

01/23/2007

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

RIGHT NUMBER: 22-13606

NAME AND ADDRESS: ALLAN H & LAURIE B CRARY TRUST
1911 IDYLWILD WAY
PRESCOTT AZ 86305

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.290 CFS

PRIORITY DATE: 06/01/1890

POINT OF

DIVERSION: T04N R45E S34 NWNWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.290 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S28

NWSE

20.00

T04N R45E S28

SWSE

12.00

32 ACRES TOTAL

Right Nos. 22-22-13606 and 22-13608 are limited to the irrigation of a combined total of 32 acres in a single irrigation season.

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

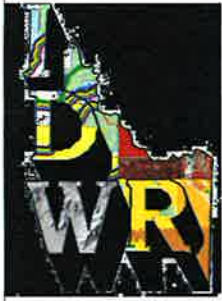
This right is subject to regulation by the watermaster of Water District 01.

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

This right is a split from former right 22-360B.

The following rights are also diverted through point of diversion described above: 22-93, 22-13606, 22-13607, 22-13608, 22-13609.



Idaho Department of Water Resources

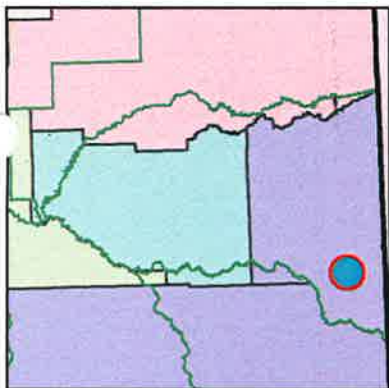
SRBA Recommendation:

22-13606

(Irrigation)

Legend

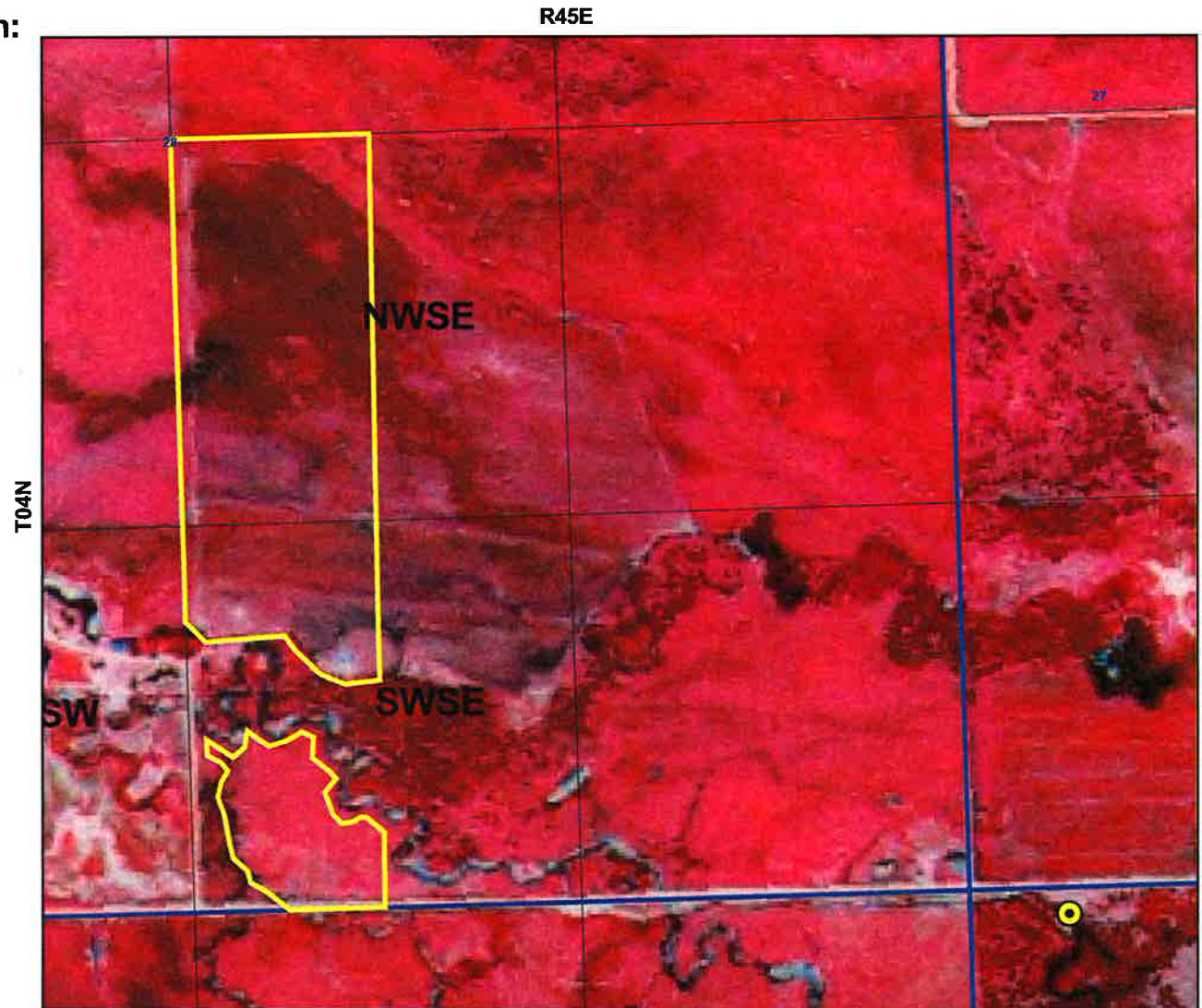
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by J. Crabtre
On Tuesday, January 23, 2007
1987/88 Aerial Photography



0 0.2 0.4 Miles



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

March 23, 2007

ALLAN H & LAURIE B CRARY TRUST
1911 IDYLVILD WAY
PRESCOTT AZ 85749

RE: Notice of Change of Water Right Ownership (NCO) for 22-13606, 22-13608
and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimants:

On January 4, 2007, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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

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

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Crary Trust

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: 22-13606, 22-13608

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

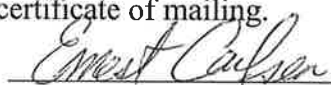
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party **CRARY TRUST – ALLAN H & LAURIE B CRARY TRUST**
- ☐ 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: 3-19-07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3/23, 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:

Claimant/Seller for Substitution of Party or attorney of record:
CRARY TRUST
8401 E WOODLAND RD
TUSCON AZ 85749

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
ALLAN H & LAURIE B CRARY TRUST
1911 IDYLVILD WAY
PRESCOTT AZ 86305

4. One copy to:

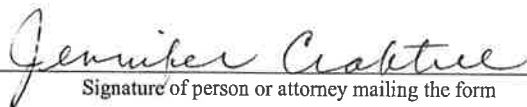
Each party in the subcase, or attorney of record
N/A

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
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JAN 04 2007

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-13606					
22-13608					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

CHARLES E. + MARGARET H. CRARY, TRUST
 CHARLES E. + MARGARET H. CRARY TRUST, DTD 5-23-98
 8401 E. WINDCANE RD, TULSON, AZ 85749

4. New Owner/Claimant(s)

ALLAN H. + LAURIE B. CRARY, TRUST

New Mailing Address

ALLAN H. + LAURIE B. CRARY, TRUST, DTD 7-12-05
 1911 IDYLWILD WAY, PRESLOTT, AZ 86305

City, State and ZIP Code

New Telephone Number

(928) 778-7762 (H) 928-777-0505 (W)

5. Date you acquired the property

8-23-05

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

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

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

7. Signature(s) of New Owner(s) or Claimant(s)

Luciano Lopez
Jaurie B. Cray

(title if applicable)

(title if applicable)

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

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

DEED OF GIFT

THIS INDENTURE is made this 23rd day of August, 2005, between CHARLES E. CRARY, III and MARGARET H. CRARY, Trustees of the Charles E. Crary, III and Margaret H. Crary Trust, dated May 23, 1998, the "Grantor", and ALLAN H. CRARY and LAURIE B. CRARY, Trustees of the Allan H. and Laurie B. Crary Trust, dated July 12, 2005, whose mailing address is 1911 Idylwild Way, Prescott, Arizona 86305, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the love and affection the Grantor has for the Grantee, does by these presents remise, release and forever QUITCLAIM unto the Grantee, and to Grantee's successors and assigns forever, all the following described property in Teton, State of Idaho, to-wit:

The West 640 feet of the Southeast Quarter, Section 28,
Township 4 North, Range 45 East, Boise Meridian.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainder and remainders, and issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this Deed of Gift 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, Trustee of the Charles E. Crary, III and Margaret H. Crary Trust, dated May 23, 1998

Margaret H. Crary

Margaret H. Crary, Trustee of the Charles E. Crary, III and Margaret H. Crary Trust, dated May 23, 1998

STATE OF IDAHO)
)ss.
County of Teton)

On the 23rd day of August, 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 Charles E. Crary, III and Margaret H. Crary Trust, dated May 23, 1998, 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.



Grant Moedl
Notary Public for Idaho
Residing at Rexburg
My Commission Expires: 8-2-2010

STATE OF IDAHO)
)ss.
County of Teton)

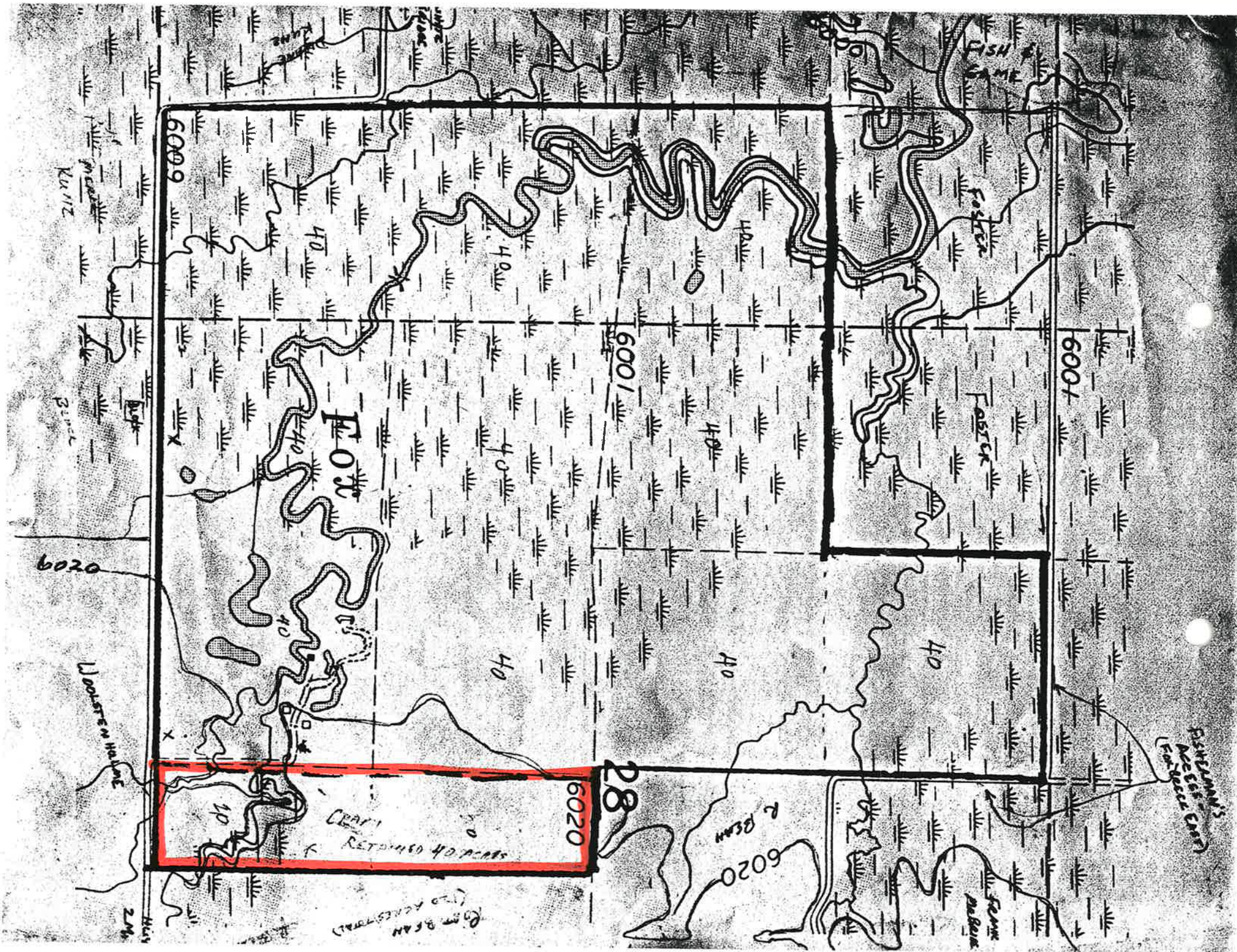
On the 23rd day of August, 2005, before me, the undersigned, a notary public in and for said State, personally appeared Margaret H. Crary, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Charles E. Crary, III and Margaret H. Crary Trust, dated May 23, 1998, 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.



Grant Moedl
Notary Public for Idaho
Residing at Rexburg
My Commission Expires: 8-2-2010

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00 5000 6000 7000 FEET

1 MILE

Secondary highway.

Primary highway.

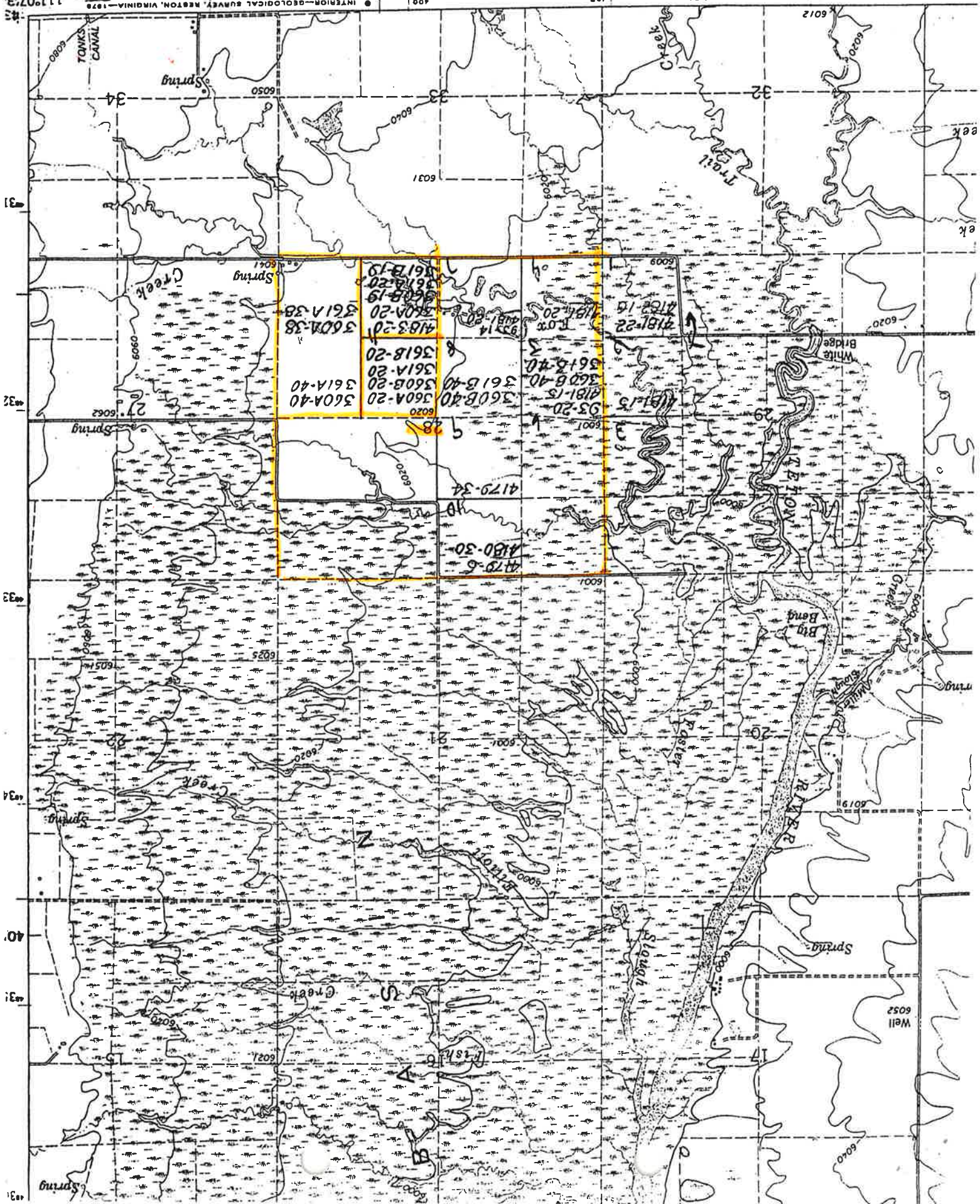
Light-duty road, hard or improved surface.

ROAD CLASSIFICATION

489000mE

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1978

111°07'3



RECEIVED

DEC 21 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

11/09/2006

RECEIVED

DEC 26 2006

Department of Water Resources
Eastern Region

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: 22-13606

CRARY TRUST
8401 E WOODLAND RD
TUCSON AZ 85749
Telephone Number: (520)749-1466

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

WE GAVE THIS 40 ACRES TO ALLAN H. CRARY ON
DEC '05 - LIVES IN PRESCOTT, AZ

2. Describe the changes you wish to make in the proposed recommendation:

LOOKS OK TO ME BUT I GAVE MY ENTIRE
FILE TO MR HUNTSMAN

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: Charles E. Crary

Please print your name: _____

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

OC

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
	22-93 OK			22-361B	✓ OK
	22-13481 OK				
	22-13483 OK				
	22-13488 OK				
	22-360B	✓ OK			

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 E. Woodland Rd., Tucson, AZ 85749
4. New Owner/Claimant(s)
Evergreen Investment Utah, LLC (60%) & Blaine and Nancy Huntsman (40%)
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 2834 Etienne Way
 City, State and ZIP Code Sandy, UT 84093
 New Telephone Number 801-438-0240
5. Date you acquired the property March 15, 2006

RECEIVED
 JUN 28 2006
 Department of Water Resources
 Eastern Region

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	22-361B	
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	0.57 cfs	40 acres in NWSW, 40 acres in NENW, Sec. 28, T4N., R45E.
Stock		
Domestic		
Other		
TOTAL		

G:\WPDATA\KWF\13254 Huntsman, Blaine\NCO, Crary.wpd:cdv