

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 22-7215B

WATER RIGHT NUMBER: 22-7215B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS M UNDERHILL 6017 W CASTLEGATE DR #F15 CASTLEROCK, CO 80108
Original Owner	JAMES E HATCH PO BOX 2 DRIGGS, ID 83422 (208)354-8248

Priority Date: 03/03/1977
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.680 CFS	102.00 AF
<u>Total Diversion:</u>		0.680 CFS	102.00 AF

<u>Location of Point(s) of Diversion</u>		
GROUND WATER	NW1/4SW1/4	Sec. 24, Twp 05N, Rge 45E, B.M.
TETON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
05N	45E	23													20.0	10.0		4.0	34.0
Total Acres: 34																			

Conditions of Approval:

1. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 22-7215B

Licensed Date: 7/5/1989
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False
Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:



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 10, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

HUNTSMAN SPRINGS LLC
97 N HWY 33
DRIGGS ID 83422

RE: Notice of Change of Water Right Ownership (NCO) for 22-7215B, 22-7215C
and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On October 9, 2007, 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,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Blackfoot Farms, LLC

SCANNED
OCT 29 2007

RECEIVED

OCT 09 2007

Department of Water Resources
Eastern Region

WATER RIGHTS DEED

TO ALL CONCERNED:

On this day of October 5, 2007, for TEN Dollars (\$10.00) and other valuable consideration, Blackfoot Farms, LLC, 500 Huntsman Way, Salt Lake City, UT 84108, do hereby convey to Huntsman Springs, LLC, 97 North Highway 33, Driggs, ID 83422, certain rights described below of the Grantor to divert the water appurtenant to land situated in the County of Teton, State of Idaho, bearing Idaho Water Right Number #22-7215B and Idaho Water Right Number #22-7215C.

Grantor(s) does hereby represent said water rights to be free and clear of all liens and encumbrances. The terms of this deed shall be binding upon the heirs, successors and assigns of the signatory parties hereto.

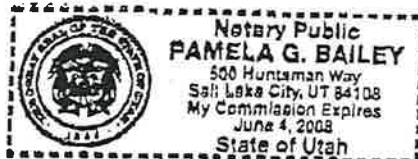
Grantor has hereunto set its hand on the day and year first above written.

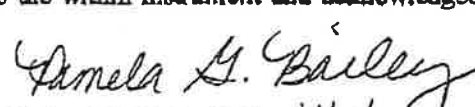


David Huntsman, Grantor
Member, Blackfoot Farms, LLC

STATE OF ^{Utah} ~~IDAHO~~)
County of ^{Salt Lake} ~~Teton~~ : ss.

On this 5 day of October, in the year of 2007, before me, a Notary Public in and for said State, personally appeared David Huntsman known or identified 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~~ Utah
Residing at: Salt Lake City, Utah

SCANNED
OCT 29 2007

RECEIVED

OCT 09 2007

Department of Water Resources
Eastern Region

Dear IDWR representative,

Attached is a transfer for Huntsman Springs, LLC to facilitate the use of irrigation for a planned golf course and subdivision which also incorporates aesthetic ponds as part of the development.

The transfer is being filed still needing a modified and notarized Water Rights Deed from Fillmore Farms, LC to Huntsman Springs, LLC for 3.01 cfs and 253 acres of water right 22-7319. This will be provided as soon as possible.

Please be aware that **all** contact regarding this transfer should be made through Harvey Walker, 2338 N. 2930 W, Arco, ID 83213 at cell phone 520-7880.

SCANNED

OCT 29 2007

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

In Re SRBA	)	Water Rights: 22-7215B, 22-7215C
	)	
Case No. 39576	)	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party BLACKFOOT FARMS – HUNTSMAN SPRINGS LLC
- ☐ 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: Oct 17, 2007

Ernest Carlson.
Signature of IDWR Representative

SCANNED
OCT 29 2007

CERTIFICATE OF MAILING

I certify that on Oct 24, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
HUNTSMAN SPRINGS LLC
97 N HWY 33
DRIGGS ID 83422

4. One copy to:

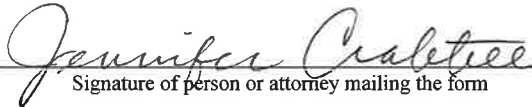
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

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

6. One Copy to:

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


Signature of person or attorney mailing the form

SCANNED

OCT 29 2007

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

22-7215B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Regional Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

8/10/07

THOMAS M UNDERHILL
6017 W GASTLEGATE DR#F15
CASTLEROCK CO 80108

80108@9998
80104783402@1700

POCATELLO ID 83402
03 AUG 2007 PM
1221
8904 \$00.41
0967 MAILED FROM ZIP CODE 83402
U.S. POSTAGE
FITNEY BOWES
PB 5523907

RECEIVED

AUG 15 2007

Department of Water Resources
Eastern Region

NIXIE 002 DE 1 00 08/11/07

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 83402170073 *1835-04154-03-41

|||||

SCANNED
AUG 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 25, 2007

BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

RE: Notice of Change of Water Right Ownership (NCO) for 22-7215B and Notice of Completed Administrative Proceeding (NCAP)

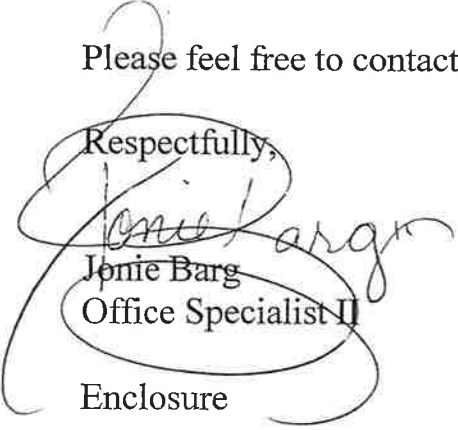
Dear Sir/Madam:

On July 11, 2007 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
Office Specialist II

Enclosure

cc: THOMAS M UNDERHILL

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: 22-7215B
	)	
Case No. 39576	)	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party UNDERHILL-BLACKFOOT FARMS LLC
- ☐ 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: July 26, 2007

Ernest Carlson

Signature of IDWR Representative

SCANNED

AUG 03 2007

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

In Re SRBA)

Water Rights: 22-7215B

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

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DATED: July 26, 2007

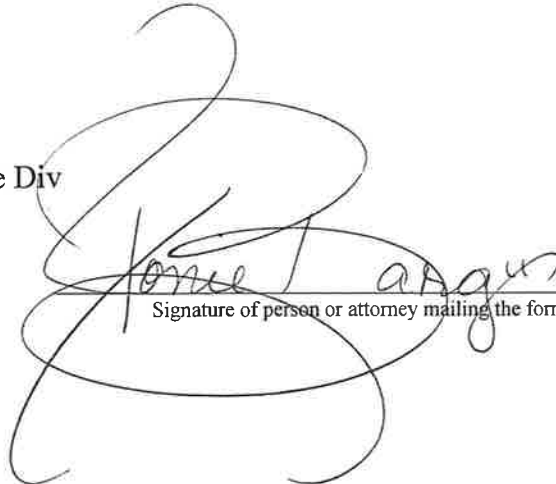
Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 3, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Thomas M Underhill
6017 W Castlegate Dr #F15
Castlerock CO 80108
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Blackfoot Farms LLC
500 Huntsman Way
Salt Lake City UT 84108
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 25, 2007

BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

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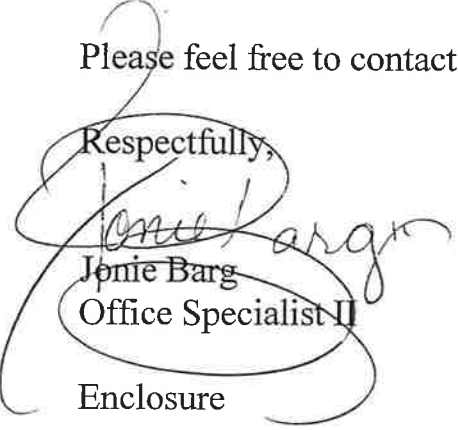
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Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: THOMAS M UNDERHILL

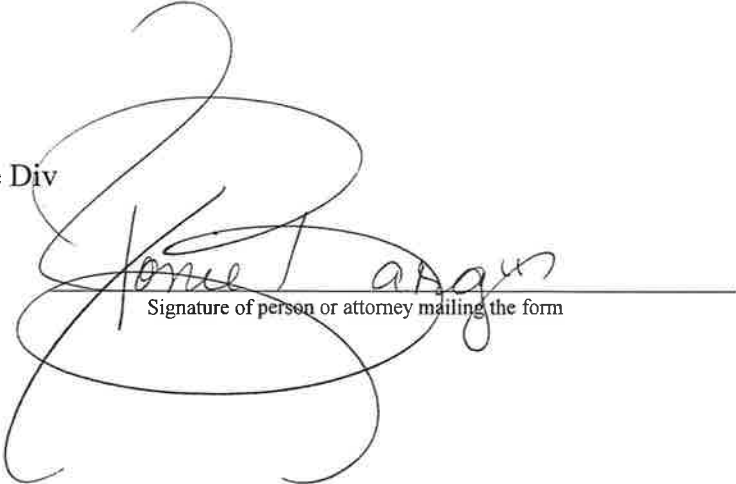
SCANNED

AUG 03 2007

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3. One copy to:
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Blackfoot Farms LLC
500 Huntsman Way
Salt Lake City UT 84108
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

07/25/2007

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

RIGHT NUMBER: 22-7215B
NAME AND ADDRESS: BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108
SOURCE: GROUND WATER
QUANTITY: 0.680 CFS
102.00 AFY
PRIORITY DATE: 03/03/1977
POINT OF
DIVERSION: T05N R45E S24 NWSW Within TETON County
PURPOSE AND
PERIOD OF USE:

TRIBUTARY:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/15 10/15	0.680 CFS 102.00 AFY
The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in TETON County
T05N R45E S23 NESE 20.00 T05N R45E S23 NWSE 10.00
T05N R45E S23 SESE 4.00
34 ACRES TOTAL

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED
AUG 03 2007

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

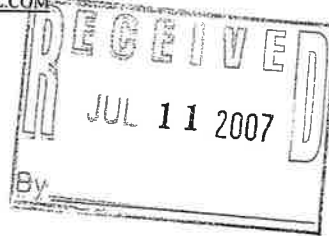
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
FREDERICK J. HAHN, III*
KARL R. DECKER
SHAN B. PERRY
DEANNE CASPERSON*
AMELIA A. SHEETS
JAN N. ALLRED*
ROBERT L. HARRIS
*Also licensed in Wyoming
*Also licensed in Missouri and Kansas
*Also licensed in Utah and Colorado

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn
Marie T. Tyler



July 10, 2007

Randy Budge
Racine Olson Nye Budge & Bailey Chrtl.
201 E. Center
PO Box 1391
Pocatello, ID 83204-1391

Dear Randy:

Harvey Walker just came by and gave us copies of some documents which we very much appreciate. But there is still a problem with the "Water Transport Agreement". We assume it will need to be modified to contain the correct numbers. Our understanding is as follows.

Harvey gave us a copy of a "Memorandum of Agreement", dated the _____ day of June, 2006, between the "County of Teton Fair Board" as Seller, and Blackfoot Farms, as buyer. It recites that Fair Board has a claim to Water Right No. 22-7215A for 0.6 cfs and 90.0 acre feet. It then purports to convey to Blackfoot Farms 83 acre feet of this right and retain 7 acre feet for the Fair Board's use. This all appears to be correct as far as the SRBA claim of the Fair Board was concerned at that time.

The problem is, that when IDWR made its final recommendation to the SRBA Court, it recommended only 0.38 cfs and 66.15 afa for 18.9 acres for 22-7215A. Now the Fair Board has initiated a transfer proceeding, No. 73308, to split the right into two pieces with new numbers:

22-13664 - 0.33 cfs/59.15 afa for 16.6 acres
22-13665 - 0.5 cfs/7.00 afa for 2.3 acres

We presume the Fair Board intends to keep 22-13665 and to convey to Blackfoot Farms 22-13664, but it appears to us that a new document of conveyance will be needed.

SCANNED

AUG 03 2007

Randy Budge
Racine Olsen, Nye Budge & Bailey, Chrt'd.
July 10, 2007
Page 2 of 3

Our review of the final recommendations for 22-7215A and 22-7215C indicates they were recommended as follows:

22-7215A - 0.68 cfs/102 afa for 34 acres
22-7215C - 0.40 cfs/78 afa for 20 acres

And Harvey was kind enough to leave us copies of a "Memorandum of Agreement" signed by Michael Stears on behalf of Blackfoot Farms and by Thomas Underhill under which it appears Blackfoot Farms is to receive all of 22-7215B from Underhill. There is a second copy of the same "Memorandum of Agreement" signed by Michael Stears of Blackfoot Farms and by Kent Hillman, a partner in AIR Associates, under which it appears Blackfoot Farms is to receive all of 22-7215C.

So, if we add 22-13664 to 22-7215B and 22-7215C, we show the following:

22-13664 - 0.33 cfs/59.15 afa for 16.6 acres
22-7215B - 0.68 cfs/102 afa for 34.0 acres
22-7215C - 0.40 cfs/78 afa for 20.0 acres

Totals: ~~1.46 cfs~~ 1.41 cfs / 246.15 afa for ~~76.9~~ 70.6 acres *246*

Harvey indicated he was going to file Notices of Change of Ownership, we assume for each of the three rights, although we have seen no deeds and question whether the documents we have seen really constitute instruments of conveyance. As you know, each of the water rights is a real property right and normally IDWR likes to see formal recorded instruments of conveyance before approving a change of ownership. Harvey also indicated he was going to file applications for temporary transfers of these rights. We do not know why temporary transfers would be preferable to a permanent transfer application, which the "Water Transport Agreement" seems to contemplate. Perhaps IDWR approval can be obtained faster for a temporary transfer, but a permanent transfer will be needed ultimately in any event, will it not?

Perhaps the "Water Transport Agreement" can be modified to accomplish the objectives of the parties. Please let us know how you wish to do it.

SCANNED

AUG 03 2007

Randy Budge
Racine Olsen, Nye Budge & Bailey, Chrt'd.
July 10, 2007
Page 3 of 3

Yours very truly,



Kent W. Foster

c: Board of Directors, Grand Teton Canal Co.

G:\WPDATA\KWF\1040 GRAND TETON CANAL CO\Correspondence\Randy Budge ltr 071007.wpd:cdv

SCANNED
AUG 03 2007

DEV ✓

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.

part of transfer

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
NCAP ~~22-7215A~~		X			
OK to change ~~22-7215B~~					
22-7215C					

OK per JC

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) See attachment A
4. New Owner/Claimant(s) Blackfoot Farms, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address City, State and ZIP Code 500 Huntsman Way
Salt Lake City, UT 84108
- New Telephone Number (801) 584-5700
5. Date you acquired the property June 22, 2006

RECEIVED

JUL 11 2007

Department of Water Resources
Eastern Region

SCANNED

AUG 03 2007

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 <u>22-72154</u>		
Irrigation	.55 cfs 83 af	27.7 acres
Stock		
Domestic		
Other		
Totals	.55 cfs 83 af	27.7 acres
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)**

(s) Joseph H. Williams Blackfoot Farms LLC
POA (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.

For IDWR Office Use Only:

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

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

Notice of Change in Water Right Ownership - Form, Page 2 of 2

AUG 03 2007 RECEIVED
JUL 11 2007

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

177946

RECEIVED

JUN 21 2006

TETON CO, ID
CLERK OF DISTRICT COURT

Instrument # 177946

DRIGGS, TETON, IDAHO

2006-06-21 03:04:23 No. of Pages: 4

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Fee: 12.00

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **166467-T (tm)**

Date: **June 20, 2006**

For Value Received, **A.I.R. Associates, a General Partnership**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Blackfoot Farms, L.C., a Utah Limited Liability Company**, hereinafter called the Grantee, whose current address is **500 Huntsman Way, Salt Lake City, UT 84108**, the following described premises, situated in **Teton County, Idaho**, to-wit:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT, TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO. 97347.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

RECEIVED

177946 SCANNED

JUL 11 2007

AUG 03 2007

Department of Water Resources
Eastern Region

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
81 North Main Street/P.O. Box 42
Driggs, ID 83422

174617

FEB 06 2006
TETON CO., ID
CLERK RECORDER

Instrument # 174617
DRIGGS, TETON, IDAHO
2006-02-06 01:54:37 No. of Pages: 2
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 6.00
Ex-Officio Recorder Deputy *[Signature]*
Index to: DEED, WARRANTY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **143774-T (tm)**

Date: **January 09, 2006**

For Value Received, **The Guy Hillman Family Credit Shelter Trust**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Blackfoot Farms L.C., a Utah Limited Liability Company**, hereinafter called the Grantee, whose current address is **500 Huntsman Way, Salt Lake City, UT**, the following described premises, situated in **Teton County, Idaho**, to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 23: Beginning 330 feet North of the SE corner of the NE1/4NW1/4, thence North 330 feet; thence West 2640 feet; thence South 660 feet; thence East 1320 feet; thence North 330 feet; thence East 1320 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM: Beginning 660 feet North of the Southwest corner of the NW1/4NW1/4 of Section 23, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM the existing county road right-of-way along the West boundary of the above described property.

ALSO LESS AND EXCEPTING THEREFROM the existing State Hwy right-of-way along the East boundary of the above described property.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, including all water rights, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and that Grantor will warrant and defend the same from all claims whatsoever.

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JUL 11 2007

174617

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AUG 03 2007

Department of Water Resources
Eastern Region

March 1, 2007

Idaho Department of Water Resources

To Whom I t May Concern:

I, Dave Richardson, have knowledge of the Teton County Fair Board Water, from well site AO 013858, being used on all 36 acres of the farm ground, now being used as the Teton County Fairgrounds.

Water from the Grand Teton Canal Co. is used for our irrigation needs with the water from the above mentioned well, being used as a supplemental source of water if the Grand Teton Canal goes dry before our irrigation season is over.

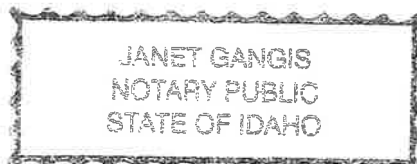
Sincerely,

Dave Richardson

Dave Richardson

State of Idaho)
) ss
County of Teton)

On this 8th day of March, 2007 before me, a Notary Public in and for said State, personally appeared Dave Richardson known, or identifies to me to be the person (s) whose name (s) is/are subscribed to the within instrument, and acknowledged to me that he/she/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.



Janet Gangis
Residing in Tetonia
My Commission
Expires 4/30/10

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SCANNED
JUL 11 2007
AUG 03 2007
Department of Water Resources
Eastern Region

MEMORANDUM OF AGREEMENT

This agreement is made this ____ day of June, 2006, between Blackfoot Farms, LLC, of 500 Huntsman Way, Salt Lake City, Utah 84108, (hereinafter called "Buyer"), and the County of Teton Fairboard, of P.O. Box 146, Driggs, ID 83422, (hereinafter called "Seller"), for the transfer of water rights, from Seller to Buyer in exchange for fair and adequate consideration as described below.

WHEREAS, Seller acquires water from a well located on property in the County of Teton, State of Idaho, described as follows:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT,
TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL
PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO.
97347

WHEREAS, Buyer has entered into contracts and agreements to purchase the above-described property and aforementioned well;

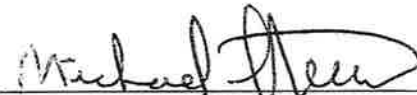
WHEREAS, Fairboard has a claim to Water Right Number 22-7215A for 0.600CFS and 90.00 acre feet from April 15 to October 15 from the Well;

WHEREAS, David Richardson, of 583 West 200 South, Driggs, ID 83422, is the Chairman of the County of Teton Fairboard and has received authority from the necessary governmental bodies to transfer the aforementioned water right on behalf the County of Teton Fairboard;

Seller hereby transfers eighty-three (83) Acre Feet of its Water Right Number 22-7215A, retaining seven (7) acre feet, to Buyer in exchange for the sum of sixty thousand dollars (\$60,000);

Seller further agrees to cooperate in facilitating the transfer of ownership of the aforementioned well and water rights to Buyer by entering into any documents required by the Idaho Department of Water Resources.

Signed and Agreed this ____ day of June, 2006.


Michael Stears, Member
Blackfoot Farms, LLC


David Richardson, Chairman
County of Teton Fairboard

RECEIVED

SCAN JUL 11 2007

AUG 3 3 30
Department of Water Resources
Eastern Region

STATE OF IDAHO)
)
) :ss
County of Teton)

On this _____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Michael Stears, who, being by me first duly sworn, declared that he is a Member of Blackfoot Farms, LLC, that he signed the foregoing document as a Member of the entity, and that the statements therein contained are true.



Mandi Wilkinson

Notary Public for Idaho
Residing at: Driggs Idaho
My Commission Expires: 3/19/09

STATE OF IDAHO)
)
) :ss
County of Teton)

On this _____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me David Richardson, who, being by me first duly sworn, declared that he is the Chairman of the County of Teton Fairboard, that he signed the foregoing document as a Chairman of the entity, and that the statements therein contained are true.



Mandi Wilkinson

Notary Public for Idaho
Residing at: Driggs Idaho
My Commission Expires: 3/19/09

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SCANNED JUL 11 2007

AUG 03 2007 Department of Water Resources
Eastern Region

MEMORANDUM OF AGREEMENT

This agreement is made this ____ day of June, 2006, between Blackfoot Farms, LLC, (hereinafter called "Buyer"), AIR Associates, (hereinafter called "AIR"), Thomas M. Underhill, (hereinafter called "Underhill"), and the County of Teton Fairboard, (hereinafter called Fairboard), for the transfer of a well, column, and pump, (hereinafter called the "Well") and associated water rights, from AIR, Underhill, and Fairboard, to Buyer in exchange for fair and adequate consideration as described below.

WHEREAS, AIR, and Underhill, collectively own the Well located on property in the County of Teton, State of Idaho, described as follows:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT, TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO. 97347

WHEREAS, AIR has a one-half (1/2) ownership interest in the Well on the aforementioned property;

WHEREAS, AIR has a claim to Water Right Number 22-7215C for 0.400 CFS from April 15 to October 15 from the Well;

WHEREAS, Underhill has a one-half (1/2) ownership interest in the Well on the aforementioned property;

WHEREAS, Underhill has a claim to Water Right Number 22-7215B for 0.680CFS and 102.00 acre feet from April 15 to October 15 from the Well;

WHEREAS, Fairboard has a claim to Water Right Number 22-7215A for 0.600CFS and 90.00 acre feet from April 15 to October 15 from the Well;

AIR and Underhill hereby agree and commit to convey their interest in the Well as follows:

AIR transfers its one-half (1/2) ownership interest in the Well to Buyer in exchange for the sum of three thousand dollars (\$3,000);

Underhill transfers his one-half (1/2) ownership interest in the Well to Buyer in exchange for the sum of three thousand dollars (\$3,000);

AIR, Underhill, and Fairboard, hereby agree and commit to convey their interest in the aforementioned water rights as follows;

AIR transfers its entire Water Right Number 22-7215C to Buyer in exchange for the sum of thirty-six thousand dollars (\$36,000);

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JUL 11 2007

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Department of Water Resources
Eastern Region

AUG 03 2007

Underhill transfers his entire Water Right Number 22-7215B to Buyer in exchange for the sum of sixty-one thousand, two hundred dollars (\$61,200);

Fairboard transfers eighty-three (83) Acre Feet of its Water Right Number 22-7215A, retaining seven (7) acre feet, to Buyer in exchange for the sum of sixty thousand dollars (\$60,000);

AIR, Underhill, and Fairboard, further agree to cooperate in facilitating the transfer of ownership of the aforementioned well and water rights to Buyer by entering into any documents required by the Idaho Department of Water Resources.

Signed and Agreed this 22 day of June, 2006.

Michael Stears

Michael Stears, Member
Blackfoot Farms, LLC

Kent Hillman
Kent Hillman, Partner
AIR Associates

Thomas M. Underhill

Thomas M. Underhill

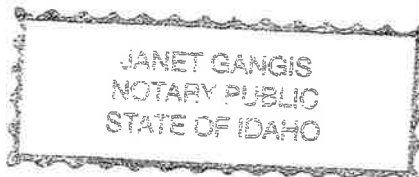
David Richardson
David Richardson,
President, County of Teton Fairboard

STATE OF IDAHO)

:ss

County of Teton)

On this 3rd day of ~~June~~ ^{August}, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Michael Stears, who, being by me first duly sworn, declared that he is a Member of Blackfoot Farms, LLC, that he signed the foregoing document as a Member of the entity, and that the statements therein contained are true.



Janet Gangis
Notary Public for Idaho
Residing at: Tetonia
My Commission Expires: 4/30/10

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JUL 11 2007

Department of Water Resources
Eastern Region

SCANNED

AUG 03 2007

STATE OF IDAHO

(

:33

County of Teton

)

On this ____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Kent Hillman, who, being by me first duly sworn, declared that he is a Partner of AIR Associates, that he signed the foregoing document as a Partner of the entity, and that the statements therein contained are true.

Notary Public for Idaho

Residing at:

My Commission Expires:

STATE OF IDAHO

)

55

County of Teton

)

On this ____ day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me David Richardson, who, being by me first duly sworn, declared that he is the President of the County of Teton Fairboard, that he signed the foregoing document as a President of the entity, and that the statements therein contained are true.

Notary Public for Idaho

Residing at:

My Commission Expires:

STATE OF ~~IDAHO~~ UTAH

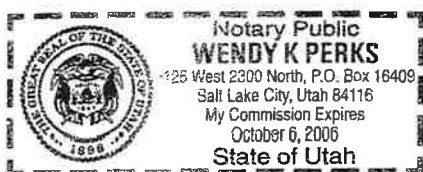
0

235

County of ~~Teton~~ SALT LAKE)

D

On this 22nd day of June, 2006, before me, a Notary Public in and for said State, personally appeared Thomas M. Underhill, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

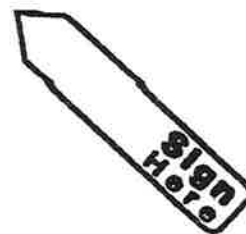


Wendy K Parks

Notary Public for Idaho UTAH

Residing at: SALT LAKE COUNTY

My Commission expires: 12-6-06



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JUL 11 2007

AUG 03 2007

**Department of Water Resources
Eastern Region**

MEMORANDUM OF AGREEMENT

This agreement is made this 21 day of June, 2006, between Blackfoot Farms, LLC, of 500 Huntsman Way, Salt Lake City, Utah 84108, (hereinafter called "Buyer"), and AIR Associates, of P.O. Box 81, Driggs, Idaho 83422, (hereinafter called "Seller"), for the transfer of a column and pump, (hereinafter called the "Pump") and associated water rights, from Seller to Buyer in exchange for fair and adequate consideration as described below.

WHEREAS, Seller has one-half (1/2) ownership interest in the Pump located on property in the County of Teton, State of Idaho, described as follows:

WELL LOT, MUSTANG RANCH SUBDIVISION, ADDENDUM PLAT,
TETON COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL
PLAT THEREOF RECORDED AUGUST 26, 1985 AS INSTRUMENT NO.
97347

WHEREAS, Seller has entered into a Real Estate Purchase and Sale Contract with the Buyer to transfer its interest in the above-described property;

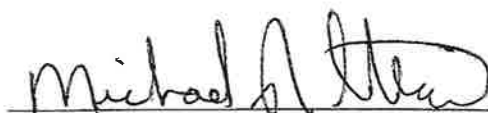
WHEREAS, Seller has a claim to Water Right Number 22-7215C for 0.400 CFS from April 15 to October 15 from the Well;

WHEREAS, Kent Hillman, of 93 South 4th East, Driggs, ID 83422, is partner of Air Associates and has received authority from the partnership to transfer the aforementioned water right on behalf Air Associates;

Seller hereby conveys its one-half (1/2) ownership interest in the Pump to Buyer in exchange for the sum of three thousand dollars (\$3,000). Seller also hereby agrees to transfer its entire Water Right Number 22-7215C to Buyer in exchange for the sum of thirty-six thousand dollars (\$36,000);

Seller further agrees to cooperate in facilitating the transfer of ownership of the aforementioned pump and water rights to Buyer by entering into any documents required by the Idaho Department of Water Resources.

Signed and Agreed this 21 day of June, 2006.



Michael Stears, Member
Blackfoot Farms, LLC



Kent Hillman, Partner
AIR Associates

SCANNED

AUG 03 2007

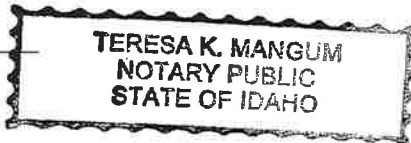
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JUL 11 2007

Department of Water Resources
Eastern Region

STATE OF IDAHO)
) ss
County of Teton)

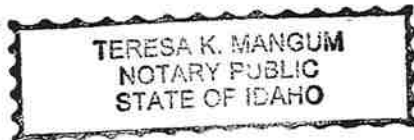
On this 21st day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Michael Stears, who, being by me first duly sworn, declared that he is a Member of Blackfoot Farms, LLC, that he signed the foregoing document as a Member of the entity, and that the statements therein contained are true.



Leresa K. Wangerum
Notary Public for Idaho
Residing at: *Driggs*
My Commission Expires: *07-24-09*

STATE OF IDAHO)
) ss
County of Teton)

On this 21st day of June, in the year 2006, before me, a Notary Public in and for said State, personally appeared before me Kent Hillman, who, being by me first duly sworn, declared that he is a Partner of AIR Associates, that he signed the foregoing document as a Partner of the entity, and that the statements therein contained are true.



Notary Public for Idaho
Residing at: Driggs
My Commission Expires: 07-24-09

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JUL 11 2007

Department of Water Resources
Eastern Region

SCANNED
AUG 03 2007

LIMITED POWER OF ATTORNEY

BLACKFOOT FARMS, LLC, WILLIAM E. REID, CEO, of 97 North Highway 33, Driggs, Idaho 83422, designate and appoint HARVEY WALKER of 2338 North 2930 West, Arco, ID 83213, as our attorney in fact and agent (subsequently called "agent") to act in our name and for our benefit. We grant to our agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

Specific Powers

Our agent shall have and may exercise the following specific power:

- a. To handle all affairs and do all that needs done, including signing of documents, pertaining to water rights, wells and all water issues.

Revocability

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

Interpretation

This instrument is to be construed and interpreted as a limited power of attorney.

Disability of Principal

This Limited Power of Attorney shall not be affected by disability of the principal.

LIMITED POWER OF ATTORNEY - 1
1006 Blackfoot-Walker-POA

SCANNED
AUG 03 2007

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JUL 11 2007
Department of Water Resources
Eastern Region

Third-Party Reliance

Third parties may rely upon the representations of our agent as to all matters relating to any power granted to our agent, and no person who may act in reliance upon the representations of our agent or the authority granted to our agent shall incur any liability to us or our estate as a result of permitting our agent to exercise any power.

Expiration

Unless sooner revoked in the manner above provided, this Limited Power of Attorney shall expire at midnight on April 30, 2008.

Governing Law

This Limited Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, we have executed this Limited Power of Attorney this 26 day of October, 2006.

BLACKFOOT FARMS, LLC, Principal

By William E. Reid
WILLIAM E. REID, CEO

STATE OF IDAHO)
) ss.
County of Teton)

On this 26 day of October, 2006, personally appeared before me WILLIAM E. REID, who, being by me first duly sworn, declared that he is the CEO of BLACKFOOT FARMS, LLC, that he signed the foregoing document as CEO of the corporation, and that the statements therein contained are true.



Pauline Bagley
Notary Public for Idaho
My Commission Expires: 8/2011

LIMITED POWER OF ATTORNEY
1006 Blackfoot-Walker-POA

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JUL 11 2007

Department of Water Resources
Eastern Region

RECEIVED
AUG 03 2007

WATER
WELL

W1

F1

F2

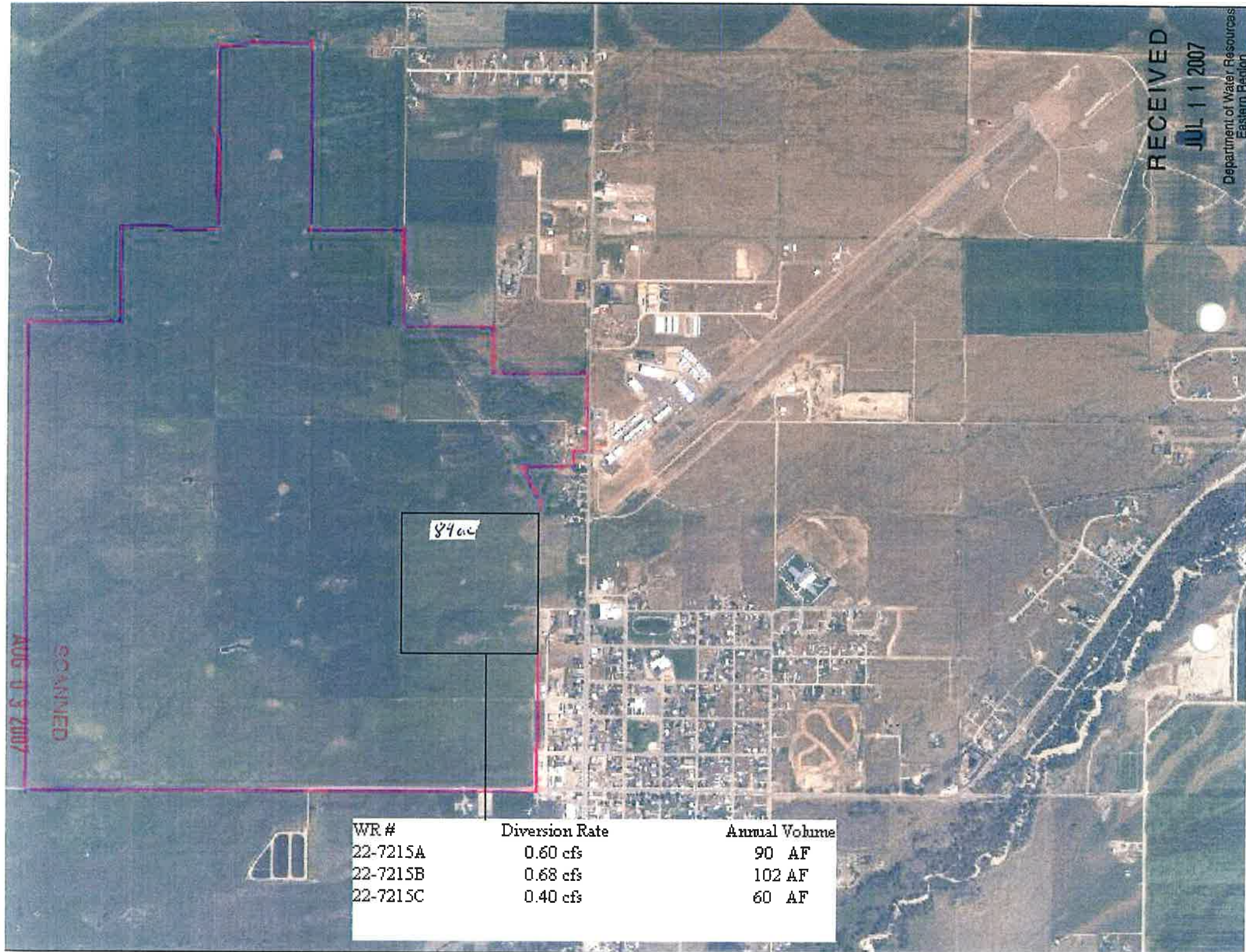
W2

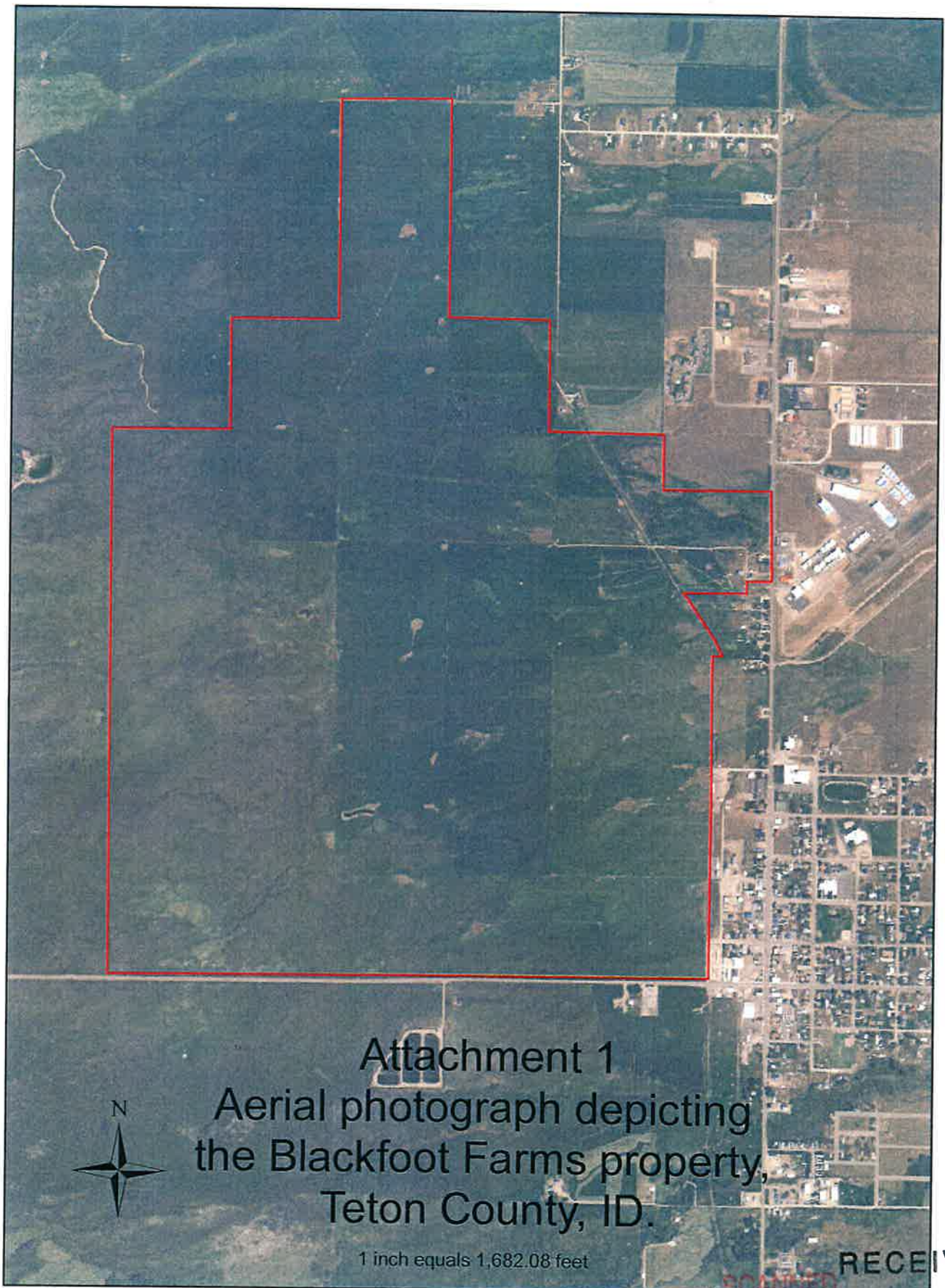
17 acres

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JUL 11 2007

Department of Water Resources
Eastern Region





Attachment 1
Aerial photograph depicting
the Blackfoot Farms property,
Teton County, ID.

1 inch equals 1,682.08 feet

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JUL 11 2007
AUG 03 2007
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED —
UNABLE TO FORWARD

THOMAS M UNDERHILL
PO BOX 212
VICTOR ID 83455

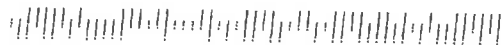
★ ★ ★ ★ ★
★ ★ ★ ★ ★
PITNEY BOWES
U.S. POSTAGE
1730 PB3523907
8936 \$00.37 MAR 02 2004
1294 MAILED FROM ZIP CODE 83402

SCANNED
AUG 03 2007

6017 W Castle Gate
Dr
#F15
Castlerock CO
80108

12-7215B
~~22-7215B~~

83455#0212



U.S. POSTAGE
1291 PB3523907
8902 \$00.870 NOV 28 2006
6068 MAILED FROM ZIP CODE 83402

ADDRESS SERVICE
REQUESTED

ATTEMPTED
NOT KNOWN

ANK
THOMAS M UNDERHILL
6017 W CASTLEGATE DR #F15
CASTLEROCK CO 80108

SCANNED
AUG 03 2007

22-7215B

Sent
1-19-07

22-480C 129H
136G
13290 7029
13413 7349
11526 7373
11529 13590
11530 13540
356

22-621A 78
13372 84
7388 13246
7339 13248
12064 13610
2128 13612
10835 133A
2281 278
12533 7178
12629 7215B
2146 12239
4076 2206
184A 11677
10105 178A
2293 178B
11384 10234
4139 13457
4161 7403

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID 7338
208-525-7161 - PHONE 276A
208-525-7177 - FAX 408B
409B
410B

TRANSMITTAL COVER SHEET

OMNIFAX

FAX: 354-8410

TO: JESSIE

FROM: JENNIFER

Teton County Assessor

DOCUMENT DESCRIPTION: REQUEST FOR CURRENT OWNER INFORMATION. I HAVE SENT A SPREADSHEET INDICATING WHO WE HAVE IN OUR RECORDS AND THEIR LEGAL DESCRIPTION OF THEIR PROPERTY. EACH OF THESE LETTERS WAS RETURNED TO SENDER. PLEASE FILL OUT THE

LAST COLUMN WITH THE OWNER AND ADDRESS INFORMATION FOR THE PROPERTY LISTED. I HAVE ATTACHED A MAP FOR EACH PROPERTY WHEN I HAD ONE AVAILABLE.

PLEASE CALL ME WITH ANY QUESTIONS. THANKS SO MUCH FOR YOUR HELP.

TOTAL NUMBER OF PAGES (Including this page): 13

*
* Billing address: N/A *
* _____ *
* _____ *
* _____ *
* No of Pages _____ Cost / Page _____ Total Charge N/A *
*

SCANNED

AUG 03 2007

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07215B

Priority: March 3, 1977

Maximum Diversion Rate: 0.68 CFS
Maximum Diversion Volume:¹ 102.0 AF

This is to certify, that TOM UNDERHILL

P.O. BOX 212

VICTOR, ID 83455

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 3, 1977; and has submitted Proof of Beneficial Use on March 30, 1982. An examination indicates that the works have a diversion capacity of 2.640 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.68 CFS	102.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 24, Township 05N, Range 45E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	45E	23	NESE 20	NWSE 10	SESE 4	34
Total number of acres irrigated:						34

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

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JUL 14 1983

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PORTION OF RIGHT OWNED BY PRESENT OWNERS

Teton Co. Fair Board 22-7215A
T5N, R45E, S23 NESE - 20 ac.
NWSE - 10 ac.
30 ac. X 0.02 cfs/ac = 0.6 cfs

Flying Saddle Subd. 22-7215B
T5N, R45E, S23 NESE - 20 ac.
NWSE - 10 ac.
SESE - 4 ac.
34 ac. X 0.02 cfs/ac = 0.68 cfs

Mustang Ranch 22-7215C
T5N, R45E, S24 NWSE - 20 ac.
20 ac. X 0.02 cfs/ac = 0.4 cfs

Hatch Subd. 22-7215D
T5N, R45E, S23 NWSE - 20 ac.
SWSE - 6 ac.
26 ac. X 0.02 cfs/ac = 0.52 cfs

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JUL 14 1989

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AUG 03 2007

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
AUG 5 1985

I, James Hatch, hereby assign to Tom Underhill
of Box P.O. Victor Idaho 83455
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 22-7215
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. 22--7215 to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

S $\frac{1}{2}$ S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and N $\frac{1}{2}$ N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ in Section
23, T.5 N., R. 45 E. B.M. Teton County Idaho

Flying To

Made this 28 day of July, 19 85.

MICROFILMED

JUL 14 1989

James E Hatch
Permit Holder

Laura K. Hatch
Spouse of Permit Holder

State of Idaho

County of Teton) ss.

On this 28 day of July, 19 85, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that ~~he~~ (she) (they) executed the same.

seal

Anna W. Woolstetter
Notary Public residing at

My commission expires:

Oct 1987

SCANNED

AUG 03 2007

57-10000-1-210000

D. Orsi

17 NOV 68

22-7215

Permit No. _____

CONTACT WITH PERMIT HOLDER

[illegible]

☐ Appointment scheduled for:
(Date, time, location)

FOURTH OF JULY:

EXAMINATION

Date 7-22-1982 Accompanied by Mr Hatch Total Q measured 2.64 cfs ✓

If source is surface water, estimate total flow of source

Methods of measurement	Annubar	Meets Permit requirements?
------------------------	---------	----------------------------

Measurement calculations:

$$120 \text{ ac} \times 0.02 \text{ cfs/ac} = 2.4 \text{ cfs}$$

$$V = 2.4 \text{ cfs} \times 1.9855 \times 183 \text{ days} = 871.2 \text{ cfs}$$

23" measured. Corrected = 23.43"

$$Y = 1.0365(23) - 0.4127 = 23.43''$$

$$V = 120 \text{ acR } 3.0 \text{ AFA/ac} = 360 \text{ afaV}$$

$$Q = \frac{3.85(7.98)^2 \sqrt{23.43}}{448.8} = 2.64 \text{ cfs} \checkmark$$

[illegible]

System Description Well pump to 8" mainline with gate valve to sprinkler system

Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = 3.0 AFA/Acre

USE

IRRIGATION ✓

Q (cfs)

2:40 $\sqrt{5}$ ✓

V (afa)

360

FROM

4/5 ✓ - 60/75

183 days

Total

2.40 cfs ✓

360

4/15 ✓

10/15

Remarks Total Acres IRRIGATED 256 ac

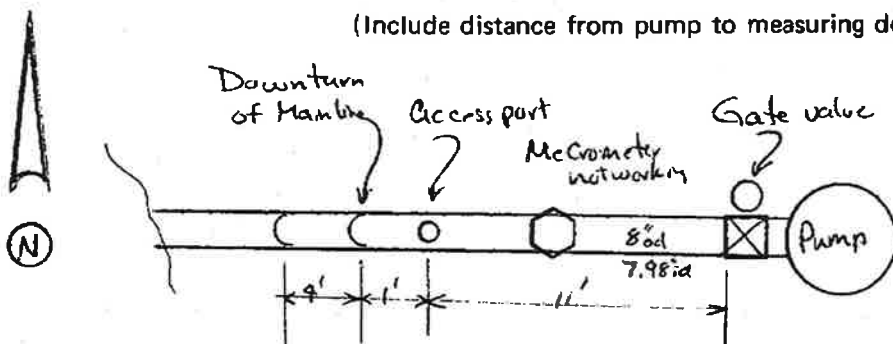
DATE: 1/20/2018 11:11:11 AM

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AUG 03 2007

Hand-drawn map on a grid showing a route from a starting point to a destination. The route is marked with a dashed line and arrows. Key locations are labeled: "R451E" (a rectangular area with diagonal hatching), "PLACE OF USE" (a point marked with a circle and a cross), and "POINT OF DIVERSION" (a point marked with a circle and a cross). The route starts at a point labeled "25" and ends at a point labeled "24". The map is drawn on a grid with solid lines and dashed lines.

(Include distance from pump to measuring device, if applicable.)



Place(s) of Use

[illegible]

Total 120 ✓

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature Keith C Wilson Date 2 Dec 1983
Checked by HW Jones Date 12-06-1983
Approved by Ray Walker Date 8-3-84

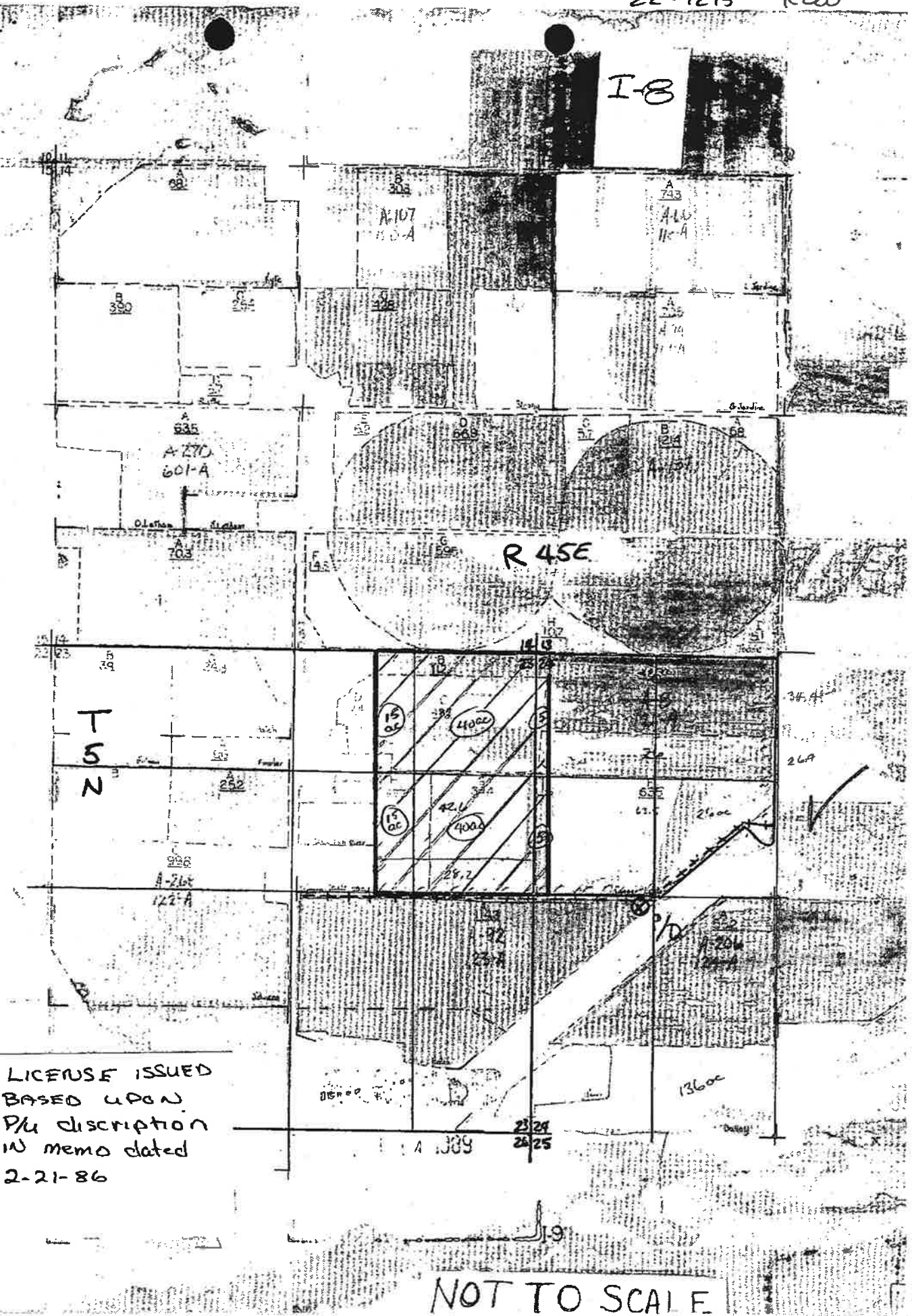
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AUG 03 2007

22-7215 Kcw

I-8

-5



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AUG 03 2007

PERMIT NO. 22-7215

James E Hatch
(Name)

EXAMINATION: DATE: 7-22-82 Accompanied by: Mr Hatch

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
GE	100	6N3720264	Johnson	N/A

Measuring Device Type: Annubar

Meter # 091473 Annubar # 191136 Size # 7.981

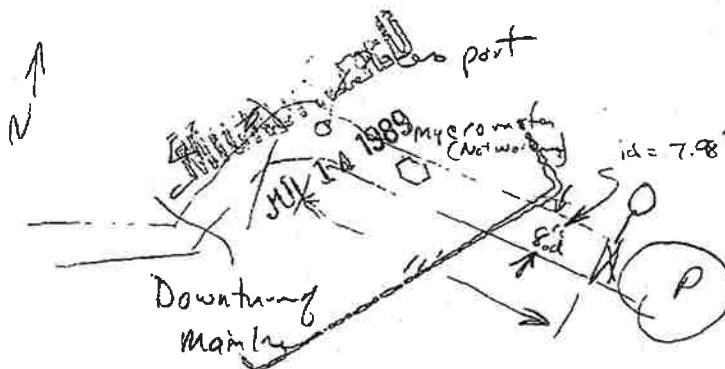
Remarks:

Measurement calculations: 23" $\approx$ 2.63 cfs
2.66

Total acre irrigated 256 ac

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter Length



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AUG 03 2007

IDWR SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: KEITH C WILSON
Owner: James E. Hatch

Date 22 July 1982
Permit No. 22-7215

Description of well &/or measuring site (give distance to restrictions upstream and downstream): Access port 1' upstream of downturn of mainline and 11' downstream of gate valve

Measured inside diameter of pipe in inches (A) 7.98"
Size of Annubar used in test 7.981
State ID# of Annubar Meter used 191136
Size Eagle Eye Meter used 10" - 80"
State ID# of Meter used 091473
Date of Last Calibration of Meter 4-23-82

Observed inches of H2O read on Meter 23"
Adjusted inches of H2O from Last Calibration (B) 23.43

CALCULATION: $\frac{(3.85) \times (A)^2 \times \sqrt{B}}{448.8} = 2.64$

cfs measured

Where A and B are measured in inches and 3.85 is a constant for the model 75 Annubar.

$$Y = Mx + b$$

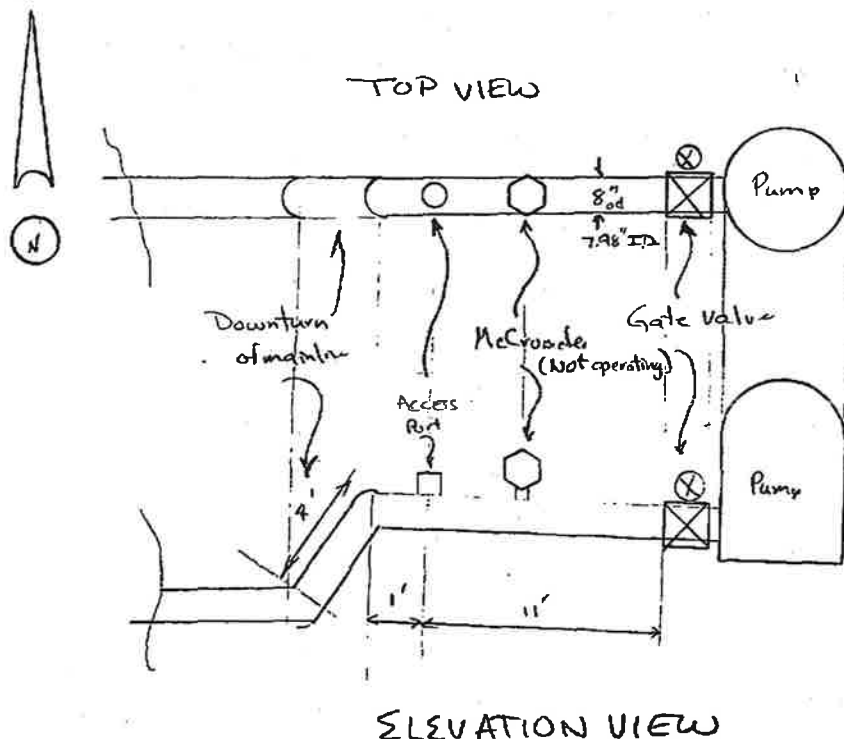
$$M = 1.0365$$

$$b = -0.4127$$

$$x = 23"$$

$$Y = (1.0365)(23) - 0.4127 = 23.43"$$

SKETCH:



MICROFILMED
JUL 14 1989

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AUG 03 2007

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

October 30, 2003

RECEIVED

OCT 31 2003

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Ladies and Gentlemen:

We recently filed an Application for Transfer of water right number 22-7215B. We were then advised that no SRBA claim had been filed for this right, and so we have completed a Notice of Claim, had it signed by the owner and it is enclosed with this letter together with the filing fee of \$84.00. We will look forward to hearing from you on these matters as soon as possible.

Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\11629 HARRISON, BRANDON\IDWR ltr 103003.wpd:cdv

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Idaho Department of Water Resources

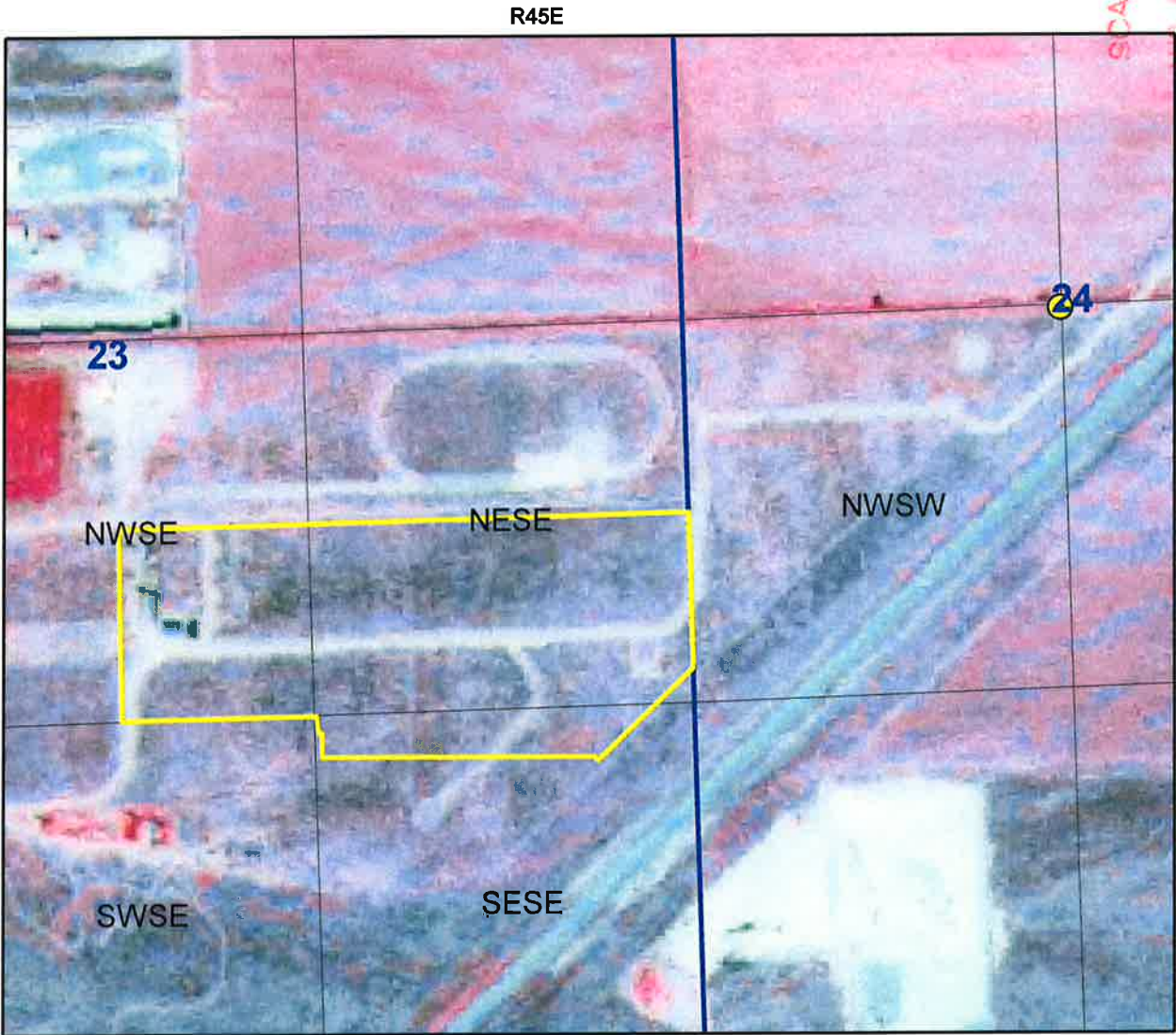
Adjudication Claim:
22-7215B

Legend

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



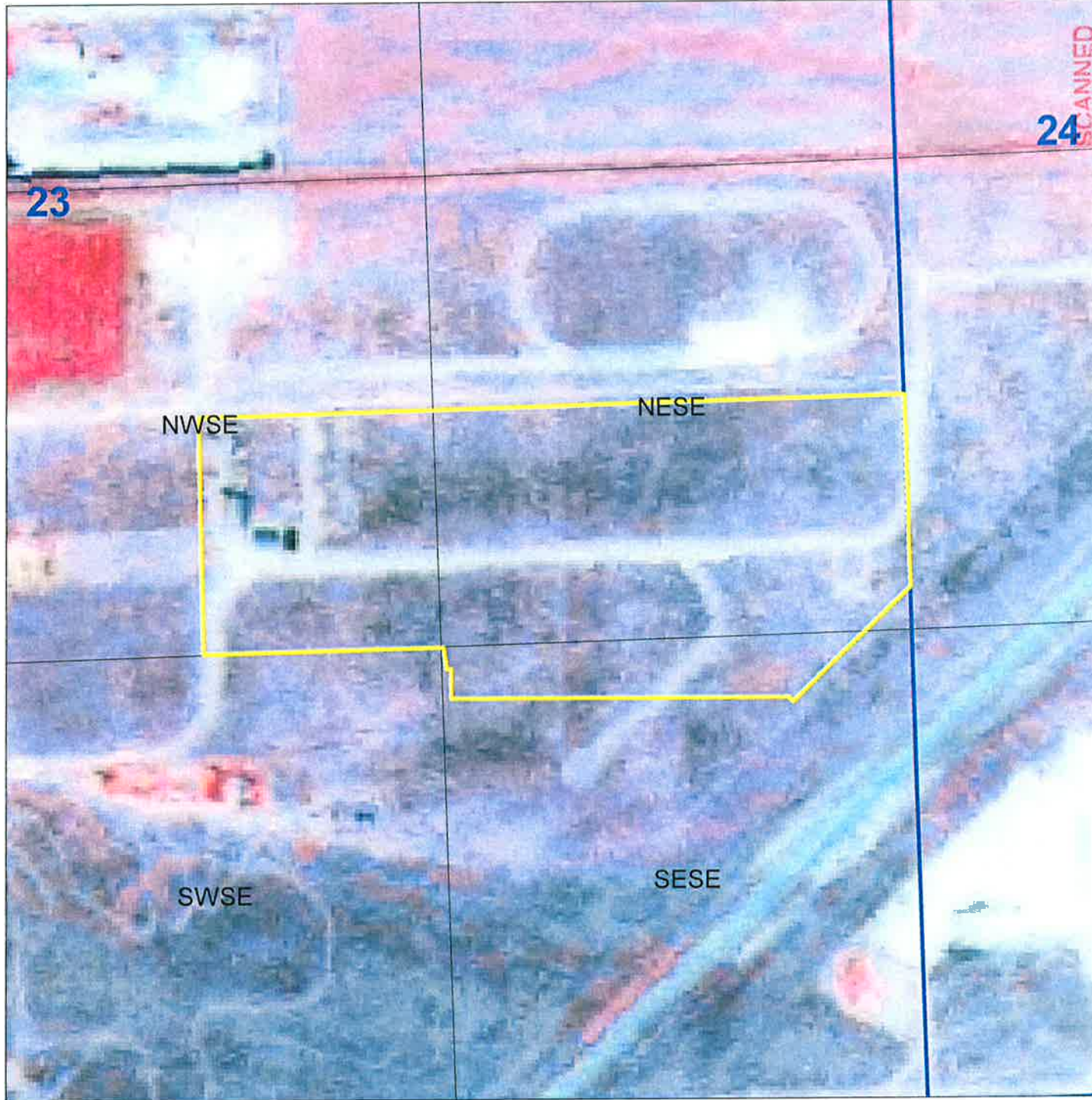
Teton County
IDWR Basin 22



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AUG 03 2007

Prepared by D. Carlson
On Wednesday, May 3, 2006
1987/88 Aerial Photography

22-7215B

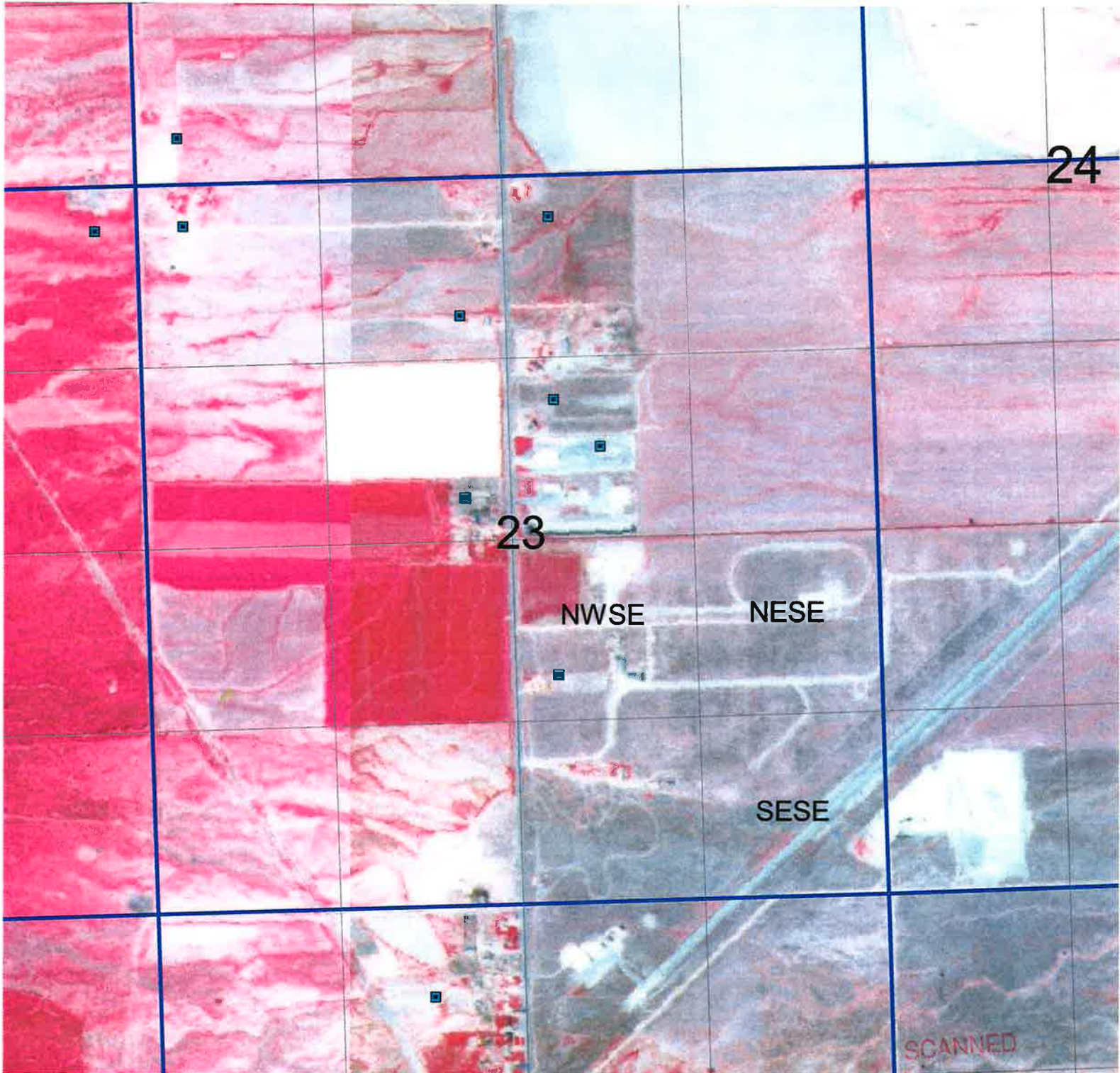


24

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AUG 03 2007

22-7215B



AUG 03 2007

T5N, R45E

Original 22-7215 well

TETON COUNTY FAIR DISTRICT

TETON COUNTY FAIR DISTRICT

TETON COUNTY FAIR DISTRICT

TETON COUNTY FAIR DISTRICT

TETON COUNTY FAIR DISTRICT

● Other Private
LOT Owners

T. Underhill

Air strip

23 24
26 25

SCANNED
AUG 03 2007

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-7215B
Date Received: 10/31/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THOMAS M UNDERHILL Phone:
PO BOX 212
VICTOR ID USA 83455

2. Date of Priority: 03/03/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	45E	24	NW SW	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.68	102

7. Total Quantity Appropriated is:
0.68 C.F.S. and/or 102 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
05N	45E	23	NW SE	IRRIGATION	10
			SE SE	IRRIGATION	4
			NE SE	IRRIGATION	20
Section Acres					34

SCANNED

22-7215B

10/31/2003

AUG 03 2007

1

Total Acres 34

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

22-7215B

10/31/2003

SCANNED

AUG 03 2007

2

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

OCT 31 2003

Department of Water Resources
Eastern Region

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 22-7215B

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Tom Underhill Phone ()

Mailing Address 11455 S. Country Crossing Rd., South Jordan, Utah Zip 84095

2. Date of Priority (Only (1) per claim) March 3, 1977

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4.a. Location of existing point of diversion is:

Township 5N Range 45E Section 24, 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____,
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 _____ 1/4, 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. _____

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 0.68 cfs or 102

7. Total quantity claimed (a) 0.68 (cfs) and/or (b) 102 (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.) _____

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10. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the calculation 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 instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	23													20	10		4	34

Total number of acres irrigated 34

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
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:

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree License X
If applicable provide IDWR Water Right Number 22-7215B
Court Case Number Decree Date
Plaintiff vs Defendant

16. Signature(s)

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

Signature of Claimant(s) Tom Zindrich Date 10-15-03
Date

For Organizations: I do solemnly swear or affirm that I am of (Title)

, that I have signed the foregoing document in the space below as (Organization)
of and that the statements contained in the (Title) (Organization)
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization Date

Last Name Ident. Number

SCANNED

AUG 03 2007

State of ~~Idaho~~ UTAH

SS.

County of SALT LAKE

Subscribed and sworn (or affirmed) before me this 15th day of October, 2003.



Notary Public Wendy K Perks
Residing at Salt Lake County
My Commission Expires 10-6-06

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Fister 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 Kent W. Fister
Address PO Box 50130 Idaho Falls, ID 83405
Date 10/30/03

SCANNED

Last Name _____ Ident. Number _____

AUG 03 2007