

04/21/2006

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

RIGHT NUMBER: 22-13294

NAME AND ADDRESS: RICHARD & SUSAN JACOBSEN FAMILY TRUST  
C/O HOLDEN, KIDWELL, HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID 83405

SOURCE: LITTLE SPRING CREEK

TRIBUTARY: DRAKE CREEK

QUANTITY: 0.390 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T03N R45E S8 NW Within TETON County

T03N R45E S8 SW Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 11/01

0.390 CFS

PLACE OF USE:

IRRIGATION Within TETON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T03N R45E S08 | NENW | 5.50  | T03N R45E S08 | NWNW | 20.00 |
| T03N R45E S08 | SWNW | 27.00 | T03N R45E S08 | SENW | 9.50  |

62 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 113 acres in a single irrigation season. Combined Right Nos.: 22-13300, 22-13294, 22-13299

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

03/28/1967 DECREE STATES FOLLOWING CONDITION: "IN THE EVENT THE TOTAL FLOW OF LITTLE SPRING CREEK IS LESS THAN 40 MINER'S INCHES, MEASURED AT DEFENDANT ELVA TAYLOR'S POINTS OF DIVERSION (22-13294, 22-13507), THEN PLAINTIFFS VICTOR KUNZ AND ERMA KUNZ (22-0644) SHALL BE ENTITLED TO HALF OF THE TOTAL FLOW OF THE STREAM, BUT NOT MORE THAN 20 MINER'S INCHES, MEASURED AT PLAINTIFFS' POINT OF DIVERSION, AND DEFENDANT SHALL BE ENTITLED TO THE BALANCE OF THE FLOW OF THE STREAM."

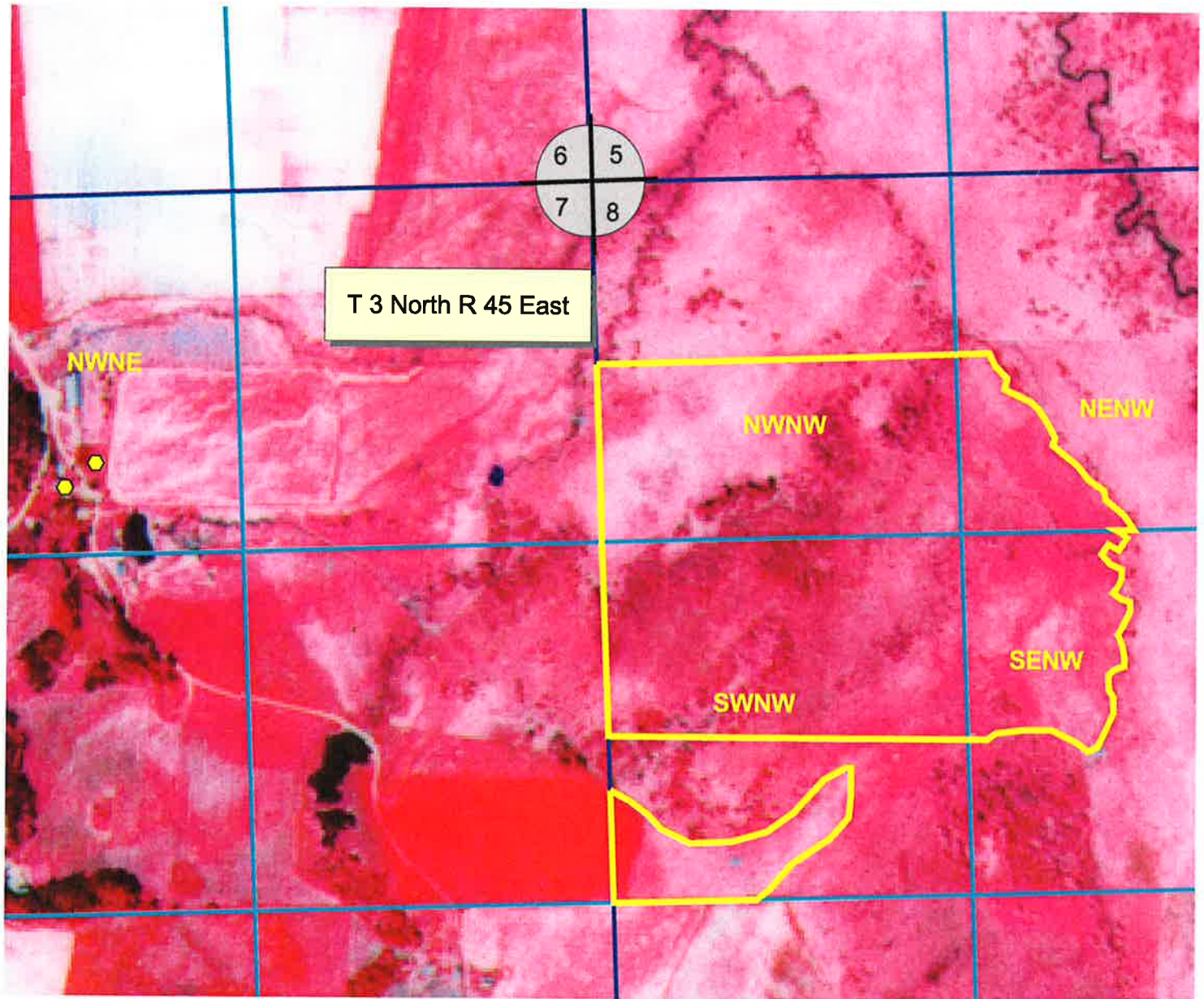
This right is a split from former right 22-645



State of Idaho  
Department of Water Resources  
Eastern Region



Claim No.(s): 22-13294



800 0 800 1600 Feet

- Place of Use
- Points Of Diversion
- Sections
- Quarter Quarter

GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by T. Galbraith  
Date: April 2006



62

~~25.5~~ acres irrigated of decreed pov.

Bin = 1.5 cfs

$$1.5 \div 240 = .0063$$

$$.0063 \cdot \overset{62}{\cancel{25.5}} = \overset{62}{\cancel{.1608}} .39 \text{ cfs}$$

TG 4-14-06

22-0643

(d) The balance of the natural flow of Paul Spring Creek, also known as North Creek and Warm Creek, and appurtenant to the  $S\frac{1}{2}SE\frac{1}{4}$ , Section 6,  $S\frac{1}{2}SW\frac{1}{4}$ , Section 5,  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ , Section 7,  $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ , Section 8, all in Township 3 North, Range 45, E.B.M., Teton County, Idaho, is hereby decreed to the plaintiffs, subject only to the above use by the defendant.

22-0644

2. There is hereby established, decreed and confirmed to plaintiffs the right to twenty miner's inches of the natural flow of the waters of Little Springs Creek, (also known as Little Springs and South Springs) with a priority of June 1, 1899, to irrigate twenty acres of irrigable land, in a field of triangular shape lying between Little Spring Creek and Deep Creek, and bounded on the South by the South boundary line of plaintiff's property, and with the property to be irrigated located upon the  $S\frac{1}{2}SW\frac{1}{4}$ , Section 5,  $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ , Section 8, Township 3 North, Range 45, E.B.M. The water to be used shall be measured at the point of diversion of the plaintiffs, on the natural channel of said stream, on the land of the plaintiffs above-described. The right to said water is of equal priority with the right of Elva Taylor to the waters of said stream, described in Paragraph-3 hereof.

Plaintiffs may not and shall not enlarge the use, nor use the waters of said stream on other land.

22-0645

3. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to seventy-five miner's inches, continuous flow of the natural flow of the waters of Little Spring Creek, measured at her points of diversion upon her own land, wherein said stream arises and for the purpose of irrigating eighty acres of her property, and appurtenant to her property, located in Teton County, Idaho, and described as follows, to-wit:  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ , Section 7,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ , Section 8, all in Township 3 North, Range 45, E.B.M.

4. In the event that the total flow of Little Spring Creek is less than forty miner's inches, measured at defendant Elva Taylor's points of diversion, then plaintiffs Victor Kunz and Erma Kunz shall be entitled to half of the total flow of the stream, but not more than twenty miner's inches, (measured at plaintiffs' point of diversion) and defendant shall be entitled to the balance of the flow of the stream.

22-0646 5. There is hereby established, decreed and confirmed to plaintiffs a right to the use of fifty-five miner's inches of the natural flow of Deep Creek, with a priority date of June 1, 1890, and which is a prior right to the right of the defendant Elva Taylor in and to said stream and with the water to be measured at the plaintiffs' diversion point, on defendant's land, near the boundary line between the parties, and said water to be used only to irrigate irrigated lands of plaintiffs lying between Deep Creek and Pine Creek.

22-0647 6. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, a right to the natural flow of Deep Creek, in excess of the prior right of plaintiffs, described in the preceding paragraph, appurtenant to the land of the defendant which has previously been irrigated by gravity with such water, and lying on the Western part of the defendant's said property, and with a priority date June 1, 1890, provided, however, that such use by the defendant must cease when the flow of said stream drops to fifty-five miner's inches measured at the plaintiffs' point of diversion.

22-0648 7. That there is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to the use of fifteen miner's inches of water, continuous flow, from springs arising on her land, and appurtenant to and for the irrigation of her land, with a priority date of June 1, 1890, and



7' ditch

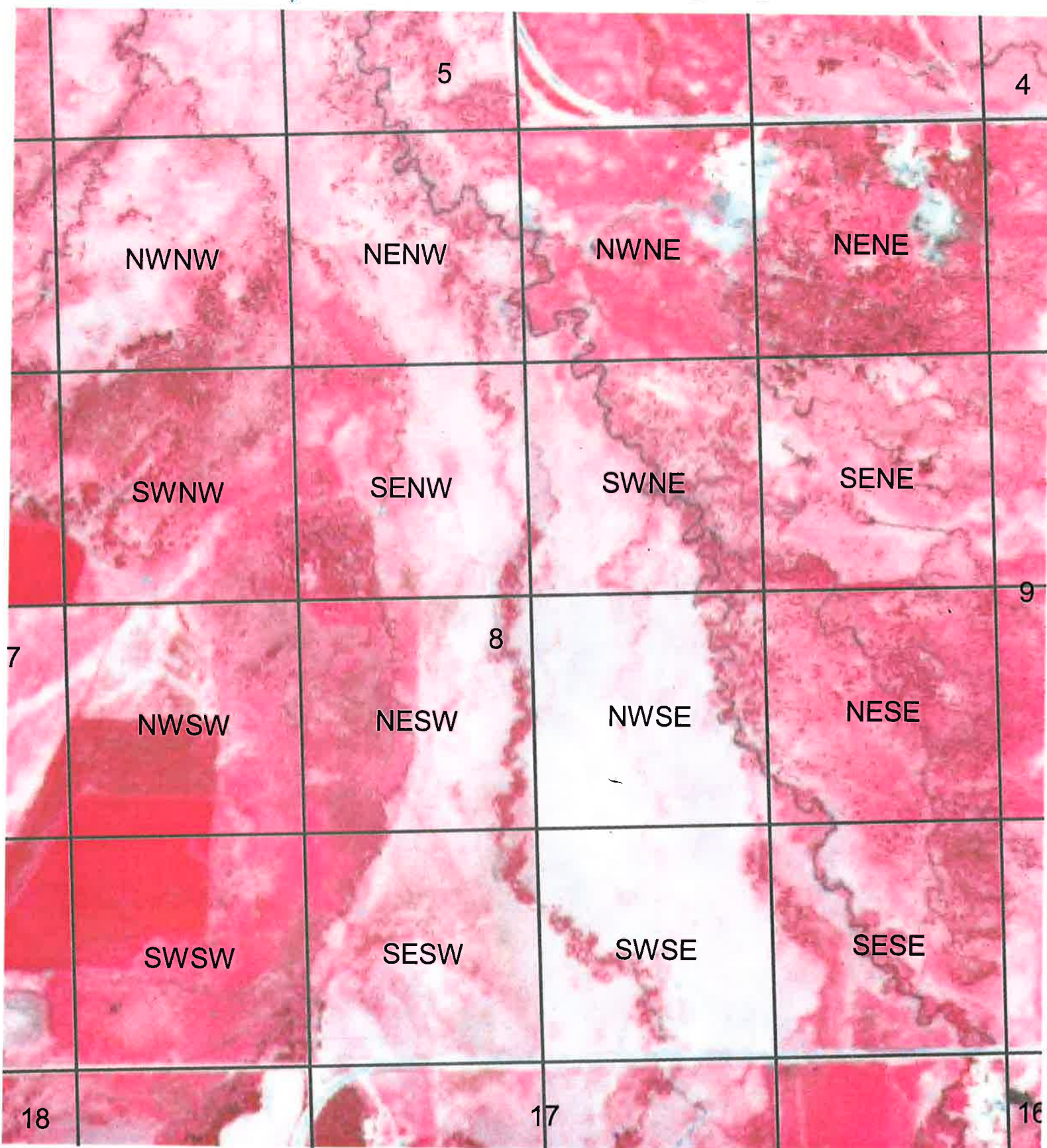
Diversion on ~~Little Spring~~ Creek for Jacobsen claim  
DRAKE

|    |                                                                                                                                                                                           |       |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 51 | Nave, Martin L.; June 1, 1886; Spring Creek                                                                                                                                               | 300   |
| 52 | Nave, Martin L.; June 1, 1886; Moody Creek                                                                                                                                                | 50    |
|    | To be reduced to 25 inches after June 20th of each year                                                                                                                                   | 25    |
| 53 | Nave, Martin L.; June 1, 1886; Teton River                                                                                                                                                | 25    |
| 52 | Breckenridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right                                                                                                   | 260   |
| 52 | Borrowman, John; June 1, 1887; Wood Creek and Springs                                                                                                                                     | 60    |
| 52 | Jeppson, Hans J.; June 1, 1887; Bigler Slough                                                                                                                                             | 80    |
| 55 | Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek                                                                                                                                          | 30    |
| 59 | Hegsted, Victor; June 1, 1888; Horse Shoe Creek                                                                                                                                           | 290   |
| 59 | North Salem Agricultural & Milling Canal Co.; Teton River                                                                                                                                 | 1,325 |
|    | As a high water right until July 1st of each year                                                                                                                                         |       |
| 58 | Walters, William; June 1, 1888; Teton River. (Stewart & Walters Ditch.) Joint appropriation with Mons H. Anderson                                                                         | 168   |
| 59 | Is, William S.; June 1, 1888; Twin Creeks                                                                                                                                                 | 200   |
| 56 | Woodmansee, Charles H.; Mar. 15, 1889; Moody Creek                                                                                                                                        | 160   |
|    | To be reduced to 80 inches after June 20th of each year                                                                                                                                   | 80    |
| 57 | Curtis, Owen; Apr. 1, 1889; Trail Creek                                                                                                                                                   | 160   |
| 57 | Little, Zina W.; Apr. 1, 1889; South Leigh Creek                                                                                                                                          | 120   |
| 58 | Hill, William; Apr. 5, 1889; Pack Saddle Creek                                                                                                                                            | 280   |
| 62 | Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)                                                                                                         | 112   |
| 63 | Bates, Thomas; May 3, 1889; Mahogany Creek                                                                                                                                                | 140   |
| 67 | Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek                                                                                                                                        | 80    |
| 67 | Drake, Fred J.; June 1, 1889; John Creek                                                                                                                                                  | 150   |
| 67 | Blanchard, John; June 1, 1889; Warm Creek                                                                                                                                                 | 40    |
| 67 | Bowles, H. C.; June 1, 1889; Spring Creek                                                                                                                                                 | 140   |
| 67 | Drake, William; June 1, 1889; Mahogany Creek                                                                                                                                              | 10    |
| 67 | Lund, William P.; June 1, 1889; Mahogany Creek                                                                                                                                            | 160   |
| 67 | Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek                                                                                                                                 | 150   |
| 67 | Swanner, Samuel; June 1, 1889; South Leigh Creek                                                                                                                                          | 40    |
| 67 | Walton, D. O.; June 1, 1889; Darby Creek                                                                                                                                                  | 20    |
| 67 | Jones, Benjamin; June 1, 1889; Trail Creek                                                                                                                                                | 20    |
| 69 | McPherson, Abner; June 10, 1889; North Leigh Creek                                                                                                                                        | 160   |
| 71 | Parsons, F. W.; June 15, 1889; Trail Creek                                                                                                                                                | 160   |
| 74 | Trunks, George M.; July 5, 1889; Trail Creek                                                                                                                                              | 95    |
| 74 | Trunks, George M.; July 15, 1889; Fox Creek                                                                                                                                               | 55    |
| 76 | Kinsley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek                                                                                                                  | 80    |
| 78 | Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River                                                                                                                                       | 620   |
| 78 | Rexburg Milling Co.; Oct. 1, 1889; Teton River. (Woodmansee-Johnson Ditch.) For power purposes only, and subject to rights of users for agricultural purposes of water through same ditch | 3,000 |
| 79 | Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)                                                               | 500   |
| 82 | Kinsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek                                                                                                                   | 80    |
| 82 | Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek                                                                                                   | 115   |
| 82 | Wolf Ditch Co.; Apr. 1, 1890; Teton River                                                                                                                                                 | 2,335 |
| 82 | Robertson, A. I.; Apr. 1, 1890; Trail Creek                                                                                                                                               | 87    |

|     |                                                                                                                                           |       |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 82  | Rice, Ed.; Apr. 1, 1890; Trail Creek                                                                                                      | 160   |
| 82  | Curtis, Nahum; Apr. 1, 1890; Trail Creek                                                                                                  | 160   |
| 82  | Blanchard, John; Apr. 1, 1890; Trail Creek                                                                                                | 120   |
| 82  | Eynon, John; Apr. 1, 1890; Trail Creek                                                                                                    | 80    |
| 85  | Paul, John; June 1, 1890; Springs on land                                                                                                 | 15    |
| 85  | Paul, William H.; June 1, 1890; Little Springs and Deep Creek                                                                             | 60    |
| 85  | Jenkins, William; June 1, 1890; Fox Creek                                                                                                 | 80    |
| 85  | Kimball, R. C., and A. L.; June 1, 1890; Fox Creek                                                                                        | 110   |
| 85  | Lawson, B. G.; June 1, 1890; Spring Creek                                                                                                 | 240   |
| 85  | Murphy, G. M.; June 1, 1890; Darby Creek                                                                                                  | 150   |
| 85  | Smith, C. M.; Jan. 1, 1890; Darby Creek                                                                                                   | 160   |
| 85  | Walton, D. O.; June 1, 1890; Darby Creek                                                                                                  | 140   |
| 85  | Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek                                                                              | 135   |
| 85  | Yearsley, H. C.; June 1, 1890; Spring Creek                                                                                               | 240   |
| 85  | Drake, Richard; June 1, 1890; Patterson Creek                                                                                             | 160   |
| 85  | Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek                                        | 200   |
| 85  | Byrne, Michael; June 1, 1890; Fox Creek                                                                                                   | 85    |
| 85  | Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks                                                                                   | 100   |
| 85  | Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek                                                                                        | 80    |
| 85  | Andrews, L. W.; June 1, 1890; Grove Creek                                                                                                 | 120   |
| 85  | Durney, P. S.; June 1, 1900; Trail Creek                                                                                                  | 15    |
| 85  | Foote, Arthur L.; June 1, 1890; Mahogany Creek                                                                                            | 145   |
| 85  | Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek                                                                         | 100   |
| 85  | Eames, William; June 1, 1890; Spring Creek                                                                                                | 240   |
| 85  | Edlefson, E. B.; June 1, 1890; Leigh Creek                                                                                                | 155   |
| 85  | Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek                                                                                 | 160   |
| 88  | Drake, William; July 1, 1890; Mahogany Creek                                                                                              | 150   |
| 90  | Tonks, William H.; July 15, 1890; Trail Creek                                                                                             | 135   |
| 92  | Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek                                                                                           | 160   |
| 96  | Rice, A. L.; Jan. 1, 1891; Patterson Creek                                                                                                | 160   |
| 98  | O'Brien, James A.; June 1, 1891; North Leigh Creek                                                                                        | 100   |
| 98  | Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)                                                                      | 2,600 |
| 98  | Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch                                                    | 20    |
| 98  | Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs                                                            | 100   |
| 98  | Shaw, L. C.; June 1, 1891; Bagder Creek and water from springs on T. A. Phillips' land                                                    | 200   |
| 98  | Swanner, Samuel; June 1, 1891; South Leigh Creek                                                                                          | 120   |
| 98  | Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek                                                                    | 150   |
| 98  | Harrop, Samuel; June 1, 1891; Leigh Creek                                                                                                 | 200   |
| 98  | Hill, Mary Ann; June 1, 1891; Pack Saddle Creek                                                                                           | 120   |
| 98  | Clark & Houghton; June 1, 1891; Teton River                                                                                               | 160   |
| 98  | Dewey, George A.; June 1, 1891; Fox Creek                                                                                                 | 160   |
| 98  | Barney, Walter; June 1, 1891; South Leigh Creek                                                                                           | 160   |
| 98  | Bowles, Sarah; June 1, 1891; Spring Creek                                                                                                 | 100   |
| 98  | Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips; June 1, 1891; Badger Creek and springs on land of T. A. Phillips | 640   |
| 98  | Edlefson, Noah C.; June 1, 1891; Leigh Creek                                                                                              | 40    |
| 100 | Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River                                                                        | 300   |

22-13294

3 6N 45E S8



RECEIVED

DEC 20 2001

TETON CO. CL.  
CLERK RECORDER

116012

Instrument # 446012

DRIGGS, T1 IDAHO  
2001-12-20 02:08:14 No. of Pages: 1  
Recorded for: FIRST AMERICAN TITLE  
NOLAN G. BOYLE  
Ex-Officio Recorder Deputy *N. Boyle*  
Index to DEED WARRANTY

## SPECIAL WARRANTY DEED

For Value Received EXCHANGE 1870, LLC., an Idaho Limited Liability Company

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

SUSAN JACOBSEN FAMILY TRUST.

whose address is: 3201 Ash St., Paloalto, CA 94306

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

Township 3 North, Range 45 East, Boise Meridian, Teton County, Idaho  
Section 8: S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$

**TOGETHER** with all water rights, tenements, hereditaments and appurtenances  
thereunto belonging or in anywise appertaining, and any reversions, remainders, rents,  
issues and profits therefrom; and all estate, right, title and interest in and to the property,  
as well in law as in equity, of the Grantor

Grantor does hereby covenant with Grantee, his heirs, successors and assigns, that  
Grantor will warrant and defend the said granted premises against the lawful claims and  
demands of all persons claiming by, through and under Grantor, but against no other  
claims and no other persons, including predecessors in title.

Dated: December 17, 2001

Exchange Services, Inc., Member

*[Signature]*  
By: Shauna Romrell  
It's: President

STATE OF IDAHO )

COUNTY OF BINGHAM )

On this 17<sup>th</sup> day of December, in the year of 2001, before me, the undersigned personally  
appeared Shauna Romrell, known or identified to me to be the President of the corporation who  
executed the instrument on behalf of said corporation as member of Exchange 1870, LLC., an  
Idaho Limited Liability Company, and acknowledged to me that she executed the same as  
President of the corporation, as member of Exchange 1870, LLC., an Idaho Limited Liability  
Company.

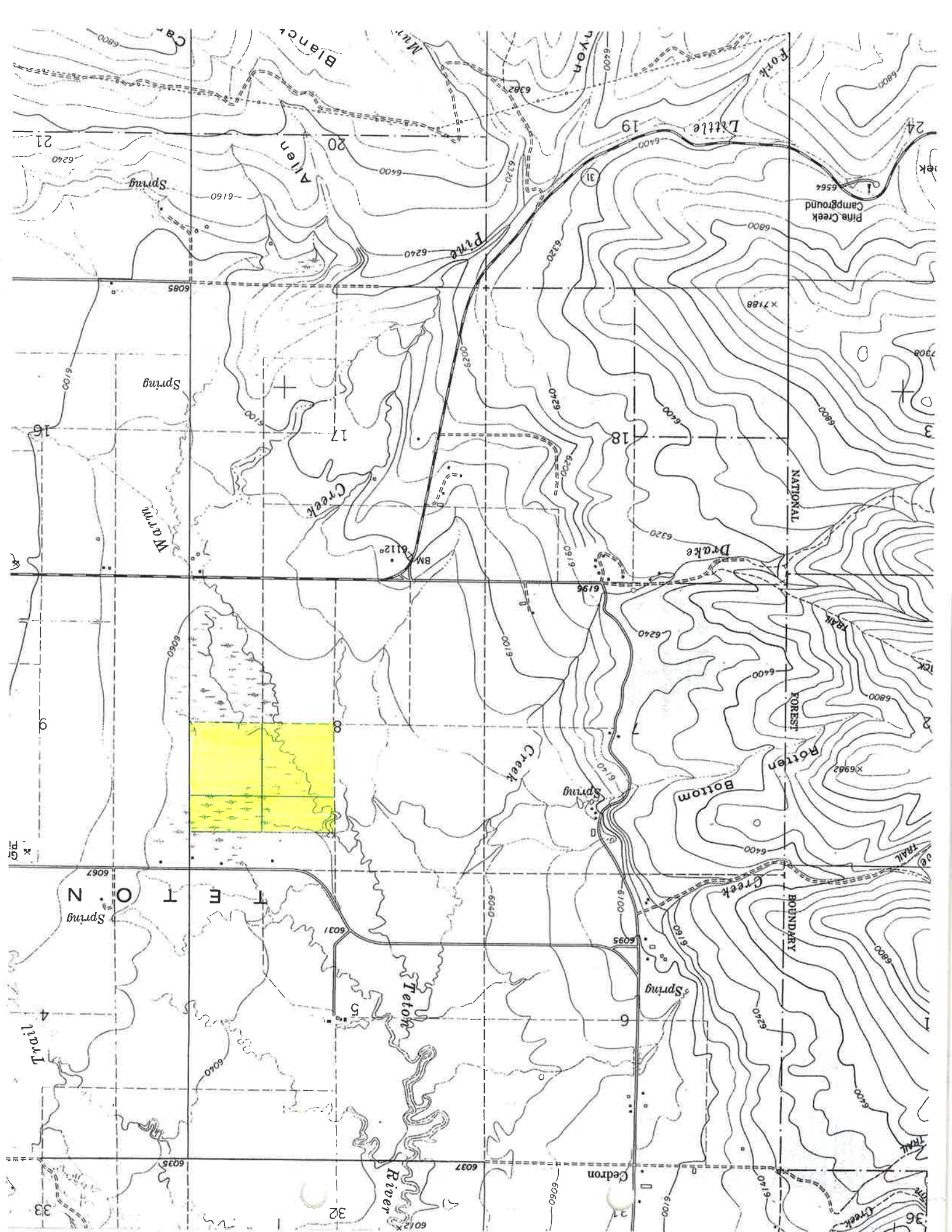


*[Signature]*  
Notary Public for Idaho

Residing at Blackfoot

Commission Expires 10/16/02

116012



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 22-13294  
Date Received: 5/24/2004  
Receipt No:  
Received By:

**Amended**

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

**Amended**

1. Name of Claimant(s)

RICHARD & SUSAN JACOBSEN FAMILY TRUST Phone: (208)523-0620

C/O HOLDEN, KIDWELL, HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID USA 83405

2. Date of Priority: 06/01/1890

3. Source: LITTLE SPRING CREEK , LITTLE SPRING CREEK Trib. to: DRAKE CREEK , DRAKE CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03N      | 45E   | 8       | NW                    | TETON  |      |
| 03N      | 45E   | 8       | SW                    | TETON  |      |

5. Description of diverting works:  
HEADGATES AND DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.5    |            |

7. Total Quantity Appropriated is:  
0.5 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 |
|---------------|-------|---------|------------|-----|------------|-------|
| 03N           | 45E   | 8       | NE         | NW  | IRRIGATION | 20    |
|               |       |         | NW         | NW  | IRRIGATION | 5     |
|               |       |         | SW         | NW  | IRRIGATION | 26    |
|               |       |         | SE         | NW  | IRRIGATION | 11    |
| Section Acres |       |         |            |     |            | 62    |
| Total Acres   |       |         |            |     |            | 62    |

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:

SEE ATTACHED WARRANTY DEEDS NUMBERS 142921 AND 146012

OTHER WATER RIGHTS USED: 22-199, 22-438, 22-643, 22-644, 22-645, 22-646, 22-647, 22-648

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:**

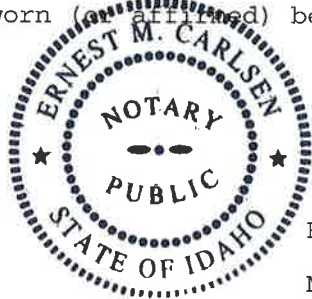
I do solemnly swear or affirm that I am ATTORNEY of  
Title  
RICHARD & SUSAN JACOBSEN FAMILY TRUST that I have signed the foregoing  
Organization  
document in the space below as ATTORNEY of  
Title  
RICHARD & SUSAN JACOBSEN FAMILY TRUST and that the statements contained in the  
Organization  
foregoing document are true and correct. [Signature]  
Signature of Authorized Agent

ATTY FOR TRUST  
Title and Organization

4/19/06  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 19 of April 2006



[Signature]  
Notary Public

Residing at Blake Falls

My commission Expires 8-21-2009

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 22-13294  
Date Received: 5/24/2004  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

RICHARD & SUSAN JACOBSEN FAMILY TRUST Phone: (208)523-0620  
C/O HOLDEN, KIDWELL, HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS ID USA 83405

2. Date of Priority: 06/01/1890

3. Source: , Trib. to: ,

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03N      | 45E   | 8       | NW                    | TETON  |      |
| 03N      | 45E   | 8       | SW                    | TETON  |      |

5. Description of diverting works:

HEADGATES AND DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.5    |            |

7. Total Quantity Appropriated is:  
0.5 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 |
|----------|-------|---------|----------------|------------|-------|
| 03N      | 45E   | 8       | NE NW          | IRRIGATION | 20    |

|    |    |               |    |
|----|----|---------------|----|
| NW | NW | IRRIGATION    | 20 |
|    |    | Section Acres | 40 |
|    |    | Total Acres   | 40 |

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:

OTHER WATER RIGHTS USED: 22-199, 22-438, 22-643, 22-644, 22-645, 22-646, 22-647, 22-648

SEE ATTACHED WARRANTY DEEDS NUMBERS 142921 AND 146012

15. Basis of Claim: Decreed

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 22-199 22-13294

Date Received 5-18-04

Receipt Number E029859

RECEIVED

MAY 18 2004

Department of Water Resources  
Eastern Region

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Richard & Susan Jacobsen Family Trust Phone (208) 523-0620

Mailing Address c/o Holden, Kidwell, Hahn & Crapo, PO Box 50130, Idaho Falls, ID Zip 83405

2. Date of Priority (Only (1) per claim) June 1, 1890

3. Source of water supply (a) Deep Creek, Grove Creek, Little Spring Creek and Paul Spring Creek

which is tributary to (b) Teton River

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

Township 3N Range 45E Section 8, 1/4 of 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_,

Township 3N Range 45E Section 8, 1/4 of 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_,

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. Headgates and Ditches

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

For Irrigation purposes from 04/01 to 11/01 amount 0.5 cfs or \_\_\_\_\_

7. Total quantity claimed (a) 0.5 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

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

9. Non-irrigation uses; describe full \_\_\_\_\_ g. Domestic: Give number of households \_\_\_\_\_; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

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

| TWP | RNG | SEC | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | TLS |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-----|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |     |
| 3N  | 45E | 8   |        |    |    |    | 20     | 20 |    |    |        |    |    |    |        |    |    |    | 40  |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |     |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |     |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |     |

Total number of acres irrigated 40

11. In which county(ies) are lands listed above as place of use located? TETON
12. Do you own the property listed above as place of use? Yes X No       
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.  
22-199, 22-438, 22-643, 22-644, 22-645, 22-646, 22-647, 22-648 or None (      )

14. Remarks:

See attached Warranty Deeds Nos. 142921 and 146012

15. Basis of Claim (Check one) Beneficial Use      Posted Notice      Permit      Decree X License       
If applicable provide IDWR Water Right Number 22-199  
Court 6<sup>th</sup> Jud. Dist. Case Number          Decree Date December 16, 1910  
Plaintiff vs Defendant Rexburg Irr. Co. et. al v. Teton Irrigation Canal Co., et al.

16. Signature(s)

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

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

\_\_\_\_\_ Date \_\_\_\_\_

Last Name Jacobsen Family Trust Ident. Number 22-199

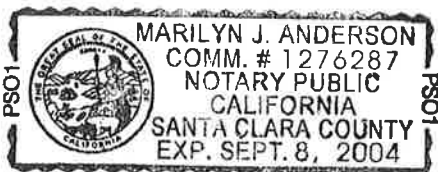
For Organizations: I do solemnly swear or affirm that I am Trustee of  
Richard & Susan Jacobsen Family Trust, that I have signed the foregoing document in the space below as  
(Organization)  
Trustee of Richard & Susan Jacobsen Family Trust and that the statements contained in the  
(Title) (Organization)  
foregoing document are true and correct.

Signature of Authorized Agent [Signature], Trustee

Title and Organization Richard & Susan Jacobsen Family Trust Date 3 May 04

State of Idaho California )  
County of Santa Clara ) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of May, 2004, 2002.



Notary Public Marilyn J. Anderson  
Residing at Palo Alto, California  
My Commission Expires 9/8/2004

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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 PO Box 50130, Idaho Falls, ID 83405  
Date \_\_\_\_\_