

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: A22-00351
Date Received: 3/21/1989
Receipt No: E006283
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DOYLE L. OTTESEN 208-458-4422
Address: 3567 NORTH 5000 EAST
SUGAR CITY, ID 83448

2. Date of Priority: JUN 01, 1887

3. Source: TETON RIVER, SOUTH FORK Trib. to: HENRYS FORK
BIGLER SLOUGH HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	40E	36	SW	SW			FREMONT

5. Description of diverting works:
HEADGATE & DITCH DIVERTING FROM TETON RIVER TO FLOOD & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 677.0 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	1	NW	NW	1	IRR	40.0
			SW	NW		IRR	40.0

A22-00351

Page 1

Date: 06/08/90

NOV 04 1992

A2200351

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

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:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL

Decree Plaintiff

vs

TETON IRR. CANAL CO.

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 _____ 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): _____ Date: _____

_____ Date: _____

AJ0749NP
No. A22-00351

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/11/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DEBRA ZOLLINGER	06/01/1887	IRRIGATION	04-01 11-01	1.60 CFS	
C	JACK T ZOLLINGER					
	152 N CENTER ST					
	REXBURG ID 83440					
	(208) 356-8583					
				TOTAL DIVERSION:	1.60 CFS	
				CONSUMPTIVE USE:		677.00 AFA

Water Source: TETON RIVER, SOUTH FORK
BIGLER SLOUGH

Tributary to: HENRYS FORK
HENRYS FORK

Stage: DECREED

Point(s) of Diversion: T07N R40E S36 SWSW

FREMONT County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE				
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	: SUM			
06N	40E	1	:								:	01-40	40	:							:	80.0		
																					:	80.0		
																					:	TOTAL ACRES	:	80.0

POU County: MADISON

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN OWNERSHIP CHANGED 1-5-99 SVH

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:
Presumption Flag:

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Received By: S.M.

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HEADGATE & DITCH DIVERTING FROM TETON RIVER TO FLOOD & SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		
7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 677.0 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	1	NW	NW	1	IRR	40.0
			SW	NW		IRR	40.0

Section Acres 80.0

A22-00351

Page 1

Date: 03/21/89

NOV 04 1992

10. Place of Use: Continued

Total Acres 80.0

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:
NONE

14. Remarks:

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

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

NOV 04 1992

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(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): J. L. O'Brien Date: March 21, 89
Date: _____

State of Idaho)
County of Bonnieville) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of March 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, 11111 11111
My Commission Expires RENEWED AT 11111 11111 11111
MY COMMISSION EXPIRES: 6-30-94

TRANSFERRED TO
COUNTY

FREMONT COUNTY

ter

3-06
(1322)

OP-Edward Gardner
A
21.3

B
52.7

B-48
(1323)

OP- Irvin Ball

A
74.4

B-15
A
20.1

Delbert Crain

B-153
(1310)

George Briggs

A
35.8

B
11.2

A
5.1

B
3.3

C
8.3

F
1.9

A
2.9

E
5.7

D
6.8

E
9.5

TRANSFERRED TO
FREMONT
COUNTY

B-62
(459)

OP-Edward Gardner

B
30.6

POINT
OF DIVERSION

A
4.5

C-64
(458)

Doyle
Otterson
B
16.8
PLACE OF
56-76

Darrell
Hess
A
24.0

B-62
(459)
C
9.6

D
3.5

A
2.9

B
2.4

NOV 4 1992

B-32
(456)

OP-Edward Gardner

B
28.7

A
2.8

A
3.3

B-61
(457)

Kanoye
Parker

B
15.4

D-2 RD

NOT TO SCALE

A22-00351

Log for claim 22-00351

Spatial Dynamics BTD

7/25/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	1	NWNW	40	35	POD placement?
06n40e	1	SWNW	40	34	
Totals:			80	69	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr. Ste. A, Idaho Falls, Idaho 83402

Phone: (208) 525-7171 FAX: (208) 525-7177 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

January 12, 1999

KARL J. DREHER
Director

JACK & DEBRA ZOLLINGER
152 N CENTER ST
REXBURG ID 83440

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A22-00351

Dear Mr. & Mrs. Zollinger:

The request for Change of Water Right Ownership concerning the above-referenced Notice 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 the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

A handwritten signature in cursive script that reads "Jennifer Hoagland". The signature is written in dark ink and is positioned above the printed name and title.

Jennifer Hoagland
Technical Records Specialist

Enclosure

SVH 11-3-98
or SVH 1-8-99

**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type

RECEIVED

DATE OF CLOSING: 10-9-98

NOV 02 1998

Department of Water Resources
Eastern Region

*LEGAL DESCRIPTION OF PROPERTY: Township 6N Range 40E

Section 1, 1/4 of SW 1/4 of NW 1/4, Govt. Lot 4, B.M.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

*Lot # on Notice of Claim erroneously shows Lot 1. It should be Lot 4 (see copy of Notice

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains attached) water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)

Assigned by IDWR: A22-00351

☐ Name and address of Former

Owner/Claimant(s)(Seller):

Doyle L. Ottesen

3567 North 5000 East

Sugar City, ID 83448

☐ New owner/Claimant

(Purchaser):

Jack T. Zollinger and Debra Zollinger

☐ New Mailing Address:

152 N. Ctr. St.

Rexburg, ID 83440

☐ New Telephone Number:

(208) 356-8583

☐ 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: See copy of Notice of Contract of Sale attached

(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)

Jack T. Zollinger Date 10-9-98

Debra Zollinger Date 10-9-98

☐ Signature of Former

Owner/Claimant(s):

Doyle L. Ottesen Date 10-9-98

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

pj:water.for

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN that Doyle L. Ottesen, a married man, of 3679 N. 5000 E., Sugar City, ID 83448, hereinafter called "Seller," is selling on written Contract of Sale of this same date, to Jack T. Zollinger and Debra Zollinger, husband and wife, of 152 N. Center St., Rexburg, ID 83440, hereinafter called "Buyers," the following described real property situated in Madison County, to-wit:

Lot 4 and the SW1/4NW1/4 of Section 1, Township 6 North, Range 40 E.B.M.

TOGETHER WITH the following decreed water right: 80 Miner's inches in the Bigler Slough, with a priority date of June 1, 1887, and together with five (5) shares of the capital stock of Bigler Slough Ditch, Inc.

ALSO TOGETHER WITH 38 acre feet of storage water in Fremont-Madison Irrigation District.

EXCEPTING THEREFROM the following described tract of land described in that certain Warranty Deed dated March 26, 1973, executed by Doyle Leon Ottesen and Patsy Lee Ottesen, his wife, and Ervin Ottesen and Jennie Ottesen, his wife, to Lelan Andersen and Melva Andersen, his wife; recorded April 30, 1973, under recorder's instrument No. 148855, records of Madison County, Idaho, to-wit:

Commencing at the Southeast corner of the West Half of the Northwest Quarter of Section 1, Township 6 North, Range 40 E.B.M., and running thence North approximately 1140 feet to the midstream of a canal; thence Southwesterly, Southerly and Southwesterly following the meanderings of the center line of said canal approximately 1230 feet; thence East approximately 400 feet to the point of beginning.

Subject to easements, if any, of record or in existence for roads, streets, ditches, canals, pipelines and utilities, and particularly a non-exclusive easement along the west wide of the above-described premises for the purpose of gaining access to the Rowe Ditch head gate and dam..

Subject to restrictive covenants, if any, or record.

Together with any and all other water and water rights, ditch and ditch rights appurtenant thereto.

The Contract of Sale is payable over a period of five (5) years and is payable to Alliance Title & Escrow Corp., of 130 E. Main, P.O. Box 732, Rexburg, ID 83440, as escrow holder. Buyers have possession, but the deed shall not be delivered until the Contract is fully paid, and Seller retains remedies in the event of default, all of which are fully set forth in the Contract of Sale and the Escrow Agreement.

DATED This 9th day of October, 1998.

"SELLER"

Doyle L. Ottesen
Doyle L. Ottesen

"BUYER"

Jack T. Zollinger
Jack T. Zollinger
Debra Zollinger
Debra Zollinger

Acknowledgment

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

On this 9th day of October, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared **Doyle L. Ottesen**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Debra A. Keller
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 11-15-99

Acknowledgment

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

On this 9th day of October, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack T. Zollinger and Debra Zollinger, known to me to be the persons whose name are subscribed to the within instrument and acknowledged to me that they executed the same.


Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 11-15-99

Microfilm No. 274577
Day OCT 09 1998
At 1615 O'clock m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 9 - 212 Deputy
Recorded At Request of

ALLIANCE TITLE & ESCROW

Transfer No. _____

Application No. 22-0351

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Doyle L. Ottesen Phone 458-4422Post office address Rt. #1, Sugar City, ID 83448**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree to Hans J. Jeppsen (Name)
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Co. et al
dated 12-16-1910 in sixth district county of Fremont
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Bigler Slough (Teton R.) tributary to Henry's Fork Snake River4. Date of priority 7-1-1887

5. Water is used for the following purposes:

amount 1.60 for irrigation purposes from Apr. 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 1.60 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36
Township 7N Range 40E, B.M., in Fremont County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	40E	1					L. 4 40	40											80

Total number of acres to be irrigated 80

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 1.60 c.f.s. &/or _____ acre feet
 - b. Point(s) of diversion SE ¼ SE ¼, Section 15 Township 6N
Range 44E, B.M., Teton County _____
Additional points _____
 - c. Description of diverting works pumps and pipeline
 - d. Describe the reasons for applying for a change in the point(s) of diversion
to supplement water supply to pipeline

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

[illegible]

3. Remarks this transfer is to remain in effect only until September 1, 1977, by agreement. At that time the right will revert to its original point of diversion and place of use.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

[Signature]
(Signature of applicant)

Subscribed and sworn to before me this 18th day of May, 19 77

[Signature]
(Notary public)

My commission expires March 21, 1979

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0351, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this Transfer is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 22 day of August, 19 77

[Signature]

FOR DEPARTMENT USE ONLY

Received by me Date 5-18-77

Prelim. check by LH Fee \$30.00

Received by LH Date 5-18-77

Published in Stonewall # 7269
Tremont City, Ok

Pub. dates June 9 & 16 - 1977

Watermaster recommendation requested on 6-09-77

WD #01 rec'd. 8-11-77

Art Larson

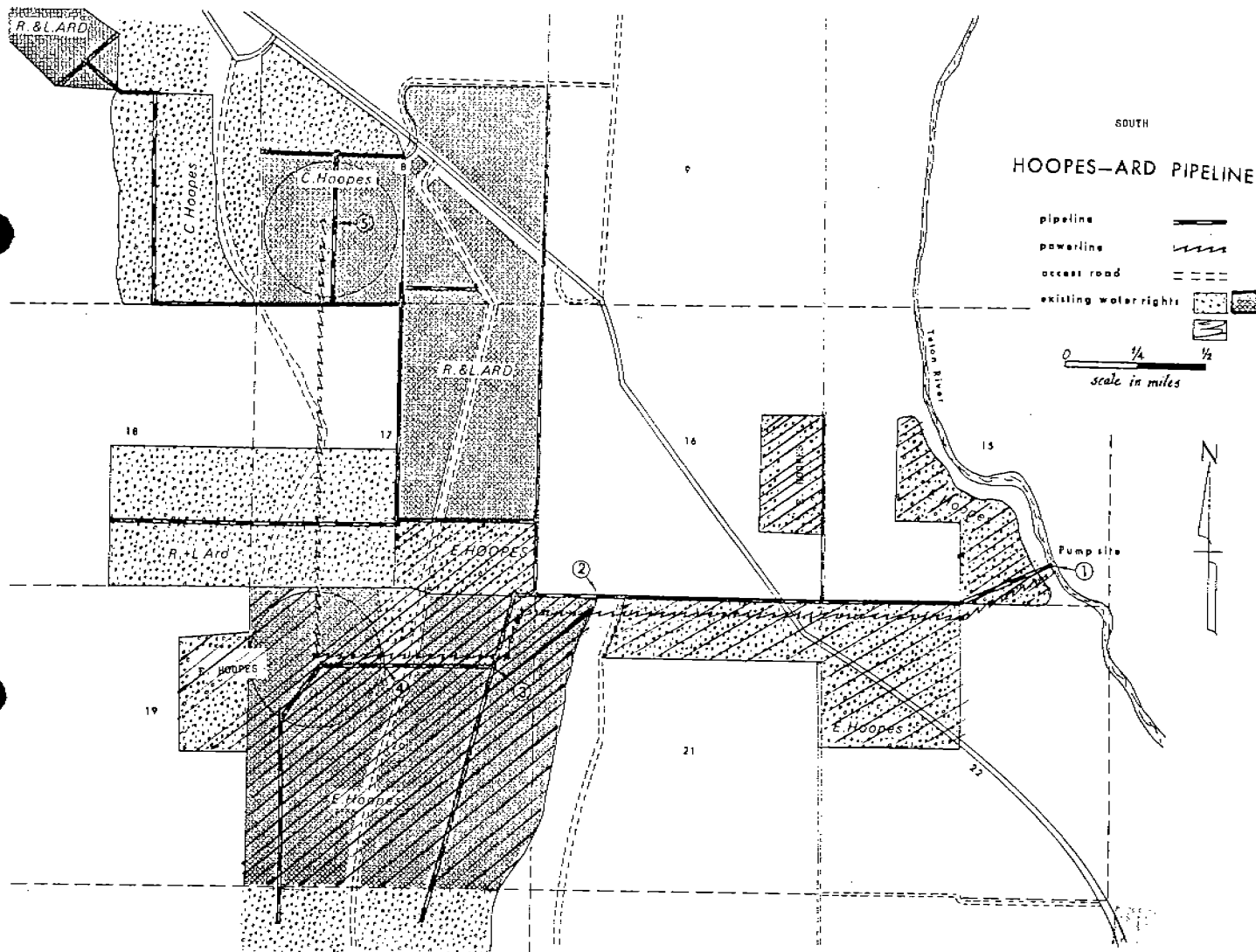
Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by SS



[illegible][illegible][illegible][illegible]