

11/27/2006

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

RIGHT NUMBER: 1-223
NAME AND ADDRESS: DOROTHY E THOMPSON
15533 E RIRIE HWY
RIRIE ID 83443

THOMAS THOMPSON
15533 E RIRIE HWY
RIRIE ID 83443

ANNE FERGUSON
15533 E RIRIE HWY
RIRIE ID 83443

KYM FERGUSON
15533 E RIRIE HWY
RIRIE ID 83443

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 6.000 CFS
PRIORITY DATE: 06/01/1891
POINT OF DIVERSION: T04N R40E S26 NENW Within JEFFERSON County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	6.000 CFS
PLACE OF USE:	<u>IRRIGATION in JEFFERSON County</u>		
	T04N R40E S26 NENW	19.00	T04N R40E S26 Lot 4 NWNW 12.00
	T04N R40E S26 SWNW	39.00	T04N R40E S26 Lot 3 SENW 28.00
	T04N R40E S27 Lot 1 NENE	28.00	T04N R40E S27 SENE 39.00

165 ACRES TOTAL

Right Nos. 1-223 and 1-258 are limited to the irrigation of a combined total of 165 acres in a single irrigation season.

Place of use described as NENW of section 26, Township 4N Range 40E B.M. is also known as Tract 41.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Butler Island Canal Co.

Water is delivered through Ferguson pump.

PROPERTIES:

- a. Beginning at a point that is North along the Section line of said Section 27, 17 feet and S89°38'W along the North right of way line of a county road 475 feet from the East Quarter Corner of Section 27, Township 4 North, Range 40 East of the Boise Meridian, Jefferson County, Idaho; running thence S89°38'W 200 feet; thence North 125 feet; thence N89°38'E 200 feet; thence South 125 feet to the point of beginning.
- b. Beginning at a point which is S89°38'W 767 feet from the East Quarter Corner of Section 27, Township 4 North, Range 40 East of the Boise Meridian, Jefferson County, Idaho; running thence North to an existing ditch; thence in a Northwesterly direction along said ditch to its intersection of the West line of the SE1/4 NE1/4; thence South along said west line to the Southwest Corner of the SE1/4 NE1/4; thence East along the South line of said SE1/4 NE1/4 to the point of beginning.
- c. Beginning at the East Quarter Corner of Section 27, Township 4 North, Range 40 East of the Boise Meridian, Jefferson County, Idaho; thence S89°53'46"W 988.16 feet to the TRUE POINT OF BEGINNING; thence S89°53'46"W 330.22 feet to the Southwest Corner of the SE1/4 NE1/4 of said Section 27; thence N00°27'15"W along the West line said Quarter 815.00 feet to the South Bank of the Butler Canal; thence S43°45'15"E along said South Bank 43.74 feet; thence S47°11'05"E along said South Bank 142.00 feet; thence S75°14'15"E along said South Bank 196.97 feet; thence S64°12'25"E along said South Bank 95.98 feet; thence S43°03'58"E along said South Bank 58.04 feet; thence S36°22'59"E along said South Bank 165.93 feet; thence S00°27'13"E 77.95 feet; thence S88°47'16"W 215.48 feet; thence S00°21'47"E 335.83 feet to the true point of beginning.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Twinkie Swafford
SWAFFORD LAW OFFICE
525 9TH STREET
IDAHO FALLS ID 83404

Order No. TJs-30057k bf

Additional Copies to:
Anne Ferguson
Dorothy Barelli

1. Effective Date: December 9, 2003 at 5:00 p.m.
2. Policy or Policies to be issued: Amount: Premium:

A. ALTA Owners Standard Coverage Policy (10/17/92) 100,000.00 605.00

Proposed Insured: KYM FERGUSON and ANNE FERGUSON, husband and wife

B. ALTA Loan Standard Coverage Policy (10/17/92) 100,000.00 75.00

Proposed Insured: DOROTHY BARELLI
3. The estate or interest in the land described or referred to in this Commitment and covered is: Fee Simple.
4. Title to the estate or interest in said land is at the effective date hereof vested in: -

UNDIVIDED INTERESTS:

KYM FERGUSON a.k.a. KIM FERGUSON and ANNE FERGUSON a.k.a. ANN FERGUSON,
husband and wife,

DOROTHY BARELLI f.k.a. DOROTHY E. THOMPSON, a married woman, dealing with her sole
and separate property, and

SARAH THOMPSON, MELISSA THOMPSON, and STACEY THOMPSON, as joint personal
representatives of the Estate of THOMAS CRAIG THOMPSON a.k.a. THOMAS C. THOMPSON
a.k.a. TOMMY THOMPSON, deceased

5. The land referred to in this Commitment is described as follows:

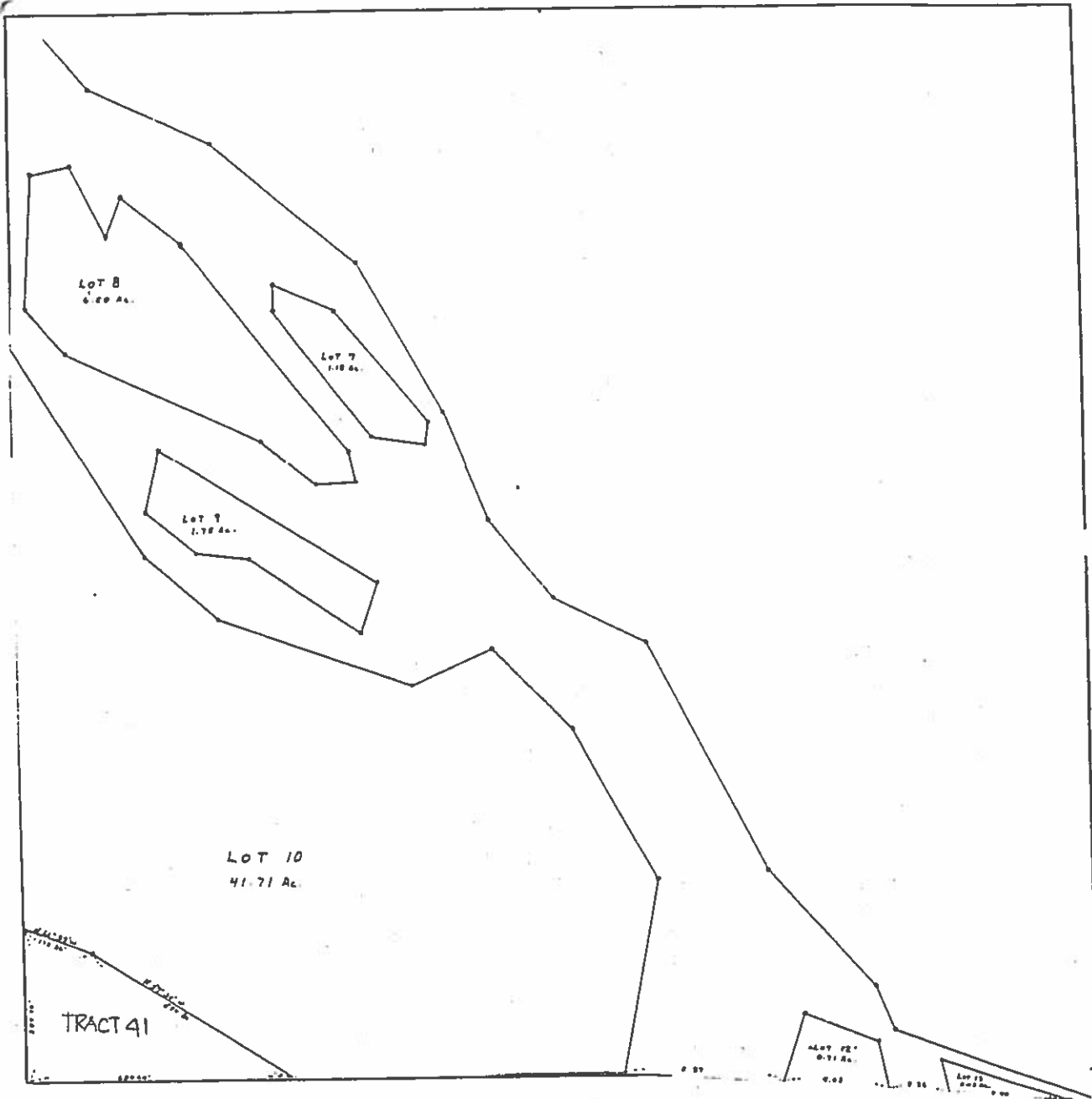
Township 4 North, Range 40 East of the Boise Meridian, Jefferson County, Idaho.

Section 23: All of Government Tract 41 located within said Section 23

Section 26: All of Government Tract 41 located within said Section 26
Government Lots 3 and 4
SW1/4 NW1/4

Section 27: Government Lot 1
SE1/4 NE1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED

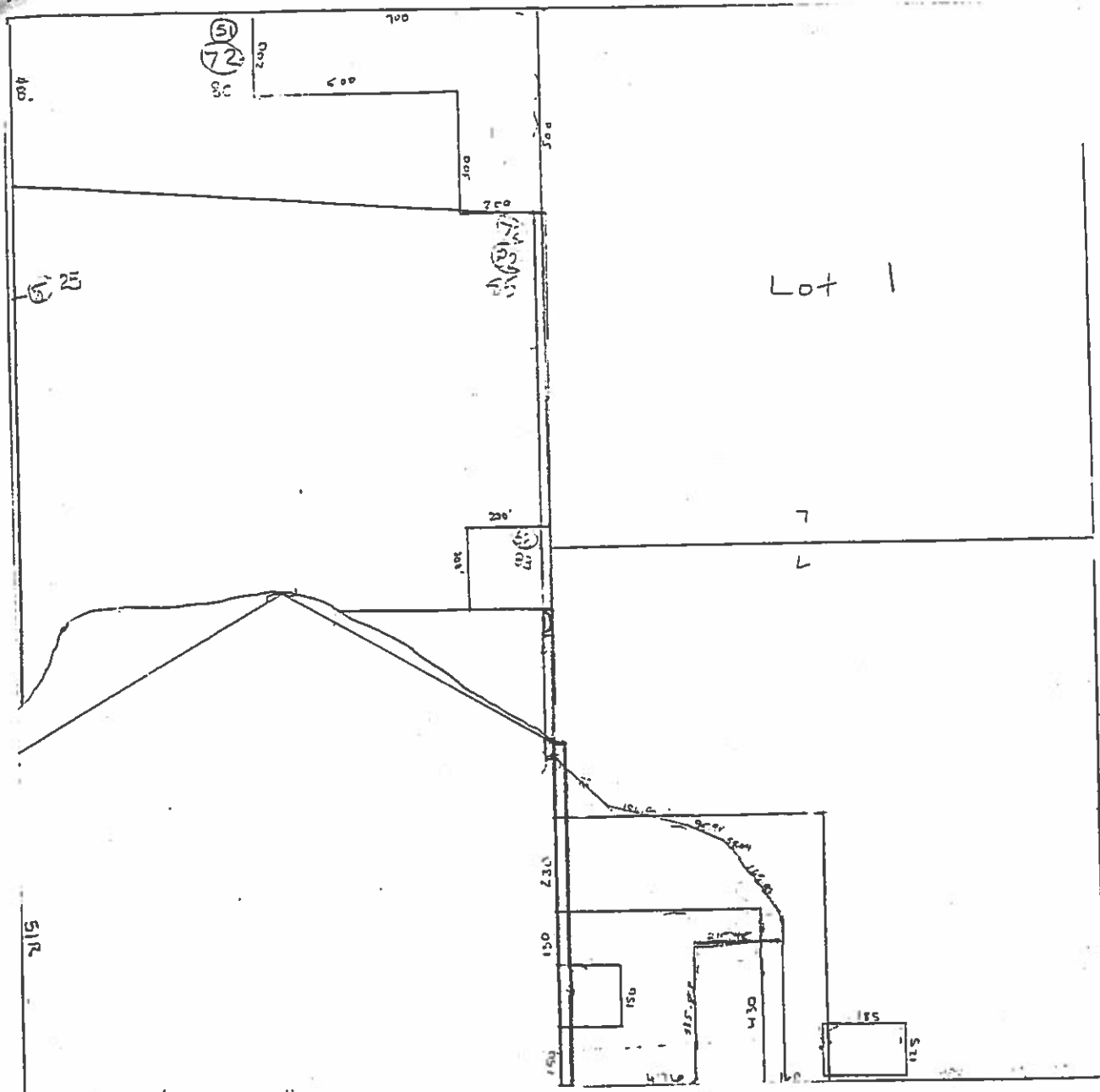


Portion: SW4 Section: 23 Township: 4N Range: 40, East of
the Boise Meridian, Jefferson County, Idaho.

Scale: 800 feet = 1 inch, Section
 X 400 feet = 1 inch, Quarter Section
 200 feet = 1 inch, Quarter Quarter Section
 100 feet = 1 inch, Quarter Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.



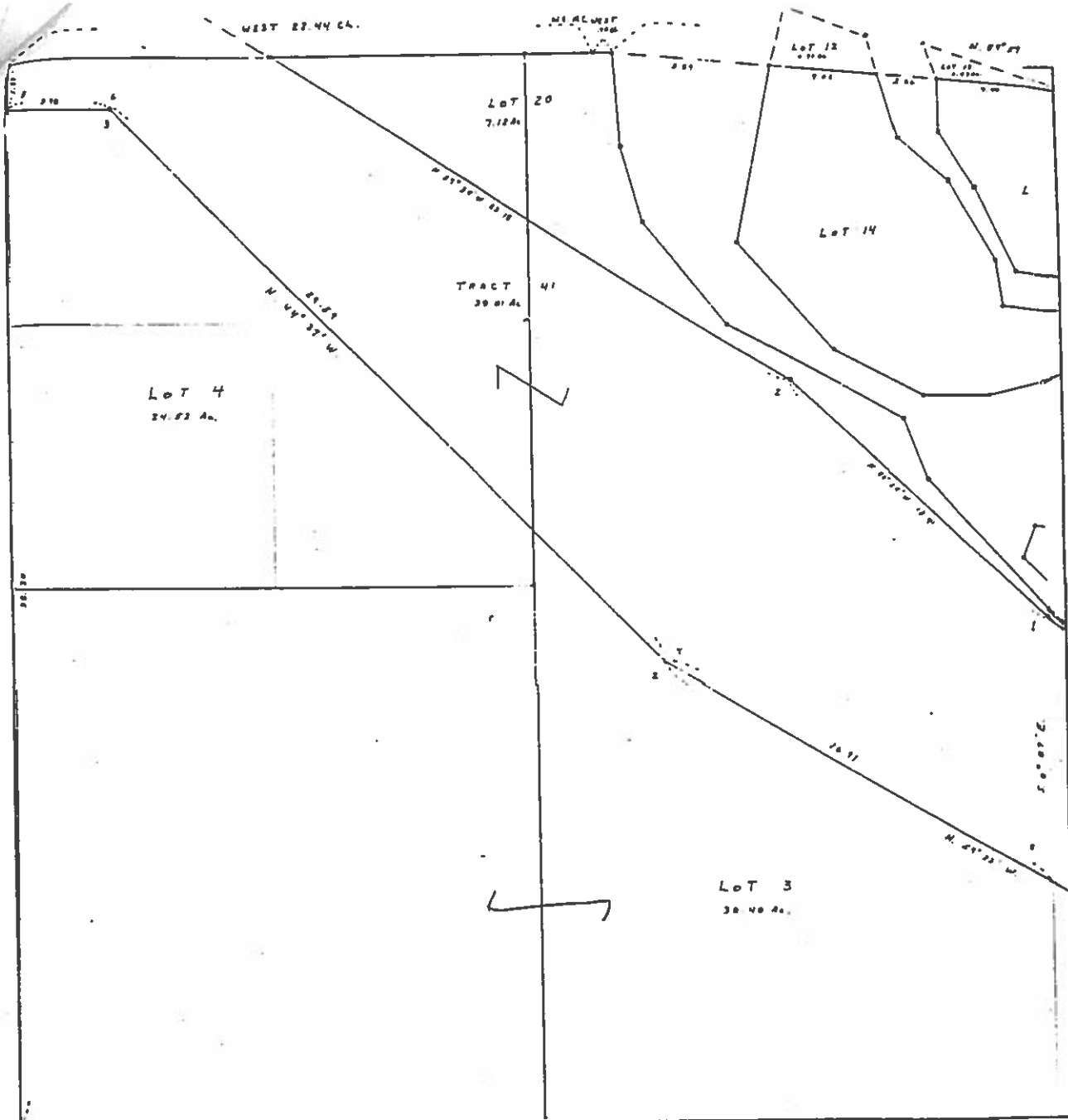


Portion: NE4 Section: 27 Township: 4N Range: 40, East of the Boise Meridian, Jefferson County, Idaho.

Scale: 800 feet = 1 inch, Section
X 400 feet = 1 inch, Quarter Section
200 feet = 1 inch, Quarter Quarter Section
100 feet = 1 inch, Quarter Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.





Portion: NW 4 Section: 26 Township: 4N Range: 40, East of the Boise Meridian, Jefferson County, Idaho.

Scale: 800 feet = 1 inch, Section
X 400 feet = 1 inch, Quarter Section
 200 feet = 1 inch, Quarter Quarter Section
 100 feet = 1 inch, Quarter Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	01-258				
	01-223				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. 0
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Beatrice Blakely
- Mike or Connie Ferguson
4. New Owner/Claimant(s) Kymor Anne Ferguson
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 15533 E Ririe Hwy
- City, State and ZIP Code Ririe, ID 83443
- New Telephone Number 800 538-7949
5. Date you acquired the property 1992

QUITCLAIM DEED

For Value Received
Thomas C Thompson MD. Pension Trust, Thomas C Thompson, Trustee

do hereby convey, release, remise and forever quit claim unto

THOMAS C. THOMPSON and DOROTHY E. THOMPSON, husband and wife and
KYM FERGUSON and ANNE FERGUSON, husband and wife

whose current address is

the following described premises, to-wit:

TRACT 1: Township 4 N, Range 40 East of the Boise Meridian, Jefferson
County, Idaho;
Section 23: All of government tract 41 located within said Section 23.
Section 26: All of government tract 41 located within said Section 26.

TRACT 2: Township 4 N, Range 40 East of the Boise Meridian, Jefferson
County, Idaho;

Section 26: Lots 3 and 4 and the SW1/4 of the NW1/4 of said Section 26;
Section 27: Lot 1 and the SE1/4 of the NE1/4 of said Section 27.

Extending therefrom, the following: Beginning at a point that is North
along the section line of said Section 27, 17 feet and South 89°38' West
along the North right-of-way line of a county road 475 feet from the East
quarter corner of said Section 27 and running thence South 89°38' West
200 feet; thence North 125 feet; thence North 89°38' East 200 feet;
thence South 125 feet to the point of beginning.

Together with all irrigation equipment including an electrical irrigation
pump, panel, and any irrigation pipe used for the purpose of irrigating
the above described property.

Together with any and all improvements and appurtenances thereto; rents,
issues and profits thereof; and reversions and remainders.

Subject to patent reservations, easements and rights of way for highways,
roads, ditches, canals, pole, power and transmission lines as they exist
and to all existing zoning ordinances and applicable building codes, laws
and regulations.

together with their appurtenances.

Dated: 4/16/92

Thomas C Thompson MD Pension Trust

Trustee
Thomas C Thompson

STATE OF IDAHO, COUNTY OF JEFFERSON
Notary Public in and for said State, personally
appeared

Thomas C Thompson

known to me to be the person who name is
represented by me within instrument, and acknowledged to
me that he executed the same.

Notary Public
Idaho
6/8/94

Microfilm No. 263607
20 Day 0 Day 1992
At 3:31 O'Clock P M
CONNIE M. KELLER
Jefferson Co. Recorder
Fee \$ 3.00 Sd Deputy
Recorded at Request of
att

RECEIVED BY
SESSOR
PLATING

Time 4:45 PM

AMERICAN LAND TITLE CO., POSTOFFICE, IDAHO

PERSONAL REPRESENTATIVE'S DEED

FOR VALUE RECEIVED, the Estate of Beatrice Blakely, hereinafter called "Grantor," does hereby grant, bargain, sell and convey unto Thomas E. Thompson and Dorothy E. Thompson, husband and wife, the Thomas E. Thompson, M.D., Pension Plan, and Kym Ferguson and Anne Ferguson, husband and wife, hereinafter called "Grantee," the following described real property located in Jefferson County, Idaho, to-wit:

TRACT 1: Township 4 N, Range 40 E Boise Meridian, Jefferson County, Idaho;

Sec. 23: All of government tract 41 located within said Sec. 23.

Sec. 26: All of government tract 41 located within said Sec. 26.

TRACT 2: Township 4 N, Range 40 E Boise Meridian, Jefferson County, Idaho;

Sec. 26: Lots 3 and 4 and the SW 1/4 of the NW 1/4 of said Sec. 26.

Sec. 27: Lot 1 and the SE 1/4 of the NE 1/4 of said Sec 27, excepting therefrom, the following: Beginning at a point that is North along the section line of said Section 27 17 feet and south 89 38' West along the north right-of-way line of a county road 475 feet from the east quarter corner of said Sec. 27 and running thence South 89 38' West 200 feet; thence North 125 feet; thence North 89 38' East 200 feet; thence South 125 feet to the point of beginning.

Together with all irrigation equipment including an electrical irrigation pump, panel, and any irrigation pipe used for the purpose of irrigating the above described property.

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

262562

RECEIVED BY
ASSESSOR

For PLATTING

Date 1-18-92 Time 5:25 p.m.

Microfilm No. _____
At 16 Day January 1992
At 12318 O'Clock P
CONNIE M. KELLY
Jefferson Co. Recorder
Fee \$ 6.00 SK
Recorder's Office
921

Grantor covenants and warrants that fee simple title, to the property, is conveyed to Grantee by this Deed, free from all encumbrances except those noted or of record.

DATED this 15th day of August, 1991.

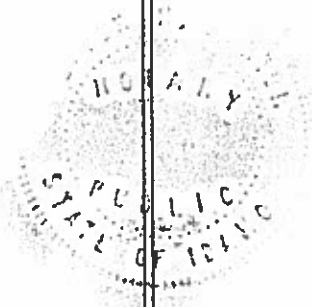
Colleen Rowan
Colleen Rowan, Personal
Representative of the Estate
of Beatrice Blakely

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

On this 15 day of August, 1991, before me, the undersigned, a Notary Public in and for said State personally appeared Colleen Rowan, known to me to be the Personal Representative for the Estate of Beatrice Blakely and whose name is subscribed to the within instrument and acknowledged to me that she 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.

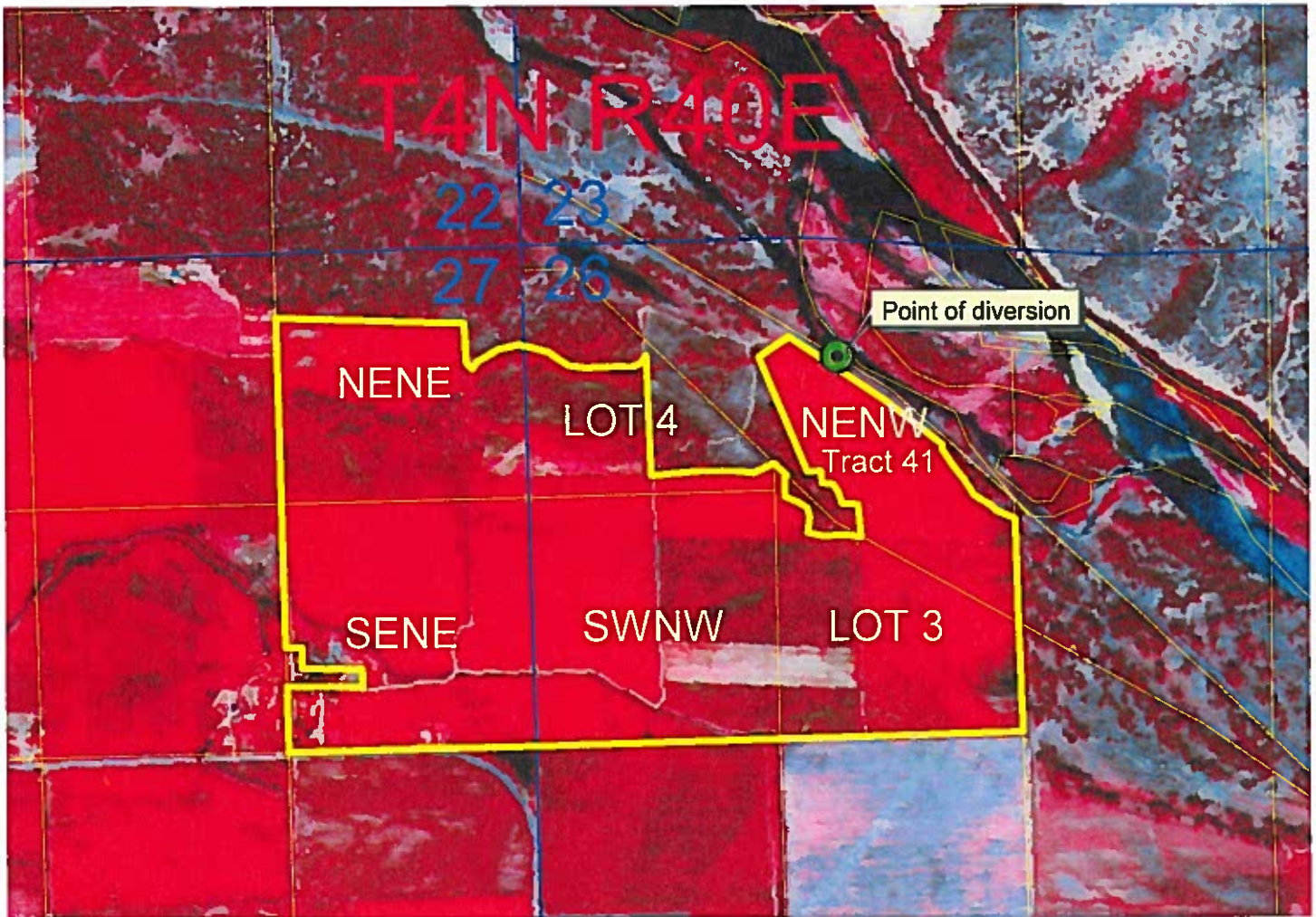
Bruce Smith
Notary Public for Idaho
Residing at: Rushy
Commission Expires: 8-1-94





Department of Water Resources

Claim Numbers: 1-223 & 1-258



0 1320 2640 3960 5280 Feet



-  Point of diversion
-  Place of Use
-  Township/Range
-  Sections
-  QQ

Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Dennis Dunn
Date: April 2006

#79855.

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT, IN AND
FOR THE COUNTY OF FRLMONT, STATE OF IDAHO.

Jacob R. Arnsberger,)
 Plaintiff,)
)
 vs.)
)
John Empey, as Watermaster)
of Water District No. 36,)
of the State of Idaho,)
 Defendant.)

JUDGMENT AND DECREE.

This cause having been submitted to the Court for consideration and decision; and the Court having theretofore made its findings of fact and conclusions of law, it is ordered that judgment be entered in accordance therewith.

1 223 WHEREFORE, by reason of the law and the finding aforesaid, it is ordered, adjudged and decreed that plaintiff is the owner of and entitled to the use of three hundred inches, or six cubic feet per second of time, of the waters of the South Fork of Snake River; that plaintiff's right to the use of said water is hereby determined and confirmed; that plaintiff's ^{right} priority to the use of said water is fixed as of June 1st, 1891; and that plaintiff's right to the use of said water is adjudged to be appurtenant to the following described real estate, to-wit: the Southwest Quarter (SW¹) of the Northwest Quarter (NW¹) and Lots Three (3) and Four (4) of Section Twenty-six (26) Township Four (4) North, Range Forty (40) East Boise Meridian, and the Southeast Quarter of the Northeast Quarter (SE¹-NE¹) and Lot One (1) of Section Twenty-seven (27) Township Four (4) North, Range Forty (40) East Boise Meridian.

Done in open Court this 31st day of January 1920.

James C. Gwinn,
District Judge.

Filed for record at the request of Bennett and McCall, January 31st, 1920.

S. D. Farnsworth, Recorder.

STATE OF IDAHO)
) SS.
COUNTY OF FREMONT)

I, S. D. Farnsworth Auditor & Recorder of the above named County and State, do hereby certify the foregoing and attached instrument to be a full true and correct copy of the original Judgment and Decree in the cause of Jacob E. Arnstorfer, Plaintiff, vs. John Empey, as Watermaster of Water District No. 36, of the State of Idaho, Defendant, as it appears of record in Book "E" of Judgment Records at Page 1, of Fremont County Records.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 12th day of March, 1920.

S. D. Farnsworth
Auditor & Recorder.

Notes

Claims A01-00223 + A01-00258

- 1/ Exam was done on 5-27-04 with new owners, Kym and/or Anne Ferguson
15533 East River Hwy
River, ID

Phone # 538-7949

Cell # 317-7949

- 2/ Change of ownership form was given to the Ferguson's with instructions

- 3/ Both rights now are diverted thru the headgate of the Craig-Mattson Ditch

GPS 2686116

File # CRAIGM

1383599

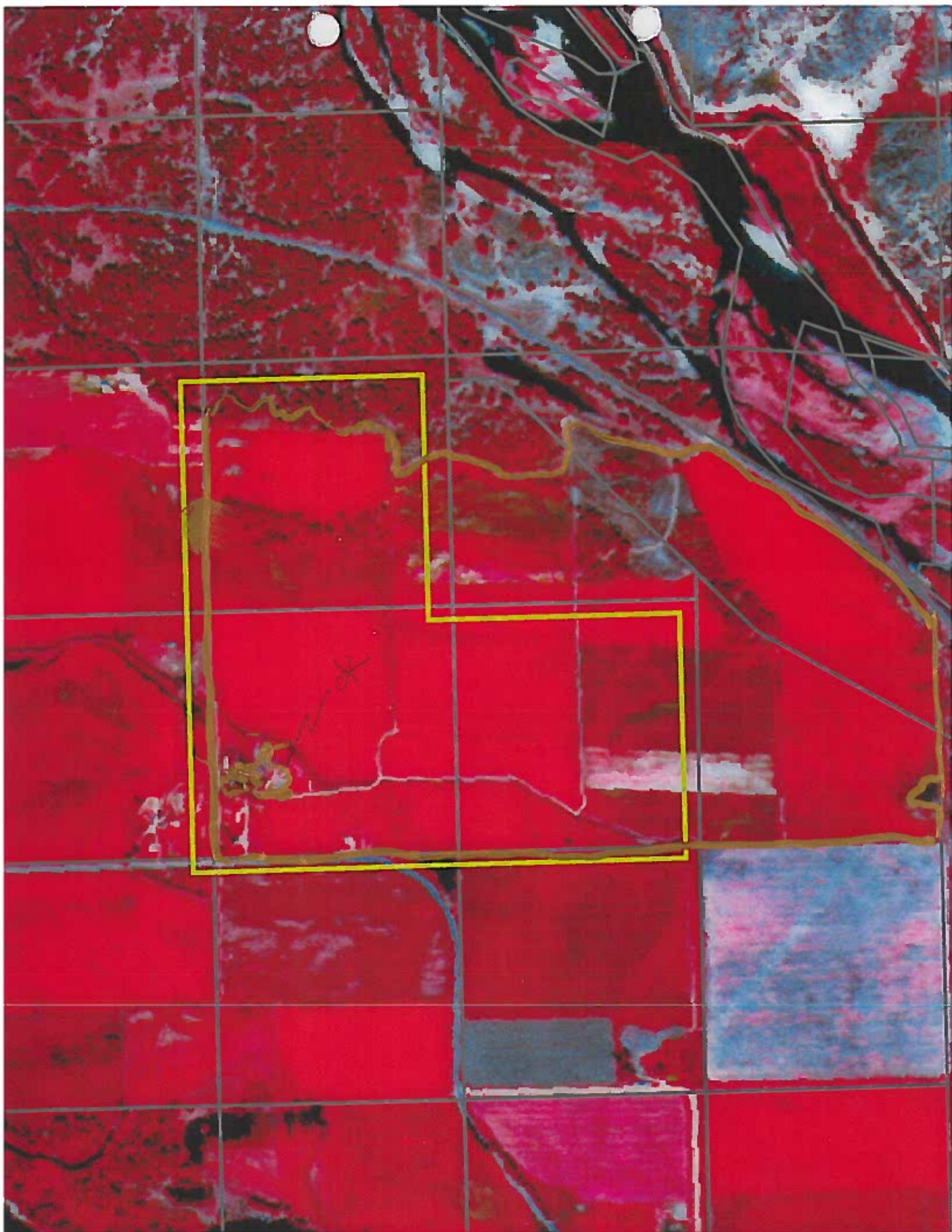
- 4/ Map + Report in File A01-00223.

- 5/ Claimants (Fergusons) say River pump was taken out years ago. I will advise them the well need to file a transfer of RPD to the Craig-Mattson Ditch.

PROFILED

SCANNED

NOV 13 2014



AUG 22 2001

xx

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: A01-00223
Date Received: 11/30/1988
Receipt No: E 00470
Received By: HWJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEATRICE BLAKELY
Address: 4877 E. 150 N.
RIGBY, ID

208-538-7332

83442

2. Date of Priority: JUN 01, 1891

3. Source: SNAKE RIVER

Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	40E	26	SE	NW		3	JEFFERSON

5. Description of diverting works:
PUMP FROM RIVER TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		

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

A.F.A.

8. Total consumptive use is 543.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	40E	26	NW	NW	4	IRR	38.0
			SW	NW		IRR	35.0
			SE	NW	3	IRR	35.0

Section Acres 108.0

A01-00223

Page

1

Date: 11/30/88

A0100223



MICROFILMED

OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	40E	27	NE	NE	1 IRR	38.0
			SE	NE	IRR	33.0
					Section Acres	71.0
					Total Acres	179.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A01-00258

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 010223
Case Number:
Court :
Decree date: 1/31/1920

JACOB R. ARNSBERGER
Decree Plaintiff

vs

JOHN EMPEY.
Decree Defendant

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): Beatrice D. Blakely Date: Nov. 30, 1988
_____ Date: _____

State of Idaho)
County of Benewah) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of Nov 19 88

William Wray
Notary Public

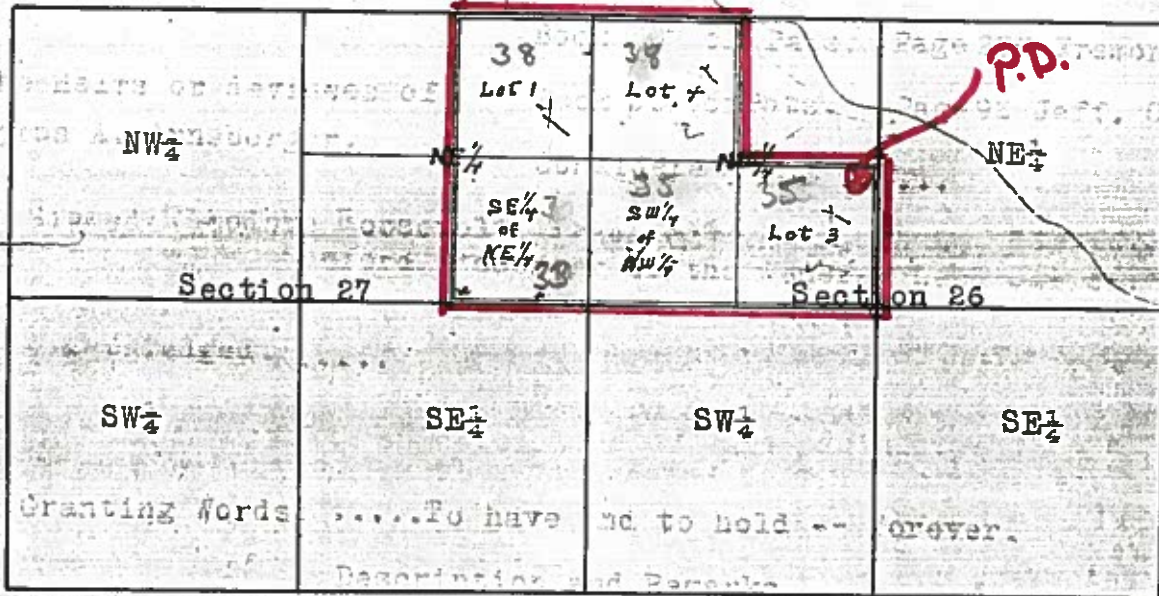
Seal

Residing at Idaho Falls

My Commission Expires 5/9/99

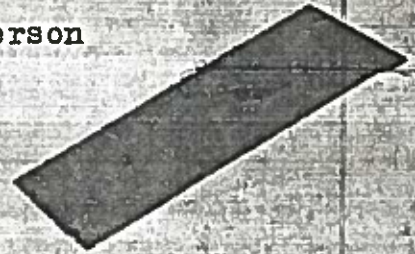
A01-00223

RLA1231



Lot 4 in Section 26 Twp. 4

North Plat of the property described in
the Caption hereof, situate in Sections 26
and 27, Township 4 N. R. 40 E.B.M., Jefferson
Co., Idaho.



RIA 2

W.S.A. 2

FLB 2

1

By

MICROFILMED

OCT 19 1992

FLB 50