

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

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.300 CFS

PRIORITY DATE: 05/10/1972

POINT OF DIVERSION:

T04N R45E S26 NWSW Within TETON County

PURPOSE AND

PERIOD OF USE:

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 - License

11/01/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-7056A

FOX CREEK ESTATES HOMEOWNERS ASSN

C/O JOHANNA MARCELL

PO BOX 652

VICTOR ID 83455

Telephone Number: (307)733-0695

VALERIE WILLDEN

1302 E 1200 N

SHELLEY ID 83274

Telephone Number: (208)357-7459

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

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

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

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

DATE:

12/11/06

SIGNATURE:

Johanna Marcell

Please print your name:

Johanna Marcell

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

20



Idaho Department of Water Resources

SRBA Recommendation:

22-7056A

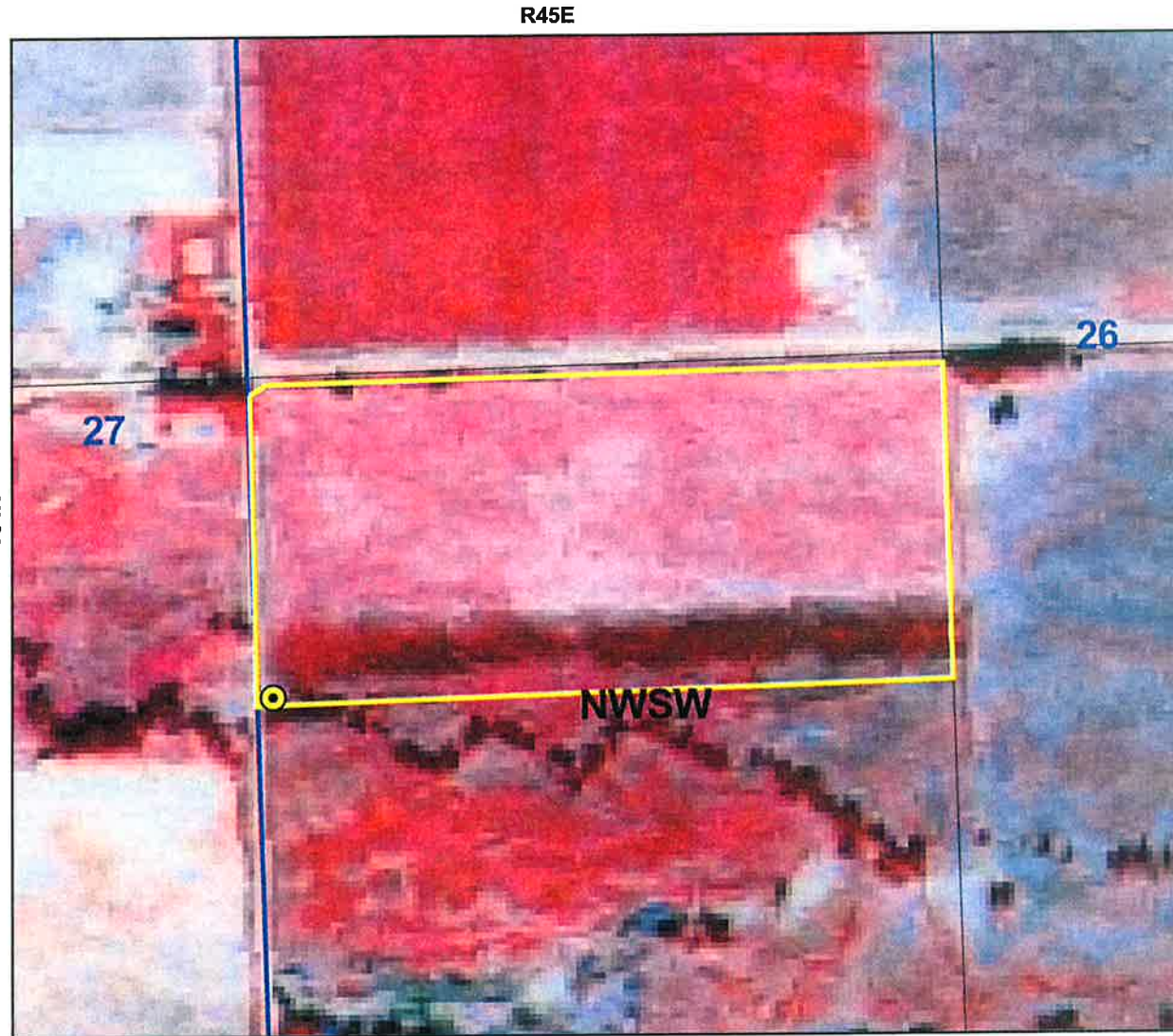
(Irrigation)

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 K. Wilson
On Monday, September 25, 2006
1987/88 Aerial Photography

State of Idaho

Office of the Secretary of State

CORPORATION REINSTATEMENT CERTIFICATE

I, BEN YSURSA, Secretary of State of the State of Idaho, do hereby certify that **FOX CREEK ESTATES HOMEOWNER'S ASSOCIATION, INCORPORATED**, file number C 104501, a non-profit corporation organized under the laws of the State of Idaho, was administratively dissolved on March 10, 2003, for failure to file the required annual report form by the date due.

I FURTHER CERTIFY That the non-profit corporation has on May 14, 2003 been reinstated on the records of this office, and that its corporate powers or its right to do business in the State of Idaho are hereby restored.

Dated: May 14, 2003

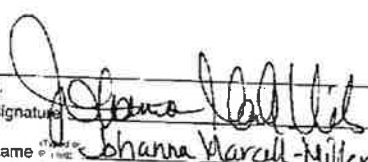


Ben Yursa

SECRETARY OF STATE

By

Sally Lloyel

No. C 104501		Due no later than December 31, 2005																			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form																			
NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address - Correct in this box, if applicable FOX CREEK ESTATES HOMEOWNER'S ASSOC JOHANNA MARCELL-MILLER PO BOX 652 VICTOR, ID 83455																			
		2. Registered Agent and Office NO PO BOX JOHANNA MARCELL-MILLER 84 FOX LN VICTOR, ID 83455																			
		3. New Registered Agent Signature																			
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.																					
<table border="1"><thead><tr><th>Office held</th><th>Name</th><th>Street or P.O. Address</th><th>City</th><th>State</th><th>Zip</th></tr></thead><tbody><tr><td>Treasurer</td><td>Johanna Marcell-Miller</td><td>PO Box 652</td><td>Victor</td><td>ID</td><td>83455</td></tr><tr><td>President</td><td>Ron Miller</td><td>PO Box 732</td><td>Victor</td><td>ID</td><td>83455</td></tr></tbody></table>				Office held	Name	Street or P.O. Address	City	State	Zip	Treasurer	Johanna Marcell-Miller	PO Box 652	Victor	ID	83455	President	Ron Miller	PO Box 732	Victor	ID	83455
Office held	Name	Street or P.O. Address	City	State	Zip																
Treasurer	Johanna Marcell-Miller	PO Box 652	Victor	ID	83455																
President	Ron Miller	PO Box 732	Victor	ID	83455																
5. Organized Under the Laws of: IDAHO C 104501		6. Signature:  Name: Johanna Marcell-Miller Title: Treasurer Date: 11/15/05																			
Issued 10/03/2005		Do Not Tape or Staple 200512005053																			

217

EFFECTIVE

APPLICATION FOR REINSTATEMENT

To the SECRETARY OF STATE, STATE OF IDAHO

1. The name of the Idaho corporation / limited liability company applying for reinstatement following administrative dissolution or forfeiture is: FOX CREEK ESTATES HOMEOWNER'S ASSOCIATION, INCORPORATED

2. The date of its incorporation / organization was: December 27, 1993

3. The corporation / limited liability company hereby applies for reinstatement.

4. This application is accompanied by a current annual report, appointment of registered agent, or articles of amendment extending existence, as appropriate, and a filing fee of \$30.00.

Signature: Johanna Maul-Hiler

Capacity/Title: Treasurer

Date: 5/12/03

(must be signed by a chairman of the board of directors or officer of the corporation/LLC)

Idaho Department of State, Division of Corporations and Charitable Organizations
9- Corporation Report/Reinstatement, 11/01/05
Rev. 05/2000

Secretary of State use only

IDAHO SECRETARY OF STATE
05/14/2003 05:00
CK: 188 CT: 169993 BH: 688449
1 @ 30.00 = 30.00 CORP REING # 2

State Highway 33

T4N, R45E

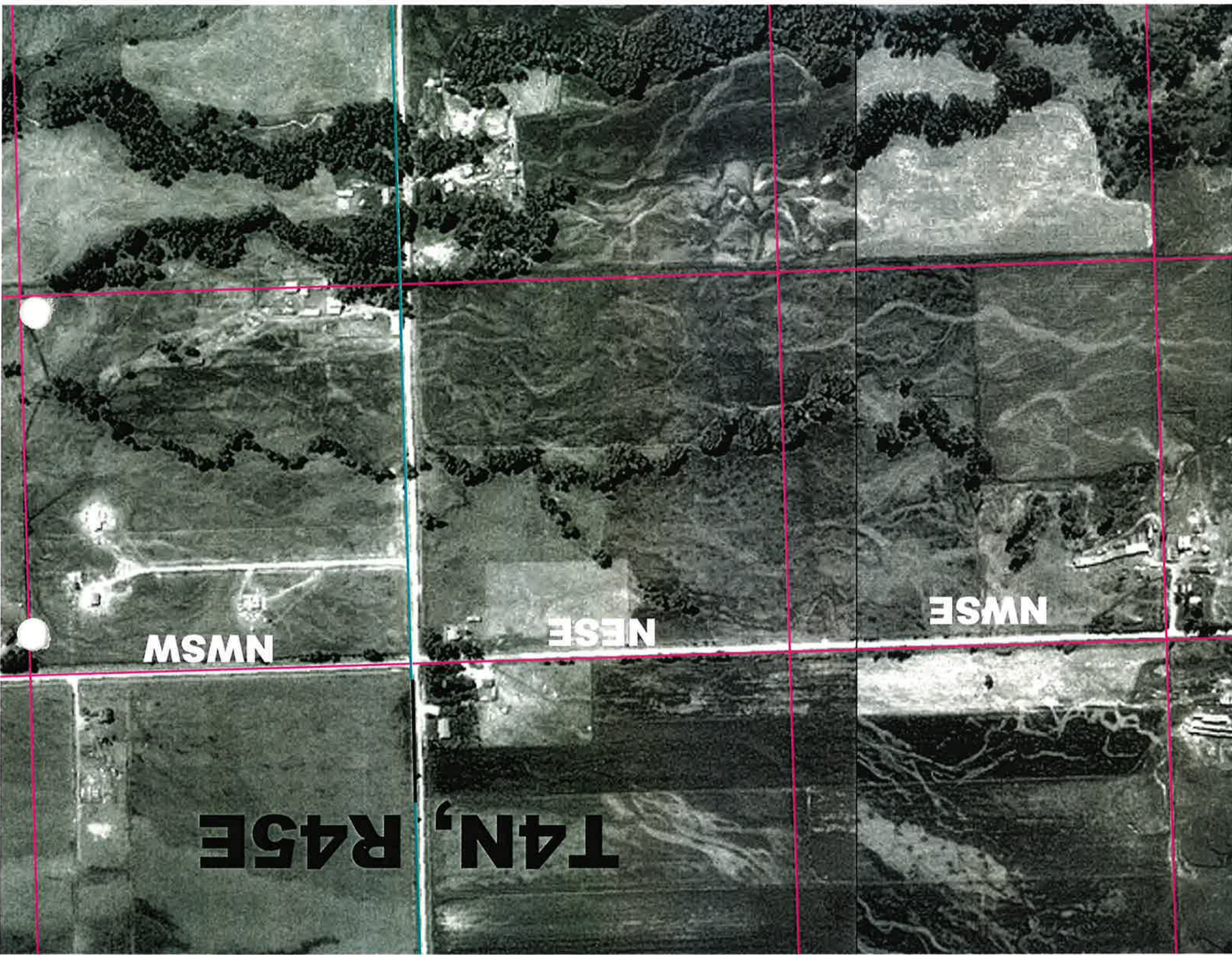


T4N, R45E

NWSW

NESE

NWSE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 25 2004

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)

Department of Water Resources
Eastern Region

[] Water Right Number(s): 22-7056A
22-12037

[] Name(s): Fox Creek Estates Homeowners Assoc.
c/o Johanna A. Marcell
Ronald R. Miller

[] Old Mailing Address: FCEHA
c/o Kathy Wipfler
PO Box 3951
Jackson, WY 83001

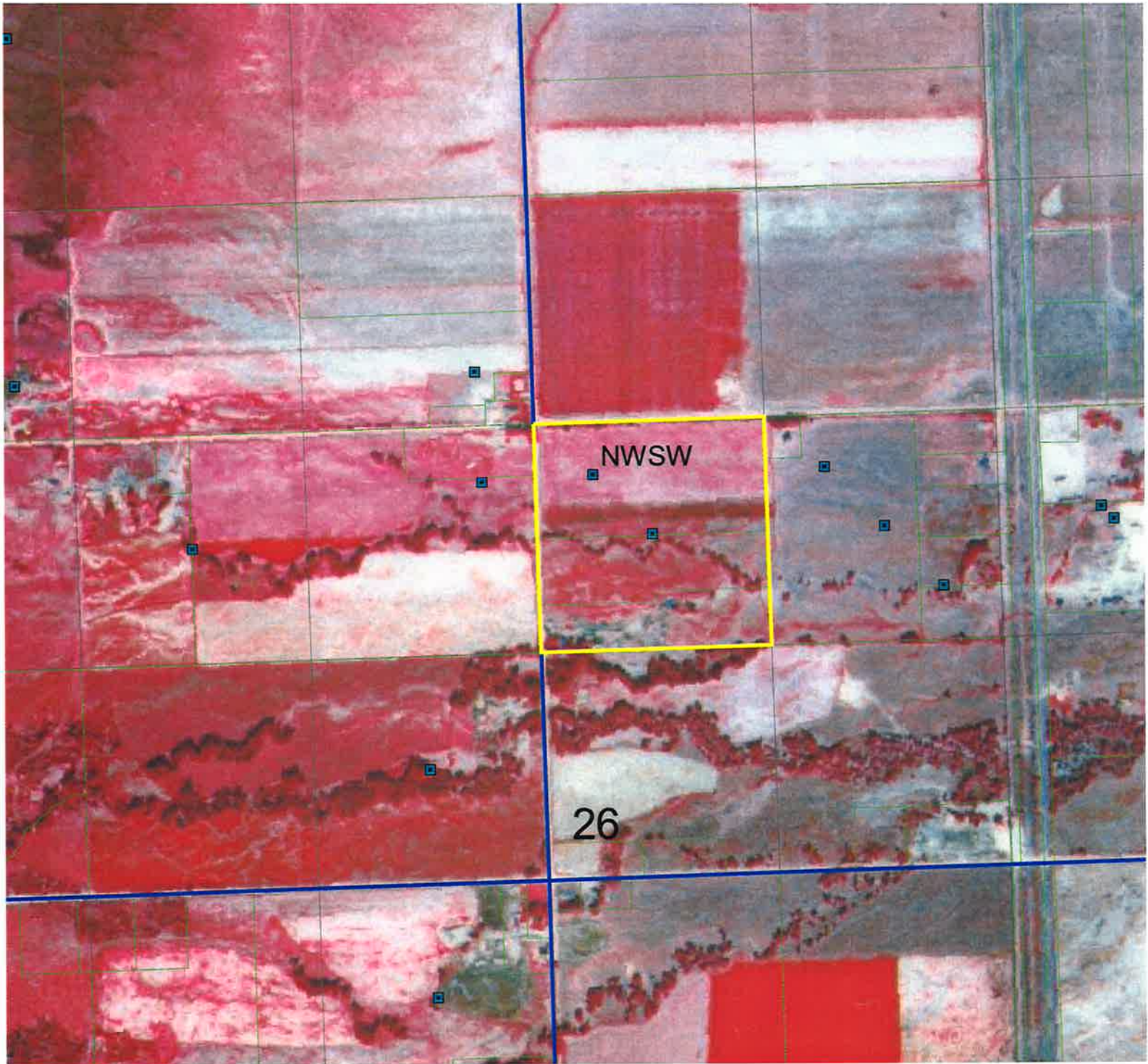
[] New Mailing Address: Fox Creek Estates Homeowners Assoc.
c/o Johanna Marcell
PO Box 652
Victor, ID 83455

Telephone Number: 208 709-7768 (C)
208 787-9894 (H)
307 733-0695 (W)

[] Signature(s) of Owner(s) Johanna Marcell
Treasurer - FCEHA
(Include your title if on behalf of company or organization)

Date: 3/22/04

22-7056A
4N 45E



State of Idaho
Department of Water Resources



WATER RIGHT LICENSE

License No. 22-7056 Priority 05/10/1972 Amount .56 CFS 111.00 AF

THIS IS TO CERTIFY, that STONE, EDGAR

of VICTOR, IDAHO 83455, has complied with the terms and conditions of Permit No. 22-7056 issued pursuant to Application for Permit dated 05/10/1972, and has submitted proof to the Department of Water Resources on 06-01-1977, that he has applied water to a beneficial use; and examination by the Department indicates that the works have a capacity for the DIVERSION OF .56 CFS of water from GEORGETOWN tributary to, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

RATE OF DIVERSION	VOLUME	BENEFICIAL USE	PERIOD OF USE
.56 CFS	111.0 ACRES PER	IRRIGATION	05/15 - 10/15

Location of point of diversion: TRACT. 148- SEC. 20 TWP. 44N RGE. 45E

Location of place of use:

TWP.	RGE.	SEC.	NEX				NWK				SWK				SEX				TOTALS
			NEX	NWK	SWK	SEX	NEX	NWK	SWK	SEX	NEX	NWK	SWK	SEX	NEX	NWK	SWK	SEX	
04N	45E	20									31								31

Total number of acres irrigated 31

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 3.0 AFA PER ACRE FOR THE LANDS ABOVE, NOR MORE THAN .02 CFS PER ACRE.

NOTE: Modifications to or variance from the use of water as shown on this license must be made in accordance with Section 42-222, Idaho Code, or the applicable Idaho law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho this 27 day of FEBRUARY 1979

[Signature]
Director

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RECEIVED
28 1977

JUL 27 1977

Department of Water Resources
Phone
Eastern District Office

- (name spring, stream, etc.)

Permit No. 22-7030

Examination for b/u

Other Points of Diversions: _____

Measuring device required: yes ☐ no ☒ *Removed by order*

[illegible]

TOTAL ACREAGE _____ **40**

Rge. 45E

T
4
N

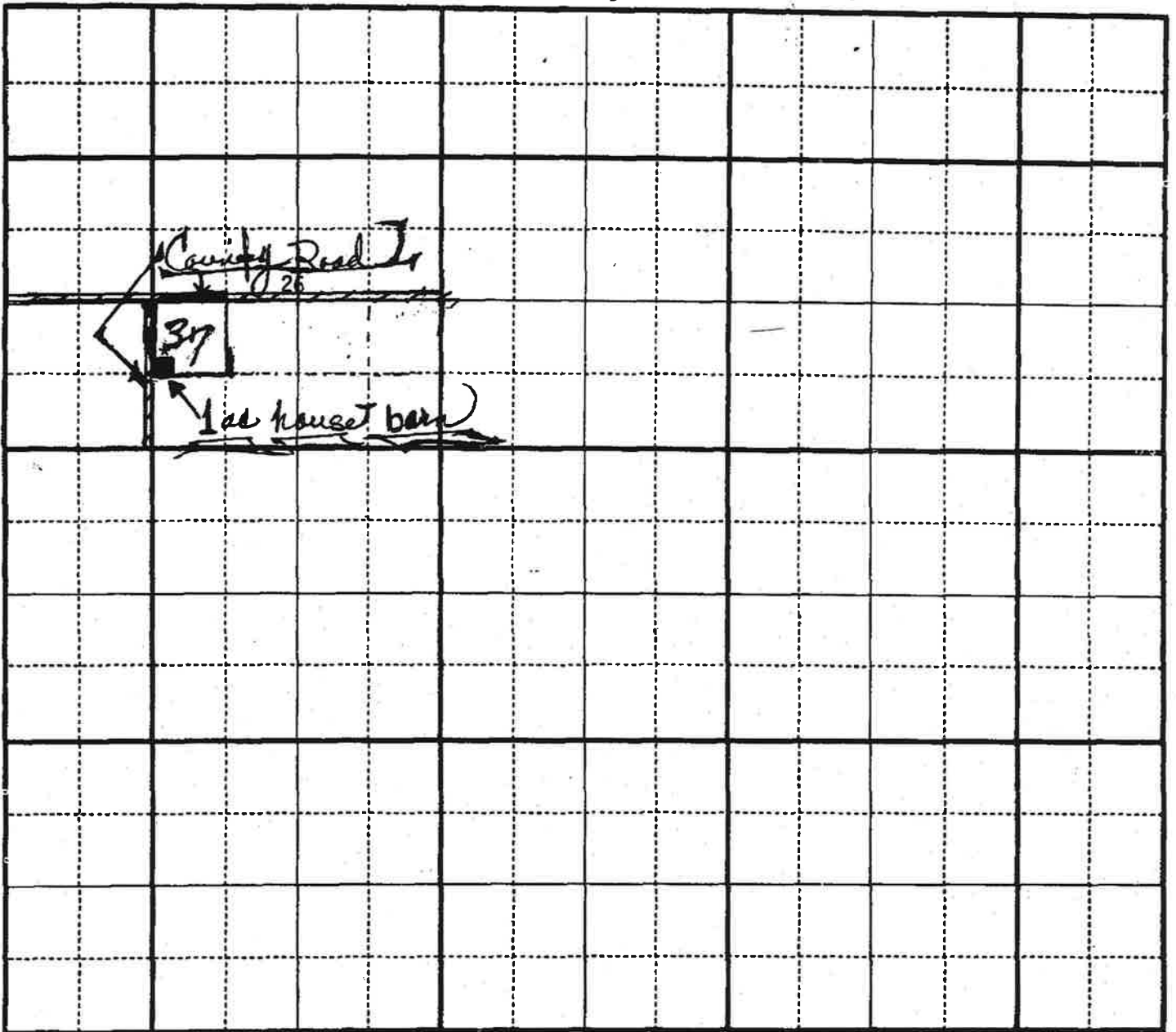
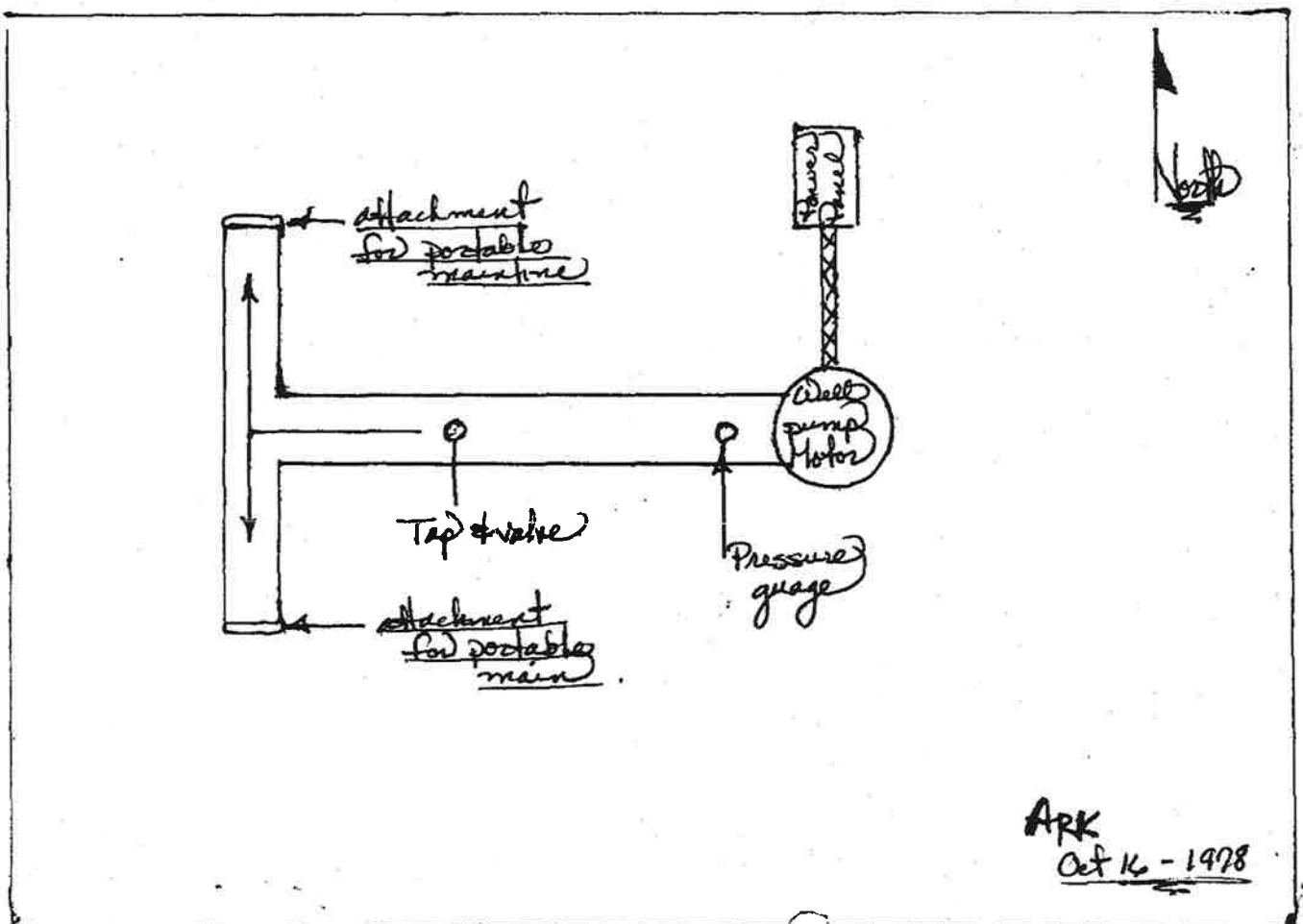


Diagram of System



DATE OF EXAM July 20, 1978

ACREAGE
Found 37 ac
Recommended 37 ac

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = .56 c.f.s. V = 111 AF/Ann. from April 15 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured .56 cfs Method of measurement pitot tube

Total Q recommended .56 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 111 Aft/yr

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

☒ None X

MEASUREMENT CALCULATION:

See pitot tube measurement on reverse side
measured 250.47 gpm ÷ 448.8 gpm = .56 cfs

$V = 37 \text{ ac} \times 3.0 = 111 \text{ Aft/yr} < 210 \text{ gals} \times 1.9835 \times .56 = 233.76 \text{ Aft/yr}$

SYSTEM DESCRIPTION:

Groundwater diverted by 20 HP, U.S. 3 phase motor serial # 896357, w/ Flow-way turbine pump. Serial # 71-1280. System operates 1/4 mile hand line w/ 3/16 nozzles. There is a 5' diam. portable mainline.

REMARKS:

System shown & described by Homer Stone
Average omissions - 1 ac out for house & barns
2 ac out for roads
No previous water rights

Examiner's Signature Anthony R. Kozlowski Date Oct 16, 1978

Checked by John D. Colson Date Jan 16, 1979

Approved by Relyn Date 2/4/81

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: A22-07056A

Date Received: 9/30/1988

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FOX CREEK ESTATES HOMEOWNERS ASSOCIATION 307-733-5181
Address: C/O KATHY WIPFLER
PO BOX 3951
JACKSON WY 83001
OR
Name: VALERIE WILLDEN 208-787-2957
Address: RT 1 BOX 583
VICTOR ID 83455

2. Date of Priority: MAY 10, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	26	NW	SW			TETON

5. Description of diverting works:
WELL, PUMP & PIPELINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.300		

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

8. Total consumptive use is 54.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	26	NW	SW		IRR	18.0
Section Acres							18.0
Total Acres							18.0

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:
A22-12037

14. Remarks:

THIS RIGHT WHEN COMBINED WITH A22-12037 SHALL NOT EXCEED 0.56 C.F.S. TOTAL DIVERSION RATE.
CLAIMANT HAS SOLD S1/2 OF ORIGINALLY LICNESED 37 ACRES AND RETAINED THE PORTION OF THE LICNESE THAT WAS APPURTENANT TO THAT PARCEL. THIS CLAIM IS FILED FOR THE PORTION OF THE LICENSE THAT WILL REMAIN IN USE.
**EIGHTEEN ACRES CLAIMED. REMAINDER LEFT ON WATER RIGHT SIDE.
8/20/96/JT/KW**

15. Basis of Claim: LICENSE

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: _____

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NOV 06 1996

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 6 1996

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 A22-07056A
Date Received 8-20-96-JD
Receipt Number E022493

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FOX CREEK ESTATES HOMEOWNERS ASSOCIATION Phone (208) 733-5181

Mailing Address Box 3951 Jackson WY Zip 83001

2. Date of Priority (Only one (1) per claim) 10 MAY 1972

3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 45E Section 26,
_____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of TETON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well pump mainline to laterals
with SPRINKLERS

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NOV 06 1996



6. Water is claimed for the following purposes:
- | | (both dates are inclusive) | (cfs) | (acre feet) |
|-----------------------|---|--------------------|--------------|
| For <u>IRRIGATION</u> | purposes from <u>4/15</u> to <u>10/15</u> | amount <u>0.30</u> | or <u>54</u> |
| For _____ | purposes from _____ to _____ | amount _____ | or _____ |
| For _____ | purposes from _____ to _____ | amount _____ | or _____ |
| For _____ | purposes from _____ to _____ | amount _____ | or _____ |
7. Total quantity claimed (a) 0.30 (cfs) and/or (b) 54 (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) —

10. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	45E	26										18							18

Total number of acres irrigated 18

11. In which county (ies) are lands listed above as place of use located? TETON
12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: THIS IS ONLY A PORTION OF 22-07056

Applicant (K.Wipfler) is a property owner in Fox Creek Estates, + a member of the Fox Creek Estates Homeowner's Assn.

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NOV 06 1996

Last Name FOX CREEK ESTATES Ident No. A22-07056A
HOMEOWNERS ASSOCIATION

Copies: White -State, Yellow-Claimant

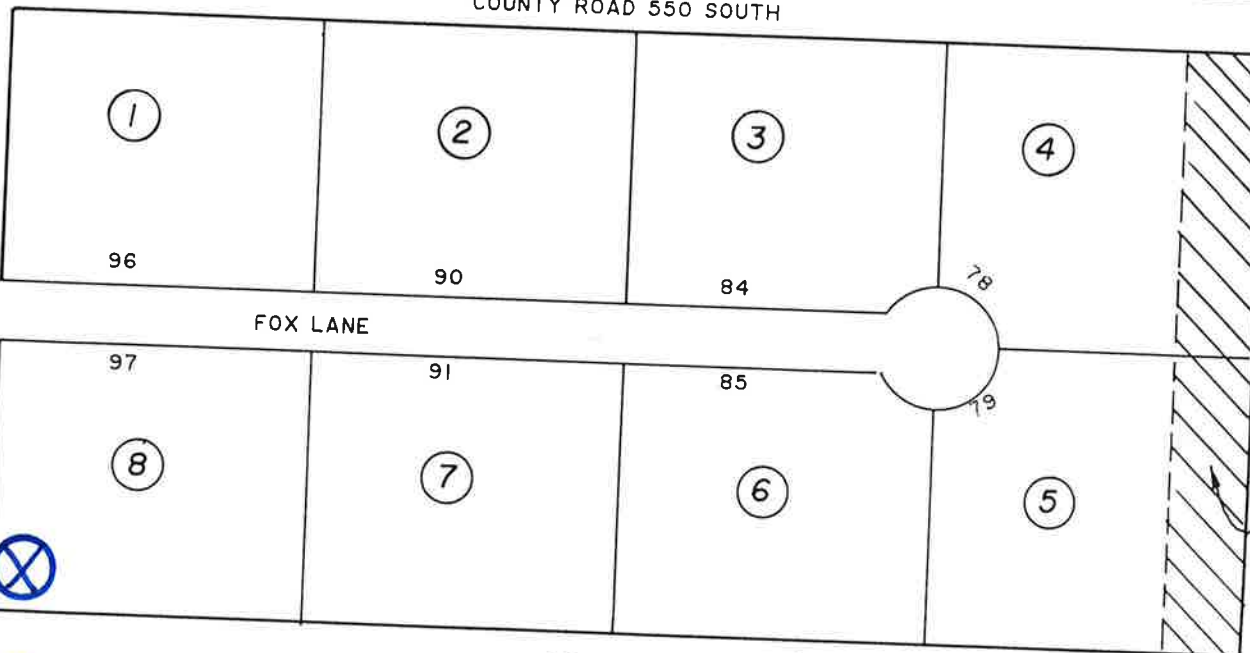


R45E

T4N

620'

COUNTY ROAD 100 WEST



COUNTY ROAD 550 SOUTH

FOX LANE

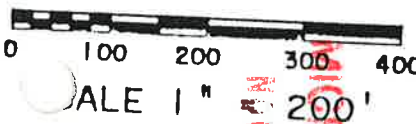
B.P.A. POWERLINE
EASEMENT

POINT OF
DIVERSION

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 26

FOX CREEK RANCHETTES
SUBDIVISION

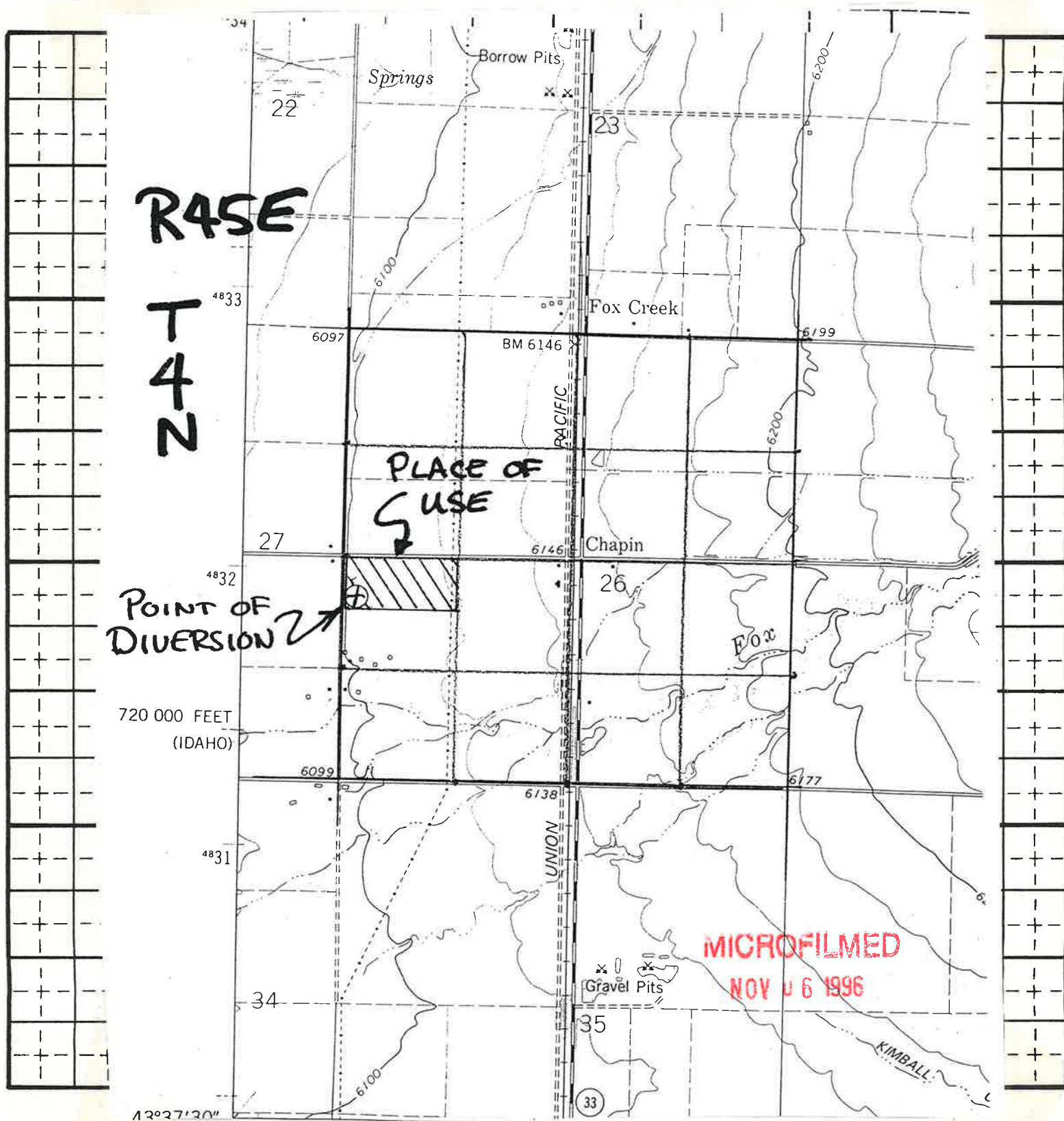
A22-07056A



RECORDED
JAN 6 1996

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Fox Creek Estates
Homeowners Association

Ident No. A22-07056A

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 22-07056

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 8/20/96

Date _____

* For Organizations: I do solemnly swear or affirm that I am a property owner + member Title

of the Fox Creek Estates Homeowners Association , that I have signed the foregoing Organization

document in the space below as property owner + member Title of Fox Creek Estates Homeowners Assn. Organization

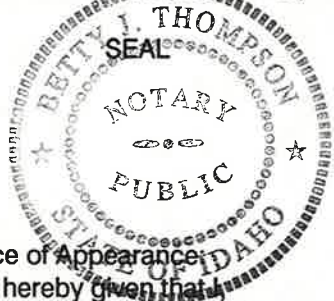
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization member - Fox Creek Estates Homeowners Assn. Date 8/20/96

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20th day of August 19 96



Notary Public Betty J. Thompson

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires 7-05-2000

Please Print Name

17. Notice of Appearance

Notice is hereby given that _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 06 1996

Last Name FOX CREEK ESTATES Ident. Number A22-07056A
HOMEOWNERS ASSOCIATION

Copies White-State, Yellow-Claimant