

12/14/2006

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

RIGHT NUMBER: 22-13616

NAME AND ADDRESS: BLAKE DUSTIN
C/O ALICE ELIASON
3900 KIRK WAY
BAKER CITY OR 97814

CUSHMAN FAMILY TRUST
601 S FIGUEROA ST 47TH FLOOR
LOS ANGELES CA 90017

AARON JENKINS
PO BOX 409
DRIGGS ID 83422

TIFFANY JENKINS
PO BOX 409
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK TRIBUTARY: TETON RIVER
Point of injection into and point of redirection from Teton River

QUANTITY: 1.830 CFS

PRIORITY DATE: 05/26/1900

POINT OF DIVERSION:

T04N R44E S1 NESWSE Within TETON County
T05N R45E S31 NENW Injection Within TETON County
T05N R45E S32 SESWSW Rediversion Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.830 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S05 Lot 3 NENW	3.10	T04N R45E S05 Lot 4 NWNW	37.00
T04N R45E S06	SENE 40.00	T05N R45E S32	NWSW 11.00
T05N R45E S32	SWSW 23.00		

114.1 ACRES TOTAL

Right Nos. 22-197B and 22-13616 are limited to the irrigation of a combined total of 114.1 acres in a single irrigation season.

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

This right is renumbered from former right 22-151 .



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

January 12, 2007

C. L. "BUTCH" OTTER
Governor

KARL J. DREHER
Director

BLAKE DUSTIN
C/O ALICE ELIASON
32 W 120 N
BLACKFOOT ID 83221-5991

RE: CHANGE OF ADDRESS FOR 22-13616

Dear Mr. Dustin & Ms. Eliason:

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

12-12-06

- Indeterminant decree
- ~~Claimant owns 160 a~~
Decree states 160 acres but in 1987 only 114 acres was irrigated.
- Claimant gets credit for 160 acres which is 1.5 cts for 22-13616 and 1.06 for 22-147B

✓



Idaho Department of Water Resources

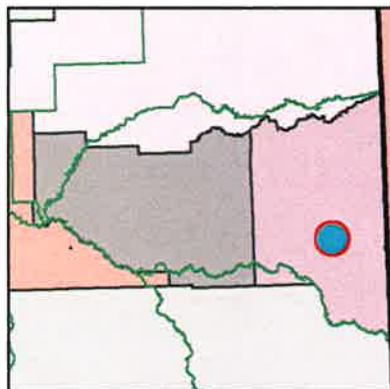
SRBA Recommendation:

22-197B
22-13616

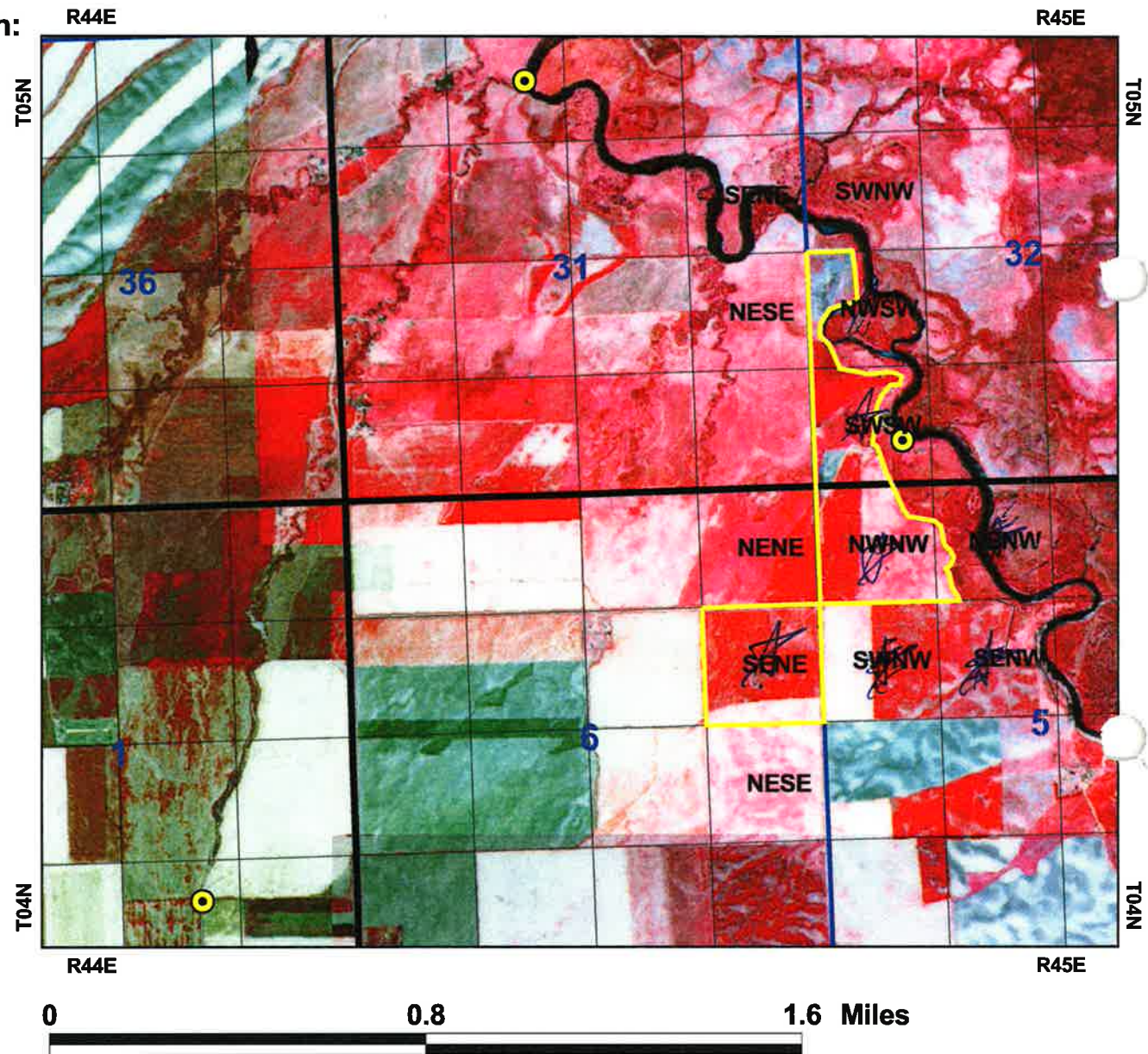
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Tuesday, November 14, 2006
1987/88 Aerial Photography

Acuff, J. H.

Watson Slough
Irrigation Company.

1 022

Adams, E. G.

150 inches

June 1, 1895

Adams, Lot

Wearyrick Ditch Company,
and Trego Ditch Company.

22 0149

Alben Amos

50 inches.

June 1, 1898.

Fox Creek

Allen, Charles A.

160 inches

June 1, 1896.

Trail Creek

Allen, George W.

220 inches.

May 26, 1900.

Mahogany Creek.

Allen, Isaac T.

50 inches

June 1, 1897. Cherry Creek. All of the
water of Cherry Creek
Springs.

Almy, C. J.

150 inches.

Sept. 24, 1900

Fall River

Allred, I. H.

Watson Slough Irrigation
CompanyAmerican Falls Power
& Canal Company 62,500 inches.

Feb. 6, 1895.

Snake River

Anderson, A. S.

Anderson Canal Company.

Anderson Canal
Company

600 inches.

Nov. 31. 1898 Spring Creek, near Menard

Anderson, Celia

North Salem Agricultural
& Milling Canal Company

Anderson, Charles

40 inches

June 1, 1899.

Teton Creek.

Anderson, Johanna
and Nephi

Roxanna Canal Company.

Anderson, John A.

120 inches

Sept. 1, 1900

Seepage waters from independent Canal in field of J. L. Rice, estimated at 120 inches; joint appropriation with Carl F. Lund and J. F. Smith to have all of the water for 5 years after same reaches his ranch in sufficient quantity for irrigation and the same to be used thereafter by John A. Anderson, Carl F. Lund and J. F. Smith alternately, each having the use of the same every 3 days

Anderson, Lena, Admx.
of Estate of Oscar H.
Anderson, deceased.

North Salem Agricultural &
Milling Canal Company.

Anderson, Mons H.

(See William Walters.)

It is further ordered, adjudged and decreed that the above mentioned and described awards of the right to the use of the waters of Snake River and its tributaries, respectively, are declared to be appurtenant to, and are awarded for the purpose of irrigating the following described lands of the respective claimants, and for the following manufacturing, power and other purposes, respectively, to-wit:

"A."

Acuff, J. H.	A tract of land lying adjacent to the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lots 3 and 4, Sec. 15, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, T. 3. S., R. 34 E., B. M. containing 160 acres.
Adams, E. G.	S $\frac{1}{2}$ of NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$. Sec. 12, T. 5 N., R. 44 E., B. M. Containing 160 ^{acres} ~~inches~~ .
Adams, Lot	S $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 2, T. 3 S., R 34 E., B. M. containing 160 acres.
Allen, Amos	NW $\frac{1}{4}$ Sec. 25. T. 4 N., 45 E., B. M.
Allen, Charles A.	NW $\frac{1}{4}$ Sec. 1, T. 3 N., R 45 E., B. M.
Allen, Darius H.	E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 21, and NW $\frac{1}{4}$ of Sec. 27, T. 1 N., R. 37 E., B. M., containing 240 acres.
Allen, Eliza B.	E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 22 and W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 23, T. 1 N., R. 37 E., B. M., containing 160 acres.
Allen, George W.	NW $\frac{1}{4}$ of Sec. 5, and NE $\frac{1}{4}$ Sec. 6. T. 4 N., R 45 E., W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 32, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31, T 5 N., R 45 E., B. M. containing 480 acres.
Allen, Isano T.	N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 12, T. 3 N., R. 45 E., B. M. containing 80 acres.
Allen, James V.	SE $\frac{1}{4}$ of Sec. 3, T. 6 N., R 45 E., B. M.
Allred, I. H.	SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 9, N $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 16, E. $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19, T. 3 S., R. 34 E., B. M. containing 200 acres.



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

October 12, 2005

AARON & TIFFANY JENKINS
PO BOX 409
DRIGGS ID 83422

RE: SPLIT OWNERSHIP OF WATER RIGHT 22-151, 22-4018

Dear Mr. & Mrs. Jenkins:

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: 22-151

SCANNED
OCT 13 2005

PROFILED

po

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

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

DELOG
AR
1-21-05
RECEIVED
JAN 20 2005
Department of Water Resources
Eastern Region

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
A2204018					
A2200151					

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 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(s)

Blake Dustin & Alice Eliason

3900 Kirkway Baker City OR 97814

4. New Owner/Claimant(s)

Aaron &or Jenkins Tiffany Jenkins

Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

P.O. Box 409

City, State and ZIP Code

Driggs, ID 83422

New Telephone Number

208 354-7000

5. Date you acquired the property

May 16 2002

SCANNED

OCT 13 2005

PROFILED

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	455 cfs	20 acres
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 <u>A2200151</u>		
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	197 cfs	17 acres
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Carolyn R. Zerk
Tiffany Jenkins

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.

For Office Use Only

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

SCANNED

OCT 13 2005

FILED

T 9534
RECEIVED

MAY 16 2002

TETON CO., ID
CLERK RECORDER**CO-PERSONAL REPRESENTATIVES' WARRANTY DEED**

FOR VALUE RECEIVED, NORMAN C. DUSTIN and ALICE ELISON, as co-personal representatives of the estate of BLAKE N. DUSTIN, deceased, Grantors, do hereby grant, bargain, sell and convey unto AARON JENKINS and TIFFANY JENKINS, husband and wife, Grantees, whose current address is P.O. Box 409, Driggs, Idaho 83422, the following described premises in Teton County, Idaho.

Tract 3

A tract of land lying in Teton County, State of Idaho, in Section 6, Township 4 North, Range 45 East of the Boise Meridian, and being more particularly described as follows: Beginning at the East quarter section corner of Section 6; thence N 1°24'59" W along the East line of said Section 6 a distance of 658.39 feet to the POINT OF BEGINNING; thence continuing N 1°24'59" W a distance of 663.20 feet to the North sixteenth corner; thence S 89°23'55" W along the North sixteenth line of said Section 6 a distance of 1319.56 feet to the Northeast sixteenth corner; thence S 1°11'46 E 663.85 feet; thence N 89°22'08" E 1322.10 feet to the POINT OF BEGINNING.

LESS the East 10 feet

Subject to County Road Right of Way on the East and North

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that the Estate of Blake N. Dustin is the owner in fee simple of said premises; that they are free from all encumbrances and that the Estate of Blake N. Dustin will warrant and defend the same from all lawful claims whatsoever.

Grantors are the qualified co-personal representatives of said estate, filed as Case No.CV-01-076, in Teton County, Idaho;

EXECUTED this 16 day of May, 2002.

N+ Norman C. Dustin
NORMAN C. DUSTIN

Alice Elison
ALICE ELISON

Instrument # 148149

DRIGGS, TETON, IDAHO

2002-05-16 01:40:37 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE Fee: 6.00

Ex-Officio Recorder Deputy *E. Smith*

Index to: DEED, PERSONAL REPRESENTATIVE

SCANNED

OCT 13 2005

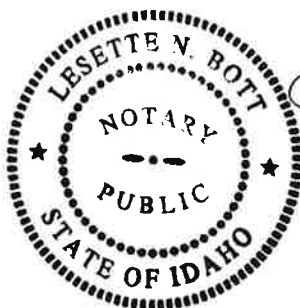
CO-PERSONAL REPRESENTATIVES'
WARRANTY DEED - 1**FILED**

148149

STATE OF IDAHO)
 : ss.
County of Teton)

On this 16th day of May, 2002, before me, the undersigned, a notary public in and for said state, personally appeared NORMAN C. DUSTIN, known or identified to me to be the person whose name is subscribed to the within instrument, as Co-Personal Representative of the Estate of Blake N. Dustin, deceased, and acknowledged to me that he executed the same as such Co-Personal Representative.

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



Lesette M. Bott
Notary Public for Idaho
My comn exprs: 1-3-06

STATE OF IDAHO)
County of Teton : ss.
~~Bingham~~

On this 16th day of May, 2002, before me, the undersigned, a notary public in and for said state, personally appeared ALICE ELISON, known or identified to me to be the person whose name is subscribed to the within instrument, as Co-Personal Representative of the Estate of Blake N. Dustin, deceased, and acknowledged to me that she executed the same as such Co-Personal Representative.

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



Lesette N. Solt
Notary Public for Idaho
My cmn exprs: 1-3-06

**CO-PERSONAL REPRESENTATIVES'
WARRANTY DEED - 2**

PROFILED

SCANNED

OCT 13 2005

148149

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

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 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
A2204018					
A2200151					

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 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(s)

Blake Dustin C/O Alice Eliason
 3900 Birkway Lake City, OR 97814

4. New Owner/Claimant(s)

Aaron and/or Tiffany Jenkins

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

RD. Box 409

City, State and ZIP Code

Driggs ID 83422

New Telephone Number

208 354 7000

5. Date you acquired the property

sep 27-2004

SCANNED

OCT 13 2005

PROFILE

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 <u>A 22 04018</u>		
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	<u>.455 cfs</u>	<u>20 acres irrigation</u>
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 <u>A 22 00151</u>		
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	<u>.29 cfs</u>	<u>5 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

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

Caron R. Leach
Tiffany Jenkins

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.

For Office Use Only

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

PROFILE

SCANNED
OCT 13 2005

163869

T11977

11.029
RECEIVEDCO-PERSONAL REPRESENTATIVES' WARRANTY DEED

OCT 05 2004

TETON CO., ID.
CLERK RECORDER

FOR VALUE RECEIVED, NORMAN C. DUSTIN and ALICE ELISON, as co-personal representatives of the estate of BLAKE N. DUSTIN, deceased, Grantors, do hereby grant, bargain, sell and convey unto AARON JENKINS and TIFFANY JENKINS, husband and wife, Grantees, whose current address is P.O. Box 409, Driggs, Idaho 83422, the following described premises in Teton County, Idaho.

A tract of land lying in Teton County, State of Idaho, in Section 6, Township 4 North, Range 45 East of the Boise Meridian, and being more particularly described as follows:

Beginning at the East quarter section corner of Section 6, point being the POINT OF BEGINNING; thence N 1°24'59" W along the East line of said Section 6 a distance of 658.39 feet; thence S 89°22'08" W 1322.10 feet; thence S 1°11'46" E 658.36 feet; thence N 89°22'08" E 1324.63 feet to the POINT OF BEGINNING. LESS AND EXCEPTING THEREFROM the existing county road right-of-way along the East boundary of the above described property.

(Also known as [#] Tract 4 on record of survey for Blake Dustin Estate recorded January 25, 2002, as Instrument No. 146419.)

TO HAVE AND TO HOLD the said premises, with their appurtenances including any and all water rights appurtenant thereto, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that the Estate of Blake N. Dustin is the owner in fee simple of said premises; that they are free from all encumbrances and that the estate of Blake N. Dustin will warrant and defend the same from all lawful claims whatsoever.

Grantors are the qualified co-personal representatives of said estate, filed as Case No.CV-01-076, in Teton County, Idaho;

EXECUTED this 27 day of September, 2004.


NORMAN C. DUSTIN
Co-Personal Representative


ALICE ELISON
Co-Personal Representative

Instrument # 163869

DRIGGS, TETON, IDAHO

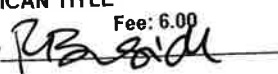
2004-10-05

02:58:13 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 6.00

Ex-Officio Recorder Deputy 

Index to: DEED, WARRANTY

163869

PROFILE

SCANNED

OCT 13 2005

STATE OF IDAHO)

County of Teton) ss.

On this 4th day of October, 2004, before me, the undersigned, a notary public in and for said state, personally appeared NORMAN C. DUSTIN, known or identified to me to be the person whose name is subscribed to the within instrument, as Co-Personal Representative of the Estate of Blake N. Dustin, deceased, and acknowledged to me that he executed the same as such Co-Personal Representative.

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

JERRILEE J. BROWER
NOTARY PUBLIC
STATE OF IDAHO

Jerrilee J. Brower
Notary Public for Idaho

My cmn exprs: 2-27-10
Residing in Tetonia Id.

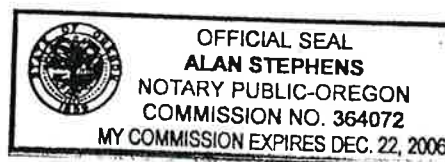
STATE OF OREGON)

County of Baker) ss.

On this 27th day of September, 2004, before me, the undersigned, a notary public in and for said state, personally appeared ALICE ELISON, known or identified to me to be the person whose name is subscribed to the within instrument, as Co-Personal Representative of the Estate of Blake N. Dustin, deceased, and acknowledged to me that she executed the same as such Co-Personal Representative.

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

Alan Stephens
Notary Public for Oregon
My cmn exprs:



SCANNED

OCT 13 2005

PROFITED
163869

TRACT 3

FLOOD IRRIGATION
20 Acres
+ sprinkled in part

FLOOD
5 Acres

TRACT 4
+ sprinkled
in part

SENE

4N 45E section 6

Water Right # A 2204018
Sprinkler Line from River

SCANNED

OCT 13 2005



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

October 12, 2005

CUSHMAN FAMILY TRUST
JOHN CUSHMAN TRUSTEE
601 S FIGUEROA ST STE 4700
LOS ANGELES CA 90017

RE: SPLIT OWNERSHIP OF WATER RIGHT 22-151, 22-178A, 22-4018

Dear Mr. Cushman:

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: 22-151
Blake Dustin

PROFILED

SCANNED
OCT 13 2005

PO

RECEIVED

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

MAR 18 2004

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, 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
22-151	X				
22-4018	X				
22-178A	X				

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 usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are 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(s)

Blake Dustin

PO Box 434-Driggs, ID 83422

4. New Owner/Claimant(s)

Cushman Family Trust, John C. Cushman, Trustee

check one: [] and, [] or, [] and/or

New Mailing Address

601 S. Figueroa ST., Suite 4700

City, State and ZIP Code

Los Angeles, CA 90017

New Telephone Number

(213) 629-6575

5. Date you acquired the property

May 24, 2002

PROFILED

OCT 13 2005

SCANNED

5. 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 22-178 A

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	<u>0.3 CFS</u>	<u>30 Acres - SW 1/4 SW 1/4</u>
Stock		<u>Sec. 32, 5N, 45E</u>
Domestic		
Other		
Total	<u>0.3 CFS</u>	

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)

X John A. [Signature]

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.

For Office Use Only
Received by _____ Date _____ Fee _____
Received by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____

SCANNED
OCT 13 2005

PROFILED

148323

T9020
RECEIVED

MAY 28 2002

TETON CO., ID
CLERK RECORDER

DEEDS, TETON, IDAHO

2002-05-28

08:12:12 No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

11,029

CO-PERSONAL REPRESENTATIVES' WARRANTY DEED

FOR VALUE RECEIVED, NORMAN C. DUSTIN and ALICE ELISON, as co-personal representatives of the estate of BLAKE N. DUSTIN, deceased, Grantors, do hereby grant, bargain, sell and convey unto CUSHMAN FAMILY TRUST, JOHN C. CUSHMAN, TRUSTEE, whose current address is 601 S. Figueroa St. Ste 4700 the following described premises in Teton County, Idaho. Los Angeles CA 90017

A tract of land lying in Teton County, State of Idaho, in Section 32, Township 5 North, Range 45 East and in Section 5, Township 4 North, Range 45 East of the Boise Meridian, and being more particularly described as follows:

Beginning at the Southwest corner of Section 32, point being the POINT OF BEGINNING; thence N 01°28'58" W along the West line of said Section 32 a distance of 2625.79 feet to the West one quarter section corner; thence N 89°52'10" E along the Latitudinal centerline of section 32 a distance of 1310.83 feet to the CenterWest one sixteenth corner; thence S 01°34'52" E a distance of 1309.58 feet to the South West one sixteenth corner; thence S 89°38'38" W 168.37 feet to the approximate centerline of the Teton River; thence following the approximate centerline of said river the following courses, S 14°30'44" E 121.27 feet; thence S 29°36'23" W 297.16 feet; thence S 39°33'43" W 65.51 feet; thence S 21°47'04" W 143.98 feet; thence S 8°18'43" W 109.66 feet; thence S 40°28'49" E 106.10 feet; thence S 83°45'13" E 230.69 feet; thence N 83°59'15" E 64.32 feet; thence S 89°49'24" E 153.81 feet; thence S 71°19'00" E 45.84 feet; thence S 55°59'53" E 184.79 feet; thence S 32°58'08" E 105.17 feet; thence S 23°17'31" E 87.64 feet; thence S 29°29'21" E 133.47 feet; thence S 30°50'44" E 88.47 feet; thence S 33°23'53" E 69.13 feet to the south line of Section 32; thence N 89°35'22" E along said south line of section a distance of 795.48 feet to the South one quarter section corner; thence S 1°15'30" E along the Meridional centerline of Section 5, Township 4 North, Range 45 East of the Boise Meridian a distance of 1329.49 feet to the Center North one sixteenth corner; thence S 89°37'05" W a distance of 2629.13 feet to the North one sixteenth corner; thence N 1°23'53" W along the West line of Section 5 a distance of 1328.23 feet to the POINT OF BEGINNING.

Subject to the rights of any roads or easements which border the property and that portion of the Teton River which lies below the ordinary high water mark.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that the Estate of Blake N. Dustin is the owner in fee simple of said premises; that they are free from all encumbrances and that the ~~Estate of~~ Blake N. Dustin will warrant and defend the same from all lawful claims whatsoever.

148323
PROFILED

OCT 13 2005

Grantors are the qualified co-personal representatives of said estate, filed as Case No.CV-01-076, in Teton County, Idaho;

EXECUTED this 24 day of May, 2002.

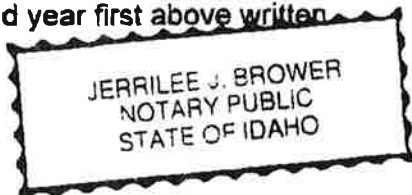
Norman C. Dustin
NORMAN C. DUSTIN

Alice Elison
ALICE ELISON

STATE OF IDAHO)
: ss.
County of Teton)

On this 24 day of May, 2002, before me, the undersigned, a notary public in and for said state, personally appeared NORMAN C. DUSTIN, known or identified to me to be the person whose name is subscribed to the within instrument, as Co-Personal Representative of the Estate of Blake N. Dustin, deceased, and acknowledged to me that he executed the same as such Co-Personal Representative.

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

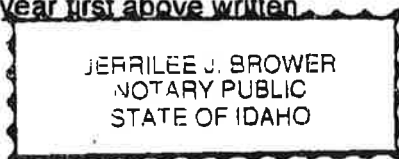


Jerrilee J. Brower
Notary Public for Idaho
My comn exprs: 2.27.04

STATE OF IDAHO)
: ss.
County of ~~Bingham~~ Teton

On this 24th day of May, 2002, before me, the undersigned, a notary public in and for said state, personally appeared ALICE ELISON, known or identified to me to be the person whose name is subscribed to the within instrument, as Co-Personal Representative of the Estate of Blake N. Dustin, deceased, and acknowledged to me that she executed the same as such Co-Personal Representative.

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



Jerrilee J. Brower
Notary Public for Idaho
My comn exprs: 2.27.04

CO-PERSONAL REPRESENTATIVES
WARRANTY DEED - 2

FILED

148323 OCT 13 2005

NHEL

1068

T1190

NHEL

75

WT 12

25

3

WT 12

369

NHEL

88

5

NI

NI

NI

WT

WT

6 23

31 32

6

NHEL

NHEL

14518 274

910

T425

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):

Tom Hall, for John C Cushman III Date: 2-23-05

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title

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

_____, Title and that the statements contained in the Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of Bonner)

SS.

Subscribed and sworn (or affirmed) before me this 23rd dayof Feb 20 05

Aaron B Ruberry
Notary Public

Seal

Residing at Bonner Falls, ID

My Commission Expires

9/23/09

WANTS CLAIM AMENDED TO IN-
CLUDE 30 AC. IN SW SW SEC.
32. ALL LAND WEST OF TETON
RIVER IN THAT SW SW SEC 32

John C. Cushman, III
Chairman of the Board



**CUSHMAN &
WAKEFIELD®**

Cushman & Wakefield, Inc.
601 S. Figueroa Street, 47th Floor
Los Angeles, CA 90017-5752
(213) 629 6575 Tel
(213) 629 6501 Fax
jcushman@cushwake.com

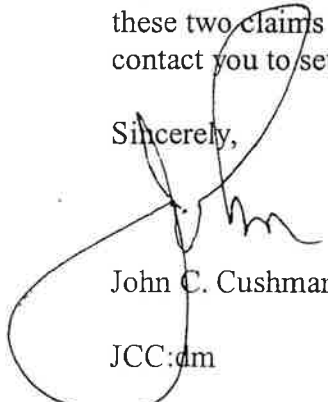
March 25, 2004

Mr. Alan Ruberry
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402

Dear Mr. Ruberry:

We believe that there has been historical use of water from water rights #22-151 and #22-4018 on 30 acres in the SW 1/4 SW 1/4 Section 32, Township 5 N, Range 45 East. I request that these two claims be amended to include this acreage. I will have my ranch manager, Tom Hill, contact you to set up an appointment to do the necessary paperwork.

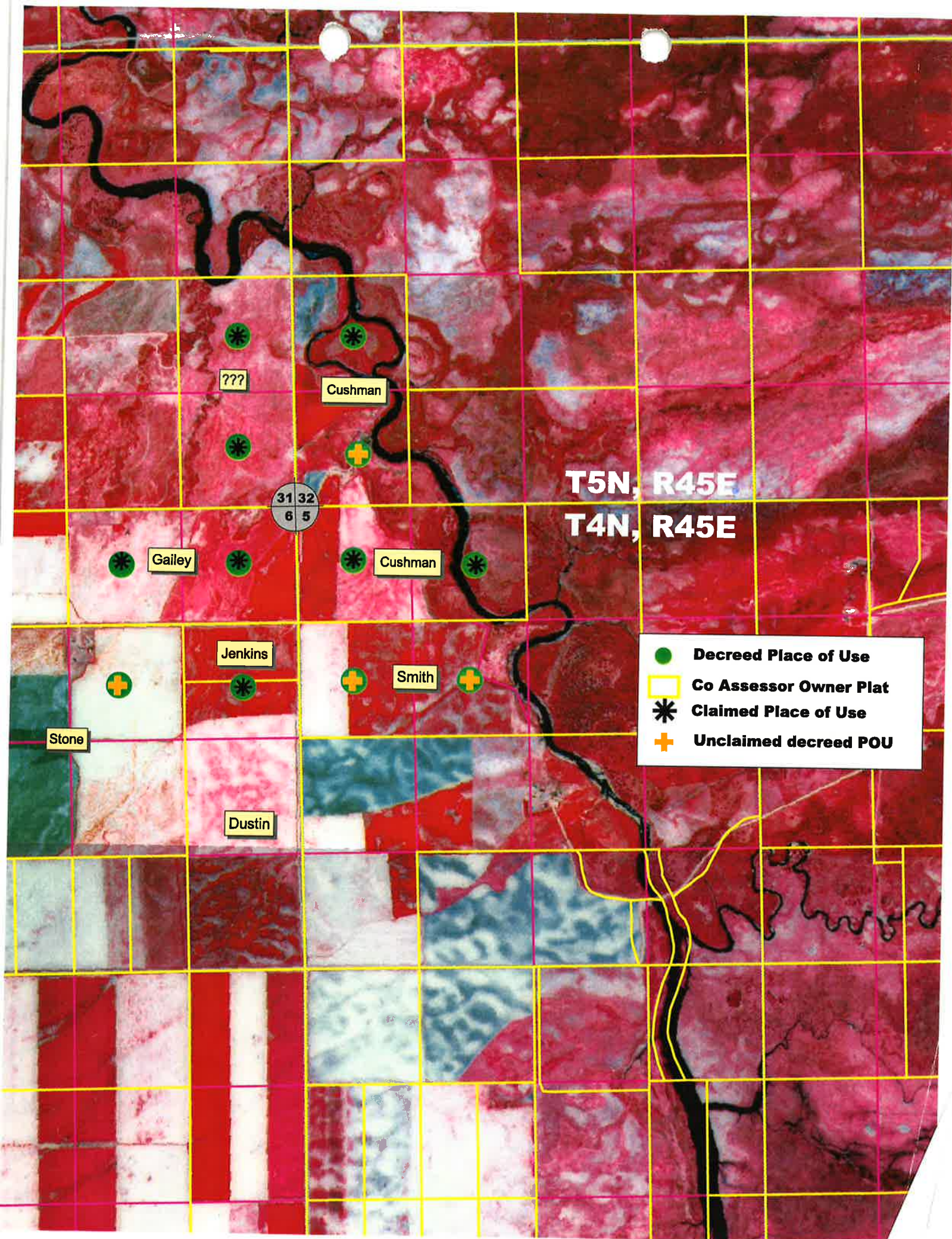
Sincerely,



John C. Cushman, III

JCC:dm

cc: Tom Hill

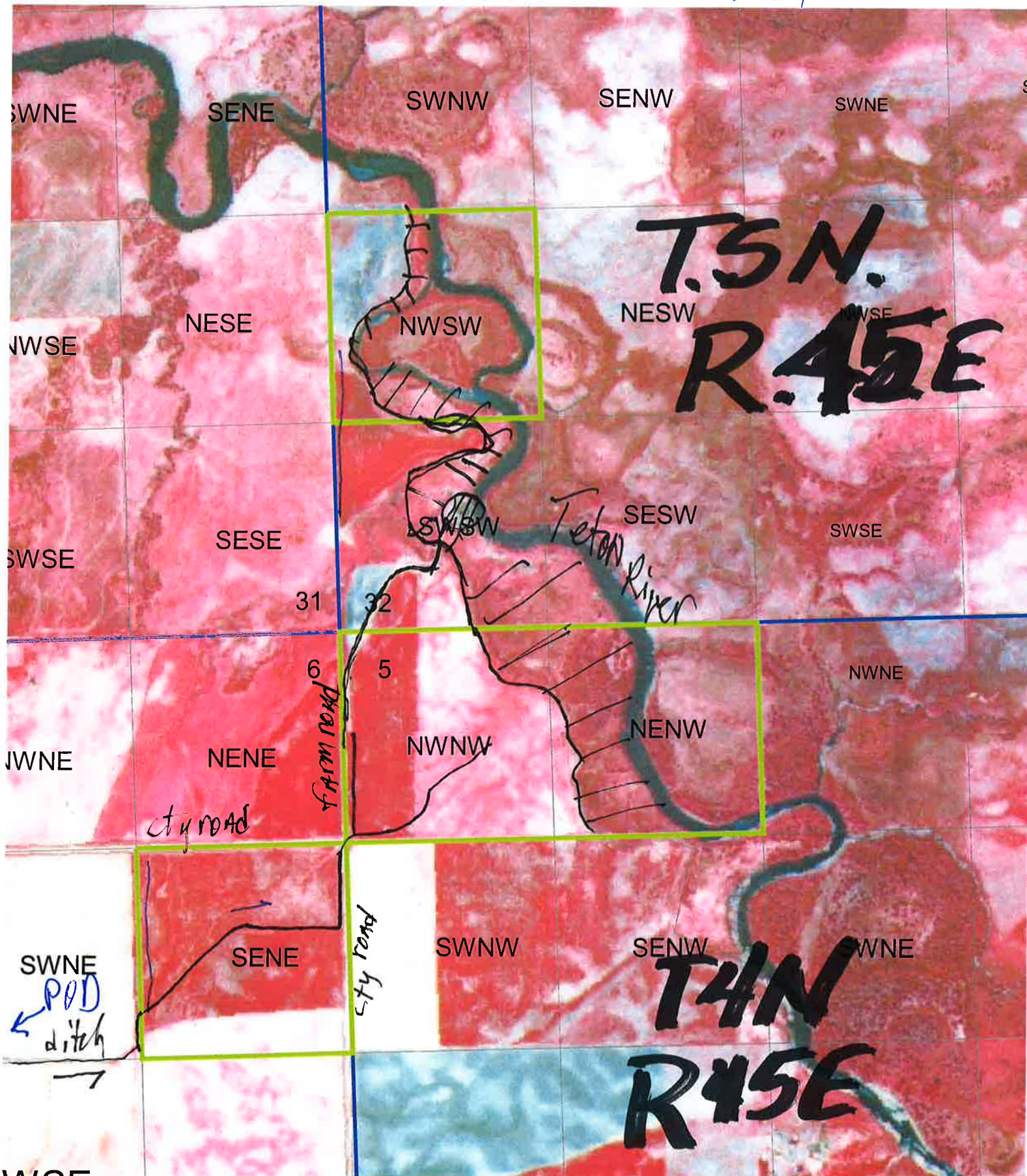


T5N, R45E
T4N, R45E

- Decreed Place of Use
- Co Assessor Owner Plat
- * Claimed Place of Use
- + Unclaimed decreed POU

22-151

10/30/04



Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

10/30/04 Visited w/ Tom Hill who manages land for
Cushman's. Cushman's have paperwork for
C/O

Visited w/ Jenkins about C/O paperwork,

Contacts Data Entry Form

Water Right No. 22-151

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner _____

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (If different from above) and/or update owner information:

DECREED UNDER ROYBURG PATENT VS TETON PARK, 1910.
AS: #199, TO GEO. ALLEN, MAY 26, 1900, 220" (4.4 cfs) OR
MANOYANY CREEK.

COMPUTING CLAIMS: 22-151, BLAKE DUSTIN, 4¹/₂ cfs, 77⁰ AC
22-151B, OWEN FURNESS, 1⁴/₅ cfs, 160⁰ AC

← OBVIOUSLY
OVERCLAIMED

22-151 IS NOT SPLIT ON WR DATA BASIS - NO APPARENT TX'S
SEE SPLIT/CLAIM HISTORY AND WR DATA BASIS RECORD.

Q: HOW WAS THIS RT SPLIT? WHEN?

FB INDICATED: POD/POU, PHOTO/GPS, CONVOYANCE/SYSTEM.

Reviewer: _____

Date: _____

Water Right Split History Analysis

BLAKE DUSTIN

22-00151

DECREED UNDER:
 REXBURG TRIG. VS TETON TRIG.
 1910, AS # 199 TO
 GEO. ALLEN 220" OF
 MAHOGANY CREEK,
 MAY 26, 1900

4.4 cfs MAHOGANY CK CLAIMS ENTIRE DECREED Q OF 4¹/₂ cfs.
 ON 77⁰ AC. OVERCLAIMED

RECOMMEND (BEST CASE) 77⁰ AC @ 0.009 cfs/ac = 0.69 cfs IF 77⁰ AC works

22-00151

4.4 cfs MAY 26, 1900
 MAHOGANY CREEK

WR RECORD SHOWS

480 AC (BEST CASE AC)

AS 1200' @ 40 AC = 480⁰ AC

$\frac{4\frac{1}{2} \text{ cfs}}{480^0 \text{ AC}} = 0.0091666...$

0.009 cfs/ac

O. FURNISS
 22-00151B

1.45 cfs MAHOGANY CK OK
 ON 160⁰ AC = 0.00906 cfs/ac

22-XXX00 UNCLAIMED

Σ 10 cfs - SRBA

22-151 (REL.) 0.69

22-151B 1.45

2.14

- 4.40

UNCLAIMED 2.26 cfs

Reviewer: _____

Date: _____

Water Right No(s). _____

GPS DATA:

Tag # A0013801 Location: Headgate wall

Diversion Data:

Source: Mahogany CR Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 10/30/04 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
4N	44E	1		NESWSE	TETON	MANOGANY CK
GPS Coordinates: _____						
	45	5		SWNWENW	TETON	MANOGANY CK
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

TRUB TO:

TETON RIVER

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD'S NOT DEFINED BY DISPERE

10/30/04 DO Field exam showed 2 POD used to irrigate this claim. POD #1 is on Manogany CK: cement headgate with boards. A ditch carries water approx 1-mile to POD. 2nd POD is a pump out of Teton River. Claimant allows Manogany water to run to river and pumps out of river.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	4SE	5	N2NW		TETON		45	Prairie
		6	S2NE		"		22	"
5N	4SE	32	N1SW		"		10	"

Total Acres 77

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

POU NOT DEFINED BY DECREE. RT IS SPLIT. SOMEHOW. SEE
SPLIT HISTORY.

DO POU can be watered with water from Mahogany
 10/30/04 Creek or from water pumped from Teton River

10/03/06 Field exam showed that 32 acres claimed in SW1SW of
 DO Sec 32 is irrigated with hand lines. It is currently
 used for hay and pasture.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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
Frney	4/1	11/1	44	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Frney	4/1	10/31	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

DEPT STD SOU 4/1 TO 10/31.

10 BASED ON GPS AC @ 0.009 cfs/ac =

Reviewer: _____

Date: _____

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 22-13616
Date Received: 7/19/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

BLAKE DUSTIN Phone: (208)354-2296
C/O ALICE ELIASON
3900 KIRK WAY
BAKER CITY OR USA 97814

2. Date of Priority: 05/26/1900

3. Source: MAHOGANY CREEK , MAHOGANY CREEK Trib. to: TETON RIVER , TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	5	SW NE NW	TETON	
04N	44E	1	NE SW SE	TETON	

5. Description of diverting works:

CEMENT HEADGATE OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	4.4	

7. Total Quantity Appropriated is:
4.4 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	5	NW NW 4	IRRIGATION	37

			NE	NW	3	IRRIGATION	3.1
						Section Acres	40.1
04N	45E	6	SE	NE		IRRIGATION	40
						Section Acres	40
05N	45E	32	NW	SW		IRRIGATION	11
			SW	SW		IRRIGATION	23
						Section Acres	34
						Total Acres	114.1

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:

This right is renumbered from former right 22-151 .

THE PLACE OF USE CAN BE EITHER FLOOD IRRIGATED WITH WATER DIVERTED IN SW1/4SE1/4 SECTION 1 OR SPRINKLER IRRIGATED WITH WATER DIVERTED BY PUMP IN SW1/4SW1/4 SECTION 32 TWP 04N RGE 45E. WHEN SPRINKLER SYSTEM IS USED I LEAVE THE WATER RIGHT IN MAHGONY CREEK ALLOWING IT TO FLOW INTO THE TETON RIVER. THIS WATER IS DIVERTED ON AN EXCHANGE BASIS.

15. Basis of Claim: Decreed

