

12/07/2004

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

RIGHT NUMBER: 22-13125
NAME AND ADDRESS: WILLIAM R BATTEY JR
C/O KENT FOSTER
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: HENDERSON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION:

T04N R44E S25 NESW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
4/01 10/31

QUANTITY
0.040 CFS

PLACE OF USE: STOCKWATER Within TETON County
T04N R44E S25 NWSE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use
STOCKWATER, 300 SHEEP
PARCEL NO. RP04N44E257800A

PROFILED

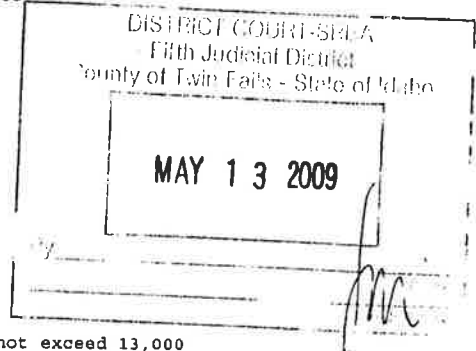
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

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

Water Right 22-13125



NAME AND ADDRESS: WILLIAM R BATTEY JR
17 TORY HOLE RD
DARIEN, CT 06820

SOURCE: HENDERSON CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION: T04N R44E S25 SWNWSE Within Teton County

Point of diversion is on the boundary line between private
property and Forest Service property. The boundary line divides
T04N, R44E, S25, SENESW and T04N, R44E, S25, SWNWSE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	04-01 TO 10-31	0.04 CFS

PLACE OF USE: Stockwater Within Teton County
T04N R44E S25 NWSE

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

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

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

RULE 54(b) CERTIFICATE

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

John M. McFarland
Presiding Judge of the
Snake River Basin Adjudication

SCANNED

MAY 13 2009



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

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

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

E-MAIL rharris@holdenlegal.com

September 15, 2008

Ernie Carlsen
Eastern Region Office
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Amended Notice of Claim - Water Right No. 22-13125, in the Name of
William Battey

Dear Ernie:

Enclosed please find an amended Notice of Claim for Water Right No. 22-13125. As you may recall, the issues surrounding this water right is which side of the property line between private land and Forest Service land the point of diversion should be listed as. After meeting at the initial hearing, we concluded that it should be moved to the SWNWSE. We asked the Court for the ability to file an Amended Notice of Claim, which it granted. This is the Amended Notice of Claim, and as we understand it, there is no need for an any additional filing fees. If you have any questions or concerns, please let us know.

Best Regards,

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

Enclosures

G:\WPDATA\RLH\14568 Battey, William\Ernie Carlsen ltr 091508.wpd:cdv

SCANNED

JAN 06 2011

RECEIVED

SEP 16 2008

Department of Water Resources
Eastern Region

Established in 1896

RECEIVED

JUL 25 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase: 22-13125

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5944

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: William R Battey Jr

Address: 17 Tory Hole Rd
Darien, CT 06820

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See E below.

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Places of Use**

Should be:

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The point of diversion for this water right as recommended in the Directors Report in the NESW of Section 25, T4N, R44E, is on National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS land for this purpose. The Notice of Claim for this water right indicates that it is "Overflow from headgate which diverts water into ten inch pipeline under rights of Michael G. Kunz". The only other water rights diverting water from Henderson Creek are reported to be diverted from private land in the SWNWSE of Section 25. Because of this the exact location of the point of diversion for this water right is uncertain and needs to be clarified.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Steven M. Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Steven M. Spencer
(Signature of person filing objections)

Dawn M. H. [Signature]
(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 23, 2007



Gloria Baimbridge [Signature]
Gloria Baimbridge

Notary Public for: Idaho
Residing at: Boise, Idaho
Commission Expires: 10/17/2008

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on July 23, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

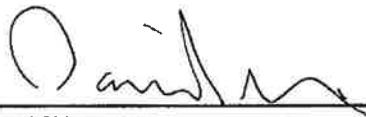
Name: William R Battey Jr
Address: 17 Tory Hole Rd
Darien, CT 06820

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

2-10-04

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 27 2004

Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

*data entered
JC
1-3-05*

☒ Water Right Number(s): 22-13125 *(pasture near
554 W 575 S, Victor,
Idaho)*

☒ Name(s): William R. Battey Jr.

☒ Old Mailing Address: Hong Kong, China

☒ New Mailing Address: 17 Torky Hole Rd.
Darien, CT 06822

Telephone Number: (203) 656 - 0762

☒ Signature(s) of Owner(s) W R Battey Jr.

(Include your title if on behalf of company or organization)

SCANNED

JAN 04 2005

Date: 12/17/04

MAY 11 2005

PROFILED

02/02/2005

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 04, 2005

Water right number: 22-13125

WILLIAM R BATTEY JR
17 TORY HOLE RD

DARIEN CT 06820

Telephone Number: (203) 656-0762

Please make change in zip code. Tk you.

*Address changed
310105 KMO*

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

Explanatory Material: stock water, 300 sheep. Reference to 300 sheep should be deleted.

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

Delete reference to "300 sheep."

reference changed.

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

Claim is for stock water and is actually used for stock other than sheep (horses).

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

DATE: 2/22/05

SIGNATURE: *Will R Battey Jr*

Please print your name: William R. Battey, Jr.

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

RECEIVED

MAR 01 2005

Department of Water Resources
Eastern Region

SCANNED

MAR 01 2005

PROFILING



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

EASTERN REGION

November 22, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83402

RE: LOCATION OF WILLIAM BATTEY'S PROPERTY (22-13125)

Dear Kent:

I need help locating your client's property. I contacted the Teton County assessor and they have two parcels for Mr. Battey in the same quarter quarter. Both have the same address: 554 W. 575 S., Victor. One parcel is for 20 acres, tax number 3661, parcel number **RP04N44E257800A**. The other is for 0.87 acres, tax number 3771, parcel number **RP04N44E251201A**.

If you could figure out which property is associated with the enclosed claim, I will move forward to recommend his claim.

Respectfully,

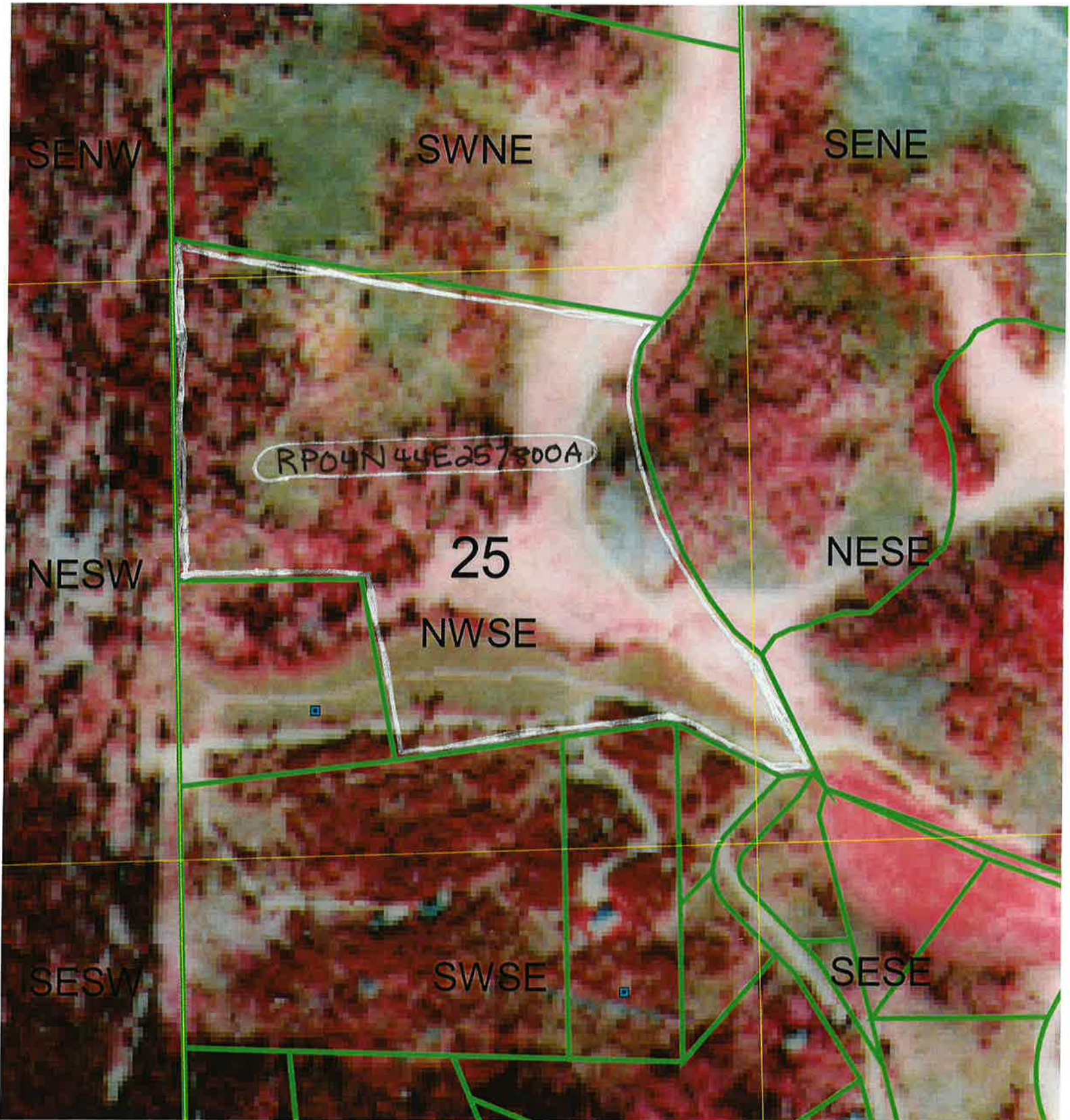
Jennifer Crabtree
Technical Records Specialist

Enclosure

PROFILED

SCANNED
JAN 14 2005

green lines =
parcel boundaries



SCANNED

JAN 14 2005

FILED

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

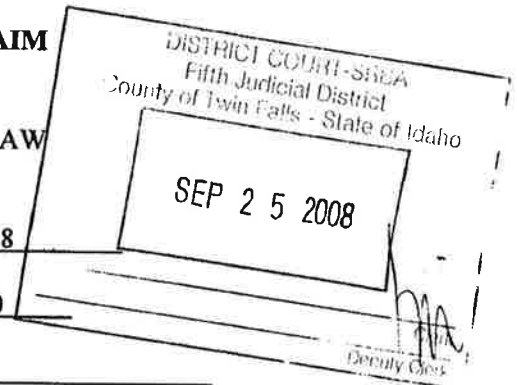
CIVIL CASE NUMBER: 39576

Ident. Number 22-13125

Date Received _____

Receipt Number _____

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



1. Name of Claimant(s) William R. Battey, Jr. Phone (917) 225-2378

Mailing Address 17 Tory Hole Rd., Darien, CT Zip 06820

2. Date of Priority (Only (1) per claim) June 1, 1962

3. Source of water supply (a) Henderson Creek

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:

Township 4N Range 44E Section 25, SW 1/4 of NW 1/4 of SE 1/4, Govt. Lot _____,
County of TETON

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Overflow from headgate diverts water into ten inch pipe

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Stockwater purposes from 04/01 to 10/31 amount 0.04 or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater - 12 Horses

Department of Water Resources
Eastern Region

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SEP 16 2008

SCANNED

JAN 06 2011

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the table below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	44E	25														S			

Total number of acres irrigated _____

10. In which county(ies) are lands listed above as place of use located? TETON
11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()
13. Remarks: This amended claim is necessary because it was discovered that the point of diversion is located just across a center section line in SWNWSE. The SRBA Court has already granted claimant's motion to file this claim.
14. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice _____ Permit _____ Decree _____ License _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____
15. Signature(s)
(a) By signing below, I/we acknowledge that I/we have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/we do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of Attachments _____

For Individuals: I/we do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Robert L. Jamies Date Sept. 15, 2008
ATTORNEY

Date _____

SCANNED

JAN 06 2011

Last Name William R. Battey, Jr. Ident. Number 22-13125

17. Notice of Appearance:

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

Signature

Robert L. Harris

Address: PO Box 50130, Idaho Falls, ID 83405-0130

Date: September 8, 2008

15

G:\WPDATA\RLH\14568 Battey, William\Amended Claim, 22-13125.wpd:cdv

SCANNED

JAN 06 2011

Last Name William R. Battey, Jr. Ident. Number 22-13125

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

RIGHT NUMBER: 22-13125
NAME AND ADDRESS: WILLIAM R BATTEY JR
17 TORY HOLE RD
DARIEN CT 06820
SOURCE: Source: Tributary:
HENDERSON CREEK TETON RIVER
QUANTITY: 0.040 CFS
0.000 AFY
The quantity of water under this right shall not exceed 13,000 gallons per day.
PRIORITY DATE: 06/01/1962
POINT OF DIVERSION: T04N R44E S25 SWNWSE ~~T04N R44E S25 NESW~~
Within TETON County ~~Within TETON County~~

Point of diversion is on the boundary line between private property and Forest Service property. The boundary line divides T04N, R44E, S25, SENESW and T04N, R44E, S25, SWNWSE.

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	STOCKWATER	4/01 10/31	0.040 CFS
PLACE OF USE:	STOCKWATER	within TETON County	
	T04N R44E S25 NWSE		
	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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
PARCEL NO. RP04N44E257800A

STOCKWATER, 12 HORSES

STOCKWATER, 300 SHEEP

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

October 22, 1999

RECEIVED
OCT 26 1999

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402

Re: Late Claim for William R. Battey, Jr.

Gentlemen:

Enclosed with this letter is a Late Notice of Claim to a water right for a stock water right on Henderson Creek, a tributary to the Teton River, on behalf of Mr. William R. Battey, Jr. Mr. Battey resides in Hong Kong and it appears that this notice is one that was faxed to him because the original is either lost in the mail or has never arrived at his residence yet. Mr. Battey signed the document in the presence of a notary public there in Hong Kong and so the original is enclosed with this letter together with the original affidavit of Michael G. Kunz and copies of three deeds in support of the stock water claim.

Finally, we have enclosed our check in the amount of \$75.00 which includes the filing fee for a stock water claim of \$25.00 and a late fee of \$50.00.

Please let us know of anything else that may be required or how we may be of assistance.

Very truly yours,



Kent W. Foster

Enclosures

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PROFILED

SCANNED
JAN 14 2005

AFFIDAVIT OF MICHAEL G. KUNZ

Michael G. Kunz, being first duly sworn, on his oath, deposes and says:

1. Affiant is a resident of Teton Valley, Idaho, and currently resides at 614 South 450 West, Victor, Idaho 83455. Affiant's telephone number is (208) 354-2462. Affiant was born and reared in the Teton Valley and has resided there most of his life.

2. Affiant's family members, including his parents, have owned and operated farmland in said valley for many years, and Affiant has continued to engage in the same occupation in his teenage and adult years.

3. Some of Affiant's farmland is currently irrigated with water from Henderson Creek through a ten inch pipeline which has its point of origination on Henderson Creek just West of the United States Forest Service boundary in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, T4N, R44E of the Boise Meridian.

4. From Affiant's earliest recollection, at times there has been a small overflow at said headworks for the pipeline which permitted excess water to spill back into the creek and run upon and across the adjacent land in the S $\frac{1}{2}$ NE $\frac{1}{4}$ and that part of the SE $\frac{1}{4}$ of Section 25 lying North of the Henderson Canyon road in T4N, R44E of the Boise Meridian. Such small amounts of excess or overflow water has been wasted or occasionally livestock drank from it. At one time, said land was owned by Affiant's parents, and Affiant became familiar with its use and the use of water thereon as a teenager working for his father. Affiant recalls that his father had sheep on this land and that the occasional source of the stockwater for the sheep was the overflow from Henderson Creek which came through the small channel onto the land. To Affiant's knowledge, the most sheep his father had on this land and which watered from the overflow channel was a flock of about 300, and the earliest date Affiant can recall this practice occurring would have been about summer, 1962 or 1963.

DATED this 28 day of September, 1999.


MICHAEL G. KUNZ

PROFILED

SCANNED

JAN 14 2005

STATE OF IDAHO)

: SS.

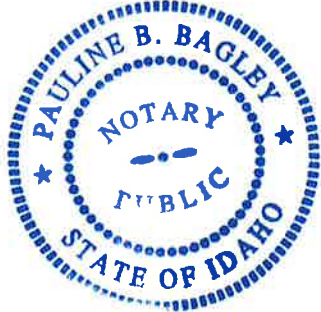
County of Teton)

On this 28 day of September, in the year of 1999, before me, a Notary public in and for said State, personally appeared MICHAEL G. KUNZ, 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.

Notary Public for Idaho

Residing at: *Victor*

My Commission Expires: 2005



SCANNED

JAN 14 2005

PROFILE

WARRANTY DEED

Warranty deed made this 31 day of April, 1992, between RUBY KUNZ, of 596 S. 450 West, Victor, Idaho, 83455, referred to as Grantor, and FRANK N. MAGID, c/o Frank N. Magid Associates, Inc., One Research Center, Marion, IA 52302, and JACK FRITZ of P.O. Box 483, Wilson, WY 83014, dealing with their sole and separate property, referred to as Grantees.

Grantor in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does hereby grant, bargain, sell, convey, and confirm unto Grantees and their heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

The S½NE¼ in Section 25, Township 4 North, Range 44 East, Boise Meridian, and that part of the SE¼ of said Section 25, Township and Range aforesaid, lying North of the Henderson Canyon Road, containing approximately 157 acres.

Reserving to Grantor all surface, creek and existing pipeline water rights to the subject real estate, except for the right in the Grantees to water livestock from water upon the premises; in a dry year when all the water in the creek is in the pipeline, water for livestock will be provided by Grantor, in one location only, on the West side of the premises. If necessary, to avoid clogging the sprinkler pipeline, livestock watering will be limited to the existing creek down stream from the headgate; and reserving to Grantor an easement 40 feet wide for the water pipeline (20 feet on each side of the centerline of said pipeline) now crossing the Southwest Corner of said premises including the right to use, operate, inspect, repair, maintain, replace, install and remove said pipeline. Also reserving to Grantor an easement 60 feet wide from Henderson Creek to the exiting road along the forest boundary on the West side of

110177

FILED

AT THE REQUEST OF

American Realty Inc.
AT 35
May 20, 1992
Alan J. Drake
Nora Rigby

WARRANTY DEED-1

SCANNED

JAN 14 2005

PROFILED

INDEXED
SERIALIZED
FILED

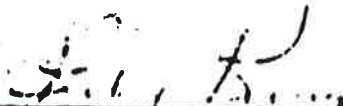
the premises to construct, erect, install and lay a pipeline thereon and therein, and thereafter to use, inspect, repair, maintain, replace and remove same; and in the event it is necessary to facilitate the connecting of the proposed pipeline with the existing pipeline, said easement shall be whatever width next to the said Creek that is reasonably necessary for a proper connection, and Grantor reserves the right to install, repair, and maintain the headgate or new headgate upon said Creek.

Subject to all the recorded rights-of-way and easements.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantees and their heirs and assigns forever.

And Grantor and her heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantees, their heirs, and assigns against Grantor and her heirs and against all and every person and persons whomsoever, lawfully claiming the same.

Grantor has hereunto set her hand on the day and year first above written.



RUBY KUNZ, Grantor

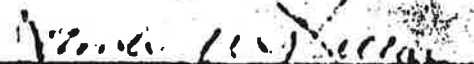
STATE OF IDAHO)

County of Teton)

On this 30 day of April, 1992, before me, a Notary Public in and for said State, personally appeared RUBY KUNZ, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the

same:





Notary Public for Idaho

Residing at: 222 S. 2nd St.

My Commission expires: May 2, 1995

SCANNED

JAN 14 2000

PROFILED

THIS INDENTURE made this 22nd day of October, 1976, by and between JOHN N. CLAWSON, a married man, dealing with his separate property; LEON JACK SWEET and INNE H. SWEET, his wife; RICHARD ANTHONY SWEET and MICHELLE W. SWEET, his wife; and JONATHAN SWEET, a single man, of Salt Lake City, County of Salt Lake, State of Utah, the party of the first part and FRANK N. MAGID, dealing with his separate property, of Marion, County of Linn, State of Iowa, the party of the second part, WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and no/100 Dollars, lawful money of the United States of America and other valuable consideration, to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said party of the second part, and to party of the second part's heirs and assigns, forever, all of the following described real estate situated in the County of Teton, State of Idaho, to-wit:

The S¹/₄ NE¹/₄ in Sec. 25, Twp. 4N, Rge. 44 E., Boise Mer., and that part of the SE¹/₄ of said Sec. 25, Twp. and Rge. aforesaid, lying North of the Henderson Canyon Road, containing approximately 157 acres.

Reserving to Seller all surface, creek and existing pipeline water rights to the subject real estate, except for the right in the Buyer to water livestock from water upon the premises; in a dry year when all the water in the creek is in the pipeline, water for livestock will be provided by Seller, in one location only, on the West side of the premises. If necessary, to avoid clogging, the sprinkler pipeline, livestock watering will be limited to the existing creek down stream from the headgate; and reserving to Seller an easement 40 feet wide for the water pipeline (20 feet on each side of the centerline of said pipeline) now crossing the Southwest Corner of said premises including the right to use, operate, inspect, repair, maintain, replace, install and remove said pipeline. Also reserving to Seller an easement 60 feet wide from Henderson Creek to the existing road along the forest boundary on the West side of the premises to construct, erect, install and lay a pipeline thereon and therein, and thereafter to use, operate, inspect, repair, maintain, replace, and remove same; and in the event it is necessary to facilitate the connecting of the proposed pipeline with the existing pipeline, said easement shall be whatever width next to the said Creek that is reasonably necessary for a proper connection, and Seller reserves the right to install, repair, and maintain the headgate or new headgate upon said Creek.

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

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

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

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

John N. Clawson
Richard Anthony Sweet
Michelle W. Sweet
Jonathan Sweet
STATE OF Utah,)
County of Salt Lake) ss.

On this 22 day of October in the year 1976, before me the undersigned, a Notary public in and for said State, personally appeared JOHN N. CLAWSON, LEON JACK SWEET, CORINNE SWEET, RICHARD ANTHONY SWEET, MICHELLE W. SWEET and JONATHAN SWEET, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the

PROFILED

SCANNED
JAN 14 2005

day and year in this certificate first above written.

(SEAL)

John Hille Sr
Notary Public

Residing at: *Salt Lake*

My Commission Expires: *1.5.91*



RECEIVED

FILED

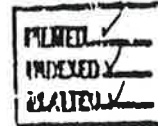
AT 10 MINUTES PAST 12 P.M.

DATE 29 Aug 1990

E. Wayne Schiess
CLERK OF DIST COURT

AUG 29 1990

TETON Co. Id.
Clerk Recorder



JACK FRITZ
6724 PELICAN BAY
BLVD
NAPLES, FLA.



SCANNED

FILED

JAN 14 2005

26 154
TETON CO. ID
C. K. 154

QUITCLAIM
BY PERSONAL REPRESENTATIVE

THIS DEED, made by Sharalee Kunz, Administratrix with Will Annexed of Milford Grant Kunz, deceased, Grantor, whose address is P.O. Box 97111, Las Vegas, Nevada 89193-7111, to Frank N. Magid, c/o Frank N. Magid Associates, Inc., One Research Center, Marion, IA 52302 and Jack Fritz, of P.O. Box 403, Wilson, WY 83014, dealing with their sole and separate property, referred to as Grantees.

WHEREAS, Grantor is the Administratrix with Will Annexed of the Estate of Milford Grant Kunz, deceased, filed as Case No. P28102 in the Eighth Judicial District Court, Clark County, Nevada; and

WHEREAS, it has been represented to Grantor that Grantees are entitled to a conveyance of title to the property described below since the obligations of the Buyers have been fully performed under the terms of a Contract of Sale dated September 15, 1972, and it having been further represented that the rights of the Buyers under that Contract of Sale have been conveyed to Grantees, and it having further been represented that the original Warranty Deed executed by M. Grant Kunz in connection with the aforesaid Contract of Sale has been lost; and Grantor having relied upon the truthfulness and accuracy of those representations;

THEREFORE, Grantor quitclaims and conveys to Grantees all of the Grantor's interest in and to the following described real property in Teton County, State of Idaho:

SCANNED

1
JAN 1 & 2005

PROFILED

110176

FILED
AT THE RECORDS
American Realty
May 26, 1992
Ass. J. Drake
J. M. Kibbe

SEARCHED	INDEXED
SERIALIZED	FILED

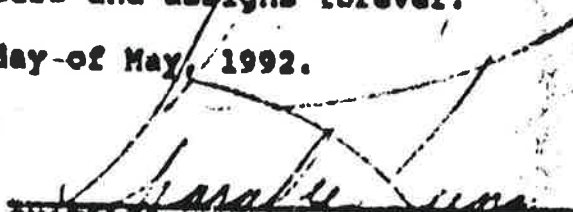
The S 1/2 NE 1/4 in Sec. 25, Twp. 4 N., Rge. 44 E., Boise Mer. and that part of the SE 1/4 of said Sec. 25, Twp. and Rge. aforesaid, lying North of the Henderson Canyon Road, containing approximately 157 acres.

Reserving to Grantor all water rights to the premises except for the right in the Grantees to water livestock from water upon the premises. If necessary, to avoid clogging the sprinkler pipeline, livestock watering will be limited to the existing creek down stream from the headgate; and reserving to Grantor an easement 40 feet wide for the water pipeline (20 feet on each side of the centerline of said pipeline) now crossing the Southwest Corner of said premises including the right to use, operate, inspect, repair, maintain, replace, install and remove said pipeline. Also reserving to Grantor an easement 60 feet wide from Henderson Creek to the existing road along the forest boundary on the West side of the premises to construct, erect, install and lay a pipeline thereon and therein, and thereafter to use, operate, inspect, repair, maintain, replace, and remove same; and in the event it is necessary to facilitate the connecting of the purposed pipeline with the existing pipeline, said easement shall be whatever width next to the said creek that is reasonably necessary for a proper connection, and Grantor reserves the right to install, repair, and maintain the headgate or new headgate upon said Creek.

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

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises together with the appurtenances unto the Grantees, and to their heirs and assigns forever.

Executed this 21 day of May, 1992.


SHARALEE KUNZ, Administratrix with
Will Annexed of Milford Grant Kunz,
Deceased.

STATE OF NEVADA

COUNTY OF CLARK

) ss:

On the 21 day of May, 1992, in the year of 1992, before me, the undersigned Notary Public, in and for the State of Nevada,

2
PROFILED

RECORDED
JAN 14 2005

personally appeared SHARALEE KUNZ, Administratrix with Will Annexed of Milford Grant Kunz, Deceased, known or identified to me to be the person whose name is subscribed to the within instrument, as Administratrix with Will Annexed of Milford Grant Kunz, Deceased, and acknowledged to me that she executed the same as such Administratrix with Will Annexed of Milford Grant Kunz, Deceased.

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

John W. Quinn
Notary Public for Nevada
Residing at: (Las Vegas) NV
My Commission Expires: Jan 1, 1973

NOTARY PUBLIC
STATE OF NEVADA
JAN 1 1973

SCANNED

JAN 14 2005

PROFILED

Form No. 42-1409(2)b 9/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13125

Date Received _____

Receipt Number ED25453NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.
Filing Fee \$25

1. Name of Claimant(s) William R. Battey, Jr. Phone 011852-2101-7381 (Hong Kong, People's Republic of China)

Mailing Address House 17 Upper, The Royal Cliff, 58 Repulse Bay Road, Hong Kong, People's Republic of China

2. Date of Priority (Only (1) per claim) June 1, 1962
3. Source of water supply (Check one) () Groundwater or () Other
- (a) Henderson Creek which is tributary to (b) Teton River
Name or kind of source
4. Location of point of diversion is: Township 4N Range 44E

Section 25, NE 1/4 of SW 1/4 of ___ 1/4, Govt. Lot ___, BM.,

County of Teton

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Overflow from headgate which diverts water into ten inch pipeline under rights of Michael G. Kunz.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only.
See Instructions.) (cfs)

SCANNED

JAN 14 2005

For Stockwater purposes from April 1 to October 31 amount .04 cfs
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served is single ownership; Stockwater: Type and Number of livestock.) Twelve horses

10. Place of use is: Township 4N Range 44E

Section 25, NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.,

County of _____ for (Circle One) Domestic **Stock** Domestic & Stock

Additional places of use, if any: _____

11. In which county(ies) are lands listed above as place of use located?
Teton

12. Do you own the property listed above as place of use? Yes x No ____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. None (x) _____

14. Remarks: _____

15. Basis of Claim (Circle One) **Beneficial Use** Posted Notice License
Permit Decree

If applicable provide IDWR Water Right Number _____

Court _____ Decree Date _____

Plaintiff vs Defendant _____

Number of Attachments 4

By signing I/We acknowledge reading the notice on the back of this claim form. I/We wish to receive for a small annual fee monthly copies of the docket sheet. YES ____ NO x.

Last Name _____ Ident. Number _____

SCANNED

JAN 14 2005

16. Signature(s)

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

Signature of Claimant(s)

Date 10/19/99

Nancy H. Betty Date 10/19/99

For Organizations: I do solemnly swear or affirm that I am _____ of _____
_____, that I have signed the _____ Title
Organization

foregoing document in the space below as _____ Title
of _____ and that the statements contained in the
Organization

foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 19th day of October, 1999.

Notary Public Anthony JEX
Residing at Hong Kong
My Commission Expires on death

ANTHONY JOHN JEX
Notary Public, Hong Kong
Level 15, Tower One
Lippo Centre, 89 Queensway,
Hong Kong.

Anthony JEX

Last Name JEX Ident. Number K461267 (1)

SCANNED

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: **A22-13125**
Date Received: 11/ 9/1999
Receipt No: E025453
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: WILLIAM R BATTEY JR
Address: C/O KENT FOSTER
PO BOX 50130
IDAHO FALLS ID

208-523-0620

83405

2. Date of Priority: JUN 1, 1962

3. Source: HENDERSON CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	25	NE	SW			TETON

5. Description of diverting works:

OVERFLOW FROM HEADGATE DIVERTS WATER INTO TEN INCH PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	04/01	10/31	0.040		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	44E	25	NW	SE		STOCK	

11. Place of use in counties: TETON

A2213125



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

13. Other Water Rights Used:

14. Remarks:

MAILING ADDRESS: HOUSE 17 UPPER, THE ROYAL CLIFF, 58 REPULSE BAY
RD, HONG KONG, PEOPLES REPUBLIC OF CHINA.
STOCKWATER, 12 HORSES

15. Basis of Claim: BENEFICIAL USE