

11/09/2006

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

RIGHT NUMBER: 75-14160

NAME AND ADDRESS: STEPHEN F JOST
3309 TEAL SUNSET ST
LAS VEGAS NV 89125

KELLY S JOST
3309 TEAL SUNSET ST
LAS VEGAS NV 89125

SOURCE: HULL CREEK

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.130 CFS

Right Nos. 75-14160 and 75-14291 are limited to a total combined diversion rate of 0.24 cfs.

PRIORITY DATE: 05/01/1913

POINT OF DIVERSION:

T25N R21E S29 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.130 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S28

SWNW

5.90

5.9 ACRES TOTAL

Right Nos. 75-14160 and 75-14291 are limited to the irrigation of a combined total of 5.9 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: BASIS OF CLAIM - Beneficial Use

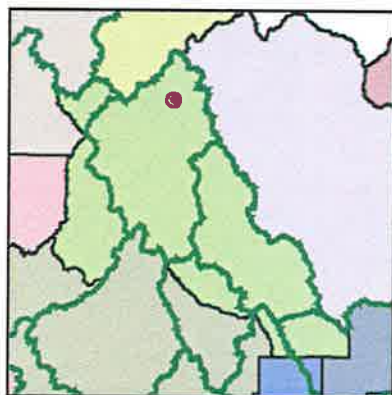


Idaho Department of Water Resources

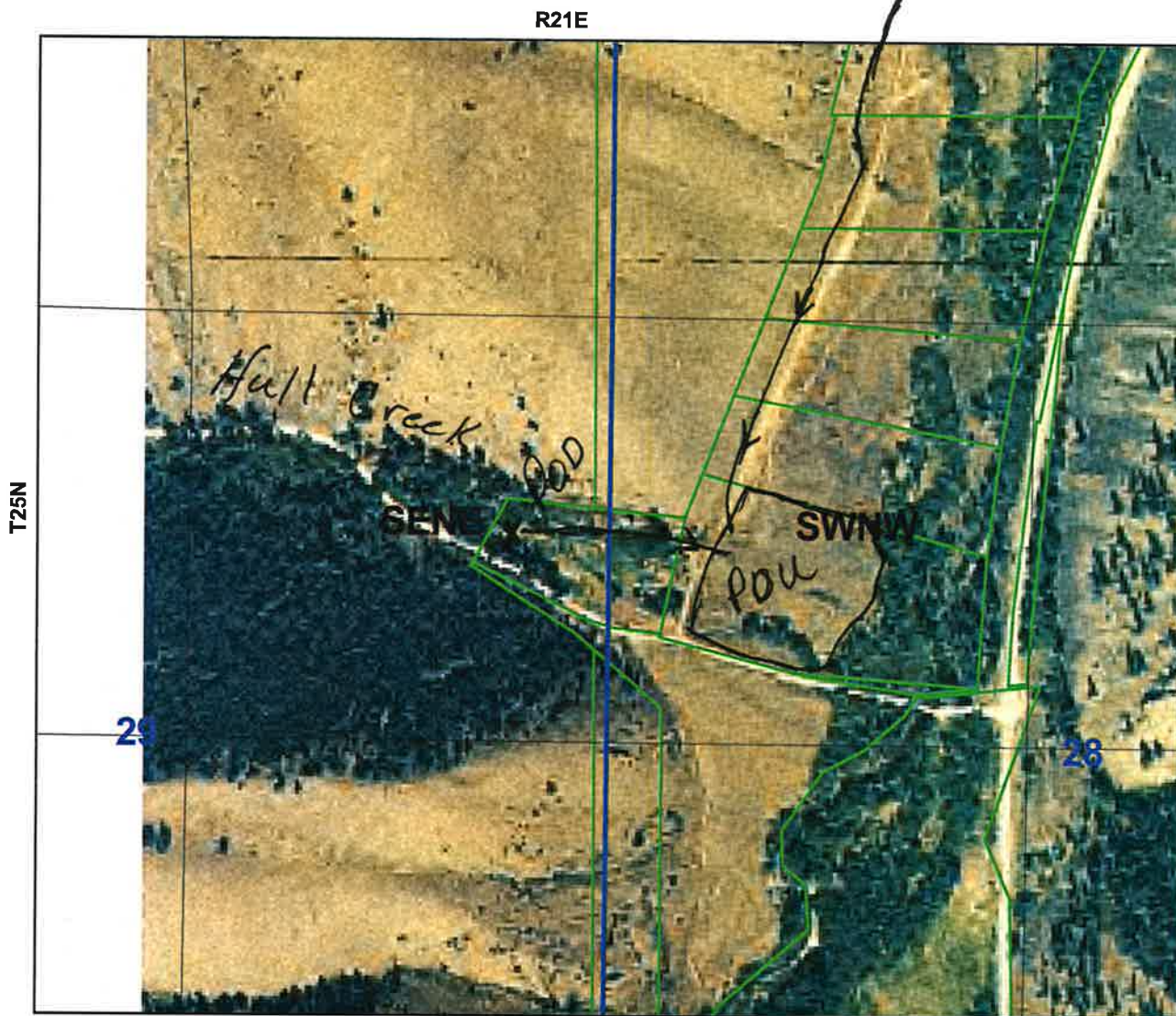
SRBA Claim:
75-14159

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



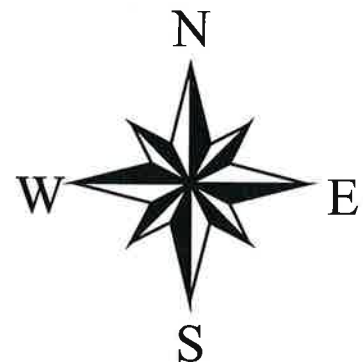
0 0.2 0.4 Miles

Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

75-14160



- Lemhi taxlots
- GCDB25N21E GCDB
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp



Kelly Jost
3309 Teal Sunset St.
Las Vegas, NV 89129
Phone: (702) 256-5320
Fax: (702) 256-5320
Email: jostsk@aol.com

RECEIVED
AUG 15 2005
Department of Water Resources
75-14160

10 Aug 05

My husband Stephen and I own Lot 1 of the Becker Estates north of North Fork, Idaho, located in Township 25N, Range 21E, Section 28. When we purchased the property in October 2002, it was with the understanding that the property had water rights to Hughes Creek via an already-existing ditch that enters our property at the northwest corner. This highline ditch is diverted from Hughes Creek about 1 ¼ miles upstream and passes under Becker Road to our property via a culvert. According to neighbors and an 85-year old individual who grew up in that area, the property that is now ours has been irrigated for years by the Hughes Creek ditch. My husband and I intend to re-open the headgate and once again use the ditch for irrigation.

The enclosed package contains the following documents as proof of beneficial use and priority date:

- Notice of Claim to a Water Right (with applicable maps)
- A photograph of our property taken from atop a rocky bluff directly adjacent the property, showing the Hughes Creek Ditch
 - A diagram describing details within the photograph is attached to the photo
- Declaration of Protective Covenants, which refers to water rights from Hughes Creek
- Grand Deed, referring to the Hughes Creek Ditch and its easement across our property
- Excerpt from our Title Insurance Policy, which refers to the Hughes Creek Ditch running across our property
- Two affidavits of personal knowledge of beneficial use of water for irrigation, dating as far back as 1929
- Original Homestead Document for our property, referring to water rights, dated March 30, 1916

It is my understanding after speaking with various Idaho Department of Water Resources representatives that there is a \$50 fee associated with this application, plus a \$1 per acre fee for any acreage to be irrigated that is not already irrigated under an existing water rights claim. In the enclosed claim, I am applying for irrigation of 10 acres, 9 of which are covered under claim 75-14160 from Hull Creek. Therefore, I have enclosed a check for \$51 for the cost of the application and the additional acre to be irrigated. If I am mistaken with this information and the fee is either more or less, please let me know and I will make the appropriate adjustment.

Please contact me at the address/phone/fax/email above with any questions. Thank you for your time and consideration.



Kelly Jost

RECEIVED

AUG 15 2005

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

Department of Water Resources

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

Date Received

Receipt Number

8-15-05

C078872

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Stephen F. or Kelly S. Jost Phone (702) 256-5320Mailing Address 3309 Teal Sunset St, Las Vegas, NV Zip 891292. Date of Priority (Only one (1) per claim) April 1, 19123. Source of water supply (a) Hughes Creek
which is tributary to (b) North Fork of Salmon River4. a. Location of existing point of diversion is: Township 25N Range 21E Section 21,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Lemhi

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.Water is brought from Hughes Creek through a highline ditch a distance of about 1 1/4 miles. There is a headgate in Hughes Creek at the head of the ditch. Water is diverted from ditch its entire length. Ditch terminates on our property. (See attached photograph of ditch, taken from above.) A culvert brings ditch under Becker Road to our property.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Apr 1 to Oct 31 amount 0.20 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25.0 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	
25N	21E	28							10										10

Total number of acres irrigated 10

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

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.
75-14160 or None ()

14. Remarks:

Attachments: Department of the Interior Geological Survey Map, photograph with attached diagram, Declaration of Protective Covenants, Grant Deed, excerpt from Title Insurance Policy, letter to landowners, and original Homestead Document.

Last Name JOSE Ident No. _____

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) [Signature] Date 9 Aug 05
_____ 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 Nevada)
County of Clark) ss.

Subscribed and sworn (or affirmed) before me this 9th day of August 19 2005

SEAL

Notary Public [Signature]
Residing at NEOSHA L. BROADY, TSgt USAF
Paralegal
My Commission Expires 11/1 NOTARY BY FEDERAL STATUTE
10 U.S.C. 1044a
IAW AFI 51-504
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 _____

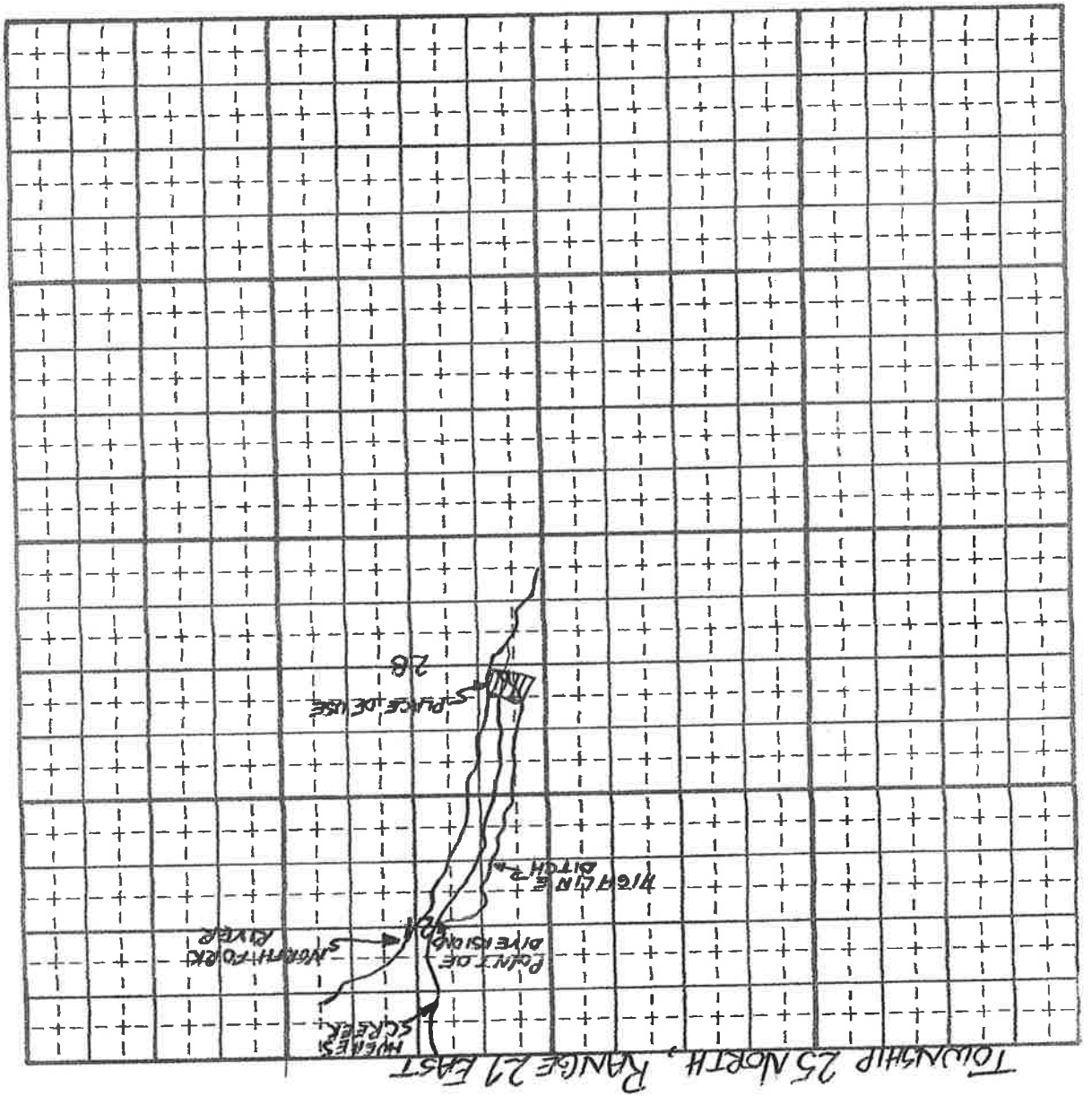
Address _____

Date _____

Last Name JOSE Ident. Number _____

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

Scale: 2 inches equals 1 mile



Ident No.

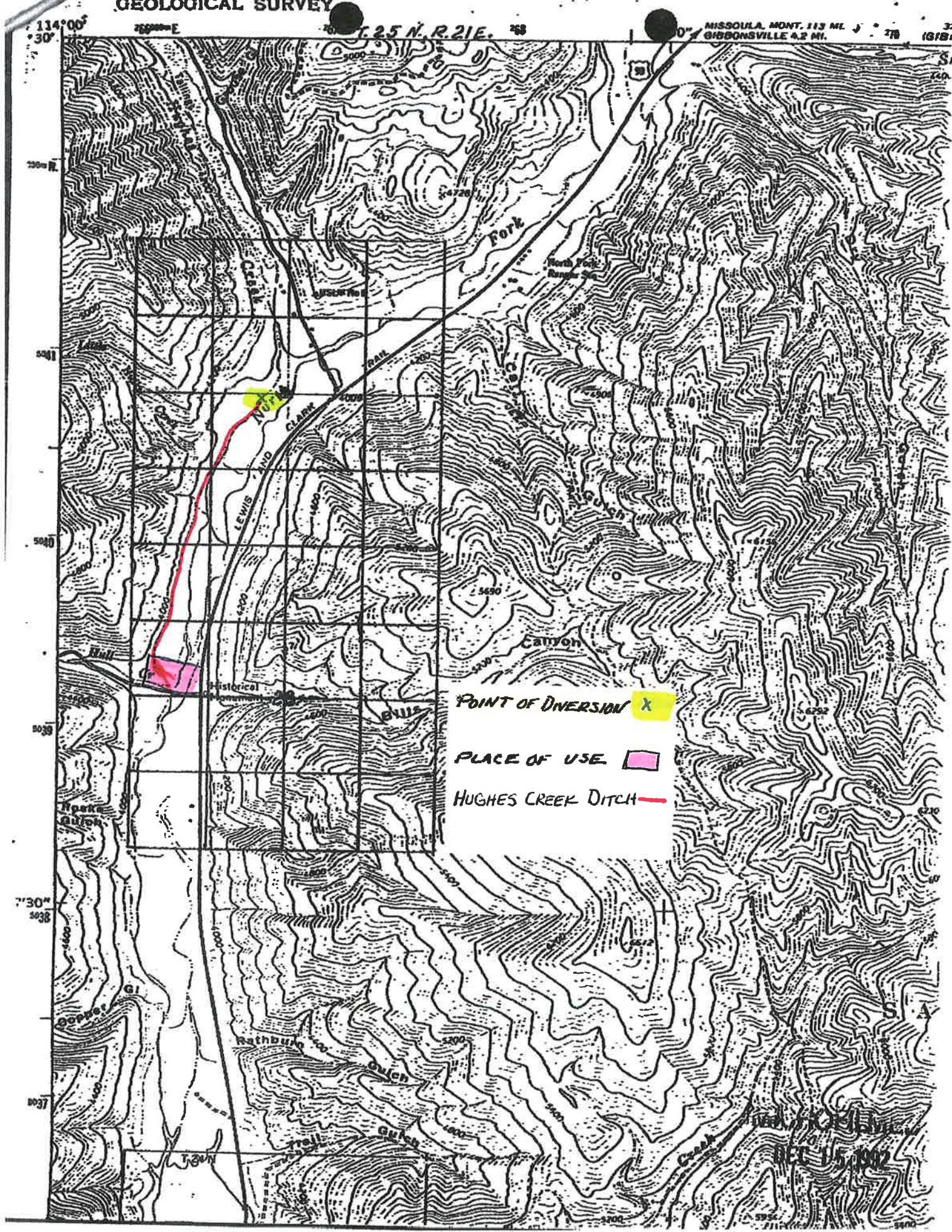
1051

Last Name

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

T. 25 N. R. 21 E.

MISSOULA, MONT. 113 MI. S. 78° 19' W.
GIBBONSVILLE 4.2 MI. S. 78° 19' W.



JDST

8 Aug 05

Attached is a photograph of our property, Lot 1 of the Becker Estates in North Fork, ID, taken from atop a rocky bluff directly adjacent the property in 2003. Attached to the photograph is a diagram describing details within the photograph for clarity. Note the Hughes Creek diversion ditch entering our property in the top right (northwest) corner. This diversion ditch was present when we (my husband Stephen and I) purchased the property in October 2002. According to neighbors, the ditch has been used to irrigate our property for many years. (See statement of forthcoming affidavit, also attached.) My husband and I intend to re-open the headgate and once again use the ditch for irrigation.



Kelly Jost

10-27

8 Aug 05

Attached are pages 1 and 2 from the Declaration of Protective Covenants pertaining to our property, Lot 1 of the Becker Estates in North Fork, ID. These Covenants went into effect when the original Becker Estate was subdivided into 5 lots, and prior to our purchase of Lot 1 in October 2002. Note paragraph 11, which refers to water rights from the Hughes Creek Ditch. These Covenants were recorded with the Lemhi County Clerk's Office as Instrument #250584 on August 13, 1996.

A handwritten signature in cursive script, appearing to read "Kelly Jost".

Kelly Jost

JOSE

State of Idaho)
County of Lemhi) SS No. 230815
This instrument was filed for record at the request
of Lemhi Title
at 4:12 o'clock p.m. 22 May 2002
and duly filed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By K. Bauman Deputy
Fee 30.00
Return to _____

State of Idaho)
County of Lemhi) SS No. 230815
This instrument was filed for record at the request
of Tom Lapsatt
at 2:40 o'clock p.m. 8-13 1996
and duly filed and indexed in the records of Lemhi
County
Alberta Wiederrick
Ex-Officio Recorder
By Terri J. Morton Deputy
Fee 27.00
Return to _____

DECLARATION OF PROTECTIVE COVENANTS

RECEIVED
AUG 15 2005
Department of Water Resources

Whereas, the Daryl ^{A.}Becker Estate, hereafter referred to as the "Developer", is the owner of certain real property located in Lemhi County, Idaho which is being subdivided and recorded as The Becker Estates, the legal description of which is attached hereto as Exhibit "A": and by reference made a part hereof.

Developer hereby makes the following declarations as to the limitations, restrictions, and uses to which lots and/or tracts constituting said subdivision may be put, and hereby constitute covenants to run with all the land as provided by the law and shall be binding upon all parties and persons claiming under them and for the benefit and limitation upon future owners, in said subdivision. This declaration of protective covenants is designed for the purpose of keeping said subdivision desirable, uniform and suitable in architectural design and use as specified herein.

- 1) All lots and/or tracts shall be residential-agricultural. No structure shall be erected, altered, placed or permitted to remain on any portion of these lands other than a single family dwelling, private garage and other such outbuildings as may be incidental to the residential/agricultural use of the land. Outbuildings shall be limited to one shed or barn to house not more than six horses; one tool shed and/or woodshed; and one well house.
- 2) No dwelling, house or any part thereof shall be erected east of the P.O.L. line of each lot, as set forth on the official plat record, and no building shall be located on any lot nearer than 50 feet to any sideline, and no detached garages or other building shall be located closer than 40 feet to any property line.
- 3) No person shall begin construction on a dwelling in the calendar year 1996 which when completed will have an appraised value of less than \$100,000.00, excluding land costs. The value, excluding land costs, of any dwelling on which construction is started after December 31, 1996 shall not be less than the total of \$100,000.00 plus a percentage increase which is equal to the combined yearly cost of living increase from January 1, 1996. The cost of living increase will be derived from the U.S. Department of Labor cost of living index.
- 4) The purchaser of any lot/tract, once he begins construction thereon, shall within six months have the exterior completely finished and all necessary painting or staining completed.
- 5) All lots/tracts shall have individual water and sewage systems. Except as provided hereafter, all utilities shall be buried underground. Before construction can begin, approval must be obtained from District Seven Health Department.
- 6) Adjoining state, federal, and private property is used for the grazing of cattle. It is the responsibility of each lot owner to exclude such cattle from his lot, if desired, by fencing, cattle guards, or other appropriate means. This notice of the lot owners responsibility to fence out cattle shall in no way reduce each lot owner's responsibility to fence in his own animals as provided in section 7 below.

JOSE

7) Equine livestock, maximum of six, and the usual and ordinary dogs, (excluding hounds, and the raising of dogs for commercial purpose), cats, fish, birds and other household pets may be kept on lots provided they are not kept in unreasonable quantities. The keeping of pigs, sheep and/or goats is prohibited on any lot or parcel. If any animal is kept or maintained on a lot/tract the owner of said lot/tract must construct and maintain at all times wooden or woven wire fencing which is adequate to keep said animal or animals on said lot. No pets, animals or poultry can be kept on any lot/tract if they become a nuisance to other residents within the subdivision.

8) No structure of a temporary character, trailer, basement, tent, shack, barn or other outbuilding shall be used on any tract at any time as a residence, whether temporary or permanently, providing however, trailer houses may be used as temporary residences no longer than one year after acquisition of a portion of the premises.

9) No noxious, illegal or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which is or may become an annoyance or nuisance to the neighborhood. No owner of any lot shall at any time conduct, or permit to be conducted on said lot, any trade or business of any description of either commercial, charitable or religious character, nor shall such lot be used for any other purpose whatever except for the purpose of a private dwelling or residence.

10) No lots may be further subdivided.

11) The water rights from the Hughes Creek Ditch to these lots are conveyed by virtue of an existing ditch near the west end of the lots running parallel to the road providing access to the lots. Pursuant to the provisions of Idaho Code Title 14, Chapter 13, an organization automatically comes into existence for management of this ditch, referred to in such statutory provision as a "lateral ditch water user's association". The provisions of these Idaho statutory requirements shall be followed for management of the ditch, maintenance of the ditch, and payment of expenses related to the ditch. In addition to the lots in this subdivision, this lateral ditch water user's association will include three properties (and any future divisions thereof) to the north of this subdivision, which will also be serviced by the ditch.

12) The access road to the lots in the subdivision is also serving the owners of three properties to the north of this subdivision. One of these properties is presently owned by Claude T. Johnson and Jeannette M. Johnson. They hold a road easement across the roadway servicing the lots in the subdivision as set forth in the attached contractual provision, in which the Johnsons were buyers and Daryl A. Becker was seller. The rights of the owners of lots in this subdivision to use the road shall be supplemental to the rights of the Johnsons and subject to such rights. Johnson's duty to maintain the road shall coincide with the duties of the subdivision owner to maintain the road. The owners of the lots in the subdivision through the Owner's Association will coordinate with Johnson and his successors in interest as to maintenance and usage of the road, so long as Johnson or his successors in interest held any right to such road.

The responsibility for the cost of the access road maintenance will be assumed by all lot owners. Each owner will pay a proportionate share of road maintenance, repair and upkeep costs. A proportionate share will be determined by a Home Owners Association consisting of all lot owners. The owners of said lots for which the road provides access shall determine the work necessary.

Scott Hatch owns another of the properties to the north of the subdivision. Hatch holds a License Agreement which was recorded as Instrument No. 227765, records of Lemhi County, Idaho on October 17, 1995. A copy of such License Agreement has been provided to the initial owners of lots in this

8 Aug 05

Attached is the Grant Deed for our property, Lot 1 of the Becker Estates in North Fork, ID. Note the highlighted paragraphs, which refer to the Hughes Creek irrigation ditch and its easement running across our property. This Grant Deed was recorded with the Lemhi County Clerk's Office as Instrument #252304 on October 30, 2002.

A handwritten signature in cursive script, appearing to read "Kelly Jost".

Kelly Jost

JOST

GRANT DEED

THIS INDENTURE is made this 23 day of October, 2002, between Daryl A. Becker Estate, Robert E. Farnam, Personal Representative of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Stephen F. Jost and Kelly S. Jost, Husband and Wife whose mailing address is 2231 East 3225 North, Layton, Utah 84040, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

Lot 1, Becker Estates, as recorded in Block 6, Page 39, under Instrument No. 229554, Records of Lemhi County, Idaho

SUBJECT TO all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

ALSO SUBJECT TO easements, reservations, restrictions and dedications as the same appear on the official plat of Becker Estates.

ALSO SUBJECT TO notification of irrigation ditch easement as described on Becker Estates according to the official plat recorded April 5, 1996, in Book 6 at Page No. 39, Records of Lemhi County, Idaho.

ALSO SUBJECT TO road and ditch easement running across the westerly boundary of the above described real property as shown on the Becker Estate Subdivision plat recorded April 5, 1996, in Book 6 of plats at Page No. 39.

JOST

ALSO SUBJECT TO terms and conditions contained in Grant Deed for Road Easement recorded November 5, 1986, under Instrument No. 183020, records of Lemhi County, Idaho.

ALSO SUBJECT TO any right, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water that is included within the boundaries of Hull Creek or the North Fork of the Salmon, River.

ALSO SUBJECT TO the right, title and interest of the public in and to those portions of the above described premises falling within the bounds of roads and or highways, dedicated and or otherwise used by the public, and subject to all easements and restrictions attendant and pertinent to said highways.

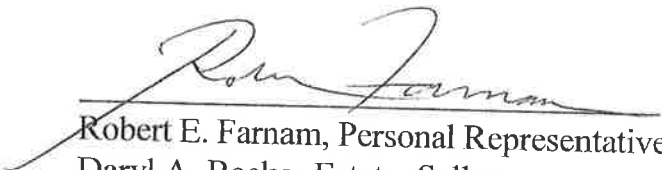
ALSO SUBJECT TO restrictive covenants appearing of record under Instrument No. 230815 and re-recorded May 22, 2002, under Instrument No. 250584, records of Lemhi County, Idaho, for the purpose of adding legal description.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Robert E. Farnam, Personal Representative of the
Daryl A. Becker Estate, Seller

STATE OF IDAHO)
)ss.
County of Bonneville)

On the ____ day of October, 2002, before me, the undersigned, a notary public in and for said State, personally appeared **Robert E. Farnam**, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Daryl A. Becker and acknowledged to me that he executed the same as such Personal Representative.

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



Renae Sterzick
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1-14-2004

G:\WPDATA\REF\2481\jost grant deed.vpd

State of Idaho)
County of Lemhi) SS No. 2525004
This instrument was filed for record at the request
of Linné Jith
at 7:52 o'clock Am 30 Oct 2002
and duly filed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By K. Baumert Deputy
Fee 9.00
Return to _____

JOST

8 Aug 05

Attached are the Exceptions From Coverage of the Policy of Title Insurance for our property, Lot 1 of the Becker Estates in North Fork, ID. Although excepted from coverage, the Title Insurance acknowledged the existence of the Hughes Creek Ditch running across our property. Note the highlighted paragraphs, which refer to the ditch and its easement.



Kelly Jost

Jost

SCHEDULE B

File No.

Policy of Title Insurance
Policy No. 1278950

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material, theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

7. GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2002 ARE A LIEN, BUT ARE NOT YET DUE AND PAYABLE.
8. EASEMENTS, RESERVATIONS, RESTRICTIONS AND DEDICATIONS AS THE SAME APPEAR ON THE OFFICIAL PLAT OF BECKER ESTATES.
9. NOTIFICATION OF IRRIGATION DITCH EASEMENT AS DESCRIBED ON BECKER ESTATES ACCORDING TO THE OFFICIAL PLAT RECORDED APRIL 5, 1996, IN BOOK 6 AT PAGE NO. 39, RECORDS OF LEMHI COUNTY, IDAHO.
10. ROAD AND DITCH EASEMENT RUNNING ACROSS THE WESTERLY BOUNDARY OF THE ABOVE DESCRIBED REAL PROPERTY AS SHOWN ON THE BECKER ESTATES SUBDIVISION PLAT RECORDED APRIL 5, 1996, IN BOOK 6 OF PLATS AT PAGE NO. 39, RECORDS OF LEMHI COUNTY, IDAHO.
11. TERMS AND CONDITIONS CONTAINED IN GRANT DEED FOR ROAD EASEMENT RECORDED NOVEMBER 5, 1986, UNDER INSTRUMENT NO. 183020, RECORDS OF LEMHI COUNTY, IDAHO.
12. ANY RIGHT, INTERESTS OR EASEMENTS IN FAVOR OF THE PUBLIC WHICH EXIST OR ARE CLAIMED TO EXIST OVER ANY PART OF SAID LAND COVERED BY WATER THAT IS INCLUDED WITHIN THE BOUNDARIES OF HULL CREEK OR THE NORTH FORK OF THE SALMON RIVER.
13. THE RIGHT, TITLE AND INTEREST OF THE PUBLIC IN AND TO THOSE PORTIONS OF THE ABOVE DESCRIBED PREMISES FALLING WITHIN THE BOUNDS OR ROADS AND OR HIGHWAYS DEDICATED AND OR OTHERWISE USED BY THE PUBLIC, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS ATTENDANT AND PERTINENT TO SAID HIGHWAYS.
14. RESTRICTIVE COVENANTS APPEARING OF RECORD UNDER INSTRUMENT NO. 230815, AND RE-RECORDED MAY 22, 2002, UNDER INSTRUMENT NO. 250584, RECORDS OF LEMHI COUNTY, IDAHO FOR THE PURPOSE OF ADDING THE LEGAL DESCRIPTION.

JOSE

10 Aug 05

Attached are copies of two affidavits detailing personal knowledge of water from Hughes Creek being beneficially used to irrigate land on what is now known as the Becker Estates in North Fork, ID. This personal knowledge dates back to at least 1929, with strong speculation of earlier water use for irrigation. Please include this information as further proof of priority date in my water rights claim application. Thank you.

A handwritten signature in cursive script, appearing to read "Kelly Jost".

Kelly Jost

JOST

-COPY-
AFFIDAVIT

STATE OF IDAHO)
)
Ada County)

AdaRuth Colwell, being first duly sworn, on her oath does depose and say:

I am over the age of eighteen years and make this affidavit based on my own personal knowledge.

I am the daughter of Charles and Nellie Motichka, and am 86 years of age, having been born 10/27/18. I was raised on the below described property and can testify, based on my personal knowledge, about the application of irrigation water from Hull Creek and Hughes Creek on the below described property from the time that I was at least ten years old, which would have been approximately 1929. The water from Hull Creek and Hughes Creek was applied to the below described property for the purposes of irrigating crops and watering of livestock.

From the time I can remember, it was obvious that the irrigation system had been in place for a long time based on the condition of the ditches and other components of the irrigation system. In addition, from comments of my parents, it was also clear that the irrigation system had been in place for many years prior to their acquiring the property.

Based on this personal knowledge from at least 1929 and undoubtedly before that time, I declare that water from Hull Creek in Lemhi County, Idaho, was diverted from Hull Creek in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, in Lemhi County, Idaho, and used for irrigation on the

JOST

Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 28, Township 25 North, Range 21, EBM, for irrigation of 19 acres; and for the irrigation of 12 acres in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, Lemhi County, Idaho.

I further declare that water was diverted from Hughes Creek in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, for the irrigation of 15 acres in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 21, Township 25 North, Range 21, EBM, one acre in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, and 11 acres in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM. This Hughes Creek water was also used for irrigation of one acre in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section 28, Township 25 North, Range 21, EBM, and for irrigation of three acres in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section 28, Township 25 North, Range 21, EBM.

Dated this 30 day of July, 2005.

Ada Ruth Colwell
AdaRuth Colwell

JOSE

SUBSCRIBED AND SWORN TO before me July 30, 2005.

(seal)



Jennifer R Dewey

Notary Public for Idaho

Residing at: Boise, Idaho

My commission expires: 11/22/10

G:\WPDATA\REF\2481\AFF.Colwell.wpd:ss

JO5T

- COPY -
AFFIDAVIT

STATE OF IDAHO)
)
Ada County)

Sue Meeks, being first duly sworn, on her oath does depose and say:

I am over the age of eighteen years and make this affidavit based on my own personal knowledge.

I am the daughter of Daryl and Virginia Becker, and am 56 years of age, having been born 3/27, 1949. I was raised on the below described property and can testify, based on my personal knowledge, about the application of irrigation water from Hull Creek and Hughes Creek on the below described property from the time that I was at least ten years old, which would have been approximately 1958. The water from Hull Creek and Hughes Creek was applied to the below described property for the purposes of irrigating crops and watering of livestock.

From the time I can remember, it was obvious that the irrigation system had been in place for a long time based on the condition of the ditches and other components of the irrigation system. In addition, from comments of my parents, it was also clear that the irrigation system had been in place for many years prior to their acquiring the property.

Based on this personal knowledge from at least 1958 and undoubtedly before that time, I declare that water from Hull Creek in Lemhi County, Idaho, was diverted from Hull Creek in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, in Lemhi County, Idaho, and used for irrigation on the

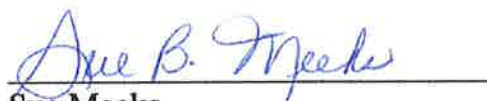
JOSE

Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 28, Township 25 North, Range 21, EBM, for irrigation of 19 acres; and for the irrigation of 12 acres in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, Lemhi County, Idaho.

I further declare that water was diverted from Hughes Creek in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, for the irrigation of 15 acres in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 21, Township 25 North, Range 21, EBM, one acre in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, and 11 acres in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM. This Hughes Creek water was also used for irrigation of one acre in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section 28, Township 25 North, Range 21, EBM, and for irrigation of three acres in the Northwest Quarter

I can verify of my personal knowledge that the property has continued to be irrigated from these creeks by virtue of the irrigation system to the present time. I still own a portion of the above property and visit it a number of times each year and in the course of those visits, observe the ongoing activity on the remainder of the property.

Dated this 30th day of July, 2005.


Sue Meeks

SUBSCRIBED AND SWORN TO before me July 30, 2005.

(seal)



Jennifer R Dewey
Notary Public for Idaho
Residing at: Boise, ID
My commission expires: 11/22/10

G:\WPDATA\REF2481\AFF.Meeks.wpd:ss

JO5T

8 Aug 05

Attached is the original Homestead Document filed with the Lemhi County Clerk's Office as Patent #522238, claiming water rights to our property (Lot 1, Becker Estates, North Fork, ID), dated 30 March 1916. Our property is a subset of that described in paragraph 3(the highlighted square).

A handwritten signature in cursive script, appearing to read "Kelly Jost".

Kelly Jost

JOST

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles M. Hull has been established and duly consummated, in conformity to law, for the H. E. Survey No. 89, comprising Tracts A and B, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract B at corner No. 1, from which the north quarter corner of Section four in Township twenty-four north of Range twenty-one east of the Boise Meridian bears south nineteen degrees, forty-two minutes, forty-five seconds east one hundred eleven and eighty-two-hundredths chains distant; thence north one degree, nine minutes east fifteen and sixty-six-hundredths chains to corner No. 2; thence north forty-nine degrees, twenty-eight minutes west five and thirty-eight-hundredths chains to corner No. 3; thence north fifty-seven degrees, twenty-one minutes west six chains to corner No. 4; thence north twenty-nine degrees, ten minutes east three and sixty-four-hundredths chains to corner No. 5; thence south eighty-three degrees, fifty-two minutes east eight and forty-nine-hundredths chains to corner No. 6; thence south eleven degrees, fifty-nine minutes west five and seventy-eight hundredths chains to corner No. 20; thence south seventy-five degrees, eighteen minutes east seven and two-hundredths chains to corner No. 21; thence south eighty degrees, forty-three minutes east six and twenty-five-hundredths chains to corner No. twenty-two; thence south thirty-three degrees, twenty-four minutes west twelve and fifty-nine-hundredths chains to corner No. 23; thence south forty-seven degrees, seventeen minutes west eight and forty-four-hundredths chains to corner No. 1, the place of beginning;

Beginning for the description of Tract A at corner No. 16, from which U. S. Forest Service Monument bears south sixty-two degrees, thirty-five minutes east one and forty-two-hundredths chains distant; thence south eighty-three degrees, forty-seven minutes west five and twenty-seven-hundredths chains to corner No. 17, from which corner No. 22 of said Tract B bears south one degree, thirty-two minutes west fifty links distant; thence north eighty degrees, forty-three minutes west six and fifteen-hundredths chains to corner No. 18; thence north seventy-five degrees, eighteen minutes west six and fifty-three-hundredths chains to corner No. 19; thence north eleven degrees, fifty-nine minutes east five and eighty-four-hundredths chains to corner No. 7; thence north twenty-one degrees, forty-three minutes east seventeen and nineteen-hundredths chains to corner No. 8; thence north thirteen degrees, thirty-one minutes east twenty-three and fifty-five-hundredths chains to corner No. 9; thence south seventy-two degrees, forty-one minutes east four and ninety-four-hundredths chains to corner No. 10; thence south seven degrees, twelve minutes east one and sixty-two-hundredths chains to corner No. 11; thence south forty degrees, fifty minutes east eight and thirty-three-hundredths chains to corner No. 12; thence south three degrees, twenty-five minutes west three and eighteen hundredths chains to corner No. 13; thence south twenty-six degrees, one minute west six and ninety-one-hundredths chains to corner No. 14; thence south four degrees, fifty-five minutes west four and fourteen hundredths chains to corner No. 15; thence south five degrees, eighteen minutes west twenty-three and eighty-seven-hundredths chains to corner No. 16, the place of beginning, containing seventy-nine acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant, the tracts of Land above described; TO HAVE AND TO HOLD the said tracts of Land, with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTIETH day of MARCH in the year of our Lord one thousand nine hundred and SIXTEEN and of the Independence of the United States the one hundred and FORTIETH.

SEAL.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

L. Q. C. Lamar

Recorder of the General Land Office.

RECORDED: Patent Number 522238

Recorded at the request of C. M. Hull Nov. 9th, 1916 at --- minutes past 11 o'clock A. M., in Book Y of Deeds page 121, Records of Lemhi County, Idaho.

BY W. W. Secor

JOSE

Payment Amount	\$51.00	Date Received	8/15/2005 11:33:12 AM	Region	State	Status
Payment Type	Check	Check Number	1215			

Comment	NOTICE OF CLAIM TO A WATER RIGHT
----------------	----------------------------------

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$51.00	ADJUDICATION FILING FEE	0337		41503	1155

Signature Line (Dept. Representative)

75-14160

Jost

Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$ Where: S = loss in cfs per mile w = top width of the high water mark in feet i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

$w = 2'$

$i = 1.0 \text{ ft/day}$

ditch length (mi.) = $540' = 0.10 \text{ miles}$

Conveyance Loss:

$S = (2)(1)(0.0667) = 0.13 \text{ cfs/mile}$

Loss = 0.13 cfs/mile

$0.13 \text{ cfs/mile} \times 0.10 \text{ miles} = 0.0133 \text{ cfs}$

$$\begin{array}{rcl}
 (5,9 \text{ ac})(0.02 \text{ cfs/ac}) & = & 0.12 \text{ cfs irrigation} \\
 \text{ditch loss} & = & +0.0133 \text{ cfs} \\
 & & \hline
 & & 0.13 \text{ cfs}
 \end{array}$$

Claimed: $0.225 \text{ cfs irrigation}$ Recommend: $0.13 \text{ cfs irrigation}$



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

RECEIVED

FEB 06 2008

DEPARTMENT OF
WATER RESOURCES

January 18, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

STEPHEN F AND KELLY S JOST
7815 THORNFIELD CT
FX STATION VA 22039-3178

*All curbs up dated, NCAP prepared.
2-6-08. M*

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #75-14160 and 75-14291

RECEIVED

FEB 11 2008

IDWR/North

Dear Claimants:

The Postal Service advised us your address has changed to the above address.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by February 4, 2008. Thank you for your help

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

RECEIVED

FEB 14 2008

Department of Water Resources
Eastern Region

SS:region

#####

The address is correct as shown above or as otherwise changed.

Stephen Jost
Water Right Holder's Signature

703-646-5539
Telephone Number

Thank you! We are in the military and move often. We inadvertently left you off our list of people to update every time we move!

SCANNED

FEB - 6 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

STEPHEN F AND KELLY S JOST
1928 DUNDEE DR
PRATTVILLE AL 3066-5508

RE: Snake River Basin Adjudication (SRBA)

KAGC312000098

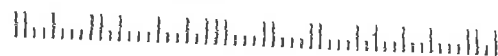
PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
02 1M
0004227270
MAILED FROM ZIP CODE 83702
\$ 00.312
JAN 10 2008
PITNEY BOWES

RECEIVED
JAN 17 2008
DEPARTMENT OF
WATER RESOURCES

RETURN TO SENDER
JOST
7815 THORNFIELD CT
FX STATION VA 22039-3178
RETURN TO SENDER



SCANNED
FEB - 6 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

January 9, 2008

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

JAN 18 2008

Department of Water Resources

STEPHEN F AND KELLY S JOST
1928 DUNDEE DR
PRATTVILLE AL 3066-5508

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #75-14160 and 75-14291

Dear Claimants:

The Postal Service advised us your address has changed to the above address.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water rights you have**, and return this letter by **January 31, 2008**. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone Number

SCANNED

FEB - 6 2008

SCANNED
FEB - 6 2008

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

U.S. POSTAL SERVICE
PS FORM 3547

RETURN TO SENDER
U.S.P.S. Form 3547

fee due 75 ¢

15-14160
15-14291

RECEIVED
DEC 11 2006
DEPARTMENT OF
WATER RESOURCES

ADDRESS SERVICE
REQUESTED

JOST309 891292022 1706 15 11/27/06
JOST DUNDEE DR
PRATTVILLE AL 36066-5509
FORM 3547

STEPHEN F JOST

KELLY S JOST
3309 TEAL SUNSET ST
LAS VEGAS NV 89125

FIRST CLASS



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POSTAL SERVICE
BOI 17
800 431 0839
MAILED FROM

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO
Sender

U.S. POSTAL SERVICE
PS FORM 3547

U.S.P.S. Form 3547

fee due 75 ¢

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

CLAIM NO(s). A75 14159 A75 14160 A75 14291

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: Stephen For Kellys Jost
☐ No Change ADDRESS
☒ NEW ADDRESS: 1928 Dumdee Dr. Prattoille, FL 36066
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:
GPS Site Tag No.: A0017067 GPS 120 Hughes Creek A0017061 GPS 126 Hill Creek
- | | | | | | |
|----------------|-------------|---------------|-----------|-----------|-----------|
| 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: (Comments pertinent to field examination) ☐ See additional attachment

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name
<i>Jack F. Ellis</i>
Signature

Pedigree Search

(Parent) 75-4362 Becker 2.06 cfs, 44 Ac.

Becker 75-14132
1.45 cfs, 31 Ac

75-14133
0.61, 13.5 ac.

75-14338
Hatch
4.5 ac, 0.20 cfs

75-14339
Yadon
9 ac, 0.41 cfs

$$0.61 / 13.5 \text{ ac} = 0.0452 \text{ cfs/Ac}$$

$$4.5 \text{ ac} \times 0.0452 = 0.20$$

$$9.0 \text{ ac} \times 0.0452 = 0.41$$

Water Right Claim: 75-14160 (formerly 75-4368)

10 Aug 05

Enclosed are copies of two affidavits detailing personal knowledge of water from Hull Creek being beneficially used to irrigate land that is now my property, Lot 1 of Becker Estates in North Fork, ID. Please include this information with documents I've already provided as further proof of priority date of my water rights claim. Thank you.



Kelly Jost

RECEIVED
AUG 15 2005
DEPARTMENT OF
WATER RESOURCES

SCANNED

AUG 15 2005

SUBSCRIBED AND SWORN TO before me July 30, 2005.

(seal)



Jennifer R Dewey

Notary Public for Idaho

Residing at: Boise, Idaho

My commission expires: 11/22/10

G:\WPDATA\REF2481\AFF.Colwell.wpd:ss

SCANNED

AUG 15 2005

SUBSCRIBED AND SWORN TO before me July 30, 2005.

(seal)



Jennifer R Dewey

Notary Public for Idaho

Residing at: Boise, ID

My commission expires: 11/22/10

G:\WPDATA\REF2481\AFF.Meeks.wpd:ss

SCANNED

AUG 15 2005

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

RECEIVED**JUN 11 2004****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
	75-4368	☒			

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) DARYL A. Becker
PO Box 50130 IDAHO Falls ID 83405
4. New Owner/Claimant(s) Stephen F. & Kelly S. Jost
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3309 Teal Sunset Street
- City, State and ZIP Code Las Vegas NV 89125
- New Telephone Number (702) 702-252-5320
5. Date you acquired the property 10-30-2002

$$\frac{1.0 \text{ cfs}}{40 \text{ ac}} = 0.025 \text{ cfs/ac.}$$

$$\begin{array}{r} 75-14159 \\ 31.0 \text{ ac} \\ \hline 0.775 \text{ cfs} \end{array}$$

$$\begin{array}{r} 75-14160 \\ 9.0 \text{ ac} \\ \hline 0.225 \text{ cfs} \end{array}$$

SCANNED**JUN 11 2004**

6. 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 <u>75-4368</u>		
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	<u>1.225 cfs</u>	<u>9.0 ac.</u>
Stock		
Domestic		
Other		
Total	<u>1.225 cfs</u>	

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) Stacy E. Jones
(include title if applicable) Kelly J. Jones

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

For Office Use Only

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

SCANNED

JUN 11 2004

GRANT DEED

THIS INDENTURE is made this 23 day of October, 2002, between Daryl A. Becker Estate, Robert E. Farnam, Personal Representative of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Stephen F. Jost and Kelly S. Jost, Husband and Wife whose mailing address is 2231 East 3225 North, Layton, Utah 84040, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

Lot 1, Becker Estates, as recorded in Block 6, Page 39, under Instrument No. 229554, Records of Lemhi County, Idaho

SUBJECT TO all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

ALSO SUBJECT TO easements, reservations, restrictions and dedications as the same appear on the official plat of Becker Estates.

ALSO SUBJECT TO notification of irrigation ditch easement as described on Becker Estates according to the official plat recorded April 5, 1996, in Book 6 at Page No. 39, Records of Lemhi County, Idaho.

ALSO SUBJECT TO road and ditch easement running across the westerly boundary of the above described real property as shown on the Becker Estate Subdivision plat recorded April 5, 1996, in Book 6 of plats at Page No. 39.

ALSO SUBJECT TO terms and conditions contained in Grant Deed for Road Easement recorded November 5, 1986, under Instrument No. 183020, records of Lemhi County, Idaho.

ALSO SUBJECT TO any right, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water that is included within the boundaries of Hull Creek or the North Fork of the Salmon, River.

ALSO SUBJECT TO the right, title and interest of the public in and to those portions of the above described premises falling within the bounds of roads and or highways, dedicated and or otherwise used by the public, and subject to all easements and restrictions attendant and pertinent to said highways.

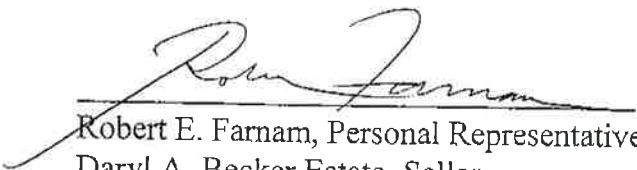
ALSO SUBJECT TO restrictive covenants appearing of record under Instrument No. 230815 and re-recorded May 22, 2002, under Instrument No. 250584, records of Lemhi County, Idaho, for the purpose of adding legal description.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Robert E. Farnam, Personal Representative of the
Daryl A. Becker Estate, Seller

STATE OF IDAHO)
)ss.
County of Bonneville)

On the ____ day of October, 2002, before me, the undersigned, a notary public in and for said State, personally appeared **Robert E. Farnam**, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Daryl A. Becker and acknowledged to me that he executed the same as such Personal Representative.

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



Renae Sterzick
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1-14-2004

G:\WPDATA\1REF2481\jost.grant deed.wpd

State of Idaho)
County of Lemhi) SS No. 252304
This instrument was filed for record at the request
of Lemhi Title
at 7:52 o'clock A.m 30 Oct 2002
and duly filmed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By K. Baumer Deputy
Fee 9.00
Return to _____

T 25NR 21E

20 | 21
29 | 28

SCANNED

JUN 11 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 75-14160
Date Received: 6/16/2004
Receipt No:
Received By:

COPY FOR YOUR FILE

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEPHEN F JOST Phone: (702)256 5320

3309 TEAL SUNSET ST
LAS VEGAS NV USA 89125

KELLY S JOST Phone: (702)256-5320

3309 TEAL SUNSET ST
LAS VEGAS NV USA 89125

2. Date of Priority: 05/01/1913

3. Source: HULL CREEK Trib. to: SALMON RIVER NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
25N	21E	29	SE NE	LEMHI	

5. Description of diverting works:

CANVAS DAMS PLACED IN HULL CREEK AND ADJACENT LAND IS FLOODED

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.225	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	21E	28	SW	NW	IRRIGATION	9
					Section Acres	9
					Total Acres	9

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

Water Right Claim: 75-14160 (formerly 75-4368)

27 Jul 05

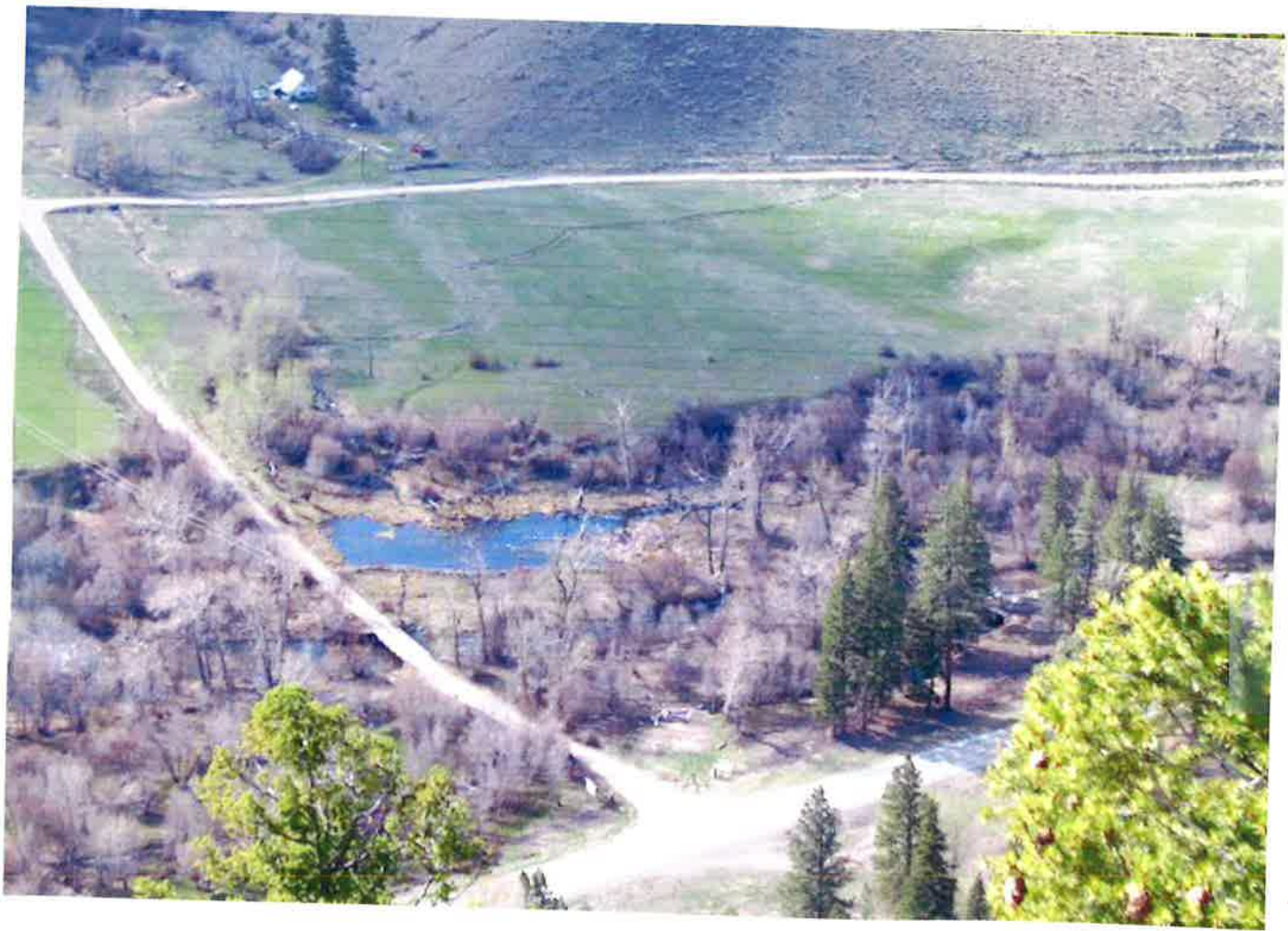
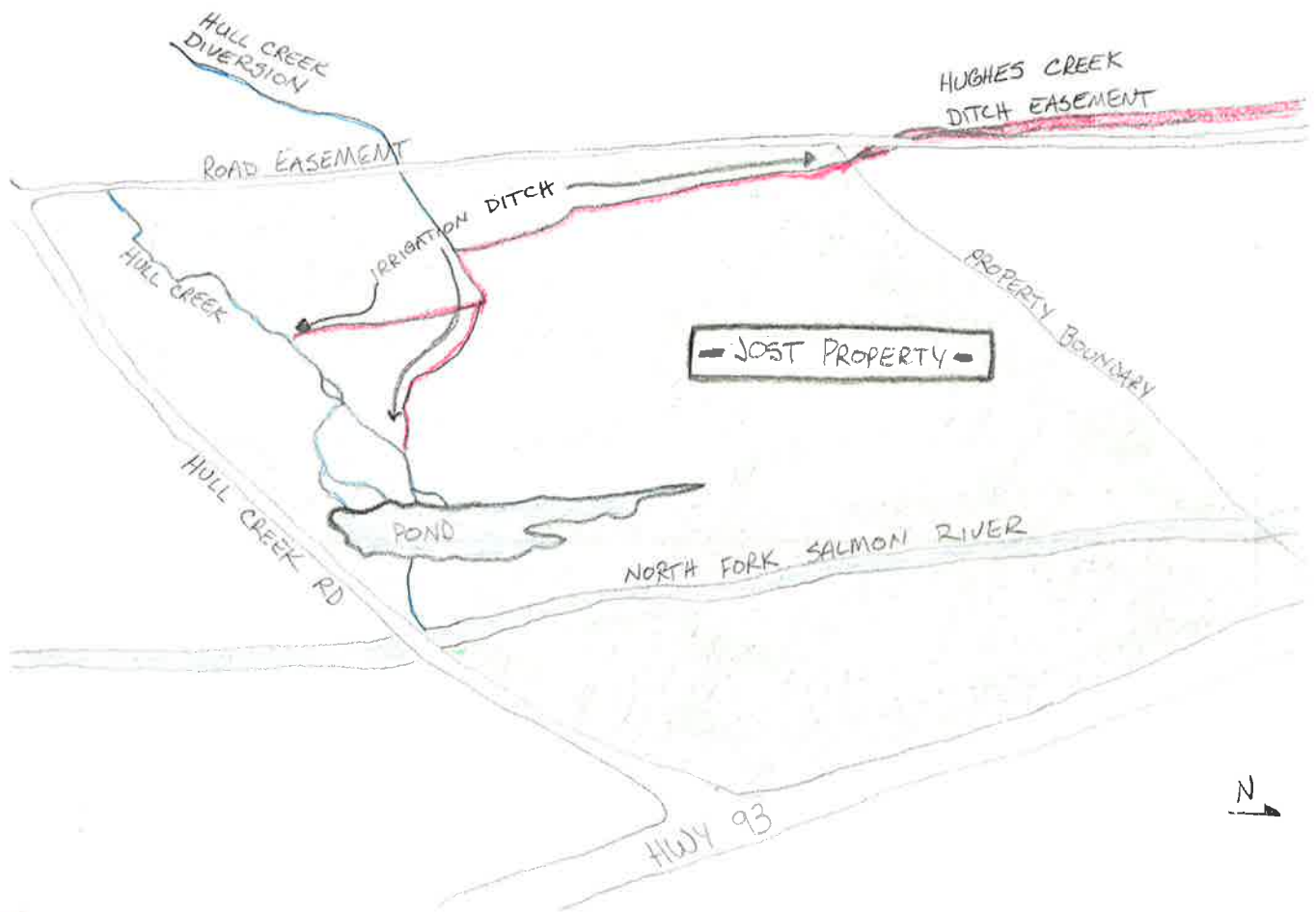
Attached is a photograph of our property, Lot 1 of the Becker Estates in North Fork, ID, taken from atop a rocky bluff directly adjacent the property in 2003. Attached to the photograph is a diagram describing details within the photograph for clarity. Note the Hull Creek diversion entering our property in the top left (southwest) corner. This diversion ditch was present and was actively being used when we (my husband Stephen and I) purchased the property in October 2002. We believe the ditch to currently be dry because the recent resident of the property on which the point of diversion is located manipulated the diversion mechanism so as to wrongfully prevent water from entering the ditch. My husband and I intend to re-open the diversion mechanism and once again use the ditch for irrigation during our next trip to our property, scheduled for later this year. (We currently reside out of state.)



Kelly Jost

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AUG 02 2005



Water Right Claim: 75-14160 (formerly 75-4368)

27 Jul 05

Attached is a letter to landowners of the subdivided Becker Estate in North Fork, ID. The letter is from the estate representative who originally subdivided and sold the properties within the estate, Robert Farnum, of Holden, Kidwell, Hahn & Crapo, P.L.L.C. in Idaho Falls, ID. Paragraph 4 of the letter details a forthcoming affidavit from 85-year-old AdaRuth Colwell which will show personal knowledge of beneficial irrigation use of water from Hull Creek &/or Hughes Creek on our property, Lot 1 of the Becker Estates. I will forward that document to you as soon as I receive it, as further evidence of our claimed priority date.

A handwritten signature in cursive script, appearing to read "Kelly Jost", written in dark ink.

Kelly Jost

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DEANNE CASPERSON**

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL RFARNAM@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona

**Also Licensed in Missouri and Kansas

July 22, 2005

Sue Meeks
12477 West Rutherford Ct.
Boise, ID 83709-0014

Claude Johnson
P.O. Box 86
North Fork, ID 83466

Robert and Carrie Archie
13155 Thomas Creek Road
Reno, Nevada 89511

Stephen & Kelly Jost
3309 Teal Sunset Street
Las Vegas, Nevada 89129

Mike, Meta, and Glenda Hollingsworth
1212 York Avenue
Fort Pierce, Florida 34982

Sean Babcock
18935 N.W. Auora Street
Portland, Oregon 97229

Scott Hatch
P.O. Box 141
North Fork, Idaho 83466

Gregory and Theresa Aland
P.O. Box 275
North Fork, Idaho 83466

RE: Becker Estate

Ladies and Gentlemen:

Enclosed is a copy of a letter from the State of Idaho, Department of Water Resources, regarding evidence of priority date of water rights. This involves the property you purchased from the Daryl Becker Estate, or in the case of Mr. Johnson and Mr. Hatch, purchased

SCANNED
AUG 02 2005

directly from the Becker's before their deaths. We are forwarding a copy of this information to you so that you can act to protect your water rights on the property. Actually, I believe this information has previously been sent directly to you by the Department of Water Resources since you are record owners of the property. I have discussed this matter with Kelly Jost and she did advise me that information was forwarded to her.

You may not be aware of the Snake River Adjudication process that is re-adjudicating all water rights in the Snake River Basin. Basically, the State of Idaho has chosen to redetermine all priority rights of water rights in the Snake River Basin. This is involved in a massive court proceeding that will undoubtedly continue for many years. It is necessary for each property owner to re-verify their priority for use of the water. If you fail to do so, you could forfeit your priority rights. Even if you cannot respond by the July 29, 2005, deadline, it is my understanding that it is important to still respond as soon as possible.

As is pointed out in Section 11 of the protective covenants for the subdivision (a copy of this section being enclosed in case you do not have them available), the water rights from Hughes Creek Ditch are subject to the provisions of Idaho law providing that an organization automatically comes into existence for management of this ditch, referred to as "a lateral ditch water users association". It is my understanding however that each individual owner of the water rights still must submit the evidence of the priority date. You will note that the restrictive covenant provision regarding the lateral ditch association would also appear to apply to Mr. Hatch and Mr. Johnson who previously purchased property from the Beckers during their lifetimes. It is our understanding Mr. Hatch has sold a portion of his property and we would recommend that he advise that purchaser of this situation.

Paragraph 4
The difficulty faced on this by most people is proving the time of the initial use of the water on the property. The only person that I was aware of that could be helpful on this was Sue Meeks, the daughter of Daryl Becker, since she grew up on the property. Although Sue does have knowledge about the property dating back to about 1960, she pointed out that she is acquainted with a lady named AdaRuth Colwell who grew up on the property during the time it was owned by the prior owners. She is approximately 86 years of age so should have reasonable knowledge about the situation dating back to the late 20's. Sue has volunteered to help us obtain affidavits from AdaRuth regarding her knowledge and will provide one as to her knowledge also. I will obtain affidavits and send them to each of you in case you wish to utilize them to support your position.

While in the course of pursuing this information, I received a call from Kelly Jost who indicated that she has been actively proceeding to protect her rights in the property, having

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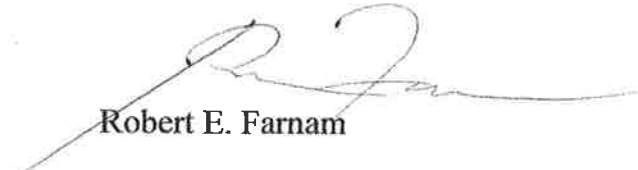
Lot Owners
July 22, 2005
Page 3

previously received the notice. In the course of her investigation, she advised us that she has been advised by Bob Foster of the Idaho Department of Water Resources that the original homestead document could be used to support proof of the priority dates. Kelly was kind enough to fax a copy of this document to me with permission to forward it to the rest of you. I am therefore enclosing it with the hope that this will be beneficial.

In reviewing this with my water law partner, Kent Foster, he indicates that although the homestead will hopefully be beneficial, he would not recommend anyone rely on it as the sole source of their proof.

If you have any questions on this, please don't hesitate to contact me.

Very truly yours,



Robert E. Farnam

Enclosures

G:\WPDATA\REF2481\LotBuyers.ltr.wpd:ss

SCANNED

AUG 02 2005

Water Right Claim: 75-14160 (formerly 75-4368)

27 Jul 05

Original Homestead Document filed with Lemhi County Clerk, claiming water rights to our property (Lot 1, Becker Estates, North Fork, ID), dated 30 March 1916.

A handwritten signature in cursive script, appearing to read "Kelly Jost".

Kelly Jost

SCANNED

AUG 12 2005

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles M. Hull has been established and duly consummated, in conformity to law, for the H. E. Survey No. 89, comprising Tracts A and B, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract B at corner No. 1, from which the north quarter corner of Section four in Township twenty-four north of Range twenty-one east of the Boise Meridian bears south nineteen degrees, forty-two minutes, forty-five seconds east one hundred eleven and eighty-two-hundredths chains distant; thence north one degree, nine minutes east fifteen and sixty-six-hundredths chains to corner No. 2; thence north forty-nine degrees, twenty-eight minutes west five and thirty-eight-hundredths chains to corner No. 3; thence north fifty-seven degrees, twenty-one minutes west six chains to corner No. 4; thence north twenty-nine degrees, ten minutes east three and sixty-four-hundredths chains to corner No. 5; thence south eighty-three degrees, fifty-two minutes east eight and forty-nine-hundredths chains to corner No. 6; thence south eleven degrees, fifty-nine minutes west five and seventy-eight-hundredths chains to corner No. 20; thence south seventy-five degrees, eighteen minutes east seven and two-hundredths chains to corner No. 21; thence south eighty degrees, forty-three minutes east six and twenty-five-hundredths chains to corner No. twenty-two; thence south thirty-three degrees, twenty-four minutes west twelve and fifty-nine-hundredths chains to corner No. 23; thence south forty-seven degrees, seventeen minutes west eight and forty-four-hundredths chains to corner No. 1, the place of beginning;

Beginning for the description of Tract A at corner No. 16, from which U. S. Forest Service Monument bears south sixty-two degrees, thirty-five minutes east one and forty-two-hundredths chains distant; thence south eighty-three degrees, forty-seven minutes west five and twenty-seven-hundredths chains to corner No. 17, from which corner No. 22 of said Tract B bears south one degree, thirty-two minutes west fifty links distant; thence north eighty degrees, forty-three minutes west six and fifteen-hundredths chains to corner No. 18; thence north seventy-five degrees, eighteen minutes west six and fifty-three-hundredths chains to corner No. 19; thence north eleven degrees, fifty-nine minutes east five and eighty-four-hundredths chains to corner No. 7; thence north twenty-one degrees, forty-three minutes east seventeen and nineteen-hundredths chains to corner No. 8; thence north thirteen degrees, thirty-one minutes east twenty-three and fifty-five-hundredths chains to corner No. 9; thence south seventy-two degrees, forty-one minutes east four and ninety-four-hundredths chains to corner No. 10; thence south seven degrees, twelve minutes east one and sixty-two-hundredths chains to corner No. 11; thence south forty degrees, fifty minutes east eight and thirty-three-hundredths chains to corner No. 12; thence south three degrees, twenty-five minutes west three and eighteen-hundredths chains to corner No. 13; thence south twenty-six degrees, one minute west six and ninety-one-hundredths chains to corner No. 14; thence south four degrees, fifty-five minutes west four and fourteen hundredths chains to corner No. 15; thence south five degrees, eighteen minutes west twenty-three and eighty-seven-hundredths chains to corner No. 16, the place of beginning, containing seventy-nine acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant, the tracts of Land above described; TO HAVE AND TO HOLD the said tracts of Land, with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTIETH day of MARCH in the year of our Lord one thousand nine hundred and SIXTEEN and of the Independence of the United States the one hundred and FORTIETH.

SEAL.

By the President: Woodrow Wilson
By M. P. LeRoy, Secretary,
L. Q. C. Lamar
Recorder of the General Land Office.

RECORDED: Patent Number 522238

Recorded at the request of C. M. Hull Nov. 9th, 1916 at --- minutes past 11 o'clock A. M., in Book Y of Deeds page 121, Records of Lemhi County, Idaho.

BY W. W. S. [Signature]

SCANNED

AUG 02 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

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

Notice is hereby given that Daryl A. Becker and Virginia H. Becker,
(Name of Claimant)

P. O. Box 1155, North Fork, Idaho 83466

Telephone No. 865-2162

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

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1913

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

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

Hull Creek tributary to North Fork River

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

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	1.0 cfs	Use	Irrigation	Period of Use From	Apr. 1 To Nov. 1
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 1.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

SE ¼ NE ¼, Sec. 29 Twp. 25N Rge. 21E B.M., County of Lemhi

Additional points of diversion: SW_{1/4} NW_{1/4} Sec. 28 T 25N, R 21E

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. canvass dams are placed in Hull Creek itself and adjacent land flooded.

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

[illegible]No. of acres 40

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

NOTE: Include here the type and number of stock watered:

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

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AUG 02 2005

FOR DEPARTMENT USE ONLY

Received by _____ Date 5-5-83
Prelim. check by BP Date 5/11/83
Published in Register Date 5/18/83
Dates 6/21/83
Exception filed by: _____
Forwarded to _____
claimant by: _____
Date _____

My commission expires LIFE

Notary Public _____
Residing at Idaho Falls

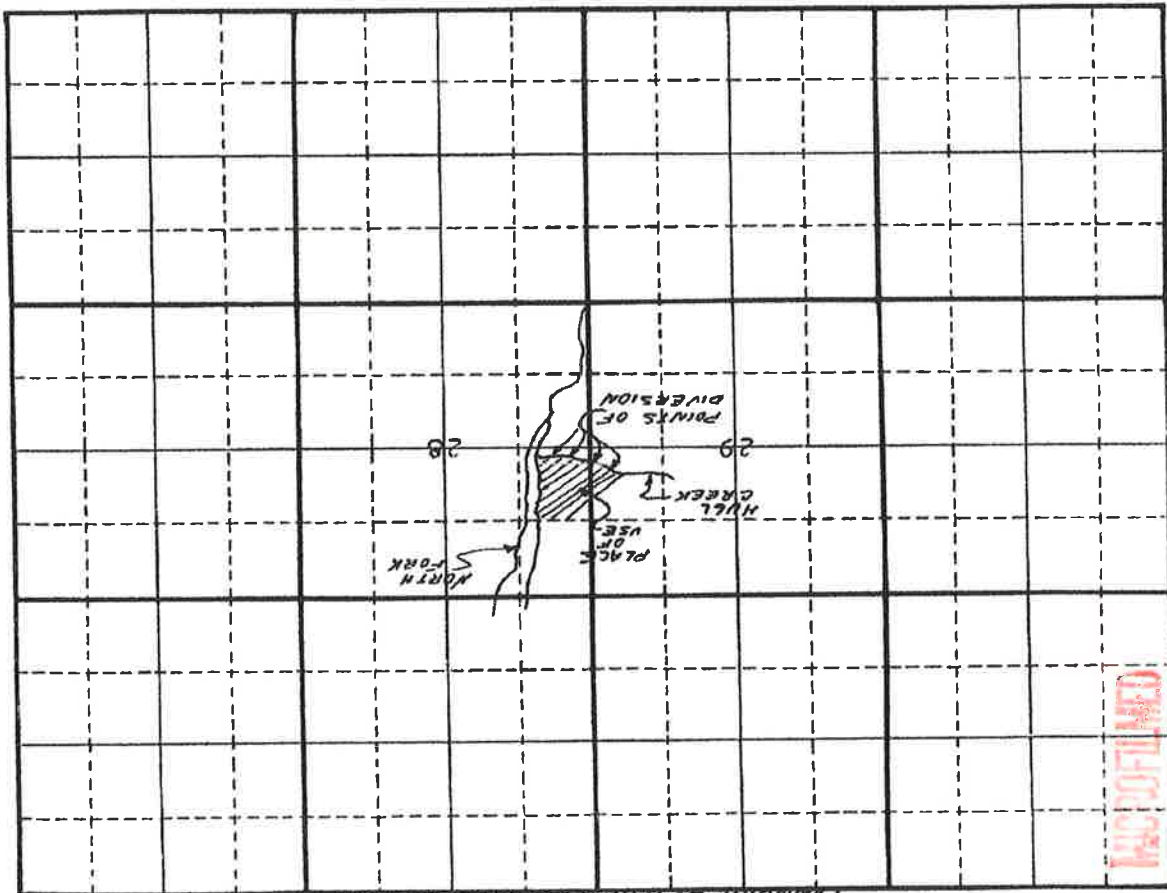
Sworn to before me this 11th day of NOVEMBER, 19 82.
(Claimant) R. J. ...

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

State of Idaho)
County of BONNEVILLE) ss.

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

Scale: 2 inches equal 1 mile.



(8) Remarks

75 4368

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s)
have been filed on water
right(s) created by diver-
sion and beneficial use:
75-4365

**BILLS-AUSTIN ENTER-
PRISES, INC.**
**DAY, RONALD &/or
MERLENE**
BOX 789, SALMON, ID
83467
Source: SALMON RIVER
trib. to SNAKE RIVER
Priority Date: 03/02/1967
Diversion Pt: NWNE Sec
21 T 23N R 17E
Use: IRRIGATION (0.11
CFS)
In: NENE NWNE Sec 21 T
23N R 17E FOR 2 ACRES
75-4366

**STOKES, ROBERT H. &/
or JEAN**
BOX 728, SALMON, ID
83467
Source: WASTEWATER
trib. to SALMON RIVER
Priority Date: 04/01/1886
Diversion Pt: SWNE Sec
18 T 22N R 22E
Use: IRRIGATION (1.88
CFS)
In: NESW SESW NWSE
SWSE Sec 07 T 22N R 22E
NWNE Sec 18 T 22N R
22E FOR 94 ACRES
75-4367

**STOKES ROBERT &/or
JEAN**
BOX 728, SALMON, ID
83467
Source: SPRING trib. to
UNNAMED DITCH
Priority Date: 06/01/1912
Diversion Pt: NWNW Sec
18 T 22N R 22E
Use: IRRIGATION (0.40
CFS)
In: STOCKWATER (0.03
CFS)
In: NWNE NENW Sec 18
T 22N R 22E NESW
SESW Sec 07 T 22N R 22E
FOR 32 ACRES
75-4368

**BECKER, DARYL A. &/
or VIRGINIA H.**
P. O. BOX 1153, NORTH
FORK, ID 83466
Source: HULL CREEK
trib. to SALMON RIVER,
NORTH FORK
Priority Date: 03/01/1913
Diversion Pt: SENE Sec.
29 T 23N R 21E SWNW
Sec 28 T 23N R 21E
Use: IRRIGATION (1.00
CFS)
In: SENE Sec 29 T 23N R
21E SWNW Sec 28 T 23N
R 21E FOR 40 ACRES
75-4369

**FIRST FEDERAL SAV-
INGS & LOAN ASSOC.**
198 N. MAIN, LOGAN,
UT 84321
Source: TWELVE MILE
CREEK trib. to SALMON
RIVER
Priority Date: 11/23/1922
Diversion Pt: NENW Sec
01 T 19N R 21E
Use: IRRIGATION (1.60
CFS)
In: LOT 03 (NENW) LOT
04 (NWNW) Sec 01 T 19N
R 21E LOT 07 (NWSW)
LOT 10 (SWSW) Sec 36 T
20N R 21E FOR 20
ACRES

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

JUN 3 1983

Department of Natural Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein.

That the Notice of Claims to Water Rights 75-4365 through
75-4370

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated May 26, 1983,
and ending with the issue dated June 2, 1983.

Subscribed and sworn to before me, this second

day of June, 1983.

*Notary Public for the State of Idaho,
Residing at Salmon, Idaho*

Publication Fee \$ 57.15

SCANNED

AUG 9 2 2005

25-4368

BECKER, DARYL A. &/or VIRGINIA H.

P.O. BOX 1155, NORTH FORK, ID 83466

Source: HULL CREEK trib. to SALMON RIVER, NORTH FORK

Priority Date: 05/01/1913

Diversion Pt: SENE Sec 29 T 25N R 21E SWNW Sec 28 T 25N R 21E

Use: IRRIGATION (1.00 CFS)

In: SENE Sec 29 T 25N R 21E SWNW Sec 28 T 25N R 21E FOR 40 ACRES

75-4368

BECKER, DARYL A. &/
or VIRGINIA H.

P. O. BOX 1155, NORTH
FORK, ID 83466

Source: HULL CREEK
trib. to SALMON RIVER,
NORTH FORK

Priority Date: 05/01/1913

Diversion Pt: SENE Sec
29 T 25N R 21E SWNW
Sec 28 T 25N R 21E

Use: IRRIGATION (1.00
CFS)

In: SENE Sec 29 T 25N R
21E SWNW Sec 28 T 25N
R 21E FOR 40 ACRES

MICROFILMED

SCANNED

AUG 12 2005

No ✓

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

RECEIVED

JUN 11 2004

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
	75-4368	✓			

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) Daryl A. Becker
- PO Box 50130 IDAHO FALLS ID 83405
4. New Owner/Claimant(s) Stephen F. Van Kelly & Jost
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3309 Teal Sunset Street
- City, State and ZIP Code Las Vegas NV 89125
- New Telephone Number 702-252-5320
5. Date you acquired the property 10-30-2002

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6. 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 <u>75-4368</u>		
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	<u>.225 cfs</u>	<u>9.0 ac.</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.225 cfs</u>	

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): Steve E. Jones
(include title if applicable) Kelly Hart

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 _____

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 16, 2004

STEPHEN AND KELLY JOST
3309 TEAL SUNSET ST
LAS VEGAS NV 89125

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-14160

Dear Claimants:

As a result of buying a portion of the property and water right, the Identification Number to your water right has been changed from #75-4368 to 75-14160. Please use the new number in future inquiries or correspondence you may have with our Department.

Enclosed is a copy of this water right claim. Please retain this copy for your file.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Copy of Notice of Claim Referenced Above

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<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KELLY S JOST
Current Owner	STEPHEN F JOST
	3309 TEAL SUNSET ST
	LAS VEGAS, NV 89125
	(702)256-5320
Original Owner	DARYL A BECKER
Original Owner	VIRGINIA H BECKER
	C/O HOLDEN KIDWELL HAHN &
	PO BOX 50130
	IDAHO FALLS, ID 83405
	(208)523-0620

Priority Date: 05/01/1913

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
HULL CREEK	NORTH FORK SALMON

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.225 CFS	
Total Diversion			0.225 CFS	

Location of Point(s) of Diversion:

HULL CREEK	SENE	Sec. 29	Township 25N	Range 21E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
25N	21E	28		SWNW	9									

Total Acres: 9

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

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