

11/04/2010

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

RIGHT NUMBER: 22-2303B

NAME AND ADDRESS: BYU IDAHO
244 PHYSICAL PLANT
REXBURG ID 83460-8205

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.070 CFS
363.000 AFY

PRIORITY DATE: 06/25/1953

POINT OF DIVERSION:

T06N R39E S20 NESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.070 CFS
363.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R39E S17 Lot 6 SESW	2.80	T06N R39E S17 Lot 17 SESW	3.80
T06N R39E S17 Lot 6 SWSE	32.00	T06N R39E S17 Lot 17 SWSE	0.30
T06N R39E S17 SESE	8.90	T06N R39E S20 NENE	14.00
T06N R39E S20 NWNE	33.00	T06N R39E S20 Lot 1 NENW	8.90

103.7 ACRES TOTAL

Place of use does not include federal public lands.

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.

The following rights are diverted through point of diversion described above: 22-2303B, 22-2303C, and 22-10044.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 22-2303B

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant
BYU IDAHO
244 PHYSICAL PLANT
REXBURG, ID 83460-8205
(208)390-7000

Priority Date: 06/10/1883
Basis: Decreed/License
Status: Active

<u>Source</u>	<u>Tributary</u>				
Ground Water					
Teton River	Snake River				
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	
IRRIGATION	04/01	10/31	2.28 CFS	399 AFA	
Total Diversion			2.28 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWNESE Sec. 20 Township 06N Range 39E MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	39E	17		SESW 1	17	SESW 8								
			6	SWSE 36		SESE 20								
		20		NENE 7.4		NWN E 33								
			1	NENW 8.6										

Total Acres: 114

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Rexburg Irrigation Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

- 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.
1. C18
 2. U42 Place of use does not include federal public lands

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.



Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)

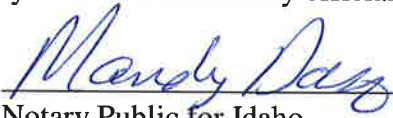
ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known 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.





Notary Public for Idaho

Residing at: St. Anthony

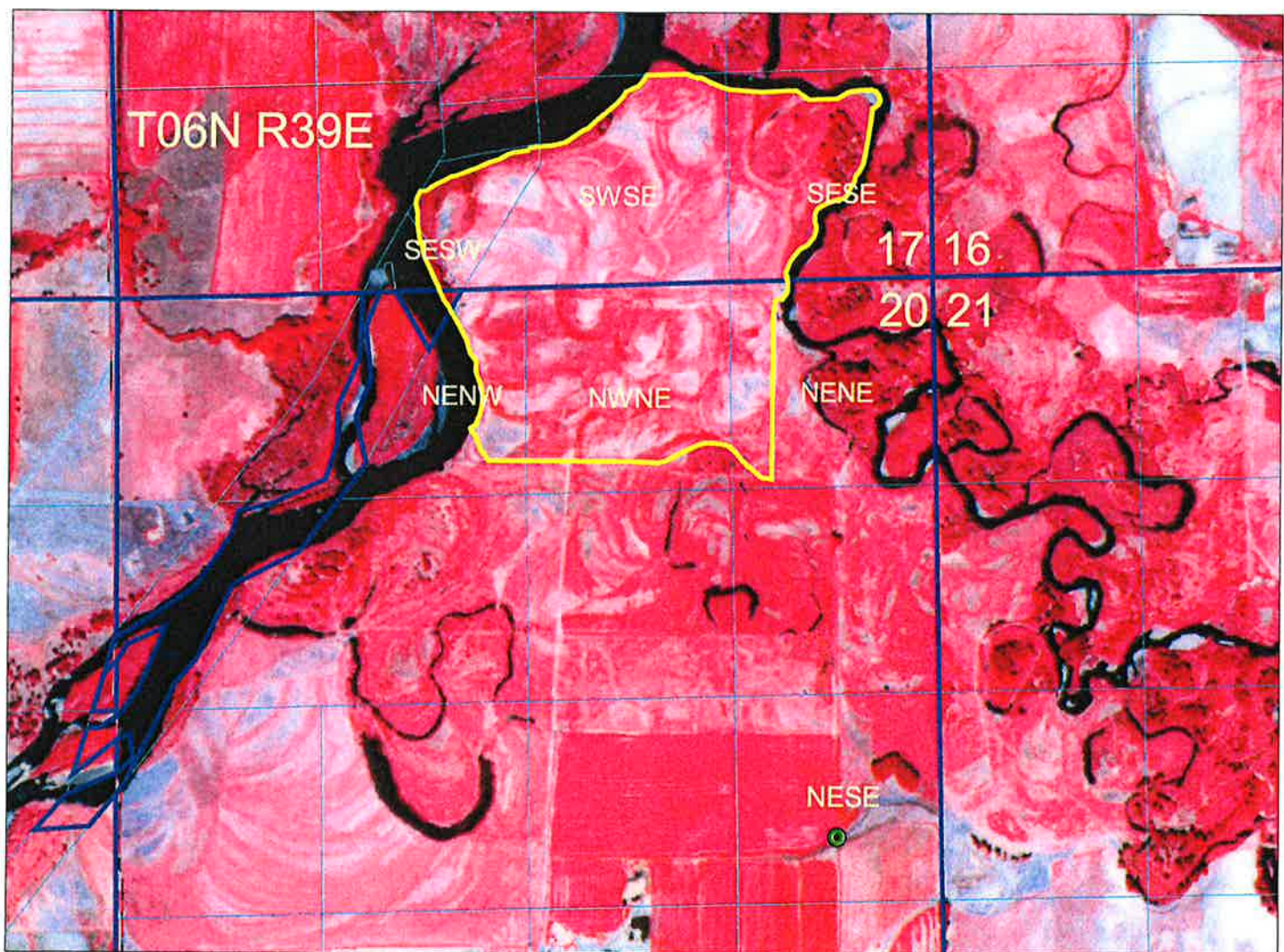
My Commission Expires: 6/24/2011

Department of Water Resources

Eastern Region



Claim No.: 22-2303B



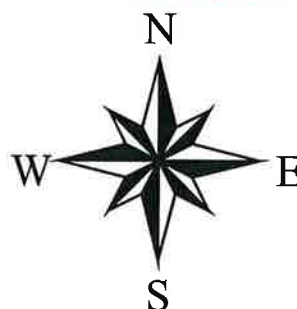
0 1320 2640 Feet

SCANNED

JUL 18 2006

PROFILED

- Point of Diversion
- 22-2303b.shp
- Township/Range
- Sections
- QQ



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

R 39 E

T
6
N

19

17



217 246 = 41.15
230 241 = 23.16
2 = 37.40
3 = 38.55
4 = 39.10

center of section 20 is sub-surveyed
from waste water pump for pasture
Taken from aerial photo

$$P = \frac{13\frac{1}{2} \times 20 \times 26.10}{71.1 \times 746}$$

$$= 18.7'$$

$$CF = 550 \times 7.2 \times 21.4$$

$$62.5 \times 13'$$

$$= 10 CF$$

$$2 = 500'$$

$$\times \text{Payoff } C_2 = 16 \text{ KVA} = 21.4'$$

Sub-survey: 17

Land irrigated = 613.07 Ac

$$Q = 500'$$

$$= 1040'$$

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

20247



Idaho Department of Water Resources

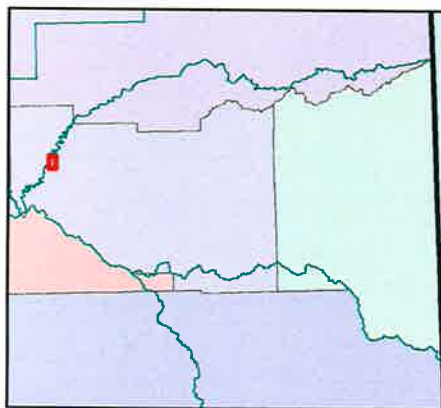
Adjudication Recommendation

22-2303B

(IRRIGATION)

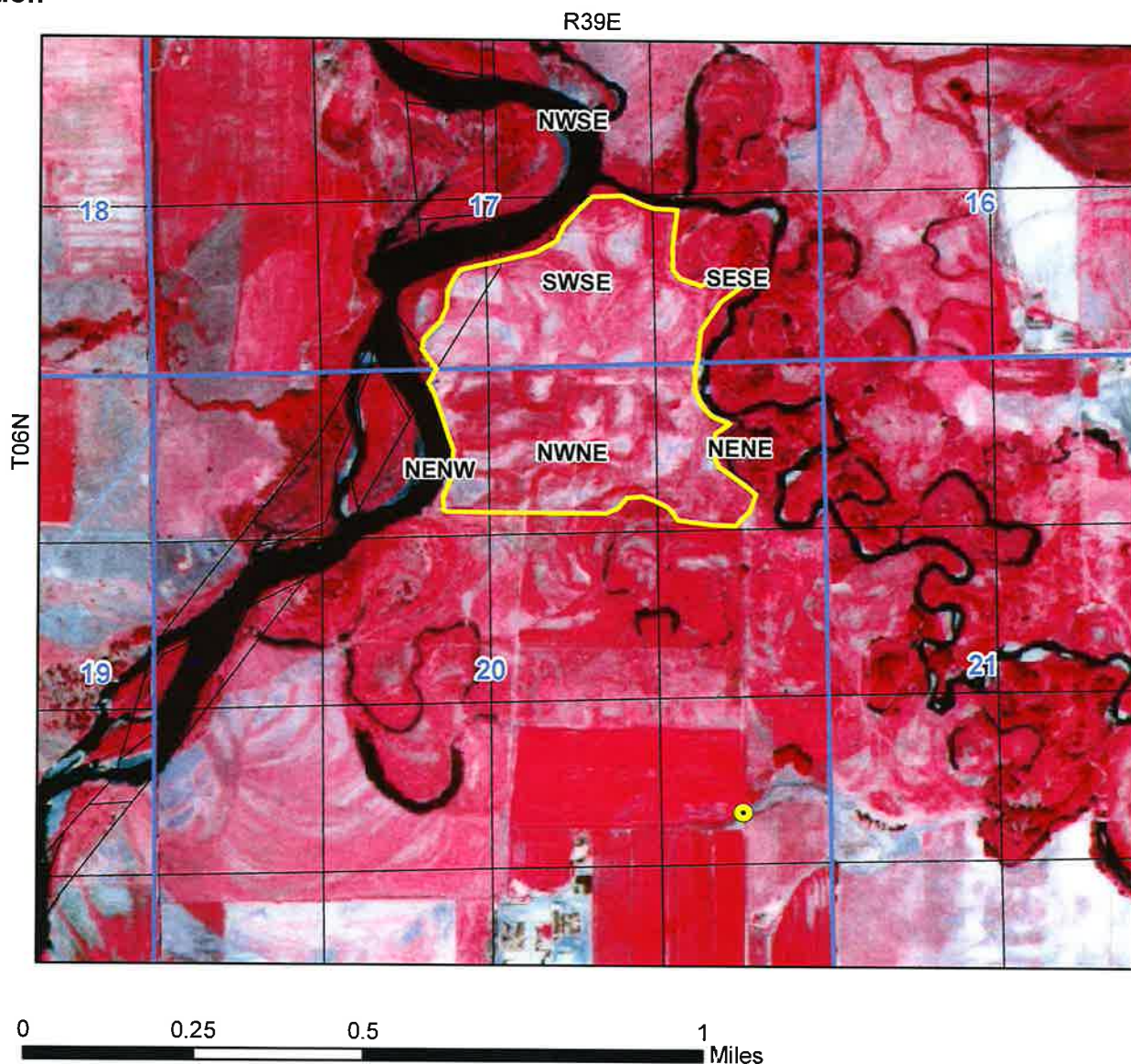
Legend

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



**Madison County
IDWR Basin 22**

Prepared by Holliday, Michael
On November 04, 2010
1987/88 Aerial Photography



09/27/2005

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-2303B

BYU IDAHO

244 PHYSICAL PLANT

REXBURG ID 83460-8205

Telephone Number: (208)390-7000

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

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

3. Give a brief explanation as to why you disagree with these portions:

X

I AGREE with this proposed recommendation: ~~no~~ changes need to be made.

DATE:

12-27-2005

SIGNATURE:

Charles N. Andersen

Please print your name:

CHARLES N. ANDERSEN

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

ROFILED

SCANNED

JUL 18 2006

KWJ
01/06

9-26-05 PM

Original right 22-2303 (not 22-2302) is currently owned by BYU-Idaho and claimant. Original license allowed 10 cfs/613 ac.
.016313 cfs/ac.

Original FOM 613 ac.

- 319 ac owned by BLM and other private owners not claiming water from the right 22-2303. Property not irrigated 15.2 cfs belongs to this property.
- 254 ac. owned by LDS Church/BUU-Idaho/Picks College (all the rights 22-2303B and 22-2303C are located within this 254 ac, but only claiming a total of 155 ac of it. An accomplished change of place of use occurred in which the quantity of water allowed for the 254 ac. = 4.14 cfs was concentrated on 155 ac for the two rights allowing .02 cfs/ac to be recommended for 22-2303B and 22-2303C
- 22-2303B: recommend 116 ac 2.32 cfs
- 22-2303C: recommend 39 ac .78 cfs

22-10044

- 40 ac. owned by Joseph Jensen cannot recommend .8 cfs because original license does not allow .002 cfs/ac and there is no evidence that claimant withheld .002 cfs/ac when he sold 22-2303C to Picks College. Therefore, can only recommend .016313 cfs/ac according to license.
- recommend 40 ac 0.65 cfs

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JUL 18 2006

PROFILED



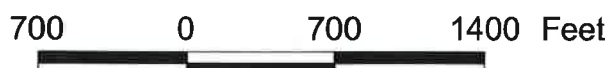
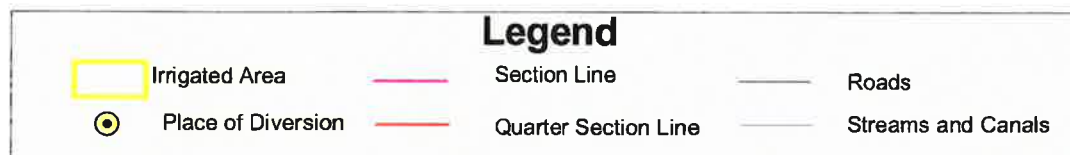
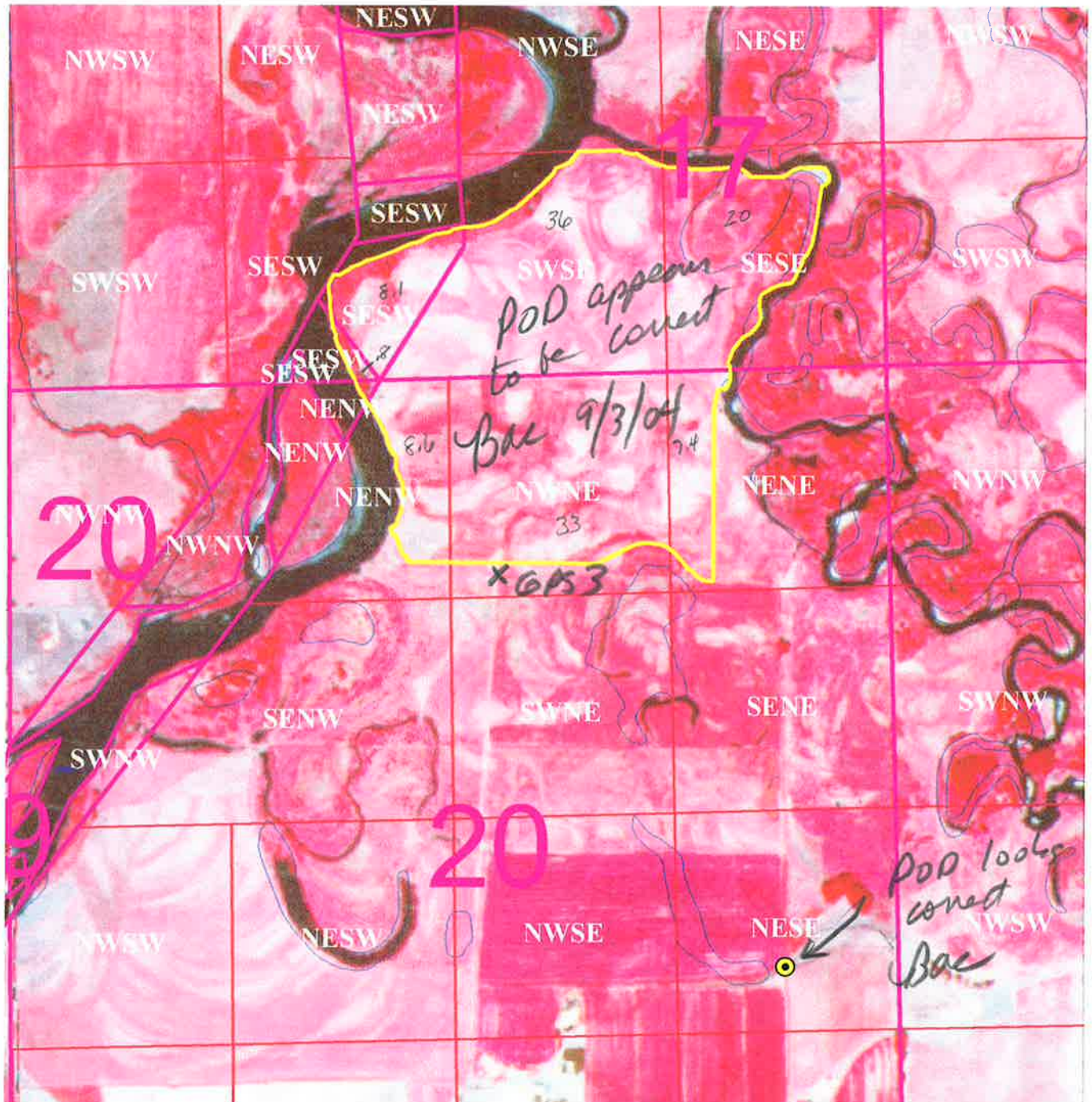
Photo #1, POD looking south east.



Photo #2. POU looking north from location of GPS waypoint 3.

Water Right Claim Number 22-02303B
Townships , 5N38E, 6N39E

06/29/2001



Claim no. A22-02303B

Claimant Contact Log

Date	Remarks	Agent initials
8/18/04 9:05 AM	496-2451	
- Charles ~~SA~~	Alvin Lusk is farm manager 496-3178	
-	We discussed issue of forfeiture for future consideration, I wasn't sure Charles was listening to me	
Mr. Lusk - 8/18 afternoon		
-	Cattle well @ office	
-	Partnership w/ Jensen	
-	Well in pasture	
	Come to office on Friday afternoon	
8/20 - met w/ Mr Lusk & Mr. Jensen (A22-10044)		
BRIGHAM YOUNG UNIVERSITY IDAHO ALVIN LUSK Agriculture Resources Manager College of Agriculture & Life Sciences 127 BYU-Idaho Livestock Center Rexburg, ID 83460-2100 208 496-3178 phone 208 709-0445 cell 208 496-2040 fax lusk@byui.edu		
8/26/04	Mr Lusk called me - they will want to amend claim to include lands not on original claim.	
8/27/04 709-0445 8AM	Mr. Lusk - mail msg w/ QR 217 N 6th E Rex St Anthony 83445	
	Next Friday call to inspect P.O.L. Craig Smith university attorney will prepare amended claim.	
9/3/04	Field inspection w/ Mr. Lusk Bac	

Contacts Data Entry Form

Claim Number: A22-2303B

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

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.3 claims on license 22-2303:BYU Idaho A22-2303B, A22-2303CJoseph Farnon A22-10044 (see remarks)

	dfs	acres	dfs/acre
Original license	10	613.07	0.0163
A22-2303B	3	116	0.0259
A22-2303C	0.78	39	0.020
A22-10044	0.7	40	0.0175

Undeclared	5.52	418.07	dfs/acre
------------	------	--------	----------

3 dfs $\approx$ 1350 GPM0.78 $\approx$ 350 GPM0.70 $\approx$ 314 GPM0.80 $\approx$ 360 GPM

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: A22-2303 B

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

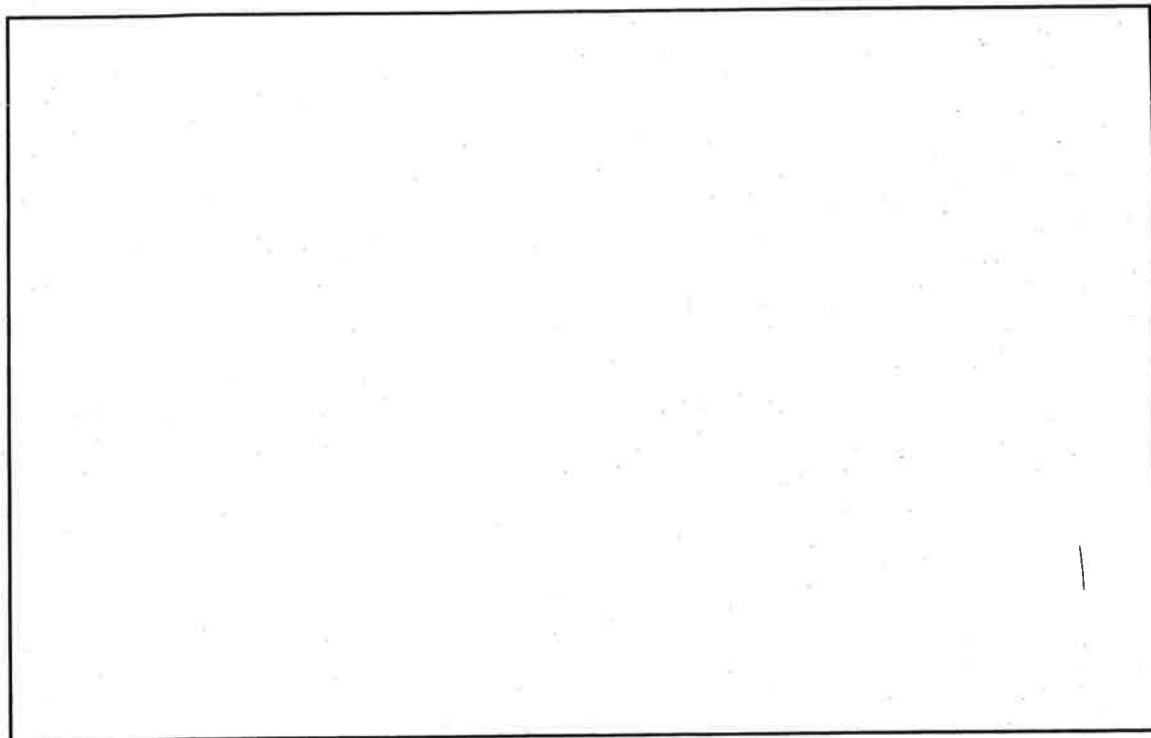
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

June 25 1953 is consistent w/ license. Base 9/3/04

Reviewer: _____

Date: _____

Water Right No(s). A22-2303 B



GPS DATA:

Tag # A0008458 Location: back side (east) of pole
w/ meter & panel. BAC 9/3/04

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Point of Diversion and Source Data Entry Form

Claim Number: A22-2303BWater Right Point(s) of diversion and Source.

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

Source: _____ Tributary to: _____

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

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

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

Recommended Point(s) of Diversion and Source.

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

Other rights from this POD? A22-10044, A22-2303C

Transfers Pending or approved: _____

Document how the POD and Source were verified:

6N 39E 20 NESE per field inspection
GPS waypoint #1 2670422E 1405504N 20TM 83
BAC 9/3/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-2303BClaimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:Layout appears to be correct Bae 9/3/04GPS waypoint 3 helps locate south edge2669902 E 1406219 N IDTM 83, Bae

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-2303BWater Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

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

See notes on A22-10044 about concentrating
diversion rate. I propose 0.02 cfs/ acre on
POU. BAC 9/3/64.

Reviewer: _____

Date: _____



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 31, 2003

BYU IDAHO
REXBURG ID 83440

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
22-2303B

Dear Sir or Madam:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) 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 listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

JUL 18 2006

PROFILED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JAN 30 2003

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, 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
	22-2303B				

RECEIVED
FEB 24 2003
Department of Water Resources
Eastern Region

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) 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) Dwight J. Spaulding

4. New Owner/Claimant(s) BYU-IDAHO
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address Byu Idaho

City, State and ZIP Code PERDUE, ID 83460-8205

New Telephone Number (208) 496-2451

5. Date you acquired the property 8/23/2001

SCANNED

JUL 18 2006

FILED

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

[Signature]
DIRECTOR, PHYSICAL PLANT

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.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

RX28816

WARRANTY DEED

First American Title Company

For Value Received **S. Dwight Spaulding and Sherilyn Spaulding, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Brigham Young University-Idaho a Utah non-profit corporationwhose address is: **Kimball 290, Rexburg, Idaho 83440**

Hereinafter called the Grantee, the following described premises situated in Madison County, , to-wit:

Tract I:

Commencing at a point that is East 4193.64 feet and North 3941.69 feet from the Southwest corner of Section 20, Township 6 North, Range 39 East, Boise Base and Meridian, Madison County, Idaho and running thence North 2°52'58" East 1189.86 feet; thence East 40.0 feet to the west bank of the Teton River; thence North 34°24'55" East 828.61 feet; thence North 79°49'00" West 654.75 feet; thence North 4°25'04" East 472.41 feet; thence North 78°54'42" West 654.52 feet; thence South 59°18'13" West 846.34 feet; thence South 0°46' East 125.40 feet; thence South 32°27' West 916.08 feet; thence South 6°16'30" East 761.95 feet; thence South 32° West 430.0 feet; thence South 86°18'16" East 2048.64 feet to the point of beginning.

Together with a 28 foot wide access easement, the centerline being described as follows: commencing at a point which is South 89°37'30" East, 2823.0 feet from the Southwest corner of Section 20, Township 6 North, Range 39 East, Boise Base and Meridian (Madison County, Idaho); thence North 0°22'30" East 313.00 feet; thence North 43°37'30" West 178.74 feet; thence North 3°34'33" East 3606.65 feet to the South boundary of the above described parcel.

Tract II:**Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho****Section 17: Lot 17**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: August 13, 2001

S. Dwight Spaulding
S. Dwight Spaulding
Sherilyn Spaulding
Sherilyn Spaulding

Instrument # 291008

REXBURG, MADISON, IDAHO

2001-08-23

12:07:00 -- No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE

MARILYN K. RASMUSSEN

Fee: 6.00

Ex-Officio Recorder Deputy

STATE OF IDAHO }
 : ss
COUNTY OF MADISON }



On this 23rd day of August, 2001, before me, the undersigned, personally appeared S. DWIGHT SPAULDING AND SHERALYN SPAULDING, 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.

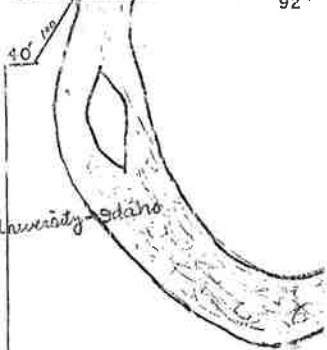

Notary Public of Idaho
Residing at: Reynolds County, Idaho
Commission Expires: 7/8/06

92'

T-7

0019

S. Dwight
Spaulding
159607
Brigham Young University - Idaho
291008



1189.86'

133.09'

T-6

1811

BYU Research Farms
Frank G. Kinghorn
130396
237006
237007
247470 269167
269160
USA

2486.73'

2048.64'

55.67'



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

Clay Fullmer

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2003

RICKS COLLEGE
REXBURG ID 83340

RE: OWNERSHIP CHANGE ON WATER RIGHTS 22-2303B, 22-2174, 22-2303C, 22-4130, 22-4131, 22-7448, 22-7463, 22-7477

Dear Sir or Madam:

It has come to my attention the above referenced water rights need to be changed to the name BYU Idaho. 22-2303B was formerly owned by Dwight S. Spaulding. A copy of this claim is enclosed for your review. If you, in fact, purchased this property, please fill out one of the enclosed "Notice of Change of Water Right Ownership" forms.

Claims 22-2174, 22-2303C, 22-4130, 22-4131, 22-7448, 22-7463, and 22-7477 are currently in the name of Ricks College. Please complete the second ownership change form to change this name. Total processing fee is \$100.

If you have questions please do not hesitate to call.

Sincerely,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

Log for claim 22-02303B

Spatial Dynamics LTD

6/29/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n39e	17	SESW	12	8.8	
06n39e	17	SWSE	35	36	
06n39e	17	SESE	18	20	
06n39e	20	NENE	6	7.4	
06n39e	20	NWNE	39	33	
06n39e	20	NENW	6	8.8	
Totals:			116	114	

PROFILED

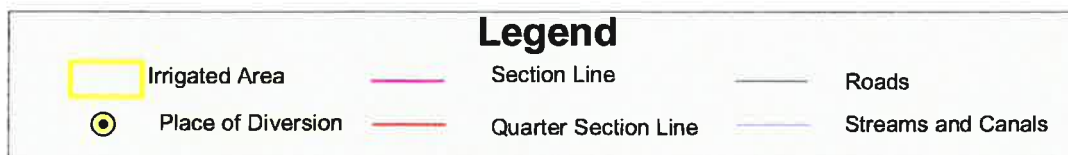
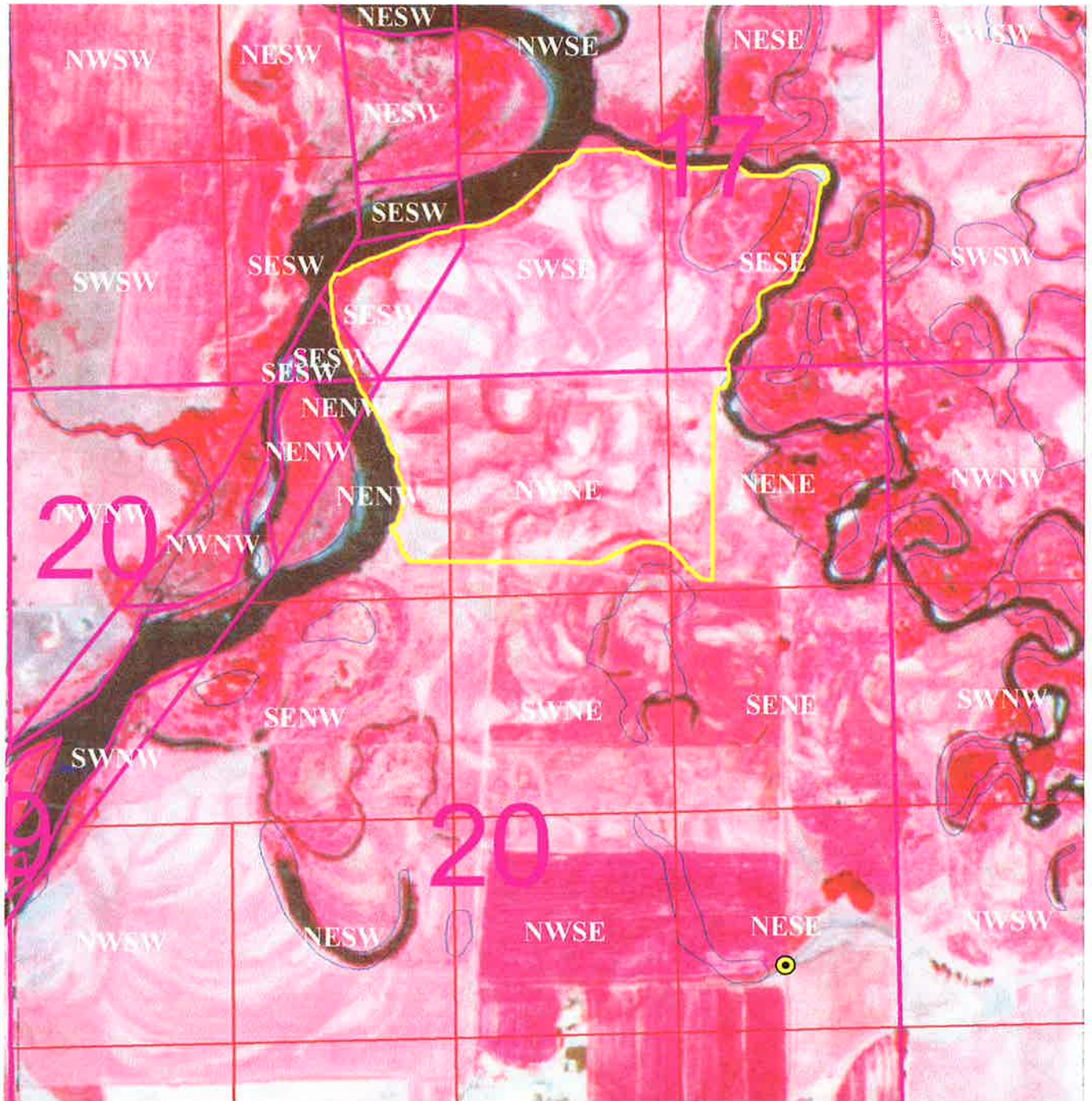
SCANNED

JUL 18 2006



Water Right Claim Number 22-02303B
Townships , 5N38E, 6N39E

06/29/2001



700 0 700 1400 Feet

SCANNED
JUL 18 2006

SPATIAL
DYNAMICS

PROFILED

State of Idaho

License and Certificate of Water Right

Water License No. G-24247

Amount 10 c.f.s.

Water District No. _____

Priority June 25, 1953

THIS IS TO CERTIFY that ORVILLE O. JEPSON, TIMOTHY H. PARKINSON & PRESTON H. PARKINSON of Idaho Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 25, 19 53; that Permit No. G-24247 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 10 second feet, was issued thereunder on December 18, 19 58, showing that said works were completed on the 3rd day of July, 19 58; and that on the 3rd day of July, 19 58, ORVILLE O. JEPSON, TIMOTHY H. PARKINSON & PRESTON H. PARKINSON

of Idaho Falls, 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, for the purpose of Irrigation, under Use Permit No. G-24247 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 6571, on the 18 day of December, 19 58;

The right hereby confirmed dates from June 25, 19 53;

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 20, Twp. 6 N., R. 30 E., B. M. County Madison

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 10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	30 E.	17	SE 1/4 SE 1/4	7	40
			LOT 6	41.95	41.95
			NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	20
			LOT 1 NW 1/4	23.15	23.15
			LOT 2 SE NW 1/4	51.40	51.4
			LOT 3 NW SW 1/4	37.55	37.55
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			NE 1/4 SW 1/4	40	40
			NE 1/4 SE 1/4	20	20
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	20	20
			LOT 8	58.02	58.02
		19			

Total number of acres irrigated - 613.07

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

18th day of December, 19 58.

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

21-2105
22-2303

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

Permit No. G-24247This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Orville O. Jeppson, Timothy H. and Preston Parkinson2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the SE 1/4 of Section 20T. 6 N. R. 39 E. County of Madison PWS

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well
Pump: Fairbanks Morse #PP7015 - 14" discharge, 12" bowls -
Motor: Westinghouse #F225022 - 20HP - Motor: Westinghouse #26297082
Fall River Elec. Co. Service # ? Kva 12 1/2 - KW input during 1958 = 16
(from Power Co's records)

5. Water is used for: Irrigation6. 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):

NE 1/4, Lots 1, 2, 3, and NE 1/4 SW 1/4, S 1/4 SW 1/4, W 1/4 SE 1/4, NE 1/4 SE 1/4, all in Section 20,
Lot 8, Section 19, Lot 6, Section 17, all in Township 6 North, Range 39 E.B.M.
600.17 acres PWS

If like along river. Perhaps water out on
land and irrigation considerable by siphoning.

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

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

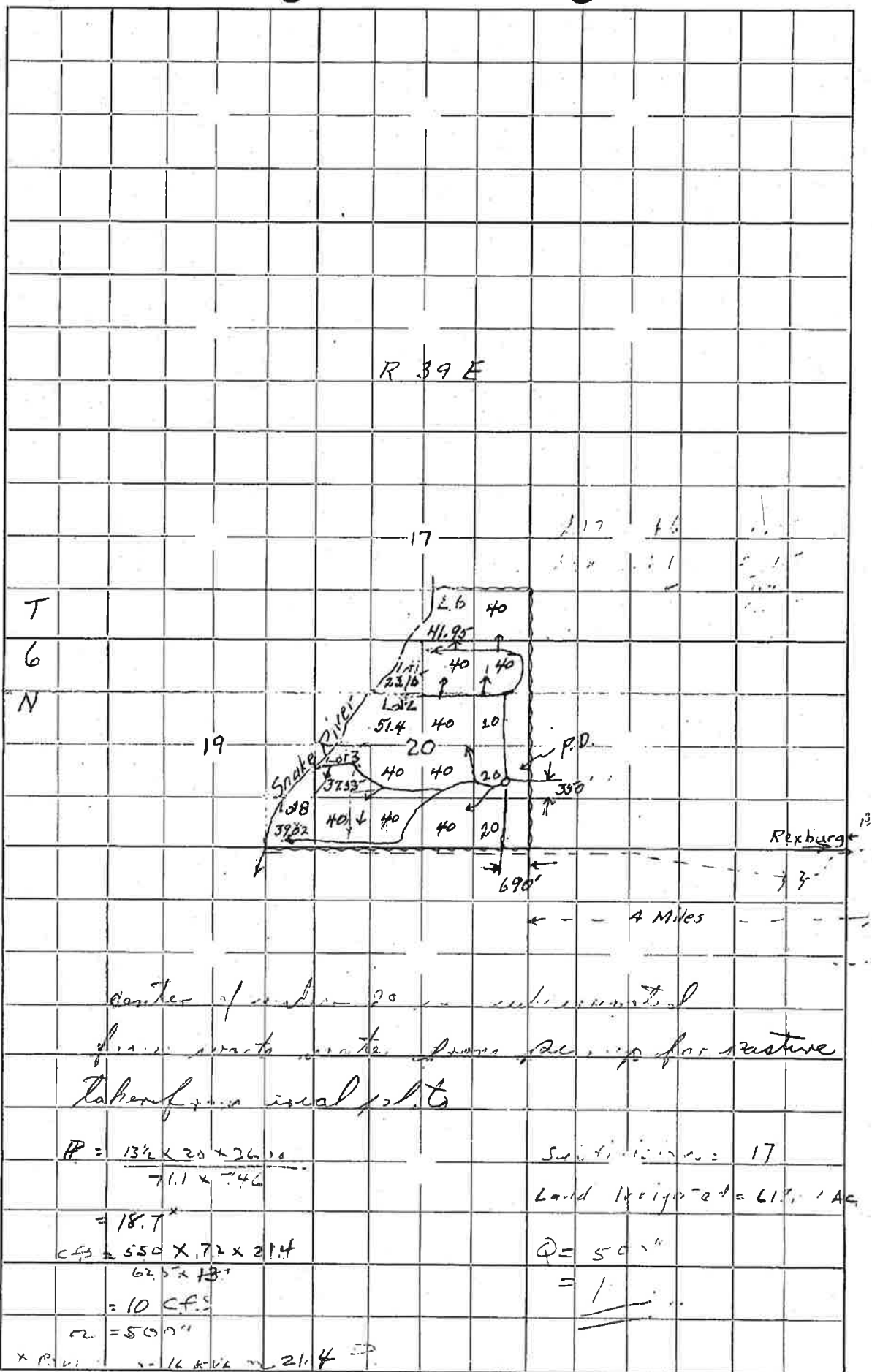
Remarks: This inspection was made with the assistance of
Orville Jeppson.

Not possible to measure with rain gauge marking meter
distorted by flood.

This examination was made on the 14 day of Aug, 1958(Signed) Derral Stevens

Examiner.

recheck J. C. Mann 2 weeks later.G24247



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

2024.247

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: A22-02303B
Date Received: 7/12/1988
Receipt No: 5000710
Received By: ESV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: S. DWIGHT SPAULDING 208-356-6494
Address: 2485 S. 4000 W.
REXBURG, ID 83440
AND/OR
Name: SHERALYN SPAULDING 208-356-6494
Address: 2485 S. 4000 W.
REXBURG, ID 83440

2. Date of Priority: JUN 25, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	20	SW	NE	SE		MADISON

5. Description of diverting works:
WELL W/ PUMP TO MAINLINE SYSTEM FOR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		

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

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-02303B

Page 1

Date: 07/12/88

A2202303B



MICROFILMED

OCT 29 1988

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	39E	17	SE		SW	6	IRR	12.0
			SW		SE	6	IRR	35.0
			SE		SE		IRR	18.0
			Section Acres					65.0
		20	NE		NE		IRR	6.0
			NW		NE	1	IRR	39.0
			NE		NW	1	IRR	6.0
			Section Acres					51.0
			Total Acres					116.0

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:

70% INTEREST IN WELL BY JOSEPH JENSEN

14. Remarks:

CLAIMANT IS 30% OWNER OF WELL BY AGREEMENT ATTACHED. THIS CLAIM REFLECTS CURRENT USE OF WATER UNDER THIS PORTION OF RIGHT.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *S. Dwight Spaulding* Date: 7-12-88
_____ Date: _____

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of July 19 88 *Dana Green*
Notary Public

Seal

Residing at *Rigby*
My Commission Expires 4-22-1994

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POD

4853

R39E

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UNPROCESSED
OCT 29 1992

A22-02303

