

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: A22-02048E
Date Received: 11/ 2/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DEL RAY BEVAN 801-963-0410
Address: 4184 S 4050 W
WEST VALLEY CITY UT 84120

OR

Name: RETA BEVAN 801-963-0410
Address: 4184 S 4050 W
WEST VALLEY CITY UT 84120

2. Date of Priority: MAR 18, 1910

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	1	SW	SE			TETON

5. Description of diverting works:
HEADGATE TO DITCHES TO SPRINKLERS AT P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.620		

7. Total Quantity Appropriated is:
0.620 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
04N	45E	6	SW	SW	7	IRR	31.0

A2202048E



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	31.0
					Total Acres	31.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL LICENSE INDICATES P/U IN SEC6 T4N R44E. THIS APPEARS TO BE IN ERROR. ACTUAL P/U IS AS LISTED. P/D CHANGED FROM SESW SEC 12 T4N R44E TO PRESENT LOCATION ~1975.

'C' PORTION OF RIGHT SPLIT BY CHANGES OF OWNERSHIP;

'C' PORTION AS SPLIT TO E AND F IS CLAIMED IN-FULL.

A22-02048C, 1.36 CFS, ON 68.0 AC, J. CUSHMAN III, 13DEC96.

A22-02048E, 0.62 CFS, ON 31.0 AC, D.R. BEVAN

A22-02048F, 0.74 CFS, ON 37.0 AC, J. CUSHMAN III

OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,D,E AND F.

SEE RECEIPT NO. E003735. SPLIT ANALYSIS FLOW CHART IN A29-02048C.

15. Basis of Claim: LICENSE

Water Right Number: 5834



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

MARCH 25, 1997

DEL RAY BEVAN
4184 S 4050 W
WEST VALLEY CITY UT 84120

RE: CHANGE IN OWNERSHIP FOR A22-02048C

Dear Mr. Bevan:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-02048E, Beven, 0.62 cfs, 31 acres
A22-02048F, Cushman, 0.74 cfs, 37 acres

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

CC: Cushman III/copy claim/copy letter

- UNDER CONTRACT OF SALE FROM POTTER ENT. TO J.C. CUSHMAN III DEEDED 29 NOV 96.

A22-0204B J.C. CUSHMAN III

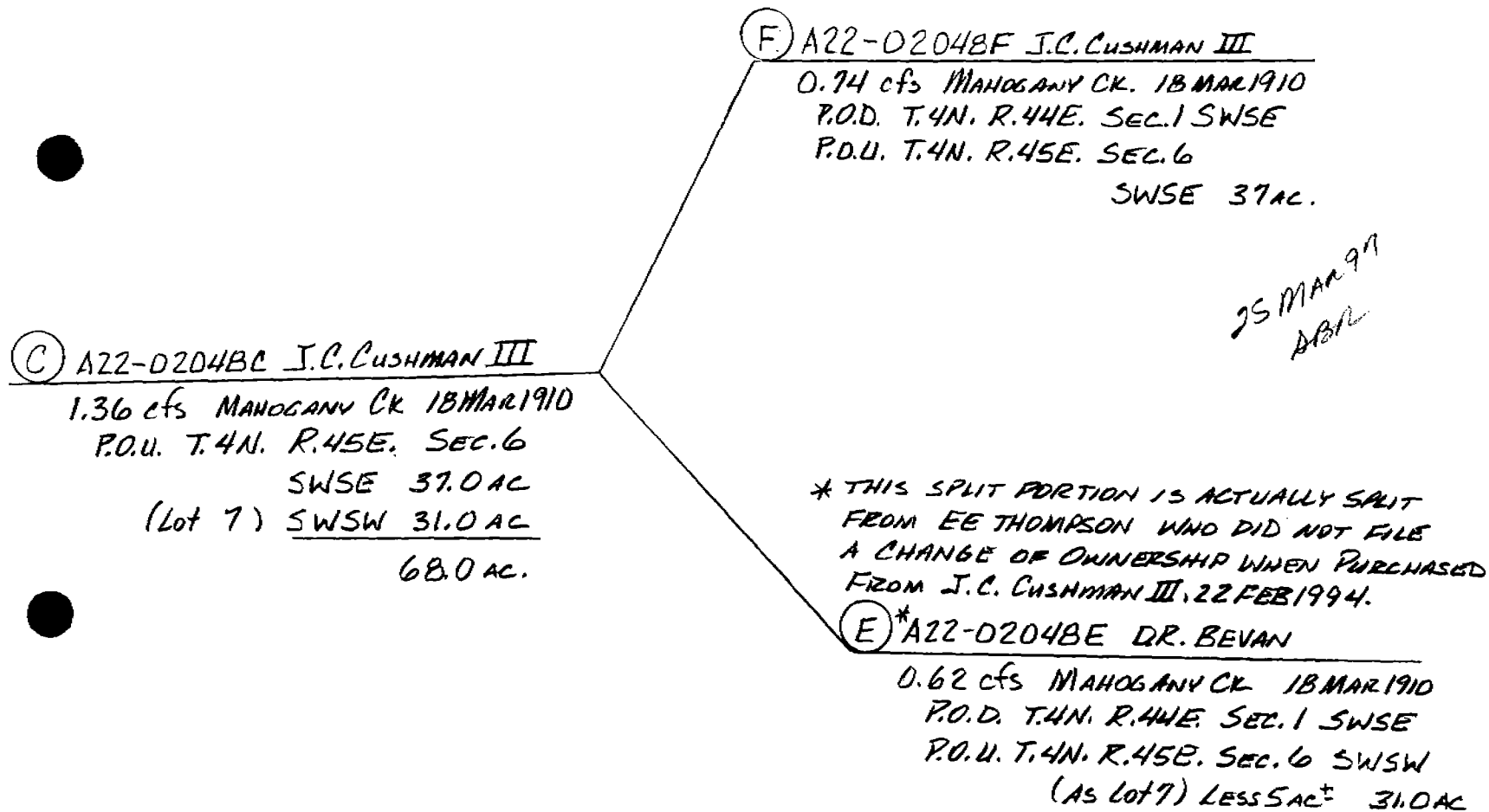
2.1 cfs MAHOGANY CK 18 MAR 1910
P.O.U. AS SEC. 6 T. 4N. R. 4SE.
SWSW 31.0 AC LOT 7
SESW 37.0 AC
SWSE 37.0 AC
105.0 AC

(A) A22-0204BA J.C. CUSHMAN III
1.73 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 4SE SEC 6
SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.
E²SESW 18.5 AC.
86.5 AC

(B) • WARRANTY DEED 26 NOV 96
A22-0204BB HE EDWARDS
0.37 cfs MAHOGANY CK
P.O.U. T. 4N. R. 4SE SEC 6 W²SESW
18.5 AC

(C) A22-0204BC J.C. CUSHMAN III
1.36 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 4SE SEC. 6
SWSE 37.0 AC.
(Lot 7) SWSW 31.0 AC.
68.0 AC.

(D) • WARRANTY DEED 13 DEC 96
A22-0204BD T.J. BOLES
0.37 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 4SE SEC. 6
E²SESW 18.5 AC.
• REQUEST FOR 9/0 7 JAN 97
• REC'D 10 FEB 97



DECEDED RIGHT 22-02048 (AS SPLIT)
ENJOINED TO SRBA RECEIPT No. EDD3735

SPLIT ANALYSIS FLOW CHART
(ACTUAL)

UNDER CONTRACT OF SALE FROM
POTTER ENT. TO J.C. CUSHMAN III
DEED 29/11/96. SRBA CLAIM 11/02/99

A22-02048 J.C. CUSHMAN III

2.1 cfs MAHOGANY CK 18/03/1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6
SWSW 31.0 AC (LOT 7)
SESW 37.0 AC
SWSE 37.0 AC
105.0 AC

WARRANTY DEEDS
124175 AND 125877
22 FEB 1994

(A) A22-02048A J.C. CUSHMAN III

0.74 cfs MAHOGANY CK 18/03/1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6
SWSE 37.0 AC

NO AJ C/O FILED
(B) A22-02048B E.E. THOMPSON

1.36 cfs MAHOGANY CK 18/03/1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6
SWSW (LOT 7) 31.0 AC
SESW 37.0 AC
68.0 AC

(C) • WARRANTY DEED 13/12/96
A22-02048C T.J. BOLES

0.37 cfs MAHOGANY CK 18/03/1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6 E²SESW
18.5 AC.
▲ REQUEST FOR C/O 07/01/97
▲ REC'D 10/02/97

(D) • WARRANTY DEED 26/11/96
A22-02048D H.E. EDWARDS

0.37 cfs MAHOGANY CK 18/03/1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6 W²SESW
18.5 AC.

(E) • REAL ESTATE CONTRACT OF SALE 08/12
A22-02048E D.R. BEVAN

0.62 cfs MAHOGANY CK 18/03/1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6 SWSW
(AS LOT 7) LESS 5 AC[±] 31.0 AC
▲ REQUEST FOR C/O 07/01/97
▲ SEE FILE LETTER 14/02/97
▲ C/O RECEIVED 26 FEB 97.

UNCLAIMED AS
OF 24 FEB 97

RIGHT AS OF 24 FEB 97
ABR

AR 2-27-97

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

RECEIVED

FEB 26 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

Department of Water Resources
Eastern Snake Basin

1. Water Right Number(s) A22-02048
Adjudication Claim Number(s) A22-02048 (TO BE SPLIT)

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) ERIC & SANDY THOMPSON

1101 HIDDEN BEACH ROAD
LAKE ALMANOR, CA, 96137

4. New Owner/Claimant(s) DEL RAY & RETA BEVAN

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address 4184 SOUTH JENSEN CIRCLE

City, State and ZIP Code WEST VALLEY CITY, UTAH 84120

New Telephone Number (801) 963-0410

5. Date you acquired the property Dec, 1995

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 35 Number and type of stock —

Diversion rate in CFS — Number of homes 0 Other uses —
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Del Ray Bevan Date Jan. 16, 1997

Date —

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

Alliance Title & Escrow Corp.
P.O. Box 644
Driggs, Idaho 83422

WARRANTY DEED

1. DATE

December 8, 1995

2. PARTIES

Grantor: Eric E. Thompson and Sandra A. Thompson

Current Address: 1101 Hidden ^{Peak} Valley Road
Lake Almanor, CA 96137

Grantee: Del Ray Bevan and Reta Bevan

Current Address: 4184 South 4050 West
West Valley City, UT 84120

3. PROPERTY

Transferred interest: All

Idaho county: Teton

Description:

A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, Township 4 North, Range 45 East of the Boise Meridian Teton county, Idaho described as:

Commencing at the Southwest corner of said Section 6; then North 0°07'09" West 496.80 feet along the West section line to a point in line with an existing fence line, the point of beginning,

Then North 0°07'09" West 824.35 feet further along the West section line to the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,

Then North 89°50'49" East, 1136.24 feet to the Northeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,

Then South 0°20'32" East 1322.59 feet to the Southeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,

Then South 89°54'30" West 859.40 feet along the South section line to a point in line with an existing fence line,

Then North 0°12'30" West 499.11 feet along said fence line to a fence corner

The South 89°38'00" West 481.21 feet along an existing fence line to the point of beginning.

Together With:

1. All water rights appurtenant to the property;
2. All appurtenant mineral rights, if any;
3. All reversions and remainders;
4. All rents, issues and profits; and
5. The tenements, hereditaments, appurtenances, improvements and fixtures, and the right to prorata use (based on acreage) of the pump, panel, screen box, and portable mainlines with the adjoining land owners to the east, subject to paying the prorata share (based on acreage) of all maintenance and electricity costs to include the responsibility for and obligation to pay costs pursuant to the Agreement for Electrical Service dated April 16, 1991.

Subject To:

1. Taxes for 1995 and subsequent years.
2. Development for housing purposes shall be limited to no more than one (1) single-family residence and associated out-buildings on this parcel. Seller's adjoining parcel east of the property subject of this contract is subject to a like restriction. The seller may construct a third single-family residence with associated out-buildings on the parcel the seller is retaining. No more than three single-family residence may be constructed on the two parcels, i.e. SW¼SE¼ (less tax #2689) and SE¼SW¼. This provision is a covenant running with the land to be permanently enforced.
3. All conditions, covenants, restrictions and ordinances effecting the property.
4. All easements of records

4. CONSIDERATION

Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is acknowledged.

5. GRANT

For the consideration stated, grantor grants, bargains, sells, and conveys to grantee and to grantee's heirs and assigns forever the transferred interest in the property described in this deed.

6. WARRANTIES

Grantor, for himself, his heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed.

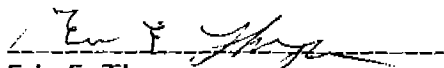
Grantor has good right to convey the property described in this deed to grantee.

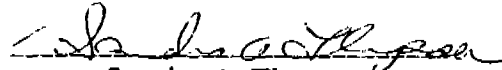
The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

Grantor and his heirs and successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, his heirs, successors and assigns against the lawful claims of all persons.

7. CONSTRUCTION

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.


Eric E. Thompson


Sandra A. Thompson

STATE OF)
 (ss.
County of)

On December ____, 1995, before me, _____, a(n) _____ notary public, personally appeared Eric E. Thompson and Sandra A. Thompson, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for _____
Residing at: _____
My Commission expires: _____

(SEAL)

POLICY OF TITLE INSURANCE

Schedule A

Office File Number: **35-8841-G**
Policy Number: **13 0043 106 00000079**
Date of Policy: **December 13, 1995, at 03:37 pm**
Amount of Insurance: **\$105,360.00**
Premium: **\$429.75**

1. Name of Insured:
DEL RAY BEVAN and RETA BEVAN, husband and wife
- 2 The estate or interest in the land which is covered by this policy is:
FEE SIMPLE
3. Title to the estate or interest in the land is vested in:
DEL RAY BEVAN and RETA BEVAN, husband and wife
4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:
SEE SCHEDULE B

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

5. The land referred to in this policy is described as follows:
A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:

Commencing at the Southwest corner of said Section 6; thence North 0°07'09" West 496.80 feet along the Western section line to a point in-line with an existing fence line, the point of beginning;

Thence North 0°07'09" West, 824.35 feet further along the Western section line to the Northwest corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence North 89°50'49" East, 1336.24 feet to the Northeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence South 0°20'32" East, 1322.59 feet to the Southeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence South 89°54'30" West, 859.40 feet along the Souther Section line to a point in-line with an existing fence line;

Thence North 0°12'30" West, 499.11 feet along said fence line to a fence corner;

Thence South 89°38'00" West, 481.21 feet along an existing fence line to the point of beginning.

SCHEDULE A

Owner Form

OWNER POL

Valid Only If Schedule B and Cover Are Attached

PROPERTY DESCRIPTIONS

PARCEL 1

A PORTION OF THE SW 1/4 SW 1/4 SECTION 6, TWP. 4N., RND. 45E., S.M., TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:
 COMMENCING AT THE SW CORNER OF SAID SECTION 6, THENCE N 0°07'09"W, 490.80 FEET ALONG THE WESTERN SECTION LINE TO A POINT IN-LINE WITH AN EXISTING FENCE LINE, THE POINT OF BEGINNING;
 THENCE N 0°07'09"W, 824.35 FEET FURTHER ALONG THE WESTERN SECTION LINE TO THE NW CORNER SW 1/4 SW 1/4 OF SAID SECTION 6;
 THENCE N 89°50'48"E, 1338.24 FEET TO THE NE CORNER SW 1/4 SW 1/4 OF SAID SECTION 6;
 THENCE S 0°20'32"E, 1322.59 FEET TO THE SE CORNER SW 1/4 SW 1/4 OF SAID SECTION 6;
 THENCE S 89°54'30"W, 859.40 FEET ALONG THE SOUTHERN SECTION LINE TO A POINT IN-LINE WITH AN EXISTING FENCE LINE;
 THENCE N 0°12'30"W, 499.11 FEET ALONG SAID FENCE LINE TO A FENCE CORNER;
 THENCE S 89°38'00"W, 481.21 FEET ALONG AN EXISTING FENCE LINE TO THE POINT OF BEGINNING.

CONTAINS 35.12 ACRES, MORE OR LESS.

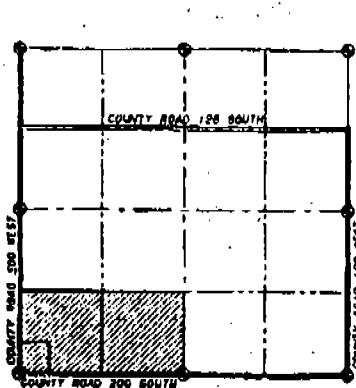
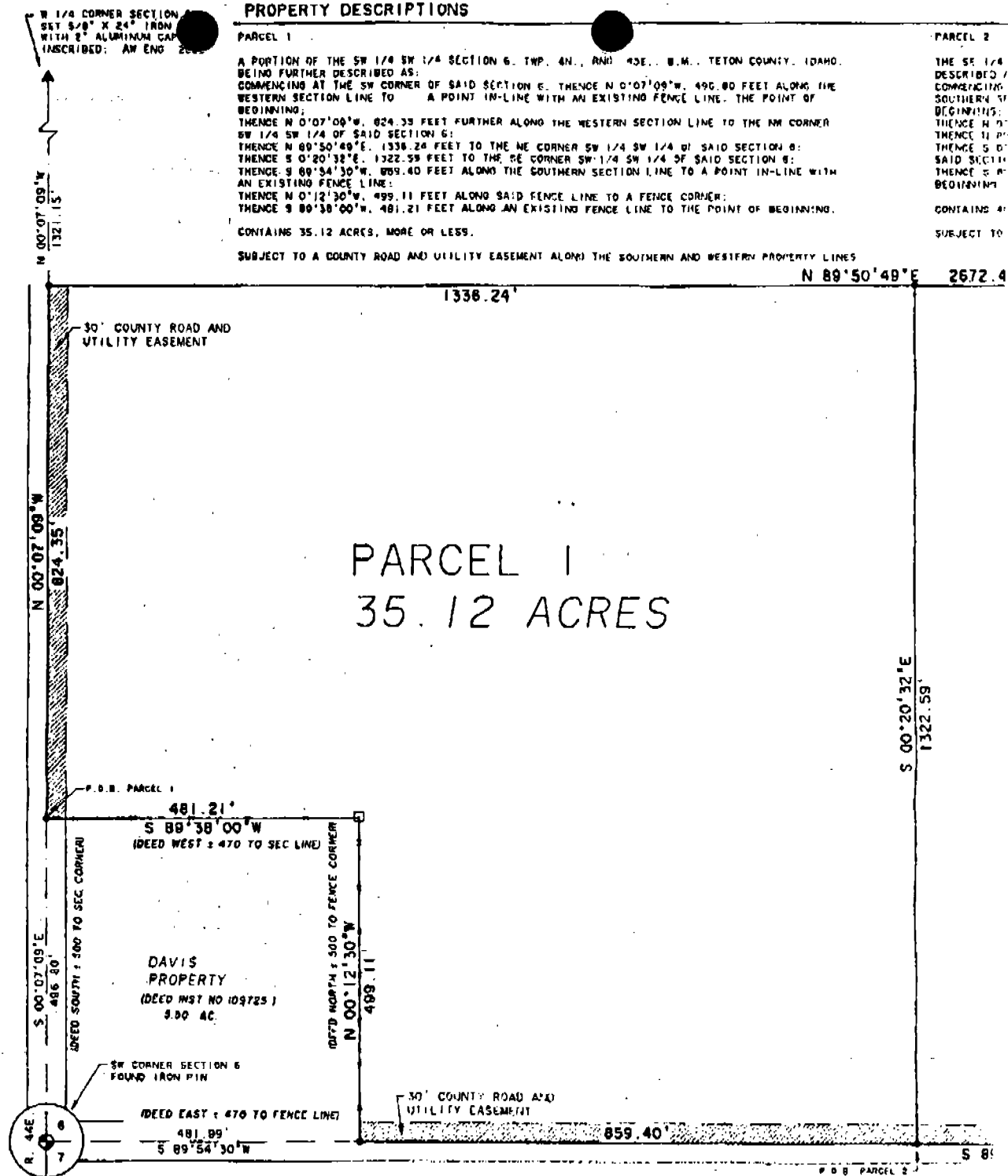
SUBJECT TO A COUNTY ROAD AND UTILITY EASEMENT ALONG THE SOUTHERN AND WESTERN PROPERTY LINES

PARCEL 2

THE SE 1/4 DESCRIBED / COMMENCING SOUTHERN SECTION 6 BEGINNING;
 THENCE N 0°12'30"W, 499.11 FEET TO THE NE CORNER SW 1/4 SW 1/4 OF SAID SECTION 6;
 THENCE S 89°38'00"W, 481.21 FEET TO THE POINT OF BEGINNING.

CONTAINS 41

SUBJECT TO



VICINITY MAP
 SECTION 6, TWP. 4N., RND. 45E., S.M.

LEGEND

- SECTION CORNER FOUND AS NOTED
- FENCE CORNER AND PROPERTY CORNER FOUND
- ▲ SET SECTION CORNER AS NOTED
- SET 5/8" X 24" IRON PIN WITH 1/2" ALUMINUM CAP INSCRIBED AM ENO 2060 AND MARKED 1/18
- CALCULATED CORNER IN-LINE WITH EXISTING FENCE CORNER
- SECTIONAL BREAK/DOWN LINE
- FENCE LINE
- ▨ EASEMENT - TYPE AND WIDTH AS NOTED

COPY

RECEIVED

DEPT. OF LAND & WATER RESOURCES
Eastern Region

7 JANUARY 1997

MR DEL RAY BEVAN
4184 S 4050 W
WEST VALLEY CITY UT 84120

RE: PURCHASE OF PROPERTY WITH WATER RIGHTS, A22-02048 (PART)

Dear Mr Bevan;

It has come to our attention that you may have recently purchased a parcel of property in, or near, Driggs, Idaho. The legal description of this parcel would be SW1/4SW1/4 Section 6, T04N, R45E, B.M., (with a small exclusion). According to Idaho Department of Water Resources records, the parcel which we understand you may have purchased has appurtenant to it a portion of a water right.

If, in-fact, our information is correct and you wish to claim the portion of the water appurtenant to this parcel I have enclosed a Notice of Change of Water Right Ownership form and a Proof Report of the right (in it's entirety) for your convenience. Please complete the form, sign it, and return it to our office as soon as possible. Also, please note the need for the required document(s) in item 2 of the form. There is no fee for a change of ownership filing.

This water right is enjoined to the on-going Snake River Basin Adjudication (SRBA), and it is our goal to favorably recommend this water right to the court. In review of this matter should you have questions regarding this water right please feel free to contact this office at the above address and/or telephone number.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

Enclosure: Change of Ownership Form
Proof Report, A22-02048

COPY