

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

LARUE RIPPLINGER
730 W BATES RD
DRIGGS ID 83422

T05N R44E S22 SWSENW Within TETON County

<u>QUANTITY</u>
1.000 CFS
362.00 AFY

T05N R44E S15	NESW	37.00	T05N R44E S15	NWSW	40.00
T05N R44E S15	SWSW	40.00	T05N R44E S15	SESW	34.00
T05N R44E S22	NENW	32.00	T05N R44E S22	NWNW	40.00
T05N R44E S22	SWNW	37.00	T05N R44E S22	SENW	33.00

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

DISTRICT OFFICE
SKYLINE DR.
S, IDAHO 83402



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

POST SERVICE
REQUESTED

U.S. POSTAGE
1201 PB3523907
8922 \$01.110 NOV 28 2006
6145 MAILED FROM ZIP CODE 83402

BARRY SILVERSTEIN
406 N 500 W
TETONIA ID 83452

ANK
CFO done - 12/15/06
22-186 - Team Sadness
22-530 - "
22-531 - "
22-690 - "
22-691 - Silverstein
22-2284 - Rippling
22-4006 - Silverstein

e-Vault

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

RECEIVED

FEB 08 2005

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

Department of Water Resources
Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
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	22-2284				

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. 0

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

Larue Ripplinger

4. New Owner/Claimant(s)

Barry Silverstein

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

New Mailing Address

5111 Ocean Blvd, Suite C

City, State and ZIP Code

Sparks, Florida 34242

New Telephone Number

() 941-349-2770

5. Date you acquired the property

AUGUST 25, 1989

WARRANTY DEED

THIS INDENTURE, made this 25th day of August, 1989, by FRANCIS D. RIPPLINGER and LaRUE RIPPLINGER, Husband and wife, of 730 West Bates Road, Driggs, Idaho 83422; GREG F. RIPPLINGER, of 730 West Bates Road, Driggs, Idaho 83422; SHAWNA COLE, formerly known as Shawna Ripplinger, of 730 West Bates Road, Driggs, Idaho 83422; K'LYN R. HASKELL, of 672 South Temple View Drive, Bountiful, Utah 84010, and LORI R. SCHIESS, c/o Francis D. Ripplinger, 730 West Bates Road, Driggs, Idaho 83422 (all of the above named parties except Francis D. Ripplinger and LaRue Ripplinger dealing with their sole and separate property and for their sole and separate use), the party of the first part, and BARRY SILVERSTEIN and TRUDY SILVERSTEIN, husband and wife, whose mailing address is Paleface, Jay, New York 12941, the party of the second part.

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

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

- TRACT 1: Section 15: SW $\frac{1}{4}$
LESS County Road Right-of-Way.
- TRACT 2: Section 16: SE $\frac{1}{4}$ SE $\frac{1}{4}$
- TRACT 3: Section 21: E $\frac{1}{2}$
- TRACT 4: Section 22: Tax #1338 more fully described as follows: Beginning at the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence East 100 rods; thence in a Southwesterly direction 72.11 rods to the Center of
-

said 40 acres; thence South 40 rods; thence West 40 rods; thence North 80 rods to the point of beginning.

TRACT 5: Section 22: $N\frac{1}{2}NW\frac{1}{4}$ and Tax #478 more fully described as follows: Beginning at the Northeast corner of the $SE\frac{1}{4}NW\frac{1}{4}$ of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence West 60 rods; thence in a Southwesterly direction to the center of the $SW\frac{1}{4}NW\frac{1}{4}$ of said Section 22; thence South 40 rods; thence East 120 rods to the center of said Section 22; thence North 80 rods to the point of beginning.
LESS County Road Right-of-Way.

TRACT 6: Section 27: $W\frac{1}{2}NW\frac{1}{4}$
LESS: Tax #1167 described more fully as: Beginning at the West quarter corner of Section 27, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence East 100 feet; thence North 100 feet; thence West 100 feet; thence South 100 feet to the place of beginning.

ALSO LESS: Tax 1495 described more fully as: Beginning at the Southeast corner of the $SW\frac{1}{4}NW\frac{1}{4}$ of Section 27, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence North 40 rods, more or less, to the South line of the County Road; thence West 8 rods; thence South 40 rods more or less to the South line of the $SW\frac{1}{4}NW\frac{1}{4}$; thence East 8 rods to the point of beginning.

ALSO LESS: That property deeded by Minnie Hutchinson to the Oregon Shortline Roadroad, dated October 16, 1918, described as follows: A strip of land 100 feet wide, being 50 feet on each side of the center line of main track of the Coal Fields Branch of the Oregon Short Line Railroad as same is now located and staked over and across the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}NW\frac{1}{4}$) of Section Twenty-Seven (27) Township Five (5) North, Range Forty-Four (44) East of the Boise Meridian, said Center line of track being more particularly described as follows:

Beginning at a point in the West line of said Section 27 and 250.6 feet North of the West quarter section

corner thereof; thence Easterly along a straight line for a distance of 202.9 feet; thence continuing Easterly along a spiralled curve to the left, the circular portion of said curve having a radius of 2292 feet, for a distance of 1203.4 feet, to a point in the East line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and 677 feet, more or less, North of the Southeast corner thereof.

LESS County Road Right-of-Way.

TRACT 7: Section 28: NE $\frac{1}{4}$

LESS: That property deeded by Ernest G. Bates and Mary Ellen Bates, husband and wife, to the Oregon Short Line Railroad, dated July 27, 1918, described as follows: A strip of land one hundred (100) feet wide, being fifty (50) feet on each side of the center line of main track of the Coal Fields Branch of the Oregon Short Line Railroad as the same is now located and staked over and across the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-eight (28), Township Five (5) North, Range Forty-Four (44) East of the Boise Meridian, said center line of track being more particularly described as follows:

Beginning at a point in the East line of said Section Twenty-Eight (28) and two hundred fifty and six-tenths (250.6) feet North of the East quarter section corner thereof; thence Westerly along a straight line for a distance of four hundred twenty-two and two tenths (422.2) feet; thence along a spiralled four (4) degree curve to the left for a distance of six hundred sixteen and three-tenths (616.3) feet; thence on a tangent to said curve, for a distance of one hundred one (101) feet, more or less, to a point in the East and West center line of said Section Twenty-Eight (28) and one thousand ninety-six (1096) feet, more or less, West of the East quarter section corner thereof.

LESS County Road Right-of-Ways.

Tracts 1 through 7 are transferred together with a perpetual road right-of-way easement 60 feet in width for ingress and egress described as follows: Beginning at the South quarter corner of Section 22, Township 5 North, Range 44

East, Boise Meridian, Teton County, Idaho, and running thence West along the South line of said property for a distance of 1500 feet, as described in the right of way easement recorded on January 29, 1981, Recorder's Number 87027, records of Teton County, Idaho.

Reserving and excepting unto Party of the First Part one-half of all oil, gas and mineral rights.

SUBJECT TO THE FOLLOWING:

1. Recorded easements, if any, for roads and utilities.
2. Reservations in the Patent from the United States of America to Ernest George Bates, recorded November 23, 1917, in Book 7, page 523, records of Teton County, Idaho, wherein reserving to the United States all Coal in lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the ACT OF JUNE 22, 1910, (36 STAT. 583). (Tract 3: E₂¹E₂¹ Section 21)
3. Reservations in the Patent from the United States of America to Leonard H. Jensen, recorded June 28, 1924, in Book 45, Page 409, Records of Teton County, Idaho, wherein reserving to the United States all oil and gas in the land so Patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the ACT OF JULY 17, 1914 (36 STAT. 509). (Tract 7)
4. Reservations and provisions in State of Idaho Deed to Carl Ripplinger, recorded March 12, 1948, in Book 77, Page 251, records of Teton County, Idaho. Subject to the provisions of Section 56-504, Idaho Code Annotated, which grants over all lands belonging to the State a right-of-way for ditches, tunnels and telephone and transmission lines, constructed by authority of the United States; and to the provisions of Section 46-701, Idaho Code Annotated, reserving to the State all mineral rights in land sold subsequent to the 8th day of May, 1923. (Tract 3: W₂¹E₂¹)
5. Right-of-Way Easement between Glenn Preston and Alta Preston and Francis Ripplinger and LaRue Ripplinger, recorded January 29, 1981, Recorder's No. 87027, Records of Teton County, Idaho.

6. Amended Resolution Clearing County Highways, Recorded May 23, 1989, Recorder's No. 104309, Records of Teton County, Idaho, wherein Horseshoe Creek Road is considered a County Highway. (Tracts 6 and 7)

7. Quitclaim Deed granted by Bevan Family Partnership to Barry Silverstein, Recorded July 6, 1989, Recorder's No. 104474, Records of Teton County, Idaho. (Tract 7: That portion of the NE $\frac{1}{4}$ of Section 28 South of Horseshoe Canyon Road).

8. Reservations and provisions in State of Idaho Deed to Francis D. Ripplinger and LaRue Ripplinger pertaining to Tract 5 which provides that Tract 5 shall be subject to the provisions of Section 56-504, Idaho Code Annotated, which grants over all lands belonging to the State a right-of-way for ditches, tunnels and telephone and transmission lines, constructed by authority of the United States; and to the provisions of Section 46-701, Idaho Code Annotated, reserving to the State all mineral rights in land sold subsequent to the 8th day of May, 1923. (Tract 5)

9. Electric Power Easement from county road to existing well.

10. Existing access easement to provide access to the following described property:

Tax #1167 described more fully as: Beginning at the West quarter corner of Section 27, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence East 100 feet; thence North 100 feet; thence West 100 feet; thence South 100 feet to the place of beginning.

11. Existing access easement which provides access to adjoining property now owned by Barry Silverstein which was purchased by Barry Silverstein from the Bevan Family Partnership.

TOGETHER with any and all water and water rights, ditch and ditch rights appurtenant thereto and particularly State of Idaho Department of Water Resources Water License for stock watering; all rights granted under United States Department of Agriculture Forest Service Permit Use Number 5284, and all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof; and all estate right, title and interest in and to the

property, as well in law as in equity of the Party of the First Part.

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

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

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

Francis D. Ripplinger
Francis D. Ripplinger

LaRue Ripplinger
LaRue Ripplinger

Greg F. Ripplinger
Greg F. Ripplinger

By Francis D. Ripplinger
Francis D. Ripplinger, his
Attorney in Fact

Shawna Cole
Shawna Cole, formerly known as
Shawna Ripplinger

K'Lyn R. Haskell
K'Lyn R. Haskell

Lori R. Schiess
Lori R. Schiess

STATE OF IDAHO)
) ss.
County of Teton)

On the 25 day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for said state, personally appeared FRANCIS D. RIPPLINGER and LARUE RIPPLINGER, 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.

(seal)

Anna Wyllie
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5-4-95

STATE OF IDAHO,)
) ss.
County of Teton.)

On the 25 day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for said state, personally appeared FRANCIS D. RIPPLINGER, known or identified to me to be the person whose name is subscribed to the within instrument as Attorney in Fact of Greg F. Ripplinger, and acknowledged to me that he subscribed the name of Greg F. Ripplinger thereto as principal and his own name as Attorney in Fact.

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

(seal)

Anna Wyllie
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5-4-95

STATE OF UTAH)
) ss.
County of DAVIS)

On the 24TH day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for said state, personally appeared SHAWNA COLE, formerly known as Shawna Ripplinger, in her own right and on behalf of her separate property, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.

DAVID A. GURR
NOTARY PUBLIC - STATE OF UTAH
(seal) My Commission Expires July 10, 1993
438 West Weaver Lane
Layton, Utah 84041

David A. Gurr
Notary Public for
Residing at LAYTON, UT.
My Commission Expires: 7-10-93

STATE OF UTAH)
) ss.
County of DAVIS)

On the 24TH day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for said state, personally appeared K'LYN R. HASKELL, in her own right and on behalf of her separate property, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.

DAVID A. GURR
(seal) NOTARY PUBLIC - STATE OF UTAH
My Commission Expires July 10, 1993
438 West Weaver Lane
Layton, Utah 84041

David A. Gurr
Notary Public for
Residing at LAYTON, UT.
My Commission Expires: 7-10-93

STATE OF Iowa)
County of Iowa) ss.

On the 25 day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for said state, personally appeared LORI R. SCHIESS, in her own right and on behalf of her separate property, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.

(seal)

[Signature]
Notary Public for Iowa
Residing at Quincy, Ill.
My Commission Expires: 5-4-95

CAH/2200h/rfs
#2059.01

WARRANTY DEED

For Value Received

J. GLEN PRESTON and ALTA R. PRESTON, husband and wife

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

PETER J. ESTAY and STEPHANIE S. ESTAY, husband and wife, dba INTERNATIONAL
COMMERCE & RESEARCH, LTD., DRIGGS, IDAHO 83422

the grantee , the following described premises, to-wit:

The Southwest Quarter of Section 22, Township 5 North, Range 44, East, Boise
Meridian, Teton County, Idaho, Containg 160 acres, more or less.

Subject to a right-of-way easement belonging to Francis Ripplinger which is
60 feet wide lying on the South Boundary of said Quarter Section.

Together with any and all water and water rights, ditch and ditch rights appurt-
enant thereto.

Grantors do hereby reserve all oil, gas and mineral rights in land so granted.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s , that they the owner s in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that t hey will warrant and
defend the same from all lawful claims whatsoever.
Dated:

J. Glen Preston
J. GLEN PRESTON

Alta R. Preston
ALTA R. PRESTON

STATE OF ~~Idaho~~ ^{Louisiana} COUNTY OF Union Parish
On this 26th day of April , 19 82 ,
before me, a notary public in and for said State, personally
appeared

J. GLEN PRESTON and ALTA R. PRESTON,
husband and wife

known to me to be the person s who se names are
subscribed to the within instrument, and acknowledged to
me that they executed the same

Betty Jo Lamprecht
Notary Public
Residing at Farmerville, La.
Comm. Expires At Death

104700

FILED

AT THE REQUEST OF

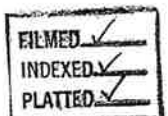
First American

AT 05 MINUTES PAST 2 P M

DATE Aug. 29, 1989

C. Wayne Schuess
CLERK OF RECORDER

BY Nora Hill
DEPUTY



COPY

WARRANTY DEED

THIS INDENTURE, made this 22nd day of August, 1989, by PETER J. ESTAY and STEPHANIE S. ESTAY, husband and wife, the party of the first part, and BARRY SILVERSTEIN and TRUDY SILVERSTEIN, husband and wife, whose mailing address is Paleface, Jay, New York 12941, the party of the second part.

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

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

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

Reserving and excepting unto Party of the First Part all oil, gas and mineral rights.

SUBJECT TO THE FOLLOWING:

1. Right-of-Way Easement dated November 13, 1980, granted by Glen Preston and Alta Preston, husband and wife, to Francis Ripplinger and LaRue Ripplinger, husband and wife, recorded January 29, 1981, Recorder's No. 87027, records of Teton County, Idaho.

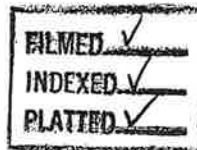
2. Right-of-Way Easement granted by Peter J. Estay and Stephanie S. Estay, husband and wife, to Fall River Rural Electric Co-operative, Inc., recorded August 6, 1981, Recorder's No. 88146, records of Teton County, Idaho.

3. Agreement for Purchase of Power between Fall River Rural Electric Co-operative, Inc., and Peter J. Estay, recorded September 30, 1981, Recorder's No. 88475, records of Teton County, Idaho.

104701

FILED

AT THE REQUEST OF



First American
AT 05 MINUTES PAST 2 P. M.
DATE *Aug. 29, 1989*
E. Wayne Schiess
CLERK OF RECORDER
BY *Nora Hill* DEPUTY

4. Oil and Gas Lease dated September 11, 1981, between J. Glen Preston and Alta R. Preston, husband and wife, and Cities Service Company, recorded October 20, 1981, as Recorder's No. 88606, records of Teton County, Idaho.

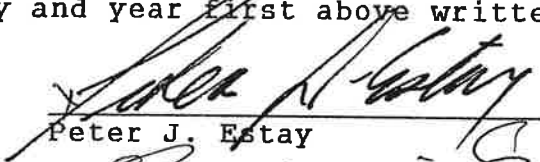
5. Property Survey recorded January 22, 1982, Recorder's No. 89448, records of Teton County, Idaho.

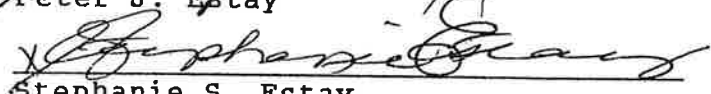
TOGETHER with any and all water and water rights, ditch and ditch rights appurtenant thereto and all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof; and all estate right,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

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

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

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


Peter J. Estay


Stephanie S. Estay

STATE OF ARIZONA)
County of Maricopa) ss.

On the 23rd day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for said state, personally appeared PETER J. ESTAY, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

(seal)

Carol L. Keefer
Notary Public for Arizona
Residing at Phoenix, AZ
My Commission Expires: Aug. 21, 1991
My Commission Expires Aug. 21, 1991

STATE OF ARIZONA)
County of Maricopa) ss.

On the 23rd day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for said state, personally appeared STEPHANIE S. ESTAY, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.

(seal)

Carol L. Keefer
Notary Public for Arizona
Residing at Phoenix, AZ
My Commission Expires: Aug. 21, 1991
My Commission Expires Aug. 21, 1991

CAH/2378h/rfs
#2059.01

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February 6, 2005

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

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

Dear Ms. Crabtree:

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

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

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

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

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

Kind regards,

A handwritten signature in blue ink, which appears to read "John A. McKellar", is written over a horizontal line.

John A. McKellar

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

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

Dear Mr. Silverstein:

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

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

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

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

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

1/06/05 No Response

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FEB 07 2005

PROFILED



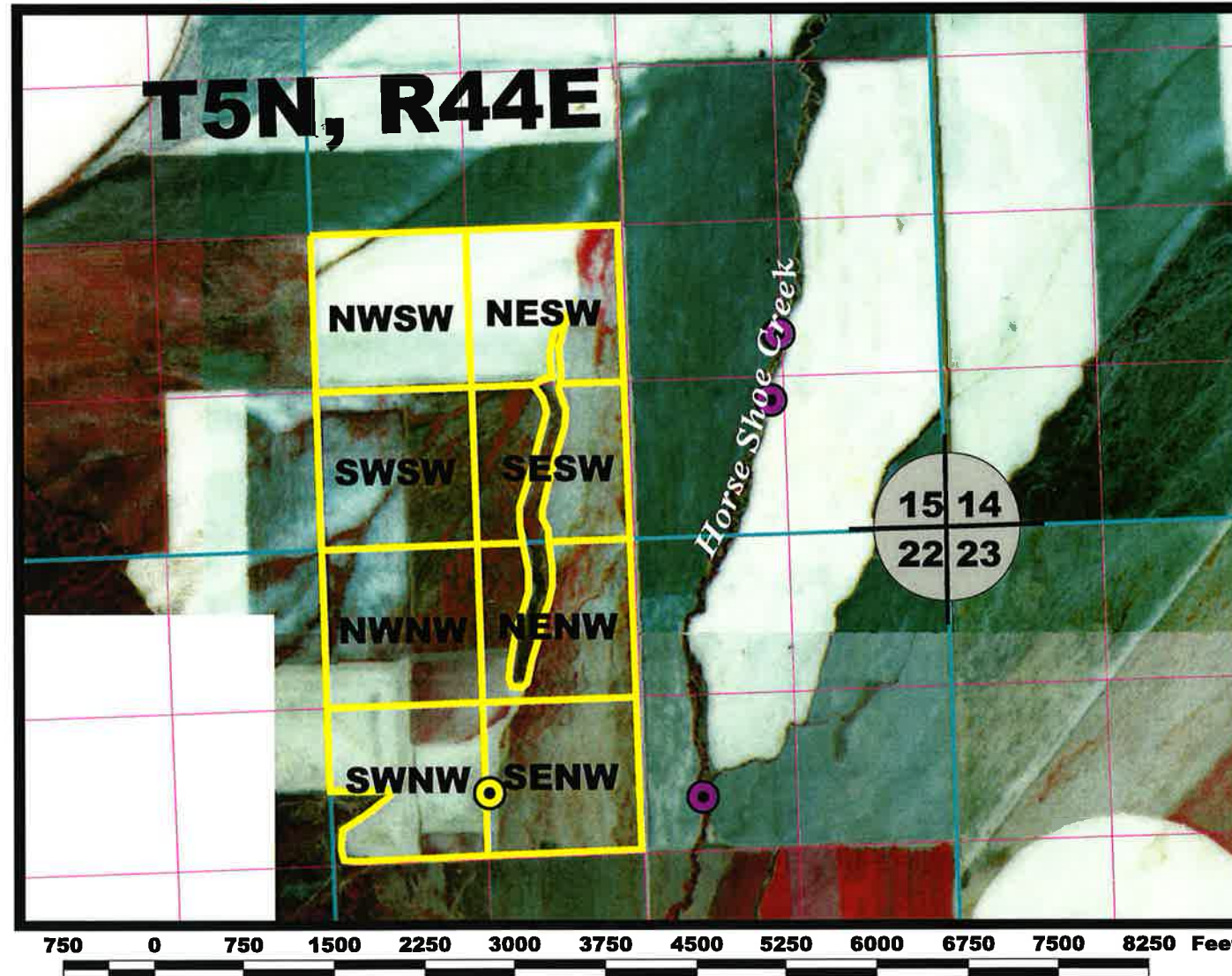
FEB 07 2005

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State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-02284

Point(s) of Diversion:

T5N, R44E

Sec. 22 SWSENW

Place of Use: (parts of)

T5N, R44E

Sec. 15 SW, Sec. 22 NW

LEGEND

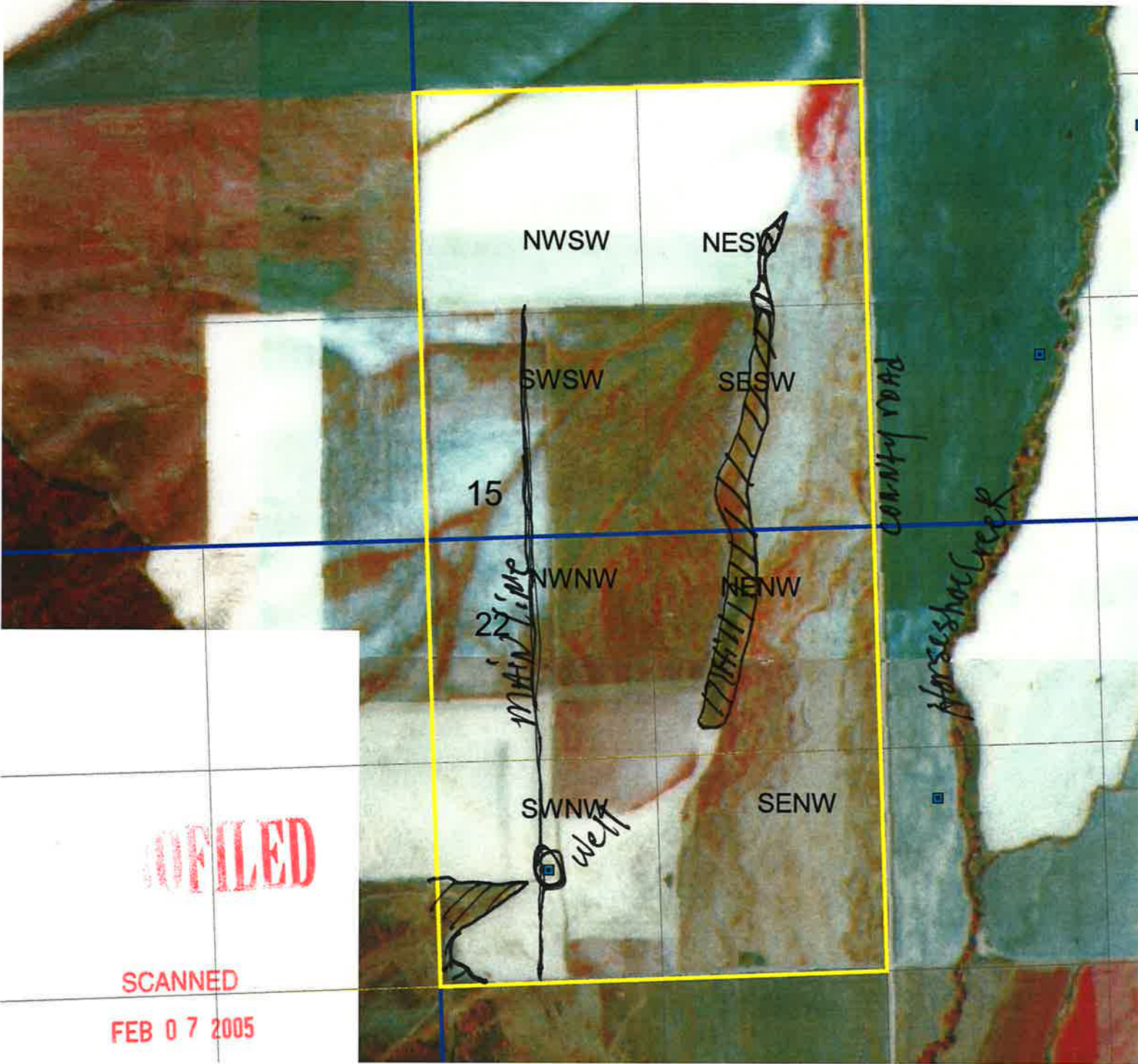
-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**



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

22-2284
5N 44E

8/6/04
20





Barry Silverstein well near Horseshoe Creek.
Tag on electric panel.

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	44E	22		SWSBNW		GW	

cφ3

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

8/6/04
DD
Did field exam. Well was tagged by DD. Well has not been used in a number of years but pump is still in place. There is no electricity meter.

Reviewer: _____ Date: _____

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Water Right No(s). _____



GPS DATA:

Tag # ADD13880 Location: Electric panel

Diversion Data:

Source: Well Trib to: _____

US motor
MOTOR
Make: Holloschaft Model: RU Hp: 75
SN: HP4154042

PUMP
Make: peerless Model: _____ Disch: 8" mainline
SN: 257605 burial

NOTES:

Currently not being used - electric meter is
gone. Ground appears to be in CRP perhaps - no
stock or crops.

Field Exam Date: 8/6/02 Agent: DD

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Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use					County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec	QQ	Q				

Total acres _____

Recommended Place of Use					County	Lot Num	Acre s	Purpose of Use
Twp	Rge	Sec	QQ	Q				

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

8/6/04 It appears that with the exception of a steep hill most of the property could be irrigated by sprinklers.

Reviewer: _____ Date: _____

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DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Francis Delano Rippinger
- Postoffice address Box 307, Driggs, Idaho
- Person to contact _____ Phone _____
2. Source of water supply: Groundwater ☒ Surface water ☐
- Tributary to _____ (name spring, stream, etc.) _____

3. Water will be used for the following purposes:

Amount 6.4 c.f.s. for Irrigation (nature of use) _____
Period of Use: from May 15 to September 30 (mo.-day) inclusive (mo.-day) _____

Amount _____ c.f.s. for _____ (nature of use) _____
Period of Use: from _____ to _____ (mo.-day) inclusive (mo.-day) _____

Amount _____ c.f.s. for _____ (nature of use) _____
Period of Use: from _____ to _____ (mo.-day) inclusive (mo.-day) _____

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 6.4 cubic feet per second and annual volume _____ Af/Annum.

5. Location of Point(s) of Diversion:

Township 5 N/S, Range 44 E/W, B.M., Section 22, Subdivision SW 1/4, NW 1/4, Teton County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____, _____ County

Other Points of Diversion: _____

Description of diverting works: 10" pump, 75 h.p. motor, 16" well casing, depth of well - 450'

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	TOTALS
5N	44E	22		40	40	40	40	40	40	40	40	40	40	40	40	40	40	160
		15																160
TOTALS			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	

22 2284

TOTAL ACREAGE

320

Permit No. 22-2284/33285

Examination for B/U

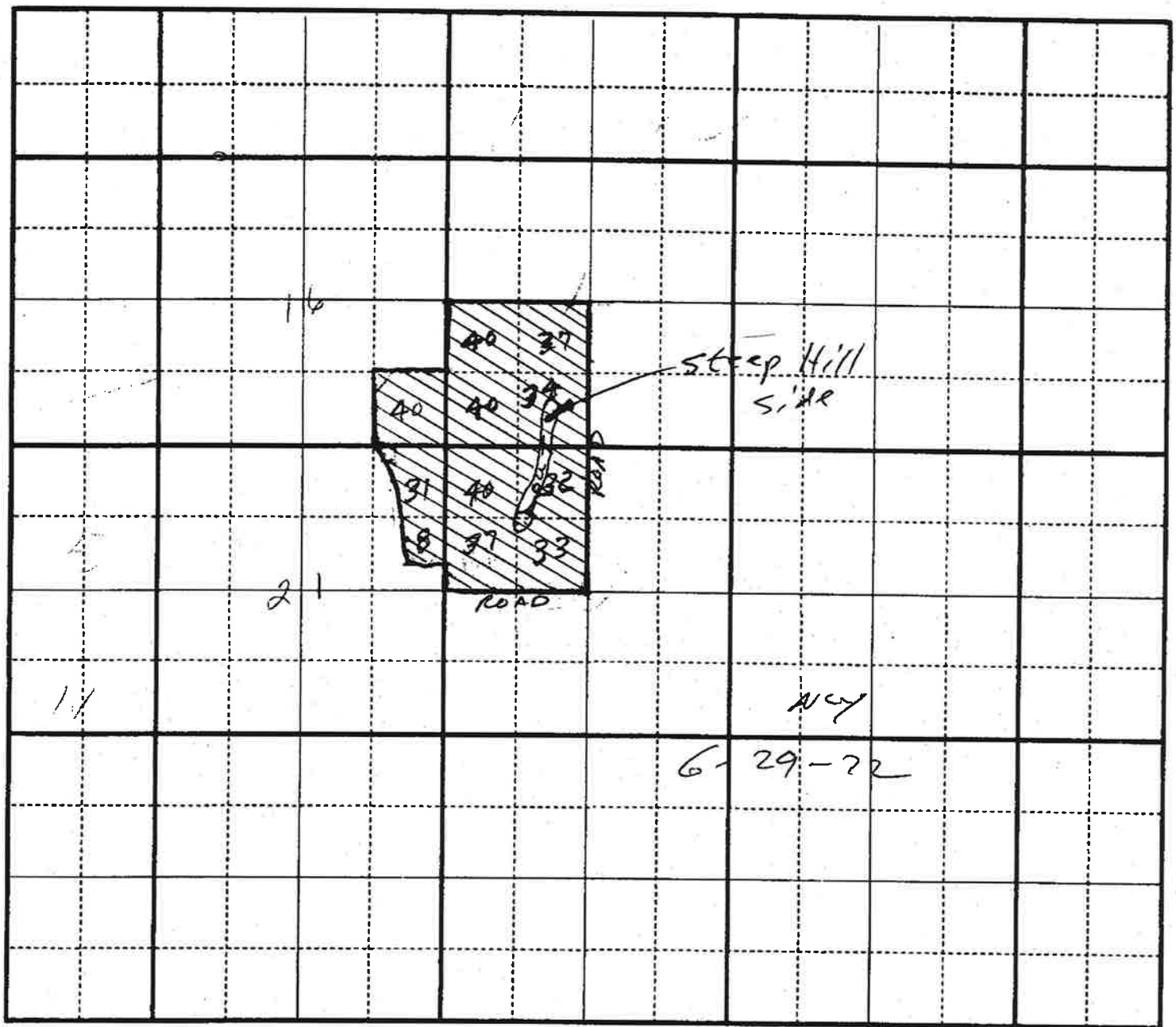


Diagram of System

Says see 16 & 21 were on original applic. - our error - check out,

Main line	End		
1 - 80 psi	68 psi	- 9/64	17
2 - 78 psi	75 psi	- 1/64	33
3 - 90 psi	78 psi	- 9/64	18

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: A22-02284
Date Received: 9/20/1988
Receipt No: E002472
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS D. RIPPLINGER 208-354-8130
Address: 730 WEST BATES ROAD
DRIGGS, ID 83422
OR
Name: LARUE RIPPLINGER 208-354-8130
Address: 730 WEST BATES ROAD
DRIGGS, ID 83422



2. Date of Priority: OCT 17, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	22	SW	NW			TETON

5. Description of diverting works:
WELL PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is 586.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-02284

Page

1

Date: 09/20/88

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OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	44E	15	NE		SW		IRR	37.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	34.0
Section Acres								151.0
		22	NE		NW		IRR	32.0
			NW		NW		IRR	40.0
			SW		NW		IRR	37.0
			SE		NW		IRR	33.0
Section Acres								142.0
Total Acres								293.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 33285

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PROFILE

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OCT 29 1992

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): Francis D. Ripplinger Date: 9-20-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of Sept. 19 88 Valer Wray
Notary Public

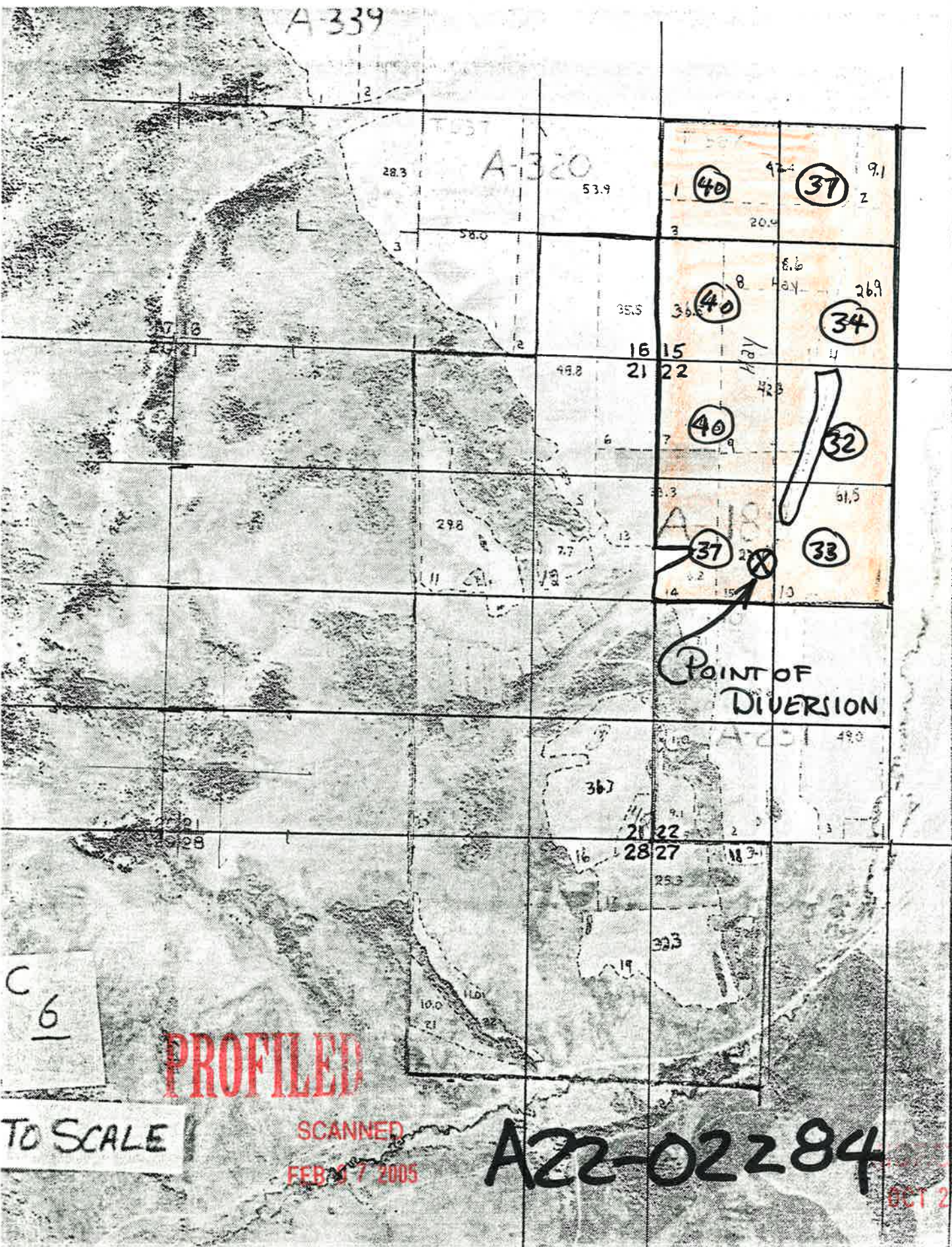


Residing at Idaho Falls
My Commission Expires 5/29/1991

SCANNED
FEB 07 2005

FILED

MICROFILMED
OCT 29 1992



PROFILED

TO SCALE

SCANNED
FEB 17 2005

A22-02284

FILMED
OCT 29 1992