

12/09/2005

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

RIGHT NUMBER: 22-2298
NAME AND ADDRESS: T L R INC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 3.930 CFS
1,617.000 AFY
The rights listed below are limited to a total combined diversion rate of 4.91 cfs and to a total combined annual diversion volume of 2015 AF. Combined Right Nos.: 22-2227 and 22-2298.

PRIORITY DATE: 10/05/1960

POINT OF DIVERSION:
T05N R40E S16 SESWSW Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.930 CFS 1,617.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S16	NESW	40.0	T05N R40E S16	NWSW	40.0
T05N R40E S16	SWSW	40.0	T05N R40E S16	SESW	40.0
T05N R40E S21	NENW	40.0	T05N R40E S21	NWNW	40.0
T05N R40E S21	SWNW	38.0	T05N R40E S21	SENW	36.0
T05N R40E S21	NESW	37.0	T05N R40E S21	NWSW	38.0
T05N R40E S21	SWSW	38.0	T05N R40E S21	SESW	38.0
T05N R40E S21	NWSE	25.0	T05N R40E S21	SWSE	16.0
T05N R40E S28	NWNE	1.7	T05N R40E S28	NENW	28.0
T05N R40E S28	NWNW	40.0			

575.7 ACRES TOTAL

This right is limited to the irrigation of 462 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 575.7 acres in a single irrigation season. Combined Right Nos.: 22-2227 and 22-2298.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

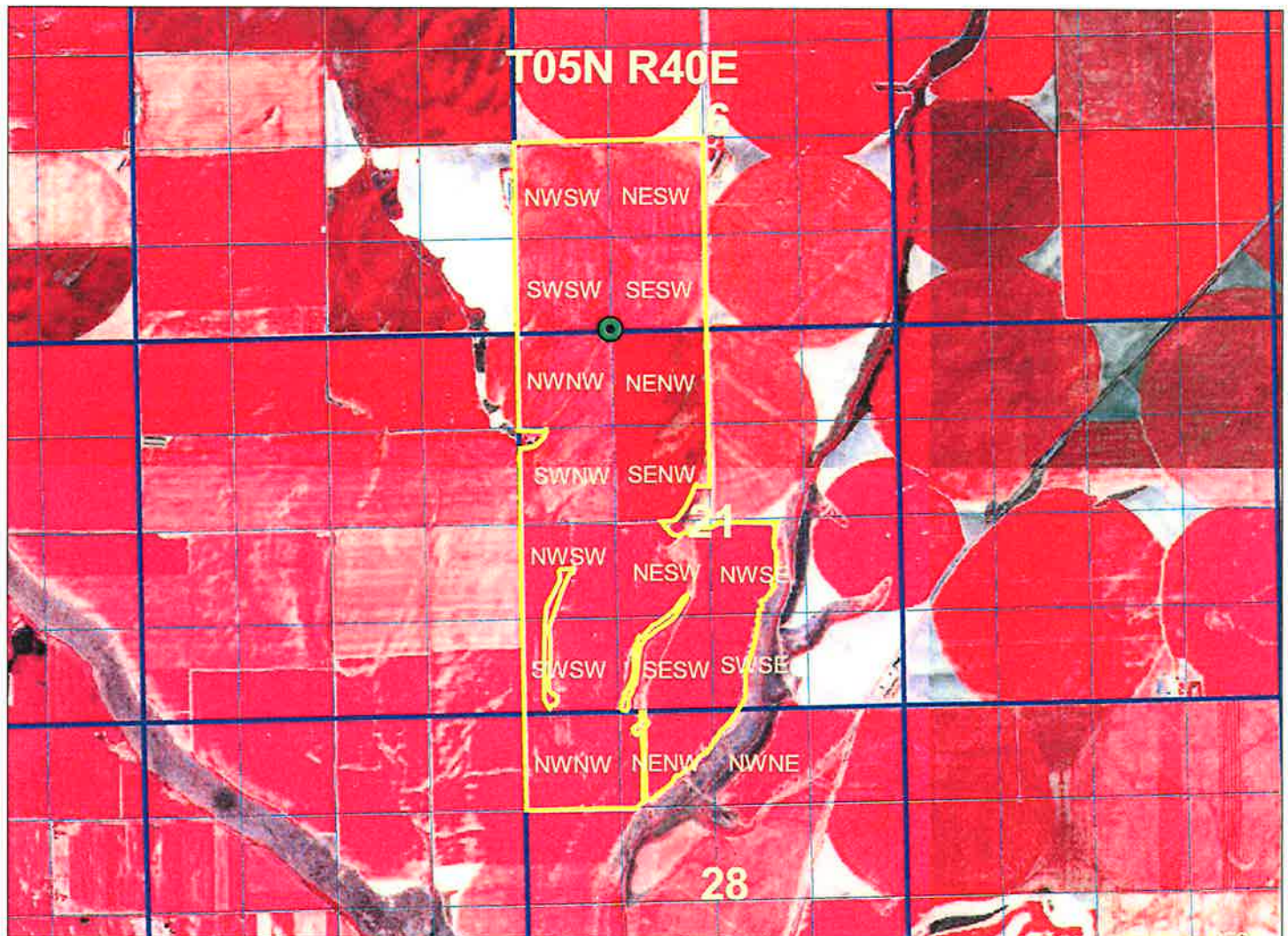
EXPLANATORY MATERIAL: BASIS OF CLAIM - License
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
Right No. 22-2227 is also diverted through point of diversion described above.

Department of Water Resources

Eastern Region

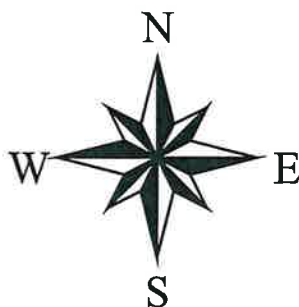


Claim No.: 22-2227 & 22-2298



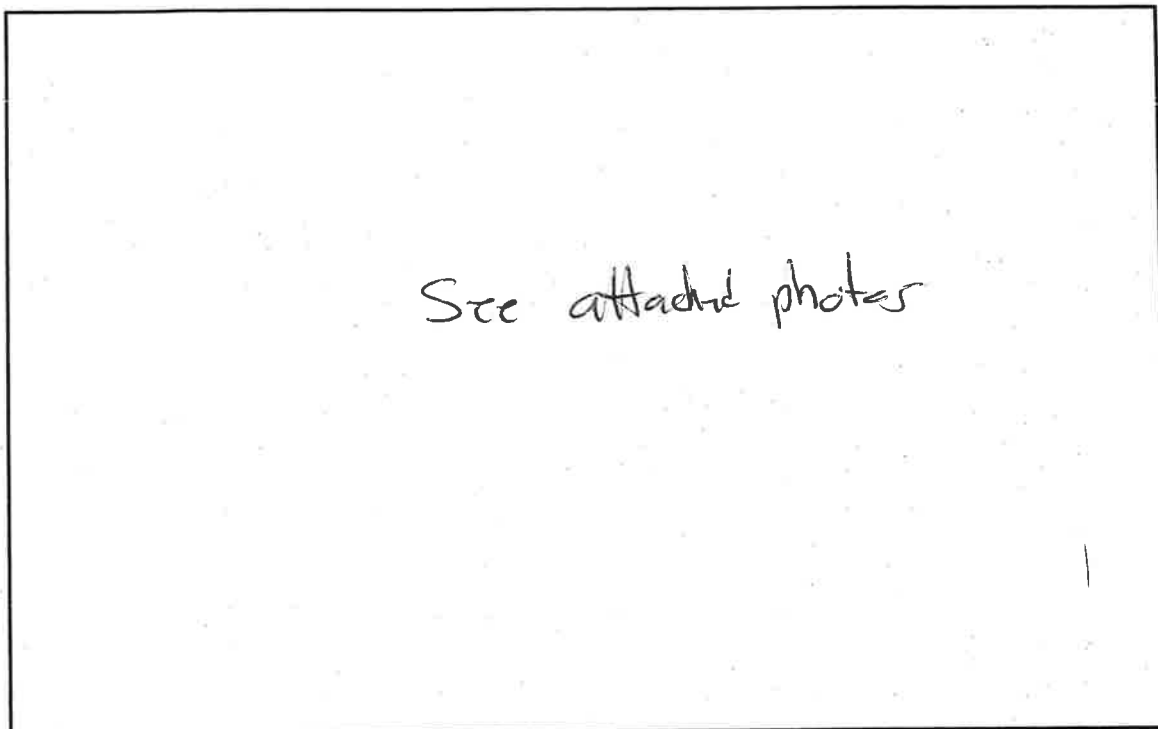
0 1320 2640 3960 5280 Feet

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



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

Water Right No(s). A 22-2227 + A 22-2298



GPS DATA:

Tag # A0000278 Location: on support pole
GPS data - 2080312 GPS File # 222277
1397538

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR / Booster
Make: GE / GE Model: _____ Hp: 600 / 100
SN: MDJ 12 11004 / VSJ 828124

PUMP / Booster
Make: Layne Boster / NA Model: _____ Disch: _____
SN: NA / NA

NOTES:

Property sold to Lynn & Terry Wilcox (cell 351-8030) who are part
of Floyd Wilcox & Sons. I gave Lynn a change of ownership form
P.O.V. Shop & filter ok

Field Exam Date: 5-6-05 Agent: Stacy Jones

James POO as 22-2227 - Comb Ac Limite apply
son 4/1-10/31



A22-2227 + A22-2298, Looking North

Water Right Claim Number 22-02298
Township , 5N40E

06/29/2001



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

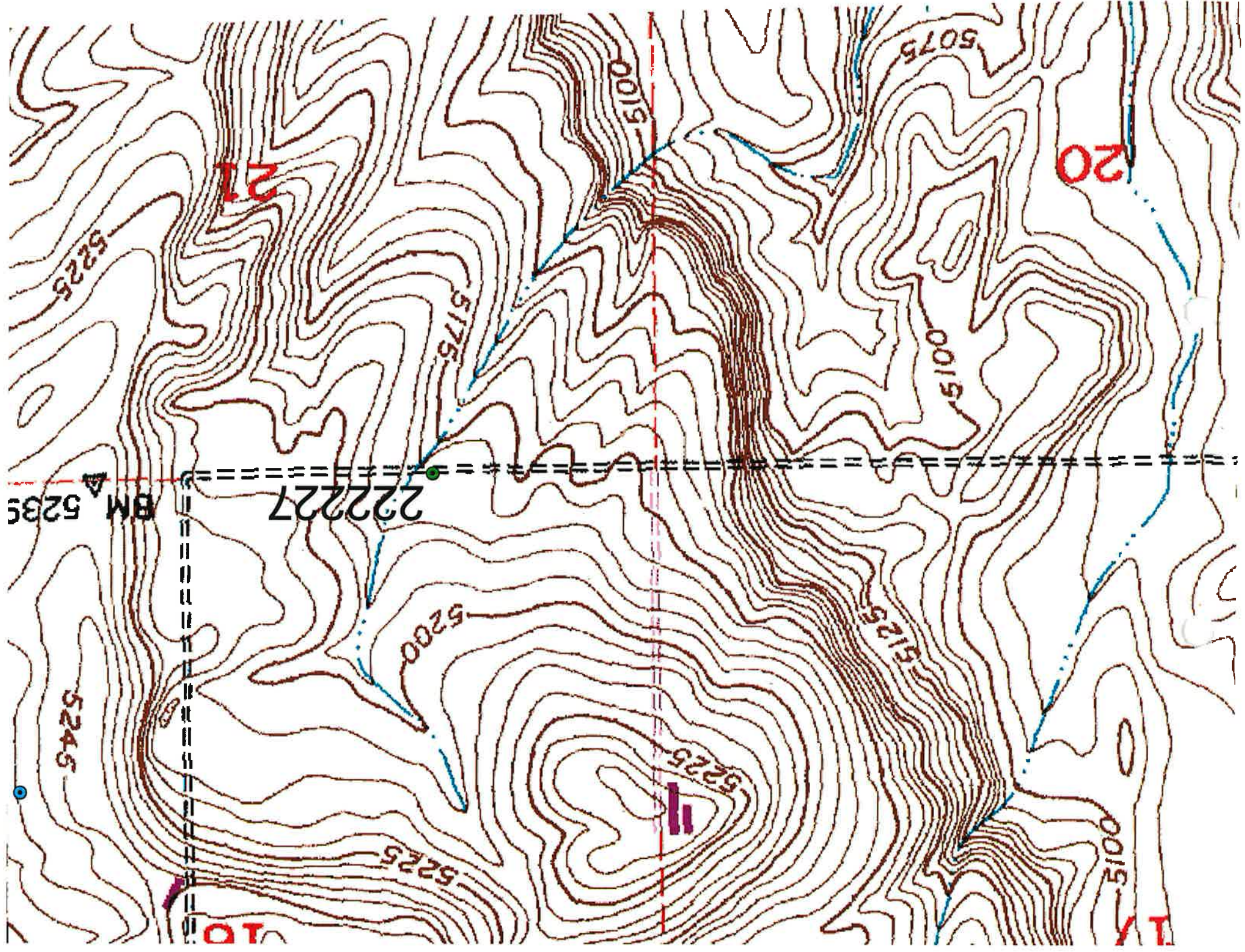
Roads

Streams and Canals

28



N



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

OK JC 6-2-05

RECEIVED**MAY 23 2005**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 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
	A22-2248	N			
	A22-2227	N			

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

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

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

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

OR

If your water right(s) and/or adjudication claim(s) is 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)

Craig J. Smith
 19 North 1427 East Rexburg, ID 83440

4. New Owner/Claimant(s)

T.L.R. Inc.

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

5. Date you acquired the property

April 17th 1989

RECEIVED**MAY 17 2005**Department of Water Resources
Eastern Region

TLR, INC.
1110 Golden Beauty Drive
Rexburg, ID 83440
Phone: (208) 356-7563
Fax: (208) 356-6669

May 13, 2005

Mr. Al Ruberry
IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Water Rights A22-2298 and A22-2227

Dear Mr. Ruberry,

Thank you for your assistance in working toward transferring water rights. Enclosed is a copy of Notice of Contract of Sale regarding the water rights you were working through on Monday.

If anything else is required, please let us know.

Sincerely,


Terry Wilcox

RECEIVED

MAY 23 2005

Department of Water Resources
Eastern Region

RECEIVED

MAY 17 2005

Department of Water Resources
Eastern Region

4

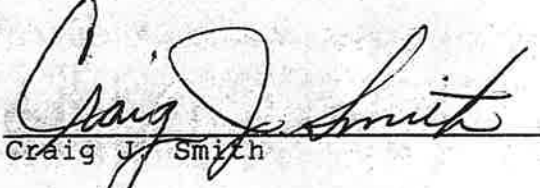
5-7777-N
AMERICAN LAND TITLE CO.
P. O. BOX 732
REXBURG, IDAHO 83440

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN by the undersigned, CRAIG J. SMITH, d/b/a HUCS SPUDS, a Partnership, of Post Office Box 375, Rexburg, Madison County, Idaho, has entered into a Contract of Sale wherein all his right, title, and interest in and to the property more particularly described on Exhibit "A" attached hereto has been sold to T.L.R., INC., an Idaho Corporation consisting of TERRY WILCOX, LYNN WILCOX, and RON WILCOX, whose address is 5499 West 1000 South, Rexburg, Madison County, Idaho.

Said property is subject to a Contract of Sale entered into on the 26th day of November, 1980, and the Contract is currently being held in Escrow at Valley Bank, Rexburg, Madison County, Idaho, as Escrow Number 0012291.

Dated this 17TH day of April, 1989.


Craig J. Smith

STATE OF IDAHO)
 :SS
COUNTY OF MADISON)

On this 17TH day of April, in the year of 1989, before me, a Notary Public in and for said State, personally appeared CRAIG J. SMITH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing In: Rexburg, Idaho
My Commission Expires: July



EXHIBIT A

NW1/4
W2SE
SW - Sec. 16
N2NW - Sec. 28

The Northwest Quarter (NW1/4), the Southwest Quarter (SW1/4) and the West Half Southeast Quarter (W1/2 SE1/4) of Section 21, the Southwest quarter (SW1/4) of Section 16, and the North Half Northwest Quarter (N1/2 NW1/4) of Section 28, all in Township 5 North, Range 40 East, Boise Meridian.

Together with all water licenses and permits, all irrigation equipment, including but not limited to pumps, motors, mainline and approximately 10 quarter mile 4-inch handlines.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

Together with any and all other water and water rights, ditch and ditch rights appurtenant thereto.

PERSONAL PROPERTY

73-74 McDowell pipe ~~on trailer~~
2 openers and 4 half pipe

102 plus 6 half pipe McDowell South pile
116 plus 4 half pipe McDowell North pile

9 McDowell openers
4 90 degree elbows
1 Ames T

By Cellar)

~~30 Ames~~
~~14 Hook and Latch~~
100-110 McDowell repairables
7 end pipes (1/2 pipes)

Portable Mainline

7 50' 6 inch
5 50' 4 inch
22 30' 6 inch
30 30' 4 inch

105 Vent pipe for cellar

EXHIBIT A
7838d

State of Idaho } SS 229582
County of Madison,

I hereby certify that the within Instrument was

filed MAY 10 1989

19 at 4:36 P.M. and

recorded on Film 229582

Fee 6.00

by MARIE B. HOOPES, Recorder

Deputy

At the request of

AMERICAN LAND TITLE CO., INC.

T 5 N

56

20

20

21
28

sq. 4

94.7
5

License and Certificate of Water Right

Water License No. G-29068 Priority October 5, 1960 Amount 3.93 c.f.s.

THIS IS TO CERTIFY that ED S. COVINGTON

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 5, 1960; that Permit No. G-29068 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.93 second feet, was issued thereunder on April 2, 1968, showing that said works were completed on the 29 day of September, 19 65; and that on the 29 day of September, 19 65 ED S. COVINGTON

of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of sprinkler irrigation under Use Permit No. G-29068 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~in~~ ~~Volume~~ ~~of Licenses, Book~~ ~~Page~~ ~~on the~~ 2 day of April, 19 68.

The right hereby confirmed dates from October 5, 1960.

The Point of Diversion is located in the SW 1/4 SW 1/4, Sec. 16, Twp. 5 N, R. 40 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.93 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N	40 E	16	SW 1/4	160	160
		21	NE 1/4 NW 1/4	40	40
			NW 1/4 NW 1/4	40	39
			SW 1/4 NW 1/4	40	37
			SE 1/4 NW 1/4	40	39
			NE 1/4 SW 1/4	40	37
			NW 1/4 SW 1/4	40	38
			SW 1/4 SW 1/4	40	37
			SE 1/4 SW 1/4	40	35
Total number of acres irrigated:					462

$393 = 0.00850 \frac{cfs}{sec}$
462

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 2 day of April, 19 68

R. Keith Higgins
State Reclamation Engineer

22 22068

29068

ARTS Soc. Finance
25-2133
22-2298
6111

(b) 9.6 (cubic feet per second, ~~inches in gallons per minute~~) is for new lands.

PERMIT NO. G-29068 ✓

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that ED S. COVINGTON of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. G-29068, issued upon Application No. G-37063 bearing date of priority of October 5, 1960, authorizing the diversion of 9.6 second feet of waters of a well County of Madison, State of Idaho, for sp rinkler irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.93 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, Township 5 North, Range 40 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

SW $\frac{1}{4}$ Section 16; W $\frac{1}{2}$ Section 21, Township 5 North, Range 40 East, Boise Meridian.

Proof of completion of works made: September 29, 1965

Witness my hand this 2 day of April, A.D. 1968

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 3.93 SEC. FT.
LICENSE PAGE NO. 29068.

Lj

S h: 400' 682' x 16"
Ed. S. Covington 576-1/4 Sec. 16 @ 40'
125 E. 2nd No.
Rexburg, Idaho
Permit No. G-29068

Mr. JOHN SUMMERS

Examination for Completion of Works & Beneficial Use

County Madison 16
Quantity: 9.6 cfs Sec. 15 T. 5N R. 40E EBM

Source: Well

P.D.: SW SW, Sec. 16 Twp. 5N, Rge. 40E

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: None

Filed: Oct. 5, 1960

Due: Oct. 7, 1965

Made: Sept. 29, 1965

Priority: Oct. 5, 1960

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.

450 HP GE MOTOR
SWJ 1216013

LE B VERT 200'
D00153

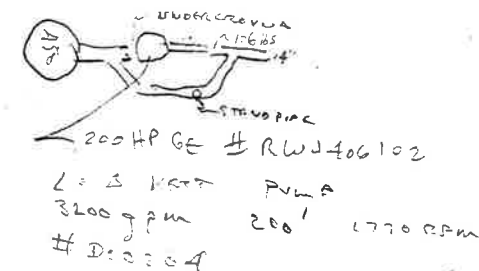
3200 gpm 450'

Rain Tree #200 11/64
@ AVERAGE 60-62 lbs

14 DISCHARGE UNDER 24" JO
MAIN LINE

12 - 1/4 inch LATERAL

200 HP GE # RWJ 406102
LE B VERT PUMP
3200 gpm 200' 1770 RPM
D: 2004



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

Permit No. G-29068

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

1. Name of applicant..... Ed. S. Covington ✓

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SW¹SW¹ ✓ of Section 16 ✓

T. 5 N. ✓ R. 40 E. B. M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

150 HP G.E. SLECC motor # SW11116913
L 1 B VERT PUMP # 000153
3200 gpm 150'
1" DISCHARGE UNDERGROUND MAIN LINE
THROUGH - 12' 1/4 mile LAT - RAIN TREN 200' 1/4"

5. Water is used for: sprinkler 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):

SW¹ Sec. 16., W¹ Sec. 21., Twp. 5 N., Rge. 40 E. B. M.

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

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

Remarks: 12' 1/4 mile LAT RAIN TREN 200' 1/4" @ 67 lbs

$$Q = \frac{(5.56 \text{ gpm}) (376 \text{ sec})}{150 \text{ gpm}} = 1.9 \text{ cfs}$$

11.1.1.1 / 1.1.1.1 / 1.1.1.1 For PERMIT 6-29068

This examination was made on the 31st day of Dec., 1967

(Signed) I. R.

Examiner.

29068

Plat -
per

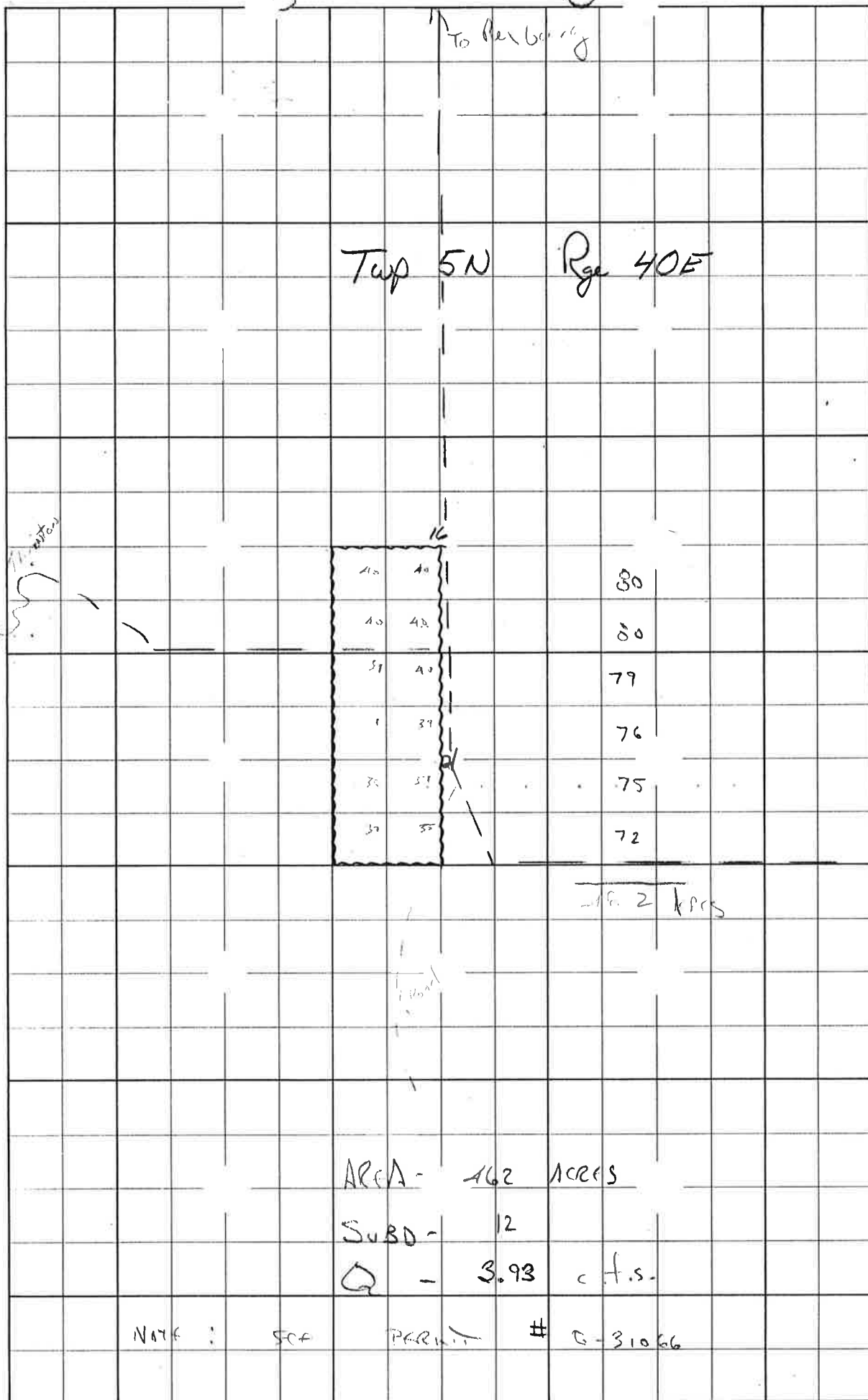
Form 23
2M-4-65

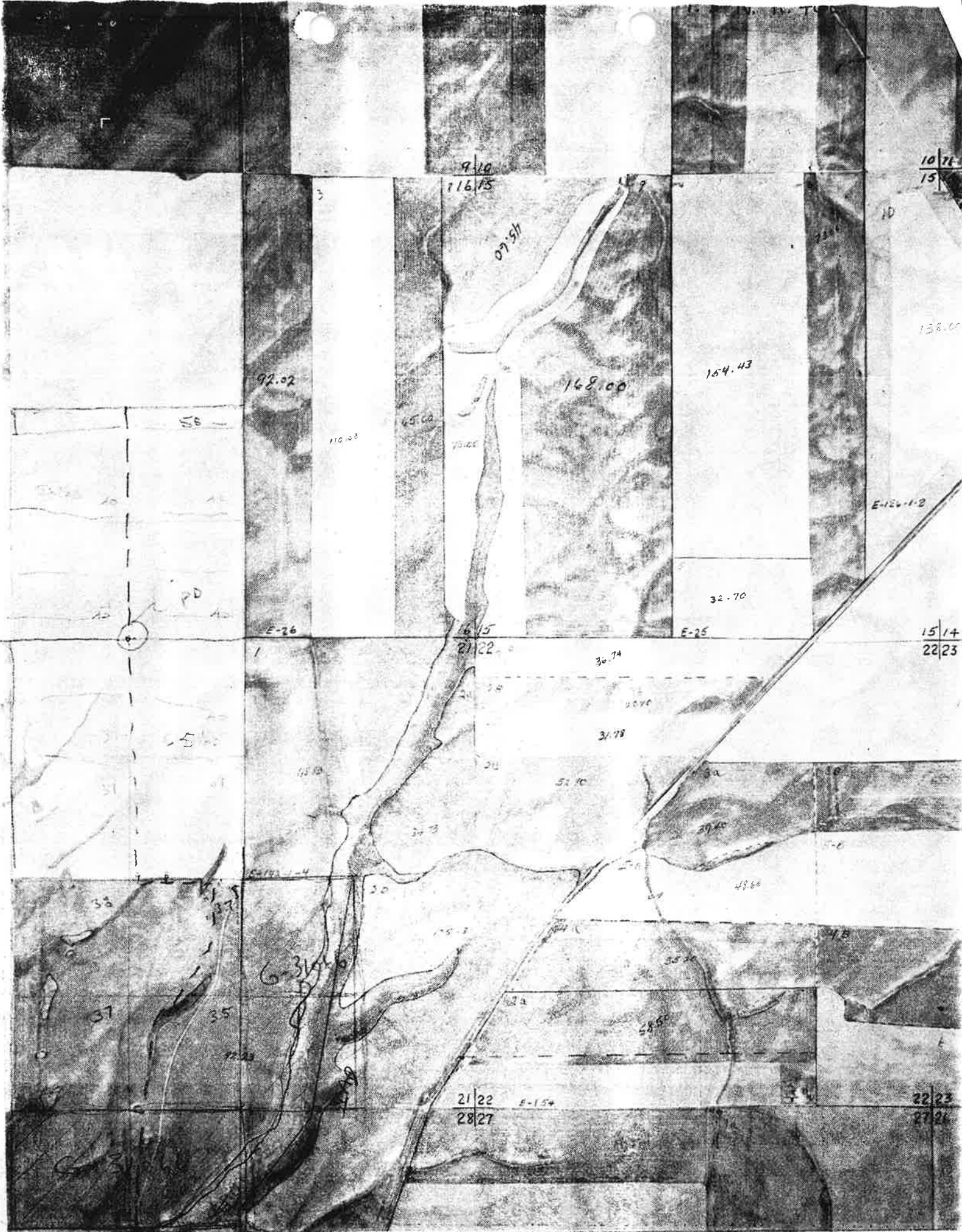
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29068

REPORT ON PROOF OF Completion of Works & Beneficial Use





29068

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: A22-02298
Date Received: 6/16/1988
Receipt No: E004119
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CRAIG J. SMITH
Address: 19 NORTH 1427 EAST
REXBURG, ID

208-356-9009

83440

2. Date of Priority: OCT 05, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	16	SW	SW			MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.930		

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

A.F.A.

8. Total consumptive use is 912.0 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	16	NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	38.0

Section Acres 156.0

A22-02298

Page

1

Date: 06/16/88

MICROFILMED
OCT 29 1992

RECEIVED
AUG 20 1988
Department of Water Resources
Eastern District Office



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	40E	21	NE		NW		IRR	38.0
			NW		NW		IRR	39.0
			SW		NW		IRR	38.0
			SE		NW		IRR	36.0
			NE		SW		IRR	36.0
			NW		SW		IRR	38.0
			SW		SW		IRR	37.0
			SE		SW		IRR	38.0
							Section Acres	300.0
							Total Acres	456.0

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:
SYSTEM SUPPLIES WATER FOR A22-02227

15. Basis of Claim: LICENSE
Water Right Number: 29068

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): Craig J. Smith Date: 8-23-88
_____ Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of August 19 88

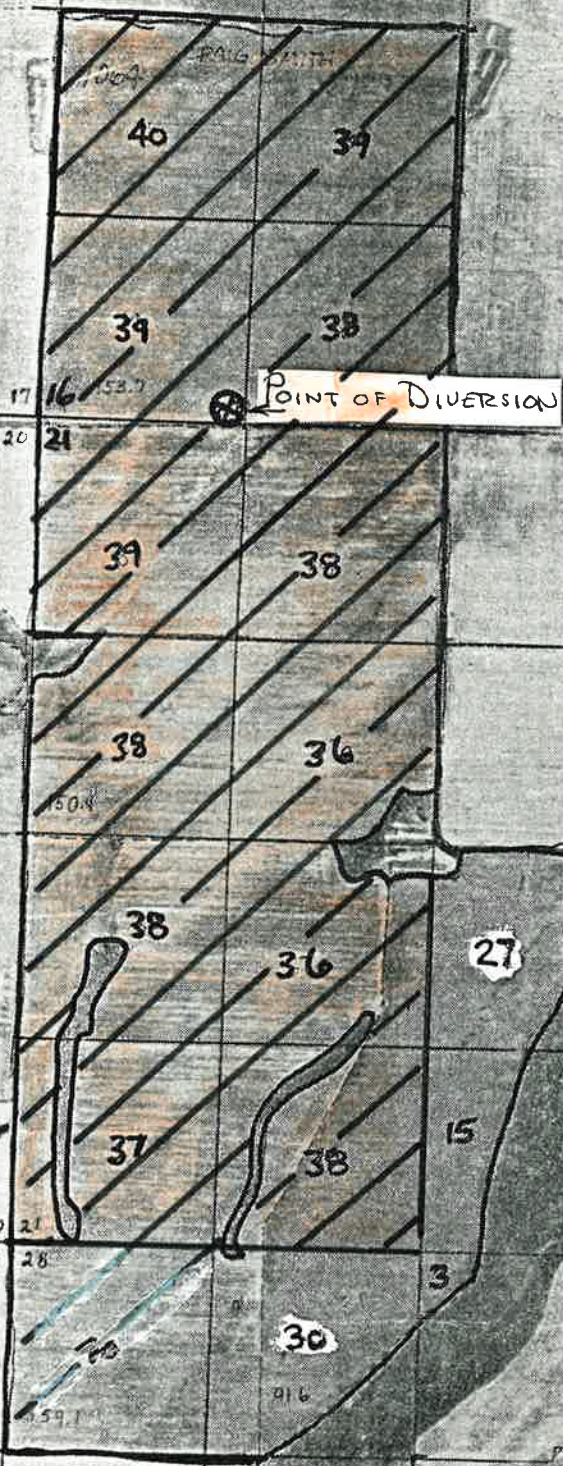
Anna Mae Johnson
Notary Public

Seal

Residing at Lew-berg, Idaho
My Commission Expires 9-1-92

R40E

T5N



T5N

R40E

A22-02298

MICROFILMED
OCT 29 1992