

09/25/2006

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

RIGHT NUMBER: 22-7163

NAME AND ADDRESS: JOHN R ZIRKER
415 E 1 N
REXBURG ID 83440

GERRY ZIRKER
415 E 1 N
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.170 CFS
829.500 AFY

Right Nos. 22-7163 and 22-13019 are limited to a total combined diversion rate of 4.17 cfs.

PRIORITY DATE: 09/04/1975

POINT OF DIVERSION:

T07N R42E S19 NWNWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	4.170 CFS 829.50 AFY

PLACE OF USE: IRRIGATION Within FREMONT County

T07N R41E S13	SWNE	39.00	T07N R41E S13	SENE	39.00
T07N R42E S19	NENE	28.00	T07N R42E S19	NWNE	33.00
T07N R42E S19	SWNE	40.00	T07N R42E S19	SENE	35.00
T07N R42E S19	NENW	40.00	T07N R42E S19 Lot 1 NWNW		37.00
T07N R42E S19 Lot 2 SWNW		37.00	T07N R42E S19	SENW	40.00
T07N R42E S19	NESE	27.00	T07N R42E S19	NWSE	40.00
T07N R42E S19	SWSE	31.00	T07N R42E S19	SESE	0.90

466.9 ACRES TOTAL

This right is limited to the irrigation of 237 acres within the place of use described above in a single irrigation season.

Right Nos. 22-7163 and 22-13019 are limited to the irrigation of a combined total of 466.9 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-13019 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.



Idaho Department of Water Resources

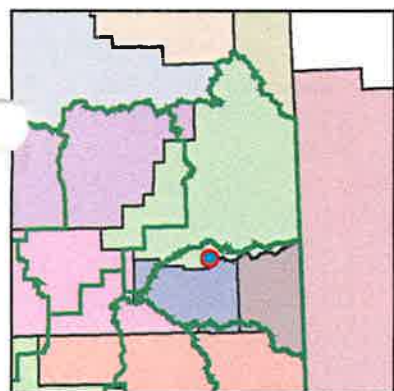
SRBA Recommendation:

22-7163

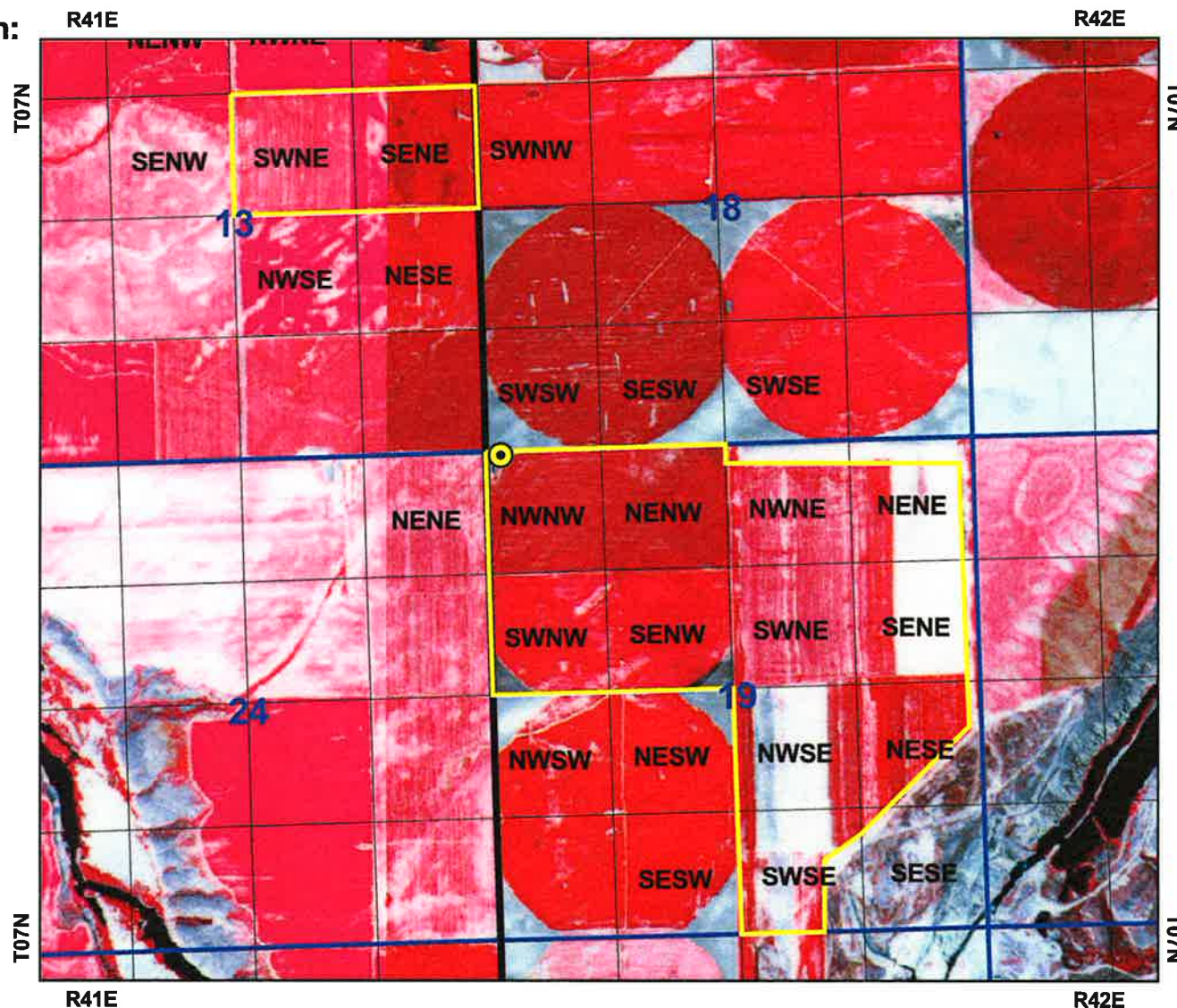
22-13019

Legend

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



Fremont County
IDWR Basin 22



Prepared by T. Galbraith
On Monday, May 1, 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 24, 2006

JOHN & GERRY ZIRKER
415 E 1 N
REXBURG ID 83440

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-7163

Dear Claimants:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

OK
JC
4-20-06

**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
	A22-2163	N			

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)

Ludeen W. Jergensen
426 E. Main

4. New Owner/Claimant(s)

St. Anthony, Idaho

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

New Mailing Address

John & Gerry Zinker

City, State and ZIP Code

415 E. 1st N. Rexburg, Idaho 83440

New Telephone Number

(208) 356-6951

5. Date you acquired the property

12-26-03

RECEIVED

MAR 02 2006

Department of Water Resources
Eastern Region

486034

9-17-04
 12-15-03
 ABIE MACE
 CLERK OF DISTRICT COURT
 Recorded at Request of
 Deputy
 Kurt Hawes

WARRANTY DEED

Warranty deed made this 26th day of December, 2003, between TAL DEAN JERGENSEN, GERRY LEE ZIRKER, AND MARI MALEE JERGENSEN, as co-trustees of the LUDEEN W. JERGENSEN LIVING TRUST and the COMMON TRUST created thereunder of 426 East Main, City of St. Anthony, County of Fremont, State of Idaho, referred to as "Grantors," and JOHN ZIRKER and GERRY ZIRKER, husband and wife as joint tenants with rights of survivorship, of 415 E. 1st North, City of Rexburg, County of Madison, State of Idaho, referred to as "Grantees":

Grantors, for and in consideration of the sum of Ten Dollars (\$10), the receipt of which is acknowledged, have granted, bargained, and sold, and, by this deed, grant, bargain, sell, convey, and confirm to Grantees and Grantees' heirs and assigns forever, all of the following described tracts of real estate situated in the County of Fremont, State of Idaho (hereinafter referred to as the "Property"):

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township Seven (7) North, Range Forty-One (41) East, Boise Meridian; and Lot One (1), Lot Two (2), the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Nineteen (19), Township Seven (7) North, Range Forty (42) East, Boise Meridian, containing Two Hundred Thirty-Four and Ninety-Eight Hundreths (234.98) acres, more or less.

Together with all and singular the tenements, hereditaments, and appurtenances belonging to the Property or in any manner appertaining to the Property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property; and all estate, right, title, and interest in and to the Property, as well in law as in equity.

To have and to hold, all and singular the described property together with the appurtenances to Grantees and Grantees' heirs and assigns forever.

And Grantors and Grantors' heirs shall and will warrant and, by these presents, forever defend the described property in the quiet and peaceable possession of Grantees, Grantees' heirs, and assigns against Grantors and Grantors' heirs and against all and every person and persons whomsoever, lawfully claiming the same.

THE DOCUMENT TO WHICH THIS CERTIFICATE IS
 ATTACHED IS A FULL, TRUE AND CORRECT COPY OF
 THE ORIGINAL ON FILE AND OF RECORD IN MY
 OFFICE, SAME HAVING BEEN FILED
 ATTEST 2-14-06 1-02-2004
 ABIE MACE CLERK OF THE DISTRICT COURT OF
 THE SEVENTH JUDICIAL DISTRICT IN AND FOR
 FREMONT COUNTY, IDAHO.
 BY [Signature] DEPUTY

486034

In witness whereof, Grantors have set their hands on the date first written above.

Ludeen W. Jergensen Living Trust

Tal Jergensen
Tal Jergensen, Co-Trustee

Malee Jergensen, Co-Trustee

Gerry Zirker, Co-Trustee

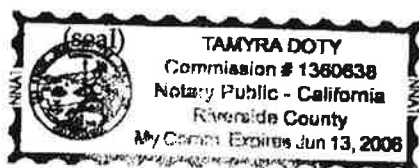
STATE OF CALIFORNIA)

County of Riverside)

ss.

On the 29 day of December, 2003, before me, the undersigned, a notary public in and for said State, personally appeared TAL JERGENSEN, known or identified to me to be the person whose name is subscribed to the within instrument as Co-Trustee of the LUDEEN W. JERGENSEN LIVING TRUST and the COMMON TRUST created thereunder, and acknowledged to me that he executed the same as such Co-Trustee.

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



Tamyra Doty
Notary Public for California
Residing at Hemet, California
My Commission Expires: June 13, 2006

486034

In witness whereof, Grantors have set their hands on the date first written above.

LuDeen W. Jergensen Living Trust

Tal Jergensen, Co-Trustee

Malee Jergensen
Malee Jergensen, Co-Trustee

Gerry Zirker, Co-Trustee

STATE OF NEW YORK)

County of New York)

ss.

On the 26 day of December, 2003, before me, the undersigned, a notary public in and for said State, personally appeared MALEE JERGENSEN, known or identified to me to be the person whose name is subscribed to the within instrument as Co-Trustee of the LUDEEN W. JERGENSEN LIVING TRUST and the COMMON TRUST created thereunder, and acknowledged to me that she executed the same as such Co-Trustee.

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)

Lisa Pashkoff
Notary Public for New York

Residing at New York, New York

My Commission Expires: 3/20/06

LISA PASHKOFF

Notary Public, State of New York

No. 02PA6038920

Qualified in New York County

Commission Expires March 20, ~~2002~~ 2006

486034

In witness whereof, Grantors have set their hands on the date first written above.

Ludeen W. Jergensen Living Trust

Tal Jergensen, Co-Trustee

Malee Jergensen, Co-Trustee

Gerry Zirker
Gerry Zirker, Co-Trustee

STATE OF IDAHO)
County of Madison) ss.

On the 26th day of December, 2003, before me, the undersigned, a notary public in and for said State, personally appeared GERRY ZIRKER, known or identified to me to be the person whose name is subscribed to the within instrument as Co-Trustee of the LUDEEN W. JERGENSEN LIVING TRUST and the COMMON TRUST created thereunder, and acknowledged to me that she executed the same as such Co-Trustee.

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



Mary Virgin
Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 9-20-2006

IDWR Eastern Region
900 North Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Randy Hughes
310 N 2675 East
St. Anthony, ID 83445
Feb. 28, 2006

To Whom It May Concern:

My father Neil Hughes and I bought the Keith Jergensen farm after the collapse of the Teton Dam in 1976. We started farming it in 1978 and met John Zirker when he began farming next to us in 1979. Over the years that we have been farming next to each other, we have formed a friendship and interest in one another's farming fortunes. We watched as John, and his family worked to improve their irrigation system to help make the farm more profitable.

It is easy to remember when John first started farming the ground because it was so close to the time that Dad and I bought our own farm and started farming up there. We have been neighbors for twenty-six years and have watched them change from hand lines to circles in that time. At various times we have loaned him machinery when he was in a bind.

The legal description of the ground that I have been writing about, and that John and Gerry Zirker farm is as follows.

7 North 42 East Section 19
The NE $\frac{1}{4}$ & SE $\frac{1}{4}$ & The NW NE Section 30

Sincerely,

A handwritten signature in cursive script that reads "Randy Hughes". The signature is written in dark ink and is positioned below the word "Sincerely,".

Randy Hughes

IDWR Eastern Region
1910 Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Judd Crapo
2417 East 482 North
St. Anthony, ID 83445
Feb. 27, 2006

To Whom It May Concern:

I began farming next to John Zirker in the summer of 1980 and made his acquaintance at that time. My Uncle David and I had taken over the management of the old Remington Brother's Farm, which we purchased in 1980 and began farming it as the Riverside Farms of Crapo Farms'. John was farming 240 acres of ground that he rented from his wife's family and about 250 acres that he rented from the Bureau of Reclamation. All of this ground was within half a mile of our farm, and we saw him daily as we each traveled to work our different fields. Both these pieces of land he has irrigated first with hand lines and now primarily with circles from 1980 to the present.

We loaned him some hand lines and helped him from time to time, over the years, in repairing mainline and later in the repairing of some of his circles. We have become good friends and partners, in some situations, and have enjoyed working by him and with him for the past twenty-five years.

The legal description of the land he farms that I have been describing is:

7 North 42 East Section 19
The NE ¼ & SE ¼ & The NW NE Section 30

I have watched him farm and irrigate this land for the time period of 1980 to the present.

Sincerely,

A handwritten signature in cursive script that reads "Judd Crapo". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Judd Crapo
Owner and Operator of Riverside Farms

Water Right No(s). A22-07163 & A22-13019

GPS Data - 2696042
141 6722

GPS File
227163 1

GPS DATA:

Tag # 40016323 Location: on power pole

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: G.E. Model: _____ Hp: 450
SN: FRT626019

PUMP

Make: Johnston Model: _____ Disch: _____
SN: N/A

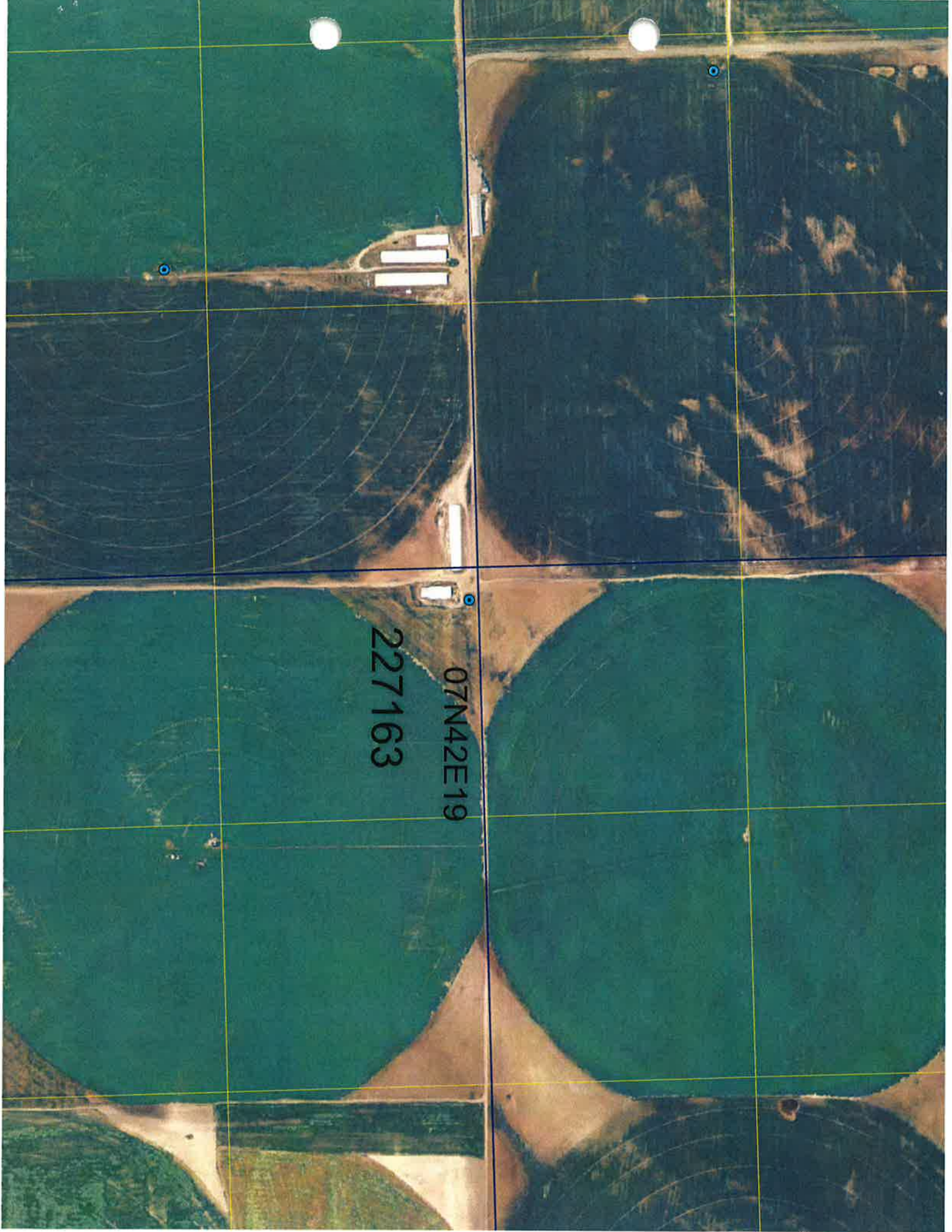
NOTES:

John Zirkow now owns the P.O.U. under 22-7163. I
gave him a Change of ownership form. I also requested an
affidavit of priority for claim A22-13019. Mr. Zirkow's address
& phone is same as on claim A22-13019. Enlargement P.O.U.
is Bureau of Reclamation ground under lease to Mr. Zirkow.

Field Exam Date: 2-9-06 Agent: J. C. Jones



A22-7163 + A22-13019, Looking North

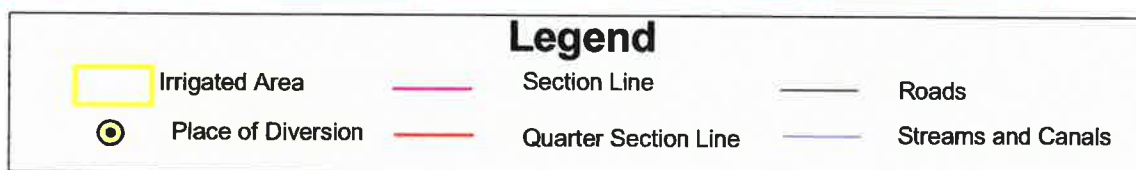
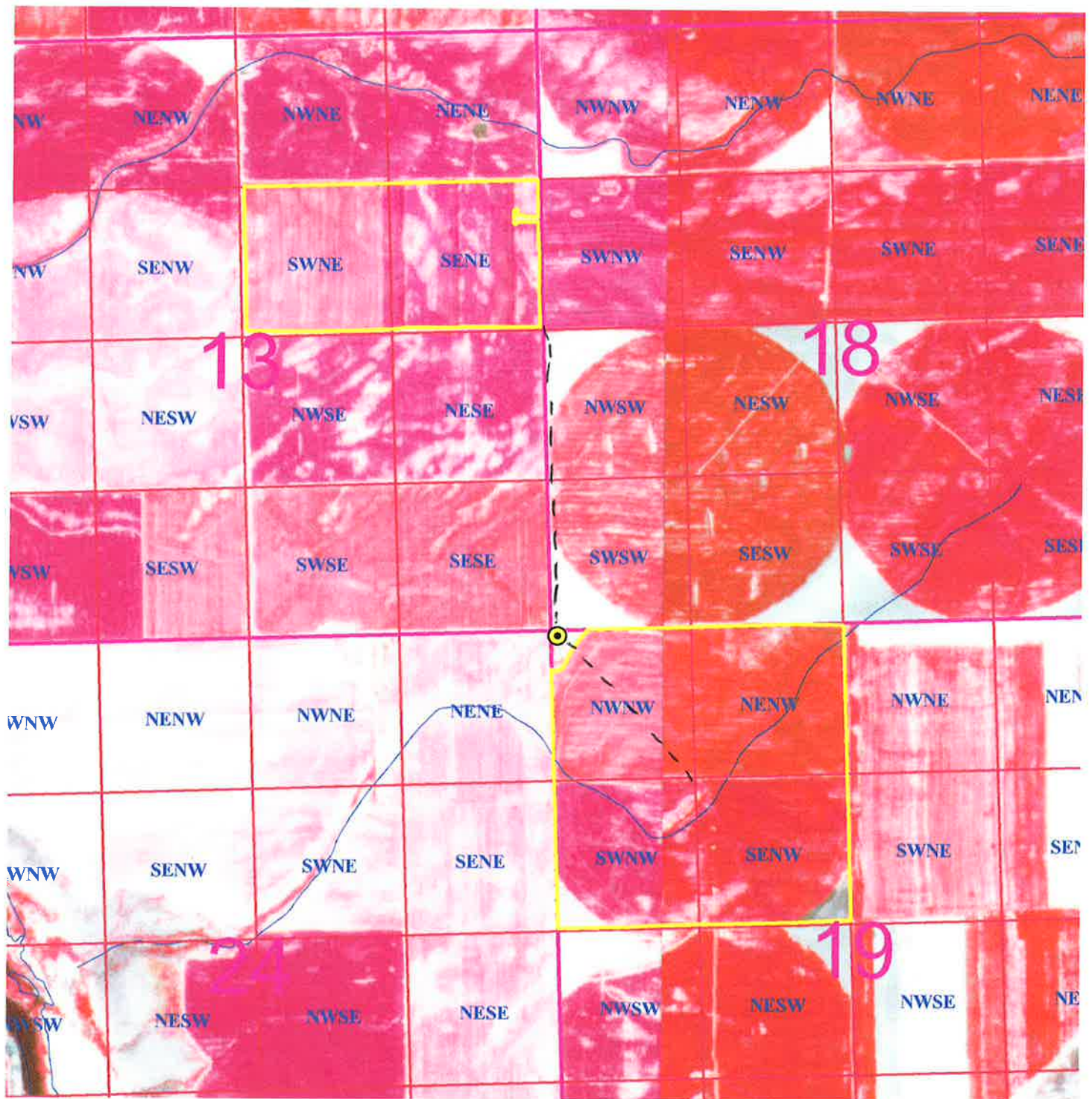


07N42E19

227163

Water Right Claim Number 22-07163
Townships , 7N42E, 7N41E

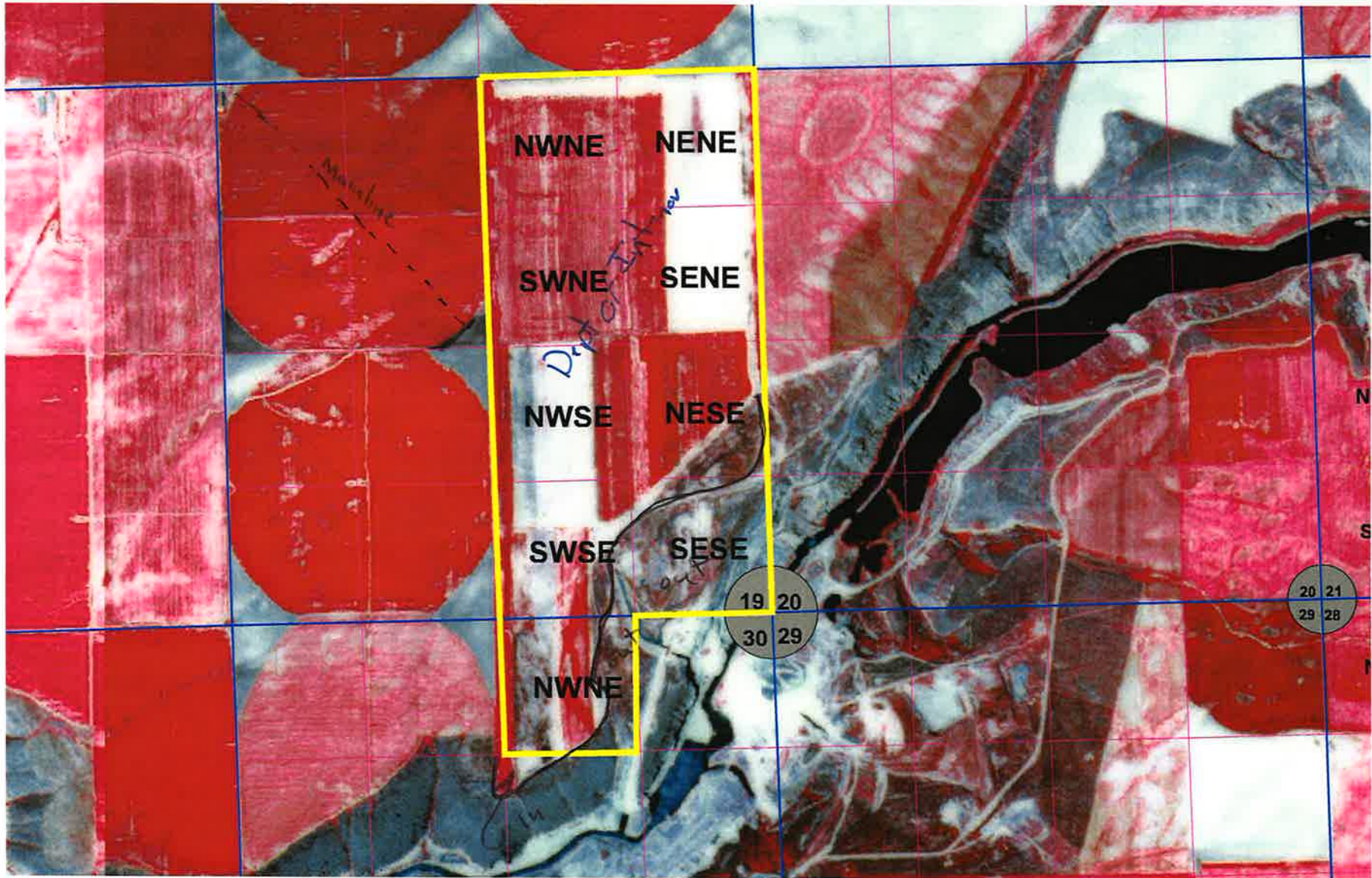
08/14/2001



Township
07N

Range
42E

Section
19



Notes:

Water Right #: 2213019

Examiner

Date:



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7163 Priority September 4, 1975 Amount 4.17 cfs

THIS IS TO CERTIFY, that LuDean W. Jergensen
of St. Anthony, Idaho, has complied with the terms and conditions of Permit
No. 22-7163 issued pursuant to Application for Permit dated September 4, 1975,
and has submitted proof to the Department of Water Resources on November 15, 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 4.17 cfs of water from a groundwater source,
tributary to _____, 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>November 1</u>	at <u>4.17</u> cfs and	<u>829.5</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 4.17 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
829.5 acre feet per year, said waters to be diverted within the NW¹/₄ NW¹/₄, Section 19, Twp.
7N, Rge. 42E in the County of Fremont

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
7N	41E	13			39	40													79
7N	42E	19					40	38	40	40									158

Total number of acres irrigated 237

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 3.5 afa per acre for the lands above.

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 31 day of
March, 19 82.

Director

STATE COPY

#28700

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: A22-07163

Date Received: 2/28/1989

Receipt No: EPO5788

Received By: ADW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LUDEAN W. JERGENSEN
Address: 426 E. MAIN
SAINT ANTHONY, ID 83445

2. Date of Priority: SEP 04, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	42E	19	NW	NW	NW		FREMONT

5. Description of diverting works:
WELL & PUMP FOR SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.170		

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

8. Total consumptive use is 592.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	41E	13	SW	NE		IRR	39.0
			SE	NE		IRR	40.0
Section Acres							79.0

A22-07163

Page 1

Date: 02/28/89

MICROFILMED

OCT 29 1992

RECEIVED

MAR 7 1989

Department of Water Resou
Eastern District Office

A2207163



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	42E	19	NE	NW		IRR	40.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 158.0

Total Acres 237.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

MICROFILMED

OCT 29 1992

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): LeAnn M. Jorgensen Date: 3-3-89
Date: _____

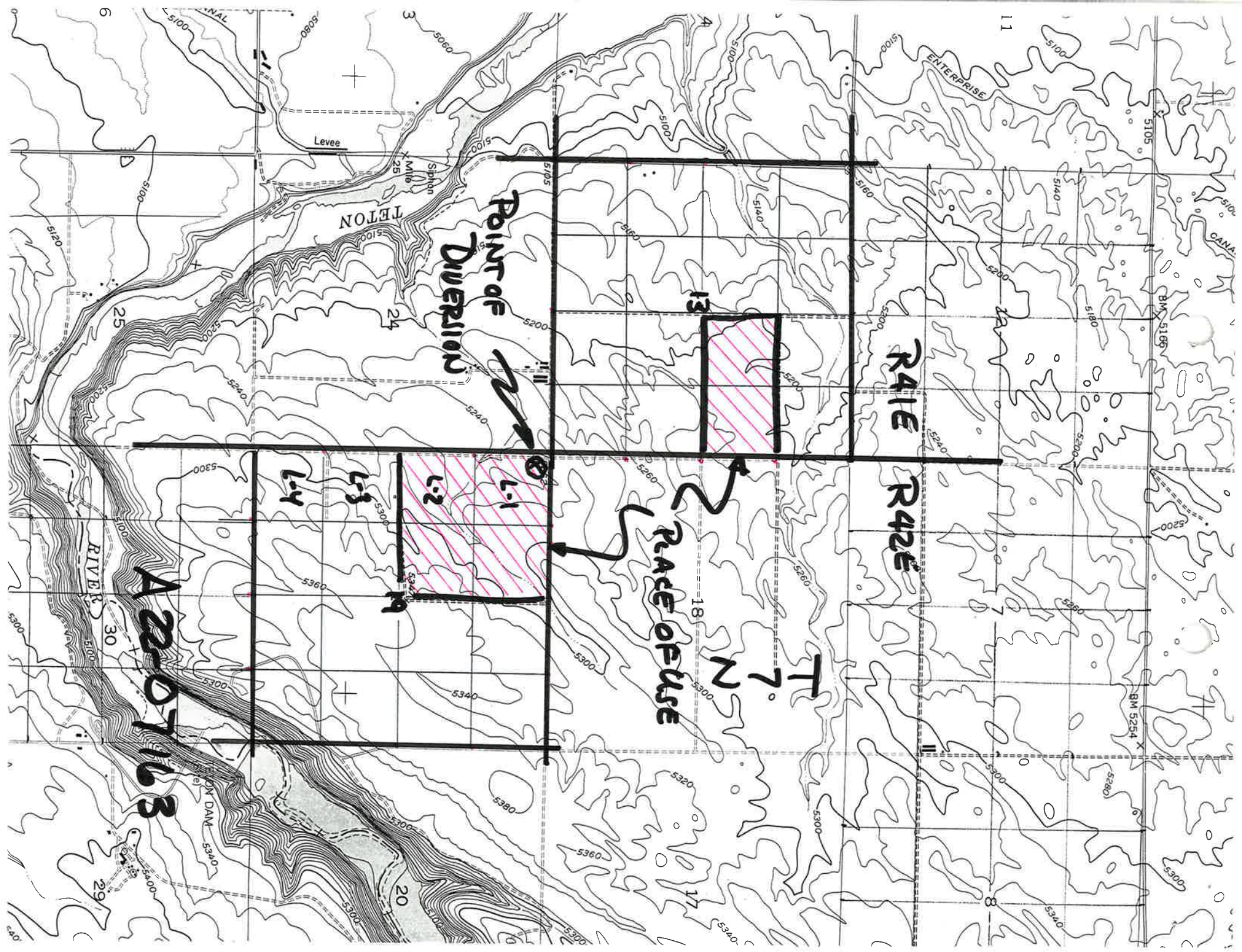
State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

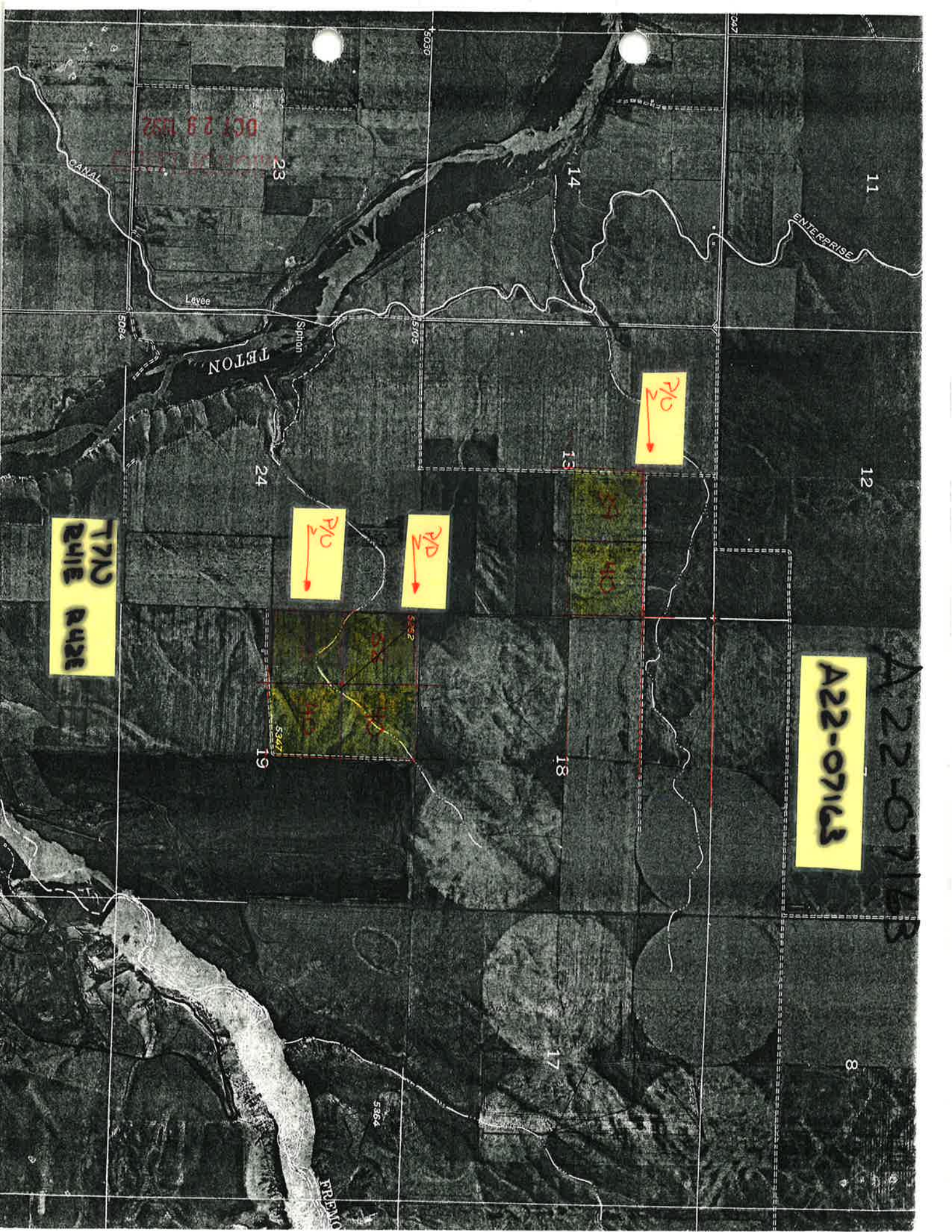
Subscribed and sworn (or affirmed) before me this 3rd day
of March 19 89

Boyd M. Fullmer
Notary Public

Seal

Residing at _____
BOYD M. FULLMER
Commission Expires July 24 1990
Residing in Salt Lake County, Utah
My Commission Expires _____





11

12

A22-07163

8

14

13

18

17

23

24

19

OCT 29 1952

CANAL

ENTERPRISE

Levee

Siphon

TETON

5364

5362

5347

5030

5084

5047

T220
Buib Buib

P/O

P/O

P/O