

12/13/2006

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

RIGHT NUMBER: 22-12075

NAME AND ADDRESS: WARREN KAUFMAN
DBA KAUFMAN BROTHERS JOINT VENTURE
RT 1 BOX 3830
DRIGGS ID 83422

BEN KAUFMAN
DBA KAUFMAN BROTHERS JOINT VENTURE
RT 1 BOX 3810
DRIGGS ID 83422

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.410 CFS
542.500 AFY

The rights listed below are limited to a total combined diversion rate of 5.51 cfs.
Combined Right Nos.: 22-7140b, 22-7164, 22-12075

PRIORITY DATE: 04/15/1982

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T06N R44E S24 NWSENE 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	2.410 CFS 542.500 AFY

PLACE OF USE: IRRIGATION in TETON County

T06N R44E S13	NESW	35.00	T06N R44E S13	NWSW	34.00
T06N R44E S13	SWSW	33.00	T06N R44E S13	SESW	40.00
T06N R44E S13	SWSE	40.00	T06N R44E S14	NESE	32.00
T06N R44E S14	NWSE	22.00	T06N R44E S14	SWSE	35.00
T06N R44E S14	SESE	32.00	T06N R44E S24	NENE	36.00
T06N R44E S24	NWNE	33.00	T06N R44E S24	SWNE	31.00
T06N R44E S24	SENE	40.00	T06N R44E S24	NENW	40.00
T06N R44E S24	NESE	31.00			

514 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 514 acres in a single irrigation season. Combined Right Nos.: 22-464, 22-465, 22-7140B, 22-7164, 22-12075, 22-12077.

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

12/13/2006

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

This right is based upon an enlargement of Right No. 22-7164 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 155 acres within the place of use described for this right.



Idaho Department of Water Resources

SRBA Recommendation:

22-7140B

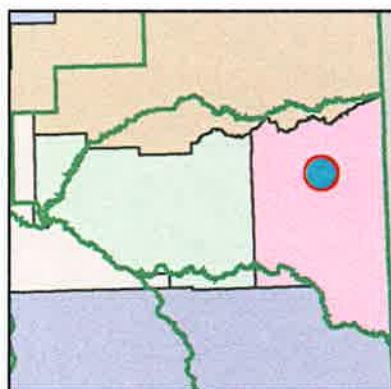
22-7164

22-12075

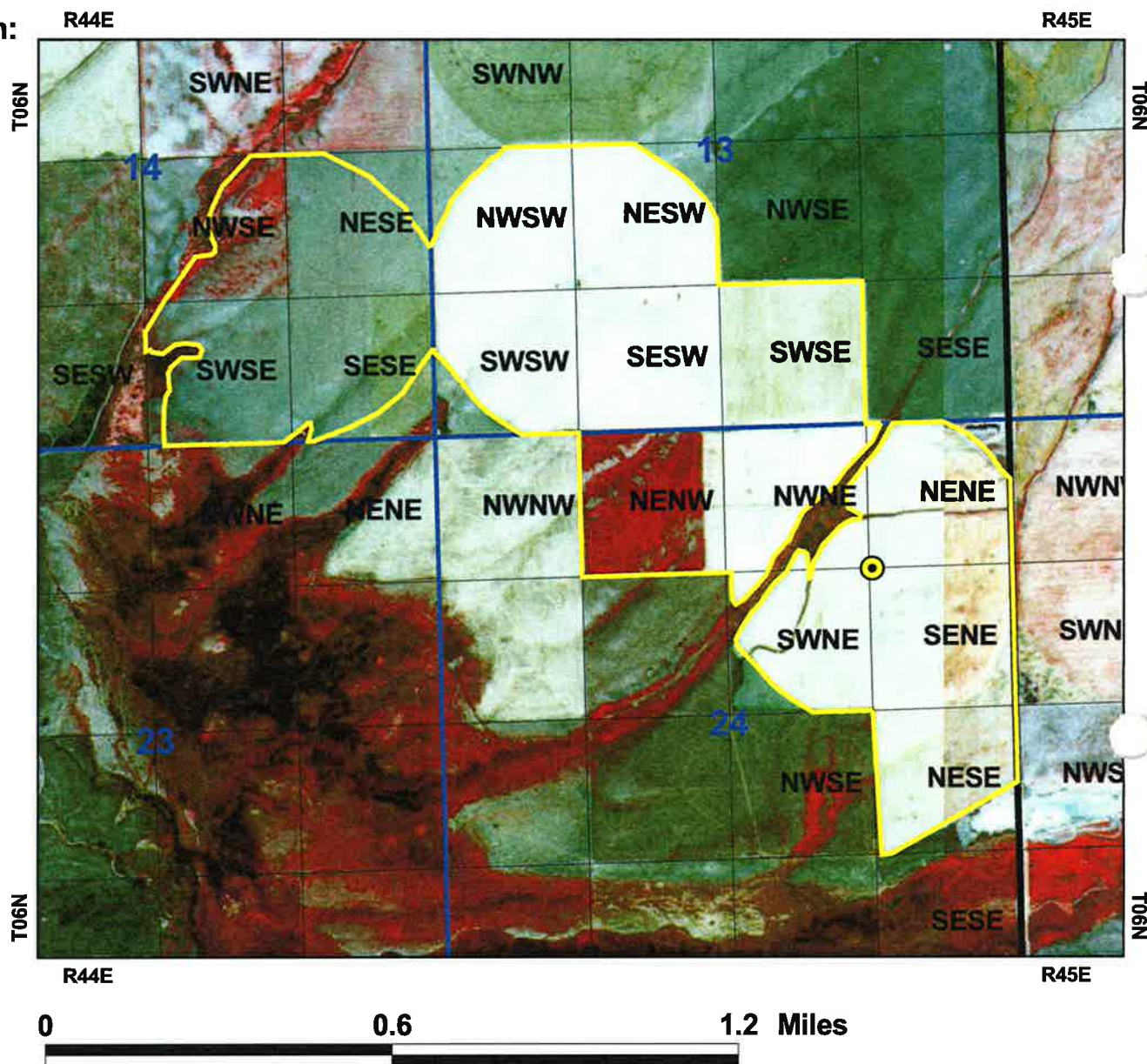
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Wednesday, July 12, 2006
1987/88 Aerial Photography



Insurance Services
2225 W. Broadway, Suite A
Idaho Falls, Idaho 83402

Voice: 208.552.2303
Toll free: 877.552.2303
Fax: 208.552.2304

SSS & P Corp,
Original permit covered 436 acres
2nd year added lower 160 acres

See attached
Map

J. J. J. D. corp
by Owen J. Neely
Pres,

March 3 ~~19~~ 2006

Acknowledged before me, David L.
Kearsley a Notary Public this
3rd day of March, 2006.

A handwritten signature in cursive script, appearing to read "David L. Kearsley".

Commission Expires 5-23-2009.

DAVID L. KEARSLEY
Notary Public
State of Idaho

February 9, 2006

WARREN KAUFMAN
RT 1 PO BOX 3830
DRIGGS ID 83422

**IMPORTANT
FINAL NOTICE
PLEASE READ**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12075

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 April 15, 1982, from GROUNDWATER.

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 which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

February 9, 2006

**BEN KAUFMAN
RT 1 PO BOX 3810
DRIGGS ID 83422**

**IMPORTANT
FINAL NOTICE
PLEASE READ**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12075

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 April 15, 1982, from GROUNDWATER.

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 which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**



April 13, 2004

RECEIVED

APR 14 2004

Department of Water Resources
Eastern Region

IDWR

c/o Allen Ruberry
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

Dear Allen,

In order to respond to your letter to Ben Kaufman on March 11, 2004, I have reviewed the Kaufman's water rights. My file showed some conflict with your letter regarding the Valley Bank being listed as the owner on various water rights. I called your office on April 13, 2004, to review these rights with you, however, you were out. Keith Wilson looked these rights up on your database and confirmed that these rights are correctly shown in the names of Ben and Warren Kaufman (with some shown a dba of Kaufman Brothers). The following rights are associated with their property:

22-07164 Addressed in your package.

22-07140B “

22-12077 “

22-12075 “

22-12079 “

22-00464

22-00465

22-07431

22-07168

It is my understanding that these rights are correctly shown and do not need any further changes. Please let me know if there is any further documentation that the Kaufman's need to complete. Thanks!

Sincerely,

Idaho AgCredit, FLCA

Marc Fonnesbeck
Asst. Vice President

cc: Warren Kaufman

MARCH 11, 2004

**BEN KAUFMAN
RT 1 PO BOX 3810
DRIGGS ID 83422**

Re: CHANGE OF WATER RIGHT OWNERSHIP.

Dear Mr. Kaufman:

The Idaho Department of Water Resources has begun review of the water rights claims filed in the Snake River Basin Adjudication (SRBA) in the Teton River drainage, Basin 22. There are a number of water rights claims, previously filed by Valley Bank, 1988, on property that, according to the Teton county Assessor, is now held by you.

If this is in deed the case it will necessary for you to file with the department a Notice of Change of Water Right Ownership, with supporting documentation as noted on the form. Please provide some evidence that you own any portion of the historic decreed water rights. Often a deed or property conveyance instrument will discuss water right conveyances with the property transaction. I have enclosed an ownership change form for your convenience.

Thank you for your timely attention and consideration in this matter. If you have questions please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; file

Enclosure: claim copy
Notice of Change of Water Right

MAILED
10 MARCH 04

March 9, 2004

**VALLEY BANK
PO BOX 51270
C/O BANK 2
IDAHO FALLS ID 83405-1270**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12075

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 APRIL 15, 1982, from a WELL.

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.

Contacts Data Entry Form

Claim Number: 2212075

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

Current Owner:	<u>Valley Bank Kaufman Bros.</u>			Phone No.:	
----------------	----------------------------------	--	--	------------	--

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: _____

10/89 C/O to Kaufman Bros.Discussion of right origin and split history. Questions and problems.B.U. ClaimEnlargement of 22-07164.
Other water rights used.7/09/04 FB: PDD/POU, CONVEYANCE/SYSTEMFE PDD/POU CONVEYANCE/SYSTEM

Reviewer: _____ Date: _____

Water Right No(s). 22-12075, 22-7164, 22-7140B



GPS DATA:

Tag # : AO013688

Location: on Elect Panel

Diversion Data:

Source: GW

Trib to:

MOTOR

Make: GE Model: 5K6318XC82A Hp: 400 SN: BMJ204014

PUMP

Make: Johnston Model: NO TAG Disch: 12" SN:

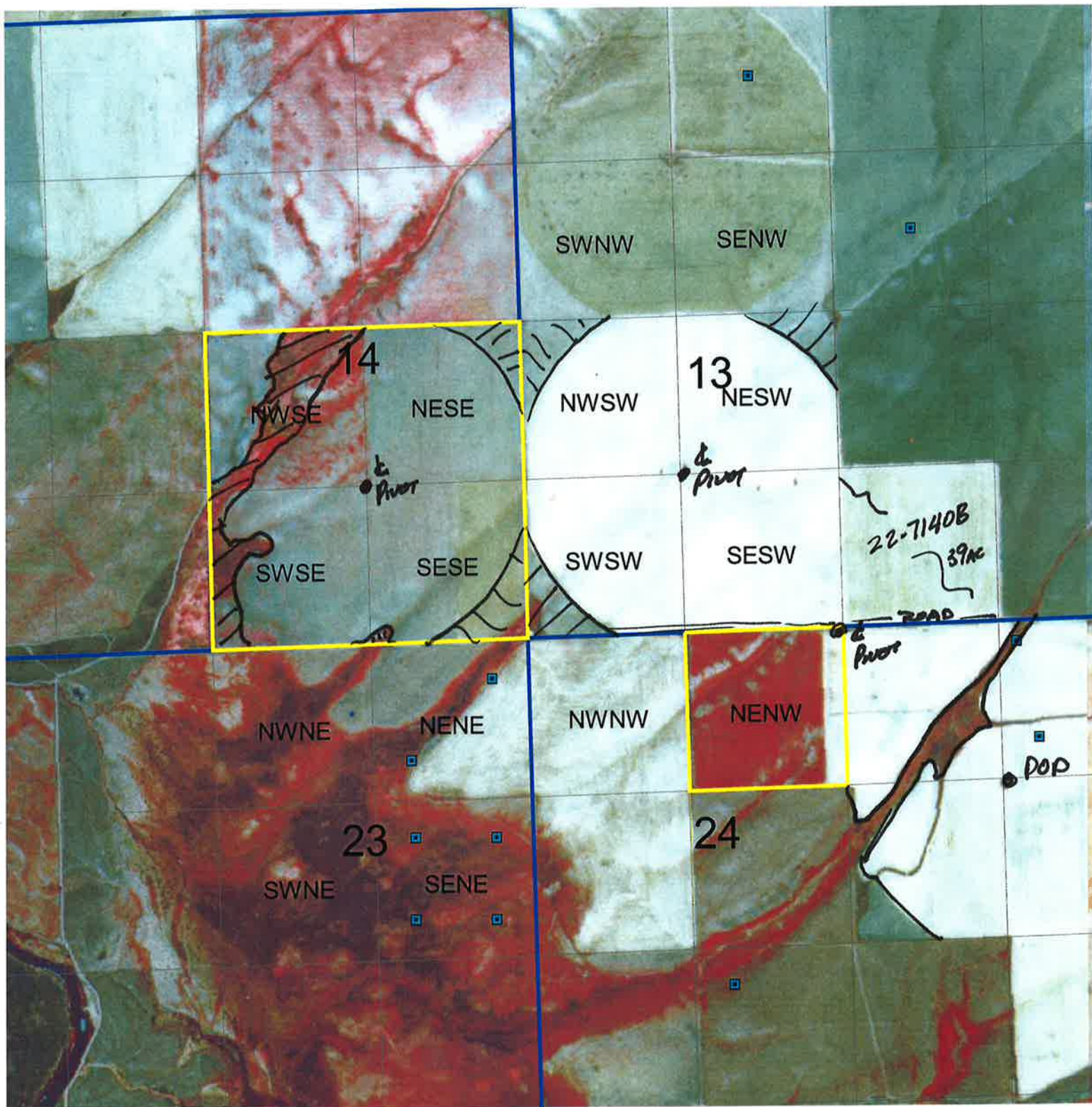
NOTES: This well serves 4 Pivots and corners.

Field Exam Date: 7-09-04

Agent: A. Ruberry

22-12075

7/16/01
S132





State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

October 11, 1989

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Ben and Warren Kaufman, dba
Rt. #1, Box 3830
Driggs, ID 83422

RE: A22-07140B, A22-07164, A22-12075, A22-12079,
A22-00464, A22-12077, A22-00465.

Dear Claimants:

Notice of the change in ownership of the above-referenced water rights has been received. The Claims to Water Rights records of the Department have been changed to reflect such notice.

Claims prepared from the Department's computer are enclosed for your review and records. If you find the address is incorrect, please contact us. Our staff is willing to discuss any other questions you may have regarding these Notices.

Sincerely,

Ernest Carlsen,
Water Rights Supervisor, Adjudication Bureau

EC:jt

Enclosure

MICROFILMED

NOV 06 1992

RECEIVED
OCT 05 1989

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Department of Water Resources
Eastern District Office

☒ Water Right Number(s): A22-12075

☒ Name and Address of Former Claimant: Valley Bank

P.O. Box 51270

Idaho Falls, Idaho 83405-1270

☒ New Claimant(s): Ben Kaufman and Warren Kaufman dba

Kaufman Brothers Joint Venture

☒ New Mailing Address: Rt. #1, Box 3830

Driggs, Idaho 83422

New Telephone Number: (208) 354 - 2262

☒ Does the change in ownership result in a splitting of the water right claimed? yes XX no

If yes, then describe the portion of the water right that is now claimed by the new owner:

☒ Attach proof of ownership
Describe proof attached:

☒ Signature of ^{Original} ~~New~~ Claimant(s): Valley Bank

by: Richard C. Swager, Jr., Collection Officer

Date: October 4, 1989

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-5-89 By: ES

Further Action Needed: None

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 22/10/10/89 By:

Claim Numbers of Split, if any:

MICROFILMED
NOV 06 1992

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: A22-12075
Date Received: 10/03/1988
Receipt No: 6002903
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VALLEY BANK 208-525-6200
Address: P.O. BOX 51270
C/O BANK 2
IDAHO FALLS, ID 83405-1270

2. Date of Priority: APR 15, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	44E	24	SW	NE	NE		TETON

5. Description of diverting works:
400 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	5.510		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	44E	14	NE	SE		IRR	40.0
			NW	SE		IRR	40.0

A22-12075

Page 1

Date: 10/03/88

MICROFILMED
NOV 06 1992

A2212075



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	44E	14	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		160.0
		24	NE	NW		IRR	40.0
					Section Acres		40.0
					Total Acres		200.0

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:

SWAN FALLS APP. 22-07731, 22-07164, 07140B BADGER CK RTS.

14. Remarks:

CLAIMED AS AN EXPANSION OF 22-07164.

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 Organizations:

I do solemnly swear or affirm that I am Senior Vice President of _____ Title

Valley Bank, that I have signed the foregoing Organization document in the space below as Senior Vice President of Title

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

Thomas G. Morrow
Signature of Authorized Agent
Senior Vice President - Valley Bank

Title and Organization

October 4, 1988

Date

State of Idaho)
County of Bonneville.) SS.

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

Kathie A. George
Notary Public

Seal

Residing at Idaho Falls, Idaho

My Commission Expires 3/1/91

DATE: 11/01/99
PAGE: 1

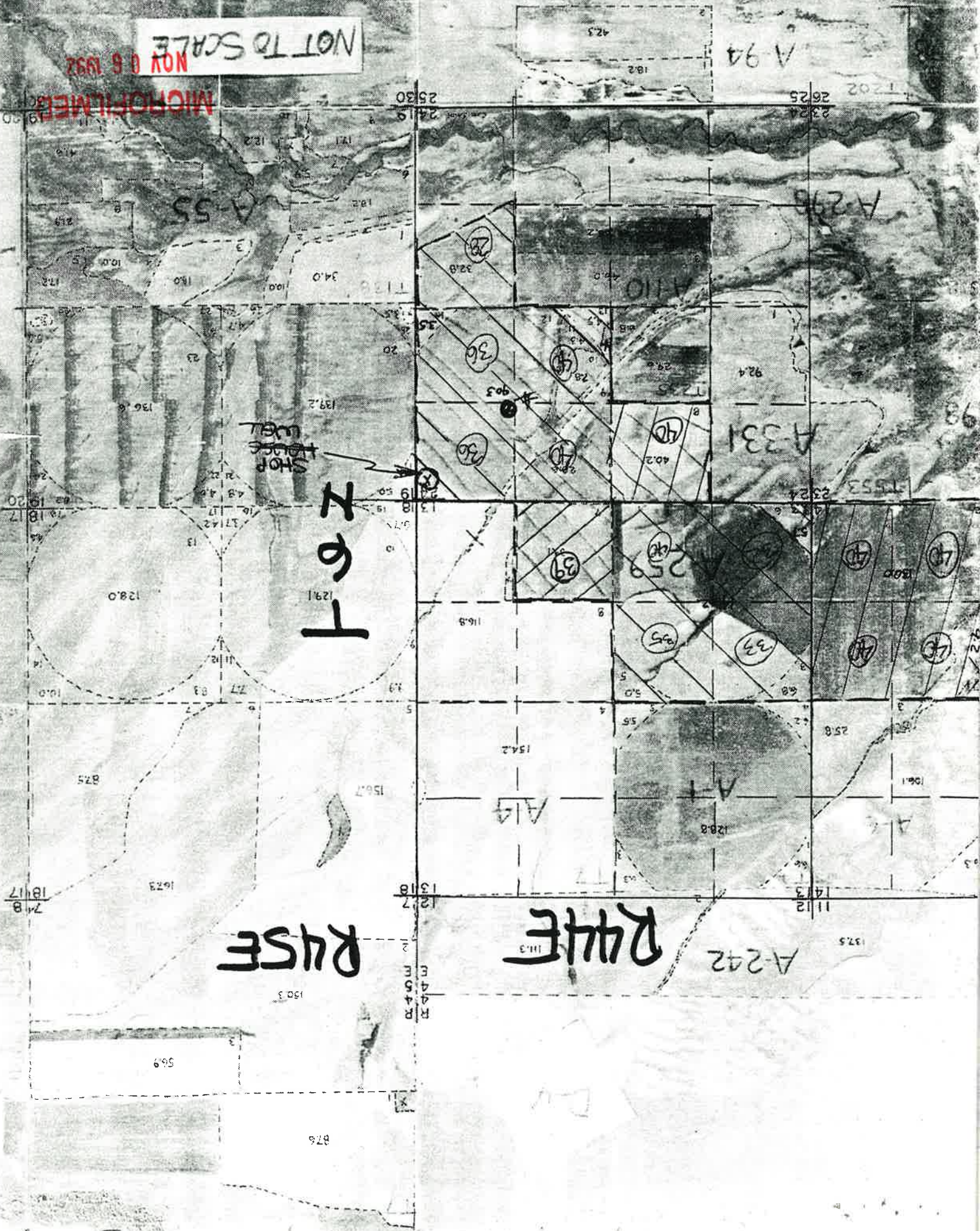
Field Inspection Flag:
Presumption Flag:

ENLARGEMENT
OF 22-7164

NOT TO SCALE

NOV 0 6 1992

MICROFILMED



D-4