

Clay Fullmer



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

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,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

Date:
Time:

Received
From:

Type of Payment

Program A cct

Amount

Total

Ernest Carlson

239213

AMERICAN LAND TITLE CO.
P. O. BOX 732
REXBURG, IDAHO 83440WARRANTY DEED

THIS INDENTURE, Made this 11th day of ~~August~~^{September}, 1991,
between JENSEN FARMS, an Idaho limited partnership, with its
principal place of business at 5195 W. Hwy. 33, Rexburg, ID
83440, the party of the first part, and RICKS COLLEGE, a Utah
corporation duly organized under and by virtue of the Laws of
the State of Utah, but authorized to do business within the
State of Idaho, with its Idaho address at Ricks College
Administration Building, 100 E. 2nd S., Rexburg, ID
83460-4107, the party of the second part,

WITNESSETH, That the said party of the first part, for
and in consideration of the sum of Ten and no/100 Dollars,
lawful money of the United States of America, and other
valuable consideration to it in hand paid by the party of the
second part, the receipt whereof is hereby acknowledged, has
granted, bargained, sold and by these presents, does grant,
bargain, sell and convey and confirm unto the said party of the
second part, and its successors and assigns, forever, all the
following described real estate, situated in Madison County,
State of Idaho, to-wit:

Parcel 1:

Beginning at a point that is N89°48'47"W
660.00 feet along the Section line and North
1609.00 feet from the Southeast corner of
Section 20, T6N, R39E, B.M., and running
thence N89°34'45"W 1193.05 feet; thence North
761.23 feet; thence S89°34'45"E 1193.05 feet;
and thence South 761.23 feet to the point of
beginning. Contains 20.85 acres, more or less.

LESS the "common well area" described as:

A22-02303C

Beginning at a point that is N89°48'47"W 660.00 feet along the Section line and North 1609.00 feet from the Southeast corner of Section 20, T6N, R39E, B.M., and running thence N89°34'45"W 125.00 feet, thence N36°52'59"E 208.26 feet; and thence South 167.50 feet to the point of beginning. 20.85 acres

Together with an undivided thirty percent (30%) interest in and to Water Claim No. A22-10044 in the Snake River Basin Water System Adjudication Proceedings, and an undivided thirty percent (30%) in and to an irrigation well located on the "common well area" described in the preceding paragraph, (the other owners of interests in said irrigation well are said Jensen Farms Limited Partnership, with a 40% interest, and Dwight Spaulding with a 30% interest), and the repair, maintenance, upkeep and power charges are paid by all owners thereof in accordance with the percentage of interest owned, and

Together with a recorded 22 foot easement from Idaho State Highway 33 to said "common well area", and

Together with all and singular the other tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

Parcel 2:

Beginning at a point that is N89°48'47"W a distance of 1853.02 feet along the South section line from the Southeast corner of Section 20, T6N, R39E, B.M., and running thence North a distance of 250.00 feet; thence South 89°48'47"E a distance of 138 feet; thence South a distance of 250 feet to the section line; and thence N89°48'47"W a distance of 138 feet to the point of beginning. Containing 0.8 acre more or less.

LESS that portion of lying in the State Highway 33 right of way.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, including but not limited to a shed of metal and wood construction with dimensions of 80 feet x 40 feet, with some concrete flooring

and three overhead metal doors, and an asphalt shingled roof.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part* of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises together with the appurtenances unto the said party of the second part, and to its successors and assigns forever. And the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

JENSEN FARMS, an Idaho
Limited Partnership

By:

Joseph James Jensen
Joseph James Jensen
General Partner

By:

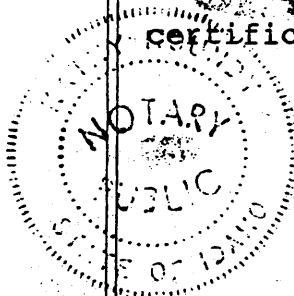
Betty J. Jensen
Betty J. Jensen
General Partner

STATE OF IDAHO,
County of Madison.

)
ss.
)

On this 11th day of ~~August~~ ^{September}, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH JAMES JENSEN and BETTY J. JENSEN, known to me to be the general partners of Jensen Farms, the partnership that executed the foregoing instrument and acknowledged to me that such partnership 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.



Kathy Randy
Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 3-6-96

MICROFILMED

State of Idaho)
County of Madison) SS 239213

I hereby certify that the within instrument was

filed SEP. 11 1991

at 2:45 P.M. and

recorded on Film 239213

Fee 12.00

by BETTIE B. REESE, Recorder

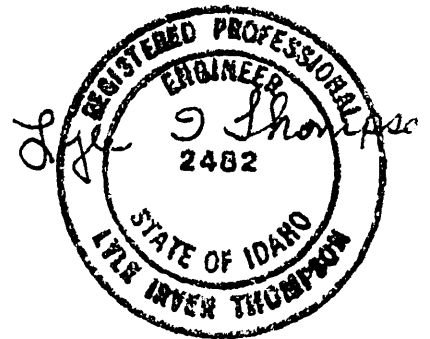
A. WOOD Deputy

At the request of AMERICAN LAND TITLE CO., INC.

Legal Description

A parcel of land situated in Madison County, State of Idaho, Township 6 North, Range 39 East of the Basic Meridian, Section 20, more particularly described as follows, beginning at the Southwest corner of section 20, T6N, R 39 E, EM thence S $89^{\circ}37'30''$ E along the south line of said section for a distance of 2384.81 feet to the True Point of Beginning, thence N $00^{\circ}22'30''$ E for a distance of 1040.00 feet; thence S $89^{\circ}37'30''$ E for a distance of 347.45 feet; thence N $03^{\circ}34'32''$ E for a distance of 1968.23 feet; thence S $88^{\circ}57'45''$ E for a distance of 1776.54 feet; thence N $00^{\circ}26'07''$ W for a distance of 957.67 feet; thence N $86^{\circ}06'41''$ W for a distance of 438.09 feet; thence N $02^{\circ}52'58''$ E for a distance of 1189.86 feet; thence East for a distance of 40.00 feet; thence N $34^{\circ}24'55''$ E for a distance of 87.41 feet; thence N $89^{\circ}40'00''$ E for a distance of 927.83 feet; thence S $00^{\circ}08'28''$ E for a distance of 2621.09 feet; thence West for a distance of 660.00 feet; thence South for a distance of 268.00 feet; thence N $89^{\circ}33'39''$ W for a distance of 1186.96 feet; thence South for a distance of 2350.00 feet; thence N $89^{\circ}37'30''$ W for a distance of 244.63 feet; thence N $00^{\circ}22'30''$ E for a distance of 208.00 feet; thence N $89^{\circ}37'30''$ W for a distance of 197.60 feet; thence S $18^{\circ}22'30''$ W for a distance of 42.06 feet; thence S $00^{\circ}22'30''$ W for a distance 168.00 feet, thence N $89^{\circ}37'30''$ W for a distance of 590.19 feet to the True Point of Beginning containing 121.25 acres more or less.

Thompson Engineering
Consulting Engineering
P.O. Box 55
Rigby, Idaho 83442



A22-02303c

IRRIGATION WELL AGREEMENT

THIS AGREEMENT, made and entered into this 10th day of April, 1978, by and between RICKS COLLEGE, a Utah Non-profit Corporation of Rexburg, Idaho 83440, hereinafter called "Ricks", and RIVERVIEW DAIRY, INC., an Idaho Corporation, of Route #1, Rexburg, Idaho 33440, hereinafter called "Riverview",

WITNESSETH:

1. Riverview Dairy, Inc. has a seventy per cent interest in that certain irrigation well, pump, and motor, identified in that certain Well Agreement between Brigham Young University, a corporation, and Silas Dwight Spaulding and Sheralyn Spaulding, husband and wife, dated November 24, 1975, and recorded on March 25, 1976, as Instrument No. 159606, records of Madison County, Idaho. The Spauldings own the other thirty per cent interest in the well.

2. Riverview Dairy, Inc. has this day conveyed to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, for Ricks College, a part of the property to which the water right and well are appurtenant.

3. In consideration of the purchase of the property, and other good and valuable consideration, receipt of which is hereby acknowledged, Riverview does hereby agree that Ricks shall have the right, in common with Riverview, to water pumped from the well, for irrigation of the property acquired by Ricks from Riverview, and on the terms and conditions herein provided.

4. For a period of three irrigation seasons, namely the crop years 1978, 1979, and 1980, Ricks shall pay to Riverview, for use of the water, the sum of \$100.00 per year, payable on or before the first day of May of each irrigation season, and shall also pay, promptly upon billing with evidence of the calculation of the amount, a percentage of the power bill for pumping irrigation water, calculated as follows:

There shall be calculated the total acreage irrigated;

STATE OF IDAHO,
County of Madison

ss.
)

On this 10th day of April, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared GERALD J. LOWE and ADA S. LOWE, known to me to be the President and Secretary, respectively, of RIVERVIEW DAIRY, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation 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.

Ridge (W) Walters
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission expires: Life 2/25/82

INDEXED

State of Idaho
County of Madison

Liberty of the press in this instrument was

Notary Name 3
Date 78 4.10

75554

3.00

My Law Be Deputy

Land - Int

undersigned
ARRY J.
lage,
poration

State of Idaho

License and Certificate of Water Right

Water License No. G-24247

Amount 10 c.f.s.

Water District No. _____

Priority June 25, 1953

THIS IS TO CERTIFY that ORVILLE O. JEPFSON, TIMOTHY H. PARKINSON & PRESTON H. PARKINSON of Idaho Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 25, 19 53; that Permit No. G-24247 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 10 second feet, was issued thereunder on December 18, 19 58, showing that said works were completed on the 3rd day of July, 19 58; and that on the 3rd day of July, 19 58, ORVILLE O. JEPFSON, TIMOTHY H. PARKINSON & PRESTON H. PARKINSON

of Idaho Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean, for the purpose of Irrigation, under Use Permit No. G-24247 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6571, on the 18th day of December, 19 58; The right hereby confirmed dates from June 25, 19 53;

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 20, Twp. 6 N., R. 30 E., B. M. County Madison

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	30 E.	17	SE 1/4 SE 1/4	40	40
			LOT 6	41.95	41.95
			NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	20
		20	LOT 1 <i>NE NW</i>	23.15	23.15
			LOT 2 <i>SE NW</i>	51.40	51.4
			LOT 3 <i>NW SW</i>	37.55	37.55
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			NE 1/4 SW 1/4	40	40
		19	NE 1/4 SE 1/4	20	20
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	20	20
			LOT 8	30.02	30.02

Total number of acres irrigated - 613.07

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 18th day of December, 19 58.

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

21-2105
22-2303

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-24247

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Orville O. Jeppson - Timothy H. and Preston Parkinson

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SE 1/4 of Section 20

T. 6 N. R. 39 E. County of Madison PLD

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well

Pump: Fairbanks Morse #PP7015 - 14" discharge, 12" bowls -

Motor: Westinghouse #F225022 - 20HP - Meter: Westinghouse #26297082

Fall River Elec. Co. Service # ? Kwh 12 1/2 - KWh input during 1958 = 16
(from Power Co's records)

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4, Lots 1, 2, 3, and NE 1/4 SW 1/4, S 1/2 SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, all in Section 20,

Lot 8, Section 19, Lot 6, Section 17, all in Township 6 North, Range 39 E.B.M.

600.17 acres PLD

If like along river. Perhaps water out on
land and irrigates considerable by seeping.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: This inspection was made with the assistance of
Orville Jeppson.

Not possible to measure with weir on flowing water
due to flood.

This examination was made on the 14 day of Aug, 1958

(Signed) Derral Stevenson

Examiner.

recheck J. C. Marr 2 weeks later.

G24247

