

12/06/2011

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

RIGHT NUMBER: 22-660

NAME AND ADDRESS: SAUREY-SOMMER CANAL COMPANY
C/O DON HARRIS
4431 N 2000 W
REXBURG ID 83440

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 9.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T07N R39E S35 SESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

9.000 CFS

PLACE OF USE:

350 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 350 acres in a single irrigation season. Combined Right Nos.: 22-660 and 22-11329.

Place of use is within the area served by Saurey Sommer Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

Water is delivered through Saurey-Sommer Ditch.

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

Law Offices
RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com

FAX Transmission Sheet

Date: 12-4-06

To: Trent Galbraith

Fax No: 525-7177

From: Jerry R Rigby

Sent By: Mandy

Subject: Saurey-Sommer

You should receive 5 page(s) including this cover sheet.

COMMENTS:

THE ADDITIONAL LAND TO BE INCLUDED ARE
PENED IN LIKE IIII (3 PIECES)

THANKS

JERRY

If transmission was incomplete or not legible, please call the sender at 208-356-3633.

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

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AUG 14 2007

Received Time Dec. 4. 2:02PM

QUITCLAIM DEED

FOR VALUE RECEIVED, Don F. Harris and Leann Harris, husband and wife, of 4431 N. 2000 W., Rexburg, Idaho 83440; **Scott M. Rigby and Michele Rigby**, husband and wife, of 4434 N. 3000 W., Rexburg, Idaho 83440; **Alan D. Rasmussen and Evonne Rasmussen**, husband and wife, of 5000 N. 3000 W., Rexburg, Idaho 83440; **Karen Bell**, a single person, of 3342 W. 4000 N., Rexburg, Idaho 83440; **Russell Little and Margo Little**, husband and wife, of 4028 N. 3000 W., Rexburg, Idaho 83440; **Frank Johnson and Shelly Johnson**, husband and wife, of 4186 N. 3000 W., Rexburg, Idaho 83440; **Gale Perrenoud and Wanda Perrenoud**, husband and wife, of 4294 N. 3000 W., Rexburg, Idaho 83440; **Gwili Saurey**, a single person, of 3276 W. 4000 N., Rexburg, Idaho, **Max Loveland and Pearl Loveland**, husband and wife, of 3257 W. 4000 N., Rexburg, Idaho 83440; and **Bert Sommer and Marilyn Sommer**, husband and wife, of 4274 N. 3366 W., Rexburg, Idaho, "Grantors" do hereby remise, release and forever QUITCLAIM unto, **SAUREY-SOMMER CANAL COMPANY**, an Idaho Non-profit Corporation, of 795 S. Yellowstone Highway, Rexburg, Idaho 83440, all of their interest held, in and to the following described originally decreed water rights and any subsequent rights therefrom:

Water Right Number 22-00007 with a priority date of 10-17-1885 for 12.32 c.f.s.
Water Right Number 22-00008 with a priority date of 10-17-1885 for 11.48 c.f.s.
Water Right Number: 22-00009 with a priority date of 10-17-1885 for 3.2 c.f.s.

Place of use of the above described water rights is located on the lands of the grantor's located within Sections 2 & 3, Twp. 6 N., Rge. 39 E.B.M. and Sections 34 & 35, Twp. 7 N., Rge. 39 E.B.M., Madison County, Idaho

Together with all and singular the tenements, hereditaments, and appurtenances therunto
belonging or in any wise appertaining.

DATED This 30th day of November, 2006.

Don F. Harris
Don F. Harris

Leann Harris
Leann Harris

Scott M. Rigby
Scott M. Rigby

Michele Rigby
Michele Rigby

Alan D. Rasmussen
Alan D. Rasmussen

Evonne Rasmussen
Evonne Rasmussen

Karen Bell
Karen Bell

Russell Little
Russell Little

Margo Little
Margo Little

Frank Johnson
Frank Johnson

Shelly Johnson
Shelly Johnson

Gale Perrenoud
Gale Perrenoud

Wanda Perrenoud
Wanda Perrenoud

Gwili Saurey
Gwili Saurey

Max Loveland
Max Loveland

Pearl Loveland
Pearl Loveland

Bert Sommer
Bert Sommer

Marilyn Sommer
Marilyn Sommer

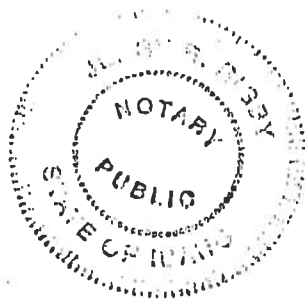
Acknowledgment

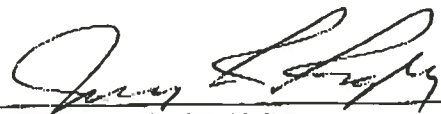
STATE OF IDAHO,)

ss.

County of Madison)

On this 30th day of November, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Don F. Harris and Leann Harris, husband and wife; Scott M. Rigby and Michele Rigby, husband and wife; Alan D. Rasmussen and Evonne Rasmussen, husband and wife; Karen Bell, a single person; Russell Little and Margo Little, husband and wife; Frank Johnson and Shelly Johnson, husband and wife; Gale Perrenoud and Wanda Perrenoud, husband and wife; Gwili Saurey, a single person; Max Loveland and Pearl Loveland, husband and wife, and Bert Sommer and Marilyn Sommer, 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.




Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 11-09-2011

Quitclaim Deed - Page - 3

F:\WP6\SB\QC\DEED.WPD

Received Time Dec. 4. 2:02PM

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5-18-06

- Talked to Ernie about 22-660. He said the individuals have been in many times to file on water supplied through the saury-sommer ditch and if they have not yet filed ~~an~~ individual claims for 22-660 they must ~~not~~ be interested in it.
- Ernie said to just disallow it.

VB

Individual Files

7A

7B

7D

8B

8C

8D

11636

12579

13462

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Point of Diversion

Northeast Quarter of the Northwest Quarter of Section 33, Township 8 North, Range 41 E.B.M., Fremont County, Idaho.

Lands to Which Appurtenant

Sections 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 29 30, 31 and 32, Township 7 North, Range 39 E.B.M.

Section 27, Township 8 North, Range 39 E.B.M.

Sections 5, 6, 7 and 8, Township 6 North Range 39 E.B.M.

Sections 2, 5, 8, 9, 18 and 22, Township 7 North, Range 40 E.B.M.

Sections 27, 28, 29, 31, 32, 33, 34, 35 and 36, Township 8 North, Range 40 E.B.M.

Section 25 and 26, Township 6 North, Range 38 E.B.M.

All of the above property located in Fremont and Madison Counties, Idaho.

ZZ SAUREY-SOMMER DITCH by LEROY SAUREY

1-03-18 22-06-60

That Saurey-Sommer Ditch by LeRoy Saurey shall have the right to divert and use 9.0 cubic feet of water per second at the following point of di-

version and upon the following described lands:

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 35, Township 7 Range 39 E.B.M., Madison County, Idaho.

Lands to Which Appurtenant

Lots 1 and 2, Section 3, Township 6 North, Range 39 E.B.M.; $\frac{1}{2}$ of Lot 3, Lot 4, in Section 2, Township 6 North, Range 39 E.B.M.; Lot 5 E $\frac{1}{2}$ SE $\frac{1}{2}$ less Tax 8, Section 34, Township 7 North, Range 39 E.B.M. E $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$, Tax 16, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Tax 18, Section 35, Township 7 North Range 39 E.B.M., all in Madison County, Idaho.

AAA TETON IRRIGATION & MFG. COMPANY

1-03-19 22-06-72

That Teton Irrigation & Mfg. Company shall have the right to divert and use 9.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Northwest Quarter of Section 28, Township 7 North, Range 41 E.B.M.

MAY 13 1996

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24/230
230

40+40+20
+40+40

DIVERSION # NAME

Priority

CFS

**Water Right
Number**

Comments

13055210 Teton Island Feeder Canal

1879-06-01	1.690	22-00491 B
1883-03-01	10.360	22-00552
1883-05-15	1.600	22-00288 A
1883-05-15	1.600	22-00319
1884-05-22	70.000	22-00553
1884-06-01	25.300	22-00589
1885-05-01	2.880	22-00425 B
1885-05-31	4.320	22-00586
1885-06-01	160.000	22-00494
1885-06-01	80.000	22-00495
1888-06-01	3.360	22-00571
1889-05-01	2.240	22-00416
1898-04-01	12.000	22-00320
1898-04-01	4.360	22-00415
1898-04-01	5.790	22-00424 B
1898-04-01	159.640	22-00551
1898-04-01	6.640	22-00570
1898-04-01	8.680	22-00585
1898-04-01	46.700	22-00588
Sum	614.120	

13055245 Salem Union B Canal

1888-06-01	26.500	22-00428
Sum	26.500	

13055275 Roxana Canal

1885-06-01	16.000	22-00492	
1916-01-22	26.000	22-00656	01-00268
Sum	42.000		

13055280 Island Ward Canal

1901-01-23	100.000	22-00605
Sum	100.000	

13055295 Saurey Canal

1885-10-17	12.320	22-00007	
1885-10-17	11.480	22-00008	
1885-10-17	3.200	22-00009	
1939-04-01	9.000	22-00660	01-00348
Sum	36.000		

13055306 McCormick-Rowe Canal

1879-06-01	2.710	22-00491 A
1885-05-01	1.440	22-00425 A
1898-04-01	2.890	22-00424 A
1898-04-01	8.600	22-00490
Sum	15.640	

Godfrey Pump?

13055319?
Duke & Robert Parkinson
6 N 40 E 2

660- claim 9 cfs company

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☐ All SRBA & Water Rights

SRBA

☐ Claims

☐ Recommendations

☐ Both

Water Rights

☐ Applications

☐ Permits

☒ Decrees, Licenses and Statutory Claims

☐ Transfers

☐ All of the above

Basin

Who

What

When

Where

Clear

Search

Help

Query parameters:

basinFrom = 22

sequenceNumberFrom = 660

Search for: active Records

Number of records = 0

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☐ All SRBA & Water Rights

SRBA

☐ Claims

☐ Recommendations

☐ Both

Water Rights

☐ Applications

☐ Permits

☒ Decrees, Licenses and Statutory Claims

☐ Transfers

☐ All of the above

Basin

Who

What

When

Where

Clear

Search

Help

Query parameters:

basinFrom = 1

sequenceNumberFrom = 348

Search for: active Records

Number of records = 0

Contacts Data Entry Form

Water Right No. A2200660

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

Current Owner	<u>SAUREY</u>	<u>SOMMER</u>	<u>DITCH</u>	<u>CO</u>	<u>BRENT</u>	<u>J BELL</u>
---------------	---------------	---------------	--------------	-----------	--------------	---------------

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:

BASIS OF CLAIM DECREED. WATER
Right # 010348WATER Right. Co mingles with 22-00007NEED TO sign WATER Right on behalf
OF CANAL Co.Please see Saurey-Sommer Ditch Survey in
A22-7A.F.I.E. POD / POU. CONVEYANCE SYSTEM

Reviewer: _____

Date: _____

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Water Right Split History Analysis

A22-660

Per Brett Bell 9/23/04.

Ditch Split N split - Harris, Rasmussen, Rigby
 Rigby relies on canal shares, no
 private right. maybe 1 share

S split - Loveland (Sauney)
 Bell
 Perrenoud
 Johnson
 Little

Traditionally water is split 50/50 between
 N & S users. This includes delivery of
 private rights.

Issues for research -

- Missing claim on SW SE 35 - Brett Bell
- Imbalance between 22-7, 22-8
- 22-9 is ~~not~~ claimed, under A22-12579
 (Harris)

Action -

- Took new claim in name of company for
 balance of 22-8 plus stockwater of 22-4019
- SW SE 35 is included on canal map so it
 will still receive canal shares.

Bac 9/27/04

Reviewer: _____

Date: _____

Please see A22-7A.

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Priority Date Data Entry Form

Claim Number: A22-660

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: April 1, 1939 Claimed Basis: DECREEDRecommended Priority Date: 4-1-1939 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:

Matches DECREED

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: A22-660

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 7N, R 39E, Sec. 35,____,____,____. County: MADISONSource: TETON RIVER NORTH FORK Tributary: HENRY FORK SNAKE RIVER

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? GPS Tag #

Document how the POD and Source were verified and/or Pump and Motor data:

CLAIMS. HENRY FORK. SNAKE RIVER
CLAIMS. TETON RIVER. DUCKED NORTH FORK. TETON RIVER
DIVERTED INTO SAUREY. SUMMER. DITCH NEVSEK SEV
SEC. 35. T7N R. 39E
Please see A22-7A for GPS & photo

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

Claim Number: 22-00660

1 OF 3 PAGES

☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	39E	34			MADISON		23	IRRIG
"	"	"			"	7	28	"
"	"	"			"	6	2	"
"	"	"			"	11	21	"
"	"	"			"	11	34	"
"	"	"			"		18	"
"	"	"			"		34	"
Total Acres							160	

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	39E	34			MADISON			IRRIG
"	"	"			"			"
"	"	"			"			"
"	"	"			"			"
"	"	"			"			"
"	"	"			"			"
Total Acres								

Document how the POU was verified:

La Donna at Fremont-Madison Irrigation District is doing GIS service area. Bae 9/22/04

A22-7A through 7D, 8A through 8D show photos of POU.

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Place Of Use Data Entry Form

2 OF 3 PAGES

Claim Number: A22-660☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	39E	35			Madison		3	Irrig.
"	"	"			"		40	"
							38	"
							26	"
							40	"
							38	"

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	39E	35			Madison			

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED

AUG 14 2007

Place Of Use Data Entry Form

3 OF 3 PAGES

Claim Number: A22-660☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	39E	35			MADISON		38.5	Irrig.
"	"	"			"		34	"
"	"	"			"		38	"
"	"	"			"		38	"
"	"	"			"		14	"
"	"	"						"

Total Acres 309.5

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	39E	35			MADISON		38.5	Irrig.
							34	
							38	
							38	
							14	

Total Acres 309.5

Document how the POU was verified:

COMING/E with 2200008

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: 22 660☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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.	4/1	11/1	9.00	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIG.	4/1	10/31		

Overall Diversion Rate _____

Overall Diversion Volume _____

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

SOU To DEPT STANDARDS

Reviewer: _____

Date: _____

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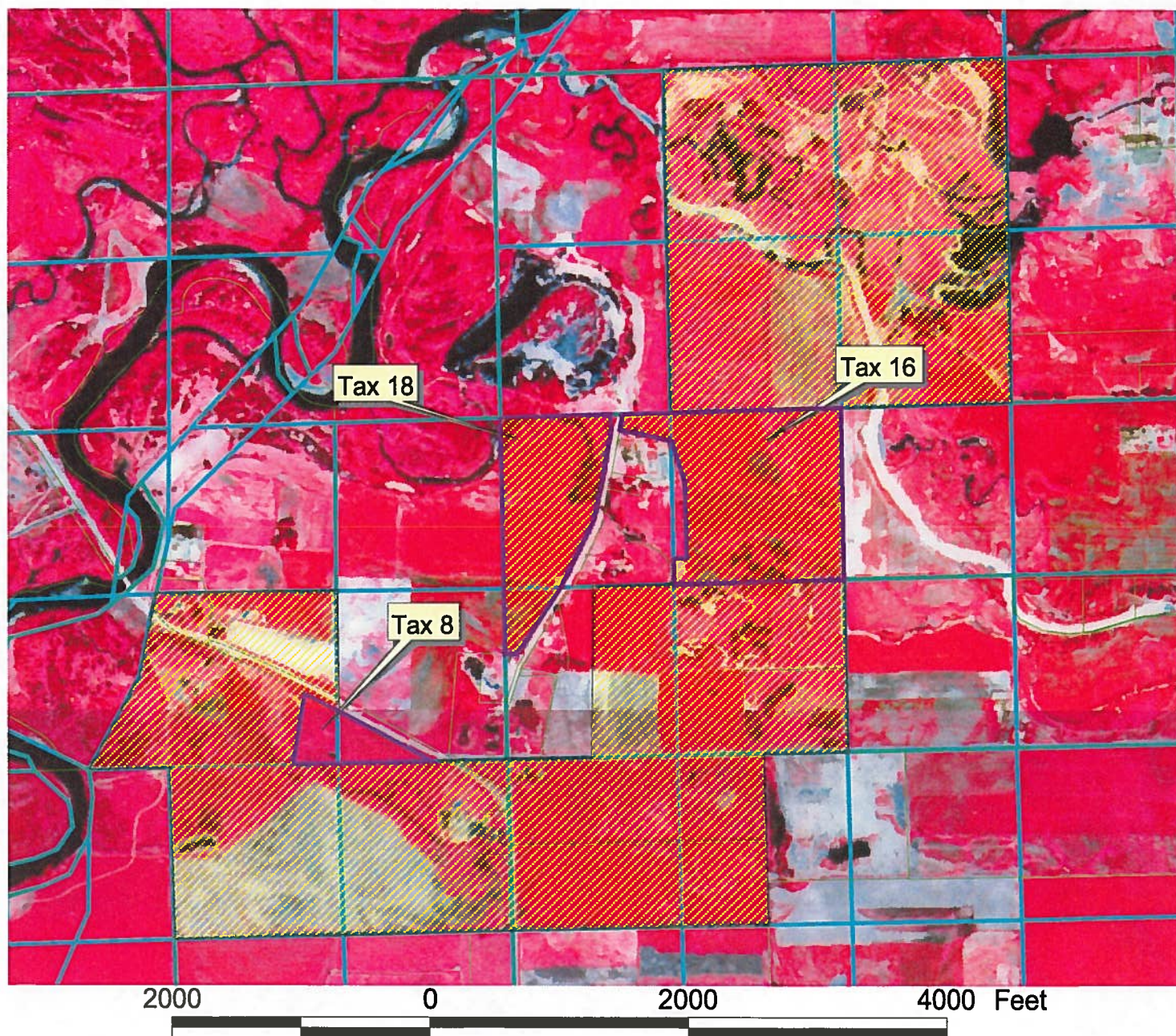
AUG 14 2007



State of Idaho
Department of Water Resources
Eastern Region



Decreed POU For 22-660



- 22-660dec.shp
- Madison taxlots
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Tax Numbers Supplied by Madison County
Date: May 2006

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AUG 14 2007

Saurey Somer Ditch Company

Dec. 04 2006 02:25PM P2/5

FAX NO. : 2083560768

FROM : RIGBY-THATCHER LAW OFFICES

1002 4 1 009
SCANNED



Legend
☐ Ditch Area
☐ Injured Area
☐ Section
00

Received Time Dec. 4, 2:02PM



Saurey-Sommer Canal Company

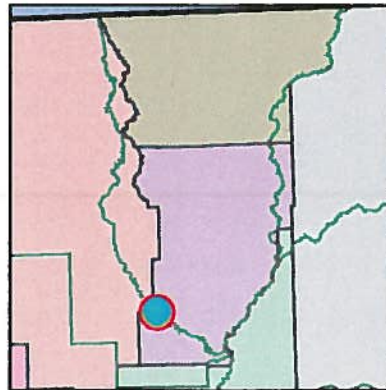
SRBA Recommendations: 22-660, 22-11329

Service Area Boundary
GIS Place of Use Illustration

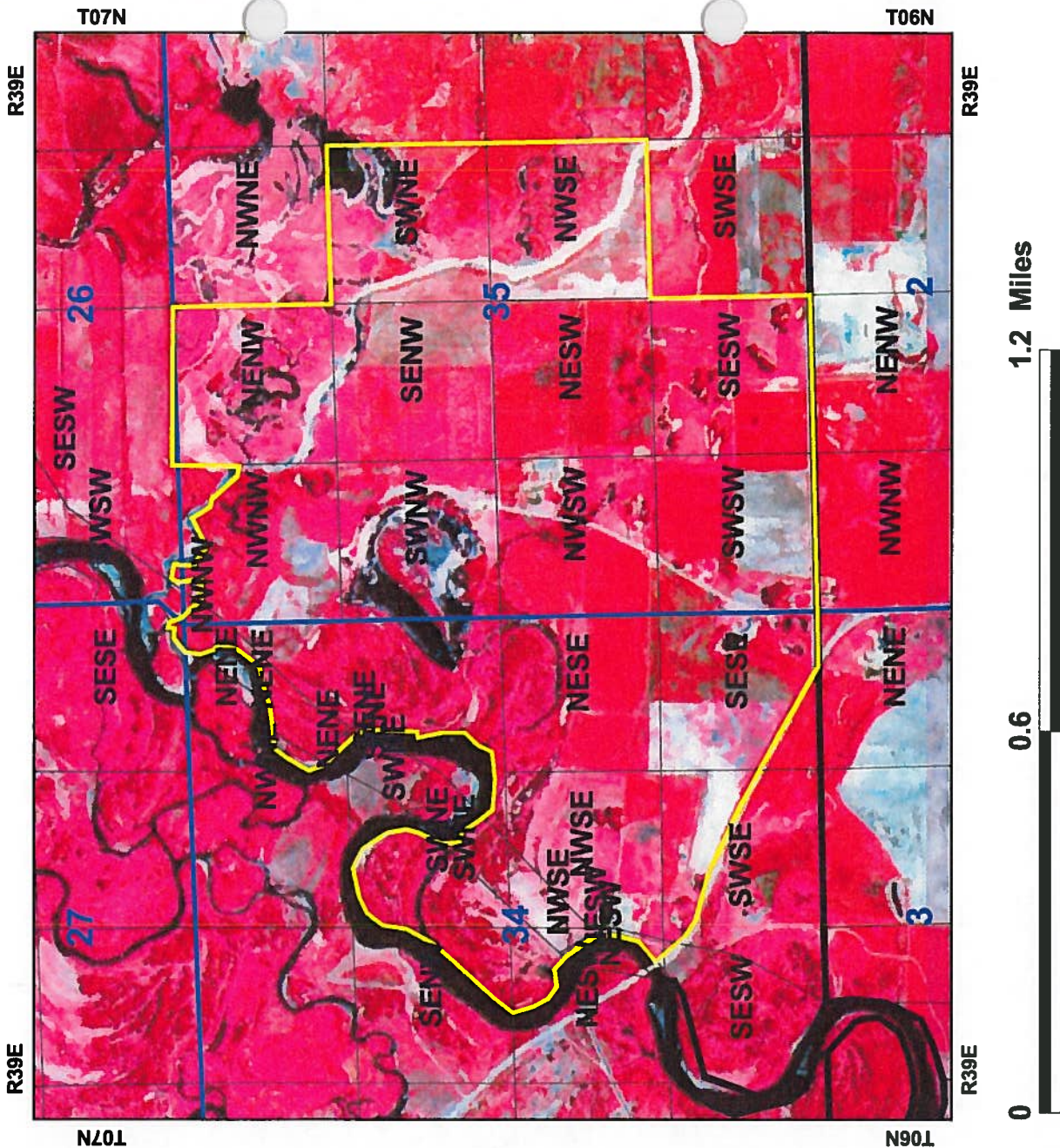
Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters

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AUG 14 2007



Madison County
IDWR Basin 22



Prepared by K. Moore
On Thursday, December 7, 2006
1987/88 Aerial Photography

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 22-660

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant SAUREY-SOMMER CANAL COMPANY
C/O DON HARRIS 4431 N 2000 W
REXBURG, ID 83440 (208)356-8106

Priority Date: 04/01/1939
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	9 CFS	
Recharge for Irrigation	04/15	10/31	9 CFS	
Total Diversion			9 CFS	

Location of Point(s) of Diversion:

TETON RIVER NESESE Sec. 35 Township 07N Range 39E MADISON County

All Qualified Wells of the stockholders/electors as described in Remarks below.

Place(s) of use: Within the area served by this irrigation entity

Remarks: Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code.

Qualified Wells are those owned by stockholders/electors within the authorized place of use and which are recovering ground water resulting from recharge for irrigation and/or water resulting from irrigation under this entity's irrigation works for use on lands within this irrigation entity's authorized place of use.

1. 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
C18 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.

2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

3. 129 Place of use is within the area served by Saurey Sommer Canal Company.

4. F01 Water is delivered through Saurey-Sommer Ditch.

5. E56 The rights listed below are limited to the irrigation of a combined total of 361 acres in a single irrigation season. Combined Right Nos.: 22-660 and 22-11329.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed

Signature(s)

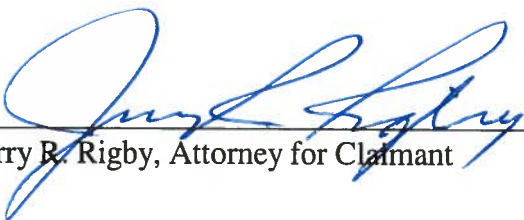
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.

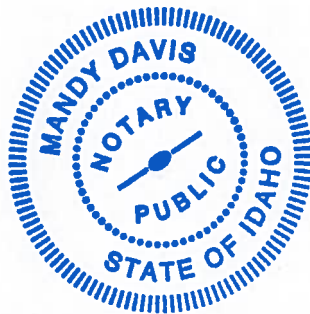


Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)
) ss.
County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Mandy Davis

Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

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: A22-00660
Date Received: 8/19/1988
Receipt No: E001776
Received By: HWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAUREY-SOMMER DITCH C/O BRENT J. BELL 208-356-6193
Address: 3342 W. 4000 N.
REXBURG, ID 83440

2. Date of Priority: APR 01, 1939

3. Source: TETON RIVER, NORTH FORK Trib. to: HENRY FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	39E	35	NE	SE	SE		MADISON

5. Description of diverting works:
DIVERSION DAM TO SAUREY-SOMMER DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	9.000		

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

8. Total consumptive use is 1172.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	39E	34	NE	NE		IRR	23.0
			SE	NE	7	IRR	28.0
			NE	SW	6	IRR	2.0

A22-00660

Page

1

Date: 08/25/88

SCANNED

MICROFILMED

AUG 14 2007

OCT 28 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	39E	34	NE	SE-	6	IRR	21.0
			NW	SE	6	IRR	34.0
			SW	SE		IRR	18.0
			SE	SE-		IRR	34.0
Section Acres							160.0
		35	SW	NE-		IRR	3.0
	NE		NW-		IRR	40.0	
	NW		NW		IRR	38.0	
	SW		NW		IRR	26.0	
	SE		NW-		IRR	40.0	
	NE		SW		IRR	38.5	
	NW		SW		IRR	34.0	
	SW		SW-		IRR	38.0	
	SE		SW-		IRR	38.0	
	NW		SE		IRR	14.0	
Section Acres							309.5
Total Acres							469.5

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
INDIVIDUALS IN CANAL FILING ON A22-00007

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 010348
Case Number:
Court :
Decree date: 3/12/1969

ABERDEEN SPRINGFIELD CANAL COM
Decree Plaintiff

vs

HENRY EAGLE
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): X Brent J. Bell Date: X 8-25-88

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of August 19 88

Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94
3 Date: 08/25/88

A22-00660

Page

SCANNED

AUG 14 2007

MICROFILMED

OCT 28 1992

09/22/2006

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

RIGHT NUMBER: 22-660

NAME AND ADDRESS: SAUREY-SOMMER DITCH
C/O DON HARRIS
4431 N 2000 W
REXBURG ID 83440

" Disallowed "

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 9.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T07N R39E S35 NESESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	9.000 CFS
PLACE OF USE: <u>IRRIGATION Within MADISON County</u>		
T07N R39E S34 NENE 23.00	T07N R39E S34 Lot 7 SENE 28.00	
T07N R39E S34 Lot 6 NESW 2.00	T07N R39E S34 Lot 6 NESE 21.00	
T07N R39E S34 Lot 6 NWSE 34.00	T07N R39E S34 SWSE 18.00	
T07N R39E S34 SESE 34.00	T07N R39E S35 SWNE 3.00	
T07N R39E S35 NENW 40.00	T07N R39E S35 NWNW 38.00	
T07N R39E S35 SWNW 26.00	T07N R39E S35 SENW 40.00	
T07N R39E S35 NESW 38.50	T07N R39E S35 NWSW 34.00	
T07N R39E S35 SWSW 38.00	T07N R39E S35 SESW 38.00	
T07N R39E S35 NWSE 14.00		
469.5 ACRES TOTAL		

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

Lack of proof of ownership.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Lack of proof of ownership - Claimant is not an organized ditch company and therefore inelligible to make a claim. The water rights diverted through Saury-Sommer ditch are being claimed by individual right holders.

12/07/2006

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

RIGHT NUMBER: 22-660

NAME AND ADDRESS: SAUREY-SOMMER CANAL COMPANY
C/O DON HARRIS
4431 N 2000 W
REXBURG ID 83440

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 9.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: T07N R39E S35 NESESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

9.000 CFS

PLACE OF USE:

Large Place of Use

361 ACRES TOTAL

Place of use is within the area served by Saurey Sommer Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

The rights listed below are limited to the irrigation of a combined total of 361 acres in a single irrigation season. Combined Right Nos.: 22-660 and 22-11329.

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

Water is delivered through Saurey Sommer Ditch.