

12/05/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-4050

NAME AND ADDRESS: ROYAL VACATION HOMES WATER ASSN
RON HOWELL
PO BOX 52223
IDAHO FALLS ID 83405

SOURCE: HINCKS SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.300 CFS

PRIORITY DATE: 10/22/1932

POINT OF DIVERSION:

T02S R46E S27 NENWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.300 CFS

PLACE OF USE: DOMESTIC Within BONNEVILLE County

T02S R46E S28

NENE

T02S R46E S28

NWNE

T02S R46E S28

SWNE

T02S R46E S28

SENE

T02S R46E S28

NESE

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: Beneficial Use

PROPERTY IS ALSO KNOWN AS LOTS 1-45, BLKS 1, 2, 3 & 4, ROYAL VACATION HOMES SUBDIVISION.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 23-04050

[] Name(s):

Ryan Vacant Homes Water Assoc.
To Ron Howell

[] Old Mailing Address:

[] New Mailing Address:

PO Box 52223
Idaho Falls ID 83405

Telephone Number:

(800) 573 - 6277

[] Signature(s) of Owner(s)

Jon Anderson

(Include your title if on behalf of company or organization)

Date:

Oct. 9, 2003

522-6488 Hm
564-7777 CAGW

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: A23-04050

Date Received: 1/18/1989

Receipt No: F00 5541

Received By: TO

*also Paid No. E 016757 for 20.00
to correct filing fee, ltr attached*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROYAL VACATION HOMES WATER ASSOC.
Address: ~~330 DELBERT DR.~~ C/O WINONA M HEARN PO BOX 50584
IDAHO FALLS, ID 83401 83405-0584 DE 11-26-91/jo

2. Date of Priority: OCT 22, 1932

3. Source: HINCKS SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	46E	27	NW	NW			BONNEVILLE

5. Description of diverting works:
CATCH BASIN, PIPELINE, TANKS & DISTRIBUTION LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.640		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/45 SUMMER HOME LOTS, 2 COMMON LOTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	46E	28	NE	NE		DOMEST	
			NW	NE		DOMEST	
			SW	NE		DOMEST	

A23-04050

Page 1

Date: 01/18/89

MICROFILMED
NOV 10 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	46E	28	SE	NE	DOMEST	
			NE	SE	DOMEST	

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:
THE ORIGINAL MENTION OF THE SPRING WAS FOUND IN A COURTHOUSE
DOCUMENT DATED OCTOBER 22, 1932. THE CURRENT NUMBER OF HOUSES
WERE DEVELOPED INCREMENTLY SINCE THIS DATE.

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Royal Vacation Homes Water Assoc., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Royal Vacation Homes Water Assoc. and that the statements contained in the
Organization
foregoing document are true and correct.
William C. [Signature]
Signature of Authorized Agent
Sec. of Royal Vacation Homes Water Assoc.
Title and Organization
Jan 18 1989
Date

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of January 19 89
Anthony S. O'Leary
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9/12/1994

Arthur R. Halbrook and
Stella M. Halbrook, husband and wife,

Grantors.

to

Harry J. Pifer,

Grantees.

Character of Instrument:

Warranty Deed.

Date of Instrument:

October 22, 1932.

Date of Record:

October 27, 1932 at 10:00 A.M.

Book 34 of Deeds

Page: 1

Consideration: \$125.00

\$.50 U.S.I.R. Stamps attached &
Are Signatures Sealed? cancelled.

Names of Witnesses

Date of Acknowledgment October 22, 1932.

Name and Title of Officer Joshua T. Evans, Notary Public for Idaho.

Address of Officer Idaho Falls, Idaho.

Officer's seal attached? Yes.

Granting words Grant, bargain, sell, convey and confirm.

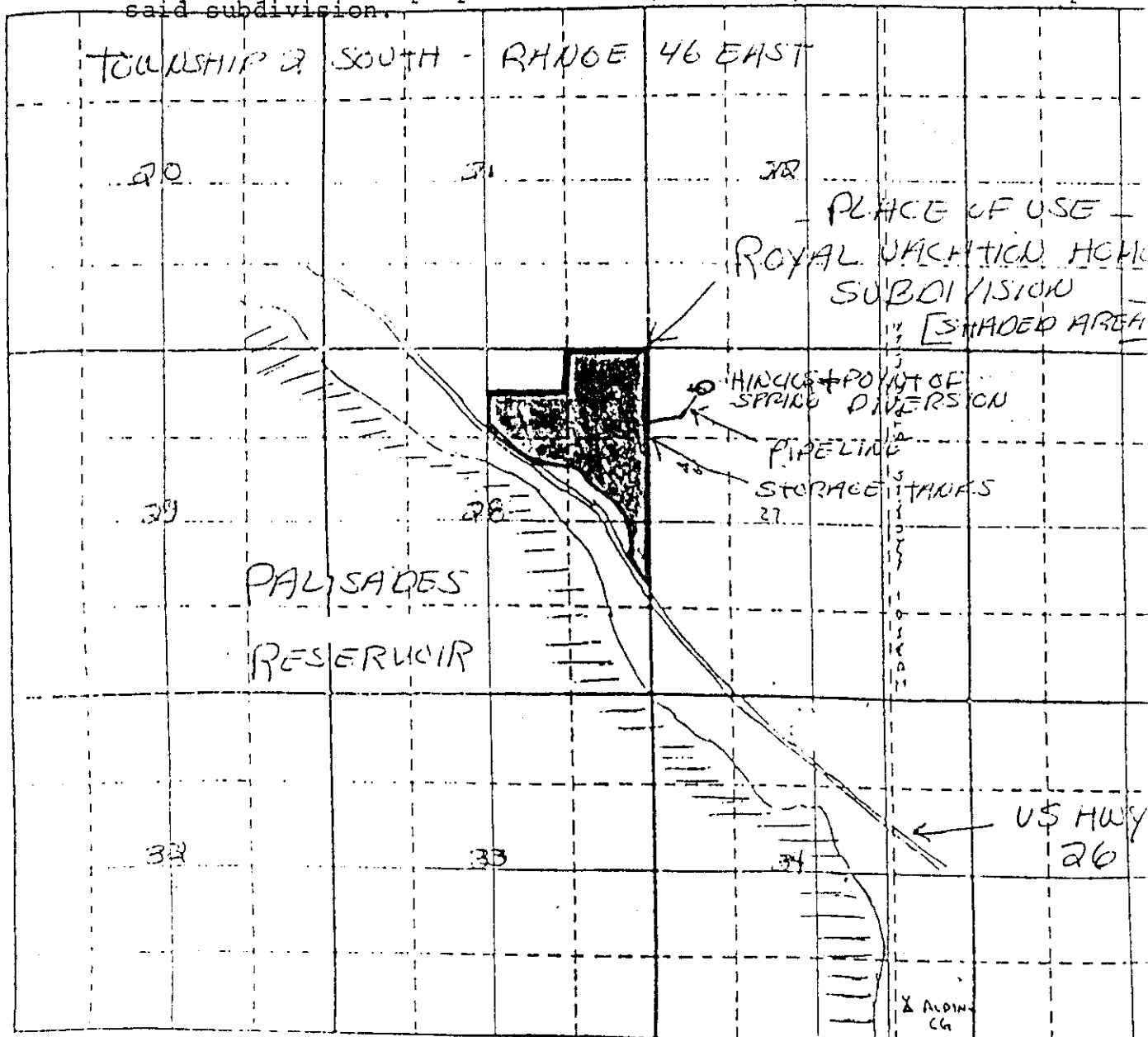
Covenants, if any Warranty and defend.

The South half of the North Half of the Northwest Quarter and the South half of the Northwest Quarter of the Northeast Quarter in Section Twenty-eight Township Two South of Range Forty-six E.D.M. containing sixty acres, more or less, excepting, however a strip of land two rods wide off of the West end of the South Half of the Northwest Quarter of the Northwest Quarter, whis is hereby expressly reserved from the operation of this deed for road purposes; that the east line of said road way shall be fenced at the expense of the grantors and grantees equally and the grantee shall perpetually maintain the same at his own cost and expense. Grantors further convey one half interest in the waters from certain springs situated in the Northeast $\frac{1}{4}$ of said Section, Twp. and Range and the right to convey same through the pipe line now enstalled; a check value shall be enstalled at grantee's point of diversion for purposes of dividing the water equally and said check valve shall be maintained and the pipe line maintained up to said check value at the expense of said grantor and grantee equally. Subject to taxes for the year 1932 and thereafter.

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(E) Remarks Applicant files on behalf of itself and its members,
being the present owners of Lots 1 through 6, Block 1; Lots 1
through 12, Block 2, Lots 1 through 19, Block 3, 1 through 9,
Block 4, of Royal Vacation Homes, a subdivision, and unplatted
lot designated as proposed Lot 13, Block 4, on the recorded plat
said subdivision.



Scale: 2 inches equal 1 mile.

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NOV 10 1992

NOVEMBER 19, 1991

ROYAL VACATION HOMES WATER ASSOC
330 DELBERT DRIVE
IDAHO FALLS ID 83401

RE: NOTICE OF CLAIM A23-04050

Dear Sir:

It has come to our attention the above Notice of Claim cannot be processed in the Snake River Basin Adjudication as it was submitted.

In January of 1989, you filed a Notice of Claim for the Royal Vacation Homes Water Association in this office. Tony Olenichak assisted you in filing the Notice.

During a review by the Department of all claims filed in Basin 23 (Bonneville County), it has come to our attention the filing fee was miscalculated at the time of the filing. The filing fee you paid was \$94.00 (check no. 220, dated 01-18-89, copy of receipt enclosed). The correct fee is \$114.00, \$50.00 to file the Notice, plus \$100.00 for each cubic feet per second (cfs) claimed. The amount of water claimed on your Notice is .64 cfs or \$64.00. Since you have paid \$94.00, the balance remaining is \$20.00.

To be eligible for the future benefits of having a decreed water right you must submit the balance of \$20.00. (For a home owner, one such benefit is that some mortgage companies are now requiring a Notice of Claim be filed before the sale or purchase of a home will be finalized). The Department will reduce the amount of cfs on the Notice to .44 if the balance is not paid. Please return a check for \$20.00 by December 2, 1991.

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NOV 10 1992

ROYAL VACATION HOMES WATER ASSOC
PAGE - 2 -

Tony Olenichak and I regret the inconvenience this may cause you but the outstanding balance must be paid before the Notice can be submitted to the court.

Sincerely,

Jo Thompson
Adjudications Secretary

Enclosure: copy of receipt

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NOV 10 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROYAL VACATION HOMES WATER ASSOC
767 GRACE AVE
IDAHO FALLS ID 83402

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A23-04050

Dear Claimant:

We have been advised you may be the new owner of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by November 3, 1997.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

cc: Regional office
Enclosures: Form 42-248/42-1409(6)
Copy of No. A23-04050 water right filing

*1-8-98
No response to
this letter - C-
Danni Smith*

12/05/2003

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-4050
ROYAL VACATION HOMES WATER ASSN
RON HOWELL
PO BOX 52223
IDAHO FALLS ID 83405
Telephone Number: (800) 573-6277

RECEIVED

MAR 25 2004

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-16-04 SIGNATURE: Ronald B. Howell Treas. Royal Vacation Homes Water Assn

Please print your name: Ronald B. Howell

IDWR Regional Office,

23-4050 STAT BU

I. OWNERSHIP IS A QUESTION.

1. HANDWRITTEN CONTACT ON CLAIM IS NOT AVAILABLE - NO PHONE.
2. CLAIMANT CONTACT RECD'D.
3. CHANGE ADDRESS Done?

II. SOURCE IS CLAIMED AS HINCK'S SPRING. NOT SO RECOGNIZED BY USGS.
SEE DD Z-50. REMARK B01

1. MEASURE Q $\Rightarrow$ Check #5 Table
2. GPS POD - Done
3. Photo POD - Done
4. IS SPRING THE ONLY SOURCE Yes?

III. USE: DOMESTIC FOR 45 HOMES (CLAIMED)

1. How many homes now 36?
2. WHAT IS USE AT COMMON Lots No Use?

IV. EVIDENCE OF PRIORITY RECD W/NEW ADDRESS

SUBDIVISION WAS PUT IN 13 April 1960. $\Rightarrow$ 50505 Priority
FOR PLAT MAP.

V. GPS TAG # A0013604, FS 10/9/03. APP

VI. Q CLAIMED AS 0.64 cfs $\Rightarrow$ 287²³ gpm

MAX. FLOW RECORD SHOWS 135 gpm
OR 0.30 cfs (UNCONFIRMED)

SEE AFFIDAVIT ATTACHED 12/1/03
17 Nov 03 REQUESTED AFFIDAVIT

TANK CAPACITIES:

- 1-12,000 GAL TIC
- 1-5,000 GAL TIC
- 2 uprights 5' DIA 13' TALL

VII. NO NO - REMARKS - PAID HIGH FOR FOS.

3
450
104
1800
2700
2866
CLAIMED
NOWAY!

AFFIDAVIT

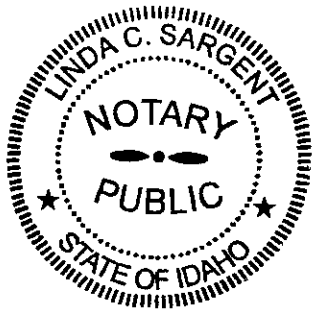
BE IT ACKNOWLEDGED, that Frank Schryer,

of Royal Vacation Homes, Hwy. 26, Bonneville County, Idaho, the undersigned deponent, being of legal age, does hereby depose and say under oath as follows:

I have measured the water flow of Hincks Spring, at various times. The maximum measurement being 135 gallon per minute; the low at 4.8 gpm on September 4, 2001. The date of the maximum measurement is unknown, sometime during the mid to latter 1990's. This water is used strictly for Royal Vacation Homes Water Association members, consisting of Lots 1 thru 6, Block 1; Lots 1 thru 10, Block 2; Lots 1 thru 19, Block 3; Lots 1 thru 9, Block 4, and also Lot 13, Block 4 (directly west of Lots 4 & 5, Block 4, Bonneville County, State of Idaho, part of Section 28, Township 2S, Range 46, E.B.M.

And I affirm that the foregoing is true except as to statements made upon information and belief, and as to those I believe them to be true.

Witness my hand under the penalties of perjury this 24th day of Nov., 19-2013



Frank Schryer
Name Frank Schryer

614 Chokecherry Lane, Royal Vac. Homes
Address

(Mailing address:)

Star Rte. Hwy 26, Alpine WY 83128

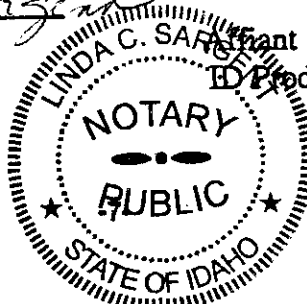
STATE OF IDAHO }
COUNTY OF BONNEVILLE }

On Nov 24th 2013 before me, Linda C. Sargent, personally appeared Frank Schryer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

Signature

Linda C. Sargent

Notary ☒ Known ☐ Unknown
Produced Alvin Lee
(Seal)



Rec'd BWR
5 Dec 03
ABR

Spring Flow (1' ncks Spring)

1.

9-10-94	12.5 gpm	18,000 gal/day
9-17-94	13.6 "	19,584
9-24-94	13.6 "	19,584
10-4-94	18.75 "	27,072
10-7-94	20.0 "	28,800

9-9-96	46.2 "	54,000
--------	--------	--------

6-21-01	15.0 "	21,600
7-9-01	10.7 "	15,408
7-20-01	10.4 "	14,976
8-1-01	6.7 "	9,648
8-12-01	6.2 "	9,360
8-20-01	6.0 "	8,640
8-27-01	5.7 "	8,208
9-4-01	4.75 "	6,912
9-10-01	7.9 "	11,371
9-24-01	6.8 "	9,792

5-2-02	37.5 "	54,000
5-8-02	60.0 "	86,400
5-31-02	30.0 "	43,200

8-15-03	6.0 "	8,640
8-25-03	8.1 "	11,664

21.

To: Allen B. Ruberry, Idaho Dept. of Water Resources
900 N Skyline Dr., Idaho Falls, ID 83402-1718

23-4050

Hinck Spring Water Flow

		per day
June 21, 2001	15 gpm	21600
July 9, 2001	10.7 "	15408
July 20, 2001	10.4 "	14976
Aug 1, 2001	6.7 "	9648
Aug 13, 2001	6.5 "	9360
Aug 20, 2001	6.0 "	8640
Aug 27, 2001	5.7 "	8208
Sep 4, 2001	4.8 "	6912
Sep 10, 2001 (some rain)	7.9 "	11376
Sep 24, 2001	6.8 "	9792
May 2, 2002	37.5 "	54000
May 8, 2002	60.0 "	86400
May 31, 2002	30.0 "	43200
Jun		
Aug 15, 2003	6.0 "	8640
Aug 25, 2003 (3 rains)	8.1 "	11664

measurements made by Schryer at cement box

Maximum flow measured was 135 gpm. Determined by

Frank Schryer - 614 Chokecherry Lane, Royal Vacation Homes Ass'n.
Star Rte. Hwy 26, Alpine, ID 83128

11-3-2003

Revised IDWIR

11/4/03 ABR

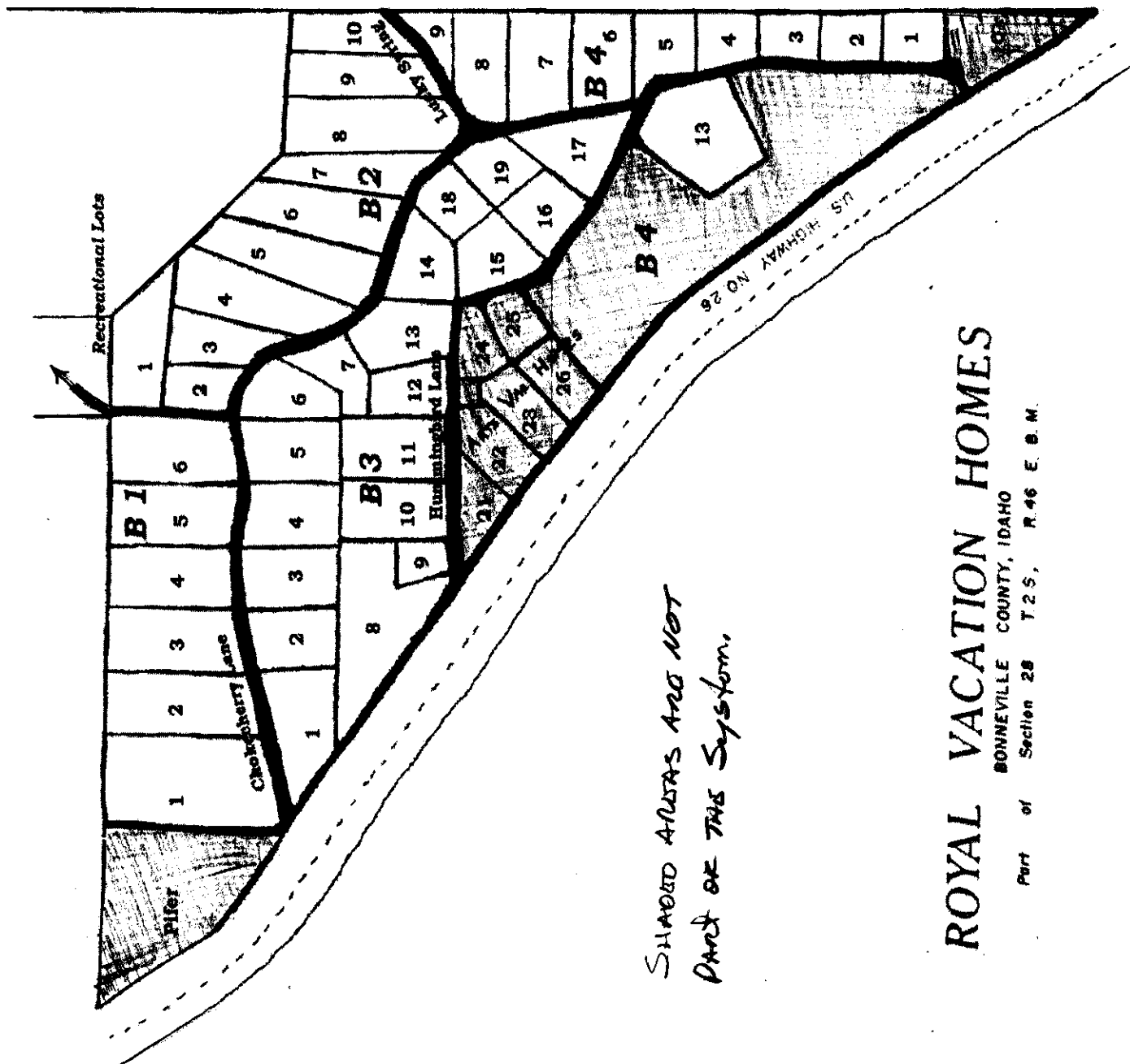
The above listed Springflows were during drought conditions.

The oldtime individuals that had knowledge of Royal Vacation's spring are deceased.

There is occasional mention of springflows in some Royal Vacation minutes. Two property owners recall hearing an average of 75gpm.

We request the option to provide additional documentation should it become available.

Donald M. Andersen Donald M. Andersen, Royal Vac. Board of Directors



Ruberry

LAW OFFICES OF

HANSEN, BEARD, MARTIN & ST. CLAIR

JOHN D. HANSEN
WINSTON V. BEARD
SIMON S. MARTIN
JOHN G. ST. CLAIR
D. GARY PETERSON
KEVIN T. SULLIVAN

CHARTERED
JUDICIAL CENTER BUILDING
683 NORTH CAPITAL AVENUE
POST OFFICE BOX 51718
IDAHO FALLS, IDAHO 83405-1718

AREA CODE 208
TELEPHONE 523-5171
FACSIMILE 529-9732

December 16, 1988

Mr. William C. Kyle
1721 East 16th Street
Idaho Falls, ID 83404

Re: Royal Vacation Homes

Dear Bill:

As per our discussion on Monday of this week, I enclose copies of various documents relating to the chain of title to the Royal Vacation Homes property and the rights to the waters of Hincks Springs as follows:

Warranty Deed	October 22, 1932	From Arthur R. and Stella M. Halbrook to Harry J. Pifer
U.S. Patent	May 25, 1938	From U.S.A. to Harry J. Pifer
Warranty Deed	April 22, 1955	From Harry J. Pifer to Royal H. and Helen Mickelsen
Sales Contract	April 19, 1960	From Royal H. and Helen Mickelsen to Floyd S. Heyrend
Warranty Deed	July 26, 1961	Floyd S. Heyrend to Arthur B. and Rula Johnson
Warranty Deed	July 15, 1963	From Royal H. and Helen Mickelsen to Heyrend Construction Company
Warranty Deed	May 21, 1965	From Royal H. and Helen Mickelsen to Heyrend Construction Company

Copies of all of the enclosed documents are also being retained in

LAW OFFICES OF
HANSEN, BEARD, MARTIN & ST. CLAIR
CHARTERED

Page 2
William C. Kyle
December 16, 1988

our files at the office. If you have any additional questions or if I can be of any help, don't hesitate to give me a call.

Sincerely,

HANSEN, BEARD, MARTIN & ST. CLAIR, CHARTERED



John D. Hansen

JDH:njh:88-350
7544h

Enclosures

cc: John Parry

Ruberry

LAW OFFICES OF

HANSEN, BEARD, MARTIN & ST. CLAIR

JOHN D. HANSEN
WINSTON V. BEARD
SIMON S. MARTIN
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Ruberry

JOHN D. HANSEN
LARRY N. BOYLE

HANSEN & BOYLE
LAWYERS
FIRST SECURITY BANK BUILDING
POST OFFICE BOX 55
IDAHO FALLS, IDAHO 83401

TELEPHONE 523-5171
AREA CODE 208

Edward W. Pike, Esq.
September 25, 1975
Page 2

specific proposal Mr. Mickelson wanted discussed at this time regarding revision or modification of the dedicated uses.

Once again, I have been ask to call to your attention the fact that the commercial sign maintained by Art Johnson on Lot 8, Block 3, is in direct violation of the Protective Covenants and must be removed.

As you are aware, all of the property presently owned by Art Johnson and Royal Mickelson between the lower access road to the subdivision and U.S. Highway 26, while not a part of the platted subdivision, is covered by the Protective Covenants originally signed by Royal Mickelson and Helen Mickelson and recorded July 16, 1959. I have recommended to the Board that a committee be set up to review and recommend amendments to the present covenants, and in this regard would invite suggestions of yourself, John St. Clair, and your respective clients. I feel it would be desirable for all parties presently affected by the existing covenants to cooperate in revising and approving appropriate amendments.

Yours very truly,

HANSEN & BOYLE

John D. Hansen

JDH/sf

cc: John St. Clair, Esq.
Jim Capps



IDAHO
WYOMING

T2S, R46E
27
22

To Alpine, Wyo. →

27
28
34
33



Royal Vacation
Homes Subdivision

← To Swan Valley, Ida.

Palisades

Reservoir