

04/02/2004

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

RIGHT NUMBER: 23-19D
NAME AND ADDRESS: STEPHEN J MC GRATH
PO BOX 50731
IDAHO FALLS ID 83405-0731
SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 0.340 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.90 CFS. COMBINED RIGHT NOS.:
23-00019D, 23-00020B, 23-00047D.

PRIORITY DATE: 04/15/1889

POINT OF DIVERSION:

T01N R44E S8 SESWNW Within BONNEVILLE County
T01N R44E S8 SESWNW Within BONNEVILLE County
TWO POINTS OF DIVERSION LOCATED IN T1N, R44E, S8, NESWNW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.340 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County
T01N R44E S08 SWNW 30.0 T01N R44E S08 SENW 15.0

45 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 45.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00019D, 23-00020B,
23-00047D, 23-00093B.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 33.6 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON, BY
TRANSFER #4851.

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: Decreed

SEE TRANSFER #4851.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 23-00019D, 23-0020B, 23-00047D,
23-00093B.



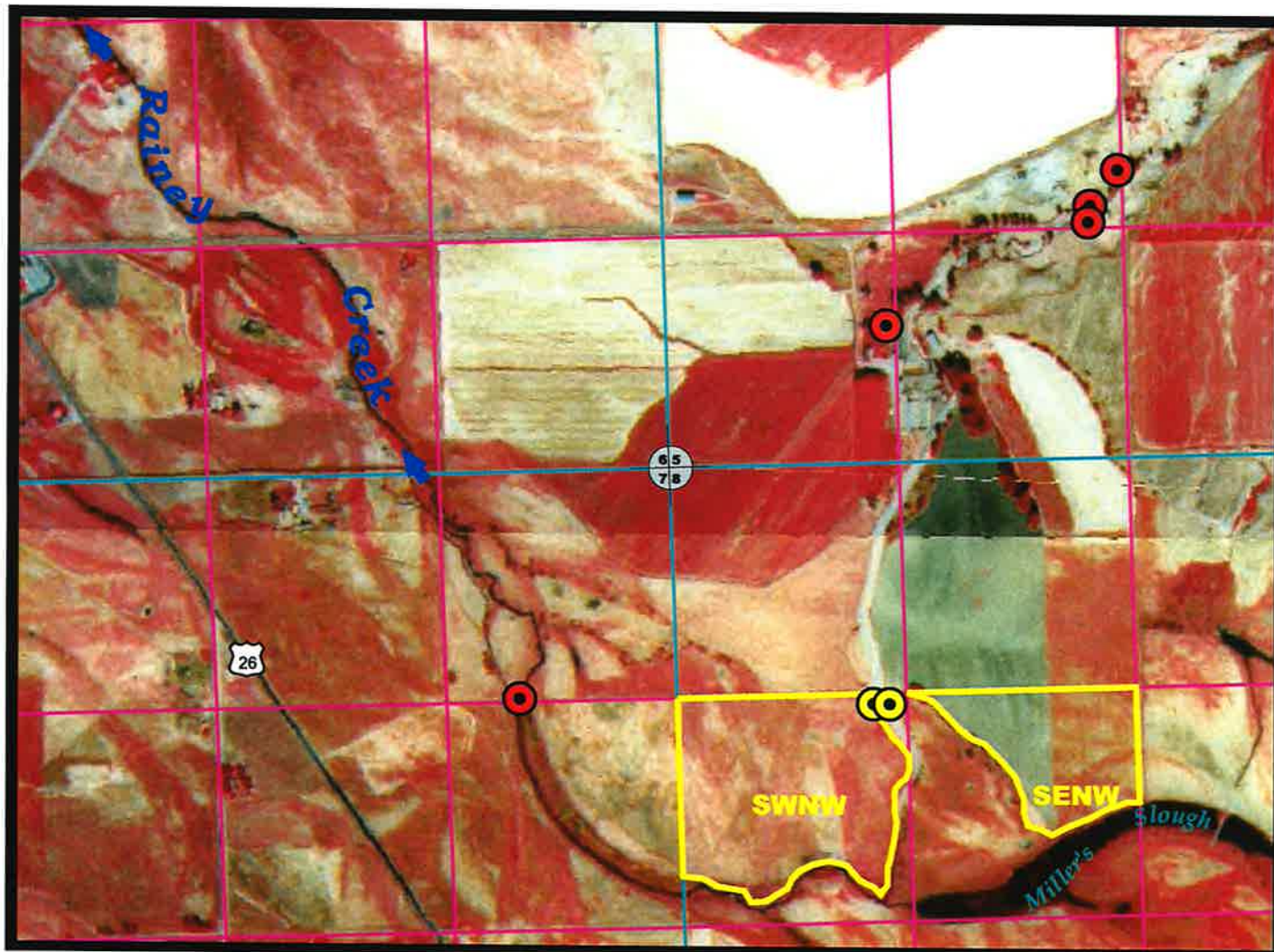
JUL 02 2004

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

23-00019D,
23-00020B,
23-00047D,
23-00093B

Place of Use: (parts of)
T1N, R44E Sec. 8
SWNW, SENW

Point(s) of Diversion: T1N, R44E
Sec. 8 NESWNW (2 pts.)



LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter

400 0 400 800 1200 1600 2000 2400 2800 3200 3600 4000 4400 4800 5200 5600 6000 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: October 2003

FIELD AMENDMENT FORM

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): [Signature] Date: 9/29/03
 _____ 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)
) SS.
 County of BONNEVILLE)

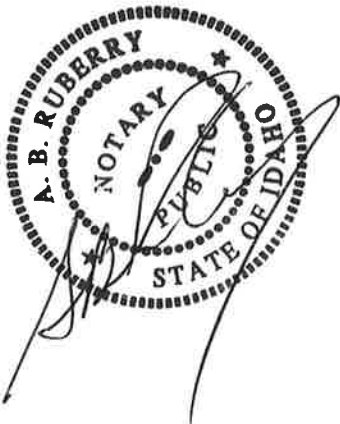
Subscribed and sworn (or affirmed) before me this 29th day
 of Sept 20 03

Aaron B. Ruberry
 Notary Public

Seal

Residing at IDAHO FALLS ID

My Commission Expires 9/23/09



NOTE: This Amendment CHANGES Season
 or Use FROM 10/15 TO 10/31 IN
 ACCORDANCE WITH IDWR STANDARDS
 See this ANOA.
 RE: 23-00019D, 23-00020B, 23-00047D
 AND 23-00093B.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

TO: Charles McH OMNIFAX FROM: ABC

DOCUMENT DESCRIPTION: B23 NOB - McGRAH

TOTAL NUMBER OF PAGES (Including this page):

2

*
* BILLING ADDRESS: _____
* _____
* _____
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

Rayon NOB copies at 23-19D, 20B, 47D and 93B
for review on Local References to Federal
and State Constitution

Log for claim 23-00019D

Spatial Dynamics BTD

5/30/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	8	SWNW	30	33	
01n44e	8	SEnw	15	21	
Totals:			45	54	

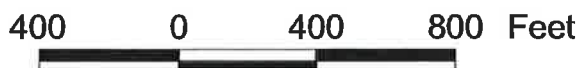
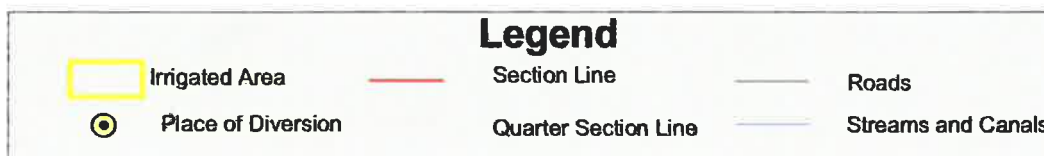
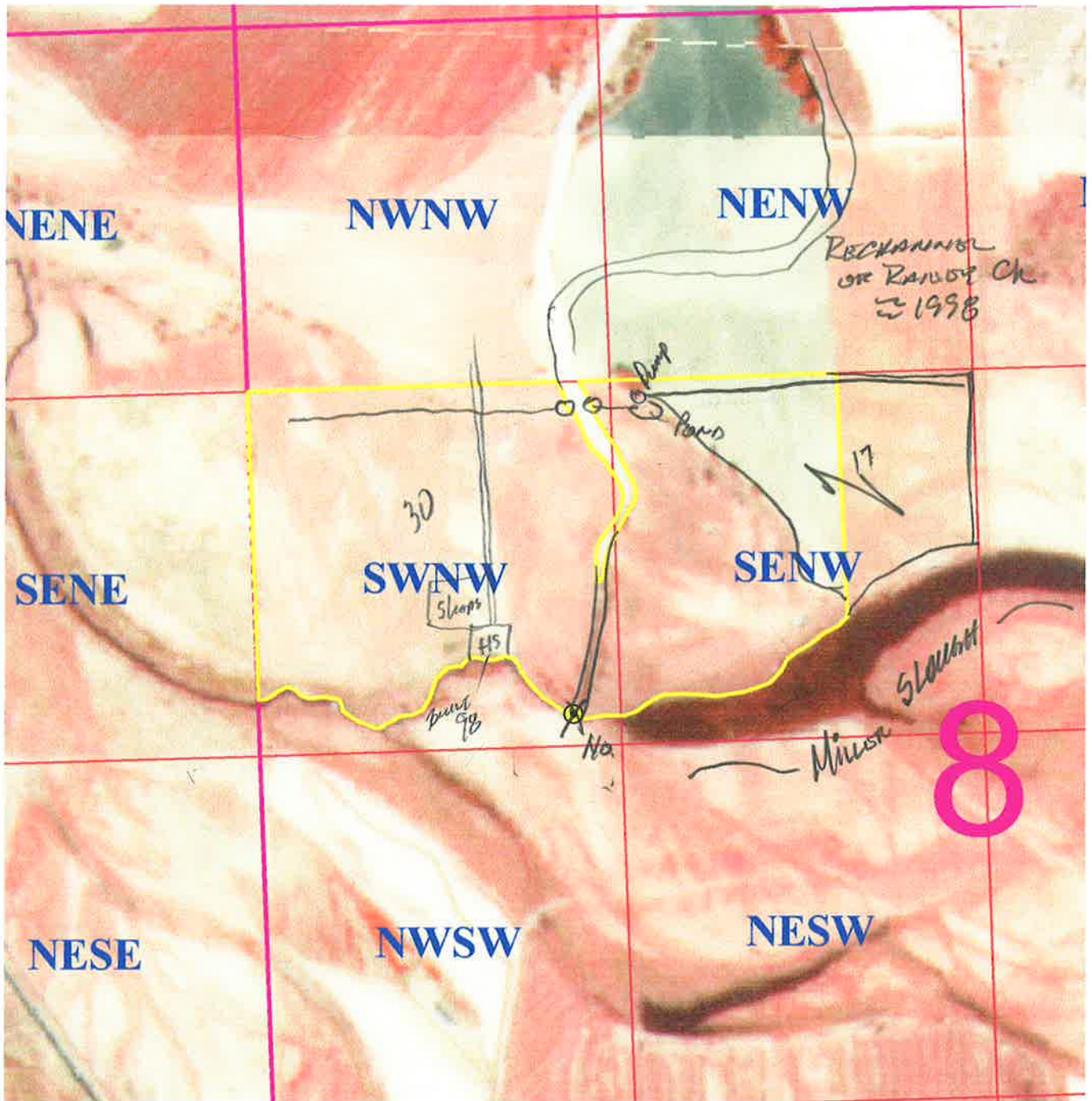
SCANNED

JUL 02 2004



Water Right Claim Number 23-00019D
Township, 1N44E

05/30/2001



SPATIAL
DYNAMICS

9/29/03
PBR

Contacts Data Entry Form

Water Right No. 23-19D

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

Current Owner Steve McGrath

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:

DESCRIBED UNDER ROXBURG FARM CO. vs TOLON FARM CO. 1910.
AS # 61, TO A.J. BERNARD, 160' OF RAINIER CK, APRIL 15, 1889.
SUS SPLIT HISTORY ATTACHED.

9/29/03 FB - Met w/ Steve McGrath - TOWNED POOL & VISITED
POD'S. CLAIM AMENDED TO CHANGE SOLL TO DEPT. STD.

* TX POOL DOES NOT FIT ACTION photo OF AREA.

IS INDICATED: POOL/POD, Downy/Sources
Overlap w/ OTHER Rts

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: Apr 15, 1889 Claimed Basis: DecreedRecommended Priority Date: 4/15/1889 Recommended Basis: "☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

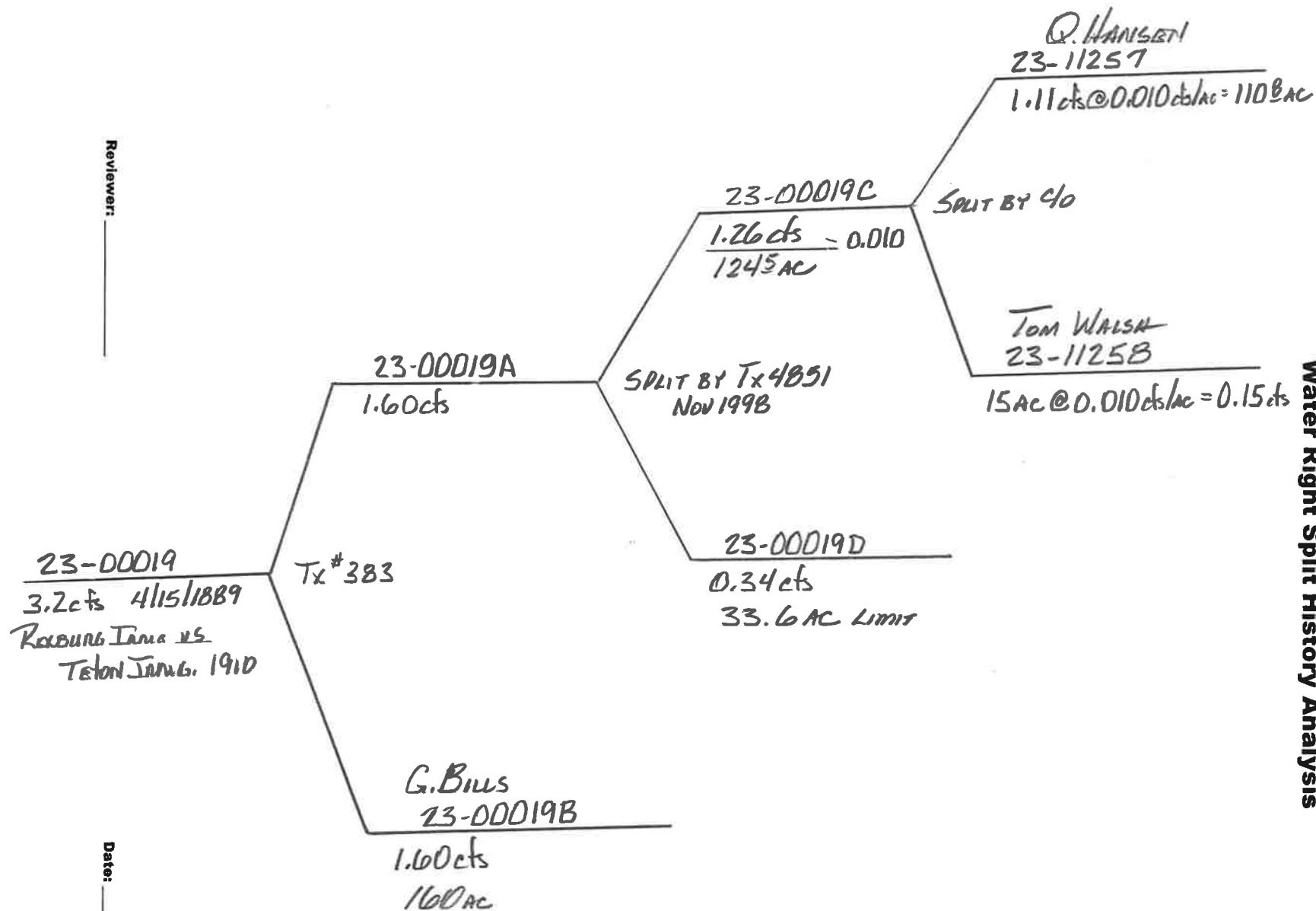
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Priority matches Decreed

Reviewer: _____

Date: _____

Water Right Split History Analysis

CLAIMED IN-FULL

Reviewer: _____

Date: _____



23-00019D
23-00020B
23-00047D
23-00093B
23-11160
23-11213

STEVE McGRATH'S
SRBA CLAIMS

Photo 1. Shows THE DIVERSION OFF RAINEY CREEK TO THE POND IN Photo 2 BELOW.

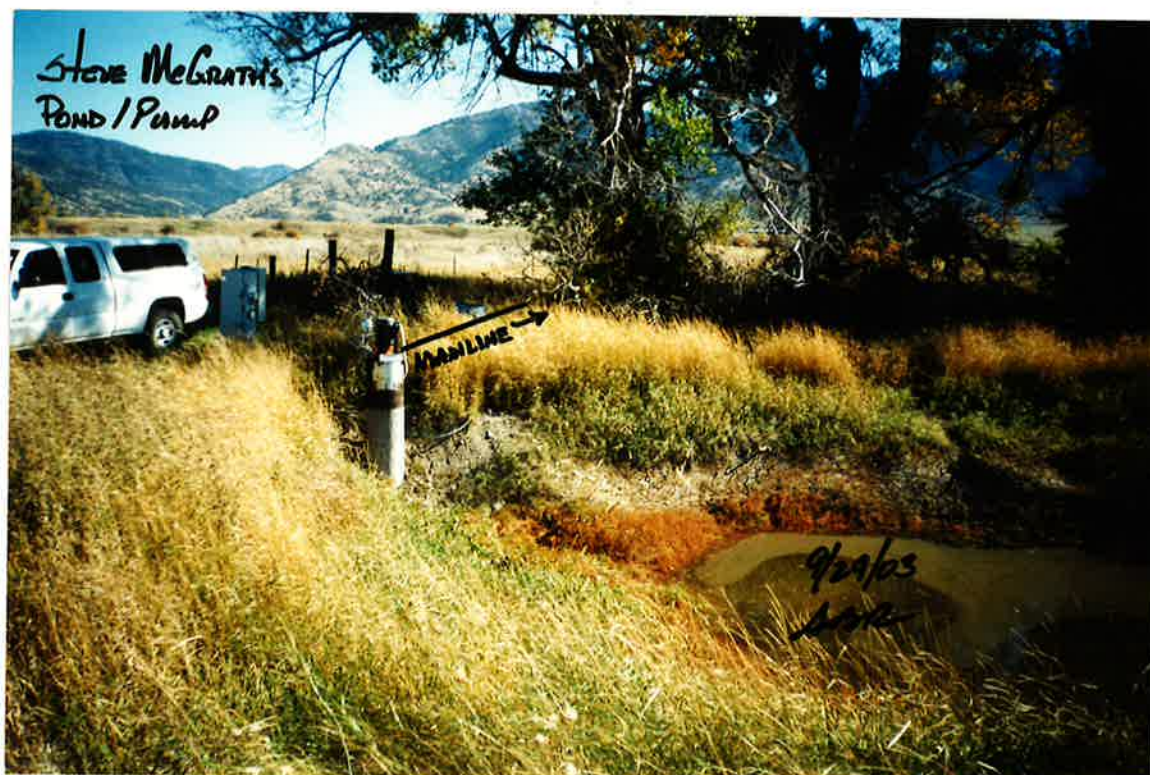


Photo 2. Shows POND, FROM E. END OF RAINEY CREEK, AND THE POND TO MAINLINE. MAINLINE ONLY GOES EAST.



23-00019D
 23-00020B
 23-00047D
 23-00093B
 23-11160
 23-11213

STEVE McGRATH'S
 SRBA CLAIMS

Photo 3. Shows WEST DIVERSION OFF RAINY CREEK TO
 OPEN DITCH FOR FLOOD IRRIGATION.

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
IN	44E	B	SWNW		BONN.		30	Partial
			SENW				15	

Total Acres 45⁰

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 ADDRESSSED BY DECREE. TX #4851 SHOWS AC AS CLAIMED
 23-19D AND 23-47D LIMITED TO 117² AFA ON 33² AC. TX4851 = 45 AC.

Remarks
 Ac/POU/cfs.
 ... limits

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
<i>Prong</i>	<i>4/15</i>	<i>10/15</i>	<i>0.34</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Prong</i>	<i>4/15</i>	<i>(circled)</i>	<i>0.34</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

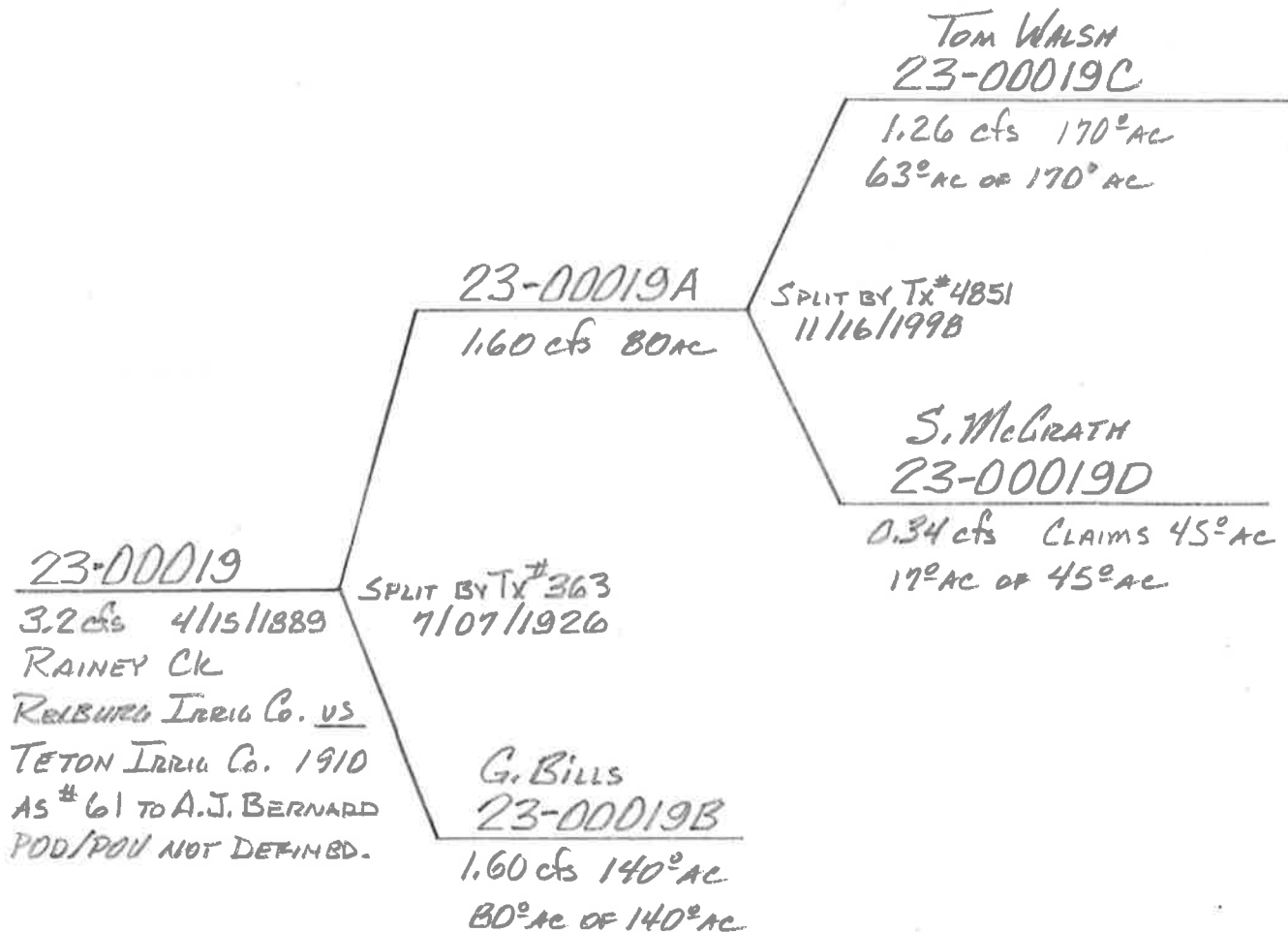
Document how the Period of Use and/or Diversion Rate were verified:

** SCOT NOT DEFINED BY DECREE. CLAIMS 4/15 TO 10/15 - DWR
STD IS 4/15 TO 10/31 --- RECOMMEND AMENDMENT
TO 10/31. 4/15 TO 10/31 IS DWR STD FOR ARWA.*

Reviewer: _____

Date: _____

Water Right Split History Analysis

CLAIMED IN-FULL

Reviewer: _____

Date: _____

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 IN, R 44E, Sec. 8,____, SW, NW. County: BONNSource: RAINY CR Tributary: SHARON RIVER, SO FK

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
<u>IN</u>	<u>44E</u>	<u>8</u>		<u>NE SWNW</u>		<u>RAINY CREEK</u>
GPS Coordinates: _____						
				<u>NE SWNW</u>		<u>RAINY CREEK</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

GPS POD - TAG # A009596 (ON W HOADGATE RIDE)
(ONE TAG FOR BOTH DIVERSIONS.)

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

POD NOT ADDRESSED BY DECREE. TX #4851 SHOWS POD AS
CLAIMED, 23-19D AND 23-47D Limited TO 117⁶ ARA ON 33⁶ AC.
TX #4851 #12. RECOGNIZES 2 POD'S AT SAME PLACE.
9/29/03 FB: 2 POD'S; ONE E. SIDE OF CR, ONE W. SIDE OF CR
POD'S ARE RIGHT ACROSS FROM EACH OTHER. E POD IS DITCHED TO
A SMALL POND WHERE THE PUMP IS LOCATED.

20mahr
ac/pou/c/s limits

Transfers Changing POD _____

Reviewer: _____

Date: _____

10/07/2003

**NOTICE OF ERROR
REPLY**

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: 23-19D

STEPHEN J MC GRATH

PO BOX 50731

IDAHO FALLS ID 83405-0731

Telephone Number: (208)524-0731

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

The total combined diversion rate is less than the total of the component water rights resulting in a net loss of decreed water rights.

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

Increase total combined diversion rate to 1.0 cfs for Right Nos.:

23-00019D 23-0047D

23-00020B

and Increase total combined diversion rate to 2.0 cfs when above rights are used in conjunction with Right No. 23-00093B.

3. Give a brief explanation as to why you disagree with these portions:

Out water rights are decreed rights by previous Idaho court decrees. The proposed conditions result in a taking without compensation by the State of Idaho, which is prohibited by both the United States Constitution and the Constitution of the State of Idaho.

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 03/24/04

SIGNATURE: 

Stephen J. McGrath

Please print your name: _____

IDWR Regional Office,

*4/2/04 NOR TO COMBINED Limits w/ 23-00093B
Removal*

RECEIVED

APR 01 2004

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 363

23-19 A
B

This is to certify that Samuel J. Weeks, of Swan Valley, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 3.2 second feet of the waters of Rainey Creek, in Water District No. 36, were decreed to Alfred Joseph Bernard for the irrigation of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 6; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 7; SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 8 and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 8, Township 1 North, Range 44 East of Boise Meridian, said right bearing date of priority of April 15, 1889; that said right has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Samuel J. Weeks for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.6 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

		1.6 sec. ft., dated April 15, 1889											
		NE $\frac{1}{4}$		NW $\frac{1}{4}$		SW $\frac{1}{4}$		SE $\frac{1}{4}$		Total			
Twp.	Rge. Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
1 N	44 E 5									40	40	40	160

That said waters are now diverted at a point on Rainey Creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 5, Township 1 North, Range 44 East of Boise Meridian, but will hereafter be diverted at a point on said stream near the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 East of Boise Meridian.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNES. The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 7th day of July, 1926.

H. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Assistant.

MEMORANDUM

TO: FILES 23-00019A/00020/00047B/00093

FROM: PAM SKAGGS^{CB}/STATE OFFICE

SUBJECT: TRANSFER 4851

DATE: March 17, 1998

Transfer 4851 changes the point of diversion under a portion of Rights 23-00019A (C & D), 23-00020 (A & B), 23-00047B (C & D), and 23-00093 (A & B), splitting each right.

Review of the recorded rights show that the transfer also represents a change in place of use to the historically irrigated land. The place of use has been modified over the years through unrecorded transfer to include the 45 acres under the proposed place of use. No physical change occurs.

The applicant is the new owner of this portion of the ranch and wants to add two separate points of diversion; a diversion ditch to serve the west side of the property and a pump to serve the east side of the property. The creek bisects the property in a north south direction.

Recommended conditions include watermaster control, measuring devices and lockable controlling works, irrigation overlap, multiple points of diversion, combined right conditions, and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

This is to certify that: STEPHEN J MCGRATH
PO BOX 50731
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 23-00019D : IRRIGATION Priority: 04/15/1889	04/15 to 10/15	0.34 CFS	117.6 AF
Right No. 23-00020B : IRRIGATION Priority: 06/20/1889	04/15 to 10/15	0.34 CFS	123.4 AF
Right No. 23-00047D : IRRIGATION Priority: 05/15/1896	04/15 to 10/15	0.32 CFS	57.8 AF
Right No. 23-00093B : IRRIGATION Priority: 01/22/1916	04/15 to 10/15	1.00 CFS	157.5 AF
TOTAL:		* 2.00 CFS	* 157.5 AF

SOURCE

RAINEY CREEK

TRIBUTARY OF

SNAKE RIVER, SOUTH FORK

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 8, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES
01N	44E	8	SWNW 30

ACRES	ACRFS	TOTAL
SENW 15		45
Total number of acres irrigated:		** 45

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs, nor total combined annual volume of 157.5 af.
- ** 8. Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.
- ** 9. Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.
- ** 10. Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.
11. Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.
12. Two points of diversion are located within the SWNW, S08, T01N, R44E.

Dated this 16th day of November, 1998.


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

This is to certify that: STEPHEN J MCGRATH
PO BOX 50731
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 23-00019D : IRRIGATION Priority: 04/15/1889	04/15 to 10/15	0.34 CFS	117.6 AF
Right No. 23-00020B : IRRIGATION Priority: 06/20/1889	04/15 to 10/15	0.34 CFS	123.4 AF
Right No. 23-00047D : IRRIGATION Priority: 05/15/1896	04/15 to 10/15	0.32 CFS	57.8 AF
Right No. 23-00093B : IRRIGATION Priority: 01/22/1916	04/15 to 10/15	1.00 CFS	157.5 AF
TOTAL:		* 2.00 CFS	* 157.5 AF

SOURCE

RAINEY CREEK

TRIBUTARY OF

SNAKE RIVER, SOUTH FORK

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 8, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	44E	8	SWNW 30	SENEW 15	45
Total number of acres irrigated:					** 45

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs, nor total combined annual volume of 157.5 af.
- ** 8. Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.
- ** 9. Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.
- ** 10. Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.
11. Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.
12. Two points of diversion are located within the SWNW, S08, T01N, R44E.

Dated this 16th day of November, 1998.


Chief, Water Allocation Bureau

SD-0613-2 Source System: WR Prefix: Basin: 23
S Starting Water Right: 00019 Ending Water Right: 00019
E Water Name
L Right No. Last, First CFS

23-00019

SPLIT INTO 23-0019A & 23-0019B BY TRANS. 383.

23-00019A

RIGHT SPLIT INTO PARTS C & D THRU APPROVED TRANSFER 4851.

23-00019B WEEKS, SAMUEL J.

1.600

23-00019C BERNARD, ALFRED JOSEPH

1.260

23-00019D MCGRATH, STEPHEN J

0.340

3.2

(Enter=Continue) (GOLD 6=Produco Report) (GOLD 7=This Query) (Menu ____)

WARRANTY DEED

THIS INDENTURE, Made this 23 day of May, 1996, by and between RUDD MANAGEMENT CORPORATION, of 725 S. Woodruff, Idaho Falls, Idaho 83403, of the County of Bonneville, State of Idaho, the party of the first part, and STEPHEN J. McGRATH, a married person dealing with his sole and separate property, of 9382 South 1st East, Idaho Falls, Idaho 83404, of the County of Bonneville, State of Idaho, the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, the following described real estate, situate in the County of Bonneville, State of Idaho, to-wit:

The S 1/2 of the NW 1/4 of Section 8, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho according to the recorded plat thereof.

TOGETHER WITH all water and water rights, ditch and ditch rights, (including 2.0 C.F.S. in the Upper Rainey Creek tributary to the Snake River) located on or used in connection with said property.

SUBJECT TO all existing patent reservations, easements, rights-of-way, protective covenants, zoning ordinances, applicable building codes, laws and regulations.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and its heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against the said party of the first part and its heirs and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written.

RUDD MANAGEMENT CORPORATION

By: Robert D. Oselle

Its: Vice-President

"B"
LIST
MCGRATH

RIGHT NUMBER	SHEET #1		NATURE	USE	PERIOD OF USE
	PRIORITY	AMT			
23-00020B ✓	6/20/1889	0.33cfs	Irrigation		4-1 to 10-31
23-00093B	1/22/1916	1.00	Irrigation		4-1 to 10-31
23-00019D ✓	4/15/1889	0.33	Irrigation		4-1 to 10-31
23-00047D ✓	5/15/1896	0.32	Irrigation		4-1 to 10-31
		1.98 cfs			

"A"
LIST

23-00020A	6/20/1889	1.27 cfs	Irrigation		4-1 to 10-31
23-00093A	1/22/1916	3.80	Irrigation		4-1 to 10-31
23-00019C	4/15/1889	1.27	Irrigation		4-1 to 10-31
23-00047C	5/15/1896	1.23	Irrigation		4-1 to 10-31
		7.57 cfs			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4851

WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

This is to certify that: **STEPHEN J MCGRATH**
PO BOX 50731
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>	
Right No. 23-00019D :				
IRRIGATION	04/15 to 10/15	0.34 CFS	117.6 AF	^C 1.26 CFS
Priority: 04/15/1889				
Right No. 23-00020B :				
IRRIGATION	04/15 to 10/15	0.34 CFS	123.4 AF	^A 1.26 CFS
Priority: 06/20/1889				
Right No. 23-00047D :				
IRRIGATION	04/15 to 10/15	0.32 CFS	57.8 AF	^C 1.23
Priority: 05/15/1896				
Right No. 23-00093B :				
IRRIGATION	04/15 to 10/15	1.00 CFS	157.5 AF	^A 3.80
Priority: 01/22/1916				
TOTAL:		* 2.00 CFS	* 157.5 AF	

SOURCE

RAINEY CREEK

TRIBUTARY OF

SNAKE RIVER, SOUTH FORK

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 8, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	44E	8	SWNW 30	SENW 15		45
Total number of acres irrigated:						** 45

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs, nor total combined annual volume of 157.5 af.
- ** 8. Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.
- ** 9. Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.
- ** 10. Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.
11. Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.
12. Two points of diversion are located within the SWNW, S08, T01N, R44E.

Dated this 16th day of November, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 23-00019A/00020/00047B/00093

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER 4851

DATE: March 17, 1998

=====

Transfer 4851 changes the point of diversion under a portion of Rights 23-00019A (C & D), 23-00020 (A & B), 23-00047B (C & D), and 23-00093 (A & B), splitting each right.

Review of the recorded rights show that the transfer also represents a change in place of use to the historically irrigated land. The place of use has been modified over the years through unrecorded transfer to include the 45 acres under the proposed place of use. No physical change occurs.

The applicant is the new owner of this portion of the ranch and wants to add two separate points of diversion; a diversion ditch to serve the west side of the property and a pump to serve the east side of the property. The creek bisects the property in a north south direction.

Recommended conditions include watermaster control, measuring devices and lockable controlling works, irrigation overlap, multiple points of diversion, combined right conditions, and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

This is to certify that: **STEPHEN J MCGRATH**
PO BOX 50731
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 23-00019D : IRRIGATION	04/15 to 10/15	0.34 CFS	117.6 AF
Priority: 04/15/1889			
Right No. 23-00020B : IRRIGATION	04/15 to 10/15	0.34 CFS	123.4 AF
Priority: 06/20/1889			
Right No. 23-00047D : IRRIGATION	04/15 to 10/15	0.32 CFS	57.8 AF
Priority: 05/15/1896			
Right No. 23-00093B : IRRIGATION	04/15 to 10/15	1.00 CFS	157.5 AF
Priority: 01/22/1916			
TOTAL:		* 1.00 CFS	* 157.5 AF

SOURCE

RAINEY CREEK

TRIBUTARY OF

SNAKE RIVER, SOUTH FORK

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 8, Township 01N, Range 44E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	44E	8	SWNW 30.0	SENW 15.0		45.0
Total number of acres irrigated:						** 45.0

TRANSFER NO. 4851
WATER RIGHT NO(S). 23-00019D/23-00020B/23-00047D/23-00093B

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 1.00 cfs, nor total combined annual volume of 157.5 af.
- ** 9. Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.
- ** 10. Right 23-00047D is limited to the irrigation of 16.5 acres in the place of use described above in a single irrigation season.
- ** 11. Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.
12. Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 1.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.
13. Two points of diversion are located within the SWNW, S08, T01N, R44E.

Dated this 24 day of

August, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 23-00019A/00020/00047B/00093

FROM: PAM SKAGGS²⁸/STATE OFFICE

SUBJECT: TRANSFER 4851

DATE: March 17, 1998

=====

Transfer 4851 changes the point of diversion under a portion of Rights 23-00019A (C & D), 23-00020 (A & B), 23-00047B (C & D), and 23-00093 (A & B), splitting each right.

Review of the recorded rights show that the transfer also represents a change in place of use to the historically irrigated land. The place of use has been modified over the years through unrecorded transfer to include the 45 acres under the proposed place of use. No physical change occurs.

The applicant is the new owner of this portion of the ranch and wants to add two separate points of diversion; a diversion ditch to serve the west side of the property and a pump to serve the east side of the property. The creek bisects the property in a north south direction.

Recommended conditions include watermaster control, measuring devices and lockable controlling works, irrigation overlap, multiple points of diversion, combined right conditions, and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Stephen J McGrath Phone (208) 524-0731

Post Office address P0 Box 50731, Idaho Falls ID 83405

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I'm purchasing part of a ranch and I want my own point of diversion to minimize ditch losses. I will have a ditch on the west side of creek and a pump on the east side. Both are in SW NW 5.08 T01N R44E.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--|------------------------------|----------|-----------------------|------------------|---------------|
| | <u>See Attached Sheet #1</u> | | | | |
| | | | | | to |
| | | | | | to |
| | | | | | to |
| | | | | | to |
| 2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum. | | | | | |
| 3. Source of water <u>Rainey Creek</u> _____ tributary to <u>Snake River</u> | | | | | |
| 4. Point(s) of Diversion: | | | | | |

[illegible]

5. Lands irrigated or place of use:

	Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
				NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
" B " list	1N	44E	8							30	15									45
" A " list	1N	44E	5											30	35					65
			6																30	30
			7	8																8
			8	32	35															67

Total acres 215

PART 1**6. General Information:**

- a. Description of diversion system Ditch and flood irrigation on west field and
a pump and sprinkler on the east field

N/A b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

N/A c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

To my knowledge, no portion of these water rights has undergone a
period of five or more consecutive years on non-use.

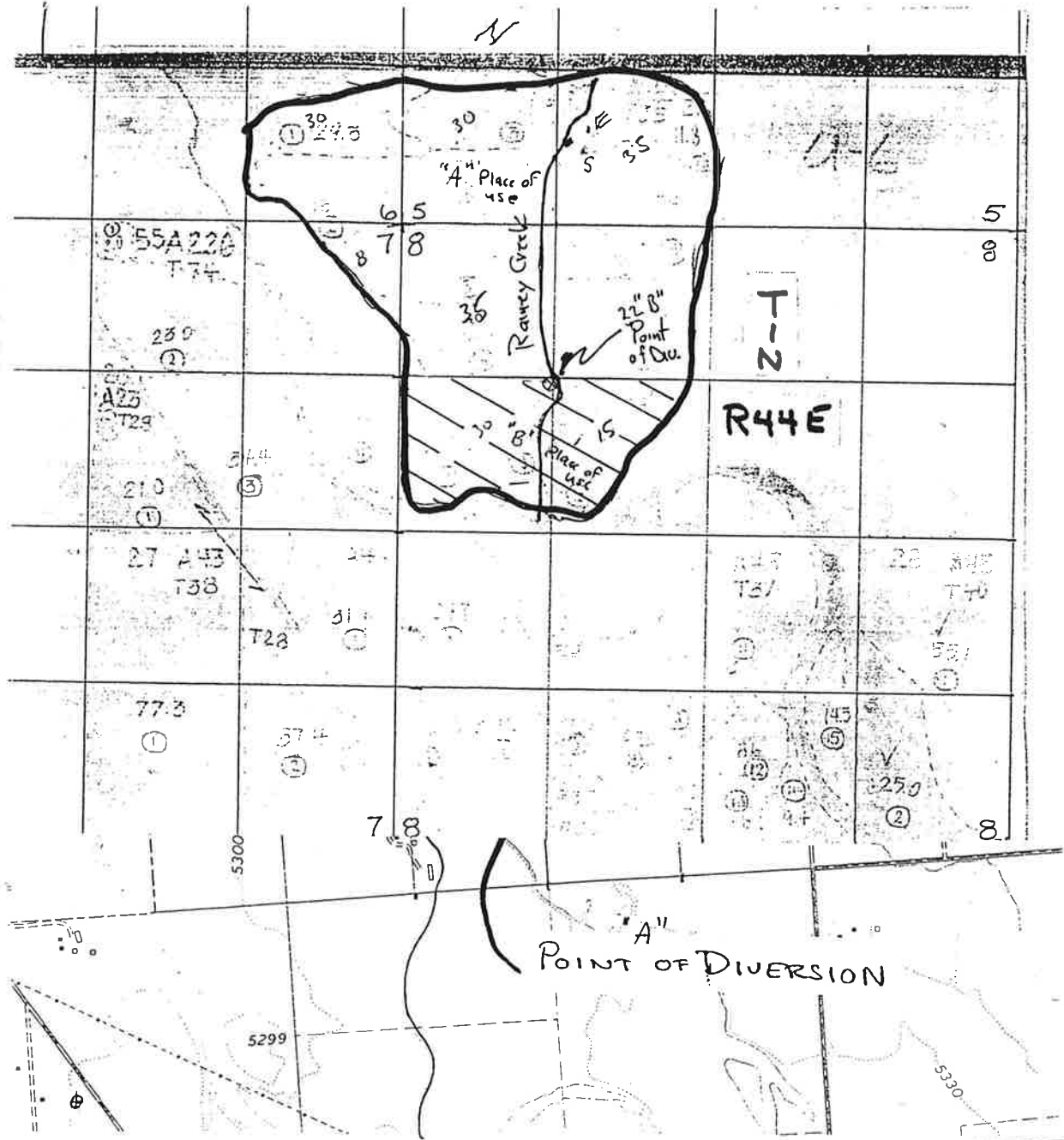
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

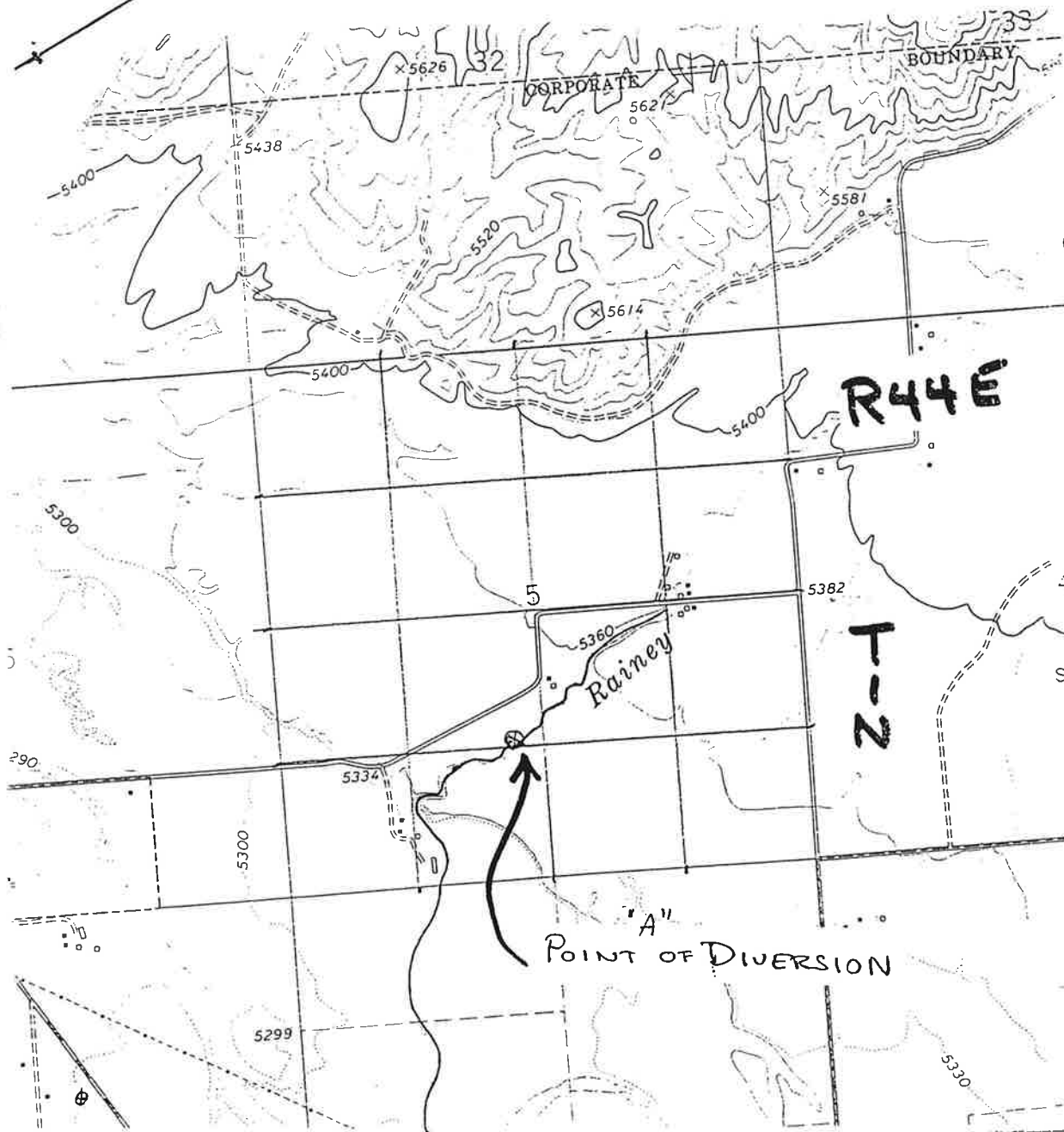
Witness my hand this _____ day of _____, 19 _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

APPLICATION FOR TRANSFER OF WATER RIGHT



SCALE: 2 inches equal 1 mile. Draw plan in ink.

"B"
LIST
MCGRATH

RIGHT NUMBERPRIORITYAMTNATURE USEPERIOD OF USE

23-00020B
23-00093B
23-00019D
23-00047D

6/20/1889 0.33 cfs
1/22/1916 1.00
4/15/1889 0.33
5/15/1896 0.32
1.98 cfs

Irrigation
Irrigation
Irrigation
Irrigation

4-1 to 10-31
4-1 to 10-31
4-1 to 10-31
4-1 to 10-31

"A"
LIST

23-00020A
23-00093A
23-00019C
23-00047C

6/20/1889 1.27 cfs
1/22/1916 3.80
4/15/1889 1.27
5/15/1896 1.23
7.57 cfs

Irrigation
Irrigation
Irrigation
Irrigation

4-1 to 10-31
4-1 to 10-31
4-1 to 10-31
4-1 to 10-31

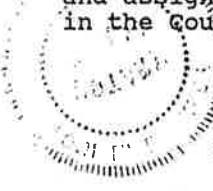
P1

92/447

WARRANTY DEED

THIS INDENTURE, Made this 23 day of May, 1996, by and between RUDD MANAGEMENT CORPORATION, of 725 S. Woodruff, Idaho Falls, Idaho 83403, of the County of Bonneville, State of Idaho, the party of the first part, and STEPHEN J. McGRATH, a married person dealing with his sole and separate property, of 9382 South 1st East, Idaho Falls, Idaho 83404, of the County of Bonneville, State of Idaho, the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, the following described real estate, situate in the County of Bonneville, State of Idaho, to-wit:

The S 1/2 of the NW 1/4 of Section 8, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho according to the recorded plat thereof.

TOGETHER WITH all water and water rights, ditch and ditch rights, (including 2.0 C.F.S. in the Upper Rainey Creek tributary to the Snake River) located on or used in connection with said property.

SUBJECT TO all existing patent reservations, easements, rights-of-way, protective covenants, zoning ordinances, applicable building codes, laws and regulations.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and its heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against the said party of the first part and its heirs and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above

Que S. Hansen
956 Rainey Creek Road
Swan Valley, Idaho 83449
(208) 483-2305

May 13, 1998

Ronald D. Carlson
Regional Mgr./Watermaster
Eastern Region
900 N. Skyline Dr.
Idaho Falls, Idaho 83402

VIA FACSIMILE ONLY

Dear Mr. Carlson:

I appreciate your time in meeting with me Monday to discuss the water rights granted Stephen McGrath when he purchased the 80 acres from me.

The materials you gave me Monday were an application by McGrath for new diversion points for his water rights from Rainey Creek. It appears that on August 8, 1996, he requested two diversion points on his property. We are very interested in the status of that application. You did not give me anything related to how you calculated the cfs you transferred to him.

Several questions remain about the transfer of water rights by the Department of Water Resources to McGrath with his purchase. I ask some of these questions Monday and they remain unanswered:

1.) How can you grant water rights directly to Stephen McGrath without my concurrence, given that the Contract of Sale for the 80 acres, between McGrath and me, specifically authorized me only to arrange to convey the transfer of the water rights. There appears to be a significant ethical issue here. The Contract of Sale was drafted by McGrath's attorney and he is an attorney and you and he were acting in violation of that agreement. You stated you saw the Contract of Sale, although you could not find a copy.

2.) On what basis do you determine how many cfs are assigned to an irrigateable acre of land.

3.) On what basis did you determine how many cfs to transfer from me to McGrath. It appears you may have granted him from two to four times the amount warranted.

He has approximately 20 acres of irrigateable land in the 80 acres, the balance is a large slew and other pasture land which was never accessible to the irrigation ditches and never irrigated. McGrath's application for new diversion points seems to suggest he has 45 acres of irrigateable land. If that was your basis you are incorrect. It appears you cooperated with McGrath who has never irrigated the land, and has no knowledge of the number of irrigateable acres in an obvious breach of a carefully negotiated Contract of Sale.

4.) What is the process to recind water rights inappropriately given away. I should have a right to retain my water rights and reclaim them without the necessity of filing a legal action against you personally and the Department of Water Resources. However, I

Page 2 of 2
Carlson
May 13, 1998

have obtained legal counsel and we are prepared to resolve this matter in court if we cannot get the cooperation of you and the Department of Water Resources.

It is my understanding you have a close and long term relationship with McGrath which may affect your decisions in this matter.

I will appreciate being contacted by the Department of Water Resources in a reasonable time.

Very Truly Yours,



Que S. Hansen

Attachment

c: William Dalling, Attorney

COPY

MAY 15, 1998

QUE S HANSEN
956 RAINEY CREEK RD
SWAN VALLEY ID 83449

Mr. Hansen:

I have reviewed your May 13, 1998 fax letter to Ron Carlson referencing transfer application #4851 filed by Steve McGrath.

For your information I have included a copy of claim A23-00020 which is one of the rights affected by this transfer, you will note that this claim was originally filed by Archie McKay on 9/26/1989. The land list shows 215 acres irrigated of which 45 acres are located in the S1/2 NW1/4 Sect 8 T1N R44E.

On June 15, 1992, the department received a change of ownership for claims A23-00020, A23-00019A, A23-00093 and A23-00047B signed by Mr. McKay and yourself. The data base was changed to show you as the current owner. You also did not make any change or reduction in the 215 acres claimed.

On June 3, 1996, Steve McGrath filed a change of ownership form with the department for a pro-rated share of the claims listed above and provided evidence that he owned the 45 acres listed on your claim in the S1/2 NW1/4 Sect 8 T1N R44E. The claims were then split based on the cfs per acre listed on each claim multiplied by the acres owned by each party.

Example:

1. Claim A23-00020 has $\frac{1.60 \text{ cfs}}{215 \text{ acres}} = 0.00074 \text{ cfs/acre}$
2. Mr. McGrath owns 45 acres of claim A23-00020.
 $45 \text{ acres} \times 0.00074 \text{ cfs/acre} = 0.33 \text{ cfs}$

Mr. McGrath also filed transfer #4851 to add a point of diversion to his portion (45 acres) of the 215 acre farm and the four rights listed as being appurtenant to that place of use. The pro-rations were calculated as the example above demonstrates. In Idaho an irrigation water right is appurtenant to the acreage listed as its place of use. Mr. McGrath had demonstrated he owned a portion of that place of use and was entitled to file a transfer

application.

Page 2
Que S Hansen

Mr. McGrath worked solely through me with his transfer filing and the application was advertised as required by Idaho Code. No protests were filed and the application was sent to the State Office in Boise on August 9, 1996.

I have also enclosed a copy of the warranty deed supplied by Mr. McGrath. If you have a contract of sale that has restrictive elements in it that should be known then I would need a copy of said signed contract.

I will need any contractual papers submitted to me within 7 days of receipt of this letter.

If you have additional questions, please let me know.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ::sc

Enclosure

Que S. Hansen
9196 Brushboro Drive
Brentwood, TN 37027
(615) 661-8927

May 13, 1998

Harold W. Jones
Water Rights Supervisor
Eastern Region
900 N. Skyline Dr.
Idaho Falls, Idaho 83402

VIA FACSIMILE ONLY

Dear Mr. Jones:

I received your letter of May 15, 1998. I appreciate your timely response. I want to state I did send a letter of protest to Mr. Carlson on the day I received notice of any action being taken on my water rights. In that letter I protested acting contrary to the contract of sale, among other things (attached is a copy of my letter of protest).

I conclude the following from the letter and information you sent to me:

- 1.) Steven McGrath presented you with a warranty deed to some property he purchased from me.
- 2.) Based on receipt of the "deed" you identified the water rights associated with the 215 acres McGrath's property was a part of and granted him a pro-rata share of the cfs based on the acres purchase as related to the total of the larger piece.
- 3.) You granted the cfs without regard to:
 - a.) the number of acres that were irrigatable.
 - b.) any restrictions in the purchase arrangement.

I question the above process and have several questions which remain unanswered about your granting water rights to McGrath with his purchase.

- a.) Is it consistent with Department of Water Resources policies to grant water rights directly to a new property owner presenting a warranty deed, from a third party, without the concurrence or notification of the contemplated change to the original owner. Further is it consistent with your policies to grant the water rights contrary to a Contract of Sale specifically authorizing only the seller to arrange conveyance of the water rights.

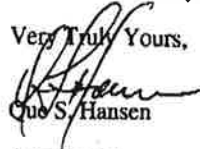
The warranty deed McGrath presented to you grants 2.0 cfs the McGrath while the contract of sale grants only .20 cfs. In addition, it is my belief that if you used Department of Water Resources established methods of relating cfs to the number of acres under irrigation you would have granted McGrath significantly less. As stated in the attached letter sent to Mr. Carlson in 1996, a copy of the contract of Sale was forwarded to your offices then. Do you need another copy.

Page 2 of 2
Jones
May 21, 1998

- b.) Do you grant water rights for acreage which has never been irrigated before.
- c.) In your letter you show an example of granting McGrath .33 cfs, when in fact you granted 1.98 cfs. Can you explain this.
- d.) You granted McGrath water rights based on 45 acres while he has less than 20 acres that have ever been irrigated. Why did you not grant him cfs for 80 acres, that is the amount he purchased.
- e.) Again what is the process to rescind water rights inappropriately given away. I request an answer to this question. I need to know whether to proceed with legal representation. Do you have a process within your department to overturn incorrect actions.

I look forward to your reply.

Very Truly Yours,


Que S. Hansen

Attachment

c: William Dalling, Attorney
Stephen McGrath



HANSEN-SILVER GUEST RANCH

Dave Carlson
State Of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Dear Dave:

As per our conversation today, I'm attaching a copy of the November 22, 1996, letter received from your office reflecting a change in water ownership for certain water rights as requested by Stephen J. McGrath. As per your comment, apparently Mr. McGrath stated to the representatives in your office that he had an agreement with me to transfer water rights as part of a sale of property to him by me.

I want to restate that we have no agreement in place to transfer any water rights to him.

And because of that, this change in ownership documented in your November 22, 1996, letter should be voided.

An additional problem with the water rights, as reflected in your letter, is that such a transfer, if it had been agreed to, would be different than that reflected in the change requested by Mr. McGrath. We have a mutual agreement that he has approximately 10% of the irrigatable property, not the 25-26% reflected in the change of ownership report. He has been paying approximately 10% of the electricity and other irrigating costs. I have attached a copy of the only agreement between Mr. McGrath and myself.

If you need any additional information, I will be happy to provide it for you.

My corrected address: Que S. Hansen
9196 Brushboro Drive
Brentwood, TN 37027

I also want to note that the copy of the New Property Ownership Notice of Change of Water Right Ownership, sent to me, has an incorrect address for me and does not have my signature on it.

Very Truly Yours,


Que S. Hansen

QSH/kad

attachment

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH*

*ALSO ADMITTED IN CALIFORNIA

LAW OFFICES OF
McGRATH, MAROTZ & SMITH

414 SHOUP
POST OFFICE BOX 50731
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 524-0731
FAX (208) 529-4166

ASSOCIATED WITH
RACINE, OLSON, NYE,
COOPER & BUDGE
CHARTERED
CENTER PLAZA
CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, ID 83204-1391
TEL (208) 232-6101
FAX (208) 232-6109

May 19, 1998

Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

ATTENTION: Eric Verner

Re: Rainey Creek Relocation

RECEIVED

MAY 21 1998

Department of Water Resources
Eastern Region

Dear Mr. Verner:

I understand that my good neighbor Que Hansen is attempting to relocate a portion of Rainey Creek. While I wish Mr. Hansen all of the success in the world in his plans for a new subdivision, I must be mindful of the possible effect of construction activities upon my adjoining properties.

SCA As a downstream appropriator, I have two concerns. The first of these is that the delivery of water to my property not be diminished by virtue of channel loss associated with the creation of a new stream bed. Secondly, I am concerned that utilization of a new stream bed not increase the sediment load on our downstream properties.

SCA Would you please be so kind as to confirm that your department will take any steps deemed necessary to assure that we will experience neither increased channel loss nor increased sediment deposits as a result of the proposed project before granting any further permits?

HWS
(I also enclose a copy of page one of the contract with Mr. Hansen by which I acquired the subject properties. Please note that Mr. Hansen contracted to convey 2.0 cfs of Upper Rainey Creek water. I note the transfer only mentions 1.98 cfs. Please advise as to what will be necessary to correct this shortage.

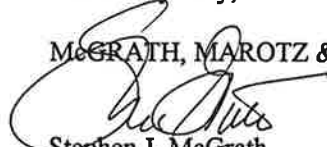
Can you answer this?

Eric Verner
May 19, 1998
Page 2

May I please hear from you.

Yours very truly,

McGRATH, MAROTZ & SMITH



Stephen J. McGrath

SJM/dh
Enclosure

CONTRACT OF SALE

THIS AGREEMENT is made the ____ day of December, 1995, between **Que S. Hansen and Lynda K. Hansen**, individually and as Trustees of **The Que S. Hansen Family Trust** dated September 2, 1993, whose mailing address is Suite 1110, 110 21st Avenue South, Nashville, TN 37203, referred to herein as "Seller", and **Rudd Management Corporation**, an Idaho Corporation, whose mailing address is 725 S. Woodruff Ave., Idaho Falls, ID 83401, referred to herein as "Buyer".

WITNESSETH:

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the parties agree as follows:

1 AGREEMENT TO SELL AND PURCHASE.

The Seller agrees to sell to the Buyer on the performance of the covenants and conditions hereinafter mentioned, and convey by good and sufficient warranty deed and bill of sale, free of liens and encumbrances, excepting any that may have attached by reason of any act or deed of Buyer and excepting any encumbrances to which this agreement is expressly made subject, the real and personal property situated in Bonneville County, Idaho, and described as follows, to-wit:

Real Property:

South one half of the Northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 8, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, State of Idaho, including existing corrals, small shed, ditches, ditch rights, water, and water rights (including 2.0 C.F.S. in the Upper Rainey Creek tributary to the Snake River) located on or used in connection with said property.

Also together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions,

From: DWP03::JJOHNSON 9-JUN-1998 09:41:51.22
To: @
CC: JJOHNSON
Subj: McGrath Transfer Update

Ty. 4851

Today I received from Norm a memo outlining actions that should be taken.
Below is highlights of his requested action.

1. Get a copy of contract of sale from Mr. Hanson if we do not have one.
2. Respond to Mr. Hansen's second letter indicating that IDWR must consider the four criteria of Section 42-222 even if the transfer is not protested and also consider whether the applicant has a right to the water sought to be transferred. The department wants to have all relevant information as the decision is made, so will appreciate receiving any information he has on these issues.
3. Assure Mr. Hansen the records of the department are open, and he is free to inspect the information now in the water right file and activity related to the processing of the McGrath's transfer.
4. Clarify that IDWR is not "granting" water rights through the present transfer process; only changing existing rights in accordance with an application filed under state law.
5. Give Mr. Hansen two weeks to provide any information he wants, explain that the department will issue a preliminary order after that.
6. Send a copy to McGrath and to Eastern

I will be drafting the letter for Norm's approval.

Would you please check with Dave Carlson to see if a copy of the contract of sale has been filed with us?

Also if you have any other information or if SRBA folks have any information relating to items identified above please let me know right away.

Rts 23-00020

- 00093 B
- 00019 D
- 00047 D

Warranty Deed

ATEC
910775

For Value Received
QUE S. HANSEN AND LYNDA K. HANSEN, TRUSTEES AND THEIR
SUCCESSORS AS TRUSTEES OF THE QUE S. HANSEN FAMILY TRUST, DATED SEPTEMBER 2, 1993

the grantor(s), do hereby grant, bargain, sell and convey unto

RUDD MANAGEMENT CORPORATION

whose current address is

725 S. WOODRUFF IDAHO FALLS, IDAHO 83403

the grantee(s), the following described premises, in BONNEVILLE County Idaho, to wit:

THE S 1/2 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 44, EAST OF THE
BOI RIDIAN, BONNEVILLE COUNTY, IDAHO ACCORDING TO THE RECORDED PLAT THEREOF ..

INSTRUMENT NO.	910775
DATE	12-7-95
INST. CODE	205
FICHE NO.	11050-35
FEE	3.00
STATE OF IDAHO COUNTY OF BONNEVILLE) ss I hereby certify that the within instrument was recorded. Ronald Long County Recorder Request of Deputy	

95 DEC 7 PM 4 53

BONNEVILLE COUNTY
RECORDER

310775

SUBJECT TO: ALL EXISTING PATENT RESERVATIONS, EASEMENTS, RIGHTS-OF-WAY,
PROTECTIVE COVENANTS, ZONING ORDINANCES, AND APPLICABLE BUILDING CODES, LAWS AND
REGULATIONS.

DO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s)
THEIR heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said
Grantee(s) that the Y ARE owner(s) in fee simple of said premises; that they are free from all incumbrances

and they will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 1, 1995

QUE S. HANSEN

LYNDA K. HANSEN

QUE S. HANSEN, TRUSTEE OF THE QUE S.
HANSEN FAMILY TRUST

LYNDA K. HANSEN, TRUSTEE OF THE QUE S.
HANSEN FAMILY TRUST

STATE OF IDAHO
COUNTY OF BONNEVILLE
ON THIS 1 DAY OF Dec, 1994, BEFORE ME,
NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY
APPEARED QUE S. & LYNDA K. HANSEN, KNOWN OR
IDENTIFIED TO ME TO BE THE PERSON(S) WHOSE NAME(S)
G/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AS
TRUSTEE(S) OF THE QUE S. HANSEN Family
Trust
AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE
SAME AS SUCH TRUSTEE(S).

NOTARY PUBLIC RESIDING AT: Idaho Falls, ID
TERM. EXPIRES 01-23-01

STATE OF IDAHO
COUNTY OF BONNEVILLE
ON THIS 1ST DAY OF DECEMBER, 1995, BEFORE
ME, A NOTARY PUBLIC IN AND FOR SAID STATE,
PERSONALLY APPEARED
QUE S. HANSEN AND LYNDA K. HANSEN
KNOWN TO ME TO BE THE PERSONS WHOSE NAMES
ARE SUBSCRIBED TO THE WITHIN INSTRUMENT
AND ACKNOWLEDGED TO ME THAT THEY EXECUTED
THE SAME.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

NOVEMBER 22, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STEPHEN J MC GRATH
PO BOX 50731
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A23-00019A, -00020,
-00093, AND 00047B

Dear Mr. Mc Grath:

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

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

A23-00019C, HANSEN, 170 ACRES, 1.27 CFS
A23-00019D, MC GRATH, 45 ACRES, .33 CFS

A23-00020A, HANSEN, 170 ACRES, 1.27 CFS
A23-00020B, MC GRATH, 45 ACRES, .33 CFS

A23-00093A, HANSEN, 170 ACRES, 3.80 CFS
A23-00093B, MC GRATH, 45 ACRES, 1.00 CFS

A23-00047C, HANSEN, 170 ACRES, 1.23 CFS
A23-00047D, MC GRATH, 45 ACRES, .32 CFS

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

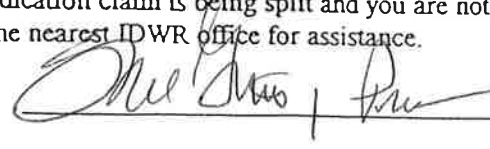
Enclosure:

cc: QUE HANSEN/copy letter/copy claim

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

Ernie
11-20-96

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. 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 or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Que S. Hansen and Lynda K. Hansen, Trustees and Their Successors as Trustees of the Que S. Hansen Family Trust, Dated September 2, 1993
4. New Owner/Claimant(s) Stephen J. McGrath
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address P. O. Box 50731
City, State and ZIP Code Idaho Falls, Idaho 83405-0731
New Telephone Number (208) 524 0731
5. Date you acquired the property December 1, 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  Date 11/19/96

Date _____
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4851

Notice is hereby given that Stephen J. McGrath, P.O. Box 50731, Idaho Falls, ID, 83405, has applied to the Department of Water Resources to add a point of diversion of the waters of Rainey Creek tributary to the Snake River. The rights sought to be changed are evidenced by decrees and recorded as follows:

Decree No.: 23-00020

Source: Rainey Creek tributary to Snake River, South Fork
Amount: 1.60 cfs
Priority: 06/20/1889

Point of diversion: not listed in decree

The water is used for irrigation within the S1/2SW, SEC 5, SESE, SEC 6, NENE, SEC 7, N1/2NW, SEC 8, T01N, R44E, B.M.

Decree No.: 23-00093

Source: Rainey Creek tributary to Snake River, South Fork
Upper Rainey Creek tributary to Snake River, South Fork
Amount: 4.80 cfs
Priority: 01/22/1916

Point of diversion: not listed in decree

The water is used for domestic & irrigation within the S1/2SW, SEC 5, SESE, SEC 6, NENE, SEC 7, N1/2NW, SEC 8, T01N, R44E, B.M.

Decree No.: 23-00019A

Source: Rainey Creek tributary to Snake River, South Fork
Amount: 1.60 cfs
Priority: 04/15/1889

Point of diversion: SESW, SEC 5, T01N, R44E, Bonneville County

The water is used for irrigation within the S1/2SW, SEC 5, SESE, SEC 6, NENE, SEC 7, N1/2NW, SEC 8, T01N, R44E, B.M.

Decree No.: 23-00047B

Source: Rainey Creek tributary to Snake River, South Fork
Amount: 1.55 cfs
Priority: 05/15/1896

Point of diversion: SESW, SEC 5, T01N, R44E, Bonneville County

The water is used for irrigation of 240 acres within the S1/2SW, SEC T, SESE, SEC 6, NENE, SEC 7, N1/2NW, SEC 8, T01N, R44E, B.M.

TO BE CHANGED AS FOLLOWS:

Applicant has purchased 45 acres covered by the rights listed above. The acres are located in the S1/2NW1/4, SEC 8, T01N, R44E, B.M. Only 1.98 cfs of the water will be diverted from the SWNW, SEC 8, T01N, R44E, B.M. and will be used to irrigate the 45 acres within the S1/2NW, SEC 8, T01N, R44E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before July 8, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Post Register on June 20 & 27, 1996.

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4851APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Stephen J McGrath Phone (208) 524-0731
Post Office address PO Box 50731, Idaho Falls ID 83405

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes I'm purchasing part of a ranch and I want my own point of diversion to minimize ditch losses. I will have a ditch on the west side of creek and a pump on the east side. Both are in SW NW 5.08 T10N R44E.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------------------|----------|--------------------|---------------|---------------|
| <u>See Attached Sheet #1</u> | | | | to _____ |
| | | | | to _____ |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Rainey Creek tributary to Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	8	1N	44E	Bonneville	Ditch & pump ("B" list) McGrath
		SE	SW	5	1N	44E	Bonneville	("A" list)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	44E	8							30	15									45
1N	44E	5											30	35					65
		6															30		30
		7	8																8
		8	32	35															67

Total acres 215

SHEET #1

RIGHT NUMBERPRIORITYAMTNATURE OF USEPERIOD OF USE

23-00020B

6/20/1889

0.33cfs

Irrigation

4-1 to 10-31

23-00093B

1/22/1916

1.00

Irrigation

4-1 to 10-31

23-00019D

4/15/1889

0.33

Irrigation

4-1 to 10-31

23-00047D

5/15/1896

0.32

Irrigation

4-1 to 10-31

1.98 cfs

23-00020A

6/20/1889

1.27 cfs

Irrigation

4-1 to 10-31

23-00093A

1/22/1916

3.80

Irrigation

4-1 to 10-31

23-00019C

4/15/1889

1.27

Irrigation

4-1 to 10-31

23-00047C

5/15/1896

1.23

Irrigation

4-1 to 10-31

7.57 cfs8"
LIST
MCGRATH"A"
LIST

PART 1**6. General Information:**

- a. Description of diversion system Ditch and flood irrigation on west field and
a pump and sprinkler on the east field

N/A

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

N/A

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

To my knowledge, no portion of these water rights has undergone a
period of five or more consecutive years on non-use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 5th day of June, 19 96.

(Notary Public)

My commission expires 4-11-99**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____

Prelim. check by _____ Fee \$100.00Receipted by [Signature] #E022240 Date 6-4-96Published in Post RegisterPub. dates June 20, 27-1996

Watermaster recommendation requested on _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

Copy of transfer sent to lien holder _____

49.6

25
T 35

$$\begin{array}{r} 1 \\ \hline 50.2 \end{array}$$

NHEL

②

③
29

5

19.2



⑤

44.6

④

30

③

381

45

34

NHEL

⑥

15.

③

10

724

②

22

③

144

⑩

19-1

⑨

10.1



14.6

(b)

64.4

20

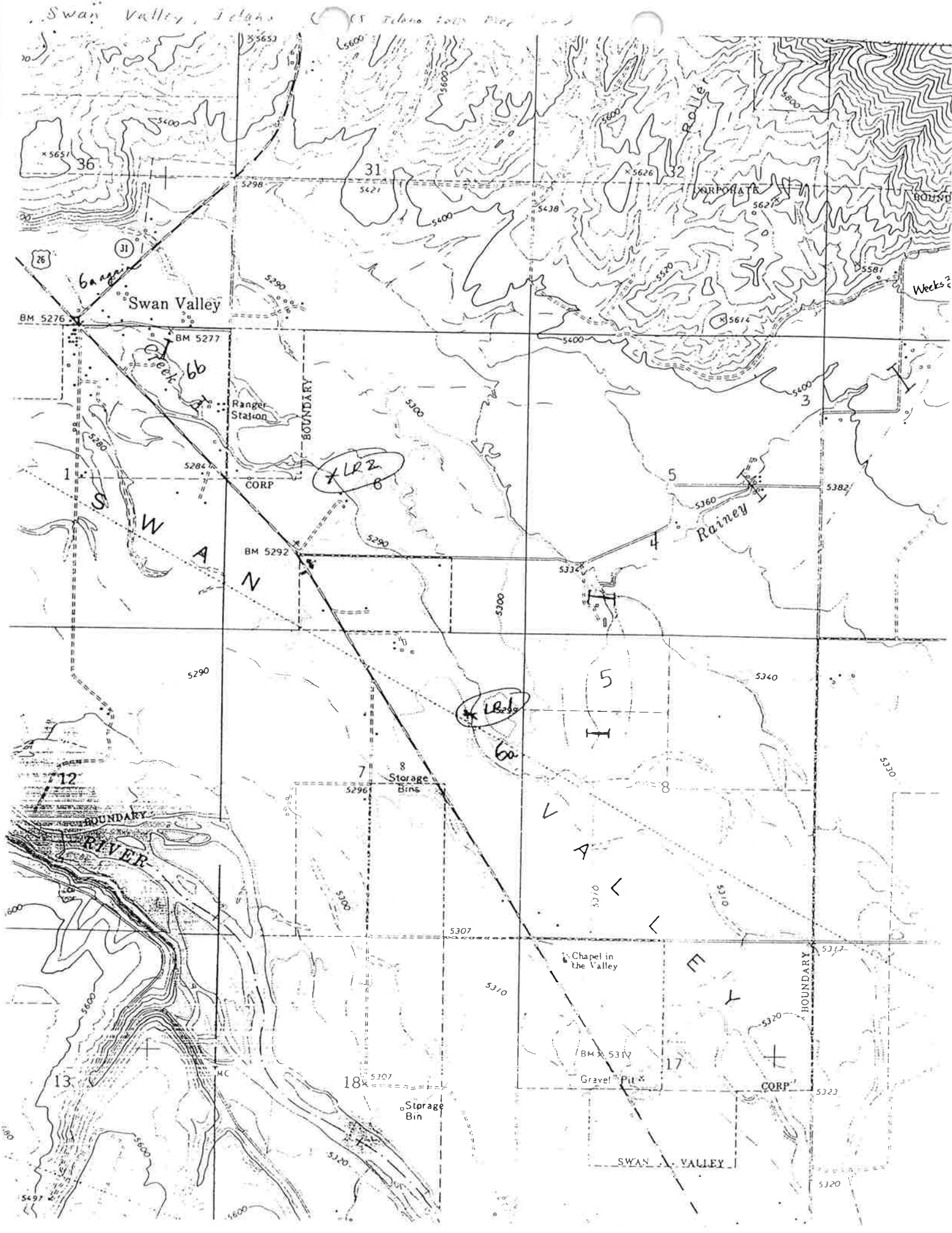
T 3

②

8

12





92, 447

WARRANTY DEED

THIS INDENTURE, Made this 23 day of May, 1996, by and between RUDD MANAGEMENT CORPORATION, of 725 S. Woodruff, Idaho Falls, Idaho 83403, of the County of Bonneville, State of Idaho, the party of the first part, and STEPHEN J. McGRATH, a married person dealing with his sole and separate property, of 9382 South 1st East, Idaho Falls, Idaho 83404, of the County of Bonneville, State of Idaho, the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, the following described real estate, situate in the County of Bonneville, State of Idaho, to-wit:

The S 1/2 of the NW 1/4 of Section 8, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho according to the recorded plat thereof.

TOGETHER WITH all water and water rights, ditch and ditch rights, (including 2.0 C.F.S. in the Upper Rainey Creek tributary to the Snake River) located on or used in connection with said property.

SUBJECT TO all existing patent reservations, easements, rights-of-way, protective covenants, zoning ordinances, applicable building codes, laws and regulations.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and its heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against the said party of the first part and its heirs and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written.

RUDD MANAGEMENT CORPORATION:

By: *Robert L. Sell*
Its: *Vice - President*

STATE OF IDAHO)
) ss.
County of ~~Bonneville~~)
 MADISON

On this 23 day of MAY, 1996, before me,
the undersigned, a Notary Public in and for said State, personally
appeared ROBERT S. DABEL, known to me to be the VICE-PRESIDENT
of RUDD MANAGEMENT CORPORATION, the corporation whose name is
subscribed to the foregoing instrument, and acknowledged to me that
he executed the same on behalf of the corporation.

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


NOTARY PUBLIC

Residence: REXBURG

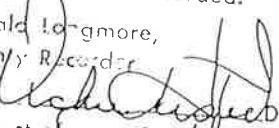
My Commission Expires: 10-1-2000



921447

BONNEVILLE COUNTY
RECORDER

'96 MAY 28 PM 4 44

INSTRUMENT NO.	<u>921447</u>
DATE	<u>5-28-96</u>
INST. CODE	<u>205</u>
FICHE NO.	<u>11435-39</u>
FEE	<u>600</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Langmore, County Recorder	
By	
Requested of	<u>McHale Baker Marotz</u>

IDAHO
BONNEVILLE
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agriculture, State, & Conservation Service
Abbreviated 156 Farm Record

FARM 25
Prepared: 01/23/96
Crop Year: 96
Page: 1

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
[REDACTED]	320.0	231.6	231.6	231.6		ACTIVE
QUE HANSEN 9196 BRUSHBORD BRENTWOOD	615-661-8927					
	TN 37027 0000					

CRP: .0
IFM: N
RECON. REF. NO.: 000000
OFAY NORMAL PLANTED ACRES: .0

CROP	ROT.	BASE	CRP REDUCTION	ADJ. BASE	DATE	PACP		YIELD		
						YEAR		YEAR	NI	IR
BARLEY	1	.0	.0			95	.0	96	42	70
						94	.0	85	42	70
						93	.0			
						92	.0			
						91	.0	96	70	
						90	.0	85	70	
OATS	1	.0	.0			95	.0	96	48	70
						94	.0	85	48	70
						93	.0			
						92	.0			
						91	.0	96	70	
						90	.0	85	70	

No. of Tracts: 1

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	027	A027	W	CW	FW	PC	AW	MW	RW	MG	CWTE	CWNA	PCW
35	320.0	231.6	231.6	N	N	N											N
IDENTIFIER *NN-7 0 U-6 T 35 SECS.6,7,8 T-1-N R-44-E																	
OWNER 1 - QUE HANSEN																	

WARRANTY DEED

THIS INDENTURE, Made this 23 day of May, 1996, by and between RUDD MANAGEMENT CORPORATION, of 725 S. Woodruff, Idaho Falls, Idaho 83403, of the County of Bonneville, State of Idaho, the party of the first part, and STEPHEN J. McGRATH, a married person dealing with his sole and separate property, of 9382 South 1st East, Idaho Falls, Idaho 83404, of the County of Bonneville, State of Idaho, the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, the following described real estate, situate in the County of Bonneville, State of Idaho, to-wit:

The S 1/2 of the NW 1/4 of Section 8, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho according to the recorded plat thereof.

TOGETHER WITH all water and water rights, ditch and ditch rights, (including 2.0 C.F.S. in the Upper Rainey Creek tributary to the Snake River) located on or used in connection with said property.

SUBJECT TO all existing patent reservations, easements, rights-of-way, protective covenants, zoning ordinances, applicable building codes, laws and regulations.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and its heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against the said party of the first part and its heirs and against all and every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written.

RUDD MANAGEMENT CORPORATION

By: Robert D. Oselle

Its: Vice - President

STATE OF IDAHO)
) ss.
County of ~~Bonneville~~)
 MADISON

On this 23 day of MAY, 1996, before me,
the undersigned, a Notary Public in and for said State, personally
appeared ROBERT S. DABEL, known to me to be the VIC. PRESIDENT
of RUDD MANAGEMENT CORPORATION, the corporation whose name is
subscribed to the foregoing instrument, and acknowledged to me that
he executed the same on behalf of the corporation.

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

Tom L. Beck
NOTARY PUBLIC

Residence: REXBURG
My Commission Expires: 1-1-97



921447

BONNEVILLE COUNTY
RECORDER

'96 MAY 28 PM 4 44

INSTRUMENT NO.	<u>921447</u>
DATE	<u>5-28-96</u>
INST. CODE	<u>205</u>
FICHE NO.	<u>11435-37</u>
FEE	<u>600</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss.	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<i>[Signature]</i> Deputy
Request of	<i>McGraw-Baker</i>

10-160

14-15667 JK

ATEC
910775

Warranty Deed

For Value Received QUE S. HANSEN AND LYNDIA K. HANSEN, TRUSTEES AND THEIR SUCCESSORS AS TRUSTEES OF THE QUE S. HANSEN FAMILY TRUST, DATED SEPTEMBER 2, 1993

the grantorS, do hereby grant, bargain, sell and convey unto

RUDD MANAGEMENT CORPORATION

whose current address is

725 S. WOODRUFF IDAHO FALLS, IDAHO 83403

the granteeS, the following described premises, in BONNEVILLE County Idaho, to wit:

THE S 1/2 OF THE NW 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 44, EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO ACCORDING TO THE RECORDED PLAT THEREOF ..

INSTRUMENT NO.	910775
DATE	12-7-95
INST. CODE	205
FICHE NO.	11050-35
FEE	3.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss I hereby certify that the within instrument was recorded. Ronald Long County Recorder by <i>[Signature]</i> Deputy Request of	

95 DEC 7 PM 4 53
BONNEVILLE COUNTY
RECORDER
910775

SUBJECT TO: ALL EXISTING PATENT RESERVATIONS, EASEMENTS, RIGHTS-OF-WAY, PROTECTIVE COVENANTS, ZONING ORDINANCES, AND APPLICABLE BUILDING CODES, LAWS AND REGULATIONS.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GranteeS, THEIR heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said Grantee S that they ARE the owner in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 7, 1995

[Signature]
QUE S. HANSEN

[Signature]
LYNDIA K. HANSEN

[Signature] TRUSTEES
QUE S. HANSEN, TRUSTEE OF THE QUE S.
HANSEN FAMILY TRUST

[Signature]
LYNDIA K. HANSEN, TRUSTEE OF THE QUE S.
HANSEN FAMILY TRUST

STATE OF Idaho
COUNTY OF Bonneville
ON THIS 1 DAY OF Dec., 1994, BEFORE ME,
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY
APPEARED QUE S. & LYNDIA K. HANSEN, KNOWN OR
IDENTIFIED TO ME TO BE THE PERSON(S) WHOSE NAME(S)
IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AS
TRUSTEE(S) OF THE QUE S. HANSEN FAMILY
TRUST
AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE
SAME AS SUCH TRUSTEE(S).

[Signature]
NOTARY PUBLIC RESIDING AT: Idaho Falls, ID
COMM. EXPIRES 01-23-01

STATE OF IDAHO
COUNTY OF BONNEVILLE
ON THIS 1ST DAY OF DECEMBER, 1995, BEFORE
ME, A NOTARY PUBLIC IN AND FOR SAID STATE,
PERSONALLY APPEARED
QUE S. HANSEN AND LYNDIA K. HANSEN

KNOWN TO ME TO BE THE PERSONS WHOSE NAMES
ARE SUBSCRIBED TO THE WITHIN INSTRUMENT
AND ACKNOWLEDGED TO ME THAT THEY EXECUTED
THE SAME.

[Signature]
RESIDING AT: IDAHO FALLS, ID NOTARY PUBLIC
COMM. EXP. 01-23-01



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DC
11-22-96

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A23-000194, A23-00020, A23-00093, A23-000478
- ☐ Name and Address of Former
Owner/Claimant(s)(Seller): Qu S Hansen
28720 Roadside Dr. #399
Agoura Hills, CA
- ☐ New Owner/Claimant
(Purchaser): Stephen J. McGrath
- ☐ New Mailing Address: P.O. Box 50731
ID Falls, ID 83405
- ☐ New Telephone Number: (208) 524-0731

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

TIN R41E, S1/2 NW1/4 Sect 8 For 45 irrig acres + prorated share of
each claim in cfs.

- ☐ Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New
Owner/Claimant(s) [Signature] Date 6/3/96

Date _____
- ☐ Signature of Former
Owner/Claimant(s): _____

Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-19A

WATER RIGHT NUMBER: 23-19A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ARCHIE MC KAY 1715 PARLEY IDAHO FALLS, ID 83201 (208)523-7148
Original Owner	QUE S HANSEN NEW CENTURY MANAGEMENT CO 28720 RIVERSIDE DR #399 AGORA HILLS, CA 91301 (818)707-8635
Original Owner	ALFRED JOSEPH BERNARD , ZZ
Original Owner	GENEVA MC KAY 1715 PARLEY IDAHO FALLS, ID 83401 (208)523-7148

Priority Date: 04/15/1889

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
RAINEY CREEK	SNAKE RIVER
UPPER RAINEY CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.600 CFS	
<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

RAINEY CREEK	NE1/4SW1/4	Sec. 5, Twp 01N, Rge 44E, B.M.
BONNEVILLE County		
UPPER RAINEY CREEK	NE1/4SW1/4	Sec. 5, Twp 01N, Rge 44E, B.M.
BONNEVILLE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01N	44E	5	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	65.0
01N	44E	6				30.0	30.0
01N	44E	7	8.0				8.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 23-19A

01N 44E 8		32.0	35.0	30.0	15.0		112.0
-----------	--	------	------	------	------	--	-------

Total Acres: 215

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General SOURCE IS KNOWN LOCALLY AS UPPER RAINEY CREEK TRANSFER #383 .
SWAN VALLEY ADDRESS HAS 83449 ZIP CODE THIS RIGHT WAS SPLIT BY OWNERSHIP
CHANGE AND TRANSFER -00019C HANSEN 170 AC -00019D MCGRATH 45 AC

Comments:Dates and Other Information:

Claim Received Date: 9/26/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 01
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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: **A23-00019D**
Date Received: 11/20/1996
Receipt No: X777777
Received By: _____

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

1. Name: STEPHEN J MCGRATH 208-524-0731
Address: PO BOX 50731
IDAHO FALLS ID 83405-0731
2. Date of Priority: APR 15, 1889
3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|------------|
| 01N | 44E | 8 | SW | NW | | | BONNEVILLE |
5. Description of diverting works:
HEADGATE/DITCHES TO FLOOD
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.340 | | 117.60 |
7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or) 117.60 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	44E	8	SW	NW		IRR	30.0
			SE	NW		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	45.0
					Total Acres	45.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

23-00020B, 47D, 93B

14. Remarks:

P/U INCOMPLETE, AC. IRR. = 160.

TRANS. 383.

PAID ON RECEIPT E010801

ADDED ZIP; GAVE LETTER TO WENDY RE RAINEY CREEK RANCHES; JT

A lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

The total instantaneous diversion of water from all points of diversion under Transfer No. 4851 shall not exceed 2.00 cfs. nor total combined annual volume of 157.5 af.

Right 23-00019D is limited to the irrigation of 33.6 acres in the place of use described above in a single irrigation season.

Rights 23-00019D and 23-00047D when combined shall not exceed a total annual diversion volume of 117.6 af and the irrigation of 33.6 acres.

Rights 23-00019D, 23-00020B, 23-00047D and 23-00093B when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual diversion volume of 157.5, and the irrigation of 45.0 acres.

Two points of diversion are located within the SWNW, S08, T01N, R44E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO. ET AL

Decree Plaintiff

TETON IRR. CANAL CO. ET AL.

vs

Decree Defendant

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: **A23-00019D**
Date Received: 11/20/1996
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: STEPHEN J MCGRATH
Address: PO BOX 50731
IDAHO FALLS ID 83405
208-524-0731
2. Date of Priority: APR 15, 1889
3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	44E	8	SW	NW			BONNEVILLE

5. Description of diverting works:
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.330		

7. Total Quantity Appropriated is:
0.330 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	8	SW	NW		IRR	30.0
			SE	NW		IRR	15.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	45.0
					Total Acres	45.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

P/U INCOMPLETE, AC. IRR. = 160.
TRANS. 383.
SPLIT BY T4851
PAID ON RECEIPT E010801

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL.
vs Decree Defendant