

10/30/2006

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

RIGHT NUMBER: 22-2178

NAME AND ADDRESS: STAN NEVILLE
HC 69 BOX 1340
HAMER ID 83425

SCOTT NEVILLE
2263 W 1000 N
REXBURG ID 83440

DARRELL C NEVILLE
2263 W 1000 N
REXBURG ID 83440

THEDA C NEVILLE
675 N 12TH W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.200 CFS
383.95 AFY

PRIORITY DATE: 05/17/1960

POINT OF DIVERSION: T06N R40E S29 SWSSEW 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	2.200 CFS 383.95 AFY
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	T06N R40E S29	NESW 7.10	T06N R40E S29 NWSW 0.60
	T06N R40E S29	SWSW 24.00	T06N R40E S29 SESW 39.00
	T06N R40E S32	NENW 39.00	
	109.7 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

THIS CLAIM IS FOR A PORTION OF LICENSE 22-2178. THE REMAINDER HAS BEEN DEVELOPED AND NO LONGER IRRIGATED.



Idaho Department of Water Resources

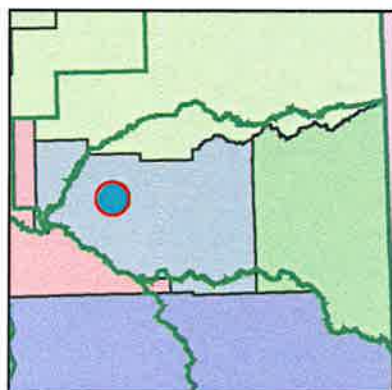
SRBA Recommendation:

22-2178

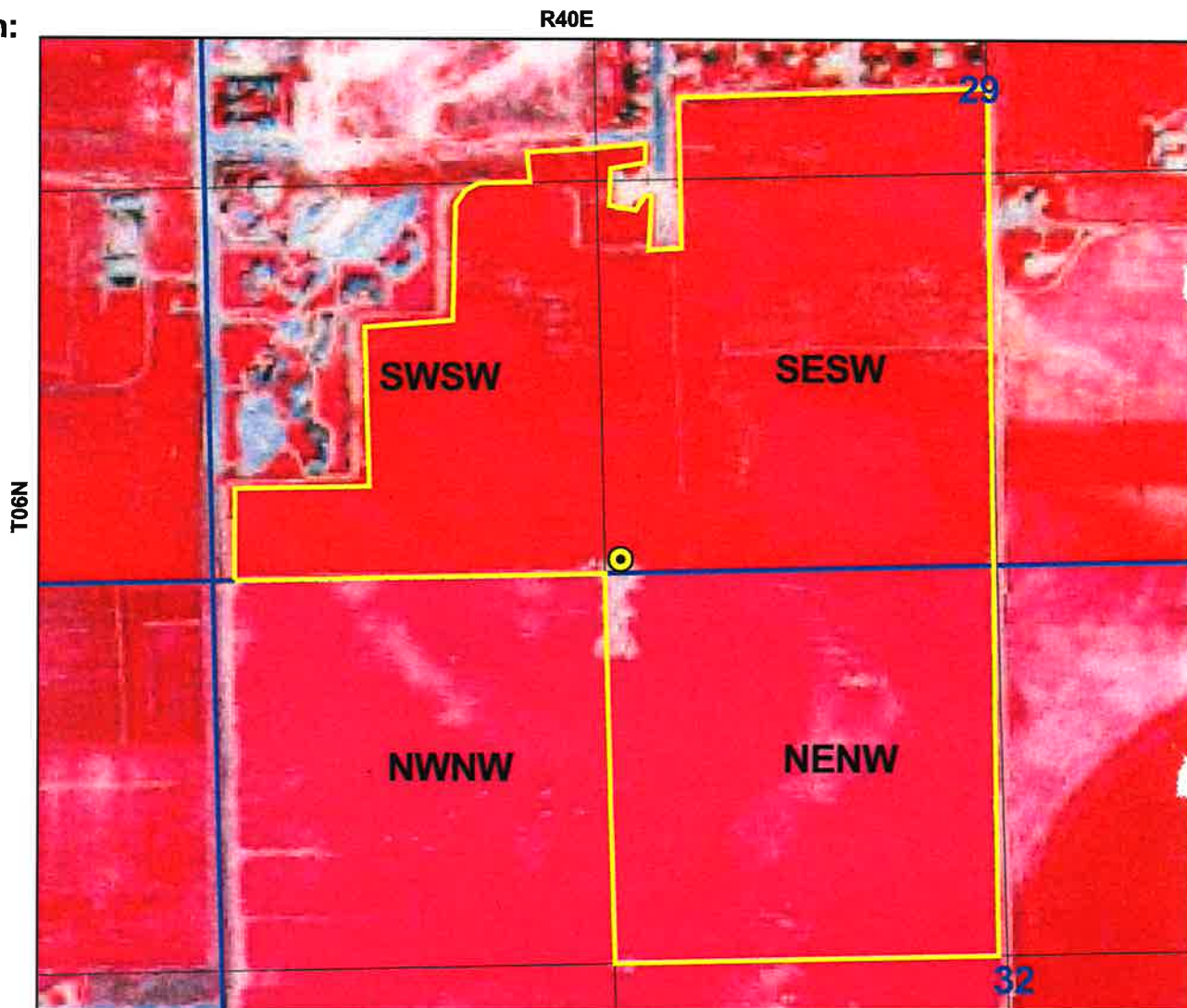
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by T. Galbraith
On Wednesday, June 7, 2006
1987/88 Aerial Photography

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

In Re SRBA

)

Water Rights: 22-2178

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 73540

☒ point of diversion

☒ place of use

☐ period of use

☐ nature of use

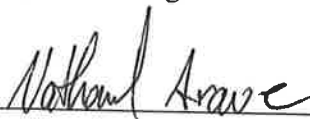
☐ split of water right

☒ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 1/28/2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 30, 2009, 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:

Stan Neville	Darrell C Neville	Theda C Neville
HC 69 Box 1340	Scott Neville	675 N 12 th W
Hamer ID 83425	2263 W 1000 N	Rexburg ID 83440
	Rexburg ID 8440	

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

DKJ Farms LLC	BMJ Farms LLC
665 Centennial Loop	1282 S 2 nd E
Rexburg ID 83440	Rexburg ID 83440

4. One copy to:

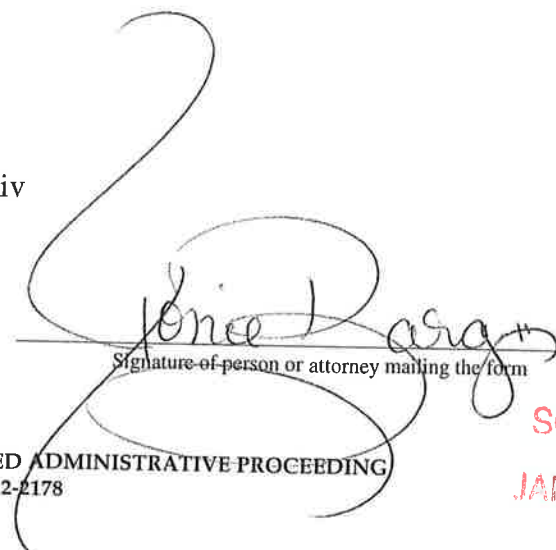
Each party in the subcase, or attorney of record

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

August 18, 2009

BMJ FARMS LLC
1282 S 2ND E
REXBURG ID 83440

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: Notice of Change of Water Right Ownership (NCO) for 22-2178 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of 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,

Bobby Kern
Office Specialist II

Enclosure

cc DKJ Farms, Rigby Andrus & Rigby

SCANNED

NOV 03 2009



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 7, 2009

RIGBY, ANDRUS & RIGBY
PO BOX 250
REXBURG ID 83440

RE: Notice of Change in Water Right Ownership for BMJ Farms LLC
22-7364, 22-2256D & 22-2178

Dear Rigby, Andrus & Rigby:

The Department of Water Resources acknowledges receipt of your Notice of Change In Water Right Ownership filed on behalf of BMJ Farms, LLC and your check #28139 in the amount of \$75.00.

Our review process has determined BMJ Farms, LLC is already listed as the current owners of the above listed water rights

Therefore, we are returning your Notice of Change of Water Right Ownership Form along with your \$75.00 check.

If you have any questions about this matter feel free to contact us at (208) 525-7161.

Sincerely,

Bobby Kern
Office Specialist II

Enclosure(s)

cc BMJ Farms LLC

memo
7/8 - call from Brian Jensen.
Not changing owners. Removing
DKS Farms.
Called Mandy - Rigby's office.
She will resubmit all.

SCANNED

NOV 03 2009

Law Offices

RIGBY, ANDRUS & RIGBY
Chartered

*Ray W. Rigby
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Hyrum D. Erickson*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768*

July 6, 2009

Idaho Department of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402

Re: Notice of Change in Water Right Ownership

I have enclosed herewith a Notice of Change in Water Right Ownership. I have also enclosed a check for the associated fees.

If you have any questions, please contact our office. Thanks.

Sincerely yours,



Mandy Davis
Assistant to Jerry R. Rigby

/md
Enclosure

F:\WP6\SB\JEPPESB.L12

RECEIVED
JUL 10 2009
Department of Water Resources
Eastern Region

RECEIVED
JUL 07 2009
Department of Water Resources
Eastern Region

SCANNED

NOV 03 2009

In Re SRBA)
Case No. 39576)
_____)
Water Rights: 22-2178
**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

Page 1

CERTIFICATE OF MAILING

I certify that on September 4, 2009, 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:
DKJ FARMS LLC
665 CENTENNIAL LOOP
REXBURG ID 83440
BMJ FARMS LLC
1282 S 2ND E
REXBURG ID 83440
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
BMJ FARMS LLC
1282 S 2ND E
REXBURG ID 83440
4. One copy to:
Each party in the subcase, or attorney of record
RIGBY ANDRUS & RIGBY
PO BOX 250
REXBURG ID 83440
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

Bobby Kern

Signature of person or attorney mailing the form

SCANNED

NOV 03 2009

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
~~22-7364~~					
~~22-2256D~~					
ADJ 22-2178					
<i>Processed Separately</i>					

RECEIVED

JUL 10 2009

Department of Water Resources
Eastern Region

RECEIVED

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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**.

Department of Water Resources
Eastern Region

JUL 07 2009

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

DKJ Farms, LLC
 665 Centennial Loop
 Rexburg, ID 83440

4. New Owner/Claimant(s)

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

New Mailing Address

1282 S. 2nd E.

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 356-9079 Email: _____

SCANNED

NOV 03 2009

5. Date you acquired the property June 24, 2009
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) Ben Jensen, Managing Member
BMJ Farms, LLC (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by BMJ
 Received by BMJ
 Processed by BMJ AJ

Date 7/10/09
 Date 7/10/09
 Date 7/10/09

Receipt Amt. \$ 75
 Receipt No. E035199
 WR 75 Date 7/10/09

SCANNED

NOV 13 2009

WARRANTY DEED

FOR VALUE RECEIVED, **DKJ FARMS, LLC**, an Idaho Limited Liability Company c/o Dallan Jeppesen, Managing Member, of 665 Centennial Loop, Rexburg, ID 83440, hereinafter called "Grantor" hereby remise, release, and forever warrants unto **BMJ FARMS, LLC**, an Idaho Limited Liability Company c/o Bevan Jeppesen, Managing Member, 1282 S. 2nd E., Rexburg, Idaho 83440, hereinafter called "Grantee", the following real property located in Madison County, State of Idaho, to-wit:

Twp. 6 N., Rge. 41 E., Boise Mer.:

Section 22: SW $\frac{1}{4}$

Section 27: NW $\frac{1}{4}$, all that portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ lying North and East of the centerline of Moody Creek.

Excepting therefrom: Commencing at the Southwest Corner of the NW $\frac{1}{4}$ of said Sec. 27, and running thence North 500 feet; thence East 250 feet; thence South 500 feet; thence West 250 feet to the point of beginning.

Also Excepting that portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the County Road.

Section 27: SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of the County Road.

Section 28: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ lying North of the centerline of Moody Creek. Excepting therefrom: Commencing at a point 360 feet South of the NE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 28, and running thence West 120 feet; thence South 1020 feet; thence East 120 feet; thence North 1020 feet to the point of beginning.

Section 34: All that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the centerline of Moody Creek.

Also that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying North of the centerline of Moody Creek.

Section 34: NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying West of the County Road.

Also together with the following described personal property:

Any and all irrigation equipment, including but not limited to: pivots, pumps, panels, electric motors & hand lines.

Potato cellars.

SCANNED
NOV 9 3 2003

Crabtree, Jennifer

From: Carlsen, Ernie
Sent: Wednesday, March 05, 2008 5:09 PM
To: Skaggs, Pam
Cc: Keen, Shelley; Crabtree, Jennifer
Subject: Transfer 73540

In April 2007 Darrell and Theda Neville filed application for transfer 73540 requesting a change to the POD and POU for 22-2178 and the POU for 22-2256D and 22-7364. Nevilles were the owner of record for 22-2178 and BMJ Farms and DKJ Farms were the owners of record for the other two rights. On the application under item A, Purpose of Transfer, the Neville's included this statement. "All rights remain in the current owners name until contract has been fulfilled and deed is provided to change ownership of 22-2178." In September 2007 transfer 73540 was approved. In the approval the report on 22-2178 shows BMJ Farms and DKJ Farms as the new owners. Jennifer needs to send an NCAP to the SRBA Court reflecting the transfer changes and she noticed 22-2178 appears to have new owners but our file does not have a deed conveying the water right to BMJ Farms and DKJ Farms. Is there a deed in the files at Boise? Should Nevilles still be the current owners of 22-2178?

Thanks
Ernie Carlsen
Water Resource Program Manager
(208) 525-7161



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 6, 2008

DARRELL C NEVILLE ET AL
2263 W 1000 N
REXBURG ID 83440

RE: Application for Transfer #73540 (22-2178) and Notice of
Administrative Proceeding (NAP)

Dear Mr. Neville:

The Idaho Department of Water Resources (IDWR) received an
Application for Transfer for the above referenced water right(s).

In response to the Application, this office is sending the enclosed NAP
to the SRBA Court and other parties listed on page 2 of the form. The
intent of this mailing is to notify those parties of the requested change.

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

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: DKJ Farms
BMJ Farms

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

In Re SRBA

)

Water Rights: 22-2178

)

Case No. 39576

)

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☒ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer 73540

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: March 6, 2009

DATED: March 5, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 7, 2008, 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:

STAN NEVILLE	DARRELL C NEVILLE	THEDA C NEVILLE
HC 69 BOX 1340	SCOTT NEVILLE	675 N 12 TH W
HAMER ID 83425	2263 W 1000 N	REXBURG ID 83440
	REXBURG ID 83440	

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

DKJ FARMS LLC	BMJ FARMS LLC
665 CENTENNIAL LOOP	1282 S 2 ND E
REXBURG ID 83440	REXBURG ID 83440

4. One copy to:

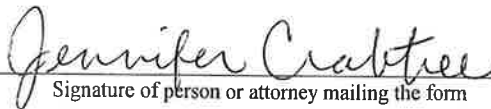
Each party in the subcase, or attorney of record
N/A

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 20 2007

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources
Eastern Region

PART 1

1. Name of Applicant: Darrell C. and Theda C. Neville Phone: 208)356-4130Mailing Address: 2263 W. 1000 N. Rexburg, ID 83440C/O Keith C. Wilson, Rocky Mountain Environmental
482 Constitution, Idaho Falls, ID 83402Phone: (208) 524-2353
Fax: (208) 524-1795

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: Establish a PPU

2. Describe the reason for the proposed changes: Right 22-2178 will be sold under contract to BMJ FARMS, LLC and DKJ FARMS, LLC. The new POU/PPU has lands w/o water & lands under rights 22-2256D & 22-7364. 22-2256D & 22-7364 are incidental but are included to establish the same PPU proposed. All rights remain in the current owners name until contract has been fulfilled & deed is provided to change ownership of 22-2178.

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

1. Right Number Priority Amount Nature of Use Period of Use

22-2178	05/17/1960	2.20 cfs	Irrigation	4/1 to 10/31
22-2256D	08/12/1965	2.36 cfs	Irrigation	4/1 to 10/31
22-7364	06/04/1981	0.46 cfs	Irrigation	4/1 to 10/31

2. Total amount of water being transferred 5.02 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUND WATER.

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local Name for Diversion
	SW	SE	SW	22	06N	41E	Madison	

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	41E	22									40	39	38	39					156
		27					40	39	32.8	30	1.9	20.6	14	7.3					185.6
		28				36									21	5			62
		34					12.3	6.7											19

Total Acres 422.6

MEMORANDUM

Date: July 05, 2007
To: Transfer 73540
From: tgalbraith
Re: Evaluation Comments

This transfer proposes change the POD and POU of 22-2178 from SWSESW of Township 4 North, Range 40 East, Section 29, to an existing well located in SWSESW of Township 4 North Rang 41 East Section 22. Also this right with 22-2256D and 22-7364 are being combined into a PPU. Will be irrigating fewer acres.

Authority to File:

Applicant is the owner of record as far as the SRBA recommendation for 22-2178. Land that the well that 22-2178 is being moved to, is already owned by BMJ and DKJ Farms. 22-2256D and 22-7364 belong to BMJ and BMJ Farms and 22-2178 is under contract to sell Neville to Jeppsons.

Water Right Validity:

Rights are recommended to the court. Land still being irrigated according to aerial photos. Forfeiture not an issue.

Injury to Other Water Rights:

Water right 22.2178 will be moved to a new well within the ESPA model cells. From 33/57 to just outside 34/59. ESPA model shows greater than 5 percent change to 3 reaches, but less than .5 AF/A per trimester. No mitigation required. Will be irrigating fewer acres. Transfer will be advertised to determine any protests.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73540

This is to certify that: THEDA C NEVILLE
 675 N 12TH W
 REXBURG ID 83440
 (208)356-6178

And

DARRELL C NEVILLE
 2263 W 1000 N
 REXBURG ID 83440
 (208)356-4130

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-2178	AJC/License	05/17/1960	2.20 cfs	383.9 af	N/A	109.7	GROUND WATER
22-2256D	AJC/License	08/12/1965	2.36 cfs	1033.0 af	N/A	295.0	GROUND WATER
22-7364	AJC/License	06/05/1981	0.46 cfs	200.0 af	N/A	57.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-2178	NO	YES	YES	NO	NO	NO
22-2256D	NO	NO	YES	NO	NO	NO
22-7364	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-2178	22-2178	2.20 cfs	383.9 af	109.7	422.6		N/A	N/A	N/A	N/A
22-2256D	22-2256D	2.36 cfs	1033.0 af	295.0	422.6		N/A	N/A	N/A	N/A
22-7364	22-7364	0.46 cfs	200.0 af	57.0	422.6		N/A	N/A	N/A	N/A
COMBINED TOTALS		5.02 cfs	1479.1 af	422.6	422.6		N/A	N/A	N/A	N/A

SUPPORT DATA
 IN FILE # 22-2178

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73540

Detailed Water Right Description(s) attached

Dated this 13th day of September, 20 07

for Camela S Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-2178
As Modified by Transfer No. 73540

In accordance with the approval of Transfer No. 73540, Water Right No. 22-2178 is now described as follows.

Right Holder: DKJ FARMS LLC
 665 CENTENNIAL LOOP
 REXBURG ID 83440

And

BMJ FARMS LLC
 1282 S 2ND E
 REXBURG ID 83440

Priority Date: May 17, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.20 CFS	384.0 AF
			2.20 CFS	384.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSESW Sec. 22 Twp 06N Rge 41E MADISON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 41E 22									40.0	39.0	38.0	39.0					156.0
06N 41E 27					40.0	39.0	32.8	30.0	1.9	20.6	14.0	7.3					185.6
06N 41E 28				36.0									21.0	5.0			62.0
06N 41E 34					12.3	6.7											19.0

Total Acres: 422.6

WATER RIGHT NO. 22-2178
As Modified by Transfer No. 73540

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. This right is limited to the irrigation of 109.7 acres within the place of use described above in a single irrigation season.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The right holder shall accomplish the change authorized by this transfer ~~within one year of the date of this approval.~~ *73540* *prior to 9/13/08*
5. Right 22-2256D and 22-7364 are also diverted through the point of diversion described above.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 22-2178, 22-2256D and 22-7364 when combined shall not exceed a total diversion rate of 5.02 cfs, a total annual maximum diversion volume of 1479.1 af at the field headgate, and the irrigation of 422.6 acres.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. *73540*
9. Prior to the diversion and use of water under Transfer approval 73540, the right holder shall install and maintain acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of September, 2007

for *Samuel S. Skaggs*
Chief, Water Allocation Bureau

06/07/2006

NOTICE OF ERROR
REPLY

OK JC

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-2178

DARRELL C NEVILLE
2263 W 1000 N
REXBURG ID 83440
Telephone Number: (208)356-4130

THEDA C NEVILLE
675 N 12TH W
REXBURG ID 83440
Telephone Number: (208)356-6178

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

OWNERSHIP HAS CHANGED RECENTLY TO 1/3 SCOTT NEVILLE,
1/3 STAN NEVILLE + 1/3 DARRELL C. NEVILLE + THEDA C. NEVILLE.

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

SEE ATTACHED GIFT DEEDS

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: 10-23-06 SIGNATURE: by Scott Neville
Please print your name: Scott Neville

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

Forward Copy to Jennifer W. Leeds. KNT 10/30

KNT
10/30

GIFT DEED

We, **DARRELL NEVILLE**, and **THEDA NEVILLE**, husband and wife, of 657 N. 12th W., Rexburg, Idaho, 83440, hereby give, grant, convey and assign to Scott Neville, a married man, of 2263 W. 1000 N., Rexburg, Idaho 83440, an undivided one third (1/3) interest of our interest in Idaho Department of Water Resources, water right number 22-02178, located in Madison County, Idaho.

IN WITNESS WHEREOF, we have executed this Gift Deed this 5th day of June, 2006.

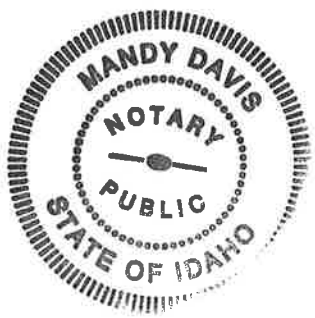
Darrell Neville
Darrell Neville

Theda Neville
Theda Neville

STATE OF IDAHO)
)ss.
County of Madison)

On this 5th day of June, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **Darrell Neville and Theda Neville**, husband and wife, known or identified to me to be the persons whose names are 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 in this certificate first above written.



Mandy Davis
Notary Public for Idaho
Residing at: ST. Anthony Idaho
My Commission Expires: 6-24-2011

Instrument # 328596

REXBURG, MADISON, IDAHO

2006-06-06

10:27:00

No. of Pages: 1

Recorded for : JERRY RIGBY

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 3.00

7

Deed this 5th

Samuel T. Hewitt

Theda Neville
Theda Neville

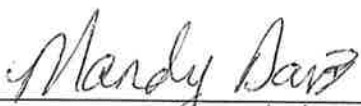
)

)ss.

)

54

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the



Residing at: ST. Anthony Idaho

My Commission Expires: 6-24-2011

REXBURG, MADISON, IDAHO

2006-06-06 10:26:00 No. of Pages: 1

Recorded for : JERRY RIGBY

MARILYN R. RASMUSSEN Fee: 3.00
Ex-Officio Recorder Deputy *nc*

Ex-Officio Recorder Deputy

***RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrighby@rigby-thatcher.com*

Trent Galbraith
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

RECEIVED
MAR 23 2006
Department of Water Resources
Eastern Region

March 22, 2006

RE: 22-2178

Dear Trent,

Here is the warranty deed I told you about. Please let us know if we need anything else for this enlargement. Thank you for all of your help.

Sincerely,



Robert H. Wood
Assistant to Jerry Rigby

WARRANTY DEED

THIS INDENTURE, made this 1st day of May, 1975,
between DARRELL C. NEVILLE and THEDA C. NEVILLE, husband and wife,

of Route #1, Rexburg, County of Madison, State of Idaho,
the parties of the first part and VILDA ORGILL CLARK, a married woman, dealing
as to her sole and separate property, with the rents, issues and profits
thereof to remain sole and separate of St. Anthony,
County of Fremont, State of Idaho, the parties of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
Ten and No/100 Dollars
lawful money of the United States of America and other valuable consideration,
to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged,
have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said parties of the second part, and to their heirs and assigns, forever, all the following described
real estate, situated in the County of Madison,
State of Idaho, to-wit: ---Beginning at a point that is East 2,083.0 feet

from the Northwest Corner of the Southwest Quarter of
Sec. 29, Twp. 6 N., Rge. 40 E.B.M.; said point of beginning
falls on the North corner common to Lots 6 and 7, Block 2
of the Neville Valleyview addition; going thence East 561.5 feet
to the Northeast Corner of said Southwest Quarter; thence
South 1516.0 feet; thence West 1326.0 feet, more or less,
to the West line of the Northeast Quarter of the Southwest
Quarter of said Sec. 29; thence North 973.0 feet to the
West common corner of Lots 1 and 2 of Block 3 of the Neville
Valleyview Addition; thence East 199.5 feet to the centerline
of Fourth East Street; thence South 132.0 feet; thence
East 465.0 feet; thence North 538.0 feet; thence East 100.0
feet; thence North 137.0 feet to the point of beginning.
Contains 36.1 acres more or less.

Reserving all water rights in first party.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.
And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said parties of the second part, their heirs and assigns, against the said parties
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands
and seal the day and year first above written.

Executed and Delivered in the Presence of

Darrell C. Neville

[SEAL]

[SEAL]

[SEAL]

Theda C. Neville

[SEAL]

RECEIVED
MAR 23 2006

Department of Water Resource
Eastern Region

STATE OF IDAHO,
County of Madison } ss.

On this 8th day of May in the year 1975, before me
the undersigned, a Notary Public in and for said State, personally appeared
DARRELL C. NEVILLE and THEDA C. NEVILLE

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged
to me that he Y 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.

Ray W. Rigby
Notary Public for the State of Idaho,
Residing at Bozeman, Idaho.
My Commission Expires: Sept.

No. 156056

WARRANTY DEED

Darrell C. Neville &
Theda C. Neville
TO
Wilda Orgill Clark

Dated May 1, 1975

STATE OF IDAHO,

County of Madison } ss.

I hereby certify that this instrument
was filed for record at request of
Regina, Thelma & Andrew
at 50 minutes past 10
o'clock A M., this 12th day of
May, 1975, in my
office, and duly entered in Book
of _____
at page 156056.

Nellie H. Lane
By Ray W. Rigby Deputy,
Ex-Officio Recorder.

Fees, \$ 2.00

Mail to Regina, Thelma & Andrew
P.O. Box 437, Bozeman, Idaho

Art. Peter Printing - Boise

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s):

A22-2178

Previous Mailing Address:

New Mailing Address:

Scott Neville
2263 W 1000 N
Rexburg Id
83440

*No Co on
Record to Δ*

Telephone Number:

(208) 356 4130

NAME

Signature of Claimant(s):

S. E. Neville

Please return this completed form to:

**Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177**

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____

Date: _____

24 May 05

Rail phone call from Zane Morris, Legacy
 Core, 801-266-0272. No wells on part of
 property purchased by Legacy to his knowledge,
 he doesn't think WR has been sold off. To
 his knowledge development does not provide
 pressurized irrigation to homeowners. Ken
 at McNiel Engineering 801-255-7700 may
 know more. Per Zane, land was flamed
 up until development started but call was
 cut off before I could find out when that was.
 Driving by it appears it was only done in the
 last year or two. BAC

24 May 05 801-255-7700

Ken @ McNiel Engineering
Petty

msg left on voice mail

31 May 05 DC Neville in phone book 356-6178

Trying to transfer to Hibbard. Will call about
 what time works. Thurs. AM - didn't sell
 water rights to Legacy / Englewood.

@Neville's home

1 June 05 Met w/ Danell & Scott Neville, then
 did field inspection w/o Nevilles.

EAGLEWOOD ENTERPRISES, L.C.



May 23, 2005

Mr. Bryce A. Contor
Water Resources Field Services
P.O. Box 94
Iona, ID 83427

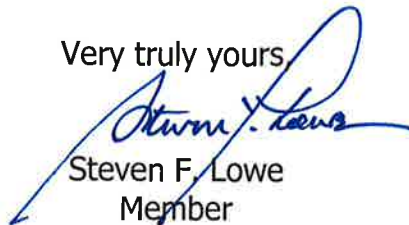
Re: Idaho Water Right Adjudication Claim A22-02178

Mr. Contor:

I am in receipt of your letter dated May 18, 2005, attached hereto for your reference. The persons you want to contact regarding this matter are Darrell and Theda Neville, at 675 No 12th West, Rexburg, ID 83440.

Please let me know if you have any questions or if I can be of further assistance.

Very truly yours,



Steven F. Lowe
Member

Enclosure
SFL/sb
Cc: Bruce Alder (w/encl.)

Water Resources Field Services

P.O. Box 94
Iona, ID 83427
208-681-9100



May 18, 2005

Legacy Cove Ltd.
4376 S 700 E
Salt Lake City UT 84107

Englewood Enterprises LLC
Steve Lowe
PO Box 572408
Murray UT 84157

Re: Idaho water right Adjudication Claim A22-02178

Dear Water Users:

The Idaho Department of Water Resources has asked me to do a field inspection of the lands irrigated from a well near BYU Idaho campus in Rexburg, Idaho, under the above water right claim.

From the courthouse maps, it appears that you own parts of the original farm. Please let me know who I may contact to sort out the current ownership, irrigated lands, and water use. This will let me make an accurate report to the Department of Water Resources so that the department may prepare a recommendation for the adjudication court. This will allow your water right to be confirmed as a decreed water right, rather than simply a license and claim, as it now is.

Thank you,

Bryce A. Contor
Bryce A. Contor

Water Resources Field Services

**P.O. Box 94
Iona, ID 83427
208-681-9100**

May 18, 2005

**Legacy Cove Ltd.
4376 S 700 E
Salt Lake City UT 84107**

**Englewood Enterprises LLC
Steve Lowe
PO Box 572408
Murray UT 84157**

Re: Idaho water right Adjudication Claim A22-02178

Dear Water Users:

The Idaho Department of Water Resources has asked me to do a field inspection of the lands irrigated from a well near BYU Idaho campus in Rexburg, Idaho, under the above water right claim.

From the courthouse maps, it appears that you own parts of the original farm. Please let me know who I may contact to sort out the current ownership, irrigated lands, and water use. This will let me make an accurate report to the Department of Water Resources so that the department may prepare a recommendation for the adjudication court. This will allow your water right to be confirmed as a decreed water right, rather than simply a license and claim, as it now is.

Thank you,

Bryce A. Contor

Claim No. 22278

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

Section 29 - Legacy Cove Ltd OGN40E29 6641
4376 S 700 E Salt Lake City UT
84107

Section 29 - Englewood Enterprises Parcel # ?

Section 32 - Englewood Enterprises OGN40E32 2402, 2410, 2420

Neville Darrell C & Theda
c/o Englewood Enterprises LLC
Steve Lowe
PO Box 572408
Murray UT 84157

Claim no. A22-2178

Claimant Contact Log

Date _____

Remarks

Agent initials

18 May 05

Letters
~~Post Cards~~ sent

Вас

Contacts Data Entry Form

Claim Number: A22-02178

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

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

Water was used on this place up until just a few years ago. Currently used on another farm from another POP. I don't know if this is under a temporary transfer or water-bank transaction but claimants state that attorney Ferry Rigby "did all the paper work" Land has been sold to developers but claimants retained ownership of the water right. Claimant intends to transfer the WR to a new location. I prepared an amended claim to correct the 1987 place of use. Claimants will review it w/ Rigby before submitting. Bae 2 June 05

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: A22-2178

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:

17 May 1960 per photocopy of license. BAC 2 June 05

Reviewer: _____

Date: _____

Water Right No(s). A22-2178



GPS DATA:

Tag # A0013635 Location: motor control panel

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: 45 Model: _____ Hp: 200
SN: 1275482

PUMP

Make: Well Line Model: _____ Disch: _____
SN: LP96282

NOTES:

Field Exam Date: 1 June 05 Agent: Bac

Point of Diversion and Source Data Entry Form

Claim Number: A22-2178Water 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:

Plot well away GPS point. From field inspection it
 could be SE SWSW or SWSESW of LN 40E 29. Note
 GPS reading had poor (~23 meter) accuracy.
 Waypoint 1, 2679074 E 1403602 N EDM83.
 BHC 2 June 05

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-2178

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:

Please see sketch map and amended claim. Amended claim adds ~ 20 acres on north part of farm. Actual acres may be fewer than amended claim but will be more than original claim. Amended claim is still fewer acres than original license. Development of the northern-most part of the farm occurred in the 1970s per claimants. BAC 2 June 05.

No Amendment received - Daniel 99ac so Recommendations

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-02178Water 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
			1.98	346 ⁵

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Original license is for 3.68 cfs, 644 afa, April - Nov 1.
 Claim is for fewer acres than license. BAC 2 June 05

Reviewer: _____

Date: _____

Log for claim 22-02178

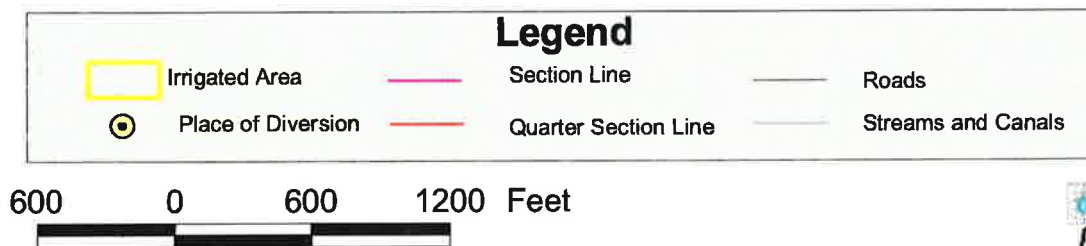
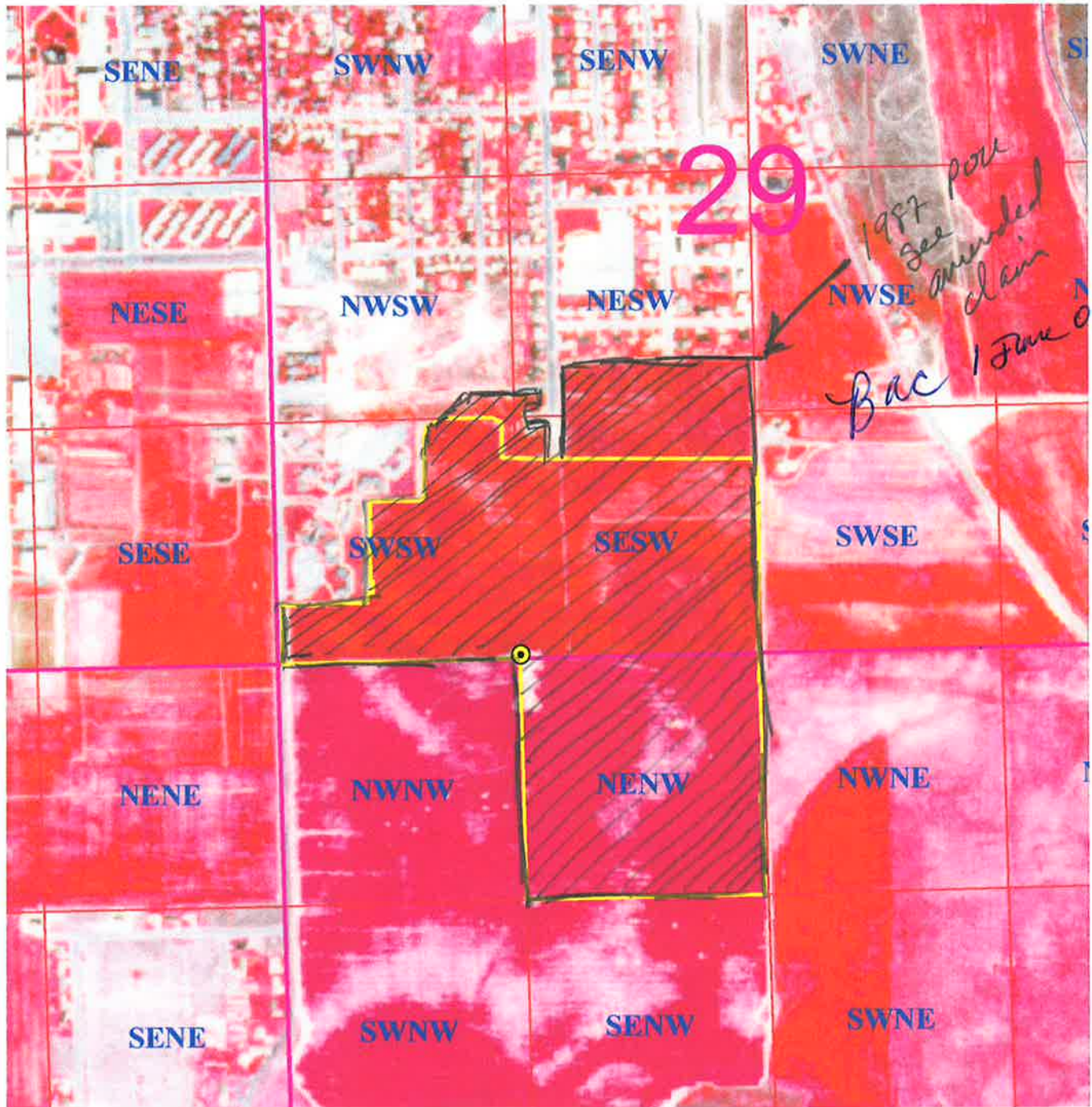
Spatial Dynamics BTD

6/25/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	29	SWSW	29	24	
06n40e	29	SESW	30	32	
06n40e	32	NENW	40	39	
Totals:			99	95	

Water Right Claim Number 22-02178
Township , 6N40E

06/25/2001



SPATIAL
DYNAMICS

State of Idaho

Department of Water Administration

**** AMENDED ****

WATER RIGHT LICENSE

License of Water Right No. 28717/22-2178 Priority May 17, 1960 Amount 3.68 cfs

THIS IS TO CERTIFY, that DARRELL C. NEVILLE
 of Rexburg, Idaho, has complied with the terms and conditions of Permit
 No. 28717/22-2178 issued pursuant to Application for Permit dated May 17, 1960,
 and has submitted proof to the Department of Water Administration on April 2, 1963,
 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
 capacity for the diversion of 4.25 cfs of water from a ground water source,
 tributary to _____, and that the permit holder has applied to a beneficial use &
 established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>April 1</u> to <u>Nov. 1</u> at <u>3.68</u> cfs and			<u>644 acre feet or</u>
			<u>3.5 af per acre</u>

(both dates inclusive)

Subject, however, to the condition that no more than 3.68 cfs of water be diverted at any one time, and
 that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
 aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
644 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29,
Twp. 6 N, Rge. 40 E, B. M. in the County of Madison

Description and location of place of use:

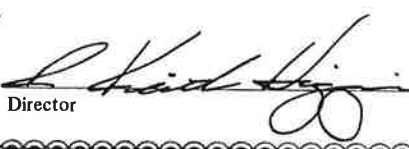
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	40 E	29									40	27	37	40					144
		32					40												40

Total number of acres irrigated 184

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 22 day of
May, 19 74.

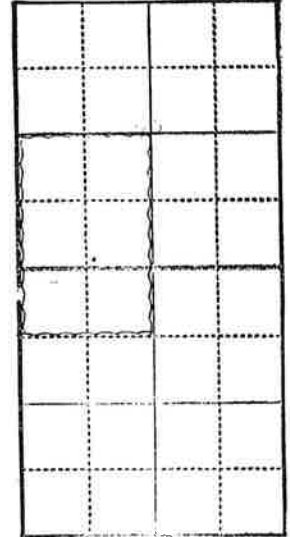

 Director

22-2178

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36699
Permit No. G- 28717
District No.

1. Name of Applicant: Darrell C. Neville
Postoffice address: Route 1, Rexburg, County: Madison State: Idaho
2. Quantity of water claimed: 225 Miners' inches or $4\frac{1}{2}$ cubic ft. of water per sec.
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Underground water
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29
Twp. 6 N , Rge. 40 E , B.M., County of Madison
5. Water is to be used for: irrigation purposes
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: 125-150 horsepower electric motor & pump, together with mains and laterals for sprinkling.
8. Estimated cost of works: \$ 25,000.00
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 five 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) 4.5 (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— 28717

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 May 17, 1965

s/ GEO. M. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYTHE, 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 May, 1960.

STATE OF IDAHO

By s/ ARNOLD WILGANS

By s/ ROBERT E. SMYLLIE
Governor

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	29					145
6 N	40 E	32		40	30	35	80
							Total 225
Permit No. G-28717 CERTIFICATE OF COMPLETION OF WORKS							
TO ALL WHOM IT MAY CONCERN: This is to certify that DARRELL C. NEVILLE of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. G-28717, issued upon Application No. G-36699, bearing date of priority of May 17, 1960, authorizing the diversion of 4.5 second feet of waters of a well, County of Madison, State of Idaho, for irrigation purposes, has complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the point of intended use 4.25 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters is SE 1/4 SW 1/4, Section 29, Township 6 North, Range 40 E., B. M., and that the lands proposed to be irrigated by use or place of use of said water are described as follows, to-wit: SW 1/4, Section 29; N 1/2 NW 1/4, Section 32, Township 6 North, Range 40 E., B. M.							
Proof of Completion of Works Made: April 2, 1963 Witness my hand this 22nd day of March, A. D. 1968 s/ R. KEITH HIGGINSON State Reclamation Engineer LICENSE ISSUED FOR 4.25 SEC. FT. LICENSE PAGE NO. 28717							

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. Q-28717

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

1. Name of applicant Darrell C. Neville

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SE 1/4 SW 1/4 of Section 29

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

4. Describe works as they exist, giving dimensions and capacities of same: U.S. Ho. Ho. Shaft Motor

200 HP Ser. # 1275 432

Laguna Pump #44037 P of Laguna & Boulder Inc.

Discharge 10" Steel pipe to 8" Alum. Sprinkler main line

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):

11.5 acres in SW 1/4 Sec. 29., 80 acres in NW 1/4 Sec. 32 all in Twp. 6 N., Rge. 40 EBM

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

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

Remarks: _____

1" line (6.17 gpm) (242 ft) = 4.26 = f.d.

11.8" line = 4.25

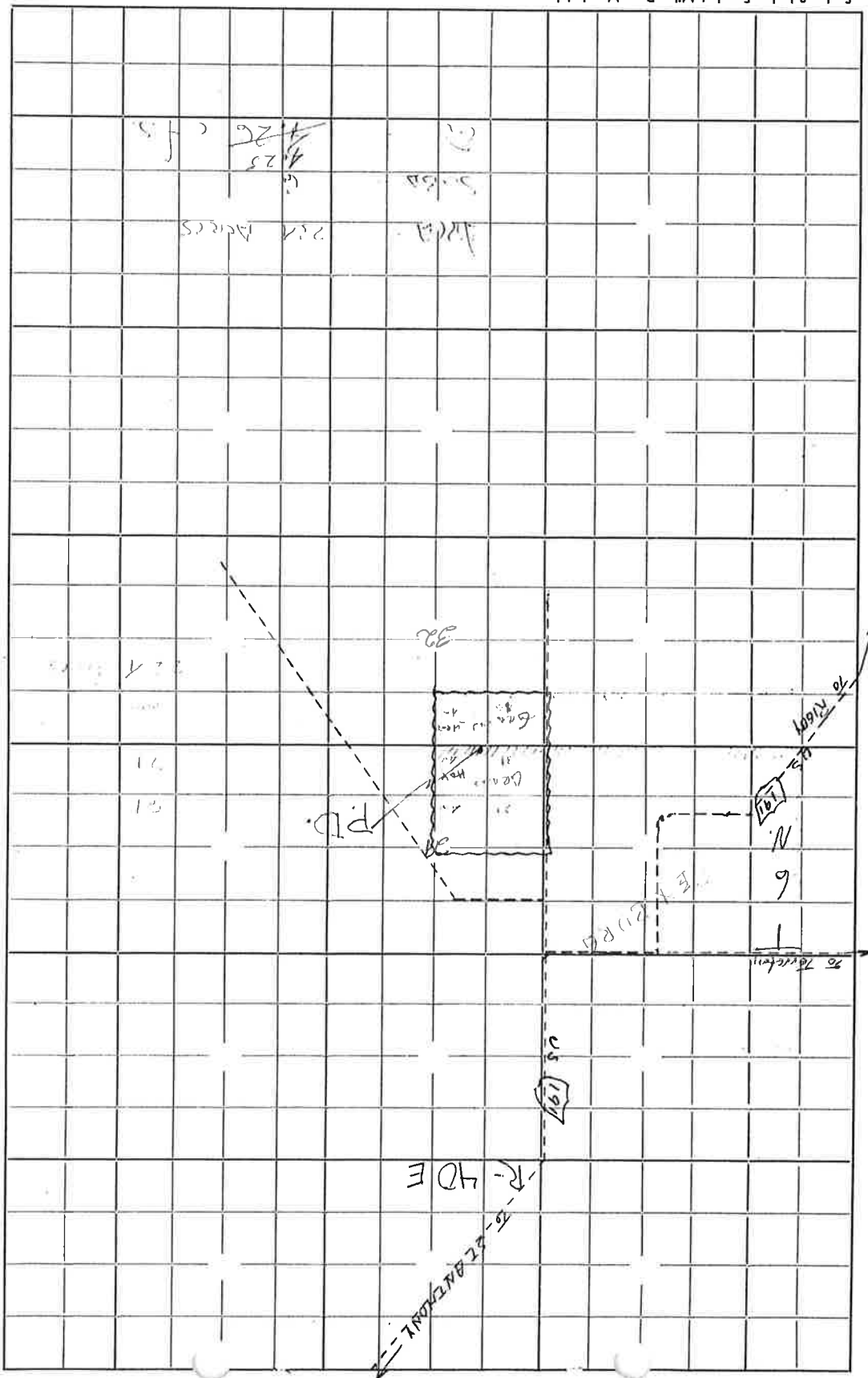
This examination was made on the _____ day of _____, 19____

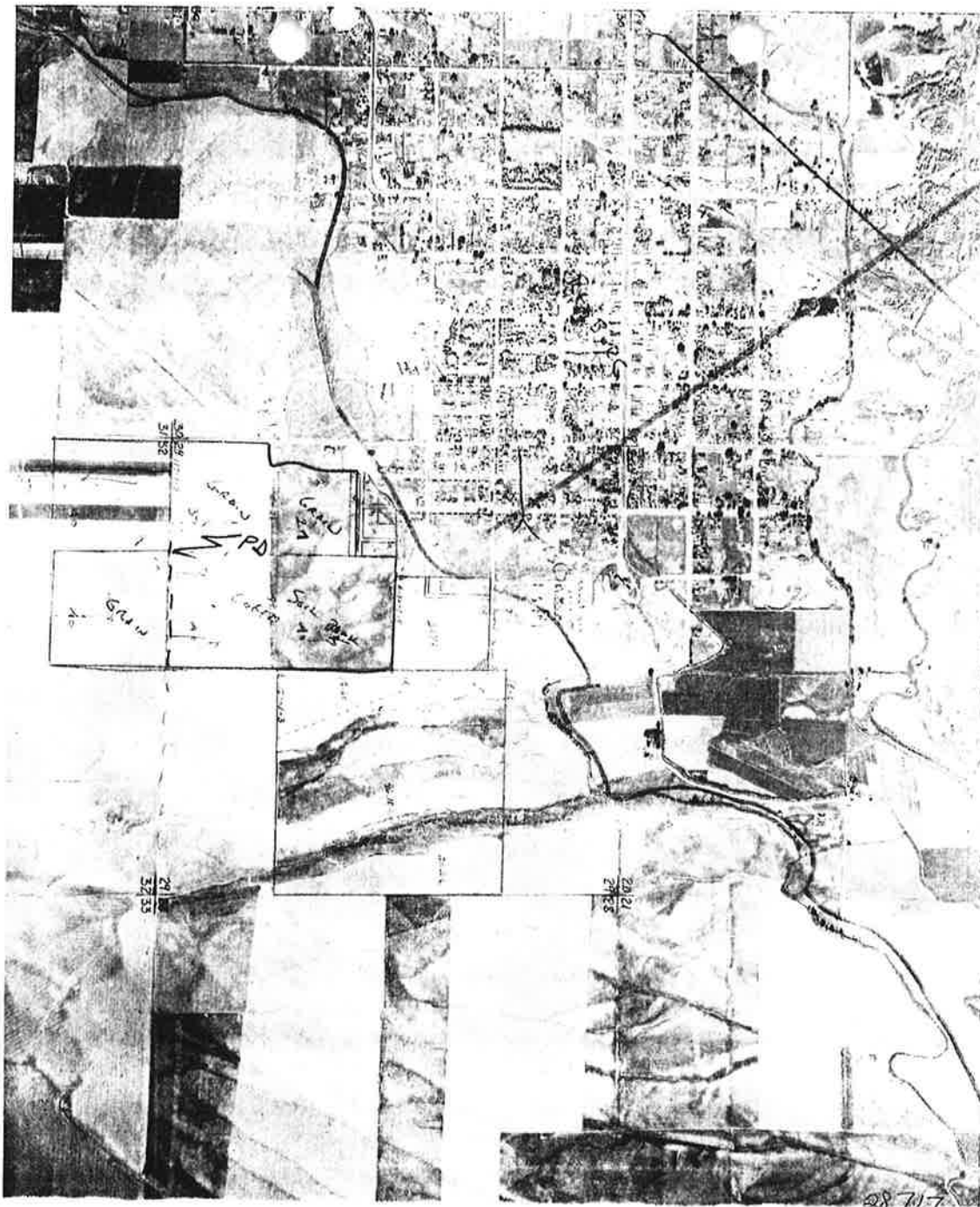
(Signed) _____

Examiner.

28717 DW Plat

2128





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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-2178
Date Received: 9/19/1988
Receipt No: E002454
Received By:

AMENDED

AMENDED

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

1. Name of Claimant(s)

THEDA C NEVILLE Phone: (208)356-6178
675 N 12TH W
REXBURG ID USA 83440

DARRELL C NEVILLE Phone: (208)356-4130
2263 W 1000 N
REXBURG ID USA 83440

2. Date of Priority: 05/17/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	29	SE SW	MADISON	

5. Description of diverting works:

WELL/APPROXIMATELY 280' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.68	644

7. Total Quantity Appropriated is:

3.68 C.F.S. and/or 644 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	40E	29	NE SW	IRRIGATION	7
			NW SW	IRRIGATION	3
			SW SW	IRRIGATION	30
			SE SW	IRRIGATION	40
			Section Acres		
06N	40E	30	NE NW	IRRIGATION	40
			Section Acres		
Total Acres					120

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:

THIS CLAIM IS FOR A PORTION OF LICENSE 22-2178. THE REMAINDER HAS BEEN DEVELOPED AND NO LONGER IRRIGATED.

CLAIM AMENDED TO ADD (21 AC) AND ADJUST ACRES 6/07/05.

15. Basis of Claim: License

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: _____

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): _____ Date: _____

Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

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

A22-2178

Date Received

Receipt Number

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

RECEIVED
JUN 06 2005

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) DARRELL OR THEDA NEVILLE Phone (208) 356-4130

Mailing Address C/O SCOTT NEVILLE 2263 W. 1000 N. REXBURG Zip 83440

2. Date of Priority (Only one (1) per claim) 17 MAY 1960

3. Source of water supply (a) GROUND WATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 6N Range 40E Section 29,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of MADISON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

WELL TO SPRINKLER SYSTEM

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 3.68 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.68 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 N	40 E	29									7	3	30	40					80
		30					40												40

Total number of acres irrigated 120

11. In which county (ies) are lands listed above as place of use located? MADISON

12. Do you own the property listed above as place of use? Yes _____ No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

14. Remarks:

THE ABOVE DESCRIBED LANDS WERE ORIGINALLY OWNED BY CLAIMANTS. AS CLAIMANTS SOLD PORTIONS OF THE LANDS, THEY RETAINED THE FULL WATER RIGHTS. BY AGREEMENT WITH THE BUYERS OF THE LANDS, CLAIMANTS CONTINUED TO WATER THE ABOVE DESCRIBED LANDS UNTIL RECENTLY WHEN THE BALANCE OF THE LANDS ORIGINALLY OWNED BY CLAIMANTS WERE SOLD. CLAIMANTS NOW OWN ALL WATER RIGHTS UNDER A22-2178 EVEN THOUGH THEY HAVE SOLD THEIR REAL PROPERTY. UPON COMPLETION OF THE ADJUDICATION OF THESE RIGHTS, CLAIMANTS WILL TRANSFER THEM TO A NEW PLACE OF USE, PURSUANT TO 42-222.

Last Name NEVILLE

Ident No.

A22-2178

Scale: 2 inches equals 1 mile

[illegible]

Ident No. A 22-2178

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-2178
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) D.C. Newell

Date 6-1-05

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Madison) SS.

Subscribed and sworn (or affirmed) before me this

1st

day of

June

2005

19

Notary Public

Bryce A. Conton

Residing at

IONA

My Commission Expires

Oct 14 2005

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name

Newell

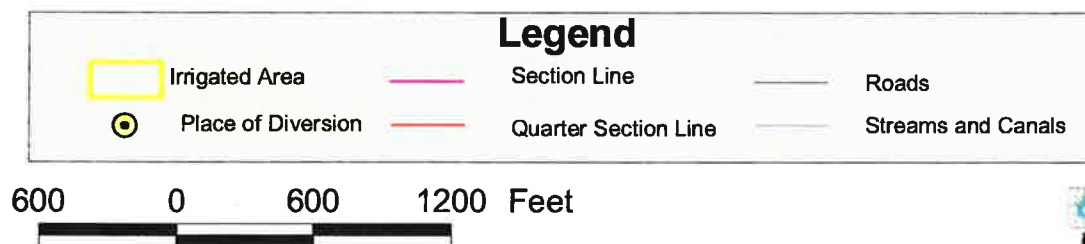
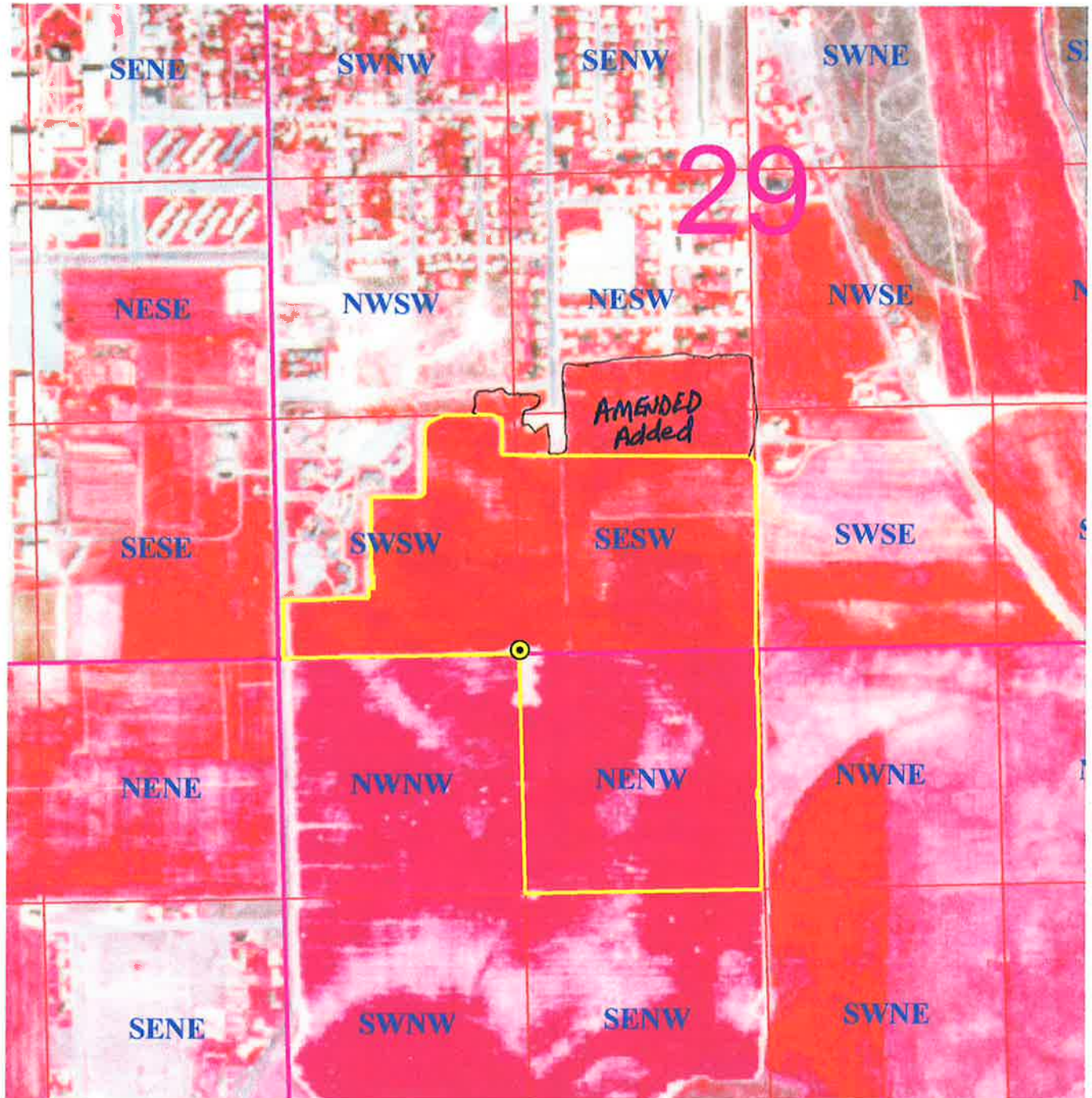
Ident. Number

A22-2178

Copies White-State, Yellow-Claimant

Water Right Claim Number 22-02178
Township , 6N40E

06/25/2001



99 for average
50 for claim
8/14/88 By August 15th

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: A22-02178
Date Received: 7/06/1988
Receipt No: E002454
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DARRELL C. NEVILLE 208-356-6178
Address: 945 N. 2000 W.
REXBURG, ID 83440
OR
Name: THEDA C. NEVILLE 208-356-6178
Address: 945 N. 2000 W.
REXBURG, ID 83440



2. Date of Priority: MAY 17, 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	29	SE	SW			MADISON

5. Description of diverting works:
WELL/APPROXIMATELY 280' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.680		644.00

7. Total Quantity Appropriated is:
3.680 C.F.S. (and/or) 644.00 A.F.A.

8. Total consumptive use is 247.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

RECEIVED
AUG 23 1988
Department of Water Resources
Eastern District Office

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	29	SW	SW		IRR	29.0
			SE	SW		IRR	30.0
					Section Acres		59.0
		32	NE	NW		IRR	40.0
					Section Acres		40.0
					Total Acres		99.0

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:
THIS CLAIM IS FOR A PORTION OF LICENSE 22-2178. THE REMAINDER
HAS BEEN DEVELOPED AND NO LONGER IRRIGATED.

15. Basis of Claim: LICENSE
Water Right Number: 28717

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: _____

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): Darrell C. Neville Date: 8-8-88
Phida C. Neville Date: 8-8-88

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of August 19 88
Bonnie Boume
Notary Public

Seal

Residing at Rexburg
My Commission Expires 9/13/94

RECORDED
JUL 29 1982

ELROY Z WARD

A-41
827

(104)

(975)

E2
227

(913)
RICKS

RICKS
COLLEGE

19.5
16.4
13.7
32.0

2.6
3.7
13.8

31

50

29

32
998

(984)
COOK
SON



C-203
192

(733)

D NEVILLE

34.4

105.9
2

998

(983)
COOK
SON

29
34
33

10445 FROM OUTSIDE WHEEL