



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 WEB SITE: www.idwr.state.id.us

EASTERN REGION

September 14, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KENNETH P PRICE
PO BOX 51
DRIGGS ID 83422

RE: SPLIT OWNERSHIP OF WATER RIGHT 22-78, 22-84, 22-13246

Dear Mr. Price:

Review of your "Notice of Change in Water Right Ownership" reveals a portion of the water right(s) listed above is appurtenant to your property. However, our office is unable to split water rights in Basin 22 until after we submit the Director's Report to the Snake River Basin Adjudication Court. Therefore, you have been added to the water right record(s) as a "present owner." This designation will allow you to receive copies of mailings that pertain to the water right(s) listed above.

Splitting rights will be completed following distribution of the Basin 22 Director's Report scheduled for mailing in 2006. At that time we will designate you "current owner" of your portion and notify the SRBA Court, so the water rights appurtenant to your property will be adjudicated in your name.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: File: 22-78
James & Marlene Price
Dale & Virginia Price
Linda Bingham
Marilyn Anderson
Dale K. Price Jr.
R. Vandes Price

M E M O R A N D U M

DATE: September 8, 2005

TO: File

FROM: Jennifer Crabtree, Technical Records Specialist

RE: Adding Present Owners

Per the procedure developed in August 2005 by the state office staff, legal, and the court, I added the new claimants as "present owners" and left the old claimants as "current owners". Once the director's report is issued and all the ownership changes are received, the recommendation will be split as per our normal procedure.

(2)

mm 42-245(2)-1409(2) July, 2000

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A22-13246					

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Price Bros

73 Harper Box 563, Driggs, ID 83422

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

James & Marlene Price, Box 112

City, State and ZIP Code

Driggs, ID 83422

New Telephone Number

(208) 354-2381

5. Date you acquired the property

28 Oct 1992

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A22-13246</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1.02</u>	<u>51 all in SW 4 of Sec 34</u>
Stock		<u>Owns all of SW 4 of Sec 34</u>
Domestic		
Other		
Total	<u>1.02</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)
James W. Price
Marlene J. Price

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

AFFIDAVIT

State of IDAHO)
 ss.
County of Madison)

RE: SRBA Water Right Claim 22-13246

JAMES W. PRICE, being first duly sworn, deposes and says:

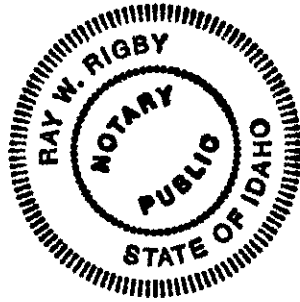
1. That he makes this affidavit in support of the above numbered claim to water right, and he also makes this affidavit in behalf of himself and his wife and for his deceased brother DALE K. PRICE and his wife and their families.
2. That he resides at 410 North 1st East, P.O. Box 212, Driggs, ID 83422; that he was born in Driggs, Idaho on May 28th, 1931 and has lived in the same house or a nearby house in the same block all of his lifetime, except for the time he spent in the U.S. Army Air Corps in 1954-1956, and while he attended college at the University of Idaho in Moscow, Idaho.
3. That he is the son of Vandes A. Price, a.k.a. V.A. Price, and Vera K. Price, both of whom are now deceased, who lived on the same block as your affiant.
4. On June 2, 2004, Allen B. Ruberry, in behalf of the Idaho Department of Water Resources, by a letter to James or Marlene Price, asked for evidence of Priority (June 19, 1920) for SRBA Water Right Claim 22-13246.
5. Your affiant attaches hereto a copy of State of Idaho Water License 885, together with a Township Plat of the subject property. Said License specifies that the Priority Date is October 3, 1904, and therefore said Water Right Claim 22-13246 should be amended to change the Priority date from June 19, 1920 to October 3, 1904. *22-13246 FILED AS BU, SOURCE TETON CL*
6. Your affiant also attaches hereto a copy of the James W. Price, et al vs. Ronald D. Carlson, et al Decree, dated June 11, 1986, together with a Township Plat of the subject property. Said Decree specifies the Date of Priority as June 19, 1920 for 1.5 cfs for use on 61 acres in Section 33 and 19 acres in Section 34, all in Township 5 N., Range 45 E.B.M. *22-685
CLAIMED AS
22-11747
SPLIT TO
22-13247
22-15248.*
7. That your affiant has farmed all his life, on all of the lands involved in this water claim and verifies the use of said water right in the manner set forth above.

FAWP6\DK\PRICEJ1.AFF

*5/12/05 - All this packet DOES NOT RELATE TO
22-13246 EVIDENCE - Rather it supports 22-685;
CLAIMED AS 22-11747 (SPLIT TO 22-13247, D. & H. J. MO,
22-13248, PRICE).*

James W. Price
James W. Price

Subscribed and Sworn to before me this 11th day of August, 2004.



Ray W. Rigby
A Notary Public for Idaho
Residing At: Rexburg, ID
My Commission Expires: 03-12-2005

copy 8

ALZINA Chandler water right # 885

This went with deed to San Price, on down to James & Maile's place

Instrument No. 885

STATE OF IDAHO

885

1904

WATER LICENSE NO. 885

WHEREAS, On the 2d day of October A. D. 1904 ALZINA Y. CHANDLER of Briggs, County of Fremont, and State of Idaho duly made application (No 1289) to me for a permit to use 4 cubic feet per second of the waters of Hawk Lake and CHANDLER SPRINGS, County of Fremont State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 25th day of October A. D. 1904 Permit No 885 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 25th day of October A. D. 1905 and for the application to beneficial use of said water on or before the 25th day of October A. D. 1909 and,

WHEREAS on the 25th day of October A. D. 1905 the holder of said permit duly made proof of the completion of adequate works for the diversion of 4 cubic feet per second of said waters as evidenced by my Certificate No. 885 Dated November 28, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4 cubic feet per second of water, with date of priority of October 2, 1904 and,

Whereas, On the 5th day of September A. D. 1908 proof was duly made of the application to beneficial use of 5 cubic feet per second of said water;

NOW, WHEREAS, By virtue of the authority vested in me by the laws of the State of Idaho I hereby grant and confirm to ALZINA Y. CHANDLER, of Briggs, Idaho the holder and owner of said permit No. 885 a perpetual right, dating from October 2, 1904 to the use of 5 cubic feet per second of the waters of Hawk Lake and CHANDLER SPRINGS, in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at,

a point in the southwest quarter of southeast quarter and at a point in southwest quarter of northwest quarter section 34 township 5 north, range 45 East of Boise meridian, and conducted to and upon 80 acres in north half of southwest quarter; 20 acres in southwest quarter of southwest quarter; 20 acres in southeast quarter of southwest quarter, section 34, township 5 north range 45 East S. M., and 20 acres in the northwest quarter of northwest quarter, section 5 township 4 north, range 45 east of the Boise Meridian, for the purpose of irrigation and domestic use,

subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS my hand and the seal of my office at Boise, Idaho this 25th day of October A. D. Nineteen Hundred and eight.

Geo. Stephenson Jr.
State Engineer.

(SEAL)

Recorded at the request of Titon Abstract Co. January 7 1919 at 11:40 A. M.

A. W. Clark

Deputy

W. F. Robertson

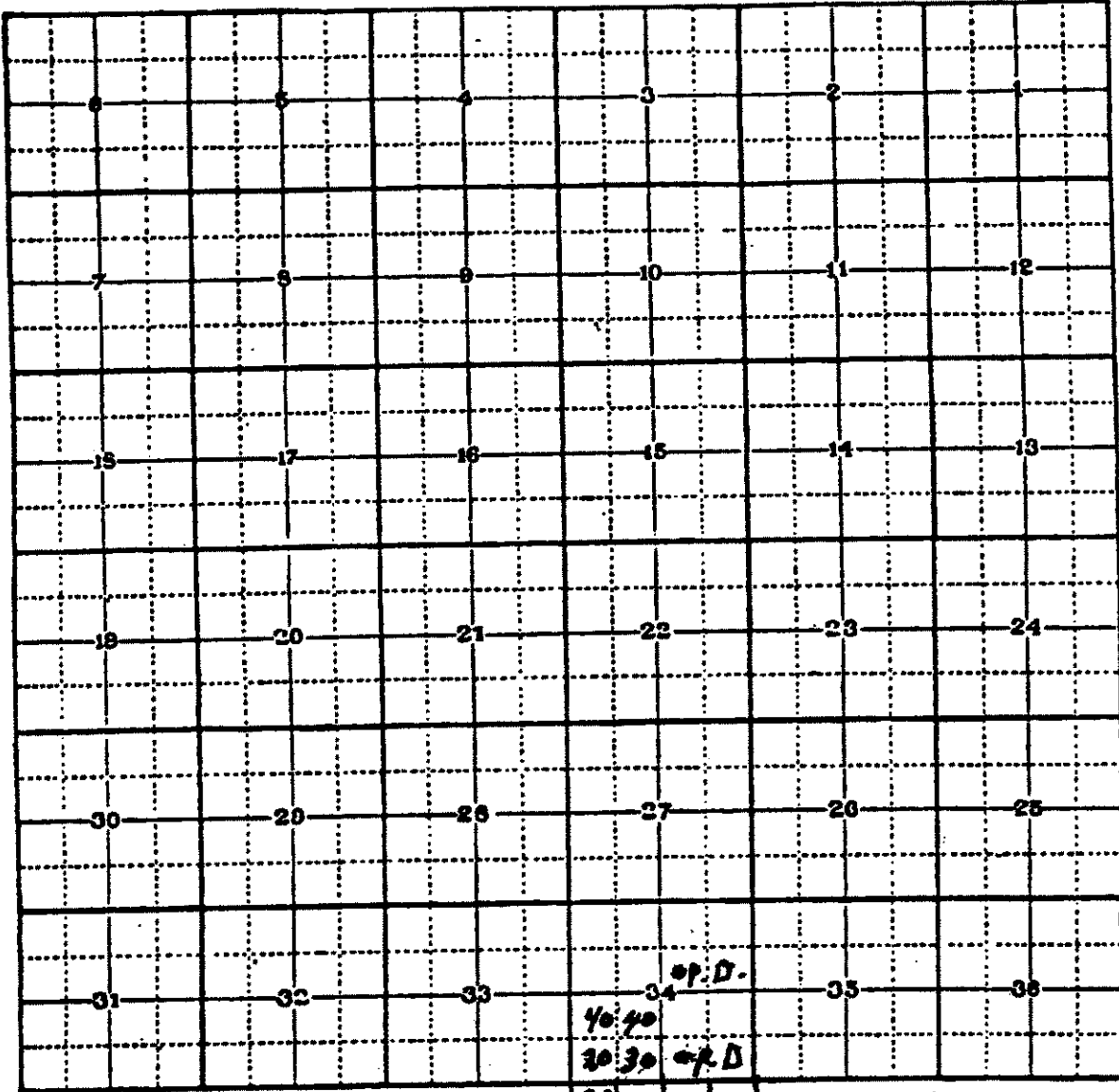
Recorder.

22-2004

State Water License # 885

SCALE: 1 INCH—1 MILE

County Leton Township 5 N Range 45 E



Twp 4 N, Rge 45 E

40.40		
20.30	op.D.	
20		

License # 885 (IDW)
priority date: Oct 3,

waters of Howe Dam
& Grandah Springs

3 C.F.S.

License dated:
October 23, 1918