

RECEIVED

DEC 16 2008

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

A. Subcase A22-11460
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: CLINT ARGYLE, Manager of A.P. Group LC
Address: 1728 S. Cal Pac Ave
SPANISH FORK, UTAH 84660
Daytime Phone: 801-361-9624

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: WESTON (or) HELEN RIPPLINGER
Address: 734 W. BATES RD
DRIEGGS, ID 83422

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: A.P. GROUP LC
1728 S. Col Pac Ave.
2. ☐ **Source**
Should be: Spanish Fork, lot 84660
3. ☒ **Quantity**
Should be: 0.250 C.F.S
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

10. ☒ **I object because:**
- ☐ This water right Should not exist.
- ☒ This water right was not recommended, but Should be recommended with the elements described above attached letter.

E. **REASONS SUPPORTING OBJECTIONS(S):** Please see attached
letter.

F.

VERIFICATION (must be completed)

State of Utah)
County of Utah)ss.

CLINT ARGYLE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

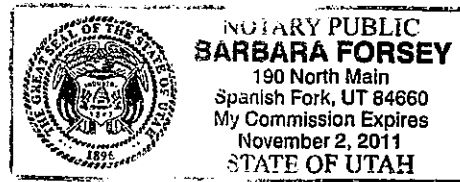
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Clint Argyle
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 12, 2008

Barbara Forsey
Notary Public for State of Utah
Residing at: Spanish Fork Utah
My Commission Expires: Nov. 2, 2011



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on December 12, 2008, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

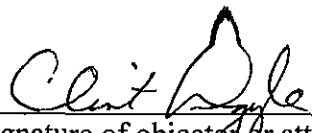
Name: _____
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

December 12, 2008

RECEIVED

DEC 16 2008

Department of Water Resources
Adjudication Bureau

To Whom It May Concern:

This letter is in reference to Sub Case #A22-11460 and I'm requesting you to please consider my late objection.

I am Clint Argyle, Manager of A.P. Group LC who owns property in Teton Valley, Idaho. Recently, after talking to my in-laws Weston & Helen Ripplinger, who sold me the property, I learned that I needed to do more than just buy the property to get all of the water rights that are listed in the Contract of Sale and that go with the Warranty Deed. This is my error because I didn't know that I needed to do a "change in ownership form with the IDWR. I've since contacted Mr. Michael Holiday in the IDWR Eastern Region Office and he has been great at helping me learn what I need to do and where the appropriate forms are located on your web site to change the ownership and get future notices mailed directly to me. However, since this wasn't done at the time I purchased the property the adjudication notices must have been mailed to Weston & Helen Ripplinger and they either miss placed them or they where not delivered for some reason, because I never received them. Hence, my request for you to PLEASE consider my late OBJECTION.

History and Background:

From my understanding this property was first owned by Karl Ripplinger in the early 1900's. A copy of his "License and Certificate of Water Right" of 1926 is included in this correspondence. This right shows 0.5 sec. ft. of water. Then Weston & Helen Ripplinger and Francis Ripplinger (Weston's Brother) each purchased some of Karl's property in the early 1960's. The pieces of property were next to each other and they both wanted to use the Spring to supply their houses, livestock, gardens and grass with water. So as part of the purchase agreement they split the original 0.50 sec. ft of water in half so each had a water right of 0.250 C.F.S as described in the General Adjudication process started in 1988. A copy of this is included for your review. In 2006 I purchased the piece of property that Weston & Helen Ripplinger owned and as part of the contract the ½ interest in water as described in the Notice of Contract of Sale.

The water right being discussed is a spring and it is physically located on our property. This Spring water is the only culinary source of water for the two existing homes. One home is located on my property and the other is on Francis Ripplinger's Property. This area is ranch country and we still run cows on our property so this water is used for our livestock and to irrigate our grass.

From my understanding, through the current adjudication process the staff decided to disallow the water right. After speaking with Michael Holliday in the Eastern Regional Office he told me that the person reviewing this thought that Francis Ripplinger had the entire 0.50 right and didn't know that it had been split. This seems to be a logical oversight that could easily happen and would assume that someone would not purposely take away our homes only source of culinary water.

With the above information I hope you will look favorably on my request and move quickly to rectify this Water Right Issue.

If however, the court for some reason will not grant my late objection and request for the water right. I would like you to contact me by phone promptly so I can seek legal advice to help me in this matter.

Thank you,


Clint Argyle
Manager

A.P. Group LC
1728 S. Cal Pac Ave.
Spanish Fork, Ut 84660
801-361-9624

1938

House
Springs
West
Hundred

113417

State of Idaho

License and Certificate of Water Right

Water License No. 16447 / 22-2115 Amount 0.5 sec. ft.
Water District No. Priority 3-22-1926

veston
Frances

THIS IS TO CERTIFY that Karl A. Ripplinger
of Driggs, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 22, 1926; that Permit No. 16447
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.5 second feet, was issued thereunder on December 10, 1926, showing that said works
were completed on the 2nd day of August, 1926; and that on the 14th
day of August, 1926,

Karl A. Ripplinger
of Driggs, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of unnamed spring,
a tributary of no stream, for the purpose of irrigation and
domestic use, under Use Permit No. 16447, of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3417, on the 10th day of December, 1926;
The right hereby confirmed dates from March 22, 1926;

NE The Point of Diversion is located
in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Tp. 5 N., R. 44 E., B. M. Teton County.

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 0.5
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>5 N.</u>	<u>44 E.</u>	<u>34</u>	<u>NE $\frac{1}{4}$ NE $\frac{1}{4}$</u> <u>SW $\frac{1}{4}$ NE $\frac{1}{4}$</u>		<u>5</u> <u>20</u>
			<u>Domestic</u> <u>0.04</u>		

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this tenth day of December, 1926.

GEO. H. CARTER,
Commissioner of Reclamation

(SEAL)

22 2115

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: A22-11460
Date Received: 9/01/1988
Receipt No: E001989 + E0030
Received By: HWT

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WESTON RIPPLINGER 208-354-8150
Address: 732 WEST BATES ROAD
DRIGGS, ID 83422
OR
Name: HELEN RIPPLINGER 208-354-8150
Address: 732 WEST BATES ROAD
DRIGGS, ID 83422

2. Date of Priority: MAR 22, 1926

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	34	NE	SW	NE		TETON

5. Description of diverting works:
COLLECTION BOX MAINLINE TO ONE HOME AND IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.050		
IRRIGATION	04/01	11/01	0.250		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/SINGLE DOMESTIC HOME, S/140 RANGE CATTLE

A22-11460

Page 1

Date: 10/31/88

MICROFILMED
NOV 06 1992

A2211460

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	44E	34	NW		NE		STOCK	
			SW		NE		DOMEST	
			SW		NE		IRR	12.5
							Section Acres	12.5
							Total Acres	12.5

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:
THE OTHER HALF OF THIS RIGHT IS CLAIMED UNDER A22-02115 AMENDED.

15. Basis of Claim: LICENSE
Water Right Number: 222115

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 X 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): Avestas Pippinger Date: 10-31-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of oct 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

177106

WARRANTY DEED

Order No.:3050614646TD

FOR VALUE RECEIVED

Weston Ripplinger and Helen Ripplinger, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

A.P. Group LC, a Utah Limited Liability Company

whose current address is

1728 S. Cal Pack Ave. Spanish Fork, UT 84660

Instrument # 177106

DRIGGS, TETON, IDAHO

2006-05-23

04:02:24 No. of Pages: 1

Recorded for : ALLIANCE TITLE & ESCROW

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder - Deputy

Index to: DEED, WARRANTY

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Commencing at the North Quarter Corner of Section 34, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 00°01'20" East, 2643.39 feet to the Center Quarter Corner of said Section; thence North 89°58'10" East, 1317.27 feet; thence North 00°01'14" West, 383.06 feet; thence South 86°26'58" West, 306.04 feet; thence North 11°15'00" West, 380.00 feet; thence North 16°15'00" West, 203.00 feet; thence North 00°54'29" West, 242.64 feet; thence North 89°25'00" East, 213.10 feet; thence North, 10.43 feet; thence East, 353.34 feet; thence North 16°27'36" West, 504.06 feet; thence South 85°29'40" West, 441.21 feet; thence North 50°10'42" West, 89.13 feet; thence North 77°21'16" West, 95.88 feet; thence South 86°33'46" West, 142.49 feet; thence South 60°52'47" West, 87.41 feet; thence South 26°23'21" West, 107.44 feet; thence South 17°58'24" West, 74.33 feet; thence North 00°02'57" West, 1147.23 feet; thence South 89°58'08" West, 409.40 feet, to the point of beginning.

SUBJECT TO a 60 foot wide existing county road easement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/23/2006

177106

Weston Ripplinger
Weston Ripplinger

Helen Ripplinger
Helen Ripplinger

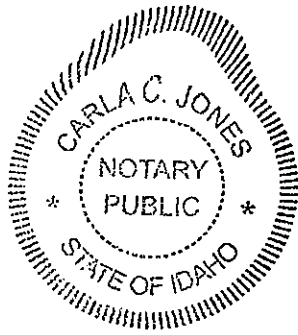
State of Idaho

County of

Teton

On this 23 day of May, 2006, in the year 2006, before me, a Notary Public in and for said state, personally appeared Weston Ripplinger & Helen Ripplinger known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

...my hand and affixed my official seal the day and year first above written.



Carla C. Jones
Notary Public for the State of Idaho
Residing at: Orlans
Commission Expires: 11/19/2011

177106

Instrument # 152598

DRIGGS, TETON, IDAHO

2003-01-22

03:02:51 No. of Pages: 3

Recorded for : RIGBY THATCHER

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: NOTICE OF CONTRACT

E. Smith

JAN 22 2003

TETON CO., ID
RECORDED

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN that **Weston Ripplinger** and **Helen Ripplinger**, husband and wife, of 732 W. Bates Road, Driggs, Idaho 83422, as "Sellers," are selling on written Contract of Sale, dated December 31, 2002, to **A.P. Group LC**, a Utah Limited Liability Company, c/o Clint Argyle, 1172 South 1180 East, Spanish Fork, Utah 84660, as "Buyer," the following described real property situated in Teton County, Idaho to-wit:

Commencing at the North Quarter Corner of Sec. 34, Twp. 5 N, Range 44 E, Boise Meridian, Teton County, Idaho, and running thence S 0°01'20" E, 2643.39 ft. to the Center Quarter Corner of said Section; thence N 89°58'10"E, 1317.27 feet; thence N 0°01'14"W, 383.06 feet; thence S 86°26'58"W, 306.04 feet; thence N 11°15'00"W, 380.00 feet; thence N 16°15'00"W, 203.00 feet; thence N 0°54'29"W, 242.64 feet; thence N 89°25'00"E, 213.10 feet; thence North, 10.43 feet; thence East, 353.34 feet; thence N 16°27'36" W, 504.06 feet; thence S 85°29'40" W, 441.21 feet; thence N 50°10'42" W, 89.13 feet; thence N 77°21'16" W, 95.88 feet; thence S 86°33'46" W, 142.49 feet; thence S 60°52'47"W, 87.41 feet; thence S 26°23'21" W, 107.44 feet; thence S 17°58'24"W 74.33 feet; thence N 0°02'57" W, 1147.23 feet; thence S 89°58'08" W, 409.40 feet, to the point of beginning. Contains 52.98 acres more or less.

Subject to easements of record or in existence, if any, for roads, pipelines, ditches, and utilities, including a 60 foot wide existing county road easement; and subject to applicable zoning ordinances and restrictions, applicable building codes and regulations, and any other environmental and use rules and restrictions.



Together with the residence home, and supporting ancillary buildings on the property, and all improvements and appurtenances thereto, and water and water rights for domestic and agricultural purposes. Water rights include, but are not limited to: [1] a one-half (1/2) interest in a water right in a spring on the premises, with a common pipeline, in which Francis Ripplinger, his heirs and assigns, have the other one-half (1/2) interest; and, [2] the other one-half of the water rights in springs, one-half of which were transferred by Warranty Deed recorded on February 17, 1998, as Instrument No. 129560, records of Teton County, Idaho.

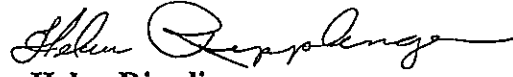
The Contract of Sale is payable on an installment basis with the final payment due on December 15, 2007.

Reference is made to the Contract of Sale for further particulars.

DATED This 31st day of December, 2002.

SELLERS:


Weston Ripplinger


Helen Ripplinger

BUYER:

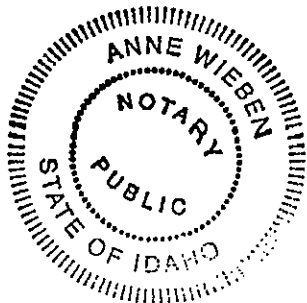
A.P. GROUP, LC
A Utah Limited Liability Company

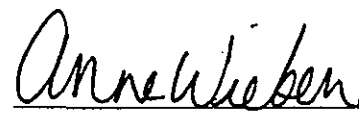
By: 
Clint Argyle, Managing Member

Acknowledgment by Sellers

STATE OF IDAHO)
 ss.
County of Madison.)

On this 31st day of December, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **Weston Ripplinger** and **Helen Ripplinger**, husband and wife, known to me to be the persons whose name are subscribed to the within instrument and acknowledged to me that they executed the same.

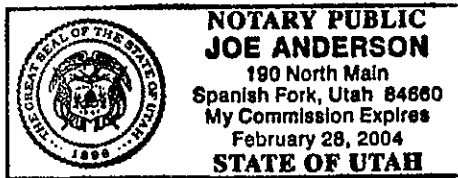



Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 7/27/07

Limited Liability Company Acknowledgment

STATE OF UTAH)
 ss.
County of Utah)

On this 15 day of December, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **Clint Argyle**, known to me to be the known to me to be the Managing Member of **A.P. Group, LC**, the Limited Liability Company that executed the foregoing instrument and acknowledged to me that such Company executed the same.



Joe Anderson
Notary Public for Utah
Residing at:
My Commission Expires: