

10/09/2008

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

RIGHT NUMBER: 22-13892

NAME AND ADDRESS: ELMER LEON BEARD
624 N 450 W
TETONIA ID 83452

SOURCE: SPRING CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.800 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T06N R45E S29 SWSWSW Within TETON County
T06N R45E S29 SWSWSW Within TETON County
T06N R45E S29 SWSESW Within TETON County
T06N R45E S32 SWNWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.800 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T06N R45E S29 SWSW 39.00	T06N R45E S30 NESW 34.00	
	T06N R45E S30 NESE 40.00	T06N R45E S30 NWSE 40.00	
	T06N R45E S30 SESE 38.00		

191 ACRES TOTAL

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season. Combined Right Nos.: 22-13890, 22-13892.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Blair Ditch, East Blair Ditch, West Blair Ditch and an unnamed ditch.

This right is a split from former right 22-383 .

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

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OCT 24 2008



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

October 2, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CITY OF TETONIA
105 PERRY AVE
PO BOX 57
TETONIA ID 83452

RE: Notice of Change of Water Right Ownership (NCO) for
22-321 (Split into 22-13890 and 22-13891) and 22-383 (Split into 22-13892 and 22-
13893) and Notice of Completed Administrative Proceeding (NCAP)

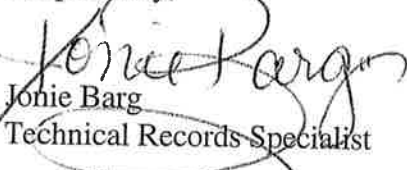
Dear SIR/MADAM:

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).

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 the water right(s) as recorded in the SRBA.

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

Respectfully,


Jonie Barg
Technical Records Specialist

Enclosure

cc: Elmer Leon Beard

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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: 22-383
(Split into 22-13892 and 22-13893)

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party BEARD-CITY OF TETONIA

☐ 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: 10/7/08

Ernest Carlson

Signature of IDWR Representative

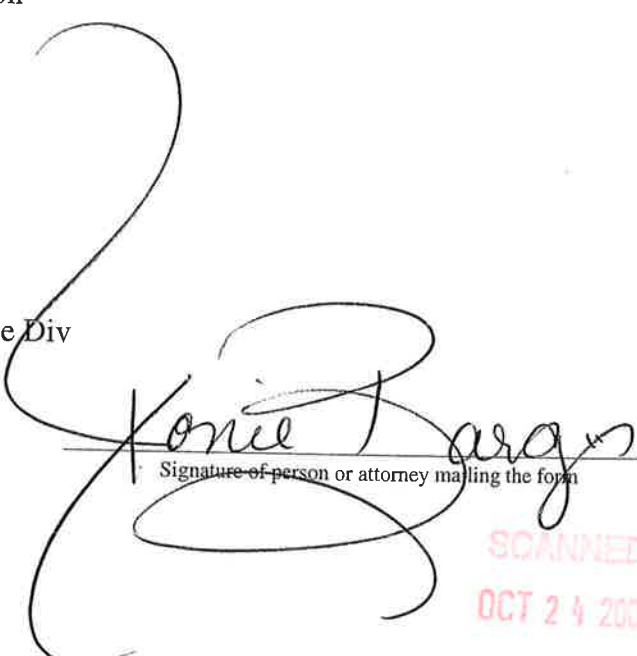
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OCT 24 2008

CERTIFICATE OF MAILING

I certify that on Oct 10, 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:
Elmer Leon Beard
624 N 450 W
Tetonia ID 83452
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
City of Tetonia
105 Perry Ave
PO Box 57
Tetonia ID 83452
4. One copy to:
Each party in the subcase, or attorney of record
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

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OCT 24 2008

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

DEV

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)
22-383	Adj.-Needs NCAP				
22-321	Adj.-Needs NCAP				
22-7696	WR				

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) Elmer Leon Beard
624 North 450 West
Tetonia, Idaho 83452

4. New Owner/Claimant(s) City of Tetonia
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 57, 105 Perry Avenue

City, State and ZIP Code Tetonia, Idaho 83452

New Telephone Number (208) 456-2249 Email: _____

5. Date you acquired the property March 7, 2008

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 <u>22-383</u>		
Irrigation		
Stock		
Domestic		
Other/Municipal purpose	.60cfs	43.85
Totals	.60 cfs	43.85
Water Right and/or Adjudication Claim Number <u>22-321</u>		
Irrigation		
Stock		
Domestic		
Other/ Municipal purpose	.50cfs	43.85
Totals	.50cfs	43.85
Water Right and/or Adjudication Claim Number <u>22-7696</u>		
Irrigation		
Stock		
Domestic		
Other/Municipal purpose	.74cfs	43.85
Totals	.74cfs	43.85

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)

Rex Jardine

Mayor

(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 JB
 Receipted by JB
 Processed by AJ

Date 3-25-08
 Date 3-25-08
 Date

Receipt Amt. \$100.00
 Receipt No. E033879
 WR Date

195935 MAR 7 '08 AM 9 30

WARRANTY DEED

THIS INDENTURE, Made this 7th day of March, 2008, between **Elmer Leon Beard** and **Martha Sue Beard**, husband and wife of 624 North 450 West, Teton, Idaho 83452, the parties of the first part, and **The City of Teton**, a municipal corporation existing within the County of Teton, Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$613,000 and no/100 Dollars, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents, do hereby grant, bargain, sell, convey and confirm unto the said party of the second part, and its assigns forever, all of their right, title and interest in and to the following described real estate, situated in the County of Teton, State of Idaho, to-wit:

Part of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 29, Township 6 North, Range 45 East of the Boise Meridian, Teton County, Idaho described as follows:

Beginning at the Southwest corner of said Section 29 and running thence N.00°41'03"E. 2642.23 feet along the section line to the West Quarter corner of said Section 29; thence along the boundary of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) the following three courses: (1) S.89°58'48"E. 1383.80 feet; thence (2) S.00°28'59"W. 1320.60 feet; thence (3) N.89°59'59"W. 1328.44 feet; thence S.00°41'03"W. 1321.10 feet to the south line of said Section 29; thence S.89°58'51"W. 60.00 feet along said south line to the point of beginning.

Parcel contains 43.85 acres and is subject to the existing County Road right-of-way along the south side of the above described parcel.

Together with the following water rights:

Instrument # 195935

TETON COUNTY, IDAHO

3-7-2008 09:30:00 No. of Pages: 4

Recorded for: ALLIANCE TITLE

MARY LOU HANSEN

Ex-Officio Recorder Deputy

Index to DEED, WARRANTY

Fee: 12.00

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OCT 24 2003

- A. 40 shares of the capital stock of Spring Creek and Lower North Leigh Creek Water Users Association, Inc. (Which entity owns State of Idaho Water Right License and Adjudication Claim No. 22-7008);
- B. An undivided one-fourth (1/4) interest (.60CFS) in State of Idaho Water Right License and Adjudication Claim No. 22-383, which right is for a total of 2.4CFS.
- C. An undivided one-fourth (1/4) interest (.50CFS) in State of Idaho Water Right License and Adjudication Claim No. 22-321, which right is for a total of 2.0CFS
- D. An undivided one-fourth (1/4) interest (.74CFS) in State of Idaho Water Right License and Adjudication Claim No. 22-7696, which right is for a total of 2.96 CFS. ($1/4 \times 2.96\text{CFS} = .74\text{ CFS}$). The water from this right (No. 22-7696) is obtained from ground water by means of a deep well and pump located in the NE1/4SE1/4 of Section 30, Township 6N., Range 45 East Boise Meridian, in Teton County, Idaho, which well, motor, pump, and panel, (hereinafter called the "Water System") belong to Parties of the First Part herein and shall remain wholly owned by Parties of the First Part and subject to Parties of the First Part unrestricted use. Providing, however, Party of the Second Part shall have the non assignable right to the joint use with Parties of the First Part of said water system for its own water use purposes on the property above described being purchased by Party of the Second Part herein from Parties of the First Part herein which is part of the property designated as the places of use specified in said license and adjudication claim No. 22-07696, and subject to the limitations and specifications contained in said water right license and adjudication claim as "Conditions of Approval."

The parties shall pay when due, on a pro-rated basis according to the relative water rights diverted through said system by the parties, (3/4 thereof by Parties of the First Part and 1/4 thereof by Party of the Second Parts) all costs of any further installations used by both parties, as well as maintenance, major repairs and replacements, of said water system. Party of the Second Part shall pay all demand charges for the power charges to operate said system, and each of the parties shall pay its share of the costs of the power and oil and "day to day" ordinary minor repairs on a pro-rated basis determined by the parties from time to time, based on the relative uses by the parties. Party of the Second Part shall be responsible, since it will be the major user of the system, to pay the said bills for all of said charges, and to account for and bill the Parties of the First Part, for Parties of the First Part portion of said bills.

Party of the Second Part shall have the right to change, at its own total costs, its point of diversion of its water right herein granted to it, from said well and pump, for its own use, to any other point of diversion, but shall have no right to change

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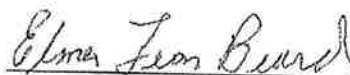
Parties of the First Part point of diversion, nor sell, lease or assign to any one any rights in said water system. If Parties of the First Part choose to sell said water system, it must sell same subject to Party of the Second Parts continued right to use said system to divert its own water right for so long as it chooses to. Further, if Parties of the First Part choose to sell said water system the Party of the Second Part has the first right of refusal to purchase the same, providing however, Parties of the First Part may elect to sell said water system as a part of the sale of their own real estate upon which Parties of the First Part portion of water right No. 22-7696 is used. Therefore Party of the Second Parts first right of refusal to purchase the water system, would have to also include the first right of refusal to purchase Parties of the First Part own said real estate which is also irrigated by the use of said water system.

SUBJECT TO easements, if any, of record or in existence for roads streets, ditches, canals, pipelines and utilities.

TO HAVE AND TO HOLD the said premises, together with all and singular the tenements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said premises, as well in law as in equity, of the said parties of the first part.

And the said parties of the first part, and their heirs, hereby warrant and agree to forever defend the parties of the second part, their heirs and assigns, in the quiet and peaceable possession of said premises against all and every person lawfully claiming an interest therein.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.



Elmer Leon Beard

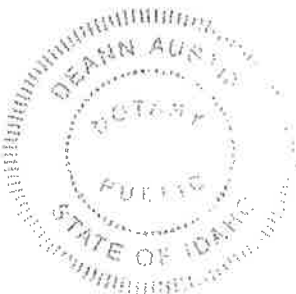


Martha Sue Beard

STATE OF IDAHO,)
County of Teton)
SS.

On this 14th day of March, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **Elmer Leon Beard and Martha Sue Beard**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



A handwritten signature in cursive script, appearing to read "Deann Auer", written over a horizontal line.

Notary Public for Idaho

Residing at:

My Commission Expires:

Residing in Jefferson County
Commission Expires: 01-08-13



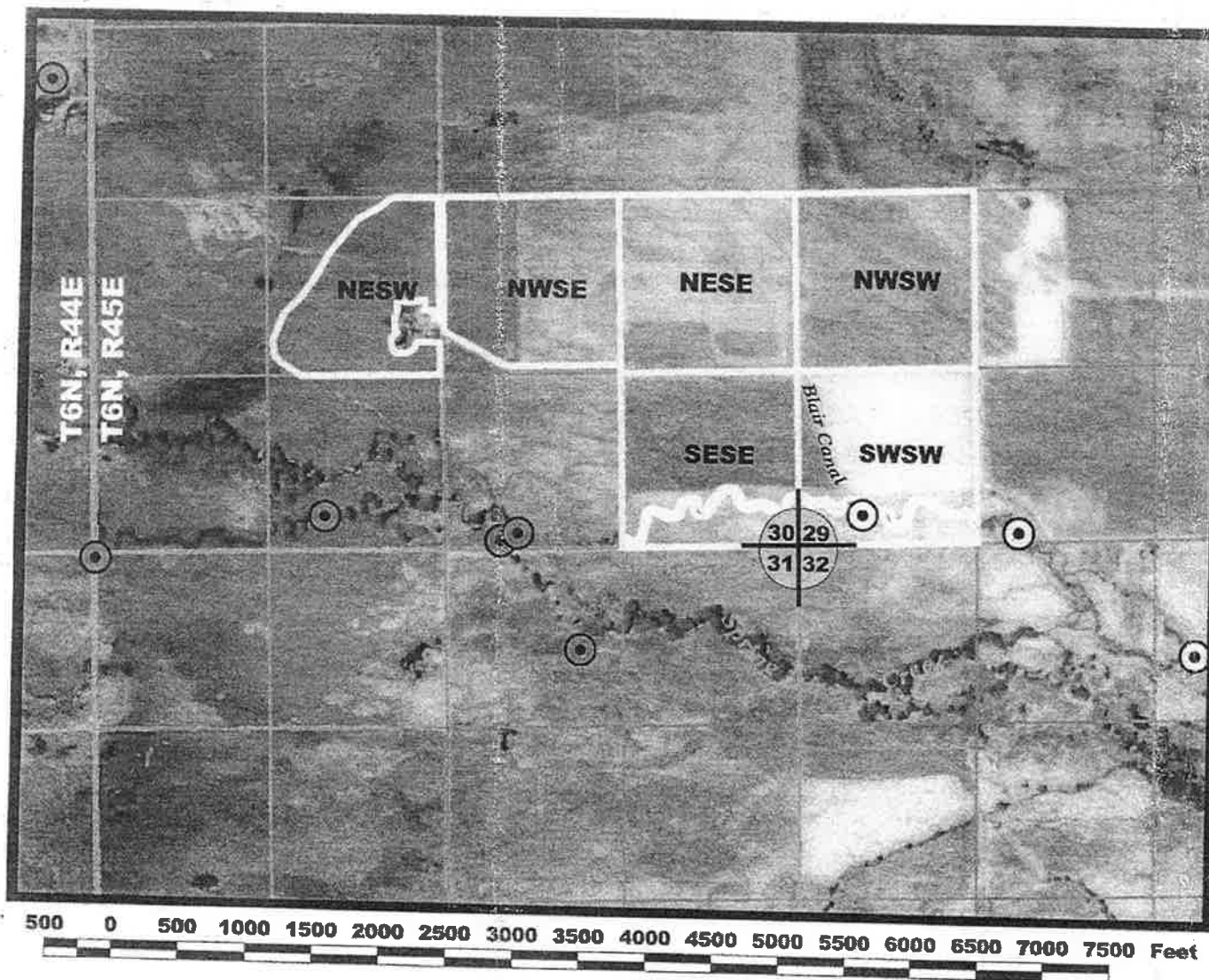
State of Idaho

Department of Water Resources

Eastern Region



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OCT 24 2003



Water Right(s):
22-321,
22-383

Point(s) of Diversion:

T6N, R45E
Sec. 29 SWSWSE,
SWSWSW (Blair Canal)
Sec. 32 SWNWNE

Place of Use: (parts of)

T6N, R45E
Sec. 30 N2S2, SESE,
Sec. 29 W2SW

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2005

22-383

8/9/04 JBR





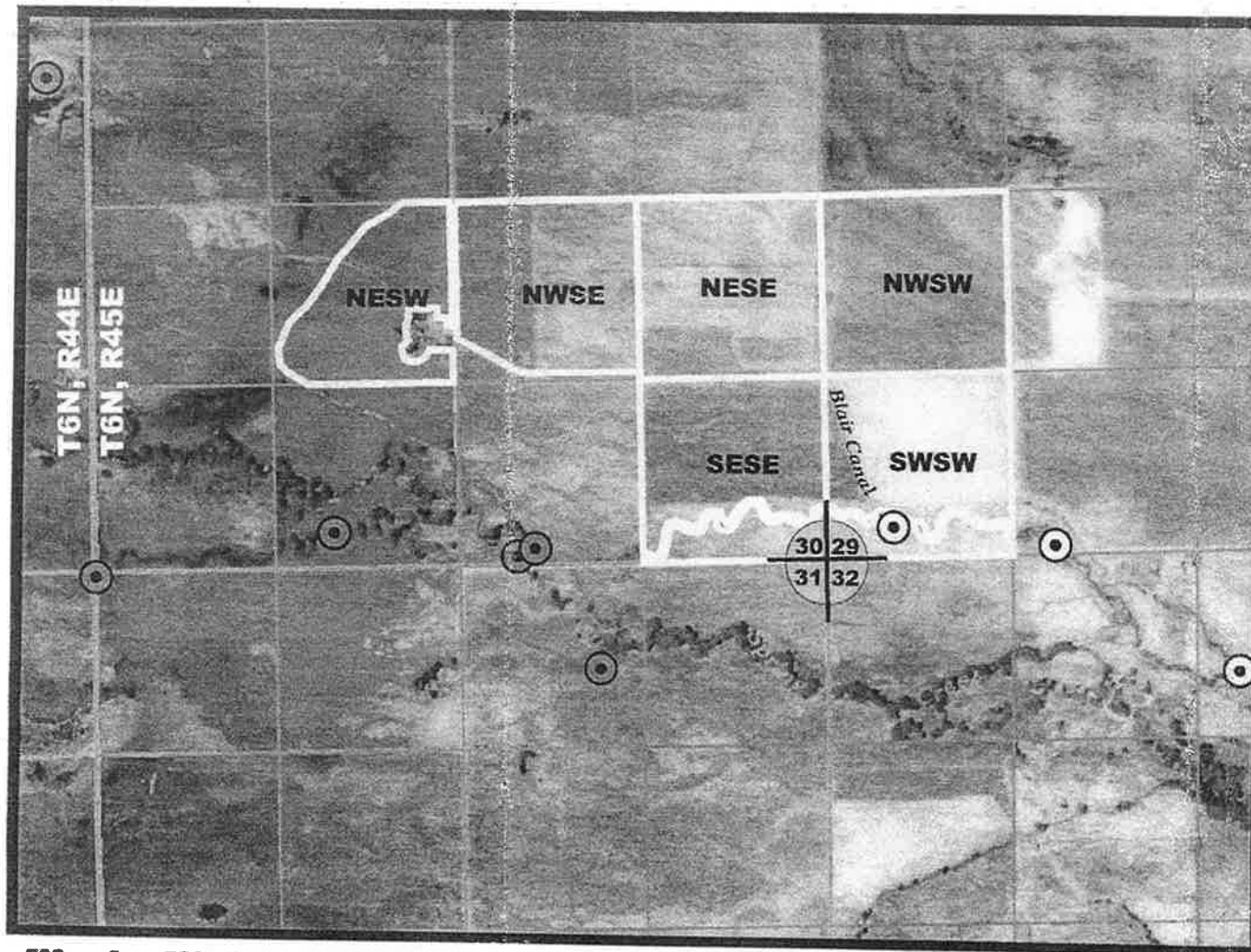
State of Idaho

Department of Water Resources

Eastern Region



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OCT 24 2003



Water Right(s):
22-321,
22-383

Point(s) of Diversion:
T6N, R45E
Sec. 29 SWSWSE,
SWSWSW (Blair Canal)
Sec. 32 SWNWNE

Place of Use: (parts of)
T6N, R45E
Sec. 30 N2S2, SESE,
Sec. 29 W2SW

LEGEND



Point of Diversion



Place of Use



Section



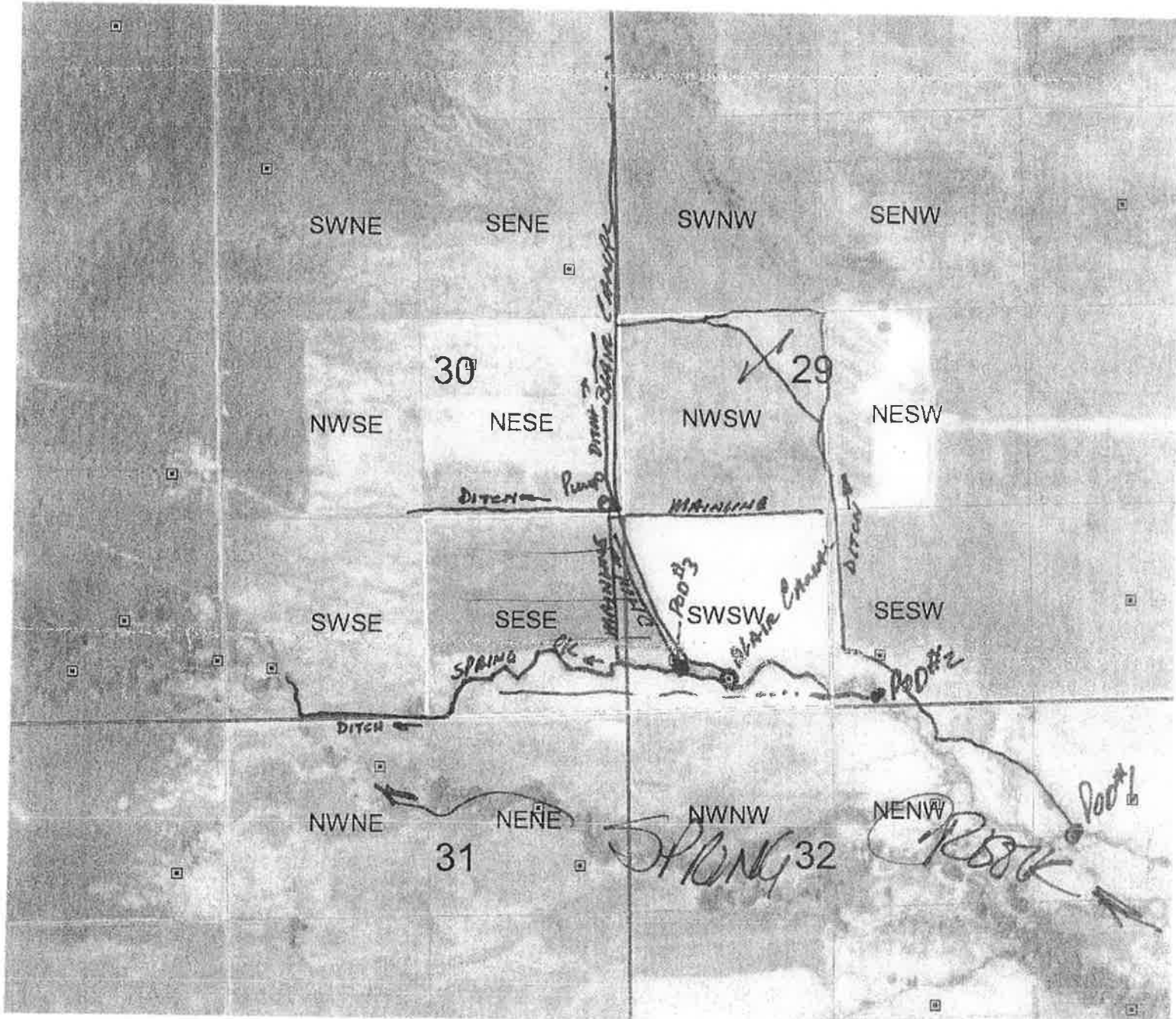
Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2005

22-321

8/9/04 ASR



Well
SENESD
Sec. 30

SCANNED
OCT 24 2003

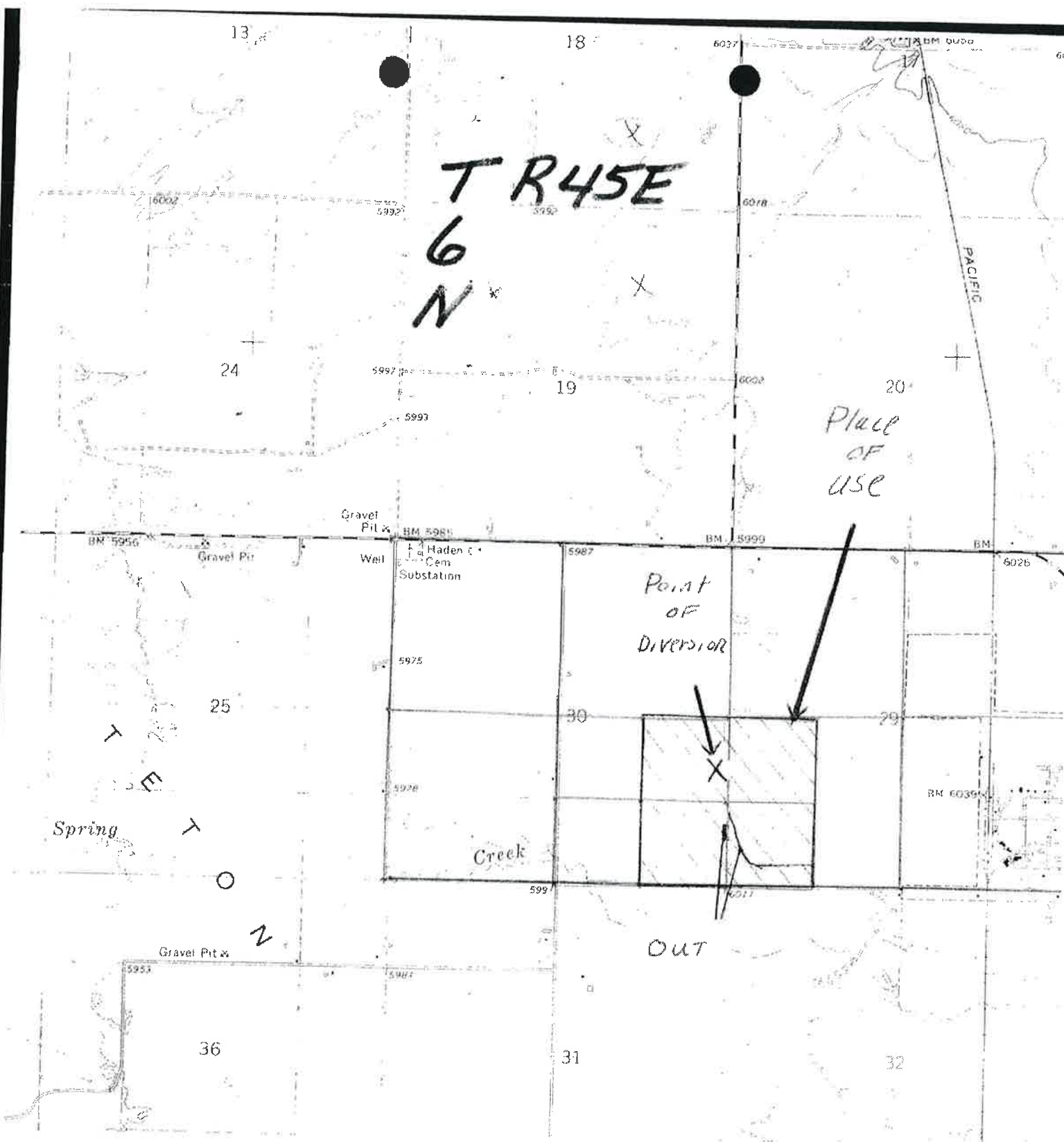
22 7696

TR45E
6
N

Place
OF
USE

Point
OF
DIVERSION

OUT



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OCT 24 2003



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

March 19, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CITY OF TETONIA
PO BOX 57
105 PERRY AVE
TETONIA ID 83452

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 22-383, 22-321 & 22-7696 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

_____ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER
LEGAL DOCUMENT indicating your ownership of the property and water
rights in question, **

_____ LEGAL DESCRIPTION OF PROPERTY

_____ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

_____ USDA FARM SERVICE AGENCY (formerly ASCS) AERIAL PHOTO with
Irrigated acres outlined and point(s) of diversion clearly marked.

☒ FILING FEE OF \$25.00 PER WATER RIGHT NUMBER, \$100.00 PER
WATER RIGHT IF SPLITTING THE RIGHT **

If you have any questions please contact Jonie Barg at (208)525-7161.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE
PACKET TO OUR IDAHO FALLS OFFICE AT THE ADDRESS BELOW:

ID DEPT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402-1718

Respectfully submitted,


Jonie Barg
Office Specialist II

**According to your Notice of Change in
Water Right Ownership it appears you are
splitting the water right, there is no fee
required for 22-383 and 22-321 because they
are still in the adjudication, however 22-
7696 is a water right and will require a
\$100.00 filing fee to process. Please submit
\$100.00.

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MAR 19 2008