

01/25/2005

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

RIGHT NUMBER: 22-298D
NAME AND ADDRESS: PATRICIA WAITHMAN
PO BOX 1104
DRIGGS ID 83422

JOHN WAITHMAN
PO BOX 1104
DRIGGS ID 83422

SOURCE: HORSESHOE CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.020 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.22 CFS. COMBINED RIGHT NOS.: 22-298D,
22-299D, 22-300B.

PRIORITY DATE: 09/01/1887

POINT OF DIVERSION:
T05N R44E S22 SWNWSE Within TETON County
T05N R44E S22 NWSWSE 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	0.020 CFS

PLACE OF USE: IRRIGATION Within TETON County
T05N R44E S22 NWSE 10.0 T05N R44E S22 SWSE 1.0

11 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 11.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-298D, 22-299D, 22-300B.

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: Beneficial Use

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

Right Nos. 22-298D, 22-299D, 22-300B are also diverted through points of
diversion described above.

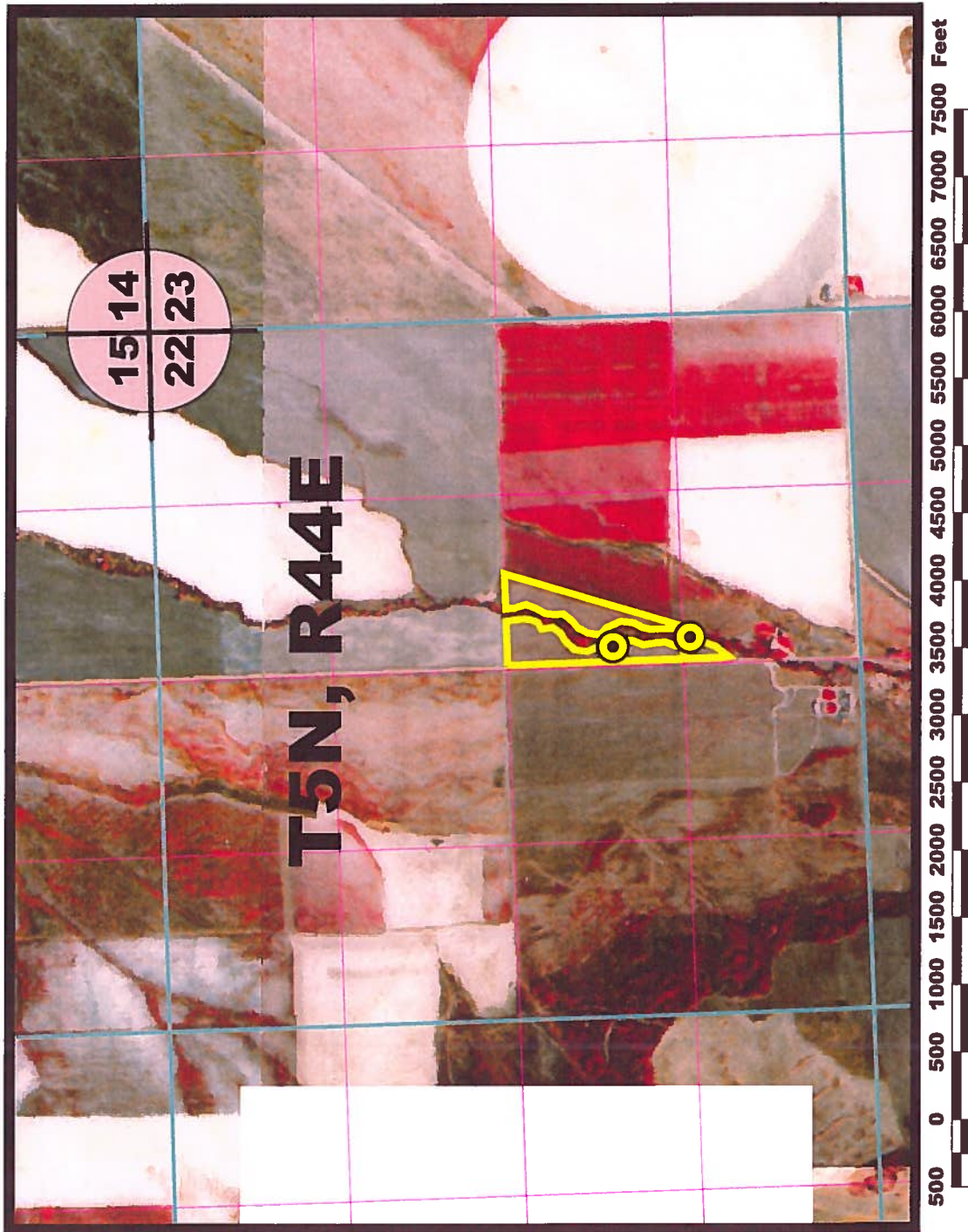


PROFILED

SCANNED
MAR 11 2005

State of Idaho

Department of Water Resources
Eastern Region



Water Right(s):
22-298D,
22-299D,
22-300B

Point(s) of Diversion:
T5N, R44E Sec. 22
SWNWSE, NWSWSE

Place of Use: (parts of)
T5N, R46E Sec. 29 W2SE

LEGEND



Point of Diversion



SESE
Place of Use



Section



Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAAPP Photography
Prepared by: A. Ruberry
Date: January 2005



12/06/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-298D

TREETOPS INVESTMENT LLC

C/O JASON SHIEBLER

PO BOX 645

DRIGGS ID 83422

Telephone Number: (208)201-3633

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

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

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

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

DATE:

12/13/06

SIGNATURE:

[Handwritten Signature]

Please print your name:

WILLIAM N. SHIEBLER

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

APR 26 2007

PROFILED

JG OK
9/16/05

RECEIVED
AUG 02 2005

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.

Department of Water Resources
Eastern Region

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
	22-298D				
	22-299D				
	22-300B				

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 John & Patricia Waithman
PO Box 1104, Driggs, ID 83422
4. New Owner/Claimant(s) Treetops Investment, LLC
Name connector (check one): ☐] and ☐] or, ☐] and/or
New Mailing Address c/o Jason Shiebler, PO Box 645
City, State and ZIP Code Driggs, ID 83422
New Telephone Number 208-201-3633
5. Date you acquired the property July 5, 2005

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)

William W. Shiebler
Principal, Tree Tops Investments LLC

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 _____

169275

WARRANTY DEED

Order No. 3050513710-T

FOR VALUE RECEIVED

John D. Waithman and Patricia L. Waithman, Husband and Wife

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

Trusteys Investment, L.L.C., a Utah Limited Liability Company

whose current address is

1764 Prospector Ave, Box 1 Park City, UT 84068

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Instrument # 169275

DRIGGS, TETON, IDAHO

2005-07-07

08:18:43 No. of Pages: 2

Recorded for: ALLIANCE TITLE & ESCROW

NOLAN G. BOYLE

Ex-Officio Recorder Deputy Fee: 6.00

Index to: DEED, WARRANTY

Parcel 1:

A part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 44 East Boise Meridian, Teton County, Idaho, being further described as:

From the Center $\frac{1}{4}$ corner of said Section 22, South 89°48'11" East, 25.00 feet along the North line the Southeast $\frac{1}{4}$ of said Section 22 to the East County right-of-way, the true point of beginning; thence South 89°48'11" East, 705.00 feet along the North line of the Southeast $\frac{1}{4}$ to the Northwest corner of Horseshoe Creek Ranch Subdivision; thence South 18°01'46" West, 276.14 feet along said Horseshoe Creek Ranch Subdivision; thence West 619.61 feet to a point; thence North 00°01'01" East, 265.00 feet to the point of beginning.

Subject to a county road and utility easement along the Western property line.

Parcel 2:

A part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, being further described as:

From the Center $\frac{1}{4}$ corner of said Section 22, South 00°01'02" East, 265.00 feet along the West line of the SE $\frac{1}{4}$ of said Section 22 and East, 25.00 feet to the East County road right-of-way, the true point of beginning; thence East, 619.61 feet to a point; thence South 18°01'46" West, 1457.25 feet along the East line of Horseshoe Creek Ranch Subdivision; thence North 89°45'47" West, 169.80 feet to a point; thence North 00°01'02" East, 1385.00 feet to the point of beginning.

Subject to a county road and utility easement along the Western property line.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/05/2005

John D. Waithman
John D. Waithman

Patricia L. Waithman
Patricia L. Waithman

State of Idaho

County of

On this _____ day of _____, in the year 20____ before me, a Notary Public in and for said state, personally appeared John D. Waithman and Patricia L. Waithman known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

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

*

Notary Public for the State of Idaho
Residing at:
Commission Expires:

Notary Certificate Attached

169275

RECEIVED

JUL 07 2005

TETON CO., ID
CLERK RECORDER

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sonoma

SS.

On July 6, 2005, before me, Erin Wofford, notary public

Date

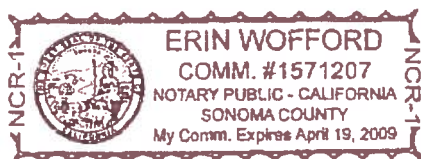
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

John D. & Patricia Waithman

Name(s) of Signer(s)

☐ personally known to me



☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Erin Wofford

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer -- Title(s): _____
- ☐ Partner -- ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer -- Title(s): _____
- ☐ Partner -- ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

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
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

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 Utah and Arizona
**Also Licensed in Missouri & Kansas

August 1, 2005

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

RE: Notice of Change of Ownership
John & Patricia Waithman - Treetops Investment, LLC

RECEIVED

AUG 02 2005

Department of Water Resources
Eastern Region

Dear Jennifer:

Enclosed for filing is a Notice of Change of Ownership for water rights numbers 22-298D, 22-299D and 22-300B from John & Patricia Waithman to Treetops Investment, LLC, along with the attached Warranty Deed and map.

Thank you for your kind attention to this matter. If you have any questions regarding this matter, please feel free to contact this office at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

RECEIVED

01/25/2005 JUN 20 2005

Department of Water Resources

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-298D

PATRICIA WAITHMAN
PO BOX 1104
DRIGGS ID 83422

JOHN WAITHMAN
PO BOX 1104
DRIGGS ID 83422

RECEIVED
JUN 23 2005

Department of Water Resources
Eastern Region

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

SEE BELOW

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

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

*Received w/o
signature*

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

*ON THE WATER RIGHTS COPY GIVEN TO ME
BY THE PREVIOUS OWNER, IT LISTS 16 ACRES,
NOT 11, .235 C.F.S., NOT .22 C.F.S., ALL UNDER
A 22-00299D. WHY HAS THIS RIGHT CHANGED,*

BOTH IN ACREAGE AND AMOUNT?

*6/29/05 - Acres by Field Exam and GPS - Q split proportionally and
Applied as Applicable w/ 42-202 IC, 42-220 IC.*

SCANNED

JUN 29 2005

SCANNED

JUN 20 2005

22-299D
22-300B

RECEIVED
JUN 1 10 2005

ADDRESS SERVICE
REQUESTED

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

U.S. POSTAL SERVICE
PS FORM 3547

RETURN TO SENDER

fee due 70¢

This information provided by
COMPUTERIZED FORWARDING
1750 FLANDRO DR
POCATELLO ID 83202-1970

WAIT104 834222003 1C04 07 06/07/05
WAITMAN FORM 3547
5682 N BLANTON DR
PRESCOTT VALLEY AZ 86314-3804

PATRICIA WAITMAN
JOHN WAITMAN
PO BOX 1104
DRIGGS ID 83422

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

U.S. POSTAL SERVICE
PS FORM 3547

RETURN TO SENDER

fee due 70¢

This information provided by
COMPUTERIZED FORWARDING
1750 FLANDRO DR
POCATELLO ID 83202-1970

PROFILED

SCANNED
JUN 15 2005

Contacts Data Entry Form

Claim Number: 22-298D

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

Current Owner: J. WATHMAN 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: _____

o/o to J. WATHMAN
PO Box 1104
DRIGGS ID 83422

Rec'd
2004

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

DECEDED UNDER ROXBURG vs. TETON, 1910 AS: TO V. HEGSTED,
30", HORSESHOE CK, SEPT 1 1887.

SUBSEQUENT DECEDES: MADSEN vs. MIDDLE (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. BUXTON

30" FULLY ACCOUNTED (0.60 cfs)

SRBA CLAIM SPLITS AS:

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

* 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 ⇒ WATHMAN

* 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 0.002

Reviewer: _____ Date: _____

PROFILE

SCANNED

MAR 11 2005

Claim Number: _____

Claimed Priority Date: Sept 1, 1887 Claimed Basis: DOCTRINE

Recommended Priority Date: _____ Recommended Basis: _____

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

MATCHES DEGREE

Reviewer: _____

Date: _____

SCANNED

MAD 4 4 1999

PROBLEM

Claim Number: _____

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

Source: _____ Tributary to : _____

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

Source: _____ Tributary to : _____

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

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	4E	22		NWSE	10 TOW	10 SOW CR	10 TOW RIVER
				SWNWSE			

Other rights from this POD? Admittance POD

Transfers Pending or approved: _____

cφ3

Document how the POD and Source were verified:

[illegible]

Reviewer: _____ Date: _____

SCANNED

MAR 11 2005

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	4E	22	NW	SE			10	Prng.
			SW	SE			1	

Total acres 11

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:SUB CLAIM MAP IN 22-3008

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAR 11 2005

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

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

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

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

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Perig	4/15	10/31	0.02	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Sold to Dept STD - (Q AS SPLIT BY EMC (I DON'T UNDERSTAND IT THOUGH)).

Reviewer: _____

Date: _____

PROCESSED

SCANNED

MAR 11 2005

DELOG AR
12-6-04

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

RECEIVED
DEC 06 2004

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

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
22-298D	(SEE DEEDS)				
22-299D					
22-300D					

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 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)

KEVIN & BARBARA MURRAY

4. New Owner/Claimant(s)

SAMUEL CLAUDE, BRAD MURRAY

SEE CLAUDE

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

JOHN WAITHMAN AND PATRICIA WAITHMAN
PO BOX 1104

City, State and ZIP Code

DRIBBS ID 83422

New Telephone Number

(208) 354 0048

5. Date you acquired the property

7/27/00

PROCESSED

SCANNED
MAR 11 2005

RECEIVED

First American Title Company

T-8012

138669

JUL 27 2000

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received ELWIN G. MURRAY and BARBARA L. MURRAY, husband and wife,
an undivided one-fourth interest

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

JOHN D. WAITHMAN and PATRICIA I. WAITHMAN, husband and wife
whose address is: PO BOX 646, BATTLE MOUNTAIN, NV, 89820

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

Beginning at a point that is 25 feet East of the Northwest corner of
the Southeast quarter of Section 22, Township 5 North, Range 44 East,
Boise Meridian, Teton County, Idaho, and running thence South 1650
feet; thence East 169 feet; thence in a Northeasterly direction 1730
feet more or less to a point in the North line of said Southeast
quarter which is 705 feet East of the point of beginning; thence West
705 feet to the point of beginning.

TOGETHER WITH 16 inches of water in Horseshoe Creek.

TOGETHER WITH the following described premises, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of Section
22, Township 5 North, Range 44 East, Boise Meridian, Teton County,
Idaho, and running thence South 1650 feet; thence East 25 feet; thence
North 1650 feet; thence West 25 feet to the point of beginning.

Subject to a County Road Easement along the Western property boundary.

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: 7-25-00

Elwin G. Murray
ELWIN G. MURRAY

Barbara L. Murray
BARBARA L. MURRAY

STATE OF IDAHO)
COUNTY OF Teton) : ss

On this 25th day of July in the year 2000, before me, a Notary Public in and for said State, personally
appeared ELWIN G. MURRAY and BARBARA L. MURRAY, known or identified to me to be the person(s) whose
name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

138669

FILED

AT THE REQUEST OF

First American
AT 30 MINUTES PAST 12 P.M.
DATE July 27, 2000
Nolan S. Boyle
CLERK OF RECORD
BY Nora Dwyer
DEPUTY

Layne W. Price
Notary Public of Idaho
Residing at DRIGGS
Commission Expires 11-19-2000

LAYNE W. PRICE
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

Teton County
My Commission Expires 11-19-2000

138669

RECEIVED

First American Title Company

T-801d

138670

JUL 27 2000

WARRANTY DEEDTETON CO., ID
CLERK RECORDER

For Value Received KURT L. MURRAY, a single man, an undivided one-fourth interest

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

JOHN D. WAITHMAN and PATRICIA I. WAITHMAN, husband and wife
whose address is: PO BOX 646, BATTLE MOUNTAIN, NV, 89820

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

Beginning at a point that is 25 feet East of the Northwest corner of the Southeast quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 169 feet; thence in a Northeasterly direction 1730 feet more or less to a point in the North line of said Southeast quarter which is 705 feet East of the point of beginning; thence West 705 feet to the point of beginning.

TOGETHER WITH 16 inches of water in Horseshoe Creek.

TOGETHER WITH the following described premises, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 25 feet; thence North 1650 feet; thence West 25 feet to the point of beginning.

Subject to a County Road Easement along the Western property boundary.

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:

Kurt L. Murray
KURT L. MURRAY

STATE OF IDAHO)
) ss
COUNTY OF Teton)

On this 26th day of July in the year 2000, before me, a Notary Public in and for said State, person appeared KURT L. MURRAY, known or identified to me to be the person(s) whose name(s) is subscribed to the with instrument, and acknowledged to me that he executed the same.

138670**FILED**

AT THE REQUEST OF

First American

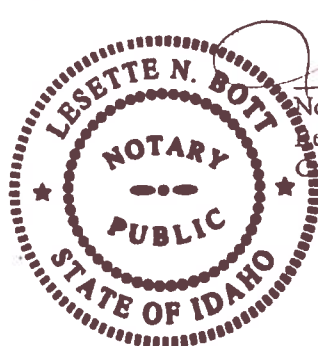
AT 31 MINUTES PAST 12 P.M.

DATE July 27, 2000Nolan G. Boyle

CLERK OF RECORD

BY Nora Rigby

DEPUTY



Lesette N. Bott
Notary Public of Idaho

Residing at Tetonia, Id.

Commission Expires 1-3-06

138670

First American Title Company

T- 8012

138671

RECEIVED

JUL 27 2000

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

For Value Received SAMUAL C. CLAUDE, an undivided one-fourth interest

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

JOHN B. WATTHMAN and PATRICIA I. WATTHMAN, husband and wife
whose address is: PO BOX 646, BATTLE MOUNTAIN, ID, 89820

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

Beginning at a point that is 25 feet East of the Northwest corner of the Southeast quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 169 feet; thence in a Northeasterly direction 1730 feet more or less to a point in the North line of said Southeast quarter which is 705 feet East of the point of beginning; thence West 705 feet to the point of beginning.

TOGETHER WITH 16 inches of water in Konaashos Creek.

TOGETHER WITH the following described premises, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 25 feet; thence North 1650 feet; thence West 25 feet to the point of beginning.

Subject to a County Road Easement along the Western property boundary.

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 provided 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:

Samuel O. Claude
SAMUAL O. CLAUDE

STATE OF IDAHO)

COUNTY OF Blaine) ss

On this 25 day of July in the year 2000, before me, a Notary Public in and for said State, personally appeared SAMUAL O. CLAUDE, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.

138671

FILED

AT THE REQUEST OF

First American

AT 32 MINUTES PAST 12 PM

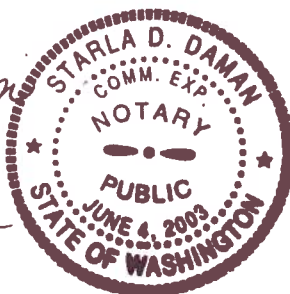
DATE July 27, 2000

Notary D. Boyle

CLERK OF RECORD

BY Nora Rigby

DEPUTY



Starla D. Daman
Notary Public of WA
Residing at Beaver
Commission Expires June 4, 2003

SCANNED
PROFILED
MAR 11 2005

138672

RECEIVED

JUL 27 2000

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

For Value Received SUE A. CLAUDE, an undivided one-fourth interest

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

JOHN D. WAITMAN and PATRICIA L. WAITMAN, husband and wife
whose address is: PO BOX 646, BATTLE MOUNTAIN, NV, 89820

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

Beginning at a point that is 25 feet East of the Northwest corner of the Southeast quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 169 feet; thence in a Northeasterly direction 1730 feet more or less to a point in the North line of said Southeast quarter which is 705 feet East of the point of beginning; thence West 705 feet to the point of beginning.

TOGETHER WITH 16 inches of water in Horseshoe Creek.

TOGETHER WITH the following described premises, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 25 feet; thence North 1650 feet; thence West 25 feet to the point of beginning.

Subject to a County Road Easement along the Western property boundary.

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:

SUE A. CLAUDE

STATE OF Washington
COUNTY OF CIdaho

On this 25th day of July in the year 2000, before me, a Notary Public in and for said State, personally appeared SUE A. CLAUDE, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public of
Residing at Port Angeles
Commission Expires May 13, 2004

138672
FILED

AT THE REQUEST OF

First American
AT 33 MINUTES PAST 12 p.m.
DATE July 27, 2000
Nolan G. Boyle
CLERK OF RECORD
BY Nora High
DEPUTY

SCANNED

MAR 11 2005

PROFILE

T-8012

138673

RECEIVED

JUL 27 2000

TETON CO. ID
CLERK RECORDER

WARRANTY DEED

For Value Received BRAD L. MURRAY, a single man, an undivided one-fourth interest

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

JOHN D. WAITHMAN and PATRICIA I. WAITHMAN, husband and wife
whose address is: PO BOX 646, BATTLE MOUNTAIN, NV, 89820

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

Beginning at a point that is 25 feet East of the Northwest corner of the Southeast quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 169 feet; thence in a Northeasterly direction 1730 feet more or less to a point in the North line of said Southeast quarter which is 705 feet East of the point of beginning; thence West 705 feet to the point of beginning.

TOGETHER WITH 16 inches of water in Horseshoe Creek.

TOGETHER WITH the following described premises, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 25 feet; thence North 1650 feet; thence West 25 feet to the point of beginning.

Subject to a County Road Easement along the Western property boundary.

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

Brad L. Murray
BRAD L. MURRAY

STATE OF Nebraska
COUNTY OF Lincoln

On this 25 day of July in the year 2000, before me, a Notary Public in and for said State, personally appeared BRAD L. MURRAY, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Cynthia S. Willadsen
Notary Public of
Residing at
Commission Expires

138673

FILED

AT THE REQUEST OF

First American

AT 34 MINUTES PAST 12 P.M.

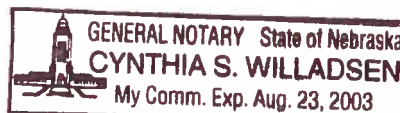
DATE July 27, 2000

Nolan G. Boyle

CLERK OF RECORD

BY Nora Rigby

DEPUTY



PROFILE

SCANNED

MAR 11 2005

138673



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

November 18, 2004
EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN WAITHMAN
PO BOX 1104
DRIGGS ID 83422

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-298D,
22-299D, 22-300B

Dear Mr. Waithman:

It has come to our attention that you may have recently purchased a tract of land in Teton County. The property to which I am referring was most recently owned by the Murray's and the Claude's. The legal description is as follows:

T05N, R44E, S22, W1/2 SE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

SCANNED

MAR 11 2005

PROTECTED



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

MARCH 11, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KURT MURRAY ET AL
PO BOX 612
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP FOR A22-00298D, -00299D,
& -00300B

Dear Mr. Murray:

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 copies of the Notice(s) of Claim, 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: Notices of Claim

SCANNED

MAR 11 2005

MICROFILMED

NOV 06 2005

PROFILED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAR 08 1996

Department of Water Resources
Eastern District Office

DATE OF CLOSING: Sept. 15, 1995

LEGAL DESCRIPTION OF PROPERTY: Township 5 NORTH Range 44 EAST
Section 22, ~~XX~~ 1/4 of 1/4 of 1/4 Govt. Lot , BM.

Lot , Block , Subdivision/Townsite

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

See attached sheets
warranty + quitclaim deeds.

[] 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: A22-00298D, A22-00299D, A22-00300B

[] Name and Address of Former Owner/Claimant(s)(Seller): MARVIN W WILSON
736 GRANT

[] New Owner/Claimant (Purchaser): ALL NAMES ELWIN MURRAY, BARBARA MURRAY, KURT MURRAY

[] New Mailing Address: and BRAD MURRAY
P.O. BOX 612

[] New Telephone Number: DRIGGS, IDAHO, 83422
(208) 354-8445

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

ALL water rights, are transferred to new owners

3-11-96 per telephone, add Sam & Sue Claude (Brad Murray's request). Do NOT add: Delia (no longer a wife)

[] Attach proof of ownership, describe proof attached: WARRANTY DEED and QUITCLAIM 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): Brad Murray Date 4/5/96

[] Signature of Former Owner/Claimant(s): _____ 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.)

See attached warranty deed and Quitclaim deed.

SCANNED

MAR 11 2005

MICROFILMED

NOV 16 1996

PROFILER

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

SEP 15 1995

121321

Furnished by FIRST AMERICAN TITLE COMPANY
Formerly TARGHEE TITLE CO.

TETON Co. Id.
Clerk Recorder

WARRANTY DEED

For Value Received: ELWIN G. MURRAY & BARBARA L. MURRAY, husband & wife, an undivided one-third interest; KURT L. MURRAY & DELIA L. MURRAY, husband & wife, an undivided one-third interest; BRAD L. MURRAY, a single man, an undivided one-third interest; all as tenants in common

the grantors do hereby grant, bargain, sell and convey unto ELWIN G. MURRAY & BARBARA L. MURRAY, husband & wife, an undivided one-fourth interest; KURT L. MURRAY, a single man, an undivided one-fourth interest; BRAD L. MURRAY, a single man, an undivided one-fourth interest; SAMUEL O. CLAUDE & SUE A. CLAUDE, husband & wife, an undivided one-fourth in terest; all as tenants in common

the grantees, the following described premises, to-wit:

Beginning at a point that is 25 feet East of the Northwest corner of the Southeast quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 169 feet; thence in a Northeasterly direction 1730 feet more or less to a point in the North line of said Southeast quarter which is 705 feet East of the point of beginning; thence West 705 feet to the point of beginning.
Together with 16 inches of water in Horseshoe Creek.

Together with the following described premises, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 25 feet; thence North 1650 feet; thence West 25 feet to the point of beginning.

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 Grantees, their heirs and assigns forever.

DATED: 9-15-95

Elwin G. Murray
Elwin G. Murray

Barbara L. Murray
Barbara L. Murray

Brad L. Murray
Brad L. Murray

SCANNED

MAR 11 2005

Kurt L. Murray
Kurt L. Murray

STATE OF IDAHO, COUNTY OF

On this 15th day of September, 1995, before me, a notary public in and for said State, personally appeared Elwin G. Murray, Barbara L. Murray, Brad L. Murray & Kurt L. Murray

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

[Signature]
Notary Public

Residing at V. 1st, 3rd
Comm. Expires 2/22/2002

, Idaho

121321

FILED

AT THE REQUEST OF

Barbara Murray

AT 10 MINUTES PAST 1 P. M.

DATE Sept. 15, 1995

Ana J. Drake
CLERK OF RECORDER

BY Nora Righy
DEPUTY

Filmed _____
Indexed _____
Platted _____

INSTRUMENT NO.

121321



First American Title Company

POOR ORIGINAL

Furnished by First American Title Company
Formerly The Bingham Title & Trust Co.

QUITCLAIM DEED

For Value Received JULIA J. RIPPLINGER aka JULIA J. CHRISTENSEN

do hereby convey, release, remise and forever quit claim unto ELWIN G. MURRAY & BARBARA L. MURRAY, husband & wife, an undivided 1/3 interest; KURT L. MURRAY & DELIA L. MURRAY, husband & wife an undivided 1/3 interest; BRAD L. MURRAY, a single man, an undivided 1/3 interest all as tenants in common. P.O. Box 612, Driggs, Idaho 83422 the following described premises, to-wit:

Beginning at the Northwest corner of the Southeast Quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 25 feet; thence North 1650 feet; thence West 25 feet to the point of beginning.

together with their appurtenances.

Dated:

Julia J. Ripplinger
Julia J. Ripplinger

Julia J. Christensen
Julia J. Christensen

STATE OF IDAHO, COUNTY OF Teton
On this 25th day of October 1988
before me, a Notary Public in and for said State, personally appeared

Julia J. Ripplinger
Julia J. Christensen
Known to me to be the persons who are name
in the within instrument, and acknowledged to me that they executed the same.
Robert J. Kunkle
Notary Public
Teton County, Idaho
10-25-88

103308
FILED

AT THE REQUEST OF

First American
AT 30 MINUTES PAST 9 a.m.
DATE Nov 2, 1988
C. Wayne Schiess
CLERK OF RECORDER
BY *Nora Hill*
DEPUTY

FILMED ☒
INDEXED ☒
PLATED ☒

RECORDED
MAR 11 2005

Insured by FIRST AMERICAN TITLE COMPANY
 First American Title Co.

WARRANTY DEED

For Value Received MARVIN WARD WILSON REVOCABLE TRUST

the grantors, do hereby grant, bargain, sell, and convey unto ELWIN G. MURRAY & BARBARA L. MURRAY, husband & wife, an undivided one-third interest; KURT L. MURRAY & DELIA L. MURRAY, husband & wife, an undivided one-third interest; BRAD L. MURRAY, a single man, an undivided one-third interest; all as tenants in common, P.O. Box 612, Driggs, Id. 83422 the grantees, the following described premises, to-wit:

Beginning at a point that is 25 feet East of the Northwest corner of the Southeast quarter of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence South 1650 feet; thence East 169 feet; thence in a Northeasterly direction 1730 feet more or less, to a point in the North line of said Southeast quarter which is 705 feet East of the point of beginning; thence West 705 feet to the point of beginning.

Together with 16 inches of water in Horseshoe Creek.

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 Grantees, their heirs and assigns forever. And the said Grantor, do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 1, 1988

Marvin Ward Wilson Trustee
 Marvin Ward Wilson Trustee
 Marvin Ward Wilson Revocable Trust

SCANNED

MAR 11 2005

MICROFILM

STATE OF IDAHO, COUNTY OF Converse
 On the 1st day of October, 1988,
 before me, a Notary Public in and for said State,
 personally appeared:

Marvin Ward Wilson, Trustee of the
 Marvin Ward Wilson Revocable Trust

known to me to be the person who's name is
 subscribed to this instrument, and acknowledged to
 me that he executed the same.

Delia M. Allison
 Notary Public

103309

FILED

AT THE REQUEST OF

First American

30 MINUTES PAST 9 a.m.

DATE Nov 2, 1988

G. Wayne Schiess

CLERK & RECORDER

New Hill

FILED	☒
INDEXED	☒
PLATTED	☒

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A22-00298D,
00299D,
00300B

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jo

Date 2-7-96

Contact Person(s) Knight, Richard (354-8601)
(354-2976)

Nature of Contact TRACKING above claims; telephone conversation with Mr Knight.

Substance of Communication These three claims were "pulled" in order to make minor corrections in (Tony Shembach) D. Base. Discovers a/c/p had been done w/o documentation attached. Efforts to locate new owner were not good. Since Mr Knight owns property in some 1/4, I asked him to help me locate the new owner, Mr Elvin Murray. He will contact Murray's son for address + send to me with a Warranty Deed he's getting for me for I will then need to contact Mr Murray, + send c/o form to him to sign + return to me.

Jo 2-28-96- Mr Knight contacted son, Kent to send c/o form to son to sign + return to me for processing. Since there will be several names on the Deed, it will not be necessary to contact Elvin Murray in this case, Kent, can handle it.

MICROFILMED
NOV 06 1996

MAR 11 2005

PROFILED

10/4/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Wilson CLAIM ENT. NO. A22-00298DDATE RECEIVED 10-6-88 CK # 872 AMOUNT \$ 166⁰⁰ 3 claims

1. Is the name and address complete with zip code? YES ✓ NO —
2. Is a priority date entered? YES ✓ NO —

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. ✓

3. (a) Is a source entered? ✓
- (b) Is a tributary to entered? (if required) N/A ✓

4. Is the legal description of the p.d. sufficient? ✓

5. Is there a description of the diverting works? ✓

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓

Is the period of use included? ✓

Is a quantity claimed for each use? ✓

7. Is a total quantity claimed entered? ✓

8. If required is a consumptive use entered? N/A ✓

Is the consumptive use correct? N/A ✓

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. WA

10. Is (are) the place(s) of use entered? ✓

11. Is (are) the county(ies) entered? ✓

12. Is the ownership of p.u. checked? ✓

13. Are other water rights listed or "none" checked? ✓

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓

15. Is the basis of the claim checked? ✓

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ✓

Has the claim been signed, sealed, and dated by a notary? ✓

Was this claim filed on time, or was an extension granted? ✓

Is the fee enclosed correct? ✓

If this claim is based on an existing water right, has the identification number been entered? N/A ✓

Should this claim be receipted and data entered? ✓

MAR 1 1 2005

Claim checked by: CAComments: On Host Master 10-20-88 CA

MICROFILMED

NOV 04 1992

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, COUNTY OF TETON

NEWEL MADSEN,

Plaintiff,

vs.

R. G. NIELSEN, as Water Master of
Water District No. 360 of the
State of Idaho; and LOUIE BUXTON,

Defendants,

and

ALBERT GILBERT,

Intervenor.

AT TETON, IDAHO, N.
DATE 4/13/1933

Earl Flood
CLERK OF DIST. COURT
BY

DECEMBER

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 Teton, Teton County, Idaho. Merrill E. Merrill, Attorneys at Law, and Newel Madsen, Attorney at Law, appeared for and on behalf of the plaintiff; George L. Edgington, Attorney at Law, appeared for and on behalf of the defendant, Louie Buxton. The defendant, R. G. Nielsen as Water Master of Water District No. 360 did not appear in person or by attorney. S. W. 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. Edlofsen, as Water Master of Water District No. 330 of the State of Idaho, John H. Clausen, John E. C. Kruger, Sallie C. Gaines, Newel Gaines, 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. Edlofsen ceased to act as Water Master of District No. 360, as aforesaid, and that R. G. Nielsen 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. Edlofsen; and it further appeared that thereafter the said original defendants, John H. Clausen, John E. C. Kruger, Sallie C. Gaines, Newel Gaines, 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. Nielsen 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 amended Complaint and Answer, the 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, wherein it is decreed, that to wit:

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 abandoned by the said Burton and her predecessors-in-interest, that is to say: that the plaintiff is entitled to divert from the main channel of Horsehoe 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 (235) miners inches with a priority of June 1, 1899, and one hundred sixty (160) miners inches with a priority of June 1, 1900. Said waters are to be diverted from said Horsehoe Creek at a point near the South line of the Northeast quarter of the Northwest quarter (NE 1/4) 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 (SE 1/4) and the East half of the Southeast quarter (E 1/2), of Section Twenty-two (22); the Northwest quarter of the Northeast quarter (NW 1/4), the Northeast quarter of the Northwest quarter (NE 1/4), and the East half of the Northeast quarter (E 1/2), 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 Horsehoe Creek from the natural flow of water ten (10) miners inches with a priority of September 1, 1897, and 35 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 (NE 1/4) of Section Twenty-seven (27), Township 5, North Range 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 (SW 1/4) 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 Horsehoe Creek, from the natural flow of the water thereof, one hundred and twenty (120) miners inches of water with a priority of June 1, 1902, and forty (40) miners inches of water with a priority of June 1, 1903. 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.

Jay 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 B. C. Fickle 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 19th day of July, A. D. 1933.

Earl Floyd
Auditor and Recorder.

By Bert L. Smith
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: **A22-00298D**
Date Received: 10/18/1988
Receipt No: E003277
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	ELWIN MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	BARBARA MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	KURT MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	BRAD MURRAY	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	SAMUEL O CLAUDE	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422
OR		
Name:	SUE A CLAUDE	208-354-8445
Address:	PO BOX 612	
	DRIGGS ID	83422

2. Date of Priority: SEP 1, 1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	22	NW	SW	SE		TETON

5. Description of diverting works:
PUMP, HANDLINE SPRINKLERS.

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6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.020		

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

A.F.A.

8. Total consumptive use is 32.0 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	22	NW	SE	IRR	14.0
			SW	SE	IRR	2.0

Section Acres 16.0

Total Acres 16.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-00300B,A2200299D

14. Remarks:

THIS RIGHT WAS ORIGINALLY PART OF WATER RIGHT #220298A.
MODIFIED "HORSE SHOE" 2/6/96/JT
CHANGED OWNERSHIP 3/11/96/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/17/1933

NEWELL MADSEN

Decree Plaintiff

R. G. MIEKLE

vs

Decree Defendant

NOV 06 2005

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: A22-00298D
Date Received: 9/29/1988
Receipt No: E003277
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN W. WILSON
Address: 736 GRANT
DOUGLAS, WY

82633

208-358-4384

2. Date of Priority: SEP 01, 1887

3. Source: HORSE SHOE CREEK

Trib. to: TETIN RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	22	NW	SW	SE		TETON

5. Description of diverting works:
PUMP, HANDLINE SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.020		

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

A.F.A.

8. Total consumptive use is 32.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	44E	22	NW	SE		IRR	14.0
			SW	SE		IRR	2.0

Section Acres 16.0

A22-00298D

Page

1

Date: 09/29/88

MAR 1 1989

PROFILE

SCANNED
RECEIVED
MAR 1 2005

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NOV 04 1992

Department of Water Resources
District Office



10. Place of Use: Continued

Total Acres 16.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
A22-00300B,A2200299D

14. Remarks:
THIS RIGHT WAS ORIGINALLY PART OF WATER RIGHT #220298A.

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): Marvin Wilson Date: 10-4-88

Date: _____

State of Wyoming)
~~Idaho~~) SS.
County of CONVERSE)

Subscribed and sworn (or affirmed) before me this 4th day

of October 19 88

Shelia M. Allgood
Notary Public

Seal

Residing at Douglas, Wyo
My Commission Expires 8-19-89

PROFILING

SCANNED MICROFILMED
MAR 11 2005 NOV 04 1992



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

PROFIT

R44E

SCAN

MAR 11 2005

111°15'

481000m.E.

43°45'

48 4300m.N.

P.D.-

0820298014

7.661 4 0 AON

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