

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

I, TERRY T. WEATHERSTON being first duly sworn, depose and say, that I am the printer of THE FREMONT COUNTY HERALD-CHRONICLE, a 3 times a week newspaper printed and published 3 times a week in Fremont County, Idaho; and I do solemnly swear that the NOTICE NO. T5601 PROPOSED CHANGE WATER RIGHTS a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for TWO consecutive issues, the first publication having been made on DECEMBER 1, 1999 and the last publication having been made on DECEMBER 8, 1999

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

STATE OF IDAHO)

COUNTY OF MADISON)

On this 9TH day of DECEMBER in the year of 1999 before me, a Notary

Public, personally appeared Terry Weatherston, 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.

Shirley J. Murray
Notary Public, Idaho
Residing in Rexburg, Idaho
My commission expires April 29, 2005


RECEIVED

JAN 05 2000

Department of Water Resources
Southern Region

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5601

Notice is hereby given that North Fork Highlands Partnership, % Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405, 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 right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.: 21-10750. Source: Spring/Blue Creek. Amount: 0.08 cfs. Priority: 11/14/1910. Point(s) of Diversion: NWSSENW Sec 10 T09N R43E, Fremont County.

The water is used for domestic and stock water within Sec 10 T09N R43E, B.M.

TO BE CHANGED
AS FOLLOWS:

The applicant has found that the point of diversion and place of use were decreed to the wrong legal description. The point of diversion is the SWNENW Sec 11 and the place of use is the SENW Sec 11 all in T09N R43E.

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 December 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. Dec. 1 and 8, 1999HC.

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APR 21 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5601
WATER RIGHT NO. 21-10750

This is to certify that: **NORTH FORK HIGHLANDS PARTNERSHIP**
PO BOX 50699
IDAHO FALLS ID 83405

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>
STOCKWATER	01/01 to 12/31	0.04 CFS	2.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
Totals		0.08 CFS	3.4 AF

SOURCE

SPRING

TRIBUTARY OF

BLUE CREEK

Priority: 11/14/1910

LOCATION OF POINT(S) OF DIVERSION:

SWNENW , Sec. 11, Township 09N, Range 43E
FREMONT County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09N 43E 11 SENW

PLACE OF USE: DOMESTIC, same as STOCKWATER use.

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

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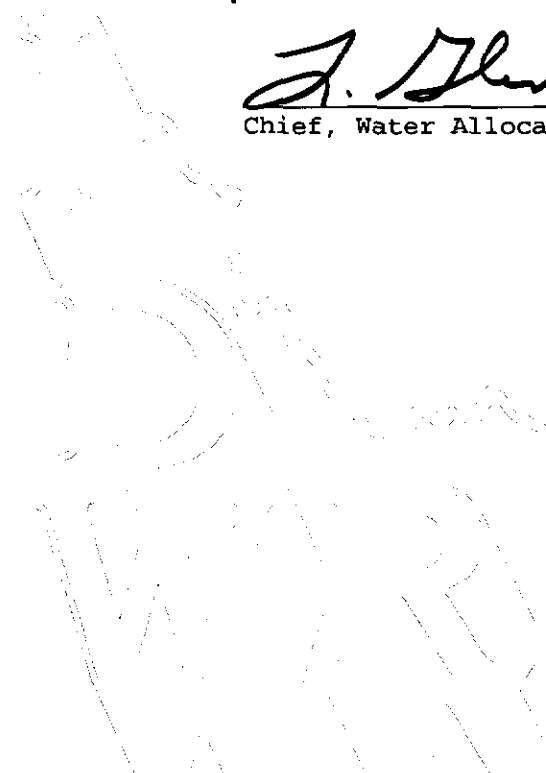
APR 21 2000

TRANSFER NO. 5601
WATER RIGHT NO. 21-10750

CONDITIONS OF APPROVAL AND REMARKS

4. The quantity of water decreed for this water right for stockwater and domestic use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
5. Domestic use is for 1 home.

Dated this 3rd day of April, 2000.


J. Glen Sayton
Chief, Water Allocation Bureau

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FEB - 3 2000

Form 222
1-87Page 1 of 6Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5601APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant North Fork Highlands Partnership Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

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 to describe correct point of diversion and place of use

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 21-10750 Priority 11/14/1910 Amount (cfs/ac-ft) 0.08 Nature of Use Domestic and Stockwater Period of Use 01-01 to 12-31
to _____
2. Total amount of water being transferred 0.08 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water spring tributary to Blue Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	11	9N	43E	Fremont	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	43E	11								D&S									

Total Acres _____

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6. General Information:

- a. Description of diversion system small pipeline from spring to house
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
No effect.
- d. Remarks:
The house and spring have always been located in section 11. Somehow decree was entered with incorrect description.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 1994.

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APR 21 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(ATTACH ONE COPY FOR EACH RIGHT)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 21-10750 Decreed to Frank G. Summers
in case of In Re SRBA (39576) vs. _____
dated September 16, 1999 in _____ county of _____.
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. 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 _____

3. Source of Water spring tributary to Blue Creek

4. Date of priority 11/14/1910

5. Water is used for the following purpose:

amount 0.08 for domestic and stockwater purposes from 01-01 to 12-31

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 0.08 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NW	10	9N	43E	Fremont	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	43E	10								D&S									

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Total Acres _____

9. Describe any other water rights used for the same purpose as described above None
10. 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 _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft)

_____ to _____
 _____ to _____

2. Quantity and quality of return flows and location of discharge:

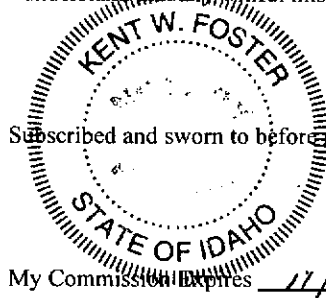
No change

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

No effects.

I hereby asset 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



[Signature] General Partner
 (Signature of Applicant)

Subscribed and sworn to before me this 5th day of November, 1994.

[Signature]
 Notary Public

My Commission Expires 11/20/2004

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by HWT Date 11-16-99 Protest filed by _____

Prelim. check by HWT Fee \$100.00

Received by HWT #E025473 Date 11-16-99

Published in Herald Chronicle Copies of protest forwarded by _____

Pub. dates Dec 1 & 8, 1999 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

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APR 21 2000

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 21-10750

NAME & ADDRESS: FRANK G SUMMERS
2839 E SUGAR CEMETERY RD
SUGAR CITY ID 83448

SOURCE: SPRING TRIBUTARY: BLUE CREEK

QUANTITY: 0.08 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/14/1910

POINT OF DIVERSION: T09N R43E S10 NESENW Within FREMONT County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within FREMONT County
T09N R43E S10 SENW

DOMESTIC Within FREMONT County
T09N R43E S10 SENW

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

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

RULE 54(b) CERTIFICATE

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

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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APR 21 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

April 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NORTH FORK HIGHLANDS PARTNERSHIP
PO BOX 50699
IDAHO FALLS ID 83405

RE: Water Right 21-10750 (Transfer 5601)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5601). 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,

Sharla Curtis

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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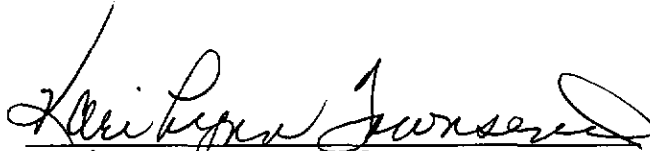
APR 21 2000

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of April, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 21-10750 (Transfer 5601)

**NORTH FORK HIGHLANDS PARTNERSHIP
PO BOX 50699
IDAHO FALLS ID 83405**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
APR 21 2000**

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

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APR 21 2000

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on 3/11/00

(Deer) Don has to update AS then copy over ✓

Trans # 5601 WR No(s) 21-10750

Resulting Splits

Name: NFLH Parter Correct Fee Pd ✓ Ad ok ✓

AREA OF CONCERN: No/Yes Moratorium XFER TYPE: B - Change p/d F - Change use period
GWMA C - Add p/d G - Other
TRUST/NON-TRUST D - Change p/u H - Change p/d & add p/d
E - Change use I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT
All wells - 046
Basin 34 - 085
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
WMD
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

SURFACE WATER:

WD - R04 (WD#)
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SENW, S11
SENW, S11

10-ac pld

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS) *N/A*
MINING - 054-081
FISH PROP - 029(70'S only)-007-042-081
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

USES:

POWER - 17H-17K (+uses)-025-081
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC *W010*
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

Protested - 020-W19
Multiple pd's per 1/4 - W32
Non-consumptive - 027
Water Quality - 081-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - *W02 example - S/50 range?*
Single p/d intended - 076
Zoning ord. (dairys only) - 082

W51 - 2+ yrs to develop
W54 - forfeited ac/rate (used rarely)
W55 - (transfer shrinks total water to less ac)
W57 - no right-of-way *N/A - p/decreed*
W58 - pending claim (statutory of AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
WB4 - + p/ds, cfs & afa (used with T17)
WD5 - remaining right (only if specifically requested, i.e: protest)
WD6 - measure & report
WD7 - irr ac removed

Special T17 & R43 combined - multiple pds in WD

IRRIGATION SEASON - (Per updated map)

IRRIGATION VOLUME/AC

OTHER CONDITIONS/REMARKS

1000 sheep = AF W62/stock

COMMENTS 13,000 gpd if on amended claims 21-7075/7076 *and don?*

T files created/updated ✓ Approval form printed ✓ Transfer Memo
Post approval update

RECEIVED

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

TRANSFER ANALYSIS SHEET

11-16-1999

T5601

INITIAL REVIEW BY: HWT

1. Right number 21-10750 Applicant North Fork Highlands
2. Type of right: ☒ Decree ☐ License ☐ Claim
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. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred.
- h. ☒ Check for expansion in use of right. Comments _____
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* water master control
4. By RDC Date 1/28/00

THE FREMONT COUNTY HERALD-CHRONICLE
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Fremont

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Terry Weatherston

STATE OF IDAHO)

COUNTY OF MADISON)

On this 9TH day of DECEMBER in the year of 1999 before me, a Notary

Public, personally appeared Terry Weatherston, 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.

Shirley J. Murray
Notary Public, Idaho
Residing at Rexburg, Idaho
My commission expires April 29, 2005
PUBLIC
STATE OF IDAHO

RECEIVED

JAN 05 2000

Department of Water Resources
Caldwell, Idaho

NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT
NO. T5601

Notice is hereby given that North Fork Highlands Partnership, % Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405, 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 right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.: 21-10750. Source: Spring/Blue Creek. Amount: 0.08 cfs. Priority: 11/14/1910. Point(s) of Diversion: NWSENW Sec 10 T09N R43E, Fremont County.

The water is used for domestic and stock water within Sec 10 T09N R43E, B.M.

TO BE CHANGED
AS FOLLOWS:

The applicant has found that the point of diversion and place of use were decreed to the wrong legal description. The point of diversion is the SWNWENW Sec 11 and the place of use is the SENW Sec 11 all in T09N R43E.

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 December 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Publ. Dec. 1 and 8, 1999HC.

MICROFILMED

APR 21 2000



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 24, 1999

**HERALD CHRONICLE
PO BOX 10
REXBURG ID 83440**

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.

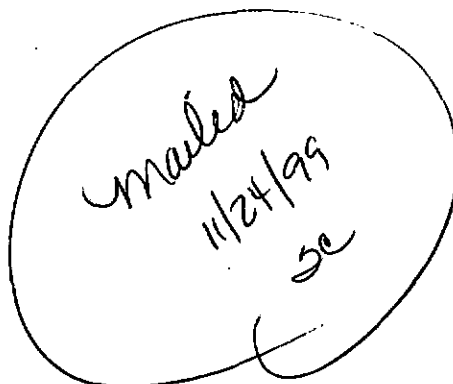
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before December 20, 1999.

Respectfully submitted,

**Sharla Cox
Administrative Assistant**

Enc.



**MICROFILMED
APR 21 2000**

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5601**

Notice is hereby given that North Fork Highlands Partnership, % Holden, Kidwell, Hahn & Crapo, PO Box 50130, Idaho Falls ID 83405, 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 right sought to be changed is evidenced by a decree and recorded as follows:

Decree No.:	21-10750	Source: Spring / Blue Creek
Amount:	0.08 cfs	Priority: 11/14/1910
Point(s) of Diversion: NWSNW SEC 10 T09N R43E, FREMONT COUNTY		
The water is used for domestic and stock water within SEC 10 T09N R43E, B.M.		

TO BE CHANGED AS FOLLOWS:

The applicant has found that the point of diversion and place of use were decreed to the wrong legal description. The point of diversion is the SWNENW SEC 11 and the place of use is the SENW SEC 11 all in T09N R43E.

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 December 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Herald Chronicle on December 1 and 8, 1999.

MICROFILMED
APR 21 2000



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

DIRK KEMPTHORNE
GOVERNOR

November 24, 1999

KARL J. DREHER
DIRECTOR

NORTH FORK HIGHLANDS PARTNERSHIP
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Transfer #5601

Dear Applicant:

This office is currently in the process of advertising the application in the Herald Chronicle on December 1 and 8, 1999. 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

APR 21 2000

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

November 12, 1999

RECEIVED

1 10 1999
Department of Water Resources
Eastern Region

Ernie Carlson
IDAHO DEPARTMENT OF
WATER RESOURCES
900 North Skyline Drive
Idaho Falls, ID 83402

RECEIVED

NOV 16 1999

Department of Water Resources
Eastern Region

Dear Ernie:

Enclosed with this letter are the following:

1. Notice of Change of Water Right Ownership (previously submitted, but now with the correct supporting documents we hope).
2. Copy of Warranty Deed from Summers to North Fork Highlands Partnership.
3. Copy of USDA Farm Service Agency (formerly ASCS) map.
4. Application for transfer of point of diversion and place of use for 21-10750.
5. Check for \$100.00 for filing fee.
6. Amended SRBA claims for A21-07075 and A21-07076.

We have relied upon our analysis of the enclosed ASCS map in preparing the amended claims. When you have the satellite photos with the computer analysis available, you will probably have a better picture. The FSA office furnished us with both the 1987 map and the 1992 map. Although the two maps have the fields numbered differently, the same land appears to have been irrigated each year and the total acreage shown was 175.1 on each map.

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APR 21 2000

Ernie Carlson
IDAHO DEPARTMENT OF
WATER RESOURCES

November 12, 1999

Page 2

Although the 1987 map is less clear than the 1992 map, both show a home located in the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11 in Township 9 North Range 43 East. We have been advised that the domestic water for the home has historically been provided from a spring located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section 11. We think this is the home and the spring that was intended when the claim for right number 21-10750 was filed. Since 21-10750 has already gone to decree in the SRBA and so much time has expired, rather than attempting to persuade the court to alter or amend the decree, we have elected to proceed with the transfer application to try to get the point of diversion and place of use in the right place. If you see a better alternative, please let us know.

Also, after reviewing the map, we are not convinced that SRBA claims nos. A21-02045, A21-02102, A21-02104 or A21-04025 are exactly accurate so far as acreage either, but perhaps it will be better to let those corrections await the availability of the better maps. We felt we should try to amend A21-07075 and A21-07076 now because they claim irrigated land on US Forest Service lands, which does not appear from the map to be correct, and there is no need to draw an objection from the US Forest Service.

Please let us know how we may be of further assistance.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\4973\CARL1103.LTR:kmc

MICROFILMED

APR 21 2000

WARRANTY DEED

f.25026-5
First American Title Company

For Value Received **DONNA SUMMERS, also known as DONNA T. SUMMERS, and DONNA T. SUMMERS, as Personal Representative of THE ESTATE OF FRANK G. SUMMERS, Deceased**

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

NORTH FORK HIGHLANDS PARTNERSHIP

whose address is: Post Office Box 50699, Idaho Falls, ID 83405

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

TOWNSHIP 9 NORTH, RANGE 43 EAST, BOISE MERIDIAN, FREMONT COUNTY, IDAHO.

SECTION 11: NW1/4; N1/2NE1/4; NE1/4SW1/4; NW1/4SE1/4

SECTION 12: NW1/4NW1/4

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

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

Dated: June 12th, 1998

**THE ESTATE OF FRANK G. SUMMERS,
Deceased**

Donna Summers
**DONNA SUMMERS, also known as
DONNA T. SUMMERS**

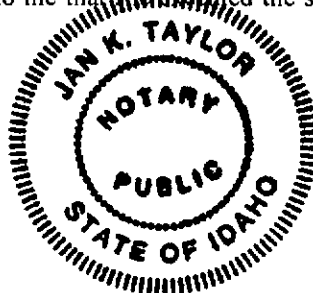
Donna T. Summers
**DONNA T. SUMMERS,
Personal Representative**

Donna T. Summers

STATE OF IDAHO)
COUNTY OF MADISON) : ss

On This 12th day of June, in the year 1998, before me, a Notary Public in and for said State, personally appeared **DONNA SUMMERS, also known as DONNA T. SUMMERS**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.

Jan K. Taylor
Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires 1/31/2003

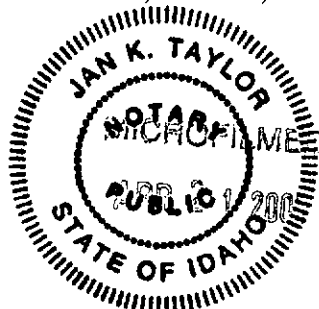


Microfilm No. 452072
15 Day June 19 98
At 15:55 O'clock P M
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 3. Deputy

STATE OF IDAHO)
COUNTY OF MADISON) : ss

On This 12th day of June, in the year 1998, before me, a Notary Public in and for said State, personally appeared **DONNA T. SUMMERS**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument as **Personal Representative of THE ESTATE OF FRANK G. SUMMERS, Deceased**, and acknowledged to me that she executed the same.

Jan K. Taylor
Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires 1/31/2003



Recorded At Request of
First American Title Company