

March 28, 2018

Timeline for the Wallerstedt Property:

On April 19, 1995 Brad Peterson sold forty acres to Jesse L Beaman. At this time water right 29-2426 was split into two parts, A & B. 29-2426A was retained by Mr. Peterson and 29-2426B went with the property Mr. Beaman had purchased.

Mr. Beaman sold the property and water right 29-2426B to Mr. and Mrs. Wallerstedt on February 19, 2002.

Water right 29-2426B was decreed on November 11, 2004.

The last definitive air photo that clearly indicates the Wallerstedt property was irrigated is the 1987 photo. There is nothing I could find showing any irrigation during the time period Mr. Beaman owned the property.

I think that Mr. Peterson cut the line between the well, which is on Mr. Peterson's farm, and the Beaman property when the sale was complete. If my assumption is correct Mr. Wallerstedt was never able to access the decreed POD located on the Peterson farm.

A handwritten signature in dark ink, appearing to read "Jesse L. Beaman". The signature is written in a cursive, somewhat stylized font.

History of water right no. 29-2426

Sept 1965 - License issued to Leo Burkett for 275 acres in section 33

Aug 1975 – Burkett to Wright (entire licensed POU)

Mar 1994 – AJ claim filed by Wright for 275 acres as licensed; 2 PODs claimed in
NESW and SESW as licensed

Dec 1994 – Wright to Peterson (entire licensed POU)

Apr 1995 – Peterson to Beaman (SWNE 40 acres)

Feb 1997 – Peterson to Charlton (All POU decreed as 29-2426D, including both POD
locations)

Feb 2002 – Beaman to Wallerstedt (SWNE 40 acres)

Mar 2004 – Right for SWNE 40 acres decreed to Wallerstedt as 29-2426B

There is no evidence that Beaman or Wallerstedt had legal access to either of the PODs
from April 1995 to present.

State of Idaho License and Certificate of Water Right

Water License No. G-28494

Amount 3.68 c.f.s.

Water District No.

Priority March 2, 1960

THIS IS TO CERTIFY that

LEO G. BURNEY

of Doonay, Idaho

, made application for a permit to appropriate the

public waters of the State of Idaho, dated March 2

, 1960; that Permit No. G-28494

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

3.68 second feet, was issued thereunder on September 21

, 1965, showing that said works

were completed on the 7th day of July

, 1965; and that on the 7th

day of July, 1965.

LEO G. BURNEY

of Doonay

, State of

Idaho

, made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of 2 wells

, a tributary of subterranean flow, for the purpose of irrigation and stock water

, under Use Permit No. G-28494

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

23 of Licenses at page 8274, on the 21 day of

September, 1965;

The right hereby confirmed dates from March 2

, 1960;

The Point of Diversion is located NEMSW;

in the SE 1/4 SW 1/4 Sec. 33, Twp. 11 S. R. 37 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed

3.68 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	37 E	33	SW 1/4 NE 1/4	40	40
			SW 1/4	160	160
			SW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	35
Total number of acres to be irrigated:				275	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or places of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

21st day of September

, 1965.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

WARRANTY DEED

1-3088-D
612007

For Value Received, **LEO G. BURKETT** and FERN B. BURKETT, husband and wife,
of Downey, Idaho,

the grantors do hereby grant, bargain, sell and convey unto **ROBERT M. WRIGHT** and
PATRICIA P. WRIGHT, husband and wife, of Nibley, Cache
County, Utah,

the grantee s, the following described premises, in Bannock County Idaho, to wit:

Parcel 1:

SW $\frac{1}{4}$ of Section 20; S $\frac{1}{4}$ of Section 32;
SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the East
527.5 feet of Lot 14, Acres & Tracts, to
the Village of Downey Townsite of Section
33;
All that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section
34, lying and being Northwesterly of the
Southwesterly right of way line of the
Malad Valley Highway as now exists, all in
Township 11 South, Range 37, E.B.M.

All that portion of the N $\frac{1}{4}$ of Section 4,
lying Northwesterly of U. S. Highway 191;
and Lots 1 and 2 of Section 5, all in
Township 12 South, Range 37, E.B.M.

Parcel 2:

E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, Township 13 South,
Range 38, E.B.M., except U. S. Highway 191
and railroad right of ways.

Including all tenements and hereditaments appurtenant thereto and partic-
ularly all water and water rights of every kind and description, but
excepting and subject to, all visible and recorded easements and encroach-
ments.

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

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

Dated: 5th day of August, 1975.

[Handwritten signatures of Leo G. Burkett and Fern B. Burkett]

STATE OF IDAHO, COUNTY OF BANNOCK

On this 5th day of August, 1975,
before me, a notary public in and for said State, personally
appeared **Leo G. Burkett** and **Fern B. Burkett**, husband and wife,

NOTARY PUBLIC

known to me to be the person^s whose name^s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Handwritten signature of Notary Public]

Notary Public
Idaho

Residing at 1511 N. Idaho
Comm. Expires 8/12/77

612007

NO. RECORDED AT REQUEST

Am. Land Title Co.

NOV 3 10 40 AM '76

OFFICIAL PUBLIC RECORDS
BANNOCK COUNTY, IDAHO
TO BE RECORDED

fee 1.00 per page 1n

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: **A29-02426**

Date Received: 3/10/1994

Receipt No: 15019561

Received By: 3/10/94 AAR

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

1. Name: ROBERT M WRIGHT
Address: 23929 S OLD MALAD HWY
DOWNEY ID

208-897-5142

83234

2. Date of Priority: MAR 2, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	37E	33		NE	SW		BANNOCK
				SE	SW		BANNOCK

A2902426



5. Description of diverting works:

2 WELLS: 1. 75HP, 250FT, 20 IN CASE, 2. 100HP, 250FT, 20 IN CASE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.680		
STOCKWATER	01/01	12/31	0.070		

7. Total Quantity Appropriated is:

3.680 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER; 300 HEAD CATTLE, 10 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	33	SW	NE		IRR	40.0 D
			NE	SW		IRR	40.0 D

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	33	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	35.0

Section Acres 275.0

Total Acres 275.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28494

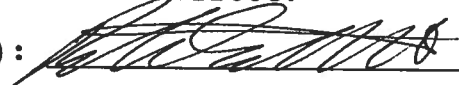
16. Signature(s)

(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 X 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: 3-10-94

Date: _____

MICROFILMED

State of Idaho)
County of Bonneville.) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of March 19 94

Ernest Carlson.
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-14-1994

WARRANTY DEED

For Value Received **ROBERT M. WRIGHT**

94021967

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

BRADLEY M. PETERSON, a married man dealing with his sole and separate propertywhose address is: **P.O. BOX 574 HYDE PARK, UTAH 84318**

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

Township 11 South, Range 37 East, Boise Meridian, BANNOCK COUNTY, IDAHO,

Section 20: SW $\frac{1}{4}$ Section 32: S $\frac{1}{4}$ Section 33: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34: All that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying and being Northwesternly of the Southwesterly right of way line of the Malad Valley Highway as now Exists.

Township 12 South, Range 37 East, Boise Meridian, BANNOCK COUNTY, IDAHO.

Section 4: All that portion of N $\frac{1}{2}$ lying Northwesternly of U.S. Highway 191

Section 5: Lots 1 and 2

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 12, 1994



ROBERT M. WRIGHT

STATE OF IDAHO)

: ss

COUNTY OF BANNOCK)

On this 12th day of December, in the year 1994, before me, a Notary Public in and for said State, personally appeared ROBERT M. WRIGHT, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.

NOTARY SEAL

NO. 94021967
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
94 DEC 12 P 3:03


NOTARY PUBLIC OF IDAHO
Residing at Pocatello, Idaho
Commission Expires: 7/15/99

OFFICIAL RECORD BOOK NO 630
BANNOCK COUNTY IDAHO
LARRY G. HANDECOCK
DEPUTY

WARRANTY DEED

For Value Received **BRADLEY M. PETERSON, A MARRIED MAN DEALING WITH HIS SOLE AND SEPARATE PROPERTY**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JESSE L. BEAMAN, AN UNMARRIED PERSON

whose address is: _____

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

SW¹/₄NE¹/₄, Section 33, Township 11 South, Range 37 East, Boise Meridian, BANNOCK COUNTY, IDAHO.

RESERVING UNTO THE GRANTOR A RIGHT OF WAY EASEMENT ALONG THE EAST 30 FEET THEREOF.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/21/95

Bradley M. Peterson
BRADLEY M. PETERSON

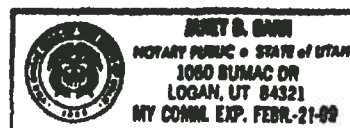
STATE OF UTAH)

: ss

COUNTY OF CACHE)

On This 21st day of April, in the year 1995, before me, a Notary Public in and for said State, personally appeared **BRADLEY M. PETERSON**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.

Janet B. Darn
Residing at Logan, UT
Commission Expires: 2-21-99



3-1

97002571

WARRANTY DEED

THIS INDENTURE, made this 19th day of February, 1997, between
BRADLEY M. PETERSON, State of Utah, the party of the first part, and FRANK
AND DEBBIE CHARLTON, husband and wife, whose address is 23929 S. Malad
Highway, Downey, Idaho, the party of the second part;

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of
TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, lawful money of the
United States of America, to him in hand paid by the said party of the second part, the
receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and
convey and confirm unto said party of the second part, and to their heirs and assigns
forever, all that certain lot, piece of land, situate, lying and being in the County of
Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Township 11 South, Range 37 East, Boise Meridian,
BANNOCK COUNTY, IDAHO. Section 33: E1/2SW1/4,
W1/2SE1/4; Together with 133 acres of water rights
appurtenant to or used in connection with said real estate
including but not limited to well permit numbers, G-26494,
LIC Number 29-02426; Subject to (a) Taxes, not yet due,
and payable; (b) Reservations in Patents of Record, or in
Acts authorizing the issuance thereof; unpatented mining
claims, reservations or exceptions. (c) Easements, or claims of
easements, not shown by the public records and not known to
Seller. (d) Encroachments, or questions of location, boundary,
and area not known by Seller which are dependent upon a
correct survey or inspection of the premises for determination

WARRANTY DEED - 1

Charlton2.1E2

WARRANTY DEED

For Value Received LINDA KAY BEAMAN, KNOW KNOWN AS LINDA KAY BEAMAN STOREY, A MARRIED WOMAN DEALING WITH HER SOLE AND SEPARATE PROPERTY

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MNW SAW.

STAN ARLEY WALLERSTEDT and MARLENE N. WALLERSTEDT, HUSBAND AND WIFE

whose address is: P. O. Box 218 Inkom, Id 83245

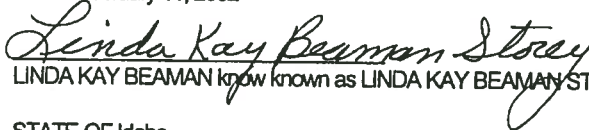
Hereinafter called the Grantee, the following described premises situated in Bannock County, Idaho, to-wit:

SW¹/₄NE¹/₄, SECTION 33, TOWNSHIP 11 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: February 11, 2002


LINDA KAY BEAMAN know known as LINDA KAY BEAMAN STOREY

STATE OF Idaho

ss.

COUNTY OF BANNOCK

On this 12th day of February, 2002, before me LINDA CHIVERS, personally appeared LINDA BEAMAN KNOW KNOWN AS LINDA KAY BEAMAN STOREY, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) IS subscribed to the within instrument, and acknowledged to me that SHE executed the same.

Notary Public of Idaho
Residing at POCATELLO, Idaho
Commission Expires: 02/18/05