

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

RIGHT NUMBER: 22-674D

NAME AND ADDRESS:

KATHERINE CIESINSKI
2145 KIPLING
HOUSTON TX 77098

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 NWSW 20.0

~~T04N R45E S27 NWSW 8.3~~

20 ACRES TOTAL

~~8.3 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

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

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

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

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

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.

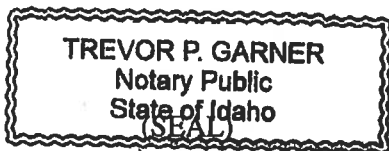


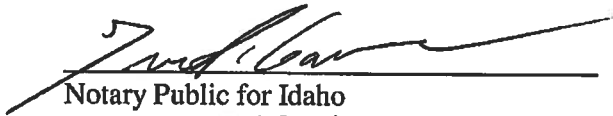
Brooke Saindon

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 DRUG Idaho
My Commission Expires: 3-1-13

G:\WPDATA\RLH10149 CIES\NSK\Affidavit.Brooke.Saindon.v.2.wpd:cdv

Robert L. Harris, Esq. (ISB # 7018)
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
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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.

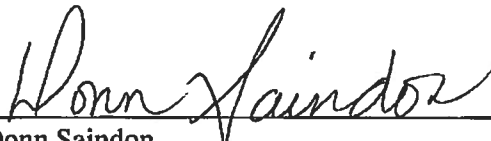
1. I am over the age of eighteen (18) years old and competent to testify as the matters contained herein.

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.
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 ^{80 or 160?} 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.

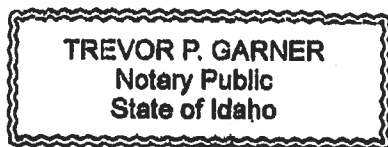
DATED this 24 day of December, 2008.


Donn Saindon

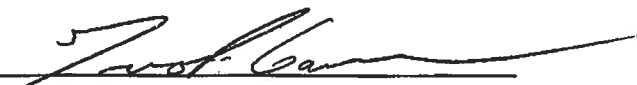
STATE OF IDAHO)
)ss.
County of Teton)

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

G:\WPDATA\IRLH10149 CIESINSKI\Affidavit.Don.Saindon.v.2.wpd:cdv

~~361~~

11-13-06

- This is an indeterminate decree.
- Using what was irrigated in 1987 as
POV
- Claimant owns 20 acres of decreed
POV = .7 cfs according to decreed
cfs/acre.

TH

SCANNED

AUG 14 2007

Claim No. 22-67410

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 # A0012259 Location: North wall of concrete headgate

Diversion Data:

Source: Fox Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Headgate is a concrete structure that is regulated
with boards.

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

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AUG 14 2007

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:

9/9/06
 @D
 POD is located on Fox Creek. Claim lists the POD as being in Sec. 26 of T4N R95E according to Supreme Court case *Crow v. Gordon*. There is a headgate at this spot but it is on the Fox Creek Canal and not on Fox Creek. The actual POD for this claim is the Myers headgate on Fox Creek that is located in Sec. 30 of T4N 46E. This is the head of the Fox Creek canal which delivers water to this claim.

Reviewer: _____ Date: _____

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AUG 14 2007

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

Twsp	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:

9/16/06
DD
Fuller again showed that claim is irrigated with a series of ditches and with sub water irrigation. In the south part of this claim there is a bunch of willows but this appears to be pasture.

Reviewer: _____ Date: _____

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AUG 14 2007

(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-

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

(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

Left is mistaken. 40 inches went to
160 ac. Also incl. $5\frac{1}{2}$ SE of 27.
240 ac in rexburg decree, left
320 ac in carbon decree. (see 22-675
Poc.) decreed p/d was ditch;
see p/d is off Box Cr.

4N 46E 30 NWSE NW

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: 22-6740

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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AUG 14 2007

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.

VED
EVIDENCE

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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AUG 14 2007

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



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

KATHERINE CIESINSKI
2145 KIPLING
HOUSTON TX 77098

RE: CHANGE IN OWNERSHIP FOR 22-674A

Dear Ms. Ciesinski:

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

SCANNED

AUG 14 2007

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

RECEIVED

AUG 8 2000

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A22-00674A				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Valerie Willden

4. New Owner/Claimant(s)

Katherine E. Ciesinski

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2145 Kipling

City, State and ZIP Code

Houston, Texas 77098

New Telephone Number

(713) 521-9932

5. Date you acquired the property

Oct. 31, 1997

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)

Katherine E. Cressin

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 _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED

128678

35-9478-G

Case D- Company. No. 8056 (Rev. 10-

RECEIVED

NOV 10 1997

TETON CO, ID
CLERK/RECORDER

Warranty Deed

ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

RECEIVED

OCT 31 1997

TETON CO, ID
CLERK/RECORDER

For Value Received

STEPHEN L. YOUNG AND LYNN M. YOUNG, HUSBAND AND WIFE

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

KATHERINE CIESINSKI, A SINGLE PERSON

whose current address is 2145 KIPLING STREET, HOUSTON, TEXAS 77098

** DEED BEING RE-RECORDED TO CORRECT SPELLING OF GRANTEE **

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

Township 4 North, Range 45 East, Boise Meridian, Teton County,
Idaho. Section 27: W1/2NW1/4SW1/4

128678

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 52 MINUTES PAST 10A M

DATE Oct. 31, 1997

Asa J. Drake
CLERK OF RECORD

BY *Charles Smith*
DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that she is 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 they will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 21, 1997

[Signature]
STEPHEN L. YOUNG

[Signature]
LYNN M. YOUNG

STATE OF ~~IDAHO~~ ^{UTAH}, COUNTY OF ~~IDAHO~~ ^{Wasatch}
On this ~~29~~ ²⁹ day of ~~October~~ ^{October}, 1997,
before me, a notary public in and for said State, personally appeared

Stephen L. Young and
Lynn M. Young

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

[Signature]
Notary Public
Residing at *Oradell, UT*

 **GINA I. MAUGHAN**
NOTARY PUBLIC - STATE OF UTAH
2404 WASHINGTON BLVD SUITE 200
OGDEN, UT 84401
COMM. EXP. 4-22-2000

00 S

300 S

00 S

00 S

00 S

T4N
T3N



Drive-M
Theater

Pointe
Westlake
244

W 001

00

12

16

15

33

33

13

21

22

24

28

550 S

27

26

50E

525

75E

33

34

36

FOUR
CORNER
SUB

175W

SCANNED

AUG 14 2007



- Katherine Ciesniski
property



- Kristine Ciesniski + Norman Bailey (Trus)
Property

Copy of Title insurance
policy

SCHEDULE A

Office File Number: 35-9478-G

Policy Number: 13 0043 106 00001150

Date of Policy: October 31, 1997, at 10:52

Amount of Insurance: \$90,000.00

Premium: \$520.00

1. Name of Insured:

KATHERINE CIESINSKI, a single person

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

KATHERINE CIESINSKI, a single person

4. The land referred to in this policy is described as follows:

**TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO.
SECTION 27: W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$**

SCHEDULE A

Owner Form

OWNER.POL
9/19/96

Valid Only If Schedule B and Policy Cover Are Attached

SCANNED

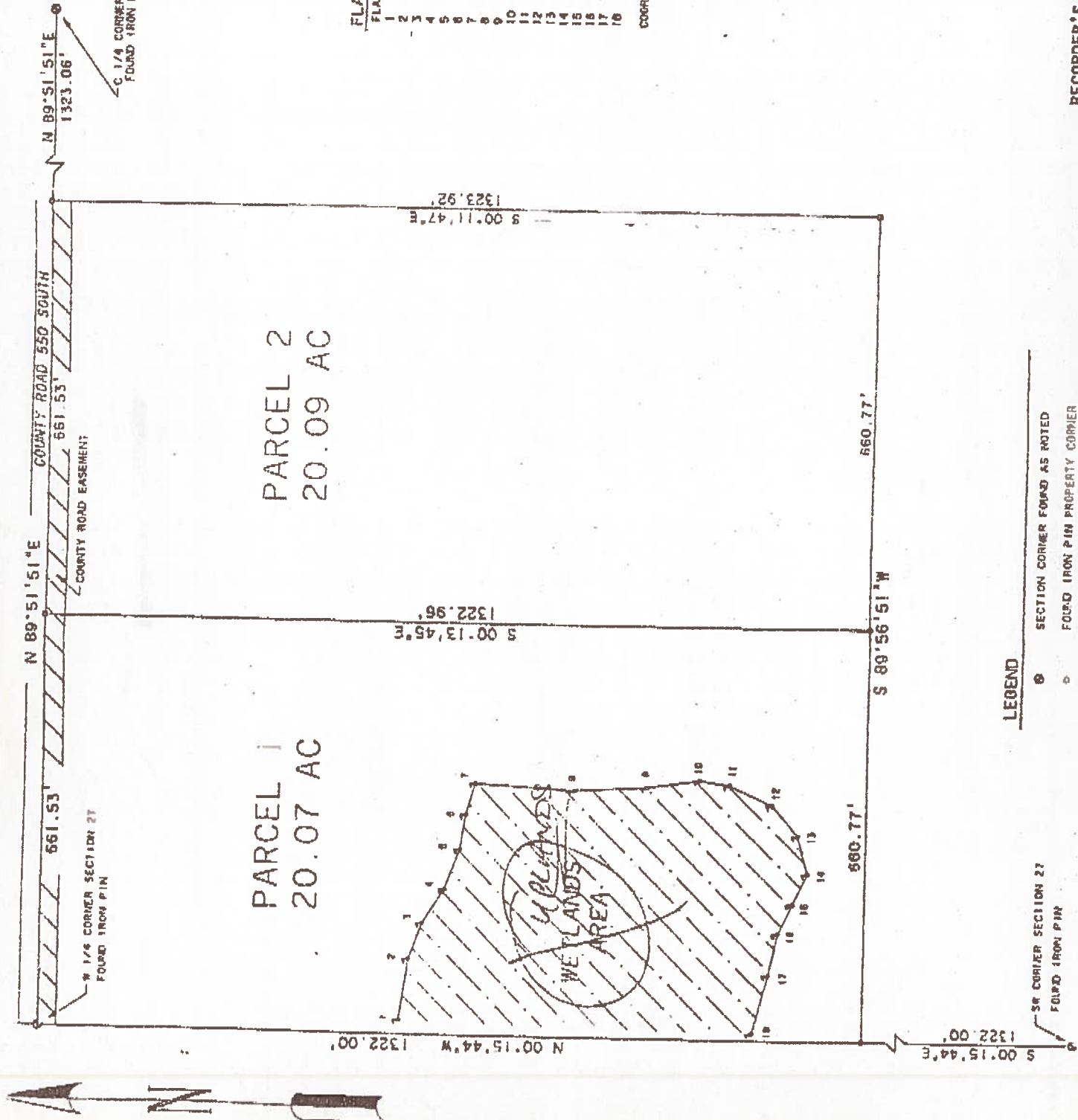
AUG 14 2007

AUG 14 2007

07/16/2000 02:20 FROM Wolfhaven Telefax

TO 12087872588

P.05



FLAG COORDINATES

FLAG	NORTHING	EASTING
1	12061.20120	14733.17710
2	12047.26764	14332.54309
3	12027.57785	14866.79504
4	11993.70808	14943.73070
5	11970.23985	15008.42832
6	11981.84505	15084.33104
7	11947.98079	15114.58366
8	11788.03604	15107.93179
9	11670.83566	15114.15413
10	11696.91646	15126.81195
11	11540.42398	15119.80947
12	11473.23382	15099.08583
13	11433.07267	15041.13121
14	11416.10625	14980.27628
15	11438.66801	14930.66723
16	11450.84282	14883.77243
17	11474.14954	14819.10303
18	11497.34184	14724.81980

COORDINATE BASE: SE CORNER SECTION 27
10000.00000 20000.00000

LEGEND

- SECTION CORNER FOUND AS NOTED
- FOUND IRON PIN PROPERTY CORNER

RECORDER'S CERTIFICATE

SCHEDULE B

Policy Number: 13 0043 106 00001150

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims of easements, not shown by the public records.
- (4) Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

7. Taxes, including any assessments collected therewith, for the year 1997 which are a lien not yet payable.
8. The conditions contained in Survey of South Half of Section 27 recorded January 24, 1990 as Instrument No. 105449.
9. The conditions contained in Wilden Survey recorded June 27, 1994 as Instrument No. 116715.
10. The conditions contained in Survey of Wetlands Delineation recorded December 6, 1994 as Instrument No. 118468.

SCANNED

AUG 14 2007

11. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$46,000.00

Dated: November 16, 1995

Trustor/Grantor: Stephen L. Young and Lynn M. Young, husband and wife

Trustee: The Alliance Title & Escrow Corp.

Beneficiary: Lloyd J. Wilden and Valerie Wilden, husband and wife

Recorded: November 27, 1995

Instrument No.: 122144 of Official Records.

Assigned to The Bank of Commerce by Assignment recorded December 19, 1995, as Instrument No. 122429.

END OF SCHEDULE B



Authorized Signatory

SCHEDULE B (STANDARD COVERAGE)

OWNER Form.

OWNER-POL

9/19/95

SCANNED

AUG 14 2007

128678

35-9478-G

Warranty Deed

ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

RECEIVED

OCT 31 1997

TETON CO., ID
CLERK/RECORDER

For Value Received

STEPHEN L. YOUNG AND LYNN M. YOUNG, HUSBAND AND WIFE

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

KATHERINE CIENSINSKI, A SINGLE PERSON

whose current address is 2145 XIPLING STREET, HOUSTON, TEXAS 77098

the grantee, the following described premises, in TETON

County Idaho, to wit:

Township 4 North, Range 45 East, Boise Meridian, Teton County,
Idaho. Section 27: W1/2NW1/4SW1/4

128678

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 52 MINUTES PAST 10 A.M.

DATE Oct 31, 1997

BY [Signature]

CLERK OF RECORD

DEPUTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that she is 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 they will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 21, 1997

STEPHEN L. YOUNG

LYNN M. YOUNG

STATE OF UTAH, COUNTY OF Weber
On this 29 day of October, 1997,
before me, a notary public in and for said State, personally appeared

Stephen L. Young and
Lynn M. Young

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

[Signature] Notary Public

Residing at Ogden, UT
Comm. Expires 1-22-2000



RECEIVED

35-8829-11

NOV 27 1995

122143

Warranty Deed

Alliance Title & Escrow Corp.
P.O. Box 644
Driggs, Idaho 83422TETON Co. Id.
Clark Recorder

36 for Value Received

LLOYD J. WILLDEN AND VALERIE WILLDEN, HUSBAND AND WIFE

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

STEPHEN L. YOUNG AND LYNN M. YOUNG, HUSBAND AND WIFE

whose current address is P.O. BOX 529, EDEN, UTAH 84310

the grantees, the following described premises, in TETON County Idaho, to wit:

TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO,
SECTION 27: W1/4NW1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee &
 their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said
 Grantee &, that they 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 they will warrant and defend the same from all lawful claims whatsoever.

Dated: NOVEMBER 16, 1995

Lloyd J. Willden
 LLOYD J. WILLDEN

Valerie Willden
 VALERIE WILLDEN

OFFICIAL SEAL
 NANCY ANN PERRY
 NOTARY PUBLIC - IDAHO
 TETON COUNTY
 MY COMMISSION EXPIRES 4/3/01

STATE OF IDAHO, COUNTY OF TETON
 On this 22nd day of NOVEMBER, 1995,
 before me, a notary public in and for said State, personally appeared

Lloyd J. Willden
 and Valerie Willden

known to me to be the persons whose name & are
 subscribed to the within instrument, and acknowledged to me that
 they executed the same.

Nancy Ann Perry
 Nancy Ann Perry, Notary Public
 Residing at Teton County, Idaho, Idaho
 Commission Expires 4/3/01

122143
 FILED
 AT THE REQUEST OF
 ALLIANCE TITLE AND ESCROW

AT 12 MINUTES PAST 12 P.M.
 DATE Nov. 27, 1995
Ada J. Drake
 CLERK OF RECORDER
 BY *Nora Rigby*
 DEPUTY

Filmed
 Indexed
 Platted

SCANNED



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

August 8, 2000

KATHERINE CIESINSKI
2145 KIPLING ST
HOUSTON TX 77098

RE: OWNERSHIP CHANGE FOR A22-00674A & CHECK NO.1412
DATED AUGUST 1, 2000, FOR \$25.00

Dear Ms. Ciesinski:

Thank you for submitting the above referenced ownership change. Our office will process it as soon as possible.

There is no fee for changing ownership of rights within the boundary of the Snake River Basin Adjudication. Therefore, I am returning you check for \$25.00.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

Cheri Vandermeulen
Records Clerk

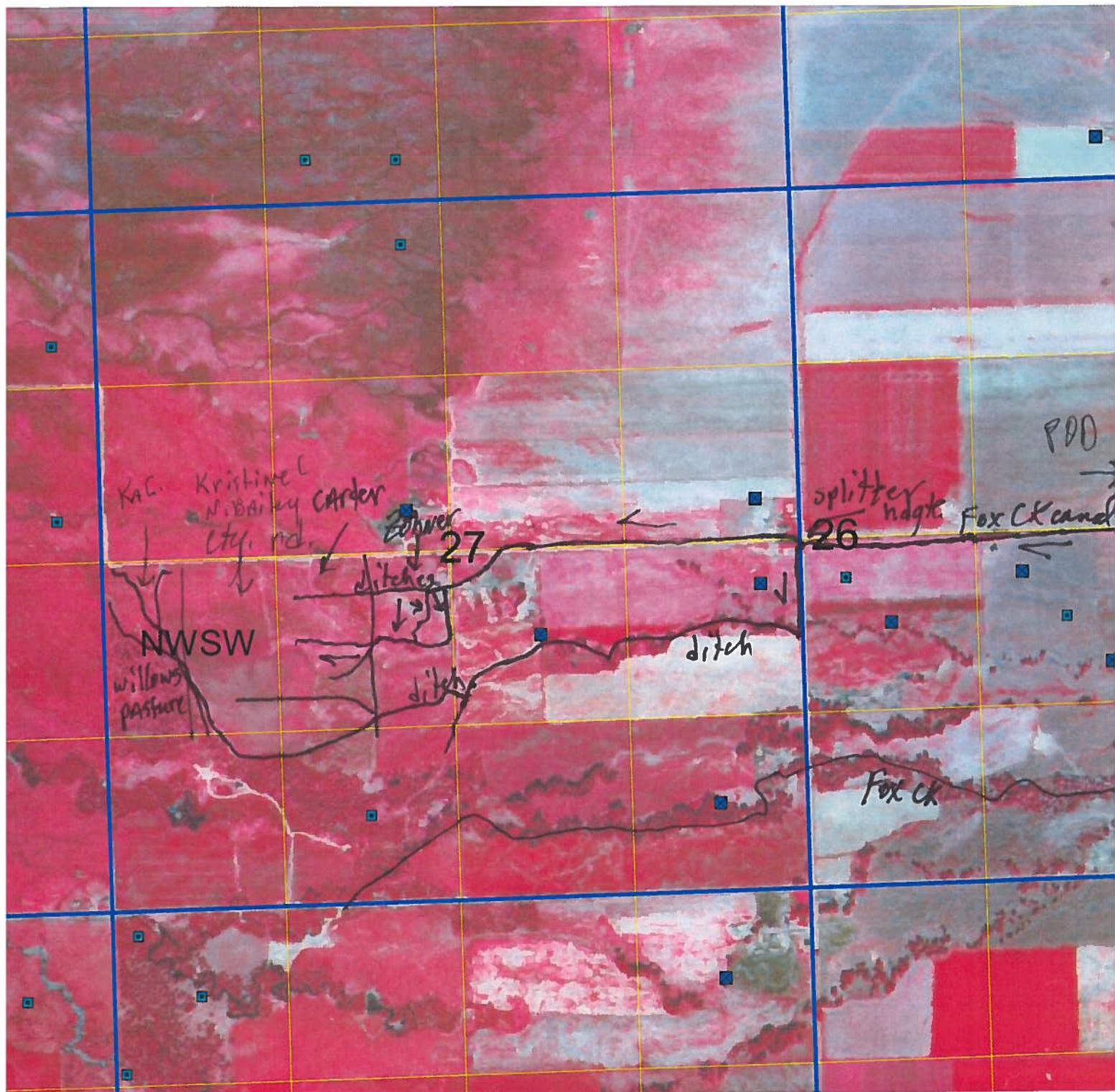
Enclosure

SCANNED

22-674D

4N 45E

9/9/06
DD



SCANNED

AUG 14 2007



Idaho Department of Water Resources

SRBA Recommendation:

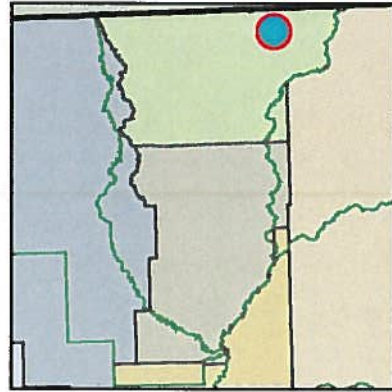
22-674D

(Irrigation)

SCANNED
AUG 14 2007

Legend

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



Teton County
IDWR Basin 22



0 1 2 Miles

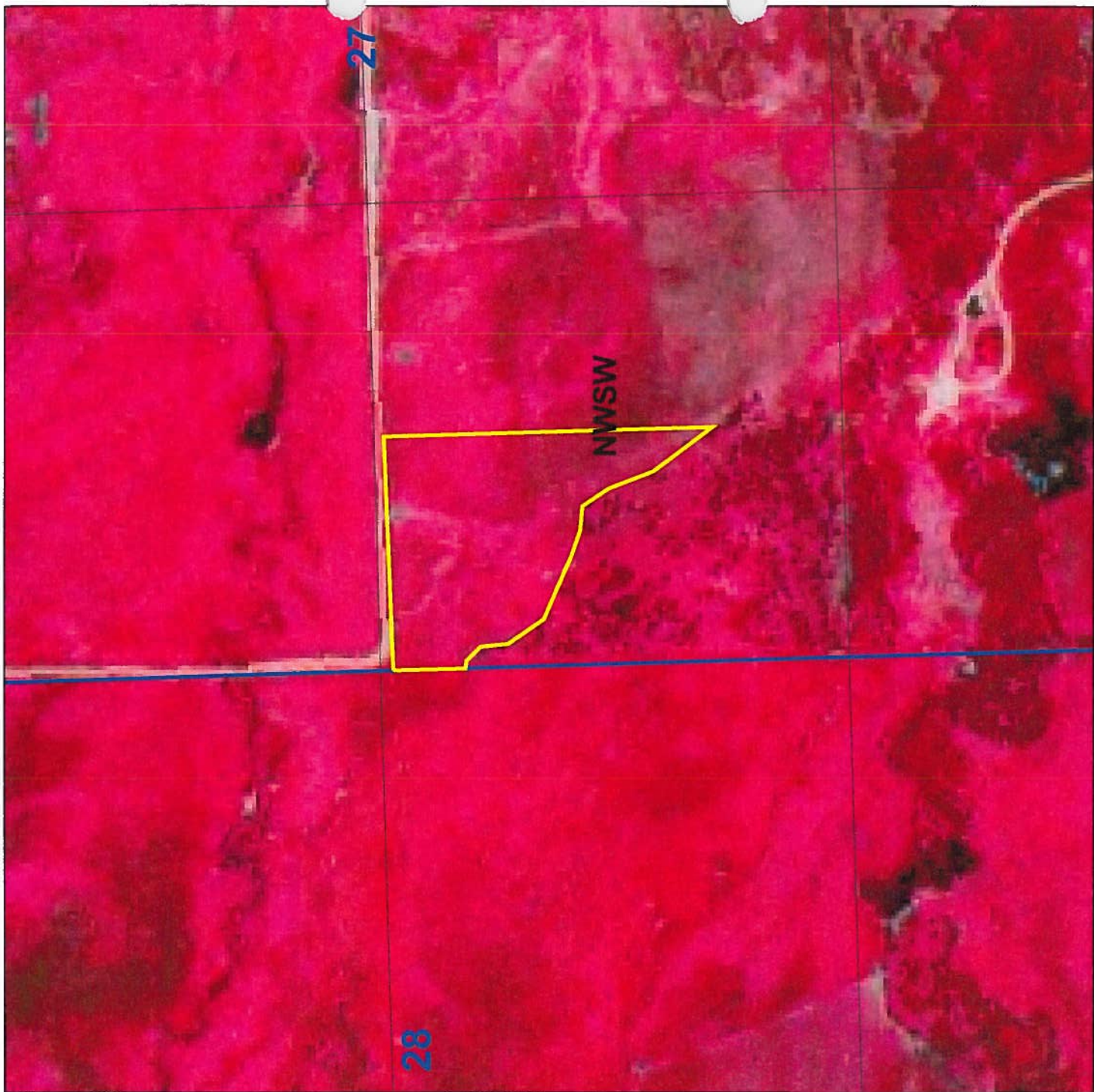


Prepared by T. Galbraith
On Monday, November 13, 2006
1987/88 Aerial Photography

22-674D



SCANNED
AUG 14 2007



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 22-674D
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)

KATHERINE CIESINSKI Phone: 713-521-9932
2145 KIPLING
HOUSTON TX USA 77098

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:

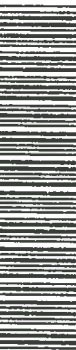
9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

SCANNED

AUG 14 2007



04N

45E 27

NW 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

11/13/2006

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

RIGHT NUMBER: 22-674D

NAME AND ADDRESS: KATHERINE CIESINSKI
2145 KIPLING
HOUSTON TX 77098

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 NWSW	8.30	
	8.3 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