

11/08/2006

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

RIGHT NUMBER: 75-14338

NAME AND ADDRESS: SCOTT HATCH
55 BECKER RD
NORTH FORK ID 83466

SOURCE: HUGHES CREEK

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION:

T25N R21E S21 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.070 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S21

SWSW

1.30

T25N R21E S21

SESW

0.80

2.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4362.

This right is a split from former right 75-14133 .



Idaho Department of Water Resources

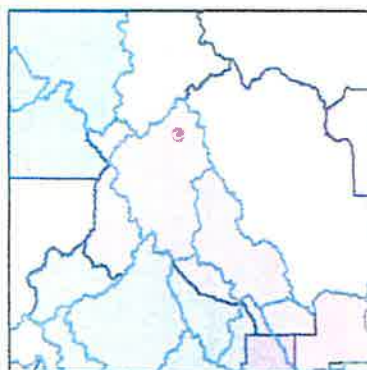
SRBA Recommendation:

75-14132

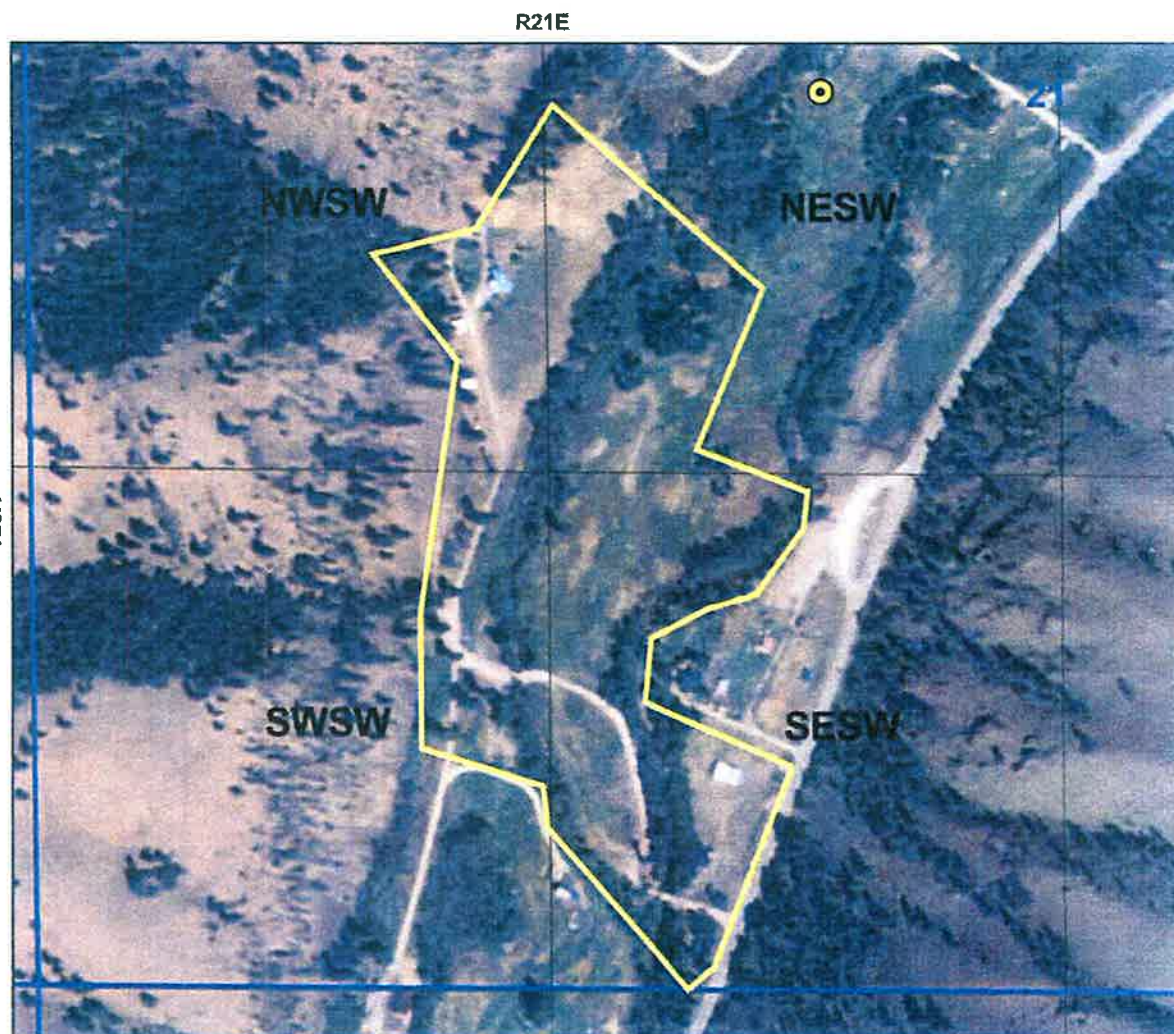
(Irrigation)

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles

Prepared by K. Jackson
On Thursday, December 7, 2006
2004 Aerial Photography

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' assume

i = 1.0 ft/day

ditch length (mi.) = 100' = 0.08 miles from pond to property

Conveyance Loss:

$$S = (2)(1)(0.0667) = 0.133 \text{ cfs/mile}$$

$$\text{Loss} = 0.133 \text{ cfs/mile}$$

$$0.133 \text{ cfs/mile} \times 0.08 \text{ miles} = 0.01064 \text{ cfs}$$

$$(2.17 \text{ ac})(0.03 \text{ cfs/ac}) = 0.0651 \text{ cfs}$$

$$\text{ditch loss} = +0.003$$

$$0.068$$

or

$$0.07 \text{ cfs}$$

Claimed is 0.20 cfs irrigation

Recommend is 0.07 cfs

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JAN 11 2003

Pedigree Search (History of Water Right Number splits)

STATORY CLAIM 3.00/64 AC

Adjudication Pedigree for 75-4362

-- Water Right Number / Status /Reason for split

--75-4362 /PARENT /Ownership Change 2.00/64 AC

--75-14132 /Active /Ownership Change

--75-14133 /Parent /Ownership Change

--75-14338 /Active /Ownership Change

--75-14339 /Active /Ownership Change

Water Right Pedigree for 75-4362

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JAN 11 2008

5/25/2007 10:37 AM

Pedigree Search (History of Water Right Number splits)

STATORY CLAIM 3.0 of 64 AC

Adjudication Pedigree for 75-4362

-- Water Right Number / Status /Reason for split

--75-4362 /PARENT /Ownership Change *2:0 64 44 AC*

--75-14132 /Active /Ownership Change

--75-14133 /Parent /Ownership Change

--75-14338 /Active /Ownership Change

--75-14339 /Active /Ownership Change

Water Right Pedigree for 75-4362

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Pedigree Search (History of Water Right Number splits)

Adjudication Pedigree for 75-4362

-- Water Right Number / Status / Reason for split

--75-4362 / PARENT / Ownership Change 2.06 4400

Johnson

--75-14132 / Active / Ownership Change 1.45 31

REC 0.88 / 3100

--75-14133 / Parent / Ownership Change 0.61 13.5

Hotal

--75-14338 / Active / Ownership Change 0.2

4.5 0.07 / 2.100

Yallah

--75-14339 / Active / Ownership Change 0.41

900 0.14 / 700

Water Right Pedigree for 75-4362

*> Johnson's change of ownership
says 0.56 cfs 25 acres*

*Kent Foster
(208) 523-0620*

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JAN 11 2003

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
FREDERICK J. HAHN, III
KARL R. DECKER
SHAN B. PERRY
DeANNE CASPERSON**
AMELIA A. SHEETS
ROBERT L. HARRIS
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@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

RECEIVED
JAN 10 2007
IDWR/North

**Also Licensed in Missouri & Kansas

January 3, 2007

RECEIVED
JAN 04 2007
Department of Water Resources

Idaho Department of Water Resources
ATTN: Trent Galbraith
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

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

Claude & Jeanette Johnson
PO Box 86
North Fork, ID 83466

Greg & Theresa Aland
PO Box 275
North Fork, ID 83466

Stephen & Kelly Jost
3309 Teal Sunset St.
Las Vegas, NV 89129

Mike, Meta & Glenda Hollingsworth
1212 York Ave.
Fort Pierce, FL 34982

Scott Hatch
55 Becker Rd.
North Fork, ID 83466

Steven M. & Kimberly C. Yadon
PO Box 85
North Fork, ID 83466

Sean R. & Jacqueline L. Babcock
18935 N.W. Auora St.
Portland, OR 97229

Robert D. & Carrie L. Archie
13155 Thomas Creek Rd.
Reno, NV 89511

RE: Becker Estate

Dear Ladies & Gentlemen:

We are writing this letter in an effort to assist with clarifying land ownership and hence water rights ownership with respect to SRBA Claims affecting the former Becker Estate property on the North Fork of the Salmon River. We recently obtained copies of IDWR's Preliminary Recommendations for water rights numbers 75-14132 and 75-14159. They furnished an occasion for us to review those and other recommendations carefully and to compare them to the original SRBA claims as well as changes in ownership that have occurred in recent times. While

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JAN 11 2008

January 3, 2007

Page 2 of 3

there is no obligation on the part of the estate to provide this analysis, we were in a somewhat unique position to provide information which might be of assistance.

We wish to report our understanding of the status of the recommendations and then provide information and documentation on further ownership changes that may affect portions of some of the water rights claims.

In 1989 we assisted Daryl and Virginia Becker with the preparation and filing of two SRBA Claims, 75-4362 and 75-4368. 75-4362 claimed 2.06 cfs of the waters of Hughes Creek with a priority of April 1, 1912, for the irrigation of 44 acres of land as follows:

T25N., R21E., Sec. 21: NESW - 14
 NWSW - 5
 SWSW - 8
 SESW - 15

T25N., R21E., Sec 28: NENW - 2

Claim No. 75-4368 claimed 1.0 cfs of the waters of Hull Creek with a priority of May 1, 1913, for the irrigation of 40 acres of land as follows:

T25N., R21E., Sec. 28: SWNW - 28
T25N., R21E., Sec. 29: SENE - 12

The Beckers had begun to sell portions of their property, first to Claude and Jeanette Johnson in 1986, and then to Scott Hatch in 1987. Virginia Becker passed away December 7, 1991, and then Daryl Becker passed away December 7, 1994. The remaining property was consolidated into a single estate, the Estate of Daryl A. Becker, and the personal representative has created a five (5) lot subdivision and sold all five lots as well as some additional parcels of land. The water rights claims have been split in connection with the sale of some of the parcels, but not all, and there needs to be further adjustments in the water rights ownership records.

Water Right No. 75-4362 was divided into 75-14132 and 75-14133. 75-14132 is the portion that goes mostly with the land bought by Johnsons; 75-14133 was the portion that went to Scott Hatch. 75-14133 was subsequently divided into 75-14338, in the name of Scott Hatch, and 75-14339, in the names of Steven M. And Kimberly C. Yadon. So, from the original claim, 75-4362, there are now three separate recommendations:

Water Right No. 75-14132 was recommended in the names of Claude Thomas Johnson and Jeanette Marie Johnson (copies of the recommendation and the place of use map are enclosed). It is recommended for 0.88 cfs of the waters of Hughes Creek with a priority of April

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January 3, 2007

Page 3 of 3

1, 1912, for irrigation of 31 acres. As nearly as we can tell, Johnsons own all but about 3.56 of this 31 acres. The 3.56 acres appears to be owned by Gregory J. & Theresa R. Aland. It appears to us that recommendation number 75-14132 needs to be split between Johnsons and Alands. A copy of the deed from the Becker Estate to Alands is enclosed.

Water Right No. 75-4368 was divided into 75-14159 (still in the name of the Becker Estate) and 75-14160, which has been recommended in the names of Stephen F. & Kelly S. Jost. From the place of use map which accompanied the recommendation for claim no. 75-14159 (a copy is enclosed with a copy of the recommendation), it appears to us this claim should be further divided. As you can see, the land outlined in yellow on the map is in three pieces. The one on the west appears to us to be owned by Sue Meeks. A copy of the Deed to her is enclosed. The one on the south is still owned by the Estate (this could be three to four acres). The larger one to the north appears to us to be part of Becker Subdivision, specifically, portions of Lots 2, 3 and 4. 5.9 acres of Lot 1 was recommended to Josts in number 75-1460. But the portions that go with Lots 2, 3, 4 and possibly 5, need to be split among those owners. Copies of the Deeds to Hollingsworth, Babcocks and Archies are enclosed with this letter.

We do not know whether the correct amounts of water and acreage have been recommended for each lot, but we imagine each lot owner is better able to review this with IDWR officials than we. If any of you disagree with the recommendations, you should file objections to protect your rights. We hope this information will be helpful to you.

Yours very truly,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\2481 Becker\Lot Buyers ltr 010307.wpd:cdv

SCANNED
JAN 11 2008

THIS INDENTURE is made this 16th day of May, 2002, between Robert E. Farnam, Personal Representative of the Estate Of Daryl A. Becker, of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Gregory J. Aland and Theresa R. Aland, husband and wife, whose mailing address is Box 275, NORTH FORK, IDAHO, 83466, 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 successors and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

A fraction of H.E.S. 55, located in unsurveyed Sections 21 and 28, T. 25 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at Corner No. 12 from which Corner No. 13 bears N.33°47'00" E. 435.14 feet, the Basis of Bearing of this description, run thence N. 41°47'00" W., along Line 12-11, a distance of 127.94 feet to the centerline of the North Fork of the Salmon River; thence the following courses and distances along said centerline; N.01°05'02" E. 516.43 feet; N. 14°04'24" W. 155.78 feet; thence S.65°37'25" E. a distance of 410.85 feet to a point on the Westerly Right-of-Way of US Highway 93; thence S.22°01'30" W., along said Right-of-Way a distance of 554.87 feet to a point on the Line 12-13; thence S. 33°47'00" W., along said line, a distance of 94.92 feet to the POINT OF BEGINNING.

This property shall be limited to use as residential. No structure shall be erected, altered, placed or permitted to remain on the land other than a single dwelling, private garage and related outbuildings to include dwellings for domestic pets. No business can be operated on the property other than a home business which does not visually or environmentally impact the residential character of the real property. This provision shall be a covenant running with the land and be included in the deed for this and any subsequent conveyances.

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.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, 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.

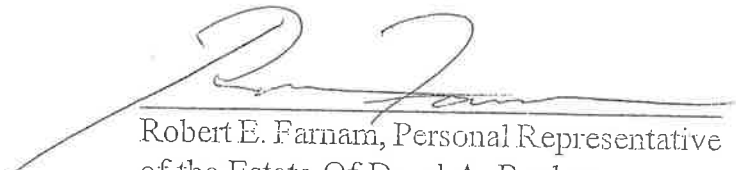
SCANNED

JAN 11 2009

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

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

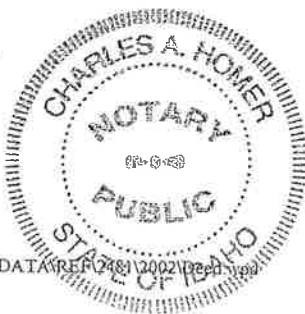
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

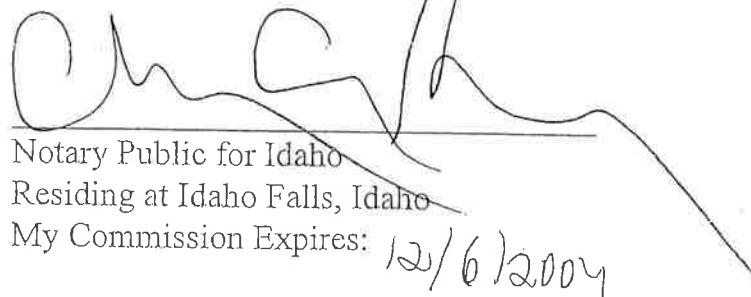

Robert E. Farnam, Personal Representative
of the Estate Of Daryl A. Becker,
Grantor

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 14th day of May, 2002, before me, the undersigned 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 set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/2004

State of Idaho)
County of Lemhi) SS No. _____

This instrument was filed for record at the request
of Lemhi Title
at 1:20 o'clock A.m. 5-16 2002

and duly filed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder

By Sara Eagle Deputy

Pee 16.00

Return to Lemhi Title

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JAN 11 2009

The original statutory claim (75-4362) was for 3 cfs to irrigate 64 acres. The adjudication claim filed was for 2.06 cfs to irrigate 44 acres. No adjudication claim was filed on the 0.94 cfs for 20 acres.

In 2002 Scott Hatch filed a change of ownership on 75-4362 listing 0.325 cfs for the irrigation of 13 acres.

In 2003 we split 75-4362 into 75-14132 listing 1.45 cfs for 31 acres to Becker and 75-14133 listing 0.61 cfs for 13 acres to Hatch.

In 2004 Claude Johnson filed a change of ownership form (75-14132) listing 0.56 cfs for the irrigation of 25 acres. The listing was crossed out and a statement was written "no split".

We recommended to the court an amount of 0.88 cfs for 31 acres to Johnson.

In 2005 Steven Yadon filed a change of ownership for 75-14133 listing 0.40 cfs for 9 acres.

We split 75-14133 into 75-14338 listing 0.2cfs for 4 acres to Hatch and 75-14339 listing 0.41 cfs for 9 acres to Yadon.

We recommended 75-14338 an amount of 0.07 cfs for 2.1 acres and 75-14339 an amount of 0.14 cfs for 7 acres.

In 2007 we received a change of ownership for 75-14338 to change the ownership of the entire right from Hatch to John Dow. We filed the paperwork with the court.

We received an objection to 75-14132, 75-14338 and 75-14339 stating that the adjudication claim filed by the Becker's (75-4362) was not for Johnson and Hatch. 75-4362 should have never been split. The water rights for Johnson and Hatch were a split of the remainder of the statutory claim, which was 0.94 cfs, 20 acres. Robert Archie should have a portion of 75-4362 to irrigate about 6.5 acres on Lot 5. We have a change of ownership for splitting "75-14132 (actually 75-4362)".

We have a letter written by Kent Foster pointing out that Gregory & Theresa Aland own 3.56 acres, which should be irrigated by water from 75-14132. We have no change of ownership form for this.

GRANT DEED

THIS INDENTURE is made this 30 day of December, 2002, between Daryl A. Becker Estate, Robert E. Farnam, Personal Representative of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Robert B. Archie and Carrie L. Archie, Husband and Wife, as joint tenants with right of survivorship, whose mailing address is 13155 Thomas Creek Road, Reno, Nevada 89511, 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 5 of Becker Estates, according to the official plat thereof, filed in Book 6 of Plats, at Page 39, and amended in Book 6 of Plats, at Page 39B, official 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. 183030, records of Lemhi County, Idaho.

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JAN 11 2003

ALSO SUBJECT TO terms and conditions contained in License Agreement for access recorded October 17, 1995, as Instrument No. 227765, 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)
County of Lemhi) SS No. 252994

This Instrument was filed for record at the request
of alliance

at 3:10 o'clock P m 30 Dec 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

Recorded

659994

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11/1/2005

NOTICE OF CLAIMS TO
WATER RIGHTS

The following claim(s)
have been filed on water
right(s) created by diver-
sion and beneficial use:
73-4077

SANDERSON, VERA M.
HC-62, BOX 1220, ELLIS,
ID 83235

Source: PAHSIMEROI
RIVER trib. to SALMON
RIVER

Priority Date: 04/01/1870
Diversion Pt: NWNE Sec
07 T 15N R 21E
Use: IRRIGATION (3.00
CFS)
In: NESW Sec 36 T 16N R
20E FOR 1 ACRES
75-4359

BECKER, DARYL A. &/
or VIRGINIA H.
P. O. BOX 1155, NORTH
FORK, ID 83466

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

Priority Date: 04/01/1912
Diversion Pt: NESW Sec
21 T 25N R 21E
Use: IRRIGATION (0.30
CFS)
In: NENW Sec 28 T 25N R,
21E SESW Sec 21 T 25N R
21E FOR 3 ACRES
75-4360

BECKER, DARYL A. &/
or VIRGINIA H.
P. O. BOX 1155, NORTH
FORK, ID 83466

Source: SPRING trib. to
SINKS

Priority Date: 06/01/1929
Diversion Pt: SESW Sec
28 T 25N R 21E
Use: IRRIGATION (0.06
CFS)
STOCKWATER (0.06
CFS)
DOMESTIC (0.06 CFS)
In: SWSW Sec 28 T 25N R
21E FOR 4 ACRES
75-4361

BECKER, DARYL A. &/
or VIRGINIA H.
P. O. BOX 1155, NORTH
FORK, ID 83466

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

Priority Date: 11/17/1921
Diversion Pt: SWNW Sec
28 T 25N R 21E
Use: IRRIGATION (0.40
CFS)
In: SWSW Sec 28 T 25N R
21E FOR 4 ACRES
75-4362

BECKER, DARYL A. &/
or VIRGINIA H.
P. O. BOX 1155, NORTH
FORK, ID 83466

Source: HUGHES CREEK
trib. to SALMON RIVER
NORTH FORK

Priority Date: 04/01/1912
Diversion Pt: NESW Sec
21 T 25N R 21E
Use: IRRIGATION (3.00
CFS)
In: NESW NW/4 SW/4
SE/4 Sec 21 T 25N R 21E
NENW NW/4 Sec 28 T
25N R 21E FOR 4
ACRES

Affidavit of Publication

STATE OF IDAHO
County of Lemhi

MAY 27 1983

Department of Water 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 Claim to Water Rights 73-4077, 75-4359
through 75-4364

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 19, 1983
and ending with the issue dated May 26, 1983

Jerry G. Rosin

Subscribed and sworn to before me, this twenty sixth
day of May, 1983

Carl Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 59.40

75-4363

BECKER, DARYL A. &/
or VIRGINIA H.
P. O. BOX 1155, NORTH
FORK, ID 83466

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

Priority Date: 04/01/1912
Diversion Pt: NWSW Sec
21 T 25N R 21E
Use: IRRIGATION (0.30
CFS)
In: NWSW Sec 21 T 25N R
21E FOR 7 ACRES
75-4364

ORD, VIOLA B.
BOX 1158, NORTH
FORK, ID 83466
Source: SALMON RIVER
NORTH FORK trib. to
SALMON RIVER

Priority Date: 08/01/1968
Diversion Pt: NWSE Sec
11 T 25N R 21E
Use: IRRIGATION (0.04
CFS)
In: NWSE Sec 11 T 25N R
21E

Exceptions to a claim,
may be filed with the
Director, Dept. of Water
Resources, 150 Shoup,
Ave., Suite 15, Idaho
Falls, Idaho 83402.
KEN DUNN, Dir.
Published 5/19 & 5/26/83

5-19-2c

SCANNED

JAN 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 6, 1983

DARYL A. BECKER
VIRGINIA H. BECKER
P.O. BOX 1155
NORTH FORK

ID 83466

RE: Claim No. 75-4362

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECORDED

SCANNED
JAN 11 2003

RECEIVED
FBI
JAN 11 2003

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

In Re SRBA

A. Subcase 75-14338

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Robert B. Archie

Address: 13155 Thomas Creek Rd.

Reno, NV 89511

Daytime Phone: 775-851-3837

Name & Address of Attorney, if any:

Kent W. Foster; Holden, Kidwell, Hahn & Crapo,

PO Box 50130

Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Scott Hatch

Address: 55 Becker Rd., (PO Box 1550, Cascade, ID 83611-1550)

Northfork, ID 83466

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

10. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

There is really nothing about the water rights of the claimant to which we object; but the right for watering of our property has been omitted. Please see statement below.

E. REASONS SUPPORTING OBJECTION(S): Darrell & Virginia Becker filed a statutory claim, assigned number 75-4362 in 1982 claiming 3.0 cfs from Hughes Creek for irrigation of 64 acres. In 1986, the sold a portion of the irrigated property to Claude & Jeanette Johnson, and in 1987 sold another portion of the irrigated property to Scott Hatch. In 1989 they filed an SRBA

Claim, also numbered 75-4362, but claiming only the portion of the right remaining on the land they still owned, 2.06 cfs for 44 acres. IDWR recommendations 75-14132 (for Johnsons), 75-14338 (for Hatch), and 75-14339 (for Yadons - who bought a piece of the Hatch property) were taken from the Becker claim, rather than from the remainder of 75-4362 left after the sales to Johnsons and Hatch. Beckers both died in the early 1990s and the personal representative of the estates created a small subdivision with five lots, much of which is part of the historic place of use for the statutory claim, 75-4362. Portions of the former statutory claim, specifically the portion not sold by Beckers to Johnsons and Hatch should be available for some of the subdivision lot owners, including claimant, who purchased Lot 5, about 6.5 acres, historically irrigated with water from Hughes Creek. The Archie land, Lot 5, is located in the NWNW and NENW, Sec. 28, T25N., R21E.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

Kent W. Foster, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Kent W. Foster, Attorney

Subscribed and sworn to before me on the 30th day of January, 2007.





Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

G.

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of January, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
2. One copy to the claimants of the water right at the following address:
Scott Hatch
PO Box 1550
Cascade, ID 83611-1550
3. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Idaho Department of Water Resources
Northern Region - ATTN: Ken Knoblock
1910 Northwest Blvd., Ste. 210
Coeur D'Alene, ID 83814-2615


Kent W. Foster, Attorney

G:\WPDATA\KWF\2481 Becker\Objection, 75-14338.wpd

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. 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
	75-43682	✓			

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. + Virginia A. Becker
PO Box 50130 IDAHO Falls, ID. 83405

4. New Owner/Claimant(s)

Scott Hatch

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

New Mailing Address

55 Becker Rd.

City, State and ZIP Code

North Fork ID 83466

New Telephone Number

(208) 865-2065

5. Date you acquired the property

10-22-87

RECEIVED
 SEP 27 2002
 DEPARTMENT OF WATER RESOURCES
 Eastern Region
 JAN 31 2003

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 _____		
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>325 cfs</u>	<u>13.0 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

For Office Use Only

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

SCANNED
JAN 11 2009

GRANT DEED

THIS INDENTURE, Made this 22nd day of October, 1987,
between DARYL A. BECKER and VIRGINIA H. BECKER, husband and
wife, of Box 1155 North Fork, Idaho 83466, the Party of the
First Part, and SCOTT HATCH, a single man, whose mailing
address is 1850 North Whitley #1008, Hollywood, California
90028, the Party of the Second Part.

WITNESSETH,

The Party of the First Part, 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 Party of the First Part in hand paid by the Party of the
Second Part, the receipt whereof is hereby acknowledged, has
granted, and by these presents does grant and confirm unto the
Party of the Second Part, and to Party of the Second Part's
heirs and assigns forever, all of the following described real
estate, and roadway easement situated in the County of Lemhi,
State of Idaho, to-wit:

I. REAL ESTATE:

A Fraction of H.E.S. 89 A located in T. 25 N., R. 21 E.,
Boise Meridian, Lemhi County, Idaho.

Beginning at Corner #9, H.E.S. 89 A, run thence
S. 72°36'30" E. a distance of 326.50 ft. to Corner #10,
H.E.S. 89 A;

Thence S. 06°29'57" E. a distance of 108.23 ft. to Corner
#11, H.E.S. 89 A;

Thence S. 40°56'44" E. a distance of 549.84 ft. to Corner
#12, H.E.S. 89 A;

Thence S. 03°29'02" W. a distance of 210.31 ft. to corner
#13, H.E.S. 89 A;

Thence S. 26°01'55" W. a distance of 457.08 ft. to corner
#14, H.E.S. 89 A;

Thence S. 05°01'03" W. along the line between Corner #14
and Corner #15, H.E.S. 89 A, a distance of 60.26 ft.;

Thence N. 89°54'06" W. a distance of 778.85 ft. to a point
on the line between Corner #8 and Corner #9, H.E.S. 89 A;

STATE OF IDAHO
COUNTY OF LEMHI
I, TERRI J. MORTON, CLERK OF THE DISTRICT COURT
OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF LEMHI DO HEREBY
CERTIFY THAT THE PROCEEDING IS A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND
AND AFFIXED MY OFFICIAL SEAL THIS 25th DAY
OF Sept YEAR 2002
TERRI J. MORTON, CLERK
BY Blumington DEPUTY

SCANNED
JAN 11 2003

Thence N. 13°31'01" E. a distance of 1342.92 ft. to the
POINT OF BEGINNING.

II. Ditch Rights:

TOGETHER WITH the right to continue to use and maintain the ditch on property located to the North of the above described property as provided in the Grant Deed recorded November 5, 1986, as Instrument No. 183020, records of Lemhi County, Idaho.

III. Road Easement:

TOGETHER WITH an easement or road right-of-way for ingress to and egress from the real estate described in paragraph I above, which such road right-of-way shall extend ten (10) feet on each side of the following centerline:

Commencing at Corner No. 16 of Tract A of H.E. Survey No. 89 from which U. S. Forest Service Monument bears South 62°35' East 1.42 chains distant; thence South 83°47' West 5.27 chains to Corner No. 17; from which Corner No. 22 of Tract B of H.E. Survey No. 89 bears South 1°32' West 50 links distant; thence North 80°43' West 6.15 chains to Corner No. 18; thence North 75°18' West 6.53 chains to Corner No. 19; thence N. 11°59' East 5.84 chains to Corner No. 7 which is "THE TRUE POINT OF BEGINNING"; thence East 33 feet; thence in a Northerly direction in a straight line to a point which is 68 feet East of Corner No. 8; thence in a Northerly direction in a straight line to a point which is South 72°36'03" East 100 feet of Corner No. 9 of said Tract A of H.E. Survey No. 89.

The owners of the property which is subject to the above described easement shall have the right at any time to move such easement to a new location provided that the easement, when located, will continue to provide access to the property described in paragraph I above and provided that such new access easement has constructed thereon a road of the same type and quality as any road which may be on the original easement described herein at the time of such relocation.

The above described easement shall be of limited duration and shall cease to exist and be null and void on the earlier of the following dates:

(a) The date on which the owner of the property described in paragraph I above constructs a bridge and access road to the property described in paragraph I above so that there is an alternate means of access to such property.

(b) October 22, 1890.

IV. GENERAL EXCEPTIONS:

The above described property shall be subject to the following:

1. The roadway easement granted to Claude T. Johnson and Jeanette M. Johnson pursuant to Grant Deed recorded November 5, 1986, under Instrument No. 183020, records of Lemhi County, Idaho.
2. To any portion of the above described property being used for Highway right-of-way purposes and all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
3. To any claim arising from the difference in the mean high water line of the North Fork of the Salmon River and the meander line as shown by the Government Survey.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of said Party 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 Party of the Second Part's heirs and assigns forever.

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

SCANNED

JAN 11 2000

IN WITNESS WHEREOF, the Party of the First Part hereunto have set their hands.

Daryl A. Becker
Daryl A. Becker
Virginia H. Becker
Virginia H. Becker

STATE OF Arizona
IDAHO,)
County of La Paz) ss.

On this 30 day of March, in the year 1988, before me, the undersigned Notary Public in and for said State, personally appeared DARYL A. BECKER and VIRGINIA H. BECKER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they executed the same.

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

Colin Conley
Notary Public for Idaho Arizona
Residing at Quartzite, Ariz.
My commission expires 1-8-91

(Seal)

2882f/rfs

State of Idaho }
County of Lemhi } ss No. 191095

This instrument was filed for record at
the request of Halden Kidwell Hahn Crane
at 2:35 o'clock P. M. 2-8 1988
and duly filed and indexed in the
records of Lemhi County.

Alberta Wiederrick
Ex-Officio Recorder

Hernando J. Norton Deputy
12th Feb.

GRANT DEED

-4-

SCANNED

JAN 11 2003

20 | 21
29 | 28

2403

5403

5402

5404

4801

5400

4804

SCANNED
IN 11-2013

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 KFOSTER@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 & Kansas

September 2, 2003

Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RECEIVED
SEP 04 2003

Department of Water Resources
Eastern Region

RE: Notice of Claim to a Water Right No. 75-4362,
In the name of Darrell A. or Virginia H. Becker

Dear Jennifer:

We are in receipt of your letter of August 12, 2003, and the enclosed photo/map. We have reviewed the claim we helped Beckers prepare in 1989, but unfortunately have no further information with which to provide assistance. Both Mr. and Mrs. Becker have been deceased for several years now, and we really know of no one else who has the familiarity with water use from Hughes Creek that Mr. Becker had.

From the map we submitted with the claim, it appears that much of the irrigated land was between Hughes Creek and the North Fork River. But, the claim shows a total of 44 acres, and perhaps some was west of Hughes Creek and/or east of North Fork. I do not even know the exact location of the "Highline Ditch" referred to in the claim by Mr. Becker. I am sorry we are not able to be of better assistance.

Yours very truly,



Kent W. Foster

SCANNED
JAN 11 2009

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McLormick

Right Number 75 4362

Applicant Becker, Daryl

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date June 10, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 6/16/83

RECEIVED
JUN 13 1983

Department of Water Resources

SCANNED
JAN 1 1983

MICROFILMED

IDAHO DEPARTMENT OF WILDERNESS RESOURCES

WAITING FOR THE
DATA ENLIGHTENMENT

Initials	Date	Item
BP	5/11/83	Original form entered
		edit Report Correct
		Date Prototsted
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Initial Proof
		Final Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Relinquished by State Office

SCANNED

JAN 11 2009

75-4362

BECKER, DARYL A. &/or VIRGINIA H.

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

Source: HUGHES CREEK trib. to SALMON RIVER NORTH FORK

Priority Date: 04/01/1912

Diversion Pt: NESW Sec 21 T 25N R 21E

Use: IRRIGATION (3.00 CFS)

In: NESW NWSW SWSW SESW Sec 21 T 25N R 21E NENW NWNW Sec 28 T 25N R 21E
FOR 64 ACRES

75-4362

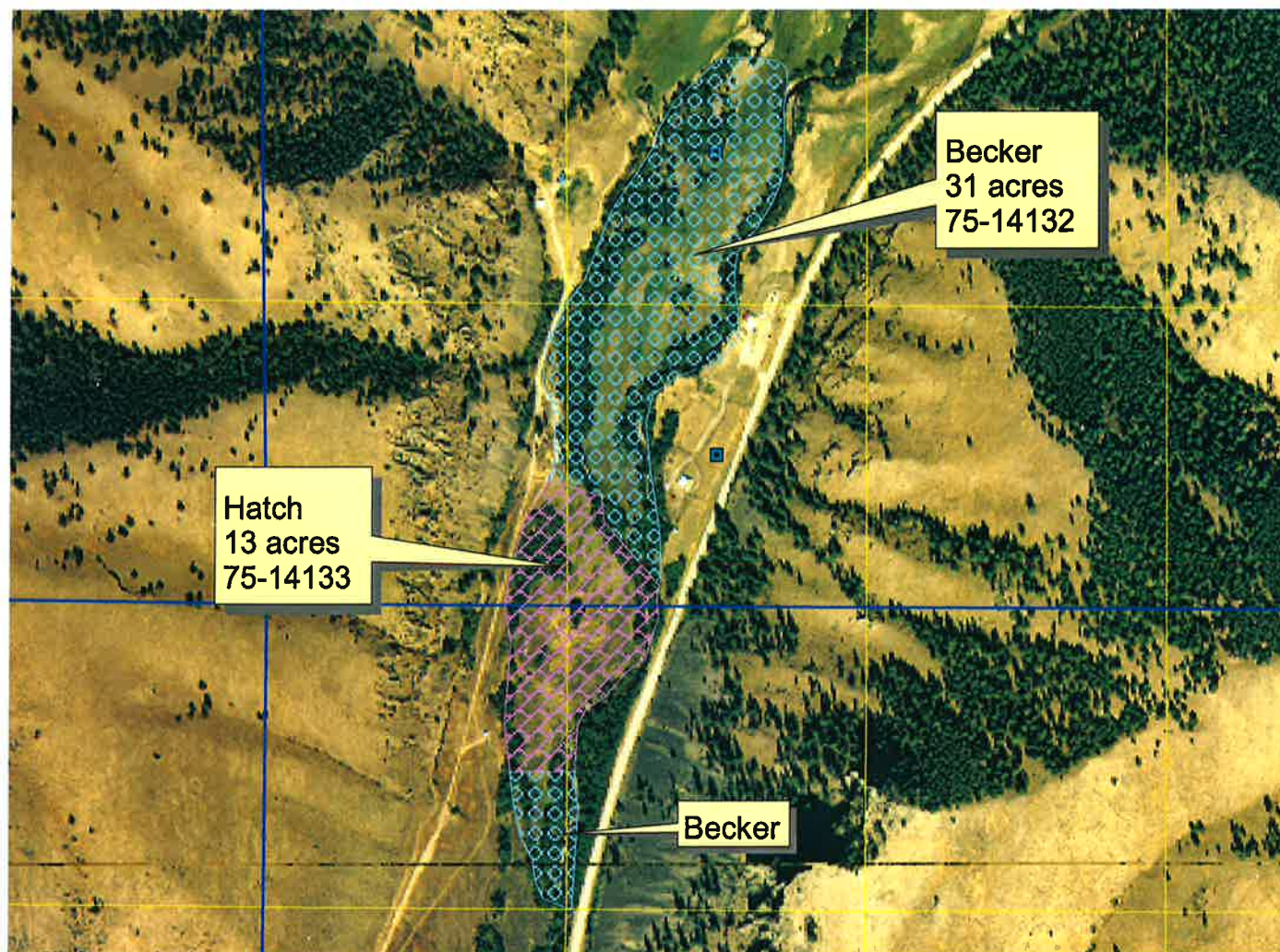
BECKER, DARYL A. &/
or VIRGINIA H.
P. O. BOX 1155, NORTH
FORK, ID 83466
Source: HUGHES CREEK
trib. to SALMON RIVER
NORTH FORK
Priority Date: 04/01/1912
Diversion Pt: NESW Sec
21 T 25N R 21E
Use: IRRIGATION (3.00
CFS)
In: NESW NWSW SWSW
SESW Sec 21 T 25N R 21E
NENW NWNW Sec 28 T
25N R 21E FOR 64
ACRES

MICROFILMED

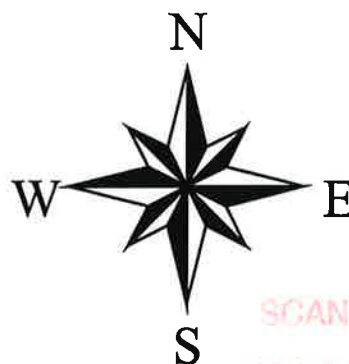
SCANNED

JAN 11 2009

Split of 75-4362



0.1 0 0.1 0.2 Miles



SCANNED
JAN 11 2003

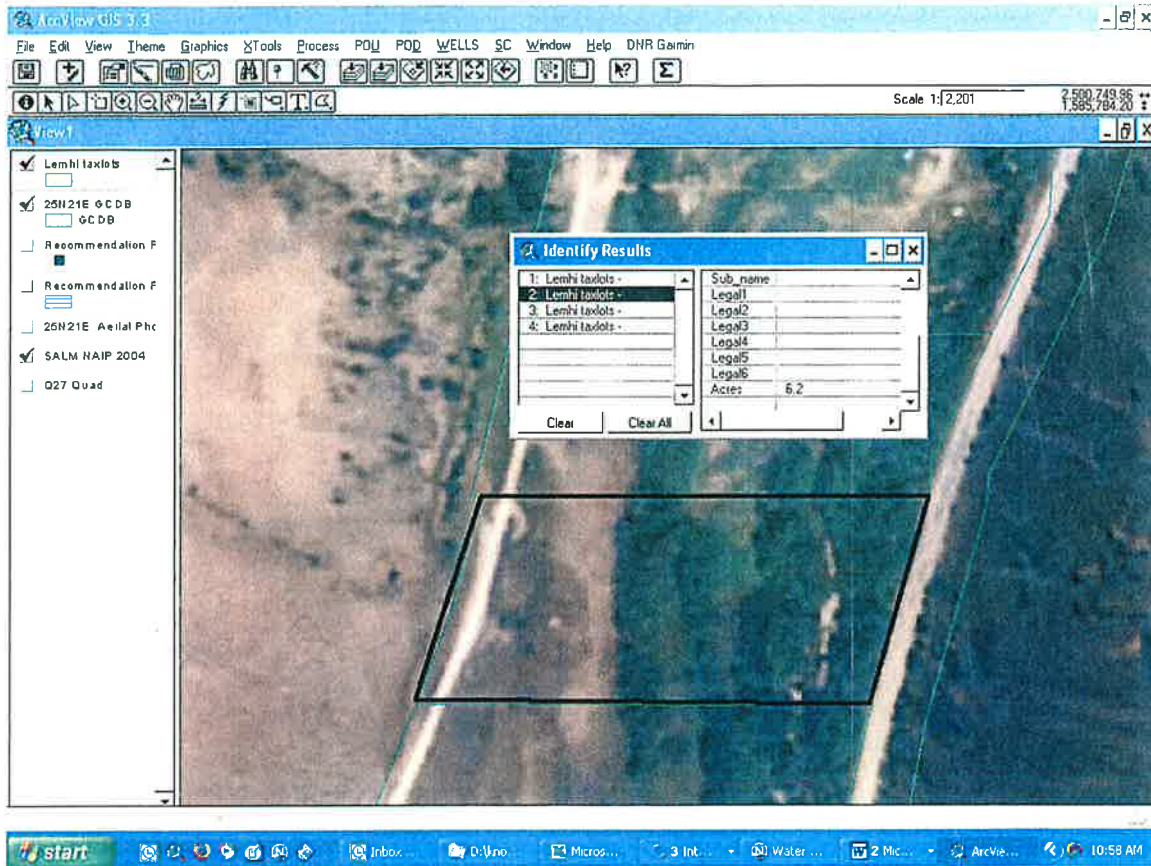
75-14338



0.07 0 0.07 0.14 Miles

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





archive
Property

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern Regional Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

POCATELLO ID

03 AUG 2007 PM 1



1531

U.S. POSTAGE

PB3523907

8924\$00.410 AUG 03 2007

0970 MAILED FROM ZIP CODE 83402

RECEIVED

AUG 07 2007

Department of Water Resources
Eastern Region

UTF

SCOTT HATCH
55 BECKER RD
NORTH FORK ID 83466

NIXIE

037 DC 1

00 08/05/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 83402170073

*1836-03736-03-41

83466+83402@1700



RECEIVED
SEP 07 2007
IDWR/North

SCANNED

AUG 07 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2007

JOHN DOW
254 AVENIDA VISTA DEL OCEANO
SAN CLEMENTE CA 92672

RE: Notice of Change of Water Right Ownership (NCO) for 75-14338 and Notice of Completed Administrative Proceeding (NCAP)

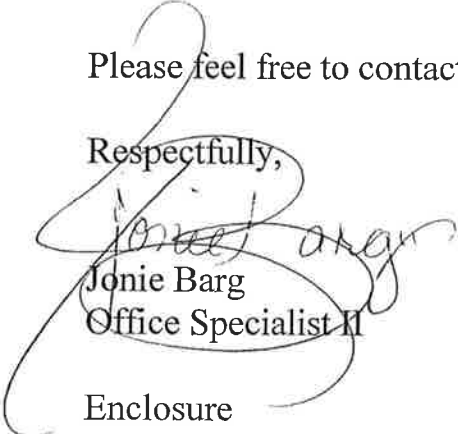
Dear Sir/Madam:

On July 11, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: SCOTT HATCH

SCANNED
AUG 07 2007

In Re SRBA	)	Water Rights: 75-14338
	)	
Case No. 39576	)	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

☐ Address change

☒ Substitution of Party HATCH-DOW

☐ I.C. § 42-222 transfer

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

DATED: July 26, 2007

Signature of IDWR Representative

AUG 07 2007

CERTIFICATE OF MAILING

I certify that on August 3, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Scott Hatch
55 Becker Rd
North Fork, ID 83466

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
John Dow
254 Avenida Vista Del Oceano
San Clemente CA 92672

4. One copy to:

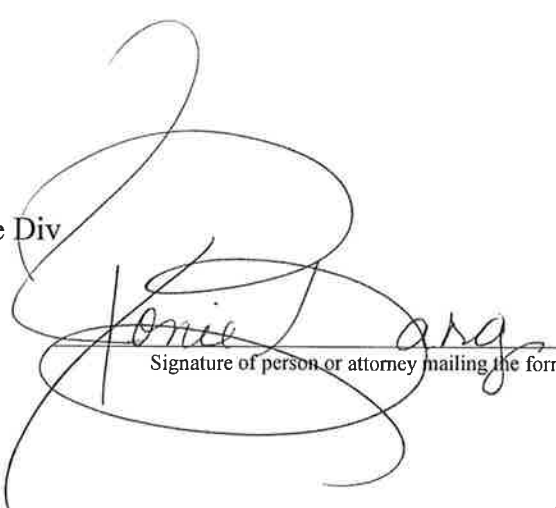
Each party in the subcase, or attorney of record
Robert B Archie
C/O Kent Foster
PO Box 50130
Idaho Falls, ID 83405

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

07/25/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14338

NAME AND ADDRESS: JOHN DOW
254 AVENIDA VISTA DEL OCEANO
SAN CLEMENTE CA 92672

SOURCE: HUGHES CREEK

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 04/01/1912

POINT OF

DIVERSION: T25N R21E S21 SWSW Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.070 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S21

SWSW

1.30

T25N R21E S21

SESW

0.80

2.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4362.

This right is a split from former right 75-14133 .

SCANNED

AUG 07 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 23, 2007

JOHN DOW
254 AVENIDA VISTA DEL OCEANO
SAN CLEMENTE CA 92672

RE: Notice of Change of Water Right Ownership (NCO) for 75-14338 and Notice of Completed Administrative Proceeding (NCAP)

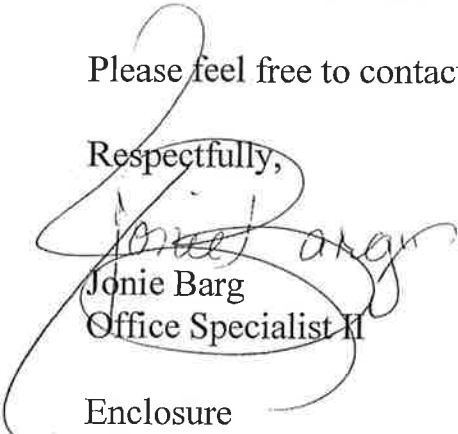
Dear Sir/Madam:

On July 11, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: SCOTT HATCH

SCANNED

AUG 03 2007

COPY

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

In Re SRBA

)

Water Rights: 75-14338

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party HATCH-DOW

☐ I.C. § 42-222 transfer

☐ point of diversion

☐

place of use

☐ period of use

☐

nature of use

☐ split of water right

☐

change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 26, 2007

Ernest Carlson

Signature of IDWR Representative

SCANNED

AUG 03 2007

CERTIFICATE OF MAILING

I certify that on August 3, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Scott Hatch
55 Becker Rd
North Fork, ID 83466

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
John Dow
254 Avenida Vista Del Oceano
San Clemente CA 92672

4. One copy to:

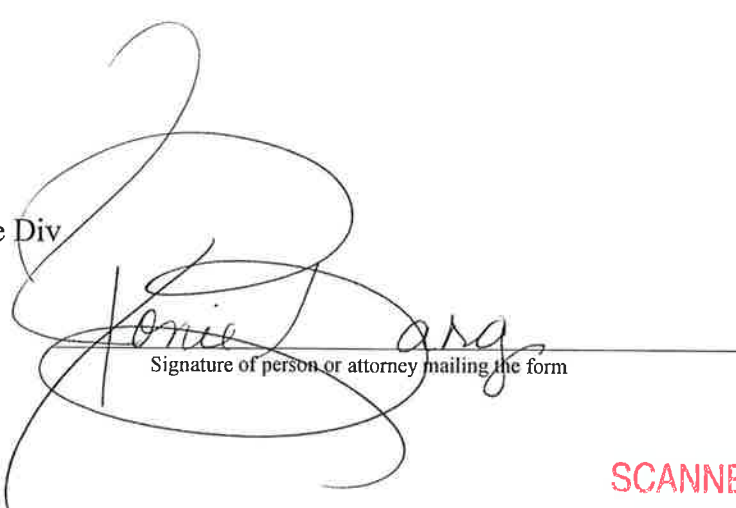
Each party in the subcase, or attorney of record
Robert B Archie
C/O Kent Foster
PO Box 50130
Idaho Falls, ID 83405

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

07/25/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14338
NAME AND ADDRESS: JOHN DOW
254 AVENIDA VISTA DEL OCEANO
SAN CLEMENTE CA 92672
SOURCE: HUGHES CREEK TRIBUTARY: NORTH FORK SALMON RIVER
QUANTITY: 0.070 CFS
PRIORITY DATE: 04/01/1912
POINT OF
DIVERSION: T25N R21E S21 SWSW 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	0.070 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S21	SWSW	1.30	T25N R21E S21	SESW	0.80
---------------	------	------	---------------	------	------

2.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4362.

This right is a split from former right 75-14133 .

SCANNED

AUG 03 2007

DEV

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



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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
Ad 75-14338					

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Scott HATON

NORTH Fork TO 83966

4. New Owner/Claimant(s)

JOHN F. DOW

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

New Mailing Address

254 AVENIDA VISIA Del OCEANO

City, State and ZIP Code

SAN CLEMENTE, CA 92672

New Telephone Number

(949) 498-4374

SCANNED

JUL 11 2007

AUG 03 2007

Department of Water Resources
 Eastern Region

5. Date you acquired the property

6-14-07

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

WARRANTY DEED

Order No.: 3070704239L-D

FOR VALUE RECEIVED

Carleton S. Hatch, an unmarried man

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

John F. Dow and Geri Dow, Husband and Wife

whose current address is

254 Avenida Vista Del Oceano San Clemente, CA 92672

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

PARCEL I

A PARCEL OF LAND LOCATED IN H.E.S. 89, TRACT A, UNSURVEYED SECTION 28, T. 25 N., R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 9 OF SAID H.E.S. RUN THENCE S. 72° 36' 30" E., 326.50 FT. TO CORNER NO. 10 OF SAID H.E.S.;

THENCE S. 06° 29' 57" E., 108.23 FT. TO CORNER NO. 11 OF SAID H.E.S.;

THENCE S. 40° 56' 44" E. 549.84 FT. TO CORNER NO. 12 OF SAID H.E.S.;

THENCE N. 76° 28' 59" W., 810.21 FT. TO A POINT ON LINES 8-9 OF SAID H.E.S.;

THENCE N. 13° 31' 01" E. ALONG SAID LINE 443.34 FT. TO THE POINT OF BEGINNING.

State of Idaho)
County of Lemhi) SS No. **271954**
This instrument was filed for record at the request
of Alliance Title
at 1:30 o'clock P.m. 6-14 2007
and duly filmed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By Aus. Dickins Deputy
Fee 6.00
Return to _____

SCANNED
AUG 03 2007

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6/13/07

Carl S Hatch

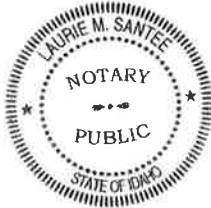
Carleton S. Hatch

State of Idaho

County of Lemhi

On this 13th day of June, in the year 2007 before me, a Notary Public in and for said state, personally appeared Carleton S. Hatch known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Laurie M. Santee
Notary Public for the State of Idaho
Residing at: Salmon
Commission Expires: 6-19-2013

SCANNED

AUG 03 2007

Scott Hatch

COR. NO. 9
H.E.S. 89

COR. NO. 10
H.E.S. 89

COR. NO. 11
H.E.S. 89

PARCEL "A"
5.19 ACRES

PARCEL "B"
5.53 ACRES

PARCEL "C"
4.46 ACRES

EXISTING PARCEL
5.00 ACRES

PROPOSED
CENTERLINE OF 20 FOOT WIDE ROAD EASEMENT

HOUSE

Approximate
Location of
Bridge

Instrument No. _____
Time of Day _____
Date _____
Recorded in Lemhi County, Idaho.

County Recorder

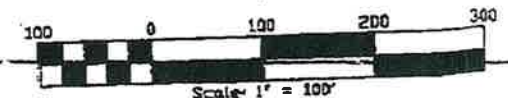
SURVEYORS CERTIFICATE

I, Thomas Taylor, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plot is an accurate representation of the survey completed under my supervision.



NUMBER	DIRECTION	DISTANCE
L1	N 11°32'55" E	149.68'
L2	N 05°19'54" E	84.44'
L3	N 07°39'46" E	53.06'
L4	N 00°32'07" E	61.43'
L5	N 18°20'53" E	81.97'
L6	N 29°34'43" E	56.55'
L7	N 30°33'52" E	36.01'
L8	N 24°18'41" E	82.87'

COR. NO. 13
H.E.S. 89



Scale 1" = 100'

LEGEND

AUG 03 2007

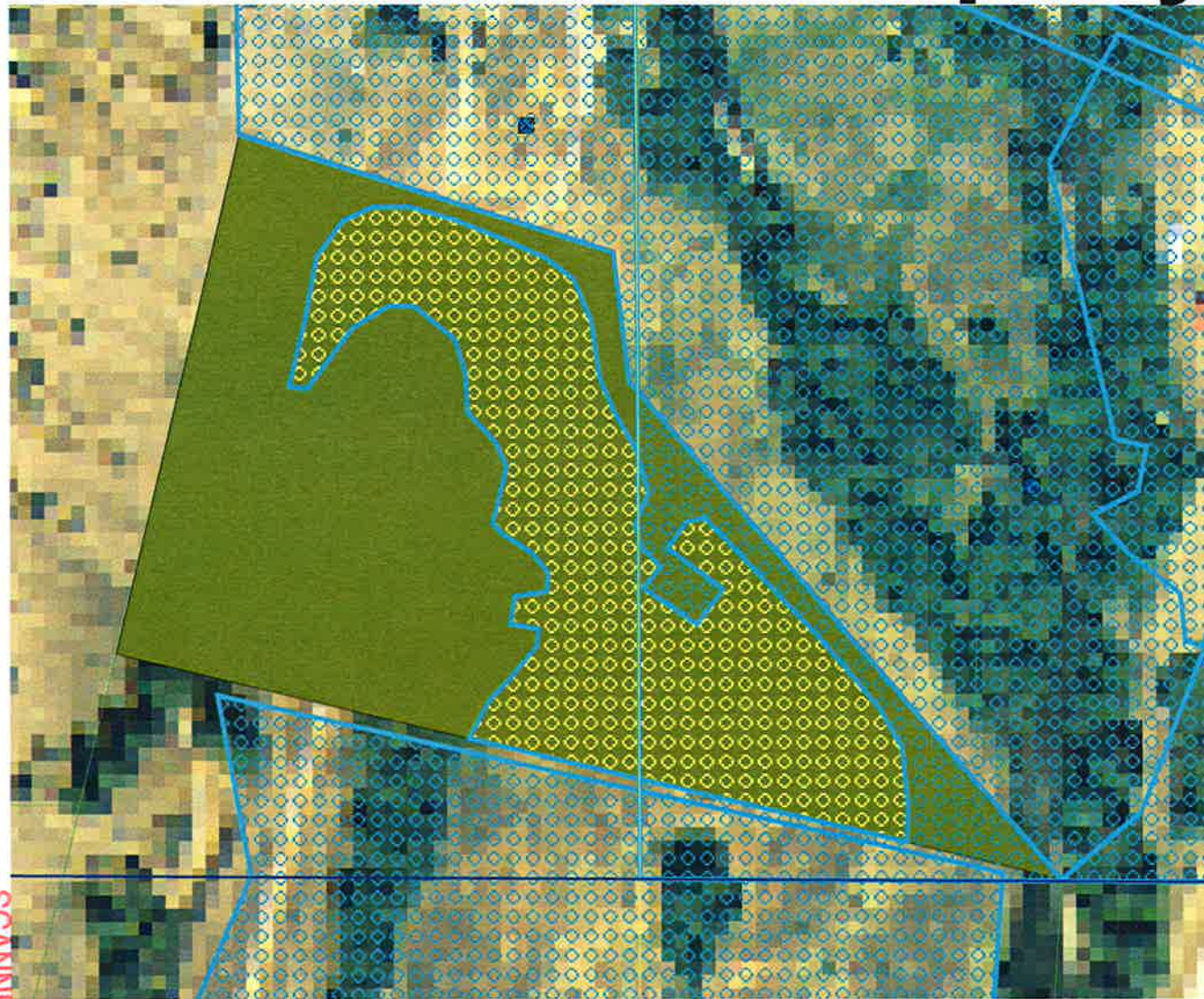
SCANNED



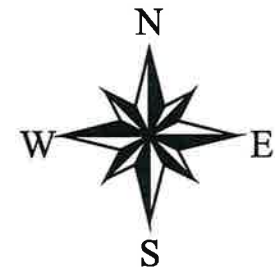
304122
AUG 03 2007

Water Right75-14338

Dow Property



- Sections
- QQ
- Recommendation POU
- Dow property.shp
- Lemhi taxlots
- GCDB25N21E GCDB
- Recommendation POD



0.05 0 0.05 0.1 Miles

AUG 03 2007

SCANNED

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 75-14338
Date Received: 10/24/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

SCOTT HATCH Phone: (208)865-2065

55 BECKER RD
NORTH FORK ID USA 83466

2. Date of Priority: 04/01/1912

3. Source: HUGHES 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	21	NE SW	LEMHI	

5. Description of diverting works:

WATER BROUGHT THROUGH HIGH LINE DITCH, WOODEN HEADGATE IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
25N	21E	21	SE SW	IRRIGATION	1.28
			SW SW	IRRIGATION	3.22

SCANNED

JAN 11 2008

Section Acres 4.5

Total Acres 4.5

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4362.

This right is a split from former right 75-14133 .

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:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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 75-14133
Date Received: 10/24/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

SCOTT HATCH Phone: (208)865-2065
55 BECKER RD
NORTH FORK ID USA 83466

2. Date of Priority: 04/01/1912

3. Source: HUGHES 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	21	NE SW	LEMHI	

5. Description of diverting works:

WATER BROUGHT THROUGH HIGH LINE DITCH, WOODEN HEADGATE IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.61	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
25N	21E	21	SW SW	IRRIGATION	2.5
			SE SW	IRRIGATION	3.2
				Section Acres	5.7

25N

21E 28

NE NW
NW NW

IRRIGATION 3.4
IRRIGATION 4.4

Section Acres 7.8

Total Acres 13.5

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4362.

15. Basis of Claim: Beneficial Use

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

(Mailing Address)

Telephone No. 865-2162

(Zip Code)

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) April 1, 1912

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)

Hughes 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:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>3.0 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
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) 3.0 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

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

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

Additional points of diversion: _____

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. Water is brought from Hughes Creek through highline ditch a distance of about one mile. There is a wooden headgate in Hughes Creek at the head of the ditch. Water is diverted from ditch its entire length.

- (6) 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.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25N	21E	21									10	5	10	15					40
"	"	28					6	18											24

No. of acres 64

- 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: _____

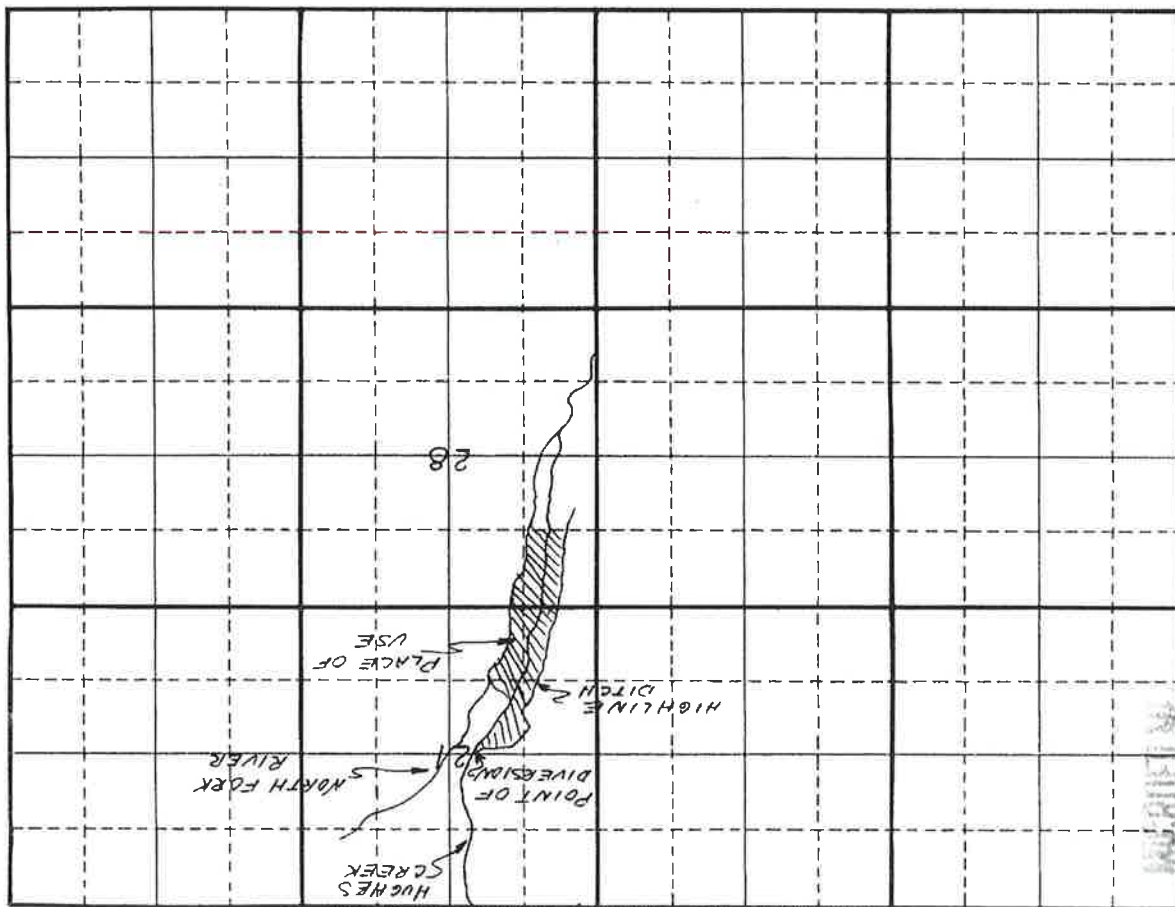
RECORDED

SCANNED

JAN 11 2008

(8) Remarks

TOWNSHIP 25 NORTH, RANGE 21 EAST



Scale: 2 inches equal 1 mile.

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.

State of Idaho

County of Bonneville

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.

affluent's knowledge.

Sworn to before me this 11th day of NOVEMBER

Notary Public

10A110 FALLS

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Forwarded to
claimant by:

Date _____

Received by
Prelim. check byDate
Date

1751 SC # 58/615

_____ Dates

Published in

077

2119 + 21.6153

JAN 1 2008

SCANNED

JAN 11 2009

SCANNED

FOR DEPARTMENT USE ONLY

Date
Forwarded to
claimant by:

Exception filed by:

Date
Date
Date

Received by
Prelim. check by
\$20.00 fee received by

Published in

519: 5126/13
Recorder
519/83 #28184

My commission expires

LIFE

Notary Public
Residing at

IDAHO FALLS

19 82

Sworn to before me this 11th day of NOVEMBER

(Claimant)

Paul H. Decker

affiant's knowledge.

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

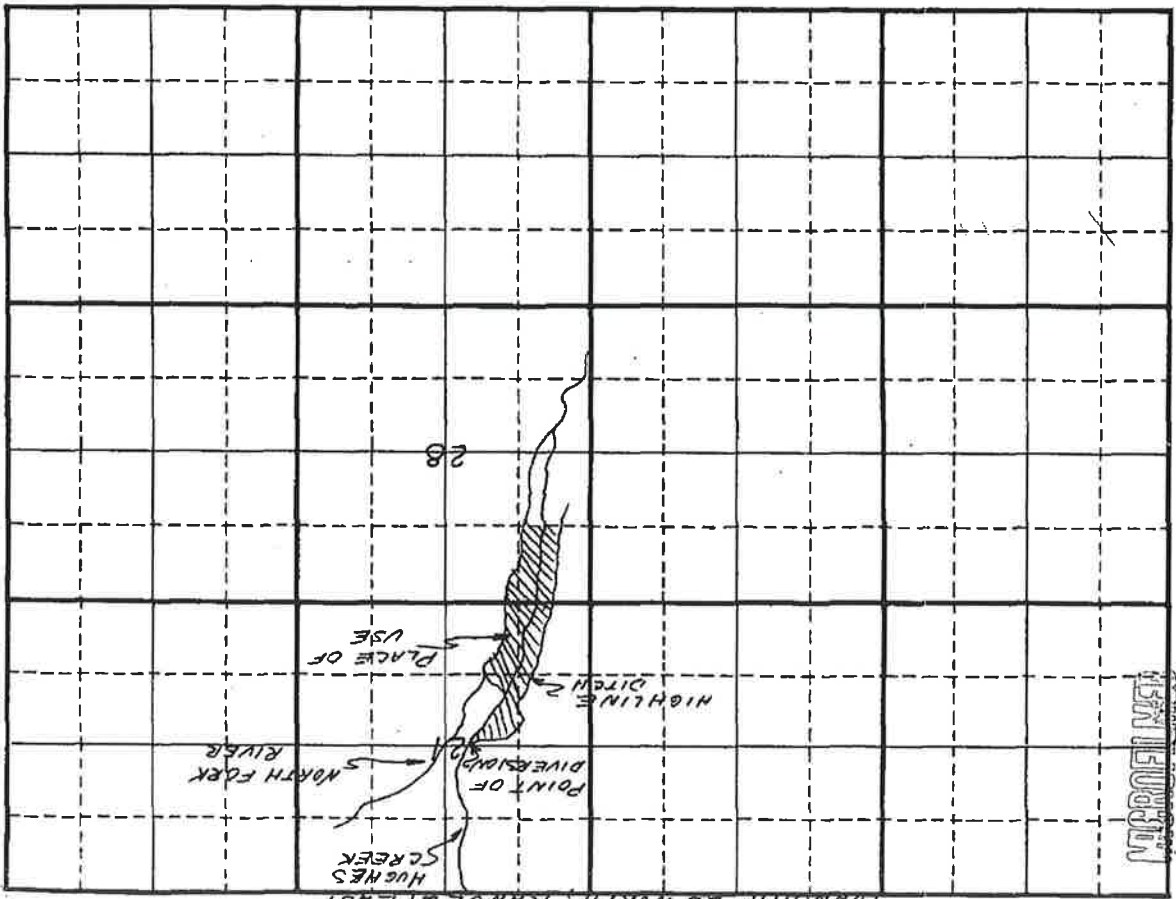
State of Idaho

ss.

County of BONNEVILLE

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

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 75-04362
Date Received _____
Receipt Number 6011349

RECEIVED
DEC 14 1988

DEC 14 1989

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

SCANNED

MAR - 1 2007

A7504362

**Department of Water Resources
Eastern District Office**

1. Name of Claimant(s) Daryl A. or Virginia H. Becker Phone (208) 523-0620
Mailing Address P.O. Box 50130, Idaho Falls, Idaho Zip 83405

2. Date of Priority (Only (1) per claim) April 1, 1912

3. Source of water supply (a) Hughes Creek
which is tributary to (b) North Fork Salmon River

- 4.a. Location of existing
point of diversion is: Township 25N. Range 21E. Section 21,
 1/4 of NE 1/4 of SW, 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 high line ditch a distance of about 1 mile. There is a wooden headgate in Hughes Creek at the head of the ditch and water is diverted from the ditch its entire length.

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6. Water is claimed for the following purposes:

(Both dates are inclusive)

(cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 2.06 or

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 154 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 instruction for standard symbols.

[illegible]

Total number of acres irrigated 44

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.

_____ or None (X)

14. Remarks:

Last Name Becker Ident. Number 75-04362

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

If applicable provide IDWR Water Right Number 75-04362
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 1

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

Signature of Claimant(s) Wesley Becker Date 11-27-89
Virginia D. Becker Date 11-27-89

For Organizations: I do solemnly swear or affirm that I am _____ of _____, that I have signed the Title _____ Organization _____

foregoing document in the space below as _____ Title _____
of _____ and that the statements contained in the Organization _____

foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Id.)
County of La Puz) SS.

Subscribed and sworn (or affirmed) before me this 27 day
of Nov, 1989.

Notary Public Gilbert Campbell
Residing at Quincy, Ky
My Commission Expires 1-8-91

17. Notice of Appearance:

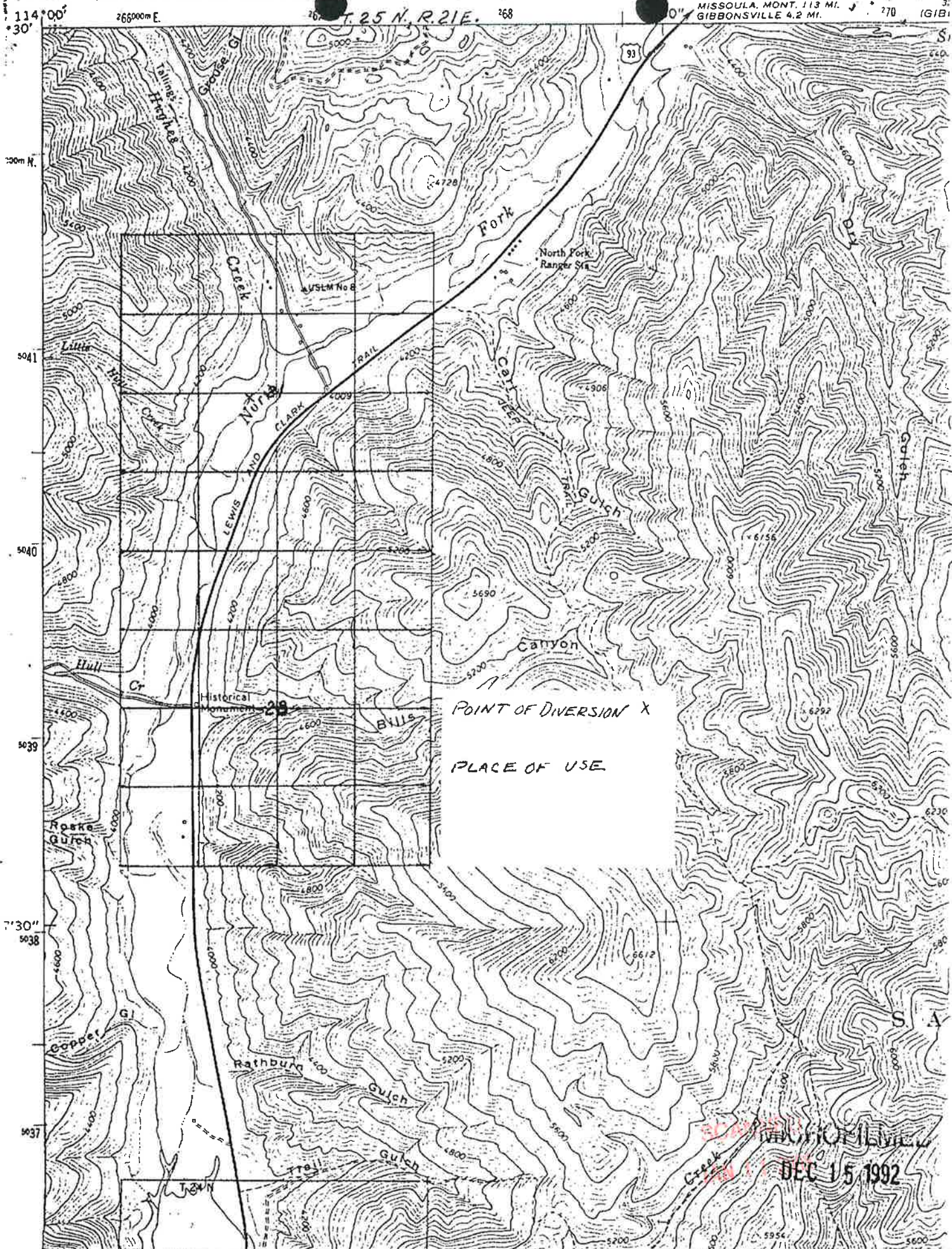
Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 12/5/89

Last Name Becker Ident. Number 75-04362

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DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



MISSOULA, MONT. 113 MI. J. 270 (GIBI)
GIBBONSVILLE 4.2 MI.

DEC 15 1992

Knoblock, Ken

From: Williams, Ray
Sent: Thursday, September 20, 2007 1:30 PM
To: Knoblock, Ken
Cc: Baxter, Garrick
Subject: RE: Basin 75 Objections

Ken,

An overlapping right would be a right that might have an impact on another right(s). Things to watch for would be splits, like for example, if a right were split into A, B & C, and an objection was filed for only "A" wanting more water, then we would want to include the other split rights in the overlap review, as they could be affected if the "A" right was granted additional water.

In reviewing for overlapping rights, we should consider combined use limits, transfers, PPU's, POUs from the same source if we know it's a contested area, company rights if the company will be impacted, existing rights (permits/licenses). If it's a simple objection, like the point of diversion is on state land, the overlap review can primarily focus on the point of diversion and common rights from the point of diversion.

Another thing to watch for is common/overlapping issues. If there is an issue that you are aware of, like on a certain source, that has the potential to affect other rights, we would want to try to include those in the overlapping rights.

I don't think there's a real straight definition for an overlapping right, but hopefully this helps a little.

I'm copying Garrick on this e-mail in case he has any comments or clarification.

Thanks,

Ray

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

From: Knoblock, Ken
Sent: Thursday, September 20, 2007 11:25 AM
To: Williams, Ray
Subject: RE: Basin 75 Objections

What is considered an overlapping right?

ken

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

From: Williams, Ray
Sent: Thursday, September 20, 2007 9:12 AM
To: Knoblock, Ken
Cc: Baxter, Garrick
Subject: Basin 75 Objections

Ken,

Attached is an updated list of the objections filed in Basin 75. Please note that I included a "column g" for the overlapping rights. If the Northern office could help us out by identifying the overlapping rights, that would be great. We will need that information for the case management report, which I will begin after the objection period closes.

Thanks,

Ray

<< File: basin 75 objections.xls >>

Knoblock, Ken

From: Williams, Ray
Sent: Thursday, April 12, 2007 12:30 PM
To: Knoblock, Ken
Cc: Baxter, Garrick
Subject: Objections filed in 75-14132, 75-14338 & 75-14339

Ken,

Kent Foster, the attorney that represents the objectors in these subcases called Garrick a while back. Kent worked on the original claim that these rights were split out of (75-4362) for the former owners (Becker). In 1986, a portion of the irrigated property was sold to Claude and Jeanette Johnson and in 1987 another portion of the irrigated property was sold to Scott Hatch. IDWR's recommendations for 75-14132 (Johnsons), 75-14338 (Hatch) and 75-14339 (Yadons, who bought a portion of the Hatch property) were taken apparently taken from the Becker claim rather than the remainder of 75-4362 left after the sales to Johnson and Hatch. Beckers died in the 90's and the personal representative of the estates created a small subdivision with five lots, much of which is part of the historic place of use for the statutory claim 75-4362. According to Mr. Foster, portions of the statutory claim should be available for some of the subdivision lot owners, including the claimants who historically irrigated with water from Hughes Creek. It seems that when According to Mr. Foster, when he did the claim, the Johnson & Hatch property already sold so he did not claim their land, so it should not have been split.

It seems like Mr. Foster has a bit of a mess to fix. Any ideas on what we might be able to do to work with him on these?

I know this probably isn't real clear. If it would be useful to have a phone conference with Garrick, let me know.

Thanks,

Ray

Knoblock, Ken

From: Kent Foster [kfoster@holdenlegal.com]
Sent: Wednesday, September 19, 2007 6:35 AM
To: Knoblock, Ken; Williams, Ray; Baxter, Garrick
Subject: Re: Adjudication claim

Knoblock, Ken wrote:

>
> I am trying to list all the events that took place regarding claim
> 75-4362.
>
> The original statutory claim (75-4362) was for 3 cfs to irrigate 64
> acres. The adjudication claim filed was for 2.06 cfs to irrigate 44
> acres. No adjudication claim was filed on the 0.94 cfs for 20 acres.
>
> In 2002 Scott Hatch filed a change of ownership on 75-4362 listing
> 0.325 cfs for the irrigation of 13 acres.
>
> In 2003 we split 75-4362 into 75-14132 listing 1.45 cfs for 31 acres
> to Becker and 75-14133 listing 0.61 cfs for 13 acres to Hatch.
>
> In 2004 Claude Johnson filed a change of ownership form (75-14132)
> listing 0.56 cfs for the irrigation of 25 acres. The listing was
> crossed out with a comment "no split".
>
> We recommended to the court an amount of 0.88 cfs for 31 acres to
> Johnson.
>
> In 2005 Steven Yadon filed a change of ownership for 75-14133 listing
> 0.40 cfs for 9 acres.
>
> We split 75-14133 into 75-14338 listing 0.2 for 4 acres to Hatch and
> 75-14339 listing 0.41 cfs for 9 acres to Yadon.
>
> We recommended 75-14338 an amount of 0.07 cfs for 2.1 acres and
> 75-14339 an amount of 0.14 cfs for 7 acres.
>
> In 2007 we received a change of ownership for 75-14338 to change the
> ownership of the entire right from Hatch to John Dow. We filed the
> paperwork with the court.
>
> We received an objection to 75-14132, 75-14338 and 75-14339 stating
> that the adjudication claim filed by the Becker's (75-4362) was not
> for Johnson and Hatch. 75-4362 should have never been split. The
> water rights for Johnson and Hatch were suppose to be a split of the
> remainder of the statutory claim, which was 0.94 cfs, 20 acres. Robert
> Archie should have a portion of 75-4362 to irrigate about 6.5 acres on
> Lot 5. We have a change of ownership for splitting 75-14132 (actually
> 75-4362).
>
> We have a letter written by Kent Foster pointing out that Gregory &
> Theresa Aland own 3.56 acres, which should be irrigated by water from
> 75-14132. We have no change of ownership form for this.
>
> Are there any mistakes or corrections?

> Ken Knoblock

>
>
Dear Ken,

I am actually quite happy to hear from you. When I reviewed our file, I found lying in it a standard form 4 Motion to File Late Notice of Claim

together with a Notice of Claim I had prepared in early July and a check for 106.50 from our firm to IDWR with a note that we were waiting for a claim number before filing it. It appears from my notes and some emails exchanged with Ray Williams that Garrick Baxter and I had agreed the best approach would be to file a late claim for Mr. Archie and that you would be contacting us with a number for the late claim.

It appears to me that your summary of the events relating to claim no. 75-4362 is essentially in accordance with our understanding. From the aerial photography and maps we have been able to develop (I presume the copies we sent to Garrick Baxter are now in your possession), it looks as if there could have been much of the acreage covered by the subdivision lots 5, 4 and perhaps 3 irrigated historically from the Hughes Creek ditch. We represent only the Becker Estates and Mr. Archie however and probably can't do more with respect to the Aland property, or the lots 3 and 4, than we have already done by providing information available to us to the owners of such properties.

In the meantime, if the conclusions for proceeding we reached with Garrick Baxter are acceptable, please give us a claim number so we can get our motion to file the late claim in to the SRBA court. I think I just realized our check for the filing fee must be doubled as a result of the increase from earlier this year. We will look forward to hearing further from you as soon as it may be convenient.

Kent

Foster

75-14479