

08/23/2006

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

RIGHT NUMBER: 22-10862

NAME AND ADDRESS: FRANCIS D RIPPLINGER
730 W BATES RD
DRIGGS ID 83422

SOURCE: HORSESHOE CREEK

TRIBUTARY: TETON CREEK

QUANTITY: 0.300 CFS

PRIORITY DATE: 09/17/1917

POINT OF DIVERSION:
T05N R44E S22 SESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.300 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T05N R44E S22 SWNW 3.00	T05N R44E S22 SENW 12.00	
	15 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

THIS CLAIM IS FOR 1/2 OF LICENSE 22-02082B.

08/23/2006

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-10862

FRANCIS D RIPPLINGER
730 W BATES RD
DRIGGS ID 83422
Telephone Number: (208)354-8130

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:

*I no longer own this land.
It is owned by Barry Silvestein.*

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

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

DATE: 12-5-06 SIGNATURE: Francis Ripplinger

Please print your name: _____

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

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern District

*KWS
12/6/06*



Idaho Department of Water Resources

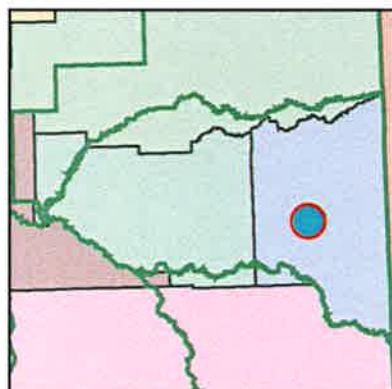
SRBA Recommendation:

22-10862

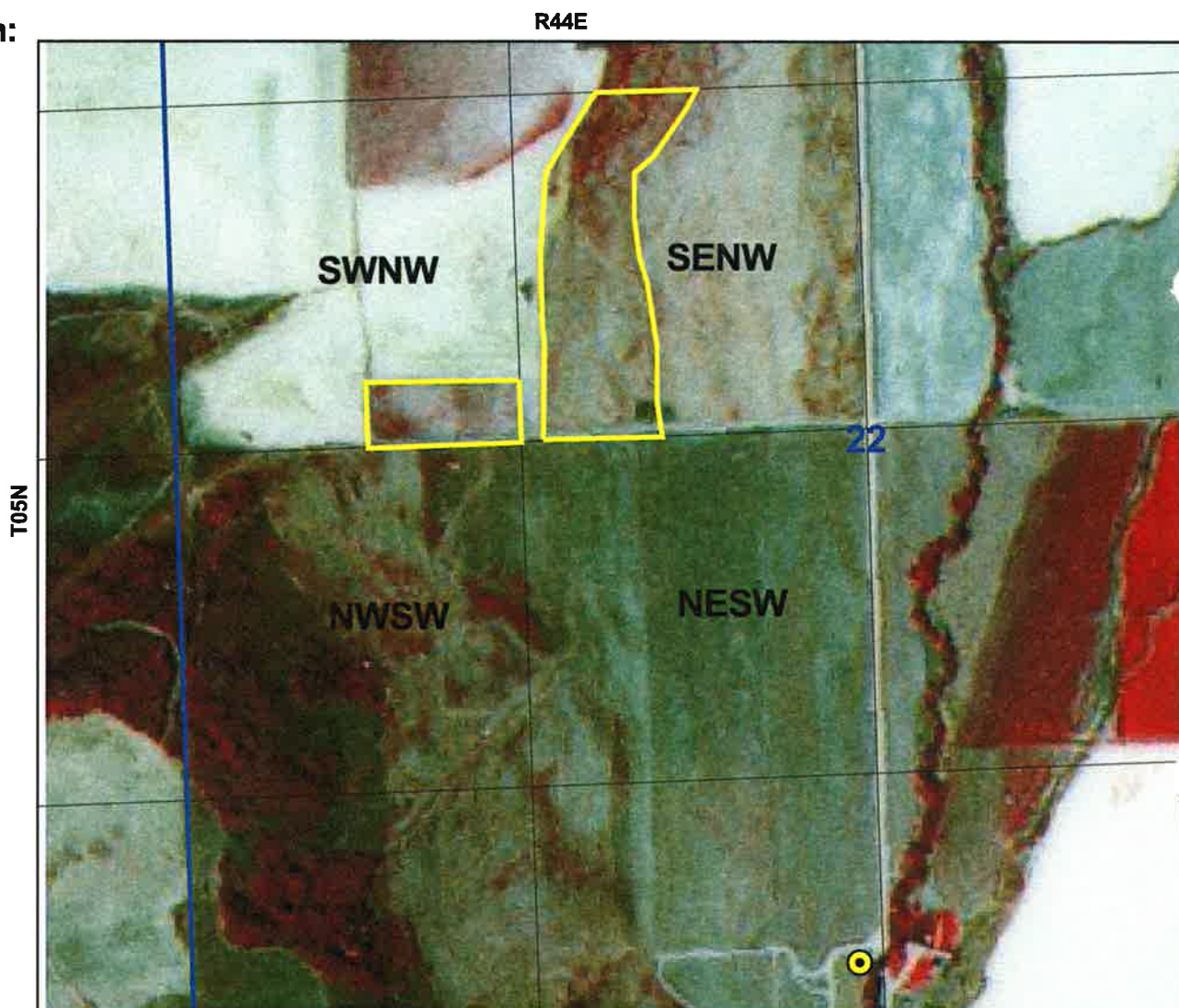
(Irrigation)

Legend

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



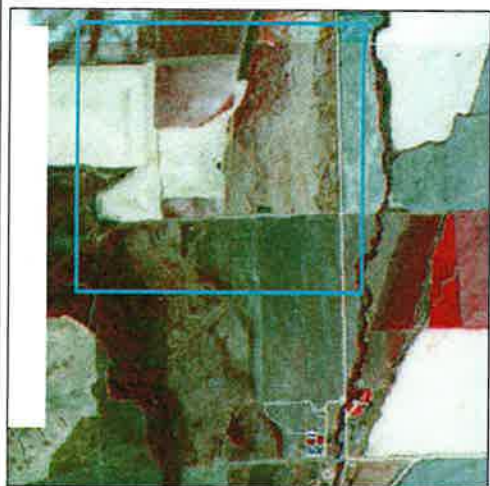
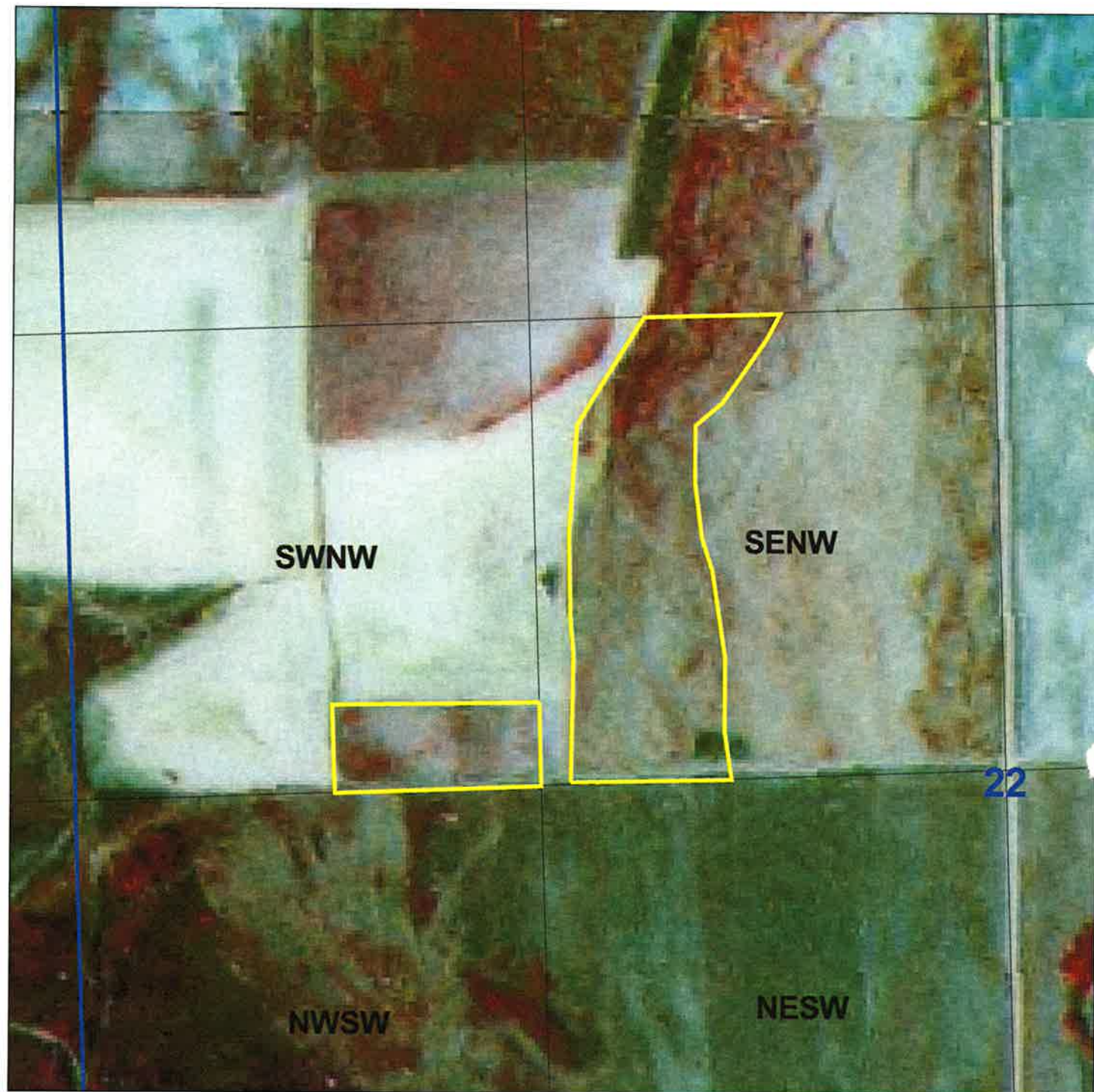
Teton County
IDWR Basin 22



0 0.3 0.6 Miles

Prepared by T. Galbraith
On Wednesday, August 23, 2006
1987/88 Aerial Photography

22-10862



22
110862

Swale for
delivery

pod



6/28/06
BO

I, visited with previous owner, Mr. Frances Ruppinger. He told me about irrigation practices,

POD & POD,

The creek (Korachor) was dammed off near spot where it crosses the county road and the water was diverted into a canal that conveyed water to POD. This practice only occurred during high water as it wasn't crucial to maintain a headgate or other diversion works.
Mr. Ruppinger indicated that he did this during high water years until he sold the ground and 1989.
A canal runs from POD to POD and it would be possible to irrigate approx. 15 acres from Thibault.

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) are 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)

Francis Ripplinger

730 W. Bates Rd. Driggs, Idaho

4. New Owner/Claimant(s)

Barry Silverstein

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

() _____

5. Date you acquired the property

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip Item 6 and go to Item 7.
7. The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

CONTRACT OF SALE

THIS AGREEMENT made and entered this 25th day of August, 1989, by and between FRANCIS D. RIPPLINGER and LaRUE RIPPLINGER, Husband and wife, of 730 West Bates Road, Driggs, Idaho 83422; GREG F. RIPPLINGER, of 730 West Bates Road, Driggs, Idaho 83422; SHAWNA COLE, formerly known as Shawna Ripplinger, of 730 West Bates Road, Driggs, Idaho 83422; K'LYN R. HASKELL, of 672 South Temple View Drive, Bountiful, Utah 84010, and LORI R. SCHIESS, c/o Francis D. Ripplinger, 730 West Bates Road, Driggs, Idaho 83422 (all of the above named parties except Francis D. Ripplinger and LaRue Ripplinger dealing with their sole and separate property and for their sole and separate use), hereinafter called "Seller", and BARRY SILVERSTEIN and TRUDY SILVERSTEIN, husband and wife, hereinafter called "Buyer,"

WITNESSETH:

In consideration of the mutual covenants set forth herein the parties agree as follows:

1. Sale.

Seller hereby agrees to sell to Buyer on the performance of the agreements of Buyer as hereinafter set forth, and to convey or cause to be conveyed by the legal owner or owners thereof by good and sufficient Warranty Deed free and clear of liens and encumbrances, excepting any liens or encumbrances that may have attached by reason of any act or deed of Buyer, or any lien or encumbrance to which this Contract of Sale is expressly made subject, the following described real property situate in Teton County, Idaho, (hereinafter referred to as the "Sale Property"):

TOWNSHIP 5 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO:

TRACT 1: Section 15: SW $\frac{1}{4}$
LESS County Road Right-of-Way.

TRACT 2: Section 16: SE $\frac{1}{4}$ SE $\frac{1}{4}$

TRACT 3: Section 21: E $\frac{1}{2}$

TRACT 4: Section 22: Tax #1338 more fully described as follows: Beginning at the Northwest corner of the

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence East 100 rods; thence in a Southwesterly direction 72.11 rods to the Center of said 40 acres; thence South 40 rods; thence West 40 rods; thence North 80 rods to the point of beginning.

TRACT 5: Section 22: N $\frac{1}{2}$ NW $\frac{1}{4}$ and Tax #478 more fully described as follows: Beginning at the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence West 60 rods; thence in a Southwesterly direction to the center of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 22; thence South 40 rods; thence East 120 rods to the center of said Section 22; thence North 80 rods to the point of beginning.

LESS County Road Right-of-Way.

TRACT 6: Section 27: W $\frac{1}{2}$ NW $\frac{1}{4}$
LESS: Tax #1167 described more fully as: Beginning at the West quarter corner of Section 27, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence East 100 feet; thence North 100 feet; thence West 100 feet; thence South 100 feet to the place of beginning.

ALSO LESS: Tax 1495 described more fully as: Beginning at the Southeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence North 40 rods, more or less, to the South line of the County Road; thence West 8 rods; thence South 40 rods more or less to the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence East 8 rods to the point of beginning.

ALSO LESS: That property deeded by Minnie Hutchinson to the Oregon Shortline Roadroad, dated October 16, 1918, described as follows: A strip of land 100 feet wide, being 50 feet on each side of the center line of main track of the Coal Fields Branch of the Oregon Short Line Railroad as same is now located and staked over and across the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-Seven (27) Township Five (5) North, Range

5. Right-of-Way Easement between Glenn Preston and Alta Preston and Francis Ripplinger and LaRue Ripplinger, recorded January 29, 1981, Recorder's No. 87027, Records of Teton County, Idaho.

6. Amended Resolution Clearing County Highways, Recorded May 23, 1989, Recorder's No. 104309, Records of Teton County, Idaho, wherein Horseshoe Creek Road is considered a County Highway. (Tracts 6 and 7)

7. Quitclaim Deed granted by Bevan Family Partnership to Barry Silverstein, Recorded July 6, 1989, Recorder's No. 104474, Records of Teton County, Idaho. (Tract 7: That portion of the NE $\frac{1}{4}$ of Section 28 South of Horseshoe Canyon Road).

8. Reservations and provisions in State of Idaho Deed to Francis D. Ripplinger and LaRue Ripplinger pertaining to Tract 5 which provides that Tract 5 shall be subject to the provisions of Section 56-504, Idaho Code Annotated, which grants over all lands belonging to the State a right-of-way for ditches, tunnels and telephone and transmission lines, constructed by authority of the United States; and to the provisions of Section 46-701, Idaho Code Annotated, reserving to the State all mineral rights in land sold subsequent to the 8th day of May, 1923. (Tract 5)

9. Electric Power Easement from county road to existing well.

10. Existing access easement to provide access to the following described property:

Tax #1167 described more fully as: Beginning at the West quarter corner of Section 27, Township 5 North, Range 44 East, Boise Meridian, Teton County, Idaho, and running thence East 100 feet; thence North 100 feet; thence West 100 feet; thence South 100 feet to the place of beginning.

11. Existing access easement which provides access to adjoining property now owned by Barry Silverstein which was purchased by Barry Silverstein from the Bevan Family Partnership.

TOGETHER with any and all water and water rights, ditch and ditch rights appurtenant thereto and particularly State of Idaho Department of Water Resources Water License for stock

13. Binding Effect.

This Contract of Sale shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

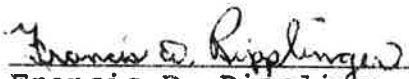
14. Notice to Parties.

Service of any notice permitted or required under the terms of this Contract of Sale shall be deemed complete upon the depositing of the same in the United States Mail, by Certified or Registered Mail, addressed to Buyer at Paleface, Jay, New York 12941, with a copy to be sent c/o Charles A. Homer, P. O. Box 50130, Idaho Falls, Idaho 83405, and a copy to be sent c/o Dennis McGillicuddy, 5111 Ocean Boulevard, Sarasota, Florida 34242; or addressed to Seller at 730 West Bates Road, Driggs, Idaho 83422 with a copy to be sent c/o Ray W. Rigby, P. O. Box 250, Rexburg, Idaho 83440, as the case may be, or such other address as either shall hereafter in writing to the other and to the Escrow Agent designate, or by causing said notice to be served personally upon Buyer, or on Seller, as the case may be. In the event there be more than one person constituting the Seller or the Buyer herein, service by mail or personal service as provided above, upon any one person in such party, shall be good and sufficient service upon all persons constituting such party the same as though such service had been made upon each and every member of such party.

15. Survival of Terms.

The terms and provisions of this Contract of Sale shall survive the closing and the execution and delivery of instruments of transfer and conveyance. The terms of this Contract of Sale shall not be merged out by the execution and delivery of the instruments of transfer and conveyance.

IN WITNESS WHEREOF, the parties have caused their names to be subscribed, all as of the day and year first above written.



Francis D. Ripplinger



LaRue Ripplinger

Greg F. Ripplinger
Greg F. Ripplinger

By Francis D. Ripplinger
Francis D. Ripplinger, his
Attorney in Fact

Shawna R. Cole
Shawna Cole, formerly Shawna
Ripplinger

K'Lyn R. Haskell
K'Lyn R. Haskell

Lori R. Schiess
Lori R. Schiess

SELLER

Barry Silverstein
Barry Silverstein

Trudy Silverstein
Trudy Silverstein

BUYER

STATE OF IDAHO)
) ss.
County of Teton)

On the 25 day of August, in the year of 1989, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared FRANCIS D. RIPPLINGER and LARUE RIPPLINGER, husband and wife, 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.

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

(seal)

Barry Silverstein
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 5-1-91

State of Idaho License and Certificate of Water Right

Water License No. 13200

Amount 0.6 cfs

Water District No. 29-9

Priority 12-1-0

THIS IS TO CERTIFY that ALBERT MARTIN and Melvin Daniels, of Driggs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 17, 1917; that Permit No. 13200 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second foot, was issued thereunder on February 24, 1921, showing that said works were completed on the 3d day of January, 1921; and that on the 1st day of August, 1921,

MELVIN DANIELS

of Driggs, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Horse Shoe Creek, a tributary of Teton River, for the purpose of irrigation & domestic, under Use Permit No. 13200 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2168, on the 20th day of October, 1921.

The right hereby confirmed dates from September 17, 1917.

The Point of Diversion is located in the SE 1/4 SW 1/4 Sec. 22, Tp. 5 N., R. 44 E., B. M. County of Teton.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	44 E.	22	NE 1/4 NE 1/4	40	3
			NW 1/4 NE 1/4	40	1.6
			SW 1/4 NE 1/4	40	7
			SE 1/4 NE 1/4	40	8
			SW 1/4 NW 1/4	40	
			SE 1/4 NW 1/4	40	
			NE 1/4 SW 1/4	40	
			SE 1/4 SW 1/4	40	

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 20th day of October, 1921.

W.G. SWENDSEN,
Commissioner of Reclamation.

(SMAL)

22-2082B

REPORT OF ENGINEER

This report is for Beneficial Use

In Water District No. 36-
Permit 13200

1. State name of applicant and number of permits Ethel T. Martin & Melvin Daniels

2. State source of water supply Horse Shoe Creek

3. Location of point of diversion Sec. 22, T. 5N.R. 44E.

4. Describe works as they exist, giving dimensions and capacities of same: Dam of concrete 12' high, 4 ft. high, 25 ft. long. Ditch 3 ft. deep and 1 ft. wide, water 3 ft. deep at maximum capacity.

5. State whether or not water has been turned into works of diversion: yes.

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE 1/4, SE 1/4, NE 1/4 & SE 1/4 Sec. 22-5N-44E.

NE 1/4 Sec. 22 Acres (approximately)

SE 1/4 1.5

NE 1/4 SW 1/4 7

SE 1/4 SW 1/4 8

NE 1/4 NE 1/4, NE 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system?

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? Peterson River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks:

This examination was made on the 27 day of July

(Signed)

Edw. H. Johnson

19-21

Examiner

13200

Claim no. A2210862

Claimant Contact Log

Date

Remarks

Agent initials

6/26/06
DD

Visited with Frances Rippelinger. He indicated that PO4 was flood irrigated ~~at~~ least until 1989 when they sold the property to Barry Silverstein.

Contacts Data Entry Form

Water Right No. A2210862

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Francis Riplinger</u>					
Name connector: and	_____, or _____, and/or _____					
Current Owner	_____					
Current Owner	_____					
Representing Attorney:	_____			Phone Number:	_____	
Accompanied By:	_____			Phone Number:	_____	
Relationship to Claimant:	_____					
Date of Field Exam:	_____			Time:	_____	

Directions to Property (if different from above) and/or update owner information:

Claim License 22-2082B (OLD #13200) Issued To James R.
19 Martin + Melvin Daniels 17 SEPT 1917
30" .60 cfs pod SW 1/4 SW 1/4 SEC 22 T5N R44E
License is For Irrigation + Domestic
Old License #13200 GOOD up to:
22-2082A, 0.70 cfs, 35 ac
22-2082B, 0.60 cfs, 30 ac
THIS CLAIM IS FOR 1/2 OF 22-2082B AS: 0.30 cfs, 15 ac. = 20K
NO KNOWN CLAIM ON REMAINING 1/2 OF 22-2082B.

FE pod/paw Photos/GPS conveyance/system

Reviewer: _____

Date: _____

Water Right No(s). A 2210862

[Empty box for drawing or map]

GPS DATA:

I could not identify a POD near site claimed.

*amended
(Please see
new notes fold
showing what
with Mr.
Ripplinges*

6/28/06

Tag # A0516036

Location: Gate post approx. 30 yds north
of POD.

Diversion Data:

Source: Horseshoe Creek

Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

*There is no diversion works or ditches coming
out of Horseshoe Creek. See POD page for new info.*

Field Exam Date: 6/26/06

Agent: DD

amended 6/28/06 DD

Priority Date Data Entry Form

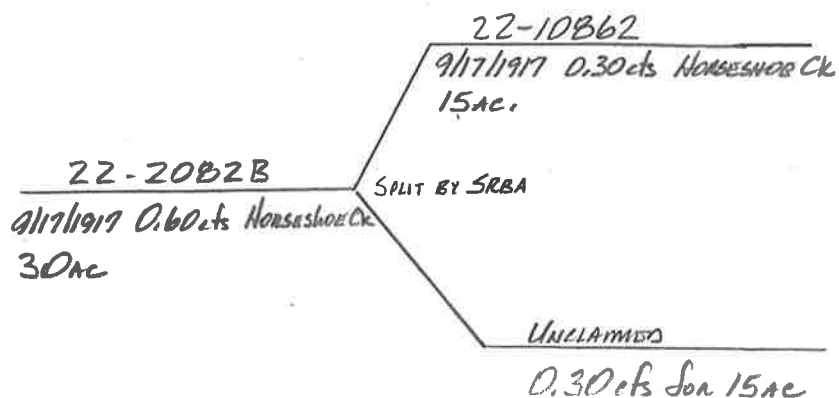
Claim Number: A2210862

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 17 SEPT 1917 Claimed Basis: LICENSERecommended Priority Date: 17 Sept 1917 Recommended Basis: LICENSE☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

LICENSE # 22-2082. FOR 1/2 OF LICENSE
MATCHES LICENSE



Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A2210862

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T SN, R 44E, Sec. 22, SE, SE, SW. County: TETONSource: HORSE SHOE CREEK Tributary: TETON CREEK

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

HORSESHOE (ONE ROAD-USGS DRAIN) CREEK.

6/26/06
DO Field exam done but I could not find a headgate, diversion works or any ditches out of Horseshoe Creek on the westside of the creek. There has been some road work and development done that may have altered things. There is a swale that does run from POD to within 100-150 yds of the creek.

Transfers Changing POD _____

Reviewer: _____ Date: _____

6/28/06 Amended - please see attached notes
DO

Place Of Use Data Entry Form

Claim Number: 88010862☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
SN	44E	22	SWNW		TETON		3	Irrigation
"	"	"	SENW		"		12	"

Total Acres 15

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

6/36/06 I'm not sure who did field exam map. There is a swale
 DO that enters south end of POU and runs through
 claim but there aren't any ditches on POU.
 There is a well at POU also.

6/25/06 Please see amended notes
 DO

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: H 2210862☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15	11.30	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

FDWR STD SOU. 4/15 - 10/31 - Claims 4/15 to

10/15

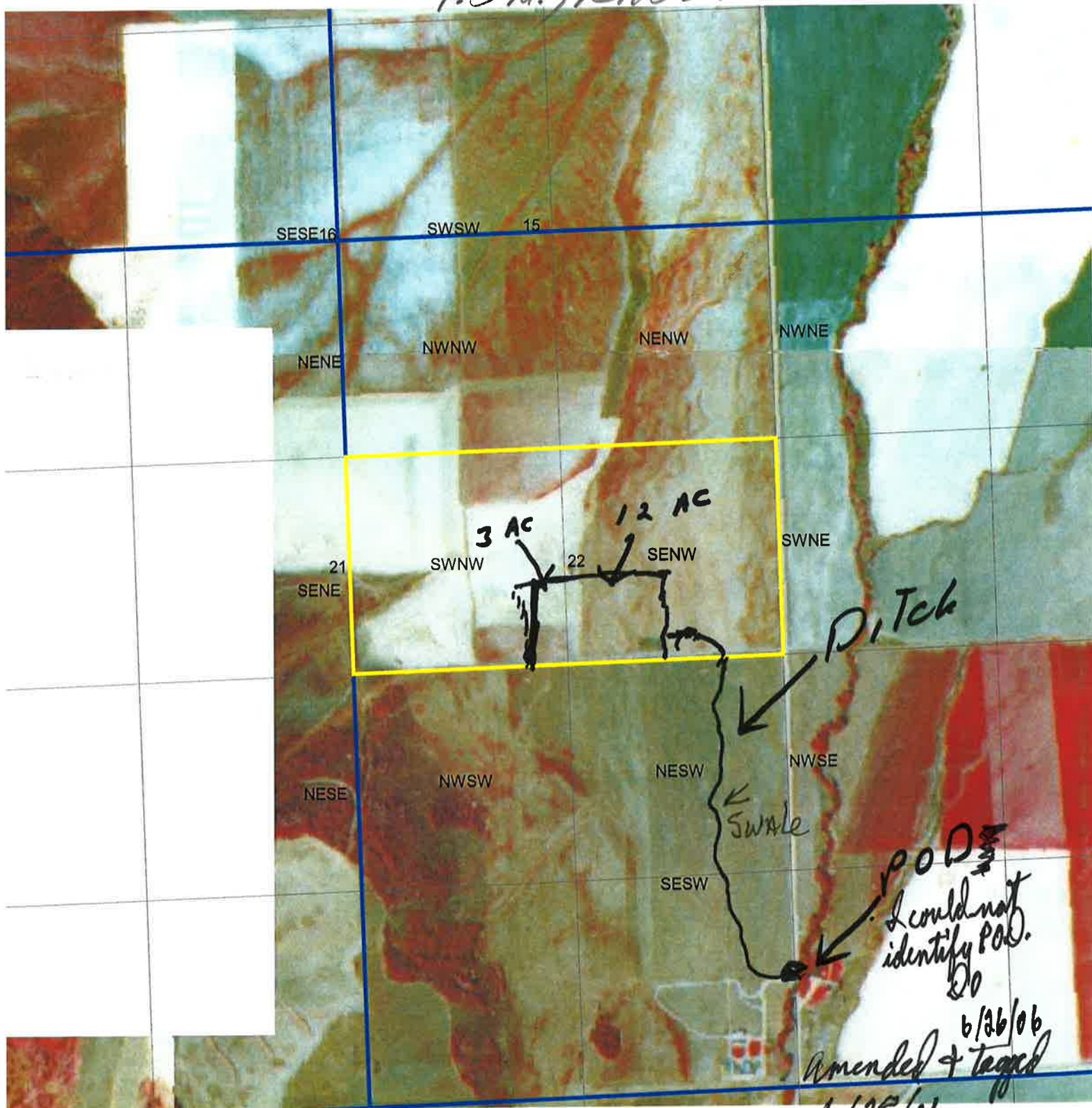
Reviewer: _____

Date: _____

22-10862

DD
6/28/06

T.S.N., R.40E.



State of Idaho (Dept. of Rec. Seal)

By W. L. Swendson, Commissioner of Reclamation
to

James A. Martin and Melvin Daniels

Kind of Instrument License and Certificate,
of Water Right.

Date of Instrument October 20, 1921.

Date of Record October 26, 1921; 3:15 PM

Book 17 of N. of W. R. Page 139.

No. of Instrument 9692

Consideration, \$.....
Attorney's Fee of \$.....

Grantees

Water License No. 13200 Water District No. 36-C Amount 0.6 Sec. Ft.
Priority 9-17-17.

Granting Words

THIS IS TO CERTIFY that James A. Martin and Melvin Daniels of Driggs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 17, 1917; that Permit No. 13200 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on February 24, 1921, showing that said works were completed on the 3d day of January, 1921; and that on the 31st day of August 1921, Melvin Daniels of Driggs, State of Idaho, made proof of the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Horse Shoe Creek a tributary of Teton River for the purpose of irrigation and domestic use, under Use Permit No 13200 of the State Engineer and that said right to the use of, said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of License, at page 2868, on the 20th day of October, 1921.

The right hereby confirmed dated from September 17, 1917; The point of Diversion is located in the SE 1/4 SW 1/4 Sec. 22, Tp. 5 N., R. 44 E. B. M., County of Teton.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

DESCRIPTION AND LOCATION OF USE:

Twp.:	Range :	Sec.	Forty-acre Tract :	No Acres Described: No. Acres in permit	Actually Irrigate
5 N.:	44 E.		NE 1/4 NE 1/4	40	---
			NW 1/4 NE 1/4	40	---
			SW 1/4 NE 1/4	40	---
Witnesses:			SE 1/4 NE 1/4	40	3
			X SW 1/4 NW 1/4	40	12
			X SE 1/4 NW 1/4	40	7
Date of Acknowledgment			NE 1/4 SW 1/4	40	8
			SE 1/4 SW 1/4	40	8

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 20th day of October, 1921. (SEAL)

W. L. Swendson, Commissioner of Reclamation.

-O-O-O-O-O-O-O-O-O-O-

NOV 06 1921

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: A22-10862
Date Received: 8/11/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCIS RIPPLINGER 208-354-8130
Address: 730 W. BATES RD.
DRIGGS, ID 83422

2. Date of Priority: SEP 17, 1917

3. Source: HORSHOE CREEK Trib. to: TETON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	22	SE	SE	SW		TETON

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

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

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	44E	22	SW	NW		IRR	3.0
			SE	NW		IRR	12.0
						Section Acres	15.0

A22-10862

Page 1

Date: 10/06/88

A2210862



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NOV 06 1992

10. Place of Use: Continued

Total Acres 15.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR 1/2 OF LICENSE 22-02082B.

15. Basis of Claim: LICENSE
Water Right Number: 2082B

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

A22-10862

Date Received

10/6/88

Receipt Number

E002963

8250 REC'D
#946

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER LAW

Please type or print clearly

1. Name of Claimant (s) Franc Phone (208) 354-8130
Mailing Address 730 West Idaho Zip 83422
Total volume and use do not match, and both too large.

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

3. Source of water supply (a) Horse shoe Creek
which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 5 Range 44 Section 22,
SE 1/4 of SE 1/4 of SW 1/4, Govt. Lot, E B.M., County of Teton

Additional points of diversion if any: _____

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

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

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NOV 06 1992

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 .0.3 or _____

For Stock water purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 30 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5	44	22							3	12									15

Total number of acres irrigated 15

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 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:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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NOV 06 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number portion of 132008 (22-02082B)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Francis Ripplinger Date 10-6-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 6th day of October 19 88

SEAL

Notary Public Anthony S. Olmstead

Residing at Idaho Falls

My Commission Expires 10/6 9/12/1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED
NOV 06 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

NOV 06 1992

PROFILED

TO SCALE

C
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5 R44E