

Northwest Corner Sec. 15
T. 5 N., R. 26 E., B.M.
Recorded - Instr. No. 20541
Butte County Records

North
T. 5 N.
Record
Butte

N. 88° 22' 58" W., 2532.12'

COUNTY ROAD 3400 N.

34.87'

382.57'

382.57'

20'

S. 00° 30' 31" E., 805.00'

S. 00° 30' 31" E., 569.71'

MELVIN LANIER
INSTR. NO. 32489
5.00 ACRES

FRANK J. LANIER
INSTR. NO. 32490
5.00 ACRES

S. 00° 30' 31" E., 569.71'

S. 88° 22' 58" E.

382.57'

382.57'

487.68'

277.45'

20' Wide Access
Easement

ISLAND DITCH

Easterly Bank
"Island Ditch"

L-1

KIP NELSON
INSTR. NO. 33680
10.01 ACRES

L-2

L-3

Radius Point
Easement - R= 15'

L-4

15' Wide Easement

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MAY 21 2003

L-5

N. 88° 22' 58" W.

549.85'

403.53'

20' Wide Easement

S. 00° 30' 31" E., 790.35'

REX NELSON
INSTR. NO. 33681
5.03 ACRES

790.35'

S. 00° 30' 31" E., 2594.10'

Eq
N

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

June 19, 2002

C Glen Knighton
Route 1 Box 1158
Moore, ID 83255

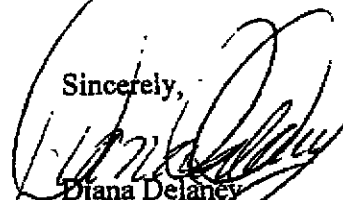
Dear Water Right Claimant(s):

Attached to this letter is a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 34-595. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order*, in combination with the *Partial Decree* that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of this water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued on the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

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JUN 21 2003

102 11 19 PM 3:11

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	Water Right 34-595
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated June 18, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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MAY 21 2003

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00595

1998 JAN 15 PM 1:06

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: C GLEN KNIGHTON
RT 1 BOX 1158
MOORE ID 83255

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 0.54 CFS

PRIORITY DATE: 11/11/1912

POINT OF DIVERSION: T05N R26E S04

NWSESE

Within BUTTE County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
0.54 CFS

PLACE OF USE: IRRIGATION
T05N R26E S15
122 ACRES TOTAL

Within BUTTE County
NENW 37

NWNW 24

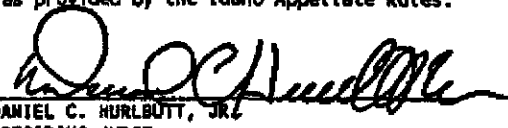
SWNW 22

SENEW 39

USE OF THIS RIGHT WITH 34-00668 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 122 ACRES IN A SINGLE IRRIGATION SEASON.

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.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00595

PAGE 1
DEC-29-1997

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MAY 21 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2002

STEVE & TERRI PRITCHETT
5395 OLD CHILLY RD
MACKAY ID 83251

RE: CHANGE IN OWNERSHIP FOR 34-13742, 34-13744

Dear Mr. & Mrs. Pritchett:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

34-13742:

34-13764: 30 acres, 0.13 cfs, Pritchett
34-13765: 5 acres, .02 cfs, Lanier
34-13766: 10 acres, .04 cfs, Kip Nelson
34-13767: 5 acres, .02 cfs, Rex Nelson

34-13744:

34-13768: 30 acres, 0.59 cfs, Pritchett
34-13769: 5 acres, 0.10 cfs, Lanier
34-13770: 10 acres, 0.20 cfs, Kip Nelson
34-13771: 5 acres, 0.10 cfs, Rex Nelson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other

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MAY 21 2003

corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Jennifer Crabtree

Technical Records Specialist

Enclosures

cc: Melvin Lanier
Kip Nelson
Rex Nelson

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MAY 21 2003

6.

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 34-00668

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>TOTAL 50 AC</u> <u>1.75 CFS</u>	<u>5 AC</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 34-00887

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>TOTAL 50 AC</u> <u>1.25 CFS</u>	<u>5 AC</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s) Rex Nelson
(include title if applicable)

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

For Office Use Only

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

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
~~34-00668~~	_____	~~X~~	_____	_____	_____
~~34-00667~~	_____	~~X~~	_____	_____	_____
~~34-00595~~	_____	~~X~~	_____	_____	_____
34-13742	_____	X	_____	_____	_____
34-13744	_____	X	_____	_____	_____

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Steve & Terri Pritchett
5395 Old Chilly Rd Mackay ID 83251

4. New Owner/Claimant(s)

Rex or Peggy Nelson
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

X 2842 W. LASTRADA Cike

City, State and ZIP Code

X SLC Utah 84065

New Telephone Number

X (801) 254-4983

5. Date you acquired the property

10-5-98

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MAY 21 2003

6

If the change in ownership affects the entire water right for each water right adjudication claim number listed 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 34-00595

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>TOTAL SOAC</u> <u>117 CES</u>	<u>5 AC</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

For Office Use Only

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

A parcel of land generally described as being a portion of the NW¼ of Section 15, Township 5 North, Range 26 E.B.M., Butte County, Idaho, being more particularly described as follows: Commencing at the NW corner of said Section 15, (Recorded - Instrument No. 32355, Butte County records), from which the NE corner of said Section 15, (Recorded - Instrument No. 32354, Butte Co. records), bears N. 89°43'07" E. 2643.50 feet; thence from the NW corner of said Section 15, S. 00°30'31" E. along the east boundary of the NW¼ of said Section 15, a distance of 569.71 feet to the POINT OF BEGINNING of this land description; thence continuing along the east boundary of the NW¼ of said Section 15, S. 00°30'31" E., a distance of 790.35;

thence N. 88°22'58" W., parallel with the north boundary of the NW¼ of said Section 15, a distance of 277.45 feet; thence N. 00°30'31" W., parallel with the east boundary of the NW¼ of said Section 15, a distance of 790.35 feet; thence S. 88°22'58" E., parallel with the north boundary of the NW¼ of said Section 15, a distance of 277.45 feet to the POINT OF BEGINNING. SUBJECT TO a 15 wide easement for the purpose of ingress and egress, and for the installation and maintenance of an irrigation pipeline, said easement being parallel with the adjoining the southerly boundary thereof.

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JAN 21 2003

Northwest Corner Sec. 15
T. 5 N., R. 26 E., B.M.
Recorded - Instr. No. 20541
Butte County Records

North
T. 5 N.
Record
Butte

N. 88° 22' 58" W., 2532.12'

COUNTY ROAD 3400 N.

34.87'

382.57'

382.57'

20'

805.00'

S. 00° 30' 31" E., 569.71'

MELVIN LANIER
INSTR. NO. 32489
5.00 ACRES

FRANK J. LANIER
INSTR. NO. 32490
5.00 ACRES

S. 00° 30' 31" E., 569.71'

S. 88° 22' 58" E.

382.57'

382.57'

487.68'

277.45'

20' Wide Access
Easement

ISLAND DITCH

Easterly Bank
"Island Ditch"

L-1

KIP NELSON
INSTR. NO. 33680
10.01 ACRES

L-2

L-3

Radius Point
Easement - R=15'

15' Wide Easement

REX NELSON
INSTR. NO.
33681
5.03 ACRES

790.35'

790.35'

S. 00° 30' 31" E., 2594.10'

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MAY 21 2003

L-5

N. 88° 22' 58"

549.85'

403.53'

423.76'

20' Wide Easement



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

September 4, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

C GLEN KNIGHTON
RT 1 BOX 115B
MOORE ID 83255

RE: CHANGE IN OWNERSHIP FOR 34-595, 34-668

Dear Mr. Knighton:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

34-595:

34-13741: 72 acres, 0.32 cfs, Knighton

34-13742: 50 acres, 0.22 cfs, Pritchett

34-668

34-13743: 72 acres, 1.42 cfs, Knighton

34-13744: 50 acres, 0.98 cfs, Pritchett

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

cc: Steve & Teri Pritchett

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MAY 21 2003

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

RECEIVED

MAR 5 2002

MAR 15 2002

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

Department of Water Resources
Eastern Region

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
34-00668		X OK			
← 34-00887		X			
34-00595		X OK			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Glen & Audrey Knighton

4. New Owner/Claimant(s)

Steve L OR TERRI PRITCHETT

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

5395 Old Chilly Rd Mackay ID 832

City, State and ZIP Code

Mackay ID 83251

New Telephone Number

208.588-2963

5. Date you acquired the property

5-23-97

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MAY 21 2003

If the change in ownership affects the water right for each water right or adjudication claim number listed 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 34-00595

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	<u>507 AC +/-</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

For Office Use Only

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

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MAY 21 2003