

12/01/2006

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

RIGHT NUMBER: 22-13489

NAME AND ADDRESS: BLAINE HUNTSMAN
7 S WOLCOTT
SALT LAKE CITY UT 84101

EVERGREEN INVESTMENT UTAH LLC
7 S WOLCOTT
SALT LAKE CITY UT 84102

SOURCE: UNNAMED STREAM

TRIBUTARY: FOX CREEK

QUANTITY: 0.100 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

0.100 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S28 NENW 5.00

5 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

SCANNED
JUN 01 2007



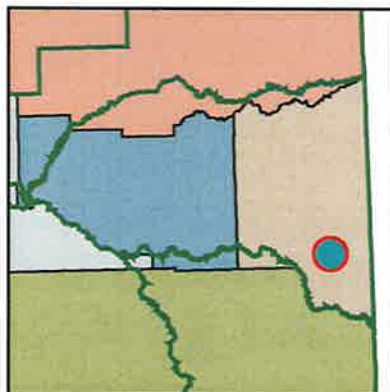
Idaho Department of Water Resources

Adjudication Claim:

22-13489

Legend

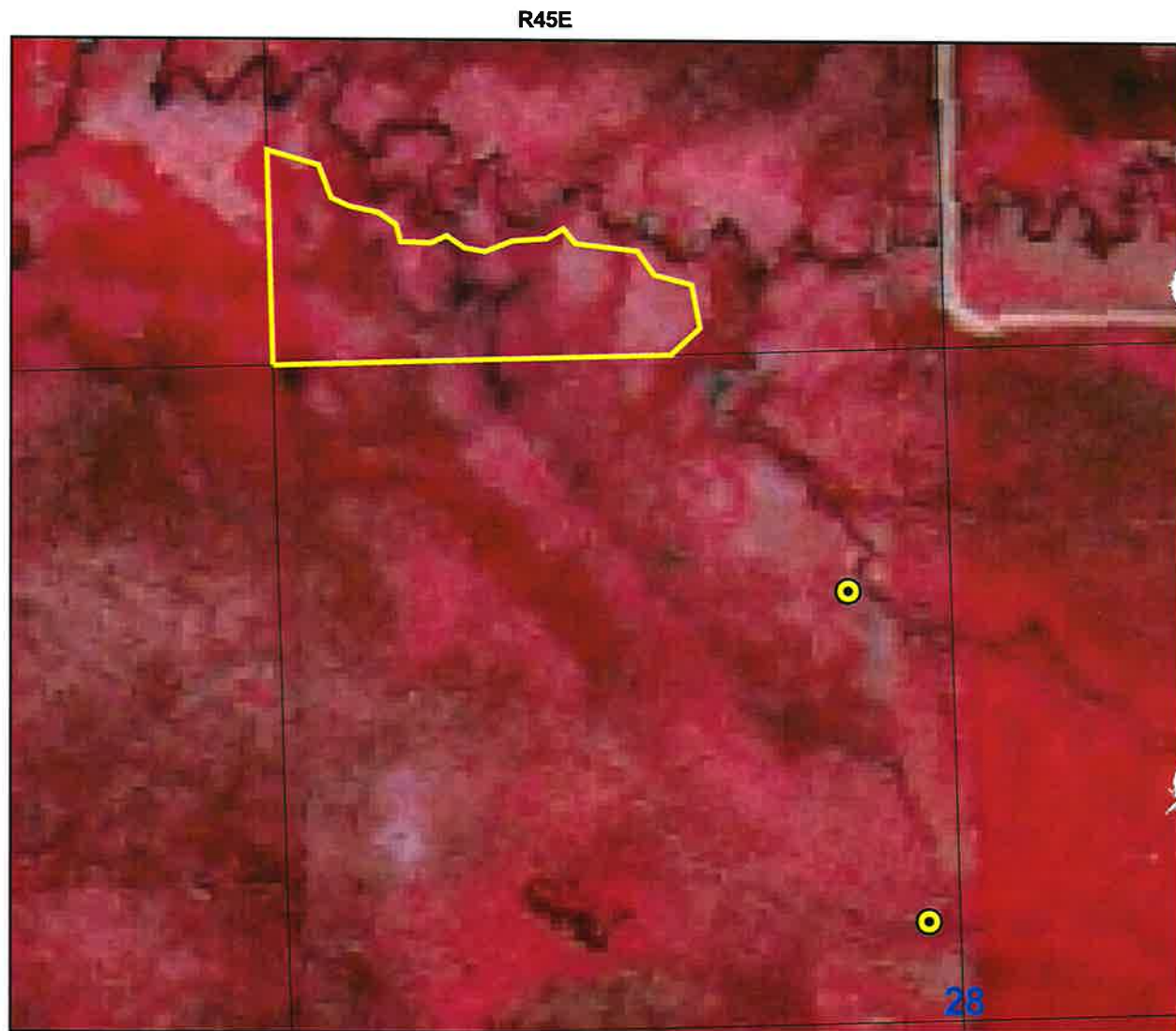
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



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JUN 11 2007



0 0.1 0.2 Miles

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



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 23, 2007

BLAIN HUNTSMAN
EVERGREEN INVESTMENT UTAH LLC
2834 E ETIENNE WAY
SANDY UT 84093

RE: Notice of Change of Address for 22-13489 & 22-4180 and Notice
of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On May 21, 2007, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, 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,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

MAY 31 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 SRBA)

Water Rights: 22-4180, 22-13489

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: May 24, 2007

Ernest Carlson

Signature of IDWR Representative

SCANNED
MAY 31 2007

CERTIFICATE OF MAILING

I certify that on May 29, 2007, 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:

Blaine Huntsman
Evergreen Investment Utah LLC
2834 E Etienne Way
Sandy UT 84093

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

Each party in the subcase, or attorney of record

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


Signature of person or attorney mailing the form



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 18, 2007

EVERGREEN INVESTMENT
2834 ETIENNE WAY
SANDY UT 84093-1115

RE: CHANGE OF ADDRESS FOR 22-4180, 22-13489

Dear Sir or Madam:

Please fill out the enclosed change of address form and mail back to me. We need signed permission to update your address in our database.

Sincerely,

Jennifer Crabtree

Technical Records Specialist

Enclosure

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JUN 01 2007

DEPT. OF WATER RESOURCES
EASTERN DISTRICT OFFICE
10 N. SKYLINE DR.
FALLS, IDAHO 83402

TECS SERVICE
REQUESTED

★ ★
U.S. POSTAGE
1001 PB3523907
8942 \$00.63 0 JAN 05 2007
8218 MAILED FROM ZIP CODE 83402

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JUN 01 2007

EVERGREEN INVESTMENT UTAH LLC
7 S WOLCOTT
SALT LAKE CITY UT 84102

RECEIVED
JAN 12 2007
Department of Water Resources
Eastern Region

22-4180
22-13489

EVER007 841021012 1105 13 01/09/07
FORWARD TIME EXP RTN TO SEND
:EVERGREEN INVESTMENT
2834 ETIENNE WAY
SANDY UT 84093-1115
RETURN TO SENDER
|||||

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

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JUN 01 2007

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	22-4179	
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)

[Handwritten Signature]
[Handwritten Signature]

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 _____

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JUN 01 2007

T12385
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

SCANNED

JUN 01 2007

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.

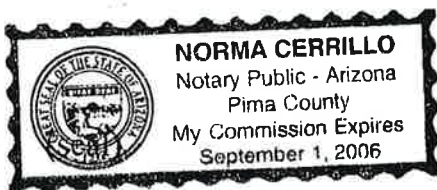
Charles E. Crary III
Charles E. Crary, III, as Trustee of The 1988
Crary Trust dated May 23, 1988

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.

SCANNED
JUN 01 2007

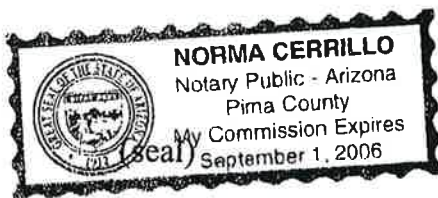
STATE OF ARIZONA)

: 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.



Notary Public for Arizona
Residing at TUCSON, AZ
My Commission Expires: September 1, 2006

166714

SCANNED
JUN 01 2007

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

SCANNED
JUN 01 2007

STATEMENT

Sent ✓ LK
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 16 1984
Date

STATE OF IDAHO)
) SS
County of Teton)

SCANNED
JUN 01 2007

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

SCANNED

JUN 01 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 22-13489
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)

MARGARET H CRARY Phone: (602)749-1466
8401 E WOODLAND RD
TUCSON AZ USA 85749

CHARLES E CRARY Phone: (602)749-1466
8401 E WOODLAND RD
TUCSON AZ USA 85749

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
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SCANNED

JUN 01 2007

SCANNED
JUN 01 2007