

04/21/2006

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

RIGHT NUMBER: 22-13299

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

SOURCE: DEEP CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.100 CFS

The quantity of this right is limited to the water in excess of right number 22-646. If the flow of the stream drops below 1.1 cfs use of this water right must cease.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T03N R45E S8 SENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.100 CFS

PLACE OF USE: IRRIGATION Within TETON County

T03N R45E S08	NENW	16.00	T03N R45E S08	NWNW	20.00
T03N R45E S08	SWNW	27.00	T03N R45E S08	SENW	37.00

100 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

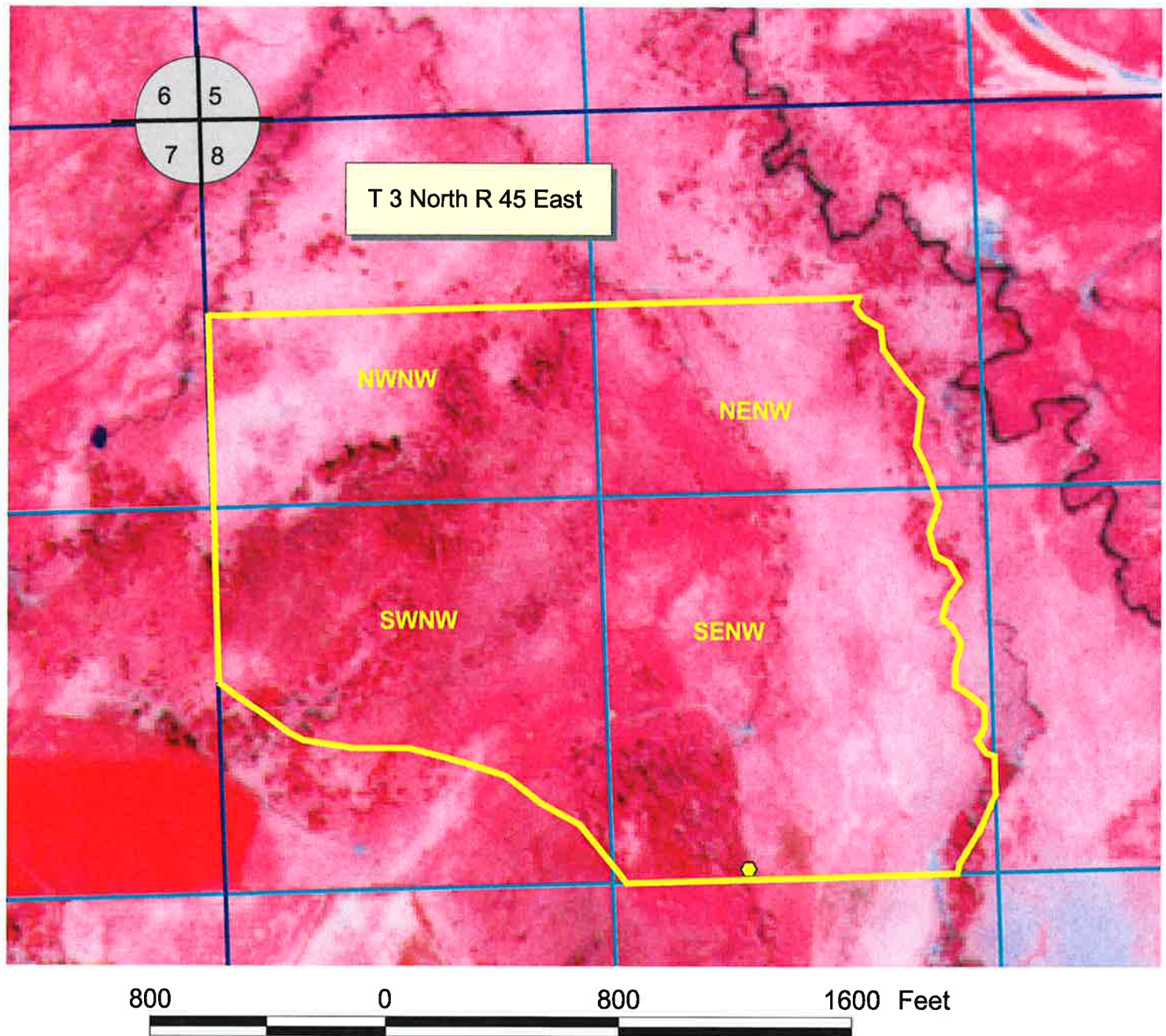
This right represents the full decree of 22-647.



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-13299



- 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



- There is no definite decreed pov. The decree is vague in saying "western half... previously flood irrigated." There are no competing claims for this right so I will give them all property they claimed at the same ~~low~~ elevation as the POD and lower. All ~~as~~ was once Taylors land.

4-14-06 TG

4. In the ev. 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

Claim # A2213299 - Jacobsen,

POD



Deep
Creek

GPS
TAG

A22
13299

Diversion ditch

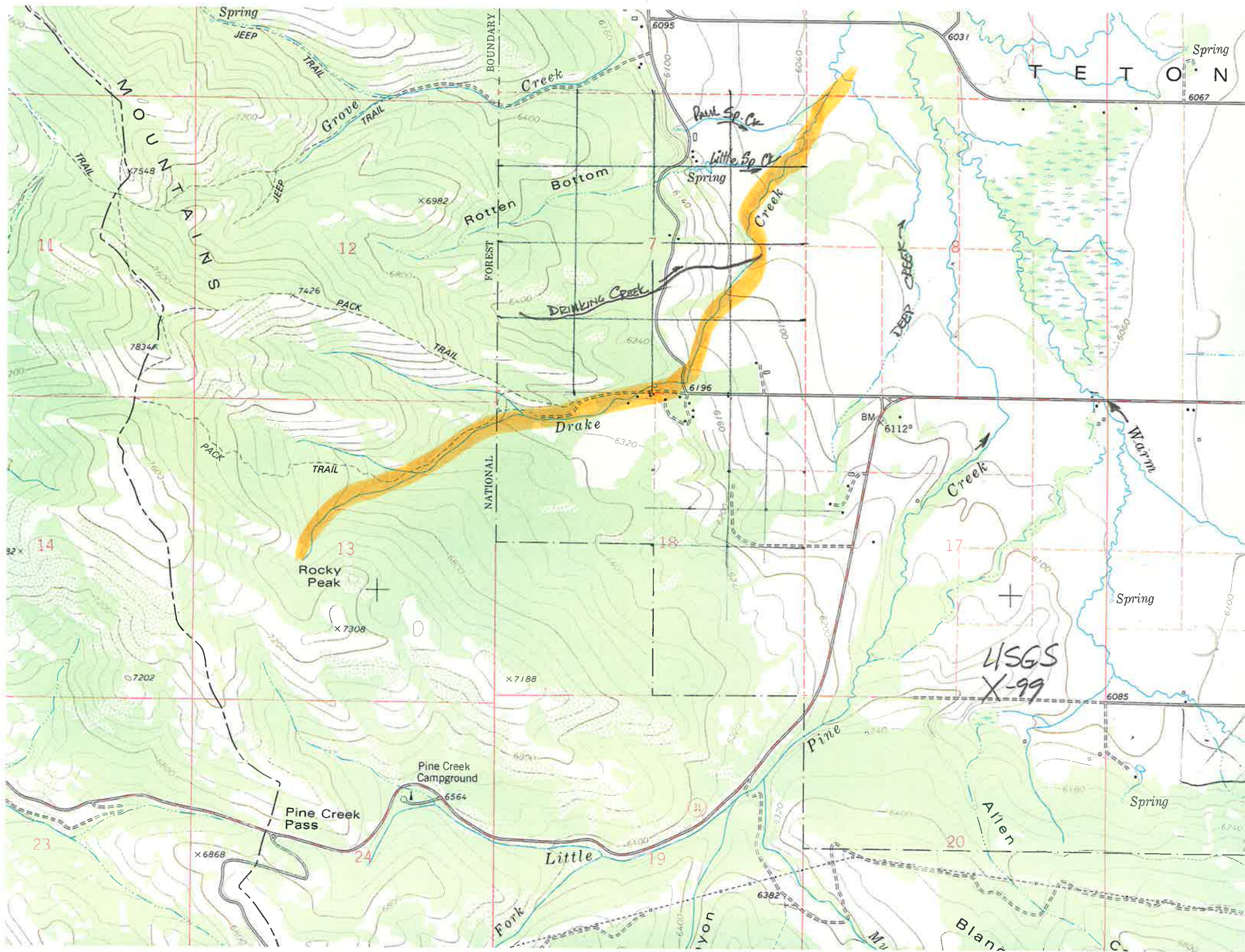
Headgate

POD for Richard Jacobsen claim on Deep Creek, When metal gate is closed over culvert, Deep Creek is diverted into series of ditches.



80

site of spring and ditch used to irrigate claim
A22.13299 - Jacobsen claim.



Water Right No(s). _____

GPS DATA:

Tag # ADDP 9541 Location: Post supporting headgate

Diversion Data:

Source: Deep Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Structure is metal culvert with a slide type
gate for regulating flow

Field Exam Date: 7/9/05 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

2/9/05
DD

Field exam shows culvert with metal gate used to dam and regulate flow from Deep Creek into a ditch and lateral ditches

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

2/9/05
DD Ditches and dams are used to flood irrigate
this claim, it is all pasture land.

Reviewer: _____ Date: _____

50	8,000	
	300	
50		
	25	
	25	
	260	
	60	
	80	
	30	
	290	
1,325		
	168	
	200	
160		
	80	
	160	
	120	
	280	
	112	
	140	
	80	
	150	
	40	
	140	
	10	
	160	
	150	
	40	
	20	
	20	
	160	
	160	
	95	
	55	
	80	
	620	
	3,000	
	500	
	80	
	115	
	2,335	
	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; Ragder 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. Philips; June 1, 1891; Badger Creek and springs on land of T. A. Philips	640
98	Edlefson, Noah C.; June 1, 1891; Leigh Creek	40
100	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	300

T-8715

142921

RECEIVED

JUN 08 2001

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made June 6, 2001, by RODNEY L. TAYLOR and KERRY R. TAYLOR, husband and wife, the "Grantor", to EXCHANGE 1870 LLC, an Idaho limited liability company, whose mailing address is Post Office Box 580, Blackfoot, Idaho 83221, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described real property in the County of Teton, State of Idaho, to-wit:

Township 3 North, Range 45 East, Boise Meridian, Teton
County, Idaho.

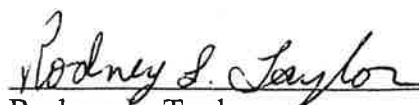
Section 8; S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$

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.

TO HAVE AND TO HOLD the property and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the property in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the property as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Rodney L. Taylor

Instrument # 142921

DRIGGS, TETON, IDAHO

2001-06-08 02:15:37 No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

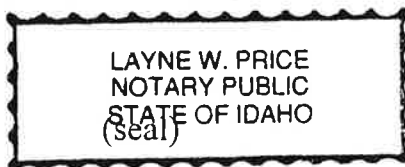
142921

Kerry R. Taylor
Kerry R. Taylor

STATE OF IDAHO)
)ss.
County of Teton)

On the this 4th day of June, 2001, before me, the undersigned, a notary public, in and for said State, personally appeared Rodney L. Taylor, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

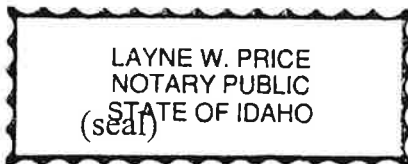


Layne W. Price
Notary Public for Idaho
Residing at DRIGGS, ID
My Commission Expires: 12-01-06

STATE OF IDAHO)
)ss.
County of Teton)

On the this 4th day of June, 2001, before me, the undersigned, a notary public, in and for said State, personally appeared Kerry R. Taylor, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Layne W. Price
Notary Public for Idaho
Residing at DRIGGS
My Commission Expires: 12-01-06

C:\Eudora\Attach\taylor0523.wd.wpd

142921

RECEIVED

DEC 20 2001

TETON CO. ID.
CLERK RECORDER

146012

Instrument # 146012

DRIGGS, TE IDAHO
2001-12-20 07:08:14 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 1.00
Ex-Officio Recorder Deputy *M. Allen*
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: S½NW¼, S½N½NW¼

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)

:SS

COUNTY OF BINGHAM)

On this 17th 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.

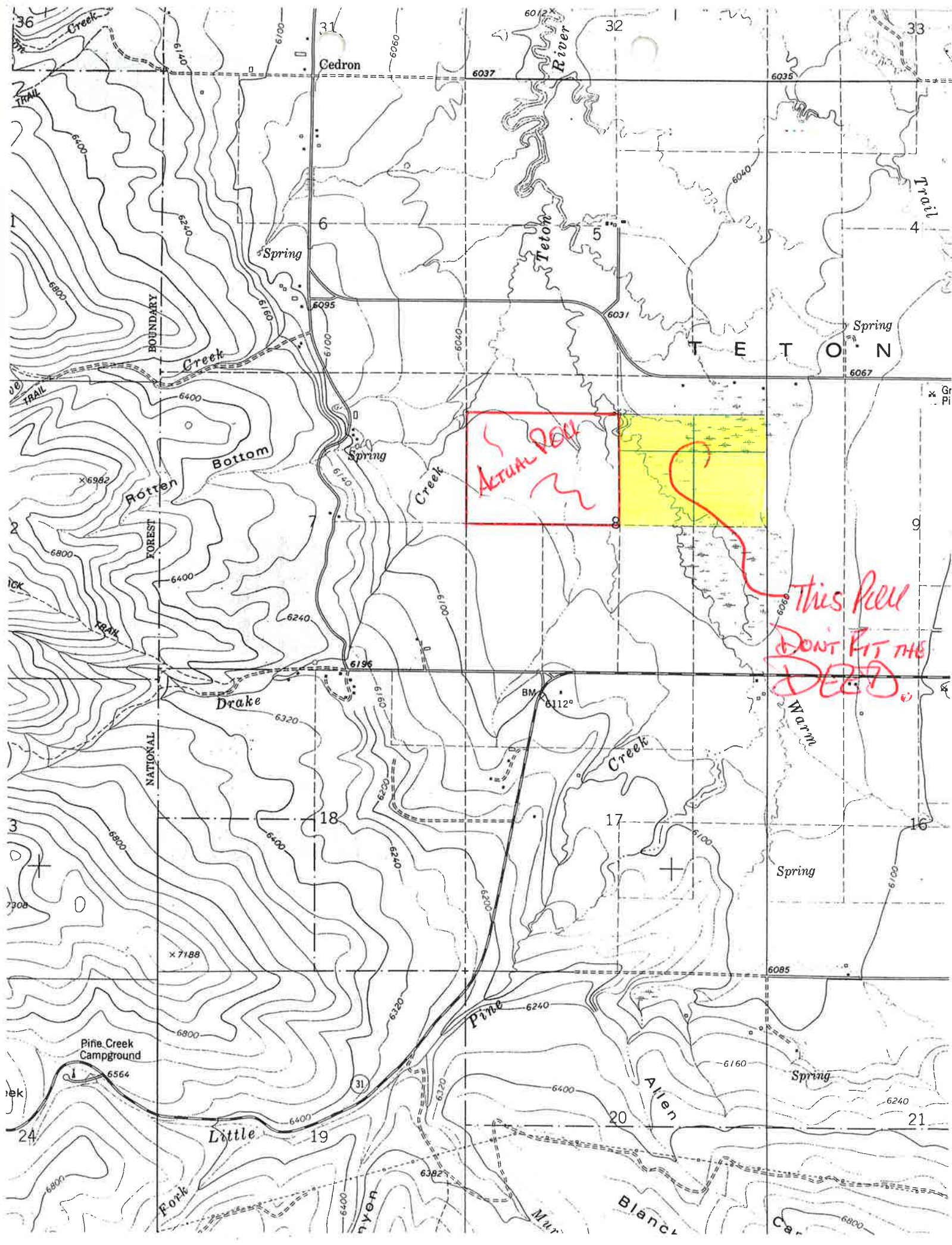


[Signature]
Notary Public for Idaho

Residing at Blackfoot

Commission Expires 10/10/02

146012



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 22-13299
Date Received: 5/25/2004
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: DEEP CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	45E	8	SE NW	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	1.1	

7. Total Quantity Appropriated is:
1.1 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
			SW NW	IRRIGATION	40

SE	NW	IRRIGATION	40
		Section Acres	120
		Total Acres	120

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 BEING USED: 22-199, 22-643, 22-644, 22-645, 22-646, 22-647,
22-648

SEE ATTACHED WARRANTY DEEDS NOS 142921 AND 146012

15. Basis of Claim: Decreed

Receipt Number E029859

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

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe full (e.g. Domestic: Give number of households served; 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	40									120

Total number of acres irrigated 120

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 22-646

Court 6TH 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 Trust Ident. Number 22-646

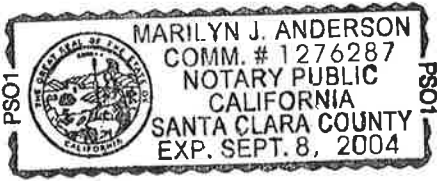
For Organizations: I do solemnly swear or affirm that I am Trustee of
(Title)
Richard & Susan Jacobsen Family Trust, that I have signed the foregoing document in the space below as
(Organization)
Trustee of Richard & Susan Jacobsen Family Trust and that the statements contained in the
(Title) (Organization)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

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



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 _____