

12/14/2006

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

RIGHT NUMBER: 22-13134
NAME AND ADDRESS: TETON RAINBOW RANCH INC
665 S 450 W
VICTOR ID 83455
SOURCE: PARADISE CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.860 CFS
The rights listed below are limited to a total combined diversion rate of 2.58 cfs. Combined Right Nos.: 22-2296B, 22-2296D, and 22-13134.
PRIORITY DATE: 06/01/1892
POINT OF DIVERSION:
T04N R45E S30 SWNE Within TETON County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.860 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S30	SENE	19.00	T04N R45E S30	NESE	35.00
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54 ACRES TOTAL

Right Nos. 22-2296B, 22-2296D, and 22-13134 are limited to the irrigation of a combined total of 129 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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 45East.

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

Recommendations for 22-575:

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

Water Right 22-180

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

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

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

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

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

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

Recommendations for 22-180:

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

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

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



Idaho Department of Water Resources

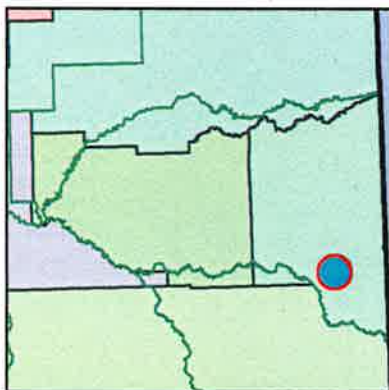
SRBA Recommendation:

22-13134

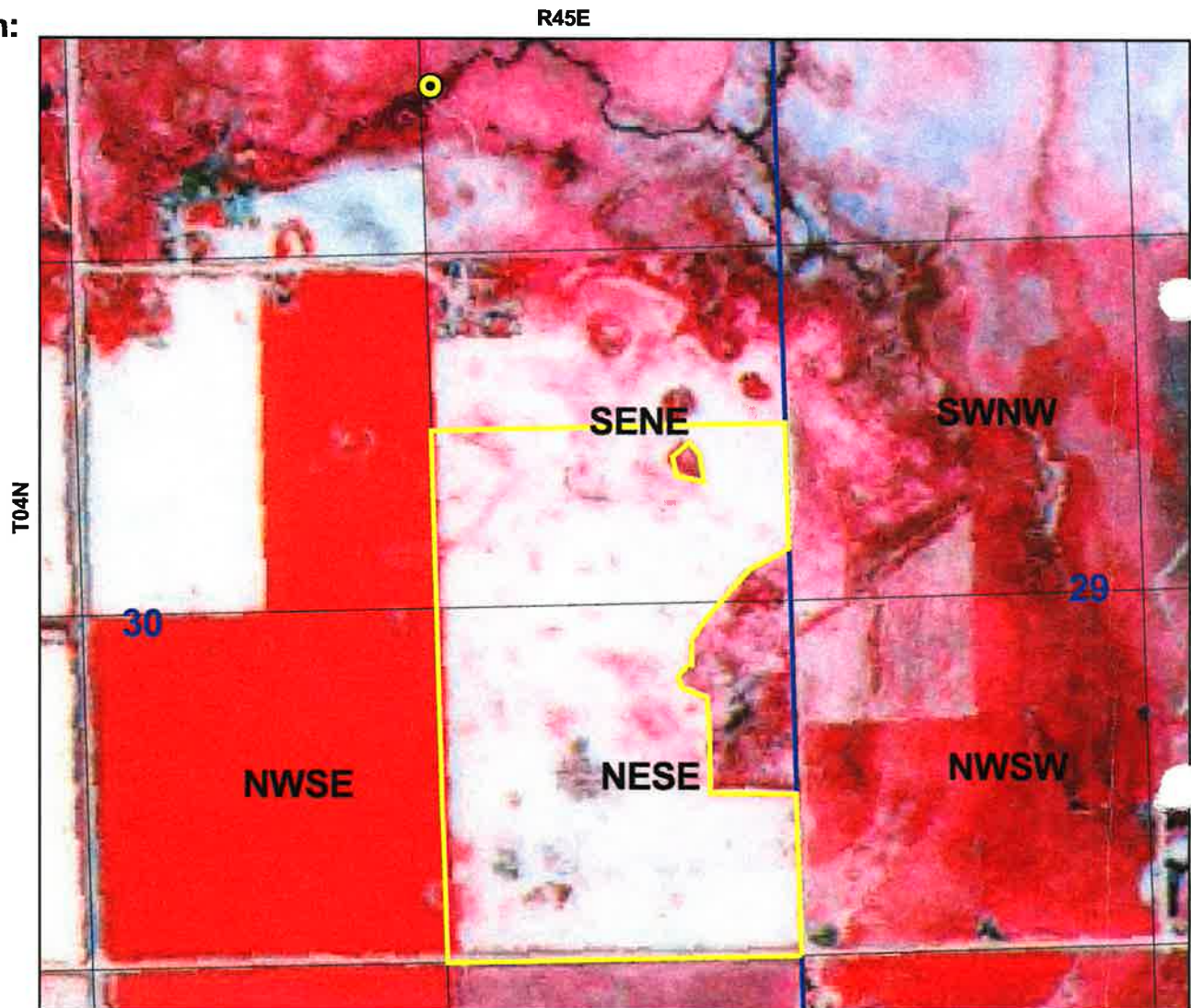
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.3 0.6 Miles

Prepared by A. Golart
On Wednesday, December 13, 2006
1987/88 Aerial Photography

11/13/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-13134

TETON RAINBOW RANCH INC

665 S 450 W

VICTOR ID 83455

Telephone Number: (208)787-2449

Disallowed

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

all of this recommendation

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

*Used this water to irrigate for least 50 years
minimum*

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

Will supply data. Thanks.

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

SCANNED

JUN 05 2007

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

*kmw
12/10/06*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

August 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TETON RAINBOW RANCH INC
721 S 450 W
VICTOR ID 83455

RE: CHANGE IN OWNERSHIP FOR A22-00575

Dear Sir or Madam:

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:

A22-00575:

A22-13134: 0.87 CFS, 100 ACRES, TETON RAINBOW RANCH

A22-13135: 0.13 CFS, 15 ACRES, STEARS

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 Crabtree

Technical Records Specialist

Enclosure

SCANNED

JUN 05 2007

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>A22-00575</u>		<u>X</u>			
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

3. Name and Address of Former Owner/Claimant(s) Teton Rainbow Ranch Inc.
721 S 450 W Victor ID 83455
4. New Owner/Claimant(s) Michael Stears
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 414 W 525 S ☒
- City, State and ZIP Code Victor ID 83455
- New Telephone Number (208) 354-3610
5. Date you acquired the property 1997

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JUN 05 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 an indeterminate decree when it comes to exact acreage, memo #57 was used as a guide for these recommendations. Memo #57 states that if the water right was part of an indeterminate decree, then we use the acres irrigated in 1987 as the decreed POU. In 1987 all of the E1/2NW Sec 30 and E1/2SW Sec 19 was irrigated. This information was found by looking at aerial photos of 1987 or by statements from the original claimants including signed statements from Rex Miller and Craig Kunz. Though this is true the claimants state that the NESW of Sec 19 was not irrigated until later (Affidavit supplied).

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

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

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JUN 05 2007

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

Recommendations

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

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

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

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

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

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

22-13509

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

22-4104

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

Recommendations

Mike Reid receives 0.59 CFS reflected in 22-11639.

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JUN 05 2007

Don Miller receives 0.14 CFS reflected in 22-11537.

22-587

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

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

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

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

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

22-13511 7.2 acres of SWSE Sec 19 T 4N R 45E has been recommended to John Collins. The remainder of SWSE has been recommended to Rex Miller. Duane Kunz claims 1.6 CFS of 22-587. He claims the water has been used on NESW and NWSW Sec 30 T 4N R 45E which is not the decreed POU so it has been disallowed.

22-575

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

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

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

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

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

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

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JUN 05 2007

JUN 05 2007

Recommendations

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

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

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

22-180

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

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

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

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

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

Recommendations

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

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

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

Report by Trent Galbraith 12-15-06

SCANNED
JUN 05 2007

Claim no. 22-13134

Claimant Contact Log

Date 11-3-2006 Remarks Agent initials

This claim is for a portion of 22-575. Back in 1990 Gary Zohner transferred off 80 acres + 1.00 cts of the bear right (Sec tr. 3555 + claim 22-575A).

This left 80 acres + 1.00 cts on the original P.O.U. (remainder) located in the SWNW + NWSW Sec. 29, T4N R45E.

Claim 22-575 was split into 422-13134 for Teton Rainbow Ranch + 422-13135 for Michael Stears. (now Wally Rothgeb)

Michael Stears filed because he bought a portion of the Teton Rainbow ranch ground in the SENE Sect. 30 T4N R45E. However, this ground was never a portion of the original place of use and in my opinion should be disallowed.

Claim 22-13134 claims 100 acres but there are only 80 acres left. Part of the claim P.O.U. is the SWNW + NWSW Sec 29 T4N R45E (original dense place of use) but this ground, listed as 40 acres does not belong to claimant Larry Kunz. This ground is owned by Peter Shields and is farmed by Larry Kunz. (phone is 604-4661)

Mr. Kunz says he has a contract which gave the Shields portion of 22-575 to him. I asked him to provide us with a copy of said contract.

The diversion point listed on the claim is on Gary Zohners ground + was just a place to put a tractor pump in the creek to pump down on the place of use. No one remembers any particular spot where that occurred. (I talked to Gary Zohner also).

$\frac{1}{2}$ WR - 22-575 = 1.0 cts 80 acres 129 TOTAL acres * $\phi. \phi 2$ cts = 2.58 cts
 $\frac{1.0 \text{ cts}}{62.9 \text{ acres irrigated}} = \phi. \phi 15898 \frac{\text{cts}}{\text{acre}} * 54 \text{ acres} = \phi. 858 \text{ cts}$
 SCANNED JUN 5 2007

WR (groundwater) 22-2296D $\frac{1}{2}$ 2296B $\frac{1}{2}$ 22-13134
 ($\phi. 8$ cts) ($\phi. 158$ cts) ($\phi. 86$ cts) = 3.24 cts

2.58 cts
 Limit

#55

~~1-0811~~ 21 0127

Uden, Ernest W.

U.

75 inches. June 1, 1902. Southwest Fork of
Elk Creek.~~1-0811~~ 22 0562

Vail, J. R.

V.

160 inches. June 1, 1896. Fox Creek.

~~1-0811~~ 22 0563

Vail, W. C.

120 inches. June 1, 1897. Fox Creek.

~~1-0811~~ 22 0564

Vail, W. C.

100 inches. June 1, 1897. Fox Creek.

~~1-0811~~ 22 0565

VanLeuven, William

160 inches. June 15, 1897. South Leigh Creek.

~~1-0811~~ 22 0566Victor Townsite.
(To Nahum Curtis,
Davis Cheney and
Edwin Rice
Trustees.)

320 inches. June 1, 1896. Trail Creek.

~~1-0811~~ 22 0567

Waddell, Mrs. L. E.

W.

200 inches. Sept. 1, 1891. Teton Creek.

Wagstaff, A. J.

The Farmers' Friend
Canal Company.~~1-0811~~ 22 0568

Wait, F. A.

160 inches. May 25, 1898. Leigh Creek.

~~1-0811~~ 22 0569

Wakeman, Herman

240 inches. July 1, 1886. Myers Creek.

~~1-0811~~ 21 0128

Walker, F. E.

Parsons Ditch Company.

~~1-0811~~ 21 0129

Wall, George L.

80 inches. Oct. 15, 1900. Wall Springs.

~~1-0811~~ 22 0569

Wall, George L.

40 inches. Aug. 20, 1901. Tom Creek.

~~1-0811~~ 22 0570

Wallace, H. A.

40 inches. Jan. 18, 1904. North Leigh Creek,
or Spring Creek.~~1-0811~~ 22 0571

Walters, William

332 inches. Apr. 1, 1898. Teton River (Stewart
& Walters ditch).
(Joint appropriation
with Mons H. Anderson.)~~1-0811~~ 22 0572

Walters, William

168 inches. June 1, 1888. Teton River (Stewart
& Walters ditch).
(Joint appropriation
with Mons H. Anderson.)~~1-0811~~ 22 0573

Walton, Dania

120 inches. June 1, 1896. Darby Creek.

~~1-0811~~ 22 0574

Walton, D. O.

20 inches. June 1, 1889. Darby Creek. #49

~~1-0811~~ 22 0575

Walton, George

140 inches. June 1, 1890. Darby Creek. #43

~~1-0811~~ 35 0030

Wanless, Sarah A.

100 inches. June 1, 1892. Paradise Springs.

~~1-0811~~ 35 0030

Ward, C. G.

140 inches. May 1, 1888. Boone Creek.

Roxana Canal
Company.

SCANNED

JUN 05 2007

Walton, D. O. SE $\frac{1}{4}$ of Sec. 15, T. 4 N. R., 45 E., B. M.,
containing 160 acres.

Walton, George NW $\frac{1}{4}$ of SW $\frac{1}{4}$, and $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 29,
and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 30, T. 4 N. R.,
45 E., B. M., containing 160 acres.

Wanless, Sarah A. E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 27, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of
Sec. 26, T. 4 S., R., 32 E., B. M., con-
taining 160 acres.

Waterman, L. C. S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 26, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of
Sec. 35, T. 6 N., R., 45 E., B. M.

Watson, Robert N $\frac{1}{2}$ of SW $\frac{1}{4}$, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 17, T.
8 N., R., 42 E., B. M., containing 160 acres.

The Watson Slough Ditch Company, Limited.

Acluff, J. H. NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lots 3 and 4 of Sec. 15,
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, and SE $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Sec. 16, T. 3 S., R., 34 E., B. M.

Buck, Joseph SW $\frac{1}{4}$ of Sec. 3, T. 3 S. R., 34 E., B. M., con-
taining 160 acres.

Copeling, H. H. SE $\frac{1}{4}$ of Sec. 3 T., 3 S., R., 34 E., B. M., con-
taining 160 acres.

Crawford, J. B. W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 1, T. 3 S., R., 34 E., B.
M., containing 80 acres.

Davis, M. SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 1, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Sec. 12, T. 3 S., R., 34 E., N. M., contain-
ing 80 acres.

Felstead, P. J. E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2, T. 3 S. R., 34 E., B. M.
containing 80 acres.

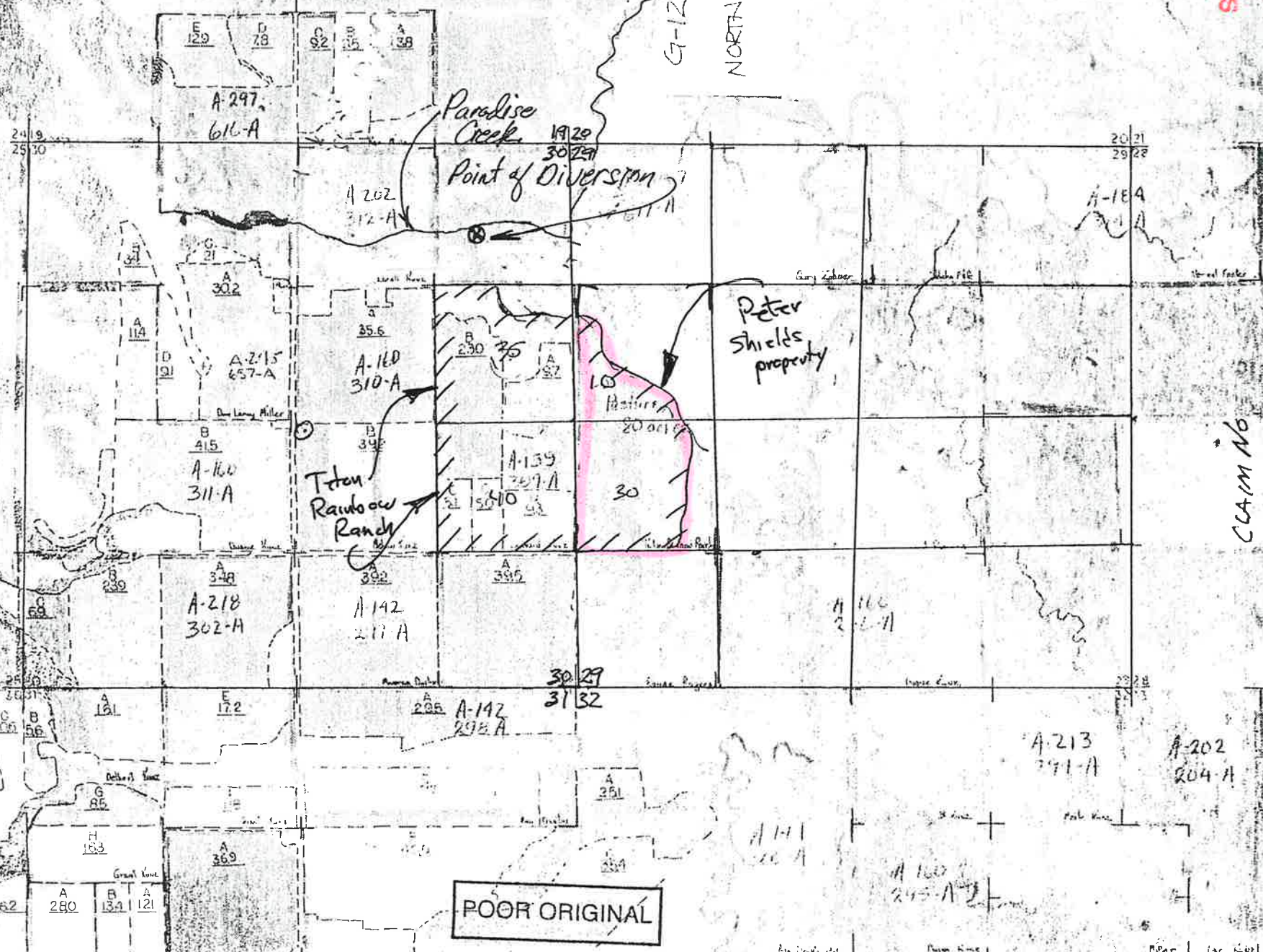
OH-ORND Gibson, Ely T260
Anderson, Rose W W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 11, T. 3 S., R., 34 E., B.
M., containing 80 acres.

Hammond, A. F. SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 16, T. 3 S., R., 34 E., B.
M., containing 40 acres.

APR 19 1994

CCAIM No
A22-00575

R-45E G-11
G-12
NORTH



POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree No. 22-0575 Decreed to George Walton
 in case of Rexburg Irrig. Co. vs. Teton Irrig. Canal Co.
 dated 12-16-1910 in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Paradise Springs tributary to _____
4. Date or priority 6-01-1892
5. Water is used for the following purpose:

amount 2.00 cfs for Irrig. purposes from Not listed to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
6. Total amount of water under right 2.00 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion: Not listed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	30	A																
		29						A	A			A							

SCANNED

Total acres 160 JUN 16 2007

9. Describe any other water rights used for the same purpose as described above 22-02057

To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.0 for Irrig. purposes from 4-15 to 10-15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	30	4N	45E	Teton	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	29						40											40
		30	40																40

Total acres 80

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.00 cfs for Irrig. purposes from 4-15 to 10-15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Not listed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	29						A			A								

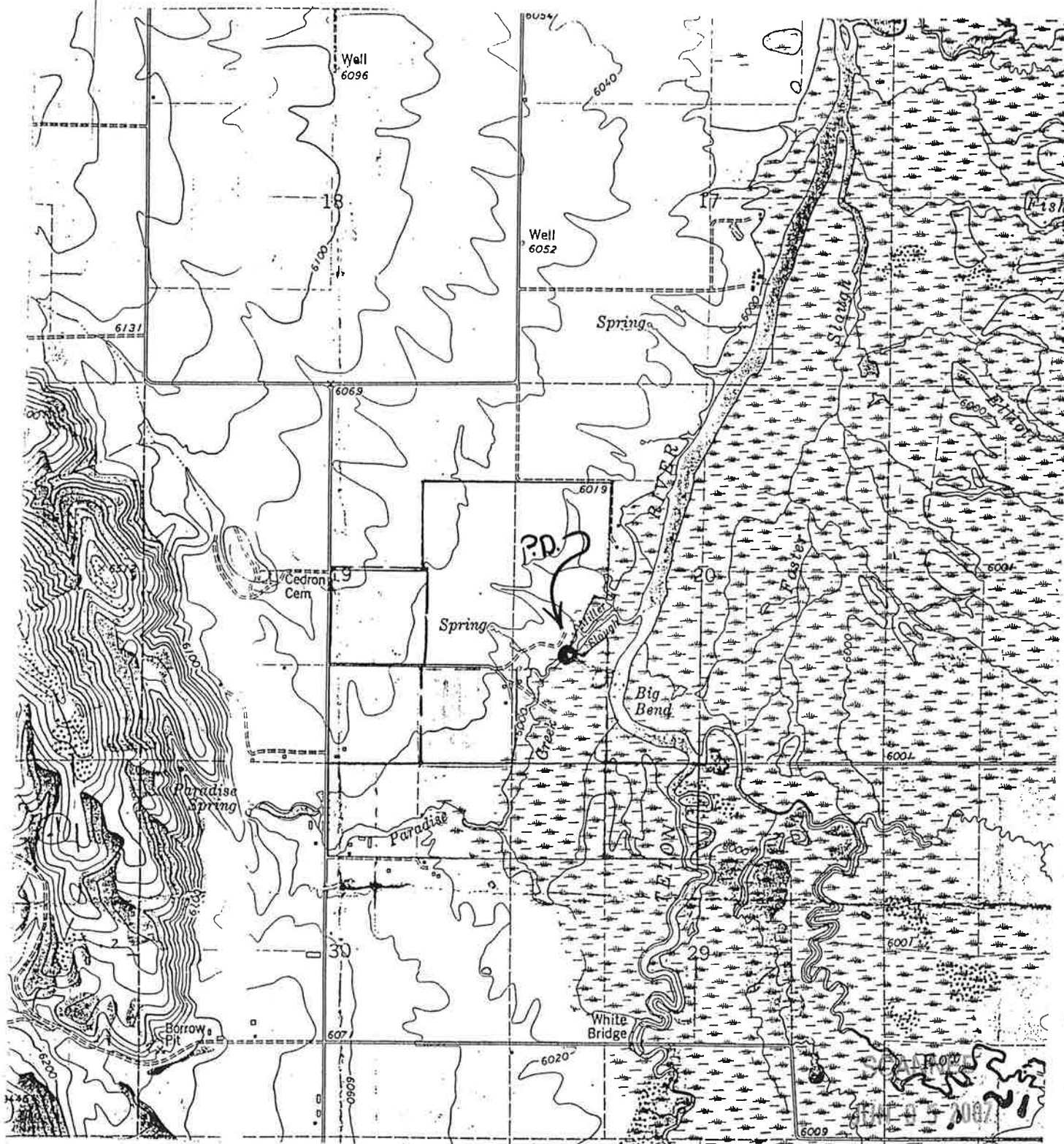
Total acres 80

SCANNED

JUN 15 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Instrument No. 6563

4-1003

Blackfoot 03695

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain" and the acts supplemental thereto, the claim of Robert Kunz has been established and duly consummated, in conformity to law, for the

South half of the northeast quarter and the north half of the southeast quarter of section thirty in township four North of Range forty five east of the Boise Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of land above described;

TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining agricultural manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson president of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand at the City of Washington, the twenty third day of October in the year of our Lord one Thousand nine hundred and thirteen and of the Independence of the United States the one hundred thirty eighth.

By the president Woodrow Wilson

By M. P. LeRoy Secretary

L. Q. C. Lamar Recorder of the General Land Office.

RECORDED Patent number 361378 6-2176 (SEAL)

Recorded at the request of Robert Kunz November 22, 1919 at 1:30 P. M.

T. W. Smith Recorder

Lucile Griggs Deputy.

SCANNED

JUN 05 2007

130538

WARRANTY DEED

For Value Received ARTHUR DANIEL KUNZ and LEEANN W. KUNZ, husband and wife

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

MICHAEL STEARS and BRANDON STEARS, husband and wife
whose address is:

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

A part of SE4NE4 of Section 30, Township 4 North, Range 45E., Boise Meridian, Teton County, Idaho, being further described as:
Commencing at the NW corner of the SE4NE4 of said Section 30;
Thence N 89°59'15"E. 660.20 feet along the north line of the SE4NE4 of said Section 30 to a point;
Thence S 00°13'49"E. 336.50 feet to a point;
Thence S 89°59'15"W. 660.20 feet to a point on the west line of the SE4NE4 of said Section 30;
Thence N 00°13'49"W. 336.50 feet along the west line of the SE4NE4 to the point of beginning.

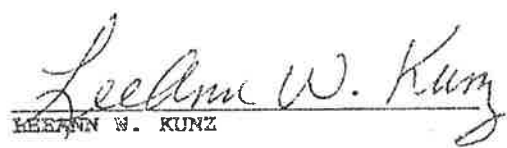
Subject to a 30 foot road and utility easement along the western property line.

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:


 ARTHUR DANIEL KUNZ
 ARTHUR


 LEEANN W. KUNZ

STATE OF IDAHO)

: SS

COUNTY OF Canyon)

On this 30 day of JUNE in the year 1998, before me, a Notary Public in and for said State, personally appeared ARTHUR DANIEL KUNZ and LEEANN W. KUNZ, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

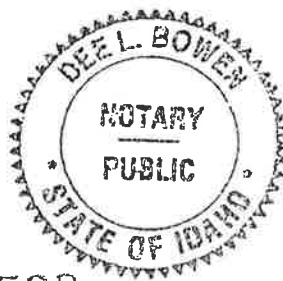

 Notary Public of Idaho
 Residing at MINIDALE
 Commission Expires MAY 26, 1999

130538

FILED

AT THE REQUEST OF

First American
 AT 55 MINUTES PAST 2 P.M.
 DATE June 5, 1998
 By [Signature] CLERK OF RECORD
 BY [Signature] DEPUTY



SCANNED

JUN 05 2007

130538

WARRANTY DEED RESERVING LIFE ESTATE

Warranty deed made this 19 day of August, 1986, between MELVIN K. KUNZ, and REVA JEAN RILEY KUNZ, husband and wife, of Rt. 1, Victor, Idaho, 83455, referred to as Grantors, and ARTHUR DANIEL KUNZ, of 620 Anderson, Boise, Idaho, referred to as Grantee.

Grantors 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 Grantee and his heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

SE 1/4 NE 1/4, Section 30, Township 4 North,
Range 45 East Boise Meridian, being a parcel
of approximately 40 acres more or less.

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

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

WARRANTY DEED RESERVING LIFE ESTATE



990-15
FILED
AT THE RECORDS
Melvin Kunz
05 3 P
DATE August 19, 1986
E. Wayne Schiess
JUN 8 5 2002
BY Nora Hill
CLERK





Reserving and excepting therefrom, however, unto grantor the full use, control, income, and possession of the property for and during their natural lives.

Grantors do hereunto set their hands on the day and year first above written.

Melvin K. Kunz
MELVIN K. KUNZ, Grantor

Reva Jean Riley Kunz
REVA JEAN RILEY KUNZ, Grantor

STATE OF IDAHO)
) ss.
County of Teton)

On this 19 day of August, 1986, before me Ray C. Munn, a Notary Public in and for said state, personally appeared MELVIN K. KUNZ and REVA JEAN RILEY KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.



Ray C. Munn
Notary Public for Idaho
Residing at: Driggs
My Commission expires: Feb



THIS INDENTURE, made this 26th. day of July, 1974,
between ROBERT KUNZ and SOPHIA M. KUNZ, husband and wife,

of Victor, County of Teton, State of Idaho,
the party of the first part and MELVIN K. KUNZ, as his sole and separate
property, Route #1, Box 82 a,
of Victor, County of Teton, State of Idaho,
the party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten - -
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 the following described real
estate situated in the County of Teton,
State of Idaho, to-wit:

The NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township
4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Parties of the first part reserve the right to stay in the home on
said property as long as they live.

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
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 for-
ever 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 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.

Robert Kunz
Sophia M. Kunz

STATE OF IDAHO,

County of Madison } ss.

On this 26th. day of July, in the year 1974, before me
the undersigned, a Notary Public in and for said State, personally appeared
Robert Kunz and Sophia M. Kunz.

known to me to be the persons whose names are subscribed to the within instru-
ment, and acknowledged to me that they 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.



W. Brent Eames
Notary Public for the State of Idaho
Residing at Rexburg, Idaho.

My Commission Expires: 10-8-74

No. 74424

WARRANTY DEED

(FORM No. 321)

Robert Kunz et ux

TO

Melvin K. Kunz

Dated July 26, 1974

STATE OF IDAHO,

County of Teton } ss.

I hereby certify that this instrument
was filed for record at request of

W. Brent Eames

at 55 minutes past 3:00

o'clock, July 29, 1974, in my

office, and duly entered in Book

of Microfilm

at page 100

By *Marlene Nelson* Deputy

Ex-Officio Recorder.

Fees, \$

Mail to



SCANNED
JUN 05 2007

RECEIVED

JUN 21 1996

TETON CO. ID
CLERK RECORDER

CORPORATION WARRANTY DEED

35-90016-01

ALLIANCE TITLE & ESCROW CO., INC.
P.O. BOX 648 / 78 N. MAIN STREET
BOISE, IDAHO 83722

THIS INDENTURE, Made this 19th day of June, 1996, between TETON RAINBOW RANCHES, INC., an Idaho corporation, with its principal office at 721 South 450 West, Victor, Idaho 83455; the party of the first part, and PETER F. SHIELDS and MARGARET C. SHIELDS, husband and wife, of 15 Sunrise Cay, Ocean Reef Club, Key Largo, Florida 33037, the parties 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 it in hand paid by the parties 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 parties of the second part, their heirs and assigns, forever, all the following described real estate, situated in Teton County, State of Idaho, to-wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Reserving to parties of the first part, all water rights of whatever kind and nature, including but not limited to party of the first part's interests in and to the waters in Paradise Springs, and Paradise Creek, some of which are described in the Snake River Basin Adjudication claim number A-22-00575; and also reserved to parties of the first part, all water rights described in water rights numbered 22-02296A, 22-02296B and 22-02296C, as well as the well or wells, pumps, panels, motor, mainline, laterals and all parts and parcels of the entire irrigation system or systems; it being the intention of the parties that the only water and water rights being acquired by parties of the second part are those waters arising upon the land being acquired by parties of the second part which have not become a part of another's water right.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and

SCANNED

JUN 05 2007

124240

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 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 said parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has caused this deed to be subscribed by its president, and its corporate seal to be affixed and attested by its secretary, the day and year first above written, pursuant to a resolution duly adopted by the board of directors.

TETON RAINBOW RANCHES, INC.

By: Larry Kunz
Larry Kunz, President

Attest:

Terry Kunz
Terry Kunz, Secretary

124240

FILED

IN THE REQUEST OF

ALLIANCE TITLE AND ESTATE

31 JAN 22 1996

FILED

FILED

FILED

County of Teton)

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

OFFICIAL SEAL
NANCY ANN PERRY
NOTARY PUBLIC - IDAHO
TETON COUNTY
MY COMMISSION EXPIRES 1/3/14

On this 20th day of JUNE, 1996, before me, Nancy Ann Perry
a notary public, personally appeared Terrie Kuna
known or identified to me to be the ~~SECRETARY~~ SECRETARY of the corporation that executed the instrument or the person
who executed the instrument on behalf of said corporation, and acknowledged to me
that such corporation executed the same.

OFFICIAL SEAL
NANCY ANN PERRY
NOTARY PUBLIC - IDAHO
TETON COUNTY
COMMISSION EXPIRES 4/30/01

4/9/01

WARRANTY DEED

For Value Received, CLARENCE KUNZ and GENEVIE KUNZ, h/w; DARRELL KUNZ and DOROTHY KUNZ, h/w; LARRY KUNZ and CHARLOTTE KUNZ, h/w; and JERRY KUNZ and TERRIE KUNZ, h/w all of Victor, Idaho 83455,

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

TETON RAINBOW RANCHES, INC, an Idaho corporation, with its principal office at Victor, Idaho 83455,

XXXXXX XXXXXX XXXXXX

the grantees, the following described premises, in Teton County Idaho, to wit:
The E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T 4 N, R 45 EBM;

ALSO: SW $\frac{1}{4}$, Section 14, T 4 N, R 45 EBM;

ALSO: The N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17, T 4 N, R 45 EBM;

ALSO: The S $\frac{1}{2}$ NE $\frac{1}{4}$, Lots 1 and 2, Section 6, T 3 N, R 45 EBM;

ALSO: Beginning at a point 300 feet West of the Northeast corner of Lot 4, Section 6, Township 3 North, Range 45 East, Boise Meridian, and running thence South 250 feet, thence West 379 feet, thence North 250 feet, and thence East 379 feet to the place of beginning.

ALSO: The W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 29, Township 4 North, Range 45 EBM;

ALSO: SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 31, T 4 N, R 45 EBM, LESS THE FOLLOWING: Beginning at a point that is 2 Rods West and 1 Rod South of the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township and Range aforesaid, which point is on the West line of the county road right-of-way and running thence West 10 Rods; thence South 16 Rods; thence East 10 Rods to the West line of the county road right-of-way; thence North 16 Rods to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors ~~and~~ and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 1, 1978

Clarence Kunz *Genevieve Kunz* *Darrell Kunz*
Clarence Kunz Genevieve Kunz Darrell Kunz
Dorothy Kunz *Larry Kunz* *Charlotte Kunz*
Dorothy Kunz Larry Kunz Charlotte Kunz

STATE OF IDAHO, COUNTY OF Madison
On this 1st day of April, 1978,
before me, a notary public in and for said State, personally appeared CLARENCE KUNZ, GENEVIE KUNZ, DARRELL KUNZ, DOROTHY KUNZ, LARRY KUNZ, CHARLOTTE KUNZ, JERRY KUNZ and TERRIE KUNZ,

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

Thyllis Ann Edwards
Thyllis Ann Edwards
Residing at Rexburg, Idaho
Comm. Expires 5-5-78
Notary Public

STATE OF IDAHO
COUNTY OF TETON
Filed for Record at the Request of
at 30 minutes past 9
a.m. the 10
day of April 1978
Book _____
and indexed or recorded in
of _____
Record of Teton County
Deputy

80843

FILED
INDEXED
PLATED

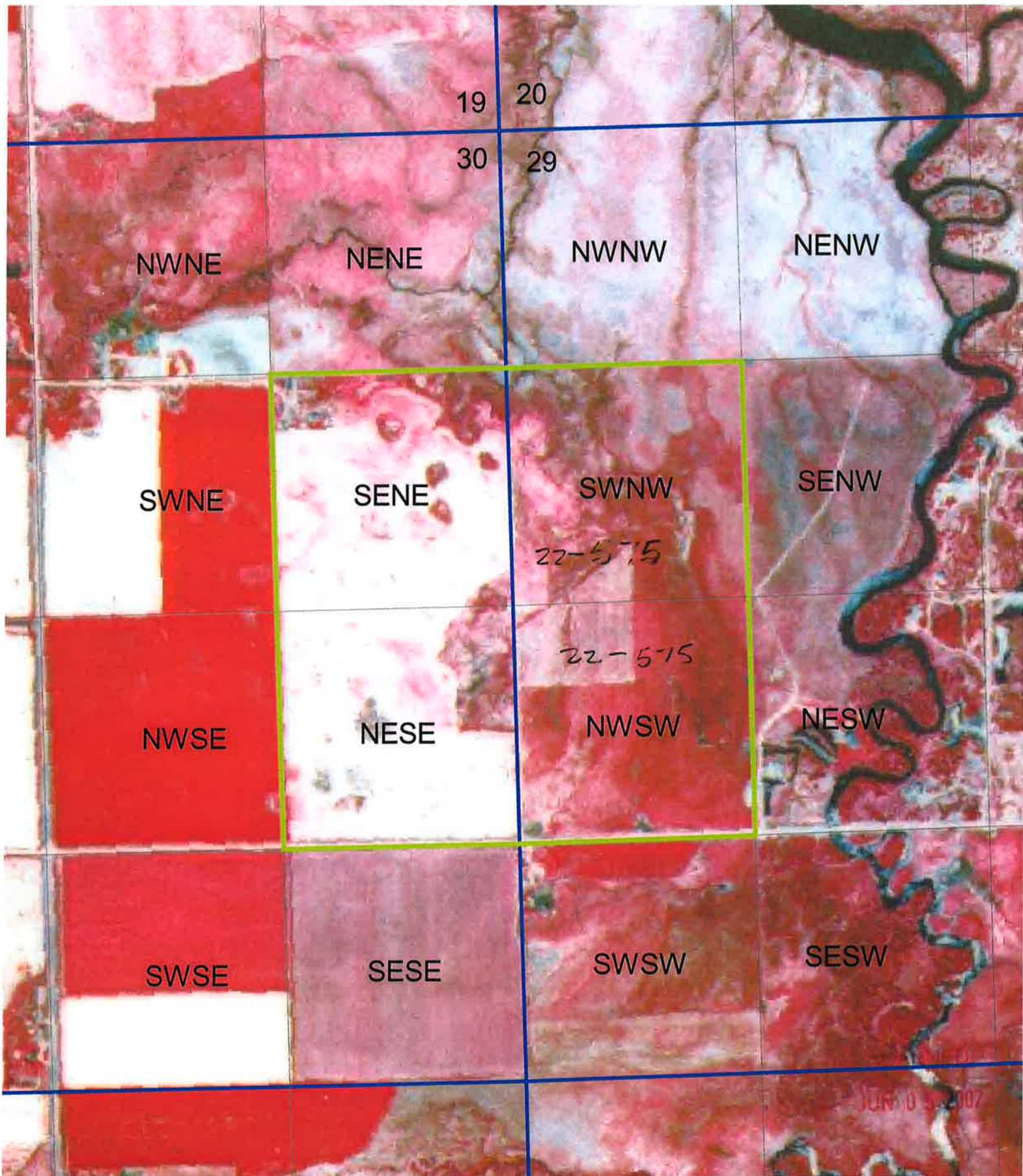
SCANNED

JUN 05 2007

01 Waddell, Mrs. L. E.; Sept. 1, 1891; Teton Creek	200
04 Grand Teton Canal Co.; May 1, 1892; Teton Creek. (Diverted in Wyoming)	6,360
05 Edlefson, Noah C.; June 1, 1892; Leigh Creek	120
05 Walton, George; June 1, 1892; Paradise Creek	100
05 Gjellrup, Carl; June 1, 1892; Darby Creek	160
05 Gilbert, Albert; June 1, 1892; Horse Shoe Creek	120
05 Ricks, Josiah; June 1, 1892; North Leigh Creek	160
05 Siddoway Irrigation & Manufacturing Co.; June 1, 1892; Teton River	384
From July 1st of each year for the balance of the irrigation season	
05 Todd, John; June 1, 1892; Darby Creek	160
05 Todd, Henry M.; June 1, 1892; Darby Creek	200
07 Davidson, L. S.; July 26, 1892; Darby Creek	155
11 Bettis, Alice, and Joseph; May 1, 1893; Trail Creek	80
11 Bigler, Jesse E.; May 1, 1893; Moody Creek	320
To be reduced to 160 inches after June 20th in each year	160
12 Jones, Benjamin; June 1, 1893; Trail Creek	140
12 Thomas, Henry E.; June 1, 1893; no stream proved	60
12 Wood, Samuel L.; June 1, 1893; Mahogany Creek	160
12 Young, Eva H., widow of Eugene H. Young (deceased); June 1, 1893; Warm Creek	100
12 Gale, Joseph; June 1, 1893; South Leigh and Swamp Creek	40
12 Gordon, S. A.; June 1, 1893; South Leigh Creek	160
12 Eddington, George; June 1, 1893; Teton Creek	160
116 Stephens, N. H.; May 1, 1894; Trail Creek	130
117 Sinclair, D. R.; June 1, 1894; Trail Creek	160
117 Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); June 1, 1894; Warm Creek	15
117 Ricks, Alfred; June 1, 1894; Moody Creek	200
To be reduced to 100 inches after June 20th of each year	100
117 Ricks, John; June 1, 1894; Trail Creek	51
117 Ricks, Alfred; June 1, 1894; Teton River	10
117 Hatch, Hyrum; June 1, 1894; Trail Creek	160
117 Moffat, John P.; June 1, 1894; Swamps	40
117 Gale, Joseph; June 1, 1894; South Leigh and Swamp Creek	80
117 Christensen, Niels C.; June 1, 1894; Fox Creek	160
117 Blattner, Rudolph; June 1, 1894; Darby Creek	160
117 Ellis, A. J.; June 1, 1894; Darby Creek	160
118 Eynon, L. L.; June 15, 1894; Spring Creek, a tributary of Pine Creek	40
119 Kirsley, Richard; June 30, 1894; Trail Creek	160
120 Frye, John; July 1, 1894; Trail Creek	20
128 Durney, P. S.; May 15, 1895; Little Warm Creek	60
129 Adams, E. G.; June 1, 1895; no stream proved	150
129 Ashmead, Charles; June 1, 1895; Teton Creek	100
129 Bush, Sarah M.; June 1, 1895; Teton Creek	150
129 Caldwell, Moroni; June 1, 1895; Pack Saddle Creek	160
129 Hermann, C. M.; June 1, 1895; Teton Creek	80
129 Moffat, Mary A.; June 1, 1895; Leigh Creek	80
129 Moffat, Andrew; June 1, 1895; South Leigh Creek and Swamps	20
129 Ingram, Thomas H.; June 1, 1895; Darby Creek	160
129 Lauritzen, John; June 1, 1895; Spring Creek	80
129 Kimball, Archie R.; June 1, 1895; Trail Creek	160

129 Kay, James; June 1, 1895; Trail Creek	146
129 Parker, B. F.; June 1, 1895; Fox Creek	15
129 Nordval, C.; June 1, 1895; Darby Creek	50
131 Spencer, Charles; June 15, 1895; Trail Creek	160
131 Costello, C. A.; June 15, 1895; Pine Creek	40
131 Costello, C. A.; June 15, 1895; Spring Creek	120
132 Tonks, George M.; July 15, 1895; Trail Creek	160
138 Beard, James T.; Apr. 1, 1896; Teton River	200
138 Huskinson, William J.; Apr. 1, 1896; Teton River	20
138 Smith, Albert; Apr. 1, 1896; Trail Creek	120
138 Smith, Albert; Apr. 1, 1896; Little Warm Creek	40
140 Blair, J. J.; May 1, 1896; Spring Creek	120
142 Stahn, Emil A.; May 15, 1896; Spring Creek	130
142 Moulton, Charles; May 15, 1896; Fox Creek	100
142 Moulton, George F.; May 15, 1896; Fox Creek	100
143 Edwards, Andrew; June 1, 1896; Trail Creek	40
143 Blair, Ed. F.; June 1, 1896; Trail Creek	160
143 Avery, Talitha C.; June 1, 1896; Trail Creek	
143 Allen, Charles A.; June 1, 1896; Trail Creek	160
143 Barnes, Charles W.; June 1, 1896; Trail Creek	100
143 Bush, George W.; June 1, 1896; Fox Creek	40
143 Bush, George W.; June 1, 1896; Fox Creek	160
143 Buxton, John; June 1, 1896; Mahogany Creek	
143 Buxton, Lucy, Adminx. Estate of Joseph Buxton (deceased); June 1, 1896; Spring Creek	100
143 Crandall, Ira.; June 1, 1896; Darby Creek	100
143 Hamblin, Kate; June 1, 1896; Trail Creek	115
143 Hamblin, Joseph R.; June 1, 1896; Trail Creek	80
143 Griggith, Henry; June 1, 1896; Trail Creek	160
143 Hendrickson, Alvira E.; June 1, 1896; South Leigh Creek	80
143 Hansen, Andrew C.; June 1, 1896; Teton Creek	80
143 Hanks, Harriet A.; June 1, 1896; North Leigh Creek	10
143 Robertson, A. I.; June 1, 1896; Springs on place	50
143 Moffat, John P.; June 1, 1896; Swamps	80
143 Lauritzen, John; June 1, 1896; Pine Creek	160
143 Ricks, Effie E.; June 1, 1896; Trail Creek	160
143 Rice, A. L.; June 1, 1896; Patterson Creek	160
143 Rice, A. L.; June 1, 1896; Patterson Creek	160
143 Peterson, A. L.; June 1, 1896; Darby Creek	160
143 Peterson, Chris; June 1, 1896; Trail Creek	50
143 Humbull, Olive A.; June 1, 1896; Trail Creek	0
143 Stone, Henry J.; June 1, 1896; Fox Creek	160
143 Sherman, William D.; June 1, 1896; Trail Creek	120
143 Walton, Dania; June 1, 1896; Darby Creek	320
143 Victor Town Site; June 1, 1896; Trail Creek	160
143 Vail, J. R.; June 1, 1896; Fox Creek	90
143 Taylor, Jackson C.; June 1, 1896; South Leigh Creek	155
143 Letham, John; June 1, 1896; North Leigh Creek	160
143 Murphy, Thomas E.; June 1, 1896; Darby Creek	160
143 Larson, Peter; June 1, 1896; Darby Creek	40
143 Larsen, K. M.; June 1, 1896; Darby Creek	20
143 Larsen, A. C.; June 1, 1896; Darby Creek	80
143 Kimball, R. C. and A. L.; June 1, 1896; Fox Creek	96
143 Johnson, W. R.; June 1, 1896; Trail Creek	20
143 Penfold, Farley; June 1, 1896; Fox Creek	160
143 Paseor, F.; June 1, 1896; Darby Creek	160
144 Pascoe, W. R.; June 15, 1896; Darby Creek	40
145 Larson, Andrew; July 1, 1896; Lauritzen Spring	140
145 Frye, John; July 1, 1896; Trail Creek	25
147 Eames, John S.; July 15, 1896; Teton River	

22-13134



19 20 A22-13134

30 39

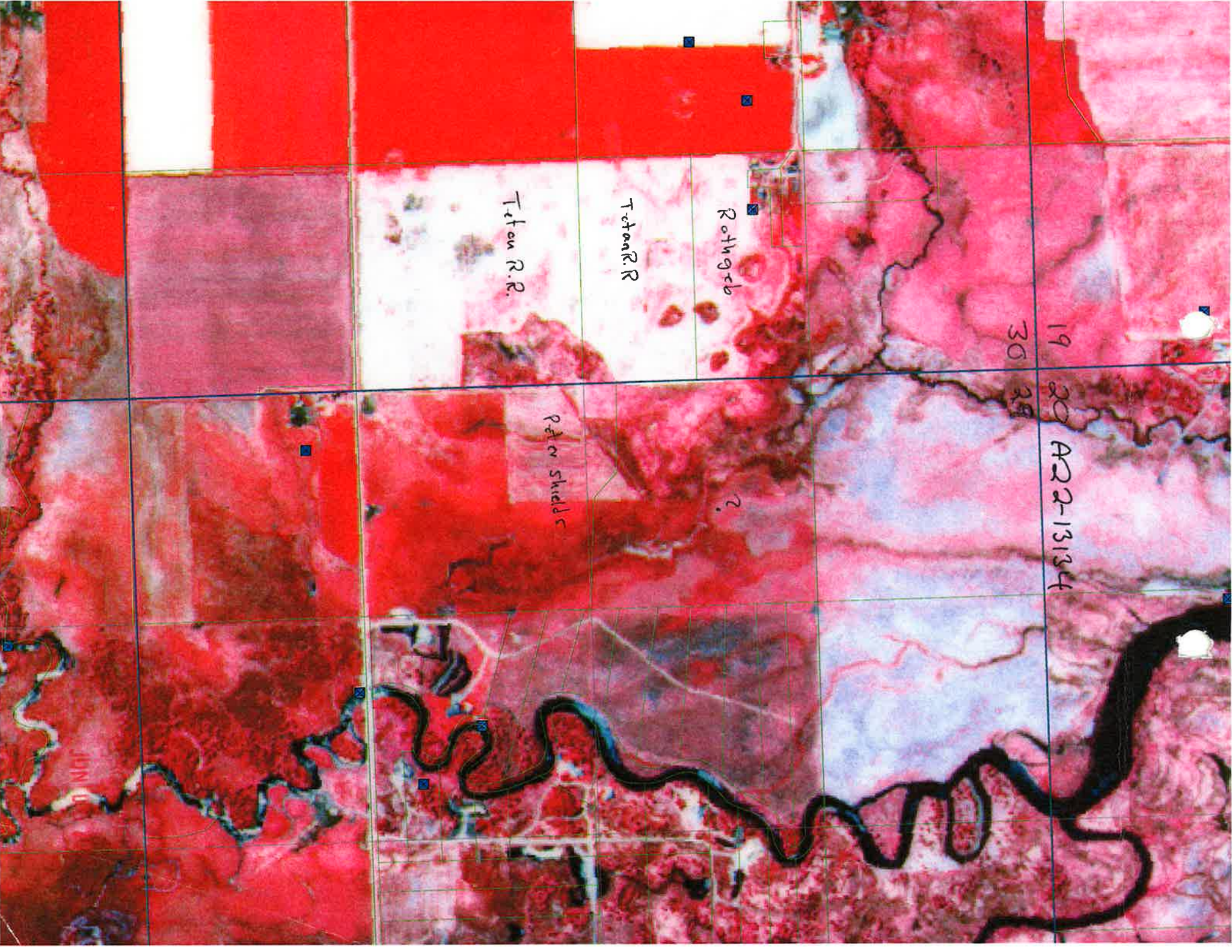
Rothgeb

Teton R.

Teton R.R.

Peter Shields

2.



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 22-13134
Date Received: 8/24/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: TETON RAINBOW RANCH INC Phone: (208)787-2445 ²⁴²⁵

Address: C/O LARRY KUNZ
721 S 450 W
VICTOR ID 83455

2. Date of Priority: 06/01/1892

3. Source: PARADISE CREEK Trib. to: Teton River

4. Point of Diversion:

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

5. Description of diverting works:

PUMP, PIPELINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.87	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section 1/4 of 1/4	Lot	Use	Acres
04N	45E	29	<u>SW NW</u> <u>NW SW</u>	IRRIGATION IRRIGATION	<u>10</u> 30
				Section Acres	40
04N	45E	30	SE NE NE SE	IRRIGATION IRRIGATION	<u>20</u> 40
				Section Acres	60
				Total Acres	100

Handwritten notes:
- Next to 10/30: Carl Shields
- Next to 20/40: Teton Rainbow Ranch

11. Place of use in counties: TETON

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

SCANNED

JUN 05 2007

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

_____, that I have signed the foregoing
Organization
document in the space below as _____ 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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED

JUN 05 2007