

07/10/2006

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

RIGHT NUMBER: 22-13373

NAME AND ADDRESS: SHOOTING STAR DEVELOPMENT LLC
PO BOX 6880
KETCHUM ID 83340

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.620 CFS

Right Nos. 22-4032 and 22-13373 are limited to a total combined diversion rate of 1.4 cfs.

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R45E S10 SESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.620 CFS

PLACE OF USE:

IRRIGATION Within TETON County

T04N R45E S10

SWSW

7.00

T04N R45E S10

SESW

24.00

31 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

~~This water right is also recorded as Wyoming Certificated Water Right No. 2.~~ ?

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 is a split from former right 22-43.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Law Offices
John C. Grabow

P.O. Box 6880
Ketchum, Idaho 83340

MEMORANDUM

7755
208-622-

To: IDWR

From: John & Laura Grabow

Date: December 8, 2006

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

SCANNED

SEP 11 2007

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.

SCANNED

SEP 11 2007

No 792

4-1003

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.....

Eless 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-eight
of the United States General Land Office)

BY THE PRESIDENT: Woodrow Wilson.....

By M. P. LeRoy..... Secretary.

Recorded: Patent Number 353950.....

.....L. 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..... 19.....

By S. P. Oldham..... Deputy. Jno. Hegstad..... Recorder.

Fees \$1.00 Transcribed from book 2 of deeds page 681 Madison County Records.

SCANNED
SEP 1 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 **13377**

SHOOTING STAR DEVELOPMENT LLC

PO BOX 6880

KETCHUM ID 83340

Telephone Number: (208) 622-7455

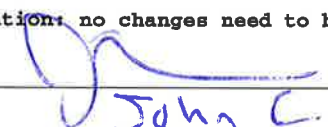
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

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

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

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

DATE: Dec. 8, 2006

SIGNATURE: 

Please print your name: John C. Grabow

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

SCANNED

SEP 12 2007

KMS
12/11

Notes

10-28-06 SOU should be 4/15-10/15
wy. Certificate # ?

Why does 22-4032 & 13373 have a combined
limit remark.

filing fee? ✓ overlapping acres.

11/4/06 This claim claimed 31 acres. in
(22-4032) Sec. 10 N1/4SW. 15 + not decreed
SWSW 8.8 statutory claim
SESW 7.2 22-4032
31

Sec. 10. S1/2SW decreed and. NENW Sec. 15.
120 inches.

Who is claiming NENW Sec. 15?
Accomplished Change?

What does the other 1/2 of 22-43 claim?
11/5/06 Skip Lucky J Ranch. (22-13372). Claimed wrong pos.
11/4/06 NENW Sec. 15 22-4087 (Lucky J Ranch)
Lucky J Ranch owns the S1/2 S1/2 SW Sec. 10.

22-0043
mile east of the Idaho-Wyoming boundary line on the north side of South Leigh Creek, and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted .80 cubic feet per second or 40 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the plaintiff or his predecessors in interest.

XXXVII.

That the plaintiff, Eli Lewis, is the owner of or has an estate in the following described lands, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 10; NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15, in township 4 north, range 45 E.B.M.,

120 acres

and is the owner of a ditch through which he conveys water from Darby Creek, with the point of diversion and diversion works located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 in township 4 north, range 45 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 2.4 cubic feet per second or 120 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff, or his predecessor in interest.

XXXVIII.

22-0044
That the plaintiff, Edna R. Micksell, is the owner of or has an estate in the following described lands, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; West 30 acres of SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 19, in township 3 north, range 46 E.B.M.,

and is the owner of a ditch through which she conveys water from Moose Creek, with the point of diversion located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 19 in township 3 north, range 46 E.B.M., and the plaintiff, or her predecessor in interest, on or before, and ever since the 22nd day of January, 1916, has so diverted 1 cubic foot per second

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.

John Carbow 208-622-7455 Home phone
208 709-4535 cell

LIVES IN Kelchuan Idaho.

Reviewer: _____ Date: _____

COANNED

SEP 12 2007

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 393-0011
FACSIMILE: (208) 433-0187

April 28, 2003

Idaho Department of Water Resources
Eastern Division
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: *Water Right No. 22-43*
Dana L. and Sue Harris

To Whom It May Concern:

Enclosed please find a Notice of Claim to a Water Right which we are submitting as a late-filed SRBA right on behalf of Lucky J Ranch, L.L.C. Also enclosed is our check for filing fees as follows:

Base Fee:	\$ 50.00
Late Fee:	\$ 50.00
\$1/Per-Acre:	\$ 00.00
	<u>\$ 100.00</u>

If you have any questions, please contact me.

Sincerely,

Randy Budge
RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Dana and Sue Harris (w/encl.)

RECEIVED
MAY 07 2003
Department of Water Resources
Eastern Region

RECEIVED
MAY 07 2003
Department of Water Resources
Tribal Region

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

22-43

Date Received

5-7-03

Receipt Number

ED28757

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lucky J Ranch, L.L.C. Phone (858) 538-2212

Mailing Address 14185 Caminito Vistana, San Diego, CA Zip 92130

c/o Dana Harris, Mgr.

2. Date of Priority (Only one (1) per claim) 01/22/1916

3. Source of water supply (a) Darby Creek

which is tributary to (b) Teton River

4. a. Location of existing point of diversion is: Township 04 N. Range 45 E. Section 15

1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of

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 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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 2.4 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.4 (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	
<u>4N</u>	<u>45E</u>	<u>10</u>															<u>30</u>	<u>15</u>	<u>45</u>
		<u>15</u>					<u>35</u>												<u>35</u>

Total number of acres irrigated 80

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. _____ or None ()

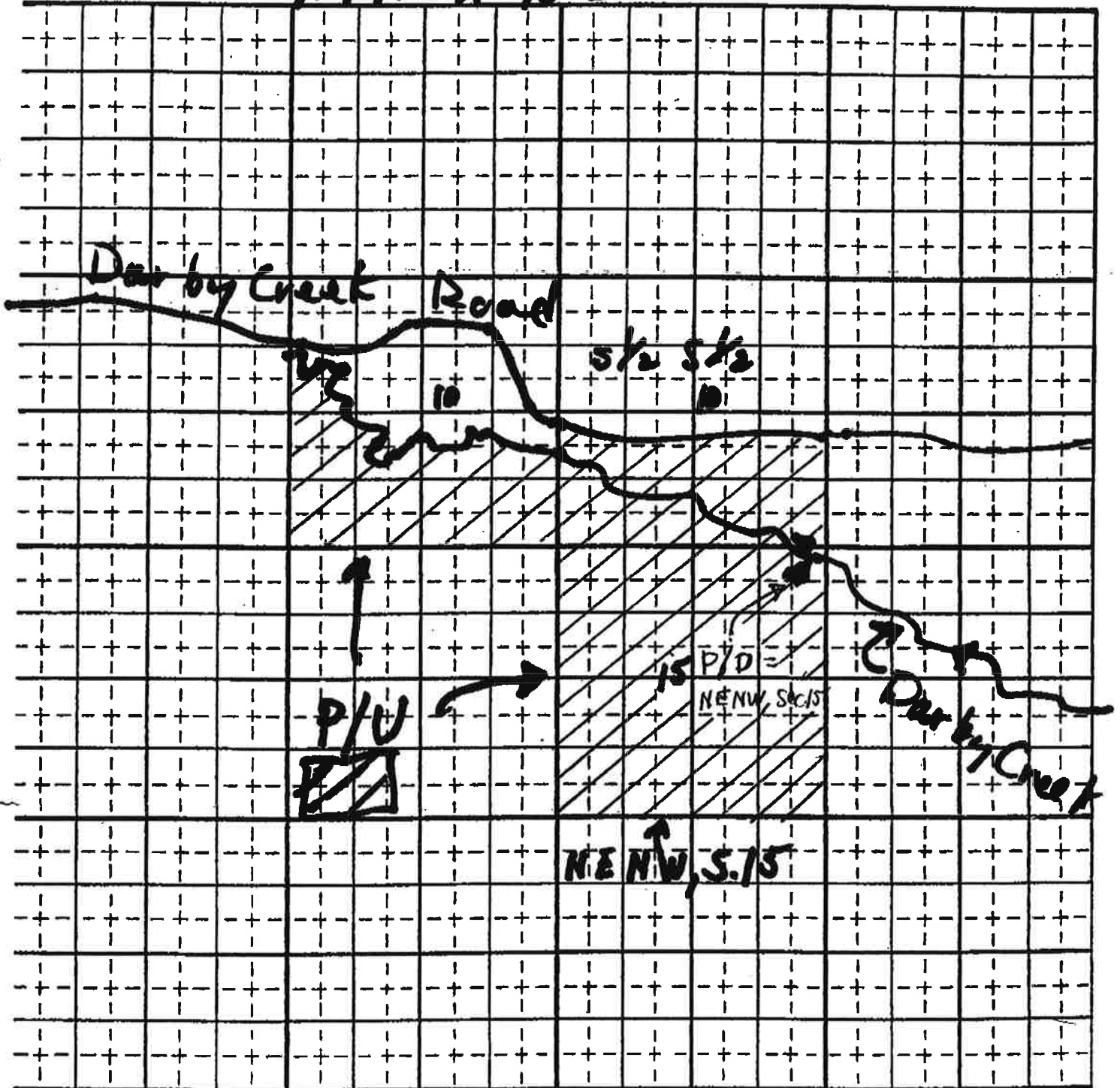
14. Remarks:

Last Name Lucky J Ranch Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T.4 N. R.45 E.



Last Name Lucky J. Ranch LLC Ident No. _____

04N	45E	15	NE	NW	IRRIGATION	35
					Section Acres	35
					Total Acres	80

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

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 22-43
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
of Lucky J Ranch, LLC that I have signed the foregoing
document in the space below as MANAGER of LUCKY J RANCH, LLC
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization MANAGER, LUCKY J RANCH, LLC Date 5/1/03

State of Idaho or California)
County of San Diego) SS.

Subscribed and sworn (or affirmed) before me this 1st day of May 18 2003



Notary Public [Signature]
Residing at San Diego, CA
My Commission Expires Sept 27, 2005

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Randall C. Budge 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 R. Budge
Address P.O. Box 1391 Pocatello, ID 83204
Date 5/5/03

Last Name Lucky J Ranch Ident. Number _____

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 22-43
Date Received: 5/7/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LUCKY J RANCH LLC Phone: (858)538-2212
C/O DANA HARRIS
14185 CAMINITO VISTANA
SAN DIEGO CA USA 92130

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	15	NE NW	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	2.4	

7. Total Quantity Appropriated is:
2.4 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	SW SE	IRRIGATION	30
			SE SE	IRRIGATION	15
				Section Acres	45

A2200043



Water Right No(s). _____



GPS DATA:

Tag # A000 9587 Location: on Concrete Structure

Diversion Data:

Source: Darby Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Water is Diverted From Darby Creek into
Ditch to Place of Use Flood & Sab Traignin
photo is taken in West Direction

Field Exam Date: 4-11-06 Agent: Nick Olson



Idaho Department of Water Resources

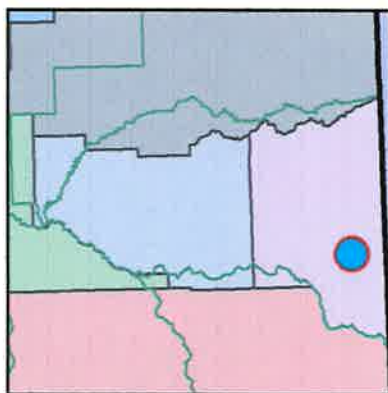
SRBA Recommendation:

22-13373

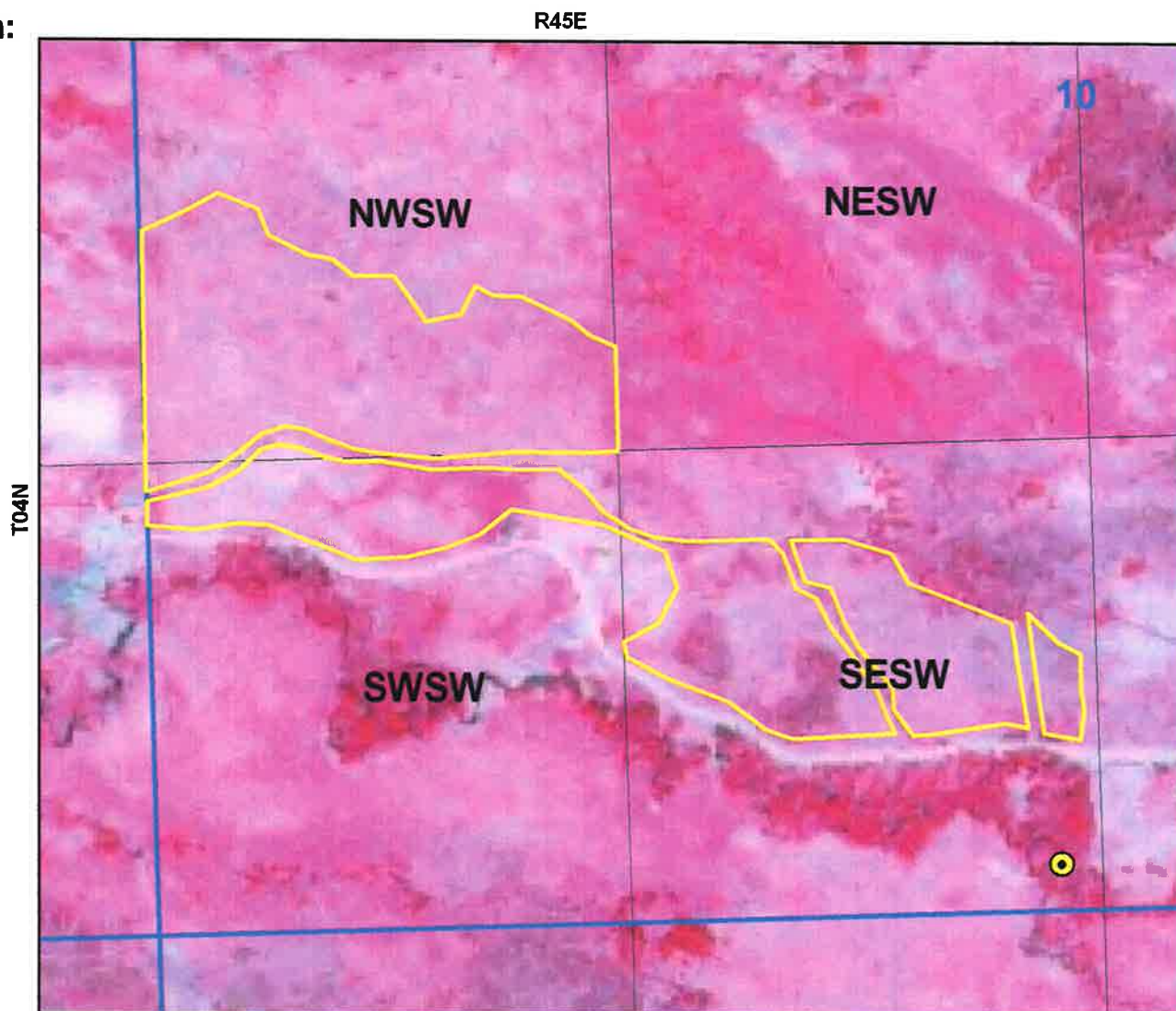
(Irrigation)

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 Monday, December 18, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

22-13373

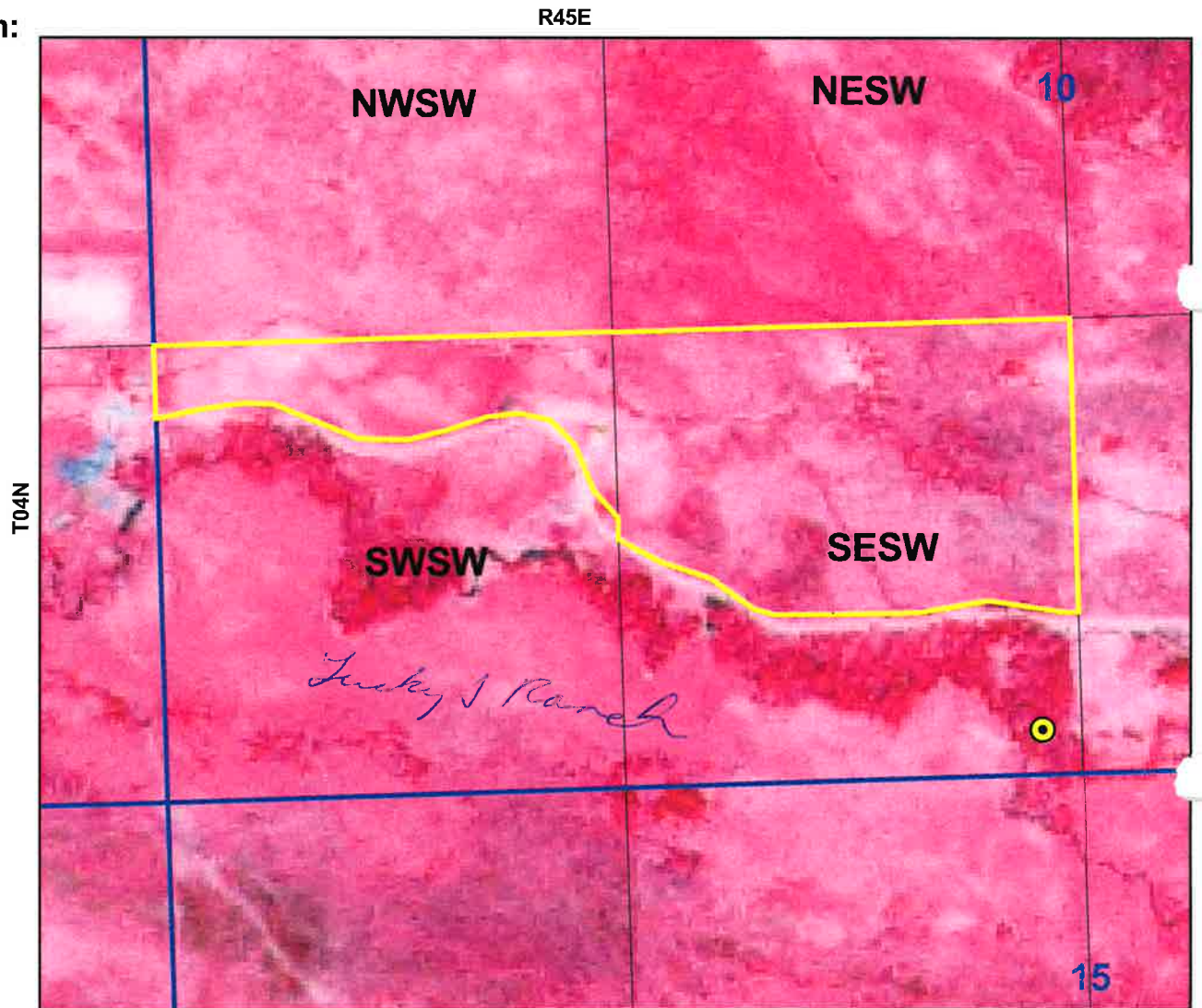
(Irrigation)

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

T04N R45E

claim
4095

POD
SPRING

SPRING
10

NWSW

HOUSE + YARD APR 2 1/2 AC
APR 2 1/2

SWSW

SESW

POD
SPRING

POD
13353

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:
Received By:

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
SCANNED

04N 45E 10

NW SW
SW SW
SE SW

IRRIGATION 15
IRRIGATION 8.8
IRRIGATION 7.2

Section Acres 31

Total Acres 31

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

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

Total Acres 31

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:

Part of 22-43

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. Carlsen

Notary Public

Residing at

Idaho Falls ID

My Commission Expires

8-21-2009

SCANNED

SEP 12 2007