

09/28/2005

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

RIGHT NUMBER: 22-2303C
NAME AND ADDRESS: BYU IDAHO
244 PHYSICAL PLANT
REXBURG ID 83460-8205

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.730 CFS
127.40 AFY

PRIORITY DATE: 06/25/1953

POINT OF DIVERSION:
T06N R39E S20 SWNESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.730 CFS 127.40 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R39E S20	NESE	11.0	T06N R39E S20	NWSE	24.0
T06N R39E S20	SWSE	1.4			

36.4 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

This right is a split from former right 22-2303.

Department of Water Resources

Eastern Region



Claim No.: 22-2303C



0 1320 2640 Feet

SCANNED

JUN 26 2006

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

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



Law Offices

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

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

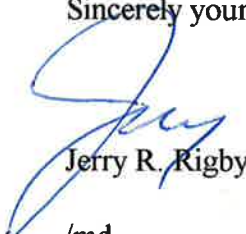
November 8, 2006

Ernie Carlson
900 North Skyline Ste. A.
Idaho Falls, Idaho 83402

Dear Ernie,

As per the agreement with counsel and the Court, enclosed please find an SF5 for the above entitled right which has been executed by BYUI and Candice McHugh. It is my understanding the following receipt of this document, you will scan and send this to Larry Brown for his review and signature which should then resolve the objection to this right and allow the department to file this with the court. Should you have any questions, feel free to give Richard Smith (counsel for BYUI) or me a call.

Sincerely yours,



Jerry R. Rigby

/md

Enclosure

Cc: Richard Smith
Larry A. Brown

F:\WP6\SB\BYULLTR

RECEIVED

NOV 09 2006

Department of Water Resources
Eastern Region

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

In Re SRBA

Case No. 39576

Subcase No. 22-02303C

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

BYU Idaho

OBJECTOR(s):

Bureau of Land Management


James Smyth
Vice President

Date
16 AUG 06


Larry A. Brown
Attorney for BLM

Date

STANDARD FORM 5 – 22-02303C

IDWR Concurrence:

Ernest Carlsen 11/10/06
Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice M. McHugh 5/22/06
Candice M. McHugh Date
Deputy Attorney General
Attorney for IDWR

05/18/2006

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

RIGHT NUMBER: 22-2303C

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.730 CFS
127.400 AFY

PRIORITY DATE: 06/25/1953

POINT OF DIVERSION:

T06N R39E S20 SWNESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.730 CFS
127.40 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R39E S20	NESE	11.00	T06N R39E S20	NWSE	24.00
T06N R39E S20	SWSE	1.40			

36.4 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

This right is a split from former right 22-2303.

CERTIFICATE OF MAILING

I certify that on _____, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BYU IDAHO
244 PHYSICAL PLANT
REXBURG, ID 83460-8205

IDWR REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

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: 22-2303C

BYU IDAHO

244 PHYSICAL PLANT

REXBURG ID 83460-8205

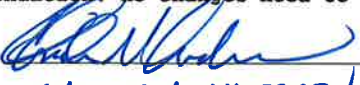
Telephone Number: (208)390-7000

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:

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

DATE: 12.27.2005 SIGNATURE: 

Please print your name: CHARLES N. ANDERSEN

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

PROFILED

SCANNED

JUN 21 2006

kw
a106

9-26-05 KM

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 POM 613 ac.

- 22-2303B, C
- 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/BYU-Idaho/Ricks College (all the same owner) 4.14 cfs belongs to them of original quantity
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/acre 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 0.02 cfs/acre and there is no evidence that claimant withheld 0.02 cfs/acre when he sold 22-2303C to Ricks College. Therefore, can only recommend .016313 cfs/acre according to license.
recommend 40 ac 0.65 cfs



Photo #1, West POU (added by amended claim) looking NW.



Photo #2, POD looking south east.

Bac 9/20/04

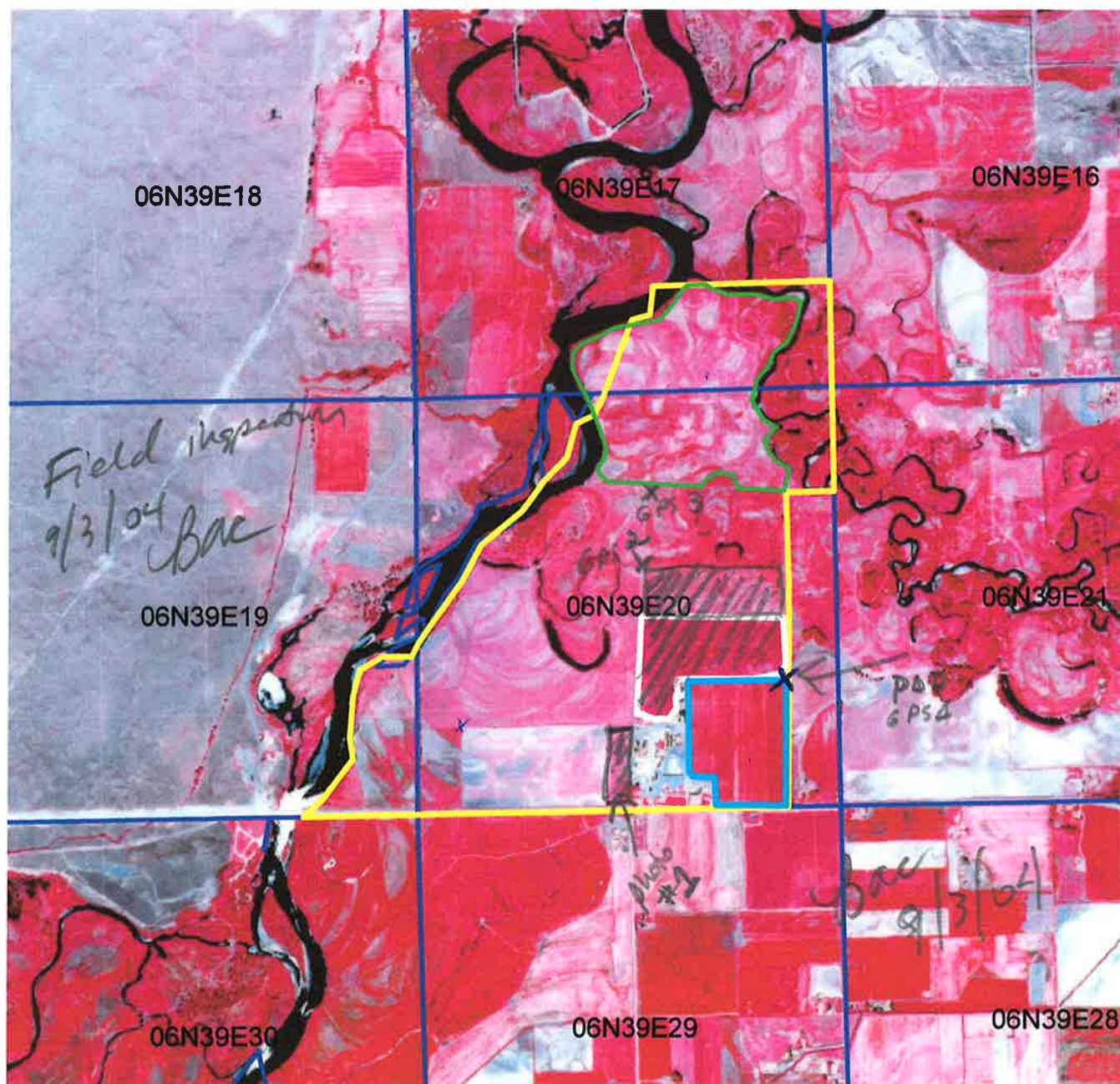


Photo #3. North part of POU (added by amended claim) looking east.

bac 9/25/04

Claims from License 22-2302

Scale 1:24,000



1987 Aerial Photography from IDWR

-  Claim_a22-10044.shp
-  Claim_a22-2303c.shp
-  Claim_a22-2303b.shp
-  22-2303_license_exam.shp
-  Gcdb_tr.shp
-  PLSS Section LinesGcdb_sections.shp
-  Gcdb_qq.shp

*White line is claimed.
Dashed lines reflect
expected amended claim.*

Illustration prepared by
Water Resources Field Services
208 681 9100

Claim No. 22-2303C

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Need a ownership for name change - BYU I
8/18/04 per phone call to Jennifer a ownership has been
turned in by, BYU I Doc.

Contacts Data Entry Form

Claim Number: A22-2303C

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.

See notes to split history in A22-2303B. This claim will likely be amended by BYUT. The field inspector assumes the amended claim will be filed. Bae 9/3/04

Reviewer: _____ Date: _____

Claim Number: A22-2353

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 per license Doc 9/3/04

Reviewer: _____

Date: _____

Water Right No(s). A22-2303 C

GPS DATA:

Tag # A0008458 Location: backside (east) of pole w/
meter & motor 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: A22-2303CWater 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? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GN 39E 20 N85E per field inspection
GPS Waypoint 1, 2670422E 1405504N IDTM
BAC 9/3/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number:

A22-2303C

Claimed 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:

Please see layout. GPS Waypoint 2 marks
 NW corner of N pasture. 2669888E 1405883N
 IOTM 83. Bae 7/3/04

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-2353 CWater 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 to A22-10044. I propose 0.02 cfs/acre
on recommended POU. BAC 9/3/04.

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

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
Technical Records Specialist

Enclosure

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

E025411

Date:

Time: 10/27/1999

13:50:20

Received

From:

RICKS COLLEGE

Type of Payment

Program A cct

Amount

ADJUDICATION FEE	41503	337	1155	89.00
LATE FEE	41503	307	1155	50.00

Total \$ 139.00

CHECK

034221

Water Right Numbers

A22-023035

Region: EASTERN

Signature:

Ernest Carlson

239213

AMERICAN LAND TITLE CO.
P. O. BOX 732
REXBURG, IDAHO 83440WARRANTY DEED

THIS INDENTURE, Made this 11th day of ~~August~~ ^{September}, 1991,
between JENSEN FARMS, an Idaho limited partnership, with its
principal place of business at 5195 W. Hwy. 33, Rexburg, ID
83440, the party of the first part, and RICKS COLLEGE, a Utah
corporation duly organized under and by virtue of the Laws of
the State of Utah, but authorized to do business within the
State of Idaho, with its Idaho address at Ricks College
Administration Building, 100 E. 2nd S., Rexburg, ID
83460-4107, the party of the second part,

WITNESSETH, That the said party of the first part, for
and in consideration of the sum of Ten and no/100 Dollars,
lawful money of the United States of America, and other
valuable consideration to it 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 and convey and confirm unto the said party of the
second part, and its successors and assigns, forever, all the
following described real estate, situated in Madison County,
State of Idaho, to-wit:

Parcel 1:

Beginning at a point that is N89°48'47"W
660.00 feet along the Section line and North
1609.00 feet from the Southeast corner of
Section 20, T6N, R39E, B.M., and running
thence N89°34'45"W 1193.05 feet; thence North
761.23 feet; thence S89°34'45"E 1193.05 feet;
and thence South 761.23 feet to the point of
beginning. Contains 20.85 acres, more or less.

LESS the "common well area" described as:

A22-02303C

Beginning at a point that is N89°48'47"W 660.00 feet along the Section line and North 1609.00 feet from the Southeast corner of Section 20, T6N, R39E, B.M., and running thence N89°34'45"W 125.00 feet, thence N36°52'59"E 208.26 feet; and thence South 167.50 feet to the point of beginning. 20.85 acres

Together with an undivided thirty percent (30%) interest in and to Water Claim No. A22-10044 in the Snake River Basin Water System Adjudication Proceedings, and an undivided thirty percent (30%) in and to an irrigation well located on the "common well area" described in the preceding paragraph, (the other owners of interests in said irrigation well are said Jensen Farms Limited Partnership, with a 40% interest, and Dwight Spaulding with a 30% interest), and the repair, maintenance, upkeep and power charges are paid by all owners thereof in accordance with the percentage of interest owned, and

Together with a recorded 22 foot easement from Idaho State Highway 33 to said "common well area", and

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

Parcel 2:

Beginning at a point that is N89°48'47"W a distance of 1853.02 feet along the South section line from the Southeast corner of Section 20, T6N, R39E, B.M., and running thence North a distance of 250.00 feet; thence South 89°48'47"E a distance of 138 feet; thence South a distance of 250 feet to the section line; and thence N89°48'47"W a distance of 138 feet to the point of beginning. Containing 0.8 acre more or less.

LESS that portion of lying in the State Highway 33 right of way.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, including but not limited to a shed of metal and wood construction with dimensions of 80 feet x 40 feet, with some concrete flooring

and three overhead metal doors, and an asphalt shingled roof.

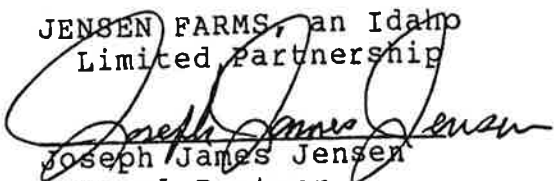
TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part* of the first part.

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

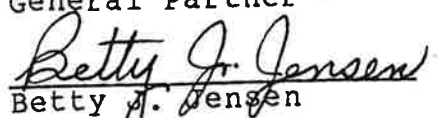
IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above written.

JENSEN FARMS, an Idaho
Limited Partnership

By:


Joseph James Jensen
General Partner

By:


Betty J. Jensen
General Partner

239213

STATE OF IDAHO,

)

ss.

County of Madison.

)

On this 11th day of ~~August~~ ^{September}, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH JAMES JENSEN and BETTY J. JENSEN, known to me to be the general partners of Jensen Farms, the partnership that executed the foregoing instrument and acknowledged to me that such partnership 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.



Kathy Randy
 Notary Public for Idaho
 Residing at Rexburg, Idaho
 My Commission Expires: 3-6-96

MICROFILMED

State of Idaho)
 County of Madison) ss. 239213

I hereby certify that the within instrument was
 filed SEP. 11 1991

at 245 M. and
 recorded on Film 239213

Fee 12.00

by BETTIE D. REESE, Recorder

A. WOOD

Deputy

At the request of AMERICAN LAND TITLE CO., INC.

Legal Description

A parcel of land situated in Madison County, State of Idaho, Township 6 North, Range 39 East of the Basic Meridian, Section 20, more particularly described as follows, beginning at the Southwest corner of section 20, T6N, R 39 E, 5M thence S 89°37'30"E along the south line of said section for a distance of 2384.81 feet to the True Point of Beginning, thence N 00°22'30"E for a distance of 1040.00 feet; thence S 89°37'30"E for a distance of 347.45 feet; thence N 03°34'32"E for a distance of 1968.23 feet; thence S 88°57'45"E for a distance of 1776.54 feet; thence N 00°26'07"W for a distance of 957.67 feet; thence N 86°06'41"W for a distance of 438.09 feet; thence N 02°52'58"E for a distance of 1189.86 feet; thence East for a distance of 40.00 feet; thence N 34°24'55"E for a distance of 87.41 feet; thence N 89°40'00"E for a distance of 927.83 feet; thence S 00°08'28"E for a distance of 2621.09 feet; thence West for a distance of 660.00 feet; thence South for a distance of 268.00 feet; thence N 89°33'39"W for a distance of 1186.96 feet; thence South for a distance of 2350.00 feet; thence N 89°37'30"W for a distance of 244.63 feet; thence N 00°22'30"E for a distance of 208.00 feet; thence N 89°37'30"W for a distance of 197.60 feet; thence S 18°22'30"W for a distance of 42.06 feet; thence S 00°22'30"W for a distance 168.00 feet; thence N 89°37'30"W for a distance of 590.19 feet to the True Point of Beginning containing 121.25 acres more or less.

Thompson Engineering
Consulting Engineering
P.O. Box 55
Rigby, Idaho 83442



A22-02303c

IRRIGATION WELL AGREEMENT

THIS AGREEMENT, made and entered into this 10th day of April, 1978, by and between RICKS COLLEGE, a Utah Non-profit Corporation of Rexburg, Idaho 83440, hereinafter called "Ricks", and RIVERVIEW DAIRY, INC., an Idaho Corporation, of Route #1, Rexburg, Idaho 33440, hereinafter called "Riverview",

WITNESSETH:

1. Riverview Dairy, Inc. has a seventy per cent interest in that certain irrigation well, pump, and motor, identified in that certain Well Agreement between Brigham Young University, a corporation, and Silas Dwight Spaulding and Sheralyn Spaulding, husband and wife, dated November 24, 1975, and recorded on March 25, 1976, as Instrument No. J59606, records of Madison County, Idaho. The Spauldings own the other thirty per cent interest in the well.

2. Riverview Dairy, Inc. has this day conveyed to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, for Ricks College, a part of the property to which the water right and well are appurtenant.

3. In consideration of the purchase of the property, and other good and valuable consideration, receipt of which is hereby acknowledged, Riverview does hereby agree that Ricks shall have the right, in common with Riverview, to water pumped from the well, for irrigation of the property acquired by Ricks from Riverview, and on the terms and conditions herein provided.

4. For a period of three irrigation seasons, namely the crop years 1978, 1979, and 1980, Ricks shall pay to Riverview, for use of the water, the sum of \$100.00 per year, payable on or before the first day of May of each irrigation season, and shall also pay, promptly upon billing with evidence of the calculation of the amount, a percentage of the power bill for pumping irrigation water, calculated as follows:

There shall be calculated the total acreage irrigated

times the number of irrigations for each acre, for each user of water from the well. Ricks shall pay the pro-rata share of the power bill depending upon its acreage irrigated and the number of times irrigated. Riverview shall maintain the well, pump, and motor.

5. At the end of three years Riverview and Ricks shall renegotiate as to the compensation to be paid for use of the irrigation water for future irrigation seasons.

6. Riverview shall not be liable to Ricks for inability to or delay in delivering irrigation water if such delay or inability is due to the failure of the well or of the pump and equipment.

7. In the event of any water shortage from the well the amount of water which each user may claim shall be based upon the historical usage of water from the well prior to the purchase of the property by Ricks from Riverview. Riverview shall establish a reasonable and fair schedule of times of use of the water.

RICKS COLLEGE, a Utah Non-Profit Corporation

By: Harry J. Maxwell
Harry J. Maxwell, Acting President

RIVERVIEW DAIRY, INC.

By: Herold J. Lawl
President

ATTEST

Adrian S. Love
Secretary

STATE OF IDAHO,)
ss.
County of Madison)

On this 16th day of April, 1978, before me, the undersigned a Notary Public in and for said State, personally appeared HARRY J. MAXWELL, known to me to be the Acting President of Ricks College, a Utah Non-Profit Corporation, the corporation that executed the foregoing instrument and acknowledged to me that such corporation 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.

Bridgett Wakarusa
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission expires: 11/15/82

STATE OF IDAHO,
County of Madison

)
ss.
)

On this 10th day of April, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared GERALD J. LOWE and ADA S. LOWE, known to me to be the President and Secretary, respectively, of RIVERVIEW DAIRY, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation 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.

Ridgett W. Walters
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission expires: Life 2/25/82

INDEXED

State of Idaho
County of Madison
Liberty of ... instrument was
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75554
3.00

Notary Public
... ..

undersigned
APRY J.
lege,
poration

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. JEPFSON, 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. JEPFSON, 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 18th 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	40	40
			LOT 6	41.95	41.95
			NE 1/4	40	40
			NW 1/4	40	40
			SW 1/4	40	40
			SE 1/4	40	20
		20	LOT 1 <i>NE NW</i>	23.15	23.15
			LOT 2 <i>SE NW</i>	51.40	51.4
			LOT 3 <i>NW SW</i>	37.55	37.55
			SW 1/4	40	40
			SE 1/4	40	40
			NE 1/4	40	40
			NE 1/4	20	20
			NW 1/4	40	40
			SW 1/4	40	40
		19	SE 1/4	20	20
			LOT 8	58.02	58.02

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-24247

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

1. Name of applicant Orville O. Jeppson - Timothy H. and Preston Parkinson

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SE 1/4 of Section 20

T. 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" bolts -
Motor: Westinghouse #F225022 - 20HP - Meter: Westinghouse #26297082
Fall River Elec. Co. Service # ? Kwh 13 1/2 - KW input during 1958 = 16
(from Power Co's records)

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):

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, 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 irrigates considerable by seeping.

(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 main on parking meter
dist. too far.

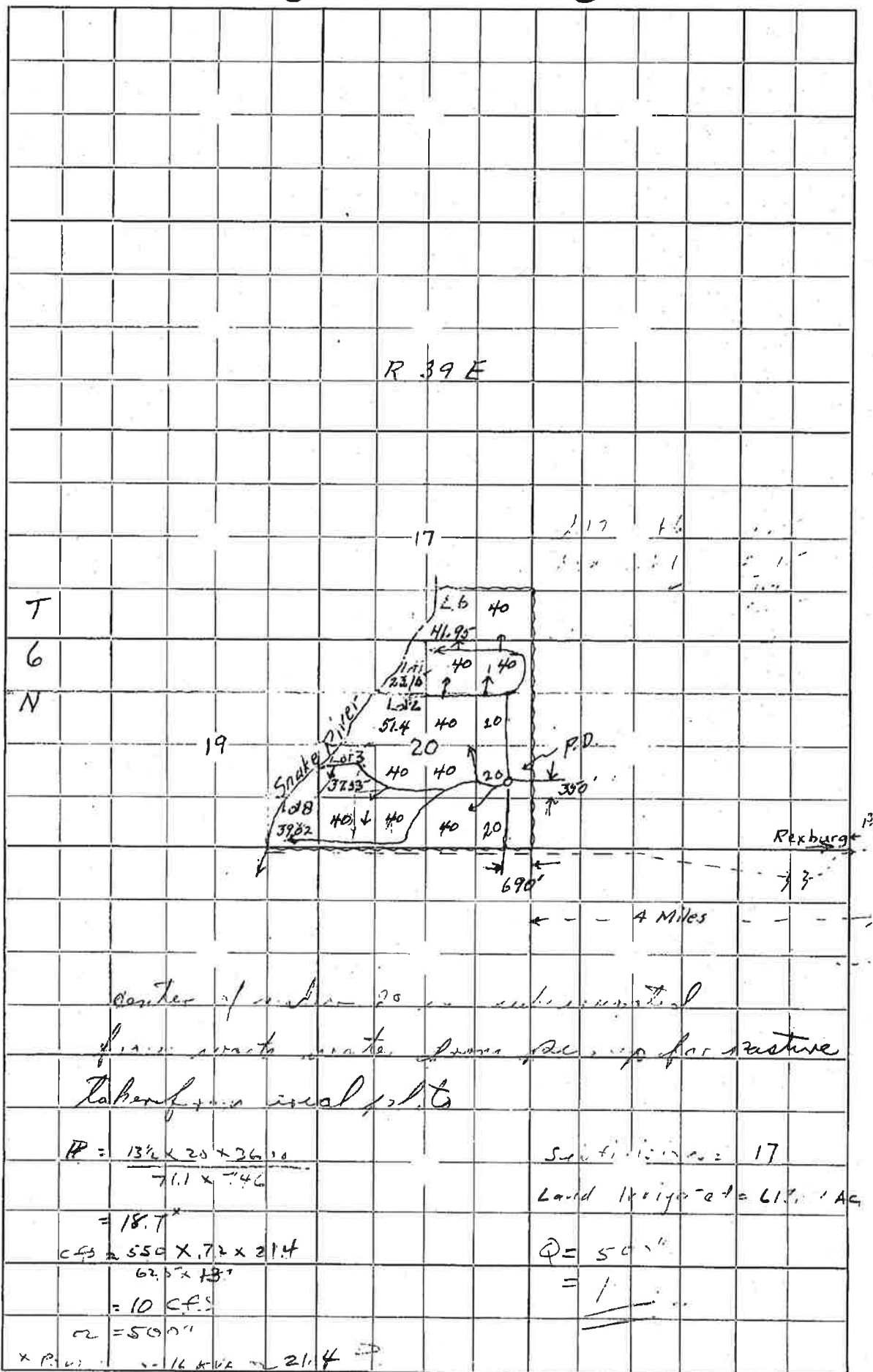
This examination was made on the 14 day of Aug, 1958

(Signed) Derral Stevens

Examiner.

recheck J. C. Mann 2 weeks later.

G24247



Scale: 2 Inches Equals 1 Mile. Drawn In Ink.

20247

RECEIVED

OCT 27 1999

Department of Water Resources

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: A22-02303C

Date Received: 7/12/1988

Receipt No: E025411

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICKS COLLEGE 208-356-2411
Address: REXBURG ID 83460-4107

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 of	Lot	County
06N	39E	20	SW	NE	SE		MADISON

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	04/01	11/01	0.780		

7. Total Quantity Appropriated is:
0.780 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 of	Lot	Use	Acres
06N	39E	20	NE	SE		IRR	12.0
			NW	SE		IRR	24.0
			SW	SE		IRR	3.0

A2202303C



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	39.0
					Total Acres	39.0

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:
Claim represents a portion of license 22-02303 appurtenant to applicants land

15. Basis of Claim: LICENSE

Water Right Number: 24247

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: _____

I do solemnly swear or affirm that I am Support Facilities Manager of
Title
Ricks College, that I have signed the foregoing
Organization
document in the space below as Support Facilities Manager of
Title
Ricks College and that the statements contained in the
Organization
foregoing document are true and correct. Kellen Ellsworth

Kellen Gillsworth
Signature of Authorized Agent
Support Facilities Mgr. - Ricks College
Title and Organization

20 Oct 1999

Date _____

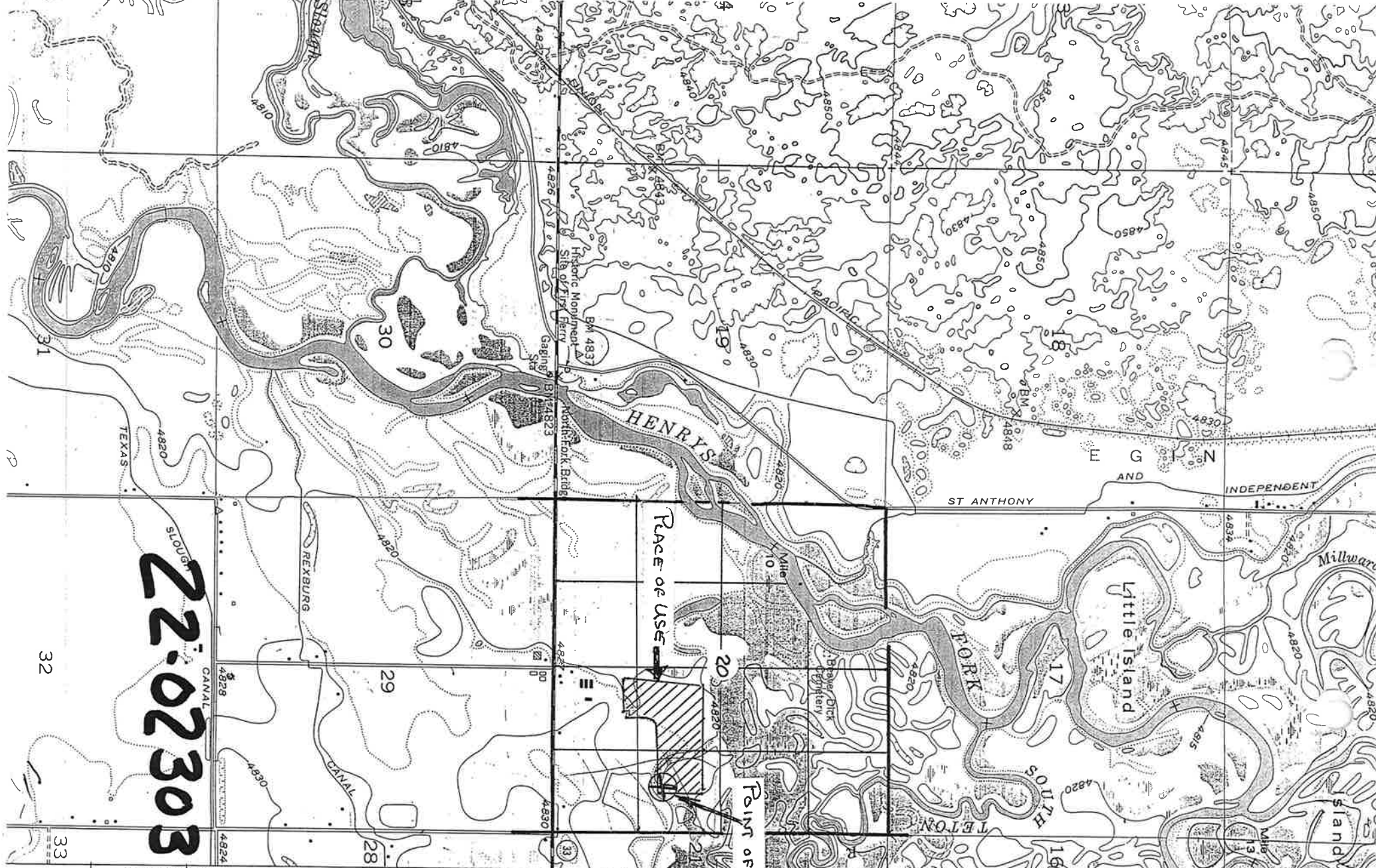
State of Idaho)
) SS.
County of Madison)

Subscribed and sworn (or affirmed) before me this 20th day
of October 19 99 Laurie S.

Laurie S. Francis
Notary Public

Seal

Residing at Rexburg, Idaho
My Commission Expires 15 August 1999



22-02303

R39E

T-92

REXBURG (U.S. 191' & 20') 6 MI.

(REXBURG) 367' E

32
T. 6 N.

FEET

T-888

42.7
1 HEL

17.16
20.21

44.9
2 HEL

175
T-71

SEC
20

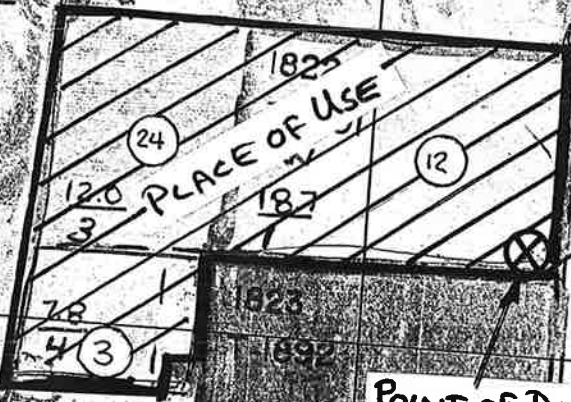
R39E
T6N

22.4
1

10.5
2 NHEL

23.8
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173
T-714



RICKS
COLLEGE
DAIRY

POINT OF DIVERSION

22-02303 c

20 21

29 28