

August 19, 2003

Randy Budge
Racine, Olson, Nye, Budge & Bailey Chartered
Center Plaza-Corner First and Center
P. O. Box 1391
Pocatello, ID 83204-1391

Re: Water Right Nos. 29-11177 and 29-11178

Dear Mr. Budge,

Thank-you for the opportunity to comment on the project referenced above. In your letter you indicate that you feel that there appears to be a discrepancy in the acreage. Specifically whether it is 263 or 280 acres.

I have reviewed the files for these two water rights and comment the following:

Prior to December 14, 1981, properties located in the NE ¼ and SE ¼ of Section 10 and the NE ¼ of Section 15 of T9S, R36E had "stacked" water rights which included rights 29-437, 29-438, 29-439, and 29-440 from Goodenough Creek and 29-2365 from Marsh Creek.

On December 14, 1981, Transfer number 2523 was approved which involved water right numbers 29-437, 29-438, 29-439, and 29-440. For your convenience, I have included a copy for your records.

Water right nos. 29-437 and 29-439 were combined into water right no. 29-11177. Water right nos. 29-438 and 29-440 were combined into water right no. 11178.

In the approved transfer, it shows that the water was purchased (from Gibsons) and moved from their original decreed location in sections 10 and 15 of T9S, R36E (no acre limit was specified in the decree) to seven quarter sections in Sections 9 and 10 that totaled 280 acres.

Transfer 2523 was subject the following conditions:

1. "The maximum rate of diversion of the combined rights identified herein shall not exceed 5.6 cfs.
2. The rights identified herein and Rights 29-2015 and 29-2365 shall provide no more than 3.5 acre-feet per acre per annum for 280 acres."

Water right 29-2365 was for 202 acres of which pertained to the same areas as the original water rights (29-437, 29-438, 29-439, and 29-440) except that the source was directly from Marsh Creek rather than Goodenough Creek. Water right 29-2015 was for 60 acres from an unnamed stream that pertained to acres within the same location to where the water was transferred. Water right 29-2015 was not claimed in the adjudication.

In the SRBA claim for the above referenced water rights, 263 acres were claimed. Hence, 263 acres were recommended. The comment concerning the irrigation of 280 acres that was included in Transfer 2523 (condition #2) still remains in effect since it was a "stacked" or "supplemental" water right.

The condition becomes problematic for administration since it now involves three separate owners of water rights within the condition. The bottom line is that:

- It did not allow the expansion of irrigated acreage.
- The irrigation of ground using this water right will require coordination with the other two water rights, 29-2365A and 29-2365B.

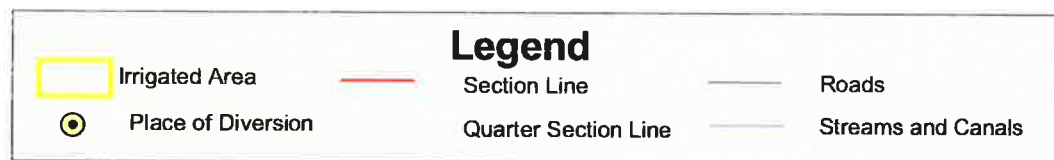
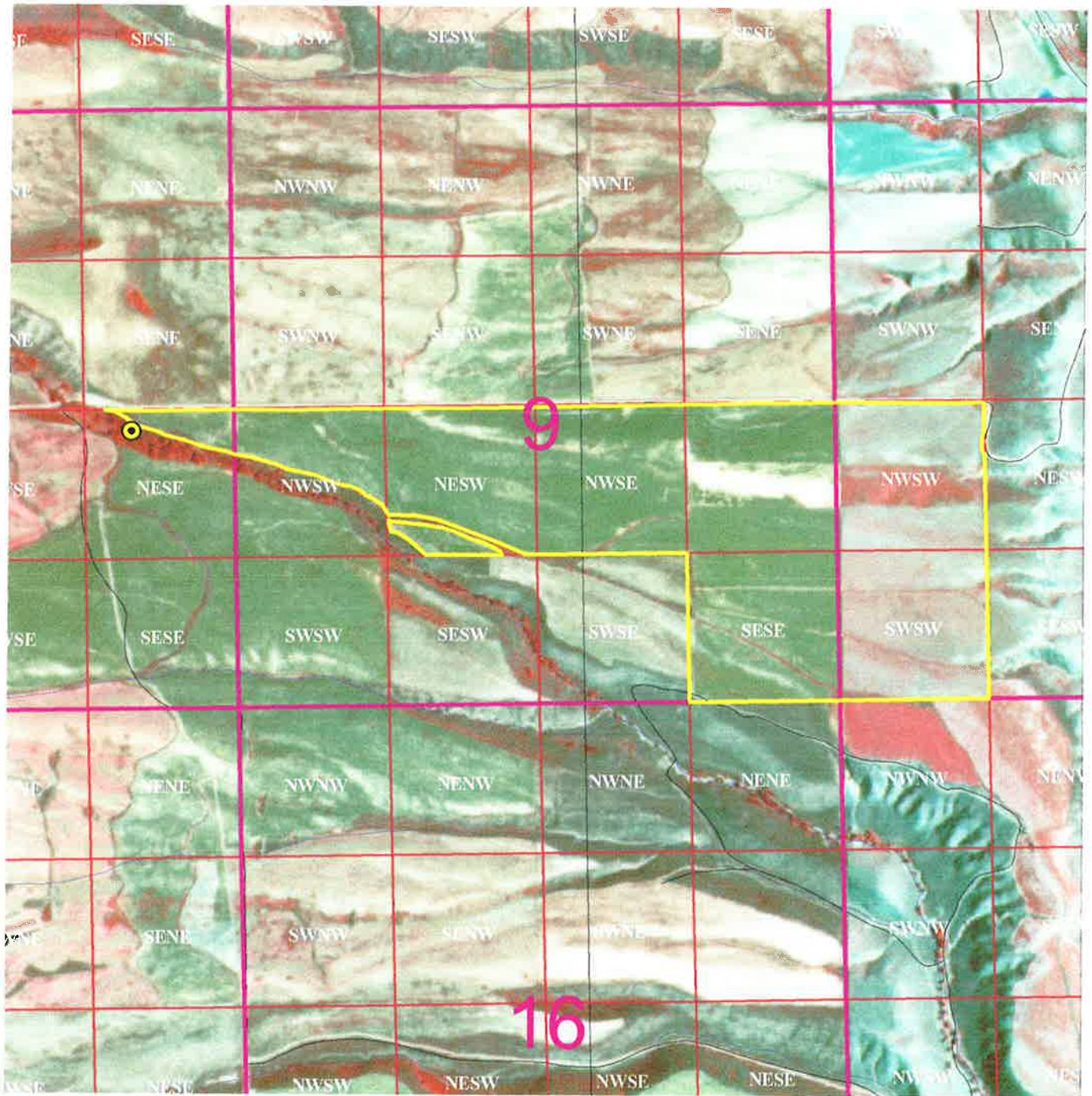
If you have any further questions concerning this right, I suggest that you contact Dave Carlson, who made the adjudication recommendation and is quite familiar on how this all came about or Ernie Carlsen, Adjudication Supervisor, who is also intimately aware of the conditions for these particular rights. I consulted both of these people in this regard and they have aided my understanding. You can reach us at (208) 525-7161. Don't be afraid to call.

Sincerely,

W. Roger Warner
Water Rights Supervisor

Enclosure: Approved application for transfer of water right no. 2523.

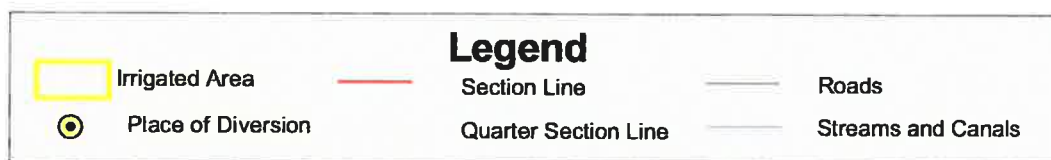
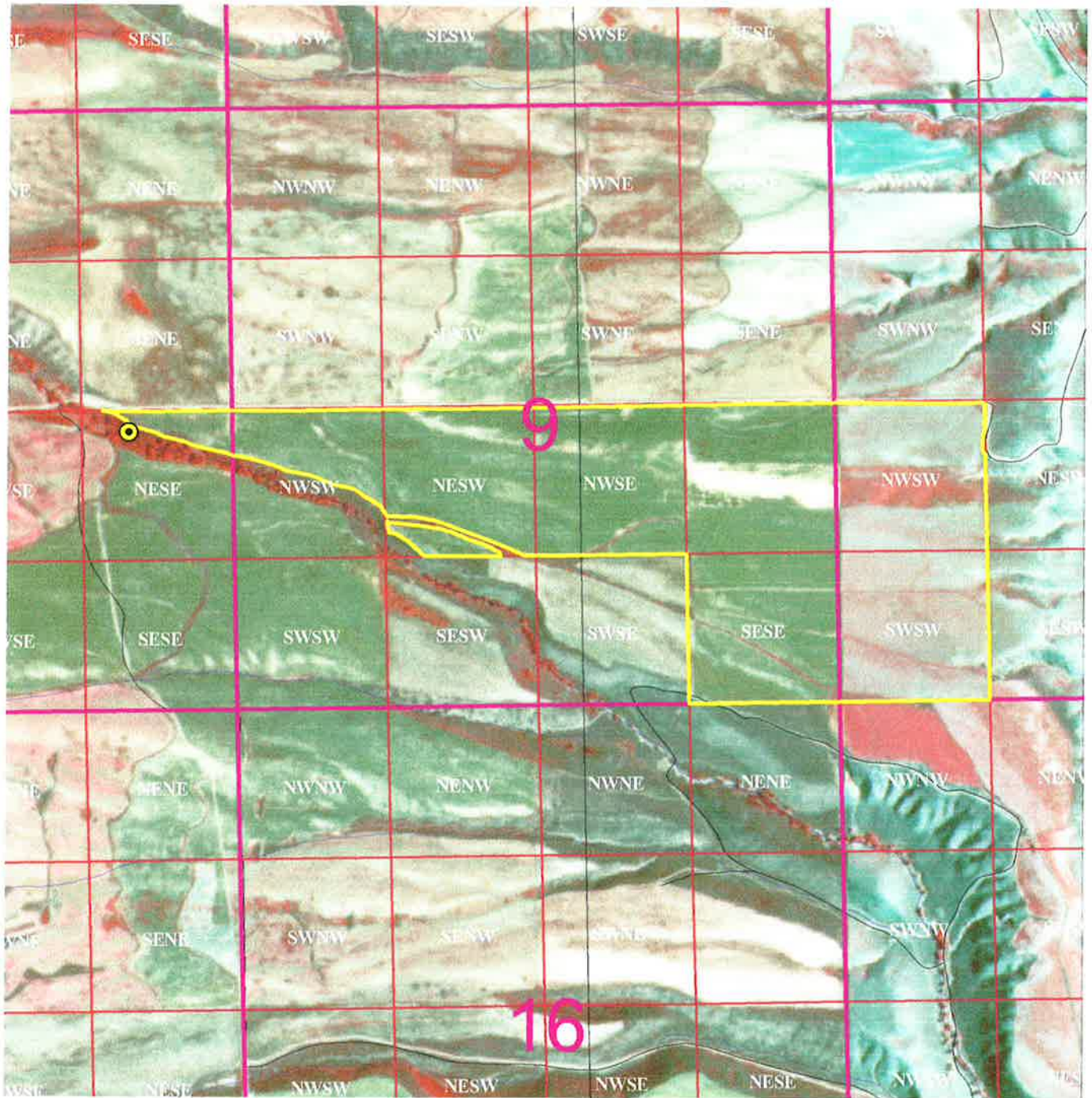
Township , 9S36E



600 0 600 1200 Feet



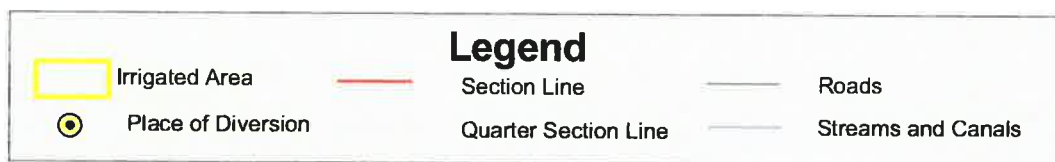
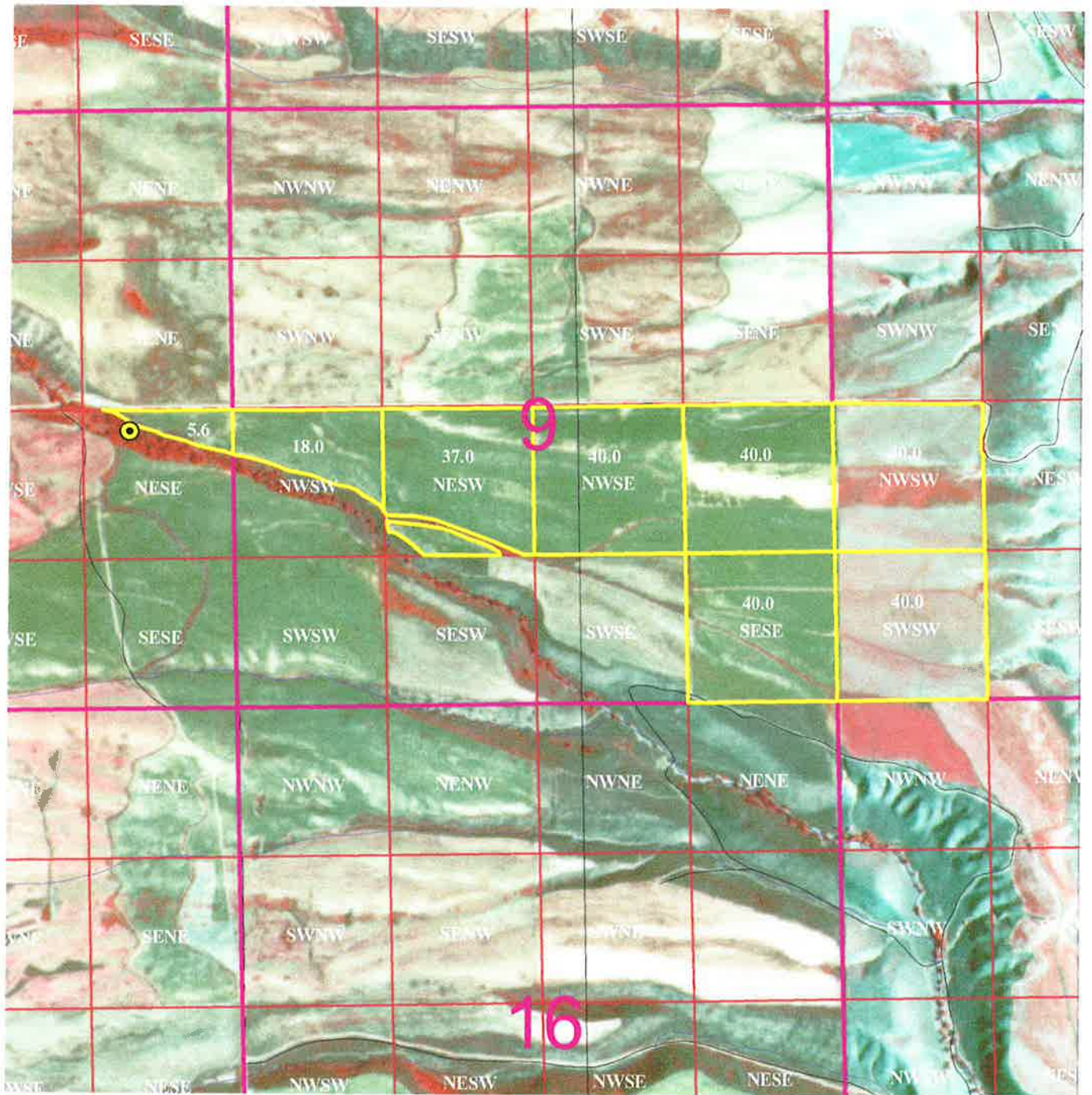
Township , 9S36E



600 0 600 1200 Feet



Township , 9S36E



600 0 600 1200 Feet



**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 L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

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
THEODORE C. PETERS
DEBORAH L. LEHOSIT

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

RECEIVED

AUG 18 2003

Department of Water Resources
Eastern Region

August 11, 2003

Roger Warner
Idaho Department of Water Resources
1301 N. Orchard Avenue
Boise, Idaho 83706

RECEIVED

AUG 13 2003

Department of Water Resources

Re: *Water Right Nos. 29-11177 and 29-11178*
Lester A. Hartvigsen Trust

Dear Roger:

I am writing with regard to the captioned rights to obtain clarification of what appears to be a discrepancy. For your convenient reference, I am enclosing copies of the following:

1. My February 12, 2002 letter to Harold Jones received by the Department on 2/13/02, submitting the original late-filed claims pertaining to these water rights.
2. Notice of Claim pertaining to each right recently obtained from the Department's data base.
3. Adjudication Recommended Right Report for each right.

It appears that the Adjudication Recommended Right Report is identical to the Notice of Claim in the data base for both of these rights. However, in comparing these to the claims as originally filed, there appears to be a discrepancy in the acreage. The original claims were for 280 acres, while both the Notice of Claim and the Recommendation reflect 263 acres as the irrigated place of use. I also note in the data base Claim and in the Adjudication Recommended Right Report, there seems to be a discrepancy between

Roger Warner
August 11, 2003
Page 2

remark number 1, which limits the irrigated acreage to 280 acres, and remark number 3, which limits the irrigated acres to 263 acres.

Would you kindly take a look at this, explain the discrepancy and make any corrections that you may feel are appropriate. Thanks for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Clients

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

BOISE OFFICE

CONRAD J. AIKEN

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

RECEIVED

AUG 13 2003

Department of Water Resources

February 12, 2002

RECEIVED

FEB 13 2002

Department of Water Resources
Eastern Region

Harold Jones
Idaho Department of Water Resources
900 N. Skyline
Idaho Falls, Idaho 83402

Re: *Lester Hartvigsen - Notice of Claim*
Water Right Nos. 29-0437, 29-0439, 29-0438, 29-0440

Dear Harold:

Enclosed please find the following submitted as late-filed claims in the SRBA:

1. Notice of Claim to a Water Right pertaining to Water Right Nos. 29-0437 and 29-0439.
2. Notice of Claim to a Water Right pertaining to Water Right Nos. 29-0438, and 29-0440.
3. Power of Attorney.
4. Hartvigsen's check in the amount of \$380 and our firm check in the amount of \$100 for a total of \$480 for filing fees

Please return an "as filed" conformed copy or other evidence of filing of these claims.

February 12, 2002

Page 2

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Randy Budge". The signature is written in dark ink and is positioned above the printed name.

RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Jim Hartvigsen

SCANNED

JUN 04 2001

Log for claim A29-11177

Spatial Dynamics LTD

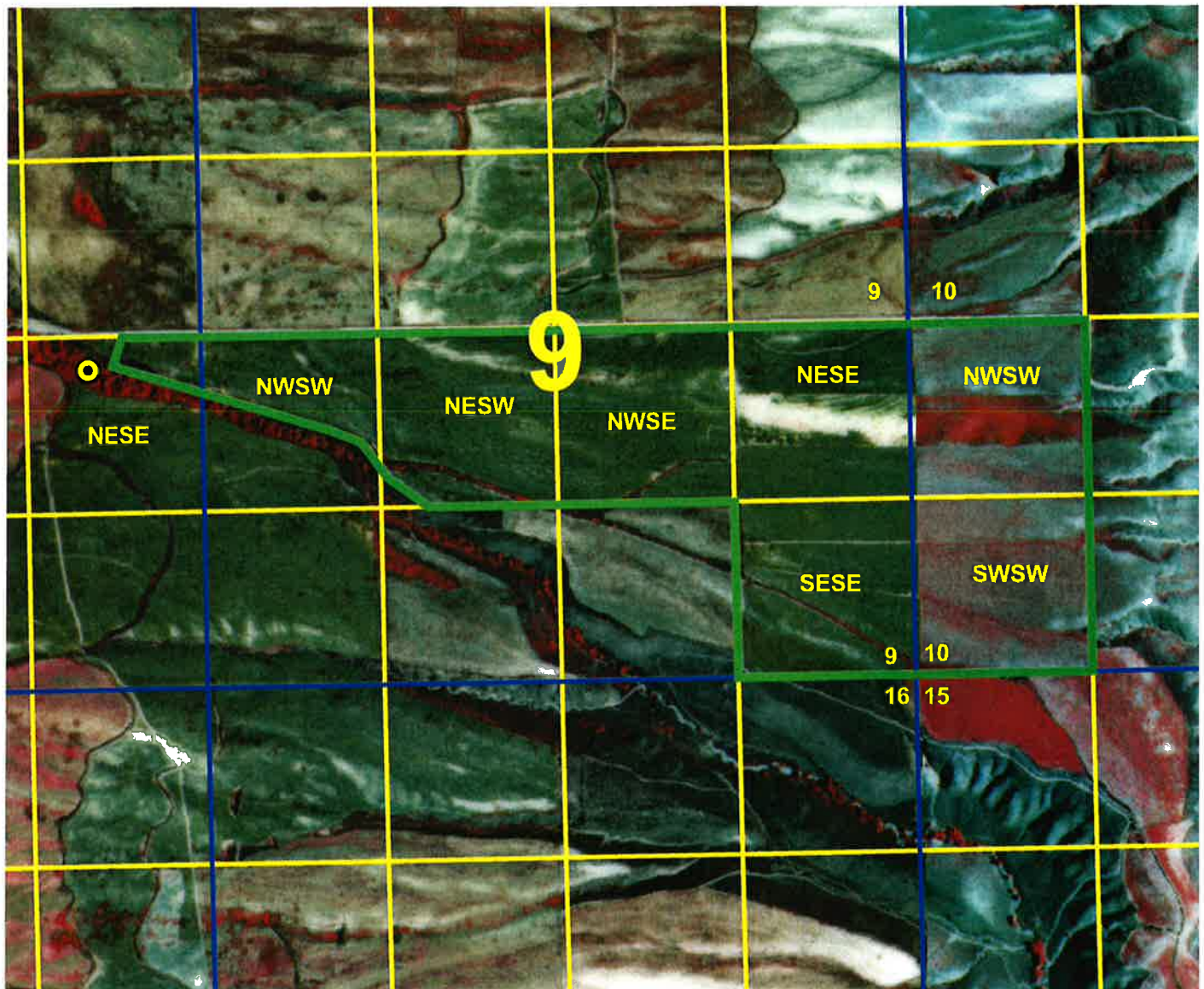
7/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	8	NESE	5	5.6	
09s36e	9	NESW	38	37	
09s36e	9	NWSW	20	18	
09s36e	9	NESE	40	40	
09s36e	9	NWSE	40	40	
09s36e	9	SESE	40	40	
09s36e	10	NWSW	40	40	
09s36e	10	SWSW	40	40	
Totals:			263	260.6	

IDAHO DEPARTMENT OF WATER RESOURCES

29-11177, 29-11178

T9S, R36E SEC 9, 10



ACRES IRRIGATED- 263



POINT OF DIVERSION



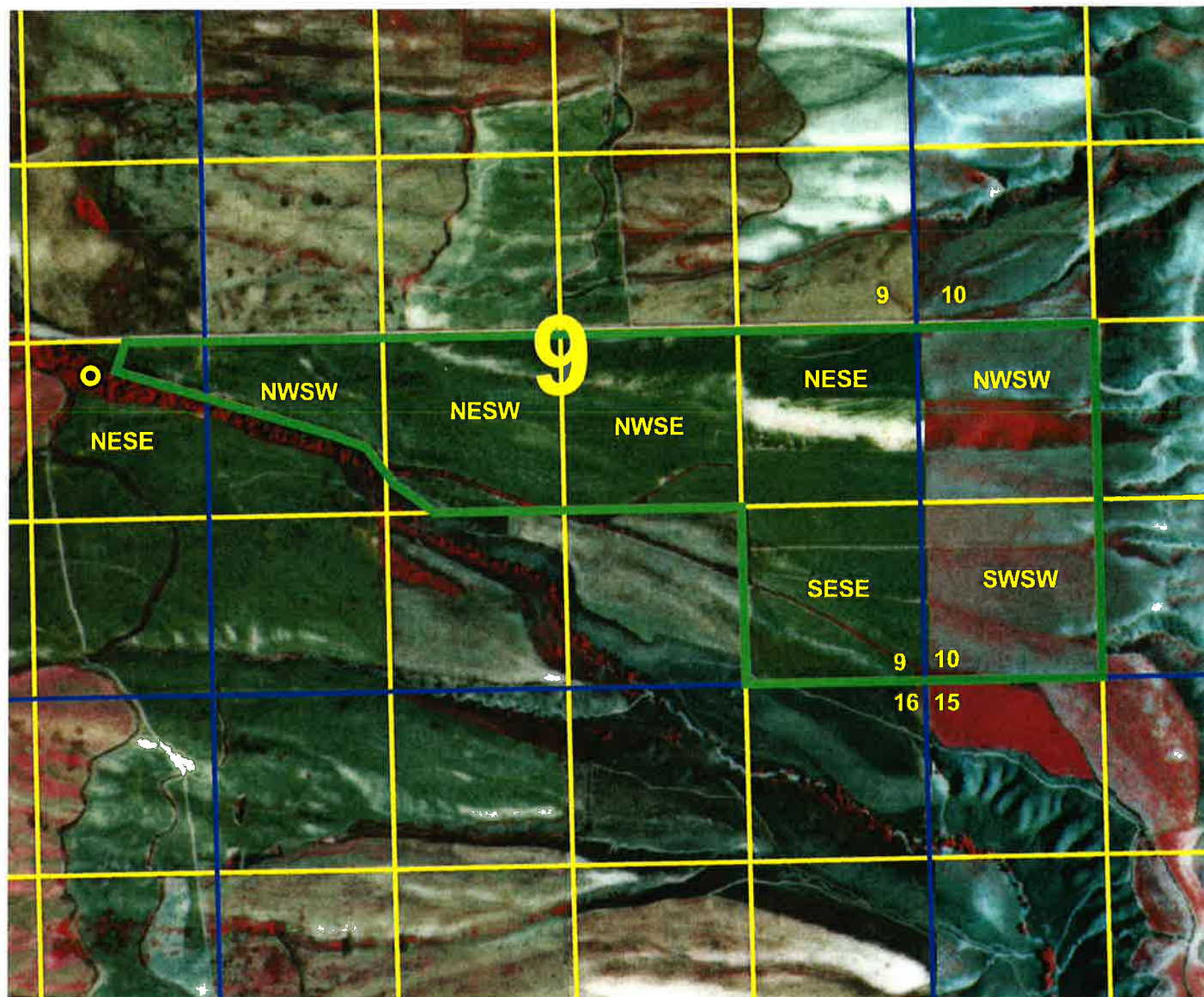
PLACE OF USE

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

IDAHO DEPARTMENT OF WATER RESOURCES

29-11177, 29-11178

T9S, R36E SEC 9, 10



ACRES IRRIGATED- 263



POINT OF DIVERSION



PLACE OF USE

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

AJ5809NP
No. A29-11177

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 223

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LESTER A HARTVIGSEN TRUST LESTER A HARTVIGSEN TRUSTOR 3084 W 3200 N SMITHFIELD UT 84335 (801) 752-7406	04/01/1897	IRRIGATION	03-15 11-15	3.000 CFS	
TOTAL DIVERSION:					3.000 CFS	
CONSUMPTIVE USE:						657.50 AFA

Water Source: GOODENOUGH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R36E S08 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
09S	36E	8	:															05		:	5.0	
09S	36E	9	:									38	20				40	40		40	:	178.0
09S	36E	10	:										40	40							:	80.0
TOTAL ACRES																				263.0		

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-11178

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00435 A29-00436 A29-11178

Other Water Rights Listing Overlapping Place(s) of Use:
A29-11178

Remarks: GEN THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523
THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

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

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

Audit: 04/11/90 WILSON 04/07/93 THOMPSON 08/04/94 THOMPSON 03/29/95 POST-STD

AJ5809NP
No. A29-11177

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 223

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LESTER A HARTVIGSEN TRUST LESTER A HARTVIGSEN TRUSTOR 3084 W 3200 N SMITHFIELD UT 84335 (801) 752-7406	04/01/1897	IRRIGATION	03-15 11-15	3.000 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.000 CFS 657.50 AFA

Water Source: GOODENOUGH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion:

T09S R36E S08

NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
09S	36E	8	:					:					:					:	05				:	5.0	
09S	36E	9	:					:					:	38	20			:	40	40		40	:	178.0	
09S	36E	10	:					:					:		40	40		:					:	80.0	
																							TOTAL ACRES		263.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-11178

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00435 A29-00436 A29-11178

Other Water Rights Listing Overlapping Place(s) of Use:
A29-11178

Remarks: GEN THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523
THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

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

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

Audit: 04/11/90 WILSON 04/07/93 THOMPSON 08/04/94 THOMPSON 03/29/95 POST-STD

APRIL 7, 1993

LESTER A HARTVIGSEN
3084 W 3200 N
SMITHFIELD UT 84335

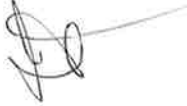
RE: LESTER A HARTVIGSEN NOTICES A29-11177 AND -11178

Dear Mr. Hartvigsen:

At your request of June 10, 1992, the above mentioned Notices of Claim have been changed to read the "Lester A Hartvigsen Trust", with you as Trustor (copies enclosed)

If I can be of further assistance, please call 525-7161.

Respectfully,



Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

MICROFILMED
APR 14 1994

SMITHFIELD. UTAH

JUNE 10. 1992

RECEIVED

JUN 12 1992

Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF WATER RESOURCES

EASTERN IDAHO OFFICE

150 SHOUP SUITE 15

IDAHO FALLS, IDAHO 83402

I HOPE THE INCLOSED DOCUMENTS SATISFY THE TRANSFER OF

MY WATER ROGHTS TP THE LESTER A, HARTVIGSEN TRUST.

Lester A Hartvigsen

LESTER A. HARTVIGSEN

LESTER A. HARTVIGSEN

3084 west 3200 NORTH

SMITFIELD, UGAH 84335

MICROFILMED

APR 14 1994

WARRANTY DEED

LESTER A. HARTVIGSEN, GRANTOR HEREBY WARRANTS AND CONVEYS TO THE LESTER A. HARTVIGSEN TRUST, LESTER A. HARTVIGSEN AS TRUSTOR AND LESTER A. HARTVIGSEN AND JAMES L. HARTVIGSEN AND KIM R. HARTVIGSEN TRUSTEES AND ANY OTHER SUCCESSOR TRUSTEES PURSUANT TO A DECLARATION OF TRUST MADE BY LESTER A. HARTVIGSEN. DATED THE 5 DAY OF June 1992.

FOR THE SUM OF TEN (10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS THE FOLLOWING DESCRIBED WATER RIGHTS FOR TRACTS OF LAND SITUATE IN SECTIONS 8, 9, AND 10 ALL IN TOWNSHIP NINE SOUTH, RANGE THIRTY SIX EAST OF THE BOISE MERIDIAN. TO WIT:

29-0437, 29-0438, 29-0439, 29-0440

ALONG WITH LIMITATIONS AND CONDITIONS 29-2015 AND 29-2365

ALSO FURTHER IDENTIFIED IN PROCEEDINGS IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS.

TO WIT:

IDENTIFICATION NUMBER A29-11177 REPRESENTING WATER RIGHTS 29-00437 and 29-00439.

IDENTIFICATION NUMBER A29-11178 REPRESENTING WATER RIGHTS 29-00438 and 29-00440.

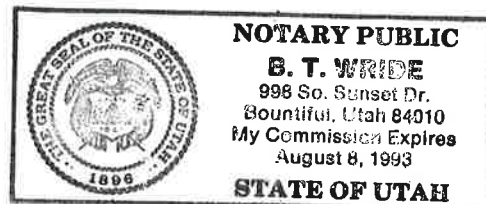
WITNESS THIS HAND OF SAID GRANTOR THIS 5 DAY OF JUNE 1992.

Lester A. Hartvigsen
LESTER A. HARTVIGSEN

STATE OF UTAH
COUNTY OF Davis

ON THIS DAY OF 5 JUNE 1992 PERSONALLY APPEARED BEFORE ME LESTER A. HARTVIGSEN THE SIGNER OF THIS WITHIN INSTRUMENT WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

B. T. Wride
NOTARY PUBLIC
RESIDING AT



MICROFILME
APR 14 1994

JUNE 16, 1992

LESTER A HARTVIGSEN
3084 WEST 3200 NORTH
SMITHFIELD UT 84335

RE: YOUR LETTER DATED JUNE 10, 1992/HARTVIGSEN TRUST

Dear Mr. Hartvigsen:

Enclosed please find a "Change in Ownership" form that must be filled out before the Department can change the names on your claims to the Hartvigsen Trust, as requested.

The only Notices we have on file for Lester Hartvigsen are A29-11177, representing 29-00437 and 29-00439, and A29-11178, representing 29-00438 and 29-00440.

Please return the Change in Ownership to this office. If you have any questions, please do not hesitate to call 525-7161.

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure

File:

MICROFILMED

APR 14 1994

29-0438

to the use of the waters of said stream for said purposes and to be used upon said lands, of 1.53 cubic feet per second of time or 76.5 miners inches measured under a four inch pressure, his right to the use thereof to date from the 1st day of May, 1901, said waters to be used upon and become appurtenant to the lands owned by the said defendant, being:

The Northwest Quarter of the Northeast Quarter of Section Fifteen (15), and the Southwest Quarter of the Southeast Quarter and Lots 7 and 8 in Section 10, all in township 9 South, Range 36 East of the Boise Meridian, Bannock County, State of Idaho,

said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range 36 East of the Boise Meridian in said county and state.

4.

It appearing to the court that since the memoranda of the decision of this court in said action that Nellie Barron Green has succeeded to the interest of J. F. Whitney, administrator of the estate of Everett Green, deceased, by reason of a decree of distribution made and entered in the Probate Court of Bannock County, State of Idaho, in the matter of the estate of Everett Green, deceased, and by agreement of counsel made in open court that the judgment in this cause may award to the said Nellie Barron Green all the interest of the said J. F. Whitney, administrator aforesaid, it is therefore ordered that the said defendants, Jared Green, Jr., and Nellie Barron Green, who has succeeded to the interest of said J. F. Whitney, administrator as aforesaid, do jointly have at all times during the irrigation season one and one-half cubic feet per second of time, or 75 miners inches measured under a four inch pressure,

29-0439

be used upon and to some appurtenant to the lands owned by the said defendant, being:

The Northwest Quarter of the Northeast Quarter of Section Fifteen (15), and the Southwest Quarter of the Southeast Quarter and Lots 7 and 8 in Section 10, all in township 9 South, Range 36 East of the Boise Meridian, Bannock County, State of Idaho,

said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range 36 East of the Boise Meridian in said county and state.

4.

29-0439
It appearing to the court that since the memoranda of the decision of this court in said action that Nellie Barron Green has succeeded to the interest of J. F. Whitney, administrator of the estate of Everett Green, deceased, by reason of a decree of distribution made and entered in the Probate Court of Bannock County, State of Idaho, in the matter of the estate of Everett Green, deceased, and by agreement of counsel made in open court that the judgment in this cause may award to the said Nellie Barron Green all the interest of the said J. F. Whitney, administrator aforesaid, it is therefore ordered that the said defendants, Jared Green, Jr., and Nellie Barron Green, who has succeeded to the interest of said J. F. Whitney, administrator as aforesaid, do jointly have at all times during the irrigation season one and one-half cubic feet per second of time, or 75 miners inches measured under a four inch pressure, of the waters of said Little Cottonwood or Goodenough Creek, for the purpose of irrigating their lands hereinafter des-

29-0440 cribed, and for culinary and domestic purposes, their right to the use of said waters to date from the 1st day of April, 1897, and also the additional right to the use of the waters of said stream for said purposes and to be used upon said lands, of 1.53 cubic feet per second of time, or 76.5 miners inches measured under a four inch pressure, their right to the use thereof to date from the 1st day of May, 1901, said waters to be used upon and become appurtenant to the lands jointly owned by the said defendants, being:-

Lots one (1), Two (2), five (5) and six (6) of Section ten (10), Township nine (9) South, Range thirty-six (36) East of the Boise Meridian, in Bannock County, State of Idaho, said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range 36 East of the Boise Meridian, in said county and state.

5.

29-0441 That the plaintiff, William Goodenough, do have at all times during the irrigation season one cubic foot per second of time, or 50 miners inches measured under a four inch pressure, of the waters of said Little Cottonwood or Goodenough Creek, for the purpose of irrigating his lands hereinafter described, and for culinary and domestic purposes, his right to the use of said waters to date from the first day of April, 1901, said waters to be used upon and become appurtenant to the lands owned by the said plaintiff, being:-

The North half of the Northwest Quarter of Section 22, the South half of the Southwest Quarter of Section 15, all in Township Nine (9) South, Range 36 East of the Boise Meridian, in Bannock County, State of Idaho,

said water being diverted from what is known as Mormon Creek to the said

WR5809NP
No. 29-00439

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/30/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JARED GREEN, JR.	04/01/1897	IRRIGATION	00/00 00/00	1.500 CFS	
C	NELLIE BARRON GREEN		DOMESTIC	00/00 00/00		
TOTAL DIVERSION:					1.500 CFS	

Water Source: LITTLE COTTONWOOD CREEK
GOODENOUGH CREEK

Tributary to: MARSH CREEK
MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R36E S08

NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
09S	36E 10	: 01-I	05-I	06-I	02-I	:				:				:				

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

Pou County: BANNOCK

Dates:	App. Received:	Priority Date:	04/01/1897
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/22/88 CONVERT 02/06/98 CLEARFLD

WR5809NP
No. 29-00437

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/30/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	B. Y. GREEN	04/01/1897	IRRIGATION DOMESTIC	00/00 00/00 00/00 00/00	1.500 CFS	
TOTAL DIVERSION:					1.500 CFS	

Water Source: LITTLE COTTONWOOD CREEK
GOODENOUGH CREEK

Tributary to: MARSH CREEK
MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T09S R36E S08

NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE												
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: SUM	
09S	36E	10	:								:						:					:				
09S	36E	15	:								:						:					:				

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

Pou County: BANNOCK

Dates:	App. Received:	Priority Date:	04/01/1897
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 06/03/85 05/22/88 CONVERT 02/06/98 CLEARFLD

29-0436 right to the use of the waters of said stream for said purposes and to be used upon said lands, of 1.1 cubic feet per second of time, or 55 miners inches measured under a four inch pressure, his right to the use thereof to date from the 1st day of May, 1901, to be used upon and become appurtenant to the lands owned by the said defendant, being:-

Lots five (5) and six (6) and the West half of the South-East Quarter of Section fifteen (15), Township Nine South, Range thirty-six East of the Boise Meridian;

Also the Southwest Quarter of the Northeast Quarter of Section fifteen (15), Township Nine (9) South, Range thirty-six East of the Boise Meridian, in Idaho,

said water being diverted from said stream at a dam placed in the channel thereof at a point where said stream passes near the center of the Northeast Quarter of the Southeast Quarter of Section eight (8), Township nine (9) South, Range thirty-six East of the Boise Meridian in said county and state.

3.

29-0437 That the defendant, B. Y. Green, do have at all times during the irrigation season one and one-half cubic feet per second of time, or 75 miners inches measured under a four inch pressure, of the waters of said Little Cottonwood or Goodenough Creek, for the purpose of irrigating his lands hereinafter described, and for culinary and domestic purposes, his right to the use of said waters to date from the 1st day of April, 1897, and also the additional right

OCT 3 1988

APPROVED

STATE OF IDAHO
Department of Water Resources
Eastern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Lester HartvigsenPhone 766-4106Post office address 255 East 155 South, Malad, ID 83252

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to B. Y. Green, Jared Green, Jr., & Nellie Barron Green(Name) A. P. Marso, Truman Rowe, B.Y. Green,
in case of William Goodenough vs Jared Green, Jr., & J. F. Whitneydated June 9, 1925 in 5th Judicial Dist. county of Bannock

(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
thru purchase of water right - see attached copy of sale.3. Source of water Goodenough Creek tributary to Marsh Creek4. Date of priority April 1, 1897 (29-0437 & 29-0439), May 1, 1901 (29-0438 & 29-0440)

5. Water is used for the following purposes:

-0437	amount	<u>1.5</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>
-0438	amount	<u>1.53</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>
-0439	amount	<u>1.5</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>
-0440	amount	<u>1.53</u>	for	<u>Irrigation</u>	purposes from	<u>Mar. 15</u>	to	<u>Nov. 15</u>

(month/day - both dates inclusive)

6. Total amount of water under right: a. 6.06 cubic feet per second
&/or
b. _____ acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8Township 9S Range 36E, B.M., in Bannock County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

*Total irrigated acres not listed in decree.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	36E	10	L.1 X	L.5 X	L.6 X	L.2 X									L.7 X		X	L.8 X	*
		15		X															*

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purposes as described above

129-2365

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion No Change

- a. Amount of water to be diverted 6.06 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

c. Description of diverting works _____

d. Describe the reasons for applying for a change in the point(s) of diversion Applicant has purchased water rights and wants to move them to his lands.

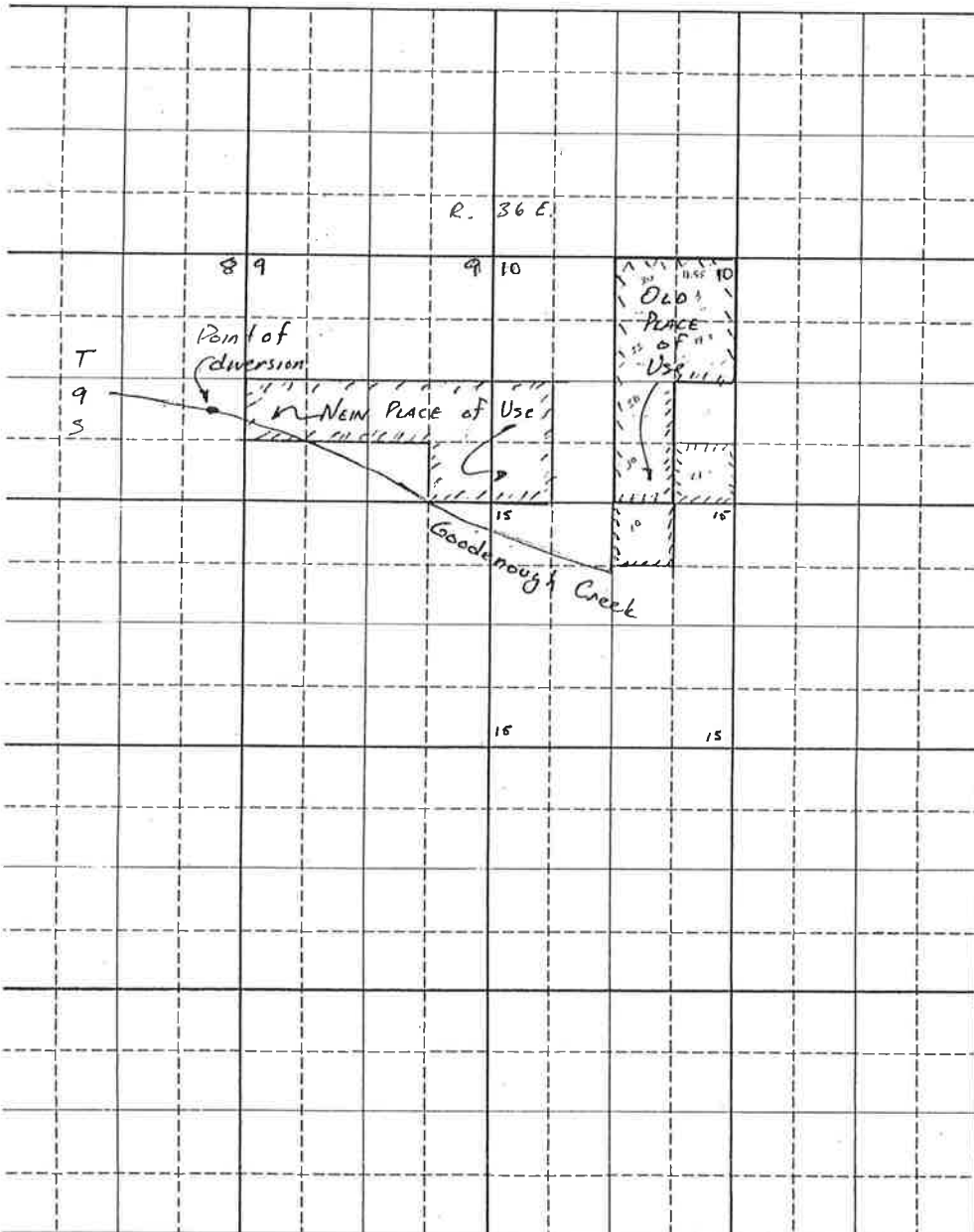
2. Change in place of use

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	36E	9									40	40			40	40		40	200
		10									40	40							80

Total number of acres to be irrigated 280

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

RECEIVED
MAY 10 1963

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 25th day of February, 19 81.
Buster Hestvedsen
(Signature of applicant)

N. Jordan
(Notary public)

My commission expires Continuous

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0437/0438/0439/0440 and said application is hereby approved, subject to the following limitations and conditions:

1. The maximum rate of diversion of the combined rights identified herein shall not exceed 5.6 cfs.
2. The rights identified herein and Rights 29-2015 and 29-2365 shall provide no more than 3.5 acre feet per acre per annum for 280 acres.

Witness my hand this 14th day of December, 19 81.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>kw</u>	Date <u>3/6/1981</u>	Protest filed by _____
Prelim. check by _____	Fee <u>50.00</u>	_____
Receipted by <u>kw</u>	Date <u>3/9/1981 #17078</u>	_____
Published in <u>Idaho State Journal</u>	Copies of protest forwarded by _____	_____
Pub. dates <u>3/19 & 3/26/ 81</u>	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <u>approval</u>	denial
_____ rec'd. _____	by <u>Der</u>	_____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 13 2003

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Lester Hartvigsen

801-752-7406

Phone (208) 766-4106

Mailing Address 255 E. 155 S., Malad, IdahoZip 832522. Date of Priority (Only one (1) per claim) May 1, 19013. Source of water supply (a) Goodenough Creekwhich is tributary to (b) Marsh Creek4. a. Location of existing point of diversion is: Township 9 S. Range 36 E. Section 8NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

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 and ditches.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.53 or _____

For Irrigation purposes from 3/15 to 11/15 amount 1.53 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.06 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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	
9S	36E	9								40	40			40	40			40	200
		10									40	40							80

Total number of acres irrigated 280 - 267?

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.

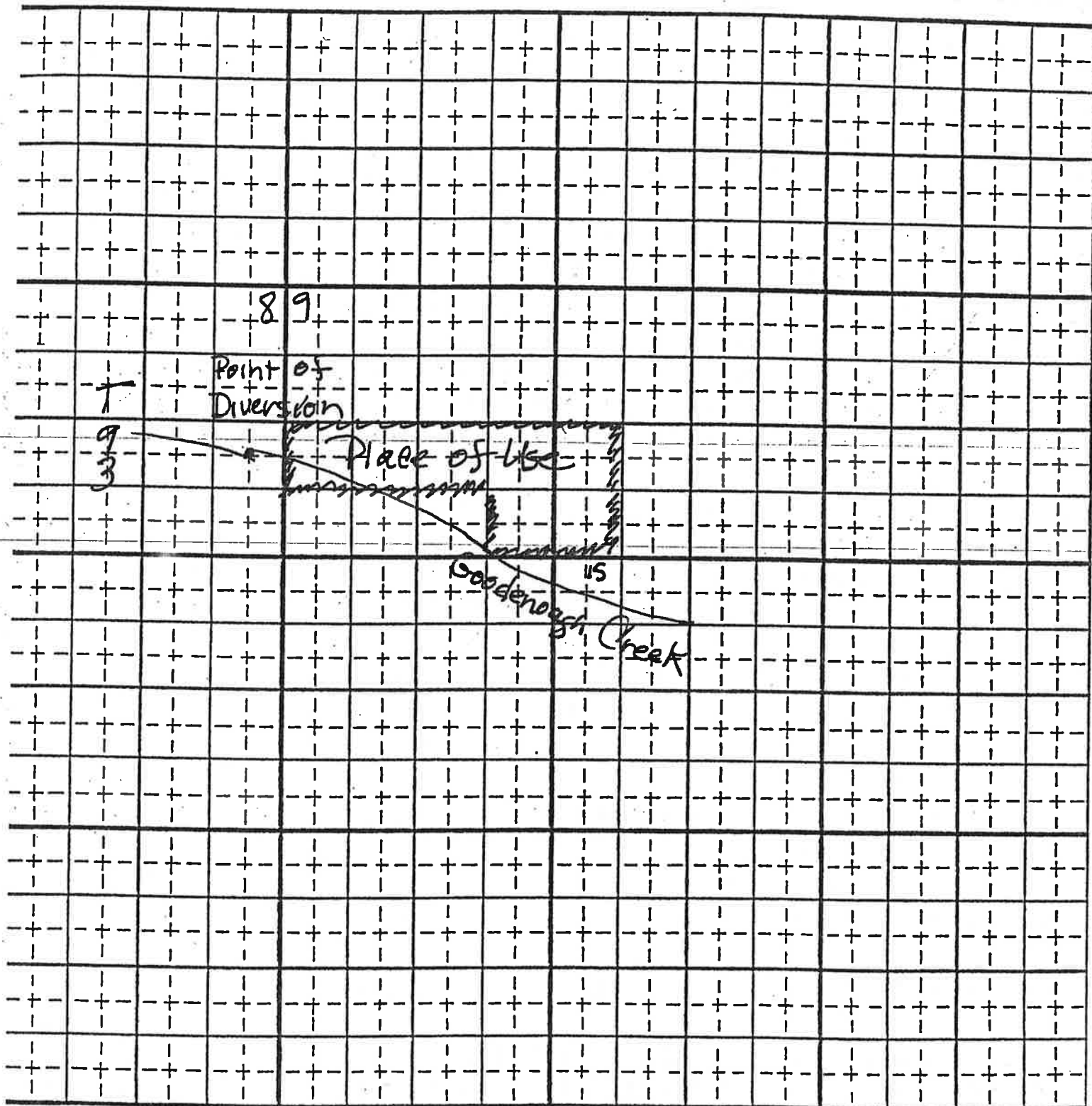
13. Describe any other water rights used at the same place and for the same purposes as described above.
29-0437, 29-0439 or None ()

14. Remarks: Property enrolled in CRP Program continuously since early 1980s,
during which time the water rights have not been used and are not subject
to forfeiture.

Last Name Hartvigsen Ident No. _____

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____ 29-0438, 29-0440

If applicable provide IDWR Water Right Number _____
Court 5th Jud. District Case Number Bannock County Decree Date 6/9/1925
Plaintiff vs Defendant William Goodenough v. A.P. Marso et al, decreed to B.Y. Green, Jared Green, Jr and Nellie Barron Green

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) Jesse A Hartvigsen Date 2/05/02
James S Hartvigsen Attorney In Fact 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 _____

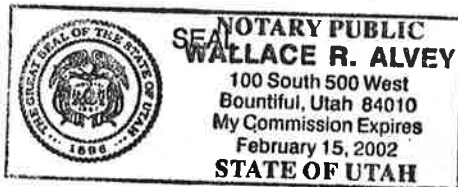
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)
County of Davis) SS.

For James L Hartvigsen
Subscribed and sworn (or affirmed) before me this 5th day of Feb 2002



Notary Public Wallace R Alvey

Residing at Bountiful

My Commission Expires 2-15-02

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 83204-1391 (208) 232-6101

Date 2/7/02 <rcb@racinelaw.net>

Last Name Hartvigsen Ident. Number _____

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, LESTER A. HARTVIGSEN, have made, constituted and appointed, and by these presents do make, constitute and appoint JAMES L. HARTVIGSEN my true and lawful attorney for me and in my name, place and stead and for all use and benefit; and said Power of Attorney shall not be affected by my disability as principal, but shall continue to be exercisable notwithstanding my later disability or incapacity; to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts legacies, bequests, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable, or belonging to me, or have, use and take, all lawful ways and means in my name or otherwise, for the recovery thereof by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances or other sufficient discharges for the same, for me and in my name to make, seal and deliver; to bargain, contract, agree for, purchase, receive and take lands, tenements, hereditaments and accept the seizing and possession of all lands, and all deeds and other assurances in the law thereof; and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate, lands, tenements and hereditaments upon such terms and conditions and under such covenants as he shall think fit. Also to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and

manner deal in and with goods, wares and merchandise, chooses in action, and other property in possession or in action, and to make, do and transact all and every kind of business of what nature or kind soever, and also for me and in my name and as my act and deed, to sign, seal, execute, deliver and acknowledge such deeds, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases and satisfaction of mortgage, judgment and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present I, Lester A. Hartvigsen, hereby ratifying and confirming all that my said attorney James L. Hartvigsen, shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 23rd
day of March, 1997.


LESTER A. HARTVIGSEN

STATE OF IDAHO

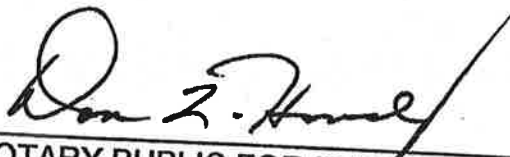
County of Caribou

)
)
) :ss

On this 23rd day of March, 1997, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared LESTER A. HARTVIGSEN, known by me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)


NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs, Idaho
Commissions expires July 30, 1997

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 13 2003

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Lester Hartvigsen801-752-7406
Phone (208) 766-4106Mailing Address 255 E. 155 S., Malad, IdahoZip 83252✓ 2. Date of Priority (Only one (1) per claim) 4/1/1897✓ 3. Source of water supply (a) Goodenough Creek
which is tributary to (b) Marsh Creek4. a. Location of existing point of diversion is: Township 9 S. Range 36 E. Section 8,
NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

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 and ditches.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

✓ For Irrigation purposes from 3/15 to 11/15 amount 1.5 or _____
 For Irrigation purposes from 3/15 to 11/15 amount 1.5 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.0 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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	
9S	36E	9									40	40			40	40		40	200
		10										40	40						80

Total number of acres irrigated 280

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.

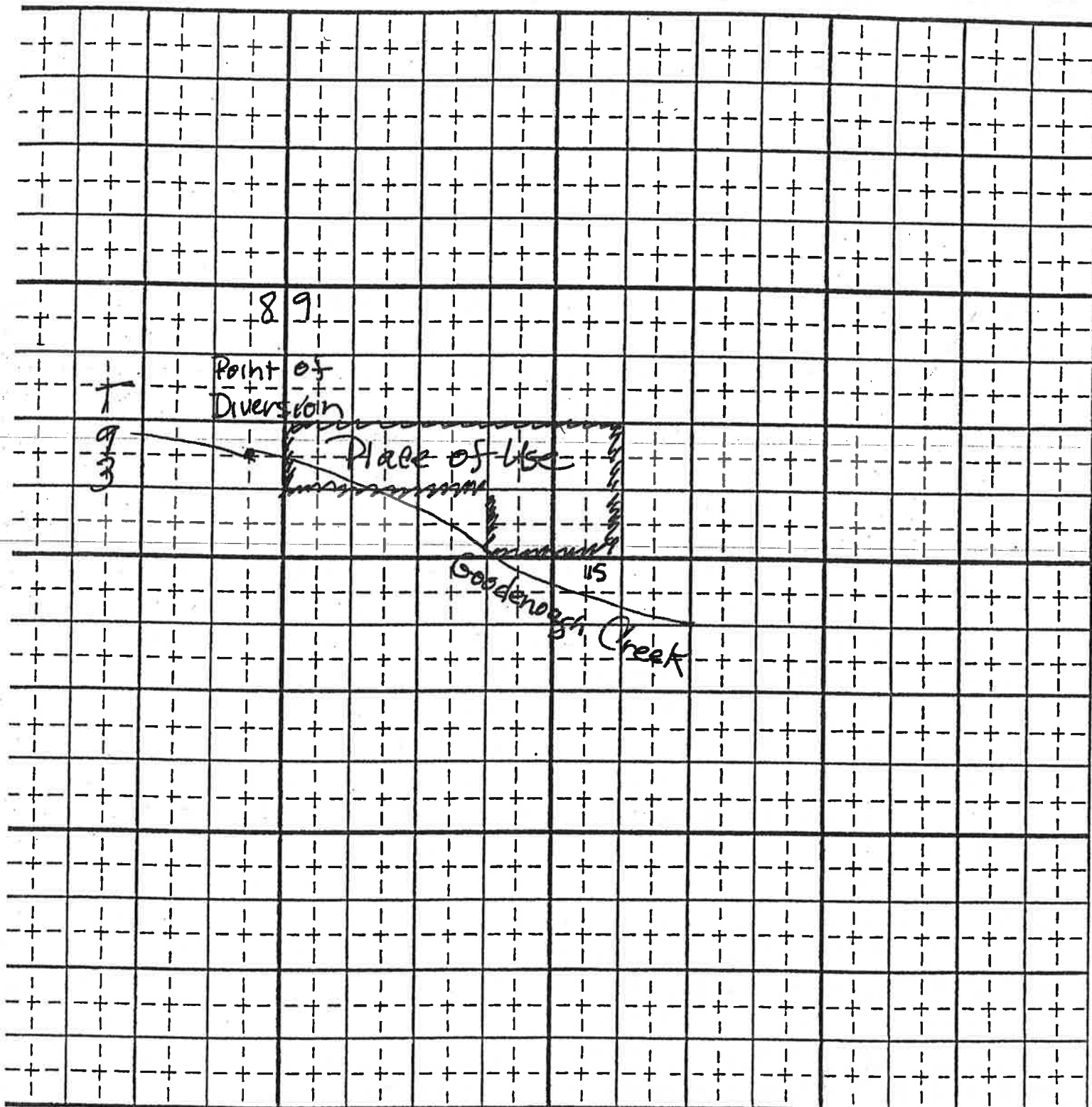
13. Describe any other water rights used at the same place and for the same purposes as described above.
29-0438, 29-0440 or None ()

14. Remarks: Property enrolled in CRP Program continuously since early 1980s,
during which time the water rights have not been used and are not subject
to forfeiture.

Last Name Hartvigsen Ident No. _____

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____ 29-0437, 29-0439

If applicable provide IDWR Water Right Number _____
Court 5th Jud. District Case Number Bannock County Decree Date 6/9/1925
Plaintiff vs Defendant William Goodenough v. A.P. Marso et al, decreed to B.Y. Green, Jared Green, Jr and Nellie Barron Green

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) James L. Hartvigen Date 2/05/02
James L. Hartvigen Attorney In Fact Date _____

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

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

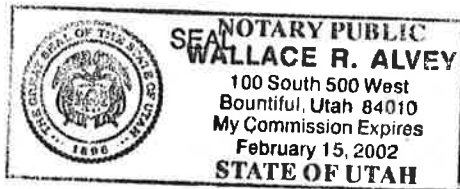
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Utah)
County of Davis) SS.

For James L. Hartvigen
Subscribed and sworn (or affirmed) before me this 5th day of Feb 20 02



Notary Public Wallace R Alvey

Residing at Bountiful

My Commission Expires 2-15-02

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 83204-1391 (208) 232-6101

Date 2/7/02 <rcb@ractalaw.net>

Last Name Hartvigen Ident. Number _____

DURABLE POWER OF ATTORNEY

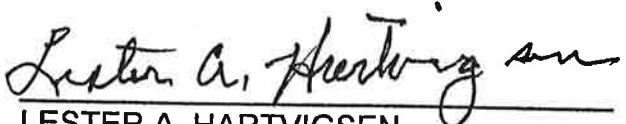
KNOW ALL MEN BY THESE PRESENTS:

That I, LESTER A. HARTVIGSEN, have made, constituted and appointed, and by these presents do make, constitute and appoint JAMES L. HARTVIGSEN my true and lawful attorney for me and in my name, place and stead and for all use and benefit; and said Power of Attorney shall not be affected by my disability as principal, but shall continue to be exercisable notwithstanding my later disability or incapacity; to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts legacies, bequests, interests, dividends, annuities and demands whatsoever, as are now or shall hereafter become due, owing, payable, or belonging to me, or have, use and take, all lawful ways and means in my name or otherwise, for the recovery thereof by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances or other sufficient discharges for the same, for me and in my name to make, seal and deliver; to bargain, contract, agree for, purchase, receive and take lands, tenements, hereditaments and accept the seizing and possession of all lands, and all deeds and other assurances in the law thereof; and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate, lands, tenements and hereditaments upon such terms and conditions and under such covenants as he shall think fit. Also to bargain and agree for, buy, sell, mortgage, hypothecate, and in any and every way and

manner deal in and with goods, wares and merchandise, chooses in action, and other property in possession or in action, and to make, do and transact all and every kind of business of what nature or kind soever, and also for me and in my name and as my act and deed, to sign, seal, execute, deliver and acknowledge such deeds, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases and satisfaction of mortgage, judgment and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting to my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present I, Lester A. Hartvigsen, hereby ratifying and confirming all that my said attorney James L. Hartvigsen, shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 23rd day of March, 1997.


LESTER A. HARTVIGSEN

STATE OF IDAHO

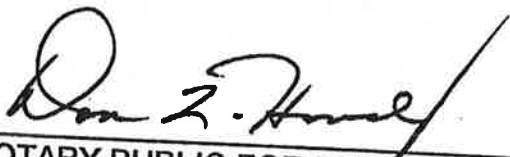
County of Caribou

)
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)
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On this 23rd day of March, 1997, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared LESTER A. HARTVIGSEN, known by me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)


NOTARY PUBLIC FOR IDAHO
Residing at Soda Springs, Idaho
Commissions expires July 30, 1997

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 29-11178
Date Received: 4/9/1990
Receipt No: E012956
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 13 2003

Department of Water Resources

1. Name of Claimant(s)

LESTER A HARTVIGSEN TRUST Phone: (801) 752-7406

LESTER A HARTVIGSEN TRUSTOR
3084 W 3200 N
SMITHFIELD UT USA 84335

2. Date of Priority: 05/01/1901

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	36E	8	NE SE	BANNOCK	

5. Description of diverting works:

HEADGATE DITCH TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	3.06	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	36E	8	NE SE	IRRIGATION	5

					Section Acres	5
09S	36E	9	NE	SW	IRRIGATION	38
			NW	SW	IRRIGATION	20
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	178
09S	36E	10	NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
					Section Acres	80
					Total Acres	263

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:

THIS RIGHT REPRESENTS A COMBINATION OF 29-00438 & 29-00440 TRANSFER #2523 THE RIGHT WHEN COMBINED WITH A29-11177 SHALL NOT EXCEED 5.6 CFS.

15. Basis of Claim: Decreed

16. Signature(s)

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 29-11177
Date Received: 4/9/1990
Receipt No: E012956
Received By:

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

RECEIVED

AUG 13 2003

Department of Water Resources

1. Name of Claimant(s)

LESTER A HARTVIGSEN TRUST Phone: (801) 752-7406

LESTER A HARTVIGSEN TRUSTOR
3084 W 3200 N
SMITHFIELD UT USA 84335

2. Date of Priority: 04/01/1897

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	36E	8	NE SE	BANNOCK	

5. Description of diverting works:

HEADGATE DITCH TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

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

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	36E	8	NE SE	IRRIGATION	5

					Section Acres	5
09S	36E	9	NW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			NE	SW	IRRIGATION	38
			NE	SE	IRRIGATION	40
			NW	SW	IRRIGATION	20
					Section Acres	178
09S	36E	10	NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
					Section Acres	80
					Total Acres	263

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:

THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439 TRANSFER #2523 THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

15. Basis of Claim: Decreed

16. Signature(s)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

08/08/2003

RECEIVED

AUG 13 2003

Department of Water Resources

WATER RIGHT NO. 29-11177 - (0437, 0439)

Owner Type	Name and Address
Current Owner	LESTER A HARTVIGSEN TRUST LESTER A HARTVIGSEN TRUSTOR 3084 W 3200 N SMITHFIELD, UT 84335 (801)752-7406
Original Owner	B Y GREEN

Priority Date: 04/01/1897

Basis: Decreed

Status: Active

Source	Tributary
GOODENOUGH CREEK	MARSH CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	3 CFS	
Total Diversion			3 CFS	

Location of Point(s) of Diversion:

GOODENOUGH CREEK	NESE	Sec. 08	Township 09S	Range 36E	BANNOCK County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	36E	8		NESE	4									
		9		NESW	39		NWSW	20						
				NESE	40		NWSE	40		SESE	40			
		10		NWSW	40		SWSW	40						

Total Acres: 263

Conditions of Approval:

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.
--------	---

Remarks:

1. Place of Use - Irrigation	USE OF THIS RIGHT AND THE USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2365A, 29-2365B, 29-11177, 29-11178
2. Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.6 CFS. COMBINED RIGHT NOS.: 29-11177, 29-11178.
3. Place of Use - Irrigation	USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-11177, 29-11178
4. Explanatory	THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-00437, 29-00439.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

08/08/2003

RECEIVED**AUG 13 2003**

Department of Water Resources

WATER RIGHT NO. 29-11178 (0438, 0440)

Owner Type	Name and Address
Current Owner	LESTER A HARTVIGSEN TRUST LESTER A HARTVIGSEN TRUSTOR 3084 W 3200 N SMITHFIELD, UT 84335 (801)752-7406
Original Owner	NELLIE BARRON GREEN
Original Owner	JARED GREEN JR

✓ Priority Date: 05/01/1901
✓ Basis: Decreed
Status: Active

Source	Tributary
GOODENOUGH CREEK	MARSH CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	3.06 CFS	
Total Diversion			3.06 CFS	

Location of Point(s) of Diversion:

GOODENOUGH CREEK	NESE	Sec. 08	Township 09S	Range 36E	BANNOCK County
------------------	------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	36E	8		NESE	4									
		9		NESW	39		NWSW	20						
				NESE	40		NWSE	40		SESE	40			
		10		NWSW	40		SWSW	40						

Total Acres: 263

Conditions of Approval:

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.
----	-----	---

Remarks:

1.	Place of Use - Irrigation	USE OF THIS RIGHT AND THE USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-2365A, 29-2365B, 29-11177, 29-11178
2.	Quantity	USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.6 CFS. COMBINED RIGHT NOS.: 29-11177, 29-11178.
3.	Place of Use - Irrigation	USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-11177, 29-11178
4.	Explanatory	THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-00438, 29-00440.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

RIGHT NUMBER: 29-11177

NAME AND ADDRESS: LESTER A HARTVIGSEN TRUST
LESTER A HARTVIGSEN TRUSTOR
3084 W 3200 N
SMITHFIELD UT 84335

SOURCE: GOODENOUGH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 3.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.6 CFS. COMBINED RIGHT NOS.: 29-11177,
29-11178.

PRIORITY DATE: 04/01/1897

POINT OF DIVERSION:

T09S R36E S8 NESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.000 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R36E S10	NWSW	40.0	T09S R36E S10	SWSW	40.0
T09S R36E S08	NESE	4.0	T09S R36E S09	NESW	39.0
T09S R36E S09	NWSW	20.0	T09S R36E S09	NESE	40.0
T09S R36E S09	NWSE	40.0	T09S R36E S09	SESE	40.0

263 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-11177, 29-11178

USE OF THIS RIGHT AND THE USE OF THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 280 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-2365A, 29-2365B, 29-11177, 29-11178

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

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

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-00437, 29-00439.

SCANNED

JUN 04 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: A29-11177
Date Received: 4/ 9/1990
Receipt No: E012956
Received By:

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: LESTER A. HARTVIGSEN TRUST
Address: LESTER A HARTVIGSEN TRUSTOR
3084 W 3200 N
SMITHFIELD UT 84335
801-752-7406

2. Date of Priority: APR 1, 1897

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	36E	8	NE	SE			BANNOCK

5. Description of diverting works:
HEADGATE DITCH TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

8. Total consumptive use is 657.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	8	NE	SE		IRR	5.0

MICROFILMED

APR 14 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						5.0
		9	NE	SW	IRR	38.0
			NW	SW	IRR	20.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						178.0
		10	NW	SW	IRR	40.0
			SW	SW	IRR	40.0
Section Acres						80.0
Total Acres						263.0

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:
A29-11178

14. Remarks:

THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523

THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

WILLIAM GOODENOUGH
Decree Plaintiff

A. P. MARSO
vs Decree Defendant

MICROFILMED

APR 14 1994

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: A29-11177
Date Received: 4/09/1990
Receipt No: E012956
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LESTER A. HARTVIGSEN
Address: 3084 WEST 3200 NORTH
SMITHFIELD, UT

801-752-7406

84335

2. Date of Priority: APR 01, 1897

3. Source: GOODENOUGH CREEK

Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	Count
09S	36E	8	NE	SE			BANNOC

5. Description of diverting works:
HEADGATE DITCH TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		

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

A.F.A.

8. Total consumptive use is 657.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	8	NE	SE		IRR	5.0

Section Acres 5.0

A29-11177

Page 1

Date: 04/09/90

MICROFILMED
NOV 16 1992



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	36E	9	NE		SW		IRR	38.0
			NW		SW		IRR	20.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	178.0
		10	NW		SW		IRR	40.0
			SW		SW		IRR	40.0
							Section Acres	80.0
							Total Acres	263.0

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:
A29-11178

14. Remarks:
THIS RIGHT REPRESENTS A COMBINATION OF 29-00437 & 29-00439
TRANSFER #2523
THE RIGHT WHEN COMBINED WITH A29-11178 SHALL NOT EXCEED 5.6 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

WILLIAM GOODENOUGH
Decree Plaintiff

vs A. P. MARSO
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Lester & Hartvigsen Date: 4-9-'90
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9th day

of Apr 19 90

Betty J. Thompson
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

RIGHT NUMBER: 29-11178

NAME AND ADDRESS: LESTER A HARTVIGSEN TRUST
LESTER A HARTVIGSEN TRUSTOR
3084 W 3200 N
SMITHFIELD UT 84335

SOURCE: GOODENOUGH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 3.06 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.6 CFS. COMBINED RIGHT NOS.: 29-11177,
29-11178.

PRIORITY DATE: 05/01/1901

POINT OF DIVERSION:

T09S R36E S8 NESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.060 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R36E S10	NWSW	40.0	T09S R36E S10	SWSW	40.0
T09S R36E S08	NESE	4.0	T09S R36E S09	NESW	39.0
T09S R36E S09	NWSW	20.0	T09S R36E S09	NESE	40.0
T09S R36E S09	NWSE	40.0	T09S R36E S09	SESE	40.0

263 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-11177, 29-11178

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

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

EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-00438, 29-00440.

A. ROOT WATER RIGHT NUMBERS: A29-11177

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09S	36E	8	NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 5.0	- /			
			NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 5.0	- /			
09S	36E	9	NE	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 38.0	- /			
			NE	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 38.0	- /			
			NE	SW		GREEN, JR., JARED		29-02015 / 20.0			
09S	36E	9	NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 20.0	- /			
			NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 20.0	- /			
			NW	SW		GREEN, JR., JARED		29-02015 / 20.0			
09S	36E	9	NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			NE	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
09S	36E	9	NW	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			NW	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
			NW	SE		GREEN, JR., JARED		29-02015 / 20.0			
09S	36E	9	SE	SE		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			SE	SE		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
09S	36E	10	NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			NW	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			
09S	36E	10	SW	SW		HARTVIGSEN TRUST, LESTER A	A29-11177 / 40.0	- /			
			SW	SW		HARTVIGSEN TRUST, LESTER A	A29-11178 / 40.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES

A29-11177

263.00

POU COUNTY: BANNOCK

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
A29-11177	09S	36E	8		NE	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-00435 NONE
A29-00436
A29-11178

WR RECORDS IN SAME 40 ACRE TRACT
29-00433
29-00434
29-00435
29-00436
29-00437
29-00438
29-00439
29-00440

SOURCE: GOODENOUGH CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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)

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
A29-11177	GOODENOUGH CREEK	HARTVIGSEN TRUST, LESTER A	3.000	0.011		
A29-11178	GOODENOUGH CREEK	HARTVIGSEN TRUST, LESTER A	3.060	0.011		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-11178

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()

Bannock County
Dry Canon Creek
1.2 sec.ft.
Irrigation
Priority 9-27-05

STATE OF IDAHO

Water License No 610.

WHEREAS, On the 20th day of May, A.D. 1904, JARED GREEN, JR. of McCammon, County of Bannock, and State of Idaho, duly made application (No. 860) to me for a permit to use 3 cubic feet per second of the waters of Dry Canon Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 25th day of May, A.D. 1904, Permit NO. 610 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of May, A.D. 1905, and for the application to beneficial use of said water on or before the 21st day of November, A. D. 1905, and,

WHEREAS, On the 11th day of May, A.D. 1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3 cubic feet per second of said waters, as evidenced by my Certificate No. 610, dated August 3, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3 cubic feet per second of water, with date of priority of May 20, 1904, and,

WHEREAS, On the 1st day of April, A.D. 1907, proof was duly made of the application to beneficial use of one and two-tenths cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JARED GREEN, JR. of McCammon, Idaho, the holder and owner of said Permit No. 610 a perpetual right, dating from September 27, 1905, to the use of one and two-tenths cubic feet per second of the waters of Dry Canon Creek in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at NW 1/4 of SE 1/4 Section 5, Township 9 South, Range 36 East of Boise Meridian, and conducted to and upon (20 acres in Northwest quarter of Southeast quarter (NW 1/4 SE 1/4) 20 acres in Northwest quarter of Northwest quarter (NW 1/4 NW 1/4) 20 acres in Northeast quarter of Southwest quarter (NE 1/4 SW 1/4) All in Sec. 5, Township 9 South, Range 36 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho,
this 17th day of May, A. D. Nineteen Hundred and seven.

Jas. Stephenson, Jr.,

State Engineer.

