

COPY

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DEPARTMENT OF WATER RESOURCES
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	Subcase No. 37-1040B
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

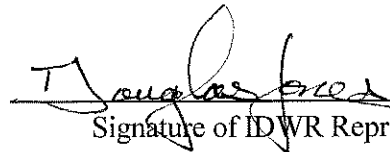
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2-8-06



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/8, 2006, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

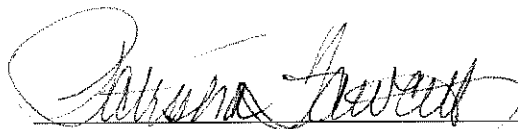
2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Emily Olsen
PO Box 296
Carey ID 83320

Thomas Fitch Construction LLC
311 Robinhood Dr
Hailey ID 83333



Signature of person or attorney mailing the form

02/01/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-1040B

NAME AND ADDRESS: THOMAS FITCH CONSTRUCTION LLC
311 ROBINHOOD DR
HAILEY ID 83333

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 05/31/1882

POINT OF
DIVERSION: T01N R21E S30 NWSWSE 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	0.200 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R21E S27	NESW	2.00	T01S R21E S27	SESW	13.00
---------------	------	------	---------------	------	-------

15 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 - Decreed

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER
IRRIGATION DIST.

WATER IS DELIVERED THROUGH WEST CANAL.

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



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

February 8, 2006

KARL J. DREHER
Director

THOMAS FITCH CONSTRUCTION LLC
311 ROBINHOOD DR
HAILEY ID 83333

RE: SRBA Claim(s) 37-1040B

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Emily Olsen
PO Box 296
Carey ID 83320

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.
 Incomplete forms will be returned.

RECEIVED
JAN 31 2006
 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
37-1040B					

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) EMILY OLSEN
- P. O. BOX 296 CAREY, ID 83320
4. New Owner/Claimant(s) THOMAS FITCH CONSTRUCTION LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 311 ROBINHOOD DR., HAILEY, ID 83333
- City, State and ZIP Code _____
- New Telephone Number 208) 727 7623
5. Date you acquired the property DECEMBER 23, 2004

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)

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. 54903

Instrument # 514425

HAILEY, BLAINE, IDAHO

2004-12-23

03:44:00 No. of Pages: 1

Recorded for: AMERITITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/GC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED

EMILY OLSEN, TRUSTEE EMILY OLSEN LIVING TRUST, MAY 3, 2000

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

THOMAS J. FITCH CONSTRUCTION, LLC, an Idaho Limited Liability Company,

GRANTEE(s) whose address is: 311 ROBINHOOD DR, HAILEY, IDAHO 83333

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

Lot 2 of EMILY PATTERSON OLSEN SUBDIVISION, recorded as Instrument No. 249554, records of Blaine County, Idaho.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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: December 15, 2004

EMILY OLSEN, TRUSTEE EMILY OLSEN LIVING TRUST

BY: Emily Olsen
EMILY OLSEN, TRUSTEE

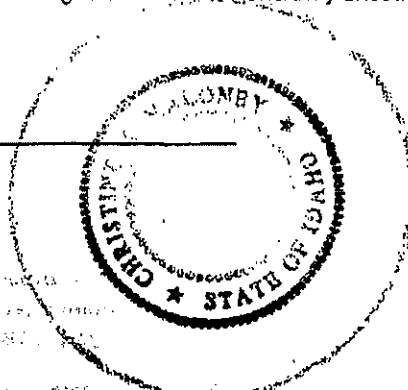
State of IDAHO

County of TWIN FALLS

On this 15th day of DECEMBER, in the year 2004, before me, the undersigned, personally appeared EMILY OLSEN, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the EMILY OLSEN LIVING TRUST and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal

Notary Public
Commission Expires: 9-26-07



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1040B V1

WATER RIGHT NUMBER: 37-1040B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS FITCH CONSTRUCTION LLC 311 ROBINHOOD DR HAILEY, ID 83333 (208)727-7623
Original Owner	EMILY OLSEN PO BOX 296 CAREY, ID 83320 (208)823-4387
Original Owner	PAUL V OLSEN PO BOX 185 CAREY, ID 83320 (208)823-4330

Priority Date: 05/31/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	NW1/4SW1/4SE1/4	Sec. 30, Twp 01N, Rge 21E, 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	21E	27									2.0								13.0				15.0

Total Acres: 15

Conditions of Approval:

1. S12 USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.
2. F01 WATER IS DELIVERED THROUGH WEST CANAL.
3. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1040B V1

4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 37N
 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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/8/2004 12:36:10 PM	sclellan			Active
Priority Date	6/8/2004 12:38:15 PM	sclellan			Active
POD	6/8/2004 12:38:34 PM	sclellan			Active
Source	6/8/2004 12:40:06 PM	sclellan			Active
POU	6/8/2004 12:40:23 PM	sclellan			Active
Use	6/8/2004 12:42:02 PM	sclellan			Active
Season	6/8/2004 12:42:25 PM	sclellan			Active
Quantity	6/8/2004 12:46:27 PM	sclellan			Active
Summary			06/08/2004	sclellan	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	6/8/2004 12:38:16 PM	sclellan	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1040B V1

POD	6/8/2004 12:38:35 PM	sclellan	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD?
Source	6/8/2004 12:40:07 PM	sclellan	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	6/8/2004 12:40:25 PM	sclellan	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POU	6/8/2004 12:41:04 PM	sclellan	Edited shape boundary
Use	6/8/2004 12:42:03 PM	sclellan	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Contacts	6/8/2004 12:36:11 PM	sclellan	(No) 1. Do you want to schedule an appointment? Comment for 1: GIS MAPPING OF DECREE OKAY.
POD	6/8/2004 12:39:43 PM	sclellan	Edited point location
Season	6/8/2004 12:42:26 PM	sclellan	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-1040B V1

Summary	6/8/2004 12:51:28 PM	sclellan	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	6/8/2004 12:41:28 PM	sclellan	Edited PLS
Quantity	6/8/2004 12:46:28 PM	sclellan	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

Water Supply Bank: