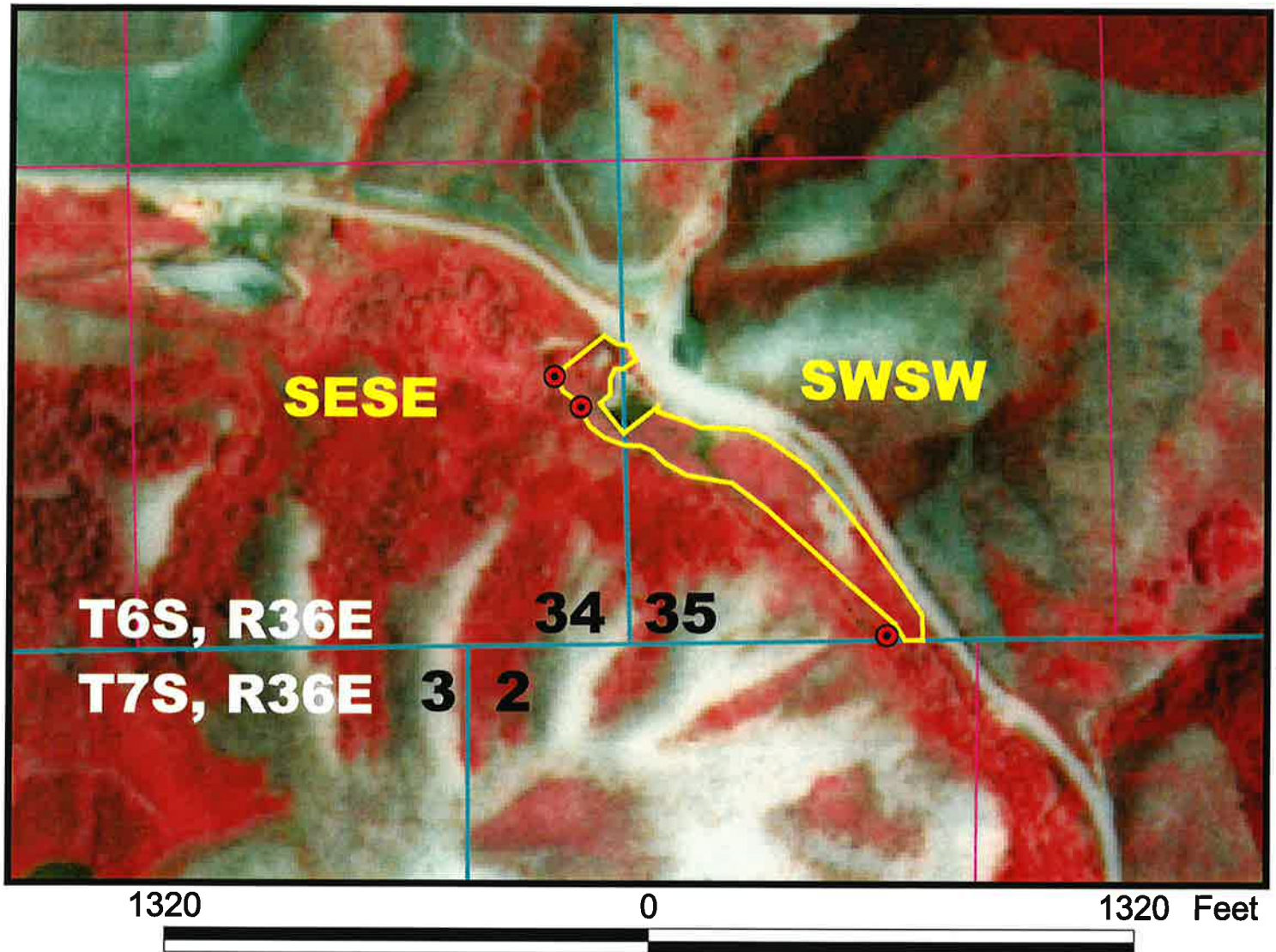
Summary	1/14/2003 3:26:59 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10852



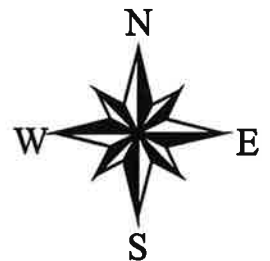
Total Irrigated Acres: 3.6

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: January 2003

(41.1.1939)

9/10/01 : Priority Evidence - Late 1930's. Need to talk with Henry Lister about Priority Evidence

6/25/02 : No signs of POD - However = Irrigation
FE Pipe all around property south of house.

7-11-02 : Spoke with Henry Lister and he said he doesn't use Rapid Creek water for irrigation

1-14-03 : See 1-14-03 memo

Recommend stock - In-stream + Irrigation



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2003

GARY WYNN
KATHY WYNN
5937 N RAPID CK RD
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) claims 29-10850, 29-10851, 29-10852, 29-10853.

Dear Mr. and Ms. Wynn,

The Idaho Dept. of Water Resources received your letter and information packet on February 25, 2003. Based on that information I changed ownership of water rights 29-10851 and 29-10853 from Henry and Demaris Lister to Gary and Kathy Wynn (enclosed).

However in order to change the water rights applicable to your mother and fathers property, I will need a copy of the deed that shows you are owner of the property or a copy of the appointment assigning you Power of Attorney along with copies of the death certificates.

You stated in your letter that the estate will probably not clear probate until the end of April. If you would just like to wait until it does, I doubt if that will be a problem. The tentative schedule to issue the Directors report is in June of 2003. At the time the directors report is issued, the SRBA court will be mailing out the recommendations (meaning that even though I know they should be mailed to you, I will not be involved). The problem is they will be mailed to the address listed on the water right record. Thus, we need to change them soon, but we do have a little bit of a window if you would just like to wait until the estate clears probate.

Please feel free to call me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

February 25, 2003

State of Idaho
Department of Water Resources
900N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: H. A. and Demaris Lister
Notice of Change in Water Right Ownership
Adjudication Claim

Gentlemen:

I am returning completed information on claims 29-10850; 29-10851; 29-10852; and 29-10853. As you are aware both H. A. and Demaris Lister are deceased. The estate is currently in probate, Jay Myers, Attorney (208/233-4121). Mr. Myers has advised that this will probably not clear probate until the end of April, 2003, probably not until after these water decisions are made.

I have been appointed Personal Representative for the estate. Also, I am the only child and stand to inherit all properties. I can provide copies of death certificates, or my appointment as the Personal Representative if you need it.

From what I can ascertain from the paperwork furnished to me by your office, claims 29-10851 is the domestic well on my property, see deed attached. Also 29-10853 appears to be connected to our deeded property.

In my capacity as Personal Representative to the estate, I will provide answers to "Preliminary Recommendations of Water Rights Acquired Under State Law."

If for any reason I have made assumptions as to my rights to these water rights, please contact me as soon as possible. I can be reached at my office daily 208/233-0080; or in the evenings @ 208/775-3736.

Thank you very much for all your help with this and for going the extra mile to get this information to me.

Regards,


Kathy Wynn
5937 N. Rapid Creek Rd.
Inkom, Idaho 83245

DE LOG
CS
4-2-03

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. Indicate just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, 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
	29-10850	—			—
(GARY/KATHY)	29-10851	—			—
	29-10852	—			—
(GARY/KATHY)	29-10853	—			—
		—			—

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *No Fee*
- 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)

1/A + Demaris Lister

4. New Owner/Claimant(s)

Gary + Kathy Llynn

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

New Mailing Address

5937 N. Rapid Cr. Rd

City, State and ZIP Code

Ankom ID 83245

New Telephone Number

208 775-3736

5. Date you acquired the property

7/11/96

Remainder of property will pass to Kathleen Llynn at conclusion of probate / proposed conclusion later part of April, 2003

6.

N/A If the change in ownership affects the entire water right for each water right or adjudication claim number listed 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)

Larry D Wynd
Kathleen L Wynd

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

WARRANTY DEED 96011417

FOR VALUE RECEIVED

H. A. AND DEMARIS LISTER, HUSBAND AND WIFE
(PROPERTY DEEDED TO H.A. AND DAMARIS LISTER, SHOULD BE H.A. & DEMARIS LISTER)

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

GARY D. AND/OR KATHLEEN L. WYNN, HUSBAND AND WIFE

The Grantees , whose address is 5937 North Rapid Creek Road
Inkom, Idaho 83245

the following described premises, to-wit:

See attached description identified as Exhibit "A",
dated July 11, 1996 and initialed by said Grantors.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s,
their heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantees , that they are the owners in fee simple of said premises; that said
premises are free from all encumbrances

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

Dated: July 11, 1996
H.A. Lister
Damaris Lister

STATE OF IDAHO, COUNTY OF Bannock

On this 11th day of July, 1996,
before me, a notary public in and for said State, personally appeared

H.A. Lister and Damaris Lister

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

Terape Morrison
Notary Public

Residing at Inkom, Idaho
Comm. Expires 7/06/00

96011417

Record at the

TO
RECORD OR AT REQUEST OF
KATHLEEN L. WYNN
96 JUL 12 PM 12 38

lock m.

By
BANNOCK COUNTY, IDAHO
LARRY W. CHURCH, RECORDER
FEE 6.00
MJ

duty.

Fees \$
Mail to:

NOTARY SEAL

2-2

96011417

EXHIBIT "A" dated July 11, 1996.

A tract of land in the SE4SE4 of Section 34, Township 6 South, Range 36 E.B.M.

Beginning at the SE 1/16 corner of said Section 34, said point being the True Point of Beginning;

Thence East along the S 1/16 line 513 feet more or less to the Northwest corner of a tract of land deeded to Paul J. Michaels (Book 138 Inst. 340663),

Thence South ^{10° 19'} West 459 feet more or less to the Southwest corner of said Paul J. Michaels property;

Thence South 89° 49' ^{EAST} West 350 feet more or less to Southeast corner of the Richard Iwao Suenaga property (deed 95015275);

Thence South 10° 19' West 35 feet more or less to the North line of (Tax Lot 5 deed #94003742 Reed M. Eck property;

Thence due West along the North property line of said Reed M. Eck property 125 feet more or less to the Northwest corner of the Eck property;

Thence South along the Eck property 830 feet more or less to the South line of the SE4SE4 of Section 34, Township 6 South, Range 36 E.B.M.

Thence West along the South line to the Southwest corner of the SE4SE4;

Thence North along the West line of the SE4SE4 1320 feet more or less to the SE 1/16 corner; to the True Point of Beginning.

H. A. Lister
DL

3-1

650698

WARRANTY DEED

THIS INDENTURE, made this 16th day of August, 1962, between Leonard H. Carlson and Peggy Carlson, Husband and Wife, of Pocatello, County of Bannock, State of Idaho, the parties of the first part, and Henry A. Lister and DaMaris Lister, Husband and Wife of Inkom, County of Bannock, State of Idaho, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledge do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever; All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

The SE1/4 SE1/4 of Section 34, Township 6 South, Range 36 East Boise Meridian Excepting therefrom the following four parcels. . . .

PARCEL I

Beginning at a point on the South 1/16th line of said Section 34, Township 6 South, Range 36 E. B. M., 588.0 feet Easterly of the Southeast 1/16th corner of said Section 34, thence South 10°19' West 459.0 feet; thence South 89°49' East 275.0 feet; thence North 10°19' East 459.0 feet, more or less, to the South 1/16th line of said Section 34, thence North 89°49' West 275.0 feet to the point of beginning of this Exception.

PARCEL II

Beginning at a point on the South 1/16th line of said Section 34, Township 6 South, Range 36, E. B. M., 863 feet Easterly from the Southeast 1/16th corner of said Section 34, thence South 10°19' West 176.8 feet, more or less to a point on the Southwesterly right of way line of Bannock County Road, which point is the true point of beginning of this Exception; thence South 79°10' East 45.08 feet along said right of way line; thence continuing along said right of way line South 69°39' East 189.6 feet; thence continuing along said right of way line South 47°29' East 312.18 feet; thence South 52°45' West 275.98 feet; thence North 64°27' West 321.2 feet; thence North 10°19' East 318.2 feet, more or less to the true point of beginning of this Exception.

PARCEL III

Beginning at a point on the South 1/16th line of said section 34, Township 6 South, Range 36 E. B. M., 863 feet Easterly from the South east 1/16th corner of said Section 34; thence South 10°19' West 176.8 feet, more or less to a point on the Southwesterly right of way line of Bannock County Road, thence



ISAAC McDUGALL
ATTORNEY AT LAW
POCATELLO, IDAHO
CE 8-1610

South 79°10' East 45.08 feet along said right of way line; thence continuing along said right of way line South 69°39' East 189.6 feet; thence continuing along said right of way line South 47°29' East 312.18 feet; thence South 52°45' West 275.98 feet; which point is the true point of beginning of this exception, thence South 69° feet; thence at right angles to the last described line West a distance of 415 feet; thence at right angles to the last described line and in a Northerly direction a distance of 830 feet; thence at right angles to the last described line and in an Easterly direction a distance of 125 feet; thence in a Southeasterly direction a distance of 321.2 feet, more or less to the point of beginning of this exception.

PARCEL IV

Beginning at a point on the South 1/16th line of said Section 34, Township 6 South, Range 36 E.B.M., 588.0 feet Easterly of the Southeast 1/16th corner of said Section 34; thence South 10°19' West 459 feet; thence North 89°49' West 75 feet; thence North 10°19' East 459 feet, more or less to the South 1/16th line of said Section 34, thence South 89°49' East 75 feet, more or less to the point of beginning of this Exception.

The SW 1/4 SW 1/4 of Section 35, Township 6 South, Range 36 East Boise Meridian, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

Beginning at a point 48 rods East of the Southwest corner of said Section 35, Township 6 South, Range 36 E.B.M., and running thence East 32 rods; thence North 80 rods, thence West 32 rods; thence South 80 rods to the place of beginning of this exception.

Lot 4, Section 2, Township 7 South, Range 36 East Boise Meridian, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

Beginning at the Southeast corner of said Lot 4, Section 2, Township 7 South, Range 36 E.B.M., and running thence West along the South line of said Lot 4, a distance of 36 rods to a point, thence running North parallel to the East line of said Lot 4 a distance of 22 rods; thence running East parallel to the South line of said Lot 4 a distance of 36 rods to the East line of said Lot 4, thence running South along the East line of said Lot 4 a distance of 22 rods to the point of beginning of this Exception.

Lot 1, Section 3, Township 7 South, Range 36 East Boise Meridian.

All in Bannock County, State of Idaho.

SUBJECT TO: A mortgage given by the Grantors herein to the Idaho Savings and Loan, an Idaho Corporation dated and recorded November 4, 1959, as Document #350194, Official Record Book #146, records of Bannock County, Idaho, the balance of which is approximately \$8,781.98, which Grantees by acceptance of this deed do herewith assume and agree to pay in accordance with its terms.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the

3-3

650698

said parties of the second part, and to their heirs and assigns forever and the said parties of the first part warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Leonard H. Carlson
LEONARD H. CARLSON

Peggy L. Carlson
PEGGY CARLSON

STATE OF IDAHO)
COUNTY OF BANNOCK) ss

On this 16th day of August, 1962, before me the undersigned, a Notary Public in and for said County and State, personally appeared LEONARD H. CARLSON AND PEGGY CARLSON, Husband and Wife. Personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

NOTARY SEAL

(SEAL)

Isaac McDougall
Isaac McDougall, Notary Public for Idaho
Residing at Pocatello, Idaho
My commission expires October 15, 1965.

650698

NO
RECORDED AT REQUEST

DaMaris Lister

JUL 14 12 21 PM '80

RECEIVED BY NO 355
JUL 14 1980
6.00 DEPUTY ec

ISAAC MCDOUGALL
ATTORNEY AT LAW
POCATELLO, IDAHO
CE 2-1610

MEMORANDUM

Date: January 14, 2003

From: Craig L. Saxton

Subject: SRBA Claims 29-10850, 29-10851, 29-10852, and 29-10853

Despite not receiving a response to the July 2, 2002 letter sent to the claimant, I called the number on the claim to re-confirm that there was no use of Spring or Rapid Creek water for irrigation.

The number was disconnected and I was directed to call (208) 775-3736. This is the number for Henry Lister's (claimant) daughter and son-in-law:

Gary Wynn
Kathy Wynn
5937 N Rapid Ck Rd
Inkom, Id 83245

I spoke with Gary and he said Henry passed away about two months after I spoke with him.

Gary said that Rapid Creek water was used to irrigate the pasture up and down stream of Henry's house as recent as 5 years ago. This would be consistent with the irrigation pipe I found on my 6/25/02 field exam. Gary said that the Rapid Creek water was pumped from directly behind Henry's house.

Regarding the use of springs, Gary said the springs flow naturally onto the property, but there is no diversion works and was not diverted. Just natural flow. I explained to Gary that since it is just natural flow, I would have to disallow the claim.

Gary confirmed Henry's previous statement that the well is only used for D&S with irrigation of his lawn (29-10850).

29-10851 seems to be intended for D&S on Gary and Kathy's current property. No apparent irrigation.

Gary said the he and Kathy are the executors of Henry's estate so I am sending them a Change of Ownership form.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 14, 2003

GARY WYNN
KATHY WYNN
5937 N RAPID CK RD
INKOM ID 83245

RE: Change of Ownership for Snake River Basin Adjudication (SRBA) claims 29-10850, 29-10851, 29-10852, and 29-10853.

Dear Mr. and Mrs. Wynn,

Enclosed is a Notice of Change in Water Right ownership form I spoke with Gary about on January 14, 2003.

It is my understanding that you are the executors of Henry and Demaris Lister's estate. If this is correct, I feel you should complete the Change Of Ownership form in order to assure that and mailing concerning the water right claims associated with Henry Lister's property is mailed to the appropriate address.

Note that my research indicates that the intent of claim 29-10851 was to cover domestic use on your property. In order to change ownership on that right you will want to submit a copy of the deed to your current home as well.

Please feel free to contact myself or IDWR's Eastern region office, (208) 525-7161, if you have further questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 12, 2002

HENRY A LISTER
DEMARIS LISTER
5777 N RAPID CK RD
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) claims 29-10850, 29-10851, 29-10852, 29-10853.

Dear Henry and Demaris,

In 1990 you file 4 claims in the SRBA (enclosed). The Idaho Dept. of Water Resources (IDWR) is now in the process of reviewing the SRBA claims in your area. I contacted Henry on July 12, 2002 to discuss the need to meet so I can confirm the claimed water use. The four claims consist of claims for use of water from 2 different wells, Rapid Creek, and a spring all to be used for irrigation purposes.

When I spoke with you on the phone you said that you do not irrigate anything but your lawn around your home. Based on your statement I have no option but to disallow three of the claims and recommend only Domestic and Stock use under claim 29-10850.

The SRBA court requires IDWR to evaluate water-use as it existed in 1987. So even if you have not used the water recently, you may still have valid water rights if water has been historically used for irrigation on your property. However, in order to recommend the right I need to see how your irrigation system works.

At this time, I will recommend Domestic and Stock water use from the well by your home. If you feel this assessment is incorrect, please contact me (208) 590-2690.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

6-25-02

Picture is taken
Looking NW.
Shows stock and
Claimed POU.



6-25-02

SE Field, Shows
Irrigation pipe



Taken directly
Behind Clements
house. Irrigation
pipe



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

No indication of permanent or temporary diversion along reach. Could not contact claimant. If POD exists usage would appear to be stock water for horses.

Assumptions

POD does not exist.

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)

10/25/01

11.57

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

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ 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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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

Stockwater from creek (apparent). Could not contact claimant.

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)

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

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ 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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JUN 15 2001

Log for claim A29-10852

Spatial Dynamics LTD

9/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s36e	34	SESE	2	5.1	Indiscernible
06s36e	35	SWSW	3	4.7	
Totals:			5	9.8	

Stage: BENEFICIAL USE

BANNOCK County
BANNOCK County

SE

SH

Audit: 03/29/90 MOBILE2 08/04/94 THOMPSON 03/29/95 POST-STD

RECEIVED
MAR 20 1995

State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-4718

Department of Water Resources
Eastern District Office

Re: A-29-18050, A29-10852, A29-10851, A29-10853
DeMaris & Henry A. Lister
5777 N Rapid Creek Road
Teton, ID 83245
Water Adjudication
Priority Use

Domestic & stock water useage plus small use of water
from Rapid Creek for pasture.

Brief description and history of property: 127 acres

High elevation, mountainous area composed mostly of dry-graze, non-irrigated land (no row crops) with Rapid Creek running through entire length of property. Small pastures line one side of creek adjacent to the county road, with very steep land rising to higher elevation dry farms.

This is part of an original homestead dating back to about 1900, with no deeded water rights. A subsequent owner, Tom Jones, purchased the property in the late 1930's. He had the pastures along the creek improved by leveling, brush & willow clearing and diking the creek to avoid flooding during high water. These pastures remain the same today. He traded 5 acres to a Mr. Killian to drill the domestic wells for homesites and built our house for his own use in 1948. Useage of water was the same as today, i.e. D&S with supplement from creek and small springs.

Leonard Carlsen purchased and owned the property from 1955 to 1962. Same useage, no diversion for irrigation, supplement to well for watering back yard, garden, & close-in pasture.

Henry A. & DeMaris Lister purchasers - 1962 to present. Same water useage. Daughter, Kathy Wynn & husband, live on the upper homesite with the same traditional useage of water.

Note: This property lies in 4 sections, with Sec. 34 & 35 coming together in the yard. Enclosed is a copy of the county map, color coded to indicate lie of land and position of pastures and homesites.

Yellow - Property boundary
Green - Rapid Creek
Red - 2 Homesites

MICROFILMED
NOV 14 1990

The light spots between creek and county road are small pastures.

The foregoing is true to the best of our knowledge.

Henry A. Lister
Henry A. Lister

DeMaris Lister
DeMaris Lister

Subscribed and Sworn to before me, Notary Public
in and For the State of Idaho, this 17th day of
March, 1995.

Lance Lister
NOTARY

MICROFILMED
NOV 14 1996

JUN 15 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: A29-10852
Date Received: 3/29/1990
Receipt No: 1006426
Received By: CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HENRY A. LISTER 208-775-3524
Address: 5777 N. RAPID CREEK RD.
INKOM, ID 83245

AND/OR

Name: DEMARIS LISTER 208-775-3524
Address: 5777 N. RAPID CREEK RD.
INKOM, ID 83245

2. Date of Priority: APR 01, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	36E	34	SE	SE			BANNOCK
		35	SW	SW			BANNOCK

5. Description of diverting works:
PORTABLE PUMPS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.150		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 12.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 30 HORSES, CATTLE, SHEEP AND GOATS

A29-10852

Page 1

Date: 03/29/90

A2910852



MICROFILMED

NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	36E	34	SE	SE		STOCK	
			SE	SE		IRR	2.0
					Section Acres		2.0
		35	SW	SW		STOCK	
			SW	SW		IRR	3.0
					Section Acres		3.0
					Total Acres		5.0

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:

A29-10853, A29-10851, A29-10850, IN-STREAM STOCKWATER

14. Remarks:

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): Henry A. Lister Date: 3-29-90
Ronnie Lister Date: 3-29-90

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of March 19 90

Carter Fritschle
Notary Public

Seal

Carter Fritschle, Notary Public
Residing at _____ Residing at Eagle, Idaho
My commission Expires March 21, 1994
My Commission Expires _____

MICROFILMED

NOV 16 1992

A29-10852

T75

T65

R36E

P.U.

