

Memo on the Validity of Claim 13-4225

Claimed priority date: July 1, 1922. 04/01 – 11/1. 0.24 cfs for irrigation of 12 acres. Claim owned by W. Hugh Hansen, filed on May 19, 1983 claiming a priority date of July 1, 1922. According to a deed supplied with the (Instrument Number 22399), Niels W. Hansen purchased the land on May 3, 1921. According to Niels W. Hansen's entry in his Church's Book of Remembrance, Niels began clearing the land for irrigation shortly after purchasing it. A priority date of July 1, 1922 is therefore reasonable. The land passed to W. Hugh Hansen on January 28, 1963 (Instrument Number 111539). Finally, the land passed to the applicants on 10/2/2007 (Instrument Number 239252).

An examination of the land covered by the water right through Climate Engine (Attachment 1) reveals that, for periods of available data, the land was indeed irrigated. The data were from 01/01/1984 - ~January 1998, from ~January 2009 – January 2014, and from January 2017 – present. Aerial photography examined during times of Climate Engine data gaps indicated that irrigation occurred consistently. Available evidence therefore suggests that the water right has not been forfeited due to non-use.

RECEIVED

MAR 24 2019

Department of Water Resources
Eastern Region

277404

1-4

When Recorded Mail To:

Hallock & Hallock, a professional corporation
40 West Cache Valley Blvd., Suite 9A
Logan, Utah 84341

Send Tax Notices To:

Hygge, LLC
1452 West 5600 South
Preston, ID 83263

Recorded at the request of

Hallock & Hallock

Time: 11:04 Amount \$ 15.00

APR 18 2019

CAMILLE LARSEN, RECORDER

By H. Larson Deputy
Franklin County, Idaho

WARRANTY DEED

Wesley N. Hansen, Heather L. Hansen, Patricia Bowles, R. Dirk Bowles, Roxane H. Beutler, and G. Wesley Beutler, grantors, of 1452 West 5600 South, Preston, Franklin County, State of Idaho, do hereby grant, bargain, sell, warrant and convey to **Hygge, LLC**, an Idaho limited liability company, grantee, of 1452 West 5600 South, Preston, Franklin County, State of Idaho, grantee, for the sum of ONE DOLLAR, their undivided interest in the following described real estate in Franklin County, State of Idaho:

See Exhibit "A" attached hereto.

Together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto including but not limited to Water Right No. 13-4225.

Witness in the hands of said grantors this 12 day of February 2019.

Wesley N. Hansen
Wesley N. Hansen

Heather L. Hansen
Heather L. Hansen

STATE OF UTAH)

COUNTY OF Davis)
:SS

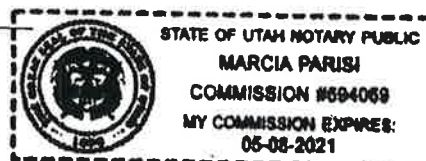
On the 12 day of February 2019, before me, MARCIA PARISI the undersigned Notary, personally appeared Wesley N. Hansen and Heather L. Hansen, who are personally known to me or who proved to me their identities through documentary evidence to be the persons who signed the preceding document in my presence and who swore to me that their signatures are voluntary and document truthful.

Marcia Parisi
Notary Public

Residing at: Weber County

My commission expires:

5-8-2021



Patricia Bowles
Patricia Bowles

277404

2.4

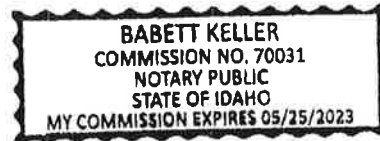
R. Dirk Bowles
R. Dirk Bowles

STATE OF IDAHO)
 :SS
COUNTY OF FRANKLIN)

On the 25th day of February 2019, before me, Babett Keller the undersigned Notary, personally appeared Patricia Bowles and R. Dirk Bowles, who are personally known to me or who proved to me their identities through documentary evidence to be the persons who signed the preceding document in my presence and who swore to me that their signatures are voluntary and document truthful.

Babett Keller
Notary Public

Residing at: Preston Idaho
My commission expires: 5/25/23



277404

3-4

Roxane H. Beutler
Roxane H. Beutler

G. Wesley Beutler
G. Wesley Beutler



STATE OF Idaho)
COUNTY OF Franklin) :SS

On the 10 day of April 2019, before me, Susan Blair, the undersigned Notary, personally appeared Roxane H. Beutler and G. Wesley Beutler, who are personally known to me or who proved to me their identities through documentary evidence to be the persons who signed the preceding document in my presence and who swore to me that their signatures are voluntary and document truthful.

Susan Blair
Notary Public
Residing at: Weston, ID
My commission expires: 12-01-21

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4-4

EXHIBIT "A"

All that portion of the below described property lying South and East of Highway 36: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 22: Commencing at the Northeast corner of the Northwest Quarter of Section 22 and running thence South 80 rods; thence West 80 rods; thence Southwesterly along the North bank of Mink Creek 1,000 feet, more or less; thence Northwesterly 459 feet, more or less to the junction of Mink Creek and Bear River; thence Northwesterly along the North Bank of Bear River 1,739 feet, more or less, to the right of way of Twin Lakes Canal Company (formerly Oneida Irrigation District); thence Northeasterly along said right of way to the end of said Company's Syphon No. One; thence Northeasterly on a straight line 1,143 feet, more or less to a point on the North line of Section 21, Township and Range aforesaid, 21 rods, more or less, West of the Northwest corner of said Section 22; thence East 181 rods, more or less, to the place of beginning.

EXCEPTING THEREFROM: The County Road and the right of way of the Twin Lakes Canal Company.

TOGETHER WITH all water rights appurtenant thereto included but not limited to Idaho Water Claim No. 13-4225.

No title search was performed on the subject property by the preparer. The preparer of this deed makes neither representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantor/Grantee and/or their agents; no boundary survey was made at the time of this conveyance.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/26/2020

Water Right 13-4225

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	G WESLEY BEUTLER ROXANE BEUTLER DIRK BOWLES PATRICIA BOWLES WESLEY HANSEN HEATHER HANSEN 1452 W 5600 S PRESTON, ID 83263-5615

Priority Date: 7/1/1922
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
MINK CREEK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.220 CFS	
MITIGATION BY NON-USE	04/01	11/01	0.020 CFS	2.4 AF
	<u>Total Diversion</u>		0.240 CFS	

Source and Point(s) of Diversion

MINK CREEK NENW Sec. 22, Twp 14S, Rge 40E, FRANKLIN County

Place of Use

MITIGATION BY NON-USE within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40E	22					1.0												

POU Total Acres: 1.0

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40E	22					9.0	1.0	1.0										11.0

POU Total Acres: 11.0

Conditions of Approval:

1. 193 This right mitigates for the depletion of water resulting from the diversion and use of water under Permit 13-8043. To prevent injury to other water right holders, the right holder shall cease diverting 0.02 cfs of this right from Mink Creek. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Permit 13-8043. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Permit 13-8043 that are being mitigated shall be reduced by the same proportion as the reduction to this right.