

11/17/2006

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

RIGHT NUMBER: 22-636A

NAME AND ADDRESS: HK CONTRACTORS INC
PO BOX 51450
IDAHO FALLS ID 83405

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 1.120 CFS

PRIORITY DATE: 12/01/1903

POINT OF DIVERSION: T07N R40E S36 NESESW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.120 CFS

PLACE OF USE: IRRIGATION in FREMONT County
T07N R40E S36 SESW 28.00
28 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.

This right is subject to regulation by the watermaster of Water District No. 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

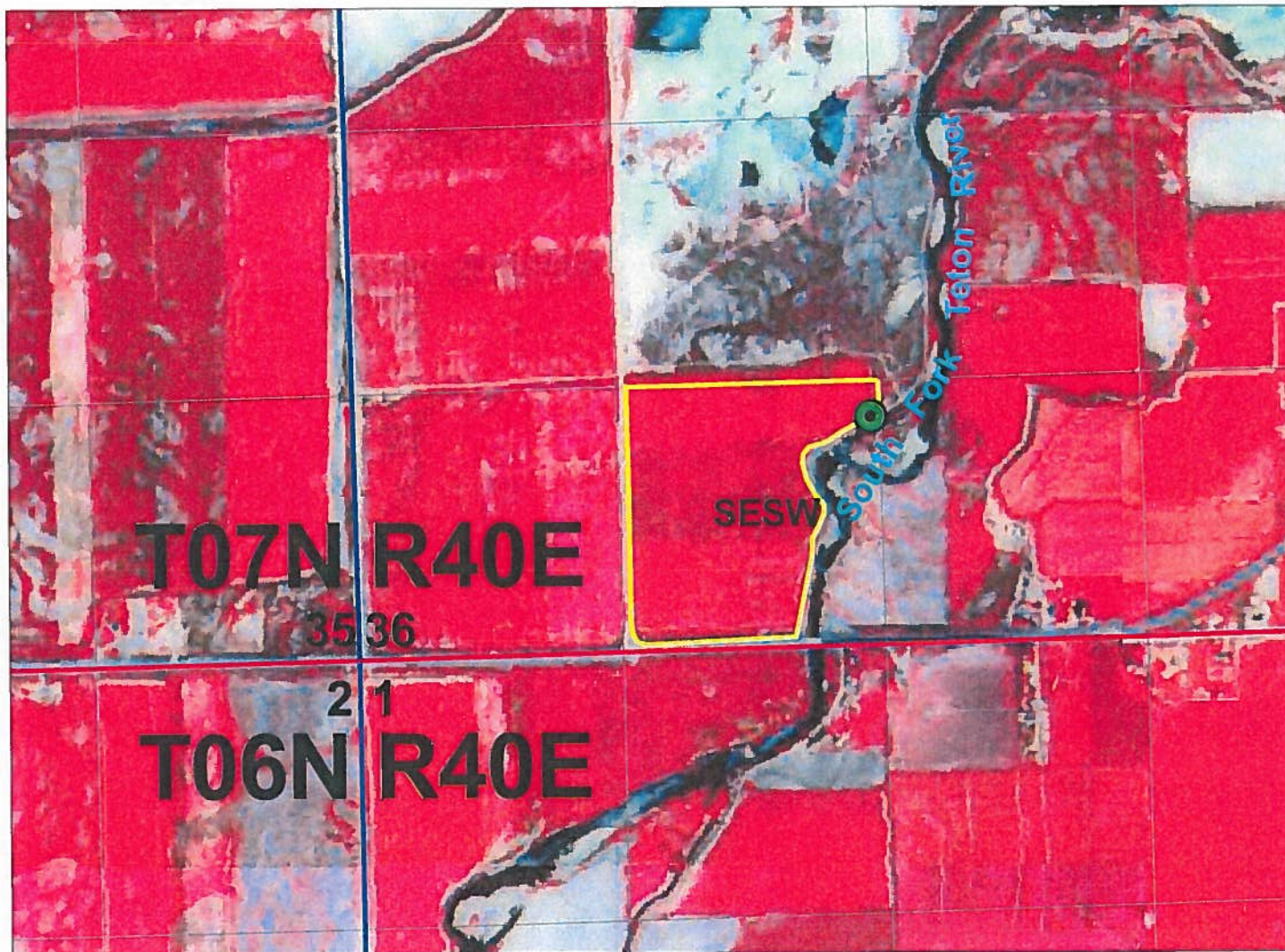
The following rights are also diverted through point of diversion described above: 22-207B, 22-631, and 22-636A.

Department of Water Resources

Eastern Region



Claim No.: 22-636A



0 0.25 0.5 Miles

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: December 2005

change

OK JC
11-17-06

RECEIVED

NOV 16 2006

Department of Water Resources
Eastern Region

Idaho 47-248/42 1404/43 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
22-207B VI					
22-636A					

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)
DHB Investments, an ID General Partnership
PO Box 1768
Idaho Falls, ID 83403
4. New Owner/Claimant(s)
HK Contractors, Inc.
Name Connector (Check one: [] and, [] or, [] and/or
New Mailing Address
City, State and ZIP Code
PO Box 51450
Idaho Falls, ID 83405
New Telephone Number
(208) 523-6600
5. Date you acquired the property
August 31, 2006

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)

Clara H. Shaw
Permits & Environmental Coordinator

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 _____

3040625095 BL

SPECIAL WARRANTY DEED

Lincoln Land Company, LLC, an Idaho Limited Liability Company, as GRANTOR,
for good and valuable considerations, the receipt of which is hereby acknowledged, ~~does hereby~~ grant, bargain, sell and convey unto
H-K Contractors, Inc., an Idaho Corporation, as GRANTEE. DD
whose address is PO Box 51450, Idaho Falls, Idaho 83405 and Grantee's successors and assigns, all of the following described real property, to-wit:

The Southeast Quarter Southwest Quarter Section 36, Township 7 North, Range 40 East, Boise Meridian, Fremont
County, Idaho. Less Highway right of way as described in Deed recorded March 13, 1933 in Volume 35 of Deeds, page
362.

Also The Southwest Quarter of the Southwest Quarter of Section 36, Township 7 North, Range 40 East, Boise Meridian, Fremont
County, Idaho.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or
in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated August 31, 2006

Lincoln Land Company, LLC

Doyle H Beck
Doyle H Beck, Manager

Microfilm No. 505127
At 9:33 Day Aug 20 06
O'Clock P M
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 3 Deputy
Recorded at Request of
ALLIANCE TITLE & ESCROW

STATE OF IDAHO)
COUNTY OF Bonneville) ss

On 8/31/06, before me, the undersigned, personally appeared
Doyle H Beck

known or identified to me to be the Managing Member(s) of the limited liability company that executed the within instrument, and
acknowledged to me that such company executed the same.

M Bradley
Notary Public for the State of Idaho
Commission Expiration Date: 11/1/06

MARCI J. BRADLEY
NOTARY PUBLIC
STATE OF IDAHO

3040625095BL

ALLIANCE TITLE & ESCROW

REXBURG, ID 83440

QUITCLAIM DEED

505126
 3:33 Day 20 06
 O'Clock
 ASPIE MACE
 FREMONT CO RECORDER
 Recorded at Request of
 Deputy
 ALLIANCE TITLE & ESCROW

DOYLE H. BECK and ELIZABETH BECK, husband and wife dba DHB INVESTMENTS, an Idaho General Partnership, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby convey, releases, remises and forever quit claims unto **LINCOLN LAND COMPANY, LLC, an Idaho Limited Liability Company, as GRANTEE,** whose address is PO Box 1768, Idaho Falls, ID, 83403, and Grantee's successors and assigns, all of the following described real property, to-wit:

The Southeast Quarter of the Southwest Quarter, Section 36, Township 7 North, Range 40 East of the Boise Meridian, Fremont County, Idaho. LESS Highway right of way as described in Deed recorded March 13, 1933 in Volume 35 of Deeds, page 362

ALSO the Southwest Quarter of the Southwest Quarter of Section 36, Township 7 North, Range 40 East of the Boise Meridian, Fremont County, Idaho.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: 9-6-06

DHB Investments, an Idaho General Partnership

[Signature]
 Doyle H. Beck, Partner

[Signature]
 Elizabeth Beck, Partner

STATE OF IDAHO

COUNTY OF Bannock

)
) ss

On 9-6-06, before me, the undersigned, personally appeared
 Doyle H. Beck and Elizabeth Beck

known or identified to me to be (one of) the partners in the partnership and the (or one of) partner(s) who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he/they executed the same in said partnership name.

[Signature]

Notary Public for the State of Idaho

Commission Expiration Date: 11/1/06

MARCI J. BRADLEY
 NOTARY PUBLIC
 STATE OF IDAHO

505126

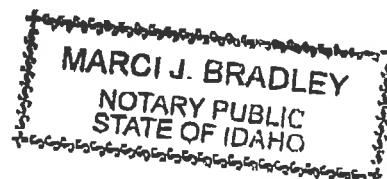
STATE OF IDAHO)
) ss
COUNTY OF BONNEVILLE)

On this 6th day of September, before me, the undersigned, personally appeared Doyle H Beck and Elizabeth Beck, known or identified to me to be the person or persons who name (s) are subscribed to the within instrument, and acknowledged to me that such they executed the same.

Marcy J. Bradley

Notary Public

My Commission Expires: 11/1/06

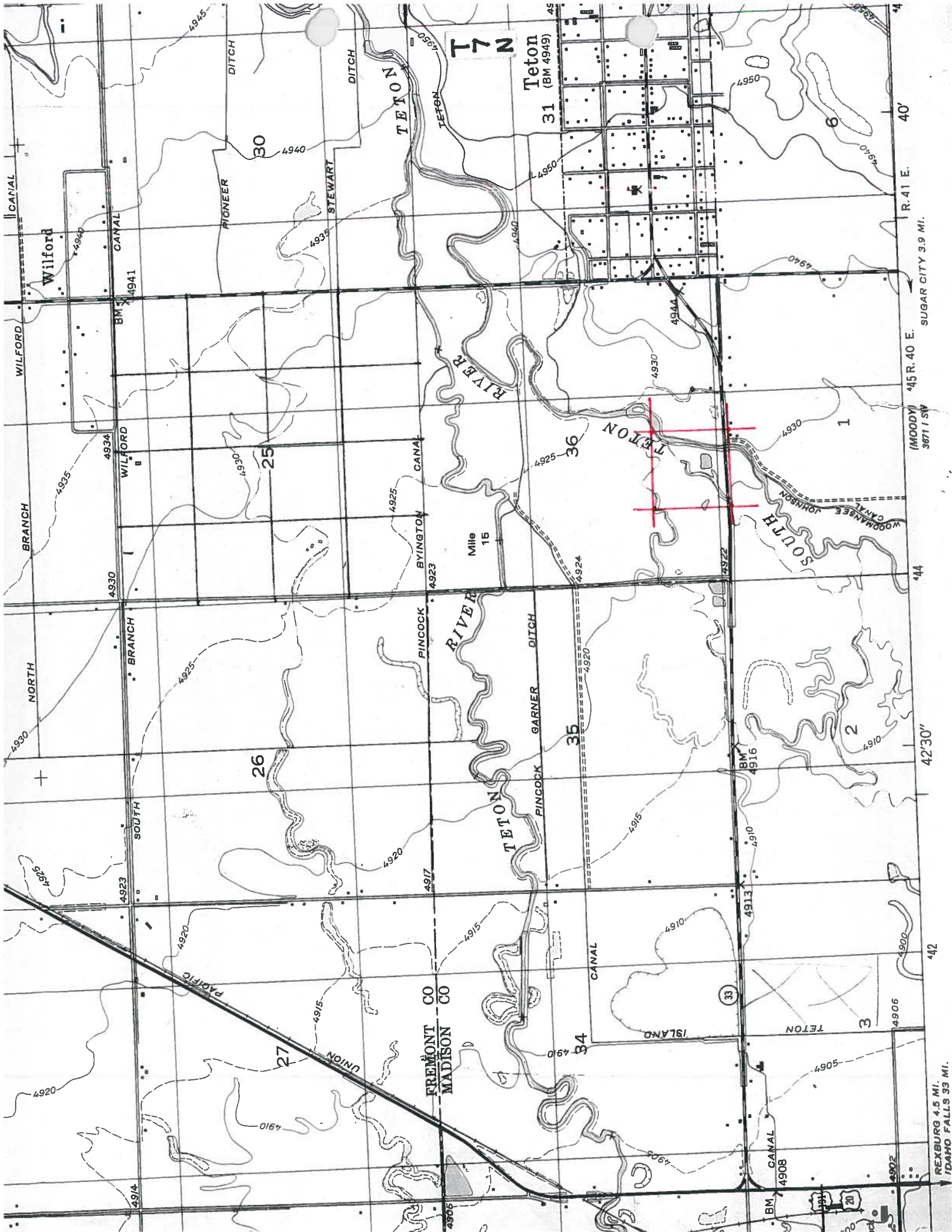


NOTES

12-27-05

This right was decreed to 40 ac. in the SE $\frac{1}{4}$ of S36 with 2" ac. In 1979 TX 2327 was filed and approved, which combined this right w/ 22-631 on a PPM of 120 ac with 2" ac. When the adjudication claims were filed for these two rights, they were filed separately, each claiming the 40 decreed. However, the acreage claimed does not match the decreed # acres. This right only claimed 31 ac. of 40 ac decreed. After some discussion with Floyd Gardner, I have yet to determine where the other 9 ac are. David claimed the full WR, but not the full acres. According to Floyd, David bought 40 ac. of the 120 ac. Why doesn't he claim it? I could get no explanation from Floyd. It is unclear after several phone conversations if David does indeed own the full WR of 22-636 or if it was split. David claimed it all, as does DHB Investments, the current owners. Despite the confusion, the claimant only claims 31 ac, therefore recommending the acres found in that QQ w/ 2" water/ac. as it was decreed. The remainder of this right remains unclaimed (9 ac. and the associated water).

KM



T 7 N

Teton
31 (BM 4949)

Wilford

NORTH

SOUTH

PACIFIC

UNION

FREMONT CO
MADISON CO

REXBURG 4.5 MI.
IDAHO FALLS 33 MI.

MOODY 45 R. 40 E.
SUGAR CITY 3.9 MI.

BRANCH

WILFORD

WILFORD

WILFORD

WILFORD

WILFORD

WILFORD

WILFORD

WILFORD

WILFORD

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Contacts Data Entry Form

Water Right No. 22-00636A

Owner Type _____ Full Name DAVID GARDNER Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

Claims BASIS OF CLAIM AS "BENEFICIAL USE" IN A
DECREED NUMBER (SPLIT) AND 1903 PRIORITY DATE WITHIN
PROBATOR RECORDING RANGING TO TETON PASS, 1910.
DECREED UNDER GARDNER, et al, vs CHANDALL, 6 APRIL, 1954
TO D.L. GARDNER, 80" TETON RIVER, 12/01/1903. (DECREES 22X)
TX # 2322, 29 August 1979, CHANGES RW (120² AC).
BASICALLY, TX ALLOWS 2"/AC: $4.80 \text{ cfs} / 120 \text{ AC} = 0.04 \text{ cfs/AC}$
AS CLAIMED: 22-00636A, 1.6 cfs ON 31² AC = 0.0516 → OVERCLAIMED
NO OTHER CLAIMS KNOWN OF THIS RW.

*↳ Ambrose was
or 636 and 631.*

FE INDICATED: RW/POD, Photo/GPS, System/CONVEYANCE

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: DEC 1, 1903 Claimed Basis: BENE. USERecommended Priority Date: Dec. 1, 1903 Recommended Basis: DECREED☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

CLAIMS BENEVOLENT - SEE DISCUSSION ON CONTRACT Pg.
RECOMMEND PRIORITY DATE, AS CLAIMED, FOR DECREED -
BUT CLAIM BASIS CHANGES TO DECREED.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.Water Right Point of Diversion: T 7N, R 40E, Sec. 36, _____, SE SW, County: FREMONTSource: TETON RIVER Tributary to: SNAKE RIVER

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
<u>7N</u>	<u>40E</u>	<u>36</u>		<u>SESW</u>	<u>FREMONT</u>	<u>TETON RIVER SO Fk</u>	<u>SNAKE RIVER</u>

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
<u>7N</u>	<u>40E</u>	<u>36</u>		<u>SESW</u>	<u>FREMONT</u>	<u>SO TETON RIVER</u>	<u>HENRYS Fork</u>

Other rights from this POD? _____

Transfers Pending or approved: TX #2322, 8/1999Document how the POD and Source were verified:

TX #2322 SHOWS RECORDS SOURCE AS TETON RIVER AS DOES DECREE.
USGS QUAD (W-45) SHOWS SOUTH TETON RIVER TRIBUTARY TO HENRYS
FORK (w/o SNAKE RIVER).

Cp3

Q: CLAIM MAP TENDS TO SHOW POD ON BACK CHANNEL OF SO TETON RIVER -
IS IT? IF SO, DOES IT HAVE A NAME?

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	40E	36	SESW		FREMONT		31	Panig.

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	40E	36	SESW		FREMONT		.	Panig

Total Acres _____

Document how the POU was verified:

POU (QQ) DETERMINED BY TX 2322 ⇒ OK
 Q: What happened to REMAINDER OF RIGHT AC (#89, TX#2322)?
 And Q (@ 0.04 cts/ac)

Transfers Changing POU #2322 (1999)

Reviewer: _____

Date: _____

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
<i>Aug</i>	<i>4/1</i>	<i>11/1</i>	<i>1.6</i>	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Aug</i>	<i>4/1</i>	<i>10/31</i>	<i>1.24</i>	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

*SDH NOT DEFINED BY DECREE OR TRANSFER - 1/66 DEPT STD
4/1 TO 10/31.*

*Q BY TX #2322: $48 \text{ cfs} \div 120 = 0.04 \text{ cfs/AC}$; $1.31 \text{ AC} \times 0.04 = 1.24 \text{ cfs}$
*0.36 cfs NOT ALLOWED.**

Reviewer: _____

Date: _____

-VS-

LYNN GRANDALL, Water Master, Water
District No. 36 of the State of Idaho

Defendant.

Gardner Decree

It is hereby ORDERED, ADJUDGED and DECREED That the plaintiffs, be, and each of them is hereby, awarded priority right to the use of water of the Snake River and its tributary, the Teton River, in amount and as of priority date hereinafter indicated for the purpose of irrigation and for domestic use:

22-0631 FLOYD GARDNER: 160 inches Dec. 1st, 1903.
The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M

22-002078 LELAN ANDERSON: 80 inches May 15, 1898
The SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, T 7 N., R 40 E1M

22-0632 WILLIAM D. HOLLIST: 104 inches Dec. 1st, 1903
That part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M, which is ~~part of Teton River~~

22-0633 YOSHIMISA UGAKI: 150 inches Dec. 1, 1903
Commencing at the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 36, T 7 N.,
R. 40 E1M., run thence south 53 $\frac{1}{3}$
rods, thence east 40 rods, thence north 20 rods, thence west 40 rods, thence north 11 rods, to the point of beginning.
ALSO: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M.
ALSO: The South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 E1M.
Gary Badders owns Anderson
Portion now

22-0634 ALBERT BURCH: 60 inches Dec. 1st, 1903
All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M lying and being south of the Teton River

22-0655 EVA B. CUTLER: 60 inches Dec. 1st, 1903
The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T 7 N., R. 40 E1M.

22-0636 DAVID LEROY GARDNER: 80 inches Dec. 1st, 1903
The SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36, T. 7 N., R. 40 E1M

22-0637 Mark CLARK: 80 inches Dec. 1st, 1903
That part of the South $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 30 and of the East 70 rods of the NW $\frac{1}{4}$ of Sec. 31, T. 7 N., R. 40 E1M which lies between the forks of the Teton River.

22-0638 DEAN GRAIN: 110 inches Dec. 1st, 1903
Beginning at the NW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 36, T., 7 N., R. 40 E1M and running thence North to the North Fork of the Teton

See Trans 2322
POD
SESW 536 7N40E



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 19, 1999

DHB INVESTMENTS
AN IDAHO GENERAL PARTNERSHIP
PO BOX 1768
IDAHO FALLS ID 83403-1768

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A22-00636A

Dear Sir:

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

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

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

FULLER & CARR

ATTORNEYS AT LAW

Mark R. Fuller
Steven E. Carr*

*Also Licensed in Utah

SHANE BUILDING
301 "A" Street
P.O. Box 50935
Idaho Falls, Idaho 83405-0935

Telephone
(208) 524-5400
Facsimile
(208) 522-7976

RECEIVED

DEC 11 1998

Department of Water Resources
Eastern Region

December 10, 1998

Department of Water Resources
900 N. Skyline, Suite A
Idaho Falls, ID 83402

RE: Claim Number: A22-00636A

Dear Sir:

Enclosed please find Notice of Change of Water Right Ownership of Adjudication Claim Number A22-00636A.

If you have any questions, please call.

Very truly yours,

FULLER & CARR



Mark R. Fuller
Attorney at Law

Enclosure
MRF:kss

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A22-00636A

2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) David and Carol Gardner
Box 325, Soldatna, Alaska 99669

4. New Owner/Claimant(s) DHB Investments, an Idaho general partnership
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 1768
City, State and ZIP Code Idaho Falls, ID 83403-1768
New Telephone Number (208) 529 - 9891

5. Date you acquired the property 11/12/1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 31 Number and type of stock _____
Diversion rate in CFS 1.6 Number of homes 0 Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) DHB Investments By: [Signature] Date 11/25/98

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

GRANTORS, David L. Gardner and Verda Carol Gardner, husband and wife, of Box 325, Soldotna, Alaska 99669, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto DHB Investments, an Idaho general partnership, whose mailing address is P.O. Box 1768, Idaho Falls, County of Bonneville, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in Fremont County, Idaho:

SE 1/4 SW 1/4 Section 36, TWP 7N, R. 40 EBM
Less Highway Right of Way as described in Deed recorded March 13, 1933 in Volume 35 of Deeds, page 362.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments and appurtenances thereto.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the grantee, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 12th day of November, 1998.

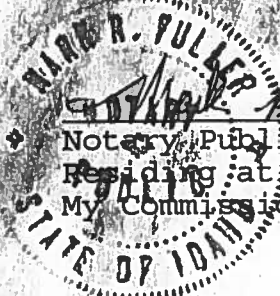
David L. Gardner
David L. Gardner

Verda Carol Gardner
Verda Carol Gardner

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 12th day of November, 1998, before me, a Notary Public for Idaho, personally appeared David L. Gardner and Verda Carol Gardner, husband and wife, 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 set my hand and affixed my official seal the day and year first above written.

 M. R. Puleo
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 06-09-2003

Microfilm No. 454726
16 Day Nov 19 98
At 15:38 O'clock P.M.
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 6- SB Deputy
Recorded At Request of
ALLIANCE TITLE & ESCROW

BILL OF SALE

DATE: November 12, 1998

For valuable consideration in hand received, we, David L. Gardner and Verda Carol Gardner, Box 325, Soldotna, Alaska 99669 hereby convey to DHB Investments, P.O. Box 1768, Idaho Falls, Idaho 83403 our interest in the personal property located upon real property better described as follows:

SE 1/4 SW 1/4 Section 36, TWP 7N, R. 40 EBM
Less Highway Right of Way as described in Deed recorded
March 13, 1933 in Volume 35 of Deeds, page 362.

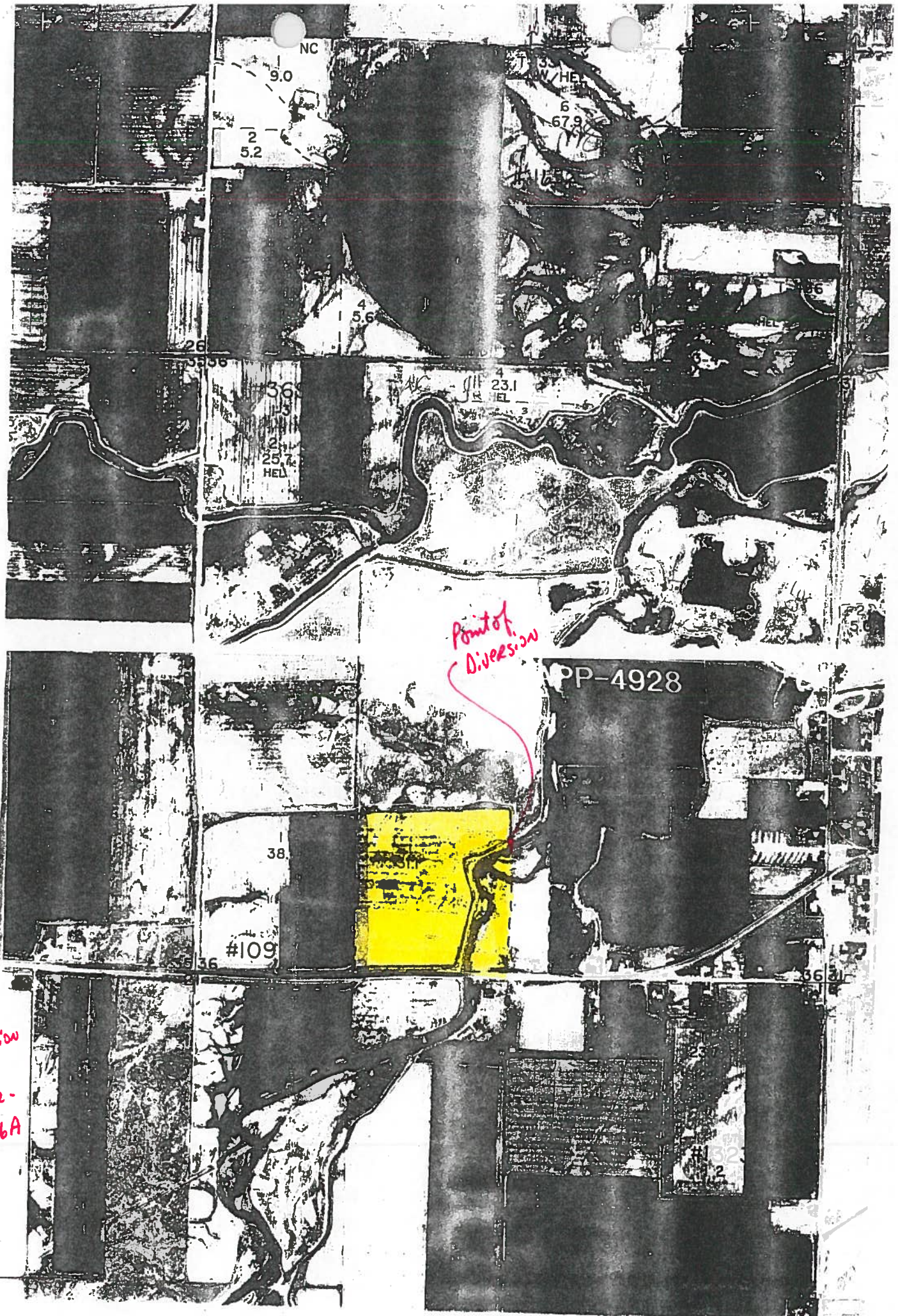
Including the following items:

- (1) all mainlines on the above described property jointly used with Floyd Gardner.
- (2) All water rights to the above described property including but not limited to 40 acre feet of high water and 40 acre feet of storage from Fremont/Madison Irrigation District drawn from the Teton River and/or the Bigler Slough.

It is understood that the property described is conveyed in an "as is" basis. The purchaser has had an opportunity to inspect the personal property to its satisfaction and understands that no warranty, implied or otherwise, accompanies the purchase of the property.

David L. Gardner
David L. Gardner
Seller

Verda Carol Gardner
Verda Carol Gardner
Seller



Point of Diversion

PP-4928

Application
1A:m
Vo. A22-
00636A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

AUG 31 1979

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Floyd B. Gardner and/or David L. Gardner Phone 458-4937

Post office address Route #1, Sugar City, Idaho 83448

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Floyd Gardner (22-0631), David L. Gardner (22-0636)
(Name)
in case of Floyd Gardner, et al vs Lynn Crandall
dated 4/6/1954 in 9th Judicial District county of Fremont
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Teton River tributary to Snake River

4. Date of priority 12/01/1903

5. Water is used for the following purposes:

22-0631 amount 3.20 for Irrigation purposes from * to *
22-0636 amount 1.60 for Irrigation purposes from * to *
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)

6. Total amount of water under right: a. 4.80 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is * $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
22-0631																			
7N	40E	36							40			40							80
22-0636																			
7N	40E	36											40						40

Total number of acres to be irrigated 120

9. Describe any other water rights used for the same purposes as described above _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. 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	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

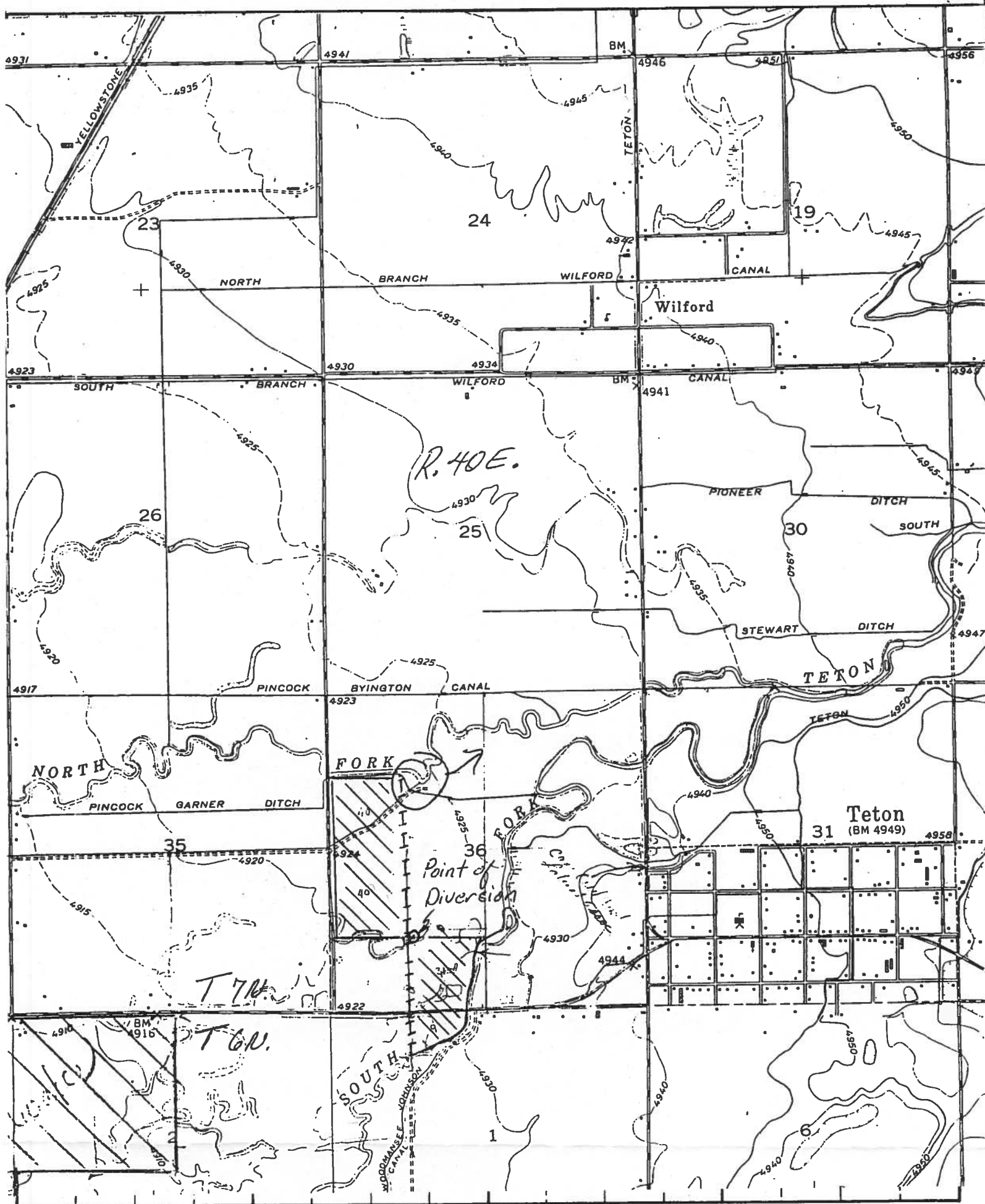
1. Change in point of diversion
- a. Amount of water to be diverted 4.80 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 36 Township 7N ,
Range 40E , B.M., Fremont County
Additional points _____
- c. Description of diverting works 250 Hp. propane engine with P.T.O. drive for pump.
- d. Describe the reasons for applying for a change in the point(s) of diversion To update the
records of the Department and Water District # 01.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	40E	36							40			40		31					111
6N	40E	1					9												9

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Floyd O. Gardner
(Signature of applicant)

Subscribed and sworn to before me this 12 day of July, 19 79

Jean Watson
(Notary public)

My commission expires May 15, 1981

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0631/0636 and said application is hereby approved, subject to the following limitations and conditions:
(1) A totalizing measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) Subject to control by the watermaster of State Water District 01, Snake River.

Witness my hand this 29TH day of August, 19 79.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by dh Date 7-12-79

Protest filed by _____

Prelim. check by EMC Fee 35.00

Receipted by dh Date 7-12-79 #11999

Published in Fremont County Chronicle News

Copies of protest forwarded by _____

Pub. dates July 19 & 26, 1979

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for approval denial

7-18-79 rec'd. 7-23-79

by Ernest Collins S.S.

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: A22-00636A
Date Received: 7/28/1988
Receipt No: E000936
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID GARDNER
Address: RT. 325
SOLDATNA, AK 99669

AND/OR

Name: CAROL GARDNER
Address: RT. 325
SOLDATNA, AK 99669

2. Date of Priority: DEC 01, 1903

3. Source: TETON RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	40E	36	SE	SW			FREMONT

5. Description of diverting works:
DITCH FROM RIVER TO PUMP RELIFT AND SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 77.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2200636A



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	36	SE	SW		IRR	31.0
Section Acres							31.0
Total Acres							31.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:
SEE TRANSF. 2322. FIRST PAGE SHOWS 1.60 CFS ORIGINALLY
APPURTENANT TO SESW OF SECT. 36. APPLICANT WANTS TO RETAIN THIS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

DATE: 01/19/99
PAGE: 1

Presumption Flag:

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

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

CIVIL CASE NUMBER: 39356

Ident. Number

A 22-00636A

Date Received

7-28-88

Receipt Number

E000936

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David and/or Carol Gardner Phone () _____
Mailing Address Rt. 325 Soldatna, AK Zip 99669

2. Date of Priority (Only one (1) per claim) 12-01-1903

3. Source of water supply (a) South Fork of Teton River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 7N Range 40E Section 36,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Fremont

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

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

Ditch from River to pump
relift to sprinkler lines

MICROFILMED

OCT 28 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 1.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 77.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	40	36												31					31

Total number of acres irrigated 31

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: See transF 2322

MICROFILMED

OCT 28 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 22-0638

Court _____ Case Number _____ Decree Date 4-06-1954

Plaintiff vs Defendant Gardner vs Crandall

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) X David Gardner Date 7-11-88

Carol Gardner Date 7-11-88

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~ or Alaska)
County of Third Judicial District) SS.

Subscribed and sworn (or affirmed) before me this 11th day of July 19 88

SEAL

Notary Public Wm. Horvath

Residing at Seldovia, AK

My Commission Expires 1-20-92

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

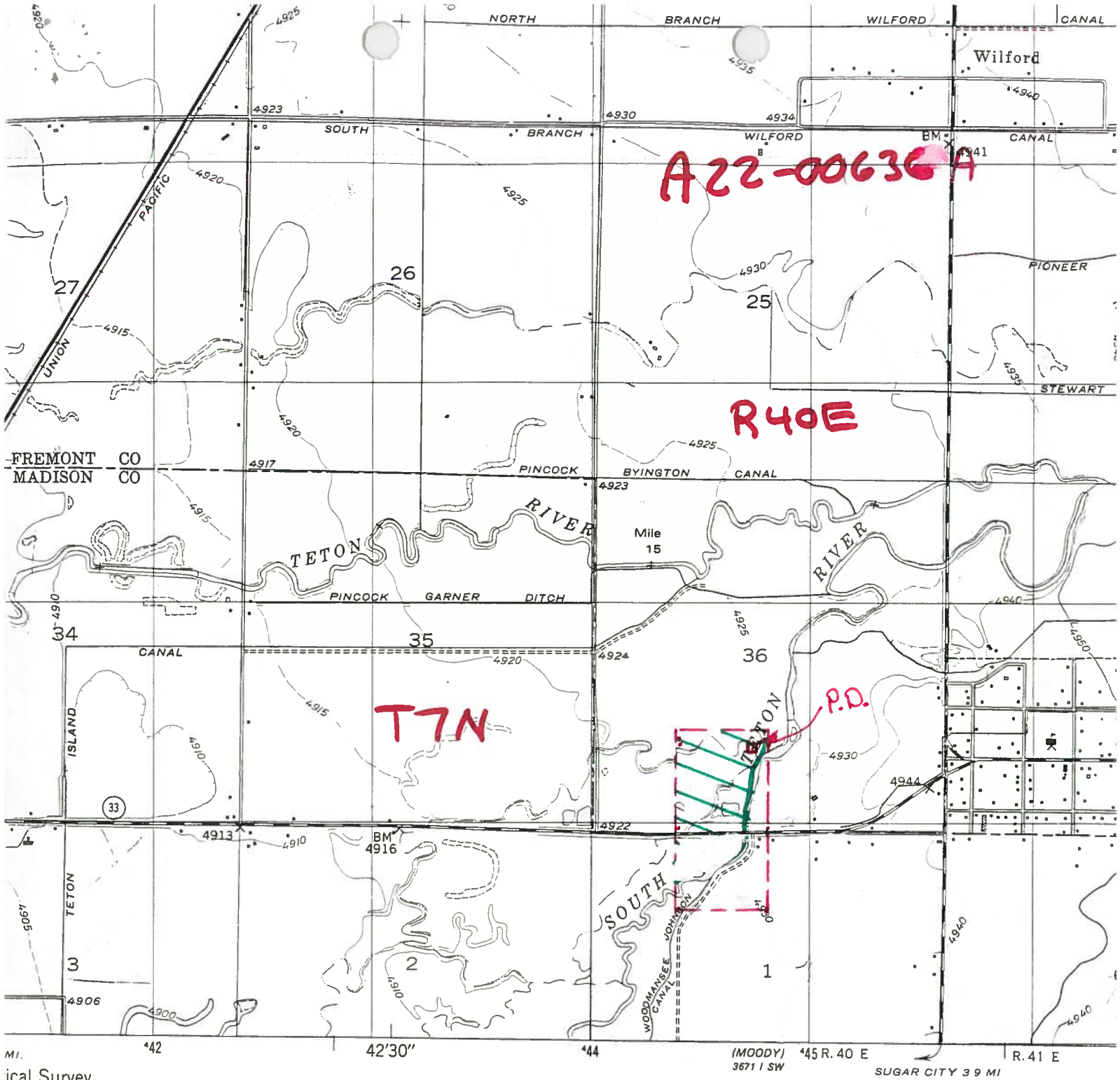
Date _____

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OCT 28 1992

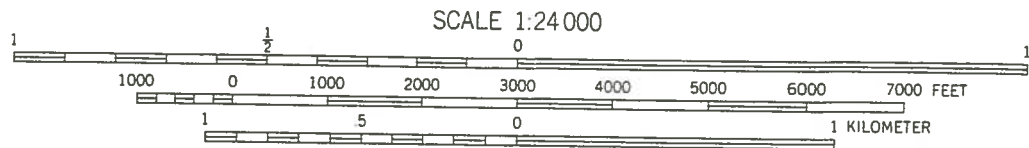
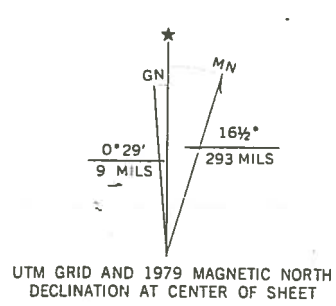
Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



ical Survey

33



CONTOUR INTERVAL 10 FEET
DASHED LINES REPRESENT HALF-INTERVAL CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 2209
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

MICROFILMED
OCT 28 1992