

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: **A22-00178A**
Date Received: 7/19/1988
Receipt No: E000794
Received By: WJ 1-28-99

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

1. Name: BLAKE DUSTIN 208-354-2296
Address: PO BOX 434
DRIGGS ID 83422

2. Date of Priority: JUN 1, 1887

3. Source: WOODS CREEK Springs Trib. to: TETON RIVER
WOODS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	32	SE	SW	SW		TETON
		33	NE	SE	NW		TETON

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

7. Total Quantity Appropriated is:
0.600 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
05N	45E	32	SW	SW		IRR	30.0
			SE	SW		IRR	5.0
			SW	SE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	60.0
					Total Acres	60.0

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:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION COMPANY

Decree Plaintiff

TETON IRRIGATION CANAL COMPAN

vs Decree 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: _____

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): Blaise Luster Date: 1-27-99

Date: _____

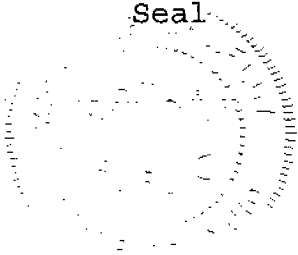
State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 27th day

of January 19 99

Michelle M. Melly
Notary Public

Seal



Residing at Driggs

My Commission Expires 10-5-2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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CIVIL CASE NUMBER: 39576

Ident. Number: A22-00178A
Date Received: 7/19/1988
Receipt No: E 000 794
Received By: Enc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAKE DUSTIN
Address: P.O. BOX 434
DRIGGS, ID

208-354-2296

83422

2. Date of Priority: JUN 01, 1887

3. Source: WOODS CREEK
SPRINGS

Trib. to: TETON RIVER
WOODS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	32	SE	SW	SW		TETON
		33	NE	SE	NW		TETON

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

7. Total Quantity Appropriated is:
0.600 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 of	Lot	Use	Acres
04N	45E	5	NE	NW		IRR	5.0
			NW	NW		IRR	40.0

Section Acres 45.0

A22-00178A

Page

1

Date: 07/19/88

A2200178A



NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	6	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				
05N	45E	32	NW	SW		IRR	10.0
			SW	SW		IRR	30.0
			SE	SW		IRR	5.0
			SW	SE		IRR	25.0
Section Acres						70.0	
Total Acres						235.0	

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:
22-00151, 22-04018

14. Remarks:
I USE THIS RIGHT TO BOTH FLOOD IRRIGATE LAND EAST OF THE TETON RIVER AND SPRINKLER IRRIGATE LAND WEST OF THE TETON RIVER.
THE SPRINKLER SYSTEM IS DESCRIBED BY A22-04018.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION COMPANY
Decree Plaintiff

vs

TETON IRRIGATION CANAL COMPANY
Decree 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: 1

For Individuals:

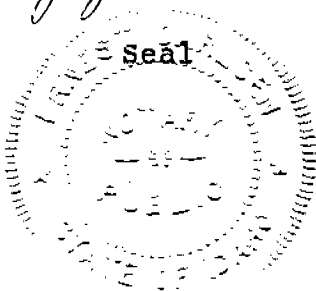
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Blake Huston Date: 7-19-88

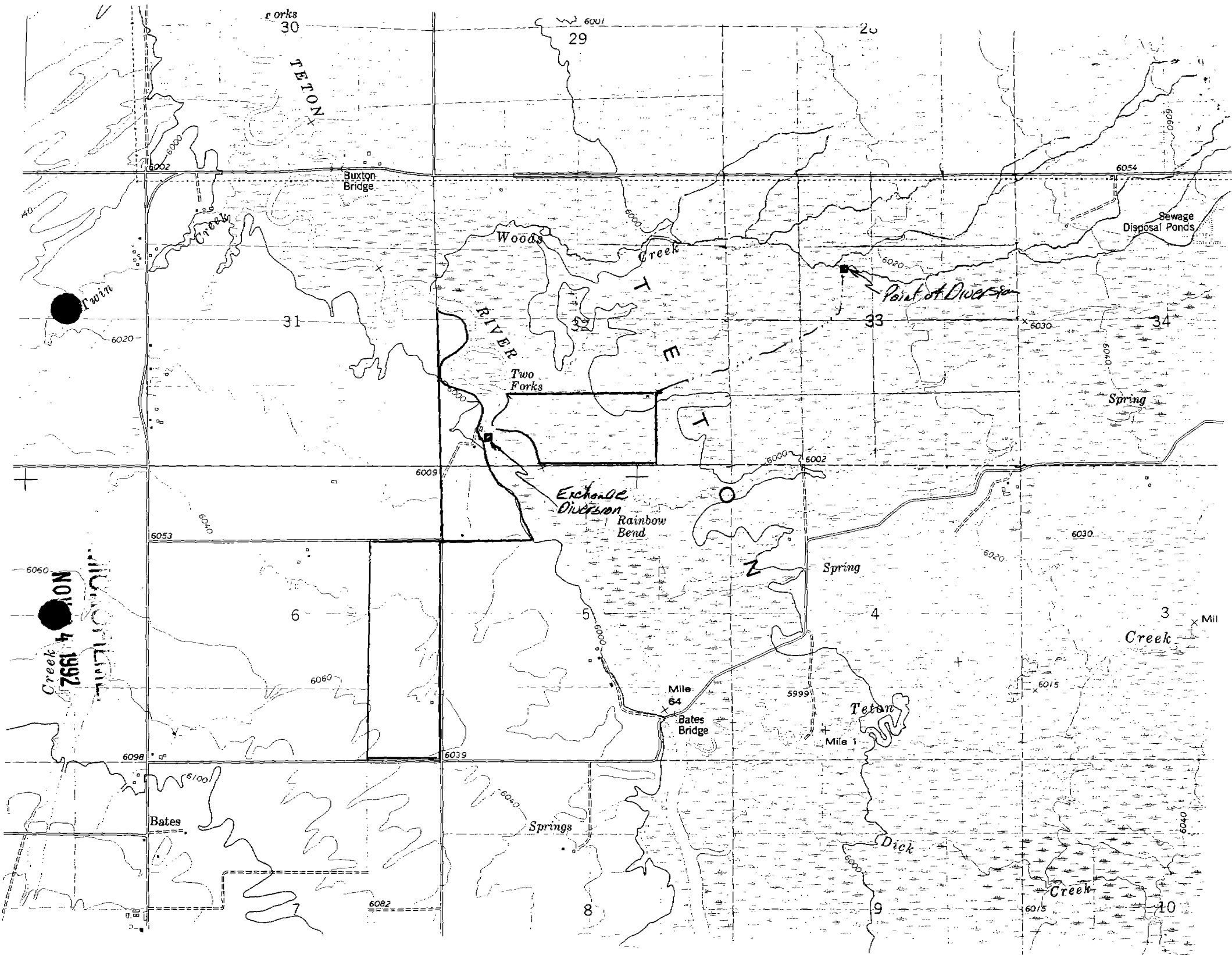
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of July 19 88
Ernest Carlson
Notary Public



Residing at Blaho Falls ID
My Commission Expires 14 June 1994





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

October 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Attn: Katherine E. Morey
Intermountain Aquatics Inc
PO Box 1115
Driggs ID 83422

Dear Katherine:

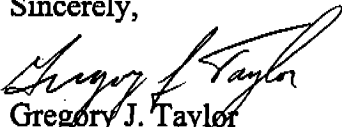
Please find enclosed the letter and documents you sent to my attention September 3, 1998. It appears that an Application for Transfer will need to be filed with the department in order to change water right no. A22-00178A from the original 235 acres to the 80 acres purchased by the Klausmanns.

I would recommend that the Klausmanns or you call Harold Jones at this office to set up an appointment to file the Application.

I have enclosed the App. form for your convenience and you may certainly file the application with the necessary filing fee without Mr. Jones' help.

If you have any questions regarding this matter, please do not hesitate to contact this office at (208)525-7161.

Sincerely,


Gregory J. Taylor
Sr. Water Agent

cc: James & Jacklyn Klausmann, 330 Mendham Rd, Bernardsville, NJ 07924



September 3, 1998

Mr. Greg Taylor
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Dear Greg-

I spoke with you on the phone today about the change of ownership of the Dustin water right (A22-00178A). My client has purchased 80 acres of the Dustin property, however the entire right for 0.6 cfs diverted from Woods Creek is being transferred to the new owners. The original right pertains to 235 acres. You mentioned on the phone that we might need to transfer the right to those 80 acres, please contact me if this is necessary. I have enclosed a notarized document issuing the entire right to the new owners. Thank you for your help.

Sincerely,

Katherine E. Morey

RECEIVED
SEP 09 1998

Department of Water Resources
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A22-00178A
Adjudication Claim Number(s) AJ0749 NP
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) Mr. + Mrs. Blake, Dustin (Blake + Velma)
P.O. Box 434 Driggs, Idaho 83422
4. New Owner/Claimant(s) James M. Klausmann + Jacklyn S. Klausmann
Name owner (check one): () IND () OR () AND/OR
New Mailing Address 330 Mendham Rd.
City, State and ZIP Code Bernardsville, NJ 07924
New Telephone Number (908) 766-5503
5. Date you acquired the property 9/1/98
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.
* See accompanying letter
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
add line for each
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) James M. Klausmann Date 9/3/98
Jacklyn S. Klausmann Date 9/3/98

(Corporations or other organizations must submit a 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.

80 acres purchased from Dustins
by Klausmann September 1998.

Notice: This is taken from the 7.5 min. USGS Bathymetric Chart.

WATER RIGHT GRANT

BLAKE N. DUSTIN and VELMA DUSTIN, husband and wife
whose address is: P.O. Box 434 Driggs, ID 83422

hereby grants unto

JAMES M. KLAUSMANN and JACKLYN S. KLAUSMANN, husband and wife
whose address is: 300 Mendham Rd. Bernardsville, NJ 07924

the entire 0.6 cfs associated with the Idaho Department of Water Resources Claim
AJ0749NP No. A22-00178A with the said 80 acre parcel mentioned in the attached
warranty deed No. 131429.

Dated: . 9-4-98


Blake N. Dustin


Velma Dustin

On this 4th day of September, in the year 1998, before me, a Notary Public in and for said
State, personally appeared BLAKE N. DUSTIN and VELMA DUSTIN, known or
identified to me to be the person's whose names are subscribed to the within Instrument,
and acknowledged to me that they executed the same.

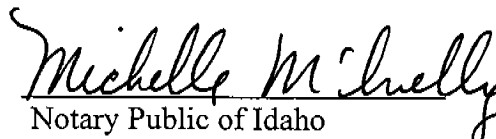

Michelle M. Shelly
Notary Public of Idaho
Residing at DRIGGS
Commission Expires ~~11-19-00~~ 10-5-2001

EXHIBIT "A"

A parcel of land in the S1/2SW1/4 and the SW1/4SE1/4 of Section 32, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being more particularly described as follows:

BEGINNING at the Southwest corner of said SW1/4SE1/4, where found a 5/8" diameter rebar with a 2" diameter aluminum cap stamped "A.W. Eng.-LS2860"; THENCE South 89°44'47" East, along the South line of said SW1/4SE1/4, a distance of 1317.72 feet to the Southeast corner of said SW1/4SE1/4, where found a 5/8" diameter rebar with a 2" diameter aluminum cap stamped "A.W. Eng.-LS2860";

THENCE North 01°10'23" West, along the East line of said SW1/4SE1/4, a distance of 1306.69 feet to the Northeast corner of said SW1/4SE1/4;

THENCE North 89°39'37" West, along the North line of said SW1/4SE1/4, a distance of 1317.31 feet to the Northwest corner of said SW1/4SE1/4;

THENCE North 89°40'07" West, along the North line of the SE1/4SW1/4 of said Section 32, a distance of 1311.13 feet to the Northwest corner of said SE1/4SW1/4, where found a 5/8" diameter rebar with a 2" diameter aluminum cap stamped "A.W.Eng.-LS2860";

THENCE North 89°34'48" West, along the North line of the SW1/4SW1/4 of said Section 32 a distance of 168.39 feet to the median line of the Teton River;

THENCE along said median line, the following courses and distances;

South 13°49'13" East, 121.27 feet; ✓

South 30°17'54" West, 297.16 feet;

South 40°15'14" West, 65.51 feet;

South 22°28'35" West, 143.98 feet;

South 09°00'14" West, 109.66 feet;

South 39°47'18" East, 106.10 feet;

South 83°03'42" East, 230.69 feet;

North 84°40'46" East, 64.32 feet;

South 89°07'53" East, 153.81 feet;

South 70°37'29" East, 45.84 feet;

South 55°18'22" East, 184.79 feet;

South 32°16'37" East, 105.17 feet;

South 22°36'00" East, 87.64 feet;

South 28°47'50" East, 133.47 feet;

South 30°09'13" East, 88.47 feet;

South 32°42'22" East, 69.17 feet to the South line of said

SE1/4SW1/4;

THENCE South 89°43'13" East, along said South line of the SE1/4SW1/4, a distance of 795.46 feet to the POINT OF BEGINNING.

RECEIVED

131429

Teton County Title Company

T-6952

SEP 02 1998

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

For Value Received BLAKE N. DUSTIN and VELMA DUSTIN, husband and wife

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

JAMES M. KLAUSMANN and JACKLYN S. KLAUSMANN, husband and wife
whose address is: 330 MENDHAM RD., BERNARDSVILLE, NJ 07924

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all appurtenant water rights as per Idaho Department of Water
Resources Claim AJ0749NP No. A22-00178ASubject to reservations in United States and State Patents; existing and
recorded Right-of-ways, Easements, Zoning, Building and Subdivision
ordinances; Taxes and Assessments as prorated between the parties hereto.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: 9-1-98

Blake N. Dustin
BLAKE N. DUSTINVelma Dustin
VELMA DUSTINSTATE OF IDAHO)
: ss
COUNTY OF TETON)On this 1st day of September, in the year 1998, before me, a Notary Public in and for said State, personally
appeared BLAKE N. DUSTIN and VELMA DUSTIN, known or identified to me to be the person(s) whose name(s) are
subscribed to the within Instrument, and acknowledged to me that they executed the same.Layne W. Price
Notary Public of Idaho
Residing at 142105
Commission Expires 11-19-2000LAYNE W. PRICE
☆ NOTARY PUBLIC ☆
STATE OF IDAHOTeton County
My Commission Expires 11-19-2000

131429

FILED

AT THE REQUEST OF

First American
AT 50 MINUTES PAST 10a M
DATE Sept. 2, 1998
Asa J. Urabe
CLERK OF RECORD
BY Charmie Smith
DEPUTY