

11/27/2006

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

RIGHT NUMBER: 22-11636
NAME AND ADDRESS: DON F HARRIS
4431 N 2000 W
REXBURG ID 83440

Disallowed

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 1.520 CFS

PRIORITY DATE: 10/17/1885

POINT OF DIVERSION:
T07N R39E S35 NESESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	1.520 CFS
	STOCKWATER	04/01 10/31	0.050 CFS
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>		
	T07N R39E S35	NESW 38.00	
	<u>STOCKWATER in MADISON County</u>		
	T07N R39E S35	NESW	
		38 ACRES TOTAL	

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

Recommended as Right No. 22-11329.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

10-6-06

- Don told me he should have alot more water.
- when canal company was split it was not decided according to Decree.
- Don said to talk to Jerry Rigby to get it sorted out

SB

05/18/2006

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: 22-11636

DON F HARRIS
4431 N 2000 W
REXBURG ID 83440
Telephone Number: (208)356-8106

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

Quantity
land boundary

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

irrigation - quantity should be 4.04 CFS
land boundary is wrong - add property outlined in black

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

The amounts don't add up correctly
The documents show how it should be divided

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

DATE: _____ SIGNATURE: _____

Please print your name: Don F. Harris

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

was decreed this way
Told Don this on phone

11-6-06 

Knot
11/15



Idaho Department of Water Resources

SRBA Recommendation:

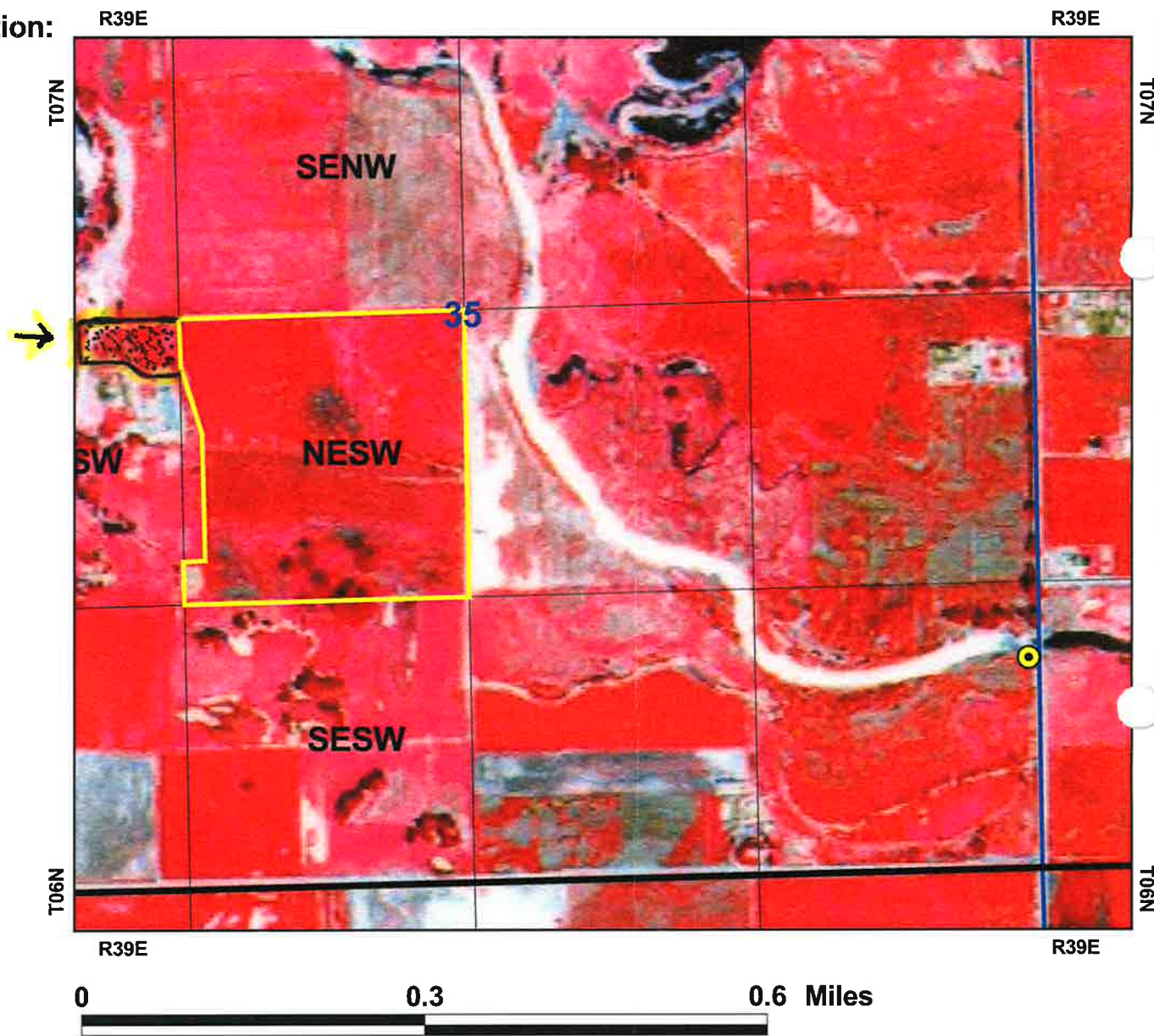
22-11636

Legend

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



Madison County
IDWR Basin 22



Prepared by T. Galbraith
On Thursday, May 18, 2006
1987/88 Aerial Photography



NWSN

→

5-19-06

- Talked to Don Haggis who said to make the claims .05 cts instead of .75 cts. because he couldn't prove priority, intent to divert or quantity.

- .05 cts for 200 head of cattle during irrigation season only. Don agreed.

TF



Idaho Department of Water Resources

SRBA Recommendation:

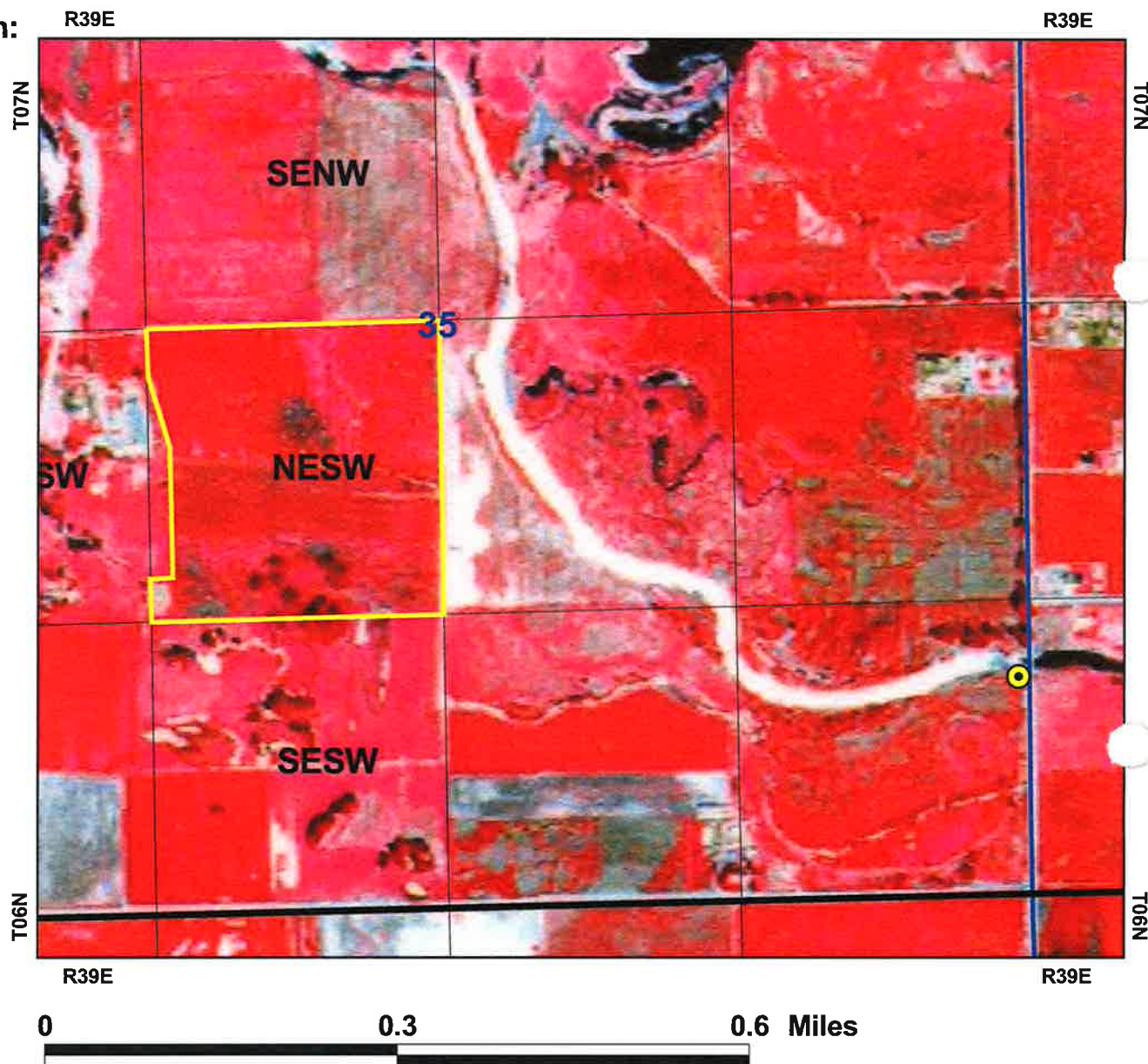
22-11636

Legend

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

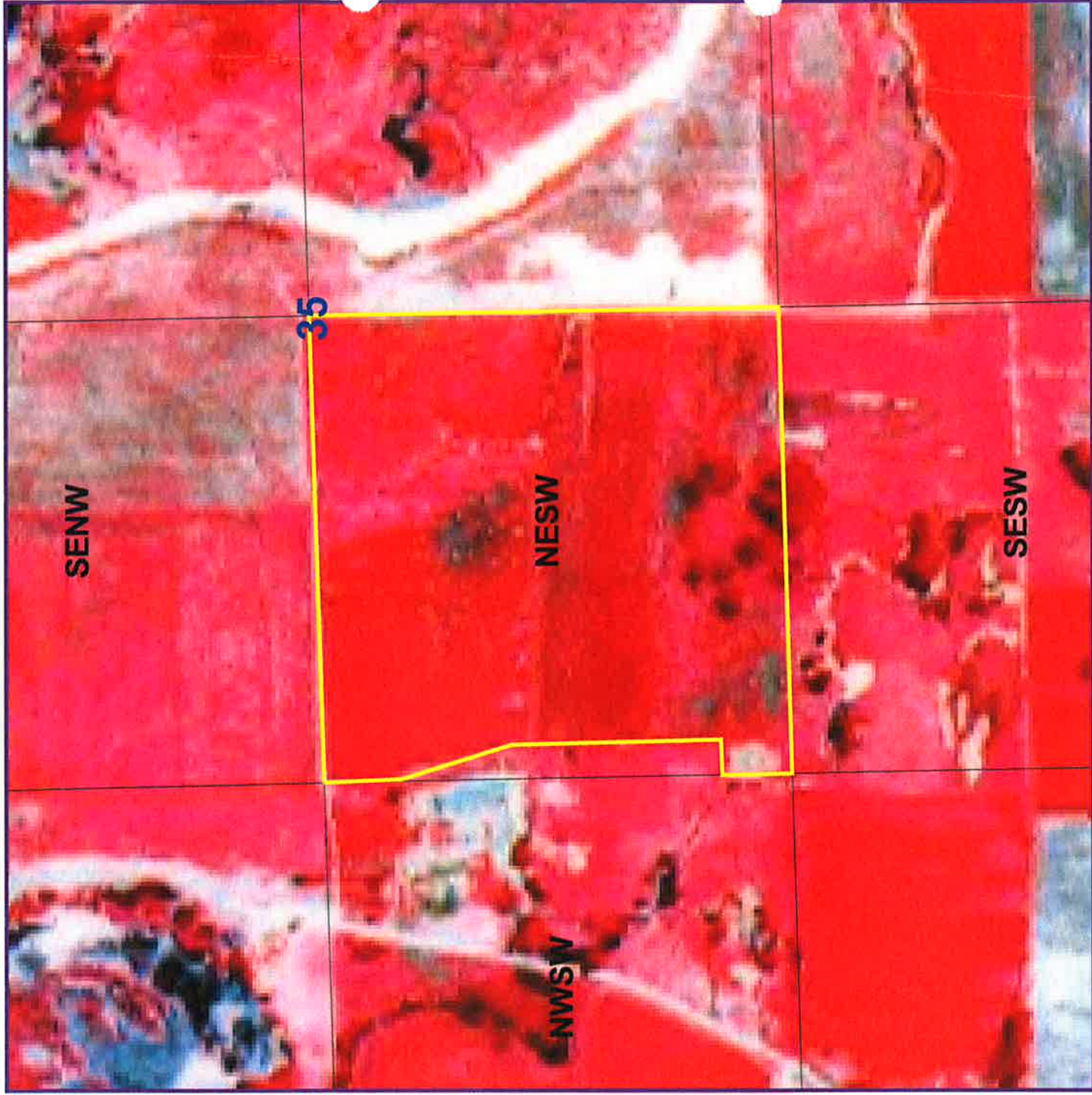


Madison County
IDWR Basin 22



Prepared by T. Galbraith
On Thursday, May 18, 2006
1987/88 Aerial Photography

22-11636



5-18-06

- This land was decreed water under water right 22-8.

- 22-8 was decreed 11.48 cfs for 288 acres - .04 cfs/acre

- claimant owns 10 acres of that land (288 acres) - 40.04 = 1.58 cfs/acre

✓

5.- That the plaintiffs are the owners severally and respectively, of certain lands in the County of Madison, State of Idaho, as follows:

a.- The Plaintiff Charles Saurey is the owner of the following described lands:

22-7
The Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) and the West Half of the Northeast Quarter of the Northwest Quarter ($W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$) of Section Two (2) Township Six (6) North of Range Thirty-nine (39) East of Boise Meridian, Lot Five (5) and the East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Thirty-four (34); The West Half of the Southwest Quarter ($W\frac{1}{2}SW\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section Thirty-five (35) in Township Seven (7) North of Range Thirty-nine (39) East of Boise Meridian, and comprising three hundred eight (308) acres of land;

and that said plaintiff Charles Saurey and his predecessors in interest during all of the times in the complaint mentioned and in these findings mentioned have been in the actual possession and occupation of said lands and the whole thereof.

b.- That the plaintiff Nicholas Sommer is the owner of the following described lands:

Let's One (1) and Two (2) of Section Three (3) in Township Six (6) North, Range Thirty-nine (39) East of Boise Meridian; Lots Six (6) and Seven (7) of Section Thirty-four (34) and

thirteen hundred fifty (1350) miner's inches, which are equivalent to twenty-seven cubic feet of water per second of time.

VII. That the plaintiffs are entitled to have the said

water diverted to them into the Saurey-Sommer Ditch at the point of diversion designated in the foregoing findings of fact and that the plaintiffs are entitled, respectively, to the uses of the follow-

ing quantities of water of the Teton River, to wit:

The plaintiff Charles Saurey six hundred sixteen (616) miner's inches, which are equivalent to twelve and thirty-two hundredths (12.32) cubic feet of water per second of time;
The plaintiff Nicholas Sommer five hundred seventy-four (574) miner's inches, which are equivalent to eleven and forty-eight hundredths (11.48) cubic feet of water per second of time;
The plaintiff Catherine J. Lavery Baker one hundred sixty (160) miner's inches, which are equivalent to three and two tenths (3.2) cubic feet of water per second of time.

VIII. That the plaintiffs are entitled to the relief

prayed for in their complaint herein and to judgment and decree

of the court awarding and decreeing to them, respectively, the

rights to the uses of the quantities of water hereinbefore found and set forth and establishing the priority date of their said rights as

of the 17th day of October, A. D., 1885.

5-17-06

- claimant claims "Storage Port" of 22-660.
- There is no storage associated with 22-660.
- Michael said He may be getting confused.
 - They may have palisades water which is a 1939 priority
 - They may be trying to claim part of palisades water in this claim.
- Michael said if I think they are trying to claim palisades to disallow and recommend as 01-2068
 - If I think they are trying to claim what they believe to be a Storage portion of 22-660 to disallow recommend as 22-660.

~~dis~~

TB

5-18-06

- Ernie said he helped these people.
 - There are 2 amended claims
 - The latest claim supercedes all others
 - claim claims 10-17-1885 water

TB

Point of Diversion

Northeast Quarter of the Northwest Quarter of Section 33, Township 8 North, Range 41 E.B.M., Fremont County, Idaho.

Lands to Which Appurtenant

Sections 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, 29 30, 31 and 32, Township 7 North, Range 39 E.B.M.

Section 27, Township 8 North, Range 39 E.B.M.

Sections 5, 6, 7 and 8, Township 6 North Range 39 E.B.M.

Sections 2, 5, 8, 9, 18 and 22, Township 7 North, Range 40 E.B.M.

Sections 27, 28, 29, 31, 32, 33, 34, 35 and 36, Township 8 North, Range 40 E.B.M.

Section 25 and 26, Township 6 North, Range 38 E.B.M.

All of the above property located in Fremont and Madison Counties, Idaho.

ZZSAUREY-SOMMER DITCH by LEROY SAUREY

~~1-03-8~~ 22-06-60

That Saurey-Sommer Ditch by LeRoy Saurey shall have the right to divert and use 9.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southeast Quarter of the Southeast Quarter of Section 35, Township 7 Range 39 E.B.M., Madison County, Idaho.

Lands to Which Appurtenant

Lots 1 and 2, Section 3, Township 6 North, Range 39 E.B.M.; W $\frac{1}{2}$ of Lot 3, Lot 4, in Section 2, Township 6 North, Range 39 E.B.M.; Lot 5 E $\frac{1}{2}$ SE $\frac{1}{4}$ less Tax 8, Section 34, Township 7 North, Range 39 E.B.M. E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Tax 16, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Tax 18, Section 35, Township 7 North Range 39 E.B.M., all in Madison County, Idaho.

AAA TETON IRRIGATION & MFG. COMPANY

~~1-03-9~~ 22-06-72

That Teton Irrigation & Mfg. Company shall have the right to divert and use 9.0 cubic feet of water per second at the following point of diversion and upon the following described lands:

Point of Diversion

Southwest Quarter of the Northwest Quarter of Section 28, Township 7 North, Range 41 E.B.M.

MAY 13 1996

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

RECEIVED

FEB 11 2004

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

Department of Water Resources
 Eastern Region

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
	22-7D				
22-00660					

for discussion w/ claimant,
 this ownership applies
 to A22-11636, Not to
 The two claims listed at the right.
 A22-7D belongs to Miss Saurey /
 Mrs Loveland, daughter of original
 claimant. A22-660 belongs to
 Saurey-Sommer Ditch Co.
 Bryce G. Connor 9/25/04

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)

Leroy B. Saurey

4. New Owner/Claimant(s)

Don F and Leann Renee Harris

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

New Mailing Address

4431 N 2000 W

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 356-8106

5. Date you acquired the property

May 30, 1986

WARRANTY DEED

THIS INDENTURE, Made this 30th day of May, 1986,
between BLAIR R. WITHERS and VESTA WITHERS, husband and wife,
of Route 2, Rexburg, Idaho 83440, the parties of the first
part, and DON F. HARRIS and LEANN RENEE HARRIS, husband and
wife, of Route 2, Box 146C, Rexburg, Idaho 83440, the parties
of the second part,

WITNESSETH, That the said parties of the first part,
for and in consideration of the sum of Ten and no/100 Dollars,
lawful money of the United States of America, and other
valuable consideration to them in hand paid by the parties of
the second part, the receipt whereof is hereby acknowledged,
have granted, bargained, sold and by these presents, do grant,
bargain, sell and convey and confirm unto the said parties of
the second part, their heirs and assigns, forever, all the
following described real estate, situated in Madison County,
State of Idaho, to-wit:

Commencing at the Northeast corner of the
Northeast Quarter Southwest Quarter of Section
35, Township 7 North, Range 39 East, Boise
Meridian, and running thence West 104 rods to the
East line of the County road; thence South 7 rods
along said county road; thence Southeasterly to a
point 12 rods south of the Northeast corner of
the Northwest Quarter Southwest Quarter of said
Section 35; thence continuing in a Southeasterly
direction to a point 18 rods South and 6 rods
East of the Northwest corner of the Northeast
Quarter Southwest Quarter of Section 35; thence
South 50 rods; thence West 6 rods; thence South
12 rods to the Southwest Corner of the Northeast
Quarter Southwest Quarter of said Section 35;
thence East 80 rods; and thence North 80 rods to
the point of beginning.

Subject to an existing mortgage by and between
Seller as Mortgagor and Farmers Home

Administration (hereinafter referred to as F.H.A.) as Mortgagee, which mortgage covers the above described property as well as other property owned and retained by Seller. Upon Buyer's compliance with the terms and conditions contained herein, said encumbrance shall be removed upon the above described property, as hereinafter provided.

Subject to easements, if any, of record or in existence for roads, streets, ditches, canals, pipelines and utilities.

Together with all water rights appurtenant thereto.

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

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

WARRANTY DEED - Page 3

Book 112
Pg 552

his Indenture, Made this 14th day of June in the year of our Lord one nine hundred and thirty , between CHARLES SAUREY AND LAURA SAUREY, his wife Hibbard

nty of Madison and State of Idaho the parties of the first part, an LEROY B. SAUREY, of Hibbard,

nty of Madison and State of Idaho the part y of the second par NESSETH, That the said parties of the first part, for and in consideration of the sum of - - - - - five and no/100 - - - - - (\$25.00) - - - - - DOLLAR: and other valuable consideration they of the United States of America; to them in hand paid by the said part y of the second part, the receipt hereby acknowledged, ~~to~~ have granted, bargained and sold and by these presents Grant, Bargain, Sell and Convey and Confirm unto the said part y of the following described real estate, situated part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land situated, lying and being in d of Madison and State of Idaho, and bounded and described as follows, to-wit:

The East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), and commencing at a point 68 rods South of the Northeast (S NE) corner of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-five (35), and running thence in a Northwesterly direction 36 rods; thence a little East of North 47 rods to a point 24 rods west of the Northeast Corner of said sub-division, thence West 56 rods more or less to the Northwest Corner of said sub-division; thence South 80 rods to the Southwest Corner of said sub-division; thence East 80 rods to the Southeast Corner of said sub-division; thence North 12 rods more or less to the point of beginning; also four shares of water right in the Farmers Consolidated Canal Company; all in Township Seven (7) North of Range Thirty-nine (39) East of the Boise Meridian.

th all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining version and reversions, remainder and remainders, ts, issues and profits thereof; and all estate, right, title and interest in and to the said , as well in law as in equity, of the said parties of the first part. AVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident,

id part y of the second part, to his heirs and assigns forever. And the said parties of the first part and heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, his heirs , against the said parties of the first part, and their heirs, and against all and every person or persons whosoever, iming or to claim the same, shall and will warrant any, and by these presents forever defend.

WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the r first above written.

ed, Sealed and Delivered in the Presence of: Charles Saurey (SEAL)
Levi E. Saurey } Laura Saurey (SEAL)
(SEAL)

IDAHO, } ss. On this 14th day of June in the year 19 30 , before me,
Madison, } CHADWICK W. BOOTH

Chain of Title

Don and LeAnn Harris

	Book/Page	Date	
Warranty Deed	112/552	6-18-30	Saurey to Saurey ✓
"	138/629	2-16-42	Sommer to Fisher ✓
"	158/65	3-25-46	Fullmer to Johnson ✓
"	179/172	11-30-53	Johnson to Albertsen ✓
"	179/231	2-3-54	Fisher to Bowen ✓
"	181/195	11-16-54	Albertsen to Johnson ✓
Quitclaim	181/196	11-16-54	Bowen to Johnson ✓
Warranty Deed	181/197	11-16-54	Johnson to Ricks ✓
Quitclaim	202/224	1-2-62	Ricks to Bowen ✓
Warranty Deed	145/259	5-9-72	Ricks to Withers ✓
"	216/156	7-21-86	Withers to Harris ✓

Pink outline represents property in question
CONSERVATION PLAN MAP

Owner Don Harris Operator _____
County Madison State Idaho Date 1-82
Approximate acres 240 Approximate scale 8" = 1 mi.
Cooperating with Madison Soil Conservation District
Plan identification _____ Photo number 171-1132
Assisted by M.W. Burgener USDA Soil Conservation Service



35-7-39



8/10/04 Don F. Ham 356-8106

Bought Blair Wilkins' place - 15-20 years ago.
Was Sumner Sundry - 5 shares -
Also water in Royakhan in Don name -
Don's Butte Bell -

All water he was is part of canal.

Don had 30 acre ft storage transferred into
Sumner Sundry dist. - Fremont Machine -
in consolidated - transferred into Sundry
for Ham - dealt w/ via consolidated
board -

No other water besides this canal is
Storage water
Boe

9/9/04 Met w/ Don & Fay Ham. This parcel
has Sundry-Summer Dist shares under A22-660
and this storage right. No private natural
flow right.

9/23/04 Met w/ Brett Bell of Sundry-Summer
Dist. He confirmed Ham's description
of water use. He said also likely the
an additional claim in the name of the
Canal Company based on part of 22-8 and
statutory claim 22-4019. Boe

This claim is for Fremont-Madison storage
originally delivered through consolidated dist but
now delivered through Sundry-Summer by agreement
of both Canal companies. I don't know if this
claim overlaps Fremont-Madison claim for
the same storage water. Claim states "storage part
of 22-660" but this has nothing to do w/ 22-660
Boe

Log for claim 22-11636

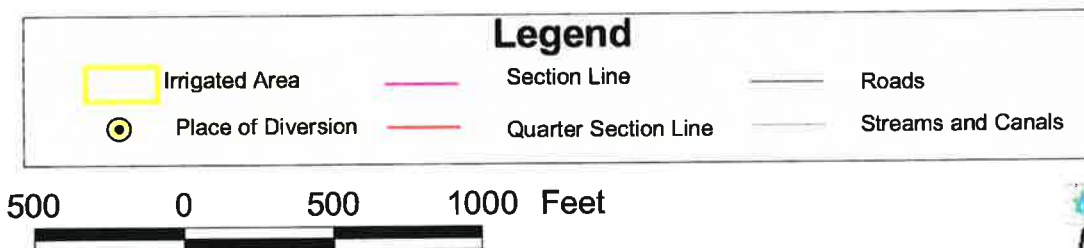
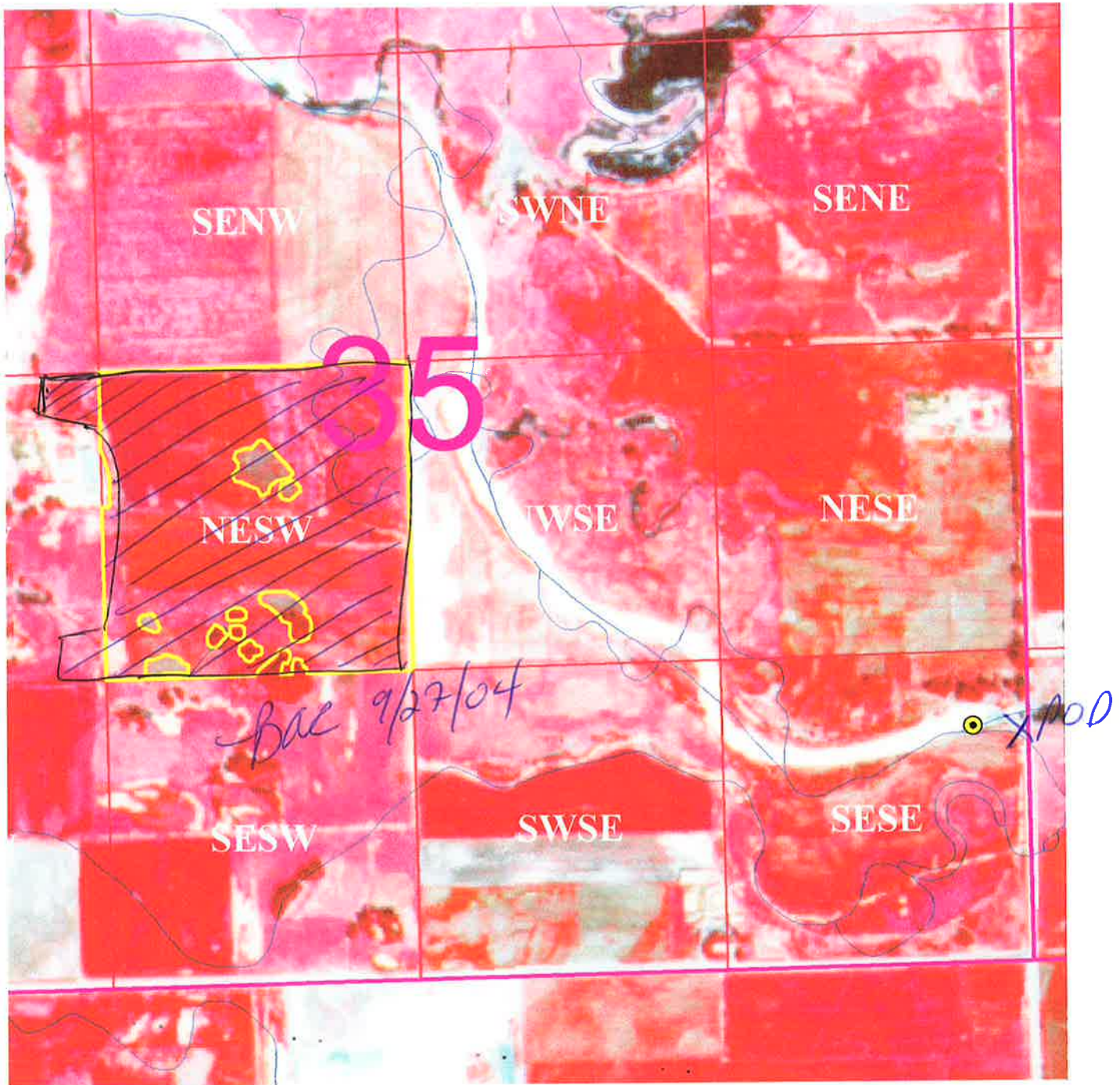
Spatial Dynamics BTD

7/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n39e	35	NESW	40	37	
Totals:			40	37	

Water Right Claim Number 22-11636
Township , 7N39E

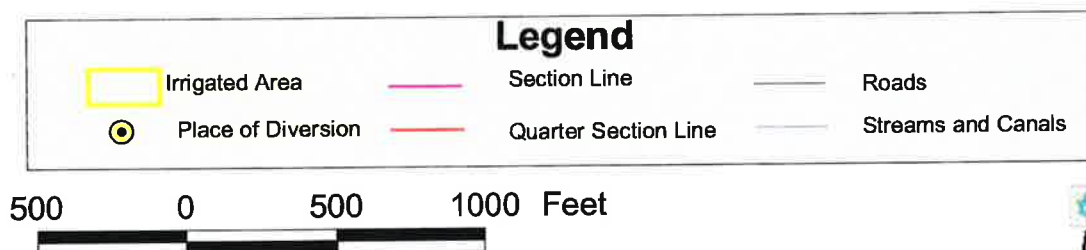
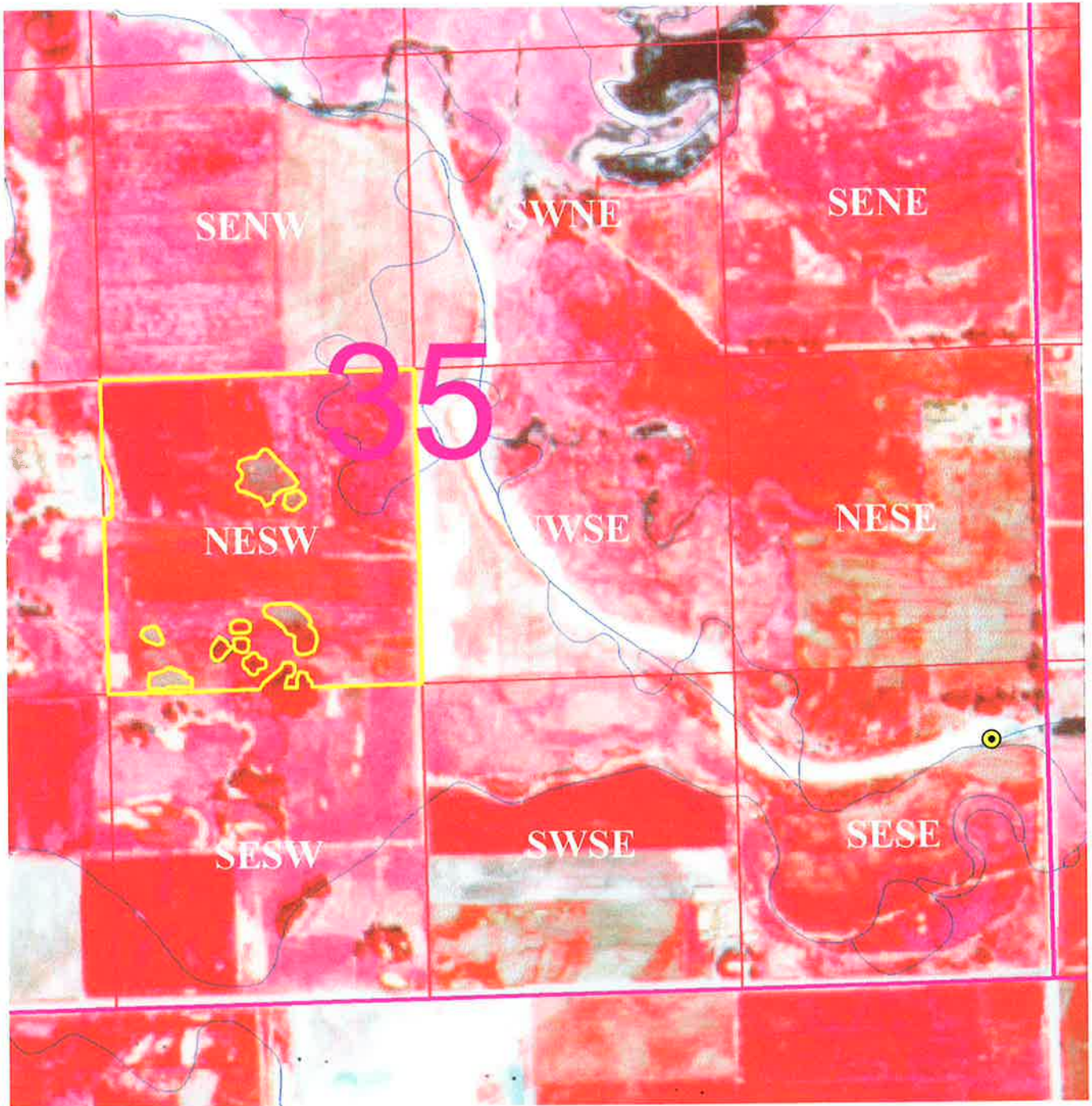
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11636
Township , 7N39E

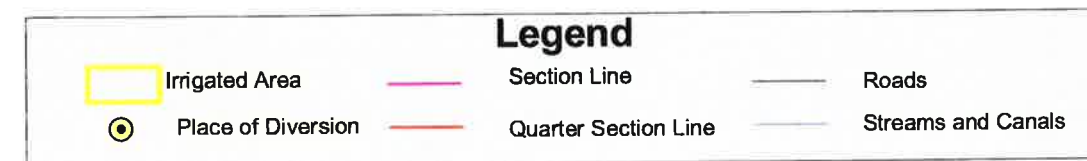
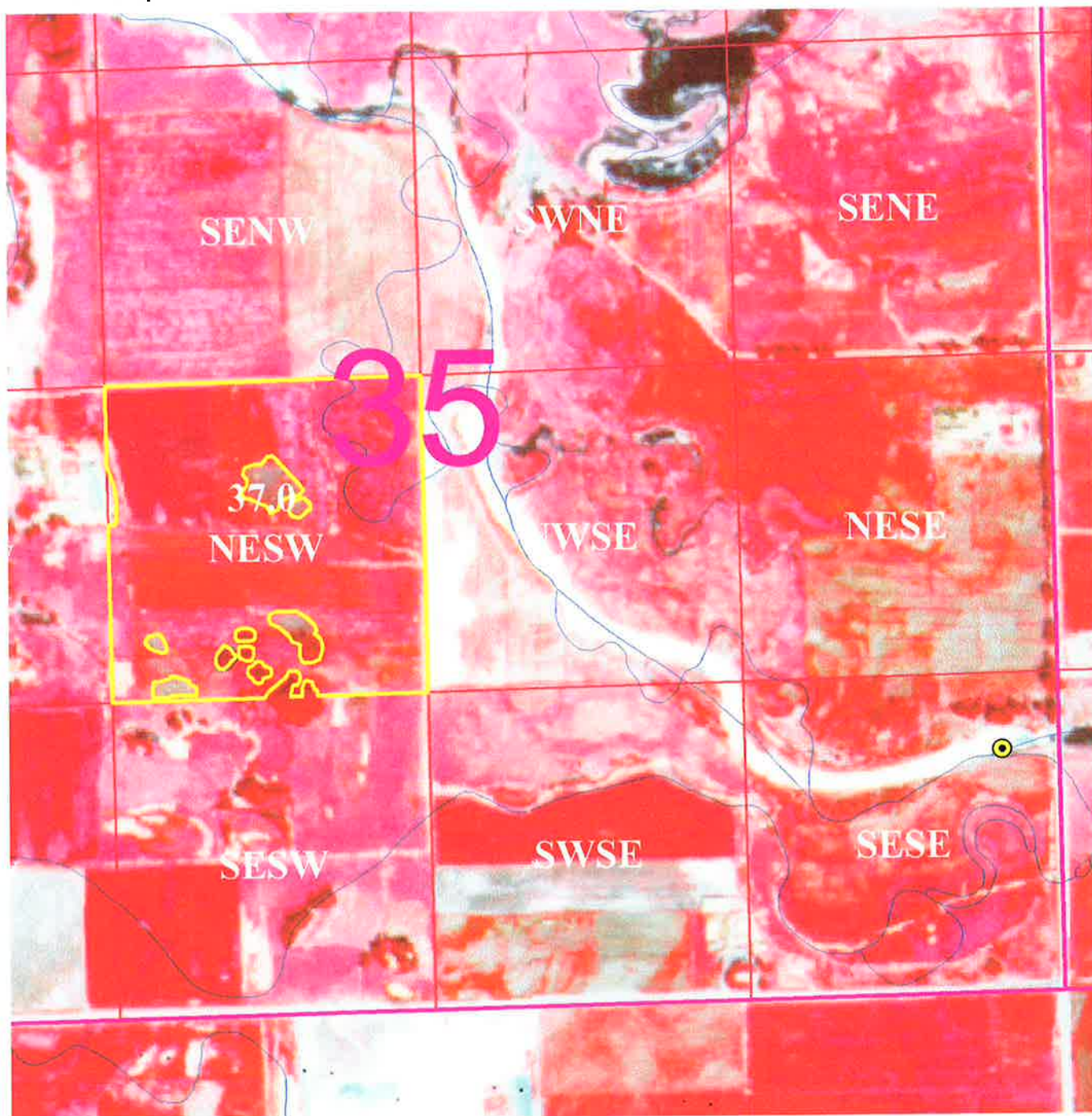
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11636
Township , 7N39E

07/16/2001



SPATIAL
DYNAMICS

10/27/1988.

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME HARRIS, Don F. CLAIM 1 T. NO. A22-11636DATE RECEIVED 8-24-88 CK # 2100 AMOUNT \$ 90.00

- | | YES | NO |
|--|-------------------------------------|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| 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? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) N/A | ☒ | ☐ |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ |
| 5. Is there a description of the diverting works? | ☒ | ☐ |
| 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. | ☒ | ☐ |
| Is the period of use included? | ☒ | ☐ |
| Is a quantity claimed for each use? | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | ☒ | ☐ |
| 8. If required is a consumptive use entered? N/A | ☒ | ☐ |
| Is the consumptive use correct? N/A | ☒ | ☐ |
| 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 | ☒ | ☐ |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 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 | ☒ | ☐ |
| 15. Is the basis of the claim indicated? | ☒ | ☐ |
| 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?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? Exempt | ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? N/A | ☒ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by:

Comments: PORTION OF A22-00660

MICROFILMED

NOV 8 1988

E001660

#720

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 22-11636
Date Received: 8/24/1988
Receipt No: E001660
Received By: E031571

AMENDED. NOTICE OF CLAIM TO A WATER RIGHT AMENDED.
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DON F HARRIS Phone: (208)356-8106
4431 N 2000 W
REXBURG ID USA 83440

2. Date of Priority: 10/17/1885

3. Source: TETON RIVER NORTH FORK Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07N	39E	35	NE	SE	SE	MADISON	

5. Description of diverting works:

DIVERSION DAM TO SAUREY-SOMMER DITCH FOR FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	4.04	
STOCKWATER	01/01	12/31	0.75	

7. Total Quantity Appropriated is:
4.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	39E	35	NE	SW	IRRIGATION	40
			NE	SW	STOCKWATER	
					Section Acres	40
					Total Acres	40

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:

14. Remarks:

15. Basis of Claim: Decreed

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.

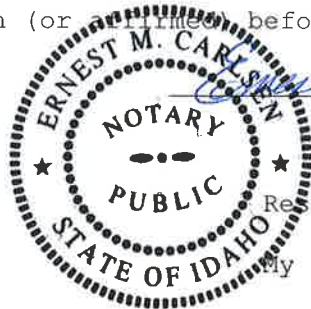
Signature of Claimant(s): Don Harris Date: 1-18-06

Date: _____

State of Idaho)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18th of January 2006



Ernest M. Carlson
Notary Public

Residing at Idaho Falls, ID.

My commission Expires 8-21-2009.

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 A22-11636

Date Received _____

Receipt Number _____

Amended

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

Please type or print clearly

1. Name of Claimant (s) Don F and Leann Renee Ham's Phone (208) 356 8106Mailing Address 4431 N 2000 W Rexburg ID Zip 834402. Date of Priority (Only one (1) per claim) Oct 17 18853. Source of water supply (a) North Fork Teton River
which is tributary to (b) Hennys Fork4. a. Location of existing point of diversion is: Township 7N Range 39E Section 35,
NE 1/4 of SE 1/4 of SE 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.Diversion Dam to Sauney-Sommer Ditch

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 4.82 or _____
For stockwater purposes from 3/1 to 12/15 amount 0.03 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.82 (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.) 100 range cattle, some horses

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	
7N	39E	35									37	2							40

Total number of acres irrigated 40

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 ☒ 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.
Saurey-Sommer canal water or None ()

14. Remarks:
This amended claim corrects the
place of use. This claim is for
30 acre feet of storage through Fremont-
Madison. Originally delivered through
consolidated by agreement of Canal boards
now is delivered through Saurey-Sommer.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 22-660

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) Don Hays

Date 9-9-04

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.

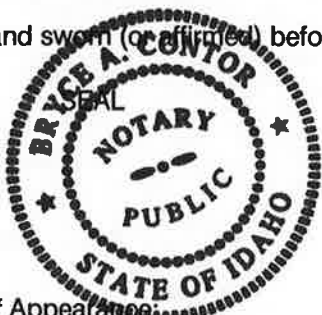
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 9th day of September 2004



Notary Public Bryce A. Contor

Residing at Mod Lake

My Commission Expires 10/14/05

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 _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

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: A22-11636
Date Received: 8/24/1988
Receipt No: E001660
Received By: AK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON F. HARRIS 208-356-8106
Address: 4431 N. 2000 W.
REXBURG, ID 83440

2. Date of Priority: OCT 17, 1885

3. Source: NORTH FORK TETON RIVER Trib. to: HENRY FORK OF SNAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	39E	35	NE	SE	SE		MADISON

5. Description of diverting works:
DIVERSION DAM TO SAUREY-SOMMER DITCH FOR FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.820		
STOCKWATER	03/01	12/15	0.030		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	39E	35	NE	SW		IRR	40.0
			NE	SW		STOCK	

Section Acres 40.0

A22-11636

Page 1

Date: 01/19/89

MICROFILMED
NOV 06 1992

A2211636



10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

STORAGE PART OF A22-00660 FROM SAUREY SOMMER DITCH

14. Remarks:

15. Basis of Claim: DECREED

Water Right Number: 220660

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree 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/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: 39356

Ident. Number

Date Received

Receipt Number

A22-11636
8-24-88 CA
E001660

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Don F Harris Phone () 356-8106

Mailing Address 4431 N 2000 W Rexburg Zip 83440

2. Date of Priority (Only one (1) per claim) Oct 17, 1885

3. Source of water supply (a) North Fork TETON RIVER
which is tributary to (b) HECAY FORK of Snake RIVER

4. a. Location of existing point of diversion is: Township 07N Range 39E Section 35,
NE 1/4 of SE 1/4 of SE 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.

DIVERSION Dam to Sawyer-Sommer Ditch
for Flood Irrigation

MICROFILMED

NOV 06 1982

6. Water is claimed for the following purposes:

(both dates are inclusive)

For Irrigation purposes from 4/1 to 11/1 amount 4.82 (cfs) ^{DN} or 4.82 (acre feet)
For Stockwater purposes from 3/1 to 12/15 amount 0.030 or 0.030 (acre feet)
For Storage ^{DN} purposes from _____ to _____ amount _____ or 0.030 (acre feet)
For _____ purposes from _____ to _____ amount _____ or _____ (acre feet)

7. Total quantity claimed (a) 4.82 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 100 acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
07N	39E	35									40								40
											5								

Total number of acres irrigated 40

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 ☒ 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.
Storage part of #22 ~00660 from or None ()
Sawey Summer Ditch

14. Remarks:

Last Name Harris Ident No. _____

MICROFILMED
NOV 06 1992
Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number 22-00660 part of
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 -1-

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

Signature of Claimant (s) Don F Harris Date 8-24-1988

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 Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 24th day of August 19 88

SEAL

Notary Public

Residing at

My Commission Expires

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 _____

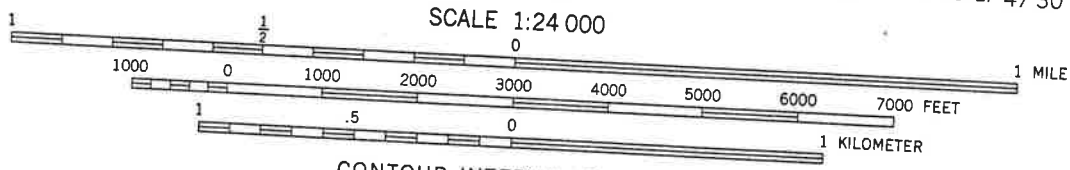
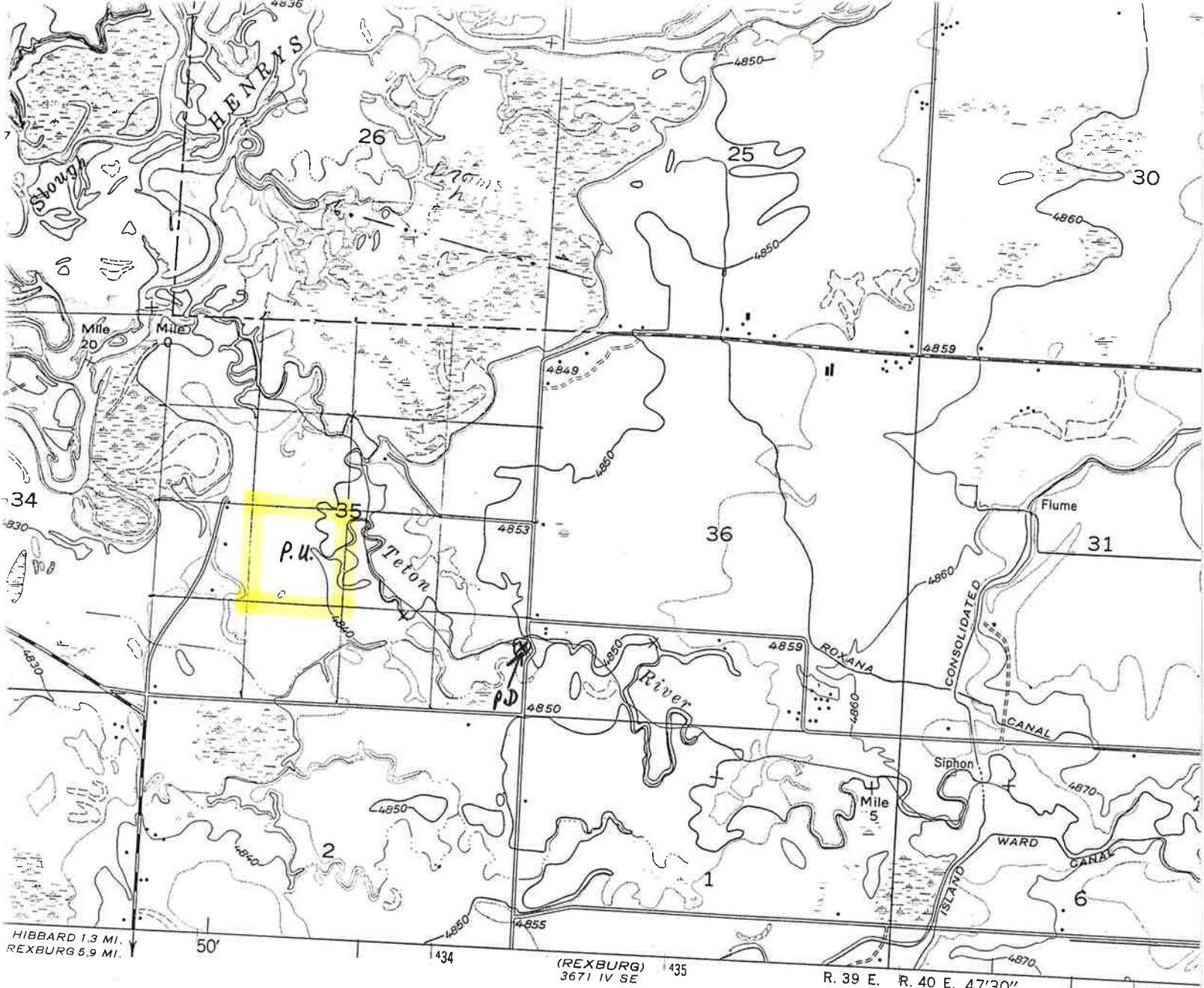
Date _____

Last Name Harris Ident. Number _____

MICROFILMED

NOV 6 1988

Copies White-State, Yellow-Claimant



CONTOUR INTERVAL 10 FEET
 DOTTED LINES REPRESENT 5-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929

T 7N
 R 39E



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Revisions shown in purple
 taken 1976 and other sources
 field checked. Map edited

Harris

MICROFILMED

NOV 15 1980

Surveyed. Location Approximate

Management projection

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

AMENDED

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-11639

NAME AND ADDRESS: JOY M REID
MICHAEL L REID
STEPHEN D REID
550 S 450 W
VICTOR, ID 83455

SOURCE: PARADISE SPRING TRIBUTARY: TETON RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 07/21/1969

POINT OF DIVERSION: T04N R45E S30 NENW Within Teton County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.19 CFS

PLACE OF USE: Irrigation Within Teton County
T04N R45E S30 SENW 35.6
35.6 Acres Total



Right Nos. 22-11639 and 22-13212 are limited to the irrigation
of a combined total of 35.6 acres in a single irrigation season.
This right is limited to the irrigation of 9.6 acres within the
place of use described above in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

Paradise Springs Water Rights, Basin 22, Teton County Idaho

Paradise Springs, located near Driggs Idaho in Basin 22 is the subject of much contention. The recommendations have been reported to the court for all Basin 22 claims as well as these Paradise Springs and those water rights related to Paradise Springs. Objections are now being filed with the court regarding these rights. This report is to document the reasoning behind the recommendations made on the water rights for Paradise Springs and those water rights relating.

Water Right Referenced in This Report

22-180A, 22-180B, 22-180D, 22-575A, 22-11537, 22-11639, 22-12714B, 22-13134, 22-13135, 22-13211, 22-13212, 22-13503, 22-13509, 22-13511, 22-13585, 22-13586.

Water Right 22-405

Water right 22-405 was decreed to J. J. Miller in "Rexburg Irrigation Company et al. vs. Teton Irrigation Canal Company et al.", commonly known as the Rexburg Decree. Water right 22-405 was decreed to lands located on SWSE and S½ SW Section 30, and NENW of Section 21, Township 4 North, Range 45 East, for a total of 160 acres. The decree entitled Mr. Miller to a total of 2.0 cfs from Paradise Springs. The decree stated a priority date of 6-1-1904.

Mike Reid, Don Leroy Miller and Rex Miller are the original claimants for 22-405. Rex Miller has since sold a portion of his land to John Collins, Andrew Richardson and some of his land if not all is now being subdivided. All of the original claimants claim the water had never been used on the decreed place of use. Don is J.J. Miller's son. He states along with the rest of the original claimants that J. J. Miller never owned any of the land described in the Rexburg decree, and that the land that the water was intended to be used on is located in the SESW and NESW Section 19 as well as NENW and SENW Section 30, Township 4 North, Range 45 East. After looking at the USGS topographic map, it was found that Paradise Springs' water could never have been used on the land described in the Rexburg Decree because it is up hill.

Don Miller brought in J. J. Millers Homestead description as well as a Notice Of Water Right submitted by J. J. Miller. The Homestead Entry for J. J. Miller and the land listed on his Notice of Water right are described as follows: E½ NW Section 30 and E½ SW Section 19, Township 4 North, Range 45 East.

Given this information it is believed that water right 22-405 had always been used on the land described by the claimants. It is also believed that the Rexburg Decree was in error.

Because of this error and the fact that the Rexburg Decree is an indeterminate decree in regard to exact acreage, Idaho Department of Water Resources' "Adjudication Memo #57" was used as a guide for these recommendations. "Adjudication Memo #57" states

that if the water right was part of an indeterminate decree, then the acres irrigated in 1987 will be used as the decreed place of use. In 1987 all of the E½ NW Section 30 and E½ SW Section 19, Township 4 North, Range 45 East was irrigated. This information was found through statements from the original claimants including signed statements from Rex Miller and Craig Kunz and by reviewing the aerial photos taken in 1987/1988 by the National Agriculture Imagery Program (NAIP). Though this is true, the claimants state that the NESW of Section 19 Township 4 North, 45 East was not irrigated until later (Affidavit supplied).

Rex Miller and Don Miller are brothers and each of them owned part of the land that was homesteaded by J. J. Miller. Even though the land was not split half and half between Don and Rex, the water right was. This information was obtained by a conversation with Don and a signed statement from Rex. Rex Miller and Don Miller each received 1.0 cfs of water right 22-405.

Mike Reid bought a portion of land from Don Miller therefore a portion of Don's 1.0 cfs was portrayed to him. Because of a claim that ground water users in the area were drying up Paradise Springs, Mike Reid filed a transfer to officially move the water from the decreed place of use to the land that it has always been used on. This transfer was lost in the system and when it was found it was decided that the Adjudication recommendations would accomplish the change the transfer was trying to accomplish, and the transfer was withdrawn. Rex's 1.0 cfs was also split. The recommendations for 22-405 have been created based on the above information.

Recommendations for 21-405:

- Mike Reid owns 35.6 acres of the Homesteaded land and receives 0.7 cfs and is reflected in the following claim files: 22-13212 (0.5 cfs), 22-13503 (0.2 cfs).
- Don Miller owns 9.6 acres and receives 0.3 cfs reflected in claim number 22-13211
- Rex Miller at one time irrigated 93.8 acres using water right 22-405 and water right 22-587. He owns 1.0 cfs of 22-405 and did not claim any additional water from 22-587 although he owned land covered by that right. He sold 7.2 acres and 0.08 cfs to Russel Bourne who then sold it to John Collins. John Collins' land was decreed as 22-587 and was therefore was recommended as such. Rex then sold another piece of his land to Andrew Richardson who received 0.34 cfs for 31 acres on land decreed as 22-405. Rex was left with 55.6 acres and 0.61 cfs on land covered by both 22-405 and 22-587.
- Rex Miller 55.6 acres and 0.61 cfs. Combination of 22-405 and 22-587 reflected in claim number 22-13585.
- Andrew Richardson 31 acres and 0.34 cfs. Portion of 22-405 reflected in claim number 22-13586.

- John Collins 7.2 acres and 0.08 cfs. Portion of 22-587 reflected in claim number 22-12714B.

Water Right 22-13509

Later in time the NESW of Section 19, Township 4 North, Range 45 East started being irrigated by water that came from a ditch along the Western hillside. There was an affidavit submitted by Chester Miller, one of J. J. Miller's sons. This affidavit went through some history about the water from Paradise springs but the only concrete date that can be taken from that affidavit was 1960. Because of this information the priority date that was given to water right 22-13509 for the irrigation of the NESW of Section 19, Township 4 North, Range 45 East.

Water Right 22-4104

According to the claimants in 1969 a pump went in on the East side of the spring and pumped water through a pipe for sprinkler irrigation. This pump not only irrigated all of the homesteaded land, but also began irrigating a small piece of land owned by Don Miller in the NWNW of Section 30 Township 4 North, Range 45 East. The affidavit provided by Chester Miller supports this beneficial use water right 22-4104. This right was split between Don Miller and Mike Reid.

Recommendations for 22-4104:

- Mike Reid receives 0.59 cfs reflected in claim number 22-11639.
- Don Miller receives 0.14 cfs reflected in claim number 22-11537.

Water Right 22-587

This water right was decreed in the Rexburg Decree to Caroline Withrick for an "undivided $\frac{1}{4}$ of Paradise Springs" with a priority of 6-1-1904. The land in the decree is stated as follows:

"NE1/4SE1/4, and SE1/4 of NE1/4 of Section 30, T. 4 N., R., 45 E., B. M. also, Homestead not described in pleadings."

The Homestead for Caroline Withrick was found on the BLM website (www.glorerecords.blm.gov) but her name was spelled slightly different. The homestead was issued to Carolina Wuthrick dated May 20th 1862. The land was listed as follows:

"S1/2SE Section 19 and NWNE Section 30 of T 4N R 45E"

The land listed on the decree and on the Homestead Entry total 200 acres.

7.2 acres of SWSE Section 19, Township 4 North, Range 45 East has been recommended to John Collins as 22-12714B. The remainder of that quarter-quarter has been recommended to Rex Miller as 22-13585. Duane Kunz claims 1.6 cfs of 22-587 reflected in water right claim number 22-13511. He claims the water has been used on NESW and NWSW Section 30, Township 4 North, Range 45 East, which is not the decreed place of use and no evidence has been submitted suggesting an error in the decree. As a result that claim has been disallowed.

Water Right 22-575

Water right 22-575 was decreed in the Rexburg Decree to George Walton for 100 inches (2 cfs) from Paradise Springs with a priority of 6-1-1892. The land it was decreed to is described as follows:

“NW1/4 of SW1/4 and W1/2 of NW1/4 of Section. 29, and NE1/4 of NE1/4 of Section 30, T. 4 N. R., 45 E., B. M., Containing 160 Acres.”

In water right transfer number 3555 Gary Zohner transferred 1 cfs of water right 22-575 from NWNW Section 29 and NENE Section 30, Township 4 North, Range 45 East to the NWSE and SESE Section 19, Township 4 North, Range 45 East. Also in the same transfer he moved 0.7 cfs of water right 22-180 from the NENE Section 30, Township 4 North, Range 45 East to the same place of use in Section 19.

After transfer # 3555, the land pertinent to 22-575 is as follows:

NWSW and SESE Section 19, SWNW and NWSW Section 29 all in Township 4 North, Range 45 East.

Teton Rainbow Ranch at one time prior to 1987 owned land located in the SWNW and NWSW Section 29, Township 4 North, Range 45 East. They sold that land to Peter Shields and reserved the water as stated in the warrantee deed located in the claim file for water right 22-13134. Teton Rainbow Ranch then moved the water to SENE and NESE Section 30, Township 4 North, Range 45 East. Based on this information the recommendations follow.

Recommendations for 22-575:

- Gary Zohner receives 1.0 cfs reflected in claim number 22-575A limited to 80 acres.
- Wally Rothgeb receives, as an accomplished change in place of use, 0.13 cfs for 8.9 acres reflected in claim number 22-13135.
- Teton Rainbow Ranch receives, as an accomplished change in place of use, 0.86 cfs for 54 acres reflected in claim number 22-13134.

Water Right 22-180

Water right 22-180 was decreed in the Rexburg Decree to H. C. Bowles for 140 inches (2.8 cfs) from Spring Creek, with a priority of 6-1-1889. The land describe in the decree is as follows:

“SW1/4 of SW1/4 and SW1/4 of SE1/4 of Section. 29, N1/2 of NE1/4 of Section. 30, T. 4 N., R. 45 E., B. M., containing 160 acres”.

After transfer # 3555 mentioned above the lands to which water right 22-180 was pertinent is as follows.

NWSE and SESE Section 19, SWSW and SWSE Section 29, and NWNE Section 30, Township 4 North, Range 45 East.

Though 22-180 was decreed the source of “Spring Creek”, no one knows exactly where Spring Creek is. Some of the local names for Paradise Springs are Sulfur Creek and Spring Creek. In my analysis Paradise Springs, springs up into a pond and when water is high it will flow down and add to the water down stream in what is locally known as Miller Slough or Paradise Creek. Paradise Creek is a gaining reach and water can be found in it even after water is too low for Paradise Springs to feed it. It is possible that at the time of the Rexburg decree, Paradise Springs and Paradise Creek were referred to as separate sources. It is my opinion that the Rexburg Decree decreed rights to Paradise Springs and also Paradise Creek but named it Spring Creek because it was connected to Paradise Springs at times. For lack of other evidence and the fact that for years, it has been accepted that 22-180 is part of Paradise Springs my recommendation is that 22-180 be decreed, at least in part, to Paradise Creek. A transfer was even approved by the Department for this right and no protests were received to my knowledge. The Rexburg Decree did however decree 40 acres of land to this water right on the East side of the River. This is the portion of the right that Duane Kunz is claiming. That is why I recommended Unnamed Stream to this right. Why that land was decreed is unknown to me. It may be an error, or the land on the West side of the river may be in error. It could also be that H. C. Bowles allowed the water to flow into the Teton River and then he took it out upstream in an exchange fashion, otherwise I don’t understand why 80 acres would be decreed right on Paradise Creek and 80 acres decreed ½ mile upstream and 40 acres of it on the East side of the river. It may be that we want to recommend 22-180A and 22-180D as Paradise Creek to differentiate between Paradise Springs and Paradise Creek, and then have a point of injection and a point of re-diversion.

Based on that information the recommendations for 22-180 are as follows.

Recommendations for 22-180:

- Gary Zohner receives 0.7 cfs for 80 acres reflected in claim number 22-180A (Paradise Springs)

- Duane Kunz receives 0.7 for 40 acres reflected in claim number 22-180B (Unnamed Stream)
- Larell Kunz receives 0.44 cfs for 25 acres reflected in claim number 22-180D (Paradise Springs)

Report by Trent Galbraith 12-15-06: Revised 10-1-2007



Idaho Department of Water Resources

SRBA Recommendation:

22-11639, 22-13212, 22-13503

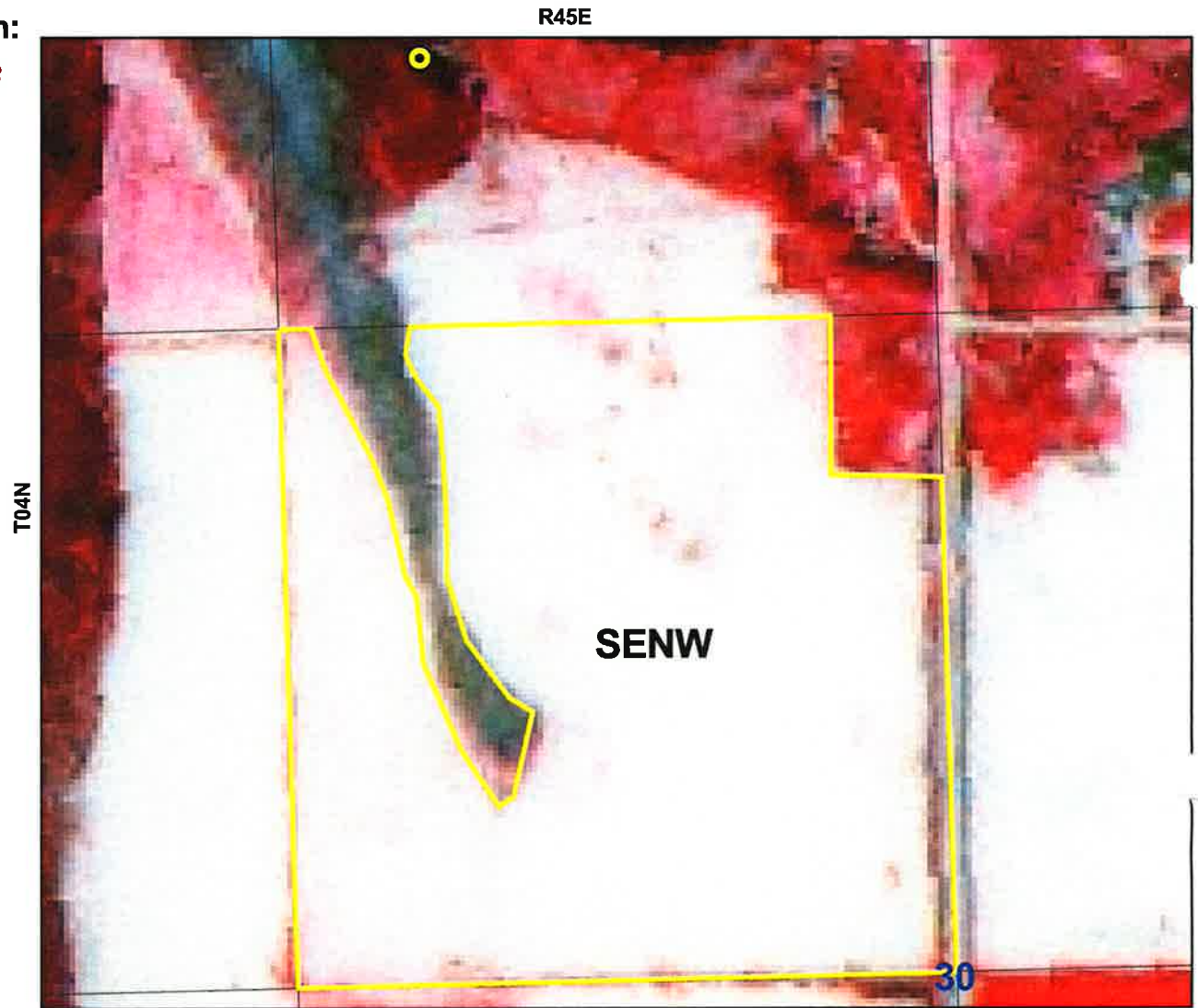
(Irrigation)

Legend

- SCANNED
JUN 4 2007
- Point of Diversion
 - Place of Use
 - Townships
 - PLS Sections
 - Quarter Quarters



Teton County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by T. Galbraith
On Wednesday, September 20, 2006
1987/88 Aerial Photography

Paradise Springs

22-405

22-405 was decreed to J. J. Miller in the Rexburg Decree to lands located on SWSE and S1/2SW Sec 30, and NENW of Sec 21 T 4 N 45 E for a total of 160 acres. The source of the decree is 2 CFS from Paradise Springs. The decree stated a priority date of 6/1/1904.

Mike Reid, Don Leroy Miller and Rex Miller are the original claimants for 22-405. Rex Miller has since sold a portion of his land to John Collins, Andrew Richardson and some of his land if not all is now being subdivided. All of the original claimants claim the water has never been used on the decreed POU. Don is J.J. Miller's son. He states as well as the rest of the claimants that J. J. Miller never owned any of the land described in the Rexburg decree, and that the land that the water was intended to be used on is SESW and NESW Sec 19 as well as NENW and SENW Sec 30 in T 4 N 45 E. Paradise Springs' water could never have been used on the land described in the Rexburg Decree because it is up hill and too far away.

Don Miller brought in J. J. Millers Homestead description as well as a Notice Of Water Right. The Homestead Entry for J. J. Miller and the land listed on his Notice of Water right are described as follows: E1/2NW Sec 30 and E1/2SW Sec 19 T 4 N 45 E.

Given this information it is believed that water right 22-405 had always been used on the land described by the claimants. It is also believed that the Rexburg Decree was in error.

Because of this error and the fact that the Rexburg Decree is and indeterminate decree when it comes to exact acreage, memo #57 was used as a guide for these recommendation. Memo #57 states that if the water right was part of an indeterminate decree, then we use the acres irrigated in 1987 as the decreed POU. In 1987 all of the E1/2NW Sec 30 and E1/2SW Sec 19 was irrigated. This information was found by looking at aerial photos of 1987 or by statements from the original claimants including signed statements from Rex Miller and Craig Kunz. Though this is true the claimants state that the NESW of Sec 19 was not irrigated until later (Affidavit supplied).

Rex Miller and Don Miller are brothers and each of them owned part of the land that was homesteaded. Even though the land was not split half and half between Don and Rex, the water right was. This information was obtained by a conversation with Don and a signed statement from Rex. Rex Miller initially had 1 CFS of 22-405 and Don had the same.

Mike Reid bought some land from Don Miller so a portion of Don's 1 CFS goes to him. Because of some issues with well users drying up Paradise Springs, Mike Reid filed a transfer to officially move the water from the decreed POU to the land that it has always been used on. This transfer was lost in the system and by the time it was found it was decided that because the Adjudication recommendations would accomplish the same thing the transfer was trying to accomplish, the transfer would be withdrawn. Rex's 1

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JUN 04 2007

CFS was also split. The recommendations for 22-405 have been created based on the above information.

Recommendations

Mike Reid owns 35.6 acres of the Homesteaded land and receives 0.7 CFS and is reflected in the following claim files: 22-13212 (0.5 CFS), 22-13503 (0.2 CFS).

Don Miller owns 9.6 acres and receives 0.3 CFS reflected in claim number 22-13211

Rex Miller at one time irrigated 93.8 acres using water right 22-405 and 22-587. He owns 1.0 CFS of 22-405 and did not claim any additional water from 22-587 although he owned land covered by that right. He sold 7.2 acres and 0.08 CFS to Russel Bourne who then sold it to John Collins. That land was decreed as 22-587 so that is how it was recommended. Rex Then split off another piece of his land to Andrew Richardson who then got a right for 0.34 CFS for 31 acres on land decreed to 22-405. Rex was left with 55.6 acres and 0.61 CFS on land covered by both 22-405 and 22-587.

Rex Miller 55.6 acres 0.61 CFS combination of 22-405 and 22-587 reflected in claim number 22-13585.

Andrew Richardson 31 acres 0.34 CFS portion of 22-405 reflected in claim number 22-13586.

John Collins 7.2 acrs .08 CFS portion of 22-587 reflected in claim number 22-12714B.

22-13509

Later in time the NESW of Sec 19 started being irrigated by water that came from a ditch along the Western Hillside. There was an affidavit submitted by Chester Miller, one of J. J. Miller's sons. This affidavit went through a lot of history about the water from Paradise springs but the only date that can be pulled from that affidavit was 1960. This is the priority date I gave 22-13509 for the irrigation of the NESW of Sec 19.

22-4104

According to the claimants in 1969 a pump went in on the east side of the spring and pumped water through a pipe for sprinkler irrigation. This pump besides irrigating all of the Homesteaded land also began irrigating a small piece of land owned by Don Miller in the NWNW of Sec 30. The affidavit provided by Chester Miller supports this beneficial use water right 22-4104. This right was split between Don Miller and Mike Reid.

Recommendations

Mike Reid receives 0.59 CFS reflected in 22-11639.

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JUN 04 2007

Don Miller receives 0.14 CFS reflected in 22-11537.

22-587

This water right was decreed in the Rexburg Decree to Caroline Withrick for an "undivided $\frac{1}{4}$ of Paradise Springs" with a priority of 6/1/1904. The land stated in the decree is stated as follows:

"NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 30, T. 4 N., R., 45 E., B. M. also, Homestead not described in pleadings."

The Homestead for Caroline Withrick was found on the BLM website (www.glorerecords.blm.gov) but her name was spelled a little different. The homestead was made by Carolina Wuthrick dated May 20th 1862. The land was listed as follows:

S1/2SE Sec 19 and NWNE Sec 30 of T 4N R 45E

The land listed on the decree and on the Homestead Entry totals 200 acres.

7.2 acres of SWSE Sec 19 T 4N R 45E has been recommended to John Collins. The remainder of SWSE has been recommended to Rex Miller. Duane Kunz claims 1.6 CFS of 22-587. He claims the water has been used on NESW and NWSW Sec 30 T 4N R 45E which is not the decreed POU so it has been disallowed.

22-575

22-575 was decreed in the Rexburg Decree to George Walton for 100 inches (2 CFS) from Paradise Springs with a priority of 6/1/1892. The land it was decreed to is described as follows:

"NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 29, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 30, T. 4 N. R., 45 E., B. M., Containing 160 Acres."

In transfer number 3555 Gary Zohner Transferred 1 CFS of 22-575 from NWNW Sec 29 and NENE Sec 30 4N 45E to NWSE and SESE Sec 19 4N 45E. Also in the same transfer he moved .7 CFS of 22-180 from NENE Sec 30 4N 45E to the same POU in Sec 19.

After the transfer, the land pertinent to 22-575 is as follows:

NWSW and SESE Sec 19, SWNW and NWSW Sec 29 all in 4N 45E.

Teton Rainbow Ranch at one time prior to 1987 owned SWNW and NWSW Sec 29. They sold that land to Peter Shields and reserved the water as stated in a warrantee deed in 22-13134. Teton Rainbow Ranch then moved the water to SENE and NESE Sec 30. Based on this information the recommendations follow.

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JUN 04 2007

Recommendations

Gary Zohner receives 1.0 CFS reflected in claim number 22-575A limited to 80 acres.

Wally Rothgeb receives, as an accomplished change in POU, 0.13 CFS for 8.9 acres reflected in claim number 22-13135.

Teton Rainbow Ranch receives, as an accomplished change in POU, 0.86 CFS for 54 acres reflected in claim number 22-13134.

22-180

22-180 was decreed in the Rexburg Decree to H. C. Bowles for 140 inches (2.8 CFS) from Spring Creek, with a priority of 6-1-1889. The land describe in the decree is as follows:

“SW1/4 of SW1/4 and SW1/4 of SE1/4 of Sec. 29, N1/2 of NE1/4 of Sec. 30, T. 4 N., R. 45 E., B. M., containing 160 acres”.

After transfer 3555 mentioned above the lands to which this water water was pertinent is as follows.

NWSE and SESE Sec 19, SWSW and SWSE Sec 29, and NWNE Sec 30.

Based on that information the recommendations for 22-180 are as follows.

Recommendations

Gary Zohner receives 0.7 CFS for 80 acres reflected in claim number 22-180A

Duane Kunz receives 0.7 for 40 acres reflected in claim number 22-180B

Larell Kunz receives .44 CFS for 25 acres reflected in claim number 22-180D

Report by Trent Galbraith 12-15-06

SCANNED
JUN 04 2007

4-6-06

22-12714A + 22-12714B are for $\frac{1}{2}$ of 22-405^{decree} which is lcs. 22-4104 is for an enlargement only which has been split into 22-11639 (Michael Reid) and 22-11537 (Don Miller). 22-405^{claim} is a duplicate of 22-13212 which is in the name of Michael Reid. The other part of 22-405 decree is 22-13211 which is also in the name of Michael Reid but according to Reid should be in the name of Don Miller. Don agrees.

22-4141 is a duplicate of 22-13211.

22-13211 was amended to reflect Dons portion and land. TR

22-13503 is the additional .2 cbs of 22-405 decree that is for the irrigation of Reids 35.6 acres. Needs a COS as with all of other 22-405 splits.

as of 4-6-06 a transfer for 22-13212 is in process and Jennifer has 22-13503. Claims for Reid cannot be recommended until transfer is complete. TR

~~Be sure to recommend the~~

SCANNED

JUN 04 2007

~~22-405~~

- All claimants of 22-405 and its splits claim the decreed pov is incorrect. There is no way paradise creek to go up hill to irrigate the land. This is true. The land is uphill and could not be irrigated from decreed source. Claimants claim that JJ Miller filled a claim with fremont county in 1901 (No copy found in files) stating Miller intended to use water on E $\frac{1}{2}$ NW Sec 30 and E $\frac{1}{2}$ SW sec 19 4N 4S E. Diverted at the NE NW of sec 30. With the water diverted there all of The E $\frac{1}{2}$ of SW se 19 could not be irrigated. It is possible some of it was irrigated by running a ditch along the hillside but there is no evidence of a ditch.

22-405

Transfers
Pending

- 13212
- 13211
- 12714A
- 12714B
- 4141

Parts of 22-405. It is my opinion 22-405 should go away recommended as 22-13212.

22-11537

- 11639

} 1969 "Enlargement" parent rights 22-4104
I believe these should actually be

Beneficial Use claims due to the fact they are prior to 1971. This is if they used extra water! Claimants should get same % of enlargement as they did of 22-405. TG 4-4-06

4-6-06

22-12714A + 22-12714B are for $\frac{1}{2}$ of 22-405^{decree} which is lcs. 22-4104 is for an enlargement only which has been split into 22-11639 (Michael Reid) and 22-11537 (Don Miller). 22-405^{claim} is a duplicate of 22-13212 which is in the name of Michael Reid. The other part of 22-405 decree is 22-13211 which is also in the name of Michael Reid but according to Reid should be in the name of Don Miller. Don agrees.

22-4141 is a duplicate of 22-13211.

22-13211 was amended to reflect Don's portion and land. TR

22-13503 is the additional .2 cbs of 22-405 decree that is for the irrigation of Reid's 35.6 acres. Needs a COS as with all of other 22-405 splits.

as of 4-6-06 a transfer for 22-13212 is in process and Jennifer has 22-13503. Claims for Reid cannot be recommended until transfer is complete. TR

~~Be sure to recommend the~~

7-5-06

- Because this is an indeterminate decree, memo #57 was used as guidance for Recommending splits of 22-40S.
- The Rexburg decree gives a POV that cannot possibly be irrigated by paradise springs. J.J. Miller never owned the land described and there are no claims for any portion of 22-40S that claim that land.
- In the file is a copy of J.J.'s homestead entry and a Notice of water right stating that the ~~land~~ water was always intended to be used on:
Sec 30: NENW
 SE NW
 T 04 N 45 E
Sec 19: SESW
 NFSW
- Given this information it is believed that the rexburg decree is incorrect and the land described above will be used as the original POV.
- Taking into account the sworn statement from Rex Miller, Don Miller and Mike Reid as well as lands irrigated in 1987: Recommendations for 22-40S ~~splits~~ are:
- Don Miller owns ≈ 9.6 acres and is entitled to .3 cfs
- Mike Reid owns ≈ 35.6 acres and is entitled to ≈ 7 cfs

12-13211

12-13212

22-13903

22-12714A - Rex Miller & is ≈ 66 acres and is entitled to .92 cfs

- Combined with a portion of 22-587

22-12714B - Russel Bourne owns ≈ 7.2 acres and is entitled to .08 cfs

- combined with a portion of 22-587

- 22-4104 is a statutory claim which the claimants believe to be an expansion of 22-405. This claim is prior to May 20th 1971 and can therefore be considered a beneficial use claim.

- This would overlap the 22-405 claims and would be proportionate to what they own of the claimed pov.

- 22-13503 and 22-13212 combined = .7 cfs

- Talked to Michael Holliday he said to use acreage as of 1987 if irrigated as per memo #57.

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- Talked to Michael Holliday he said to use acreage as of 1987 if irrigated as per memo #57.

- 92-13503 and 92-13219 combined = .706

- This would overlap the 92-1105 claims and would be preferable to what they own of the claimed pov.
- 92-1104 is a statutory claim which the claimants believe to be an expansion of 92-1505. This claim is prior to May 20th 1971 and can therefore be considered a beneficial use claim.
- This would overlap the 92-1105 claims and would be preferable to what they own of the claimed pov.

- combined with a portion of 92-587

12-714B-Russel Bourne owns 7.2 acres and is entitled to .0806

- combined with a portion of 92-587

12-714A-Rex Miller owns 5.66 acres and is entitled to .9206

- Called Don LERoy Miller and he said he would go through his files and get back to me. He couldn't answer any questions without his files in front of him. Wanted to ask him about 22-11537 Evidence. Maybe a meeting would be beneficial to look at his files and try to sort out 22-405 splits as well. 4-4-06 L
- LERoy + Michael Reid came in 4-6-05.

SCANNED

JUN 04 2007

The undersigned do hereby affirm that the John J Miller water right, #22-405 decreed for 2 cfs in the Rexburg Decree, was split between the undersigned as claimed in the SRBA, as follows:

Rex Miller owns 1 cfs (split to .92cfs for Rex and .08 cfs to R. Bourne)
Don Miller owns .30 cfs
Mike Reid owns .70 cfs

I hereby swear or affirm this is true.

Rex Miller
Rex Miller



(State Of Idaho
(Jerome County)

(Subscribed and sworn or affirmed before me this 29th day of JUNE, 2006.)

Teena McCandless
Residing at: Jerome
Commission expires: 1/17/11

Don Miller
Don Miller

(State Of Idaho
(Madison County)

(Subscribed and sworn or affirmed before me this 15th day of MAY, 2006.)

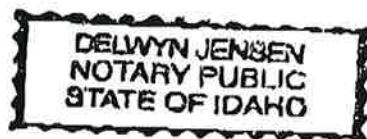


Wanda Virgin
Residing at: Rexburg
Commission expires: 9-20-2006

Mike Reid
Mike Reid

(State Of Idaho
(Teton County)

(Subscribed and sworn or affirmed before me this 10 day of May, 2006.)



Delwyn Jensen
Residing at: Driggs
Commission expires: 1/22/09

SCANNED

JUN 04 2007

Received Time Jun. 29. 1:28PM

Claim no. 2211639

Claimant Contact Log

Date **Remarks** **Agent initials**

19 MARCH 04 MINILED REQUEST FOR PRIORITY EVIDENCE
RECEIVED EVIDENCE MAY 17. 04

SCANNED

JUN 04 2007

Contacts Data Entry Form

Claim Number: 2211639

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: MICHAEL L. REID Phone No.: 208-354-8024

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B.I.This is a Split Right.IS pod/pou conveyance/ SYSTEM THE WATER
CAME OUT OF A SPRING & IN TO AN IRRIGATION DITCH
DOWN TO A FIELD pump THEN PUMPED TO
A. FIELD IN TO HAND LINESReviewer: Nick Date: 10-6-05

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JUN 04 2007

Priority Date Data Entry FormClaim Number: 2211639

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 21 July 1969 Claimed Basis: B.U.

Recommended Priority Date: _____ Recommended Basis: _____

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

THIS IS AN EXPANDED CLAIM FOR
35.6 ACRES

Reviewer: _____

Date: _____

SCANNED

JUN 04 2007

Claim Number: 2211639

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to : _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
44N	43E	30		SW NE NW	TETON	PANORAMA CREEK	TETON RIVER

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

[illegible]

Reviewer: _____ Date: _____

SCANNED

JUN 04 2007

Claim Number: 1211639

[illegible]

Total acres 35.6

[illegible]

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Reviewer: _____ Date: _____

SCANNED

JUN 04 2007

Season of Use and Quantity Data Entry Form

Claim Number: 2211639Water 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	10/31		

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:

EDWR STD. SOU 4/15 - 10/31

Reviewer: _____

Date: _____

SCANNED
JUN 04 2007

2211639 MICHAEL L REID

29.5" (.59 CFS) PRIORITY DATE 21 July 1969
POD T4N R45E SEC 30 SW NE NW PARADISE CREEK, TETON
RIVER. POB 4N 45E SEC 30 SE NW 35.6 AC
TOTAL 35.6 AC

LEROY OR. RUTH E MILLER

2204104

40" (.80 CFS)

POD NE 1/4 NW 1/4 SEC 30
T4N R. 45E. PARADISE Spring
TETON RIVER 21 July 1969
POB 4N-45E SEC 30 NE NW 8 AC
NW 6 AC SE NW 40 AC
TOTAL 54 AC

DON LEROY MILLER

2211537

7.4" .148 CFS P.D. 21 July 1969

POD T4N R45E SEC 30 NE NW PARADISE CREEK
TETON RIVER. POB T4N R. 45E SEC 30 NE NW
4 AC NW NW 3.4 TOTAL 7.4 AC.

SCANNED

JUN 04 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that LeRoy and /or Ruth E. Miller
(Name of Claimant)

Rt 1 Box 594, Victor, Idaho
(Mailing Address)

83455
(Zip Code)

Telephone No 354-2528

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) July 21, 1969

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, pipe, spring, etc., or ground water)
Paradise Springs tributary to Teton River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity	0.80 cfs	Use Irrigation	Period of Use From 6-1	To 10-1
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 0.80 cfs TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 30 Twp. 04N Rge. 45E B.M., County of Teton
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Diverted from dam by ditch to collecting sump and thence by pump to hand lines.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	30					8	6		40									54

No. of acres 54

- B) If water is used for other than irrigation, fully describe that use, be as specific as possible.

NOTE: Include here the type and number of stock watered:

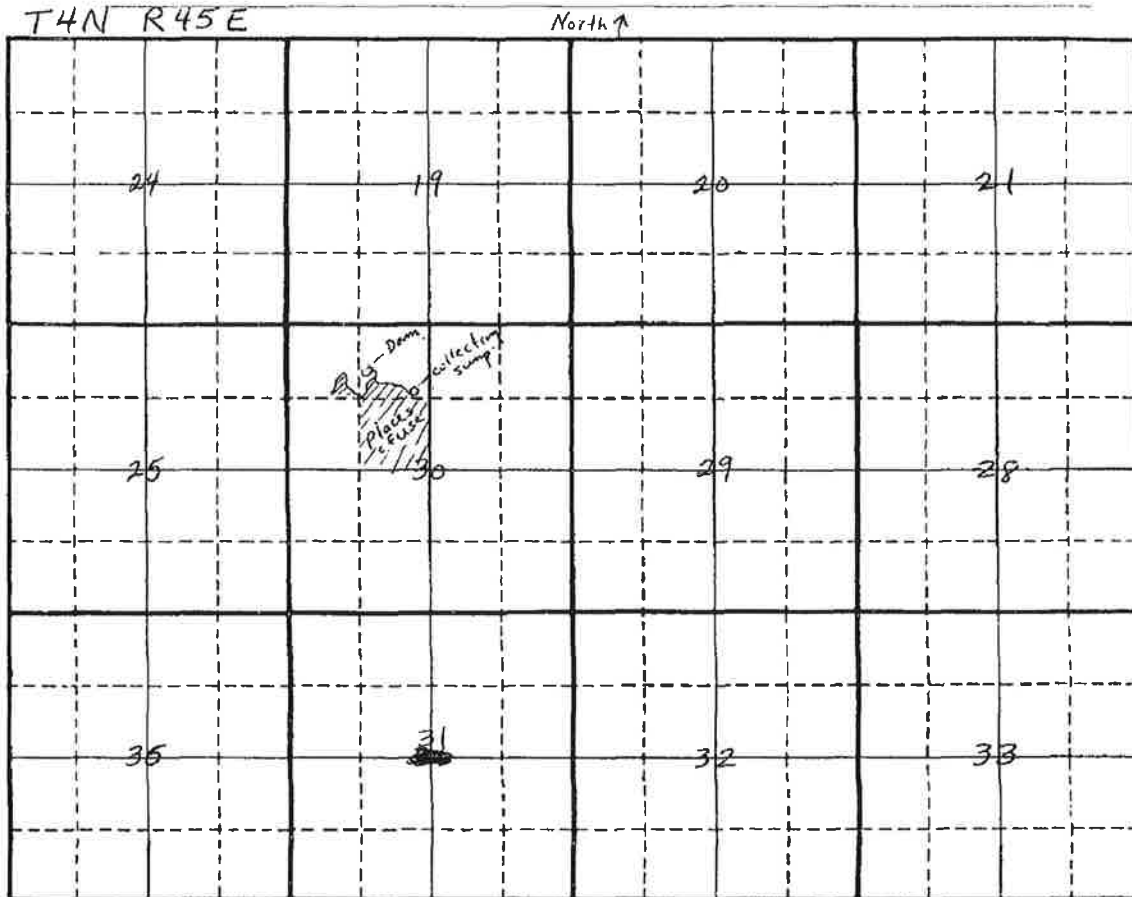
- (7) If you are claiming water as a member of an organization, list name of organization:

SCANNED

JUN 04 2007

JUN 04 2007

(8) Remarks It is believed that this water right is on record as a grant of water from Paradise Springs to J. J. Miller as provided in the Rexburg Decree.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of May, 1983

Le Roy Miller
(Claimant)

William Whay
Notary Public
Residing at Idaho Falls, ID

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by HWT Date 5/20/83 Exception filed by: _____ Date _____
Prelim. check by Kew Date 5-26-83 Forwarded to claimant by: _____ Date _____
\$30.00 fee received by BP Date 5/20/83 #26266
Published in Teton Valley News Duane H. Kew CW 7-18-83
Dates 6/19 - 6/16/83

SEANNED

JUN 04 2007

June 12, 1902

4-007.

Application No. 8850

HOMESTEAD.

Land Office at

I, John J. Miller, of Bates
Idaho, do hereby apply to enter, under Section 2289,
Revised Statutes of the United States, the E 28 N 4 = 30 = 6 37 1
of Section 19, in Township 4 N of
Range 43 E, containing 160 acres.

John J. Miller

Land Office at BLACKFOOT, IDAHO

JUL 19 1902

I, LORENZO R. THOMAS, REGISTER OF THE LAND OFFICE,
do hereby certify that the above application is for Surveyed Lands of the class
which the applicant is legally entitled to enter under Section 2289, Revised
Statutes of the United States, and that there is no prior valid adverse right to
the same.

Lorenzo R. Thomas
Register.

SOANNED

JUN 04 2007

1/2 Kent
1/2 Foster
1/2 not Ray

NOTICE OF WATER RIGHT.

STATE OF IDAHO,
COUNTY OF FREMONT, ss.

To All Concerned Notice is Hereby Given:

1st. That

John J. Miller
watering trough of *Batis Fremont Co. Idaho*
hereby giving the use of the waters of *Anderson's Springs or*
Paradise Springs
to the extent of *2* cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely set as follows: *Commencing as a spring on the*
NW 1/4 Sec 30, Twp 4 N. R. 45 E.
thence east about one half mile, and
thence into the Leton River.

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purpose for which said water is to be used is

Irrigation and
Domestic Purposes

The place of intended use is

Batis Fremont Co. Idaho

4th. It is intended to divert said water by means of

Ditch and Headwaters

The general course of the proposed canal is

about one mile

It is intended to use said water for irrigating the following described land:

E 1/2 NW 1/4 Sec 30 = E 1/2 S 1/4 Twp 4 N. R. 45 E.

5th. It is intended to have the works for diversion and use of said water as aforesaid completed with-
in *5* years. (This must in no case exceed five years.)

WITNESS my hand at

St. Anthony, Idaho,

this *23* day of *May*, 1901

John J. Miller

Claimants.

STATE OF IDAHO

County of Fremont

ss
1

John J. Miller, being first duly sworn, deposes and says that he is the identical person who on the 10th day of July 1896, made homestead entry No. 5544 at Blackfoot, Idaho, that in the year he affiant made application to be allowed to amend said entry, for the reason that he is utterly unable to get any water for the said tract, either for irrigation or culinary purposes.

Affiant further alleges that he has been notified by the department that he cannot be allowed to amend the same but that his case is one for a second homestead entry.

Affiant now pleads to be allowed to make a second homestead entry, and that the description of the same is set forth on the papers herewith appended.

John J. Miller

Subscribed to and sworn before me at St Anthony, Idaho, on this the 7th day of July, 1902.

Thomas Bellis
U.S. Commissioner

SCANNED
JUN 04 2007

Fred Murri, and Ernest Murri, being first duly sworn, deposes and says that they are acquainted with the foregoing affidavit of John W. Miller, praying that he be allowed to make a second homestead entry, and that to their personal knowledge that the statements made therein are true and correct.

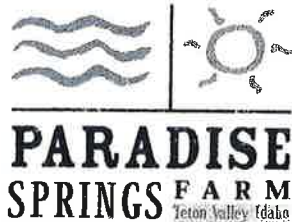
Fred Murri

Ernest Murri

Subscribed to and sworn before me at St Anthony, Idaho on this the 7th day of July, 1902.

Thomas Elliott

U. S. Commissioner



RECEIVED

MAY 17 2004

Department of Water Resources
Eastern Region

5/2/04

Nick Olson
IDWR
900 N Skyline Drive Ste A
Idaho Falls, ID 83402

HN456

Dear Nick,

I received your letter asking for proof of priority on a claim which transferred to me through a change of ownership form, 22-11639. This claims a priority of July 21, 1969. *ENLARG CLAIM ONLY*

HN456

In reality, this claim refers to the moment when the 1 cfs that used to belong to Roy Miller, and was filed on 5/23/01 in Fremont County by John J Miller, changed from flood irrigation to sprinklers. With this improvement, additional acres were able to be watered with the same amount of water. The SRBA claim 22-11639 reflects that change that took place 7/21/69. *ENLARG CLAIM*

17-04

I have filed a claim on the original decree for .5 cfs that was used on the NE of the SE of the NW of Section 30, R45 E T 4N. This decree has been in error for over 90 years, as the place of use and priority date listed are both in error. The place of use listed is over 60 feet in elevation higher than the outlet of Paradise Springs and is in a place which would have been physically impossible for that water to reach when the decree was issued. At any rate, the claim 22-11639 is part of the JJ Miller decree, and should have a priority of 5/23/01 or since you personally can't change a priority date that has been adjudicated, 6/1/04.

22-405
Orig Decree
2 cfs

cfs

Sub Claim CC
ENLARG ONLY

Claimed →

My neighbors, Don and Rex Miller, decided to wait for the SRBA process to declare their claims an accomplished transfer. I chose to directly transfer my right because I needed legal standing with IDWR as Ron Carlson refused to acknowledge my conjunctive management case without such a transfer.

22-11537

The reason I bring up my case is that Paradise Springs has been proved to be directly hydraulically connected to a few local wells, and as such this water source deserves the highest level of attention possible when reviewing claims. I am certain that all of

SCANNED

JUN 04 2007

the claims on Paradise Springs will be challenged because of the lack of water in this neighborhood.

If you have any questions or would like to discuss the situation here with me, please don't hesitate to call me.

Sincerely

Mike Reid

encl

SCANNED

JUN 04 2007

March 19, 2004

**MICHAEL REID
450 W 550 S
VICTOR ID 83455**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11639

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date of JULY 21, 1969, from PARADISE SPRINGS.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED

JUN 04 2007

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

RECEIVED

MAR 14 2001

Department of Water Resources
Eastern Region

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
22-11639		No			
	22-11641	No			
		partial deed			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25.00
- 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)

Barnes & Baird
 4032 Leesburg Dr. Pensacola FL 32514

4. New Owner/Claimant(s)

34 W Sunset Cr Rexburg ID 83440

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

(STEPHEN D. JOY M.) MICHAEL L. REID
 450 W 550's

New Mailing Address

City, State and ZIP Code

Victor ID 83455

New Telephone Number

(208) 354 8024

5. Date you acquired the property

On or about October 1, 1999

SCANNED
 JUN 04 2007

Signature reg. on back



WARRANTY DEED

SEP 27 1999
TETON CO., ID
CLERK RECORDER

For Value Received L. LAMON and ZELMA M. BAIRD, husband and wife, and
CHRISTENA M. MURDOCK, an unmarried woman,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

STEPHEN D. REID and JOY M. REID, husband and wife
whose address is: 1344 FAIRVIEW DRIVE, FORT COLLINS, CO, 80521

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 30: SE1/4NW1/4

TOGETHER WITH all water and geothermal rights now owned by Grantors

SUBJECT TO an existing 24 foot unimproved easement for ingress/egress
along the south and west boundary of the subject property.

Subject to reservations in United States and State Patents; existing
and recorded Right-of-ways, Easements, Zoning, Building and Subdivision
ordinances; Taxes and Assessments as prorated between the parties
hereto.

TO HAVE AND TO HOLD the said premises, with their 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.

Dated: 9-23-99

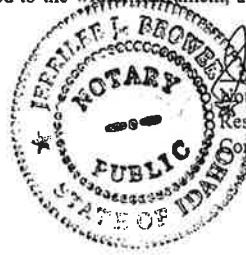
Christena M. Murdock
CHRISTENA M. MURDOCK

L. Lamon Baird
L. LAMON BAIRD

Zelma M. Baird
ZELMA M. BAIRD

STATE OF IDAHO)
COUNTY OF Teton) ss

On this 24th day of September, in the year 1999, before me, a Notary Public in and for said State, personally
appeared L. LAMON BAIRD, ZELMA M. BAIRD, and CHRISTENA M. MURDOCK, known or identified to me to be
the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.



Terrence J. Brower
Notary Public of Idaho
Residing at Tetonia, Idaho
Commission Expires 2-27-04

135258

FILED
AT THE REQUEST OF

First American
AT 01 MINUTES PAST 10 A.M.
DATE Sept 27, 1999
Dolan H. Boyle
CLERK OF RECORD
BY Clare Smith

SCANNED

JUN 04 2007



WARRANTY DEED

SEP 27 1999
TETON CO., ID
CLERK RECORDER

For Value Received JOHN GIBSON and BETTY M. GIBSON, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

STEPHEN D. REID and JOY M. REID, husband and wife
whose address is: 1344 FAIRVIEW DRIVE, FORT COLLINS, CO, 80521

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 30: SE1/4NW1/4

TOGETHER WITH all water and geothermal rights now owned by Grantors
SUBJECT TO an existing 24 foot unimproved easement for ingress/egress
along the south and west boundary of the subject property.

Subject to reservations in United States and State Patents; existing
and recorded Right-of-ways, Easements, Zoning, Building and Subdivision
ordinances; Taxes and Assessments as prorated between the parties
hereto.

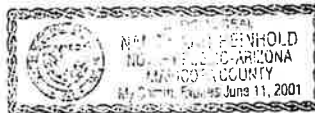
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's
heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the
owner in fee simple of said premises; that said premises are free from 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.

Dated: 9-23-99

JOHN GIBSON

BETTY M. GIBSON

STATE OF Arizona
COUNTY OF Maricopa



On this 23 day of September, in the year 1999, before me, a Notary Public in and for said State, personally
appeared JOHN GIBSON and BETTY M. GIBSON, known or identified to me to be the person(s) whose name(s) are
subscribed to the within Instrument, and acknowledged to me that they executed the same.

Notary Public of Arizona
Residing at Maricopa County
Commission Expires 6-11-2001

135259

FILED

AT THE REQUEST OF

AT 02 MINUTES PAST 10a M
DATE Sept 27, 1999

CLERK OF RECORD
BY Elaine Smith

SCANNED

JUN 04 2007



WARRANTY DEED

SEP 27 1999

TETON CO. ID
CLERK RECORDER

For Value Received HARRISON BARRUS and ROMA M. BARRUS, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

STEPHEN D. REID and JOY M. REID, husband and wife
whose address is: 1344 FAIRVIEW DRIVE, FORT COLLINS, CO, 80521

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho, to-wit:

Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 30: SE1/4NW1/4

TOGETHER WITH all water and geothermal rights now owned by Grantors

SUBJECT TO an existing 24 foot unimproved easement for ingress/egress
along the south and west boundary of the subject property.

Subject to reservations in United States and State Patents; existing
and recorded Right-of-ways, Easements, Zoning, Building and Subdivision
ordinances; Taxes and Assessments as prorated between the parties
hereto.

TO HAVE AND TO HOLD the said premises, with their 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.

Dated: 09-23-1999

Harrison Barrus
HARRISON BARRUS

Roma M. Barrus
ROMA M. BARRUS

Roma
MARYLAND)
STATE OF IDAHO)
: ss
COUNTY OF Hawaii)

On this 23rd day of September, in the year 1999, before me, a Notary Public in and for said State, personally
appeared HARRISON BARRUS and ROMA M. BARRUS, known or identified to me to be the person(s) whose name(s)
are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Judith A. Pfeiffer
Notary Public of Baltimore, Maryland
Residing at 9037 Old Court Rd, Woodson Hill,
Commission Expires May 1, 2002

135260

FILED

AT THE REQUEST OF

First American
AT 23 MINUTES PAST 10 A.M.
DATE Sept 27, 1999
Rolan S. Boyle
CLERK OF RECORD
BY Chaim Smith

JUDITH A. PFEIFFER
NOTARY PUBLIC FOR
BALTIMORE COUNTY, MARYLAND
COM. EXPIRES 5-1-02

SCANNED

JUN 04 2007



135261

SEP 27 1999

REAL ESTATE MORTGAGE

TETON CO., ID
CLERK RECORDERTHIS MORTGAGE, Made by STEPHEN D. REID and JOY M. REID, husband and wife

as MORTGAGOR,

whose current address is: 1344 FAIRVIEW DRIVE FORT COLLINS, CO 80521and CHRISTENA M. MURDOCK, HARRISON BARRUS, ROMA M. BARRUS, L. LAMON BAIRD, ZELMA M.BAIRD, JOHN GIBSON, and BETTY M. GIBSON
MORTGAGEE,WITNESSETH, That the said MORTGAGOR, for good and valuable consideration, the receipt where of is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said MORTGAGEE, their heirs and assigns forever, the following real estate situated in Teton County, State of Idaho, to-wit:Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 30: SE1/4NW1/4

TOGETHER WITH all water and geothermal rights now owned by Mortgagees

135261

FILED

AT THE REQUEST OF

*First American*AT 04 MINUTES PAST 10a MDATE Sept 27, 1999*Nelson H. Bayle*BY *Clare Smith*
CLERK OF RECORD
DEPUTY

TOGETHER WITH all the improvements, privileges and appurtenances thereunto belonging and all rights of homestead exemption; together with all ditch and water rights of every nature, however evidenced, used on the said land or belonging to the same or said MORTGAGOR, which may be hereafter acquired or used upon said land. Said MORTGAGOR does hereby warrant the title to said land and water rights against all persons whomsoever, and agree to defend the same.

THIS CONVEYANCE is intended as a mortgage to secure the payment of the principal sum of _____
ONE HUNDRED SIXTY THOUSAND AND NO/100-----Dollars(\$ 160,000.00), lawful money of the United States of America, evidenced by a promissory note executed and delivered by MORTGAGOR herein, dated SEPTEMBER 24, 1999, with final payment due SEPTEMBER 24, 2009.

TOGETHER WITH interest, costs, and expenses, as therein provided, payable to the order of the MORTGAGEE at the times and in the manner and with interest as therein set forth, together with any extensions, renewals, modifications and future advances thereof or thereunder; the performance of each agreement of MORTGAGOR herein contained; and the payment of all sums expended or advanced by MORTGAGEE under or pursuant to the terms of this Mortgage and/or the note(s),

JUN 04 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 20, 2001

STEPHEN D REID
MICHAEL L REID
JOY M REID
450 W 550 S
VICTOR ID 83455

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 22-11639, 22-11641 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

☒ FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)
(ONLY 22-11641 REQUIRES A FEE)

☐ SIGNATURE

☒ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER
LEGAL DOCUMENT indicating your ownership of the property and water
rights in question,

☒ LEGAL DESCRIPTION OF PROPERTY

☐ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

☐ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO
with irrigated acres outlined and point(s) of diversion clearly marked.

(PLEASE HAVE YOUR AMENDED CLAIM 22-11639 SIGNED IN THE
PRESENCE OF A NOTARY PUBLIC)

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE
ENTIRE PACKET TO :

JENNIFER CRABTREE
IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE DR. STE A
IDAHO FALLS, ID 83402

SCANNED

JUN 04 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 6, 2001

Please file in 22-11639

Michael Reid
450 W 550 S
Victor, ID 83455

Re: Adjudication Claims 22-4104, 22-11639, 22-11641

Dear Mr. Reid:

When I ran the query for your stockwater rights, I found irrigation claim 22-11639 and stockwater claim 22-11641, appurtenant to the land you have purchased. These will be changed to your name upon receipt and verification of the deed and documentation. The stockwater right is already decreed in the Snake River Basin Adjudication.

Irrigation claim 22-11639 appears to be a duplicate of claim 22-4104, which you filed this morning. It is currently claimed only for 0.36 cfs, however. If you wish, you may amend claim 22-11639 to the higher diversion rate (though it may not necessarily be recommended for the higher rate). You may also withdraw claim 22-4104 and request a refund of your filing fee.

If you wish to maintain claim 22-4104, you may also do that. However, only one of the claims is likely to be recommended.

Enclosed are copies of information from the court website regarding the stockwater right, a copy of the current version of claim 22-11639, and amended claim 22-11639, and a request to withdraw claim 22-4104.

Please review these and take whatever action you feel is appropriate. Feel free to call me if you have questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

SCANNED

JUN 04 2007

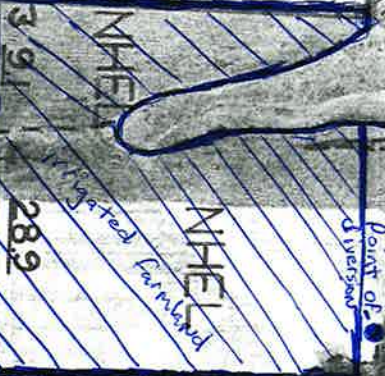
YRINO PARK
SUBDIVISION



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2 21
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419.6

519

Nt

SCANNED
JUN 04 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 22, 2001

STEPHEN D REID
MICHAEL L REID
JOY M REID
450 W 550 S
VICTOR ID 83455

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-11639

Dear Messrs. & Ms. Reid:

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.

Your request to change ownership of 22-11641 was forwarded to our state office in Boise for processing. To follow up on the status of this change, please contact the Allocations Bureau at (208) 327-7900.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

JUN 04 2007

Water Right No(s). 2211639



GPS DATA:

Tag # A0009573 Location: ON POST

Diversion Data:

Source: PARADISE SPRINGS Trib to: TE TON RIVER

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

THIS IS AN EXPANDED RIGHT FOR 35.6 ACRES
PHOTO # 12 + 13 IS OF PARADISE SPRING 13 OF
P.O.D. THE WATER LEAVES POD DOWN A DITCH
TO DITCH PUMP. THEN IS PUMPED IN TO MAINLINE
THEN TO HARD LINES DITCH PUMP IS APPROX 1/4 MILE FROM
POD

Field Exam Date: 10-16-08 Agent: Wick Olsen

Water Right No(s). 2211639



GPS DATA:

Tag # A0009573 Location: on post

Diversion Data:

Source: paradise Springs Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

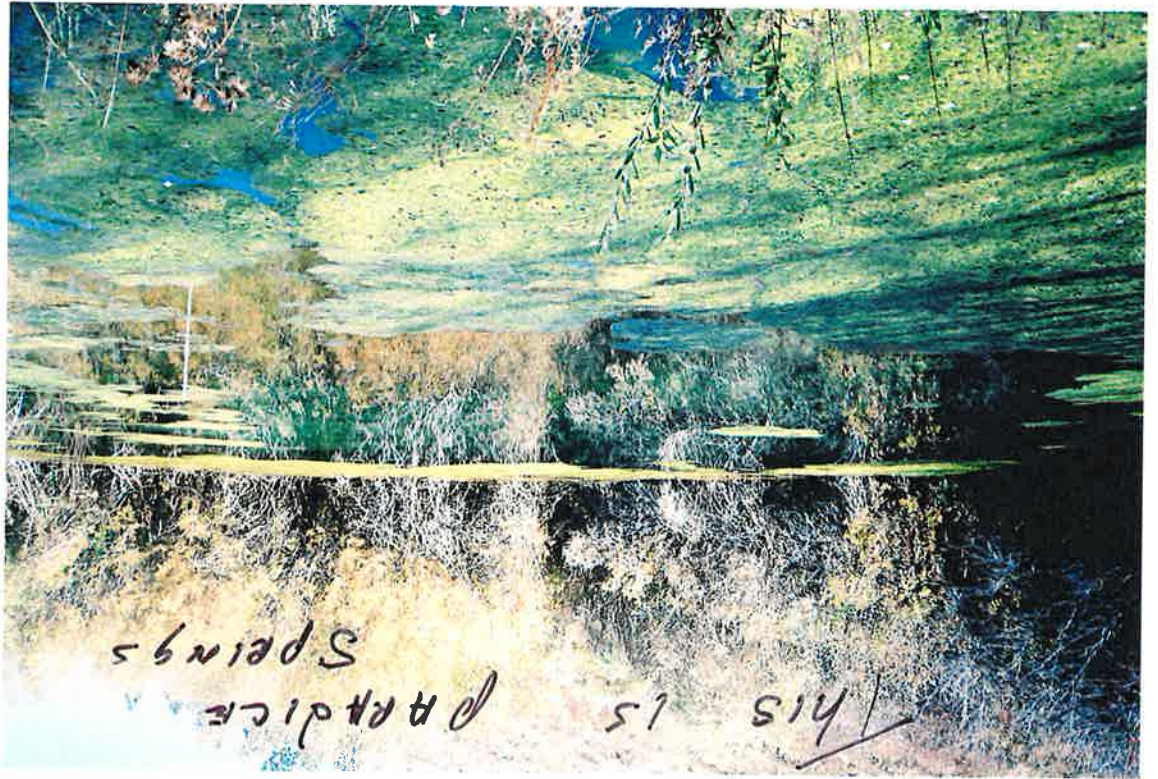
This is an expanded Right For 35.6 Acres
photo # 12 + 13 in of Paradise Springs 13 of
P.O.D. The water leaves pod down a ditch
to ditch pump. Then is pumped in to maintain
then to 4' hard lines Ditch Pump is approx 4' from
pod

Field Exam Date: 10-6-08 Agent: Wish Olson

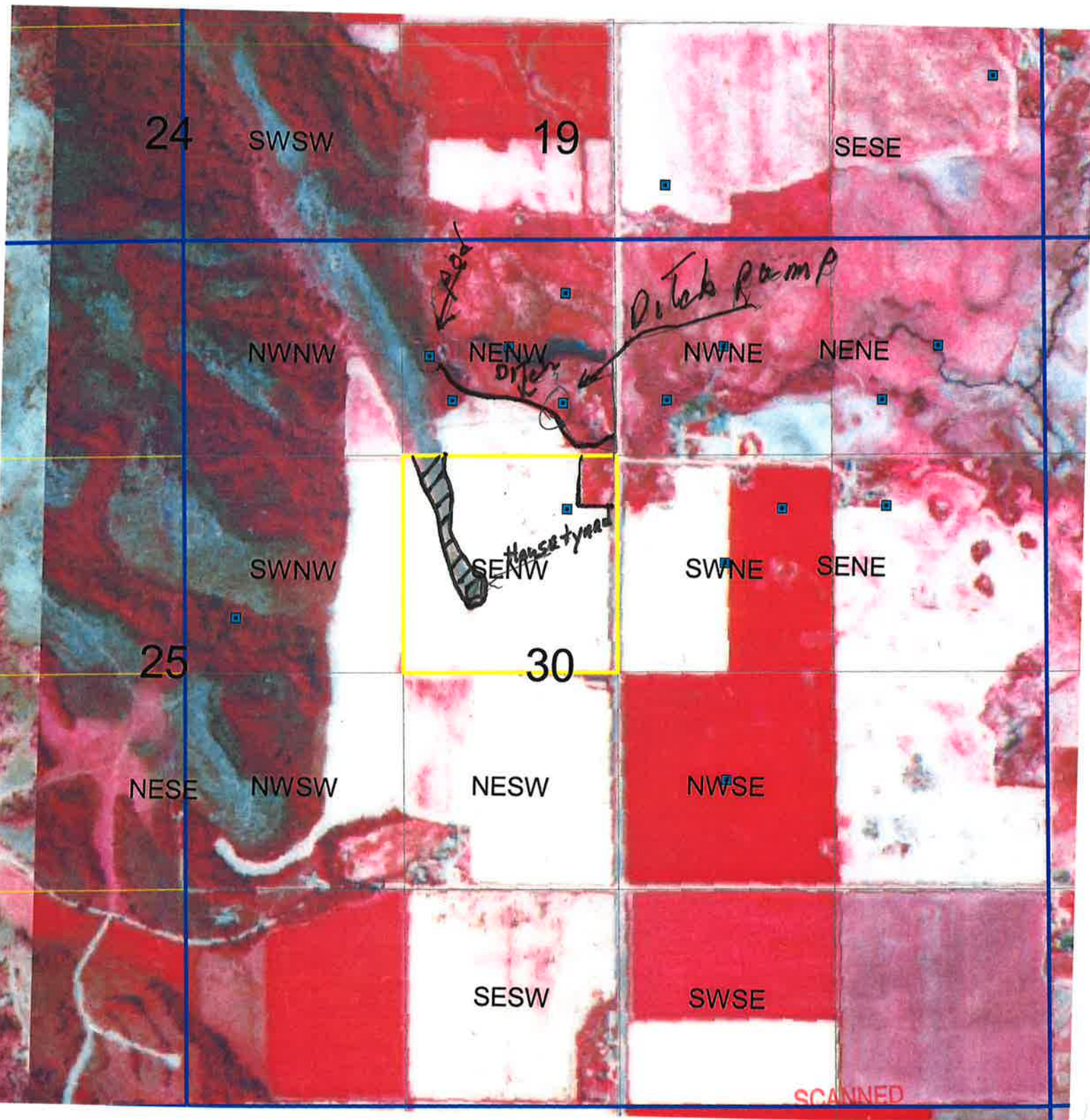
SCANNED

JUN 04 2007

SCANNED
JUN 04 2007



22-11639



SCANNED

JUN 04 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 22-11639
Date Received: 10/4/88
Receipt No: E002891
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL L REID Phone: (208) 354 8024

450 W 550 S
VICTOR ID USA 83455

STEPHEN D REID Phone: (208) 354-8024

450 W 550 S
VICTOR ID USA 83455

JOY M REID Phone: (208) 354-8024

450 W 550 S
VICTOR ID USA 83455

2. Date of Priority: 07/21/1969

3. Source: PARADISE CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	30	SW NE NW	TETON	

5. Description of diverting works:

DIVERSION DAM TO DITCH TO PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.59	

7. Total Quantity Appropriated is:
0.59 C.F.S.

8. Total consumptive use:

SCANNED

JUN 04 2007

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	30	SE	NW	IRRIGATION	35.6
Section Acres						35.6
Total Acres						35.6

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:

14. Remarks:

THIS RIGHT REPRESENTS A PORTION OF 22-4104. CLAIM A22-11537 IS FOR THE REMAINING PORTION OF 22-4104

15. Basis of Claim: Beneficial Use

SCANNED
JUN 04 2007

THIS CLAIM IS PREPARED AS A WORD-PROCESSING DOCUMENT ONLY
PENDING RECEIPT OF SIGNED AMENDED CLAIM.

ELECTRONIC DATABASE WILL NEED TO BE UPDATED WHEN SIGNED CLAIM
IS RECEIVED

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 22-11639
Date Received: 10/4/88
Receipt No: E002891
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

MICHAEL L REID

450 W 550 S
VICTOR, ID 83455

2. Date of Priority: 07/21/1969

3. Source: ~~PARADISE~~ SPRINGS Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	30	SW NE NW	TETON	

5. Description of diverting works:

DIVERSION DAM TO DITCH TO PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/31	0.59	

7. Total Quantity Appropriated is:
0.59 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	30	SE	NW	IRRIGATION	35.6
Section Acres						35.6
Total Acres						35.6

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:

14. Remarks:

THIS RIGHT REPRESENTS A PORTION OF 22-4104. CLAIM A22-11537 IS FOR THE REMAINING PORTION OF 22-4104

CLAIM AMENDED 3/2001 TO REFLECT PROPORTIONATE SHARE OF ORIGINAL RIGHT AND TO ADJUST SEASON OF USE. AMENDED CLAIM ALSO SHOWS NEW OWNERS PER NOTICE OF CHANGE OF OWNERSHIP.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): MIL R

Date: 3/13/01 ^{4/13/01 Mr}

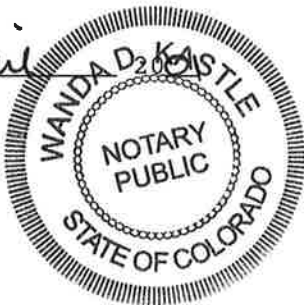
State of ~~Idaho~~ Colorado

County of Latimer

SS.

Subscribed and sworn (or affirmed) before me this 13th day

of April



Wanda D. Kastle

Notary Public

Residing at WIS. College, Ste 102, Fort Collins, CO

My commission Expires 5/12/01

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SCANNED

JUN 04 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: A22-11639
Date Received: 10/04/1988
Receipt No: E002891
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ZELMA M. BAIRD 208-356-9275
Address: 34 WEST SUNSET CIRCLE
REXBURG, ID 83440
OR
Name: L. LAMON BAIRD 208-356-9275
Address: 34 WEST SUNSET CIRCLE
REXBURG, ID 83440
OR
Name: ROMA M. BARRUS 904-474-1735
Address: 4032 LEESBURG DRIVE
PENSACOLA, FL 32514
OR
Name: HARRISON BARRUS 904-474-1735
Address: 4032 LEESBURG DRIVE
PENSACOLA, FL 32514

2. Date of Priority: JUL 21, 1969

3. Source: PARIDISE SPRINGS Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	45E	30	SW	NE	NW		TETON

5. Description of diverting works:
DIVERSION DAM TO DITCH TO PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.360		

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

A.F.A.

8. Total consumptive use is 71.2 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	30	SE NW		IRR	35.6
Section Acres						35.6
Total Acres						35.6

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 RIGHT REPRESENTS A PORTION OF 22-4104. CLAIM A22-11537 IS
FOR THE REMAINING PORTION OF 22-4104.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 224104

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: _____

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: A22-11639

Date Received: 9/16/1988

Receipt No: 5002891/10*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ZELMA M. BAIRD 208-356-9275
Address: 34 WEST SUNSET CIRCLE
REXBURG, ID 83440
OR
Name: L. LAMON BAIRD 208-356-9275
Address: 34 WEST SUNSET CIRCLE
REXBURG, ID 83440
OR
Name: ROMA M. BARRUS 904-474-1735
Address: 4032 LEESBURG DRIVE
PENSACOLA, FL 32514
OR
Name: HARRISON BARRUS 904-474-1735
Address: 4032 LEESBURG DRIVE
PENSACOLA, FL 32514

A2211639



2. Date of Priority: JUL 21, 1969

3. Source: PARADISE SPRINGS Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	45E	30	SW	NE	NW		TETON

5. Description of diverting works:
DIVERSION DAM TO DITCH TO PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.360		

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

A22-11639

Page

1 SCANNED

Date: 09/16/88

JUN 04 2007

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8. Total consumptive use is 71.2 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E		SE NW		IRR	35.6
Section Acres						35.6
Total Acres						35.6

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 RIGHT REPRESENTS A PORTION OF 22-4104. CLAIM A22-11537 IS
FOR THE REMAINING PORTION OF 22-4104.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 224104

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): Zelma M. Baird Date: 10-4-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of October 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94



Spring

RIVER

R45E Spring

T4N

POINT OF DIVERSION

PLACE OF USE

A22-11639

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POINT OF DIVERSION

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PLACE OF USE



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