

12/22/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-96A  
NAME AND ADDRESS: CLAYMORE MGMT  
7050 UNION PARK AVE SUITE 600  
MIDVALE UT 84047  
  
CLAYMORE MGMT  
C/O MIKE PARKINSON  
1049 N 3000 E  
SUGAR CITY ID 83448

SOURCE: DUCK CREEK TRIBUTARY: HENRYS LAKE

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/08/1893

POINT OF DIVERSION:  
T15N R42E S13 NESESW Within FREMONT County  
T15N R42E S13 SWSESW Within FREMONT County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 05/01 10/30          | 2.000 CFS       |

PLACE OF USE: IRRIGATION Within FREMONT County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T15N R42E S13 | NESW | 27.00 | T15N R42E S13 | SESW | 38.00 |
| T15N R42E S13 | NESE | 40.00 | T15N R42E S13 | NWSE | 40.00 |
| T15N R42E S13 | SWSE | 35.00 | T15N R42E S13 | SESE | 40.00 |
| T15N R42E S24 | NENE | 32.00 | T15N R42E S24 | NWNE | 3.00  |

255 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 255 acres in a single irrigation season. Combined Right Nos.:21-95A, 21-96A, 21-2077, 21-10831

The rights listed below are limited to the irrigation of a combined total of 574.7 acres in a single irrigation season. Combined Right Nos.:21-95A, 21-96A, 21-99A, 21-2077, 21-10830, 21-10831

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 21-96A V1

WATER RIGHT NUMBER: 21-96A V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                              |
|-------------------|--------------------------------------------------------------------------------------|
| Current Owner     | CLAYMORE MGMT<br>7050 UNION PARK AVE SUITE 600<br>MIDVALE, UT 84047<br>(801)556-0915 |
| Current Owner     | CLAYMORE MGMT<br>C/O MIKE PARKINSON<br>1049 N 3000 E<br>SUGAR CITY, ID 83448         |
| Original Owner    | JOHN H MAGLEBY<br>456 E 2ND S<br>REXBURG, ID 83440<br>(208)356-3159                  |
| Original Owner    | SHIRLENE P MAGLEBY<br>456 E 2 S<br>REXBURG, ID 83440<br>(208)356-3159                |

Priority Date: 06/08/1893

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| DUCK CREEK    | HENRYS LAKE      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 05/01 to 10/30          | 2.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.000 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| DUCK CREEK     | NE1/4SE1/4SW1/4 | Sec. 13, Twp 15N, Rge 42E, B.M. |
| FREMONT County |                 |                                 |
| DUCK CREEK     | SW1/4SE1/4SW1/4 | Sec. 13, Twp 15N, Rge 42E, B.M. |
| FREMONT County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW |    |    |      | SW   |    |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|----|----|----|------|------|----|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE | NW | SW | SE   | NE   | NW | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 15N | 42E | 13  |      |      |      |      |    |    |    |      | 26.0 |    |      | 31.0 | 38.0 | 36.0 | 20.0 | 40.0 | 191.0  |
| 15N | 42E | 24  | 19.0 | 24.0 | 40.0 | 39.0 |    |    | .4 | 40.0 |      |    | 32.0 | 30.0 | 39.0 | 40.0 | 29.0 | 22.0 | 354.4  |
| 15N | 43E | 18  |      |      |      |      |    |    |    |      |      |    | .1   |      |      |      |      |      | .1     |
|     |     |     |      |      |      |      |    |    |    |      |      |    | L 4  |      |      |      |      |      |        |

IDAHO DEPARTMENT OF WATER RESOURCES

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|            |  |  |     |  |  |    |
|------------|--|--|-----|--|--|----|
| 15N 43E 19 |  |  | .4  |  |  | .4 |
|            |  |  | L 2 |  |  |    |

Total Acres: 545.9

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 545.9 acres in a single irrigation season. Combined Right Nos.:21-95A, 21-96A, 21-99A, 21-2077, 21-10830, 21-10831
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 545.9 acres within the place of use described above in a single irrigation season.

Remarks:

Comments:

Water Supply Bank:

08/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-96A  
NAME AND ADDRESS: SHIRLENE P MAGLEBY  
456 E 2 S  
REXBURG ID 83440  
  
JOHN H MAGLEBY  
456 E 2ND S  
REXBURG ID 83440

SOURCE: DUCK CREEK

TRIBUTARY: HENRYS LAKE

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/08/1893

POINT OF DIVERSION:  
T15N R42E S13 NESESW Within FREMONT County  
T15N R42E S13 SWSSESW Within FREMONT County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 05/01 10/30          | 2.000 CFS       |

PLACE OF USE: IRRIGATION Within FREMONT County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T15N R42E S13       | NESW | 26.0 | T15N R42E S13       | SESW | 31.0 |
| T15N R42E S13       | NESE | 38.0 | T15N R42E S13       | NWSE | 36.0 |
| T15N R42E S13       | SWSE | 20.0 | T15N R42E S13       | SESE | 40.0 |
| T15N R42E S24       | NENE | 19.0 | T15N R42E S24       | NWNE | 24.0 |
| T15N R42E S24       | SWNE | 40.0 | T15N R42E S24       | SENE | 39.0 |
| T15N R42E S24       | SENE | 0.4  | T15N R42E S24       | NESW | 40.0 |
| T15N R42E S24       | SWSW | 32.0 | T15N R42E S24       | SESW | 30.0 |
| T15N R42E S24       | NESE | 39.0 | T15N R42E S24       | NWSE | 40.0 |
| T15N R42E S24       | SWSE | 29.0 | T15N R42E S24       | SESE | 22.0 |
| T15N R43E S18 Lot 4 | SWSW | 0.1  | T15N R43E S19 Lot 2 | SWNW | 0.4  |

545.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 545.9 acres in a single irrigation season. Combined Right Nos.: 21-95A, 21-96A, 21-99A, 21-2077, 21-10830, 21-10831

This right is limited to the irrigation of 545.9 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

SCANNED

AL'S 0 2801

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.

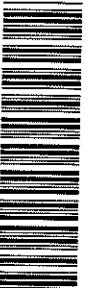
CIVIL CASE NUMBER: 39576

Ident. Number: A21-00096A  
Date Received: 3/14/1989  
Receipt No: 5006324  
Received By: Ed

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JOHN H. MAGLEBY 208-356-3159  
Address: 456 E. 2 S.  
REXBURG, ID 83440  
OR  
Name: SHIRLENE P. MAGLEBY 208-356-3159  
Address: 456 E. 2 S.  
REXBURG, ID 83440

A2100096A



2. Date of Priority: JUN 08, 1893

3. Source: DUCK CREEK Trib. to: HENRYS LAKE  
ROCK CREEK DUCK CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 15N      | 42E   | 13      | NE     | SE     | SW     |     | FREMONT |
|          |       |         | SW     | SE     | SW     |     | FREMONT |
|          |       | 24      | NE     | SW     | SW     |     | FREMONT |
|          |       |         | SE     | SW     | SW     |     | FREMONT |
|          |       | 25      | NW     | NE     | NW     | R   | FREMONT |
|          |       |         | SW     | SW     | NW     |     | FREMONT |

5. Description of diverting works:  
SEVERAL HEADGATES IN STREAM TO DITCHES. GRAVITY FLOW PIPE TO SPRINK

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 2.000  |      |        |

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

8. Total consumptive use is 1367.5 Acre Feet Per Annum.

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Date: 03/14/89

MICROFILMED  
OCT 20 1992

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 15N      | 42E   | 13      | NE  |    | SW  |     | IRR           | 25.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 33.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 22.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     |               |       |
|          |       |         |     |    |     |     | Section Acres | 200.0 |
|          |       | 24      | NE  |    | NE  |     | IRR           | 30.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 30.0  |
|          |       |         | SW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 22.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 25.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 20.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 20.0  |
|          |       |         |     |    |     |     |               |       |
|          |       |         |     |    |     |     | Section Acres | 347.0 |
|          |       |         |     |    |     |     | Total Acres   | 547.0 |

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:  
21-00095, 00094, 00097, 00098, 00099, 00100, & 00101 (PORTIO

14. Remarks:  
THIS IS CLAIMED AS PORTION OF THIS RIGHT OWNED BY MR. MAGLEBY.

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

|                  |    |                           |
|------------------|----|---------------------------|
| REXBURG IRR. CO. |    | TETON IRR. CANAL CO ET AL |
| Decree Plaintiff | vs | Decree Defendant          |

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MICROFILMED  
OCT 20 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 \_\_\_\_\_ 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: 3-21-89

Date: 3/21/89

State of Idaho )

) SS.

County of Bonneville )

Subscribed and sworn (or affirmed) before me this 22nd day

of March 19 89

Betty J. Thompson  
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO  
MY COMMISSION EXPIRES: 6-30-94