

12/01/2006

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

RIGHT NUMBER: 22-4180
NAME AND ADDRESS: EVERGREEN INVESTMENT UTAH LLC
7 S WOLCOTT
SALT LAKE CITY UT 84102

BLAINE HUNTSMAN
7 S WOLCOTT
SALT LAKE CITY UT 84101

SOURCE: UNNAMED STREAM TRIBUTARY: FOX CREEK
QUANTITY: 0.600 CFS
PRIORITY DATE: 10/31/1912
POINT OF DIVERSION: T04N R45E S28 SENWNE Within TETON County
PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.600 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S28 NENW	29.00	
	29 ACRES TOTAL		

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Source is also known as Little Fox creek or North Fork Fox Creek.

SCANNED

MAY 21 2007



Idaho Department of Water Resources

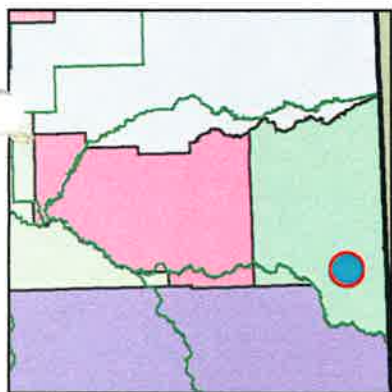
SRBA Recommendation:

22-4180

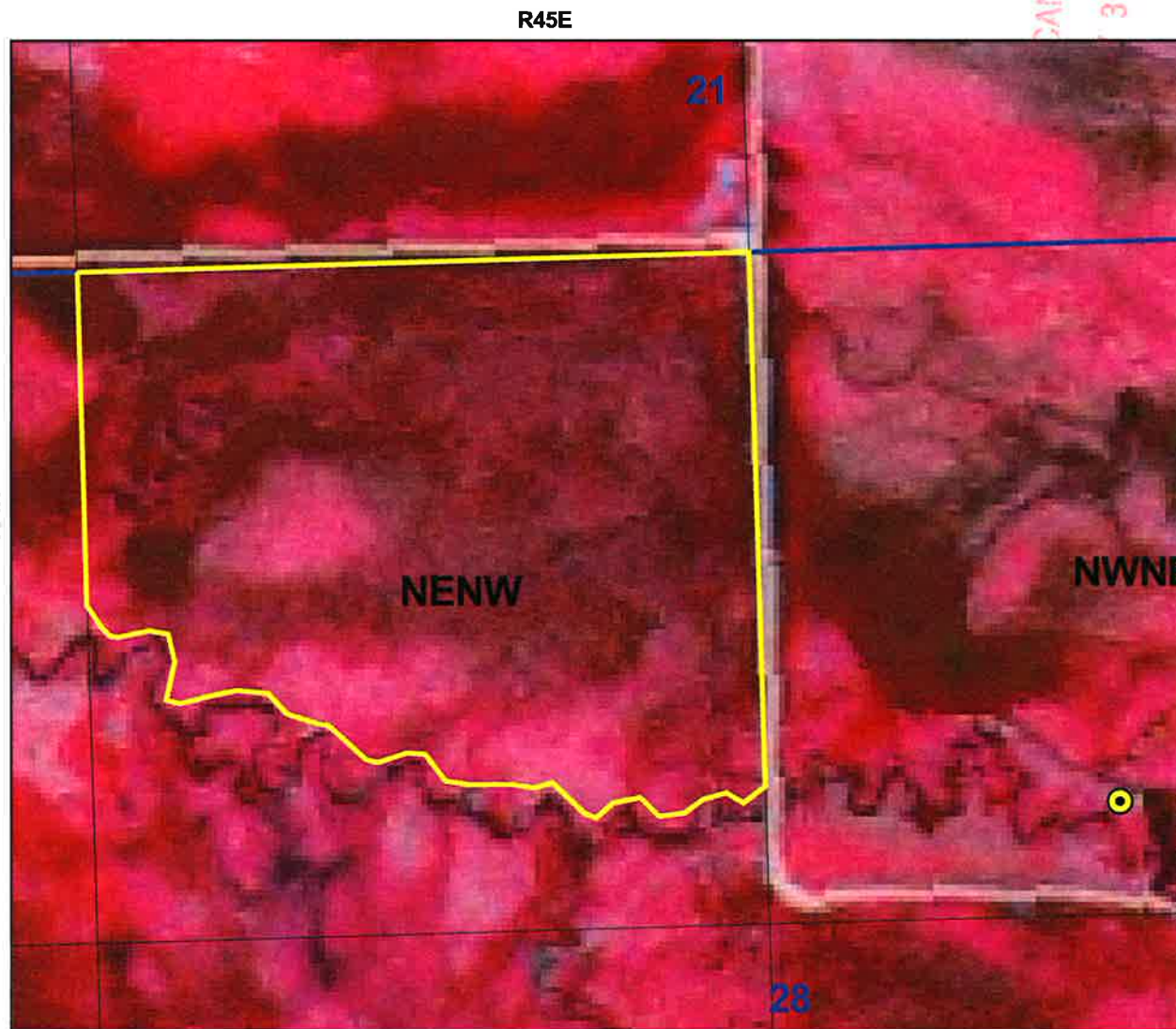
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by A. Golart
On Thursday, November 30, 2006
1987/88 Aerial Photography

31 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 23, 2007

BLAIN HUNTSMAN
EVERGREEN INVESTMENT UTAH LLC
2834 E ETIENNE WAY
SANDY UT 84093

RE: Notice of Change of Address for 22-13489 & 22-4180 and Notice
of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On May 21, 2007, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

MAY 31 2007

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

In Re SRBA)

Water Rights: 22-4180, 22-13489

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 24, 2007

Ernest Carlson

Signature of IDWR Representative

SCANNED
MAY 31 2007

CERTIFICATE OF MAILING

I certify that on May 29, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Blaine Huntsman
Evergreen Investment Utah LLC
2834 E Etienne Way
Sandy UT 84093
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

MAY 31 2007

RECEIVED

MAY 21 2007

Department of Water Resources
Eastern Region

IDAHO DEPT OF WATER RESOURCES
EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

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)

[] Water Right Number(s): 22-13489 ~~22-13484~~
needs
WCAP 22-4180
~~22-13482~~

[] Name(s): Blaine Huntsman
Evergreen Investment Utah LLC

[] Old Mailing Address: 1 So Wolcott St.
Salt Lake City, UT 84102

[] New Mailing Address: 2834 East Chenne Way
Sandy, UT 84093

CM 5-23-07

Telephone Number: (801) 438-0241

[] Signature(s) of Owner(s): Blaine Huntsman
Blaine Huntsman, agent and
manager of Tetra Tech, Inc.
agent for Evergreen Investment LLC
(Include your title if on behalf of company or organization)

Date: DEC 21, 2006

SCANNED
MAY 21 2007
3 Utah



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 18, 2007

EVERGREEN INVESTMENT
2834 ETIENNE WAY
SANDY UT 84093-1115

RE: CHANGE OF ADDRESS FOR 22-4180, 22-13489

Dear Sir or Madam:

Please fill out the enclosed change of address form and mail back to me. We need signed permission to update your address in our database.

Sincerely,

Jennifer Crabtree

Technical Records Specialist

Enclosure

SCANNED

MAY 31 2007

DEPT. OF WATER RESOURCES
EASTERN DISTRICT OFFICE
10 N. SKYLINE DR.
FALLS, IDAHO 83402

POSTAGE SERVICE
REQUESTED

★ ★  U.S. POSTAGE
1001 PB3523907
8942 \$00.63 JAN 05 2007
8218 MAILED FROM ZIP CODE 83402

SCANNED
MAY 31 2007

EVERGREEN INVESTMENT UTAH LLC
7 S WOLCOTT
SALT LAKE CITY UT 84102

RECEIVED

JAN 12 2007

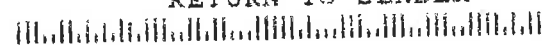
Department of Water Resources
Eastern Region

22-4180

22-13489

EVER007 841021012 1105 13 01/09/07
FORWARD TIME EXP RTN TO SEND
:EVERGREEN INVESTMENT
2834 ETIENNE WAY
SANDY UT 84093-1115

RETURN TO SENDER



May 13, 2004

CHARLES E OR MARGARET H CRARY
PO BOX 581
DRIGGS ID 83422

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4180

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 JUNE 1 1908 from UNNAMED STREAM.

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.

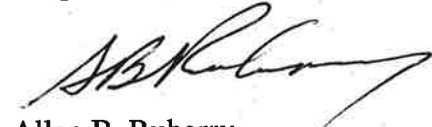
SCANNED

MAY 31 2007

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"

SCANNED

MAY 31 2007

STATEMENT

Sent ✓ file
22-4179/80

I was born in 1899 in a little house next to a willow on the Northeast 40 acres of what is now the Fox Creek Ranch. The Chapin "Sportsman's Access" Road to the Teton River now borders this 40 on the East and North sides.

My father died when I was only a couple of years old. My mother married Tom Bates a couple of years later, and we moved to what is now the Buxton Ranch on the Bates Road.

I remember visiting the old place on occasion when I was about 10 or 12 years old and seeing Johnny Bates and my uncle, Parmer Fenton, irrigating the higher pasture land on the Northeast 40 from a ditch that took water from the Little Fox Creek. This creek comes down the Chapin Road and then crosses the Southern part of the 40.

They also irrigated the 40 acre piece directly South of this piece and parts of the 40 acres due West of it at this time. They did this by a system of ditches that took water from two small spring fed creeks that enter the property from the East.

George Foster

George Foster
Cedron-Bates Road
Driggs, Idaho

7-10-84
Date

STATE OF IDAHO)
) SS
County of Teton)

SCANNED
MAY 31 2007

On this 16 day of November, 1984, before me,

I remember visiting the old place on occasion when I was about 10 or 12 years old and seeing Johnny Bates and my uncle, Parmer Fenton, irrigating the higher pasture land on the Northeast 40 from a ditch that took water from the Little Fox Creek. This creek comes down the Chapin Road and then crosses the Southern part of the 40.

They also irrigated the 40 acre piece directly South of this piece and parts of the 40 acres due West of it at this time. They did this by a system of ditches that took water from two small spring fed creeks that enter the property from the East.

George Foster

George Foster
Cedron-Bates Road
Driggs, Idaho

Nov 16, 1984

Date

STATE OF IDAHO)
) SS
County of Teton)

On this 16 day of November, 1984, before me, the undersigned, a Notary Public for Idaho, personally appeared George Foster, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

John W. Brewer

Notary Public for Idaho
Residing at Driggs, Idaho
Commission Expires: life

SCANNED

MAY 31 2007

Water Right No(s).

A 2204180



GPS DATA:

Tag # NO Tag Location: Nothing To Attach To

Diversion Data:

Source: UNNAMED STREAM Trib to: FOX CREEK

MOTOR

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

PUMP

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

NOTES:

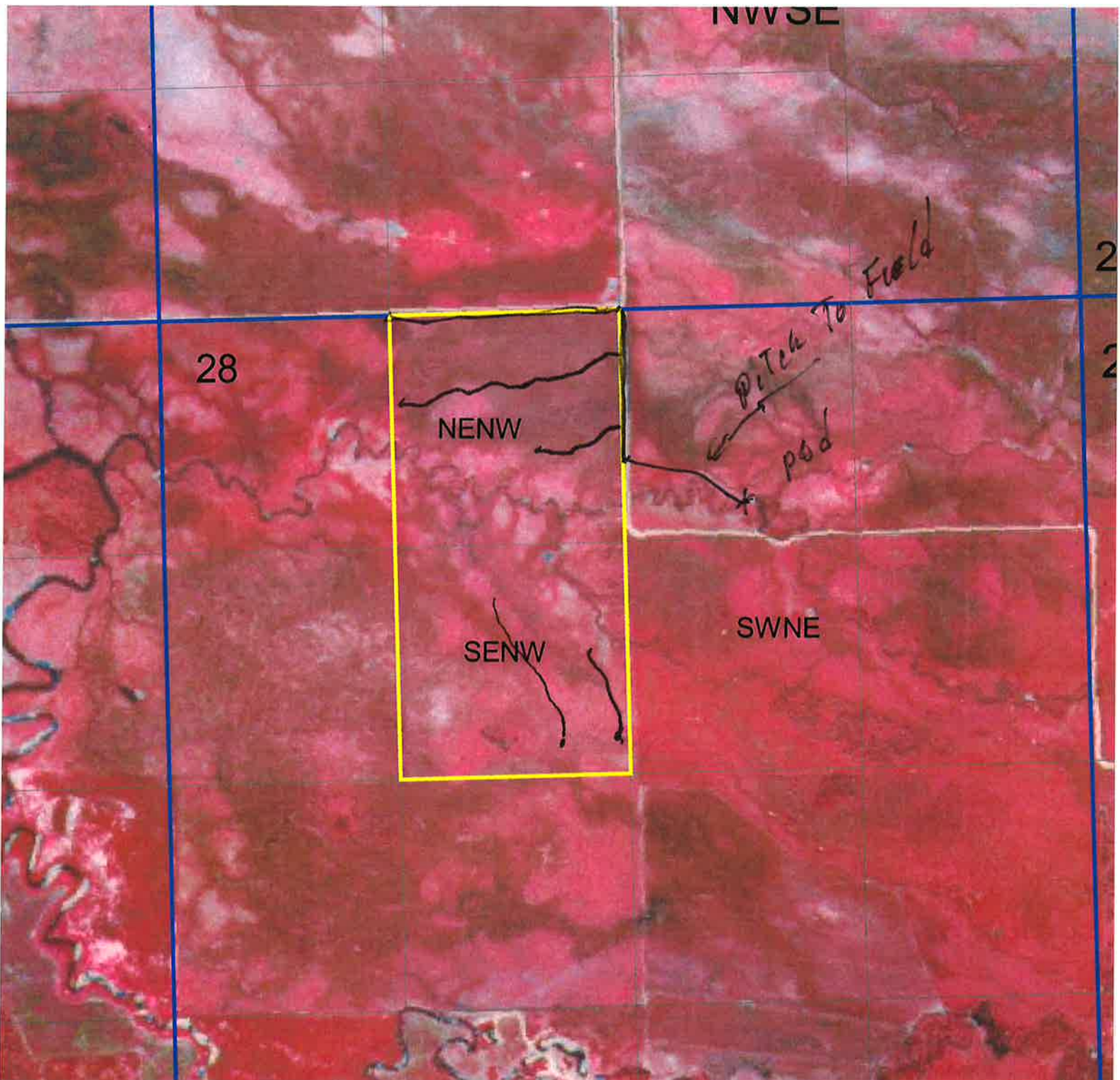
photo # 15. TAKEN IN WEST DIRECTION
WATER DIVERTED OUT OF UNNAMED STREAM
TRIB TO FOX CREEK

Field Exam Date: 10-10-05 Agent: Nick Olson

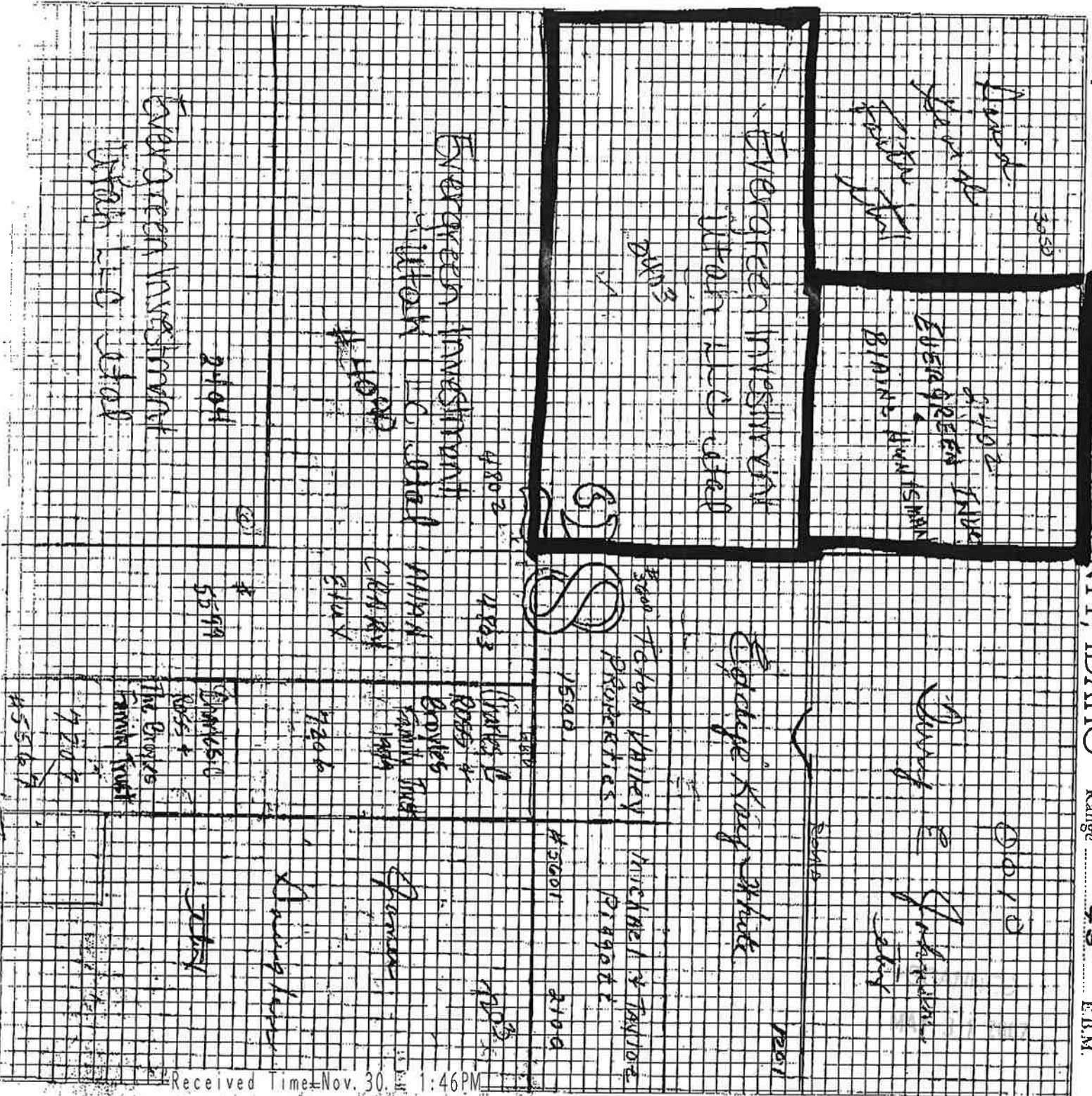
SEE EVIDENCE STATEMENT IN 22-4179

SCANNED
MAY 31 2007

22-4180



COUC AREA 4
45
Ranor F W



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: A22-04180
Date Received: 9/22/1988
Receipt No: EQ02788
Received By: _____

RECEIVED

SEP 28 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES E. CRARY 602-749-1466
Address: 8401 E. WOODLAND RD.
TUSCON, AZ 85749
AND/OR
Name: MARGARET H. CRARY
Address: 8401 E. WOODLAND RD.
TUSCON, AZ 85749
AND/OR
Name: CHARLES E. CRARY 208-354-8309
Address: P.O. BOX 581
DRIGGS, ID 83422
AND/OR
Name: MARGARET H. CRARY 208-354-8309
Address: P.O. BOX 581
DRIGGS, ID 83422

A2204180



2. Date of Priority: JUN 01, 1908

3. Source: UNNAMED STREAM Trib. to: FOX CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	28	NW	NE			TETON

5. Description of diverting works:
HEADGATE TO DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		

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

A22-04180

Page 1

Date: 09/22/88

SCANNED

MAY 31 2007

MICROFILMED

OCT 29 1992

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	28	NE NW		IRR	30.0
Section Acres						30.0
Total Acres						30.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE KNOWN AS LITTLE OR NORTH FORK FOX CREEK.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 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): Charles E. Gray Date: 9/22/88

Date: _____

State of Idaho)
County of Booneville) SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of September 19 88

Anthony J. Olenczak
Notary Public

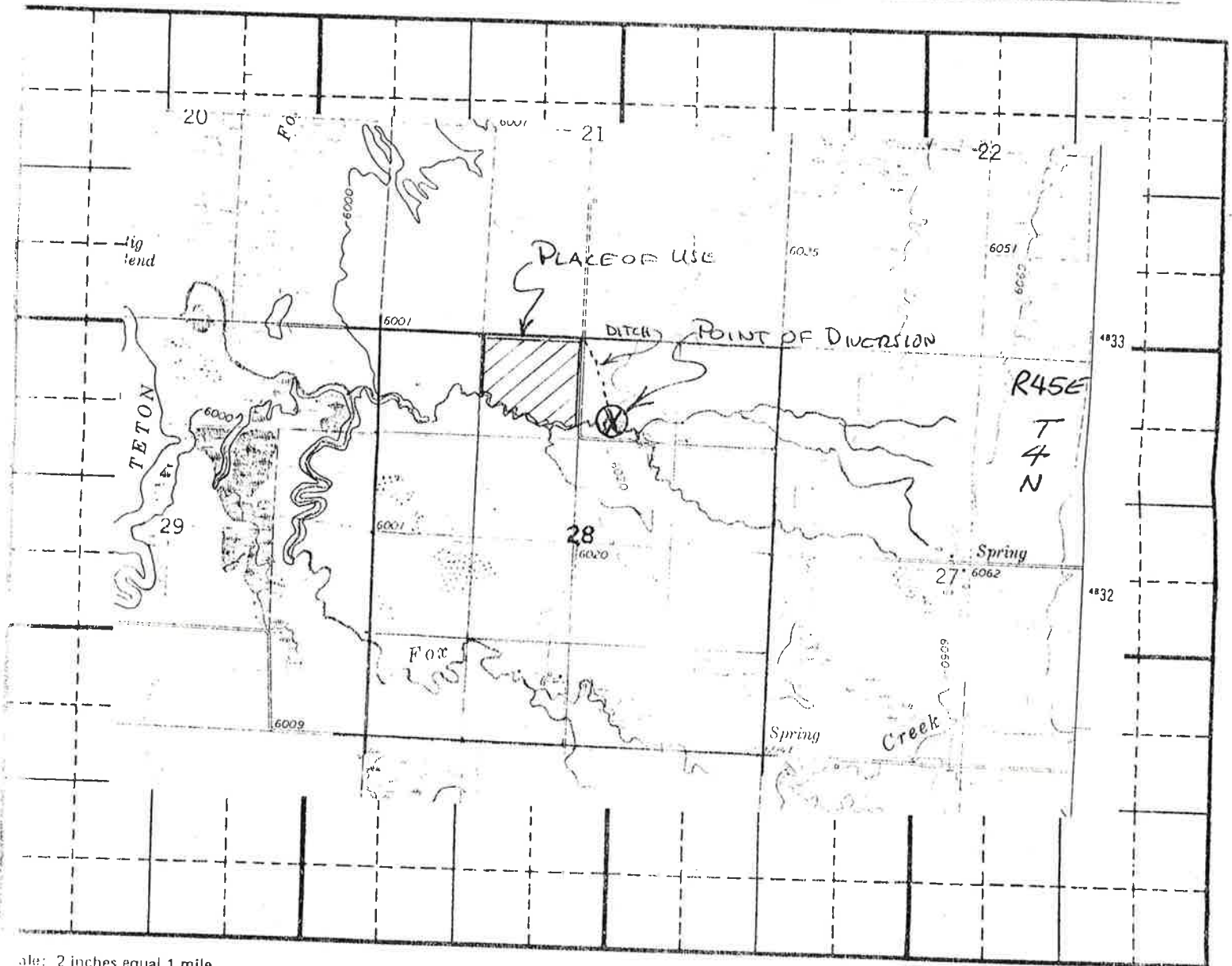
Seal

Residing at Idaho Falls

My Commission Expires 9/12/1994

A22-04180

(8) Remarks Source also known as Little Fox Creek also known as North Fork
Fox Creek



Scale: 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,
township and range of the public land survey system.

MICROFILMED

SCANNED

OCT 29 1992

MAY 31 2007