

09/28/2005

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

RIGHT NUMBER: 22-2174  
NAME AND ADDRESS: BYU IDAHO  
244 PHYSICAL PLANT  
REXBURG ID 83460-8205

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.480 CFS  
550.00 AFY

PRIORITY DATE: 02/10/1960

POINT OF DIVERSION:  
T06N R40E S31 SENW Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 2.480 CFS<br>550.00 AFY |

PLACE OF USE: IRRIGATION Within MADISON County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T06N R40E S31       | SWNE | 38.0 | T06N R40E S31       | NENW | 39.0 |
| T06N R40E S31 Lot 1 | NWNW | 11.0 | T06N R40E S31 Lot 2 | SWNW | 29.0 |
| T06N R40E S31       | SENE | 40.0 |                     |      |      |

157 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 - License

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



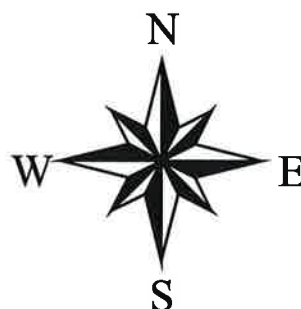
# Department of Water Resources Eastern Region

Claim No.: 22-2174



0 660 1320 1980 2640 Feet

- Point of Diversion
- 22-2174.shp
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration  
1987/88 NAPP Photography  
Prepared by: Kristin Moore  
Date Prepared: September 2005

09/22/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

RECEIVED  
OCT 18 2006  
Department of Water Resources  
Boise, Idaho

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 22-2174

BYU IDAHO

244 PHYSICAL PLANT

REXBURG ID 83460-8205

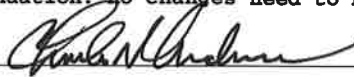
Telephone Number: (208)390-7000

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
  
  
  
2. Describe the changes you wish to make in the proposed recommendation:
  
  
  
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-10-2006

SIGNATURE:



Please print your name: CHARLES N. ANDERSEN

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

Kent  
10/20

9-28-05

## NOTES

Recommended right for 2.48 cfs although the POU does not include all of licensed POU. <sup>All other</sup> Current owners of original POU have no claims on this water right. It is assumed that Deloy Ward sold all water of 22-2174 to Ricks College having already concentrated the water on the 175 acres sold. Since there are no other claims, an accomplished transfer of POU was applied and therefore, it is recommended with 2.48 cfs on current irrigated acres received from Deloy Ward. POU defined by tax lot data as well as <sup>PM</sup> irrigated property.

DELOG  
AR  
1-21-05

For  
6.

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED  
JAN 20 2005

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

- 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<br>Right No(s).      | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|----------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <i>already<br/>changed</i> | A22-2174                     | N     |                       |                              |       |
|                            | A22-4130                     |       |                       |                              |       |
|                            |                              |       |                       |                              |       |
|                            |                              |       |                       |                              |       |
|                            |                              |       |                       |                              |       |
|                            |                              |       |                       |                              |       |

- 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**.

- Name and Address of Former Owner/Claimant(s)

Ricks College

- New Owner/Claimant(s)

Brigham Young University-Idaho  
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

224 Physical Facilities Bldg.

City, State and ZIP Code

Rexburg, ID 83460-8205

New Telephone Number

(208) 496-2451

- Date you acquired the property

See Attached Copies of Deeds

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip **Item 6** and go to **Item 7**.
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at **Item 4**, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

BRIGHAM YOUNG  
UNIVERSITY  
IDAHO

19 January 2005

RECEIVED  
JAN 20 2005  
Department of Water Resources  
Eastern Region

IDWR Eastern Region  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

TO WHOM IT MAY CONCERN:

We are sending the enclosed information to request the name on the University's water rights be changed from Ricks College to Brigham Young University-Idaho. When the college was changed from a two year school to a four year university, the name was changed at that time. Please review the enclosed information and if there are any additional questions regarding the request to change the name on the deeds, please contact me.

Sincerely,



Charles N. Andersen  
Director

CNA/sl

## WARRANTY DEED

PROJECT NO. STP-7866(100)

PARCEL NO. 2

COUNTY OF MADISON

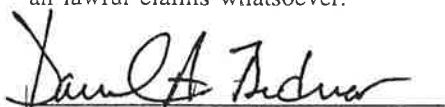
FOR VALUE RECEIVED **RICKS COLLEGE, A UTAH CORPORATION**, GRANTOR, does hereby GRANT, BARGAIN, SELL and CONVEY unto the CITY OF REXBURG, the GRANTEE, the following described premises in MADISON COUNTY, Idaho, to witness:

A parcel of land located in the N ½ NE ¼ Section 31, and the S ½ SE ¼ Section 30, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho more particularly described as follows:

Beginning at the North quarter corner of Section 31; thence along the north-south mid-section line of Section 30, N 00°19'28" W, 3.048 m (10.00 ft); thence leaving said mid-section line N 89°42'29" E, 790.339 m (2592.98 ft) which is 3.048 m (10.00 ft) north and parallel to the south line of Section 30, to the west right-of-way line of 2nd East, the point being N 77°13'25" W, 13.457 m (44.15 ft) of the northeast corner of Section 31, with the next two courses being along the west right-of-way line of 2nd East S 00°18'53" E, 3.048 m (10.00 ft); thence S 00°19'25" E, 27.432 m (90.00 ft); thence leaving said right-of-way line, S 89°42'29" W, 790.196 m (2592.51 ft), to the north-south mid-section line of Section 31; thence along said mid-section line, N 00°37'16" W, 27.432 m (90.00 ft) to North quarter corner of Section 31 the point being the TRUE POINT OF BEGINNING

Containing 2.409± hectares (5.95± acres)

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said GRANTEE, and to its successors and assigns forever, and the said GRANTOR does hereby covenant to and with the said GRANTEE that it is the owner of said premises, that said premises are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.



Authorized Agent for Ricks College, a Utah Corporation

STATE OF Idaho

)

) ss.

(corporate seal)

COUNTY OF Madison

)

On this 6 day of Aug., 1997 before me a Notary Public in and for the State of Idaho personally appeared David A. Bednar known/acknowledged to me to be the President of the corporation that executed the within instrument and acknowledge to me that such corporation executed the same.

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



Notary Public for the State of

Residing at: Rexburg

My Commission Expires: 7-01-2003

## RIGHT-OF-WAY CONTRACT

Station 101+41.002  
to Station 109+30.818

Project No.: STP-7866(100)  
Parcel No.: 2 (Ricks College)  
Project Name: S Rexburg Arterial  
Key No.: 5963  
County of: Madison

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 1997, between **City of Rexburg** herein called "City" and **Ricks College, A Utah Corporation** herein called "Grantor".

WHEREAS, Grantor herewith delivers to the City a Warranty Deed on a parcel of land for highway purposes.

NOW, THEREFORE, the parties hereto agree as follows:

1. City shall pay Grantor and the Lienholder(s), if any, such sums of monies as are set out below. Grantor agrees to pay all taxes and assessments due and owing, including those for the year 1996.
2. This contract shall not be binding unless and until executed by the City.
3. The parties have herein set out the whole of this agreement, the performance of which constitutes the entire consideration for the grant of said right-of-way and shall relieve the City of all future claims or obligations on account of the location, grade, and construction of the proposed highway.
4. City will pay Grantor for approximately 5.95 acres of right-of-way/land and 1.91 acres of construction easements as follows:

|                                              |                 |
|----------------------------------------------|-----------------|
| 5.95 acres right-of-way                      | \$ 32,725.00    |
| 1.91 acres temporary (construction) easement | <u>1,051.00</u> |

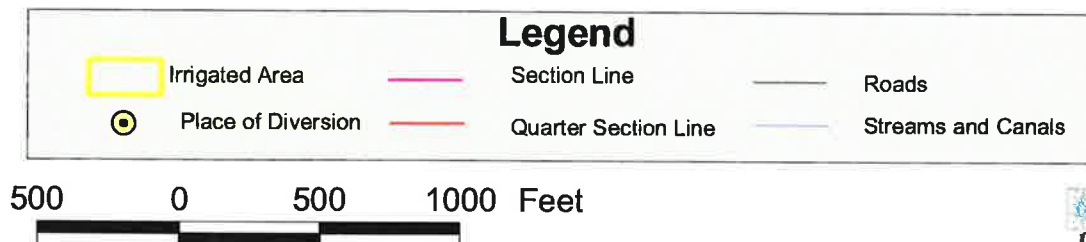
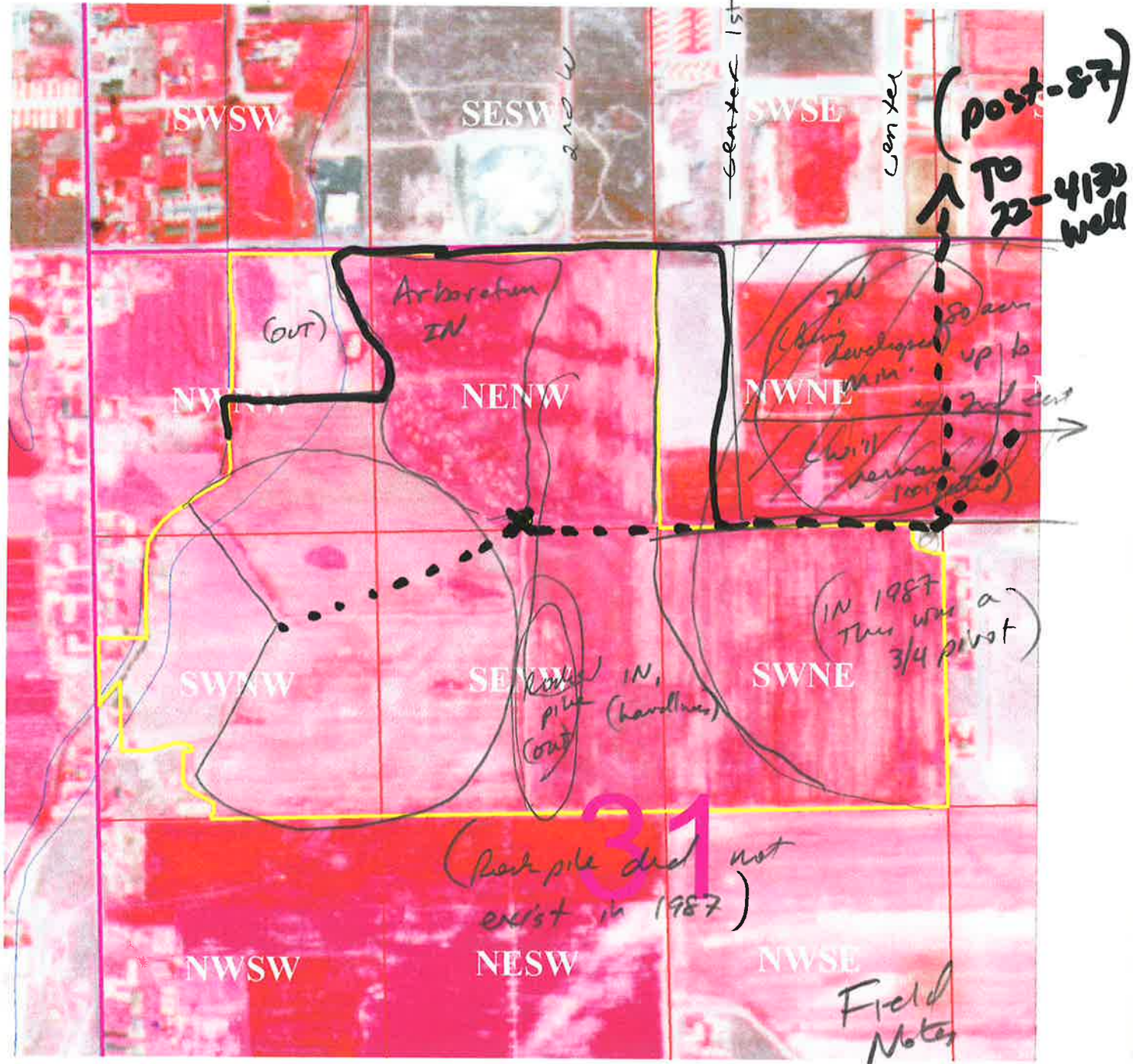
TOTAL CONSIDERATION \$ 33,776.00

5. Grantor agrees to give the City legal and physical possession of the property herein being purchased by the City on **within 90 days of the date of this Agreement** or upon receipt of payment, whichever date is later.
6. Grantor hereby grants the City permission to enter upon the Grantor's land where necessary to construct approaches or any other item requiring a temporary easement. Said easement will terminate upon completion of construction.
7. City will construct approaches as follows:

| Station | Location | Width          | Description                |
|---------|----------|----------------|----------------------------|
| 102+51  | left     | 19.5 m (64 ft) | 1st West                   |
| 102+39  | left     | 1.8 m (6 ft)   | Handicap Access (1st West) |

Water Right Claim Number 22-02174  
Township , 6N40E

06/25/2001



SPATIAL DYNAMICS

Claim No. 20-274

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

Claim no. A22-2174

Claimant Contact Log

Date

Remarks

Agent initials

Please see contact log A22-4130

Bae

## Contacts Data Entry Form

Claim Number: A22-2174

| Owner Type     | Full Name        | Address | City | State | Zip |
|----------------|------------------|---------|------|-------|-----|
| Current Owner: | <u>BYU Idaho</u> |         |      |       |     |
| Current Owner: |                  |         |      |       |     |
| Current Owner: |                  |         |      |       |     |

Current Owner: BYU Idaho Phone No.: \_\_\_\_\_

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_

Claimant will submit change of ownership reflecting  $\Delta$  in

Representing Attorney: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone No.: name of institution.

Relationship to Claimant: \_\_\_\_\_ Date of Field Exam: \_\_\_\_\_

Discussion of right origin and split history. Questions and problems.

① Planned construction will cause University to file a transfer to change POU.

② POU outlined on layout is correct for 1987 conditions. Pencilled sketch shows current conditions w/ black note showing main line connected to A22-4130

Bac 8 Jan 05

③ Letter in file suggests possible split w/ former owner Delay Ward but internet search 7 Jan 05 shows no other claims based on A22-2174 unless there are recent claims w/ 13000-series numbers.

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

## Priority Date Data Entry Form

Claim Number: A22-2174

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: \_\_\_\_\_ Claimed Basis: \_\_\_\_\_

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Copy of license shows 10 Feb 1960 Bac

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Water Right No(s). A22-2174



GPS DATA:

Tag # A0008775 Location: post supporting power meter

Diversion Data:

Source: GW Trib to: \_\_\_\_\_

MOTOR

Make: US Model: \_\_\_\_\_ Hp: 150  
SN: G-05-02179909-GT-02

PUMP

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Disch: \_\_\_\_\_  
SN: \_\_\_\_\_

NOTES:

Motor appears to be nearly new. Original  
system had 75 hp motor w/ 50 hp booster per  
license exam.

Field Exam Date: 7 Jan 05 Agent: BAC

## Point of Diversion and Source Data Entry Form

Claim Number: A22-2174Water 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:GPS waypoint 9, 2677708 E 1403143 N IDTM83

Claim places well in 6N 40E 31 NENW, matching  
line. Claim notes "well is on line between NENW  
and SENW." GPS actually places well in NWSENW  
but the distance from SWSENW is less than the  
expected precision of the GPS. BAC 8 Jan 05

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

## Place Of Use Data Entry Form

Claim Number: A22-2174

## 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: Markline connection to A22-4130. May notDocument how the POU was verified: have existed in 1987.

Yellow line on Sample layout is correct for  
1987 conditions. See also attached photos of  
University maps.

Mr Anderson confirmed the claim's intent to  
represent accomplished change in POU that  
concentrates diversions rate on fewer acres than  
originally licensed. Licensed rate is still < 0.02/acre  
on claimed lands. BAC 8 Jan 05

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_



## Season of Use and Quantity Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Period of Use and Diversion Rate

| Water Use | Start | End   | Rate  | Volume |
|-----------|-------|-------|-------|--------|
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

Claimed Period of Use and Diversion Rate

| Water Use | Start | End   | Rate  | Volume |
|-----------|-------|-------|-------|--------|
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

Recommended Period of Use and Diversion Rate

| Water Use | Start | End   | Rate  | Volume |
|-----------|-------|-------|-------|--------|
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |
| _____     | _____ | _____ | _____ | _____  |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

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

License shows 2.48 cfs. No annual vol. or  
season of use on license. Bal 8 Jan 05

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_



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

*Clay Fullmer*

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 15, 2003

RICKS COLLEGE  
REXBURG ID 83340

RE: OWNERSHIP CHANGE ON WATER RIGHTS 22-2303B, 22-2174, 22-2303C, 22-4130, 22-4131, 22-7448, 22-7463, 22-7477

Dear Sir or Madam:

It has come to my attention the above referenced water rights need to be changed to the name BYU Idaho. 22-2303B was formerly owned by Dwight S. Spaulding. A copy of this claim is enclosed for your review. If you, in fact, purchased this property, please fill out one of the enclosed "Notice of Change of Water Right Ownership" forms.

Claims 22-2174, 22-2303C, 22-4130, 22-4131, 22-7448, 22-7463, and 22-7477 are currently in the name of Ricks College. Please complete the second ownership change form to change this name. Total processing fee is \$100.

If you have questions please do not hesitate to call.

Sincerely,

*Jennifer Crabtree*

Jennifer Crabtree  
Technical Records Specialist

Enclosure

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. G-28451

Amount 2.48 c.f.s.

Water District No. \_\_\_\_\_

Priority February 10, 1960

THIS IS TO CERTIFY that E. W. WARD  
of Rexburg, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated February 10, 1960; that Permit No. G-28451  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
2.48 second feet, was issued thereunder on January 31, 1966, showing that said works  
were completed on the 27th day of June, 1960; and that on the 27th  
day of June, 1960, E. W. Ward

of Rexburg, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean flow, for the purpose of irrigation  
, under Use Permit No. G-28451 of the Department of Reclamation  
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 State Reclamation Engineer of Idaho and entered of record in Volume  
13 of Licenses at page 8444 on the 31 day of January, 1966;  
The right hereby confirmed dates from February 10, 1960;

The Point of Diversion is located  
in the NE 1/4 NW 1/4, Sec. 31, Tp. 6N, R. 40 E, B. M. Madison County

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 2.48 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|----------------------------------------|----------------------------------|---------------------------------|
| 6N   | 40 E  | 30   | NE 1/4 SW 1/4                          | 12                               | 0                               |
|      |       |      | SE 1/4 SW 1/4                          | 40                               | 40                              |
|      |       |      | SW 1/4 NE 1/4                          | 40                               | 40                              |
|      |       |      | NE 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |      | NW 1/4 NW 1/4                          | 15                               | 12                              |
|      |       |      | SW 1/4 NW 1/4                          | 30                               | 35                              |
|      |       |      | SE 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |      | Total number of acres to be irrigated: |                                  | 207                             |

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.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

31st day of January, 1966.

/s/ R. KEITH HIGGINSON  
assistant State Reclamation Engineer.

(SEAL)

22 2174

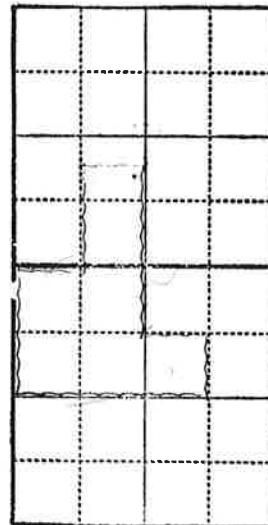
22-2174  
T.N.A.

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36428  
Permit No. G- 28451  
District No.

1. Name of Applicant: E. W. Ward  
Postoffice address: Box 3, Rexburg County: Madison State: Idaho
2. Quantity of water claimed:  
(a) Rate of withdrawal in cubic feet per second 3.34 or Idaho  
Miners' inches 167 or gallons per minute  
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Deep well
4. Location of point of diversion or well is in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 31  
Twp. 6 N , Rge. 40 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:  
(a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.  
(b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Pumps with sprinklers, out of 120 ft. drilled well
8. Estimated cost of works: \$ 20,000
9. (a) Is reservoir to be used? No  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:  
I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:  
II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
- (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
- (b) 3.34 (cubic feet per second, inches or gallons per minute) is for new lands.



BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By \_\_\_\_\_ Agent.

Corrected application received:

The number of this permit is G— 28451

Recorded in Book 100 Page 28451 Approved February 17, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before \_\_\_\_\_ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 17, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before **February 17, 1965**

Witness my hand this 17th day of February, 1960

s/ GEO. N. CARTER  
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,  
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to  
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th  
day of February, 1960.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Bv s/ ROBERT E. SMYLLIE

*Governor*

Secretary of State.

12.

| Twp.                                                                                                       | Range | 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 |                  |
| 6 N                                                                                                        | 40 E  | 30<br>31 | 40                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 40 15 30 40                 | 12                          | 40                          | 52<br>165<br>217 |
|                                                                                                            |       |          | <p style="text-align: center;">Permit No. G-28451</p> <p style="text-align: center;">CERTIFICATE OF COMPLETION OF WORKS</p> <p>TO ALL WHOM IT MAY CONCERN:</p> <p>This is to certify that E. W. Ward of Rexburg, County of Madison, State of Idaho, the holder of Permit G-28451 issued upon application No. G-36428 bearing date of priority of February 10, 1960 authorizing the use of 3.34 second feet of waters of well County of Madison State of Idaho for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion and described in said permit; that said works are adequate for diverting and conveying to the place of use 2.48 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is located in Section 31, T 6 N., R 40 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said waters are described as follows to wit: E 1/2 SW 1/4, Section 30, T 6 N., R 40 E., B.M. and SW 1/4 NE 1/4, NW 1/4, Section 31, T 6 N., R 40 E., B.M.</p> <p>Witness my hand this 31st day of January, 1966.</p> <p>Proof of completion of works made June 27, 1960.</p> <p style="text-align: right;">/s/ R. KEITH HIGGINS<br/>Assistant State Reclamatio</p> |                             |                             |                             |                  |
| <p style="text-align: right;">LICENSE ISSUED FOR <u>2.48</u> SEC. FT.<br/>LICENSE PAGE NO. <u>8444</u></p> |       |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                             |                             |                             |                  |

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. 9-20451

This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant E. W. Ward

2. Source of water supply: a deep well

3. Location of point of diversion: Is in the NE 1/4 of Section 31

T. 6 N R. 40 E.B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: 75 HP F.M.

Mot. # F 276177, F.M. Pump A2A 2393, 120' x 8" column

Well. 120' x 18" - 8" discharge reduced to 6" main, Cornell Mfg. Co.

Centrifugal Booster pump 4" x 3" with G.E. Mot. 20 HP. # Model SK 326XCV82

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E 1/4 Sec. 30, SW 1/4 NE 1/4, NW 1/4, Sec. 31, Twp. 6 N., Rge. 40 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

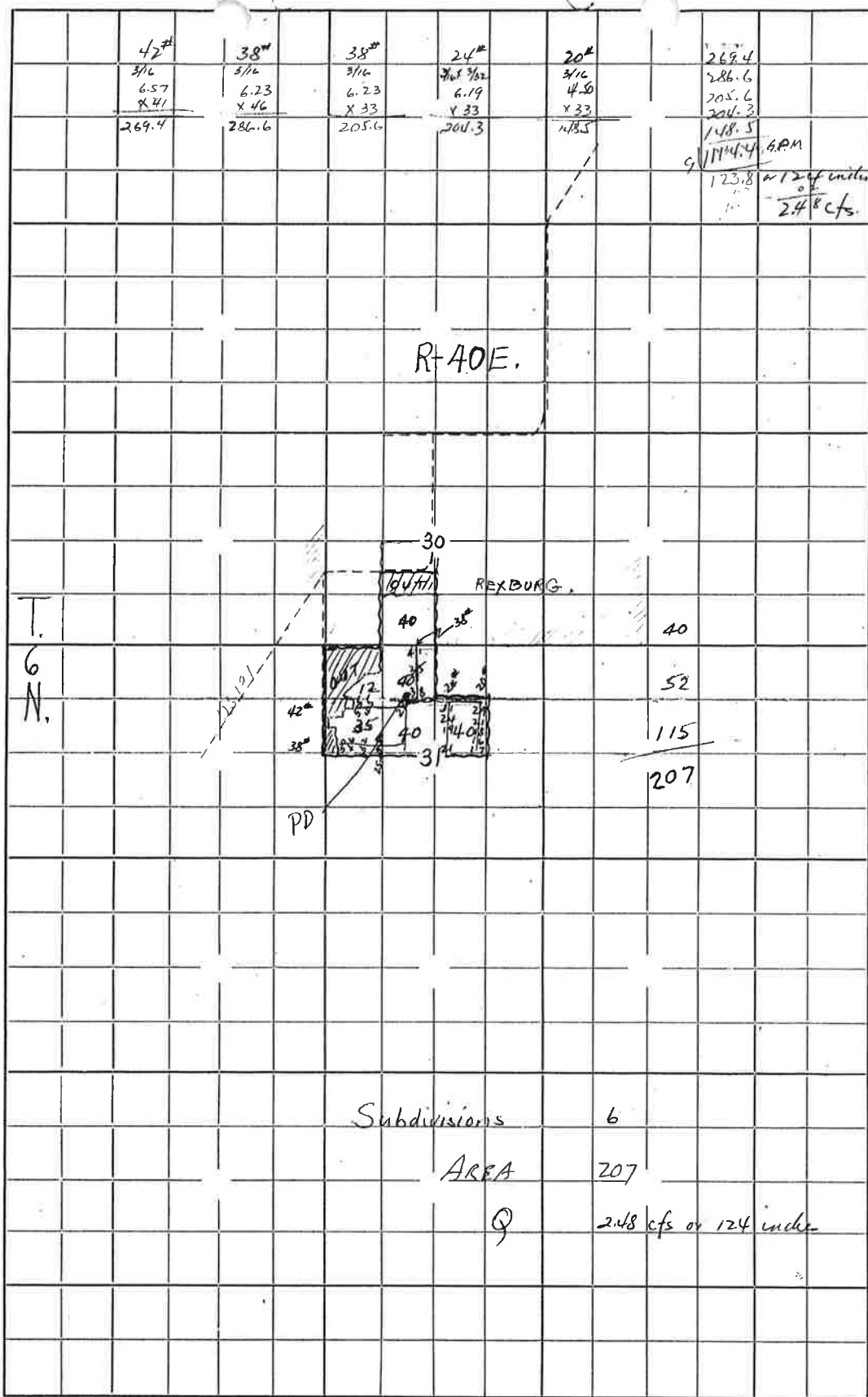
Remarks: No Delay Ward along

Measurement made by taking pressure reading at various places along  
each Lateral - 153 3/4 nozzles and 33 3/4 x 3/4 nozzles making a total of 186 nozzles.

This examination was made on the 19<sup>th</sup> day of July, 1961

(Signed) Lyn Johnson Examiner.

28 451



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28451

SEPTEMBER 29, 1995

RICKS COLLEGE  
REXBURG ID 83460-4104

RE: CHANGE IN OWNERSHIP FOR A22-02174

Gentlemen:

Thank you for notifying the Department of the Change in Ownership from Deloy Ward to Ricks college. Although the proof of ownership you submitted is sufficient evidence to change the name on Notice of Claim A22-02174, I wanted to inform you of a minor discrepancy before I make the change.

On the Notice of Change of Water Right Ownership form, you said that the change in ownership did not result in a splitting of the water right. Our records show that A22-02174 is for 2.48 cfs and 175 acres. If Ricks College now owns approximately 20 acres of the original right, then there is actually a split.

This letter is just to confirm the fact that you understand there is a splitting of the right based on the information submitted thus far.

If you will contact me at 525-7161 or drop me a note confirming the split, I will modify our records accordingly.

Sincerely,

Gregory J Taylor  
Senior Water Rights Agent

Enclosure

GJT:jt



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

DATE OF CLOSING: 20 FEB 1992

RECEIVED

SEP 05 1995

LEGAL DESCRIPTION OF PROPERTY: Township 06N Range 40E  
Section 31, SE 1/4 of NW 1/4 of 1/4 Govt. Lot       , BM         
Lot       , Block       , Subdivision/Townsite Rexburg.  
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources  
RECEIVED

SEP 11 1995

Department of Water Resources  
Eastern District Office

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)  
Assigned by IDWR: A22-02174 28451

☐ Name and Address of Former Owner/Claimant(s)(Seller):  
DELOY Z WARD  
1432 SOUTH 1000 WEST  
REXBURG, ID 83440

☐ New Owner/Claimant (Purchaser):  
RICKS COLLEGE

☐ New Mailing Address:  
REXBURG, ID 83460-4104

☐ New Telephone Number: (208) 356 - 2451

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: SPECIAL WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Charles J. Trout Date 31 Aug 95  
Dir. P.H. Plant - Ricks College Date       

☐ Signature of Former Owner/Claimant(s):        Date         
       Date       

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:  
Initial Review and Data-Entry  
Date:        By:         
Further Action Needed:  
  
Further Action Taken  
Date:        By:         
Final Review and Data-Entry  
Date:        By:         
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

WHEN RECORDED, MAIL TO:

BYU Office of Legal Counsel

A-350 ASB - Provo, Utah 84602

Attn: hal Visick

Space Above for Recorder's Use

## SPECIAL WARRANTY DEED

[CORPORATE FORM]

PROPERTY RESERVE, INC., a Utah Corporation, a corporation organized and existing under the laws of the State of Utah, with its principal office at 60 East South Temple #780, of County of Salt Lake, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to

RICKS COLLEGE, a Utah Non-Profit Corporation

of grantee  
for the sum of  
\*\*\*\*\* TEN DOLLARS & No/100 \*\*\*\*\* DOLLARS  
the following described tract of land in MADISON County,  
State of ~~Utah~~: IDAHO

Beginning at a point 1415.00 feet, more or less, west along the sixteenth line from the east quarter corner of the northeast quarter of section 31, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho; thence S.0°15'50" E. 120.00 feet, more or less; thence East 100.00 feet, more or less, to the west line of Crest Haven Subdivision; thence S. 0°15'50" East 1208.89 feet, more or less, along the west line of the Crest Haven Subdivision to the quarter section line; thence N. 89°51'17" W. 656.01 feet, more or less, along the quarter section line; thence N.0°15'50" W. 1327.23 feet, more or less, to the North sixteenth line; thence East 556.00 feet, more or less, along the sixteenth line to the point of beginning.

Reserved in the above description is the following easement:

A 15' wide easement for construction and maintenance of a waterline, said easement running on the south side parallel and adjacent to the following description; beginning 1415.00 feet west of the east quarter corner of the northeast quarter of Section 31, Township 6 North, Range 40 East, Boise Meridian; and running thence west 556.0 feet.

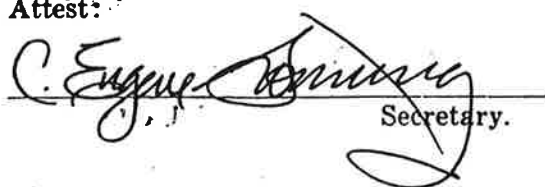
Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

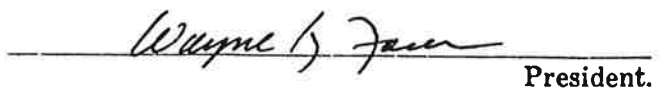
In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 20th day of February 1992, A. D. 19

Attest:

PROPERTY RESERVE, INC.

  
Secretary.

By Wayne G. Facer, Vice-President

  
President.

[CORPORATE SEAL]

STATE OF UTAH,

County of Salt Lake

ss.

On the 20th day of February 1992, A. D.  
personally appeared before me Wayne G. Facer and

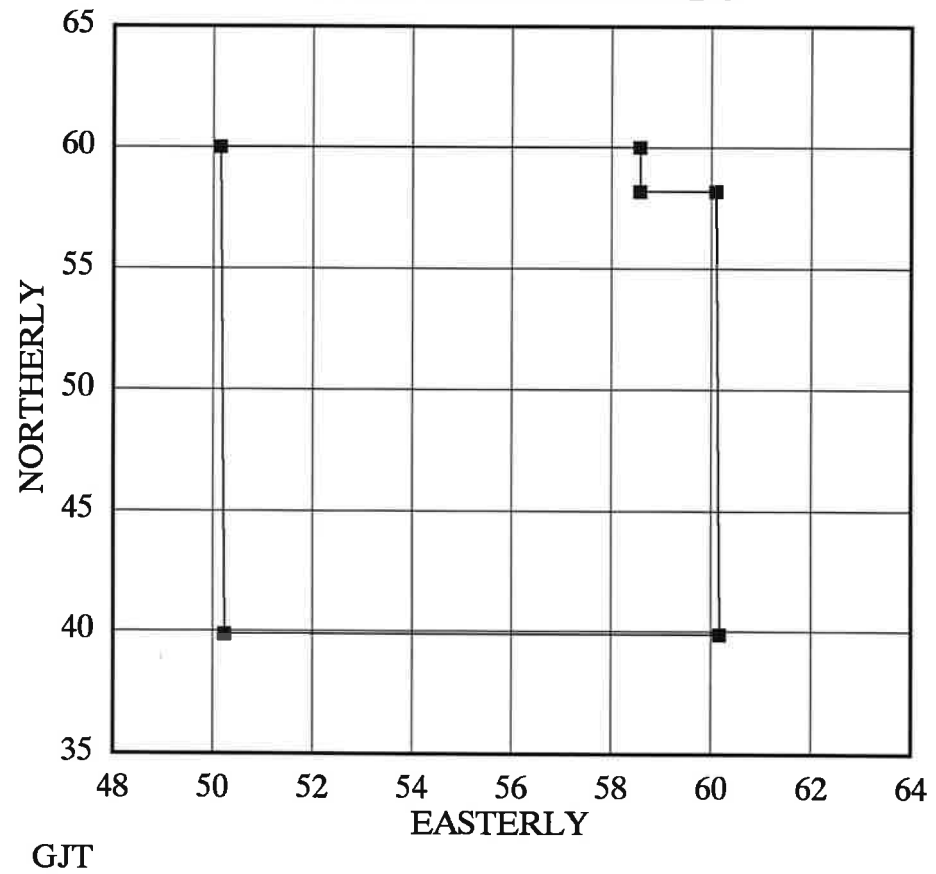
| POLAR COORDINATE<br>X-COR    Y-COR<br>(CHAINS) |       | ANGLE   |         |         | BEARING<br>ANGLE<br>DIRECTION | DIST (FT) | CUMULATIVE<br>ACRES |
|------------------------------------------------|-------|---------|---------|---------|-------------------------------|-----------|---------------------|
|                                                |       | DEGREES | MINUTES | SECONDS |                               |           |                     |
| 58.56                                          | 60.00 |         |         |         |                               |           |                     |
| 58.56                                          | 60.00 | 0.00    | 0.00    | 0.00    | SW                            | 0.00      | 0.00                |
| 58.57                                          | 58.18 | 0.00    | 15.00   | 50.00   | SE                            | 120.00    | 0.00                |
| 60.08                                          | 58.18 | 90.00   | 0.00    | 0.00    | SE                            | 100.00    | 0.00                |
| 60.17                                          | 39.87 | 0.00    | 15.00   | 50.00   | SE                            | 1208.89   | 2.87                |
| 50.23                                          | 39.89 | 89.00   | 51.00   | 17.00   | NW                            | 656.01    | 2.88                |
| 50.14                                          | 60.00 | 0.00    | 15.00   | 50.00   | NW                            | 1327.23   | 19.72               |
| 58.56                                          | 60.00 | 90.00   | 0.00    | 0.00    | NE                            | 556.00    | 19.72               |

$$AZZ-02174 \quad 2.48 \text{ cfs} / 175 \text{ Ac.} = 0.014171 \text{ cfs/Ac.}$$

$$\begin{array}{l}
 AZZ-02174 \quad \begin{cases} A(\text{DeJoy WARD}) \quad 2.20 \text{ cfs}; 155 \text{ Acres} \\ B(\text{RICKS COLLEGE}) \quad 0.28 \text{ cfs}; 20 \text{ Acres} \end{cases} \\
 \hline
 2.48 \text{ cfs}; 175 \text{ Ac.}
 \end{array}$$

# CHANGE IN OWNERSHIP

DISTANCES ARE IN CHAINS





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

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

OCTOBER 17, 1995

RICKS COLLEGE  
REXBURG ID 83460-4104

RE: CHANGE IN OWNERSHIP FOR A22-02174

Dear Sirs:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

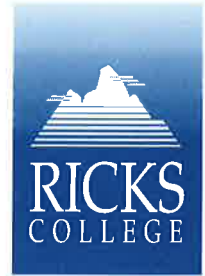
Jo Thompson  
Adjudication Secretary

Enclosure: Notice of Claim

MICROFILMED  
NOV 06 1995

PHYSICAL PLANT DEPARTMENT  
REXBURG, IDAHO 83460-8205  
PHONE (208) 356-2451  
FAX (208) 356-2490

CHUCK FROST  
*Director*



13 October 1995

RECEIVED

OCT 17 1995

Department of Water Resources  
Eastern District Office

Gregory J Taylor  
State of Idaho  
Department of Water Resources  
900 N. Skyline Drive  
Idaho Falls, ID 83402-1718

RE: Change in ownership water right A22-02174

Dear Mr. Taylor:

I apologize for the mix-up on warranty deeds that were sent to you in reference to our Notice of Claim A22-02174. Enclosed is the second deed for the property in question which contains the major portion of the land. Ricks College purchased this land from Mr. Ward in two separate purchases; one under Warranty Deed #241264 and the second property under Warranty Deed #241902. There is no split intended in the water right transfer since all of the property now belongs to Ricks College.

Please contact me if you need any further information in order to transfer the water right ownership from Mr. Ward to Ricks College.

Sincerely,

Chuck Frost  
Director of Physical Plant

CF/bjs

cc: Jim Smyth, Administrative Vice-President

Enclosures

WHEN RECORDED, MAIL TO:

BYU Office of Legal Counsel

A-350 ASB - Provo, Utah 84602

Attn: hal Visick

Space Above for Recorder's Use

## SPECIAL WARRANTY DEED

[CORPORATE FORM]

PROPERTY RESERVE, INC., a Utah Corporation, a corporation organized and existing under the laws of the State of Utah, with its principal office at 60 East South Temple #780, of County of Salt Lake, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to

RICKS COLLEGE, a Utah Non-Profit Corporation

of grantee  
for the sum of  
\*\*\*\*\* TEN DOLLARS & No/100 \*\*\*\*\* DOLLARS  
the following described tract of land in MADISON County,  
State of ~~Utah~~ IDAHO

Beginning at a point 1415.00 feet, more or less, west along the sixteenth line from the east quarter corner of the northeast quarter of section 31, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho; thence S.0°15'50" E. 120.00 feet, more or less; thence East 100.00 feet, more or less, to the west line of Crest Haven Subdivision; thence S. 0°15'50" East 1208.89 feet, more or less, along the west line of the Crest Haven Subdivision to the quarter section line; thence N. 89°51'17" W. 656.01 feet, more or less, along the quarter section line; thence N.0°15'50" W. 1327.23 feet, more or less, to the North sixteenth line; thence East 556.00 feet, more or less, along the sixteenth line to the point of beginning. *≈ 20 ac.*

Reserved in the above description is the following easement:

A 15' wide easement for construction and maintenance of a waterline, said easement running on the south side parallel and adjacent to the following description; beginning 1415.00 feet west of the east quarter corner of the northeast quarter of Section 31, Township 6 North, Range 40 East, Boise Meridian; and running thence west 556.0 feet.

Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 20th day of February 1992, A. D. 19  
PROPERTY RESERVE, INC.

Attest:

*C. Eugene [Signature]*  
Secretary.

[CORPORATE SEAL]

By Wayne G. Facer, Vice-President

*Wayne G. Facer*  
President.

MICROFILMED  
NOV 06 1992

STATE OF UTAH,

County of Salt Lake

ss.

On the 20th day of February 1992, A. D.



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

DATE OF CLOSING: 20 FEB 1992

LEGAL DESCRIPTION OF PROPERTY: Township 06N Range 40E  
Section 31, SE 1/4 of NW 1/4 of 1/4 Govt. Lot       , Block       , Subdivision/Townsite Rexburg.  
If you have additional legal descriptions, please attach separate sheet.

RECEIVED  
SEP 05 1995

RECEIVED  
SEP 11 1995

Department of Water Resources  
Eastern District Office

OCT 17 1995

Department of Water Resources  
Eastern District Office

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)  
Assigned by IDWR: A22-02174 28451

☐ Name and Address of Former Owner/Claimant(s)(Seller): DELOY Z WARD

1432 SOUTH 1000 WEST

REXBURG, ID 83440

☐ New Owner/Claimant (Purchaser):

RICKS COLLEGE

☐ New Mailing Address: REXBURG, ID 83460-4104

☐ New Telephone Number: (208) 356 - 2451

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Attach proof of ownership, describe proof attached: SPECIAL WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Charles J. Smith Date 31 Aug 95  
Dir. P.H. Plant - Ricks College Date       

☐ Signature of Former Owner/Claimant(s): \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

MICROFILMED

NOV 06 1990

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

24190

AMERICAN LAND TITLE CO.  
P O BOX 732  
REXBURG IDAHO 83440

5-8976-G

# WARRANTY DEED

RECEIVED

OCT 17 1995

Department of Water Resources  
Eastern District Office

## For Value Received

DeLoy Z. Ward and Viola J. Ward, HUSBAND AND WIFE.

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

Corporation of the Presiding Bishop, of the Church of Jesus Christ of Latter-Day  
Saints, a Utah Corporation, sole  
whose current address is

50 East North Temple, Street, Twelfth Floor, Salt Lake City, Utah 84150

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

A portion of the North 1/2 of Section 31, Township 6 North, Range 40  
East, Boise Meridian, Madison County Idaho, described as:

Commencing at the North 1/4 corner of said Section 31 and running thence  
S 00°19'46"E. 1323.42 feet (South 1320 feet by record) along the North-  
South centerline of said Section 31; said point being the Southeast corner  
of the Northeast 1/4 of the Northwest 1/4; thence N 89°49'57"E 664.08 feet;  
(East 669 feet by record) thence S 00°31'27" E 1324.13 feet (South 1327.23  
feet by record) to the East-West center line of said Section 31; thence  
S 89°53'28"W 2943.95 feet; thence N 00°16'50"W 1321.09 feet (North 1320  
feet by record) to the South line of the Northwest 1/4 of the Northwest 1/4  
of said Section 31; thence S 89°49'57" W 66.00 feet to the Rexburg  
Irrigation Canal; thence along said Canal the following three (3) courses;  
(1) N 46°35'20"E 195.17 feet; (2) N 57°01'39" E 242.82 feet and (3)  
N 06°28'50" E 398.12 feet to the South line of the Northeast 1/4 of the  
Northwest 1/4 of the Northwest 1/4 of said Section 31; thence N 89°48'11" E  
627.67 feet; (East 610.5 feet by record) thence N 00°18'18" W 661.04 feet  
(North 676.5 feet by record) along the east line of said Northeast 1/4  
to the north line of said Section 31; thence N 89°46'26"E 1318.05 feet  
to the point of beginning. *2140 ac.*

MICROFILMED

NOV 06 1995

AMERICAN LAND TITLE CO., Pocatello, Idaho

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: **A22-02174**  
Date Received: 8/15/1988  
Receipt No: E001293  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: RICKS COLLEGE  
Address: REXBURG ID

208-356-2451

83460-4104

2. Date of Priority: FEB 10, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 40E   | 31      |        | NE     | NW  |     | MADISON |

5. Description of diverting works:  
WELL AND PUMP TO HANDLINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.480 |      |        |

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

A.F.A.

8. Total consumptive use is 437.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 40E   | 31      | SW     | NE  |     | IRR | 40.0  |
|          |       |         | NE     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | NW  |     | IRR | 21.0  |
|          |       |         | SW     | NW  |     | IRR | 34.0  |
|          |       |         | SE     | NW  |     | IRR | 40.0  |

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10. Place of Use: Continued

Section Acres      175.0

Total Acres        175.0

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:  
    NONE

14. Remarks:  
    WELL AND PUMP IS ON LINE BETWEEN NENW AND SENW  
    CHANGED OWNERSHIP 10/17/95/JT/GT

15. Basis of Claim: LICENSE

Water Right Number: 28451

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NOV 16 1995

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: A22-02174  
Date Received: 8/15/1988  
Receipt No: E001293  
Received By: IPM

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DELOY Z. WARD 208-356-5190  
Address: 1432 SOUTH 1000 WEST  
REXBURG, ID 83440

2. Date of Priority: FEB 10, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 40E   | 31      |        | NE     | NW  |     | MADISON |

5. Description of diverting works:  
WELL AND PUMP TO HANDLINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 2.480  |      |        |

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

8. Total consumptive use is 437.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 40E   | 31      | SW     | NE  |     | IRR | 40.0  |
|          |       |         | NE     | NW  |     | IRR | 40.0  |
|          |       |         | NW     | NW  |     | IRR | 21.0  |
|          |       |         | SW     | NW  |     | IRR | 34.0  |

A22-02174

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Date: 08/15/88

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OCT 29 1992

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06N           | 40E   | 31      | SE     | NW  |     | IRR | 40.0  |
| Section Acres |       |         |        |     |     |     | 175.0 |
| Total Acres   |       |         |        |     |     |     | 175.0 |

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:  
NONE

14. Remarks:  
WELL AND PUMP IS ON LINE BETWEEN NENW AND SENW

15. Basis of Claim: LICENSE  
Water Right Number: 28451

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

**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): DeLoe J. Ward Date: 08-15-88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho

County of Bonnerville )  
SS.

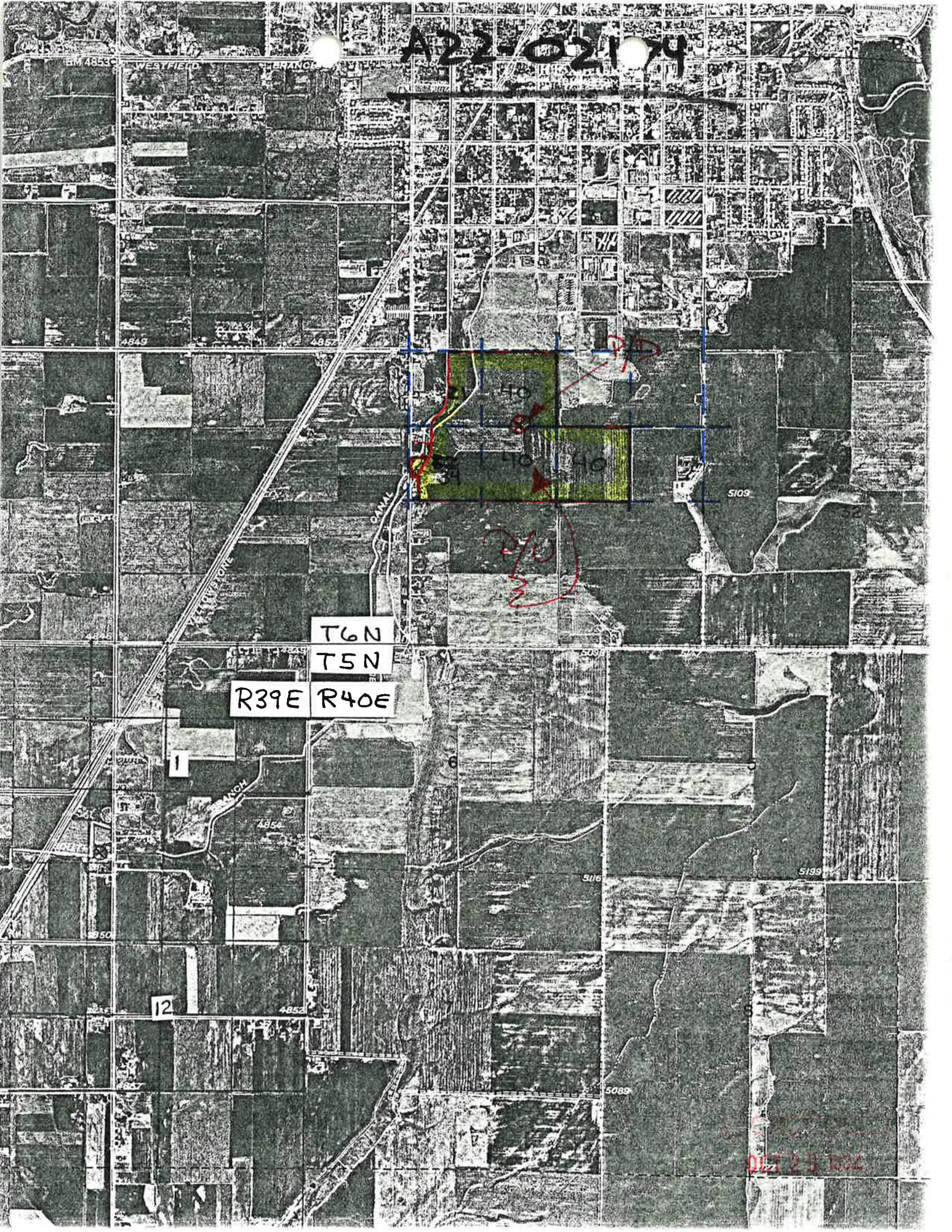
Subscribed and sworn (or affirmed) before me this 15<sup>th</sup> day  
of August 19 88

Deena Sheen  
Notary Public

Seal

Residing at Ridgely  
My Commission Expires 4-22-1994

A22-02174



T6N

T5N

R39E

R40E

1

12

OUT 25 R39