

11/28/2006

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

RIGHT NUMBER: 22-178A

NAME AND ADDRESS: JACKLYN KLAUSMANN
C/O JEFFREY KLAUSMANN
PO BOX 1218
DRIGGS ID 83422

JAMES KLAUSMANN
C/O JEFFREY KLAUSMANN
PO BOX 1218
DRIGGS ID 83422

SOURCE: UNNAMED STREAM

TRIBUTARY: TETON RIVER

QUANTITY: 0.600 CFS
210.000 AFY

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T05N R45E S33 SESESW 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	0.600 CFS 210.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S32	SWSW	3.40	T05N R45E S32	SESW	21.00
T05N R45E S32	SWSE	24.00			

48.4 ACRES TOTAL

Right Nos. 22-178A and 22-179B are limited to the irrigation of a combined total of 48.4 acres in a single irrigation season.

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

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

Diversion of the unnamed stream is limited to those times water is available for diversion under this right and priority from Woods Creek.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

R RESOURCES
OFFICE
E DR.
10 83402

S SERVICE
JESTED

 INSUFFICIENT
ADDRESS

JACKLYN KLAUSMANN

JAMES KLAUSMANN
C/O JEFFREY KLAUSMANN
PO BOX 1218
DRIGGS ID 83422

★ ★
U.S. POSTAGE
1951
8922 \$00.630 JAN 05 2007
7904 MAILED FROM ZIP CODE 83402

RECEIVED
JAN 08 2007

Department of Water Resources
Eastern Region

DB
22-178A
22-179B

Sent
1-19-07

22-480C 136G	129H	22-621A	78
13290	7029	13372	84
13413	7349	7388	13246
11526	7373	7339	13248
11529	13590	12064	13610
11530	13540	2128	13612
	356	10835	133A
		2281	278
		12533	7178
	7338	12629	7215B
	276A	2146	12239
	408B	4076	2206
	409B	184A	11677
	410B	10105	178A
		2293	178B
		11384	10236
		4139	13457
		4161	7403

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
208-525-7161 - PHONE
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

OMNIFAX 641D
10132

FAX: 354-8410

TO: JESSIE FROM: JENNIFER
Teton County Assessor

DOCUMENT DESCRIPTION: REQUEST FOR CURRENT OWNER INFORMATION. I HAVE SENT A SPREADSHEET INDICATING WHO WE HAVE IN OUR RECORDS AND THEIR LEGAL DESCRIPTION OF THEIR PROPERTY. EACH OF THESE LETTERS WAS RETURNED TO SENDER. PLEASE FILL OUT THE

LAST COLUMN WITH THE OWNER AND ADDRESS INFORMATION FOR THE PROPERTY LISTED. I HAVE ATTACHED A MAP FOR EACH PROPERTY WHEN I HAD ONE AVAILABLE.

PLEASE CALL ME WITH ANY QUESTIONS. THANKS SO MUCH FOR YOUR HELP.

TOTAL NUMBER OF PAGES (Including this page): X 13

*
* Billing address: N/A *
* _____ *
* _____ *
* _____ *
* No of Pages _____ Cost / Page _____ Total Charge N/A *
*



Idaho Department of Water Resources

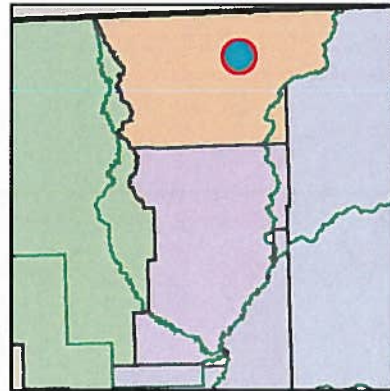
SRBA Recommendation:

22-178A

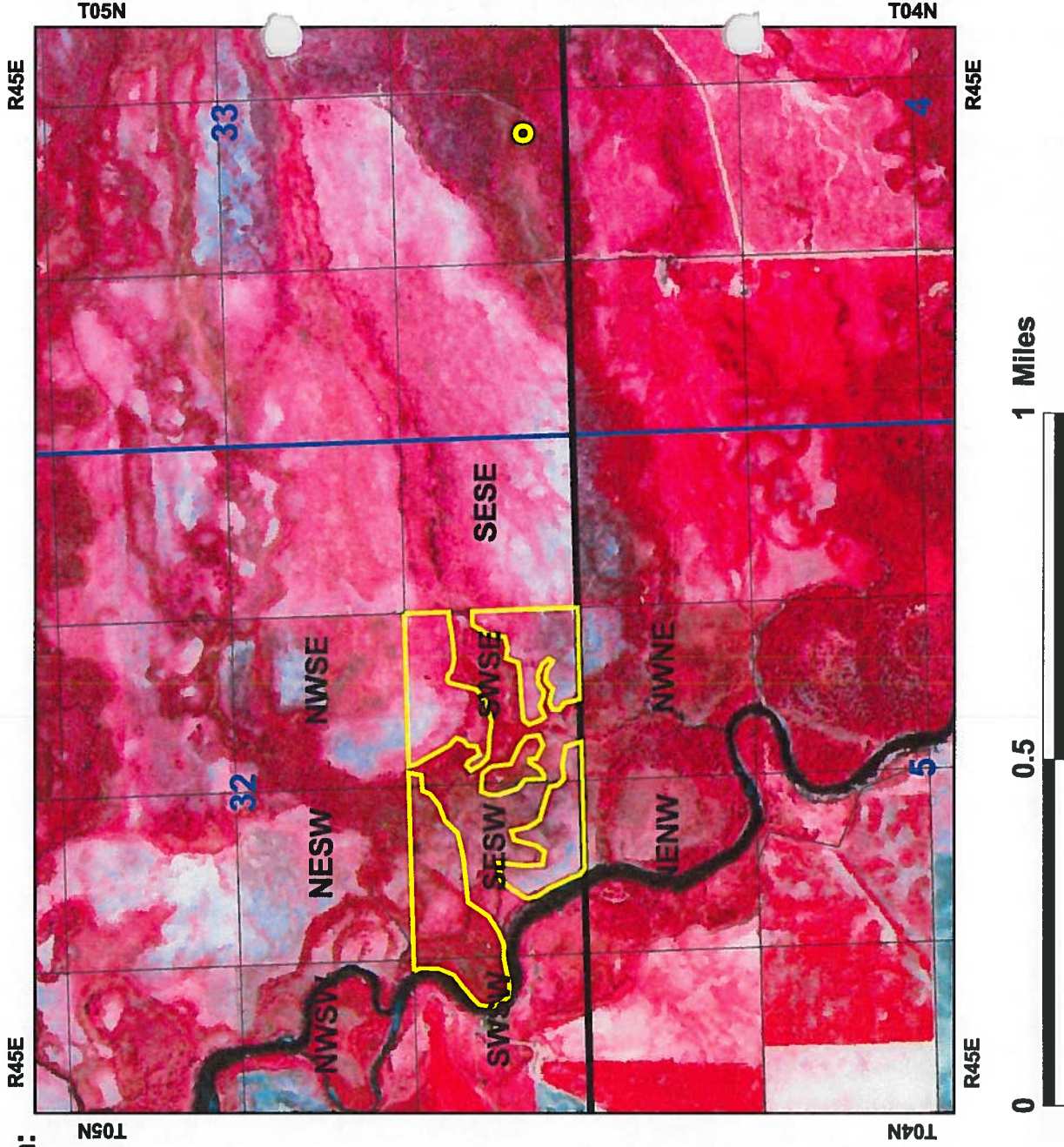
(Irrigation)

Legend

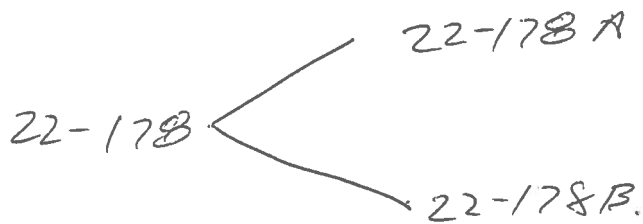
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by A. Golart
On Wednesday, November 29, 2006
1987/88 Aerial Photography



Claims -

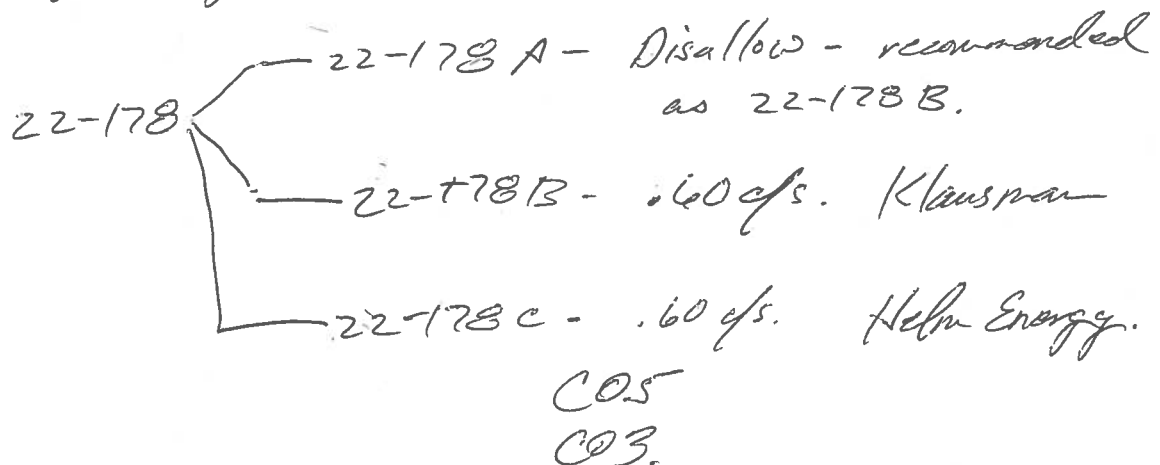
22-178 - Helm Energy LLC - based on deemed P.O.U. entitlement is $\frac{1}{2}$ of right.

need to renumber to 22-178 C.

22-178 A - Dustin. - no entitlement.

22-178 B - Klausman - new claim - based on transfer 5394. - entitled to $\frac{1}{2}$ right.

Likely Pedigree -



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5394
WATER RIGHT NO. 22-00178B

This is to certify that: JAMES KLAUSMANN
JACKLYN KLAUSMANN
JEFFREY KLAUSMANN
C/O JEFFREY KLAUSMANN
869 S 100 W
VICTOR ID 83455

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.60 CFS	210.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
UNNAMED STREAM	TETON RIVER

Priority: 06/01/1887

LOCATION OF POINT(S) OF DIVERSION: SESESW , Sec. 33, Township 05N, Range 45E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	45E	32	SWSW 5	SESW 30	SWSE 25	60
Total number of acres irrigated:						60

CONDITIONS OF APPROVAL AND REMARKS

- EXP 1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- Q 2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.

TRANSFER NO. 5394
WATER RIGHT NO. 22-00178B

CONDITIONS OF APPROVAL AND REMARKS

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing , Snake River Basin Adjudication.
8. Diversion of the unnamed stream is limited to those times water is available for diversion under this right and priority from Woods Creek.

GEN
Dated this 10th day of April, 2000

J. Glen Saxton
Chief, Water Allocation Bureau

\$ 100 fee
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5394

RECEIVED
FEB 05 1999

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
APR 23 1999

Department of Water Resources
Eastern Region

Department of Water Resources
387-3810

Name of applicant

James or Jacklyn or Jeffery Klausmann Phone 208-787-4003 H

Post Office address

c/o Jeffery Klausmann 869 S. 100 W. Victor, ID 83455

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes We want to use a spring source that is on our own property and avoid the maintenance of our previous point of diversion on our neighbors property.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/acre-ft) | Nature of Use | Period of Use |
|-------------------------------|------------------|----------------------|-------------------|-----------------------------|
| <u>22-00178^(B)</u> | <u>6/01/1887</u> | <u>0.60 cfs</u> | <u>Irrigation</u> | <u>4/01</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.60 cubic feet per second and/or _____ acre-feet per annum.
- Source of water unnamed stream tributary to Teton River
- Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SW	33	SN	4SE	Teton	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
SN	4SE	32											5	30			25		60

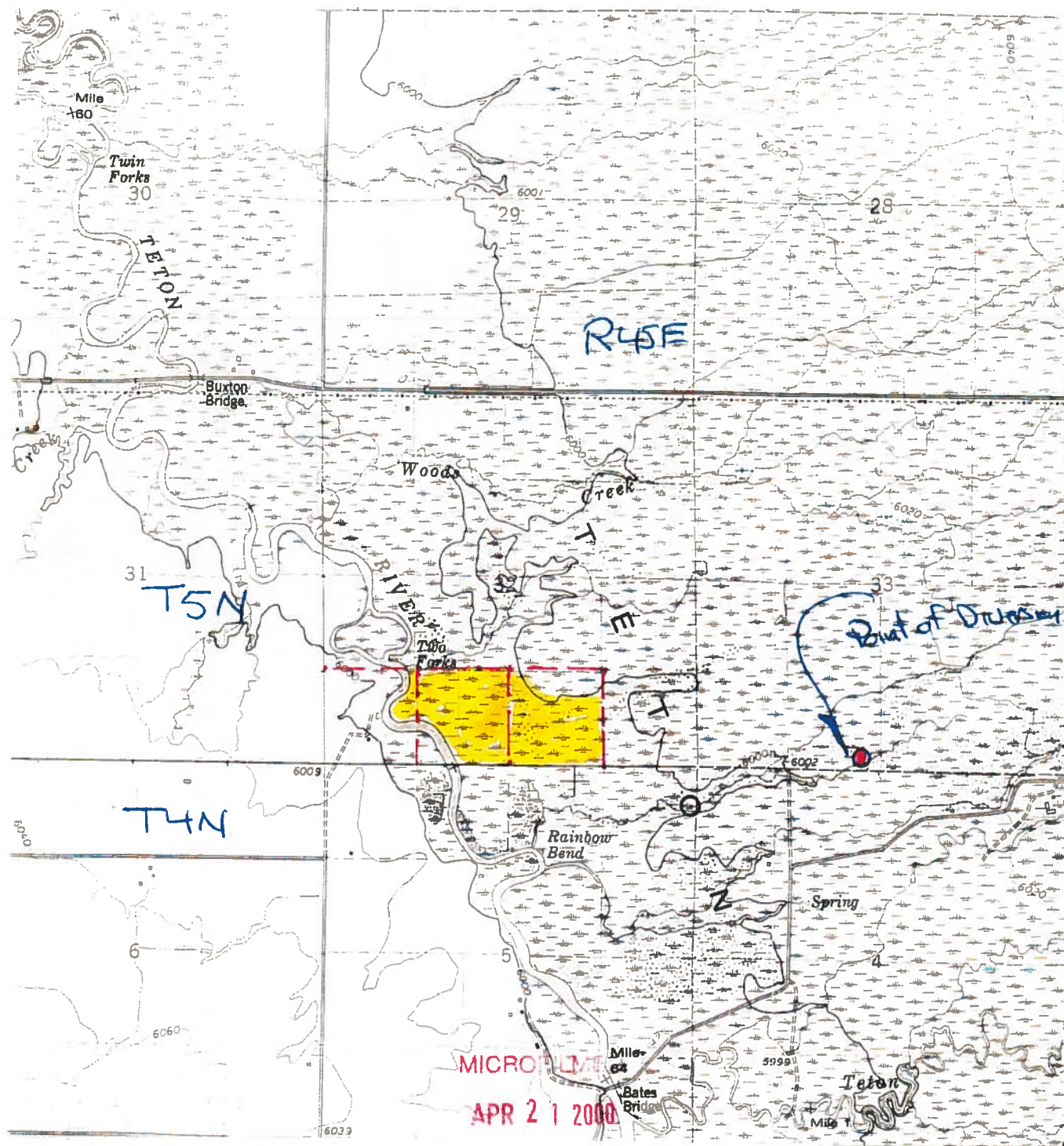
MICROFILMED

APR 21 2000

Total acres 60

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Sketch of irrigated
acres prepared by
Jeff Klausmann.

EMC.



Bond, Mary A.

S $\frac{1}{2}$ of Sec. 4, T. 13 N., R. 31 E., B. M.
containing 320 acres.

Boom Creek
Canal Company.

Lands of stockholders of said Company

lying under canal of said Company, the description
of said lands and the names of the owners thereof
not being given in the pleadings of said company.

P/D
SCENE 4
TSU
R45E

Borrowsman, John

E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 32,
T. 5 N. R. 45 E., B. M., containing 160 acres.

Bowles, H. C.

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec.
29, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 30, T. 4 N.,
R. 45 E., B. M., containing 160 acres.

Bowles, Sarah

SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 32, W $\frac{1}{2}$ of NW $\frac{1}{4}$ of
Sec. 33, T. 4 N., R. 45 E., B. M., containing
120 acres.

Bowles, William

S $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 3 and 4 of Sec. 2, T.
3 N., R. 45 E., B. M.

Breeding, Thomas C.

S $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 9,
and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 10, T. 1 N., R.
44 E., B. M.

Breckenridge,
David

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 26, E $\frac{1}{2}$ of NE $\frac{1}{4}$ of
Sec. 35, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 35, S $\frac{1}{2}$
of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 36
T. 6 N., R. 44 E., B. M.

Brennon, D. J.

S $\frac{1}{2}$ of SW $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and
Lots 3, 4 and 6, Sec. 22, T. 3 S., R. 34 E.,
B. M., containing 160 acres. (owned jointly with
Evan Williams.)

Change of ownership -
Klausman & Cushman

^{Top}
A0013868 - fence post (braced)

I am not exactly sure who owns
what ground,

C

22-151

178A

408

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

- ☐ Not Deliverable As Addressed
☐ Unable to Forward
☐ Insufficient Address
☐ Merged L. 1 No Address
☐ Incorrect
☐ Return to Sender
☐ No Such Person
☐ Vacant
☐ No Mail to Office
☐ Box Closed to Order
☐ Returned for Better Address
☐ Postage Due

At _____
Carr Int _____
Date _____

POCATELLO ID
P M
MAR 02
8946 \$00.370 MAR 02 2004
1182 MAILED FROM ZIP CODE 83402
U.S. POSTAGE
P83523907
FINNEY BOWES

PP 1295
3900 Alice Eliason
Park Way
Boise OR
87814

Contacts Data Entry Form

Water Right No. 22-178A

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner Blake Dustin
Name connector: and _____, or _____, and/or _____
Current Owner _____
Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

DECEDED UNDER ROXBURG SPRING VS TETON SPRING, 1910 AS:
#42, TO J. BORROWMAN, JUNE 1, 1887, FROM WOOD CROOK AND
SPRINGS 60" (1.20 cfs).

COMPLETING CLAIMS: 22-178, DOROTHY MURDOCK, 1.20 cfs
22-178A, BLAKE DUSTIN, 0.60 cfs

22-178 IS SPLIT ON THE WR DATA BASE AS 1/2 Q TO EACH.
TX#5394, APRIL 10, 2000 CONFIRMS 0.60 cfs TO 22-178B.
22-178A CLAIMS OTHER 1/2 OF Q (0.60 cfs).

FE INDICATED: PDD/PDU, PHOTO/GPS, SYSTEM CONFORMANCE
OVERLAP w/ OTHER TESTS.

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: June 1, 1887 Claimed Basis: DEERESRecommended Priority Date: 6/01/1887 Recommended Basis: _____☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DEERES

Reviewer: _____

Date: _____

Water Right No(s). _____

GPS DATA:

Tag # A0013868 Location: Fence post near dam diversion

Diversion Data:

Source: Woods Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

This diversion seems to be the only one
near where the claimant says his diversion
is.

Field Exam Date: 11/2/04 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

CLAIMS:

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
SN	45E	32		SESWSW	TETON	WOODS CREEK AND SPRINGS

GPS Coordinates: _____

		33		NESENW	"	"
--	--	----	--	--------	---	---

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Is POD in Woods Cr. OR ARE POD'S IN CREEK AND SPRINGS?There is a diversion in Woods Creek, and there is also a spring and slough that irrigates the claim.The water on the west side of the river is actually river water. On the east side the water does come from woods creek. The west side can also be irrigated with Mahogany Creek.

Transfers Changing POD _____

Reviewer: _____

Date: _____

TRUB. TO:
 TETON RIVER
 WOODS CREEK

 20
 11/2/04

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	45E	32	S ² SW		TETON		35	Prng.
			SWSW		"		25	"
Total Acres							60 ^e	

Recommended Place of Use

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

Document how the POU was verified:

OWNERSHIP QUESTIONS w/ TETON County Assessors THOMAS
 ACCORDINGLY DUSTIN DOES NOT SHOW AS OWNER OF S²SW
 SEC. 32, RATHON, CUSHMAN OWNS SWSW, KLAUSMANN OWNS S²SW
 SWSW AND 5th AC OR SWSW.

Q: who owns what?

11/2/04
 DD Land on east of river is irrigated by Woods Creek
 diversion.
 Land on west of river is irrigated with Mahogany
 Creek or Teton River water that is pumped.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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
<i>Tring</i>	<i>4/01</i>	<i>11/01</i>	<i>0.60</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Tring</i>	<i>4/1</i>	<i>10/31</i>	<i>0.60</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate *0.60*

Overall Diversion Volume _____

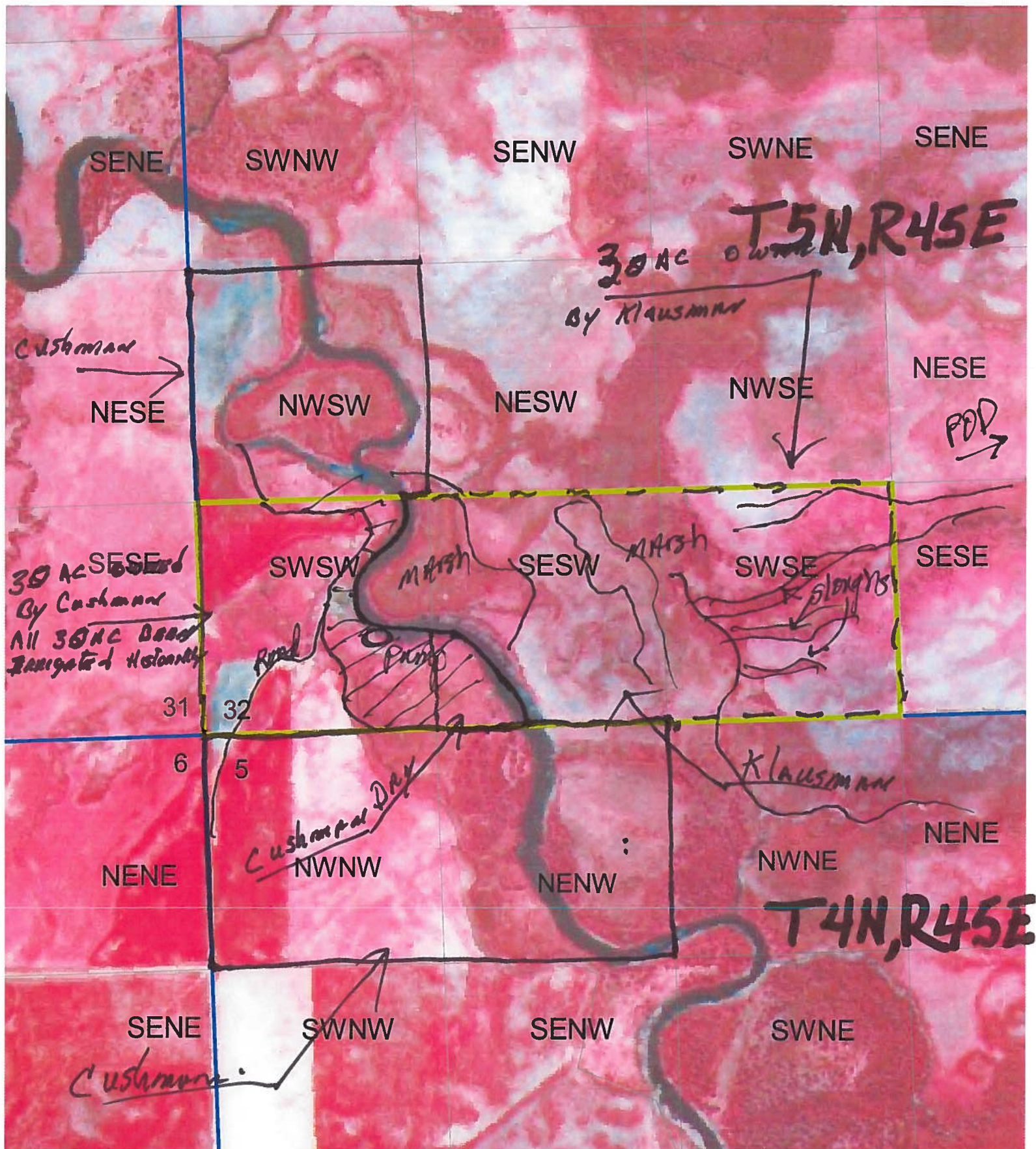
Document how the Period of Use and/or Diversion Rate were verified:

SDCI to DORT STD 4/1 TO 10/31. NOT SO DURING BY DUES

Reviewer: _____

Date: _____

22-178A





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

October 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Attn: Katherine E. Morey
Intermountain Aquatics Inc
PO Box 1115
Driggs ID 83422

Dear Katherine:

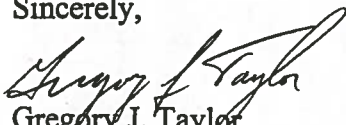
Please find enclosed the letter and documents you sent to my attention September 3, 1998. It appears that an Application for Transfer will need to be filed with the department in order to change water right no. **A22-00178A** from the original 235 acres to the 80 acres purchased by the Klausmanns.

I would recommend that the Klausmanns or you call Harold Jones at this office to set up an appointment to file the Application.

I have enclosed the App. form for your convenience and you may certainly file the application with the necessary filing fee without Mr. Jones' help.

If you have any questions regarding this matter, please do not hesitate to contact this office at (208)525-7161.

Sincerely,


Gregory J. Taylor
Sr. Water Agent

cc: James & Jacklyn Klausmannn, 330 Mendham Rd, Bernardsville, NJ 07924



September 3, 1998

Mr. Greg Taylor
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Dear Greg-

I spoke with you on the phone today about the change of ownership of the Dustin water right (A22-00178A). My client has purchased 80 acres of the Dustin property, however the entire right for 0.6 cfs diverted from Woods Creek is being transferred to the new owners. The original right pertains to 235 acres. You mentioned on the phone that we might need to transfer the right to those 80 acres, please contact me if this is necessary. I have enclosed a notarized document issuing the entire right to the new owners. Thank you for your help.

Sincerely,

Katherine E. Morey

RECEIVED
SEP 09 1998
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.

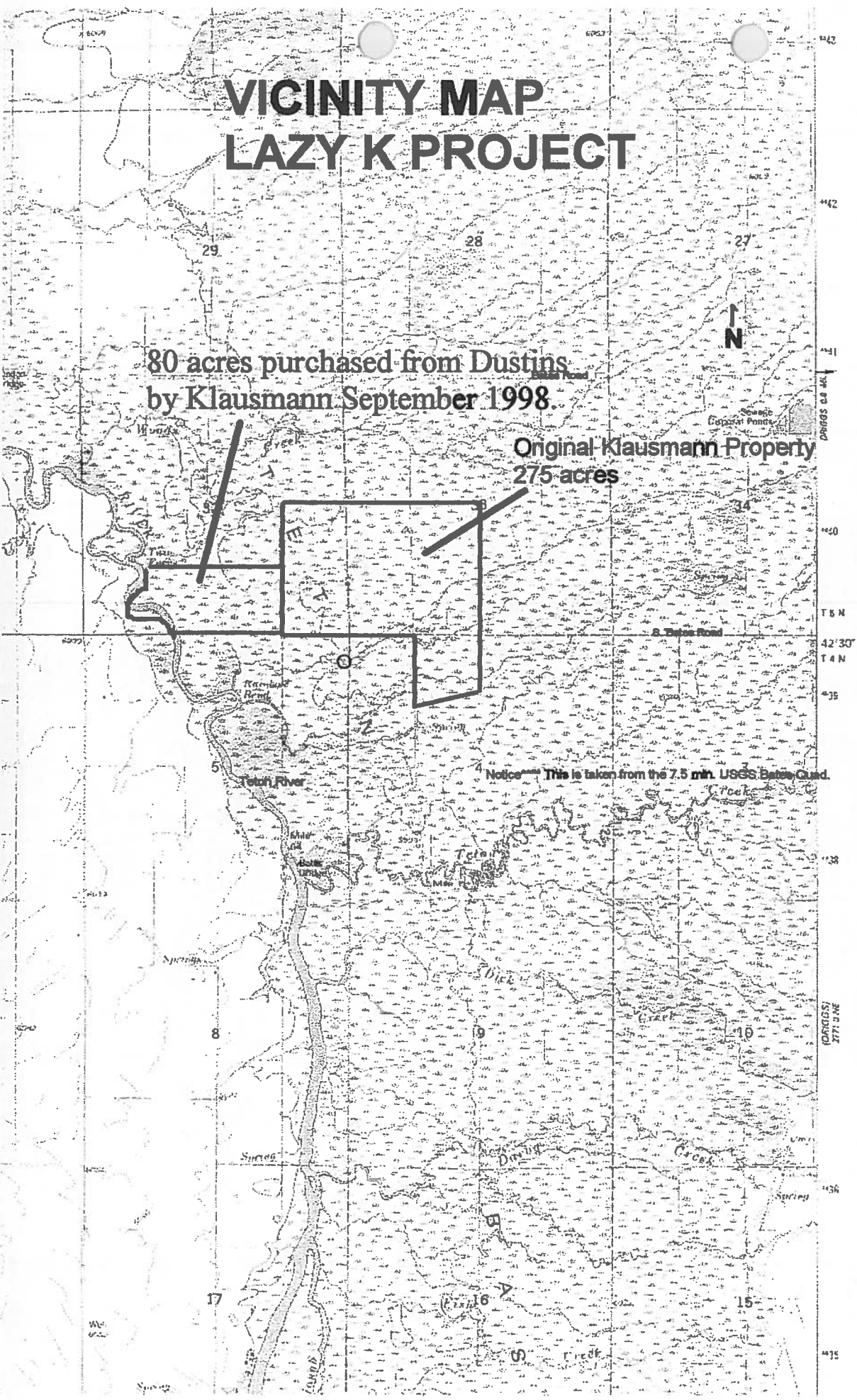
1. Water Right Number(s) A22-00178A
Adjudication Claim Number(s) AJ0749 NP
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or 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 on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Mr. + Mrs. Blake Dustin (Blake + Velma)
P.O. Box 434 Driggs, Idaho 83422
4. New Owner/Claimant(s) James M. Klausmann + Jacklyn S. Klausmann
Name of owner (Check one): () IND. () OR () AND/OR
New Mailing Address 330 Mendham Rd.
City, State and ZIP Code Bernardsville, NJ 07924
New Telephone Number (908) 766-5563
5. Date you acquired the property 9/1/98
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.
* See accompanying letter
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ cubic feet per second 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/Claimant(s) James M. Klausmann Date 9/3/98
Jacklyn S. Klausmann Date 9/3/98
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

VICINITY MAP LAZY K PROJECT

80 acres purchased from Dustins
by Klausmann September 1998.

Original Klausmann Property
275 acres

Notice: This is taken from the 7.5 min. USGS Bates Quad.



WATER RIGHT GRANT

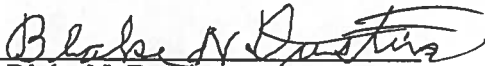
BLAKE N. DUSTIN and VELMA DUSTIN, husband and wife
whose address is: P.O. Box 434 Driggs, ID 83422

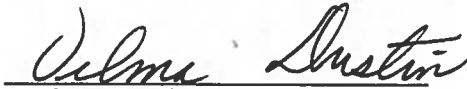
hereby grants unto

JAMES M. KLAUSMANN and JACKLYN S. KLAUSMANN, husband and wife
whose address is: 300 Mendham Rd. Bernardsville, NJ 07924

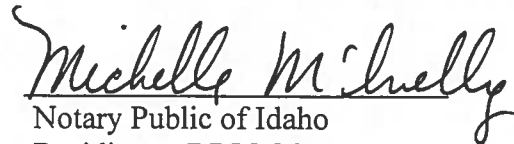
the entire 0.6 cfs associated with the Idaho Department of Water Resources Claim
AJ0749NP No. A22-00178A with the said 80 acre parcel mentioned in the attached
warranty deed No. 131429.

Dated: . 9-4-98


Blake N. Dustin


Velma Dustin

On this 4th day of September, in the year 1998, before me, a Notary Public in and for said
State, personally appeared BLAKE N. DUSTIN and VELMA DUSTIN, known or
identified to me to be the person's whose names are subscribed to the within Instrument,
and acknowledged to me that they executed the same.



Notary Public of Idaho
Residing at DRIGGS

Commission Expires ~~11-19-00~~ 10-5-2001

EXHIBIT "A"

A parcel of land in the S1/2SW1/4 and the SW1/4SE1/4 of Section 32, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, being more particularly described as follows:

BEGINNING at the Southwest corner of said SW1/4SE1/4, where found a 5/8" diameter rebar with a 2" diameter aluminum cap stamped "A.W. Eng.-LS2860"; THENCE South 89°44'47" East, along the South line of said SW1/4SE1/4, a distance of 1317.72 feet to the Southeast corner of said SW1/4SE1/4, where found a 5/8" diameter rebar with a 2" diameter aluminum cap stamped "A.W. Eng.-LS2860";

THENCE North 01°10'23" West, along the East line of said SW1/4SE1/4, a distance of 1306.69 feet to the Northeast corner of said SW1/4SE1/4;

THENCE North 89°39'37" West, along the North line of said SW1/4SE1/4, a distance of 1317.31 feet to the Northwest corner of said SW1/4SE1/4;

THENCE North 89°40'07" West, along the North line of the SE1/4SW1/4 of said Section 32, a distance of 1311.13 feet to the Northwest corner of said SE1/4SW1/4, where found a 5/8" diameter rebar with a 2" diameter aluminum cap stamped "A.W.Eng.-LS2860";

THENCE North 89°34'48" West, along the North line of the SW1/4SW1/4 of said Section 32 a distance of 168.39 feet to the median line of the Teton River;

THENCE along said median line, the following courses and distances;

South 13°49'13" East, 121.27 feet; ✓
South 30°17'54" West, 297.16 feet;
South 40°15'14" West, 65.51 feet;
South 22°28'35" West, 143.98 feet;
South 09°00'14" West, 109.66 feet;
South 39°47'18" East, 106.10 feet;
South 83°03'42" East, 230.69 feet;
North 84°40'46" East, 64.32 feet;
South 89°07'53" East, 153.81 feet;
South 70°37'29" East, 45.84 feet;
South 55°18'22" East, 184.79 feet;
South 32°16'37" East, 105.17 feet;
South 22°36'00" East, 87.64 feet;
South 28°47'50" East, 133.47 feet;
South 30°09'13" East, 88.47 feet;

RECEIVED

131429

International Title Company

T-6952

SEP 02 1998

TETON CO. ID
CLERK RECORDER

WARRANTY DEED

For Value Received BLAKE N. DUSTIN and VELMA DUSTIN, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JAMES M. KLAUSMANN and JACKLYN S. KLAUSMANN, husband and wife
whose address is: 330 MENDHAM RD., BERNARDSVILLE, NJ 07924

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all appurtenant water rights as per Idaho Department of Water Resources Claim AJ0749NP No. A22-00178A

Subject to reservations in United States and State Patents; existing and recorded Right-of-ways, Easements, Zoning, Building and Subdivision ordinances; Taxes and Assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 9-1-98

Blake N. Dustin
BLAKE N. DUSTIN

Velma Dustin
VELMA DUSTIN

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 22-178A
Date Received: 7/19/1988
Receipt No: E000794
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JACKLYN KLAUSMANN Phone: (208) 354-3690
C/O JEFFREY KLAUSMANN
PO BOX 1218
DRIGGS ID USA 83422

JAMES KLAUSMANN Phone: (208) 354-3690
C/O JEFFREY KLAUSMANN
PO BOX 1218
DRIGGS ID USA 83422

2. Date of Priority: 06/01/1887

3. Source: UNNAMED STREAM Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	45E	33	NE SE NW	TETON	

5. Description of diverting works:

OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.6	

7. Total Quantity Appropriated is:
0.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	32	SW	SW	IRRIGATION	30
			SE	SW	IRRIGATION	5
			SW	SE	IRRIGATION	25
			Section Acres			
Total Acres				60		

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
 County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-178A

WATER RIGHT NUMBER: 22-178A

<u>Owner Type</u>	<u>Name and Address</u>
Present Owner	CUSHMAN FAMILY TRUST 601 S FIGUEROA ST 47TH FLOOR LOS ANGELES, CA 90017 (213)629-6575
Current Owner	BLAKE DUSTIN C/O ALICE ELIASON 3900 KIRK WAY BAKER CITY, OR 97814 (208)354-2296

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of DiversionPlace of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	32											30.0	5.0			25.0		60.0

Total Acres: 60

Conditions of Approval:Remarks:Comments:

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: **A22-00178A**
Date Received: 7/19/1988
Receipt No: E000794
Received By: DLJ 1-28-99

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

AMENDED

1. Name: BLAKE DUSTIN 208-354-2296
Address: PO BOX 434
DRIGGS ID 83422

2. Date of Priority: JUN 1, 1887

3. Source: WOODS CREEK Springs Trib. to: TETON RIVER
WOODS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	32	SE	SW	SW		TETON
		33	NE	SE	NW		TETON

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	45E	32	SW	SW		IRR	30.0
			SE	SW		IRR	5.0
			SW	SE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	60.0
					Total Acres	60.0

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:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION COMPANY
Decree Plaintiff

TETON IRRIGATION CANAL COMPAN
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Blake Austin Date: 1-27-99

Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 27th day

of January 19 99

Michelle McInelly
Notary Public

Seal

Residing at Driggs
My Commission Expires 10-5-2001

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: A22-00178A
Date Received: 7/19/1988
Receipt No: E 000 794
Received By: Emc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAKE DUSTIN
Address: P.O. BOX 434
DRIGGS, ID

208-354-2296

83422

2. Date of Priority: JUN 01, 1887

3. Source: WOODS CREEK
SPRINGS

Trib. to: TETON RIVER
WOODS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	32	SE	SW	SW		TETON
		33	NE	SE	NW		TETON

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	5	NE	NW		IRR	5.0
			NW	NW		IRR	40.0

Section Acres 45.0

A22-00178A

Page

1

Date: 07/19/88

A2200178A



MICROFILMED
NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	6	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				
05N	45E	32	NW	SW		IRR	10.0
			SW	SW		IRR	30.0
			SE	SW		IRR	5.0
			SW	SE		IRR	25.0
Section Acres						70.0	
Total Acres						235.0	

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:
22-00151, 22-04018

14. Remarks:
I USE THIS RIGHT TO BOTH FLOOD IRRIGATE LAND EAST OF THE TETON RIVER AND SPRINKLER IRRIGATE LAND WEST OF THE TETON RIVER.
THE SPRINKLER SYSTEM IS DESCRIBED BY A22-04018.

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

<u>REXBURG IRRIGATION COMPANY</u>		<u>TETON IRRIGATION CANAL COMPANY</u>
Decree Plaintiff	vs	Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 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): Blake Duster Date: 7-19-88

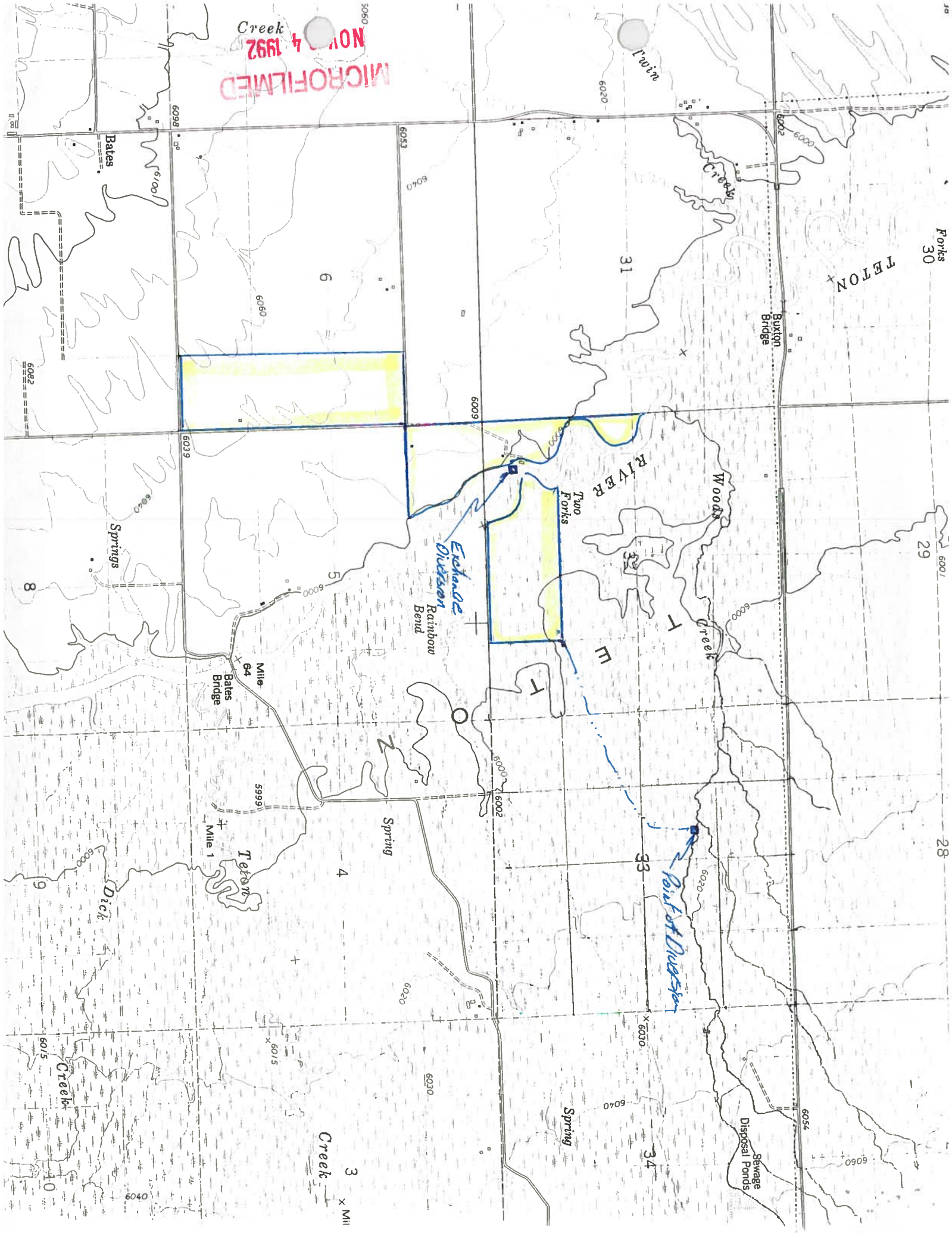
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of July 19 88
Ernest Carlson
Notary Public



Residing at Blake Falls ID
My Commission Expires 14 June 1994



MICROFILMED
NOV 4 1992
Creek

TETON

Forks 30

31

Buxton Bridge

Woods

Snake RIVER

Two Forks

Exchange District
Rainbow Bend

5

Bates Bridge

5999

Teton

Spring

4

Dick

Creek

Creek

3
x Mil

28

33

Point of District

Sewage
Disposal Ponds

34

Spring

6030

5015

6040

6015

6098

6053

6040

6060

6039

6009

6020

6005

6054

6060

6001

29

6082

8

40

