

04/14/2006

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

RIGHT NUMBER: 22-13507

NAME AND ADDRESS: RODNEY TAYLOR
817 S 450 W
VICTOR ID 83455

SOURCE: LITTLE SPRING CREEK

TRIBUTARY: DRAKE CREEK

QUANTITY: 0.360 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T03N R45E S7 NWNE Within TETON County
T03N R45E S7 SENWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/14 10/15

0.320 CFS

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE:

IRRIGATION Within TETON County

T03N R45E S07

NENE 4.70

T03N R45E S07

NWNE 5.40

T03N R45E S07

SWNE 20.00

T03N R45E S07

SENE 21.00

DOMESTIC Within TETON County

T03N R45E S07

NWNE

51.1 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 - Decreed

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

03/28/1967 DECREE STATES FOLLOWING CONDITION: "IN THE EVENT THE TOTAL FLOW OF LITTLE SPRING CREEK IS LESS THAN 40 MINER'S INCHES, MEASURED AT DEFENDANT ELVA TAYLOR'S POINTS OF DIVERSION (22-0645), THEN PLAINTIFFS VICTOR KUNZ AND ERMA KUNZ (22-0644) SHALL BE ENTITLED TO HALF OF THE TOTAL FLOW OF THE STREAM, BUT NOT MORE THAN 20 MINER'S INCHES, MEASURED AT PLAINTIFFS' POINT OF DIVERSION, AND DEFENDANT SHALL BE ENTITLED TO THE BALANCE OF THE FLOW OF THE STREAM."

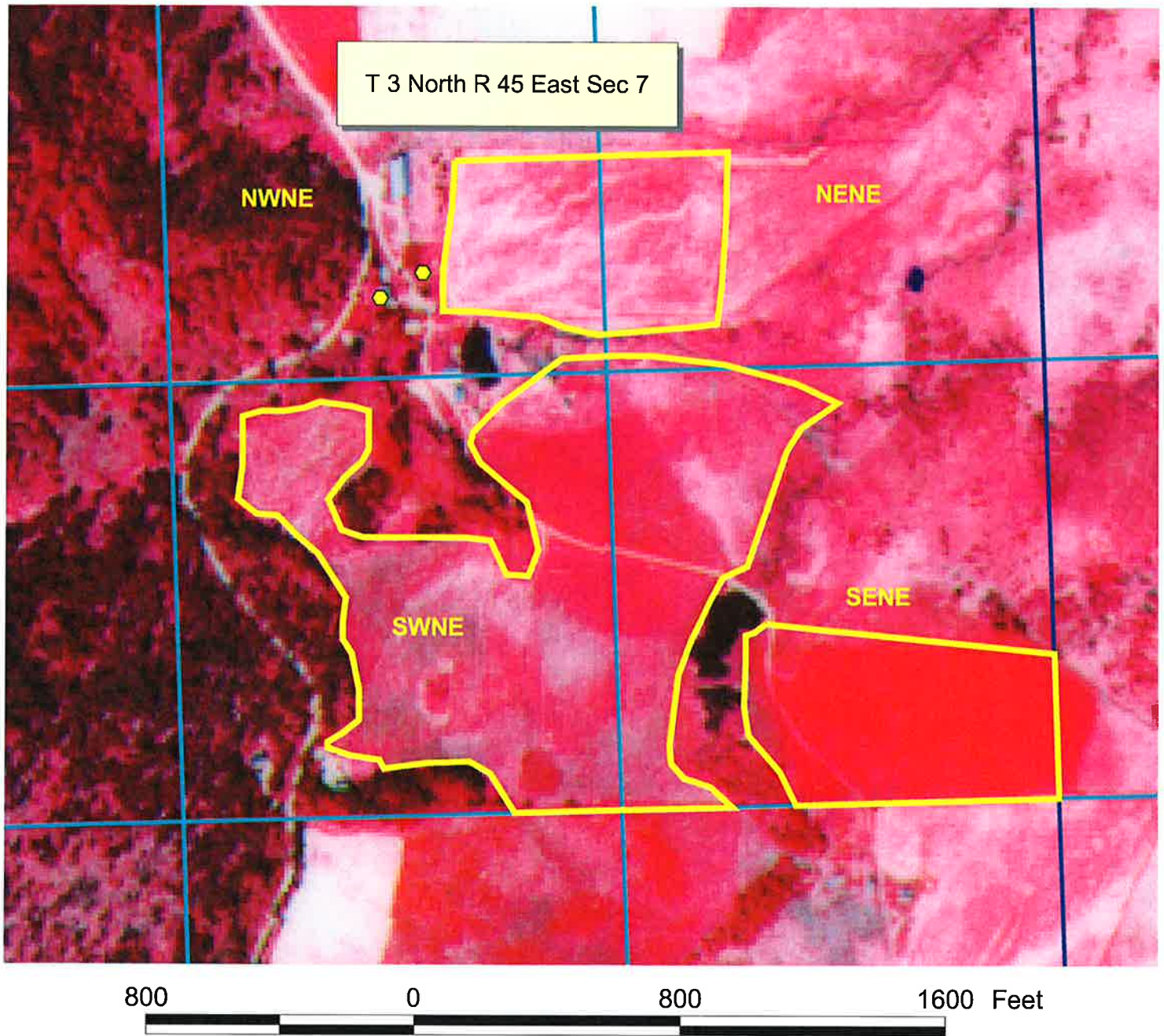
Renumbered From 22-645.



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-13507



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

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



Actual acres irrigated on his property according
to his map is 51 acres which = .32 cfs.

$$75 \text{ in} = 1.5 \text{ cfs}$$

$$1.5 \div 240 \text{ acres} = .0063$$

$$.0063 \cdot 51 = .32 \text{ cfs}$$

4-14-06

TF

22-0643

(d) The balance of the natural flow of Paul Spring Creek, also known as North Creek and Warm Creek, and appurtenant to the $S\frac{1}{2}SE\frac{1}{4}$, Section 6, $S\frac{1}{2}SW\frac{1}{4}$, Section 5, $N\frac{1}{2}NE\frac{1}{4}$, Section 7, $N\frac{1}{2}NW\frac{1}{4}$, Section 8, all in Township 3 North, Range 45, E.B.M., Teton County, Idaho, is hereby decreed to the plaintiffs, subject only to the above use by the defendant.

22-0644

2. There is hereby established, decreed and confirmed to plaintiffs the right to twenty miner's inches of the natural flow of the waters of Little Springs Creek, (also known as Little Springs and South Springs), with a priority of June 1, 1899, to irrigate twenty acres of irrigable land, in a field of triangular shape lying between Little Spring Creek and Deep Creek, and bounded on the South by the South boundary line of plaintiff's property, and with the property to be irrigated located upon the $S\frac{1}{2}SW\frac{1}{4}$, Section 5, $N\frac{1}{2}NW\frac{1}{4}$, Section 8, Township 3 North, Range 45, E.B.M. The water to be used shall be measured at the point of diversion of the plaintiffs, on the natural channel of said stream, on the land of the plaintiffs above-described. The right to said water is of equal priority with the right of Elva Taylor to the waters of said stream, described in Paragraph-3 hereof.

Plaintiffs may not and shall not enlarge the use, nor use the waters of said stream on other land.

22-0645

3. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to seventy-five miner's inches, continuous flow of the natural flow of the waters of Little Spring Creek, measured at her points of diversion upon her own land, wherein said stream arises and for the purpose of irrigating eighty acres of her property, and appurtenant to her property, located in Teton County, Idaho, and described as follows, to-wit: $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, Section 7, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, Section 8, all in Township 3 North, Range 45, E.B.M.

4. In the event that the total flow of Little Spring Creek is less than forty miner's inches, measured at defendant Elva Taylor's points of diversion, then plaintiffs Victor Kunz and Erma Kunz shall be entitled to half of the total flow of the stream, but not more than twenty miner's inches, (measured at plaintiffs' point of diversion) and defendant shall be entitled to the balance of the flow of the stream.

22-0646 5. There is hereby established, decreed and confirmed to plaintiffs a right to the use of fifty-five miner's inches of the natural flow of Deep Creek, with a priority date of June 1, 1890, and which is a prior right to the right of the defendant Elva Taylor in and to said stream and with the water to be measured at the plaintiffs' diversion point, on defendant's land, near the boundary line between the parties, and said water to be used only to irrigate irrigated lands of plaintiffs lying between Deep Creek and Pine Creek.

22-0647 6. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, a right to the natural flow of Deep Creek, in excess of the prior right of plaintiffs, described in the preceding paragraph, appurtenant to the land of the defendant which has previously been irrigated by gravity with such water, and lying on the Western part of the defendant's said property, and with a priority date June 1, 1890, provided, however, that such use by the defendant must cease when the flow of said stream drops to fifty-five miner's inches measured at the plaintiffs' point of diversion.

22-0648 7. That there is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to the use of fifteen miner's inches of water, continuous flow, from springs arising on her land, and appurtenant to and for the irrigation of her land, with a priority date of June 1, 1890, and



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 22, 2005

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

RE: SPLIT OWNERSHIP OF WATER RIGHT 22-645

Dear Mr. & Mrs. Jacobsen:

Review of your "Notice of Change in Water Right Ownership" reveals a portion of the water right(s) listed above is appurtenant to your property. However, our office is unable to split water rights in Basin 22 until after we submit the Director's Report to the Snake River Basin Adjudication Court. Therefore, you have been added to the water right record(s) as a "present owner." This designation will allow you to receive copies of mailings that pertain to the water right(s) listed above.

Splitting rights will be completed following distribution of the Basin 22 Director's Report scheduled for mailing in 2006. At that time we will designate you "current owner" of your portion and notify the SRBA Court, so the water rights appurtenant to your property will be adjudicated in your name.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: File: 22-645
Rodney & Kerry Taylor

PROFILED

SCANNED
SEP 27 2005

P.O.

RECEIVED

MAY 18 2004

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
 Eastern Region

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
	22-645	X	TO BE SPLIT AFTER PARTIAL DECREE		

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 Robert L. Taylor and Kerry R. Taylor
817 S. 450 W., Victor, ID 83455
4. New Owner/Claimant(s) Richard & Susan Jacobsen Family Trust
 Name connector (check one): ☐ and ☐ or, ☐ and/or
 New Mailing Address c/o Holden, Kidwell, Hahn & Crapo, PLLC
 City, State and ZIP Code PO Box 50130, Idaho Falls, ID 83405
 New Telephone Number 208-523-0620
5. Date you acquired the property June 6, 2001

PROFILED

SCANNED
 SEP 27 2005

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	0.6 cfs	32 acres
Stock		
Domestic		
Other		
TOTAL	0.6 cfs	

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)

Trustee

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

PROFILED

SCANNED

SEP 27 2005

T-8715

142921

RECEIVED

JUN 08 2001

WARRANTY DEEDTETON CO., ID
CLERK RECORDER

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

WITNESSETH:

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

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

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



TOGETHER with all water rights, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

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

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

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

Rodney L. Taylor
Rodney L. Taylor

Instrument # 142921

DRIGGS, TETON, IDAHO

2001-06-08

02:15:37 No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

PROFILE

SCANNED

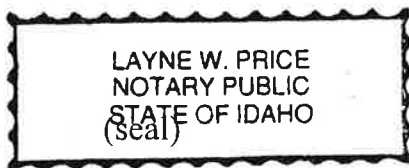
SEP 27 2005 142921

Kerry R. Taylor
Kerry R. Taylor

STATE OF IDAHO)
)ss.
County of Teton)

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

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

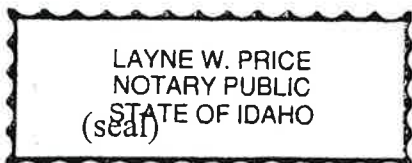


Layne W. Price
Notary Public for Idaho
Residing at DRIGGS, ID
My Commission Expires: 12-01-06

STATE OF IDAHO)
)ss.
County of Teton)

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

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



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

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

PROFILED

SCANNEL
SEP 27 2005
142921

RECEIVED

DEC 20 2001

TETON COUNTY
CLERK RECORDER

136012

Instrument # 146012

DRIGGS, TE IDAHO
7001-12-20 07:08:14 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy *M. Dean*
Index to DEED WARRANTY

SPECIAL WARRANTY DEED

For Value Received EXCHANGE 1870, LLC., an Idaho Limited Liability Company

Hereinafter called Grantor, hereby grants, bargains, sells and conveys unto RICHARD and

SUSAN JACOBSEN FAMILY TRUST.

whose address is: 3201 Ash St., Paloalto, CA 94306

Hereinafter called the Grantee, the following described premises situated in Teton County, Idaho,
to-wit:

Township 3 North, Range 45 East, Boise Meridian, Teton County, Idaho
Section 8: S½NW¼, S½N½NW¼

TOGETHER with all water rights, tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, and any reversions, remainders, rents,
issues and profits therefrom; and all estate, right, title and interest in and to the property,
as well in law as in equity, of the Grantor

Grantor does hereby covenant with Grantee, his heirs, successors and assigns, that
Grantor will warrant and defend the said granted premises against the lawful claims and
demands of all persons claiming by, through and under Grantor, but against no other
claims and no other persons, including predecessors in title.

Dated: December 17, 2001

Exchange Services, Inc., Member

[Signature]
By: Shauna Romrell
It's: President

STATE OF IDAHO)
:ss
COUNTY OF BINGHAM)

On this 17th day of December, in the year of 2001, before me, the undersigned personally
appeared Shauna Romrell, known or identified to me to be the President of the corporation who
executed the instrument on behalf of said corporation as member of Exchange 1870, LLC., an
Idaho Limited Liability Company, and acknowledged to me that she executed the same as
President of the corporation, as member of Exchange 1870, LLC., an Idaho Limited Liability
Company.

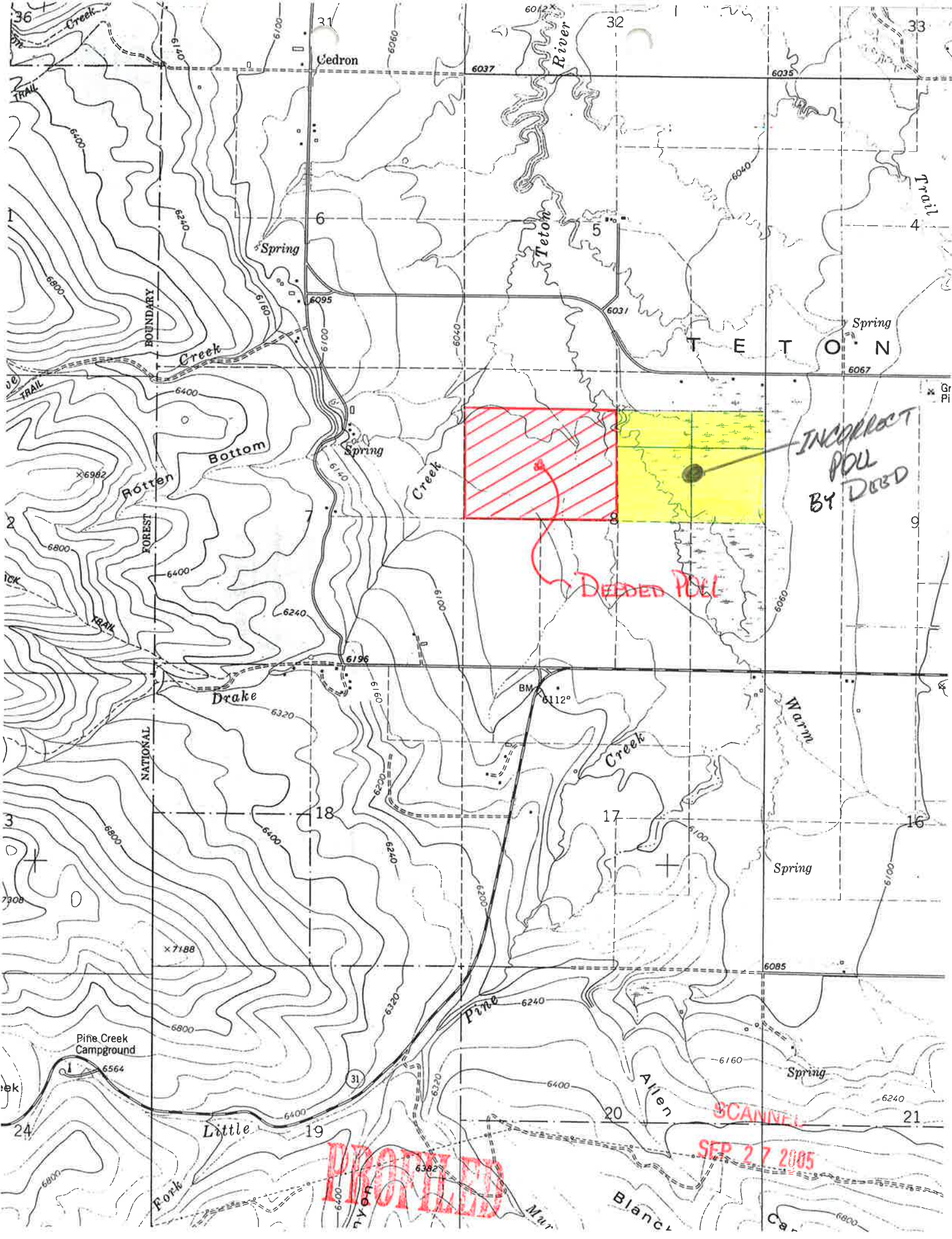


[Signature]
Notary Public for Idaho
Residing at Blackfoot
Commission Expires 10/16/02

SCANNED

SEP 27 2005

136012



INCORRECT
PDU
BY DEED

DEEDED PDU

PROPOSED

SCANNED
SEP 27 2005

M E M O R A N D U M

DATE: September 8, 2005

TO: File

FROM: Jennifer Crabtree, Technical Records Specialist

RE: Adding Present Owners

Per the procedure developed in August 2005 by the state office staff, legal, and the court, I added the new claimants as "present owners" and left the old claimants as "current owners". Once the director's report is issued and all the ownership changes are received, the recommendation will be split as per our normal procedure.

(4)

JANU 1960

CERTIFY that the above and foregoing are true and correct copy of the original report or file in office.

Wm. H. Johnston
Sergeant at Arms & Secretary
of the Board of Directors
Dwight D. Davis

THE DISTRICT OF COLUMBIA
STATE

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

VICTOR KUNZ and ERMA KUNZ,
husband and wife,

Plaintiffs,

VS.

JAMES KUNZ, et al, and
ELVA TAYLOR, et al,

Defendants.

Civil No. 1459

AMENDED

JUDGMENT AND DECREE

This cause came on regularly to be heard before Honorable Henry S. Martin, presiding District Judge, sitting without a jury, on the 22nd day of November, 1965, at Driggs, Teton County, Idaho; J. Blaine Anderson, Esq., of Furchner, Anderson & Beebe, Blackfoot, Idaho, appearing as counsel for plaintiffs and defendants in intervention, and Ray W. Rigby and Gordon S. Thatcher, Esqs., of Rigby & Thatcher, of Rexburg, Idaho, appearing as counsel for the defendants and plaintiffs in intervention.

That pursuant to a stipulation of the parties all claims and causes of action as between all parties except plaintiffs and the defendant, Elva Taylor, were dismissed and this cause was heard upon the plaintiffs' complaint, defendant's answer and counter-claim and the answer of the plaintiffs to the said counter-claim.

The Court proceeded to hear all evidence, including documentary evidence adduced by the parties, and having considered the same and the briefs of counsel, and having heretofore entered findings of fact and conclusions of law, and the Court having entered its judgment and decree in this cause on the 17th day of June, 1966, and thereafter, within the time permitted by law, the plaintiffs having made and filed certain written objections thereto and their motion to amend said judgment and

MAY 15 1996

decree and said objections and motion to amend having been considered by Court and counsel and counsel for the respective parties having filed a stipulation for the filing of an amended judgment and decree,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED, as follows:

That the respective parties are the owners of the herein-after described real property and to which there is appurtenant the water rights hereinafter described and with a priority date of June 1, 1890, to-wit:

22-0642 1. Fourteen miner's inches of the natural flow of Paul Spring Creek, also known as Warm Creek and North Creek, through a pipeline and measured at her point of diversion, which is the Southwest corner of the N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 7, Township 3 North, Range 45, E.B.M., Teton County, Idaho, at the opening of the pipe which is approximately 100 feet below the small dam in said Paul Spring Creek and for the purpose only of cleaning and filling a swimming pool owned by the defendant and situate in the Northwest corner of the S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, of said Section 7, but subject to the following terms and conditions:

(a) Defendant shall be entitled to the full flow of said 14 miner's inches for the purpose of cleaning and filling her said pool on one day of each week.

(b) That on the other days of the week, defendant is entitled to a natural flow of 2 miner's inches through said pipe for domestic purposes in connection with the operation of said swimming pool and for the purpose of freshening the same.

(c) That all flow from the filling and freshening of said pool shall be returned to the natural channel of Paul Spring Creek by and through a good and sufficient channel so as to prevent loss by evaporation or spreading on the surrounding ground.

RECORDED
MAY 15 1908

22-0643 (d) The balance of the natural flow of Paul Spring Creek, also known as North Creek and Warm Creek, and appurtenant to the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 6, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 5, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 7, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, all in Township 3 North, Range 45, E.B.M., Teton County, Idaho, is hereby decreed to the plaintiffs, subject only to the above use by the defendant.

22-0644 2. There is hereby established, decreed and confirmed to plaintiffs the right to twenty miner's inches of the natural flow of the waters of Little Springs Creek, also known as Little Springs and South Springs, with a priority of June 1, 1890, to irrigate twenty acres of irrigable land, in a field of triangular shape lying between Little Spring Creek and Deep Creek, and bounded on the South by the South boundary line of plaintiff's property, and with the property to be irrigated located upon the S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 5, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, Township 3 North, Range 45, E.B.M. The water to be used shall be measured at the point of diversion of the plaintiffs, on the natural channel of said stream, on the land of the plaintiffs above-described. The right to said water is of equal priority with the right of Elva Taylor to the waters of said stream, described in Paragraph-3 hereof. Plaintiffs may not and shall not enlarge the use, nor use the waters of said stream on other land.

22-0645 3. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to seventy-five miner's inches, continuous flow of the natural flow of the waters of Little Spring Creek, measured at her points of diversion upon her own land, wherein said stream arises and for the purpose of irrigating eighty acres of her property, and appurtenant to her property, located in Teton County, Idaho, and described as follows, to-wit: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 7, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8, all in Township 3 North, Range 45, E.B.M.

RECORDED
MAY 15 1996

4. In the event that the total flow of Little Spring Creek is less than forty miner's inches, measured at defendant Elva Taylor's points of diversion, then plaintiffs Victor Kunz and Erma Kunz shall be entitled to half of the total flow of the stream, but not more than twenty miner's inches, measured at plaintiffs' point of diversion, and defendant shall be entitled to the balance of the flow of the stream.

22-0646 5. There is hereby established, decreed and confirmed to plaintiffs a right to the use of fifty-five miner's inches of the natural flow of Deep Creek, with a priority date of June 1, 1890, and which is a prior right to the right of the defendant Elva Taylor in and to said stream and with the water to be measured at the plaintiffs' diversion point, on defendant's land, near the boundary line between the parties, and said water to be used only to irrigate irrigated lands of plaintiffs lying between Deep Creek and Pine Creek.

22-0647 6. There is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, a right to the natural flow of Deep Creek, in excess of the prior right of plaintiffs, described in the preceding paragraph, appurtenant to the land of the defendant which has previously been irrigated by gravity with such water, and lying on the Western part of the defendant's said property, and with a priority date June 1, 1890, provided, however, that such use by the defendant must cease when the flow of said stream drops to fifty-five miner's inches measured at the plaintiffs' point of diversion.

22-0648 7. That there is hereby established, decreed and confirmed to defendant, Elva Taylor, her heirs and assigns, the right to the use of fifteen miner's inches of water, continuous flow, from springs arising on her land, and appurtenant to and for the irrigation of her land, with a priority date of June 1, 1890, and

RECORDED
MAY 15 1996

rising upon and appurtenant to S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 7, and S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, Township 3 North, Range 45, E.B.M., Teton County, Idaho.

8. That plaintiffs and defendant and their heirs, assigns or successors in interest, are hereby enjoined and restrained from interfering with or attempting to enlarge upon the rights conferred upon each party by the terms of this decree and from any and all interference with the waters of said streams herein mentioned inconsistent with the decreed rights of each of the parties.

9. Defendant, Elva Taylor, is not awarded a money judgment.

Each party shall pay his own costs.

This Amended Judgment made and entered this 28th day of March, 1967.

Henry S. Martin
District Judge

FILED
COUNTY
Filed for the
of Judge Henry Martin 64560
45 9
A 3rd
April 67
By
Elva N. Bagley

INDEXED

MAY 15 1966

Claim no. _____

Claimant Contact Log

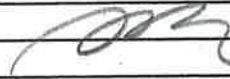
Date

Remarks

Agent initials

7/5/05 Visited with Rodney Taylor. He showed me his diversions and ditches and pipeline system.

7/28/05 CALLED RODNEY TAYLOR-787-2751. DISCUSS THE C/O FOR R&S JACOBSON FARM TRUST. THE DEED DOES NOT SPECIFY HOW THE SPLIT IS TO BE MADE BUT THE C/O FORM DICTATES 0.16 ACRES FOR 32 ACRES - MR. TAYLOR SAYS ONLY 6-7 ACRES CAN BE INDICATED BY JACOBSON FARM LITTLE SPRING CREEK - MR. JACOBSON HAS A NUMBER OF OTHER CLAIMS AND THERE IS POSSIBLY OVERLAP - MR. TAYLOR WAS INFORMED THAT SPLITTING OF THIS CLAIMS WILL NOT HAPPEN UNTIL AFTER THE PARTIAL DEED IS ISSUED.



SEE

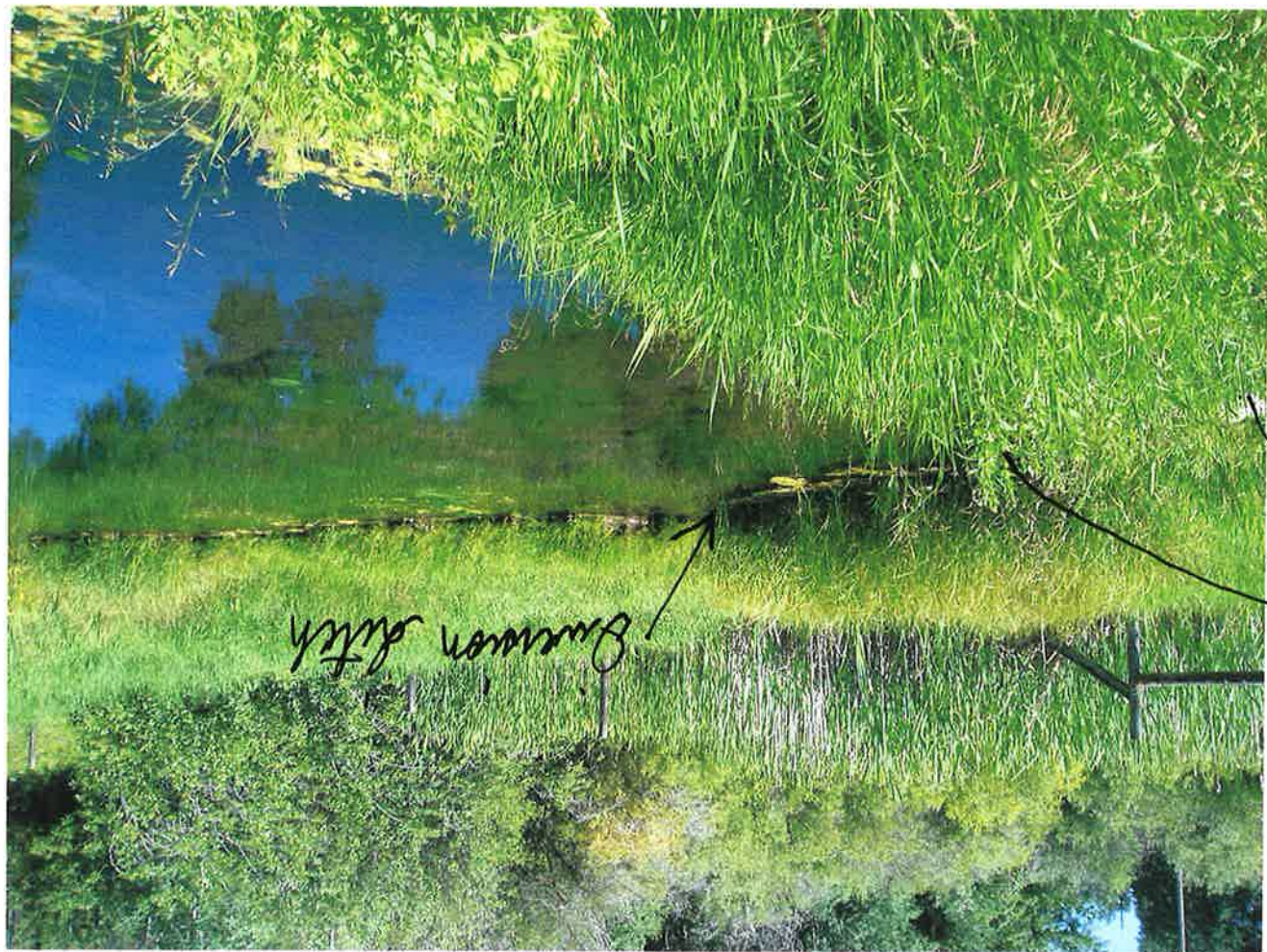
9/26/05 - atty Blain Shover says he never received the signed stipulation from Rodney Taylor. He doubts it was ever signed. Draft enclosed.
JC

2/5/05 Pump that is owned by Rodney Taylor
80



Little Spring Creek

80 Pond for 1 day's dimensions out of Little Spring Creek.
7/5/05



Little Spring Creek
outlet for
cutback
pipe for
pyrexine

Swamp ditch

Site of diversion from Little Young Creek road
 to irrigate Taylor claim and Jacobson claim.
 when culvert is closed ditch will carry
 water to Taylor & Jacobson claims



diversion ditch

Water Right No(s). _____

GPS DATA:

Tag # AOPP 9543 Location: for pump & west ditch
Pump switch panel box

Diversion Data:

Source: AOPP 14243 - for PDD #2
Little Spring Creek Trib to: Snake Creek

MOTOR

Make: Gould Century Model: 6333000-02 Hp: 15
SN: T4

PUMP

Make: ? no marking Model: 10-25705-1821 Disch: 8" buried
SN: BLMTP03227 mainline

NOTES:

There is 1 diversion point for pump and west ditch
There is a second diversion pt for ditch to the east 1/4 mile.

Field Exam Date: 7/5/05 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

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

Source: _____ Tributary to: _____

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

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

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

Recommended Point(s) of Diversion and Source.

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

Other rights from this POD? Caps Tag #

Transfers Pending or approved: _____

Document how the POD and Source were verified:

7/5/05
 00
 Field exam shows Little Spring Creek has been dammed off and there are 2 diversions! one is a pump to mainline and hand lines, the other is a ditch and dams that can be used to irrigate.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

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

Total acres _____

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

7/5/05
80

Field exam shows that claim is irrigated with pump, mainline, and handlines and flood irrigated by ditches and dams.

The land in the NE¹/₄ of Sec 7 is owned by Rodney Taylor. The land in NW¹/₄ of Sec 8 is now owned by Jacobson family.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15	1.5 CFS	_____
Domestic	1/01	12/31	0.04 CFS	_____
_____	_____	_____	_____	_____

Overall Diversion Rate 1.5 CFS

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD S.O.U. 4/15 - 10/31 Irrigation
 " " " 1/01 - 12-31 Domestic

Reviewer: _____

Date: _____

22-0643

(d) The balance of the natural flow of Paul Spring Creek, also known as North Creek and Warm Creek, and appurtenant to the $S\frac{1}{2}SE\frac{1}{4}$, Section 6, $S\frac{1}{2}SW\frac{1}{4}$, Section 5, $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$, Section 7, $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$, Section 8, all in Township 3 North, Range 45, E.B.M., Teton County, Idaho, is hereby decreed to the plaintiffs, subject only to the above use by the defendant.

22-0644

2. There is hereby published, decreed and confirmed to plaintiffs the right to use $\frac{1}{2}$ inch of the natural flow of the water of the ~~water~~ creek, also known as Little Springs, with a priority of June 1, 1890, to irrigate $\frac{1}{2}$ acres of irrigable land, in a field of triangular shape lying between Little Spring Creek and Deep Creek, and bounded on the South by the South boundary line of plaintiff's property, and with the property to be irrigated located upon the $S\frac{1}{2}SW\frac{1}{4}$, Section 5, $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$, Section 8, Township 3 North, Range 45, E.B.M. The water to be used shall be measured at the point of diversion of the water from the creek.

KUNZ
OACRE
28-1967

BLAIR GROVER
GROVER & ARCHIBALD
102 North Clark
P.O. Box 36
Rigby, Idaho 83442-0036
(208) 745-6653

RECEIVED

AUG 28 1995

Department of Water Resources
Eastern District Office

IN THE DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

(NOW THE SEVENTH JUDICIAL DISTRICT)

VICTOR KUNZ and ERMA KUNZ,
husband and wife,

Plaintiff,

vs.

JAMES KUNZ, et al., and
ELVA TAYLOR, et al.,
Defendants.

Civil No.: 1453

STIPULATION

A22-00644
-00645
-00647
-00646
-00199B.

COMES NOW the undersigned, and hereby claim and represent to the court:

1. The undersigned, Rodney Taylor and _____ Taylor, his wife, hereinafter Taylors, are successors in interest to the defendant Elva Taylor, and are now owners of the property described in paragraph 4 of the Findings of Fact, to wit:

S1/2N1/2NE1/4, S1/2NE1/4 of Sec. 7; and S1/2N1/2NW1/4, S1/2NW1/4 of Sec. 8,
all in Township 3 North, Range 45 E.B.M., in Teton County, Idaho

Rodney Taylor is the natural son of the defendant Elva Taylor and entered into an agreement to purchase the property from her in 1968. He has been farming it and in continuous possession of the same since that date.

2. Keith Beaver and Peggy Beaver, his wife, hereinafter Beaver, are successors in interest to a portion of the property owned by the plaintiffs Victor and Erma Kunz, to wit:

MICROFILMED
NOV 06 1995

There have been several transfers of said property since it was owned by plaintiffs. Beavers acquired their interest in the portion described herein in 1989.

3. Taylors as successor in interest to defendant Elva Taylor claim:

A. That neither plaintiffs nor any of their successors in interest have ever used any of the waters of Little Spring Creek; that Beavers' land is higher than the ditches and diversions and it is impossible now and always has been for the water of Little Spring Creek to gravity flow onto Beavers' land as described herein.

B. That neither plaintiffs nor their predecessors in interest have used any water from Deep Creek since 1968.

C. That every year continuously since 1968, Taylors have used not less than 20 inches of the flow of Little Spring Creek, and all of Deep Creek to irrigate their lands described in paragraph 1, throughout each irrigation season.

D. Beavers have therefore forfeited their rights to Little Spring Creek and Deep Creek and Taylors have, by diversion and application to beneficial use, acquired the right to the same.

4. Beavers as partial successors to plaintiff dispute the claims of Taylors and deny that any water rights subject to the Judgment and Decree herein have been forfeited, and further deny that Taylors have acquired the water rights subject to the Judgment and Decree by diversion and application to beneficial use.

Both parties, however, recognize the uncertainty and expense of litigation, and agree that it is each of their interests to resolve their claims and denials by this stipulation and request that the court modify the Judgment and Decree entered herein as follows:

5. Paragraph 1, commencing near the bottom of page 2, should be deleted and the following substituted therefore:

There is hereby established, decreed and confirmed to Taylors the right to 20 inches of the natural flow of the waters of Little Spring Creek, also known as Little Springs and South Springs, with a priority of June 1, 1890, to irrigate the property of Taylors throughout the irrigation season described as follows: S1/2N1/2NE1/4, S1/2NE1/4 of Sec. 7; and S1/2N1/2NW1/4, S1/2NW1/4 of Sec. 8, all in Township 3 North, Range 45 E.B.M., in Teton County, Idaho.

6. That paragraph 2 of said judgment of decree, appearing in the middle of page 3, remain in full force and effect.

7. That paragraph 3, located near the bottom of page 3 of said judgment and decree, be eliminated.

8. That paragraph 4, located near the bottom of page 3, and paragraph 5, located on page 4 of said judgment and decree, be eliminated, and that there be substituted therefore, the following:

Taylors and Beavers shall rotate the use of the natural flow of Deep Creek, with a priority date of June 1, 1890, as follows:

A. The parties agree to rotate the use of all the waters of Deep Creek alternating weekly with Taylors to have the last seven days (week) of May of each calendar year, Beavers the first seven days of June (week) of each calendar year, with the weekly rotation thereafter.

B. If either party elects not to use said water during all or any part of the rotation, the other party shall be entitled to do so provided, however, that neither party shall lose or gain any rights to or from the other as a result of not using the water and allowing the other to use it during the rotation. It is the intent of this paragraph that if one party is not using the water, said party shall not lose any rights to the other; that the party using said water during the others' rotation does not gain any rights by doing so.

C. Taylors agree the water shall be used on the following described property during the irrigation season: S1/2N1/2NE1/4, S1/2NE1/4 of Sec. 7; and S1/2N1/2NW1/4, S1/2NW1/4 of Sec. 8, all in Township 3 North, Range 45 E.B.M., in Teton County, Idaho.

D. Beavers agree they will use the water on the following described property during the irrigation season:

9. Paragraph 6, on page 4 of the judgment and decree shall remain in full force and effect.

10. The parties further agree:

A. This stipulation is intended to be binding upon the parties hereto, their successors and assigns.

B. Either party may record this stipulation in Teton County, Idaho.

C. The stipulation shall be presented to the court, and filed, and the parties hereby request the court to modify the judgment and decree dated June 17, 1966, as provided herein. If for any reason, the court is unwilling to modify as provided herein, the parties nevertheless agree on behalf of themselves and their successors to be bound by the provisions herein, and hereby direct the water master of Water District 1 to deliver the water as set forth herein.

D. If the court does modify the judgment and decree as set forth herein, either party may record the judgment and decree as modified.

E. Whether modified by the court or not, either party may use this stipulation (and/or the modified judgment and decree) in the pending Snake River Basin Adjudication, and both parties agree to be bound by the provisions herein in said Snake River Basin Adjudication. Either may, therefore, amend their claim in the SRBA consistent with the provisions herein.

DATED this _____ day of August, 1995.

TAYLORS

BEAVERS

RODNEY TAYLOR

KEITH BEAVER

PEGGY BEAVER

STATE OF IDAHO)
)ss
County of)

On this _____ day of August, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared Rodney Taylor and _____ Taylor, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

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

(seal)

Notary Public for Idaho
Residing at Rigby, Idaho
Commission Expires:

STATE OF IDAHO)
)ss
County of)

On this _____ day of August, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared Keith Beaver and Peggy Beaver, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

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

(seal)

Notary Public for Idaho
Residing at Rigby, Idaho
Commission Expires:

MICHAEL
NOV 08 1995

To whom it may concern:

Rodney Taylor took me to look at a diversion on Little Springs Creek, just north of his fence. I could plainly see it has not been used for several years.

Signature: Kerry Taylor Date: 8-18-88

Subscribed and sworn (or affirmed) before me this

18 day of August 1988

Notary Public

Dorothy C. Douglass

residing at Heltonia

My Commission Expires 9-20-93

Seal

POOR ORIGINAL

MICROFILMED
APR 08 1994

A22-0644

To whom it may concern:

Rodney Taylor took me to look at a diversion on Little Springs Creek, just north of his fence. I could plainly see it has not been used for several years.

Signature: John Winger Date: Dec. 5, 1988

Subscribed and sworn (or affirmed) before me this
5 day of December 1988

Notary Public

Charles W. Wooten

residing at Victor, Idaho

My Commission Expires 5/25/92

Seal

POOR ORIGINAL

MICROFILMED
APR 08 1994

A22-0644

To whom it may concern:

Rodney Taylor took me to look at a diversion on Little Springs Creek, just north of his fence. I could plainly see it has not been used for several years.

Signature: M. E. Calderwood 8/19/88

Subscribed and sworn (or affirmed) before me this

19 day of Aug. 1988

Notary Public

Gay A. Stewart

residing at Driggs Idaho

My Commission Expires 6-28-91

Seal

POOR ORIGINAL

MICROFILMED

APR 08 1994

Δ22-0644

To whom it may concern:

Rodney Taylor took me to look at a diversion on Little Springs Creek, just north of his fence. I could plainly see it has not been used for several years.

Signature: Kerry Taylor Date: 8-18-88

Subscribed and sworn (or affirmed) before me this

18 day of August 1988

Notary Public

Kerithy C. Douglas

residing at Georgia

My Commission Expires 9-20-93

Seal

POOR ORIGINAL

MICROFILMED

APR 08 1994

"Ref.: ~~22~~-0644"

A22-0645

To whom it may concern:

Rodney Taylor took me to look at a diversion on Little Springs Creek, just north of his fence. I could plainly see it has not been used for several years.

Signature: John Winger Date: Dec 5, 1988

Subscribed and sworn (or affirmed) before me this
5 day of December 1988

Notary Public

Charles W. Wooten

residing at Victor, Idaho

My Commission Expires 5/25/92

Seal

POOR ORIGINAL

MICROFILMED
APR 08 1994

"REF: 22-0644"

A22-0645

To whom it may concern:

Rodney Taylor took me to look at a diversion on Little Springs Creek, just north of his fence. I could plainly see it has not been used for several years.

Signature: M. E. Calderwood 8/19/88

Subscribed and sworn (or affirmed) before me this

19 day of Aug. 1988

Notary Public

Say A. Stewart

residing at Driggs Idaho

My Commission Expires 6-28-91

Seal

POOR ORIGINAL

MICROFILMED
APR 08 1994

"Ref. 22-0644"

A22-0645

Victor, Idaho 83455
August 4, 1993

To whom it may concern:

On August 3rd, 1993 at 12:05 P.M., I accompanied Rodney Taylor to a diversion on Little Springs Creek, just a few rods North of his property line.

Without any question of doubt, it was evident that that diversion had not been used for many years.

Lynne A. Keady

Subscribed and sworn to before me a Notary
Public in and for the State of Idaho this
4 day of August 1993.

Paul W. Westlake
Residing at Victor Idaho
My commission expires 6/8/98

MICROFILMED
APR 08 1994

To whom it may concern:

On August 24th at 4:00 p.m. Rodney Taylor took me down to a diversion on Little Spring Creek, just a few feet north of his property line. There is a willow where the diversion dam was, I cut a section of it and dated it. It was twenty six years old.* Without any question or doubt that diversion ~~has~~ ^{could have} not been used for many years.

could have
RA RA

Ronald J. Taylor

Professor of Botany
Western Washington State University

Signature: Ronald J. Taylor Date: _____

Subscribed and sworn (or affirmed) before me this

25 day of August 1993

Notary Public in and for the state of Idaho

Arnold W. Westenberg

Residing at Victor, IDAHO

My commission expires 6/8/98

* The age of the willow was aged by selecting the largest and presumably oldest branch and counting the number of growth rings

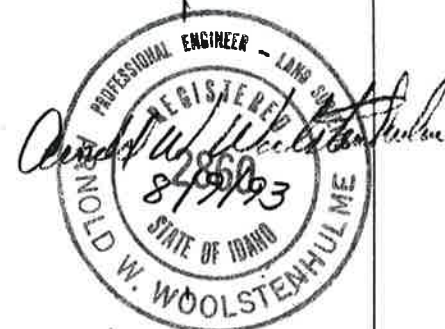
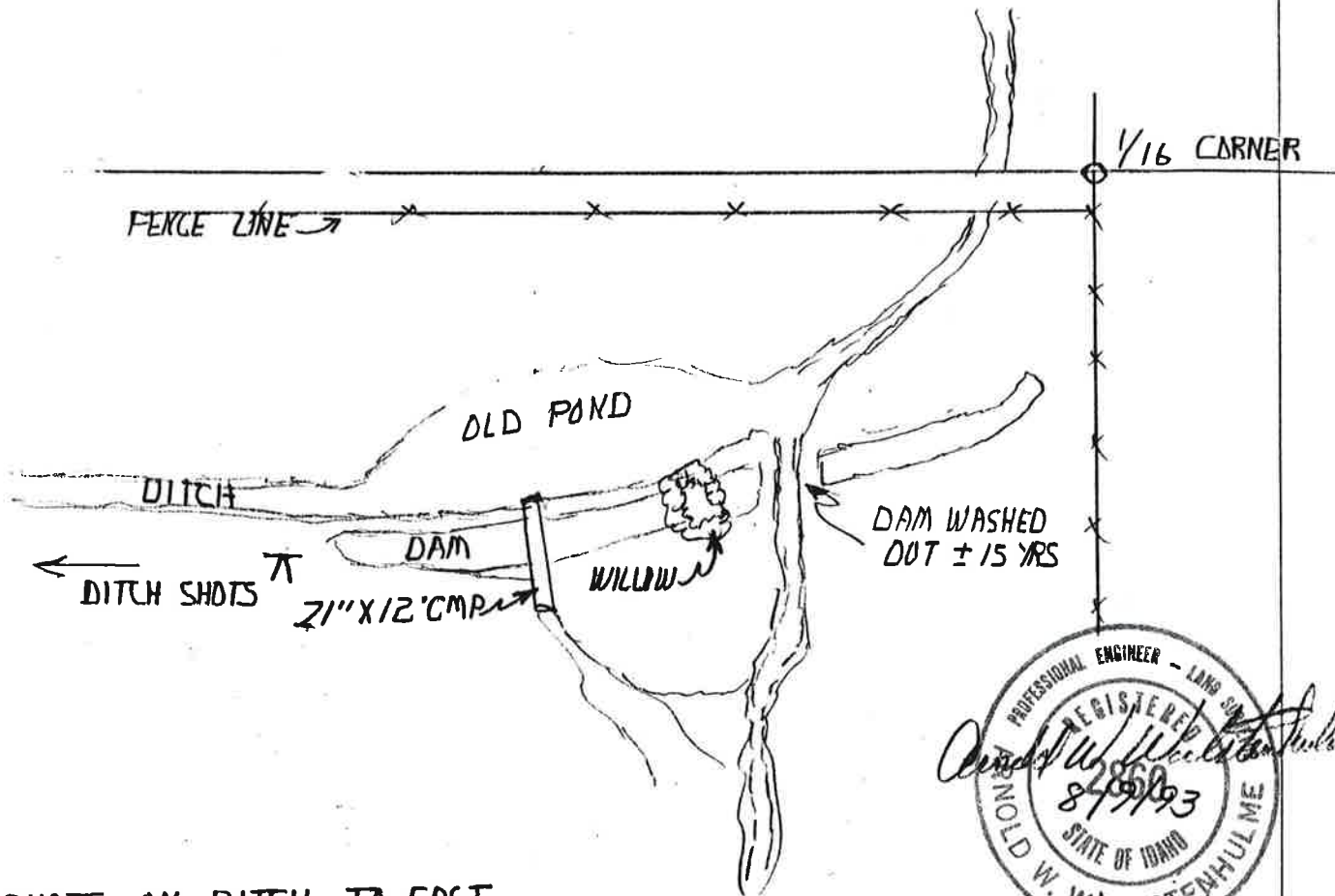
RA
HWA

MICROFILMED
APR 08 1994

RODNEY TAYLOR

8/5/93

SW 1/4 SW 1/4 SEC 5, 3N, 45E
TETON CO IDAHO



SHOTS ON DITCH TO EAST

+0 ² 20 ⁰ TOP DAM	-2 ³ / ₄ 20 ⁰ BOT CMP	-2 ⁹ 30 ⁰ CREEK BOT ELEV	-2 ³⁰ 30 ⁰ CREEK WATER Elev	-1 ⁴ 10 Ditch BOT	-1 ³ 200' BOT DIT	+0 ² 200' grd	-0 ² 100' BOT DIT	0 400' BOT DIT
--	---	--	---	---------------------------------------	---------------------------------------	--------------------------------	---------------------------------------	-------------------------

I, ARNOLD W. WOOLSTENHULME, A REGISTERED ENGINEER AND LAND SURVEYOR, IN THE STATE OF IDAHO, # 2860, DID VISIT THE SITE OF THIS OLD WASHED OUT DAM AND DID NOTE THE OLD WILLOW TREE GROWING IN THE DAM AND DID OBSERVE THE WASHED OUT SECTION OF THE DAM. SHOTS WERE MADE WITH A WILD T 1000 TOTAL STATION AS NOTED ABOVE, WATER CANNOT FLOW UP HILL THROUGH THE DITCH THAT WE OBSERVED, AND THERE WAS NO PLACE WHERE THE GROUND WAS LOW ENOUGH TO BE WATERED FROM SAID DITCH.

NOT RECORDED
APR 08 1994

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 22-13507
Date Received: 4/14/2006
Receipt No:
Received By:

Renumbered From 22-645
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RODNEY TAYLOR Phone:
817 S 450 W
VICTOR ID USA 83455

2. Date of Priority: 06/01/1890

3. Source: LITTLE SPRING CREEK , LITTLE SPRING CREEK Trib. to: DRAKE CREEK , DRAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	45E	7	NW NE	TETON	
03N	45E	7	NE NE	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	04/14	10/15	1.5	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres		
03N	45E	7	NE	NE		IRRIGATION	5		
			NW	NE		IRRIGATION	8		
			SW	NE		IRRIGATION	20		
			SE	NE		IRRIGATION	15		
			NW	NE		DOMESTIC			
			Section Acres						48
03N	45E	8	NE	NW		IRRIGATION	1		
			NW	NW		IRRIGATION	18		
			SW	NW		IRRIGATION	10		
			SE	NW		IRRIGATION	3		
			Section Acres						32
			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:

03/28/1967 DECREE STATES FOLLOWING CONDITION: "IN THE EVENT THE TOTAL FLOW OF LITTLE SPRING CREEK IS LESS THAN 40 MINER'S INCHES, MEASURED AT DEFENDENT ELVA TAYLOR'S POINTS OF DIVERSION (22-0645), THEN PLAINTIFFS VICTOR KUNZ AND ERMA KUNZ (22-0644) SHALL BE ENTITLED TO HALF OF THE TOTAL FLOW OF THE STREAM, BUT NOT MORE THAN 20 MINER'S INCHES, MEASURED AT PLAINTIFFS' POINT OF DIVERSION, AND DEFENDANT SHALL BE ENTITLED TO THE BALANCE OF THE FLOW OF THE STREAM."

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

Renumbered From 22-645.

15. Basis of Claim: Decreed

\$130.00

x

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: A22-00645
Date Received: 8/11/1988
Receipt No: E002916
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RODNEY TAYLOR
Address: RT. 1 BOX 628
VICTOR, ID

787-2751

83455

2. Date of Priority: JUN 01, 1890

3. Source: LITTLE SPRING CREEK Trib. to: DRAKE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	45E	7		NE	NE		TETON
				NW	NE		TETON

5. Description of diverting works:
DITCH/PUMP/PIPELINE TO FLOOD AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15			1.500
DOMESTIC	01/01	12/31			0.040

7. Total Quantity Appropriated is:
1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOUSES AND SHOP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	45E	7	NE	NE		IRR	5.0

A22-00645

Page

1

Date: 10/03/88

A2200645



MICROFILMED

OCT 28 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	45E	7	NW	NE		IRR	8.0
			NW	NE		DOMEST	
			SW	NE		IRR	20.0
			SE	NE		IRR	15.0
			Section Acres				48.0
		8	NE	NW		IRR	1.0
			NW	NW		IRR	18.0
			SW	NW		IRR	10.0
			SE	NW		IRR	3.0
			Section Acres				32.0
			Total Acres				80.0

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:
NONE

14. Remarks:

03/28/1967 DECREE STATES FOLLOWING CONDITION: "IN THE EVENT THE TOTAL FLOW OF LITTLE SPRING CREEK IS LESS THAN 40 MINER'S INCHES, MEASURED AT DEFENDENT ELVA TAYLOR'S POINTS OF DIVERSION (22-0645), THEN PLAINTIFFS VICTOR KUNZ AND ERMA KUNZ (22-0644) SHALL BE ENTITLED TO HALF OF THE TOTAL FLOW OF THE STREAM, BUT NOT MORE THAN 20 MINER'S INCHES, MEASURED AT PLAINTIFFS' POINT OF DIVERSION, AND DEFENDANT SHALL BE ENTITLED TO THE BALANCE OF THE FLOW OF THE STREAM."
CLAIMANT INDICATES PLAINTIFF'S DECREED RIGHT (22-0644) IS NO LONGER BEING USED.

15. Basis of Claim: DECREED
Water Right Number: 0645
Case Number: 1459
Court : 12
Decree date: 3/28/1967

VICTOR AND ERMA KUNZ
Decree Plaintiff

vs

JAMES KUNZ AND ELVA TAYLOR ET.
Decree 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: 1

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): Rodney L. Taylor Date: Oct. 5 1988
Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of October 19 88

Anthony S. Olenichak
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 7/12/1994

OUR SOIL • OUR STRENGTH



CONSERVATION PLAN MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

Teton

S.C. DISTRICT

OWNER W. G. Taylor

OPERATOR _____

FARM No. 338 DATE _____

SCALE 1" = 660' ACRES 240

PHOTO No. 11H-175

COUNTY

Teton

Idaho

STATE

R. 45° E.

SECTION CORNER

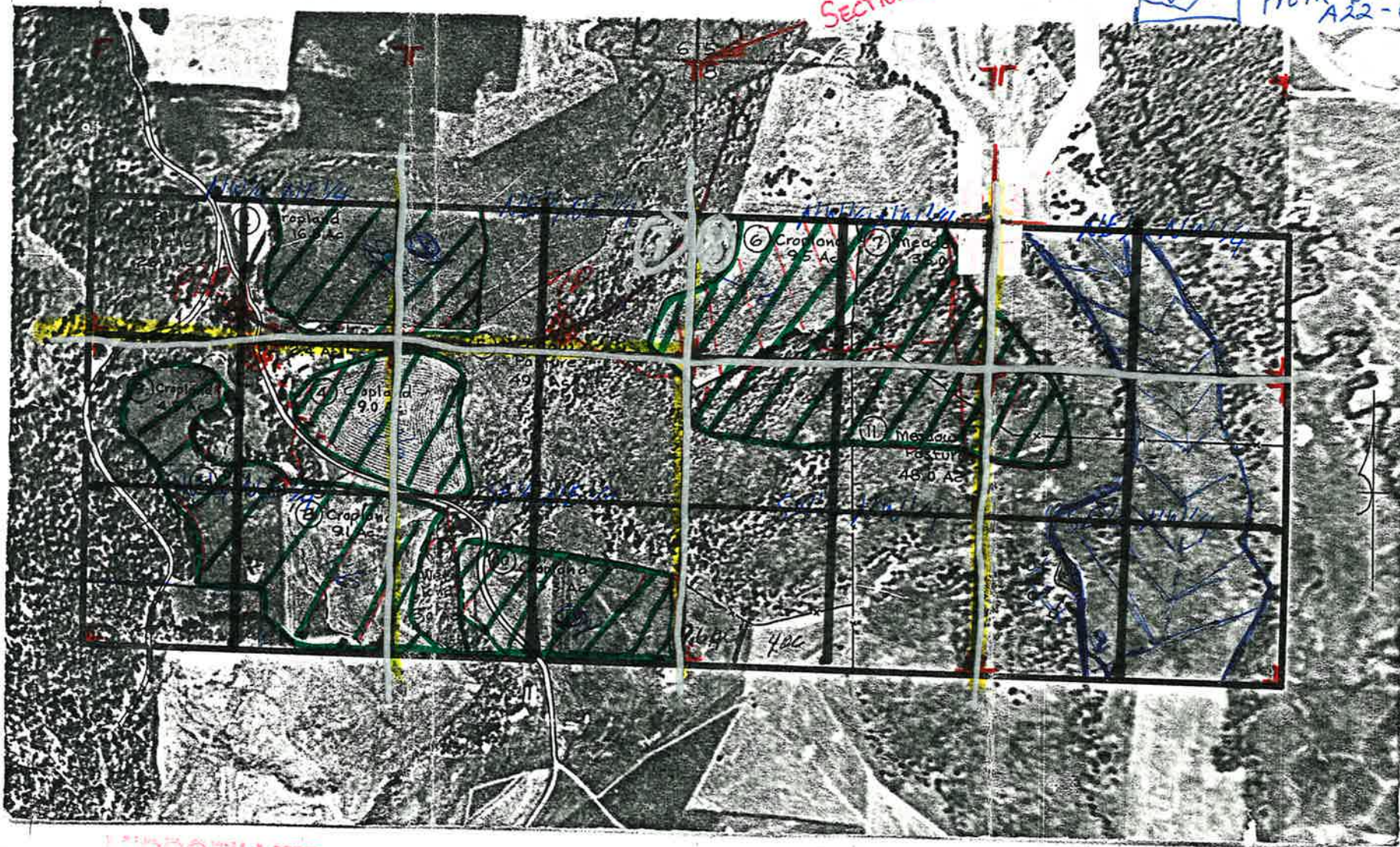
22-00645



IRRIGATED
AREA A22-00645



IRRIGATED
From Deep Creek
A22-00647



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