

09/20/2006

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

RIGHT NUMBER: 22-13140

NAME AND ADDRESS: OLD TETON DEVELOPMENT PARTNERS LLC
2068 S 1100 E
SALT LAKE CITY UT 84106

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.900 CFS

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:
T07N R40E S36 NWSEW 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	0.900 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.

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

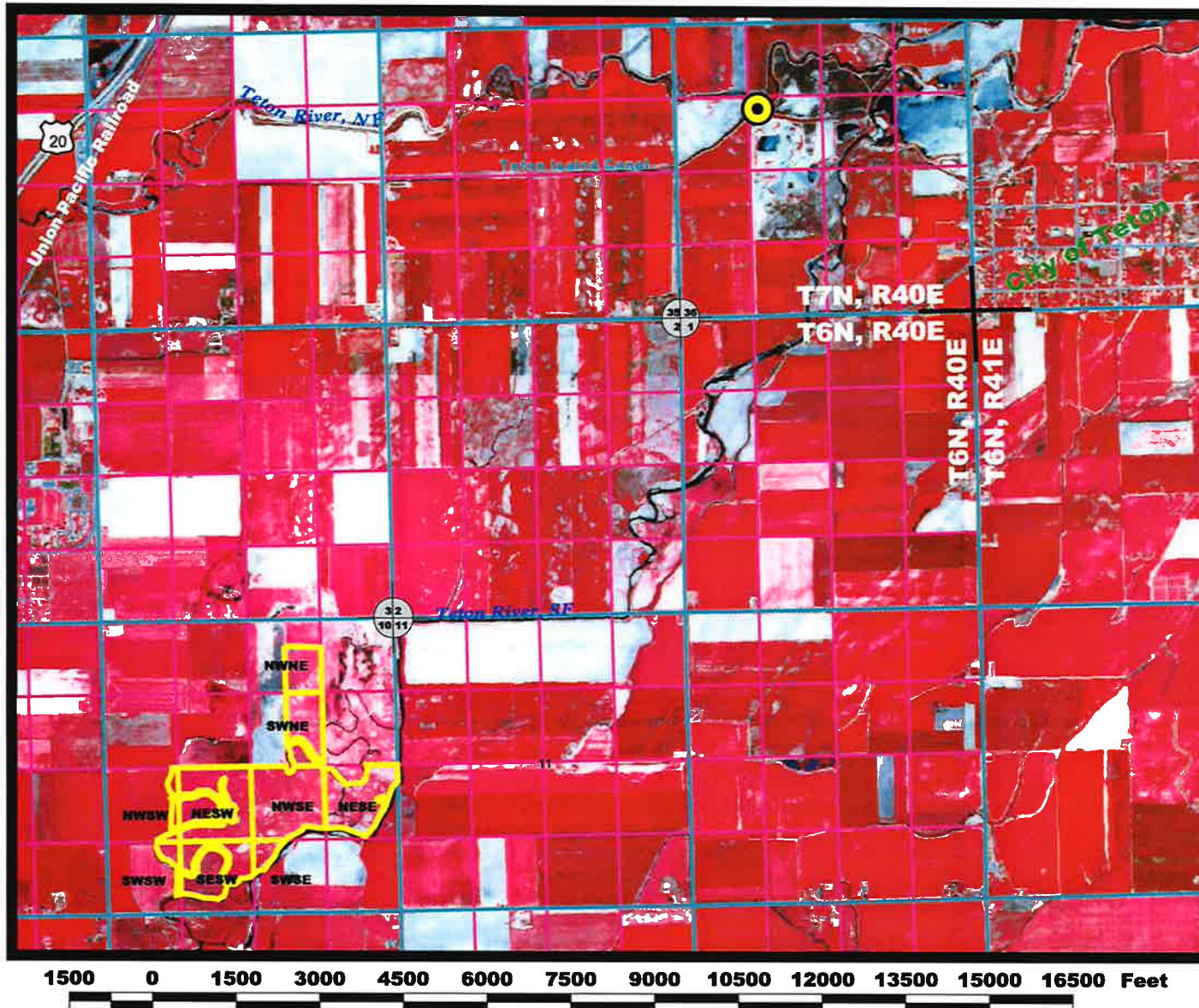
This right is a split from former right 22-416B.



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

Department of Water Resources
Eastern Region

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

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

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
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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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

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

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

Contacts Data Entry Form

Claim Number: 21-13140

Owner Type	Full Name	Address	City	State	Zip
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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: _____

ADDRESS: PO Box 17
ASHTON ID 83420Discussion of right origin and split history. Questions and problems.OWNERSHIP. SEE 22-13138LOWME - IS PART OF WARM RIVER CORP. 652-3775 - (H)
652-3205 (h) ?
65-7819 (h) Same AddressTHIS CLAIM IS APPARENTLY A PORTION OF 22-416B, SPLIT AS:
22-13139 TO BRES INC
22-13140 TO KUMLER/ALLEN

Reviewer: _____ Date: _____

Water Right No(s). 21-13140

POD - TETON ISLAND FLOOD
CPS
APOTO -

SEE 13138 For Photo/CPS DATA

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: TETON R. Trib to: HENRY'S CR

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

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

NOTES:

Field Exam Date: _____ Agent: _____

Place Of Use Data Entry Form

Claim Number: 21-13140

Claimed Place Of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						
6N	40E	10	NW	NE	Madison		13	IRR
			NE	SW			40	
			NE	SE			33	
			NW	SE			38	
			SW	NE			20	
			SW	SE			6	
			NW	SW			8	
			SW	SW			8	
			SE	SW			30	
Total acres							196	

Recommended Place of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						
6N	40E	10	NW	NE	Madison		13	IRR
			NE	SW			40	
			NE	SE			33	
			NW	SE			38	
			SW	NE			20	
			SW	SE			6	
			NW	SW			8	
			SW	SW			8	
			SE	SW			30	
Total acres							196	

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: _____

POU VERIFIED BY INSPECTION ON 1-18-05

Reviewer: SamDate: 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: None
 - 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 51
Sugar City, Idaho 83448
4. New Owner/Claimant(s): Jonnie Lee Allen / RAYE G. KIMBEEK
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	<u>207.7</u>	Number and type of stock
Diversion rate in CFS	<u>1.66 CFS waste</u>	Number of homes you acquired
<u>2.74</u>		<u>0</u> Other uses

7. Signature of New Owner(s) or Claimant(s): Jonnie Lee Allen
Raye G. KimbEEK
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 2:1 R.

11/6/20
AM



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 22-13140
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)

LONNIE LEE ALLEN Phone: (208) 652-3775

PO BOX 856 WARM RIVER
ASHTON ID USA 83420

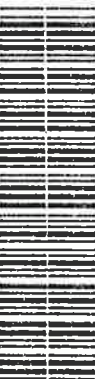
ROYCE G KLINGLER Phone: (208) 652-~~3775~~

PO BOX 856 WARM RIVER

ASHTON ID USA 83420

3775 w
7906
709

A2213140



2. Date of Priority: 05/01/1889

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	0.9	

7. Total Quantity Appropriated is:
0.9 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
06N	40E	10	NW	NE	IRRIGATION	13
			NE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	38
			SW	NE	IRRIGATION	20
			SW	SE	IRRIGATION	6
			NW	SW	IRRIGATION	8
			SW	SW	IRRIGATION	8
			SE	SW	IRRIGATION	30
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