

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-14290
Date Received: 10/22/1992
Receipt No: S015102
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK A STASZ Phone: (208)788-5712
PO BOX 424
BELLEVUE ID 83313

MEAGAN R STASZ Phone: (208)788-5712
PO BOX 424
BELLEVUE ID 83313

2. Date of Priority: 05/18/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01S	18E	13	NE	NE	NE	BLAINE	

5. Description of diverting works:

ARTESIAN WELL, POND, DITCHES TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.4	70

7. Total Quantity Appropriated is:
0.4 C.F.S. and/or 70 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	18E	13	NE	NE	IRRIGATION	20
					Section Acres	20
					Total Acres	20

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATE CLAIMED IS THE SAME AS FOR LIC. 37-02614. I WAS PROMISED A PORTION OF THIS LICENSE WHEN I BOUGHT THIS LAND FROM DEE WALKER, BUT SO FAR HAVE NOT OBTAINED LEGAL TITLE TO THE WATER SO I AM FILING MY OWN SRBA CLAIM. THE P/U IS THE 2 FIELDS IN NE/NE SEC. 13.

THIS WELL ALSO SERVES CLAIM A37-04159 FOR A DIFFERENT FIELD IN THE SE/NE SEC. 13. THE WELL HAS MORE THAN ENOUGH CAPACITY TO SERVE ALL THESE USES. THERE IS NO EASEMENT TO TRANSPORT OR SERVICE OR CONTROL THIS WELL AND ITS WATER EXCEPT BY ME AT THE PRESENT TIME AND FOR THE PAST SEVERAL YEARS I HAVE CONTROLLED THIS WELL AND ITS USE.

***** OWNERSHIP CHANGE MADE 9/16/97. SMITH TO LOMBARDO. TLB

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

June 28, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK STASZ
MEAGAN STASZ
PO BOX 424
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-2386C, 37-14290

Dear Mr. and Mrs. Stasz:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish'.

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED
APR 04 2002
Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-14290	_____	___	_____	_____	___
37-2386C	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Pepper Jackson Living Trust
4. New Owner/Claimant(s) 71 Bellevue Belvedere, Ca 94920
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address Mark A. and Meagan R. Stasz
- City, State and ZIP Code PO Box 424
- New Telephone Number Bellevue, Idaho 83313
5. Date you acquired the property (208) 788-5712
1/4/02

JUN 25 2002

Department of Water Resources

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-13860</u> <u>new 2nd 2nd 2nd</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.4 CFS</u> <u>new</u>	<u>20 acres</u> <u>new</u>
Stock		<u>no home, no stock</u>
Domestic		
Other		
Total	<u>0.4 CFS</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-14290</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.4 CFS</u>	<u>20 acres</u>
Stock		<u>no home, no stock</u>
Domestic		
Other		
Total	<u>0.4 CFS</u>	

7. Signature of New Owner(s) or Claimant(s) Mark Siny
(include title if applicable) Harry R. Siny

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

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SVTC Order No. 01-16848

Instrument # 459927

HAILEY, BLAINE, IDAHO

2002-01-04

03:57:00 No. of Pages: 1

Recorded for : SUN VALLEY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

WTYQCICORP DEED

QUITCLAIM DEED

For Value Received

Pernina P. Jackson, Trustee of the Pepper Jackson Living Trust dated July 21, 1998

Do hereby convey, release, remise and forever quitclaim unto

MARK A. STASZ and MEAGAN R. STASZ, husband and wife

Whose current address is Box 424, Bellevue, ID 83313

the following described premises, to-wit:

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO;

SECTION 13: NE 1/4 NE 1/4

THIS INSTRUMENT FILED FOR RECORD
BY SUN VALLEY TITLE COMPANY AS AN
ACCOMMODATION ONLY. IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION
OR AS TO ITS EFFECT UPON THE TITLE.

Together with their appurtenances.

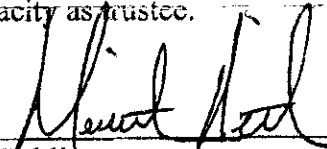
Dated: November 13, 2001

Pernina P. Jackson, Trustee
Pernina P. Jackson, Trustee

State of: California

County of: Marin

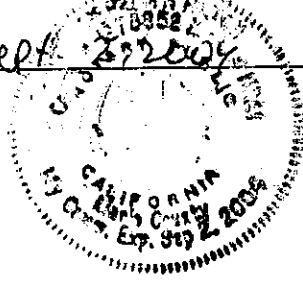
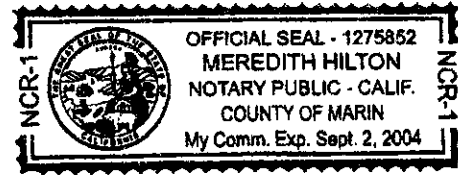
and for said State, personally appeared Perrina P. Jackson, Trustee known or identified to me to be the person whose name is subscribed to the v in instrument, and acknowledged to n that she executed the same in her capacity as trustee.



Notary Public

Residing at: Marin County, California

Comm. Expires: Sept. 2, 2004



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-14290
Date Received: 10/22/1992
Receipt No: S015102
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE PEPPER JACKSON LIVING TRUST Phone: (208)788-5712
C/O MEAGAN AND MARK STASZ
PO BOX 424
BELLEVUE ID 83313

2. Date of Priority: 05/18/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	18E	13	NE NE NE	BLAINE	

5. Description of diverting works:

ARTESIAN WELL, POND, DITCHES TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	4/15	10/15	0.4	70

7. Total Quantity Appropriated is:
0.4 C.F.S. and/or 70 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	18E	13	NE	NE	IRRIGATION	20
Section Acres						20
Total Acres						20

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATE CLAIMED IS THE SAME AS FOR LIC. 37-02614. I WAS PROMISED A PORTION OF THIS LICENSE WHEN I BOUGHT THIS LAND FROM DEE WALKER, BUT SO FAR HAVE NOT OBTAINED LEGAL TITLE TO THE WATER SO I AM FILING MY OWN SRBA CLAIM. THE P/U IS THE 2 FIELDS IN NE/NE SEC. 13

THIS WELL ALSO SERVES CLAIM A37-04159 FOR A DIFFERENT FIELD IN THE SE/NE SEC. 13. THE WELL HAS MORE THAN ENOUGH CAPACITY TO SERVE ALL THESE USES. THERE IS NO EASEMENT TO TRANSPORT OR SERVICE OR CONTROL THIS WELL AND ITS WATER EXCEPT BY ME AT THE PRESENT TIME AND FOR THE PAST SEVERAL YEARS I HAVE CONTROLLED THIS WELL AND ITS USE
***** OWNERSHIP CHANGE MADE 9/16/97. SMITH TO LOMBARDO. TLB

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

September 24, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THE PEPPER JACKSON LIVING TRUST
C/O MEAGAN AND MARK STASZ
PO BOX 424
BELLEVUE ID 83313

Re: SRBA Claim(s) 37-2386C, 37-14290

Dear Ms. Jackson:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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RECEIVED
SEP 06 2001
 Department of Water Resources
 Southern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-14290</u>	_____	_____	_____	_____	_____
<u>37-2386C</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RECEIVED
SEP 21 2001
 Department of Water Resources
 Southern Region

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) VINCE LOMBARDO
5845 BOUNTY STREET SAN DIEGO CA. 92120
4. New Owner/Claimant(s) THE PEPPER JACKSON LIVING TRUST
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
40 MEAGAN AND MARK STASZ
 New Mailing Address PO BOX 424
 City, State and ZIP Code BELLEVUE, IDAHO 83313
 New Telephone Number (208) 788-5712
5. Date you acquired the property 8/17/01

6.

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

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

Pepper Jackson Living Trust
Bernina P. Jackson Trustee

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by *[Signature]* Date *9/24/01* Receipt No. _____
 Processed by *[Signature]* AJ Date _____ WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED

VINCENT LOMBARDO, as Trustee of THE VINCENT LOMBARDO TRUST Dated
November 5, 1993

the grantor, does hereby grant, bargain, sell and convey unto

THE PEPPER JACKSON LIVING TRUST

the grantees, whose current address is PO Box 424
Bellevue, ID 83313

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

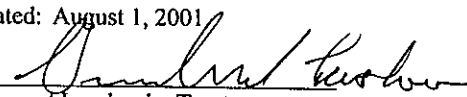
TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO;

SECTION 13: NE 1/4 NE 1/4

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as
shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees
and their heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantees, that it is the owner in fee simple of said premises; that said premises are free from
all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

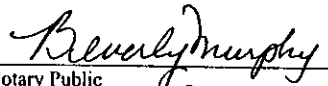
Dated: August 1, 2001

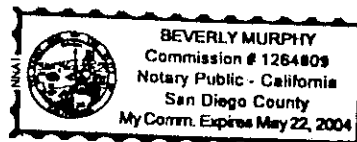

Vincent Lombardo, Trustee

COPY

State of California
County of San Diego

On this 14th day of August, 2001, Before me a Notary Public in and for said State, personally
appeared Vincent Lombardo, Trustee of The Vincent Lombardo Trust, Dated November 5, 1993 and known or
identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he
executed the same in his capacity as trustee.


Notary Public
Residing at San Diego, CA
Comm. Expires 5/22/2004



BUYER'S CLOSING STATEMENT

GF#: 01-16848

Prepared for:
Pernina P. Jackson, Trust
71 Bellevue Ave
Belvedere, CA 94920

Prepared by:
Sun Valley Title Co.
P.O. Box 2365
Ketchum, ID 83340

Property:
01S, 18E, Sec: 13
NENE
(ARB 6)

Seller : Vincent Lombardo, Trustee

Closing date (MO/DY/YR) : 08/17/01

Closer : Kim Germer

	<u>DEBITS</u>	<u>CREDITS</u>
Contract Sales Price	230,000.00	
Deposit or Earnest Money		10,000.00
County taxes		34.98
Settlement fee to Sun Valley Title Co.	267.50	
Express Fees:	40.00	
Recording fees	3.00	
Funds payable at closing		220,275.52
	<u>\$230,310.50</u>	<u>\$230,310.50</u>

Approved:

Pernina P. Jackson,
Pernina P. Jackson, Trustee
trustee

Kim Germer
Closing officer or Broker

SELLER'S CLOSING STATEMENT

GF#: 01-16848

Prepared for:
 Vincent Lombardo, Trustee
 5386 Renaissance Avenue
 San Diego, CA 92122

Prepared by:
 Sun Valley Title Co.
 P.O. Box 2365
 Ketchum, ID 83340

Property:
 01S, 18E, Sec: 13
 NENE

(ARB 6)

Buyer : Pernina P. Jackson, Trust

Closing date (MO/DY/YR) : 08/17/01

Closer : Kim Germer

		DEBITS	CREDITS
Contract Sales Price			230,000.00
County taxes	01/01/01 08/17/01	34.98	
Pioneer Associates	\$6,900.00		
Windermere Real Estate	\$11,500.00		
Commission paid at settlement		18,400.00	
Settlement fee to Sun Valley Title Co.		267.50	
Title insurance to Sun Valley Title Co.		995.00	
Express Fees:		60.00	
Funds to seller		210,242.52	
		\$230,000.00	\$230,000.00

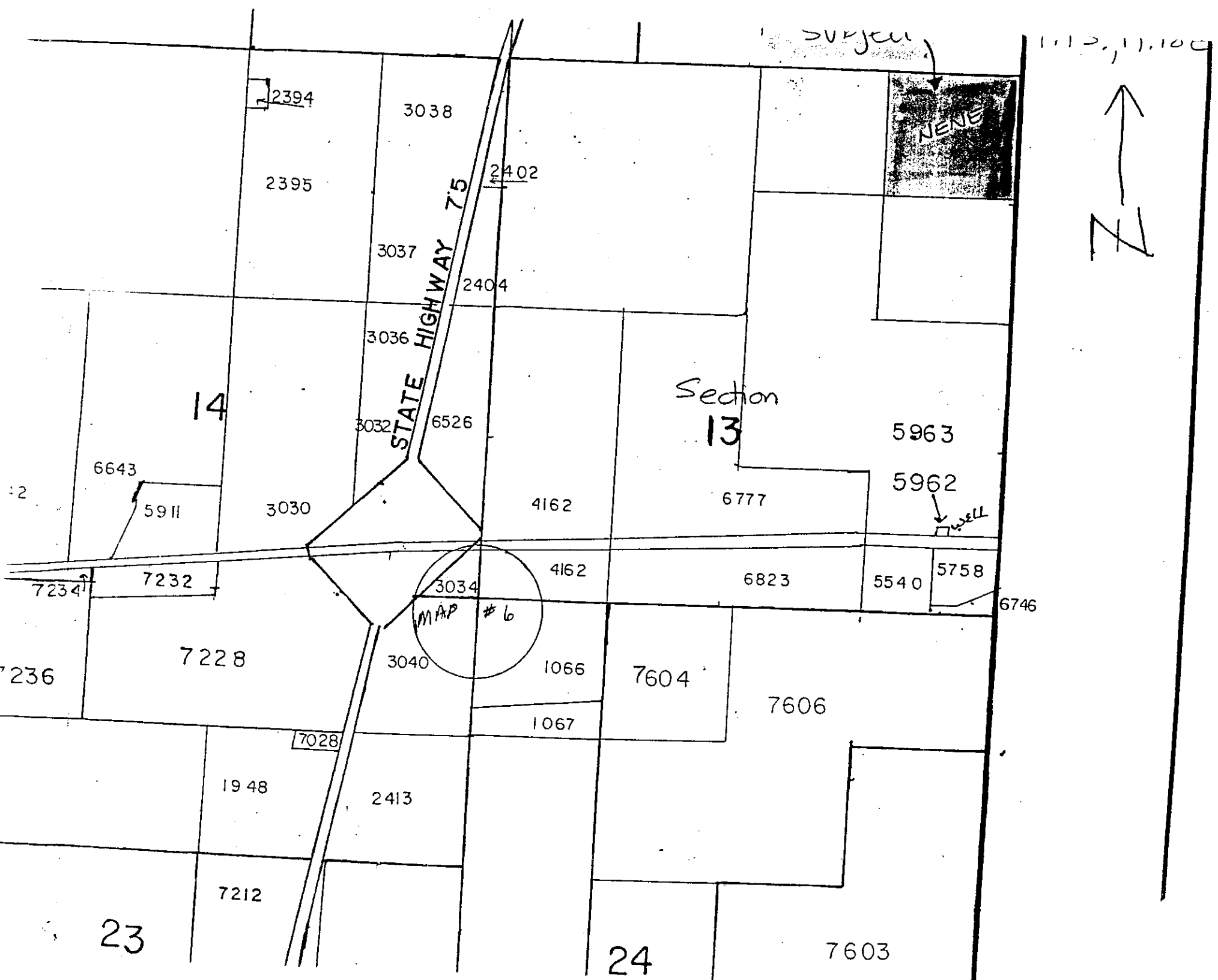
Approved:

Vincent Lombardo

Vincent Lombardo, Trustee

Kim Germer

Closing officer or Broker



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A37-14290**
Date Received: 10/22/1992
Receipt No: S015102
Received By: QC RB

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: VINCE LOMBARDO
Address: 5845 BOUNTY STREET
SAN DIEGO CA

619-286-4695

92120

2. Date of Priority: MAY 18, 1959

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	18E	13	NE	NE	NE		BLAINE

5. Description of diverting works:
ARTESIAN WELL, POND, DITCHES TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		70.00

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) 70.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	18E	13	NE	NE		IRR	20.0

Section Acres 20.0

10. Place of Use: Continued

Total Acres 20.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-02386

14. Remarks:

PRIORITY DATE CLAIMED IS THE SAME AS FOR LIC. 37-02614. I WAS PROMISED A PORTION OF THIS LICENSE WHEN I BOUGHT THIS LAND FROM DEE WALKER, BUT SO FAR HAVE NOT OBTAINED LEGAL TITLE TO THE WATER SO I AM FILING MY OWN SRBA CLAIM. THE P/U IS THE 2 FIELDS IN NE/NE SEC. 13. THIS WELL ALSO SERVES CLAIM A37-04159 FOR A DIFFERENT FIELD IN THE SE/NE SEC. 13. THE WELL HAS MORE THAN ENOUGH CAPACITY TO SERVE ALL THESE USES. THERE IS NO EASEMENT TO TRANSPORT OR SERVICE OR CONTROL THIS WELL AND ITS WATER EXCEPT BY ME AT THE PRESENT TIME AND FOR THE PAST SEVERAL YEARS I HAVE CONTROLLED THIS WELL AND ITS USE.

OWNERSHIP CHANGE MADE 9/16/97. SMITH TO LOMBARDO. TLB

15. Basis of Claim: BENEFICIAL USE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SEP 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VINCE LOMBARDO
5845 BOUNTY STREET
SAN DIEGO CA 92120

RE: SRBA CLAIM(S): A37-14290 & A37-02386A(SPLIT)
SMITH

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L. BACKLUND
ADJUDICATION RECORDS CLERK

/tlb
ENCLOSURES

CC: SMITH, PO BOX 406, FAIRFIELD, ID 83327

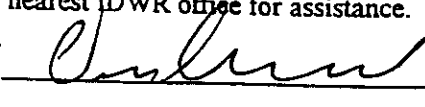
STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

APR 15 1997

Department of Water Resources
Southern Region

1. Water Right Number(s) A37-02386A AND A37-14290
Adjudication Claim Number(s) AJ5809NP AND AJ5809NP
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) GREGORY C. SMITH
P.O. BOX 406, FAIRFIELD, IDAHO 83327
4. New Owner/Claimant(s) ~~XXXXXXXXXX~~ VINCE LOMBARDO
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address ☒ 5845 BOUNTY ST
City, State and ZIP Code ☒ SAN DIEGO CALIF 92120
New Telephone Number ☒ (619) 286-4695
5. Date you acquired the property APRIL 2, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) ☒  ☒ Date 4-9-97

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



Order No. 97007973
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received GREGORY C. SMITH and KATHERINE T. SMITH, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto VINCENT LONGARDO, as trustee of the VINCENT LONGARDO TRUST dated November 5, 1993.

the Grantee whose current address is: 5845 BOUNTY STREET, SAN DIEGO, CA 92120

the following described premises, to-wit:

Township 1 South, Range 18 East, Boise Meridian, Blaine County, Idaho;
Section 13; NE1/4 NE1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in the simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 08, 1997

[Signature]
GREGORY C. SMITH

[Signature]
KATHERINE T. SMITH
her attorney in fact.

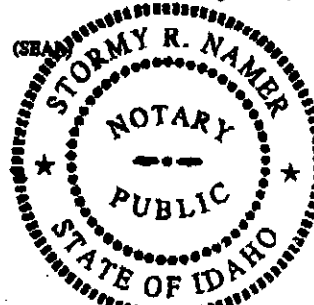
X State of Idaho
County of Blaine

On this 1st day of April, 1997, before me, the undersigned, a Notary Public, in and for said State, personally appeared GREGORY C. SMITH

and satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
Notary Public
Residing at
Commission Expires



Expiration Date: 4/29/2002
Residing: Hailey, Idaho

State of Idaho

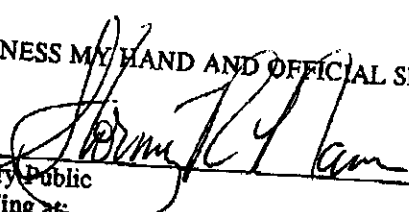
County of Blaine

ss.

On this 1st day of April, 1997, before me, the undersigned, a Notary Public, in and for said State, personally appeared GREGORY C. SMITH

as the Attorney-in-fact of KATHERINE T. SMITH, known to me to be the person whose name is subscribed and known to me to the the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same on behalf of her.

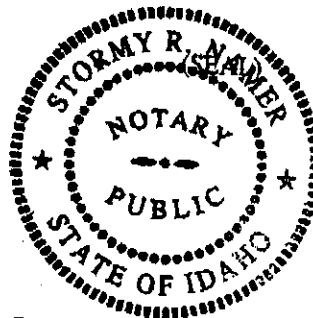
WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public

Residing at:

Commission Expires:

(Acknowledgment - Power of Attorney)

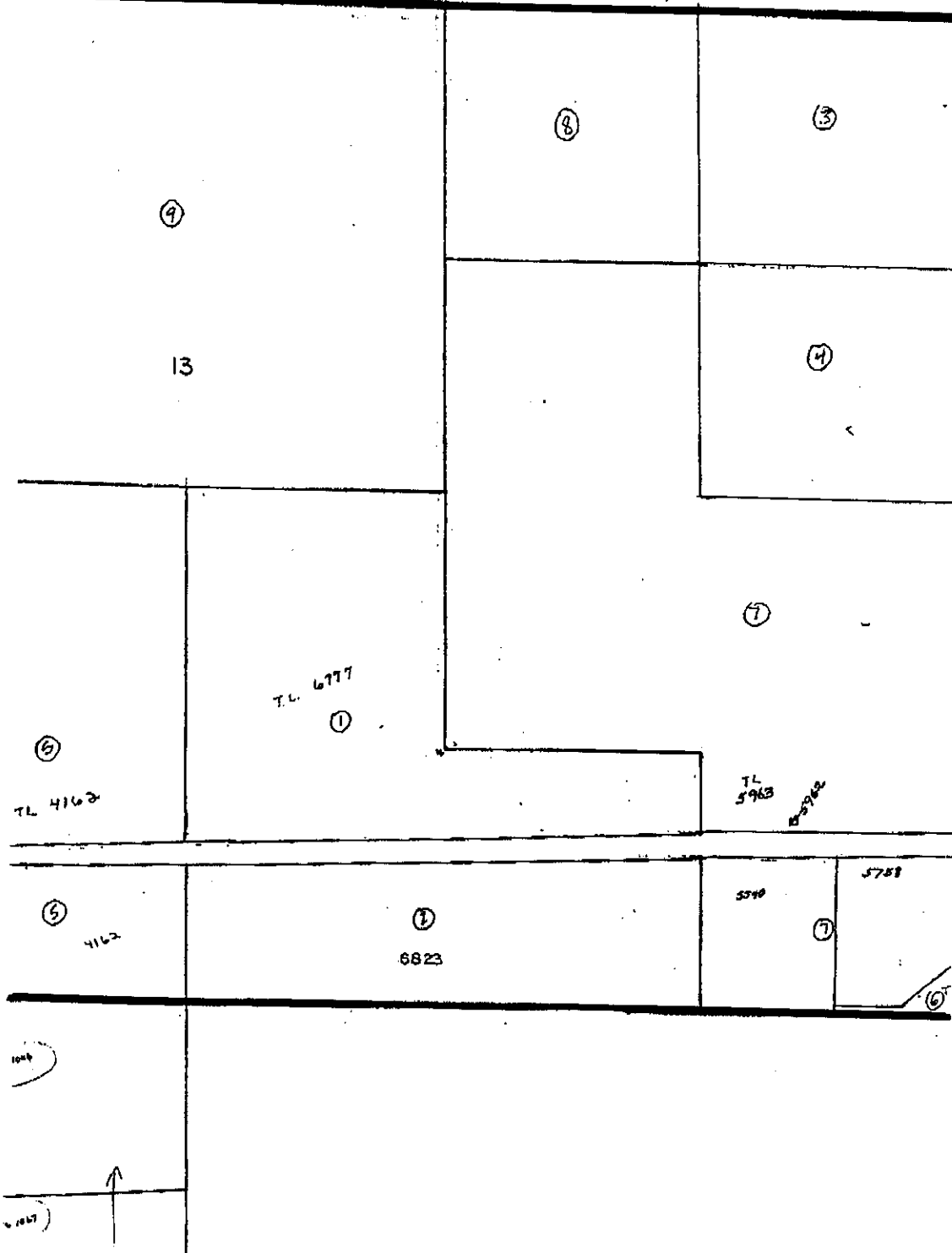


Expiration Date: 4/29/2002
Residing: Hailey, Idaho

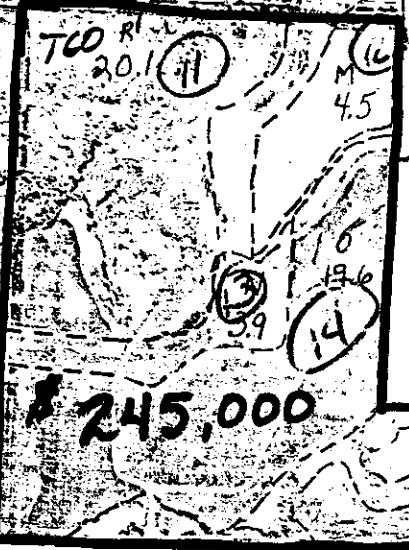
THIS MAP IS FURNISHED AS PART OF AN ENDORSEMENT AND DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON. IT IS FURNISHED STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. THE DESCRIPTION FURNISHED IN SCHEDULE A OF THE POLICY SHOULD BE REFERRED TO FOR THE DESCRIPTION OF THE LAND COVERED THEREBY.

SEC 13-14-23-24

1 = 400



82B



MICROFILMED
MAR 01 1993



BCT #19903021

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received DEVON WALKER AND JOAN WALKER, HUSBAND AND WIFE,

the Grantor hereby grants, bargains, sells, conveys and warrants unto HAROLD S. WHEELER, AN UNMARRIED MAN (As to parcel 1) AND GEOFFREY C. SMITH, AN UNMARRIED MAN (As to parcel 2),

the Grantee whose current address is: P.O. BOX 2026, KETCHUM, ID 83340

the following described premises, to-wit:

PARCEL 1:

Township 1 South, Range 18E., B.M., Blaine County, Idaho:

Section 13: NE1/4NE1/4

PARCEL 2:

Township 1 South, Range 18E., B.M., Blaine County, Idaho:

Section 13: SE1/4NE1/4

Including any and all Water Rights appurtenant to said property, specifically all of State of Idaho Department of Water Right License 37-2386 and 37-4159.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: August 06, 1990

DEVON WALKER

JOAN WALKER

STATE OF IDAHO, COUNTY OF BLAINE
On this 06 day of August, 19 90,
before me, Notary Public in and for said State, personally appeared
DEVON WALKER AND JOAN WALKER

Identified to me on the basis of satisfactory evidence or known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public,
Residing at HANLEY, ID
Comm. Expires 7-8-91

STATE OF IDAHO, COUNTY OF
I HEREBY CERTIFY That this instrument was filed for record at the request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____,
19 _____, in my office and duly recorded in Book _____
of Mortgages at page _____

Ex-Officio Recorder.

By _____

Fees \$ _____
Mail to: _____

MICROFILMED

MAR 01 1993

QUITCLAIM DEED

THIS INDENTURE, Made this 16th day of September

in the year of our Lord one thousand nine hundred and ninety two
 HAROLD S. WHEELER, an unmarried man,

between

GREGORY C. SMITH, A MARRIED MAN,

as Grantor and

as Grantee

whose current address is P.O. BOX 2026, KETCHUM, ID 83340

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, situate, lying and being in, County of Blaine, State of Idaho, bounded and particularly described as follows, to-wit:

Township 1 South, Range 18 E., B.M., Blaine County, Idaho:

Section 13: NE1/4 NE1/4

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

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

Harold S. Wheeler
 HAROLD S. WHEELER

State of Idaho

ss.

County of Blaine

On this 21st day of September, 1992, before me, the undersigned, a Notary Public, in and for said State, personally appeared HAROLD S. WHEELER

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, STATE OF IDAHO
 (SEAL)

Robin P. Ferguson
 Notary Public
 Residing at: Robin P. Ferguson
 Commission Expires: Post Office Box 2691
 Aspen, Colorado 81612

MICROFILMED
 MAR 01 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

March 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Monge Appraisal
Box 6919
Ketchum, ID 83340

ATTENTION JAN:

Please find profile reports of the following water rights and Snake River Basin Adjudication Claims for the Northeast Northeast $\frac{1}{4}$ of Section 13, Township 01 South, Range 18 East:

Water Right Record 37-02386

Snake River Basin Adjudication Claims
A37-02386A and A37-14290

As we discussed during our telephone conversation, Joyce Pearson also has a Snake River Basin Adjudication Claim filed, A37-02386, based on water right 37-02386. Ms. Pearson's has claimed 1.2 cfs for the irrigation of 60 acres.

If you have any questions, or I can be of any other assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

Enclosures

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-14290

Date Received: 10/22/1992

Receipt No: S015102

Received By: J. F. Stanton

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GREGORY C. SMITH
Address: P. O. BOX 406
FAIRFIELD ID

208-764-2118

83327

2. Date of Priority: MAY 18, 1959

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	18E	13	NE	NE	NE		BLAINE

5. Description of diverting works:
ARTESIAN WELL, POND, DITCHES TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.220		38.50

7. Total Quantity Appropriated is:
0.220 C.F.S. (and/or) 38.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	18E	13	NE	NE		IRR	11.0
Section Acres							11.0

Total Acres 11.0

A37-14290

Page 1

Date: 10/22/92 MICROFILMED

MAR 01 1993

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-02386

14. Remarks:

PRIORITY DATE CLAIMED IS THE SAME AS FOR LIC. 37-02614. I WAS PROMISED A PORTION OF THIS LICENSE WHEN I BOUGHT THIS LAND FROM DEE WALKER, BUT SO FAR HAVE NOT OBTAINED LEGAL TITLE TO THE WATER. SO I AM FILING MY OWN SRBA CLAIM. THE P/U IS THE FIELD JUST SOUTH OF THE WELL. THIS WELL ALSO SERVES CLAIM A37-04159 FOR A DIFFERENT FIELD IN THE SE/NE SEC. 13. THE WELL HAS MORE THAN ENOUGH CAPACITY TO SERVE ALL THESE USES.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): [Signature] Date: 10/22/92

Date: _____

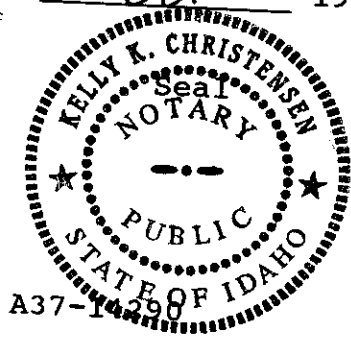
State of Idaho

County of Lewin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of Oct 19 92

[Signature]
Notary Public

Residing at Kimberly Rd
My Commission Expires 3-2-98



A37-10290

RECEIVED

JAN 28 1993

Department of Water Resources
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-14290

Date Received: 10/22/1992

Receipt No: S015102

Received By: J. E. Stanton

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

AMENDED

1. Name: GREGORY C. SMITH
Address: P. O. BOX 406
FAIRFIELD ID

208-764-2118

83327

2. Date of Priority: MAY 18, 1959

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	18E	13	NE	NE	NE		BLAINE

5. Description of diverting works:
ARTESIAN WELL, POND, DITCHES TO GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		70.00

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or)

70.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	18E	13	NE	NE		IRR	20.0
Section Acres							20.0

Total Acres

MICROFILMED

A37-14290

Page 1

Date: 12/18/92
MAR 6 1993

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-02386

14. Remarks:

PRIORITY DATE CLAIMED IS THE SAME AS FOR LIC. 37-02614. I WAS PROMISED A PORTION OF THIS LICENSE WHEN I BOUGHT THIS LAND FROM DEE WALKER, BUT SO FAR HAVE NOT OBTAINED LEGAL TITLE TO THE WATER. SO I AM FILING MY OWN SRBA CLAIM. THE P/U IS THE 2 FIELDS IN NE/NE SEC. 13. THIS WELL ALSO SERVES CLAIM A37-04159 FOR A DIFFERENT FIELD IN THE SE/NE SEC. 13. THE WELL HAS MORE THAN ENOUGH CAPACITY TO SERVE ALL THESE USES. There is no easement to transport or serve or control this well and its water except by me. At the present time and for the past several years I have controlled this well and its use.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

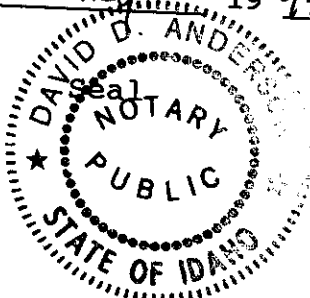
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): [Signature] Date: 1/27/93

Date: _____

State of Idaho)
County of BLAINE) ss.

Subscribed and sworn (or affirmed) before me this 27th day
of JANUARY 19 93



[Signature]
Notary Public

Residing at Wiley ID 83333
My Commission Expires 1/23/98

11/12/2006

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

RIGHT NUMBER: 37-14290

NAME AND ADDRESS: MARK A STASZ
PO BOX 424
BELLEVUE ID 83313

MEAGAN R STASZ
PO BOX 424
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.220 CFS
38.500 AFY

Rights 37-2386C and 37-14290 when combined shall provide no more than
.02 cfs per acre.

Rights 37-14290 and 37-2386C when combined shall not exceed irrigation of
26.5 acres.

PRIORITY DATE: 06/22/1959

POINT OF DIVERSION:

T01S R18E S13 NENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.220 CFS 38.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

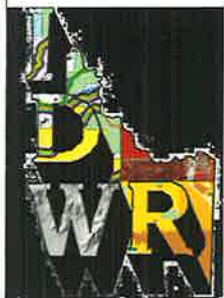
T01S R18E S13 NENE 11.00

11 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

SRBA Recommendation:

37-14290

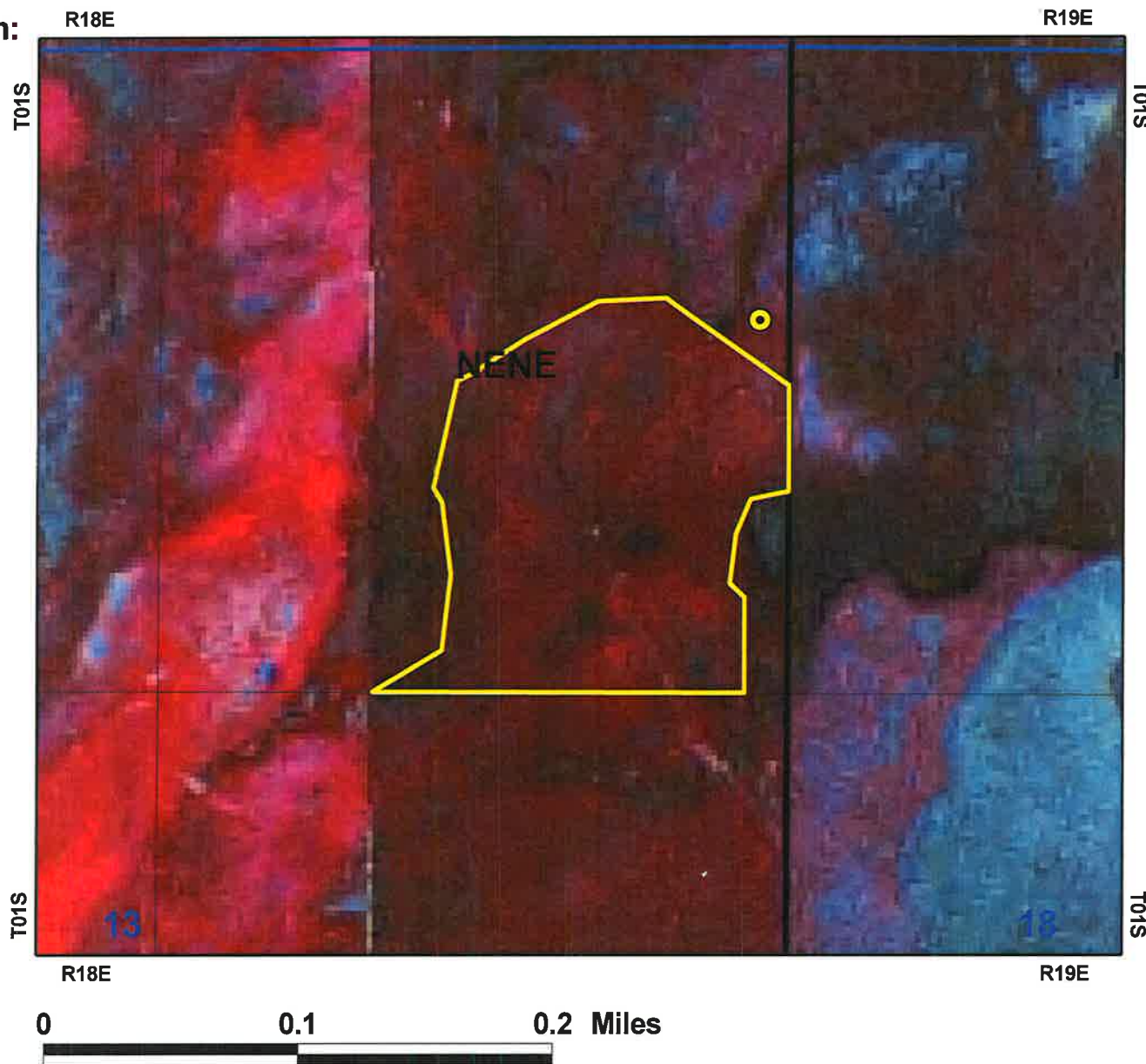
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by A. Merritt
On Sunday, November 12, 2006
1987/88 Aerial Photography

Owner: Mark A Stasz

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

Log No. _____
Rec. Department _____, 19____
Well No. _____
Permit No. 227968
034536

(DO NOT FILL IN)

Owner Henry Wurst Address Gannett
Driller Eugene Walker Address Twin Falls Lic. No. 15
Location of Well: NE 1/4 NE 1/4 Sec. 13, T. 1 N, R. 18 E, BLAINE County,
and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 _____ 1/4 Sec. _____
Size of Drilled Hole 8 in Total depth of Well 156
Give depth of standing water from surface _____ Water Temp. 49 °Fahrenheit
On pumping test delivery was _____ g.p.m. or _____ c.f.s. Drawdown was _____ feet.
Size of pump and motor used to make the test _____
Length of time pumped during check was _____ hr., _____ minutes.
If flowing well, give flow in c.f.s. 4.4 or g.p.m. 2080 and shut in pressure unknown
If flowing well, describe control works Gate Valve
(TYPE AND SIZE OF VALVE, ETC.)
Water will be used for Irrigation Weight of casing per linear foot 25 lb
Thickness of casing .277 Casing material Steel
E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing 8 in - 155
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations none located _____ feet to _____ feet
from surface of ground.
Other perforations none
Date of commencement of well 15 June Date of completion of well 22 June 59
Type of well rig Crown

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	"REMARKS" -- SEALS, GROUTING, ETC.
<u>8</u>	<u>0</u>	<u>155</u>	<u>155</u>	

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

NENE S. 13 15 18 E

WELL LOG

From Feet	To Feet	Type of Material	Drilling Time		Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
			Hrs.	Min.		
0	4 1/2	Surface	1		No	No
	4 1/2	Water			Yes	
4 1/2	40	Layers of River Gravel & Clay - Lots of Water	11		Yes	No
40	70	Brown Running Sand	6		Yes	No
70	121	Blue Running Sand	12		Yes	No
121	143	Light Sandy Blue Clay	4		No	No
143	155	Sticky Brown Clay	2		No	No
155	155 1/2	Artesian Water				
155 1/2	136	Clay & gravel	1		?	No
156	?	Second Strata Artesian Water				
If more space is required use Sheet No. 2						

WELL DRILLER'S STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed

Eugene W. Walker

By

License No. 15

Dated

1 Oct

19 59

MARK STASZ**PO Box 424 Bellevue, Idaho 83313 (208) 788-0865 www.staszsculpture.com**

June 13, 2005

RECEIVED**JUN 16 2005**Department of Water Resources
Southern RegionDouglas Jones
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

Re: Evidence of Priority

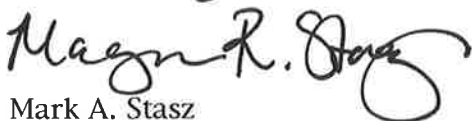
Dear Mr. Jones,

We are submitting for your review historical use evidence for water right claim number 37-14290. There are two personal statements provided by Mr. Roger Wurst and Mr. DeVon Walker, both previous owners of the property (T1S R18E Section 13 NENE ¼). Mr. Walker was unable to devote serious attention to the matter as he in the midst of his busy season. He did, repeatedly, assure me that irrigation has been consistent on our property for many, many years and believes there is sufficient evidence already in the IDWR files to suport this claim.

Additionally, we would like to offer the IDWR our personal history with regard to water use on the property. When we originally began looking at the property in the summer of 2001, there were cattle grazing on the property and flood irrigation was active from the canal that runs from the artesian well, across the property, southward to Mr. Smith's property. After our purchase of the property, we began to exercise our right to use the water associated with the claim 37-14290 per instructions given us by various employees of the IDWR. During the course of the last four years, however, we have not been in a position to fully utilize the water rights associated with the above claim because we have been working on the installation of an irrigation system, repairing and replacing fences to both support horses and keep neighboring cattle out, and fulfilling the extensive needs of a wetland mititgation plan for the Army Corps of Engineers and Blaine County Commissioners.

We hope this is helpful in establishing the historical water use of water and are available for any questions or further discussion.

Regards,

Mark A. Stasz
Meagan R. Stasz

Contact Information:

Mark & Meagan Stasz
PO Box 424
Bellevue, ID 83313
(208 788-0865 day 788-5712 eve

Roger Wurst
5728 Janell Drive
Las Vegas, NV 89149
(702) 525-1606

DeVon Walker
PO Box 23537
Ketchikan, AK 99901
(907) 247-3655

May 30, 2005

Mark and Megan Stasz
P. O. Box 424
Bellevue, ID 83313-0424

Subject: Irrigation of Section 13 NENE

Dear Mark and Megan:

You question is, how much of the NENE 40 acres of Section 13 was irrigated by well #4 (circa 1958-59)?

Let me first establish why I have knowledge of this answer. My name is Roger Wurst. I was born in Hailey, Idaho in November 1947. At that time, my Dad, Joseph J. Wurst, along with his father, Henry L. Wurst, operated a ranch at the south edge of Wood River Valley. (I've enclosed a map - all the yellow and orange highlighted areas were parts of the ranch). The parcel of land in question, Section 13, NENE was the northern most part of the original ranch.

As I grew up, I became an integral part of the operations of the ranch, including irrigation, maintaining ditches, fences, roads, cattle, and all aspects of ranch operations.

Prior to drilling the well, Dad and Grandpa discussed the question of where to drill. They seemed confident of adequate water if they drilled in several places. One major point of consideration was that if drilled in the most northeast accessible point of Section 13 NENE, and the expected flow developed, then the water could be used twice. First, it could irrigate approximately half of Section 13 NENE, a much larger percentage of SENE, and NESW when needed; and second, the water would be collected by way of Willow Creek and delivered to the pump station in Section 13 SESW for pumping south to Section 24.

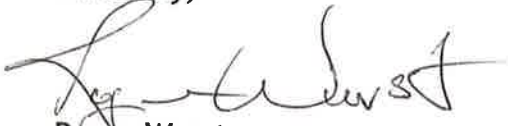
We irrigated Section 13 NENE using ditches and canvas dams to force the water to flood the land. [Following the start of irrigation, the land was tilled and crop rotation included clover, wheat, barley, oats, and alfalfa. We plowed every foot of land which would support the weight of our machinery.] The ditches are not shown on the enclosed map; however, an unnamed stream appears on the map - it flows south, almost splitting in half the northern two-thirds of the 40 acres. We used the naturally occurring small stream beds by placing head gates or temporary dams in them to force the water to flood irrigate the land.

Mark and Megan Stasz
May 30, 2005
Page 2

I moved away from the ranch in 1973, at that time, Dad was still irrigating in the same manner.

Hopefully, this answers your question.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roger Wurst". The signature is fluid and cursive, with the last name "Wurst" being more prominent.

Roger Wurst

Enclosure

May 24, 2005

Dear Mr. Walker,

Thank you again for taking a moment to help us out – we really do appreciate it!

I suppose it will make things easier if I simply ask the questions and have you respond. If you could sign and date the bottom of the letter, IDWR won't question its authenticity or authorship.

We are trying to establish historical use of the water from the artesian well on the 40 acres in the NE NE section where the well is located. The period of time in question is 1987 – 1992.

Property Description: T 1S Range 18 East Section 13, NE NE ¼ 40 acres (see map)

1. How long were you the owner of the above property? For what years? 1987-10/1990 ^{on}
2. Did you irrigate any of the above property? If so, can you recall approximately how many acres were irrigated? about 20 acres ^{on}
3. Did you use the water coming from the artesian well for these irrigation purposes? For how many years, approximately, did you use the artesian well for this irrigation? yes ^{on} 34415

Thank you again for your time. Hope you and Joan have a wonderful summer season!

Kind regards,

Meagan

Dillon Walker
6-27-05



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-14290

1. General

PRIORITY DATE CLAIMED IS THE SAME AS FOR LIC. 37-02614. I WAS PROMISED A PORTION OF THIS LICENSE WHEN I BOUGHT THIS LAND FROM DEE WALKER, BUT SO FAR HAVE NOT OBTAINED LEGAL TITLE TO THE WATER SO I AM FILING MY OWN SRBA CLAIM. THE P/U IS THE 2 FIELDS IN NE/NE SEC. 13.

THIS WELL ALSO SERVES CLAIM A37-04159 FOR A DIFFERENT FIELD IN THE SE/NE SEC. 13. THE WELL HAS MORE THAN ENOUGH CAPACITY TO SERVE ALL THESE USES. THERE IS NO EASEMENT TO TRANSPORT OR SERVICE OR CONTROL THIS WELL AND ITS WATER EXCEPT BY ME AT THE PRESENT TIME AND FOR THE PAST SEVERAL YEARS I HAVE CONTROLLED THIS WELL AND ITS USE.

***** OWNERSHIP CHANGE MADE 9/16/97. SMITH TO LOMBARDO. TLB

Comments:

1/4 section
to
2-miles

Carl

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-14290

WATER RIGHT NUMBER: 37-14290

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GREGORY C SMITH PO BOX 406 FAIRFIELD, ID 83327 (208)764-2118
Current Owner	MARK A STASZ PO BOX 424 BELLEVUE, ID 83313
Current Owner	MEAGAN R STASZ PO BOX 424 BELLEVUE, ID 83313
Original Owner	THE PEPPER JACKSON LIVING TRUST C/O MEAGAN AND MARK STASZ PO BOX 424 BELLEVUE, ID 83313 (208)788-5712

Priority Date: 05/18/1959

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.400 CFS	70.00 AF
	<u>Total Diversion:</u>	0.400 CFS	70.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 13, Twp 01S, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	13	20.0																20.0

Total Acres: 20

Conditions of Approval:Remarks:

Patrick D. Brown, ISB # 4413
Patrick D. Brown, P.C.
Attorney at Law
109 S. Adams Street
Jerome, ID 83338
Telephone: (208) 644-1967
Facsimile: (208) 644-1970

Attorney for Geoffrey C. Smith

Norman M. Semanko, ISB # 4761
Barker, Rosholt & Simpson, LLP
1221 West Idaho Street, Suite 600
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

Attorney for Robert Dreyer

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ROBERT DREYER,

Plaintiff,

vs.

GEOFFREY C. SMITH,

Defendant.

Subcase No. 92-00017

STIPULATION FOR REGULATION OF
WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED

RECEIVED
JUL 23 2003
Department of Water Resources
Southern Region

DESCRIPTIVE SUMMARY

This is a stipulation between the parties in the above-captioned subcase,
resolving the issues raised in Plaintiff's Verified Complaint.

STIPULATION

COME NOW, the Plaintiff, Robert Dreyer, and the Defendant, Geoffrey C. Smith,
in the above-captioned matter, by and through their attorneys of record, and stipulate
and agree as follows:

1. Smith shall divert no more than .32 cfs, or 16 inches, into his ditch from the artesian well and collector pond located in the NE NE NE, Sec. 12, T. 1 S., R. 18 E., B.M., Blaine County, pursuant to SRBA Claim No. 37-04159 and an additional .48 cfs, or 24 inches, into the same diversion system pursuant to the unnumbered claim from the same source with a priority date of June 1, 1959.
2. Dreyer shall divert no more than 2.0 cfs, or 100 inches, into his ditch from said artesian well and collector pond, pursuant to SRBA Claim Nos. 37-02614 and 37-14289. Dreher shall be entitled to divert this quantity of water prior to Smith's diversion of any additional water under the unnumbered claim referred to in paragraph 1 above.
3. Neither party shall interfere with the other party's diversion and use of water under their respective water right claims, or necessary access to the artesian well and pond, or their respective diversion works and ditches.
4. The parties shall install headgates and rating flumes, or other regulating and measuring devices, at the inlet of their respective ditches, sufficient to regulate and verify the amount of water diverted during the irrigation season. Said regulating and measuring devices shall be installed and verified by an independent engineer, under the supervision of the parties, on or before June 15, 2002. The regulating and measuring devices shall be approved by the Idaho Department of Water Resources and/or the Watermaster for Water District No. 37. Each party shall be responsible for their own costs in installing and maintaining their respective regulating and measuring devices.

5. Said regulating and measuring devices shall be set to provide for delivery of water consistent with paragraphs 1 and 2 above and according to the priority of these four rights as claimed, as between those four groundwater right claims.
6. Each party agrees that adjustments to the regulating and measuring devices shall be made by the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents. Neither party will adjust or interfere with the other party's regulating or measuring devices without prior written approval from the other party and authorization from the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents.
7. The parties further agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents are voluntarily consenting to make said adjustments. The parties understand and agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents are under no legal obligation or compulsion to regulate said measuring devices until (1) these claims are recommended or partially decreed in the SRBA and the SRBA Court has entered an order for interim administration pursuant to Idaho Code § 42-1417 or (2) these claims have been decreed and incorporated into a water district organized pursuant to Chapter 6, Title 42, Idaho Code. Additionally, the parties agree that IDWR, the Watermaster for Water District No. 37, or the Watermaster's agents will not regulate delivery of water under these claims in such a manner as to cause injury to other water rights.

8. Each party agrees that, while the water addressed by this Stipulation has its source as groundwater and is not presently regulated by the Watermaster for Water District No. 37, the water is commingled in a pond and, to some undefined extent, its use may impact surface flows in Willow Creek, a stream historically regulated by the Watermaster. Therefore, the parties shall cooperate in filing documents and seeking judicial and administrative approval for interim regulation of the claims consistent with this Stipulation pending their investigation, recommendation, and determination in the SRBA. It is understood and agreed that any water from the artesian well and collector pond in excess of that which is diverted by the parties pursuant to their respective water rights will be allowed to flow to Willow Creek. The parties each agree to pay the Idaho Department of Water Resources, the Watermaster For Water District No. 37, or the Watermaster's agents for administration according to the rates and charges made by the respective entity for administration within Water District No. 37.
9. Each party reserves the right to object to or contest, in the Snake River Basin Adjudication or elsewhere, the other's claims that are identified in paragraphs 1 and 2 above after Director's Reports are filed.
10. Concurrence with the Stipulation by IDWR shall not be construed as recognition of the validity of any of the four claims listed in paragraphs 1 and 2. The parties agree that the validity of these claims will be determined in the SRBA.
11. This Agreement may be specifically enforced by the parties, as damages at law are not an adequate remedy, by filing for an order to show cause before the presiding judge of the Snake River Basin Adjudication. The parties agree to

waive any right to contest the jurisdiction of this Court regarding enforcement of this Agreement. The parties reserve all other rights and remedies. This paragraph shall not be construed as a limitation on such other rights and remedies.

12. If the commencement of any further judicial, administrative, or other legal action is required to enforce the terms of this Stipulation, the offending party shall pay the costs and attorney fees incurred by the other party in pursuing said action.
13. Each party shall pay their own costs and attorney fees incurred to date in the above-captioned subcase.
14. The parties jointly move the SRBA District Court for an order consistent with this Stipulation, including any order for interim regulation of these rights according to this Stipulation.
15. This Stipulation may not be modified, except as agreed to in writing by the parties.
16. Upon entry of an order by the Court consistent with this Stipulation, the parties agree to dismissal of the current action, without prejudice.

DATED this ____ day of January 2002.

PLAINTIFF

DEFENDANT

By: _____
NORMAN M. SEMANKO

By: _____
PATRICK D. BROWN

CONCURRENCE BY IDWR

By _____
NICHOLAS SPENCER

Bob Dreyer

From: "Norm Semanko" <norm@iwua.org>
To: <rpd@sunvalley.net>
Sent: Thursday, January 10, 2002 6:24 PM
Attach: StipPDB-Semanko-Spencer1-10-
Subject: Final Agreement
Bob --

Here is what was filed with the SRBA Court around 5:00 today. I'll get you a copy of the fully signed document when I receive it. Unless the Judge has major problems with it (which I don't anticipate), there should be no hearing on Monday.

Sometime relatively soon, we should all sit down with Lee Peterson and discuss implementation of this agreement for the upcoming irrigation season. We'll probably try to get a meeting set up there in Lee's office in the next few months.

Call or e-mail any questions. Thanks.

-- Norm Semanko

05/06/2003

Bob Dreyer

From: "Norm Semanko"
To: <rpdsunvalley.net>
Sent: Wednesday, June 19, 2002 5:34
Attach: V-notch.pdf; Rect weir.pdf
Subject: Smith-Dreyer measuring devices
 Bob --

These measuring device designs from Brockway look good to me, but let me know what you think. Thanks.

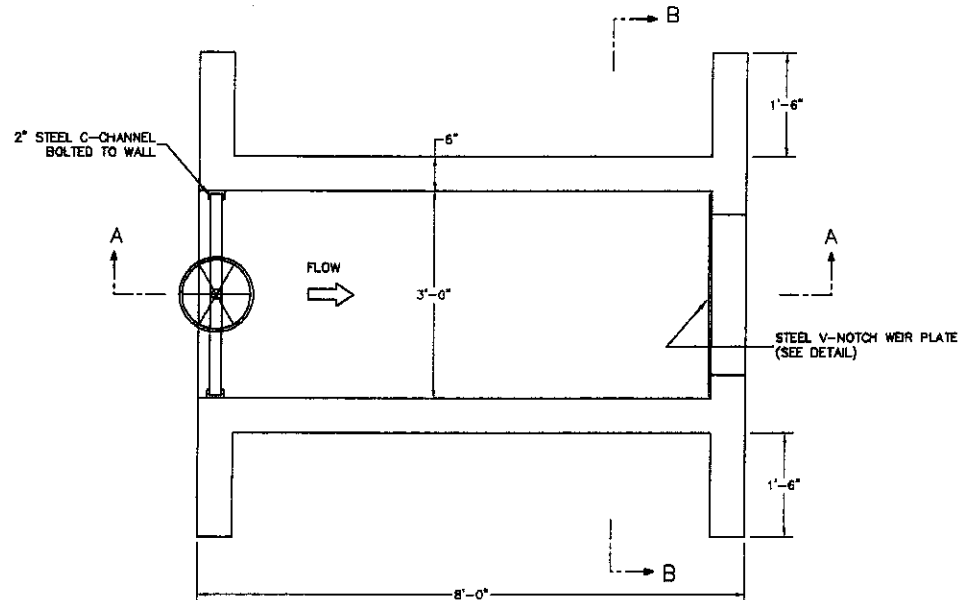
-- Norm

>Delivered-To: iwua.org-norm@iwua.org
 >From: "Charles G. Brockway" <cbrock4@mindspring.com>
 >To: "Patrick Brown" <patbrown@ltlink.com>,
 > "Norman Semanko" <norm@iwua.org>
 >Subject: Smith-Dreyer measuring devices
 >Date: Wed, 19 Jun 2002 11:50:02 -0600
 >X-MSMail-Priority: Normal
 >X-Mailer: Microsoft Outlook, Build 10.0.2627
 >Importance: Normal
 >X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2600.0000
 >
 > & Norm, Here are two pdf files with preliminary drawings of the
 >measuring devices. I evaluated all feasible options, but ended up
 >selecting standard sharp-crested weirs. These are simple, easy to
 >construct, and should work for the long term. The Smith weir will be a
 >V-notch weir, which allows accurate measurements of lower flows (0 to 1
 >cfs). The Dreyer weir will be a standard rectangular weir. I assume the
 >maximum flow of the well is 3.0 cfs (150 inches). The Dreyer weir is
 >designed to carry this entire flow. On 5/31/02, the discharge from the
 >well was 1.16 cfs. Prior to finalizing the drawings, I need to get some
 >elevation shots at the site in order to set the elevations of the two
 >structures. I believe Sliman& Butler can construct these with no problem
 >– we have worked with them on similar projects in the past. The
 >slide gates can be ordered from Waterman, but to reduce the cost I would
 >recommend having the gates fabricated locally. We use a metal fabricator
 >in Kimberly that does a very good job. On the well, I believe the best
 >approach for flow measurement is an in-pipe propeller-type meter such as a
 >McCrometer. This will read flow in cfs and total volume in acre-feet. The
 >only drawback to this type of meter is its longevity – it will
 >typically need to be replaced about every 5 years. The discharge pipe must
 >be full for the meter to operate properly, but at lower flows the pipe does
 >not flow full. Therefore, a gate valve is needed on the end of the pipe to
 >apply slight back-pressure to induce full flow. This will not reduce the
 >discharge from the well as long as the valve is not closed more than
 >needed. Charles G. Brockway, pH.D., P.E. Brockway Engineering, PLLC
 > 2016 North Washington Street #4 Twin Falls, Idaho 83301
 >cbrock4@mindspring.com Attachment Converted:
 >"c:\rmcnet\norm\attach\V-notch.pdf" Attachment Converted:

05/06/2003

>"c:\rmcnet\norm\attach\Rect weir.pdf"

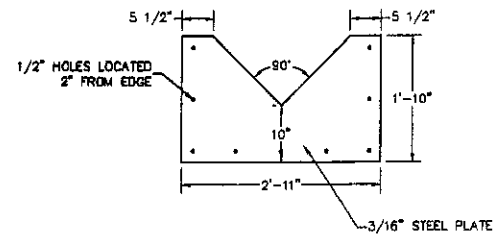
PLAN VIEW



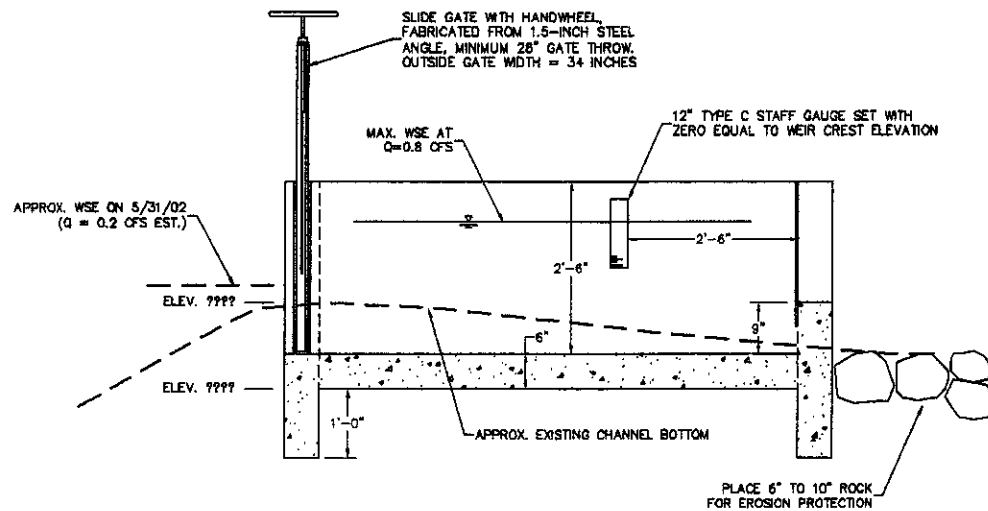
NOTES:

1. DESIGN DISCHARGE RANGE = 0.04 TO 0.80 CFS (2 TO 40 INCHES).
2. DEWATER THE WORK AREA BY SHUTTING OFF THE ARTESIAN WELL AND/OR DIVERTING WATER TO THE OTHER POOL OUTLET AND CONSTRUCTING A COFFER DAM.
3. CONCRETE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH NOT LESS THAN 3000 PS.
4. PLACE NO. 4 STEEL REBAR IN CONCRETE AT 12" O.C. EACH WAY.
5. BEDDING FOR STRUCTURE SHALL BE NATIVE GRAVEL AND SAND MATERIAL. NO PEAT, MUCK, OR CLAY IS ALLOWED.
6. ATTACH STEEL WEIR PLATE TO CONCRETE WITH 3/8" STAINLESS STEEL ANCHOR BOLTS.
7. CONCRETE STRUCTURE MUST BE LEVEL WITHIN $\pm 1/8"$.
8. WEIR CREST MUST BE LEVEL TO WITHIN $\pm 1/16"$.
9. STAFF GAUGE ZERO ELEVATION MUST EQUAL WEIR CREST ELEVATION TO WITHIN $\pm 1/16"$.
10. WEIR CREST MUST BE FILED TO A CLEAN EDGE ON THE UPSTREAM AND DOWNSTREAM SIDES.
11. SLIDE GATE SHALL BE EITHER FABRICATED TO ENGINEER'S SPECIFICATIONS, OR SHALL BE A WATERMAN QSR-5FY 30X30 STEEL SLIDE GATE.

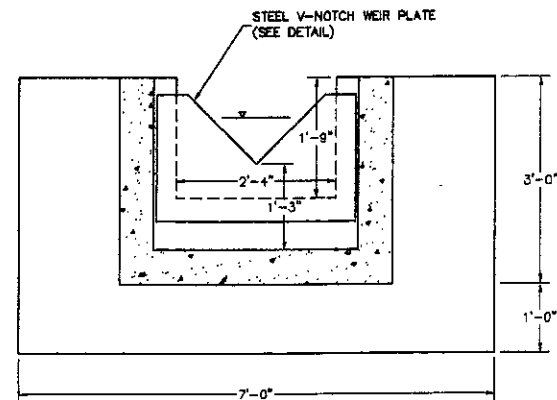
WEIR PLATE DETAIL



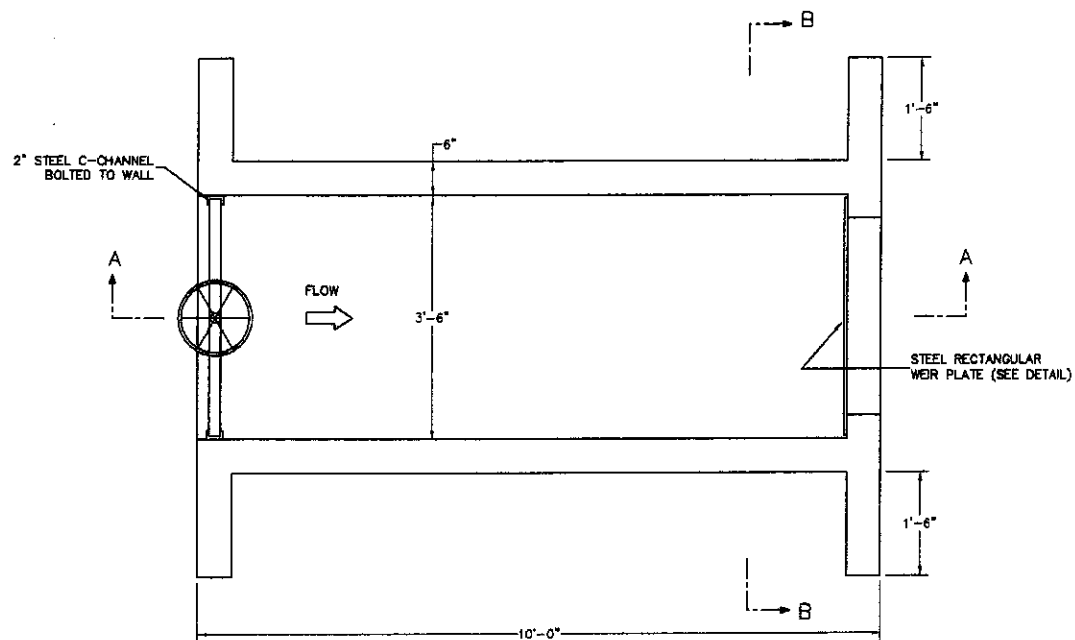
SECTION A-A



SECTION B-B



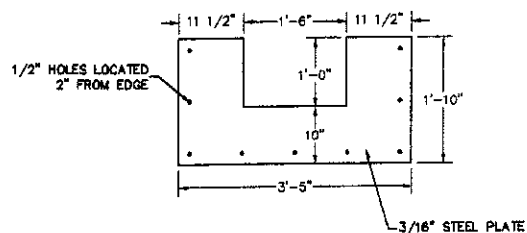
PLAN VIEW



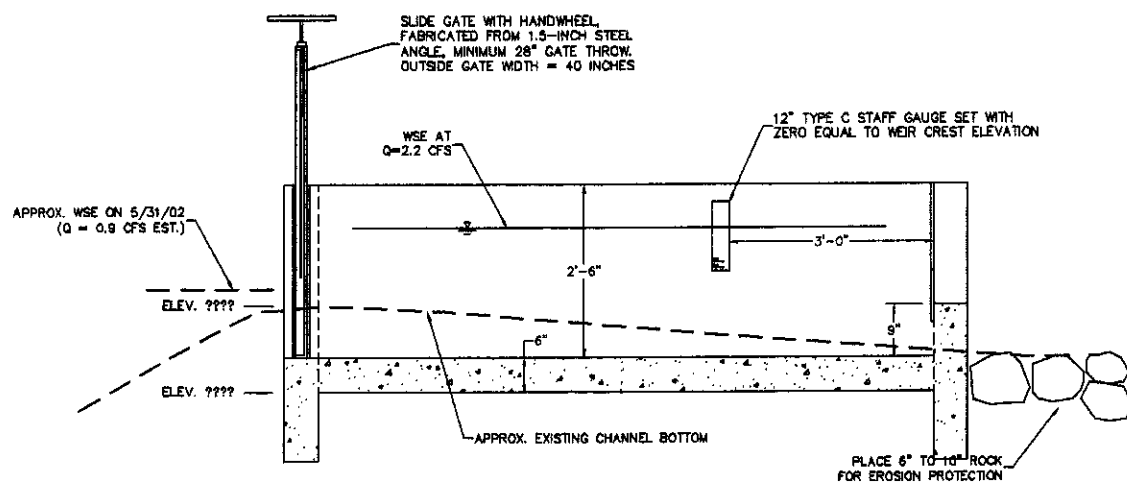
NOTES:

1. DESIGN DISCHARGE RANGE = 0.1 TO 3.0 CFS (5 TO 150 INCHES).
2. DEWATER THE WORK AREA BY SHUTTING OFF THE ARTESIAN WELL AND/OR DIVERTING WATER TO THE OTHER POOL OUTLET AND CONSTRUCTING A COFFER DAM.
3. CONCRETE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH NOT LESS THAN 3000 PSI.
4. PLACE NO. 4 STEEL REBAR IN CONCRETE AT 12" O.C. EACH WAY.
5. BEDDING FOR STRUCTURE SHALL BE NATIVE GRAVEL AND SAND MATERIAL. NO PEAT, MUCK, OR CLAY IS ALLOWED.
6. ATTACH STEEL WEIR PLATE TO CONCRETE WITH 3/8" STAINLESS STEEL ANCHOR BOLTS.
7. CONCRETE STRUCTURE MUST BE LEVEL WITHIN $\pm 1/8"$.
8. WEIR PLATE CREST MUST BE LEVEL TO WITHIN $\pm 1/16"$.
9. STAFF GAUGE ZERO ELEVATION MUST EQUAL WEIR CREST ELEVATION TO WITHIN $\pm 1/16"$.
10. WEIR CREST MUST BE FILED TO A CLEAN EDGE ON THE UPSTREAM AND DOWNSTREAM SIDES.
11. SLIDE GATE SHALL BE EITHER FABRICATED TO ENGINEER'S SPECIFICATIONS, OR SHALL BE A WATERMAN QSR-5FY 30X30 STEEL SLIDE GATE.

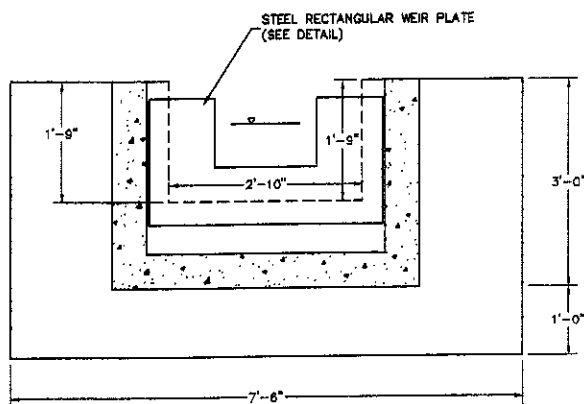
WEIR PLATE DETAIL

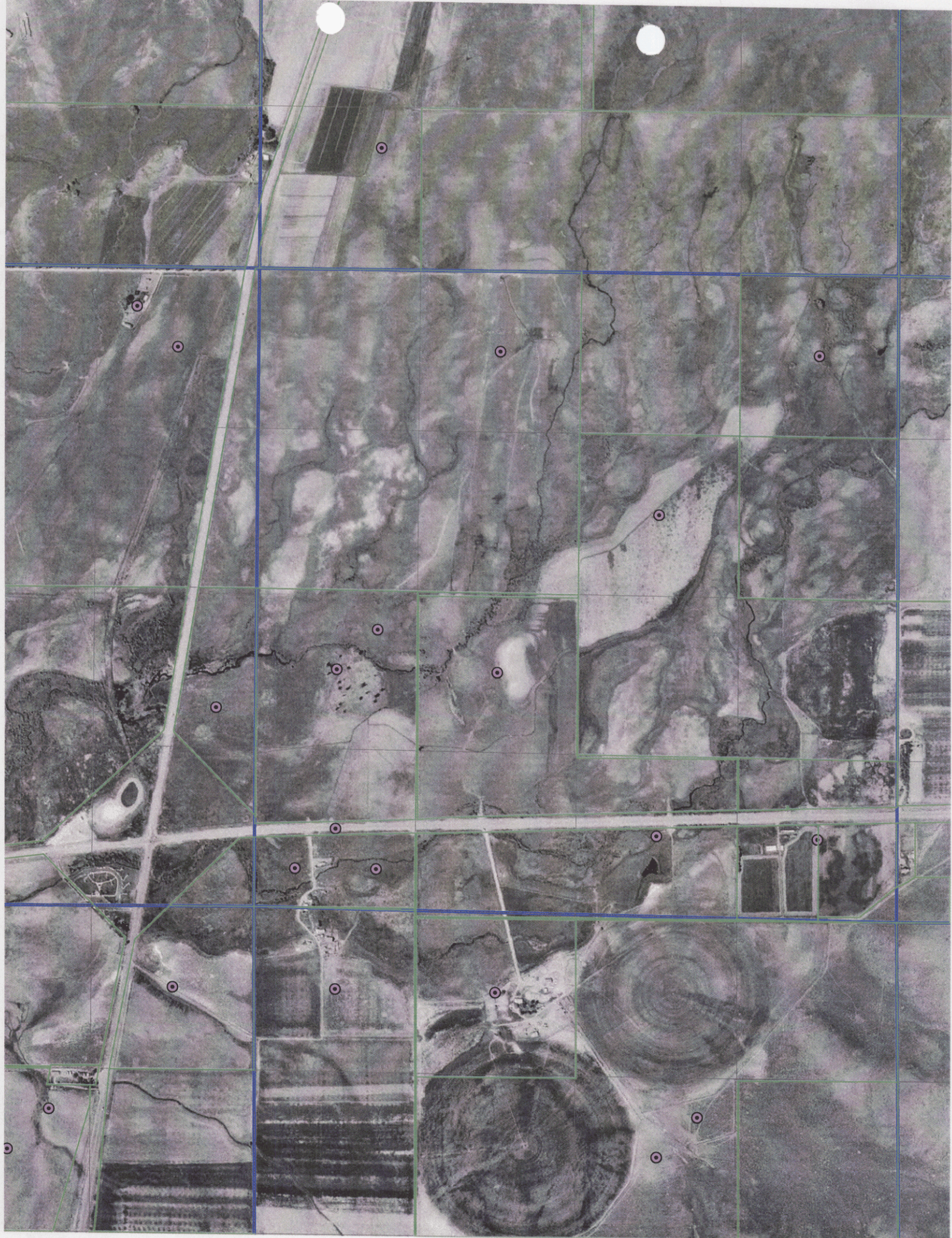


SECTION A-A



SECTION B-B





MEMO

FROM: Allen Merritt

DATE: 7/25/2003

TO: Doug Jones

SRBA Files: 37- 2614, 37-14289 in the name of Dreyer
37-4159, 37-20629 in the name of Smith
37-14290 in the name of Stasz

SUBJECT: Field Visit - Measurement of well

In response to a request of the watermaster and complaints of Geoffrey Smith regarding illegal use of ground water by Stasz John Freitag and I visited the well. During the site visit we measured the flow of the well, the diversion to Dreyer and the diversion to Smith. During the site visit Ken Dreyer, Geoffrey Smith, Mark Stasz and Lee Peterson were present at one time and another.

Well: We measured the well using the Fugi meter. We found 1.80 cfs flowing from the well.



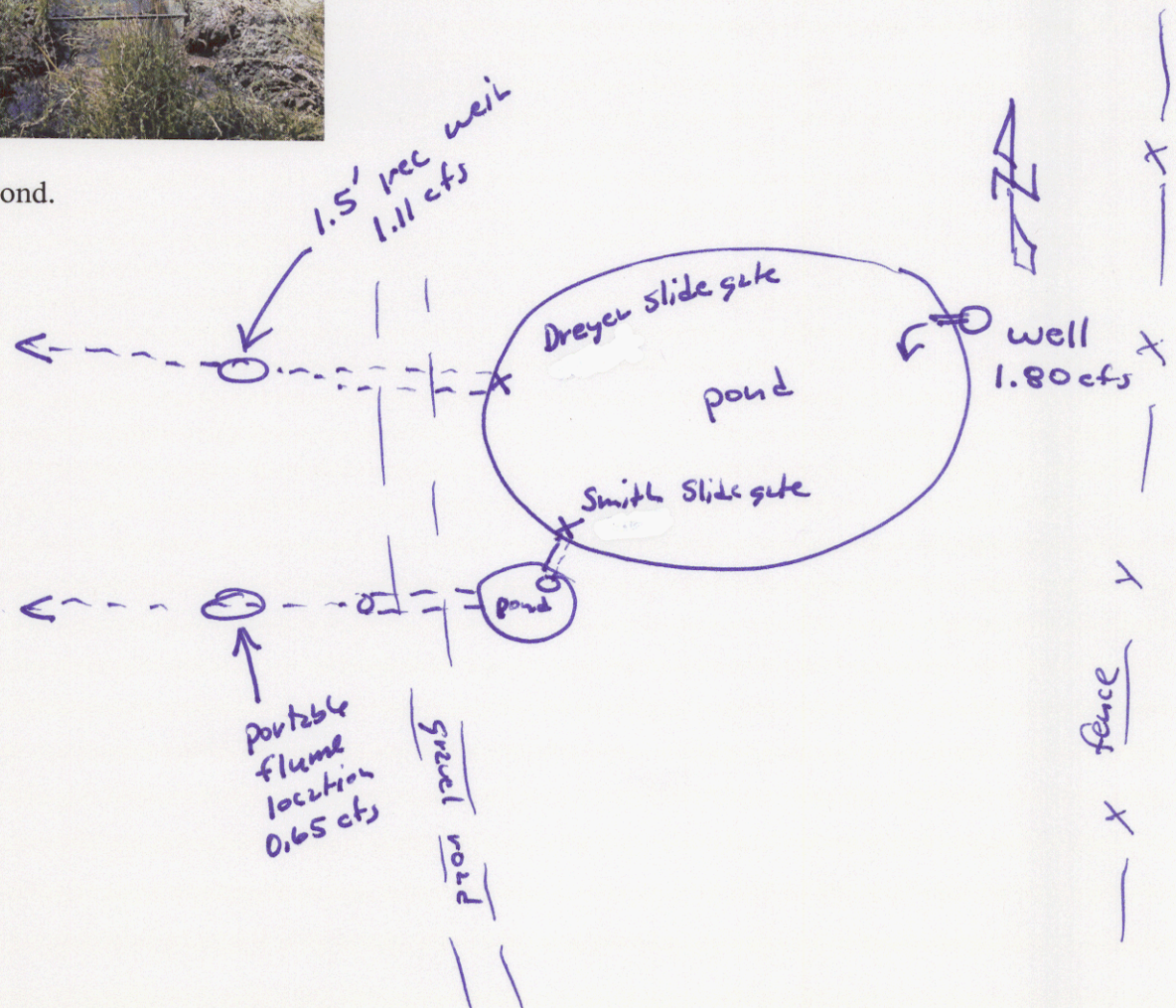
Dreyer Diversion: We measured the Dreyer Diversion from the well using the installed 1.5foot contracted rectangular weir installed below the pond on a ditch flowing west from the pond which eventually flows into Willow Creek and down to the Dreyer property. We found 1.11 cfs at this diversion.



Slide gate in pond.



Weir below pond.



Smith Diversion: We measured the Smith diversion from the well using a portable ramped flume which was placed in the ditch flowing west from the pond to the Smith property. We found 0.65 cfs flowing in this ditch.



Diversion from pond toward the south.



Small pond south below large pond with flow going west under road.



Portable flume in ditch flowing west.

The dispute arises over the splitting of the water from the well. Mr. Smith contends that Stasz has no right to the use of the well and all use is covered under the Dreyer vs. Smith court case 92-00017 which Stasz was not nor his predecessor party to. Smith indicates he tried to irrigate the Stasz land in the past but was not able to because of the difficulty of gravity distribution of water on the property. He indicated that if the Stasz land has ever been irrigated from ground water it would have had to come from the Pearson well located southwest of this well. He attributes the confusion over the water with past owners of the property and the way the property has been split up.

Stasz has apparently earlier in season put a portable pump in the pond and watered around the pond. He is currently installing an irrigation system on the property which will utilize water in willow creek. (potentially water from the well).

Our office has been hesitant to instruct Stasz not to utilize the well or not to install the irrigation system since the SRBA claims have not yet been fully investigated.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-14290

WATER RIGHT NUMBER: 37-14290

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GREGORY C SMITH PO BOX 406 FAIRFIELD, ID 83327 (208)764-2118
Current Owner	MARK A STASZ PO BOX 424 BELLEVUE, ID 83313
Current Owner	MEAGAN R STASZ PO BOX 424 BELLEVUE, ID 83313
Original Owner	THE PEPPER JACKSON LIVING TRUST C/O MEAGAN AND MARK STASZ PO BOX 424 BELLEVUE, ID 83313 (208)788-5712

Priority Date: 05/18/1959

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.400 CFS	70.00 AF
<u>Total Diversion:</u>		0.400 CFS	70.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 13, Twp 01S, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	13	20.0																20.0

Total Acres: 20

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-14290

1. General PRIORITY DATE CLAIMED IS THE SAME AS FOR LIC. 37-02614. I WAS PROMISED A PORTION OF THIS LICENSE WHEN I BOUGHT THIS LAND FROM DEE WALKER, BUT SO FAR HAVE NOT OBTAINED LEGAL TITLE TO THE WATER SO I AM FILING MY OWN SRBA CLAIM. THE P/U IS THE 2 FIELDS IN NE/NE SEC. 13.
- THIS WELL ALSO SERVES CLAIM A37-04159 FOR A DIFFERENT FIELD IN THE SE/NE SEC. 13. THE WELL HAS MORE THAN ENOUGH CAPACITY TO SERVE ALL THESE USES. THERE IS NO EASEMENT TO TRANSPORT OR SERVICE OR CONTROL THIS WELL AND ITS WATER EXCEPT BY ME AT THE PRESENT TIME AND FOR THE PAST SEVERAL YEARS I HAVE CONTROLLED THIS WELL AND ITS USE.
- ***** OWNERSHIP CHANGE MADE 9/16/97. SMITH TO LOMBARDO. TLB

Comments:Dates and Other Information:

Claim Received Date: 10/22/1992
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 28 2002

By KL Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 3956

ROBERT DREYER,
Plaintiff,

vs.

GEOFFREY C. SMITH,
Defendant.

Subcase No. 92-00017

ORDER APPROVING STIPULATION
FOR REGULATION OF WATER RIGHT
CLAIMS UNTIL DIRECTOR'S REPORTS
ARE FILED

Post-It* Fax Note 7671		Date 7/24	# of Pages 5
To Allen	From Vicki / NPS	Co.	
Co./Dept.	Phone #	Phone # 327-5458	
Phone #	Fax #		

I.
DESCRIPTIVE SUMMARY

This is an order adopting the stipulation between the parties in the above-captioned subcase, resolving the issues raised in Plaintiff's Verified Complaint.

II.
PROCEDURAL BACKGROUND

1. On May 15, 1998, Robert Dreyer filed a verified complaint seeking a preliminary injunction against Geoffrey C. Smith.

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 1

JAN 25 2002 4:56 PM FR E KERRICKLE

2. On May 19, 1998, an order to show cause as to why the preliminary injunction should not issue was issued and hearing set for May 28, 1998. As of May 28, 1998, the parties submitted to the Court a stipulated motion to vacate the hearing.
3. On July 10, 2001, a status conference was held. An additional status conference was held on October 11, 2001 and another Order to Show Cause was issued as of that same date. The show cause hearing was scheduled for January 14, 2002.
4. A *Stipulation for Regulation of Water Right Claims until Director's Reports are Filed* ("Stipulation") executed by the parties involved was submitted to the Court on January 10, 2002. IDWR also concurred with this stipulation as evidenced by the signature of Nicholas Spencer. The Order to Show Cause hearing was thus vacated by order issued January 11, 2002.

III.

ORDER RE: STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED

In accordance with the *Stipulation* filed in this above captioned subcase, which is attached hereto and incorporated herein by reference, the Court accepts the written stipulation in its entirety and hereby orders:

1. Smith shall divert no more than .32 cfs, or 16 inches, into his ditch from the artesian well and collector pond located in the NE NE NE, Sec. 12, T. 1 S., R. 18 E., B.M., Blaine County, pursuant to SRBA Claim No. 37-04159 and an additional .48 cfs, or 24 inches, into the same diversion system pursuant to the unnumbered claim from the same source with a priority date of June 1, 1959.
2. Dreyer shall divert no more than 2.0 cfs, or 100 inches, into his ditch from said artesian well and collector pond, pursuant to SRBA Claim Nos. 37-02614 and 37-14289. Dreyer

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 2

shall be entitled to divert this quantity of water prior to Smith's diversion of any additional water under the unnumbered claim referred to in paragraph 1 above.

3. Neither party shall interfere with the other party's diversion and use of water under their respective water right claims, or necessary access to the artesian well and pond, or their respective diversion works and ditches.
4. The parties shall install headgates and rating flumes, or other regulating and measuring devices, at the inlet of their respective ditches, sufficient to regulate and verify the amount of water diverted during the irrigation season. Said regulating and measuring devices shall be set to provide for delivery of water consistent with paragraphs 1 and 2 above and according to the priority of these four rights as claimed, as between those four groundwater right claims. Said regulating and measuring devices shall be installed and verified by an independent engineer, under the supervision of the parties, on or before June 15, 2002. The regulating and measuring devices shall be approved by the Idaho Department of Water Resources and/or the Watermaster for Water District No. 37. Each party shall be responsible for their own costs in installing and maintaining their respective regulating and measuring devices.
5. Adjustments to the regulating and measuring devices shall be made by the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents.
6. Neither party will adjust or interfere with the other party's regulating or measuring devices without prior written approval from the other party and authorization from the Idaho Department of Water Resources, the Watermaster for Water District No. 37, or the Watermaster's agents.

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 3

7. The parties shall cooperate in filing documents and seeking judicial and administrative approval for interim regulation of the claims consistent with the *Stipulation* pending their investigation, recommendation, and determination in the SRBA.
8. Any water from the artesian well and collector pond in excess of that which is diverted by the parties pursuant to their respective water rights will be allowed to flow to Willow Creek. The parties shall pay the Idaho Department of Water Resources, the Watermaster For Water District No. 37, or the Watermaster's agents for administration according to the rates and charges made by the respective entity for administration within Water District No. 37.
9. Concurrence with the *Stipulation* by IDWR shall not be construed as recognition of the validity of any of the claims listed in paragraphs 1 and 2. The parties agree that the validity of these claims will be determined in the SRBA.
10. The *Stipulation* may be specifically enforced by the parties, as damages at law are not an adequate remedy, by filing for an order to show cause before the presiding judge of the Snake River Basin Adjudication. The parties agree to waive any right to contest the jurisdiction of this Court regarding enforcement of the *Stipulation*. The parties reserve all other rights and remedies. This paragraph shall not be construed as a limitation on such other rights and remedies.
11. The parties shall act consistently and in accordance with all terms and provisions of the *Stipulation*.

IT IS FURTHER HEREBY ORDERED that the action between these two parties identified as subcase 92-00017 is hereby dismissed without prejudice.

ORDER APPROVING STIPULATION FOR REGULATION OF WATER RIGHT CLAIMS UNTIL
DIRECTOR'S REPORTS ARE FILED - 4

IT IS SO ORDERED.

DATED 1-28-02



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-14290

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

May 14, 1996 1:13pm

NAME:
JIM SPECK ESQ'S SECRETARY

RE:
A37-14290

TF AT 11:55 AM-TCW-RE: STATUS OF CLAIM. BROUGHT UP CLAIM IN AJ2 AND DID A GOLD 6-RECITED THE FIELDS AS CLAIMED AS THE SECRETARY FOLLOWED ALONG ON A COPY IN FRONT OF HER.

SHE STATED THAT EVERYTHING WAS THE SAME. HER INQUIRY WAS FOR A FUTURE TRANSACTION INVOLVING ANOTHER USAGE CITED IN THE CLAIM. NO FURTHER ACTION REQUESTED ALTHOUGH I OFFERED TO FAX OR MAIL DATA.

MICROFILMED
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