

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 37-298C
Date Received: 12/15/1988
Receipt No: C003941
Received By:

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

1. Name of Claimant(s)

BLAINE COUNTY SCHOOL DISTRICT #61 Phone: (208)5788-5000
118 W BULLION ST
HAILEY ID 83333

2. Date of Priority: 09/18/1885

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	18E	20	SE	SW	NW	BLAINE	

5. Description of diverting works:

HIAWATHA CANAL, UNNAMED LATER TO POU, DITCHES & CONCRETE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/31	0.21	

7. Total Quantity Appropriated is:
0.21 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
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02N	18E	4	SE	SW	IRRIGATION	25
			SW	SE	IRRIGATION	13
					Section Acres	38
					Total Acres	38

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:

AMOUNT CLAIMED IS ACTUALLY .2108 CFS.

15. Basis of Claim: Decreed

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

RECEIVED

OCT 20 2005

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, if the change in ownership is limited to a portion of 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>37-298C</u>	_____	_____	_____	_____
_____	<u>37-577BX</u>	_____	_____	_____	_____
_____	<u>37-183A</u>	_____	_____	_____	_____
_____	<u>37-334E</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) are for ten or more acres of irrigation, you must submit 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 Wood River Valley Investors
- Owner/Claimant(s) 274 Verano Drive, Los Altos, California 94022
4. New Owner/Claimant(s) Blaine County School District #61
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 118 W. Bullion Street
- City, State and Zip Code Hailey, Idaho 8333
- New Telephone Number (208) 578-5000
5. Date you acquired the property November 5, 1993

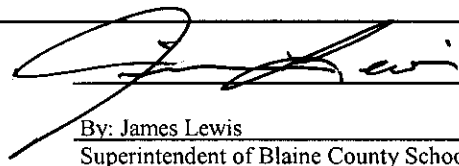
6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.**

If the change of 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)


By: James Lewis
Superintendent of Blaine County School District #61

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 _____

Order No. 17574

ARB 42

WARRANTY DEED

FOR VALUE RECEIVED

EMB -Halley L.P., a California limited partnership

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Blaine County School District No. 61, an Idaho Corporate Politic

GRANTEE(s) whose address is: P. O. Box 1008, Halley, ID 83333

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

BLAINE COUNTY, IDAHO

OF SAWTOOTH TITLE

BOOK 5 PAGE 41

358738

600 D DED

Subject To: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 18, 1993

EMB -Halley L.P., a California limited partnership

[Signature]

By: Elliott M. Caplow, President of
E.M. Caplow & Associates, Inc., GP

State of Idaho

County of Blaine

On this November 5, 1993, before me, the undersigned, a notary public in and for said State, personally appeared Elliott M. Caplow personally known or identified to me to be the person(s) who executed the within instrument as President, on behalf of E.M. Caplow & Associates, Inc. the corporation therein named, and acknowledged to me that said corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors, said corporation being known to me to be the general partner of EMB - Halley L.P., a California limited partnership the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.

[Signature]

Notary Public

Residing at

Commission Expires 12/18/95

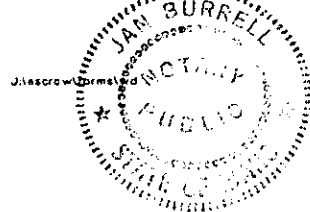


EXHIBIT "A" to Warranty Deed - EMB to Blaine County School District

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 4: A parcel of land lying within said section and being more particularly described as follows:

COMMENCING at the bar marking the South 1/4 corner of said Section 4, which bears N. 89° 40' 43" W., 2608.05 feet from the Southeast corner of said Section 4, and which bar is the REAL POINT OF BEGINNING; thence
N. 89° 33' 39" W., 353.93 feet to a point; thence
N. 28° 27' 37" W., 63.12 feet to a point; thence
490.09 feet along a curve to the right with a radius of 360.00 feet, a central angle of 78° 00' 00" and a chord which bears N. 10° 32' 23" E., 453.11 feet to a point; thence
N. 49° 32' 23" E., 100.00 feet to a point; thence
511.78 feet along a curve to the left with a radius of 380.00 feet, a central angle of 77° 09' 58" and a chord which bears N. 10° 57' 24" E., 473.97 feet; thence
N. 27° 37' 34" W., 101.61 feet to a point; thence
111.99 feet along a curve to the right with a radius of 360.00 feet, a central angle of 17° 49' 24", and a chord which bears N. 18° 42' 52" W., 111.54 feet; thence
N. 09° 48' 10" W., 250.00 feet to a point; thence
39.33 feet along a curve to the right with a radius of 25.00 feet, a central angle of 90° 08' 18", and a chord which bears N. 35° 15' 59" E., 35.40 feet; thence
221.51 feet along a curve to the left with a radius of 330.00 feet, a central angle of 38° 27' 34", and a chord which bears N. 61° 06' 21" E., 217.38 feet; thence
S. 59° 00' 33" E., 115.96 feet to a point; thence
S. 47° 45' 19" E., 160.00 feet to a 5/8" bar; thence
S. 38° 45' 19" E., 331.92 feet to a 5/8" bar; thence
S. 23° 12' 00" E., 283.42 feet to a 5/8" bar; thence
S. 21° 34' 58" W., 547.13 feet to a 5/8" bar; thence
S. 06° 18' 25" E., 418.86 feet to a 5/8" bar; thence
N. 89° 40' 43" W., 332.38 feet to the REAL POINT OF BEGINNING.

WARRANTY DEED

For Value Received
Robert M. Brennan, an unmarried man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
EMB - Bailey L.P., a California Limited Partnership
whose address is: 132 Lasky Drive, Beverly Hills, CA 90212

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

318628

BLAINE CO. REQUEST
OF FIRST AMERICAN TITLE CO.

90 APR 17 PM 3 32

MANY GREEN CLERK *mp*

FEES \$9.00

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

Dated: March 27, 1990

Robert M. Brennan
Robert M. Brennan

STATE OF CA COUNTY OF San Luis Obispo

On this 9 day of April, 1990,
before me, a notary public in and for said State, personally appears:

Robert M. Brennan



proved 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 executed the same.

Teresa B. Smith

Notary Public

Residing at San Luis Obispo
Commission Expires 3-15-94

Exhibit "A"

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

Section 4: A parcel of land more particularly described as follows:

COMMENCING at a brass cap marking the South one-quarter corner of said Section 4, which point is the REAL POINT OF BEGINNING; thence
N. 89° 33' 39" W., 742.20 feet along the South Boundary of said Section 4 to a 5/8 inch rebar; thence
N. 28° 27' 37" W., 299.64 feet parallel with, and Easterly of State Highway No. 75 to a 5/8 inch rebar; thence
N. 89° 33' 39" W., 410.26 feet parallel with, and Northerly of, said South Boundary of Section 4 to a 5/8 inch rebar on Easterly Boundary of said State Highway No. 75; thence
N. 28° 27' 37" W., 86.32 feet along said Easterly Boundary of State Highway No. 75 to a 5/8 inch rebar; thence
N. 61° 32' 23" East, 154.42 feet perpendicular to said State Highway No. 75 to a 5/8 inch rebar; thence
N. 17° 08' 59" W., 334.39 feet to a 5/8 inch rebar; thence
N. 00° 13' 31" W., 325.00 feet to a 5/8 inch rebar; thence
N. 00° 30' 53" E., 1603.09 feet to a 5/8 inch rebar on the South Boundary of Northridge Subdivision No. 1, and also along the Westerly Boundary of North Hailey Subdivision (vacated) as surveyed by JUB Engineers, 1976; thence
N. 66° 28' 53" E., 125.30 feet along the Southerly Boundary of Northridge Subdivision No. 1 to a 5/8 inch rebar; thence
N. 23° 30' 00" W., 313.50 feet along the Easterly Boundary of said Northridge Subdivision to a 5/8 inch rebar; thence
N. 66° 30' 29" E., 206.00 feet to a 1/2 inch rebar on the Southwest corner of Lot 15, Block 4, said Northridge Subdivision No. 1; thence
S. 18° 30' 00" E., 147.90 feet; thence
N. 71° 58' 22" E., 81.07 feet to a 5/8 inch rebar on the Northwest corner of the Boller Tract; thence
S. 11° 58' 57" E., 164.05 feet along the Westerly Boundary of said Boller Tract to a 5/8 inch rebar; thence
N. 62° 40' 21" E., 205.90 feet along the Southerly Boundary of said Boller Tract to a 5/8 inch rebar; thence
N. 17° 59' 32" W., 129.87 feet along the Easterly Boundary of said Boller Tract to a 5/8 inch rebar; thence
N. 18° 40' 05" W., 173.39 feet to a 1/2 inch rebar on the Southeast corner of Lot 15, Block 4, said Northridge Subdivision No. 1; thence
N. 66° 30' 29" E., 180.86 feet along the Southerly Boundary of said Northridge Subdivision No. 1; thence

Order No. 13923
Legal Description
Page 2

The following five courses and distances along the Easterly Boundary of said Northridge Subdivision No. 1 to 5/8 inch rebars:

N. 22° 36' 01" W., 238.06 feet;
N. 16° 59' 22" W., 505.93 feet;
N. 40° 00' 00" W., 910.00 feet;
N. 10° 14' 40" E., 88.47 feet;
N. 24° 19' 01" W., 295.09 feet to a brass cap located on the Southeast corner of the Idaho State Highway Department Maintenance Yard; thence

N. 00° 41' 19" E., 278.87 feet along the East Boundary of said Highway Department Maintenance Yard to a 5/8 inch rebar on the North Boundary of said Section 4; thence

N. 89° 58' 39" E., 686.23 feet along said North Boundary of Section 4 to a 5/8 inch rebar on the Southwesterly Boundary of the Union Pacific Railroad Right-of-Way; thence

S. 18° 36' 58" E., 3758.03 feet along the Southwesterly Boundary of said Union Pacific Railroad Right-of-Way to a 5/8 inch rebar on the North Boundary of the Savaria Tract as surveyed by JUB Engineers in 1971; thence

The following five courses and distances along the Westerly Boundary of said Savaria Tract as surveyed by JUB Engineers in 1971 to 5/8 inch rebars:

S. 17° 36' 01" W., 314.20 feet;
S. 38° 45' 19" E., 331.92 feet;
S. 23° 12' 00" E., 283.42 feet;
S. 21° 34' 58" W., 547.13 feet;
S. 06° 18' 25" E., 418.73 feet to a 5/8 inch rebar on the South Boundary of said Section 4; thence

N. 89° 42' 06" W., 332.36 feet along said South Boundary of Section 4 to the POINT OF BEGINNING.

WARRANTY DEED

For Value Received

Donnie Newson, as Personal Representative of the Estate of Louis J. Newson, Decedent, as to an undivided 19.2% interest in 10000 Rte 100, an investor's a California limited liability company, to be divided equally among the children of the decedent, the CHASE BANK, and the CHASE BANK, and the CHASE BANK.

Robert M. Brennan, an unaffiliated man,

Phone address is: 1411 North Street, San Francisco, CA

Hereinafter called the Grant, the following was the license issued by Grant County, Idaho, to wit:

See Exhibit "A" Attached hereto and Made a Part hereof

ALABAMA REQUEST TITLE CODE
FIRST AMERICAN TITLE CO
OF

5

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

On August 1, 1955

said State, personally appeared William Sagen

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person that executed the will.

General General

on behalf of Wood River Valley Investors

the partnership

therein named and acknowledged to me that the partnership
executed it

WITNESS my hand and official seal.

Signature

(This area for official notarial seal)

Commission Expires

14. HAVE AND TO HAVE the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby warrant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 19, 1989

Wood River Valley Investors, a California limited partnership

William Sager

Limited Partnership
Barbara Wilson
 Bonnie Maxwell, Personal Representative
 of the Estate of Robert J. Newson,
 Decedent

STATE OF CALIFORNIA COUNTY OF SAN FRANCISCO

On this 1 day of AUGUST, 1968

before me, a notary public in and for said State personally appeared Bonnie Newson, known to me to be the person whose name is subscribed to the within instrument as personal representative of the Estate of Robert J. Newson, deceased, and acknowledged to me that she executed the same as such personal representative of the Estate of Robert J. Newson, deceased.

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Notary Public

Order No. 12787
Legal Description

EXHIBIT 1A

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 4: A tract of land more particularly described as follows:

COMMENCING at a brass cap marking the South one-quarter of said Section 4, which point is the REAL POINT OF BEGINNING; thence N. 89° 33' 39" W., 742.20 feet along the South Boundary of said Section 4; thence N. 28° 27' 37" W., 299.84 feet parallel to, and Easterly of, State Highway No. 75; thence N. 89° 33' 39" W., 410.26 feet parallel to, and Northerly of, said South Boundary of Section 4 to a 5/8 inch rebar on the Easterly Boundary of said State Highway No. 75; thence N. 28° 27' 37" W., 688.22 feet along said Easterly Boundary of State Highway No. 75; thence N. 61° 32' 23" E., 154.42 feet perpendicular to said State Highway No. 75; thence N. 17° 08' 59" W., 117.78 feet; thence N. 57° 00' 00" E., 258.87 feet; thence N. 14° 28' 22" W., 26.02 feet; thence N. 07° 24' 42" E., 101.04 feet; thence N. 32° 00' 00" E., 222.00 feet; thence N. 90° 00' 00" E., 290.00 feet; thence N. 66° 00' 00" E., 140.00 feet; thence N. 44° 02' 50" E., 365.28 feet to the TRUE POINT OF BEGINNING of NORTHEDGE MEADOWS SUBDIVISION, NO. 2; thence N. 44° 02' 50" E., 120.00 feet; thence N. 65° 20' 16" E., 85.44 feet; thence N. 45° 47' 03" E., 123.57 feet; thence S. 40° 08' 10" E., 106.26 feet; thence N. 66° 47' 27" E., 66.22 feet; thence The following four courses and distances along the westerly boundary of the Savaria Tract as surveyed by JUB Engineers in 1971; thence S. 38° 45' 19" E., 331.92 feet; thence S. 23° 12' 00" E., 283.42 feet; thence S. 21° 34' 58" W., 547.13 feet; thence S. 06° 18' 25" E., 418.73 feet to the South Boundary of said Section 4; thence N. 89° 42' 00" W., 154.50 feet along said South Boundary of Section 4 to the TRUE POINT OF BEGINNING.

Together with the following water rights:

Dist. Prior	St. Id. #	Degree	Prior Date	Acres
19-A24	37-0577	W. T. Riley	8-24-83	10.64
39-A2A	37-0384	Adam Island	6-30-84	21.08
48-B1A	37-0298	S. S. Packer	9-18-85	10.54
66-A1	3740183	Phillips S. Dutton	5-1-88	24.20

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE

POST OFFICE BOX 987

KETCHUM, IDAHO 83340

JAMES P. SPECK

jimspeck@cox-internet.com

DOUGLAS J. AANESTAD

aanestad@cox-internet.com

TELEPHONE

(208) 726-4421

FACSIMILE

(208) 726-0752

October 12, 2005

Ms. Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RECEIVED
OCT 20 2005
Department of Water Resources
Southern Region

**Re: Blaine County School District #61 - Notice of Change in
Water Right Ownership;
Our File No. 1155/97042**

Dear Trish:

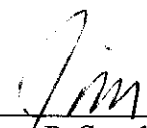
I represent the Blaine County School District #61. It has recently come to our attention that property the District purchased in 1993, on which the Wood River Middle School is now located, included certain appurtenant water rights delivered through the Hiawatha Canal. Therefore, we have prepared, signed and enclosed the original and one copy of a Notice of Change in Water Right Ownership for these water rights. Will you please receipt date stamp the copy and return it to me in the postage prepaid, self-addressed envelope included for that purpose and also send me printouts of the revised claims after the ownership change has been entered into your database.

Please call me right away if you have any questions about the Notice, including the deeds in the chain of title to the property. Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By:


James P. Speck

JPS:jal

Enclosures

Kevin Lakey (w/encls.)

Matt Anders (w/encls.)



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

October 26, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BLAINE COUNTY SCHOOL DIST #61
118 W BULLION ST
HAILEY ID 83333

Re: SRBA Claim #37-298C, #37-577BX, #37-183A, #37-334E

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims 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 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.