

09/05/2006

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

RIGHT NUMBER: 22-298B

NAME AND ADDRESS: PHILLIP PLUMB
90 S 400 W #360
SALT LAKE CITY UT 84101

ELIZABETH PLUMB
90 S 400 W #360
SALT LAKE CITY UT 84101

JOHN C TERRY
90 S 400 W #360
SALT LAKE CITY UT 84101

PLUMB LAND INVESTMENT LLC
90 S 400 W #360
SALT LAKE CITY UT 84101

THE KEM C GARDNER FAMILY PARTNERSHIP
90 S 400 W #360
SALT LAKE CITY UT 84101

SOURCE: HORSESHOE CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 09/01/1887

POINT OF DIVERSION:

T05N R44E S27 SENENW 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	0.200 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S26	NESW	40.00	T05N R44E S26	NWSW	38.00
T05N R44E S26	SWSW	38.00	T05N R44E S26	SESW	39.00

155 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 155 acres in a single irrigation season. Combined Right Nos.: 22-00033, 22-00298B, and 22-299B.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

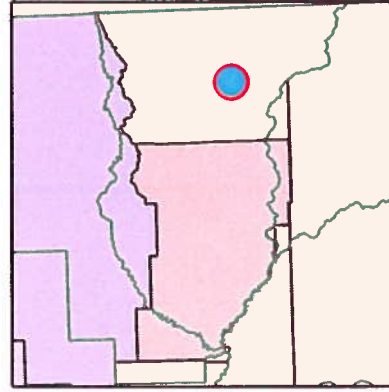
SRBA Recommendation:

**22-33, 22-298B,
22-299B**

(Irrigation)

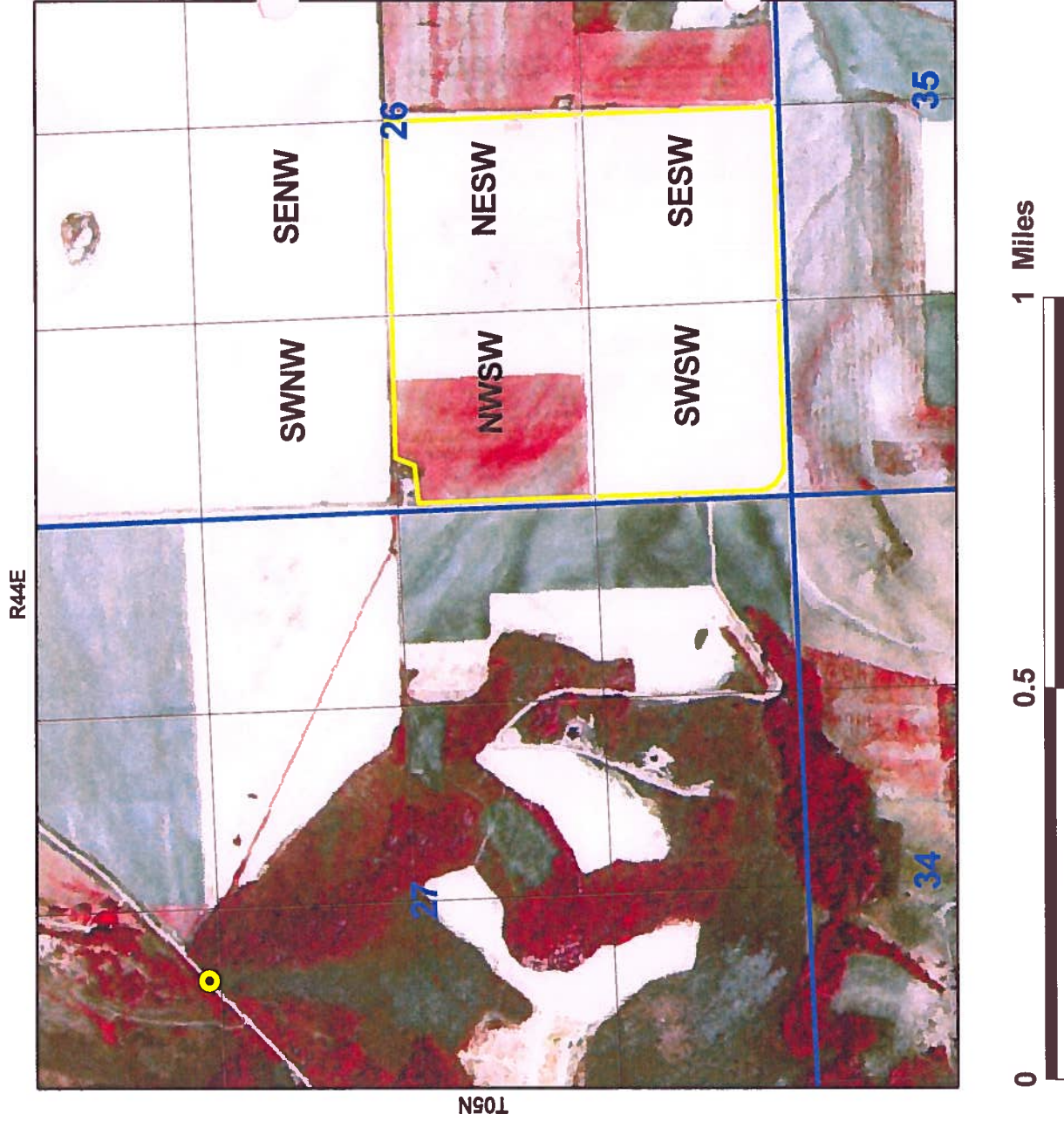
Legend

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



Teton County
IDWR Basin 22

Prepared by C. Moore
On Tuesday, September 5, 2006
1987/88 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

(REGIONAL)

C	SHERRY R & CLINT B ARGYLE REVOCABLE FAMI	09/01/1887	IRRIGATION	04-15	10-15	0.20 CFS	
	1172 S 1180 E						
	SPANISH FORK UT 84660						
	(801) 798-8943						
						0.20 CFS	
							320.00 AFA

Stage: DECREED

TETON County

NE

TOTAL ACRES

CHANGED OWNERSHIP 5/4/95/JT/GT
 MODIFIED "HORSE SHOE" 2/6/96/JT
 OWNERSHIP CHANGED PER REQUEST/JH/6-1-99

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

Department of Water Resources
 Eastern Region

OK JC
 7/26/06
 RECEIVED
 MAY 05 2006

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
	22-33	X			
	22-298B	X			
	22-299B	X			
	22-13356				
	22-13356	X			

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

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

OR

If your water right(s) and/or adjudication claim(s) 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(s) A.P. Group
4. New Owner/Claimant(s) Plumb Land Investment LLC
 Name Connector (Check one): [] and, [] or, [] and/or
The Ken C. Gardner Family Partnership LTD
 New Mailing Address Philip T. Plumb
 City, State and ZIP Code John C. Terry
Elizabeth Plumb
 New Telephone Number () 90 S. 400 W #360
 Date you acquired the property Salt Lake City UT 84101

4/27/06

(over) → send copy to realtor

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 _____		
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	_____	_____
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 _____		
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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Rahmad T. Knight
Broker, All West Realty

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

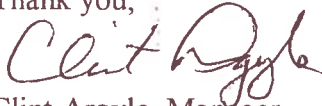
Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

March 7, 2005

Dear Mr. Ruberry,

I've attached this letter in request to have you change this Enlargement Claim to A.P. Group instead of Sherry R & Clint B Argyle Revocable Family Trust. This is in accordance to the other decreed rights on this property.

Thank you,



Clint Argyle, Manager
A.P. Group

22-13356

22-298B

22-299B

22-00033

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MAR - 9 2005

Department of Water Resources
Eastern Region

SCANNED

MAY 06 2005

SCANNED

MAY 06 2005

PROFILED

Contacts Data Entry Form

Claim Number: 22-298B

Owner Type	Full Name	Address	City	State	Zip

Current Owner: _____ 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: _____

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

DECREED UNDER KOSBURG vs. TAYLOR, 1910 AS: TO V. HOGSTED,
30", HORSESHOE CK, SEPT 1 1887.

SUBSEQUENT DECREES MADSEN vs. MICKLE (WM) & GILBERT, 17 APRIL 1933.

SPLITS 22-298 INTO A AND B AS:

22-298A, 20", SEPT 1, 1887, N. MADSEN

22-298B, 10", SEPT 1, 1887, L. BURTON

30" FULLY ACCOUNTED (0.60 cfs)

SRBA CLAIM SPLITS AS:

* 22-298A, 10" (0.20 cfs), J. McKEWEN

* 22-298B, 10" (0.20 cfs), ARGYLE ⇒ AP GROUP

22-298C, 8 1/2" (0.17 cfs), SPLIT TO E AND F

* 22-298D, 1" (0.02 cfs), MURPHY et al ⇒ WAITHMAN

* 22-298E, 8 1/2" (0.17 cfs), HORSESHOE CK ASSN. (0.166)

* 22-298F, 1" (0.02 cfs), R. KNIGHT (0.016)

* EQ = 30 1/2" 0.61 cfs ⇒ 0.602 cfs

ROUNDING ERROR OF 0.2

Reviewer: _____ Date: _____

SCANNED

MAY 06 2005

NOT FILED

Claim No. 22-29818

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Pumps at Pole

East pump motor General Electric 40hp
Model 5K6238XH2B Ser.# GDS5710402
pump johnston

50 psi

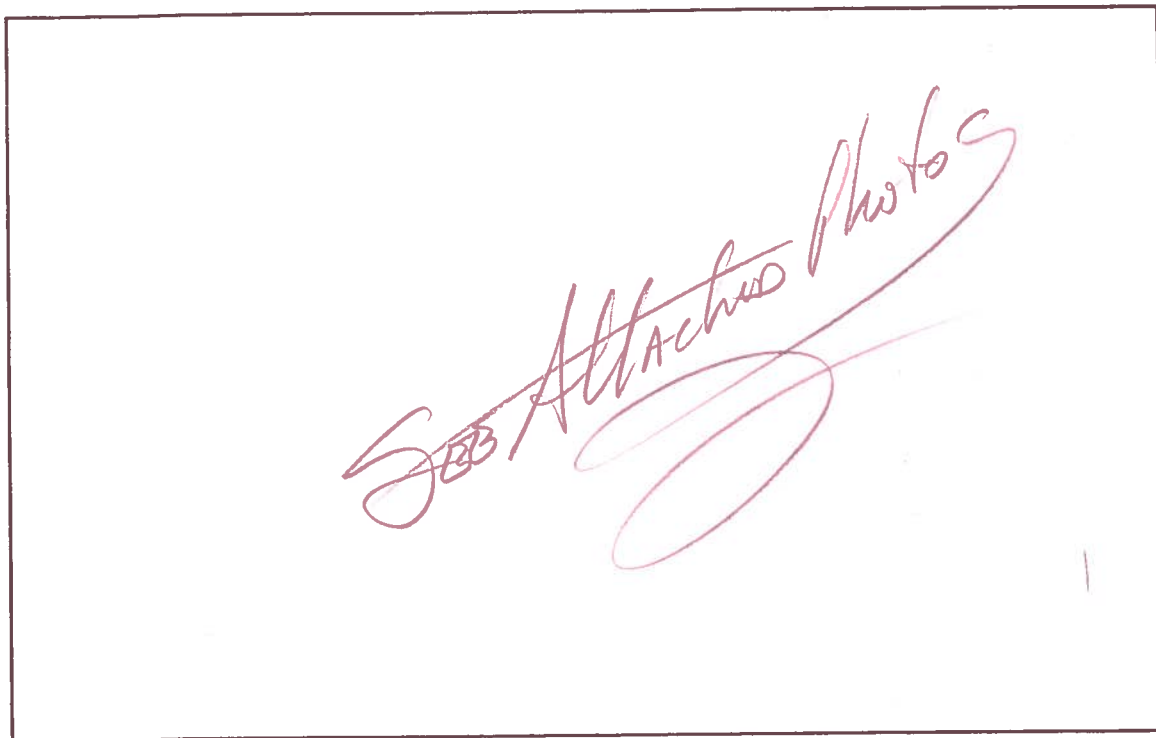
West pump motor General Electric 40hp
Model 5K6235XH2B Ser.# GDS731321
pump johnston

SCANNED

MAY 06 2005

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Water Right No(s). _____



GPS DATA:

Tag # A0013844 Location: South side of headgate frame

Diversion Data:

Source: Horseshoe Creek Trib to: Teton River

MOTOR

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

PUMP

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

Each pump has 6" discharge
into 18" mainline

NOTES:

Claimant diverts from Horseshoe Creek with
headgate and check dam into a ditch that
carries water approx. 1 mile to a holding pond
2 pumps & sprinklers are used to irrigate

Field Exam Date: 8/5/04 Agent: DD

PL 90-606

SCANNED
MAY 06 2005

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

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

8/5/04 DO Field exam showed check dam and screw type headgate is used to divert water from Horseshoe Creek. A ditch carries the water approx. 1 mile to a pond where it is pumped to sprinklers. Took photo of pond and pumps.

Reviewer: _____ Date: _____

SCANNED

MAY 06 2005

FILED



Headgates on Horseshoe Creek for ? (forgot the name) and Rippling's claims. The ditch carries water to pond where it is pumped through mainline and sprinklers.

Headgate frame is where gps tag is located.

POO Also Diverts 22-33, 298B, 299B

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MAY 06 2005



? - Rippling's pond and pumps. Diversion headgate is on Karschoe Creek approx. 3/4 mile away from pond.

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MAY 06 2005

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MAY 10 2004

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-298 B	No				
22-299 B	No				
22-33	No				

5N44E

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. None
- ☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Sherry R & Clint B Argyle Rev. Family Trust
1172 S 1180 E - Spanish Fork, UT 84660
4. New Owner/Claimant(s) AP Group, LC
Name Connector (Check one): [] and, [] or, [] and/or
1172 S 1180 E
Spanish Fork, UT 84660
() 801-798-3514
3-13-03
5. Date you acquired the property

PROTECTED

SCANNED
MAY 06 2005

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 _____

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	_____	_____
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 _____

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	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s) *Clint Dyke, Manager*
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

PROFILED
SCANNED

For Office Use Only

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

MAY 03 2005

Instrument # 153696

DRIGGS, TETON, IDAHO

2003-03-21

12:54:07 No. of Pages: 3

Recorded for : DOUGLAS R. BREWER

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED, QUIT-CLAIM

153696

RECEIVED

MAR 21 2003

CLERK REC'D DEP

WHEN RECORDED MAIL TO:

Clint B. Argyle
1172 South 1180 East
Spanish Fork, Utah 84660

QUIT CLAIM DEED

For Value Received SHERRY R. ARGYLE AND CLINT B. ARGYLE, TRUSTEES OF THE SHERRY R. ARGYLE REVOCABLE FAMILY TRUST, Dated August 4, 1995, with an address of 1172 S. 1180 E., Spanish Fork, Utah 84660, Grantors, do hereby transfer and convey to AP GROUP, LC, a Utah limited liability company, with an address of 1172 S. 1180 E., Spanish Fork, Utah 84660, Grantee, the following described property, situated in Teton County, State of Idaho:

SEE THE ATTACHED EXHIBIT A

DATED the 13 day of March 2003.

THE SHERRY R. ARGYLE REVOCABLE
FAMILY TRUST, Dated August 4, 1995

By:

Sherry R. Argyle
Sherry R. Argyle, Trustee

By:

Clint B. Argyle
Clint B. Argyle, Trustee

[Acknowledgments appear on next page]

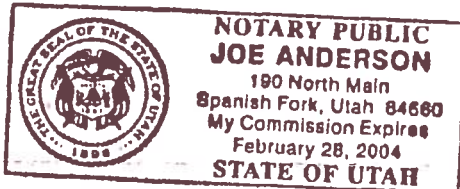
SCANNED

MAY 06 2005

PROCESSED

STATE OF UTAH)
COUNTY OF Utah) : ss.

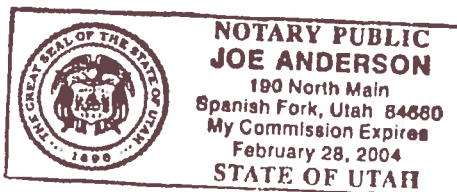
On the 13 day of March 2003, before me, a Notary Public, personally appeared SHERRY R. ARGYLE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Joe Anderson
Notary Public

STATE OF UTAH)
COUNTY OF Utah) : ss.

On the 13 day of March 2003, before me, a Notary Public, personally appeared CLINT B. ARGYLE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Joe Anderson
Notary Public

EXHIBIT A

SW ¼ SECTION 26, TOWNSHIP 5 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO

Subject to the Life Estate of Nona H. Ripplinger to the following described premises: Commencing at the NW corner of the SW ¼ of section 26-5-44, and running thence East 312 feet; thence South 312 feet; thence West 312 feet; thence North 312 feet to the point of beginning, as described in Warranty Deed recorded July 7, 1981, Recorder's No. 87964, records of Teton County, Idaho

TOGETHER WITH all water, mineral, gas, oil and geothermal rights now owned by the Grantor.

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.

SCANNED

MAY 06 2005

PROFILED

153690

22-298B

PROFILED

SCANNED

MAY 06 2005





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

June 1, 1999

SHERRY R & CLINT B ARGYLE REVOCABLE FAMILY TRUST
1172 S 1180 E
SPANISH FORK UT 84660

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A22-00033,
A22-00298B, A22-00299B

Dear Mr. & Mrs. Argyle:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

PROFILED

SCANNED
MAY 06 2005

DELOG DC 5/26/99
DC OK 6/23

IDWR EASTERN

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.

Water Right Number(s) _____

Adjudication Claim number(s) A2200033 A2200298B A2200299B

The following REQUIRED information must be submitted with this form.

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 claims in question, WITH AN ATTACHED LEGAL DESCRIPTION.

AND

PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

For water rights and 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. J&J RANCH PARTNERSHIP, an Illinois Partnership

4. New Owner/Claimant. SHERRY R. ARGYLE AND CLINT B. ARGYLE REVOCABLE FAMILY TRUST

New mailing Address 1172 SOUTH 1180 EAST, SPANISH FORK, UT 84660
Address City State, Zip Code

New Telephone Number (801) 798-8943

5. Date you acquired the property MARCH 26, 1999

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 actually irrigated 160 Number and type of stock _____

Diversion rate in CFS _____ Number of Homes _____ Other Uses _____
cubic ft. per second

If water right or adjudication claim is being split and you are not sure how to identify your portion of the original water right or claim, please contact the nearest IDWR office form assistance.

7. Signature of New Owner/Claimants Sherry R. Argyle Date May 20, 99

Clint Argyle Date May 20, 99

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. 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.

PROFILED

SCANNED
MAY 06 2005

RECEIVED
MAY 26 1999

Department of Water Resources
Eastern Region



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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MAY 4, 1995

J-J RANCH PARTNERSHIP
C/O NEAL MERMALL
8310 KENTON
SKOKIE IL 60076

RE: CHANGE IN OWNERSHIP FOR A22-00298B, -00299B, -00033

Dear Mr. Mermall:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

PROFILED
SCANNED
MAY 08 2005

MICROFILMED
NOV 06 1990



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

APR 24 1995

Department of Water Resources

DATE OF CLOSING: May 1, 1990LEGAL DESCRIPTION OF PROPERTY: Township 5 North Range 44 EastSection 26, SW 1/4 of 1/4 of 1/4 Govt. Lot 1Lot , Block , Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet.

RECEIVED

MAY 03 1995

Department of Water Resources
Eastern District Office

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A2200298B/299B ^{OK} A2200033 ^{OK} EDD 1262 ^{OK} No - R - recorded
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): CLEON B. KUNZ
1808 24th Avenue
San Francisco, CA
- ☐ New Owner/Claimant (Purchaser): J-J RANCH PARTNERSHIP, an Illinois Partnership
- ☐ New Mailing Address: c/o Neal Mermall
8310 Kenton
Skokie, IL 60076
- ☐ New Telephone Number: (708) 673 - 3776
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of recorded Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): J-J RANCH PARTNERSHIP Date
By: Neal Mermall Partner Date 18 APR 95
- ☐ Signature of Former Owner/Claimant(s): Date
 Date

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

(Signature of former claimant(s) is not required if proof of ownership is attached.)

MICROFILMED

NOV 06 1995

SCANNED

MAY 05 2005

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, THE UNDERSIGNED COMES FOR THE PURPOSE OF
NEWEL MADSEN,
Plaintiff,
vs.
R. G. NICKLE, as Water Master of
Water District No. 360 of the
State of Idaho; and LOUIE BUXTON,
Defendants,
and
ALBERT GILBERT,
Intervenor.

AT DISTRICT COURT N.
DATE 4/12/1933
Earl Flood
CLERK OF DIST. COURT
BY
DECEASED

RECEIVED
JUL 10 1934
DISTRICT COURT
NINTH JUDICIAL DISTRICT

This cause came regularly on for trial on the 10th day of April, 1933, before the Honorable Jay L. Downing, Presiding District Judge, sitting without a jury, at Pines, Teton County, Idaho. Merrill S. Merrill, Attorneys at Law, and Newel Madsen, Attorney at Law, appeared for and on behalf of the plaintiff; George L. Harrington, Attorney at Law, appeared for and on behalf of the defendant, Louie Buxton. The defendant, R. G. Nickle as Water Master of Water District No. 360 did not appear in person or by attorney. S. R. Atchley, Attorney at Law, appeared for and on behalf of the Intervenor, Albert Gilbert. It appeared to the Court that this action was originally instituted by Anton O. Mickelson, as plaintiff, against E. B. Edlefsen, as Water Master of Water District No. 360 of the State of Idaho, John R. Clausen, John D. C. Kruger, Ballie C. Haines, Lewel Haines, J. C. Thomsen, Charles J. Martin, and C. G. Keller, as defendants, and that thereafter the said Anton O. Mickelson sold, transferred and conveyed his rights described in his original complaint to Newel Madsen and by proper order of this Court the said Newel Madsen was substituted as plaintiff for and in the stead of Anton O. Mickelson; and that thereafter the said E. B. Edlefsen ceased to act as Water Master of District No. 360, as aforesaid, and that R. G. Nickle was duly appointed Water Master of Water District No. 360 of the State of Idaho, and as such was by proper Order of this Court substituted in said action as defendant for and in the place of E. B. Edlefsen; and it further appeared that thereafter the said original defendants, John R. Clausen, John D. C. Kruger, Ballie C. Haines, Lewel Haines, J. C. Thomsen, Charles J. Martin and C. G. Keller, duly and regularly quit claimed and transferred their various interests possessed by them at the time of the institution of this suit to the predecessor-in-interest of Louie Buxton, and that the said Louie Buxton became the owner of the lands and water rights herein after described and previously owned or claimed by said defendants, and that proper substitution of said parties defendant was by order of this Court duly made. It further appeared upon order duly made and entered that said cause was ordered to proceed in the name of the real parties in interest, to wit: Newel Madsen as plaintiff and R. G. Nickle as Water Master of Water District No. 360 of the State of Idaho, and Louie Buxton as defendants, and Albert Gilbert as Intervenor, who had been permitted and allowed to intervene in said cause. Evidence was thereupon introduced by and on behalf of the respective parties in support of the issues framed by the original Complaint and supplemental Complaint of the plaintiff, the Answer of the defendant, Louie Buxton thereto, the complaint of the Intervenor, Albert Gilbert, and the Answer

of the plaintiff's decree. Said decree was presented, argued, and submitted to the Court for decision. The Court, having therefore made and entered its findings of fact and conclusions of law, filed and entered this its decree, whereby it is decreed, adjudged, ordered, and decreed that:

1. That the plaintiff, Louie Burton, take nothing by reason of his complaint, save and except the right to the use of all waters decreed to the lands owned by him by that certain decree dated December 16, 1910, and also that portion of the waters decreed to the lands now owned by Louie Burton, and which waters have been decreed by the said plaintiff is entitled to divert from the main channel of Horseshoe Creek, the natural flow of the water thereof, twenty (20) miners inches of water with a priority of September 1, 1897, and two hundred thirty-five (35) miners inches with a priority of June 1, 1899, and one hundred sixty (60) miners inches with a priority of June 1, 1900. Said waters are to be diverted from said Horseshoe Creek at a point near the South line of the Northeast quarter of the Northwest quarter (E1/4 N1/4) of Section Twenty-seven (27), in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the

West half of the Southeast quarter (E1/2 S1/4) and the East half of the Southeast quarter (E1/2 S1/4), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (N1/4 E1/4), the Northeast quarter of the Northwest quarter (N1/4 E1/4), and the East half of the Northeast quarter (E1/2 N1/4), of Section Twenty-seven (27), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

2. That the defendant, Louie Burton, is entitled to divert from the main channel of Horseshoe Creek from the natural flow of water of ten (10) miners inches with a priority of September 1, 1897, and sixty-five (65) miners inches with a priority of June 1, 1900. Said water is to be diverted at a point near the South line of the Northeast quarter of the Northwest quarter (E1/4 N1/4) of Section Twenty-seven (27), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the:

Southwest quarter (S1/4) of Section Twenty-six (26), Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

3. That the balance of the right decreed to the lands now owned by Louie Burton by that decree of December 16, 1910, to wit: All but sixty-five (65) miners inches, has been abandoned and that said abandoned right has been appropriated by the said plaintiff herein and is contained within the decreed right of the said plaintiff, hereinbefore specifically set forth.

4. That the Intervenor, Albert Gilbert, take nothing by reason of his Complaint in Intervention, save and except the right to the use of all waters decreed to the lands owned by him by that certain decree dated December 16, 1910, that is to say: that the Intervenor is entitled to divert from the main channel of Horseshoe Creek, from the natural flow of the water thereof, one hundred and twenty (120) miners inches of water with a priority of June 1, 1899, and forty (40) miners inches of water with a priority of June 1, 1900. Said waters

are to be diverted from said Horseshoe Creek at a point four hundred feet North of the North line of the Northeast quarter (NE $\frac{1}{4}$) of Section Twenty-two (22), in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho, and to be carried in the ditch constructed for such purpose for irrigation, domestic, culinary and other beneficial uses upon the

The Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Eleven (11), and the North half of the Northwest quarter (NW $\frac{1}{2}$), and the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twelve (12) in Township Five (5), North Range Forty-four (44), East of the Boise Meridian, in Teton County, Idaho.

5. That in all respects, save and except as in this decree modified, explained or changed, the rights of the respective parties, by virtue of that certain decree affecting said waters and lands herein described, entered December 16, 1910, are hereby ratified and confirmed.

6. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said parties and their successors-in-interest are each enjoined and restrained from interfering with or molesting the rights of the respective parties to the use of the waters aforesaid.

7. That each party shall bear and defray his or her own costs.

DATED, this 17th day of April, 1933.

Ray L Downing
Presiding District Judge.

STATE OF IDAHO)
) ss.
COUNTY OF TETON)

Filed for Record at the Request of Clerk at 2 o'clock P. M. this 19 day of April 1933 and Recorded in Book 59 of Judgments page 75 Records of Teton, County, State of Idaho.

Earl Floyd
Recorder.

Instrument 25116

Inst. No. 25116

CERTIFICATE OF TRUE COPY

I, Earl Floyd, Auditor and Recorder, in and for Teton County, State of Idaho, do hereby certify that the attached is a full, true and correct copy of that certain Decree from Howel Jadsen to R. C. Dickle and Albert, and recorded in Book 59 of Judgments, at Page 75 of Teton County, filed for record April 19, A. D. 1933, at 2:00 o'clock P. M., and now on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 18th day of July, A. D. 1933.

Earl Floyd
Auditor and Recorder.

By Bert D. Gustafson
Deputy.

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: **A22-00298B**
Date Received: 8/12/1988
Receipt No: E001262
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: J-J RANCH PARTNERSHIP
Address: C/O NEAL MERMALL
8310 KENTON
SKOKIE IL

708-673-3776

60076

2. Date of Priority: SEP 1, 1887

3. Source: HORSE SHOE CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	27	SE	NE	NW		TETON

5. Description of diverting works:
DITCH TO HOLDING POND W/ PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		

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

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	26	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

SCANNED

MAY 06 2005

A22-00298B

Page

1

Date: 05/04/95

MICROFILMED
NOV 06 1988

PROCESSED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	26	SE	SW		IRR	40.0
Section Acres							160.0
Total Acres							160.0

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:
22-00299B,00033

14. Remarks:
RT 22-0298 SUPERCEDED BY RT 22-0298 A & B.
CHANGED OWNERSHIP 5/4/95/JT/GT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/17/1933

NEWELL MADSEN

Decree Plaintiff

R. G. MIEKLE

vs

Decree Defendant

MICROFILMED
NOV 06 1995

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: A22-00298B

Date Received: 8/12/1988

Receipt No: 600262

Received By: Ed

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

*Code new
paper claim
8/12/88*

1. Name: CLEON B. KUNZ 415-661-1550
Address: 1808 24th AVE.
SAN FRANCISCO, CA 94122

2. Date of Priority: SEP 01, 1887

3. Source: HORSE ^{OK}SHOE CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	27	SE	NE	NW		TETON

5. Description of diverting works:
DITCH TO HOLDING POND W/ PUMP TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		

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

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	26	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

A22-00298B

Page 1

Date: 08/12/88

SCANNED

MAY 06 2005

MICROFILMED

NOV 04 1994

A2200298B



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	26	SE	SW		IRR	40.0
Section Acres							160.0
Total Acres							160.0

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:
22-00299B,00033

14. Remarks:

RT 22-0298 SUPERCEDED BY RT 22-0298 A & B.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/17/1933

NEWELL MADSEN

Decree Plaintiff

vs

R. G. MIEKLE

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 _____ 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)
County of _____) ss.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39356

Ident. Number A22-00298BDate Received 8/12/88Receipt Number 6001262
881

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) CLEON B. KUNZ Phone (415) 461-1550
Mailing Address 1808-24th AVE SAN FRANCISCO CA. Zip 94122
2. Date of Priority (Only one (1) per claim) 9/01/1887
3. Source of water supply (a) HORSE SHOE CREEK
which is tributary to (b) TETON RIVER
4. a. Location of existing point of diversion is: Township 5N Range 44E Section 26,
SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, 26 B.M., County of TETON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DITCH TO HOLDING

POND - PUMP TO SPRINKLER

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NOV 04 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/15 amount 0.20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 320 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	44E	26									40	40	40	40	40	40	40	40	160

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? TETON

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
22-002998, 22-0033 or None ()

14. Remarks:

MICROFILMED

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NOV 04 1992

MAY 06 2005

Last Name KUNZ Ident No. A22-00298B

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 22-00298B
Court _____ Case Number _____ Decree Date 4/17/1933
Plaintiff vs Defendant NEWELL MADSEN VS. R.G. MIEKE

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

Signature of Claimant (s)

[Signature]

Date

8/12/88

Date

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day of August 19 88

SEAL

Notary Public

Betty J. Thompson

Residing at

Idaho Falls

My Commission Expires

6-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

SCANNED

MAY 06 2005

MICROFILMED

NOV 04 1992

Last Name KUNZ

Ident. Number A22-00298B

Copies White-State, Yellow-Claimant

48 43000m. N.

23

R44E

26

25

TSN

44E

35

A22-00298B

36

An aerial photograph showing a long, narrow bridge spanning a body of water. The bridge has a distinctive design with multiple spans and supports. The surrounding area includes some land and other smaller bridges in the distance.

2

MICROFILM

NOV 04 1992

SCANNED
MAY 06 2003