

11/11/2006

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

RIGHT NUMBER: 75-10868
NAME AND ADDRESS: JOE HEAPS
BOX 22
CARMEN ID 83462

CARRIE HEAPS
BOX 22
CARMEN ID 83462

SOURCE: FREEMAN CREEK TRIBUTARY: CARMEN CREEK

QUANTITY: 0.044 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/26/1922

POINT OF DIVERSION:

T23N R22E S36 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.044 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S36 NESW 1.10

STOCKWATER same as IRRIGATION

1.1 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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: BASIS OF CLAIM - Beneficial Use



613--WARRANTY DEED

THIS INDEMTURE, Made this 23rd day of November, in the year of our Lord one thousand nine hundred and forty-five, between James G. Palmer and Mary J. Palmer husband and wife, of Richmond, County of Contra Costa, State of California, the parties of the first part, and George W. Howell, an unmarried man, of the, County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of SEVEN THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS, lawful money of the United States, of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the, County of Lemhi, State of Idaho, to-wit:

All of the East half of the southeast quarter, and the southwest quarter of the southeast quarter of Section 35, containing one hundred twenty acres of land; the north half of the southwest quarter (N1/2SW1/4) of Section thirty-six (36); containing eighty (80) acres of land, more or less; all in Township 23 North, Range twenty-two (22) East Boise Meridian;

Together with all water and water rights, ditches and conduits used in connection with the said premises or appertaining thereto.

DOCUMENTARY STAMPS \$8.25 CANCELLED 1-21-46 G.W.H.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

James G. Palmer (Seal)
Mary J. Palmer (Seal)

STATE OF CALIFORNIA)
) SS.
City and County of San Francisco)

On this 23rd day of November in the year One Thousand Nine Hundred and Forty-five before me, NELL O'DAY, a Notary Public, in and for the City and County of San Francisco, State of California, residing therein duly commissioned and sworn, personally appeared MARY J. PALMER known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

(SEAL)

Nell O'Day
NOTARY PUBLIC
In and for the City and County of San Francisco, State of California

My commission expires March 26, 1948

-ACKNOWLEDGMENT--General

STATE OF CALIFORNIA)
) SS.
COUNTY OF CONTRA COSTA)

On this 1st day of December A.D. 1945 before me, Irene H. Baldwin a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared James G. Palmer 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 in this Certificate first above written.

(SEAL)

Irene H. Baldwin
Notary Public in and for said County and State of California.

My Commission Expires Nov. 18, 1949

STATE OF IDAHO,)
) SS.
County of Lemhi,)

I hereby certify that this instrument was filed for record at request of J. W. Herndon at 55 minutes past 10 o'clock A. M., this 22nd day of January, A.D. 1946 in my office, and duly recorded in Book 38 of Deeds at page 620.

W. W. Simmonds
Ex-Officio Recorder.

STATE OF IDAHO

Deed No. 3953
 Certificates Nos. 4004
 4005

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, on the 15th day of July 1910, all that tract or parcel of School land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to Roy B. Herndon, of Salmon County of and State of Idaho, for the aggregate price of Twelve Hundred and No /100 DOLLARS

AND WHEREAS, The said sum of Twelve Hundred and No/100 DOLLARS has been fully paid to the proper receiving officer for the State of Idaho, by James G. Palmer (Assignee) as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the said tract or parcel of land herein after described.

NOW, KNOW YE, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of Twelve Hundred and no/100 DOLLARS to the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said James G. Palmer his heirs and assigns, all of the said tract and parcel of land situated in the County of Lemhi and State of Idaho, and described as follows, to-wit:

North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-six (36), Township Twenty-three (23) North, Range Twenty-two (22) East, Boise Meridian, containing eighty (80) acres, more or less.

TO HAVE AND TO HOLD the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said James G. Palmer his heirs and assigns, in fee simple forever.

IN WITNESS WHEREOF, I, D. W. Davis the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed, this 26th day of April A. D. 1922.

Countersigned:

D. W. Davis
 Governor

Robert O. Jones
 Secretary of State

Countersigned:

I. H. Nash
 State Land Commissioner

STATE OF IDAHO)
 ss.
 COUNTY OF ADA)

On this 26th day of April A. D., 1922, before me, a Notary Public in and for said State, personally appeared D. W. Davis, known to me to be the Governor, and Robert O. Jones, known to me to be the Secretary of State, and I. H. Nash, known to me to be the Land Commissioner, of the State of Idaho, and acknowledged to me that they, as such Governor, Secretary of State, and State Land Commissioner, of the State of Idaho, and the State of Idaho executed the foregoing deed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

SEAL

Jeanne L. Anderson
 Notary Public, residing at Boise, Idaho.

Recorded at the request of Allen C. Merritt April 29th, 1922 at 5 minutes past 1 o'clock P. M., in Book 26 Of Deeds page 138 Records of Lemhi County, Idaho.

BY Julius M. Blumson
 Deputy.

W. H. Simmons
 County Recorder.

06/12/97

TAX NUMBER : 3799

SEC # : 28

TWP # : 25

RGN # : 21

DATE : 5/16/96

INSTRUMENT # : 229973

BUYER : Clifford Cummings Sr.

SELLER : Estate of Daryl Becker

DESCRIPTION :

A parcel of land located in H.E.S. 89, Tract "A", NW4, Section 28, T. 25 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at Corner No. 16 of said H.E.S. 89, run thence S. 84deg 14' 06" W. along Line 16-17, H.E.S. 89, a distance of 57.33 ft. to a point on the easterly right-of-way of U.S. Highway 93; thence the following courses and distances along said right-of-way; 833.89 ft. along a curve to the right having a long chord of N. 05deg 50' 42" E. 833.37 ft., a delta of 7deg 00' 00", a radius of 6825.49 ft., S. 80deg 39' 18" E. 10.00 ft.; 400.99 ft. along a curve to the right having a long chord of N. 11deg 01' 50" E. 400.93 ft., a delta of 3deg 22' 16", a radius of 6815.49 ft. to a point on Line 16-15, of said H.E.S. 89; thence S. 05deg 22' 42" W. along Line 15-16, a distance of 1220.56 ft. to the POINT OF BEGINNING.

TAX NUMBER : 3800

SEC # : 36

TWP # : 23

RGN # : 22

DATE : 12/27/96

INSTRUMENT # : 232114

BUYER : Peter H. Rogers Jr. and
Patricia L. Rogers

SELLER : Joel P. Heaps and Carrie
L. Heaps

DESCRIPTION :

A parcel of land located in the N2SW4, Section 36, T. 23 N., 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows: Commencing at the W4 Corner of

said Section 36 from which the C 1/4 of said section bears N. 89deg 33' 00" E. the basis of bearing of this description, run thence N. 89deg 33' 00" E. along the Northerly boundary of said SW4 a distance of 1889.82 feet TO THE POINT OF BEGINNING.; Thence continuing N. 89deg 33' 00" E. along said boundary a distance of 609.88 feet; Thence S. a distance of 410.70 feet; Thence S. 89deg 33' 00" W. a distance of 609.88 feet; Thence N. a distance of 410.70 feet TO THE POINT OF BEGINNING.

TAX NUMBER : 3801

SEC # : 36

TWP # : 23

RGN # : 22

DATE : 12/27/96

INSTRUMENT # : 231982

BUYER : Joel P. Heaps and Carrie L.
Heaps discription from new
survey

SELLER :

DESCRIPTION :

A parcel of land located in the N2SW4, Section 36, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows: Commencing at the W4 Corner of said Section 36 from which the C 1/4 of said section bears N. 89deg 33' 00" E. the basis of bearing of this description. Run thence N. 89deg 33' 00" E. along the Northerly boundary of said SW4 a distance of 1889.82 feet TO THE POINT OF BEGINNING:

Thence S. a distance of 410.70 feet; Thence S. 89deg 33' 00" W. a distance of 554.02 feet; Thence N. a distance of 114.90 feet; Thence N. 12deg 10' 00" E. a distance 303.11 feet to a point on the Northerly boundary of said SW4; Thence N. 89deg 33' 00" E. along said boundary a distance of 490.14 feet TO THE POINT OF BEGINNING.

8/19/05 . .

PMO100 - PARCEL MASTER INQUIRY

15:25:48

PARCEL: RP 23N22E364808 A

F9=MS

F12=RC F14=HO

F17=DD F19=SP

F24=LD

LEGAL DESCRIPTION

HEAPS, JOEL P
& HEAPS, CARRIE LT-3801
36 23 22

BOX 22

ProVal Area Number 2

CODE AREA 21-0000 OWNER CD

PARC TYPE TV LOC CODE 3200

EFFDATE 1061997 EXPDATE

PREV PARCEL RP23N22E364805T

CARMEN ID 83462
20 HEAPS RD

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2002	5006	AC	48799				
34	2002			113137	102678	50000		

TOTALS 5006 161936 102678 50000

ENTER NEXT PARCEL NUMBER RP

A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A75 10868

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks

The Rogers Family has no interest in irrigating and most of the irrigated land is on Heaps property.

SCANNED
6/1/94

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: **A75-10868**
Date Received: 5/27/1993
Receipt No: E014548
Received By: _____

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

1. Name: JOE HEAPS
Address: BOX 22
CARMEN ID 83462 208-756-4721
OR
Name: CARRIE HEAPS
Address: BOX 22
CARMEN ID 83462 208-756-4721

A7510868



2. Date of Priority: APR 26, 1922

3. Source: FREEMAN CREEK Trib. to: CARMEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	36	NE	NW	SE		LEMHI

5. Description of diverting works:
ROCK AND GRAVEL DAM INTO TWO TO THREE FOOT WIDE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.440		
STOCKWATER	04/01	11/01	0.020		

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

8. Total consumptive use is 27.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/ LESS THAN 25 HEAD

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	36	NE SW		IRR	11.0
Section Acres						11.0
Total Acres						11.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

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:

Ident. Number

Date Received

Receipt Number

39576

A75-10868

PM 5-10-90/gd

E014548/gd

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 14 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) JOE OR CARMON HEAPS Phone (208) 756-4721Mailing Address Box 22 CARMON RD. Zip 834622. Date of Priority (Only one (1) per claim) APR. 26 19223. Source of water supply (a) FREEMAN CREEK
which is tributary to (b) CARMON CREEK4. a. Location of existing point of diversion is: Township 23N Range 22E Section 36,
NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of LOUHI

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.ROCK AND GRAVEL DAM INTO
TWO TO THREE FOOT WIDE DETCH.

MICROFILMED

APR 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from Apr 1 to Nov 1 amount .44 cfs or _____
For STOCK WATER purposes from Apr 1 to Nov 1 amount .02 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .44 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 27.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) INCIDENTAL STOCK WATER FOR LESS THAN TWENTY FEED HORSES

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	
<u>23N</u>	<u>22E</u>	<u>36</u>									<u>11</u>				11				<u>11</u>

Total number of acres irrigated 11

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

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.
_____ or None (X)

14. Remarks:

Last Name _____ Ident No. _____

MICROFILMED

APR 19 1994

Copies: White - State, Yellow - Claimant

Scale: 2 inches equals 1 mile

The image shows a large grid of graph paper, divided into two equal halves by a horizontal line. The left half is labeled "Part 1" and the right half is labeled "Part 2". The grid is used for drawing a cross-section of a road. The drawing shows a road with a central lane, shoulders, and a ditch on the right side. The road is drawn with solid lines, and the ditch is drawn with dashed lines. The drawing is a cross-section, showing the road from a side-on perspective. The road is 10 units wide, with a 4-unit wide central lane and 3-unit wide shoulders on each side. The ditch is 2 units wide and 1 unit deep. The drawing is a simple line drawing, using the grid lines to define the shape of the road and ditch. The drawing is a cross-section, showing the road from a side-on perspective. The road is 10 units wide, with a 4-unit wide central lane and 3-unit wide shoulders on each side. The ditch is 2 units wide and 1 unit deep. The drawing is a simple line drawing, using the grid lines to define the shape of the road and ditch. The drawing is a cross-section, showing the road from a side-on perspective.

R22E | R23E

MICROFILMED

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) See Above Date 5/10/90

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 _____)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10th day of May 19 90

SEAL

Notary Public Terri J. Morton

Residing at 5 Salmon, Id.

My Commission Expires 4-25-96

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

MICROFILMED
APR 19 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant