

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: A22-07293
Date Received: 10/24/1988
Receipt No: E004025
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RACQUETBALL COOWNERS 208-356-3633
Address: P.O. BOX 250
REXBURG, ID 83440

A2207293

AND/OR
Name: EVAN L MEYERS
Address: REXBURG, ID 83440

2. Date of Priority: MAY 24, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	30	NE	NE			MADISON

5. Description of diverting works:
WELL AND PUMP AND PIPED TO BUILDING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.150		
COOLING	01/01	12/31	0.150		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RAC.BALL CTR.ATHLETIC/SWIM; HEAT PUMPS UTILIZING WELL WATER

A22-07293

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Date: 12/21/88

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	40E	30	NE NE		COOL HEAT	

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:

RACQUETBALL COOWNERS CONSIT OF EVAN L. MEYERS AND NANCY H. MEYERS , HUSBAND AND WIFE -- 5/12THS INTEREST; GOLDEN C. LINFORD --2/12T INTEREST; AND VALLEY BANK, AS TRUSTEE OF THE RIGBY, THATCHER, AND RUS, RIGBY & KAM, CHARTERED PENSION & PROFIT SHARING PLANS -- 5/12THS INTEREST. THE UNDERSIGNED HAS BEEN AUTHORIZED BY ALL OWNERS TO SUBMIT THIS CLAIM.
VALLEY BANK AS TRUSTEE

15. Basis of Claim: LICENSE
Water Right Number: 227293

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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 _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

OCT 29 1982

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number License No. 22-7293

Date Received 10-24-88 (8-25-88)

Receipt Number EOO 4025

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWDepartment of Water Resources
Eastern District OfficeDepartment of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) RACQUETBALL COOWNERS Phone (208) 356-3633
Mailing Address Evan L. & Nancy H. Meyers; Valley Bank as Trustee; and Golden C. Linford
P.O. Box 250, Rexburg, ID Zip 834402. Date of Priority (Only one (1) per claim) May 24, 19793. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6 North Range 40 East Section 30,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Madison

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well and pump and piped to building.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For heating/cooling purposes from Jan. 1 to Dec. 31 amount .15cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .15 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Racquetball Center, athletic and swimming facility is heated and cooled by heat pumps utilizing well water.

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals	
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4		
6N	40E	30	X	(used for heating and cooling a building)																

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Madison

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

Racquetball Coowners consist of Evan L. Meyers and Nancy H. Meyers, husband and wife -- 5/12ths interest; Golden C. Linford -- 2/12ths interest; and Valley Bank, as Trustee of the Rigby, Thatcher, Andrus, Rigby & Kam, Chartered PENSION & PROFIT SHARING PLANS -- 5/12ths interest. The undersigned has been authorized by all owners to submit this claim.

Last Name _____ Ident No. _____

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Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

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Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 22-7293

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 None

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am authorized attorney _____
Title

of Racquetball Coowners _____, that I have signed the foregoing
Organization

document in the space below as authorized attorney _____ of Racquetball Coowners _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Gordon S. Thatcher

Gordon S. Thatcher

Title and Organization Racquetball Coowners Date August 25, 1988

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 25th day of August 19 88

Notary Public Kerry S. Wilcox

Residing at Rexburg, Idaho

My Commission Expires 7-10-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Gordon S. Thatcher will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Gordon S. Thatcher
Gordon S. Thatcher

Address RIGBY, THATCHER, ANDRUS, RIGBY & KAM, Chartered
P.O. Box 250, Rexburg, ID 83440

Date August 25, 1988

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

From: DWR03::FRITSCHLE 00-SEP-1988 14:25
To: DWR70::CARLSEN
Subj: AUTHORIZED ATTORNEY

HI ERNIE, THANKS AGAIN FOR THE "EASTERN HOSPITALITY" OF THE PEOPLE IN IDAHO FALLS. THERE IS A CLAIM IN THE RETURN CLAIMS BOX THAT NEEDS SOME MORE CLARIFICATION IN THE COMMENTS. THE CLAIM WAS SUBMITTED BY A COMPANY WITH THE ATTORNEY SIGNING FOR THE ORGANIZATION AS THE "AUTHORIZED ATTORNEY". THIS IS NOT AN ACCEPTABLE SIGNATURE WITHOUT AN OFFICER OF THE COMPANY GIVING THE ATTORNEY THE POWER TO SIGN DOCUMENTS. SINCE I CANNOT REMEMBER EXACTLY WHAT I SAID NEEDED TO BE DONE BEFORE THIS CLAIM WAS ACCEPTABLE, IF YOU HAVE TIME TO FIND THE CLAIM AND GIVE ME A CALL, I CAN PROBABLY EXPLAIN IT BETTER OVER THE PHONE THAN I CAN IN THIS MAIL MESSAGE. THANKS!

CARTER

P.S. THE CLAIM SHOULD BE NEAR THE TOP OF THE FILE, SINCE IT WAS ONE OF THE LAST ONES I DID.

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SPECIAL POWER OF ATTORNEY

We, EVAN L. MEYERS and NANCY H. MEYERS, husband and wife, VALLEY BANK as Trustee of the Rigby, Thatcher, Andrus, Rigby & Kam, Chartered PENSION & PROFIT SHARING PLAN, and GOLDEN C. LINFORD, hereby appoint GORDON S. THATCHER, of the law firm Rigby, Thatcher, Andrus, Rigby & Kam, of 25 N. 2nd E., Rexburg, Idaho 83440, our true and lawful attorney in fact for us and in our names, places and stead, and for our use and benefit:

To exercise, do, or perform any act, right, power, duty, or obligation whatsoever that we now have or may acquire the legal right, power, or capacity to exercise, do or perform in connection with, arising out of, or relating to executing, filing, and pursuing "Notice of Claim to a Water Right (Acquired Under State Law)" in the District Court of the Fifth Judicial District 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 No. 39576, Water License No. 22-7293.

To sign, endorse, execute, acknowledge, and deliver such claims, pleadings, contracts, agreements, deeds, conveyances, or other instruments of any kind or nature, as may be necessary or proper in the exercise of the rights and powers herein granted.

We grant to our said attorney in fact full power and authority to perform all and every act and thing whatsoever requisite, necessary, and proper to be done in the exercise of

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any of the rights and powers herein granted, as fully to all intents and purposes as we might or could do if personally present with full power of substitution or revocation, hereby ratifying and confirming all that our said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

This instrument is to be construed and interpreted as a special power of attorney.

This power of attorney shall continue in force and effect from date hereof until revoked in writing by us.

DATED this 25th day of August, 1988.

Evan L. Meyers
Evan L. Meyers

Nancy H. Meyers
Nancy H. Meyers

VALLEY BANK, as Trustee of the
Rigby, Thatcher, Andrus,
Rigby & Kam, Chartered Pension
and Profit Sharing Plan

By: W. Kay Cordingley
W. Kay Cordingley,
Trust Officer

Golden C. Linford
Golden C. Linford

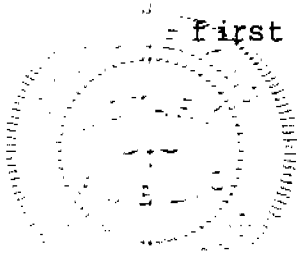
STATE OF IDAHO,)
 ss.
County of Madison.)

On this 20th day of October, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared Evan L. Meyers and Nancy H. Meyers, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

SPECIAL POWER OF ATTORNEY -2-

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IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

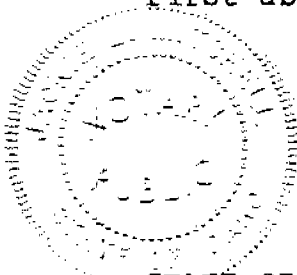


Portia Jenkins
Notary Public for Idaho
Residing at: Ashton
My Commission Expires: 9/4/91

STATE OF IDAHO,)
 ss.
County of Bonneville.)

On this 20th day of October, 1988 before me, the
undersigned, a Notary Public in and for said State, personally
appeared W. Kay Cordingley, known to me to be Vice-President
and Trust Officer of Valley Bank who is the Trustee in Trust of
the Rigby, Thatcher, Andrus, Rigby & Kam, Chartered Pension &
Profit Sharing Plan and acknowledged to me that Valley Bank
executed the same as such Trustee in Trust of said trust.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.



Jackie L. Mitchell
Notary Public for Idaho
Residing at: Madison County
My Commission Expires: 2-4-94

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 20th day of October, 1988 before me, the
undersigned, a Notary Public in and for said State, personally
appeared Golden C. Linford, known to me to be the person whose

name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Portia Jenkins
Notary Public for Idaho
Residing at: Ashton, ID
My Commission Expires: 7/4/91

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10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

RAQUETBALL CENTER

CLAIM NO.

A22-07293

DATE RECEIVED

10-24-88CK # 11985AMOUNT \$ 65⁰⁰

- | | YES | NO |
|---|-----------------|----|
| 1. Is the name and address complete with zip code? | <u>X</u> | |
| 2. Is a priority date entered? | <u>X</u> | |
| <p>Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
 A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.</p> | | |
| 3. (a) Is a source entered? | <u>X</u> | |
| (b) Is a tributary to entered? (if required) | N/A <u>X</u> | |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | |
| 5. Is there a description of the diverting works? | <u>X</u> | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | |
| Is the period of use included? | <u>X</u> | |
| Is a quantity claimed for each use? | <u>X</u> | |
| 7. Is a total quantity claimed entered? | <u>X</u> | |
| 8. If required is a consumptive use entered? | N/A <u>X</u> | |
| Is the consumptive use correct? | N/A <u>X</u> | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A <u>X</u> | |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | |
| 11. Is (are) the county(ies) entered? | <u>X</u> | |
| 12. Is the ownership of p.u. checked? | <u>X</u> | |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A <u>X</u> | |
| 15. Is the basis of the claim indicated? | <u>X</u> | |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | <u>X</u> | |
| Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | |
| Was this claim filed on time, or was an extension granted? | <u>X</u> | |
| Is the fee enclosed correct? | Exempt <u>X</u> | |
| If this claim is based on an existing water right, has the identification number been entered? | N/A <u>X</u> | |
| Should this claim be receipted and data entered? | <u>X</u> | |

Claim checked by: [Signature]Comments: ASSUMING COMMERCIAL USE

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10004025

LAW OFFICES

RIGBY, THATCHER, ANDRUS

RIGBY & PERKES, *Chartered*

25 NORTH SECOND EAST
P.O. BOX 250
REXBURG, IDAHO 83440
(208) 356-3633

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OCT 24 1988

Department of Water Resources
Eastern District Office

DATE: 10-21-88

TO: Idaho Department of Water Resources

RE: Racquetball Center

Please find enclosed our check in the amount of \$65 to cover the filing fee of the notice of claim to water right. We have also enclosed a special power of attorney as you requested.

If you need anything further from us, please contact us.

RECEIVED

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RIGBY, THATCHER, ANDRUS, RIGBY & PERKES

BY

Portia Jenkins
Portia Jenkins, Legal Assistant