

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
Source is also known as Juanita Creek.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
	22-4002				

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) EUGENE B. & LILY F. LINN
1406 600E Victor Id 83455
4. New Owner/Claimant(s) PETER LINN and/or TRUDY LINN
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address PO Box 255
- City, State and ZIP Code VICTOR ID 83455
- New Telephone Number () 787-2213
5. Date you acquired the property _____

\$1.25 Testimony fee received, Number of written words 560, rate per 100 words 22 $\frac{1}{2}$ cents
Recorded at the request of W. H. Carbine, this 22nd day of December, 1900 at 4:30 P. M.
A. M. Carter, Recorder, Transcribed from Book A of deeds page 507, Fremont County
Records, Transcribed from Book 16 of deeds page 70, Madison County Records.

Final Receiver's Receipt No 3264. Homestead, Application No 4871

Received by Harry L. Cannon the sum of six dollars, ... cents, being the balance of
payment required by law for the entry of S $\frac{1}{4}$ of section 1 in township 4 north of range
45 east, containing one hundred and sixty acres, under section 2291 of the Revised
Statutes of the United States.

\$6.00

George B. Rogers, Receiver.

\$1.25 Testimony fee received, Number of written words, 555, rate per 100 words 22 $\frac{1}{2}$ cents
Recorded at the request of W. H. Carbine, this 29th day of January, 1901 at 11:20 A. M.
A. M. Carter, Recorder. Transcribed from Book A of deeds page 512, Fremont County
Records. Transcribed from Book 16 of deeds page 71, Madison County Records.

Final Receiver's Receipt No 3244. Homestead, Application No 5033.

Receiver's office Blackfoot, Ida. Dec 8, 1900.

Received of Hyrum J. Vail the sum of six dollars, ... cents being the balance of
payment required by law for the entry of the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ of section 26 in
township 4 N of range 45 E. containing 160 acres, under section 2291 of the Revised
Statutes of the United States.

\$6.00

George B. Rogers, Receiver.

\$1.25 Testimony fee received, Number of written words 555, rate per 100 words 22 $\frac{1}{2}$ cents
Recorded at the request of Lindsay & Co, this 5th day of February 1901 at 2:30 P. M.
A. M. Carter, Recorder, Transcribed from Book A of deeds, page 513, Fremont County
Records. Transcribed from Book 16 of deeds page 71, Madison County Records.

Receiver's Final Receipt, Declaration No 2204. Desert Land Act of March 3, 1877, and
Act of March 3, 1891 Land office, at Blackfoot, Idaho, Nov 12, 1900.

Received from William J. Vail, of Fremont County, State of Idaho, the sum of 80
dollars, ... cents, being final payment of one dollar per acre for the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 35
Tp 4 N, R 45 E. containing 80 acres, at one dollar and twenty five cents per acre, the
sum of twenty five cents per acre having been heretofore paid, as per original receipt
No

\$80.00

George B. Rogers, Receiver.

Recorded at the request of Wm. J. Vail this 11th day of Feb^{re}y, 1901 at 10:35 A. M.
A. M. Carter, Recorder.

Transcribed from Book A of deeds page 514, Fremont County Records.

Transcribed from Book 16 of deeds page 71, Madison County Records.

Final Receiver's No 3319, Homestead, Application No 5005.

Receiver's office, Blackfoot, Idaho, Apr 6, 1901.

Received of James Elliott the sum of six dollars, .. cents being the balance of
payment required by law for the entry of E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec 25, in tp 4 North of range 45 E
& Lot 4 & SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 in township 4 north of range 46, east containing one hundred
and sixty acres, under section 2291 of the Revised Statutes of the United States.

\$6.00

George B. Rogers, Receiver.

\$1.10 Testimony fee received, number of written words 490, Rate per 100 words 22 $\frac{1}{2}$ cents

Filed for record April 27, 1901. A. M. Carter, recorder, Rose E Davis, dep. transcribed
from book A of deeds page 519, Fremont county records, transcribed from book 16 page 71

WARRANTY DEED.

No. 1313

1903

This Indenture, Made the 9th day of October in the year of our Lord one thousand nine hundred and three, between James Elliott and Bertha Elliott his wife

of the County of Fremont and State of Idaho the part ies of the first part, and

Emil A. Stahn

of the County of Fremont and State of Idaho the part y of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of

Four hundred dollars and nine head of horses

DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof

is hereby acknowledged, do by these presents Grant, Bargain, Sell and Convey and Confirm unto the said part y of the second

part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land situate, lying and being in the County of

Fremont and State of Idaho, and bounded and described as follows, to-wit: East half of the south east

quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of section twenty five (25) in township four (4) North of Range forty-

five East (45) and Lot numbered four (4) and the south east quarter of the south west

quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section thirty (30) in township four (4) North of Range forty six,

(46) East.

It is also a condition of this indenture, that the said party of the second part assumes and will pay one certain mortgage, covering the above property made by party of the first part, to G. E. Bowerman, drawing interest at the rate of 8% and due April 25th 1906, said interest to be paid to date by party of the first part, party of the second part assumes mortgage and interest from date of this indenture.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said part y of the second part, to his heirs and assigns for ever. And the said part ies of the first part and their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person or persons who-soever, lawfully claiming or to claim the same, shall and will warrant any, and by these presents forever defend.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand sand seal s , the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Thomas Elliott, St. Anthony, Idaho.

James Elliott (SEAL)

Bertha Elliott (SEAL)

(SEAL)

STATE OF IDAHO,

County of Fremont, } ss.

before me, Thomas Elliott

I do hereby certify that on this 9th day of October

personally appeared James Elliott

a Notary Public in and for said County and State,

known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he

executed the same; and I do hereby certify that on this 9th day of October

before me the officer above described Bertha Elliott

a in and for said County and State,

personally appeared Bertha Elliott

known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman, wife of the

above named James Elliott ; and upon an examination separate and apart from and without

the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she

executed the same and that she does not wish to retract such execution.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at

the day and year first above written.

My Commission expires Jan. 11th 1905. (Seal) Thomas Elliott, Notary Public.

Transcribed from Book 7 of Deeds, page 281, Fremont County Records.

Filed for record at the request of Thos. Elliott

at 30 minutes past 11 o'clock A. M., this 10th day of October A. D. 1903

By Deputy. Victor Regsted County Recorder.

transcribed from Book 21, Deeds, page 145, Madison County Records.

WARRANTY DEED

No. of Instrument 26051

This Indenture, Made the 7th day of May in the year of our Lord one thousand nine hundred and nine, between Emil A. Stahn and his wife Carrie F. Stahn

of the County of Fremont and State of Idaho the part i.e.s of the first part, and
 John Bates
 of the County of Fremont and State of Idaho the part y of the second part.

WITNESSETH, That the said part i.e.s of the first part, for and in consideration of the sum of
 One

DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell and Convey and Confirm unto the said part y of the second part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Fremont and State of Idaho and bounded and described as follows, to-wit:

East half of the south east quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) section twenty five (25) township four (4) North, range forty five (45) East of Boise Meridian, Lot four (4) south east quarter south west quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) section thirty (30) township four (4) North, range forty six (46) East of Boise Meridian, containing one hundred & sixty acres.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said part — of the second part, to — heirs and assigns forever. And the said part i.e.s of the first part and their heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs and assigns, against the said part i.e.s of the first part, and their heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part i.e.s of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

C. Cherrington

Mrs. Carrie F. Stahn

(SEAL)

Emil A. Stahn.

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Fremont

} ss.

On this 7th day of May in the year 1909

before me, Charles Cherrington a Notary Public in and for said County

and State, personally appeared Emil A. Stahn and his wife Carrie F. Stahn

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that
 they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires April 19th, 1913.

Seal. C. Cherrington, Notary Public.

Recorded at the request of G. E. Bowerman
 this 11 day of May

A. D. 1909, at 40 minutes past 9 o'clock A. M.

By Deputy, I H. Corey Recorder.
 Transcribed from Book 3, Deeds, page 195 Fremont County Records.
 Transcribed from Book 25 of Deeds page 68 Madison County Records.

WARRANTY DEED

No. of Instrument 128

This Indenture, Made the 16th day of January in the year of our Lord one thousand nine hundred and fourteen, between

John H Bates and Mary Bates husband and wife of the County of Madison and State of Idaho the parties of the first part, and

H. D. Winger of the County of Madison and State of Idaho the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

Five thousand

DOLLARS,

lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Fremont and State of Idaho and bounded and described as follows, to-wit:

The southwest quarter (SW $\frac{1}{4}$) of section 21 twp 4 N R 45 E. B. M. and east one half of southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of section 25 twp 4 N R 45 E. B. M. and lot 4 southeast quarter of southwest quarter, (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of section 30 twp 4 N R 46 E. B. M. together with all water rights, machinery and improvements thereon. This deed is subject to a \$2000.00 mortgage which party of the second part assumes and agrees to pay, together with all back interest.

State of Idaho SS On this 16th day of Jan'y, 1914 before me Walter H Durrant a Justice of the peace in and for said County and State, personally appeared Mary Bates known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, In Witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Walter H Durrant, Justice of the Peace, Driggs, Ida.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, to his heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal, the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Geo H Lowe

John H Bates (SEAL)

Mary Bates (SEAL)

(SEAL)

STATE OF IDAHO,

County of Fremont } ss. On this 15th day of Jan'y in the year 1914, before me, Geo. H Lowe a Notary Public in and for said County and State, personally appeared John H Bates, 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.

My commission expires (seal)

Geo H Lowe, Notary Public.

Recorded at the request of H D Winger this 19th day of Jan'y

A. D. 1914, at 30 minutes past 9 o'clock A. M.

By S. P. Oldham

Deputy.

Jaq Hegsted

Recorder.

Transcribed from book 2 of deeds page 532 Madison County Records.

Instrument No. 1498

This Indenture, Made the twenty eighth day of May in the year of our Lord one thousand nine hundred and fourteen, between Harold D Winger and his wife Lilly Winger of Driggs

of the County of Madison and State of Idaho the part ies of the first part, and

Winger Real Estate and Investment Company a corporation of Driggs,

of the County of Madison and State of Idaho the part y of the second part,

WITNESSETH: That the said part ies of the first part, for and in consideration of the sum of

One thousand DOLLARS, lawful money of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold and do by these presents GRANT, BARGAIN, SELL and CONVEY and CONFIRM unto the said part y of the second part, and to his heirs and assigns forever, all the following described real estate, situated in Madison County, State of Idaho, to-wit:

The east half of the southeast quarter of section 25, township 4 north range 45 E. B. M. and lot 4 and the southeast quarter of the southwest quarter of section 30 township 4 north range 46 E. B. M. together with all water right.

Also commencing at a point 5 rods west and 461½ feet north of the southeast corner of the southwest quarter of section 26 township 5 north, range 45 E. B. M. running thence west 132 feet, thence north 50 feet, thence east 132 feet, thence south 50 feet, to the place of beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, 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 ies of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances and privileges thereto incident, unto the said part y of the second part, and to its successors, heirs and assigns forever, and the said part ies of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part y of the second part its successors and assigns, against the said part ies of the first part and their heirs, and 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 part ies of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

T. W. Smith

Harold D Winger

(SEAL)

Lilly Winger

(SEAL)

(SEAL)

(SEAL)

STATE OF Idaho

County of Madison

before me,

T. W. Smith

and State, personally appeared

Harold D Winger and his wife Lilly Winger

known to me to be the persons whose names are

On this 28th day of May

a Notary public

in the year 1914,

in and for said County

executed the same. And on this day of May in the year 1914, before me,

the wife of the above named

known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, at the day and year in this certificate first above written.

My commission expires Nov 10, 1916, (Seal)

T. W. Smith, Notary Public

Recorded at the request of H. D. Winger at 32 minutes past 9 o'clock A. M.

this 1st day of June 1914.

By Fees \$1.25

Deputy.

Jno Hegsted,

Recorder.

Transcribed from book 2 of deeds page 372, Madison County Records.

WARRANTY DEED

No. of Instrument 2359

This Indenture, Made the twenty third day of February in the year of our Lord one thousand nine hundred and fifteen, between Winter Real Estate and Investment Company a corporation of the State of Idaho doing business at Driggs, Madison and State of Idaho the part y of the first part, and

John N. Ballard
Madison and State of Idaho the part y of the second part,

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Three thousand

DOLLARS,

lawful money of the United States of America, to it in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do ee by these presents Grant, Bargain, Sell and Convey and Confirm unto the said part y of the second part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Madison and State of Idaho and bounded and described as follows, to-wit:

The east half of the south east quarter of section 25 township 4 North range 45 East Boise Meridian also lot 4 and the southeast quarter of the south west quarter of section 30 township 4 North Range 45 East Boise Meridian. This deed is given subject to a mortgage of \$2000.00 which the party of the second part agrees to assume and pay.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

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

IN WITNESS WHEREOF, The said part y of the first part has hereunto set hand and seal, the day and year first above written, and its official seal to be affixed and signed by its Secretary

Signed, Sealed and Delivered in the Presence of:

Winter Real Estate and Investment Company (SEAL)

Harold D. Winger, President, (SEAL)
Secretary. (SEAL)

Lillian Reynolds.

(Corporate Seal)

Transcribed from Book 74, Deeds, page 75, Madison County Records.
STATE OF IDAHO,

County of Madison } ss. On this twenty third day of February in the year 19

before me, Charles Cherrington a Notary Public in and for said County

and State, personally appeared Harold D. Winger known to me to be the president and secretary of the corporation that executed known to me to be the person whose name subscribed to the within 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.

My commission expires

(Seal) Charles Cherrington, Notary Public.

Filed for Record

Recorded at the request of John N. Ballard March 8" 1915, at 2-20

this day of A. D. 19, at minutes past o'clock P. M.

By Fees \$1.20 Deputy. Jno. Hegsted Recorder.

(\$1.00 Revenue Cancelled)

WARRANTY DEED

Instrument No. 1361

This Indenture, Made the 15th day of June in the year of our Lord one thousand nine hundred and sixteen, between John N. Ballard and Mary A. Ballard, his wife

of the County of Teton and State of Idaho the part ies of the first part, and

John N. Ballard of the County of Teton and State of Idaho the part Y of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of Five hundred DOLLARS, lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell and Convey and Confirm unto the said part of the second part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land situate, lying and being in the County of Teton and State of Idaho and bounded and described as follows, to-wit:

The East half of the Southeast quarter of Section Twenty-five Township Four North, Range 48 East, and Lot Four and the southeast quarter of the southwest of section Thirty, Township Four North Range 48 East Boise meridian.
50 cent revenue stamp cancelled.

water rights

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances and privileges thereto incident, unto the said part Y of the second part, and to his heirs and assigns forever, and the said part ies of the first part, and their heirs, and the said premises in a quiet and peaceable possession of the said part Y of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant any and by these presents forever defend.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Ben W. Driggs.

John N. Ballard.

(SEAL)

Mary A. Ballard.

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Teton } ss. On this 15th day of June in the year 19 16, before me, E. B. Edlefsen a Notary Public in and for said County and State, personally appeared John N. Ballard and his wife Mary A. Ballard known to me to be the person s whose names are subscribed to the within instrument, and acknowledged to me that they executed the same. And on this day of in the year 19 , before me, personally appeared

the wife of the above named known to me to be the person whose name is subscribed to the within and foregoing instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, at the day and year in this certificate first above written.

My commission expires (SEAL)

E. B. Edlefsen Notary Public

Recorded at the request of John Ballard this 14th day of June 19 16, at minutes past 1 o'clock P. M.

By Deputy. W. F. Robertson. Recorder.

TETON COUNTY, IDAHO

Instrument 30227

WARRANTY DEED

THIS INDENTURE, Made the 28th day of September, in the year of Our Lord, One Thousand Nine Hundred and Thirty-six, between John R. Ballard and Alfa Ballard, his wife, of the County of Teton, and State of Idaho the parties of the first part, and L. N. Ballard of the County of Teton, and State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Thousand and No/100 - - - DOLLARS, lawful money of the United States of America to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part and to his heirs and assigns forever all that certain lot, ~~piece or parcel~~ of land situate, lying and being in the County of Teton, and the State of Idaho, and bounded and described as follows, to-wit:

The East half of the Southeast Quarter of Section Twenty-five, Township Four (4) North, Range Forty-five (45) East Boise Meridian, and Lot Four (4) and the Southeast Quarter of the Southwest Quarter of Section Thirty (30) Township Four (4) North, Range Forty-six (46) East Boise Meridian.

together with all and singular the water rights tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said promises together with all appurtenances and privileges thereunto incident, unto the said party of the second part, to his heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person or persons whosoever, lawfully claiming or to claim the same, shall and will warrant any, and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of

John R. Ballard. (SEAL)
Alfa Ballard. (SEAL)

STATE OF IDAHO, }
County of Teton, } SS.

On the 28th day of September, in the year 1936, before me, Amacy W. Clark a Notary Public in and for said County and State, personally appeared John R. Ballard and Alfa Ballard, his wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Notarial Seal)
My Com. Exp.
March 10, 1939.

Amacy W. Clark
Notary Public for the State of Idaho,
Residing at Driggs, Teton County, Idaho

Filed for Record at the request of L. N. Ballard at 15 minutes past 2 o'clock P.M., this 28th day of December, 1936

Fees, \$1.00

L. W. Hastings Recorder.
By Bertha Durtschi Deputy.

Instrument 30230

Know All Men By These Presents, that THE UNION CENTRAL LIFE INSURANCE COMPANY, a corporation organized under the laws of Ohio, with its principal office in the city of Cincinnati, State of Ohio, in consideration of Five Thousand and 00/100 (\$5,000.00) - - DOLLARS, to it paid by Ed Riggan the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm to the said Ed Riggan the following described real estate, situated in the County of Teton and State of Idaho, to-wit:

The East Half of the Northeast Quarter; the Southwest Quarter of the Northeast Quarter; the Northeast Quarter of the Southeast Quarter of Section Twenty-two, Township Four, North, Range Forty-five, East of the Boise Meridian, containing 160 acres of land, more or less. Being part of the same land conveyed to The Union Central Life Insurance Company by Deed dated July 22, 1936, and recorded in Book 67 of Deeds at page 90, records of Teton County, Idaho.

(One Documentary Stamp in the amount of \$5.00
attached, dated 12/11/36 and cancelled)

Together with all the improvements, utilities and appurtenances

STATE OF IDAHO)
COUNTY OF Bannock)ss

On this 17 day of December, in the year 1962, before me, the below named, a Notary Public in and for said County and State, personally appeared BERNARD BLONDER, 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.

(NOTARIAL SEAL)

/s/ Archie W. Service
Notary Public for Idaho
Residing at: Pocatello, Idaho

STATE OF IDAHO)
COUNTY OF TETON)ss

Filed for record at the request of Silvon Murdock at 15 minutes past 4 o'clock P.M. this 31 day of December, 1962, and recorded in Book 88 of Deeds, page 19, records of Teton County, State of Idaho.

Fees \$1.50.

/s/ Dwight C. Stone, Recorder

INSTRUMENT NO. 60687 ✓

WARRANTY DEED
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That L. N. BALLARD and VIONA BALLARD, his wife, of the County of TETON, State of IDAHO, parties of the first part, for and in consideration of the sum of SIXTEEN THOUSAND & NO/100 - - - Dollars (\$16,000.00), in lawful money of the United States of America, and other valuable consideration, to them in hand paid by ALBERT W. URE and ALICE K. URE, his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second part, all of the following-described property situate, lying and being in the County of TETON, State of Idaho, to wit:

The E½SE¼ of SECTION 25, Township 4 North, Range 45 East of the Boise Meridian, and Lot 4,
& the SE¼SW¼ of SECTION 30, Township 4 North, Range 45 East of the Boise Meridian.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to 150 shares of the capital stock of the Fox Creek Canal Company; also rights to the waters of Fox Creek and rights to the waters of Ballard Springs (formerly Juanita Springs).

Also all grazing rights, licenses, permits and leases owned, held and controlled by the First Parties and used in the operation of the above land, especially but not limited to United States Forest Service rights on the Targhee National Forest.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

REVENUE STAMPS IN THE AMOUNT OF \$17.60 ATTACHED AND CANCELLED.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves, and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this 2nd day of January, 1963.

/s/ L. N. Ballard
Husband
/s/ Viona Ballard
Wife

ACKNOWLEDGMENT

STATE OF IDAHO)
COUNTY OF TETON)ss

On this 2nd day of January, 1963, before me, a Notary Public in and for said County and State, personally appeared L. N. BALLARD and VIONA BALLARD, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

(NOTARIAL SEAL)

/s/ Elwood G. Thueson
Notary Public in and for the State of Idaho
Residing at Rexburg, Idaho

Recorded in Teton County, Idaho, on Jan. 3, 1963, 10:30 a.m., My commission expires 4-1-66
In Book 88 of Deeds, at page 20.
Fee \$1.50

WARRANTY DEED

THIS INDENTURE, made this 1st day of July, 1976, between
ALBERT W. URE and ALICE K. URE, his wife

of Victor, County of Teton, State of Idaho, the party of
the first part and EUGENE B. LINN and LILY F. LINN, his wife

whose address is Victor, County of Teton,
State of Idaho, 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 (\$10.00) Dollars lawful money of the United States of America,
and other good and valuable consideration, to party of the first part in hand paid by
the party of the second part, the receipt whereof is hereby acknowledged, has granted,
bargained, sold, and by these presents, does grant, bargain, sell and convey and con-
firm unto the said party of the second part, and to the heirs and assigns of party of
the second part forever, all the following described real estate situated in Teton
County, State of Idaho, to-wit:

See property description attached hereto.

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 party of the first part.

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

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

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

Albert W. Ure
Alice K. Ure

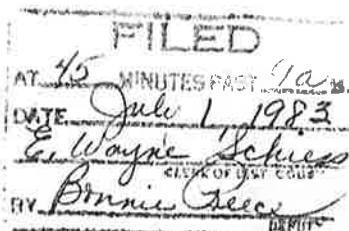
STATE OF IDAHO)
County of Teton) ss.

On this 1st day of July in the year 1976, before me the undersigned,
a Notary Public in and for said State, personally appeared
Albert W. Ure and Alice K. Ure, his wife

known to me to be the persons whose names are subscribed to the within instrument,
and acknowledged to me that they executed the same.

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

John H. DeFries
Notary Public for the State of Idaho
Residing at Bozeman, Idaho



Description of Property:

Albert W. & Alice K. Ure, Seller
Eugene B. & Lily F. Lynn, Buyer

The South Half of the Southwest Quarter of Section 20, Township 4 North, Range 46 E.B.M. in Teton County, Idaho, together with all mineral and geothermal rights, water and ditch rights and appurtenances thereto.

Ac W. Ure
Range 46 E.B.M.
A. B. Lynn

Together with a BLM permit for 194.41 acres, and forest permit #5-23 for 20 head, the description of each and both of which are attached hereto as Exhibit B.

Together with all dairy equipment and supplies, a listing of which is attached hereto as Exhibit A, and by reference made part hereof; and together with milking parlor and loafing shed attached thereto.

Together with 40 shares Fox Creek Canal Company and 40 shares of Rock Road Sprinkler Company, and 40 inches of spring water adjudicated to said property.

Together with one complete hand-move sprinkler irrigation line, 1/4 mile, in good working condition, excepting normal wear, with risers and sprinkler heads.

Together with the dwelling house, water system, and older home and garage, bridges, fences, berry patch, orchard, miscellaneous corrals, barns and sheds now located upon the above-described property.

WARRANTY DEED

For Value Received

EUGENE B. LINN AND LILY F. LINN, husband and wife
of 140 E. 600 S., Victor, ID. 83455

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

JERRY J. LINN AND RACHEL L. LINN, husband and wife
of P.O. BOX 20, Victor, ID. 83455

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

SEE EXHIBIT A, ATTACHED HERETO AND MADE A PART HEREOF

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

Dated: July 12, 1988

X Eugene B. Linn
Eugene B. Linn

X Lily F. Linn
Lily F. Linn

STATE OF IDAHO, COUNTY OF Teton

On this 12 day of July, 1988,
before me, a notary public in and for said State,
personally appeared

Eugene B. Linn and Lily F. Linn

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Mark S. Rockefeller

Notary Public

Residing at Driggs,

Comm. Expires Life/Bond: 3-16-94

102785

FILED

AT THE REQUEST OF

Jerry J. Linn
15 WITNESSES 2 P
July 12, 1988
E. Wayne Schiess
Nora Hill



INSTRUMENT No.



2/10 86

Exhibit A

A-W Engineering

BOX 139
VICTOR, IDAHO 83455
(208) 787-2952

PROPERTY DESCRIPTION - JERRY LINN

A tract of land lieing South of the road located in the $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec.30, Twp.4N, Rng. 46 E., B.M. Teton County, Idaho, being further described as beginning at the Southwest corner of said Section 30 thence N $79^{\circ}32'46''$ E, 572.38 ft.; thence N $28^{\circ}41'41''$ E, 203.94 ft.; thence N $40^{\circ}35'50''$ E, 216.26 ft.; thence N $86^{\circ}07'52''$ E, 281.06 ft.; thence S $62^{\circ}16'09''$ E, 234.03 ft.; thence N $86^{\circ}19'14''$ E, 153.30 ft.; thence S $72^{\circ}29'54''$ E, 391.98 ft.; thence N $65^{\circ}16'25''$ E, 235.60 ft. to the house tract; thence S $35^{\circ}00'$ E, 30.0 ft. to the Southwest corner of the house tract; thence East 592.88 ft.; thence South along the Section $\frac{1}{2}$ line, 322.96 ft.; thence West along the section line, 2640.0 ft. to the point of beginning. Contains 17.10 Acres more or less.

The property contains 7.44 Acres more or less in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30 and 9.66 Acres more or less in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 30.

SUBJECT TO EASEMENT FOR ACCESS OVER AND ACROSS THE NORTH THIRTY (30) FEET OF THE ABOVE DESCRIBED PROPERTY, FOR COUNTY ROAD.

INCLUDING HERewith THE FOLLOWING WATER RIGHTS:

Twenty Five (25) percent of water rights from Juanita Creek; Seven and $\frac{43}{100}$ (7.43) shares of water rights from Fox Creek Canal Company and Rocky Road Sprinkle Irrigation Co.





First American Title Company

Furnished by First American Title Company
Formerly The Bingham Title & Trust Co.

QUITCLAIM DEED

For Value Received

JERRY J. LINN AND RACHEL L. LINN, husband and wife

do hereby convey, release, remise and forever quit claim unto

EUGENE B. LINN AND LILY F. LINN, husband and wife

140 E. 600 S.

Victor, Idaho 83455

the following described premises, to-wit:

A tract of land lying South of the road located in the SE1/2SW1/4 of Section 30, Township 4 North, Range 46 East, Boise Meridian, Teton County, Idaho, being further described as beginning at the Southwest corner of said Section 30, thence North 79 degrees 32'46" East, 572.38 feet; thence North 28 degrees 41'41" East, 203.94 feet; thence North 40 degrees 35'50" East, 216.26 feet; thence North 86 degrees 07'52" East, 281.06 feet; thence South 62 degrees 16'09" East, 234.03 feet; thence North 86 degrees 19'14" East, 153.30 feet; thence South 72 degrees 29'54" East, 391.98 feet; thence North 65 degrees 16'25" East, 235.60 feet to the house tract; thence South 35 degrees 00' East, 30.0 feet to the Southwest corner of the house tract; thence East 592.88 feet; thence South along the Section 1/4 line, 322.96 feet; thence West along the section line, 2640.0 feet to the point of beginning. Contains 17.10 Acres more or less.

The property contains 7.44 Acres more or less in the SW1/4SW1/4 of said Section 30 and 9.66 Acres more or less in the SE1/4SW1/4 of said Section 30.

SUBJECT to Easement for Access over and Across the North Thirty (30) Feet of the above described property, for County Road.

INCLUDING HEREWITH THE FOLLOWING WATER RIGHTS:

Twenty Five (25) percent of water rights from Juanita Creek; Seven and 43/100 (7.43) shares of water rights from Fox Creek Canal Company and Rocky Road Sprinkler Irrigation Co.

together with their appurtenances.

Dated: June 11, 1990

Jerry J. Linn

Rachel L. Linn

STATE OF IDAHO, COUNTY OF Teton

On this 11th day of June 1990
before me, a notary public in and for said State, personally appeared

Jerry J. Linn and Rachel L. Linn

known 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
Idaho

Residing at DR 150
Comm. Expires 5-19-94

106104

FILED

CLERK OF

First American
20 June 14, 1990
E. Wayne Schiess
Nora Hill

JUN 18 1993

113076

35-7934-6
American Land Title Co.
P.O. Box 644
Driggs, ID 83422

TETON Co. Id.
Clerk Recorder

WARRANTY DEED

For Value Received

Eugene B. Linn and Lily P. Linn, HUSBAND AND WIFE.

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

Peter V. Linn and Trudy A. Linn, HUSBAND AND WIFE.

whose current address is

P.O. Box 255, Victor, Id 83455

the grantees, the following described premises, in Teton County Idaho, to wit:

SEE EXHIBIT "A"
ATTACHED HERETO AND BY THIS REFERENCE
MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances except: Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 11, 1993

Eugene B. Linn
Eugene B. Linn

Lily P. Linn
Lily P. Linn

STATE OF IDAHO, COUNTY OF Teton
On this 18th day of JUNE, 1993,
before me, a notary public in and for said State, personally
appeared

Eugene B. Linn
Lily P. Linn
HUSBAND AND WIFE
NOTARY PUBLIC
known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

John Stewart
Notary Public
Residing at Teton, Idaho
Comm. Expires 6 28 97

113076

FILED

AT THE REQUEST OF

American Land

AT 30 MINUTES PAST 11 a.m.

DATE June 18, 1993

Asa J. Drake

CLERK OF RECORDER

BY Nora Rigby



113076

EXHIBIT "A"

Township 4 North, Range 46 East, Boise Meridian, Teton County, Idaho.
Section 30: Lot 4 and SE1/4SW1/4:

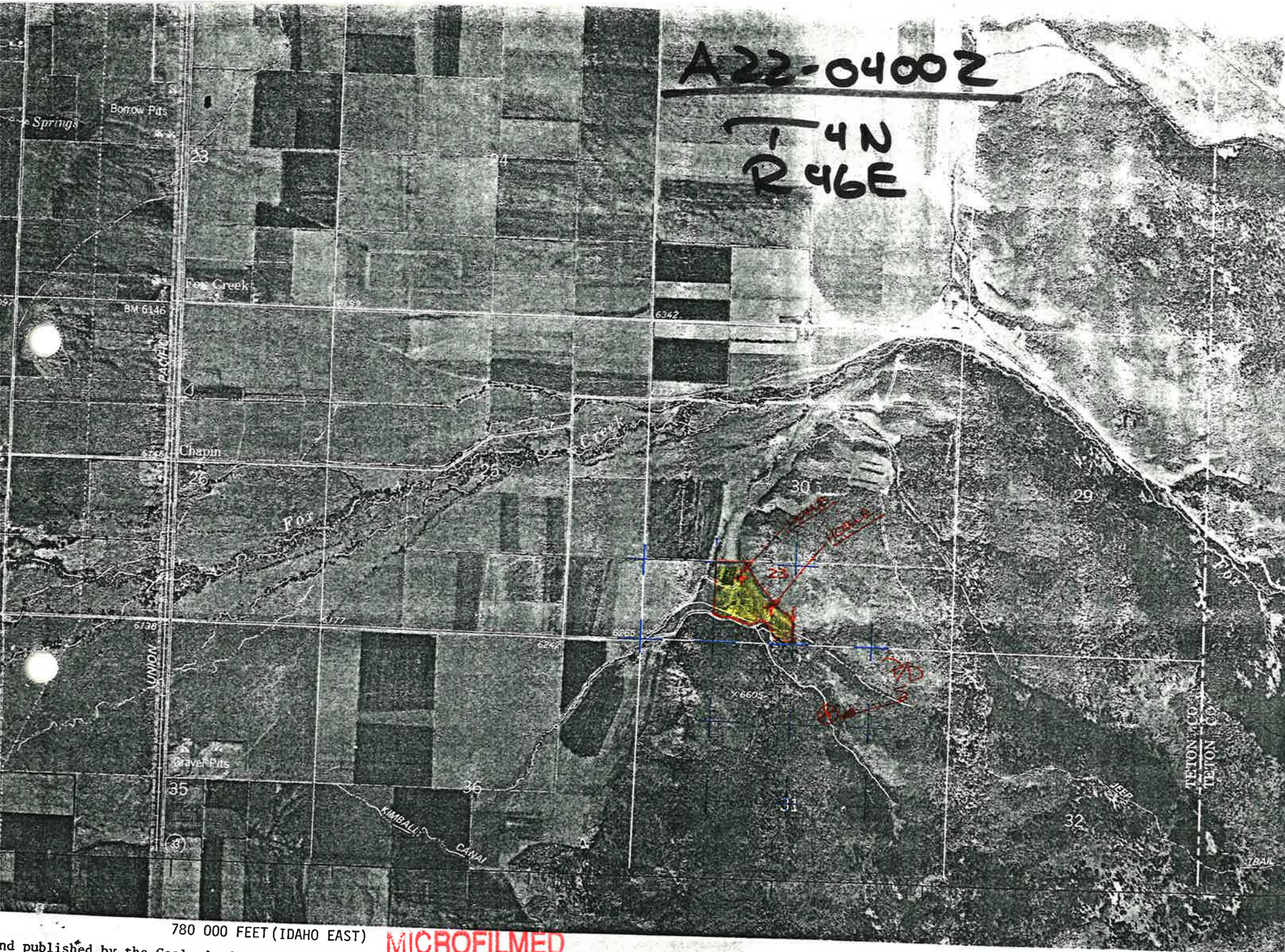
Less: Tract of property surrounding the existing Eugene Linn House, located in the S1/2 of the SW1/4 of Section 30, Township 4 North, Range 46 East, Boise Meridian, Teton County, Idaho, along with a 60 foot wide Road Easement from the county road to the property, being described as follows:

From the Southwest corner of Section 30, Township 4 North, Range 46 East, Boise Meridian and running North 81 degrees 02' 05" East 2072.44 feet to the Southwest Corner of the house tract; thence North 35 degrees 00' West 660.0 feet; thence East 402.86 feet; thence South 35 degrees 00' East 660.00 feet; thence West 402.86 feet to the point of the beginning. A road right of way easement of 30 feet on each side of the centerline being described as follows: Beginning at the said Southwest corner of said Section 30, thence North 79 degrees 32' 46" East 572.38 feet; thence North 28 degrees 41' 41" East 203.94 feet; thence North 40 degrees 35' 50" East 216.26 feet; thence North 86 degrees 07' 52" East 281.06 feet; thence South 62 degrees 16' 09" East 234.03 feet; thence North 06 degrees 19' 14" East 235.60 feet to the house tract; thence South 35 degrees 00' East 30.00 feet to the Southwest corner of the house tract.

→ TRACT EXCLUDED IS E. LINN'S HOME SITE.

A22-04002

T 4 N
R 46 E



780 000 FEET (IDAHO EAST)

and published by the Geological Survey
tion with the U.S. Forest Service

MICROFILMED

OCT 29 1992

SCALE 1:24,000

12/01/2006

**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: 22-4002

PETER LINN

PO BOX 255

VICTOR ID 83455

Telephone Number: (208) 787-2213

TRUDY LINN

PO BOX 255

VICTOR ID 83455

Telephone Number: (208) 787-2213

RECEIVED

JAN 4 2007

**Department of Water Resources
Eastern Region**

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: 12-29-2006 SIGNATURE: Peter V. Linn Trudy Linn
Please print your name: PETER V. LINN Trudy Linn

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

AC

Fox Creek

T4N, R45E
T4N, R46E

22-143

25 30
36 31

Pearl Creek

22-535
22-2095
22-4002

Juanita Creek

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
22-4002					

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)

EUGENE B AND LILY F LUNN
1408 600S Victor Rd 83455

4. New Owner/Claimant(s)

PETER AND TRUDY LUNN
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 255

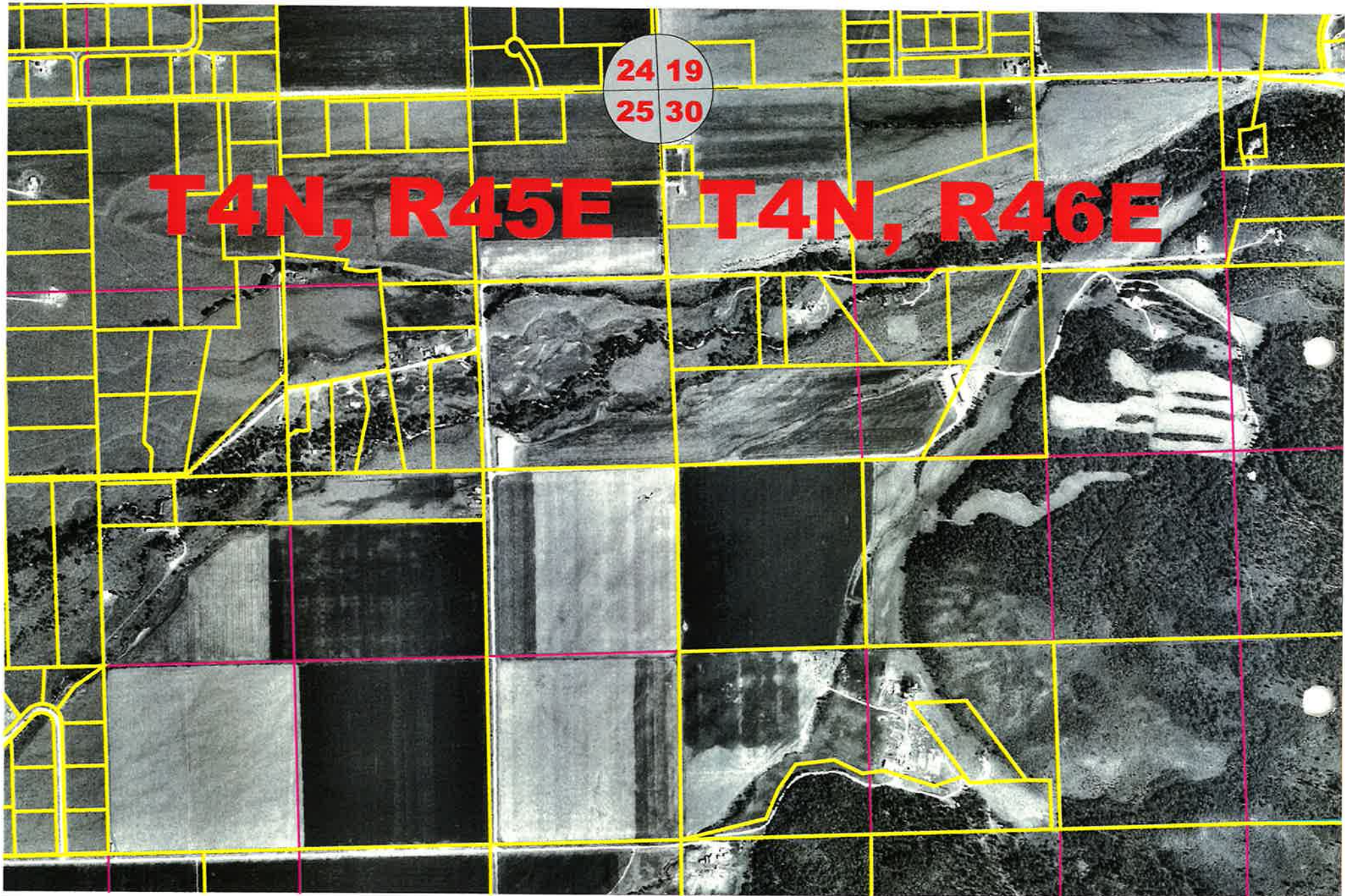
City, State and ZIP Code

VICTOR ID 83455

New Telephone Number

() 208-787-2704

5. Date you acquired the property



Water Right(s): _____

NOTES:

EXAM MAP
Basin 22 Project

Examiner: _____

Date: _____

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 22-4002
Date Received: 9/29/1988
Receipt No: M001465
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EUGENE B LINN Phone: (208)787-2704
140 E 600 S
VICTOR ID USA 83455

LILY F LINN Phone: (208)787-2704
140 E 600 S
VICTOR ID USA 83455

10 sprinklers @ 5/32"

2. Date of Priority: 12/16/1910

JUANITA CK

3. Source: JUNITA CREEK Trib. to: SINKS

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
04N 46E 31 NW NE TETON

5. Description of diverting works:
COLLECTION BOX TO PIPELINE FOR IRR. AND DOMESTIC

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/01	0.5	
STOCKWATER	1/01	12/31	0.08	
DOMESTIC	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.63 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	46E	30	SE SW	IRRIGATION	23
				Section Acres	23
				Total Acres	23

23 x .02 = .46

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

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): _____ Date: _____
_____ Date: _____

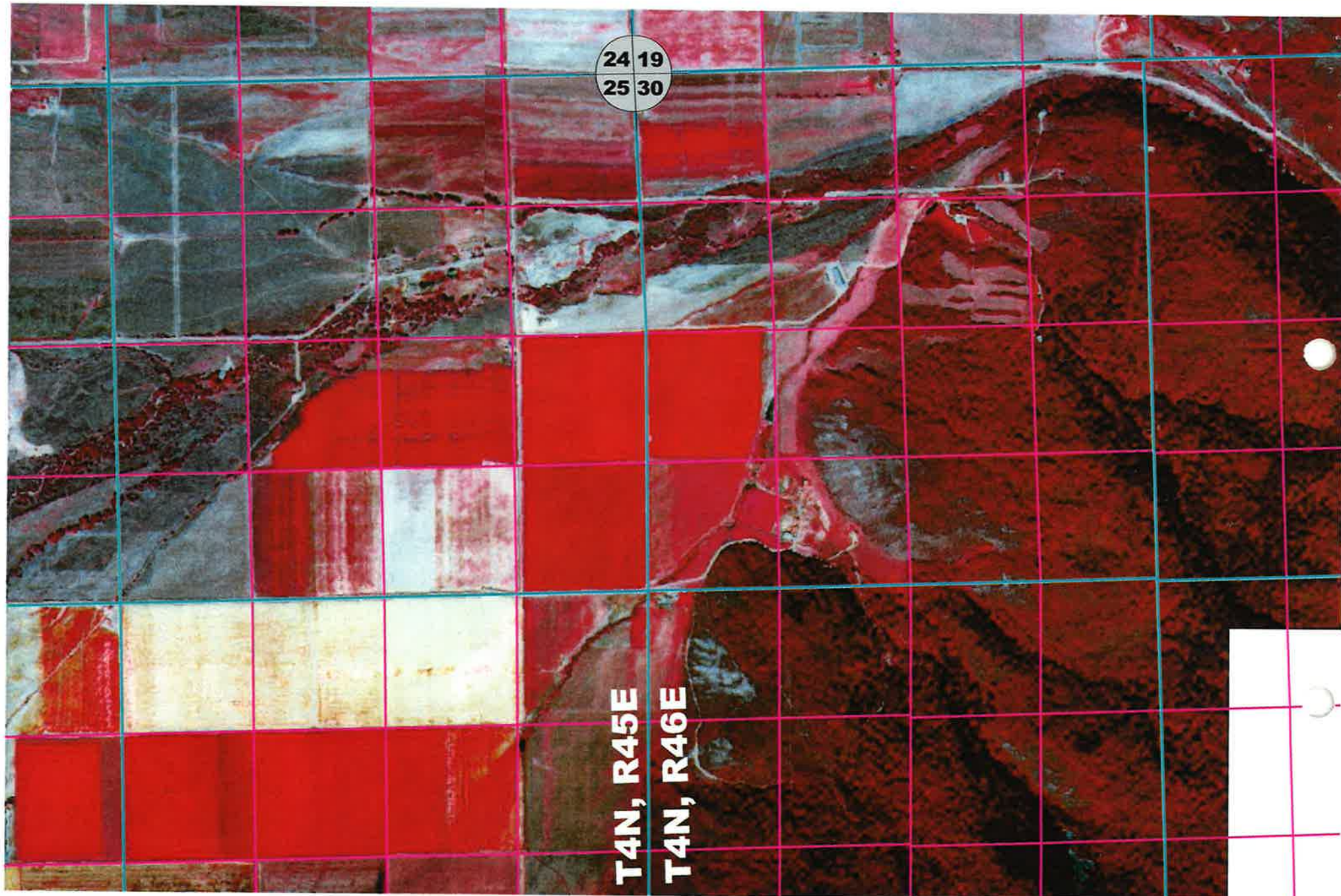
State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____



Water Right(s): _____

NOTES:

EXAM MAP
Basin 22 Project

Examiner: _____

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 WEB SITE: www.idwr.state.id.us

EASTERN REGION

April 29, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**EUGENE & LILY LINN
140 E 600 S
VICTOR ID 83455**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4002

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of DECEMBER 16, 1910, from JUANITA CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

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The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



For Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

Nick's Area

Reverse L I N Ranch
140 E., 600 S.
Victor, Idaho 83455

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

May 27, 2004

RE: Evidence of Priority For SRBA Water Right Claim 22-4002

Dear Mr. Ruberry:

Greetings from Teton Basin, Idaho. I am responding to your letter to Eugene & Lily Linn concerning water claim # 22-4002. Your letter was dated April 29, 2004. Your letter stated we have 30 days to submit evidence supporting our priority claim. My wife and I have purchased this property from my parents. I will be your contact person in adjudicating this claim. My mailing address is:

Peter and Trudy Linn Telephone # 208-787-2213, or 787-2704
P.O. Box 255
Victor, Id. 83455

I called your office on Monday, May 17 - 04 and Monday, May 24 - 04 and left voice mail. I was informed by your secretary that you were on a two-week military leave until 5-24-04 and that you had a back-log of voice mails when you returned. I was also informed that I did not need an extension of time to submit evidence as indicated by your letter and that the 5-29-04 dead-line was not a hard and fast dead-line. However, I will Fax, mail, or hand deliver the information that I have compiled thus far, to your office today. Just in case this matter ever goes to court.

I have researched your IDWR web-site and found three other claims, associated with this property, listing Juanita Creek or Juanita Springs as the water source. I have also found one other claim listing Pearl Creek as the water source. The numbers for these claims are 22-143, 22-534, 22-535, 22-2095, 22-4002. I hope that we can deal with all of these claims at the same time. At your information seminar last winter we were told that if a situation like this arose that you would work with me to sort out and consolidate these old claims, and to resume use where applicable. This is my goal in this adjudication process as well.

No Claims
22-143
22-534
22-535 NOT
ALLOWED
22-2095

I have researched the Teton County records and found a clear line of warranty deeds for this property from the original home-stead through present day. Each deed either lists the water rights or does not exclude them.

I have also found a court case judgement (instrument # 48169) dated 12-16-1940 and filed in Teton County on 10-25-1950 that establishes a priority date for the Emil A. Stahn water right claim of the waters of Juanita Spring at May 15, 1896. This will be the priority date I expect to be established at the end of this adjudication process.

No! IT ESTABLISHES
1896 FROM FOX CK

I will continue to compile evidence of beneficial use of these water rights including an easement to construct a pipe line and spring-box diversion from the BLM. A surveyed

Instrument #48165

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BREWSTER

L. N. Ballard,
Plaintiff,
vs.
Lynn Crandall, Watermaster, Water
District 36, Idaho,
Defendant

J U D G M E N T

COPY

This cause coming on to be heard by the court this 16th day of December, 1940, the plaintiff appearing in person and by his attorney, O. A. Miller, and the defendant not appearing, either in person or by attorney, and it appearing to the satisfaction of the court that the defendant was regularly served with summons, that he failed to plead to plaintiff's complaint within the time allowed by law and that the default of the defendant has been entered for his failure to so appear and plead. The plaintiff offered oral and documentary evidence in support of his complaint and from said testimony it satisfactorily appears to the court that Lynn Crandall is the duly elected and acting watermaster of water district 36, Idaho, and charged with the duties of distributing the waters of Fox Creek a tributary of Teton River, which is a tributary of Snake River, which said Fox Creek is situated in Teton County, Idaho; that the plaintiff is the owner of the following real property, situate in Teton County, Idaho, and described as follows, to wit:

The E 1/2 of section 25 in township 4 north of range 45 east of the Boise meridian, and lot 4 and the S 1/2 of section 30 in township 4 north of range 46 east of the Boise meridian; that he and his predecessors in interest have diverted 130 inches of the waters of said Fox Creek, with a priority of May 15, 1896, through what is known as the Moulton Ditch; that Emil A. Stahn, his predecessor in interest in that certain action filed and determined in this court, wherein Rexburg Irrigation Company, et al, were plaintiffs and Teton Irrigation Canal Company, et al, were defendants filed a cross-complaint alleging that he was the owner of the above described lands and alleged that he had diverted 200 inches of the waters of Spring Creek and 100 inches of the waters of Juanita Spring for the irrigation of the above described lands; that upon the hearing of said cause the said Emil A. Stahn testified that he was the owner of the above described lands, that he and his predecessor in interest had diverted and conveyed through what is known as the Moulton Ditch 200 inches of the waters of Fox Creek and 100 inches of the waters of Juanita Spring for the irrigation of the above described lands; that the said Moulton ditch had its point of diversion on Fox Creek and diverted water from said creek; that at the time of said hearing, there was introduced an engineers' map, which showed the location of Fox Creek, the point of diversion of the so-called Moulton ditch; that the said point of diversion of said Moulton ditch was on Fox Creek and said ditch ran to and upon the above described lands which were then owned by said Emil A. Stahn; that all of the testimony submitted in the said Rexburg Irrigation Company case, on behalf of said Emil A. Stahn was that Emil A. Stahn and his predecessor in interest had and were diverting water from Fox Creek and Juanita Spring

and from no other source; that there is a stream leading from the said Juanita Spring, sometimes referred to as Spring Creek; that there is a Spring Creek shown on the said engineers' map, but that there is no diversion shown from the same to the lands of the said Emil A. Stahn; that the testimony offered in the cause shows that it would be a physical impossibility to divert water from Spring Creek in Teton County to the lands of the plaintiff by gravity; that the decree made and entered in the said Rexburg, Irrigation Company v. Teton Irrigation Canal Company case, awarded and decreed to Emil A. Stahn 130 inches of the waters of Spring Creek and 15 inches of the waters of Juanita Spring with a priority dating May 15, 1896; that the watermaster of water district 36, Idaho, has threatened to refuse to permit the plaintiff to divert the waters of Fox Creek for the irrigation of the lands above described, under said decree.

The court further finds that the material allegations of the plaintiff's complaint are true and that he is entitled to the relief demanded.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED That the cross-complaint filed in the above action of Rexburg, Irrigation Company Vs. Teton Irrigation Canal Company, by Emil A. Stahn be amended to conform to the proof, to wit, that in said cross-complaint where it states and refers to Spring Creek, that the same be so amended to state and read Fox Creek; that the said decree be amended in that it award to Emil A. Stahn the plaintiff's predecessor in interest, the right to divert 130 inches of the waters of Fox Creek with date of priority of May 15, 1896, and -

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT the water master of water district 36, Idaho, in the distribution of the waters of Teton River and its tributaries, distribute to the plaintiff herein, 100 inches, of the waters of Fox Creek, with date of priority of May 15, 1896.

Dated this 16th day of December, 1940.

C. J. TAYLOR
District Judge.

STATE OF IDAHO) ss.
COUNTY OF TETON)

Filed for Record at the Request of L. N. Ballard at 50 Minutes past 3 O'clock P.M. this 25 day of Oct. 1950

L.50

Dwight C. Stone, Recorder
By Louise Drake, Deputy

Instrument #48171

Reverse L I N Ranch
140 E., 600 S.
Victor, Idaho 83455

map of the location of this spring box. An easement transfer from former owners to us of pipe-line on BLM property. Affidavites of personal knowledge of beneficial use of this water right up to present day.

I understand that I will now be put on a waiting list of cases to be studied. I expect to be ready when you get to me. I look forward to working with you to conclude this matter.

Sincerely,


Peter V. Linn

5-27-04



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

April 29, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EUGENE & LILY LINN
140 E 600 S
VICTOR ID 83455

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4002

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date of DECEMBER 16, 1910, from JUANITA CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

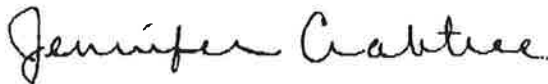
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It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

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The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



For Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-143

WATER RIGHT NUMBER: 22-143

Owner Type Name and Address

Current Owner L N BALLARD

, ZZ

Priority Date: 06/01/1914

Basis: Decreed

Status: Active

Source

Tributary

PEARL CREEK

SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.200 CFS	

Total Diversion: 3.200 CFS

Location of Point(s) of Diversion

PEARL CREEK

Place of Use

IRRIGATION Within TETON County

T04N R45E S25	NENE	T04N R45E S25	SENE
---------------	------	---------------	------

T04N R46E S30	SWSW	T04N R46E S30	SESW
---------------	------	---------------	------

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-534

WATER RIGHT NUMBER: 22-534

Owner Type Name and Address

Current Owner EMIL A STAHN

, ZZ

Priority Date: 05/15/1896

Basis: Decreed

Status: Temporary

Source

Tributary

SPRING CREEK

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

/ to /

2.600 CFS

Total Diversion:

2.600 CFS

Location of Point(s) of Diversion

SPRING CREEK

Sec. 36, Twp 65N, Rge 46E, B.M.

Place of Use

IRRIGATION Within TETON County

T04N R45E S25 NESE

T04N R45E S25 SESE

T04N R46E S30 Lot 4 SWSW

T04N R46E S30 SESW

Conditions of Approval:

Remarks:

1. General THE "DEFAULT" POD WAS ADDED TO ALLOW THIS RECORD TO UPDATE TO THE HOST TEMP FILE. CLF 9-27-89

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-535

WATER RIGHT NUMBER: 22-535

Owner Type Name and Address

Current Owner EMIL A STAHN

, ZZ

Priority Date:

Basis: Decreed

Status: Active

Source Tributary

JUANITA SPRINGS

Beneficial Use From To Diversion Rate Annual Volume

IRRIGATION / to / 0.300 CFS

Total Diversion: 0.300 CFS

Location of Point(s) of Diversion

JUANITA SPRINGS

Place of Use

IRRIGATION Within TETON County

T04N R45E S25 NESE T04N R45E S25 SESE

T04N R46E S30 Lot 4 SWSW T04N R46E S30 SESW

Conditions of Approval:

Remarks:

1. General PRIORITY NOT SPECIFIED IN DECREE.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-2095

WATER RIGHT NUMBER: 22-2095

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN N BALLARD
	VICTOR, ID 83455

Priority Date: 05/05/1920

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.200 CFS	
DOMESTIC	1/01 to 12/31		
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4SW1/4	Sec. 30, Twp 04N, Rge 46E, B.M.
TETON County		

Place of Use

IRRIGATION Within TETON County

T04N R46E S30	SWSW	2.0	T04N R46E S30	SESW	8.0
---------------	------	-----	---------------	------	-----

Total Acres: 10

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-4002

WATER RIGHT NUMBER: 22-4002

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALBERT W URE
Current Owner	VICTOR, ID 83455 EUGENE B LINN 140 E 600 S VICTOR, ID 83455 (208)787-2704
Current Owner	LILY F LINN 140 E 600 S VICTOR, ID 83455 (208)787-2704

Priority Date: 12/16/1910

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
JUNITA CREEK	SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/01	0.500 CFS	
STOCKWATER	1/01 to 12/31	0.080 CFS	
DOMESTIC	1/01 to 12/31	0.050 CFS	
<u>Total Diversion:</u>		0.630 CFS	

Location of Point(s) of Diversion

JUNITA CREEK	NW1/4NE1/4	Sec. 31, Twp 04N, Rge 46E, B.M.
TETON County		

Place of UseIRRIGATION Within TETON County

T04N R46E S30 SESW 23.0

Total Acres: 23

STOCKWATER same as IRRIGATIONDOMESTIC same as IRRIGATIONConditions of Approval:Remarks:Comments:

Reverse L I N Ranch
140 E., 600 S.
Victor, Idaho 83455

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

May 27, 2004

RE: Evidence of Priority For SRBA Water Right Claim 22-4002

RECEIVED

JUN 01 2004

Department of Water Resources
Eastern Region

Dear Mr. Ruberry:

Greetings from Teton Basin, Idaho. I am responding to your letter to Eugene & Lily Linn concerning water claim # 22-4002. Your letter was dated April 29, 2004. Your letter stated we have 30 days to submit evidence supporting our priority claim. My wife and I have purchased this property from my parents. I will be your contact person in adjudicating this claim. My mailing address is:

Peter and Trudy Linn Telephone # 208-787-2213, or 787-2704
P.O. Box 255
Victor, Id. 83455

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I have also found a court case judgement (instrument # 48169) dated 12-16-1940 and filed in Teton County on 10-25-1950 that establishes a priority date for the Emil A. Stahn water right claim of the waters of Juanita Spring at May 15, 1896. This will be the priority date I expect to be established at the end of this adjudication process.

I will continue to compile evidence of beneficial use of these water rights including an easement to construct a pipe line and spring-box diversion from the BLM. A surveyed

Reverse LIN Ranch
140 E., 600 S.
Victor, Idaho 83455

map of the location of this spring box. An easement transfer from former owners to us of pipe-line on BLM property. Affidavites of personal knowledge of beneficial use of this water right up to present day.

I understand that I will now be put on a waiting list of cases to be studied. I expect to be ready when you get to me. I look forward to working with you to conclude this matter.

Sincerely,


Peter V. Linn

5-27-04

Reverse L I N Ranch
140 E., 600 S.
Victor, Id. 83455

Allen Ruberry
Sr. Water Resource Agent
Adjudication Bureau

March 25, 2005

Re: Water Right # 22-143, # 22-534, # 22-535, # 22-2095, # 22-4002

Dear Mr. Ruberry,

Greetings from Teton Basin. During your site and diversion inspection of June 7, 2004 we spoke of the possibility of creating a series of erosion control ponds along our creek and ditch, and, how this would effect our water rights. I showed you how we were currently using our water rights. We talked of our future plans of building a Dude Ranch on this property and how we plan to clean up along the creek-beds and create some ponds, which can sustain fish and water-fowl life. Since that time we have had to have a GPS-surveyed contour map of the entire acreage compiled for Teton County Planning and Zoning. If it is possible to obtain permission to create these ponds I could have their proposed size, location, and possibly their surface area added to the contour map.

We were also required to drill a DEQ approved public water well for our Dude Ranch Project. We were given permission to only hook up the lodge until the appropriate water rights had been transferred to this use. We were told to contact Roger Warner at 525-7161 about this matter. I felt we should inform you first and that possibly we could set up a time, at your convenience, when I could come to Idaho Falls and meet with you or Mr. Warner. I would propose exchanging Water Right # 22-2095 for the well rights and as much pond acreage as possible. I feel that this water right was for the old spring box water system, which supplied domestic water to the farm-house, garden, and barn. We are restoring the farmhouse for our lodge and this use seems quite appropriate.

Rt #, Drill Permit? D0035151 10000 Acre

Id farm where, what

*22-2095
No SRBA
claim - WR
Attached -*

I would also like to get some clarification of Water Right # 22-143. Here are the questions I hope you will be able to shed some light on.

*WR & SRBA
Attachment*

1. How much of this water right is, or, should be, split between our-selves and Parrish Lane Ranch?
2. This Right is listed in the Teton Basin book at the courthouse as (Supp). Dos this mean that it is a supplemental supply of irrigation water. *READ DECREE.*
3. If it is to be used as a supplement does this mean that I could install a ditch system and divert or pump water from it during times of high water run-off, or when Fox Creek Water has been called for? *PEARL CK to Juanita CK (Harrison Stuy)*
4. Pearl Creek is a seasonal stream, which is dry from August to April. Is the stream flowing through our property part of the original creek bed or a diversion using the old Moulten Ditch? *Nothing to do w/ it.*
5. If this water comes from a diversion on Parrish Lane Ranch and through their dam, are they entitled to all of the water in the ditch if they choose to use it? *NO SRBA claim as 143 - part - No 10K#*
6. Can this water be put in a pipe, taken down-slope and used to turn a hydroelectric generator? *Application Radd.*
7. Can ponds be dug along its path? Lined or unlined? Would I need to trade a percentage of the Right? *Permits Radd.*
8. Can I re-route a portion that presently has an erosion problem? *PROBABLY*
9. How much of this water needs to be delivered to the Little property downstream.

NO - Can't combine 243 claim and Decree.

Finally I would like to discuss combining Water Right # 22-4002 and Water Right # 22-535 in your adjudication. I out-lined my interpretation of reinstating the priority date of 5-15-1896 to Water Right # 22-535 in my letter to you dated 6-10-2004. My reasoning was based on the contents of 9th District Court Judgment # 48169. As I recall you made a water use adjustment to Water Right #22-4002 during your on-farm inspection of 6-7-2004. If it is possible to combine these two water rights I would like to see a priority date of 5-15-1896 on 0.3 CFS (approx. 1/2) of the final adjudicated amount. The rest of the final adjudicated diversion rate would have the 12-16-1910 priority date associated with Water Right #22-4002.

NO!

TO SEPARATE ISSUES

A summary of what I would hope to be your final adjudication that you submit to the Court, would be as follows

1. Combine WR # 22-4002 and WR # 22-535 with priority date of 5-15-1896 on 0.3 CFS and priority date of 12-16-1910 on remaining irrigation, stock, and domestic total diversion rate. Total diversion rate to be as established during 6-7-2004 inspection. *1) CAN'T COMBINE 2) 4002 - MONSIEUR ROAD w/ 535 - Is There Enough Q?*
2. Water Right # 22-534 has been combined in the Fox Creek Canal Company / Rock Road Pipeline. We have forty shares of water, which we use to water forty acres on this ranch. *DORS FOX CRK CANAL CLAIM THIS POW? SEE ATTACHED GIS MAP.*
3. We would like to transfer 0.1 CFS of Water Right # 22-2095 to Linn Guest Ranch Public Drinking Water System NEW Source, DEQ Number: 04-17-41, Public Drinking Water System Number: 7410039. Our Engineer estimates that our peak hour demands on the well would be 4.6 gallons per minute or approximately 0.01 CFS. Transferring 10 times estimated demands should leave plenty of room for future expansion. *SPRA CLAIM ROAD & TX A PURPOSE / SOURCE ROAD.*

We would like to use the remaining 0.1 CFS of Water Right # 22-2095 as credit against surface water evaporation of the ponds we would like to construct along Juanita Creek. If there is a formula available to determine pond sq. footage and it is possible to obtain permission or a permit we would like to start building ponds this summer and fall. *PERMIT ROAD.*
4. We would like to use Water Right # 22-143 as a source for water rights to trade for our proposed pond system. I can send our contour map to show what we have in mind or come to Id. Falls in person. *1914 PRIORITY*
5. If we are able to resume use of Water Right # 22-143, I would request permission to build one or two diversions and lead the water out to our pasture. From there I would flood irrigate during high water with a return ditch to return over-flow to creek. Because Pearl Creek runs dry each year I do not know if permits to dig ponds and change the stream or ditch course are necessary. We have three or four pond and/or diversion sites in mind along this creek-bed. I expect to have to line any ponds in order to make them last through the dry spell.

Thank You For Your Time


Peter V. Linn

Peter V. Linn
73 E. Dogwood St.
POB 255
Victor, ID 83455

(208) 787-2213 home
(208) 787-2704 work-days



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 7, 2006

PETER AND TRUDY LINN
PO BOX 255
VICTOR, ID 83455

**IMPORTANT
FINAL NOTICE
PLEASE READ**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4002

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

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April 29, 2004

EUGENE & LILY LINN
140 E 600 S
VICTOR ID 83455

COPY

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4002

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of DECEMBER 16, 1910, from JUANITA CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

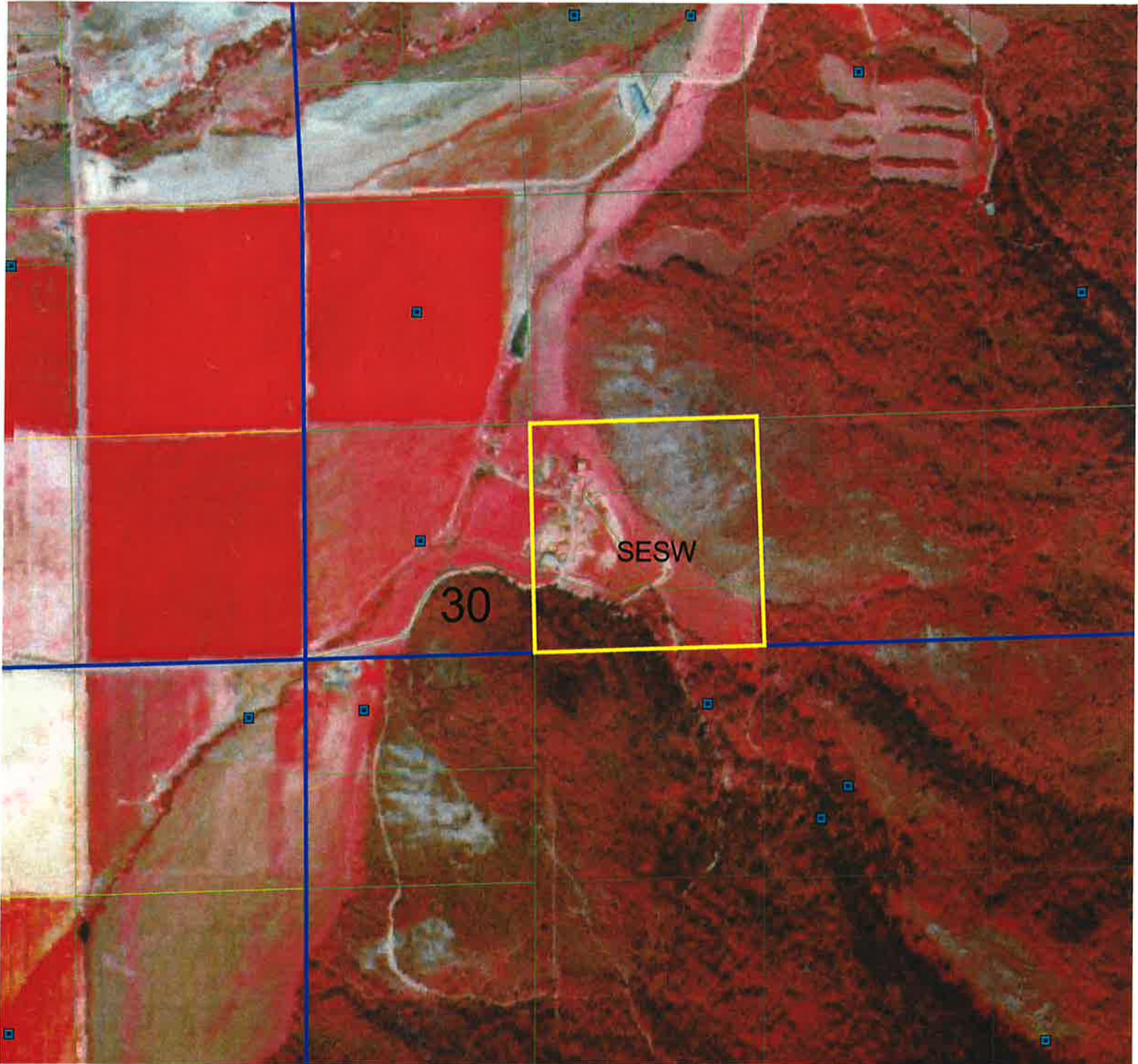


Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

22-4002
4N 46E



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 22-4002
Date Received: 9/29/1988
Receipt No: M001465
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PETER LINN Phone: (208) 787-2213
PO BOX 255
VICTOR ID USA 83455

TRUDY LINN Phone: (208) 787-2213
PO BOX 255
VICTOR ID USA 83455

RECEIVED

MAR 06 2006

Department of Water Resources
Eastern Region

2. Date of Priority: 12/16/1910

3. Source: JUNITA CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	46E	31	NW NE	TETON	

5. Description of diverting works:

COLLECTION BOX TO PIPELINE FOR IRR. AND DOMESTIC

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/01	0.5	
STOCKWATER	1/01	12/31	0.08	
DOMESTIC	1/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.63 C.F.S.

8. Total consumptive use:

0.63 C.F.S.

9. Non-irrigation uses:

0.13 C.F.S.

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	46E	30	SE	SW	IRRIGATION	23
Section Acres						23
Total Acres						23

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

22-143
22-534 — ROCK ROAD IRRIGATION CO.
22-535, # 22-2095

14. Remarks:

All necessary documentation for these claims should be in our IOWR file.

15. Basis of Claim: Statutory Claim

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:

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):

Pat V. Linn
Judy Linn

Date: 3-3-06

3-3-06 Date:

State of Idaho

County of Teton

SS.

Subscribed and sworn (or affirmed) before me this 3rd
of March 2006

Darla W. Neeley

Notary Public

Residing at

Idaho

My commission Expires

02-24-09



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 22-4002
Date Received: 9/29/1988
Receipt No: M001465
Received By:

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

1. Name of Claimant(s)

PETER LINN Phone: (208) 787-2213
PO BOX 255
VICTOR ID USA 83455

TRUDY LINN Phone: (208) 787-2213
PO BOX 255
VICTOR ID USA 83455

2. Date of Priority: 12/16/1910

3. Source: JUNITA CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	46E	31	NW NE	TETON	

5. Description of diverting works:

COLLECTION BOX TO PIPELINE FOR IRR. AND DOMESTIC

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/01	0.5	
STOCKWATER	1/01	12/31	0.08	
DOMESTIC	1/01	12/31	0.05	

7. Total Quantity Appropriated is:

0.63 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	46E	30	SE SW	IRRIGATION	23
Section Acres					23
Total Acres					23

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

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):

John V. Linn

Date:

4-19-05

Date:

State of Idaho)

County of

BONNEVILLE

) SS.

Subscribed and sworn (or affirmed) before me this 19th

of April 2005

Aaron B. Ruberry

Notary Public

Residing at

Idaho Falls Idaho

My commission Expires

9/23/07



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: A22-04002
Date Received: 9/29/1988
Receipt No: MO01465
Received By: JDH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE B. LINN 208-787-2704
Address: 140 E 600 S
VICTOR, ID 83455

Name: LILY F. LINN 208-787-2704
Address: 140 E 600 S
VICTOR, ID 83455

2. Date of Priority: DEC 16, 1910

3. Source: JUNITA CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	46E	31	NW	NE			TETON

5. Description of diverting works:
COLLECTION BOX TO PIPELINE FOR IRR. AND DOMESTIC

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/01	0.500		
STOCKWATER	01/01	12/31	0.080		
DOMESTIC	01/01	12/31	0.050		

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

8. Total consumptive use is 46.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE D/2 HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	46E	30	SE	SW		IRR	23.0
Section Acres							23.0
Total Acres							23.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Eugene O. Lewis Date: _____
Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 29 day
of Sept 19 88
Notary Public

Seal

Residing at Lake Falls
My Commission Expires 7-12-94