

01/03/2005

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-467

ROBERT WILSON
PO BOX 332
DRIGGS ID 83422
Telephone Number: (208) 354-8277

SHARMAN WILSON
PO BOX 332
DRIGGS ID 83422
Telephone Number: (208) 354-8277

RECEIVED
MAR 10 2005
Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

The recommendation that the claim be disallowed on the belief by IDWR that the Water Right was forfeited/abandoned due to non-use from 1975 to present

2. Describe the changes you wish to make in the proposed recommendation:

That IDWR recommend to the court that the water right is valid in accordance with all of the provisions of the claim filed in the adjudication

3. Give a brief explanation as to why you disagree with these portions:

See the attached letter from Ray W. Rigby, attorney for Robert (Bob) and Sharman Wilson. Also see attached copies of Deeds. Affidavits are being obtained by Mr. Rigby that will be forwarded to IDWR shortly.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: Feb 17, 05

SIGNATURE:

Robert Wilson Sharman A. Wilson

Please print your name: ROBERT WILSON SHARMAN A. WILSON

IDWR Regional Office,

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-mail: blennon@rigby-thatcher.com*

March 9, 2005

Idaho Department of Water Resources
% Allen B. Ruberry
900 N. Skyline, Ste. A
Idaho Falls, ID 83402

RE: Water Right Claim 22-466, 22-467, 22-468, 22-57

Dear Allen,

I represent Bob and Sharman Wilson with respect to all of their water claims in Idaho. This letter is attached to claimants "Notice of Error, Reply" to set forth a general explanation of why the Wilsons believe that the IDWR is wrong in the recommendation that the claim be disallowed on the basis that the water right has been forfeited/abandoned due to non-use from 1975 to present. The Wilsons believe that their claims, including this claim, have not been forfeited or abandoned and that this claim, like all of their claims, should be allowed as submitted to IDWR.

IDWR has recommended to the court that four claims of the Wilsons should be disallowed and the data in opposition to the IDWR finding pertains to all four claims. In support of their contentions, we submit the following:

1. A copy of a Metsker map of the property in Section 24, Township 6 N., Range 44 E.B.M., where the Wilson's own the NW1/4SE1/4, and the NE1/4SW1/4, and the SE1/4NW1/4, which is the property to which the Water Rights revolved in these claims are appurtenant.
2. A chain of title report starting with a USA patent granted to George F. Rammell on September 26, 1911. The title to said property was transferred through a series of deeds down to Adrian H. Cook, et ux., and a copy of that deed is also enclosed. Then the property was transferred to Ralph Ure, et ux. on December 15, 1965, and

a copy of that deed is enclosed. Ralph then deeded it to Shane W. Ure, et ux. on December 29, 1980. Shane then deeded it to Jim H. Wilson, et ux. on the same day. Jim Wilson deeded the property to the Bob Wilson Pension Plan on October 31, 1995, and the Bob Wilsons still own the property (copies of the last several deeds of transfer are enclosed with this report).

3. In the "Rexburg Decree", George Rammell was awarded a Decree for the following water rights:
June 1, 1893; 20 inches from Badger Creek
June 1, 1900; 40 inches from Badger Creek
June 1, 1902; 40 inches from Badger Creek
All of that water was decreed to the said NW1/4SE1/4, NE1/4SW1/4, and SE1/4NW1/4 of section 24, Township 6 N., Range 44 E.B.M. containing 120 acres. Copies of pages 21 and 85 of the printed "Rexburg Decree" book, which sets forth the details of said claims, are enclosed herewith.

Ralph Ure is dead. His wife is alive. Their son, Shane W. Ure, is prepared to give a sworn statement that he helped farm the property in Section 24, TWP and RGE aforesaid from childhood until he and his wife sold said premises to Jim H. Wilson, et ux. on December 29, 1980, and that said premises were irrigated by water from Badger Creek pursuant to the said three Decrees described above. There came a time however when he and his parents, instead of irrigating from the lateral ditch, which headed on Badger Creek, they brought the water down a swale to a pump that was powered by a tractor and virtually all of the above described property was irrigated each year with that system, until he and his wife sold the property to Jim H. Wilson, on December 29, 1980.

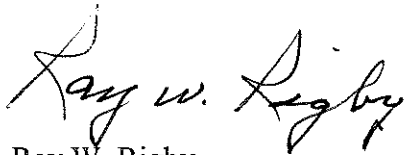
Mr. Jim Wilson is prepared to give a sworn statement that after he took possession of the premises, he irrigated the premises, using his best efforts to irrigate all of the land. There came a time when others claiming interests in the waters of Badger Creek and the lateral ditch leading from that Badger Creek suggested that it would be for the best interests of all concerned that Mr. Jim Wilson use their water in exchange for his water coming down the swale from Badger Creek. This seemed to be a workable program for all involved and Mr. Jim Wilson continued to irrigate the premises in this manner for at least 10 years. Because Mr. Jim Wilson needed stockwater for his livestock, in 1983-84 he had a 16 inch well drilled near the NW corner of the premises, which was also near the swale, and used that well for stockwatering purposes and domestic use until shortly before he sold the premises to the Bob Wilson, A Professional Law Corporation, Target Benefit Pension Plan on October 26, 1995. Because of his age and infirmities, Jim Wilson, in the last few years of his ownership of the premises irrigated what he could with the water that came down to the premises and used the well to pump water for his livestock, and that water also irrigated the low areas of the premises. Jim Wilson insists that he did not intend in any way to forfeit or abandon the water rights on the premises. He and his wife sold the property with the water rights.

Robert Wilson and Sharman R. Wilson absolutely believed that there were valid water rights on the premises when they bought them. Furthermore, they had no intention of abandoning or

forfeiting those water rights. They had acquired several tracts of land across Teton valley and were developing them in an orderly manner, and the investigating officers of IDWR are familiar with the Wilson's other properties and how they have developed them and used the water rights, which is clearly their intention with regard to the premises which are the subject of this report.

The personnel of the IDWR, including those who made the recommendation that these water rights not be granted on the basis of abandonment/forfeiture, are also aware, as all of us are, of the rules and procedures used in the adjudication, as promulgated subject to the Courts approval. Those rules very clearly provide that the period of time of non-use of a water right is tolled with the filing of the basin wide adjudication case in 1987. Furthermore, several cases have held that the courts abhor a forfeiture of a water right. It is a property right and due process of law requires a clear finding in all respects before it will allow a loss of water right.

Sincerely,

A handwritten signature in cursive script that reads "Ray W. Rigby". The signature is written in dark ink and is positioned above the typed name.

Ray W. Rigby
RWR/bml
enclosures

01/03/2005

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

RIGHT NUMBER: 22-467 DISALLOWED

NAME AND ADDRESS: ROBERT WILSON
PO BOX 332
DRIGGS ID 83422

SHARMAN WILSON
PO BOX 332
DRIGGS ID 83422

SOURCE: BADGER CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.000 CFS

PRIORITY DATE: 06/01/1900

POINT OF DIVERSION:
T06N R45E S9 NWSW Within TETON CountyPURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	

PLACE OF USE: IRRIGATION Within TETON County

T06N R44E S24	SESW	T06N R44E S24	NESW
T06N R44E S24	NWSE		

0.0 ACRES TOTAL

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

FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

FORFEITED/ABANDONED DUE TO NON-USE FROM 1975 TO PRESENT.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

Preston, W. A., 200 inches, Apr. 22, 1895 Boone Creek.
 Price, J. W., 80 inches, June 1, 1899, Teton Creek.
 Priestly, W. W., 60 inches, June 1, 1899, Badger Creek.
 Priestly, W. W., 160 inches, June 1, 1901, Little Badger Creek.
 Pugmire, G. Y., 200 inches, May 1, 1903, McTucker Springs.

Quivey, Joseph V., 320 inches, July 15, 1904, Targee Creek.

R.
 Rammell, C. H., 30 inches, June 1, 1898, Badger Creek.
 Rammell, C. H., 30 inches, June 1, 1902, Badger Creek.
 Rammell, George, 20 inches, June 1, 1893, Badger Creek.
 Rammell, George, 40 inches, June 1, 1900, Badger Creek.
 Rammell, George, 40 inches, June 1, 1902, Badger Creek.
 Rasmussen, George. (See J. H. Riley.)

Raymond, S. V., and V. S., Anderson Canal Company.
 Reeber, Christian, 160 inches, June 1, 1902, East Fork of Hotel Creek.
 Reese, A. J., and Daniel King, 200 inches, June 1, 1902, Snake River.
 Reid Canal Company, 1,500 inches, June 1, 1885, South Fork of Snake River.

Reid Canal Company, 2,000 inches, June 1, 1886, South Fork of Snake River.

Reid Canal Company, 4,000 inches, June 1, 1889, South Fork of Snake River.

Rexburg Irrigation Company, 8,500 inches, Apr. 1, 1898, Teton River.
 Rexburg Irrigation Company, 6,500 inches, June 10, 1883, Teton River.
 Rexburg Milling Company, 3,000 inches, Oct. 1, 1889, Teton River (Woodmansee-Johnston Ditch), for power purposes only, and subject to rights of users for agricultural purposes of water through same ditch.

Rice, A. L., 160 inches, June 1, 1891, Patterson Creek.

Rice, A. L., 160 inches, June 1, 1896, Patterson Creek.

Rice, A. L., 160 inches, June 1, 1896, Patterson Creek.

Rice, Ed., 160 inches, Apr. 1, 1890, Trail Creek.

Rice, J. M., 250 inches, June 11, 1889, Hulls Slough, Boone Creek.

Rice, L. C., Pioneer Ditch Company.

Rice, Oscar F., 250 inches, June 11, 1889, Hulls Slough-Boone Creek.

Rich, Anna Page, 160 inches, Oct. 15, 1900, Tom Creek.

Rich, Dora, and Landon, J., 60 inches, May 1, 1888, Boone Creek.

Rich, Dora, and Landon, J., 20 inches, May 1, 1897, Rich's Springs.

Richards, Willard, Enterprise Canal Company.

Richards, William, The Farmers' Friend Canal Company.

Richie, Benjamin, Enterprise Canal Company.

Richie, Jabez, Enterprise Canal Company.

Richie, John, Enterprise Canal Company.

Richie, Mary C., Enterprise Canal Company.

Richie, William, The Farmers' Friend Canal Company.

Richies, Elizabeth, The Farmers' Friend Canal Company.

Richies, Mary C., The Farmers' Friend Canal Company.

Ricks, Alfred, 200 inches, June 1, 1894, Moody Creek. (To be reduced to 100 inches after June 20th of each year.)

Ricks, Alfred, 10 inches, June 1, 1894, Teton River.

Ricks, Effie E., 160 inches, June 1, 1896, Trail Creek.

Ricks, John, 51 inches, June 1, 1894, Trail Creek.

Ricks, Josiah, 160 inches, June 1, 1892, North Leigh Creek.

Ricks, Wallace, 40 inches, Apr. 1, 1898, North Leigh Creek.

Ricks, Wallace, 110 inches, June 1, 1900, North Leigh Creek.

Ricks, Wallace, 40 inches, June 1, 1904, North Leigh Creek.

Ricks, Willard. (See Hill Ditch Company. Sold to Sugar City Townsite Company.)

Rigby Canal & Irrigating Company, 500 inches, June 15, 1885, South Fork of Snake River.

rough Watson

883, South Fork

884, South Fork

885, South Fork

e 1, 1888, South

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and Deep Creek.

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 Creek.

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 igh Creek.

ches, Aug. 18, 1894,

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 lap, 710 inches, May

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ek.
 er Creek.

902, Pine Creek.
 il 1, 1898, Teton River.
 r. 1, 1884, Teton River.
 Pincok-Byington Ditch

Teton River.
 Teton River.

any.
 k.
 igh Creek.
 k.

38 E. B. M.; SW $\frac{1}{4}$ of
3 $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec.

nd SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
s.
22, T. 6 N. R. 45 E.

Sec. 9, T. 6 N. R. 44

T. 6 N. R. 45 E. B.
s. and C. Burton).
B. M.

M., containing 160

T. 7 N. R. 40 E. B.

of Sec. 35, T. 7 N.

M., containing 160

M., containing 160

N. R. 43 E. B. M.,

of Sec. 4 and NE $\frac{1}{4}$
res.

640 acres.

N. R. 43 E. B. M.,

0, T. 2 N. R. 43 E.

M., containing 320

5 and S $\frac{1}{2}$ of SE $\frac{1}{4}$
s.

ec. 25, T. 12 N. R.
nd 13 and E $\frac{1}{4}$ of
320 acres.

. R. 41 E. B. M.
(ceased), SE $\frac{1}{4}$ of
B. M.

N. R. 41 E. B. M.,
th side of said 40

30, T. 7 N. R. 40

aining 160 acres.

N. R. 40 E. B. M.,

1 and N $\frac{1}{2}$ of S $\frac{1}{2}$

of Sec. 21, T. 1 N. R. 38 E. B. M., containing 480 acres.

Plank, Leida J., all of Sec. 20, T. 1 N. R. 38 E. B. M., containing 640 acres.
Podlatis, Mary, S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. —, T. 3 S. R. 34 E. B. M., containing
80 acres.

Porter, John, E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 35, T. 4 N. R. 45 E. B. M., containing 80
acres.

Powell, W. J. (No description given.)

Prescott, James, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7 and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lots 2 and
3 of Sec. 8, T. 1 S. R. 45 E. B. M., containing 160 acres.

Preston, W. A., SW $\frac{1}{4}$ of Sec. 8 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, T. 5 S. R. 32
E. B. M., containing 200 acres.

Price, J. W., N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26 and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 27, T. 4
N. R. 45 E. B. M., containing 120 acres.

Price, M. J., SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 25 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35, T. 3 N.
R. 38 E. B. M., containing 80 acres.

Price, Rhoda, 75 1-3 acres off east side of SE $\frac{1}{4}$ of Sec. 25, T. 3 N. R. 38
E. B. M.,

Price, W. H., NE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec.
36 and 136 acres from SE corner of SE $\frac{1}{4}$ of Sec. 25, the NE $\frac{1}{4}$ of Sec.
25, 160 acres from west side of SE $\frac{1}{4}$ of Sec. 25, 12 acres from NE
corner of SW $\frac{1}{4}$ of Sec. 25, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 25, T. 3 N. R. 38 E.
B. M.

Price, William, NE $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 45 E. B. M., containing 160
acres.

Priest, W. E., SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 31, T. 1 N. R. 38 E. B. M., SW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Sec. 31 and 15 acres on west side of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec.
31, T. 1 N. R. 38 E. B. M., containing 95 acres.

Priest, W. E., and J. M., N $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$
of Sec. 31, T. 1 N. R. 38 E. B. M., containing 160 acres.

Priestley, W. W., Lot 2 of Sec. 6, T. 6 N. R. 45 E. B. M., the unsurveyed
S $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 31, T. 7 N. R. 45 E. B. M., S $\frac{1}{2}$
of SW $\frac{1}{4}$ of Sec. 26 and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 35, T. 6 N. R. 44 E. B. M.,
containing 320 acres.

Poulson, Joseph C., NW $\frac{1}{4}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Sec. 23, T. 6 N. R. 45 E. B. M.

Pugnire, G. Y., NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec.
3 and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 5, T. 5 S. R. 32 E. B. M., containing 200
acres.

Parsons Ditch Company. (For description of lands see L. S. and S. C.
Caldwell, U. G. Campbell, J. B. Crawford, J. M. Davis, Joseph Fresh,
Emery Larocque, J. P. Larson, N. J. Nelson, Mary Podlatis, John
Simpson and N. C. Sorenson.)

Q.

Quivy, Joseph Z., Lot 1, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 1, T. 15
N., R. 43 E. B. M.; also W $\frac{1}{2}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 6, T.
15 N. R. 44 E. B. M., and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 6, T. 15 N. R. 44 E.
B. M., and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 31, T. 16 N. R. 44 E. B. M., containing
320 acres.

R.

Rainsdon, F. A., E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 18, T. 1 N. R. 38 E.
B. M., containing 160 acres.

Rammell, C. H., W $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 24 and SW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Sec. 13, T. 6 N. R. 44 E. B. M., containing 160 acres.

Rammell, George, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Sec. 24, T. 6 N. R. 44 E. B. M., containing 120 acres.

Ramsey, W. E., NW $\frac{1}{4}$ of Sec. 10, T. 2 N. R. 38 E. B. M., containing 160
acres.

Rasmussen, George. (Description not given in the pleadings.)

Reeber, Christian, N $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$
of Sec. 12, T. 14 N. R. 42 E. B. M.

T. 6 N.

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44.4E

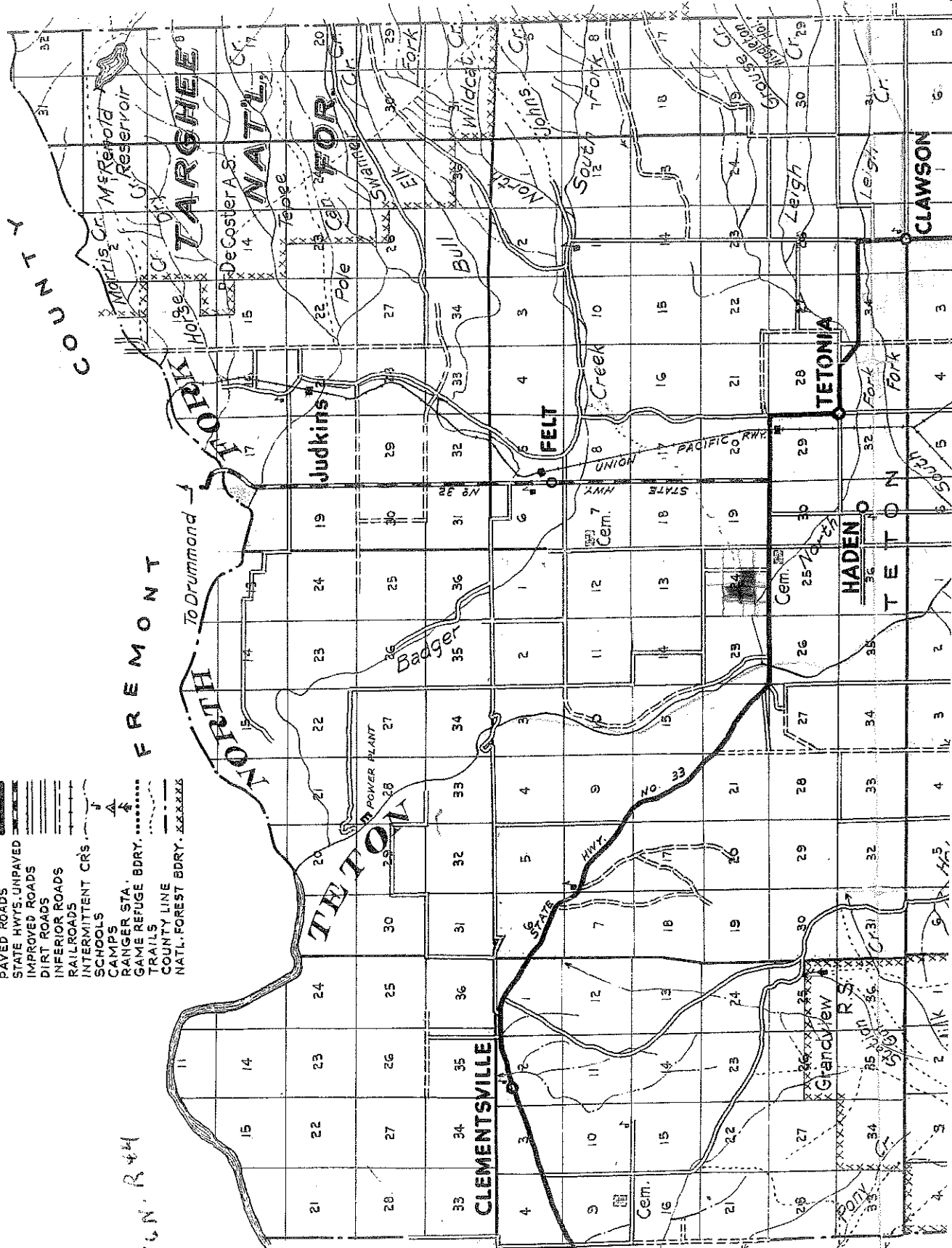
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2025

- | | |
|---------------------|-------|
| PAVED ROADS | |
| STATE HWYS. UNPAVED | |
| IMPROVED ROADS | |
| DIRT ROADS | |
| INFERIOR ROADS | |
| RAILROADS | ..... |
| INTERMITTENT CR.'S | ..... |
| SCHOOLS | ..... |
| CAMP | ..... |
| RANGER STA. | ..... |
| GAME REFUGE | ..... |
| TRAILS | ..... |
| COUNTY LINE | ..... |
| NATL. FOREST | ..... |
| BDRY. | ..... |

14



166

Instrument No. 59899

QUIT CLAIM DEED

THIS INDENTURE, Made the 14th day of April, In the year of Our Lord, One Thousand Nine hundred and 61, between David L. Hanks and Elen W. Hanks, his wife, of the County of Teton, the part one of the first part, and Adrian H. Cook and Martha W. Cook, his wife, and the State of Idaho, the part two of the first part, and the part one of the second part, and the part two of the second part.

WITNESSETH, That the said part one of the first part, for and in consideration of the sum of DOLLARS, Ten and no/100, lawful money of the United States of America, to them in hand paid by the said part two of the second part, the receipt whereof is hereby acknowledged, do by the presents REMISE, RELEASE and FOREVER QUIT CLAIM unto the said parties of the second part, and to their heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Teton, State of Idaho, and bounded and described as follows, to-wit:

The Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), and the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), and the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 24, Township 6 North, Range 44, East of the Boise Meridian.

Together with all the improvements, privileges and appurtenances thereunto belonging, together with any and all water rights of every nature, however evidenced, used on said land or belonging to the same,

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances unto the said part two of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, The said part one of the first part have hereunto set their hand and seals the day and year first above written.

Signed, sealed and delivered in the presence of

David L. Hanks (SEAL)
Elen W. Hanks (SEAL)
(SEAL)

STATE OF IDAHO, }
COUNTY OF TETON, } ss.

On the 5th day of February, In the year 1962, before me, Mark F. Boyack, a notary public in and for said County and State, personally appeared David L. and Elen W. Hanks, known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they 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.

(Notarial Seal)

Mark F. Boyack
Spanish Fork, Utah

My Commission Expires: September 11, 1965

STATE OF IDAHO, }
COUNTY OF TETON, } ss.

I hereby certify that this instrument was filed for record at the request of Adrian H. Cook, at 5 minutes past 4 o'clock P. M., this 15 day of February, 1962.

Fees, \$ 1.25

Dwight G. Stone, Ex-Officio Recorder.

By Ruth Zohner, Deputy.

46 Bk 87

INSTRUMENT NO. 03335

QUIT CLAIM DEED

THIS INDENTURE, Made the 4th day of December, in the year of our Lord One Thousand Nine hundred and 65, between Emma H. Henck, a widow, of the County of Teton, and State of Idaho, the party of the first part, and Adrien H. Cook & Martha W. Cook, his wife, of the County of Teton, and State of Idaho, the parties 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, to her in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do hereby by the presents REMISE, RELEASE and FOREVER QUIT CLAIM unto the said parties of the second part, and to their heirs and assigns forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Teton, State of Idaho, and more particularly described as follows, to-wit:

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 24, Township 6 North, Range 44 East of the Boise Meridian, together with all the improvements, privileges and appurtenances thereunto belonging, together with any and all water rights of every nature, however evidenced, used on said land or belonging to the same.

Also the South half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), Southwest Quarter (SW $\frac{1}{4}$), West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$), Section 6, Township 5 North, Range 44 East of the Boise Meridian. Also Tax No. 567, Section 29, Township 6 North, Range 45 East of the Boise Meridian. And Lots 12 and 13 Block 17 Tootonia Townsite. Also the West Half (W $\frac{1}{2}$) Lots 6 to 11 inclusive Block 10 of the Tootonia Townsite.

Also the East Half (E $\frac{1}{2}$), and the East Half of the North West Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 36, Township 5 North, Range 43 East of the Boise Meridian, and the West Half (W $\frac{1}{2}$), the West Half of the East Half (W $\frac{1}{2}$ E $\frac{1}{2}$), the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 25, Township 5 North, Range 43 East of the Boise Meridian, and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 24, Township 5 North, Range 43 East of the Boise Meridian, and Lot 4 Section 31, Township 5 North, Range 44 East of the Boise Meridian, and Lot 4, Section 6, Township 4 North, Range 44 East of the Boise Meridian, and Lot 1, Section 1, Township 4 North, Range 43 East of the Boise Meridian, together with all the improvements, privileges and appurtenances thereunto belonging, together with any and all water rights of every nature, however evidenced, used on said land or belonging to the same and of every nature, however evidenced, used on said land or belonging to the same on all the above described lands, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances unto the said part 1/3 of the second part, the 1/3 holds and assigns forever,

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

Signed, sealed and delivered in the presence of) /s/ Emma H. Hanks (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO, } ss.
COUNTY OF TETON. }

On the 4th day of December, in the year 1963, before me, a notary public in and for said County and State, personally appeared H. G. Fortbush, Emma K. Hanks known to me to be the person whose name executed the same, subscribed to the within instrument, and acknowledged to me that she

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARIAL SEAL) /s/ H. S. Forbush

My Commission Expires: Dec. 31, 1965

STATE OF IDAHO, } ss.
COUNTY OF TETON. }

I hereby certify that this instrument was filed for record at the request of Adrian Cook
at 50 minutes past 9 o'clock A. M., this 6th day of Dec., 1965

Fees, \$1.25

Dwight C. Stone Ex-Officio Recorder.

By /s/ Elva N. Bagley Deputy.

63362

USDA-FHA
Form FHA 427-12 Idaho
(Rev. 1-5-62)
(COMMUNITY)

Warranty Deed (IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That **ADRIAN R. COOK**

and **MARTHA W. COOK**

, his wife,

of **Tetonia, Teton County, Idaho**

~~of the County of~~

~~of the County of~~

parties of the first part, for and in consideration of the sum of **THIRTEEN THOUSAND AND**

NO/100 ----- Dollars (\$13,000.00),

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by **RALPH W. URE**

and **GOLDIE L. URE, his wife**

of **Tetonia, Teton County, Idaho**

hereby **GRANT, BARGAIN, SELL and CONVEY** unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situated, lying and being in the County of **TETON**, State of Idaho, to wit:

PARCEL 1: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 44 East, Boise Meridian. TOGETHER WITH a community right-of-way, described as: Beginning at a point 1940 feet North of the Southeast corner of Section 24, Township 6 North, Range 44 East, Boise Meridian, and running thence in a Southwesterly direction at about 60° a distance of 1850 feet, more or less, to the West line of the Southeast Quarter of the Southeast Quarter; thence North 1 rod; thence in a Northeasterly direction at about 60°, 1850 feet, more or less, to the East line of said Section 24; thence South 1 rod to the point of beginning.

PARCEL 2: Easement Right-of-Way: Beginning at the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 44 East, Boise Meridian, running thence North 16 feet; thence East 20 feet; more or less, to the North line of existing farm-to-market right-of-way; thence Southwesterly along said right-of-way to the West line of the Southeast Quarter of the Southeast Quarter of said Section 24; thence North to the point of beginning.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to, decreed waters of Badger Creek in the amounts and having priorities as follows: 20 inches-June 1, 1893; 40 inches-June 1, 1900 and 40 inches-June 1, 1902.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.



MA 427-12 Idaho (Rev. 1-5-62)

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 15th day of December, 1965.

WITNESSES:

ADRIAN H. COOK

MARTHA W. COOK

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF TETON

On this 15th day of December, 1965, before me, a Notary Public in and for said County and State, personally appeared Adrian H. Cook and Martha W. Cook, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Notary Public in and for the State of Idaho
Residing at _____
My commission expires: Feb. 2, 1969

[SEAL]

Recorded in _____

County, Idaho, on _____

in Book _____

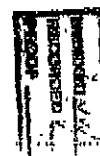
at Page _____

By _____

Deputy

Recorder

STATE OF IDAHO
COUNTY OF TETON
Filed for Record at the Request of
at _____ Minutes past _____
O'clock in this _____
day of _____ 1965
and recorded in Book _____
Page _____
Records of Teton County



93262

GIFT DEED

THIS INDENTURE, Made and entered into this 24th day of November, 1980, by and between RALPH W. URE and GOLDIE L. URE, husband and wife, of Teton, Idaho 83452, the parties of the first part, and SHANE W. URE and KAYLIN URE, husband and wife, of Teton, Idaho 83452, the parties of the second part,

WITNESSETH:

That said parties of the first part, for and in consideration of the love and affection they hold for the parties of the second part, by these presents, do give, convey and confirm unto the said parties of the second part, an undivided one-half interest in and to in and to the following described real property located in Teton County, State of Idaho, to-wit:

The Northwest Quarter Northeast Quarter and North Half Northwest Quarter of Section 25, Township 6 North, Range 44 East, Boise Meridian, LESS THE FOLLOWING land now owned by the State Highway: A strip of land being contiguous to the South side of the present 110.0 foot right-of-way as shown on the official plat of State Highway 33, Project No. FAP-1 (1) Highway Survey on file in the office of the Department of Highways of the State of Idaho and being a portion of the Northeast Quarter of the Northwest Quarter of Section 25, township 6 North, Range 44 East, Boise Meridian, described as follows, to-wit: Beginning at a point in the present South right-of-way line of State Highway No. 33, Project No. FAP 149-1 (1), which point bears South 00 degrees 12' East 60 feet from the center line of said highway at station 1200' 30.0 at point on tangent; thence North 89 degrees 48' East along said right-of-way line 429.2 feet to an angle point of 00 degrees 01' right; thence continuing along said right-of-way line North 89 degrees 49' East 570.8 feet to a point which is approximately 60.8 feet South and 125.0 feet West from the North Quarter Corner of Section 25, Township 6 North, Range 44 East, Boise Meridian; thence South 00 degrees 11' East 150 feet; thence South 89 degrees 49' West 882.0 feet; thence North 38 degrees 24' West 190.76 feet, more or less to the point of beginning..

ALSO: The Northeast Quarter Northeast Quarter of Section 25, Township 6 North, Range 44 East, Boise Meridian, together with all appurtenant water rights.

ALSO: The Southeast Quarter Northwest Quarter; the Northeast Quarter Southwest Quarter; and Northwest Quarter Southeast Quarter of Section 24, Township 6 North, Range 44 East, Boise Meridian, TOGETHER WITH a community right-of-way described as: Beginning at a point 1940 feet North of the Southeast Corner of said Section 24, and running thence in a Southwesterly direction at about 60 degrees a distance of 1850 feet, more or less, to the West line of the Southeast Quarter of the Southeast Quarter; thence North 1 rod; thence in a Northeasterly direction at about 60 degrees 1850' more or less, to the East line of the said Section 24; thence South 1 rod to the point of beginning, together with all appurtenant water rights.

ALSO: An Easement Right-of-Way described as follows, to-wit: Beginning at the Southwest Corner of the Northeast Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 44 East, Boise Meridian, and running

thence North 16 feet; thence East 20 feet, more or less, to the North line of existing farm-to-market right-of-way; thence Southwesterly along said right-of-way to the West line of the Southeast Quarter of the Southeast quarter of said Section 24; thence North to the point of beginning.

ALSO: Beginning at the East Quarter corner of Section 7, Township 6 North, Range 45 East, Boise Meridian, and running thence West along the center line of said Section 7 for 2640 feet; thence North 1059 feet, more or less, to existing fence; thence Easterly along existing fence line approximately 2640 feet; thence South 976 feet, more or less to the point of beginning, together with 60 inches of water in Badger Creek.

Together with all of Grantor's right, title and interest in and those certain oil, gas and mineral leases recorded as Instrument Nos. 75849, 79583, 79614, 81897 and 84582 on the records of Teton County, Idaho.

Together with five quarter-mile lines of irrigation laterals and the tractor pump used for irrigation.

Subject to easements, rights-of-way, mortgages and oil, gas and mineral leases of record.

Together with the rents, issues and profits thereof, and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The parties of the first part have hereunto set their hands and seals the day and year first above written.

86832

W. 65 127
 Dec. 29, 1980
 Dwight C. Stone
 Bennie Reese

Ralph W. Ure

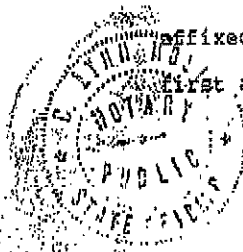
Goldie L. Ure

STATE OF IDAHO,

County of Teton.

On this 29 day of November, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH W. URE and GOLDIE L. URE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they 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.



Notary Public for Idaho
 Residing at Boise, Idaho
 My Commission is for Life

86833

WARRANTY DEED

FOR VALUE RECEIVED, RALPH W. URE and GOLDIE L. URE, husband and wife, and SHANE W. URE and KAYLIN URE, husband and wife, all of Teton, Idaho 83452, hereinafter called "Grantor", do hereby grant, bargain, sell and convey unto JIM H. WILSON and HARRIET L. WILSON, husband and wife, of Jackson, Wyoming 83001, hereinafter called "Grantee", the following described real property in Teton County, Idaho, to-wit:

The Northwest Quarter Northeast Quarter and North Half Northwest Quarter of Section 25, Township 6 North, Range 44 East, Boise Meridian, LESS THE FOLLOWING land now owned by the State Highway: A strip of land being contiguous to the South side of the present 110.0 foot right-of-way as shown on the official plat of State Highway 33, Project No. FAP-1 (1) Highway Survey on file in the office of the Department of Highways of the State of Idaho and being a portion of the Northeast Quarter of the Northwest Quarter of Section 25, Township 6 North, Range 44 East, Boise Meridian, described as follows, to-wit: Beginning at a point in the present South right-of-way line of State Highway No. 33, Project No. FAP 149-1 (1), which point bears South 00 degrees 12' East 60 feet from the center line of said highway at station 1200' 30.0 at point on tangent; thence North 89 degrees 48' East along said right-of-way line 429.2 feet to an angle point of 00 degrees 01' right; thence continuing along said right-of-way line North 89 degrees 49' East 570.8 feet to a point which is approximately 60.0 feet South and 125.0 feet West from the North Quarter Corner of Section 25, Township 6 North, Range 44 East, Boise Meridian; thence South 00 degrees 11' East 150 feet; thence South 89 degrees 49' West 882.0 feet; thence North 38 degrees 24' West 190.76 feet, more or less to the point of beginning.

ALSO: The Northeast Quarter Northeast Quarter of Section 26, Township 6 North, Range 44 East, Boise Meridian, together with all appurtenant water rights.

ALSO: The Southeast Quarter Northwest Quarter; the Northeast Quarter Southwest Quarter; and Northwest Quarter Southeast Quarter of Section 24, Township 6 North, Range 44 East, Boise Meridian, TOGETHER WITH a community right-of-way described as: Beginning at a point 1940 feet North of the Southeast Corner of said Section 24, and running thence in a Southwesterly direction at about 60 degrees a distance of 1850 feet, more or less, to the West line of the Southeast Quarter of the Southeast Quarter; thence North 1 rod; thence in a Northeasterly direction at about 60 degrees 1850', more or less, to the East line of the said Section 24; thence South 1 rod to the point of beginning, together with all appurtenant water rights.

ALSO: An Easement Right-of-Way described as follows, to-wit: Beginning at the Southwest Corner of the Northeast Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 44 East, Boise Meridian, and running thence North 16 feet; thence East 20 feet, more or less, to the North line of existing farm-to-market right-of-way; thence Southwesterly along said right-of-way to the West line of the Southeast Quarter of the Southeast Quarter of said Section 24; thence North to the point of beginning.

ALSO: Beginning at the East Quarter corner of Section 7, Township 6 North, Range 45 East, Boise Meridian, and run-

ning thence West along the center line of said Section 7 for 2640 feet; thence North 1059 feet, more or less, to existing fence; thence Easterly along existing fence line approximately 2640 feet; thence South 975 feet, more or less to the point of beginning, together with 60 inches of water in Badger Creek.

Together with all of Grantor's right, title and interest in and those certain oil, gas and mineral leases recorded as Instrument Nos. 75849, 79583, 79614, 81897 and 84582 on the records of Teton County, Idaho.

Together with five quarter-mile lines of irrigation laterals and the tractor pump used for irrigation.

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

Grantor covenants and warrants that fee simple title, to the property, is conveyed to Grantee by this Deed, free from all encumbrances, except:

Subject to easements of record or in existence for roads, streets, ditches, canals, pipelines and utilities.

Subject to the following mortgages:

Mortgage to Federal Land Bank of Spokane in the original amount of \$50,000.00, recorded January 15, 1975, as Instrument No. 75127 in the records of Teton County, Idaho;

Mortgage to the Federal Land Bank of Spokane in the original amount of \$32,200.00 with a current principal balance of \$29,337.45, recorded November 10, 1976, as Instrument No. 78044, and re-recorded January 17, 1977, as Instrument No. 78504 in the records of Teton County, Idaho;

Mortgage to Small Business Administration in the original amount of \$29,400.00 with a current principal balance of approximately \$23,000.00, recorded August 15, 1979, as Instrument No. 83882 in the records of Teton County, Idaho.

DATED This 23rd day of November, 1980.

Ralph W. Ure
Ralph W. Ure

Goldie L. Ure
Goldie L. Ure

Shane W. Ure
Shane W. Ure

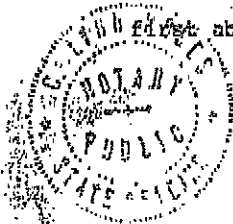
Kaylin Ure
Kaylin Ure

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

On this 23rd day of November, 1980, before me, the undersigned a Notary Public in and for said State, personally appeared RALPH W. URE, GOLDIE L. URE, SHANE W. URE and KAYLIN

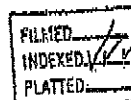
URE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
 Notary Public for Idaho
 Residing at *[illegible]*, Idaho.
 My Commission Expires: Life.

86833
 86833



STATE of Idaho }
 COUNTY of *[illegible]* }
 Filed for Record at the Request of
 of *Continental Realty*
 at *05* ... *12*
 of *29th*
 Day of *December* 19*80*
 and *[illegible]* Recorded in
 Book *[illegible]*
 of *[illegible]*
 of *[illegible]* of Teton County
 State of Idaho
Dwight C. Stone
 Recorder
 by *Bonnie [illegible]*
 Deputy

224

BK 6 PG 224

No. 40170

THE UNITED STATES OF AMERICA

Homestead Certificate No. 4760

Application No. 5155

To all to Whom these Presents shall Come—GREETING:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of George F. Rammell

has been established and duly consummated, in conformity to law, for the

North west quarter of the south east quarter, the north east quarter of the south west quarter and the south east quarter of the north west quarter of section twenty four in township six North of Range forty four East of Boise Meridian in Idaho, containing one hundred and twenty acres.

according to the Official Plat of the Survey of the said Land, returned in the General Land Office by the Surveyor General.

NOW, KNOW YE, That there is, therefore, granted by the United States unto the said

George F. Rammell

the tract of land above described:

TO HAVE AND TO HOLD THE SAID TRACT OF LAND, with the appurtenances thereof, unto the said

George F. Rammell

and to his heirs

and assigns forever, subject to any vested and reserved water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt

President of the United

States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the thirtieth day of June, in the year of our Lord one thousand hundred and six, and of the Independence of the United States the one hundred and thirtieth

BY THE PRESIDENT: T. Roosevelt



Idaho

By

F. M. McKean

Secretary.

Recorded Vol. 66

Page 101

C. H. Brush

Recorder of the General Land Office.

Filed for Record at 4 o'clock P. M. Sept. 26 A. D. 1911, and recorded at the request of
Berd Power

A. H. Carter
Recorder

By W. E. Goss Deputy.

Transcribed from Book D, Page 502, Fremont County Records.
Transcribed from Book 40 of Patents page 469 Madison County Records.

CHAIN SHEET		Arb#	Page	of	Order No.:
Legal Desc.:	SE NW 1/4, NE SW 1/4, NUOSE				GI:
	24-6-44				Clerk Screen
Prior:					State Tax Liens
Vesting:					Tract Books
					Ultima/Grantor
					Ultima/Grantee
					Related Inst.
					Code
Grantor:	Grantee:	Doc:	Date:	Inst. No:	Remarks
USA	Ede F. Remmell	PAT	9-26-11	6-224	NUOSE
Arvid Hansen	Sherr	Deed	1-9-30	SB-372	
	Prudential Ins.				
	Ben Swinsbury	Deed	5-1-31	SB-601	
	Teton Valley Livestock	WD	6-27-31	SB-602	
	Prudential Ins.	Sherr	6-18-35	62/508	
	P.S. Remmell	Deed	12-4-36	67/180	
	David Hawks	WD	7-7-58	77/516	
	Adrian H. Cook	Deed	2-15-62	81-1166	
	↓				
Emma Hawks		Deed	12-6-65	87/46	
	Ralph Wre	WD	12-15-65	63362	

Ralph Wre Ethux Shane Wre Ethux GLE 12-29-80 86832

Ralph W. Wre Ethal Jim H. Wilson Ethux WD 12-29-80 86833

✓ Bob Wilson Pension Plan WD 10-31-95 121779