

Part of Sections 1, 12, 11, 13 & 36
Townships 6 & 7 North
Range 42 East of the Boise Meridian

Township 7 North
Township 6 North

Basis of Bearings

ast
ast

PRELIMINARY
Not to be used for recordation,
conveyance, or sale

Legal Description of Property

SCALE 1" = 1000

Val Schwendiman
SC 25055
inst. #s 270778 & 154331

A tract of land lying in Western County, State of Idaho, in Sections 12, 31 and 33 Township 6 North, Range 42 East of the Boise Meridian, and more particularly described as follows:

Beginning at the West quarter corner of section 11; thence N 89°29'31" E 315.65 feet to a point on the northern right-of-way of Highway 33, point being the POINT OF BEGINNING; thence along said right-of-way approximately the following to course, S 67°32'42" E 76.1 feet; thence S 44°44'30" E 133.10 feet; thence S 65°01'04" E 338.83 feet; thence S 86°42'58" E 6.1 feet; thence S 12°42'45" E 10.10 feet; thence S 62°47'02" E 355.35 feet; thence S 71°47'38" E 150.38 feet; thence S 51°55'41" E 143.88 feet; thence in a northerly direction along a gravel road N 00°07'00" E 61.13 feet; thence N 00°00'00" E 127.18 feet; thence N 21°57'24" E 458.47 feet; thence N 31°31'29" E 352.97 feet; thence N 45°12'32" E 177.71 feet; thence N 50°09'37" E 136.80 feet; thence N 60°07'00" E 188.89 feet; thence N 46°03'47" E 594.23 feet; thence N 58°46'45" E 375.54 feet; thence N 62°02'00" E 135.13 feet; thence N 49°44'22" W 82.81 feet; thence N 35°42'03" W 40.61 feet; thence N 62°11'31" E 56.62 feet; thence N 00°44'22" W 82.81 feet; thence N 12°35'59" W 298.55 feet; thence S 72°44'42" W 527.05 feet; thence N 19°17°24" W 100.33 feet; thence N 00°07'00" E 335.28 feet; thence S 89°31'46" W 106.51 feet; thence S 89°31'46" W 150.31 feet; thence to the Northwest corner of Section 8; thence S 00°23'00" E along the West line of Section 1, 3528.11 feet to the Southeast corner of Section 1; thence S 00°32'00" E 130.24 feet; thence S 89°31'46" W 197.25 feet to the POINT OF BEGINNING.

The above described property contains 847 acres.

SURVEYOR'S CERTIFICATE

I, Jeff Williams, do hereby certify that I am a Professional Registered Land Surveyor and that I hold Certificate Number 8252 as prescribed by the laws of the State of Idaho. I further certify that I have supervised the survey shown on this drawing, and that the same has been correctly staked on the ground as represented hereon.

JEFF L. WILLIAMS
Idaho L.S. No. 8252

RECURS SALT LAKE CITY E/ANSTC
PROJECT NUMBER 1-06079

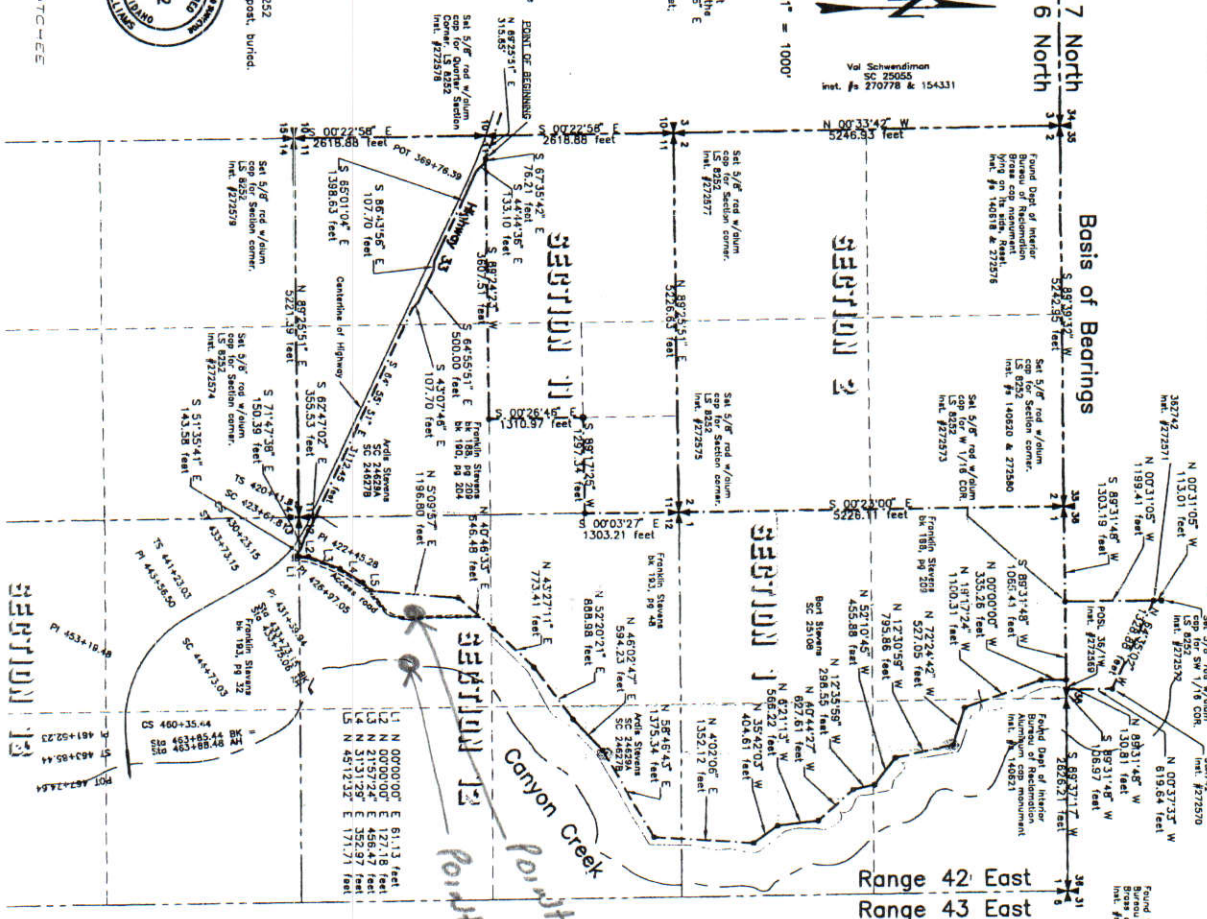
FORSGREN
ASSOCIATES, P.C.

WEI, A. T. C. - EE

Legend

Set Rod w/cap LS 8252

Found cut off fence post, buried



MICROFILMED
NOV 07 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

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

1. Name of Right Holder J. BART STEVENS Phone 208-356-7312
208-390-7312
Mailing address 210 NEL PERCE AVE. REXBURG, ID.
2. Source of water supply CANYON CREEK tributary to TETON RIVER
3. Point of diversion is in Gov't. Lot 1/4 NW 1/4 NW 1/4, Section 12
Township 6N Range 42E, B.M., MADISON County.
4. Description of diversion and delivery system:
- Describe the type of diversion: PUMPED SYSTEM
 - Describe the delivery system: DELIVERY IS PLANNED TO BE THROUGH 1 1/2" JOODSI PLASTIC PIPE, SLEEVED WITH 3" SCHEDULE 40 PVC. WATER WILL BE PUMPED 1HP TO 1 1/2 HP SUBMERSIBLE PUMP.
 - Describe the number, type and total capacity of troughs or tanks PLANNING IS FOR 2 TO 4 1,000 GALLON TANKS.
 - Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: BOTH AUTO SHUTOFF & A RETURN OVERFLOW PIPE WILL BE USED. SIZING & SPECIFICATIONS WILL BE DONE BY A LICENSED & REPUTABLE PLUMBER.
 - Describe how the system is designed to allow measurement of the rate of diversion: THE PUMP & LINE SIZE WILL LIMIT RATE OF DIVERSION. ALSO THE ITEMS DESCRIBED ABOVE WILL ENSURE ANY EXCESS WATER BEING RETURNED TO SOURCE, IN THE EVENT OF A AUTO SHUTOFF FAILURE.
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
6N	42E	12						X										

6. Priority date claimed or established: APRIL, 1902
7. Rate of diversion: 0.02 cfs

MICROFILMED
NOV 07 2000

8. Season of use: From APRIL to NOVEMBER
9. a) Who owns the property at the point of diversion? BART STEVENS
b) Who owns the property at the place of use? BART STEVENS
10. When will construction occur? 2001 - 2002
11. Comments: THIS SYSTEM WILL BE MUTUALLY BENEFICIAL - THE STOCK WILL HAVE MUCH EASIER ACCESS TO WATER, AND THE CANYON WALLS & CREEK BED WILL BE PROTECTED FROM THE LIVESTOCK TRAFFIC.

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 27 day of JULY, 2000

B. Bart Stevens
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by HCJ Date 8-15-00 Preliminary check by _____
Fee: \$ 25.00 Received by HCJ Receipt No. E026071 Date 8-15-00
Water District No. _____ Entered into data base _____ By _____

MICROFILMED
NOV 07 2000

Record of Survey
Bart Stevens

MADISON COUNTY, IDAHO
Part of Sections 1, 12, 11, 13 & 36
Townships 6 & 7 North
Range 42 East of the Boise Meridian

Township 7 North
Township 6 North

Basis of Bearings

PRELIMINARY
Not to be used for construction.
Dimensions, or scale

Legal Description of Property

SCALE 1" = 1000'

A tract of land lying in Madison County, State of Idaho, in Sections 1, 12, 11 and 13, Township 6 North, Range 42 East of the Boise Meridian, and more particularly described as follows:

[illegible]

SURVEYOR'S CERTIFICATE

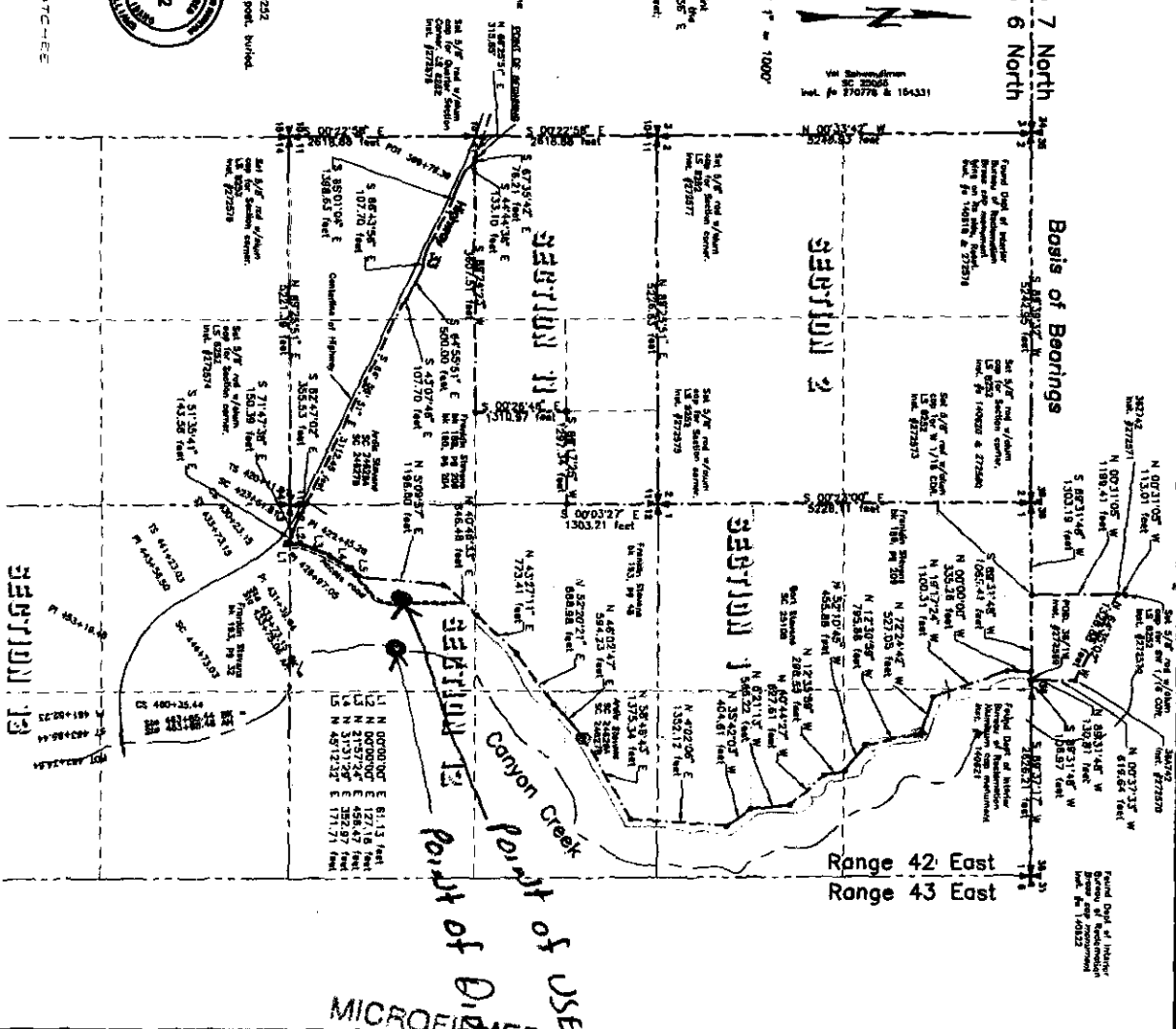
I, Jeff L. Williams, do hereby certify that I am a Professional Registered Land Surveyor and that I hold Certificate Number 8252 as prescribed by the laws of the State of Idaho. I further certify that I have supervised the survey shown on this drawing, and that the same has been correctly staked on the ground as represented herein.

JEFF L WILLIAMS
Kaho L.S. No. 0252

PROJECT NUMBER 1-98073

FORBORNEN ASSOCIATES, INC.
FAX: 610-321-1111
PROJECT NUMBER 1-000

8262



MICROFILMED
NOV 07 2000

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

RECEIVED

AUG 11 2000

Department of Water Resources
Eastern Region

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: Rexlaw@srv.net

August 10, 2000

Idaho Department of Water Resources
Water District No. 1
900 N. Skyline
Idaho Falls, ID 83402

RE: Bart Stevens - Stockwater Use

Dear Department:

Enclosed please find a *Notice of Diversion for Instream Stockwater Use*, a map of the property showing the point of use and the point of diversion, and a check in the amount of \$25.00 made payable to the Department.

Thank you for your attention and cooperation in this matter. Please feel free to contact our office if you have any questions or concerns.

Sincerely,



Rebecca Anderson
Secretary to Ray W. Rigby

/ra
Enclosures

FAWP6DKASTEVENSB.LT2

MICROFILMED

NOV 07 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 1, 2000

J BART STEVENS
210 NEZ PERCE AVE
REXBURG ID 83440

RE: Instream Stock Diversion No. 1
Water Right No. 22-04199
Notice of Diversion for Instream Stockwater Use

Dear Mr. Stevens:

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the Director of the Department of Water Resources.
- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

MICROFILMED
NOV 9 7 2000

J. Bart Stevens
November 1, 2000
Page 2

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

Enclosure

MICROFILMED
NOV 07 2000

REVIEW SHEET FOR
NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

Section 42-113, Idaho Code

Initial Review By: kw

Date: 9/22/2000

Covered by prior right? NO If, yes, right number: _____

Check:

Right Holder: ✓

Filing Fee = \$25.00 ✓ Receipt No. ✓ Receipted By: ✓

Priority Date: ✓ (first date of historical use subject to 42-222(2) Idaho Code)

Point of Diversion: ✓ (limited to 1 point of diversion per right)

Water District: 01 (If yes, then notification must be sent to the watermaster)

Amount of Water: ✓ (limited to 13,000 gpd)

Enclosed water delivery system? ✓

Automatic shutoff or flow control mechanism? ✓ Diversion rate measurable? ✓

Tank or trough located on land where stock would have access to surface water source? ✓

Federal Grazing Allotment? NO If yes, consent form from Federal Agency must be attached.

Stage entered as statutory claim? ✓ If no, revise entry and add condition XXX (to be determined).

MICROFILMED

NOV 07 2000

State of Idaho
Department of Water Resources

NOO Instream Stakewater
~~CLAIM ANALYSIS SHEET~~

INITIAL REVIEW BY: HWJ

Right Number 22-04199 Applicant Bart Stevens

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

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.
- ☒ W.D. 01

FINAL REGIONAL PROCESSING REVIEW: NO Advertising

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

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____