

02/22/2011

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

RIGHT NUMBER: 22-12714B

NAME AND ADDRESS: SUSAN C ALDEEN TRUST
495 S 450 W
VICTOR ID 83455

SOURCE: PARADISE SPRINGS

TRIBUTARY: TETON RIVER

QUANTITY: 0.080 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1904

POINT OF
DIVERSION:

T04N R45E S30 NENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.080 CFS
STOCKWATER	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S19 SWSE 7.80

STOCKWATER same as IRRIGATION

7.8 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 quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The following rights are diverted through point of diversion described above: 22-12714B, 22-13509, 22-13586, 22-13853, 22-13854, 22-13997, 22-13998, and 22-13999.

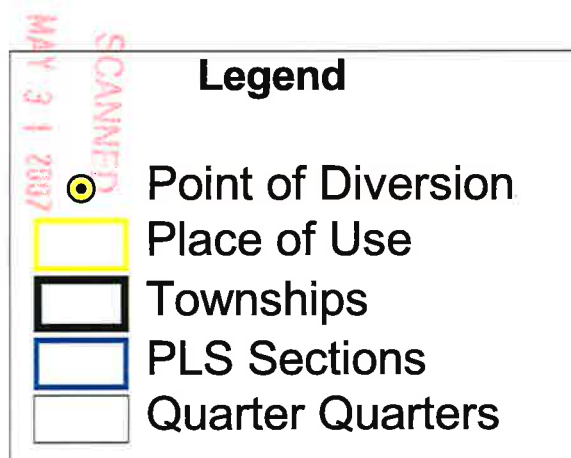
This right is a split from former right 22-587.



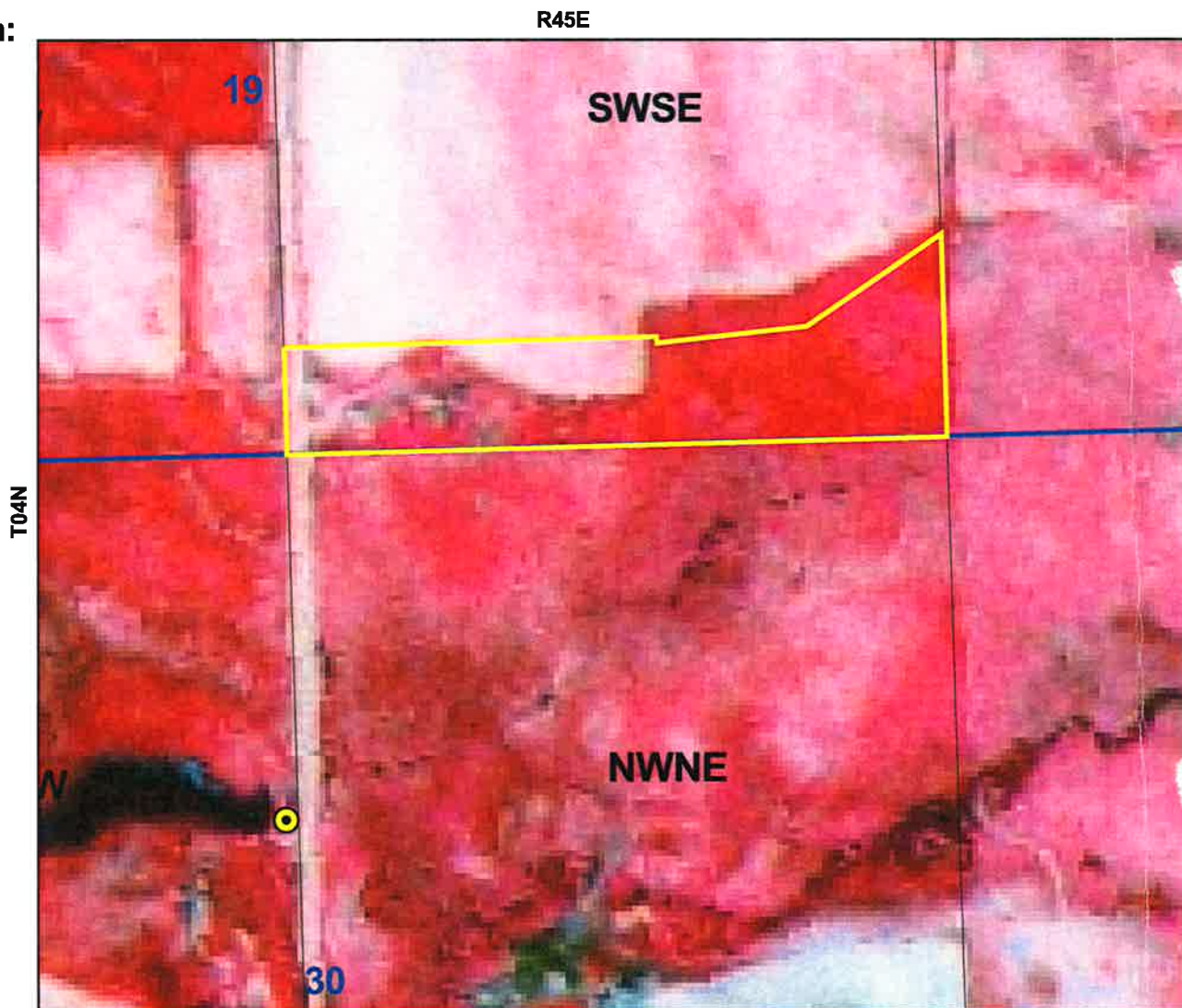
Idaho Department of Water Resources

SRBA Recommendation:

22-12714B



Teton County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by T. Galbraith
On Tuesday, April 25, 2006
1987/88 Aerial Photography



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

February 2, 2011

Susan C Aldeen Trust
495 South 450 West
Victor, ID 83455

Re: Water right 22-12714B

Dear Representative of the Susan C. Aldeen Trust:

I am a deputy attorney general representing the Idaho Department of Water Resources ("IDWR"). This letter is a follow-up to the letter Michael Holliday from IDWR sent to you last month about your subcase.

As you know, the Paradise Springs subcases in the Snake River Basin Adjudication ("SRBA") are on the road to settlement. Your water right 22-12714B is one of the subcases involved in said settlement. The SRBA Court held a hearing this morning to discuss the status of the subcases involved in the settlement. The Court set a final deadline of February 11, 2011, in which to file an amended claim, if you intend to do so. As referenced in Mr. Holliday's letter, as part of the settlement, you can receive an increase in quantity for your water right (from .08 cfs to .11 cfs). However, IDWR can only recommend the increased amount to the SRBA Court if you file an amended claim. If you are content with your recommendation the way it stands, .08 cfs, then there is no need to do anything further related to this subcase because the Special Master will eventually make her recommendation to the district judge that your water right be partially decreed as currently recommended.

If you have questions about this matter, please contact me at (208) 287-4810 or Mr. Holliday at (208) 525-7161.

Sincerely,

A handwritten signature in cursive script that reads "Andrea L. Courtney".

Andrea L. Courtney

cc: Michael Holliday



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 24, 2011

Dear Claimant:

As you may recall a settlement conference was recently held in Idaho Falls in hopes that the disputes regarding the water right claims from Paradise Springs could be resolved. At the settlement conference the parties in attendance and the Idaho Department of Water Resources reached a tentative agreement. However, final settlement is contingent upon additional action by the parties. The purpose of this letter is to let you know what further action needs to be taken in order to bring closure to the Paradise Springs subcases in the Snake River Basin Adjudication ("SRBA").

The table below lists the amounts agreed upon during the settlement conference followed by the tasks that need to be completed before the settlement can be finalized. Please find your subcase(s) below and take the appropriate action. IDWR would be happy to help you through the process if you need assistance, as appropriate. Because of the global nature of the settlement of Paradise Springs, SF5 settlement documents will be prepared once the late claims and amended claims are ready for resolution. In other words, all the subcases are tied together and are anticipated to progress through the SRBA resolution process as a group.

<u>Claim number</u>			<u>Owner</u>	<u>Decreed</u>	<u>Beneficial</u>	<u>Decreed</u>	<u>Beneficial</u>
- - -			-	<u>Acres</u>	<u>Use Acres</u>	<u>Quantity</u>	<u>Use Quantity</u>
22	587	A	KUNZ, LARELL A	25		0.35	
22	12714	B	SUSAN C ALDEEN TRUST	7.8		0.11	
22	13211		MILLER, DON LE ROY	8.5	3.3	0.17	0.07
22	13212		REID, MICHAEL L	26	9.6	0.52	0.19
22	13511		TETON RAINBOW RANCHES	72		1	
22	13586		RICHARDSON, ANDREW J	23.5	8.5	0.47	0.17
22	13853		MILLER, CHESTER H; MILLER, REX H	16.5	6.5	0.33	0.13
22	13854		RICHARDSON FAMILY PROPERTIES LLC	17	14	0.24	0.38
22	13509		FRED MILLER TRUST	25.5	9.5	0.51	0.19

22-587A. No need to amend the claim. Only needs to sign SF5.

22-12714B. Needs to amend claimed flow rate to 0.11 cfs.

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JAN 24 2011

22-13211. No need to amend claim. Only needs to sign SF5. It is my understanding that the objectors to this subcase seek a subordination remark limiting a delivery call on this right to 7.6 acres and .17 cfs. Additionally, needs to set aside 22-11537, the 1969 beneficial use right, and sign an SF5 for .07 cfs and 3.3 acres.

22-13212. Needs to move to set aside and amend claim for 0.52 cfs. Eventual recommendation for -13212 will contain a subordination remark limiting a delivery call on this right to 4.5 acres and 0.16 cfs. Will receive SF5 on 22-11639 for 9.6 acres and 0.19 cfs as the beneficial use claim.

22-13511. No need to amend claim. Only needs to sign SF5.

22-13586. Needs to amend claimed flow rate to 0.47 cfs. This right is governed, in part, by the stipulation filed December 2009. Consistent with that stipulation, the eventual recommendation for -13586 will contain the following subordination remark: This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny. Needs to file a new beneficial use claim for 8.5 acres and 0.17 cfs.

22-13853. Needs to amend claimed flow rate to 0.33 cfs and file a new beneficial use claim for 6.5 acres and 0.13 cfs.

22-13854. This right is governed, in part, by the stipulation filed December 2009. Needs to file a new beneficial use claim for 14 acres and 0.38 cfs.

22-13509. Consistent with the Amended Director's Report filed in July 2010, the eventual recommendation for -13509 will contain the following subordination remark: This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny. Needs to file a new beneficial use claim for 9.5 acres and 0.19 cfs.

The next status conference on these subcases is set for February 2, 2011, at 9:30 a.m., during which Special Master Bilyeu agreed to hear motions to amend claims. Motions for late claims need to be heard by Judge Wildman. If you have questions about any of this, please contact your attorney, if applicable, or feel free to give me a call. Thanks in advance for your prompt action.

Sincerely,


Michael Holliday
Adjudication Bureau
Senior Water Right Agent

SCANNED

JAN 24 2011

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

May 25, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

SUSAN C ALDEEN TRUST
495 S 450 W
VICTOR ID 83455

RE: Notice of Change of Water Right Ownership (NCO) for 22-12714B and
Notice of Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On January 23, 2007, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

cc: John & Reina Collins

SCANNED

MAY 31 2007

In Re SRBA)
Case No. 39576)
_____)

Water Rights: 22-12714B

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

☐ point of diversion	☐ place of use
☐ period of use	☐ nature of use
☐ split of water right	☐ change in ownership

Signature of IDWR Representative

SCANNED
MAY 31 2007

CERTIFICATE OF MAILING

I certify that on May 29, 2007, 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:
John O & Reina Collins
497 S 450 W
Victor, ID 83455

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Susan C Aldeen Trust
495 S 450 W
Victor, ID 83455

4. One copy to:

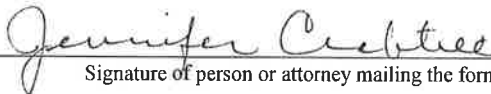
Each party in the subcase, or attorney of record
N/A

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

SCANNED

MAY 31 2007

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

RECEIVED
JAN 23 2007
 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 (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
	A22-12714 B				

*needs
NCAAP*

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

JOHN COLLINS
497 SOUTH 450 WEST VICTOR, ID 83455

4. New Owner/Claimant(s)

SUSAN C. ALDEEN TRUST
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

495 SOUTH 450 WEST

City, State and ZIP Code

VICTOR, ID 83455

New Telephone Number

209 354-0044

5. Date you acquired the property

20 DECEMBER 1999

*✓
CM 5-2-07*

SCANNED
MAY 31 2007

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

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

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

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

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

For Office Use Only

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

SCANNED

MAY 31 2007

RECEIVED

DEC 20 1999

TETON CO., ID
CLERK RECORDER

136190

WARRANTY DEED



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

THIS INDENTURE is made this 12/17/99 day of December, 1999, by **JOHN O. COLLINS**, dealing with his sole and separate property, the "Grantor", and **SUSAN C. ALDEEN**, acting not individually but as Trustee of the Susan C. Aldeen Trust created under Trust Agreement dated December 24, 1987, whose mailing address is 2044 North Dayton Street, Chicago, Illinois 60614, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

Beginning at the South Quarter corner of Section 19, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence North 89°40'32" East 1319.83 feet along the section line to the Southeast corner of the Southwest Quarter Southeast Quarter of said Section to an iron pin point; thence North 00°02'05" East 420.61 feet; along the East line of the Southwest Quarter Southeast Quarter of said Section to a point; thence North 65°57'49" West 23.04 feet to a point; thence South 67°12'22" West 323.50 feet to a point; thence South 84°52'42" West 288.17 feet to a point; thence South 2°54'39" West 68.00 feet to a point; thence South 89°40'32" West 710.73 feet to the West line of the Southwest Quarter Southeast Quarter of said Section; thence South 00°06'24" East 214.48 feet to the point of beginning.

Excepting therefrom the following described parcel: Beginning at the Southwest corner of the Southwest Quarter Southeast Quarter Section 19, Township 4 North, Range 45 East, Boise Meridian; thence North 00°14'07" East, 184.55 feet; thence North 89°58'59" East, 147.80 feet; thence South 45°31'19" East, 264.66 feet; thence North 89°51'28" West 337.40 feet to the point of beginning.

136190

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

SCANNED

MAY 31 2007

AT 15 MINUTES PAST 3p M
DATE Dec 20, 1999
Dolan S. Boyle
CLERK OF RECORD
BY E. Smith
DEPUTY

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

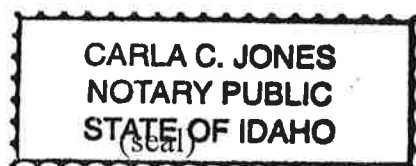


John O. Collins, dealing with his sole and separate property

STATE OF IDAHO)
)ss.
County of Teton)

On the 17th day of December, 1999, before me, the undersigned, a notary public in and for said State, personally appeared John O. Collins, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Notary Public for Idaho
Residing at Driggs, Idaho

My Commission Expires: 12/19/05

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MAY 31 2007

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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MAY 31 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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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 1/4 of Paradise Springs" with a priority of 6/1/1904. The land stated in the decree is stated as follows:

"NE1/4SE1/4, and SE1/4 of NE1/4 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:

"NW1/4 of SW1/4 and W1/2 of NW1/4 of Sec. 29, and NE1/4 of NE1/4 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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MAY 31 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

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MAY 31 2007

Found H.E.S. for Carolina Withrick
Dated: May 20 1862
Found at www.gorecords.blm.gov

Legal Description

S 1/2 SE Sec 19 T4N USB so
NW 1/4 30

11-24-06
A-2

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MAY 31 2007

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
 NESW
- 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

22-13211
22-13212
22-13203

12-12714A - Rex Miller owns ≈ 66 acres and is entitled to .92 cfs

- Combined with a portion of 22-587

12-12714B - 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 POW.

- 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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MAY 31 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.)

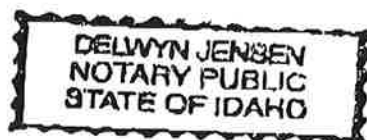
Wanda Virgin
Residing at: Rexburg
Commission expires: 9-20-2006



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

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MAY 31 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 4SE. 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

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

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

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MAY 31 2007

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

Transfers
Pending

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~~

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MAY 31 2007

- 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 22-11537 splits as well. 4-4-06 L
- LERoy & Michael Reid came in 4-6-05.

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Water Right No(s). A 22-12714 B

GPS File # - 22127144

GPS Data - 2726521 } same P.O.D
1386916 } 95'
A22-12714A

GPS DATA:

Existing - A0009862 _____ on power panel
Tag # A0016340 Location: on pump

Diversion Data:

Source: Paradise Springs Trib to: Teton River

MOTOR

Make: Century Electric Model: _____ Hp: 20
SN: NA

PUMP

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

NOTES:

Pan now owned by Susan C. Aldern Trust c/o Susan Aldern at
495 S. 450 W. Veta ID 83455. Phone # 208-354-0044.
I gave Susan a change of ownership form on 4-21-06. Gary Zehner farms
property. He states that upper ditch from top of Miller Pond ran East to
Susan Aldern's power ditch started on NE into his (Gary's) property.

Field Exam Date: 4-21-06 Agent: H. W. Jones

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MAY 31 2007

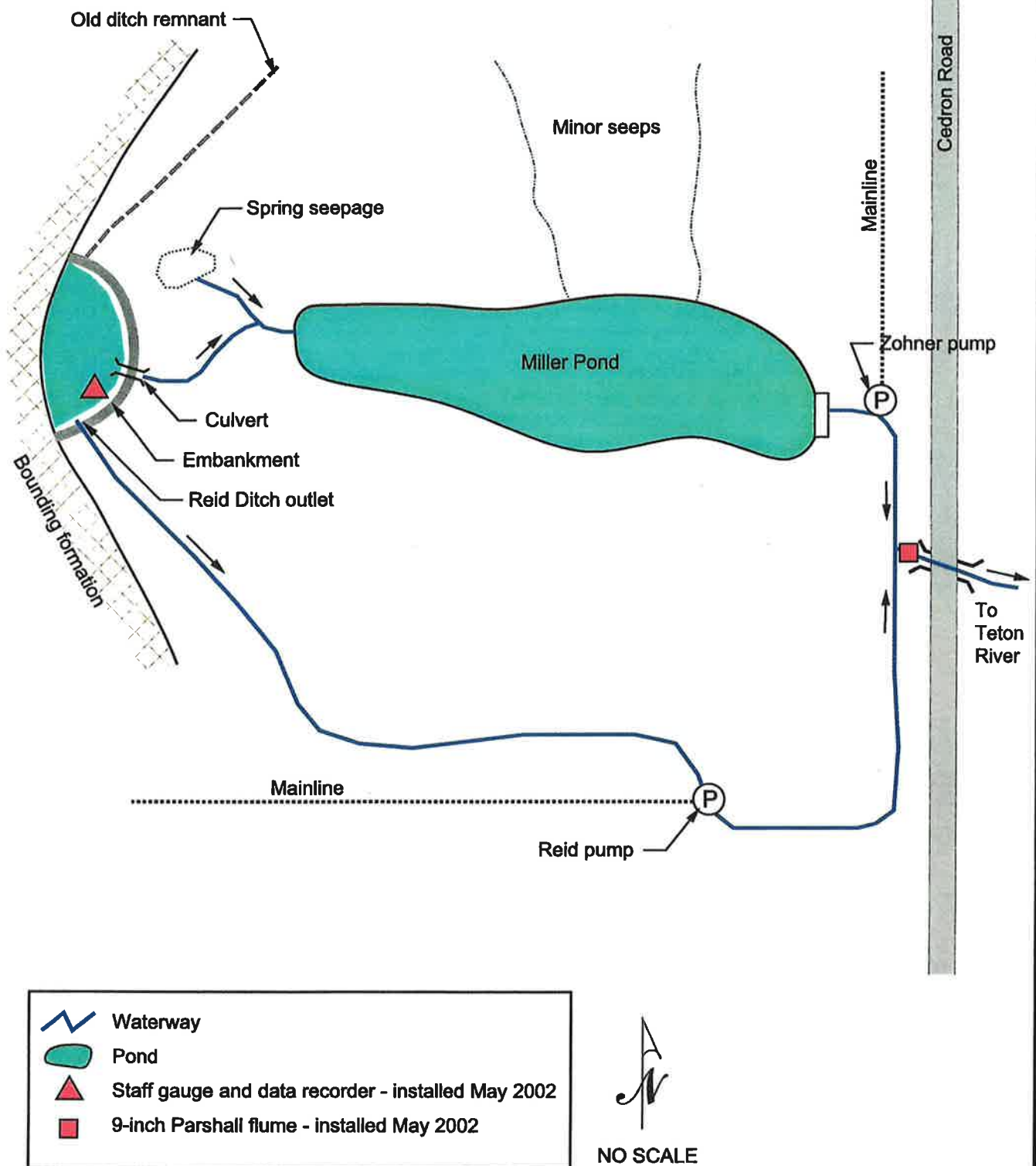
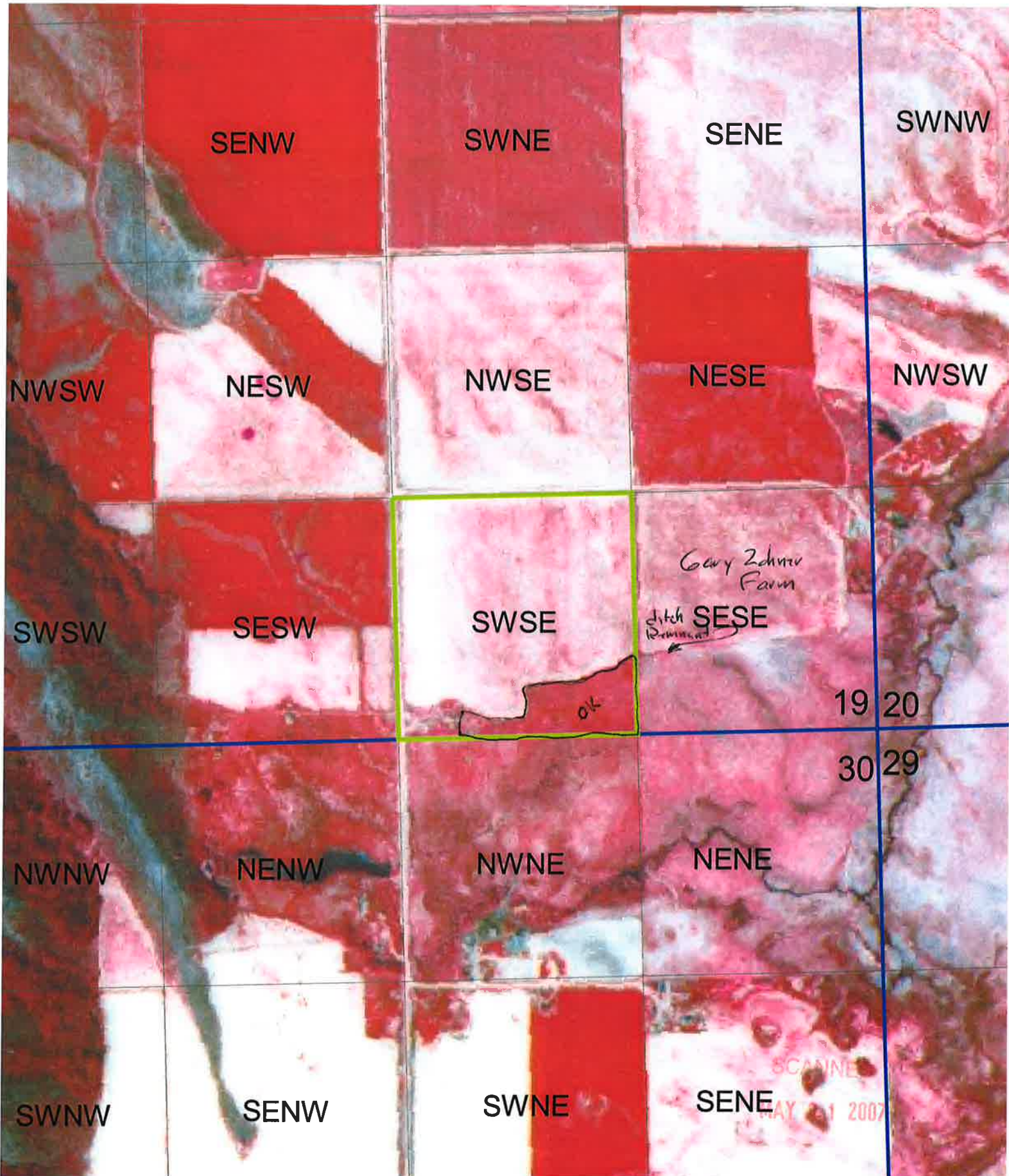


Figure 2. Diagram of the Paradise Spring collection and distribution system.

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22-12714B



04N45E30

NENW

22-12714A/B

NWNE

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MAY 31 2007

SCANNED
MAY 31 2007

A22-12714 A+B pod, 20 hp pump



new
GPS
tag



A22-12714 A+B pod, pump, Looking East



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MAY 31 2007

POLAR COORDINATE X-COR Y-COR (CHAINS)		BEARING ANGLE DIRECTION	ANGLE			DIST (FT)	CUMULATIVE ACRES
			DEGREES	MINUTES	SECONDS		
40.00	0.00						
60.00	0.11	NE	89.00	40.00	32.00	1319.83	0.11
60.00	6.49	NE	0.00	2.00	5.00	420.61	12.86
59.68	6.63	NW	65.00	57.00	49.00	23.04	13.14
55.16	4.73	SW	67.00	12.00	22.00	323.50	9.83
50.81	4.34	SW	84.00	52.00	42.00	288.17	9.33
50.76	3.31	SW	2.00	54.00	39.00	68.00	8.22
39.99	3.25	SW	89.00	40.00	32.00	710.73	8.18
40.00	-0.00	SE	0.00	6.00	24.00	214.48	8.18

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MAY 31 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

December 13, 2006

EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

SUSAN C ALDEEN TRUST
495 S 450 W
VICTOR ID 83455

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-12714B

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in Teton County. The property to which I am referring was most recently owned by John & Reina Collins. The legal description is as follows:

T04N, R45E, S19, SWSE

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

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

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

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

SCANNED

MAY 31 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Regional Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

Colo
↓

Unclaimed
Addressed and Postage
Insurance and Return
to: Victor ID 83455

JOHN O COLLINS
REINA G COLLINS
497 S 450 W
VICTOR ID 83455

★ ★ PITNEY BOWES
★ ★ U.S. POSTAGE
1731 PB3523907
8922 \$00.390 NOV 29 2006
6399 MAILED FROM ZIP CODE 83402

22-12714 B
22-12714 B

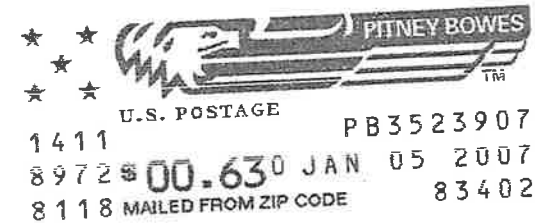
SCANNED
4N45E19
5W5E

= 15 15X5002 R001



DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
TAMHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED



REINA G COLLINS

JOHN O COLLINS
497 S 450 W
VICTOR ID 83455

mmR

*22-12714B
D.R.*

SCANNED

MAY 31 2007

RECEIVED
JAN 09 2007
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED



NO MAIL
RECEPTACLE

JOHN O COLLINS

REINA G COLLINS
497 S 450 W
VICTOR ID 83455



U.S. POSTAGE

1140 PB3523907
8936 \$00.370 MAR 02 2004
0672 MAILED FROM ZIP CODE 83402

SCANNED
MAY 31 2004

22-12122
22-127148

23-0000002 R001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 8, 1998

JOHN & REINA COLLINS
497 S 450 W
VICTOR ID 83455

RE: CHANGE IN OWNERSHIP FOR A22-12122, A22-12714B

Dear Mr. & Mrs. Collins:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

SCANNED

MAY 31 2007

RECEIVED

DEC 08 1997

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

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A22-12122? A22-12714B ?
Adjudication Claim Number(s) _____

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

A. 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 or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) RUSS & FLORA BOURNE
497 S 450 W Victor ID 83455

4. New Owner/Claimant(s) JOHN O. &/OR REINA G. COLLINS
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address 497 S. 450 WEST

City, State and ZIP Code VICTOR, ID 83455
New Telephone Number (208) 354-3560

5. Date you acquired the property 10-2-97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) John O. Collins Date 12-2-97
Reina G. Collins Date 12-2-97

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 8, 1997

RUSSELL D & FLORA A BOURNE
497 S 450 W
VICTOR ID 83455

RE: CHANGE IN OWNERSHIP FOR A22-12714

Dear Mr. and Mrs. Bourne:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-12714A, 0.92 cfs on 96 acres, Miller
A22-12714B, 0.08 cfs on 8 acres, Bourne

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure

cc: Miller/copy letter/copy Notice of Claim

SCANNED

MAY 31 2007

DELOG 8/27/97 GT
- checked batch update ✓

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

AUG 27 1997

Department of Water Resources
Eastern Region

1. Water Right Number(s) A-22-12714, A22-12122
Adjudication Claim Number(s) A22-12714^{OK}, A22-12122^{OK}
SPLIT A+B
2. The following **REQUIRED** information must be submitted with this form.
 - A. 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 or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Rex H. Miller And Chester H. Miller
Box 532 Driggs Id. 83422
4. ^{self} New Owner/Claimant(s) Russell D. Bourne, Flora A. Bourne
Name connector (Check one): [] AND, [] OR, [AND/OR]
New Mailing Address 497 S 450 W Victor Id. 83455
City, State and ZIP Code Victor Id. 83455
New Telephone Number (208) 354-8903
5. Date you acquired the property July 1, 1989
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 8.18 Number and type of stock 100 head EMU
Diversion rate in CFS 1000 Number of homes 1 Other uses Household & yard
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Russell D. Bourne **SCANNED** Date 8/19/97
Flora A. Bourne **MAY 31 2001** Date 8/19/87
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

WARRANTY DEED

For Value Received

REX MILLER and RANAE MILLER, husband and wife

the grantors, do hereby grant, bargain, sell, and convey unto

RUSSELL D. BOURNE and FLORA A. BOURNE, husband and wife
P.O. Box 203, Victor, Idaho 83455

the grantees, the following described premises, to-wit:

Beginning at the South quarter corner of Section 19, Township 4 North Range 45 East, Boise Meridian, Teton County, Idaho; Running thence North 89 degrees 40'32" East, 1319.83 feet along the Section Line to the Southeast corner of the SW1/4SE1/4 of said Section to an iron pin point; thence North 0 degrees 02'05" East, 420.61 feet along the East line of the SW1/4SE1/4 of said section to a point; thence North 65 degrees 57'49" West, 23.04 feet, to a point; thence South 67 degrees 12'22" West 323.50 feet, to a point; thence South 84 degrees 52'42" West 288.17 feet, to a point; thence South 2 degrees 54'39" West, 68.00 feet, to a point; thence South 89 degrees 40'32" West, 710.73 feet, to the West line of the SW1/4SE1/4 of said section; thence South 0 degrees 06'24" East, 214.48 feet, to the point of beginning.

TOGETHER WITH all appurtenant water, oil, gas and mineral rights.

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 proxated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 1, 1989

Rex Miller
Rex Miller

Ranae Miller
Ranae Miller

STATE OF IDAHO, COUNTY OF Teton
On this 1st day of July, 1989,
before me, a Notary Public in and for said State,
personally appeared

and Ranae Miller, husband

who are known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



104485

FILED

AT THE REQUEST OF

First American

AT 15 MINUTES PAST 9 A.M.

DATE July 10, 1989

C. Elaine Schuess

CLERK OF RECORDER



SCANNED

MAY 31 2007

RUSSELL D. BOURNE and FLORA A. BOURNE, husband and wife, herein called GRANTOR, whose address is P.O. Box 203, Victor, Idaho 83455
 FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and
 REX MILLER and RANAE MILLER, husband and wife, herein called BENEFICIARY,
 WITNESSETH That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of Teton State of Idaho described as follows and containing not more than twenty acres:

Beginning at the South quarter corner of Section 19, Township 4 North Range 45 East, Boise Meridian, Teton County, Idaho; Running thence North 89 degrees 40'32" East, 1319.83 feet along the Section line to the Southeast corner of the SW1/4SE1/4 of said Section to an iron pin point; thence North 0 degrees 02'05" East, 420.61 feet along the East line of the SW1/4SE1/4 of said section to a point; thence North 65 degrees 57'49" West, 23.04 feet, to a point; thence South 67 degrees 12'22" West 323.50 feet, to a point; thence South 84 degrees 52'42" West 288.17 feet, to a point; thence South 2 degrees 54'39" West, 68.00 feet, to a point; thence South 89 degrees 40'32" West, 710.73 feet, to the West line of the SW1/4SE1/4 of said section; thence South 0 degrees 06'24" East, 214.40 feet, to the point of beginning.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of TWENTY-SEVEN THOUSAND FOUR HUNDRED FIFTY & NO/100---Dollars, (\$ 27,450.00), final payment due April 1, 2007

and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit a waste of said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately, and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such money received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

MAY 31 2007

8. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

9. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

10. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

11. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at the address hereinbefore set forth.

Russell D. Bourne
Russell D. Bourne

Flora A. Bourne
Flora A. Bourne

STATE OF IDAHO, COUNTY OF Teton

On this 3rd day of July, 1989, before me, a Notary Public in and for said State, personally appeared

Russell D. Bourne & Flora A. Bourne,
husband and wife

known to me to be the persons whose names are subscribed to this within instrument, and acknowledged to me that they executed the same

Russell D. Bourne
Notary Public,
Idaho.

104486

FILED

AT THE CLERK'S OFFICE OF

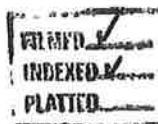
First American

15 9 a.

July 10, 1989

E. Wayne Schuess

Nora Hill



DEED OF TRUST
WITH POWER OF SALE

GRANTOR
FIRST AMERICAN
TITLE INSURANCE COMPANY

TRUSTEE

19

Dated



FIRST AMERICAN TITLE INSURANCE COMPANY

RELEVANT CLERK
150 WEST CENTRAL
SALT LAKE CITY, UTAH
TELEPHONE 75-0400

THE PROMISSORY NOTE OR NOTES, AND ANY EVIDENCES OF FURTHER AND/OR ADDITIONAL ADVANCES MUST BE PRESENTED WITH THIS REQUEST

To FIRST AMERICAN TITLE INSURANCE COMPANY

Idaho,

Trustee:

19

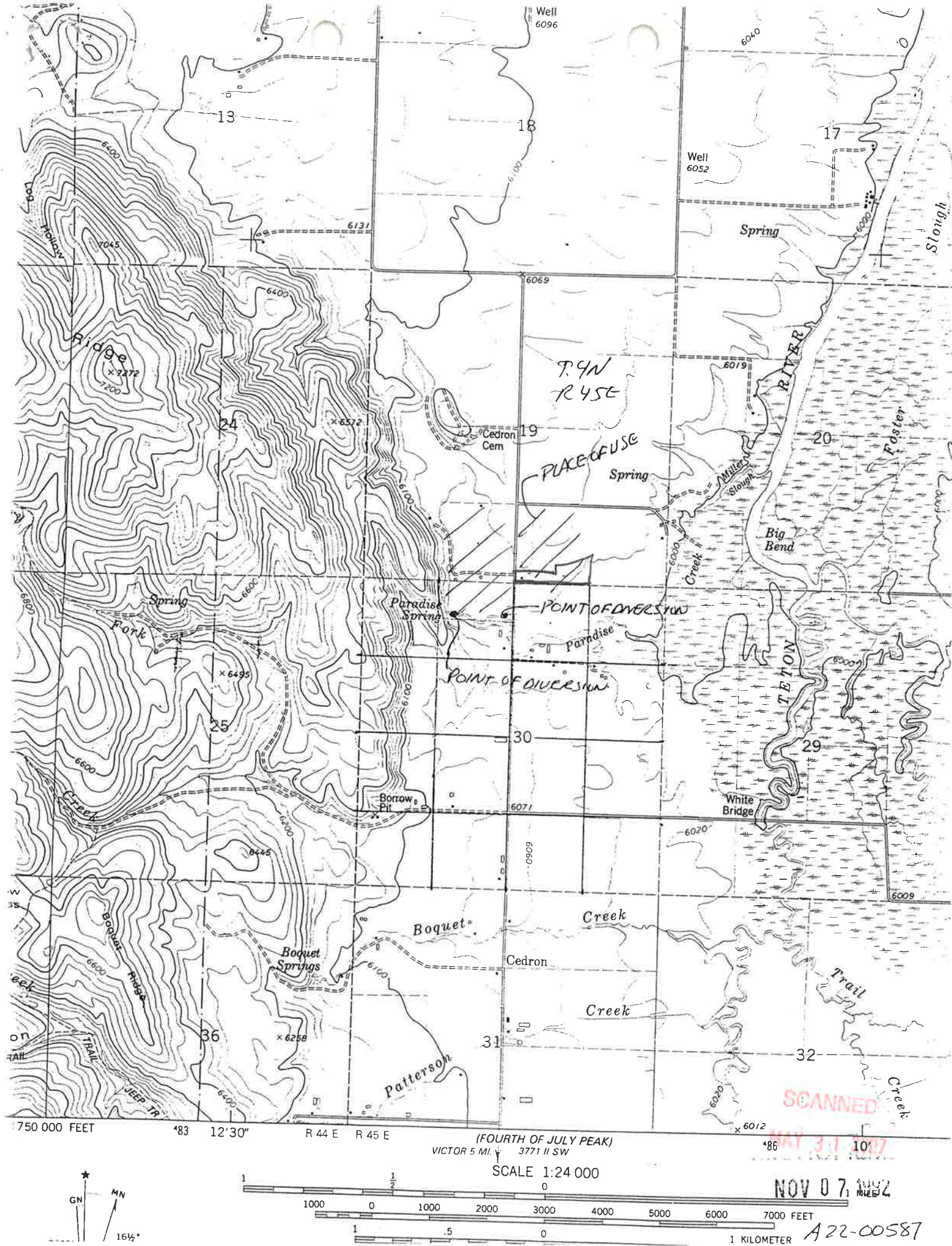
You are hereby authorized and requested to execute a reconveyance hereunder and deliver same to

The undersigned hereby certifies that the owner and holder of the debt mentioned in said deed of trust and that the same has never been assigned or transferred.

Address

Telephone No.

SCANNED
MAY 31 2007





750 000 FEET

83 12'30"

R 44 E R 45 E

(FOURTH OF JULY PEAK)
VICTOR 5 MI. 3771 II SW

SCALE 1:24 000

1 1/2 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 0.5 0

1 KILOMETER

NOV 06 1992

1 MILE

A 22-12122

242	Webster, James W., and Charles H. Woodmansee; May 23, 1903; Moody Creek	300
	For reservoir purposes between the first day of September of each year until the first day of May of the following year	100
243	Gregory, H. J.; June 1, 1903; North Leigh Creek	40
243	Powell, W. J.; June 1, 1903; Trail Creek	4,200
243	Siddoway-Briggs Co.; June 1, 1903; Teton River. For power purposes	100
243	Buxton, Stillman; June 1, 1903; Sloughs from Twin Creeks	40
229	Gilbert, Albert; June 1, 1902; Horse Shoe Creek	20
243	Mickelson, Peter; June 1, 1903; Swamps	50
243	Thompson & Egbert; June 1, 1903; North Leigh Creek	40
243	Jarman, Arthur; June 1, 1903; South Leigh Creek	100
243	Pherson, Neils; June 1, 1903; South Leigh Creek	280
246	Kunz, Samuel, Jr.; July 31, 1903; Pine Creek (permit)	1,680
249	Central Teton Canal Co.; Oct. 31, 1903; Teton Creek	1,250
250	Pack Saddle Reservoir Co.; Jan. 15, 1904; North Fork Pack Saddle Creek	40
251	Wallace, H. A.; Jan. 18, 1904; North Leigh Creek or Spring Creek	50
252	Hansen, E. P.; May 1, 1904; Game Creek	70
253	Moffat, John P.; June 1, 1904; Swamps	
253	Withrick, Caroline; June 1, 1904; Paradise Springs. The undivided one-fourth of Paradise Springs	100
253	Miller, J. J.; June 1, 1904; Paradise Springs	60
253	Sinclair, Sarah S.; June 1, 1904; Pole Creek and Pine Creek	40
253	Ricks, Wallace; June 1, 1904; North Leigh Creek	80
253	Phillips, L. A.; June 1, 1904; Badger Creek	110
253	Sautter, John G.; June 1, 1904; North Leigh Creek	60
254	Coyle, M. H.; June 15, 1904; Coyle Spring	640
259	Felt, J. G.; Jan. 18, 1905; Badger Creek	640
259	Felt, G. F.; Jan. 18, 1905; Badger Creek	590
259	Felt, Clara V.; Jan. 18, 1905; Badger Creek	480
259	Felt, Albert; Jan. 18, 1905; Badger Creek	500
259	Clawson, Spencer, adminr. Estate of; Jan. 18, 1905; North Leigh or Spring Creek	150
259	Clawson, Spencer; Jan. 18, 1905; North Leigh or Spring Creek	500
259	Clawson, B. W.; Jan. 18, 1905; North Leigh or Spring Creek	2,500
259	Spencer, Clawson & Co. (a corporation); Jan. 18, 1905; North Leigh Creek or Spring Creek	200
259	Rogers, Orson T.; Jan. 18, 1905; Badger Creek	160
259	Little, Edwin S.; Jan. 18, 1905; Leigh Creek	180
259	Taylor, Joseph E.; Jan. 18, 1905; North Leigh or Spring Creek	100
259	Garrett, Mary G.; Jan. 18, 1905; North Leigh or Spring Creek	100
264	Soulcey, C. V.; June 1, 1906; Darby Creek	80
	Crandall, H. L.; no date; waters of Crandall Springs	15
	Stahn, Emil A.; no date; Juanita Springs	40
	Andrews, L. W.; no date; waters of Springs on place	900
	Pack Saddle Reservoir Co.; no date; South Fork of Pack Saddle Creek	

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Sec. 17, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. T.
2 N. R., 38 E., B. M., Also, NE $\frac{1}{4}$ of NE $\frac{1}{4}$,
NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and Lot 1 of Sec. 31, T.
3 N. R., 38 E., B. M., NE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$
of SE $\frac{1}{4}$, Sec. 6, T. 2 N., R., 38 E., B. M.,
Lots 1, 2, 3 and 4, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$
of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$,
and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 36, T. 3 N. R.,
37 E., NE $\frac{1}{4}$ of Sec. 17, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of
Sec. 8, T. 2 N., R., 38 E., B. M., NE $\frac{1}{4}$
of Sec. 21, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 21,
T. 1 N., R., 37 E., B. M., containing
1215 acres.

Wilson, William

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 3, S $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Sec. 4, T. 3 N. R., 45 E.,
B. M., containing 160 acres.

Wilson, W. S.

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 21, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$
of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 28,
and Lot 1 of Sec. 29, T. 13 N. R., 43 E.
B. M.,

Windmill, Richard

SW $\frac{1}{4}$ of Sec. 10, T. 6 N., R., 40 E., B. M.,
containing 160 acres.

Winger, Fritz

W $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 31, T.
5 N., R., 46 E., B. M., containing 120
acres.

Winger, Harold

S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 32, and S $\frac{1}{2}$ of SE $\frac{1}{4}$ of
Sec. 31, T. 5 N., R., 46 E., B. M.,
containing 160 acres.

Withrich, Caroline

NE $\frac{1}{4}$ of 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.

Withers, Richards

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 15, T. 6 N., R., 40 E. B.,
M., Containing 80 acres.

Witt, Chris, J.

SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 21, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec.
28, T. 2 N. R., 37 E., B. M., containing
80 acres.

~~085~~ 22-0581
 Wilford Irrigation
 & Manufacturing
 Company. 392 inches. June 1, 1884. Teton River.

~~085~~ 22-0582
 William, Charles. 60 inches. May 15, 1897. South Leigh Creek.

~~085~~ 22-0583
 Williams, Charles. 100 inches. June 1, 1899. South Leigh Creek.

~~085~~ 21-0135
 William Ernest. 250 inches. June 1, 1898. Osborn Springs.

Williams, Evan (See D. J. Brennan)

Williams, G. E. Watson Slough
 Irrigation Company.

~~085~~ 21-0136
 Williams, Mrs. H. N. 200 inches. June 1, 1898. Osborn Springs.)

Williams, Thomas E. Enterprise Canal
 Company.

~~085~~ 35-0035
 Williamson, Benjamin. 160 inches. May 1, 1903. McTucker Springs
 (Sold to J. B. Martin. Trego Ditch Company.

~~085~~ 21-0137
 Wilson, L. D. and L. B.

~~085~~ 22-0584
 Wilson, O. L. 120 inches. June 10, 1887. Fall River.

~~085~~ 22-0585
 Wilson, William. 160 inches. June 1, 1898. Trail Creek.

~~085~~ 22-0586
 Windmill, Richard, and Richard Withers and Oscar B. Young. 434 inches. Apr. 1, 1898. Teton River (Eckersell Canal)

~~085~~ 22-0587
 Windmill, Richard and Richard Withers and Oscar B. Young. 216 inches. May 31, 1885. Teton River (Eckersell Canal.)

Winger, Harold Wyoming & Darby Bench
 Canal Company.

Wintle, George B. Trego Ditch Company.

~~085~~ 22-0588
 Withers, Richard (See Richard Windmill et al.)

~~085~~ 22-0589
 Withrick, Caroline. June 1, 1904. Undivided 4 of
 Paradise Springs.

~~085~~ 22-0588
 Wolf Ditch Company. 2,335 inches. Apr. 1, 1898. Teton River.

~~085~~ 22-0589
 Wolf Ditch Company. 1,265 inches. June 1, 1884. Teton River.

~~085~~ 25-0230
 Wood Live Stock Company. 640 inches. Oct. 11, 1901. Bear Trap Creek.

~~085~~ 22-0590
 Wood, Samuel L. 160 inches. June 1, 1893. Mahogany Creek.

SCANNED

MAY 31 2007

~~1-0515~~ 22-0400
~~1-0516~~ 23-0047
 McPherson, Abner
 Meeds, W. A.

Menan Milling
 Company.

~~1-0517~~ 22-0401
~~1-0518~~ 22-0402
~~1-0519~~ 22-0403
~~1-0520~~ 22-0404
 Merrill, Joseph
 Merrill, Sam J.
 Mickelson, Peter
 Mickelson, Peter

Miller, Eph. L.

~~1-0521~~ 22-0405
 Miller, J. J.

Miller, Margaret

Miller, Mary

Miller, Robert

Miskins, J. R.

~~1-0522~~ 21-0145
~~1-0523~~ 22-0406
 Mitchell, Edward L.
 Moffat, Andrew

~~1-0524~~ 22-0407
 Moffat, Andrew

~~1-0525~~ 22-0408
 Moffat, John P.

~~1-0526~~ 22-0409
 Moffat, John P.

~~1-0527~~ 22-0410
 Moffat, John P.

~~1-0528~~ 22-0411
 Moffat, Mary

~~1-0529~~ 22-0412
 Moffat, Mary

Molden, Charles F.

~~1-0530~~ 21-0146
 Moon, Carliso H.

Moore, Willard

Morgan, Edward

Morgan, James

160 inches. June 10, 1889. North Leigh Creek.

165 inches. May 15, 1896. Rainey Creek.

(See Long Island
 Irrigation Company.)

40 inches. May 1, 1904. Springs on land.

160 inches. June 1, 1898. Leigh Creek.

140 inches. June 1, 1901. South Leigh Creek.

20 inches. June 1, 1903. Swamps.

The Farmers' Friend
 Canal Company.

100 inches. June 1, 1904. Paradise Springs.

The Farmers' Friend
 Canal Company.

The Farmers' Friend
 Canal Company.

The Farmers' Friend
 Canal Company.

Enterprise Canal
 Company.

150 inches. June 1, 1894. Fall River.

20 inches. June 1, 1895. South Leigh Creek,
 and swamp.

140 inches. June 1, 1897. South Leigh Creek
 and swamp.

40 inches. June 1, 1894. Swamps.

50 inches. June 1, 1896. Swamps.

70 inches. June 1, 1904. Swamps.

80 inches. June 1, 1895. Leigh Creek.

80 inches. June 15, 1897. Leigh Creek.

(Conveyed to Eliza-
 beth Kratzer.)

250 inches. May 10, 1895. Fall River.

Enterprise Canal
 Company.

Enterprise Canal
 Company.

Enterprise Canal
 Company.

Merrell, Joseph

Lots 5 and 6, containing about 160 acres, and lands adjacent to lots 5 and 6, containing about 80 acres, in Sec. 1, T., 4 S. R., 33 E., B. M., containing 243 acres in all.

Merrill, Samuel J.

SW $\frac{1}{4}$ of Sec. 2, T. 5 N. R., 45 E., B. M., containing 160 acres.

Meeds, W. A.

SE $\frac{1}{4}$ of Sec. 5, T. 1 N., R., 44 E., B. M., containing 160 acres.

Metcalf, W. D.

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 23, T. 3 N., R., 38 E. B. M., containing 80 acres.

Mickelson, Peter

Lots 3 and 4 of Sec. 5, and Lots 1 and 2 of Sec. 6 T., 5 N. R., 45 E., B. M., containing 160 acres.

Miller, J. J.

SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 30, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 31, T. 4 N. R., 45 E. B. M., containing 160 acres.

Mitchell, Edw. L.

Lots 1 and 2, and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 18, T. 8 N., R., 42 E., B. M., containing 138.70 acres.

Mitchell, James

50 acres off Southside of SE $\frac{1}{4}$ of Sec. 21, T. 1 N. R., 37 E., B. M.

Mitchell, William

Lot 2 of Sec. 16, T. 1 N. R., 37 E. B. M., containing 80 acres.

Modine, John A.

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 11, T. 1 N., R., 37 E., B. M., containing 80 acres.

Modine, N. P.

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 11, except 35 acres sold, and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 11, T. 1 N. R., 37 E. B. M.,

Modine, N. P.
et al.

NE $\frac{1}{4}$ of Sec. 10, Lots 1 and 2 of Sec. 10, and Lot 1 of W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 11, except 35 acres, all in T. 1, N. R., 37 E. B. M.

Modine, William

W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 11, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, T. 1 N. R., 37 E., B. M.,

SCANNED
MAY 31 2007

Kent Foster
H. Foster
H. Foster
Ray

NOTICE OF WATER RIGHT.

STATE OF IDAHO,
COUNTY OF FREMONT,

To All Concerned Notice is Hereby Given:

1st. That

John J. Miller

watering trough

Batis Fremont Co. Idaho

hereby claiming the use of the waters of

Anderson's Springs or

Paradise Springs

2,

to the extent of 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 as follows:

Commencing at a spring on the
N.E. 1/4 of Sec 30, Twp 4 N. R. 45 E.
Thence East about one half mile, and
thence into the Latah 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
Culinary Purposes

The place of intended use is Batis Fremont Co. Idaho

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

The general course of the proposed canal is North

The length of the proposed canal is about one mile

It is intended to use said water for irrigating the following described land:
E 1/4 of Sec 30 = E 1/4 of Sec 19 Twp 4 N. R. 45 E.

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within 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.

SCANNED
MAY 31 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 2289 = 30-65774
of Section 19, in Township 4 N of
Range 45 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.

SCANNED

MAY 31 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 63874 = 30 = 63874
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.

SCANNED

MAY 31 2007

1000
Kant
Koster
F. not
Ray

NOTICE OF WATER RIGHT.

STATE OF IDAHO,
COUNTY OF FREMONT,

To All Concerned Notice is Hereby Given:

1st. That

John J. Miller

watering trench
of

Batis Fremont Co. Idaho

hereby giving the use of the waters of

*Sunderson'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 as follows: *Commencing as a spring on the
N.E. 1/4 Sec 30, Twp 4 N. R. 45 E.
Thence East about one half mile, and
thence into the Lemon 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*

Culinary Purposes

The place of intended use is *Batis Fremont Co. Idaho*

4th. It is intended to divert said water by means of *Dam and Aqueducts*

The general course of the proposed canal is *about 1/2 mile*

The length of the proposed canal is *about 1/2 mile*

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

Sec 30 = 30 = Sec 30, 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*, 190*7*.

John J. Miller

Claimants.

SCANNED
MAY 31 2007

STATE OF IDAHO

County of Fremont

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 his 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 Elliott
U.S. Commissioner

SCANNED

MAY 31 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

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: **A22-12714B**
Date Received: 10/ 4/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RUSSELL D BOURNE
Address: 497 S 450 W
VICTOR ID

208-354-8903

83455

AND/OR

Name: FLORA A BOURNE
Address: 497 S 450 W
VICTOR ID

208-354-8903

83455

2. Date of Priority: JUN 1, 1904

3. Source: PARADISE SPRINGS Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

PUMP & PIPELINE TO SPRINKLER SYSTEM & DAM IN STREAM TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.080		
STOCKWATER	04/15	10/15	0.020		

7. Total Quantity Appropriated is:

0.080 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 100 EMU

A2212714B



SCANNED
MAY 31 2007

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	19	SW SE		IRR	8.0
Section Acres						8.0
Total Acres						8.0

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:

14. Remarks:

THIS CLAIM COMBINES TWO WATER RIGHTS FROM PARADISE SPRINGS.
1: 22-0587 DECREED TO CAROLINE WITHRICK, AMT- UNDIVIDED 1/4 INTEREST IN PARADISE SPRINGS.

2: 22-0405 DECREED TO J.J. MILLER, AMT-2.0 CFS. 22-0405 IS SPIT BY REX H. MILLER AND LEROY MILLER.

THE SPRINKLER SYSTEM WAS INSTALLED IN JULY OF 1963. THE LAND WAS HISTORICALLY IRRIGATED UNDER THE TWO ABOVE MENTIONED WATER RIGHTS ADDITIONAL LANDS WERE ADDED AT THAT TIME. CLAIM NO. 22-4142 WAS INTENDED TO DOCUMENT THE EXPANSION OF THE WATER TO ADDITIONAL LANDS. SEE ALSO THE INFORMATION PROVIDED IN THE FILE FOR CLAIM NO. 22-4142.

*CHANGE IN OWNERSHIP 8-28-97 GJT

15. Basis of Claim: DECREED

Case Number:

Court : SIXTH

Decree date: / /

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL
vs Decree Defendant

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN O COLLINS	06/01/1904	IRRIGATION	04-15 10-15	0.08 CFS	
C	REINA G COLLINS		STOCKWATER	04-15 10-15	0.02 CFS	
	497 S 450 W					
	VICTOR ID 83455					
	(208) 354-3560					
				TOTAL DIVERSION:	0.08 CFS	

Tributary to:

T04N R45E S30

NENENW

SWNENW

Place of use Legal Description for: IRRIGATION

[illegible]

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: TETON

Non-Irrigation Uses: STOCKWATER, 100 EMU

Remarks: GEN THIS CLAIM COMBINES TWO WATER RIGHTS FROM PARADISE SPRINGS.
1: 22-0587 DECREEED TO CAROLINE WITHERICK, AMT- UNDIVIDED 1/4
INTEREST IN PARADISE SPRINGS.
2: 22-0405 DECREEED TO J.J. MILLER, AMT-2.0 CFS. 22-0405 IS
SPIT BY REX H. MILLER AND LEROY MILLER.
THE SPRINKLER SYSTEM WAS INSTALLED IN JULY OF 1963. THE LAND WAS
HISTORICALLY IRRIGATED UNDER THE TWO ABOVE MENTIONED WATER RIGHTS
ADDITIONAL LANDS WERE ADDED AT THAT TIME. CLAIM NO. 22-4142 WAS
INTENDED TO DOCUMENT THE EXPANSION OF THE WATER TO ADDITIONAL
LANDS. SEE ALSO THE INFORMATION PROVIDED IN THE FILE FOR CLAIM
NO. 22-4142.
*CHANGE IN OWNERSHIP 8-28-97 GJT
*CHANGED OWNERSHIP PER REQUEST/JH/1-8-99

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag: