

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-674C

NAME AND ADDRESS:

BRUCE ZOHNER
151 W 550 S
VICTOR ID 83455

PATRICIA ZOHNER
151 W 550 S
VICTOR ID 83455

SOURCE:

Source:
FOX CREEK

Tributary:
TETON RIVER

QUANTITY: 0.400 CFS

~~0.200 CFS~~

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T04N R46E S30 NWSNW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.400 CFS

~~0.200 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S27 NESW 19.0

~~T04N R45E S27 NESW 18.0~~

19 ACRES TOTAL

~~18 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

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

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

Water is delivered through Fox Creek Canal (Meyers Ditch).

The appropriator is entitled to the quantity of water described above at the point of measurement in T4N, R45E, S26, NENWSE.



Idaho Department of Water Resources

SRBA Recommendation:

22-674C

(Irrigation)

Legend

Point of Diversion

Place of Use

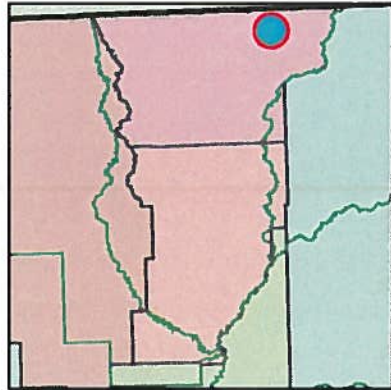
Townships

PLS Sections

Quarter Quarters

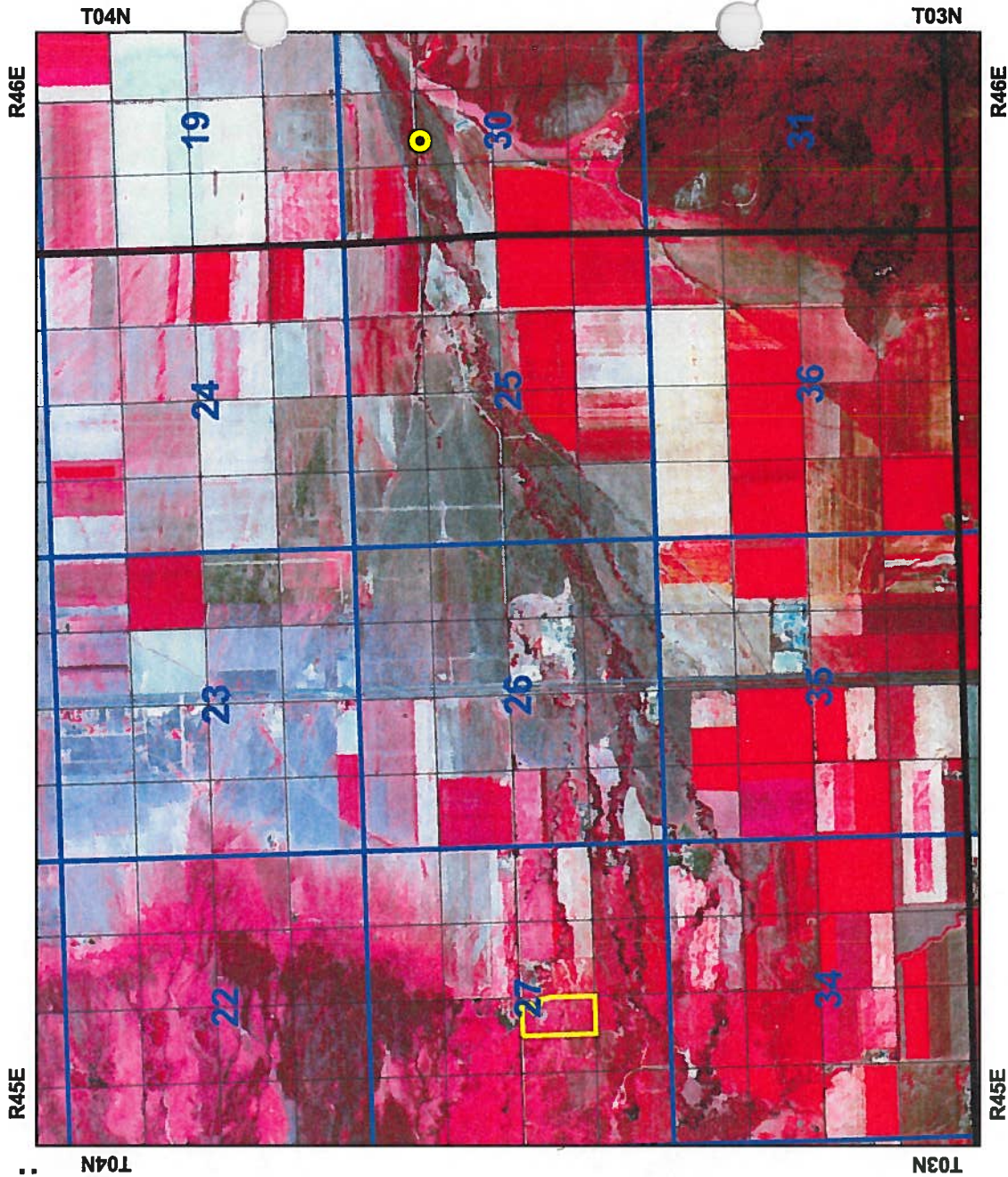


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AUG 14 2007



Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Monday, November 13, 2006
1987/88 Aerial Photography

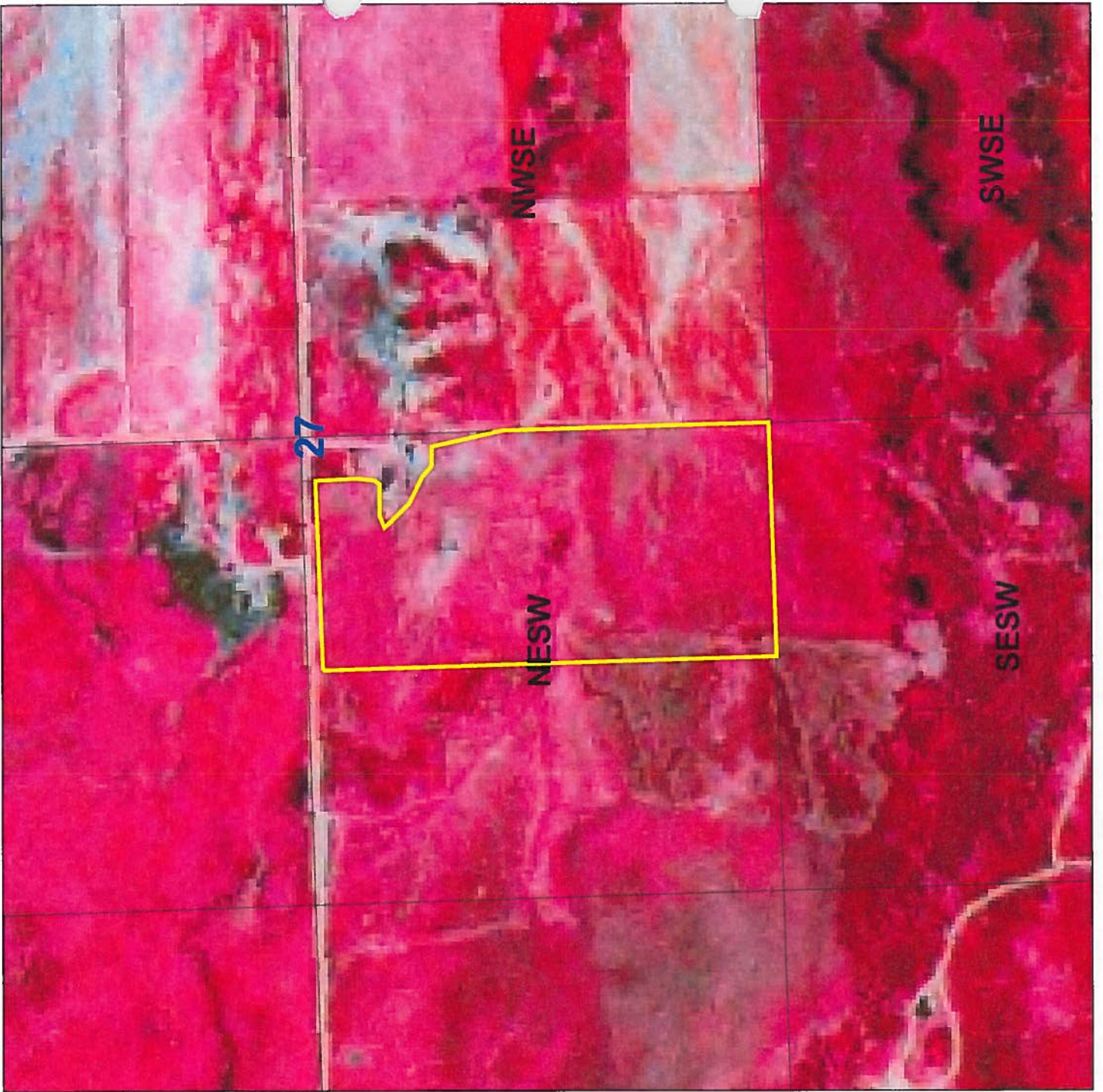


0 1 2 Miles

22-674C



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AUG 14 2007



Robert L. Harris, Esq. (ISB # 7018)
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

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

In Re SRBA

Case No. 39576

Subcase Nos.: 22-674B, 22-674C,
22-674D, 22-674E

**AFFIDAVIT OF
BROOKE SAINDON**

STATE OF IDAHO)
) ss.
County of Teton)

I, Brooke Saindon, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, and that it is made on my personal knowledge.

1. I am over the age of eighteen (18) years old and competent to testify as the matters contained herein.

2. I, along with my husband Donn Saindon, are the former owners of the SW1/4 of Township 4N, Range 45E, Section 27, which we owned until November 30, 1987. At that point, we sold the northern one-half of the SW1/4, but retained the southern half of the SW1/4, for a total of eighty (80) acres. In 1998, we sold 38 of the 80 acres, and in 2007, we sold the remaining 42 acres.
3. The northern one-half of the SW1/4 of Township 4N, Range 45E, Section 27 is now divided into twenty acre parcels owned by (1) Katherine Ciesinski, (2) Kristine Ciesinski and Norman Bailey, (3) Jeff Carter and Josephine Warden, and (4) Bruce and Valerie Zohner. A map showing these properties is attached hereto as Exhibit A.
4. It is my understanding that Water Right No. 22-674 was originally appurtenant to the entire SW1/4 (160 acres) of Township 4N, Range 45E, Section 27. The water right was originally owned by Steven and Cynthia Crow, and allowed for the diversion of 1.6 cfs for irrigation purposes from a point of diversion located in the NW1/4SE1/4 of Township 4N, Range 45E, Section 26. A copy of a water report of this water right is attached hereto as Exhibit B.
5. During the time I owned the SW1/4 of Township 4N, Range 45E, Section 27 (160 acres), and the southern on-half of the SW1/4 of Township 4N, Range 45E, Section 27 (80 acres), I became familiar with the delivery system for surface water to my property and the property of my neighbors to the north. During the time I owned the property, I did not receive my water from the point of diversion located in the NW1/4SE1/4 of Township 4N, Range 45E, Section 26. I received water from a different point of diversion than my neighbors to the north. The water I received was pursuant to my shares in the Fox Creek Canal Company. I never received water pursuant to Water Right No. 22-674. I never filed a claim in the

Snake River Basin Adjudication for a portion of Water Right No. 22-674 while I owned the property.

6. All of the water delivered under Water Right No. 22-674 was delivered only to the property owned by the individuals listed in Paragraph 2 above.

DATED this 31 day of December, 2008.

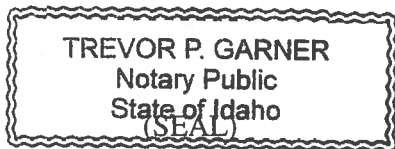


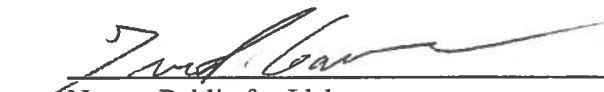
Brooke Saindon

STATE OF IDAHO)
)ss.
County of Teton)

On this 31ST day of December, 2008, before me, the undersigned, a notary public, in and for said State, personally appeared BROOKE SAINDON, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.





Notary Public for Idaho
Residing at 185 S MAIN DR, Idaho
My Commission Expires: 3-1-13

Robert L. Harris, Esq. (ISB # 7018)
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

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

In Re SRBA

Case No. 39576

Subcase Nos.: 22-674B, 22-674C,
22-674D, 22-674E

**AFFIDAVIT OF
DONN SAINDON**

STATE OF IDAHO)
) ss.
County of Teton)

I, Donn Saindon, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, and that it is made on my personal knowledge.

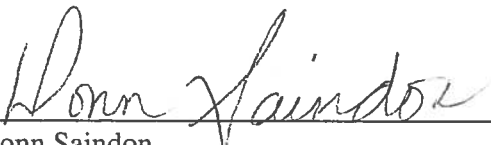
1. I am over the age of eighteen (18) years old and competent to testify as the matters contained herein.

2. I, along with my wife Brooke Saindon, are the former owners of the SW1/4 of Township 4N, Range 45E, Section 27, which we owned until November 30, 1987. At that point, we sold the northern one-half of the SW1/4, but retained the southern half of the SW1/4, for a total of eighty (80) acres. In 1998, we sold 38 of the 80 acres, and in 2007, we sold the remaining 42 acres.
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Snake River Basin Adjudication for a portion of Water Right No. 22-674 while I owned the property.

6. All of the water delivered under Water Right No. 22-674 was delivered only to the property owned by the individuals listed in Paragraph 2 above.

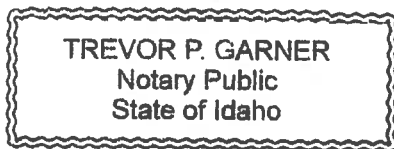
DATED this 24 day of December, 2008.


Donn Saindon

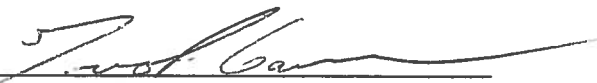
STATE OF IDAHO)
)ss.
County of Teton)

On this 24 day of December, 2008, before me, the undersigned, a notary public, in and for said State, personally appeared DONN SAINDON, known or identified 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.



(SEAL)


Notary Public for Idaho
Residing at 185 S MAIN DR Idaho
My Commission Expires: 3-1-13

11/13/2006

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: 22-674C

~~VADERIE~~ ZOHNER

151 W 550 S

VICTOR ID 83455

Telephone Number: (208)787-2481

← Patricia Zohner
208
WORK 399-6721

BRUCE ZOHNER

151 W 550 S

VICTOR ID 83455

Telephone Number: (208)787-2481

208
WORK 354-2326

Name & phone
corrected
KNO 12118

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

20 ACRES NOT 18

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

Land description is wrong
Point of diversion is wrong

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: 10-10-06

SIGNATURE:

Bruce Zohner

Please print your name:

BRUCE Zohner

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

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12/08/06

IO100 - PARCEL MASTER INQU Y

14:03:21

PARCEL: RP 04N45E274802 A

F9=MS F12=RC F14=HO
F17=DD F19=SP F23=AG

ZOHNER, BRUCE & PATRICIA L

LEGAL DESCRIPTION
E2NE4SW4, W2NW4SE4 LESS #3962
SEC 27 T4N R45EProVal Area Number 1
CODE AREA 11-0000 OWNER CD
PARC TYPE LOC CODE
EFFDATE 9062001 EXPDATE
PREV PARCEL151 W 550 S
VICTOR ID 83455
151 W 550 S

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2006	36567	AC	10604				
10	2006	1000	AC	15000	15000	7500		
19	2006	1000	AC					
31	2000			43856	43856	21928		
TOTALS		38567		87119	58856	29428		

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

12/08/06

TAX MASTER INQUIRY - TET

PMPKEY: RP 04N45E274802 A YEAR 2006

TXPKEY: RP04N45E274802A BILLI

NAME ZOHNER, BRUCE & PATRICIA L

ADDRESS

151 W 550 S
VICTOR ID 83455LEGAL E2NE4SW4, W2NW4SE4 LESS #3962
SEC 27 T4N R45E

151 W 550 S

NEXT PARCEL# RP A OR NEX
F3=EXIT F14=OTHER TAXES F2=PRT SCREEN
F4=TAX COMMENTS

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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

October 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE & VALERIE ZOHNER
151 W 550 S
VICTOR ID 83455

RE: CHANGE IN OWNERSHIP FOR 22-674A

Dear Mr. & Mrs. Zohner:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-674C, 0.4 CFS ON 20 ACRES, ZOHNER
22-674D, 0.4 CFS ON 20 ACRES, KATHERINE CIESINSKI
22-674E, 0.4 CFS ON 20 ACRES, KRISTINE CIESINSKI &
NORMAN BAILEY

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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~~361~~

11-13-06

- This is an indeterminate decree.
- Using what was irrigated in 1987 as
POU
- Claimant owns 20 acres of decreed
POU = .2 cfs according to decreed
cfs/acre.

TR

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Claim No. 22-1674C

Document Checklist

☒ Copy License/Decree Crow v Carlson + Gordon

☐ Copy Transfer _____

☐ Copy Licensing Field Exam _____

☐ Check if Ownership/Address Change is Required _____

☐ Generate, mail and file "Evidence of Priority" letter _____

☒ Generate Arcview Map

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Water Right No(s). _____

GPS DATA:

Tag # A0812259 Location: North Wall of Myers headgate

Diversion Data:

Source: Fox Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

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

NOTES:

Field Exam Date: 9/9/06 Agent: DD

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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

Recommended Point(s) of Diversion and Source.

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

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

For explanation of POD claim and actual POD please refer
to claims A220-6740 & 6740

Reviewer: _____ Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

9/9/06
DD Full exam showed that claim is irrigated with series of
ditches and dams. Claim is used as pasture.

Reviewer: _____ Date: _____

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(vi) Nature of Use: Irrigation.

(c) That the court should enter its decree decreeing said water rights in accordance with the conclusions of law stated above and award judgment against Plaintiffs Steven M. Crow and Cynthia Crow, husband and wife, to Defendants Ray Gordon and Mary Jean Gordon for their costs in this matter in the sum of \$1,247.85.

(d) That a certified copy of said decree be recorded in the records of Teton County, Idaho, and another certified copy of said decree be forwarded to the State of Idaho Department of Water Resources for filing within that Department's records.

JUDGMENT AND DECREE

By reason of the facts found by the court, and the Conclusions of Law based upon said facts, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

22-0674 (a) The following water rights are hereby quieted in the Plaintiffs Steven M. Crow and Cynthia Crow, husband and wife:

(i) Priority date: June 1, 1890

(ii) Source: Fox Creek, a tributary of Teton River, in Teton County, Idaho.

(iii) Amount: 80 miners inches

(iv) Point of Diversion: On Fox Creek, at a point approximately 800 feet East and 50 feet South of the Northwest corner of the Southeast Quarter of Sec-

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tion 26, Township 4 North, Range 45 East, Boise Meridian, in Teton County, Idaho.

(v) Place of Use: The Southwest Quarter of Section 27, Township 4 North, Range 45 East, Boise Meridian, in Teton County, Idaho.

(vi) Nature of Use: Irrigation.

22-0675 (b) That the following water rights are hereby quieted in Defendants Ray Gordon and Mary Jean Gordon, husband and wife:

(i) Priority date: June 1, 1890

(ii) Source: Fox Creek, a tributary of Teton River, in Teton County, Idaho.

(iii) Amount: 40 miners inches

NE NW SE
(iv) Point of Diversion: On Fox Creek, at a point approximately 800 feet East and 50 feet South of the Northwest corner of the Southeast Quarter of Section 26, Township 4 North, Range 45 East, Boise Meridian, in Teton County, Idaho.

(v) Place of Use: The South Half Southwest Quarter of Section 26, Township 4 North, Range 45 East, Boise Meridian, and also upon the South Half Southeast Quarter of Section 27, Township 4 North, Range 45 East, Boise Meridian, all in Teton County, Idaho.

(vi) Nature of Use: Irrigation.

(c) The Defendants Ray Gordon and Mary Jean Gordon be, and they are hereby awarded judgment in the sum of

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Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUN 20 2001

Department of Water Resources
Eastern Region

June 12, 2001

IDAHO DEPARTMENT
OF WATER RESOURCES
900 N. Skyline
Idaho Falls, ID 83402-1718

RE: 22-674C

Dear ladies and gentlemen:

We were recently contacted and our advice was requested by Kristine Ciesinski, Norman Bailey and Katherine Ciesinski of Victor, Idaho, with respect to a possible dispute over portions of a decreed water right on Fox Creek with Mr. D. Ray Gordon, also of Victor, Idaho. The right in question was decreed to one Michael Byrne in the Rexburg Decree (in one place in that Decree, he is referred to as Michael "Bayne"). The Decree awarded Byrne 120 inches of the waters of Fox Creek with a priority of June 1, 1890, for the irrigation of the Southwest Quarter of Section 27 and the South Half of the Southwest Quarter of Section 26 in Township 4 North, Range 45 East, some 240 total acres. This water right also became the subject of a lawsuit between Gordons and Crows in the early 1980's, which resulted in the Idaho Court confirming the provisions of the Rexburg Decree in a 1984 decision in the case of *Crow v. Carlson*, 107 Idaho 461, 690 P.2d 1916 (1984).

At the time of the Idaho Supreme Court decision, the Southwest Quarter of Section 27 was owned by Crows and the South Half of the Southwest Quarter of Section 26 was owned by Gordons. The Court made it clear that eighty (80) inches of the right went with the Crow 160 acres and forty (40) inches with the Gordon 80 acres. By 1987, the south half of the Crow 160 had been sold and the north half of that 160 acres (actually said 80 acres plus a 20 acre parcel to the east described as the W ½ NW NE of the same Section for a total of 100 acres) was sold to Lloyd and Valerie Willden. In 1991, the Willdens entered into a contract to sell 80 of their 100 acres (described as the SW NW NE, NW SW, W ½ NE SW and SE NE SW of said Section) to D. Ray and Mary Jean Gordon. The contract recites that sixty (60) inches of the Byrne decreed right was included with this right. However, the sale was never completed and no deed to Gordons was ever recorded. In 1994, a Quitclaim Deed from Gordons back to Willdens for the same eighty (80) acres and appurtenances was recorded.

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At the present time, the S $\frac{1}{2}$ SW, Section 26 is still owned by the Gordons. But the 100 acres formerly owned by Willdens is owned by four new owners. The western most twenty (20) acres (W $\frac{1}{2}$ NW SW) is owned by Katherine Ciesinski; the next twenty (20) acres to the east (E $\frac{1}{2}$ NW SW) is owned by Kristine Ciesinski and Norman Bailey; the next twenty (20) acres, continuing east, (W $\frac{1}{2}$ NE SW) is owned by Jeff Carter and Josephine Warden; and the next forty (40) acres (E $\frac{1}{2}$ NE SW and W $\frac{1}{2}$ NW SE) is owned by Bruce and Valerie Zohner.

There seems to be agreement among all affected parties that prior to Willdens' acquisition of the N $\frac{1}{2}$ SW Section 27 in 1987, all of the water rights formerly decreed for use on the entire SW $\frac{1}{4}$ of said Section had been transferred in fact and used exclusively upon the N $\frac{1}{2}$ of that quarter section. This accomplished transfer is consistent with the SRBA claims as presently filed.

Originally, the Byrne decreed right appears to have been numbered 22-192. That number appears to have been superceded by numbers 22-674 and 22-675. Our review of the records indicates that 22-675 is the Gordons' SRBA claim for forty (40) inches (.8 cfs) for the S $\frac{1}{2}$ SW Section 26 and S $\frac{1}{2}$ SE Section 27 (we assume this includes a claim of an accomplished transfer or an enlargement to the land in Section 27). 22-674 appears to cover the eighty (80) inches (1.6 cfs) awarded to the SW $\frac{1}{4}$ of Section 27, now only claimed on the N $\frac{1}{2}$ of that SW $\frac{1}{4}$ as follows:

22-674B	Jeff Carter and Josephine Warden	20 inches (.4 cfs) for 20 acres in NE SW Section 27
22-674C	Bruce and Valerie Zohner	20 inches (.4 cfs) for 20 acres in NE SW Section 27
22-674D	Katherine Ciesinski	20 inches (.4 cfs) for 20 acres in NW SW Section 27
22-674E	Kristine Ciesinski and Norman Bailey	20 inches (.4 cfs) for 20 acres in NW SW Section 27.

To our knowledge, there are no other SRBA claims pending which claim any portion of the Michael Byrne decreed right. But there has been some assertion by Mr. Ray Gordon to the effect that during the period between 1991 and 1994, when he was purchasing some eighty (80) acres of the Willden land on contract, he changed the place of use of some of the decreed water right formerly appurtenant to the Willden land. There is an ongoing dialogue regarding this assertion, but, at this time we would point out the following facts which have been disclosed by our research.

1. We have found no adjudication claim filed by Gordons to more than forty (40) inches of the Byrne right, only claim number 22-675.

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2. We have been able to find no Application for Transfer of any of the eighty (80) inches claimed under 22-674 as would have been required by Idaho Code Sections 42-108 and 42-222.

3. The period during which any such change would have been made by Gordons, 1991-1994 is too late for an accomplished transfer to have taken place under the requirements of Idaho Code Section 42-1425.

4. Adverse possession could not have occurred after 1991 because of the provisions of Idaho Code Section 42-607.

5. Our view of the farming operation of Gordons in the S ½ SW Section 26 and S ½ SE Section 27, and our review of the aerial and satellite photos suggests that Gordons do not irrigate more than forty (40) acres within this 160 acre total anyway.

Our conclusion from all we have heard and seen regarding the Byrne decreed right is that eighty (80) inches is still appurtenant to the N ½ SW Section 27, and on behalf of Katherine Ciesinski, Kristine Ciesinski and Norman Bailey, we hereby call for delivery of water pursuant to said rights (22-674D and 22-674E) so long as water is available to fill or partially fill the June 1, 1890 priority.

Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

cc. Ronald D. Carlson, District 01 Watermaster
Clay Fullmer, Deputy Watermaster for Teton Basin
Katherine Ciesinski
Kristine Ciesinski & Norman Bailey
Ray Rigby

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DELOG DC
8-21-00

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AUG 14 2000

Department of Water Resources
Eastern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.1. Water Right No(s): _____
Adjudication Claim No(s): A22 - 006742. 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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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/ClaimantLLOYD J. WILLDEN, VALERIE WILLDEN
1302 E 1200 N Shelly, Id. 83274

4. New Owner/Claimant(s)

BRUCE ZOHNER OR PATRICIA ZOHNER

New Mailing Address

151 W. 550 S. Victor Id. 83455

City, State and ZIP Code

New Telephone Number

208 787-2481

5. Date you acquired the property

7-5-94

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.

X Number of acres you irrigate with this water right 40 Number and type of stock18 HORSES 8 COWSDiversion rate in CFS 1400 Number of homes you acquired 1 Other uses7. Signature of New Owner(s)
or Claimant(s)Bruce Zohner
Patty Zohner

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

SCANNED

AUG 14 2007

116829

WARRANTY DEED

RECEIVED

For Value Received

Lloyd J. Willden and Valerie Willden, HUSBAND AND WIFE.

JUL 06 1994

the grantor , do hereby grant, bargain, sell and convey unto

TETON Co. Id.
Clerk Recorder

Bruce Zohner and Patricia L. Zohner, HUSBAND AND WIFE.

whose current address is

P.O. Box 264, Driggs, Id 83422

the grantee , the following described premises, in.....Teton.....County Idaho, to wit:

The E1/2NE1/4SW1/4 and W1/2NW1/4SE1/4, of Section 27, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho. Being further described as follows:

Beginning at the West Quarter Corner of Section 27, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho and running South 89 degrees 51'51" West, 1984.60 feet to the true point of beginning, thence South 00 degrees 09'46" East, 1331.40 feet; thence North 89 degrees 55'33" East, 1321.56 feet; thence North 0 degrees 05'55" West, 1326.55 feet; thence North 89 degrees 51'51" West, 1323.06 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises; that they are free from all incumbrances except: Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 5, 1994

Lloyd J. Willden
Lloyd J. Willden

Valerie Willden
Valerie Willden

STATE OF IDAHO, COUNTY OF Teton
On this 5th day of JULY, 19 94
before me, a notary public in and for said State, personally appeared

Lloyd J. Willden
Valerie Willden
HUSBAND AND WIFE.

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that executed the same.

[Signature]
Notary Public
Residing at Teton, Idaho
Comm. Expires 6-28-97

RECEIVED

JUL 06 1994

TETON Co. Id.
Clerk Recorder

Filmed _____
Indexed _____
Platted _____

116829

FILED

AT THE REQUEST OF

American Land

AT 19 MINUTES PAST 11 A M

DATE 6 July 1994

[Signature]
CLERK OF RECORDER

BY _____ DEPUTY

SCANNED

AUG 14 2007

22-674C

9/9/00 DD,
For field exam
map - refer to
claim 423-674D

28

27

NWNW

NENW

NENE

SWNW

SENW

SWNE

SENE

Zohver's

NESE

NWSW

NESW

NWSE

SESE

SWSW

SESW

SWSE

28

27

33

34

NWNE



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 22-00674C
Date Received: 10/19/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VALERIE ZOHNER
BRUCE ZOHNER Phone: (208)787-2481
151 W 550 S
VICTOR ID USA 83455

2. Date of Priority: 06/01/1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
04N	45E	26	NE NW SE	TETON

5. Description of diverting works:

HEADGATES AND DITCHES TO FLOOD IRR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION		04/01	10/31 0.4	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	27	NE SW		IRRIGATION	20
Section Acres						20

A2200674C



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	27	NE SW		IRRIGATION	20
Section Acres						20



Total Acres 20

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:

14. Remarks:

15. Basis of Claim: Decreed

12/18/2006

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

RIGHT NUMBER: 22-674C
NAME AND ADDRESS: PATRICIA ZOHNER
151 W 550 S
VICTOR ID 83455

BRUCE ZOHNER
151 W 550 S
VICTOR ID 83455

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T04N R46E S30 NWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.200 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S27	NESW 18.00	
	18 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

SCANNED
AUG 14 2007

11/13/2006

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

RIGHT NUMBER: 22-674C
NAME AND ADDRESS: VALERIE ZOHNER
151 W 550 S
VICTOR ID 83455

BRUCE ZOHNER
151 W 550 S
VICTOR ID 83455

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 06/01/1890
POINT OF DIVERSION:
T04N R46E S30 NWSNW Within TETON County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.200 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S27	NESW 18.00	
	18 ACRES TOTAL		

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed