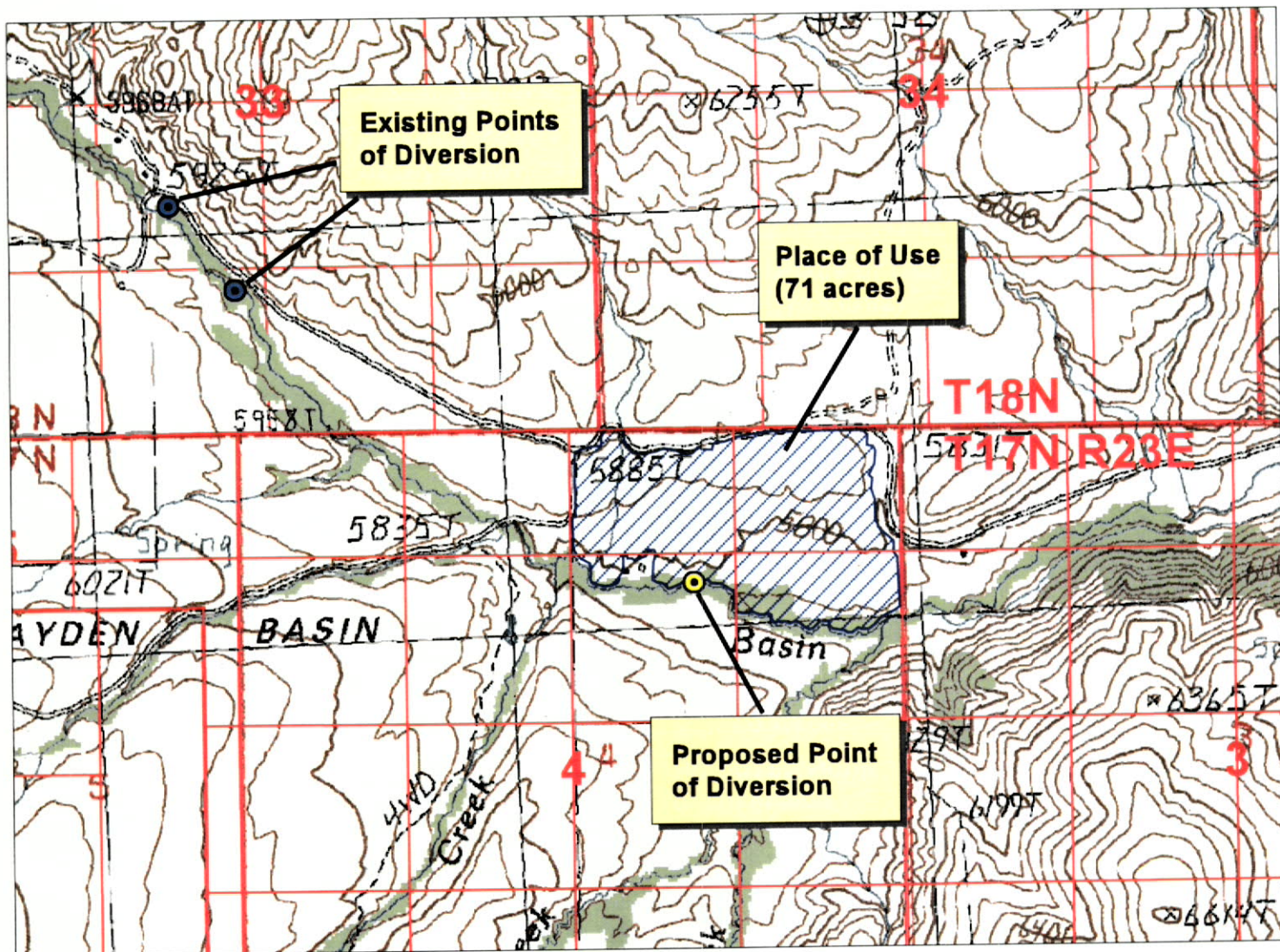


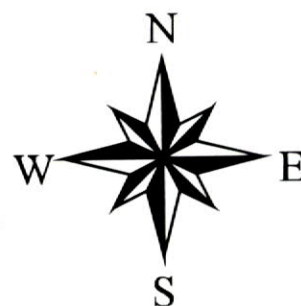


0.5 0 0.5 1 Miles

- Existing Points of Diversion
- Proposed Point of Diversion
- ▨ Place of Use

Transfer -- Kirkham
74-00265, 74-02319

MICROFILMED
 JAN 12 2001



**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
TRANSFER NO. T5806**

Notice is hereby given that Beverly Kirkham Heinz, 5529 Cottonwood Club Dr, Salt Lake City UT 84117, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 74-00265 Source:
Basin Creek/Hayden Creek
Amount: 1.50 cfs Priority: 05/30/
1903

Decree No.: 74-02319 Source:
Basin Creek/Hayden Creek
Amount: 0.63 cfs Priority: 10/29/
1956

Point(s) of Diversion: NESW SEC
33 T18N R23E, LEMHI COUNTY
SESW SEC 33 T18N R23E,
LEMHI COUNTY

The water is irrigation of 72 acres
within SEC 4 T17N R23E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to move the
point of diversion down stream ap-
proximately $\frac{3}{4}$ of a mile on Basin
Creek to the SWNE SEC 4 T17N
R23E.

Any protests against approval of
the proposed change must be filed
with the Idaho Department of Water
Resources, 900 N Skyline Dr., Idaho
Falls, ID 83402, together with a pro-
test fee of \$25 on or before August
28, 2000. The protestant must also
send a copy of the protest to the
applicant.

KARL J. DREHER
Director

Published in the *Recorder Herald*
on August 10 and 17, 2000.

8-10-2tc

RECEIVED

SEP 25 2000

Department of Water Resources
Eastern Region

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **IDAHO DEPT. OF WATER RESOURCES - NOTICE OF PROPOSED CHANGE, NO. T5806**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **8-10-2000** and ending with the issue dated **8-17-2000**.

STATE OF IDAHO

County of Lemhi

ss.

On this **22nd day of September** in this year of 2000 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 2-19-2003

Publication Fee \$69.12

MICROFILMED
JAN 12 2001

RECEIVED
SEP 29 2000
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5806
WATER RIGHT NO(S). 74-00265/74-02319

This is to certify that: **BEVERLY K HEINZ TRUST**
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 74-00265 :			
IRRIGATION	03/15 to 11/15	1.50 CFS	248.5 AF
Priority: 05/30/1903			
Right No. 74-02319 :			
IRRIGATION	03/15 to 11/15	0.63 CFS	248.5 AF
Priority: 10/29/1956			
TOTAL:		2.13 CFS	248.5 AF *

SOURCE

TRIBUTARY OF

** BASIN CREEK

HAYDEN CREEK

LOCATION OF POINT(S) OF DIVERSION:

NESWNE , Sec. 4, Township 17N, Range 23E
LEMHI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
17N	23E	4	Lot 1(NENE) 24.5	Lot 2(NWNE) 25.0	SWNE 5.3	71.0
			SENE 16.2			71.0 *

Total number of acres irrigated:

71.0 *

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 74.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

IAN 12 2001

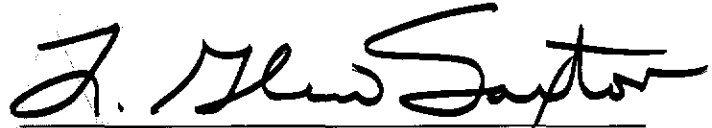
TRANSFER NO. 5806
WATER RIGHT NO(S). 74-00265/74-02319

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval and Right 74-00265, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Mc Nutt Creek at the original point of diversion and at the point of diversion from Basin Creek.
- ** 7. Diversion of water from Basin Creek under Right 74-00265 is limited to those times water is available for diversion under this right and priority from the original source, Mc Nutt Creek.
- * 8. Rights 74-00265 and 74-02319 when combined shall not exceed a total annual maximum diversion volume of 248.5 af at the field headgate and the irrigation of 71.0 acres.

Dated this 29th day of

September, 2000


Chief, Water Allocation Bureau

MICROFILMED

JAN 12 2001

Transfer No. 5806

~~330~~
330

Name of Applicant **Beverly Kirkham Heinz**

Phone (801) 277-5279

Post Office address 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117

RECEIVED

SEP 8 2000

DEPARTMENT OF WATER RESOURCES

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes. **Applicant wishes to move diversion from ditches with no headworks to pump in Basin Creek. Present ditch system does not allow for watermaster control and existing ditches are difficult to maintain and have high transmission loss. New system would include half pivot and handlines for sprinkler irrigation.**

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
74-00265	05/30/1903	1.50 cfs	Irrigation	03/15 to 11/15
74-02319	10/29/1956	0.63 cfs	Irrigation	03/15 to 11/15

2. Total amount of water being transferred **2.13** cubic feet per second and/or _____ acre-feet per annum.

3. Source of water **Basin Creek** tributary to ~~Hawley Creek~~

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres 71

71

PART 1

6. General Information:

a. Description of diversion system Pump in Basin Creek to pipelines for sprinkler irrigation.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None. Change in place of use merely reflects actual use.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

MICROFILMED

JAN 12 2001

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-00265

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	1.50 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
MC NUTT CREEK	BASIN CREEK

Priority: 05/30/1903

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 33, Township 18N, Range 23E
 SESW , Sec. 33, Township 18N, Range 23E
 LEMHI County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																				
				NENE	NWNE	SWNE	SENE	:				NENW	NWNW	SWNW	SENW	:				NESW	NWSW	SWSW	SESW	:				NESE	NWSE	SWSE	SESE	:				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
17N	23E	4	:	01-25	02-27	05	15	:					:							:					:							:	72.0			
																																TOTAL ACRES				72.0

CONDITIONS/REMARKS:

1. AC. IRR.=71.

Describe any other water rights used for the same purpose as described above:

74-02319

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other MICROFILMED

JAN 12 2001

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 74-02319

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	03/15 to 11/15	0.63 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BASIN CREEK	HAYDEN CREEK

Priority: 10/29/1956

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 33, Township 18N, Range 23E
 SESW , Sec. 33, Township 18N, Range 23E
 SHOSHONE County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																				
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM				
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
17N	23E	4	:	01-25	02-27	05	15	:				:				:				:				:				:				72.0				
																TOTAL ACRES												72.0								

CONDITIONS/REMARKS:

1. AC. IRR.=71.

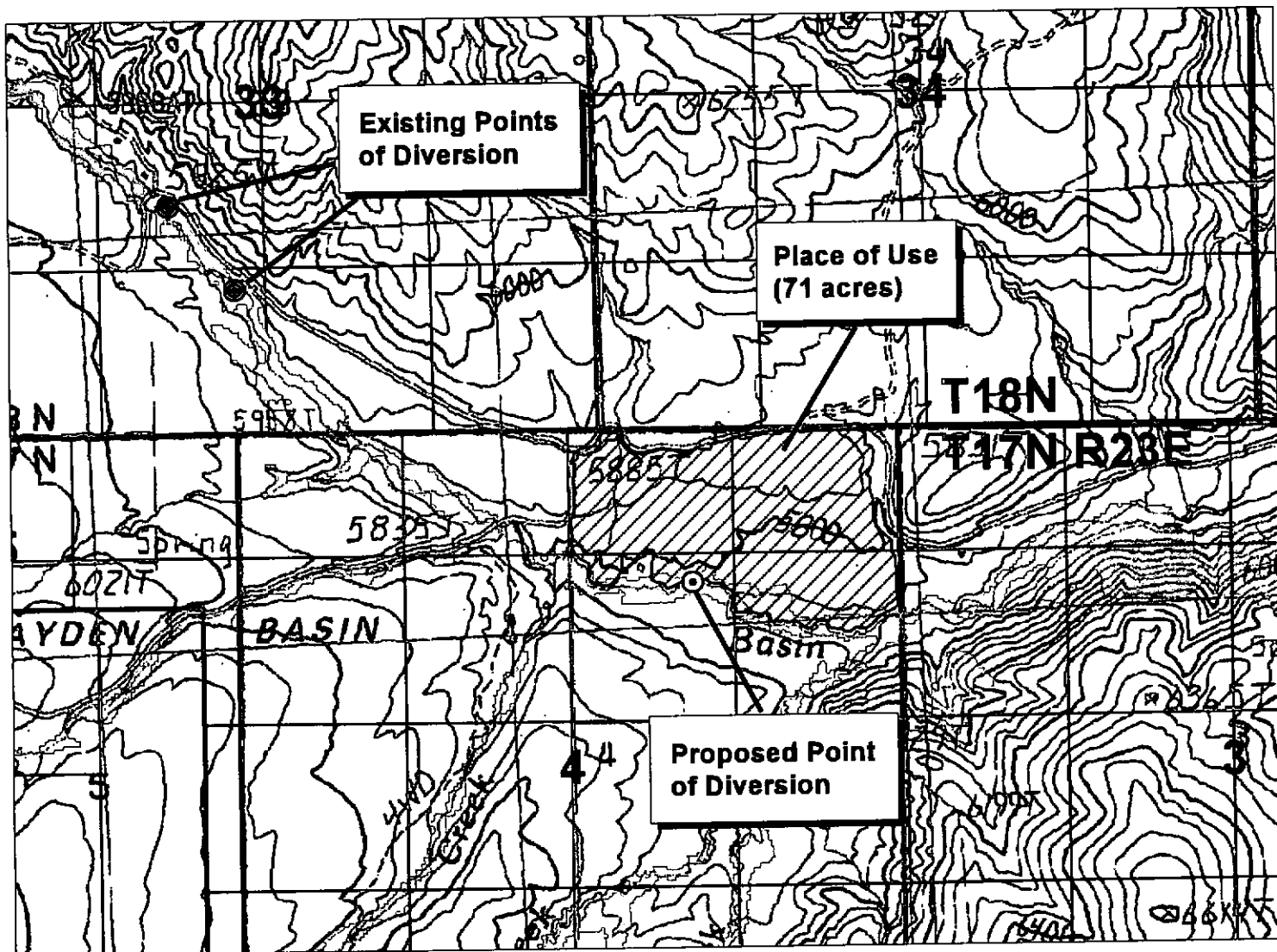
Describe any other water rights used for the same purpose as described above:

74-00265To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice☐ Warranty Deed☐ Other MICROFILMED

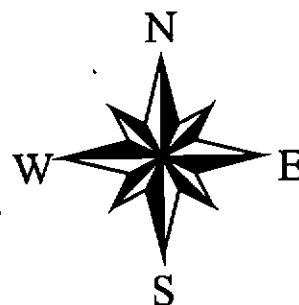
JAN 12 2001



- Existing Points of Diversion
- ⊙ Proposed Point of Diversion
- ▨ Place of Use

Transfer -- Kirkham
74-00265, 74-02319

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 JAN 12 2001



B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Beverly K. Heering
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of July, 2000



Notary Public
MELONY WOODBURY
370 East 500 South, Suite 100
Salt Lake City, Utah 84111
My Commission Expires
July 21, 2002
State of Utah

Melony Woodbury
(Notary Public)

My commission expires July 21, 2002

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 10 attachments
Received by _____ Date 7-31-00 Protest filed by _____
Prelim. Check by _____ Fee \$330.00
Receipted by gc #E026028 Date 7/31/00
Published in RECORDER HERALD Copies of protest forwarded by _____
Pub. Dates Aug 10 & 17, 2000 Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____

MICROFILMED BC

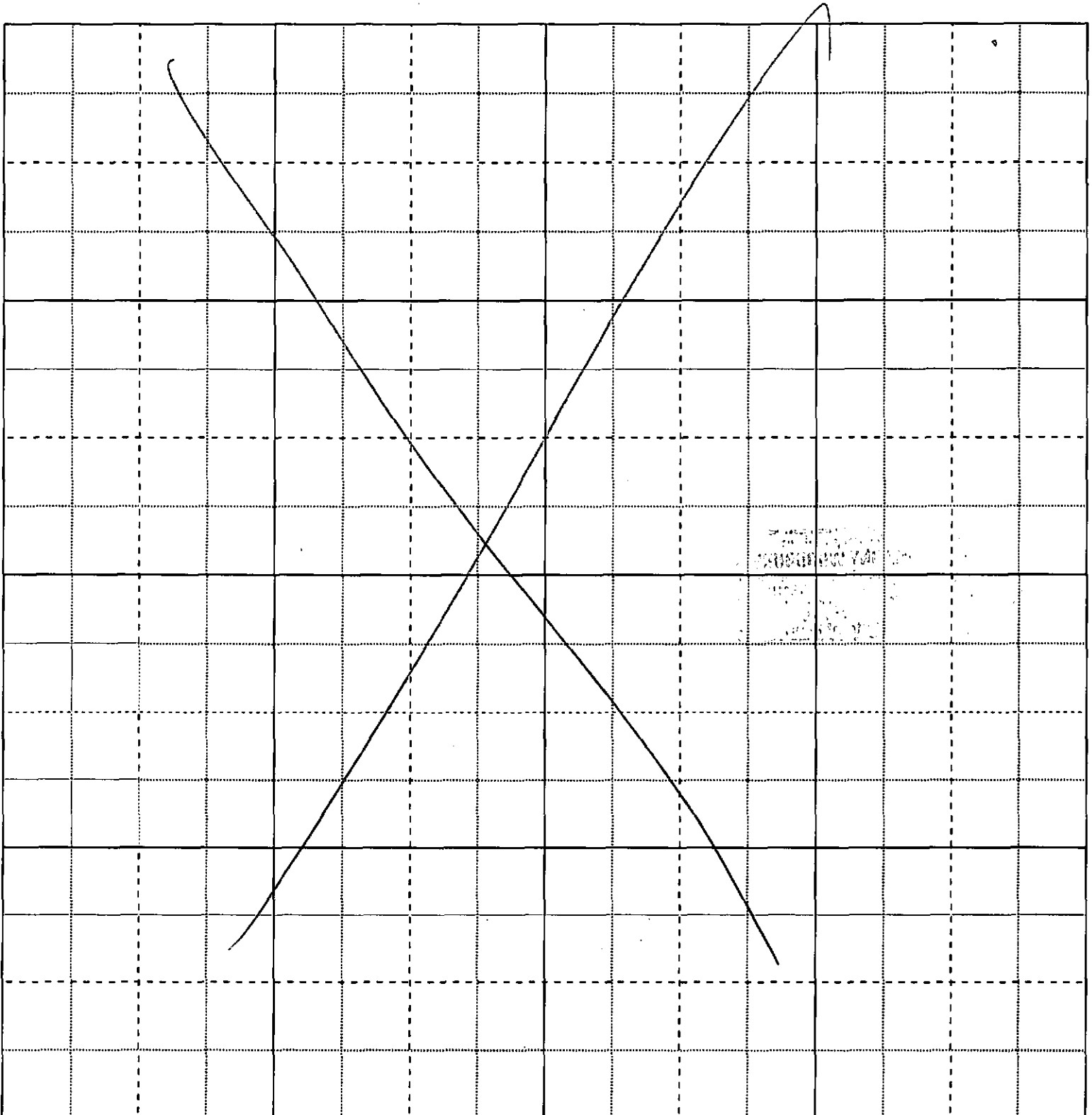
JAN 12 2001

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

50

012

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, 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
74-00978	74-00978	N			
74-07018	74-07018	N			

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) are 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) LA VERNE AND/OR NELL KIRKHAM
RT. 1, ASHTON ID 83420
4. New Owner/Claimant(s) BEVERLY KIRKHAM HAINZ
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 5529 COTTONWOOD CLUB DRIVE
- City, State and ZIP Code SALT LAKE CITY, UT 84117
- New Telephone Number (801) 277-5279
5. Date you acquired the property MICROFILMED

JAN 12 2001

T 5806
 ATTACHMENT 1 OF 10

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 _____		
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) Beverly Kirkham Lewis
(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.

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For Office Use Only

Received by gc Date 7/3/00 Fee 50.00
 Received by gc Date 7/3/00 Receipt No. E026028
 Processed by _____ AJ Date _____ WR _____ Date _____

JAN 12 2001

N/C

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, 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
74-00265	A74-00265	N	_____	_____	_____
74-00979	A74-00979	N	_____	_____	_____
74-02319	A74-02319	N	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) are 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)

LAVERNE AND/OR NEIL KIRKHAM
Rt. 1, Ashton ID 83420

4. New Owner/Claimant(s)

BEVERLY KIRKHAM HEINE

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5529 COTTON WOOD CLUB DRIVE

City, State and ZIP Code

SALT LAKE CITY, UT 84117

New Telephone Number

(201) 227-5279

5. Date you acquired the property

Dec 1998 and

- MICROFILMED -

JAN 12 2001

T 5806
 ATTACHMENT 2 OF 10

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 _____		
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) Beverly Kirkham Lewis
(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 gc Date 7/31/00 Fee 0
 Receipted by gc Date 7/31/00 Receipt No. 0
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED

JAN 12 2001

State of Idaho)
County of Lemhi) SS No. 20304
This instrument was filed for record at the request
of Jay R. McKenzie
at 4:40 o'clock Pm 2 + 1998
and duly filmed and indexed in the records of Lemhi
County Tern J. Morton
Ex-Officio Recorder

By Brenda Burkhart Deputy
Fee 3.00

Return to Jay R. McKenzie
Attorney at Law
102 North State Street - Suite 1
Preston, Idaho 83263
Telephone: (208) 852-3500

STATE OF IDAHO)
COUNTY OF JEFFERSON)
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING
IS A FULL TRUE AND CORRECT COPY OF THE
ORIGINAL THEREOF (ON FILE) (ON RECORD) IN MY
OFFICE.

DATED 4.13.98
CONNIE M. KELLER
MAGISTRATE COURT
EX-OFFICIO AUDITOR AND RECORDER
BY JMS DEPUTY

FILE
4:45pm
JMSmith

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON
MAGISTRATE'S DIVISION

IN THE MATTER OF THE ESTATE OF) Probate Case No. 309280
)
)
NOAH LAVERNE KIRKHAM) LETTERS TESTAMENTARY
)
)
Deceased.)

1. DWAIN D. KIRKHAM, was duly appointed and qualified as
general Personal Representative of the estate of the above-named
Decedent on the 24 day of March, 1998, by the
Magistrate Acting as Registrar with all authority pertaining
thereto.

2. Administration of the estate is unsupervised.
These letters are issued to evidence the appointment,
qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this Court the 24 day
of March, 1998.

[Signature]
MAGISTRATE

MICROFILMED

JAN 12 2001

T 5806
ATTACHMENT 3 OF 10

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by DWAIN D. KIRKHAM, as Personal Representative of the Estate of NOAH LAVERNE KIRKHAM, Deceased, Grantor; to DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham dated December 11, 1993, Grantee, whose address is 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117.

WHEREAS, Grantor is the qualified Personal Representative of the Estate filed as Probate Case No. SP-98-80, Jefferson County, Idaho.

THEREFORE for valuable consideration received, Grantor sells and conveys to Grantee the following described real property:

Decedent's one-half community property share of a one-half undivided interest (to-wit: a one-fourth undivided interest) in and to:

Township 17 North, Range 23 East of the Boise Meridian, Lemhi County, Idaho
Section 4: Lots 1 and 2; S1/2NE1/4

TOGETHER WITH all water and water rights, and all U.S. Forest Service and BLM Range Rights appurtenant thereto,

together with their appurtenances.

SUBJECT TO THE FOLLOWING FIRST RIGHT OF REFUSAL:

(a) All references herein to "children" or "child", refer to Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117, Darrell L. Kirkham of P.O. Box 393, Ashton, Idaho 83420, and Dwain D. Kirkham of 1842 East 1500 North, Terreton, Idaho 83450.

(b) Any sale of any of the above-described property by Grantee shall be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

(c) Any of the above-described property subsequently sold shall also be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

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(d) All right of first refusal options described herein, shall expire and be of no further force and effect fifteen (15) years from the date hereof.

(e) The right of first refusal options shall arise whenever any of the above-described real property is offered for sale during the period of fifteen (15) years following the date hereof.

(f) Whenever the selling party determines to offer the property and has received an offer which he or she desires to accept, he or she shall then notify the parties entitled to exercise the option in writing of the terms of the offer and offer to sell the property to them upon the same terms and conditions for a period of thirty (30) days following the delivery of the written notice. If the parties entitled to exercise the option do not exercise it within the thirty (30) day period, then any parties with successive rights shall have ten (10) days within which to exercise the option. If no party exercises the option within the time period limited, the selling party may proceed to sell the property upon the terms of the offer or terms more favorable to the selling party. If the property is not sold upon such terms or more favorable terms within ninety (90) days of the date notice is given of the first refusal option, then the property may not subsequently be sold without again extending the right of first refusal option to my children as herein provided.

(g) The right of first refusal shall be personal to my children and their issue as herein provided and may not be assigned or conveyed by them to any other party.

(h) If the right of first refusal option is extended to more than one child or their issue by right of representation, the co-optionees shall have the right to purchase equal undivided interests in the property. If one co-optionee fails to exercise his or her option, the other co-optionee may exercise his or her option right as to the entire amount of the property, but may not exercise his or her option right as to less than the entire amount of the property, it being my intent that the optionees individually or as a group be obligated to purchase all of the property offered and that they not be entitled to exercise their options in such a manner as to only purchase a portion of the property offered.

(i) All deeds transferring any of the above-described property shall contain the foregoing provisions, except deeds which are dated fifteen years following the date hereof shall not require any reference to foregoing first right of refusal option.

SUBJECT TO THE FOLLOWING RESTRICTION: The trustee may not sell any of the above-described real property without the prior written approval of Beverly K. Heinz, if living. If Beverly K. Heinz is not living, then this restriction shall expire and be of no further force or effect.

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JAN 12 2001

The successor trustees of the trust are the following, successively in the order named: Such person as may be designated by Dwain D. Kirkham; in the event Dwain D. Kirkham fails to serve as trustee and fails to appoint a successor trustee, such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction. The transfer of trusteeship may be evidenced by a notice of designation of trustee, or a resignation or death certificate of the existing trustee, or deed, filed of record.

EXECUTED this 21 day of Dec, 1998.

Dwain D. Kirkham
DWAIN D. KIRKHAM
Personal Representative of the
Estate of Noah LaVerne Kirkham,
Deceased

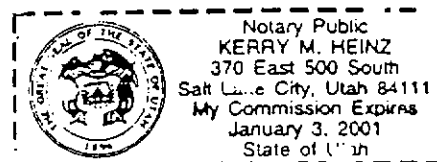
STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public in and for said State, personally appeared Dwain D. Kirkham, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he is the duly authorized and appointed Personal Representative of the Estate, and that he executed this document in said capacity for and in behalf of said Estate.

Kerry M. Heinz
NOTARY PUBLIC

Residing at: Salt Lake City Utah

My Commission Expires: 1/3/2001



State of Idaho) SS No. 239622
County of Lemhi)

This instrument was filed for record at the request
of By: R. M. Kenzie
at 1:40 clock P.m. 2-4 1999

and duly filed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder

By Sandra Huntington Deputy

Fee 9.00

Return to By: R. M. Kenzie

MICROFILMED
JAN 12 2001

QUITCLAIM DEED

FOR VALUE RECEIVED

DWAIN D. KIRKHAM, Successor Trustee of the Nellie Murri Kirkham Family Testamentary Trust created upon the death of Nellie Murri Kirkham pursuant to the Last Will and Testament of Nellie Murri Kirkham dated January 12, 1983,

does hereby convey, release, remise and forever quit claim unto

DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham dated December 11, 1993, Grantee, whose address is 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117.

the following described premises:

A one-half community property share of a one-half undivided interest (to wit: a one-fourth undivided interest) in and to:

Township 17 North, Range 23 East of the Boise Meridian, Lemhi County, Idaho
Section 4: Lots 1 and 2; S1/2NE1/4

TOGETHER WITH all water and water rights, and all U.S. Forest Service and BLM
Range Rights appurtenant thereto,

together with their appurtenances.

SUBJECT TO THE FOLLOWING FIRST RIGHT OF REFUSAL:

(a) All references herein to "children" or "child", refer to Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah 84117, Darrell L. Kirkham of P.O. Box 393, Ashton, Idaho 83420, and Dwain D. Kirkham of 1842 East 1500 North, Terreton, Idaho 83450.

(b) Any sale of any of the above-described property by Grantee shall be subject to a right of first refusal option upon the terms hereof, in favor of the other children, in equal shares, or the respective issue of any deceased child by right of representation.

(c) Any of the above-described property subsequently sold shall also be subject to a right of first refusal option upon the terms hereof, in favor of the other

children, in equal shares, or the respective issue of any deceased child by right of representation.

(d) All right of first refusal options described herein, shall expire and be of no further force and effect fifteen (15) years from the date hereof.

(e) The right of first refusal options shall arise whenever any of the above-described real property is offered for sale during the period of fifteen (15) years following the date hereof.

(f) Whenever the selling party determines to offer the property and has received an offer which he or she desires to accept, he or she shall then notify the parties entitled to exercise the option in writing of the terms of the offer and offer to sell the property to them upon the same terms and conditions for a period of thirty (30) days following the delivery of the written notice. If the parties entitled to exercise the option do not exercise it within the thirty (30) day period, then any parties with successive rights shall have ten (10) days within which to exercise the option. If no party exercises the option within the time period limited, the selling party may proceed to sell the property upon the terms of the offer or terms more favorable to the selling party. If the property is not sold upon such terms or more favorable terms within ninety (90) days of the date notice is given of the first refusal option, then the property may not subsequently be sold without again extending the right of first refusal option to my children as herein provided.

(g) The right of first refusal shall be personal to my children and their issue as herein provided and may not be assigned or conveyed by them to any other party.

(h) If the right of first refusal option is extended to more than one child or their issue by right of representation, the co-optionees shall have the right to purchase equal undivided interests in the property. If one co-optionee fails to exercise his or her option, the other co-optionee may exercise his or her option right as to the entire amount of the property, but may not exercise his or her option right as to less than the entire amount of the property, it being my intent that the optionees individually or as a group be obligated to purchase all of the property offered and that they not be entitled to exercise their options in such a manner as to only purchase a portion of the property offered.

(i) All deeds transferring any of the above-described property shall contain the foregoing provisions, except deeds which are dated fifteen years following the date hereof shall not require any reference to foregoing first right of refusal option.

SUBJECT TO THE FOLLOWING RESTRICTION: The trustee may not sell any of the above-described real property without the prior written approval of Beverly K. Heinz, if living. If Beverly K. Heinz is not living, then this restriction shall expire and be of no further force or effect.

MICROFILMED
JAN 12 2001

The successor trustee of the trust are the following, successively in the order named: Such person as may be designated by Dwain D. Kirkham; in the event Dwain D. Kirkham fails to serve as trustee and fails to appoint a successor trustee, such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction. The transfer of trusteeship may be evidenced by a notice of designation of trustee, or a resignation or death certificate of the existing trustee, or deed, filed of record.

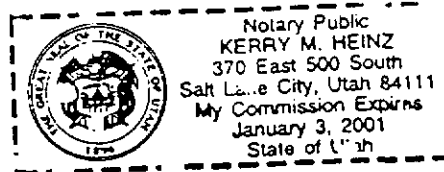
DATED this 21 day of Dec, 1998.

Dwain D. Kirkham
DWAIN D. KIRKHAM
Successor Trustee of the
Nellie Murri Kirkham Family
Testamentary Trust

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public in and for said State, personally appeared Dwain D. Kirkham, known to me to be the person whose name is subscribed to the within instrument, as the Successor Trustee of the Nellie Murri Kirkham Family Testamentary Trust, and acknowledged to me that he executed the same as such Successor Trustee.

Kerry M. Heinz
NOTARY PUBLIC
Residing at: Salt Lake City, Utah
My Commission Expires: 10/31/2001



State of Idaho)
County of Lemhi) SS No. 239623
This instrument was filed for record at the request of Jay R M. Kenzie
at 1:42 o'clock p m 2-9 1999
and duly filmed and indexed in the records of Lemhi County
Terri J. Monon
Ex-Officio Recorder
By Brenda J. Monon Deputy
Fee 900
Return to Jay R M. Kenzie

MICROFILMED
JAN 12 2001

NOTICE OF SUCCESSOR TRUSTEE

COMES NOW, DWAIN D. KIRKHAM, Trustee of the Beverly K. Heinz Trust, a testamentary trust created upon the death of Noah LaVerne Kirkham, pursuant to the Last Will and Testament of Noah LaVerne Kirkham, dated January 12, 1983, the First Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated January 24, 1992, and the Second Codicil to Last Will and Testament of Noah LaVerne Kirkham, dated December 11, 1993, and does hereby declare and give notice that the new successor trustee of the Beverly K. Heinz Trust now is: Beverly K. Heinz of 5529 Cottonwood Club Drive, Salt Lake City, Utah.

The subsequent successor trustees are the following, successively in the order named: Such independent person as may be designated by Beverly K. Heinz; such person as may be named by a court of competent jurisdiction.

The transfer of trusteeship may be evidenced by notice of designation of trustee, or resignation or death certificate of the existing trustee, or deed, filed of record.

DATED this 21 day of Dec, 1998.

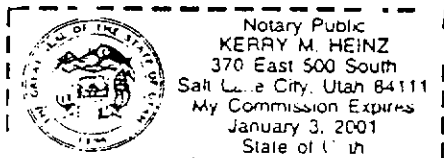
Dwain D. Kirkham
Dwain D. Kirkham, Trustee of the
Beverly K. Heinz Trust

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On this 21 day of December, 1998, before me, a Notary Public, personally appeared Dwain D. Kirkham, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of the Beverly K. Heinz Trust, and acknowledged to me that he executed the same as such trustee.

Kerry M. Heinz
NOTARY PUBLIC

Residing at: Salt Lake City, Utah
My Commission Expires: 1/3/2001



State of Idaho) SS No. 239624
County of Lemhi)

This Instrument was filed for record at the request
of Jay R. McKenney
at 4:30 clock P.m. 2-4 1999
and duly filmed and indexed in the records of Lemhi
County Tern J. Morton
Ex-Officio Recorder

By Brenda Ambrose Deputy
Fee 3.00

Return to Jay R. McKenney

MICROFILMED
JAN 12 2001

T 5806
ATTACHMENT 10 OF 10

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS)
TO THE USE OF THE SURFACE WATERS)
AND TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Hlgginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

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JAN 12 2001

WRD416

05/04/83

S T A T E D P I O A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 227

INDICATES TOTAL

SOURCE: MC NUTT CREEK

TRIBUTARY TO: BASIN CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0265	KIRKHAM, LA VERNE KIRKHAM, NELL RT. 1 ASHTON REMARKS: AC. IRR.=71.	05-30-1903	IRRIGATION 03-15 11-15	1.50 CFS	NESW S33 T18N R23E SESW S33 T18N R23E S04 T17N R23E	S4NE(05) SEVE(15) DECREE L101 (NENE)(25) L102 (NENE)(27) S04 T17N R23E	DECREE
74-0252	WHITSON, ISABEL P.O. BOX 22 LEWIS REMARKS: AC. IRR.=102.4.	05-01-1905	IRRIGATION 03-15 11-15	1.94 CFS	NW1/4 S06 T17N R23E SESW(06) NWSE(27) S4SE(36) SESE(06) S05 T17N R23E	SESW(16) SESW(12) DECREE NESE(06) NWSE(27) S4SE(36) SESE(06) S05 T17N R23E	DECREE
74-0255	WHITSON, ISABEL P.O. BOX 22 LEWIS REMARKS: AC. IRR. = 62.6.	05-01-1905	IRRIGATION 03-15 11-15	1.60 CFS	NW1/4 S06 T17N R23E SESW(19) L107 (SENE)(04) L108 (NESE)(10) S05 T17N R23E	L111 (SESE)(04) DECREE SENE(02) NESE(23) SESE(19) L107 (SENE)(04) L108 (NESE)(10) S05 T17N R23E	DECREE
74-0256	CALL, HOWARD E. CALL, EDITH P.O. BOX 35 LEWIS REMARKS: AC. IRR.=145.5.	05-01-1905	IRRIGATION 03-15 11-15	2.10 CFS	NW1/4 S06 T17N R23E SESW(32) S33 T18N R23E SESE(38) S32 T18N R23E	N4SW(35) S4SW(40) DECREE SESW(32) S33 T18N R23E SESE(38) S32 T18N R23E	DECREE
74-0257	CALL, HOWARD E. CALL, EDITH P.O. BOX 35 LEWIS REMARKS: AC. IRR.=92.5.	05-01-1905	IRRIGATION 03-15 11-15	1.94 CFS	NW1/4 S06 T17N R23E L101 (NENE)(20) L102 (NENE)(28) L103 (NENE)(25) S05 T17N R23E L104 (NENE)(20) S04 T17N R23E	L101 (NENE)(20) DECREE L102 (NENE)(28) L103 (NENE)(25) S05 T17N R23E L104 (NENE)(20) S04 T17N R23E	DECREE
74-0266	JULLEY, EDNA JULLEY, EDNA Z. P.O. BOX 712 REMARKS: AC. IRR.=93.	10-23-1911	IRRIGATION 03-15 11-15	.90 CFS	NESW S01 T17N R22E NWSE S01 L101 (NENE)(10)	S4NE(06) SEVE(20) DECREE NESE(06) NWSE(23) L101 (NENE)(10)	DECREE

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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

September 29, 2000

BEVERLY K HEINZ TRUST
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

RE: TRANSFER OF WATER RIGHTS 74-00265/74-02319 (Transfer 5806)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5806). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Camela S. Skaggs

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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JAN 12 2001

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of September, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 74-00265/74-02319 (Transfer 5806)

**BEVERLY K HEINZ TRUST
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117**


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 12 2001



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

September 29, 2000

RICK SAGER
WATERMASTER
201 BROADWAY
SALMON ID 83467

RE: TRANSFER OF WATER RIGHTS 74-00265/74-02319
(Transfer 5806)

Dear Rick:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5806) in the name Beverly K. Heinz Trust.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

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JAN 12 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
TRANSFER NO. T5806**

Notice is hereby given that Beverly Kirkham Heinz, 5529 Cottonwood Club Dr, Salt Lake City UT 84117, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 74-00265 Source: Basin Creek/Hayden Creek
Amount: 1.50 cfs Priority: 05/30/1903

Decree No.: 74-02319 Source: Basin Creek/Hayden Creek
Amount: 0.63 cfs Priority: 10/29/1956

Point(s) of Diversion: NESW SEC 33 T18N R23E, LEMHI COUNTY
SESW SEC 33 T18N R23E, LEMHI COUNTY

The water is irrigation of 72 acres within SEC 4 T17N R23E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to move the point of diversion down stream approximately $\frac{3}{4}$ of a mile on Basin Creek to the SWNE SEC 4 T17N R23E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before August 28, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the *Recorder Herald* on August 10 and 17, 2000.

8-10-2tc

RECEIVED

SEP 25 2000

Department of Water Resources
Eastern Region

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **IDAHO DEPT. OF WATER RESOURCES - NOTICE OF PROPOSED CHANGE, NO. T5806**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **8-10-2000** and ending with the issue dated **8-17-2000**.

STATE OF IDAHO

County of Lemhi

ss.

On this **22nd day of September** in this year of 2000 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 2-19-2003

Publication Fee \$69.12

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JAN 12 2001

RECEIVED

SEP 29 2000

DEPARTMENT OF WATER RESOURCES

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5804

Date Reviewed 9-28-2000
CB

Right(s) 74-00265 _____
74-02319 _____

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report
No Activity Claimed as decreed on WR base
B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Per region review of Quitclaim + Personal Representative Deeds to Beverly K Heinz + SRBA Change of Ownership *Beverly K Heinz Trust per Lemhi County Assessor's Office.

Transfer ☒ All of Right _____ Portion of Right 9-28-00 CB
Resulting Split(s) None

Check Transfer Against Recorded Right:

Standard Season 3-15 to 11-15 Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) _____ Volume
.05 cfs per Lemhi Decree

(6) _____ Source (7) _____ P/D (8) _____ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 74 Water District (12) NO Pertinent Conditions (13) NO Expansion
WM comment Rev'd 8-29-00 w/conditions.

(5) Standard Vol = $3.5 \times 71 = 248.5 \text{ afu}$
(6) 74-00265 changes from McNutt Creek to tributary Basin Creek
(7) Change P/D to single pump in Basin Creek
(8) Slight shift in acres - same QOs - Reduce 1 Acre / New P/U = 71 authorized acres.

Transfer Remarks w49 Diversion Limited 74-00265/Original Source. w35/248.5 afu

Conditions R04, R43, R59, T07, T08, T09
w49

Database/Processing Notes _____ Standard ☒ Non-Standard _____
T Files.

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo _____
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

08-24-00

DATE: 09/28/00
PAGE: 1

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T17N R23E S 4																		
7400257	MC NUTT CR :							04-20										2
A7400257	MC NUTT CR :							04-20										2
7400260	BASIN CREE :							03-16										1
A7400260	BASIN CREE :							03-16										1
7400261	BEAR CREEK :									36		3						3
A7400261	BEAR CREEK :									36		3						3
7400265	MC NUTT CR :	01-25	02-27	5	15													7
A7400265	MC NUTT CR :	01-25	02-27	5	15													7
T7400265	BASIN CREE :	01-24	02-25	5	16													7
7400865	LAKE CREEK :													10	3	2	1	1
A7400865	LAKE CREEK :													10	3	2	1	1
7400866	LAKE CREEK :													10	3	2	1	1
A7400866	LAKE CREEK :													10	3	2	1	1
7400979	BEAR CREEK :			8	2													10
A7400979	BEAR CREEK :			8	2													10
T7400979	BASIN CREE :			28	8													36
7400980	BEAR CREEK :			20	6													26
T7400980	BASIN CREE :			28	8													36
7401098	BASIN CREE :							04-20										20
A7401098	BASIN CREE :							04-20										20
7401114	BEAR CREEK :											28	6					34
A7401114	BEAR CREEK :											28	6					34
7402319	BASIN CREE :	01-25	02-27	5	15													70
A7402319	BASIN CREE :	01-25	02-27	5	15													70
T7402319	BASIN CREE :	01-24	02-25	5	16													70
7404000	SPRINGS :															10		10
7404002	SPRINGS :													6				6
7404008	SPRINGS :														20			20
--86 MAP--	C59Q-S 79 :			31	33					40	12	1	34	10		23	17	200
NO QTRS	MAPPING	Lot01-29 Lot02-30 Lot03-16 Lot04-25																

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
74-00265	KIRKHAM, LA VERNE	C	05/30/1903	D/	MC NUTT CREEK	IRR	WR
	KIRKHAM, NELL	C					
T74-00265	HEINZ, BEVERLY KIRKHAM	C	05/30/1903	D/	BASIN CREEK	IRR	WR
A74-00265	KIRKHAM, LA VERNE	C	05/30/1903	D/	MC NUTT CREEK	IRR	AJ
	KIRKHAM, NELL	C					

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 09/28/00

TIME: 13:28:46

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
74-02319	KIRKHAM, LA VERNE	C		10/29/1956	D/	BASIN CREEK	IRR	WR
	KIRKHAM, NELL	C						
T74-02319	HEINZ, BEVERLY KIRKHAM	C		10/29/1956	D/	BASIN CREEK	IRR	WR

A74-02319	HEINZ, BEVERLY KIRKHAM	C		10/29/1956	D/	BASIN CREEK	IRR	AJ

7-31-00
T5806

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

1. Right number 74-00265 74-02319 Applicant Heinz

2. Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s)
☒ Change place of use ☐ Other _____

4. Check:

a. ☒ Source ☐ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No NA

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments _____

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) NA

k. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? WD 74-Rick Sager

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☐ Yes ☐ No

4. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By RDC Date 9/1/2002

**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
TRANSFER NO. T5806**

Notice is hereby given that Beverly Kirkham Heinz, 5529 Cottonwood Club Dr, Salt Lake City UT 84117, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 74-00265 Source: Basin Creek/Hayden Creek
Amount: 1.50 cfs Priority: 05/30/1903

Decree No.: 74-02319 Source: Basin Creek/Hayden Creek
Amount: 0.63 cfs Priority: 10/29/1956

Point(s) of Diversion: NESW SEC 33 T18N R23E, LEMHI COUNTY
SESW SEC 33 T18N R23E, LEMHI COUNTY

The water is irrigation of 72 acres within SEC 4 T17N R23E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to move the point of diversion down stream approximately $\frac{3}{4}$ of a mile on Basin Creek to the SWNE SEC 4 T17N R23E.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before August 28, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the *Recorder Herald* on August 10 and 17, 2000.

8-10-2tc

county of Lemhi, State of Idaho, to-wit.

Salmon River Meadows Annex Lot 11 Block 2

Salmon River Estates Unit 1 Lot 18 Block 4

Salmon River Estates Unit 1 Lot 10 Block 12

Salmon River Meadows Lot 28 Block 6

Salmon River Meadows Lot 30 Block 19

DISCLAIMER: All lots for auction are offered without warranty to the buyer. All bidders should make themselves aware of any Liens that might be against the property and of all building & health department requirements specific to the lot (s) and buyer's intended use for specific lot (s).

8-10-2tc

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OF A WATER RIGHT
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Director

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8-10-2tc

MICROFILMED

JAN 12 2001

T5806

TRANSFER# 5806

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 74-00265
74-02319

WATER DISTRICT:

WATERMASTER:

DATE: Aug 7, 2000

RECEIVED

AUG 09 2000

Department of Water Resources
Eastern Region

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES X NO

COMMENTS: _____

X I do endorse approval of this change.

 I do not endorse approval of this change.

I recommend the following conditions of approval:

Rick Sager
Watermaster

MICROFILMED

JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BEVERLY KIRKHAM HEINZ
5529 COTTONWOOD CLUB DR
SALT LAKE CITY UT 84117

RE: Application for Transfer # 5806 and 5807

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on August 10 and 17, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

JAN 12 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICK SAGER
WATERMASTER #74
RR1 BOX 52-A
SALMON ID 83467

RE: Application for Transfer #5806 and 5807

Dear Rick:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by August 28, 2000.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

MICROFILMED

JAN 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 2, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECORDER HERALD
PO BOX 310
SALMON ID 83467

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before August 28, 2000.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED

JAN 12 2001

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT TRANSFER NO. T5806

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JAN 12 2001