

11/13/2006

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

RIGHT NUMBER: 22-93

NAME AND ADDRESS: EVERGREEN INVESTMENT UTAH LLC
2834 ETIENNE WAY
SANDY UT 84093

BLAINE HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.720 CFS

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T04N R45E S34 NWNWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.720 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S28 SWSW 11.00	T04N R45E S28 SESW	5.30
	T04N R45E S29 SENE 2.10	T04N R45E S29 NESE	18.00
	36.4 ACRES TOTAL		

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

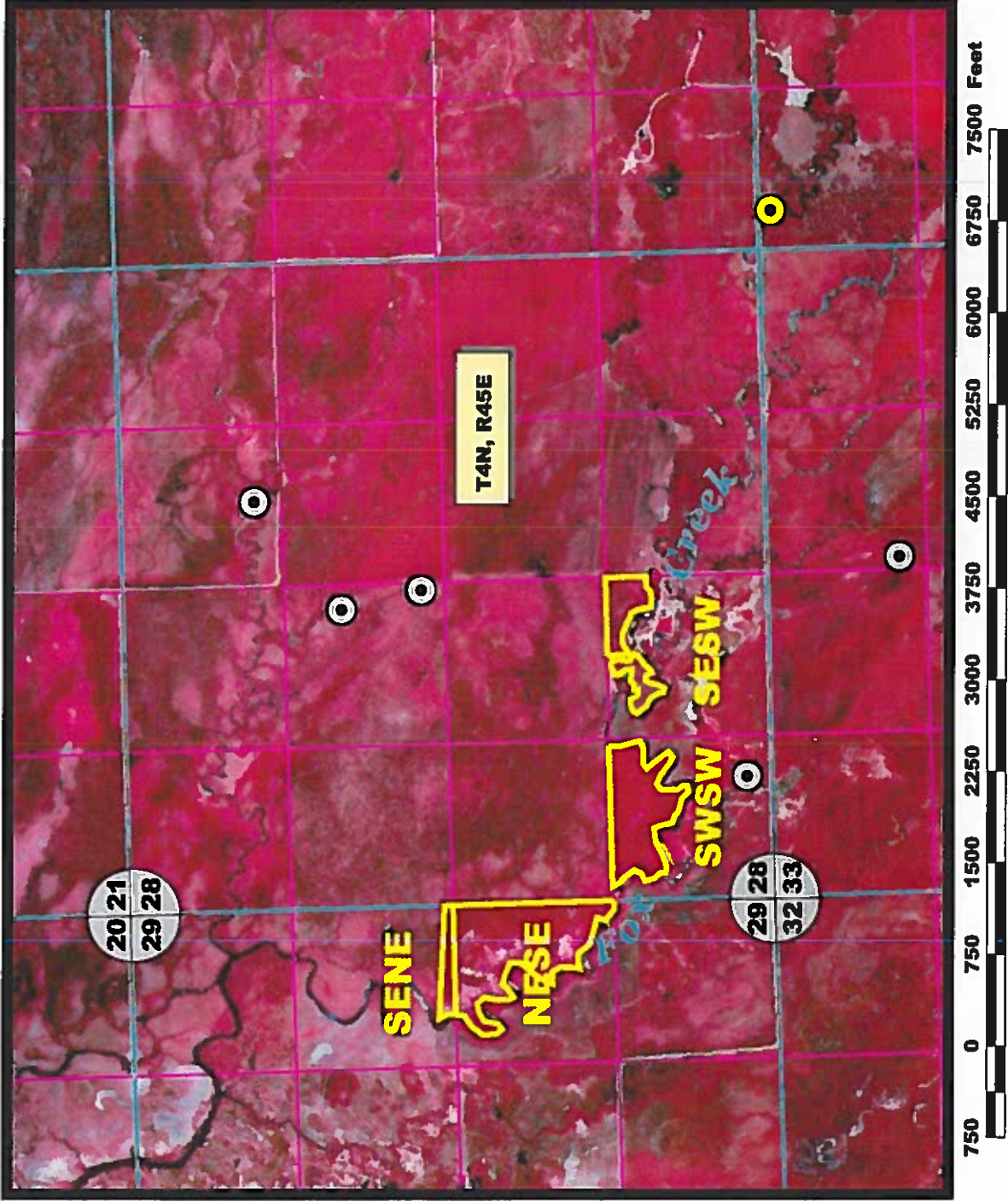
The following rights are also diverted through point of diversion described above: 22-93, 22-13606, 22-13607, 22-13608, 22-13609

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



State of Idaho

Department of Water Resources
Eastern Region



Water Right(s): 22-93

Point(s) of Diversion:
T4N, R45E
Sec. 34 NWNWNW

Place of Use: (parts of)
T4N, R45E
Sec. 29 SENE, NESE,
Sec. 28 S2SW

LEGEND

- Point of Diversion
- Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAIP Photography
Prepared by: A. Ruberry
Date: January 2006

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-93	OK		22-361B	✓ OK
	22-13481	OK			
	22-13483	OK			
	22-13488	OK			
	22-360B	✓ OK			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant
Charles E. Crary, III & Margaret H. Crary, as trustees of the 1988 Crary Trust
8401 E. Woodland Rd., Tucson, AZ 85749
4. New Owner/Claimant(s)
Evergreen Investment Utah, LLC (60%) & Blaine and Nancy Huntsman (40%)
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 2834 Etienne Way
 City, State and ZIP Code Sandy, UT 84093
 New Telephone Number 801-438-0240
5. Date you acquired the property March 15, 2006

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 JUN 28 2006
 Department of Water Resources
 Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	22-360B	
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	0.97 cfs	40 acres in NWSW, 40 acres in NENW, Sec. 28, T4N., R45E.
Stock		
Domestic		
Other		
TOTAL		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number	22-361B	
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	0.57 cfs	40 acres in NWSW, 40 acres in NENW, Sec. 28, T4N., R45E.
Stock		
Domestic		
Other		
TOTAL		

7. Signature of New Owner(s) Or Claimant(s)
(include title if applicable)

[Handwritten signature]
[Handwritten text: "I hereby certify that the above is a true and correct copy of the original as filed in the records of the Idaho Department of Water Resources"]

For Snake River Basin Adjudication Claims: Please attached 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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

[Handwritten notes: "Emergency", "Cost", "Vtr"]

First American Title Company

175638

RECEIVED

MAR 17 2006

TETON CO. ID
COUNTY CLERK

152169

After Recording, Return To:
Blaine Huntsman
2834 Etienne Way
Sandy, Utah 84093

Instrument # 175638

DRIGGS, TETON, IDAHO
2006-03-24 02:40:08 No. of Pages: 4
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 12.00
Ex-Officio Recorder Deputy YJB
Index to: DEED, GRANT

GRANT DEED

THIS INDENTURE is made this 15th day of March, 2006, by CHARLES E. CRARY, III, and MARGARET H. CRARY, as Trustees under the 1988 Crary Trust dated May 23, 1988, the "Grantor", to EVERGREEN INVESTMENT UTAH, LLC, a Utah limited liability company, as to an undivided sixty percent (60%) interest, and to BLAINE HUNTSMAN and NANCY HUNTSMAN, husband and wife, as joint tenants with rights of survivorship, as to an undivided forty percent (40%) interest, as tenants in common, whose mailing address is 2834 Etienne Way, Sandy, Utah 84093, collectively the "Grantee."

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

The real property described in Exhibit "A" attached hereto, including all improvements thereon and all water rights appurtenant thereto.

SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

175638

07/12/2006 1:12 PM PAGE 07/000 FOR DEED

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Charles E. Crary III

Charles E. Crary, III, as Trustee of The 1988

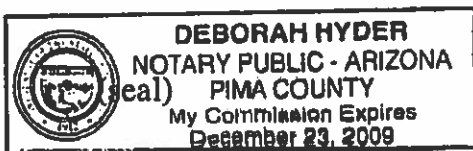
Margaret H. Crary

Margaret H. Crary, as Trustee of The 1988

STATE OF ARIZONA)
)ss.
County of Pima)

On the 15th day of March, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Charles E. Crary, III, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The 1988 Crary Trust dated May 23, 1988, and acknowledged to me that such trustee executed the same in such trust name.

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



Deborah Hyder

Notary Public for Arizona

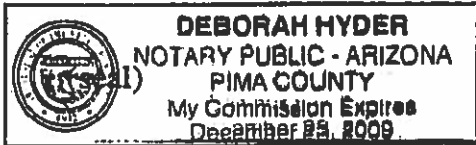
Residing at Tucson, AZ

My Commission Expires: Dec 23, 2009

STATE OF ARIZONA)
County of Pima)ss.

On the 15th day of March, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Margaret H. Crary, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The 1988 Crary Trust dated May 23, 1988, and acknowledged to me that such trustee executed the same in such trust name.

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



Deborah Hahn
Notary Public for Arizona
Residing at Tucson AZ
My Commission Expires: Dec 23, 2009

175638

EXHIBIT "A"
to Grant Deed

LEGAL DESCRIPTION

Real Property located in Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, and described as follows:

Southwest 1/4 of the Southwest 1/4 of Section 28;

Northwest 1/4 of the Southwest 1/4 of Section 28;

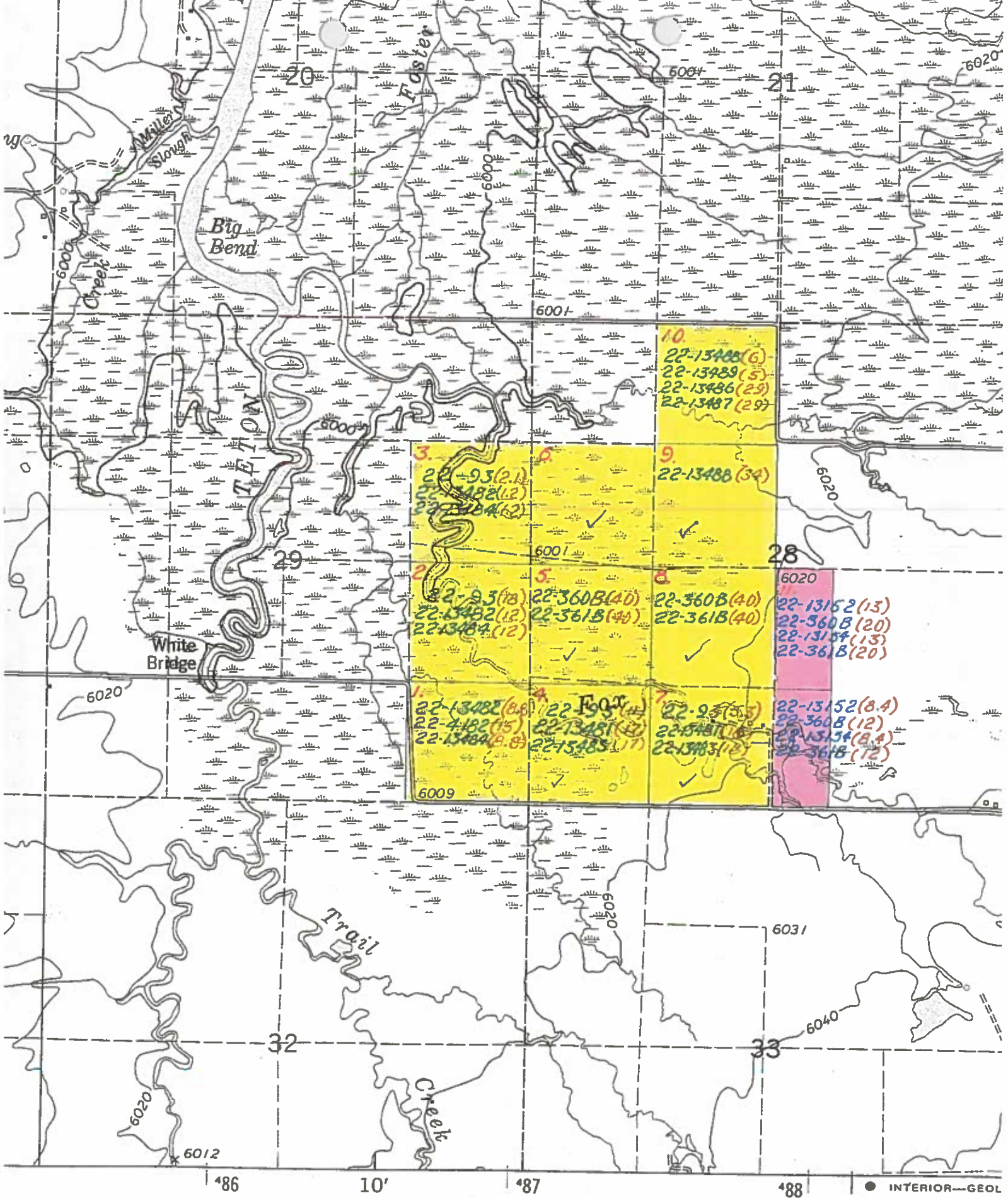
Southwest 1/4 of the Northwest 1/4 of Section 28;

Southeast 1/4 of the Southwest 1/4 of Section 28;

Northeast 1/4 of the Southwest 1/4 of Section 28; and

Southeast 1/4 of the Northwest 1/4 of Section 28.

175638



10	22-13488 (6) 22-13489 (5) 22-13486 (29) 22-13487 (29)	
3	22-93 (2.1) 22-13482 (12) 22-13484 (12)	9
2	22-93 (18) 22-13482 (12) 22-13484 (12)	28
1	22-13482 (8.6) 22-4182 (15) 22-13484 (8.8)	22-360B (40) 22-361B (40) 22-361B (40)
4	22-13481 (12) 22-13485 (17)	22-13152 (13) 22-360B (20) 22-13154 (13) 22-361B (20)
22-13481 (12)	22-23 (13) 22-13481 (12) 22-13483 (12)	22-13152 (8.4) 22-360B (12) 22-13154 (8.4) 22-361B (12)

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
FREDERICK J. HAHN, III
KARL R. DECKER
SHAN B. PERRY
DeANNE CASPERSON**
AMELIA A. SHEETS
ROBERT L. HARRIS
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

June 27, 2006

Jennifer Crabtree
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Notice of Change of Water Right Ownership
Evergreen Investment Utah, LLC & Blaine and Nancy Huntsman

Dear Jennifer:

Enclosed is a Notice of Change of Ownership changing the noted water rights from Charles E. Crary, III and Margaret h. Crarry, as trustees of the 1988 Crary Trust to Evergreen Investment Utah, LLC & Blaine and Nancy Huntsman.

Also enclosed are the necessary deed and a map. Thank you for your kind attention to this matter. If you have any questions, or need any further information, please feel free to contact this office at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\13254 Huntsman, Blaine\Jennifer Crabtree ltr 062706 wpd cdv

RECEIVED

JUN 28 2006

Department of Water Resources
Eastern Region

T4N, R45E

20 21
29 28

D Foster

22-4179/4180

C Crary

C Crary

22-360B
22-361B

22-4183

C Crary

C. Crary property
ownership boundary

22-4181

22-4182

29 28
32 33

Evergreen Investments

Evergreen Investments

Creek

Fork

22-4179/4180

22-360B
22-361B

22-4183

22-4181

22-4182

Creek

Fox

20 21

29 28

29 28

32 33

Ruberry, Allen

From: Ruberry, Allen
Sent: Monday, January 30, 2006 2:54 PM
To: 'chomer@holdenlegal.com'
Subject: Crary-Huntsman Transactions

Charles, I am in receipt of an e-mail from you to Jerilee Brower of First American Title (Driggs, ID), regarding the sale of the Crary Ranch to the Huntsmans and/or Evergreen Investments. I received this from Mr. Crary because I had sent him a letter questioning ownership of lands and water rights claimed in the Snake River Basin Adjudication.

Today, I received a letter from Mr. Crary attempting to explain the transactions of sale and the conveyance of the associated water rights. It is still somewhat confusing. I need documentation from the Huntsmans detailing what lands were purchased and when in order to split the claims for recommendation to the SRBA Court. I will also need a completed Notice of Change of Water Right Ownership. However, Mr. Crary goes on to explain that parcels #4 - #9 will be sold by 3/13/06. Your e-mail references the sale of parcel #10. I understand that parcels #1 - #3 have been transacted to Evergreen Invest., but no Notice of Change of Water Right Ownership has been filed.

At this point I'm not sure which way to turn. If all of the land and associated water rights will be sold to the Huntsman's by March 13, 2006, I would prefer to wait until the transactions are completed to do anything further with the water right claims.

Now, there is a question of the 40 acres apparently sold to Allan Crary, specifically, W2W2SE Sec. 28, T4N, R45E. How was this land transacted and when, will the associated water rights be split?

Your comments please.

Allen Ruberry
Sr. Water Resource Agent
Adjudication Bureau
(208) 525-7161
allen.ruberry@idwr.idaho.gov

*Re: 22-93, 360B, 361B
4179, 4180, 4181, 4182,
4183*

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JAN 30 2006

Department of Water Resources
Eastern Region

1/24/06

Re 12/29/05 letter

Dear Mr. Resbury,

You are correct. A.B. and Nancy Hentsman have purchased the land involved but chose to put the title in Evergreen Investments for their own reasons. All of my dealings have been with A. Blaine Hentsman. I have attached a schedule showing the dates parcels were or will be purchased. In each case, we rented the property back from the Hentsmans, continued to operate, ranch as one property, and paid income taxes on the sale of hay and pasturing income. Please note that the final parcels (#'s 4 then 9 are scheduled of 3/13/06. Also please note Chuck Homer's mailing to Jerilee Brower at First American Title (81 N. Main St. Driggs - 354-2771).

If I made a mistake by not having the Hentsmans (Evergreen) file the claims as each parcel was purchased, I am sorry. But I thought that the entire changes could be made after the 3/13/06 final parcels were sold would make it more simple and be less confusing. We continued to operate (via rent) the parcels sold as one entity, paid income taxes on same, and the Hentsmans forgave the income from the properties they purchased, and - all contributed to my approach.

Re for 22-0093, the following is what I wrote you on 10/12/04 re the "Ownership Chain" at the bottom of #'s 360-B and 361-B. "The Kimball water right in Sec. 34 NW 1/4 NW 1/4 deeded 6/1/1890 covered a head gate diversion in the Fox Creek, as I understand it (I had never received any info on it other than what Robert Beer told me until the 2/21/01 Water Rights Report was mailed to me) Bob Beer's son-in-law Jim Douglas, (1-208-456-2765) told me that Dee O'Brien told him that this was a good and sound Water Right. The point of diversion is on land presently owned by Dr. Kirkman Head. I was probably previously

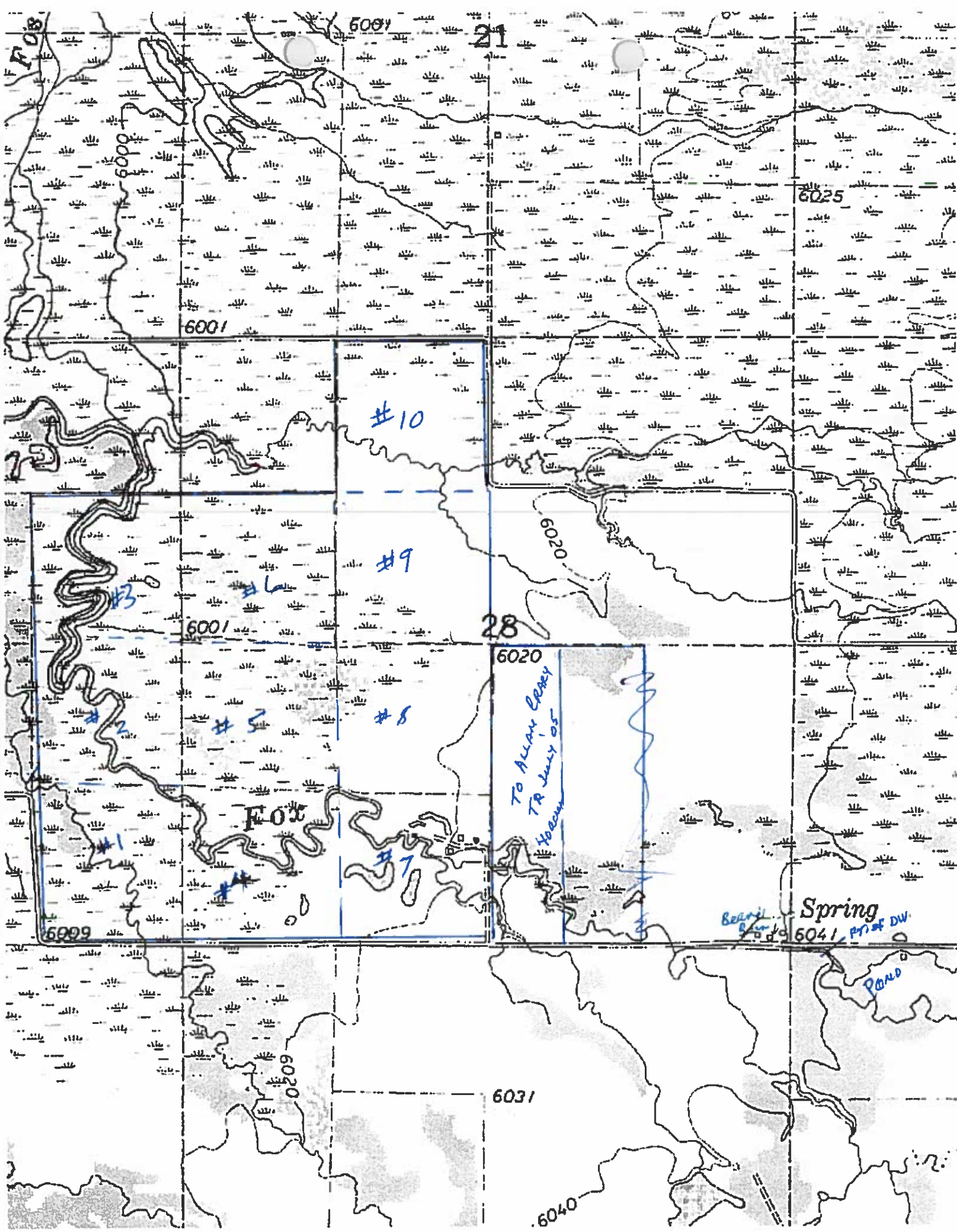
owned by someone in the Tonke family of Victor. The water from this diversion is shared by Head, Douglas, and Gray.

If you want me to have the Huntersman - Englewood to file claims on all of these claims in lieu of mine, please advise and I will get it done. Please bear in mind that the final change will be on 3/13/06. Please advise and please accept my apologies for the confusion that I have created.

Sincerely,

Charles (Bud) Gray

Phone 520 749-1466



Charles A. Homer

From: Charles A. Homer [chomer@holdenlegal.com]
Sent: Wednesday, February 16, 2005 5:19 PM
To: 'Brower, Jerilee (jbrower@firstam.com)'
Cc: Panzer, Bryce D. (Panzer, Bryce D.)
Subject: Crary - Huntsman
Contacts: Brower, Jerilee

Jerilee,

As you may recall, I represent Mr. and Mrs. Bud Crary. I have received a copy of the letter to you dated February 11, 2005, from Bryce Panzer on the purchase by Huntsman and Evergreen of Parcel 10. Mr. and Mrs. Crary will execute and send to you the Grand Deed referred to in the Bryce Panzer correspondence. Please hold the deed and do not record the deed until I have approved the title report and closing statement. Bryce Panzer is going to provide to me documentation verifying that title is to be transferred as set forth in the Grant Deed even though the original option agreement between the parties named Blaine and Nancy Huntsman as the Buyers.

Completion of the closing is also contingent on receipt and approval by us of such documentation. As soon as you have prepared the title commitment and closing statement please provide them to me for review. If you have any questions please call me. Thank you for your able and willing assistance.

Chuck Homer

Charles A. Homer, Esq.
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
P.O. Box 50130
Idaho Falls, Idaho, 83405
1000 Riverwalk Drive, Suite 200
Idaho Falls, Idaho, 83402
Tel: 208/523-0620
Mobile: 208/798-9428
Fax: 208/523-9518
Email: chomer@holdenlegal.com

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email to the sender or collect telephone call to (208) 523-0620. Thank you.

2/16/2005

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant CHARLES E. or MARGARET H. CRARY Phone 602-749-1466
Post Office address 8401 E. Woodland Road, Tuscon, AZ 85749

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 22-0093 Decreed to Byrne Woolstenhulme *Decree*
(Name)
In case of Robert E. Griggs vs Lynn Crandall
dated in Jan. 24, 1938 in Ninth Jud. Dist. county of Fremont
(Name of court)
- b. License No. _____ Issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water Fox Creek tributary to Teton River

4. Date of priority January 22, 1916

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from Not specified in decree to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW % of NW % of Section 34
Township 4N Range 45E, B.M., in Teton County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	28											40	40					80

Total number of acres to be irrigated 80

9. Describe any other water rights used for the same purpose as described above 22-4182 & 22-4183

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

MICROFILMED

*1-4B cfs of 22-93 was removed by this transfer.
See Pg. 4, D Remarks.*

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ % _____ % Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information *See Remarks

- a. Amount of water to be diverted 1.72* c.f.s. &/or _____ acre feet
- b. Description of diverting works Headgate to ditches for flood irrigation
- c. Describe the reasons for the proposed changes Reflect place of use under current irrigation practices.

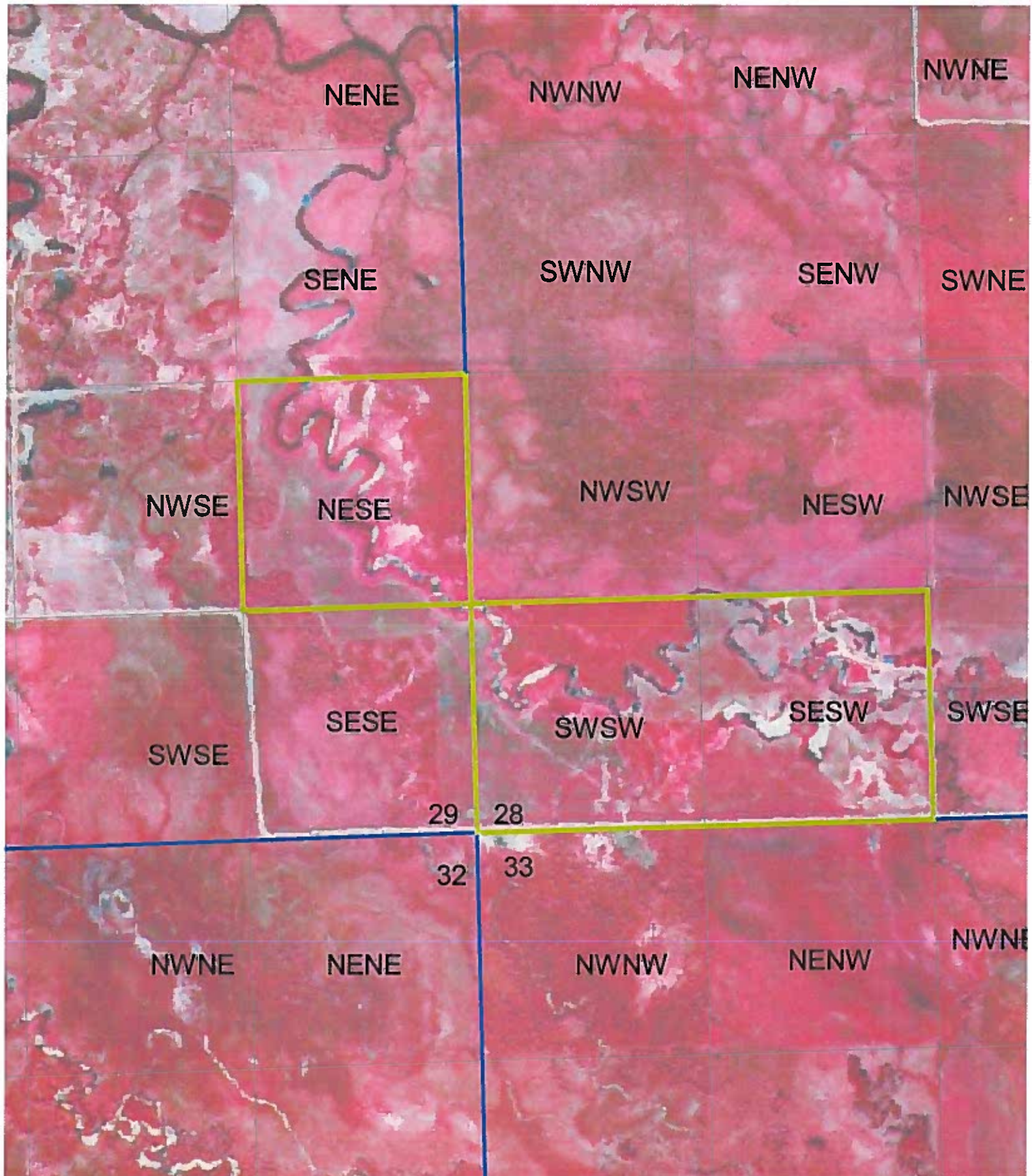
2. Change in point of diversion No Change

Point of diversion NW % NW % Section 34 Township 4N
Range 45E, B.M., Teton County
Additional points _____

3. Change in place of use

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None The original place has been irrigated from unnamed streams as evidenced by claims.

22-93



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

Robert E. Griggs, Alfred Durtschi, John
Durtschi, Elizabeth Durtschi, Miller &
Viele, a corporation, L. G. Ellis, Carrol
Rogacheveski, The Prudential Insurance
Company of America, a corporation, H. H.
Culbertson, Leland Sorenson, Russell Murdock,
Lorin Murdock, V. A. Price, D. C. Bockstead,
Fred Dirksen, G. F. Bagley, B. F. Blodgett,
Mary Lulu Kearsley, E. N. Kearsley, Mrs.
Albert Murdock, Elmer Christensen, Byrne
Woolstenhulme and First Security Bank of
Utah, a corporation,

Plaintiffs,

-vs-

Lynn Crandall, Watormaster,
District 36, Idaho,

Defendant

J U D G E M E N T

This cause coming on to be heard and tried by the Court
this 24th day of January, 1938, F. A. Miller of St. Anthony, Idaho
appearing as counsel for the plaintiff, and it appearing to the
satisfaction of the Court that the defendant was served with a
copy of the Summons and a copy of the Complaint in this action,
and that he failed to appear and plead to said Complaint, and that
the default of the said defendant has been entered, and, -

It further appearing that an order was made on the 23rd day
of November, 1937, directing the publication of a Notice, once a
week for not less than three weeks consecutively, in the Teton
Valley News, a weekly newspaper published at Briggs, Teton County,
Idaho, containing the title of the Court and Cause, the name of

11. That the plaintiff, E. N. Kearsley, be awarded the use of 1.6 cubic feet per second or 80 miners inches of the waters of Warm Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVI of the Findings of Fact.
- 22 6091 12. That the plaintiff, Mrs. Albert Harlock, be awarded the use of 3.2 cubic feet per second or 160 miners inches of the waters of Darby Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVII of the Findings of Fact.
- 22 6092 13. That the plaintiff, Elmer Christensen, be awarded the use of .8 cubic feet or 40 miners inches of the waters of Darby Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVIII of the Findings of Fact.
- 22 6093 14. That the plaintiff, Byrne Woolstenhulme, be awarded 3.2 cubic feet per second or 160 miners inches of the waters of Fox Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XIX of the Findings of Fact.
- 22 6094 15. That the plaintiff, First Security Bank of Utah, a corporation, be awarded the use of 2.4 cubic feet per second or 120 miners inches of the waters of Tonks Springs with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XX of the Findings of Fact.

IT IS FURTHER ORDERED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree" made and entered in this Court December 16, 1910, both as to dates of priority and the amounts of the rights awarded,

the plaintiff or his predecessor in interest, has diverted .8 cubic foot per second or 40 miners inches of the waters of Larby Creek, with point of diversion and use upon the lands above described; that on or about and ever since the 22d day of January, 1916, has diverted appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above quantity or stream flow in addition to any other rights, fixed, decreed or granted to the said plaintiff.

XIX.

That the plaintiff, Byrne Woolstenhulze, is the owner of, or has an estate in the following described lands, to-wit:

S. SW. of section 28 in township 4 north, range 45 E.B.M. containing 80 acres more or less,

and is the owner of a certain ditch by and through which he diverts water from Fox Creek for the irrigation of the above described lands, with point of diversion and diversion works located in the NE. 1/4 of section 34 in township 4 north, range 45 E.B.M.; that the plaintiff, or his predecessor in interest, has diverted 3.2 cubic feet per second or 160 miners inches of the waters of Fox Creek, with point of diversion and use upon the lands above described; that on or before, and ever since the 22d day of January, 1916, has diverted, appropriated and applied to beneficial use in the irrigation of the above described lands during the irrigating season the above quantity or stream flow in addition to any other rights, fixed, decreed or granted to the said plaintiff.

XX.

That the plaintiff, First Security Bank of Utah, a corporation, is the owner of, or has an estate in, the following des-

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: A22-00093
Date Received: 9/22/1988
Receipt No: E002788
Received By: _____

SEP 28 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES E. CRARY 602-749-1466
Address: 8401 E. WOODLAND RD.
TUCSON, AZ 85749
AND/OR
Name: MARGARET H. CRARY
Address: 8401 E. WOODLAND RD.
TUCSON, AZ 85749
AND/OR
Name: CHARLES E. CRARY 208-354-8309
Address: P.O. BOX 581
DRIGGS, ID 83422

A2200093



2. Date of Priority: JAN 22, 1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	34	NW	NW			TETON

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.720		

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

8. Total consumptive use is 86.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-00093

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Date: 09/22/88

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	28	SW	SW		IRR	14.0
			SE	SW		IRR	9.0
					Section Acres		23.0
		29	NE	SE		IRR	20.0
					Section Acres		20.0
					Total Acres		43.0

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:
NONE

14. Remarks:
TRANS. 3099.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ROBERT GRIGGS

Decree Plaintiff

vs

LYNN CRANDALL, W. M.

Decree Defendant

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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: 1

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): Charles E. Lamy Date: 9/22/88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of September 19 88

Anthony S. Obenichol
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994

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