



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder James and Debra Hull Phone 208-852-2760
Mailing address 6887 E Cub River Rd, Preston, ID 83263 Email dchull53@gmail.com
2. Source of water supply Unnamed Stream tributary to Cub River
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot _____, SW 1/4 NW 1/4 SW 1/4,
Section 14, Township 15S Range 40E, B.M.,
Franklin County.
Ending point is in Gov't. Lot _____, SE 1/4 NE 1/4 SW 1/4,
Section 14, Township 15S Range 40E, B.M.,
Franklin County.
 - b) Alternate point of diversion is in Gov't. Lot _____, _____ 1/4 NW 1/4 SW 1/4,
Section 14, Township 15S Range 40E, B.M.,
Franklin County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion Structure with solar pump for livestock use
 - b) Describe the delivery system solar pump with troughs and storage tank
 - c) Describe the number, type and total capacity of troughs or tanks 3 troughs
equipment tire and cement 500 gallons each, 5000 gallon storage tank.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Float valves in troughs and storage tank,
Drain valve in waterline to drain back to water source.
- e) Describe how the system is designed to allow measurement of the rate of diversion Performance of solar pump will detitrate rate of water flow.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
15S	40E	14										X	X					
15S	40E	23								X						X		

6. Priority date claimed or established 1880 verbal confirmation of January 1
7. Rate of diversion 0.02 cfs from James Hull on phone 3/1/2021 - Makelle Watts
8. Season of use: from January 1 to December 31
9. a) Who owns the property at the point of diversion? James and Debra Hull
b) Who owns the property at the place of use? James and Debra Hull
10. When will construction occur? Fall of 2021
11. Comments (include number and type of stock) 150 Range Cattle
12. Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

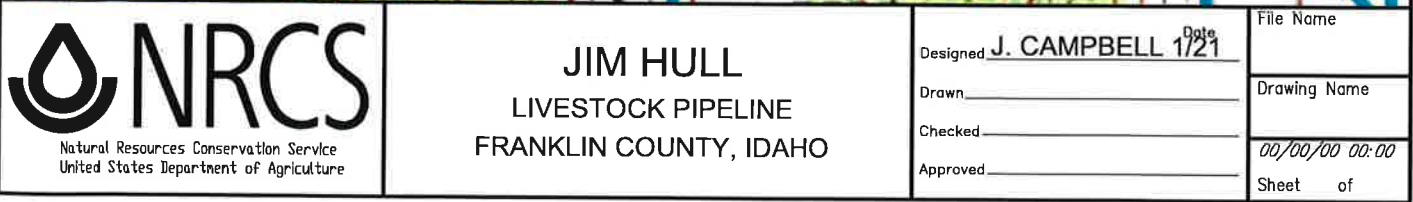
Dated this 25 day of February, 2021

James C. Hill
Right Holder or Authorized Representative

Debra Hill

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____
Fee: \$ 25.00 Received by CH Receipt No. E046634 Date 2/16/21
Water District No. _____ Entered into data base _____ By _____



JIM HULL
LIVESTOCK PIPELINE
FRANKLIN COUNTY, IDAHO

Designed J. CAMPBELL ^{Date} 1/21

Drawn _____

Checked _____

Approved _____

File Name
Drawing Name
00/00/00 00:00
Sheet of

February 12, 2021

To whom it may concern:

Township 15 }
Section 14 }
Range 40 } On Instrument # 15700 John C and
Regina Warner sold
property to Robert McClellan Hull and
Alvin C Hull in 1910.

This is the deed passing part of the
property that we now own.

Robert McClellan Hull is my Great Grandfather
and Alvin C Hull is my Great Uncle.

Warranty Deed # ~~111111~~ 99322 In 1954
Alvin C and Ella M Hull sells property to
David Beckstead Section 14
Township 15
Range 40

This is the property we own with the
water source we are dealing with.

The Deed states that Hulls continue
to have the right to run cattle back & forth.

Warranty Deed 249642 David Beckstead
sells to Jim & Debra Hull in 2010
Section 14 Township 15 Range 40.

Deeds enclosed.

We are Hoping this is the needed information

and evidence to show this property
was used for cattle since 1910. And
this water was used to water livestock.

Thank You.

Jim Hull
6887 E. Cub River Road
Preston Idaho 83263
208-852-2760

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered in presence of Mary A. Hull (Seal)
A. W. Hart and R. M. Hull Leroy Hull (Seal)
State of Idaho
County of Oneida/SS.

On this 10th day of August in the year 1907, before me Arthur W. Hart a Notary Public in and for said County personally appeared Mary A. Hull widow and Leroy Hull single and unmarried man known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that 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.

My commission expires 19 (Seal) Arthur W. Hart, Notary Public.

Filed for record the 4th day of April A. D. 1910, at 10:40 o'clock A. M. Recorded at the request of Utah Mortgage Loan Corporation.

By J. Jones, Jr. Assistant.

John J. Evans, Ex-officio Recorder.

REFERENCE: BOOK "6" PAGE 308 OF DEEDS OF ORIGINAL ONEIDA COUNTY RECORDS.

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Instrument No. 15700

This indenture, made this 23 day of February in the year of our Lord one thousand nine hundred and ten between John G. Wanner Jr. and his wife Regina Wanner of the County of Oneida State of Idaho, parties of the first part, and Robert M. Hull and Alvin C. Hull of the County of Oneida, State of Idaho, the party of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of Thirty one hundred Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell convey and confirm unto the said party of the second part and to his heirs and assigns forever, all the following described real estate situated in Oneida County, State of Idaho, to-wit:

Commencing at the East side of County Road at a point 24 rods West of the Southeast corner of the Southeast quarter of Section fourteen in Township fifteen South of Range forty East of the Boise Meridian and running thence Northwesterly along the East side of said County Road to the North line of the Southeast quarter of said Section fourteen thence East Ninety rods more or less to the Northeast corner of the Southeast quarter of said Section fourteen thence South ninety six rods to the north side of private road thence Southwesterly along the North side of private road 70 rods more or less to the place of beginning, containing 73 acres, more or less.

Also commencing at the Northwest corner of the Southwest quarter of Section thirteen above Township and Range and running thence East $11\frac{1}{2}$ rods; thence South 81 rods; thence West $11\frac{1}{2}$ rods; thence North 81 rods to the place of beginning, containing five acres and $131\frac{1}{2}$ square rods.

Also commencing at the Southeast corner of the Northeast quarter of Section fourteen in above Township and Range and running thence West 80 rods; thence North 80 rods; thence East 15 rods more or less to the center of the Preston Cub River and Worm Creek Canal: thence Southeasterly along the center of said canal following the meanderings thereof to the place of beginning, containing twenty (20) acres, more or less.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and

Exhibit A

remainders rents, issues and profits thereof, and all estate, right, title and interest, in and to the said property, as well in law as in equity of the said parties of the first part;

To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will Warrant and by these presents forever Defend.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered in presence of (John G. Wanner Jr. (Seal)

M. Hansen, Joseph Davis, (Regina Wanner (Seal)

State of Idaho

County of Oneida/SS.

On this 5th day of March 1910, before me, Joseph Davis a Notary Public in and for said County, personally appeared John G. Wanner Jr. and his wife Regina Wanner known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. And on this 5th day of March in the year 1910, before me, the officer above described personally appeared Regina Wanner wife of John G. Wanner known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My commission expires May, 1912. (Seal) Joseph Davis, Notary Public.

Filed for record the 4th day of April A. D. 1910, at 10:50 o'clock A. M. Recorded at the request of Utah Mortgage Loan Corp.

By J. Jones, Jr. Assistant,

John J. Evans, Ex-officio Recorder.

REFERENCE: BOOK "6" PAGE 309 OF DEEDS OF ORIGINAL ONEIDA COUNTY RECORDS

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Instrument No. 15709

This indenture, made this 29th day of March in the year of our Lord one thousand nine hundred and ten between Leo Mecham and his wife Malinda M. Mecham of Preston, County of Oneida, State of Idaho parties of the first part, and Walter Hawkes of Preston, County of Oneida, State of Idaho the party of the second part, Witnesseth: That the said parties of the first part, for and in consideration of the sum of Six Thousand Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Oneida County, State of Idaho, to-wit:

The Southeast quarter of the Southwest quarter of Section fourteen in Township fifteen South of Range thirty nine East of Boise Meridian.

The party of the second part is to assure a certain mortgage in the sum of \$3500.00

as a part of said purchases price and to pay the interest due on said mortgage etc

Fee: \$2.00

C. L. Swenson: Ex-Officio Recorder

By Ella M. Hull Deputy

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- - - Compared - - -

Inst. No. 99322

WARRANTY DEED

THIS INDENTURE, made this 7th day of December in the year of our Lord one thousand nine hundred and fifty four between Alvin C. Hull and Ella M. Hull, his wife of Preston County of Franklin State of Idaho the parties of the first part, and David W. Beckstead and Adrienne Beckstead of Preston County of Franklin State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seven Hundred Dollars lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, Twp. 15 S., R. 40 E. B. M.

And also: Beg. at a point 20 rods East of the NW corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, Twp. 15 S., R. 40 E. B. M., running thence East 60 rods; thence South 80 rods; thence West 60 rods; thence North 80 rods to place of beg.

Reserving right of way across said land to go back and forth with cattle.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the 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 his heirs and assigns forever, And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Alvin C. Hull (SEAL)

Ella M. Hull (SEAL)

STATE OF IDAHO,

County of Franklin--ss.

On this 7th day of December in the year 1954, before me Clifford Warr a Notary Public in and for said State, personally appeared Alvin C. Hull and Ella M. Hull, his wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that 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.

(Seal)

Clifford Warr

Notary Public, Residing at Preston, Idaho

STATE OF IDAHO

County of Franklin--ss.

I hereby certify that this instrument was filed for record at the request of Mrs. Lloyd Beckstead

249624 1-2

Recorded at the request of
McKenzie + McKenzie

____ a.m. **AUG 23** 2010 p.m. ^{3:10}

WARRANTY DEED

FOR VALUE RECEIVED

V. ELLIOTT LARSEN, RECORDER
By Ruth Rawlings Deput
FRANKLIN COUNTY IDAHO

DAVID W. BECKSTEAD and PAULINE BECKSTEAD, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

JIM HULL and DEBRA HULL, husband and wife,

whose current address is: 6887 East Cub River Road
Preston, ID 83263

the grantees, the following described premises, in Franklin County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the
said Grantees, that they are the owners in fee simple of said premises; that they are free from all
encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 23 day of August, 2010.

David W. Beckstead
DAVID W. BECKSTEAD
Pauline Beckstead
PAULINE BECKSTEAD

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 23 day of August, 2010, before me, a Notary Public in and for said State,
personally appeared DAVID W. BECKSTEAD and PAULINE BECKSTEAD, known or identified
to me to be the persons whose names are subscribed to the within instrument, and acknowledged to
me that they executed the same.

Bonnie Kay Jensen
NOTARY PUBLIC

Residing at: Preston, Idaho

My Commission Expires: 7-7-2010

BONNIE KAY JENSEN
NOTARY PUBLIC
STATE OF IDAHO

249624 2-2

Exhibit "A"

Real property in the County of Franklin, State of Idaho, described as follows:

Parcel 1

Township 15 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

SECTION 14: NE $\frac{1}{4}$ SW $\frac{1}{4}$.

ALSO, Beginning at a point 20 rods East of the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14; running thence East 60 rods; thence South 80 rods; thence West 60 rods; North 80 rods to the Place of Beginning