

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: **A22-02174**
Date Received: 8/15/1988
Receipt No: E001293
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: RICKS COLLEGE
Address: REXBURG ID 83460-4104 208-356-2451
2. Date of Priority: FEB 10, 1960
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06N | 40E | 31 | | NE | NW | | MADISON |
5. Description of diverting works:
WELL AND PUMP TO HANDLINES.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.480 | | |
7. Total Quantity Appropriated is:
2.480 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 437.5 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	40E	31	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	21.0
			SW	NW		IRR	34.0
			SE	NW		IRR	40.0

NOV 06 1990

10. Place of Use: Continued

Section Acres 175.0

Total Acres 175.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
WELL AND PUMP IS ON LINE BETWEEN NENW AND SENW
CHANGED OWNERSHIP 10/17/95/JT/GT

15. Basis of Claim: LICENSE

Water Right Number: 28451

RECORDED
FOR J & W

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: A22-02174
Date Received: 8/15/1988
Receipt No: EQ01293
Received By: JPW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELOY Z. WARD 208-356-5190
Address: 1432 SOUTH 1000 WEST
REXBURG, ID 83440

2. Date of Priority: FEB 10, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	40E	31	NE	NW			MADISON

5. Description of diverting works:
WELL AND PUMP TO HANDLINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.480		

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

8. Total consumptive use is 437.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	40E	31	SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	21.0
			SW	NW		IRR	34.0

A22-02174

Page 1

Date: 08/15/88

LIBRARY
OCT 29 1988



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	31	SE	NW		IRR	40.0
Section Acres							175.0
Total Acres							175.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
WELL AND PUMP IS ON LINE BETWEEN NENW AND SENW

15. Basis of Claim: LICENSE
Water Right Number: 28451

10/27/88

OCT 29 1988

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: 1

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): DeWay J. Ward Date: 08-15-88

Date: _____

State of Idaho

County of Bonnerville)
SS.

Subscribed and sworn (or affirmed) before me this 15th day

of August 19 88

Deena Green
Notary Public

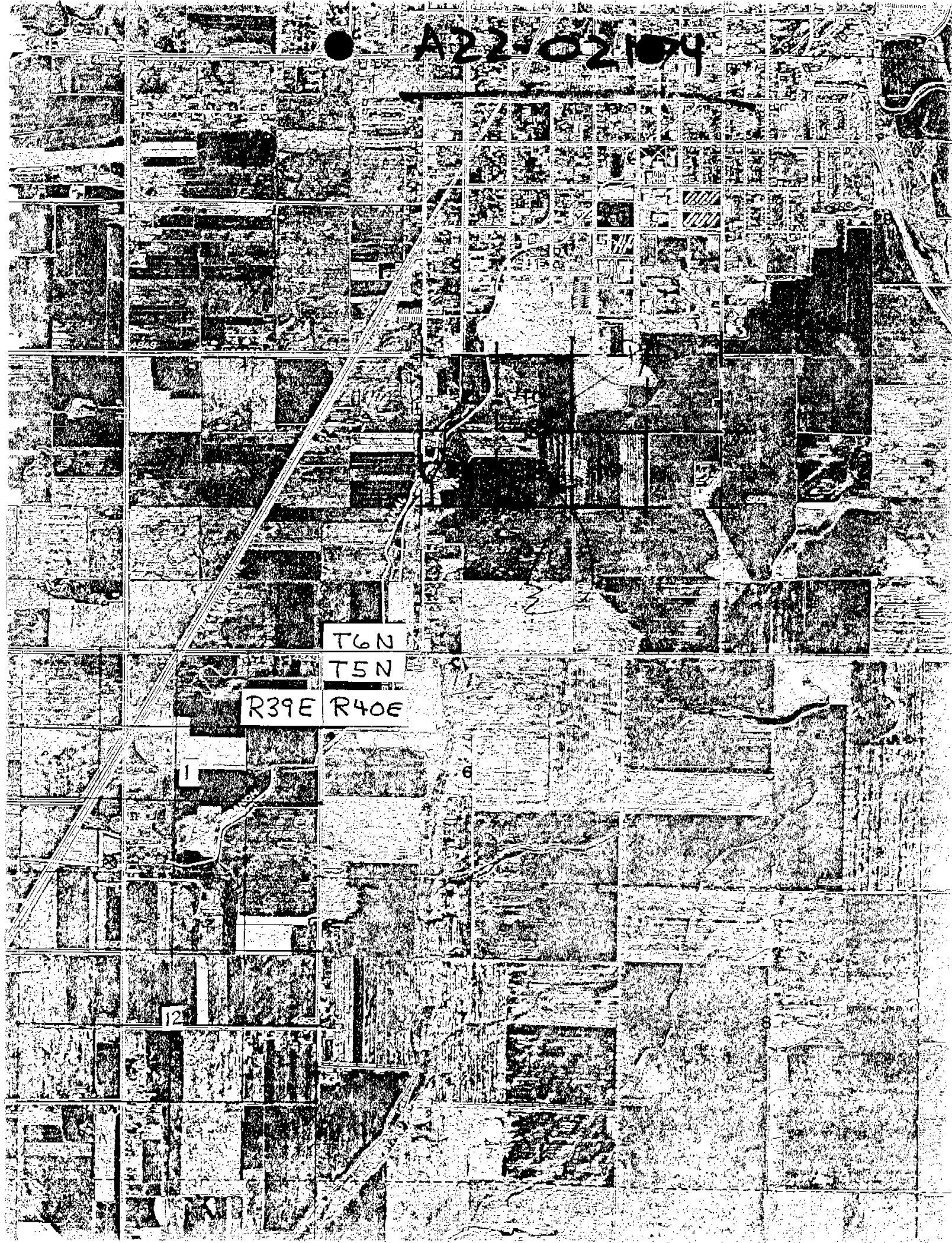


Residing at Ridgely

My Commission Expires 4-22-1994

INDEXED
OCT 20 1988

A22-02104



A22-021074

T6N

TEN

R39E	R40E
------	------



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

Clay Fullmer

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2003

RICKS COLLEGE
REXBURG ID 83340

RE: OWNERSHIP CHANGE ON WATER RIGHTS 22-2303B, 22-2174, 22-2303C, 22-4130, 22-4131, 22-7448, 22-7463, 22-7477

Dear Sir or Madam:

It has come to my attention the above referenced water rights need to be changed to the name BYU Idaho. 22-2303B was formerly owned by Dwight S. Spaulding. A copy of this claim is enclosed for your review. If you, in fact, purchased this property, please fill out one of the enclosed "Notice of Change of Water Right Ownership" forms.

Claims 22-2174, 22-2303C, 22-4130, 22-4131, 22-7448, 22-7463, and 22-7477 are currently in the name of Ricks College. Please complete the second ownership change form to change this name. Total processing fee is \$100.

If you have questions please do not hesitate to call.

Sincerely,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

Log for claim 22-02174

Spatial Dynamics LTD

6/25/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	31	SWNE	40	39	
06n40e	31	NENW	40	39	
06n40e	31	NWNW	21	21	
06n40e	31	SWNW	34	33	
06n40e	31	SEnw	40	40	
Totals:			175	172	

State of Idaho
License and Certificate of Water Right

Water License No. G-28451

Amount 2.48 c.f.s.

Water District No. _____

Priority February 10, 1960

THIS IS TO CERTIFY that E. W. WARD

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 10, 1960; that Permit No. G-28451 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.48 second feet, was issued thereunder on January 31, 1966, showing that said works were completed on the 27th day of June, 1960; and that on the 27th day of June, 1960, E. W. Ward

of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-28451 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8444 on the 31st day of January, 1966;

The right hereby confirmed dates from February 10, 1960;

The Point of Diversion is located

in the NE 1/4 NW 1/4, Sec. 31, Tp. 6N, R. 40 E, B. M. Madison County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.48 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6N	40 E	30	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12	0
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
		31	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	15	12
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	30	35
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			Total number of acres to be irrigated:		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

31st day of January, 1966.

(SEAL)

/s/ R. KEITH HIGGINSON
assistant State Reclamation Engineer.

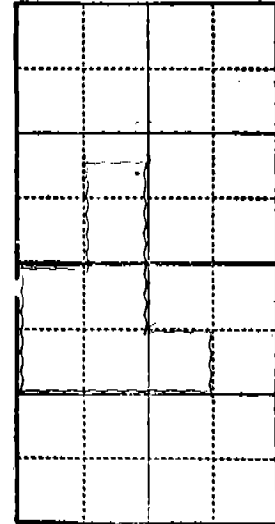
22-2174
7NA

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36428
Permit No. G- 28451
District No.

1. Name of Applicant: E. W. Ward
Postoffice address: Box 3, Rexburg County: Madison State: Idaho
2. Quantity of water claimed:
(a) Rate of withdrawal in cubic feet per second 3.34 or Idaho
Miners' inches 167 or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Deep well
4. Location of point of diversion or well is in the NE 1/4 of the NW 1/4 of Section 31
Twp. 6 N , Rge. 140 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Pumps with sprinklers, out of 120 ft. drilled well
8. Estimated cost of works: \$ 20,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none



(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 3.34 (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By _____ Agent.

Corrected application received:

The number of this permit is G- 28451
Recorded in Book 100 Page 28451 Approved February 17, 1960

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 17, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before February 17, 1965

Witness my hand this 17th day of February, 1960

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th
day of February, 1960

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
6 N	40 E	30 31	40	40 15 30 40	12	40	52 165 217
			Permit No. G-28451 CERTIFICATE OF COMPLETION OF WORKS				Total
			TO ALL WHOM IT MAY CONCERN:				
			This is to certify that E. W. Ward of Rexburg, County of Madison, State of Idaho, the holder of Permit No. G-28451 issued upon application No. G-36428 bearing date of priority of February 10, 1960 authorizing the diversion of 3.34 second feet of waters of well County of Madison State of Idaho for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 2.48 second feet of the waters of a well from subterranean flow that the point of diversion of said waters NE¼NW¼ Section 31, T 6 N., R 40 E.,B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows to wit; E½SW¼, Section 30, T 6 N., R 40 E.,B.M. and SW¼NE¼, NW¼, Section 31, T 6 N., R 40 E.,B.M.				
			Witness my hand this 31st day of January, 1966.				
			/s/ R. KEITH HIGGINSON, Assistant State Reclamation Engineer				
			Proof of completion of works made June 27, 1960.				
			LICENSE ISSUED FOR 2.48 SEC. FT. LICENSE PAGE NO. 8444				

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28451

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant E. W. Ward

2. Source of water supply: a deep well

3. Location of point of diversion: Is in the NE 1/4 of Section 31

T. 6 N R. 40 E.B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: 7.5 H.P. F.M.D.

Mot. F 276177, F.M. Pump A2A 2393, 120' x 8" column
Well - 120' x 18" - 8" discharge reduced to 6" main, Cornell Mfg Co.
Centrifugal Booster pump 4" x 3" with G.E. Mot. 20 H.P. Model 5K326XEX82

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E 1/4 Sec. 30, SW 1/4 NE 1/4, NW 1/4 Sec. 31, Twp. 6 N., Rge. 40 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Mr. DeLong Ward along

Measurement made by taking pressure reading at various places along
each lateral - 15.3 $\frac{3}{4}$ nizzles and 33 $\frac{3}{4}$ x $\frac{3}{4}$ nizzles making a total of 156 nizzles.

This examination was made on the 19th day of July, 1961

(Signed) Raymond Johnson Examiner.

28451

E. W. Ward
Reburg, Idaho

Permit No. G-28451

Examination for Completion of Works & Beneficial Use

County Madison

Sec. 31 T. 6 N. R. 40 E.

Quantity: 3.34 c.f.s.

well 126' x 18' x 16'

Source: Well

120' x 12'

P.D.: NE. NW, Sec. 31, T. 6 N. - R. 40 E. B. M.

Use: Irrigation

Filed: Feb. 16, 1960

Due: Feb. 17, 1965

Extension: —

Completion of Works: —

Other Rights: none

Dr. L. H. Anderson Co. Reburg

Reburg

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 25 1961

Department of Reclamation

28451

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 0-28451

REPORT ON PROOF OF Completion of Works & Beneficial Use

E. W. Ward, Rexburg, Idaho

7/19

28451

SEPTEMBER 29, 1995

RICKS COLLEGE
REXBURG ID 83460-4104

RE: CHANGE IN OWNERSHIP FOR A22-02174

Gentlemen:

Thank you for notifying the Department of the Change in Ownership from Deloy Ward to Ricks college. Although the proof of ownership you submitted is sufficient evidence to change the name on Notice of Claim A22-02174, I wanted to inform you of a minor discrepancy before I make the change.

On the Notice of Change of Water Right Ownership form, you said that the change in ownership did not result in a splitting of the water right. Our records show that A22-02174 is for 2.48 cfs and 175 acres. If Ricks College now owns approximately 20 acres of the original right, then there is actually a split.

This letter is just to confirm the fact that you understand there is a splitting of the right based on the information submitted thus far.

If you will contact me at 525-7161 or drop me a note confirming the split, I will modify our records accordingly.

Sincerely,

Gregory J Taylor
Senior Water Rights Agent

Enclosure

GJT:jt



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 20 FEB 1992

RECEIVED

SEP 05 1995

LEGAL DESCRIPTION OF PROPERTY: Township 06N Range 40E
Section 31, SE 1/4 of NW 1/4 of 1/4 Govt. Lot , BM
Lot , Block , Subdivision/Townsite Rexburg.
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

SEP 11 1995

☐ 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)

Department of Water Resources
Eastern District Office

☐ Water Right Number(s)
Assigned by IDWR: A22-02174 28451

☐ Name and Address of Former Owner/Claimant(s)(Seller):
DELOY Z WARD
1432 SOUTH 1000 WEST
REXBURG, ID 83440

☐ New Owner/Claimant (Purchaser):
RICKS COLLEGE

☐ New Mailing Address: REXBURG, ID 83460-4104

☐ New Telephone Number: (208) 356 - 2451

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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: SPECIAL WARRANTY DEED

(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) Charles J. Trout Date 31 Aug 95
Dir. PH. PLANT - RICKS COLLEGE Date

☐ 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: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

INSTRUCTIONS

01/10/28
2021 10 430
This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

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 office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WHEN RECORDED, MAIL TO:

BYU Office of Legal Counsel

A-350 ASB - Provo, Utah 84602

Attn: hal Visick

Space Above for Recorder's Use

SPECIAL WARRANTY DEED

[CORPORATE FORM]

PROPERTY RESERVE, INC., a Utah Corporation, a corporation organized and existing under the laws of the State of Utah, with its principal office at 60 East South Temple #780, of County of Salt Lake, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to

RICKS COLLEGE, a Utah Non-Profit Corporation

of grantee
for the sum of
***** TEN DOLLARS & No/100 ***** DOLLARS
the following described tract of land in MADISON County,
State of ~~Utah~~: IDAHO

Beginning at a point 1415.00 feet, more or less, west along the sixteenth line from the east quarter corner of the northeast quarter of section 31, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho; thence S.0°15'50" E. 120.00 feet, more or less; thence East 100.00 feet, more or less, to the west line of Crest Haven Subdivision; thence S. 0°15'50" East 1208.89 feet, more or less, along the west line of the Crest Haven Subdivision to the quarter section line; thence N. 89°51'17" W. 656.01 feet, more or less, along the quarter section line; thence N.0°15'50" W. 1327.23 feet, more or less, to the North sixteenth line; thence East 556.00 feet, more or less, along the sixteenth line to the point of beginning.

Reserved in the above description is the following easement:

A 15' wide easement for construction and maintenance of a waterline, said easement running on the south side parallel and adjacent to the following description; beginning 1415.00 feet west of the east quarter corner of the northeast quarter of Section 31, Township 6 North, Range 40 East, Boise Meridian; and running thence west 556.0 feet.

Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

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

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 20th day of February 1992, A. D. 19
PROPERTY RESERVE, INC.

Attest:

C. Eugene [Signature]
Secretary.

[CORPORATE SEAL]

By Wayne G. Facer, Vice-President

Wayne G. Facer
President.

STATE OF UTAH,

County of Salt Lake

ss.

On the 20th day of February 1992, A. D.
personally appeared before me Wayne G. Facer and

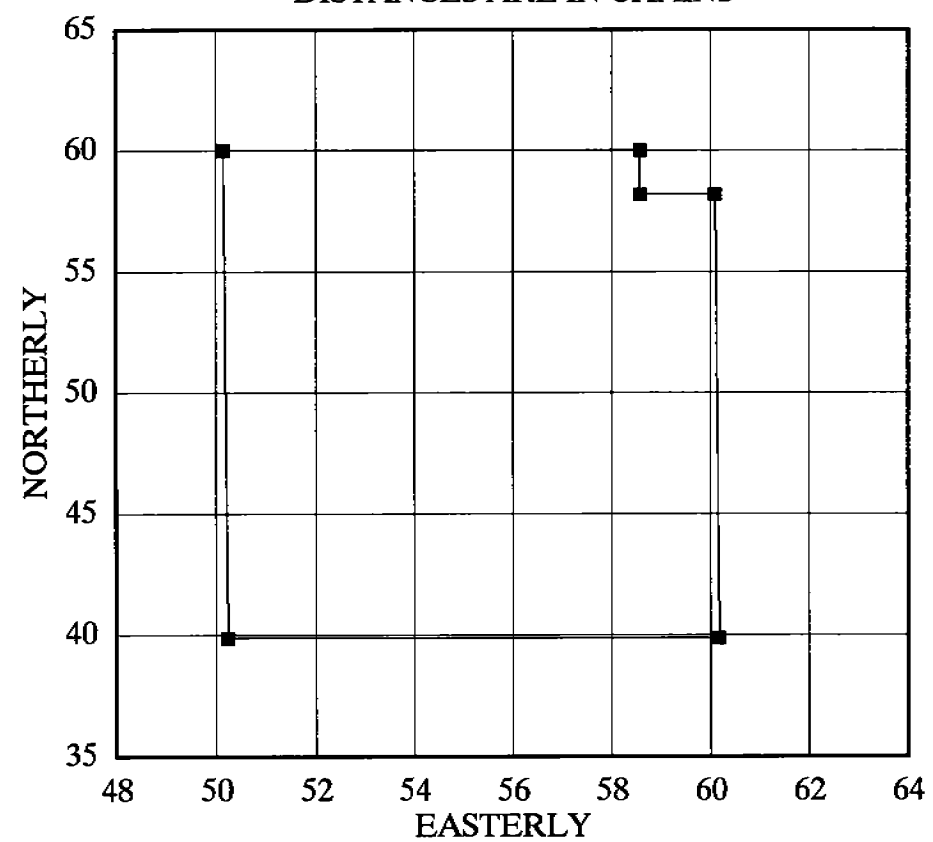
POLAR COORDINATE X-COR Y-COR (CHAINS)		ANGLE			BEARING ANGLE DIRECTION	DIST (FT)	CUMULATIVE ACRES
		DEGREES	MINUTES	SECONDS			
58.56	60.00						
58.56	60.00	0.00	0.00	0.00	SW	0.00	0.00
58.57	58.18	0.00	15.00	50.00	SE	120.00	0.00
60.08	58.18	90.00	0.00	0.00	SE	100.00	0.00
60.17	39.87	0.00	15.00	50.00	SE	1208.89	2.87
50.23	39.89	89.00	51.00	17.00	NW	656.01	2.88
50.14	60.00	0.00	15.00	50.00	NW	1327.23	19.72
58.56	60.00	90.00	0.00	0.00	NE	556.00	19.72

AZZ-02174 2.48cfs/175 Ac. = 0.014171cfs/Ac.

AZZ-02174 — A (DeJoy WARD) 2.20cfs; 155 Acres
 — B (RICKS COLLEGE) 0.28cfs; 20 Acres
 — 2.48cfs; 175 Ac.

CHANGE IN OWNERSHIP

DISTANCES ARE IN CHAINS



GJT



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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

OCTOBER 17, 1995

RICKS COLLEGE
REXBURG ID 83460-4104

RE: CHANGE IN OWNERSHIP FOR A22-02174

Dear Sirs:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

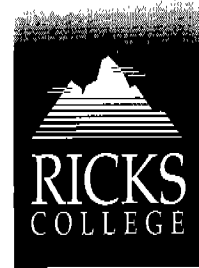
Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

RECEIVED
NOV 06 1995

PHYSICAL PLANT DEPARTMENT
REXBURG, IDAHO 83460-8205
PHONE (208) 356-2451
FAX (208) 356-2490

CHUCK FROST
Director



13 October 1995

RECEIVED
OCT 17 1995

Department of Water Resources:
Eastern District Office

Gregory J Taylor
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

RE: Change in ownership water right A22-02174

Dear Mr. Taylor:

I apologize for the mix-up on warranty deeds that were sent to you in reference to our Notice of Claim A22-02174. Enclosed is the second deed for the property in question which contains the major portion of the land. Ricks College purchased this land from Mr. Ward in two separate purchases; one under Warranty Deed #241264 and the second property under Warranty Deed #241902. There is no split intended in the water right transfer since all of the property now belongs to Ricks College.

Please contact me if you need any further information in order to transfer the water right ownership from Mr. Ward to Ricks College.

Sincerely,

Chuck Frost
Director of Physical Plant

CF/bjs

cc: Jim Smyth, Administrative Vice-President

Enclosures

WHEN RECORDED, MAIL TO:

BYU Office of Legal Counsel

A-350 ASB - Provo, Utah 84602

Attn: hal Visick

Space Above for Recorder's Use

SPECIAL WARRANTY DEED

[CORPORATE FORM]

PROPERTY RESERVE, INC., a Utah Corporation, a corporation organized and existing under the laws of the State of Utah, with its principal office at 60 East South Temple #780, of County of Salt Lake, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to

RICKS COLLEGE, a Utah Non-Profit Corporation

of grantee
for the sum of
***** TEN DOLLARS & No/100 ***** DOLLARS
the following described tract of land in MADISON County,
State of ~~Utah~~ IDAHO

Beginning at a point 1415.00 feet, more or less, west along the sixteenth line from the east quarter corner of the northeast quarter of section 31, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho; thence S.0°15'50" E. 120.00 feet, more or less; thence East 100.00 feet, more or less, to the west line of Crest Haven Subdivision; thence S. 0°15'50" East 1208.89 feet, more or less, along the west line of the Crest Haven Subdivision to the quarter section line; thence N. 89°51'17" W. 656.01 feet, more or less, along the quarter section line; thence N.0°15'50" W. 1327.23 feet, more or less, to the North sixteenth line; thence East 556.00 feet, more or less, along the sixteenth line to the point of beginning.

Reserved in the above description is the following easement:

A 15' wide easement for construction and maintenance of a waterline, said easement running on the south side parallel and adjacent to the following description; beginning 1415.00 feet west of the east quarter corner of the northeast quarter of Section 31, Township 6 North, Range 40 East, Boise Meridian; and running thence west 556.0 feet.

Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

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

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 20th day of February 1992, A. D. 19

Attest:

C. Eugene [Signature]
Secretary.

[CORPORATE SEAL]

PROPERTY RESERVE, INC.

By Wayne G. Facer, Vice-President

Wayne G. Facer
MICROFILMED
NOV 06 President.

STATE OF UTAH,

County of Salt Lake

ss.

On the 20th day of February 1992, A. D.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 20 FEB 1992

LEGAL DESCRIPTION OF PROPERTY: Township 06N Range 40E
Section 31, SE 1/4 of NW 1/4 of 1/4 Govt. Lot , BM
Lot , Block , Subdivision/Townsite Rexburg
If you have additional legal descriptions, please attach separate sheet.

RECEIVED
SEP 05 1995

RECEIVED

SEP 11 1995

☐ 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)
Assigned by IDWR: A22-02174 28451

☐ Name and Address of Former
Owner/Claimant(s)(Seller): DELOY Z WARD

1432 SOUTH 1000 WEST

REXBURG, ID 83440

☐ New Owner/Claimant
(Purchaser):

RICKS COLLEGE

☐ New Mailing Address:

REXBURG, ID 83460-4104

☐ New Telephone Number: (208) 356 - 2451

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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:

SPECIAL WARRANTY DEED

(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)

Charles J. Smith
Dir. Plant - Ricks College

Date 31 Aug 95

Date

☐ 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: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED

NOV 06 1995

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

WARRANTY DEED

RECEIVED

OCT 17 1995

Department of Water Resources
Eastern District Office

For Value Received

DeLoy Z. Ward and Viola J. Ward, HUSBAND AND WIFE.

the grantors, do hereby grant, bargain, sell and convey unto

Corporation of the Presiding Bishop, of the Church of Jesus Christ of Latter-Day
Saints, a Utah Corporation, sole
whose current address is

50 East North Temple, Street, Twelfth Floor, Salt Lake City, Utah 84150

the grantees, the following described premises, in Madison County Idaho, to wit:

A portion of the North 1/2 of Section 31, Township 6 North, Range 40
East, Boise Meridian, Madison County Idaho, described as:

Commencing at the North 1/4 corner of said Section 31 and running thence
S 00°19'46"E. 1323.42 feet (South 1320 feet by record) along the North-
South centerline of said Section 31; said point being the Southeast corner
of the Northeast 1/4 of the Northwest 1/4; thence N 89°49'57"E 664.08 feet;
(East 669 feet by record) thence S 00°31'27" E 1324.13 feet (South 1327.23
feet by record) to the East-West center line of said Section 31; thence
S 89°53'28"W 2943.95 feet; thence N 00°16'50"W 1321.09 feet (North 1320
feet by record) to the South line of the Northwest 1/4 of the Northwest 1/4
of said Section 31; thence S 89°49'57" W 66.00 feet to the Rexburg
Irrigation Canal; thence along said Canal the following three (3) courses;
(1) N 46°35'20"E 195.17 feet; (2) N 57°01'39" E 242.82 feet and (3)
N 06°28'50" E 398.12 feet to the South line of the Northeast 1/4 of the
Northwest 1/4 of the Northwest 1/4 of said Section 31; thence N 89°48'11" E
627.67 feet; (East 610.5 feet by record) thence N 00°18'18" W 661.04 feet
(North 676.5 feet by record) along the east line of said Northeast 1/4
to the north line of said Section 31; thence N 89°46'26"E 1318.05 feet
to the point of beginning.

MICROFILMED

Nov 16 1995

24190

AMERICAN LAND TITLE CO.
P. O. BOX 732
REXBURG IDAHO 83440

5-8976-G

WARRANTY DEED

RECEIVED

OCT 17 1995

Department of Water Resources
Eastern District Office

For Value Received

DeLoy Z. Ward and Viola J. Ward, HUSBAND AND WIFE.

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(North 676.5 feet by record) along the east line of said Northeast 1/4
to the north line of said Section 31; thence N 89°46'26"E 1318.05 feet
to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances except: Subject to all existing patent reservations, easements, rights of way, protective
covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 10, 1992

DeLoy Z. Ward

Viola J. Ward

STATE OF IDAHO, COUNTY OF Madison
On this 10th-13th day of APRIL, 1992,
before me, a notary public in and for said State, personally
appeared
DeLoy Z. Ward
Viola J. Ward
HUSBAND AND WIFE.

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Notary Public
Residing at REXBURG, Idaho
Comm. Expires 06/15/97

MICROFILMED
State of Idaho }
County of Madison } SS 241902
I hereby certify that the within instrument was
filed APR. 15 1992
19 at 9:52 M., and
recorded on Film
241902
by BETH B. REESE, Recorder
At the request of
AMERICAN LAND TITLE CO., INC.
NOV 8 1996

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

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: A22-07082
Date Received: 8/18/1988
Receipt No: E602234
Received By: ESW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R & B, INC.
Address: C/O RALPH HUSKINSON, PRES.
44 S. 200 E.
REXBURG, ID

208-356-5626

83440

2. Date of Priority: NOV 11, 1973

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Department of Water Resources
Eastern District Office

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	24	NE	SE	NW		MADISON
			SW	SW	SW		MADISON

5. Description of diverting works:

TWO WELLS TO MAINLINE TO CENTER PIVOTS & HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.560		

7. Total Quantity Appropriated is:

7.560 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

667.5 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	24	NE	SW		IRR	35.0

A22-07082

Page

1

Date: 08/18/88

OCT 29 1988

A2207082

