

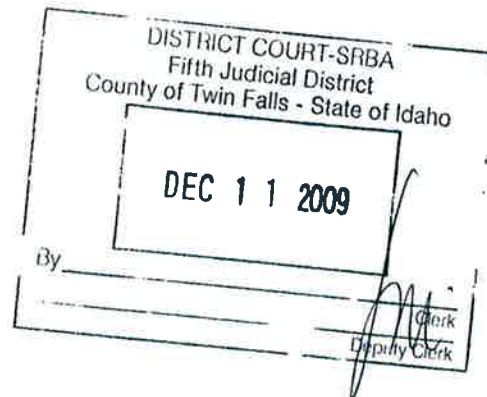
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-13594



NAME AND ADDRESS:

RICHARDSON FAMILY
PROPERTIES LLC
PO BOX 469
VICTOR, ID 83455

SOURCE:

SPRING TRIBUTARY: ELLIOT CREEK

QUANTITY:

0.17 CFS

PRIORITY DATE:

09/01/1963

POINT OF DIVERSION:

T04N R45E S15

SWNWSE Within Teton County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-15

QUANTITY
0.17 CFS

PLACE OF USE:

Irrigation

T04N R45E S15

SESE 10.0

Within Teton County

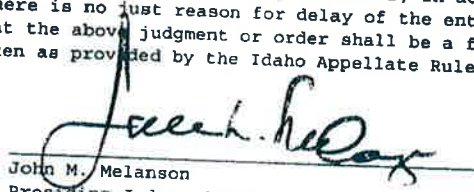
10.0 Acres Total

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

RIGHT NUMBER: 22-13594

NAME AND ADDRESS: RICHARDSON FAMILY PROPERTIES LLC
PO BOX 469
VICTOR ID 83455

SOURCE: SPRING

TRIBUTARY: ELLIOT CREEK

QUANTITY: 0.170 CFS

PRIORITY DATE: 09/01/1963

POINT OF
DIVERSION:

T04N R45E S15 SWNWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.170 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S15

SESE 10.00

10 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

Created By:

Denise Kidman:

Date: 6-16-09



Idaho Department of Water Resources

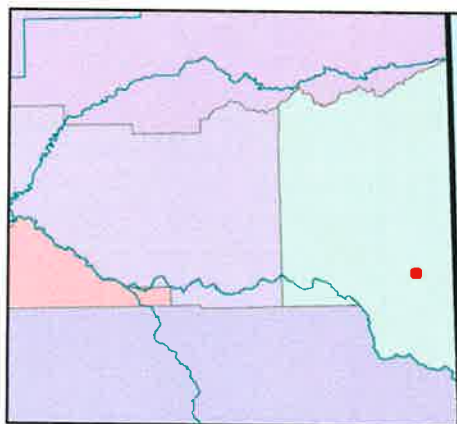
Adjudication Recommendation

22-13594

(IRRIGATION)

Legend

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



**Teton County
IDWR Basin 22**

Prepared by Denise Kidman
On June 16, 2009
2004 Aerial Photography



RECEIVED

MAR 22 2007

DEPARTMENT OF
WATER RESOURCES

COPY

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

A. Subcase: 22-13594

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Andrew J. Richardson

Address: PO Box 469

Victor, ID 83455

Daytime Phone: 208-354-8370

Name & Address of Attorney, if any:

Kent W. Foster; Holden, Kidwell, Hahn & Crapo

PO Box 50130

Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Richardson Family Properties, LLC

Address: PO Box 469

Victor, ID 83455

(Notice of Change of Ownership filed in August 2006.)

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Richardson Family Properties, LLC
2. ☒ **Source**
Should be: Pond tributary to Elliott Creek
3. ☒ **Quantity**
Should be: 0.17 cfs
4. ☒ **Priority Date**
Should be: September 01, 1963
5. ☒ **Points of Diversion**
Should be: NWSE, Sec. 15, T4N., R45E.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation
8. ☒ **Period of Year**
Should be: 04/01 to 10/31
9. ☒ **Place of Use**
Should be: 10 acres in SESE, Sec. 15, T4N., R45E.

10. **I object because:**

- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** See attached affidavit from former owner.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bonneville)

Kent W. Foster, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Kent W. Foster, Attorney

Subscribed and sworn to before me this 20th day of March, 2007





Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: July 7, 2009

G.

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of March, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

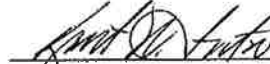
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Kent W. Foster

G:\WPDATA\KWP\13869 Richardson, Andy\Objection. 22-13594 wpd

To Whom It May Concern:

The ten acres that were sold to Mr. Andrew Richardson have either been irrigated with sprinkler pipe or flood irrigated along with the rest of the property since my late husband and I bought the property back in October 9th, 1967.

Sincerely,

Carol J. Foster

Carol J. Foster

STATE OF Idaho)

) ss.

COUNTY OF Teton)

On this 16th day of January, 2007, before me, a Notary Public in and for said county and state, personally appeared Carol J. Foster known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
Notary Public

Residing at: Teton, Idaho

My commission expires March 9, 2012



Kidman, Denise

From: Courtney, Andrea
Sent: Tuesday, December 16, 2008 4:49 PM
To: 'Rob Harris'
Cc: Carlsen, Ernie; Kidman, Denise; Baxter, Garrick; Williams, Ray
Subject: RE: Water Right No. 22-13594 (Andrew Richardson)

Rob~

It is my understanding that after you sent the below email you spoke with both Denise and Ernie about this subcase. My notes from initial hearing are similar to yours but there are some differences. I'll give you a call tomorrow morning and we can discuss.

Drive safely -- heard about the bad road conditions.

Andrea

From: Rob Harris [mailto:rharris@holdenlegal.com]
Sent: Tuesday, December 16, 2008 8:59 AM
To: Kidman, Denise; Baxter, Garrick; Courtney, Andrea
Cc: Carlsen, Ernie
Subject: Water Right No. 22-13594 (Andrew Richardson)

Everyone:

Tomorrow afternoon we have a status conference for Water Right No. 22-13594, a claim by Andrew and Nancy Richardson. I received an email from Denise Kidman concerning this water right, and had a telephone conference with her, and want to make sure my notes accurately reflect what was discussed at the initial hearing.

At the initial hearing in August, my notes and a follow up letter to my client identified only one issue remaining with the water right, that being how the source is described. Water Right No. 22-13594 is a split from another water right, Water Right No. 22-4017, which is a water right based on a statutory claim. The statutory claim listed "pond" as the source, and there was some discussion at the initial hearing that the source should be better described as "spring." I recollect that IDWR was going to internally discuss if the source should be described as a "spring", and if so, we would sign an SF5 with "spring" listed as the source. Rather than file an amended claim, we were going to simply put the SF5 on the docket sheet to ensure that anyone who may object to this change would have an opportunity to do so, although we suspected that there would be no objection.

At this point, no SF5 has been prepared, but in addition, Denise raised a question as to the historic irrigation practices of the property. My notes do not indicate that this was an issue that remained with this water right. Mr. Richardson was at the initial hearing, and I recollect that we looked at a hand-drawn map from Dee O'Brien, which showed how the property was irrigated. Mr. Richardson explained how the property had been irrigated. Additionally, attached is the objection we filed on Mr. Richardson's behalf, and it has an attached affidavit from Carol Foster (a former owner of the property) testifying that the property was irrigated while she and her husband owned the property. Further, even if there were years of sporadic irrigation from 1987 through today, the claim for this water right was filed in 1988, and would therefore be protected from forfeiture from the date the claim was filed up until a decree is issued. In short, I do not recollect that historic irrigation was an issue that we were instructed to provide further evidence of. We could certainly do so, but before pursuing that evidence, I simply want to make sure that my recollection of what was discussed at the initial hearing was accurate. Please review your notes and let me know if I am mistaken, and so that we can give the special master an update at tomorrow's status conference.

4/9/2009

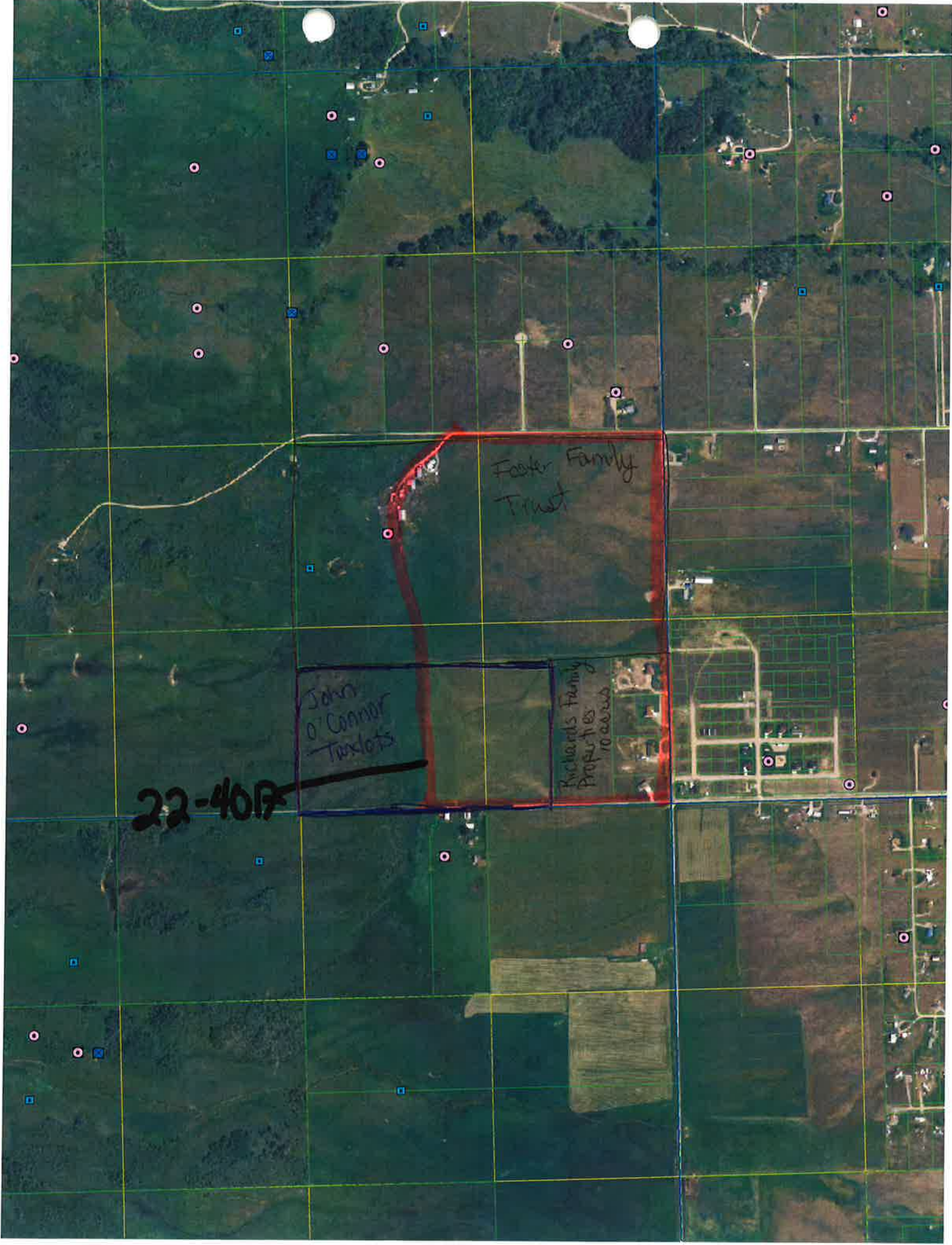
Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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Internal Revenue Service Circular 230 Disclosure: Please note that any discussion of or advice regarding United States tax matters contained herein (including any attachments hereto) does not meet the requirements necessary to be a "covered opinion" as defined in Internal Revenue Service Circular 230, and therefore, is not intended or written to be relied upon or used and can not be relied upon or used for the purpose of avoiding federal tax penalties that may be imposed or for the purpose of promoting, marketing, or recommending any tax-related matters or advice to another party.

4/9/2009



Foster Family Trust

John O'Connor Taxlots

Richards Family Properties

22-407

Concerns

no - 1987
1992
2004
2006

- 22-13594 shows no irrigation
- 22-4017 split into $\begin{cases} 22-13593 & 1.6 \text{ cfs} & 95 \text{ acres Foster} \\ 22-13594 & 0.17 \text{ cfs} & 10 \text{ acres Richards} \end{cases}$
(1.8 cfs 115 acres)
- 22-4017 - claimed in Sec 22
13593 + 13594 recommended in Sec 15
- Does 22-13593 know that this was disallowed?
never objected
- 22-11414 Foster Family Trust
 - Covers land they don't own
John O'Connor
Richards Family Trust
 - $\begin{cases} \text{Wayne Johnson} \\ \text{Kelly Tolbert} \\ \text{Olga Chavez} \\ \text{Michael Janssen} \end{cases} \left\{ \begin{array}{l} 4 \text{ small pieces} \\ \text{w/ homes} \\ 12.5 \text{ acres each} \end{array} \right.$
- Need to check transfer #635
- Need to contact Rob Harris

✓ this is irrigated
COUNTY ROAD





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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 13, 2006

RICHARDSON FAMILY PROPERTIES LLC
C/O ANDREW RICHARDSON
PO BOX 469
VICTOR ID 83455

RE: CHANGE IN OWNERSHIP FOR 22-4017

Dear Mr. Richardson:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-4017 split into:

22-13593: 1.63 cfs, 95 acres, Foster

22-13594: 0.17 cfs, 10 acres, Richardson

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

SCANNED

AUG 22 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 22-13594

Date Received _____

Receipt Number _____

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

RECEIVED

APR 30 2009

Department of Water Resources
Eastern Region

1. Name of Claimant(s) Richardson Family Properties, LLC Phone (208) 354-8370

Mailing Address c/o Andrew Richardson, PO Box 469, Victor, ID Zip 83455

2. Date of Priority (Only (1) per claim) September 1, 1963

3. Source of water supply (a) Springs
which is tributary to (b) Pond
which is tributary to (b) Elliott Creek

4.a. Location of existing point of diversion is:
Township 4N Range 45E Section 15, 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____,
County of TETON

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Pump & Pipeline

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 0.17 cfs or _____

7. Total quantity claimed (a) 0.17 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.) _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	15																10	10

Total number of acres irrigated 10

10. In which county(ies) are lands listed above as place of use located? Teton

11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

13. Remarks:

Original Claim 22-4017 incorrectly identified the point of diversion and place of use. This right is a split from former right 22-4017.

14. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

15. 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 under penalty of perjury that I am attorney for the Richardson Family Properties, LLC, that I have signed the foregoing document in the space below as attorney for the Richardson Family Properties, LLC, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Edward L. Fairies*

Title and Organization Attorney, Richardson Family Properties, LLC Date April 30, 2009

Last Name Richardson Family Properties, LLC Ident. Number 22-13594

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris
Address PO Box 50130, Idaho Falls, ID 83405-0130
Date April 30, 2009

G:\WPDATA\RLH\13869 Richardson, Andy\Amended Claim, 22-13594.wpd:cdv

11/21/2006

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

RIGHT NUMBER: 22-13594
NAME AND ADDRESS: RICHARDSON FAMILY PROPERTIES LLC
C/O ANDREW RICHARDSON
PO BOX 469
VICTOR ID 83455

Disallowed

SOURCE: POND TRIBUTARY: ELLIOTT CREEK
QUANTITY: 0.170 CFS
PRIORITY DATE: 09/01/1963
POINT OF DIVERSION:
T04N R45E S15 NWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	0.170 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S15 SESE	10.00	
	10 ACRES TOTAL		

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

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 22-13594
Date Received: 9/20/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

RICHARDSON FAMILY PROPERTIES LLC Phone: (208)354-8370
C/O ANDREW RICHARDSON
PO BOX 469
VICTOR ID USA 83455

2. Date of Priority: 09/01/1963

3. Source: POND Trib. to: ELLIOTT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	15	NW SE	TETON	

5. Description of diverting works:

PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.17	

7. Total Quantity Appropriated is:
0.17 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	15	SE SE	IRRIGATION	10
Section Acres					10

SCANNED
AUG 22 2007

Total Acres 10

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:

ORIGINAL CLAIM 22-4017 INCORRECTLY IDENTIFIED P/D AND P/U.

This right is a split from former right 22-4017 .

15. Basis of Claim: Statutory Claim

SCANNED
AUG 22 2007