

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13454

NAME AND ADDRESS: K MERLE JEPPESEN
665 CENTENNIAL LOOP
REXBURG ID 83440

SOURCE: LYONS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.240 CFS
352.00 AFY

Right Nos. 22-7091 and 22-13454 are limited to a total combined diversion rate of 2.00 cfs and to a total combined annual diversion volume of 849 AF.

PRIORITY DATE: 06/01/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.240 CFS 352.00 AFY
<u>PLACE OF USE: IRRIGATION in MADISON County</u>		
T04N R41E S05 Lot 4 NWNW	39.00	T04N R41E S05 SWNW 30.00
T04N R41E S05 NESW	34.00	T04N R41E S05 NWSW 40.00
T04N R41E S05 SWSW	39.00	T04N R41E S05 SESW 39.00
T04N R41E S06 Lot 1 NENE	39.00	T04N R41E S06 SENE 31.00
T04N R41E S06 NESE	33.00	T04N R41E S06 SESE 32.00
T04N R41E S07 NENE	22.00	

378 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 378 acres in a single irrigation season. Combined Right Nos.: 22-7091, 22-7115, 22-13454

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.

This right is based upon an enlargement of Right No. 22-7091 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 236.0 acres within the place of use described for this right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

October 2, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BEVAN AND MICHELLE JEPPESEN
1282 S SECOND E
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 22-7091, 22-7115
AND 22-13454 and Notice of Completed Administrative Proceeding (NCAP)

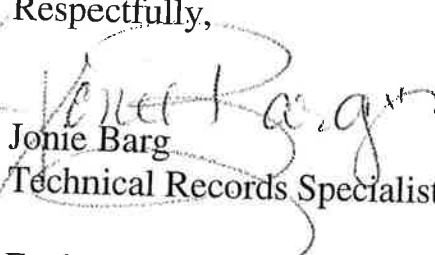
Dear Sir/Madam:

On September 23, 2008 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg

Technical Records Specialist

Enclosure

SCANNED
OCT 22 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-7091, 22-7115 &
22-13454

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

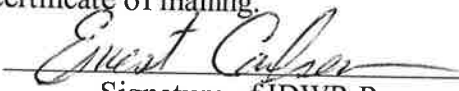
☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9-24-08



Signature of IDWR Representative

SCANNED
OCT 22 2008

CERTIFICATE OF MAILING

I certify that on Sept 26, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
K Merle Jeppesen
665 Centennial Loop
Rexburg ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Bevan Jeppesen
1282 S Second E
Rexburg ID 83440
Michelle Jeppesen
1282 S Second E
Rexburg ID 83440

4. One copy to:

Each party in the subcase, or attorney of record
Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

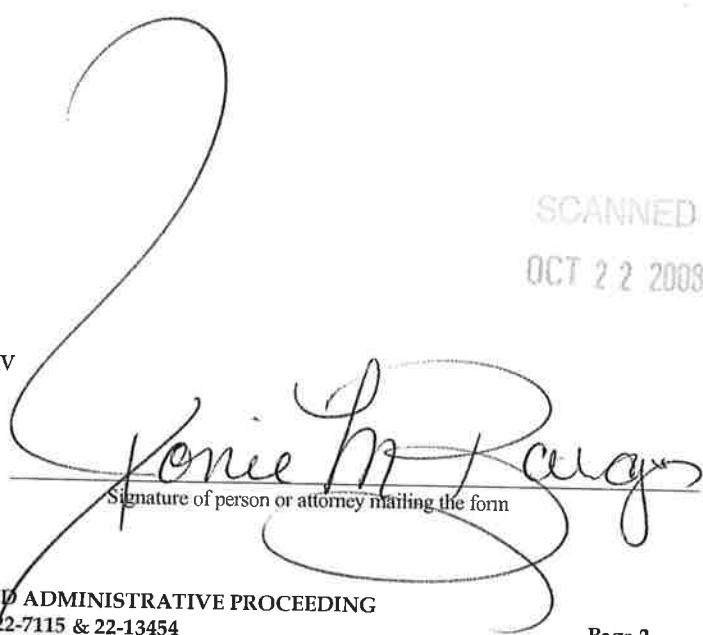
5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

SCANNED
OCT 22 2008


Signature of person or attorney mailing the form

09/24/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7091

NAME AND ADDRESS: BEVAN JEPPESEN
1282 S SECOND E
REXBURG ID 83440

MICHELLE JEPPESEN
1282 S SECOND E
REXBURG ID 83440

SOURCE: LYONS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS
497.00 AFY

Right Nos. 22-7091 and 22-13454 are limited to a total combined diversion rate of 2.0 cfs.

PRIORITY DATE: 04/18/1974

POINT OF
DIVERSION:

T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/01 11/01		2.000 CFS 497.00 AFY
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>				
	T04N R41E S05 Lot 4 NWNW	39.00	T04N R41E S05	SWNW	30.00
	T04N R41E S05	NESW 34.00	T04N R41E S05	NWSW	40.00
	T04N R41E S05	SWSW 39.00	T04N R41E S05	SESW	39.00
	T04N R41E S06 Lot 1 NENE	39.00	T04N R41E S06	SENE	31.00
	T04N R41E S06	NESE 33.00	T04N R41E S06	SESE	32.00
	T04N R41E S07	NENE 22.00			

378 ACRES TOTAL

This right is limited to the irrigation of 142 acres within the place of use described above in a single irrigation season.

378 The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-7091, 22-7115, 22-13454

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OCT 22 2008

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 - License

Right No. 22-13454 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

SCANNED

OCT 22 2008

09/24/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7115

NAME AND ADDRESS: BEVAN JEPPESEN
1282 S SECOND E
REXBURG ID 83440

MICHELLE JEPPESEN
1282 S SECOND E
REXBURG ID 83440

SOURCE: LYONS CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 55.00 AFY

PRIORITY DATE: 11/27/1974

POINT OF
DIVERSION:

T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/01 10/31	55.00 AFY
IRRIGATION STORAGE	01/01 12/31	55.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE in MADISON County

T04N R41E S05	SWNW	7.00	T04N R41E S05	NWSW	40.00
T04N R41E S05	SWSW	39.00	T04N R41E S06	SENE	6.00
T04N R41E S06	NESE	33.00	T04N R41E S06	SESE	27.00

152 ACRES TOTAL

This right is limited to the irrigation of 142 acres within the place of use described above in a single irrigation season.

378 The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 22-7091, 22-7115, 22-13454

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 - License

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OCT 22 2008

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.

This right is based upon an enlargement of Right No. 22-7091 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED
OCT 22 2008

This right is for an enlargement of 236.0 acres within the place of use described for this right.

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OCT 22 2008

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-7091	OK				
22-7115	OK				
22-13454	OK				

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SEP 23 2008

Department of Water Resources
Eastern Region

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) K. Merle Jeppesen

665 Centennial Loop

Rexburg, Idaho 83440

4. New Owner/Claimant(s) Bevan R. Jeppesen Michelle Jeppesen

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address 1282 S. 2nd E.

City, State and ZIP Code Rexburg, Idaho 83440

New Telephone Number () _____ Email: _____

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OCT 22 2008

5. Date you acquired the property December 31, 1987

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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.

7. Signature(s) of New Owner(s) or Claimant(s) Bevan Tappan (title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____ Receipt Amt. _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
OCT 22 2008

WARRANTY DEED

FOR VALUE RECEIVED, K. Merle Jeppesen and Janice R. Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Sellers", hereby remise, releases, and forever warrants unto Bevan R. Jeppesen and Michelle Jeppesen, husband and wife, of Rexburg, Idaho, hereinafter called "Buyers", the following real property located in Madison County, State of Idaho, to-wit:

Webster Farmland:

Township 4 North, Range 41 East, Boise Meridian.

Section 5

Lot 4

Southwest 1/4 Northwest 1/4
Southwest 1/4

Section 6

Lot 1

Southeast 1/4 Northeast 1/4
East 1/2 Southeast 1/4

Section 7

Northeast 1/4 Northeast 1/4

Township 5, North 41 East, Boise Meridian

Instrument # 318189

REXBURG, MADISON, IDAHO

2005-03-10

11:12:00 No. of Pages: 3

Recorded for : BEVAN JEPPESEN

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 9.00

SCANNED
OCT 22 2008

Together with:

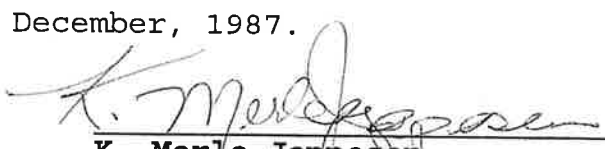
1. Reversions and remainders.
2. Tenements, hereditaments, appurtenances, improvements and fixtures.
3. Two CFS of water from Lyons Creek tributary to Southfork of Snake River as evidenced by water license no. 22-7091 of the Department of Water Resources of the State of Idaho, priority April 18, 1974.
4. 55 acre feet of water represented by water license no. 22-7115 of the Department of Water Resources, State of Idaho.

Subject To:

Taxes for 1987 and subsequent years

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, unto the said Buyers, their heirs and assigns forever. Seller does hereby covenant to and with the said Buyers, that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except as noted.

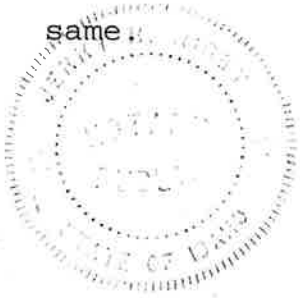
DATED This 31st day of December, 1987.


K. Merle Jeppesen


Janice R. Jeppesen

) SS.)

On this 31st day of December, 1987, before me, the undersigned, a Notary Public in and for said State, personally appeared **K. Merle Jeppesen** and **Janice R. Jeppesen**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Janet Leidy

Notary Public for Idaho
Residing at: *Bozeman*

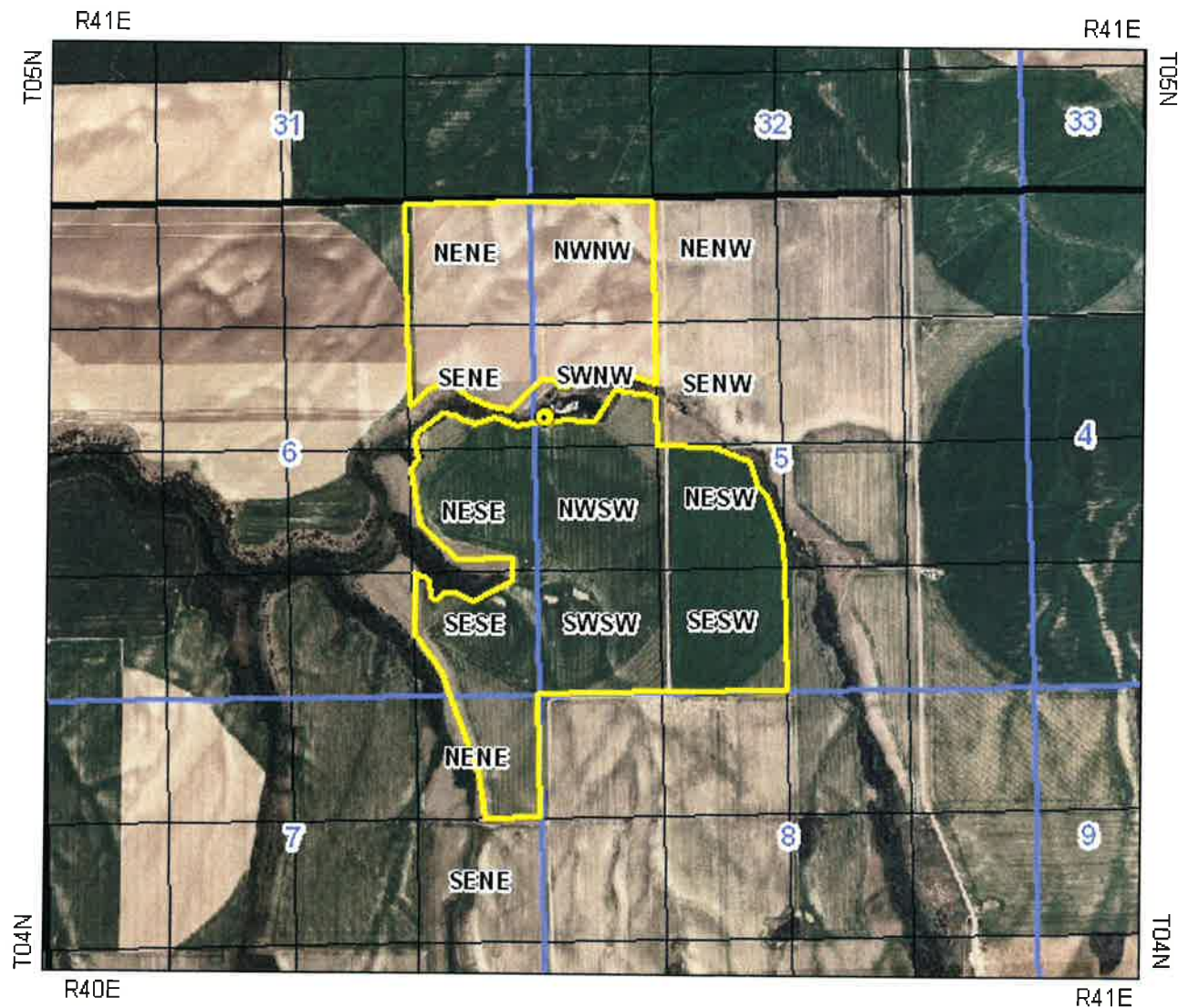
SCANNED
OCT 22 2003

State of Idaho
Department of Water Resources
Water Right License

22-13454, 22-7091

Water Service Area Boundary for K Merle Jeppesen

September 17, 2008



Legend

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

0 0.2 0.4 0.8 Miles



Claimant: Bevan Jeppesen
Attorney: Jerry R. Rigby
of RIGBY, ANDRUS
& MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA

Subcase: 22-13454

Case No. 39576

AFFIDAVIT OF BEVAN JEPPESEN

STATE OF IDAHO

ss.

County of Madison

Bevan Jeppesen, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 1282 S. 2nd E.,
Rexburg, ID 83440.
2. I am a farmer by profession and am now the sole owner of the approximately
226 acres of lands described in amended water right claim No. 22-13454 (hereinafter "Lands"),
together with the approximately 152 acres of lands described in water right number 22-7091, for
a combined acreage of approximately 378.

3. My father, K. Merle Jeppesen and I purchased the Lands as well as the said 152 acres from Bruce Webster (hereinafter "Websters") in July of 1987. I then turned around and purchased the interest held by my father and thereafter have owned the Lands since that date and have personally worked and watered the Lands since purchased from the Websters in 1987.

4. At the time of the purchase, Websters were watering the entire 378 acres described in the Amended Claim number 22-13454 along with water right 22-7091 and had been so since the irrigation season of 1986.

5. Furthermore, in addition to the water rights described above, a central pressurized system which waters the entire 378 acres was installed and watered the Lands in the summer of 1987, which also included waters from ground water right number 22-13670.

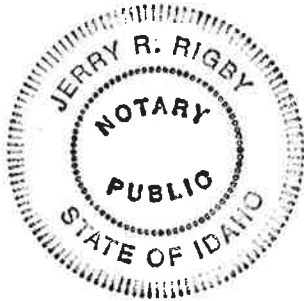
6. Since I have personally watered the Lands since the said purchase, I am keenly and personally aware that the claimed statutory enlargement of water right 22-7091 was timely accomplished prior to the November 19, 1987 statutory deadline.

7. Therefore, all present uses described in the Amended Claim were instituted prior to the statutory deadline of November 19, 1987 for enlargement claims.

Dated this 9~~th~~ day of September, 9, 2008.

Bevan Jeppesen
Bevan Jeppesen

SUBSCRIBED AND SWORN to before me this 9 day of September, 2008.



Jerry R. Rigby
Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 11-09-11

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. S. WAYNE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED


NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

SCANNED
JUL 09 2007

DANLAN JEPPESEN
K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440

JEPP434 * 834402004 1206 10 10/02/06
FORM 3547
MERLE
132 S HIGHLAND AVE
REXBURG ID 83440-3573

U.S. POSTAGE
PB3523
SEP 29 2006
3 INVERTED FROM ZIP CODE 834

22-245E
26SD
4195
7091
7115
13454
13479

November 3, 2006

DALLAN JEPPESEN
K MERLE JEPPESEN
132 S HIDDEN VALLEY RD
REXBURG ID 83440-3573

RE: CHANGE OF ADDRESS FOR 22-265E, 22-265D, 22-4195,
22-7091, 22-7115, 22-13454, AND 22-13479

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

DALLAN JEPPESEN
K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

SCANNED
JUL 09 2007

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered**

SCANNED

NOV 17 2006

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

Idaho Department of Water Resources
ATTN: Trent Galbraith
900 N Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

RECEIVED

MAY 03 2006

Department of Water Resources
Eastern Region

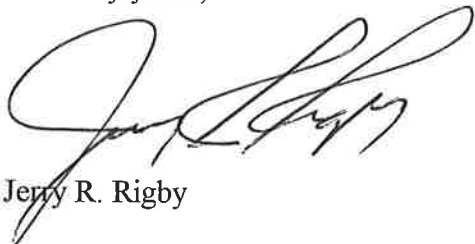
May 2, 2006

RE: Water Right Numbers: 22-7528, 22-7683, 22-265D, 22-265E, 22-2299A, 22-2299B, 22-4195, 22-7091, 22-7115, 22-13454, 22-13479, and 22-7195.

Dear Trent,

Please take notice that this firm represents BMJ Farms LLC, owned by Bevan Jeppesen, and DKJ Farms LLC, owned by Dallan Jeppesen, in the above entitled water rights. Please see that we are included in all future mailings and matters.

Sincerely yours,



Jerry R. Rigby

Adj #1's
updated 5/4/06
Kmj

SCANNED

JUL 09 2007

Claimant: K. Merle Jeppesen
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA)

Subcase: 22-13454

Case No. 39576)

AFFIDAVIT OF BEVAN JEPPESEN

STATE OF IDAHO)

ss.

County of Madison)

Bevan Jeppesen, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 1282 S 2nd E Rexburg
ID 83440-3862

2. I am a farmer by profession and together with my wife (together with my
limited liability company, BMJ Farms LLC) and I own and operate the farm which is the subject
of the enlargement claim filed by Merle Jeppesen (Claimant) claim 22-13454. I have personally
worked on said lands since it was purchased by my father, Merle Jeppesen from Bruce Webster
on or around the year 1987. Because I worked the farm I am personally acquainted with and am

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JUL 09 2007

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FEB 13 2008
Department of Water Resources
Eastern Region

familiar with the watering practices of the farm and how the farm was watered even prior to 1987.

3. I have carefully reviewed claim number 22-13454 and have actual and personal knowledge that all of the lands contained in said claim have been watered by Claimant from the Claim's point of diversion since prior to the crop year 1987. I have obtain the records from the U.S. Department of Agriculture (ASCS) which establish that the lands contained in the enlargement claim were watered prior to 1987 and were put into the CRP program. A copy of said records is attached hereto.

4. I have carefully reviewed the map attached to the claim and have personal knowledge that the portion of the claim shown in red within the NE1/4SE1/4 was originally watered until such time as it was placed in the CRP program. Furthermore, the 1987 map itself clearly establishes that the lands contained in the enlargement claim were watered in 1987 when the photo was taken.

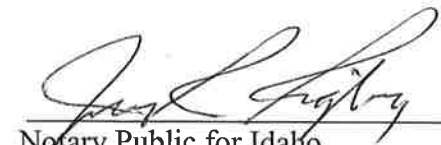
5. All present uses described in the Claim were instituted prior to 1987, as described above.

Dated this 8 day of February, 2006.


Bevan Jeppesen

SUBSCRIBED AND SWORN to before me this 8th day of February, 2006.




Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 11-09-11

CRP-2
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation

RECEIVED

FEB 13 2006

CONSERVATION RESERVE PROGRAM WORKSHEET

P.L. 99-198 authorizes the Conservation Reserve Program. In order to administer the program, the data requested to be provided on this form is necessary. The data will be used to determine eligibility for program payments. Furnishing this data is voluntary. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. This worksheet does not constitute a contract between CCC and Owner or Operator nor does the information provided on this form bind in any way the CCC or the Owner or Operator.

1. FARM NO. 896		NAME AND ADDRESS OF OPERATOR * Bruce Webster 37 Sunset Court. Rehburg, Id 83440		CROPLAND 1172.5	2. STATE & COUNTY CODE & C/D 16 065 6	
3. CONTRACT NO. 30					4. POOL NO. 3	
5. ACRES FOR CRP 30.0 30.5 33.6		6. ACRES FOR TREE PLANTING FROM ITEM 5 0		7. ESTIMATED GROSS EROSION RATE (T/AC/YR) 21.2		

8. BASE REDUCTIONS

COMMODITY A	ESTIMATED ACRES B	ACTUAL ACRES C	PERCENT D	YIELD E	COMMODITY F	ESTIMATED ACRES G	ACTUAL ACRES H	PERCENT I	YIELD J
Wheat	23.4	20.5	3603	26	Rice	.	.	.	.
Corn	.	.	.	.	Peanuts	.	.	.	.
Oats	.	.	.	.	Total Tobacco	.	.	.	.
Barley	.	.	.	.		.	.	.	.
Sorghum	.	.	.	.		.	.	.	.
Upland Cotton	.	.	.	.		.	.	.	.
ELS Cotton	.	.	.	.		.	.	.	.

9. RENTAL RATE PER ACRE 45.00		10. TOTAL ACRES APPROVED 30.0		11. TOTAL ANNUAL PAYMENT 1350	
12. LAND CLASS AND SUBCLASS 3E		13. SOIL LOSS TOLERANCE 5		15. EROSION AFTER (T/AC/YR) 2	
		14. EROSION BEFORE (T/AC/YR) 22			

16. PRACTICES

PRACTICE A	ACRES B	ESTIMATED COST-SHARES C	PRACTICE D	ACRES E	ESTIMATED COST-SHARES F
CP1	30.0	1380	CP7		
CP2			CP8		
CP3			CP9		
CP4			CP10		
CP5			CP11		
CP6					

NOTE: Total acres of CP1 - CP5 plus CP9 - CP11 must equal the total acres approved in item 10 above.

REMARKS

SCANNED

JUL 09 2007

ASCS-695
(05-02-86)

U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Water Bank Program and Conservation Reserve Program
ANNUAL PAYMENT STATEMENT

FARM NO.

NAME AND ADDRESS OF PRODUCER

1. STATE AND COUNTY CODE

16 065 6

2. AGREEMENT PERIOD (Yr.)

BEGIN

END

1987

1996

3. GROSS PRODUCER PAYMENT

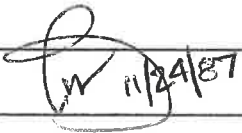
\$13500.00

RECEIVED

FEB 13 2006

Department of Water Resources
Eastern Region

PAYMENT DATA

ITEM A	AMOUNT B	APPROVED BY AND DATE C	CHECK NO. D
4. SET-OFF AND PAYEE AND PURPOSE			
5. Net Producer Payment	\$1350	 11/24/87	ccc-6 29494630
6. SET-OFF AND PAYEE AND PURPOSE			
7. Net Producer Payment			
8. SET-OFF AND PAYEE AND PURPOSE			
9. Net Producer Payment			
10. SET-OFF AND PAYEE AND PURPOSE			
11. Net Producer Payment			
12. SET-OFF AND PAYEE AND PURPOSE			
13. Net Producer Payment			
14. SET-OFF AND PAYEE AND PURPOSE			
15. Net Producer Payment			
16. SET-OFF AND PAYEE AND PURPOSE			
17. Net Producer Payment			
18. SET-OFF AND PAYEE AND PURPOSE			
19. Net Producer Payment			
20. SET-OFF AND PAYEE AND PURPOSE			
21. Net Producer Payment			
22. SET-OFF AND PAYEE AND PURPOSE			
23. Net Producer Payment			

REMARKS

SCANNED

JUL 09 2007

CRP-1
(02-21-86)U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
Commodity Credit Corporation1. STATE & CO. CODE &
C/PD2. CONTRACT NO.
30

16 065 6

3. FARM NO.
896

CONSERVATION RESERVE PROGRAM CONTRACT

NOTE:

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a): The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and the regulations promulgated thereunder (7 CFR Part 704) and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing of the Social Security Number (SSN) is mandatory. Furnishing all other information is voluntary; however, failure to furnish the correct, complete information requested will result in rejection of the offer to enter into the contract.

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners and operators (referred to as "Owner" and "Operator", respectively) on the farm identified above (referred to as "Farm") for the fields and acres (referred to as "designated acreage") identified in Items 8-17 below and on the CRP-1A Addendum, as applicable. The Owner and Operator agree to place the designated acreage into the Conservation Reserve Program ("CRP") for a period of 10 crop years from the date the Contract is executed by the CCC. The Owner and Operator also agree to implement on such designated acreage the Conservation Plan developed for such designated acreage and approved by the applicable local conservation district based upon the conservation practices identified in Items 10 and 15 below and in Items 4 and 9 on the CRP-1A Addendum or such other conservation practices as are identified in the Conservation Plan and agreed to by the Owner and Operator. The Owner and Operator and CCC agree to comply with the terms and conditions contained in this Contract and contained in the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, each Owner and Operator acknowledges that a copy of the Appendix has been provided to the Owner and Operator and that the Owner and Operator has signed the last page of such Appendix which will be kept on file in the County Agricultural Stabilization and Conservation Service (ASCS) Office. By signing below, the Owner and Operator also agree to allow CCC a period of 30 days from the close of the applicable signup period to accept this Contract and agree to pay liquidated damages in an amount specified in the Appendix if the Owner and Operator do not allow CCC such 30-day period in which to execute this Contract.

4. OWNERS AND OPERATORS

A. OPERATOR NAME AND ADDRESS

BRUCE B. WEBSTER
37 SUNSET CIRCLE
REXBURG, ID 83440

SHARE

SSN

x 518-56-3811

SIGNATURE

DATE

100 %

%

Bruce B. Webster

2/26/87

B. OWNER NAME AND ADDRESS

JULIE M. WEBSTER
37 SUNSET CIRCLE
REXBURG, ID 83440

SHARE

SSN

519/62/9254

SIGNATURE

DATE

%

Julie M. Webster

2/26/87

C. NAME AND ADDRESS

SHARE

SSN

SIGNATURE

DATE

D. NAME AND ADDRESS

SHARE

SSN

SIGNATURE

DATE

RECEIVED

FEB 13 2006

Department of Water Resources
Eastern Region

5. ACRES FOR CRP

BBW 31.1 BBW.
30.0 33.8

6. RENTAL RATE PER ACRE

x \$ 45.00

7. CONTRACT PERIOD

FROM

TO

June 11, 1987

OCT 1, 1996

TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES	TRACT NO.	FIELD NO.	PRACTICE NO.	ACRES	RATE OF COST-SHARES
8	9	10	11	12	13	14	15	16	17
1411	H2-1A	CP1	5.2	50%					
"	I2-3A	"	6.3 8.0 BBW 10.5	"					
"	I3-4A	"	5.8	"					
"	L2-4B	"	BBW 9.2 8.6	"					
"	K -7	"	3.5	"					

18. ANNUAL PAYMENT

\$1350.00

19. CCC USE ONLY - Payments according to the shares are approved.

CCC REPRESENTATIVE'S SIGNATURE

JUL 09 2007

DATE

ORIGINAL - COUNTY OFFICE COPY

29 RECEIPT OF APPENDIX

The following owners and operators by entering their signature acknowledge receipt of this Appendix to Form CRP-1 and agree to the terms and conditions thereof.

x Bruce B. Webster Date 2-26-87

x Julie M. Webster Date 2-26-87

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

Date _____

SCANNED

11 JUL 09 2007

RECEIVED

FEB 13 2006

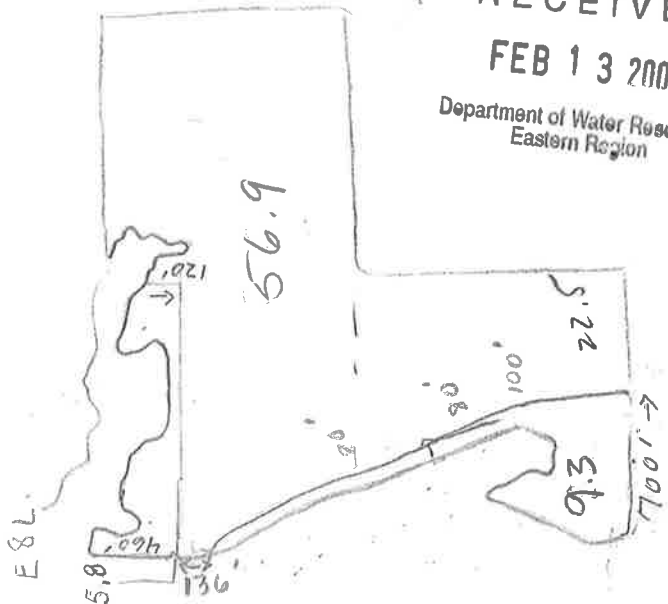
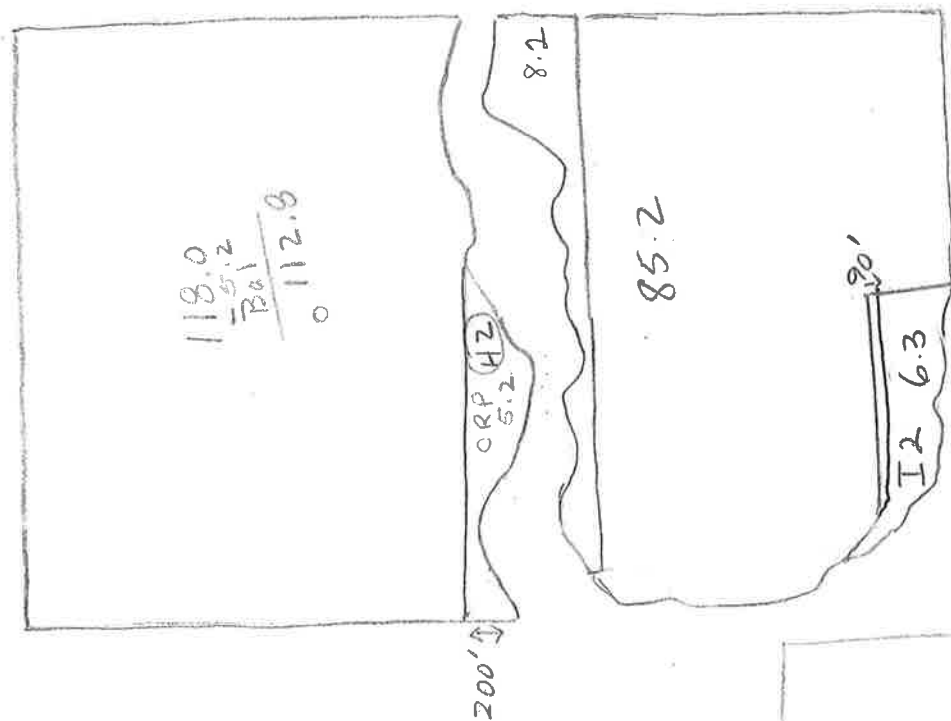
Department of Water Resources
Eastern Region

BRUCE WEBSTER
 Form # 896
 MAP FGA

Tract 1416

TRACT - 1416

112.8
<u>5.2 - CRP</u>
8.2
85.2
<u>6.3 CRP</u>
80.0
5.8 CRP
<u>8.6 CRP</u>
72.4
<u>Total 384.5</u>
3.5
<u>388.0</u>



RECEIVED
 FEB 13 2006
 Department of Water Resources
 Eastern Region

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

Ryan Mikesell
Idaho Department of Water Resources
SRBA Eastern Region Unit
900 N. Skyline Drive
Idaho Falls, Idaho

February 13, 2006

Dear Ryan,

Enclosed please find the Enlargement Claim prepared by AI for the Jeppesens. Also enclosed please find the affidavit of Bevan Jeppesen together with the ASCS attachments as proof of the claim. I have already sent to Kristen a scanned copy of the map. If you don't have it, please let me know.

Also, enclosed please find our firm check in the amount of \$60.00 payable to IDWR.

Sincerely yours,



Robert H. Wood
Assistant to Jerry Rigby

RECEIVED

FEB 13 2006

Department of Water Resources
Eastern Region

SCANNED

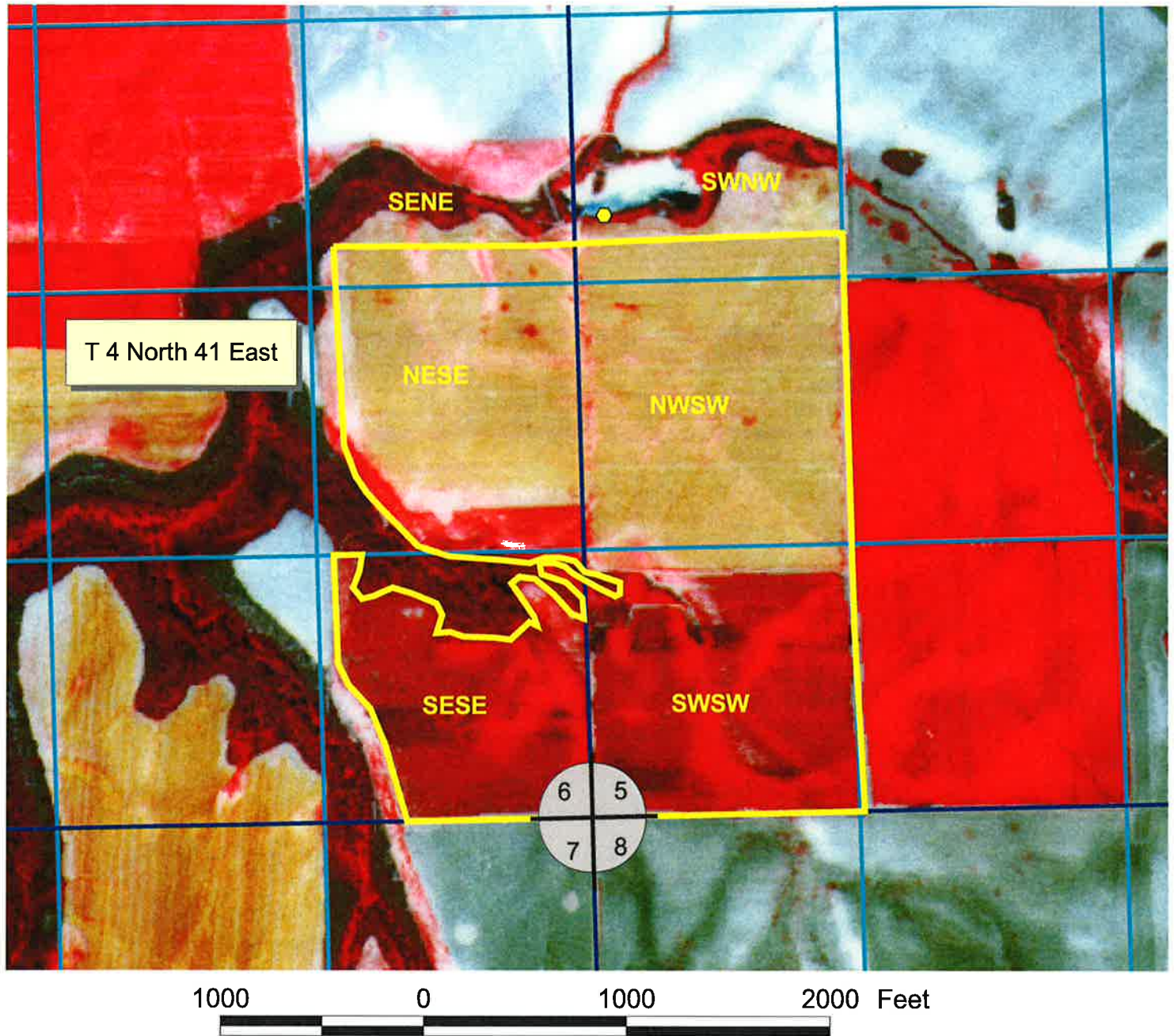
JUL 09 2007



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-7091, 22-7115, 22-13454



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

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

SCANNED
JUL 09 2007

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
22-13454

Date Received:

Receipt Nos:

Received By:

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

1. Name of Claimant(s)

K. Merle Jeppesen Phone: (208)356-3638
665 Centennial Loop
Rexburg, ID 83440

Bevan Jeppesen
1282 S. 2nd E.
Rexburg, ID 83440

RECEIVED
SEP 11 2008

2. Date of Priority: 06-01-1986

Department of Water Resources
Eastern Region

3. Source: Lyons Creek Trib. to: South Fork Snake River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	41E	05	SW SW NW	MADISON	

5. Description of diverting works:

pump with G.E. 125 h.p. motor, out of Lyons Creek

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.24	

7. Total Quantity Appropriated is:

1.24 C.F.S. (Proration of the original 2.0 C.F.S.)

8. Total consumptive use:

SCANNED
SEP 15 2008

9. Non-irrigation uses:

10. Place of use:

Township Acres	Range	Section	1/4 of 1/4	Lot	Use	
04N	41E	5	SW NE NW SW SE	NW SW NW SW SW	IRRIGATION IRRIGATION IRRIGATION IRRIGATION IRRIGATION	
				4		
						Section Acres 144
04N	41E	6	SE NE	NE NE	IRRIGATION IRRIGATION	
				1		
						Section Acres 70
04N	41E	7	NE	NE	IRRIGATION	
						Section Acres 22
						Total Acres 236

11. Place of use in counties: MADISON

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

K. Merle Jeppesen has since sold his interest in the property to his son, Bevan Jeppesen.

13. Other Water Rights Used:
22-13670 & 22-7091

14. Remarks:

This amended claim is an enlargement claim to water right number 22-7091 as to total acres. This amended claim in combination with said 22-7091 totals 378 acres with a combined rate of diversion not to exceed 2.0 C.F.S.

15. Basis of Claim: Beneficial Use

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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: one- Affidavit of Bevan Jeppesen

For Organizations:

SCANNED

SEP 15 2008

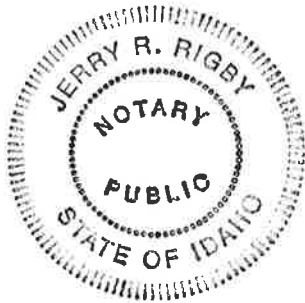
DATED this 10th day of September, 2008.

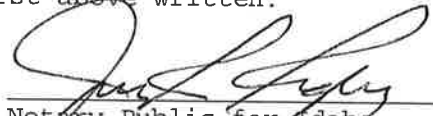

Bevan Jeppesen

STATE OF IDAHO,)
 SS.
County of Madison.)

On this 10th day of September, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **Bevan Jeppesen**, known 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.




Notary Public for Idaho
Residing at: Rexburg
My Commission Expires: 11/09/2011

SCANNED
SEP 15 2008

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 22-13454
Date Received: 12/14/2005
Receipt No:
Received By:

AMENDED ENLARGEMENT
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

K MERLE JEPPESEN Phone: (208)356-3638
434 MORGAN DR
REXBURG ID USA 83440

2. Date of Priority: 06/01/1986

3. Source: LYONS CREEK Trib. to: SNAKE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	41E	5	SW SW NW	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.14	35

7. Total Quantity Appropriated is:
0.14 C.F.S. and/or 35 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

04N	41E	5	SW	NW	IRRIGATION	5
					Section Acres	5
04N	41E	6	SE	NE	IRRIGATION	5
					Section Acres	5
					Total Acres	10

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

This right is for an enlargement of 10.0 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 22-7091 pursuant to Section 42-1426, Idaho Code.

15. Basis of Claim: Beneficial Use

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 22-13454
Date Received: 12/14/2005
Receipt No:
Received By:

ENLARGEMENT

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

RECEIVED
FEB 13 2006
Department of Water Resources
Eastern Region

1. Name of Claimant(s)

K MERLE JEPPESEN Phone: (208)356-3638
434 MORGAN DR
REXBURG ID USA 83440

2. Date of Priority: ~~01/01/1999~~ June 1, 1986 *BT*

3. Source: LYONS CREEK Trib. to: SNAKE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	41E	5	SW SW NW	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.14	35

7. Total Quantity Appropriated is:
0.14 C.F.S. and/or 35 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	41E	5	SW NW	IRRIGATION	5
				Section Acres	5
04N	41E	6	SE NE	IRRIGATION	5
				Section Acres	5
				Total Acres	10

11. Place of use in counties: MADISON

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

13. Other Water Rights Used: Grandwater Right

14. Remarks:

This right is for an enlargement of 10.0 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 22-7091 pursuant to Section 42-1426, Idaho Code.

15. Basis of Claim: Beneficial Use

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Bryan Tappan

Date: 12-21-05

K. Merle Tappan

Date: 12-21-05

State of Idaho)

County of MADISON)

SS.

Subscribed and sworn (or affirmed) before me this 30th

of DECEMBER 2005

Jerry R. Pigby

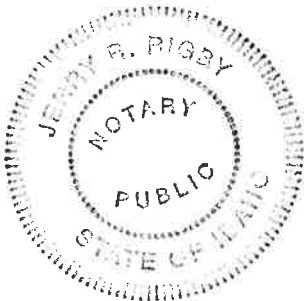
Notary Public

Residing at

LEXBURG

My commission Expires

11-09-11



SCANNED

JUL 09 2007

02/23/2006

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

RIGHT NUMBER: 22-13454

NAME AND ADDRESS: K MERLE JEPPESEN
434 MORGAN DR
REXBURG ID 83440

SOURCE: LYONS CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 0.140 CFS
35.00 AFY

Right Nos. 22-7091 and 22-13454 are limited to a total combined diversion rate of 2.0 cfs.

PRIORITY DATE: 06/01/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T04N R41E S5 SWSWNW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.140 CFS 35.00 AFY

PLACE OF USE:

IRRIGATION Within MADISON County

T04N R41E S05	SWNW	7.00	T04N R41E S05	NWSW	40.00
T04N R41E S05	SWSW	39.00	T04N R41E S06	SENE	6.00
T04N R41E S06	NESE	33.00	T04N R41E S06	SESE	27.00

152 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 152 acres in a single irrigation season. Combined Right Nos.:22-7091, 22-7115, 22-13454

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.

This right is based upon an enlargement of Right No. 22-7091 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 10.0 acres within the place of use described for this right.