

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

**IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE BEAR RIVER BASIN WATER SYSTEM**

**CIVIL CASE NUMBER: 79576**

Claim ID: 13-4143

Date Received: 10/11/2024

Receipt No: P801419

Claim Fee: \$25.00 By: CG

**RECEIVED**

**OCT 11 2024**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**IDWR/Preston**

Please type or print clearly

1. Name of claimant(s) Northwestern Band of the Shoshone Nation Phone ( 435 ) 734-2286  
Mailing address 2575 Commerce Way Ogden UT Zip 84401  
Street or Box City State  
Email address (optional) bparry@nwbsoshone.com
2. Date of priority: (Only one per claim) 5/15/1968 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other ( ) (a) Unnamed Spring  
which is tributary to (b) Battle Creek
4. a. Location of point of diversion is: Township 15S, Range 39E, Section 5,  
SE 1/4 of NE 1/4, Govt. Lot \_\_\_\_\_, BM, County of Franklin (See Figure 1)  
Parcel no. RP01666.00 owned by SANDI ACRES LLC  
Additional points of diversion, if any: \_\_\_\_\_  
If available, GPS Coordinates \_\_\_\_\_
- b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_  
Ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.  
Pipeline is 2 inch, collection box is approximately 1200 gallon capacity  
See attached Transfer Application to correct the point of diversion and place of use for this water right.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For domestic purposes from 1-1 to 12-31 amount 0.02 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) \_\_\_\_\_ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Domestic for two houses. See attached photo in the Transfer Application Attachments

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 15S | 39E | 4   |    |    |    |    |    |    |    |    |    | D  |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel no(s) RP01647.01 Total number of acres irrigated 0

10. In which county(ies) are lands listed above as place of use located? \_\_\_\_\_

11. Do you own the property listed above as place of use? Yes ( ) No ( )  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None ( )

13. Remarks (Include an explanation of the priority date selected):

See the attached Transfer form with accompanying explanatory and aerial photos attached.

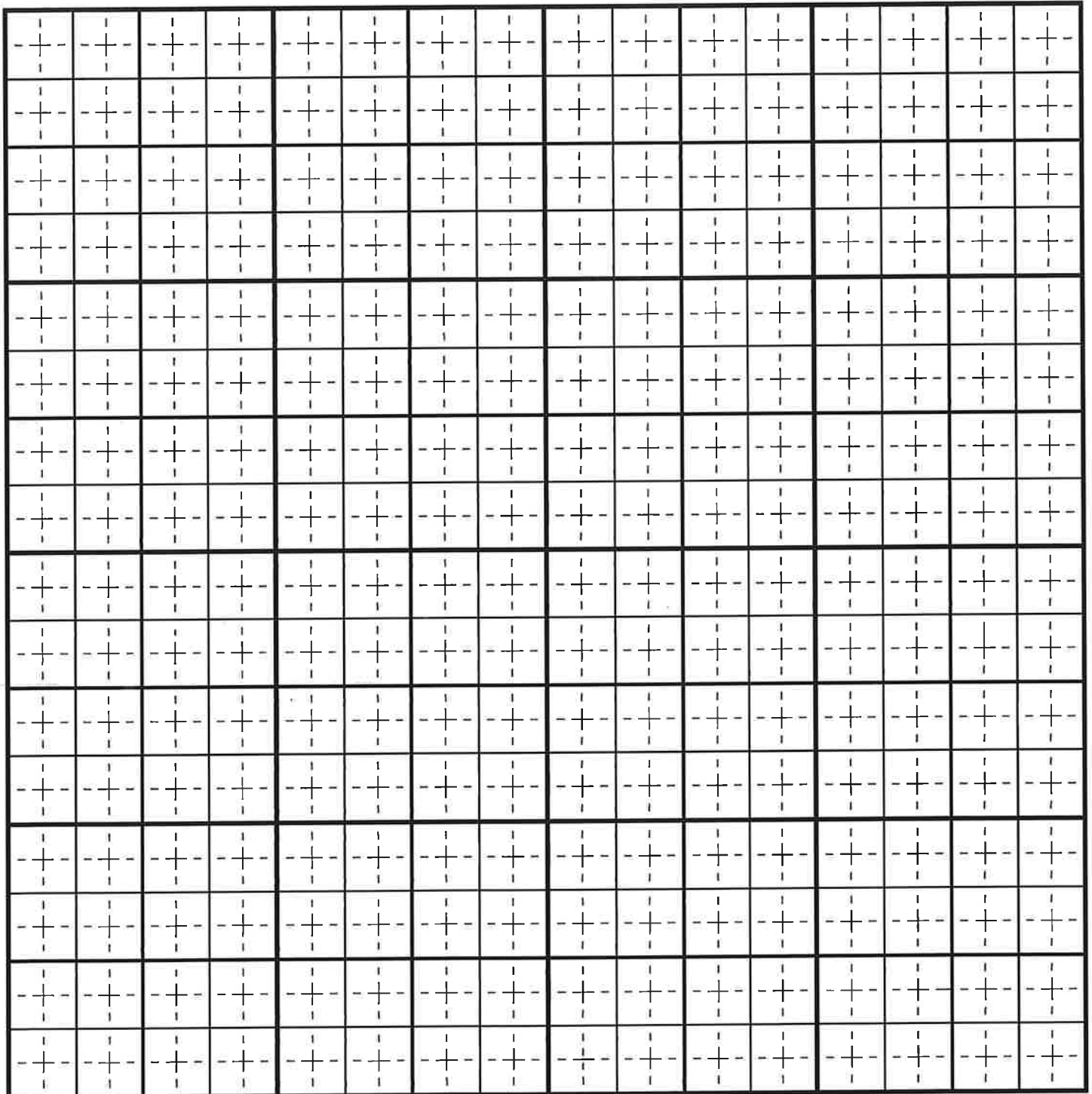
We are claiming the place of use and point of diversion location based on the original claim.

Name of claimant(s) Northwestern Band of the Shoshone Nation Claim ID \_\_\_\_\_

See attached map, Figure 1 and attached Transfer with its attachments.

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) Northwestern Band of the Shoshone Nation

Claim ID \_\_\_\_\_

14. Basis of claim (Check one) Beneficial Use ( ) Posted Notice ( ) License ( ) Permit ( ) Decree ( )

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 13-4143 Statutory Claim

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."  
(b.) I/We do ( ) do not ( ) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:** I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

BRAD PARRY of Northwestern Band of the Shoshone Nation  
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 10/10/24

Printed Name of Authorized Agent BRAD PARRY

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) \_\_\_\_\_, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Name of claimant(s) Northwestern Band of the Shoshone Nation Claim ID \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

## MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov).

Name of Applicant(s) Northwestern Band of Shoshone Nation

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

**Yes N/A** \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B for each water right](#) for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).\*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [idwr.idaho.gov/water-rights/transfers/resources.html](http://idwr.idaho.gov/water-rights/transfers/resources.html).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☒ #10 Other. Please describe: This transfer is being made to correct the mapped and described location of the point of diversion and place of use described on Water Right No. 13-4143, to match the original claim location.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Northwestern Band of Shoshone Nation Phone (435) 734-2286  
Mailing address 2575 Commerce Way, Ogden, UT 84401 Email cparry@nwbsshoshone.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Brian Andrew Phone (801) 362-1844  
Mailing address Hansen, Allen & Luce, Inc., 859 W South Jordan Parkway, Suite 200 Email brian.andrew@halengineers.c

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
**OR**
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
**OR**
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

|                                                                                                                                            |                                                                         |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------|
| <br>Signature of Applicant or Authorized Representative | <u>Brad Parry - Vice Chairman</u><br>Print Name and Title if applicable | <u>10/10/24</u><br>Date |
| Signature of Applicant or Authorized Representative                                                                                        | Print Name and Title if applicable                                      | Date                    |

### A. PURPOSE OF TRANSFER

- ☐ Change point of diversion  
☐ Change nature of use

☐ Add diversion point(s)  
☐ Change period of use

☐ Change place of use  
☒ Other Change Title
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)  
If yes, ☒ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.  
See Attachment Part 1A.2

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary   |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|----------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 13-4143      | 0.02                  | Domestic      | 1/01 to 12/31 | Spring / Battlecreek |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |

Total authorized under rights 0.02 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
Label it **Attachment #5**.

| New ? | Lot | ¼  | ¼  | ¼  | Sec | Twp  | Rge  | County   | Source                        | Local name or tag # |
|-------|-----|----|----|----|-----|------|------|----------|-------------------------------|---------------------|
| NO    |     | SE | SE | NE | 5   | 15 S | 39 E | Franklin | Spring/tributary Battle Creek | Unnamed Spring      |
|       |     |    |    |    |     |      |      |          |                               |                     |
|       |     |    |    |    |     |      |      |          |                               |                     |
|       |     |    |    |    |     |      |      |          |                               |                     |
|       |     |    |    |    |     |      |      |          |                               |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge  | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |     |    |    | SE ¼ |    |    |    | Acre Totals |
|----------------------------------|------|-----|------|----|----|----|------|----|----|----|------|-----|----|----|------|----|----|----|-------------|
|                                  |      |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW  | SW | SE | NE   | NW | SW | SE |             |
| 15 S                             | 30 E | 4   |      |    |    |    |      |    |    |    |      | .25 |    |    |      |    |    |    | .25         |
|                                  |      |     |      |    |    |    |      |    |    |    |      |     |    |    |      |    |    |    |             |
|                                  |      |     |      |    |    |    |      |    |    |    |      |     |    |    |      |    |    |    |             |
|                                  |      |     |      |    |    |    |      |    |    |    |      |     |    |    |      |    |    |    |             |
|                                  |      |     |      |    |    |    |      |    |    |    |      |     |    |    |      |    |    |    |             |
|                                  |      |     |      |    |    |    |      |    |    |    |      |     |    |    |      |    |    |    |             |
|                                  |      |     |      |    |    |    |      |    |    |    |      |     |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |      |     |      |    |    |    |      |    |    |    |      |     |    |    |      |    |    |    | .25         |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

## 5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The spring collection box (1,200 gal) connects to a 2-in buried pipe which borders Battle Creek with a downward sloping invert to the water right owner's parcel. A measuring device and lock could be added to the controlling works.

- b. Who owns the property at the point(s) of diversion? Jack N. Lyman (Parcel RP01665)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Idaho State controls waterways to the Ordinary High Water Mark (OHWM). Battle Creek runs from the stream to the water right owner's parcel. The spring is located a few feet from Battle Creek, accessible within the OHWM.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## **Attachment Part 1A.2**

### **Explanatory for Water Right No. 13-4143 Transfer**

The purpose of filing a transfer on Water Right No. 13-4143 is to correct the described location of the spring source listed on the water right as the point of diversion and also correct the described location of the place of use. This correction will allow change of ownership by appurtenance to the land where the water is used. Documents for change of ownership are found in Attachment #2b.

John A. Kofoed &/or Elda JoAnn Kofoed filed for a single-family domestic claim on an unnamed spring tributary to Battle Creek on April 30, 1981 to the Idaho Department of Water Resources (IDWR). The claim was proofed a few months later.

#### **Aerial Map from 1981 Water Claim**

The original claim filed with the IDWR includes an aerial map showing a small circle for the location of the spring and square for the location of a homestead (See Exhibit 1). These are the correct locations. The imagery is easily recognizable from current maps from the surrounding roads and parcel shapes. The template that can be seen overlain on the aerial map, however does not show the locations of Section 5 and 4, Township 15S, Range 39 E, BM, to scale, which appears to have resulted in the error in the original claim description of the location of the point of diversion and place of use. The described locations of the point of diversion and place of use are shifted a quarter, quarter section to the north of the actual locations. Comparing the attached Exhibit 1 which was obtained in the documents on file with the Division for Water Right No. 17-4143 from the original claim and Figure 1 which shows both the described locations on file and actual locations, the discrepancy is evident as described below:

#### **Location of Spring**

(Listed) NE $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Sec 5, T 15S, R 39 E, BM

(Actual) SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec 5, T 15S, R 39 E, BM

#### **Place of Use**

(Listed) SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 4, T 15S, R 39 E, BM

(Actual) NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 4, T 15S, R 39 E, BM

#### **Research of Recorded Deeds**

The proposed actual location of the place of use is supported by a thorough research of the recorded deeds at Franklin County Recorder's Office in the listed and actual place of use. John A. Kofoed and wife, Elda JoAnn Kofoed only owned land in the actual place of use, NW $\frac{1}{4}$ , SW $\frac{1}{4}$

of Sec 4, T 15S, R 39 E, BM. The parcels in their name were purchased in the years 1974 and 1978, just before filing the water users claim on the spring. They didn't own any other land in the listed place of use. All deeds in the listed quarter, quarter section were researched back to the date the water claim was filed. The address of the claimant's property, 2786 N1500 W, Preston, ID is also located in the actual place of use as mapped below in Figure 2.

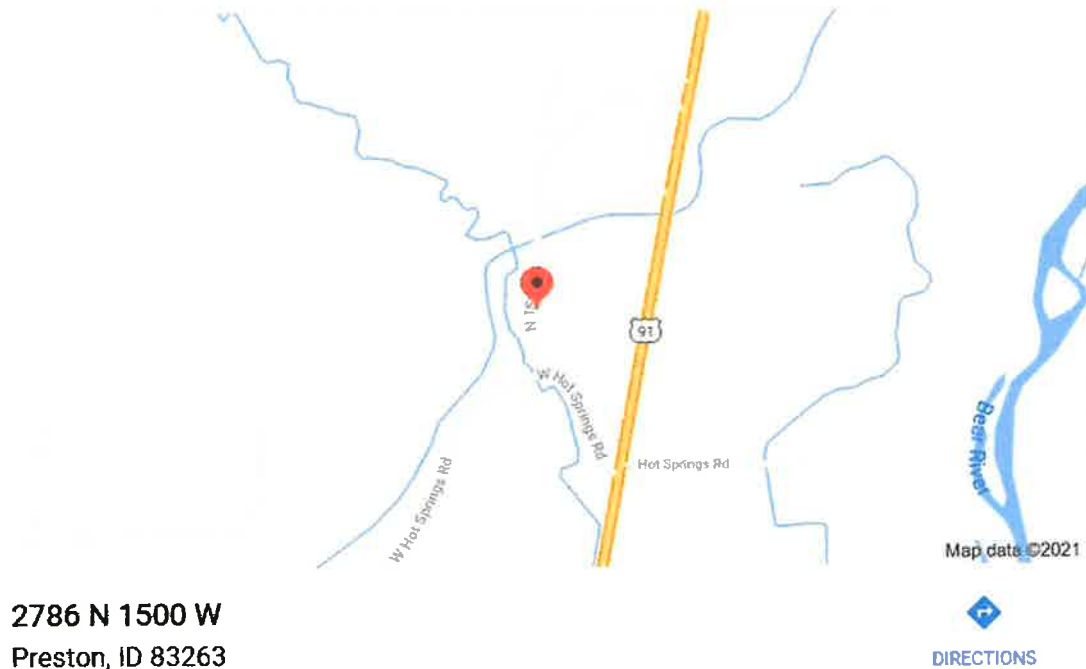


Figure 2 – Mapped address, 2786 N 1500 W, Preston, ID, 83263

### **Recorded Easement**

As documented in Attachment #2b, John A. Kofoed passed away in the year 1982. His wife sold the land to her son and daughter-in-law, Tracy B. and Coleen Kofoed. In the year 2002, Tracy and Coleen Kofoed obtained an easement from Franklin County to “install, operate, and maintain a 4” SBR 35 sewer pipe, for the purpose of a seepage drain, crossing the county road at approximately 2786 N 1500 W (same as mapped in Figure 2).

### Description of Uses

Aerial imagery of the place of use shown in Figures 3 through 6, indicate two homes and other buildings on the parcels owned by the Kofoeds. In addition to domestic use and irrigation of 0.25 acres shown in the figures, some stock use was also evident.



Figure 3 – Aerial imagery dated 8/26/1992 Two homes are shown that were connected to the spring.

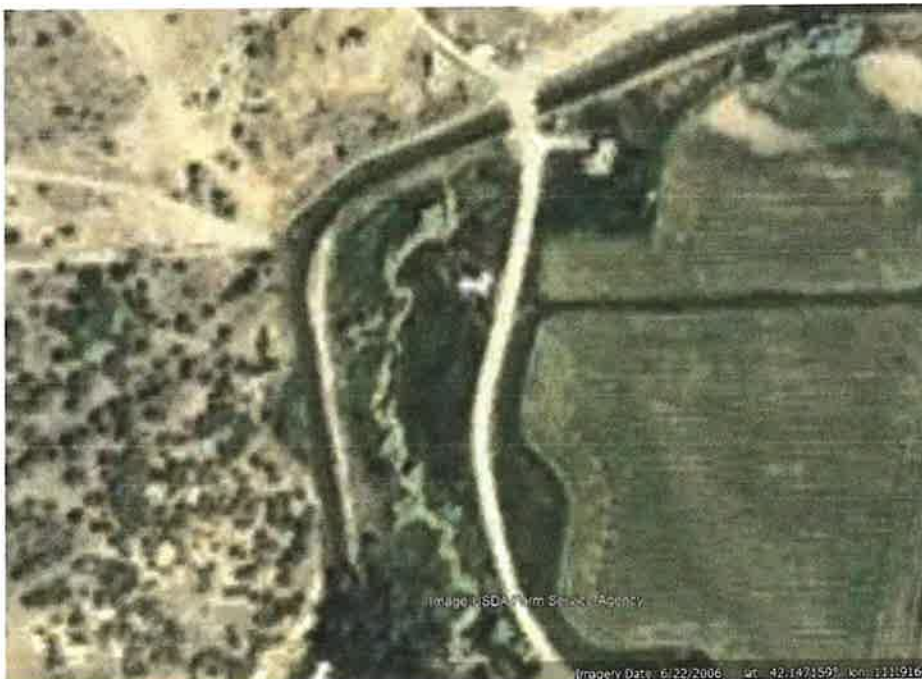


Figure 4 – Aerial imagery dated 6/22/2006



Figure 5 – Aerial imagery dated 7/19/2012 Two homes are shown that were connected to the spring.



Figure 6 – Aerial imagery dated 9/12/2016

Tracy and Coleen Kofoed sold their parcels within the actual place of use in the year 2004 to the Northwestern Band of The Shoshone Nation Housing Authority. The land deed specifically states the transfer of Water Right No. 13-4143 with rights to the spring. The Shoshone Nation Housing Authority purchased this property as part of a comprehensive plan for the Shoshone

Nation to develop the historic land as a monument with a visitor center and visitor housing. As planning and development is ongoing, the Shoshone Nation has leased the land acquired to neighboring farmers for cattle grazing and farming. Complications described in this document with the described location and place of use has prevented the Shoshone Nation from acquiring title to the spring water right. The Shoshone Nation anticipates filing a transfer at a future date to provide water for their new development.

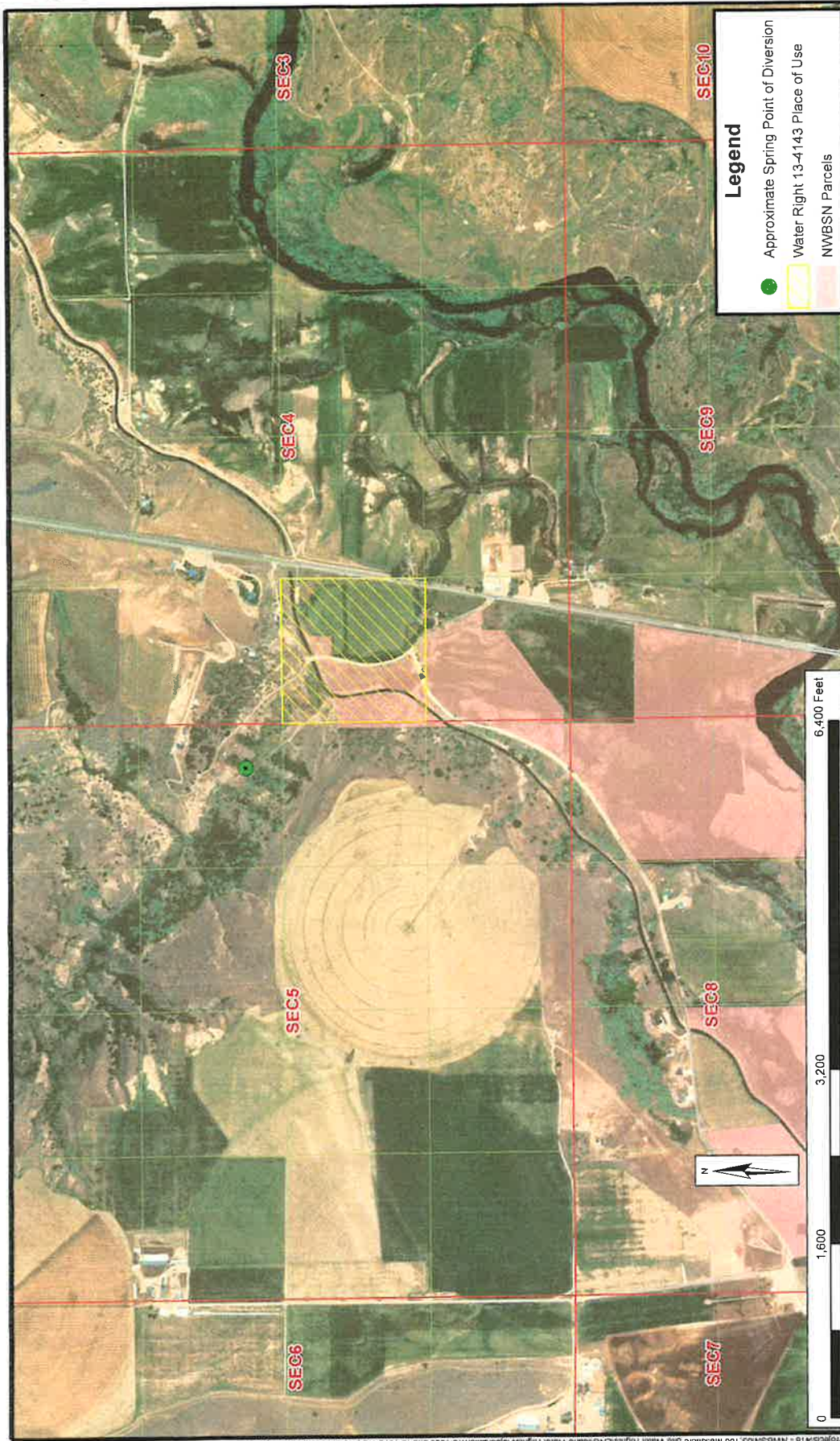
### **Conclusion**

It is our professional opinion that the actual locations proposed are the correct locations for the point of diversion and place of use for Water Right Number 13-4143. The spring was used to its full extent by the previous owner and beneficial use has continued with the leasing of the land and water rights to neighboring ranchers and farmers.

Northwestern Band of the Shoshone Nation

POINT OF DIVERSION DESCRIPTION FOR BRBA CLAIM #'s 13-4228 and 13-4143.

Description: The springs have a gathering box that used to be hooked up to the homes that were removed in 2023 but are now have overflow pipes that go into the canal.



**Legend**

- Approximate Spring Point of Diversion
- Water Right 13-4143 Place of Use
- NWBSN Parcels

|                                                                                       |                                   |
|---------------------------------------------------------------------------------------|-----------------------------------|
| <p><b>PLACE OF USE:</b> NW 1/4, SW 1/4 of Section 4, T 15S, R 39E, BM</p>             | <p><b>WATER RIGHT 13-4143</b></p> |
| <p><b>POINT OF DIVERSION:</b> SE1/4, SE1/4, NE1/4 of Section 5, T 15S, R 39 E, BM</p> | <p><b>ATTACHMENT 1</b></p>        |

**HANSEN  
ALLEN  
& LUCE, INC.**  
ENGINEERS