

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A21-12523**
Date Received: 8/ 3/1998
Receipt No: E024319
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2112523



1. Name: ISLAND PARK PROPERTIES LC 208-558-7272
Address: 163 N 600 E
OREM UT 84057

2. Date of Priority: JAN 1, 1909

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	43E	36	SW	SW	NW		FREMONT

5. Description of diverting works:
WELL WITH 6 INCH CASE, 100 FEET DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.300		

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MOTEL AND CABINS 69 UNITS

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	43E	36	SW	NW		COMMER	

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A2112524 A2112525

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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 that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

NOTICE

This Packet Contains Four (4) Separate Forms
Remove This Stub And Fill Out Each Form Separately

Form No. 42-1409 (2) a 1/88

Late 50⁰⁰
Fee 80
130⁰⁰

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

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Ident. Number

Date Received

Receipt Number

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ISLAND PARK PROPERTIES, INC Phone (208) 558 7272

Mailing Address 163 NORTH 600 EAST, OREM, UT Zip 84057

2. Date of Priority (Only one (1) per claim) 01-01-09

3. Source of water supply (a) GROUND WATER (WELL)
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 14 N Range 43 E Section 36

SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of FREMONT

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., 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.

1 WELL 6 INCH CASE 100' FT DEEP

NOTICE

This Packet Contains Four (4) Separate Forms
Remove This Stub And Fill Out Each Form Separately

Form No. 42-1409 (2) a 1/88

Late 50
fee 75
+ 125¹²

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
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Receipt Number

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ISLAND PARK PROPERTIES, LC Phone (208) 558 7272

Mailing Address 163 NORTH 600 EAST, OREM, UT Zip 84057

2. Date of Priority (Only one (1) per claim) 3-01-1948

3. Source of water supply (a) GROUND WATER (WELL)
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 14 N Range 43 E Section 35,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, 1 B.M., County of FREMONT

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., 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.

1 WELL, 6 INCH CASE, DRILLED 125' DEEP,
CASED TO 80', WATER LIFT 20 FT

Let 50.00
For 54.00
104.00

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IN RE THE GENERAL ADJUDICATION
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CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ISLAND PARK PROPERTIES LC Phone (208) 558 7272

Mailing Address 163 NORTH 600 EAST, OREM, UT Zip 84057

2. Date of Priority (Only one (1) per claim) 06/01/58

3. Source of water supply (a) GROUND WATER (WELL)
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 14 N Range 43 E Section 36
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, - B.M., County of FREMONT

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., 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.

1 WELL DEPTH - UNKNOWN

1672 50-
 Fee 80
 180

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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IN RE THE GENERAL ADJUDICATION
 OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

Ident. Number 21-12523

Date Received

Receipt Number E024319

NOTICE OF CLAIM
 TO A
 WATER RIGHT
 ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ISLAND PARK PROPERTIES, INC Phone (208) 558 7272
 Mailing Address 163 NORTH 600 EAST, OREM, UT Zip 84057

2. Date of Priority (Only one (1) per claim) 01-01-09

3. Source of water supply (a) GROUND WATER (WELL)
 which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 14 N Range 43 E Section 36,
SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, 1 B.M., County of FREMONT

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., 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.

1 WELL 6 INCH CASE 100' FT DEEP

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For COMMERCIAL purposes from 1-01 to 12-31 amount 0.30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) COMMERCIAL MOTEL & CABINS 69 UNITS

10. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>14N</u>	<u>43E</u>	<u>36</u>										<u>C</u>	<u>C</u>						

Total number of acres irrigated N/A

11. In which county (ies) are lands listed above as place of use located? FREMONT

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
2 OTHER WELLS EXIST ON THE PROPERTY or None ()

14. Remarks: THIS WELL WAS DRILLED BY DOC MACK WHEN HE OPENED MACK'S INN. THIS WELL HAS NEVER HAD A WELL PERMIT. PAST HISTORY HAD A LODGE, CAFE, STORE AND MORE CABINS WE WANT TO BUILD BACK THESE STRUCTURES

Last Name ISLAND PARK PROPERTIES Ident No. LC

Copies: White -State, Yellow-Claimant

A 16x16 grid of 256 squares. Each square contains a crosshair pattern of dashed lines, consisting of a vertical line and a horizontal line intersecting at the center. The grid is composed of 16 rows and 16 columns of these squares.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin 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 do solemnly swear or affirm 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 that I am SECRETARY

Title

of ISLAND PARK PROPERTIES LC , that I have signed the foregoing

Organization

document in the space below as SECRETARY of ISLAND PARK PROPERTIES, LC

Title

Organization

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

Signature of Authorized Agent

[Signature]

RICK O. EVANS

Title and Organization SECRETARY, ISLAND PARK PROPERTIES, LC Date 5-21-96

State of Idaho/or _____)
County of Fremont) SS.

Subscribed and sworn (or affirmed) before me this 21 day of May 19 96

SEAL

Notary Public

Rod Chandler

Residing at

St. Anthony Idaho

My Commission Expires

10-22-99

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name ISLAND PARK PROPERTIES LC Ident. Number _____

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Island Park Properties LC
163 North 600 East
Orem UT 84057

Dear Mr./Ms.:

A recent review of our files revealed that you have completed the application forms for three water rights claims but you have not yet paid the filing fee required for processing of these claims. The required filing fee is indicated on each of the copies of the claims I have enclosed. On two of the claims you referenced water right numbers 21-04082 and 21-04081. Both of these claims are in the name of Bastian Inc. Is this a former name of your company or has the ownership of this property changed? Is ownership has changed, a change of ownership form is required along with a copy of the warrantee deed or some other proof of ownership. Please contact our office and let us know how you want to proceed with these claims.

Sincerely,

Scott D. Van Hoff
Water Resources Agent

Thank you!
Chad Bane

RECEIVED

JUL 20 1998

Department of Water Resources
Eastern Region

Escrow No. 95001037

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

Microfilm No. 14
At 13:30 PM 96

(2)

WHEN RECORDED, MAIL TO:
Island Park Properties, L.C.
163 North 600 East
Orem, Utah 84057

Fee \$ 6-
Recorded At Request of
ALLIANCE TITLE AND ESCROW

Space above this line for recorder's use

WARRANTY DEED

Corporate Form

BASTIAN INC., an Idaho corporation dba BASTIAN MUTUAL WATER CO., organized and existing under the laws of the State of Idaho, with its principal office at Draper, Utah, County of Salt Lake, State of Utah, grantor, hereby conveys and warrants to ISLAND PARK PROPERTIES, L.C., a Utah limited liability company, as Grantee of Provo, Utah, County of Utah, State of Utah

for the sum of TEN DOLLARS and other good and valuable consideration the following described property situated in the County of Fremont, State of Idaho, to wit,

SEE EXHIBIT "A" ATTACHED AND MADE A PART HEREOF
(tract 6)

SUBJECT TO all easements, covenants, restrictions, rights of way and reservations appearing of record, and taxes for the year 1996, and thereafter.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 13th day of March, 1996.

Flora E. Bastian
Flora E. Bastian, President

Barbara B. Day
Barbara Bastian Day, Secretary

STATE OF UTAH }
 :SS.
COUNTY OF SALT LAKE }

ON THIS 13th day of March, 1996, before me, a notary public in and for said State, personally appeared Flora E. Bastian and Barbara Bastian Day known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IT WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Cindy Lund
NOTARY PUBLIC

Residing at: Salt Lake City, Utah
My commission expires: 5/18/97

1037c wd6.doc

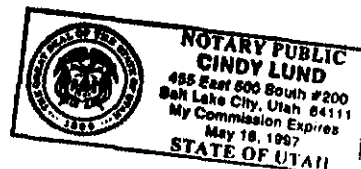


EXHIBIT A

(Recorded Legal Description)

TRACT 6: (WELL SITE)

Commencing at a point 127.60 feet North 35°50'15" West from the Southeast corner of Lot 73, Macks Inn Village PUD, thence approximately 56 feet North 0°10' East; thence East 24 feet ; thence approximately 56 feet South 0°10' West; thence West 24 feet, to the point of beginning.

Escrow No. 95001037

ALLIANCE TITLE & ESCROW
P.O. BOX 732
FREMONT, ID 83440

Microfilm No. 540036
At 1233 19. 96
FEE \$ 6.00
ALLIANCE TITLE AND ESCROW

WHEN RECORDED, MAIL TO:
Island Park Properties, L.C.
163 North 600 East
Orem, Utah 84057

Space above this line for recorder's use

WARRANTY DEED

Corporate Form

BASTIAN INC., an Idaho corporation dba BASTIAN MUTUAL WATER CO., organized and existing under the laws of the State of Idaho, with its principal office at Draper, Utah, County of Salt Lake, State of Utah, grantor, hereby conveys and warrants to ISLAND PARK PROPERTIES, L.C., a Utah limited liability company, as Grantee of Provo, Utah, County of Utah, State of Utah

for the sum of TEN DOLLARS and other good and valuable consideration the following described property situated in the County of Fremont, State of Idaho, to wit,

SEE EXHIBIT "A" ATTACHED AND MADE A PART HEREOF
(tract 6)

SUBJECT TO all easements, covenants, restrictions, rights of way and reservations appearing of record, and taxes for the year 1996, and thereafter.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this , day of March, 1996.

Flora E. Bastian
Flora E. Bastian, President

Barbara Bastian Day
Barbara Bastian Day, Secretary

STATE OF UTAH }
COUNTY OF SALT LAKE }
:SS.

ON THIS 13th day of March, 1996, before me, a notary public in and for said State, personally appeared Flora E. Bastian and Barbara Bastian Day known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IT WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Cindy Lund
NOTARY PUBLIC

Residing at: Salt Lake City, Utah
My commission expires: 5/18/97

1037cnd6.doc

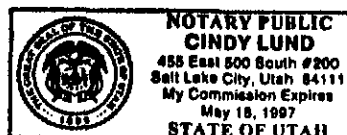


EXHIBIT A

(Surveyed Legal Description)

TRACT 6: (WELL SITE)

Part of Lot 73, Block 12 of Island Park Subdivision, (formerly known as Flatrock Townsite) Fremont County, Idaho more particularly described as follows:

Beginning at a point that is N.35°45'11"W. 128.12 feet from the Southeast corner of Lot 73, Block 12 of said Island Park Subdivision, said Southeast corner being S.0°17'54"W. 953.75 feet along the section line and S.89°51'55"E. 251.72 feet from the Meander corner common to sections 35 and 36 on the North side of the Henry's Fork of the Snake River, said Meander corner being N.0°17'54"E. 2374.85 feet along the section line from the West Quarter corner of Section 36, Township 14 North, Range 43 East of the Boise Meridian and running thence S.89°32'08"W. 24.00 feet; thence S.0°22'46"W. 56.00 feet; thence N.89°32'08"E. 24.00 feet; thence N.0°22'46"E. 56.00 feet to the point of beginning, containing 0.031 acres.