

10/18/2005

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

RIGHT NUMBER: 22-2299A

NAME AND ADDRESS: DALLAN JEPPESEN
434 MORGAN DR
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.490 CFS
900.00 AFY

PRIORITY DATE: 12/12/1960

POINT OF DIVERSION:
T05N R40E S17 NENWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.490 CFS
900.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S17	NENW	39.0	T05N R40E S17	NWNW	40.0
T05N R40E S17	SWNW	38.0	T05N R40E S17	SENW	40.0
T05N R40E S17	NESW	40.0	T05N R40E S17	NWSW	40.0
T05N R40E S17	SWSW	10.0	T05N R40E S17	SESW	10.0

257 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

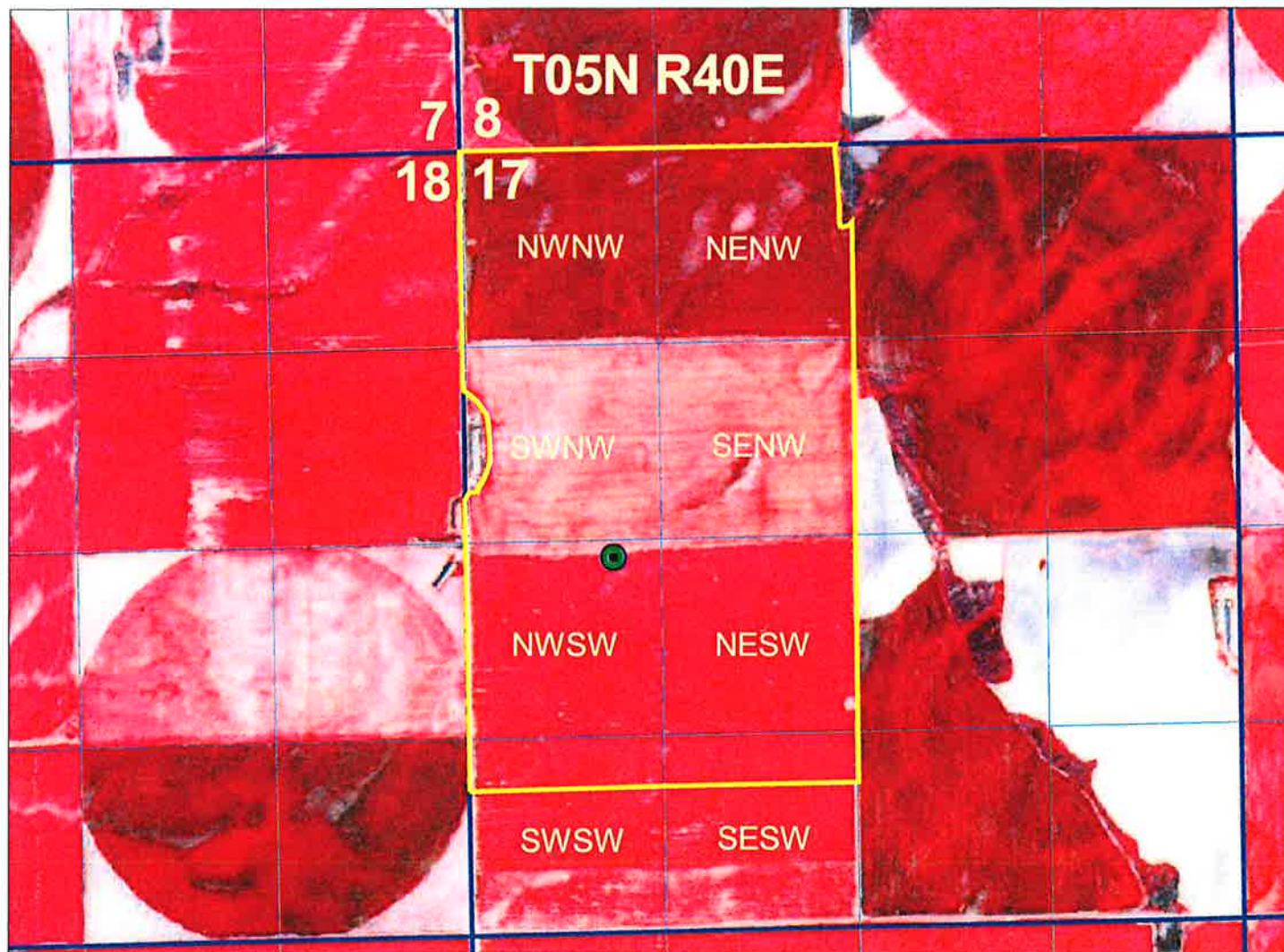
Right No. 22-2299B is also diverted through point of diversion described above.



Department of Water Resources

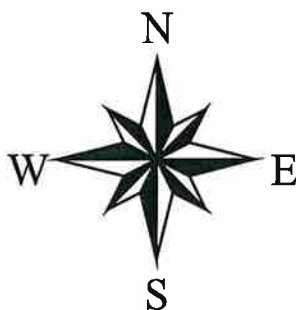
Eastern Region

Claim No.: 22-2299A



0 660 1320 1980 2640 Feet

- Point of Diversion
- 22-2299A
- Township/Range
- Sections
- QQ



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

Law Offices

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

SCANNED

NOV 17 2006

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

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

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

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

RECEIVED

MAY 03 2006

Department of Water Resources
Eastern Region

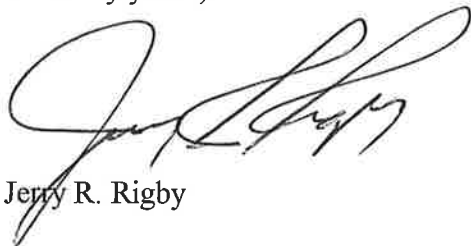
May 2, 2006

RE: Water Right Numbers: 22-7528, 22-7683, 22-265D, 22-265E, 22-2299A, 22-2299B, 22-4195, 22-7091, 22-7115, 22-13454, 22-13479, and 22-7195.

Dear Trent,

Please take notice that this firm represents BMJ Farms LLC, owned by Bevan Jeppesen, and DKJ Farms LLC, owned by Dallan Jeppesen, in the above entitled water rights. Please see that we are included in all future mailings and matters.

Sincerely yours,



Jerry R. Rigby

Adj #15
updated 5/4/06
Kmj

NOTES

22-2299 { A 3.49 cfs 260 ac.
4.3 cfs B 0.81 cfs 60 ac.
320 ac. License claimed in full.

10-18-05

Recommending as licensed for both parts A + B. Didn't find any evidence that owner ties two splits back together therefore recommending as separate rights. Didn't find full 260 ac for part A. Only recamm. 257 ac, but because < 0.02 cfs/ac., left quantity the same.

Water Right No(s). A22-2299 A + A22-2299 B

See Attached

GPS DATA:

Tag # A0000279 Location: on Ar Vent
GPS data - 2678605 GPS File - 222299
1398275

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: U.S. Motors Model: _____ Hp: 250
SN: 1204859

PUMP

Make: Layne-Bowler Model: _____ Disch: _____
SN: None

NOTES:

DKT LLC c/o Dallen Jeppesen owns both claims. Change of
ownership for "B" portion submitted at time of exam.
POA OK! POA appears to be in NWSW.
Well, pump to 10" mainline to pivots

Field Exam Date: 5-10-2005 Agent: H. Jones



GPS
Tag

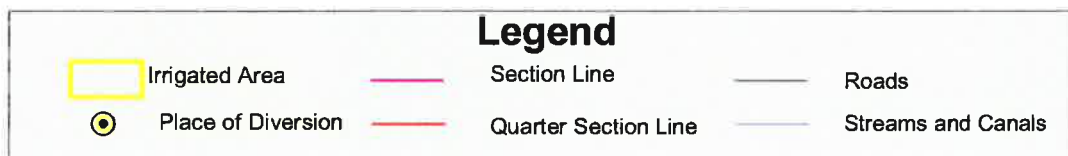
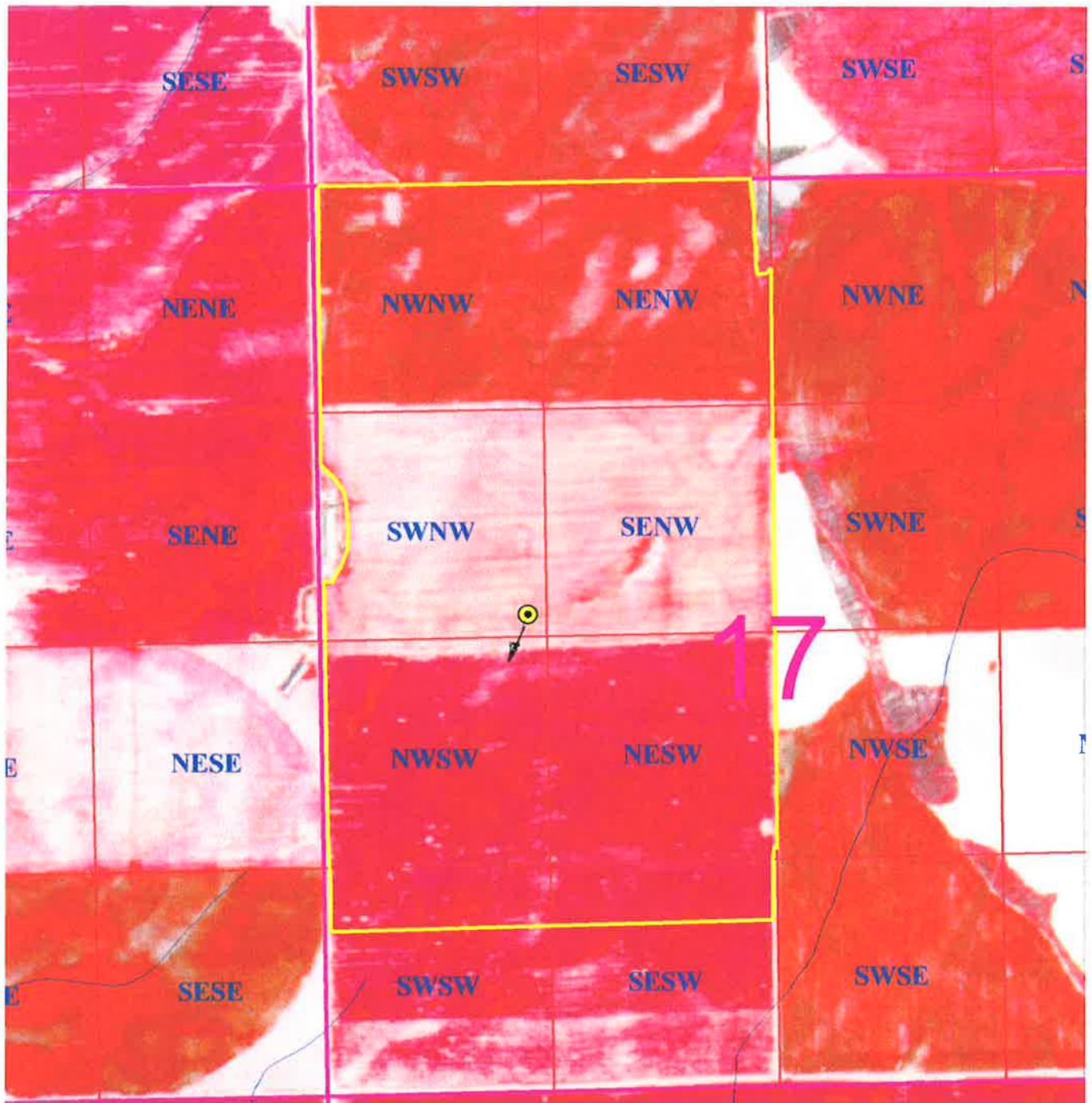
A22-22994+B, Looking East



A22-2299A+B, Motor Tag

Water Right Claim Number 22-02299A
Township , 5N40E

06/29/2001



222299



State of Idaho

License and Certificate of Water Right

Water License No. G-29201

Amount 4.3 c.f.s.

Water District No.

Priority December 12, 1960

THIS IS TO CERTIFY that PETER J. RICKS, Jr.
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 12, 1960; that Permit No. G-29201
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.3 second feet, was issued thereunder on October 2, 1961, showing that said works
were completed on the 24th day of March, 1961; and that on the 24th
day of March, 1961,

PETER J. RICKS, Jr.

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

, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-29201 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

11 of Licenses at page 7173, on the 2 day of October, 1961;

The right hereby confirmed dates from December 12, 1960;

The Point of Diversion is located on the quarter section line of SW $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$
in the -- $\frac{1}{4}$ -- $\frac{1}{4}$, Sec. 17, Tp. 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 4.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	40 E.	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
Total number of acres to be irrigated:				320	

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

2nd day of October, 1961.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-29201

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

1. Name of applicant Peter J. Ricks, Jr.

2. Source of water supply: a deep well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ or NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17

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

4. Describe works as they exist, giving dimensions and capacities of same: 250 HP U.S. Motor

#1204859, Layne Boulder Pump #27469 (1700 GPM @ 430' 1770 RPM.)

327' x 10" column 14" Bwells stage-L Well: 333' x 20", 30' x 20" cap

(6 $\frac{1}{4}$ mile Hand Lines and 1 Self Propelled system)

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):

W $\frac{1}{2}$ Sec. 17., Twp. 5 N., Rge. 40 E.B.M.

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

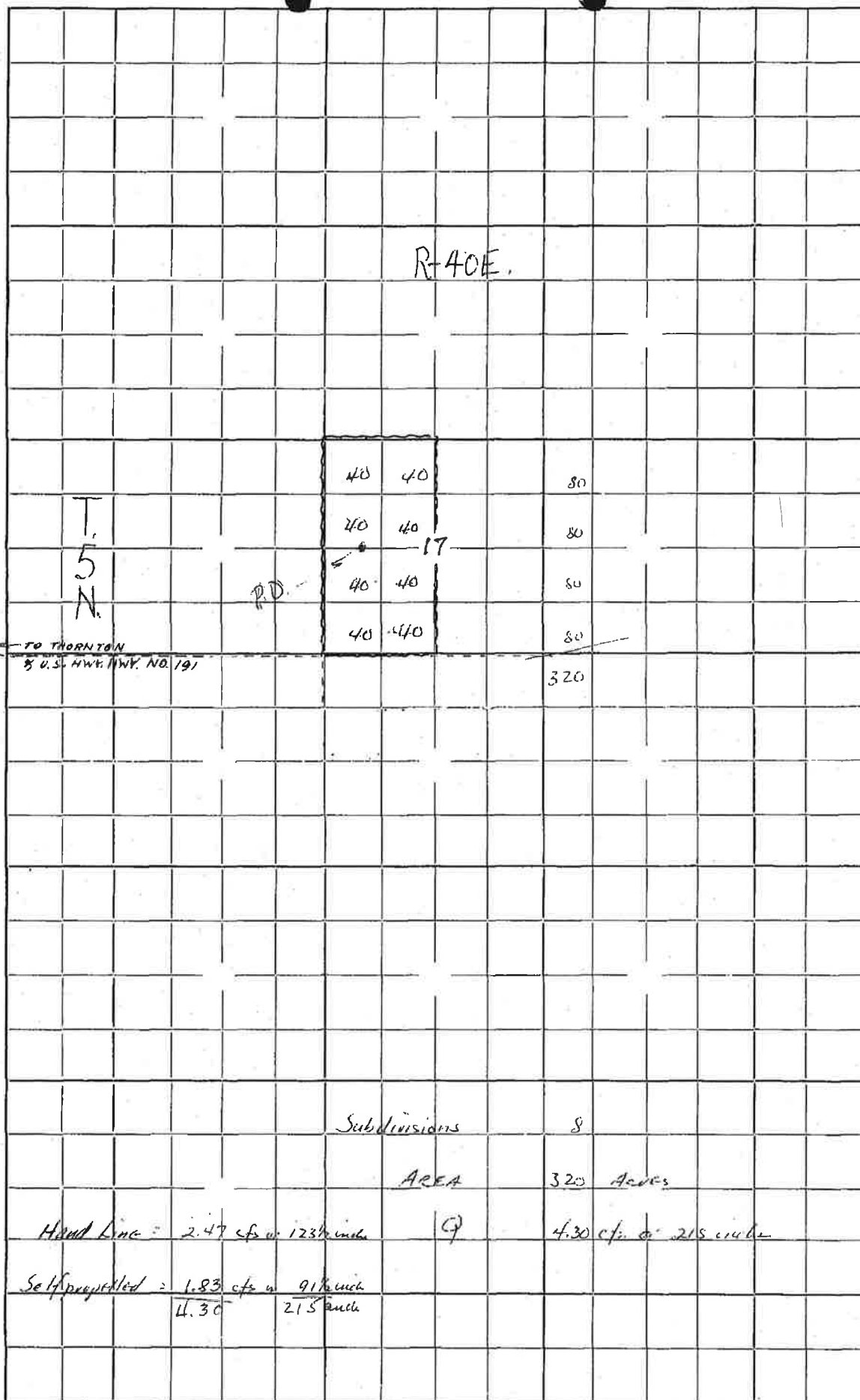
8. What large stream would the water here appropriated finally reach?

Remarks: Mo. Peter J. Ricks, Jr. along

Measurement made by taking pressure readings at intervals along each line

This examination was made on the 16th day of August, 1961

(Signed) Layne Johnson Examiner



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

00201



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 1999

DALLAN JEPPESEN
434 MORGAN DR
REXBURG ID 83440

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A22-02299A

Dear Mr. Jeppesen:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed.

Our office did not change water right A22-02299B. We show it in the name of Vivian Atkinson. Please refer to the enclosed documents and pink highlighted areas.

If you have questions about these changes, please contact Senior Water Agent Allen Ruberry at (208) 525-7161.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

APP 26 1999

Department of Water Resources
Eastern Region

Law Offices

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

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam
Gregory W. Moeller*

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

*Telephone:
Rexburg: (208) 356-3633
Fax: (208) 356-0768
E-Mail: Rexlaw@srv.net*

April 23, 1999

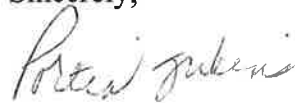
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

RE: CHANGE OF WATER RIGHT OWNERSHIP
Pete Ricks/Dallan Jeppesen

Please find enclosed for your information "Notice of Change of Water Right Ownership" concerning the sale of real property from Pete Ricks to Dallan Jeppesen. The form has been signed by Mr. Jeppesen and attached is a copy of "Notice of Contract of Sale" and an ASCS map showing the irrigated acres, as required.

If you have any questions, please let us know.

Sincerely,



Portia Jenkins
Legal Assistant

Enclosures

DELOG JH 4-27-99
DELOG AR 5-4-99

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

APR 26 1999

Department of Water Resources
Eastern Region

1. Water Right Number(s) A22-02299 (f/k/a G-29201)
Adjudication Claim Number(s) A22-02299 and A22-02299A
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Pete Ricks, Jr.
1266 W. 2000 S, Rexburg, ID 83440
4. New Owner/Claimant(s) Dallan Jeppesen
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 434 Morgan Dr.
City, State and ZIP Code Rexburg, ID 83440
New Telephone Number () -
5. Date you acquired the property 3-12-99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Dallan Jeppesen Date 3-12-99

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN that **Pete Ricks, Inc.**, an Idaho Corporation, as "Seller," are selling on written Contract of Sale, dated March 11, 1999, to **Dallan Jeppesen**, a single man, as "Buyer," the following described real property situated in Madison County, to-wit:

The Northwest Quarter; North Half of the Southwest Quarter; North 20 Rods of the South Half of the Southwest Quarter, all in Section 17, Township 5 North, Range 40 E.B.M.

A22-02299 → A, 3.49 cfs, 2600 AC., Ricks
→ B, 0.81 cfs, 60 AC., ATKINSON

Together with all water rights, including but not limited to 4.3 c.f.s. of underground water, represented by State of Water License No. G-29201, and a complete irrigation system for the premises, consisting of a G.E. electric motor, pump, panel, mainline, 2 complete pivot systems, and four corner handlines, and miscellaneous parts of said system. It is understood that said water rights also include water rights which are presently being applied to a beneficial use on lands not owned by Seller and located within the S½SW¼.

2588
A22-02299B

Subject to easements, if any, of record or in existence for roads, streets, ditches, canals, pipelines and utilities.

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

The Contract of Sale is payable over a period of twelve (12) years and is payable to Alliance Title & Escrow Corp., as escrow holder. Buyer has possession, but the deed shall not be delivered until the Contract is fully paid, and Seller retains remedies in the event of default, all of which are fully set forth in the Contract of Sale and the Escrow Agreement.

DATED This 11th day of March, 1999.

"SELLER"

"BUYER"

RICKS, INC., an Idaho corporation

Blaine P Ricks
Blaine Ricks, President

Dallan Jeppesen
Dallan Jeppesen

ATTEST:

Peter J. Ricks
Peter J. Ricks, Secretary

"GUARANTOR"

K. Merle Jeppesen
K. Merle Jeppesen

Janice V. Jeppesen
Janice V. Jeppesen

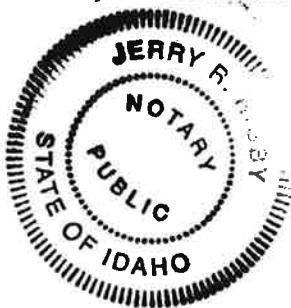
Corporate Acknowledgment

STATE OF IDAHO)

SS.

County of Madison.)

On this 12th of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Blaine Ricks** and **Peter J. Ricks**, known to me to be the President and Secretary, respectively, of **Pete Ricks, Inc.**, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.



Janice V. Jeppesen
Notary Public for Idaho
Residing at: Rexburg, Idaho

My Commission expires: 10-01-99

Personal Acknowledgment

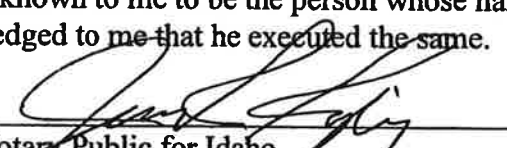
STATE OF IDAHO)

SS.

County of Madison.)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **Dallan Jeppesen**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at: Rexburg, Idaho

My Commission expires: 10-01-99

Personal Acknowledgment

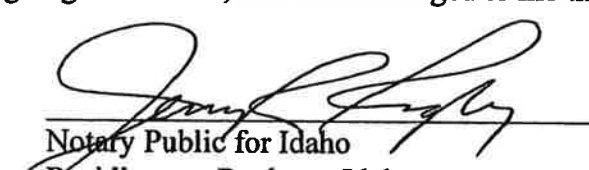
STATE OF IDAHO)

SS.

County of Madison.)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **K. Merle Jeppesen and Janice V. Jeppesen**, known to me to be the persons who names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.




Notary Public for Idaho
Residing at: Rexburg, Idaho

My Commission expires: 10-01-99

7 8

18 17

2110

T-1835

NW

72.0

1 NHEL

238

T-1937

NW

805

151.0

out
1.0

12.0

2 NHEL

2.2

3 HEL

93.5

3 NHEL

T-1836

18 17

60.0

1 NHEL

19 20 T-1938



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 15, 1999

PETER & JUNE RICKS
1266 W 2000 S
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-02299

Dear Mr. & Mrs. Ricks:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-02299A, 4.30 cfs on 260 acres, Ricks
A22-02299B, 0.81 cfs on 60 acres, Atkinson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jennifer Hoagland".

Jennifer Hoagland
Technical Records Specialist

Enclosure

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

DELOG JH 3-2-99
JH 3-4-99
AR 3-5-99
RECEIVED
MAR 02 1999
RECEIVED
FEB 23 1999
Department of Water Resources
Eastern Region
Department of Water Resources
Southern Region

1. Water Right No(s).: _____

Adjudication Claim No(s).: _____

A22-02299 - A22

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Peter J. Ricks (deceased)

Rexburg, ID

4. New Owner/Claimant(s)

Vivian Atkinson

New Mailing Address

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

1536 Willow Lane

City, State and ZIP Code

Twin Falls, ID 83301

New Telephone Number

() 733-4793

5. Date you acquired the property

6-12-1962

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 60

Number and type of stock _____

Diversion rate in CFS 0.81

Number of homes _____

Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Vivian Atkinson

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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: A22-02299A
Date Received: 8/ 3/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PETER J RICKS JR
Address: 1266 W 2000 S
REXBURG ID

208-356-6566

83440

OR

Name: JUNE RICKS JR
Address: 1266 W 2000 S
REXBURG ID

208-356-6566

83440

2. Date of Priority: DEC 12, 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	17	SE	SW	NW		MADISON

5. Description of diverting works:
WELL W/ PUMP TO CENTER PIVOTS/HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.490		

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

8. Total consumptive use is 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	17	NE	NW		IRR	40.0



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	17	NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	10.0
			SE	SW		IRR	10.0

Section Acres 260.0

Total Acres 260.0

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:

14. Remarks:

P/D DESCRIBED AS ON QUARTER SECTION LINE OF SWNW AND NWSW.

RIGHT SPLIT BY CHANGE OF OWNERSHIP 3/15/99 AS:

A22-02299, 4.30 CFS, 320 AC., P. RICKS

A22-02299A, 3.49 CFS, 260 AC., P. RICKS

A22-02299B, 0.81 CFS, 60 AC., V. ATKINSON

TOTAL 4.30 CFS, 320 AC. CLAIMED IN-FULL.

PAID BY RECEIPT NO. E001068.

15. Basis of Claim: LICENSE

Water Right Number: 29201