

RECEIVED

NOV 22 2010

DEPARTMENT OF
WATER RESOURCES

Thomas J. Budge, ISB No. 7465
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
201 E. Center Street
Post Office Box 1391
Pocatello, Idaho 83204-1391
208-232-6101 - Telephone
208-232-6109 - Facsimile

TRR

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 39576

Subcase Nos. 22-13600 and 22-10343

MOTION TO SET ASIDE PARTIAL
DECREES AND ALLOW THE FILING
OF LATE OBJECTIONS

Teton Rainbow Ranches, Inc. ("TRR") respectfully moves the Court pursuant rules 11 and 14(d) of SRBA Administrative Order 1 ("AO1") and rules 7(b)(1) and 60(b) of the Idaho Rules of Civil Procedure for an order setting aside the partial decrees for SRBA claim numbers 22-13600 and 22-10343, both of which were entered on November 24, 2008, and allowing a late filing of the objections attached hereto as **Exhibit A** and **Exhibit B**. This Motion is made upon the grounds that it would be fair, just and reasonable to set aside the partial decrees and allow the filing of late objections.

LEGAL STANDARDS

A. Motion to Set Aside Partial Decrees.

"In the SRBA, a motion to set aside a partial decree is treated similar to a motion to set aside a default judgment and determined in accordance with the criteria set forth in I.R.C.P. 60(b)." *Memo. Decision and Order on Mot. to Set Aside Partial Decree* at 7, SRBA Subcase No. 55-02373 et al. (May 1, 2001); *see also* Administrative Order 1 ("AO1") at 21. Rule 60(b) identifies six reasons that justify the setting aside of a partial decree, but the first three apply only

within six months after the partial decree is entered. I.R.C.P. 60(b). The partial decrees for SRBA claim numbers 22-13600 and 22-10343 were entered over six months ago, so only the fourth, fifth and sixth justifications are relevant to this motion. They warrant setting aside a Partial Decree if “(4) the judgment is void; (5) the judgment has been satisfied, released or discharged; or (6) any other reason justifying relief from the operation of the judgment.” *Id.* In this case, TRR contends that there are other reasons justify setting aside the Partial Decree.

In addition to stating a reason that justifies setting aside a partial decree, the moving party must “allege facts which, if established, would constitute a meritorious defense.” *Memo. Decision and Order on Mot. to Set Aside Partial Decree* at 8, SRBA Subcase No. 55-02373 et al. (May 1, 2001). The facts supporting the defense must be detailed “beyond the mere general notice requirement that would ordinarily be sufficient if pled prior to default.” *Id.* (citing *Reeves v. Wisenor*, 102 Idaho 271 (1981)).

Determining whether to set aside a default judgment requires that the court “apply a standard of liberality rather than strictness and give the party moving to vacate the default the benefit of genuine doubt.” *Johnson v. Pioneer Title Co.*, 104 Idaho 727, 733 (Ct. App. 1983). The court’s decision must “take into account the overriding preference for having a case decided on its merits.” *Order Conditionally Granting Mot. to Set Aside Partial Decrees* at 7, SRBA Subcase Nos. 37-07454 and 37-07602 (December 3, 2003) (citing *Reeves*, 102 Idaho at 272). In making that determination,

the Court must take into consideration that judgments by default are not favored, the general rule in doubtful cases is to grant relief from the default in order to reach a judgment on the merits, and procedural rules other than those which are jurisdictional should be applied to promote disposition on the merits.

Id. “This is a factual determination and is discretionary with the Court.” *Id.* (citing *Johnson*, 104 Idaho at 732).

B. Motion to File Late Objection.

AO1 does not provide a standard for reviewing motions to file late objections. However, the SRBA Court has historically reviewed motions to file a late objection by the same standard as motions to file a late claim, which are reviewed according to the criteria for setting aside a default judgment under Rule 55(c) of the Idaho Rules of Civil Procedure. *Order on Motion to Set Aside Partial Decrees and File Late Objections*, SRBA Subcases 65-7267 at al. (January 31, 2001); AO1 4(d) (late claims reviewed under I.R.C.P. 55(c) criteria).

Rule 55(c) allows a Court to set aside a default judgment for “good cause” which takes into account 1) whether the default was willful; 2) whether setting aside the judgment would prejudice the opponent; and 3) as with a Rule 60(b) motion, whether a meritorious position has been presented. *Memo. Decision and Order on Challenge; Order of Recommitment*, SRBA Subcases 47-16433 *et al.*, at 5 (March 22, 2005) (citing *McFarland v. Curtis*, 123 Idaho 931, 935 (Ct. App. 1993)). As with motions to set aside partial decrees, there is a preference for having cases decided on the merits: “the general rule is to incline toward granting relief from the default and bring about a judgment on the merits.” *Orange Transp. Co. v. Taylor*, 71 Idaho 275, 281 (citing *Cutler v. Haycock*, 32 Utah 354, 362, 90 P. 897).

ARGUMENT

The SRBA partial decrees for claim numbers 22-13600 and 22-10343 should be set aside because the decreed place of use is incorrect. The late objections attached hereto as **Exhibit A** and **Exhibit B** should be allowed in order to correct the place of us.

SRBA claim numbers 22-13600 and 22-10343 are renumbered from water right numbers 22-473 and 22-474 which were decreed in the Rexburg Decree. Attached hereto as **Exhibit C** is an excerpt from the Rexburg Decree showing that water right nos. 22-473 and 22-474 were decreed to A.L. Rice. Attached as **Exhibit D** is an excerpt from the Rexburg Decree showing the place of use of the A.L. Rice water rights. Attached as **Exhibit E** is a satellite photograph depicting the place of use described in Exhibit D.

The problem is that the property described in Exhibit D does not accurately reflect the property actually owned by A.L. Rice at the time of the Rexburg Decree. Attached as **Exhibit F** and **Exhibit G** are abstracts of title to property owned by A.L. Rice at the time of the Rexburg Decree. Attached as **Exhibit H** is a satellite photograph depicting the land described in the title abstracts. Attached as **Exhibit I** is a satellite photograph depicting the discrepancy between the land described in the Rexburg Decree (Exhibit D) and the land described in the title abstracts (Exhibits F and G).

As shown on Exhibit I, the Rexburg Decree mistakenly described the A.L. Rice Property to include the southeast quarter of the southwest quarter (SESW) of section 31 instead of the southeast quarter of the northwest quarter (SENW) of section 31. This appears to have been a clerical mistake, with the letter “S” inadvertently typed in place of the letter “N”. As further evidence, attached hereto as **Exhibit J** is a copy of the homestead patent for the SESW Sec. 31

showing that the United States did not issue a patent for that quarter section until 1913 when a patent was issued to Ulrich Schiers. The fact that A.L. Rice did not own the SESW Sec. 31 at the time of the Rexburg Decree, and did not receive the homestead patent for that property, substantiates the error in the Rexburg Decree.

Despite the error in the Rexburg Decree, TRR and prior owners of the A.L. Rice property beneficially used the A.L. Rice water rights (22-473 and 22-474) on the property actually owned by A.L. Rice. Accordingly, when TRR submitted its SRBA claims for water right numbers 22-13600 and 22-10343, copies of which are attached as **Exhibit K**, it identified the property actually owned by A.L. Rice as the place of use of both water rights. When the IDWR raised questions concerning these claims, TRR sought the assistance of legal counsel to help ensure its A.L. Rice water rights were properly decreed. Attached as **Exhibit L** is a letter sent to the IDWR by an attorney on behalf of TRR. Notably, the IDWR backfiles for water right numbers 22-13600 and 22-10343 do not contain any subsequent correspondence between the IDWR and counsel for TRR. However, the files do contain the maps attached as **Exhibit M** which include all of the actual A.L. Rice property within the place of use of water right numbers 22-13600 and 22-10343.

Even though the maps attached as Exhibit M include all of the A.L. Rice property in the place of use of water right numbers 22-13600 and 22-10343, the mistake contained in the Rexburg Decree was perpetuated in the partial decrees entered in the SRBA, copies of which are attached as **Exhibit N** and **Exhibit O**. Both partial decrees omit the SENW Sec. 31. This is depicted on the satellite photograph attached as **Exhibit P** which shows the A.L. Rice property (now owned by TRR) as compared to the place of use decreed for water right numbers 22-13600 and 22-10343. Notably, the partial decrees also exclude the SESW Sec. 31 which *was* included (wrongly) in the Rexburg Decree. Thus, instead of the A.L. Rice water rights being appurtenant to eight quarter-sections as decreed in the Rexburg Decree, the SRBA partial decrees encompass only seven quarter sections. The unfortunate result is that TRR is left without water rights for the SENW of section 31—land that the TRR has irrigated for generations using the A.L. Rice water rights.

Although the partial decrees for water right numbers 22-13600 and 22-10343 mistakenly omit the SENW Sec. 31 from the place of use, TRR was not aware of this mistake. It continued to irrigate the SENW Sec. 31 as it had for generations. TRR discovered the error recently

when the IDWR notified TRR that it was irrigating the SENW Sec. 31 without a valid water right. Upon discovering this, TRR undertook to identify and correct the mistake, unearthing many of the documents attached to this motion.

CONCLUSION

In the best interests of justice and in the interests of the proper administration of the water rights to grant this Motion to Set Aside the SRBA partial decrees for water right numbers 22-13600 and 22-10343, and allow the filing of the objections attached hereto as Exhibit A and Exhibit B. The partial decrees perpetuate an error in the Rexburg Decree and deprive TRR of water rights for the irrigation of the SENW Sec. 31 which by all indications has been irrigated under the A.L. Rice water rights from the time of the Rexburg Decree.

RESPECTFULLY SUBMITTED this ____ day of November, 2010.

RACINE OLSON NYE BUDGE &
BAILEY, CHARTERED

Thomas J. Budge

CERTIFICATE OF MAILING

I certify that on this ____ day of November, 2010, I served the foregoing **Motion to Set Aside Partial Decrees and Allow the Filing of Late Objections** upon the following persons by United States mail, postage prepaid:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

THOMAS J. BUDGE
Attorney for Teton Rainbow Ranches, Inc.

EXHIBIT "A"

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)

A. Subcase 22-13600

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Teton Rainbow Ranches, Inc.

Address: c/o Jerry Kunz

6677 S. 4500 W., Victor, ID 83455

Daytime Phone: 208-787-2425

Name & Address of Attorney, if any:

Thomas J. Budge

P.O. Box 1391

Pocatello, ID 83204-1391

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

Name: Teton Rainbow Ranches, Inc.

Address: c/o Jerry Kunz

6677 S. 4500 W., Victor, ID 83455

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: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
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: Include SENW, SEc 31, T4N, R44E, Teton
County, Idaho
- 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.

E. **REASONS SUPPORTING OBJECTIONS(S):** See Motion to Set Aside
Partial Decrees and allow the filing of Late Objections filed
contemporaneous herewith.

F.

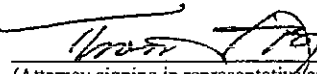
VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of BANNOCK)

THOMAS J. BUDGE, 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.

(Signature of person filing objection)


(Attorney signing in representative capacity)
THOMAS J. BUDGE

Subscribed and sworn to before me on: _____

Notary Public for Idaho
Residing at: Pocatello
My Commission Expires: 8/18/2012

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 November, 20010, 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: Teton Rainbow Ranches, Inc.

Address: c/o Jerry Kunz, 6677 S. 4500 W.
Victor, ID 83455

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

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: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
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: Include SENW, SEc 31, T4N, R44E, Teton
County, Idaho
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.

E. **REASONS SUPPORTING OBJECTIONS(S):** See Motion to Set Aside
Partial Decrees and allow the filing of Late Objections filed
contemporaneous herewith.

F.

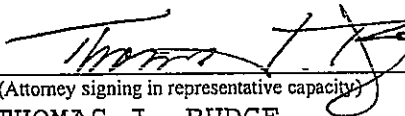
VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of BANNOCK)

THOMAS J. BUDGE, 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.

(Signature of person filing objection)


(Attorney signing in representative capacity)
THOMAS J. BUDGE

Subscribed and sworn to before me on: _____

Notary Public for Idaho
Residing at: Pocatello
My Commission Expires: 8/18/2012

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Name: Teton Rainbow Ranches, Inc.

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Victor, ID 83455

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

~~1 0087~~ 21-0087✓
Reeber, Chynggan
~~1 0088~~ 1 148✓
Reese, A. J. and
Daniel King
~~1 0089~~ 1 149✓
Reid Canal
Company.
~~1 0090~~ 1 150✓
Reid Canal
Company.
~~1 0091~~ 1 151✓
Reid Canal Company
~~1 0092~~ 22 0469✓
Rexburg
Irrigation
Company.
~~1 0093~~ 22 0470✓
Rexburg
Irrigation
Company
~~1 0094~~ 22 0471✓
Rexburg
Milling
Company
Trans.
#2122
~~1 0095~~ 22 0472✓
Rice, A. L.
~~1 0096~~ 22 0473✓
Rice, A. L.
~~1 0097~~ 22 0474✓
Rice, A. L.
~~1 0098~~ 22 0475✓
Rice, Ed.
Trans.
#1408
~~1 0099~~ 35 0026✓
Rice, J. M.

Rice, L. C.
~~1 0100~~ 35 0027✓
Rice, Oscar F.
~~1 0101~~ 21 0088✓
Rich, Anna Page
~~1 0102~~ 35 0028✓
Rich, Dora, and
Landon J.
~~1 0103~~ 35 0029✓
Rich, Dora, and
Landon J.

Richards, Willard

Richards, William

160 inches. June 1, 1902. East Fork of Hotel
Creek.
200 inches. June 1, 1902. Snake River.
1,500 inches. June 1, 1885. South Fork of the
Snake River.
2,000 inches. June 1, 1886. South Fork of the
Snake River.
4,000 inches. June 1, 1889. South Fork of the
Snake River.
8,500 inches. Apr. 1, 1898. Teton River.
6,500 inches. June 10, 1883. Teton River.
3,000 inches. Oct. 1, 1889. Teton River (Woodman-
see-Johnston ditch),
for power purposes only
and subject to rights
of users for agric-
ultural purposes
of water through same
ditch.
160 inches. June 1, 1891. Patterson Creek.
160 inches. June 1, 1896. Patterson Creek.
160 inches. June 1, 1896. Patterson Creek.
160 inches. Apr. 1, 1890. Trail Creek.
250 inches. June 11, 1889. Hull's Slough--
Boone Creek.
Pioneer Ditch Company.
250 inches. June 11, 1889. Hull's Slough--
Boone Creek.
160 inches. Oct. 15, 1900. Tom Creek.
60 inches. May 1, 1888. Boone Creek.
20 inches. May 1, 1897. Rich's Spring.
Enterprise Canal
Company.
The Farmers' Friend
Canal Company.

Rexburg
Irrigation
Company

Lands of stockholders and patrons of said company the description of said lands and the names of said stockholders and patrons not being given in the pleadings of said company.

Rexburg Milling
Company

Lands of said company, the description of said lands not being given in the pleadings of said company.

Rice, A/ L.

$S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 31, and $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 32, T. 4 N., R., 45 E., B. M., and $N\frac{1}{2}$ of $SE\frac{1}{4}$ and $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 31, T. 4 N., R., 45 E., B. M., containing 320 acres.

Rice, Ed.

$E\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 23, T. 13, N., R., 45 E. B. M., containing 80 acres.

Rice, George A.

$SW\frac{1}{4}$ of $NW\frac{1}{4}$, $N\frac{1}{2}$ of $SW\frac{1}{4}$, and $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Sec. 35, $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 34, and $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Sec. 35, T. 4 S., R., 32 E. B. M., Also, $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 3, $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 2, $E\frac{1}{2}$ of $NE\frac{1}{4}$, and $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 3, T. 5 S., R. 32 E., B. M., Also, $N\frac{1}{2}$ of $SE\frac{1}{4}$, and $NE\frac{1}{4}$ of Sec. 34, $NW\frac{1}{4}$ of $NW\frac{1}{4}$, $E\frac{1}{2}$ of $NW\frac{1}{4}$, $W\frac{1}{2}$ of $NE\frac{1}{4}$, and $W\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 35, T. 4 S. R., 32 E., B. M., containing a total of 1,000 acres.

Rich, Anna Page

$NW\frac{1}{4}$ of Sec. 25, T. 13, N., R., 43 E., B. M., containing 160 acres.

Rich, Dora E.

$E\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 26, T. 4 S., R., 32 E., B. M., containing 80 acres.

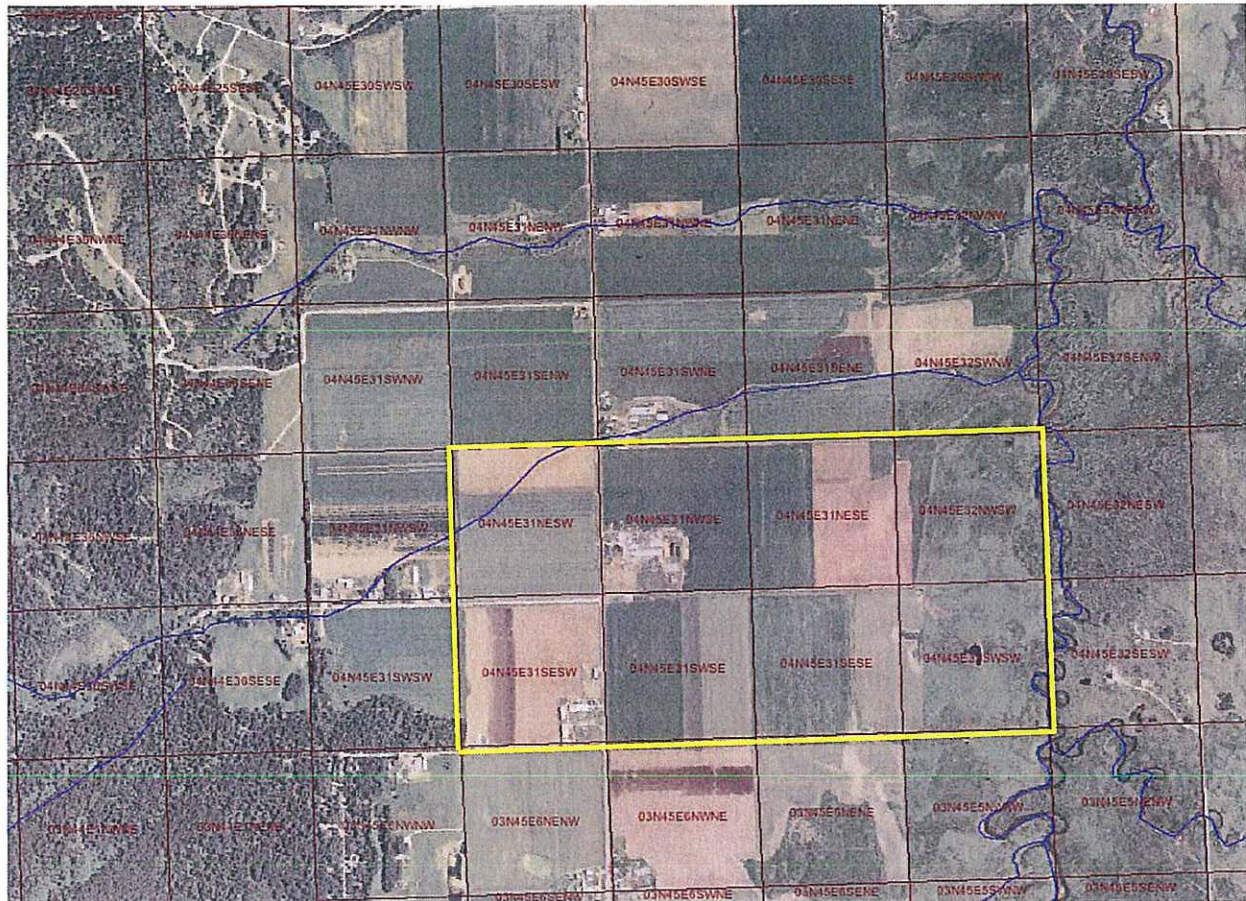
Rich, Landon, J.

$SE\frac{1}{4}$ of $NW\frac{1}{4}$ and $S\frac{1}{2}$ of $NE\frac{1}{4}$ of Sec. 26, T. 4 S., R. 32 E., B. M., containing 160 acres.

Richie, Mary C.

$N\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 23, T. 3 N., R., 38 E. B. M., containing 80 acres.

Exhibit E



Place of use of Water Right Nos. 22-473 & 22-474
decreed to A.L. Rice

No.

ABSTRACT OF TITLE

TO

Deeds & Record

3

[The south Half of the south East Quarter (SE 3/4) of Section Thirty-one (31) and the West Half of the south West Quarter (SW 1/4 SE 1/4) of Section Thirty-two (32) in Township Four (4) North, of Range Forty-five (45) East of the Boise Meridian, containing One Hundred Sixty (160) acres.]

Water Location 1889

Application No. 5808

For purposes of identification this gummed label should be attached to your abstract when forwarded to The Federal Land Bank of Spokane.

Loan No. D 2899
Application No. 5901
Received JAN 3 1935
THE FEDERAL LAND BANK OF SPOKANE

APPLICATION NO. A 5901
APPLICANT *Renton Kraske*
U. S. A. *Comm* STATE *Ida*

Continuation of Abstract of Title to the Lands Described in the Caption Hereto.

United States.		No. /
		Character of Instrument,
		Patent
		Date of Instrument,
		April 12, 1900.
		Date of Record, 3/6/25
		December 30, 1902. 6 3/10 P.M.
		Book B. of Patents Page 233
TO GRANTEES.		CONSIDERATION, \$
Margaret Rice.		ARE SIGNATURES SEALED? C.I.O.
GRANTEES.		

Names of Witnesses.

Date of Acknowledgment.

Before Whom Acknowledged and is it Regular?

Granting Words.

Covenant, if any.

DESCRIPTION AND REMARKS:

S2 SE4 Sec. 31, W2 SW4 Sec. 32 Tp. 4 N., R. 45 E. B. M., containing 1.0 acres.

TAXES.

I HEREBY CERTIFY that there are no taxes due and unpaid upon the lands described in the within abstract, and that there are no tax sales of said land unredeemed, and that no tax deeds have been given thereon, except as stated below.

Dated at St. Anthony, Idaho.
this, the 31st day of December 1902

CARBINE & MILLER.
Per W. H. Carbine Abstracter.
Partner

Remarks Concerning Taxes.

Taxes paid up to and including year 1902.

Judgments.

I HEREBY CERTIFY that there are no judgments, suits pending or liens of any kind, against any of the within named grantees, which are liens on the land described herein.

S2 SW4 Sec. 31, W2 SW4 Sec. 32 T4 N., R. 45, E. B. M., Containing 160 acres.

in any Court of Record in Fremont County.

Dated at St. Anthony, Idaho.
this, the 31st day of December 1902. 9 A. M.

CARBINE & MILLER.
Per W. H. Carbine Abstracter.
Partner

Certificate of Abstracter.

STATE OF Idaho }
County of Fremont } ss.

I, the undersigned, do hereby certify that the foregoing three sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County, and State which in any way affect the title of the above described real estate.

Witness my hand this, the 31st day of December 1902. 9 A. M.

CARBINE & MILLER.
Per W. H. Carbine Abstracter.
Partner

TAXES.

I HEREBY CERTIFY that there are no taxes due and unpaid upon the lands described in the within abstract, and that there are no tax sales of said land unredeemed, and that no tax deeds have been given thereon, except as stated below.

Dated at St. Anthony, Idaho, this the 8th day of December, 1909.

FREMONT ABSTRACT COMPANY,

By *F. H. Miller* Secy.

REMARKS CONCERNING TAXES:

1909 taxes are \$32.99

JUDGMENTS:

I HEREBY CERTIFY, that there are no judgments, suits pending or liens of any kind, against any of the within named grantees, which are liens on the land described herein.

in any Court of Record in Fremont County.

Dated at St. Anthony, Idaho, this the 8th day of December, 1909 @ 4 PM

FREMONT ABSTRACT COMPANY,

By *F. H. Miller* Secy.

CERTIFICATE OF ABSTRACTER:

STATE OF IDAHO,

County of Fremont,

ss.

I, the undersigned, do hereby certify that the foregoing none sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County and State, which in any way affect the title of the above described real estate. since date of last certificate.

WITNESS my hand, this the eighth day of December, 1909 @ 4 P. M.

FREMONT ABSTRACT COMPANY,

By *F. H. Miller* Secy.

Tavin Rice

to

Grantors.

All men.

Names of Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

Is Wife separately examined in Acknowledgment?

Granting Words

Covenant, if any

Grantees.

No.
Character of Instrument
Water Location
Date of Instrument
July 27, 1889.
Date of Record.
August 3, 1889.
Book 4 of Page 251
No. of Instrument
Consideration, \$
Are Signatures Sealed?

Description and Remarks.

Notice is hereby given that I, Tavin Rice, do hereby claim and appropriate five hundred inches of water for agricultural purposes under a four foot pressure and is to be taken out on the north side of Patters on creek in Teton Basin, Bingham County, Idaho, by means of a ditch which is to be taken out about 100 rods west of the crossing of the wagon road of said creek. Said 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 60 rods and upon the place of intended use on 100 acres of land unsurveyed.

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

THE AMERICAN FREEHOLD LAND-MORTGAGE CO
of LONDON, (ENGLAND) Limited

By E. Brodie Hoare, Chr. Board Directors.

By H. S. King, Director.

Attest: W. B. Smith, Secretary.

to

Grantees.

Robert Grier Patton, et. al.

Character of Instrument

Power of Attorney.

Date of Instrument.

September 12th, 1906.

Date of Record.

November 12th, 1906 at 1:30 p.m.

Book A of P/of/A Page 244

No. of Instrument 14198

Consideration, \$

Names of Witnesses

Albert C. V. Feller.

Grantees.

Are Signatures Sealed?

Corp. Seal.

Date of Acknowledgment

September 24th, 1906.

Before Whom Acknowledged?

Francis W. Frigout, U. S. Dep. Con. Gen. at London,

Is Wife separately examined in Acknowledgment?

(England.) Sealed.

Granting Words

Covenant, if any

INCORPORATED

Description and Remarks:

This power of attorney shows that the above named grantees are jointly, as well as severally and individually, constituted and appointed the attorneys or attorney of the above named company, with full power, jointly or individually, to execute and deliver receipts, satisfactions of mortgage as may be necessary in the conduct and management of the business of the company.

I HEREBY CERTIFY, that there are no taxes due and unpaid upon the lands described in the within abstract, and that there are no tax sales of said land unredeemed, and that no tax deeds have been given thereon, except as stated below.

Dated at St. Anthony, Idaho, this the 15th day of January, 1910.

FREMONT ABSTRACT COMPANY,

By F. A. Miller Secy.

REMARKS CONCERNING TAXES:

Taxes of 1909 are \$23.50, all other taxes paid.

JUDGMENTS:

I HEREBY CERTIFY, that there are no judgments, suits pending or liens of any kind, against any of the within named grantees, which are liens on the land described herein.

in any Court of Record in Fremont County.

Dated at St. Anthony, Idaho, this the 15th day of January, 1910.

FREMONT ABSTRACT COMPANY,

By F. A. Miller Secy.

CERTIFICATE OF ABTRACTER:

STATE OF IDAHO,

County of Fremont,

ss.

I, the undersigned, do hereby certify that the foregoing sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County and State, which in any way affect the title of the above described real estate. from date of last certificate.

WITNESS my hand, this the 15th day of January, 1910.

FREMONT ABSTRACT COMPANY,

By F. A. Miller Secy.

10

FEB 1

FEB

Adelbert L. Rice and

Hattie Rice, his wife,

to

Grantors,

Anton Krafka,

Grant

Grantees.

No.

Character of Instrument
WARRANTY DEED

Date of Instrument.
December 1st, 1909.

Date of Record,
March 7th, 1910 @ 10-30 AM

Book 3 of Deeds, Page 628

No. of Instrument 30595

Consideration, \$ 9600.00

Are Signatures Sealed? Yes.

Names of Witnesses John D. Killpack, Jr. Ed. Rice.

Date of Acknowledgment December 1st, 1909.

Before Whom Acknowledged? John D. Killpack, Jr. M. P. Fremont Co. Idaho. Seal.

Is Wife separately examined in Acknowledgment?

Granting Words Grant, Bargain, Sell and Convey and Confirm

Covenant, if any GENERAL WARRANTY

Description and Remarks:

SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ Sec. 31,

W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 32 Tp. 4 N. R. 45 E. B. M.,

With all water rights belonging.

I HEREBY CERTIFY that there are no taxes due and unpaid upon the lands described in the within abstract, and that there are no tax sales of said land unredeemed, and that no tax deeds have been given thereon, except as stated below.

Dated at St. Anthony, Idaho, this the 7th day of March, 1910.

FREMONT ABSTRACT COMPANY,

By F. A. Miles Secy.

REMARKS CONCERNING TAXES:

1909 taxes are delinquent in the sum of \$18.77 and penalties.

JUDGMENTS:

I HEREBY CERTIFY, that there are no judgments, suits pending or liens of any kind, against any of the within named grantees, which are liens on the land described herein.

in any Court of Record in Fremont County.

Dated at St. Anthony, Idaho, this the 7th day of March, 1910 @ 11 A. M.

FREMONT ABSTRACT COMPANY,

By F. A. Miles Secy.

CERTIFICATE OF ABTRACTER:

STATE OF IDAHO,

County of Fremont, } ss.

I, the undersigned, do hereby certify that the foregoing one sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County and State, which in any way affect the title of the above described real estate. since date of last certificate.

WITNESS my hand, this the seventh day of March, 1910 @ 11 A. M.

FREMONT ABSTRACT COMPANY,

By F. A. Miles Secy.

Cline & Edward

ABSTRACT OF TITLE

PREPARED BY
FREMONT-ABSTRACT COMPANY
TO

The Southeast quarter of the Northwest quarter
(SE $\frac{1}{4}$ NW $\frac{1}{4}$); the Northeast quarter of the Southwest
quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) and the North half of the South-
east quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section thirty-one (31)
in Township four (4) North of Range forty-five (45)
East of the Boise Meridian, in Idaho.

*Rd to M N Kuna
Church Property*

Loan No. *D 2899*
Application No. *5901*
Received
Filed *1 JAN 8 1935*
THE FEDERAL LAND BANK
OF SPOKANE

APPLICATION NO.	<i>A 5901</i>
APPLICANT	<i>Anton Kraske</i>
U.S.L.A.	<i>Comm</i> STATE <i>Ida</i>

Continuation of Abstract of Title to the Lands described in the Caption hereto.

The United States of America,

to

Adelbert L. Rive,

Grantors,

Grantees.

No.

Character of Instrument.
P a t e n t.

Date of Instrument.
May 14th, 1906.

Date of Record.
December 9th, 1909 11 A. M.
Book D of Pats. Page 332

No. of Instrument 29030

Consideration, \$

Are Signatures Sealed? G. L. O. Sea

Names of Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

Is Wife separately examined in Acknowledgment?

Granting Words

Covenant, if any

Description and Remarks:

SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31 Tp. 4 N. R. 45 E. B. M.,

containing 160 acres.

TAXES.

I HEREBY CERTIFY, that there are no taxes due and unpaid upon the lands described in the within abstract, and that there are no tax sales of said land unredeemed, and that no tax deeds have been given thereon, except as stated below.

Dated at St. Anthony, Idaho, this the 9th day of December, 1909.

FREMONT ABSTRACT COMPANY,

By *J. Miller* Secy

REMARKS CONCERNING TAXES:

1909 taxes are \$32.99

JUDGMENTS:

I HEREBY CERTIFY, that there are no judgments, suits pending or liens of any kind, against any of the within named grantees, which are liens on the land described herein.

in any Court of Record in Fremont County

Dated at St. Anthony, Idaho, this the 9th day of December, 1909 @ 11-5-

FREMONT ABSTRACT COMPANY,

By *J. Miller* Secy

CERTIFICATE OF ABSTRACTER:

STATE OF IDAHO,

ss.

County of Fremont, } I, the undersigned, do hereby certify that the foregoing one sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County and State, which in any way affect the title of the above described real estate.

WITNESS my hand, this the ninth day of December, 1909 @ 11-5 AM

FREMONT ABSTRACT COMPANY,

By *J. Miller* Secy

Continuation of Record of Sale of the Land described in the Caption hereof.

Adelbert L. Rice and

Hattie Rice, his wife,

to

Grantors,

Anton Krafka, or and

Grantees.

Names of Witnesses John D. Killpack, Jr.

Ed. Rice.

Date of Acknowledgment December 1st, 1909.

Before Whom Acknowledged? John D. Killpack, Jr. M. P. Fremont Co. Idaho. Seal.

Is Wife separately examined in Acknowledgment?

Granting Words Grant, Bargain, Sell and Convey and Confirm.

Covenant, if any GENERAL WARRANTY

Description and Remarks:

SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ Sec. 31

W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 32 Tp. 4 N. R. 45 E. B. M.

With all water rights belonging.

No.

Character of Instrument.
WARRANTY DEED

Date of Instrument.
December 1st, 1909.

Date of Record.
March 7th, 1910 @ 10-30 AM
Book 3 of Deeds Page 628

No. of Instrument 30595

Consideration, \$ 9600.00

Are Signatures Sealed? Yes.

I HEREBY CERTIFY, that there are no taxes due and unpaid upon the lands described in the within abstract, and that there are no tax sales of said land unredeemed, and that no tax deeds have been given thereon, except as stated below.

Dated at St. Anthony, Idaho, this the 7th day of March, 1910.

FREMONT ABSTRACT COMPANY,

By F. A. Miller Secy.

REMARKS CONCERNING TAXES:

1909 taxes are delinquent in the sum of \$18.77 and penalties.

JUDGMENTS:

I HEREBY CERTIFY, that there are no judgments, suits pending or liens of any kind, against any of the within named grantees, which are liens on the land described herein.

in any Court of Record in Fremont County.

Dated at St. Anthony, Idaho, this the 7th day of March, 1910 11 A. M.

FREMONT ABSTRACT COMPANY,

By F. A. Miller Secy.

CERTIFICATE OF ABTRACTER:

STATE OF IDAHO,

County of Fremont,

ss.

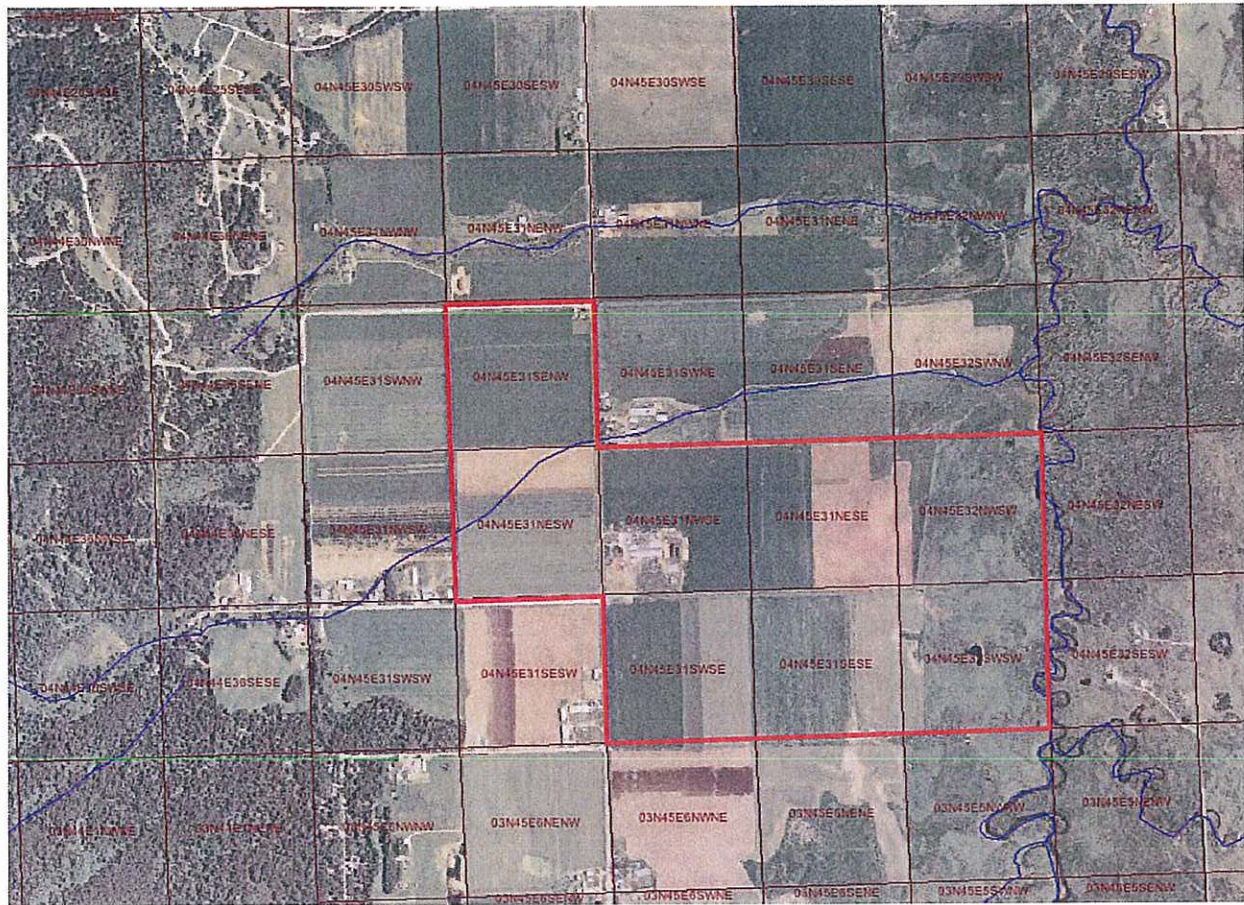
I, the undersigned, do hereby certify that the foregoing one sheets contain a full and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County and State, which in any way affect the title of the above described real estate. Since date of last certificate.

WITNESS my hand, this the seventh day of March, 1910 11 A. M.

FREMONT ABSTRACT COMPANY,

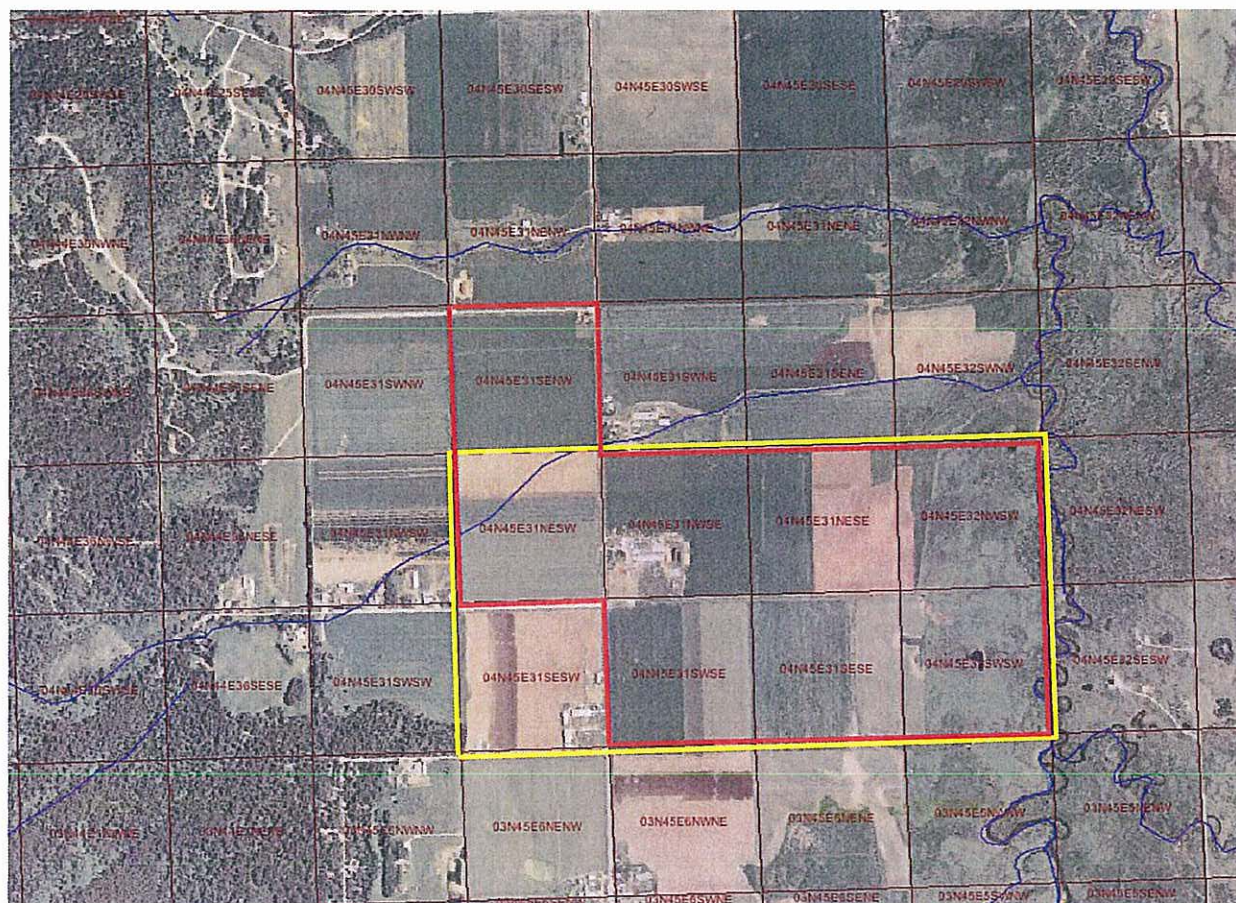
By F. A. Miller Secy.

Exhibit H



☐ Property Owned by A.L. Rice at time of
Rexburg Decree

Exhibit I



- Property Owned by A.L. Rice at time of Rexburg Decree
- Place of use of Water Right Nos. 22-473 & 22-474 decreed to A.L. Rice

No. 53891

4-1003

The United States of America

Blackfoot 02417

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETING:

WHEREAS, A Certificate of the Register of the Land Office at Blackfoot, Idaho has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain" and the acts supplemental thereto, the claim of

Ulrich Schiers, Junior

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

Lots two, three and four and the southeast quarter of the southwest quarter of section thirty one in township four north of range forty five East of the Boise Meridian, Idaho, containing one hundred sixty and forty hundredths acres.

according to the Official Plat of the Survey of the said land, returned to the General Land Office, by the Surveyor General:
-NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of land above described; To Have and to Hold the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued 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 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, Woodrow Wilson

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 Second day of September in the year of our Lord one thousand nine hundred and Thirteen and of the Independence of the United States the one hundred and Thirty-eighth

BY THE PRESIDENT: Woodrow Wilson

By N. P. LeRoy Secretary.

Recorded: Patent Number 363309

I. Q. C. Lamar

Recorder of the General Land Office.

Filed for record at the request of Mutual Abst. Co. at 30 minutes

past 2 P. M., Oct 17 1913

By A. M. Carter Deputy. Recorder.

Transcribed from Book F patent - Page 173-Fremont Co. Records.
Transcribed from Book 46 of Patents, Page 291, Madison County Records.



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: A22-00472
Date Received: 7/28/1988
Receipt No: E000943
Received By: S.M.

Renumbered To 22-13600

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TETON RAINBOW RANCH INC. 208-787-2449
Address: 450 WEST 749 SOUTH
VICTOR, ID 83455
2. Date of Priority: JUN 01, 1891
3. Source: PATTERSON CREEK Trib. to: TETON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	36	SW	SE			TETON

5. Description of diverting works:
HEADBOX TO PIPELINE TO SPRINKLER SYSTEM - INSTALLED 1978.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 560.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 1 HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	31	SE	NW		IRR	36.0
			NE	SW		IRR	39.0
			NE	SE		IRR	40.0

A22-00472

Page 1

Date: 07/28/88

MICROFILMED

NOV 05 1992

A2200472

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	31	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	235.0
		32	NW	SW		IRR	20.0
			SW	SW		IRR	25.0
						Section Acres	45.0
						Total Acres	280.0

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:
A22-00473/00474.

14. Remarks:
ORIGINAL POINT OF DIVERSION WAS AN OPEN DITCH FROM STREAM TO
FLOOD IRRIGATION.

15. Basis of Claim: DECREED
Case Number:
Court : FIFTH
Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

RECORDED
NOV 05 1988

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: 2

For Organizations:

I do solemnly swear or affirm that I am Pres Title of Teton Rainbow Ranch Organization, that I have signed the foregoing document in the space below as Pres Title of Teton Rainbow Ranch Organization and that the statements contained in the foregoing document are true and correct.

Larry Shumway
Signature of Authorized Agent

Pres. Teton Rainbow Ranch
Title and Organization

July 28, 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of July 19 88

Seal

Betty J. Thompson
Notary Public

Residing at Idaho Falls

My Commission Expires 6-94

MICROFILMED

NOV 15 1992

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: A22-10343
Date Received: 7/28/1988
Receipt No: E000943
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TETON RAINBOW RANCH INC. 208-787-2449
Address: 450 WEST 749 SOUTH
VICTOR, ID 83455

2. Date of Priority: JUN 01, 1896

3. Source: PATTERSON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	36	SW	SE			TETON

5. Description of diverting works:
HEADBOX TO PIPELINE TO SPRINKLER SYSTEM - INSTALLED 1978.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	6.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC - 1 HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	31	SE	NW		IRR	36.0
			NE	SW		IRR	39.0
			NE	SE		IRR	40.0

A22-10343

Page 1

Date: 07/28/88

A2210343



FILED
NOV 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	31	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	235.0
		32	NW	SW		IRR	20.0
			SW	SW		IRR	25.0
						Section Acres	45.0
						Total Acres	280.0

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:
A22-00472.

14. Remarks:
ORIGINAL POINT OF DIVERSION WAS A DITCH FROM STREAM TO FLOOD
IRRIGATION. THIS FILING COMBINES WATER NOS. 22-0473 AND 22-0474.
BOTH WATER RIGHTS HAVE THE SAME PRIORITY DATE OF 6-1-1896.

15. Basis of Claim: BENEFICIAL USE

(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 ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

Teton Pioneer Ranch, that I have signed the foregoing
Organization

John Ramirez Rios and that the statements contained in the
Organization
foregoing document are true and correct. John Ramirez

Pres. Titon Rainbow Ranch
Title and Organization

July 28/1985
Date

Subscribed and sworn (or affirmed) before me this 28th day

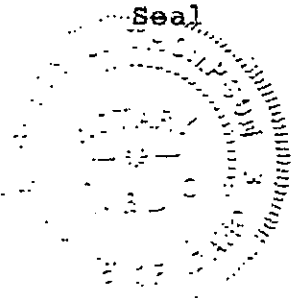
of July 19 88

Betty J. Thompson
Notary Public

1991

Residing at *Idaho Falls*

My Commission Expires 6-94



NOV 05 1992

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*

July 19, 2004

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

**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:

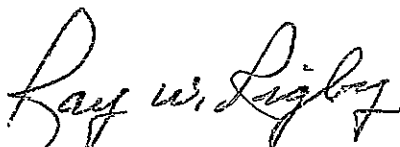
1. Copy of Water Location, dated July 27, 1889, recorded August 3rd, 1889, in Book A of Water Locations at page 251, wherein Edwin Rice claimed 500 inches of water for agricultural purposes, and referenced it to Pattens on creek (which is in reality "Patterson Creek"). That notice specified that the 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

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.

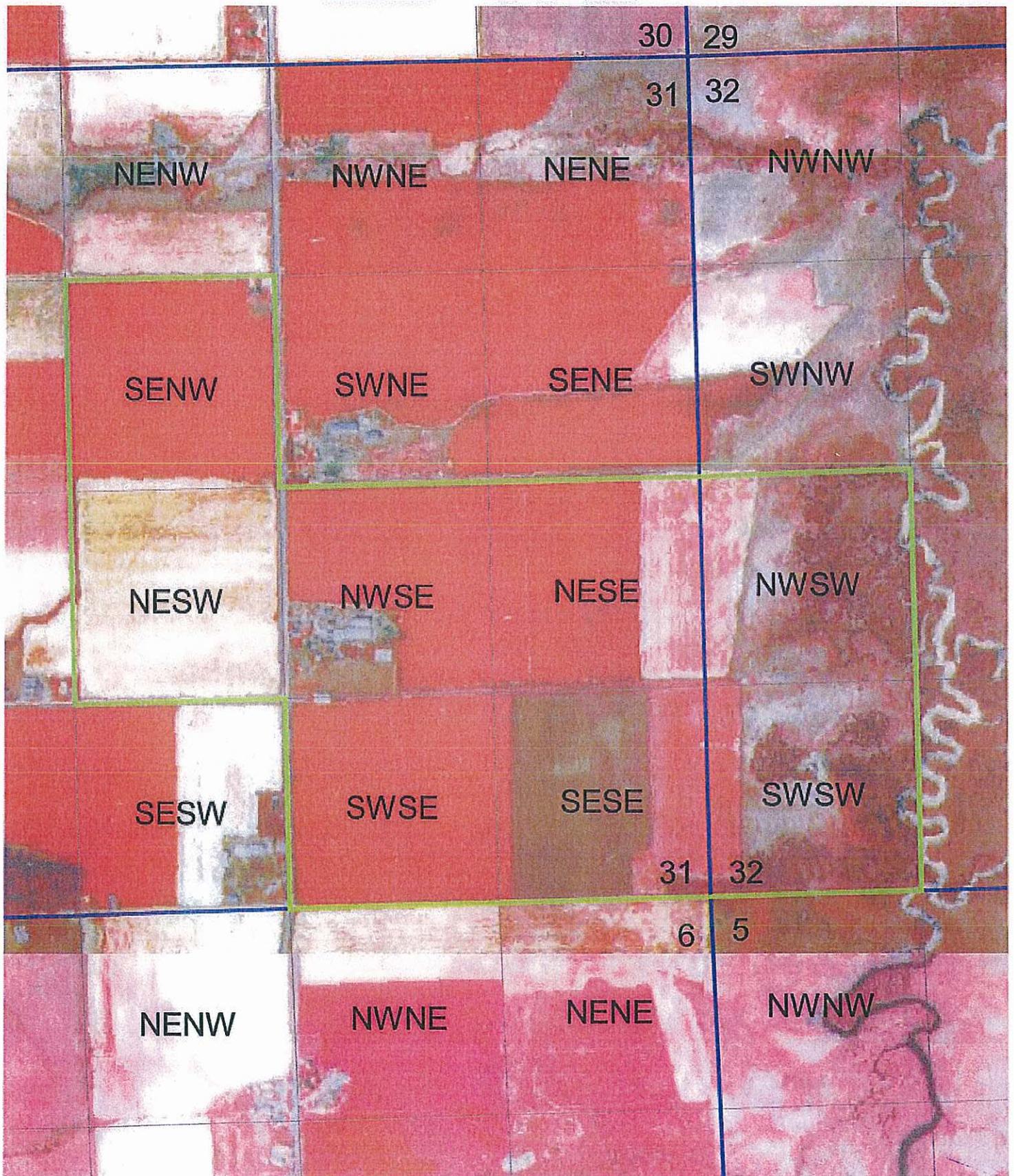
Sincerely,



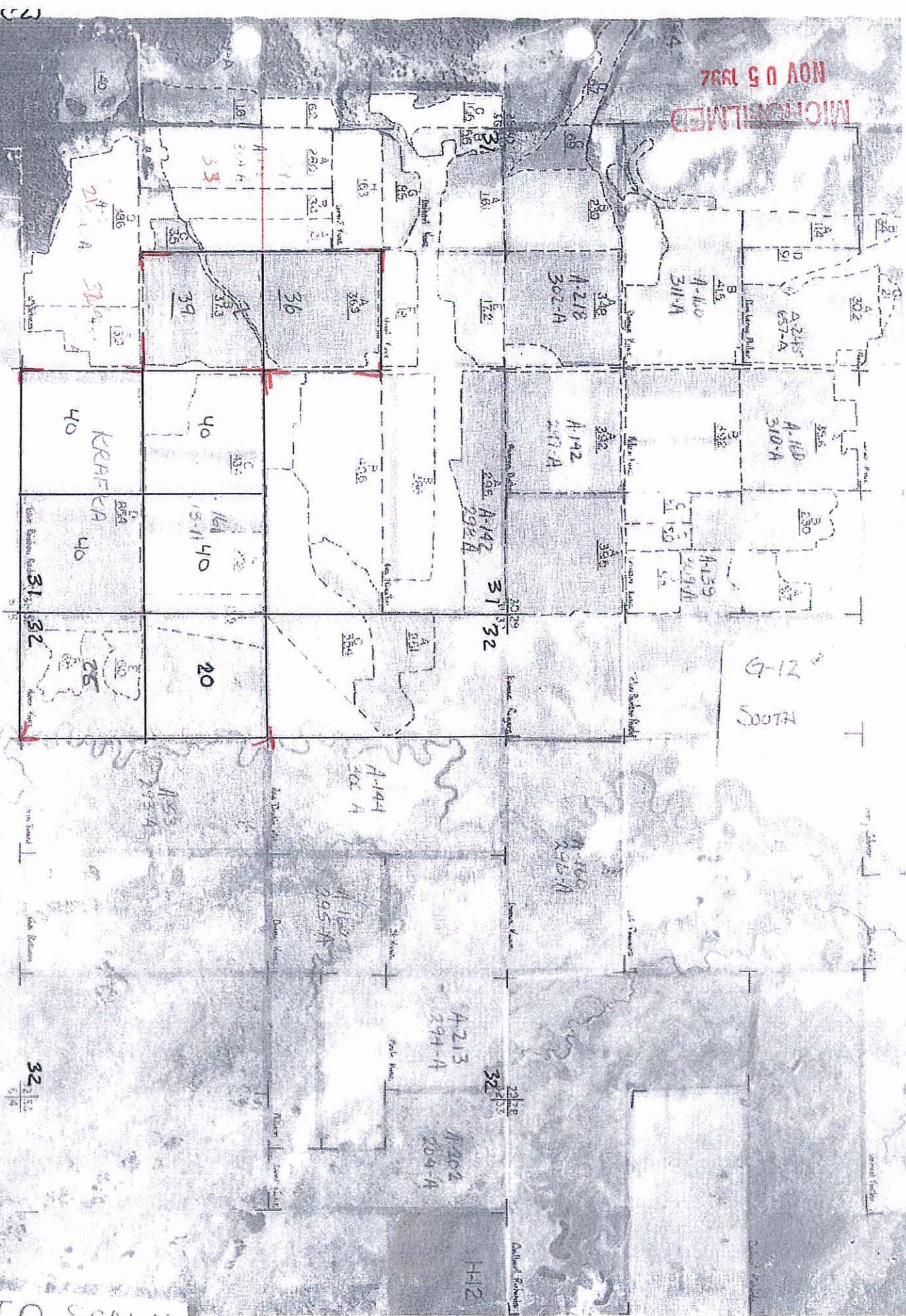
Ray W. Rigby
RWR/bml

enclosures
cc. Teton Rainbow Ranch Inc.

22-472



MICHOINTLIED
NOV 05 1992



Water Rights 320 inches Patterson Crk.
CLAIM # A22-00472 - AND A22-10343

JOI TO SCAL

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-13600

NAME AND ADDRESS: TETON RAINBOW RANCH INC
665 S 450 W
VICTOR, ID 83455

SOURCE: PATTERSON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 2.80 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T04N R44E S36 SHWSW Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.80 CFS

PLACE OF USE:	Irrigation	Within Teton County
T04N R45E S31	NESW 40.0 NWSE 33.0 SESE 40.0 NWSW 14.0	NESE 40.0 SWSE 40.0
S32		SNSW 17.0
224.0 Acres Total		

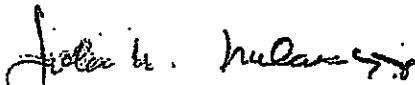
Right Nos. 22-10343 and 22-13600 are limited to the irrigation
of a combined total of 224 acres in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 22-10343

NAME AND ADDRESS: TETON RAINBOW RANCH INC
665 S 450 W
VICTOR, ID 83455

SOURCE: PATTERSON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 5.60 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T04N R44E S36 SWSWSE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	5.60 CFS

PLACE OF USE:	Irrigation	Within Teton County	
	T04N R45E S31	NESW 40.0 NWSE 33.0 SESE 40.0 NWSW 14.0	NESE 40.0 SWSE 40.0 SWSW 17.0
	S32		
	224.0 Acres Total		

Right Nos. 22-10343 and 22-13600 are limited to the irrigation
of a combined total of 224 acres in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

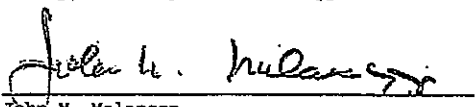
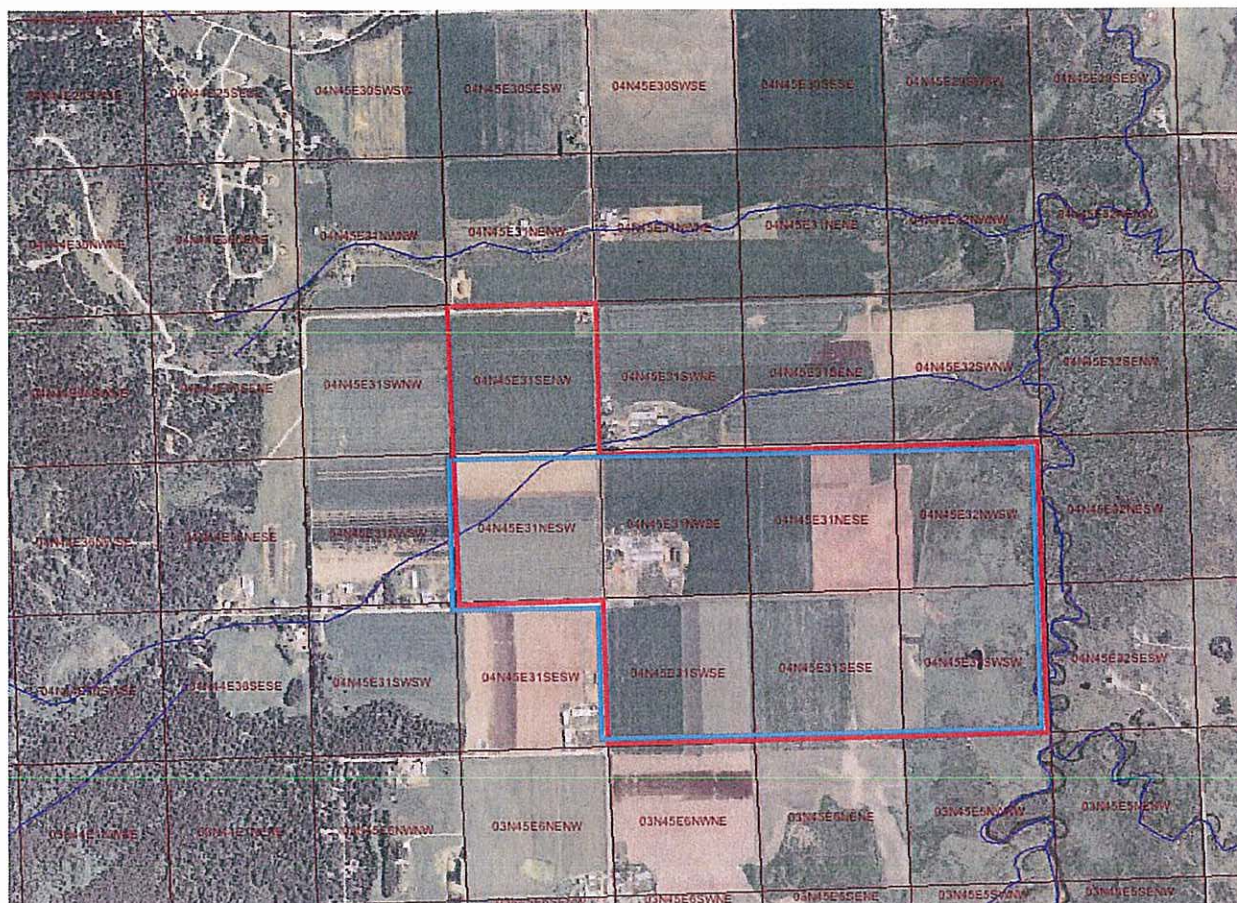

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Exhibit M



- Property Owned by A.L. Rice at time of Rexburg Decree
- Place of use partially decreed for Water Right Nos. 22-13600 & 22-10343 to Teton Rainbow Ranches, Inc.