

04/09/2003

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

RIGHT NUMBER: 29-13372

NAME AND ADDRESS: MONTE LISH
2263 N INKOM RD
INKOM ID 83245

SHELLEY LISH
2263 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.074 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.111 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 NENENE Within BANNOCK County Source: RAPID CREEK

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.074 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 NESE 2.1 T07S R36E S22 SESE 1.6

STOCKWATER same as IRRIGATION

3.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

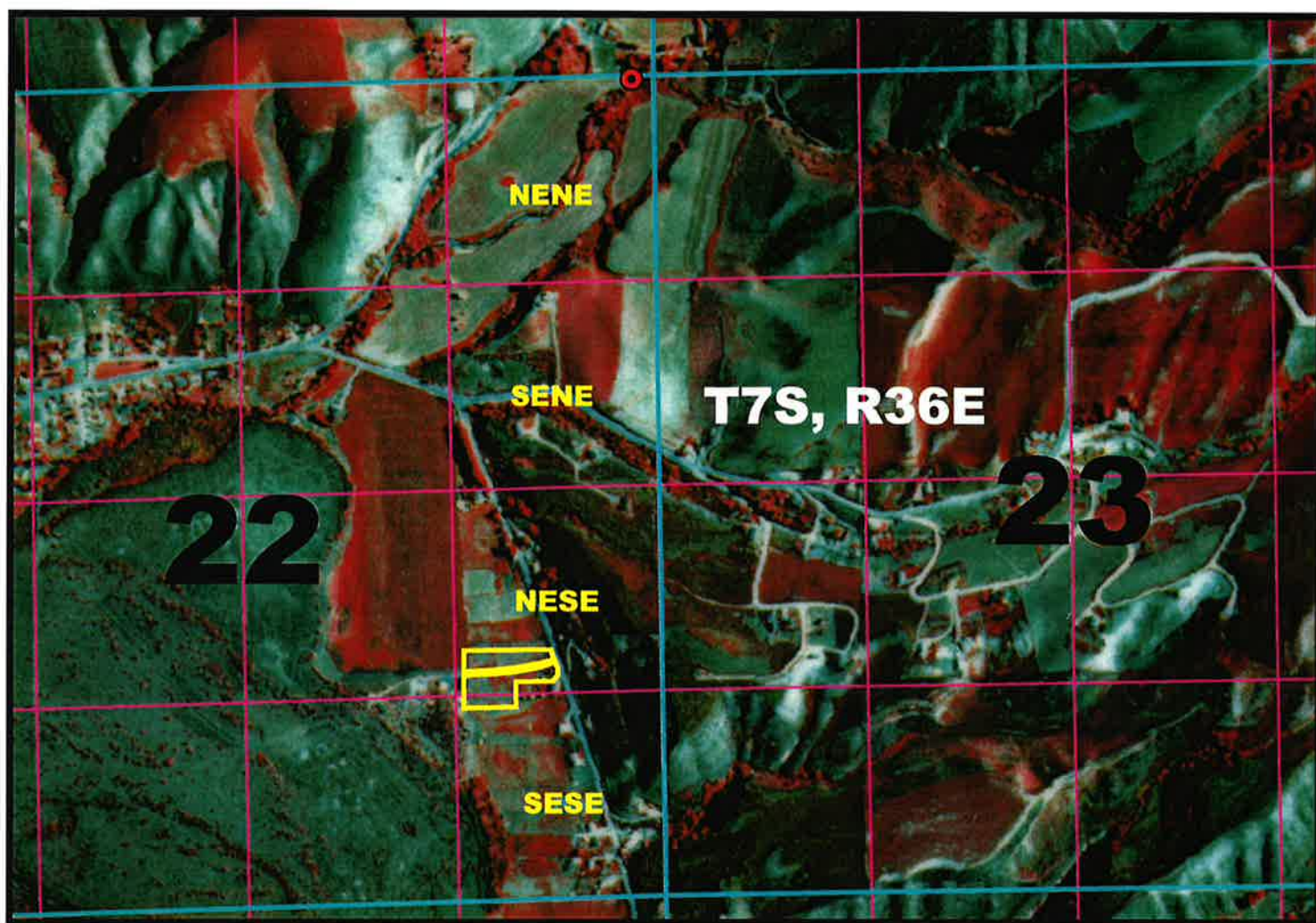
Stockwater use is for 4 horses.



STATE OF IDAHO

Department of Water Resources
Eastern Region

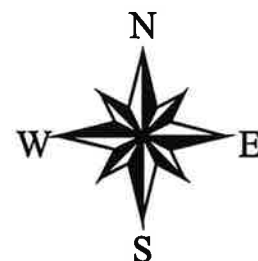
Water Right(s): 29-13372



1320 0 1320 2640 3960 Feet

Total Irrigated Acres: 3.7

-  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: December 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13372 V1

WATER RIGHT NUMBER: 29-13372 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SAM LISH 2277 N INKOM RD INKOM, ID 83245 (208)775-4492
Current Owner	MONTE LISH 2263 N INKOM RD INKOM, ID 83245 (208)775-3795
Current Owner	SHELLEY LISH 2263 N INKOM RD INKOM, ID 83245

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.074 CFS	
STOCKWATER	04/01 to 10/31	0.020 CFS	
<u>Total Diversion:</u>		0.074 CFS	

Location of Point(s) of Diversion

RAPID CREEK	NE1/4NE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

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	
07S	36E	22													2.1			1.6	3.7

Total Acres: 3.7

STOCKWATER same as IRRIGATIONConditions 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.
2. X02 Stockwater use is for 4 horses.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13372 V1

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.111 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.7 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 12/17/2002 Diversion Rate

Comment: This right was over claimed. Deeds were requested from all claimants. Some claimants were deeded 1 inch per acre, some claimants were deeded ½ inch per acre, and some of the claimant deeds were silent. If the deed shows a duty of water, that amount recommended. Claimants that did not provide a deed will be recommended ½ inch per acre. Jackson creek water is used on this property (co-mingled with Rapid Creek). However Jackson Creek water was not decreed. Use of Jackson creek water is treated as a beneficial use right. Some users of Rapid Creek would not file a claim on Jackson Creek. When Jackson Creek water is being delivered, they will not have right to be on the rotation.

2. csaxton 12/17/2002 POD

Comment: POD not defined in Decree. No C03.

3. csaxton 12/17/2002 Stock SOU

Comment: No evidence that stockwater is diverted outside the irrigation SOU.

4. csaxton 12/17/2002 POU

Comment: Deed provided by claimant was used for acreage distribution.

5. csaxton 4/9/2003 C/O

Comment: Changed ownership per claimant request.

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: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/17/2002 3:30:06 PM	csaxton			Active
Priority Date	12/17/2002 3:30:29 PM	csaxton			Active
POD	12/17/2002 3:30:40 PM	csaxton			Active
Source	12/17/2002 3:31:40 PM	csaxton			Active
POU	12/17/2002 3:31:54 PM	csaxton			Active
Use	12/17/2002 3:32:33 PM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13372 V1

Season	12/17/2002 3:32:48 PM	csaxton	Active
Quantity	12/17/2002 3:34:15 PM	csaxton	Active
Summary	12/17/2002	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	12/17/2002 3:30:06 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field Exam 5/31/02
POD	12/17/2002 3:30:41 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (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	12/17/2002 3:31:08 PM	csaxton	Edited PLS
Source	12/17/2002 3:31:40 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Priority Date	12/17/2002 3:30:30 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/17/2002 3:30:53 PM	csaxton	Edited point location
POU	12/17/2002 3:31:55 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	12/17/2002 3:32:12 PM	csaxton	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13372 V1

Use	12/17/2002 3:32:33 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/17/2002 3:32:48 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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	12/17/2002 3:34:15 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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? (Yes) 12. Is a Quantity remark or condition required?
Summary	12/17/2002 3:37:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 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?

Saxton, Craig

From: Shelley Lish [lishshel@isu.edu]
Sent: Monday, April 14, 2003 10:54 AM
To: Saxton, Craig
Subject: received papers

Hi Craig,

We received all of the water right papers you sent us. Thank you for making all of the changes that you did. I think we will leave it "as is", and not worry about filing for stock water on rapid creek. You are right, the water in our ditch in the spring is from Jackson Creek, so there is really no point. I think we are through bugging you now.

Thanks again,
Monte and Shelley Lish

4/14/2003

As of 7/15/02

Split history for Decreed Right 29-00294

	Claimed	Recommend
29-00294 0.8 Decree Silent Assumed 40	29-00294A Murdock, Norris M <i>Not in Decreed POU</i> 0.3 28	0.3 * 24
	29-00294B Lish, Sam 29-13372, Sam 0.086 0.074 4.3 3.7	0.074 * deed - silent from Murdock to Morris 1" ok 3.7
	29-00294C Turman, Dennis 29-13373, Monte 0.03 0.012 3 0.6	0.012 * deed - silent from Murdock to Morris 1" ok 0.6
	29-00294D Murdock, Norris Kent 0.1 5	0.02 * deed 1/2 per acre 1.8
	29-00294E Whitworth, John 0.1 5	0.1 * deed 1" per acre 5
	29-00294F Chavers, Ben 0.06 3	0.017 * deed silent - no deed trail - 1/2 inch per acre 1.3
	29-00294G Davis, Arnold 0.03 3	0.02 * deed 1/2 per acre 2
	29-00294H Owens, Delbert 0.06 3	0.02 * deed 1/2 per acre 1.8
	29-00294J Foltz, Michael 0.1 5.3	0.04 no deed submitted - 1/2 " per acre 4
	29-10071 Wagner, Ronald 0.08 2	0.02 deed 1/2" per acre 2
	Sum of claimed CFS = 0.946	Sum CFS= 0.723
	Sum of claimed Acreage =	Sum Acre=
		Un-accounted for CFS= 0.077
		Un-accounted for Acres=

12-17-02: NO SON In decree Rec IDWR Standard

2-25-03 : Changed Exp Remarks from Cattle to horses Per Email request from Claimant Daughter in Law. Claimant Passed away on Feb 16, 2003. C/O in the works.



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 9, 2003

MONTE LISH
SHELLEY LISH
2263 N INKOM RD
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA) recommendation review

Dear Mr. and Mrs. Lish,

I received the change of ownership information to move Sam's water rights into your name and the Notice of Error reply forms you submitted.

I have changed 29-13372 and 29-13377 into your name (enclosed).

I met with my supervisor and legal staff to discuss the NOE issues.

Notice Of Error:

1) On all 4 recommendations you requested explanatory remark to read, "4 horses" rather than "4 cattle".

That change has been made on all four recommendations.

2) On all 4 recommendations you requested the Season of Use for irrigation be changed to 3/15 to 11/15.

I cannot make this change. 4/1 to 10/31 is the IDWR standard irrigation season of use in the area. Since a season of use was not defined in the Rapid Creek decree and the Jackson Creek water is based on beneficial use (thus not being previously determined), I have to recommend the IDWR standard of 4/1 to 10/31.

3) On all 4 recommendation you requested the Season of Use be year round for stockwater.

Jackson Creek stockwater recommendation 29-13377 and 29-13378 are both based on beneficial use and I can make the season of use change to year round for these two recommendations.

Rapid Creek stockwater recommendations 29-13372 and 29-13373 are based on a decreed right. Stockwater was not mentioned as a use in the Rapid Creek Decree, Stewart vs. Damron.

Despite that stockwater is not mentioned in the decree, it can be recommended as incidental use during the irrigation season of use which is what we did.

However, since the decree does not speak of stockwater as an actual use in the decree, we cannot recommend stockwater use outside of the irrigation season of use as part of this decreed right. So I have to leave the stockwater season of use for 29-13372 and 29-13373 as 4/1 – 10/31.

So an option is to file an additional claim for the stockwater use from Rapid Creek for the season outside of the irrigation season of use. I guess a question I would ask you is do you or one of the other water users on the ditch actually go divert water from Rapid Creek outside the season of use, or is the ditch filled with runoff and Jackson Creek water? I would like a statement of how water does get from Rapid Creek to the ditch along with any claim you submitted.

For your convenience, I am sending you a claim for use of Rapid Creek water for stock purposes. You would only need to file one claim since you know own Sam's old property. The filing fee is \$25.00. If you choose to file the claim, initial any changes you wish to make (like total stock or priority date), sign it in front of a notary, and return it to this office as soon as possible.

Please feel free to contact me with any questions.

Respectfully Submitted,



Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

02/13/2003

RECEIVED

MAR 26 2003

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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

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

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

Water right number: 29-13372

SAM LISH

2277 N INKOM RD

INKOM ID 83245

Telephone Number: (208) 775-4492

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

Dates of use
Stock water for 4 horses instead of cattle.

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

Irrigation 3/15 to 11/15
Stock water 1/1 to 12/31
Stock water for 4 horses

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

We water our horses in the ditch whenever it is thawed.
Runoff usually starts in March, but by late summer it is very low.

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

DATE: 3-10-03

SIGNATURE:

Monte Lish for Sam Lish

Please print your name:

Monte Lish

Sam Lish

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

RECEIVED

MAR 26 2003

WATER RESOURCES
WESTERN REGION

No #

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

RECEIVED

MAR 25 2003

Department of Water Resources

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
29-13377	_____	___	_____	_____	___
29-13372	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Sam Lish

4. New Owner/Claimant(s)

2277 N Inkorn Rd, Inkorn ID 83245

Monte Lish Shelley Lish

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

New Mailing Address

2263 N Inkorn Rd

City, State and ZIP Code

Inkorn ID 83245

New Telephone Number

208 775-3795

5. Date you acquired the property

2/16/03

X

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

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

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

For Office Use Only

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

DEED OF DISTRIBUTION
BY
TRUSTEE

THIS DEED is made by Monte Kay Lish as Trustee of the Samuel Lynn Lish Revocable Trust created by Samuel Lynn Lish, under instrument dated March 21, 1997, Grantor, to Monte Kay Lish, Grantee, whose current address is 2263 N. Inkom Road, Inkom, ID 83245.

WHEREAS, Samuel Lynn Lish created the Samuel Lynn Lish Revocable Trust on March 21, 1997 and named himself as Trustee and therein provided that upon the death or incapacity of Samuel Lynn Lish, Monte Kay Lish would serve as Trustee; and

WHEREAS, Samuel Lynn Lish died February 16, 2003; and

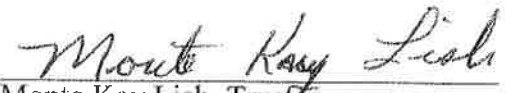
WHEREAS, the Grantee is the person entitled to distribution of the hereinafter-described real property according to the terms of the Trust, and Grantor is authorized to distribute the same to Grantee;

NOW, THEREFORE, Grantor conveys and releases to Grantee the following-described real property:

See Exhibit "A"

together with all tenements, hereditaments and appurtenances thereof belonging, but subject to easements and restrictions of record.

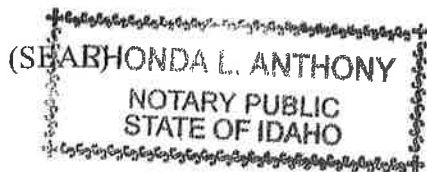
DATED this 19 day of March, 2003.


Monte Kay Lish, Trustee

STATE OF IDAHO)
 :SS
County of Bannock)

On this 19th day of March, 2003, before me, the undersigned Notary Public, in and for said State, personally appeared Monte Kay Lish, Trustee of the Samuel Lynn Lish Revocable Trust, known to 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 written above.



Shonda L. Anthony

NOTARY PUBLIC-STATE OF IDAHO
My Commission Expires: 7-25-2005

EXHIBIT "A"

1. A parcel of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 7 South, Range 36 E.B.M., Bannock County, Idaho and more particularly described as follows:

Commencing at the SE 1/16 corner of said Section 22; thence South along the East 1/16th line of said Section, 324.00 feet to the point of beginning; thence continuing South along said East 1/16th line, 245.00 feet; thence West, 400.00 feet; thence North, 545.00 feet; thence East, 175.00 feet; thence South, 300.00 feet; thence East, 225.00 feet to the point of beginning...

2. Beginning at the SE 1/16 corner of Section 22, Township 7 South, Range 36 E.B.M.; thence South along the East 1/16 line of said Section 22, 179.4 feet; thence S 88°59' E, 651 feet more or less to the Westerly right of way line of the Inkorn Road; thence Northwesterly along said right of way 385.5 feet; thence N 88°59' W, 545.3 feet more or less to the said East 1/16 line of Section 22; thence South along said East 1/16 line 190.7 feet more or less to the point of beginning. A tract of land in the West $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 22, Township 7 South, Range 36 E.B.M., containing 5 acres more or less.

Excepting therefrom the following: Beginning at the SE 1/16 corner of Section 22, Township 7 South, Range 36 E.B.M., thence South along the East 1/16 line of said Section 22, 179.4 feet; thence S 88°59' E, 651 feet, more or less, to the Westerly right of way line of Inkorn Road, said point being the true point of beginning; thence in a Northwesterly direction along said Westerly right of way, 175 feet, more or less; thence S 88°59' W, 246 feet, more or less, thence S 0°, 160 feet, more or less, to the South line of property; thence N 88°59' E, 276 feet to the point of beginning. A tract of land in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Township 7 South, Range 36 E.B.M., Bannock County, Idaho . . .

Together with an one-half interest in the well and pumping equipment located upon adjacent property commonly known as Tax 206

CERTIFICATE OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH POLICY AND VITAL STATISTICS

DATE FILED BY STATE REGISTRAR:

State of Idaho

CERTIFICATE OF DEATH

STATE FILE NO.

Local Reg. No. 6-123

DECEASED: TYPE OR PRINT IN PERMANENT BLACK INK. DO NOT USE FELT TIP PEN FOR INSTRUCTIONS SEE HANDBOOKS MORTICIAN: Complete/Verify and File Within 5 Days of Death INFORMANT: DISPOSITION: PLACE OF DEATH: DATE OF DEATH: CAUSE OF DEATH:	1. DECEDENT'S LEGAL NAME (Include AKA's if any) (First, Middle, Last, Suffix) Samuel Lynn Lish		2. SEX Male	3. SOCIAL SECURITY NUMBER 518-26-1294	
	4a. AGE-Last Birthday 75 (Years)	4b. UNDER 1 YEAR Months: _____ Days: _____	4c. UNDER 1 DAY Hours: _____ Minutes: _____	5. DATE OF BIRTH (Mo/Day/Yr) January 13, 1928	
	6. BIRTHPLACE (City and State, Territory, or Foreign Country) Inkom, Idaho				
	7a. RESIDENCE - STATE OR FOREIGN COUNTRY Idaho		7b. COUNTY Bannock		7c. CITY OR TOWN Inkom
	7d. STREET AND NUMBER 2277 North Inkom Road		7e. APT. NO.	7f. ZIP CODE 83245	7g. INSIDE CITY LIMITS? ☐ Yes ☒ No
	8. MARITAL STATUS AT TIME OF DEATH ☐ Married ☐ Married, but separated ☐ Widowed ☒ Divorced ☐ Never married ☐ Unknown				
	9. SURVIVING SPOUSE'S NAME (If wife, give maiden name) _____ 11				
	10. EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		11a. BIRTHPLACE (State, Territory, or Foreign Country) Idaho		
	11b. BIRTHPLACE (State, Territory, or Foreign Country) Idaho				
	12a. MOTHER'S MAIDEN NAME (First, Middle, Last, Suffix) Arla Richardson				
13a. INFORMANT'S NAME (Type or print) Monte Lish		13b. RELATIONSHIP TO DECEDENT Son		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) 2263 Inkom Rd. Inkom, ID 83245	
14. METHOD OF DISPOSITION ☒ Burial ☐ Donation ☐ Removal from Idaho ☐ Other (Specify) _____		15. PLACE OF DISPOSITION (Name and address of cemetery, crematory, or other place) Inkom Cemetery Inkom, Idaho			
16. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY Colonial Funeral Home 2005 S. 4th Ave Pocatello, ID 83201					
17a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>Greg W. Brown</i>		17b. LICENSE NUMBER (Of licensee) M-789		18. WAS CORONER CONTACTED? ☐ Yes ☒ No	
19. IF DEATH OCCURRED IN A HOSPITAL: 19b. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☐ Inpatient ☐ ER/Outpatient ☐ DCA ☐ Hospice facility ☐ Nursing home/Long term care facility ☒ Decedent's home ☐ Other (Specify) _____					
20. FACILITY NAME (If not facility, give street and number) 2277 North Inkom Road		21. CITY, TOWN, OR LOCATION OF DEATH, AND ZIP CODE Inkom, Idaho 83245		22. COUNTY OF DEATH Bannock	
23. DATE OF DEATH (Mo/Day/Yr) (Spell month) February 16, 2003		24. TIME OF DEATH 0005 (24hr)		25. DATE PRONOUNCED DEAD (Mo/Day/Yr) (Spell month) February 16, 2003	
26. TIME PRONOUNCED DEAD 0005 (24hr)					
27. CAUSE OF DEATH PART I. Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → a. <u>CARCINOMATOSIS</u> 2 MONTHS Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (Last disease or injury that initiated the events resulting in death) b. <u>ADENOCARCINOMA OF THE COLON</u> 1 YEAR c. _____ d. _____ PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in Part I: <u>Acute Renal Failure, Diabetic Mellitus</u>					
28a. WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No		28b. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? ☐ Yes ☒ No			
29. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☐ Probably ☒ No ☐ Unknown		30. IF FEMALE (Aged 10-54): ☐ Not pregnant within past year ☐ Pregnant at time of death ☐ Not pregnant, but pregnant within 42 days of death ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Unknown if pregnant within the past year			
31. MANNER OF DEATH ☒ Natural ☐ Homicide ☐ Pending investigation ☐ Suicide ☐ Could not be determined					
32. DATE OF INJURY (Mo/Day/Yr) (Spell month)		33. TIME OF INJURY (24hr)		34. PLACE OF INJURY (Decedent's home, farm, street, construction site, restaurant, forest, etc.)	
35. INJURY AT WORK? ☐ Yes ☐ No					
36. LOCATION OF INJURY: State _____ City/Town or County _____ Zip Code _____ Street and Number or Location _____ Apartment Number _____					
37. DESCRIBE HOW INJURY OCCURRED: IF TRANSPORTATION INJURY, STATE THE TYPE(S) OF VEHICLE(S) INVOLVED (Automobile, pickup, motorcycle, ATV, bicycle, etc.) SPECIFY WHICH VEHICLE DECEDENT OCCUPIED, if applicable					
TRANSPORTATION: 38a. WAS DECEDENT: ☐ Driver/Operator ☐ Passenger ☐ Pedestrian ☐ Other (Specify) _____ 38b. WHAT SAFETY DEVICE(S) DID DECEDENT USE/EMPLOY? ☐ Seat belt ☐ Child safety seat ☐ Helmet ☐ Air bag ☐ None ☐ Unknown					
39a. CERTIFIER (Check only one, based on official capacity for this certificate) ☒ PHYSICIAN - To the best of my knowledge, death occurred at the time, date, and place, and due to the natural cause(s)/manner stated. ☐ CORONER - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Signature and Title of Certifier _____		39b. LICENSE NUMBER M 6974			
39c. DATE SIGNED Feb 25, 2003		40b. DATE SIGNED Feb 26, 2003			
40a. CORONER'S SUBSEQUENT SIGNATURE IF NECESSARY: The coroner's signature in this item supersedes that of the physician, and the coroner becomes the certifier of record.		41a. REGISTRAR'S SIGNATURE <i>Jane S. Smith</i>			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED:

Feb. 26 2003

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR



AFFIDAVIT OF SUCCESSOR TRUSTEE

STATE OF IDAHO)
 :SS
County of Bannock)

Monte Kay Lish, being first duly sworn, states:

1. I am the son of Samuel Lynn Lish, a single person who died February 16, 2003.
2. While he was alive, Samuel Lynn Lish created the Samuel Lynn Lish Revocable Trust under instrument dated March 21, 1997.
3. Under the terms of the Trust, Samuel ^{Lynn}~~Kay~~ Lish was the initial trustee upon its creation, and then after his death, I am the named successor trustee.
4. I know by my own personal knowledge that under the terms of the Trust, the real estate described on the attached Trustee's Deed was to pass outright and free of trust to me.
5. A certified copy of Samuel Lynn Lish's Death Certificate is attached to this affidavit as an exhibit.

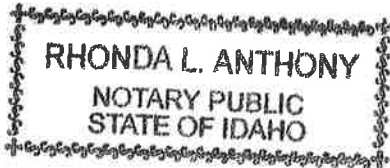
DATED this 19 day of March, 2003.

Monte Kay Lish
Monte Kay Lish

SUBSCRIBED AND SWORN TO, before me, the undersigned Notary Public, this 19th
day of March, 2003.

Rhonda L. Anthony
NOTARY PUBLIC - STATE OF IDAHO
My Commission Expires: 1-25-2005

(SEAL)



Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, February 25, 2003 11:33 AM
To: 'Shelley Lish'
Subject: RE: Sam Lish water right



29-13377_Modified.RTF



29-13372_Modified.RTF

Shelly,

I have made the changes regarding the stockwater remark on Sam's claims as well. I appreciate your patience with this whole process.

Craig

-----Original Message-----

From: Shelley Lish [mailto:lishshel@isu.edu]
Sent: Tuesday, February 25, 2003 10:34 AM
To: Saxton, Craig
Subject: Re: Sam Lish water right

Thanks. I can probably send you whatever you need to do this right.

"Saxton, Craig" wrote:

> Let me check with "the boss". I will get back to you as soon as I
> can.
>
> Craig
>
> -----Original Message-----
> From: Shelley Lish [mailto:lishshel@isu.edu]
> Sent: Tuesday, February 25, 2003 10:07 AM
> To: Saxton, Craig
> Subject: Re: Sam Lish water right
>
> Craig,
> Thanks for the information. I believe you already have the warranty
deed for
> Sam's
> property. I think we gave you a copy when you were at our house. Would
a
> copy of the
> page from Sam's trust along with the signature page be good enough
proof of
> ownership? We have an appointment with a lawyer next week to find out
how to
> go
> about changing everything over to Monte's name, but I'm not sure how
long
> all of
> that will take.
>
> Sam's water right needs to say "horses" too. Thanks.
>
> Shelley
>
> "Saxton, Craig" wrote:
>

> > Dear Shelley and Monte,
> >
> > I am sorry for your loss.
> >
> > You are correct that it is easier to change the name on the
> recommendations
> > now rather than later. Plus it is free if you do it now. If we
wait
> until
> > the rights have gone through the court and been partially decreed,
there
> is
> > a \$25 fee.
> >
> > Attached is a Notice of Change of Water Right Ownership form. If it
> doesn't
> > come through, you can download the form from: www.idwr.state.id.us
> >
> > Just fill it out for Sam's water right and send it to me or the
Idaho
> Falls
> > office with a copy of the warranty deed with legal description or
means of
> > conveyance showing you are now owners of the property. Note that
you can
> > ignore item #6 on the form. That would only be applicable if we
were
> > splitting the right.
> >
> > As far as the explanatory statement that says 4 range cattle instead
of 4
> > horses. That sounds like a mistake on my part. I have made the
changes
> on
> > your water rights (attached).
> >
> > Feel free to contact me if you have further questions.
> >
> > Respectfully submitted,
> >
> > Craig L. Saxton
> >
> > -----Original Message-----
> > From: Shelley Lish [mailto:lishshel@isu.edu]
> > Sent: Tuesday, February 25, 2003 9:17 AM
> > To: Saxton, Craig
> > Subject: Sam Lish water right
> >
> > Hi Craig,
> > We got our packets from IDWR and I have a couple of questions. We
> > haven't had time to REALLY check them out, but one thing we have to
know
> > right away is if we can change Sam's water right to Monte's name.
Here
> > is why.....Sam passed away on Feb. 16th. He has a trust which
gives
> > the property to Monte, but we haven't had time to get the legalities
> > done yet. I assume it would be much easier to get the names changed
now
> > rather than after it is all done. Please advise me as to what to do
to
> > get this straightened out before the deadline. We should have death
> > certificates next week if we need one for this purpose.
> >
> > The other question is why our "4 horses" was changed to "4 range
> > cattle", and does it make any difference?
> >

> > Thanks for any help you can offer.
> >
> > Shelley & Monte Lish
> > Inkom Idaho
> >
> >

> > Name:
> Notice_Change_of_Ownership.pdf
> Notice_Change_of_Ownership.pdf Type: Acrobat
> (application/pdf)
> > Encoding: base64
> > Download Status: Not downloaded
with
> message
> >
> > Name: 29-13373_Modified.RTF
> 29-13373_Modified.RTF Type: WINWORD File
> (application/rtf)
> > Encoding: quoted-printable
> > Download Status: Not downloaded with message
> >
> > Name: 29-13378_Modified.RTF
> 29-13378_Modified.RTF Type: WINWORD File
> (application/rtf)
> > Encoding: quoted-printable
> > Download Status: Not downloaded with message

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13372

WATER RIGHT NUMBER: 29-13372

Owner Type Name and Address

Current Owner SAM LISH ✓
 2277 N INKOM RD ✓
 INKOM, ID 83245
 (208)775-4492

Priority Date: 06/01/1885 ✓

Basis: Decreed ✓

Status: Active ✓

Source

RAPID CREEK ✓

Tributary

PORTNEUF RIVER ✓

Beneficial Use

IRRIGATION ✓

STOCKWATER

From To

03/15 to 11/15 ✓
4/1 10/3101/01 to 12/31 ✓
4/1 10/31Diversion Rate

0.074 CFS ✓

0.020 CFS ✓

Total Diversion:

0.074 CFS ✓

Annual Volume

N/A

Location of Point(s) of Diversion

RAPID CREEK

NE1/4NE1/4NE1/4 ✓ ✓ ✓

Sec. 22, Twp 07S, Rge 36E, B.M. ✓

BANNOCK County

Place of Use ✓

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07S	36E	22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															2.1			1.6	3.7

Total Acres: 3.7

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. Explanatory STOCKWATER: 4 HEAD ✓
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00294B. ✓

Comments:Dates and Other Information:

CIB
 x92: Exp: 4 stock
 limited to 3.7 ac + 0.111 cfs
 1.5" per acre

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-13372

Dates and Other Information:

Claim Received Date: 7/8/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

To: Craig Saxton
From: Shelley Lish

Here is Sam Lish warranty deed.
The number is hard to read - 506660.
I have also included a map so
you can see why I made the
changes I did on the acreage on
the water rights.

Thanks,
Shelley

WARRANTY DEED**506660****For Value Received**

NORRIS M. MURDOCK and MERLE J. MURDOCK, husband and wife
the grantors, do hereby grant, bargain, sell and convey unto

FRED P. BRANDT and VENICE M. BRANDT, husband and wife
the grantees, the following described premises, in Bannock County Idaho, to wit:

THAT PORTION OF THE E $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 22, TOWNSHIP 7 SOUTH,
RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS
FOLLOWS:

BEGINNING AT THE SOUTHEAST 1/16 TH CORNER OF SAID SECTION 22; THENCE
SOUTH ALONG THE EAST 1/16TH LINE OF SAID SECTION, SOUTH 179.4 FEET;
THENCE SOUTH 88° 59' EAST 651 FEET, MORE OR LESS, TO THE WESTERLY RIGHT
OF WAY LINE OF INKOM ROAD; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH-
WESTERLY 385.5 FEET; THENCE NORTH 88° 59' WEST 543 FEET, MORE OR LESS,
TO SAID EAST 1/16TH LINE; THENCE ALONG SAID EAST 1/16TH LINE, SOUTH
190.7 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

SUBJECT TO:

THE EFFECT OF AND CONDITIONS CONTAINED IN THAT CERTAIN REAL ESTATE
AGREEMENT BETWEEN NORRIS M. MURDOCK AND MERLE J. MURDOCK, HUSBAND
AND WIFE, VENDOR, AND SAMUEL L. LISH AND DONA J. LISH, HUSBAND AND
WIFE, PURCHASER, DATED JUNE 15, 1971.

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

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

Dated: July 7, 1972

Norris M. Murdock
Norris M. Murdock
Merle J. Murdock
Merle J. Murdock

STATE OF IDAHO, COUNTY OF
On this 7th day of July, 1972,
before me, a notary public in and for said State, personally
appeared Norris M. Murdock and
Merle J. Murdock

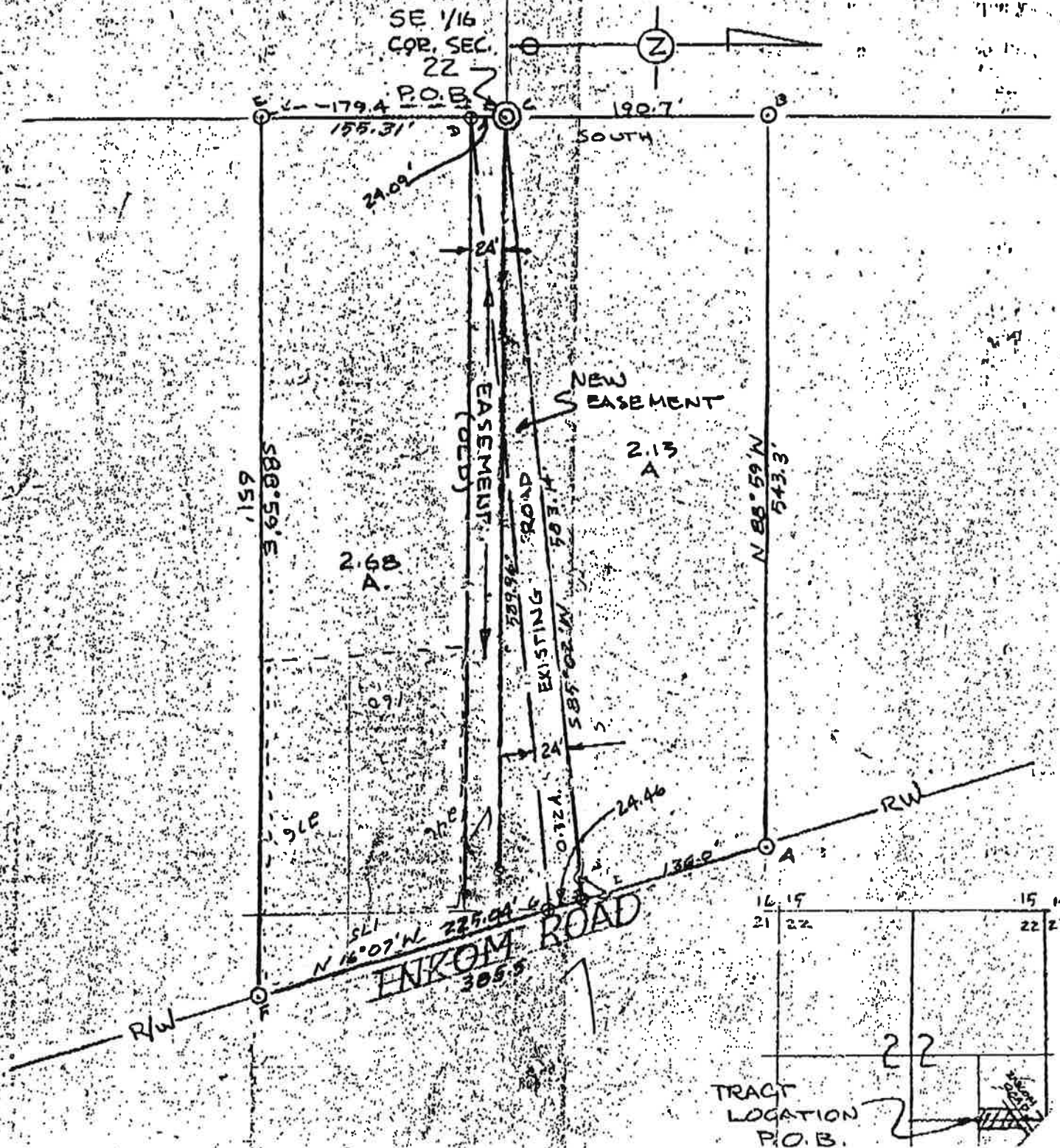
NOTARY SEAL

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

Robert R. Black
Notary Public
Residing at Pocatello, Idaho
Comm. Expires 12/24/74

506660
NO. 506660
RECORDED AT REQUEST OF
Am. Land Title Co.
SER 2 4 12 PM '72
258
OFFICIAL RECORD BOOK NO.
BANNOCK COUNTY, IDAHO
TIM BRIDGES, CLERK
FEE 1.00, DEPUTY 1.00

E.F. Jones R.L.S. 920
Atomic City, Id.



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 29-13372
Date Received: 7/8/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MONTE LISH Phone: (208) 775-3795

2263 N INKOM RD
INKOM ID USA 83245

SHELLEY LISH Phone: (208) 775-3795

2263 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	22	NE NE NE	BANNOCK	

5. Description of diverting works:

HEADGATE DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.074	
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 4

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	22	NE	SE	IRRIGATION	2.1
			SE	SE	IRRIGATION	1.6
					Section Acres	3.7
					Total Acres	3.7

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER: 4 HEAD

CHANGED OWNERSHIP PER CLAIMANT REQUEST (CSAXTON 4/3/03).

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00294B.

15. Basis of Claim: Decreed

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.

02/25/2003

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

RIGHT NUMBER: 29-13372

NAME AND ADDRESS: SAM LISH
2277 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.074 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.111 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 NENENE Within BANNOCK County Source: RAPID CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.074 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 NESE 2.1 T07S R36E S22 SESE 1.6

STOCKWATER same as IRRIGATION

3.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Stockwater use is for 4 horses.

12/17/2002

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

RIGHT NUMBER: 29-13372

NAME AND ADDRESS: SAM LISH
2277 N INKOM RD
INKOM ID 83245

SOURCE: RAPID CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.074 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.111 CFS.

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T07S R36E S22 NENENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.074 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R36E S22 NESE 2.1 T07S R36E S22 SESE 1.6

STOCKWATER same as IRRIGATION

3.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

Stockwater use is for 4 ~~range-cattle~~.

horses

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13372 V1

WATER RIGHT NUMBER: 29-13372 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SAM LISH 2277 N INKOM RD INKOM, ID 83245 (208)775-4492

Priority Date: 06/01/1885

Basis: Decreed

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>
IRRIGATION	04/01 to 10/31	0.074 CFS	
STOCKWATER	04/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.074 CFS	

Location of Point(s) of Diversion

RAPID CREEK	NE1/4NE1/4NE1/4	Sec. 22, Twp 07S, Rge 36E, B.M.
BANNOCK County		

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	
07S	36E	22													2.1			1.6	3.7

Total Acres: 3.7

STOCKWATER same as IRRIGATIONConditions 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.
2. X02 Stockwater use is for 4 range cattle.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.111 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-13377 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.7 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13372 V1

Comments:

1. csaxton 12/17/2002 Diversion Rate

Comment: This right was over claimed. Deeds were requested from all claimants. Some claimants were deeded 1 inch per acre, some claimants were deeded ½ inch per acre, and some of the claimant deeds were silent. If the deed shows a duty of water, that amount recommended. Claimants that did not provide a deed will be recommended ½ inch per acre. Jackson creek water is used on this property (co-mingled with Rapid Creek). However Jackson Creek water was not decreed. Use of Jackson creek water is treated as a beneficial use right. Some users of Rapid Creek would not file a claim on Jackson Creek. When Jackson Creek water is being delivered, they will not have right to be on the rotation.

2. csaxton 12/17/2002 POD

Comment: POD not defined in Decree. No C03.

3. csaxton 12/17/2002 Stock SOU

Comment: No evidence that stockwater is diverted outside the irrigation SOU.

4. csaxton 12/17/2002 POU

Comment: Deed provided by claimant was used for acreage distribution.

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: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/17/2002 3:30:06 PM	csaxton			Active
Priority Date	12/17/2002 3:30:29 PM	csaxton			Active
POD	12/17/2002 3:30:40 PM	csaxton			Active
Source	12/17/2002 3:31:40 PM	csaxton			Active
POU	12/17/2002 3:31:54 PM	csaxton			Active
Use	12/17/2002 3:32:33 PM	csaxton			Active
Season	12/17/2002 3:32:48 PM	csaxton			Active
Quantity	12/17/2002 3:34:15 PM	csaxton			Active
Summary			12/17/2002	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 29-13372 V1

Priority Date	12/17/2002 3:30:30 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	12/17/2002 3:30:53 PM	csaxton	Edited point location
POU	12/17/2002 3:31:55 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	12/17/2002 3:32:12 PM	csaxton	Edited shape boundary
Use	12/17/2002 3:32:33 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	12/17/2002 3:32:48 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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	12/17/2002 3:34:15 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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? (Yes) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13372 V1

Summary	12/17/2002 3:37:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 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?
Contacts	12/17/2002 3:30:06 PM	csaxton	(No) 1. Do you want to schedule an appointment?
POD	12/17/2002 3:30:41 PM	csaxton	Comment for 1: Field Exam 5/31/02 (Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (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	12/17/2002 3:31:08 PM	csaxton	Edited PLS
Source	12/17/2002 3:31:40 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

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 29-13372
Date Received: 7/8/2002
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SAM LISH Phone: (208) 775-4492

2277 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 06/01/1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07S	36E	22	NE	NE	NE	BANNOCK	

5. Description of diverting works:

HEADGATE DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.074	
STOCKWATER	01/01	12/31	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

RECEIVED
JUL 29 2002
WATER RESOURCES
WESTERN REGION

Number of Stock: 4

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	36E	22	NE	SE	IRRIGATION	2.1
			SE	SE	IRRIGATION	1.6
					Section Acres	3.7
					Total Acres	3.7

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 CLAIM AMENDED TO ADD STOCKWATER AND CHANGE ACREAGE DISTRIBUTION. CLAIM SET TO TEMPORARY STATUS UNTIL SIGNED IN FRONT OF A NOTARY AND RETURNED TO THIS OFFICE (CSAXTON 7-11-02).

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-00294B.

15. Basis of Claim: Decreed

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): Sam Lueb Date: 9-15-02

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 15th
of July 2002 Darlene Proctor



Notary Public

Residing at Key Bank
Commission Expires 3/21/04

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

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Ident. Number 29-13372
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5. Description of diverting works:

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Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.074	

7. Total Quantity Appropriated is:
0.074 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
07S	36E	22	NE	SE	IRRIGATION	3.1
			SE	SE	IRRIGATION	0.6
					Section Acres	3.7
					Total Acres	3.7

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 IS A SPLIT FROM FORMER RIGHT 29-00294B.

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Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____