

02/15/2006

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

RIGHT NUMBER: 22-387A

NAME AND ADDRESS: HIBBERT FARMS INC
RT 1 BOX 3220
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/01/1899

POINT OF DIVERSION:

T04N R44E S14 SENWNE Lot 2 Within TETON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.800 CFS

PLACE OF USE: IRRIGATION Within TETON County

T04N R45E S18 Lot 1 NWNW 30.00

30 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/15/2006

**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: 22-387A

HIBBERT FARMS INC

RT 1 BOX 3220

DRIGGS ID 83422

Telephone Number: (307)353-2704

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: 12/08/06

SIGNATURE: Rex A. Hibbert Sec.

Please print your name: Rex A. Hibbert Sec.

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

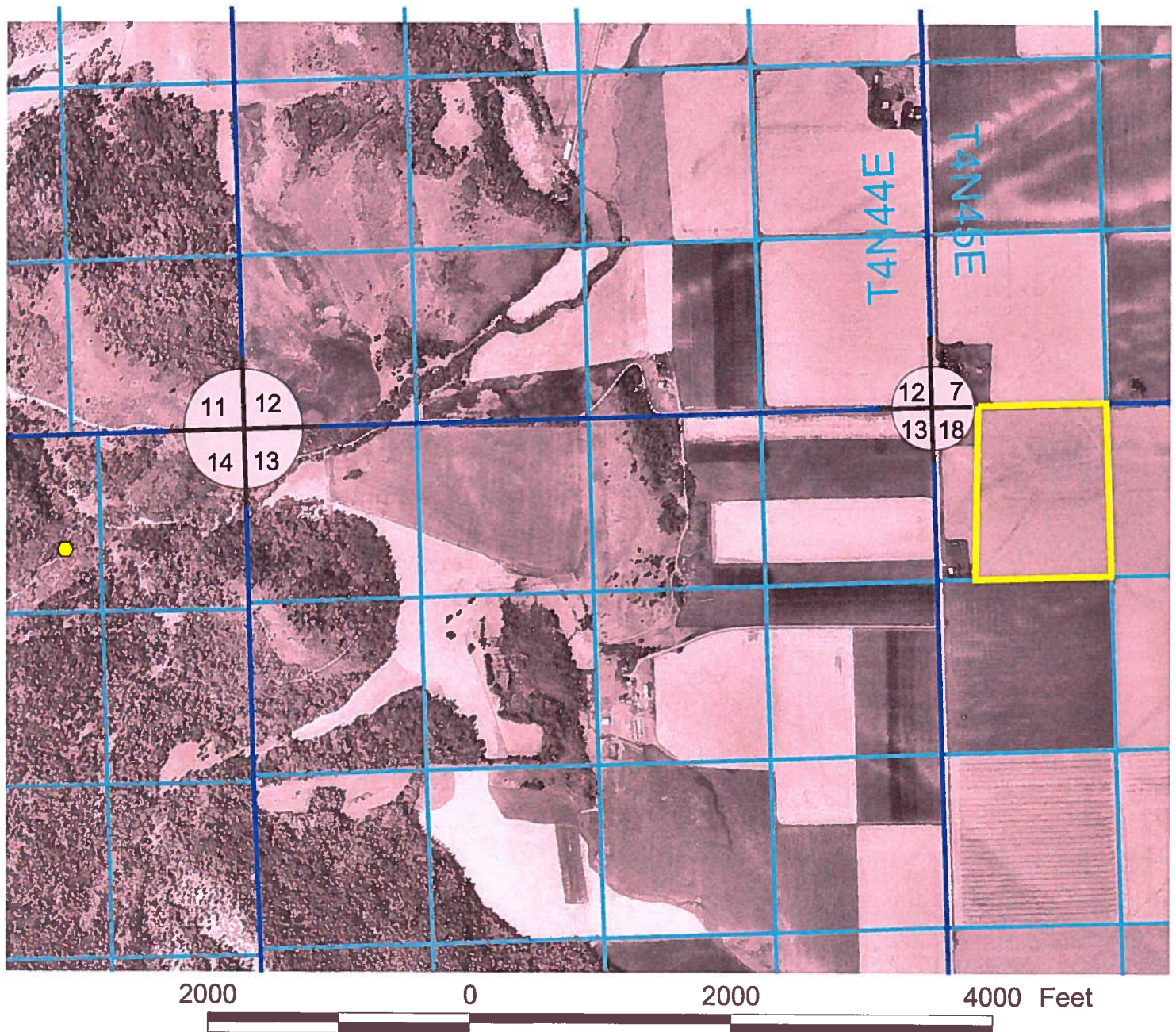
QC



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-387A



- Place of Use
- Points Of Diversion
- Sections
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Feb. 2006



- Claimant owns 36 acres of the 160 decreed acres. which equals .72cts. Am allowing .8 cts to be recommended for conveyance losses although claimants only claim 30 acres.

Decree, (Rex vs. Telon)
William P. Lund 6-1-1899 160 acres 3.2cts.
POU
lots 1, 2, 3, + N1/4SW Sec 18 4N 4SE
Mahogany Cr.

TG 2-15-06



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 15, 2006

HIBBERT FARMS INC
RT 1 BOX 3220
DRIGGS ID 83422

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-387A

Dear Mr. Hibbert:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) 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 listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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.

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, 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
	<u>A2200387A</u>				
					+

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) 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)

E. Dale Josephson EVA F. Josephson
11101 Fairview, Space 36

4. New Owner/Claimant(s)

Boise, Id. 83704

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Hibbert Farms Inc.

City, State and ZIP Code

3150 S. State Line Rd.

New Telephone Number

(307) 353 2704

5. Date you acquired the property

TOWN COUNTY ASSESSOR
NAY THOMAS
N MAIN #2
PO BOX 10 33422

ASSESSMENT NOTICE

& ESTIMATE OF TAX

DO NOT PAY.

PARCEL DESCRIPTION:

LOT 1 LESS TAX #2012 & 2013
SEC 18 T4N R40E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (202) 354-3537

PARCEL ADDRESS:

HILBERT FARMS INC

LOT 1 BOX 3220
PO BOX

PO 33422

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 27, 2006

Tax Code Area: 13 0000

Parcel Number: 04145183102 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 ACOTD AD	19.400 AC	12,730	12,730
DRY GRADING	3.071 AC	114	114
FURAL HOMESITE	1.300 AC	1,350	1,350
WASTE	2.500 AC		
SUBTOTAL:	30.071	23,194	23,194
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		23,194	23,194

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
CITY			202 354 2955	08/22/2005
DIST 401			202 354 2207	08/13/2005
RATES				NOT REQUIRED
PROTECTION			202 354 2755	03/25/2005
LIBRARY			202 747 2201	03/05/2005
AMBULANCE				NO RESPONSE
SUBTOTAL:				
FEES:				
TOTAL PROPERTY TAXES & FEES:				

RECEIVED
FEB 13 2006

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

Department of Water Resources
Eastern Region

RECEIVED

118353

American Land Title Co.
P.O. Box 644
Driggs, ID 83422

DEC 05 1994

TETON Co. Id.
CLERK

WARRANTY DEED

Warranty deed made this 5th day of Dec., 1994, between DALE and EVA JOSEPHSON, husband and wife, of 11101 Fairview Ave., Space 54, City of Boise, County of Ada, State of Idaho 83713, referred to as Grantors, and HIBBERT FARMS, INC., HANS J. HIBBERT, President, of Rural Route 1, Box 3220, Driggs, Idaho 83422, referred to as Grantees.

Grantors in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and do hereby grant, bargain, sell, convey, and confirm unto Grantees and their heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

NW¼NW¼, Section 18, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, less:

Commencing at a point 1 rod South and 2 rods East of the NW corner of the NW¼ (Lot 1) of said Section 18; thence East 16 rods; thence South 16 rods; thence West 16 rods; thence North 16 rods to the point of beginning.

Subject to the condition that Grantees may not sell the improved portion, which is the southwest most one and one-half (1½) acre, sooner than the expiration of the Farmland Lease on the surrounding property which is December 1, 2001.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantees and their heirs and assigns forever.

And Grantors and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees, their heirs, and assigns against Grantors and their heirs and against all and every person and persons

WARRANTY DEED-1

118353

RECEIVED

FEB 13 2006

Department of Water Resources
Eastern Region

whomsoever, lawfully claiming the same.

Grantors have hereunto set their hand on the day and year first above written.

Dale Josephson

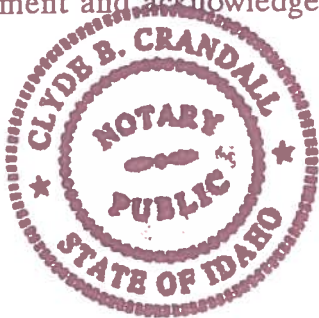
DALE JOSEPHSON, Grantor

Eva Josephson

EVA JOSEPHSON, Grantor

STATE OF IDAHO)
 : ss.
County of Teton)

On this 2 day of DEC., in the year of 1994, before me, a Notary Public in and for said State, personally appeared DALE and EVA JOSEPHSON, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Clyde B. Crandall

Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 10/13/2000

118353

FILED

AT THE REQUEST OF

American Land

AT 10 MINUTES TO 4 P.M.

DATE December 5, 1994

Ass. J. Drake

CLERK OF THE RECORDER

BY Gayle Dresler

DEPUTY

Filed _____
Indexed _____
Filed _____

WARRANTY DEED-2

RECEIVED

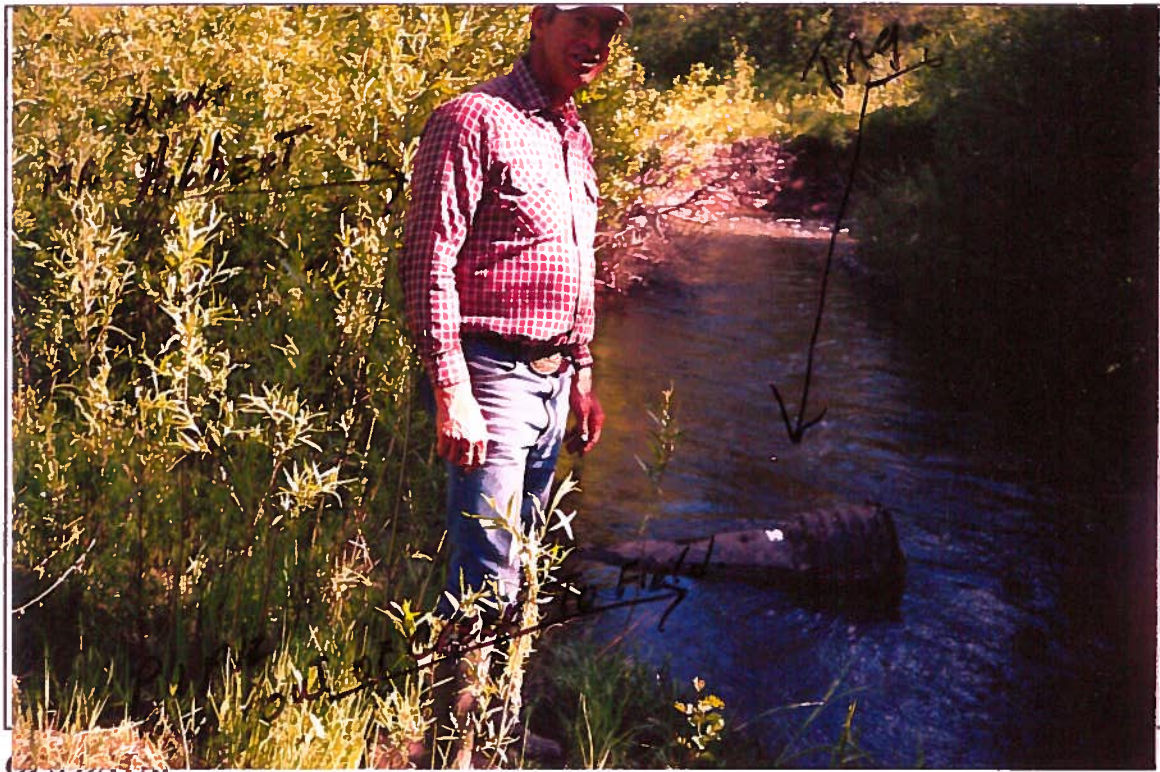
FEB 13 2006

Department of Water Resources
Eastern Region

1-31-06 - called Hibert farms about
ownership issues. No answer. Claim
still in name of Josephson. Have
c/o form but no deed found.

2-1-06 called & talked to Rex. He said
he would send a copy of the
deed.

Water Right No(s). 12200387A



Tag # A0013808 Location: ON DIVERSION PIPE

Well Data:

MOTOR

Make: GRAVITY Flow Model: _____ Hp: _____
SN: _____

PUMP

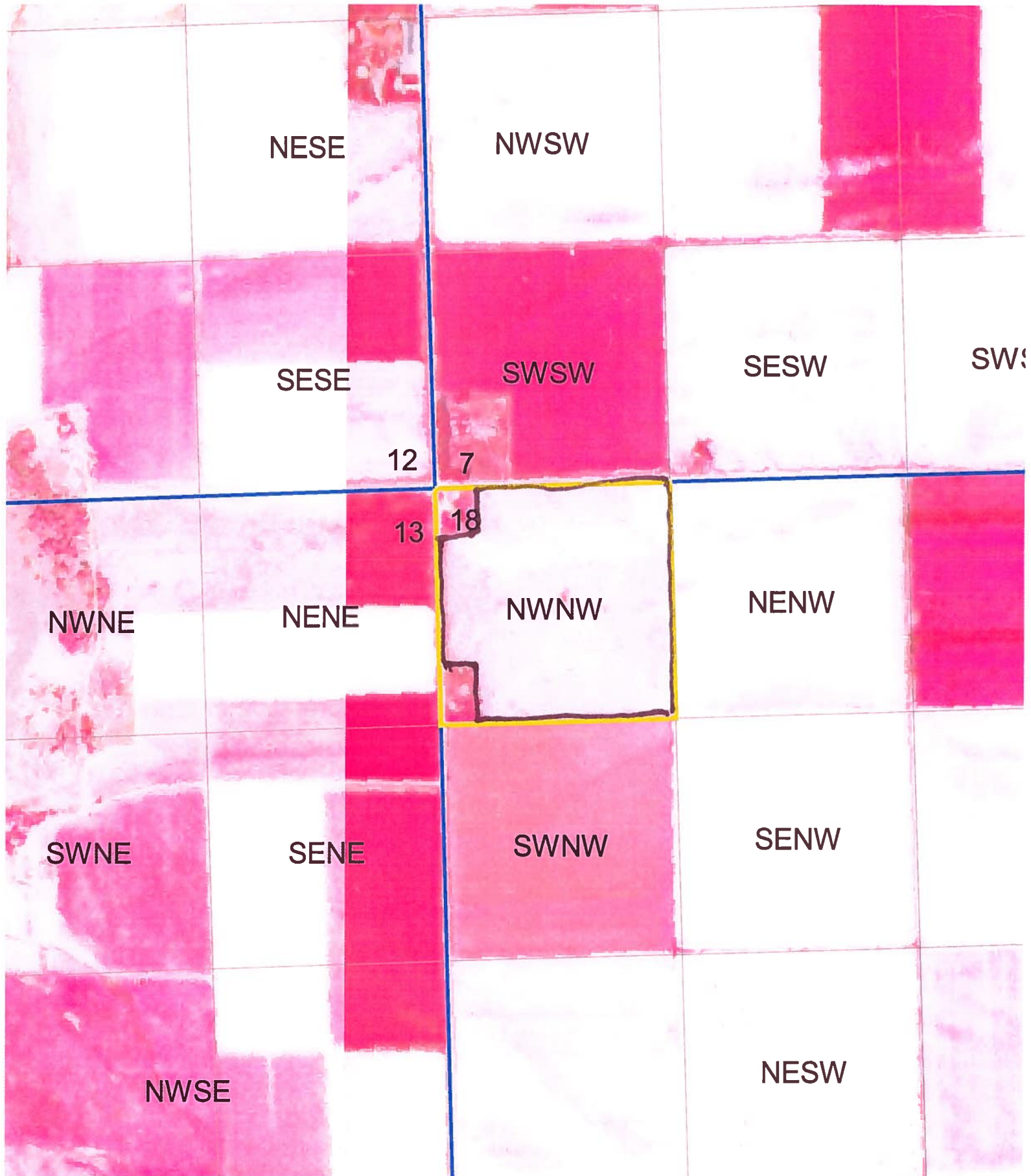
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

photo #1 in south direction water is diverted
from milligan creek into diversion pipe to
field under gravity flow.

Field Exam Date: 6-21-04 Agent: NICK OLSON

22-387A



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: A22-00387A
Date Received: 9/07/1988
Receipt No: C002500
Received By: CZ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. DALE JOSEPHSON 208-375-6723
Address: 11101 FAIRVIEW, SPACE 36
BOISE, ID 83704
OR
Name: EVA F. JOSEPHSON 208-375-6723
Address: 11101 FAIRVIEW, SPACE 36
BOISE, ID 83704

A2200387A

2. Date of Priority: JUN 01, 1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	14	NW	NE	NE		TETON

5. Description of diverting works:
HEADGATE DIVERTS INTO GRAVITY FLOW PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-00387A

Page 1

Date: 09/07/88

MICROFILMED
NOV 04 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	18	NW	NW	1	IRR	30.0
Section Acres							30.0
Total Acres							30.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

REXBURG IRRIGATION CO., ET. AL
Decree Plaintiff

vs

TETON IRRIGATING CANAL CO., ET
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: -1-

For Individuals:

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

Signature of Claimant(s): E. Dale Josephson Date: 9-7-1988
Evan J. Josephson Date: 9-7-1988

State of Idaho)
County of Ada) SS.

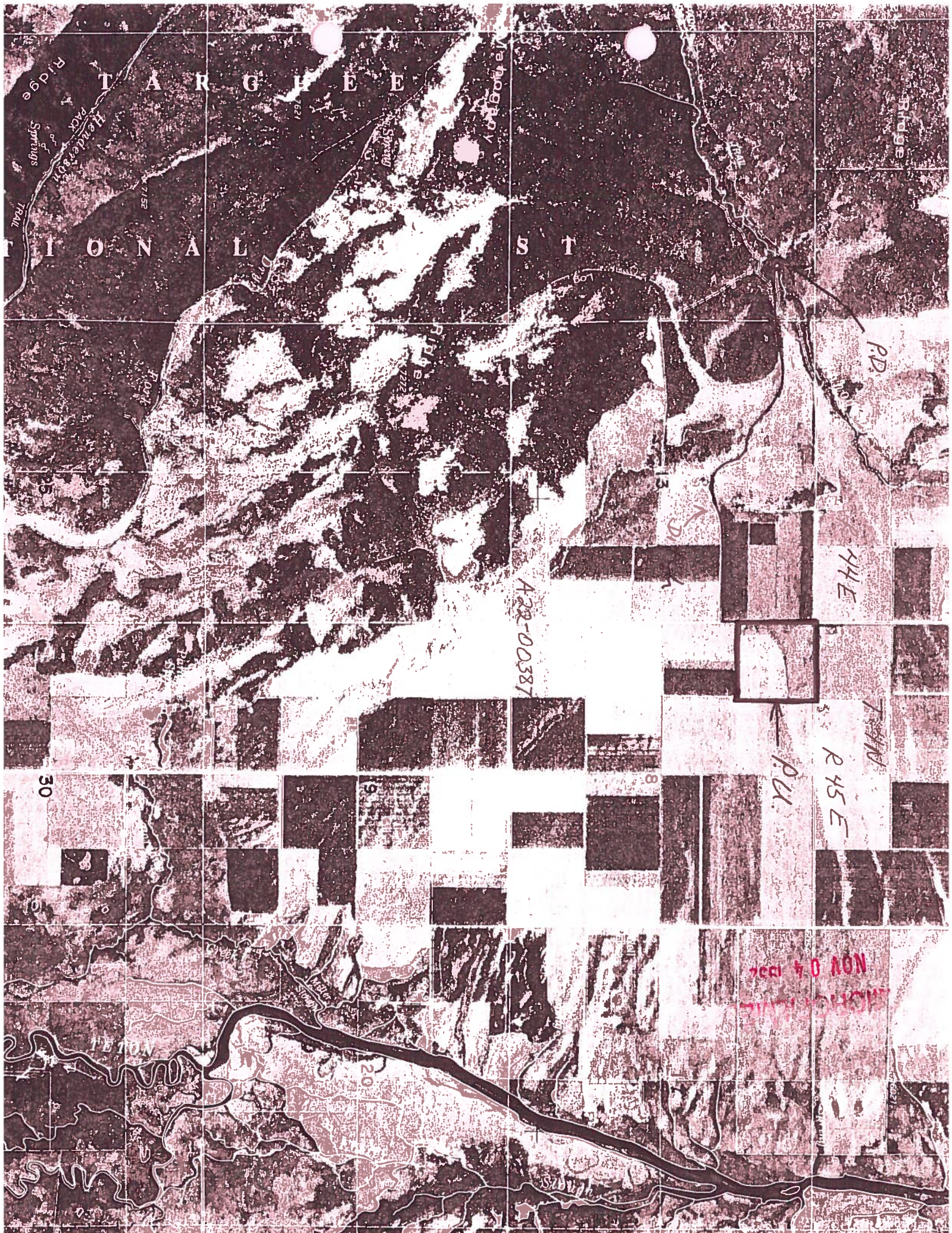
Subscribed and sworn (or affirmed) before me this 7th day

of September 19 88

Carter Fritschle
Notary Public

Seal

Residing at Eagle, Id
My Commission Expires 3-21-94



T A R G H E E

N A T I O N A L S T

PD

R 45 E

T 44 N

A 28-00387

TETON

NOV 4 1964