

~~Esther~~
Clay Fullmer

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 22-2303B
Date Received: 7/12/1988
Receipt No: E000710
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BYU IDAHO Phone: (208)496-2451
290 KIMBALL
REXBURG ID USA 83440

2. Date of Priority: 06/25/1953

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	39E	20	SW NE SE	MADISON	

5. Description of diverting works:

WELL W/ PUMP TO MAINLINE SYSTEM FOR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3	

7. Total Quantity Appropriated is:
3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
06N	39E	17	SE	SW	6	IRRIGATION	12
			SW	SE	6	IRRIGATION	35
			SE	SE		IRRIGATION	18

06N	39E	20	NE	NE		Section Acres	65
			NW	NE	1	IRRIGATION	6
			NE	NW	1	IRRIGATION	39
						IRRIGATION	6
						Section Acres	51
						Total Acres	116

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:

14. Remarks:

CLAIMANT IS 30% OWNER OF WELL BY AGREEMENT ATTACHED. THIS CLAIM REFLECTS CURRENT USE OF WATER UNDER THIS PORTION OF RIGHT.

15. Basis of Claim: License



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 31, 2003

BYU IDAHO
REXBURG ID 83440

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
22-2303B

Dear Sir or Madam:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JAN 30 2003

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.

1. 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
	22-2303B				

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

- 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)

Dwight S. Spaulding

4. New Owner/Claimant(s)

BYU-IDAHO

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

BYU Idaho

City, State and ZIP Code

PERDUE, ID 83460-8205

New Telephone Number

(208) 496-2451

5. Date you acquired the property

8/23/2001

6. **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) _____
(include title if applicable)

[Signature]
DIRECTOR, PHYSICAL PLANT

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 _____

RX28816

WARRANTY DEED

First American Title Company

For Value Received **S. Dwight Spaulding and Sheralyn Spaulding, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Brigham Young University-Idaho a Utah non-profit corporation

whose address is: **Kimball 290, Rexburg, Idaho 83440**

Hereinafter called the Grantee, the following described premises situated in Madison County, , to-wit:

Tract I:

Commencing at a point that is East 4193.64 feet and North 3941.69 feet from the Southwest corner of Section 20, Township 6 North, Range 39 East, Boise Base and Meridian, Madison County, Idaho and running thence North 2°52'58" East 1189.86 feet; thence East 40.0 feet to the west bank of the Teton River; thence North 34°24'55" East 828.61 feet; thence North 79°49'00" West 654.75 feet; thence North 4°25'04" East 472.41 feet; thence North 78°54'42" West 654.52 feet; thence South 59°18'13" West 846.34 feet; thence South 0°46' East 125.40 feet; thence South 32°27' West 916.08 feet; thence South 6°16'30" East 761.95 feet; thence South 32° West 430.0 feet; thence South 86°18'16" East 2048.64 feet to the point of beginning.

Together with a 28 foot wide access easement, the centerline being described as follows: commencing at a point which is South 89°37'30" East, 2823.0 feet from the Southwest corner of Section 20, Township 6 North, Range 39 East, Boise Base and Meridian (Madison County, Idaho); thence North 0°22'30" East 313.00 feet; thence North 43°37'30" West 178.74 feet; thence North 3°34'33" East 3606.65 feet to the South boundary of the above described parcel.

Tract II:

Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho

Section 17: Lot 17

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: August 13, 2001

S. Dwight Spaulding
S. Dwight Spaulding
Sheralyn Spaulding
Sheralyn Spaulding

Instrument # 291008

REXBURG, MADISON, IDAHO

2001-08-23 12:07:00 - No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

MARILYN R. RASMUSSEN

Fee: 6.00

Ex-Officio Recorder Deputy

STATE OF IDAHO }

COUNTY OF MADISON }



On this 23rd day of August, 2001, before me, the undersigned, personally appeared S. DWIGHT SPAULDING AND SHERALYN SPAULDING, 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.

Marilyn J. Fife

Notary Public of Idaho
Residing at: *Reynolds* County, Idaho
Commission Expires: *9/8/06*

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: A22-02303B

Date Received: 7/12/1988

Receipt No: E000710

Received By: EB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: S. DWIGHT SPAULDING 208-356-6494
Address: 2485 S. 4000 W.
REXBURG, ID 83440

AND/OR

Name: SHERALYN SPAULDING 208-356-6494
Address: 2485 S. 4000 W.
REXBURG, ID 83440

2. Date of Priority: JUN 25, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	20	SW	NE	SE		MADISON

5. Description of diverting works:
WELL W/ PUMP TO MAINLINE SYSTEM FOR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2202303B



MAILED

OCT 21 1988

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	39E	17	SE		SW	6	IRR	12.0
			SW		SE	6	IRR	35.0
			SE		SE		IRR	18.0
							Section Acres	65.0
		20	NE		NE		IRR	6.0
			NW		NE	1	IRR	39.0
			NE		NW	1	IRR	6.0
							Section Acres	51.0
							Total Acres	116.0

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:

70% INTEREST IN WELL BY JOSEPH JENSEN

14. Remarks:

CLAIMANT IS 30% OWNER OF WELL BY AGREEMENT ATTACHED. THIS CLAIM REFLECTS CURRENT USE OF WATER UNDER THIS PORTION OF RIGHT.

15. Basis of Claim: LICENSE

MADE

OCT 29 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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

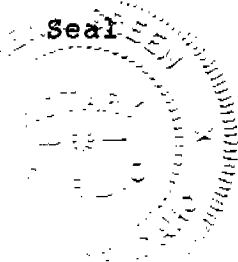
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *S. Dwight Spaulding* Date: 7-12-88

Date: _____

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of July 19 88 *Dana Green*
Notary Public



Residing at *Rigby*
My Commission Expires 4-22-1994



4857 2.24
SSS
3.00
800,000
FEET

T-6

POV

4854

50'

POD

4853

112 acres

1.83 cfs

4852

28

OCT 20 1992

4851

4857 2.24
3.00
800 000
FEET

4856

4855

T
6
2

A22-02303

6 35 18
6 39 6

POD

4854

50'

POD

4853

R39E

1.2000
1.8365

4852

4851



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

LOT
23.15

T-7
(0019)

S. Dwight
Spaulding
159607
Brigham Young University - Idaho
291008

1189.86'

133.09'

2048.64'

2486.73'

LOT 2
57.40

T-6

(1811)

BYU Research Farms
Frank G. Kinghorn
130396
237006
237007
247470 269167
269160
U.S.A.

Log for claim 22-02303B

Spatial Dynamics LTD

6/29/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n39e	17	SESW	12	8.8	
06n39e	17	SWSE	35	36	
06n39e	17	SESE	18	20	
06n39e	20	NENE	6	7.4	
06n39e	20	NWNE	39	33	
06n39e	20	NENW	6	8.8	
Totals:			116	114	