

09/10/2008

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

RIGHT NUMBER: 22-13866

NAME AND ADDRESS: BRETT COOKE
50 EAST WALLACE
DRIGGS ID 83422

ANITA COOKE
50 EAST WALLACE
DRIGGS ID 83422

SOURCE: BADGER CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.650 CFS

PRIORITY DATE: 06/01/1891

POINT OF
DIVERSION:

T06N R45E S8 NWNESE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.650 CFS

PLACE OF USE:

IRRIGATION in TETON County

T06N R45E S17

NENW

28.00

T06N R45E S17

NWNW

4.00

32 ACRES TOTAL

Use of this right with Right Nos. 22-13866, 22-13868 and 22-13870 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 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 22-13375.

Water is delivered through Stewart Ditch.

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

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

RIGHT NUMBER: 22-13866

NAME AND ADDRESS:

ANITA COOKE
50 EAST WALLACE
DRIGGS ID 83422

BRETT COOKE
50 EAST WALLACE
DRIGGS ID 83422

SOURCE:

Source:
BADGER CREEK

Tributary:
TETON RIVER

QUANTITY:

0.730 CFS

~~0.650 CFS~~

PRIORITY DATE:

06/01/1891

POINT OF DIVERSION:

T06N R45E S8 NWNESE
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.730 CFS

~~0.650 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T06N R45E S17 NENW 28.0

T06N R45E S17 NWNW 4.0

32 ACRES TOTAL

Right Nos. 22-13866 and 22-13868 are limited to the irrigation of a combined total of 32 acres in a single irrigation season.

~~Use of this right with Right Nos. 22-13866, 22-13868 and 22-13870 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 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

Water is delivered through Stewart Ditch.

This right is a split from former right 22-174B.

~~This right is a split from former right 22-13375.~~

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 25, 2008

BRETT COOKE
ANITA COOKE
50 E WALLACE
DRIGGS ID 83422

RE: Notice of Change of Water Right Ownership (NCO) for
22-13375 (Split into 22-13866 and 22-13867) and Notice of Completed Administrative Proceeding (NCAP)

Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s). Once IDWR processes the change of ownership, IDWR mails a copy of the updated water right record(s) (Director's Report) to each party listed on the NCAP. Enclosed please find the relevant NCAP(s) for your right(s). The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

You may recall the initial hearings held in Rexburg on August 19, 2008. During those hearings the present parties discussed changes that needed to be made to resolve issues related to place of use, acreage and diversion rate for the aforementioned water rights. You may notice that the changes discussed at the initial hearings are not reflected in the enclosed Director's Report. Those changes were excluded from this version of the Director's Report solely because the purpose of the NCAP is simply to inform the parties and the SRBA Court of the changes in ownership. A Standard Form 5 (SF5) settlement document will follow shortly under separate cover. The SF5 will incorporate the corrections that we discussed at the initial hearings. Once the parties sign the SF5 settlement documents for these water rights, the SF5s will be sent to Special Master Bilyeu for her review and then to Judge Melanson for partial decree.

Please feel free to contact me at 525-7161 if you have any questions concerning this matter.

Respectfully,


Michael Holliday
Water Resource Agent, Sr.

Enclosure

cc: MERRILL BROWER & SONS INC

SCANNED
DEC 01 2008

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: 22-13375
(Split into 22-13866 and 22-13867)

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

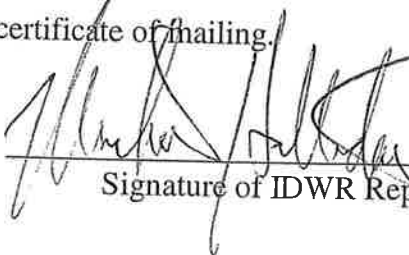
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party MERRILL BROWER & SONS-ID TRANSPORTATION DEPT &
COOKE
- ☐ 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: 11/25/2008


Signature of IDWR Representative

SCANNED

DEC 01 2008

CERTIFICATE OF MAILING

I certify that on Nov. 26, 2008, 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:
Merrill Brower & Sons Inc
642 Jeffrey Pl
Chubbuck ID 83202-5368
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Brett Cooke State of Idaho
Anita Cooke Idaho Transportation Department
50 E Wallace PO Box 97
Driggs ID 83422 Rigby ID 83442-0097
4. One copy to:
Each party in the subcase, or attorney of record
Beulah Brower
Kolene Later
C/O Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250
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

SCANNED
DEC 01 2008


Signature of person or attorney mailing the form

11/3/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER NAME AND ADDRESS

22-13375

CLAIM DISPOSITION REASON

Disallowed

Split into: 22-13866 and 22-13867

SCANNED
DEC 01 2008

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

RIGHT NUMBER: 22-13866

NAME AND ADDRESS: BRETT COOKE
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DIVERSION:

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PERIOD OF USE:

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PERIOD OF USE

QUANTITY

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PLACE OF USE:

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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Water is delivered through Stewart Ditch.

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

SCANNED
DEC 01 2008

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 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)
	22-13375	✓			
	22-13378	✓			
	22-13381	✓			

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)

4. New Owner/Claimant(s)

Brett & Anita Cooke

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

New Mailing Address

50 E wallace

City, State and ZIP Code

Driggs ID 83422

New Telephone Number

(208) 354-1040

5. Date you acquired the property

12/12/05

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)



ANITA B COOKE

(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 _____

RECEIVED

DEC 12 2005

TETON CO., ID
CLERK RECORDER

173368

AFTER RECORDING MAIL TO:

Brett Cooke and Anita Cooke
50 East Wallace
Driggs, ID 83422

Instrument # 173368

DRIGGS, TETON, IDAHO

2005-12-12

03:07:31 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED, CORPORATION WARRANTY

BEING RE-RECORDED TO ADD SPOUSE'S NAME TO GRANTEE

CORPORATE WARRANTY DEED

File No.: 137463-T (lb)

Date: November 15, 2005

For Value Received, **Merrill Brower And Sons, Inc.**, a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto **Brett Cooke and Anita Cooke, husband and wife**, Grantee, whose address is **50 East Wallace, Driggs, ID 83422**, the following described real estate, to wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO current years taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, and that Grantor will warrant and defend the same from all claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President & Secretary this 12 day of December, 2005.

173368

APN: RP06N45E172400A

Warranty Deed
- continued

File No.: 137463-T (lb)
Date: 11/15/2005

Merrill Brower And Sons, Inc., an Idaho Corporation

By: Dennis F. Brower, President

By: Jerrilee J. Brower
Jerrilee J. Brower, Secretary

STATE OF Idaho)
)
) ss.
COUNTY OF Teton)

On this 12th day of December, 2005, before me, a Notary Public in and for said State, personally appeared **Dennis F. Brower and Jerrilee J. Brower**, known or identified to me to be the **President and Secretary** of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

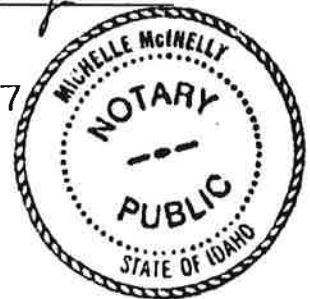
In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Michelle McNelly
Notary Public for the State of Idaho

Notary Public for the State of Idaho

Residing at: Driggs

My Commission Expires: 10/11/07



APN: RP06N45E172400A

Warranty Deed
- continuedFile No.: 137463-T (1b)
Date: 11/15/2005**EXHIBIT A**

Beginning 1170 feet East of the NW corner of Section 17, Township 6 North, Range 45 East, Boise Meridian, and running thence South 1277.5 feet, thence East 1300 feet to railroad right of way, thence Northwesterly along the right of way to a point that is East 1170 feet from the point of beginning, thence West 1170 feet to the point of beginning, Teton County, Idaho.

Reserving unto Grantors, their heirs and assigns, the right to use of the existing irrigation pipeline and pump along the Southerly boundary of the above described land, together with the right of ingress and egress access easement thereto.

TOGETHER WITH AND SUBJECT TO an existing sixty (60) foot Permanent Road and Utility Easement for ingress and egress to said property, the Southern and Western boundary of which is described as follows:

Beginning at a point that is N01°22'28"E 68.78 feet from the SW corner of Section 8, Township 6 North, Range 45 East, Boise Meridian, and running thence N89°57'10"E 1170.00 feet, more or less, thence S01°22'28"W 68.78 to said property.

TOGETHER WITH all appurtenant water rights.



First American Title Company

81 North Main Street/P.O. Box 42, Driggs, ID 83422
(208)354-2771- Fax (208)354-8825

FAX TRANSMITTAL

DATE: **04/16/2007 02:18:21 PM**

FILE NO.: **137463-T**

TO: **Brett Cooke**

FAX: **1(208)354-8813**

Attn:

FROM: **Teresa Mangum**

Special Instructions/Comments: **Here you go!**
Have a great Tax Day!
Teresa

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt for disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address.

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Should any of these papers require an **ORIGINAL SIGNATURE** and your fax machine produces the facsimile on thermal paper, please **PHOTOCOPY** then sign the photocopy.

We will "not" accept an Original Signature on THERMAL fax paper.

Thank you for your cooperation in this matter.

**IF TRANSMISSION OF ALL PAGES IS NOT COMPLETE OR IF AN ORIGINAL IS NEEDED,
PLEASE CONTACT THE SENDER.**