

to who it may concern!

I Shella King Sparks was
Born in B.R.K. Co. Sharan 2000
March 9th 1931.

Married to William Dean Sparks
Dec 1950 and moved to Dingle
In 1971 we purchased the
Property from Mona Sparks
and John Raymond Sparks
We used this Spring water
for 30 yrs. for Irrigation and
to water livestock. Dean passed
away in Sept 2000 at that
time I leased property to
Lynn Lloyd and Todd Lloyd
who continued to use
the Spring water for Irrigation
and Water livestock.

Need to continue to use this
Spring water on our property
and would appreciate 1st water
Rights as it Thank you
Shella Sparks

4-28-02

To Whom It May Concern:

I, Fern Keetch, am the grand daughter of Alfred Sparks, who was mnd to Jane Ann Fowler. They homesteaded this ground in 1875 or 1876. I was born in ^{30th} Oct of 1922 & have lived on this homesteaded land with my parents until I was mnd in 1941. My grandparents & father & mother have always used the natural spring all these years for irrigation & livestock watering & the land still belongs to an heir of my grandparents.

Fern Keetch

327 So 17th

Montpelier, Idaho

Dingle, Idaho

April 30, 2002

TO WHOM IT MAY CONCERN

Re: Spring Water on Ranch Site

We, the children of Elliott Boyd Sparks former owner of the Ranch Site and Spring Water in question, do witness the fact that the above mentioned spring has been used for irrigation and watering stock all through our childhood. After the death of Elliott this ranch was purchased by William Dean Sparks also of Dingle. This ranch was homesteaded by Alfred Sparks, Elliott's grandfather, in 1875.

Melba Sparks Johnson

Age 79

Melba Sparks Johnson

E E (Rusty Sparks) Age 73

Elliott Eugene (Rusty) Sparks

JoAn Sparks Koeven Age 70

JoAn Sparks Koeven

Allan D (Pudge) Sparks Age 60

Allan D. Sparks

Darla Sparks Lloyd Age 50

Darla Sparks Lloyd

REAL ESTATE AGREEMENT

THIS AGREEMENT, Made and entered into this 30 day of June, 1971, between MONA SPARKS, a widow, of Dingle, County of Bear Lake, State of Idaho, hereinafter called the SELLER, and WILLIAM DEAN SPARKS and THELLA KING SPARKS, husband and wife, of Dingle, County of Bear Lake, State of Idaho, hereinafter called the PURCHASERS,

W I T N E S S E T H:

That said SELLER, for and in consideration of the agreements and covenants on the part of the PURCHASERS, hereinafter contained, agrees to sell and convey unto said PURCHASERS, and said PURCHASERS agree to purchase from said SELLER, the following described real property owned by the SELLER and situate in Bear Lake County, Idaho, to-wit:

Beginning at the Southwest Corner of the Southeast Quarter of Section 11, Township 14 South, Range 44 East of Boise Meridian, Idaho, and running thence North 1675 feet; thence East 2293.5 feet; thence South 715.5 feet; thence West 90.5 feet; thence South 278 feet; thence East 437 feet; thence South 137 feet; thence West 346.5 feet; thence South 324.5 feet; thence West 198 feet; thence North 220 feet; thence West 400 feet; thence South 440 feet; and thence West 1699.5 feet, to the point of beginning, EXCEPTING therefrom the East 49½ feet adjoining the school property and the Lindsay property; the above described property containing 82.1 acres, more or less,

together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and together with all water rights appertaining to or having been used with the land above described which the SELLER owns at the time of this conveyance, including 26 shares in the Dingle Irrigation Company.

(PURCHASE PRICE) The purchase price of said real estate is Twelve Thousand Three Hundred Fifteen and no/100 Dollars (\$12,315.00), lawful money of the United States of America, and the said PURCHASERS, in consideration of the premises, agree to pay to said SELLER, the sum of \$12,315.00 as follows, to-wit:

1. Two Thousand and no/100 Dollars (\$2,000.00) shall be paid on the 1st day of December, 1971, which payment shall include interest at the rate of six per cent (6%) per annum from the date of this Agreement, and said sum shall be applied first to the interest accumulated and then to the unpaid principal balance; and

2. The balance ~~\$12,315.00~~ shall be paid in equal annual payments of One Thousand and no/100 Dollars (\$1,000.00) each, plus interest at the rate of six per cent (6%) per annum upon the unpaid principal balance, the first annual payment of principal plus interest being due on the 1st day of December, 1972, and a like payment of principal plus interest shall be paid on the 1st day of December of each and every year thereafter until this Agreement shall have been paid in full. All payments of principal and interest shall be made to the First Security Bank of Idaho, N. A., Montpelier, Idaho, who shall act as escrow holder.

(PREPAYMENT PRIVILEGE) The PURCHASERS are given the privilege of making additional payments at any time without penalty.

(ESCROW) It is further agreed by and between the parties hereto that this Agreement, together with a good and sufficient Warranty Deed executed by the SELLER in favor of the PURCHASERS, covering the real property above

described, shall be placed in escrow by the parties hereto with First Security Bank of Idaho, N. A., Montpelier, Idaho, herein designated as escrow holder, and that all monies paid under this Agreement by the PURCHASERS shall be paid directly to the escrow holder for the credit of the SELLER, and said escrow holder shall be, and hereby is, instructed to keep all of said papers to be delivered to it as aforesaid in its possession, and to deliver all of said papers to the PURCHASERS upon said PURCHASERS paying the full purchase price as herein specified. It is further agreed that the SELLER and the PURCHASERS hereunder shall share equally in the payment of costs of the escrow fees hereunder.

(TAXES) The SELLER agrees to pay all state, county and village taxes and all assessments of whatever nature levied against said premises for the Year 1970 and prior years, and the PURCHASERS agree to pay all state, county and village taxes of whatever nature and all assessments of whatever nature for the Year 1971 and for each and every year thereafter.

(POSSESSION) It is understood and agreed that the PURCHASERS shall have immediate right to possession of said property.

(TERMINATION AND RE-ENTRY UPON DEFAULT) This Agreement is on the express condition that if default be made in the payment of the said several sums, or any of the covenants herein contained on the part of the PURCHASERS, then the whole of said principal, with accrued interest thereon, shall, at the election of the SELLER, become immediately due and payable, and SELLER shall have the right to terminate this Agreement by giving to PURCHASERS sixty (60) days' written notice of such termination, time being of the essence of this Agreement, and in the event of such

termination, all payments made by the PURCHASERS hereunder shall be retained by the SELLER as liquidated damages for non-performance of this Agreement and as rent for said premises, and the SELLER shall have the right to demand the escrow holder to re-deliver to SELLER all of the escrow papers, and from the time the escrow papers are re-delivered to the SELLER, the PURCHASERS shall cease to have any right, title or interest in and to said premises and agree to immediately surrender peaceable possession of the same to the SELLER.

(PAYMENT OF COSTS) The SELLER and PURCHASERS each agree, should they default in any of the covenants and agreements herein, the person who defaults shall pay all costs and expenses as may arise from enforcing this Agreement, either by suit or otherwise, including a reasonable attorney's fee.

IT IS FURTHER AGREED That the stipulations herein shall apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

SELLER

PURCHASERS

STATE OF IDAHO,)
) ss.
County of Bear Lake.)

On this _____ day of May, 1971, before me, a Notary Public in and for said State, personally appeared Mona Sparks, a widow, and William Dean Sparks and Thella King Sparks, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

WITNESS My hand and official seal.

(SEAL)

NOTARY PUBLIC for Idaho
Residing at Montpelier, Idaho
My Comm. expires:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 11-7490

WATER RIGHT NUMBER: 11-7490

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THELLA SPARKS BOX 45 DINGLE, ID 83233 (208)847-1065

Priority Date: 06/01/1875
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15	to 10/31	1.000 CFS	
STOCKWATER	01/01	to 12/31	0.020 CFS	
	<u>Total Diversion:</u>		1.020 CFS	

Location of Point(s) of Diversion

SPRINGS	SW1/4NE1/4SE1/4	Sec. 11, Twp 14S, Rge 44E, B.M.
BEAR LAKE County		
SPRINGS	NW1/4SE1/4SE1/4	Sec. 11, Twp 14S, Rge 44E, B.M.
BEAR LAKE County		
SPRINGS	SW1/4SE1/4SE1/4	Sec. 11, Twp 14S, Rge 44E, B.M.
BEAR LAKE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	44E	11													1.0	10.0	10.0	40.0	61.0

Total Acres: 61

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	44E	11														X	X	X	

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 11-7490

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

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

RECEIVED

JUL - 3 2002

Claim No. 11-7490

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 10 2002

Department of Water Resources
Eastern Region

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that THELLA K. SPARKS
(Name of Claimant)
Box 45 Dingle Idaho 83233 Telephone No: 208-847-1065
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) June 1 1875
Month DAY
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Springs tributary to Bear River

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>1.00 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/15</u>	to <u>10/31</u>
Quantity <u>0.02 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1-01</u>	to <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

4. 1.02 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of N12 $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 14S Range 44E B.M., Bear Lake County; additional
points of diversion, if any: NWSESE + SWSESE Sec 11 T14S R44E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.).
Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

Numerous springs flow into a channel that is dammed
off. Water backs up & floods into low areas throughout
the place of use. Excess water flows back into
channel downstream from property

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
14S	44E	11													1	10	10	40	61
																S	S	S	

TOTAL ACRES 61

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Stockwater

NOTE: Include here the type and number of stock watered: 100 head of beef cattle

7. Remarks: _____

8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
County of Bear Lake) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Theresa K. Sparks
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 8th day of May, 2002.



Maxine Matthews
Notary Public

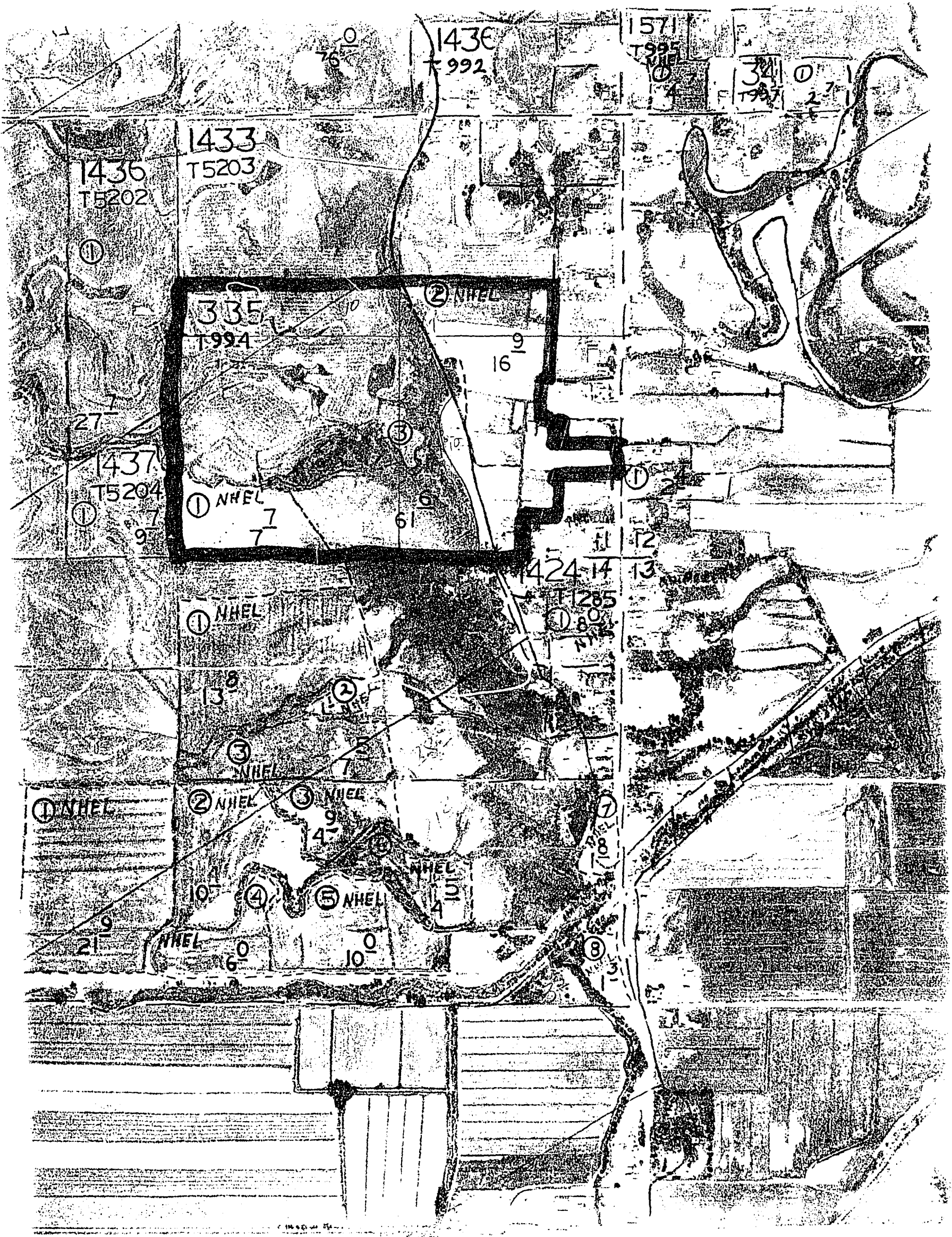
Residing at: Paris, ID

My commission expires: 11-14-06

FOR DEPARTMENT USE ONLY

Received by HUTJ Date 5-10-02
Prelim. check by _____ Date _____
Fee 250.00 Receipt # EC027743
Receipt prepared by _____ Date _____

Published in News Examiner
Publication dates May 30 & June 5, 2002
Publication checked by SC Date 6/10/02
Exceptions filed by _____



The following claim(s) have been filed based on diversion and beneficial use of water:

11-7490

THELLA SPARKS

BOX 45

DINGLE ID 83233

Point(s) of Diversion: SWNESE S11 T14S R44E

NWSESE S11 T14S R44E

SWSESE S11 T14S R44E, BEAR LAKE County

Source SPRINGS, Tributary To BEAR RIVER

Use: IRRIGATION 04/15 To 10/31 1 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 1.02 CFS

Date Filed: 05/14/2002

Place Of Use: IRRIGATION

T14S R44E S11 NESE NWSE SWSE SESE

Number of Acres 61

Place Of Use: STOCKWATER

T14S R44E S11 NWSE SWSE SESE

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on May 30 and June 6, 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2002

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Statutory Claim No. 11-7490

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before June 17, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 22, 2002

Thella K Sparks
Box 45
Dingle ID 83233

RE: Water Right Claim No 11-7490

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner on May 29 and June 5, 2002. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

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

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

Sincerely,
Harold W. Jones
Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

May 23, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Jody L Williams
Kruse Land & Maycock LLC
50 W Broadway 8th Floor
Salt Lake City UT 84101

RE: Claim to a Water Right 11-07490

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is June 17, 2002, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

No 6398

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

RECEIVED

JUN 10 2002

Department of Water Resources
Eastern Region

Rosa S Moosman
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 29, 192002, and ending
with the issue of June 5, 2002, 192002.

Fees, \$62.72

Subscribed and sworn to before me this 5th day
of June, 192002.

Sherry W. Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2003

CLAIMS FILED ON WATER

The following claim(s) have been filed based on diversion and beneficial use of water: 11-7490

THELLA SPARKS

BOX 45

DINGLE ID 83233

Point(s) of Diversion:

SWNESE S11 T14S R44E

NWSESE S11 T14S R44E

SWSESE S11 T14S R44E,

BEAR LAKE County

Source SPRINGS, Tributary To

BEAR RIVER

Use: IRRIGATION 04/15 to 10/31 1 CFS

Use: STOCKWATER 01/01

To 12/31 0.02 CFS

Total Diversion: 1.02 CFS

Date Filed: 05/14/2002

Place Of Use: IRRIGATION

T14S R44E S11 NESE NWSE
SWSE SESE

Number of Acres 61

Place Of Use: STOCKWATER

T14S R44E S11 NWSE SWSE
SESE

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N. Skyline Dr. Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER,

Director

Publish May 29 and June 5, 2002 — Legal No. 6398