

12/21/2005

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

RIGHT NUMBER: 22-4039

NAME AND ADDRESS: LEON RAMMELL
5690 N LOCUST GROVE RD
MERIDIAN ID 83642

FAY T RAMMELL
5690 N LOCUST GROVE RD
MERIDIAN ID 83642

SOURCE: RAMMELL HOLLOW CREEK

TRIBUTARY: SINKS

QUANTITY: 0.520 CFS

PRIORITY DATE: 04/01/1947

POINT OF DIVERSION:

T05N R44E S5 NWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
IRRIGATION	04/01 11/01	0.520 CFS

PLACE OF USE: IRRIGATION Within TETON County

T05N R44E S05 Lot 1 NENE	41.0	T05N R44E S05 Lot 2 NWNE	29.0
T05N R44E S05 SWNE	0.5	T05N R44E S05 SENE	29.0
T06N R44E S32 SWSE	36.0	T06N R44E S32 SESE	39.0

DOMESTIC same as IRRIGATION

174.5 ACRES TOTAL

This right is limited to the irrigation of 26.0 acres within the place of use described above in a single irrigation season.

Right Nos. 22-493 and 22-4039 are limited to the irrigation of a combined total of 174.5 acres in a single irrigation season.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

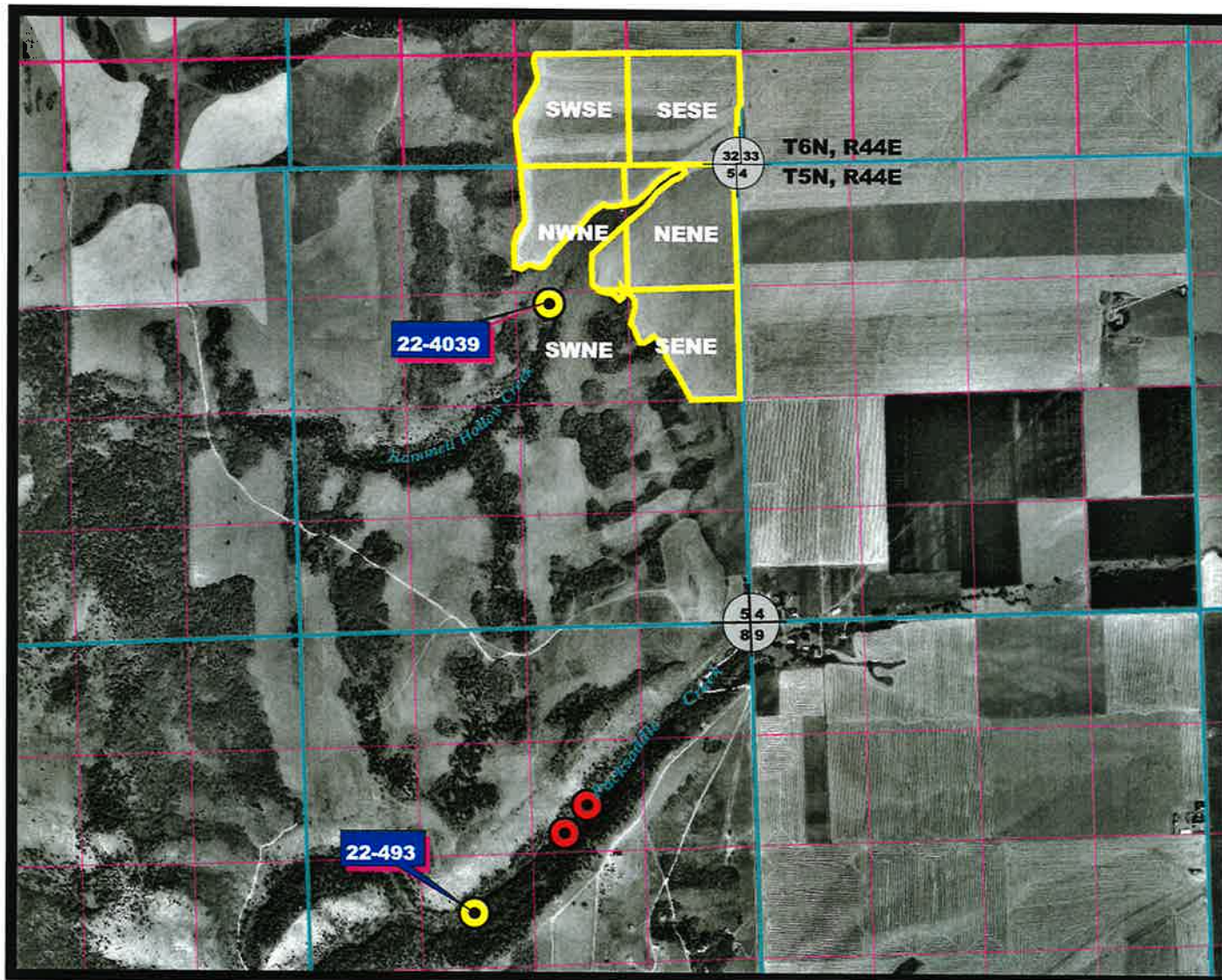
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-4039,
22-493

Point(s) of Diversion:
T5N, R44E
Sec. 5 NWSWNE
Sec. 8 NWNESW

Place of Use: (parts of)
T5N, R44E Sec. 5 NE,
T6N, R44E Sec. 32 S2SE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2005

3/8/05

Dear Sirs:

Recently I visited with Susan Rammell
who is the daughter of Leon Rammell (deceased)
and Ray I. Rammell (deceased) about
water right # 22-4039.

She asked me about my regulation of
this water right when I was a deputy
watermaster for Water District 1.

According to my records of met with
Leon Rammell and he showed me the

Rammell Water system. Spring and run-off
water was channeled into an intake and
through a pipeline to a hand line.
There were approximately 16 sprinklers
being used to irrigate a crop of
barley.

This meeting took place June 6, 1983.

This system was often used when there was
enough run-off to make it beneficial, but
the run-off didn't last very long each
summer.

Sincerely yours,
Fred Allen

Do
10/4/04

Leon and Fay Rammell are both deceased.

There are 3 new owners. The estate is currently being settled. I gave change of ownership forms to Susan Rammell, who is trustee of the estate.

Her address:

Susan Rammell
5690 N. Locust Grove
Meridian, ID 83642

Phone # 208-939-1123

Eastern

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APR 13 2005

Department of Water Resources
Eastern Region

Department of Water Resources

22-4039

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IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

LEON RAMMELL and FAY T. RAMMELL,
husband and wife,

Plaintiffs,

vs.

KENNETH DUNN, Director of the
Department of Water Resources
for the State of Idaho,
RONALD D. CARLSON, Watermaster
of Water District Number 1 of
the State of Idaho, Ehco Ranch,
Inc., an Idaho Corporation,
all unknown claimants of 3.04
cfs of the water of an unnamed
Spring which sinks on land owned
by the plaintiff and which is
diverted from said Spring in the
NW1/4 of the SW1/4 of Section
5, Township 5 North, Range 44
E.B.M. County of Teton, State of
Idaho,

Defendants.

Case No. 1912

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND SUPPLEMENTAL DECREE

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STATE OF IDAHO

County of Teton

I, the undersigned, do hereby certify that the above and foregoing are true and correct copy of the original on file in my office.

Jan 7 1986

E. Wayne Schies
Recorder

Bonnie Reese
Deputy Clerk

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND SUPPLEMENTAL DECREE, Page 1

Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

1 The above-entitled cause was initiated under the provi-
2 sions of Idaho Code § 42-1405 by the filing of a complaint in the
3 above-entitled district court, requesting a supplemental adjudi-
4 cation of the rights of the plaintiffs to divert the waters of
5 the spring system in Rammell Hollow.

6 On July 5, 1983, the court ordered the Department of
7 Water Resources (Department) to make an examination of the water
8 system.

9 On October 3, 1985, the Department filed its Report In
10 The Nature Of Proposed Findings of Water Rights. No objection
11 having been filed to the Department's report in accordance with
12 I.C. § 42-1405(f) and the court having examined and being famil-
13 iar with the documents on file in this matter, and being fully
14 informed, now finds, concludes, adjudges and decrees as follows:

15 FINDINGS OF FACT

16 Based on the Department's Report In The Nature Of
17 Proposed Findings of Water Rights and on the record in this
18 matter, the court finds as follows:

19 Findings of Fact 1-33 in the Report In The Nature Of
20 Proposed Findings Of Water Rights are incorporated herein by
21 reference as if set forth in full. Map I contained in said
22 report is also incorporated herein by reference as if set forth
23 in full.

24 CONCLUSIONS OF LAW

25 Based on the Findings of Fact, the court concludes as
26

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Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

1 follows:

2 Conclusions of Law 1-18 in the Report In The Nature Of
3 Proposed Findings of Water Rights are incorporated herein by
4 reference as if set forth in full.

5 By reason of the facts found by the court, and the
6 conclusions of law based upon said facts, IT IS HEREBY ORDERED
7 ADJUDGED AND DECREED as follows:

8 1. The plaintiffs' right to the use of the waters of the
9 spring system in Rammell Hollow is described as follows:

10 a. source of water supply: spring system in Rammell
11 Hollow, originating in the N1/2SW1/4, Sec. 5, T5N,
12 R44E, B.M., which forms an intermittent stream
flowing northwest towards the Teton River, but
sinking before reaching the Teton River.

13 b. date of priority: April 1, 1947

14 c. nature of use: irrigation
domestic

15 d. rate of diversion: irrigation: 0.52 cfs
16 domestic: 0.02 cfs
17 Total: 0.52 cfs

18 (Right is supplemental to any prior rights to Pack
19 Saddle Creek or Pack Saddle Lake water for use on
20 the same land, including such rights under the
21 Rexburg Decree, or under license No. 22-2011. The
22 combined rate of diversion from the Rammell Hollow
23 Spring System, Pack Saddle Creek and Pack Saddle
24 Lake shall not exceed 0.02 cfs per acre.)

25 e. point of diversion: SW1/4NE1/4, Sec. 5, T5N, R44E,
26 B.M.

27 f. place of use: 26 acres in the NE1/4, Sec. 5, T5N,
R44E, B.M., and the S1/2SE1/4, Sec. 32, T6N, R44E,
B.M.

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1 g. period of use:

2 Irrigation: April 1 through November 1
3 of each year

4 Domestic: January 1 through December 31
5 of each year

6 h. maximum annual volume of consumptive use:
7 78.0 acre feet per annum

8 i. basis of right: beneficial use

9 2. This decree is supplemental to and subject to the terms
10 of all prior applicable decrees and the findings of fact and
11 conclusions of law upon which they are based.

12 3. The plaintiffs shall have the right to the use of the
13 waters of the spring system in Rammell Hollow herein stated only
14 in the amount that can be beneficially used and only in an amount
15 not to exceed a maximum rate of 0.02 cfs per acre when combined
16 with water diverted from any other source. Whenever the benefi-
17 cial use by plaintiffs has ceased, the plaintiffs shall cease to
18 divert and have no right to divert the said waters.

19 4. Each and every one of the parties hereto, their ser-
20 vants, attorneys, employees, privies and successors in interest
21 are hereby enjoined and restrained from any and all interference
22 with or diversion or use of the waters of the spring system in
23 Rammell Hollow herein decreed, except as may be provided in said
24 prior applicable decrees, whenever such interference, diversion or
25 use would in any manner interfere with the quantity of water
26 awarded by this decree to the plaintiffs.

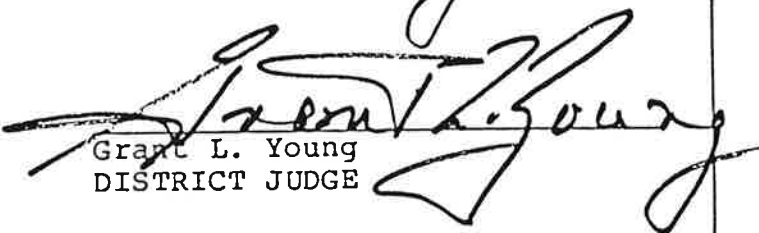
27 5. The description of the place of use, points of diversion

1 and nature of use of the rights decreed are subject to the
2 authority of the Idaho Department of Water Resources to authorize
3 a change of place of use, point of diversion and nature of use as
4 provided in Title 42, Idaho Code.

5 6. The plaintiffs shall install and maintain an adequate
6 headgate and measuring or other control device at their points of
7 diversion.

8 7. That a certified copy of this decree be recorded in the
9 records of Teton County, Idaho, and that a certified copy of this
10 decree be provided to the Idaho Department of Water Resources for
11 filing with its official records.

12 DATED this 2nd day of January, 1986.

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15 
16 Grant L. Young
17 DISTRICT JUDGE
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COPY SHOWING
OWNERSHIP

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

LEON RAMMELL and FAY T.
RAMMELL, husband and wife,

Plaintiffs,

vs.

KENNETH DUNN, Director of the
Department of Water Resources
for the State of Idaho,
RONALD D. CARLSON, Watermaster
of Water District Number 1 of
the State of Idaho, Ehco Ranch,
Inc., an Idaho Corporation,
all unknown claimants of 3.04
cfs of the water of an unnamed
Spring which sinks on land
owned by the plaintiff and
which is diverted from said
Spring in the NW 1/4 of the
SW 1/4 of Section 5, Township
5 North, Range 44 E.B.M.
County of Teton, State of
Idaho,

Defendants.

Case No. 1912

REPORT IN THE NATURE
OF PROPOSED FINDINGS
OF WATER RIGHTS

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The above-entitled cause was initiated by plaintiffs Leon Rammell and Fay T. Rammell filing a complaint, subsequently twice amended, for the adjudication of plaintiffs' rights in the waters of an unnamed spring in Teton County. While not

denominated by plaintiffs as such, the cause is in the nature of a supplemental adjudication of water rights under the provisions of Idaho Code § 42-1405.

Based upon the answer of the defendants, A. Kenneth Dunn, Director of the Idaho Department of Water Resources, and Ronald D. Carlson, Watermaster of Water District No. 1, and based upon plaintiffs' Motion for Examination of Water System, the District Court for Teton County entered an Order that the Department of Water Resources make an examination of the water system and prepare a report in the nature of proposed findings of water rights.

Based on the files and records of the Department and of the above-entitled court, and on the field examination of the Department of plaintiffs' ditches, diversions, lands irrigated and other uses of water by plaintiffs from the unnamed spring water system, the Department recommends the following findings of fact, conclusions of law, and decree of water rights.

FINDINGS OF FACT

Definitions

1. The term "Department" refers to the Idaho Department of Water Resources.

2. The phrase "one cubic-foot per second" or the acronym "cfs" refers to a unit of measure of the rate of flow of water and is equivalent to fifty miner's inches in Idaho, or to 448.83 gallons per minute.

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3. The term "watermaster" refers to a person elected by water rights holders within a water district, charged with distribution of water pursuant to Title 42, Chapter 6, Idaho Code.

4. The phrase "domestic use" means water used for household use or livestock and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of 13,000 gallons per day.

5. The phrase "irrigation use" means water use limited to surface application of water for the purpose of meeting moisture requirements of growing crops.

Initiation of the Action

6. Plaintiffs initiated this action by filing the complaint in the District Court of the Seventh Judicial District of the State of Idaho in and for the County of Teton on March 26, 1982. An amended complaint was filed on January 13, 1983 and a second amended complaint was filed on April 19, 1984.

7. Plaintiffs caused to be published in the Teton Valley News, a weekly newspaper published in Teton County, State of Idaho, a notice of the pendency and purpose of said action. The notice was published in said newspaper once a week for four consecutive weeks on April 15, 22, 29, and May 6, 1982.

8. Said notice contained the information required by Idaho Code § 42-1405(1)(c) except the post office address of the

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plaintiffs, the date of priority of the water right claimed, and the general nature of the use.

9. No objections were filed pursuant to Idaho Code § 42-1405(1)(d) to the water right claimed by the plaintiffs.

10. Defendant Ehco Ranch was named in the complaint in this action and filed an Answer on July 13, 1982.

Field Examination

11. Based upon the answer of the defendants, A. Kenneth Dunn, Director of the Idaho Department of Water Resources, and Ronald D. Carlson, Watermaster of Water District No. 1, and based upon plaintiffs' Motion for Examination of Water System, the District Court for Teton County entered an Order dated July 5, 1983 that the Department make an examination of the water system.

12. The Department conducted a field examination on June 7, 1984.

General Description of Water System and Plaintiffs' Property

13. The water system consists of several unnamed springs located in the N1/2SW1/4, Sec.5, T5N, R44E, B.M. The springs are located at the bottom of Rammell Hollow, a deep, heavily brushed canyon.

14. The water from the springs flows down Rammell Hollow forming an intermittent stream which flows northeasterly towards the Teton River which is approximately 3.5 miles from the springs. The intermittent stream bed terminates in the

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NE 1/4, Sec.27, T6N, R44E, B.M, coming within 0.5 miles of, but not reaching, the Teton River. Water flowing from Rammell Hollow reaches the Teton River during periods of high water flow in the spring of the year.

15. Plaintiffs are the owners of property located in Teton County described as follows:

The NE1/4 of Sec.5, T5N, R44E, B.M., Teton County, Idaho. ALSO: The S1/2 of the SE1/4 of Sec.32, T6N, R44E, B.M., Teton County, Idaho.

16. The period of use when water is beneficially used for irrigation is when the chance of a 28 degree frost or lower is 50 percent or less. The period of use for irrigation in the area encompassing plaintiffs' property is from April 1st of each year through November 1st of each year for a total of 214 days.

17. A maximum rate of flow of 0.02 cfs per acre of irrigated land at the point of diversion is reasonably required for the flood irrigation of land in the area encompassing plaintiffs' property. The consumptive use for irrigation purposes in the area encompassing plaintiffs' property is 3.0 acre feet per acre per annum.

Description of Points of Diversion and Places of Use

18. Water from the springs flows down Rammell Hollow to a small earthen dam, no longer used for storage, in the SW1/4NE1/4, Sec.5, T5N, R44E, B.M. The water flows from a breach in the bottom of the dam down the intermittent stream

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where it is diverted and allowed to flood a small area on each side of the intermittent stream as indicated on Map I, attached hereto and incorporated herein by this reference. The area irrigated in this manner by the spring water is 24 acres. In addition, some water has also been diverted upstream from the dam where it has been used to irrigate a small garden and orchard comprising approximately two acres and for occasional domestic use. The diversions contain no headgates or measuring devices.

19. Plaintiffs have irrigated a total of 26 acres in the NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M., with water from the springs in Rammell Hollow since April 1, 1947.

20. Water rights to the waters of the springs in Rammell Hollow and the intermittent stream flowing from Rammell Hollow are subject to regulation by the Watermaster of Water District No. 1.

Other Water Rights in the Springs or Appurtenant to Plaintiffs' Property

21. The District Court for the Sixth Judicial District of the State of Idaho, now the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, entered its Final Decree on December 16, 1910 in the case entitled Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al., hereinafter referred to as the Rexburg Decree.

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22. The rights to the use of water were determined in said decree for the following portions of the Snake River Stream system:

Rexburg Decree:

from the waters of the Snake River and its tributaries, situated in the counties of Fremont and Bingham, State of Idaho. . . ."
[Jefferson county (act of Feb. 18, 1913, S.L. 1913, ch. 25, p. 94), Madison county (act of Feb. 18, 1913, S.L. 1913, ch. 26, p. 107) and Clark county (act of Feb. 1, 1919, S.L. 1919 ch. 3, p. 4) were subsequently created from Fremont county. Teton county (act of Jan. 26, 1915, S. L. 1915, ch. 8, p. 29) was subsequently created from Madison county. Bonneville county (act of Feb. 7, 1911, S.L. 1911, ch. 5, p. 8), Power county (act of Jan. 30, 1913, S.L. 1913, ch. 6, p. 30) and Butte county (act of Feb. 6, 1917, S.L. 1917, ch. 98, p. 344) were subsequently created from Bingham county.]

23. The priority date for the water right claimed by the plaintiffs in this action is subsequent in time to the entry of the Rexburg Decree.

24. Frantz Rudolph (spelled "Rudolf" in plaintiffs' complaint) was decreed 3.2 cfs of water from Pack Saddle Creek in the Rexburg Decree with a priority of March 15, 1900, for use on the N1/2NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M., containing 160 acres. This land is now owned by plaintiffs who are successors in interest to the Rudolph water right decreed in the Rexburg Decree.

25. The Department issued Frantz Rudolph water license No. 22-2011 with a priority of August 31, 1905 for 1.2 cfs from Pack Saddle Lake via Pack Saddle Creek diverted at NE1/4NE1/4,

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Sec.8, T5N, R44E, B.M., for irrigation and domestic use on 40 acres in SE1/4NE1/4, Sec.5, T5N, R44E, B.M. and 20 acres in SW1/4NE1/4, Sec.5, T5N, R44E, B.M. Plaintiffs are now the owners of the land on which this water is used and are successors in interest to license No. 22-2011 acquired by Rudolph. No findings of fact or conclusions of law are made as to the validity of this license.

26. The spring water system is a different water system than Pack Saddle Creek and Pack Saddle Lake.

27. Plaintiffs' land irrigated by the spring system is also included among the lands which may be irrigated with water from Pack Saddle Creek and Pack Saddle Lake. The spring system water is necessary in addition to the Pack Saddle Creek and Pack Saddle Lake water because the Pack Saddle Creek and Pack Saddle Lake water is often unavailable due to appropriation by senior water right holders.

28. Plaintiff Leon Rammell filed claim No. 22-4039 with the Department on June 6, 1980. This claim was amended to include an additional quantity of water on August 4, 1980. This claim as amended is described as follows:

- (a) source of water supply: unnamed spring
- (b) date of priority: April 1, 1898
- (c) nature of use: irrigation domestic
- (d) rate of diversion:
 - irrigation 3.00 cfs
 - domestic 0.04 cfs
- (e) point of diversion: NW1/4SW1/4, Sec.5,
T4N, R44E, B.M.

(f) place of use: domestic--not specified

irrigation--10 acres in the
NW1/4NE1/4, Sec.5, T4N,
R44E, B.M. and 10 acres in
the SW1/4NE1/4, Sec.5,
T4N, R44E, B.M.

(g) period of use: domestic--January 1
through December 31
of each year

irrigation--April 1
through November 1
of each year

(h) maximum annual consumptive use: not
specified

29. No irrigation occurs in the NW1/4NE1/4 and the
SW1/4NE1/4, Sec.5, T4N, R44E, B.M. Plaintiff Leon Rammell's
designation of the point of diversion and place of use in claim
No. 22-4039 are erroneous and should read:

point of diversion: NW1/4SW1/4, Sec.5, T5N,
R44E, B.M.

place of use: 10 acres in the NW1/4NE1/4,
Sec.5, T5N, R44E, B.M. and 10 acres in the
SW1/4NE1/4, Sec.5, T5N, R44E, B.M.

As corrected, claim No. 22-4039 is encompassed by the right
claimed by plaintiffs in this action and said claim is governed
by the description of plaintiffs' right in these findings of
fact and conclusions of law.

30. Defendant Ehco Ranch filed claim No. 22-4041 with the
Department on August 8, 1980. The claim is described as
follows:

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- (a) source of water supply:
unnamed spring and stream in
Rammell Hollow
- (b) date of priority: July 7, 1969
- (c) nature of use: stock watering
- (d) rate of diversion: 0.04 cfs
- (e) point of diversion: NW1/4SW1/4, Sec.5,
T5N, R44E, B.M.
- (f) place of use: NW1/4SW1/4, Sec.5,
T5N, R44E, B.M., stock watering
directly from stream
- (g) period of use: May 1 through
December 15 of each year
- (h) maximum annual consumptive use:
not specified

No findings of fact or conclusions of law are made as to the validity of this claim.

31. Defendant Ehco Ranch filed an application for permit No. 22-7332 with the Department on July 25, 1980. Said permit as approved by the Department is described as follows:

- (a) source of water supply: unnamed
stream from spring which flows
into Rammell Hollow
- (b) date of priority: July 25, 1980
- (c) nature of use: domestic
irrigation
- (d) rate of diversion: domestic 0.80 cfs
irrigation 1.20 cfs
- (e) point of diversion: NW1/4SW1/4, Sec.5,
T5N, R44E, B.M.
- (f) place of use: domestic NWSW1/4,
SWSW1/4 of Sec.5, T5N, R44E, B.M.

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irrigation: 15 acres in each of the NE1/4, NW1/4, SW1/4 and SE1/4 of SW1/4, Sec.5, T5N, R44E, B.M. for a total of 60 acres.

- (g) period of use: domestic January 1 through December 31 of each year

irrigation: April 1 through November 1 of each year

- (h) maximum annual consumptive use: not specified

- (i) proof of beneficial use due: September 1, 1985.

Proof of beneficial use for permit No. 22-7332 has not been filed with the Department. No extension of time has been requested. No findings of fact or conclusions of law are made as to the validity of any water right represented by this permit.

32. The proper regulation of the diversion and use of water from the spring system by a watermaster or his deputy requires each right holder to install and maintain an adequate headgate and measuring device or other control device at the point of diversion.

33. Matter herein expressed as a finding of fact which is later deemed to be a conclusion of law is hereby made as a conclusion of law.

CONCLUSION OF LAW

Based upon the findings of fact in this matter, the following conclusions of law are made:

Applicable Legal Principles

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1. "[A]ll actions to adjudicate water rights and obtain a decree as to water sources, quantity, point of diversion, place of use, nature of use, period of use, and priority as against other water users shall be brought under the provisions of chapter 14, title 42, Idaho Code." Idaho Code § 6-401 (1981). An action to quiet title is not a means to adjudicate water rights. Id.

2. In an action for the supplemental adjudication of water rights notice of the action must be published once a week for three consecutive weeks pursuant to Idaho Code § 42-1405(1)(c).

3. In a supplemental adjudication of water rights under Idaho Code § 42-1405 the plaintiff "shall. . . set forth his acceptance as binding on him of all prior applicable decrees and the findings of fact and conclusions of law upon which they are based." Idaho Code § 42-1405(1)(b).

4. Prior to May 19, 1971 a water right could be obtained by diverting unappropriated water and applying it to a beneficial use. For rights acquired on or after May 19, 1971, the application, permit, and license procedure of Title 42, Idaho Code must be followed. 1971 Idaho Session Laws, Chapter 177, § 1, p. 843 (approved March 24, 1971, effective May 19, 1971).

5. Beneficial use is the measure and the limit of an appropriative water right. Idaho Code § 42-104.

6. An appropriative water right is defined by determination of the following:

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- (a) source of water supply
- (b) date of priority
- (c) nature of use
- (d) rate of diversion
- (e) point of diversion
- (f) place of use
- (g) period of use
- (h) maximum annual volume of consumptive use

7. Idaho Code §42-701 requires a water user to install and maintain lockable headgates and measuring devices of a type acceptable to the Department of Water Resources, at the point where the water is diverted, for the use of the watermaster in the delivery of the water right.

Application of Legal Principles

8. Plaintiff substantially complied with the provisions of Idaho Code § 42-1405(1)(c), concerning publication of notice of the pendency and purpose of the present action.

9. It is concluded that the plaintiff initiated a right to the use of the waters of the spring system in Rammell Hollow, originating in the N1/2SW1/4, Sec.5, T5N, R44E, B.M., with a priority of April 1, 1947.

10. The waters of the spring system in Rammell Hollow are diverted in the SW1/4NE1/4, Sec. 5, T5N, R44E, B.M.

11. The place of use of the plaintiffs' right to the use of the spring system in Rammell Hollow is 26 acres of land

within the NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M.

12. The measure of plaintiffs' right to the use of the waters of the spring system in Rammell Hollow is determined by the maximum amount of beneficial use. A flow of 0.52 cfs from the spring system provides sufficient water for the irrigation of 26 acres of land. The maximum annual consumptive use of the spring system waters to satisfy plaintiffs' right for irrigation is 78.0 acre feet per annum. A flow of 0.02 cfs from the spring system provides sufficient water for plaintiffs' domestic uses.

13. Plaintiffs' right to the use of the waters of the spring system in Rammell Hollow is supplemental to any prior rights plaintiffs may have to use Pack Saddle Creek or Pack Saddle Lake water on the NE1/4, Sec. 5, T5N, R44E, B.M., and the S1/2SE1/4, Sec. 32, T6N, R44E, B.M., including any such rights under the Rexburg Decree, or under license No. 22-2011. The combined rate of diversion from the Rammell Hollow Spring System, Pack Saddle Creek and Pack Saddle Lake shall not exceed 0.02 cfs per acre.

14. The nature of use is irrigation and domestic.

15. The period of use for irrigation is from April 1st of each year to November 1st of each year. The period of use for domestic purposes is from January 1st to December 31st of each year.

RECEIVED

SEP 27 1988

16. The plaintiffs' right to the use of the waters of the spring system in Rammell Hollow is described as follows:

- (a) source of water supply: spring system in Rammell Hollow, originating in the N1/2SW1/4, Sec.5, T5N, R44E, B.M., which forms an intermittent stream flowing northwest towards the Teton River, but sinking before reaching the Teton River.
- (b) date of priority: April 1, 1947
- (c) nature of use: irrigation
domestic
- (d) rate of diversion: irrigation: 0.52 cfs
domestic: 0.02 cfs
Total: 0.52 cfs

(Right is supplemental to any prior rights to Pack Saddle Creek or Pack Saddle Lake water for use on the same land, including such rights under the Rexburg Decree, or under license No. 22-2011. The combined rate of diversion from the Rammell Hollow Spring System, Pack Saddle Creek and Pack Saddle Lake shall not exceed 0.02 cfs per acre.)

- (e) point of diversion: SW1/4NE1/4, Sec.5, T5N, R44E, B.M.
- (f) place of use: 26 acres in the NE1/4, Sec.5, T5N, R44E, B.M., and the S1/2SE1/4, Sec.32, T6N, R44E, B.M.
- (g) period of use:
 - Irrigation: April 1 through November 1st of each year
 - Domestic: January 1st through December 31st of each year
- (h) maximum annual volume of consumptive use: 78.0 acre feet per annum
- (i) basis of right: beneficial use

RECORDED

17. Plaintiffs' right to the use of the spring system in Rammell Hollow as described above encompasses any and all rights represented by claim No. 22-4039 on file with the Department.

18. Matter herein expressed as a conclusion of law which is later deemed to be a finding of fact is hereby made as a finding of fact.

RECOMMENDATIONS TO THE COURT

Based on the foregoing findings of fact and conclusion of law the Department makes the following recommendations to the District Court:

The District Court should enter a decree adjudicating the plaintiffs' rights to the use of the waters of the spring system consistent with the proposed findings of fact and conclusions of law set forth in this Report in the Nature of Proposed Findings of Water Rights.

DATED this 30TH day of September, 1985.

RESPECTFULLY SUBMITTED,

A. KENNETH DUNN
DIRECTOR, IDAHO DEPARTMENT OF
WATER RESOURCES

By:


Norman C. Young
Administrator
Resource Administration Division

RECORDED

SEP 27 1988

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I am a duly licensed attorney in the State of Idaho, employed by the Attorney General of the State of Idaho and residing in Boise, Idaho; and that I served a true and correct copy of the following-described report on the attorneys listed below by mailing in the United States mail, first class, with the correct postage affixed thereto on this 1st day of October, 1985.

DOCUMENT SERVED: REPORT IN THE NATURE OF PROPOSED FINDINGS OF WATER RIGHTS

ATTORNEY SERVED: J. D. Hancock
SMITH, HANCOCK & DALLING
30 South 2nd West
Rexburg, ID 83440

R. J. Hoopes
HOOPES AND SMITH
P.O. Box 70
Rexburg, ID 83440


PHILLIP J. RASSIER
Deputy Attorney General
Department of Water Resources

RECEIVED

SEP 27 1988

Attention: Allen Ruberry and/or Ernie Carlson
State of Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED
APR 14 2005
Department of Water Resources
Eastern Region

Susan D. Rammell
5690 N. Locust Grove Rd.
Meridian, ID 83642

This morning I talked with Kay Walker in the Boise office about my claim # 22-4039. I am relieved that the correct documentation for this claim was located.

As I reviewed Dad's file, I found some additional information that I hope might change the date of priority. Enclosed you will find some copies that show the original claim was filed April 1, 1898 and filed again in September 1906. It is my hope that **the original dates can be applied** at this time to this claim. Perhaps the mix-up came because the location of the names and counties were different in the early days. Additionally, the complexity of other issues in the court case and the number of pages involved in the hearing might have affected the decision on the water. You will notice that the Hoopes recognized the Rammell water right.

I am enclosing the following information:

- Notice of Error Reply
- Letter from Terry Kay who owns adjoining property and has a personal knowledge of the water use on the property
- Copy of my Dad's, Leon P. Rammell, claim to the 1898 date
- Copy of Water License for Franz Rudolph dated 1906

Please contact me at any time if there are questions or problems.
My phone number: 208-939-1123

I appreciate the difficulty of the task as you complete the claims.

Thank you for your efforts on our behalf.

Sincerely,



Susan D. Rammell

Notice of Error
Reply

Water right number: 22-4039

Leon Rammell
Box 79
Victor, Idaho 83455
Telephone Number: (208) 787-2242

RECEIVED

APR 14 2005

Department of Water Resources
Eastern Region

Fay T. Rammell
Box 79
Victor, Idaho 83455
Telephone Number: (208) 787-2242

Leon died in 1991. Fay died February 18, 2004.

Contact: Susan D. Rammell, trustee
5690 N. Locust Grove Rd.
Meridian, ID 83642
Telephone: (208) 939-1123

1. Describe the portion of the proposed recommendation with which you disagree:
The disallowance of the water right is incorrect. The diversion point, box, and fixtures are in place and are used for the distribution of water.
2. Describe the changes you wish to make in the proposed recommendation:
I want the water right re-established with current CFS for irrigation and domestic use.
3. Give a brief explanation as to why you disagree with these portions:
Evidence will show that the water right has been in continuous use. The water master, Dee O'Brien, visited the diversion and is aware of the history of the use. Terry Kay, a farmer who grew up living on adjoining property and is presently renting my property for farm use, acknowledges the existence of the spring and states that it is a viable source of water for this ground.

Date: April 11, 2005 Signature: Susan Rammell
Print name: Susan Rammell

IDWR Regional Office
900 N Skyline Dr Ste A
Idaho Falls, ID 83402 208 525-7161

03/28/2005

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: 22-4039

LEON RAMMELL

451 E 2ND S

VICTOR ID 83455

Telephone Number: (208)787-2242

FAY T RAMMELL

451 E 2ND S

REXBURG ID 83440

Telephone Number: (208)787-2242

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: _____ SIGNATURE: _____

Please print your name: _____

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

*Incorrect
Address*

*See attached
sheet*

4-1-05

To whom it may concern

I am writing this letter in reference to a spring of water that is used to water some of the Rammell farm.

Over the years this spring has been used to water some of this land I have live here most of my 58 years of life and have witnessed its use on this land. It is a viable source of water for this land. On a normal year it will run at least one line of pipe.

I now run this ground (Farm) and will use this water when available.

There is a buried main line from the source of water to the field.

If there is any need to see the pipe line I would be happy to show it.

Sincerely
Larry Ray

S T A T E O F I D A H O

Water License No. 1562.

WHEREAS, On the 31st day of August, A. D. 1905, FRANZ RUDOLPH of Oasis, County of Fremont and State of Idaho, duly made application (No. 2109) to me for a permit to use 1.5 cubic feet per second of the waters of Pack Saddle Lake via Creek, County of Fremont and State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 23rd day of September, A. D. 1905, Permit No. 1562 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 23rd day of September, A. D. 1906, and for the application to beneficial use of said water on or before the 23rd day of September, A. D. 1909,

1,

WHEREAS, On the 22nd day of September, A. D. 1906, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.5 cubic feet per second of said waters, as evidenced by my Certificate No. 1562, dated October 8, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.5 cubic feet per second of water, with date of priority of August 31, 1905, and,

WHEREAS, On the 6th day of July, A. D. 1908, proof was duly made of the application to beneficial use of 1.2 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of

use 1.5 cubic feet per second of water, with date of priority of August 31, 1905, and,

WHEREAS, On the 6th day of July, A. D. 1908, proof was duly made of the application to beneficial use of 1.2 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to FRANZ RUDOLPH of Oasis, Idaho, the holder and owner of said Permit No. 1562, a perpetual right, dating from August 31, 1905, to the use of 1.2 cubic feet per second of the waters of Pack Saddle Lake, via Creek, in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northeast quarter of Northeast quarter Section 8, Township 5 North, Range 44 East, B. M. and conducted to and upon 40 acres in the Southeast quarter of Northeast quarter & 20 acres in Southwest quarter of Northeast quarter, Section 5, Township 5 North, Range 44 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 22nd day of July,

A. D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded July 22, 1908.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Leon Rammell (Name of Claimant)
Victor, Idaho Box 79 83455 Telephone No. 787-2242
 (Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1898

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
unnamed spring tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

		(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>3.0</u> (cfs, gpd, AFA)	Use <u>(Domestic, Irrigation, Stock, Etc.)</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
Quantity <u>5.5</u> cfs	Use <u>Irrigation</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity <u>0.04</u> cfs	Use <u>Domestic</u>	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) .54 cfs TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5 Twp. 4N Rge. 44E B.M., County of Teton
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Notice is hereby given that

Leon Rammell

(Name of Claimant)

Victor, Idaho Box 79

83455

Telephone No. 787-2242

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

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- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

unnamed spring tributary to sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity (cfs, gpd, AFA)	Use (Domestic, Irrigation, Stock, Etc.)	Period of Use From To	
		(Mo., Day)	(Mo., Day)
<u>3.0</u>	<u>Irrigation</u>	<u>Apr. 1</u>	<u>Nov 1</u>
<u>.04 cfs</u>	<u>Domestic</u>	<u>Jan. 1</u>	<u>Dec. 31</u>
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To

- (4) .54 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ SW ¼, Sec. 5 Twp. 4N Rge. 44E B.M., County of Teton

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditch to houses and irrigation

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	44E	5		10	10														20

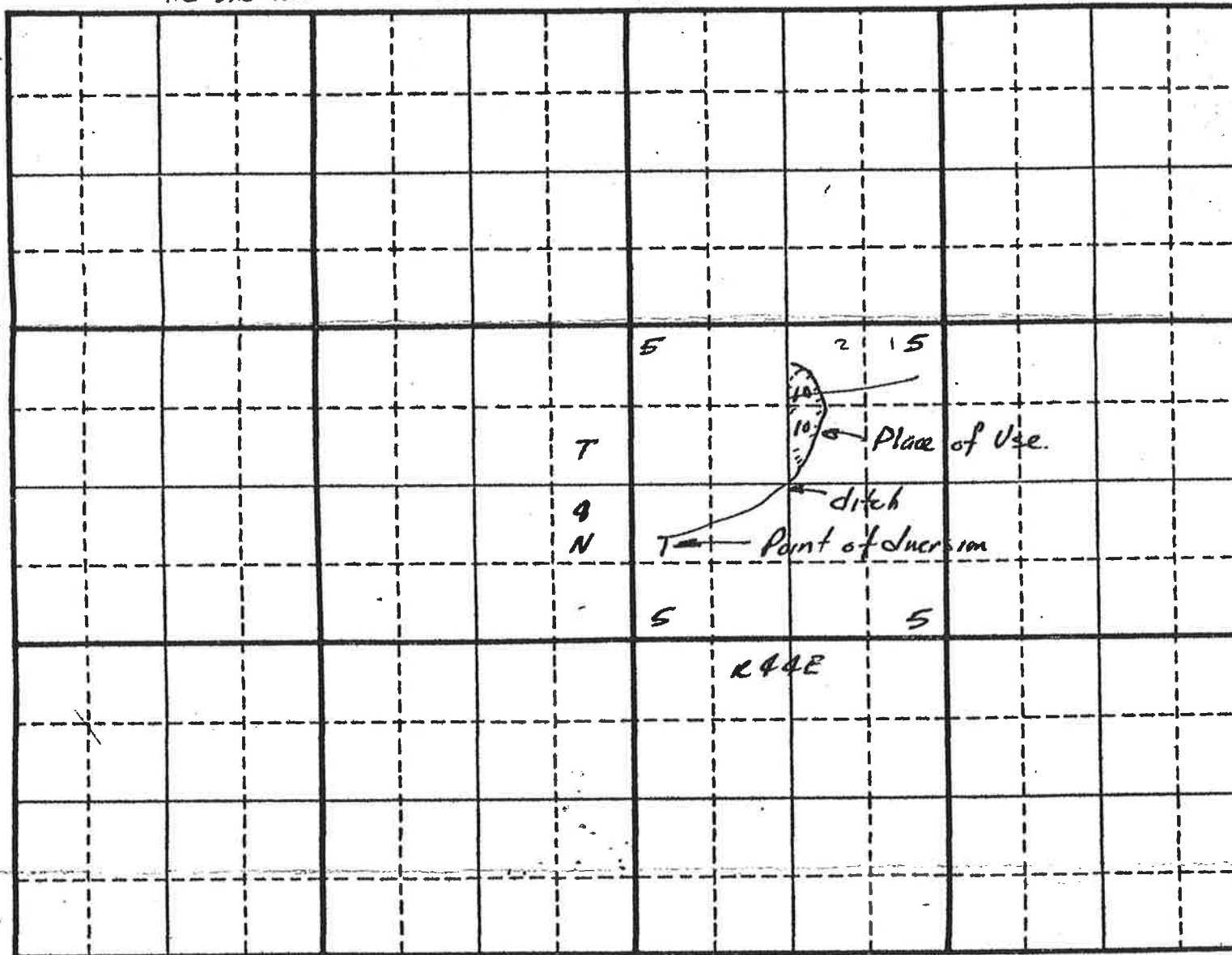
No. of acres 20

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used at a house for domestic use and to irrigate an orchard. In years of high water, it is used for irrigated farm land.

This right was formerly used by Frantz Rudolf on the original homestead and by NOTE: Include here the type and number of stock watered: his predecessors in interest

- (7) If you are claiming water as a member of an organization, list name of organization:

Remarks THIS CLAIM IS BASED ON THE PRIORITY DATE GIVEN IN THE RESERVOIR
DECREET FOR F. RUDOLPH (22-0493). MR. RUDOLPH BUILT THE RESERVOIR
IN 1900. HE ESTABLISHED HIS HOME APPROXIMATELY 2 YEARS BEFORE
THIS TIME AT THE LOCATION DESCRIBED IN LEGAL DESCRIPTION, ALTHOUGH
HE DID NOT FILE ON THE WATER AT THAT TIME.



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

County of

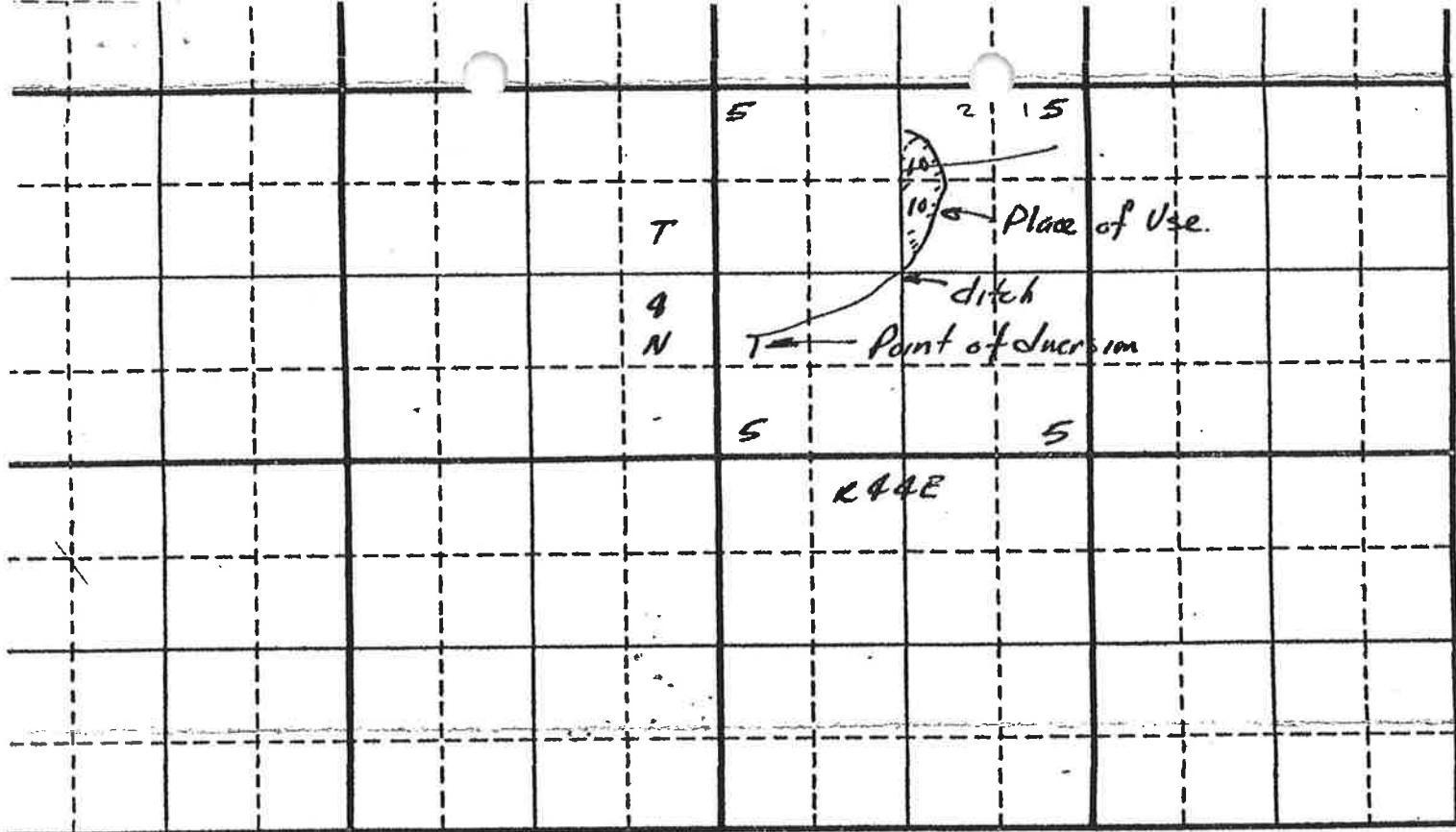
Bonneville

x Leon Kammell
(Claimant)

Sworn to before me this 6 day of June

, 19 80

Kathleen A. Walker



cale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Leon Rammell
(Claimant)

Sworn to before me this 6 day of June, 1980.

Kathleen A. Walker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/83

FOR DEPARTMENT USE ONLY

Received by <u>SM</u>	Date <u>M</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>fw</u>	Date <u>6/16/80</u>	<u>#14859</u>	claimant by:	
\$20.00 fee received by <u>fw</u>	Date <u>6/16/80</u>	<u>Carl Hoopes</u>	<u>CW</u>	<u>7-01-80</u>
Published in <u>Teton Valley News</u>	Dates <u>6/19 & 6/26/80</u>			

RE: 22-4039, 22-493, 22-664

KJACKSON:

02/07/2005 NOE RETURNED TO OFFICE WITH BAD ADDRESS

RESENT TO 451 E 2ND SOUTH REXBURG ID 83440

I INCLUDED A CHANGE OF ADDRESS FORM TO CLARIFY THE CORRECT ADDRESS.

03/05/2005 RECEIVED CHANGE IN ADDRESS WITH WARRANTY DEEDS TO CHANGE OWNERSHIP. CONTACTED SUSAN RAMMELL AND REQUESTED SHE FILL OUT A CHANGE OF OWNERSHIP FORM AND SEND IT IN.

03/23/2005 SUSAN RAMMELL CALLED AND ASKED ME TO SEND HER ANOTHER CHANGE OF OWNERSHIP WHICH I SENT OUT 03/24.

03/28/2005 RESENT NOTICE OF ERROR TO SUSAN RAMMELL 5690 N. LOCUST GROVE RD MERIDIAN ID 83642 PER HER REQUEST.

04/04/2005 SUSAN RAMMELL CALLED IN AND WAS UPSET THAT CLAIM HAD BEEN DISALLOWED. WANTED IT NOTED IN FILE THAT "YOU (IDWR) HAD THE ADDRESS INCORRECT, SO IT WAS YOUR (IDWR) FAULT THAT THE MAIL WASN'T GOING WHERE IT SHOULD BE" SHE WAS ALSO UPSET THAT THE POINT OF DIVERSION WAS AN ISSUE AND SHE WOULD LIKE FOR AN AGENT TO COME OUT SO SHE CAN SHOW THEM WHERE THE POINT OF DIVERSION IS LOCATED. SHE WANTED TO SPEAK WITH A SUPERVISOR, SO I REFERRED HER TO ERNIE, WHO WAS ON THE PHONE SO SHE OPTED TO LEAVE A VOICEMAIL FOR HIM.

NOTE: SUSAN RAMMELL IS THE EXECUTOR OF LEON/FAYE T RAMMELL'S WILL AND IS IN THE PROCESS OF CHANGING OVER THE WATER RIGHT OWNERSHIP.

Robert E. Farnam, Esq.
Idaho State Bar Number 1240
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Drive, Suite 200
P. O. Box 50130
Idaho Falls, Idaho 83405-0130
Telephone: (208) 523-0620
Telefax: (208) 523-9518

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE

OF

FAY T. RAMMELL,

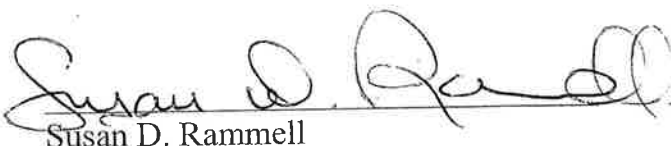
Deceased.

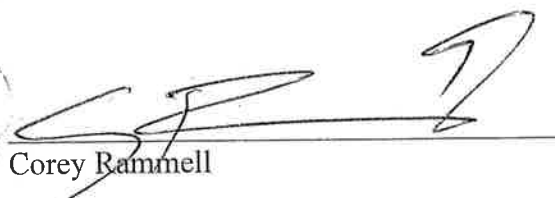
Case No.: CV -04- 068

**INFORMATION TO HEIRS
AND DEVISEES**

1. Notice is given that the undersigned were appointed co-personal representatives of the above named decedent on the 8th day of March , 2004.
2. This information is being sent to all persons who have or may have an interest in the estate of the decedent.
3. No bond has been required or filed.
4. Papers relating to the estate of the decedent are on file in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Teton located at Driggs, Idaho.

Dated this 8th day of March , 2004.


Susan D. Rammell


Corey Rammell

PLEASE RETURN TO: *Ref*
HOLDEN, KIDWELL, HAHN & CRAPO
P. O. Box 50130
Idaho Falls, ID 83405

149652

RECEIVED

AUG 12 2002

TETON CO., ID
CLERK RECORDER

QUITCLAIM DEED Instrument # 149652

DRIGGS, TETON, IDAHO
2002-08-12 10:44:22 No. of Pages: 3
Recorded for: HOLDEN, KIDWELL, HAHN & CRAPO
NOLAN G. BOYLE Fee: 9.00
Ex-Officio Recorder Deputy *Nolan G. Boyle*
Index to: DEED, QUIT-CLAIM

THIS INDENTURE is made by and between Fay T. Rammell, a single woman, the "Grantor", and The Fay T. Rammell and Sharin Rammell Limited Partnership, whose mailing address is 4223 West 4732 South, Rexburg, Idaho 83440, the "Grantee",

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Teton, State of Idaho, to-wit:

A one-half (1/2) undivided interest in the following described parcels:

Parcel 1:

A tract of land lying in Teton County, State of Idaho and more particularly described as follows:

Commencing at a point which is S89°42'00"E along said Section line 575.84 feet from the southwest corner of Section 13, Township 3 North, Range 45 E, Boise Meridian, Teton County, Idaho, and running thence N00°01'00"W, 733.46 feet; thence S89°42'00"E, 2064.14 feet, more or less, to the quarter line of said Section 13; thence S00°01'00"E along quarter line of said Section 13, 733.74 feet, more or less, to the section line bordering said Sections 13 and 24; thence N89°42'00"W along said Section line 255.0 feet; thence S35°11'00"W, 244.7 feet; thence S64°57'00"W, 354.30 feet; thence S29°57'00"W, 144.30 feet; thence S59°52'00"W, 254.2 feet; thence S22°27'00"W, 162.3 feet; thence S63°48'07"W, 286.06 feet, more or less, to the west 1/16 line of said Section 24; thence S00°01'00"E along said 1/16 line 1758.53 feet, more or less, to the quarter line of

149652

CO. USA
ING, ILLINOIS 60090



said Section 24; thence N89°42'00"W, 744.13 feet; thence N00°01'00"W, 2640.00 feet, more or less, to the POINT OF BEGINNING,

The above described land contains 91.33 acres.

Together with water rights appurtenant thereto and necessary rights-of-way or easements for delivery of such water.

Parcel 2:

The North ½ of the following described property:

Lot 1 (NE¼NE¼)

Lot 2 (NW¼NE¼)

S½NE¼ Section 5, Township 5 North, Range 44 East Boise Meridian.

Also

S½SE¼ of Section 32, Township 6 North, Range 44 EBM, Teton County, Idaho

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

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

IN WITNESS WHEREOF, the Grantor has executed the within instrument on the date set forth below.

Dated: August 6, 2002

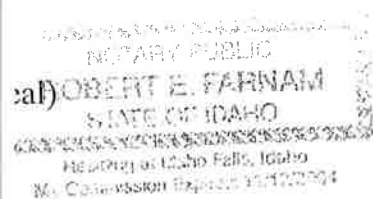

Fay T. Rammell, Grantor

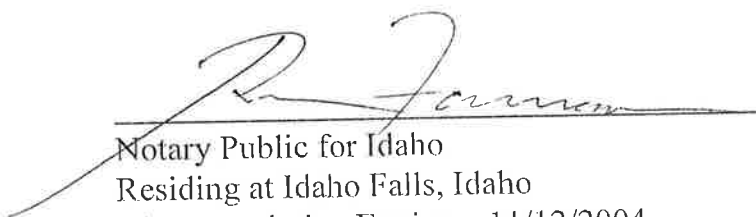
2 - QUITCLAIM DEED

STATE OF IDAHO)
)ss.
County of Madison)

On the 6th day of August, 2002, before me, the undersigned, a notary public, in and said State, personally appeared Fay T. Rammell, known or identified to me to be the son 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, day and year in this certificate first above written.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11/12/2004

\\PDATA\AREF\9623\Sharin LP.QCD wpd.ss

- QUITCLAIM DEED

149657

CCO USA
ILLINOIS 60090



TO: REF.
KIDWELL, HAHN & CRAPO, P.L.L.C.
Box 50130
Falls, Idaho 83405-0130

RECEIVED

DEC 29 1999

136263
QUITCLAIM DEED

TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made by and between Fay T. Rammell, a single woman, the
or", and The Fay T. Rammell and Corey T. H. Rammell Limited Partnership, whose
address is 4223 West 4732 South, Rexburg, Idaho 83440, the "Grantee",

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars
lawful money of the United States of America and other good and valuable
ration to Grantor in hand paid by the Grantee, the receipt whereof is hereby
ledged, does by these presents remise, release and forever quitclaim unto the Grantee,
Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter
d by the Grantor in all the following described real estate in the County of Teton,
f Idaho, to-wit:

A one-half (1/2) undivided interest in the following described
parcels:

Parcel 1:

A tract of land lying in Teton County, State of Idaho and more
particularly described as follows:

Commencing at a point which is S89°42'00"E along said Section
line 575.84 feet and S00°01'00"E, 2640.0 feet, more or less, to
the quarter line of Section 24, from the northwest corner of
Section 24, Township 3 North, Range 45 E, Boise Meridian,
Teton County, Idaho, and running thence S89°42'00"E along
said quarter line 744.13 feet, more or less, to the 1/16 line of
said Section; thence S00°31'00"W, 702.00 feet; thence
N89°46'00"W, 33.00 feet; thence N22°03'27"W, 55.04 feet;
thence S00°31'00"W, 335.80 feet; thence N82°40'00"W, 686.46
feet; thence N00°01'00"W, 898.69 feet, more or less, to the
POINT OF BEGINNING.

The above described land contains 15.70 acres.

Together with water rights appurtenant thereto and necessary
rights-of-way or easements for delivery of such water.

136263

FILED

AT THE REQUEST OF

Holden, Kidwell
AT 51 MINUTES PAST 2 P.M.
DATE Dec. 29, 1999
Nolan G. Boyle
CLERK OF RECORD
BY Nora Rigby
DEPUTY

4

5

Also together with any necessary right-of-way across adjacent Victor property I own if necessary for adequate access.

Parcel 2:

N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 6 North, Range 45 East, Boise, Meridian, Teton County, Idaho.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

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

IN WITNESS WHEREOF, the Grantor has executed the within instrument on the date set forth below.

Dated: December 27, 1999


Fay T. Rammell, Grantor

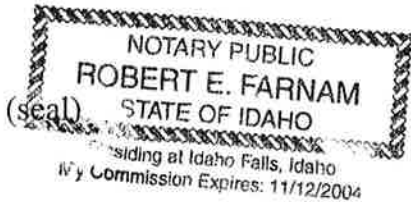
4

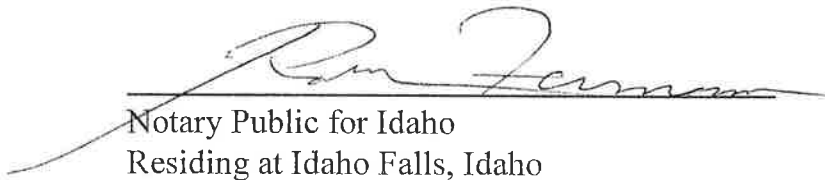
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STATE OF IDAHO)
)ss.
County of Bonneville)

On the 27th day of December, 1999, before me, the undersigned, a notary public, in and for said State, personally appeared Fay T. Rammell, known or identified 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.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11/12/2004

G:\WPDATA\REF\9623\DEED1227.QC:slde

RECEIVED

MAY 24 2001

TETON CO., ID
CLERK RECORDER

142765

QUITCLAIM DEED

Instrument # 142765

DRIGGS, TETON, IDAHO

2001-05-24

03:38:54 No. of Pages: 3

Recorded for: HOLDEN, KIDWELL, HAHN

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to DEED, QUIT-CLAIM

H. Wade

THIS INDENTURE is made by and between Fay T. Rammell, a single woman, the "Grantor", and The Fay T. Rammell and Susan D. Rammell Limited Partnership, whose mailing address is 4223 West 4732 South, Rexburg, Idaho 83440, the "Grantee",

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee, and to Grantee's heirs and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described real estate in the County of Teton, State of Idaho, to-wit:

A one-half (½) undivided interest in the following described parcels:

Parcel 1:

A tract of land lying in Teton County, State of Idaho and more particularly described as follows:

Commencing at a point which is S89°42'00"E along said Section line 575.84 feet from the Southwest corner of Section 13, Township 3 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence N00°01'00"W, 733.46 feet, more or less, to the TRUE POINT OF BEGINNING; thence N00°01'00"W, 1906.26 feet to the quarter line of said Section 13; thence S89°42'00"E, 2064.14 feet, more or less, to the quarter line of said Section 13; thence S00°01'00"E, along quarter line of said Section 13, 1906.26.0 feet; thence N89°42'00"W, 2064.14 feet, more or less to the TRUE POINT OF BEGINNING.

EXCLUDING THEREFROM the following:

A part of the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 13, Township 3 North, Range 45E., B.M., Teton County, Idaho, being further described as:

From the C $\frac{1}{4}$ corner of said Section 13, thence S00°05'13"E, 767.83 feet along the East line of the SW $\frac{1}{4}$ to a point on the Southwestern right-of-way line of State Highway 33, the true point of beginning; thence along said right-of-way N46°26'37"W, 243.34 feet to a point; thence S23°16'29"W, 206.48 feet to a point; thence S62°44'25"E, 290.43 feet to a point on the East line of the SW $\frac{1}{4}$ of said Section 13; thence N00°05'13"W, 155.02 feet along the East line of the SW $\frac{1}{4}$ to the point of beginning.

Parcel 2:

The South $\frac{1}{2}$ of the following described property:

Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)

Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)

S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 5, Township 5 North, Range 44 East Boise Meridian.

Also

S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, Township 6 North, Range 44 EBM, Teton County, Idaho

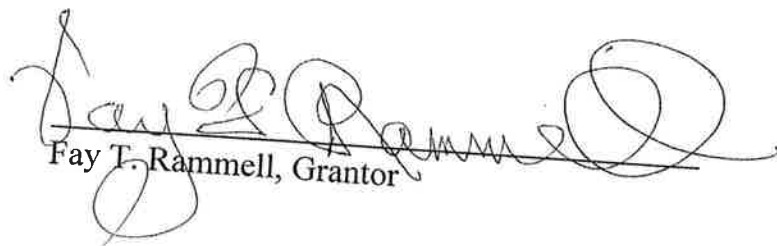
TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

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

IN WITNESS WHEREOF, the Grantor has executed the within instrument on the date set forth below.

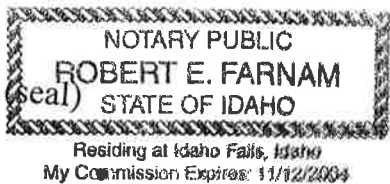
Dated: April 19, 2001

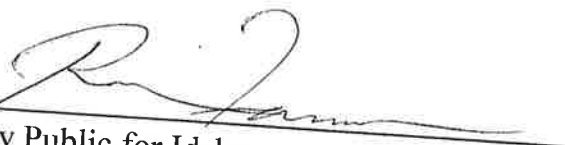

Fay T. Rammell, Grantor

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 19th day of April, 2001, before me, the undersigned, a notary public, in and for said State, personally appeared Fay T. Rammell, known or identified 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.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11/12/2004

G:\WPDATA\REF\9623\deed0409.qc.wpd:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

RECEIVED

MAR 05 2005

Department of Water Resources
Eastern Region

[] Water Right Number(s): A22-04039

[] Name(s): Susan Rammell

[] Old Mailing Address: Leon Rammell, Fay Rammell
451 E 2nd S
Rexburg, ID 83440

[] New Mailing Address: 5690 N. Locust Grove Rd
Meridian, ID
83642

Telephone Number: (208) 939 - 1123

[] Signature(s) of Owner(s) SR
Fraser Personal Representative
(Include your title if on behalf of company or organization)

SCANNED

APR 15 2005

Date: 3/2/05

PROFILED

February 7, 2005

LEON RAMMELL
451 E 2ND S
REXBBURG ID 83440

RE: CHANGE OF ADDRESS FOR A22-04039

Dear Mr. Leon Rammell,

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Leon Rammell
451 E 2nd S
Victor ID 83455

Fay T Rammell
451 E 2nd S
Rexburg ID 83440

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

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

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

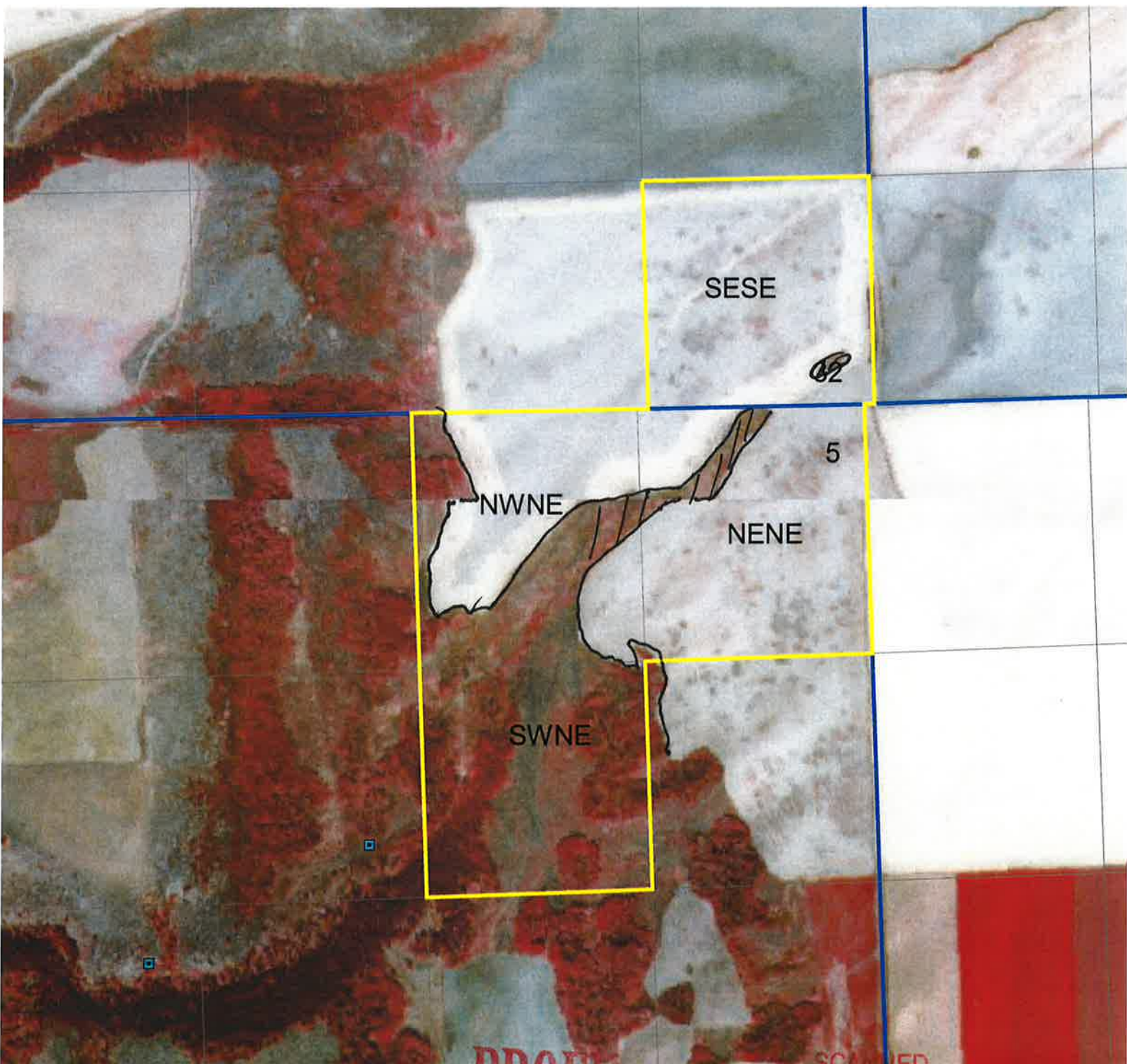
SCANNED

FEB 15 2005

FEB 15 2005

PROFILED

22-4039
5N, 6N 44E



PROFILE

SCANNED
FEB 07 2005

July 1, 2004

12/21/04 No Reply

**SUSAN RAMMELL
5690 N LOCUST GROVE RD
MERIDIAN ID 83642**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4039

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the beginning 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 APR 01, 1947, from RAMMELL HOLLOW.

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.

SCANNED

FEB 07 2005

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

22-493
22-222C
22-435C
22-246C
~~22-403A~~
22-221D
22-604
22-145C

FAY T RAMMELL

LEON RAMMELL
PO BOX 79
VICTOR ID 83455



RAMM079 834552003 1803 04 03/04/04
RETURN TO SENDER
RAMMELL, FAY T
451 E 2ND S
REXBURG ID 83440-2213
RETURN TO SENDER

83455X00783402/1700



SCANNED
FEB 07 2005
PROFILED

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: A22-04039
Date Received: 8/25/1988
Receipt No: 25 Aug 1988
Received By: E. G. 1886
Emc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEON RAMMELL 208-787-2242
Address: P.O. BOX 79
VICTOR, ID 83455
OR
Name: FAY T. RAMMELL
Address: P.O. BOX 79
VICTOR, ID 83455

2. Date of Priority: APR 01, 1947

3. Source: RAMMELL HOLLOW Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	5	SE	SE	NW		TETON

5. Description of diverting works:
HEADBOX WITH PIPELINE TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.520		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 52.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ DRINKING WATER FOR CAMPERS.

A22-04039

Page

1

Date: 08/25/88

PROFILED

SCANNED
FEB 07 2005

MICROFILMED
OCT 29 1992



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	5	NE	NE	1	IRR	10.0
			NW	NE	2	IRR	6.0
			SW	NE		IRR	2.0
						Section Acres	18.0
06N	44E	32	SE	SE		IRR	8.0
						Section Acres	8.0
						Total Acres	26.0

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:
22-0493/2010/2011

14. Remarks:

LEON RAMMELL FILED TRANSFER APPLICATION TO CHANGE
LOCATION OF P.D. AND IDENTIFY PLACE OF USE. WATER IS TO BE
DIVERTED IN SE1/4SE1/4NW1/4, SEC. 5, T. 5N, R. 44E, AND USED
TO IRRIGATE 26 AC. IN N1/2NE1/4, SW1/4NE1/4, SEC. 5, T. 5N &
SE1/4SE1/4, SEC. 32, T. 6N, R. 44E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/02/1986

LEON RAMMELL & FAY T. RAMMELL
Decree Plaintiff

vs

KENNETH DUNN, ET AL
Decree Defendant

PROFILED

SCANNED

FEB 07 2005

MICROFILMED

OCT 29 1992

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): Leon Ramwell Date: Aug 25 - 88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of Aug. 19 88

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 14 June 1994

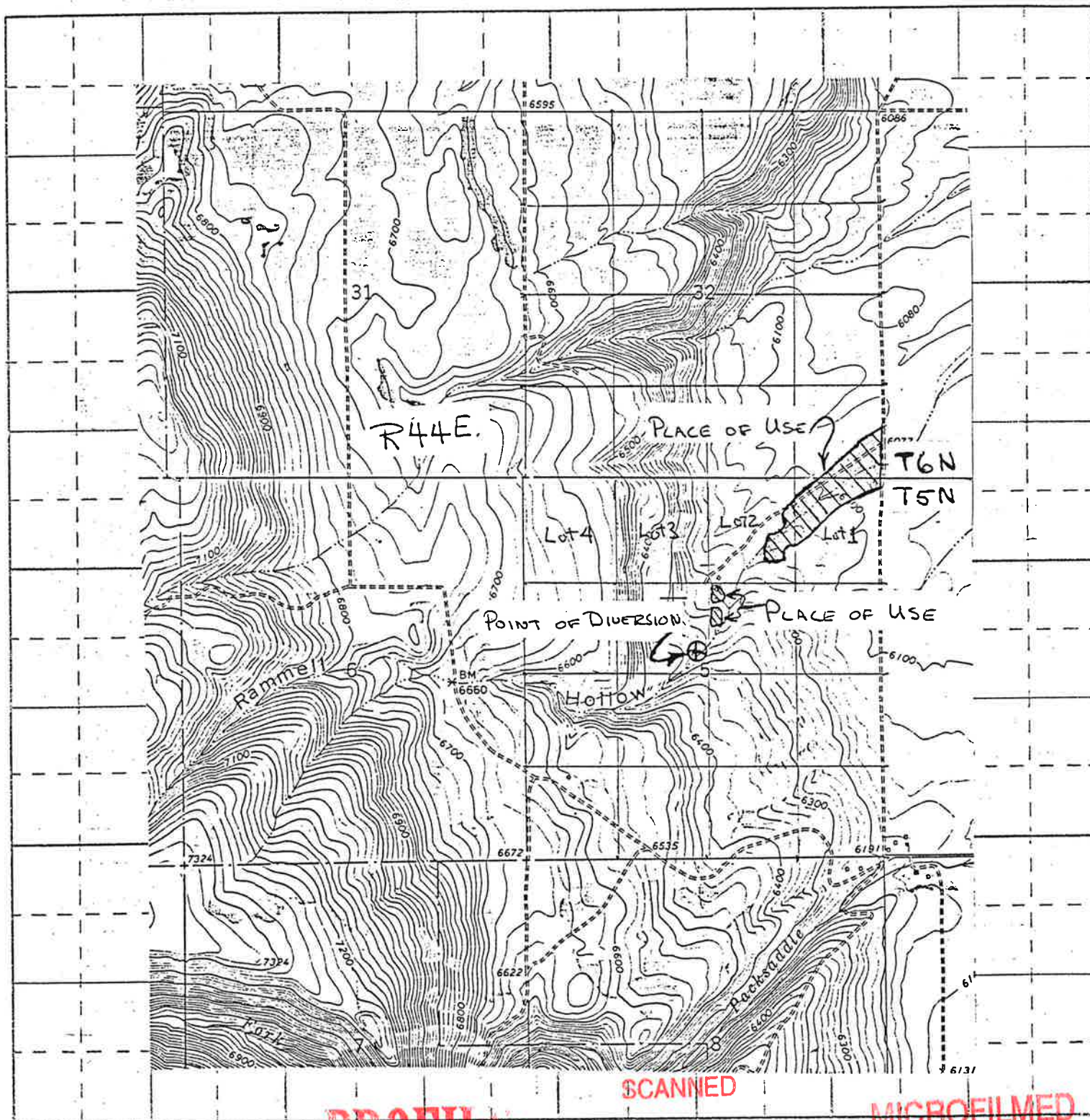
PROFILED

SCANNED
FEB 07 2005

MICROFILMED
OCT 29 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PROFILED

SCANNED
FEB 07 2005

MICROFILMED
OCT 29 1992