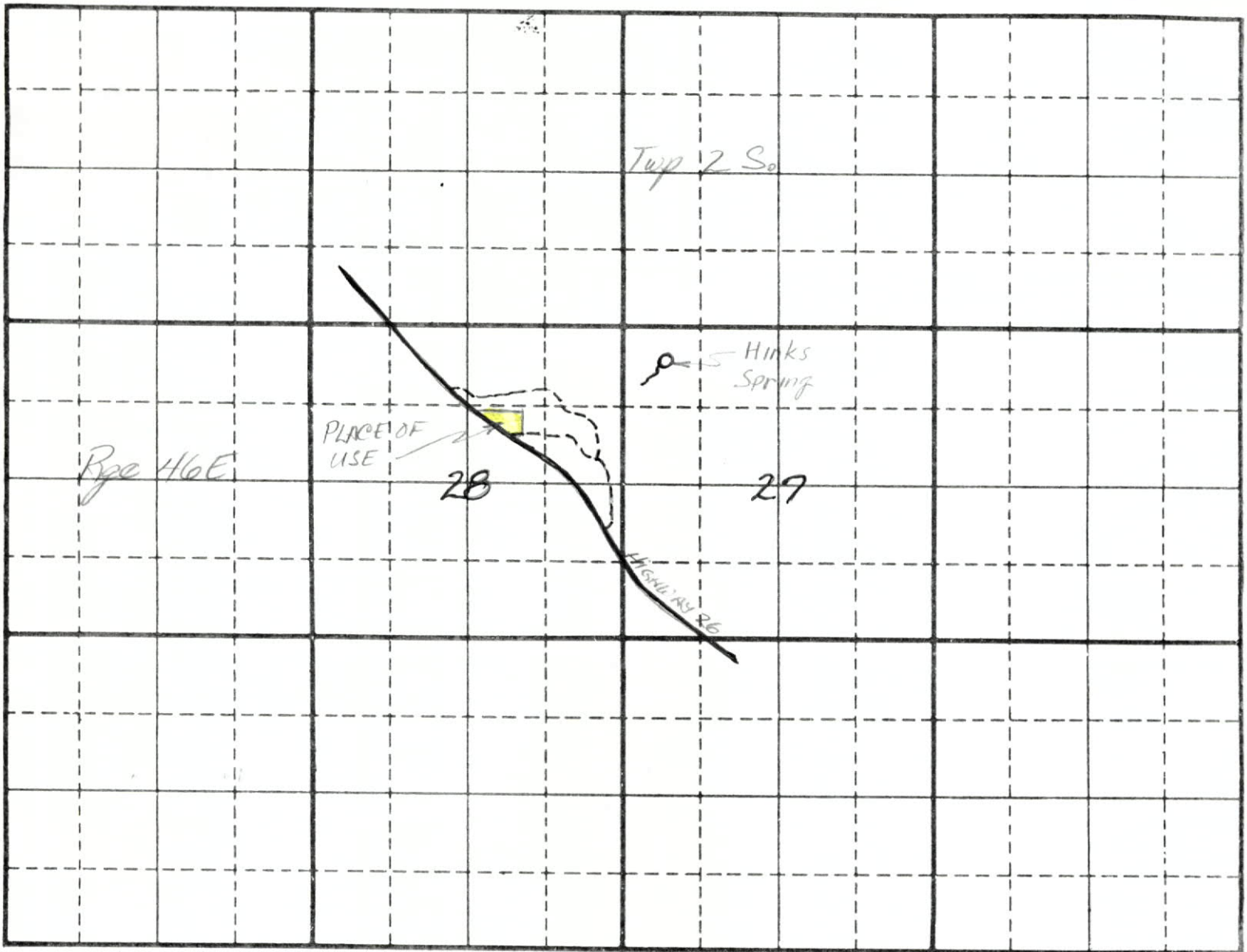


(8) Remarks The water is only used for in-home use due to the restrictive covenants of the subdivision. The water will be used on Lots 8 & 9, Block 3 of Royal Vacation Homes Subdivision.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of May

Arthur B Johnson
(Claimant)

Calvin Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>5-20-85</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWS</u>	Date <u>5-23-85</u>		claimant by:	
\$30.00 fee received by <u>NA</u>	Date <u>5-20-85</u>			
Published in <u>Post Register</u>				
Dates <u>6-6 & 6-13-85</u>				

Proof of Publication
The Post-Register

RECEIVED
JUN 18 1985
Department of Water Resources
BONNEVILLE COUNTY

State of Idaho, }
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 6th day of June, 1985, last publication having been made on the 13th day of June, 1985, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 14th day of June, 1985.

J. Robb Brady
Deon R. Maper
Notary Public

My commission expires September 30, 1988.

B10, 1M,

**NOTICE OF AMENDED CLAIM
TO A WATER RIGHT
23-4047**

Notice is hereby given that Claim to a Water Right No. 23-4047 is the name of Arthur B. Johnson, Idaho Falls, ID. was filed with a priority date of April 22, 1955 for the diversion and application to beneficial use of 0.04 cfs of water from Hinck's Spring tributary to Sinks with the point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 2S, R. 46E, B.M., Bonneville County; the water is claimed to be used from 1-1 to 12-31 for domestic purposes within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 2S, R. 46E, B.M. with a priority date of April 22, 1965.

The claimant now proposes to amend Claim No. 23-4047 amending the point of diversion to the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 2S, R. 46E, B.M.

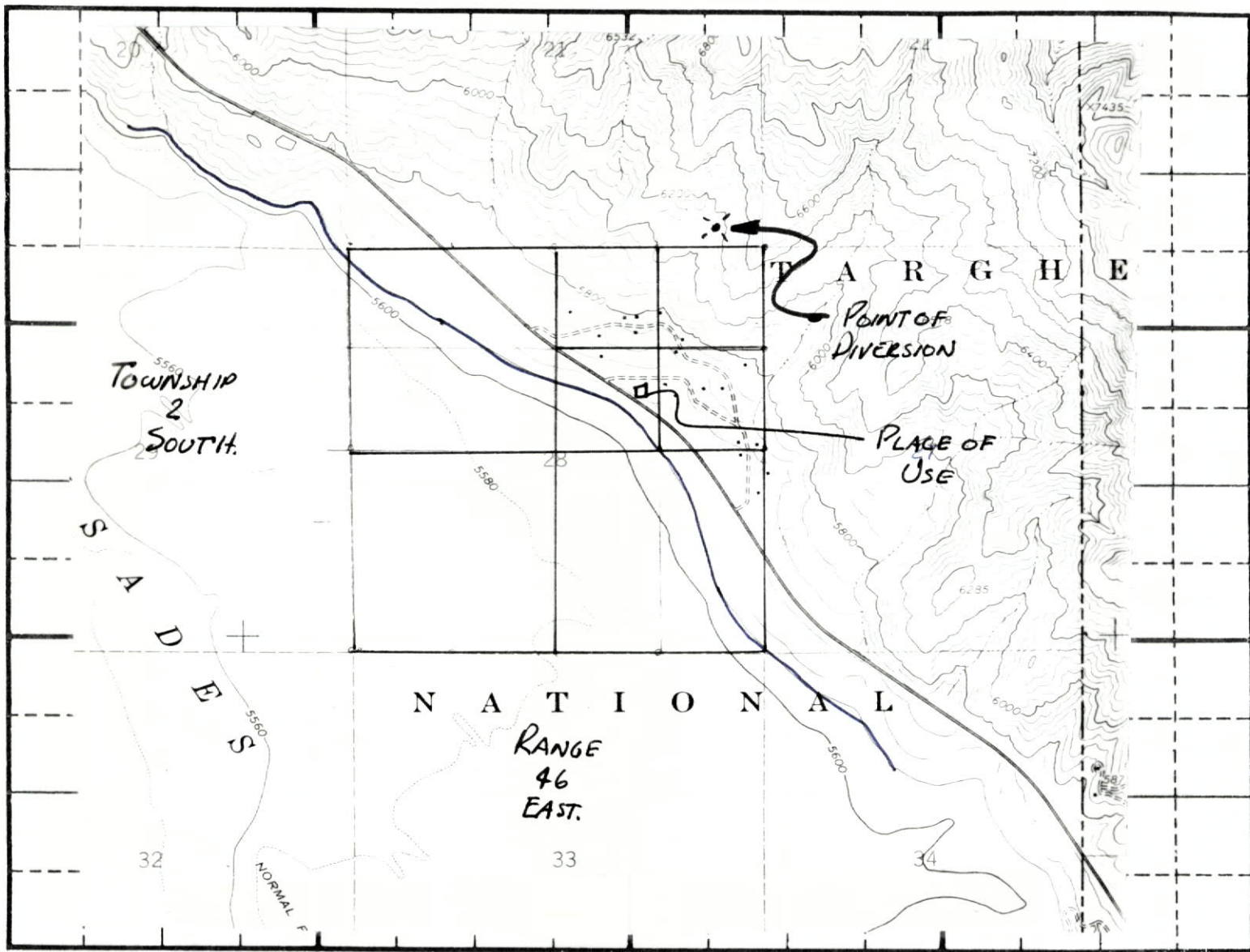
Any exception to a claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published: June 6, 13, 1985

MICROFILMED

(8) Remarks The water is only used for in-home use due to the restrictive covenants of the subdivision. The water will be used on lots 8 and 9 Block 3 of Royal Vacation Homes Subdivision



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 27th day of October, 1982

Arthur B. Johnson
(Claimant)

Calvin Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/85

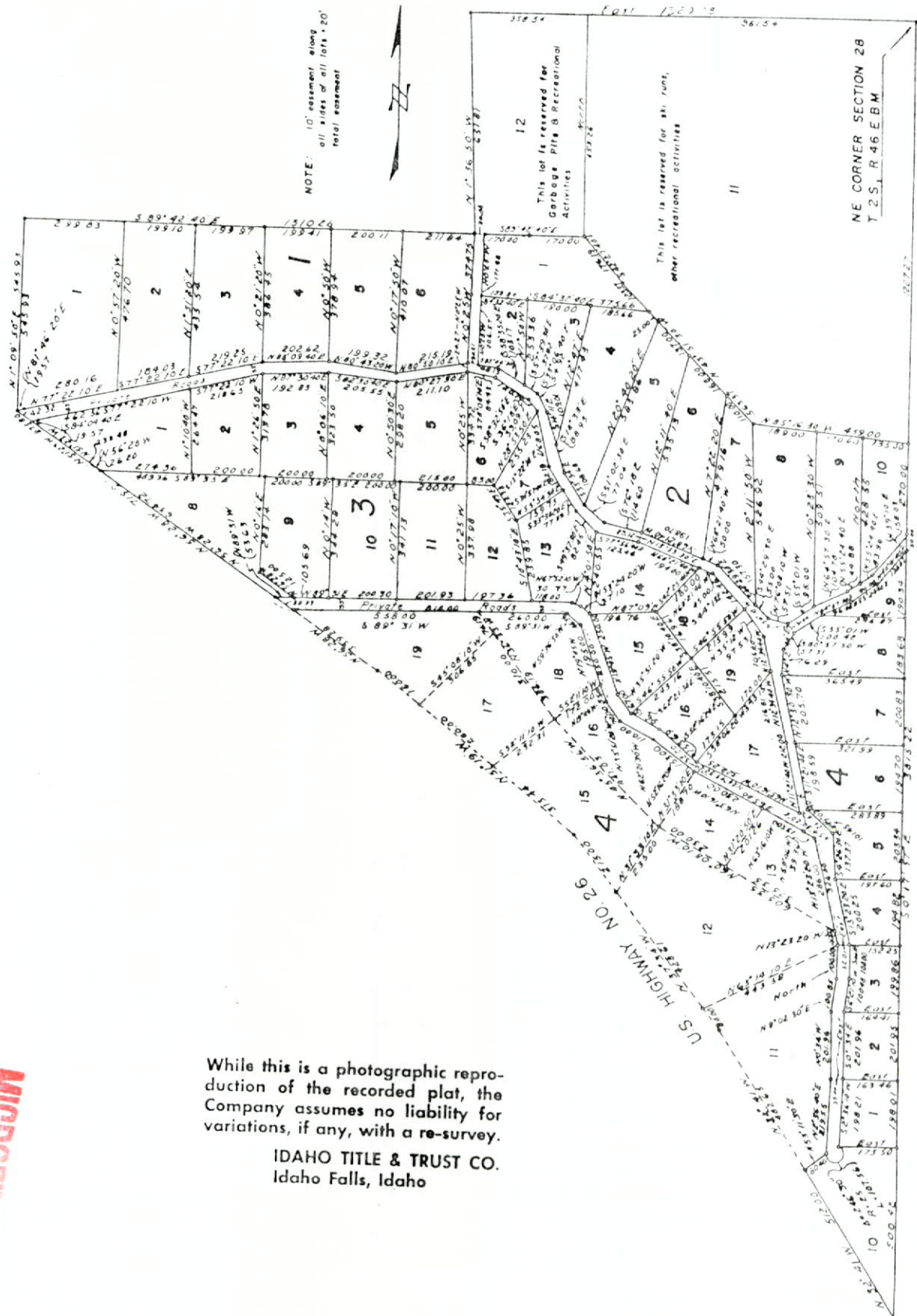
FOR DEPARTMENT USE ONLY

Received by SM. Date 10/27/82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by CW Date 10-27-82
Published in Post Register # 22555
Dates 11/11 to 11/15/82 Royal Vacation Homes Water Assn. cw 12-7-82

ROYAL VACATION HOMES

BONNEVILLE COUNTY, IDAHO

Part of Section 28 T.2 S., R.46 E. B.M.



While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

IDAHO TITLE & TRUST CO.
Idaho Falls, Idaho

MICROFILMED

WATER TRANSMISSION

Private Land

RIDGE

NATIONAL FOREST LAND

Caldwell Head Box (fence)

Hindus Springs

WATER LINE 1200'

ACCESS ROAD

DEVELOP

NORTH

STORAGE TANK

SUMMIT
Hill

Scale 1/8" = 100'

8/4/72

MICROFILMED

Exhibit "E"

Proof of Publication

The Post-Register

RECEIVED
DEC 27 1982
Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 9th day of December, 1982, last publication having been made on the 16th day of December, 1982, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 23rd day of December, 1982.

Notary Public

My commission expires September 30, 1984.

B10, 1M,

NOTICE OF CORRECTION

Notice is hereby given that Claim No. 23-4047 in the name of Arthur B. Johnson was advertised incorrectly on Nov. 11 & 18, 1982. The point of diversion was advertised as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. T. 2S, R. 46E, B.M. Bonneville County.

WHEREAS, the actual point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 2S, R. 46E, B.M. Bonneville County.

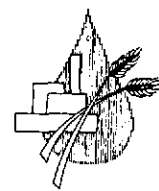
Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published: December 9, 16, 1982

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED

CLAIM TO A WATER RIGHT

AMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Arthur B. Johnson
1075 Stanger, Idaho Falls, ID 83401
(Mailing Address) (Name of Claimant) (Zip Code)
Telephone No. 522-6314 Work
523-1781 Home

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 22, 1965

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Hinck's Spring tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04 cfs</u>		Use <u>Domestic</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) 0.04 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 27, Twp. 2S, Rge. 46E, B.M., County of Bonneville
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headbox to distribution system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	46E	28			X														

No. of acres _____

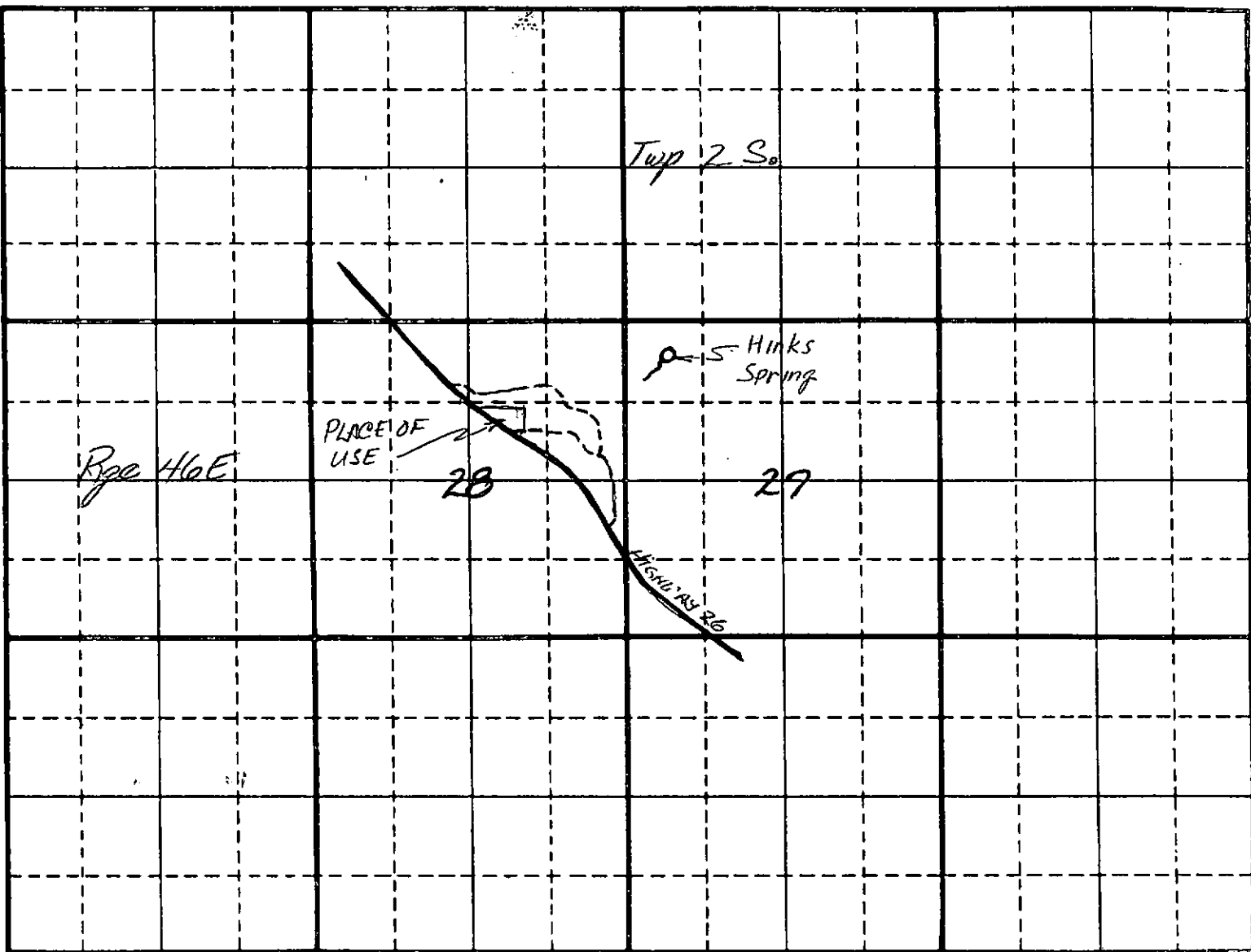
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for domestic purposes in 1 home.

NOTE: Include here the type and number of stock watered: _____

MICROFILMED

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks The water is only used for in-home use due to the restrictive covenants of the subdivision. The water will be used on Lots 8 & 9, Block 3 of Royal Vacation Homes Subdivision.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Arthur B. Johnson
(Claimant)

Sworn to before me this 20th day of May, 1985.

Calvin Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>5-20-85</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWS</u>	Date <u>5-23-85</u>		claimant by:	
\$30.00 fee received by <u>NA</u>	Date <u>5-20-85</u>			
Published in <u>Post Register</u>				
Dates <u>6-6 & 6-13-85</u>				

Proof of Publication
The Post-Register

RECEIVED
JUN 18 1985
Department of Water Resources
Eastern District Office

State of Idaho,
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 6th day of June, 1985, last publication having been made on the 13th day of June, 1985, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 14th day of June, 1985.

Deon R. Mauer
Notary Public

My commission expires September 30, 1988.

B10, 1M,

NOTICE OF AMENDED CLAIM
TO A WATER RIGHT
23-4047

Notice is hereby given that Claim to a Water Right No. 23-4047 is the name of Arthur B. Johnson, Idaho Falls, ID. was filed with a priority date of April 22, 1955 for the diversion and application to beneficial use of 0.04 cfs of water from Hineck's Spring tributary to Sinks with the point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 2S, R. 46E, B.M., Bonneville County; the water is claimed to be used from 1-1 to 12-31 for domestic purposes within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 2S, R. 46E, B.M. with a priority date of April 22, 1965.

The claimant now proposes to amend Claim No. 23-4047 amending the point of diversion to the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 2S, R. 46E, B.M.

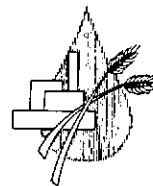
Any exception to a claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published: June 6, 13, 1985

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Arthur B. Johnson

(Name of Claimant) 522-6314 work
1075 Stanger, Idaho Falls, Idaho 83401 Telephone No. 523-1781 home
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 22, 1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Hinck's Spring tributary to Sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) .04cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
at NWSE 1/4 of NWSE 1/4, Sec. 27-21N, Twp. 2S Rge. 46E B.M., County of Bonneville
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headbox to distribution system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
2S	46E	28			X														

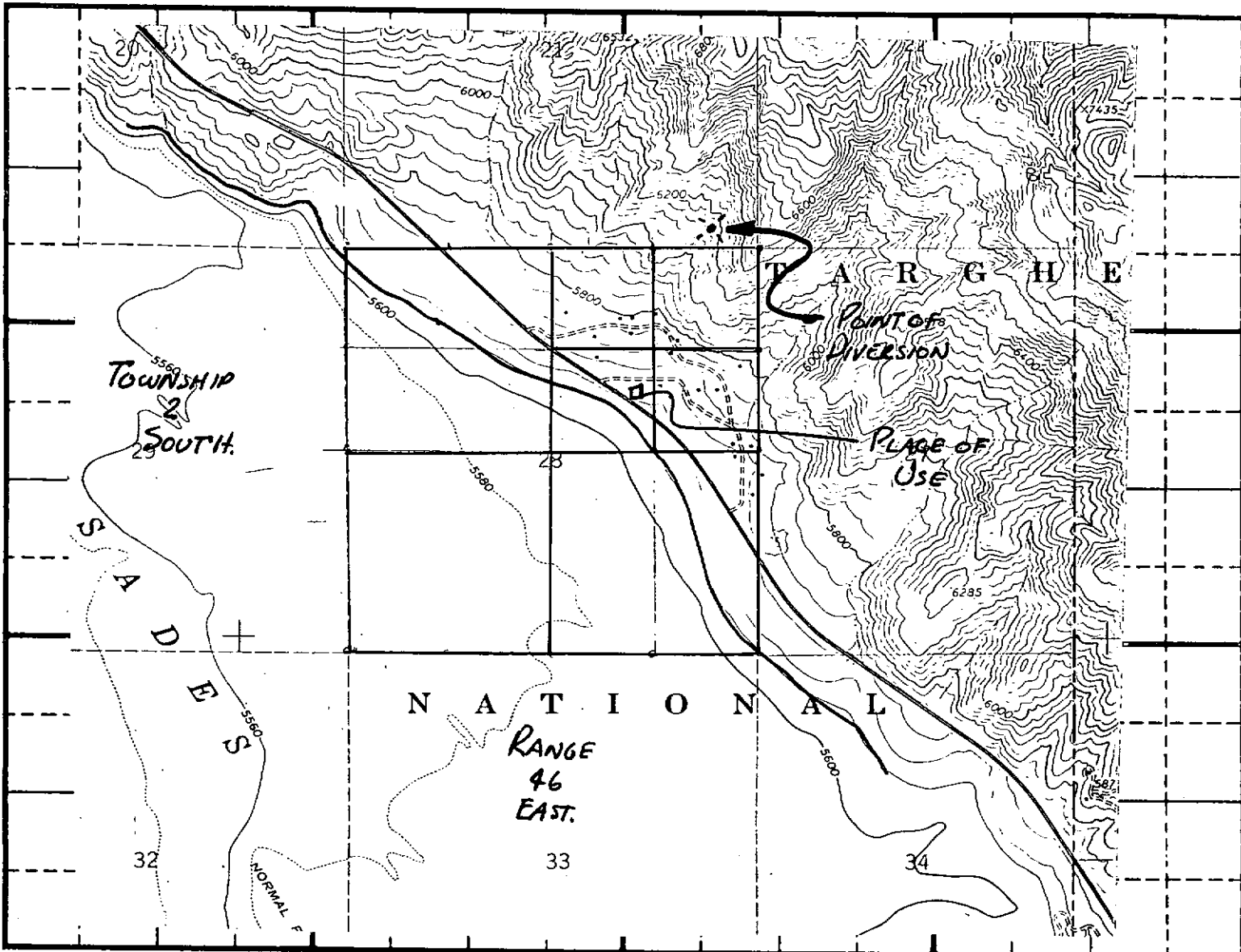
No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water is used for domestic in home use at 3 homes

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks The water is only used for in-home use due to the restrictive covenants of the subdivision. The water will be used on lots 8 and 9 Block 3 of Royal Vacation Homes Subdivision



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 27th day of October, 1982

Arthur B. Johnson
(Claimant)

Calvin Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by S.M. Date 10/27/82 Exception filed by: Forwarded to Date
Prelim. check by Date
\$30.00 fee received by CW Date 10-27-82
Published in Post Register #22555
Dates 11/11 & 11/18/82 Royal Vacation Homes Water Assn. cw 12-7-82

BEFORE THE DIRECTOR OF THE
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

In the Matter of)
JOHNSON, ARTHUR B.) AFFIDAVIT OF EXCEPTION
Ident. Nos. 23-4047 and)
23-4048)
_____)

STATE OF IDAHO)
County of Bonneville) ss.

JEAN C. PETERSON, being first duly sworn, deposes and
says:

1. Affiant is President of Royal Vacation Homes Water Association, Inc., a corporation organized under and existing by virtue of the laws of the State of Idaho, with its registered office at 330 Delbert Drive, Idaho Falls, Idaho, and in such capacity and as authorized agent for said corporation makes this Affidavit for the purpose of setting forth exceptions to the recent Notices of Claim filed in the above matter by ARTHUR B. JOHNSON, hereinafter referred to as "JOHNSON".

2. Affiant respectfully represents that the filings herein opposed are defective in form as filed with the Idaho Department of Water Resources and as published in The Post-Register, Idaho Falls, Idaho, said filings and publication by this reference being incorporated herein and made a part hereof.

3. In the alternative, and based upon facts more fully set forth in succeeding paragraphs of this Affidavit of Exception, Affiant respectfully states that right of ARTHUR B. JOHNSON to water having its source in Hincks Springs and its sinks and/or the existing facilities utilized for the collection, storage and

3

distribution of said water, is an appurtenant to land owned by ARTHUR B. JOHNSON located within and a part of Royal Vacation Homes Subdivision, and subject to all rights and obligations incident thereto as set forth in the recorded protective covenants for said subdivision, and rules and regulations and governing law applicable thereto, and is equal and in common with each of the other lots identified and referred to in the Articles of Incorporation of Royal Vacation Homes Water Association, Inc.

4. By Warranty Deed dated April 22, 1955, and recorded April 26, 1955, Exhibit "A" attached hereto, Royal H. Mickelsen and Helen Mickelsen, his wife, hereinafter referred to as "MICKELSENS", acquired title to 117.3 acres of Bonneville County real property and all water rights coming from a water source known and designated as "Hincks Springs", said springs and its sinks then and now being adjacent to the 117.3 acres described in Exhibit "A", and located in the Northwest Quarter Northwest Quarter (NW1/4NW1/4) of Section Twenty-seven (27), Township Two (2) South, Range Forty-six (46), East of the Boise Meridian, being real property owned by the United States Government, within Targhee National Forest and under the supervisory jurisdiction of United States Forest Service.

5. By instrument entitled Option for Sale of Real Property dated December 30, 1958, Exhibit "B" attached hereto, MICKELSENS contractually agreed to sell to Floyd Heyrend the 117.3 acres referred to in the preceding paragraph, "together with all water rights owned by MICKELSENS and coming from Hincks Springs and its sinks. As evidenced by the terms of said option the parties contemplated the development of portions of the real property for summer home sites, the development of Hincks Springs as a source of water therefor, the formal establishment of a platted subdivision, adoption of restrictive covenants, and administration by a Board of Directors, and expressly acknowledged the probable inadequacy of waters from Hincks Springs to meet the

needs of all of the real property by charging the Board of Directors with responsibility to determine the number of lots that could adequately be served by said water supply, and following determination that the water supply is or will be exhausted by a designated number of lots, the sale of additional lots without right to the waters of Hincks Springs.

6. On January 13, 1959 MICKELSENS executed and thereafter on July 16, 1959 caused to be recorded Protective Covenants covering said 117.3 acres, Exhibit "C" attached hereto, and on April 13, 1960 executed and thereafter on May 20, 1960, caused to be recorded a formal plat and subdivision, Exhibit "D" attached hereto, known as Royal Vacation Homes, containing a Deed of Dedication of a specified 98.110 acre portion of said 117.3 parcel, formally dividing said 98.100 acre portion into 45 homesite lots and two large lots dedicated to the common use of the lot owners.

7. During 1959 and the time of the creation of Royal Vacation Homes Subdivision MICKELSENS and Floyd Heyrend constructed and caused to be constructed a water collecting, storage and distribution system for the purpose of providing culinary water to each of the lots in said subdivision and formed an association for the purpose of operating and maintaining said water system. Said water system consisted of a catch basin at the headwaters of Hincks Springs, an underground water line extending from said catch basin approximately 1,260 feet to storage facilities located inside the East boundary of Royal Vacation Homes subdivision and distribution lines therefrom to a lot line of each of the platted lots in the subdivision, said springs, water line and original storage tank being located and generally designated and described on Plot Plan, Exhibit "E" attached hereto.

8. During the course of preliminary development of the 117.3 acres referred to herein, and the 98.110 acre portion thereof subdivided and platted, MICKELSENS and Floyd Heyrend discovered an underground pipe which appeared to have been a means of delivering a small quantity of water from Hinck Springs to a

3 - AFFIDAVIT OF EXCEPTION

structure which is believed to have been the dwelling of the original homesteader of some or all of the 117.3 acres of property referred to in this Affidavit and to a watering trough located adjacent to the structure. Said structure, which appeared to have been long since abandoned as a dwelling, and trough were located on the non-subdivided portion of the 117.3 acres. During the early part of 1960, and at a time when all of the 117.3 acres referred to above were owned by MICKELSENS, MICKELSENS and Floyd Heyrend caused the structure to be totally razed and the underground pipe to be dug up and removed. From and after such removal there have been no waters of Hinck Springs distributed to or used in any way in connection with the occupancy of any property other than property referred to in the next succeeding paragraph.

9. By Warranty Deeds executed and recorded at various times during the years 1960 through 1966, MICKELSENS conveyed to Floyd Heyrend and/or Heyrend Construction Company, all their right, title and interest in and to 44 of the 45 platted lots in Royal Vacation Homes Subdivision, being Lots 1 through 6 in Block 1, Lots 1 through 10 in Block 2, Lots 1 through 19 in Block 3 and Lots 1 through 9 in Block 4 of said subdivision and by the express terms of the instruments of conveyance MICKELSENS specifically transferred all of their rights to water in or coming from Hincks Springs. Exhibit "F" attached hereto consists of a list of the conveyances by designated lot number, instrument date and recording reference.

10. Until on or about February 25, 1974, the water distribution system providing a source of culinary water to each of the subdivision lots was administered by the Board of Directors of Royal Vacation Homes Subdivision pursuant to the protective covenants referred to in paragraph 5 above. On said date Articles of Incorporation, Exhibit "G" attached hereto, were filed with and charter issued by the Secretary of State of the State of Idaho evidencing the creation of Royal Vacation Homes Water Association,

Inc., by various lot owners then comprising the Board of Directors of Royal Vacation Homes Subdivision. From and after its creation and pursuant to By-Laws duly adopted and Board of Directors constituted in accordance therewith, the corporation has owned, held and managed the water distribution system referred to herein and Certificates of Membership have been issued to the owner or owners of each of the lots referred to in the Articles of Incorporation, evidencing the water rights appurtenant thereto. Consistent therewith, and with the original intent of MICKELSENS as evidenced by all exhibits referred to herein, the waters of Hincks Springs are dedicated proportionately to the 45 lots referred to in Article IV, Section 1 of said Articles of Incorporation. Under the original plan of development it was and is now the plan, intention and expectation that a summer home dwelling would be constructed on each of said 45 lots, connected to the water distribution system, and entitled to receive a proportionate share of the waters of Hincks Springs. Affiant is informed and believes and, therefore represents that all owners of presently unimproved lots contemplate the construction of dwellings within a reasonable period of time.

11. By Warranty Deed dated July 26, 1961 and recorded in Book 145 at Page 55, records of Bonneville County, Idaho, Exhibit "H" attached hereto, Johnson acquired titled to Lot 8 in Block 3 of Royal Vacation Homes Subdivision, and by Warranty Deed dated September 11, 1968, recorded as Instrument No. 389941, Exhibit "I" attached hereto, Johnson acquired title to Lot 9, Block 3 of Royal Vacation Homes Subdivision. Both instruments recited the conveyances as subject to protective covenants and easements as indicated on the recorded plat of said subdivision. The protective covenants recorded July 16, 1959, and specifically paragraph 2 thereof, provides in part that "no more than one dwelling house shall be built on each lot." As the owner of Lot 8, Block 3 of said subdivision, Johnson is entitled to receive and

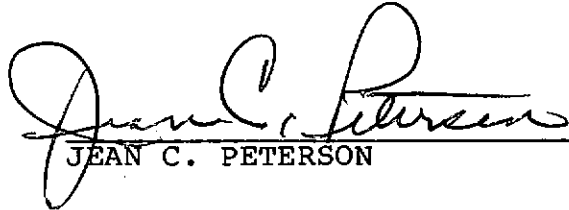
since construction of the summer home thereon has been receiving culinary water from Hincks Springs through the water distribution system above referred to. A review of Bonneville County title records reveals that Johnson sold and conveyed to J. Allan and Noreen Christensen in 1969 all or a portion of Lot 9, Block 3 of said subdivision, and affiant represents that a summer home is situate on said Lot 9 which is similarly hooked up to and receiving water through said water distribution system of Royal Vacation Homes Water Association, Inc.

12. Exhibit "J" attached hereto consists of a list of each of the 45 lots referred to in the preceding paragraph, the present owners thereof, whether the particular lots are improved or unimproved and the approximate date on which improvements were constructed on the lots. For the purpose of this Affidavit the designation "improved" refers to the construction of a habitable summer home physically hooked up to the water distribution system of Royal Vacation Homes Water Association, Inc.

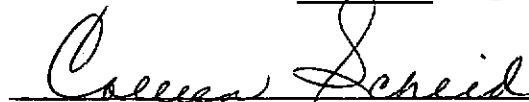
13. Affiant, and all other present members of the Board of Directors of the corporation, share the concern originally expressed by MICKELSENS in the document entitled "Option for Sale of Real Property", dated December 30, 1958, Exhibit "B" hereto, as to the adequacy of the water of Hincks Springs to serve all of the 45 lots for which the corporation is obligated to furnish water. Affiant contemplates the likelihood of the corporation being required to drill an underground well or wells to supplement water obtained from Hincks Springs, and in any event expressly represents that all of the water presently being received through the water distribution system is exhausted by useage of present dwellings within the subdivision, that the improvement of additional lots entitled to water therefrom will necessitate stringent conservation measures by owners of subdivision lots as well as the possible drilling of an underground well or wells.

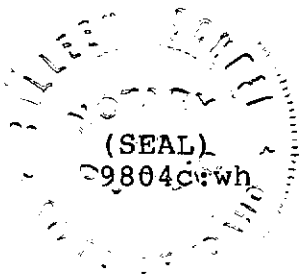
14. Affiant therefore represents that JOHNSON has no legal rights or basis to claim an interest or entitlement to water originating from Hincks Springs or the existing distribution system, and further that there is no surplus water from Hincks Springs available for appropriation by owners or users of any property other than the 45 lots referred to in the Articles of Incorporation of Royal Vacation Homes Water Association, Inc.

WHEREFORE, affiant respectfully requests that the filings of JOHNSON above referred to and herein protested, be denied, OR IN THE ALTERNATIVE be defined and limited consistent with the facts and circumstances as set forth in this AFFIDAVIT OF EXCEPTION.


JEAN C. PETERSON

SUBSCRIBED AND SWORN TO before me this 3rd day of December, 1982.


Notary Public for Idaho
Residing at Idaho Falls, Idaho



RECEIVED
JAN 11 1983

96

County of Bonneville State of Utah on the first day of June 1991

[illegible][illegible][illegible]

1. CAN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court, this 14th day of June, 1968.



MICROFILMED

96 Apr 8
STATE OF IDAHO

County of Bonneville

On this 22nd day of April, 1955, before me, Notary Public in and for the State of Idaho, personally appeared

HARRY J. PIFER and DEILLA PIFER, husband and wife

known to me to be the person or persons named herein, subscribed to the within instrument, and acknowledged to me that he or she executed the same.

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

Notary Public
Residing at Idaho Falls, Idaho
My Commission expires 12/10/57

28553

WARRANT DEED

STATE OF IDAHO

Notary Public in and for the State of Idaho
My Commission expires 12/10/57

THIS AGREEMENT, made and entered into this 30th day of December, 1958, by and between Royal H. Mickelsen and Helen Mickelsen, his wife, as First Party, and Floyd Heyrend, a married man, as Second Party, all of Idaho Falls, Bonneville County, Idaho,

WITNESSETH:

In consideration of Ten (\$10.00) Dollars, and other good and valuable consideration, receipt of which is acknowledged, First Party grants to Second Party, or to any person, persons or corporation said Second Party may designate, an option to purchase, either in whole or in part, as herein specified, at any time demanded, on or before the first day of January, 1964, at the price of \$500.00 per acre, any or all of that certain real property in Bonneville County, Idaho, described as follows:

Beginning at the Northeast corner of Section 28, Township 2 South, Range 46, E.D.M. in Idaho; thence West along the Section line 1320 feet to the Northwest corner of the NE $\frac{1}{4}$ -NE $\frac{1}{4}$ of said Section 28; thence South along the Sixteenth line 660 feet; thence West along the North line of the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ -NE $\frac{1}{4}$ of said Section 28, for 1323 feet; thence South 530.9 feet; thence South 51° 23' East 275.8 feet; thence South 56° 28' East 1032.99 feet; thence South 51° 19' East 753.44 feet; thence South 37° 34' East 723.61 feet; thence South 32° 41' East 994.65 feet; the last five courses are along the North right-of-way line of State Highway No. 26; thence North along the Section line 3815.3 feet, more or less, to the point of beginning. Containing 117.3 acres, more or less, together with all water rights owned by the grantors and coming from the "Hincks Springs".

The terms and conditions of this option are as follows:

1. *Second Party* ~~First Party~~ agrees to survey land, plot and stake out lots in sections of such size as he desires, with the first section to contain a minimum of thirty sites, and subsequent sections to contain a minimum of ten sites. Second Party shall likewise survey and plan the development of the springs located on said property and the water available for said property, together with a water system to be used upon said property. The Board of Directors hereinafter mentioned shall determine the number of homes which may be adequately served for culinary purposes only by said water supply.
2. Second Party agrees to fence the entire area in a manner meeting the approval of the Board of Directors established by that certain Restrictive Covenant recorded by the First Party on 19 , in Book of Miscellaneous at Page records of Bonneville County, Idaho, to which covenants reference is hereby made as though the same were set out in full herein.

3. Second Party shall construct a gravel road on all properties sold by him, the road to be in accordance with the specifications approved by the Board of Directors above mentioned.
4. Second Party shall have the right to resell said property in minimum tracts of one acre, and no dwelling shall be constructed on any tract of less than one acre, unless the same has been approved by the Board of Directors above mentioned. Said sales by Second Party shall be at a price to be determined by him alone.
5. Second Party may refuse to sell property which would require the construction of a road or other improvements passing unsold tracts.
6. Second Party shall make all necessary arrangements for the Power Company to extend and install power lines to the area.
7. After the Board of Directors above mentioned has determined that the water supply is, or will be exhausted by the designated number of occupants, all future sales shall be sold without water rights, unless further and additional provisions for water have theretofore been made.
8. First Party shall have first selection of a site or sites that they wish to retain, and shall pay to Second Party only their proportionate share for improvements and engineering as provided by Second Party, and the amount thereof to be determined by Second Party.
9. Second Party shall have the second choice of a site or sites, for which he shall pay \$500.00 per acre to First Party.
10. After thirty (30) sites have been sold, and thereafter annually on the anniversary of the sale of the thirtieth site, First Party may adjust the price of the one-acre dwelling sites upon the property for which the engineering or the improvements have not been completed.
11. First Party agrees to dispose of all buildings and unsightly and unusable junk and waste material now located on said property.
12. First Party shall furnish all land required for roads, recreational area, garbage pits, access ways, easements and rights-of-way as the same may be required.
13. This option may be exercised, either in whole or in part, by Second Party tendering to the First Party the sum of \$200.00 per acre. The remaining balance of \$300.00 per acre shall be paid to First Party when the purchaser from Second Party makes his final payment on land purchased. However, First Party may demand that he be paid in full for any particular building site, and Second Party shall then have sixty (60) days in which to complete the payment for said building site.

DATED at Idaho Falls, Idaho, this 30th day of December, 1958.

Garret H. McNeil
Walter McNeil
First Parties

Clayton S. Heywood
Second Party

RECORDED

STATE OF IDAHO)
County of Bonneville) ss.

On this 30th day of December, 1958, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Royal H. Mickelsen, Helen Mickelsen, his wife, and Floyd Heyrend, known to me to be the persons who subscribed their names to the within and foregoing Option for sale of Real Property, and acknowledged to me that they executed the same.

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

(SEAL)

John M. Starch
Notary Public, Residing at
Idaho Falls, Idaho
My Comm Expires 12-15-60

RECORDED
INDEXED

Exhibit "B" - Page 3

PROTECTIVE COVENANTS

WITNESSETH BY THESE PRESENTS:

That Royal H. Mickelson and Helen Mickelson, his wife, are the owners of certain real property situated in Bonneville County, Idaho, described as:

Beginning at the Northwest corner of Section 26, Township 2 South, Range 46, E.B.M. in Idaho; thence West Along the Section line 1320 feet to the Northwest corner of the NE $\frac{1}{4}$ -NE $\frac{1}{4}$ of said Section 26; thence South along the Sixteenth line 660 feet; thence West along the North line of the S $\frac{1}{2}$ -NW $\frac{1}{4}$ -NE $\frac{1}{4}$ of said Section 26 for 1323 feet; thence South 530.9 feet; thence South 51° 23' East 275.8 feet; thence South 56° 26' East 1032.99 feet; thence South 51° 19' East 753.44 feet; thence South 37° 34' East 723.61 feet; thence South 32° 41' East 994.65 feet; the last five courses are along the North right-of-way line of State Highway No. 26; thence North along the Section line 3045.5 feet, more or less, to the point of beginning. Containing 117.3 acres, more or less, together with all water rights owned by the grantors and coming from the "Hicks Springs".

THE GRANTORS, said owners desire to restrict the kind and nature of buildings to be erected upon said property, together with the other improvements on said property, and to sell said property in small tracts for home building purposes, and

IT IS DESIRED as a part of a general building plan for the benefit and protection of the owners of the respective parcels within said area to provide for certain use restrictions which shall govern and control the use and enjoyment of the building sites within said described property.

THEY, THEREFORE, the undersigned do hereby certify and declare that the above described property, as divided by conveyance thereof by the undersigned, shall be owned, held and enjoyed by the respective grantees thereof, together with their heirs and assigns, subject to the following restrictions:

1. The residential area covenants as herein provided shall apply in their entirety to the above described property.

2. No site shall contain less than 1/2 acre, and not more than one dwelling house shall be built upon each lot.

3. No building shall be placed closer than 50 feet from the property line, unless written approval has been first obtained from the Architectural Control Board as herein-after provided.

4. Plans for all structures to be built upon any dwelling site shall be first submitted to the Architectural Control Board for approval, and the decisions of said Board in approving or denying said plans shall in all cases be final.

5. No formal landscaping shall be allowed or permitted and no lawn shall be planted. Only shrubs, trees and wild flowers may be planted.

6. No land owner shall be permitted to maintain cows, sheep or pigs. Horses may be maintained provided that a suitable fence or other enclosure is provided, and with the restriction that said animals shall not become offensively odorous.

7. The water supply to be provided shall be restricted to culinary use only, and permission of the Architectural Control Board shall not be used for irrigation purposes.

8. All dwelling houses shall be provided with approved indoor toilet facilities and shall have a sewage disposal system composed of a septic tank, seepage pit or other approved

Exhibit "C" Page 1

drain. All sewage systems must have the approval of the Idaho State Sanitary Inspector.

9. No commercial or industrial adventures or business of any type may be constructed or maintained upon said property, except in the areas designated on the land plat for commercial purposes. Provided, however, that all commercial buildings and alterations thereof and additions thereon, shall first be approved by the Architectural Control Board, and any business therein or thereon conducted shall first have the approval of said Board.

10. No noxious or offensive activities shall be carried on upon any portion of said property, nor shall anything be put thereon which may be or may become an annoyance or nuisance to the neighborhood.

11. No sign of any kind shall be displayed to the public view on any lot, except that a sign advertising all or any portion of said property to be for sale or rent may be temporarily maintained.

12. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage and other waste shall be kept only in sanitary containers and all incinerators or other equipment for the disposal of said material shall be maintained in a sanitary condition.

13. The Architectural Control Board herein mentioned shall have power to enforce any and all conditions of these covenants, and shall have power to assess each individual building site up to \$25.00 per year for maintenance and site care and development. Assessments in excess of \$25.00 shall have the written approval of two-thirds of all property owners.

14. All proposed purchasers of building sites on said property must be approved by the Architectural Control Board.

15. The Architectural Control Board shall be composed of Royal H. Mickelson, Floyd Mayreud and three other property holders. A majority of the Board may designate a representative to act in its behalf. In the event of death or resignation of any member of the Board, the remaining members shall have full authority to designate a successor. Neither the members of the Board nor its designated representative shall be entitled to compensation for services performed pursuant to this covenant. Members of said Board shall serve terms of five (5) years, with one member being elected from the property owners each year.

16. The Architectural Control Board's approval or disapproval required in these covenants shall be in writing. In the event the committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

17. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

18. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages.

19. Invalidity of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Exhibit "C" - Page 2

Royal H. Mickelson

STATE OF IDAHO)

County of Bonneville)

ss.

On this 13th day of January, 1959, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Royal H. Mickelsen, Helen Mickelsen, his wife, known to me to be the persons who subscribed their names to the within and foregoing Protective Covenants, and acknowledged to me that they executed the same.

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

(SEAL)

John M. Sharp
Notary Public,
Residing at Idaho Falls, Idaho

My Comm Expires 12-15-60

Recorded on July 16, 1959, at 2:14 P.M.
Book 20 of Miscellaneous, at page 413,
Records of Bonneville County, Idaho.

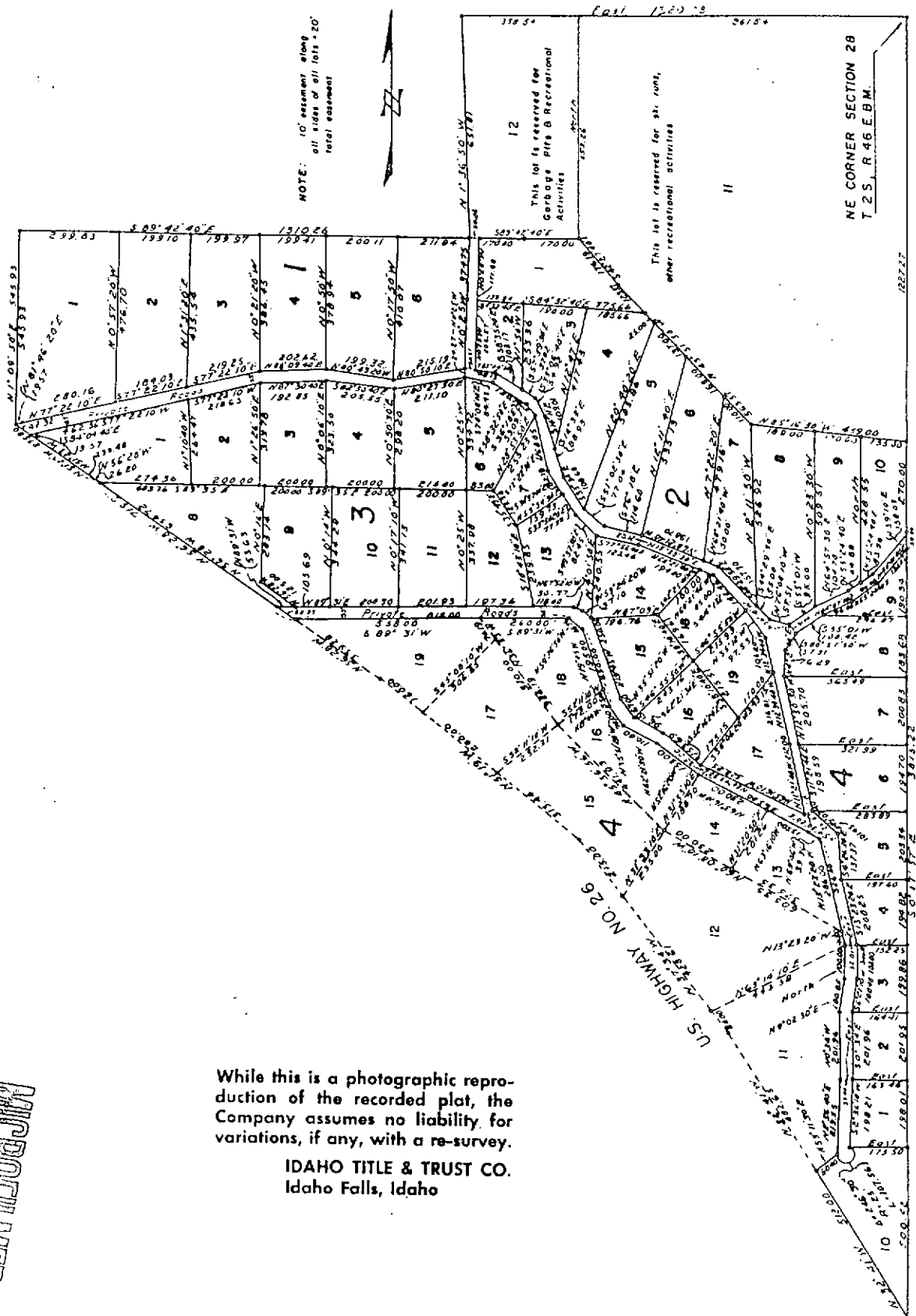
MICROFILMED

Exhibit "C" - Page 3

ROYAL VACATION HOMES

BONNEVILLE COUNTY, IDAHO

Part of Section 28 T.2 S., R.46 E. B. M.



While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

IDAHO TITLE & TRUST CO.
Idaho Falls, Idaho

MICROFILMED

DEED OF DEDICATION

BE IT KNOWN THAT We, Royal H. Mickelsen and Helen Mickelsen do hereby certify that we are the legal owners of the land shown hereon and described as follows:

Beginning at the NE Corner of Section 28 T2S, R46 E B.M. and running thence S0°17'57"E 3815.22 feet; thence N32°41'W 51200 feet; N53°11'30"E 8040 feet thence N2°36'40"E 21955 feet; thence N0°34'W 20196 feet; thence N8°02'30"E 10085 feet; thence North 10000 feet; thence N13°25'20"W 32600 feet thence N59°46'W 3936 feet; thence N63°16'10"W 36500 feet; thence N52°16'20"W 15300 feet; thence N62°21'30"W 11000 feet; thence N35°51'20"W 7000 feet thence N19°45'W 25000 feet; thence N59°36'50"W 4636 feet; thence S39°31'W 81800 feet; thence N56°28'W 719.91 feet; thence N51°25'W 27580 feet; thence N1°09'50"E 54593 feet; thence S89°42'40"E 131026 feet; thence N1°36'50"W 65181 feet; thence East 1320.08 feet to the point of beginning containing 98.10 acres.

That we have caused the same to be subdivided into blocks, lots and roads to be known as Royal Vacation Homes Bonneville County, Idaho and that we do hereby give grant and dedicate roads and easements shown hereon for the exclusive use of all property owners and their guests in said subdivision for ingress and egress, recreational purposes and for utilities.

Witness our hands this 13TH day of April 1960

Joseph H. Michelson

Henrich Nielsen

State of Idaho } ss
County of Bonneville }

Personally appeared before me Royal H Mickelson and Helen Mickelson the signers of the above instrument who duly acknowledged to me that they executed the same.

Dated at Idaho Falls, Idaho this 13TH day of April 1960

My commission expires 10-18-61

David E Benton

Notary Public

ENGINEER'S CERTIFICATE

I, David E. Benton, a registered Professional Engineer do hereby certify that I have surveyed the tract of land designated as Royal Vacation Homes Bonneville County, Idaho that the said subdivision is truly and correctly staked as provided by law and in accordance with the above plat and as described in the accompanying deed of dedication, and that this tracing is an exact copy of the original map. David E. Benton

David E. Benton

David E Benton P.E.
Idaho License No. 722

State of Idaho } ss.
County of Bonneville }

Subscribed and sworn to before me this
20TH day of April 1960. /

My commission expires Feb 1 - 1961

L. P. L. D. R. + Thomas Groves

U.S. HIGH
-N-

80.007

知

Private Land

WATER TRANSMISSION

NATIONAL FOREST LAND

CONCESSION AREA
(FENCED)
HEAD-BOX

HINCIS
SPRINGS

WATER LINE 1200'

ACCESS ROAD

SEMINOLE

STAGS
TANK

SUMMIT
HOLE

NORTH

Scale 1/4" = 100'

9/15/72

MICROFILMED

Exhibit "E"

EXHIBIT "F"

REAL PROPERTY TRANSFERS BY MICKELSENS

<u>Description</u>	<u>Instrument Date</u>	<u>Recording Reference</u>
<u>BLOCK 1:</u>		
Lot 1	10/6/60	Bk. 130, Pg. 273
Lot 5	12/19/60	Bk. 131, Pg. 149
Lots 4 & 6	3/28/64	Bk. 154, Pg. 551
Lots 2 & 3	5/25/65	Instrument No. 347977
<u>BLOCK 2:</u>		
Lot 5	6/29/60	Bk. 128, Pg. 467
Lot 2	8/13/62	Bk. 142, Pg. 411
Lot 8	8/13/62	Bk. 142, Pg. 413
Lot 10	9/18/62	Bk. 143, Pg. 339
Lots 3 & 7	7/23/63	Bk. 150, Pg. 1
Lot 9	3/26/64	Bk. 154, Pg. 551
Lot 6	11/2/64	Bk. 159, Pg. 511
Lot 4	5/25/65	Instrument No. 347977
Lot 1	3/3/66	Instrument No. 358277
<u>BLOCK 3:</u>		
Lot 8	2/26/61	Bk. 135, Pg. 485
Lot 10	9/17/62	Bk. 143, Pg. 305
Lots 9, 11, 12, 13 & 15	7/23/63	Bk. 150, Pg. 1
Lots 1, 2, 3, 4, 13, 16 & 19	3/26/64	Bk. 154, Pg. 551
Lot 18	5/25/65	Instrument No. 347977
Lots 5, 6, 7, 14 & 17	3/3/66	Instrument No. 358277
<u>BLOCK 4:</u>		
Lots 3 & 4	10/13/61	Bk. 137, Pg. 143
Lots 5 & 6	7/23/63	Bk. 150, Pg. 1
Lots 2, 7 & 9	3/26/64	Bk. 154, Pg. 551
Lots 1 & 8	5/25/65	Instrument No. 347977

9797c:wh

MICROFILMED

Exhibit "F"

ARTICLES OF INCORPORATION

OF

ROYAL VACATION HOMES WATER ASSOCIATION, INC.

KNOW ALL MEN BY THESE PRESENTS:

We, the undersigned, being of legal age and being citizens of the United States of America, do hereby, as incorporators thereof, form a non-profit corporation under the laws of the State of Idaho, according to and in compliance with the provisions of Idaho Code Section 30-117 (A), and we do hereby adopt Articles of Incorporation as follows:

ARTICLE I.

Name

The name of this Corporation shall be ROYAL VACATION HOMES WATER ASSOCIATION, INC.

ARTICLE II.

Duration

The duration of this Corporation shall be perpetual.

ARTICLE III.

Purposes

The purposes of this Corporation are:

1. To own, hold, and manage domestic water and water rights including but not limited to the flow of water from what is commonly known as HINCKS SPRINGS and to distribute the same for culinary purposes to members of the Corporation who are owners or purchasers of specified tracts of real property hereinafter specified and situate in Bonneville County, Idaho, and to own, hold, manage, develop, construct, operate, maintain and improve a domestic water distribution system including pipe lines, reservoirs, storage tanks and other personal property and easements and rights-of-way as may be necessary in the conduct of its business for the purposes herein stated.

2. To borrow money and to draw, make, accept, endorse, assign, guarantee, execute and issue notes, checks, drafts, negotiable and other instruments for the payment of money and to mortgage or pledge its property to secure such obligations.

EXHIBIT

Exhibit "D" - Page 1

3. To have, exercise and enjoy all powers now or hereafter granted to corporations organized under the laws of the State of Idaho, and particularly all the powers and privileges granted to non-profit corporations under the laws of the State of Idaho, and amendments thereto, and to engage in any other activity and to do any act or other thing necessary to carry into effect the aforementioned purposes.

4. This Corporation shall be a non-profit, non-political and non-sectarian organization.

ARTICLE IV.

Membership

Section 1. The members of the Corporation shall be the owners and purchasers of all of the platted lots of Royal Vacation Homes, a subdivision to Bonneville County, Idaho, excepting Lot ten (10) in Block four (4) thereof, the plat of which subdivision was duly filed and recorded in the office of the Recorder of Bonneville County, Idaho, on May 29, 1960, in Book four (4) of Plats at page four (4), plus one additional parcel adjacent to said subdivision identified as unplatted Lot thirteen (13), located immediately West of Lots four (4) and five (5) of Block four (4) of the platted subdivision and plus such additional property as may be hereafter included upon approval of the Board of Directors. A map designating all property, the owners and purchasers of which shall be eligible for membership in the Corporation as of the date of execution of these Articles, is attached hereto marked Exhibit A and by reference made a part hereof.

Section 2. Membership in the Corporation shall transfer as and when the ownership of lots served by the Corporation transfer, and the right of members to have and receive water to his or her property from the facilities of the Corporation shall remain constant with the owners or purchasers of each separate lot within the development, and shall run with the land as an appurtenant right, subject, however, to suspension of services or use of the facilities of the Corporation for the period of time that bills or obligations due the Corporation are not paid.

EXHIBIT A
Exhibit "A" - Page 2



3. NO REAS' EXCEPTS AUG 20/04 571 BOMBA 204 OL

Payment of delinquency on the obligation for which service has been suspended shall entitle the member to prompt restoration of service and use of its facilities. Membership shall not be subject to Board of Directors' approval or approval of other members, excepting, however, the right of the Board of Directors to approve inclusion of additional property as provided in Section 1 above. New members shall be entitled to vote and share in the property of the Corporation with the old members in accordance with all the provisions of these Articles of Incorporation.

Section 3. The water right and membership in the Corporation which vests with the ownership of the individual lots within the development shall not be divided, split or appropriated so as to give a greater benefit to one property than another.

ARTICLE V.

Voting

Section 1. Each membership certificate shall entitle the owner thereof to one (1) vote and shall evidence equal rights with every other membership certificate of the Corporation.

Section 2. Voting by proxy is authorized; however, such proxy shall be in writing and no proxy shall be valid beyond eleven (11) months and shall not be binding upon the purchasers of property from the grantor of the proxy.

Section 3. No member shall be expelled from the Corporation and no member's voting rights shall be cancelled except as may be expressly provided in these Articles or proper amendment thereto.

Section 4. No provisions restricting the ownership of lots shall be adopted either by amendment of these Articles of Incorporation or by any provision contained in any Bylaws of the Corporation.

EXHIBIT "D" - Page 3

ARTICLE VI.

Assessments

The Board of Directors shall be authorized to levy and collect assessments to finance the operation of the system, and the owners or purchasers of each lot served by the Corporation shall pay an equal and proportionate amount of the total of all such assessments. Funds collected for water assessments by the Corporation for dues or service charges shall be disbursed only in payment for expenses of the Corporation in establishing, operating and maintaining the system. No member shall perform any service for the Corporation or be entitled to any pay or compensation therefore, except upon the approval by majority action of the Board of Directors.

ARTICLE VII.

Principal Place of Business

The principal place of business and place where the principal office of the Corporation shall be is hereby designated as 767 Grace Avenue, Idaho Falls, Idaho.

ARTICLE VIII.

Amendments

These Articles shall not be subject to change or amendment for one (1) year after date of incorporation and thereafter shall be amended only by majority action of two-thirds (2/3) of all eligible members of the Corporation.

ARTICLE IX.

Incorporators

The name and address of each incorporator is:

<u>Name</u>	<u>Address</u>
Max Nadauld	2855 South Boulevard Idaho Falls, Idaho
E. E. Jacoby	North Bellin Road Idaho Falls, Idaho

Exhibit "D" - Page 4



<u>Name</u>	<u>Address</u>
Roger P. Hearn	767 Grace Avenue Idaho Falls, Idaho
Wesley L. Headington	627 Ninth Street Idaho Falls, Idaho
James H. Capps	Park Road Idaho Falls, Idaho
C. Wayne Bills	1090 East 21st Street Idaho Falls, Idaho
Scott Bair	284 East 23rd Street Idaho Falls, Idaho
Jean C. Petersen	330 Delbert Drive Idaho Falls, Idaho
S. L. Squires	330 East 24th Street Idaho Falls, Idaho
R. Dale Kruse	923 923 North Arthur Pocatello, Idaho

Dated this 18th day of February, 1974.

Max Nadault
Max Nadault

C. E. Jacoby
C. E. Jacoby

Roger P. Hearn
Roger P. Hearn

Wesley L. Headington
Wesley L. Headington

James H. Capps
James H. Capps

C. Wayne Bills
C. Wayne Bills

Scott Bair
Scott Bair

Jean C. Petersen
Jean C. Petersen

S. L. Squires
S. L. Squires

R. Dale Kruse
R. Dale Kruse

RECEIVED
FEB 21 1974



STATE OF IDAHO)
) ss.
County of Bonneville)

ON THIS 14th day of February, 1974, before me, the undersigned, a Notary Public in and for said State, personally appeared MAX NADAULD, C. E. JACOBY, ROGER P. HEARN, WESLEY L. HEADINGTON, JAMES H. CAPPS, C. WAYNE BILLS, SCOTT BAIR, JEAN C. PETERSEN, S. L. SQUIRES, and R. DALE KRUSE, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



Notary Public for Idaho
Residing at Idaho Falls, Idaho

(SEAL)

Exhibit "D" - Page 6



119723

WARRANTY DEED

145-55

THIS INDENTURE, made this 26th day of April, 1972, between Florida Raymond and Virginia Raymond, his wife, d/b/a Palmada
Division of Raymond Construction Company, an Idaho Corporation, 1150 East First
Street, Idaho Falls,

of the County of Bonneville, State of Idaho, the parties of the first
part, and Arthur B. Johnson and Paula Johnson, his wife, 2075 Stanger Avenue, Idaho
Falls,

of the County of Bonneville, State of Idaho, the parties of the second
part.

WITNESSETH that the said parties of the first part, for and in consideration of the sum of
Five and no/100 Dollars, to them in hand paid by the parties of the second

part, the receipt whereof is hereby acknowledged, have granted, sold, conveyed and by these
presents do hereby grant, bargain, sell, convey and confirm unto the said parties of the second
part, and to their heirs and assigns forever, all the following described real estate situated in the
County of Bonneville, State of Idaho, to wit:

Lot 9, Block 9, of the Royal Summer Homes Estates in Bonneville County, Idaho,
in accordance with the certified plat thereof, subject to the provisions, covenants
and easements as indicated on the said plat, recorded in Bonneville County, Idaho.



TOGETHER with all and singular the covenants, conditions, and appurtenances thereto in
anywise appertaining, and the reversion or reversions, remainder and remainders, rents,
issues and profits thereon, and all estate, right, title and interest in and to the said property, as well in
law as in equity, of the said parties of the first part.

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

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

Signed, sealed and delivered in the presence of
Paula Johnson (SEAL)
Arthur B. Johnson (SEAL)
Florida Raymond (SEAL)
Virginia Raymond (SEAL)

RECORDED

145 56

STATE OF IDAHO

County of _____

On this _____ day of _____, 19____, before me

_____ a Notary Public in and for the State of Idaho, personally

known to me to be the person, the whose name is subscribed to the within instrument, and

acknowledged to me that _____ executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this

_____ day and year in this certificate first written.

Notary Public

Residing at _____

My Commission Expires _____

318014

VARNEY DEED

From the _____

_____ to _____

RECEIVED

389941

CORPORATION WARRANTY DEED

THIS INDENTURE, Made the 11th day of September 1968

between
FALISADES DIVISION OF THE HAYWARD CONSTRUCTION COMPANY,

a corporation duly organized and existing under the laws of the State of IDAHO
and having its principal office in Idaho at 1250 First Street, Idaho Falls, in the County of
Bonneville, Seller, and
ARTHUR B. JOHNSON AND RULA JOHNSON, HIS WIFE
of Idaho Falls, County of Bonneville, State of
Idaho. Buyer,

WITNESSETH, That Seller having been heretofore duly authorized by resolution of its Board of
Directors, for and in consideration of the sum of TWO THOUSAND TWO HUNDRED FIFTY AND -----
51.6 00/100 ----- DOLLARS,
(22,250.00)
lawful money of the United States of America, to it in hand paid by Buyer, the receipt whereof is
heretofore acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell,
convey and confirm unto Buyer, and to their heirs and assigns forever, all the following described
real estate situated in, County of BONNEVILLE, State of Idaho, to-wit:

LOT 9, IN BLOCK 3, OF ROYAL VACATION HOMES, BONNEVILLE COUNTY, STATE
OF IDAHO, ACCORDING TO THE RECORDED PLAT THEREOF, SUBJECT TO PROTECTIVE
COVENANTS AND EASEMENTS AS INDICATED ON THE RECORDED PLAT IN BONNEVILLE
COUNTY, IDAHO.



TOGETHER With all and singular the tenements, hereditaments and appurtenances thereto
belonging or in any wise 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 Seller.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises,
together with the appurtenances, unto Buyer, and to their heirs and assigns forever.
And the Seller, and its successors, the said premises in the quiet and peaceable possession of the Buyer

Exhibit "d" - Page 1

Their heirs and assigns against Seller, and its successors, 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 Seller has caused its corporate name to be hereto subscribed by its

President and its corporate seal to be affixed by

its

Secretary in pursuance to said resolution the day and year first above written.

(SEAL)



PALISADES DIVISION OF THE HEYWOOD
CONSTRUCTION COMPANY

By Lloyd S. Heyrand
Lloyd S. Heyrand, President

Its _____ President

Attest Virginia Heyrand
Virginia Heyrand, Secretary

Its _____ Secretary

389941

No. _____
CORPORATION WARRANTY
DEED

SEP 26 3 06 PM '38

TO

Dated _____ 19__

STATE OF IDAHO
County of Bonneville

I hereby certify that this instrument was

filed for record at _____

at _____

o'clock _____

of _____

in my office, and duly recorded in Book _____

of _____

at _____

By John B. Johnson
John B. Johnson, Notary Public

For _____

and to Arthur B. Johnson
Arthur B. Johnson, Secretary

SEP 26 1938

City

STATE OF IDAHO

County of Bonneville
On this 19th

day of September 19__

a Notary Public

Rula B. Johnson

In and for said State, personally appeared Floyd S. Heyrand and Virginia Heyrand

known to me to be the
secretary of the corporation that executed the foregoing
instrument, and acknowledged to me that such corporation executed the same
WHEREOF, I have hereunto set my hand and affixed my official seal, the day and
date first above written.

Notary Public residing at Idaho Falls

Exhibit "d" - Page 2

<u>Lot & Block</u>	<u>Owner</u>	<u>Approximate Dates</u>
Lot 1, Block 1	C. Wayne & June Bills	Improved - 1959
Lot 2, Block 1	C. Wayne & June Bills	Unimproved
Lot 3, Block 1	Melvin Jensen	Improved - 1977
Lot 4, Block 1	Lawrence Larsen	Improved - 1981
Lot 5, Block 1	Charles J. & Thora Just	Improved - 1960
Lot 6, Block 1	Mrs. Eileen McKinney	Unimproved
Lot 1, Block 2	Milburn & Lois Hawker	Unimproved
Lot 2, Block 2	E. K. McCowan	Improved - 1966
Lot 3, Block 2	Robert & Rebecca Jacoby	Unimproved
Lot 4, Block 2	R. Dale & Virginia Kruse	Improved - 1971
Lot 5, Block 2	Harry & Evelyn N. Bassett	Improved - 1971
Lot 6, Block 2	William & Helen S. Bassett	Unimproved
Lot 7, Block 2	Mrs. Hertha Hicks	Improved - 1971
Lot 8, Block 2	Roger P. & Winona M. Hearn	Unimproved
Lot 9, Block 2	Frank T. & Dora Butler	Improved - 1961
Lot 10 & E. 15 feet Lot 9	Ronald B. & Janice Howell	Unimproved
Lot 1, Block 3	Ernest V. & Ruth E. Lish	Improved - 1976
Lot 2, Block 3	Leroy L. & Edwarda Dickerson	Improved - 1961
Lot 3, Block 3	Artice R. & Hazel Taylor	Unimproved
Lot 4, Block 3	L. Ross & Beverly Jensen	Improved - 1960
Lot 5, Block 3	William C. & Ruth Kyle	Improved - 1974
Lot 6, Block 3	Mrs. Joyce Hill Elkington	Unimproved
Lot 7, Block 3	Wesley L. & June Headington	Improved - 1965
Lot 8, Block 3	Arthur & Rula Johnson	Improved - 1965
Lot 9, Block 3	J. Allen & Noreen Christensen	Improved - 1970
Lot 10, Block 3	Artice R. & Hazel Taylor	Improved - 1976
Lot 11, Block 3	Jimmie M. & Alice K. Hopla	Improved - 1973
Lot 12, Block 3	Carroll & Joyce Ison	Improved - 1982
Lot 13, Block 3	Robert & Rosalie Hackett	Unimproved
Lot 14, Block 3	Vernon Gardner	Unimproved
Lot 15, Block 3	Bill Smith	Improved - 1961
Lot 16, Block 3	Robert A. & M. Jean Johnson & Amil Johnson	Improved - 1975
Lot 17, Block 3	Frank E. Schryer	Unimproved
Lot 18, Block 3	Roger P. & Winona M. Hearn	Improved - 1968
Lot 19, Block 3	Jean C. & Clarice Peterson	Improved - 1960
Lot 1, Block 4	Norman Jones	Improved - 1960
Lot 2, Block 4	C. E. & Effie Jacoby	Improved - 1960
Lots 3 & 4, Block 4	Grant L. & Cora J. Nadauld	Improved - 1963
Lot 5, Block 4	W. Max & Clea Nadauld	Improved - 1966
Lot 6, Block 4	William G. & Anna H. Pinnock	Unimproved
Lot 7, Block 4	Floyd M. Morris	Improved - 1981
Lot 8, Block 4	Dean E. & Patricia L. Chase	Improved - 1967
Lot 9, Block 4	Vincent E. & Miriam Mullin	Unimproved
Lot 13, Block 4	Fred K. & June Kirn	Improved - 1960

Proof of Publication
The Post-Register

NOV 29 1982

State of Idaho,
County of Bonneville } ss.

Department of Water Resources
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the
Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 11th day of November, 1982, last publication
having been made on the 18th day of November, 1982, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 23rd day of November, 1982

Leon K. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

**NOTICE OF CLAIMS
TO WATER RIGHTS**
The following claim(s) have been
filed on water right(s) created by diver-
sion and beneficial use:
23-4041

JOHNSON, ARTHUR B.
1073 STANGER, IDAHO FALLS, ID
83401

Source: HINCKS SPRING tributary
to SINKS
Priority Date: 04/22/1935
Amount: 0.04 CFS
Diversion Point: SE 1/4 Sec 27 T
2S R 46E, BONNEVILLE Co.
Use: DOMESTIC (0.04 CFS) from
01/01 to 12/31
Place of Use: SWNE Sec 28 T 2S R
46E
Diversion Means: HEADBOX & DIS-
TRIBUTION SYSTEM
23-4048

JOHNSON, ARTHUR B.
1073 STANGER, IDAHO FALLS, ID
83401

Source: HINCKS SPRING tributary
to SINKS
Priority Date: 04/22/1935
Amount: 0.04 CFS
Diversion Point: SE 1/4 Sec 27 T
2S R 46E, BONNEVILLE Co.
Use: DOMESTIC (0.04 CFS) from
01/01 to 12/31
Place of Use: SWNE Sec 28 T
2S R 46E
Diversion Means: HEADBOX & DIS-
TRIBUTION SYSTEM
Exceptions to a claim may be filed
with the Director, Dept. of Water Re-
sources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho 83402.

KEN DUNN,
Director

Pub.: Nov. 11, 1982

Sec 21

RECEIVED
NOV 29 1982

Proof of Publication
The Post-Register

RECEIVED

DEC 27 1982

Department of Water Resources
Eastern District Office

State of Idaho,
County of Bonneville } ss.

I, J. Robb Brady, first being duly sworn, depose and say: That I am the
Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville
County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily,
except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls
Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho
Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931,
and each of said newspapers having been published continuously and uninterruptedly, prior to consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 9th day of December, 1982, last publication
having been made on the 16th day of December, 1982, and that the
said notice was published in the regular and entire issue of said paper on the respective dates of
publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 23rd day of December, 1982.

J. Robb Brady
Leon R. Napier
Notary Public

My commission expires September 30, 1984.

B10, 1M,

NOTICE OF CORRECTION

Notice is hereby given that Claim No. 23-4047 in the name of Arthur B. Johnson was advertised incorrectly on Nov. 11 & 18, 1982. The point of diversion was advertised as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. T. 2S, R. 46E, B.M. Bonneville County.

WHEREAS, the actual point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 2S, R. 46E, B.M. Bonneville County.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

A. KENNETH DUNN
Director

Published: December 9, 16, 1982

RECEIVED

May 13, 1985

Arthur B. Johnson
1075 Stanger
Idaho Falls, ID 83401

RE: Amending Claims 23-4047 and 23-4048.

Dear Mr. Johnson:

Following your recent visit to our office it was noticed that some of the information on the original claims had been changed by you, probably at the conference that was held concerning Royal Micklesen's application for permit on Hinck's Springs. But to record a change on information submitted on an original claim it is necessary to file an Amended Claim form, therefore, we have taken the liberty of preparing two Amended Claim forms. For comparison and to insure the Amended Claims are correct, we also enclosed a copy of the original Claims as they are now on file with the Department.

In reviewing Amended Claim 23-4048, you will notice the priority has been reduced to April 22, 1976 for the domestic use of groundwater in three homes. For a Claim to be acceptable on a groundwater source it must have a priority earlier than March 25, 1963 if it's for domestic purposes and more than one home. To be acceptable with a priority date of April 22, 1976, Amended Claim 23-4048 is limited to domestic use in a single family household. A water right for the two remaining homes would have to be obtained by filing an application for permit through this Department.

MICROFILMED

Arthur B. Johnson
May 13, 1985
Page 2

When you have confirmed that Amended Claim 23-4047 correctly reflects the changes you made on the original Claim, sign the amended form in the presence of a notary and return it to this office. After changing Amended Claim 23-4048 it should also be signed in the presence of a notary and returned to this office. There is no fee associated with these Amended Claims.

If you have any questions concerning Amended Claim 23-4048 feel free to contact me.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EMC/ct

Enclosures

MICROFILMED

State of Idaho
Department of Water Resources

Amended

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HLWJ

Right Number 23-4047 Applicant Art Johnson

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date July 3, 1985

6-24-85

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 7/22/85

MICROFILMED
RECEIVED
JUL 12 1985

July 10, 1985

RE: Amended Claim to a Water Right No. 23-4047

Mr. Arthur B. Johnson
1075 Stanger
Idaho Falls, ID 83401

Dear Mr. Johnson:

The Department of Water Resources has completed the processing of your amended claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your amended claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your amended claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your amended claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

MICROFILMED

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

23-4047

Notice is hereby given that Claim to a Water Right No. 23-4047 in the name of Arthur B. Johnson, Idaho Falls, ID was filed with a priority date of April 22, 1955 for the diversion and application to beneficial use of 0.04 cfs of water from Hinck's Spring tributary to Sinks with the point of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 2S, R. 46E, B.M., Bonneville County; the water is claimed to be used from 1-1 to 12-31 for domestic purposes within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 2S, R. 46E, B.M. with a priority date of April 22, 1965.

The claimant now proposes to amend Claim No. 23-4047 amending the point of diversion to the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 2S, R. 46E, B.M.

Any exception to a claim of water right may be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402.

A. KENNETH DUNN

Director

Published in the Post Register, Idaho Falls, ID on 6/6 & 6/13/85.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 29, 1982

ARTHUR B. JOHNSON
1075 STANGER
IDAHO FALLS

ID 83401

RE: Claim No. 23-4047

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
JAN 11 1983

Department of Water Resources

December 7, 1982

RE: Claims to Water Rights No. 23-4047 and 23-4048

Arthur B. Johnson
1075 Stanger
Idaho Falls, ID 83401

Dear Mr. Johnson:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

December 7, 1982

-Suite 15

RE: Claims to Water Rights No. 23-4047 and 23-4048

John D. Hansen,
Attorney at Law
P.O. Box 501
Idaho Falls, ID 83401

Dear Mr. Hansen:

We have received the exception dated December 3, 1982, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department----Corrections.----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

RECEIVED
DEC 11 1982
IDaho Falls

LAW OFFICES OF
HANSEN, BOYLE, BEARD & MARTIN

JOHN D. HANSEN
LARRY M. BOYLE
WINSTON V. BEARD
SIMON S. MARTIN
JOHN G. ST. CLAIR
MICHAEL R. ORME

CHARTERED
JUDICIAL CENTER BUILDING
600 BLOCK, NORTH CAPITAL AVENUE
POST OFFICE BOX 501
IDAHO FALLS, IDAHO 83402-0501

TELEPHONE 523-5171
AREA CODE 208

December 3, 1982

RECEIVED

DEC 3 1982

Department of Water Resources
Eastern District Office

Mr. Ron Carlson
Idaho Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83401

Re: In the Matter of Arthur B. Johnson, Ident Nos. 23-4047 and
23-4048

Dear Mr. Carlson:

This confirms recent conversations regarding the above matter. I
herewith hand you original and copy of formal AFFIDAVIT OF
EXCEPTION which we request be filed on behalf of our client, Royal
Vacation Homes Water Association, Inc.

Please keep us advised of further developments.

Yours very truly,

HANSEN, BOYLE, BEARD & MARTIN, CHARTERED



John D. Hansen

JDH:wh

cc: Royal Vacation Homes Water Association, Inc.

RECEIVED

NOTICE OF CORRECTION

Notice is hereby given that Claim No. 23-4047 in the name of Arthur B. Johnson was advertised incorrectly on Nov. 11 & 18, 1982. The point of diversion was advertised as being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. T. 2S, R. 46E, B.M. Bonneville County.

WHEREAS, the actual point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 2S, R. 46E, B.M. Bonneville County.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402.

A. KENNETH DUNN

Director

Published in the Post Register Dec. ⁹7, & 16, 1982.

RECEIVED
DEC 16 1982

December 1, 1982

RE: Notice of Correction No. 23-4047 and 23-4048 JOHNSON

Post Register
P.O. Box 1800
Idaho Falls, ID 83401

Gentlemen:

We are resubmitting a legal notice to be published on December 2 and 16, 1982. This notice was originally published in your paper on November 11 and 18, 1982. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print we, therefore, request this be readvertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by December 27, 1982. Your cooperation in this matter is greatly appreciated.

Very truly yours,

BARBARA POWERS
Secretary

Enclosures (2)

RECEIVED
DEC 1 1982

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number 23 4047

Applicant Arthur B. Johnson

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

Nov 29, 1982
Dec 27, 1982

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly. Re-Ad
- ☐ Exceptions processed.

By Ernest Carlson Date Jan 6, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 1/11/83

RECEIVED
JAN 11 1983

WATER RIGHT
DATA ENTRY LOG

[illegible]

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 11/11 & 11/18/82.

RECEIVED
NOV 18 1982

23-404Z

JOHNSON, ARTHUR B.

1075 STANGER, IDAHO FALLS, ID 83401

Source: HINCK'S SPRING tributary to SINKS

Priority Date: 04/22/1955

Amount: 0.04 CFS

Diversion Point: (~~NW1/4~~) Sec 27 T 02S R 46E, BONNEVILLE Co.
(SESE) 21

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: SWNE Sec 28 T 02S R 46E

Diversion Means: HEADBOX & DISTRIBUTION SYSTEM

Computer Change on PD to SESE Sec 21 T 2S, R. 46E
made 11/10/82 BP

11/10/82