12/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-500B

NAME AND ADDRESS: RICHARD BERG
3670 MANDEVILLE CANYON RD
BRENTWOOD CA 90049

MAVIS GALLENSON
3670 MANDEVILLE CANYON RD
BRENTWOOD CA 90049

SOURCE: SPRING CREEK TRIBUTARY: TETON CREEK

QUANTITY: 0.680 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T05N R46E S31 SWNWSW Within TETON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.680 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R46E S31 NWSW 34.00

34 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

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

JAMES E. RISCH
Governor
KARL J. DREHER
Director

December 12, 2006

MAZIS GALLEONSON
99 ASPEN
DRIGGS ID 83422

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-500B

Dear Claimant:

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 Bernice C. Hathaway-Powell. The legal description is as follows:

T05N, R46E, S31, NWSW

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

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

11/16/2006

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: 22-500B

BERNICE C HATHAWAY-POWELL
PO BOX 323
TETON ID 83451
Telephone Number: (208)458-4509

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: _____ **SIGNATURE:** _____

Ple

HP Professional Services
Make open systems a reality

HEWLETT-PACKARD

I sold this property in Aug. 2005 to a fellow by the name of MAZIS GALIEONSON —
99 Aspen
DRIGGS, ID. 83422

COPD

12/14/2006

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: ASAP Fax 208-525-7177

Water right number: 22-500B

RICHARD BERG
3670 MANDEVILLE CANYON RD
BRENTWOOD CA 90049

MAVIS GALLENSON
3670 MANDEVILLE CANYON RD
BRENTWOOD CA 90049

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

Point of Diversion moved slightly on map.
Acreage is just over 39 acres. Not 34.

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

Acreage is 39 just over 1 acres.

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: 12/19/06 **SIGNATURE:** [signature] [signature]

Please print your name: Richard Berg Mavis Gallenson

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

deadline 12-11-06
JC

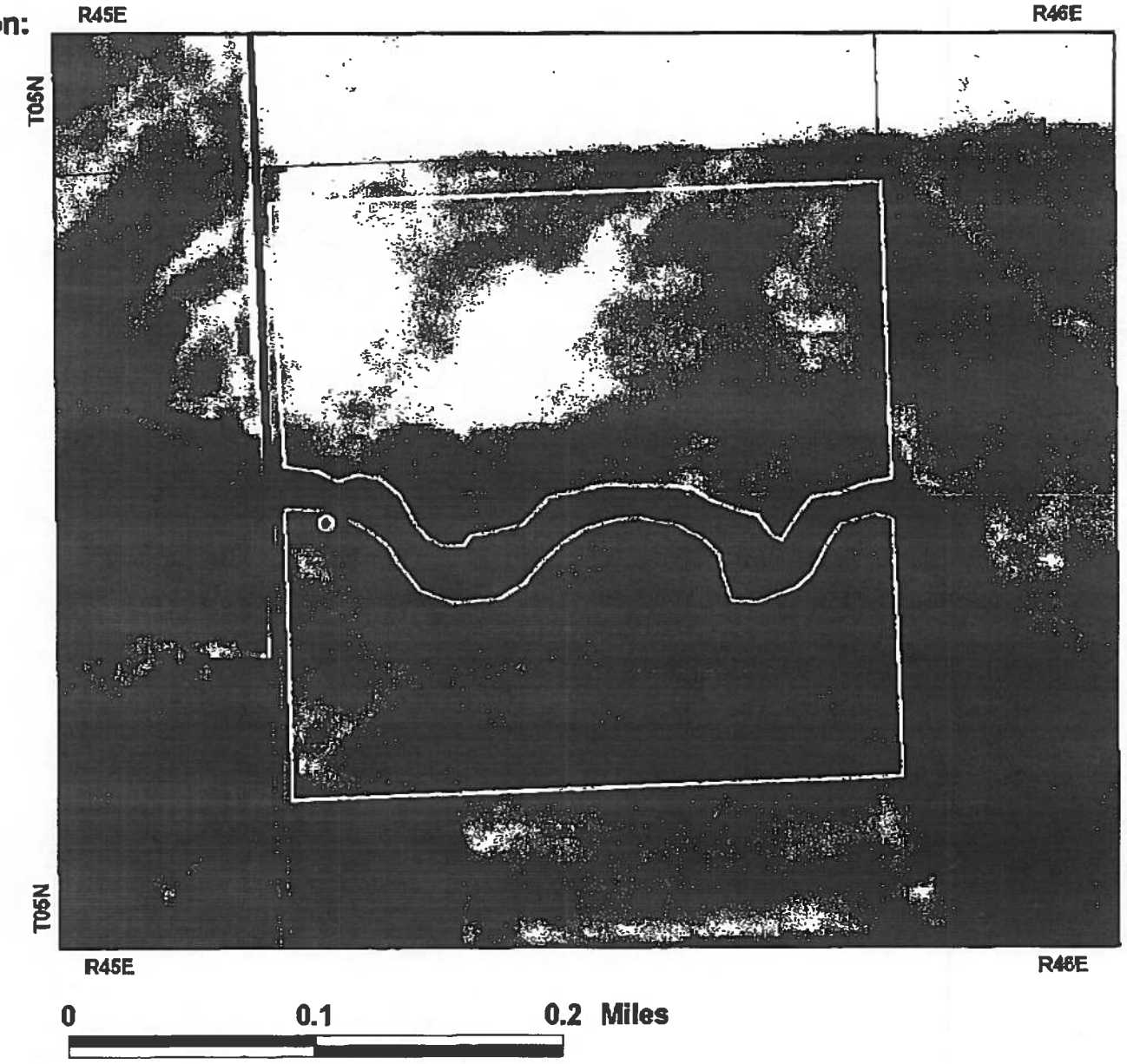
Received Time Dec. 19. 3:50PM

Idaho Department of Water Resources

SRBA Recommendation:

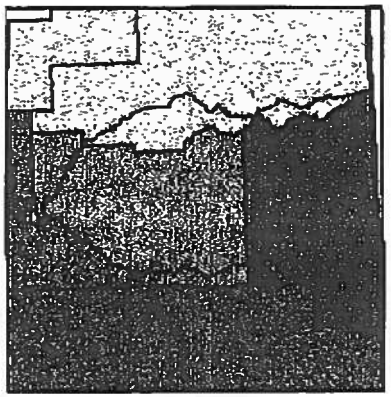
22-500B

(Irrigation)



Legend

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



Teton County
IDWR Basin 22

N

Prepared by C. Bird
On Thursday, December 14, 2006
1987/88 Aerial Photography

Received Time Dec. 19. 3:50PM

12/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-500B

NAME AND ADDRESS: RICHARD BERG
3670 MANDEVILLE CANYON RD
BRENTWOOD CA 90049

MAVIS GALLENSON
3670 MANDEVILLE CANYON RD
BRENTWOOD CA 90049

SOURCE: SPRING CREEK TRIBUTARY: TETON CREEK

QUANTITY: 0.680 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T05N R46E S31 SWNWSW Within TETON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.680 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R46E S31 NWSW 39.00 ~~34~~

~~34~~ 39 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

Form 42-248/42-1409(6) July, 2000

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 (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
	22-500 B				

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): Bernice C. Hathaway – Powell

4. New Owner/Claimant(s): MAVIS GALLENSON and Richard Berg
   Name Connector (Check one): [x] and, [ ] or, [ ] and/or

   New Mailing Address: 3670 Manderville Canyon Rd

   City, State and ZIP Code: Brentwood CA 90049

   New Telephone Number: (310) 601 7938

5. Date you acquired the property: 7-15-2005

RECEIVED
DEC 21 2006
By CB

RECEIVED
DEC 1 2006
By CB

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) _____

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.

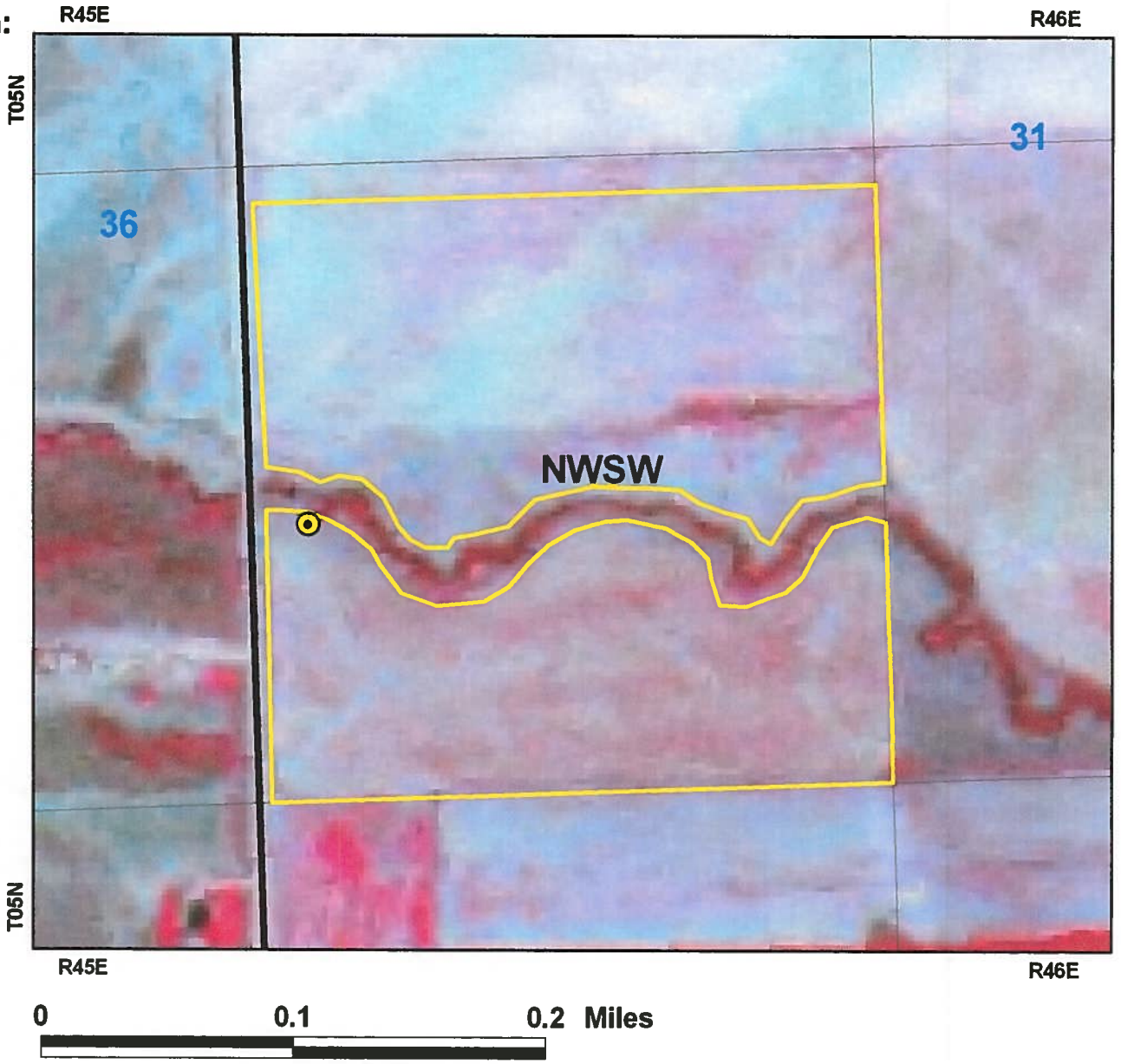
For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____AJ Date _____ WR _____ Date _____

Idaho Department of Water Resources

SRBA Recommendation:

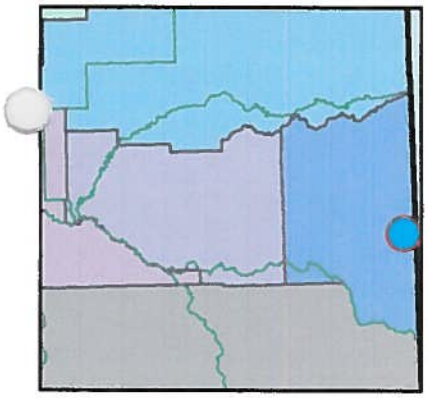
22-500B

(Irrigation)



Legend

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



Teton County
IDWR Basin 22

N

Prepared by C. Bird
On Thursday, December 14, 2006
1987/88 Aerial Photography

Form 42-248/42-140(6) July 2000

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 (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
	22-500 B				

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): Bernice C Hathaway - Powell

4. New Owner/Claimant(s): MAVIS GALLENSON and Richard Berg
   Name Connector (Check one): [x] and, [ ] or, [ ] and/or
   New Mailing Address: 3670 Mandeville Canyon Rd
   City, State and ZIP Code: Brentwood CA 94049
   New Telephone Number: (310 601 7938

5. Date you acquired the property: 7-15-2005

RECEIVED
DEC 14 2006
By CB

RECEIVED
DEC 1 2006
By CB

Form 43-248/43-1407(6) Feb. 2000

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.

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(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		

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Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) _____
(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.

For Office Use Only
Received by CB Date 12/14/06 Fee 0
Receipted by _____ Date _____ Receipt No. _____
Processed by CB AJ Date 12/14/06 WR _____ Date _____

State of Idaho
DEPARTMENT OF WATER RESOURCES
15 W. Center St. Soda Springs, Idaho 83276
Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 1, 2006

MAVIS GALLENSON AND
RICHARD BERG
3670 MANDEVILLE CANYON RD
BRENTWOOD, CA 90049

Re: Snake River Basin Adjudication (SRBA)
Claim 22-500B

Subject: OWNERSHIP CHANGE

RESPONSE DATE: DECEMBER 11, 2006

Dear Claimant(s):

We've received your ownership change form 42-248/42-1409(6) July 2000, warranty deed and plat map. The form however is incomplete. Since the property is in both names it requires both signatures. Please complete the form and return it by the response date above.

Please feel free to call me at 547-3993 if you have any questions.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/ceb

Enclosures: Ownership change for 42-248/42-1409(6) July, 2000

Form 42-248/42-1409(6) July, 2000

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

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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-500	B			

COPY

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):
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3. Name and Address of Former Owner/Claimant(s): Bernice C Hathaway – Powell

4. New Owner/Claimant(s): MAVIS GALLENSON and Richard Berg
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   City, State and ZIP Code: Brentwood CA 94049

   New Telephone Number: (310 601 7938

5. Date you acquired the property: 7-15-2005

RECEIVED
DEC 1 2006
By CB

12/1/06 returned original for signature
CB

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Water Right and/or Adjudication Claim Number _____

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Irrigation		
Stock		
Domestic		
Other _____		
Total		

COPY

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)

_____

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 _____

T12700

First American Title Company

WARRANTY DEED 169427

RECEIVED
JUL 15 2005
TETON CO., ID
CLERK RECORDER

For Value Received **Tract 1: Bernice C. Hathaway, as to an undivided 1/2 interest, AND Kent P. Hathaway and Jaelynne H. Hathaway, husband and wife, as to an undivided 1/2 interest.**

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

Mavis Gallenson, a single person and Richard Berg, a single person, as tenants in common

whose address is:

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

Tract 1:
Beginning at the Southwest corner of the Northwest Quarter of the Southwest quarter of Section 31, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho, and running thence North 745 feet, thence East 1320 feet, thence South 745 feet, thence West 1320 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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:

14 July 2005

Kent P. Hathaway

Jaelynne H. Hathaway

Instrument # 169427
DRIGGS, TETON, IDAHO
2005-07-15 01:47:21 No. of Pages: 2
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 6.00
Ex-Officio Recorder Deputy
Index to: DEED. WARRANTY

STATE OF Utah
COUNTY OF Salt Lake ss

On this 14th day of July, 2005, before me a Notary Public, personally appeared Kent P. Hathaway and Jaelynne H. Hathaway, 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.

Notary Public of:
Residing at: Salt Lake City

NOTARY PUBLIC
ALICE L. HART
2845 Westcove Drive
Salt Lake City, Utah 84119
Commission Expires
February 25, 2007
STATE OF UTAH

T12700

WARRANTY DEED

For Value Received **Tract 1: Bernice C. Powell fka Bernice C. Hathaway, as to an undivided 1/2 interest, AND Kent P. Hathaway and Jaelynne H. Hathaway, husband and wife, as to an undivided 1/2 interest.**

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

Mavis Gallenson, a single person and Richard Berg, a single person, as tenants in common

whose address is:

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

Tract 1:
Beginning at the Southwest corner of the Northwest Quarter of the Southwest quarter of Section 31, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho, and running thence North 745 feet, thence East 1320 feet, thence South 745 feet, thence West 1320 feet to the point of beginning. SW NW SW.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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: 7-13-05

Bernice C. Powell
Bernice C. Powell fka Bernice C. Hathaway

_____
Kent P. Hathaway

_____
Jaelynne H. Hathaway

STATE OF Idaho
:ss
COUNTY OF Teton

On this 13th day of July, 2005, before me a Notary Public, personally appeared Bernice C. Powell fka Bernice C. Hathaway, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Teresa K. Mangum
Notary Public of: Idaho
Residing at: Driggs
Commission Expires:07-24-05

TERESA K. MANGUM
NOTARY PUBLIC
STATE OF IDAHO

169427

First American Title Company

169426

RECEIVED
JUL 15 2005
TETON CO., ID
CLERK RECORDER

T12700

WARRANTY DEED

For Value Received **Tract 2: Bernice C. Powell fka Bernice C. Hathaway**

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

Mavis Gallenson, a single person and Richard Berg, a single person, as tenants in common

whose address is:

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

Tract 2:
Beginning at a point that is 33 feet South of the West quarter corner of Section 31, Township 5 North, Range 46 East, Boise Meridian, Teton County, Idaho, and running thence South 542 feet; thence East 1320 feet; thence North 542 feet; thence West 1320 feet to the place of beginning.

W¼

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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: 7-13-05

Bernice C. Powell
Bernice C. Powell fka Bernice C. Hathaway

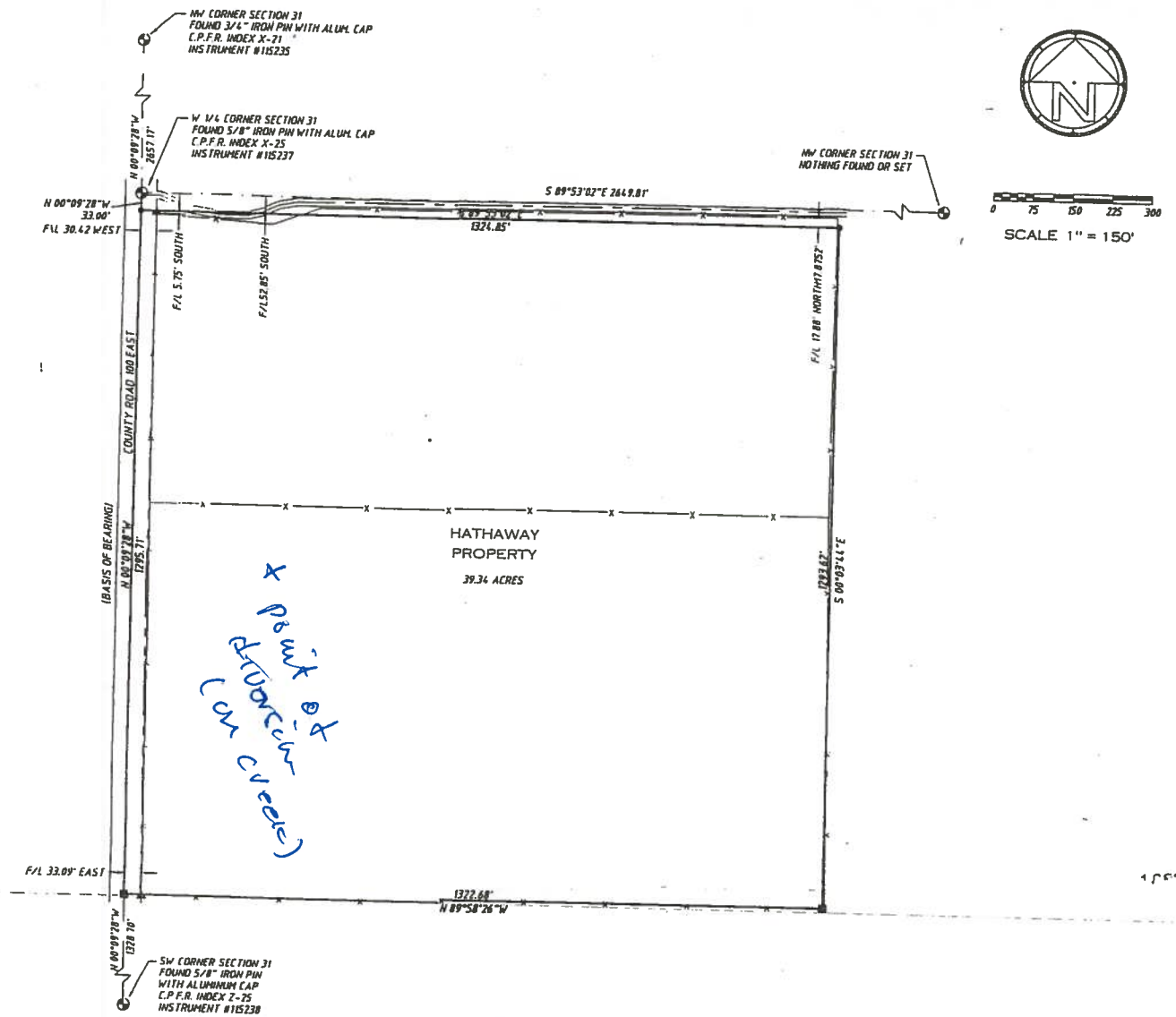
STATE OF Idaho
:ss
COUNTY OF Teton

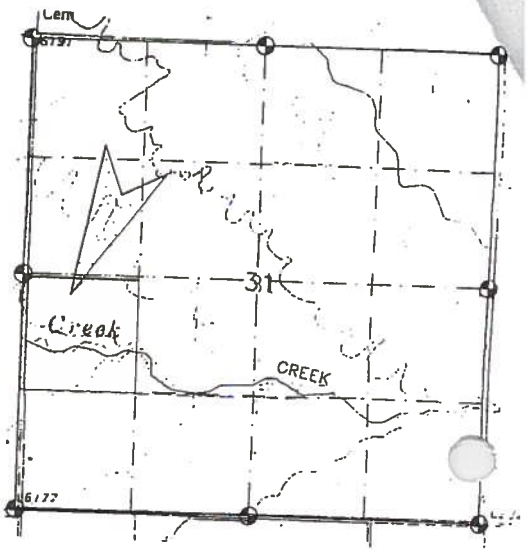
On this 13th day of July, 2005, before me a Notary Public, personally appeared Bernice C. Powell fka Bernice C. Hathaway, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Teresa K. Mangum
Notary Public of: Idaho
Residing at: Driggs
Commission Expires:07-24-09

TERESA K. MANGUM
NOTARY PUBLIC
STATE OF IDAHO

Instrument # 169426
DRIGGS, TETON, IDAHO
2005-07-15 01:42:52 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy
Index to: DEED, WARRANTY





VICINITY MAP

SECTION 31, TWP. 5N., RNG. 46E., B.M.,
TETON COUNTY, IDAHO

RECEIVED

Instrument # 168707
DRIGGS, TETON, IDAHO
2006-06-15 03:48:53 No. of Pages: 1
Requested for : A W ENGINEERING
NOLAN G. BOYLE
Ex-Officio Recorder Deputy Fee: 5.00
Index to: PROPERTY SURVEYS

RECORDER'S CERTIFICATE

STATE OF IDAHO)
) SS
COUNTY OF TETON)

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS ____ DAY OF _____, 200__, AT _____
AT THE REQUEST OF _____
INSTRUMENT NUMBER _____

COUNTY RECORDER

LEGEND

- SECTION CORNER FOUND OR SET AS NOTED
- SET 1/16 CORNER - IRON PIN WITH CAP INSCRIBED: AW ENG 2860
- PROPERTY CORNER - SET IRON PIN WITH CAP INSCRIBED. AW ENG 2860
- OFFSET PIN - SET IRON PIN
- SECTIONAL BREAKDOWN LINE
- FENCE LINE
- PIPE LINE

PROPERTY DESCRIPTION

HATHAWAY - PROPERTY

PART OF THE NW 1/4 SW 1/4 SECTION 31, TWP. 5N., RNG. 46E., B.M., TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:
FROM THE W 1/4 CORNER OF SAID SECTION 31,
THENCE S 00°09'28"E, 33.00 FEET TO THE POINT OF BEGINNING;
THENCE S 89°53'02"E, 1324.85 FEET TO A POINT;
THENCE S 00°03'44"E, 1293.62 FEET TO A POINT;
THENCE N 89°58'26"W, 1322.68 FEET TO A POINT;
THENCE N 00°09'28"W, 1295.71 FEET TO THE POINT OF BEGINNING.

CONTAINS 39.34 ACRES MORE OR LESS.

SUBJECT TO ALL ROAD AND UTILITY EASEMENTS AS RECORDED IN THE OFFICE OF THE CLERK OF TETON COUNTY.

SURVEYOR'S CERTIFICATE

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.

ARNOLD W. WOOLSTENHULME 2860 LICENSED LAND SURVEYOR STATE OF IDAHO

SURVEYED CLC 06/06/05	S-46-31.DAT	DRAWN SRJ 06/14/06	2055-160 JOHN MCKELLAR - ROS.DWG	REVISED 00/00/00

RECORD OF SURVEY
PROPERTY SURVEY

A PART OF THE NW 1/4 SW 1/4 SECTION 31, TWP. 5N., RNG. 46E., B.M., TETON COUNTY, IDAHO

BERNICE HATHAWAY POWELL
P.O. BOX 323
TETON, IDAHO 83451

AW ENGINEERING
255 South Main P.O. Box 139
Victor, Idaho 83455
(208) 787-2952 awenn@tetontel.com

State of Idaho
DEPARTMENT OF WATER RESOURCES
15 W. Center St. Soda Springs, Idaho 83276
Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 18, 2006

MAVIS GALLENSON
99 ASPEN
DRIGGS, ID 83422

Re: Snake River Basin Adjudication (SRBA)
Claim 22-500B

Subject: OWNERSHIP CHANGE

Response Date: NOVEMBER 30, 2006

Dear Claimant(s):

We have been advised you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property and water right referenced above, we need Form 42-248/42-1409(6) completed and returned. I have enclosed this form for your use.

I have also enclosed a copy of the adjudication claim listed above. Since they have not yet been partially decreed, there is no filing fee due.

Please feel free to call me at 547-3993 if you have any questions.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/

Enclosures:
Form 42-248/42-1409(6)
ADJUDICATION CLAIM REPORTS WITH FORMER OWNER

Notes

11/16/06 Transfer 1708 was filed based on a warranty deed for 40 miners inches of water from 22-500 to the POU claimed in the SRBA. But since we have better technology and we excluded the stream it cut the POU down to 36 acres, instead of 39. This doesn't change however that the claimant purchased 40". Therefore, I'm recommending the 40". CB

According to the Teton Spatial layer as of 1/18/2006 this property is owned by:
Mavis Gallenson, 99 Aspen Driggs, ID 83422
Tax lot # RP05N46E313600A. I couldn't find anyone with that name listed in Idaho.

11:49 Am I left a message at the Teton Co. Assessor's office. CB

12/09/2004

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: 22-500B

BERNICE C HATHAWAY-POWELL
PO BOX 323
TETON ID 83451
Telephone Number: (208)458-4509

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: 6-10-05 **SIGNATURE:** Bernice C. Hathaway-Powell

Please print your name: Bernice C. Hathaway-Powell

IDWR Regional Office,

PROFILE

RECEIVED
JUN 29 2005
Department of Water Resources
Eastern Region

SCANNED
JUL 01 2005

KMJ 6/30

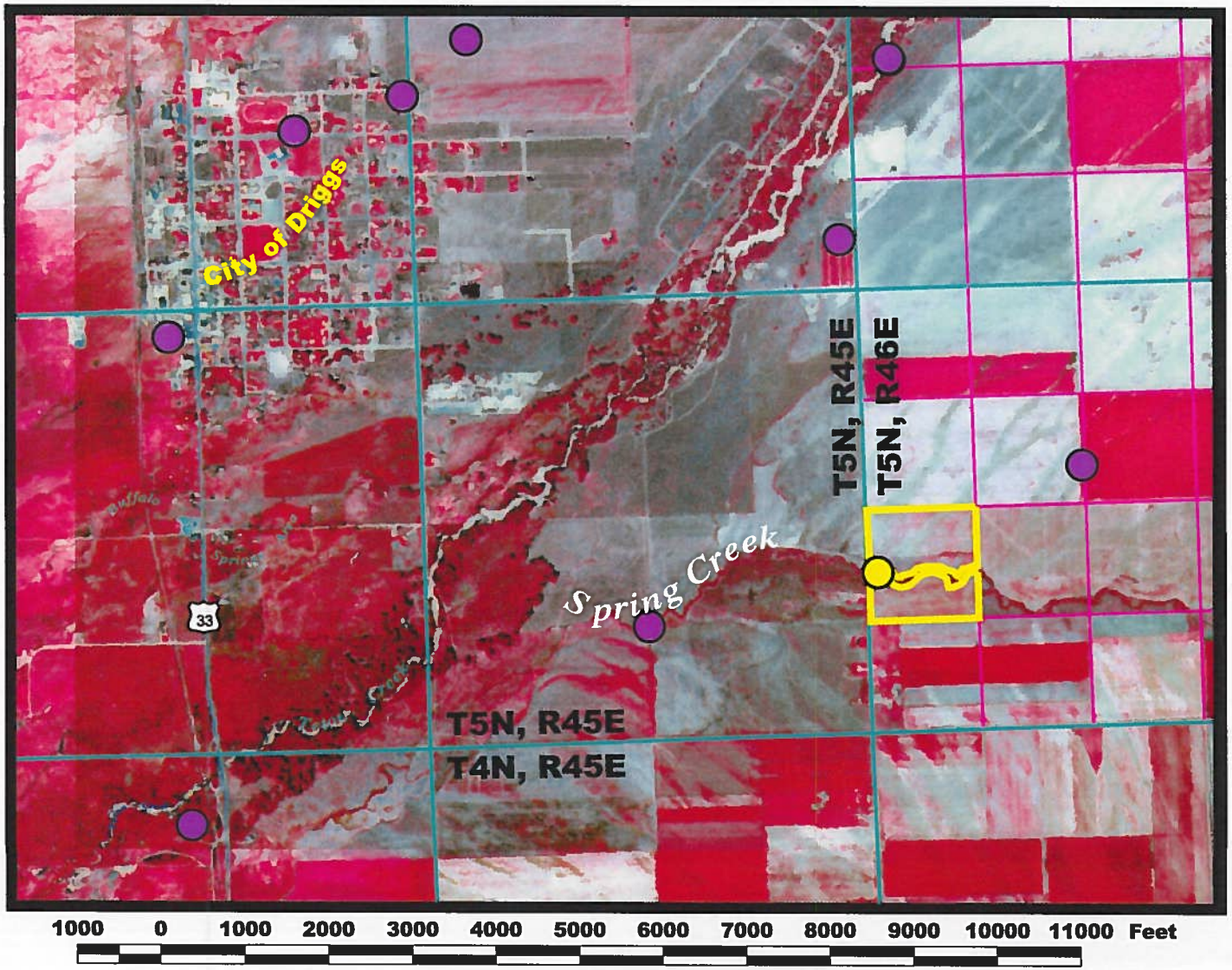
State of Idaho

Department of Water Resources

Eastern Region

SCANNED MAY 20 2005

PROOF



Water Right(s):
22-500B

Point(s) of Diversion:
T5N, R46E
Sec. 31 SWNWSW

Place of Use: (parts of)
T5N, R46E
Sec. 31 NWSW

LEGEND

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

N W E S

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2004

#46

~~01 0665~~ 1 167 T. 2316	Salem Union Canal Company, Limited, The	12,000 inches.	Apr; 28, 1892.	North Fork of the Snake River, as a right from July 1st of each year for the balance of the Irrigating season.
	Sanders, David A.			Wolf Ditch Company.
	Sandstrom, Carl E.			(Decreed to City of Idaho Falls,)
~~01 0684~~	22 0496 Sautter, John G.	50 inches.	June 1, 1900.	North Leigh Creek.
~~01 0685~~	22 0497 Sautter, John G.	110 inches.	June 1, 1904.	North Leigh Creek.
~~01 0686~~	~~22 0498~~ 13-0077 Schneebly, Julius A.	120 inches.	June 1, 1889.	Rainey Creek.
~~01 0687~~	~~22 0499~~ 13-0078 Schneebly, Julius A.	50 inches.	May 1, 1895.	Rainey Creek.
	Schwendiman, Magdalena			Pioneer Ditch Company
	Scotts, Hyrum			Lowder Canal Compo.
~~01 0357~~	21 0093 Seely Brothers, a partnership, composed of O. T., A H. and George Seely.	180 inches.	June 1, 1891.	Fall River.
	Sermon, Robert			The Farmers' Frie Canal Company.
~~01 0668~~	22 0500 Seymour, E. B.	300 inches.	June 1, 1886.	Spring Creek.
~~01 0669~~	22 0501 Shaw, L. C.	200 inches.	June 1, 1891.	Badger Creek, and water from springs T. A. Phillips' land
~~01 0670~~	22 0502 Shaw, O. W.	135 inches.	June 1, 1890.	North Leigh Creek & Spring Creek.
~~01 0671~~	22 0503 Sherman, Abel F.	70 inches.	Oct., 15,1894.	Spring Creek, a tributary of Trail Creek
~~01 0690~~	21 0094 Trans. #2123 & 2124 Sherman, E. H. and Sarah E.	100 inches.	June 1, 1886.	Duck Creek.
~~01 0691~~	21 0095 Trans. #2123 & 2124 Sherman, E. H. and Sarah E.	160 inches.	June 1, 1889.	Duck Creek.
~~01 0691~~	21 0096 Trans. #2123 + 2124 Sherman, E. H. and Sarah E.	200 inches.	June 8, 1893.	Duck Creek.
~~01 0692~~	21 0097 Trans. #2123 & 2124 Sherman, E. H. and Sarah E.	500 inches.	June 1, 1895.	Duck Creek. Rock Cr and Hopo Creek.

IDWR Field Exam Form

02/26/2004

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip

Current Owner: B.C. HATHAWAY-POWOU 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 ROXBURG VS TOTON, 1910 AS: #35 TO E.B. SEYMOUR, 300", SPRING CR, 06/01/1886. (6° cfs) 300 AC (320 AC)

SPLIT ON WR SIDE AS: A - 5.20 cfs
B - 0.80 cfs TX #1708, 11/19/1974.
ACCOUNTED IN-FULL

SPLIT/CLAIMED ON ADJ SIDE AS:
22-5008, 0.80 cfs, 39° AC CLAIMED PER TX 0.80
FROM WR-'A' 22-500 C, 1.60 cfs, 33° AC 1.60
FROM WR 'A' & 22-500 D, 33.0 cfs, 53° AC OBVIOUS ERROR OF cfs ⇒ 3.30
OVER CLAIMED - PART AT 3.30 STILL OVER CLAIMED 5.7
RECOMMEND ALL @ 0.02 cfs/AC - NO OTHER KNOWN RIGHTS CLAIMED —

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAY 20 2005

IDWR Field Exam Form

02/26/2004

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1886 Claimed Basis: Doc.

Recommended Priority Date: " Recommended Basis: "

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

MATCHOS DOCREDS

Reviewer: _____

Date: _____

PROFILED

SCANNED

MAY 20 2005

Water Right No(s). _____

GPS DATA:

Tag # AØØ 13846 Location: powerbox

Diversion Data:

Source: Spring Creek Trib to: Teton Creek – Teton River

MOTOR
Make: MEAction Model: AA215TBDR7012 Hp: 10
SN: 954617 AAWCW

PUMP
Make: Eberley Centrifugal Model: _____ Disch: _____
SN: _____

NOTES:
Diversion works is a dam which forms a small pond. portable mainline is used from which a lateral hand line is used

Field Exam Date: 6/29/04 Agent: DD

SCANNED
MAY 20 2005
PROOF

IDWR Field Exam Form

02/26/2004

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
5N	46E	31		SWNWSW	TETON	SPRING CK	TETON CREEK

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	46E	31		SWNWSW	TETON	SP CK	TETON CK

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAY 20 2005

IDWR Field Exam Form

02/26/2004

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	46E	31	NWSW		Teton		39.0	IRRIG

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acre s	Purpose of Use
5N	46E	31	NWSW		TETON		36.0	IRRIG

Total acres 36.0

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: Ac By GIS

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAY 20 2005

IDWR Field Exam Form

02/26/2004

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
IRRIG	4/15	10/15	0.80	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIG.	4/15	10/31	0.72	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Q BASED ON 0.02 cfs/Ac X 36 AC = 0.72 cfs
SOIL to DEPT. STD OF 4/15 TO 10/31 CLAIMS 4/15 TO 10/15

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAY 20 2005

	...er		8,000
	...mour, E. B.; June 1, 1886; Spring Creek		300
	...Nave, Martin L.; June 1, 1886; Moody Creek	50	
	To be reduced to 25 inches after June 20th of each year		25
5	Nave, Martin L.; June 1, 1886; Teton River		25
2	Breckenridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right		260
2	Borrowman, John; June 1, 1887; Wood Creek and Springs		60
2	Jeppson, Hans J.; June 1, 1887; Bigler Slough		80
5	Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek		30
9	Hegsted, Victor; June 1, 1888; Horse Shoe Creek		290
9	North Salem Agricultural & Milling Canal Co.; Teton River	1,325	
	As a high water right until July 1st of each year		
8	Walters, William; June 1, 1888; Teton River. (Stewart & Walters Ditch.) Joint apropriation with Mons H. Anderson)		168
9	W...ls, William S.; June 1, 1888; Twin Creeks		200
6	V...mansee, Charles H.; Mar. 15, 1889; Moody Creek	160	
	To be reduced to 80 inches after June 20th of each year		80
7	Curtis, Owen; Apr. 1, 1889; Trail Creek		160
7	Little, Zina W.; Apr. 1, 1889; South Leigh Creek		120
8	Hill, William; Apr. 5, 1889; Pack Saddle Creek		280
2	Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)		112
3	Bates, Thomas; May 3, 1889; Mahogany Creek		140
7	Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek		80
7	Drake, Fred J.; June 1, 1889; John Creek		150
7	Blanchard, John; June 1, 1889; Warm Creek		40
7	Bowles, H. C.; June 1, 1889; Spring Creek		140
7	Drake, William; June 1, 1889; Mahogany Creek		10
7	Lund, William P.; June 1, 1889; Mahogany Creek		160
7	Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek		150
7	Swanner, Samuel; June 1, 1889; South Leigh Creek		40
7	Walton, D. O.; June 1, 1889; Darby Creek		20
7	Jones, Benjamin; June 1, 1889; Trail Creek		20
9	McPherson, Abner; June 10, 1889; North Leigh Creek.		160
1	Parsons, F. W.; June 15, 1889; Trail Creek		160
4	T...ks, George M.; July 5, 1889; Trail Creek		95
4	...s, George M.; July 15, 1889; Fox Creek		55
6	K...ley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek		80
8	Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River		620
8	Rexburg Milling Co.; Oct. 1, 1889; Teton River. (Woodmansee-Johnson Ditch.) For power purposes only, and subject to rights of users for agricultural purposes of water through same ditch		3,000
	...gate near the Teton Mill		500
2	Kirsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek		80
2	Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek		115
2	Wolf Ditch Co.; Apr. 1, 1890; Teton River		2,335
2	Robertson, A. I.; Apr. 1, 1890; Trail Creek		87

PROTEST
SCANNED
MAY 20 2005

82	Rice, Ed.; Apr. 1, 1890; Trail Creek		160
82	Curtis, Nahum; Apr. 1, 1890; Trail Creek		160
82	Blanchard, John; Apr. 1, 1890; Trail Creek		120
82	Eynon, John; Apr. 1, 1890; Trail Creek		80
85	Paul, John; June 1, 1890; Springs on land		15
85	Paul, William H.; June 1, 1890; Little Springs and Deep Creek		60
85	Jenkins, William; June 1, 1890; Fox Creek		80
85	Kimball, R. C., and A. L.; June 1, 1890; Fox Creek		110
85	Lawson, B. G.; June 1, 1890; Spring Creek		240
85	Murphy, G. M.; June 1, 1890; Darby Creek		150
85	Smith, C. M.; Jan. 1, 1890; Darby Creek		160
85	Walton, D. O.; June 1, 1890; Darby Creek		140
85	Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek		135
85	Yearsley, H. C.; June 1, 1890; Spring Creek		240
85	Drake, Richard; June 1, 1890; Patterson Creek		160
85	Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creep and Little Spring Creek		200
85	Byrne, Michael; June 1, 1890; Fox Creek		85
85	Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks		100
85	Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek		80
85	Andrews, L. W.; June 1, 1890; Grove Creek		120
85	Durney, P. S.; June 1, 1900; Trail Creek		15
85	Foote, Arthur L.; June 1, 1890; Mahogany Creek		145
85	Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek		100
85	Eames, William; June 1, 1890; Spring Creek		240
85	Edlefson, E. B.; June 1, 1890; Leigh Creek		155
85	Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek		160
88	Drake, William; July 1, 1890; Mahogany Creek		150
90	Tonks, William H.; July 15, 1890; Trail Creek		135
92	Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek		160
96	Rice, A. L.; Jan. 1, 1891; Patterson Creek		160
98	O'Brien, James A.; June 1, 1891; North Leigh Creek		100
98	Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)		2,600
98	Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch		20
98	Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs		100
98	Shaw, L. C.; June 1, 1891; Bagder Creek and water from springs on T. A. Phillips' land		200
98	Swanner, Samuel; June 1, 1891; South Leigh Creek		120
98	Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek		150
98	Harrop, Samuel; June 1, 1891; Leigh Creek		200
98	Hill, Mary Ann; June 1, 1891; Pack Saddle Creek		120
98	Bowles, Sarah; June 1, 1891; Spring Creek		100
98	Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Philips; June 1, 1891; Badger Creek and springs on land of T. A. Philips		640
98	Edlefson, Noah C.; June 1, 1891; Leigh Creek		40
100	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River		300

Hathaway Diversion out of Spring Creek southeast of Driggs

PROFILED

SCANNED

MAY 20 2005

22-500B

SCANNED
MAY 20 2005

Identification No. 22 0500

Transfer No. 1708

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

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

1. Name of Right Holder Phillip N. Hathaway

   Post office address Driggs, Idaho

2. Right obtained by:

   a. Decree to E. B. Seymour (Name) et al in Case of Rexburg Irrig. Co., et al vs. Teton Irrig. Co., et al Dated 12/16/1910 in Sixth District Court (Name of Court)

   Court. County of Fremont.

   b. ~~Permit~~ Decree No. 22-0500 issued by the State of Idaho, Department of Reclamation.

3. Source of water Spring Creek (Name of stream or source) tributary to Teton River

4. Date of Priority June 1, 1886

5. Amount of water a 6.0 c.f.s. and/or

   b. _____ acre feet/annum

6. Water is used for Irrigation & Stock from May 1 (Month, Day) to Dec. 31 (Month, Day)

7. Original location of point of diversion is NW ¼ SW ¼ of Section 31,

   Township 5N, Range 46E, B.M., in Teton County;

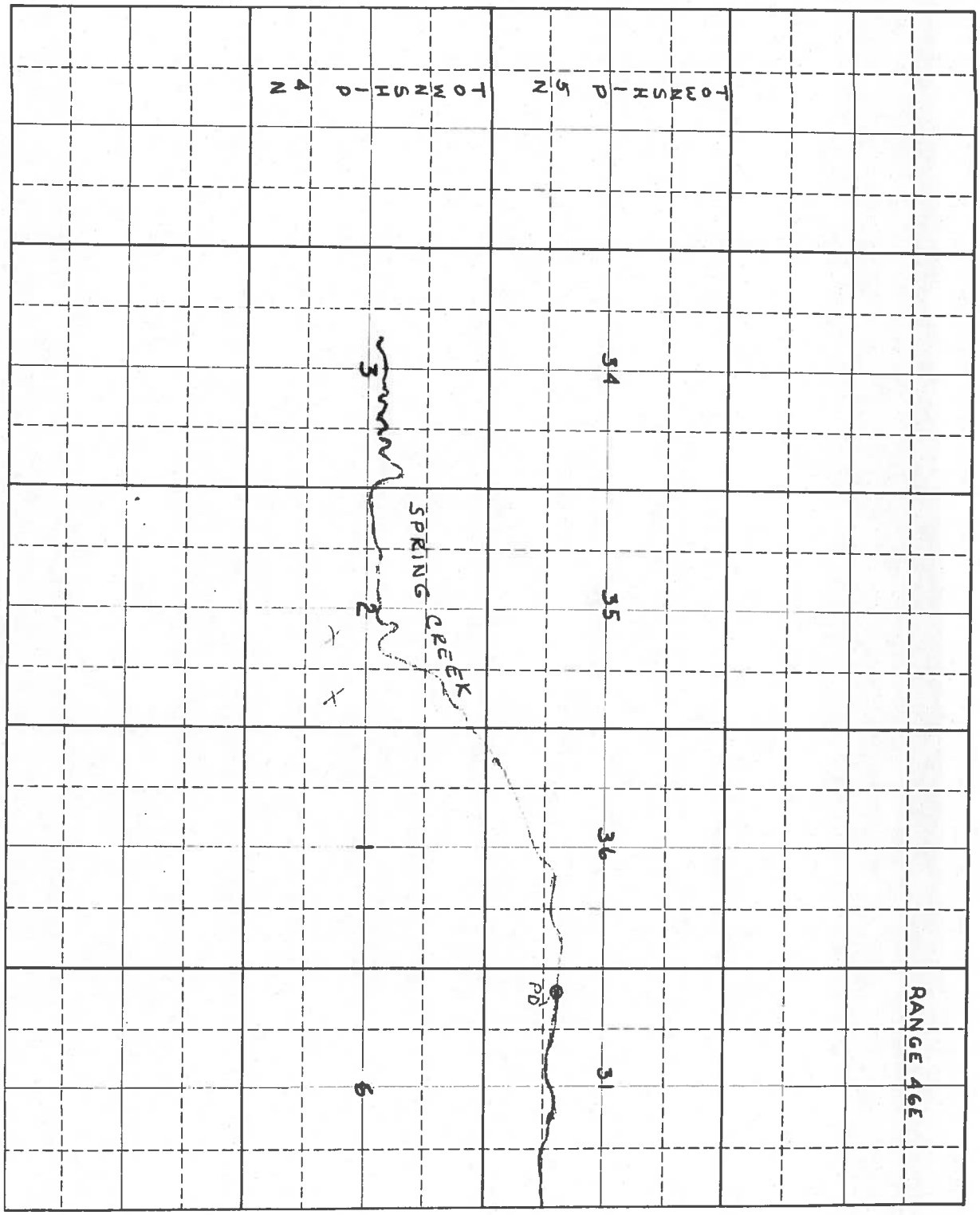
   Additional points of diversion, if any Point of diversion not listed in decree

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	2	L.1 40	L.2 40	40	40									* 40	* 40			240
5N	45E	35															40	40	80
			* Water to be removed from the N½SE¼ of Section 2.																

Total number of acres presently irrigated 320

Posted
22-0500



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. Applicant was not the original holder of this right in how it was acquired: Grant Deed

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 0.80 c.f.s. and/or _____ acre feet

b. New point of diversion: (2 pts.) NW ¼ SW ¼, Section 31, Township 5N _____, Range 46E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____.

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

For use on different land. New point of diversion is in the same 40 acre tract as the original point of diversion.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? No, remainder of right will be diverted at the original point of diversion.

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	46E	31										39							39

Total number of acres to be irrigated 39

Do you intend to make the transfer permanent? Y

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Philip H. Hathaway
(signature of applicant)

Subscribed and sworn to before me this 29 day of August, 1974

Dorothy Dunnigan
(notary public)

My commission expires 9-22-75.

ACTION OF Director, Department of Water Resources
AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0500, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   ~~Measuring devices of a type approved by this Department~~ shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 19 day of November, 1974.

Director, Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by MG LD Date 8-30-74 8-23-74	Protest filed by:	Date	
Prelim. check by RDC Date 8/30/74			
Fee received by LD Date 8-23-74 Fee $30.00			
Approved for publication by DG 10/07/74 #13030			
Published in Inter-Valley Dates 9/26 & 10/3/74			
Hearing held			
Watermaster Recommendation sent Z.D. #01 Art Leyva LD 9/23/74			

GRANT DEED

THIS INDENTURE, made this 19 day of June, 1973, by and between DALE K. PRICE, and VIRGINIA PRICE, his wife; JAMES W. PRICE, and MARLENE PRICE, his wife, of Driggs, County of Teton, State of Idaho, the parties of the first part, and PHILLIP N. HATHAWAY, and BERNICE C. HATHAWAY, his wife; KENT P. HATHAWAY, and JAELYNNE HATHAWAY, his wife, of Driggs, County of Teton, State of Idaho, parties of the second part.

WITNESSETH

That the said parties of the first part, for and in consideration of One Dollar and other valuable consideration to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, do hereby give, grant, bargain, sell, convey and confirm unto the said parties of the secon d part, and to their successors and assigns, forever, all right title and interests in and to 40 miner's inches of the waters of Spring Creek by decree of the court, with priority date of June 1, 1886, appurtenant to the following described property, to-wit:

The North Half of the Southeast Quarter of Section Two, Township 4 North, Range 45, East Boise Meridian.

The water so conveyed herein is to be used on Tax #1589. More particularly described:

Beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 31, Township 5, North, Range 46, East Boise Meridian, Teton County, Idaho, and running thence North 745 feet, thence East 1320 feet, thence South 745 feet, thence West 1320 feet to the point of beginning.

TO HAVE AND TO HOLD, The same unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, The parties of the first part have hereunto set their hands and seals the day and year first above written.

Dale K Price

Virginia Price

James W. Price

Marlene T. Price

STATE OF IDAHO)
) ss
COUNTY OF TETON)

On this 19 day of June, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared DALE K. PRICE, VIRGINIA PRICE, JAMES W. PRICE AND MARLENE PRICE.
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Dorothy C. Douglas
Notary Public for Idaho
Residing at Driggs, Idaho
My commission expires 9-20-73

MICROFILMED
OCT 28 1996

COMPUTATION SHEET

SCS-523A (REV. 5-65)

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

STATE Idaho BY MWB DATE 7-17-70 Phil Hathaway Darby

SUBJECT Mainline extension 1 2

GIVEN:

1 - This installation would amount to an extension of the North Darby Spr. system.

2 - Approx. 15.0 acres are involved.

3 - Install'n of sys depends on permission being granted by the membership of the North Darby Spr. System.

4 - Actual irrigation would likely be limited to high water flows and would be limited to one line using 5/32" nozzles.

DESIGN:

Appl. pressure at north side of Lee Hedin property is 50 psi. (Est. after discussion w/farmers).

For line extension use 4" PVC, 125 psi rated pipe or 4½" WSP w/ Class B Coal-Tar Enamel coating.

For 2nd Lat., Loss = 13.0 psi

$P_M = P_a + \frac{3}{4}(P_f \pm P_e)$ $P_f = 13.0$ psi
$P_e = 15' = 6.5$ psi

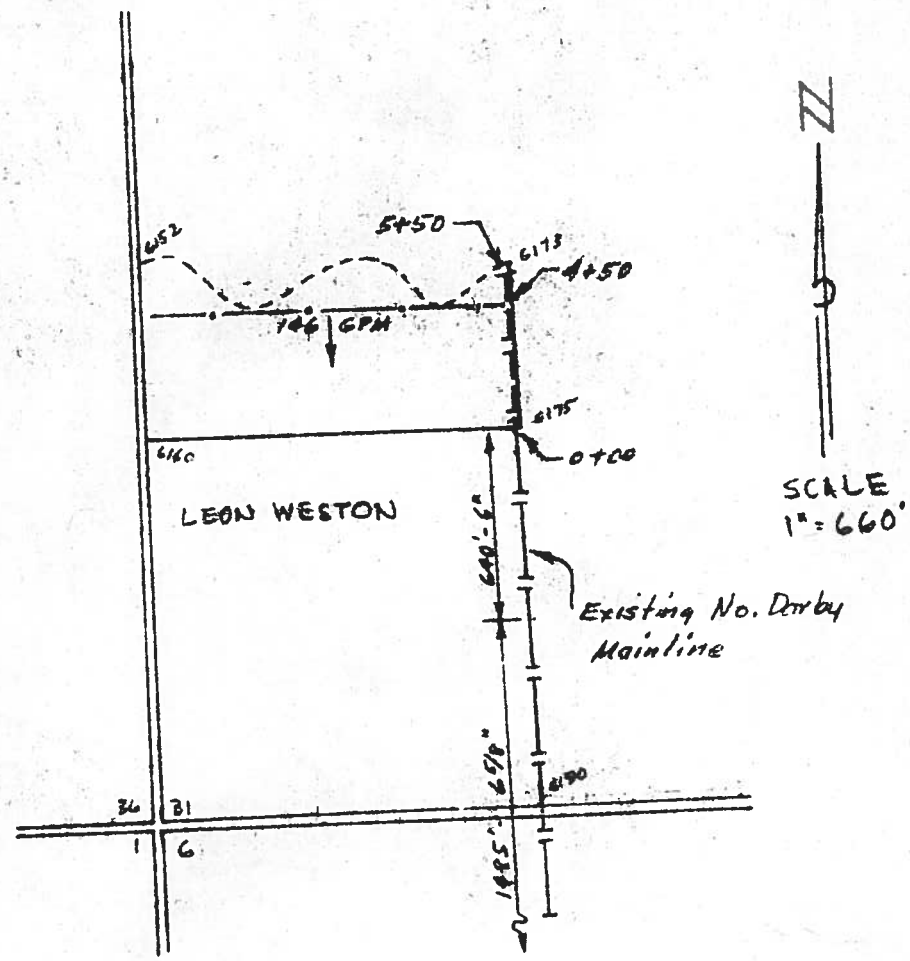
$= 45 + \frac{3}{4}(13.0 - 6.5) = \underline{50}$ psi

Allowable $P_f = .20(45) + 3.5 = 15.5$ psi

Actual $P_f = 13.0$ psi ok

Ph. 1 Contract
Sheet 2 of 2

R. 45 E.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-500B
Date Received: 9/15/1988
Receipt No: E002344
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAVIS GALLENSON Phone: (310)601-7938

3670 MANDEVILLE CANYON RD
BRENTWOOD CA USA 90049

RICHARD BERG Phone:

3670 MANDEVILLE CANYON RD
BRENTWOOD CA USA 90049

2. Date of Priority: 06/01/1886

3. Source: SPRING CREEK Trib. to: TETON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	46E	31	SW NW SW	TETON	

5. Description of diverting works:

PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.8	

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

8. Total consumptive use:

11/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-500B

NAME AND ADDRESS: BERNICE C HATHAWAY-POWELL
PO BOX 323
TETON ID 83451

SOURCE: SPRING CREEK TRIBUTARY: TETON CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T05N R46E S31 SWNWSW Within TETON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.800 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R46E S31 NWSW 36.00

36 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

12/09/2004

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-500B

NAME AND ADDRESS: BERNICE C HATHAWAY-POWELL
PO BOX 323
TETON ID 83451

SOURCE: SPRING CREEK TRIBUTARY: TETON CREEK

QUANTITY: 0.720 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T05N R46E S31 SWNWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.720 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R46E S31 NWSW 36.0

36 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: Decreed

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: A22-00500B
Date Received: 9/15/1988
Receipt No: E002344
Received By: KW

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: BERNICE C. HATHAWAY-POWELL 208-458-4509
   Address: P.O. BOX 323
   TETON, ID 83451

2. Date of Priority: JUN 01, 1886

3. Source: SPRING CREEK Trib. to: TETON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	46E	31	SW NW SW		TETON

5. Description of diverting works:
   PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 78.0 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	46E	31	NW SW		IRR	39.0
				Section Acres		39.0

A2200500B
PROFILED
SCANNED MAY 20 2005
MICROFILMED OCT 28 1992

10. Place of Use: Continued

Total Acres 39.0

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:
RIGHT EVIDENCED BY TRANSFER #1708.
SOURCE SPRING CREEK USUALLY DOES NOT REACH TETON CREEK EXCEPT IN GOOD WATER YEARS.

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

REXBURG IRR. CO. ET AL		TETON IRR. CANAL CO. ET AL.
Decree Plaintiff	vs	Decree Defendant

PROFILED
SCANNED
MAY 20 2005
MICROFILMED
OCT 28 1992

16. Signature(s)

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

Number of attachments: _____

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): Lennice C. Hathaway-Powell Date: 9-15-88

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 15th day of September 19 88

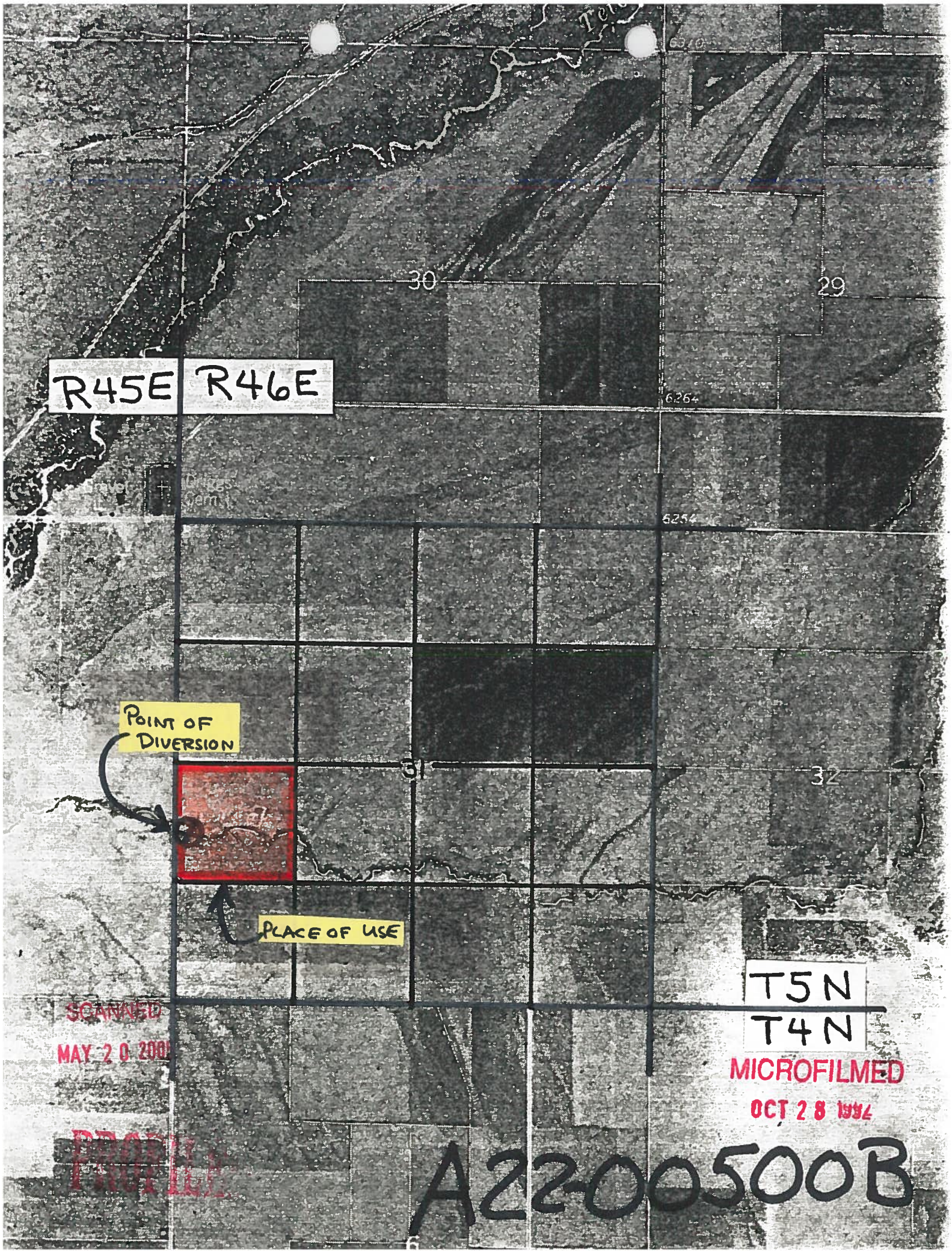
Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

PROFILE
SCANNED
MAY 20 2005
MICROFILMED
OCT 20



SCANNED
MAY 20 2001
MICROFILMED
OCT 28 1997
PROOF
FINAL

A22-00500B