

RECEIVED

JAN 28 2005

Department of Water Resources

January 20, 2005

E. Justin Aldridge, Technical Review
Idaho Department of Water Resources
322 E. Front Street
P. O. Box 83720
Boise, ID 83720-0098

Re: Your letter of January 10, 2005 regarding
Change in Ownership for Water Right 29-11596

Dear Mr. Aldridge:

The fact that you sent us a copy of the 1998 Partial Decree, which was in G. K. and Joanne Matkins' names (former owners of this property), instead of the 2004 Partial Decree in our names (owners since 1999), indicates to us that you may not have had access to the entire file on our application for irrigation water from Mink Creek.

Enclosed are xerox copies of all the correspondence we have had since 2002, with critical elements highlighted. *These are in reverse chronological order.*

Please note especially Craig Saxton's letter to the Matkins dated September 6, 2002, regarding the apparent error in the quarter quarter (probably a typo), inasmuch as the former owners never did own property in SENE or NENE of T07S R35E S30.

If you consult with Mr. Craig Saxton (Sr. Water Resource Agent of the Adjudication Bureau), who helped us apply for the water right in our names, and The Hon. John M. Melanson, Judge of the Snake River Basin Adjudication, who issued the decree granting us irrigation water rights on March 22, 2004, this matter should be cleared up.

If you need further information from us, please phone us at 208-232-6563 (home) or 208-241-8359 (cell). We are very interested in getting this matter straightened out. The former owners were divorced prior to 1999 and Mr. Matkin died in 2004, by the way.

Sincerely,

Karl E. Holte

Karl E. Holte and
Ardys L. Holte

1506 N. Mink Creek Road
Pocatello, ID 83204-7255

Ardys L. Holte

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 10, 2005

KARL E HOLTE
ARDYS L HOLTE
1506 N MINK CREEK RD
POCATELLO ID 83204

RE: Change in Ownership for Water Right 29-11596

Dear Mr. & Mrs. Holte:

The Department of Water Resources acknowledges receipt of the information you submitted in support of your Notice of Change in Water Right Ownership for the water right no referenced above. **The Snake River Basin Adjudication (SRBA) Court issued a partial decree describing the water right with a place of use different than your property as described in the documentation you submitted.** We have enclosed a copy of the partial decree for your reference. We have reviewed your information and found that it is not sufficient to resolve the place of use discrepancy.

In order to process your change in ownership, we need documentation to show that you own the water right or the property described as the place of use for the water right. If you believe that the SRBA Court issued the partial decree with an error in the description of the place of use, you may be able pursue one of the following options with the Court.

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Please contact Danni Smith of this office at 287-4910 if you have questions related to the SRBA. Ms. Smith can assist you with the SRBA Court's processes.

As additional alternatives, you could pursue one of the following options with the Department.

- 1) New Appropriation – an application for permit filed with the Department to develop a new water right. If a permit is approved, the priority date is the date that the application is filed. Some areas of the state are closed to new development. Please

note that a water right permit is not required for certain domestic uses from a ground water source.

- 2) Water Right Transfer – an application filed with the Department to change an existing water right. In this case, the purpose of the transfer would be to change the place of use (and possibly the point of diversion) to your property description. You would need to provide evidence of ownership or authorization from the current owner of record before the Department could process the application.

If you choose to file an application for permit or transfer with the Department, you may be able to apply any fees submitted with your Notice of Change in Water Right Ownership to the application. Please contact staff from the Water Right Permits section of this office if you have additional questions related to the applications described above.

Please let us know within 30 days how you plan to proceed. If we do not hear from you within 30 days we will return your Notice of Change in Water Right Ownership and all attachments and refund any fees submitted with your notice.

Sincerely,



E. Justin Aldridge
Technical Review

Enclosure

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)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 29-11596

Mr. & Mrs. Holt,
Your legal description has
your property in 7S 35E
section 30
NESE.

NAME AND ADDRESS: G K MATKIN
JOANNE MATKIN
1506 N MINK CREEK RD
POCATELLO, ID 83204

SOURCE: GROUNDWATER
QUANTITY: 0.07 CFS

But the partial
decree says NENE.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL N
GALLONS PER DAY.

PRIORITY DATE: 02/28/1951

POINT OF DIVERSION: T07S R35E S30 NENENE Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.03 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Stockwater		Within Bannock County
	T07S R35E S30	NENE	
	Domestic		Within Bannock County
	T07S R35E S30	NENE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Daniel C. Hurlbutt, Jr.
Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 10, 2003

RE: Water Rights in Basin 29
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in Basin 29 for the Portneuf drainage. We have also enclosed instructions for reviewing your recommended water right(s), and other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have 120 days in which to review your water rights and those of other claimants and to file any objection to our recommendations. Information on other water rights can be found at the county courthouses in Blackfoot, Soda Springs, Pocatello, Preston, Malad and American Falls and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed at the beginning of next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process (addresses and phone numbers enclosed).

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant:

To help you with your water right claim(s) in the Snake River Basin Adjudication, this letter of explanation is being sent to you along with information sent by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. **Preliminary Recommendation.** This is IDWR's *initial* finding and conclusion about your water right and how it should be reported to the SRBA Court. This preliminary recommendation is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you actually filed.

Therefore, please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. **Error Correction/Settlement Process.** This preliminary recommendation is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the actual recommendations are ultimately filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's actual recommendation when it is filed in court and have the final decision made by the presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see. Of course, you may always employ the services of an attorney if you wish.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous services provided by IDWR.

Sincerely yours,

Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

**NOTICE OF FILING OF DIRECTOR'S REPORT FOR
BASIN 29 FOR IRRIGATION AND OTHER WATER RIGHTS
AND
NOTICE OF FILING OF FEDERAL RESERVED
WATER RIGHT CLAIMS IN BASIN 29**

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for Irrigation and Other Water Rights in Basin 29. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA Court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and other uses, including some small domestic and stock water uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 29 was sent to the SRBA court and individual water users on January 30, 1998. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1998 report, it is reported in this Director's Report. The Director's Report also includes General Provisions for Basin 29 that may apply to your water right.

This Notice includes the Director's recommendation for your water rights claimed in the SRBA. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other water rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the fifth page of this Notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The enclosed description of your right, is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations for the state based water right claims are listed in two sections:

- 1) **List of Recommended Water Rights --** Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed --** Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that have also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed in this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection must be received by the SRBA Court on or before **November 14, 2003**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be received by the SRBA Court on or before **January 16, 2004**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **January 20, 2004 at 1:30 P.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site at **www.srba.state.id.us**.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at **www.srba.state.id.us**.

What if a water right is not in this report? What if a water right claim is filed late? How do I get notice of IDWR's recommendation for a late claim?

A water right for Basin 29 may not be included in this Director's Report if it was not filed in time for IDWR to investigate and report. These water rights will be reported at a later time in IDWR's *Director's Report for Late Claims*. This report may include recommendations for Basin 29 as well as other basins. As the Director files Director's Reports for any remaining water rights in Basin 29, he may also recommend additional general provisions that could also apply to your water rights. This report is issued once per year, usually in February. It is the responsibility of all parties to check with the SRBA court or IDWR to see when this report is filed. It is also the responsibility of all parties to check this report carefully for water rights to which they want to object. No special notice will be sent to you.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

**NOTICE OF FILING OF
FEDERAL RESERVED WATER RIGHTS CLAIMS
IN BASIN 29**

INTRODUCTION

Four claims to federal reserved water rights have been filed with the Snake River Basin Adjudication (SRBA) District Court. These claims are as follows: claim numbers 29-12485 and 29-13629 filed by the United States of America; claim number 29-12499 filed by Alan Oliver; and, claim number 29-11609 filed by the City of Pocatello.

A complete copy of claim numbers 29-12485, 29-13629, 29-12499 and 29-11609 to federal reserved rights in Basin 29 is available at the SRBA courthouse in Twin Falls and the locations listed on the fifth page of this Notice. You may review a claim to a federal reserved water right at those locations. Copies of the claim(s) can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A CLAIM TO COURT

What do I do if I disagree with a federal reserved water right claim?

If you disagree with any element of the claims to federal reserved water rights in Basin 29 and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your objection to a federal reserved water right in Basin 29 must be received by the SRBA Court on or before **November 14, 2003**.

What do I do if I want to participate in the court case on a claim to a federal reserved right?

If you want to be involved in the court case on a claim to a federal reserved right, you must file either an objection or a response by the dates provided in this notice. Responses must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be received by the SRBA Court on or before **January 16, 2004**.

What happens if there are no objections to the federal reserved water right claim?

An evidentiary hearing on any uncontested federal reserved water right claims in Basin 29 will be held. Partial decrees will be issued following this hearing.

How will I know about the proceedings on claims to federal reserved water rights to which objections were filed?

A notice will be mailed to you for court dates on those claims where you filed an objection or a response. You will not receive notice of court dates on any other claims to federal reserved rights for which you did not file an objection or response.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Eastern Region office in Idaho Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you. Again additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Bingham County Courthouse
501 N. Maple
Blackfoot, Idaho 83221

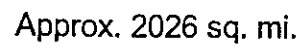
Caribou County Courthouse
159 S. Main
Soda Springs, Idaho 83276

Bannock County Courthouse
624 E. Centers Street
Pocatello, Idaho 83205

Franklin County Courthouse
39 W. Oneida Drive
Preston, Idaho 83263

Oneida County Courthouse
10 Court Street
Malad, Idaho 83252

Power County Courthouse
543 Bannock Street
American Falls, Idaho 83211



DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 29.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your water right in relation to other water rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your water right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PLACE OF USE FOR IRRIGATION PROJECTS: Pursuant to Idaho Code Sections 42-219(2) and 2-1411(2)(h), IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The PLACE OF USE for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR internet website (www.idwr.state.id.us). *Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.*

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

EQUAL BASED CLAIMS: In some cases, the federal government has claimed one water right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

*4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT *
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926,
DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND
KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.

BASIN 29 GENERAL PROVISIONS

The Director of the Idaho Department of Water Resources recommends to the Snake River Basin Adjudication District Court that the following general provisions be included in the decree determining rights to water from Basin 29.

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in Basin 29 in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
29-10011A	Spring tributary to Papoose Creek
29-10011B	Spring tributary to Papoose Creek
29-10103	Spring tributary to Papoose Creek

The following water rights from the following sources of water in Basin 29 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
None	None

Except as otherwise specified above, all other water rights within Basin 29 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

07/10/2003

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

RIGHT NUMBER: 29-274J

NAME AND ADDRESS: ARDYS L HOLTE
1506 N MINK CREEK RD
POCATELLO ID 83204

KARL E HOLTE
1506 N MINK CREEK RD
POCATELLO ID 83204

SOURCE: MINK CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/17/1902

POINT OF
DIVERSION: T07S R35E S30 NENESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.040 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S30 NENESE 2.0

2 ACRES TOTAL

07/10/2003

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

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 26, 2002

KARL E HOLTE
ARDYS L HOLTE
1506 N MINK CK RD
POCATELLO ID 83204

Re: Notice of Claim to a Water Right No. 29-274J

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), in which you recently filed with the Department. Also enclosed is the receipt for the appropriate filing fees.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

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

COPY FOR YOUR FILES

Ident. Number 29-274J
Date Received: 11/25/2002
Receipt No: W029888
Received By:

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

1. Name of Claimant(s)

ARDYS L HOLTE
1506 N MINK CK RD
POCATELLO ID USA 83204

Phone: (208) 232-6563

KARL E HOLTE
1506 N MINK CK RD
POCATELLO ID USA 83204

Phone: (208) 232-6563

2. Date of Priority: 06/17/1902

3. Source: MINK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07S	35E	30	SE	SE	NE	BANNOCK	
07S	35E	30	NE	NE	SE	BANNOCK	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/01	0.04	

7. Total Quantity Appropriated is:
0.04 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
07S	35E	30	NE	SE	IRRIGATION	2
Section Acres						2
Total Acres						2

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:

Two points of diversion. One being on GK Matkins property.

This claim is for a portion of decreed right 29-00274.

Fees paid under receipt number W029888.

15. Basis of Claim: Decreed

Idaho Department of Water Resources Receipt

Receipt ID W029888

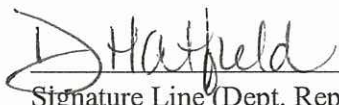
Payment Amount \$52.00 Date Received 11/26/2002 11:51:53 AM Region Western Status
Payment Type Check Check Number 2923

Payer HOLTE, KARL E

Comment NOTICE OF CLAIM TO A WATER RIGHT 29-00274J

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$52.00	ADJUDICATION FILING FEE	0337	42503	1155	



Signature Line (Dept. Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 30, 2002

KARL E HOLTE
ARDYS L HOLTE
1506 N MINK CK RD
POCATELLO ID 83204-7255

RE: Filing a Snake River Basin Adjudication (SRBA) claim.

Dear Mr. and Ms. Holte:

On September 6, 2002, I sent GK Matkin a letter requesting amendment of his claim to include acres on the property that you now own. I sent you a copy of that letter and I also sent you a letter discussing why I could not split Mr. Matkins original SRBA Claim without amendment (enclosed).

At this time I have not received any correspondence from Mr. Matkin.

Thus, as discussed under **Issue #2** of the September 6th letter, if you would like to retain a water right from Mink creek, **I feel you need to file your own claim.**

For your convenience **I have enclosed a completed claim.** Please look over it an initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with the filing fee of \$52 by November 29, 2002. The filing fee is as follows: \$50 claim fee and \$1 per acre. During my field exam I found two acres of irrigation. Map enclosed.

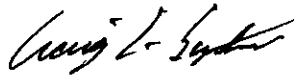
Please feel free to contact me if you have any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

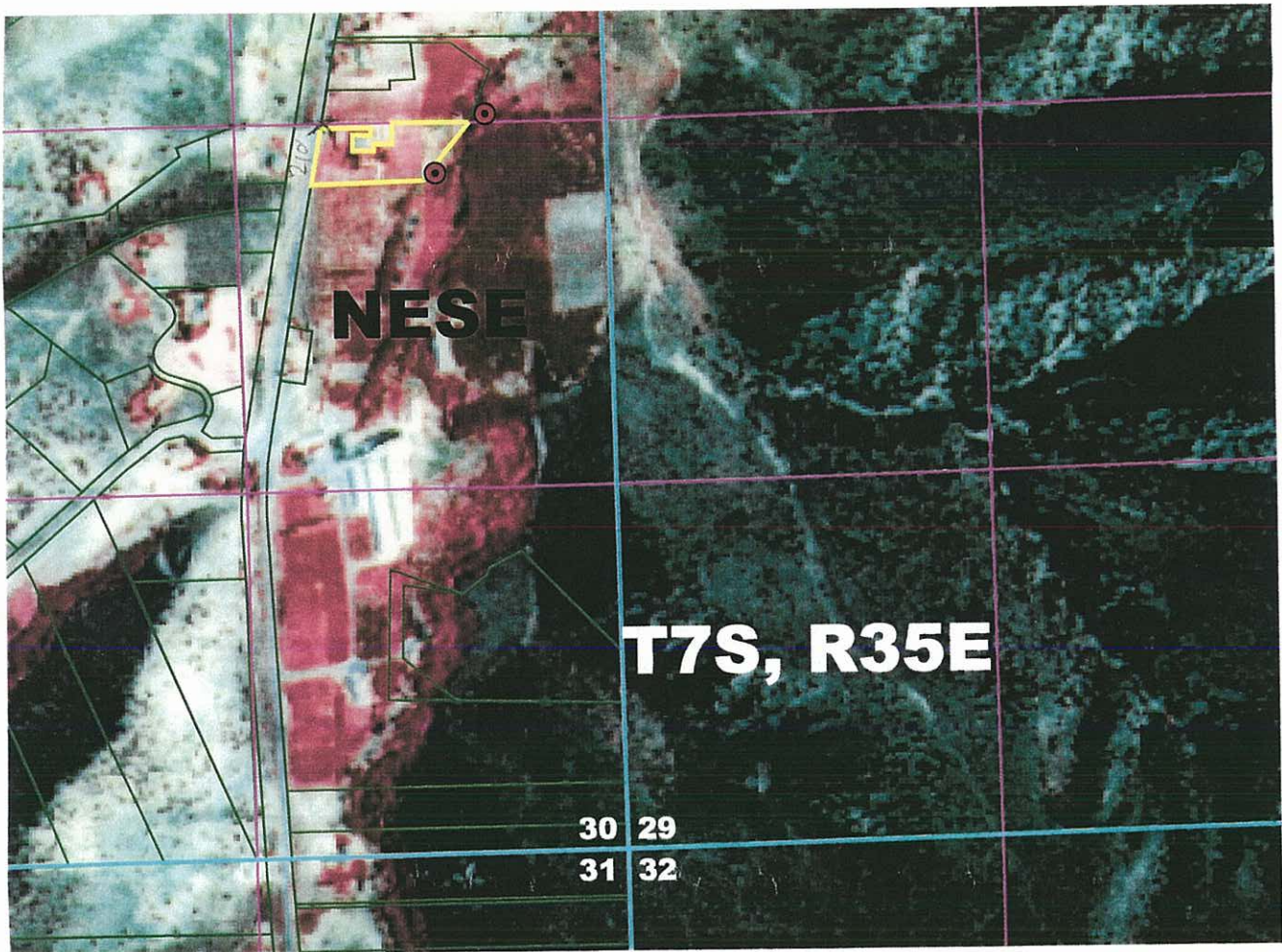
Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure (s)

Cc: Karl and Ardys Holte

Potential Claim Map - Holte

Reference Map



-  **Point of Diversion**
-  **Decreed POU**
-  **Possible Recommended POU - N/A**
-  **Bannock Co Tax Lot Data**
-  **Section Lines**
-  **Quarter Quarter Lines**

Claimed Irrigated Acres: 2.0



Prepared By: Craig Saxton
October 2002

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 _____
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KARL E HOLTE Phone: (208) ~~233-2441~~ 232-6563 *OK 9/6K*
1506 N MINK CK RD
POCATELLO ID USA 83204

ARDYS L HOLTE Phone: (208) ~~233-2441~~ 232-6563 *OK 9/6K*
1506 N MINK CREEK RD
POCATELLO ID USA 83204

2. Date of Priority: 06/17/1902

3. Source: MINK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	30	SE SE NE	BANNOCK	
07S	35E	30	NE NE SE	BANNOCK	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/01	0.04	

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

8. Total consumptive use:

Utah
DEPARTMENT OF WATER RESOURCES

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	30	NE	SE	IRRIGATION	2.0
Section Acres						2.0
Total Acres						2.0

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:

TWO POINTS OF DIVERSION. ONE BEING ON GK MATKINS PROPERTY.

THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 29-00274.

15. Basis of Claim: Decreed

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.

of Idaho

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): Karl E Holte Date: 11/19/02
Arden L Holte Date: 11/19/02

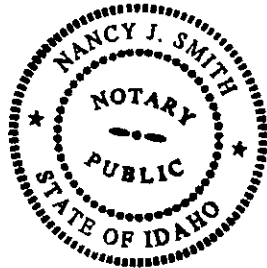
State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 19TH
of November 2002

Nancy J. Smith
Notary Public

Residing at Pocatello, IDAHO

My commission Expires 8/15/2003



KARL E HOLTE
SSN 481-32-8628
1508 N MINK CREEK RD (208) 232-8563
POCATELLO, ID 83204-7255

Date 11/19/02 2923
92-7383241
BRCHT

Pay to the Order of Idaho Dept of Water Resources \$ 52.00
Fifty-two and no/100 Dollars

IDAHO STATE UNIVERSITY
FEDERAL CREDIT UNION
Campus Box 8029 • Pocatello, ID 83209

SC

Memo Karl E Holte

⑆324173639⑆7305 00009835⑆ 2923

© 2000 LIBERTY ENTERPRISES, INC.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 29-00274J

NAME AND ADDRESS: ARDYS L HOLTE
KARL E HOLTE
1506 N MINK CREEK RD
POCATELLO, ID 83204

SOURCE: MINK CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION: T07S R35E S30 NENESE Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 09-15	0.04 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

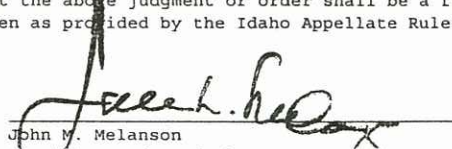
PLACE OF USE: Irrigation Within Bannock County
T07S R35E S30 NESE 2.0
2.0 Acres Total

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

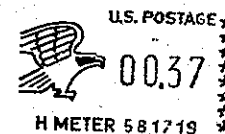
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



83304#7255



Here's How to Contact
Regional Offices If
You Need Assistance
With 01, 21, 22,
34, 35, 73, 74.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2002

KARL E HOLTE
ARDYS L HOLTE
1506 N MINK CK RD
POCATELLO ID 83204-7255

RE: Notice of Change in Water Right Ownership for Snake River Basin Adjudication (SRBA) claims 29-00274I and 29-02402.

Dear Mr. and Ms. Holte:

I received your Notice of Change in Water Right Ownership form. However, with further research I have found a couple problems with completing the change.

Issue 1:

When I met with you we spoke about the use of well water on your property. I had originally thought that part of GK Matkin's well right 29-02402 was applicable to your property. However, after further looking at the original license, it is clear that 29-02402 was not licensed for irrigation use on your property.

However, I did find domestic right 29-11596 for use of groundwater that is applicable to your property. 29-11596 has been partially decreed by the SRBA court and is a perfected water right. However, since it has been partially decreed, there is a \$25 fee associated with the ownership change.

Issue 2:

29-00274I is a claim for use of Mink Creek water for irrigation purposes. You informed me that GK Matkin used Mink Creek water on your property. The problem is Mr. Matkin never claimed use on your property. Thus, I cannot split off the portion applicable to

I will solicit
irrigated place
SRBA claim

09/11/02

MAILED 9/11/02

☐ TAX DEDUCTIBLE ITEM

KARL E. HOLTE
SSN 481-32-8628
1506 N MINK CREEK RD (208) 232-6563
POCATELLO, ID 83204-7255

Idaho Department of Water Resources
Twenty-five hundred no. 25.00

IDAHO STATE UNIVERSITY
FEDERAL CREDIT UNION
Campus Box 8029 • Pocatello, ID 83209

SC

2672

92-7363/3241

BAL. FORD	
THIS ITEM	25.00
BALANCE	
DEPOSIT	
OTHER	
BAL. FORD	

3241736397305 00009835 2672

NOT NEGOTIABLE



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 6, 2002

GK MATKIN
JEANNE MATKEN
8428 NOUNAN RD
MONTPELIER ID 83254

RE: Amendment of Snake River Basin (SRBA) claim 29-00274I and Change of Address

Dear Mr. and Ms. Matkin:

The Idaho Dept. of Water Resources is currently in the process of reviewing SRBA claims in your area. During my initial review, I found that Karl and Ardys Holte purchased a little over 2 acres from you in 1999. It is my understanding that this property is and has been irrigated from Mink Creek and in 1990 you filed claim 29-00274I.

The department views water rights as being applicable to the property. Karl and Ardys Holte filed a Notice of Change in Water Right Ownership form to change a portion of 29-00274I into their name.

The problem is that 29-00274I claims 10 acres of irrigation in T7S, R35E, Sec 30, SENE. The property purchased by the Holte's is located in T7S, R35E, Sec 30, NESE (see enclosed map).

From speaking to you on 8/21/02, and conducting a field exam on 8/14/02, it is my belief that your intension in filing claim 29-00274I was to include irrigation on the NESE or what is now the Holte property. If my assessment is accurate, 29-00274I needs to be amended so I can split the claim and put the appropriate portion of the claim in the Holte's name.

For your convenience I am enclosing an amended claim. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office as soon as possible.

In addition, it appears that your mailing address has changed. Enclosed is a change of address form that needs to be completed to ensure you receive any future mailings.

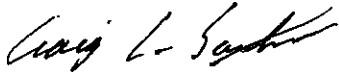
Conclusion:

I am returning the Change of Ownership information you sent. Please look over the changes I made in red and send it back to me with a check for \$25. Once I receive that I will forward it onto the SRBA court to change the ownership on 29-11596.

Upon receiving amended claim 29-002741 from GK Matkin, I will split the right into two portions and you will be notified of your new claim number. If you do not receive correspondence from myself regarding this issue in the next couple of months, you will need to contact me to discuss filing a separate claim if you wish to continue to use Mink Creek water.

I realize this is a confusing matter. Please feel free to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton".

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-11596

WATER RIGHT NUMBER: 29-11596

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	G K MATKIN 1506 N MINK CREEK RD POCATELLO, ID 83204 (208)233-2441
Current Owner	JOANNE MATKIN 1506 N MINK CREEK RD POCATELLO, ID 83204 (208)233-2441

Priority Date: 02/28/1951

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.030 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 30, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	30	X																

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	30	X																

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-11596

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. R4013052800 STOCKWATER, 30 COWS, 4 HORSES

Comments:

1. SMITH 9/3/1992 COPIED FROM REMARKS
Comment: MINK CREEK WATER

Dates and Other Information:

Licensed Date:
Decreed Date: 6/18/1998
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Mr. Saxton visited us sometime in the summer of 2002 and discussed our water rights, and gave us attached papers to complete and mail to him, which we did.

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
	29-00274	I			
	29-02402				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate ~~FILING FEE~~. See instructions for fee amounts. N/A

☒ 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)

GK Matkin and/or Joanne Matkin

- ☒ 4. New Owner/Claimant(s)

KARL E. HOLTE, ARDYS L. HOLTE
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

1506 N. MINK CREEK ROAD

City, State and ZIP Code

POCATELLO, ID 83204-7255

New Telephone Number

(208) 232-6563

- ☒ 5. Date you acquired the property

01/26/99

6. *N/A* 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	_____	_____
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) Karl E. Halty
(include title if applicable) Arden L. Halty

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

For Office Use Only
 Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Assessor #: 52986TA, *SC*

Parcel # 1403058900

2-1
Approved by:
39001889 *KEH* *(all)*

WARRANTY DEED

FOR VALUE RECEIVED, D. JOANNE MATKIN, AN UNMARRIED PERSON

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto KARL E. HOLTE AND ARDYS L. HOLTE,
HUSBAND AND WIFE
the Grantee(s), whose address is 1506 N. MINK CREEK, POCATELLO, ID 83201
(Mailing Address), 1506 N. MINK CREEK, POCATELLO, ID 83204 (Property Address),
the following described premises, situated in BANNOCK County, Idaho:

LEGAL DESCRIPTION "EXHIBIT A" ATTACHED

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 52986TA, dated December 17, 1998; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 26 day of January, 1999.

D. Joanne Matkin
D. JOANNE MATKIN

STATE OF IDAHO

County of BANNOCK } ss

On this 26 day of January, 1999, before me, the undersigned, personally appeared D. JOANNE MATKIN known or identified to me to be the person(s) 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 in said County the day and year first above written.



Stephanie Leight
Notary Public
Residing at: POCATELLO, IDAHO
Commission Expires: 4-25-2000

99001889

2-2
Commencing at the Northwest Corner of the NE1/4 SE1/4 of Section 30, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, and running thence in an Easterly direction along the North line of the said NE1/4 SE1/4 a distance of 295 feet, more or less, to the Easterly side of U.S. Highway #38, the point of beginning of this survey;

thence in a Southwesterly direction following the Easterly side of the Highway a distance of 210 feet; thence East to the center of Mink Creek; thence in a Northeasterly direction following the center line of Mink Creek a distance of 210 feet, more or less, to the North line of the NE1/4 SE1/4; thence in a Westerly direction along the North line of said NE1/4 SE1/4 a distance of 430 feet, more or less, to the point of beginning of this survey.

NO 99001889
RECORDED AT REQUEST OF
PIONEER TITLE
'99 JAN 29 AM 10 25
OFFICIAL RECORD BOOK NO 73/
COUNTY IDAHO
L/A RECORDER
FEE 600 COUNTY 06

EXHIBIT A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.

The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.

At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

Attn: Craig Sexton
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033