

12/01/2006

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

RIGHT NUMBER: 22-13488

NAME AND ADDRESS: EVERGREEN INVESTMENT UTAH LLC
2834 ETIENNE WAY
SANDY UT 84093

SOURCE: UNNAMED STREAM

TRIBUTARY: FOX CREEK

QUANTITY: 0.700 CFS

PRIORITY DATE: 10/31/1912

POINT OF DIVERSION:

T04N R45E S28 NESENW Within TETON County

T04N R45E S28 SESENW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.700 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S28 SENW 35.00

35 ACRES TOTAL

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 - Beneficial Use

11/13/2006

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

RIGHT NUMBER: 22-13488
NAME AND ADDRESS: EVERGREEN INVESTMENT UTAH LLC
2834 ETIENNE WAY
SANDY UT 84093

BLAINE HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

NANCY HUNTSMAN
2834 ETIENNE WAY
SANDY UT 84093

SOURCE: UNNAMED STREAM TRIBUTARY: FOX CREEK
QUANTITY: 0.700 CFS
PRIORITY DATE: 01/24/1938
POINT OF DIVERSION:
T04N R45E S28 NESENW Within TETON County
T04N R45E S28 SESENW 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	0.700 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S28 SENW	35.00	
	35 ACRES TOTAL		

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 - Beneficial Use

This right is a split from former right 22-4179 .

**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: 22-13488

EVERGREEN INVESTMENT UTAH LLC

2834 ETIENNE WAY

SANDY UT 84093

Telephone Number: (801)438-0240

BLAINE HUNTSMAN

2834 ETIENNE WAY

SANDY UT 84093

Telephone Number: (801)438-0239

NANCY HUNTSMAN

2834 ETIENNE WAY

SANDY UT 84093

Telephone Number: (801)438-0240

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: _____ SIGNATURE: _____

Please print your name: _____

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



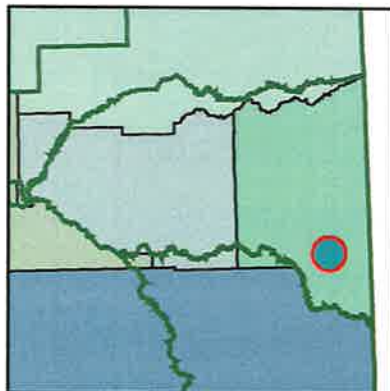
Idaho Department of Water Resources

Adjudication Claim:

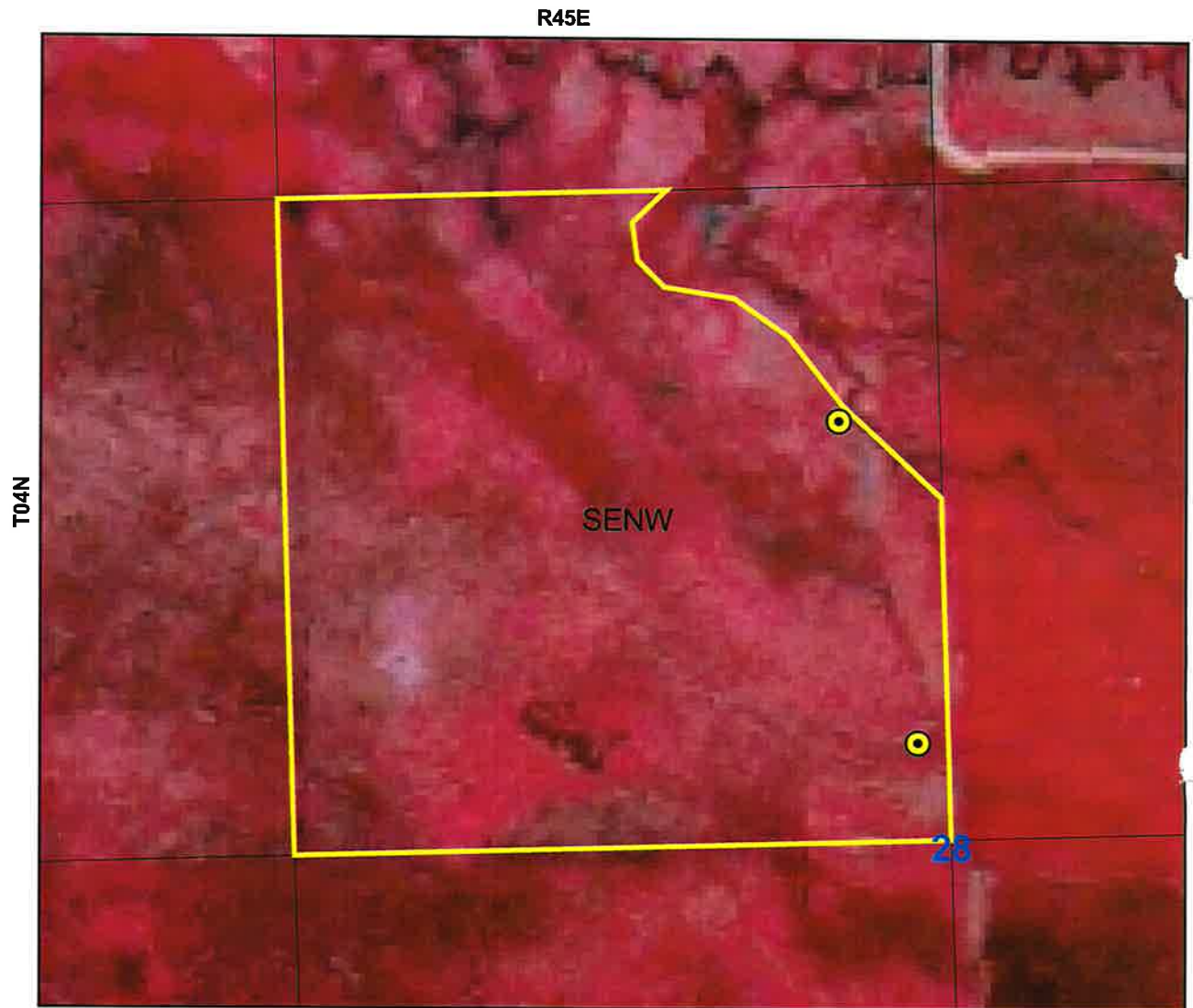
22-13488

Legend

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



Teton County
IDWR Basin 22



0 0.1 0.2 Miles



Prepared by J. Crabtre
On Tuesday, March 21, 2006
1987/88 Aerial Photography

STATEMENT

Sent - ✓ file
22-4179/80

I was born in 1899 in a little house next to a willow on the Northeast 40 acres of what is now the Fox Creek Ranch. The Chapin "Sportsman's Access" Road to the Teton River now borders this 40 on the East and North sides.

My father died when I was only a couple of years old. My mother married Tom Bates a couple of years later, and we moved to what is now the Buxton Ranch on the Bates Road.

I remember visiting the old place on occasion when I was about 10 or 12 years old and seeing Johnny Bates and my uncle, Parmer Fenton, irrigating the higher pasture land on the Northeast 40 from a ditch that took water from the Little Fox Creek. This creek comes down the Chapin Road and then crosses the Southern part of the 40.

They also irrigated the 40 acre piece directly South of this piece and parts of the 40 acres due West of it at this time. They did this by a system of ditches that took water from two small spring fed creeks that enter the property from the East.

George Foster

George Foster
Cedron-Bates Road
Driggs, Idaho

Nov 10 1984
Date

STATE OF IDAHO)
) SS
County of Teton)

On this 16 day of November, 1984, before me,

I remember visiting the old place on occasion when I was about 10 or 12 years old and seeing Johnny Bates and my uncle, Parmer Fenton, irrigating the higher pasture land on the Northeast 40 from a ditch that took water from the Little Fox Creek. This creek comes down the Chapin Road and then crosses the Southern part of the 40.

They also irrigated the 40 acre piece directly South of this piece and parts of the 40 acres due West of it at this time. They did this by a system of ditches that took water from two small spring fed creeks that enter the property from the East.

George Foster

George Foster
Cedron-Bates Road
Driggs, Idaho

Nov 16, 1984

Date

STATE OF IDAHO)
) SS
County of Teton)

On this 16 day of November, 1984, before me, the undersigned, a Notary Public for Idaho, personally appeared George Foster, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

John Brewer

Notary Public for Idaho
Residing at Driggs, Idaho
Commission Expires: life

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-4179	√			
	22-4180				

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

3. Name and Address of Former Owner/Claimant Charles E. Crary, III & Margaret H. Crary, as Trustees of the 1988 Crary Trust
8401 East Woodland Road, Tucson AZ 85749
4. New Owner/Claimant(s) Evergreen Investment Utah, LLC (60%) and Blaine Huntsman (40%)
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 7 South Wolcott
 City, State and ZIP Code Salt Lake City, UT 84102
 New Telephone Number 801-994-0303
5. Date you acquired the property March 4, 2005

RECEIVED
MAR 06 2006
 Department of Water Resources
 Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	0.12 cfs	6 in NENW, Sec 28, T4N., R45E.
Stock		
Domestic		
Other		
TOTAL		

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

7. Signature of New Owner(s) Or Claimant(s)
(include title if applicable)

Blaine Huntsman
Blaine Huntsman

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

712385
After Recording, Return To:

166714

Instrument # 166714

DRIGGS, TETON, IDAHO

2005-03-04

11:40:30 No. of Pages: 4

Recorded for : FIRST AMERICAN TITLE CO

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Index to: DEED. GRANT

Fee: 12.00

RECEIVED

MAR 04 2005

GRANT DEED

TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made this ____ day of February, 2005, by CHARLES E. CRARY, III, and MARGARET H. CRARY, as Trustees under the 1988 Crary Trust dated May 23, 1988, the "Grantor", to EVERGREEN INVESTMENT UTAH, LLC, a Colorado limited liability company, as to an undivided sixty percent (60%) interest, and to BLAINE HUNTSMAN, as to an undivided forty percent (40%) interest, as tenants in common, whose mailing address is 7 South Wolcott, Salt Lake City, Utah 84102, collectively 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

The real property described in Exhibit "A" attached hereto, including all improvements thereon and all water rights appurtenant thereto.

SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TOGETHER with the 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 said 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 Grantee's heirs and assigns forever.

166714

In construing this 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.

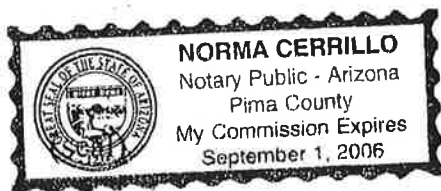
Charles E. Crary III
Charles E. Crary, III, as Trustee of The 1988
Crary Trust dated May 23, 1988

Margaret H. Crary
Margaret H. Crary, as Trustee of The 1988
Crary Trust dated May 23, 1988

STATE OF ARIZONA)
 : ss.
County of Pima)

On the 16th day of February, 2005, before me, the undersigned, a notary public in and for said State, personally appeared Charles E. Crary, III, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The 1988 Crary Trust dated May 23, 1988, and acknowledged to me that such trustee executed the same in such trust name.

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



Norma Cerrillo
Notary Public for Arizona
Residing at Tucson, AZ
My Commission Expires: September 1, 2006

166714

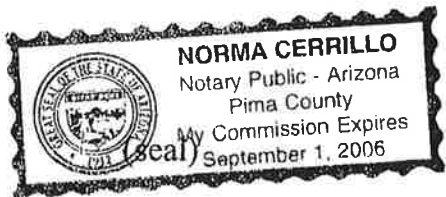
STATE OF ARIZONA)

: SS.

County of Pima)

On the 16th day of February, 2005, before me, the undersigned, a notary public in and for said State, personally appeared Margaret H. Crary, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of The 1988 Crary Trust dated May 23, 1988, and acknowledged to me that such trustee executed the same in such trust name.

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



Norma Cerrillo

Notary Public for Arizona

Residing at TUCSON, AZ

My Commission Expires: September 1, 2006

166714

EXHIBIT "A"
to Grant Deed

LEGAL DESCRIPTION

Real Property located in Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho,
and described as follows:

Northeast 1/4 of the Northwest 1/4 of Section 28.

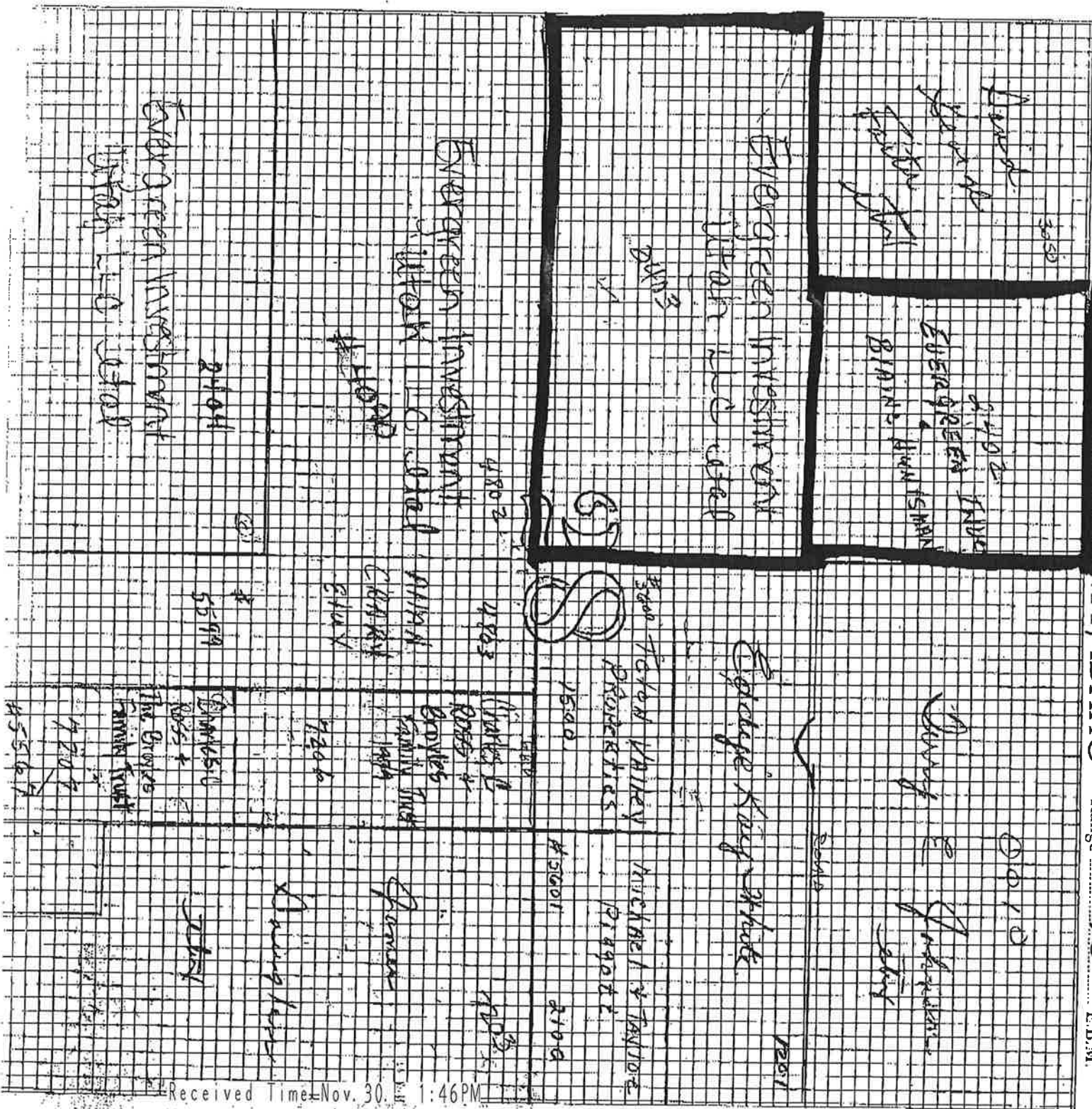
166714

TWP. 4

TETON COUNTY, IDAHO

Range

Code Area 4
45 E.B.M.



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 22-13488
Date Received: 9/30/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

EVERGREEN INVESTMENT UTAH LLC Phone: (801)438-0240
2834 ETIENNE WAY
SANDY UT USA 84093

2. Date of Priority: 06/01/1908

3. Source: UNNAMED STREAM Trib. to: FOX CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	28	SE NW	TETON	

5. Description of diverting works:

HEADGATES TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.8	

7. Total Quantity Appropriated is:
0.8 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	28	SE NW	IRRIGATION	35
Section Acres					35
Total Acres					35

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:

SOURCE KNOWN AS LITTLE OR NORTH FORK FOX CREEK.

This right is a split from former right 22-4179 .

15. Basis of Claim: Statutory Claim

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 _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

_____, and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20____

Notary Public

Residing at _____

My commission Expires _____