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Department of Water Resources
Eastern Region

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

July 19, 2004

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402

4N456

**RE: Water Right Claim 22-10343
Teton Rainbow Ranch Inc.
450 W. 749 S.
Victor ID 83455**

Dear Mr. Ruberry,

In behalf of Teton Rainbow Ranch Inc., I am responding to your letter to that corporation dated May 12, 2004, wherein you ask for evidence of priority for the above numbered water right. I submit herewith copies of some pages of an Abstract of Title which contain information pertinent to the inquiry you have submitted. They are as follows:

1. Copy of Water Location, dated July 27, 1889, recorded August 3rd, 1889, in Book A of Water Locations at page 251, wherein Edwin Rice claimed 500 inches of water for agricultural purposes, and referenced it to Pattens on creek (which is in reality "Patterson Creek"). That notice specified that the place of use was on "160 acres of land unsurveyed".
2. Copy of Farm Mortgage, dated January 2, 1934, recorded May 25, 1934, in Book 60 of Mortgages at page 204. The land mortgaged was owned by Anton Krafka, and includes the land referred to as "160 acres of land unsurveyed" specified in said "Water Location" specified in paragraph 1 above. Said mortgage listed several properties and several water rights, as the property being mortgaged, and

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particularly, with reference to the matter before us, included the following words,
“all waters taken out on the North side of Patterson Creek in Teton Basin,
pursuant to Water Location, dated July 27, 1889, recorded in Book A of Water
Location, page 251, Records of Teton County, State of Idaho”

Although the Water Location was dated July 27, 1889, the priority date of June 1, 1896, specified in Water Right Claim 22-10343, was the date that Anton Krafka actually beneficially applied that water to the premises when he went into possession thereof. It simply means that it took him some time to make the diversion and the facilities to carry the water to his premises before he filed the “Notice of Location”. This information was provided by Clarence and Darrell Kunz, who lived in the area all their lives and who were instrumental in acquiring the Krafka lands and water rights and who were the persons responsible for forming the corporation known as Teton Rainbow Ranch Inc., which included Clarence’s two sons Larry and Jerry.

If you desire additional information or that information from this letter become a part of an affidavit, would you please let me know. I have represented these families and this corporation for a long while and I can verify the statements made in this letter.

Sincerely,



Ray W. Rigby
RWR/bml

enclosures
cc. Teton Rainbow Ranch Inc.

Edwin Rice

Character of Instrument

Place Location Date of Instrument

July 27, 1889

Date of Record

August 3, 1889

to

Grantee

211 men.

Consideration, \$

Grantee

Are Signatures Sealed?

Names of Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

Is Wife separately examined in Acknowledgment?

Granting Words

Covenant, if any

Description and Remarks:

Retain in perpetuity to Edwin Rice, or his heirs, to have and to appropriate five hundred inches of water for agricultural purposes under a four foot pressure and to be taken out on the north side of Huttons creek in Hutton basin, Lincoln County, Idaho, at means of a ditch which is to be taken out about 100 rods east of the crossing of the wagon road of said creek. The ditch is to be four feet wide on the bottom and one foot deep at the head gate and running in a northeasterly direction for about 80 rods and upon the place of intended use on 160 acres of land unsurveyed.

Transcribed from Lincoln County, Idaho, records of Water Location Book C, Page 67.

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FILE 13

Anton Krafka, a single man - - -

Grantors

to

Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933

Grantees

Kind of Instrument **FARM MORTGAGE**

Date of Instrument January 2, 1934

Date of Record May 25, 1934; 9:10 A.

Book 60 of Mortgages Page 20

No. of Instrument 26346

Consideration, \$ 5000.00

Granting Words grant, bargain, sell, and convey.

Description and Remarks:

The following described property in Teton County, Idaho:

Tract 1: The South Half of the Southwest Quarter of Section Five; the South Half of the Southeast Quarter of Section Six; all in Township Three North, Range Forty-five, East of the Boise Meridian.

Tract 2: The North Half of the North Half of the Northeast Quarter of Section Seven; the North Half of the North Half of the Northwest Quarter of Section 31 Township Three North, Range Forty-five, East of the Boise Meridian.

Tract 3: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the North Half of the Southeast Quarter of Section Thirty-one, Township Four North, Range Forty-five, East of the Boise Meridian, excepting therefrom: Commencing at the Northwest Corner of the Southeast Quarter of the Northwest Quarter of Section Thirty-one, Township Four North, Range Forty-five, East of the Boise Meridian, and running thence South 1 rod, thence East 80 rods more or less, to the East boundary line of said 40-acre tract, thence North 1 rod, thence West 80 rods, more or less, to the place of beginning, containing half acre; also excepting therefrom: Beginning at a point which is 2 rods West and 1 rod South of the Northeast Corner of the Southeast Quarter of the Northwest Quarter of Section Thirty-one, Township Four North, Range Forty-five, East of the Boise Meridian (which point is the West line of the County Road), and running thence West 10 rods, thence South 16 rods, thence East 10 rods, (to the line of the County Road), thence North along the West line of the County Road 16 rods to the place of beginning, containing 1 acre of land.

Date of Acknowledgment

Tract 4: The South Half of the Southeast Quarter of Section Thirty-one; the South Half of the Southwest Quarter of Section Thirty-two; all in Township Four North, Range Forty-five, East of the Boise Meridian,

Together with all water rights and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith now and/or at any time during the existence of this mortgage, including

TETON ABSTRACT COMPANY
TETON COUNTY
DRS. 2 1846

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(but not limited to) the following:

All waters of the Snake River and of its tributaries, Paul Spring Creek, Grove Creek, Deep Creek, and Little Spring Creek, decreed to the above described lands by court decree entered December 16, 1910, and recorded in Book 11 of Judgments, page 1, Records of Teton County, State of Idaho.

Also, all waters taken out on the North side of Patterson Creek in Teton Basin, pursuant to Water Location Dated July 27, 1889, recorded in Book A of Water Location, page 251, Records of Teton County, State of Idaho.

SECURES: a note for \$5000.00 with 5% interest, payable semi-annually on the whole of said principal sum from time to time remaining unpaid; the principal sum being due in semi-annual installments of \$250.00 each, beginning on July 1st, 1937, the last of such installments being due on January 1st, 1947; the mortgagors having the privilege of paying at any time one or more installments of principal or the entire unpaid balance of said principal sum.

Mortgagors agree to keep the buildings on said premises occupied, insured and in good repair; to pay all assessments and taxes before becoming delinquent, and to pay a reasonable attorney's fee in case of foreclosure.

Acknowledged on May 21, 1934.

Before Mable Swift, Notary Public, Platte County, Nebraska. (SEAL)
Residing at Columbus, Nebraska
My commission expires Feb. 27, 1936.

TETON ABSTRACT COMPANY
TETON COUNTY
BRIDGE - IDAHO

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