

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

RIGHT NUMBER: 22-11776

NAME AND ADDRESS:

SUNDOWN PROPERTY LLC
C/O ROBERT BAILIE
8101 VANGUARD DR, STE 300
MECHANICSVILLE VA 23111

SOURCE:

Source:
TETON RIVER

Tributary:
HENRYS FORK

QUANTITY:

3.140 CFS

~~1.600 CFS~~

PRIORITY DATE:

06/01/1895

POINT OF DIVERSION:

T05N R44E S13 SWSESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

3.140 CFS

~~1.600 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T05N R44E S12 SWNE 15.0

~~T05N R44E S12 SWNE 4.0~~

T05N R44E S12 SENW 24.0

T05N R44E S12 NESW 31.0

T05N R44E S12 NWSE 22.0

~~T05N R44E S12 NWSE 21.0~~

92 ACRES TOTAL

~~80 ACRES TOTAL~~

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

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

~~The remainder of this right was forfeited for non use from 1976 to 1981.~~

~~This right is subject to regulation by the watermaster of Water District No. 01.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Gailey Ditch.

This right is a combination of old Right Nos. 01-22 and 22-317.

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

In Re SRBA)

Water Rights: 22-11776 & 22-11779

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

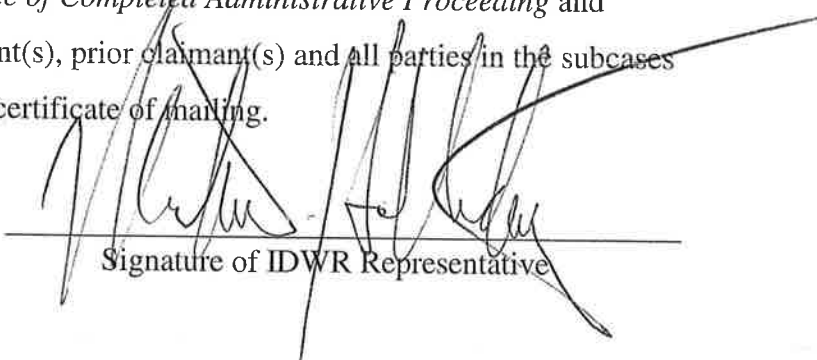
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party SUNDOWN RIVER RANCH LLC-SUNDOWN PROPERTY LLC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9/4/2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Sept 4, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Sundown River Ranch LLC
1025 S Cook St
Denver CO 80209

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Sundown Property LLC
C/O Robert Bailie
8101 Vanguard Dr Ste 300
Mechanicsville VA 23111

4. One copy to:

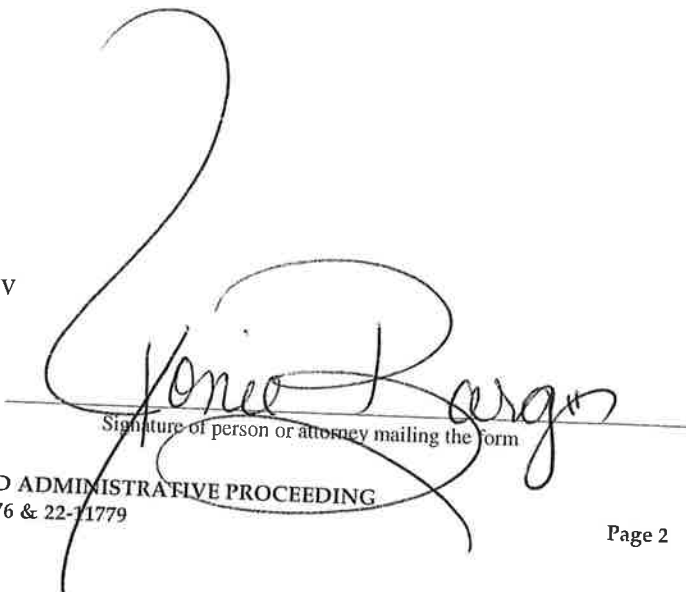
Each party in the subcase, or attorney of record
Sundown River Ranch LLC
Sundown Properties LLC
Represented by:
Robert L Harris
1000 Riverwalk Dr Ste 200
PO Box 50130
Idaho Falls ID 83405

5. One copy each to:

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

6. One Copy to:

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


Signature of person or attorney mailing the form

08/26/2009

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

RIGHT NUMBER: 22-11776

NAME AND ADDRESS: SUNDOWN PROPERTY LLC
C/O ROBERT BAILIE
8101 VANGUARD DR, STE 300
MECHANICSVILLE VA 23111

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 1.600 CFS

PRIORITY DATE: 06/01/1895

POINT OF
DIVERSION:

T05N R44E S13 SWSESE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.600 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R44E S12 SWNE	4.00	T05N R44E S12 SENW 24.00
	T05N R44E S12 NESW	31.00	T05N R44E S12 NWSE 21.00

80 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from 1976 to 1981.

This right is subject to regulation by the watermaster of Water District No. 01.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a combination of old Right Nos. 01-22 and 22-317.

08/26/2009

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

RIGHT NUMBER: 22-11779

NAME AND ADDRESS: SUNDOWN PROPERTY LLC
C/O ROBERT BAILIE
8101 VANGUARD DR, STE 300
MECHANICSVILLE VA 23111

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/15/1934

POINT OF
DIVERSION:

T05N R44E S13 SWSESE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/15 10/15	2.000 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R44E S12 SWNE	20.00	T05N R44E S12 SENW 36.00
	T05N R44E S12 NESW	40.00	T05N R44E S12 NESE 20.00
	T05N R44E S12 NWSE	40.00	

156 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

MAY 25 2011

Department of Water Resources
Eastern Region

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

Subcase No. 22-11776

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

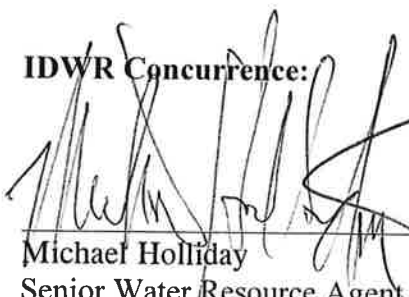
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Sundown Property, LLC

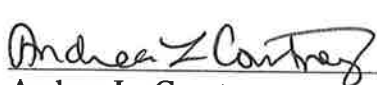
Robert L. Harris Date May 24, 2011
Attorney for Claimant/Objector

SCANNED
MAY 31 2011

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

5/26/2011
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

12/2/10
Date

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

RIGHT NUMBER: 22-11776

NAME AND ADDRESS:

SUNDOWN PROPERTY LLC
C/O ROBERT BAILIE
8101 VANGUARD DR, STE 300
MECHANICSVILLE VA 23111

SOURCE:

Source:
TETON RIVER

Tributary:
HENRYS FORK

MNH

QUANTITY:

3.140 CFS

~~1.600 CFS~~

PRIORITY DATE:

06/01/1895

ATC *put*

POINT OF DIVERSION:

T05N R44E S13 SWSESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

3.140 CFS

~~1.600 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T05N R44E S12 SWNE 15.0

~~T05N R44E S12 SWNE 4.0~~

T05N R44E S12 SENW 24.0

T05N R44E S12 NESW 31.0

T05N R44E S12 NWSE 22.0

~~T05N R44E S12 NWSE 21.0~~

92 ACRES TOTAL

~~80 ACRES TOTAL~~

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Water is delivered through Gailey Ditch.

This right is a combination of old Right Nos. 01-22 and 22-317.

SCANNED

CERTIFICATE OF MAILING

I certify that on May 27, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

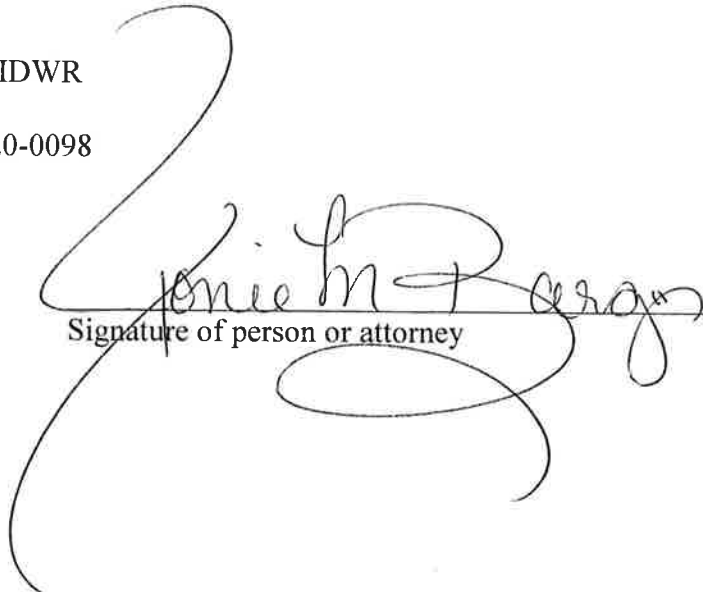
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

SUNDOWN PROPERTY, LLC
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098


Signature of person or attorney



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

RECEIVED

MAY 25 2011

Department of Water Resources
Eastern Region

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

May 25, 2011

Michael Holliday
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: Executed Standard Form 5 Documents for Subcase Nos. 22-11776 and 22-11779.

Dear Michael:

Enclosed for processing are two executed *Standard Form 5's* for Water Right Nos. 22-11776 and 22-11779. I apologize for not having these to you sooner. I understand you will sign the documents, and then file them with the SRBA court.

If you have any questions or concerns, please let me know.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosure

G:\WPDATA\RLH\5211 Bailie, Robert\IDWR ltr 2011.05.25.docx:MB

GAILY DITCH - TETON RIVER - 6/29/2010

Discharge Measurement Data Sheet

Distance from initial point	Width	Depth	Velocity	Discharge
19.30	0.05	1.25	0.00	0.00
19.40	0.20	1.40	0.03	0.01
19.70	0.30	1.40	0.78	0.33
20.00	0.30	1.60	0.96	0.46
20.30	0.30	1.60	0.83	0.40
20.60	0.30	1.50	1.00	0.45
20.90	0.30	1.55	0.99	0.46
21.20	0.30	1.60	0.96	0.46
21.50	0.30	1.60	0.97	0.47
21.80	0.30	1.65	1.04	0.51
22.10	0.30	1.70	0.99	0.50
22.40	0.30	1.60	1.00	0.48
22.70	0.30	1.70	0.96	0.49
23.00	0.30	1.80	0.88	0.48
23.30	0.30	1.80	1.00	0.54
23.60	0.30	1.80	0.98	0.53
23.90	0.30	1.80	0.87	0.47
24.20	0.30	0.65	0.95	0.19
24.50	0.30	1.50	1.01	0.45
24.80	0.30	1.45	0.91	0.40
25.10	0.30	1.30	0.91	0.35
25.40	0.30	1.20	0.87	0.31
25.70	0.30	1.05	0.85	0.27
26.00	0.30	0.40	0.45	0.05
26.30	0.30	0.10	0.03	0.00
26.60	0.15	0.00	0.00	0.00

Date/Time:
6/29/2010 3:45

Location:
Gailey

Total Discharge:
Q=9.06

Weather:
p. cloudy, 70s

Personnel:
SR/AD



Idaho Department of Water Resources

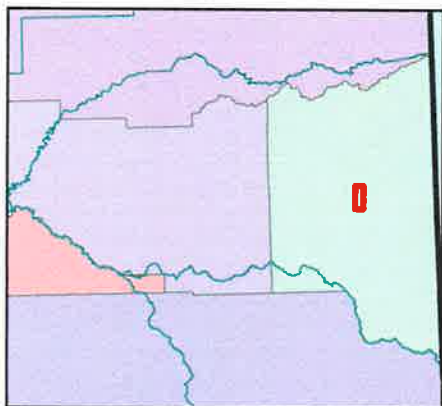
Adjudication Recommendation

22-11776

(IRRIGATION)

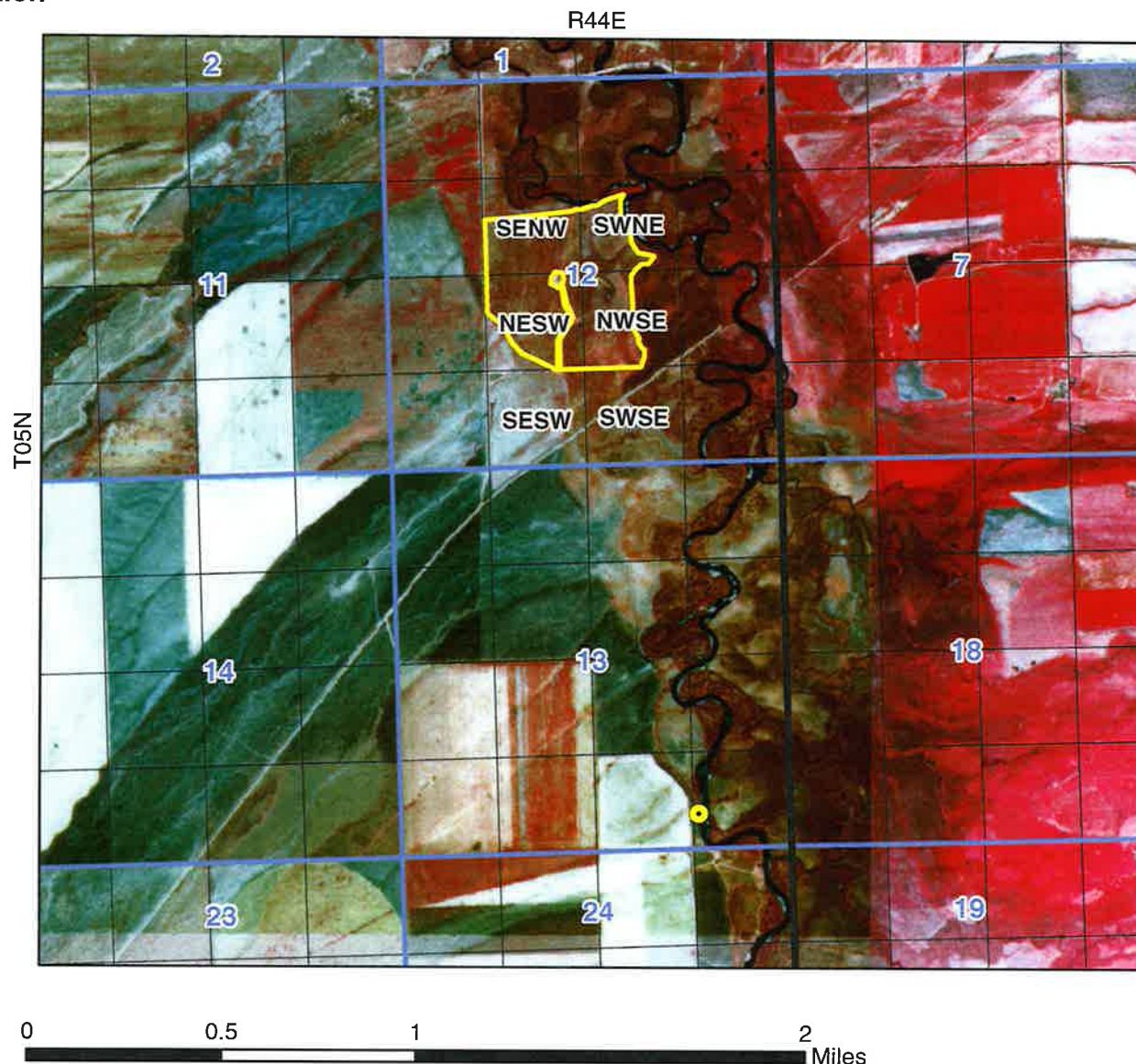
Legend

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



Teton County
IDWR Basin 22

Prepared by Michael Holliday
On December 16, 2009
1987/88 Aerial Photography



CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: gailey ditch BY: mwh DATE: 0-Jan-1900

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	6047	6.0	1.00	0.46	0.00	1.84	0.2491	0.00	3.14
2	3353	6.0	3.30	0.84	1.84	1.84	0.4558	1.30	2.68
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	9400			1.30	1.84			1.30	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Notes:

- 1 Length of channel determination based on GIS imagery.
- 2 Width of channel based on measurement notes & aerial photo.
- 3 Seepage factor based on Teton County Soil Survey permeability rates for the soils listed below. The Teton County Soil Survey shows that the soils in the location of the channel are Felt loam, Driggs silt loam, and Zundell silty clay loam. Distances thru each soil type were based on measurements in the Teton Co Soil survey book.

Felt loam	1059 ft
Driggs silt loam	2294 ft
Zundell silty clay loam	6047 ft

Permeability of Felt and Driggs soils ranged from 0.8 to 2.5 inches per hour according to Teton County Soil Survey. The average of 1.65 inches per hour was used to calculate channel losses through those soil types.

Permeability of Zundell silty clay loam ranged from 0.2 to 0.8 inches per hour. The average of 0.5 inches per hour was used to calculate the loss thru that soil.

Gailey Ditch (Teton River)

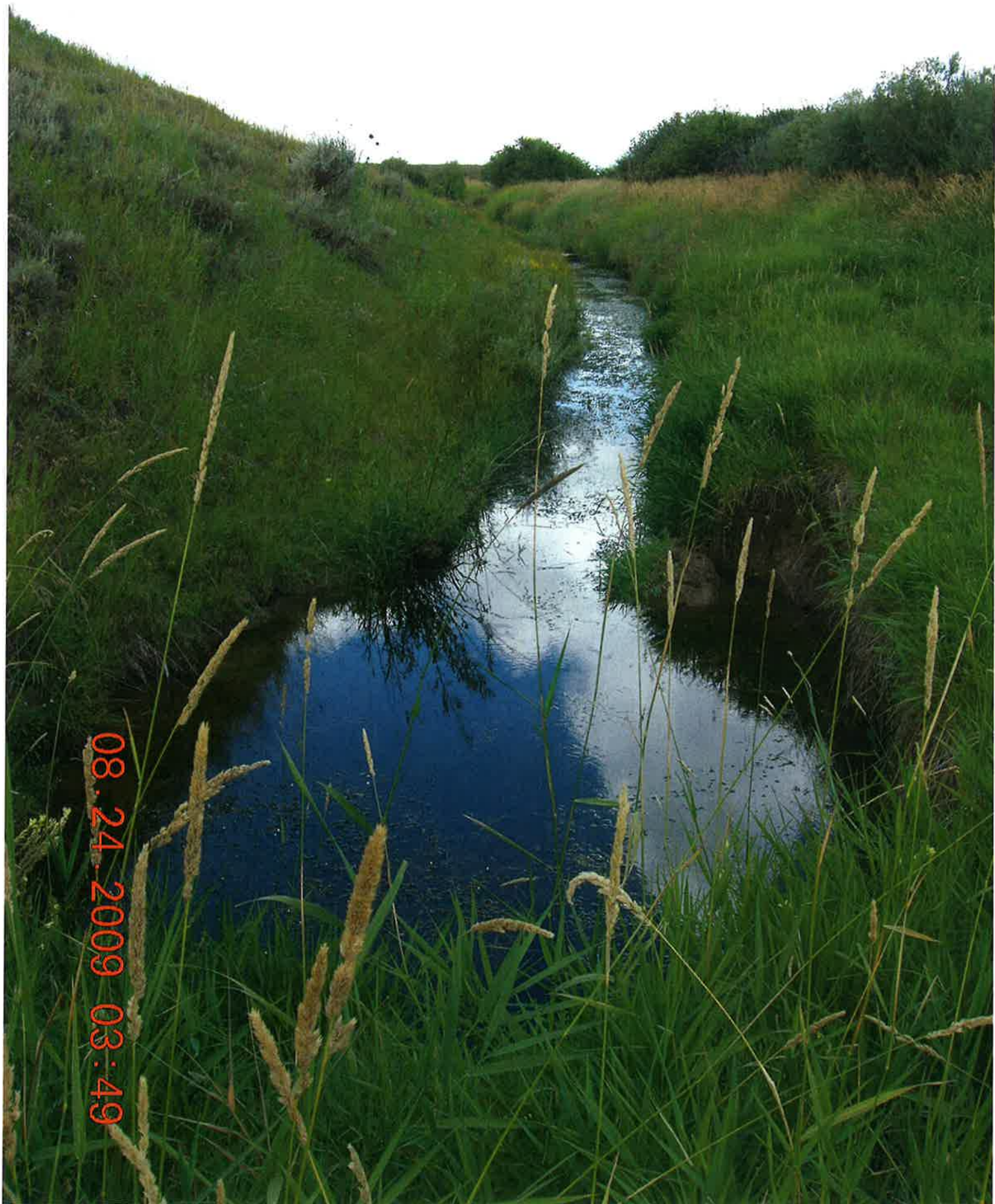
8/24/2009 2:30PM Ty Mack

Distance from initial point	Width	Depth	Velocity	Discharge	Notes
5.5					Left edge of water
5.8	0.3	1.1	0.04	0.0132	
6.1	0.3	1.3	0.05	0.0195	
6.4	0.3	1.4	0.09	0.0378	
6.7	0.3	1.4	0.06	0.0252	
7	0.3	1.5	0.07	0.0315	
7.3	0.3	1.8	0.07	0.0378	
7.6	0.3	1.7	0.06	0.0306	
7.9	0.3	1.75	0.05	0.02625	
8.2	0.3	1.8	0.05	0.027	
8.5	0.3	1.8	0.09	0.0486	
8.8	0.3	1.9	0.07	0.0399	
9.1	0.3	1.9	0.07	0.0399	
9.4	0.3	2	0.145	0.087	
9.7	0.3	2	0.12	0.072	
10	0.3	2.2	0.12	0.0792	
10.3	0.3	2.2	0.235	0.1551	
10.6	0.3	2	0.26	0.156	
10.9	0.3	1.9	0.03	0.0171	
11.2	0.3	0.25	0	0	
11.5					Right edge of water
Discharge				0.94	

$$A = 9.57 \text{ ft}^2$$

Ditch choked w/ macrophytes at time of measurement.

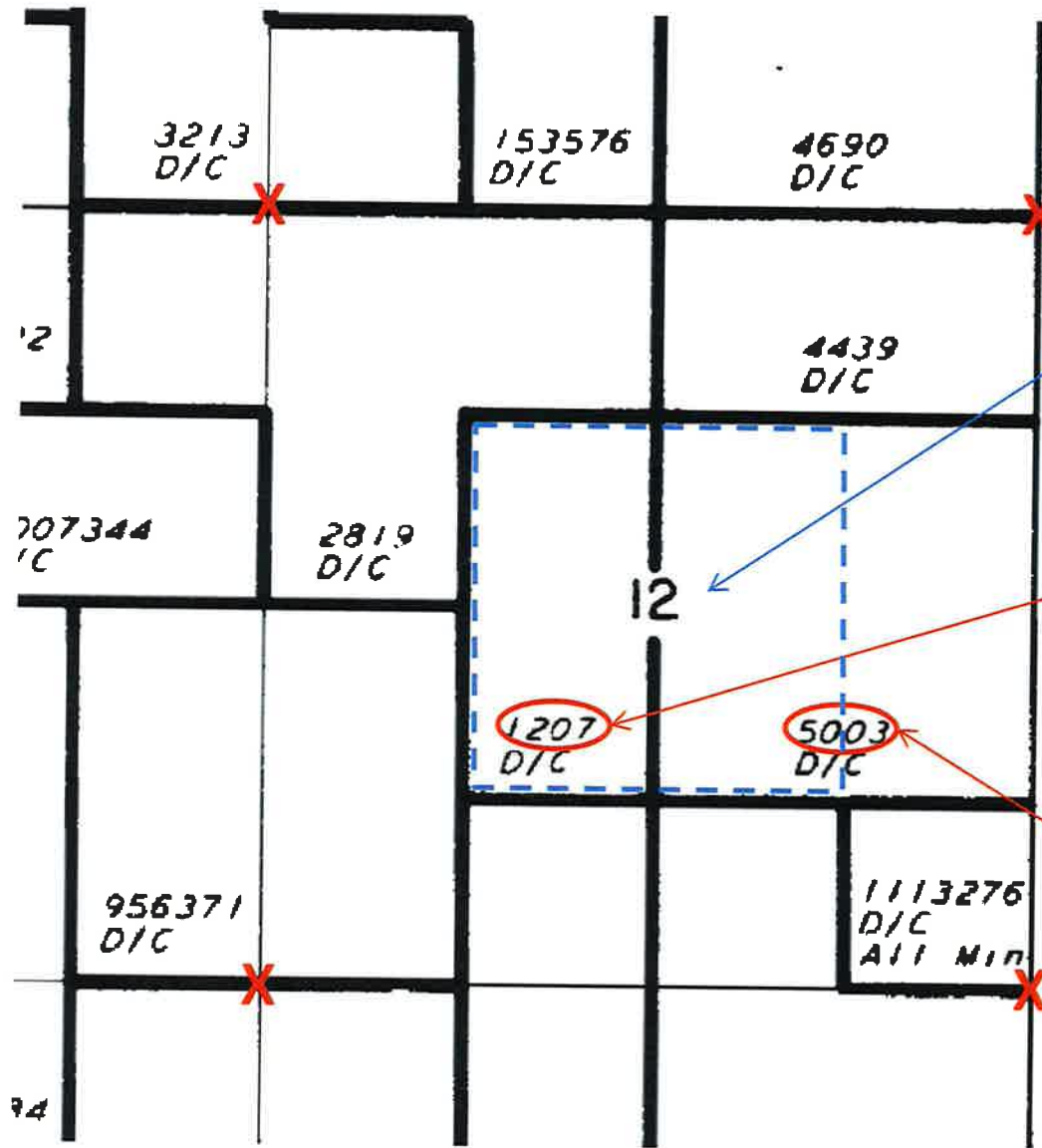
08.24.2009 03:49





T05N R44E

22-11776
06-01-1895



Place of Use

Patent 1207
09-24-1903
HE - 2481
09-09-1898

Patent 5003
09-05-1906
HE - 6865
05-08-1899

Accession/Serial #: IDIDAA 049012 **BLM Serial #:** IDIDAA 049012

Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Names**Patentee:** EMORY G ADAMS**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Document Numbers****Document Nr.:** 5003**Accession/Serial Nr.:** IDIDAA 049012**BLM Serial Nr.:** IDIDAA 049012**Title Transfer****Issue Date:** 9/5/1906**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** May 20, 1862: Homestead Entry Original (12 Stat. 392)

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
S½NE	12/	5-N	44-E	No	Boise	ID	Teton	
N½SE	12/	5-N	44-E	No	Boise	ID	Teton	

THE UNITED STATES OF AMERICA

To all to whom these Presents shall come, GREETING:

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho

whereby it appears that, pursuant to the Act of Congress approved May, 1890, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, and of Emory A. Adams

has been established and duly commenced, in conformity to law, for the South half of the North East quarter and the North half of the South East quarter of Section twelve in Township five north of Range Forty-four East of Boise Meridian in Idaho, containing one hundred and forty acres

according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor General.

Now Know ye that there is, therefore, granted by the United States unto the said Emory A. Adams

the tract of land above described: To have and to hold the said tract of land, with the appurtenances thereof, unto the said Emory A. Adams and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts and also subject to the right of the proprietor of a vein or lode to extract and remove therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I, Theodore Roosevelt, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the fifth day of September in the year of our Lord one thousand nine hundred and four and of the Independence of the United States the one hundred and thirty first.

By the President:

T. Roosevelt

By F. M. McKim

E. H. Sprink

Secretary.

Recorder of the General Land Office.

Accession/Serial #: IDIDAA 049002 **BLM Serial #:** IDIDAA 049002

Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Names**Patentee:** CLEMENS M HERMAN**Survey****State:** IDAHO**Acres:** 80**Metes/Bounds:** No**Title Transfer****Issue Date:** 9/24/1903**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** March 3 1877: Desert Land Act (19 Stat. 377)**Document Numbers****Document Nr.:** 1207**Accession/Serial Nr.:** IDIDAA 049002**BLM Serial Nr.:** IDIDAA 049002

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
SENW	12/	5-N	44-E	No	Boise	ID	Teton	
NESW	12/	5-N	44-E	No	Boise	ID	Teton	

THE UNITED STATES OF AMERICA.

Grant Lands. To all to whom these Presents shall come, Greeting.

WHEREAS

That whereas Clemens M. Herman of Fremont County Idaho

has obtained in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise Idaho, whereby it appears that full payment has been made by the said Clemens M. Herman

of the sum of the 25th of April, 1920, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the South East quarter of the North West quarter and the North East quarter of the South West quarter of Section Twelve in Township five North of Range four East of Boise Meridian in Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Clemens M. Herman

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and passed, have given and granted, and by these presents do give and grant unto the said Clemens M. Herman

and to his heirs the said Tract above described To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatever nature, thereto belonging, unto the said Clemens M. Herman

and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals, and in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a mine or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law and there is reserved from the Grants hereby granted a right of way, stream, or other natural transportation by the authority of the Executive.

In testimony whereof

Theodore Roosevelt
President of the United States of America, have caused these letters to be signed by me, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty-fourth day of September, 1920, in the year of our Lord one thousand nine hundred and twenty, and of the Independence of the United States the one hundred and twenty-eighth.

By the President: J. Roosevelt

J. M. McKee, Secretary

6 B. B. B. Recorded at the General Land Office



Idaho Department of Water Resources

SRBA Recommendation:

22-11776

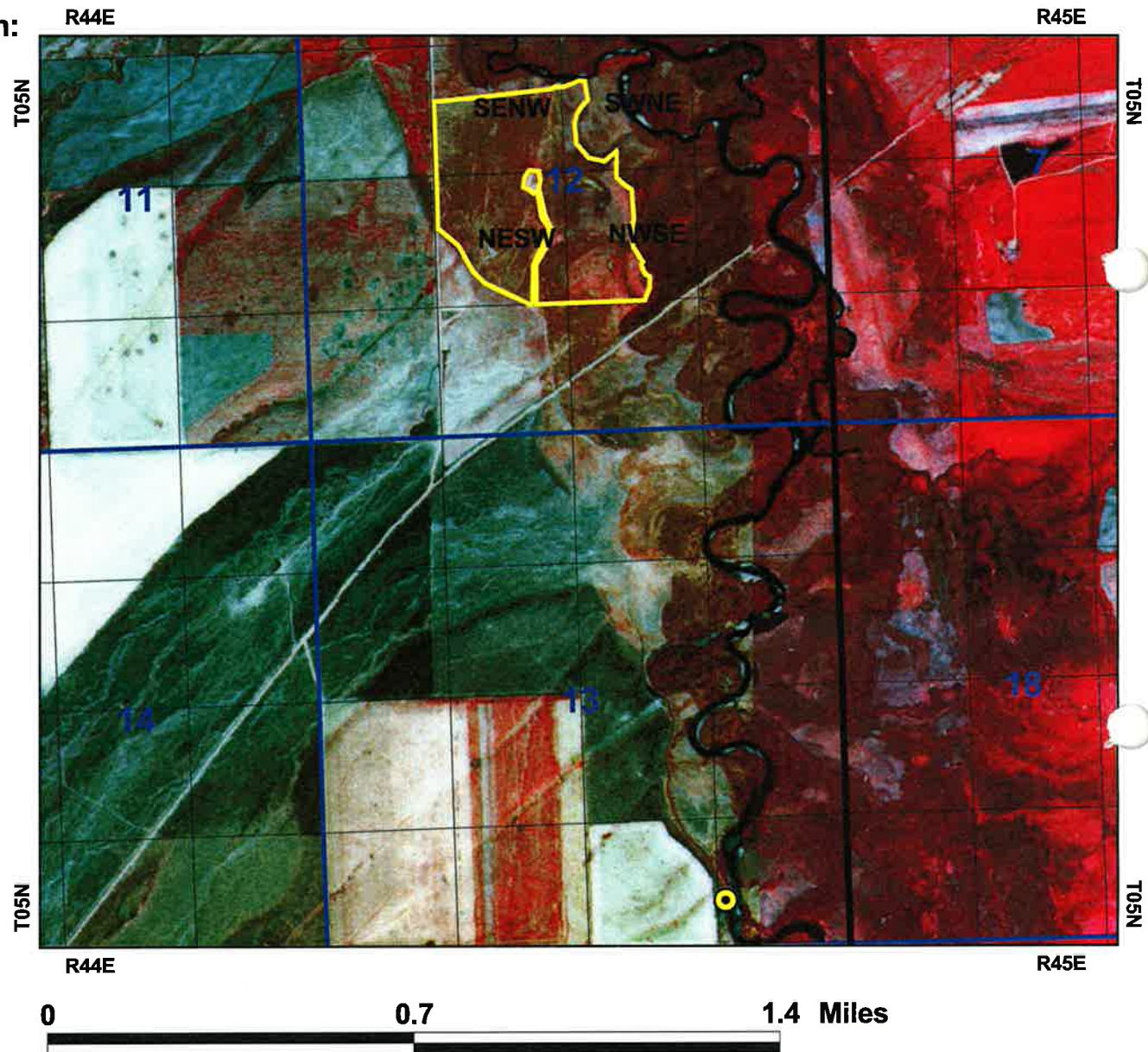
(Irrigation)

Legend

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

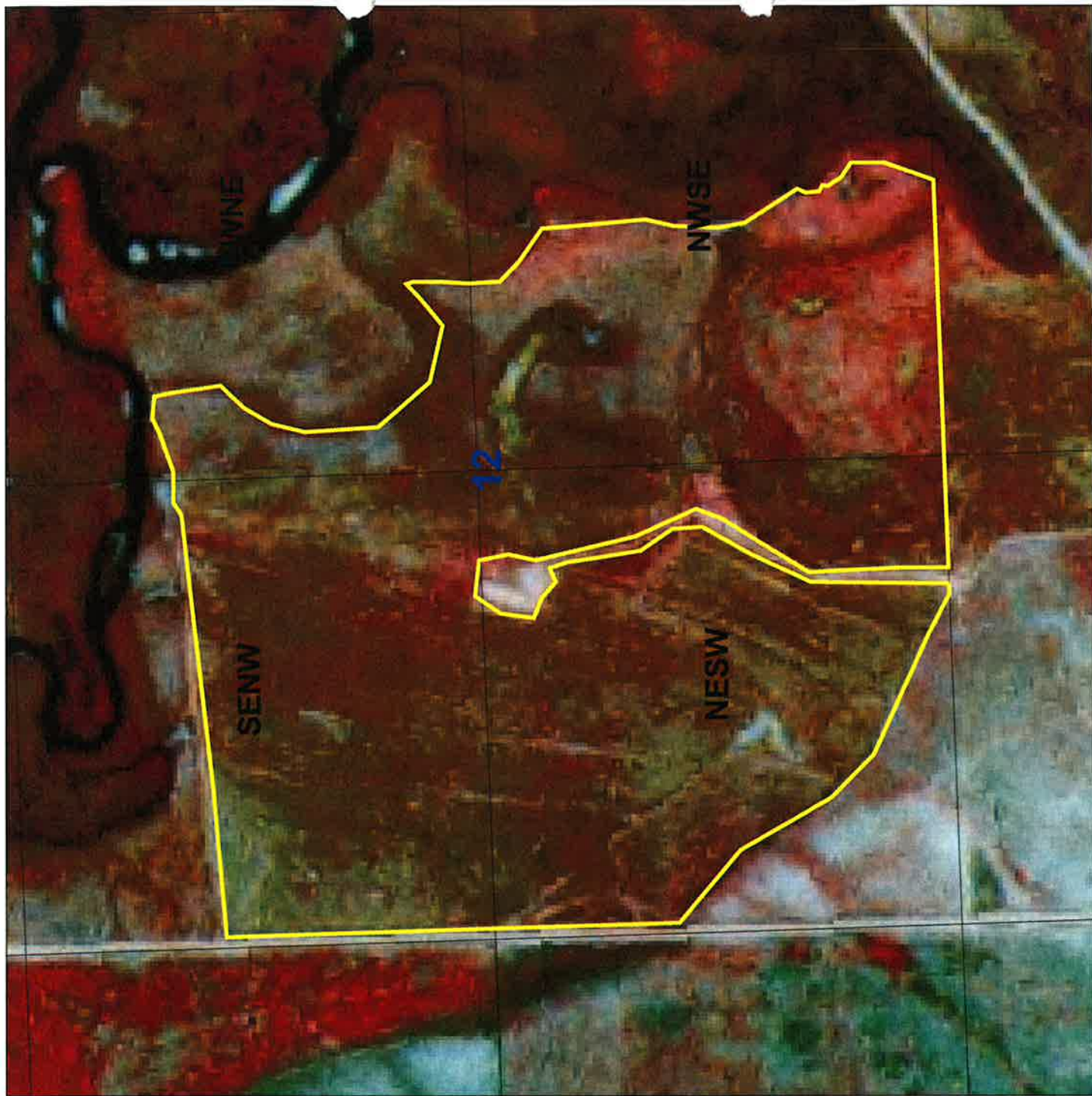


Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Thursday, August 3, 2006
1987/88 Aerial Photography

22-111776



8-3-06

- 1976 Blue Book shows 1.6 cfs being delivered to R. Sorensen.
- With recommendation from Enrie I am recommending 1.6 cfs and a partial forfeiture from 1976 to 1986.

TF

8-3-06

- Cutting ages to 80 to match cfs.





Bureau of Land Management - General Land Office Records

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Land Patent Details

[Quick Help](#) [Bookmark](#) [Printer Friendly](#)[Home](#) > [Land Patent Search](#) > [Results List](#) > **Land Patent Details**[Help](#)**Accession/Serial #:** [IDIDAA 049002](#) **BLM Serial #:** [IDIDAA 049002](#) [previous](#) [next](#) [/ Patent Description](#) [Y Legal Land Description](#) [X Document Image](#) [X Certified Copy](#) [\](#)

Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
SE1/4	12/	5-N	44-E	No	Boise	ID	Teton	
NE1/4	12/	5-N	44-E	No	Boise	ID	Teton	

Note: Legal land descriptions can be used to help find the precise location of the land. For more information, please see our description of the [Rectangular Survey System](#).

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Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Names

Patentee: [CLEMENS M HERMAN](#)

Survey

State: [IDAHO](#)**Acres:** [80](#)**Metes/Bounds:** [No](#)

Title Transfer

Issue Date: [9/24/1903](#)**Land Office:** [Idaho](#)**Cancelled:** [No](#)**U.S. Reservations:** [Yes](#)**Mineral Reservations:** [No](#)**Authority:** [March 3 1877: Desert Land Act \(19 Stat. 377\)](#)

Document Numbers

Document Nr.: [1207](#)**Accession/Serial Nr.:** [IDIDAA 049002](#)**BLM Serial Nr.:** [IDIDAA 049002](#)[Home](#) | [Search Land Patents](#) | [Search Surveys](#) | [Visitors Center](#) | [FAQ](#) | [View Cart](#) | [Contact Us](#) | [Privacy Statement](#) | [Help](#)

Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

5-16-06

This right is a combination of 22-317 and 01-22. The water right report for 22-317 shows that the Source is Teton Crk and the POU is in section 16. However the POU is forest and impossible to irrigate from Teton Crk. These facts lead me to believe that this right was decreed to the wrong POU. It should be Sec. 12, not Sec 18. If it should indeed be Sec. 12, then the source must be Teton River not Teton Crk. Teton River used to be known as Teton Crk, so this is a feasible change.

Right 01-22 also comes from the Teton River, so it was numbered wrong. It should be a B22 right. Since both of these rights are from the same source and same priority date, they have been combined into one right.

DELOG
A
6-16-04

RECEIVED

JUN 10 2004

Department of Water Resources
Eastern Region

RECEIVED

JUN 16 2004

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.OK
JC
5/23/05

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

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

22-11776

22-11779

→ 22-11784 - \$25

Sent
copy to
state
office
6-16-04

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- 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 rights(s) or claims(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 your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

COMPLETED 5/25/05

3. Name and Address of Former
Owner/Claimant

Sundown Ranch-Land LLC406 N. 500 W., Teton, ID 83452

4. New Owner/Claimant(s)

Sundown River Ranch LLC

Name connector (check one): [] and [] or, [] and/or

New Mailing Address

1025 S. Cook St.

City, State and ZIP Code

Denver, CO 80209

New Telephone Number

406-585-1484

5. Date you acquired the property

March 12, 2004

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature of New Owner(s) Or Claimant(s) Daniel B. Schlager
(include title if applicable)

Managing Member

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by gc Date 6-16-04 Fee \$25-
 Receipted by gc Date 6-16-04 Receipt No. E029263
 Processed by _____ Date _____ WR _____ Date _____

RECEIVED

SEP 10 2002

TETON CO., ID
CLERK RECORDER

150099
WARRANTY DEED
(240 Acres)

3050010297-9

ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

FOR VALUE RECEIVED, **CHARLES S. COOK** and **JUDITH ANN COOK**, husband and wife, of P.O. Box 215, Nauvoo, Illinois 62354-0215, (one-half interest) and **BARRY R. SORENSEN**, a single man, of 452 North 500 West, Tetonia, Idaho 83452, (one-half interest), ("Grantors"), do hereby grant, bargain, sell, warrant and convey unto, **SUNDOWN RIVER RANCH LLC**, a Wyoming Limited Liability Company, of 1025 South Cook Street, Denver, Colorado 80209, ("Grantee"), the following described real property in Teton County, State of Idaho, to-wit:

Tw. 5 N., Rge. 44 E., Boise Mer., Teton County, Idaho:

Sec.12: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

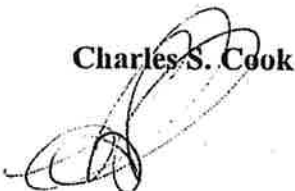
Subject to easements, if any, of record or in existence, for roads and utilities; applicable zoning, use, and subdivision laws, ordinances, and regulations; and accruing 2002 property taxes and assessments.

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

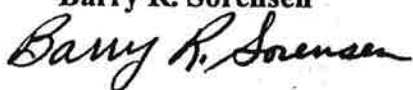
Grantors covenant and warrant that fee simple title to the above described property is conveyed to Grantee by this Deed free from all encumbrances except purchase money Real Estate Mortgage with Grantee as Mortgagor and Grantors as Mortgagees, securing payment of \$1,750,000.00, plus interest, and except pro-rata share of 2002 property taxes and assessments from date hereof.

DATED This 10th day of September, 2002.

Charles S. Cook



Barry R. Sorensen



Judith Ann Cook



We certify this to be a true copy of the original document.

Alliance Title & Escrow Corp.

By: 

Instrument # 150099

DRIGGS, TETON, IDAHO

2002-09-10 12:55:13 No. of Pages: 2

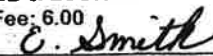
Recorded for : ALLIANCE TITLE & ESCROW

NOLAN G. BOYLE

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY



150099

Acknowledgment

STATE OF ILLINOIS)
SS.
County of Hancock)

On this 7th day of September, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **Charles S. Cook and Judith Ann Cook**, husband and wife, known to me to be the persons whose name are subscribed to the within instrument and acknowledged to me that they executed the same.



Debra L. Kelley
Notary Public for Illinois
Residing at: 1805 Knight St Niles, IL
My Commission Expires: 2/5/05

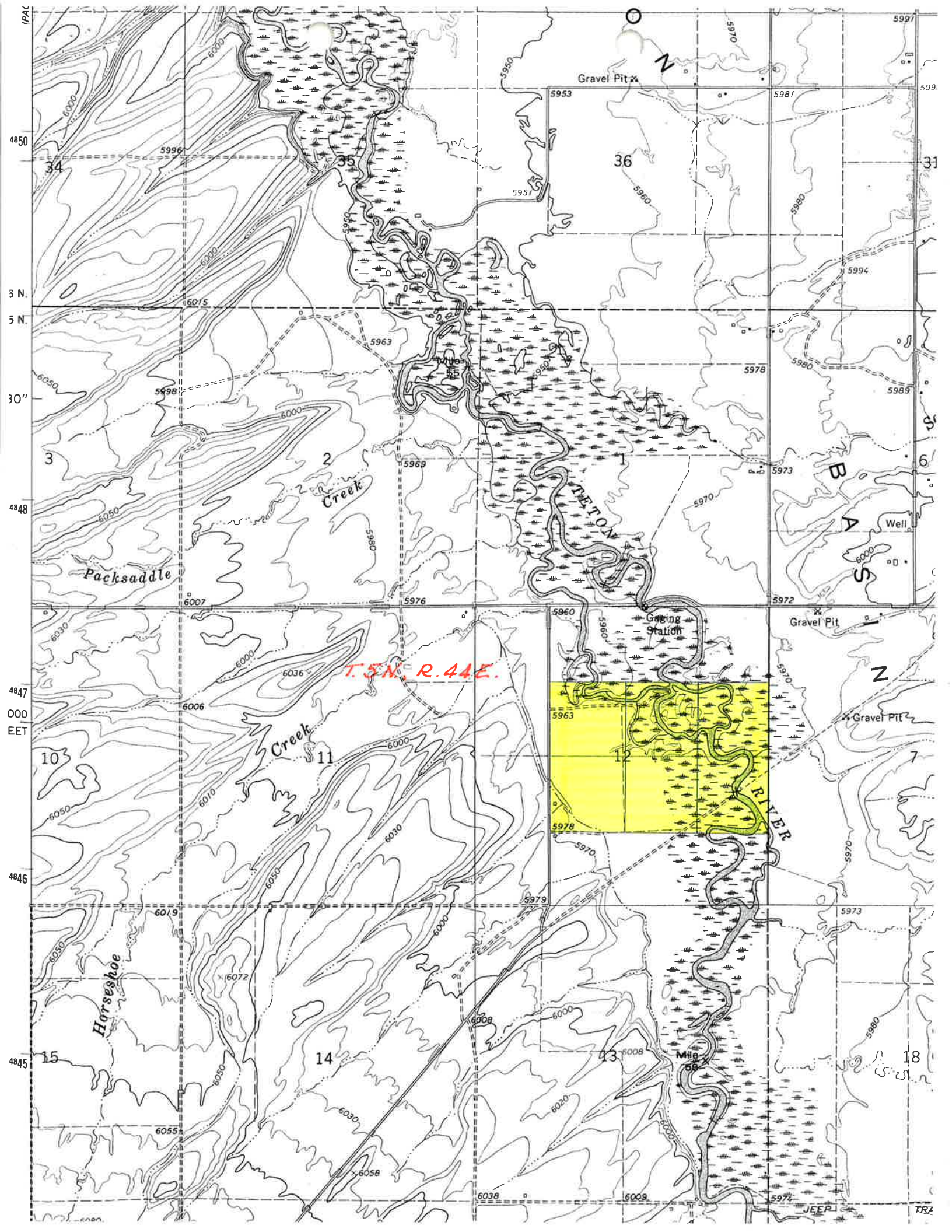
Acknowledgment

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

On this 10 day of September, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **Barry R. Sorensen**, a single man, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

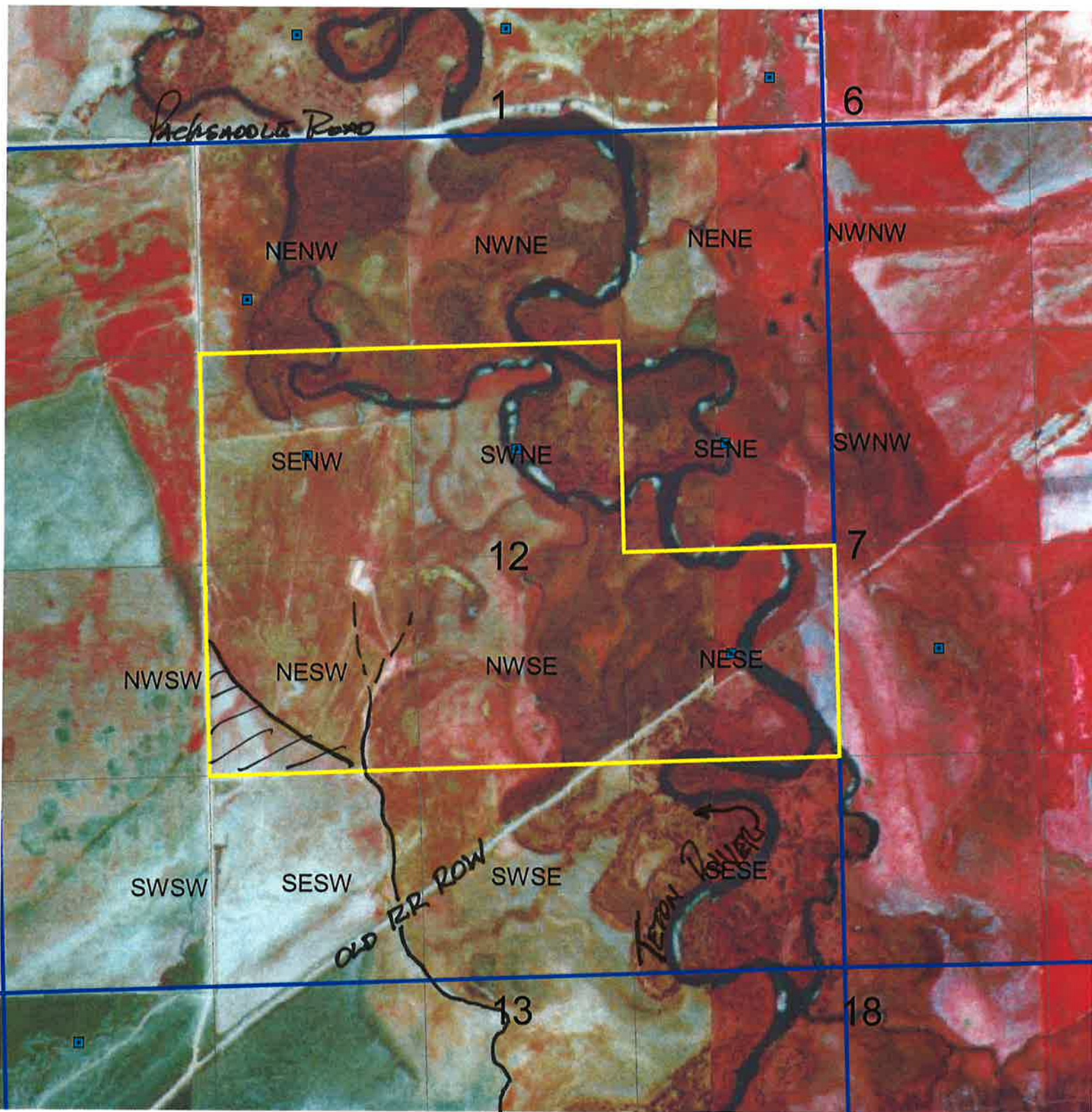


Maria Gonzales
Notary Public for Idaho
Residing at Rexburg
My Commission Expires: 7/27/2007 *mb*
2/4/06



22-11776

6/29/04 ABR CF



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: A22-11776
Date Received: 9/21/1988
Receipt No: 602494
Received By: EEJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUNDOWN RANCH, PARTNERSHIP 208-456-2846
Address: C/O RAY SORENSEN
452 N. 500 W.
TETONIA, ID 83452

2. Date of Priority: JUN 01, 1895

3. Source: TETON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	13	SW	SE	SE		TETON

5. Description of diverting works:
HEADGATE IN RIVER TO DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.600		

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

8. Total consumptive use is 312.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	12	SW	NE		IRR	20.0
			SE	NW		IRR	36.0

A22-11776

Page

1

Date: 09/21/88

A221776



MICROFILMED

NOV 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	12	NE	SW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	40.0
						Section Acres	156.0
						Total Acres	156.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
HIGH WATER RIGHT CLAIMED

14. Remarks:
THIS CLAIM COMBINES RTS. 22-00317 AND 01-00022 WHICH HAVE SAME
PRIORITY DATE. ORIGINALLY DECREED TO TWO OWNER. LAND IS NOW
UNDER ONE OWNERSHIP.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

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

Signature of Authorized Agent

Sundown Ranch Partnership
Title and Organization

Sept 21, 88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of September 19 88

[Signature]
Notary Public

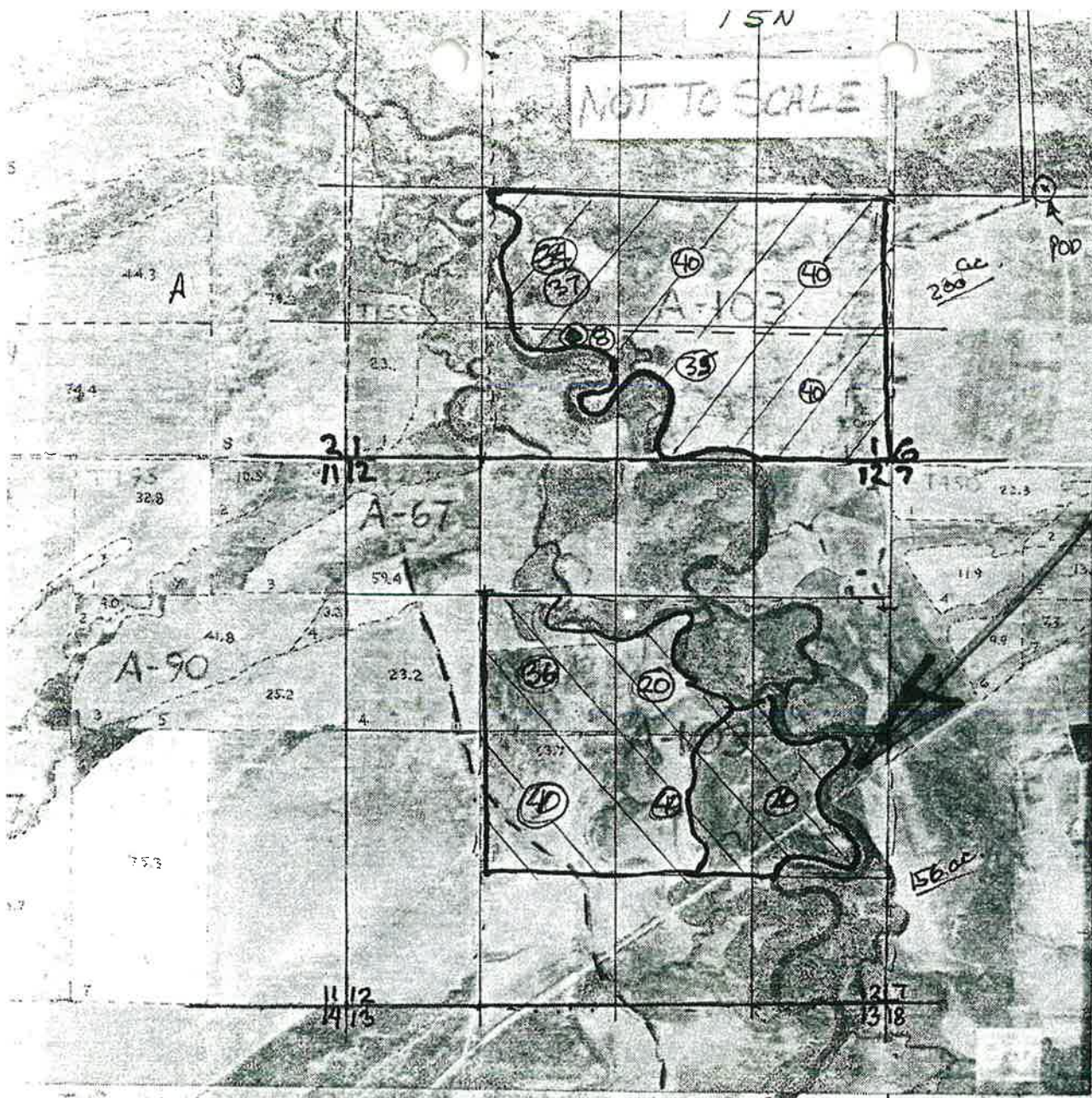
Seal

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994

NOT TO SCALE

A22-
11776



244E

A-96

A-99

T
550

MICROFILMED

NOV 06 1992

A-6