

04/01/2004

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

RIGHT NUMBER: 23-61

NAME AND ADDRESS: SOUTH FORK PINES  
1200 QUEENS LANE  
JACKSON WY 83001

SOURCE: PALISADES CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.340 CFS

PRIORITY DATE: 05/20/1889

POINT OF DIVERSION:

T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.340 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

|                     |      |      |                          |      |     |
|---------------------|------|------|--------------------------|------|-----|
| T01N R44E S27       | NESW | 32.0 | T01N R44E S27 Lot 1 NWSW | 13.0 |     |
| T01N R44E S27 Lot 4 | SESW | 13.0 | T01N R44E S27            | NWSE | 7.4 |
| T01N R44E S27 Lot 5 | SWSE | 36.0 |                          |      |     |

101.4 ACRES TOTAL

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.



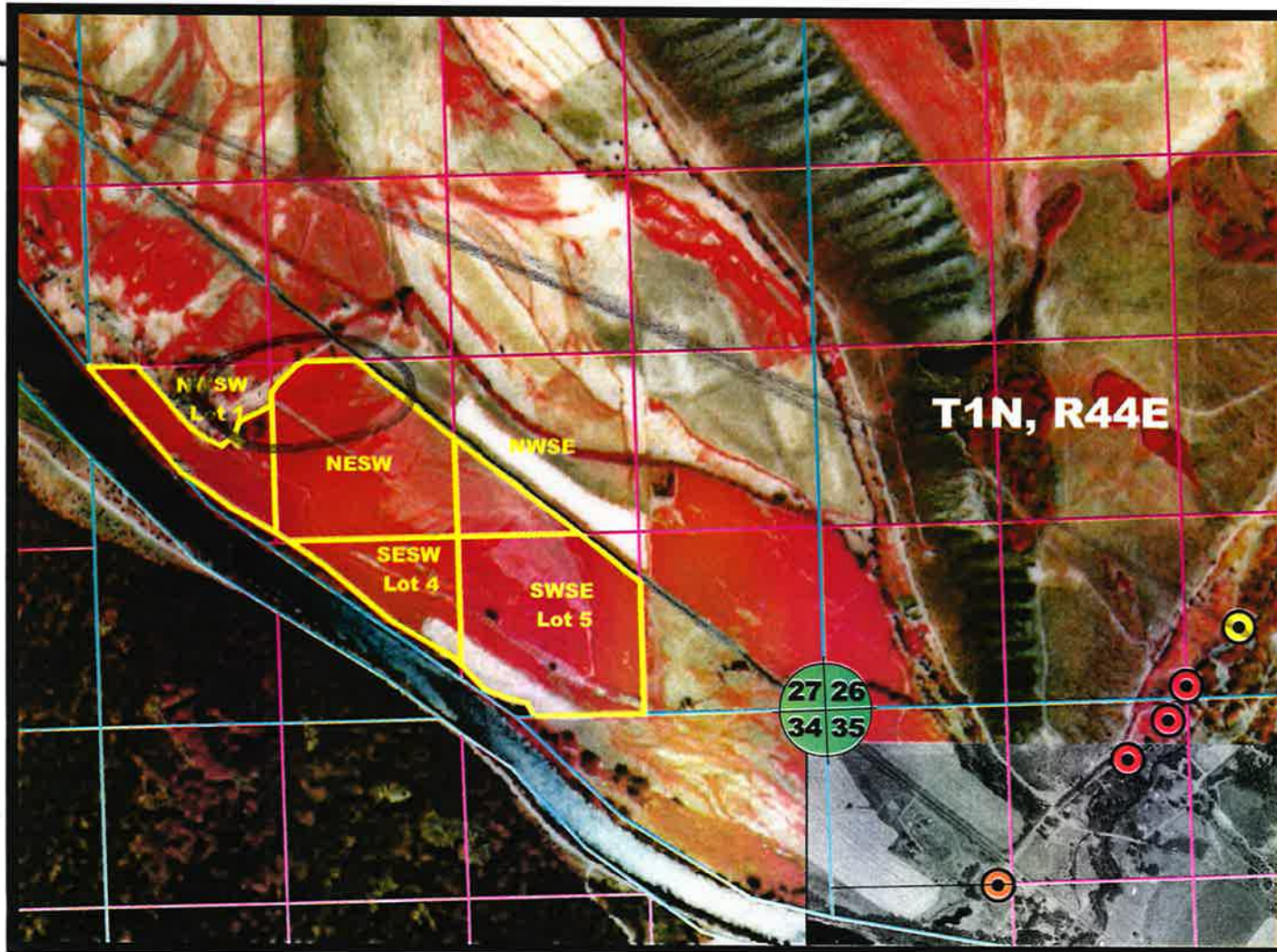
JUL 08 2004

SCANNED

# State of Idaho

## Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 Feet

**Water Right(s):**  
**23-00061**

**Place of Use: (parts of)**  
**T1N, R44E Sec. 27**  
**N2SW, SESW, W2SE**

**Point(s) of Diversion:**  
**T1N, R44E Sec. 26**  
**SWSWSE**



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

GIS Place of Use Illustration  
1987/1988 NAPP Photograph  
Prepared by: A. Ruberry  
Date: January 2004

## Contacts Data Entry Form

Water Right No. 23-061

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

Current Owner Max Jacobson

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_

Current Owner \_\_\_\_\_

Current Owner \_\_\_\_\_

Representing Attorney: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_

Date of Field Exam: \_\_\_\_\_ Time: \_\_\_\_\_

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

DECREED UNDER ROXBURG PAVING CO. VS. FOTON PAVING CO.  
1910, AS #66, TO HANNA BURTON, AS ISO"

4/14/03 ADDRESSES THIS PROPERTY IS BEING SUBDIVIDED:  
CONTACT SPENCE WARNER @ 483-2150 OR 866-300-9631.  
CALL 313-7028 2250

4/15/03 CALLED MR. WARNER - ARRANGED A MEETING FOR 0830 AT HIS  
SWAN VALLEY OFFICE.

\* PROBLEM: THIS RIGHT IS ALSO CLAIMED IN ITS ENTIRETY AND COMBINED  
WITH OTHER RIGHTS TO MAKE 23-10282. => DISALLOWED TO PALISADES PAVING CO.  
FOR INDICATOR: POD, POU, SYSTEM

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

SCANNED  
JUL 08 2004

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 23-61

I. BRIEF HISTORY:

A. 23-00061 WAS SPLIT BY TRANSFER # 536.

1. SPLIT INTO PARTS A AND B.

B. ADJUDICATION CLAIM 23-00061 IS FILED 6/12/1989  
BY MAX JACOBSON.

1. ADJ. CLAIM RE-COMBINES PARTS A AND B. THUS  
VOIDING TRANSFER # 536?

II. QUESTIONS:

1. WHO WERE THE OWNERS OF PARTS A AND B?

2. WHEN WAS AN ACCOMPLISHED TRANSFER (42-1425 IC)  
COMPLETED BRINGING THE PARTS BACK TOGETHER?

3. WHY WAS 23-00061 SPLIT IN THE FIRST PLACE?

III. HOW DOES THIS ADJ. CLAIM COMPARE TO THE  
ORIGINAL DECREED POD, POU, SOURCE, Q, PRIORITY,  
AND SOIL?

POU/POD: NOT LISTED BY DECREE

SOURCE: PALISADES CR

Q: 150" AS 3<sup>rd</sup> CFS

Priority: 5/20/1889.

IV. FE INDICATED: POU PARTS IN-QUESTION

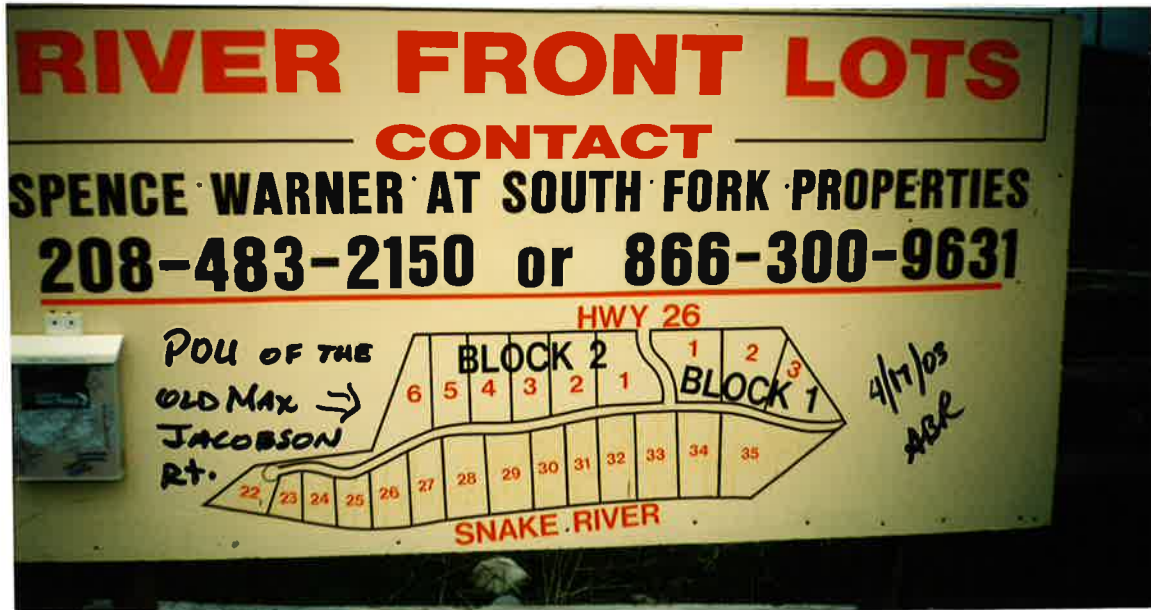
## Priority Date Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: May 20, 1889 Claimed Basis: DecreesRecommended Priority Date: 5/20/1889 Recommended Basis: Decree☐ 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:

Match Decree

## 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 1N, R 44E, Sec. 26, NW, SE, SE, County: BennSource: Palisades CR Tributary: Snake River

Recommended Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

\_\_\_\_ Use Claimed POD and Source as Recommended POD and Source

| Trp                             | Rge        | Sec       | Gov Lot | QQQ of QQ of Q | County      | Source              |
|---------------------------------|------------|-----------|---------|----------------|-------------|---------------------|
| <u>1N</u>                       | <u>44E</u> | <u>26</u> |         | <u>SWSWSE</u>  | <u>Benn</u> | <u>Palisades CR</u> |
| GPS Coordinates: <u>0723642</u> |            |           |         | <u>0256826</u> |             |                     |
| GPS Coordinates: _____          |            |           |         |                |             |                     |
| GPS Coordinates: _____          |            |           |         |                |             |                     |
| GPS Coordinates: _____          |            |           |         |                |             |                     |
| GPS Coordinates: _____          |            |           |         |                |             |                     |
| GPS Coordinates: _____          |            |           |         |                |             |                     |
| GPS Coordinates: _____          |            |           |         |                |             |                     |

Trns. to  
Snake River

Other rights from this POD? \_\_\_\_\_

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

DELIVERED BY PALISADES CANAL  
4/14/03 VISITED POD GPS TAG # A0012494 - Photo

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

**Place Of Use Data Entry Form**

Claim Number: \_\_\_\_\_

\_\_\_\_\_ Use Claimed POU as Recommended POU

**Claimed Place of Use**

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

Total Acres \_\_\_\_\_

**Recommended Place of Use**

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

Total Acres \_\_\_\_\_

Document how the POU was verified:

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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 |
|-----------|-------|-------|----------------|--------|
| Perdig    | 4/1   | 11/01 | 3 <sup>0</sup> | _____  |
| _____     | _____ | _____ | _____          | _____  |
| _____     | _____ | _____ | _____          | _____  |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

### Recommended Period of Use and Diversion Rate

| Water Use | Start | End   | Rate            | Volume |
|-----------|-------|-------|-----------------|--------|
| Perdig    | 4/15  | 10/31 | 24 <sup>0</sup> | _____  |
| _____     | _____ | _____ | _____           | _____  |
| _____     | _____ | _____ | _____           | _____  |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

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

(C) BASED ON (ACRES X 0.02 cfs/AC) (CONVEY LOSS (1.15))  
 $Q = (1046 \times 0.02 \text{ cfs/AC}) (1.15) = 2.41 \text{ cfs}$   
 $2.09 \quad 0.32 = 2.41 \text{ cfs}$   
 ↳ CONVEY LOSS

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

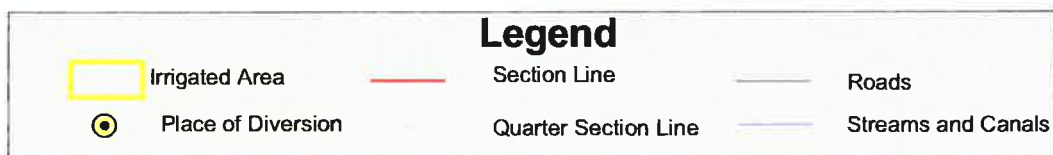
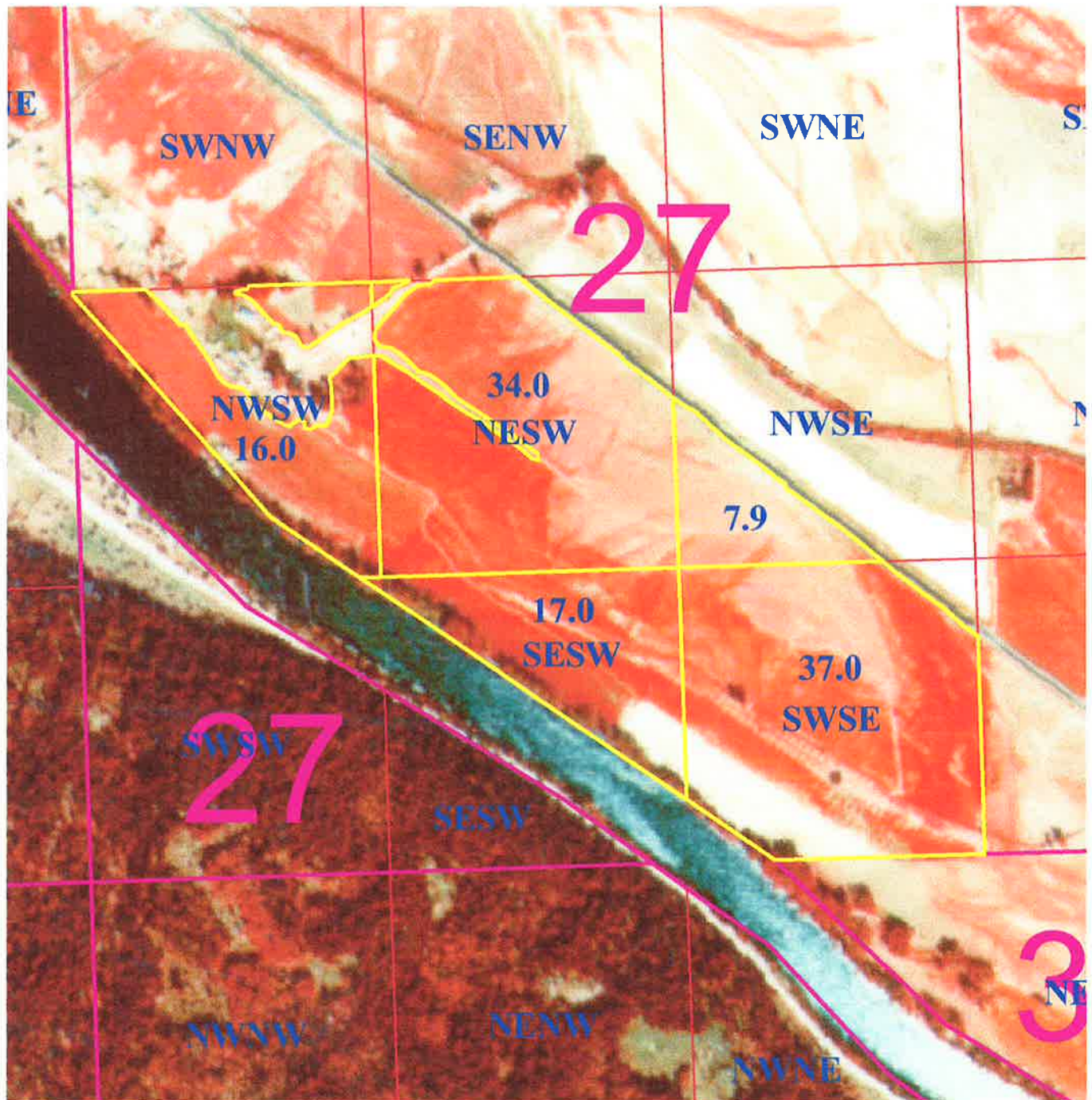
Log for claim 23-00061

Spatial Dynamics BTD

5/29/01

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT                  |
|----------------|-----|------|------------------|----------------|--------------------------|
| 01n44e         | 27  | NESW | 36               | 34             |                          |
| 01n44e         | 27  | NWSW | 23               | 16             |                          |
| 01n44e         | 27  | SESW | 16.6             | 17             |                          |
| 01n44e         | 27  | NWSE | 8                | 7.9            | Wrong tract in database? |
| 01n44e         | 27  | SWSE | 34.8             | 37             |                          |
| <b>Totals:</b> |     |      | 118.4            | 111.9          |                          |

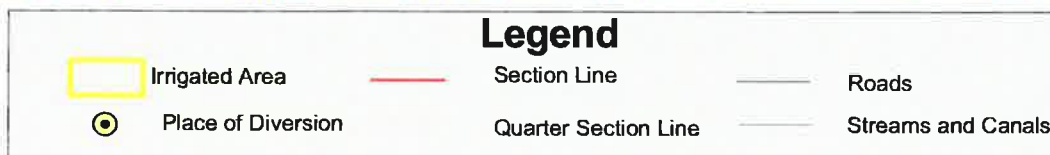
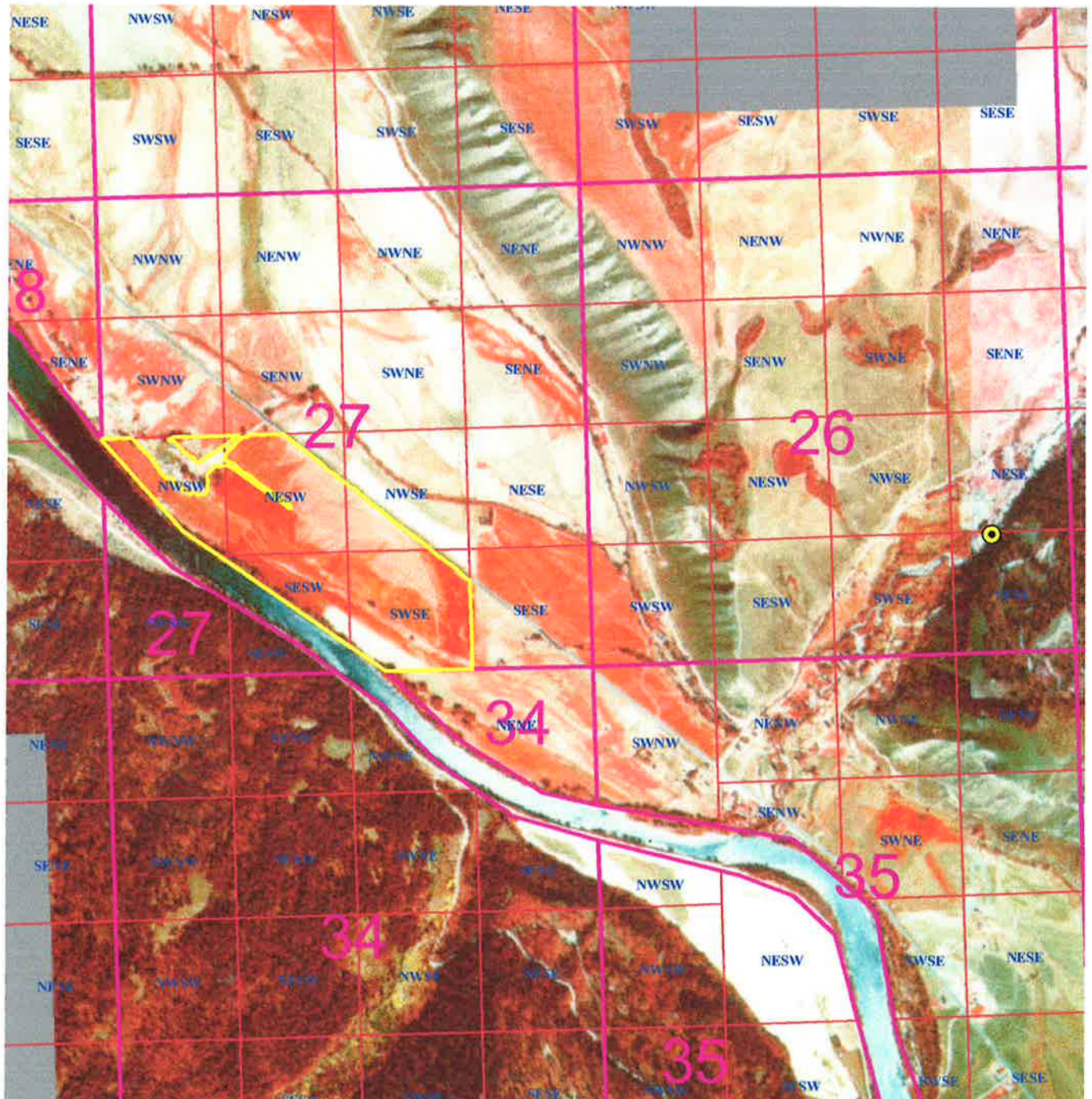
05/29/2001



SPATIAL  
DYNAMICS

Water Right Claim Number 23-00061  
Townships , 5N38E, 1N44E

05/29/2001



April 1, 2004

**SOUTH FORK PINES  
1200 QUEENS LANE  
JACKSON WYO 83001**

**RE; Adjustment of SRBA recommendation for 23-00061**

Dear Mr. Thurston:

Enclosed you will find a corrected version of the recommendation for the water right formerly held by Max Jacobson, 23-00061. The correction is due to an error of property boundary not recognized in the initial recommendation. Mr. Jacobson had presented documentation indicating his property boundary and that he has retained 10" of the water right from the sale of his ranch.

I apologize for any inconvenience this may have caused. Should you have questions regarding this matter please feel free to call.

Respectfully submitted,

Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

Cc; File

Enclosure: Corrected recommendation 23-00061

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

FEB 17 2004

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

Department of Water Resources  
Eastern Region

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 23-00061              | W/C                          |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

Blake  
483-2650

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

Max Jacobsen

4. New Owner/Claimant(s)

South Fork Pines LLC

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

New Mailing Address

1200 Queens Lane

City, State and ZIP Code

Jackson, WY 83001

New Telephone Number

(807) 377-0889

3/26/99

5. Date you acquired the property

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number \_\_\_\_\_

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   | _____                                                                      | _____                                                        |
| Stock        | _____                                                                      | _____                                                        |
| Domestic     | _____                                                                      | _____                                                        |
| Other _____  | _____                                                                      | _____                                                        |
| <b>Total</b> | _____                                                                      |                                                              |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number \_\_\_\_\_

| Water Use    | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   | _____                                                                      | _____                                                        |
| Stock        | _____                                                                      | _____                                                        |
| Domestic     | _____                                                                      | _____                                                        |
| Other _____  | _____                                                                      | _____                                                        |
| <b>Total</b> | _____                                                                      |                                                              |

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

*Ray R. Thurston, Manager*

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

**For Office Use Only**

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

First American Title Company  
2004 Jennie Lee Drive \* Idaho Falls, ID 83404  
(208) 522-9195

ESCROW NUMBER: 9913962A  
PROPERTY: SOUTH FORK PINES ADDITION  
TO THE CITY OF IRWIN, ID  
SOUTH FORK PINES ADDITION, TO THE CITY OF IRWIN, IDAHO

TODAY'S DATE: 3/23/99  
CLOSING DATE: 3/26/99

ESCROW CLOSING STATEMENT OF:  
SOUTH FORK PINES, L.L.C.

OTHER PARTY:  
SHOUP, SHOUP, HORISZNY & KELLER, A LIMITED LIABILITY CO.

# BUYER'S CLOSING STATEMENT

| DESCRIPTION                                           | DEBITS       | CREDITS      |
|-------------------------------------------------------|--------------|--------------|
| CLOSING FEES                                          |              |              |
| Recording fees: Deed \$ 6.00 Mtg \$ 12.00 Releases \$ | 150.00       |              |
| LONG TERM ESCROW SET UP FEE                           | 18.00        |              |
| CONTRACT SALES PRICE                                  | 75.00        |              |
| DEPOSIT OF EARNEST MONEY                              | 1,700,000.00 |              |
| AMOUNT OF NEW LOAN                                    |              | 20,000.00    |
| Prorate TAXES 1/01/99 to 3/26/99 @ \$737.52/12 mos.   |              | 1,150,000.00 |
|                                                       |              | 169.73       |
| Balance Due From Buyer                                |              | 530,073.27   |
| TOTALS                                                | 1,700,243.00 | 1,700,243.00 |

The undersigned understands the Escrow Agent has assembled this statement representing the transaction from the best information available from other sources and cannot guarantee the accuracy thereof. This Statement is subject to change if the closing date varies or of undisclosed contingencies arise. In the event such adjustments in this statement become necessary, you are authorized to make such adjustments and close this escrow. An amended final statement of account will be provided reflecting all such adjustments.

All prorating provided for in the above statement has been computed as of the closing date on the basis of a 365 day year.

APPROVED AND ACCEPTED THIS 30 Day of March, 19 99

First American Title Company

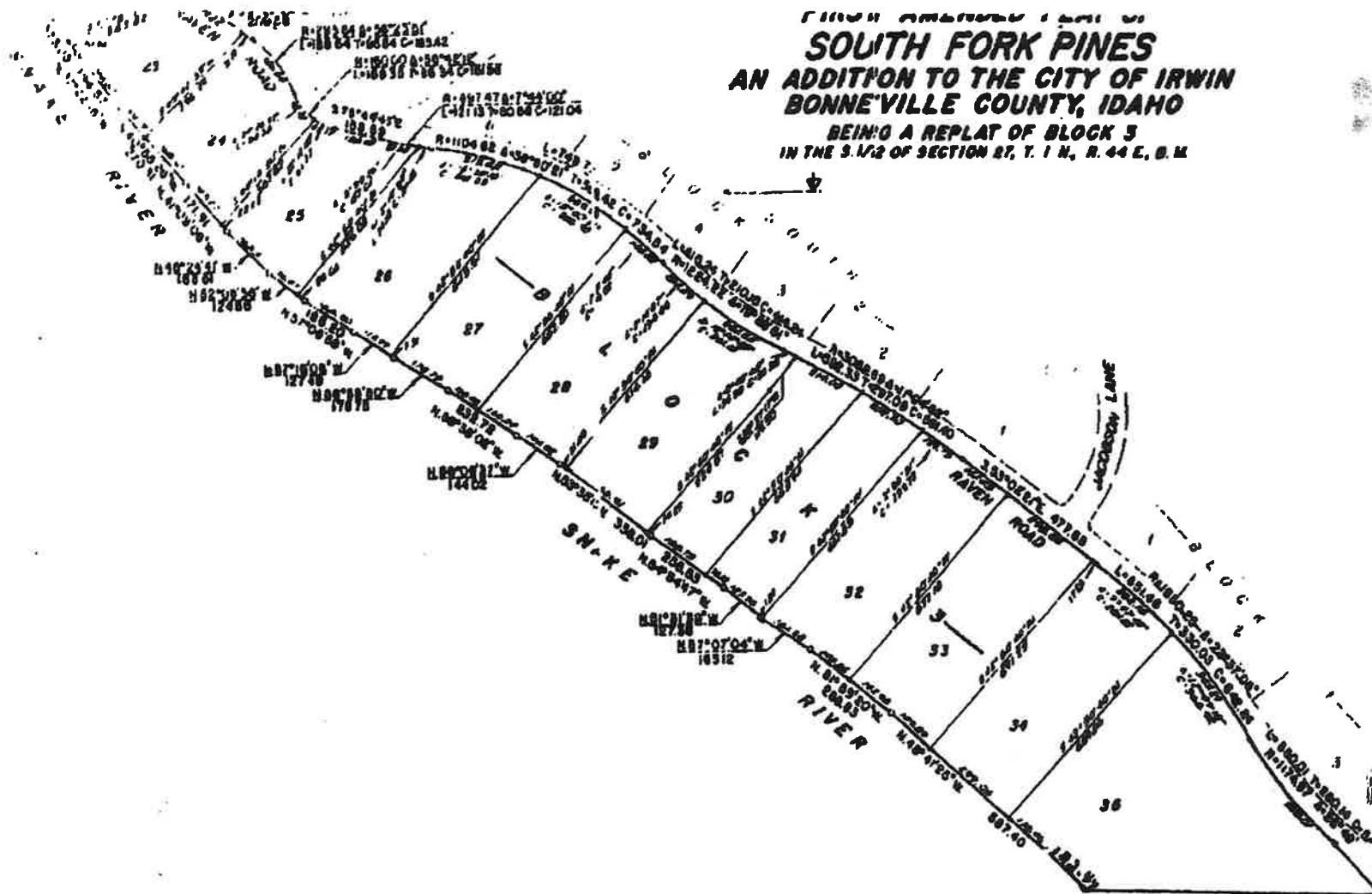
By: ANITA MCMURTREY

SOUTH FORK PINES, L.L.C.

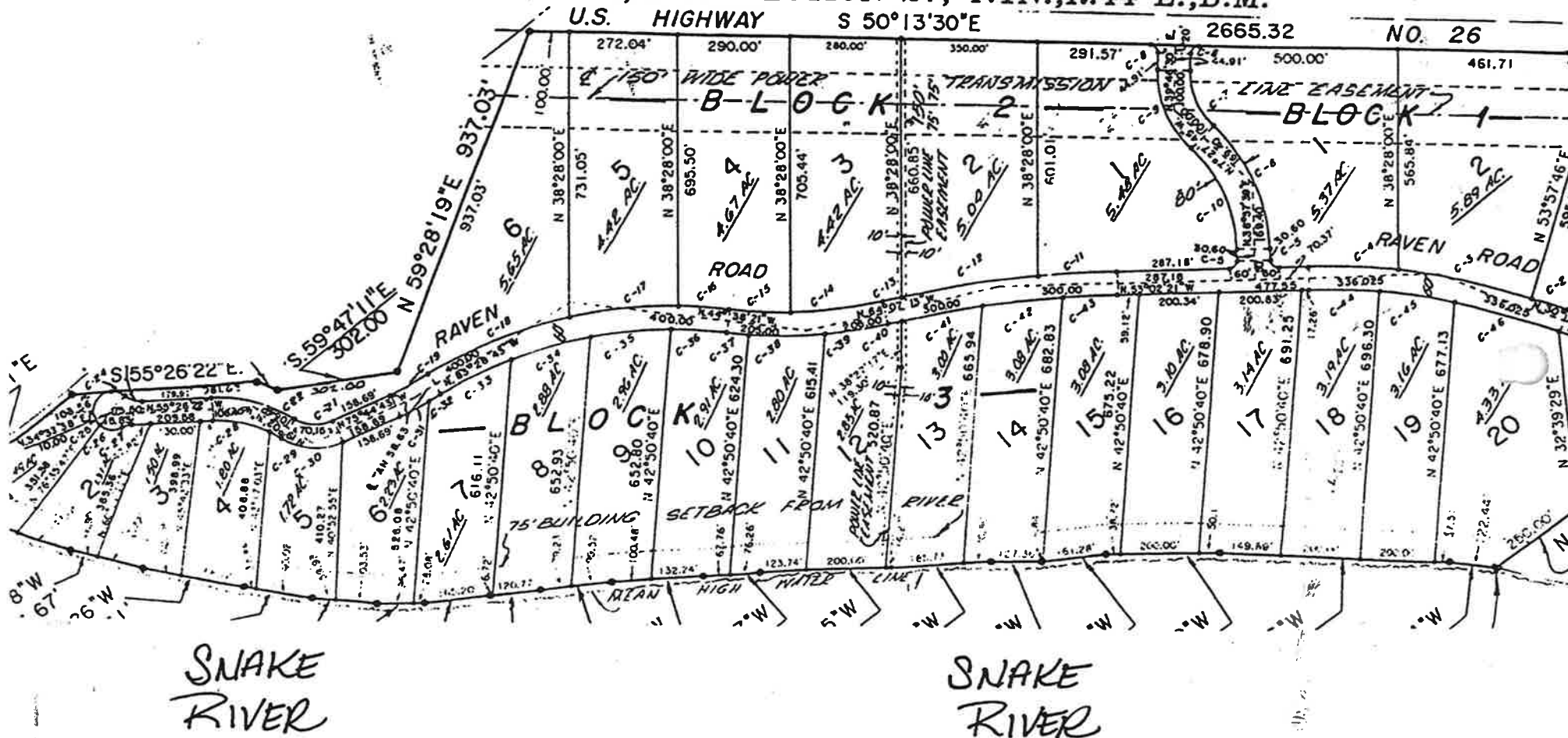
By:

*[Signature]*  
Sandra Warner Pres.

FIRST AMENDED MAP OF  
**SOUTH FORK PINES**  
AN ADDITION TO THE CITY OF IRWIN  
BONNEVILLE COUNTY, IDAHO  
BEING A REPLAT OF BLOCK 3  
IN THE S. 1/2 OF SECTION 27, T. 1 N., R. 44 E., B. M.



BEING PART OF THE S.1/2 OF SECTION 27, T.1N.,R.44 E.,B.M.





Idaho Department of Water Resources

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

ALLEN B. RUBERRY  
SR. WATER RESOURCE AGENT  
ADJUDICATION BUREAU  
PHONE (208) 525-7161  
CELL (208) 589-4921  
FAX (208) 525-7177  
aruberry@idwr.state.id.us

STATE OF IDAHO  
DEPARTMENT OF WATER  
RESOURCES

For additional information. Instructions for completing forms will be returned with the forms.

adjudication claim number if there is no corresponding water right record in the space provided, if the change in ownership is limited to a portion of the water right or adjudication claim record will be required.

Water Right No(s) Adjudication Claim No(s) Split Water Right No(s)

23-00061 Matt Jacobson Prop  
12/17/03  
SPENCES -  
I CAN'T FIND THIS CHAIN OF

2. The following REQUIRED:

A. The appropriate FILING

B. A copy of the most recent ownership of the property CHAIN OF TITLE

C. Either of the following: PLAT OF PROPERTY, water right(s) and/or adjudication claim number

If your water right(s) are on a Service Agency AERIAL PHOTO show the

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

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

TITLE FROM Mr. JACOBSON TO YOUR ENTITY IN THIS BOOK - IN ORDER THAT A CHANGE OF OWNERSHIP BE INITIATED I WILL NEED THE CHAIN OF TITLE. ONCE YOU HAVE THAT PLEASE COMPLETE THE CHANGE OF OWNERSHIP w/ SIGNATURE (Tabbed) AND RETURN IT TO ME ASAP.

document indicating your DESCRIPTION.

descriptions): in and place of use of your (the county).

must submit a USDA Farm location clearly marked. The map.

Thy  
AR

8 January 04 No Response.  
Recommend to Original Claimant.

---

**FACSIMILE**

TO: Mr. Jim Bernard  
River Bend Estates LLC  
3894 E 200 N, Rigby ID 83442

745-7979

SUBJ. Lynn Dixon property in Swan Valley

RMEA 03-0082

cc: Mr. Roger Warner  
Mr. Tony Olenichak  
Mr. Allen Ruberry, Idaho Department of Water Resources

Unless otherwise indicated, HARD COPY WILL NOT FOLLOW

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November 10, 2003

Jim:

I met recently with Mr. Allen Ruberry, Idaho Department of Water Resources [IDWR], regarding the proposed *recovery wells*. Please allow me to bring you up to date and to recommend a course of action.

1. Mr. Ruberry expressed some surprise about Water Right Nos. 23-11235 and 23-10281. Allen seemed to imply that these rights had not been submitted to the Water Master in Twin Falls for adjudication.
2. Mr. Ruberry said that he was working on field verifications of water rights in Swan Valley and on Palisade Creek in 2003 and would be finished in late 2003.
3. Mr. Ruberry suggested that Mr. Dixon, you, and I meet with him at IDWR in late November or early December. At that time, Mr. Ruberry would have more information about water rights in Swan Valley.
4. In the meantime, Allan suggested that we "hold tight" until then.

I suggest we plan a meeting at IDWR in early December when Mr. Dixon is in Idaho.

*Jim*

Page 1 of 1 Total Pages

C:\jim 2003\2003 COMPLETED PROJECTS\03 0082  
Lynn Dixon Swan Valley\Fax 11 10 03 about SRBA  
for Lynn Dixon.wpd

---

from James Rush  
Rocky Mountain Environmental <sup>SM</sup>  
482 Constitution, Idaho Falls, ID 83402  
[208] 524-2353 [208] 524-1795 Fax  
jrush@rockymountainenvironmental.com

*SPENCER WARNER*  
483-2250 Hm  
313-7028 Cell  
483-3150 FAX

| TRANSFER NO. | NAME           | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO. |
|--------------|----------------|------------------|-------------------|--------------|
|              | Burton, Hannah | 3.0              |                   | 23-0061      |
| 536          | Burton, H. J.  | 0.5              | 2.5               | 23-0061A     |

T

R

A

N

S

F

E

R

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Certificate of Water Right  
Transferred Right No. 558.

23-0061

-----  
THIS IS TO CERTIFY That H. J. BURTON is the owner of and  
using certain water rights for

3.025 sec. feet, priority date of May 20, 1889 -  
4.255 " " " " of June 30, 1890

of the waters of Palisade Creek, tributary to the South Fork of the  
Snake River, County of Bonneville, State of Idaho, decreed to Hannah  
Burton by the Decree of Judge Stevens, of the Sixth Judicial District  
of the State of Idaho, in and for the County of Fremont, in the case of

Rexburg Irrigation Company vs. The Teton Irrigation Canal Co.  
said decree bearing date of December 16, 1910, for the purpose of irri-  
gating the following described lands situate lying and being in Water  
District No. 38, in the County of Bonneville, State of Idaho, to wit:

SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 28, SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 27, E $\frac{1}{2}$   
SE $\frac{1}{4}$  of Sec. 27, Lot 1, Sec. 34, Lot 1, Sec.  
35, T. 1 N., R. 44 E., B. M.

AND THAT Said Decree has been entered in the records of the  
Department of Reclamation of the State of Idaho, in Book 3 of Decrees,  
at Page 450.

THAT THE Said H. J. BURTON became the owner of said land and said  
water rights by deed thereof.

THAT NOW, UPON THE APPLICATION of H. J. BURTON for a transfer of

0.5 sec. feet as of May 20, 1889  
0.7 " " " " June 30, 1890

of the said waters made before the Commissioner of Reclamation of the State  
of Idaho and said Application having been granted, the rights to the use of

1.2 sec. feet of the waters of Palisade Creek

upon the lands above described is hereby ABANDONED and the lands to be irri-  
gated under such right and to which the water right hereby confirmed shall  
become appurtenant by the certificate for irrigation and domestic purposes,  
is described as follows:

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NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Lots 1 and 4, Section 27, Twp.  
1 North, Range 44 East

situate, lying and being in the County of Bonneville, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts to wit:

0.5 sec. feet as of May 20, 1889  
0.7 " " " " June 30, 1890

THE WATER RIGHT HEREBY Transferred has heretofore been diverted from said Palisade Creek in the

SE $\frac{1}{4}$  of Sec. 26, T. 1 N., R. 44 E.,

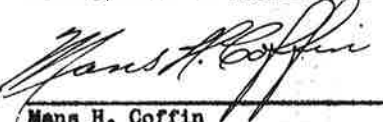
and conducted to the first above described lands through the Palisade Irrigation Company's Ditch and will hereafter be diverted from Palisade Creek, at the same point and conducted to the last above described lands through the same ditch.

THAT, IN ADDITION TO THE FOREGOING RIGHT, The last above named lands have appurtenant to them no other water rights.

THAT THE RIGHT TO THE USE Of the water aforesaid, hereby confirmed is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of October, 1934.

R. W. FARIS  
Commissioner of Reclamation

By   
Mans H. Coffin  
Director of Water Resources

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
-----

In The Matter Of The Application Of

H. J. BURTON

For A Transfer of Water, County of  
Bonneville.

ORDER GRANTING TRANSFER

WHEREAS, On the 28th day of September at the Department of Reclamation of the State of Idaho, the matter of the application of H. J. BURTON for a Transfer of Water Right came on regularly for hearing, pursuant to the published notice; and

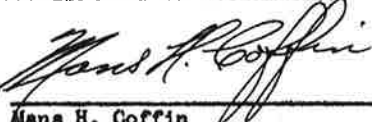
WHEREAS, No protest has been filed against the said application and the evidence filed by the applicant with the said application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be and the same is HEREBY GRANTED and that a Certificate of Transfer of Water Right be issued the applicant herein, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 15th day of October, 1934.

R. W. FARIS  
Commissioner of Reclamation

By

  
Mans H. Coffin  
Director of Water Resources

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RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREEMONT.

\*\*\*\*\*

\*\*\*\*\*

Payson Irrigation Company, et al.,

PLAINTIFFS,

DECEES.

-V-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 17th day of  
1910, upon the report of F. J. Cowen, Referee heretofore appointed  
for the purpose of taking the testimony and making recommendations  
as to findings of fact, conclusions of law and decrees, to be entered  
herein, and the said F. J. Cowen, having filed his report of the  
testimony taken, and his recommendations as to findings of fact  
and conclusions of law, which have heretofore been adopted, and the  
plaintiffs and defendants and cross-complainants appearing  
before their respective counsel, and the Court being fully informed  
and advised in the premises, and having ordered that judgment be  
entered in accordance with the report and recommendations of the said  
Referee, therefore, by reason of the law and the report and findings  
of fact and conclusions of law aforesaid,

It is ordered, As Justice and decreed, that the several parties  
to this cause, and their heirs and assigns, do have judgment and actively  
for the purpose of irrigation and other purposes, the following  
amount of water, each fifty inches thereof to be equivalent  
to one foot per second, as prescribed by the law

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Buck, James

The Farmers' Friend,  
Canal Company.

Buck, John H.

The Farmers' Friend  
Canal Company.Burgess Ditch  
Company.( See C. J. Almy and  
Simington Nedrow.)~~1 629~~Burgess Canal &  
Irrigation  
Company.

500 inches. June 10, 1886. Snake River, South Fork

~~1 630~~Burgess Canal &  
Irrigation  
Company.

500 inches. June 10, 1887. Snake River, South Fork.

~~1 631~~Burgess Canal &  
Irrigation  
Company.

19,000 inches. June 10, 1888. Snake River, South Fork.

~~1 632~~Burgess Canal &  
Irrigation  
Company.

12,000 inches. June 10, 1890. Snake River, South Fork.

~~1 633~~Burgess Canal &  
Irrigation  
Company.

8,000 inches. June 1, 1895. Snake River, South Fork.

Burtonshaw,  
BenjaminThe Farmers' Friend  
Canal Company.Burtonshaw,  
ThomasThe Farmers' Friend  
Canal Company.~~23-0073~~  
~~1 634~~

Burney, Peter

40 inches. June 1, 1901. Palisade Creek.

Burtonshaw,  
WilliamEnterprise Canal  
Company.Burton, C., Jr.  
and W. C., and  
Robert Blumires.(See Robert Blumires,  
and C. Burton, Jr.,  
and W. C. Burton.)~~23-0061~~

Burton, Hannah

150 inches. May 20, 1889. Palisade Creek.<sup>536</sup>~~23-0062~~

Burton, Hannah

210 inches. June 30, 1890. Palisade Creek.<sup>536</sup>

Bush Brothers

The Farmers' Friend  
Canal Company.~~22 6185~~

Bush, George J.

100 inches. June 1, 1896. Fox Creek.

~~22 6186~~

Bush, George

20 inches. June 1, 1897. Derby Creek.

~~22 6187~~

Bush, George

40 inches. June 1, 1896. Fox Creek.

~~22 6188~~

Bush, George

120 inches. June 1, 1900. Fox Creek.

MICROFILMED



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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

October 30, 1998

ATTN KEN HORISZNY  
SHOUP SHOUP HORISZNY & KELLER  
33 MONTE MAR  
SAUSALITO CA 94965

Re: Water Rights in Swan Valley, Id.

Dear Ken:

Enclosed you will find a change in ownership form that we will need you to file with our office. The names on any water rights pertinent to the property you recently purchased can then be changed into your name. We have a copy of your deed, but will also need a map showing an outline of the property. Please send the completed document to my attention. This process will change the name on the water right(s).

Any questions you have about shares that you own in the Palisades Irrigation Co. will have to be handled through the Irrigation Co.. The department does not have records of how many shares individuals have in conveyance companies such as Palisades Irrigation Co..

If you have any questions regarding this matter, please do not hesitate to contact this office at (208)525-7161.

Sincerely,

Gregory J. Taylor

Sr. Water Agent, Adjudications Bureau

VERIFYING RECORD.

YOU LOCATE THE STOCK CERTIFICATE OR OTHER

FOR THE WATER RIGHT. I AM HOPEFUL THIS WILL HELP

ENCLOSED IS A COPY OF LETTERS FROM ASSESSMENTS

PROPERTY

FOR SHOP GROUP HORIZANT KENNEL

SUBJECT: LOCATING RECORD OF WATER RIGHTS

FROM: KEN HORIZANT

1 208 525 7177

TO: WENDY

525-7161 ALLEN  
209 525-7171

77

STATEMENT OF ASSESSMENT

April 25, 1997

Ken Horiszny  
809 Swan Valley Highway  
Ririe, ID 83443

Dear Water User:

Pursuant to Idaho Code § 42-2201 et al., the Palisades Irrigation Company, Inc., has assessed each water user for the cost of maintenance and operation of the irrigation works owned by the company. Our records indicate that water appurtenant to your land is diverted and delivered by the irrigation works of Palisades Irrigation Company. This levy is payable regardless of whether water is actually used on your land.

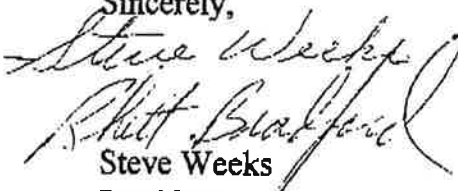
The levy is .25 cents per share of water, except for those owning 100 shares or less who will pay a flat \$25.00 fee.

Please remit your payment using the enclosed payment stub. Make checks payable to the "Palisades Irrigation Company." Payment may be delivered or mailed to:

Rhett Bradford  
Box 99  
Irwin, ID 83428

Payments submitted after May 25, 1997 will be subject to a 12% per annum interest fee and non-payment may result in a lien on your property.

We appreciate your attention and cooperation in this matter.

Sincerely,  
  
Steve Weeks  
President  
The Palisades Irrigation Co., Inc.

# BONNEVILLE COUNTY ASSESSOR

P. BLAKE MUELLER  
ASSESSOR

(208) 529-1350  
REAL PROPERTY: EXT. 1361  
AG DEPT: WILL EXT. 1425  
BRENT EXT. 1119  
BRIAN EXT. 1508

March 10, 1997

Dear GENTLEMEN:

This letter is intended to represent the 106.48 acres you are farming or are responsible for in Bonneville County. Please include any leased property in your information and if there is a difference in the harvest or how you farm a certain acreage.

Thank you for your help in this matter.

Sincerely,

Will Haack  
Certified Appraiser  
Bonneville County

NOTE - NO PLANTING OR IRRIGATION SINCE  
WE PURCHASED THE LAND - WE SIMPLY  
HAD ONE STAND OF ALFALFA CUT BY  
BILL FELDER + SOLD THE HAY  $\frac{2}{3}$   $\frac{1}{3}$  WITH  
HIM. I THINK ABOUT 60 TONS TOTAL LAST  
YEAR.

MAILING ADDRESS: 605 N. CAPITAL AVE IDAHO FALLS, ID 83402  
WALK IN ADDRESS: 547 N. CAPITAL IDAHO FALLS, ID  
FAX NUMBER (208) 528-5509

# GRAZING QUESTIONNAIRE

PARCEL  
NUMBER \_\_\_\_\_

RP 000000274813 A 6-00

83428

SHOUP, SHOUP,  
HORISZNY & KELLER LTD CO  
33 MONTE MAR  
SAUSALITO CA 94965

100-525 A S1/2,  
SEC 27, T 1N, R 44 (SV) (05SV)



## DRY GRAZING LAND:

| NUMBER OF<br>ACRES GRAZED | NUMBER OF<br>ANIMALS GRAZED | NUMBER OF<br>MONTHS GRAZED | CHARGE PER ANIMAL<br>PER MONTH |
|---------------------------|-----------------------------|----------------------------|--------------------------------|
|---------------------------|-----------------------------|----------------------------|--------------------------------|

|   |   |   |      |
|---|---|---|------|
| 0 | 0 | 0 | \$ 0 |
|---|---|---|------|

## IRRIGATED GRAZING LAND:

| NUMBER OF<br>ACRES GRAZED | NUMBER OF<br>ANIMALS GRAZED | NUMBER OF<br>MONTHS GRAZED | CHARGE PER ANIMAL<br>PER MONTH |
|---------------------------|-----------------------------|----------------------------|--------------------------------|
|---------------------------|-----------------------------|----------------------------|--------------------------------|

|   |   |   |      |
|---|---|---|------|
| 0 | 0 | 0 | \$ 0 |
|---|---|---|------|

SIGNATURE

*Ken Hory*

DATE

*4/2/97*

FAX 208 525-7177

TO: WENDY

FROM: KEN MORISZNY

415-331-8352  
415-705-8809

RE: WATER STOCK FROM TRIPLE J DAIRY

- A) 2 OF 4 SIGNED DOCUMENT
- B) LEGAL DESCRIPTION OF A PORTION OF THE PROPERTY

PLEASE CALL ME AT 415 331-2179 WHEN  
YOU RECEIVE THIS.

Ken

A23-00061 3.00 c/s  
A23

A23-00075 .83 c/s  
10077  
A23 10078  
10117

2085241977  
2085241977ALL AMERICAN LAND TITLE  
OFFICE TITLE ESC  
H&L LAND TITLEF-213 T- P-002  
F-252 T- P-015SEP 23 '98 09:50  
JUN 30 '95 15:50

JUNE 7, 1995

RE: WATER STOCK FROM TRIPLE J. DAIRY TO SHOUP, SHOUP, KORISZNY  
AND KELLER FOR PROPERTY LOCATED AT: A PORTION OF SEC. 27,  
TOWNSHIP 1 NORTH, RANGE 44, EAST OF THE BOISE MERIDIAN, (SEE  
ATTACHED LEGAL DESCRIPTION "EXHIBIT A").

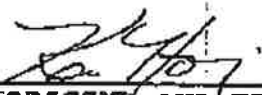
WE, TRIPLE J DAIRY, HEREBY CERTIFY AND GUARANTEE TO HAVE NEW  
WATER STOCK CERTIFICATES ISSUED TO THE BUYERS (SHOUP, SHOUP  
HORISZNY, AND KELLER).

IT IS AGREED THAT 140 <sup>inches</sup> ~~shares~~ ARE TO BE TRANSFERRED INTO THE  
BUYERS NAME.

BUYER AND SELLER ALSO AGREE TO HOLD HARMLESS AMERICAN LAND TITLE  
COMPANY, INC. FOR ANY COSTS OR DELAYS IN THE SAID TRANSFER OF  
WATER STOCK CERTIFICATES.

---

TRIPLE J. DAIRY

  
  
SHOUP, SHOUP, HORISZNY AND KELLER

DATED THIS 7 DAY OF JUNE, 1995.

2085241977

ALL DE TITLE ESC

F-213 T-1 2-001

SEP 23 '98 09:50

JUNE 7, 1995

RE: WATER STOCK FROM TRIPLE J. DAIRY TO SHOUP, SHOUP, KORISZNY AND KELLER FOR PROPERTY LOCATED AT: A PORTION OF SEC. 27, TOWNSHIP 1 NORTH, RANGE 44, EAST OF THE BOISE MERIDIAN. (SEE ATTACHED LEGAL DESCRIPTION "EXHIBIT A").

WE, TRIPLE J DAIRY, HEREBY CERTIFY AND GUARANTEE TO HAVE NEW WATER STOCK CERTIFICATES ISSUED TO THE BUYERS (SHOUP, SHOUP KORISZNY, AND KELLER).

IT IS AGREED THAT 140 INCHES ARE TO BE TRANSFERRED INTO THE BUYERS NAME.

BUYER AND SELLER ALSO AGREE TO HOLD HARMLESS AMERICAN LAND TITLE COMPANY, INC. FOR ANY COSTS OR DELAYS IN THE SAID TRANSFER OF WATER STOCK CERTIFICATES.

Frank Jacobson  
TRIPLE J. DAIRY

SHOUP, SHOUP, KORISZNY AND KELLER

DATED THIS 7 DAY OF JUNE, 1995.

2085241977

ALL DE TITLE ESC

F-213 T-1 P-005

SEP 23 '98 09:51

## EXHIBIT A

Beginning at a point that is S. 0°30'23" W. 14.50 feet along the section line and S. 34°55'15" E. 0.61 feet from the West 1/4 Corner of Section 27, Township 1 North, Range 44, East of the Boise Meridian, Bonneville County, Idaho; said point being on the Mean High Water Line on the right of the Snake River; running thence N. 89°55'31" E. 465.91 feet; thence S. 55°26'22" E. 835.61 feet; thence N. 59°28'19" E. 937.03 feet to the Southwesterly Right of Way line of U.S. Highway No. 26; thence S. 50°13'30" E. along said Right of Way a distance of 2595.13 feet to the East line of the West 1/2 of the Southeast 1/4 of Said Section 27; thence S. 00°07'04" W. 963.62 feet to the Southeast Corner of Said West 1/2 of the Southeast 1/4 of Said Section 27; thence N. 89°47'00" W. along the South line of Said Section 27, a distance of 933.68 feet to the Mean High Water line on the right bank of the Snake River; thence Northwesterly along said Mean High Water Line the following courses; N. 44°19'34" W. 122.44 feet; thence N. 48°41'25" W. 587.40 feet; thence N. 51°59'20" W. 288.83 feet; thence N. 57°07'04" W. 163.12 feet; thence N. 51°31'39" W. 127.36 feet; thence N. 54°54'47" W. 256.53 feet; thence N. 53°35'15" W. 338.01 feet; thence N. 56°06'37" W. 144.02 feet; thence N. 55°38'02" W. 232.72 feet; thence N. 58°38'30" W. 178.75 feet; thence N. 57°16'06" W. 127.49 feet; thence N. 57°06'59" W. 165.20 feet; thence N. 52°06'36" W. 124.55 feet; thence N. 45°24'41" W. 163.51 feet; thence N. 41°09'06" W. 171.90 feet; thence N. 40°58'26" W. 270.31 feet; thence N. 37°22'18" W. 194.67 feet; thence N. 34°55'15" W. 373.05 feet to the Point of Beginning.

Excepting therefrom any County road Rights of Way and Triple J. Road.

This Legal description includes Lot 1, Lot 2, a portion of Lot 3, and a portion of the Common Area of Triple "J" Dairy, a Planned Unit Development.

16800

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: A23-00061

Date Received: 6/12/1989

Receipt No: E009055

Received By: XB UC 193<sup>u</sup>

#9307

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MAX JACOBSON  
Address: HC 34 BOX 6  
IRWIN, ID

208-483-3855

83428

2. Date of Priority: MAY 20, 1889 *ak*

3. Source: PALISADES CREEK ✓

Trib. to: SNAKE RIVER, SOUTH

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 01N      | 44E   | 26      | NW     | SE     | SE  |     | BONNEVILLE |

5. Description of diverting works:  
DELIVERED BY PALISADES CANAL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. <i>ak</i> (or)     | A.F.A. |
|------------|-------|-------|---------------------------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.000<br>150 <sup>+</sup> |        |

7. Total Quantity Appropriated is:  
3.000 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   | 27      | NE     | SW  |     | IRR | 36.0  |
|          |       |         | NW     | SW  | 1   | IRR | 23.0  |
|          |       |         | SE     | SW  | 4   | IRR | 16.6  |
|          |       |         | NE     | SE  |     | IRR | 8.0   |

A23-00061

Page

1

Date: 06/12/89

A2300061



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NOV 07 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 01N      | 44E   | 27      | SW SE      | 5   | IRR | 34.8  |

Section Acres 118.4

Total Acres 118.4

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:  
NONE

14. Remarks:  
COMBINED 23-00061A WITH 23-00061B

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

REXBURG IRRIG. CO. ET AL  
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO ET A  
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

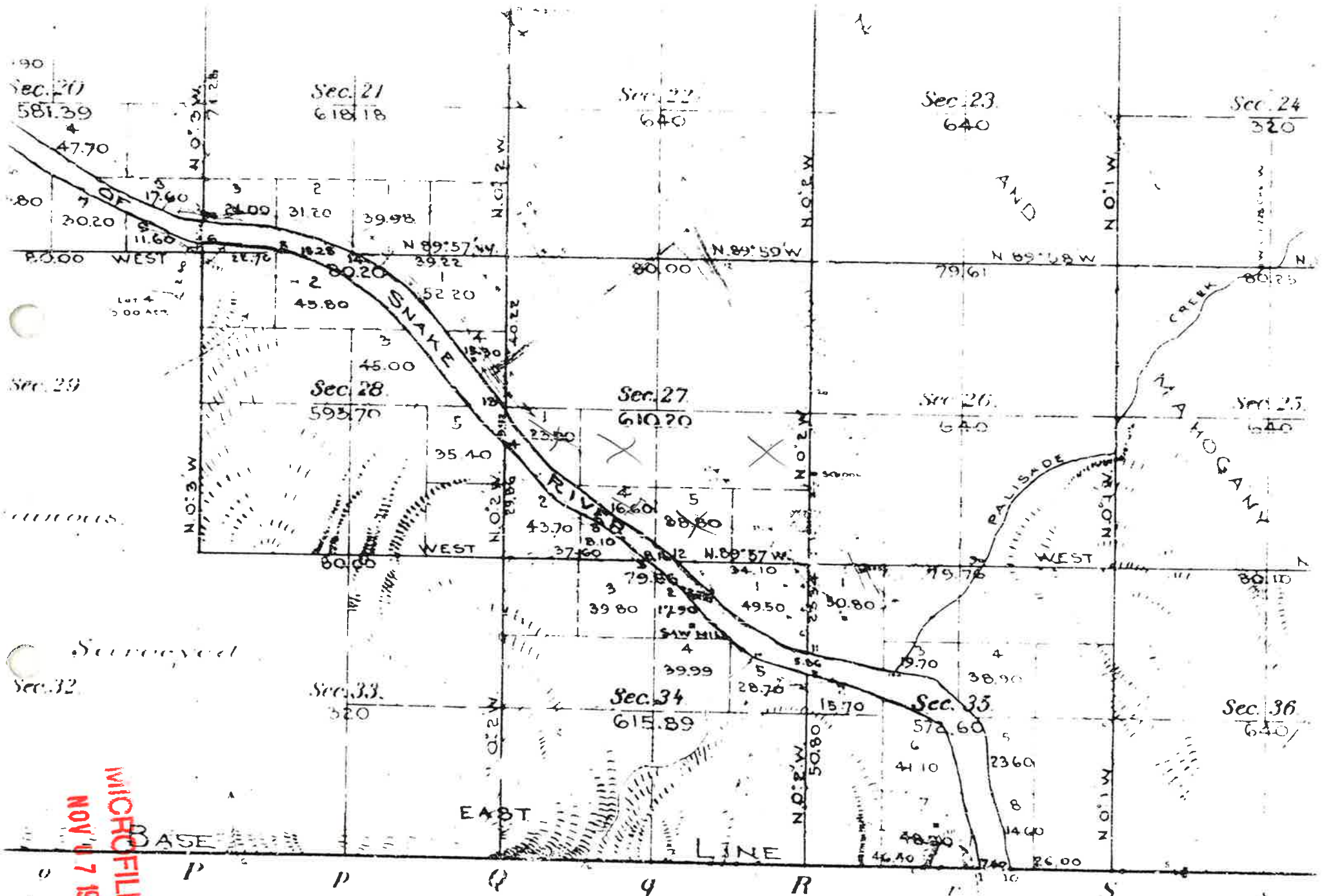
Signature of Claimant(s): X *max jacobson* Date: 6-12-89  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 12<sup>th</sup> day  
of June 1989 *Anna Baumgardner*  
Notary Public

Seal

Residing at Bose Idaho  
My Commission Expires 12/1991



38,1897  
 Amount of Survey  
 M. C. L.  
 When Surveyed  
 April 16, 1898  
 Near Declination

The above Map of Township 10  
 Boise, Idaho



A23-00061

SWAN VALLEY, IDA  
N4322.5-W11115/7.5  
1974

ADVANCE PRINT

MICROFILMED  
NOV 07 1992

MICROFILM  
NOV 07 1992

630 000  
FEET

43°22'30"



111°15'

750 000 FEET

Produced and published by the Geological Survey  
in cooperation with the U.S. Forest Service

Orthophotograph prepared from 1:80,000-scale  
aerial photographs taken September 2, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate  
system, east zone (transverse Mercator)  
1,000-metre Universal Transverse Mercator grid ticks,  
zone 12. 1927 North American datum

NORTH