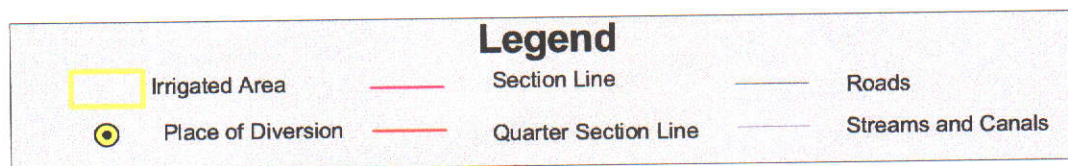
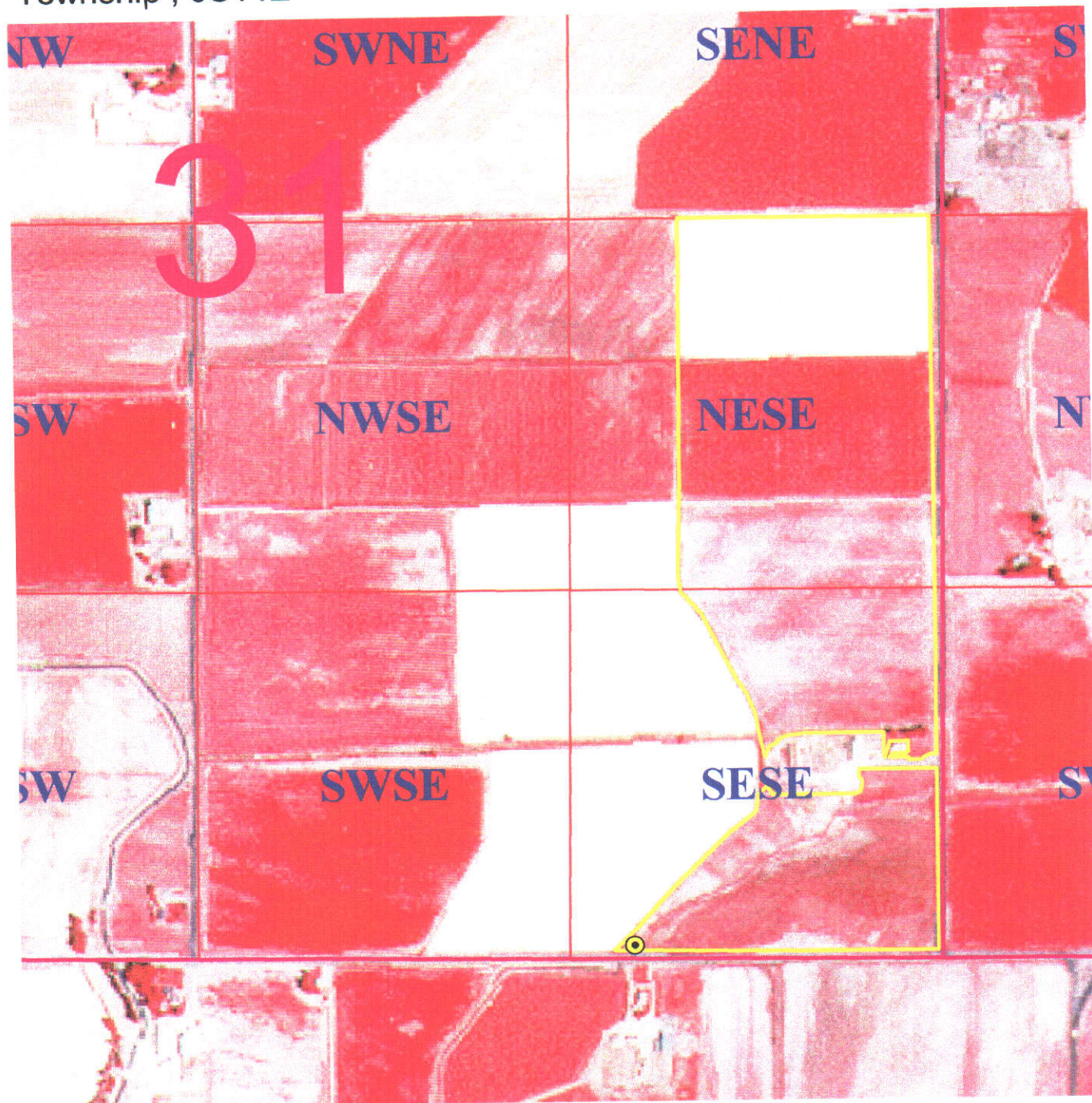


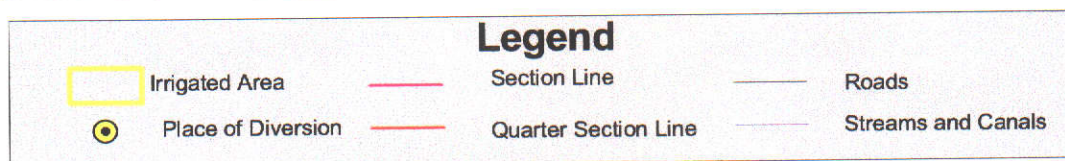
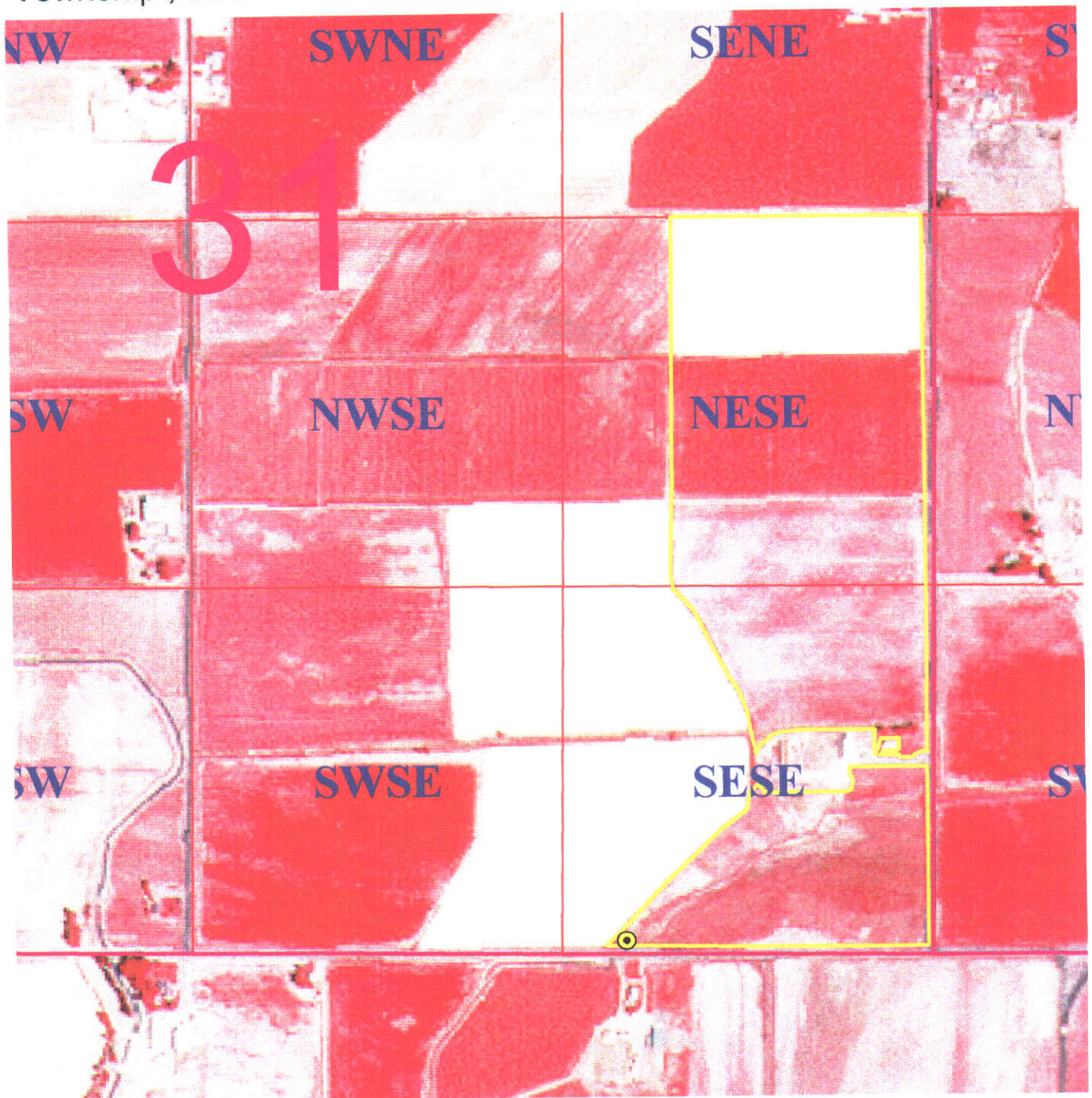
Water Right Claim Number 47-10870
Township , 9S14E

03/02/2001



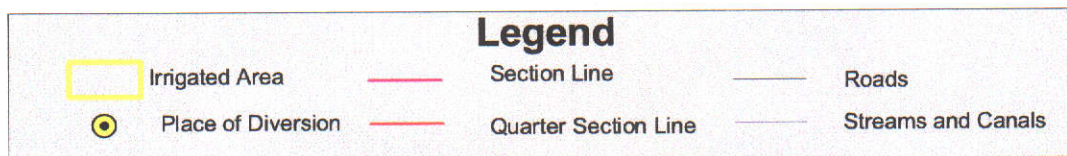
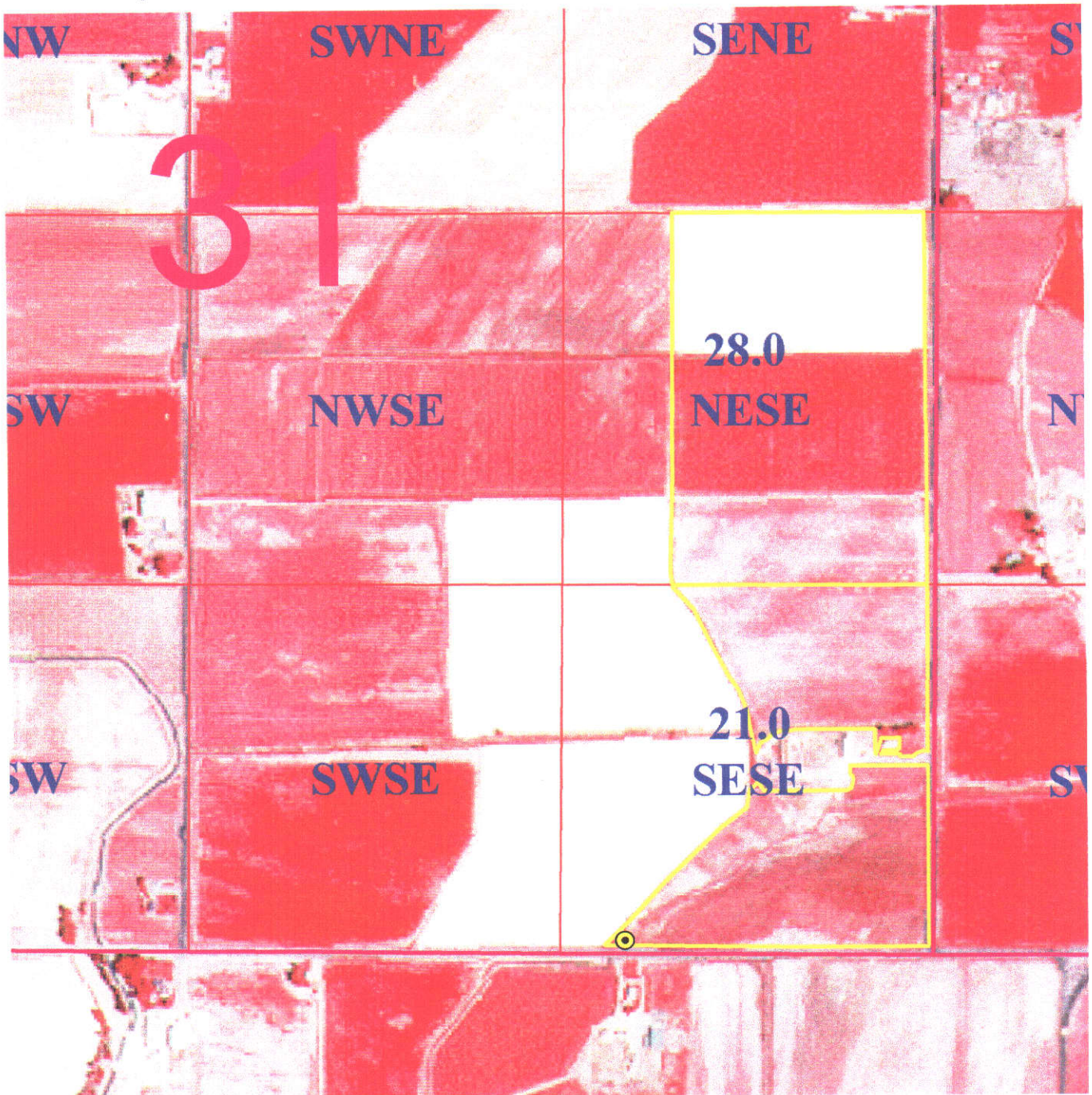
Water Right Claim Number 47-10870
Township , 9S14E

03/02/2001



Water Right Claim Number 47-10870
Township , 9S14E

03/02/2001



Date Filed by ADP
ownership change

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: A47-10870
Date Received: 10/19/1988
Receipt No: S003068
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAN KOHNTOPP 208-543-5941
Address: RT 3
4100 N 949E
BUHL ID 83316
AND/OR
Name: CAROLYN KOHNTOPP 208-543-5941
Address: RT 3
4100 N 949E
BUHL ID 83316

2. Date of Priority: MAR 15, 1916

3. Source: UNNAMED STREAM (KAES DRAIN) Trib. to: DEEP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	31	SW	SE	SE		TWIN FALLS

5. Description of diverting works:
TWO CHECK DAMS & DITCHES, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.000		
STOCKWATER	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 200.50 A.F.A.

8. Total consumptive use is 150.5 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/50 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	31	NE	SE		IRR	28.0
			SE	SE		IRR	22.0
						Section Acres	50.0
						Total Acres	50.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
CANAL SHARES

14. Remarks:

CLAIM IS REPRESENTED BY STATUTORY CLAIM 47-4118. DUE TO THE GRAVELLY NATURE OF THE SOIL IN THIS AREA, BOTH CANAL SHARES & THIS SEEPAGE/WASTE WATER STREAM ARE NEEDED TO PROPERLY IRRIGATE THIS GROUND. SINCE THIS USE WAS PREVIOUSLY DECREED, THE CLAIM IS BEING FILED UNDER A DIFFERENT NUMBER THAN THAT GIVEN TO THE STATUTORY CLAIM.

15. Basis of Claim: DECREED

Case Number: 5904

Court : ELEVEN

Decree date: 2/ 8/1927

R. BONNICHSEN

Decree Plaintiff

M. I. MC GUIRE

vs

Decree 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/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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 9S Range 14E
Section 31, 1/4 of 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) A47-10870 A47-04334
Assigned by IDWR: _____

☐ Name and Address of Former Owner/Claimant(s)(Seller): Bannichsen

☐ New Owner/Claimant (Purchaser): Dean & Carolyn Kohnstopp

☐ New Mailing Address: Rt # 3
4100 N 949 E
Buhl, Idaho 83316

☐ New Telephone Number: (208) 543-5941

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Personal Representative Deed Copy in file
copy of Title Insurance A47-04334

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Dean Kohnstopp Date 9/8/94
Carolyn Kohnstopp Date 9-8-94

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9/8/94 By: ADW

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 9/8/94 By: ADW

Claim Numbers of Split, if any:

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST. EAST
TWIN FALLS, ID 83301-6105

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: A47-10870
Date Received: 10/19/1988
Receipt No: 5003068
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BONNICHSEN FARMS 208-326-4477
Address: 21103 HWY. 30
FILER, ID 83328
2. Date of Priority: MAR 15, 1916
3. Source: UNNAMED STREAM (KAES DRAIN) Trib. to: DEEP CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 09S | 14E | 31 | SW | SE | SE | | TWIN FALLS |
5. Description of diverting works:
TWO CHECK DAMS & DITCHES, GRAVITY IRRIGATION
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 3.000 | | |
| STOCKWATER | 03/15 | 11/15 | 0.020 | | |
7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 200.50 A.F.A.
8. Total consumptive use is 150.5 Acre Feet Per Annum.
9. Non-irrigation uses:
LIVESTOCK/50 RANGE
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	31	NE	SE		IRR	28.0
			SE	SE		IRR	22.0

Section Acres 50.0

A47-10870

Page 1

Date: 10/19/88

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MAR 12 1993

10. Place of Use: Continued

Total Acres 50.0

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
CANAL SHARES

14. Remarks:

CLAIM IS REPRESENTED BY STATUTORY CLAIM 47-4118. DUE TO THE GRAVELLY NATURE OF THE SOIL IN THIS AREA, BOTH CANAL SHARES & THIS SEEPAGE/WASTE WATER STREAM ARE NEEDED TO PROPERLY IRRIGATE THIS GROUND. SINCE THIS USE WAS PREVIOUSLY DECREED, THE CLAIM IS BEING FILED UNDER A DIFFERENT NUMBER THAN THAT GIVEN TO THE STATUTORY CLAIM.

15. Basis of Claim: DECREED

Case Number: 5904

Court : ELEVEN

Decree date: 2/08/1927

R. BONNICHSEN

Decree Plaintiff

vs

M. I. MC GUIRE

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

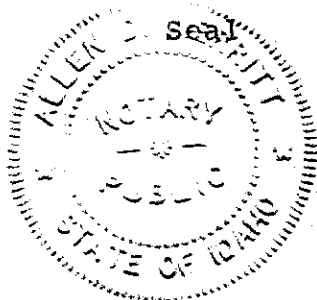
Signature of Claimant(s): Ernest Bonnichsen, Jr. Date: 10/19/88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of Oct. 19 88

[Signature]
Notary Public



Residing at Kimberly Id.
My Commission Expires 6/30/92

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

R. Bonnicksen, Plaintiff)

vs)

H. I. McQuire, Defendant)

J U D G M E N T 5904

This cause came on regularly to be heard on the _____ day of January, A.D. 1927, upon the stipulation for judgment signed by the respective parties hereto and consented to by the attorneys of record for the plaintiff herein; and it appearing therefrom that Arthur W. Ostrom, Esq., attorney for the defendant, has moved from the State of Idaho to the State of Washington to and is not available to sign said stipulation, but that the same is signed by the defendant in his own behalf; and Findings of Fact and Conclusions of Law herein having been expressly waived, and the court being fully advised in the premises, both as to the law and the facts;

number 10-20-27 47-00203 It is ORDERED, ADJUDGED AND DECREED that the plaintiff, R. Bonnicksen, has a right in all respects prior and superior to the right of the defendant herein to the use of the water accumulating and flowing in a certain unnamed coulee, which flows directly across certain lands belonging to J. H. Barker, and described as follows, to-wit:

West Half (W¹) of the Northeast Quarter (NE¹) of Section six (6), Township Ten (10) South Range Fourteen (14) E. B. M., Twin Falls County, Idaho, which

said waste water in said unnamed coulee amounts to from 15 to 150 inches, for the irrigation of the lands of the plaintiff herein, to-wit:

The Southeast quarter (SE $\frac{1}{4}$) of Section 31, Township 9, South Range 14, E.B.M., Twin Falls County, Idaho;

And it is further ORDERED, ADJUDGED AND DECREED that the temporary injunction heretofore issued in this cause be, and the same hereby is, in all respects made permanent and perpetual; and,

It is further ORDERED, ADJUDGED AND DECREED, that pursuant to the terms of said stipulation the injunction bond heretofore given by the plaintiff be, and the same hereby is, released and discharged, and that the Clerk of this court be, and he hereby is, authorized and directed to surrender and deliver said bond to the plaintiff herein, and that no further injunction bond shall be required in this cause on behalf of the plaintiff.

Dated this 8th day of January A. D. 1927.

Wm. A. Babcock

District Judge.

Filed Feb. 8th 1927

Entered Feb. 8th 1927

State of Idaho, }
County of Twin Falls, } ss:

I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.

RICHARD A. PENCE

Clerk of the District Court

Richard A. Pence
Deputy

MAR 12 1927

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FRED D. DECKER, P.A.
ATTORNEY-AT-LAW

IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 66
TWIN FALLS, IDAHO 83301
208/734-2950

June 19, 1979

Mr. Everett Bonnichsen
Route No. 2
Filer, Idaho 83328

Dear Everett,

On June 13, 1979, at 10:30 a.m., I went to the Clerk of the District Court office here in Twin Falls and read the Court file on microfilm on the case of Bonnichsen vs. McGuire, Twin Falls County civil case No. 5904. In the complaint dated and filed July 3, 1924, your father alleged that he owned the SE 1/4 of Section 31, Township 9 South, Range 14 East of the Boise Meridian, and in April of 1916, he began using waste water in a unnamed coulee flowing across the property of J. H. Barker described as the W 1/2 of the NE 1/4 of Section 6, Township 10 South, Range 14 East of the Boise Meridian. The complaint alleged the water volume in the unnamed coulee varied from 15 to 150 inches. The complaint alleged that your father used the water continuously from 1916 to 1924 for irrigating his farm.

Your father further alleged that on June 24, 1924, McGuire obstructed the flow of the coulee above your father's land and diverted the flow to his use. Your father alleged that he had appropriated the flow of the stream and had rights superior to the defendant as to the use of the water in the coulee for irrigation. The complaint prayed for judgement determining that he had a superior right as to McGuire to use the water in the coulee for irrigating his land, and asked the Court for a temporary restraining order and a permanent injunction restraining McGuire from diverting water in the coulee.

The restraining order, complaint and summons was served upon on McGuire on July 5, 1924.

On July 27, 1924, McGuire filed an answer essentially admitting all of the facts alleged by your father, but denying that your father had need for the water or had a superior

MICROFILMED

MAR 12 1993

property interest to use the water in the coulee. The answer alleged that the defendant owned the SW 1/4 of the SW 1/4 of Section 32, Township 9 South, Range 14 East of the Boise Meridian.

On September 11, 1924, the Court entered an order extending the temporary restraining order as to McGuire's use of the water pending final determination of the lawsuit. Nothing happened in the Court file until January 11, 1927 when a stipulation was filed agreeing that the temporary restraining order be made permanent. Subsequently, a judgement was entered by the Court February 8, 1927, determining that your father had a superior right as to McGuire to use the water in the unnamed coulee flowing across Barker's land described in the judgement as the W 1/2 of the NE 1/4 of Section 6, Township 10 South, Range 14 East of the Boise Meridian. The Court determined that the water in the coulee to which your father had a right varied from 15 to 150 inches and was used for irrigation on the SE 1/4 of Section 31, Township 9 South, Range 14 East of the Boise Meridian.

I checked the tract index at Safeco Title Insurance Company here in Twin Falls and found that the judgement had been recorded February 8, 1927. It was recorded in the Miscellaneous Documents book of Twin Falls County in Volume 12, at Page 107. There was no instrument number attached to the judgement and no copies of the judgement were available at the Safeco Title Insurance Company. A copy of the judgement was obtained by having the microfilm copy in the Recorder's office file microfilm reproduced. A copy is enclosed.

Essentially, the recorded or filed judgement has the effect of determining as against McGuire and his successors in interest that your father's use of the water on the SE 1/4 of Section 31 was superior to rights of McGuire. It does not effect anybody else using the water in the coulee for irrigation purposes. It would be advisable, in my opinion, to file a claim with the Department of Water Administration based on the judgement to the effect that the decree establish your father's right the use the water flowing in the coulee for irrigation purposes as of April 19, 1916, and it has been so used to date.

Your claim would be good as against all who do not object to the claim. If anybody wishes to object to the claim or claim adverse rights they can file their objections to your claim with the Department of Water Administration.

MICROFILMED

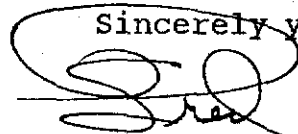
MAR 12 1993

Page 3

The claim I advise filing would establish your claim with the Department of Water Administration. If no one else files objections to your claim, you would have a water right of record to use the waste water flowing in the coulee on your farm for irrigation purposes.

Please consider what I have outlined in this letter and let me know what you would like to do on the matter. It is a simple matter to file a claim with the Department of Water Administration establishing the claim of record and tying it to the old 1927 judgement.

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'F. D. Decker', is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

FRED D. DECKER

FDD:bb

MICROFILMED

MAR 12 1993

DATE 10-25-88

FROM Jim, Southern

TO Roberta

SUBJECT Newly-Discovered Decreed Right, Basin 47

Statutory Claim 47-4118 was filed some time ago to record use of the Kaes Drain for irrigation in the western part of the county. During the Snake River Adjudication, this right was found to be decreed in 1927 (the claimant brought in a copy of the decree, which we had no record of). To avoid confusion with the statutory claim, the adjudication claim was filed as Claim A47-10870 on 10-19-88. On 10-20-88, I got a number from you for the decreed right, 47-00203. All of these numbers refer to the same use of irrigation/stockwater from an unnamed stream (Kaes Drain) trib. to Deep Creek. Hope this isn't too confusing. I assume the adjudication will straighten it out eventually. A copy of the decree & this memo ~~w~~ will be attached to the adjudication & statutory claims in our office.



SIGNATURE

MICROFILMED

MAR 12 1993

Log for claim 47-10870

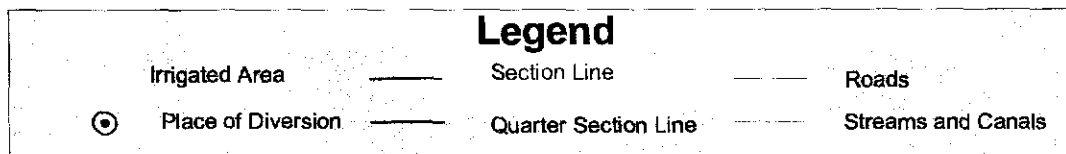
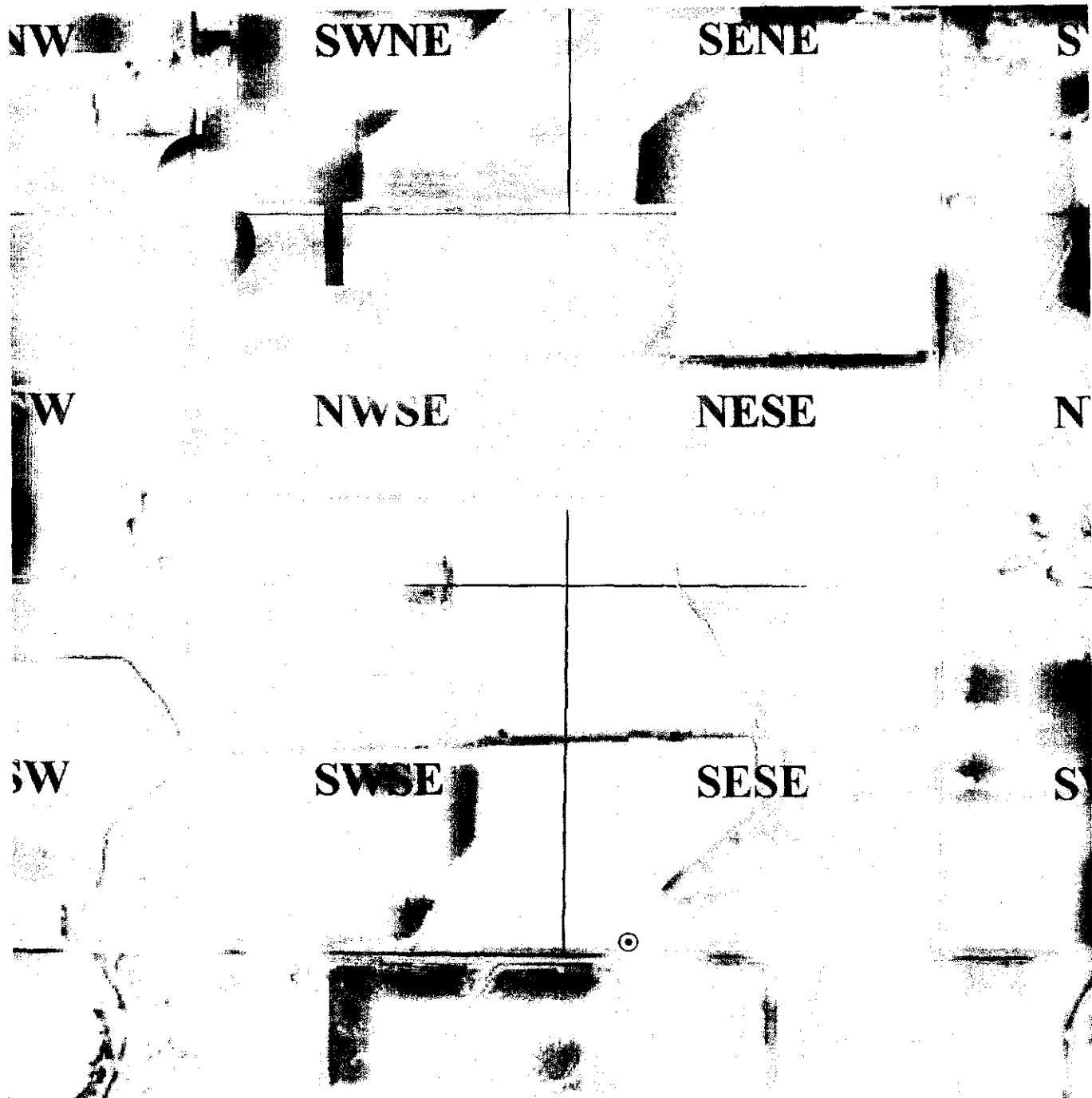
Spatial Dynamics BTD

3/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s14e	31	NESE	28	28	
09s14e	31	SESE	22	21	
Totals:			50	49	

Water Right Claim Number 47-10870
Township , 9S14E

03/02/2001



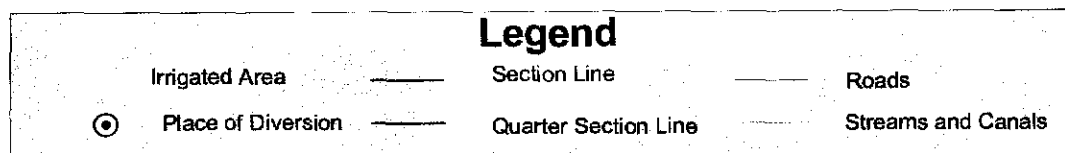
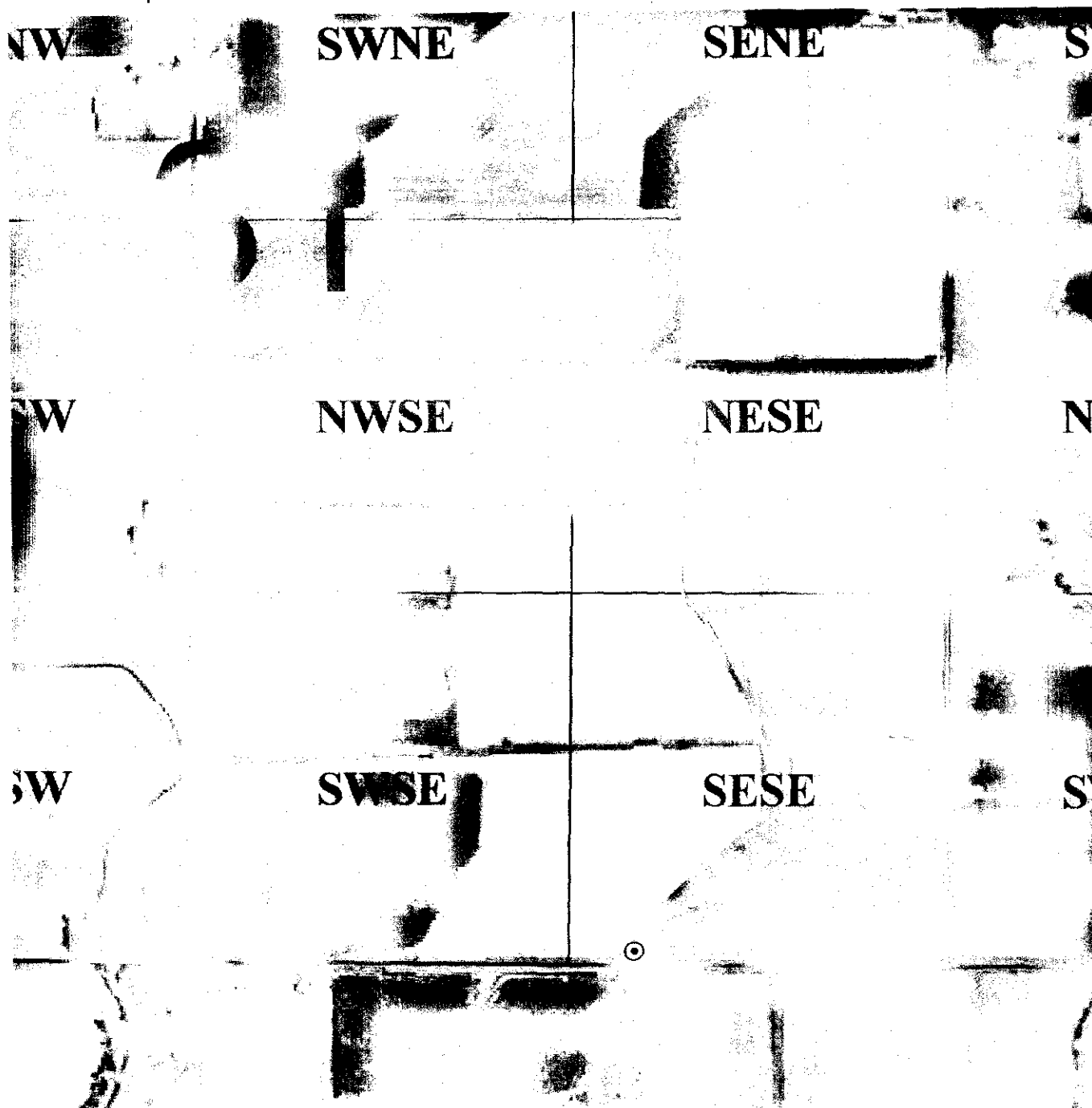
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SPATIAL
DYNAMICS

Water Right Claim Number 47-10870
Township , 9S14E

03/02/2001



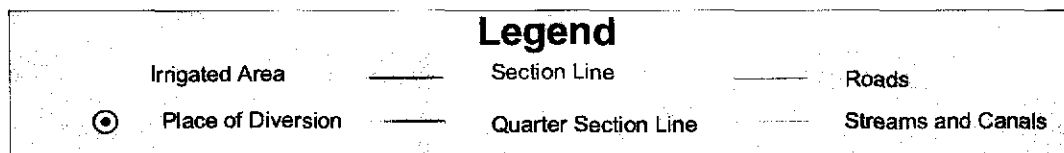
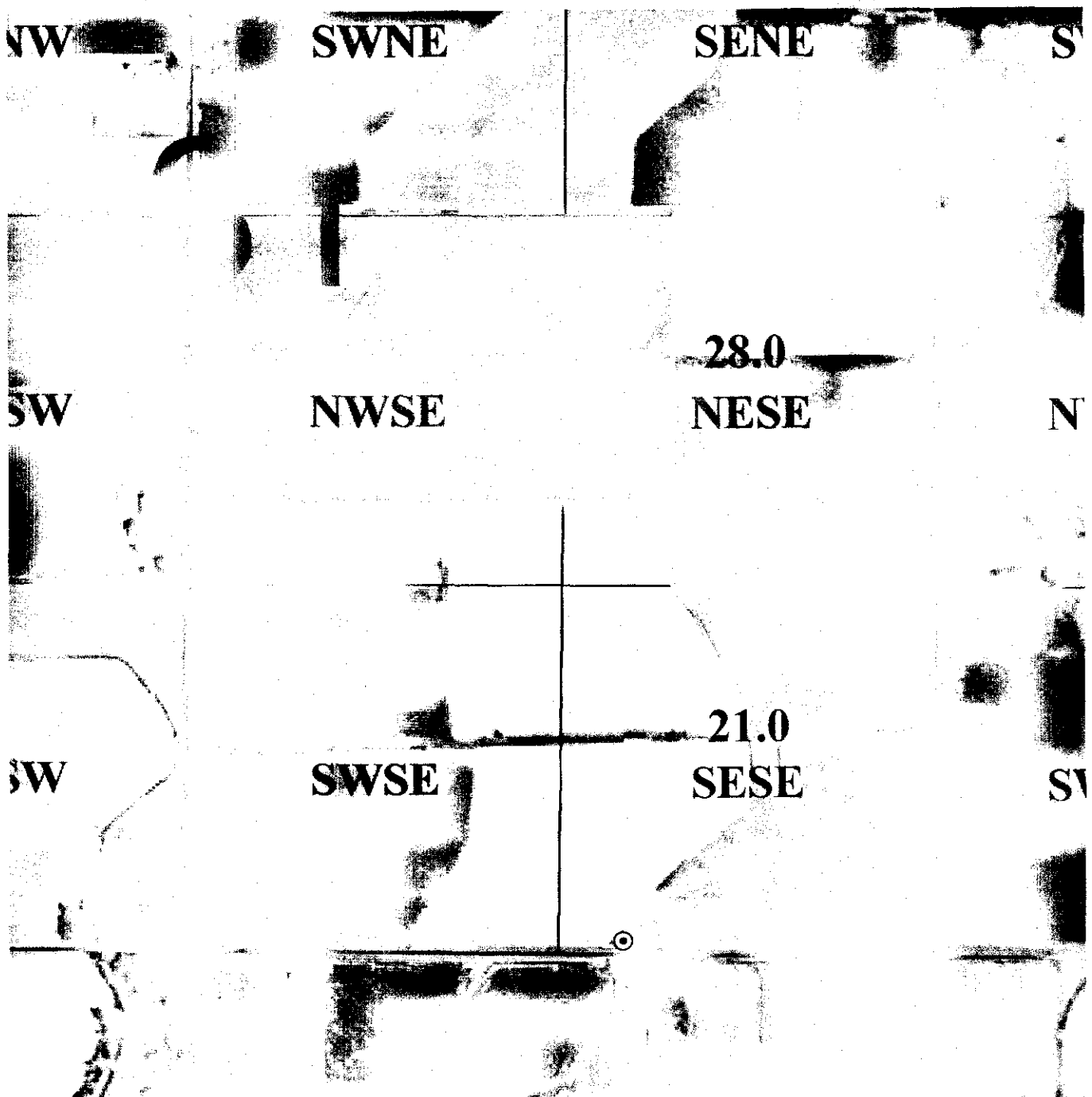
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SPATIAL
DYNAMICS

Water Right Claim Number 47-10870
Township , 9S14E

03/02/2001



400 0 400 800 Feet



**SPATIAL
DYNAMICS**

DATE: 01/30/01
PAGE: 243

Audit: 10/19/88 STANTON 09/08/94 AMERRITT 03/30/95 POST-STD