04/01/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-61

NAME AND ADDRESS: SOUTH FORK PINES
1200 QUEENS LANE
JACKSON WY 83001

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.340 CFS

PRIORITY DATE: 05/20/1889

POINT OF DIVERSION:
T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	2.340 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S27	NESW	32.0	T01N R44E S27 Lot 1	NWSW	13.0
T01N R44E S27 Lot 4	SESW	13.0	T01N R44E S27	NWSE	7.4
T01N R44E S27 Lot 5	SWSE	36.0			

101.4 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

16800

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: A23-00061
Date Received: 6/12/1989
Receipt No: EC09655
Received By: XB CC 193

#9307

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: MAX JACOBSON
   Address: HC 34 BOX 6
   IRWIN, ID 83428
   208-483-3855

2. Date of Priority: MAY 20, 1889 ok

3. Source: PALISADES CREEK ✓ Trib. to: SNAKE RIVER, SOUTH

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
01N	44E	26	NW	SE	SE		BONNEVIL

5. Description of diverting works:
   DELIVERED BY PALISADES CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S ok (or)	A.F.A.
IRRIGATION	04/01	11/01	3.000	150

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

8. Total consumptive use is
   Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	44E	27	NE	SW		IRR	36.0
			NW	SW	1	IRR	23.0
			SE	SW	4	IRR	16.6
			NE	SE		IRR	8.0

A2300061

MICROFILMED
NOV 07 1992

04/01/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-61

NAME AND ADDRESS: SOUTH FORK PINES
1200 QUEENS LANE
JACKSON WY 83001

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.410 CFS

PRIORITY DATE: 05/20/1889

POINT OF DIVERSION:

T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	2.410 CFS 2.34

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S27		NESW	35.0	T01N R44E S27 Lot	1	NWSW	13.0
T01N R44E S27 Lot	4	SESW	13.0	T01N R44E S27		NWSE	7.4
T01N R44E S27 Lot	5	SWSE	36.0				

104.4 ACRES TOTAL 101.4

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Corrected Recommendation
Due to Filing Error on
23-11307 (split off 61)

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
01N	44E	27	SW	SE	5	IRR	34.8

Section Acres 118.4

Total Acres 118.4

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
COMBINED 23-00061A WITH 23-00061B

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRRIG. CO. ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO ET A
Decree Defendant

MICROFILMED
NOV 07 1992

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: 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): X mark Jacobson Date: 6-12-89

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 12th day of June 1989

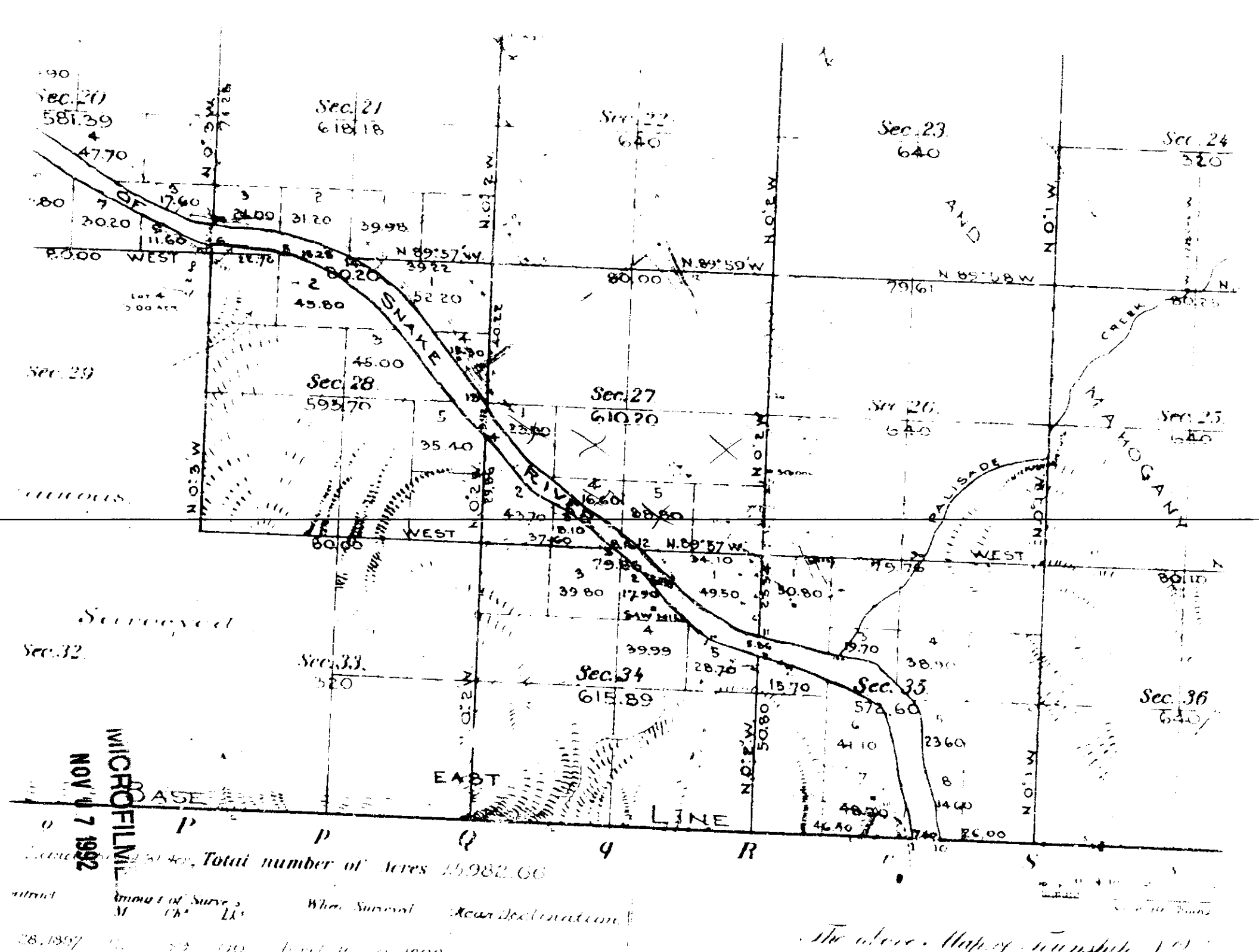
Anna Bellum
Notary Public

Seal

Residing at Boise Idaho

My Commission Expires 12/7 1994

MICROFILMED
NOV 07 1992



Total number of Acres 15,982.66

The above Map of Township 1 [illegible]

April 1, 2004

SOUTH FORK PINES
1200 QUEENS LANE
JACKSON WYO 83001

RE; Adjustment of SRBA recommendation for 23-00061

Dear Mr. Thurston:

Enclosed you will find a corrected version of the recommendation for the water right formerly held by Max Jacobson, 23-00061. The correction is due to an error of property boundary not recognized in the initial recommendation. Mr. Jacobson had presented documentation indicating his property boundary and that he has retained 10" of the water right from the sale of his ranch.

I apologize for any inconvenience this may have caused. Should you have questions regarding this matter please feel free to call.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; File

Enclosure: Corrected recommendation 23-00061

42-248/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
FEB 17 2004
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
23-00061	n/a				

The following **REQUIRED** information must be submitted with this form:

Blake 483-2650

A. The appropriate **FILING FEE.** See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Max Jacobsen

4. New Owner/Claimant(s): South Fork Pines LLC

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: 1200 Queens Lane

City, State and ZIP Code: Jackson, WY 83001

New Telephone Number: (307) 377-0869

5. Date you acquired the property: 3/26/99

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) Ray R Thurston, Manager
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

01/08/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-61

NAME AND ADDRESS: MAX JACOBSON
HC 34 BOX 6
IRWIN ID 83428

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.410 CFS

PRIORITY DATE: 05/20/1889

POINT OF DIVERSION:
T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	2.410 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S27	NESW	35.0	T01N R44E S27 Lot	1 NWSW	13.0
T01N R44E S27 Lot	4 SESW	13.0	T01N R44E S27	NWSE	7.4
T01N R44E S27 Lot	5 SWSE	36.0			

104.4 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1980 TO 1989.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

PORTION OF RIGHT FORFEITED/ABANDONED.

First American Title Company
2004 Jennie Lee Drive * Idaho Falls, ID 83404
(208) 522-9195

ESCROW NUMBER: 9913962A
PROPERTY: SOUTH FORK PINES ADDITION
TO THE CITY OF IRWIN, ID
SOUTH FORK PINES ADDITION, TO THE CITY OF IRWIN, IDAHO

TODAY'S DATE: 3/23/99
CLOSING DATE: 3/26/99

ESCROW CLOSING STATEMENT OF:
SOUTH FORK PINES, L.L.C.

OTHER PARTY:
SHOUP, SHOUP, HORISZNY & KELLER, A LIMITED LIABILITY CO.

BUYER'S CLOSING STATEMENT

DESCRIPTION		DEBITS	CREDITS
CLOSING FEES	FIRST AMERICAN TITLE COMPANY	150.00	
Recording fees: Deed $ 6.00 Mtg $ 12.00 Releases $		18.00	
LONG TERM ESCROW SET UP FEE	FIRST AMERICAN ADMINISTRATION	75.00	
CONTRACT SALES PRICE		1,700,000.00	
DEPOSIT OF EARNEST MONEY			20,000.00
AMOUNT OF NEW LOAN	SHOUP, SHOUP, HORISZNY & KELLE		1,150,000.00
Prorate TAXES 1/01/99 to 3/26/99 @ $737.52/12 mos.			169.73
Balance Due From Buyer			530,073.27
TOTALS		1,700,243.00	1,700,243.00

The undersigned understands the Escrow Agent has assembled this statement representing the transaction from the best information available from other sources and cannot guarantee the accuracy thereof. This Statement is subject to change if the closing date varies or of undisclosed contingencies arise. In the event such adjustments in this statement become necessary, you are authorized to make such adjustments and close this escrow. An amended final statement of account will be provided reflecting all such adjustments.

All prorating provided for in the above statement has been computed as of the closing date on the basis of a 365 day year.

APPROVED AND ACCEPTED THIS 30 Day of March, 19 99

First American Title Company

By: ANITA MCMURTREY

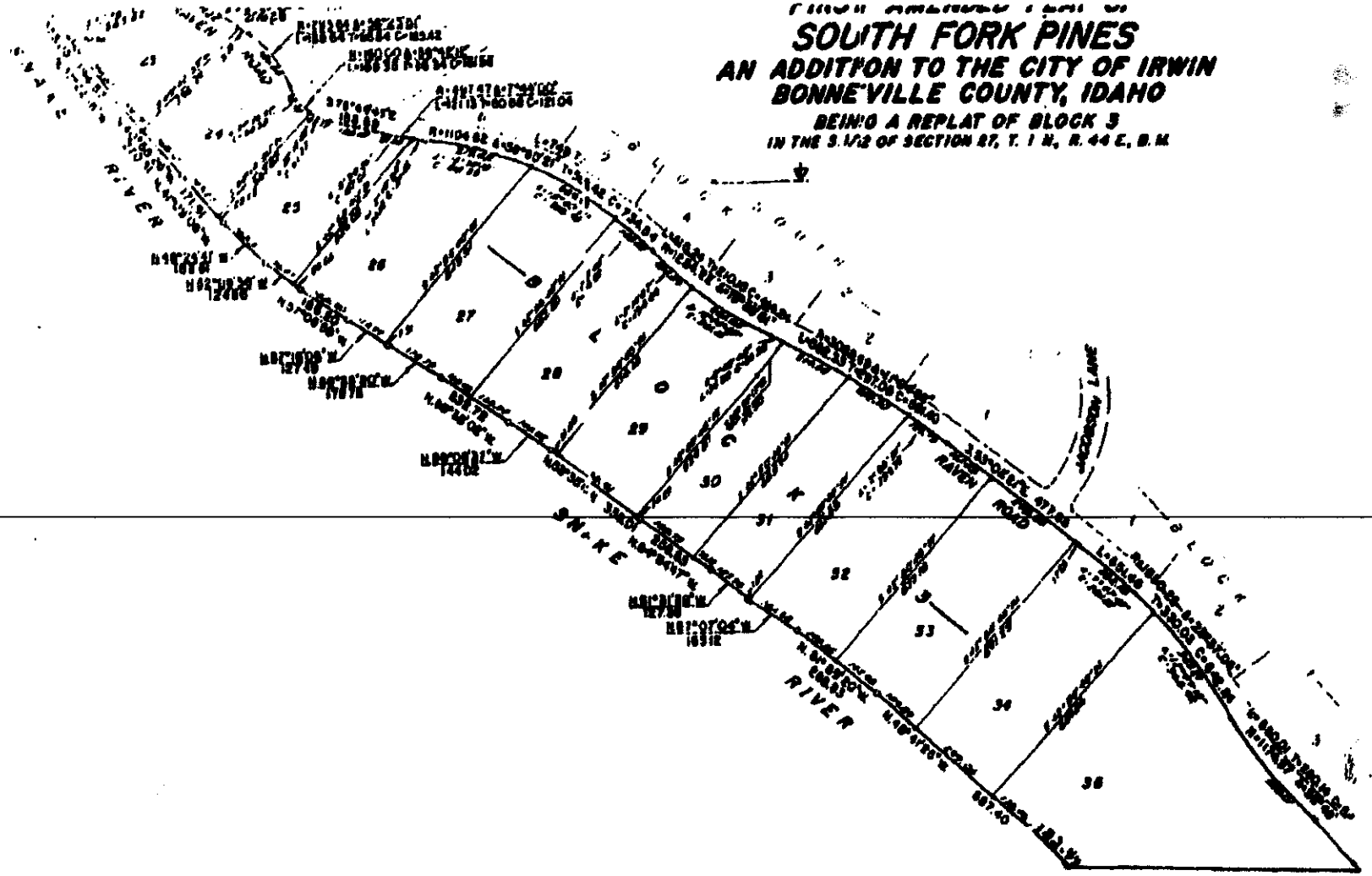
SOUTH FORK PINES, L.L.C.

By:

SOUTH FORK PINES

AN ADDITION TO THE CITY OF IRWIN
BONNEVILLE COUNTY, IDAHO

BEING A REPLAT OF BLOCK 3
IN THE S.1/2 OF SECTION 27, T. 1 N., R. 44 E., B.M.

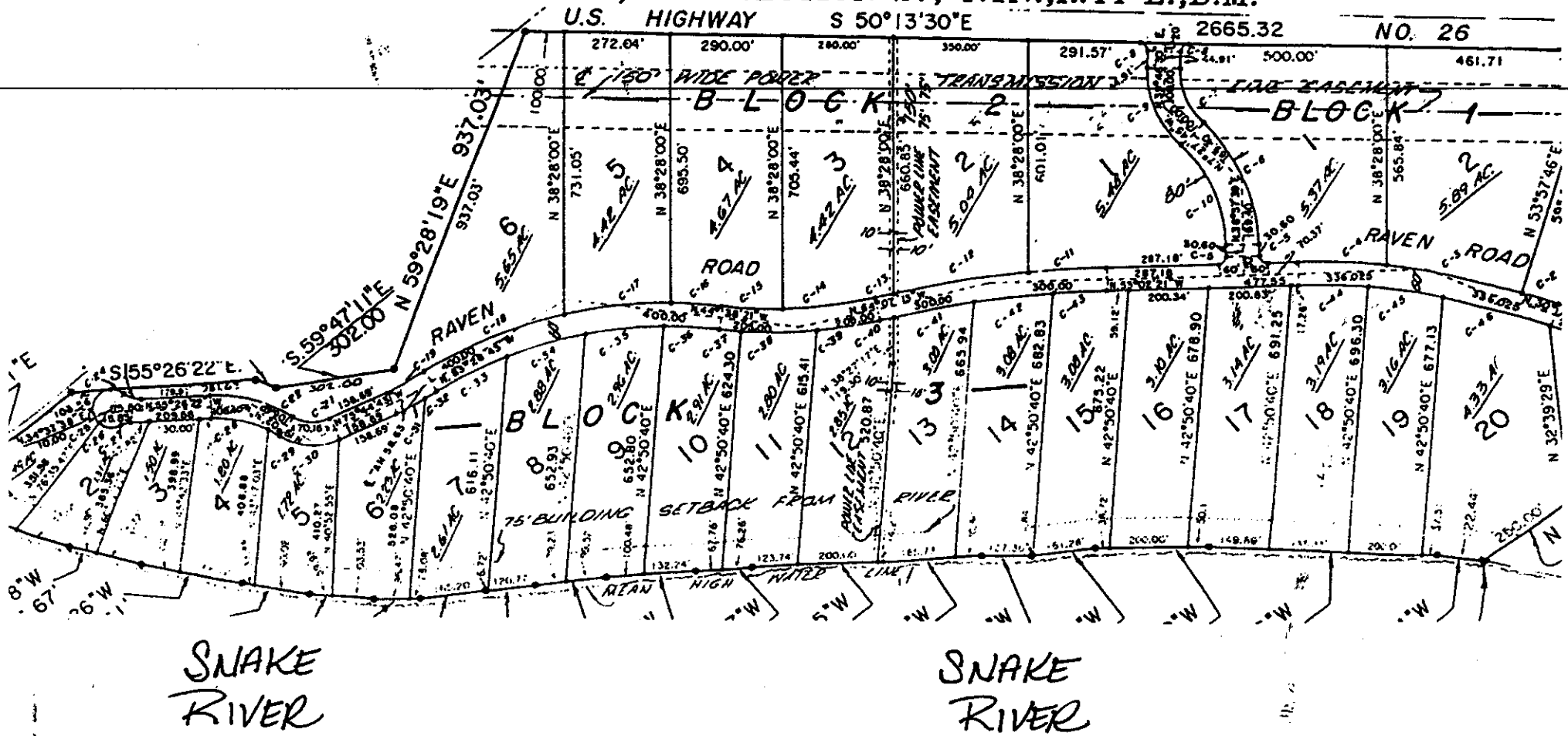


SOUTH FORK PINES

AN ADDITION TO THE CITY OF IRWIN

BONNEVILLE COUNTY, IDAHO

BEING PART OF THE S.1/2 OF SECTION 27, T.1N.,R.44 E.,B.M.



Idaho IDWR
Department of Water Resources
900 North Skyline Dr. Suite A, Idaho Falls, Idaho 83402-1718
ALLEN B. RUBERRY
SR. WATER RESOURCE AGENT
ADJUDICATION BUREAU
PHONE (208) 525-7161
CELL (208) 589-4921
FAX (208) 525-7177
aruberry@idwr.state.id.us

TATE OF IDA
NT OF WATE
GE IN WATER

[redacted]

additional information. Inst
complete forms will be ret

...judication claim numbe... ...st the
adjudication claim number if there is no corresponding water right r... ...ng in
the space provided, if the change in ownership is limited to a portion... ...water
right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Wat... Righ...
	23-00061		Mark Jacobson Trust
			12/17/03

SPENCER -
I CAN'T FIND THE CHAIN OF TITLE FROM Mr. JACOBSON TO YOUR ONTITY IN THIS BOOK — IN ORDER THAT A CHANGE OF OWNERSHIP BE INITIATED I WILL NEED THE CHAIN OF TITLE. ONCE YOU HAVE THAT PLEASE COMPLETE THE CHANGE OF OWNERSHIP W/ SIGNATURE (TABBED) AND RETURN IT TO ME ASAP.

2. The following REQUIRED ...

A. The appropriate FILIN(...

B. A copy of the most rec... document indicating your ownership of the proper... L DESCRIPTION.
CHAIN OF TIT...

C. Either of the following ... escriptions):
PLAT OF PROPERTY ... n and place of use of your water right(s) and/or ad... he county).

If your water right(s) a... must submit a USDA Farm Service Agency AER... ion clearly marked. The AERIAL PHOTO sho... AP.

3. Name and Address of Form... Owner/Claimant(s)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

8 JANUARY 04 NO RESPONSE.
RECOMMEND TO ORIGINAL CLAIMANT.

FACSIMILE

Rocky Mountain ENVIRONMENTAL ASSOCIATES, INC.

TO: Mr. Jim Bernard
River Bend Estates LLC
3894 E 200 N, Rigby ID 83442

745-7979

SUBJ. Lynn Dixon property in Swan Valley

RMEA 03-0082

cc: Mr. Roger Warner
Mr. Tony Olenichak
Mr Allen Ruberry, Idaho Department of Water Resources

Unless otherwise indicated, HARD COPY WILL NOT FOLLOW

November 10, 2003

Jim:

I met recently with Mr. Allen Ruberry. Idaho Department of Water Resources [IDWR], regarding the proposed *recovery wells*. Please allow me to bring you up to date and to recommend a course of action.

1. Mr. Ruberry expressed some surprise about Water Right Nos. 23-11235 and 23-10281. Allen seemed to imply that these rights had not been submitted to the Water Master in Twin Falls for adjudiation.

2. Mr. Ruberry said that he was working on field verifications of water rights in Swan Valley and on Palisade Creek in 2003 and would be finished in late 2003.

3. Mr. Ruberry suggested that Mr. Dixon, you, and I meet with him at IDWR in late November or early December. At that time, Mr. Ruberry would have more information about water rights in Swan Valley.

4. In the meantime, Allan suggested that we "hold tight" until then.

I suggest we plan a meeting at IDWR in early December when Mr. Dixon is in Idaho.

Jim

Page 1 of 1 Total Pages
C:\Jim 2003\2003 COMPLETED PROJECTS\03 0082 Lynn Dixon Swan Valley\Fax 11 10 03 about SRBA for Lynn Dixon.wpd

from James Rush
Rocky Mountain Environmental SM
482 Constitution, Idaho Falls, ID 83402
[208] 524-2353 [208] 524-1795 Fax
jrush@rockymountainenvironmental.com

Spence Warner
483-2250 Hm
313-7028 Cell
483-3150 Fax

IDWR Field Exam Form

04/03/2002

Contacts Data Entry Form

Water Right No. 23-061

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MAX JACOBSON					
Name connector: and ____, or ____, and/or ____						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECREED UNDER ROXBURY IRRIG. CO. VS TOTON IRRIG. CO. 1910, AS #66, TO HANNA BURTON, AS 150"

4/14/03 ADDEARS THIS PROPERTY IS BEING SUBDIVIDED: CONTACT SPENCER WARNER @ 483-2150 OR 866-300-9631. CELL 313-7028 2250

4/15/03 CALLED MR. WARNER. ARRANGED A MEETING FOR 0830 AT HIS SWAN VALLEY OFFICE.

(*) PROBLEM: THIS RIGHT IS ALSO CLAIMED IN ITS ENTIRETY AND COMBINED WITH OTHER RIGHTS TO MAKE 23-10282. ⇒ DISALLOWED TO PALISADES IRRIG CO. FA INDICATED: POD, POU, SYSTEM

Reviewer: _____ Date: _____

I. BRIEF HISTORY:

A. 23-00061 WAS SPLIT BY TRANSFER # 536.
1. SPLIT INTO PARTS A AND B.

B. ADJUDICATION CLAIM 23-00061 IS FILED 6/12/1989 BY MAX JACOBSON.
1. ADJ. CLAIM RE-COMBINES PARTS A AND B. THUS VOIDING TRANSFER # 536?

II. QUESTIONS:

1. WHO WERE THE OWNERS OF PARTS A AND B?
2. WHEN WAS AN ACCOMPLISHED TRANSFER (42-1425 IC) COMPLETED BRINGING THE PARTS BACK TOGETHER?
3. WHY WAS 23-00061 SPLIT IN THE FIRST PLACE?

III. HOW DOES THIS ADJ. CLAIM COMPARE TO THE ORIGINAL DECREED POD, POU, SOURCE, Q, PRIORITY AND SOU?

POU/POD: NOT LISTED BY DECREE
SOURCE: PALISADES CK
Q: 150" AS 3rd CFS
Priority: 5/20/1889.

IV. FE INDICATED: POU PARTS IN-QUESTION

IDWR Field Exam Form

04/03/2002

Period of Use and Quantity Data Entry Form

Claim Number: _____

__ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/1	11/01	3.0	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrig	4/15	10/31	2.41	

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

(1) BASED ON (ACRES X 0.02 cfs/AC) (CONVEY LOSS (1.15))

Q = (1046 X .02 cfs/AC)(1.15) = 2.41 cfs

2.09 0.32 = 2.41 cfs

↳ Convey loss

Reviewer: _____

Date: _____

IDWR Field Exam Form

04/03/2002

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

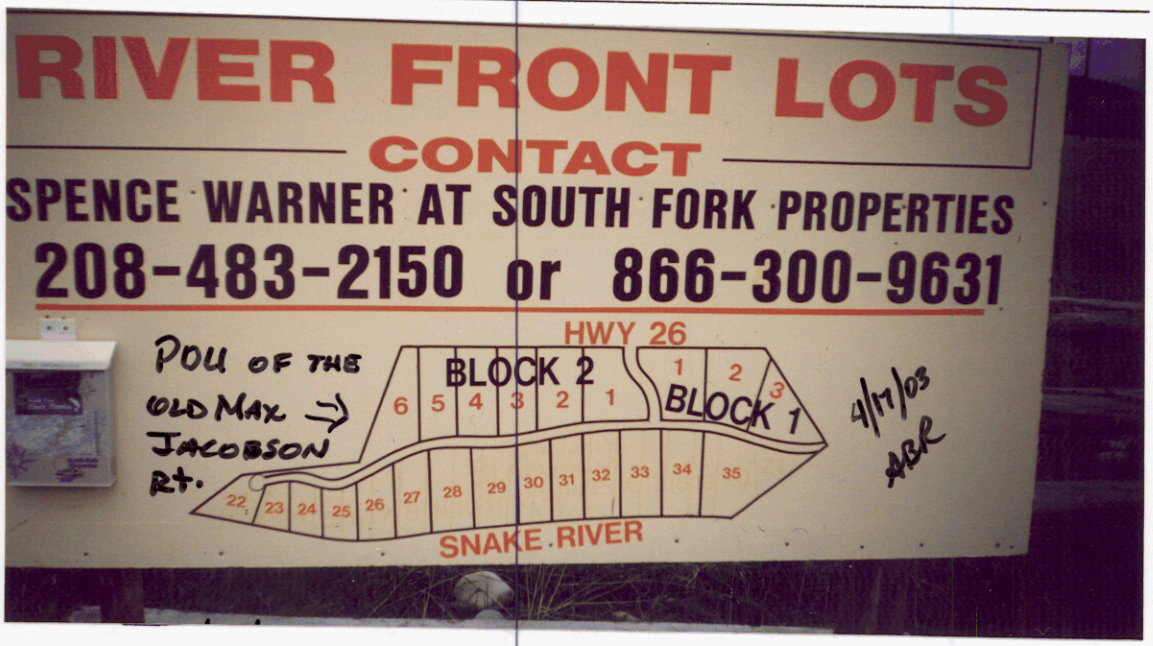
Claimed Priority Date: May 20, 1889 Claimed Basis: Decreed

Recommended Priority Date: 5/20/1889 Recommended Basis Decree

_____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Matches Decree



IDWR Field Exam Form

04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 1N, R 44E, Sec. 26, NW, SE, SE. County: Bonn

Source: Palisades Cr Tributary: Snake River

Recommended Point of Diversion: T____, R____, Sec. ____, ____, ____, ____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
1N	44E	26		SWSWSE	Bonn	Palisades Cr

GPS Coordinates: 0723641 0256826

Trib. to Snake River

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Delivered by Palisades Canal.

4/14/03 Visited POD GPS Tag # AOP12494 - Photo

Transfers Changing POD _____

Reviewer: _____

Date: _____

IDWR Field Exam Form

04/03/2002

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Transfers Changing POU _____

Reviewer: _____

Date: _____

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Burton, Hannah	3.0		[redacted]
536	Burton, H. J.	0.5	2.5	23-0061A

TRANSFER

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 556.

23-0061

THIS IS TO CERTIFY That H. J. BURTON is the owner of and using certain water rights for

3.0 ~~2.5~~ sec. feet, priority date of May 20, 1889
4.2 ~~3.5~~ " " " " of June 30, 1890

of the waters of Palisade Creek, tributary to the South Fork of the Snake River, County of Bonneville, State of Idaho, decreed to Hannah Burton by the Decree of Judge Stevens, of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Company vs. The Teton Irrigation Canal Co. said decree bearing date of December 16, 1910, for the purpose of irrigating the following described lands situate lying and being in Water District No. 36, in the County of Bonneville, State of Idaho, to wit:

SW¼ SW¼ of Sec. 26, SE¼ NE¼ of Sec. 27, E½ SE¼ of Sec. 27, Lot 1, Sec. 34, Lot 1, Sec. 35, T. 1 N., R. 44 E., B. M.

AND THAT Said Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 5 of Decrees, at Page 450.

THAT THE Said H. J. BURTON became the owner of said land and said water rights by deed thereof.

THAT NOW, UPON THE APPLICATION of H. J. BURTON for a transfer of

0.5 sec. feet as of May 20, 1889
0.7 " " " " June 30, 1890

of the said waters made before the Commissioner of Reclamation of the State of Idaho and said Application having been granted, the rights to the use of

1.2 sec. feet of the waters of Palisade Creek

upon the lands above described is hereby ABANDONED and the lands to be irrigated under such right and to which the water right hereby confirmed shall become appurtenant by the certificate for irrigation and domestic purposes, is described as follows:

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NE¼ SW¼, Lots 1 and 4, Section 27, Twp. 1 North, Range 44 East

situate, lying and being in the County of Bonneville, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts to wit:

0.5 sec. feet as of May 20, 1889
0.7 " " " June 30, 1890

THE WATER RIGHT HEREBY Transferred has heretofore been diverted from said Palisade Creek in the

SE¼ of Sec. 26, T. 1 N., R. 44 E.,

and conducted to the first above described lands through the Palisade Irrigation Company's Ditch and will hereafter be diverted from Palisade Creek, at the same point and conducted to the last above described lands through the same ditch.

THAT, IN ADDITION TO THE FOREGOING RIGHT, The last above named lands have appurtenant to them no other water rights.

THAT THE RIGHT TO THE USE Of the water aforesaid, hereby confirmed is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of October, 1954.

R. W. FARIS
Commissioner of Reclamation

By Hans H. Coffin
Hans H. Coffin
Director of Water Resources

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RECEIVED
FEB 27 1911
OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

****

****

File 205-a

Teton Irrigation Company, et al.,

P L A I N T I F F S,

-V-

DECREE.

Teton Irrigation Canal Company, et al.,

D E F E N D A N T S.

This cause coming on to be heard this ____ day of _____ 1910, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to findings of fact, conclusions of law and decree, to be entered herein, on file herein, F. J. Cowen, having filed his report of the proceedings taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing by their respective counsel, and the Court being fully informed in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, therefore, by reason of the law and the Report and Findings

[illegible] A judgment and decree, [illegible] part [illegible] for [illegible] for irrigation and other purposes, the following [illegible] each fifty inches thereof to be equivalent [illegible] per second, as prescribed by the law [illegible]

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Buck, James				The Farmers' Friend Canal Company.
Buck, John H.				The Farmers' Friend Canal Company.
Burgess Ditch Company.				(See C. J. Almy and Simington Nedrow.)
1 629 Burgess Canal & Irrigation Company.		500 inches.	June 10, 1886.	Snake River, South Fork
1 630 Burgess Canal & Irrigation Company.		500 inches.	June 10, 1887.	Snake River, South Fork.
1 631 Burgess Canal & Irrigation Company		19,000 inches.	June 10,1888.	Snake River, South Fork.
1 632 Burgess Canal & Irrigation Company		12,000 inches.	June 10,1890.	Snake River, South Fork.
1 633 Burgess Canal & Irrigation Company		8,000 inches.	June 1, 1895.	Snake River, South Fork.
Burkenbow, Benjamin				
Burkenbow, Thomas				The Farmers' Friend Canal Company.
23-0073 1 634 Burney, Peter		40 inches.	June 1, 1901.	Palisade Creek.
Burtenshaw, William				Enterprise Canal Company.
Burton, C., Jr. and W. F., and Robert Blamires.				(See Robert Blamires, and C. Burton, Jr., and W. F. Burton.)
23-0061 Burton, James		150 inches.	May 20, 1889.	Palisade Creek. 536
23-0062 Burton, Joseph		210 inches.	June 20, 1890.	Palisade Creek. 536
Bush, Frances				The Farmers' Friend Canal Company.
22 0185 Bush, George W.		100 inches.	June 1, 1896.	Fox Creek.
22 186 Bush, George W.		20 inches.	June 1, 1897.	Derby Creek.
22 187 Bush, George W.		40 inches.	June 1, 1896.	Fox Creek.
22 188 Bush, George W.		120 inches.	June 1, 1900.	Fox Creek.

MICROFILMED

State of Ida...
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

October 30, 1998

ATTN KEN HORISZNY
SHOUP SHOUP HORISZNY & KELLER
33 MONTE MAR
SAUSALITO CA 94965

Re: Water Rights in Swan Valley, Id.

Dear Ken:

Enclosed you will find a change in ownership form that we will need you to file with our office. The names on any water rights pertinent to the property you recently purchased can then be changed into your name. We have a copy of your deed, but will also need a map showing an outline of the property. Please send the completed document to my attention. This process will change the name on the water right(s).

Any questions you have about shares that you own in the Palisades Irrigation Co. will have to be handled through the Irrigation Co.. The department does not have records of how many shares individuals have in conveyance companies such as Palisades Irrigation Co..

If you have any questions regarding this matter, please do not hesitate to contact this office at (208)525-7161.

Sincerely,

Gregory J. Taylor
Sr. Water Agent, Adjudications Bureau

TO: WENDY

1 208 525 7177

FROM: KEN HORISZNY

SUBJECT: LOCATING RECORD OF WATER RIGHTS FOR SHOUP SHOUP HORISZNY KELLER PROJECT

ENCLOSED IS A COPY OF LETTERS FROM ASSESSMENTS FOR THE WATER RIGHTS. I'm HOPEFUL THIS WILL HELP YOU LOCATE THE STOCK CERTIFICATE OR OTHER VERIFYING RECORD.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In The Matter Of The Application Of

H. J. BURTON

For A Transfer of Water, County of Bonneville.

ORDER GRANTING TRANSFER

WHEREAS, On the 28th day of September at the Department of Reclamation of the State of Idaho, the matter of the application of H. J. BURTON for a Transfer of Water Right came on regularly for hearing, pursuant to the published notice; and

WHEREAS, No protest has been filed against the said application and the evidence filed by the applicant with the said application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be and the same is HEREBY GRANTED and that a Certificate of Transfer of Water Right be issued the applicant herein, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 15th day of October, 1954.

R. W. FARIS
Commissioner of Reclamation

By Hans H. Coffin
Hans H. Coffin
Director of Water Resources

MICROFILMED

525-7161 ALLEN
209 525-7171

77

STATEMENT OF ASSESSMENT

April 25, 1997

Ken Horiszny
809 Swan Valley Highway
Ririe, ID 83443

Dear Water User:

Pursuant to Idaho Code § 42-2201 et al., the Palisades Irrigation Company, Inc., has assessed each water user for the cost of maintenance and operation of the irrigation works owned by the company. Our records indicate that water appurtenant to your land is diverted and delivered by the irrigation works of Palisades Irrigation Company. This levy is payable regardless of whether water is actually used on your land.

The levy is .25 cents per share of water, except for those owning 100 shares or less who will pay a flat $25.00 fee.

Please remit your payment using the enclosed payment stub. Make checks payable to the "Palisades Irrigation Company." Payment may be delivered or mailed to:

Rhett Bradford
Box 99
Irwin, ID 83428

Payments submitted after May 25, 1997 will be subject to a 12% per annum interest fee and non-payment may result in a lien on your property.

We appreciate your attention and cooperation in this matter.

Sincerely,

Steve Weeks
President
The Palisades Irrigation Co., Inc.

002

HKA

09/24/98 08:15 FAX 415 331 2179

BONNEVILLE COUNTY ASSESSOR

P. BLAKE MUELLER
ASSESSOR

(208) 529-1350
REAL PROPERTY: EXT. 1361
AG DEPT: WILL EXT. 1425
BRENT EXT. 1119
BRIAN EXT. 1508

March 10, 1997

Dear GENTLEMEN :

This letter is intended to represent the 106.48 acres you are farming or are responsible for in Bonneville County. Please include any leased property in your information and if there is a difference in the harvest or how you farm a certain acreage.

Thank you for your help in this matter.

NOTE - NO PLANTING OR IRRIGATION SINCE WE PURCHASED THE LAND - WE SIMPLY HAD ONE STAND OF ALFALFA CUT BY BILL FELDE + SOLD THE HAY 2/3 1/3 WITH HIM. I THINK ABOUT 60 TONS TOTAL LAST YEAR.

Sincerely,

Will Haack
Certified Appraiser
Bonneville County

MAILING ADDRESS: 605 N. CAPITAL AVE IDAHO FALLS, ID 83402
WALK IN ADDRESS: 547 N. CAPITAL IDAHO FALLS, ID
FAX NUMBER (208) 528-5509

003

HKA

09/24/98 08:15 FAX 415 331 2179

GRAZING QUESTIONNAIRE

PARCEL NUMBER _____



RP D00000274813 A 6-00

SHOUP, SHOUP,
HORISZNY & KELLER LTD CO
33 MONTE MAR
SAUSALITO CA 94965

83428

100.525 A S1/2,
SEC 27, T 1N, R 44 (SV) (05SV)

DRY GRAZING LAND:

NUMBER OF ACRES GRAZED	NUMBER OF ANIMALS GRAZED	NUMBER OF MONTHS GRAZED	CHARGE PER ANIMAL PER MONTH
0	0	0	$ 0

IRRIGATED GRAZING LAND:

NUMBER OF ACRES GRAZED	NUMBER OF ANIMALS GRAZED	NUMBER OF MONTHS GRAZED	CHARGE PER ANIMAL PER MONTH
0	0	0	$ 0

SIGNATURE Ken Horiszny DATE 4/2/97

FAX 208 525-7177

TO: WENDY

FROM: KEN HORISZNY
415-331-8352
415-705-8809

RE: WATER STOCK FROM TRIPLE J DAIRY

A.) 2 OF 4 SIGNED DOCUMENT

B.) LEGAL DESCRIPTION OF A PORTION OF THE PROPERTY

PLEASE CALL ME AT 415 331-2179 WHEN YOU RECEIVE THIS.

Ken

A23-00061 3.00 cfs
A23

A23-00075 .83 cfs
10077
A13 10078
10117

JUNE 7, 1995

RE: WATER STOCK FROM TRIPLE J. DAIRY TO SHOUP, SHOUP, KORISZNY AND KELLER FOR PROPERTY LOCATED AT: A PORTION OF SEC. 27, TOWNSHIP 1 NORTH, RANGE 44, EAST OF THE BOISE MERIDIAN, (SEE ATTACHED LEGAL DESCRIPTION "EXHIBIT A").

WE, TRIPLE J DAIRY, HEREBY CERTIFY AND GUARANTEE TO HAVE NEW WATER STOCK CERTIFICATES ISSUED TO THE BUYERS (SHOUP, SHOUP HORISZNY, AND KELLER).

IT IS AGREED THAT 140 ~~Shares~~ Inches ARE TO BE TRANSFERRED INTO THE BUYERS NAME.

BUYER AND SELLER ALSO AGREE TO HOLD HARMLESS AMERICAN LAND TITLE COMPANY, INC. FOR ANY COSTS OR DELAYS IN THE SAID TRANSFER OF WATER STOCK CERTIFICATES.

TRIPLE J. DAIRY

SHOUP, SHOUP, HORISZNY AND KELLER

DATED THIS 7 DAY OF JUNE, 1995.

JUNE 7, 1995

RE: WATER STOCK FROM TRIPLE J. DAIRY TO SHOUP, SHOUP, HORISZNY AND KELLER FOR PROPERTY LOCATED AT: A PORTION OF SEC. 27, TOWNSHIP 1 NORTH, RANGE 44, EAST OF THE BOISE MERIDIAN, (SEE ATTACHED LEGAL DESCRIPTION "EXHIBIT A").

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Flint Jacobson
TRIPLE J. DAIRY

SHOUP, SHOUP, HORISZNY AND KELLER

DATED THIS 7 DAY OF JUNE, 1995.

EXHIBIT A

Beginning at a point that is S. 0°30'23" W. 14.50 feet along the section line and S. 34°55'15" E. 0.61 feet from the West 1/4 Corner of Section 27, Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho; said point being on the Mean High Water Line on the right of the Snake River; running thence N. 89°55'31" E. 465.91 feet; thence S. 55°26'22" E. 835.61 feet; thence N. 59°28'19" E. 937.03 feet to the Southwesterly Right of Way line of U.S. Highway No. 26; thence S. 50°13'30" E. along said Right of Way a distance of 2595.13 feet to the East line of the West 1/2 of the Southeast 1/4 of Said Section 27; thence S. 00°07'04" W. 963.62 feet to the Southeast Corner of Said West 1/2 of the Southeast 1/4 of Said Section 27; thence N. 89°47'00" W. along the South line of Said Section 27, a distance of 933.68 feet to the Mean High Water line on the right bank of the Snake River; thence Northwesterly along said Mean High Water Line the following courses; N. 44°19'34" W. 122.44 feet; thence N. 48°41'25" W. 587.40 feet; thence N. 51°59'20" W. 288.83 feet; thence N. 57°07'04" W. 163.12 feet; thence N. 51°31'39" W. 127.36 feet; thence N. 54°54'47" W. 256.53 feet; thence N. 53°35'15" W. 338.01 feet; thence N. 56°06'37" W. 144.02 feet; thence N. 55°38'02" W. 232.72 feet; thence N. 58°38'30" W. 178.75 feet; thence N. 57°16'06" W. 127.49 feet; thence N. 57°06'59" W. 165.20 feet; thence N. 52°06'36" W. 124.55 feet; thence N. 45°24'41" W. 163.51 feet; thence N. 41°09'06" W. 171.90 feet; thence N. 40°58'26" W. 270.31 feet; thence N. 37°22'18" W. 194.67 feet; thence N. 34°55'15" W. 373.05 feet to the Point of Beginning.

Excepting therefrom any County road Rights of Way and Triple J. Road.

This Legal description includes Lot 1, Lot 2, a portion of Lot 3, and a portion of the Common Area of Triple "J" Dairy, a Planned Unit Development.

Log for claim 23-00061 | **Spatial Dynamics BTD** | **5/29/01**

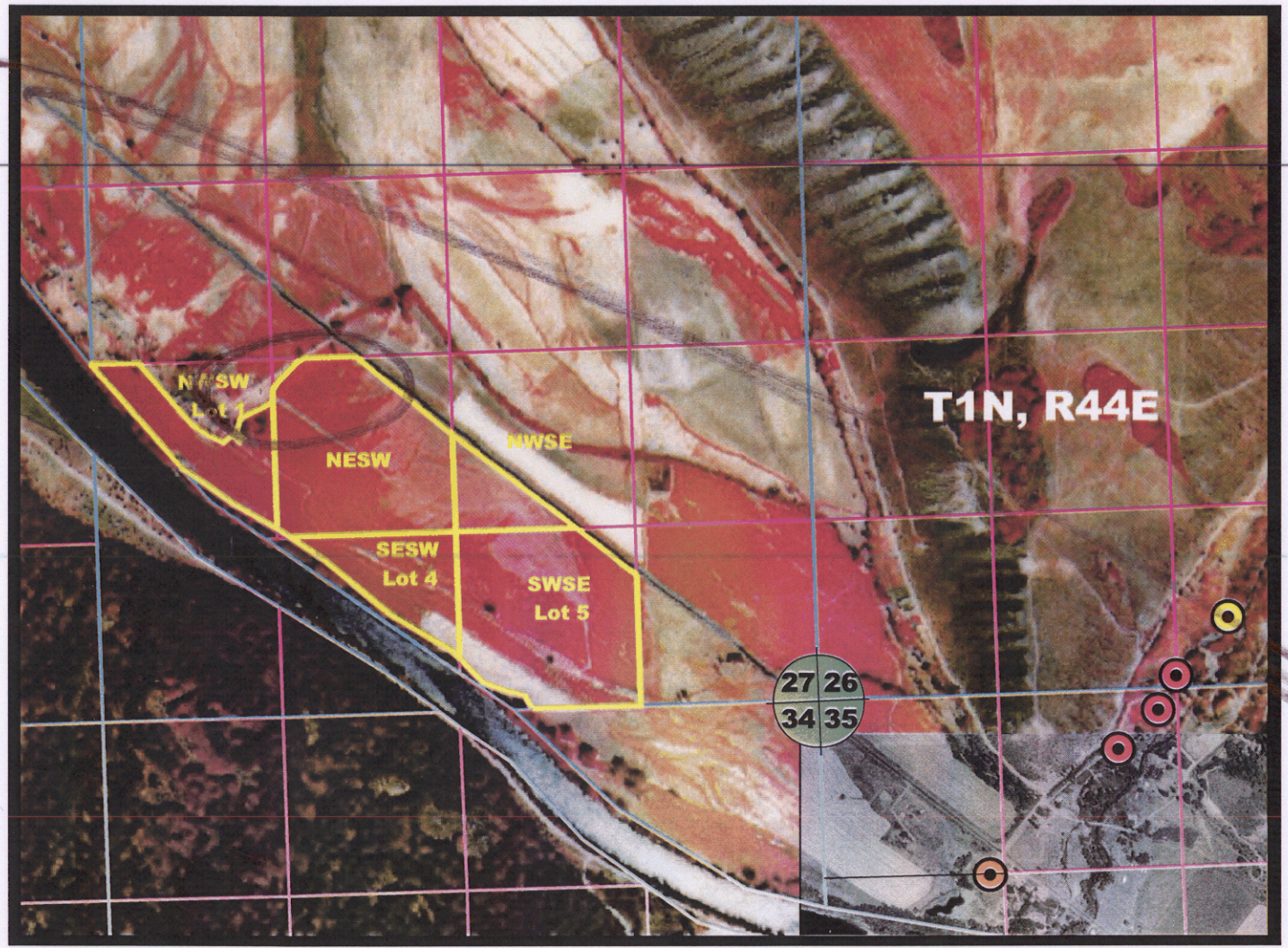
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	27	NESW	36	34	
01n44e	27	NWSW	23	16	
01n44e	27	SESW	16.6	17	
01n44e	27	NWSE	8	7.9	Wrong tract in database?
01n44e	27	SWSE	34.8	37	
Totals:			118.4	111.9	

SPATIAL DYNAMICS

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-00061

Place of Use: (parts of)
T1N, R44E Sec. 27
N2SW, SESW, W2SE

Point(s) of Diversion:
T1N, R44E Sec. 26
SWSWSE

N

LEGEND

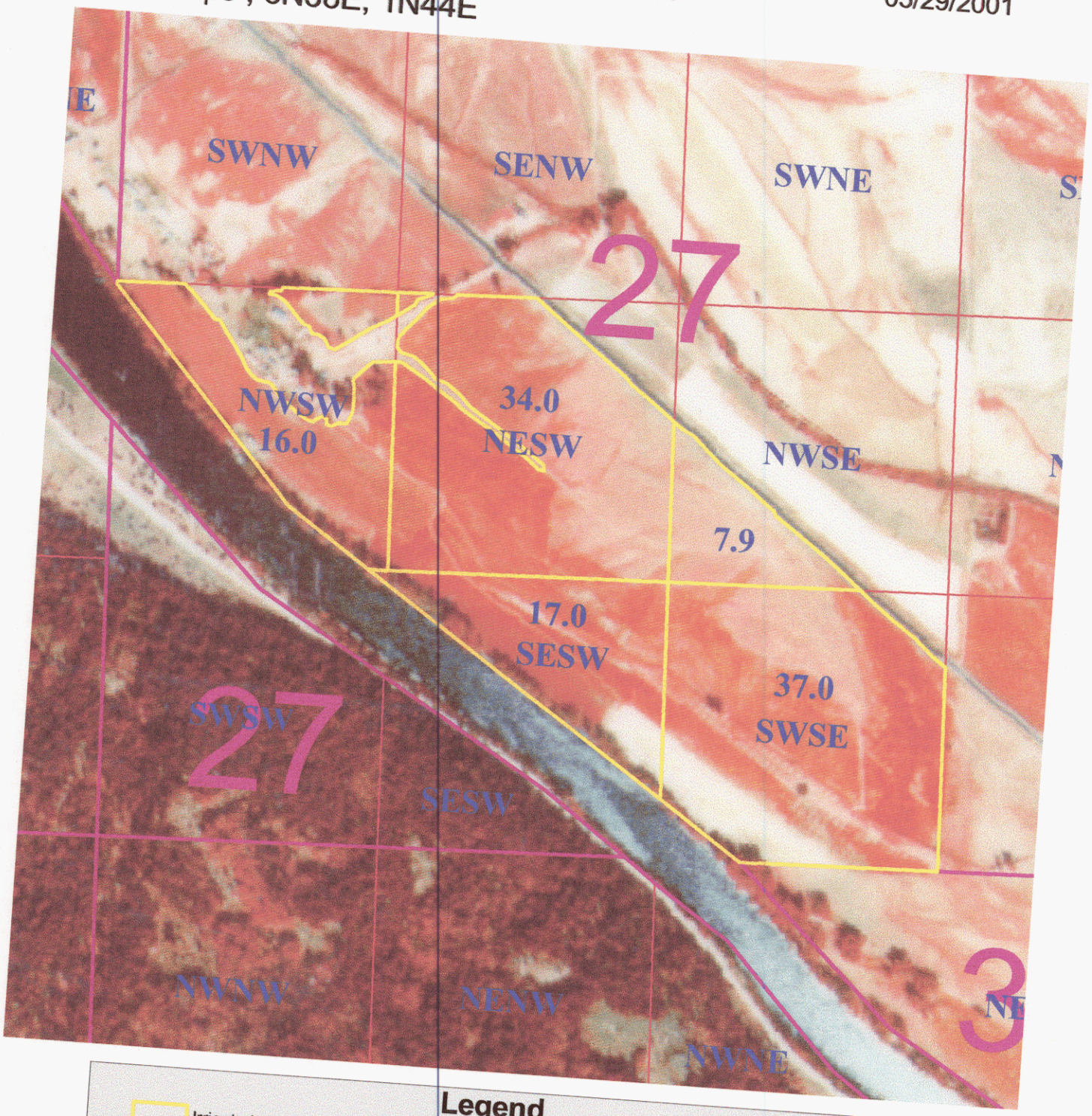
- Point of Diversion
- SESE — Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration

Water Right Claim Number 23-00061

Townships , 5N38E, 1N44E

05/29/2001



Legend

- Irrigated Area
- Place of Diversion
- Section Line
- Quarter Section Line
- Roads
- Streams and Canals

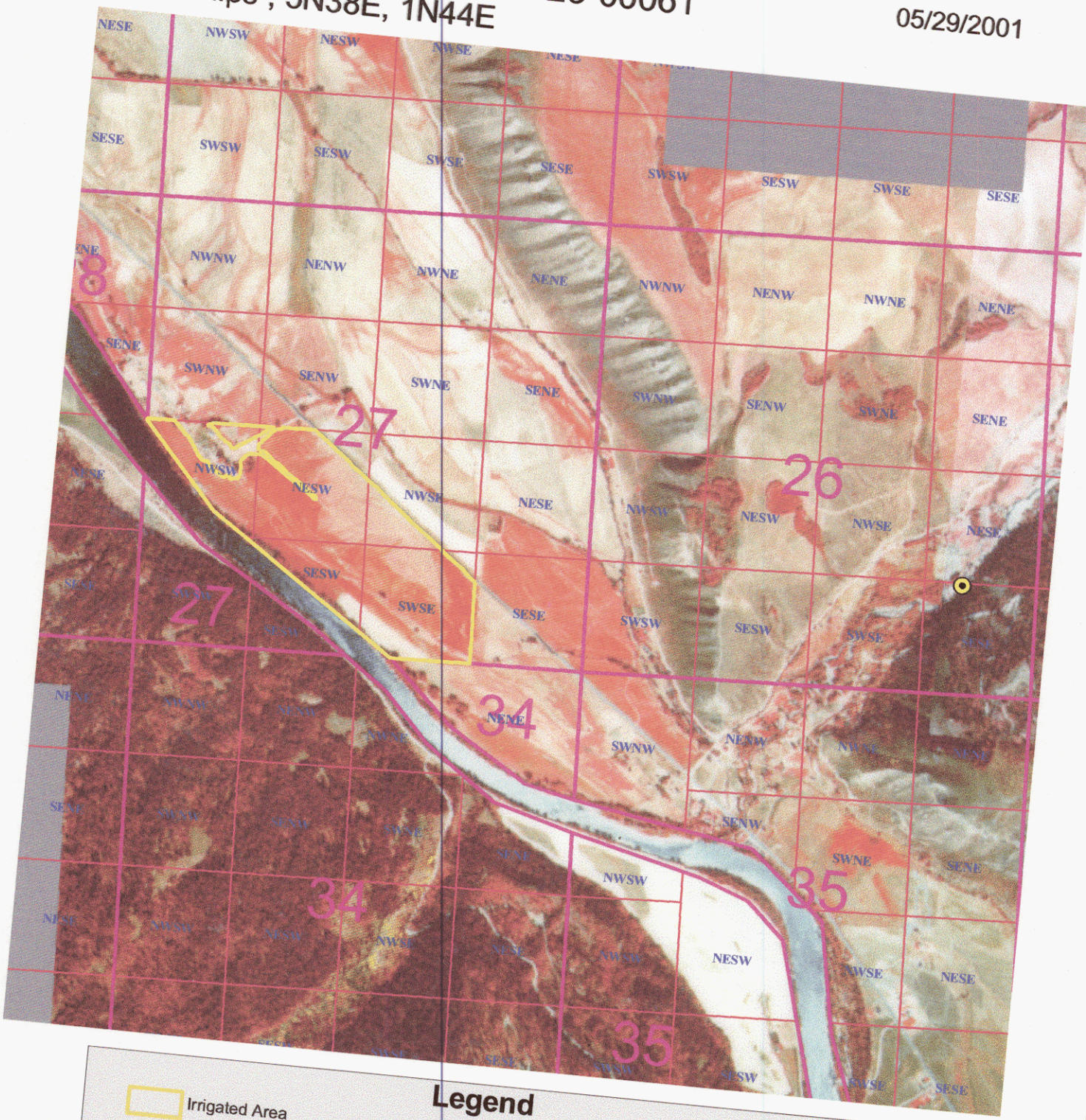
400 0 400 800 Feet

N

Spatial Dynamics

Water Right Claim Number 23-00061
Townships , 5N38E, 1N44E

05/29/2001



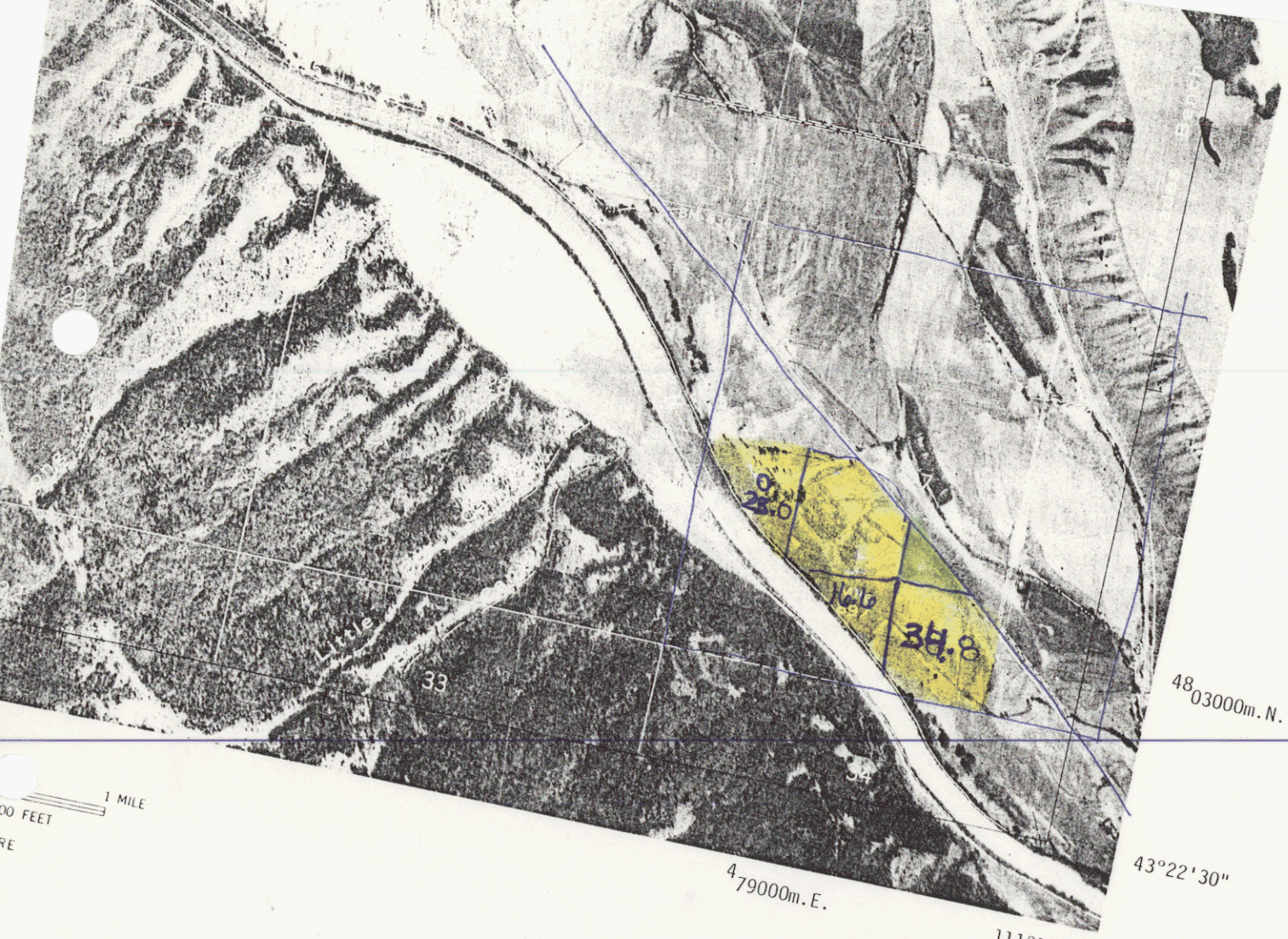
Legend

- Irrigated Area
- Place of Diversion
- Section Line
- Quarter Section Line
- Roads
- Streams and Canals

1000 0 1000 2000 Feet

N

Spatial Dynamics



1 MILE
00 FEET
RE

479000m.E.

48 03000m.N.

43°22'30"

111°15'

A23-00061

MICROFILMED
NOV 07 1992

SWAN VALLEY, IDA
N4322.5-W11115/7.5
1974
ADVANCE PRINT



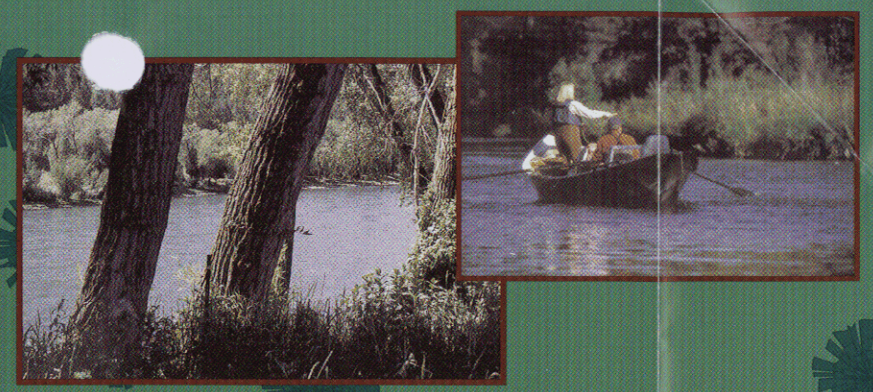
Produced and published by the Geological Survey
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale
aerial photographs taken September 2, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)
1,000-metre Universal Transverse Mercator grid ticks,
zone 12. 1927 North American datum

MICROFILMED
NOV 0 7 1992

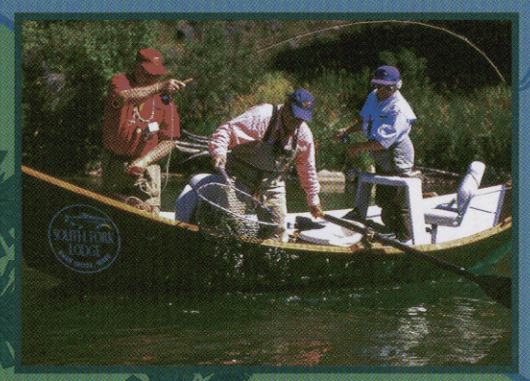
South Fork River Banks



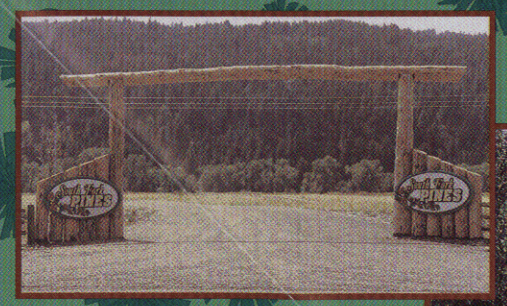
Truly one of the last properties to be developed along the bank of the beautiful South Fork of the Snake River in Swan Valley. The lots will have electric and telephone to the edge of the property. Many of the lots have trees and are easy to landscape.

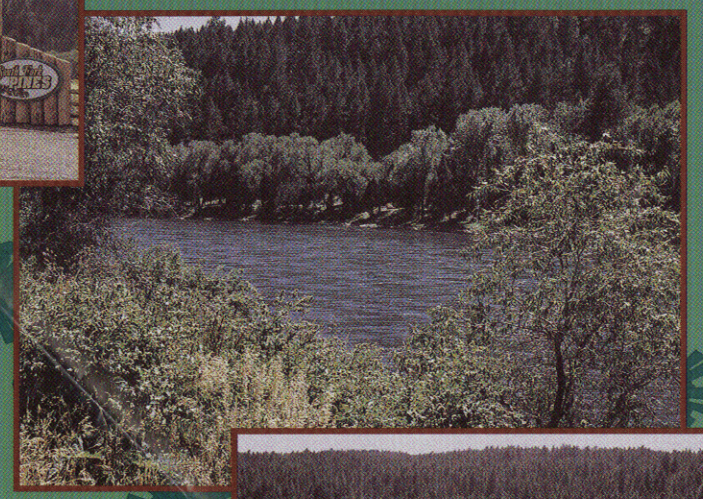
All the lots have access to Highway 26 but are far enough away to have minimal road noise. Excellent views of the Caribou Mountains and Mount Baldy.

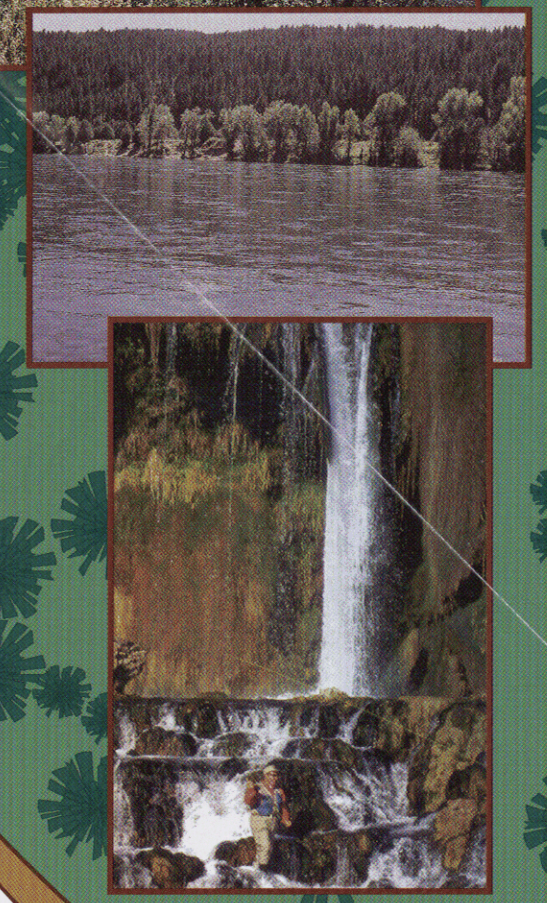




The property is centrally located with only an hours drive to Jackson Hole ski areas, and only minutes away from some of the best hunting, fishing, snowmobiling, boating, hiking, horseback riding and cross country skiing.







For more information, please call Spence Warner at
South Fork Properties • P.O. Box 45, Swan Valley, Idaho 83449 • (208) 483-2150 • (866) 300-9631

South Fork Properties