

09/20/2006

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

RIGHT NUMBER: 22-13138  
NAME AND ADDRESS: OLD TETON DEVELOPMENT PARTNERS LLC  
2068 S 1100 E  
SALT LAKE CITY UT 84106  
SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK  
QUANTITY: 1.760 CFS  
PRIORITY DATE: 04/01/1898  
POINT OF DIVERSION: T07N R40E S36 NWSNW Within FREMONT County  
PURPOSE AND PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>                   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------|-----------------------------------------|----------------------|-----------------|
|               | IRRIGATION                              | 04/01 10/31          | 1.760 CFS       |
| PLACE OF USE: | <u>IRRIGATION Within MADISON County</u> |                      |                 |
|               | T06N R40E S10 NWNE 12.00                | T06N R40E S10 SWNE   | 18.00           |
|               | T06N R40E S10 NESW 35.00                | T06N R40E S10 NWSW   | 4.30            |
|               | T06N R40E S10 SWSW 4.00                 | T06N R40E S10 SESW   | 25.00           |
|               | T06N R40E S10 NESE 26.00                | T06N R40E S10 NWSE   | 37.00           |
|               | T06N R40E S10 SWSE 4.70                 |                      |                 |
|               | 166 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This water right is used in combination with 22-13140.

This right is a split from former right 22-415B.

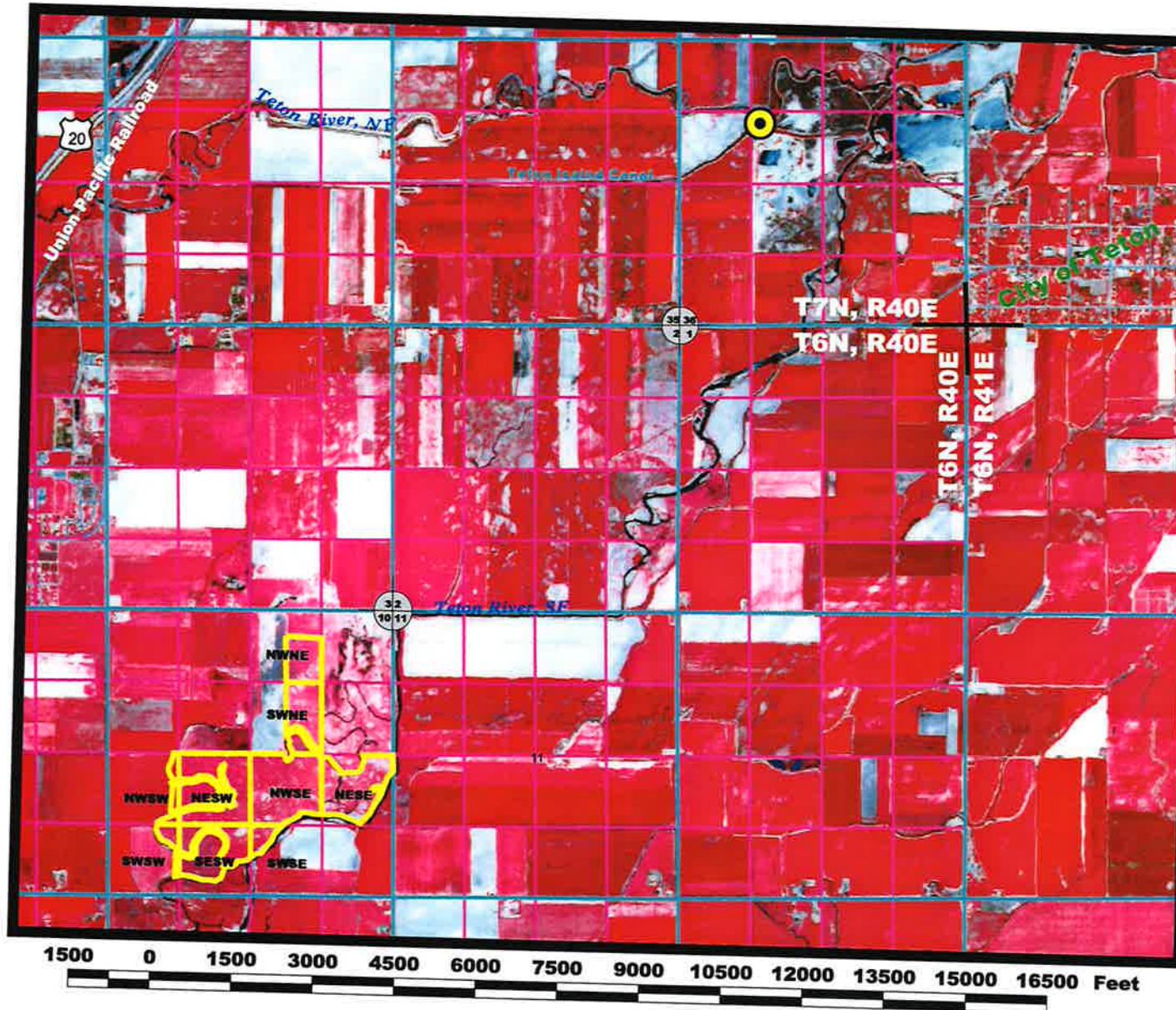
Water is delivered by Teton Island Feeder Canal through the Nelson Jacobs ditch.



# State of Idaho

## Department of Water Resources

Eastern Region



**Water Right(s):**  
**22-13138,**  
**22-13140**

**Point(s) of Diversion:**  
**T7N, R40E**  
**Sec. 36 NWSNW**

**Place of Use: (parts of)**  
**T6N, R40E**  
**Sec. 10 E2W2NE, S2**

**Delivered by Teton Island Canal**  
**through Nelson Jacobs Ditch**

### LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: A. Ruberry  
Date: August 2005

RECEIVED

MAY 31 2006

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

Department of Water Resources  
Eastern Region

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

OK JC

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

| Water<br>Right<br>No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|--------------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                          | 22-13138                     |       |                       |                              |       |
|                          | 22-13140                     |       |                       |                              |       |
|                          |                              |       |                       |                              |       |
|                          |                              |       |                       |                              |       |
|                          |                              |       |                       |                              |       |
|                          |                              |       |                       |                              |       |

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

OR

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

3. Name and Address of Former Owner/Claimant Lonnie Lee Allen & Royce G. Klingler  
PO Box 17, Ashton, ID 83420, 208-652-3775
4. New Owner/Claimant(s) Old Teton Development Partners, LLC  
 Name connector (check one): [ ] and [ ] or, [ ] and/or  
 New Mailing Address 2068 S. 1100 E.  
 City, State and ZIP Code Salt Lake City, UT 84106  
 New Telephone Number 801-994-8500, Ext. 102
5. Date you acquired the property \_\_\_\_\_

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

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

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

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

By: [Signature] Manager  
Old Teton Development Partners, LLC

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

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

RECORDING REQUESTED BY  
First American Title Company

First American Title Company

AND WHEN RECORDED MAIL TO:  
First American Title Company  
127 East Main  
Rexburg, ID 83440

Instrument # 322611  
REXBURG, MADISON, IDAHO  
2005-08-16 04:50:00 No. of Pages: 3  
Recorded for : FIRST AMERICAN TITLE  
MARILYN R. RASMUSSEN Fee: 9.00  
Ex-Officio Recorder Deputy

Space Above This Line for Recorder's Use Only

## WARRANTY DEED

File No.: 122461-RX (ns)

Date: September 15, 2005

For Value Received, **Lonnie Allen, an unmarried person and Royce Klingler and Elise Klingler, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Drake Munson and Lora Crosby Munson, husband and wife**, hereinafter called the Grantee, whose current address is **4201 Achilles Dr., Salt Lake City, UT 84124**, the following described premises, situated in **Madison County, Idaho**, to-wit:

**PARCEL 1:**  
**Part of Section 10, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho**  
**described as:**

RECEIVED

SEP 18 2006

Department of Water Resources  
Eastern Region

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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.

Beginning at a point that is N. 89°56'09" E. 874.09 feet along the section line from the SW corner of said Section 10, and running thence N. 7°30'12" E. 29.67 feet to an existing fence line, thence along said fence line the following nine (9) courses: (1) N. 7°30'12" E. 158.62 feet; (2) thence N. 28°50'42" E. 73.46 feet; (3) thence N. 73°41'12" E. 288.93 feet; (4) thence N. 7°06'58" E. 399.48 feet; (5) thence N. 60°08'17" W. 402.95 feet; (6) thence N. 29°42'54" W. 228.18 feet; (7) thence N. 3°15'31" E. 258.94 feet; (8) thence N. 62°54'37" E. 405.60 feet; (9) thence N. 00°26'15" W. 502.35 feet to the Western edge of a slough; thence along said Western edge the following (9) courses: (1) N. 42°51'15" W. 51.10 feet; (2) thence N. 28°02'13" W. 71.12 feet; (3) thence N. 7°47'44" W. 101.67 feet; (4) thence N. 7°40'59" E. 50.73 feet; (5) thence N. 17°28'01" E. 91.26 feet; (6) thence N. 22°22'28" E. 87.53 feet; (7) thence N. 44°49'15" E. 24.42 feet; (8) thence N. 26°05'43" E. 124.27 feet; (9) thence N. 34°27'31" W. 16.36 feet to the East-West center line of said Section 10; thence N. 89°45'48" E. 2037.17 feet along said center line to an existing North-South fence line; thence N. 00°12'18" W. 2159.33 feet along said fence line to an East-West fence line; thence N. 89°12'30" E. 658.78 feet to a North-South fence line; thence N. 00°17'49" E. 2165.71 feet to the East-West center line of said Section 10; thence N. 89°45'48" E. 1311.28 feet to the East 1/4 corner of said Section 10; thence S. 00°12'13" E. 1392.85 feet along said East line; thence N. 78°13'45" W. 64.20 feet to the Northern top bank of an irrigation ditch; thence N. 88°32'46" W. 475.41 feet along said top bank to the Southern top bank of the Teton River; thence along said top bank the following (2) two courses: (1) S. 74°41'23" W. 73.78 feet; (2) thence N. 78°21'39" W. 157.26 feet; (3) thence N. 71°35'54" W. 125.21 feet; (4) thence S. 85°42'14" W. 46.97 feet; (5) thence N. 70°57'03" W. 76.54 feet; (6) thence N. 85°38'01" W. 96.13 feet; (7) thence N. 83°28'37" W. 124.39 feet; (8) thence S. 85°54'51" W. 222.93 feet; (9) thence N. 88°30'41" W. 88.84 feet; (10) thence S. 75°13'14" W. 42.23 feet; (11) thence S. 57°33'28" W. 381.75 feet; (12) thence S. 37°50'25" W. 601.83 feet; (13) thence S. 45°07'36" W. 243.15 feet; (14) thence S. 47°40'07" W. 110.36 feet; (15) thence S. 59°27'08" W. 34.06 feet; (16) thence S. 13°19'20" W. 77.28 feet; (17) thence S. 34°06'57" W. 57.96 feet; (18) thence S. 3°29'53" W. 15.15 feet; (19) thence S. 40°33'29" E. 95.63 feet; (20) thence S. 14°14'49" E. 180.34 feet; (21) thence S. 9°22'04" E. 84.77 feet; (22) thence S. 4°17'21" W. 59.28 feet to the South line of said Section 10; thence S. 89°56'09" W. 1721.13 feet along said South section line to the point of beginning. EXCEPT: County Road along the South side.

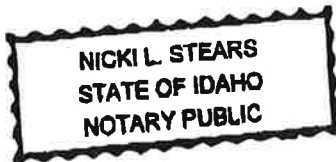
Lonnie Allen  
Lonnie Allen

Elise Klingler  
Elise Klingler

Royce Klingler  
Royce Klingler

STATE OF Idaho )  
COUNTY OF Madison )  
ss.

On this **Sixteenth day of September, 2005**, before me, a Notary Public in and for said State, personally appeared **Lonnie Allen and Royce Klingler and Elise Klingler**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Nicki L. Stears  
Notary Public for the State of Idaho  
Residing at: Madison County  
My Commission Expires: 1-3-2006

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
127 East Main  
Rexburg, ID 83440

First American Title Company

**Instrument # 322613**

REXBURG, MADISON, IDAHO

2005-09-16

04:52:00 No. of Pages: 4

Recorded for : FIRST AMERICAN TITLE

MARILYN R. RASMUSSEN

Fee: 12.00

Ex-Officio Recorder Deputy

Space Above This Line for Recorder's Use Only

## WARRANTY DEED

File No.: **131414-RX (ns)**

Date: **September 15, 2005**

For Value Received, **Drake Munson and Lora Crosby Munson, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Capital Security Mortgage, Inc.**, hereinafter called the Grantee, whose current address is **2068 S. 1100 E., Salt Lake City, UT 84106**, the following described premises, situated in **Madison** County, **Idaho**, to-wit:

**PARCEL 1:**

**Part of Section 10, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho described as:**

Beginning at a point that is N. 89°56'09" E. 874.09 feet along the section line from the SW corner of said Section 10, and running thence N. 7°30'12" E. 29.67 feet to an existing fence line, thence along said fence line the following nine (9) courses: (1) N. 7°30'12" E. 158.62 feet; (2) thence N. 28°50'42" E. 73.46 feet; (3) thence N. 73°41'12" E. 288.93 feet; (4) thence N. 7°06'58" E. 399.48 feet; (5) thence N. 60°08'17" W. 402.95 feet; (6) thence N. 29°42'54" W. 228.18 feet; (7) thence N. 3°15'31" E. 258.94 feet; (8) thence N. 62°54'37" E. 405.60 feet; (9) thence N. 00°26'15" W. 502.35 feet to the Westerly edge of a slough; thence along said Westerly edge the following (9) courses: (1) N. 42°51'15" W. 51.10 feet; (2) thence N. 28°02'13" W. 71.12 feet; (3) thence N. 7°47'44" W. 101.67 feet; (4) thence N. 7°40'59" E. 50.73 feet; (5) thence N. 17°28'01" E. 91.26 feet; (6) thence N. 22°22'28" E. 87.53 feet; (7) thence N. 44°49'15" E. 24.42 feet; (8) thence N. 26°05'43" E. 124.27 feet; (9) thence N. 34°27'31" W. 16.36 feet to the East-West center line of said Section 10; thence N. 89°45'48" E. 2037.17 feet along said centerline to an existing North-South fence line; thence N. 00°12'18" W. 2159.33 feet along said fence line to an East-West fence line; thence N. 89°12'30" E. 658.78 feet to a North-South fence line; thence S. 00°17'49" E. 2165.71 feet to the East-West centerline of said Section 10; thence N. 89°45'48" E. 1311.28 feet to the East ¼ corner of said Section 10; thence S. 00°12'13" E. 1392.85 feet along said East line; thence N. 78°13'45" W. 64.20 feet to the Northerly top bank of an irrigation ditch; thence N. 88°32'46" W. 475.41 feet along said top bank to the Southerly top bank of the Teton River; thence along said top bank the following (2) two courses: (1) S. 74°41'23" W. 73.78 feet; (2) thence S. 71°14'33" W. 41.36 feet along said top bank to the centerline of the Rexburg City Canal; thence N. 3°23'19" E. 50.49 feet to the centerline of the Teton River; thence along said centerline the following (22) twenty two courses: (1) N. 55°24'04" W. 145.78 feet; (2) thence N. 78°21'39" W. 157.26 feet; (3) thence N. 71°35'54" W. 125.21 feet; (4) thence S. 85°42'14" W. 46.97 feet; (5) thence N. 70°57'03" W. 76.54 feet; (6) thence N. 85°38'01" W. 96.13 feet; (7) thence N. 83°28'37" W. 124.39 feet; (8) thence S. 85°54'51" W. 222.93 feet; (9) thence N. 88°30'41" W. 88.84 feet; (10) thence S. 75°13'14" W. 42.23 feet; (11) thence S. 57°33'28" W. 381.75 feet; (12) thence S. 37°50'25" W. 601.83 feet; (13) thence S. 45°07'36" W. 243.15 feet; (14) thence S. 47°40'07" W. 110.36 feet; (15) thence S. 59°27'08" W. 34.06 feet; (16) thence S. 13°19'20" W. 77.28 feet; (17) thence S. 34°06'57" W. 57.96 feet; (18) thence S. 3°29'53" W. 15.15 feet; (19) thence S. 40°33'29" E. 95.63 feet; (20) thence S. 14°14'49" E. 180.34 feet; (21) thence S. 9°22'04" E. 84.77 feet; (22) thence S. 4°17'21" W. 59.28 feet to the South line of said Section 10; thence S. 89°56'09" W. 1721.13 feet along said South section line to the point of beginning. EXCEPT: County Road along the South side.

**PARCEL 2:**

Part of Section 10, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho described as:

Beginning at a point that is N89°42'10"E 69.09 feet along the North line of Section 10 from the N¼ corner of said Section 10 and running thence N89°42'10"E 60.00 feet along said north line; thence S00°17'50"E 60.27 feet; thence S25°45'22"W 123.42 feet; thence S00°14'15"W 606.13 feet; thence S00°48'16"E 240.87 feet; thence S00°00'30"E 177.75 feet; thence S01°37'01"E 233.44 feet; thence S17°11'53"W 45.51 feet; thence S00°22'51"E 1,110.90 feet; thence N89°45'48"E 480.98 feet; thence N33°02'44"E 38.48 feet; thence N77°22'58"E 20.42 feet; thence N38°06'50"W 78.98 feet; thence N11°36'11"W 56.70 feet; thence N00°15'06"W 68.67 feet; thence N15°29'13"E 179.93 feet; thence N49°05'11"E 109.76 feet; thence S00°05'11"E 79.29 feet; thence S49°05'11"W 39.80 feet; thence S15°29'13"W 153.52 feet; thence S00°15'06"E 54.42 feet; thence S11°36'11"E 36.60 feet; thence S38°06'50"E 98.12 feet; thence S04°07'12"E 38.79 feet; thence S25°19'29"W 22.10 feet; thence S77°22'58"W 45.13 feet; thence S33°02'44"W 19.88 feet; thence S15°12'13"W 23.02 feet; thence S89°45'48"W 581.65 feet; thence N00°22'51"W 1,180.02 feet; thence N17°11'53"E 44.85 feet; thence N01°37'01"W 224.34 feet; thence N00°00'30"W 178.17 feet; thence N00°48'16"W 241.00 feet; thence N00°14'15"E 620.26 feet; thence N25°45'22"E 123.13 feet; thence N00°17'50"W 46.39 feet; to the Point of Beginning.

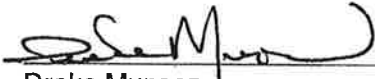
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

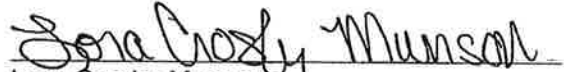
TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from 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.

Date: 09/15/2005

Warranty Deed  
- continued

File No.: 131414-RX (ns)

  
Drake Munson

  
Lora Crosby Munson



STATE OF Utah )  
SS.  
COUNTY OF Salt Lake )

On this 15<sup>th</sup> day of Sept. 2005, before me, a Notary Public in and for said State, personally appeared **Drake Munson and Lora Crosby Munson**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

  
Notary Public for the State of Utah  
Residing at:  
My Commission Expires:

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
127 East Main  
Rexburg, ID 83440

**Instrument # 323099**

REXBURG, MADISON, IDAHO

2005-10-07

04:25:00 No. of Pages: 4

Recorded for : GENE JENSEN

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 12.00

Space Above This Line for Recorder's Use Only

## **WARRANTY DEED**

File No.: **Courtesy ()**

Date: **September 16, 2005**

For Value Received, **Capital Security Mortgage, Inc.**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Old Teton Development Partners, LLC**, hereinafter called the Grantee, whose current address is **2068 S. 1100 E., Salt Lake City, UT 84106**, the following described premises, situated in **Madison County, Idaho**, to-wit:

**PARCEL 1:**

**Part of Section 10, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho**  
**described as:**

Beginning at a point that is N. 89°56'09" E. 874.09 feet along the section line from the SW corner of said Section 10, and running thence N. 7°30'12" E. 29.67 feet to an existing fence line, thence along said fence line the following nine (9) courses: (1) N. 7°30'12" E. 158.62 feet; (2) thence N. 28°50'42" E. 73.46 feet; (3) thence N. 73°41'12" E. 288.93 feet; (4) thence N. 7°06'58" E. 399.48 feet; (5) thence N. 60°08'17" W. 402.95 feet; (6) thence N. 29°42'54" W. 228.18 feet; (7) thence N. 3°15'31" E. 258.94 feet; (8) thence N. 62°54'37" E. 405.60 feet; (9) thence N. 00°26'15" W. 502.35 feet to the Westerly edge of a slough; thence along said Westerly edge the following (9) courses: (1) N. 42°51'15" W. 51.10 feet; (2) thence N. 28°02'13" W. 71.12 feet; (3) thence N. 7°47'44" W. 101.67 feet; (4) thence N. 7°40'59" E. 50.73 feet; (5) thence N. 17°28'01" E. 91.26 feet; (6) thence N. 22°22'28" E. 87.53 feet; (7) thence N. 44°49'15" E. 24.42 feet; (8) thence N. 26°05'43" E. 124.27 feet; (9) thence N. 34°27'31" W. 16.36 feet to the East-West center line of said Section 10; thence N. 89°45'48" E. 2037.17 feet along said centerline to an existing North-South fence line; thence N. 00°12'18" W. 2159.33 feet along said fence line to an East-West fence line; thence N. 89°12'30" E. 658.78 feet to a North-South fence line; thence S. 00°17'49" E. 2165.71 feet to the East-West centerline of said Section 10; thence N. 89°45'48" E. 1311.28 feet to the East ¼ corner of said Section 10; thence S. 00°12'13" E. 1392.85 feet along said East line; thence N. 78°13'45" W. 64.20 feet to the Northerly top bank of an irrigation ditch; thence N. 88°32'46" W. 475.41 feet along said top bank to the Southerly top bank of the Teton River; thence along said top bank the following (2) two courses: (1) S. 74°41'23" W. 73.78 feet; (2) thence S. 71°14'33" W. 41.36 feet along said top bank to the centerline of the Rexburg City Canal; thence N. 3°23'19" E. 50.49 feet to the centerline of the Teton River; thence along said centerline the following (22) twenty two courses: (1) N. 55°24'04" W. 145.78 feet; (2) thence N. 78°21'39" W. 157.26 feet; (3) thence N. 71°35'54" W. 125.21 feet; (4) thence S. 85°42'14" W. 46.97 feet; (5) thence N. 70°57'03" W. 76.54 feet; (6) thence N. 85°38'01" W. 96.13 feet; (7) thence N. 83°28'37" W. 124.39 feet; (8) thence S. 85°54'51" W. 222.93 feet; (9) thence N. 88°30'41" W. 88.84 feet; (10) thence S. 75°13'14" W. 42.23 feet; (11) thence S. 57°33'28" W. 381.75 feet; (12) thence S. 37°50'25" W. 601.83 feet; (13) thence S. 45°07'36" W. 243.15 feet; (14) thence S. 47°40'07" W. 110.36 feet; (15) thence S. 59°27'08" W. 34.06 feet; (16) thence S. 13°19'20" W. 77.28 feet; (17) thence S. 34°06'57" W. 57.96 feet; (18) thence S. 3°29'53" W. 15.15 feet; (19) thence S. 40°33'29" E. 95.63 feet; (20) thence S. 14°14'49" E. 180.34 feet; (21) thence S. 9°22'04" E. 84.77 feet; (22) thence S. 4°17'21" W. 59.28 feet to the South line of said Section 10; thence S. 89°56'09" W. 1721.13 feet along said South section line to the point of beginning. EXCEPT: County Road along the South side.

**PARCEL 2:**

Part of Section 10, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho described as:

Beginning at a point that is N89°42'10"E 69.09 feet along the North line of Section 10 from the N¼ corner of said Section 10 and running thence N89°42'10"E 60.00 feet along said north line; thence S00°17'50"E 60.27 feet; thence S25°45'22"W 123.42 feet; thence S00°14'15"W 606.13 feet; thence S00°48'16"E 240.87 feet; thence S00°00'30"E 177.75 feet; thence S01°37'01"E 233.44 feet; thence S17°11'53"W 45.51 feet; thence S00°22'51"E 1,110.90 feet; thence N89°45'48"E 480.98 feet; thence N33°02'44"E 38.48 feet; thence N77°22'58"E 20.42 feet; thence N38°06'50"W 78.98 feet; thence N11°36'11"W 56.70 feet; thence N00°15'06"W 68.67 feet; thence N15°29'13"E 179.93 feet; thence N49°05'11"E 109.76 feet; thence S00°05'11"E 79.29 feet; thence S49°05'11"W 39.80 feet; thence S15°29'13"W 153.52 feet; thence S00°15'06"E 54.42 feet; thence S11°36'11"E 36.60 feet; thence S38°06'50"E 98.12 feet; thence S04°07'12"E 38.79 feet; thence S25°19'29"W 22.10 feet; thence S77°22'58"W 45.13 feet; thence S33°02'44"W 19.88 feet; thence S15°12'13"W 23.02 feet; thence S89°45'48"W 581.65 feet; thence N00°22'51"W 1,180.02 feet; thence N17°11'53"E 44.85 feet; thence N01°37'01"W 224.34 feet; thence N00°00'30"W 178.17 feet; thence N00°48'16"W 241.00 feet; thence N00°14'15"E 620.26 feet; thence N25°45'22"E 123.13 feet; thence N00°17'50"W 46.39 feet; to the Point of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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.

Date: 09/23/2005

Warranty Deed  
- continued

File No.: 131414-RX (ns)

**CAPITAL SECURITY MORTGAGE, INC.**

By: \_\_\_\_\_

Gene B. Jensen, President

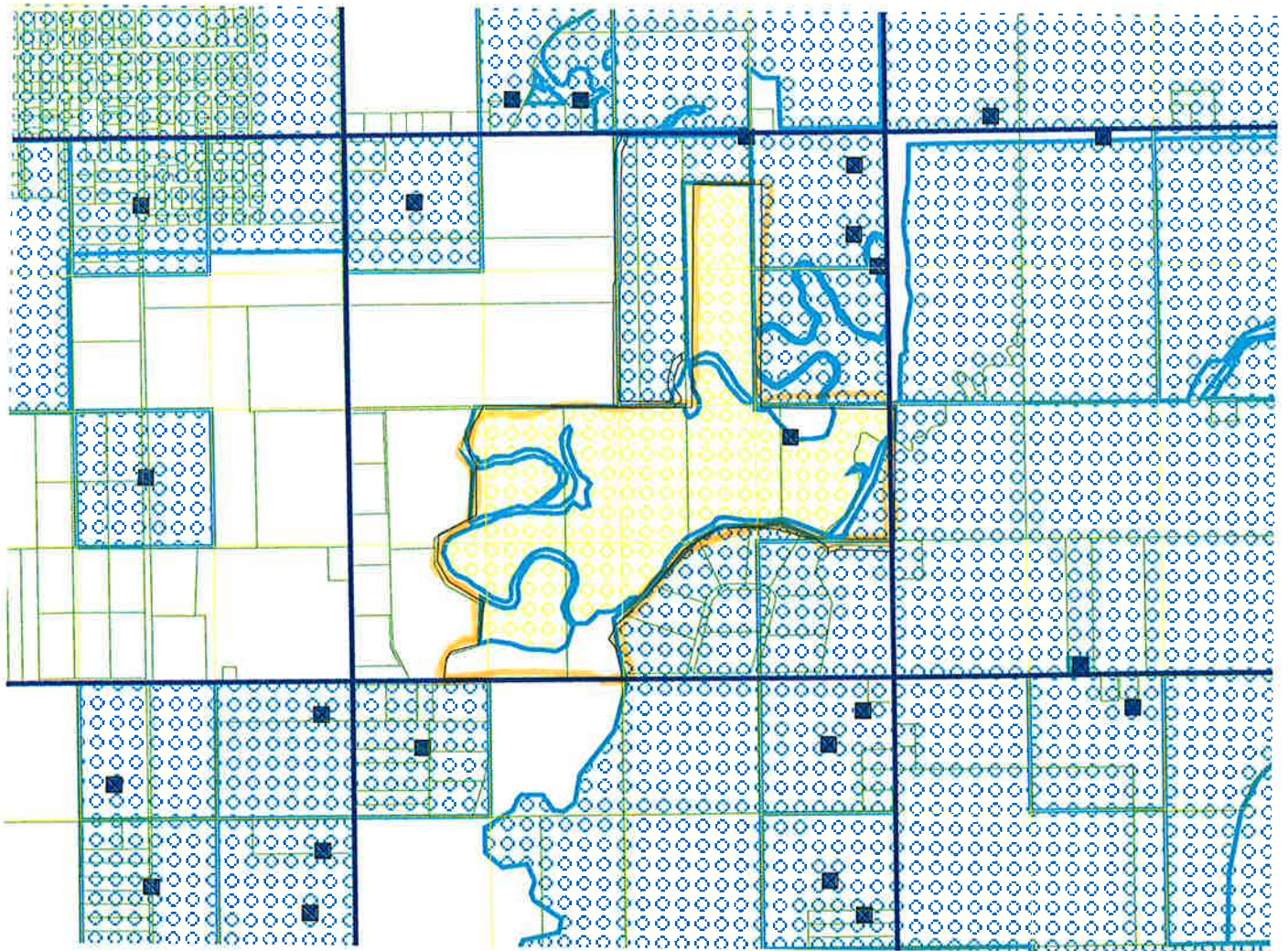
STATE OF Idaho )  
SS.  
COUNTY OF Madison )

On this **7th day of October, 2005**, before me, a Notary Public in and for said State, personally appeared **Gene B. Jensen**, known or identified to me, to be the **President** 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.

Jessica L. Reuter  
Notary Public of Idaho  
Residing at: Rexburg, ID  
Commission Expires: 9-23-2010

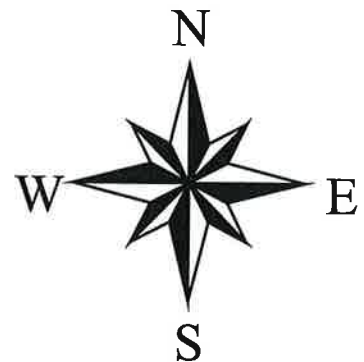
JESSICA L. REUTER  
NOTARY PUBLIC  
STATE OF IDAHO

# Parcels 1 & 2



0.3 0 0.3 0.6 Miles

-  Sections
-  Madison taxlots
-  QQ
-  GCDB06N40E GCDB
-  Recommendation POD
-  Recommendation POU



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

KENT W. FOSTER  
ROBERT E. FARNAM  
WILLIAM D. FALER  
CHARLES A. HOMER  
GARY L. MEIKLE  
DONALD L. HARRIS  
DALE W. STORER  
MARIE T. TYLER  
FREDERICK J. HAHN, III  
KARL R. DECKER  
SHAN B. PERRY  
DeANNE CASPERSON\*\*  
AMELIA A. SHEETS  
ROBERT L. HARRIS  
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200  
P.O. BOX 50130  
IDAHO FALLS, IDAHO 83405

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

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

Of Counsel  
Fred J. Hahn

\*\*Also Licensed in Missouri & Kansas

May 26, 2006

Jennifer Crabtree  
Idaho Department of Water Resources  
900 N. Skyline Dr., Ste. A  
Idaho Falls, ID 83402

Re: Old Teton Development Partners, LLC

Dear Jennifer:

Enclosed with this letter is a Notice of Change of Water Right Ownership for Water Rights Nos. 22-13138 and 22-13140. We have also enclosed a copy of the map showing the exact place of use for this right and three deeds which show the chain of title from Lonnie Lee Allen and Royce G. Klingler to Old Teton Development Partners, LLC.

Thank you for your kind assistance with this matter. If you have any questions, please feel free to contact this office at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

Claim no. A22-13138  
A22-13140

Claimant Contact Log

Date 8-17-2005 Remarks Agent initials HLW

On 8-16-2005 I met with Brent Barrus (656-1034) W  
+ he confirmed Place of use Map. Brent is the Father-in-law  
of claimant Royce Klingler. (356-4346) H

Royce said the correct mailing address should be  
P.O. Box 17  
Ashton, ID 83420

Royce's cell phone is 709-3800.

22-13138

This claim is apparently a portion of 22-415B SPITAS.

22-13137 TO BRETT INC.

22-13138 TO KLINGLER & ALLEN

DELIVERED BY TETON RIVER FLOOD CANAL THROUGH  
NELSON-JACOBS DITCH

Re used w/ 13140 - NO COMBINED Limits ON Q OR  
AC

## Contacts Data Entry Form

Claim Number: 22-13138

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

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
 Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_.

Representing Attorney: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_ Date of Field Exam: \_\_\_\_\_

Discussion of right origin and split history. Questions and problems.Ownership

G-40-10 NE SW - 4811 ASK UNLIMITED  
 P.O. Box 856, Astoria ID. 83420

NW NE 0700 BREX INC  
 P.O. Box 51, Sugar City 83448

0602

SW NE - 0601 BREX

0602 ASK UNLIMITED

NW-SW 7814 ASK UNL.

SW-SW 7900 BRENT BARRIS  
 P.O. Box 51, Sugar City 83448

NE SE 7201 ASK UNLIMITED

7814 ASK UNL.

SW SE NW - BRENT BARRIS

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Brent Barris  
 A-356-4346  
 W-656-1034

|     |                                                                                                                     |       |
|-----|---------------------------------------------------------------------------------------------------------------------|-------|
| 147 | Hatch, Mary E.; July 15, 1896; Trail Creek .....                                                                    | 40    |
| 148 | Cherry, Thomas; July 30, 1896; Trail Creek .....                                                                    | 80    |
| 149 | Sinclair, Jesse; Aug. 13, 1896; Trail Creek .....                                                                   | 160   |
| 151 | Lindsay, William; Apr. 1, 1897; South Leigh Creek....                                                               | 160   |
| 153 | Williams, Charles; May 15, 1897; South Leigh Creek...                                                               | 60    |
| 154 | Parker, B. F.; June 1, 1897; Fox Creek .....                                                                        | 120   |
| 154 | Pendleton, Abraham; June 1, 1897; North Leigh Creek                                                                 | 80    |
| 154 | Penfold, Algeroy; June 1, 1897; Fox Creek .....                                                                     | 100   |
| 154 | Penfold, Farley; June 1, 1897; Fox Creek .....                                                                      | 100   |
| 154 | Larsen, A. C.; June 1, 1897; Darby Creek .....                                                                      | 20    |
| 154 | Thompson & Egbert; June 1, 1897; North Leigh Creek                                                                  | 70    |
| 154 | Smith, D. G. S.; June 1, 1897; South Leigh Creek.....                                                               | 120   |
| 154 | Vail, W. C.; June 1, 1897; Fox Creek .....                                                                          | 120   |
| 154 | Vail, W. C.; June 1, 1897; Fox Creek .....                                                                          | 100   |
| 154 | Waterman, L. C.; June 1, 1897; South Leigh Creek.....                                                               | 120   |
| 154 | Hopkins, D. H.; June 1, 1897; South Leigh Creek.....                                                                | 60    |
| 154 | Wyoming & Darby Bench Canal Co., Ltd.; June 1, 1897;<br>Darby Creek .....                                           | 1,380 |
| 154 | Zimmerman, Zuel; June 1, 1897; South Leigh Creek....                                                                | 30    |
| 154 | Little, George A.; June 1, 1897; North Leigh Creek....                                                              | 120   |
| 154 | Little, George E.; June 1, 1897; South Leigh Creek....                                                              | 80    |
| 154 | Moffat, Andrew; June 1, 1897; South Leigh Creek and<br>Swamps .....                                                 | 140   |
| 154 | Perry, Jeremiah C.; June 1, 1897; North Leigh .....                                                                 | 80    |
| 154 | Roueché, Jacob; June 1, 1897; North Leigh Creek.....                                                                | 90    |
| 154 | Henrie, John; June 1, 1897; North Leigh Creek.....                                                                  | 150   |
| 154 | Henrie, Joseph O.; June 1, 1897; South Leigh Creek...                                                               | 120   |
| 154 | Hill, Albert; June 1, 1897; Darby Creek .....                                                                       | 75    |
| 154 | Gale, Joseph; June 1, 1897; South Leigh and Swamps                                                                  | 40    |
| 154 | Cluff, Charles; June 1, 1897; Fox Creek .....                                                                       | 10    |
| 154 | Davidson, J. H.; June 1, 1897; South Leigh Creek.....                                                               | 80    |
| 154 | Crandall, H. L.; June 1, 1897; Darby Creek .....                                                                    | 20    |
| 154 | Cannon, Harry L.; June 1, 1897; Darby Creek.....                                                                    | 100   |
| 154 | Bush, Geo. W.; June 1, 1897; Darby Creek .....                                                                      | 20    |
| 154 | Bowles, William; June 1, 1897; Trail Creek .....                                                                    | 160   |
| 154 | Edwards, Andrew; June 1, 1897; Trail Creek .....                                                                    | 50    |
| 154 | Allen, Isaac T.; June 1, 1897; Cherry Creek; all of the<br>water of Cherry Creek Springs .....                      | 50    |
| 155 | Guyman, Edward; June 10, 1897; South Leigh Creek...                                                                 | 120   |
| 156 | Porter, John; June 15, 1897; Trail Creek .....                                                                      | 75    |
| 156 | Moffat, Mary; June 15, 1897; Leigh Creek .....                                                                      | 80    |
| 156 | McCracken, John; June 15, 1897; South Leigh Creek...                                                                | 160   |
| 156 | McCracken, James; June 15, 1897; South Leigh Creek...                                                               | 156   |
| 156 | Van Leuven, William; June 15, 1897; South Leigh Creek                                                               | 160   |
| 157 | Henrie, James D.; June 20, 1897; Leigh Creek .....                                                                  | 130   |
| 159 | Homer, Willard G.; June 24, 1897, South Leigh Creek.                                                                | 160   |
| 162 | Jones, Joshua; Oct. 28, 1897; Trail Creek .....                                                                     | 100   |
| 163 | Clark & Houghton; Apr. 1, 1898; Teton River .....                                                                   | 200   |
| 163 | Good Luck Canal Co.; Apr. 1, 1898; Teton River .....                                                                | 1,300 |
| 163 | Hill Ditch Co.; Apr. 1, 1898; Teton River .....                                                                     | 600   |
| 163 | Rowe, Reuben H., and Morris McCormick; Apr. 1, 1898;<br>Teton River. (Trough McCormick & Rowe Ditch)                | 430   |
| 163 | Ricks, Wallace; Apr. 1, 1898; North Leigh Creek .....                                                               | 40    |
| 163 | Rexburg Irrigation Co.; Apr. 1, 1898; Teton River ....                                                              | 8,500 |
| 163 | Pioneer Ditch Co.; Apr. 1, 1898; Teton River .....                                                                  | 900   |
| 163 | Pincock Byington Ditch Co.; Apr. 1, 1898; Teton River                                                               | 700   |
| 163 | Windmill, Richard, and Richard Withers and Oscar B.<br>Young; Apr. 1, 1898; Teton River. (Eckersell<br>Canal) ..... | 434   |
| 163 | Wilford Irrigation & Manufacturing Co.; Apr. 1, 1898;                                                               |       |

|     |                                                                                                                                 |       |
|-----|---------------------------------------------------------------------------------------------------------------------------------|-------|
|     | Teton River .....                                                                                                               | 6,608 |
| 163 | Stewart, Samuel (deceased), Estate of, by Mary H.<br>Birch, Adminx., and Mary H. Birch; Apr. 1, 1898;<br>Teton River .....      | 500   |
| 163 | Walters, William; Apr. 1, 1898; Teton River. (Stewart<br>& Walters Ditch.) (Joint appropriation with Mons<br>H. Anderson) ..... | 332   |
| 163 | Siddoway Irrigation and Manufacturing Co.; Apr. 1,<br>1898; Teton River .....                                                   | 766   |
| 163 | Teton Island Canal Co.; Apr. 1, 1898; Teton River....                                                                           | 7,982 |
| 163 | Bird, Martin L., F. W. Garner and George A. Pincock;<br>Apr. 1, 1898; Pincock-Garner Ditch .....                                | 800   |
| 163 | Eames, John S.; Apr. 1, 1898; Teton River .....                                                                                 | 50    |
| 163 | Nelson, David; Apr. 1, 1898; Teton River. (Through<br>Nelson-Jacobs Ditch.) .....                                               | 434   |
| 163 | Mortensen, Christian; Apr. 1, 1898; Teton River.<br>(Through the Nelson-Jacobs Ditch.) .....                                    | 218   |
| 163 | Woodmansee-Johnson Ditch; Apr. 1, 1898; Teton River                                                                             | 1,380 |
| 163 | City of Rexburg; Apr. 1, 1898; Teton River. (For<br>power and municipal purposes.) .....                                        | 1,650 |
| 163 | Huskinson, William J.; Apr. 1, 1898; Teton River....                                                                            | 50    |
| 164 | Nelson, Fritz E.; Apr. 15, 1898; Spring Creek .....                                                                             | 120   |
| 165 | Lamoreaux, Francis A., and Ann.; May 1, 1898; South<br>Leigh Creek .....                                                        | 25    |
| 166 | Hendrickson, Frank; May 1, 1898; Badger Creek.....                                                                              | 160   |
| 167 | Clark, H. J.; May 15, 1898; Teton River .....                                                                                   | 160   |
| 168 | Wait, F. A.; May 25, 1898; Leigh Creek .....                                                                                    | 160   |
| 169 | Edwards, Andrew; June 1, 1898; Trail Creek .....                                                                                | 40    |
| 169 | Edwards, Andrew; June 1, 1898; Trail Creek .....                                                                                | 40    |
| 169 | Felt, Clara V.; June 1, 1898; Badger Creek .....                                                                                | 50    |
| 169 | Bruce, Daniel C.; June 1, 1898; Teton Creek.....                                                                                | 160   |
| 169 | Black, Joseph A.; June 1, 1898; South Leigh Creek ...                                                                           | 150   |
| 169 | Allen, Amos; June 1, 1898; Fox Creek .....                                                                                      | 50    |
| 169 | Cherry, Thomas; June 1, 1898; Trail Creek .....                                                                                 | 80    |
| 169 | Crandall, H. L.; June 1, 1898; Darby Creek .....                                                                                | 60    |
| 169 | Crandall, Ira.; June 1, 1898; Darby Creek .....                                                                                 | 20    |
| 169 | Davidson, J. H.; June 1, 1898; South Leigh Creek ...                                                                            | 80    |
| 169 | Cluff, Charles; June 1, 1898; Fox Creek .....                                                                                   | 150   |
| 169 | Hamilton, Robert; June 1, 1898; Badger Creek .....                                                                              | 160   |
| 169 | Guyman, Edward; June 1, 1898; South Leigh Creek....                                                                             | 40    |
| 169 | Fullmer, H. D.; June 1, 1898; North Leigh Creek.....                                                                            | 160   |
| 169 | Fullmer, Almond L.; June 1, 1898; North Leigh Creek..                                                                           | 120   |
| 169 | Hendrickson, Alvira E.; June 1, 1898; South Leigh<br>Creek .....                                                                | 60    |
| 169 | Hendrickson, Alfred; June 1, 1898; Badger Creek.....                                                                            | 40    |
| 169 | Hearst, H. T.; June 1, 1898; Leigh Creek .....                                                                                  | 160   |
| 169 | Hanson, Alfred; June 1, 1898; North Leigh Creek.....                                                                            | 40    |
| 169 | Poulson, J. C.; June 1, 1898; North Leigh Creek.....                                                                            | 130   |
| 169 | Rammell, George; June 1, 1898; Badger Creek .....                                                                               | 20    |
| 169 | Merrill, Sam J.; June 1, 1898; Leigh Creek .....                                                                                | 160   |
| 169 | Ramell, C. H.; June 1, 1898; Badger Creek .....                                                                                 | 30    |
| 169 | Little, George E.; June 1, 1898; North Leigh Creek....                                                                          | 80    |
| 169 | Hopkins, Ezekiel; June 1, 1898; North Leigh Creek....                                                                           | 80    |
| 169 | Zimmerman, Zuel; June 1, 1898; South Leigh Creek....                                                                            | 130   |
| 169 | Hopkins, D. H.; June 1, 1898; South Leigh Creek .....                                                                           | 60    |
| 169 | Hoozier, John L.; June 1, 1898; Spring Creek .....                                                                              | 120   |
| 169 | Homer, Benjamin P.; June 1, 1898; Mahogany Creek...                                                                             | 15    |
| 169 | Holden, E. H.; June 1, 1898; Darby Creek.....                                                                                   | 160   |
| 169 | Hochstrasser, R. H.; June 1, 1898; Spring Creek.....                                                                            | 40    |
| 169 | Hochstrasser, N. W.; June 1, 1898; Spring Creek .....                                                                           | 50    |

GPS  
Tag

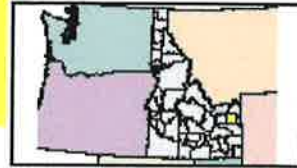


Teton Island Canal, Locking N64, GPS Tag on support  
post behind green box. GPS Tag # A0000286

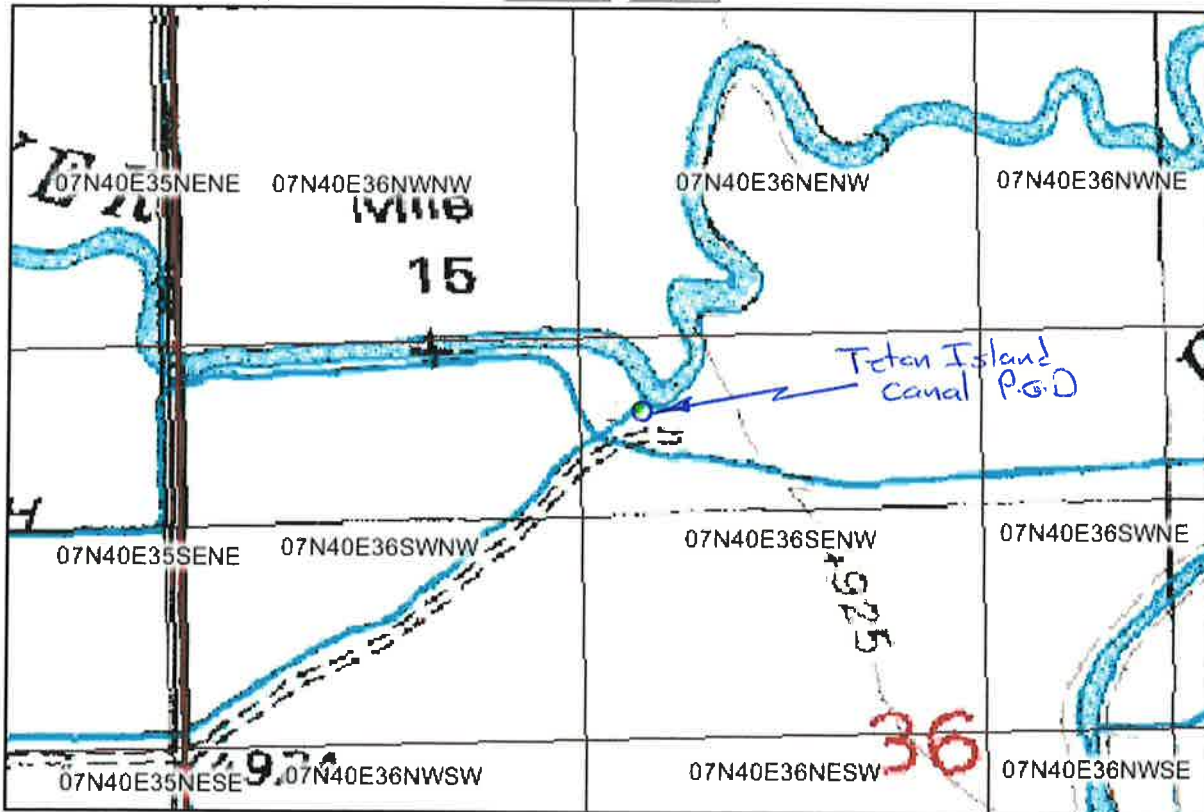
GPS File - TETONI      GPS Data - 2685339  
1412883

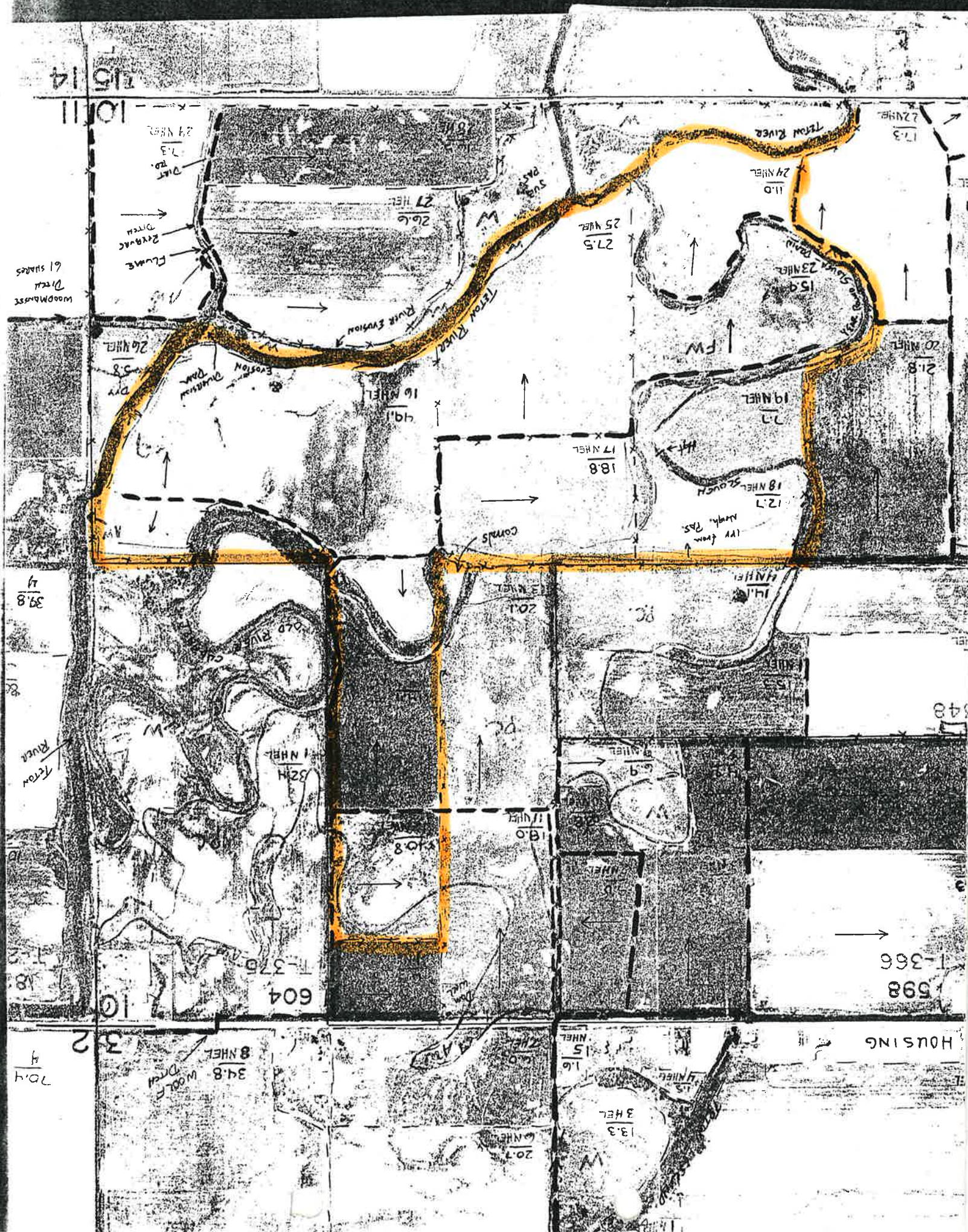
Here are the results:

SE quarter of the NW quarter of Section 36, Township 07N, Range 40E  
IDTM NAD83 coordinates: Easting=2685339; Northing=1412883



Choose the map-display background: ☐ Photo ☒ Topo





02/26/2004

IDWR Field Exam Form

## Place Of Use Data Entry Form

Claim Number: 22-13138

| Claimed Place Of Use |            |           | QQ        | Q         | County         | Lot Num | Acres      | Purpose of Use |
|----------------------|------------|-----------|-----------|-----------|----------------|---------|------------|----------------|
| Twp                  | Rge        | Sec       |           |           |                |         |            |                |
| <u>GN</u>            | <u>40E</u> | <u>10</u> | <u>NE</u> | <u>SW</u> | <u>MADISON</u> |         | <u>40</u>  | <u>IRL</u>     |
|                      |            |           | <u>NW</u> | <u>NE</u> |                |         | <u>13</u>  |                |
|                      |            |           | <u>SW</u> | <u>NE</u> |                |         | <u>20</u>  |                |
|                      |            |           | <u>NW</u> | <u>SW</u> |                |         | <u>8</u>   |                |
|                      |            |           | <u>SW</u> | <u>SW</u> |                |         | <u>8</u>   |                |
|                      |            |           | <u>SE</u> | <u>SW</u> |                |         | <u>30</u>  |                |
|                      |            |           | <u>NE</u> | <u>SE</u> |                |         | <u>33</u>  |                |
|                      |            |           | <u>NW</u> | <u>SE</u> |                |         | <u>38</u>  |                |
|                      |            |           | <u>SW</u> | <u>SE</u> |                |         | <u>6</u>   |                |
| Total acres          |            |           |           |           |                |         | <u>196</u> |                |
| TOTAL                |            |           |           |           |                |         | <u>196</u> |                |

| Recommended Place of Use |            |           | QQ        | Q         | County         | Lot Num | Acres      | Purpose of Use |
|--------------------------|------------|-----------|-----------|-----------|----------------|---------|------------|----------------|
| Twp                      | Rge        | Sec       |           |           |                |         |            |                |
| <u>GN</u>                | <u>40E</u> | <u>10</u> | <u>NE</u> | <u>SW</u> | <u>MADISON</u> |         | <u>40</u>  | <u>IRL</u>     |
|                          |            |           | <u>NW</u> | <u>NE</u> |                |         | <u>13</u>  |                |
|                          |            |           | <u>SW</u> | <u>NE</u> |                |         | <u>20</u>  |                |
|                          |            |           | <u>NW</u> | <u>SW</u> |                |         | <u>8</u>   |                |
|                          |            |           | <u>SW</u> | <u>SW</u> |                |         | <u>8</u>   |                |
|                          |            |           | <u>SE</u> | <u>SW</u> |                |         | <u>30</u>  |                |
|                          |            |           | <u>NE</u> | <u>SW</u> |                |         | <u>33</u>  |                |
|                          |            |           | <u>NW</u> | <u>SE</u> |                |         | <u>38</u>  |                |
|                          |            |           | <u>SW</u> | <u>SE</u> |                |         | <u>6</u>   |                |
| Total acres              |            |           |           |           |                |         | <u>196</u> |                |
| Total                    |            |           |           |           |                |         | <u>196</u> |                |

Pending or approved Transfers: \_\_\_\_\_

Overlapping rights: \_\_\_\_\_

Document how the POU was verified: \_\_\_\_\_

P.O.U. VERIFIED BY INSPECTION ON 1-18-05Reviewer: SHM Date: 1-18-05

RECEIVED

JUN 29 2000

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

Department of Water Resources  
Eastern Region

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

1. Water Right No(s): A22-00416B, A22-13129, A22-00415B  
Adjudication Claim No(s): A22
2. The following **REQUIRED** information must be submitted with this form: ASR
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**  
AND
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)  
OR
  - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.
3. Name and Address of Former Owner/Claimant: Barrus Brothers Corporation  
2964 N 2000 E, P.O. Box 57  
Sugar City, Idaho 83448
4. New Owner/Claimant(s): Lonnie Lee Allen / Roxie Kimber  
New Mailing Address: P.O. Box 856, Warm River  
City, State and ZIP Code: Ashton, Idaho, 83420  
New Telephone Number: 208 652-3775
5. Date you acquired the property: May 5, 2000
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right: 207.7 Number and type of stock

Diversion rate in CFS: 2.74 1.66 CFS waste Number of homes you acquired: 0 Other uses

7. Signature of New Owner(s) or Claimant(s): Lonnie Lee Allen  
Roxie Kimber  
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Split water Right proportionally Brent Barrus

11/6/20  
ASR

# WARRANTY DEED

For Value Received **BARRUS BRO'S CORPORATION**, an Idaho Corporation **MARU CORPORATION**, an Idaho Corporation; **YVONNE BARRUS**, a married woman as her to her life estate

Hereinafter called the Grantor, hereby grants, bargains, sell & conveys:

**LONNIE LEE ALLEN**, an unmarried woman

whose address is: 147 North 1st East, Rexburg, Idaho 83440

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

Part of Section 10, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho described as:

Beginning at a point that is N 89°56'09" E 874.09 feet along the section line from the SW corner of said Section 10, and running thence N 7°30'12" E 29.67 feet to an existing fence line, thence along said fence line the following nine (9) courses: (1) N 7°30'12" E 158.62 feet; (2) thence N 28°50'42" E 73.46 feet; (3) thence N 73°41'12" E 288.93 feet; (4) thence N 7°06'58" E 399.48 feet; (5) thence N 60°08'17" W 402.95 feet; (6) thence N 29°42'54" W 228.18 feet; (7) thence N 3°15'31" E 258.94 feet; (8) thence N 62°54'37" E 405.60 feet; (9) thence N 00°26'15" W 502.35 feet to the Westerly edge of a slough; thence along said Westerly edge the following (9) courses: (1) N 42°51'15" W 51.10 feet; (2) thence N 28°02'13" W 71.12 feet; (3) thence N 7°47'44" W 101.67 feet; (4) thence N 7°40'59" E 50.73 feet; (5) thence N 17°28'01" E 91.26 feet; (6) thence N 22°22'28" E 87.53 feet; (7) thence N 44°49'15" E 24.42 feet; (8) thence N 26°05'43" E 124.27 feet; (9) thence N 34°27'31" W 16.36 feet to the east-west center line of said Section 10; thence N 89°45'48" E 2037.17 feet along said centerline to an existing north-south fence line; thence N 00°12'18" W 2159.33 feet along said fence line to an east-west fence line; thence N 89°12'30" E 658.78 feet to a north-south fence line; thence S 00°17'49" E 2165.71 feet to the east-west centerline of said Section 10; thence N 89°45'48" E 1311.28 feet to the East 1/4 corner of said Section 10; thence S 00°12'13" E 1392.85 feet along said east line; thence N 78°13'45" W 64.20 feet to the Northerly top bank of an irrigation ditch; thence N 88°32'46" W 475.41 feet along said top bank to the Southerly top bank of the Teton River; thence along said top bank the following (2) two courses: (1) S 74°41'23" W 73.78 feet; (2) thence S 71°14'33" W 41.36 feet along said top bank to the centerline of the Rexburg City Canal; thence N 3°23'19" E 50.49 feet to the centerline of the Teton River; thence along said centerline the following (22) twenty two courses: (1) N 58°24'04" W 145.78 feet; (2) thence N 78°21'39" W 157.26 feet; (3) thence N 71°35'54" W 125.21 feet; (4) thence S 85°42'14" W 46.97 feet; (5) thence N 70°57'03" W 76.54 feet; (6) thence N 85°38'01" W 96.13 feet; (7) thence N 83°28'37" W 124.39 feet; (8) thence S 85°54'51" W 222.93 feet; (9) thence N 88°30'41" W 88.84 feet; (10) thence S 75°13'14" W 42.23 feet; (11) thence S 57°33'28" W 381.75 feet; (12) thence S 37°50'25" W 601.83 feet; (13) thence S 45°07'36" W 243.15 feet; (14) thence S 47°40'07" W 110.36 feet; (15) thence S 59°27'08" W 34.06 feet; (16) thence S 13°19'20" W 77.28 feet; (17) thence S 34°06'57" W 57.96 feet; (18) thence S 3°29'53" W 15.15 feet; (19) thence S 40°33'29" E 95.63 feet; (20) thence S 14°14'49" E 180.34 feet; (21) thence S 9°22'04" E 84.77 feet; (22) thence S 4°17'21" W 59.28 feet to the South line of said Section 10; thence S 89°56'09" W 1721.13 feet along said South section line to the point of beginning. SUBJECT TO: the County Road right-of-way along the South side.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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: May 5, 2000

BARRUS BRO'S CORPORATION an Idaho Corporation

Rondo M. Barrus  
By: Rondo M. Barrus, President

MARU CORPORATION, an Idaho Corporation

LaMar Barrus, Jr.  
By: LaMar Barrus, Jr., President

Yvonne Barrus  
Yvonne Barrus

STATE OF IDAHO )

COUNTY OF MADISON )

On This 5<sup>th</sup> day of May, in the year 2000, before me, a Notary Public in and for said State, personally appeared RONDO M. BARRUS, known or identified to me to be the President 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.

Lorna Leigh

Notary Public of Idaho  
Residing at Fremont Co. County, Idaho  
Commission Expires: 2-16-2001

LORNA - LEIGH  
STATE OF IDAHO  
NOTARY -- -- PUBLIC

STATE OF IDAHO )

COUNTY OF MADISON )

On This 5<sup>th</sup> day of May, in the year 2000, before me, a Notary Public in and for said State, personally appeared LAMAR BARRUS, JR., known or identified to me to be the President 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.

Lorna Leigh

Notary Public of Idaho  
Residing at Fremont County, Idaho  
Commission Expires: 2-16-2001

LORNA - LEIGH  
STATE OF IDAHO  
NOTARY -- -- PUBLIC

STATE OF IDAHO )

COUNTY OF MADISON )

On This 5<sup>th</sup> day of May, in the year 2000, before me, a Notary Public in and for said State, personally appeared YVONNE BARRUS, 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.

Lorna Leigh

Notary Public of Idaho  
Residing at Fremont County, Idaho  
Commission Expires: 2-16-2001

LORNA - LEIGH  
STATE OF IDAHO  
NOTARY -- -- PUBLIC

# Part of Section 10, T. 6 N., R. 40 E., B.M MADISON COUNTY, IDAHO

| LINE | DIRECTION   | DISTANCE |
|------|-------------|----------|
| L1   | N07°30'12"E | 158.62'  |
| L2   | N28°50'42"E | 73.46'   |
| L3   | N75°41'12"E | 288.33'  |
| L4   | N29°42'54"W | 228.18'  |
| L5   | N03°15'31"E | 95.34'   |
| L6   | N42°51'15"W | 51.10'   |
| L7   | N28°02'13"W | 71.12'   |
| L8   | N07°47'44"W | 101.67'  |
| L9   | N07°40'59"E | 50.73'   |
| L10  | N17°28'01"E | 91.26'   |
| L11  | N22°22'28"E | 87.53'   |
| L12  | N44°49'15"E | 24.42'   |
| L13  | N26°05'43"E | 124.27'  |
| L14  | N34°27'31"W | 16.36'   |
| L15  | S89°18'17"W | 19.61'   |
| L16  | N02°14'26"W | 72.22'   |
| L17  | N78°13'45"W | 64.20'   |
| L18  | S74°41'23"W | 73.78'   |
| L19  | S71°14'33"W | 41.36'   |
| L20  | N03°23'19"E | 50.49'   |
| L21  | N55°24'04"W | 145.78'  |
| L22  | N78°21'39"W | 157.26'  |
| L23  | N71°35'54"W | 125.21'  |
| L24  | S85°42'14"W | 46.97'   |
| L25  | N70°57'03"W | 76.54'   |
| L26  | N85°38'01"W | 96.13'   |
| L27  | N83°28'37"W | 124.39'  |
| L28  | S85°54'51"W | 222.93'  |
| L29  | N88°30'41"W | 88.84'   |
| L30  | S75°13'14"W | 42.23'   |

| LINE | DIRECTION   | DISTANCE |
|------|-------------|----------|
| L31  | N45°07'36"E | 243.15'  |
| L32  | S47°40'07"W | 110.36'  |
| L33  | S89°22'08"W | 34.06'   |
| L34  | S13°19'20"W | 77.28'   |
| L35  | S34°08'57"W | 57.98'   |
| L36  | S03°28'53"W | 15.15'   |
| L37  | S40°33'29"E | 95.63'   |
| L38  | S14°14'49"E | 80.34'   |
| L39  | S09°23'04"E | 84.77'   |
| L40  | S04°17'21"W | 59.28'   |
| L41  | S32°18'15"W | 112.92'  |
| L42  | S20°08'14"W | 32.44'   |
| L43  | S17°30'33"W | 29.66'   |
| L44  | S26°04'37"W | 81.58'   |
| L45  | S25°25'08"W | 103.37'  |
| L46  | S28°48'32"W | 47.01'   |
| L47  | S28°01'16"W | 41.25'   |
| L48  | S25°54'05"W | 54.39'   |
| L49  | S19°39'24"W | 20.58'   |
| L50  | S07°20'52"W | 51.41'   |
| L51  | S14°51'45"W | 97.88'   |
| L52  | S08°20'13"W | 186.29'  |
| L53  | S09°00'51"W | 156.69'  |
| L54  | S11°04'06"W | 97.26'   |
| L55  | S12°30'44"W | 123.69'  |
| L56  | S14°01'22"W | 163.61'  |
| L57  | S05°15'31"W | 430.27'  |
| L58  | S89°52'13"E | 279.57'  |
| L59  | S00°26'22"E | 429.65'  |
| L60  | S89°15'26"W | 286.12'  |
| L61  | N00°33'34"W |          |

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**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

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

November 30, 2000

LONNIE LEE ALLEN  
ROYCE G KLINGLER  
PO BOX 856  
ASHTON ID 83420

RE: CHANGE IN OWNERSHIP FOR A22-00415B, A22-00416B,  
A22-13129

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:

A22-00415B split into:

A22-13137: 0.42 CFS, 47 ACRES, BREJ INC

A22-13138: 1.76 CFS, 196 ACRES, ALLEN/KLINGLER

A22-00416B split into:

A22-13139: 0.22 CFS, 47 ACRES, BREJ INC

A22-13140: 0.90 CFS, 196 ACRES, ALLEN/KLINGLER

A22-13129 split into:

A22-13141: 0.39 CFS, 47 ACRES, BREJ INC

A22-13142: 1.61 CFS, 196 ACRES, ALLEN/KLINGLER

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,

*Cheri Vandermeulen*

Cheri Vandermeulen  
Records Clerk

Enclosure(s)

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 22-13138  
Date Received: 11/21/00  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

ROYCE G KLINGLER Phone: (208) 652-3775

PO BOX 856 WARM RIVER

ASHTON ID USA 83420

LONNIE LEE ALLEN Phone: (208) 652-3775

PO BOX 856 WARM RIVER

ASHTON ID USA 83420

2. Date of Priority: 04/01/1898

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  |
|----------|-------|---------|-----------------------|---------|
| 07N      | 40E   | 36      | NW SE NW              | FREMONT |

5. Description of diverting works:

HEADWORKS OF TETON ISLAND FEEDER CANAL INTO NELSON JACOBS DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 1.76   |            |

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

A2213138



8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 06N      | 40E   | 10      | NE  |        | SW  | IRRIGATION    | 40    |
|          |       |         | NW  |        | NE  | IRRIGATION    | 13    |
|          |       |         | SW  |        | NE  | IRRIGATION    | 20    |
|          |       |         | NW  |        | SW  | IRRIGATION    | 8     |
|          |       |         | SW  |        | SW  | IRRIGATION    | 8     |
|          |       |         | SE  |        | SW  | IRRIGATION    | 30    |
|          |       |         | NE  |        | SE  | IRRIGATION    | 33    |
|          |       |         | NW  |        | SE  | IRRIGATION    | 38    |
|          |       |         | SW  |        | SE  | IRRIGATION    | 6     |
|          |       |         |     |        |     | Section Acres | 196   |
|          |       |         |     |        |     | Total Acres   | 196   |

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed