

09/21/2005

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

RIGHT NUMBER: 22-7293

NAME AND ADDRESS: RACQUETBALL CO OWNERS
PO BOX 250
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS

PRIORITY DATE: 05/24/1979

POINT OF DIVERSION:

T06N R40E S30 SENENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COOLING	01/01 12/31	0.150 CFS
HEATING	01/01 12/31	0.150 CFS

PLACE OF USE: HEATING Within MADISON County

T06N R40E S30 NENE

COOLING Within MADISON County

T06N R40E S30 NENE

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

09/23/2005

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-7293

RACQUETBALL CO OWNERS

PO BOX 250

REXBURG ID 83440

Telephone Number: (208)356-3633

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

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

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

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

DATE:

11-30-05

SIGNATURE:

Jerry R Rigby

Please print your name:

JERRY R RIGBY

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

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DEC 23 2005

KWJ
12/16



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

July 13, 2005

THE NEW SPORTS & FITNESS CLUB LTD
51 S 100 E
REXBURG ID 83440

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-7293

Dear Sir or Madam:

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

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JUL 14 2005

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AR
7/11/05

**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 the 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. If there is no corresponding water right record on file with the department, the space provided (under the "split" heading), if the change in ownership is limited to a portion 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).
<u>22-7293</u>	<u>Same</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

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)

Racquet Ball Co. Owners, Golden Linford,
Evan Meyers, Nancy Meyers, Valley Bank Trustee et.al
The New Sports & Fitness Club, Ltd.

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

51 South 100 East

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 356-7008

5. Date you acquired the property

October 15, 1991

ownership
change
completed
12/10/14
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JUL 12 2005
 Department of Water Resources
 Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

Jerry R. Rigby, President
JERRY R. RIGBY

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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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JUL 14 2005

FILED FOR RECORD AT REQUEST OF
AND WHEN RECORDED RETURN TO:

Gordon S. Thatcher
Rigby, Thatcher, Andrus, Rigby, Kam & Moeller
P.O. Box 250
25 North Second East
Rexburg, Idaho 83440

12-51
Instrument # 293816

REXBURG, MADISON, IDAHO
2002-02-01 02:15:00 No. of Pages: 4
Recorded for: GORDON THATCHER
MARILYN R. RASMUSSEN Fee: 12.00
Ex-Officio Recorder Deputy

SPECIAL WARRANTY DEED

THIS INDENTURE made this 23 day of January, 2002, by and between **KEYBANK NATIONAL ASSOCIATION**, a national banking association, as successor-in-interest to Valley Bank (the "Grantor") and **THE NEW SPORTS & FITNESS CLUB, LTD.**, an Idaho corporation, of 51 South 100 East, Rexburg, Idaho 83440 (the "Grantee").

Background

Grantor's predecessor-in-interest, Valley Bank, and Grantee's predecessor-in-interest, Evan L. Meyers and Nancy H. Meyers, husband and wife (5/12 interest); Valley Bank, as Trustee of the Rigby, Thatcher, Andrus, Barton & Walters, Chartered, Pension & Profit Sharing Plan (5/12 interest); and Golden C. Linford (2/12 interest), entered into a Contract of Exchange (the "Contract of Exchange"), with Notice of Contract dated July 18, 1984, recorded on August 14, 1984, as Instrument No. 205287, records of Madison County, Idaho. Under the Contract of Exchange, Grantor was responsible for conveying the Property (as hereinafter defined) after Grantee met certain conditions. Grantee has met such conditions and, therefore, Grantor is now prepared to convey the Property to Grantee.

Terms

For valuable consideration, the Grantor does hereby grant, bargain, sell and convey unto the Grantee the real property described on Exhibit A attached hereto and made a part hereof (the "Property"), subject to the permitted exceptions described on Exhibit B attached hereto and made a part hereof (the "Permitted Exceptions");

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

Except for the Permitted Exceptions, the Grantor warrants that it has not caused to created any liens, encumbrances, encroachments, reservations, or other exceptions to title against the Property during the period of time that the Grantor was the deeded owner of record of the Property, and the Grantor does hereby covenant to the Grantee to forever warrant and defend the Property against all persons whomsoever claiming or to claim by, through, or under Grantor and not otherwise.

TO HAVE AND TO HOLD the said Property, together with all appurtenances, including all appurtenant water rights, unto the Grantee, and its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument as of the day and year first above written.

KEYBANK NATIONAL ASSOCIATION

By: Denise Oblocki
Print Name: DENISE OBLOCKI
Its: ASSISTANT VICE PRESIDENT

STATE OF Ohio)
COUNTY OF Cuyahoga) ss.

On this 24th day of January, 2002, before me, the undersigned, a Notary Public in and for the County and State, personally appeared Denise Oblocki, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Asst. Vice Pres. of KEYBANK NATIONAL ASSOCIATION, the national banking association that executed the within instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Linda Rozzo Foutz
Print Name: _____
Notary Public in and for the State of _____,
residing at _____
My commission expires: _____

LINDA ROZZO FOUTZ
Notary Public - State of Ohio
My Commission Expires Dec. 15, 2004

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JUL 14 2005

EXHIBIT A

COMMENCING AT A POINT 165 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 3, BLOCK 37 OF THE ORIGINAL REXBURG TOWNSITE, MADISON COUNTY, IDAHO, AS PER THE RECORDED PLAT THEREOF AND RUNNING THENCE EAST 165 FEET; THENCE SOUTH 82.5 FEET, THENCE WEST 165 FEET; THENCE NORTH 82.5 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

1. Existing restrictions of record.
2. Easements for public utilities and driveways.
3. Zoning, land use, and other governmental laws, rules and regulations.
4. Real estate taxes and assessments, both general and special, which are a lien but not yet due and payable.
5. Matters created, suffered or permitted by or through Grantee.
6. Right, title and interest of The New Sports & Fitness Club, Ltd., an Idaho Corporation, as created in Grant Deed recorded October 15, 1991, as Instrument No. 239634
7. Rights or claims of parties in possession not shown by the public records.
8. Any matters that would be revealed by an accurate survey of the Property.
9. Easements, or claims of easements, not shown by the public records.
10. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

239634

GRANT DEED

FOR VALUE RECEIVED, RAY W. RIGBY and LOLA C. RIGBY, husband and wife, of 2131 North 3000 West, Rexburg, Idaho 83440; GORDON S. THATCHER and BETH P. THATCHER, husband and wife, of 239 Mohawk Avenue, Rexburg, Idaho 83440; CARL J THURGOOD and SUZANNE R. THURGOOD, husband and wife, of 165 East 100 South, Rexburg, Idaho, 83340; EVAN L. MEYERS and NANCY H. MEYERS, husband and wife, of 22 West 1st North, Sugar City, Idaho 83448; JERRY R. RIGBY, a married man dealing with his sole and separate property, of P.O. Box 250, Rexburg, Idaho 83440; and GOLDEN C. LINFORD, a married man dealing with his sole and separate property, of 2120 West 4200 South, Rexburg, Idaho 83440, ("Grantors") do hereby grant, bargain, sell, and convey unto The New SPORTS & FITNESS CLUB, Ltd., an Idaho Corporation, of 51 South 100 East, Rexburg, Idaho 83440, "Grantee") the following described real property in Madison County, State of Idaho, to-wit:

Tract 1: Commencing at a point 82.5 feet South of the NW corner of Lot 3, Block 37 of the original Rexburg Townsite, as per the recorded plat thereof, and running thence East 191.5 feet; thence North 82.5 feet; thence East 138.5 feet; thence South 165 feet; thence West 330 feet; and thence North 82.5 feet to the point of beginning.

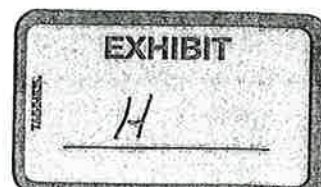
Together with a right-of-way for ingress and egress across the following described property in Rexburg, Madison County, Idaho:

Commencing at the NW corner of Lot 3, Block 37 of the original Rexburg Townsite, as per the recorded plat thereof, and running thence East 191.5 feet; thence South 82.5 feet; thence West 191.5 feet; thence North 82.5 feet to the point of beginning.

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JUL 14 2005



Tract 2: Commencing at a point 165 feet South of the NW corner of Lot 3, Block 37 of the original Rexburg Townsite as per the recorded plat thereof and running thence East 165 feet; thence South 82.5 feet; thence West 165 feet; thence North 82.5 feet to the point of beginning.

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

ALSO together with all personal property, tangible and intangible of Sports & Fitness Club operated on the premises as of the close of business on September 30, 1991.

SUBJECT TO The following liens or encumbrances against the real property and personal property:

(a) Deed of Trust dated December 4, 1987, with Evan L. Meyers, et al. as Grantor and Valley Bank, as Beneficiary, recorded on January 4, 1988, as Instrument No. 223742, records of Madison County, Idaho, with the note secured in the original principal amount of \$421,709.54, payable in installments of \$3,700.00 each, with the final installment (a BALLOON PAYMENT) due November 27, 1992. Note: The note is also secured by a security agreement on personal property.

(b) Deed of Trust with Evan L. Meyers, et al. as Grantor and Mary Verla Parkinson as Beneficiary, dated May 4, 1984, and recorded on May 9, 1984, records of Madison County, Idaho, with the note secured originally securing \$40,000.00, payable in installments of \$528.60 each, and with the final installment due May 4, 1994.

ALSO: It is understood that Valley Bank retains title to Tract 2 under a Contract of Exchange, with Notice of Contract dated July 18, 1984, recorded on August 14, 1984, as Instrument No. 205287, records of Madison County, Idaho, until the Deed of Trust owing to Mary Verla Parkinson, subclause (b) supra, previously described, is fully paid; at which time Valley Bank is obligated to convey Tract 2 subject to the debt described herein.

(c) Accruing 1991 property taxes and assessments and all prior unpaid property taxes and assessments.

239634

(d) Local Improvement District assessments owing to the City of Rensburg on the property, including any unpaid installments.

GRANTORS Have or shall on delivery hereof pay in full any balance owing on the Deed of Trust held by Valley Bank described in subclause (a) supra, so that the property included therein shall be reconveyed to Grantee herein.

THE PROPERTY Is transferred to Grantee solely in exchange for the issuance of 600 shares of the capital stock of Grantee to each of Grantors (a husband and wife constitute one Grantor) with the six Grantors then owning all of the 3600 shares issued and outstanding in the corporation. Each of the six Grantors shall pay, or cause to be paid, a one-sixth share of the aggregate amount required to settle in full the Valley Bank Deed of Trust.

DATED This 15th day of October, 1991.

Ray W. Rigby

Lola C. Rigby
Lola C. Rigby

Gordon S. Thatcher
Gordon S. Thatcher

Beth P. Thatcher

Carl J. Thurgood

Suzanne R. Thurgood
Suzanne R. Thurgood

MICROFILMED

County of Madison } ss **239634**

I hereby certify that the within instrument was
 OCT. 15 1991

2:42 P.M., and
239635
Fee 12.00

By: J. B. [Signature], Recorder Deputy

67
Rexley, Chalokun

PROFILE

SCANNED

JUL 14 2005

239634

Evan L. Meyers
Evan L. Meyers

Nancy H. Meyers
Nancy H. Meyers

Jerry R. Rigby
Jerry R. Rigby

Golden C. Linford
Golden C. Linford

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

On this 15th day of October, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared RAY W. RIGBY and LOLA C. RIGBY, husband and wife; GORDON S. THATCHER and BETH P. THATCHER, husband and wife; CARL J THURGOOD and SUZANNE R. THURGOOD, husband and wife; EVAN L. MEYERS and NANCY H. MEYERS, husband and wife; JERRY R. RIGBY, a married man dealing with his sole and separate property; and GOLDEN LINFORD, a married man dealing with his sole and separate property, 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.



Marshall L. Matamorf
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 4-10-94

SCANNED

JUL 14 2005

PROFILE



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

June 8, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SPORTS AND FITNESS CLUB
51 S 1 E
REXBURG ID 83440

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-7293

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in Madison County. The property to which I am referring was most recently owned by Raquetball Co-owners. The legal description is as follows:

T06N, R40E, S30, NE1/4 NE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree

Jennifer Crabtree

Technical Records Specialist

Enclosure(s)

*9/21/05 No reply to letter
Recommended to Registrar
Chambers.*

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Evan L. Meyers & Nancy H. Meyers, Valley Bank & Golden C. Linford
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7293 issued pursuant to Application for Permit dated May 24, 1979,
and has submitted proof to the Department of Water Resources on July 13, 1981,
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 0.55 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:

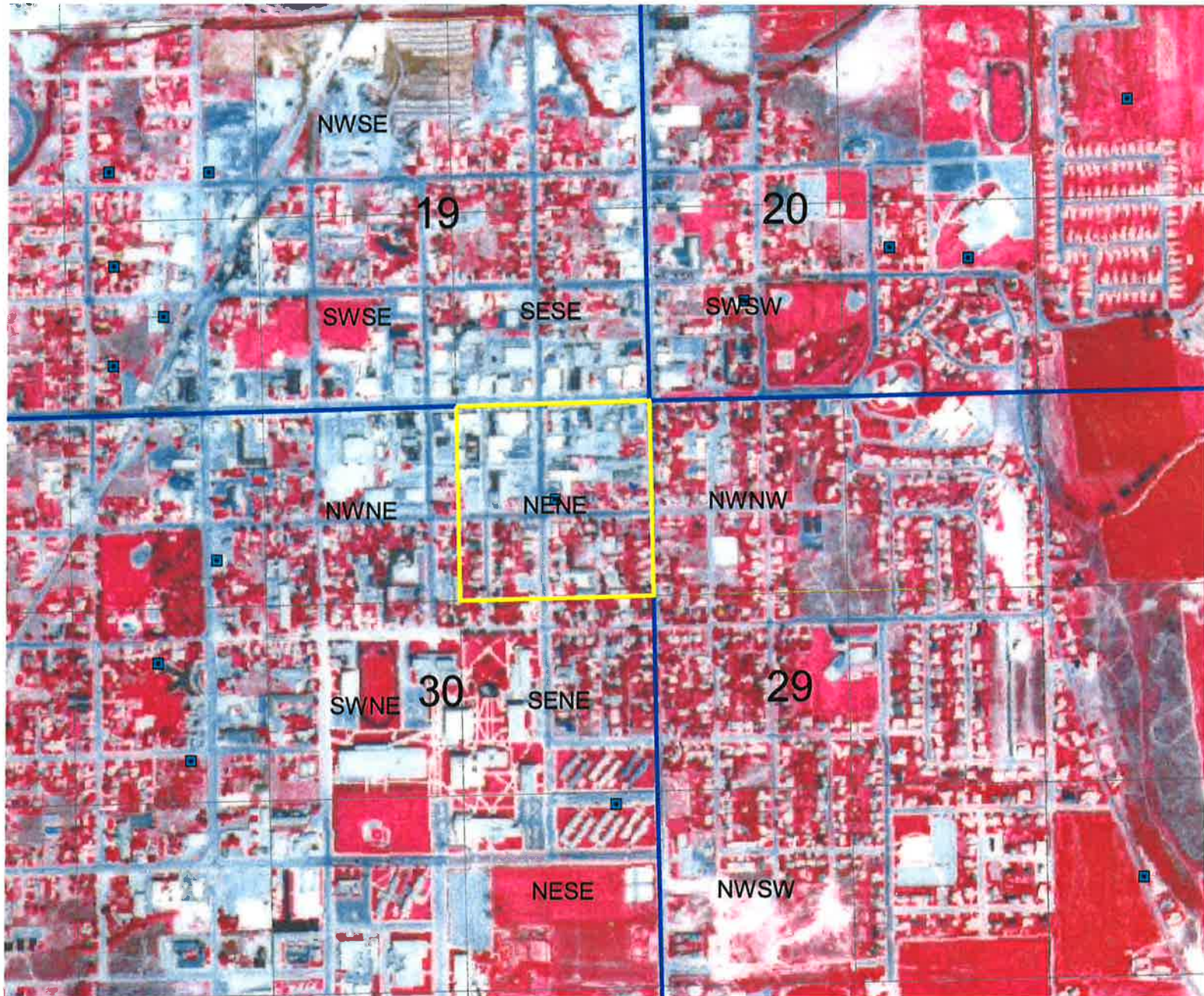
Subject, however, to the condition that no more than 0.15 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confined to for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the NE 1/4 Section 33, Twp 6N, Rge 40E in the County of Madison

[illegible]

Acting for the Director

MICROFILMED

22-7293



From: DWR03::FRITSCHLE 0-SEP-1988 14:25
To: DWR70::CARLSEN
Subj: AUTHORIZED ATTORNEY

HI ERNIE, THANKS AGAIN FOR THE "EASTERN HOSPITALITY" OF THE PEOPLE IN IDAHO FALLS. THERE IS A CLAIM IN THE RETURN CLAIMS BOX THAT NEEDS SOME MORE CLARIFICATION IN THE COMMENTS. THE CLAIM WAS SUBMITTED BY A COMPANY WITH THE ATTORNEY SIGNING FOR THE ORGANIZATION AS THE "AUTHORIZED ATTORNEY". THIS IS NOT AN ACCEPTABLE SIGNATURE WITHOUT AN OFFICER OF THE COMPANY GIVING THE ATTORNEY THE POWER TO SIGN DOCUMENTS. SINCE I CANNOT REMEMBER EXACTLY WHAT I SAID NEEDED TO BE DONE BEFORE THIS CLAIM WAS ACCEPTABLE, IF YOU HAVE TIME TO FIND THE CLAIM AND GIVE ME A CALL, I CAN PROBABLY EXPLAIN IT BETTER OVER THE PHONE THAN I CAN IN THIS MAIL MESSAGE. THANKS!

CARTER

P.S. THE CLAIM SHOULD BE NEAR THE TOP OF THE PILE, SINCE IT WAS ONE OF THE LAST ONES I DID.

MICROFILMED

OCT 29 1992

SPECIAL POWER OF ATTORNEY

We, EVAN L. MEYERS and NANCY H. MEYERS, husband and wife, VALLEY BANK as Trustee of the Rigby, Thatcher, Andrus, Rigby & Kam, Chartered PENSION & PROFIT SHARING PLAN, and GOLDEN C. LINFORD, hereby appoint GORDON S. THATCHER, of the law firm Rigby, Thatcher, Andrus, Rigby & Kam, of 25 N. 2nd E., Rexburg, Idaho 83440, our true and lawful attorney in fact for us and in our names, places and stead, and for our use and benefit:

To exercise, do, or perform any act, right, power, duty, or obligation whatsoever that we now have or may acquire the legal right, power, or capacity to exercise, do or perform in connection with, arising out of, or relating to executing, filing, and pursuing "Notice of Claim to a Water Right (Acquired Under State Law)" in the District Court of the Fifth Judicial District 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 No. 39576, Water License No. 22-7293.

To sign, endorse, execute, acknowledge, and deliver such claims, pleadings, contracts, agreements, deeds, conveyances, or other instruments of any kind or nature, as may be necessary or proper in the exercise of the rights and powers herein granted.

We grant to our said attorney in fact full power and authority to perform all and every act and thing whatsoever requisite, necessary, and proper to be done in the exercise of

RECORDED

OCT 29 1992

any of the rights and powers herein granted, as fully to all intents and purposes as we might or could do if personally present with full power of substitution or revocation, hereby ratifying and confirming all that our said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

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

This power of attorney shall continue in force and effect from date hereof until revoked in writing by us.

DATED this 25th day of August, 1988.

Evan L. Meyers
Evan L. Meyers

Nancy H. Meyers
Nancy H. Meyers

VALLEY BANK, as Trustee of the
Rigby, Thatcher, Andrus,
Rigby & Kam, Chartered Pension
and Profit Sharing Plan

By: W. Kay Cordingley
W. Kay Cordingley,
Trust Officer

Golden C. Linford
Golden C. Linford

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

On this 20th day of October, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared Evan L. Meyers and Nancy H. Meyers, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.
SPECIAL POWER OF ATTORNEY -2-

OCT 29 1992

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

Portia Jenkins
Notary Public for Idaho
Residing at: Astoria
My Commission Expires: 9/4/91

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

On this 20th day of October, 1988 before me, the
undersigned, a Notary Public in and for said State, personally
appeared W. Kay Cordingley, known to me to be Vice-President
and Trust Officer of Valley Bank who is the Trustee in Trust of
the Rigby, Thatcher, Andrus, Rigby & Kam, Chartered Pension &
Profit Sharing Plan and acknowledged to me that Valley Bank
executed the same as such Trustee in Trust of said trust.

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

Jackie L. Mitchell
Notary Public for Idaho
Residing at: Madison County
My Commission Expires: 2-4-94

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

On this 20th day of October, 1988 before me, the
undersigned, a Notary Public in and for said State, personally
appeared Golden C. Linford, known to me to be the person whose
SPECIAL POWER OF ATTORNEY -3-

OCT 29 1988

name is subscribed to the within instrument and acknowledged to me that he 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.

Portia Jenkins
Notary Public for Idaho
Residing at: Ashton, ID
My Commission Expires: 9/4/91

MICROFILMED
OCT 29 1992

LAW OFFICES

RIGBY, THATCHER, ANDRUS

RIGBY & PERKES, *Chartered*

25 NORTH SECOND EAST
P.O. BOX 250
REXBURG, IDAHO 83440
(208) 356-3633

RECEIVED

OCT 24 1988

Department of Water Resources
Eastern District Office

DATE: 10-21-88

TO: Idaho Department of Water Resources

RE: Racquetball Center

Please find enclosed our check in the amount of \$65 to cover the filing fee of the notice of claim to water right. We have also enclosed a special power of attorney as you requested.

If you need anything further from us, please contact us.

NOTIFIED

OCT 29 1992

RIGBY, THATCHER, ANDRUS, RIGBY & PERKES

BY

Portia Jenkins
Portia Jenkins, Legal Assistant

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: A22-07293
Date Received: 10/24/1988
Receipt No: E004025
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RACQUETBALL COOWNERS 208-356-3633
Address: P.O. BOX 250
REXBURG, ID 83440

AND/OR

Name: EVAN L MEYERS
Address: REXBURG, ID 83440

2. Date of Priority: MAY 24, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	30	NE	NE			MADISON

5. Description of diverting works:
WELL AND PUMP AND PIPED TO BUILDING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.150		
COOLING	01/01	12/31	0.150		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RAC.BALL CTR.ATHLETIC/SWIM; HEAT PUMPS UTILIZING WELL WATER

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Date: 12/21/88

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	40E	30	NE	NE	COOL HEAT	

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:
NONE

14. Remarks:

RACQUETBALL COOWNERS CONSIT OF EVAN L. MEYERS AND NANCY H. MEYERS , HUSBAND AND WIFE -- 5/12THS INTEREST; GOLDEN C. LINFORD --2/12T INTEREST; AND VALLEY BANK, AS TRUSTEE OF THE RIGBY, THATCHER, AND RUS, RIGBY & KAM, CHARTERED PENSION & PROFIT SHARING PLANS -- 5/12THS INTEREST. THE UNDERSIGNED HAS BEEN AUTHORIZED BY ALL OWNERS TO SUBMIT THIS CLAIM.
VALLEY BANK AS TRUSTEE

15. Basis of Claim: LICENSE
Water Right Number: 227293

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 License No. 22-7293

Date Received 10-24-88 (8-25-88)

Receipt Number EOO 4025

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

RECEIVED
OCT 24 1988

Department of Water Resources
Eastern District Office

RECEIVED
AUG 25 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) RACQUETBALL COOWNERS Phone (208) 356-3633
Mailing Address Evan L. & Nancy H. Meyers; Valley Bank as Trustee; and Golden C. Linford
P.O. Box 250, Rexburg, ID Zip 83440
2. Date of Priority (Only one (1) per claim) May 24, 1979
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 6 North Range 40 East Section 30,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Madison
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. Well and pump and piped to building.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For heating/cooling purposes from Jan. 1 to Dec. 31 amount .15cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .15 cfs (cfs) and/or (b) _____ (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.) Racquetball Center, athletic and swimming facility is heated and cooled by heat pumps utilizing well water.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals	
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4		
6N	40E	30	X	(used for heating and cooling a building)																

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Madison

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

14. Remarks:

Racquetball Coowners consist of Evan L. Meyers and Nancy H. Meyers, husband and wife -- 5/12ths interest; Golden C. Linford -- 2/12ths interest; and Valley Bank, as Trustee of the Rigby, Thatcher, Andrus, Rigby & Kam, Chartered PENSION & PROFIT SHARING PLANS -- 5/12ths interest. The undersigned has been authorized by all owners to submit this claim.

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-7293
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments None

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am authorized attorney
Title
of Racquetball Coowners , that I have signed the foregoing
Organization
document in the space below as authorized attorney of Racquetball Coowners
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Gordon S. Thatcher
Gordon S. Thatcher
Title and Organization Racquetball Coowners Date August 25, 1988

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

Subscribed and sworn (or affirmed) before me this 25th day of August 19 88

SEAL

Notary Public Kerry S. Wilcox
Residing at Rexburg, Idaho
My Commission Expires 7-10-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Gordon S. Thatcher 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 Gordon S. Thatcher
Gordon S. Thatcher
Address RIGBY, THATCHER, ANDRUS, RIGBY & KAM, Chartered
P.O. Box 250, Rexburg, ID 83440
Date August 25, 1988

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME PARQUETBALL ENTER CLAIM 1 T. NO. A22-07293

DATE RECEIVED 10-24-88 CK # 11985 AMOUNT \$ 6500

- | | YES | NO |
|--|----------|-----------|
| 1. Is the name and address complete with zip code? | <u>X</u> | <u> </u> |
| 2. Is a priority date entered? | <u>X</u> | <u> </u> |

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

- | | | |
|---|-----------------|-----------|
| 3. (a) Is a source entered? | <u>X</u> | <u> </u> |
| (b) Is a tributary to entered? (if required) | N/A <u>X</u> | <u> </u> |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | <u> </u> |
| 5. Is there a description of the diverting works? | <u>X</u> | <u> </u> |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | <u> </u> |
| Is the period of use included? | <u>X</u> | <u> </u> |
| Is a quantity claimed for each use? | <u>X</u> | <u> </u> |
| 7. Is a total quantity claimed entered? | <u>X</u> | <u> </u> |
| 8. If required is a consumptive use entered? | N/A <u>X</u> | <u> </u> |
| Is the consumptive use correct? | N/A <u>X</u> | <u> </u> |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A <u>X</u> | <u> </u> |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | <u> </u> |
| 11. Is (are) the county(ies) entered? | <u>X</u> | <u> </u> |
| 12. Is the ownership of p.u. checked? | <u>X</u> | <u> </u> |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | <u> </u> |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A <u>X</u> | <u> </u> |
| 15. Is the basis of the claim indicated? | <u>X</u> | <u> </u> |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | <u>X</u> | <u> </u> |
| Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | <u> </u> |
| Was this claim filed on time, or was an extension granted? | <u>X</u> | <u> </u> |
| Is the fee enclosed correct? | Exempt <u>X</u> | <u> </u> |
| If this claim is based on an existing water right, has the identification number been entered? | N/A <u>X</u> | <u> </u> |
| Should this claim be receipted and data entered? | <u>X</u> | <u> </u> |

Claim checked by: [Signature]

Comments: ASSUMING COMMERCIAL USE

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