

02/23/2006

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

RIGHT NUMBER: 22-7091

NAME AND ADDRESS: K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440

SOURCE: LYONS CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 2.000 CFS

Right Nos. 22-7091 and 22-13454 are limited to a total combined diversion rate of 2.0 cfs.

PRIORITY DATE: 04/18/1974

POINT OF DIVERSION: T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.000 CFS
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	T04N R41E S05 SWNW 7.00	T04N R41E S05 NWSW	40.00
	T04N R41E S05 SWSW 39.00	T04N R41E S06 SENE	6.00
	T04N R41E S06 NESE 33.00	T04N R41E S06 SESE	27.00
	152 ACRES TOTAL		

This right is limited to the irrigation of 142 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 152 acres in a single irrigation season. Combined Right Nos.:22-7091, 22-7115, 22-13454

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 - License

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

Right No. 22-13454 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.



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

October 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BEVAN AND MICHELLE JEPPESEN
1282 S SECOND E
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 22-7091, 22-7115
AND 22-13454 and Notice of Completed Administrative Proceeding (NCAP)

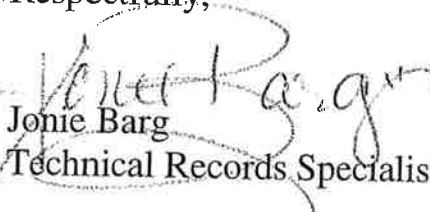
Dear Sir/Madam:

On September 23, 2008 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, 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,


Jonie Barg

Technical Records Specialist

Enclosure

SEARCHED
OCT 22 2008

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: 22-7091, 22-7115 &
22-13454

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

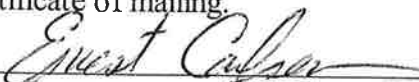
☐ period of use ☐ nature of use

☐ 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: 9-24-08


Signature of IDWR Representative

OCT 22 2008

CERTIFICATE OF MAILING

I certify that on Sept 26, 2008, 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:

Claimant/Seller for Substitution of Party or attorney of record:
K Merle Jeppesen
665 Centennial Loop
Rexburg ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Bevan Jeppesen
1282 S Second E
Rexburg ID 83440
Michelle Jeppesen
1282 S Second E
Rexburg ID 83440

4. One copy to:

Each party in the subcase, or attorney of record
Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

5. One copy each to:

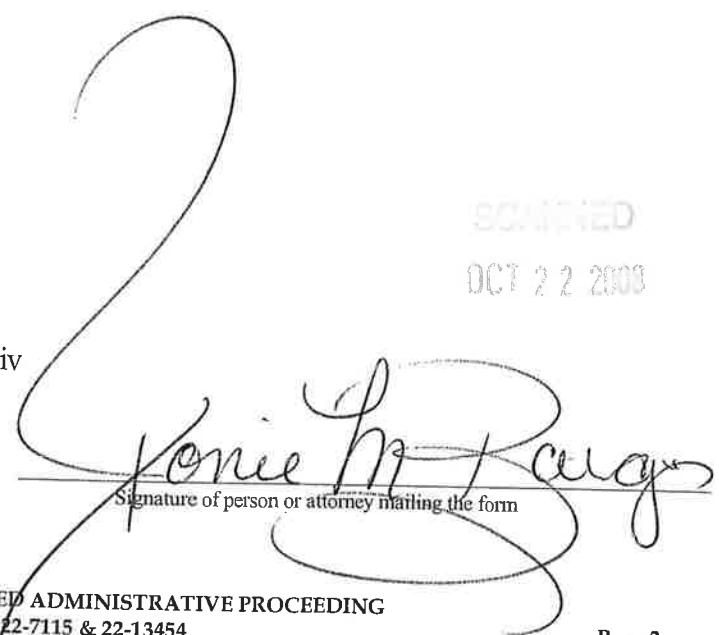
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

SEARCHED

OCT 22 2008


Signature of person or attorney mailing the form

09/24/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7091

NAME AND ADDRESS: BEVAN JEPPESEN
1282 S SECOND E
REXBURG ID 83440

MICHELLE JEPPESEN
1282 S SECOND E
REXBURG ID 83440

SOURCE: LYONS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS
497.00 AFY

Right Nos. 22-7091 and 22-13454 are limited to a total combined diversion rate of 2.0 cfs.

PRIORITY DATE: 04/18/1974

POINT OF
DIVERSION:

T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	2.000 CFS 497.00 AFY
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>		
	T04N R41E S05 Lot 4 NWNW	39.00	T04N R41E S05 SWNW 30.00
	T04N R41E S05 NESW	34.00	T04N R41E S05 NWSW 40.00
	T04N R41E S05 SWSW	39.00	T04N R41E S05 SESW 39.00
	T04N R41E S06 Lot 1 NENE	39.00	T04N R41E S06 SENE 31.00
	T04N R41E S06 NESE	33.00	T04N R41E S06 SESE 32.00
	T04N R41E S07 NENE	22.00	

378 ACRES TOTAL

This right is limited to the irrigation of 142 acres within the place of use described above in a single irrigation season.

378

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-7091, 22-7115, 22-13454

OCT 22 2003

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 - License

Right No. 22-13454 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

SCANNED

OCT 22 2003

09/24/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7115

NAME AND ADDRESS: BEVAN JEPPESEN
1282 S SECOND E
REXBURG ID 83440

MICHELLE JEPPESEN
1282 S SECOND E
REXBURG ID 83440

SOURCE: LYONS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 55.00 AFY

PRIORITY DATE: 11/27/1974

POINT OF
DIVERSION:

T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/01 10/31	55.00 AFY
IRRIGATION STORAGE	01/01 12/31	55.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE in MADISON County

T04N R41E S05	SWNW	7.00	T04N R41E S05	NWSW	40.00
T04N R41E S05	SWSW	39.00	T04N R41E S06	SENE	6.00
T04N R41E S06	NESE	33.00	T04N R41E S06	SESE	27.00

152 ACRES TOTAL

This right is limited to the irrigation of 142 acres within the place of use described above in a single irrigation season.

378

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-7091, 22-7115, 22-13454

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 - License

RECORDED
OCT 22 2008

09/24/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13454
NAME AND ADDRESS: MICHELLE JEPPESEN
1282 S SECOND E
REXBURG ID 83440
BEVAN JEPPESEN
1282 S SECOND E
REXBURG ID 83440

SOURCE: LYONS CREEK
QUANTITY: 1.240 CFS
352.00 AFY
TRIBUTARY: SNAKE RIVER

Right Nos. 22-7091 and 22-13454 are limited to a total combined diversion rate of 2.00 cfs and to a total combined annual diversion volume of 849 AF.

PRIORITY DATE: 06/01/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.240 CFS 352.00 AFY

PLACE OF USE:

IRRIGATION in MADISON County

T04N R41E S05 Lot 4 NWNW	39.00	T04N R41E S05	SWNW	30.00	
T04N R41E S05	NESW	34.00	T04N R41E S05	NWSW	40.00
T04N R41E S05	SWSW	39.00	T04N R41E S05	SESW	39.00
T04N R41E S06 Lot 1 NENE	39.00	T04N R41E S06	SENE	31.00	
T04N R41E S06	NESE	33.00	T04N R41E S06	SESE	32.00
T04N R41E S07	NENE	22.00			

378 ACRES TOTAL

378

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-7091, 22-7115, 22-13454

007 2 2 2013

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.

This right is based upon an enlargement of Right No. 22-7091 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED
OCT 22 2003

This right is for an enlargement of 236.0 acres within the place of use described for this right.

SCANNED
OCT 22 2023

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-7091	OK				
22-7115	OK				
22-13454	OK				

RECEIVED

SEP 23 2008

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

Department of Water Resources
Eastern Region

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	K. Merle Jeppesen
	665 Centennial Loop
	Rexburg, Idaho 83440
4. New Owner/Claimant(s)	Bevan R. Jeppesen Michelle Jeppesen
	Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address	1282 S. 2nd E.
City, State and ZIP Code	Rexburg, Idaho 83440
New Telephone Number	() Email:

5. Date you acquired the property December 31, 1987

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) Revan Tappan
 (title if applicable)

 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

SCANNED

OCT 22 2008

For IDWR Office Use Only:

Received by _____ Date _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED, K. Merle Jeppesen and Janice R. Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Sellers", hereby remise, releases, and forever warrants unto Bevan R. Jeppesen and Michelle Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Buyers", the following real property located in Madison County, State of Idaho, to-wit:

Webster Farmland:

Township 4 North, Range 41 East, Boise Meridian.

Section 5

Lot 4

**Southwest 1/4 Northwest 1/4
Southwest 1/4**

Section 6

Lot 1

**Southeast 1/4 Northeast 1/4
East 1/2 Southeast 1/4**

Section 7

Northeast 1/4 Northeast 1/4

Township 5, North 41 East, Boise Meridian

Instrument # 318189

REXBURG, MADISON, IDAHO

2005-03-10

11:12:00 No. of Pages: 3

Recorded for: BEVAN JEPPESEN

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 9.00

SCANNED

OCT 22 2005

Together with:

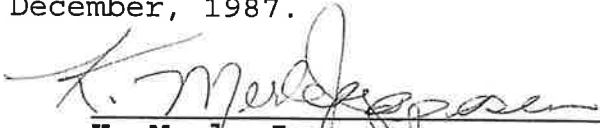
1. Reversions and remainders.
2. Tenements, hereditaments, appurtenances, improvements and fixtures.
3. Two CFS of water from Lyons Creek tributary to Southfork of Snake River as evidenced by water license no. 22-7091 of the Department of Water Resources of the State of Idaho, priority April 18, 1974.
4. 55 acre feet of water represented by water license no. 22-7115 of the Department of Water Resources, State of Idaho.

Subject To:

Taxes for 1987 and subsequent years

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, unto the said Buyers, their heirs and assigns forever. Seller does hereby covenant to and with the said Buyers, that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except as noted.

DATED This 31st day of December, 1987.

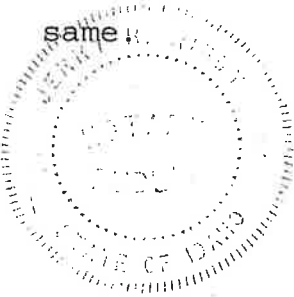

K. Merle Jeppesen


Janice R. Jeppesen

Acknowledgment

STATE OF IDAHO,)
County of Madison.) ss.

On this 31st day of December, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared **K. Merle Jeppesen** and **Janice R. Jeppesen**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



James L. Leary
Notary Public for Idaho
Residing at: *Bozelle*

SCANNED
OCT 22 2003

November 3, 2006

DALLAN JEPPESEN
K MERLE JEPPESEN
132 S HIDDEN VALLEY RD
REXBURG ID 83440-3573

RE: CHANGE OF ADDRESS FOR 22-265E, 22-265D, 22-4195,
22-7091, 22-7115, 22-13454, AND 22-13479

Dear Claimant:

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:

DALLAN JEPPESEN
K MERLE JEPPESEN
434 MORGAN DR
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)

RETURN TO SENDE

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDE

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

NOT DELIVERABLE
REX
132
AS ADDRESSEE
UNABLE TO FORWARD

DEPP2434* 834402004 1206 10 10/02/06
FORM 3547
JERRY L. MERLE
132 S HADLEY RD
REXBURG ID 83440-3573

~~DALLAN JEPPESEN
K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440~~

U.S. POSTAGE
PB3523
01-350 SEP 29 21
MAILED FROM ZIP CODE 834

22-245E
26SD
4195
7091
7115
13454
13479

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered**

SCANNED

NOV 17 2006

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

Idaho Department of Water Resources
ATTN: Trent Galbraith
900 N Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

RECEIVED

MAY 03 2006

Department of Water Resources
Eastern Region

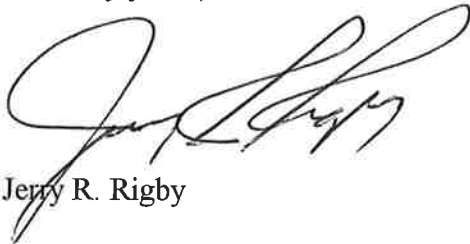
May 2, 2006

RE: Water Right Numbers: 22-7528, 22-7683, 22-265D, 22-265E, 22-2299A, 22-2299B, 22-4195, 22-7091, 22-7115, 22-13454, 22-13479, and 22-7195.

Dear Trent,

Please take notice that this firm represents BMJ Farms LLC, owned by Bevan Jeppesen, and DKJ Farms LLC, owned by Dallan Jeppesen, in the above entitled water rights. Please see that we are included in all future mailings and matters.

Sincerely yours,



Jerry R. Rigby

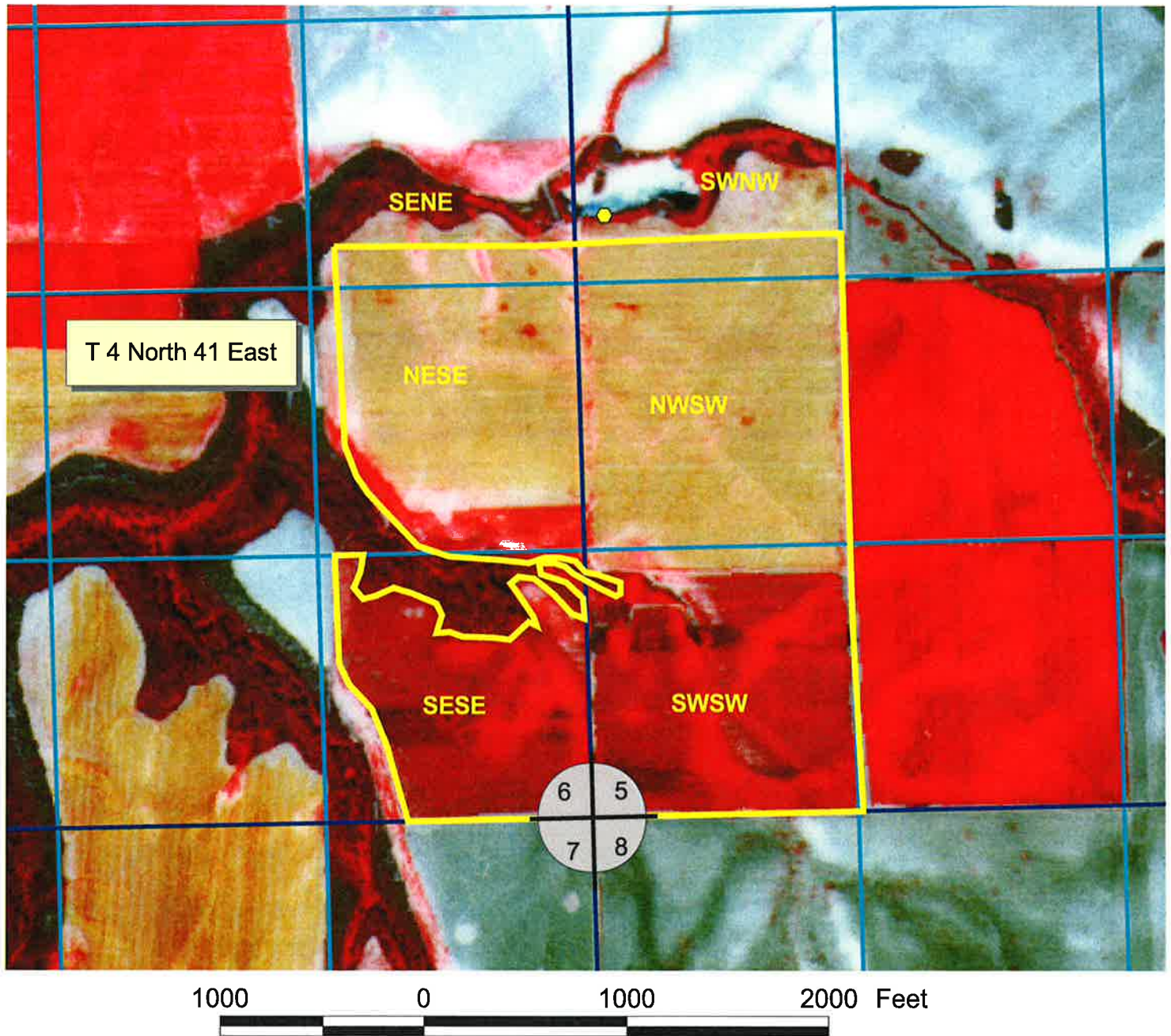
Adj #1's
updated 5/4/06
kmj



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-7091, 22-7115, 22-13454



- Place of Use
- Points Of Diversion
- Sections
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Feb. 2006



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7091 Priority April 18, 1974 Amount 2.00 cfs

THIS IS TO CERTIFY, that Spence W. Leatham

of Rexburg, Idaho, has complied with the terms and conditions of Permit No. 22-7091 issued pursuant to Application for Permit dated April 18, 1974 and has submitted proof to the Department of Water Resources on September 1, 1976 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.78 cfs of water from Lyons Creek tributary to South Fork, Snake River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.00</u> cfs and	<u>497</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.00 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 497 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 4N, Rge. 41E, B.M. in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	41E	5									40	37							77
		6												35			30		65

Total number of acres irrigated 142

A measuring device of a type approved by this Department shall be maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of 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 21 day of October, 19 77.


Director

1014

Ruberry, Allen

To: Rigby, Jerry (IWRB Member)
Subject: RE: Emailing: DOC012.PDF

RE; 22-13454

Jerry, I have corrected the POU of this claim as your map indicated and am sending it to you as an Amended Enlargement Claim to correct the ac/qq. It will be in tomorrows mail.

You need to do this ASAP or an additional \$50.00 charge will be assessed since the 2nd Round Notice has been sent out recently.

I need the following:

1. Correct the Priority date with initials of claimant.
2. Provide evidence of priority date claimed, signed, dated, and COMPLETED.
3. Copy of CRP contract, if still in affect.
4. Enlargement Claim shows 152 ac., 10 ac are the enlargement w/i the 152 ac. 142 ac are covered by License 22-7091.
5. Sign, Notarize and return to ME with a check for \$60.00 payable to IDWR.
6. DO THIS ASAP.

Thanks.....Al

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

From: Jerry Rigby [mailto:jrigby@rigby-thatcher.com]
Sent: Saturday, December 31, 2005 12:24 PM
To: Al Ruberry
Subject: Emailing: DOC012.PDF

Al,
Here is the second enlargement claim (22-13454) which you helped put together for the Jeppesens. The problem is that they purchased the property from the Websters (Bill and then his son). The son committed suicide and Bill's mind is going. Therefore, we have had to go to neighbors in an attempt to know the priority date. Garth Sutton is just such a neighbor. The picture you have used in the claim is by everyone's account taken in 1987ish. In fact, Jeppesens believe that the farm was planted just the way the picture depicts when they purchased the place in 1987. Mr. Sutton told me (an I have put his testimony in the enclosed affidavit) that the road in the SWNW ran along the northern most watered area. Therefore, I have drawn a line where the expansion should be limited in that 40. On the other hand, Mr. Sutton claims that there was additional land watered in the NESE (drawn in blue on your map) and was always done so until the Websters put the tract of land in CRP.

Anyway, please look over and let me know what you think. I would think that we need to modify the enlargement claim accordingly.

By the way, Mr. Sutton is attempting to find some documents which will evidence how many years before 1987 that the additional lands were in fact watered. I will be talking to him next week again.

Thanks

Jerry

The message is ready to be sent with the following file or link attachments:

DOC012.PDF

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Ruberry, Allen

From: Jerry Rigby [jrigby@rigby-thatcher.com]
Sent: Saturday, December 31, 2005 12:24 PM
To: Al Ruberry
Subject: Emailing: DOC012.PDF



DOC012.PDF

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The message is ready to be sent with the following file or link attachments:

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1. Current Priority Date
2. Previous Priority Date EVIDENCE - Signed, Dated, and Completed.
3. CRP CONTRACT
4. Poll Affidavit - Still ENLARG OF 10AC w/ Poll shown
5. Sign. Notarize, return to me w/ check for \$60⁰⁰.

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 22-13454
Date Received: 12/14/2005
Receipt No:
Received By:

ENLARGEMENT

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

1. Name of Claimant(s)

K MERLE JEPPESEN Phone: (208)356-3638
434 MORGAN DR
REXBURG ID USA 83440

2. Date of Priority: 01/01/1999

3. Source: LYONS CREEK Trib. to: SNAKE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
04N	41E	5	SW	SW NW	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.14	35

7. Total Quantity Appropriated is:

0.14 C.F.S. and/or 35 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
04N	41E	5	SW	NW	IRRIGATION	5
					Section Acres	5
04N	41E	6	SE	NE	IRRIGATION	5
					Section Acres	5
					Total Acres	10

11. Place of use in counties: MADISON

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

13. Other Water Rights Used: Groundwater Right

14. Remarks:

This right is for an enlargement of 10.0 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 22-7091 pursuant to Section 42-1426, Idaho Code.

15. Basis of Claim: Beneficial Use

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Bryan Tappan
A. Merle Tappan

Date: 12-21-05

Date: 12-21-05

State of Idaho)
County of MADISON) SS.

Subscribed and sworn (or affirmed) before me this 30th
of DECEMBER 2005

[Signature]
Notary Public

Residing at LEXBACH

My commission Expires 11-09-11



T4N, R41E



Claimant: K. Merle Jeppesen
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA

) Subcase: 22-13454
)

Case No. 39576

) **AFFIDAVIT OF GARTH SUTTON**
)
)
)

STATE OF IDAHO)

ss.

County of Madison)

Garth Sutton, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at _____, Rexburg, ID 83440.
2. I am a farmer by profession and together with my wife and I own and operate a farm with real estate located adjacent to the lands described as the place of use of Merle Jeppesen (Claimant) claim 22-13454. I have personally worked on said lands since before 19____, the priority date claimed by Claimant. Because I have worked with and been personally acquainted

with Claimant, I also have been extremely familiar with the watering practices of Claimant and Claimant's predecessors in interest over the years.

3. I have carefully reviewed claim number 22-13454 and have actual and personal knowledge that all of the lands contained in said claim have been watered by Claimant from the Claim's point of diversion since the beginning of the crop year in 19____.

4. I have carefully reviewed the map attached to the claim and have personal knowledge that the portion of the claim shown in red within the NE1/4SE1/4 was originally watered until such time as it was placed in the CRP program.

5. All present uses described in the Claim were instituted prior to 1987, as described above.

Dated this ____ day of December, 2005.

Garth Sutton

SUBSCRIBED AND SWORN to before me this ____ day of December, 2005.

Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires:

14 December 2005

K Merle Jeppesen
434 Morgan Dr
Rexburg ID 83440

Re: Enlargement claim 22-13454

Dear Mr. Jeppesen:

Pursuant to a conversation with Harold Jones, Special Contract Agent, Idaho Department of Water Resources, and Jerry Rigby, who apparently represents your water right interests, please find enclosed the enlargement claim referenced above. This claim is for an additional 10.0 acres over licensed acres of 142.0 from Water Right License 22-7091.

Please review the claim carefully, noting the following; 1.) I have listed the priority date of 01-01-1999 to fill the data window. Please correct this date in ink and initial the change. 2.) You must submit evidence to support the corrected priority date you claim. I have enclosed a pamphlet, which explains what may be used as evidence.

You should be aware that this enlargement claim does not give you an additional amount of water; rather, it authorizes the irrigation of an additional 10.0 acres. These additional acres MUST have been irrigated in the same system as License 22-7091 at some date (your priority date) prior to November 19, 1987.

Please sign the claim in the presence of a Notary Public and return it to my attention by December 28, 2005. The Fee for this claim is \$60.00: \$50.00 claim fee, 10 acres @\$1/ac. Thank you for your attention in this important matter. I look forward to your timely response.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

CC; file

Enclosures: Enlargement Claim 22-13454
Evidence of Priority Pamphlet

ALLIANCE TITLE & ESCROW

P.O. BOX 732

REXBURG, ID 83440

5-7022-N

WARRANTY DEED

FOR VALUE RECEIVED, JOY LENE LEATHAM PAYNE, in her own right, as her sole and separate property, the rents, issues and profits thereof for her separate use and benefit, the grantor, does hereby grant, bargain, sell and convey unto BRUCE B. WEBSTER and JULIE M. WEBSTER, his wife, whose current address is 37 Sunset Circle, Rexburg, Idaho 83440, the grantees, the following described premises, in Madison County, State of Idaho, to-wit:

Lot 4; the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 5; Lot 1, the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the E $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7; all in Township 4 North, Range 41 E.B.M. The W $\frac{1}{4}$ SW $\frac{1}{4}$; the SE $\frac{1}{4}$ SW $\frac{1}{4}$; and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32; all in Township 5 North, 41 E.B.M.

Together with 2.00 cfs of water from Lyons Creek Tributary to South Fork of Snake River as evidenced by Water License No. 22-7091 of the Department of Water Resources of the State of Idaho, priority April 18, 1974.

Together with 55 acre feet of water represented by Water License No. 22-7115 of the Department of Water Resources, State of Idaho.

Together with all oil, gas and mineral rights and all leases pertaining thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said grantees, their heirs and assigns forever. And the said grantor does hereby covenant to and with the said grantees, that she is the owner in fee simple of said premises; that they are free from all incumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

Dated this 1st day of November, 1984.


Instrument # 318187

REXBURG, MADISON, IDAHO

2005-03-10

11:10:00 No. of Pages: 2

Recorded for: BEVAN JEPRESEN

MARILYN R. RASMUSSEN

Fee: 6.00

Ex-Officio Recorder Deputy

STATE OF IDAHO,

)

(SS

County of Madison.

)

On this 1st day of November, 1984, before me, a Notary Public in and for said state, personally appeared JOY LENE

LEATHAM PAYNE, 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.

Mary Smith
Notary Public, residing at
Rexburg, Idaho. My commission
expires: Life.

(Seal)

ALLIANCE TITLE & ESCROW

P.O. BOX 732

REXBURG, ID 83440

5-7022-N

Instrument # 318188

WARRANTY DEED

REXBURG, MADISON, IDAHO

2005-03-10 11:11:00 No. of Pages: 3

Recorded for : BEVAN JEPPESEN

MARILYN R. RASMUSSEN

Fee: 9.00

Ex-Officio Recorder Deputy

THIS INDENTURE, made this 16th day of July, 1987, by and between Bruce B. Webster and Julie M. Webster, husband and wife, of the County of Madison, State of Idaho, the party of the first part, and K. Merle Jeppesen and Janice R. Jeppesen, husband and wife, whose mailing address is 434 Morgan, Rexburg, ID 83440, of the County of Madison, State of Idaho, and Bevan R. Jeppesen and Michelle Jeppesen, husband and wife, whose address is 1282 S. 2nd E, Rexburg, Idaho, the party of the second part.

W I T N E S S E T H:

That the said party of the first part, 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 considerations, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said party of the second part and to his heirs and assigns forever, all the following described real estate, situate in the County of Madison, State of Idaho, to-wit:

Webster Farmland:

Township 4 North, Range 41 East, Boise Meridian.

Section 5

Lot 4

Southwest 1/4 Northwest 1/4

Southwest 1/4

Section 6

Lot 1

Southeast 1/4 Northeast 1/4

East 1/2 Southeast 1/4

Section 7

Northeast 1/4 Northeast 1/4

Township 5, North 41 East, Boise Meridian

Section 32

West 1/2 Southwest 1/4

Southeast 1/4 Southwest 1/4

Southwest 1/4 Southeast 1/4

Together with:

1. Reversions and remainders
2. Tenements, hereditaments, appurtenances, improvements and fixtures
3. Two CFS of water from Lyons Creek tributary to Southfork of Snake River as evidenced by water license no. 22-7091 of the Department of Water Resources of the state of Idaho, priority April 18, 1974.
4. 55 acre feet of water represented by water license no. 22-7115 of the Department of Water Resources, state of Idaho.
5. All oil, gas and mineral rights and all leases appertaining.

Subject To:

1. Taxes for 1987 and subsequent years

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or reverions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular, the above-mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against the said party of the first part and their heirs and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said party of the first part
has hereunto set their hands and seals the day and year first
above written.

Bruce B. Webster
Bruce B. Webster

Julie M. Webster
Julie M. Webster

STATE OF IDAHO,)
(ss.
County of MADISON)

On this 16th day of July, 1987, before me, the
undersigned, a Notary Public in and for said state, personally
appeared Bruce B. Webster and Julie M. Webster, husband and wife,
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

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

[Signature]
Notary Public for State of Idaho
Residing at REXBURG, Idaho
My Commission Expires: 10-31-02

(SEAL)

pt:6932g

WARRANTY DEED

FOR VALUE RECEIVED, K. Merle Jeppesen and Janice R. Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Sellers", hereby remise, releases, and forever warrants unto Bevan R. Jeppesen and Michelle Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Buyers", the following real property located in Madison County, State of Idaho, to-wit:

Webster Farmland:

Township 4 North, Range 41 East, Boise Meridian.

Section 5

Lot 4

**Southwest 1/4 Northwest 1/4
Southwest 1/4**

Section 6

Lot 1

**Southeast 1/4 Northeast 1/4
East 1/2 Southeast 1/4**

Section 7

Northeast 1/4 Northeast 1/4

Township 5, North 41 East, Boise Meridian

Instrument # 318189

REXBURG, MADISON, IDAHO

2005-03-10

11:12:00 No. of Pages: 3

Recorded for : BEVAN JEPPESEN

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 9.00

Warranty Deed - Page 1 of 3

\\\\server\\jrx\\WEBSTERS.wd

Received Time Dec. 14. 11:33AM

Together with:

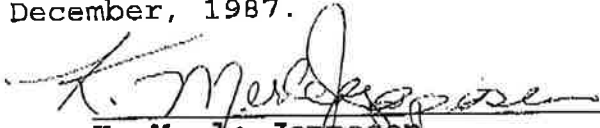
1. Reversions and remainders.
2. Tenements, hereditaments, appurtenances, improvements and fixtures.
3. Two CFS of water from Lyons Creek tributary to Southfork of Snake River as evidenced by water license no. 22-7091 of the Department of Water Resources of the State of Idaho, priority April 18, 1974.
4. 55 acre feet of water represented by water license no. 22-7115 of the Department of Water Resources, State of Idaho.

Subject To:

Taxes for 1987 and subsequent years

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, unto the said Buyers, their heirs and assigns forever. Seller does hereby covenant to and with the said Buyers, that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except as noted.

DATED This 31st day of December, 1987.


K. Merle Jeppesen


Janice R. Jeppesen

Warranty Deed - Page 2 of 3

\\Server\lrr\WRBSTERB.wd

Received Time Dec.14. 11:33AM

Acknowledgment

STATE OF IDAHO,

)
ss.

County of Madison.

)

On this 31st day of December, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared **K. Merle Jeppesen** and **Janice R. Jeppesen**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.




Notary Public for Idaho
Residing at: *Bozelle*

Ruberry, Allen

From: Jerry Rigby [jrigby@rigby-thatcher.com]
Sent: Tuesday, December 13, 2005 3:56 PM
To: 'Ruberry, Allen'
Subject: RE: More Jeppesen

Al, I am sitting here with the Jeppesens. Spencer Leatham initially sold the property to Bruce Webster and then K, Merle & his son Bevan purchased it from Bruce Webster. Leathams continued to hold title until payments were made in full through an escrow. Final payment was made March of this year. Escrow documents were pulled down by the Jeppesens and the deeds were recorded. Before the final payment, K. Merle assigned his interest to Bevan. Therefore, when the final deed was recorded, title was and is in the name of Bevan and his wife Michelle Jeppesen. He will get the recorded deed this evening and bring it in to me. I will fax it to you in the morning. This should clear up your issue.
Thanks

Jerry R. Rigby
Rigby, Thatcher, Andrus, Rigby & Moeller, Chartered
P.O. Box 250
Rexburg, Idaho 83440
Telephone: (208) 356-3633 Fax: (208) 356-0768

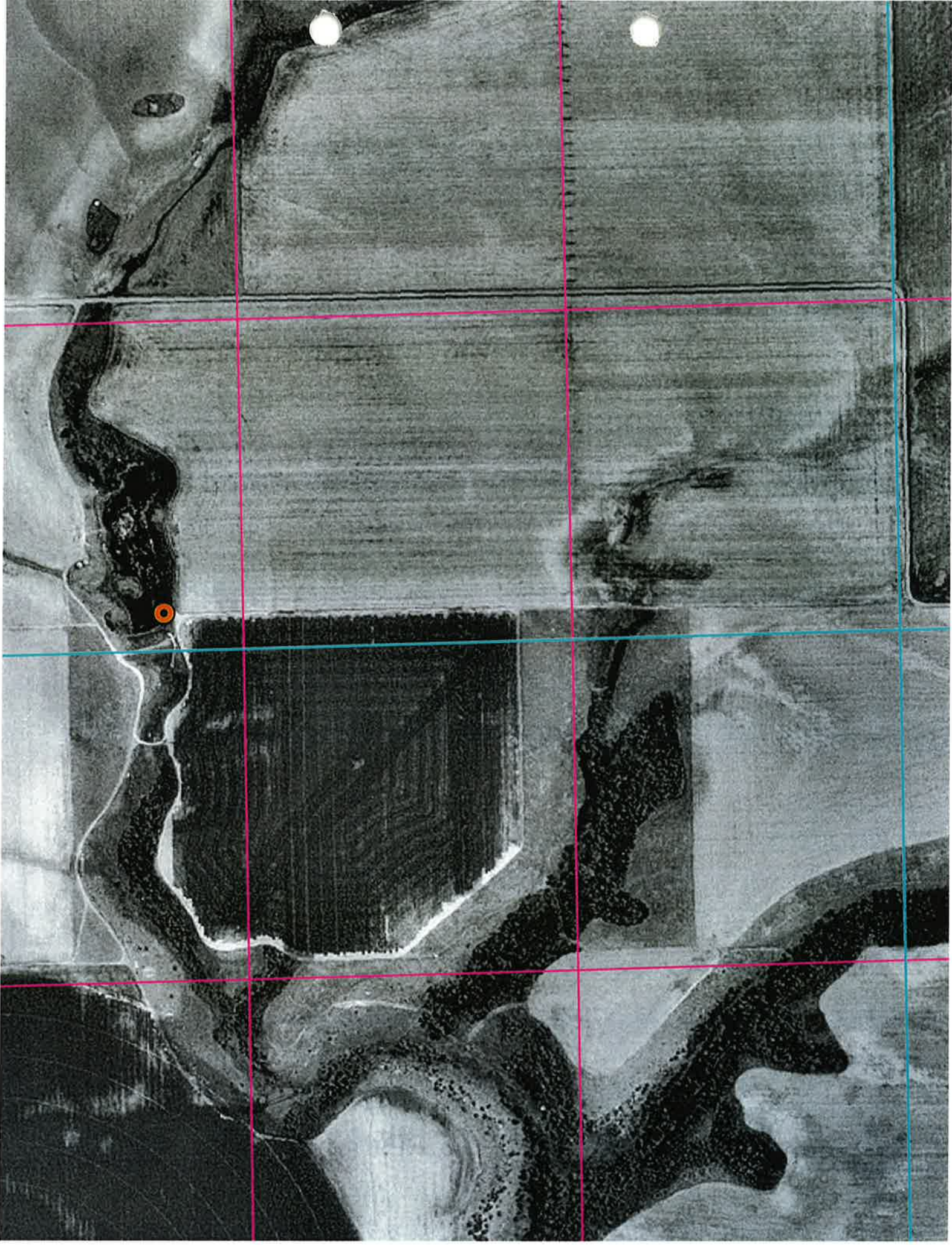
This email is confidential and may be legally privileged. It is only intended for the addressee. Access to this email by anyone else, unless expressly approved by the sender or an authorized addressee, is prohibited. If you are not the intended recipient, any disclosure, copying, distribution or any other action omitted or taken in reliance on it, is prohibited and may be unlawful. If you believe you have received this email in error, delete this email, destroy all copies and contact the sender at the address listed above

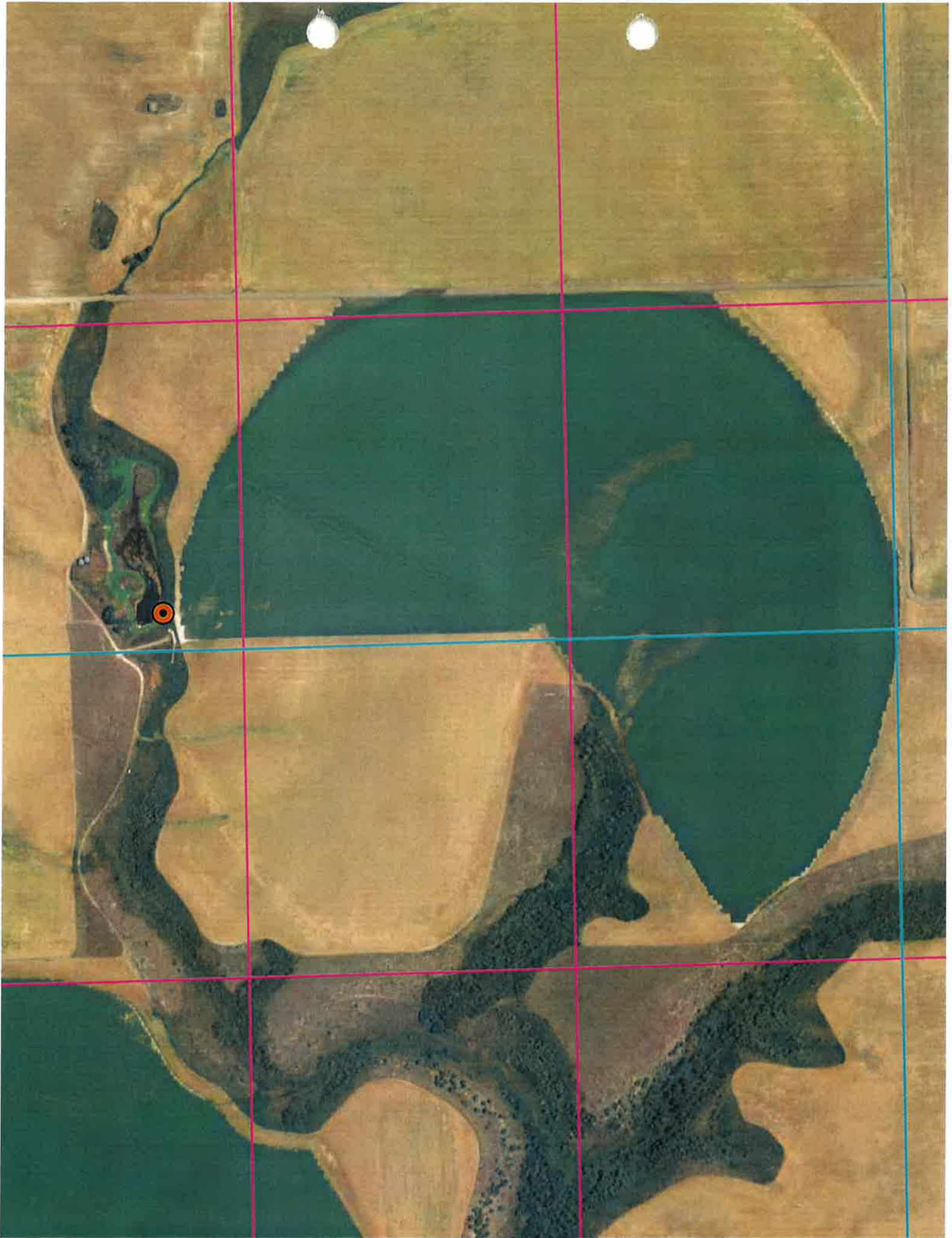
-----Original Message-----

From: Ruberry, Allen [mailto:Allen.Ruberry@idwr.idaho.gov]
Sent: Tuesday, December 13, 2005 3:04 PM
To: Rigby, Jerry (IWRB Member)
Subject: More Jeppesen

Jerry, I have now 22-7115 and 7091 filed by Jeppesen on lands that according to Madison County belongs to Joy Latham. Is there a connection? A lease, rental..... both licenses are issued to Spencer Latham.

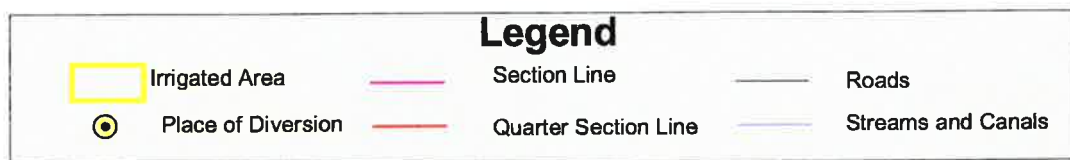
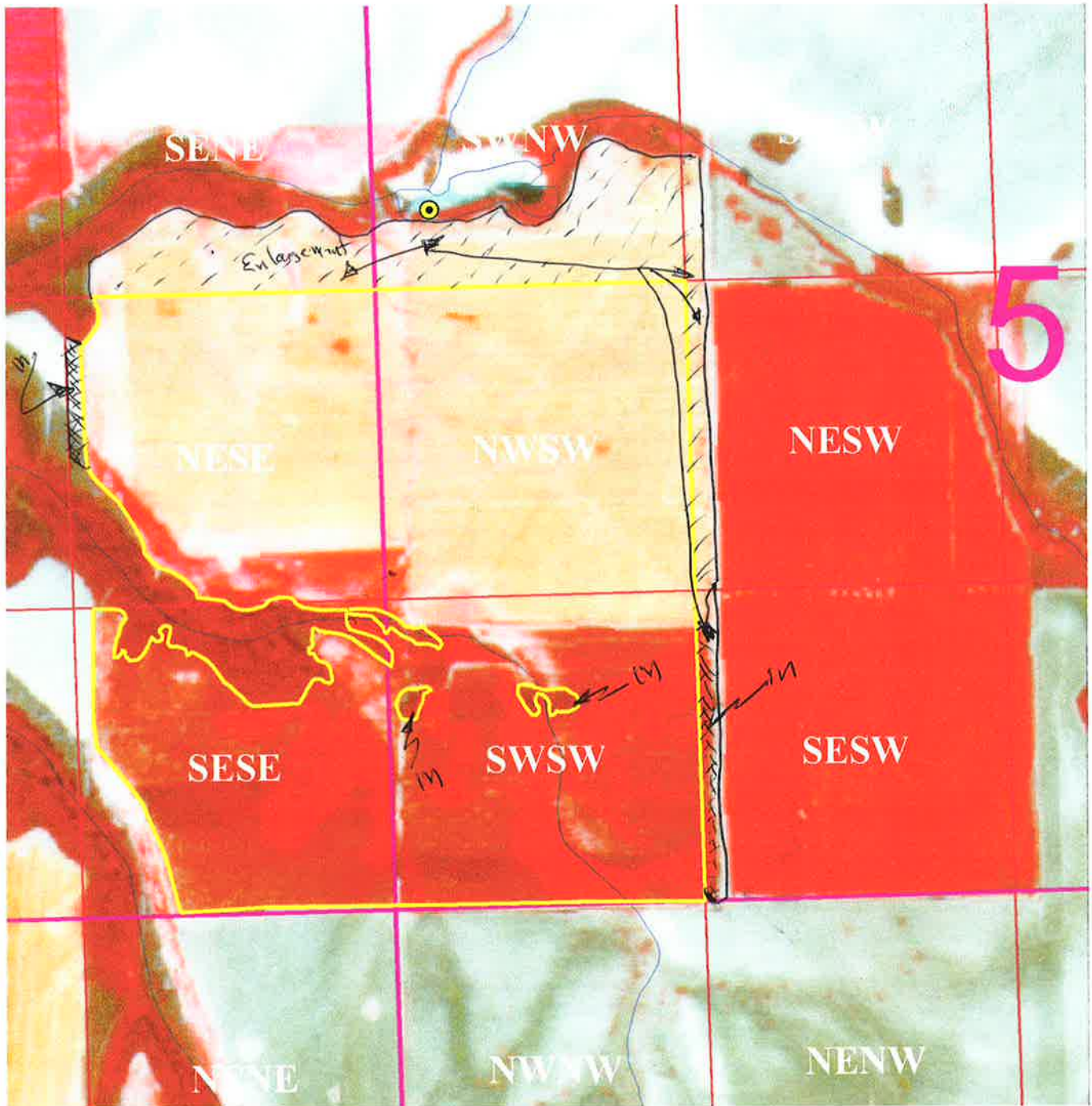
Al





Water Right Claim Number 22-07091
Township , 4N41E

07/05/2001

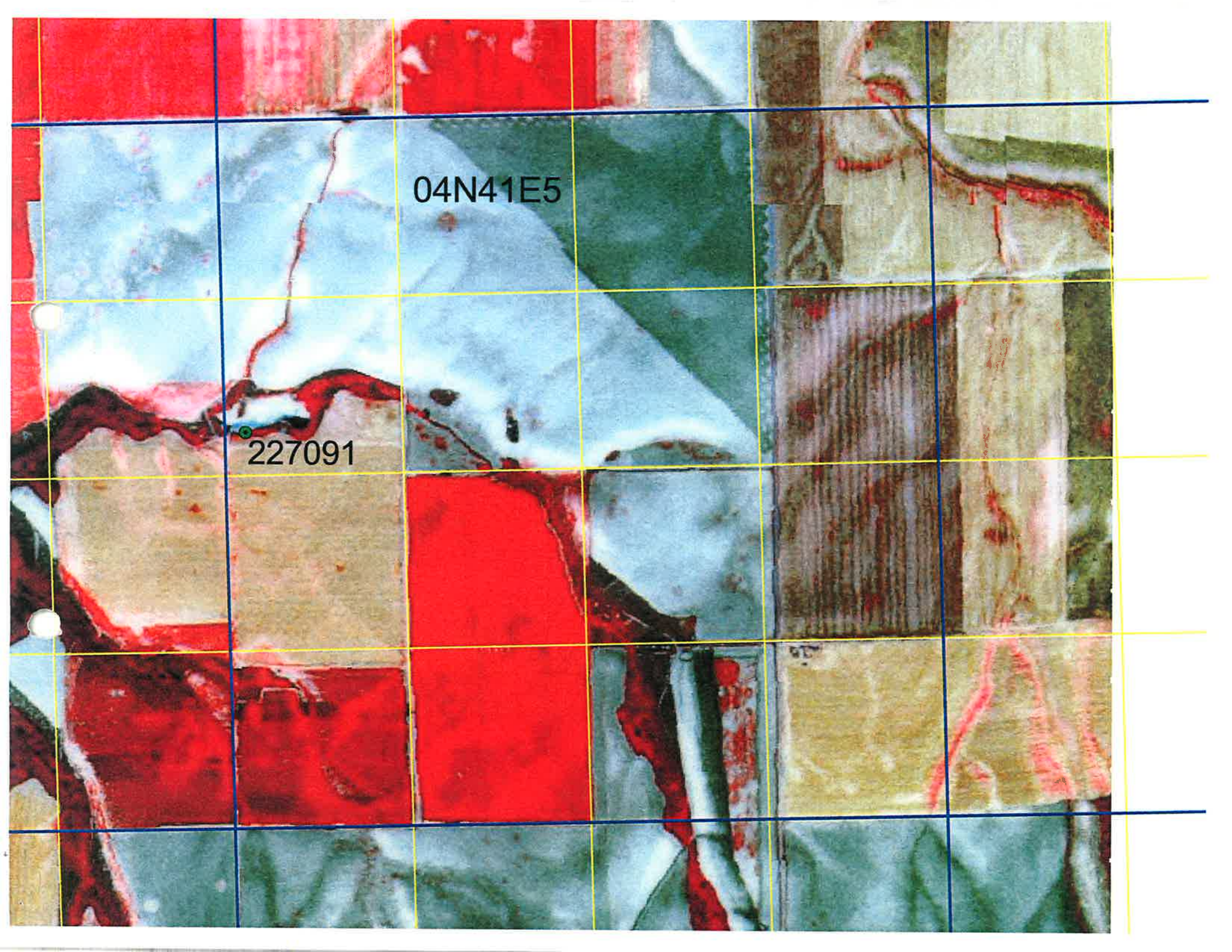


SPATIAL
DYNAMICS

"IN" means Irrigated

04N41E5

227091





A22-7091 + A22-7115, overflow spillway

Water Right No(s). A22-7091 * A22-7115

See Attached photos.

GPS data - 2688124
1392179

GPS File# 227091
1

GPS DATA:

Tag # A0015937 Location: on power panel post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: G.E. Model: _____ Hp: 125
SN: FB5608485

PUMP

Make: Aurora Model: _____ Disch: _____
SN: NA

NOTES:

System is now a pump in pond to Pools. In 1987 it was all handlines.
Applicant modified map to show enlarged area irrigated, he says,
from 1974 on. Lyons creek dried up in this pond.
Bryan Jeppesen now owns P.O.U. I met with him on site

Field Exam Date: 8-22-2005 Agent: H. Jensen



A22-7091 + A22-7115, Looking North

DELOG
AR
RECEIVED

MAR 22 2005

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-7091					
22-7115					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

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

Spence W. Leatham K. Mark Jeppesen
113 W. 1st S. 434 N. Morgan Drive, Rexburg

4. New Owner/Claimant(s)

~~Rexburg, Ia. 83440~~ Bevan Jeppesen

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

1282 S. 2nd E

City, State and ZIP Code

Rexburg, Ia. 83440

New Telephone Number

208 356-9079 Cell- 390-8240

5. Date you acquired the property

July 1987

4 Acres Leatham Farm

CONTRACT OF SALE

THIS AGREEMENT, Made and entered this 31st day of December, 1987, by and between K. Merle Jeppesen and Janice R. Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Sellers" and Bevan R. Jeppesen and Michelle Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Buyers",

WITNESSETH:

1. Property.

Sellers agree to sell to Buyers, and Buyers agree to buy from Sellers, on the terms and conditions herein specified, Sellers' one-half (1/2) interest in the following described real property situated in Madison County, Idaho to-wit:

Webster Farmland:

Township 4 North, Range 41 East, Boise Meridian.

Section 5

Lot 4

**Southwest 1/4 Northwest 1/4
Southwest 1/4**

Section 6

Lot 1

**Southeast 1/4 Northeast 1/4
East 1/2 Southeast 1/4**

Section 7

Northeast 1/4 Northeast 1/4

Township 5, North 41 East, Boise Meridian

Together with:

1. Reversions and remainders.
2. Tenements, hereditaments, appurtenances, improvements and fixtures.
3. Two CFS of water from Lyons Creek tributary to Southfork of Snake River as evidenced by water license no. 22-7091 of the Department of Water Resources of the State of Idaho, priority April 18, 1974.
4. 55 acre feet of water represented by water license no. 22-7115 of the Department of Water Resources, State of Idaho.

Subject To:

Taxes for 1987 and subsequent years

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

2. Price.

Buyers shall pay Sellers for said property a purchase price of Two Hundred Thousand Dollars (\$200,000.00) and shall be paid as follows:

Buyers shall grant to Sellers the right to take all grain grown on the premise for a period of six crop years from the date of this Contract of Sale.

Furthermore, Buyers shall assume and pay all indebtedness upon the premise, including but not limited to all sums owed to Bruce B. Webster and Jule M. Webster, the original Sellers of the premises. Buyers shall indemnify and hold Sellers harmless from said indebtedness.

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3. Possession.

Buyers shall be granted legal possession of the premises upon closing of this Contract.

4. Taxes & Assessments.

Taxes and assessments shall be paid by Buyers.

5. Deed and Title Insurance.

Sellers shall execute a good and sufficient Warranty Deed to Buyers to the premises, free from all encumbrances except taxes and assessments that accrue thereon following closing and except any placed thereon by Buyers, and prior to Closing, shall deposit the same with the Escrow Company holding the Warranty Deed from said Bruce and Julie Webster as described above.

The parties understand and agree that no Title Insurance shall be purchased for this sale.

6. Attorneys' Fees.

In the event either party hereto shall be required to employ an attorney for the enforcement of this contract, with or without suit, the defaulting party agrees to pay the prevailing party's reasonable attorneys' fees. This shall include the costs incurred by either party to send any default notice to a defaulting party.

7. Terms.

The terms "Sellers" and "Buyers" shall be construed, as used herein, to include the actual parties hereto.

8. Inspection; Disclaimer of Warranty; Representations by Sellers.

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Buyers have examined the above described property and the improvements situated thereon, and the applicable zoning ordinances and building codes, and accepts the same in the condition and state of repair the same are now in; further, that in executing this contract, Buyers have relied solely upon information and knowledge obtained from such personal inspection and investigation of said property, and Buyers also acknowledges that no agent or employee of Sellers has any power or authority to make any warranties, agreements, or representations as to said property which are not contained in this contract, and it is further understood and agreed that this contract constitutes the whole agreement between the parties hereto and that no warranties, agreements, or representations have been made or shall be binding upon the Sellers unless the same are set forth herein; Buyers further agrees to maintain said property, buildings and improvements in as good condition as the same are now in, damage by fire and reasonable wear and depreciation excepted.

ANY WARRANTY AS TO CONDITION OF ANY PROPERTY IS EXPRESSLY DISCLAIMED. SELLERS EXPRESSLY DISCLAIMS THE IMPLIED WARRANTY OF MERCHANTABILITY AND IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE.

9. Binding Effect.

This Contract of Sale shall inure to and be binding upon

the parties hereto and their heirs, personal representatives, successors and assignees.

10. Governing Law.

This Contract of Sale shall be governed by and interpreted under the laws of the State of Idaho.

11. Entire Agreement.

This Contract of Sale and related documents specifically contemplated by this Contract constitute and contain the entire agreement of the parties and supersedes and merge all other prior understandings and/or agreements between the parties, if any, whether verbal or written.

IN WITNESS WHEREOF, the parties have executed this contract.

"SELLERS"


K. Marle Jeppesen


Janice R. Jeppesen

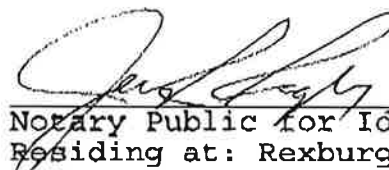
"BUYERS"


Bryan R. Jeppesen


Michelle Jeppesen

STATE OF IDAHO)
 ss.
County of Madison)

On this 31st day of December, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared **K. Merle Jeppesen, Janice R. Jeppesen, Bevan R. Jeppesen & Michelle Jeppesen**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Notary Public for Idaho
Residing at: Rexburg

5-7022-N

Instrument # 318188

REXBURG, MADISON, IDAHO

2005-03-10 11:11:00 No. of Pages: 3

Recorded for : BEVAN JEPPESEN

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 9.00

WARRANTY DEED

THIS INDENTURE, made this 16th day of July, 1987, by and between Bruce B. Webster and Julie M. Webster, husband and wife, of the County of Madison, State of Idaho, the party of the first part, and K. Merle Jeppesen and Janice R. Jeppesen, husband and wife, whose mailing address is 434 Morgan, Rexburg, ID 83440, of the County of Madison, State of Idaho, and Bevan R. Jeppesen and Michelle Jeppesen, husband and wife, whose address is 1282 S. 2nd E, Rexburg, Idaho, the party of the second part.

W I T N E S S E T H:

That the said party of the first part, 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 considerations, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey, and confirm unto the said party of the second part and to his heirs and assigns forever, all the following described real estate, situate in the County of Madison, State of Idaho, to-wit:

Webster Farmland:

Township 4 North, Range 41 East, Boise Meridian.

Section 5

Lot 4

Southwest 1/4 Northwest 1/4

Southwest 1/4

Section 6

Lot 1

Southeast 1/4 Northeast 1/4

East 1/2 Southeast 1/4

Section 7

Northeast 1/4 Northeast 1/4

Township 5, North 41 East, Boise Meridian

Section 32

West 1/2 Southwest 1/4

Southeast 1/4 Southwest 1/4

Southwest 1/4 Southeast 1/4

Together with:

1. Reversions and remainders
2. Tenements, hereditaments, appurtenances, improvements and fixtures
3. Two CFS of water from Lyons Creek tributary to Southfork of Snake River as evidenced by water license no. 22-7091 of the Department of Water Resources of the state of Idaho, priority April 18, 1974.
4. 55 acre feet of water represented by water license no. 22-7115 of the Department of Water Resources, state of Idaho.
5. All oil, gas and mineral rights and all leases appertaining.

Subject To:

1. Taxes for 1987 and subsequent years

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or reverions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular, the above-mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against the said party of the first part and their heirs and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said party of the first part
has hereunto set their hands and seals the day and year first
above written.

Bruce B. Webster
Bruce B. Webster

Julie M. Webster
Julie M. Webster

STATE OF IDAHO,)
County of MADISON) (ss.

On this 16th day of July, 1987, before me, the
undersigned, a Notary Public in and for said state, personally
appeared Bruce B. Webster and Julie M. Webster, husband and wife,
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

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

[Signature]
Notary Public for State of Idaho
Residing at REXBURG, Idaho
My Commission Expires: 10-31-92

(SEAL)

pt:6932g

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: A22-07091
Date Received: 6/08/1988
Receipt No: E000357
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: K. MERLE JEPPESEN 208-356-3638
Address: 434 MORGAN DRIVE
REXBURG, ID 83440

2. Date of Priority: APR 18, 1974

3. Source: LYONS CREEK Trib. to: SNAKE RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	41E	5	SW	NW			MADISON

5. Description of diverting works:
PUMP AND MAINLINE 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	2.000		

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

8. Total consumptive use is 355.0 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	41E	5	NW	SW		IRR	40.0
			SW	SW		IRR	37.0
Section Acres							77.0

A22-07091

Page 1

Date: 06/08/88

MICROFILMED

OCT 29 1992

A2207091



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	41E	6	NE	SE		IRR	35.0
			SE	SE		IRR	30.0
					Section Acres		65.0
					Total Acres		142.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
A22-07115.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number:

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Merle J. Jensen

Date: 6-8-88

Date: _____

State of Idaho)

County of Bonneville)

SS.

Subscribed and sworn (or affirmed) before me this 8th day

of June 19 88

Dana Green
Notary Public

Seal

Residing at Ridgely

My Commission Expires

4-22-1994

