

09/26/2005

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

RIGHT NUMBER: 22-2223

NAME AND ADDRESS: ROBIN H RILEY
1623 W 3400 S
REXBURG ID 83440

NORMAN N RILEY
1623 W 3400 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.870 CFS
1,059.100 AFY

PRIORITY DATE: 05/25/1962

POINT OF DIVERSION:

T05N R40E S3 SENENE Lot 1 Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.870 CFS
1,059.10 AFY

PLACE OF USE:

IRRIGATION Within MADISON County

T05N R40E S02 Lot 4 NWNW	25.0	T05N R40E S02	NESW	7.6	
T05N R40E S02	NWSW	39.0	T05N R40E S02	SWSW	40.0
T05N R40E S02	SESW	26.0	T05N R40E S03 Lot 1 NENE	21.0	
T05N R40E S03	NESE	25.0	T05N R40E S03	SESE	24.0
T05N R40E S10	NENE	23.0	T05N R40E S11	NENW	32.0
T05N R40E S11	NWNW	40.0			

302.6 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 point of diversion pursuant to Section 42-1425, Idaho Code.

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



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

July 14, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WILCOX BROTHERS LLC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for ~~22-2223~~ 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

SCANNED

JUL 25 2008

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: 22-2223

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party SPRIRAL BUTTE - WILCOX

☐ I.C. § 42-222 transfer

☐ 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: July 22, 2008

Ernest Carlson

Signature of IDWR Representative

SCANNED

JUL 25 2008

CERTIFICATE OF MAILING

I certify that on July 25, 2008, 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:
Spiral Butte Development LLC
3190 S HWY 91
Rexburg, ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Wilcox Brother LLC
C/O Terry Wilcox
1110 Golden Beauty Dr.
Rexburg ID 83440

4. One copy to:

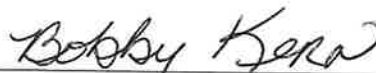
Each party in the subcase, or attorney of record

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

SCANNED

JUL 25 2008

07/14/2008

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

RIGHT NUMBER: 22-2223

NAME AND ADDRESS: WILCOX BROTHERS LLC
C/O TERRY WILCOX
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.870 CFS
1,059.10 AFY

PRIORITY DATE: 05/25/1962

POINT OF
DIVERSION:

T05N R40E S3 SENENE Lot 1 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	3.870 CFS 1,059.10 AFY

PLACE OF USE: IRRIGATION in MADISON County

T05N R40E S02 Lot 4 NWNW	25.00	T05N R40E S02	NESW	7.60	
T05N R40E S02	NWSW	39.00	T05N R40E S02	SWSW	40.00
T05N R40E S02	SESW	26.00	T05N R40E S03 Lot 1 NENE		21.00
T05N R40E S03	NESE	25.00	T05N R40E S03	SESE	24.00
T05N R40E S10	NENE	23.00	T05N R40E S11	NENW	32.00
T05N R40E S11	NWNW	40.00			

302.6 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 point of diversion pursuant to Section 42-1425, Idaho Code.

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

SCANNED

JUL 25 2008

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

RECEIVED

JUN 25 2008

Department of Water Resources
Eastern Region

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)
22-2223	OK				

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**.

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

Spiral Butte

4. New Owner/Claimant(s)

Wilcox Bros LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1110 Golden Beauty Dr

City, State and ZIP Code

Rexburg ID 83440

New Telephone Number

(208) 356 7563

Email: terry@wmg-sales.com

SCANNED

JUL 25 2008

SCANNED

JUN 27 2008

5. Date you acquired the property _____

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) Jerry Wilson member.
 (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 BMK Date 4/25/08
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. 100.00
 Receipt No. E034180
 WR SCANNED Date _____

JUL 25 2008

SCANNED

JUN 21 2009

WARRANTY DEED

Order No.:3040717015TD

FOR VALUE RECEIVED

Spiral Butte Development, LLC, an Oregon Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Wilcox Brothers, LLC, an Idaho Limited Liability Company

whose current address is 1110 Golden Beauty Dr. Rexburg, ID 83440

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

A tract of land described as follows which is situated in Sections 2, 3, 10 and 11, in Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho. Beginning at the Northwest corner of said Section 2, and running thence South 89°57' East 1331 feet, to the Northeast corner of Lot 4 of said Section 2; thence South 0°02' East 599.76 feet, along the sixteenth line, to the Northeasterly corner of the property owned or formerly owned by Wes Howe; thence along the boundaries of said property the following two (2) courses: (1) South 69°58'25" West 541.60 feet; thence (2) South 32°16'56" East 953.83 feet, to said sixteenth line; thence South 0°02' East 118.67 feet along said line, to its intersection with the West side of a county road; thence along said West side the following three courses: (1) South 32°15' East 1483.2 feet; thence (2) South 0°10' East 735 feet; thence (3) South 39°08' East 671.2 feet; thence South 23°10' West 258.6 feet; thence South 14°45' West 251.9 feet; thence South 0°44' East 262.8 feet; thence South 2°48' West 240.9 feet; thence South 7°50' West 200 feet; thence South 11°29' West 286.6 feet; thence South 10°17' West 154.2 feet; thence South 7°08' West 260 feet; thence South 12°50' West 200.8 feet; thence South 19°00' West 153 feet; thence South 09°7' West 100 feet; thence South 2°23' East 247.1 feet; thence South 28°40'30" East 495.5 feet (deed shows South 28°50' East 484.5 feet); thence South 2°57' East 65.8 feet; thence North 89°57' West 3156.6 feet; thence North 0°01'14" West (deed shows North) 7281.2 feet to the North line of said Section 3; thence South 89°49' East 787.3 feet along the Section line to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1/15/08

Spiral Butte Development, LLC

By: Jim Horkley Managing Member

Instrument # 342936

REXBURG, MADISON, IDAHO

2008-01-16 09:19:00 No. of Pages: 1

Recorded for : ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN Fee: 3.00

Ex-Officio Recorder Deputy [Signature]

State of Idaho }
County of Madison } ss.

On this 15th day of January, 2008, before me, a Notary Public in and for said state, personally appeared Jim Horkley known or identified to me to be the Managing Member in the Limited Liability Company known as Spiral Butte Development, LLC who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

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



Jana Bishop
Notary Public for the State of Idaho
Residing at:
Commission Expires:

Notary Public for the State of Idaho
Residing in Fremont County
Commission Expires 06-21-2011

SCANNED

JAN 15 2008

SCANNED

JUN 26 2008

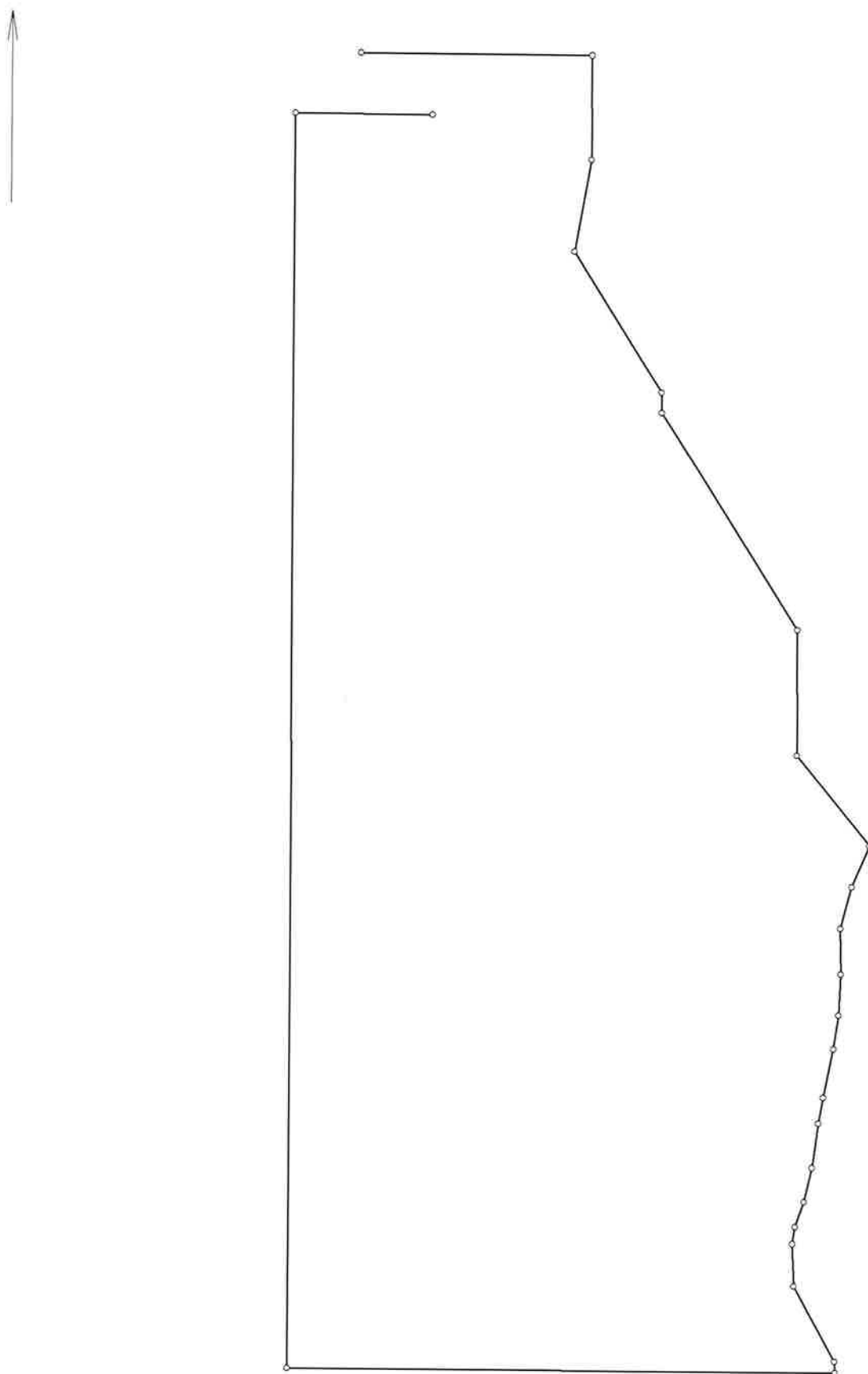
Data and Deed Call Listing of File:

Tract 1: 485.929 Acres: 21167072 Sq Feet: Closure = n49.5055w 538.96 Feet: Precision = 1/39: Perimeter = 20837 Feet

001=s89.57e 1331
002=s0.02e 599.76
003=s09.5825w 541.60
004=s32.1656e 953.83
005=s0.02e 118.67
006=s32.15e 1483.2
007=s0.10e 735
008=s39.08e 671.2
009=s23.10w 258.6
010=s14.45w 251.9
011=s0.44e 262.8
012=s02.48w 240.9
013=s07.50w 200
014=s11.29w 286.6
015=s10.17w 154.2
016=s07.50w 260
017=s12.50w 200.8
018=s19.00w 153
019=s09.07w 100
020=s02.23e 247.1
021=s28.4030e 495.5
022=s02.57e 65.8
023=n89.57w 3156.6
024=n0.0114w 7281.2
025=s89.49e 787.3

SCANNED
JUL 25 2008

SCANNED
JUN 23 2008



SCANNED
JUL 25 2008

SCANNED
JUN 23 2008

Title:

Date: 06-26-2008



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

June 26, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WILCOX BROTHERS, LLC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

RE: Change of Ownership for Water Right 22-2223

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Bobby Kern
Office Specialists II

Enclosure

COPY

SCANNED

JUL 25 2008

SCANNED

JUN 25 2008



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

August 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Spiral Butte Development LLC
3190 S Highway 91
Rexburg ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 22-2223 and Notice of Completed Administrative Proceeding (NCAP)

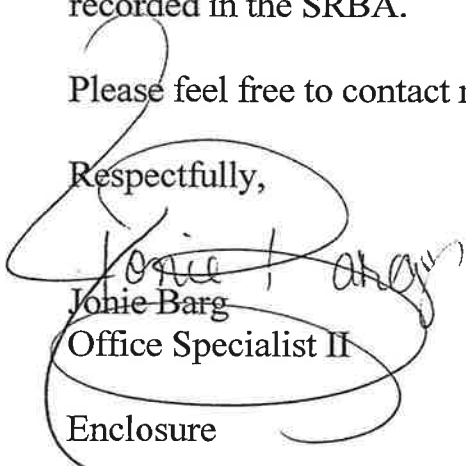
Dear Sir/Madam:

On July 17, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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

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

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: Norman & Robin Riley

SCANNED

OCT 12 2007

In Re SRBA)
Case No. 39576)

Water Rights: 22-2223

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

☐ Address change

☒ Substitution of Party RILEY-SPIRAL BUTTE DEVELOPMENT LLC

☐ I.C. § 42-222 transfer

☐ point of diversion	☐ place of use
☐ period of use	☐ nature of use
☐ split of water right	☐ change in ownership

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. 

Signature of IDWR Representative

CERTIFICATE OF MAILING

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

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Norman N & Robin H Riley
1623 W 3400 S
Rexburg ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Spiral Butte Development LLC
3190 S Hwy 91
Rexburg ID 83440

4. One copy to:

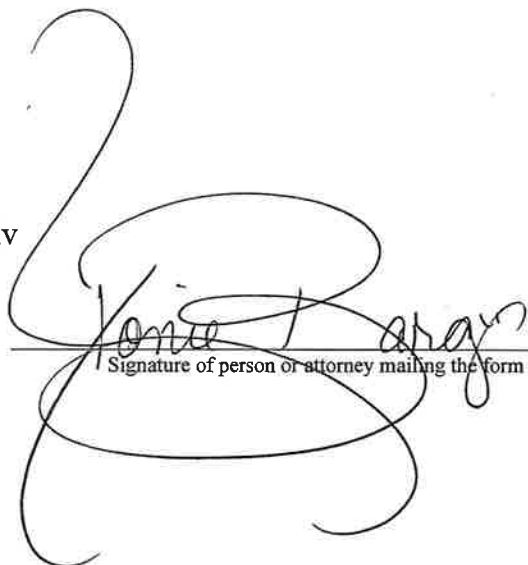
Each party in the subcase, or attorney of record

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

RECEIVED

JUL 17 2007

Department of Water Resources
Eastern Region

Form 42-248/42-1409(6) 12/2006

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.

- 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)
22-2223	A-2202223				

ADJ needs NCHP

- The following **REQUIRED** information must be submitted with this form:
 - The appropriate **FILING FEE**. See instructions for fee amounts.
 - 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**.
 - 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

 - 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**.

3.	Name and Address of Former Owner/Claimant(s)	<u>Norman N. Riley and Robin H. Riley</u> <u>1623 W 3400 S, Rexburg, ID 83440</u>
4.	New Owner/Claimant(s)	<u>Spiral Butte Development, LLC</u> Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
	New Mailing Address	<u>3190 S Highway 91</u>
	City, State and ZIP Code	<u>Rexburg, Idaho 83440</u>
	New Telephone Number	(208) <u>356-9180</u>

SCANNED

OCT 12 2007

5. Date you acquired the property

October 25, 2002

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)

James Harkley Manager
 (title if applicable)
MANAGER, SPINAL BUTTE DEC. 22 C
 (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 _____
 Received by _____
 Processed by _____ AJ

Date _____
 Date _____
 Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED

OCT 12 2007

CORRECTION
WARRANTY DEED

This deed is re-recorded to correct a clerical error in the legal description, Exhibit "A".

NORMAN N. RILEY and **ROBIN H. RILEY**, husband and wife, as **GRANTORS**, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **SPIRAL BUTTE DEVELOPMENT, LLC**, an Oregon Limited Liability Company, of 39 S. 2nd West, Rexburg, Idaho, 83440, as **GRANTEE**, and to GRANTEE'S successors and assigns forever, a certain tract of land located in Madison County, Idaho, and more particularly described as follows:

See Exhibit "A" attached.

GRANTORS, for themselves, their beneficiaries and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, his successors and assigns forever against the lawful claims of all persons.

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

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 25th day of October, 2002.

GRANTORS:


Norman N. Riley

Robin H. Riley

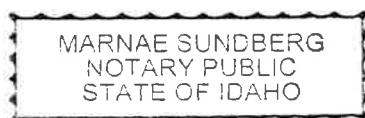
STATE OF IDAHO)

:SS

County of Madison)

On this 25th day of October, in the year of 2002, before me, a Notary Public in and for said State, personally appeared **Norman N. Riley** and **Robin H. Riley**, husband and wife, known to me to be 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 seal the day and year in this certificate first above written.




Notary Public
Residing In: *Rexburg*
My Commission Expires: *11-15-2005*

Instrument # 299204

REXBURG, MADISON, IDAHO
2002-10-30 03:25:00 No. of Pages: 2
Recorded for: ALLIANCE TITLE AND ESCROW
MARILYN R. RASMUSSEN Fee: 6.00
Ex-Officio Recorder Deputy

WARRANTY DEED
5697WDPALMER

SCANNED

OCT 12 2007

EXHIBIT "A"
(Legal Description)

A certain tract of land located in Madison County, Idaho, and more particularly described as follows:

A tract of land described as follows which is situated in Sections 2, 3, 10 and 11, in Township 5 North, Range 40 East, Boise Meridian. Beginning at the Northwest corner of said Section 2, and running thence South 89°57' East 1331 feet, to the Northeast corner of Lot 4 of said Section 2; thence South 0°02' East 599.76 feet, along the sixteenth line, to the Northeasterly corner of the property owned or formerly owned by Wes Howe; thence along the boundaries of said property the following two (2) courses: (1) South 69°58'25" West 541.60 feet; thence (2) South 32°16'56" East 953.83 feet, to said sixteenth line; thence South 0°02' East 118.67 feet along said line, to its intersection with the West side of a county road; thence along said West side the following three courses: (1) South 32°15' East 1483.2 feet; thence (2) South 0°10' East 735 feet; thence (3) South 39°08' East 671.2 feet; thence South 23°10' West 258.6 feet; thence South 14°45' West 251.9 feet; thence South 0°44' East 262.8 feet; thence South 2°48' West 240.9 feet; thence South 7°50' West 200 feet; thence South 11°29' West 286.6 feet; thence South 10°17' West 154.2 feet; thence South 7°08' West 260 feet; thence South 12°50' West 200.8 feet; thence South 19°00' West 153 feet; thence South 90°7' West 100 feet; thence South 2°23' East 247.1 feet; thence South 28°40'30" East 495.5 feet (deed shows South 28°50' East 484.5 feet); thence South 2°57' East 65.8 feet; thence North 89°57' West 3156.6 feet; thence North 0°01'14" West (deed shows North) 7281.2 feet to the North line of said Section 3; thence South 89°49' East 787.3 feet along the Section line to the point of beginning.

With all water, water rights, ditch and ditch rights, of every nature including License and Adjudication No. A22-02223 for 3.87 cfs with a priority date of May 25, 1962 from a well, and License and Adjudication No. A-22-7280 for 4.27 cfs with a priority date of June 27, 1978 from a well, and all other water rights which may be associated or referred to in that certain Mortgage, Instrument No.: 278514 recorded May 10, 1998, records of Madison County, Idaho

Together with any and all fixtures and appurtenances.

SCANNED

OCT 12 2007

**RE: SPIRAL BUTTE DEVELOPMENT, LLC
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

NOTICE IS HEREBY GIVEN that Ronald L. Swafford is appearing as the attorney of record for the Spiral Butte Development, LLC, Change of Water Right Ownership. Please direct any further correspondence or communication to Ronald L. Swafford, Attorney at Law, 525 Ninth Street, Idaho Falls, ID 83404.

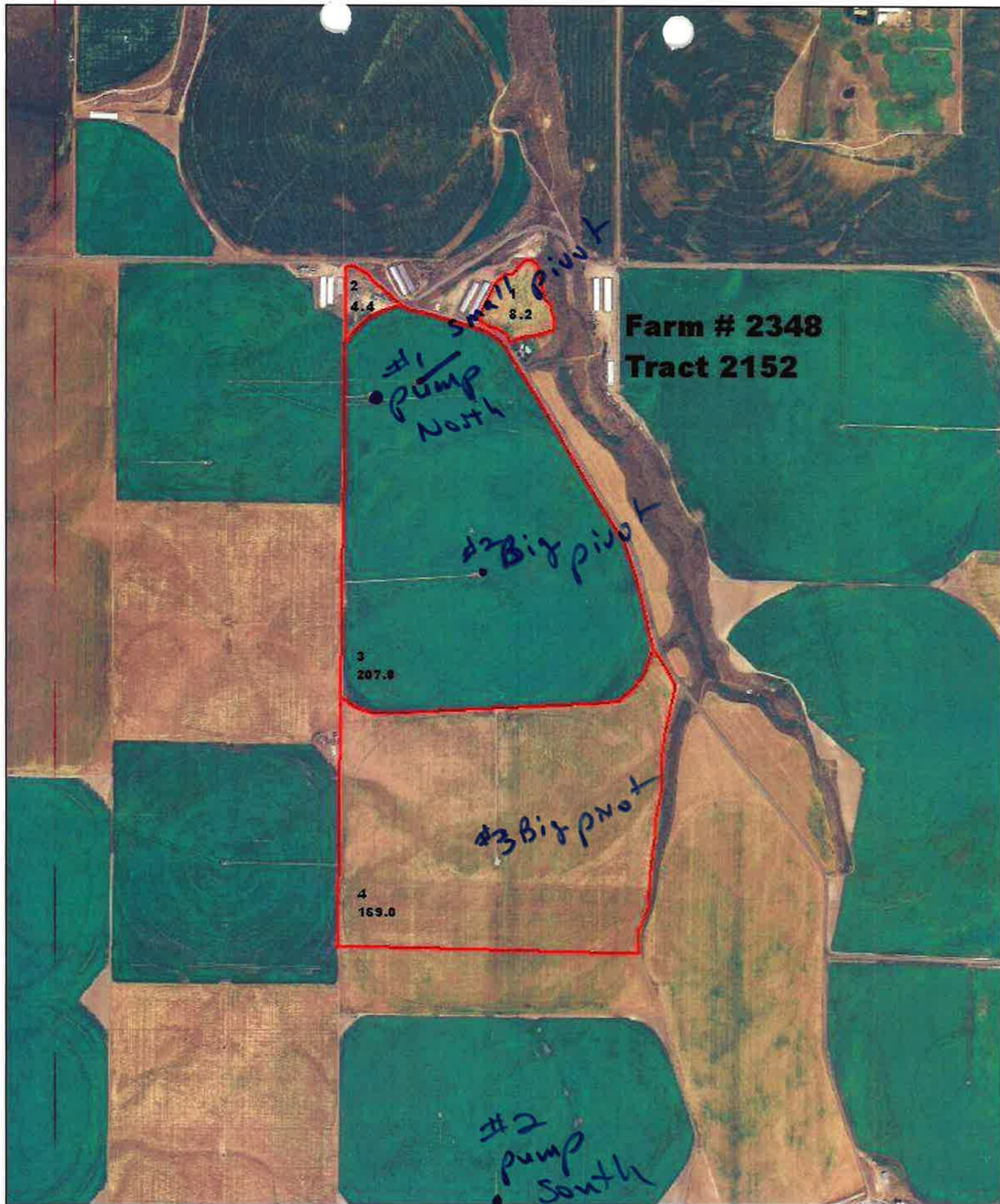
DATED this 17th day of July, 2007.


RONALD L. SWAFFORD, ESQ.

Telephone: 208-524-4505
Facsimile: 208-524-4131

SCANNED

OCT 12 2007



Map of Tract 2152
S2,3,10,11-T5-R40

SCANNED
OCT 1 2 2007



Map Printed: Feb 2, 2005



Map of Tract 2152
S2,3,10,11-T5-R40

SCANNED
OCT 12 2007



Map Printed: Feb 2, 2005

Water Right No(s). A22-02223

See photos Attached

GPS DATA:

Tag # A0000280 Location: on power panel post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR Booster
Make: Westinghouse is Electric Model: _____ Hp: 400/100
SN: 3-5V8156 C1005030

PUMP
Make: 8-J Model: _____ Disch: _____
SN: N.A

NOTES:
I met with Mr. Riley. He states that name, address &
phone # on claim is good as is P.O. map.
System is a well & pump with booster to pivots. (12" mainline)

Field Exam Date: 5-11-05 Agent: RL Jones AKA @ 35K

Chainw AS Liconsoo - GPS shows only 302' across - Lic @ 319'
No Production OR Q. SOIL chainw AS 4/15 TO 10/15 - Lic @ 4/1 TO 10/31
Recommend SOU AS Lic. C05, C03

SCANNED
OCT 16 2007

Claim No. 22-2223

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

Archer Highway go south cross bridge 1 mile
old Green School south - turn left, first
House

Property south of this P.O.W also owned by Riley

SCANNED

OCT 16 2007

WATER LICENSE

Water License No. G-30510 Priority May 25, 1962 Amount 3.87 c.f.s.

THIS IS TO CERTIFY, that JIM W. HOWE
 of Rexburg, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated May 25, 1962, that Permit G-30510 was issued pursuant
 to said application; that the proposed works were completed on or about July 1, 1962
 with a storage/or carrying capacity of 3.87 c.f.s., said works consisting of
well, motor and pump; and that on August 18, 1967
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1118
 acre feet per season, with a maximum rate of diversion of 3.87 cubic feet per second of the waters
 of ground water, tributary of _____,
 for the purpose of irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 5 N, R. 40 E, B.M., and
 other additional points _____, in the County of
Madison; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 1118 acre feet per year.

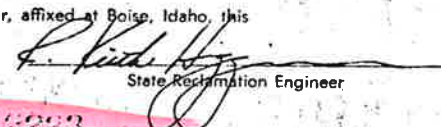
Description and location of place of use:

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 $\frac{1}{4}$	
<u>5 N</u>	<u>40 E</u>	<u>2</u>							<u>25</u> <u>37</u>		<u>7</u>	<u>40</u>	<u>40</u>	<u>25</u>					<u>149</u>
		<u>3</u>				<u>25</u>									<u>24</u>			<u>24</u>	<u>73</u>
		<u>10</u>	<u>24</u>																<u>24</u>
		<u>11</u>					<u>33</u>	<u>40</u>											<u>73</u>

Total number of acres irrigated 319

The right to the use of the water 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

22nd day of April, 1969.

 State Reclamation Engineer

22 2223

30510

SCANNED

OCT 16 2007

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 38584
Permit No. G- 30510
District No.

1. Name of Applicant: Jim W. Howe
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed: 321 inches of 6.42 cfs
 - (a) Rate of withdrawal in cubic feet per second 6.42 or Idaho Miners' inches 321 or gallons per minute 321
 - (b) Annual withdrawal in acre feet per annum 321
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3
Twp. 5 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 SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3 , Twp. 5 N , Rge. 40 E , B.M.
 - (b) Waste water or sewage effluent is to be returned to at a point in the SE 1/4 of the NE 1/4 of Section 3, Twp. 5 N, Rge. 40 E, B.M.
7. Kind of works: Turban pump in well
8. Estimated cost of works: \$ 35,000
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir: no
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: \$ 35,000 (c) Amount paid in: \$ 35,000
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$ 35,000
(b) Treasury stock: no (c) Bonds to be issued: no
(d) Other resources: no
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) 321 (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) 321 (cubic feet per second, inches or gallons per minute) is for new lands.

SCANNED
OCT 16 2007

Remarks:

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

s/ Jim W. Howe

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. May 25, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 30510

Recorded in Book 107 Page 30510 Approved June 1, 1962

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 December 1, 1964

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 June 1, 1967

Witness my hand this 1st day of June, 1962

s/ CARL E. TAPPAN
Assistant STATE RECLAMATION ENGINEER

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, 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 1st day of June, 1962

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor

12.

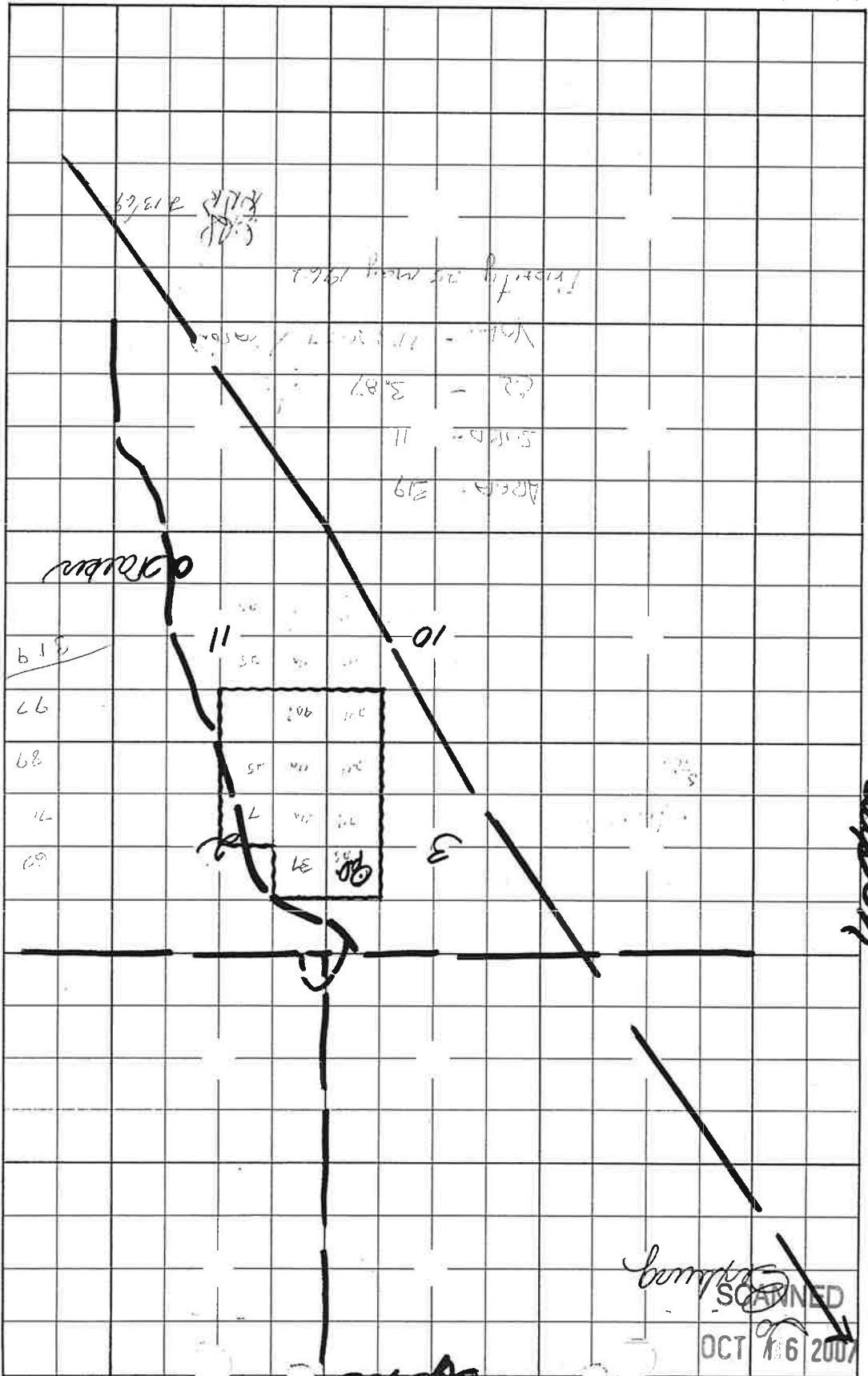
Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
T 5 N	40 EBM	2 3 10 11	23.85	25.05			40				6.64	40	40	25	23.85		23.85		151.64 72.75 23.85 73.33 321.57
							33.33	40											

SCANNED

OCT 16 2007

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

30510



30510

OCT 16 2007

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-30510

REPORT ON PROOF OF Completion of Works & Beneficial Use

SCANNED
OCT 16 2007

Jim W. Howe
Rexburg, Idaho

*well, pump, sprinkler
in casing - 435'
H-385'
Q-6.42 cfs.*

Permit No. G-30510

350 - 5/32 - 40"

Examination for C/W & B/U

County Madison

Quantity: 6.42 c.f.s. Sec. 3 T. 5N R. 40E

Source: subterranean

P.D.: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 5 N, R. 40 E, B.M.

Use: irrigation

Extension: yes

Protest:

Completion of Works:

Other Rights:

Filed: May 25, 1962

Due: September 1, 1967

Made: August 18, 1967

Priority: May 25, 1962

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

30 OCT 16 2007

SCANNED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-30510

This proof is for C/W & B/U

In Water District No. _____

1. Name of applicant Jim W. Howe

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3

T. 5 N R. 40 E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: U.S. Motor
300 H.P. 1265333 Byron & Jackson 296599
12" Dis. Booster Pump G.E. 30 H.P.
Q A 121009 Aqua-line 308580

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):

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 2; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 11,
T. 5 N, R. 40 E, B.M. (321.57)

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

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

Remarks: 346 502
4488 = 3.87

346 1/2 30WS Rainbird nozzles at
an av. pressure of 35#

Quantity - Subdivision & acreage not marked so couldn't check
346 1/2 30WS = 3.87

This examination was made on the _____ day of Aug, 19 68

(Signed) _____ Examiner.

30510

plat
th

SCANNED

OCT 16 2007



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

NOVEMBER 24, 1992

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

NORMAN RILEY
1623 W 3400 S
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-07280, A22-02223, AND
A22-12251

Dear Mr. Riley:

The request for Change in Ownership concerning the Notices of Claim in the above reference (A22-02223 and A22-12251) has been processed and the names changed to show you as the current owner. A22-07280 was split into two separate portions.

Enclosed are "copies" of A22-02223 and A22-12251 for your records. Also enclosed is A22-07280B for a portion of water right A22-07280.

Jim Howe has died and Mrs. Rowan requested the water rights be in her name (they were formerly in both names).

Since you purchased 205 acres of land from Catherine H. Rowan, the above mentioned water right, A22-07280, has been split into A22-07280A and A22-07280B. A22-07280B gives you 3.020 cfs for 205 acres and A22-07280A with 7.790 cfs on 529 acres is the remaining portion belonging to Mrs. Rowan.

Review the forms and if there are other corrections or questions, feel free to contact this office (525-7161).

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

cc: Catherine Rowan/copy letter/A22-07280A

MICROFILMED

SCANNED APR 11 1994

OCT 16 2007



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

☐ 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: A22-07280, A22-02223, A22-12251

☐ Name and Address of Former Owner/Claimant(s)(Seller): Jim W. Howe
P.O. Box 803 (formerly 240 Mohawk Av.)
Rexburg, ID 83440

☐ New Owner/Claimant (Purchaser): → Norman or Robin Riley

☐ New Mailing Address: 1623 W. 3900 S.
Rexburg, ID 83440

☐ New Telephone Number: (208) 356-5873

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

No on the others

☐ Attach proof of ownership, describe proof attached: _____

(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) Robin Howe Riley Date 11-12-92

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

SCANNED

APR 11 1994

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

A22-02223

WATER LICENSE

Water License No. G-30510 Priority May 25, 1962 Amount 3.87 c.f.s.

THIS IS TO CERTIFY, that JIM W. HOWE
of Rexburg, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated May 25, 1962; that Permit G-30510 was issued pursuant
to said application; that the proposed works were completed on or about July 1, 1962,
with a storage/or carrying capacity of 3.87 c.f.s., said works consisting of
well, motor and pump; and that on August 18, 1967,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1118
acre feet per season, with a maximum rate of diversion of 3.87 cubic feet per second of the waters
of ground water, tributary of _____,
for the purpose of irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 5 N, R. 40 E, B.M., and
other additional points _____, in the County of
Madison; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 1118 acre feet per year.

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 $\frac{1}{4}$	
<u>5 N</u>	<u>40 E</u>	<u>2</u>							<u>37</u>		<u>7</u>	<u>40</u>	<u>40</u>	<u>25</u>					<u>149</u>
		<u>3</u>				<u>25</u>									<u>24</u>			<u>24</u>	<u>73</u>
		<u>10</u>	<u>24</u>																<u>24</u>
		<u>11</u>					<u>33</u>	<u>40</u>											<u>73</u>

Total number of acres irrigated 319

The right to the use of the water 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
22nd day of April, 1969.

[Signature]
State Reclamation Engineer

2223

DO NOT FILM

SCANNED

OCT 18 2007

Identification No. _____

Application No. 22 7280

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Lucille W. Howe AND/OR Jim W. Howe Phone: 356-3027
post office address 240 Mohawk, Rexburg, Idaho 83440

2. Source of water supply groundwater which is a tributary of _____

3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11 Township 5N
Range 40E B.M. Madison County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 10.81 for irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 10.81 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump & sprinkler system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 24 inches; proposed depth of well is 615 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 35,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

DO NOT FILM

SCANNED

OCT 16 2007

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

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	
5N	40E	10	24			24									24			24	96
		11					35	40	40	24	19	40	40	40					278
		15	24			24									24				72
		14						14	30			22							66
		2							37		7	40	40	25					149
		3				L. 1 25									24			24	73

Total number of acres to be irrigated 734

c. Describe any other water rights used for the same purposes as described above.

L#22-2223 for 3.87 c.f.s. on 319 acres included above.

9. a. Who owns the property at the point of diversion Lucille W. Howe

b. Who owns the land to be irrigated or place of use Lucille W. Howe

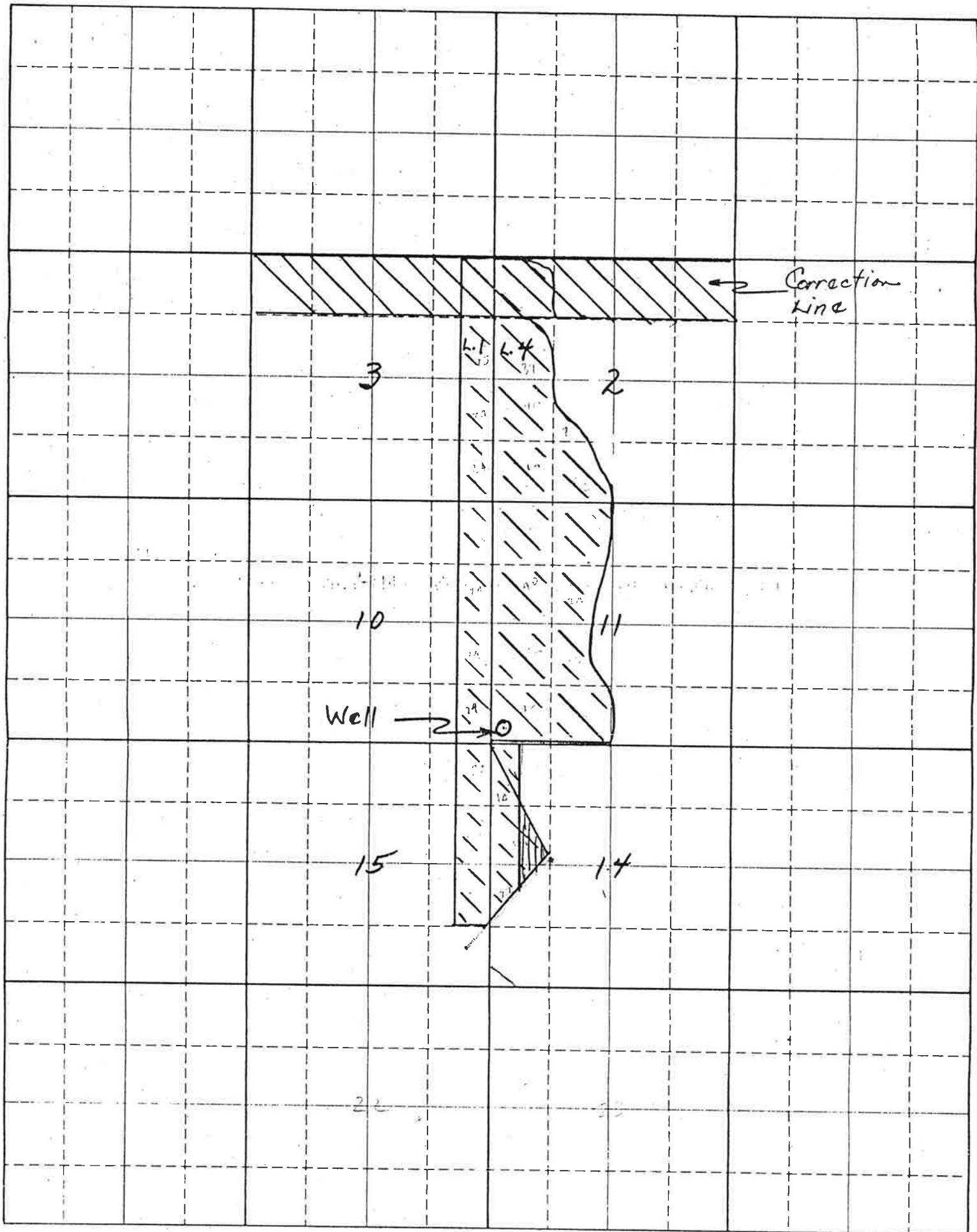
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Application is for primary right on land not covered by L#22-2223. For those lands under L #22-2223 this application will bring the appropriation up to one inch per acre.

DO NOT FILE

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OCT 16 2007

11. Map of proposed project: w clearly the proposed point of diversion place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lucille W. Howe
(Applicant)

DO NOT FILM
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OCT 16 2007

Bill of Sale of Goods and Chattels

KNOW ALL MEN BY THESE PRESENTS:

That Jim W. Howe

P. O. Box 803

of Rexburg, in the County of Madison
and State of Idaho, of the first part, for, and in consideration of the sum of
Ten and no/100----- (10.00)-----
DOLLARS,

lawful money of the United States, to him paid by Norman and Robin Riley
1623 W 3400 So.

of Rexburg, in the County of Madison
and State of Idaho of the second part, the receipt whereof is hereby
acknowledged, have bargained and sold, and by these presents do grant and convey unto the said
part ies of the second part their executors, administrators or assigns, the following personal
property, to-wit: (1) US 500 HP CP521-401-88-03054 together with all accessories

(20) 6" x 50' Portable Mainline (1) Byron Jackson Turbine Pump

(146) 8" & 10" x 50' Portable Mainline (1) US 300 HP Electric Motor

36 A&M 4" x $\frac{1}{4}$ mi. Hook & Latch Sprinkler Laterals with Heads

(1) US 500 HP Electric Motor C9521-401 88-03054

(1) Peerless Pump 2617891 (1) GE 100 HP Electric Pump

(1) GE 350 HP Electric Motor w/booster pump DBJ420006

(1) Peerless Centrifugal Pump

9240 feet 12" Steel Mainline 3110 feet 14" Steel Mainline

All of the above together with any and all accessories.

Any and all water rights including but not limited to water license #G-30510
application approved permit #22-7280, #22-2223 together with priority rights
and any and all access and joint use rights guaranteed by Catherine Rowan
under signed agreement dated August 3, 1988.

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to have and to hold the same until the said part ies of the second part, their executors, adminis-
trators and assigns, forever. And they do, forever sell their heirs, executors, adminis-
trators, covenant and agree, to and with the said part ies of the second part, their executors, ad-
ministrators and assigns, to warrant and defend the sale of said property, goods and chattels, here-
by made, unto the said part ies of the second part, their executors, administrators and assigns,
against all and every person whosoever.

Witness es hands and seal this 5th day of December, 19 91

Witness:

Carlene Craig

Jim W. Howe

*Original Deed. to Jm Howe
see 2nd Page please research*

D E E D

THIS INDENTURE made this 26 day of April, 1944,
between The Webster-Soule Farm, a corporation, of Rexburg,
Idaho, party of the first part, and LUCILLE WEBSTER HOWE
of Rexburg, Idaho, party of the second part.

WITNESSETH: That the party of the first part, for and
in consideration of the surrender to it and the cancellation
of 700 shares of the capital stock of the said Webster-Soule
Farm, by the second party to the first party, the receipt of
which stock is hereby acknowledged, the first party has
granted, bargained and by these presents does grant, bargain,
convey and confirm to the party of the second part for the
term of her natural life (that is to say, a life estate) and
at her death remainder over in fee to her children, share
and share alike, without restriction, the lands hereinafter
described. Provided, however, that if any of the children of
the said Lucille Webster Howe die without issue, then their
pro rata share shall pass to their surviving brothers and
sisters, share and share alike, in fee. If any of them die
leaving issue, then their issue shall share by right of
representation in fee. The said party of the second part
shall take immediate possession of the lands hereinafter
described and occupy, farm and operate the said lands and
receive and enjoy during her natural life for her own use
and benefit all the crops and proceeds therefrom, and any
and all earnings and emoluments whatsoever from said lands
(except the crop grown in 1944 on a part of the land, herein-
after described, which has been assigned to Elmo S. Webster);
but she shall have no right nor power to sell, mortgage,
pledge or assign for any purpose any of said lands herein-
after described.

The lands hereinbefore referred to and hereby conveyed
are situated, lying and being in the County of Madison,

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State of Idaho, more particularly described as follows,

to-wit:

Beginning at a point South 30° 38' East, 19.4 feet from the Northwest corner of Section 14, T. 5 N., R. 40 E. B. M. Thence South 30° 38' East, 2705 feet, more or less, to the West side property line of the O. S. L. Railroad; thence South 43° 57' West, along said West side property line of Railroad, 3169 feet; thence North, 13,942 feet, more or less, to the North side of Section 3, above township and range; thence South 89° 49' East, along said township line, 787.3 feet to the Northeast corner of said Section 3; thence South 89° 57' East, 1331 feet, more or less, to the Northeast corner of Lot 4, Section 2, above township and range; thence South no degrees 02' East, along the sixteenth line, 1710.3 feet, more or less, to its intersection with the West side of a County road; thence South 32° 15' East, along the West side of said County Road, 1483.2 feet, more or less, to an angle point in said County Road; thence South no degrees 10' East, along said West side of County Road, 735 feet, more or less, to an angle point in said County Road; thence South 39° 08' East, along the South or West side of said County Road, 671.2 feet; thence South 23° 10' West, 258.6 feet; thence 14° 45' West, 251.9 feet; thence South 0° 44' East, 262.8 feet; thence South 2° 48' West, 240.9 feet; thence South 7° 50' West, 200 feet; thence South 11° 29' West, 286.6 feet; thence South 10° 17' West, 154.2 feet; thence South 7° 08' West, 260 feet; thence South 12° 50' West, 200.8 feet; thence South 19° 00' West, 153 feet; thence South 9° 07' West, 100 feet; thence South 2° 23' East, 247.1 feet; thence South 28° 50' East, 484.5 feet; thence South 2° 57' East, 261 feet; thence South 17° 20' East, 370.3 feet; thence South 26° 14' East, 130.8 feet; thence South 23° 56' East, 200.6 feet; thence South 19° 05' East, 200 feet; thence South 1021.6 feet; thence West, 2659 feet to the point of beginning. Containing 758.55 acres, more or less.

Together with all water rights appurtenant thereto and a 14% interest in the waters of Moody Creek and the canals therefrom to all the reservoirs along the line of said canal to what is known as the reservoir at the headquarters of The Webster-Soule Farm, as heretofore used for culinary and irrigation purposes.

Subject to a private East and West road approximately on the Section line between Sections 10 and 15, and then to the Southeast past the Red Elevator and to the Railroad crossing near the Gale Elevator, for use of all stockholders and their successors and grantees.

Subject to County Roads as now existing; One

*Please
check
this
out*

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commonly called the "Bluff" Road, running diagonally through the North part of the above described tract; and the township line located in the North part of Lot 4, Section 2, and Lot 1, Section 3, above township and range.

RESERVATIONS: On the ownership and use of what is commonly called the "Gale Elevator", located in the SW $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 14, above township and range, and within the boundary of the above described tract, a right of ingress and egress to, away from and around said Gale Elevator by the Gale Railroad Siding to and from all roadways heretofore and now used by The Webster-Soule Farm and its stockholders as a private road for the right of all present stockholders of The Webster-Soule Farm, their successors and grantees, to use said Gale Elevator for the storage of grain therein free of charge as heretofore used for all purposes of use.

Provided, however, that the First Party herein reserves the crop grown in the year 1944 on a part of the said described land, which part is more particularly described as follows:

Beginning at the surveyor's rock at the point of intersection of Sections 10, 11, 15 and 14, in Township 5 North, Range 40 East of the Boise Meridian, in Madison County, Idaho, and running thence southeasterly along what is known as the Air Line Road to the intersection with the Oregon Short Line Railroad right-of-way, thence Southwesterly to the west side of the planted and growing grain located thereon, which crop was planted in 1943 by said corporation, thence north to the highway running east and west and to a point directly west of said surveyor's rock, thence east to the place of beginning, containing 101 acres of land upon which a crop of wheat is growing.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part in the manner and for the purposes herein set out and not otherwise.

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

Signed in the presence of
Henry Dietrich

THE WEBSTER-SOULE FARM, a corporation

By *Mary J. Webster* President

O. J. Frank Secretary

STATE OF IDAHO)
COUNTY OF MADISON) SS

On the 26 day of April, in the year 1944, before
me L. H. Starnes a notary public in and for
the County of Madison, State of Idaho, personally appeared
Mary J. Webster, known to me to be the president, and
O. P. Soule, known to me to be the secretary of the corpora-
tion that executed the within instrument, and acknowledged
to me that such corporation executed the same.

My commission expires:
Sept. 5, 1946

L. H. Starnes
NOTARY PUBLIC
in and for the State of Idaho
Residing at Rexburg, Idaho

MICROFILMED
SCANNED APR 11 1994
OCT 16 2007

POOR ORIGINAL

State of Idaho,
County of Madison,

Filed for Record at the Request of

J. S. Webster

25 Minutes past 11

o'clock A. M. this 26

day of Apr 1944

and Recorded in Book 155

Deeds Page 133

Records of the Court,
State of Idaho,

J. S. Webster

Recorder

320

SCANNED

OCT 16 2007

MICROFILMED
APR 11 1994

C

ASSIGNMENT BY PERSONAL REPRESENTATIVES

THIS ASSIGNMENT BY PERSONAL REPRESENTATIVES, made this 27th day of October, 1992, is from Kathryn Firth, Robin Riley and Sally Squires as the general co-personal representatives of the estate of James W. Howe, deceased, (herein "Assignors"), in favor of Norman Riley and Robin Riley, husband and wife, (herein "Assignees"), whose address is 1623 West 3400 South, Rexburg, Idaho 83440.

WHEREAS, Assignors are the qualified co-personal representatives of said estate, filed as Probate Number SP-92-00042, in Madison County, Idaho; and

WHEREAS, this Assignment is executed pursuant to an Option Exercise and Purchase Agreement dated September 14, 1992, entered into by the Assignors and the Assignees and approved by the probate court by that certain Order Approving Purchase Agreements dated September 24, 1992;

NOW, THEREFORE, Assignors hereby ASSIGN, TRANSFER, AND CONVEY to Assignees, their successors and assigns, all rights, title and interest that the estate of James W. Howe has, whether directly or indirectly through partnership or otherwise, in and to the following:

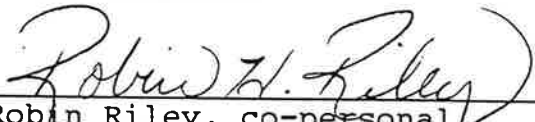
1. That certain Agreement, dated August 2, 1988, between Catherine Rowan as grantor and James Howe as grantee, and any interest in real property described therein including the described easement and the joint use of a well and accessories thereto located on property owned by Catherine Rowan. Said Agreement was recorded August 12, 1988, under File No. 226561 in Madison County.
2. An individual one-half interest and right to any water from the south main well located on Catherine Rowan's property as provided in that certain Correction Grant Deed dated August 10, 1988 and recorded August 11, 1988, under File No. 226539 in Madison County.
3. That certain Severance Agreement, dated August 2, 1988, between Catherine Howe Rowan and James W. Howe, regarding Bin No. 7.
4. State of Idaho Water License No. G-30510, and Water Application or Permit Nos. 22-7280 and 22-2223, and all associated rights.
5. State of Idaho Land Sale Certificate Nos. 25521 and 25522, and any interest in real property described therein.

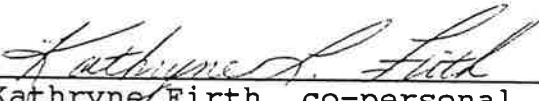
6. State of Idaho Land Lease No. 8845.

7. That certain Lease dated February 23, 1987, from Union Pacific Railroad Company as Lessor, and identified in the records of the Lessor as Agreement No. 821-78 regarding premises at Walker, Idaho.

All transfers herein are without warranty and are subject to any existing liens or encumbrances.

IN WITNESS WHEREOF, the Assignors have duly executed this Assignment as of the date first above written.

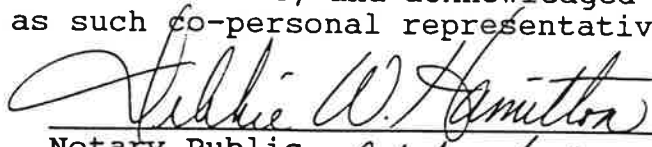

Robin Riley, co-personal
representative of the estate of
James W. Howe, deceased.


Kathryne Firth, co-personal
representative of the estate of
James W. Howe, deceased.


Sally Squires, co-personal
representative of the estate of
James W. Howe, deceased.

STATE OF IDAHO)
County of Bonneville) ss.

On the 27th day of October, 1992, before me, a notary public, personally appeared Kathryn Firth, known to me to be the person whose name is subscribed to the within instrument, as co-personal representative of the estate of James W. Howe, and acknowledged to me that she executed the same as such co-personal representative.

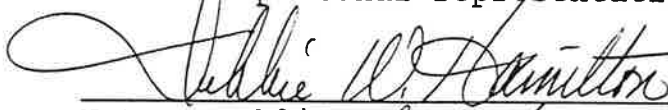

Notary Public
Residing at: Idaho Falls, Idaho

My commission expires:

April 11, 1993

, STATE OF IDAHO)
County of Bonneville) ss.

On the 27th day of October, 1992, before me, a notary public, personally appeared Sally Squires, known to me to be the person whose name is subscribed to the within instrument, as co-personal representative of the estate of James W. Howe, and acknowledged to me that she executed the same as such co-personal representative.

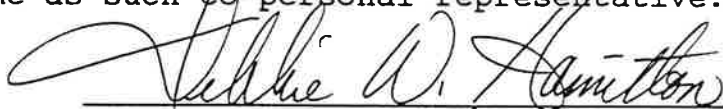

Notary Public
Residing at: Idaho Falls, Idaho

My commission expires:

April 11, 1993

STATE OF IDAHO)
County of Bonneville) ss.

On the 27th day of October, 1992, before me, a notary public, personally appeared Robin Riley, known to me to be the person whose name is subscribed to the within instrument, as co-personal representative of the estate of James W. Howe, and acknowledged to me that she executed the same as such co-personal representative.


Notary Public
Residing at: Idaho Falls, Idaho

My commission expires:

April 11, 1993

C

PERSONAL REPRESENTATIVES' DEED

THIS DEED is made by Kathryne Firth, Robin Riley and Sally Squires as the general co-personal representatives of the estate of James W. Howe, deceased, Grantors, to Norman Riley and Robin Riley, husband and wife, Grantees, whose address is 1623 West 3400 South, Rexburg, Idaho 83440.

WHEREAS, Grantors are the qualified co-personal representatives of said estate, filed as Probate Number SP-92-00042, in Madison County, Idaho; and

WHEREAS, this Deed is executed pursuant to an Option Exercise and Purchase Agreement dated September 14, 1992, entered into by the Grantors and the Grantees and approved by the probate court by that certain Order Approving Purchase Agreements dated September 24, 1992;

THEREFORE, for valuable consideration received, Grantors sell and convey to Grantees the following described real property in Madison County, Idaho:

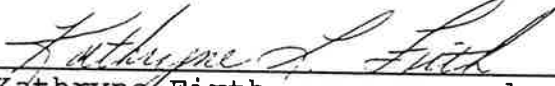
A tract of land described as follows which is situated in Sections 2, 3, 10 and 11, in Township 5 North, Range 40 East, Boise Meridian.

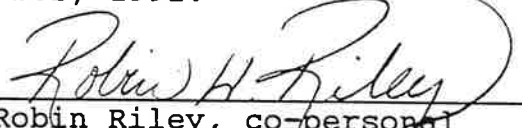
Beginning at the Northwest corner of said Section 2, and running thence South 89°57' East 1331 feet, to the Northeast corner of Lot 4 of said Section 2; thence South 0°02' East 599.76 feet, along the sixteenth line, to the Northeasterly corner of the property owned or formerly owned by Wes Howe; thence along the boundaries of said property the following two (2) courses: (1) South 69°58'25" West 541.60 feet; thence (2) South 32°16'56" East 953.83 feet, to said sixteenth line; thence South 0°02' East 118.67 feet along said line, to its intersection with the West side of a county road; thence along said West side the following three courses: (1) South 32°15' East 1483.2 feet; thence (2) South 0°10'

East 735 feet; thence (3) South 39°08' East 671.2 feet; thence South 23°10' West 258.6 feet; thence South 14°45' West 251.9 feet; thence South 0°44' East 262.8 feet; thence South 2°48' West 240.9 feet; thence South 7°50' West 200 feet; thence South 11°29' West 286.6 feet; thence South 10°17' West 154.2 feet; thence South 7°08' West 260 feet; thence South 12°50' West 200.8 feet; thence South 19°00' West 153 feet; thence South 9°07' West 100 feet; thence South 2°23' East 247.1 feet; thence South 28°40'30" East 495.5 feet (deed shows South 28°50' East 484.5 feet); thence South 2°57' East 65.8 feet; thence North 89°57' West 3156.6 feet; thence North 0°01'14" West (deed shows North) 7281.2 feet to the North line of said Section 3; thence South 89°49' East 787.3 feet along the Section line to the point of beginning.

with all appurtenances and water, water rights, ditch and ditch rights.

EXECUTED this 27th day of October, 1992.

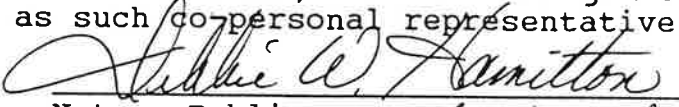

Kathryne Firth, co-personal
representative of the estate of
James W. Howe, deceased.


Robin Riley, co-personal
representative of the estate of
James W. Howe, deceased


Sally Squires, co-personal
representative of the estate of
James W. Howe, deceased.

STATE OF IDAHO)
County of Bonneville) ss.

On the 27th day of October, 1992, before me, a notary public, personally appeared Kathryn Firth, known to me to be the person whose name is subscribed to the within instrument, as co-personal representative of the estate of James W. Howe, and acknowledged to me that she executed the same as such co-personal representative.


Notary Public
Residing at: Idaho Falls, Idaho

My commission expires:
April 11, 1993

STATE OF IDAHO

County of Bonneville

)
) ss.
)

On the 27th day of October, 1992, before me, a notary public, personally appeared Sally Squires, known to me to be the person whose name is subscribed to the within instrument, as co-personal representative of the estate of James W. Howe, and acknowledged to me that she executed the same as such co-personal representative.

Seddie W. Hamilton

Notary Public

Residing at: Idaho Falls, Idaho

My commission expires:

April 11, 1993

STATE OF IDAHO

County of Bonneville

)
) ss.
)

On the 27th day of October, 1992, before me, a notary public, personally appeared Robin Riley, known to me to be the person whose name is subscribed to the within instrument, as co-personal representative of the estate of James W. Howe, and acknowledged to me that she executed the same as such co-personal representative.

Seddie W. Hamilton

Notary Public

Residing at: Idaho Falls, Idaho

My commission expires:

April 11, 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Jim W. Howe
Box 803
Rexburg, Idaho 83440

22 Sept 1988

Dear Mr. Howe:

Enclosed are four adjudication claims that were submitted to this office on 26 August 1988 (mailed on 25 August 1988), and check #1312 for \$25.00 and check #1313 for \$1044.00. Several problems require that they all be returned.

The two adjudication claims based on license #22-2223 (G-30510), and permit 22-7280 are correct but cannot be receipted because check #1313 exceeded the \$834.00 filing fee. All that needs to be done is to return them with the correct filing fee.

I have found no basis for the third adjudication claim for 160 acres. There are no licenses, permits, or applications on file with the department. Therefore; it will be necessary that an application for permit be filed to establish a water right. Enclosed is a blank application for permit with instructions.

In order to address the problems on the forth claim a copy is enclosed with possible corrections indicated in red. It would appear that the filing fee would be \$50.00 plus the variable fee for commercial use (\$100.00 per cfs i.e. $0.02 \text{ cfs} \times \$100 = \$2.00$). Irrigation in excess of the 37 acres under 22-2223 & 22-7280 would require an application for permit to establish a right. Also an application for permit is required if the commercial use was established after March 25 1963. The irrigation and commercial use can be filed on the same application for permit.

Please feel free to call this office for assistance.

Sincerely,

Keith C. Wilson

SCANNED MICROFILMED
OCT 16 1987
OCT 29 1992

GPS
tag



A22-2223, well, pump + Booster - Looking North

SCANNED
OCT 16 2007



A22-2223, Motor Tag

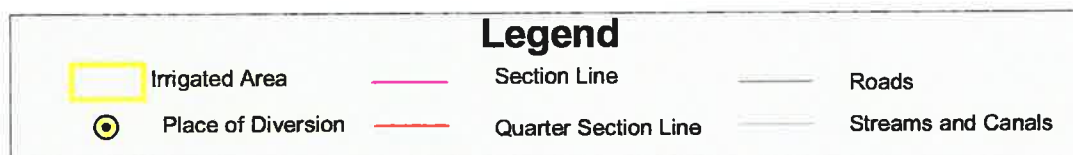
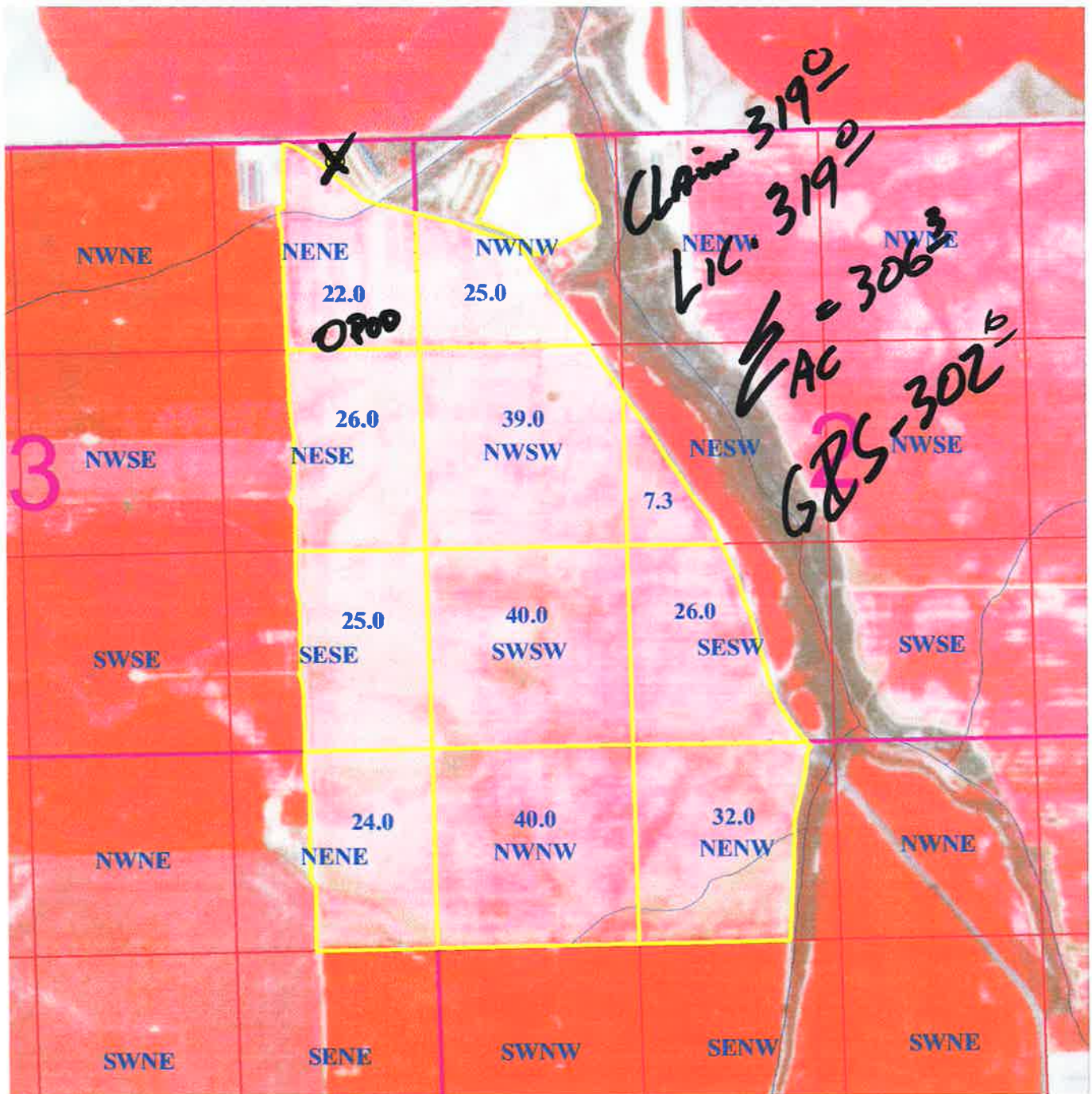


North

22-2223

Water Right Claim Number 22-02223
Township , 5N40E

06/27/2001

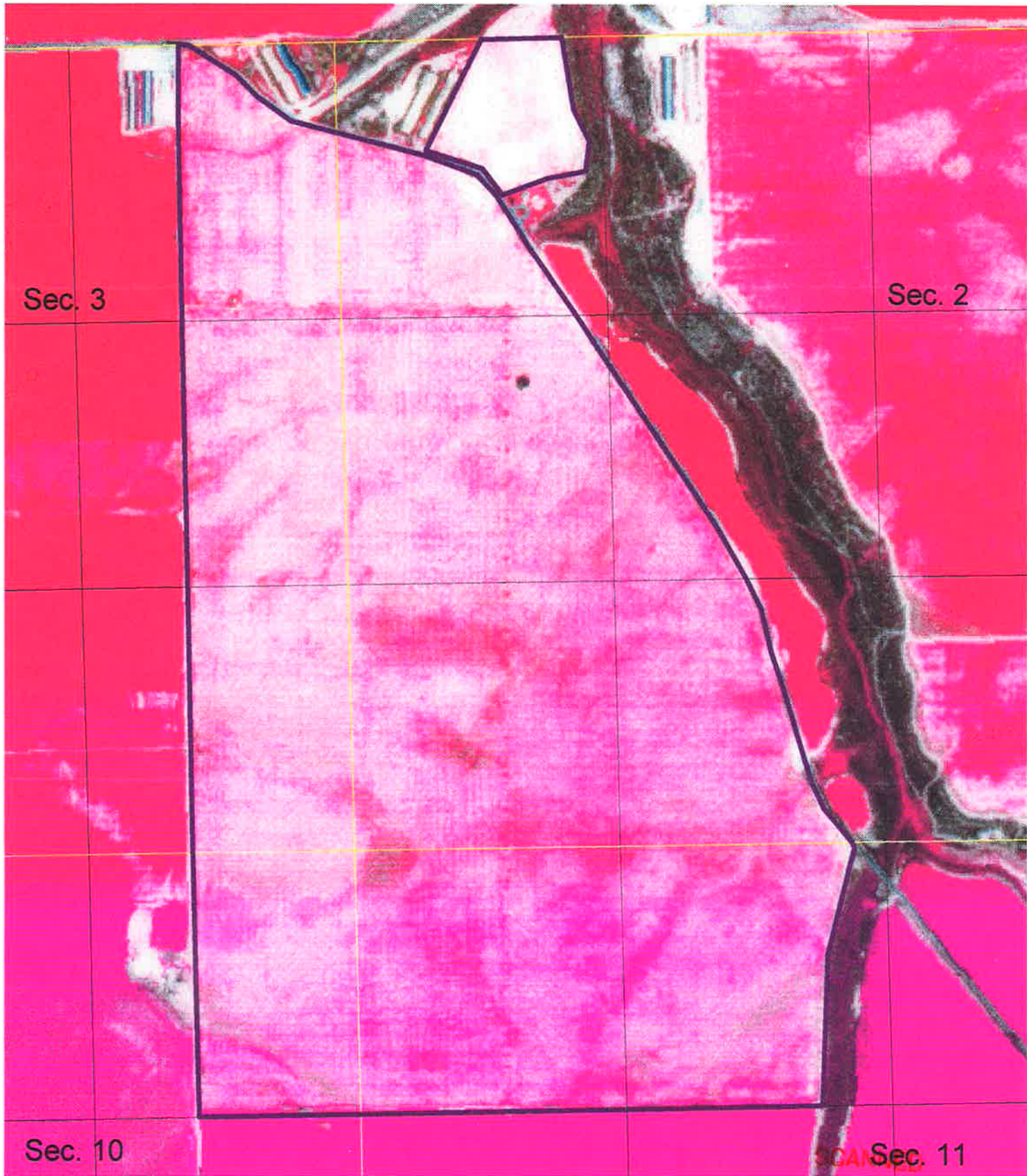


700 0 700 1400 Feet

SCANNED
OCT 16 2007

SPATIAL
DYNAMICS

License & Adjudication Claim 22-02223



SCAN
OCT 16 2007



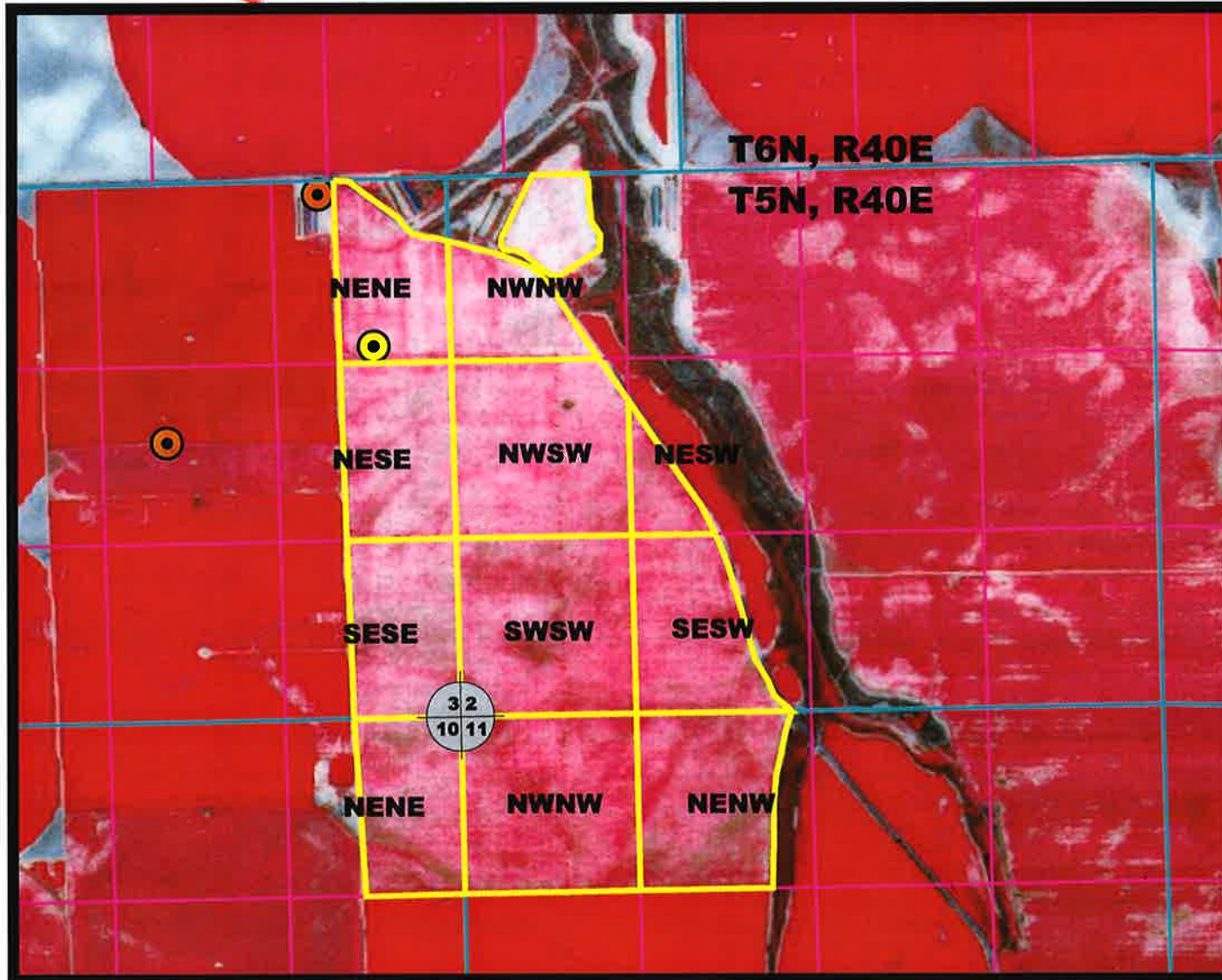
OCT 18 2007

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-2223

Point(s) of Diversion:
T5N, R40E
Sec. 3 SENENE

Place of Use: (parts of)
T5N, R40E
Sec. 2 SW, NWNW,
Sec. 3 E2SE, NENE,
Sec. 10 NENE, Sec. 11 N2NW

LEGEND



Point of Diversion



SESE Place of Use



Section



Quarter-Quarter



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

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 Feet

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: **A22-02223**

Date Received: 10/20/1988

Receipt No: E003351

Received By: _____

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

1. Name: NORMAN RILEY 208-356-5873
Address: 1623 W 3400 S
REXBURG ID 83440

OR

Name: ROBIN RILEY 208-356-5873
Address: 1623 W 3400 S
REXBURG ID 83440

2. Date of Priority: MAY 25, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	3	SE	NE		1	MADISON

5. Description of diverting works:

WELL 300 HP PUMP;410'-10"COL.SET;390'LIGT FROM WELL, 12"126A DIS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.870		

7. Total Quantity Appropriated is:

3.870 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 797.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	2	SW	NW		IRR	37.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
05N	40E	2	NE	SW		IRR	7.0	
			NW	SW		IRR	40.0	
			SW	SW		IRR	40.0	
			SE	SW		IRR	25.0	
		Section Acres						149.0
		3	SE	NE		IRR	25.0	
			NE	SE		IRR	24.0	
			SE	SE		IRR	24.0	
		Section Acres						73.0
		10	NE	NE		IRR	24.0	
			Section Acres					
		11	NE	NW		IRR	33.0	
			NW	NW		IRR	40.0	
		Section Acres						73.0
		Total Acres						319.0

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:

15. Basis of Claim: LICENSE

Water Right Number: G30510

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: _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A22-02223
Date Received: 11/10/1988
Receipt No: E003351
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES/JIM HOWE 208-356-3027
Address: BOX 803
REXBURG, ID 83440

2. Date of Priority: MAY 25, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	3	SE	NE		1	MADISON

5. Description of diverting works:
WELL 300 HP PUMP; 410'-10" COL. SET; 390' LIGT FROM WELL, 12" 126A DIS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.870		

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

8. Total consumptive use is 797.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	2	SW	NW		IRR	37.0
			NE	SW		IRR	7.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

A22-02223

Page 1

Date: 11/10/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	2	SE	SW		IRR	25.0
					Section Acres		149.0
		3	SE	NE		IRR	25.0
			NE	SE		IRR	24.0
			SE	SE		IRR	24.0
					Section Acres		73.0
		10	NE	NE		IRR	24.0
					Section Acres		24.0
		11	NE	NW		IRR	33.0
			NW	NW		IRR	40.0
					Section Acres		73.0
					Total Acres		319.0

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:

15. Basis of Claim: LICENSE
Water Right Number: G30510

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 _____ day
of _____ 19 _____

Notary Public

Seal

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: 39356

Ident. Number A22-02223

Date Received Aug 26, 1988

Receipt Number E003351

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 26 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Jim W. Howe or James W. Howe Phone (208) 356-3027

Mailing Address Box 803 Rexburg, Ida Zip 83440

2. Date of Priority (Only one (1) per claim) MAY 25, 1962

3. Source of water supply (a) Well - Groundwater
which is tributary to (b) Groundwater

4. a. Location of existing point of diversion is: Township 5N Range 40E Section 3,
SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, 1 B.M., County of Madison

Additional points of diversion if any: NONE

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 - 300 HP Pump
410' - 10" Column Setting, 390' Lift From Well, 12" 12GPA Discharge
Steel pipe - No changes.

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OCT 13 1987

OCT 29 1992

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from APR 1-15th to OCT. 15th amount 3.87 or 1118

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.87 (cfs) and/or (b) 1118 (acre feet)

8. Total consumptive use claimed is 797 ⁶³⁸ 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	
5N	40E	2							⁴⁴ 37		7	40	40	25					149
		3				⁶¹ 25									24			24	73
		10	24																24
		11					33	40											73

Total number of acres irrigated 319

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 X No _____

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 (X)

14. Remarks:

Last Name Howe Ident No. _____

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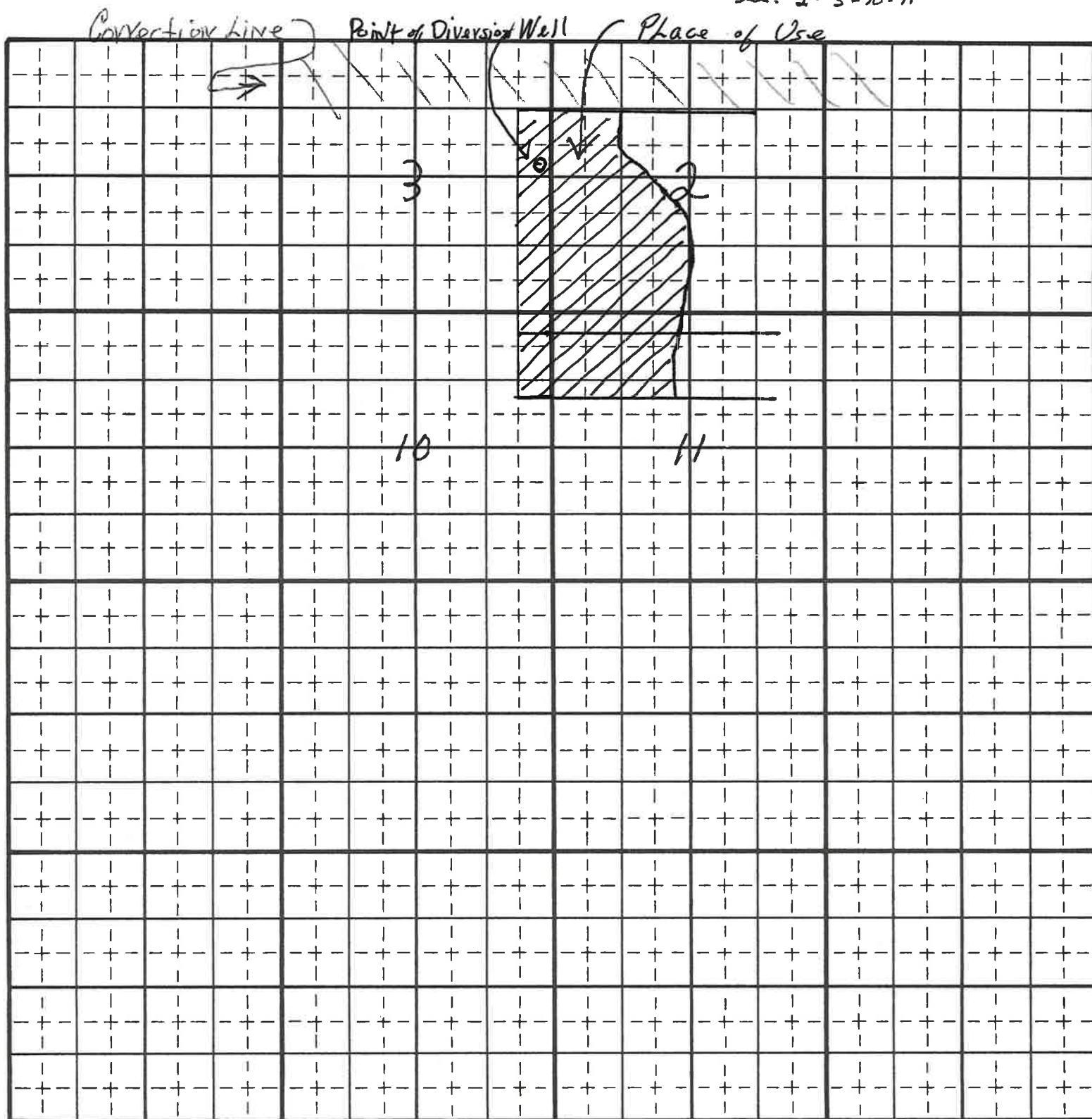
OCT 29 1992

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Township 5N- R. 40E

Sec. 2-3-10-11



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Copies: White-State, Yellow-Claimant OCT 23 1992

Last Name

Howe

Ident No.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 6-30510 22-2223
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 4

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

Signature of Claimant (s) Jim W. Howe Date Aug 14 - 1988

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 _____ of _____
Title 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 14th day of August 19 88

SEAL

Notary Public Carrie Lynn Mackert
Residing at St. Anthony
My Commission Expires 5-10-94

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Jim W. Howe 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 Jim W. Howe
Address Box 803 Bay View, Ida. 83410
Date Aug 14, 1988

Last Name Howe Ident. Number _____

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OCT 16 2007 OCT 28 1992
Copies White-State, Yellow-Claimant

CLAIMANT'S NAME Jim Hove, CLAIM : IT. NO. A22-02223

DATE RECEIVED	CK #	AMOUNT \$
26 Aug. 1978		

1. Is the name and address complete with zip code? YES NO

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? /

(b) Is a tributary to entered? (if required) N/A ✓

4. Is the legal description of the p.d. sufficient? ✓

5. Is there a description of the diverting works? ☒

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. . . . ✓

Is the period of use included? /

Is a quantity claimed for each use? /

7. Is a total quantity claimed entered? /

8. If required is a consumptive use entered? N/A

Is the consumptive use correct? N/A ✓

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓

10. Is (are) the place(s) of use entered? ✓

11. Is (are) the county(ies) entered? /

12. Is the ownership of p.u. checked? /

13. Are other water rights listed or "none" indicated? /

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓

15. Is the basis of the claim checked? /

16. Is the claim signed by the claimant, and is the signature appropriate?
(If an individual is the claimant, has that individual signed the claim,
or if an organization is the claimant, is the organization signature
block complete?) ✓

Has the claim been signed, sealed, and dated by a notary? ✓

Was this claim filed on time, or was an extension granted? ✓

Is the fee enclosed correct? Exempt ✓

If this claim is based on an existing water right, has the identification number been entered? N/A ✓

Should this claim be receipted and data entered? /

Claim checked by: *E. J. T.*

Comments:

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