

11/17/2006

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

RIGHT NUMBER: 22-4196

NAME AND ADDRESS: RONALD J JUDY
PO BOX 1703
RANCHO SANTE FE CA 92067

SOURCE: NEVILLE SPRING

TRIBUTARY: SINKS

QUANTITY: 1.000 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/31/1917

POINT OF DIVERSION:
T06N R43E S24 NESWSE 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	1.000 CFS
STOCKWATER	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T06N R43E S24 Lot 3 NESE	8.20	T06N R43E S24	NWSE	26.00
T06N R43E S24	SWSE	24.00		

STOCKWATER same as IRRIGATION

58.2 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

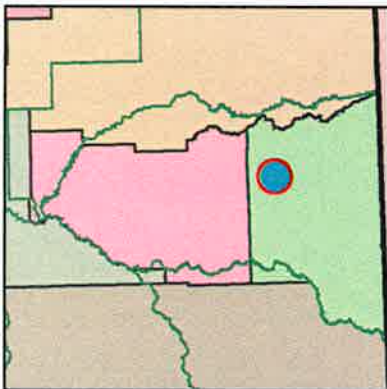
SRBA Recommendation:

22-4196

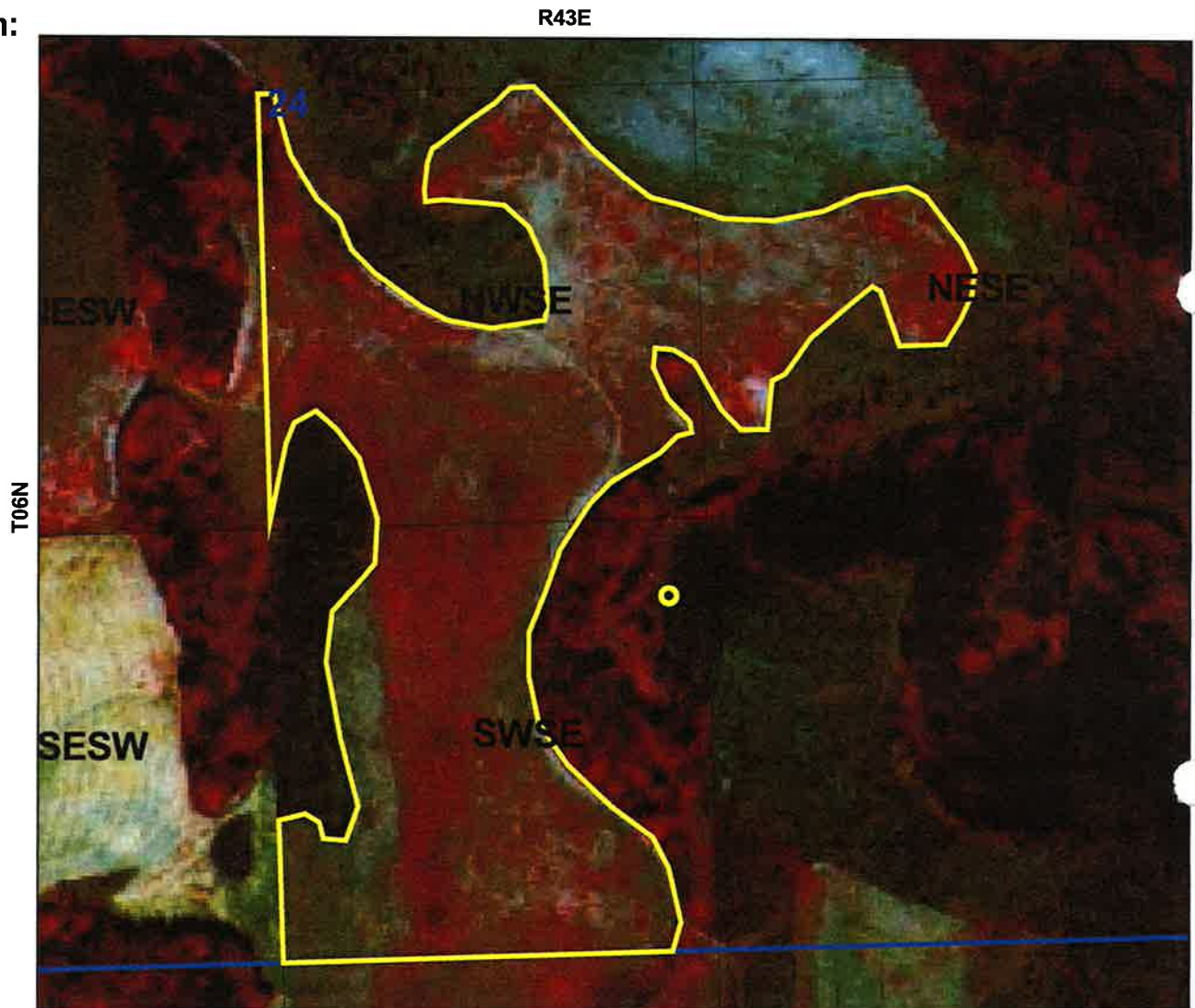
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by T. Galbraith
On Friday, November 17, 2006
1987/88 Aerial Photography



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 17, 2006

Ronald J Judy
PO Box 1703
Rancho Sante Fe CA 92067

RE: Change to Preliminary Director's Report **22-4196**

Dear **Mr. Judy**:

The purpose of this letter is to notify you the Preliminary Director's Report you previously received for the above referenced claim has been changed. A printout of the new Preliminary Director's Report is included for your records.

The notices of error and new claims received subsequent to the mailing of the Preliminary Director's Report caused us to re-examine the recommendations involving water right **22-4196**. The recommendation has been changed to more accurately reflect the number of acres irrigated and amount of water used under this claim number.

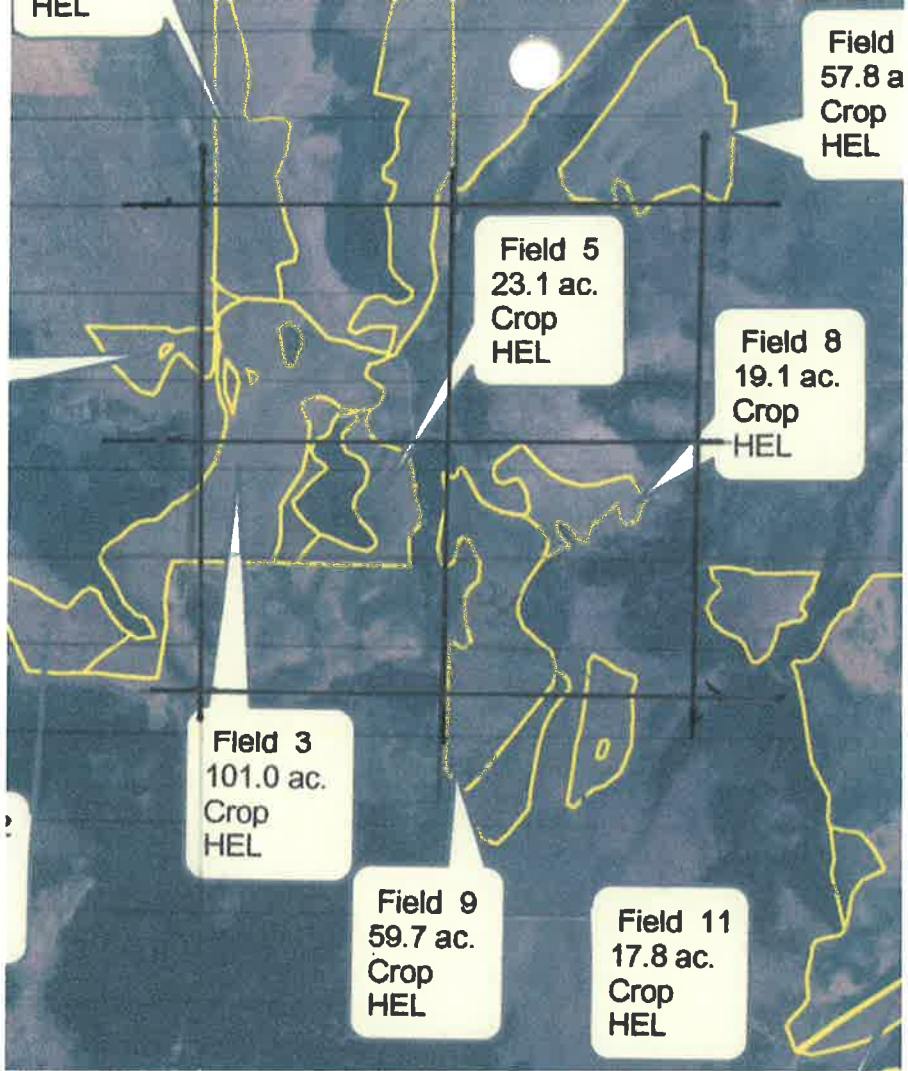
If you have questions or wish to schedule an appointment please call me at the above number.

Respectfully,

Trent Galbraith
Water Agent
Adjudication Bureau

Enclosure

Amended Preliminary Directors Report

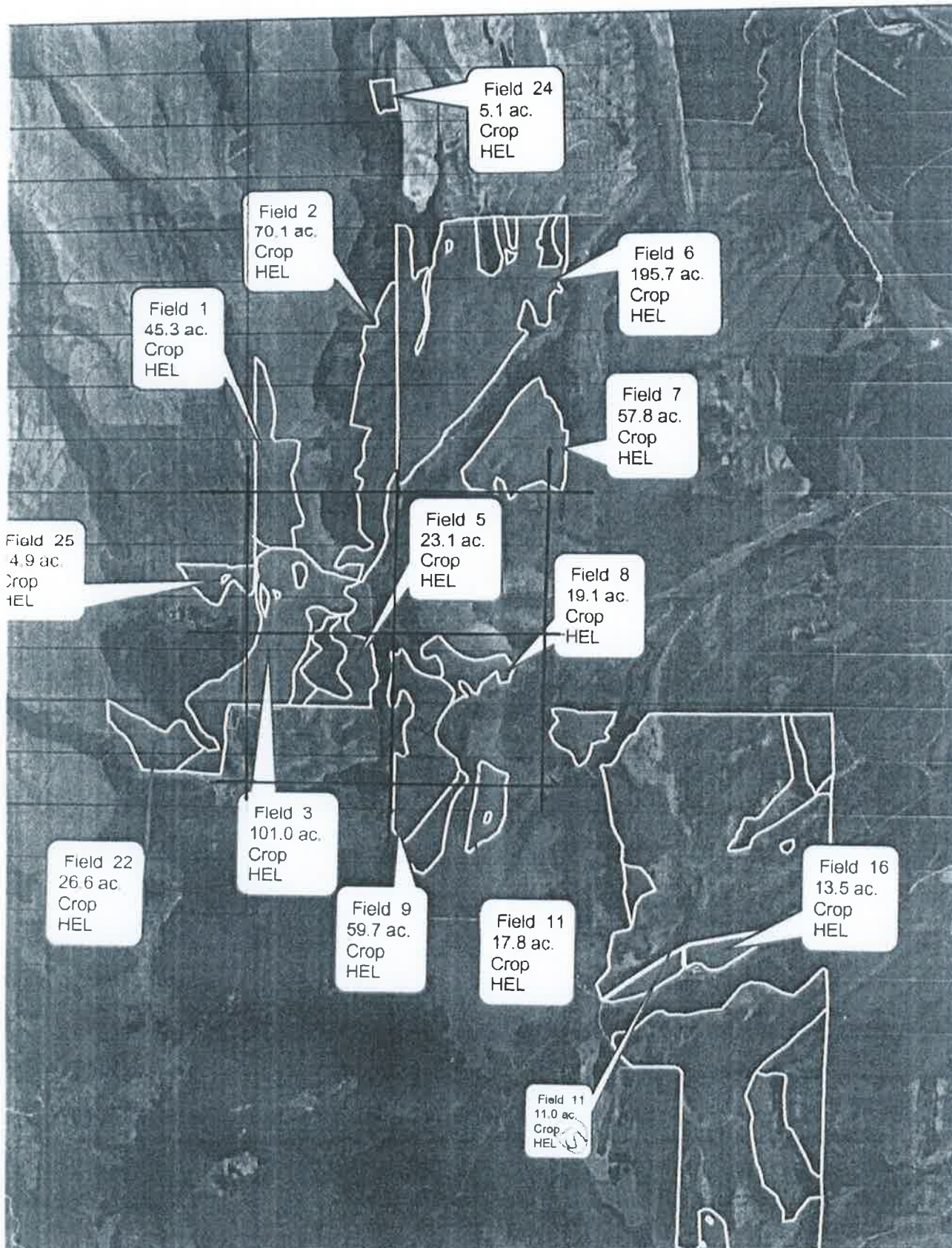


Conservation Plan Map

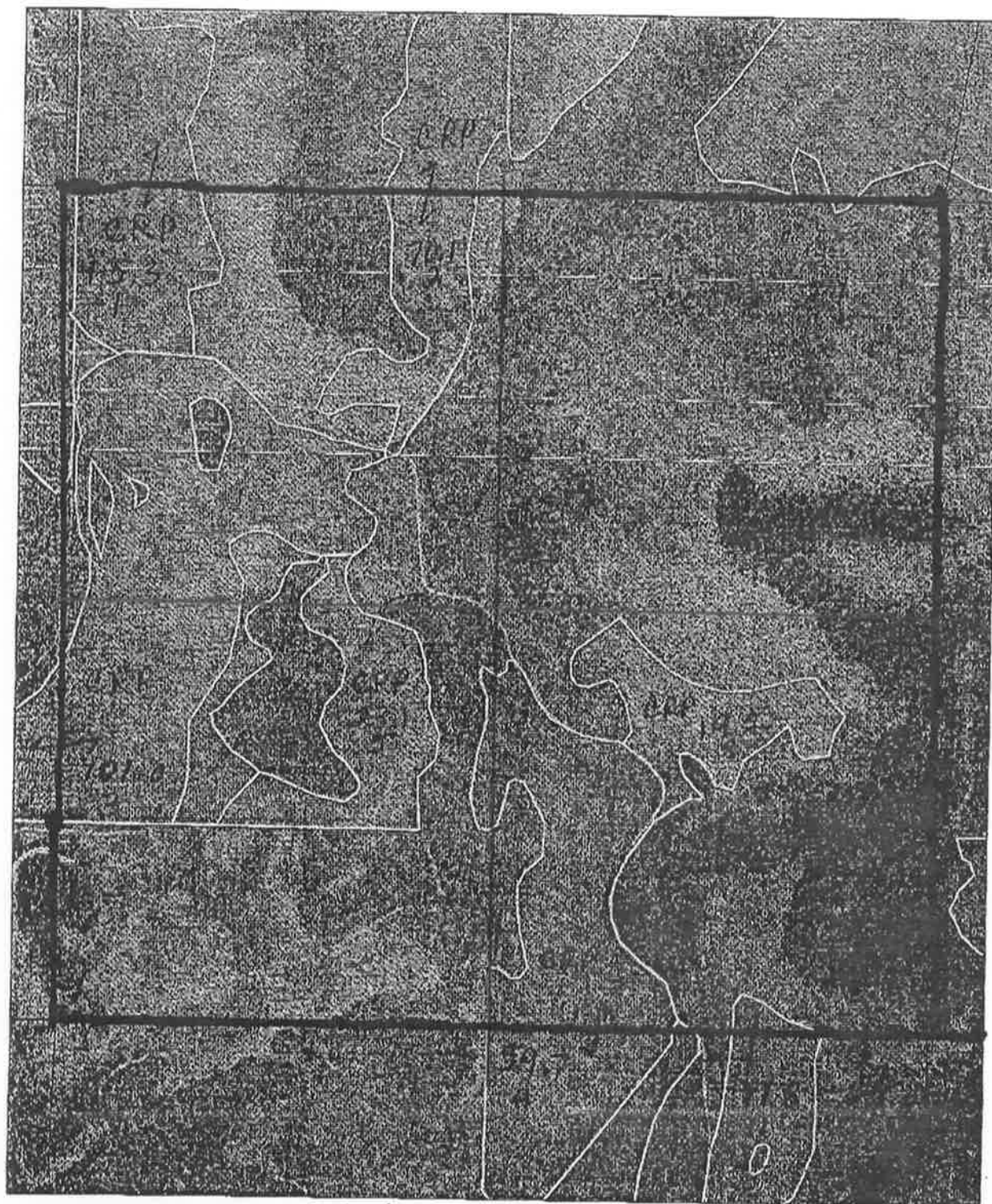
Date: 8/11/201

Prepared by: RONALD J JUDY
TETON SOIL CONSERVATION DISTRICT

Field Office: DRIGGS SERVICE CENTER
Agency: USDA NRCS
Assisted By: Lindsay M Obray
State and County: ID, TETON



Title:



Section 24



Prepared by FSA



Date: October 24, 2006



Farm and Foreign
Agricultural
Services

Farm Service
Agency

Teton County
FSA Office
P O Box 577
Driggs, ID 83422

208-354-2680 x2
208-354-2683 Fax

October 30, 2006

Allen Ruberry, Sr. Water Resources Agent
Adjudication Bureau
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Dear Mr. Ruberry,

According to our records, approximately 55 acres of the SE ¼ of Section 24, currently owned by Ronald and Judith Judy, have been enrolled in CRP since 1987. Currently, this same acreage is in CRP under a contract that began in 1997.

Sincerely,

/s/ Rebecca J. Berrett

Rebecca J. Berrett
Program Technician
Teton County Farm Service Agency

10-31-06

- Stacey Lernill Son of Gary Lernill who is now taking care of the Ronald Judy land called today and said no irrigation has ever taken place out there but stockwater has been used. Phone 456-2312

11-6-06 Tim will get back to me to tell me which attorney will be handling this.
Rigby or Hopkins.

11-16-06

- Kent Foster called and said he is handling this issue. will give maps to me at B21 initial hearing later today.
JK

NOTICE OF ERROR
REPLY

08/10/06
RECEIVED
OCT 30 2006
DEPARTMENT OF
WATER RESOURCES

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: 22-4196

RONALD J JUDY
PO BOX 1703
RANCHO SANTE FE CA 92067

RECEIVED
NOV 02 2006
Department of Water Resources
Eastern Region

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

Irrigation right should be increased to 1.00 cfs.

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

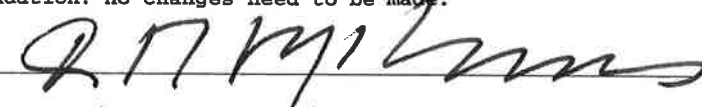
Irrigation right should be increased to 1.00 cfs.

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

Director's recommendation does not comply with history of use.

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

DATE: 10/26/06

SIGNATURE: 

Please print your name: C. Timothy Hopkins
Attorney for Ronald J. Judy

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

Kat
11/4



Idaho Department of Water Resources

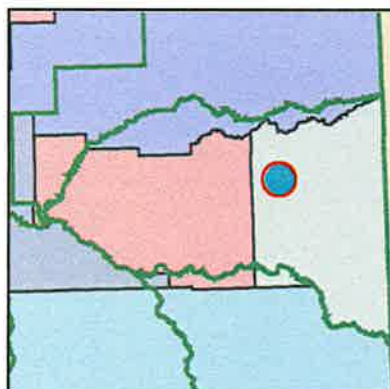
SRBA Recommendation:

22-4196

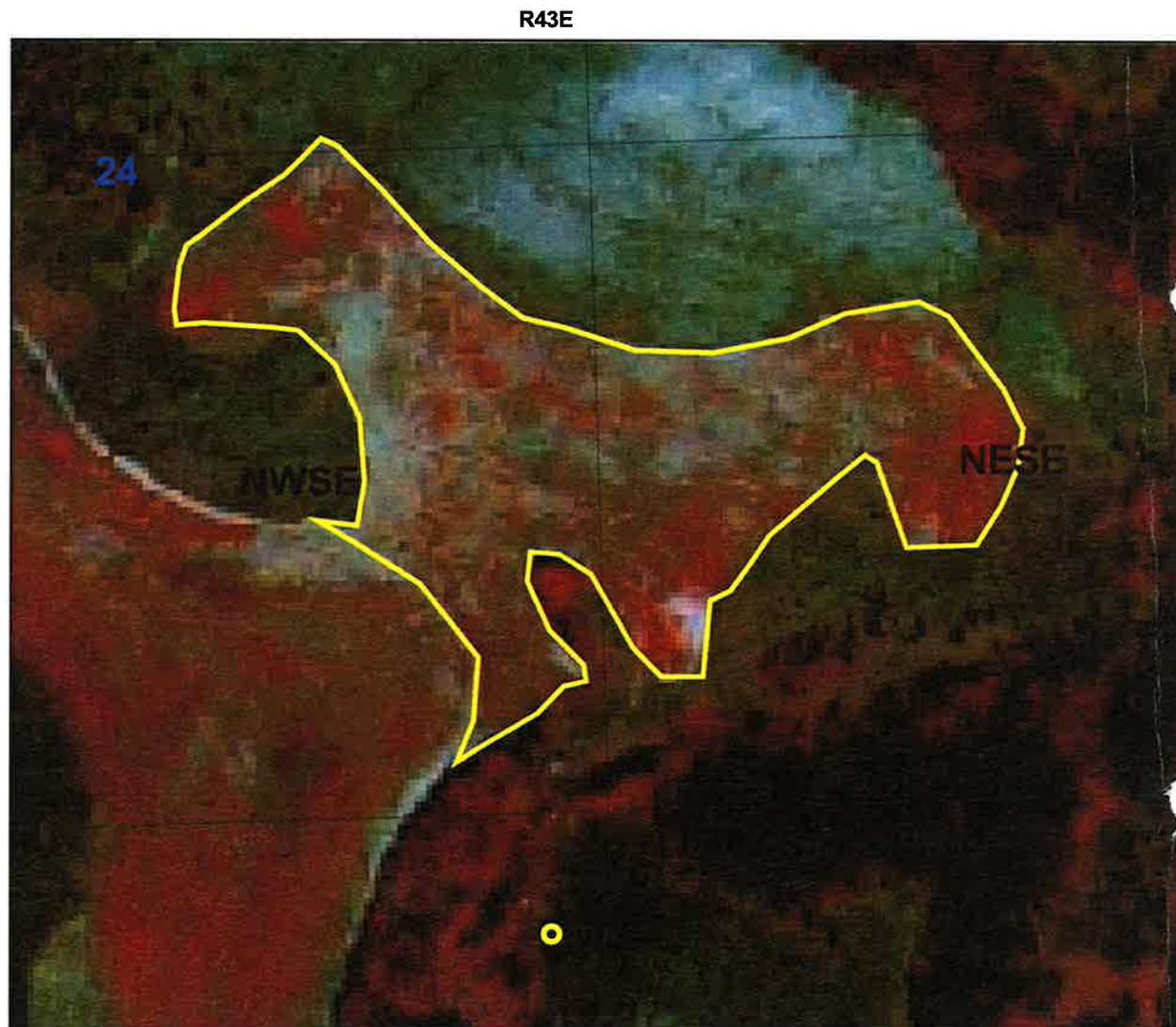
(Irrigation)

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 T. Galbraith
On Friday, August 18, 2006
1987/88 Aerial Photography

8-18-06

- Neville Springs could have only irrigated the small meadow/pasture North of the spring. All other land is up hill and could not be flood irrigated.
- The pasture is about 18 acres which would be how much the springs could actually irrigate since Dee O'Brien said there is only about 15-20 inches in the stream.
- Recommending 1" to the acre or .36 cts.
if
- Stockwater is not additive
 - They didn't pay for it.

22
A95

6/19/06
DO Field exam showed a small stream that was 9" across and 2" deep. I did have a measuring tape but I didn't have any equipment to measure the stream flow. I figured it to be approximately 15-20 miners' inches. Photo next page

During peak run-off the spring probably runs higher, but I don't have any idea by how much.

at the time of my second field exam, there was no irrigating taking place. The spring water was running approx. $\frac{1}{2}$ - $\frac{3}{4}$ of a mile and then sinking leaving a dry stream bed.

Water could be dammed off to irrigate meadow in immediate vicinity. I have tried & tried to contact former owner David Nissen at 208-356-9597 about use of spring but haven't made contact & he has not returned calls.

To: Mr. Allen Ruberry
Re: Water Claim 22-4196

RECEIVED

JUL 15 2004

Department of Water Resources
Eastern Region

6N436

Dear Mr. Ruberry

Ron Judy contacted me to ask if I or my family could assist in providing "Evidence of Priority" information for the above referenced Water Claim in that he was aware that our family was familiar with this property since 1917.

I am very familiar with the Neville Springs water use from the many conversations with my family members over the years. Additionally, I spoke with my Mother and she confirmed that the use of the water from Neville Springs is as indicated in the Claim 22-4196. She was a child when her Father, my Grandfather, homesteaded in the Teton Valley by Neville Springs in 1917. The family used the water for drinking, watering livestock and irrigating a meadow. I spent my summers with my grandfather and assisted him in these activities at Neville Spring. A diversion dike was build at the spring to raise the level of the spring so there would be ample water for the meadow, cattle and house. In 1970 I lived at the spring with my family and we used the water to run the house, feed livestock and water the meadow. Neville Spring has been part of our family history since my Grandfather homesteaded in the Teton Area in 1917.

If you need additional information, please feel free to contact me at 208-356-9597, or
David Nissen
148 College Avenue
Rexburg, Idaho
83440

Sincerely,

David Z. Nissen

SCRIBED & SWORN TO BEFORE ME THIS
DAY OF July 2004
15
NOTARY PUBLIC
MY COMMISSION EXPIRES 8/31/05
RESIDING AT MADISON, CO. REXBURG, ID.



Fax: (858) 756-5216

6/18/04

To: Ron Judy

From: Al RUBY
IDWR

SUBJECT: 22-4196 claim

2 pgs

356-9597
356-4175 } Don't know whose #s these are,
but they were in the file.

Pond or catch basin

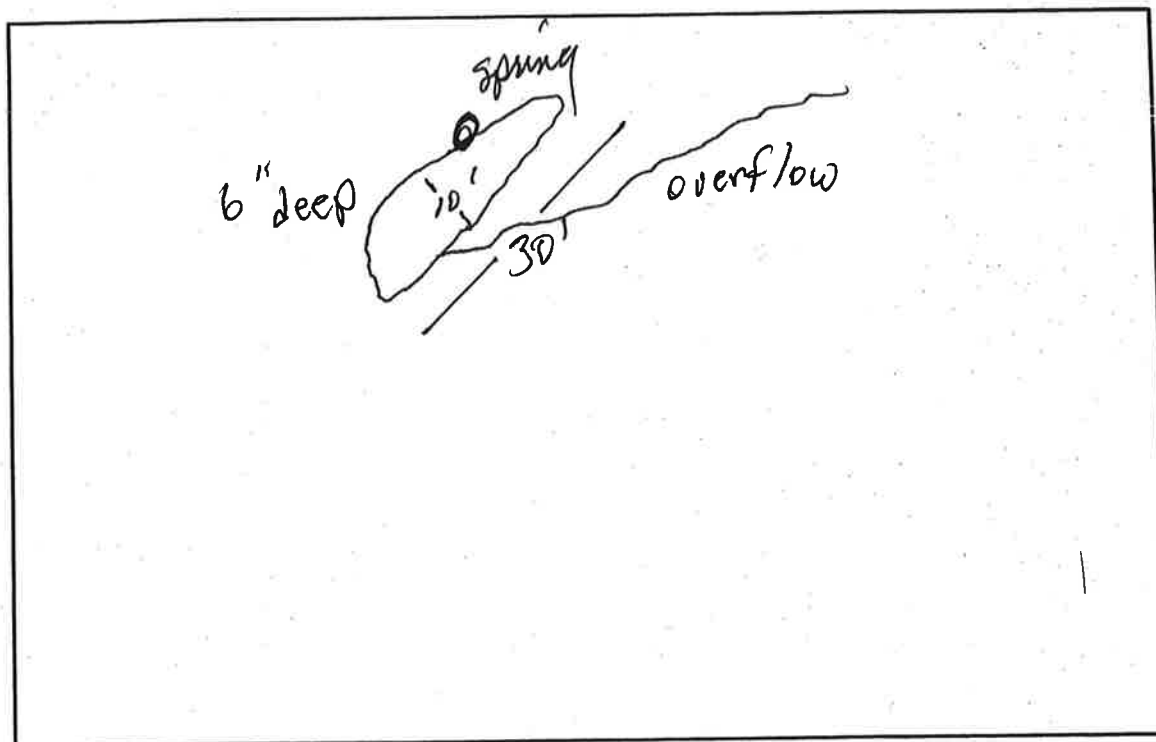
~~hose - catch basin~~

Neville
Spring



8/8/05
00

Water Right No(s). _____



GPS DATA:

Tag # A0014264 Location: Quaken Aspen just northeast of spring

Diversion Data:

Source: Neville Spring Trib to: Sinks

MOTOR

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

PUMP

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

NOTES:

Field Exam Date: 8/8/05 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

8/8/05
 DD Source is Neville Spring located NE of SWSE of Sec 24.
 Nice little spring running approx 5" (inches)
 There is a small catch basin but there isn't
 a pump or other equipment in place at this
 time. There is a hose that could be used with
 a pump in the pond.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

8/8/05
 DD POU is a meadow that could be irrigated and
 pastured.
 Beautiful spot in the north west mountains
 and a nice little spring.

Reviewer: _____ Date: _____

June 2, 2004

**RONALD J JUDY
PO BOX 1703
RANCHO SANTE FE CA 92067**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4196

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 JAN 1 1917, from NEVILLE SPRING.

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.

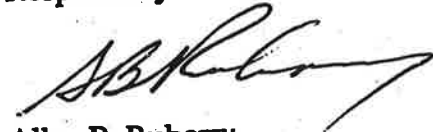
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, 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

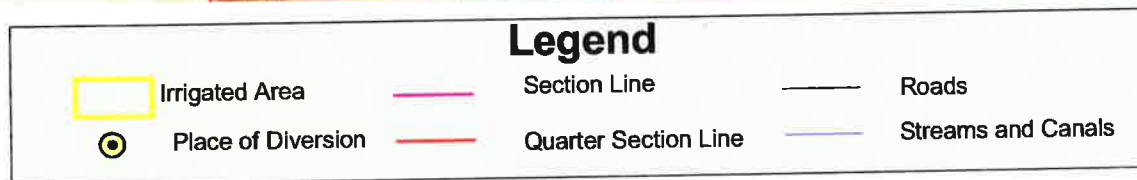
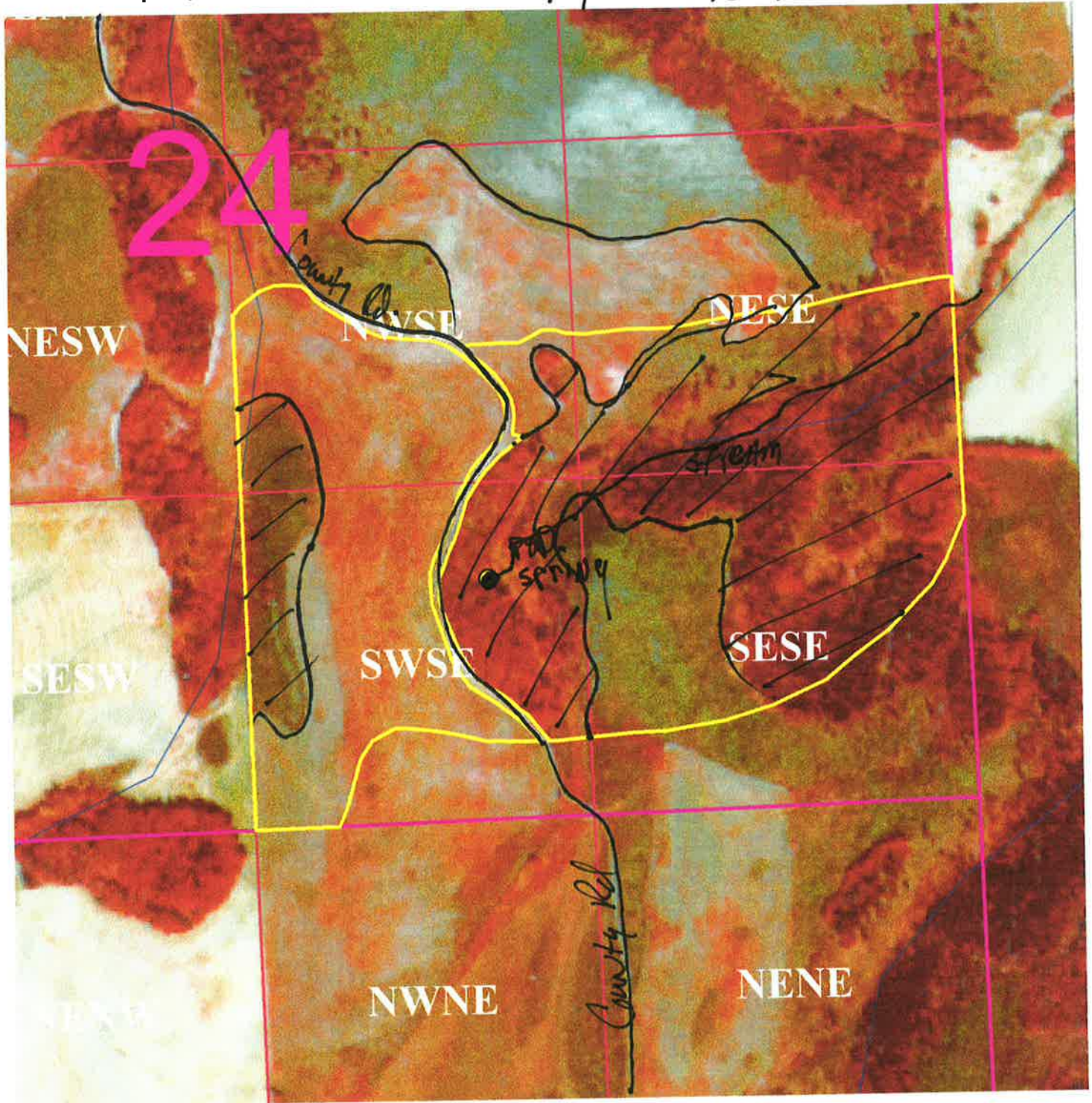
Enclosure: Brochure on "Evidence of Priority"

Water Right Claim Number 22-04196
Townships , 6N44E, 6N43E

08/09/2001

8/8/05 WJ

10-29-04 CL





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DECEMBER 15, 1993

C TIMOTHY HOPKINS
HOPKINS FRENCH CROCKETT
SPRINGIER & HOOPES
PO BOX 51219
IDAHO FALLS ID 83405-1219

RE: CHANGE IN OWNERSHIP FOR RONALD J JUDY
NOTICES OF CLAIM A22-10260, -07411, -04196, -07410

Dear Mr. Hopkins:

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

Enclosed are typed Notices with your client's 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 client's records.

Respectfully submitted,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

MICROFILMED

APR 11 1994

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

December 3, 1993

RECEIVED

DEC 06 1993

Department of Water Resources
Adjudication Bureau

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

*E.O.
modified
yes. - Jul 12-7-93*

RECEIVED

DEC 09 1993

Department of Water Resources
Eastern District Office

C. Timothy Hopkins
Hopkins, French, Crockett
Springier & Hoopes
P.O. Box 51219
Idaho Falls, ID 83405-1219

RE: Substitution of Party, Water Right Nos.: A22-10260, A22-07411, A2-04196, and
A22-07410 *OK*

Dear Mr. Hopkins:

I am returning the enclosed Standard Form 3, Consent to Substitution of Party. The water right numbers involved are located in the Idaho Department of Water Resources' Administrative Basin 22. These water rights have not been included in a director's report filed with the Snake River Basin Adjudication District Court. To date, only water rights in IDWR Administrative Basins 34, 36 and 57 have been included in director's reports filed with this court.

To accomplish this substitution of party, you will need to contact IDWR. Until a director's report, which includes basin 22 water rights, has been filed with the court, you do not need to advise the court on matters involving the above water rights.

If you have any other questions or concerns involving the Snake River Basin Adjudication, please give me a call.

Sincerely,

Diana R. Delaney
Diana R. Delaney
Chief Deputy Clerk

DRD
Enclosures

cc: Charles A. Homer
Chief, Natural Resources Division
United States Department of Justice

MICROFILMED
APR 11 1994

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS

SALISBURY BUILDING-428 PARK AVENUE
P. O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

C. TIMOTHY HOPKINS
SEWARD H. FRENCH (1941-1984)
GREGORY L. CROCKETT
TED C. SPRINGER (1943-1984)
D. FREDRICK HOOPES
LARY S. LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY
DOUGLAS P. PAYNE

JOHN D. HANSEN
OF COUNSEL

ROBERT A. deGROOT
REGISTERED PATENT AGENT

December 1, 1993

RECEIVED
DEC 09 1993

Department of Water Resources
Eastern District Office

RECEIVED
DEC 03 1993
Department of Water Resources
Adjudication Bureau

Linda Wright, Clerk
Twin Falls County
P. O. Box 126
Twin Falls, ID 83303

Re: The State of Idaho, et al. v. The United States,
et al.--Case No. 39576

Dear Ms. Wright:

You will find that we have enclosed a Consent to
Substitution of Party and supporting documents on behalf of our
client, Ronald J. Judy, for filing in the above entitled action.
Thank you for your assistance with this filing.

Very truly yours,



C. Timothy Hopkins

lc
Encl.

MICROFILMED
APR 11 1994

RECEIVED

DEC 03 1993

Department of Water Resources
Adjudication Bureau

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.

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department
of Water Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

RECEIVED

DEC 09 1993

Department of Water Resources
Eastern District Office

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

MICROFILMED

APR 11 1994

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☐ CHANGE IN ADDRESS

My name is _____

I am the claimant of _____
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

VERIFICATION

(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Bonneville

Ronald J. Judy, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By:

Attorney signing in representative capacity

Subscribed and sworn to before me on December 1, 1993

(Insert Date)

Lila Cochran

Notary Public for Idaho

Residing at: Idaho Falls

My Commission expires: 6/17/99

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Ronald J. Judy, a married man

My address is P.O. Box 1703, Rancho Santa Fe, California 92067

My phone number is: Work _____ Home _____

The name and address of the party who I wish to be substituted for are:

B & M Partners, Pale Face, Jay, New York 12941

I am the new claimant/purchaser of A22-10260, A22-07411,
A22-04196 and A22-07410 and
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

Assignment of Notice of Claim and Water Permit and Warranty
Deeds.

B & M PARTNERS

BY:

MARTIN STONE

(Signature of prior claimant/seller)

(Signature of new claimant/purchaser)

RONALD J. JUDY

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is C. Timothy Hopkins

I am the attorney of record for Ronald J. Judy, a married man
(Identify party/claimant)

My address and phone number are P.O. Box 51219, Idaho Falls ID
83405-1219 -- (208) 523-4445

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on December 1, 1993, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

Charles A. Homer
P.O. Box 50130
Idaho Falls ID 83405

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

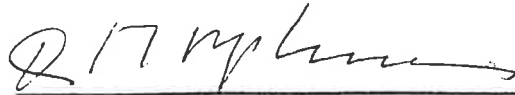
MICROFILMED
APR 11 1994

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

5. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

A handwritten signature in dark ink, appearing to read "D. L. R. L.", written over a horizontal line.

(Signature of person or attorney mailing the form)

114463

RECEIVED

NOV 19 1993

TETON Co. Id.
Clerk Recorder

First American Title
AT 36 MINUTES PAST 1 P.
DATE 19 Nov. 1993
<i>Asa J. Dasher</i> CLERK OF RECORDER

BY

THIS INDENTURE is made this 11th day of November, 1993, by DEPUTY
B & M PARTNERS, an Idaho general partnership having as a
General Partner Martin Stone, the "GRANTOR", and RONALD J.
JUDY, a married man, the "GRANTEE".

WITNESSETH, that the GRANTOR, for and in consideration of
the sum of TEN DOLLARS (\$10.00) lawful money of the United
States of America, and other good and valuable consideration,
to the GRANTOR in hand paid by the GRANTEE, the receipt whereof
is hereby acknowledged, has granted, bargained, sold, and by
these presents does grant, bargain, sell, convey and confirm
unto the GRANTEE, and to the GRANTEE's heirs and assigns
forever, all of the following described property in the County
of Teton, State of Idaho, to-wit:

Township 6 North, Range 43 East, Boise
Meridian, Teton County, Idaho.

Section 12: SW1/4

Section 13: All

LESS: Tax No. 1754 being further described
as follows: Commencing at a point that is
S 89°37'30" East, 1470.0 feet, and South
250.0 feet from the Northwest corner of
Section 13, Township 6 North, Range 43 East,
Boise Meridian, Teton County, Idaho, and
running thence S 89°37'30" East, 200.0 feet;
thence South 200.0 feet; thence N 89°37'30"
West, 200.0 feet; thence North 200.0 feet to
the point of beginning.

Section 23: The S1/2 NE1/4; N1/2 SE1/4;
SW1/4 SE1/4 and Tax No. 863 being further
described as follows: Beginning at a point
573 feet West of the Southeast corner of
Section 23, Township 6 North, Range 43 East,
Boise Meridian, Teton County, Idaho and
running thence N 4°43' East, 1324.1 feet;
thence West 856 feet; thence South 1320
feet; thence East 747 feet to the point of
beginning.

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Section 24: Lots 1, 2, 3 and 4; SW1/4
NE1/4; NW1/4; N1/2 SW1/4; W1/2 SE1/4

Section 25: Lots 1 and 2; NW1/4 NE1/4; N1/2
SW1/4 NE1/4; N1/2 SE1/4 NW1/4; SW1/4 NW1/4

Section 26: S1/2 NE1/4

Township 6 North, Range 44 East, Boise
Meridian, Teton County, Idaho

Section 19: Lot 4; SE1/4 SW1/4; S1/2 SE1/4

Section 30: E1/2; E1/2 W1/2; Lots 1 and 2

Section 31: E1/2

TOGETHER WITH an access easement for ingress
to and egress from the above described
property across the existing roadway located
on the following property:

Township 6 North, Range 43 East, Boise
Meridian, Section 25, S1/2 SW1/4 NE1/4; S1/2
SE1/4 NW1/4.

SUBJECT to the following:

1. Easement granted by J.S. Potter and Ella
Potter, husband and wife, to Utah Power and
Light Company, a corporation, recorded
December 24, 1949, in Book 80 at page 15,
Records of Teton County, Idaho.
2. The Exceptions and Reservations in Deed from
State of Idaho to Helen Mar Potter, recorded
February 18, 1971, Recorder's No. 69277,
Records of Teton County, Idaho, wherein
mineral rights including sand and gravel are
reserved to the State. (47-701 Idaho Code)
and subject to Rights-of-Way for ditches
constructed by authority of the United
States. (58-604 Idaho Code). (S1/2 SE1/4
Section 19 and Lot 2 and NE1/4 SW1/4 Section
30).

3. Easement granted by Potter Enterprises, Inc., an Idaho Corporation to Mountain States Telephone and Telegraph Company, a Colorado corporation recorded October 27, 1972, as Instrument No. 72221, Records of Teton County, Idaho. (Section 30).
4. Exceptions, Reservation, Leases, and Contracts referred to in Corporate Warranty Deed by Potter Enterprises, Inc., to B & M Partners, recorded March 1, 1990, Recorder's No. 105679, Records of Teton County, Idaho.
5. All established easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
6. The existing Contracts whereby certain portions of said land have been entered into the Conservation Reserve Program ("CRP") established by the United States.

TOGETHER with all water rights and ditch rights appurtenant thereto and all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the GRANTOR.

TO HAVE AND TO HOLD the premises and the appurtenances unto the GRANTEE, and to the GRANTEE's heirs and assigns forever. The GRANTOR and the GRANTOR's heirs shall warrant and defend the premises in the quiet and peaceable possession of the GRANTEE and the GRANTEE's heirs and assigns, against the GRANTOR and the GRANTOR's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

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

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

B & M PARTNERS

By:

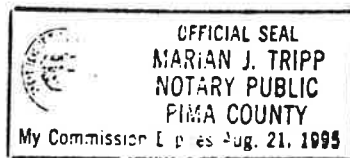
Martin Stone
Martin Stone, General Partner

STATE OF Arizona)
County of Pima) ss.

On this 17 day of November, in the year 1993, before me the undersigned, a notary public in and for said State, personally appeared MARTIN STONE, known or identified to me to be a General Partner in the partnership of B & M PARTNERS, an Idaho Partnership, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

(SEAL)



Marian J. Tripp
Notary Public for Canyon Ranch
Residing at 8600 E. Kippel Rd.
My commission expires: _____

#2059.00
3845m/srs

POOR ORIGINAL

State of Idaho

Department of Water Resources

ASSIGNMENT OF NOTICE OF CLAIMS AND WATER PERMITS

The undersigned, B & M Partners, hereby assign to Ronald J. Judy, a married man,

All the undersigned's title, and interest in and to Notice of Claim Nos. A22-10260, A22-07411, A22-04196 and A22-07410 and Water Permit Nos. A22-07410 and A22-07411 to a Water Right Acquired Under State Law and any water permits referred to in such claims.

Made this 17th day of November, 1993.

B & M PARTNERS

Signature of Claimant

By:

Martin Stone, General Partner

STATE OF Oregon)
) ss.
County of Pima)

On this 17 day of November, in the year 1993, before me the undersigned, a notary public in and for said State, personally appeared MARTIN STONE, known or identified to me to be a General Partner in the partnership of B & M PARTNERS, an Idaho Partnership, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

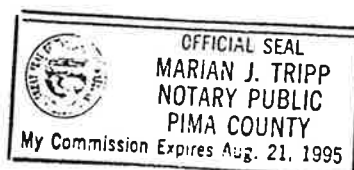
(SEAL)

Marian J. Tripp
Notary Public for Canyon Ranch
Residing at 8600 E. Rockcliff Rd.
My commission expires: _____

MICROFILMED

APR 11 1994

3863m/srs



State of Idaho

Department of Water Resources

ASSIGNMENT OF NOTICE OF CLAIMS AND WATER PERMITS

The undersigned, B & M Partners, hereby assign to Ronald J. Judy, a married man,

of P.O. Box 1703, Rancho Sante Fe, California, 92067

All the undersigned's title, and interest in and to Notice of Claim Nos. A22-10260, A22-07411, A22-04196 and A22-07410 and Water Permit Nos. A22-07410 and A22-07411 to a Water Right Acquired Under State Law and any water permits referred to in such claims.

Made this 17th day of November, 1993.

B & M PARTNERS

Signature of Claimant

By:

Barry Silverstein, General Partner

STATE OF Idaho)
County of Sanata) ss.

On this 17th day of November, in the year 1993, before me the undersigned, a notary public in and for said State, personally appeared BARRY SILVERSTEIN, known or identified to me to be a General Partner in the partnership of B & M PARTNERS, an Idaho Partnership, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

(SEAL)

Notary Public for Idaho
Residing at 450 Peach St. Tamarack, Idaho 83406
My commission expires: 11/27/96

RECEIVED
AUG 6 1987

CLAIM TO A WATER RIGHT

Notice is hereby given that Potter Enterprises, Inc.

The extent and nature of said claim is as follows:

- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|------------|----|------------------------|
| Amount | <u>1 cfs</u> | Use | <u>irrig</u> | Period of Use: | From | <u>5-1</u> | To | <u>9-15</u> |
| Amount | <u>.02 cfs</u> | Use | <u>livestk</u> | Period of Use: | From | <u>5-1</u> | To | <u>11-1</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (4) Priority claimed: (the date water was first applied to beneficial use) X JANUARY 1, 1917

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

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. Catch basin installed at spring.
Portable pump and water gun

- [illegible]

Total No. 61 acres

- Stockwater 150 head beef cattle 50 horses

- (7) If you are claiming water as a member of an organization, list name of organization: Potter Enterprises, Inc. an Idaho corporation

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: **A22-04196**
Date Received: 7/21/1988
Receipt No: E000824
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RONALD J JUDY
Address: PO BOX 1703
RANCHO SANTE FE CA 92067
2. Date of Priority: JAN 1, 1917
3. Source: NEVILLE SPRING Trib. to: SINKS
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	43E	24	NE	SW	SE		TETON

5. Description of diverting works:
CATCH BASIN, PORTABLE PUMP AND WATER GUN.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	04/01	11/01	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/200

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	43E	24	NE	SE		IRR	15.0
			NW	SE		IRR	20.0
			SW	SE		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	43E	24	SE	SE	IRR	15.0
Section Acres						80.0
Total Acres						80.0

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:
A22-07410/07411.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: A22-04196
Date Received: 7/21/1988
Receipt No: E000824
Received By: SM.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: POTTER ENTERPRISES, INC. 208-356-4768
Address: P.O BOX 433
REXBURG, ID 83440

2. Date of Priority: JAN 01, 1917

3. Source: NEVILLE SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	43E	24	NE	SW	SE		TETON

5. Description of diverting works:
CATCH BASIN, PORTABLE PUMP AND WATER GUN.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
STOCKWATER	04/01	11/01	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/200

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	43E	24	NE	SE		IRR	15.0
			NW	SE		IRR	20.0

A22-04196

Page 1

Date: 07/21/88

A2204196



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OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	43E	24	SW	SE		IRR	30.0
			SE	SE		IRR	15.0
						Section Acres	80.0
						Total Acres	80.0

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:
A22-07410/07411.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: -1-

For Organizations:

I do solemnly swear or affirm that I am President of _____

Patta Enterprises Inc., that I have signed the foregoing
Organization

document in the space below as President of _____

Patta Enterprises Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

D. F. Hansen
Signature of Authorized Agent

President
Title and Organization

21 July 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of July 19 88

Seal

Betty J. Thompson
Notary Public

Residing at Idaho Falls

My Commission Expires 6-94

