

01/06/2005

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

RIGHT NUMBER: 22-2082A
NAME AND ADDRESS: JOHN K BAGLEY
4813 S 3300 W
REXBURG ID 83440

SOURCE: HORSESHOE CREEK TRIBUTARY: TETON CREEK

QUANTITY: 0.700 CFS

PRIORITY DATE: 09/17/1917

POINT OF DIVERSION:

T05N R44E S15 NESWSE 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	0.700 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S15	SWNE	38.0	T05N R44E S15	SENE	36.0
T05N R44E S15	NESE	37.0	T05N R44E S15	NWSE	38.0
T05N R44E S15	SWSE	34.0	T05N R44E S15	SESE	39.0
T05N R44E S22	NENE	39.0	T05N R44E S22	NWNE	35.0
T05N R44E S22	SWNE	35.0	T05N R44E S22	SENE	39.0

370 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 22-00064 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 370.0 ACRES IN A SINGLE
IRRIGATION SEASON.

This right is limited to the irrigation of 35.0 acres within the place of use
described above in a single irrigation season.

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: License

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

Right No.22-00064 is also diverted through point of diversion described
above.

Form 42-248/42-1409(6) July, 2000

DELOG AR
2/9/05
OK JC
9-1-05

RECEIVED
FEB 08 2005
Department of Water Resources
Eastern Region

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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
	22-64				
	22-2082A				

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)

John Bagley

4. New Owner/Claimant(s)

Barry Silverstein

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

New Mailing Address

5111 Ocean Blvd Suite C

City, State and ZIP Code

Sarasota, Florida 34242

New Telephone Number

() 941-349-2770

5. Date you acquired the property

January 25, 1990

958
WARRANTY DEED

THIS INDENTURE, made this 12th day of January, 1990, by JOHN K. BAGLEY and LUELLA BAGLEY, husband and wife, of Box 122, Rexburg, Idaho 83440, hereinafter collectively called Party of the First Part, and TWIN PONDS ASSOCIATES, A Florida General Partnership having as its General Partners Barry Silverstein and Dennis J. McGillicuddy, whose mailing address is Paleface, Jay, New York 12941, the party of the Second Part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and OTHER GOOD AND VALUABLE CONSIDERATION, to the party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell, convey and confirm unto the party of the second part, and to the party of the second part's heirs and assigns, forever, all of the following described real estate situated in the County of Teton, State of Idaho, to-wit:

TOWNSHIP 5 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO:

SECTION 15: S $\frac{1}{2}$ NE $\frac{1}{4}$: SE $\frac{1}{4}$

SECTION 22: NE $\frac{1}{4}$

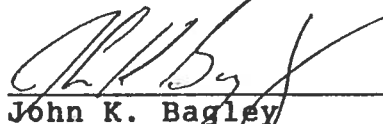
TOGETHER with any and all water and water rights, ditch and ditch rights appurtenant thereto, and all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof; and all estate right, title and interest in and to the property, as well in law as in equity of the Party of the First Part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to the party of the second part's successors and assigns forever. The party of the first part and the party of the first part's successors and assigns shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of the party of the second part, and the party of the second part's successors and assigns, against the party of the first part, and the party

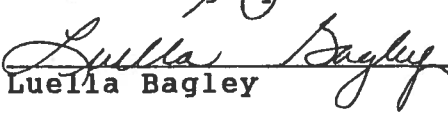
of the first part's successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the party of the first part hereunto has set its hand the day and year first above written.



John K. Bagley

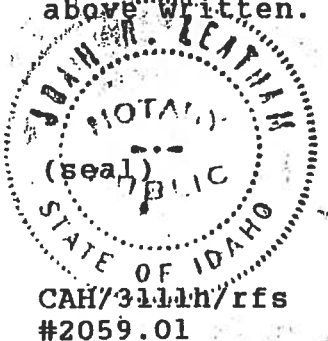


Luella Bagley

STATE OF IDAHO,)
County of Madison) ss.

On this 12th day of January, in the year 1990, before me, the undersigned Notary Public in and for said state, personally appeared JOHN K. BAGLEY and LUELLA BAGLEY, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they 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 Refring
My Commission Expires: 6/15/91

105518

FILED

AT THE REQUEST OF

American Land

AT 35 MINUTES PAST 3 P. M.

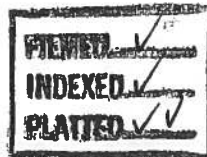
DATE Jan. 25, 1990

E. Wayne Schiess

CLERK OF RECORDER

BY Nora Hill

DEPUTY





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.usAugust 12, 2004
EASTERN REGIONDIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

BARRY SILVERSTEIN
ATTN: SIMON
5111C OCEAN BLVD
SARASOTA FL 34242

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-64, 22-2082A, 22-2284

Dear Mr. Silverstein:

It has come to our attention that you may have recently purchased several tracts of land in Teton County, Idaho. The first property to which I am referring was most recently owned by John Bagley. The legal description is as follows: T05N, R44E, S22, NE ¼. The second property was owned by Larue Ripplinger and is located in T05N, R44E, 15, SW ¼ and 22, NW ¼.

Both properties were filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist



February 6, 2005

Jennifer Crabtree
Technical Records Specialist
Department of Water Resources
900 Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RE: Barry Silverstein
Attn: Simon
5111 C. Ocean Blvd.
Sarasota, Florida 34242

Dear Ms. Crabtree:

Mr. Silverstein's office has forwarded your letter to me for response. (A copy of your letter is enclosed.)

Enclosed please find the two (2) Notices of Change in Water Right Ownership you were kind enough to forward to Mr. Silverstein. Both forms have been completed showing the new Owner (Claimant), his address as other information required on the form.

Accompanying these forms are copies of signed Warranty Deeds verifying the change of ownership, and maps from the USDA showing the subject properties.

If further information or documentation is needed please contact me at P.O. Box 97, Driggs, Idaho or call me at 354-2348.

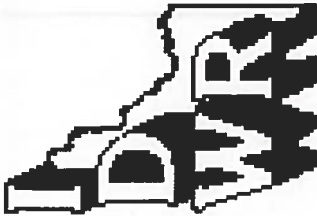
Thank you for your assistance in notifying us of these needed changes.

Kind regards,

A handwritten signature in black ink, which appears to read "John A. McKellar". The signature is written in a cursive style and is positioned above the printed name.

John A. McKellar

cc: Simon Jaspers
5111 Ocean Blvd. C
Sarasota, Florida 34242



State of Idaho

Department of Water Resources

Eastern Region

SCANNED
MAY 23 2005

Public



Water Right(s):
22-00064,
22-02082A

Point(s) of Diversion:

T5N, R44E

Sec. 15 NESWSE

Place of Use: (parts of)

T5N, R44E

Sec. 15 SE, S2NE

Sec. 22 NE

LEGEND



Point of Diversion



SESE
Place of Use



Section



Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2005



1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000 12000 13000 Feet



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

August 12, 2004
EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BARRY SILVERSTEIN
ATTN: SIMON
5111C OCEAN BLVD
SARASOTA FL 34242

*Ripplinger
(NOT RELATED)*

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-64, 22-2082A, 22-2284

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Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

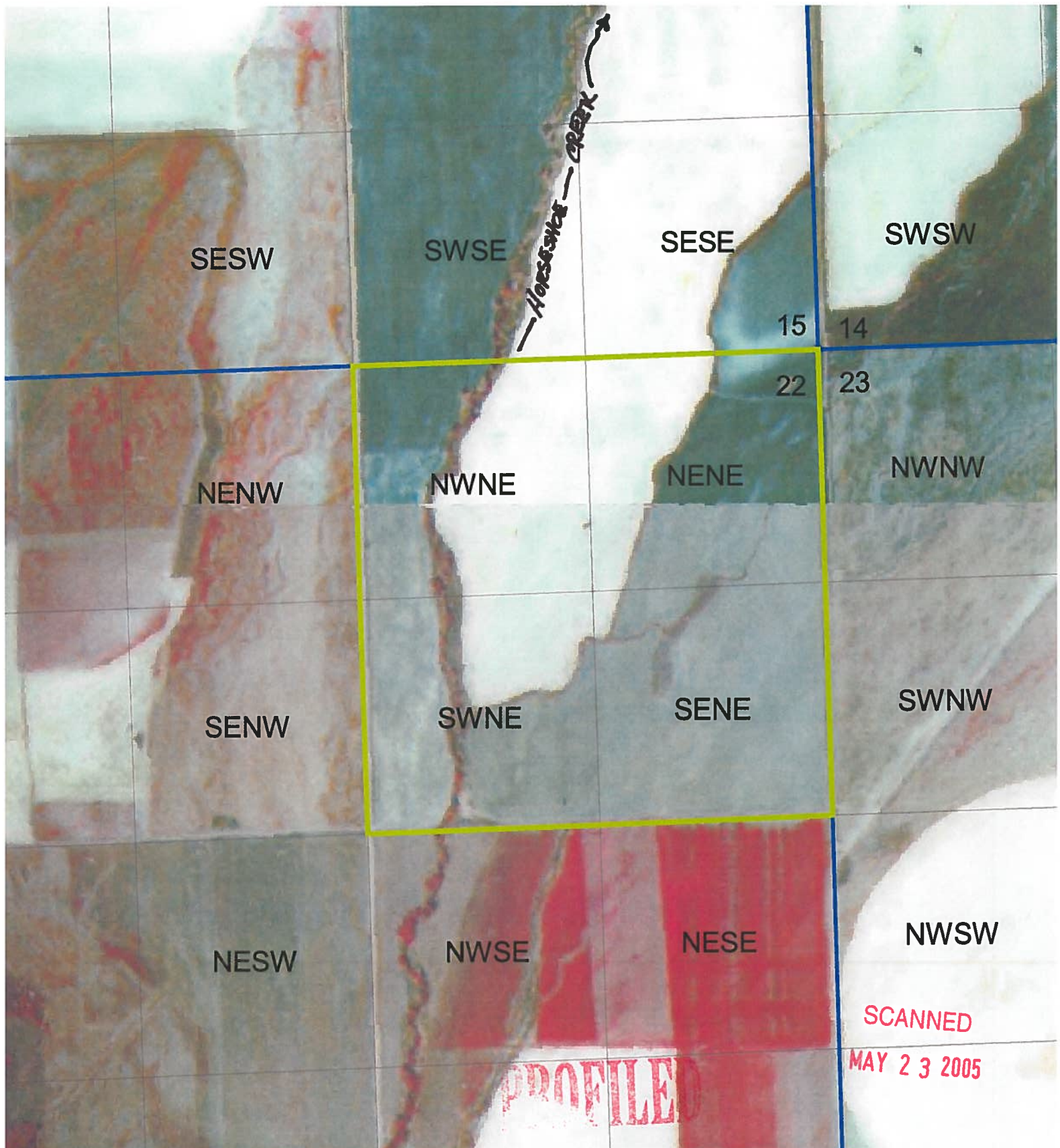
SCANNED

MAY 23 2005

PROFILED

22-2082A

5N 44E



State of Idaho License and Certificate of Water Right

Water License No. 13200
Water District No. 36-0

Amount 0.7 cfs
Priority 9-17-17

THIS IS TO CERTIFY that JAMES A. MARTIN & MELVIN BARTENS of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 17, 1917; that Permit No. 13200 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on February 24, 1921, showing that said works were completed on the 13th day of September, 1920; and that on the 15th day of April, 1921,

ETHEL T. MARTIN

of Blackfoot, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Horse Shoe Creek, a tributary of Teton Creek, for the purpose of irrigation & domestic use under Use Permit No. 13200 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2831, on the 13th day of September, 1921; The right hereby confirmed dates from September 17, 1917;

The Point of Diversion is located on the SE 1/4 of the SW 1/4, Sec. 22, T. 5 N., R. 44 E., B. M. County of Teton

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.7 cubic feet per second.

Description and location of area:

Typ.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	44 E.	22	NE 1/4 NE 1/4	40	9
			NW 1/4 NE 1/4	40	11
			SW 1/4 NE 1/4	40	10
			SE 1/4 NE 1/4	40	5
			SW 1/4 NW 1/4	40	---
			SE 1/4 NW 1/4	40	---
			NE 1/4 SW 1/4	40	---
			SE 1/4 SW 1/4	40	---

35² ac

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNES the seal and signature of the Commissioner of Reclamation, at Boise, Idaho, this 13th day of September, 1921.

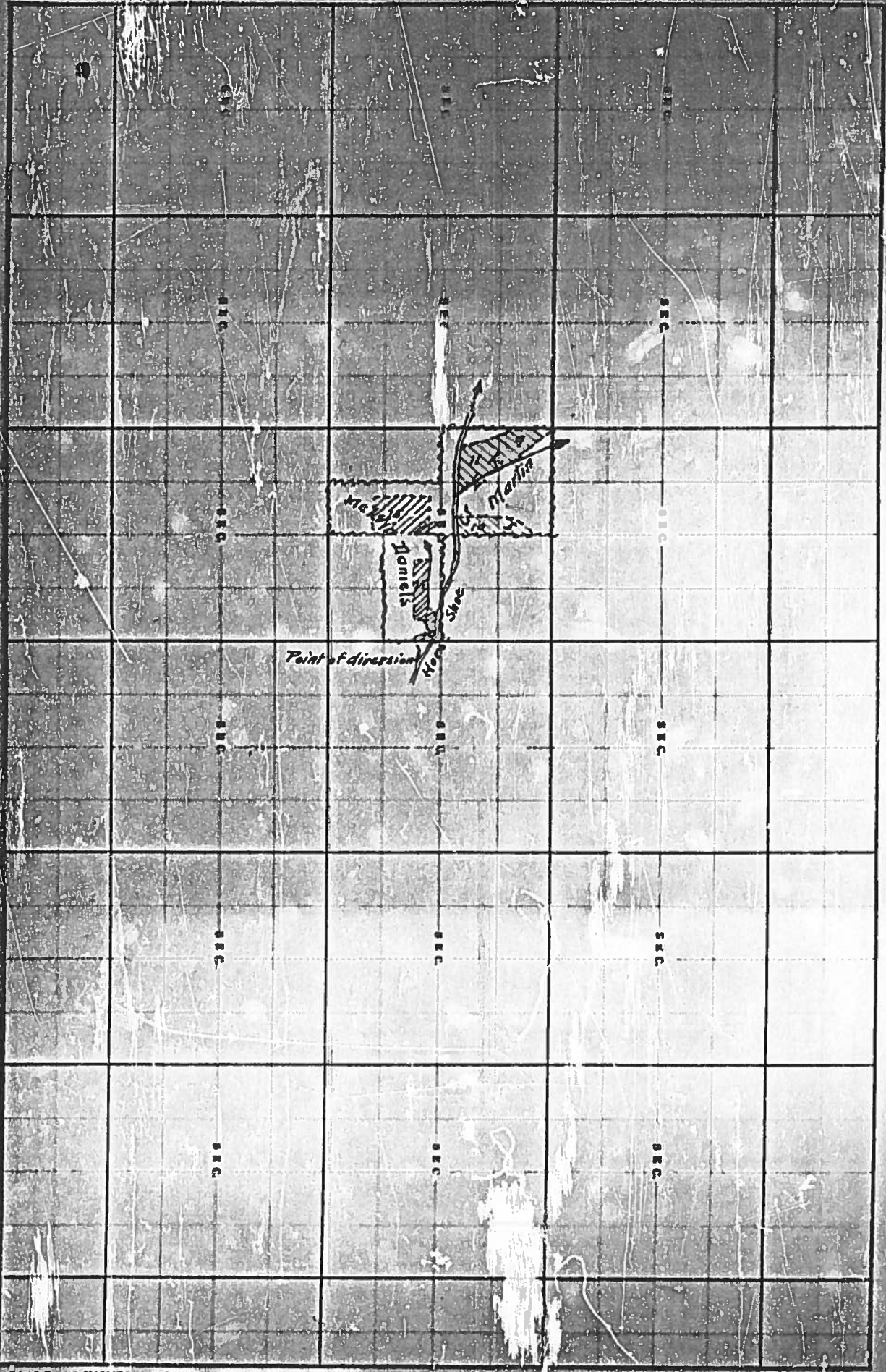
W. G. STEEDMAN,
Commissioner of Reclamation.

(SEAL)

NAME OF APPLICANT *Ernest T. O'Neil*

Beneficial use
Permit *13200*

7/24/41



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

13200

RECEIVED BY NOV 10, 1988
450
T.O. x

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: A22-02082A
Date Received: 10/05/1988
Receipt No: E003942
Received By: TB

RECEIVED

NOV 9 1988

Department of Water Resources / NOTICE OF CLAIM TO A WATER RIGHT
Eastern District Office ACQUIRED UNDER STATE LAW

1. Name: JOHN BAGLEY 208-356-7926
Address: P.O. BOX 122
REXBURG, ID 83440

2. Date of Priority: SEP 17, 1917

3. Source: HORSE^{oil} SHOE CREEK Trib. to: TETON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	15	NE	SW	SE		TETON

5. Description of diverting works:
PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.700		

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

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	22	NE	NE		IRR	9.0
			NW	NE		IRR	11.0
			SW	NE		IRR	10.0
			SE	NE		IRR	5.0

Section Acres 35.0

A22-02082A

Page 1

Date: 10/05/88

PROFILE

SCANNED

MAY 23 2005

MICROFILMED

OCT 29 1992

A2202082A



10. Place of Use: Continued

Total Acres 35.0

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:
22-00064

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 13200

16. Signature(s)

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

Number of attachments: 0

For Individuals:

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

Signature of Claimant(s): [Signature] Date: 10-5-88
_____ Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of October 19 88 [Signature]
Notary Public

Seal

Residing at Rigby, ID
My Commission Expires 8-3-93

A22-02082A

Page 2

Date: 10/05/88

RECEIVED

SCANNED
MAY 23 2005

MICROFILMED
OCT 29 1992



PROFIT
MAY 23 2005
SCANNED