

12/23/2004

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

RIGHT NUMBER: 22-57 DISALLOWED

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

SHARMAN WILSON
PO BOX 332
DRIGGS ID 83422

SOURCE: BADGER CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.000 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R45E S9 NWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

PLACE OF USE:

IRRIGATION Within TETON County

T06N R44E S24

SENW

T06N R44E S24

NESW

T06N R44E S24

NWSE

40 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL:

DEPARTMENT OF
WATER RESOURCES

STANDARD FORM 1 OBJECTION

Page 1

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: as claimed
2. ☒ **Source**
Should be: as claimed
3. ☒ **Quantity**
Should be: as claimed
4. ☒ **Priority Date**
Should be: as claimed
5. ☒ **Point of Diversion**
Should be: as claimed
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: as claimed
7. ☒ **Purpose(s) of Use**
Should be: as claimed
8. ☒ **Period of Year**
Should be: as claimed
9. ☒ **Place of Use**
Should be: as claimed
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 OBJECTION(S): Notes of the investigator in the file of IDWR indicate that the claim should be disallowed because the ditches delivering the water from Badger Creek to the applicants lands had been "plowed in." Attached hereto are the Affidavits of Shane W. Ure and Jim H. Wilson, in which the deponents state under oath that pursuant to the agreement of all of the claimants to the waters of Badger Creek in that area, the ditches could be abandoned and the claimants of this water right would thereafter use a water pump mounted on a tractor to pump the water from the drainage downstream from Badger Creek and other water users lands and systems to irrigate claimants lands through a system of "five 1/4 mile lines of irrigation laterals." Copies of the conveyance of the property were included in a previous "Note of Error," and filed with IDWR, state that the water right is included, as well as the tractor pump

and lines referred to above. Deponents also stated that they irrigated the lands which are the places of use claimed in this water right. Therefore there was no abandonment of the water right.

F. VERIFICATION (must be completed)

STATE OF IDAHO,)
 ss
County of Madison.)

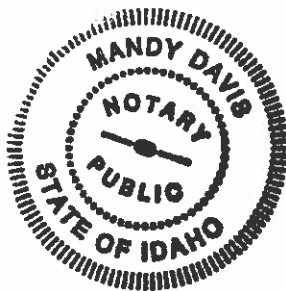
Ray W. Rigby, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 objections, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Ray W. Rigby
(Attorney Signing in representative capacity)

Subscribed and sworn before me on: March 9, 2007



Mandy Davis
Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 6/24/2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing 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 March 9, 2007, 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:

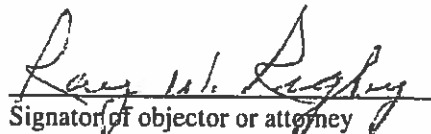
Name: Robert J. Wilson and Sharman Wilson
Address: P.O. Box 332
Driggs, Idaho 83422

3. Copies to:

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

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

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



Signator of objector or attorney
mailing on Objector's behalf

AFFIDAVIT

State of IDAHO)
County of Bingham)
ss.

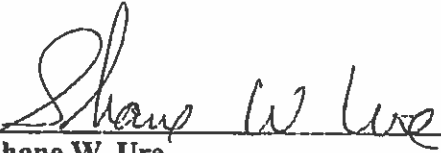
RE: SRBA Water Right Claims 22-466, 22-467, 22-468, 22-57

Shane W. Ure, being first duly sworn, deposes and says:

1. That he makes this affidavit in support of the above numbered claims to water rights.
2. That he resides with his wife, Kaylin Ure, at 617 W. Central Ave., Aberdeen, ID 83210, and his telephone number is (208) 397-4018.
3. On January 3, 2005, the Idaho Department of Water Resources submitted to Robert Wilson and Sharman Wilson the preliminary recommendations of the said Department to disallow each of the above numbered claims on the belief of the Department that all of said water rights had been forfeited/abandoned due to non-use from 1975 to present.
4. On or about December 15, 1965, Ralph W. Ure and Goldie L. Ure, his wife, acquired the real property to which all of the above water rights are appurtenant, from Adrian H. and Martha W. Cook, his wife. That Warranty Deed conveyed said land, together with "all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to, decreed waters of Badger Creek in the amounts and having priorities as follows: 20 inches- June 1, 1893; 40 inches- June 1, 1900; and 40 inches- June 1, 1902", and a copy of said deed is attached hereto as Exhibit A and by reference made a part hereof.
5. On November 24, 1980 the said Ralph and Goldie Ure gift deeded a half interest in the land and water rights to your affiant and his wife Kaylin, a copy of said gift deed is attached hereto as Exhibit B and by reference made a part hereof.
6. Ralph W. Ure and Goldie L. Ure, and your affiant and his said wife, on November 25, 1980, sold said land to Jim H Wilson. That Warranty Deed conveyed said land together with said water rights and "five quarter-mile lines of irrigation laterals and the tractor pump used for irrigation", and a copy of said Deed is attached hereto as Exhibit C and by reference made a part hereof.
7. During all the time that Ralph and Goldie Ure, and your affiant and his said wife

owned the property, they irrigated the entire lands described in said deed and produced crops thereon, consisting of grain, hay and pasture, first by the use of ditches which were all through the farm and then through said irrigation laterals and said tractor pump, pursuant to the water rights they acquired from the said Cooks, identified above, and most completely during the last 10 years of their ownership.

8. Your affiant and his said wife and your affiant's parents, Ralph and Goldie Ure, used the water on the entire farm consistently and regularly and never intended in any way to forfeit or abandon any of the above listed water rights and sold the same with those water rights.


Shane W. Ure

Subscribed and Sworn to before me this 14 day of March, 2005.


A Notary Public for Idaho
Residing at Shane W. Ure
My Commission Expires 8/18/2008
County of Blaine

AFFIDAVIT

State of IDAHO)
 ss.
County of Teton)

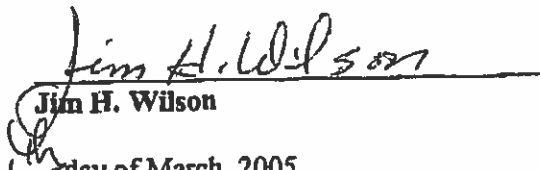
RE: SRBA Water Right Claims 22-466, 220467, 22-468, 22-57

Jim H. Wilson, being first duly sworn, deposes and says:

1. That he makes this affidavit in support of the above numbered claims to water rights.
2. That he resides with his wife, Harriet L. Wilson, at 537 W. Hwy 33, Tetonia, ID 83452, and his telephone number is (208) 456-2815.
3. On January 3, 2005, the Idaho Department of Water Resources submitted to Robert Wilson and Sharman Wilson the preliminary recommendations of the said Department to disallow each of the above numbered claims on the belief of the Department that all of said water rights had been forfeited/abandoned due to non-use from 1975 to present.
4. On or about November 25th, 1980, your affiant and his said wife acquired the real property to which all of the above water rights are appurtenant from Ralph W. Ure and Goldie L. Ure, husband and wife, and Shane W. Ure and Kaylin Ure, husband and wife. That Warranty Deed conveyed said land "together with all appurtenant water rights" and "together with five quarter-mile lines of irrigation laterals and the tractor pump used for irrigation", and a copy of said Deed is attached hereto as Exhibit A and by reference made a part hereof.
5. Your affiant and his said wife, on October 26, 1995, sold said land to Bob Wilson A Professional Law Corporation, Target Benefit Pension Plan. That Warranty Deed conveyed said land "together with all water rights applicable to said property" and a copy of said Deed is attached hereto as Exhibit B and by reference made a part hereof.
6. During the time that your affiant and his said wife owned the property, they irrigated the same and produced crops thereon, consisting of grain, hay and pasture, first by the use of said irrigation laterals and said tractor pump, pursuant to the water rights they acquired from the said Ures, identified above, for at least 10 years. During that time (In the month of February 1981) your affiant had Eugene Richards of St. Anthony Idaho drill a 16 inch well near the Northwest

corner of the premises which was used for domestic and stockwatering purposes (claim number 22-57) and water from said well also irrigated a portion of the premises. Your affiant used that said well for said purposes until shortly before he sold the premises to Bob Wilson, A Professional Law Corporation, Target Benefit Pension Plan on October 26, 1995.

7. There came a time when others claiming interests in the waters of Badger Creek and the lateral ditch leading from Badger Creek, suggested that it would be for the best interests of all concerned that your affiant use those peoples water in exchange for his water coming down the swale from Badger Creek. This seemed to be a workable program for all involved and your affiant continued to irrigate the premises in this manner. Because of his age and infirmities, Jim Wilson, in the last few years of his ownership of the premises irrigated what he could and used the well to pump water for his livestock, and that water also irrigated the low areas of the premises.
8. Your affiant and his said wife never intended in any way to forfeit or abandon any of the above listed water rights and sold the same with those water rights.


Jim H. Wilson

Subscribed and Sworn to before me this 11 day of March, 2005.




A Notary Public for Idaho
Residing At: Driggs
My Commission Expires: 9-3-08

Law Offices

RIGBY, ANDRUS & MOELLER
Chartered

*Ray W. Rigby
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Hyrum D. Erickson*

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

*Telephone: (208) 356-3633
Fax: (208) 356-0768*

October 20, 2008

Idaho Department of Water Resources
Attn: Ernie Carlson
900 North Skyline, Ste. A
Idaho Falls, Idaho 83402

Re: Water Rights 22-466, 22-467, 22-468 & 22-57

Dear Ernie:

I have enclosed herewith an affidavit from Jim H. Wilson which describes his use of the waters claimed, referenced above. I have been all over the lands and also submitted the affidavit of Mr. Ure whose father initiated the manner of irrigation described in the affidavits of both affiants.

In a recent telephone call from you, I was asked to get a statement verifying the acreage irrigated which Jim H. Wilson does in the enclosed affidavit (I would remind you that a representative of IDWR, helped him prepare his original claims).

I am sure you will submit this affidavit to the court for filing in this matter. Thanks for all your help.

Sincerely yours,


Ray W. Rigby

RWR/md
Enclosure

F:\WP6\DK\WILSONBO.LT5

RECEIVED

OCT 21 2008

Department of Water Resources
Eastern Region

SECOND AFFIDAVIT

State of IDAHO)
 ss.
County of Teton)

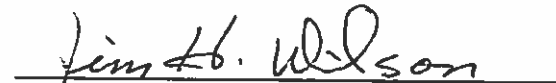
RE: SRBA Water Right Claims 22-466, 220467, 22-468, 22-57

Jim H. Wilson, being first duly sworn, deposes and says:

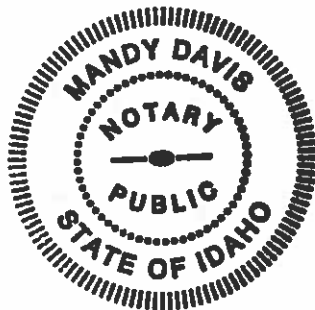
1. That he makes this second affidavit in support of the above numbered claims to water rights; and reaffirms the provisions contained in that certain affidavit he made on March 11, 2005 and in a letter from attorney Ray W. Rigby to the Idaho Department of Water Resources, dated March 9, 2005, and all attachments and enclosures submitted therewith.
2. That he still resides with his wife, Harriet L. Wilson, at 537 W. Hwy 33, Teton, ID 83452, and his telephone number is (208) 456-2815.
3. That he has been advised that personnel of the Idaho Department of Water Resources are inclined to recommend to the court that the above numbered claims be disallowed because the water master claims there is no record of calls for or delivery of any water to your affiant and his lands during some or all of the years during your affiant's ownership of the claimed "place of use" of said water rights.
4. Your affiant did not call the water master for delivery of water because, as stated in affiant's first affidavit (particularly paragraph "7" thereof), the other water users of Badger Creek water in the area and your affiant agreed that all would be benefitted if your affiant could take his water out of the water that drained out of Badger Creek and off the lands of the other Badger Creek water users in the particular area, into a gully running down through affiant's land, which resulted in more water for everyone, and ultimately to the Teton River, and affiant's big ditch could be leveled instead of being an obstruction, and difficult to cross, particularly as said other water users worked and tilled their farms.
5. By using the water pump mounted on a tractor, which also provided the power to operate the pump, and the metal sprinkler pipelines, which would move the water up the sidehill lands on each side of the gully in which the water flowed towards the river, the system worked well and prevented the wasting of water.
6. Your affiant filed in the adjudication the originals of the four above numbered

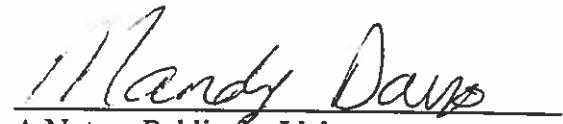
claims to water rights WITH THE HELP OF IDWR PERSONNEL claiming the following acres were being irrigated; 30 acres in the SENW, 37 acres in the NESW and 40 acres in the NWSE, all in Section 24, Township 6 North, Range 44 East, Boise Meridian in Teton County, Idaho. Those are the acres your affiant continued to irrigate in the manner described above, until he and his wife sold the premises to Bob Wilson on October 26, 1995.

7. Your affiant reaffirms that the allegation contained in the claims numbered above are correct and should be the basis of the Idaho Department of Water Resources recommendations.
8. Your affiant and his said wife never intended in any way to forfeit or abandon any of the above listed water rights and sold the same with those water rights.


Jim H. Wilson

Subscribed and Sworn to before me this 17th day of October, 2008.




A Notary Public for Idaho
Residing At: St. Anthony
My Commission Expires: 6/24/2011

01/06/2005

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-57

ROBERT WILSON
PO BOX 332
DRIGGS ID 83422
Telephone Number: (208) 354-8277SHARMAN WILSON
PO BOX 332
DRIGGS ID 83422
Telephone Number: (208) 354-8277RECEIVED
MAR 10 2005Department of Water Resources
Eastern Region

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

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

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

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

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

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

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

DATE: Feb 17 05SIGNATURE: Robert WilsonSharman L. Wilson

Please print your name:

ROBERT WILSONSHARMAN L. WILSON

IDWR Regional Office,

4/22/05 NO CHANGE TO RECOMMENDATION MADE, FOR FIELD EXAM
NOTES AND DISCUSSION w/ CLAIMANT 9/26/04 by Clay Fuller.

SCANNED

AUG 03 2007

01/06/2005

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

RIGHT NUMBER: 22-57 DISALLOWED

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

SHARMAN WILSON
PO BOX 332
DRIGGS ID 83422

SOURCE: BADGER CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.000 CFS

PRIORITY DATE: 01/22/1916

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

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

PLACE OF USE: IRRIGATION Within TETON County

T06N R44E S24	SENW	T06N R44E S24	NESW
T06N R44E S24	NWSE		

0.0 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM -

SCANNED

AUG 03 2007

Law Offices

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

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

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

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

March 9, 2005

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

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

Dear Allen,

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

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

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

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

3. In the "Rexburg Decree", George Rammell was awarded a Decree for the following water rights:
June 1, 1893; 20 inches from Badger Creek
June 1, 1900; 40 inches from Badger Creek
June 1, 1902; 40 inches from Badger Creek

All of that water was decreed to the said NW1/4SE1/4, NE1/4SW1/4, and SE1/4NW1/4 of section 24, Township 6 N., Range 44 E.B.M. containing 120 acres. Copies of pages 21 and 85 of the printed "Rexburg Decree" book, which sets forth the details of said claims, are enclosed herewith.

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

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

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

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

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

Sincerely,

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

Ray W. Rigby
RWR/bml
enclosures

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

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

R.
 Rammell, C. H., 30 inches, June 1, 1898, Badger Creek.
 Ramunell, C. H., 30 inches, June 1, 1902, Badger Creek.
 Rammell, George, 20 inches, June 1, 1898, Badger Creek.
 Rammell, George, 40 inches, June 1, 1900, Badger Creek.
 Rammell, George, 40 inches, June 1, 1902, Badger Creek.
 Rasmussen, George. (See J. H. Riley.)
 Raymond, S. V., and V. S., Anderson Canal Company.
 Reeber, Christian, 160 inches, June 1, 1902, East Fork of Hotel Creek.
 Reese, A. J., and Daniel King, 200 inches, June 1, 1902, Snake River.
 Reid Canal Company, 1,500 inches, June 1, 1885, South Fork of Snake River.
 Reid Canal Company, 2,000 inches, June 1, 1886, South Fork of Snake River.
 Reid Canal Company, 4,000 inches, June 1, 1889, South Fork of Snake River.
 Rexburg Irrigation Company, 8,500 inches, Apr. 1, 1898, Teton River.
 Rexburg Irrigation Company, 6,500 inches, June 10, 1883, Teton River.
 Rexburg Milling Company, 3,000 inches, Oct. 1, 1889, Teton River (Woodmansee-Johnston Ditch), for power purposes only, and subject to rights of users for agricultural purposes of water through same ditch.
 Rice, A. L., 160 inches, June 1, 1891, Patterson Creek.
 Rice, A. L., 160 inches, June 1, 1896, Patterson Creek.
 Rice, A. L., 160 inches, June 1, 1896, Patterson Creek.
 Rice, Ed., 160 inches, Apr. 1, 1890, Trail Creek.
 Rice, J. M., 250 inches, June 11, 1889, Hulls Slough, Boone Creek.
 Rice, L. C., Pioneer Ditch Company.
 Rice, Oscar F., 250 inches, June 11, 1889, Hulls Slough-Boone Creek.
 Rich, Anna Page, 160 inches, Oct. 15, 1900, Tom Creek.
 Rich, Dora, and Landon, J., 60 inches, May 1, 1888, Boone Creek.
 Rich, Dora, and Landon, J., 20 inches, May 1, 1897, Rich's Springs.
 Richards, Willard, Enterprise Canal Company.
 Richards, William, The Farmers' Friend Canal Company.
 Richie, Benjamin, Enterprise Canal Company.
 Richie, Jabez, Enterprise Canal Company.
 Richie, John, Enterprise Canal Company.
 Richie, Mary C., Enterprise Canal Company.
 Richie, William, The Farmers' Friend Canal Company.
 Richies, Elizabeth, The Farmers' Friend Canal Company.
 Richies, Mary C., The Farmers' Friend Canal Company.
 Ricks, Alfred, 200 inches, June 1, 1894, Moody Creek. (To be reduced to 100 inches after June 20th of each year.)
 Ricks, Alfred, 10 inches, June 1, 1894, Teton River.
 Ricks, Effie E., 160 inches, June 1, 1896, Trail Creek.
 Ricks, John, 51 inches, June 1, 1894, Trail Creek.
 Ricks, Josiah, 160 inches, June 1, 1892, North Leigh Creek.
 Ricks, Wallace, 40 inches, Apr. 1, 1898, North Leigh Creek.
 Ricks, Wallace, 110 inches, June 1, 1900, North Leigh Creek.
 Ricks, Wallace, 40 inches, June 1, 1904, North Leigh Creek.
 Ricks, Willard. (See Hill Ditch Company. Sold to Sugar City Townsite Company.)
 Rigby Canal & Irrigating Company, 500 inches, June 15, 1885, South Fork of Snake River.

- of Sec. 21, T. 1 N. R. 38 E. B. M., containing 480 acres.
 Plank, Leida J., all of Sec. 20, T. 1 N. R. 38 E. B. M., containing 640 acres.
 Podlatis, Mary, $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. —, T. 3 S. R. 34 E. B. M., containing 80 acres.
 Porter, John, E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 35, T. 4 N. R. 45 E. B. M., containing 80 acres.
 Powell, W. J. (No description given.)
 Prescott, James, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7 and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lots 2 and 3 of Sec. 8, T. 1 S. R. 45 E. B. M., containing 160 acres.
 Preston, W. A., SW $\frac{1}{4}$ of Sec. 8 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, T. 5 S. R. 32 E. B. M., containing 200 acres.
 Price, J. W., N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26 and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 27, T. 4 N. R. 45 E. B. M., containing 120 acres.
 Price, M. J., SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 25 and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35, T. 3 N. R. 38 E. B. M., containing 80 acres.
 Price, Rhoda, 75 1-3 acres off east side of SE $\frac{1}{4}$ of Sec. 25, T. 3 N. R. 38 E. B. M.,
 Price, W. H., NE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 36 and 136 acres from SE corner of SE $\frac{1}{4}$ of Sec. 25, the NE $\frac{1}{4}$ of Sec. 25, 160 acres from west side of SE $\frac{1}{4}$ of Sec. 25, 12 acres from NE corner of SW $\frac{1}{4}$ of Sec. 25, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 25, T. 3 N. R. 38 E. B. M.
 Price, William, NE $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 45 E. B. M., containing 160 acres.
 Priest, W. E., SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 31, T. 1 N. R. 38 E. B. M., SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 31 and 15 acres on west side of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 31, T. 1 N. R. 38 E. B. M., containing 95 acres.
 Priest, W. E., and J. M., N $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 31, T. 1 N. R. 38 E. B. M., containing 160 acres.
 Priestley, W. W., Lot 2 of Sec. 6, T. 6 N. R. 45 E. B. M., the unsurveyed S $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 31, T. 7 N. R. 45 E. B. M., S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26 and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 35, T. 6 N. R. 44 E. B. M., containing 320 acres.
 Poulson, Joseph C., NW $\frac{1}{4}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 23, T. 6 N. R. 45 E. B. M.
 Pugmire, G. Y., NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 3 and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 5, T. 5 S. R. 32 E. B. M., containing 200 acres.
 Parsons Ditch Company. (For description of lands see L. S. and S. C. Caldwell, U. G. Campbell, J. B. Crawford, J. M. Davis, Joseph Fresh, Emery Larocque, J. P. Larson, N. J. Nelson, Mary Podlatis, John Simpson and N. C. Sorenson.)
- Q.**
- Quivy, Joseph Z., Lot 1, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 1, T. 15 N., R. 43 E. B. M.; also W $\frac{1}{2}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 6, T. 15 N. R. 44 E. B. M., and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 6, T. 15 N. R. 44 E. B. M., and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 31, T. 16 N. R. 44 E. B. M., containing 320 acres.
- R.**
- Rainsdon, F. A., E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 18, T. 1 N. R. 38 E. B. M., containing 160 acres.
 Rammell, C. H., W $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 24 and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 13, T. 6 N. R. 44 E. B. M., containing 160 acres.
 Rammell, George, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 24, T. 6 N. R. 44 E. B. M., containing 120 acres.
 Ramsey, W. E., NW $\frac{1}{4}$ of Sec. 10, T. 2 N. R. 38 E. B. M., containing 160 acres.
 Rasmussen, George. (Description not given in the pleadings.)
 Reeber, Christian, N $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 12, T. 14 N. R. 42 E. B. M.

156

BK 81

Instrument No. 59889

QUIT CLAIM DEED

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

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

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

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

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

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

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

Signed, sealed and delivered in the presence of

David L. Hanks (SEAL)

Ellen W. Hanks (SEAL)

(SEAL)

STATE OF IDAHO, }
COUNTY OF TETON, }

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

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

(Notarial Seal)

Mark F. Boyack
Spanish Fork, Utah

My Commission Expires: September 11, 1965

STATE OF IDAHO, }
COUNTY OF TETON, }

I hereby certify that this instrument was filed for record at the request of Adrian H. Cook at 3 minutes past 4 o'clock P. M., this 15 day of February, 1962

Fees, \$ 1.25

Dwight G. Stone Ex-Officio Recorder.

By

Nath Zehner

Deputy.

SCANNED

AUG 03 2007

Instrument No. 63335

QUIT CLAIM DEED

THIS INDENTURE, Made the 4th day of December, 1963, between Emma H. Hanks, a widow, of the County of Teton, and State of Idaho, the party of the first part, and Adrian H. Cook & Martha W. Cook, his wife, of the County of Teton, and State of Idaho, the party of the second part.

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

The Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), and the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), and the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 24, Township 6 North, Range 44 East of the Boise Meridian, Together with all the improvements, privileges and appurtenances thereunto belonging, together with any and all water rights of every nature, however evidenced, used on said land or belonging to the same.
Also the South half of the Northwest Quarter (S1/2NW1/4), Southwest Quarter (SW1/4), West Half of the Southeast Quarter (W1/2SE1/4), Section 6, Township 5 North, Range 44 East of the Boise Meridian, Also Tax No. 667, Section 29, Township 6 North, Range 45 East of the Boise Meridian.
And Lots 12 and 13 Block 17 Teton Township. Also the West Half (W1/2) Lots 6 to 11 inclusive Block 10 of the Teton Township.
Also the East Half (E1/2), and the East Half of the North West Quarter (E1/2NW1/4) of Section 36, Township 5 North, Range 43 East of the Boise Meridian, and the West Half (W1/2), the West Half of the East Half (W1/2E1/2), The Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 25, Township 5 North, Range 43 East of the Boise Meridian, and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 24, Township 5 North, Range 43 East of the Boise Meridian, and Lot 4 Section 31, Township 5 North, Range 44 East of the Boise Meridian, and Lot 4, Section 6, Township 4 North, Range 44 East of the Boise Meridian, and Lot 1, Section 1, Township 4 North, Range 43 East of the Boise Meridian, together with all the improvements, privileges and appurtenances thereunto belonging together with any and all water rights of every nature, however evidenced, used on said land or belonging to the same on all the above described land.
the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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

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

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

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

On the 4th day of December, in the year 1963, before me, a notary public in and for said County and State, personally appeared H. E. Forbush, Emma H. Hanks known to me to be the person whose name 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.

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

My Commission Expires: Dec. 21, 1965

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

I hereby certify that this instrument was filed for record at the request of Adrian Cook at 50 minutes past 9 o'clock A. M., this 6th day of Dec., 1963

Fees, \$1.25

Dwight C. Stone Ex-Officio Recorder.
By /s/ Elva M. Hagley Deputy.

SCANNED
AUG 03 2007

63362

USDA-FHA
Form FHA 427-12 Idaho
(Rev. 1-5-83)
(COMMUNITY)

Warranty Deed
(IDAHO)

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

and **MARTHA W. COOK**, his wife,
of Teton, Teton County, Idaho
~~State of Idaho~~

purchase of the first part, for and in consideration of the sum of **THIRTEEN THOUSAND AND**
NO/100 ----- Dollars (\$13,000.00),

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

in hand paid by **RALPH W. URE** and **GOLDIE L. URE**, his wife
of Teton, Teton County, Idaho

~~hereby~~ hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

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

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

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

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

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

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



FHA 427-12 Idaho (Rev. 1-5-83)

SCANNED

AUG 03 2007

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

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

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

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

ADRIAN H. COOK

WITNESSES:

MARTHA W. COOK

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF TETON

On this 15th day of December, 19 65, before me, a Notary Public in and for said County and State, personally appeared Adrian H. Cook and Martha W. Cook, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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

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

[REDACTED]

Recorded in _____
County, Idaho, on _____
_____, in Book _____
at Page _____

STATE OF ILLINOIS
COUNTY OF TEFON
Filed for Record at the Request of
Jas. J. Lewis
at \$7.00. Amounts paid
On 10/11/1962
day of October 1962
and recorded in Book
of page
Records of Tefon, County
State of Ill.
Jas. J. Lewis
Recorder

RECEIVED

SCANNED

AUG 03 2007

GIFT DEED

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

WITNESSETH:

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

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

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

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

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

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

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

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

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

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

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

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

86832

AT 6:5
Dec. 29, 1980
Dwight C. Stone
Bonnie Stone

PLAT

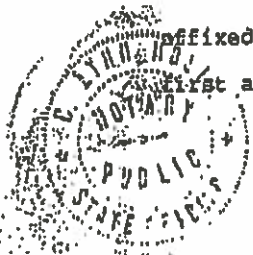
Ralph W. Ure
Ralph W. Ure
Goldie L. Ure

STATE OF IDAHO,
County of Teton.

)
ss.
)

On this 24 day of November, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH W. URE and GOLDIE L. URE, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Notary Public for Idaho
Residing at [Signature], Idaho
My Commission is for life

00833

WARRANTY DEED

FOR VALUE RECEIVED, RALPH W. URE and GOLDIE L. URE, husband and wife, and SHANE W. URE and KAYLIN URE, husband and wife, all of Teton, Idaho 83422, hereinafter called "Grantor", do hereby grant, bargain, sell and convey unto JIM H. WILSON and HARRIET L. WILSON, husband and wife, of Jackson, Wyoming 83001, hereinafter called "Grantee", the following described real property in Teton County, Idaho, to-wit:

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

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

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

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

ALSO: Beginning at the East Quarter corner of Section 7, Township 6 North, Range 44 East, Boise Meridian, and run-

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ning thence West along the center line of said Section 7 for 2640 feet; thence North 1059 feet, more or less, to existing fence; thence Easterly along existing fence line approximately 2640 feet; thence South 976 feet, more or less to the point of beginning, together with 60 inches of water in Badger Creek.

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

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

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

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

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

Subject to the following mortgages:

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

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

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

DATED This 25th day of November, 1980.

Ralph W. Ure
Ralph W. Ure

Goldie L. Ure
Goldie L. Ure

Shane W. Ure
Shane W. Ure

Kaylin Ure
Kaylin Ure

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

On this 25th day of November, 1980, before me, the undersigned a Notary Public in and for said State, personally appeared RALPH W. URE, GOLDIE L. URE, SHANE W. URE and KAYLIN

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

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



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

86833
86833



STATE of IDAHO
COUNTY of TETON
Filed for Record of the Request of
of *Continental Realty*
at *05* ... *12*
... *29th*
Day of *December*, 19*80*
and ... recorded to ...
Book ...
of ...
... of Teton County
State of Idaho
Dwight C. Stone
Recorder
Bonnie [Signature]
Deputy

RECEIVED

J548817-1

OCT 31 1995

Warranty Deed

TETON Co. Id.
Clerk RecorderAlliance Title & Escrow Corp.
P.O. Box 644
Driggs, Idaho 83422

For Value Received

JIM H. WILSON AND HARRIET L. WILSON, HUSBAND AND WIFE

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

BOB WILSON A PROFESSIONAL LAW CORPORATION, TARGET BENEFIT PENSION PLAN,
BOB WILSON, TRUSTEE

whose current address is P.O. BOX 332, DRIGGS, IDAHO 83422

the grantee the following described premises, in TETON County Idaho, to-wit:

TOWNSHIP 6 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, SECTION 24: SE1/4NW1/4; NE1/4SW1/4; NW1/4SE1/4 TOGETHER WITH A COMMUNITY RIGHT OF WAY DESCRIBED AS: BEGINNING AT A POINT 1940 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 24, AND RUNNING THENCE IN A SOUTHWESTERLY DIRECTION AT ABOUT 60 DEGREES A DISTANCE OF 1850 FEET, MORE OR LESS, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 1 ROD; THENCE IN A NORTHEASTERLY DIRECTION AT ABOUT 60 DEGREES 1850 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SECTION 24; THENCE SOUTH 1 ROD TO THE POINT OF BEGINNING.

ALSO:

AN EASEMENT RIGHT OF WAY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 44 EAST, BOISE MERIDIAN, AND RUNNING THENCE NORTH 16 FEET; THENCE EAST 20 FEET, MORE OR LESS, TO THE NORTH LINE OF EXISTING FARM-TO-MARKET RIGHT-OF-WAY; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE NORTH TO THE POINT OF BEGINNING.

GRANTOR CONVEYS TO GRANTEE ALL WATER, MINERAL AND GEOTHERMAL RIGHTS APPLICABLE TO SAID PROPERTY.

DO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he is the owner in fee simple of said premises; that they are free from all incumbrances except: Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and all applicable building codes, laws and regulation

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 25, 1995

Jim H. Wilson
JIM H. WILSON

Harriet L. Wilson
HARRIET L. WILSON

STATE OF IDAHO, COUNTY OF TETON.
On the 31st day of OCTOBER, 1995,
before me, a Notary Public in and for said State, personally appeared
Jim H. Wilson
and Harriet L. Wilson

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

David G. Stewart
Notary Public
Residing at Driggs, Idaho, County, Idaho
Comm. Expires 05/28/97

Filed ☒
Indexed ☒
Platted ☒

121779

FILED
AT THE REQUEST OF
ALLIANCE TITLE AND ESCROW

15 MINUTES PAST 2 P.M.
DATE Oct 31, 1995

David G. Stewart
CLERK OF RECORDERS
Charles Smith

ALLIANCE
121779

SCANNED

3 2007

224

BK 6 PG 224

No. 40170

THE UNITED STATES OF AMERICA

Homestead Certificate No. 4780

Application 6155

To all to Whom these Presents shall Come—GREETING:

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

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

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

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

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

George F. Hammell

the tract of land above described:

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

George F. Hammell

and to his heirs

and assigns 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 also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt

President of the United

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

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

BY THE PRESIDENT: T. Roosevelt

Idaho

By

F. H. McKean

Secretary.

Recorded Vol. 66

Page 101

C. E. Brush

Recorder of the General Land Office.

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

A. M. Carter

Recorder

By W. E. Goss Deputy.

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

SCANNED

AUG 03 2007

CHAIN SHEET Arb#

Page of

Order No.:

Legal Desc.: SE 1/4 NW 1/4, NUSSE
24-6-44

Prior: Date:

Vesting:

Order No.:
GI: Clerk Screen
State Tax Liens
Tract Books
Ultima/Grantor
Ultima/Grantee
Related Inst.

Grantor:	Grantee:	Doc:	Date:	Inst. No:	Remarks	Code
USA	Geo. F. Remondelli	PAT	9-26-11	6-224	NUSSE	
Arnold Hansen Sheriff	Prudential Ins.	Deed	1-9-30	58-372		
	Ben Sainsbury Edux	Deed	5-1-31	58/601		
	Teton Valley Livestock	WD	6-27-31	58/602		
	Prudential Ins.	Deed	6-18-35	62/508		
	P.S. Remondelli	Deed	12-4-36	67/180		
	David Hawks Edux	WD	7-7-58	77/516		
	Adrian H. Cook Edux	QCD	2-15-62	81-1166		
Emma Hawks		QCD	12-6-65	87/416		
	Ralph WRL Edux	WD	12-15-65	63/62		

SCANNED

AUG 3 2007

Ralph W. Use Etux Share Use Etux GLE 12-29-80 86832

Ralph W. Use Etal Jim H. Wilson Etux WD 12-29-80 86833

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

SCANNED

AUG 03 2007

Law Offices

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

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

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

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

March 21, 2005

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

RECEIVED
MAR 22 2005
Department of Water Resources
Eastern Region

RE: Water Rights Claims Numbered 22-466, 22-467, 22-468, 22-57

Dear Allen,

On March 9, 2005, I wrote you a letter concerning the above numbered water claims, and attached to that letter claimants "Notice of Error, Reply" for each of the above numbered claims. The problem on each claim was the Department's proposed recommendation that the claims should be disallowed on the Department's belief that they had been forfeited/abandoned due to non-use from 1975-present.

In paragraph numbered 3 in said letter, I told you that Shane W. Ure was prepared to give a sworn statement refuting the Department's recommendation. I submit herewith the affidavit signed by Shane W. Ure for each of the claims and ask that the submission for each claim be amended to include said affidavit. The copies of the pertinent deeds were sent to you with our submission dated March 9, 2005.

Also in paragraph number 3 in said letter, I told you that Jim Wilson was prepared to give a sworn statement refuting the Department's recommendation. I submit herewith the affidavit signed by Jim Wilson for each of the claims and ask that the submission for each claim be amended to include said affidavit. The copies of the pertinent deeds were sent to you with our submission dated March 9, 2005.

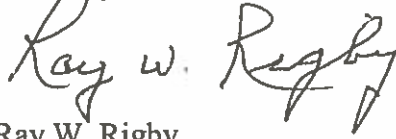
To effectively amend claimants submission, a copy of this letter and the affidavits should be filed in each of the above numbered claims individual files, so that each claim will have its full packet of documents that we have submitted.

F:\WP6\DK\WILSONBO.LT3

SCANNED
AUG 03 2007

I feel very strongly that each of these claims should be allowed as claimed. However, if you and any other investigators and IDWR staff feel otherwise, I would appreciate being advised before your recommendations go to the court, so that I can call and make a personal appointment to meet with you and any other parties you suggest. Further, if you desire to, feel free to call me now or at any time. These are valuable water rights and should not be disallowed.

Sincerely,

A handwritten signature in black ink that reads "Ray W. Rigby". The signature is written in a cursive style with a large, stylized "R" at the beginning and a long, sweeping underline.

Ray W. Rigby
RWR/bml
enclosures

AFFIDAVIT

State of IDAHO)
County of Bingham)
ss.

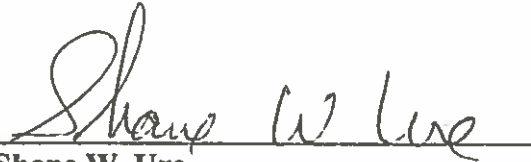
RE: SRBA Water Right Claims 22-466, 22-467, 22-468, 22-57

Shane W. Ure, being first duly sworn, deposes and says:

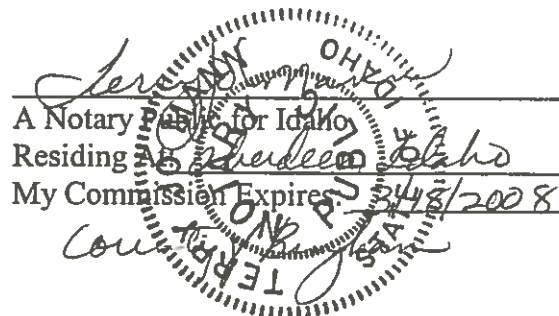
1. That he makes this affidavit in support of the above numbered claims to water rights.
2. That he resides with his wife, Kaylin Ure, at 617 W. Central Ave., Aberdeen, ID 83210, and his telephone number is (208) 397-4018.
3. On January 3, 2005, the Idaho Department of Water Resources submitted to Robert Wilson and Sharman Wilson the preliminary recommendations of the said Department to disallow each of the above numbered claims on the belief of the Department that all of said water rights had been forfeited/abandoned due to non-use from 1975 to present.
4. On or about December 15, 1965, Ralph W. Ure and Goldie L. Ure, his wife, acquired the real property to which all of the above water rights are appurtenant, from Adrian H. and Martha W. Cook, his wife. That Warranty Deed conveyed said land, together with "all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to, decreed waters of Badger Creek in the amounts and having priorities as follows: 20 inches- June 1, 1893; 40 inches- June 1, 1900; and 40 inches- June 1, 1902", and a copy of said deed is attached hereto as Exhibit A and by reference made a part hereof.
5. On November 24, 1980 the said Ralph and Goldie Ure gift deeded a half interest in the land and water rights to your affiant and his wife Kaylin, a copy of said gift deed is attached hereto as Exhibit B and by reference made a part hereof.
6. Ralph W. Ure and Goldie L. Ure, and your affiant and his said wife, on November 25, 1980, sold said land to Jim H Wilson. That Warranty Deed conveyed said land together with said water rights and "five quarter-mile lines of irrigation laterals and the tractor pump used for irrigation", and a copy of said Deed is attached hereto as Exhibit C and by reference made a part hereof.
7. During all the time that Ralph and Goldie Ure, and your affiant and his said wife

owned the property, they irrigated the entire lands described in said deed and produced crops thereon, consisting of grain, hay and pasture, first by the use of ditches which were all through the farm and then through said irrigation laterals and said tractor pump, pursuant to the water rights they acquired from the said Cooks, identified above, and most completely during the last 10 years of their ownership.

8. Your affiant and his said wife and your affiant's parents, Ralph and Goldie Ure, used the water on the entire farm consistently and regularly and never intended in any way to forfeit or abandon any of the above listed water rights and sold the same with those water rights.


Shane W. Ure

Subscribed and Sworn to before me this 14 day of March, 2005.


A Notary Public for Idaho
Residing at Shoshone, Idaho
My Commission Expires 8/4/2008
County of Blaine

AFFIDAVIT

State of IDAHO)
 ss.
County of Teton)

RE: SRBA Water Right Claims 22-466, 220467, 22-468, 22-57

Jim H. Wilson, being first duly sworn, deposes and says:

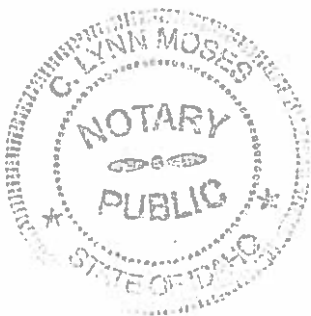
1. That he makes this affidavit in support of the above numbered claims to water rights.
2. That he resides with his wife, Harriet L. Wilson, at 537 W. Hwy 33, Tetonia, ID 83452, and his telephone number is (208) 456-2815.
3. On January 3, 2005, the Idaho Department of Water Resources submitted to Robert Wilson and Sharman Wilson the preliminary recommendations of the said Department to disallow each of the above numbered claims on the belief of the Department that all of said water rights had been forfeited/abandoned due to non-use from 1975 to present.
4. On or about November 25th, 1980, your affiant and his said wife acquired the real property to which all of the above water rights are appurtenant from Ralph W. Ure and Goldie L. Ure, husband and wife, and Shane W. Ure and Kaylin Ure, husband and wife. That Warranty Deed conveyed said land "together with all appurtenant water rights" and "together with five quarter-mile lines of irrigation laterals and the tractor pump used for irrigation", and a copy of said Deed is attached hereto as Exhibit A and by reference made a part hereof.
5. Your affiant and his said wife, on October 26, 1995, sold said land to Bob Wilson A Professional Law Corporation, Target Benefit Pension Plan. That Warranty Deed conveyed said land "together with all water rights applicable to said property" and a copy of said Deed is attached hereto as Exhibit B and by reference made a part hereof.
6. During the time that your affiant and his said wife owned the property, they irrigated the same and produced crops thereon, consisting of grain, hay and pasture, first by the use of said irrigation laterals and said tractor pump, pursuant to the water rights they acquired from the said Ures, identified above, for at least 10 years. During that time (In the month of February 1981) your affiant had Eugene Richards of St. Anthony Idaho drill a 16 inch well near the Northwest

corner of the premises which was used for domestic and stockwatering purposes (claim number 22-57) and water from said well also irrigated a portion of the premises. Your affiant used that said well for said purposes until shortly before he sold the premises to Bob Wilson, A Professional Law Corporation, Target Benefit Pension Plan on October 26, 1995.

7. There came a time when others claiming interests in the waters of Badger Creek and the lateral ditch leading from Badger Creek, suggested that it would be for the best interests of all concerned that your affiant use those peoples water in exchange for his water coming down the swale from Badger Creek. This seemed to be a workable program for all involved and your affiant continued to irrigate the premises in this manner. Because of his age and infirmities, Jim Wilson, in the last few years of his ownership of the premises irrigated what he could and used the well to pump water for his livestock, and that water also irrigated the low areas of the premises.
8. Your affiant and his said wife never intended in any way to forfeit or abandon any of the above listed water rights and sold the same with those water rights.

Jim H. Wilson
Jim H. Wilson

Subscribed and Sworn before me this 11 day of March, 2005.



[Signature]
A Notary Public for Idaho
Residing At: Driggs
My Commission Expires: 9-3-08

3/26/05

Dear Mrs:

I was asked by Allen Ruberry to write a letter about delivery or regulation of water from Badger Creek to a piece of property currently owned by Bob Willson. The property is north west of Hayden cemetery approximately $1/2$ mile.

During the period that I was watermaster (1978 - 2000) there was water from Badger Creek that was available to use on the property, but I never did regulate the main ditch that carried water through the property.

Also, there was never a call for water to the property.

Sincerely yours,
Dee O'Brien

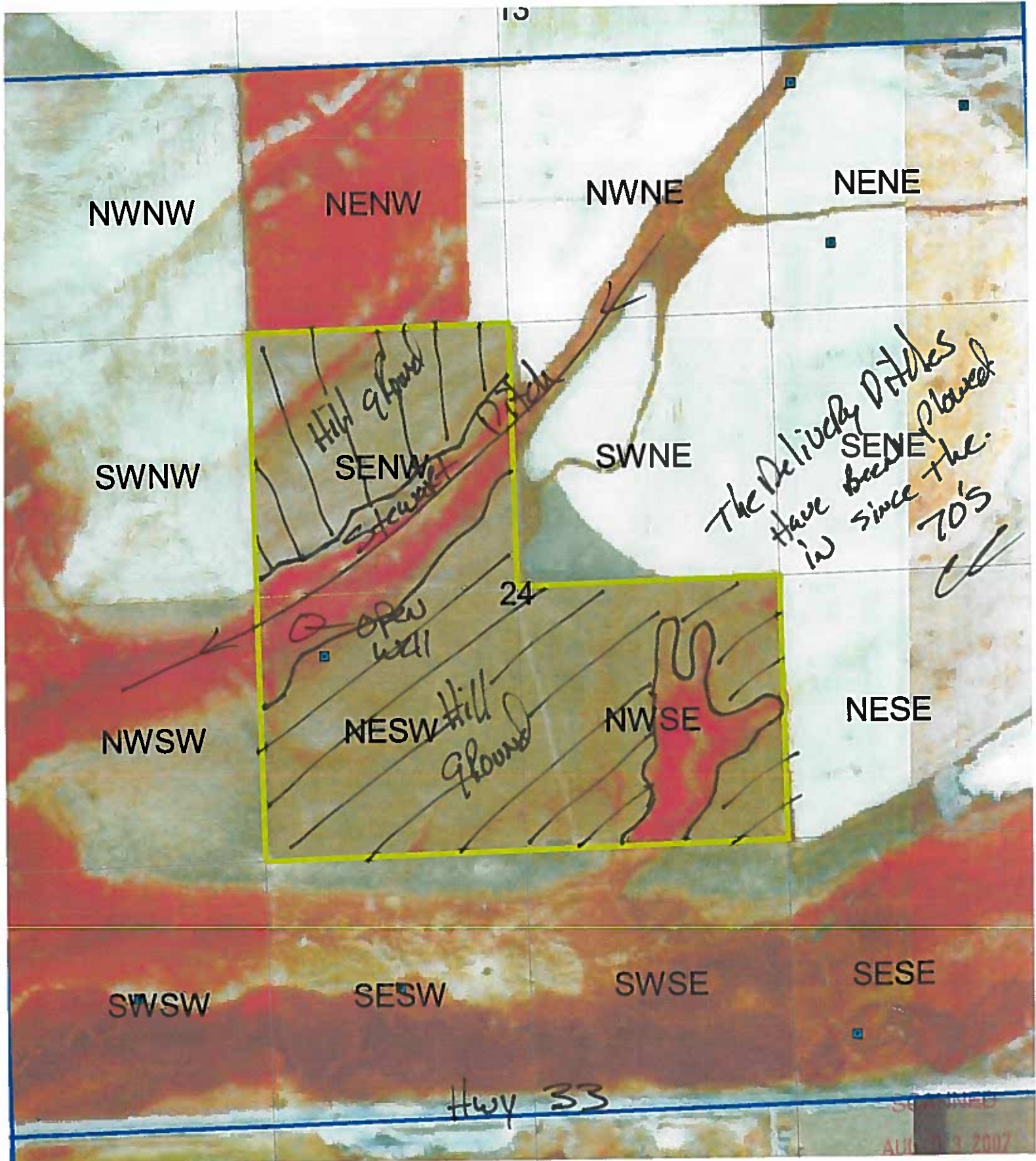
PROFILED

22-57

SCANNED

FEB 04 2005

9-26-04
CK





Open well Adv. sed TO COVER
9-30-04 *[Signature]*

Reported to Dennis Dunne
11/01/04, *ABR*

SCANNEL

FEB 04 2005

PROFILED

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: Jim Wilson Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

c/o to: ROBERT WILSON
PO Box 332
DRIGGS, ID 83422

Discussion of right origin and split history. Questions and problems.

IN TALKING TO SHARMIN WILSON ON 9/26/04 SHE INDICATED TO ME THAT THEY (SHARMIN & BOB) KNEW THAT THE SURFACE WATER RIGHT HAD NOT BEEN USED IN A LONG TIME. AND THAT IT REALLY DIDN'T MATTER IF THEY KEPT THEM, BECAUSE BADGER CK. DRIED UP SO QUICK IN THE EARLY SUMMER THAT IT WAS NOT A DEFENDABLE STRM AND COULD NOT BE COUNTED ON.

12/23/04: FIELD EXAMINER'S NOTES ON PHOTOGRAPH INDICATES DITCHES PLOWED IN SINCE THE 1970'S - FOR CLAYTON KILLMER.
PURSUANT TO §42-222(2)IC "1. FORFEITURE BY A FAILURE FOR THE TERM OF FIVE (5) YEARS TO APPLY IT TO THE BENEFICIAL USE ...". AND, THAT NO PROTECTION IS OFFERED BY ANY DEFENSES TO FORFEITURE AS ADDRESSED UNDER §42-223 IC.

THIS CLAIM AND CLAIMS 22-466, 467, 468 ARE ALL RECOMMENDED AS FORFEITED.

Reviewer: _____ Date: _____

SCANNED
FEB 04 2005

PROFILED

described lands, during each irrigating season which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff, or his predecessor in interest.

LI.

220027 That the plaintiff, Parley Rammell, is the owner of or has an estate in the following described lands, to-wit:

NW $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 24 in township 6 north, range 44 E.B.M.,

and is the owner of a ditch through which he conveys water from Badger Creek, with the point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 9 in township 6 north, range 45 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 2.4 cubic feet per second or 120 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff, or his predecessors in interest.

LII.

220038 That the plaintiff, Frank Harrop, is the owner of or has an estate in the following described lands, to-wit:

NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 26 in township 6 north, range 44 E.B.M.,

and is the owner of a ditch through which he conveys water from Badger Creek, with the point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 9 in township 6 north, range 45 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 3.2 cubic feet per

SCANNED

FEB 04 2005

PROFILED

Claim Number: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

Date: _____

FILED

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
①	106N	45E	9		NW SW	Teton	Balger	Teton River

Recommended Point(s) of Diversion and Source.

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
②	106N	45E	8		NE NE SE	Teton	Balger CK	Teton River

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS Tag # A0013677

② F/E Stewart Canal off of Balger CK to the South Concrete Headgate

Reviewer: _____ Date: _____

PROFILED

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

F/E, NO Headgates, Ditches. all Property Rolling Hills and cannot be Flood irrigated

all Ditches Have Been Filled in since the 70's

Reviewer: _____ Date: _____

SCANNED

FEB 04 2005

PROFILED

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

SCANNED
FEB 04 2005

FILED

17K
6-8-04
RECEIVED
JUN 07 2004
Department of Water Resources
Eastern Region

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 22-00057
Adjudication Claim No(s): A22-00057
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Jim H. Wilson
537 W. Hwy. 33, Tetonia, ID
4. New Owner/Claimant(s) Robert and Sharman Wilson
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address POB 332
City, State and ZIP Code Driggs, ID 83422
New Telephone Number (208) 354-8277
5. Date you acquired the property 10-26-95
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner Robert J. Wilson Date 6-13-00
or Claimant(s) Sharman R. Wilson Date 6-13-00
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

SCANNED

FEB 04 2005

PROFILED

121779

OCT 31 1995

TETON Co. Id.
Clerk Recorder

Warranty Deed

Alliance Title & Escrow Corp.
P.O. Box 644
Driggs, Idaho 83422Teton
Ranch

For Value Received

JIM H. WILSON AND HARRIET L. WILSON, HUSBAND AND WIFE

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

BOB WILSON A PROFESSIONAL LAW CORPORATION, TARGET BENEFIT PENSION PLAN,
BOB WILSON, TRUSTEE

whose current address is P.O. BOX 332, DRIGGS, IDAHO 83422

the grantee, the following described premises, in TETON

County Idaho, to wit:

TOWNSHIP 6 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY,
IDAHO, SECTION 24: SE1/4NW1/4; NE1/4SW1/4; NW1/4SE1/4
TOGETHER WITH A COMMUNITY RIGHT OF WAY DESCRIBED AS: BEGINNING
AT A POINT 1940 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SEC-
TION 24, AND RUNNING THENCE IN A SOUTHWESTERLY DIRECTION AT ABOUT
60 DEGREES A DISTANCE OF 1850 FEET, MORE OR LESS, TO THE WEST
LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE
NORTH 1 ROD; THENCE IN A NORTHEASTERLY DIRECTION AT ABOUT 60
DEGREES 1850 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SECTION
24; THENCE SOUTH 1 ROD TO THE POINT OF BEGINNING.

ALSO:

AN EASEMENT RIGHT OF WAY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING
AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 44 EAST, BOISE
MERIDIAN, AND RUNNING THENCE NORTH 16 FEET; THENCE EAST 20 FEET,
MORE OR LESS, TO THE NORTH LINE OF EXISTING FARM-TO-MARKET RIGHT-
OF-WAY; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY TO THE WEST
LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID
SECTION 24; THENCE NORTH TO THE POINT OF BEGINNING.

GRANTOR CONVEYS TO GRANTEE ALL WATER, MINERAL AND GEOTHERMAL
RIGHTS APPLICABLE TO SAID PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
Grantee, that he is the owner in fee simple of said premises; that they are free from all incumbrances except;
Subject to all existing patent reservations, easements, rights of way, protective
covenants, zoning ordinances, and all applicable building codes, laws and regulation.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 26, 1995

Jim H. Wilson
JIM H. WILSONHarriett L. Wilson
HARRIET L. WILSON

SCANNED

FEB 04 2005

FILED

OCT 31 1995

121779

Warranty Deed

Alliance Title & Escrow Corp.
PO Box 644
Driggs, Idaho 83422TETON Co. Id.
Clerk Recorder

Five Value Received

JIM H. WILSON AND HARRIET L. WILSON, HUSBAND AND WIFE

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

BOB WILSON A PROFESSIONAL LAW CORPORATION, TARGET BENEFIT PENSION PLAN,
BOB WILSON, TRUSTEE

whose current address is P.O. BOX 332, DRIGGS, IDAHO 83422

the grantee, the following described premises, in TETON County Idaho, to wit:

TOWNSHIP 6 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, SECTION 24: SE1/4NW1/4; NE1/4SW1/4; NW1/4SE1/4

100' WIDE WITH A COMMUNITY RIGHT OF WAY DESCRIBED AS: BEGINNING AT A POINT 1940 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 24, AND RUNNING THENCE IN A SOUTHWESTERLY DIRECTION AT ABOUT 60 DEGREES A DISTANCE OF 1850 FEET, MORE OR LESS, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 1 ROW; THENCE IN A NORTHEASTERLY DIRECTION AT ABOUT 60 DEGREES 1850 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SECTION 24; THENCE SOUTH 1 ROW TO THE POINT OF BEGINNING.

ALSO:

AN EASEMENT RIGHT OF WAY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 44 EAST, BOISE MERIDIAN, AND RUNNING THENCE NORTH 16 FEET; THENCE EAST 20 FEET, MORE OR LESS, TO THE NORTH LINE OF EXISTING FARM-TO-MARKET RIGHT-OF-WAY; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE NORTH TO THE POINT OF BEGINNING.

GRANTOR CONVEYS TO GRANTEE ALL WATER, MINERAL AND GEOTHERMAL RIGHTS APPLICABLE TO SAID PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantee does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all encumbrances except; Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and all applicable building codes, laws and regulation and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 26, 1995

Jim H. Wilson
JIM H. WILSON

Harriet L. Wilson
HARRIET L. WILSON

STATE OF IDAHO, COUNTY OF TETON
On this 31st day of OCTOBER, 1995
before me, a Notary Public in and for said State, personally appeared
Jim H. Wilson
and Harriet L. Wilson

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Shirley A. Stewart
Shirley A. Stewart, Notary Public
Residing in Teton County, Idaho
Comm. Expires 06/28/97

121779

FILED
AT THE REQUEST OF
ALLIANCE TITLE AND ESCROW

RECORDED
OCT 31 1995
FEB 01 1996
CLERK OF RECORDS
Chad Smith

PROFILED
ALLIANCE
121779

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2000-09

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T 138

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NH

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19.6 17

PROFILED

SEE DRAWING



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 21, 2000

RAY RIGBY
RIGBY THATCHER ANDRUS RIGBY KAM & MOELLER
PO BOX 250
25 N 2ND E
REXBURG ID 83440

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR JIM WILSON TO ROBERT & SHARMAN WILSON (A22-00057, A22-00466, A22-00467, A22-00468, A22-02018, A22-04073, A22-11649, A22-11977, A22-12206) HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

 X FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6) FOR 22-04073, 22-11649, 22-11977, 22-12206. (The others are not subject to fees.)

 SIGNATURE

 X COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question,

 X LEGAL DESCRIPTION OF PROPERTY

 X PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

 USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO OUR OFFICE AND WE WILL PROCESS YOUR REQUEST AS SOON AS POSSIBLE.

SCANNED
FEB 04 2005

PROFILED

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: A22-00057
Date Received: 9/16/1988
Receipt No: E002413
Received By: DEM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JIM H. WILSON 208-456-2815
Address: 537 W. HIWAY 33
TETONIA, ID 83452
OR
Name: HARRIETT WILSON 208-456-2815
Address: 537 W. HIWAY 33
TETONIA, ID 83452

2. Date of Priority: JAN 22, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	9	NW	SW			TETON

5. Description of diverting works:
HEADGATE TO DITCHES TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.400		

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

8. Total consumptive use is 214.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2200057



A22-00057

Page

1

Date: 09/16/88

PROFILED

SCANNED

FEB 04 2005

MICROFILMED

NOV 04 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	44E	24	SE	NW	IRR	30.0
			NE	SW	IRR	37.0
			NW	SE	IRR	40.0
Section Acres						107.0
Total Acres						107.0

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:
A22-00466, 00467, 00468

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

F. C. GILLETTE

Decree Plaintiff

vs

LYNN CRANDALL, W. M.

Decree Defendant

PROFILED

SCANNED
FEB 04 2005

MICROFILMED
NOV 04 1992

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 _____ 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): Jim H. Wilson Date: 9/16/88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of Sept 19 88

[Signature]
Notary Public

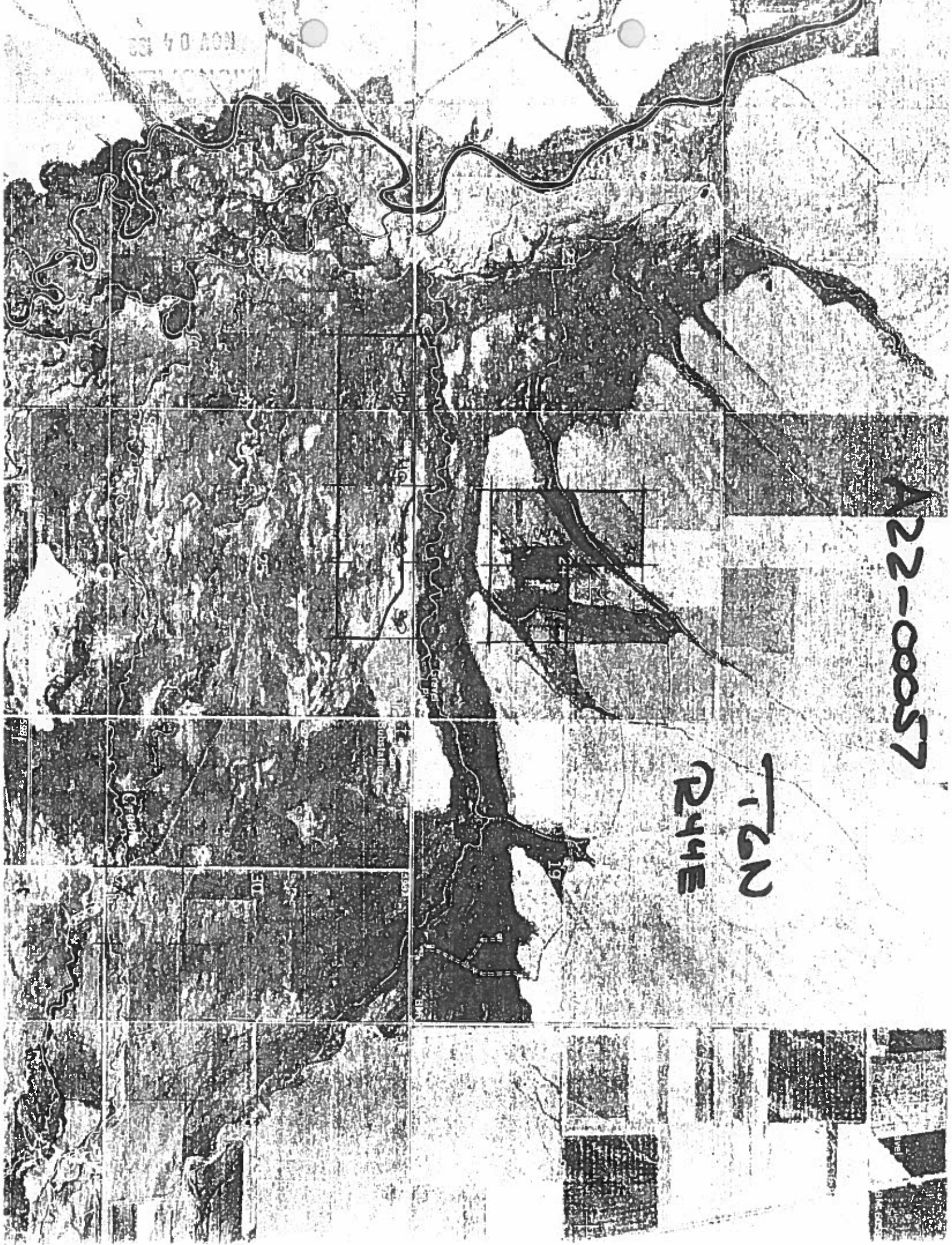
Residing at Idaho Falls
My Commission Expires 9-12-94



A22-00057

16N
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SCANNED

FEB 04 2005

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