

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

P.O. Box 6880  
Ketchum, Idaho 83340

Law Offices  
**John C. Grabow**

208-622-~~7755~~

**MEMORANDUM**

To: IDWR

From: John & Laura Grabow

Date: December 8, 2006

Re: Water Rights Claims 22-4032, 22-4095, 22-13264 & 22-13373 — *sy*

Because all four of these claims relate to the same 160-acre parcel of land, homesteaded by the Lewis family in 1916, I am providing you with a single narrative response.

**22-13373** Darby Creek; .620 CFS; 1916 priority – no changes being sought.

**22-4032** Lewis-Murdock Spring; 1.340 CFS; 1943 priority. I am not contesting the volume, period of use or source but strenuously disagree with the 1943 priority date, which as far as I can tell is based upon the birth date of one of the supporting affiants, adjoining landowner Randy Murdock.

This determination disregards the March 26, 1980 notarized Claim to a Water Right of prior owner William Lewis, which is sworn and notarized and specifically identifies continuous use of the Murdock-Lewis Spring since 1910. That document was also publicly filed in the Teton County Water Rights book, and not challenged. Mr. Lewis died in the 1980's, in his nineties, and was born in approximately 1895. Accordingly, he would have direct personal knowledge of such continuous use of the Murdock-Lewis Spring. Especially since individuals alive in 1910 are unlikely to still be alive, and the State chose to adjudicate these beneficial use claims now rather than an earlier date, such as in 1980 when Mr. Lewis complied with the statutory requirement to file such a claim, to disregard his sworn statement now as to when the Murdock-Lewis Spring was first applied to a beneficial use on the basis, as I understand it, that the statement is only contained in a prior claim, is arbitrary and capricious.

In addition, the 1910 priority date is directly supported by the 1916 land patent to Eli Lewis, which has also been submitted in support of this claim. Under the Homestead Act of 1862, the land patent would have been granted only after five years of improvements and agricultural use of the land – fully consistent with William Lewis's claimed 1910 priority date.

Finally, at the suggestion of Ernie Carlson, I submitted as well the application of adjoining landowner Randy Murdock, whose grandfather homesteaded in the same time period and also makes use of the same Murdock-Lewis Spring. Though, unlike William Lewis, not himself alive when beneficial use of the Murdock-Lewis Spring was first made in 1910, I do not believe this reflects a lack of personal knowledge by Randy. He is not merely indicating that he heard such use took place – he has lived on the property and has personal knowledge that the Lewis's and his family both farmed and irrigated their adjoining properties since the early 1900's, that there was no ground water well for that purpose but only surface water, including in particular the Murdock-Lewis Spring.

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The IDWR preliminary recommendation for this claim indicates that it is to be used in combination with 22-13373, which has a 1916 priority date. I would not oppose a 1916 (rather than 1910 as claimed) priority date for this claim as well, but the 1943 priority date is inconsistent with the evidence offered in support – and also common sense, since these 160 acres plainly could not and were not irrigated between 1910 and 1943 from Darby Creek alone (as to which diversion, No. 22-13373 being recommended for only 31 acres).

**22-13264** Dick Creek; .440 CFS; 1942 priority Again, my only challenge is to the priority date, which I am only guessing is based upon the approximate date that supporting affiant Rodney Lewis, son of William Lewis, was either born or lived on the property. Again, however, I believe that this is based upon an incorrect definition of personal knowledge – and a definition particularly inappropriate when the State has chosen to formally adjudicate these claims at a time when virtually anyone alive at the time beneficial use was first made would now be deceased. As with Mr. Murdock, Rodney Lewis did not simply hear that his father and uncle irrigated the northern portion of this property from this Dick Creek diversion since 1916 – he knows that this portion of this property was used for agricultural purposes by his father and uncle, that there was no ground water well for that purpose but only surface water, in particular this diversion from Dick Creek which was continued to be used by Rodney Lewis himself (and later, by affiant Gordon Allen). In addition, as above, the 1916 priority date is supported by the 1916 land patent to Eli Lewis, which has also been submitted in support of this claim.. Under the Homestead Act of 1862, the land patent would have been granted only on the basis of improvements and agricultural use of the land, which included the northern portion not irrigated by the other irrigation sources.

**22-4095** Disallowed. This also involves the northern portion of the property. I will not contest this disallowance if 22-13264 is granted the requested priority date of 1916; otherwise, I reserve my right to challenge this disallowance which, notwithstanding the finding, was supported by evidence by the claimant and is based upon diversion and beneficial use, even though this recommendation apparently indicates not found during the field inspection.

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No 792

4-1008

# The United States of America

Blackfoot 03938

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

Fless M. Sherman

has been established and duly consummated, in conformity to law, for the

Lot four of section five and the lot one of section six in township three north of range forty five east of the Boise Meridian Idaho containing eighty and two hundredths 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 ninth day of

September in the year of our Lord one thousand nine hundred and thirteen and of the Independence of the United States the one hun-

and thirty eighth day of the United States General Land Office)

BY THE PRESIDENT: Woodrow WilsonBy M. P. Leroy Secretary.Recorded: Patent Number 553950

D. C. C. Lamar  
Recorder of the General Land Office.

Filed for record at the request of Mutual Abstract Company at 15 minutes past 9 A M, March 16, 1914

By S. F. Oldham Deputy. Jno. Hegstad Recorder.  
Fees \$1.00 Transcribed from book 2 of deeds page 681 Madison County Records.

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SEP 11 2007



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**  
15 W. Center St. Soda Springs, Idaho 83276  
Phone: (208) 547-3993 FAX: (208) 547-3939 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

---

**JAMES E. RISCH**  
Governor

**KARL J. DREHER**  
Director

December 14, 2006

JOHN AND LAURA GRABOW  
PO BOX 6880  
KETCHUM, ID USA 83340

REF: SRBA CLAIMS 22-4032, 22-4095, 22-13264 AND 22-13373.

Subject: NOE REPLIES AND MEMORANDUM

Dear John and Laura,

Enclosed is your new preliminary recommendations based on your memorandum and notice of error replies received. If you have any questions please don't hesitate to give me a call at 547-3993.

Respectfully,

Cindy E. Bird  
Adjudication Bureau

Enclosure(s): Preliminary Recommendations 22-4032, 22-13264 and 22-13373.

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## Notes

12/14/06. Based on Mr. Gralov's memorandum + NOE.

The priority date was updated to the 1916 date under the patent # 536193 and affidavits submitted by 2 previous owners. According to the previous owners they only irrigated in the NWSW of Sec. 10. Approximately 22. acres. They had 9 acres claimed in this QQ. So I recommended only the acres in the NWSW. Affidavits were from Gordon Allen, who owned the land from 1995-2002, Mr. Rodney Lewis 1942 - 1986.

This claim was filed in ~~1983~~ 2003; at that time they also claimed additional acres in the SWNW Sec. 10. and SENE Sec. 9.

The 9 acres recommended looks like what was historically irrigated in this QQ. CB

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Re: Claim A2213264.

10/03/05 Please refer to Claims A2204095  
and to claim A2204032 for POD and  
POU information. See these claims  
for field exam and map.

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## Contacts Data Entry Form

Claim Number: \_\_\_\_\_

| 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.

May 14, 2004, EVIDENCE OF PRIORITY REQUEST SENT TO:

Teton Valley Holdings LLC

c/o CRAIG KNIGHT

PO Box 969

Ketchum ID 83340-0969

NO RESPONSE -

MARCH 21, 2005 A CHANGE OF ADDRESS WAS RECEIVED

(SAME ADDRESS)

A NOTICE OF CHANGE OF IPR OWNERSHIP w/ DUE DILIGENCE WAS RECEIVED (NOT DATED)

DOCUMENT SIGNED/DATED MARCH 22, 2005 TO:

SHOOTING STAR DEVELOPMENT LLC

PO Box 6880

Ketchum ID 83340

April 22, 2005 FINAL REQUEST FOR PRIORITY EVIDENCE SENT

1/30/06 NO RESPONSE - MAIL RETURNED UNDELIVERABLE

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

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## Priority Date Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: \_\_\_\_\_ Claimed Basis: \_\_\_\_\_

Recommended Priority Date: \_\_\_\_\_ Recommended Basis: \_\_\_\_\_

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

THERE ARE TWO LETTERS ATTACHED, PRESUMABLY FOR EVIDENCE OF  
PRIORITY - HOWEVER, NEITHER LETTER ADDRESSES HISTORIC DATES AND  
THEREFORE WILL NOT PROVIDE REQUIRED PRIORITY DATE EVIDENCE.  
BOTH DATED 12/15/02.

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

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

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CCD 4 3 2007

11/27/2006

**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: 22-13264  
SHOOTING STAR DEVELOPMENT LLC  
PO BOX 6880  
KETCHUM ID 83340  
Telephone Number: (208) 622-7455

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

*See attached statement.*

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

*11*

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

*11*

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

DATE: *Dec 8, 2006*

SIGNATURE: *[Signature]*

Please print your name: *John C. Grobman*

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

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*KMT  
12/11*

P.O. Box 6880  
Ketchum, Idaho 83340

Law Offices  
John C. Grabow

**MEMORANDUM**

208-622-  
7755

To: IDWR

From: John & Laura Grabow

Date: December 8, 2006

Re: Water Rights Claims 22-4032, 22-4095, 22-13264 & 22-13373 —

Because all four of these claims relate to the same 160-acre parcel of land, homesteaded by the Lewis family in 1916, I am providing you with a single narrative response.

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This determination disregards the March 26, 1980 notarized Claim to a Water Right of prior owner William Lewis, which is sworn and notarized and specifically identifies continuous use of the Murdock-Lewis Spring since 1910. That document was also publicly filed in the Teton County Water Rights book, and not challenged. Mr. Lewis died in the 1980's, in his nineties, and was born in approximately 1895. Accordingly, he would have direct personal knowledge of such continuous use of the Murdock-Lewis Spring. Especially since individuals alive in 1910 are unlikely to still be alive, and the State chose to adjudicate these beneficial use claims now rather than an earlier date, such as in 1980 when Mr. Lewis complied with the statutory requirement to file such a claim, to disregard his sworn statement now as to when the Murdock-Lewis Spring was first applied to a beneficial use on the basis, as I understand it, that the statement is only contained in a prior claim, is arbitrary and capricious.

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P.O. Box 6880  
Ketchum, Idaho 83340

Law Offices  
**John C. Grabow**

February 16, 2006

208-622-7116  
Fax 208-622-7470

Allen B. Ruberry  
Idaho Dep't of Water Resources  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

**Re: Water Rights Claims 22-4032, 22-13373, 22-13264 & 22-4095**

Dear Mr. Ruberry:

My wife and I are the Managing Members of Shooting Star Developments LLC. I am writing in response to your letter of January 30, 2006, regarding the above-referenced water right claims on this 160 acre parcel in Teton County. The supporting information attached to this letter has been previously provided to Ernie Carlson in your office. Mr. Carlson has been extremely helpful and generous with his time in guiding me through this complex process (I am definitely not a water law guy). Out of an abundance of caution, however, I am providing additional copies in response to your letter.

As a starting point, your letter does not make mention of an additional claim relating to this same property, No. 22-13373. A copy of that Notice of Claim is attached as Exhibit A.

With respect to the priority dates claimed, attached as Exhibit B to this letter is the Affidavit of Randy Murdock (relating to my claim No. 22-4032 as well as Mr. Murdock's claim No. 22-4034 on his adjacent property) and as Exhibits C & D the Affidavits of past landowners of this property, Rodney Lewis and Gordon Allen (both relating to claim No. 22-13264).

Finally, consistent with the claimed priority dates and continuous irrigation of this property, attached as Exhibit E is the U.S. patent for these 160 acres to the original Lewis, dated 1916 and making specific reference to the conveyance of the water rights.

If there is any additional information I may provide in support of these claims, do not hesitate to contact me.

Sincerely yours,



John C. Grabow

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FEB 17 2006

Department of Water Resources  
Eastern Region

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# Exhibit A

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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 22-13373  
Date Received: 4/25/2005  
Receipt No: E030826  
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHOOTING STAR DEVELOPMENT LLC Phone: (208) 622-7455  
PO BOX 6880  
KETCHUM ID USA 83340

2. Date of Priority: 01/22/1916

3. Source: DARBY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 45E   | 10      | SE SE SW              | TETON  |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/15 | 0.62   |            |

7. Total Quantity Appropriated is:  
0.62 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   | 10      | NW SW          | IRRIGATION | 15    |
|          |       |         | SW SW          | IRRIGATION | 8.8   |
|          |       |         | SE SW          | IRRIGATION | 7.2   |

Section Acres

31

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11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

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 Managing Member of

Title

SHOOTING STAR DEVELOPMENT LLC, that I have signed the foregoing

Organization

document in the space below as Managing Member of

Title

SHOOTING STAR DEVELOPMENT LLC and that the statements contained in the

Organization

foregoing document are true and correct.

Signature of Authorized Agent

Managing Member, SHOOTING STAR DEVELOPMENT LLC  
Title and Organization

April 25, 2005  
Date

State of Idaho

County of Bonneville

)  
) SS.  
)

Subscribed and sworn (or affirmed) before me this 25 of April 2005



Ernest M. Carlson  
Notary Public

Residing at

Blake Falls ID.

Commission Expires

8-21-2009

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SEP 12 2007

T04N R45E

10

NWSW

SWSW

SESW



UNED

12/2007

# Exhibit B

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March 20, 2005  
P.O. Box 969  
Ketchum, ID 83340  
208-351-5355

Mr. Randy Murdock  
204 West, 300 South  
Victor, ID 83455

Water Right Claims 22-4034 & 22-4032

Dear Mr. Murdock,

It has come to my attention that the Idaho Department of Water Resources is attempting to substantiate the priority date for your water right claim 22-4034 and my water right claim 22-4032.

For reference, both claims 22-4034 and 22-4032 have their source listed as the Lewis/Murdock Spring and its point of diversion located in the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Township 4N, Range 45E, Section 10.

I understand based upon speaking with you today that you are 61 years old, that you were born in Teton Valley and you have lived on your family's ranch since your birth in 1943. At the time of your birth your father Russell Murdock was already living on the ranch which he purchased in approximately 1930 from your grandfather Albert Murdock who homesteaded the property in approximately 1900-1910.

From the time you purchased your ranch from your father in approximately 1972 to the present day, you have irrigated 160 acres located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Township 4N, Range 45E, Section 9 with water from the Lewis/Murdock Spring. Your father, who bought this property from your grandfather, owned it from approximately 1930-1972. While you grew up on the property, your father irrigated the same 160 acres with water from this spring. It is also your understanding that since the late 1800's your family has used water from the Lewis/Murdock spring to irrigate land for hay and cattle pasture in the area.

You also have knowledge that Bill Lewis, who owned the property to the east of your ranch from 1942-1986, and his father Eli Lewis who owned the property from the early 1900's, irrigated approximately 90 acres from the Lewis/Murdock Spring, and that irrigation has continued on the property to the present day. The location of the irrigation is just east of your place of use, located in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , and the SE  $\frac{1}{4}$ , Township 4N, Range 45E. (The pasture just north of the road and east of your home.) You have knowledge from Clair Hillman, who is 10 years older than you, that Clair's father homesteaded the acreage where the Lewis/Murdock Spring originates. Both your acreage and my property, formerly the Lewis property were irrigated from Lewis/Murdock Spring since the time that both properties were homesteaded.

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You also have knowledge that the Lewis/Murdock Spring runs into a ditch and then flows westerly. There is no headgate diverting the water from the spring to any other properties except for your ranch and my property. You know that historically there is water in the Lewis/Murdock Spring for irrigation from approximately late March until late October each year. You remember that Bill Lewis and your father would share the maintenance of the ditch each spring and throughout the year. You currently clean the ditch out each spring with a backhoe to get proper flow.

If you are in agreement with the above facts please sign this letter in the presence of a Notary of the Public. Thank you very much for your cooperation and time regarding this matter.

Sincerely,

Craig Knight  
Manager Teton Valley Holdings

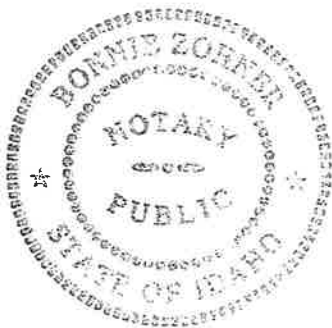
By signing below, I Randy Murdock solemnly swear that the statements contained in the foregoing documents are true and correct.

Signature Randy murdock Date 3-21-05

State of Idaho \_\_\_\_\_)

County of Teton \_\_\_\_\_)

Subscribed and affirmed before me this 21<sup>st</sup> day of March 2005



Notary Public Bonnie Zoller

Residing at Driggs Idaho

My Commission Expires 10/13/2010

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# Exhibit C

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SEP 12 2007



# INTERMOUNTAIN AQUATICS INC.

ENVIRONMENTAL CONSULTING & HABITAT RESTORATION

December 15, 2002

Mr. Rodney Lewis  
202 N. 4100 E.  
Rigby, ID 83442

## **RE Water Use on a Portion of the old Allen Ranch**

Dear Mr. Lewis:

I am sending forth the facts surrounding historic water use on a portion of the old Allen Ranch. The facts are as I understand them after you explained them to me at our meeting on November 21, 2002.

The old Allen Ranch is located near Driggs, ID and described here as 160 acres composed of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 9; SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and portions of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10; T 4 N, R 45 E, Boise Meridian. Your Dad Bill Lewis formerly owned this property from 1942 to 1986 and this was the place you grew up on. During that time your family irrigated the property for cattle pasture. Prior to your dad's ownership his uncle Eli Lewis owned the property.

I understand that your dad irrigated approximately 22 acres of pasture located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10, T 4N R 45E and that prior to that Eli Lewis also irrigated this same ground while he owned it. The irrigation water was diverted from Dick Creek in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sect. 10 (formerly Murdock Property). Historic diversion works consisted of a wooden headgate. The rate of diversion averages approximately 2 cfs and is conveyed by a well-maintained ditch. To keep the ditch clean the diversion was historically left in place year round but water was typically only used from early May until mid-October when the diversion ditch was regularly checked with canvas or earthen sod dams to flood the pasture. The attached aerial photograph shows the point of diversion and place of use you described to me please verify that it is correct.

If you are in complete agreement with the above facts please sign this letter in the presence of a Notary of the Public and return it to me. Thank you for your cooperation regarding this matter.

Sincerely,

Jeffrey Klausmann, *environmental consultant*

Page 1 of 2

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SEP 12 2007

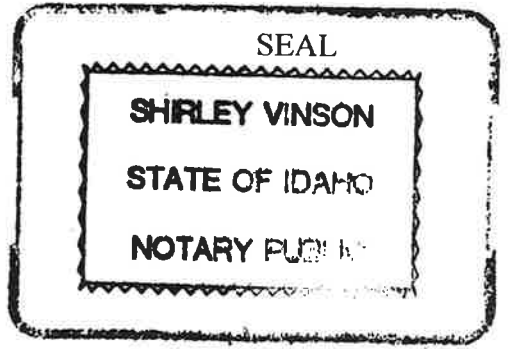
By signing below, I Rodney Lewis, solemnly swear that the statements contained in the foregoing document are true and correct.



Signature Rodney Lewis Date 1-07-03

State of Idaho \_\_\_\_\_ )  
County of Jefferson )

Subscribed and affirmed before me this 7th day of January 2003



Notary Public Shirley Vinson  
Residing at Rigby, Idaho  
My Commission Expires 10-3-04

# Exhibit D

SCANNED  
SEP 12 2007



December 15, 2002

Mr. Gordon Allen  
4226 E 400 N  
Rigby, ID 83442

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Dear Mr. Allen:

I am sending forth the facts surrounding historic water use on a portion of the old Allen Ranch. The facts are as I understand them after you explained them to me at our meeting on November 19, 2002.

The old Allen Ranch is located near Driggs, ID and described here as 160 acres composed of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 9; SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and portions of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10; T 4 N, R 45 E, Boise Meridian. You formerly owned this property from 1995 until the summer of 2002. During that time you irrigated the property for cattle pasture. Prior to your ownership your uncle Mr. Keith Clements owned the property from 1986 until his death in 1995. You also said that your uncle had purchased the property from Mr. Bill Lewis.

I understand that you irrigated approximately 22 acres of pasture located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10, T 4N R 45E and that prior to that your uncle Keith Clements also irrigated this same ground while he owned it. I also understand that he had told you that Mr. Bill Lewis, the landowner before your uncle did exactly the same. The irrigation water was diverted from Dick Creek in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sect. 10. Historic diversion works consisted of a wooden headgate but more recently the diversion has been replaced with wood piers and plastic tarping. The rate of diversion averages approximately 2 - 4 cfs and is conveyed by a well-maintained ditch. Of this amount approximately 0.5 cfs is used to flood the pasture and the remainder flows to the downstream neighbor and eventually makes it back into Dick Creek. To keep the ditch clean the diversion was historically left in place year round but water was typically only used from early May until mid-October when the diversion ditch was regularly checked with canvas or plastic dams to flood the pasture. The attached aerial photograph shows the point of diversion and place of use you described to me please verify that it is correct.

If you are in complete agreement with the above facts please sign this letter in the presence of a Notary of the Public and return it to me. Thank you for your cooperation regarding this matter.

Sincerely,

Jeffrey Klausmann, *environmental consultant*

Page 1 of 2

SEP 12 2007

By signing below, I Gordon Allen, solemnly swear that the statements contained in the foregoing document are true and correct.



Signature

Gordon Allen

Date

12-27-02

State of Idaho

County of

Bonneville

Subscribed and affirmed before me this

27<sup>th</sup>

day of

December

20

02

Notary Public

Helen Elliott

Residing at

Idaho Falls, Idaho

My Commission Expires

9/26/06



# Exhibit E

SCANNED  
SEP 12 2007

KNIGHT:

COPY  
ORIGINAL PATENT  
Allen Property

5/537

Instrument No. 1526.

Jul 15 1916.

Blackfoot 07846

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 Eleazar Lewis has been established and duly consummated, in conformity to law, for the southeast quarter of the northeast quarter of Section nine and the southwest quarter of the northwest quarter and the west half of the southwest quarter of Section ten 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 thirtieth day of June in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the United States the one hundred and fortieth.

By the President: Woodrow Wilson

(SEAL)

By W. P. LeRoy, Secretary.

Recorded: Patent Number 536193

L. T. C. Lamar, Recorder of the  
General Land Office.

Recorded at the request of Miller & Viele August 2nd 1916 at 5:06 P. M.

W. F. ROBERTSON, RECORDER.

SCANNED

SEP 12 2007

SEP 12 2007

KNIGHT: COPY ORIGINAL PATENT  
Allan Property

5/537

Instrument No. 1526.

Jul 13 1916.

Blackfoot 07846

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 Eleazar Lewis has been established and duly consummated, in conformity to law, for the southeast quarter of the northeast quarter of Section nine and the southwest quarter of the northwest quarter and the west half of the southwest quarter of Section ten 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 thirtieth day of June in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the United States the one hundred and fortieth.

By the President: Woodrow Wilson

(SEAL)

By W. P. LeRoy, Secretary.

L. T. C. Lamar, Recorder of the  
General Land Office.

Recorded: Patent Number 536193

Recorded at the request of Miller & Viele August 2nd 1916 at 5:06 P. M.

W. F. ROBERTSON, RECORDER.

STANDARD CO. PRINTERS & BINDERS, BOISE 85531

No. 31422

THE UNITED STATES OF AMERICA

Homestead Certificate No. 5098  
Application 7854 ss.

To all to Whom these Presents shall Come—GREETING:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of John B. Cowan

has been established and duly consummated, in conformity to law, for the South east quarter of the south west quarter of section ten and the east half of the north west quarter and the south west quarter of the north west quarter of section fifteen in township four North of Range forty five East of Boise Meridian, in Idaho, containing one hundred and 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

John B. Cowan the tract of land above described:

TO HAVE AND TO HOLD THE SAID TRACT OF LAND, with the appurtenances thereof, unto the said

John B. Cowan and to his heirs

and assigns 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 also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, 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, Theodore Roosevelt 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 ninth day of May, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty first

BY THE PRESIDENT: T. Roosevelt

Miscellaneous By F. M. McKean Secretary.  
Recorded Vol. 602 Page 393 H. W. Sanford Recorder of the General Land Office.

Filed for Record at 3 o'clock P. M., April 13 A. D. 1910, and recorded at the request of

F. A. Miller I. N. Corey

By Deputy. Recorder  
Transcribed from Book D, Patents, page 382, Fremont County Records.  
Transcribed from Book 40 of Patents page 300 Madison County Records.

January 30, 2006

**SHOOTING STAR DEVELOPMENT LLC  
PO Box 6880  
KETCHUM ID 83340**



**RE: REQUEST FOR EVIDENCE OF PRIORITY  
SRBA WATER RIGHT CLAIMS: 22-13264, 22-4095, 22-4032**

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

***Your claim, 22-13264, claims a Priority Date of July 13, 1916, from DICK CREEK.  
Your claim, 22-4095, claims a Priority Date of April 01, 1946, from SPRINGS.  
Your claim, 22-4032, claims a Priority Date of July 15, 1910, from LEWIS-MURDOCK SPRING.***

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents**

SCANNED  
SEP 12 2007



# INTERMOUNTAIN AQUATICS INC.

ENVIRONMENTAL CONSULTING & HABITAT RESTORATION

December 15, 2002

Mr. Gordon Allen  
4226 E 400 N  
Rigby, ID 83442

## RE Water Use on a Portion of the old Allen Ranch

Dear Mr. Allen:

I am sending forth the facts surrounding historic water use on a portion of the old Allen Ranch. The facts are as I understand them after you explained them to me at our meeting on November 19, 2002.

The old Allen Ranch is located near Driggs, ID and described here as 160 acres composed of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 9; SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and portions of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10; T 4 N, R 45 E, Boise Meridian. You formerly owned this property from 1995 until the summer of 2002. During that time you irrigated the property for cattle pasture. Prior to your ownership your uncle Mr. Keith Clements owned the property from 1986 until his death in 1995. You also said that your uncle had purchased the property from Mr. Bill Lewis.

I understand that you irrigated approximately 22 acres of pasture located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10, T 4N R 45E and that prior to that your uncle Keith Clements also irrigated this same ground while he owned it. I also understand that he had told you that Mr. Bill Lewis, the landowner before your uncle did exactly the same. The irrigation water was diverted from Dick Creek in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sect. 10. Historic diversion works consisted of a wooden headgate but more recently the diversion has been replaced with wood piers and plastic tarping. The rate of diversion averages approximately 2 - 4 cfs and is conveyed by a well-maintained ditch. Of this amount approximately 0.5 cfs is used to flood the pasture and the remainder flows to the downstream neighbor and eventually makes it back into Dick Creek. To keep the ditch clean the diversion was historically left in place year round but water was typically only used from early May until mid-October when the diversion ditch was regularly checked with canvas or plastic dams to flood the pasture. The attached aerial photograph shows the point of diversion and place of use you described to me please verify that it is correct.

If you are in complete agreement with the above facts please sign this letter in the presence of a Notary of the Public and return it to me. Thank you for your cooperation regarding this matter.

Sincerely,

Jeffrey Klausmann, environmental consultant

DATES?

Page 1 of 2

SCANNED

SEP 12 2007

By signing below, I Gordon Allen, solemnly swear that the statements contained in the foregoing document are true and correct.



Signature

Gordon Allen

Date

12-27-02

State of Idaho

County of

Bonneville

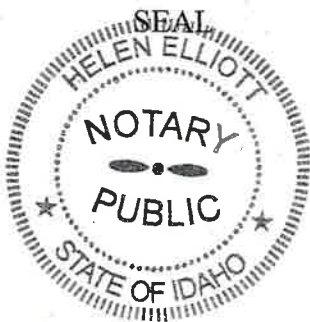
Subscribed and affirmed before me this

27<sup>th</sup>

day of

December

20 02



Notary Public

Helen Elliott

Residing at

Idaho Falls, Idaho

My Commission Expires

9/26/06



# INTERMOUNTAIN AQUATICS INC.

ENVIRONMENTAL CONSULTING & HABITAT RESTORATION

December 15, 2002

Mr. Rodney Lewis  
202 N. 4100 E.  
Rigby, ID 83442

## RE Water Use on a Portion of the old Allen Ranch

Dear Mr. Lewis:

I am sending forth the facts surrounding historic water use on a portion of the old Allen Ranch. The facts are as I understand them after you explained them to me at our meeting on November 21, 2002.

The old Allen Ranch is located near Driggs, ID and described here as 160 acres composed of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 9; SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and portions of the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10; T 4 N, R 45 E, Boise Meridian. Your Dad Bill Lewis formerly owned this property from 1942 to 1986 and this was the place you grew up on. During that time your family irrigated the property for cattle pasture. Prior to your dad's ownership his uncle Eli Lewis owned the property.

I understand that your dad irrigated approximately 22 acres of pasture located in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 10, T 4N R 45E and that prior to that Eli Lewis also irrigated this same ground while he owned it. The irrigation water was diverted from Dick Creek in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sect. 10 (formerly Murdock Property). Historic diversion works consisted of a wooden headgate. The rate of diversion averages approximately 2 cfs and is conveyed by a well-maintained ditch. To keep the ditch clean the diversion was historically left in place year round but water was typically only used from early May until mid-October when the diversion ditch was regularly checked with canvas or earthen sod dams to flood the pasture. The attached aerial photograph shows the point of diversion and place of use you described to me please verify that it is correct.

If you are in complete agreement with the above facts please sign this letter in the presence of a Notary of the Public and return it to me. Thank you for your cooperation regarding this matter.

Sincerely,

Jeffrey Klausmann, environmental consultant

DATES?

Page 1 of 2

SCANNED

SEP 12 2007

By signing below, I Rodney Lewis, solemnly swear that the statements contained in the foregoing document are true and correct.

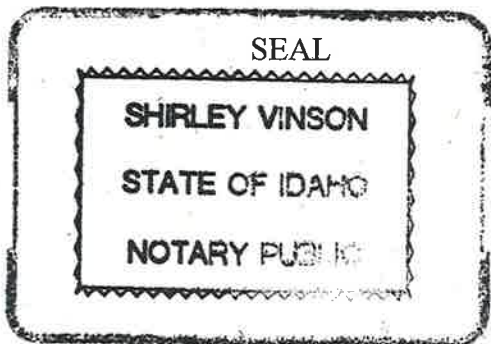


Signature Rodney Lewis Date 1-07-09

State of Idaho \_\_\_\_\_ )

County of Jefferson )

Subscribed and affirmed before me this 7th day of January 2009



Notary Public Shirley Vinson

Residing at Bigluy, Idaho

My Commission Expires 10-5-04



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 22, 2005

2 KNIGHTS WAY  
PO BOX 969  
TETONIA ID 83452

**FINAL NOTICE**

**PLEASE READ**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13264

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

*Your claim, as referenced above, claims a Priority Date of JULY 13, 1916, from Dick Creek.*

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date". **PLEASE READ THE ENCLOSED PAMPHLET.**

*Mail Returned*  
SCANNED  
SEP 12 2007

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel. Please review the CLAIM contact name, mailing address and telephone number for correct data.

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number.

Respectfully submitted,

  
Allen B. Ruberry  
Water Resource Agent  
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"  
Notice of Claim (copy)

SCANNED  
SEP 12 2007

May 14, 2004

**TETON VALLEY HOLDINGS LLC  
C/O CRAIG KNIGHT  
PO BOX 969  
KETCHUM ID 83340-0969**

**RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13264**

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

***Your claim, as referenced above, claims a Priority Date of JULY 13 1916 from DICK CREEK.***

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

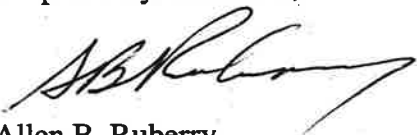
SCANNED

SEP 12 2007

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

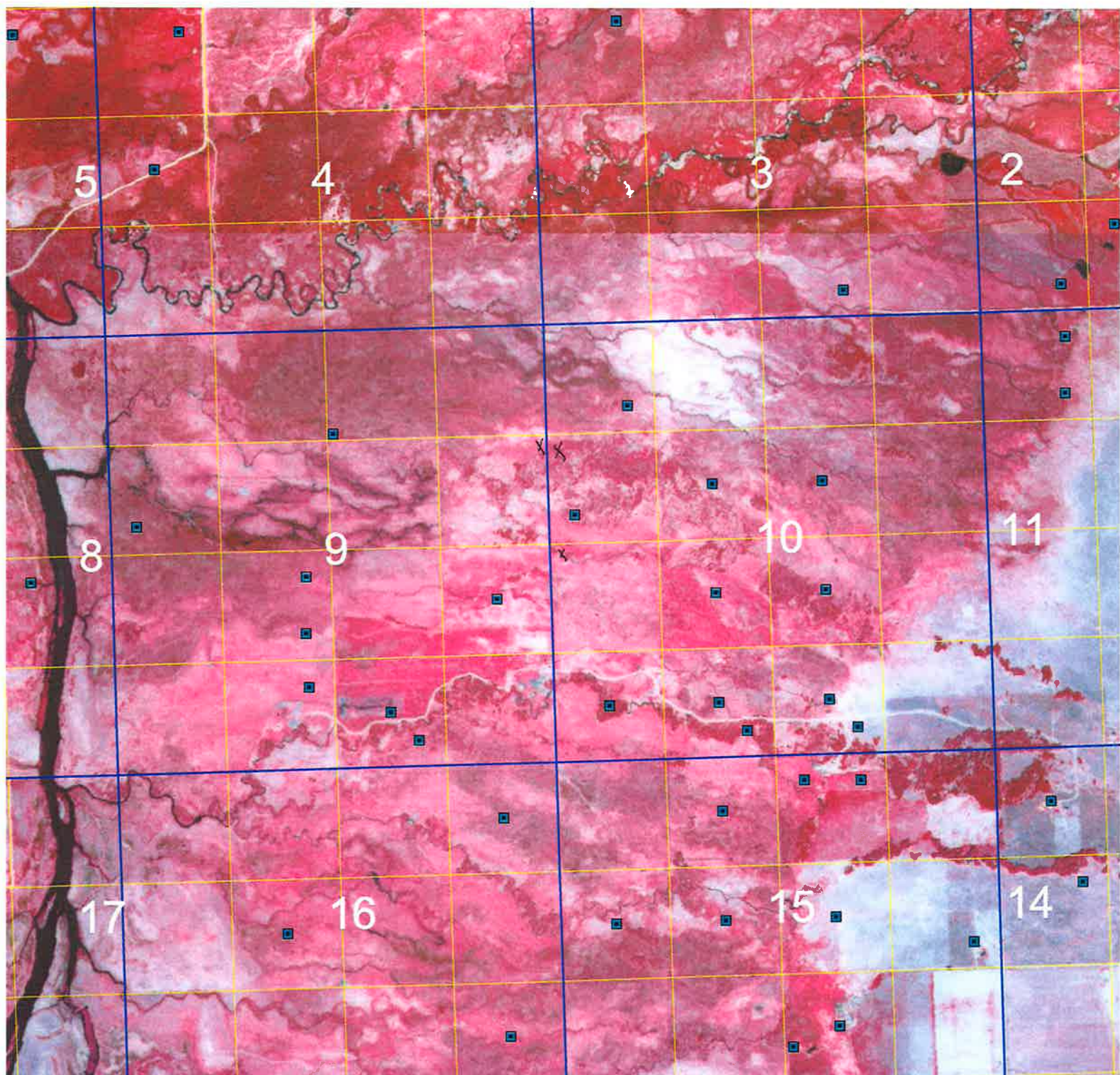
cc: File

Enclosure: Brochure on "Evidence of Priority"

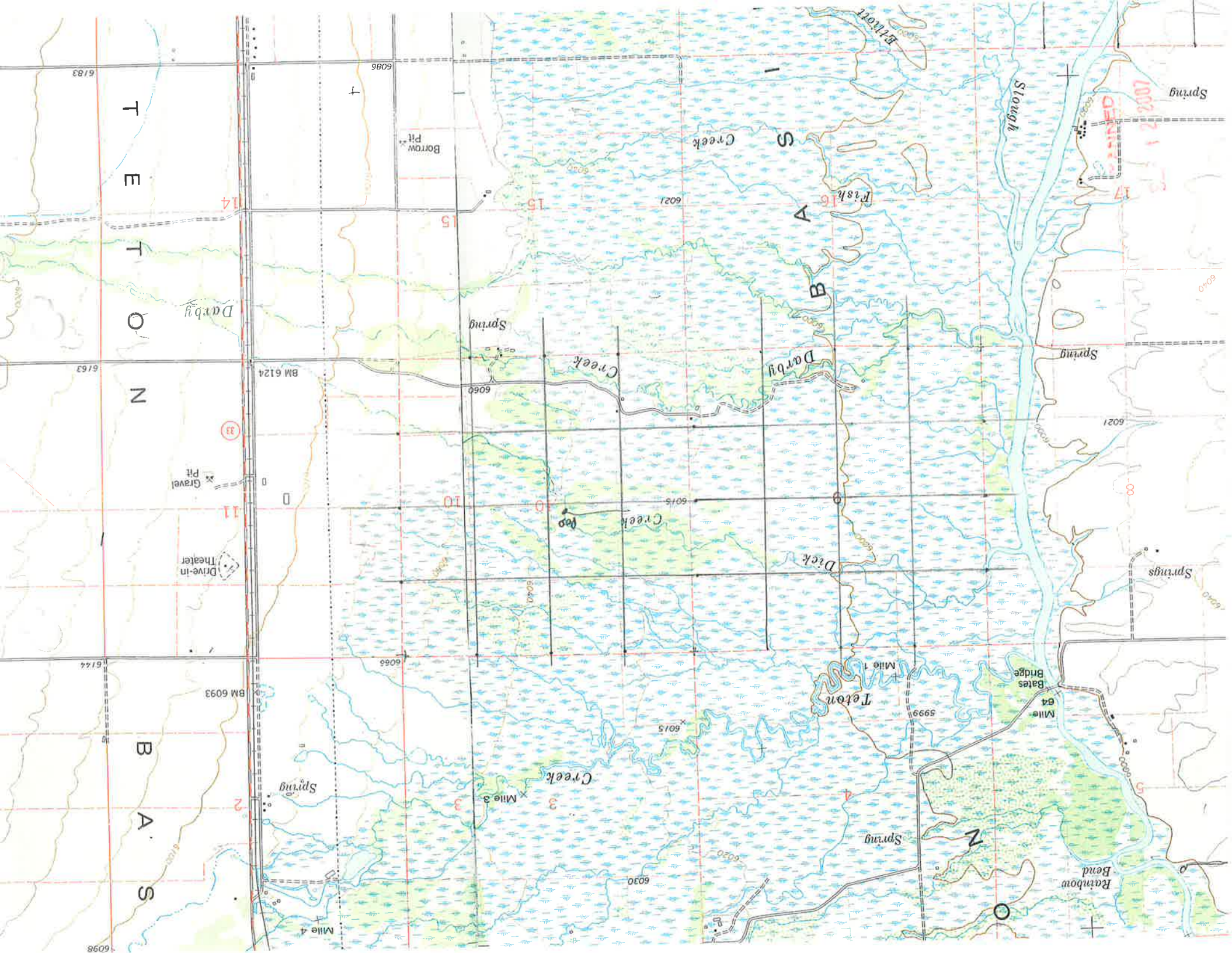
SCANNED  
SEP 12 2007

22-13264

4N 45E



SCANNED  
SEP 12 2007





# Idaho Department of Water Resources

SRBA Recommendation:

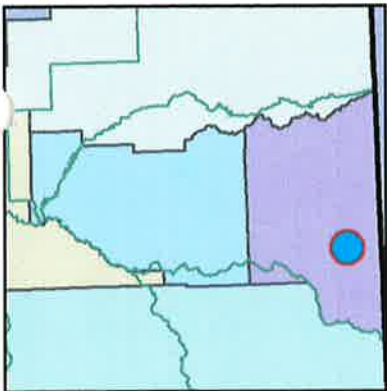
**22-13264**

(Irrigation)

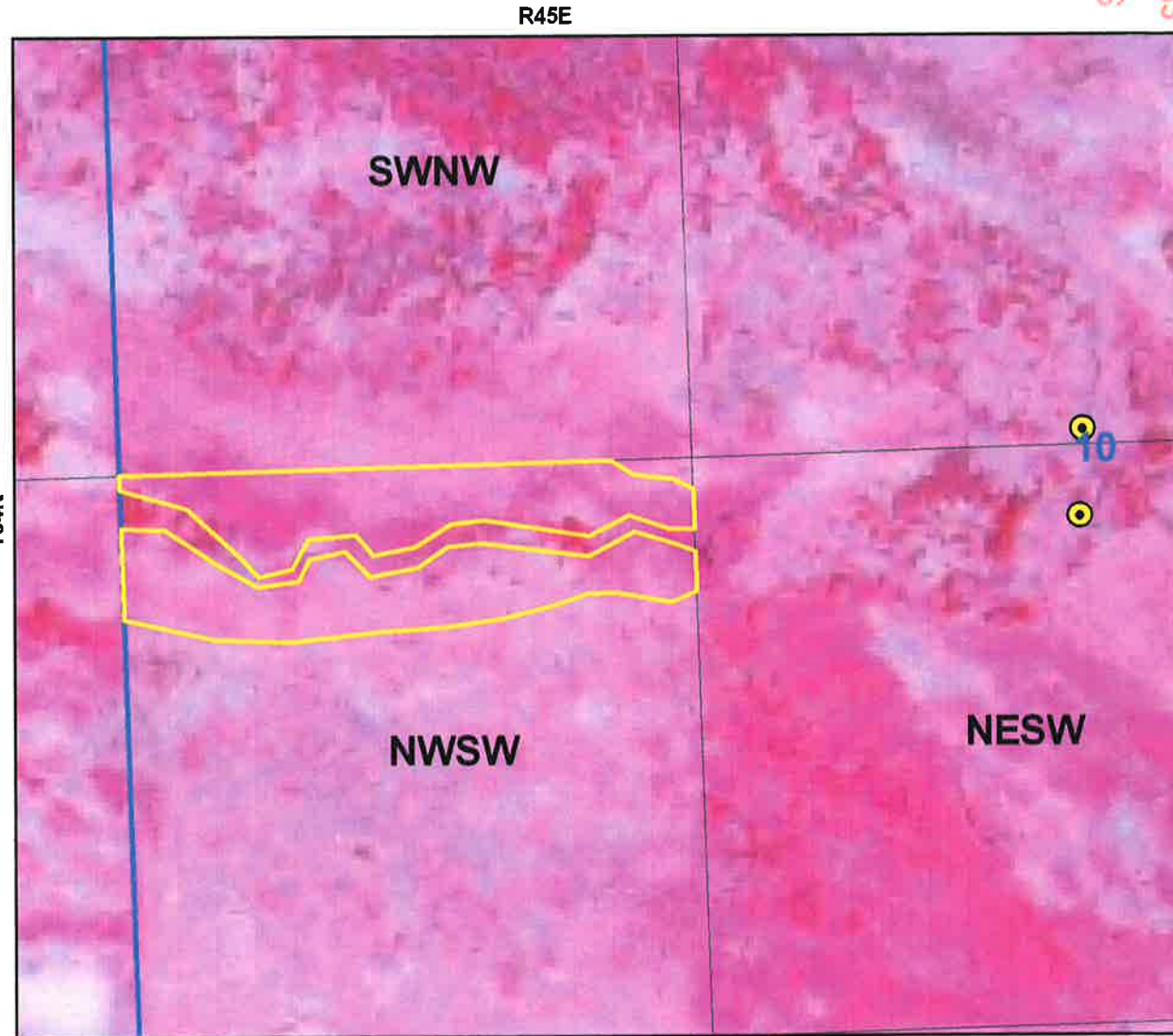
SCANNED  
SEP 12 2007

## Legend

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



Teton County  
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by C. Bird  
On Thursday, December 14, 2006  
1987/88 Aerial Photography



# Idaho Department of Water Resources

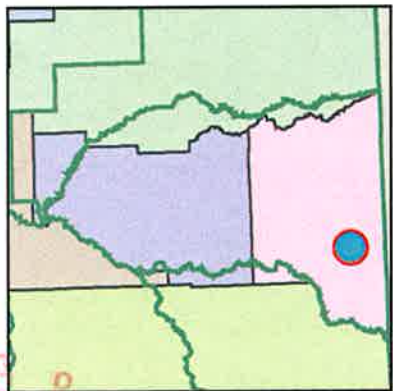
SRBA Recommendation:

**22-13264**

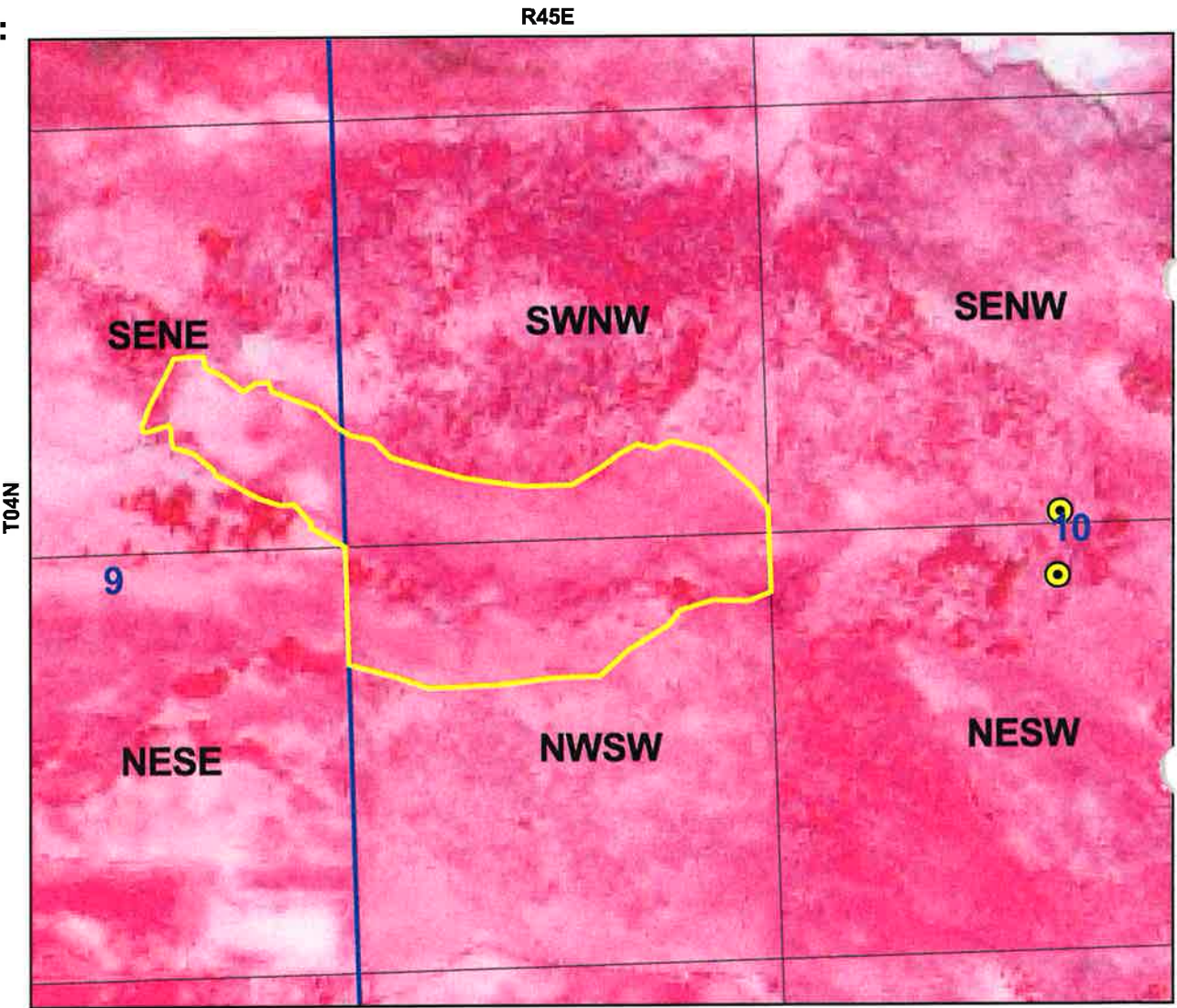
(Irrigation)

## Legend

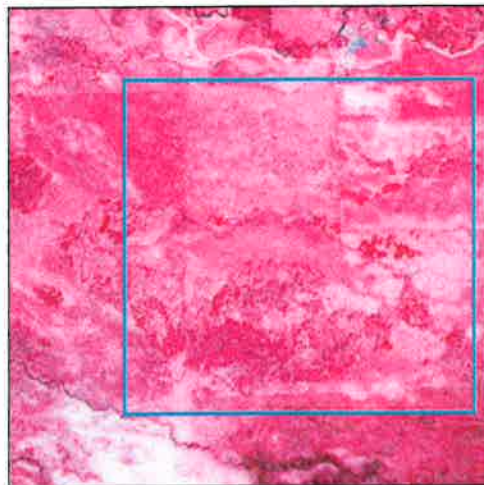
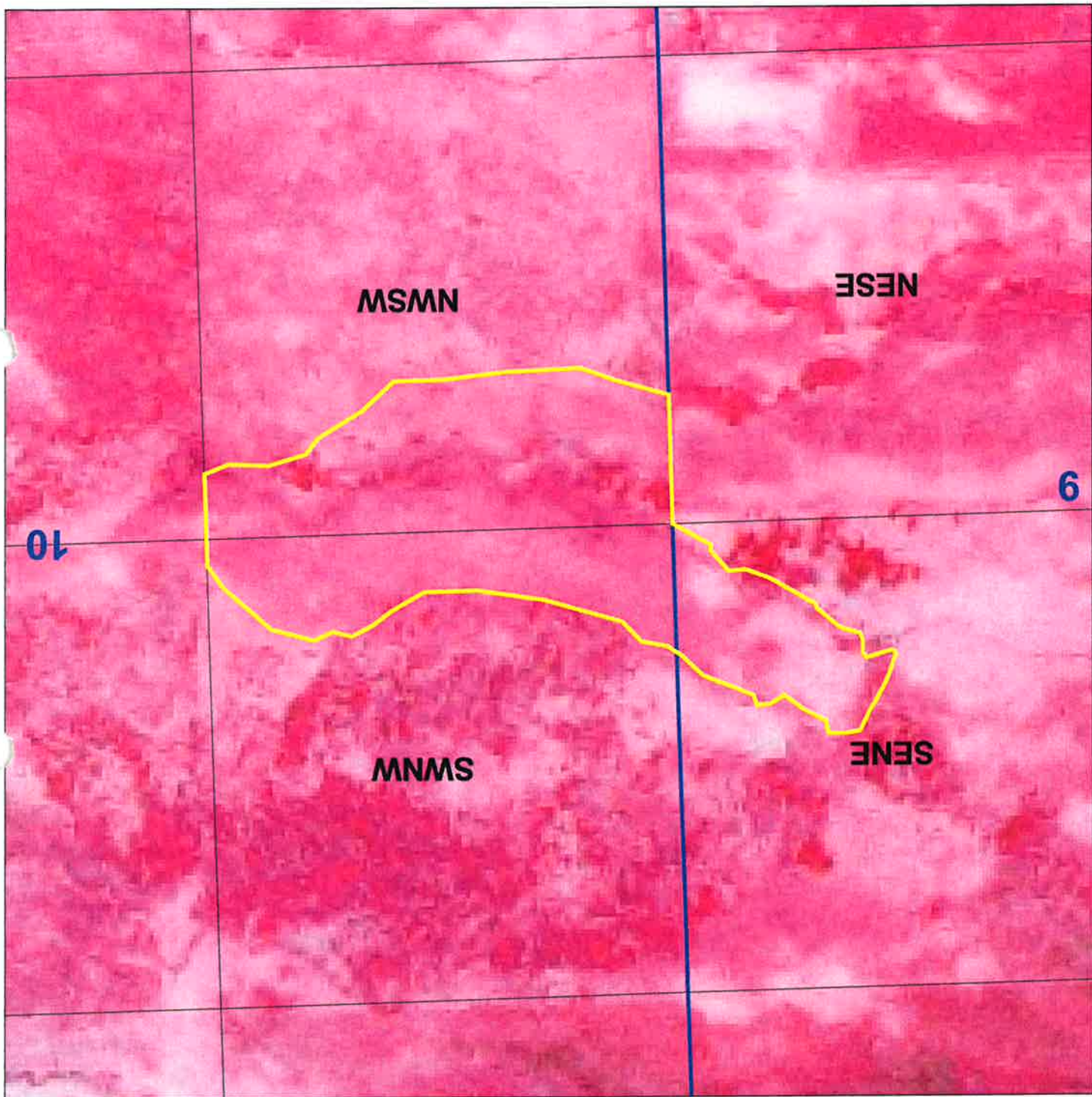
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County  
IDWR Basin 22



Prepared by T. Galbraith  
On Monday, July 10, 2006  
1987/88 Aerial Photography



SCANNED

SEP 12 2009



22-13264

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

RETURN SERVICE REQUESTED

22-4032

22-13264

KNIG 002

TETON VALLEY HOLDINGS LLC  
C/O CRAIG KNIGHT  
2 KNIGHTS WAY  
TETONIA ID 83424

KNIG002 834522007 1204 05 03/17/04  
RETURN TO SENDER  
KNIGHT, CRAIG  
PO BOX 969  
KETCHUM ID 83340-0969  
RETURN TO SENDER

83424500



U.S. POSTAGE

PB3523907

8916 \$00.370 MAR 10 2004  
2492 MAILED FROM ZIP CODE 83402

RECEIVED

MAR 18 2004

Department of Water Resources  
Eastern Region

SCANNED

SEP 12 2007

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

Return Service Requested

RETURNED  
TO  
SENDER  
REASON CHECKED  
Unclaimed  
Address not known  
Insufficient address  
No such street  
No such office in state  
Do not re-mail in this envelope

POCATELLO ID 832  
PM  
22 APR 2005  
U.S. POSTAGE  
9537 MAILED FROM ZIP CODE 83402  
PB3523007

SCANNED  
SEP 12 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 (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 No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
|                       | 22-4032                      |       |                       |                              |       |
|                       | 22-13264                     |       |                       |                              |       |
|                       | 22-4095                      |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

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

3. Name and Address of Former Owner/Claimant(s) Teton Valley Holdings LLC  
2 Primus Avenue, Bozeman, MA 02114
4. New Owner/Claimant(s) E Shooting Star Development LLC  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 6880
- City, State and ZIP Code Heatehoun, ID 83340
- New Telephone Number (208) 622-7455
5. Date you acquired the property March 22, 2005

**PROFILED**

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APR 26 2005

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 _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| 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 _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable) Managing Member

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

**For Office Use Only**  
Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

PROFILED

SCANNED  
APR 20 2003

MAR. 16. 2005 2:08PM  
212378

FIRST AM. TITLE-DRIGGS 167016

NO. 915 P. 9

First American Title Company

**WARRANT DEED**

**RECEIVED**

MAR 22 2005

TETON CO., ID  
CLERK RECORDER

For Value Received Teton Valley Holdings, LLC, an Idaho limited liability company

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

Shooting Star Development, LLC, Limited Liability Company

whose address is PO Box 6880, Ketchum, ID 83340

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

**See attached legal description**

**TOGETHER WITH ALL APPURTENANT WATER RIGHTS**

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.

Deled:

Teton Valley Holdings, LLC, an Idaho limited liability company  
BY Knight Brothers, LLC, an Idaho limited liability company

BY: C. Knight, Manager of Knight Brothers, LLC  
Craig Knight, Manager of Knight Brothers, LLC  
Manager of Teton Valley Holdings, LLC

STATE OF Idaho  
COUNTY OF Blaine

On this 17th day of March, 2005, before me a notary public, personally appeared Craig Knight, manager of Knight Brothers, LLC who is a member of Teton Valley Holdings, LLC, and known or identified to me (or proved to me on the oath of), to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Tami K. Sorenson  
Notary Public of Idaho  
Residing at Ketchum  
Commission Expires 7-12-06



Instrument # 167016  
DRIGGS, TETON, IDAHO  
2005-03-22 12:12:17 No. of Pages: 2  
Recorded for: FIRST AMERICAN TITLE  
NOLAN G. BOYLE  
De-Office Recorder Deputy T. Sorenson Fee: 12.00  
Index for: DRIGGS, WARRANT

SCANNED

167016

APR 25 2005

ATTACHED LEGAL DESCRIPTION

Order No.: T12378

A parcel of land within Section 9 and Section 10, T4N, R45E, Boise Meridian, Teton County, Idaho, more particularly described as follows;

The SE1/4NE1/4 of said Section 9, the SW1/4NW1/4 and the NW1/4SW1/4 of said Section 10;

AND TOGETHER WITH the following described portion of the S1/2SW1/4 of said Section 10, more particularly described as follows;

BEGINNING at the South 1/16 corner common to said Section 9 and said Section 10, where is found a 5/8 inch diameter steel rebar with a 2 1/2" diameter aluminum cap inscribed "PLS 7481";  
Thence along the North line of said S1/2SW1/4 of said Section 10, N89°57'56" E, 2839.54 feet to the center-South 1/16 corner of said Section 10 where is found a 5/8 inch diameter steel rebar with a 2 1/2" diameter aluminum cap inscribed "PLS 7481";  
Thence along the East line of the SE1/4SW1/4, S00°32'14" W, 855.47 feet more or less to an intersection with the centerline of an existing gravel road;  
Thence departing said East line and following along said centerline through the following courses:  
N87°40'52" W, 56.51 feet;  
N83°11'46" W, 43.25 feet;  
N79°48'57" W, 94.27 feet;  
Thence continuing along said centerline along a curve to the left with a radius of 600.00 feet and an arc length of 202.45 feet, through a central angle of 19°19'56", being subtended by a chord of N89°28'55" W, 201.49 feet;  
Thence following said centerline, S80°51'07" W, 108.27 feet;  
Thence continuing along said centerline along a curve to the right with a radius of 300.00 feet and an arc length of 71.08 feet, through a central angle of 13°34'31", being subtended by a chord of S87°38'22" W, 70.91 feet;  
Thence following said centerline through the following courses:  
N85°34'22" W, 70.10 feet;  
S87°19'53" W, 175.88 feet;  
Thence continuing along said centerline along a curve to the right with a radius of 200.00 feet and an arc length of 122.63 feet, through a central angle of 35°07'47", being subtended by a chord of N75°08'13" W, 120.71 feet;  
Thence following said centerline through the following courses:  
N67°32'20" W, 48.05 feet;  
N51°15'45" W, 35.34 feet;  
Thence continuing along said centerline along a curve to the left with a radius of 200.00 feet and an arc length of 86.60 feet, through a central angle of 24°48'33", being subtended by a chord of N63°40'01" W, 85.93 feet;  
Thence following said centerline, N76°04'18" W, 44.60 feet;  
Thence continuing along said centerline along a curve to the right with a radius of 300.00 feet and an arc length of 108.63 feet through a central angle of 20°21'54", being subtended by a chord of N65°53'21" W, 106.07 feet;  
Thence continuing along said centerline N55°42'24" W, 122.66 feet to an intersection with the east line of the SW1/4SW1/4 of said section 10;  
Thence departing said centerline and following along the said east line S00°37'38" W, 104.29 feet

ALTA Plain Language Commitment Legal Description  
(T12378.PFD/T12378/25)

167041

PROFIT

SCANNED

APR 26 2025

LEGAL DESCRIPTION

(Continued)

Order No.: T12378

more or less to an intersection with the thread of Darby Creek;  
Thence departing said East line and following the thread of Darby Creek generally through the following courses;

N70°44'25" W, 118.89 feet;  
S55°11'14" W, 28.51 feet;  
N32°24'40" W, 29.18 feet;  
N33°44'06" W, 51.66 feet;  
S89°36'12" W, 121.60 feet;  
S53°50'33" W, 56.34 feet;  
N43°54'15" W, 64.30 feet;  
S88°22'10" W, 57.88 feet;  
S02°10'30" W, 88.50 feet;  
S70°24'55" W, 43.24 feet;  
N20°08'31" W, 81.24 feet;  
N67°13'14" W, 29.17 feet;  
S38°03'59" W, 78.65 feet;  
N84°44'40" W, 44.23 feet;  
S18°00'31" W, 90.42 feet;  
N71°53'40" W, 58.00 feet;  
S46°03'27" W, 58.24 feet;  
N84°50'58" W, 112.33 feet;  
N18°12'41" E, 40.70 feet;  
N68°22'42" E, 122.54 feet;  
N50°02'01" W, 108.03 feet;  
N02°05'15" E, 138.17 feet;  
N05°51'30" W, 53.03 feet;  
S80°43'00" W, 59.34 feet;  
N37°52'09" W, 70.54 feet;  
N46°29'05" E, 94.73 feet;  
N30°04'08" W, 85.92 feet;  
S54°23'08" W, 50.08 feet;  
N47°44'40" W, 76.12 feet;  
S89°24'55" W, 34.98 feet;  
S02°30'10" E, 37.46 feet;  
S22°32'01" W, 77.10 feet;  
N87°24'03" W, 112.98 feet;  
S78°23'55" W, 38.65 feet;  
S09°31'35" W, 13.25 feet;  
S82°28'29" W, 9.40 feet;

Thence departing said thread of Darby Creek, N00°43'00" E, 124.51 feet more or less to an intersection with the centerline of said gravel road;

Thence along said centerline along the following courses;

S88°44'58" W, 66.30 feet;  
N85°22'33" W, 50.82 feet to an intersection with the west line of the SW1/4SW1/4 of said Section 10;

ALTA Plain Language Commitment Legal Description  
(T12378.PFD/T12378/25)

167020

SCANNED

APR 28 2015

PROFILED

**LEGAL DESCRIPTION**  
(Continued)

Order No.: T12378

Thence along the said West line, N00°43'00" E, a distance of 215.54 feet to the POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM the existing county road right-of-way that falls within the boundaries of the above described property.

ALTA Plain Language Commitment Legal Description  
(T12378.PFD/T12378/23)

167016

SCANNED

APR 26 2005

PRO

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
MAR 21 2005  
Department of Water Resources  
Eastern Region

**CHANGE IN ADDRESS**

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

[ ] Water Right Number(s): A22 - 13264  
\_\_\_\_\_  
\_\_\_\_\_

*changed  
JC 3/21/05*

[ ] Name(s): Teton Valley Holdings LLC  
C/O Craig Knight  
\_\_\_\_\_

[ ] Old Mailing Address: 2 Knights Way  
Teton, ID 83452  
\_\_\_\_\_

[ ] New Mailing Address: P.O. Box 969  
Ketchum, ID 83340  
\_\_\_\_\_

Telephone Number: (208) 351 - 5355

[ ] Signature(s) of Owner(s) *C. Knight, manager*  
Teton Valley Holdings LLC.  
(Include your title if on behalf of company or organization)

Date: 3/17/05

**PROFILED**

SCANNED  
APR 06 2005

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 22-13264  
Date Received: 2/20/2003  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

A2213264



1. Name of Claimant(s)

TETON VALLEY HOLDINGS LLC Phone: (208) 367-3924

PO BOX 335  
SOUTH HARWICH MA USA 02114

2. Date of Priority: 07/13/1916

3. Source: DICK CREEK Trib. to: TETON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 45E   | 10      | NE NE SW              | TETON  |      |

5. Description of diverting works:

HISTORIC DIVERSION WAS WOODEN EXISTING DIVERSION CONSISTS OF WOOD PIERS AND  
PLASTIC SHEETING THAT RUNS WATER DOWN A MAINTAINED DITCH. SEE ATTCHED PHOTO

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 05/01 | 11/01 | 0.44   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED

SEP 12 2007

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 04N      | 45E   | 9       | SE         | NE  | IRRIGATION    | 6     |
|          |       |         |            |     | Section Acres | 6     |
| 04N      | 45E   | 10      | NW         | SW  | IRRIGATION    | 9     |
|          |       |         | SW         | NW  | IRRIGATION    | 7     |
|          |       |         |            |     | Section Acres | 16    |
|          |       |         |            |     | Total Acres   | 22    |

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

ATTACHED PLEASE FIND AFFIDAVITS FROM MR GORDON ALLEN AND RODNEY LEWIS. BOTH INDIVIDUALS ARE PAST LANDOWNERS AT THIS PARCEL.

15. Basis of Claim:

FEB 5 - 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE Department of Water Resources  
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

Date Received

Receipt Number

22-13264  
FEB 5 - 2003  
C067246

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) TETON VALLEY HOLDINGS LLC Phone (617) 367-3924Mailing Address P.O. Box 335, South Harwich, MA 02661 Zip 021142. Date of Priority (Only one (1) per claim) July 13 19163. Source of water supply (a) DICK CREEK  
which is tributary to (b) TETON RIVER4. a. Location of existing point of diversion is: Township 4N Range 45E Section 10NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of TETON

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.

HISTORIC DIVERSION WAS  
WOODEN; EXISTING DIVERSION CONSISTS OF WOOD PIERS  
AND PLASTIC SHEETING THAT RUNS WATER DOWN A  
MAINTAINED DITCH. SEE ATTACHED PHOTO EXHIBIT

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SEP 12 2007

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from MAY 1 to Nov. 1 amount 0.44 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.44 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 4N  | 45E | 9   |        |       |       | 6     |        |       |       |       |        |       |       |       |        |       |       |       | 6      |
| 4N  | 45E | 10  |        |       |       |       |        |       |       |       |        | 9     |       |       |        |       |       |       | 9      |
| 4N  | 45E | 10  |        |       |       |       |        |       | 7     |       |        |       |       |       |        |       |       |       | 7      |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 22

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

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

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

14. Remarks: Attached please find affidavits from MR GORDON  
Allen and Rodney Lewis. Both individuals are past landowners  
at this parcel

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

SCANNED

SEP 12 2007

**Scale: 2 inches equals 1 mile**

Please see ATTACHED photo

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

SCANNED

SEP 12 2007

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am Manager Title \_\_\_\_\_  
of Teton Valley Holdings, LLC Organization \_\_\_\_\_, that I have signed the foregoing  
document in the space below as member Title \_\_\_\_\_ of Knight Brothers LLC Organization \_\_\_\_\_  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Dean Knight  
Title and Organization member of Knight Brothers LLC Date 1/24/03

State of Idaho/or Massachusetts )  
County of Barnstable ) SS.

Subscribed and sworn (or affirmed) before me this 24th day of January 2003

SEAL

Notary Public Valerie G. Perry  
Residing at Framingham MA

My Commission Expires \_\_\_\_\_  
Please Print Name VALERIE G. PERRY  
NOTARY PUBLIC

My Commission Expires Oct. 8, 2004

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

SCANNED  
SEP 12 2007