

01/19/2006

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

RIGHT NUMBER: 22-4015

NAME AND ADDRESS: FREMONT COUNTY
C/O COUNTY CLERK
151 W 1 N
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.330 CFS
239.000 AFY

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION:

T07N R40E S12 SWSW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

01/01 12/31

0.330 CFS

239.00 AFY

PLACE OF USE: INDUSTRIAL Within FREMONT County

T07N R40E S12 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

07N40E12

227298-2



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Attn: Ar

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>22-4015</u>	☐			☐
	<u>22-7298</u>	☐			☐
		☐			☐
		☐			☐
		☐			☐

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

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

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

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

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

TED V AND GERRA GOULD
2348 E 200N ST. ANTHONY RD 83445

4. New Owner/Claimant(s)

FREMONT COUNTY Co. COUNTY Clerk
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

151 W. 1ST N
ST. ANTHONY RD 83445

City, State and ZIP Code

New Telephone Number

(208) 624-7332

5. Date you acquired the property

*PDWR
Rec'd 11/2/06
AGN
Done 11/3/06*

AMENDED WARRANTY DEED

This instrument is an Amended Warranty Deed, created to amend the legal description of the well easement granted in the original Warranty Deed, recorded as Instrument No. 439777 in the records of Fremont County, Idaho.

FOR VALUE RECEIVED, Ted V. Gould and Glenna Gould, of 2348 East 200 North, St. Anthony, Idaho, the Grantors do hereby grant, bargain, sell, and convey unto Fremont County, Idaho, a political subdivision of the State of Idaho, with its principal offices at 151 West 1st North, St. Anthony, Idaho, the Grantee, the following described premises, to-wit:

See Exhibit "A", attached hereto.

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

DATED this 13 day of February, 1996.

Ted V. Gould
TED V. GOULD

Glenna Gould
GLENN A GOULD

STATE OF IDAHO)
) ss.
COUNTY OF FREMONT)

On this 13 day of February, 1996, before me the undersigned, a Notary Public in and for the State of Utah, personally appeared TED V. GOULD and GLENN A GOULD, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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



Mickie Funke
Notary Public for the State of Idaho
Residing at: Ashton Id for Fremont County
My Commission expires 11-30-2000

Microfilm No. 440012
15 Day Feb 19 96
At 10:15 O'clock A M
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 0. Deputy
Recorded At Request of
Mickie Funke

440012

EXHIBIT "A"

TRACT 1: FREMONT COUNTY GRAVEL PIT-NORTH PARCEL A, ST. ANTHONY STUD MILL SITE.

NOTE: BEARINGS ARE ROTATED $00^{\circ}12'33''$ COUNTER-CLOCKWISE FROM PREVIOUS DESCRIPTIONS TO MATCH THE 1994 SURVEY OF SECTION 12 PREPARED FOR FREMONT COUNTY.

A PARCEL OF LAND BEING A PORTION OF THAT LARGER PARCEL OF LAND PREVIOUSLY DESCRIBED AT INSTRUMENT NO. 433150 IN THE OFFICE OF THE FREMONT COUNTY CLERK AND RECORDER, LYING ENTIRELY WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FREMONT COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12, BEING A RAILROAD SPIKE AS FILED FOR RECORD AT INSTRUMENT NO. 428798 IN SAID FREMONT COUNTY RECORDS; THENCE SOUTH $89^{\circ}45'47''$ EAST ALONG THE SOUTH LINE OF SAID SECTION 12 A DISTANCE OF 143.45 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE OREGON SHORT LINE RAILROAD; THENCE NORTH $30^{\circ}27'27''$ EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1005.83 FEET TO THE NORTHWESTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED BY RECORD OF SURVEY AT INSTRUMENT NO. 435463 IN SAID FREMONT COUNTY RECORDS, BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH $30^{\circ}27'27''$ EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 908.43 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND DESCRIBED AT INSTRUMENT NO. 434062 IN SAID FREMONT COUNTY RECORDS; THENCE SOUTH $89^{\circ}57'33''$ EAST ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED AT INSTRUMENT NO. 434062 AND THE SOUTHERLY LINE OF THE FREMONT COUNTY FAIRGROUNDS AND AIRPORT PARCEL A DISTANCE OF 1420.98 FEET; THENCE ALONG THE NORTHWESTERLY BANK OF THE TWIN GROVES CANAL FOR THE FOLLOWING TWO COURSES:

- 1) SOUTH $56^{\circ}31'04''$ WEST A DISTANCE OF 1556.41 FEET;
- 2) SOUTH $70^{\circ}22'42''$ WEST A DISTANCE OF 287.81 FEET;

THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY OF SAID RECORD OF SURVEY FILED AT INSTRUMENT NO. 435463 FOR THE FOLLOWING TWO COURSES:

- 1) NORTH $01^{\circ}42'33''$ WEST A DISTANCE OF 182.46 FEET;
- 2) SOUTH $88^{\circ}17'27''$ WEST A DISTANCE OF 306.93 FEET TO THE POINT OF BEGINNING; CONTAINING 19.911 ACRES, AND BEING SUBJECT TO A 70 FOOT ACCESS EASEMENT ADJACENT AND PARALLEL TO SAID OREGON SHORTLINE RAILROAD RIGHT-OF-WAY ON THE WESTERLY SIDE OF ABOVE DESCRIBED PROPERTY, AND ANY IRRIGATION CANALS OR DITCHES AS THEY NOW EXIST ACROSS SAID PARCEL OF LAND.

TRACT 2: FREMONT COUNTY GRAVEL PIT-SOUTH SITE AT ST. ANTHONY STUD MILL SITE.

A PARCEL OF LAND BEING A PORTION OF THAT LARGER PARCEL OF LAND PREVIOUSLY DESCRIBED AT INSTRUMENT NO. 433150 IN THE OFFICE OF THE FREMONT COUNTY CLERK AND RECORDER, LYING ENTIRELY WITHIN THE

EXHIBIT "A"

440012

SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FREMONT COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12, BEING A RAILROAD SPIKE AS FILED FOR RECORD AT INSTRUMENT NO. 428798 IN SAID FREMONT COUNTY RECORDS; THENCE SOUTH 89°45'47" WEST ALONG THE SOUTH LINE OF SAID SECTION 12 A DISTANCE OF 1279.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°14'13" WEST A DISTANCE OF 742.98 FEET; THENCE NORTH 41°00'00" WEST A DISTANCE OF 69.29 FEET; THENCE NORTH 56°31'04" EAST ALONG THE NORTHWESTERLY BANK OF THE TWIN GROVES CANAL A DISTANCE OF 1556.41 FEET; THENCE SOUTH 89°57'33" EAST ALONG THE SOUTH LINE OF THE FREMONT COUNTY FAIRGROUNDS AND THE AIRPORT PARCEL A DISTANCE OF 93.87 FEET; THENCE SOUTH 00°01'05" EAST ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF SECTION 12 A DISTANCE OF 1659.34 FEET; THENCE NORTH 89°45'47" WEST ALONG SAID SOUTH LINE OF SECTION 12 A DISTANCE OF 1350.16 FEET TO THE POINT OF BEGINNING, CONTAINING 39.375 ACRES, AND BEING SUBJECT TO A RIGHT-OF-WAY EASEMENT FOR INGRESS AND EGRESS, BEING 60 FEET IN WIDTH, THE CENTER LINE OF WHICH EASEMENT BEING THE WEST BOUNDARY LINE (OR THE FIRST TWO COURSES) OF THE PROPERTY DESCRIBED ABOVE, AND ANY IRRIGATION CANALS OR DITCHES AS THEY NOW EXIST ACROSS SAID PARCEL OF LAND..

ALSO: A RIGHT-OF-WAY EASEMENT FOR INGRESS AND EGRESS, BEING 60 FEET IN WIDTH, THE CENTER LINE OF WHICH EASEMENT BEING THE WEST BOUNDARY LINE OF THE PROPERTY DESCRIBED ABOVE AS TRACT 2.

ALSO: A 50% UNDIVIDED INTEREST IN A WELL ON GRANTOR'S LAND, AS DESCRIBED BELOW, TOGETHER WITH A 15 FOOT EASEMENT FOR WATER PIPELINES FROM THE EXISTING WELL SITE TO TRACT 2, ALSO THE RIGHT OF INGRESS AND EGRESS AND MAINTENANCE OF SAID WELL SITE AND WATERLINES, WHICH WELL SITE AND PIPELINE EASEMENT ARE DESCRIBED AS:

A TRACT OF LAND BEING AN EASEMENT FOR THE PURPOSES OF A COMMON WELL SITE, APPURTENANT WATER LINE, AND INGRESS AND EGRESS TO MAINTAIN SAME WELL AND APPURTENANT WATER LINE ACROSS A PORTION OF THAT LAND PREVIOUSLY DESCRIBED AT INSTRUMENT NO. 433150 IN THE OFFICE OF THE FREMONT COUNTY CLERK AND RECORDER, LYING ENTIRELY WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FREMONT COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND KNOWN AS THE FREMONT COUNTY GRAVEL PIT - SOUTH PARCEL, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 12 BEARS NORTH 89°45'47" WEST 1279.05 FEET DISTANT; THENCE ALONG THE WESTERLY BOUNDARY OF SAID "SOUTH PARCEL" NORTH 00°14'13" WEST A DISTANCE OF 166.08 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING NINE COURSES:

- 1) NORTH 89°45'47" WEST A DISTANCE OF 237.32 FEET;
- 2) SOUTH 00°14'13" WEST A DISTANCE OF 52.50 FEET;
- 3) SOUTH 89°45'47" EAST A DISTANCE OF 3.50 FEET;

EXHIBIT "A"

440012

- 4) SOUTH 00°14'13" WEST A DISTANCE OF 27.50 FEET;
- 5) NORTH 89°45'47" WEST A DISTANCE OF 22.00 FEET;
- 6) NORTH 00°14'13" EAST A DISTANCE OF 27.50 FEET;
- 7) SOUTH 89°45'47" EAST A DISTANCE OF 3.50 FEET;
- 8) NORTH 00°14'13" EAST A DISTANCE OF 67.50 FEET;
- 9) SOUTH 89°45'47" EAST A DISTANCE OF 252.32 FEET;

THENCE SOUTH 00°14'13" WEST ALONG SAID WESTERLY LINE OF THE "SOUTH PARCEL" A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; CONTAINING 5177 SQUARE FEET.

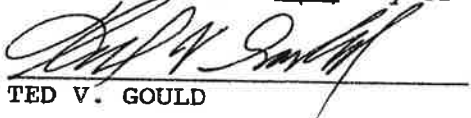
WARRANTY DEED

FOR VALUE RECEIVED, Ted V. Gould and Glenna Gould, of 2348 East 200 North, St. Anthony, Idaho, the Grantors do hereby grant, bargain, sell, and convey unto Fremont County, Idaho, a political subdivision of the State of Idaho, with its principal offices at 151 West 1st North, St. Anthony, Idaho, the Grantee, the following described premises, to-wit:

See Exhibit "A", attached hereto.

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

DATED this 29 day of January, 1996.


TED V. GOULD


GLENN A GOULD

STATE OF IDAHO)
) ss.
COUNTY OF FREMONT)

On this 29 day of January, 1996, before me the undersigned, a Notary Public in and for the State of Utah, personally appeared TED V. GOULD and GLENN A GOULD, known to me to be the persons whose names are subscribed to the foregoing 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.




Notary Public for the State of Idaho
Residing at: Ashton, Idaho
My Commission expires
11-30-2000

Microfilm No. 433777
29 Day Jan 1996
At 14:10 O'clock P.M.
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 12-00 Deputy
Recorded At Request of
Ted Gould

EXHIBIT "A"

TRACT 1: FREMONT COUNTY GRAVEL PIT-NORTH PARCEL AT ST. ANTHONY STUD MILL SITE.

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- 1) SOUTH 56°31'04" WEST A DISTANCE OF 1556.41 FEET;
- 2) SOUTH 70°22'42" WEST A DISTANCE OF 287.81 FEET;

THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY OF SAID RECORD OF SURVEY FILED AT INSTRUMENT NO. 435463 FOR THE FOLLOWING TWO COURSES:

- 1) NORTH 01°42'33" WEST A DISTANCE OF 182.46 FEET;
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ALSO: A RIGHT-OF-WAY EASEMENT FOR INGRESS AND EGRESS, BEING 60 FEET IN WIDTH, THE CENTER LINE OF WHICH EASEMENT BEING THE WEST BOUNDARY LINE OF THE PROPERTY DESCRIBED ABOVE AS TRACT 2.

ALSO: A 50% UNDIVIDED INTEREST IN A WELL ON GRANTOR'S LAND, AS DESCRIBED BELOW, WHICH IS LOCATED WEST OF THE ABOVE DESCRIBED TRACT 2, TOGETHER WITH A 15 FOOT EASEMENT FOR WATER PIPELINES FROM THE EXISTING WELL SITE TO TRACT 2, ALSO THE RIGHT OF INGRESS AND EGRESS AND MAINTENANCE OF SAID WELL SITE AND WATERLINES, WHICH WELL SITE AND PIPELINE EASEMENT ARE FOUND IN THE SOUTHWEST QUADRANT OF THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND BEING A PORTION OF THAT LARGER PARCEL OF LAND PREVIOUSLY DESCRIBED AT INSTRUMENT NO. 433150 IN THE OFFICE OF THE FREMONT COUNTY CLERK AND RECORDER, LYING ENTIRELY WITHIN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 7 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FREMONT COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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- 1) NORTH 45°13'27" EAST A DISTANCE OF 550.19 FEET;

EXHIBIT "A"

2) NORTH 71°25'27" EAST A DISTANCE OF 330.56 FEET;
3) NORTH 70°22'42" EAST A DISTANCE OF 287.81 FEET;
THENCE SOUTH 41°00'00" EAST A DISTANCE OF 69.29 FEET; THENCE SOUTH
00°1'13" WEST A DISTANCE OF 742.90 FEET; THENCE NORTH 85°45'47"
WEST ALONG SAID SOUTH LINE OF SECTION 12 A DISTANCE OF 1135.60 FEET
TO THE POINT OF BEGINNING; CONTAINING 13.876 ACRES AND BEING
SUBJECT TO THE FOLLOWING EASEMENTS OR RESTRICTIONS:

1) EASEMENT FOR THE TWIN GROVES CANAL AS IT NOW CROSSES THE
PROPERTY;

2) A 60 FOOT ACCESS EASEMENT THE CENTERLINE OF WHICH EASEMENT
IS THE EASTERLY BOUNDARY OF THE PROPERTY; AND

3) COMMON USE OF AN EXISTING WELL IN THE SOUTHWEST QUADRANT
OF THE PROPERTY GRANTED TO THAT PARCEL KNOWN AS THE FREMONT COUNTY
GRAVEL PIT-SOUTH PARCEL.

Proposal

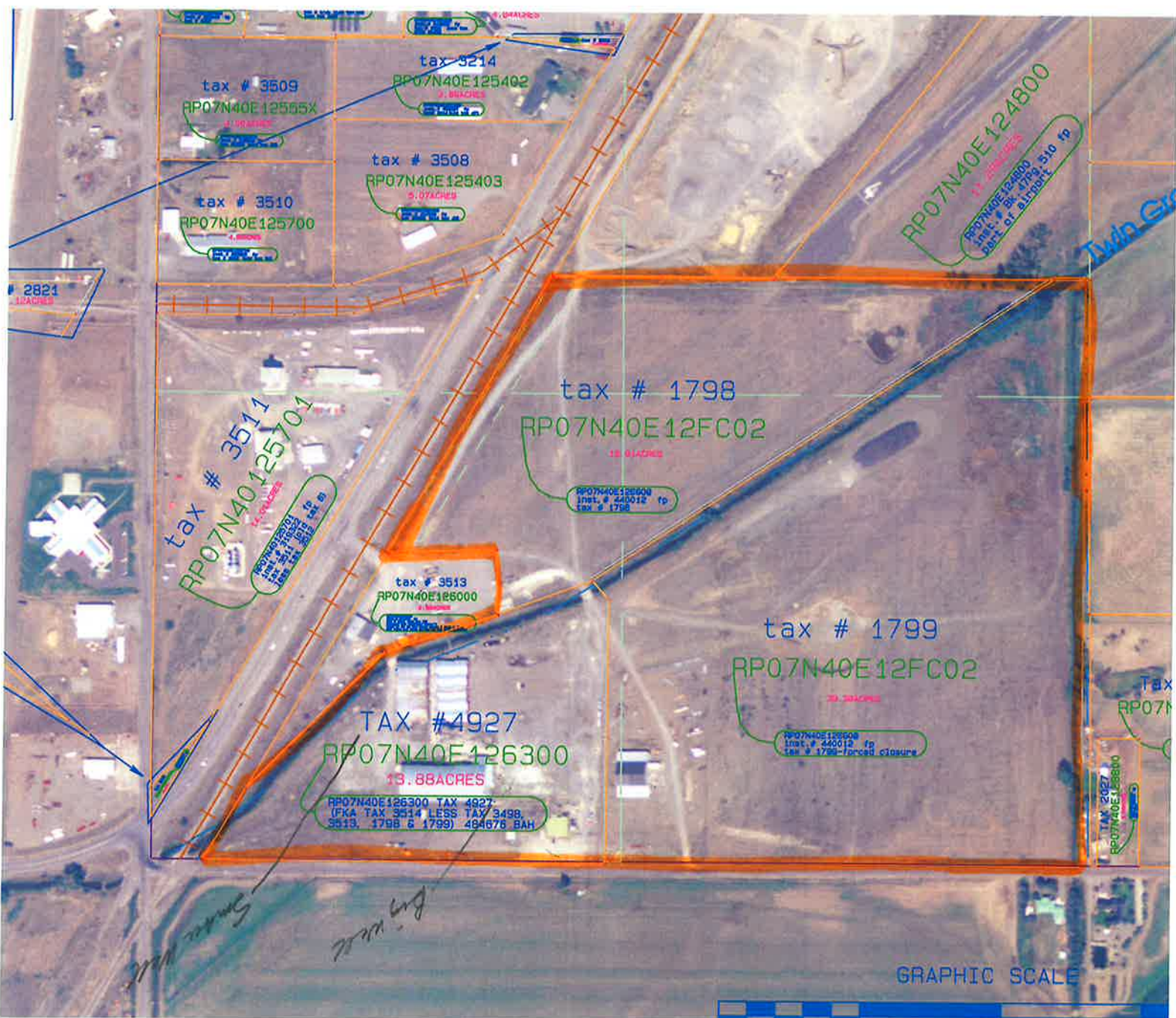
HOUSLEY PUMPS INC.

40 West Main
ST. ANTHONY, IDAHO 83445
624-3772

Idaho Tud Mill

Type- 10 HP Pump -
Setting- 65 ft. 4" galv. pipe -
Depth of well- 80 ft. -
Water Level- 30 ft. to water -

*pumps dry over at hole in
the spring*



AFFIDAVIT OF
JAY DOPP

STATE OF IDAHO)
) ss
COUNTY OF FREMONT)

JAY DOPP, of 1888 E. 400 N., St. Anthony, Idaho, being first duly sworn deposes and states:

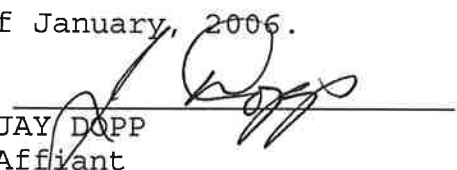
1. The information contained herein is true and correct to the best of my knowledge and belief.
2. That Affiant was employed at the Idaho Stud Mill located in St. Anthony, Idaho, in 1962, as a laborer. I eventually filled many position at the Stud Mill, and worked for the Idaho Stud Mill for 30 years.
3. That Affiant has personal knowledge of the ground Wells located on the property at the Idaho Stud Mill, and know of their operation and use in the industrial processes of the Stud Mill.
4. That the bigger Well, located directly east of the pond and west of the office on the south side of the Idaho Stud Mill property, tested as extremely hard water, and the smaller Well, located on the Southwest corner of the cooling sheds, tested as soft water, which was very advantageous to running the Kiln.
5. That the smaller Well was 26 feet deep, it went dry in approximately 1986, and it was drilled deeper to 80 feet. The bigger Well was approximately 250 feet deep, and then was deepened as well that same year to insure reliability

and to escape the hard water. I am not sure how deep it was deepened, but it was deepened considerably.

6. That in 1986 the two well were joined together as a backup system for each other and as a safety issue.

7. That the beneficial use for these well were for the operation of the Saw Mill, Plainer Sheds and Dry Kilns, as well as for the fire system. Both wells were drilled the same year in approximately 1962.

DATED this 12 day of January, 2006.


JAY DOPP
Affiant

ACKNOWLEDGEMENT

STATE OF IDAHO)
) ss.
COUNTY OF FREMONT)

I, Patricia L. Smith, a Notary Public, do certify that on this 12, day of January, 2006, personally appeared before me, JAY DOPP, who being by me first duly sworn, declared he signed the foregoing document, and that the statements therein contained are true.




Notary Public for the State of Idaho
Residing at St. Anthony, Idaho
My Commission expires 1-11-12

AFFIDAVIT OF
WES THOMSON

STATE OF IDAHO)
) ss
COUNTY OF FREMONT)

WES THOMSON, of 550 Bechler, St. Anthony, Idaho, being first duly sworn deposes and states:

1. The information contained herein is true and correct to the best of my knowledge and belief.
2. That Affiant was employed at the Idaho Stud Mill located in St. Anthony, Idaho, in 1973, as a laborer. I eventually became the Dry Kiln operator.
3. That Affiant has personal knowledge of the ground Wells located on the property at the Idaho Stud Mill, and know of their operation and use in the industrial processes of the Stud Mill.
4. That the bigger Well, located directly east of the pond and west of the office on the south side of the Idaho Stud Mill property, tested as extremely hard water, and the smaller Well, located on the Southwest corner of the cooling sheds, tested as soft water, which was very advantageous to running the Kiln.
5. That the smaller Well was 26 feet deep, it went dry in approximately 1986, and it was drilled deeper to 80 feet.

DATED this 12 day of January, 2006.


WES THOMSON
Affiant

ACKNOWLEDGEMENT

STATE OF IDAHO)
) ss.
COUNTY OF FREMONT)

I, Patricia G. Smith, a Notary Public, do
certify that on this 12 day of January, 2006, personally
appeared before me, WES THOMSON, who being by me first duly
sworn, declared he signed the foregoing document, and that the
statements therein contained are true.



Patricia G. Smith
Notary Public for the State of Idaho
Residing at St. Anthony, Idaho
My Commission expires 1-11-12

FREMONT COUNTY
PROSECUTING ATTORNEY

Karl H. Lewies
Prosecuting Attorney

Paul G. Butikofer
Deputy Prosecuting Attorney



22 West 1st North
St. Anthony, Idaho 83445

(208) 624-4418
Fax (208) 624-3404



John R. Hess
Commissioner



December 28, 2005

State of Idaho
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83707-9815

151 W. 1st N.
St. Anthony, ID 83445
208-624-4271
Fax: 208-624-7335

Abbie Mace
Fremont County
Clerk

Email: jhess@co.fremont.id.us

RE: "Notice of Error" forms – Water Right Nos. 22-4015 and 22-7298.

Dear Department Officer:

Enclosed in connection with the ongoing Snake River Basin Adjudication are two "Notice of Error" forms completed by Fremont County, a political subdivision of the State of Idaho.

The forms are for water right numbers 22-4015 and 22-7298. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Karl H. Lewies".

Karl H. Lewies
Fremont County Prosecuting Attorney

Enclosures

01/11/06 John Hess, Co. Comm. WAS IN TODAY TO DISCUSS THIS RECORD
AND SEE IF IT COULD BE CHANGED - HE WAS ADVISED TO DO
THE FOLLOWING:

1. FILE CHANGE OF OWNERSHIP (FORM 1000)
 2. PROVIDE "SOME TYPE" OF EVIDENCE OF PRIORITY (CAMPBELL) (OWN)
- DISCUSSED AN AFFIDAVIT FROM SOME ONE WITH PERSONAL
KNOWLEDGE -

He will get on it today.

A handwritten signature in cursive script, reading "John Hess".

RECEIVED DEC 0 2005

09/29/2005

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-4015

TED V GOULD
2348 E 200 N
ST ANTHONY ID 83445
Telephone Number: (208) 458-4364

GLENN GOULD
2348 E 200 N
ST ANTHONY ID 83445
Telephone Number: (208) 458-4364

Fremont County
c/o County Clerk
151 W. 1st N.
Saint Anthony, ID 83445
(208) 624-7332

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

- Fremont County disagrees w/ the "Disallowed" Recommendations.

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

- Fremont County wishes IDWR to recognize the "municipal provider" exception to forfeiture, pursuant to I.C. § 42-223(2).

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

- Fremont County is the owner of this water right - it is holding the rights to meet reasonably anticipated future needs (I.C. § 42-223)

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

DATE: 28 Dec. 2005

SIGNATURE:

Karl H. Lewies, Prosecuting Atty.

Please print your name:

KARL H. Lewies

IDWR Regional Office,

Karl
10/6

RECEIVED DEC 03 2005

09/29/2005

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

RIGHT NUMBER: 22-4015
NAME AND ADDRESS: ~~TED V GOULD~~
2348 E 200 N
ST ANTHONY ID 83445

~~GLENNA GOULD~~
2348 E 200 N
ST ANTHONY ID 83445

Disallowed

SOURCE: GROUND WATER
QUANTITY: 0.330 CFS
PRIORITY DATE: 04/01/1962
POINT OF DIVERSION:

TRIBUTARY:

T07N R40E S12 SWSW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	1/01 12/31	0.330 CFS

PLACE OF USE: INDUSTRIAL Within FREMONT County
T07N R40E S12 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.



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

~~June 10, 2004~~
EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FREMONT COUNTY
151 W 100 N ROOM 12
ST ANTHONY ID 83445

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-4015

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in Fremont County. The property to which I am referring was most recently owned by Ted and Glenna Gould. The legal description is as follows:

T07N, R40E, S12, SW1/2 SW1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

*No Response, No Response to
Request for Evidence*

Disallowed

Claim No.

22-4015

Document Checklist

☐ Copy License/Decree _____

☐ Copy Transfer _____

☐ Copy Licensing Field Exam _____

☒ Check if Ownership/Address Change is Required

was sent letter 6-10-04
JC

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

☒ Generate Arcview Map

called Invermont County Talked To
County Clerk. Forgot NAME 624-7332 SHE
Tried To Transfer me. To a Pat MACON. WAS
out. Told me they would get Information
I NEED To gather And get IT To ME I GAVE
them THE WRITING To get A change of
ownership. Form. 2-10-05 2:pm Week 0.

Claim no. 22-4015

Claimant Contact Log

Date Remarks Agent initials

6/2/04 GLENNA GIULIO CALLED THIS A.M. TO ADVISE THEY
HAYB SOLD THIS WR AND PROPERTY TO FIREMONT COUNTY.
SHE WAS ADVISED TO MAKE A HAND WRITTEN NOTE ON
THE REQUEST FOR EVIDENCE OF PRIORITY LETTER, AND
RETURN IT TO THIS OFFICE. WE'LL TAKE IT FROM THERE.

Township
07N

Range
40E

Section
12



Notes:

Water Right #: 2204015

Examiner

Date:



0.000023 Miles



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
May 28, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TED OR GLENNA GOULD
2348 E 200 N
ST ANTHONY ID 83445

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4015

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 APRIL 1 1962, from GROUNDWATER.

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 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,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

*Called
6.2.04
9:40*

Allen:

*This property was sold to Fremont
county last fall.*

RECEIVED
JUN 03 2004
Department of Water Resources
Eastern Region

Ruberry, Allen

From: Crabtree, Jennifer
Sent: Thursday, March 18, 2004 1:32 PM
To: Ruberry, Allen
Subject: FW: Change of ownership

-----Original Message-----

From: Klipfel, Terry
Sent: Thursday, March 18, 2004 11:08 AM
To: Crabtree, Jennifer
Subject: Change of ownership

Jennifer,

We were notified by Ted V. Gould that he sold the following water rights/property to Fremont County:

22-4015
22-7298

Thanks!
Terry

I assume they need change of ownership papers.

JANUARY 5, 1995

TED V GOULD
2348 E 200 N
ST ANTHONY ID 83445

RE: CHANGE IN OWNERSHIP FOR A22-04015, AND A22-07298

Dear Mr. Gould:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

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NOV 06 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) No R No R
Assigned by IDWR: A22-04015, A22-07298
- [] Name and Address of Former Owner/Claimant(s)(Seller): Idaho Forest Industries Inc
C-6600
Coeur D Alene ID 83814
- [] New Owner/Claimant (Purchaser): Ted & or Glenna Gould
- [] New Mailing Address: 2348 E 200th
St. Anthony, Id 83445
- [] New Telephone Number: (208) 458-4364
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: Corporation Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s) Glenna Gould Date 1-4-95
- [] Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED
NOV 06 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

CORPORATION DEED

For Value Received Idaho Forest Industries, Inc.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

Ted Gould and Glenna Gould, husband and wife

whose current address is 2348 East 200 North, St. Anthony, Idaho 83445

the following described real estate, to-wit:

Commencing at a point lying on the South line of Section 12, Township 7 North, Range 40 East, Boise Meridian, Fremont County, Idaho, which point is South 89°33' East 141.5 feet from the Southwest corner of Section 12 and running thence South 89°33' East along the South boundary of Section 12, 2500 feet to the Southeast corner of the Southwest Quarter of Section 12; thence North 1669 feet, thence North 89°45' West, 869.7 feet; thence North 38°17' East, 2416.5 feet; thence North 59°23' West 855.2 feet, more or less, to a point on the East boundary of the Oregon Short Line Railroad right of way; thence, South 30°40' West along the railroad right of way for a distance of 4623.6 feet, more or less, to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 26 day of September, 1994 Executive Vice

Idaho Forest Industries, Inc. an Idaho Corporation
By James M. English, Executive Vice
PRESIDENT.

ATTEST:

SECRETARY.

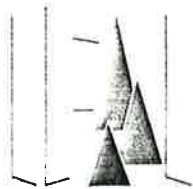
STATE OF IDAHO COUNTY OF Kootenai
ON THIS 26 day of Sept., 1994,
before me, a notary public in and for said State, personally appeared
James M. English, known to me to be
the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, 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.

Residing at Coeur d'Alene, Idaho
Comm. Expires 1-21-98

Microfilm No. 433150
28 Day Sept 1994
At 10:00 O'clock P.M.
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 3. CA Deputy
Recorded At Request of
AMERICAN LAND TITLE CO. INC.

MICROFILME
NOV 06 1994



IDAHO FOREST INDUSTRIES, INC.

February 28, 1989

RECEIVED

MAR 3 1989

Department of Water Resources
Eastern District Office

Mr. Paul R. Meyer
State of Idaho, Department
of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

RE: Notices of Claim A22-04015 and A22-07298

Dear Mr. Meyer:

I want to thank you for your excellent help in preparing the claims for Idaho Forest Industries in the Snake River Basin Adjudication. I have enclosed the signed forms along with a check in the amount of \$177.00.

If there is anything else that is required, please give me a call.

Very truly yours,

IDAHO FOREST INDUSTRIES, INC.

James M. English
Executive Vice President

JME/pj
Enc.

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OCT 29 1992

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: **A22-04015**
Date Received: 3/ 3/1989
Receipt No: E005966
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: TED V GOULD 208-458-4364
Address: 2348 E 200 N
ST ANTHONY ID 83445
AND/OR
Name: GLENNA GOULD 208-458-4364
Address: 2348 E 200 N
ST ANTHONY ID 83445

2. Date of Priority: APR 1, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	40E	12	SW	SW			FREMONT

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.330		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/MILLING.

MICROFILM
NOV 6 1989

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	12	SW	SW		INDUST	

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
A22-07298

14. Remarks:
CHANGED OWNERSHIP 01/05/95/JT/EC

15. Basis of Claim: STATUTORY CLAIM

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NOV 06 1995

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: A22-04015
Date Received: 2/22/1989
Receipt No: E005966
Received By: TO

MAR 3 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO FOREST INDUSTRIES INC. 208-765-1414
Address: C-6600
COEUR D'ALENE, ID 83814-1933

2. Date of Priority: APR 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	40E	12	SW	SW	SW		FREMONT

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
INDUSTRIAL	01/01	12/31	0.330		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
I/MILLING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	12	SW	SW		INDUST	

11. Place of use in counties: FREMONT

A22-04015

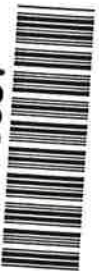
Page 1

Date: 02/22/89

MICROFILMED

OCT 29 1992

A2204015



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

13. Other Water Rights Used:
A22-07298

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 Organizations:

I do solemnly swear or affirm that I am Executive Vice President of _____ Title

Idaho Forest Industries Inc., that I have signed the foregoing Organization

document in the space below as Executive Vice President of Title

Idaho Forest Industries Inc. and that the statements contained in the Organization
foregoing document are true and correct.

Jamison L. Smith
Signature of Authorized Agent

EXEC V.P. IDAHO Forest Industries Inc.
Title and Organization

2/28/89
Date

State of Idaho)
County of Kootenai) SS.

Subscribed and sworn (or affirmed) before me this 28 day

of February 19 89

Pat Jensen
Notary Public

Seal

Residing at Coeur d'Alene, ID

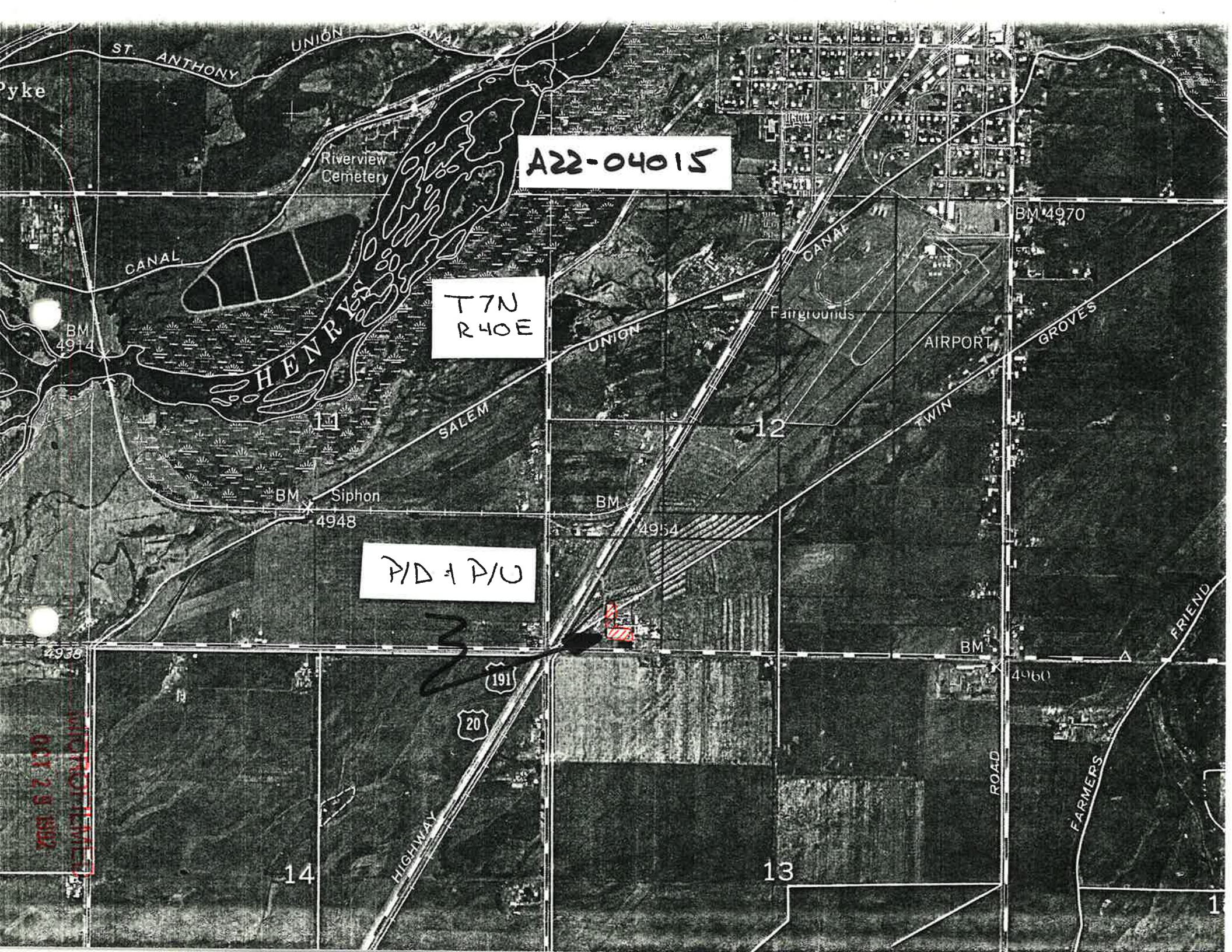
My Commission Expires 1/22/92
Date: 02/22/89

A22-04015

Page

2

MICROFILMED
OCT 29 1992



A22-04015

T7N
R40E

P/D & P/U

3

001 2 9 1992

MAJOR LIMITED