

09/26/2007

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

RIGHT NUMBER: 22-2042A

NAME AND ADDRESS: SNOWY MOUNTAIN DISTRIBUTING LLC
PO BOX 50544
PROVO UT 84605

SOURCE: SPRING

TRIBUTARY: WRIGHTS CREEK

QUANTITY: 0.080 CFS
13.30 AFY

PRIORITY DATE: 02/11/1909

POINT OF
DIVERSION: T06N R43E S31 NENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY
COMMERCIAL	1/01 12/31	0.080 CFS 13.30 AFY

PLACE OF USE: COMMERCIAL in MADISON County
T06N R43E S31 Lot 1 NENW
DOMESTIC in MADISON County
T06N R43E S31 Lot 1 NENW

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 - License

SCANNED

OCT 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

September 26, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

SNOWY MOUNTAIN DISTRIBUTING LLC
PO BOX 50544
PROVO UT 84605

RE: Notice of Change of Water Right Ownership (NCO) for 22-2042A and Notice of Completed Administrative Proceeding (NCAP)

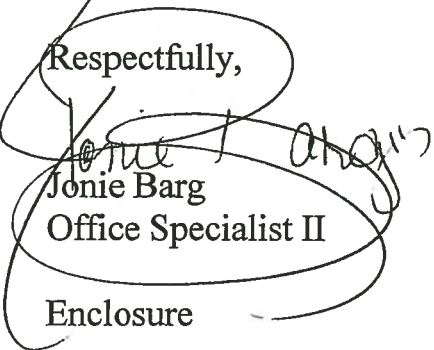
Dear Sir/Madam:

On August 23, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

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OCT 15 2007

CERTIFICATE OF MAILING

I certify that on October 12, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Snowy Mountain Spring Water Inc
4276 E 265 N
Rigby ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Snowy Mountain Distributing LLC
PO Box 50544
Provo UT 84605

4. One copy to:

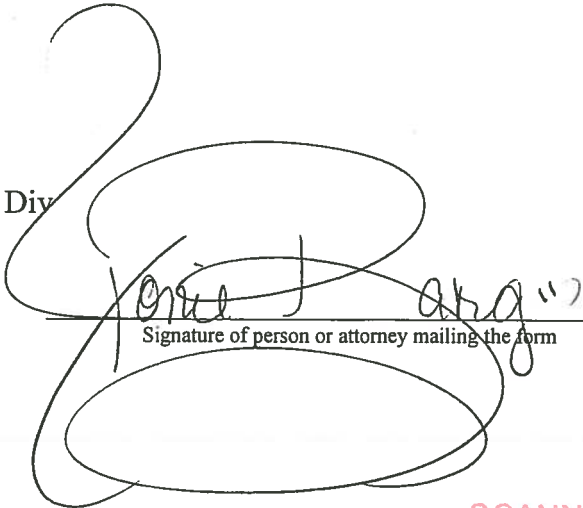
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

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

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

RECEIVED
OCT 27 2006
 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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-2042A U1					

RECEIVED
AUG 23 2007
 Department of Water Resources
 Eastern Region

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

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

OR

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

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

New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

Elmer J Park & Marlene K Park
4276 E 265 N Rigby ID 83442
Snowy Mountain Distributing, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P.O. Box 50544
Provo UT 84605
 (801) 377-9339
April 2, 1999

SCANNED

OCT 15 2007

ADT
needs
NCAAP

OK
JC
9-24-07

90000506
Snowy Mountain, Inc

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) *Mark Chute*
(include title if applicable) *Managing member*

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

For Office Use Only

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

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OCT 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

September 29, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SNOWY MOUNTAIN DIST LLC
PO BOX 50544
PROVO UT 84605

RE: CHANGE IN ADDRESS FOR A22-2042A

Dear Claimant:

I received the Change in Address for Snowy Mountain Dist LLC you submitted. I updated the address as requested. Unfortunately, I cannot change the name from Snowy Mountain Spring Water Inc. to Snowy Mountain Dist. LLC without the appropriate paperwork.

Please fill out the enclosed Change in Water Right Ownership form and return with the requested information.

If you have any questions feel free to contact this office at 208-525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure

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OCT 15 2007

QUITCLAIM DEED

ORDER NO.: 3040212181-G

**FOR VALUE RECEIVED, Michael B. Thornton and Jennifer F. Thornton,
Husband and Wife, and Jay E. Simmons and Lucy F. Simmons, Husband and Wife**

Do(es) hereby convey, release, remise and forever quit claim unto

Snowy Mountain Distributing, L.L.C.

whose current address is::

the following described premises:

Instrument # 300030

REXBURG, MADISON, IDAHO

2002-12-06

03:12:00 No. of Pages: 1

Recorded for: ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

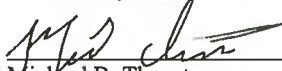
Fee: 3.00

Ex-Officio Recorder Deputy

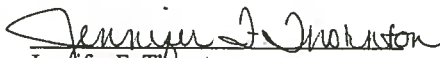
Tract 2: Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 31, Township 6 North, Range 43 East, Boise Meridian, Madison County, Idaho, and running South 00°20'10" East 380.60 feet to the true point of beginning, said point is on the North side of the Wright Creek road, and running thence South 87°15'58" West 100.72 feet across said road to the Northwest corner of the parking lot; thence South 19°44'54" West 111.32 feet across Wright Creek; thence South 32°57'53" East 233.29 feet; thence South 71°12'42" East 299.09 feet to the West side of Wright Creek road; thence along said road South 20°57'06" West 364.20 feet and South 24°20'12" West 240.00 feet to the South line of said Northeast Quarter of the Northwest Quarter; thence along said South line across said Wright Creek road South 89°53'44" East 667.48 feet; thence North 17°35'21" East 594.34 feet; thence North 66°03'29" West 973.59 feet to the true point of beginning. Subject to Wright Creek road right of way.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

October 21, 2002



Michael B. Thornton

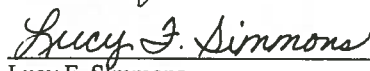


Jennifer F. Thornton



Jay E. Simmons

State of Idaho



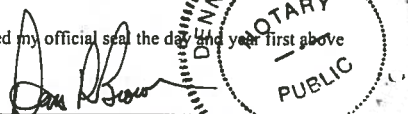
Lucy F. Simmons

County of Jefferson

On this 5th day of December, in the year 2002, before me, a Notary Public in and for the State of Idaho, personally appeared Jay E. Simmons and Lucy F. Simmons, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

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

**Dennis R Brown, Notary Public
Residing at Rigby, Idaho
Commission Expires 10/30/05**



Notary Public for the State of Idaho

Residing at:

Commission Expires:

**GARY D. MCCARTY
NOTARY PUBLIC - STATE OF UTAH
119 SOUTH MAIN
SPRINGVILLE, UT 84663
COMM. EXP. 9-21-2003**

STATE OF UTAH

COUNTY OF Utah

On this 27 day of November, 2002, before me, the undersigned Notary Public personally appeared MICHAEL B. THORNTON and JENNIFER F. THORNTON, to me known to be the individuals described in and who executed the instrument, and acknowledged that they signed the instrument as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 27 day of November, 2002.

By: 

Residing at Springville, UT

Notary Public in and for the State of Utah. My Commission Expires 9/21/03

SCANNED
OCT 15 2007

Day 28 1999
9:00 O'clock A m

MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER

Page 3 Deputy
Recorded At Request of

Correction
Warranty Deed

COPY

Send tax notice to: Michael Thornton
P.O. Box 50544
Provo, Utah 84605

Warranty deed made on this 2 day of April, 1999, between Elmer J. Park and Merlene K. Park, husband and wife, referred to as grantors, and Snowy Mountain Distributing, LLC (an Idaho Limited Liability Company), referred to as grantee, for the sum of ten dollars and other good and valuable consideration the receipt of which is acknowledged, have granted, bargained, and sold, and by this deed, grant, bargain, sell, convey, and confirm to grantee and grantee's heirs and assigns forever, all the following described real estate situated in the County of Madison, state of Idaho:

Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 31, Township 6 North, Range 43 East, Boise Meridian, Madison County, Idaho, and running S00°20'10"E 380.60 feet to the true point of beginning, said point is on the North side of the Wright Creek road, and running thence S87°15'58"W 100.72 feet across said road to the Northwest corner of the parking lot; thence S19°44'54"W 111.32 feet across Wright Creek; thence S32°57'53"E 233.29 feet; thence S71°12'42"E 299.09 feet to the West side of Wright Creek road; thence along said road S20°57'06"W 364.20 feet and S24°20'12"W 240.00 feet to the South line of said Northeast Quarter of the Northwest Quarter; thence along said South line across said Wright Creek road S89°53'44"E 667.48 feet; thence N17°35'21"E 594.34 feet; thence N65°37'26"W 973.86 feet to the true point of beginning.

Contains 12.79 acres, subject to Wright Creek road right-of-way.

Together with all and singular the tenements, hereditaments, and appurtenances, water rights and shares belonging to the described property or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property; and all estate, right, title, and interest in and to such property, as well in law as in equity.

To have and to hold, all and singular the described property together with the appurtenances to grantee and grantee's heirs and assigns forever.

And grantors and grantors' heirs shall and will warrant and, by these presents, forever defend the described property in the quiet and peaceable possession of grantee, grantee's heirs, and assigns against grantors and grantors' heirs and against all and every person and persons whomsoever, lawfully claiming the same.

In witness whereof, grantors have set grantors' hands on the date first written above.

GRANTOR:

GRANTOR:

Elmer J. Park
Elmer J. Park

Merlene K. Park
Merlene K. Park

STATE OF IDAHO)

COUNTY OF JEFFERSON) ss.

On the 2 day of April, 1999, personally appeared before me Elmer J. Park and Merlene K. Park, who being duly sworn did say that they are the signors of the foregoing instrument, and duly acknowledged to me that they executed the same voluntarily on the date first mention in the foregoing instrument.

NOTARY PUBLIC

DENNIS R. BROWN, NOTARY PUBLIC
RESIDING AT RIGBY, IDAHO
COMMISSION EXPIRES 10-30-99

Residing in:
My Commission Expires:

SCANNED

OCT 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

October 27, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SNOWY MTN DISTRIBUTING LLC
PO BOX 50544
PROVO UT 84605

RE: RETURNED NOTICE OF CHANGE OF OWNERSHIP 22-2042A

Dear Sir or Madam:

I am returning the above referenced documents for additional information. Please provide the information highlighted in orange, and return your request for processing. We cannot change the ownership from Snowy Mountain Spring Water Inc. to Snowy Mountain Distributing LLC without a deed or articles of incorporation.

Respectfully,

A handwritten signature in black ink that reads "Jennifer Crabtree". The signature is written in a cursive, flowing style.

Jennifer Crabtree
Technical Records Specialist

Enclosure

*Enclosed are the requested
info.*

SCANNED

OCT 15 2007

September 29, 2006

SNOWY MOUNTAIN DIST LLC
PO BOX 50544
PROVO UT 84605

RE: CHANGE IN ADDRESS FOR A22-2042A

Dear Claimant:

I received the Change in Address for Snowy Mountain Dist LLC you submitted. I updated the address as requested. Unfortunately, I cannot change the name from Snowy Mountain Spring Water Inc. to Snowy Mountain Dist. LLC without the appropriate paperwork.

Please fill out the enclosed Change in Water Right Ownership form and return with the requested information.

If you have any questions feel free to contact this office at 208-525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure

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OCT 15 2007

Sent letter regarding ownership! into 9/2/06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 21 2006
Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 22 2042 A

[] Name(s): Snowy Mountain Dist. LLC

[] Old Mailing Address: 4276 E 265 N
Rexburg ID

☒ New Mailing Address: P.O. Box 50544
Piaseo UT 84605

Telephone Number: (801) 377 - 9339

[] Signature(s) of Owner(s) Michael Thornton

Michael Thornton, managing member
(Include your title if on behalf of company or organization)

Date: 8/17/06

* Please refer to license for current owner name and information. via E-mail

SCANNED
OCT 15 2007

22 2042A
Claim No.

Document Checklist

☒ Copy License/Decree

☒ Copy Transfer

3025

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

* 801-377 9339 Mike Thornton

Snowy Mountain
1411 W 950N
Provo UT 84604

PO Box 50544
Provo UT 84605

SCANNED

OCT 15 2007

Claim no. _____

Claimant Contact Log

Date Remarks Agent initials

6/19/06 Visited with Mario Garcia at site.
He showed me the sprung site and the
warehouse.

SCANNED
OCT 15 2007

Water Right No(s). _____

GPS DATA:

Tag # ADP16014 Location: Rock east of spring

Diversion Data:

Source: Spring Trib to: Wrights Creek

MOTOR

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

PUMP

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

NOTES:

2" pipe is used to divert water from spring to
warehouse

Field Exam Date: 6/19/06 Agent: ED

SCANNED
OCT 15 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:

6/19/06
DO
Source is a spring that is diverted by 2" plastic pipe
to warehouse for bottling
Pipe is buried from spring to warehouse

Reviewer: _____ Date: _____

SCANNED

OCT 15 2007

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:6/19/06
DO

POU is a bottling plant for bottled water.

May thru September they bottle 270 5gal bottles
of water a day for 51 days a week.
The rest of the year they work only 3-4 days a
week doing 270 5-gal bottles a day.

Reviewer: _____ Date: _____

SCANNED
OCT 15 2007

 Fremont County *
 Wright's Creek *
 1.68 cu. ft. per second *
 Irrigation and domestic *
 Priority 2-11-1909 *

S T A T E O F I D A H O
 WATER LICENSE NO. 4355

WHEREAS, On the 11th day of February, A. D. 1909, JOHN S. SCOTT, of Rigby, County of Fremont, State of Idaho, duly made application (No. 6186) to me for a permit to use 2 cubic feet per second of the waters of Wright's Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 11th day of February, A. D. 1909, Permit No. 4355 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 11th day of February, A. D. 1910, and for the application to beneficial use of said water on or before the 11th day of February, A. D. 1911, and,

WHEREAS, On the 8th day of February, A. D. 1910, JOHN S. SCOTT, the holder of said permit duly made proof of the completion of adequate works for the diversion of 2 cubic feet per second of said waters, as evidenced by my Certificate No. 4355 dated May 27th, 1910, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2 cubic feet per second of water, with date of priority of February 11, 1909, and

WHEREAS, On the 10th day of February, A.D. 1911, JOHN S. SCOTT, the holder of said permit duly made proof of the application to beneficial use of 1.68 cubic feet per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN S. SCOTT, of Rigby, County of Fremont, State of Idaho, the holder and owner of said Permit No. 4355, a perpetual right, dating from February 11, 1909, to the use of 1.68 cubic feet per second of the waters of Wright's Creek, in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point near the SW corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 6 North, Range 43, East of Boise Meridian, and conducted to and upon (84 acres in Lots 1, 2, and 3, Section 31, Township 6 North, Range 43 East of Boise Meridian, for the purpose of irrigation and domestic ^{use,} subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 25th day of July, A. D. Nineteen hundred and eleven.

(SEAL)

A. E. Robinson,
 State Engineer

22 2042

Report of Engineer

1. State name of applicant and number of permit: John S. Scott - Permit 4355
2. State source of water supply: Wrights Creek
3. Location of point of diversion: SW cor. SE4 NW4 Sec. 31, Tp. 6 N., R. 43 E. B M

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: yes

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: 2'
- (b) Width at water line: 3 1/2'
- (c) Depth of water: 1'
- (d) Grade per mile: 10

6. State whether or not water has been turned into works of diversion and if so, to what extent:

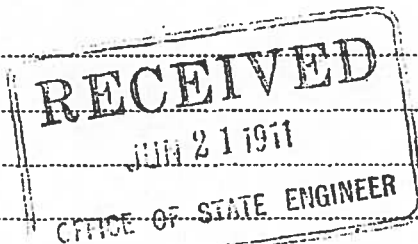
Ran water seasons of 1909 & 1910

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:

<u>Lot 1 Sec 31 Under cultivation</u>	<u>2</u>	<u>acres</u>
<u>" 2 " " " "</u>	<u>24</u>	<u>"</u>
<u>" 3 " " " "</u>	<u>27</u>	<u>"</u>
<u>" 1 " " " In pasture</u>	<u>7</u>	<u>"</u>
<u>all in Twp 6 N. R. 43 E. B. M.</u>	<u>5</u>	<u>"</u>

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:



John S. Scott
Water Comm. No 7141

STATE OF IDAHO,

County of _____

ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

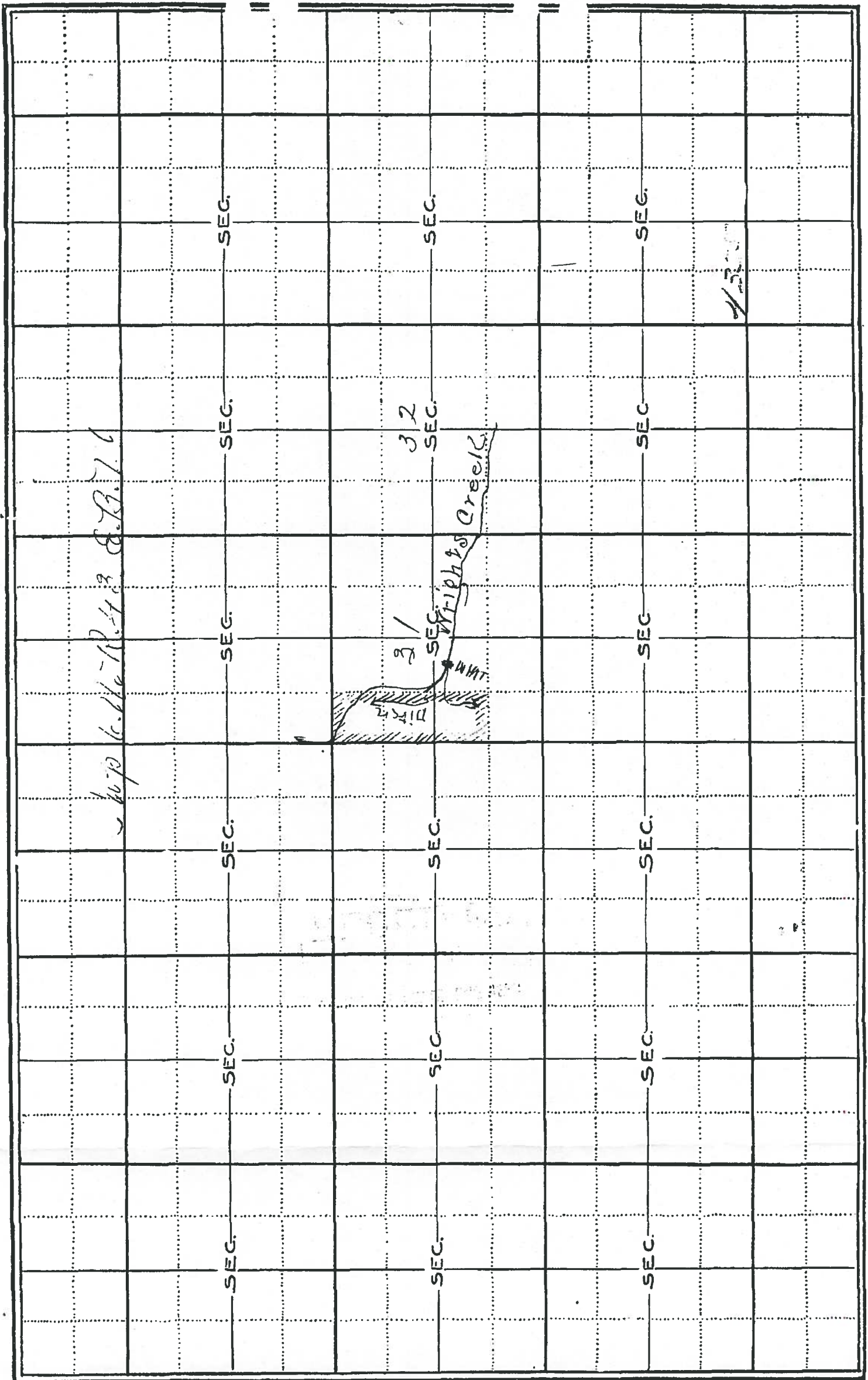
My Commission Expires _____

Notary Public.

4355

SEP 15 2007

SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.



Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3625

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant Snowy Mountain Spring Water, Inc. Phone 745-6965
Post Office address 4276 E. 265 N. Rigby, ID. 83442

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Spring source is being developed for a commercial enterprise. The water will be bottled and sold for drinking purposes.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|---------------------|-------------------|--------------------|-------------------|-------------------------|
| <u>22-02042</u> | <u>02/11/1909</u> | <u>0.08 cfs</u> | <u>Commercial</u> | <u>Jan 01 to Dec 31</u> |
| <u>Tgd 22-02042</u> | <u>2/11/1909</u> | <u>1.50 cfs</u> | <u>IRRIGATION</u> | <u>April 1 to Nov 1</u> |
| <u>Tgd 22-02042</u> | <u>2/11/1909</u> | <u>.04</u> | <u>Domestic</u> | <u>Jan 1 to Dec 31</u> |
2. Total amount of water being transferred 1.58 cfs cubic feet per second and/or _____ acre-feet per annum.
3. Source of water spring tributary to Wright's Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	31	6N	43E	Malison	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	31					C												

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Total acres _____

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PART 1**6. General Information:**

- a. Description of diversion system Buried collection system consolidates water into a 2 inch PVC pipe which conveys water to bottling site.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land is now in the Conservation Reserve Program. It will become dry land pasture and remain so after the program has terminated.

d. Remarks:

0.18 cfs in part 2b was reduced to 0.08 cfs in Part 1b because time of use is now lower per year and only 13.285 af can be utilized. This required rate to be lowered to 0.08 cfs for 250 days of usage, 8 hrs per day, so the change in nature of use did not exceed previous consumptive use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-2042"

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device of a type approved by this Department shall be maintained as part of the diverting works.
2. The maximum rate of diversion and maximum annual volume for commercial use under this right shall not exceed 0.08 cfs and 13.3 af, respectively.
3. The maximum annual volume of water under this right for irrigation use shall not exceed 193.9 af.
4. Approval of this transfer in no way authorizes irrigation of more than 55.4 acres nor authorizes a diversion rate of more than .02 cfs per acre.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this

30th

day of

January, 19 90

J. Glen Saxton
 Chief, Water Alloc. Bureau

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 22-02042 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Wright's Creek tributary to Canyon Creek

4. Date or priority Feb 11, 1909

5. Water is used for the following purpose:

amount 1.68 for Irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount _____ for Stockwater purposes from 04/15 to 09/15
(cfs/ac-ft)
amount _____ for Domestic purposes from 1-1 to 12-31
(cfs/ac-ft)

6. Total amount of water under right 1.68 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	~~NE~~	~~NE~~	~~SE~~	31	06N	43E	Madison	
		SE	NW					

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06N	43E	31						20/5	21/5			21/5							62.0
								141	142			143							

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Total acres 62.0

9. Describe any other water rights used for the same purpose as described above None.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.18 cfs. for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	31	06N	43E	Madison.	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	31					2	3.5			1.1								6.6
							41	42			43								

Total acres 6.6**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.50 cfs. for Irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft)
 amount _____ for Domestic purposes from 1-1 to 12-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	31	06N	43E	Madison.	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	31					18	17.5			19.9								55.4
							41	42			43								

Total acres 55.4

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OCT 15 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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PART 3.**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Commercial</u>	<u>0.08</u>	<u>8 hr/250 days/yr.</u>	<u>Jan 1 to Dec 31</u>

2. Quantity and quality of return flows and location of discharge:

When plant is not operating the 0.08 cfs will be discharged back into Wright's Creek adjacent to bottling plant. Water will be of drinking quality.

3. Describe effects on other water uses resulting from the proposed change:

Irrigation right will be reduced by 0.18 cfs with a proportionate reduction in irrigated acreage.

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

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ernest Carlson

(Signature of Applicant)

Subscribed and sworn to before me this 18th day of October, 19 89.

Ernest Carlson

(Notary Public)

My commission expires 6-14-1994.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by EMC Date 18 Oct 89

Protest filed by _____

Prelim. check by _____ Fee 50⁰⁰

Receipted by EMC Date 18 Oct 89

EO11030

Published in Rexburg Standard Journal

Copies of protest forwarded by _____

Pub. dates 11-16 & 23-89

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd.

by Gary

Copy of transfer sent to lien holder _____

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MAR 09 1990

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OCT 15 2007

Change in Nature of Use Analysis.

22-02042

Reducing license by 0.18 cfs.

$$\frac{0.18 \text{ cfs.}}{1.68 \text{ cfs.}} = \frac{x}{62 \text{ acres (listed on A22-02042)}}$$

$x = \underline{6.6 \text{ acres.}}$ need to be diverted in order to change nature of use for 0.18 cfs of right.

$$\frac{0.18 \text{ cfs.}}{1.68 \text{ cfs.}} = \frac{x}{124 \text{ AF/YR.} - \text{consumptive use on 62 acres, applying } 2 \text{ AF/YR/ACRE.}}$$

$x = \underline{13.285 \text{ AF/YR.}}$ that can be consumptively used.

$$13.285 \text{ AF/YR} \times 325,850 \frac{\text{gal}}{\text{AF}} = 4,329,145.3 \frac{\text{gal}}{\text{YR.}}$$

$$\frac{4,329,145.3 \frac{\text{gal}}{\text{YR.}}}{250 \frac{\text{day}}{\text{YR.}}} = 17,316.58 \frac{\text{gal}}{\text{day}}$$

$$\frac{17,316.58 \frac{\text{gal}}{\text{day}}}{480 \frac{\text{min}}{\text{day}}} = 36 \frac{\text{gal}}{\text{min.}}$$

$$\frac{36 \frac{\text{gal}}{\text{min.}}}{448.8 \frac{\text{gal}}{\text{min.}} \text{ cfs}} = \underline{0.08 \text{ cfs.}}$$

$$6.6 \text{ acres} \times 3 \text{ AF/YR/AC.} = \underline{19.8 \text{ AF/YR}} \text{ volume diverted} < 13.285 \text{ AF to be diverted under change.}$$

NOTE: Irrigated acreage on application is based on Notice of Claim A22-02042 and reflects the number of acres historically irrigated.

* At a rate of 0.08 cfs, 8 hrs/day for 250 work days a Consumptive use of 13.285 af will occur.

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MAR 09 1990

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OCT 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

NOVEMBER 15, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDY NEIBAUR
BOX 235
NEWDALE ID 83436

RE: CHANGE IN OWNERSHIP FOR A22-02042

Dear Mr. Neibaur:

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

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

A22-02042A, 0.08 CFS COMMERCIAL, E. PARK
A22-02042B, 1.50 CFS 55.4 ACRES, R. NEIBAUR

Because the acreage was amended on your Notice of Claim, it is necessary for you to sign it in the presence of a Notary and return it to me promptly. You may want to make a copy for your records.

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

cc: Elmer Park/copy letter/copy claim

SCANNED

OCT 15 2007

ABR
11-14-96

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

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

1. Water Right Number(s) 22-02042
Adjudication Claim Number(s) A22-02042

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

✓ 3. Name and Address of Former Owner/Claimant(s) Elmer + Merlene Park 745-6965

4276 E. 265th Rigby Id. 83442

✓ 4. New Owner/Claimant(s) Randy and Phil Neibaur

Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR

New Mailing Address Box 235

City, State and ZIP Code Newdale Ida. 83436

New Telephone Number (208) 458-4680

✓ 5. Date you acquired the property Oct. 6, 1989

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 55.4 AM 11-14-96 54 Number and type of stock _____

Diversion rate in CFS 1.50 Number of homes _____ Other uses irrigation
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

✓ 7. Signature of New Owner/Claimant(s) Randy Neibaur Date 10-20-96
Date _____

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

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Township
06N

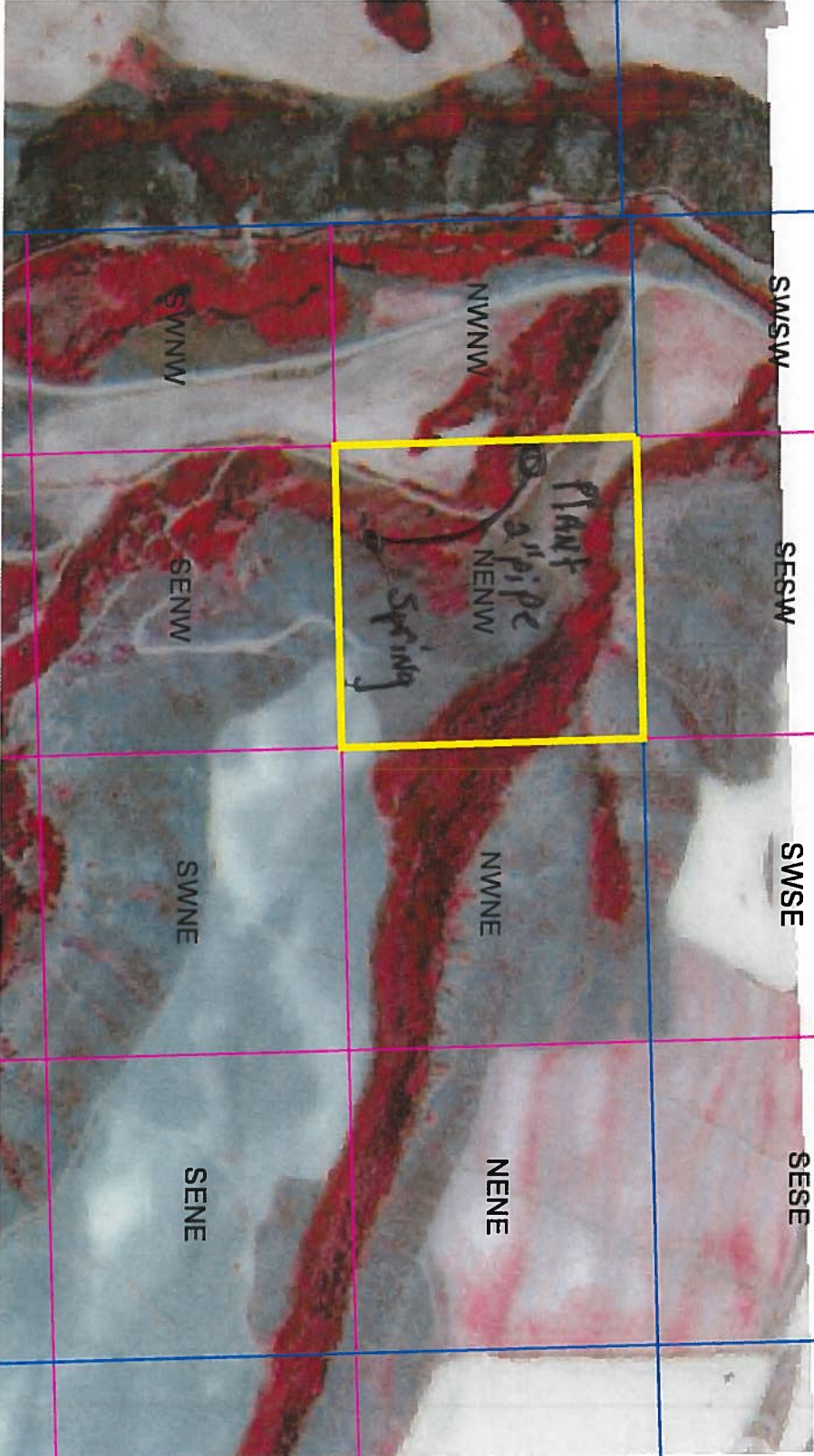
Range
43E

Section
31

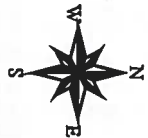
6/19/06
20

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OCT 15 2007



Notes:



0.0002046 Miles

Water Right #: 2202042A

Examiner 20

Date: 6/19/06



6/19/06 Betting Plant for
86 Snowy Mtn.

SCANNED
OCT 15 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: A22-02042A
Date Received: 7/11/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ELMER J PARK 208-745-6965
Address: 4276 E 265 N
RIGBY ID 83442
OR
Name: MERLENE K PARK 208-745-6965
Address: 4276 E 265 N
RIGBY ID 83442

2. Date of Priority: FEB 11, 1909

3. Source: SPRING Trib. to: WRIGHTS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	43E	31	NE	NE	NW		MADISON

5. Description of diverting works:
2" HOSE FOR COMMERCIAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
COMMERCIAL	01/01	12/31	0.080		13.30

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) 13.30 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR ONE HOME, COMMERCIAL FOR BOTTLED WATER FACILITY

A2202042A



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	43E	31	NE	NW	1	COMMER	
			NE	NW	1	DOMEST	

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:

14. Remarks:

COMMERCIAL USE APPROVED UNDER TRANSFER NO. 3625.

**

RIGHT IS SPLIT BY CHANGE OF OWNERSHIP, FILED 11-14-96, AS:

A22-02042A 0.08 CFS COMMERCIAL- E. PARK

A22-02042B 1.50 CFS FOR 55.4 AC-R. NEIBAUR

1.58 CFS 55.4 AC.

CLAIMED IN-FULL, ***11-14-96, ABR***

15. Basis of Claim: LICENSE

09/25/2006

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

RIGHT NUMBER: 22-2042A

NAME AND ADDRESS: SNOWY MOUNTAIN SPRING WATER INC
4276 E 265 N
RIGBY ID 83442

SOURCE: SPRING

TRIBUTARY: WRIGHTS CREEK

QUANTITY: 0.080 CFS
13.30 AFY

PRIORITY DATE: 02/11/1909

POINT OF DIVERSION:
T06N R43E S31 NENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY
COMMERCIAL	1/01 12/31	0.080 CFS 13.30 AFY

PLACE OF USE: COMMERCIAL Within MADISON County

T06N R43E S31 Lot 1 NENW

DOMESTIC Within MADISON County

T06N R43E S31 Lot 1 NENW

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 - License